

LAKE COUNTY PLANNING AND ZONING DIVISION  
VARIANCE STAFF REPORT

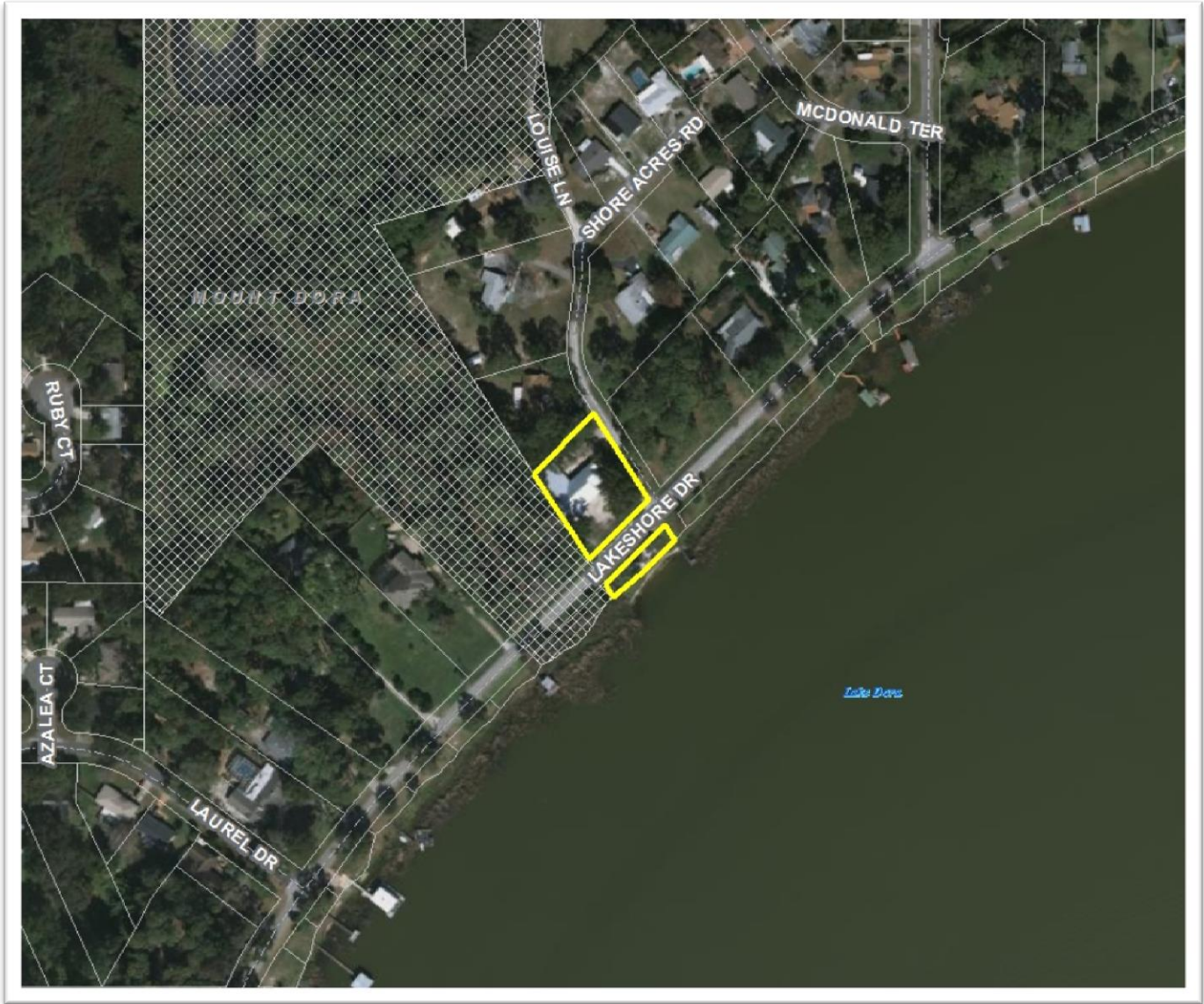


Board of Adjustment

June 16, 2016

LAKE COUNTY  
FLORIDA

VAR-16-13-4 Patrick and Linda Smelser	District 4	Agenda Item # 1
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**Requested Action:** A variance to Land Development Regulation (LDR) Section 3.02.05 (Note 3)(A) to allow an addition to be constructed 18 feet from the secondary front yard setback in lieu of 25 feet (setback from Shore Acres Road).

**Owner/Applicant:** Patrick and Linda Smelser

**- Site Location & Information -**

<b>Size</b>	0.52 +/- acres
<b>Property Address</b>	2771 Lakeshore Dr, Mount Dora, FL 32757
<b>Location</b>	Directly north on Lakeshore Drive, Mount Dora area
<b>Alternate Key No.</b>	1408831
<b>Future Land Use</b>	Urban Low
<b>Zoning District</b>	R-1 (Rural Residential)
<b>Overlay Districts</b>	NA
<b>Joint Planning Area/ISBA Area</b>	Mount Dora Joint Planning Area

**-Land Use Table-**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Urban Low	R-1	Residence	Single Family Residence
<b>South</b>	Urban Low	R-1	Lake Dora	Lake Dora
<b>East</b>	Urban Low	R-1	Vacant	Vacant
<b>West</b>	Mount Dora	Mount Dora	Conservation	Owned by City of Mount Dora

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the variance to Land Development Regulation (LDR) Section 3.02.05 (Note 3)(A) to allow an addition to be constructed 18 feet from the secondary front yard setback in lieu of 25 feet (setback from Shore Acres Road).

**-Staff Analysis-**

The subject property is 0.52 +/- acres and is located directly south of the intersection of Lakeshore Drive and Mission Avenue in the Tavares / Mount Dora area. The Lake County Geographic Information Services (GIS) wetland map indicate that there are no wetlands on the property. According to the 2012 Federal Emergency Management Agency (FEMA) maps, there are no Flood Zones on the property. The property is zoned R-1 (Rural Residential) and is part of the Urban Low Future Land Use Category. The property is located within the Mount Dora Joint Planning Area. There is a single family residence currently under construction on the subject property.

The owner/applicant is applying for a variance to Land Development Regulation (LDR) Section 3.02.05 (Note 3)(A) in order to construct a screen room addition 18 feet from the secondary front yard setback in lieu of 25 feet (Exhibit A). The subject property is located at the intersection of Lakeshore Drive and Shore Acres Road. Due to the residence being located on a corner lot, the house and any additions to it must meet the secondary front yard setback.

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 applicants submitted the following reasons as proof of **meeting the intent of the Code** and proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**

*"We cannot use the outside patio space on the southeast side of the property because my wife has an allergy to insect bites and often gets cellulitis when bitten."*

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

1. The addition of a screened room on the property will not hinder the visibility triangle as identified in LDR Section 3.02.05(H).
2. The screen room addition aligns with the front of the existing house.

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 to Land Development Regulation (LDR) Section 3.02.05 (Note 3)(A) to allow an addition to be constructed 18 feet from the secondary front yard setback in lieu of 25 feet (setback from Shore Acres Road).

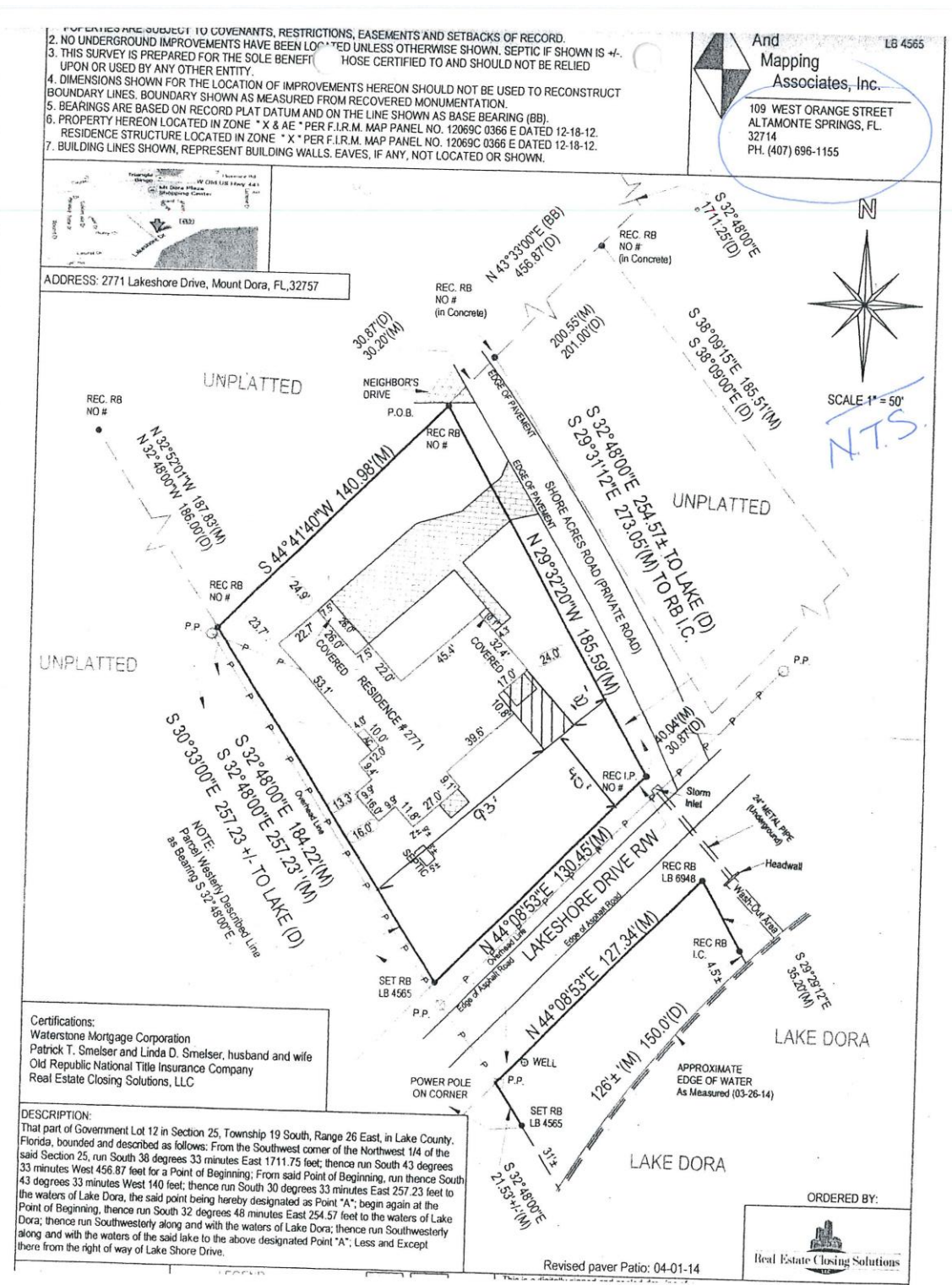
**WRITTEN COMMENTS FILED:**

**Support: -0-**

**Questions: -0-**

**Opposition: -0-**

Case Planner: Tim McClendon



1. FOR THESE ARE SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS AND SETBACKS OF RECORD.
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN. SEPTIC IF SHOWN IS FOR UPON OR USED BY ANY OTHER ENTITY.
3. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON OR USED BY ANY OTHER ENTITY.
4. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES. BOUNDARY SHOWN AS MEASURED FROM RECOVERED MONUMENTATION.
5. BEARINGS ARE BASED ON RECORD PLAT DATUM AND ON THE LINE SHOWN AS BASE BEARING (BB).
6. PROPERTY HEREON LOCATED IN ZONE \* X & AE \* PER F.I.R.M. MAP PANEL NO. 12069C 0366 E DATED 12-18-12. RESIDENCE STRUCTURE LOCATED IN ZONE \* X \* PER F.I.R.M. MAP PANEL NO. 12069C 0366 E DATED 12-18-12.
7. BUILDING LINES SHOWN, REPRESENT BUILDING WALLS, EAVES, IF ANY, NOT LOCATED OR SHOWN.

And Mapping Associates, Inc.  
109 WEST ORANGE STREET  
ALTAMONTE SPRINGS, FL.  
32714  
PH. (407) 696-1155

ADDRESS: 2771 Lakeshore Drive, Mount Dora, FL, 32757

Certifications:  
Waterstone Mortgage Corporation  
Patrick T. Smelser and Linda D. Smelser, husband and wife  
Old Republic National Title Insurance Company  
Real Estate Closing Solutions, LLC

DESCRIPTION:  
That part of Government Lot 12 in Section 25, Township 19 South, Range 26 East, in Lake County, Florida, bounded and described as follows: From the Southwest corner of the Northwest 1/4 of the said Section 25, run South 38 degrees 33 minutes East 1711.75 feet; thence run South 43 degrees 33 minutes West 456.87 feet for a Point of Beginning; From said Point of Beginning, run thence South 43 degrees 33 minutes West 140 feet; thence run South 30 degrees 33 minutes East 257.23 feet to the waters of Lake Dora, the said point being hereby designated as Point "A"; begin again at the Point of Beginning, thence run South 32 degrees 48 minutes East 254.57 feet to the waters of Lake Dora; thence run Southwesterly along and with the waters of Lake Dora; thence run Southwesterly along and with the waters of the said lake to the above designated Point "A"; Less and Except there from the right of way of Lake Shore Drive.

Revised paver Patio: 04-01-14

ORDERED BY:  
Real Estate Closing Solutions

**Final Development Order  
Patrick and Linda Smelser  
VAR-16-13-4**

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

**WHEREAS**, Patrick and Linda Smelser (the “Applicants” and the “Owners”) requested a variance to Land Development Regulation (LDR) Section 10.01.01(E) to allow an addition to be constructed 18 feet from the secondary front yard setback in lieu of 25 feet (setback from Shore Acres Road); and

**WHEREAS**, the subject property consists of 0.52+/- acres and is located directly north on Lakeshore Drive in the Mount Dora area, in Section 25, Township 19 South, Range 26, Alternate Key Number 1408831 and is more particularly described below (hereinafter referred to as the “Property”):

BEG AT NW COR OF SW 1/4 RUN S 38-33-0 E 1711.75 FT, S 43-33-0 W 456.87 FT FOR POB, RUN S 43-33-0 W 140 FT, S 30-33-0 W 257.23 FT TO WATERS OF LAKE DORA & PT A, RETURN TO POB, RUN S 32-48-0 E 254.57 FT TO WATERS OF LAKE DORA, THENCE SW'LY ALONG & WITH THE WATERS OF LAKE DORA TO PT A--LESS LAKE SHORE DR--UNDIVIDED 1/11 INT IN PRIVATE RD AS DESCRIBED IN ORB 264 PG 446

ORB 4163 PG 52

**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 June 16, 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 June 16, 2016, the Lake County Board of Adjustment approved the variance for the above property.

**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. Recitals:** The foregoing recitals are true and correct and incorporated herein by reference.

**Section 2. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-16-19-5 to allow an addition to be constructed 18 feet from the secondary front yard setback in lieu of 25 feet (setback from Shore Acres Road);

**Section 3. 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 4. Effective Date.** This Ordinance shall become effective as provided by law.

**ENACTED** this 16<sup>th</sup> day of June, 2016.

**EFFECTIVE** June 16, 2016.

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**Donald Schreiner, Chairman**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this June 16, 2016 by DONALD SCHREINER, who is personally known to me.

(SEAL)

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**Signature of Acknowledger**