

Variance Criteria

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Code of Seminole County Sec. 30.43(3) for the granting of a variance:

1. Describe the special conditions and circumstances that exist which 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.

This fence has been installed since the previous owners purchased in 2004 - in place 17+ years. Most if not all corner lots in the direct community have their fences in similar placements, not 25' or 15' setback from their property line (addresses and photos attached). The fence is already 7ft (at closest point) from the property line, and even further from the sidewalk and edge of pavement.

2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner.

The street (Osage Trail) running adjacent to the fence in question, is not a busy or high-traffic roadway. This is a cul-de-sac street with only 8 residential properties included. Also, there are no drainage, utility or right of passage easements on the west side of the property, where the side fencing is located.

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

Granting of the variance would allow this fence to remain where it has been for over 17 years. It would also allow the subject property owner, as well as all other corner lot owners in the community, to not have to adjust/remove their fencing. This way I/all can enjoy their yard and property as intended without cutting the usage space by over 50%

4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant or petitioner.

Enforcing a 25' setback from the property line would place the fence in nearly the middle of the in-ground pool (permitted after the fence was already in place). Even a 15' setback would only allow the pool and paver deck in the yard, no space for grass or enjoyment of the property.

5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The fence is already placed 7.1' (at it's closest point) from the property line. Having a minimum of 7' would still allow greenspace in between the sidewalk and/or roadway. In our case, even up to a 14' distance is already in place. Any setback further from the property line would reduce the back yard space and usage for the current owner, and obviously reduce the enjoyment of purchasing an oversized corner lot.

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

Granting this setback would actually bring harmony as well as conformity to the community, as most corner lot owners are currently applying similar setback measurements. Enforcing this 25' setback would imply that all corner lots would have to abide by the same rule, which would likely cause grief in the neighborhood.