

## VARIANCE CRITERIA

Respond completely and fully to all 6 criteria listed below to demonstrate that the request meets the standards of Seminole County Land Development Code Section 30.3.3.2(b) for the granting of a variance:

1. What are the special conditions and circumstances that exist that are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district?

The existing walls on the south side of the property were constructed prior to the current ownership and prior to the adoption or enforcement of the current setback requirements. These walls are structurally integrated into the property and situated only 4 feet from the property line. The location and permanence of these walls constitute a unique site condition not commonly found on other lots in the same zoning district, particularly where the adjacent lot is undeveloped forest owned by an out-of-state investor, further distinguishing this property's situation.

2. How are the special conditions and circumstances that exist not the result of the actions of the applicant? The existing structure and its proximity to the property line were in place before the current owner acquired the property. The applicant did not build or modify the structure and is now seeking to make practical and reasonable use of it by enclosing the area. Therefore, the need for a variance arises solely from pre-existing conditions and not from any actions taken by the applicant.

3. How would the granting of the variance request not confer on the applicant any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district?

The requested variance simply allows the applicant to make reasonable use of an existing structural feature, not to gain any special advantage. The enclosure would not exceed the existing footprint, and the request does not seek additional development rights beyond what is typical in the zoning district. Other property owners in similar situations would be eligible to request comparable relief under the same regulations.

4. How would the literal interpretation of the provisions of the zoning regulations deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant?

A literal interpretation would prevent the applicant from enclosing an existing space that is otherwise usable, safe, and compatible with the surrounding area. Other property owners in the same zoning district can construct enclosed structures on their land in compliance with setback requirements; denying this variance would deprive the applicant of that same functional use. This would result in undue hardship, as it limits use of already-constructed infrastructure and causes unnecessary inefficiency in use of the property.

5. How would the requested variance be the minimum variance that will make possible the reasonable use of the land, building, or structure?

The variance request is limited to the existing walls that encroach on the setback area. No new encroachment or expansion is proposed—only enclosure of what is already in place. This is the minimum variance necessary to make full and reasonable use of the pre-existing structure without altering or expanding the current footprint.

6. How would the granting of the variance be in harmony with the general intent and purpose of the zoning regulations and not be injurious to the neighborhood, or otherwise detrimental to the public welfare?

The variance would be in harmony with the zoning regulations by maintaining orderly development and ensuring that any structure remains consistent with neighborhood character. Since the adjacent lot is undeveloped and owned by an out-of-state investor, there is no adverse impact on neighboring residences or the public. The enclosure of the existing walls poses no threat to public safety, privacy, or environmental concerns, and it does not interfere with the purposes of the setback, such as spacing between buildings or emergency access.