



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: October 10, 2019

Case No. and Project Name: VAR-19-47-4, Hiott Property

Owner/Applicant: Charles C. Hiott and Sherri L. Hiott

Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an after-the-fact accessory structure (storage shed) to be located at 7.5 feet from the rear property line in lieu of ten (10) feet.

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

Case Manager: Janie Barrón, Senior Planner

### Subject Property Information

Size: 1.9 +/- acres

Location: 32925 Wolfs Trail, Sorrento, FL 32776

Alternate Key No.: 3669517

Future Land Use: Rural Transition

Current Zoning District: Rural Residential (R-1)

Flood Zone: "X"

Joint Planning Area/ ISBA: Mount Dora JPA – No Comments (Attachment B)

Overlay Districts: None

### Adjacent Property Land Use Table

| Direction | Future Land Use  | Zoning                  | Existing Use | Comments   |
|-----------|------------------|-------------------------|--------------|--|
| North     | Rural Transition | Ranchette (RA)          | Residential  | Large Tracts of Land with Single-Family Dwelling Units |
| South     | N/A              | N/A                     | Street       | Wolfs Trail, Adjoining Single-Family Dwelling Units    |
| East      | Rural Transition | Rural Residential (R-1) | Residential  | Single-Family Dwelling Units                           |
| West      | Rural Transition | Rural Residential (R-1) | Residential  | Vacant Large Agriculture Tracts of Land                |

### Summary of Request.

The subject property is identified by Alternate Key Number 3669517. The parcel is zoned Rural Residential (R-1) and is part of the Rural Transition Future Land Use Category (FLUC). The subject parcel is currently developed with a single-family dwelling unit, pool, pool house, shed, and driveway.

On July 31, 2019 a Notice of Code Violation (Code Case No. 2019070337) was sent to the Owners for building a detached shed greater than 120 square feet without a permit. The Owners sought to obtain a zoning permit for the detached shed but the Office of Planning & Zoning was unable to issue a zoning permit. Lake County Land Development Regulations (LDR) Table 3.02.05, requires that accessory structures within the R-1 zoning district be located ten (10) feet from the rear property line, adjacent boundary, or property owned by others. The 782.6 +/- square foot accessory building (wood frame shed) is located 7.5 feet from the rear property line. Therefore, the Owners seek a variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an after-the-fact shed to remain 7.5 feet from the rear property in lieu of ten (10) feet from the rear property line.

The subject property is described as Lot 69 of Wolfbranch Village, Phase III, according to the Plat thereof as recorded in Plat Book 36, Page 80, 81 and 82, Public Records of Lake County, Florida. The plat was approved by the Board of County Commissioners, and recorded in Public Records on August 23, 2019. The plat does not identify any drainage or utilities easements along the rear property line of the subject lot.

The subject parcel is located within the City of Mount Dora Joint Planning Area. The variance application was sent to the City of Mount Dora for a determination of consistency with their regulations. The City of Mount Dora had no comments.

### 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 existing structure is of new construction and well maintained. The existing structure has no adverse physical or visual impact upon the adjacent property or the community. The existing 7 1/2 setback provides adequate space for building maintenance without encroaching upon the neighbor's property to the north. An existing fence along the property line further protects each property owner from unintended encroachments."*

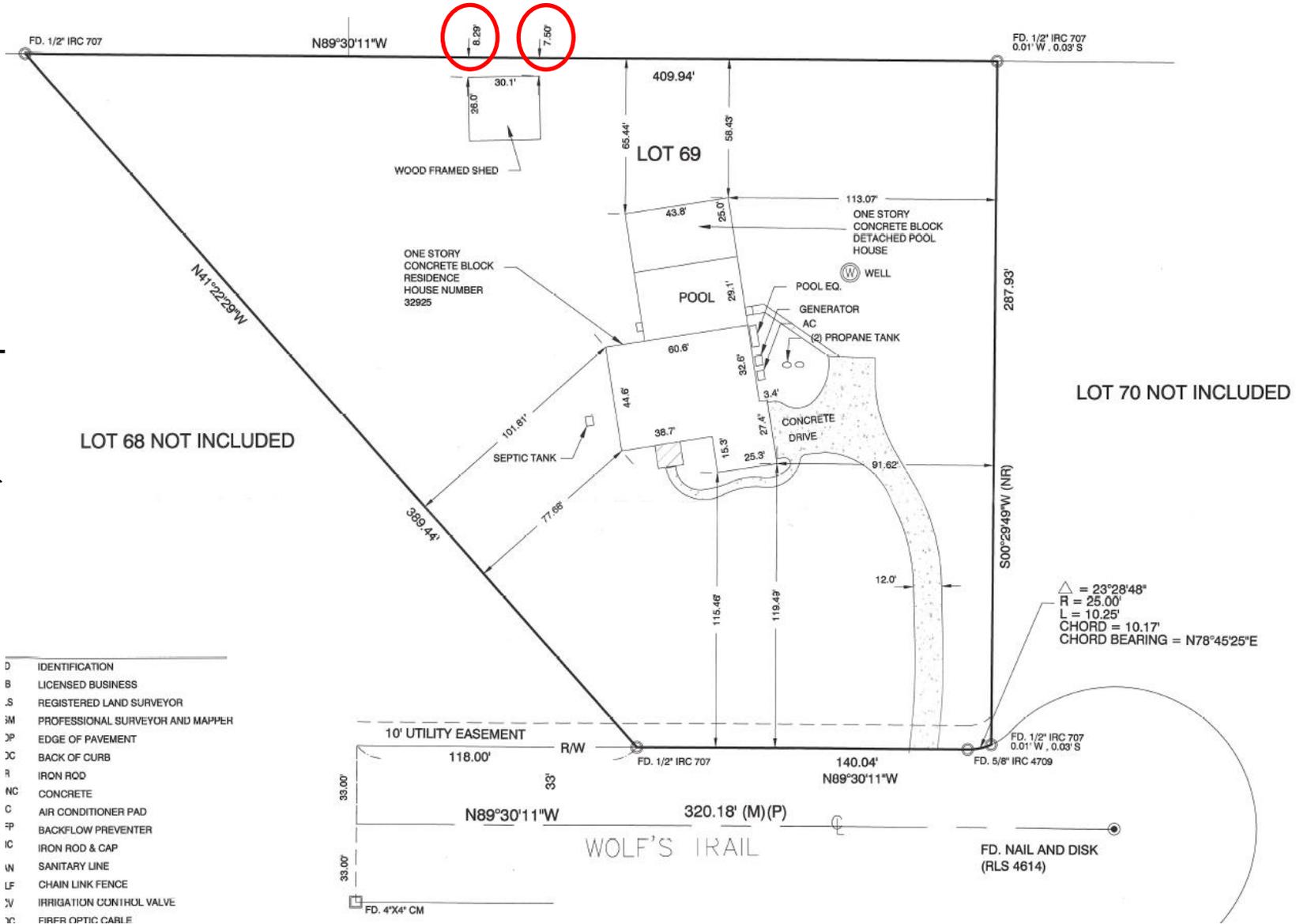
The intent of the Code, LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment. The neighbor who owns the parcel identified by Alternate Key Number 1436796, has provided a letter with the following statement in support of the application submittal: *"I do not have an issue with the variance application being submitted. I understand the variance request is to encroach 2.5' into the 10' 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.**

*"Structure is existing and in use. To meet current Code would require the demolition of the existing structure built in 2009 and then reconstruct a new structure approximated 2 1/2 feet further south in the approximate same location. These actions would create an undue economic hardship upon the applicant."*

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 requesting the variance. The Owner has indicated that it would be a financial burden to relocate the accessory structure to meet the minimum ten (10) foot setback. It would not be cost effective to have the Owner demolish the accessory structure and rebuild the structure 2.5 feet south to meet the ten (10) foot setback. As stated previously, the neighbor who owns the parcel to the north of the subject accessory structure has provided a letter in support of the variance request.

# Attachment A, Concept Plan.



- D IDENTIFICATION
- B LICENSED BUSINESS
- S REGISTERED LAND SURVEYOR
- IM PROFESSIONAL SURVEYOR AND MAPPER
- ∅P EDGE OF PAVEMENT
- ∅C BACK OF CURB
- R IRON ROD
- NC CONCRETE
- C AIR CONDITIONER PAD
- ∅P BACKFLOW PREVENTER
- IC IRON ROD & CAP
- W SANITARY LINE
- L CHAIN LINK FENCE
- ∅V IRRIGATION CONTROL VALVE
- ∅C FIBER OPTIC CABLE

# Attachment B, City of Mount Dora Comments.

The screenshot shows an email client window with the title "RE: VAR-19-47-4, Hiott Property - Message (HTML)". The interface includes a top menu bar with "FILE" and "MESSAGE" tabs, and a ribbon with various action buttons like "Ignore", "Delete", "Reply", "Forward", "Meeting", "Assigned Projects", "Rules", "Mark Unread", "Categorize", "Follow Up", "Translate", and "Zoom".

The email content is as follows:

Fri 9/27/2019 1:54 PM  
Eldridge, Shelby <eldridges@ci.mount-dora.fl.us>  
RE: VAR-19-47-4, Hiott Property

To: Barron, Janie

**i** You replied to this message on 9/27/2019 1:55 PM.

PhishHook    Bing Maps    + Get more apps

Thanks Janie! The City has no comments at this time.

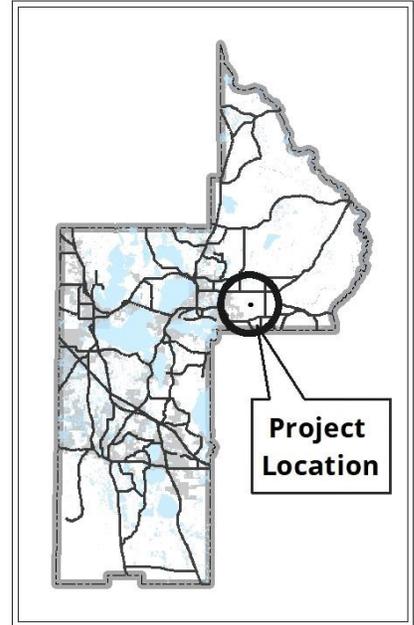
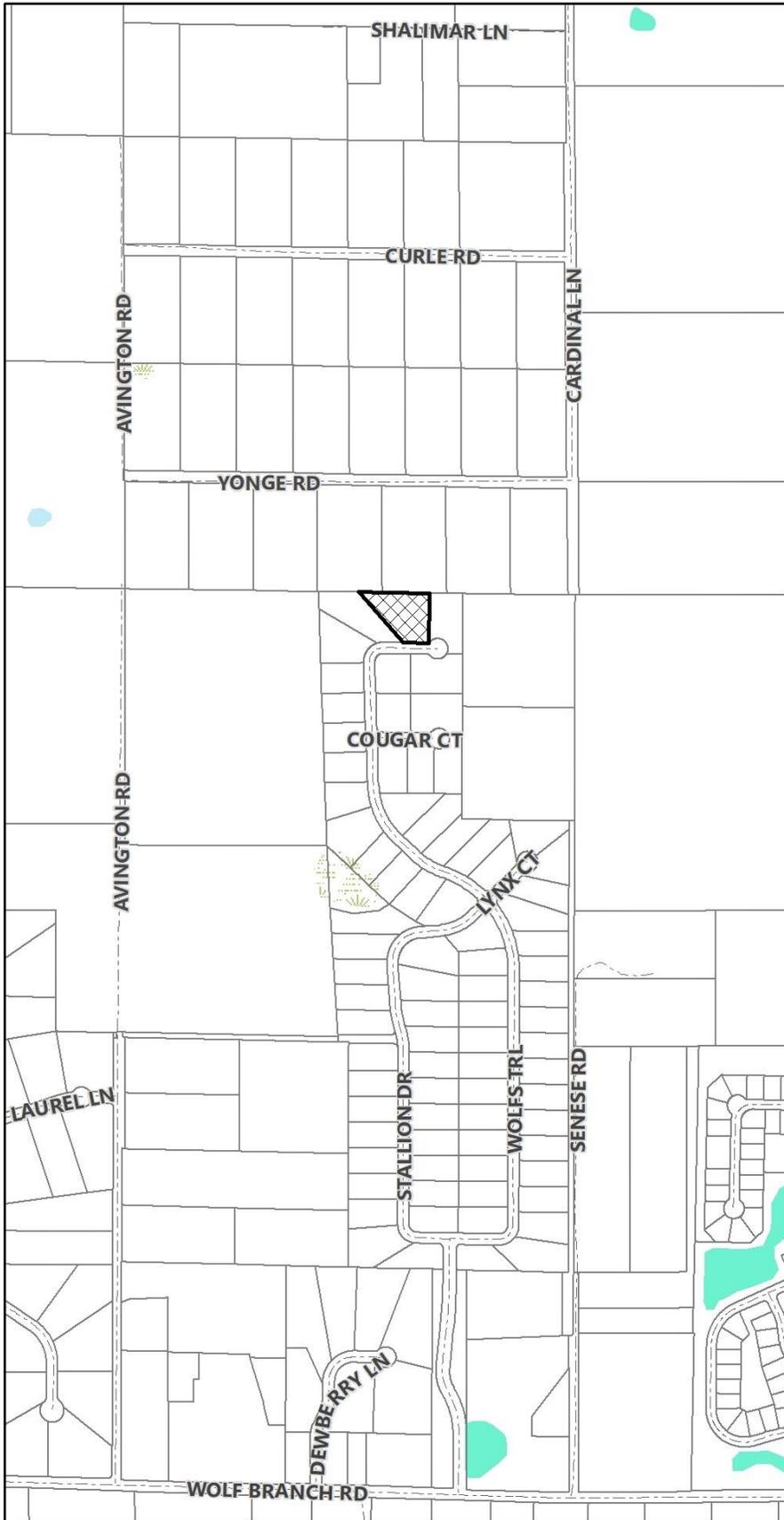
Best regards,

*Shelby Eldridge*  
Planner

 **CITY OF MOUNT DORA**  
PLANNING AND DEVELOPMENT

510 N. Baker Street  
Mount Dora, FL 32757  
352-735-7100 ext. 1712  
[eldridges@cityofmountdora.com](mailto:eldridges@cityofmountdora.com)

# Map of Subject Property



**Final Development Order**  
**VAR-19-24-4**  
**Dickerson Property**

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

**WHEREAS**, Charles C. Hiott and Sherri L. Hiott (the "Owners") made a request for a variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an existing accessory structure (storage shed) to be located at 7.5 feet from the rear property line in lieu of ten (10) feet; and

**WHEREAS**, the subject property consists of 5 +/- acres and is located at 32925 Wolfs Trail, in the unincorporated Sorrento area of Lake County, Florida, in Section 23, Township 19 South, Range 27 East, having Alternate Key Number 3378784 and more particularly described as:

Lot 69, of Wolfbranch Village, Phase III, according to the Plat thereof as recorded in Plat Book 36, Pages 80, 81 and 82, 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 October 10, 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 October 10, 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-19-47-4 to allow an existing accessory structure (storage shed) to be located at 7.5 feet from the rear property line in lieu of ten (10) feet with the following condition:

1. Any and all new structures including the replacement of the after-the-fact accessory shall be required to meet the minimum zoning district setbacks as specified in the Land Development Regulations (LDR).

**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.

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

**ENACTED this 10<sup>th</sup> day of October, 2019.**

**EFFECTIVE October 10, 2019.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**Lloyd Atkins, Chairman**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of October, 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**