



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: July 9, 2020

Case No. and Project Name: VAR-20-23-4, Ward Property

Owner/Applicant: Angela Ward

Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05 Note 3(a), to allow a single-family dwelling unit and associated accessory structure(s) to be constructed on the subject parcel with a secondary front setback of 15-feet from the right-of-way, in lieu of 25-feet.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 0.31 +/- Acres

Location: 24914 Heavenly Way, Sorrento, FL 32776

Alternate Key No.: 1530601

Future Land Use: Wekiva River Protection Area (WRPA) Mt. Plymouth-Sorrento Receiving Area

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Community Redevelopment Area (CRA)
Mt. Plymouth-Sorrento Community
Wekiva River Protection Area (WRPA)
Wekiva Study Area (WSA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	WRPA Mt. Plymouth-Sorrento Receiving Area	Agriculture (A)	Street, Residential	Heavenly Way, Adjoining Single-Family Dwelling Units
South	WRPA Mt. Plymouth-Sorrento Receiving Area	Agriculture (A)	Residential	Vacant Residential Parcel
East	WRPA Mt. Plymouth-Sorrento Receiving Area	Agriculture (A)	Residential	Single-Family Dwelling Units
West	WRPA Mt. Plymouth-Sorrento Receiving Area	Agriculture (A)	Street, Residential	Hilldale Avenue, Adjoining Vacant Parcel and Single-Family Dwelling Unit

Summary of Request.

The subject parcel is identified by Alternate Key Number 1530601. The parcel is zoned Agriculture (A), designated as WRPA Mt. Plymouth-Sorrento Receiving Area Future Land Use Category (FLUC), and located within the Mt. Plymouth-Sorrento Community Redevelopment Area, Wekiva River Protection Area, and Wekiva Study Area Overlay Districts. The subject parcel is currently vacant and undeveloped; the existing home was removed. The parcel is generally located at the intersection of Heavenly Way and Hilldale Avenue in the Sorrento area.

The Owner seeks approval to allow a replacement home and detached garage to be constructed at fifteen (15) feet from the right-of-way of Heavenly Way. The Owner provided a plot plan (not to-scale) which depicts the proposed location of the replacement single-family dwelling unit and detached garage (Attachment "A"). LDR Table 3.02.05 Note 3(a), specifies a secondary front setback of 25-feet for lots with an ongoing development and with a width 75-feet or greater. Therefore, the application seeks a variance to LDR Table 3.02.05 Note 3(a), to allow a single-family dwelling unit and associated accessory structure(s) to be constructed on the subject parcel with a secondary front setback of 15-feet from the right-of-way, in lieu of 25-feet.

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.

"Placing the house to the north edge of property (15 ft from the street edge) is a similar property layout to 7 other homes in the neighborhood. It follows a consistent symmetrical balance that is both logical and aesthetically pleasing."

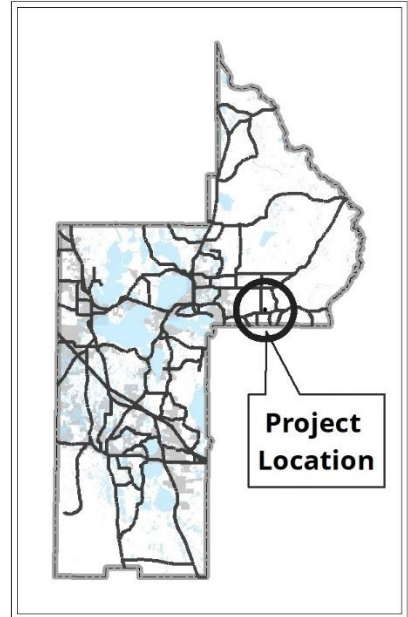
The intent of the Code, LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

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.

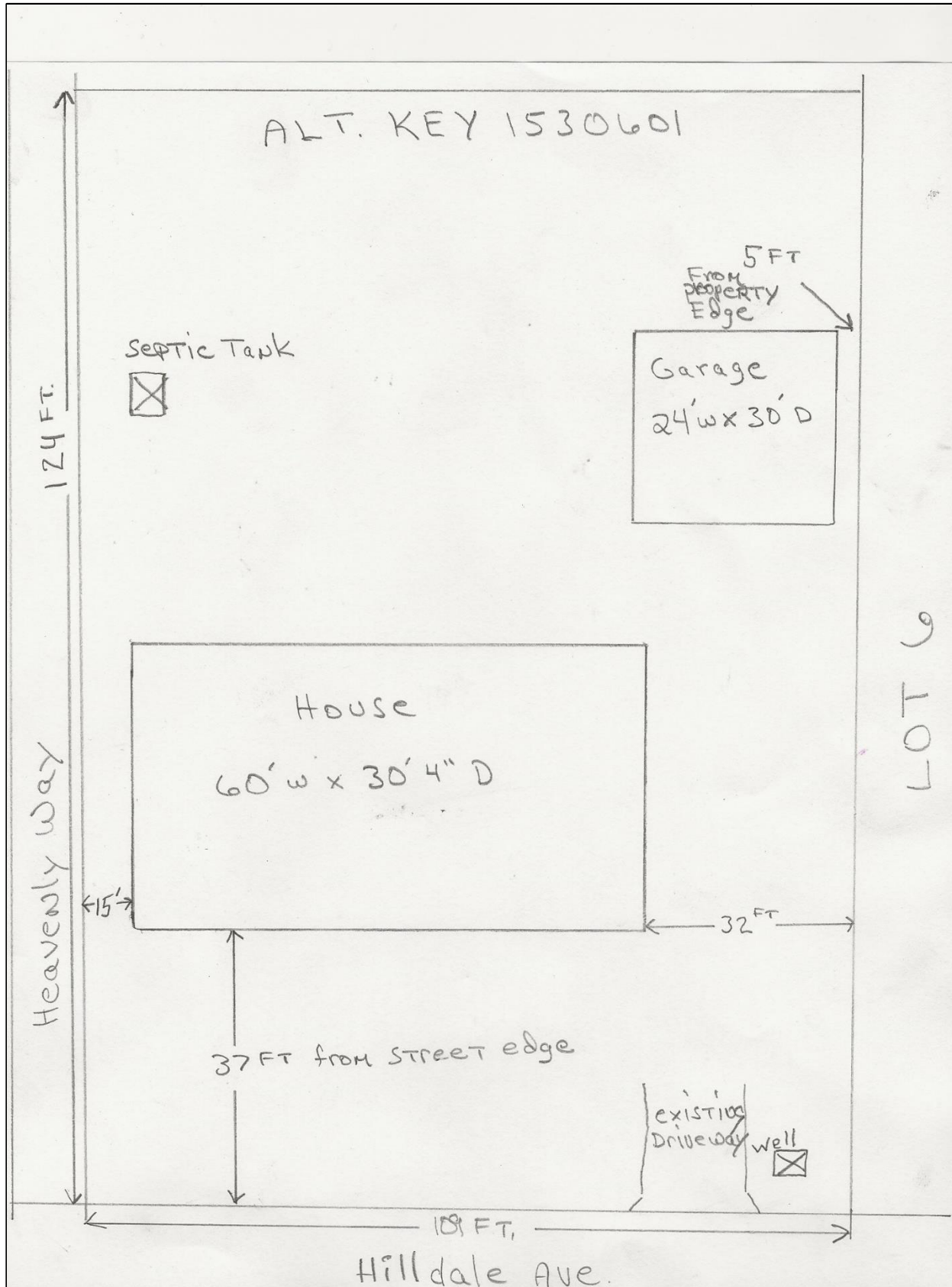
"The property is already set up with an existing driveway entrance on the south border. If we can't place the house (15 ft from the street edge) on northern border there will not be enough room to extend a clear path to the garage. This won't allow us to protect our vehicles in the event of a bad storm or hurricane."

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.

Map of Subject Property



Attachment "A" – Plot Plan (Not To-Scale).



**Final Development Order
VAR-20-23-4
Ward Property**

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

WHEREAS, Angela Ward (the “Owner” and “Applicant”) requested a variance to Lake County Land Development Regulations (LDR) Table 3.02.05 Note 3(a), to allow a single-family dwelling unit and associated accessory structure(s) to be constructed on the subject parcel with a secondary front setback of fifteen (15) feet from the right-of-way, in lieu of twenty-five (25) feet; and

WHEREAS, the subject property consists of 0.31 +/- acres and is located at 24914 Heavenly Way, in the Sorrento area of unincorporated Lake County, Florida, in Section 32, Township 17 South, Range 27 East, having an Alternate Key Number 1530601 and more particularly described as below:

The West 124 Feet of Lot 5, Long Acres, according to the Plat thereof Recorded in Plat Book 10, Page 29, of the Public Records of Lake County, Florida, Less and except the North 15 Feet thereof.

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 July 9, 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 July 9, 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-20-23-4, to allow a single-family dwelling unit and associated accessory structure(s) to be constructed on the subject parcel with a secondary front setback of fifteen (15) feet from the right-of-way, in lieu of twenty-five (25) 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.

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

ENACTED this 9th day of July, 2020.

EFFECTIVE July 9, 2020.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

James Argento, Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 9th day of July, 2020, by _____.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)