



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 15

Public Hearing Date: May 14, 2020

Case No. and Project Name: VAR-20-16-3, Burch Property

Applicant: Gayle and Steven Burch (the "Applicants")

Owner: Gayle and Steven Burch (the "Owners")

Requested Action: Variance to Land Development Regulation (LDR) Table 3.02.05 to allow a residential addition to be located 7.7' from the front property line in lieu of 25' feet from the front property line.

Case Manager: Michele Janiszewski, Chief Planner

Subject Property Information

Size: 0.51 +/- acres

Location: 14216 Otto Ct., Tavares

Alternate Key No.: 3554817

Future Land Use: Urban Low Density

Current Zoning District: Urban Residential District (R-6)

Flood Zone: "X" and a small portion of "AE"

Joint Planning Area/ISBA: Tavares ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Urban Residential District (R-6)	Residential & Lake	Single-Family Residences & Lake Eustis
South	Not Applicable	Not Applicable	Canal	Canal connecting to Lake Eustis
East	Urban Low Density	Urban Residential District (R-6)	Vacant Land, Canal & Right-of-Way	Otto Court and Canal connecting to Lake Eustis
West	Not Applicable	Not Applicable	Waterbody	Lake Eustis

Summary of Request.

The subject property adjacent to Lake Eustis and is developed with single-family dwelling unit and accessory structures. The Applicants wish to enclose an existing carport into living area, remove an existing shed, and construct a two-car garage onto the existing residence (Attachment A). The proposed additions will be aligned with the existing building front but will only be 7.7' from the front property line at the closest point. Land Development Regulation (LDR) Table 3.02.05 requires a twenty-five (25) foot setback from the front property line. As such, the Owners request a variance to LDR Table 3.02.05 to allow a residential addition to be located 7.7' from the front property line in lieu of 25' 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.

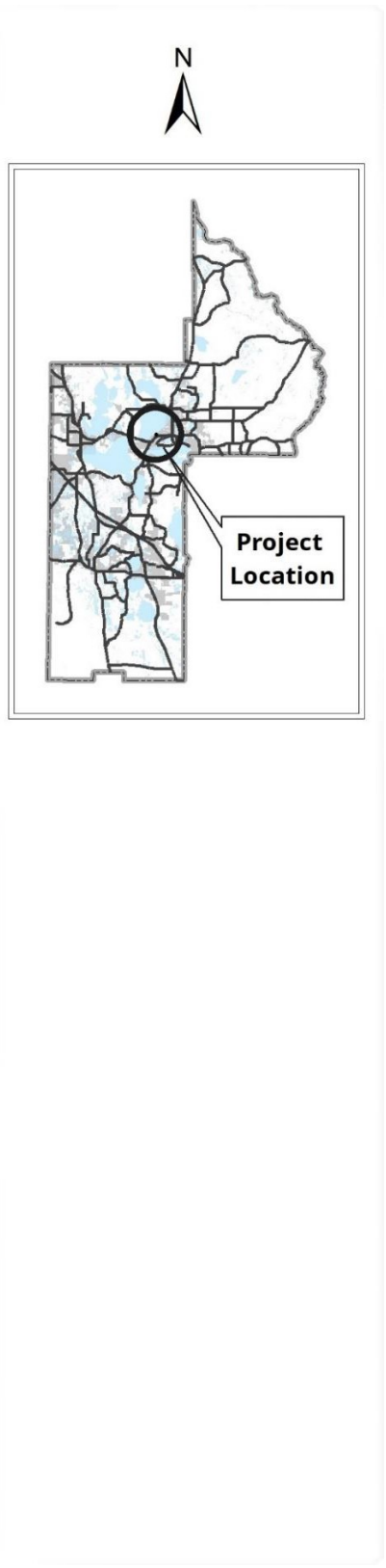
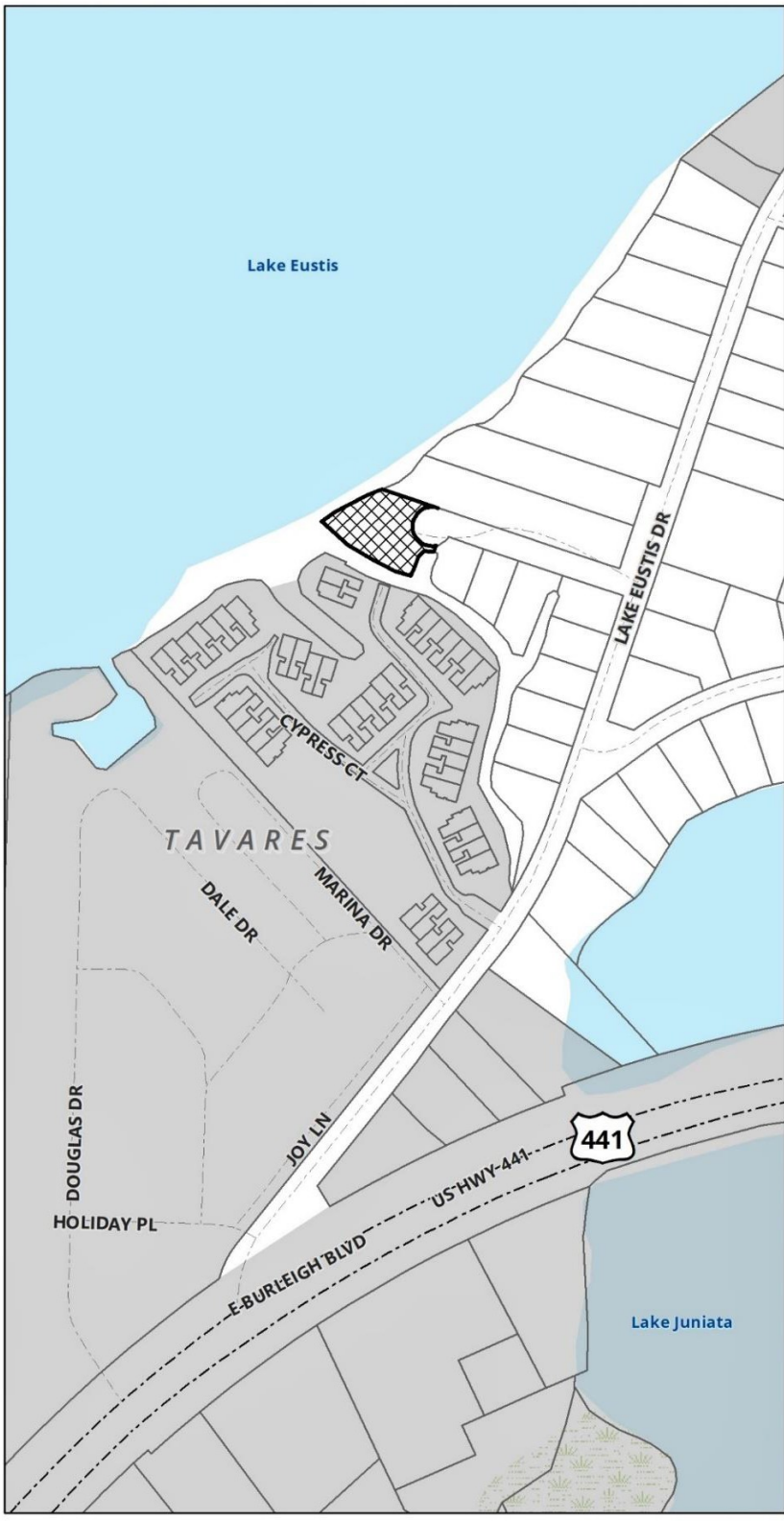
The intent of the Code, LDR Table 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

The Applicant submitted the following statement as proof that the purpose and intent of the Land Development Regulations will be or has been achieved by other means: *"The replacement structures (see attached) will be located between the oak trees less than 25 ft setback from current dirt road plot line, so as to maintain the integrity of the surrounding waterways. Other property options would infringe upon setback regulations to the canal and lakefront basin."*

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.

The Applicant submitted the following statement as proof of a substantial hardship: *"Limited space due to Lake Eustis Waterway setback regulations and historic oak trees that have encroached onto originally plotted unincorporated dirt roadway."*

Subject Property



**Final Development Order
VAR-20-16-3
Burch Property**

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

WHEREAS, Gayle and Steven Burch (the "Owners" and "Applicants"), submitted a variance request to Land Development Regulation (LDR) Table 3.02.05 to allow a residential addition to be located 7.7' from the front property line in lieu of 25' feet from the front property line; and,

WHEREAS, the subject property consists of 0.51 +/- acres and are located 14216 Otto Ct., in the Tavares area of unincorporated Lake County, in Section 21, Township 19 South, Range 26 East, Alternate Key Numbers 3554817, and is more particularly described below as:

Lot 10, Bonnie Breeze Shores, according to the map or plat thereof as recorded in Plat Book 16, Page 20, Public Records of Lake County, Florida.

WHEREAS, after giving notice of a hearing on a 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-20-16-3 to Land Development Regulation (LDR) Table 3.02.05 to allow a residential addition to be located 7.7' from the front property line in lieu of 25' feet from the front property line with the following conditions:

1. A side yard swale will be required with the permitting and construction of the proposed addition.
2. A rear interceptor swale to protect the water body from stormwater runoff of the additional impervious area being placed on the lot.

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 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)