



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: June 13, 2019

Case No. and Project Name: VAR-19-10-5, Curry Property

Applicant: John Curry and Beverly Bourdreaux

Owner: John Curry and Beverly Bourdreaux

Requested Action: Variance to Lake County Land Development Regulation (LDR) Section 10.01.01(F)(3), to allow an existing detached garage to be located in the front yard of the single family residence and situated 25.56-feet from the front property line in lieu of 100-feet from the front property line.

Staff Determination: Staff recommends approval of the variance request with the conditions contained in the draft development order.

Case Manager: Christine Rock, Senior Planner

Subject Property Information

Size: 0.39 +/- acres

Location: Intersection of Wilma Avenue and Pennsylvania Street in the Paisley area.

Alternate Key No.: 1819521

Future Land Use: Rural

Current Zoning District: Mixed Residential District (R-7)

Flood Zone: AE/X

Joint Planning Area/ ISBA: None

Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Mixed Residential District (R-7)	Residential	Single-family dwelling unit
South	Rural	Mixed Residential District (R-7)	Residential	Single-family dwelling unit
East	Lake Kathryn	Lake Kathryn	Lake Kathryn	None
West	Rural	Mixed Residential District (R-7)	Residential	Adjacent to Pennsylvania Street

Summary of Request.

The Applicant has requested the variance in order to facilitate the issuance of a zoning permit for an existing detached garage which does not meet the required accessory structure setback. An approved zoning permit is required to address an open code violation for the structure due to it being constructed without permits. The detached garage was constructed after a previously existing carport in the same location was demolished. The zoning permit cannot be issued at this time due to the detached garage not meeting the required setback of 100-feet from the right-of-way. The detached garage is located in the front yard of a single family residence and is 25.56-feet from the right-of-way in lieu of 100-feet from the right-of-way.

The subject property is 0.39 acres in size and is developed with existing single family residence, detached garage, and accessory structures. The property is zoned Mixed Residential District (R-7) with a Rural Future Land Use Category designation.

Staff Analysis.

LDR Section 14.15.02 states that variances will be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness.

1. The purpose of the Land Development Regulation will be or has been achieved by other means.

The intent of the Code, LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures and encourage a visually pleasing environment.

The intent of the Code, LDR Section 10.01.01, is to regulate the installation, configuration, and use of accessory and temporary structures and uses in order to preserve the community and property values and to protect the community character.

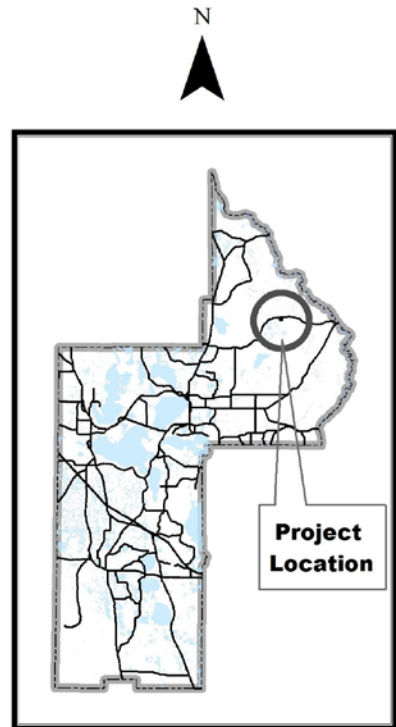
The Applicant has provided the following statement, "Steel & Post Deland after consultation provided all materials and state contractor, West Volusia Concrete Inc. (Jeff Burke)." The subject garage meets the side and rear setbacks as required by LDR Table 3.02.05. There are several residences within the Applicants' community which appear to have garages and carports towards the front of the home. At this time, the Applicant is unable to apply for required zoning and building permits to close an open code violation as the garage does not meet the front setback.

2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.

LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

The Applicant has provided the following statement, "I was or we were informed incorrectly about needing any county permitting or paperwork as lived in unincorporated Paisley." Removal of the existing garage would be a financial hardship as the Applicant has already paid for the materials and labor.

Map of Subject Property



**Final Development Order
VAR-19-10-5
Curry Property**

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

WHEREAS, John Curry and Beverly Bourdreaux (the "Applicants" and "Owners") requested a variance to Lake County Land Development Regulations (LDR) Section 10.01.01(F)(3), to allow an existing detached garage to be located in the front yard of the single family residence and situated 25.56-feet from the front property line in lieu of 100-feet from the front property line; and

WHEREAS, the subject property consists of 0.39 +/- acres and is generally located at the intersection of Wilma Avenue and Pennsylvania Street in the Paisley area, in Section 15, Township 17 South, Range 28 East, having Alternate Key Number 1819521 and more particularly described in below; and

Lots 1, 2, 3, 4, Block 15 of Lakeview Park, according to the plat thereof as recorded in Plat Book 5, Page(s) 63, of the public records of Lake County.

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on June 13, 2019; and

WHEREAS, the Board of Adjustment reviewed the 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 13, 2019, 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:

Section 1. **Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-19-10-5 to allow an existing detached garage to be located in the front yard of the single family residence and situated 25.56-feet from the front property line in lieu of 100-feet from front property line.

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, the holding will in no way affect the validity of the remaining portions of this Ordinance.

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

ENACTED this 13th day of June, 2019.

EFFECTIVE June 13, 2019.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Lloyd Atkins, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 13th day of June, 2019, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

Notary Public