



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 14
 Public Hearing Date: May 14, 2020
 Case No. and Project Name: VAR-20-15-1, Abner Property
 Applicant: Earnestine Abner
 Owner: Earnestine Abner
 Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow for a single-family residence to be constructed 43-feet from the centerline of the road, in lieu of 62-feet.
 Case Manager: Emily W. Johnson, Planner

Subject Property Information

Size: 0.13 +/- acres
 Location: 3835 North Quarters Road, Okahumpka
 Alternate Key No.: 1295424
 Future Land Use: Urban Low Density
 Current Zoning District: Mixed Residential District (R-7)
 Flood Zone: "X"
 Joint Planning Area / ISBA: Leesburg ISBA
 Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	R-7	Residential	Single-family residence
South	Urban Low Density	R-7	Residential	Single-family residence; adjacent to North Quarters Road
East	Urban Low Density	R-7	Residential	Vacant Residential
West	Urban Low Density	R-7	Residential	Vacant Residential

Summary of Request.

The subject property, identified as Alternate Key Number 1295424, contains 0.13 +/- acres, is zoned Mixed Residential District (R-7) and designated with an Urban Low Density Future Land Use Category by the 2030 Comprehensive Plan. The GIS Aerial Map does not indicate a presence of wetlands or flood zone. The property is generally located north of North Quarters Road in the Okahumpka area of unincorporated Lake County. The subject property is currently developed with a single-wide mobile home, which will be removed upon permitting of the proposed single-family residence.

The Applicant has requested a variance from Lake County Land Development Regulations (LDR) Table 3.02.05, Setback Requirements, to allow for a single-family residence to be constructed 43-feet from the centerline of the road, in lieu of 62-feet.

The Department of Public Works reviewed the application and provided the following comments, which have been addressed through conditions in the draft development order:

1. The survey should have had the deeds ORB 702 Page 735, ORB 702 Page 729, and ORB 702 Page 763 identified on it, and not "Observed R/W." It looks like the new single-family residence will be approximately 13.7' from the right-of-way.
2. Another concern is for the location of the driveway; the area must be large enough to accommodate vehicles on the property and not on the right-of-way.

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 Table 3.02.05, Front Setbacks, is to ensure that structures are located a safe distance from roads, and that there is adequate area for the safe passage of vehicles.

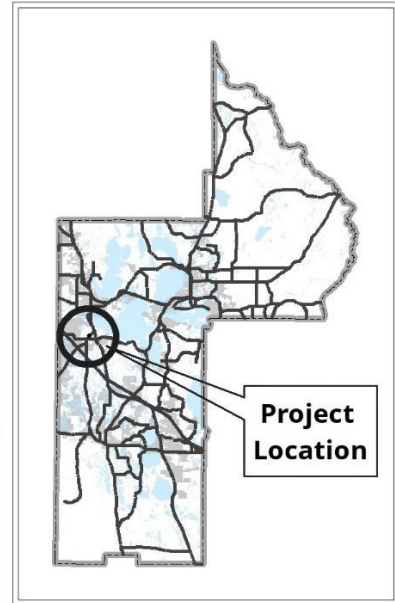
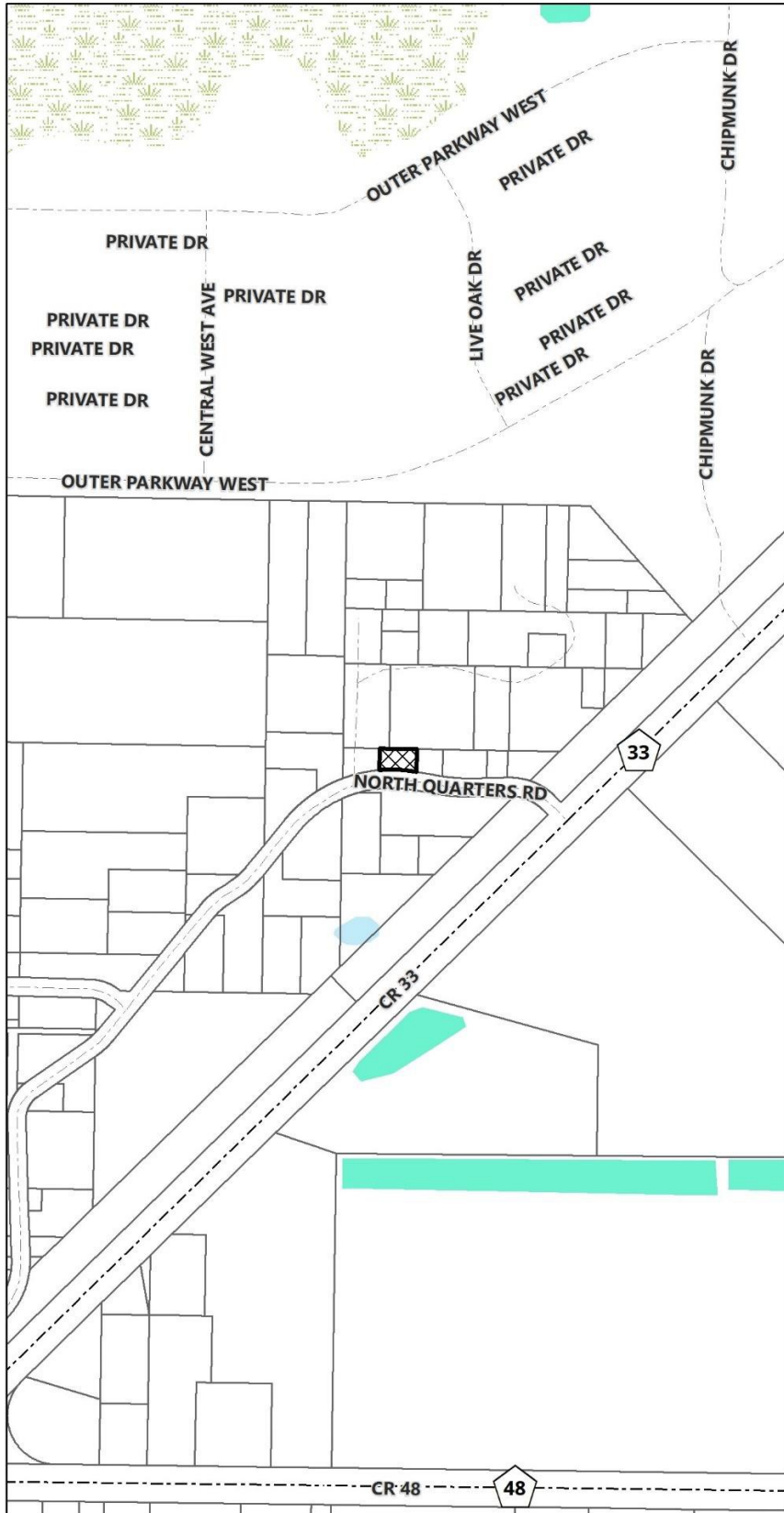
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"The new home is no closer to road than the previously placed single-wide that was in place 37 years. This is no obvious hazard. But, if necessary I might sugest [sic] a few bushes."*

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.**

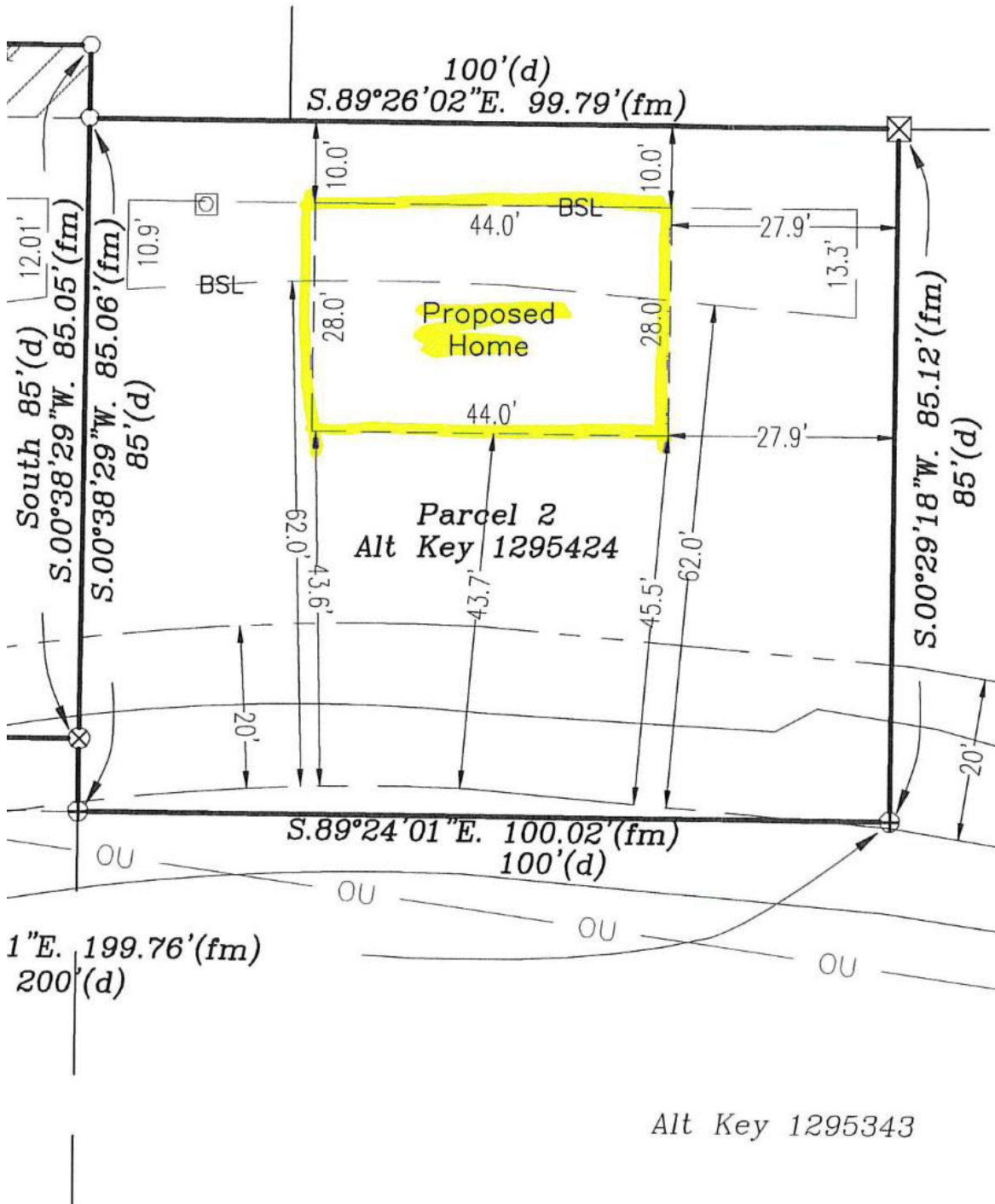
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

The Applicant provided the following statement, *"Single mobile home (existing) unlivable. Purchased new Double wide (paid in full). Property too small for 1144 square foot house due to set back issues."*

Map of Subject Property



Attachment A – Concept Plan.



**Final Development Order
VAR-20-15-1
Abner Property**

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

WHEREAS, Earnestine Abner (the "Owner" and "Applicant"), requested a variance from Land Development Regulations (LDR) Table 3.02.05, Front Setbacks, to allow for a single-family residence to be constructed 43-feet from the centerline of the road, in lieu of 62-feet; and

WHEREAS, the subject property consists of 0.13 +/- acres and is located at 3835 North Quarters Road, in the Okahumpka area of unincorporated Lake County, in Section 15, Township 20, Range 24, having Alternate Key Number 1295424, and more particularly described below; and

THE E 100 FT OF W 200 FT OF N 85 FT OF SW 1/4 OF NE 1/4 OF NE 1/4 – LESS RD R/W
– ORB 1369 PG 2335

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a 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-20-15-1 to allow for a single-family residence to be constructed 43-feet from the centerline of the road, in lieu of 62-feet, with the following condition:

1. The plot plan shall be updated to include the correct right-of-way ORB and Pages; and
2. No parking of vehicles shall be permitted in the right-of-way.

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.

[Reminder of Page Left Intentionally Blank]

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

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 _____

Notary Signature
(SEAL)