



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 13
 Public Hearing Date: May 14, 2020
 Case No. and Project Name: VAR-20-13-1, Womack Property
 Owners/Applicants: Clinton Baron Woman and Kerilyn M. Womack
 Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow a front setback of 11.56-feet from the front property line in lieu of fifty (50) feet.
 Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 3.23 +/- acres
 Location: 8644 Cherry Lake Road, Groveland, FL 34736
 Alternate Key No.: 1302838
 Future Land Use: Rural
 Current Zoning District: Agriculture (A)
 Flood Zone: "AE" and "X"
 Joint Planning Area/ ISBA: None
 Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Street and Residential	Cherry Lake Road (SR S-478), Adjoining Single-Family Dwelling Units
South	Rural	Agriculture (A)	Lake	Cherry Lake
East	Rural	Agriculture (A)	Residential	Single-Family Dwelling Units
West	Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit

Summary of Request.

The subject 3.23 +/- acre parcel is identified by Alternate Key Number 1302838. The parcel is zoned Agriculture (A) and is part of the Rural Future Land Use Category (FLUC). The subject parcel is currently developed with a single-family dwelling unit, deck, metal shed, fire pit and driveway.

The Owner seeks approval to allow a proposed addition to be located at 11.56-feet from Cherry Lake Road (SR S-478). The proposed addition will replace an existing carport that was installed over thirty (30) years ago. Lake County Land Development Regulations (LDR) Table 3.02.05, requires any development on property adjacent to state highways maintain a fifty (50) foot setback from the right-of-way. Therefore, the application seeks a variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow a proposed addition to be located at 11.56-feet from the front property line.

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.

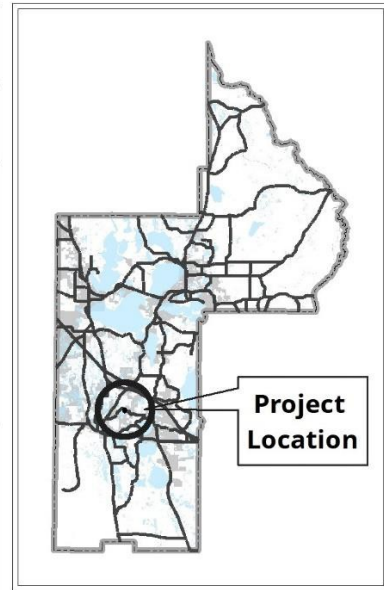
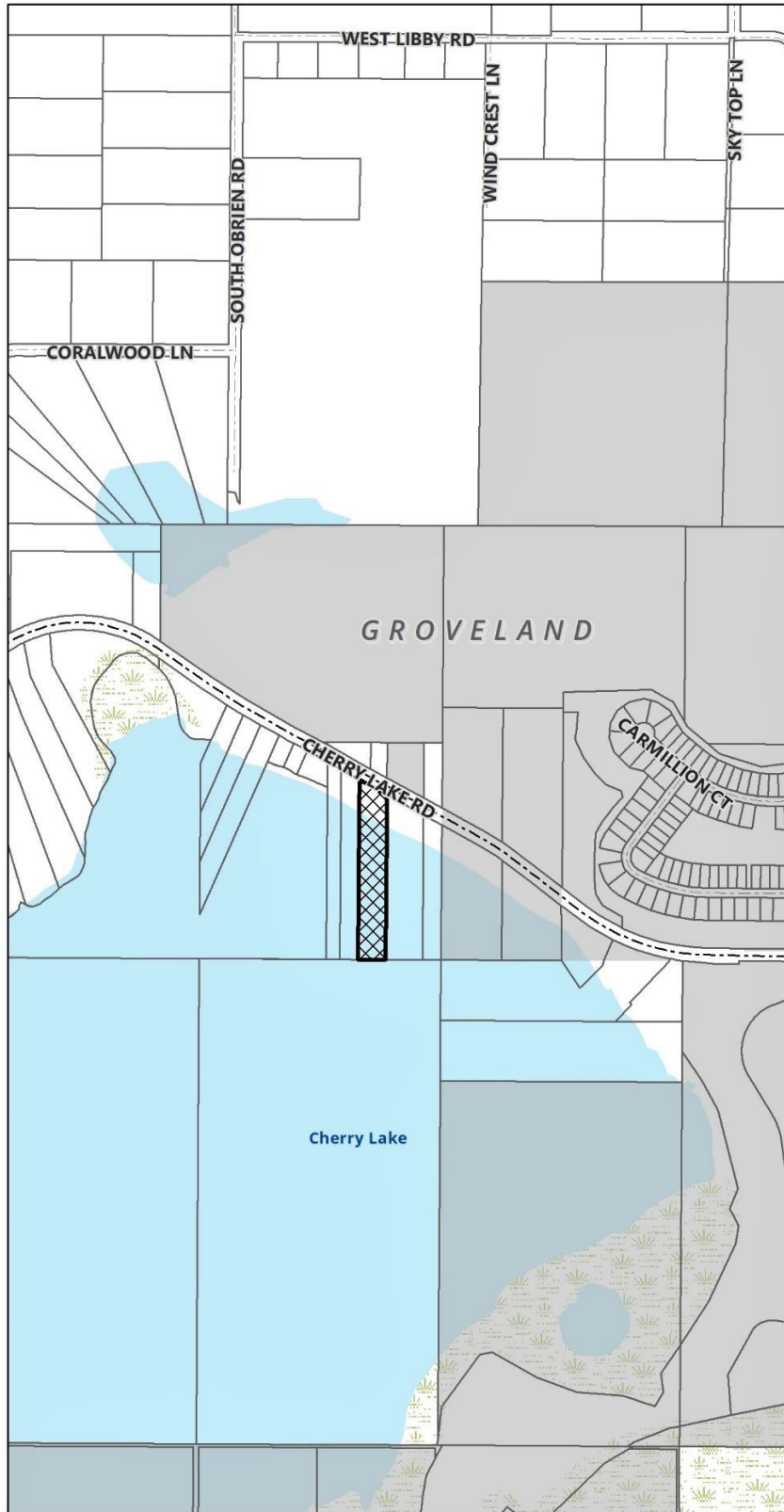
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means (Attachment B), *"We reviewed the speed limit, crash reports, and the jurisdictional wetland line before we chose the placement of our addition. No crashes have been near or around our home. Also, there is much consideration in the placement of this addition due the [sic] 50 ft set back [sic] from the wetland line."*

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.

The Owner has provide the following statement and justification statement (Attachment C), *"We have limited areas to expand dwelling due to our septic system and drain field. The only logical space is to build off the side of the current dwelling where the carport and driveway currently sit."*

Map of Subject Property



Attachment B, Intent of the Code Statement.

To Whom It May Concern:

March 10, 2019

First, we'd like to thank you for your time in helping us achieve our goal for our new home, purchased in June 2019. We have done much research into the Land Development Regulations before considering our proposed addition. We reviewed the speed limit, crash reports, and the jurisdictional wetland line before we chose the placement of our addition.

The Lake County Department of Public Works Executive Summary, which shows the last full 5 years of crash history on our road, shows no crashes have been near or around our home, which is located East of the Cherry Lake Tree Farm, on Cherry Lake. I've attached the summary for your review.

Also, there was much consideration in the placement of this addition due the 50 ft set back from the wetland line. Any further back from the front set back, we would be in the flood zone, as well as our existing septic tank and drain field.

The proposed addition will replace an existing attached carport, which to our understanding, was installed over 30 years ago. We will remove the metal structure and existing concrete to construct the addition, keeping with the same footprint at the existing carport. The addition will attach itself to the existing home, which currently sits approximately 18.8 ft from the set back.

We feel we are meeting the safety requirements needed to make this a sound structure for our family. We appreciate your time and consideration in this pressing matter.

Sincerely,

Clint and Kerilyn Womack

Attachment C, Justification Statement.

To Whom It May Concern:

January 22, 2020

Our family purchased a quaint little home on Cherry Lake in June 2019. We bought this home with the expectation of adding on to the existing dwelling to accommodate our large family. Knowing the addition would be coming, it's made living in these tight quarters worth it.

We have little construction experience, but we are trying to peck away at this ourselves to save money. We trusted we would be within the property lines when we went through the planning and engineering process. We were devastated to find out that we have a 50ft set back from our property line. We assumed that since this addition is going to attach itself to the outside of the existing dwelling, and on top of what is currently our driveway and carport, we were within the proper boundaries.

We fear that this location for the addition is the only place on our property that we can actually build. Due to the septic tank and drain field, we are unable to build in the other direction. We have several feet going towards our neighbors to the East, providing ample space for this addition of 647 sq ft. But with this set back, we are left with our hands tied.

Please consider granting us the land space needed to add our addition to make this home suitable for our large family. We need to gain enough land to be 12 feet from our property line, instead of the 50 ft required. I feel like this is a lot to ask, but this property is a dream for us, and if we can't build, we'll be forced to sell.

Thank you for your time and consideration in this pressing matter.

Sincerely,

The Womack Family



Clint, Kerilyn, Luke, Hayven, Jonah, Laurel, Tatum, Jessy, Wylder

**Final Development Order
VAR-20-13-1
Womack Property**

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

WHEREAS, Clinton Baron Womack and Kerilyn M. Womack (the "Owners") requested a variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow a proposed addition to be setback 11.56-feet from the front property line (SR S-478) in lieu of fifty (50) feet; and

WHEREAS, the subject property consists of 3.23 +/- acres and is located at 8644 Cherry Lake Road, in the unincorporated Groveland area of Lake County, Florida, in Section 04, Township 22 South, Range 25 East, having Alternate Key Number 1302838 and more particularly described as:

That part of the South Half of Government Lot 2 in Section 4, Township 22 South, Range 25 East, in Lake County, Florida, bounded and described as follows:

From the Northeast corner of the South Half of said Government Lot 2, run West along the North line of the South Half of said Government Lot 2 a distance of 300 feet from a point of beginning. From said point of beginning, run thence West along the North line of the South Half of said Government Lot 2 a distance of 150 feet; thence south 0°14'30" West 343 feet, more or less, to the waters of Cherry Lake, the said point being hereby designated as Point "A". Begin again at said point of beginning and run thence South 0°14'30" West to the waters of Cherry Lake; thence Northwesterly along and with the waters of Cherry Lake to the above designated Point "A", less and except that part thereof lying North of the Southerly line of the right of way of State Road S-478.

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-20-13-1 to allow an addition to be setback 11.56-feet from the front property line (SR S-478) in lieu of fifty (50) 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, 2019.

EFFECTIVE May 14, 2019.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Lloyd Atkins, Chairman or
James Argento

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 _____

Notary Signature
(SEAL)