



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 10

Public Hearing Date: May 14, 2020

Case No. and Project Name: VAR-20-09-4, Clementz Property

Owner/Applicant: John D. Clementz

Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow a proposed addition to be constructed with a setback of 33.2 feet from the centerline of the road in lieu of sixty-two (62) feet from the centerline of the road and with a side setback of 4.4 feet in lieu of five (5) feet.

Case Manager: Janie Barrón, Senior Planner

### Subject Property Information

Size: 0.48+/- acres

Location: 114 South Sunset Drive, Mount Dora, FL 32757

Alternate Key No.: 1630029

Future Land Use: Urban Low Density

Current Zoning District: Rural Residential District (R-1)

Flood Zone: "X"

Joint Planning Area/ ISBA: City of Mount Dora

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Rural Residential (R-1)	Residential	Single-Family Dwelling Units
South	Urban Low Density	Rural Residential (R-1)	Residential	Single-Family Dwelling Units
East	Urban Low Density	Rural Residential (R-1)	Residential	Single-Family Dwelling Units
West	Urban Low Density	Rural Residential (R-1)	Street and Residential	South Sunset Drive and Single-Family Dwelling Units

### Summary of Request.

The subject parcel is identified by Alternate Key Number 1630029 is described as Lots 11, 13 and 15 within the Dora-De-Luxe subdivision. The parcel is zoned Rural Residential District (R-1) and is part of the Urban Low Density Future Land Use Category (FLUC). The subject parcel is currently developed with a single-family dwelling unit and two (2) detached accessory structures (Attachment "A").

The Owner desires approval to expand an existing addition that was damaged due to Hurricane Irma (Attachment "B"). The Owner seeks approval to construct a proposed addition located at 33.2 feet from the centerline of the road and 4.4 feet from the side property line (Attachment "C"). However, Lake County Land Development Regulations (LDR) Table 3.02.05, requires that additions be located sixty-two (62) feet from the centerline of the road and five (5) feet from the side property line. Therefore, the application seeks a variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow a proposed addition to be constructed with a setback of 33.2 feet from the centerline of the road in lieu of sixty-two (62) feet from the centerline of the road and to allow a proposed addition to be constructed with a setback of 4.4 feet from the side property line in lieu of five (5) feet.

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 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.

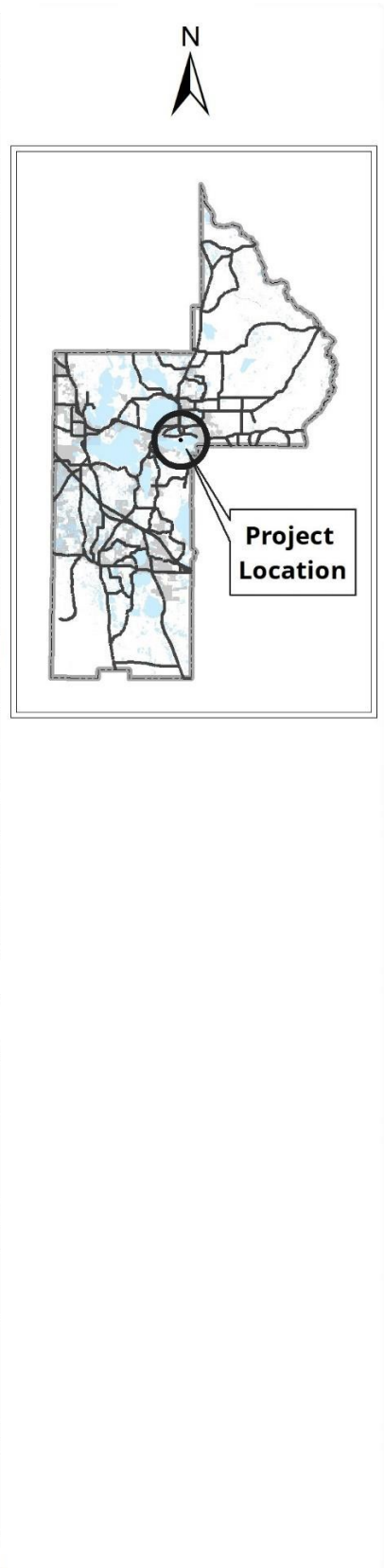
*"No other home on either side of our street is within code. House just to the north of us is closer to the road than us (abandoned house)."*

**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.**

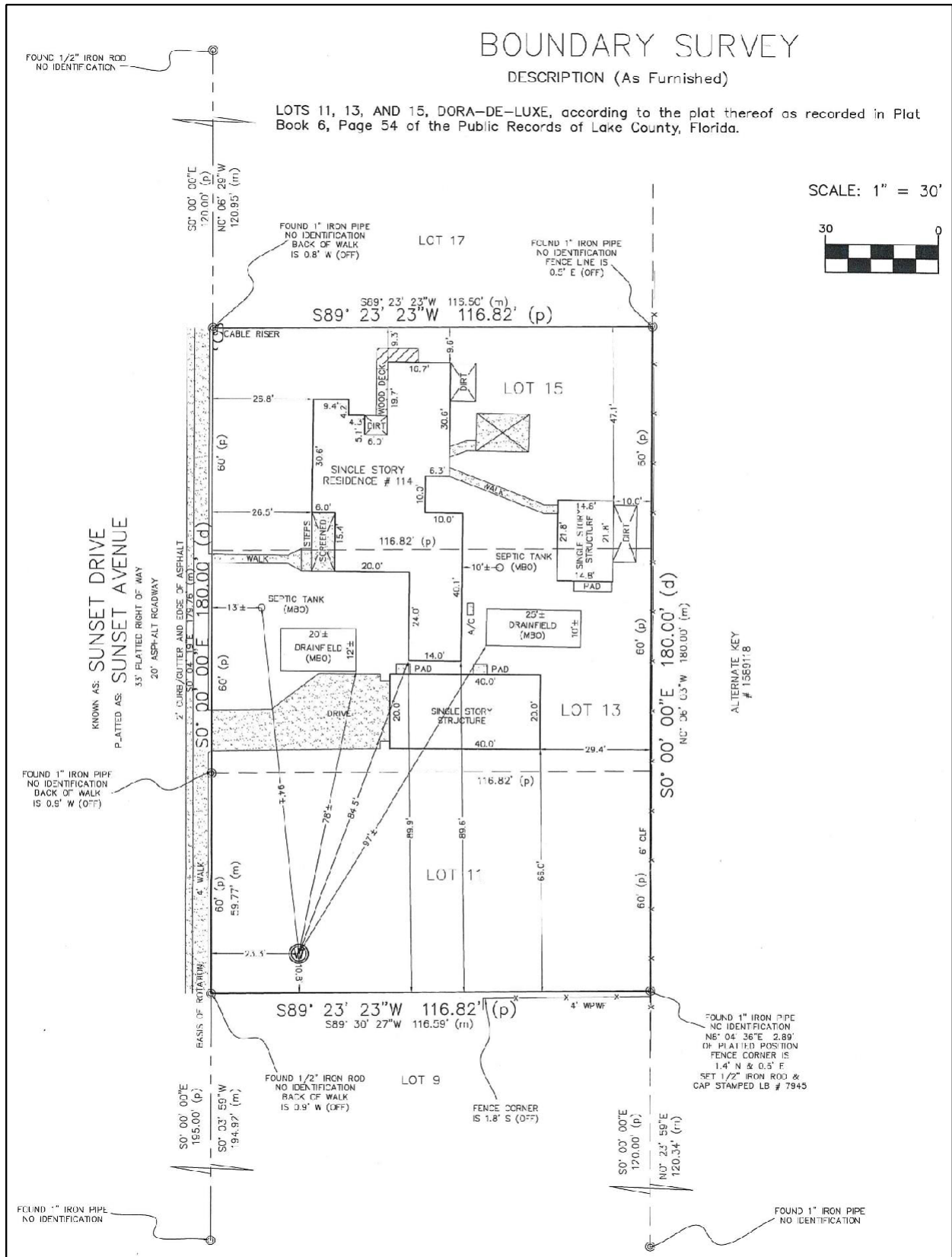
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

*"Proposed addition is to [sic] damaged. Area where tree fell which has all our utilities going through those damaged walls. Electric meter, breaker boxes, a/c & heat air handler, condenser for mini split a/c & heat. Propane, hot water supply to house & telephone wiring."*

# Map of Subject Property



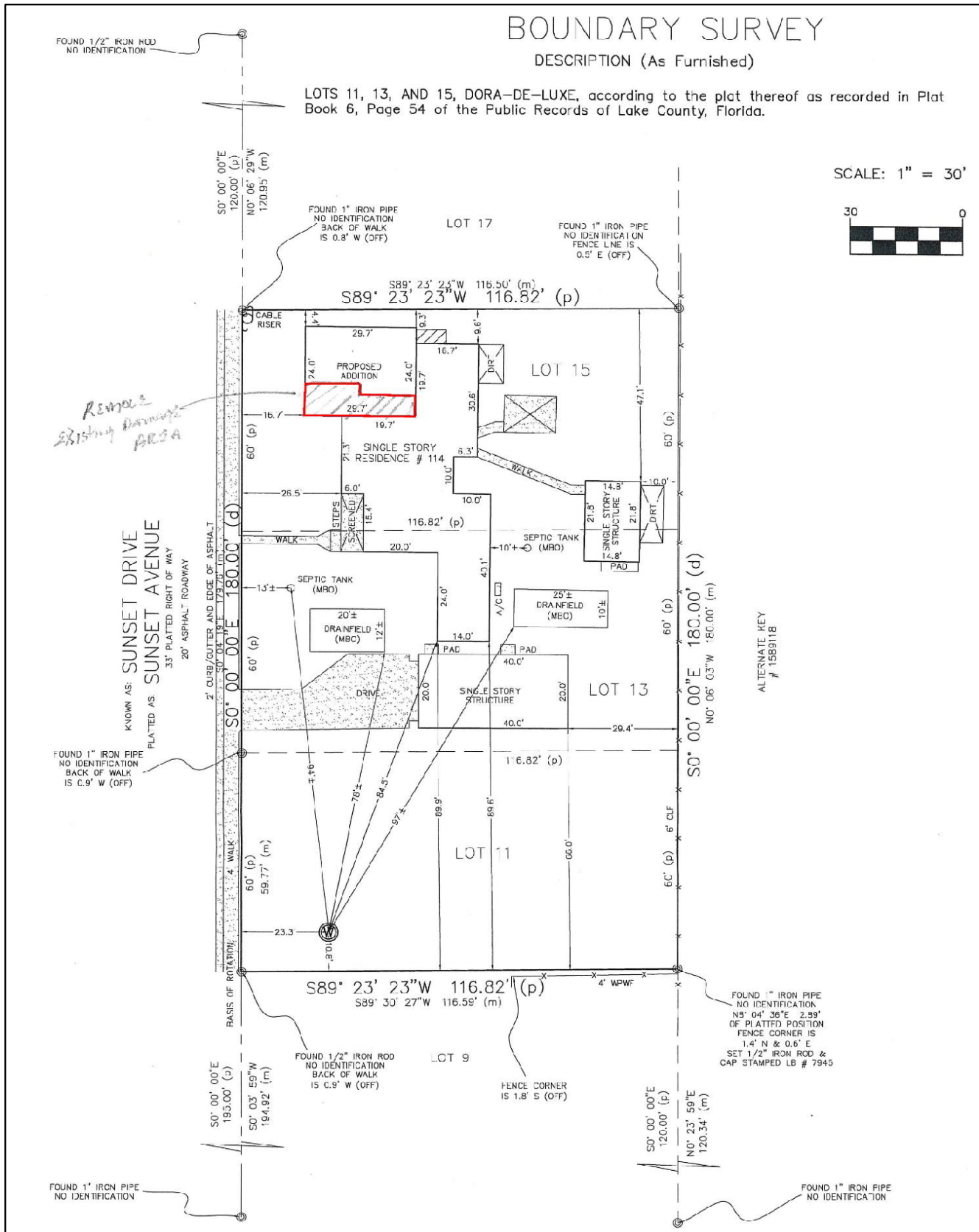
# Attachment A, Concept Plan with Current Conditions.



## Attachment B, Damage Due to Hurricane Irma.



# Attachment C, Concept Plan with Proposed Addition.



**Final Development Order  
VAR-20-09-4  
Clementz Property**

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

**WHEREAS**, John D. Clementz (the "Owner") made a request for a variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow a proposed addition to be constructed with a setback of 33.2 feet from the centerline of the road in lieu of sixty-two (62) feet and with a side setback of 4.4 feet in lieu of five (5) feet; and

**WHEREAS**, the subject property consists of 0.48 +/- acres and is located at 114 South Sunset Drive, in the unincorporated Mount Dora area of Lake County, Florida, in Section 35, Township 19 South, Range 26 East, having Alternate Key Number 1630029 and more particularly described as:

Lots 11, 13 and 15 in Dora-De-Luxe, a subdivision in Lake County, Florida, according to the plat thereof as recorded in Plat Book 6, Page 54, 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 May 14, 2020; 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 May 14, 2020, 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-20-09-4 to allow a proposed addition to be constructed with a setback of 33.2 feet from the centerline of the road in lieu of sixty-two (62) feet and to be constructed with a side setback of 4.4 feet in lieu of five (5) feet.

**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 14th day of May, 2020.

EFFECTIVE May 14, 2020.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

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Lloyd Atkins, Chairman or  
James Argento, Vice-Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online  
notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_  
\_\_\_\_\_.

Personally Known OR Produced Identification

Type of Identification Produced \_\_\_\_\_

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Notary Signature  
(SEAL)