



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: June 13, 2019

Case No. and Project Name: VAR-19-13-4, Beede Property

Applicant: Michael and Nicolette Beede

Owner: Michael and Nicolette Beede

Requested Action: Variance to Lake County Land Development Regulation (LDR) Section 3.02.05(D) to allow an existing front porch addition to be located 27-feet from edge of pavement in lieu of 43.82-feet from edge of pavement as established through the average front setback process.

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: 0.36 acres

Location: Intersection of Portland Street and Maine Avenue in the Eustis area.

Alternate Key No.: 1734169

Future Land Use: Urban Medium

Current Zoning District: Rural Residential (R-1)

Flood Zone: None

Joint Planning Area/ ISBA: None

Overlay Districts: Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Medium	Rural Residential (R-1)	Residential	Single-family dwelling unit
South	Urban Medium	Rural Residential (R-1)	Residential	Single-family dwelling unit and adjacent to Maine Avenue
East	Urban Medium	Rural Residential (R-1)	Residential	Single-family dwelling unit
West	N/A	N/A	Street	Pennsylvania Street and Portland Street

Summary of Request.

The Applicant has requested the variance in order to facilitate the issuance of a zoning permit for a front porch addition which does not meet the required front setback. An approved zoning permit is required to address an open code violation for the structure due to it being constructed without permits. The zoning permit cannot be issued at this time, as the front porch addition does not meet the setback of 43.82-feet from the edge of pavement as established by Average Setback #2019-08-4. The front porch addition is located 27-feet from the edge of pavement in lieu of 43.82 feet from the edge of pavement.

The subject property is 0.36 acres in size and is developed with existing single family residence and is zoned Rural Residential (R-1) with an Urban Medium 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.

“It is plenty far back from the road. It does not interfere with anything.”

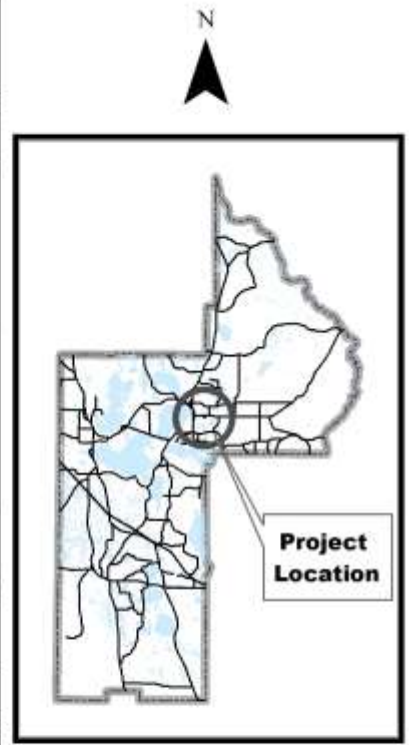
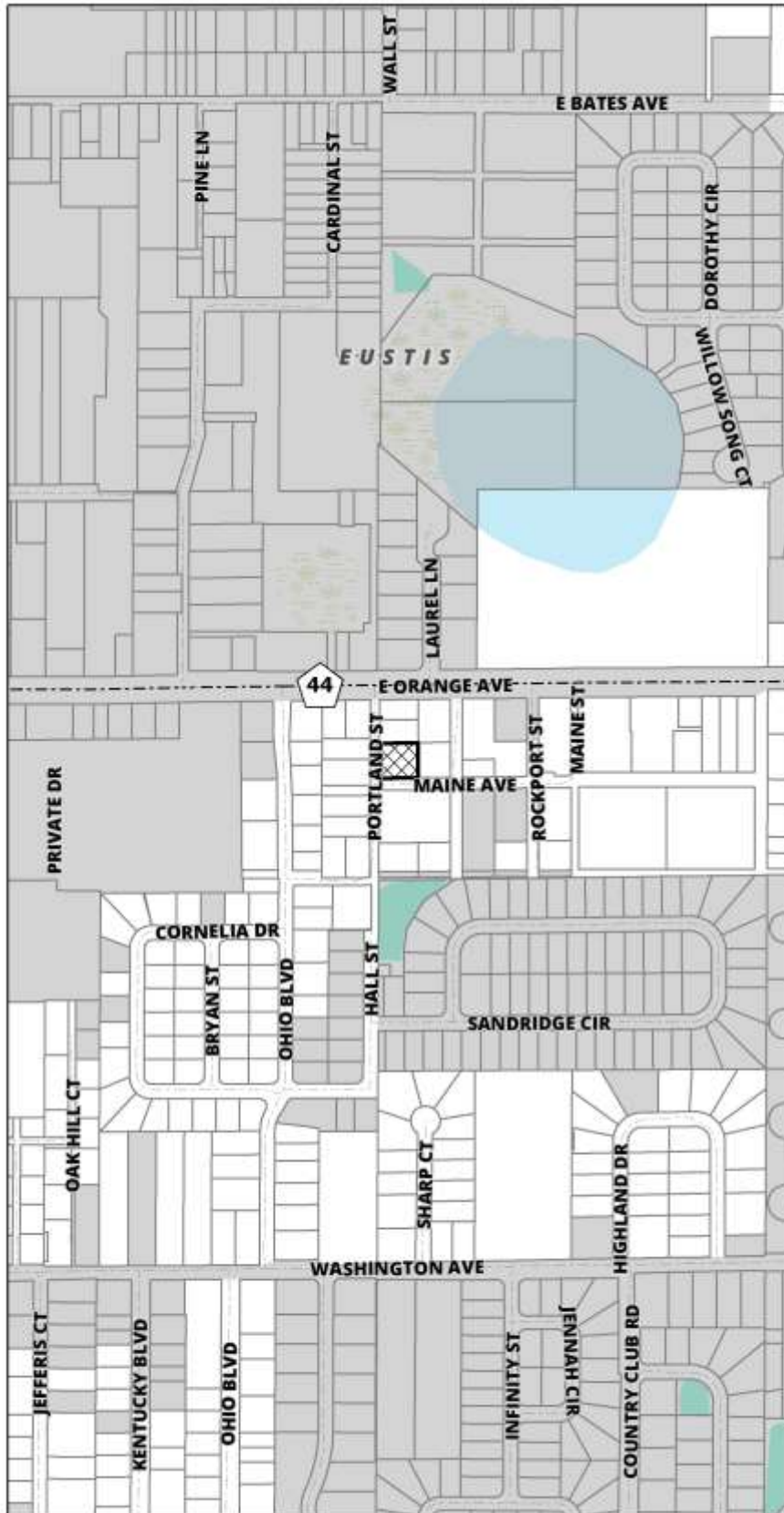
The intent of the Code, LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures and encourage a visually pleasing environment. The front porch addition meets the side and rear setbacks as required by LDR Table 3.02.05. At this time, the Applicant is unable to apply for required zoning and building permits to close an open code violation as the front porch addition 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.

“We are 3 feet shy of the average front setback required to get plot plan approval to pull permits. The proposed addition is 3' based on 25' from property line. Actually is 27' from pavement edge. Established” setback makes no sense – would not know how to do that or where to find out.”

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. Removal of the existing front porch addition would be a financial hardship as construction of the front porch addition has been completed.

Map of Subject Property



**Final Development Order
VAR-19-13-4
Beede Property**

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

WHEREAS, Michael and Nicolette Beede (the "Applicants" and the "Owners") to Lake County Land Development Regulations (LDR) Section 3.02.05(D) to allow an existing front porch addition to be located 27-feet from edge of pavement in lieu of 43.82-feet from edge of pavement as established through the average front setback process; and

WHEREAS, the subject property consists of 0.36 +/- acres and is generally located at the intersection of Portland Street and Maine Avenue in the Eustis area , in Section 12, Township 19 South, Range 26 East, having Alternate Key Number 1734169 and more particularly described in below; and

Lots 6 and 7, Block 3, according to the plat of Richards Addition to the Town of Eustis, filed 22 August 1892, and recorded in Plat Book 1, Page 36, Public Records of Lake County, Florida.

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-19-13-4 to allow an existing front porch addition to be located 27-feet from edge of pavement in lieu of 43.82-feet from edge of pavement as established through the average front setback process.

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