

LAKE COUNTY PLANNING AND ZONING DIVISION
VARIANCE STAFF REPORT

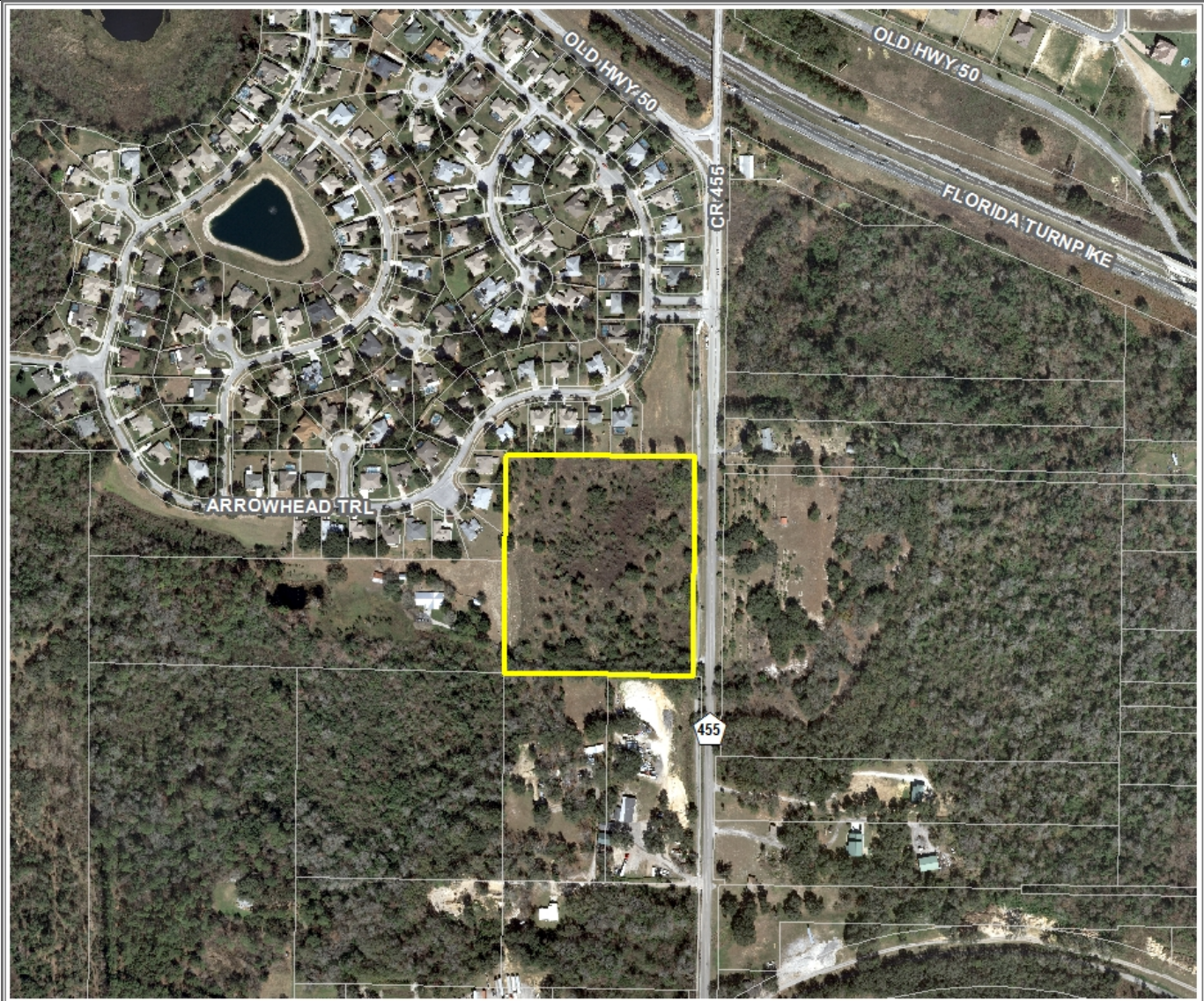


Board of Adjustment

July 14, 2016

LAKE COUNTY
FLORIDA

VAR-16-22-2 Victoria Estates	District 2	Agenda Item # 3
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Requested Action: A variance to Land Development Regulation (LDR) Section 3.02.05 to allow a residence to be constructed 7.5 feet from the side property lines in lieu of 10 feet (variance applies to lot 1 of the Victoria Estates Plat).

Owner and Applicant: Victoria Estates at Clermont, LLC

- Site Location & Information -

Size	9.99 +/- acres (lot 1 is 0.25 +/- acres)
Location	West side of CR 455, 1 mile north of Highway 50
Alternate Key No.	1110254
Future Land Use	Urban Low (4 du / 1 acre)
Zoning District	Medium Suburban Residential District (R-4)
Overlay Districts	N/A
Joint Planning Area/ISBA Area	Clermont JPA

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	PUD	Residential	Single family residences
South	Urban Low	Agricultural	Residential and Vacant	Storage yard with mobile home
East	Urban Low	Agricultural	Vacant	Vacant
West	Urban Low	PUD	Residential and Vacant	Single family residences

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance request to (LDR) Section 3.02.05 to allow a residence to be constructed 7.5 feet from the side property line in lieu of 10 feet.

-Staff Analysis-

The subject property is 9.99 +/- acres (however, the variance is being requested on lot 1 of Victoria Estates subdivision which is 0.25 acres in size) and on the west side of CR455, 1 mile north of Highway 50. The property is zoned Medium Suburban Residential District (R-4) and is part of the Urban Low Density Future Land Use Category. The property is located within the Clermont JPA and is currently vacant.

The subject property is part of the Victoria Estates subdivision, a 22 single family lot subdivision in the Clermont area. The plat is currently under review. During this review, it was discovered that lot 1 would be unable to meet the required 62 foot road setback without encroaching into the required landscape buffer. The applicant is requesting a variance to allow the residence being constructed on lot 1 to maintain a 7.5 foot side setback in lieu of 10 feet.

The **intent of the Code**, LDR Section 3.02.05 is to ensure development and use of property only in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan.

The applicant has submitted the following reasons as proof of **meeting the intent of the Code**:

"All other Land Development Regulations have been met and achieved. The variance request is minimal and will only apply to one lot within the Victoria Estates subdivision."

FINDINGS OF FACT: Staff has reviewed the application for this variance request and found:

1. The request is minimal in nature and not detrimental to the surrounding property owners.
2. The road setback and the required landscape buffer offset any impact to the surrounding properties.

The owner and applicant have submitted proof of meeting the intent of the Code and have shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, Staff recommends **approval** of the variance request from Section 3.02.05 to allow a residence to be constructed 7.5 feet from the side property line in lieu of 10 feet.

WRITTEN COMMENTS FILED:

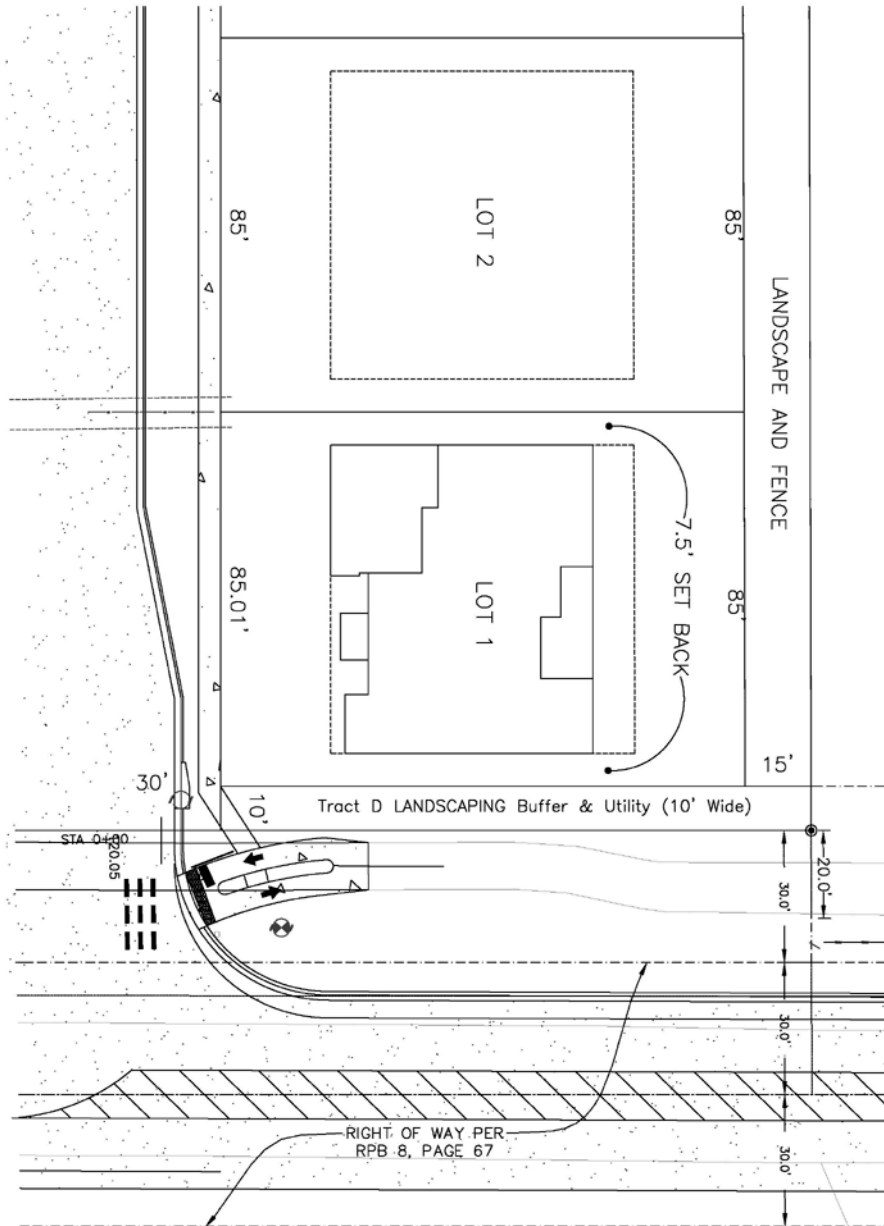
Support: -0-

Questions: -0-

Opposition: -0-

Case Manager: Tim McClendon, Interim Planning and Zoning Manager

Exhibit A



**Final Development Order
Victoria Estates at Clermont, LLC
VAR-16-22-2**

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Victoria Estates at Clermont, LLC (the "Applicant" and "Owner") requested a variance from Land Development Regulations (LDR) Section 3.02.05 to allow a residence to be constructed 7.5 feet from the side property lines in lieu of 10 feet (variance applies to lot 1 of the Victoria Estates Plat); and

WHEREAS, the subject property consists of 9.99 +/- acres and is generally located on the west side of CR 455, approximately 1 mile north of Highway 50, having alternate key number 1110254; and more particularly described as:

LAKE HIGHLANDS 23-22-26 TRACT 37, S 1/2 OF RD R/W ADJOINING
ON N SIDE--LESS LYING WITHIN 60 FT W OF N & S MID-SEC FOR RD, R/W—PB 4 PG 11
ORB 4347 PG 1035

WHEREAS, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on July 14, 2016; and

WHEREAS, the Board of Adjustment reviewed said petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, on July 14, 2016, the Lake County Board of Adjustment approved the variance for the above property; and

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

- Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-16-22-2 from Land Development Regulations Section 3.02.05 to allow a residence to be constructed 7.5 feet from the side property lines in lieu of 10 feet (variance applies to lot 1 of the Victoria Estates Plat)
- Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED July 14, 2016.

EFFECTIVE July 14, 2016.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Donald Schreiner, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this July 14, 2016 by DONALD SCHREINER,
who is personally known to me.

(SEAL)

Signature of Acknowledger

Serial Number: _____

My Commission Expires: _____