



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearing Date: September 10, 2020

Case No. and Project Name: VAR-20-34-1, De La Rosa Property

Applicant: Carmen De La Rosa

Owner: Juan De La Rosa

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.02.05, *Setbacks*, to allow a twenty foot (20') setback from the South property line in lieu of twenty-five (25) feet.

Case Manager: Heather N. Croney, Planner

Subject Property Information

Size: 5.89 +/- acres

Location: 36290 County Road 439, in the Eustis area.

Alternate Key No.: 3794099

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ISBA: None

Overlay Districts: Wekiva-Ocala Rural Protection Area and Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residential	Single-Family Dwelling Units
South	Rural	Agriculture (A)	Vacant Residential	Vacant Residential and Wetlands
East	Rural	Agriculture (A)	Vacant Residential	Vacant Residential and Wetlands
West	Rural	Agriculture (A)	County Road	County Road 439

Summary of Request.

The subject 2.97 +/- acre parcel is identified by Alternate Key Number 1030561. The parcel is zoned Agriculture (A), is part of the Rural Future Land Use Category (FLUC), and located within the Minneola Interlocal Service Boundary Area and the Yalaha-Lake Apopka Rural Protection Area overlay district. The subject parcel is currently developed with a single family dwelling unit, which will be required to be removed within thirty (30) days of the Certificate of Occupancy of the proposed new home.

The Applicant seeks approval to allow a single family dwelling unity to be built twenty feet (20') from the South property line in lieu of twenty-five feet (25') from the side property lines per Lake County Land Development Regulations (LDR) Section 3.02.05, *Setbacks*. Attachment A shows a concept plan of the proposed work if the variance is granted.

The variance application was provided to the City of Minneola for comment. The City of Minneola had no comments or issues with the variance request.

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, *Setbacks*, is to promote a logical development pattern, provide for sage setbacks between structures, and encourage a visually pleasing environment.

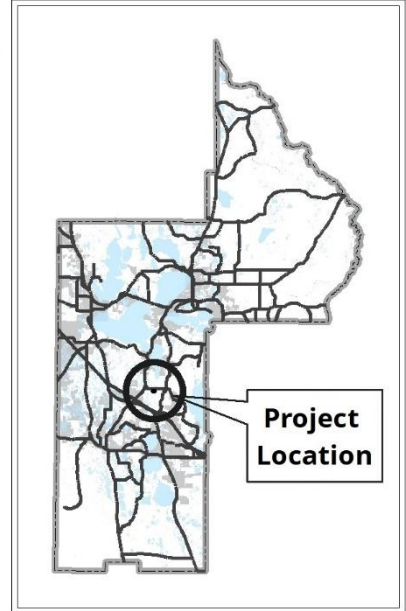
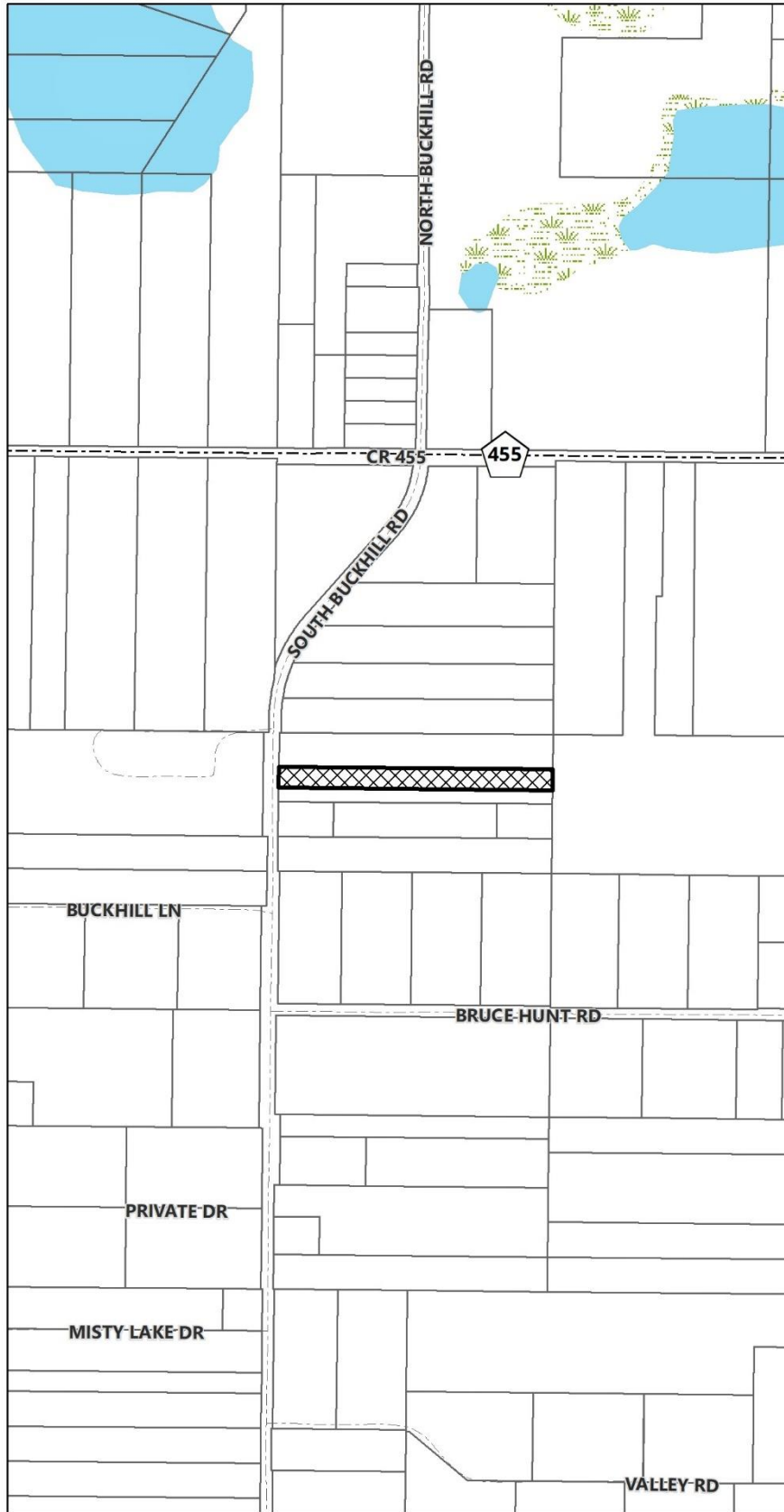
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"I am meeting all setbacks, except one. I am meeting impervious surface. The fact that the southern side setback created no undue burden on any neighboring residence. The proposed project would be an improvement to the neighborhood and result in an overall increase in property value and tax base created by an improvement."*

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.

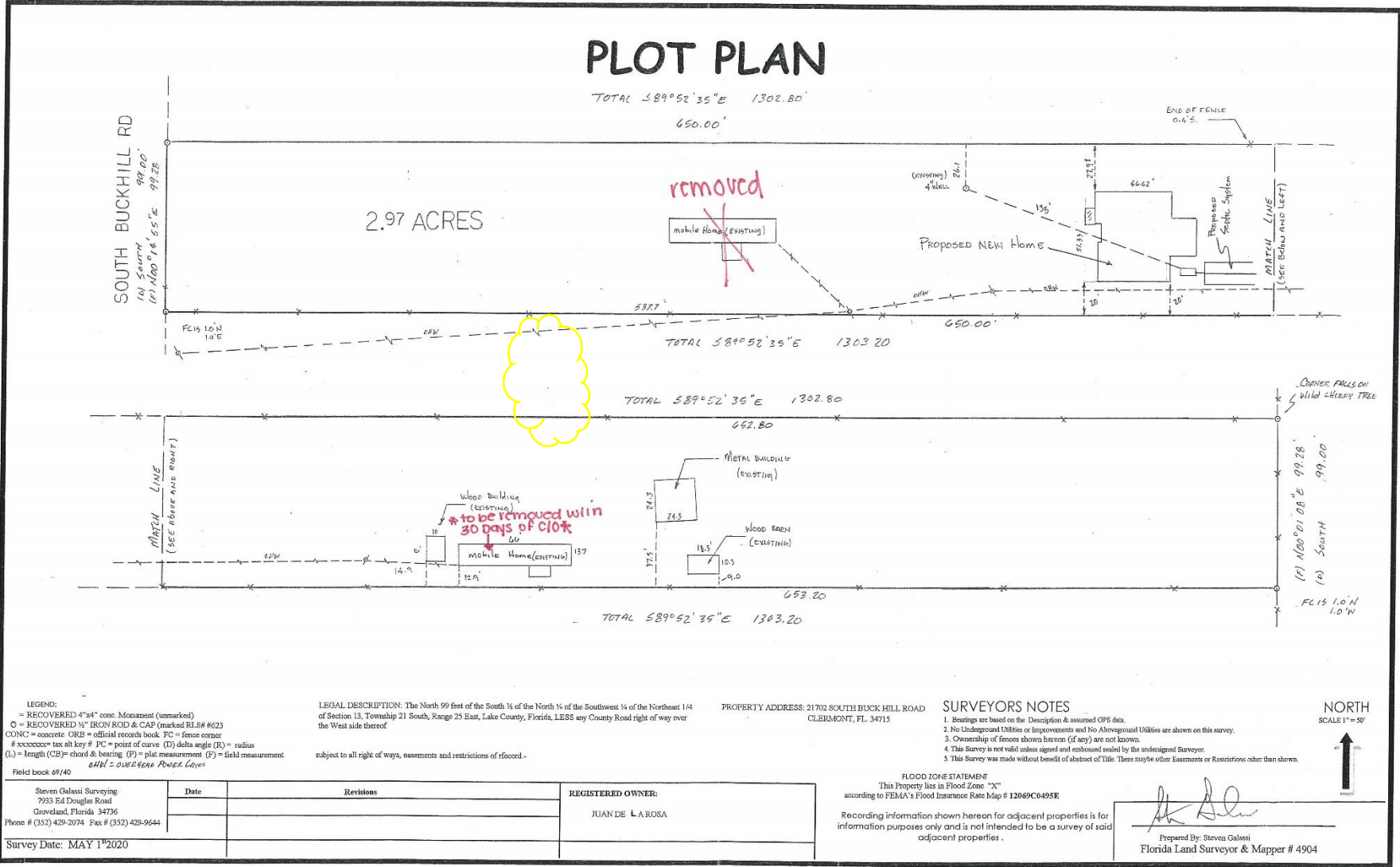
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *"The reason for the variance request is to be able to build a new single family residence with a 2 car garage. The proposal for the new home is 51 ft wide. Based on current zoning need to have a 25 ft setback from side to side property line. This lot being much older and narrower, property is only 99 ft in width the house on site plan to it would require a variance on the south side of the house to allow for a 20 ft setback from south side property line. We are wanting to improve the property. I have done a unity of title and I have removed mobile home in front of property. Approval of this variance would allow me to build a quality home. When new home is finished being built, we will remove mobile home in back of property."*

Map of Subject Property



Attachment A, Concept Plan.



**Final Development Order
VAR-20-34-1
De La Rosa Property**

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

WHEREAS, Carmen De La Rosa (the "Applicant") requested a variance on behalf of Juan De La Rosa (the "Owner") to Lake County Land Development Regulations (LDR) Section 3.02.05, to allow a twenty foot (20') setback from the South property line in lieu of twenty-five (25) feet; and

WHEREAS, the subject property consists of 5.89 +/- acres and is located at 36290 County Road 439, in the unincorporated Eustis area of Lake County, Florida, in Section 13, Township 21 South, Range 25 East, having Alternate Key Number 3794099 and more particularly described as:

the North 99 feet of the South ½ of the North ¼ of the Southwest ¼ of the Northeast ¼ of Section 13, Township 21 South, Range 25 East, Lake County, Florida, less any county road right of way over the West side 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 September 10, 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 September 10, 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-20-34-1 to allow the proposed residence to be located twenty (20) feet from the side property line with the following condition:

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 10th day of September, 2020.

EFFECTIVE September 10, 2020.

BOARD OF ADJUSTMENT

LAKE COUNTY, FLORIDA

**James Argento, Chairman or
Bea Meeks, 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 10th day of September, 2020, by _____.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)