



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearing Date: October 8, 2020

Case No. and Project Name: VAR-20-47-4, Mirizio Property

Owner: Stephan Mirizio

Applicant: Stephan Mirizio

Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05, *Setback Requirements*, Note 3.a to allow a garage to be located thirteen (13) feet from the right-of-way in lieu of twenty-five (25) feet as required for lots seventy-five (75) feet or greater.

Case Manager: Heather N. Croney, Planner

Subject Property Information

Size: 0.33 +/- acres

Location: 2125 Lakeshore Drive, in the Mount Dora area

Alternate Key No.: 1759366

Future Land Use: Urban Low

Current Zoning District: Rural Residential (R-1)

Flood Zone: "X"

Joint Planning Area/ ISBA: Mount Dora Joint Planning Area (JPA)

Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Rural Residential (R-1)	Residential	Single-Family Dwelling Units
South	Urban Low	Rural Residential (R-1)	Residential	Single-Family Dwelling Units
East	Urban Low	Rural Residential (R-1)	Street	Grove Avenue, Adjoined by Single-Family Dwelling Units
West	Urban Low	Rural Residential (R-1)	Residential	Single-Family Dwelling Units

Summary of Request.

The subject 0.33 +/- acre parcel is identified by Alternate Key Number 1759366. The parcel is zoned Rural Residential (R-1) and is part of the Urban Low Future Land Use Category (FLUC). The subject parcel is currently developed with a single-family dwelling unit, screened porch, and a garage. The parcel is generally located along Lakeshore Drive, west of Grove Avenue, in the Mount Dora area, and on the north side of Lake Dora.

The Applicant is seeking to construct a garage thirteen (13) feet from the right of way; however, LDR Table 3.02.05, *Setback Requirements*, Note 3.a requires that the structure maintain a secondary front yard setback of twenty-five (25) feet from the right of way for lots of seventy-five (75) feet or greater.

The applicant has been experiencing issues with flooding of his home through the existing garage during heavy rains. The applicant states that the existing garage sits lower than the street, so he is seeking to build a new garage two (2) feet west of the currently existing garage and at a two (2) foot incline and on a higher platform with a pitch towards the street to resolve his flooding issues. The applicant's building plan (Attachment A) shows that the existing garage is lower than the street by more than nine (9) feet and how the proposed development will mitigate the flooding issues. Attachment B shows the proposed garage and retaining wall with arrows showing how drainage will flow away from the home and towards Lakeshore Drive after construction.

The Applicant has indicated that the proposed location of the garage is necessary to resolve the flooding issues. As such, the Applicant has submitted a variance request to LDR Table 3.02.05, *Setback Requirements*, Note 3.a to allow a garage to be located thirteen (13) feet from the right of way in lieu of twenty-five (25) feet from the right of way, as required for lots of seventy-five (75) feet or greater in width.

The variance application was sent to the Public Works Department for review. The Public Works Department has no objections to the request. The variance application was sent to the City of Mount Dora since the property is located in the Mount Dora Joint Planning Area (JPA), and no comments or objections have been provided at this time.

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.

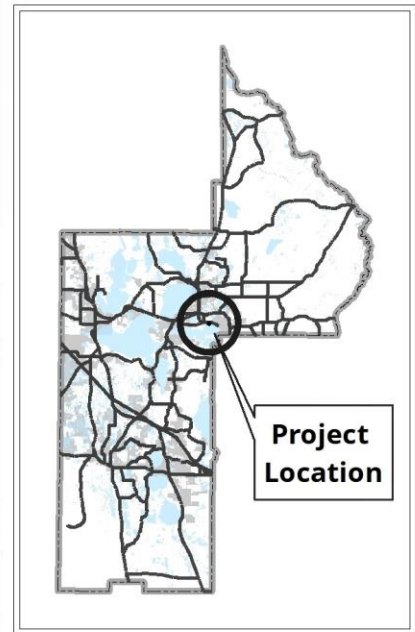
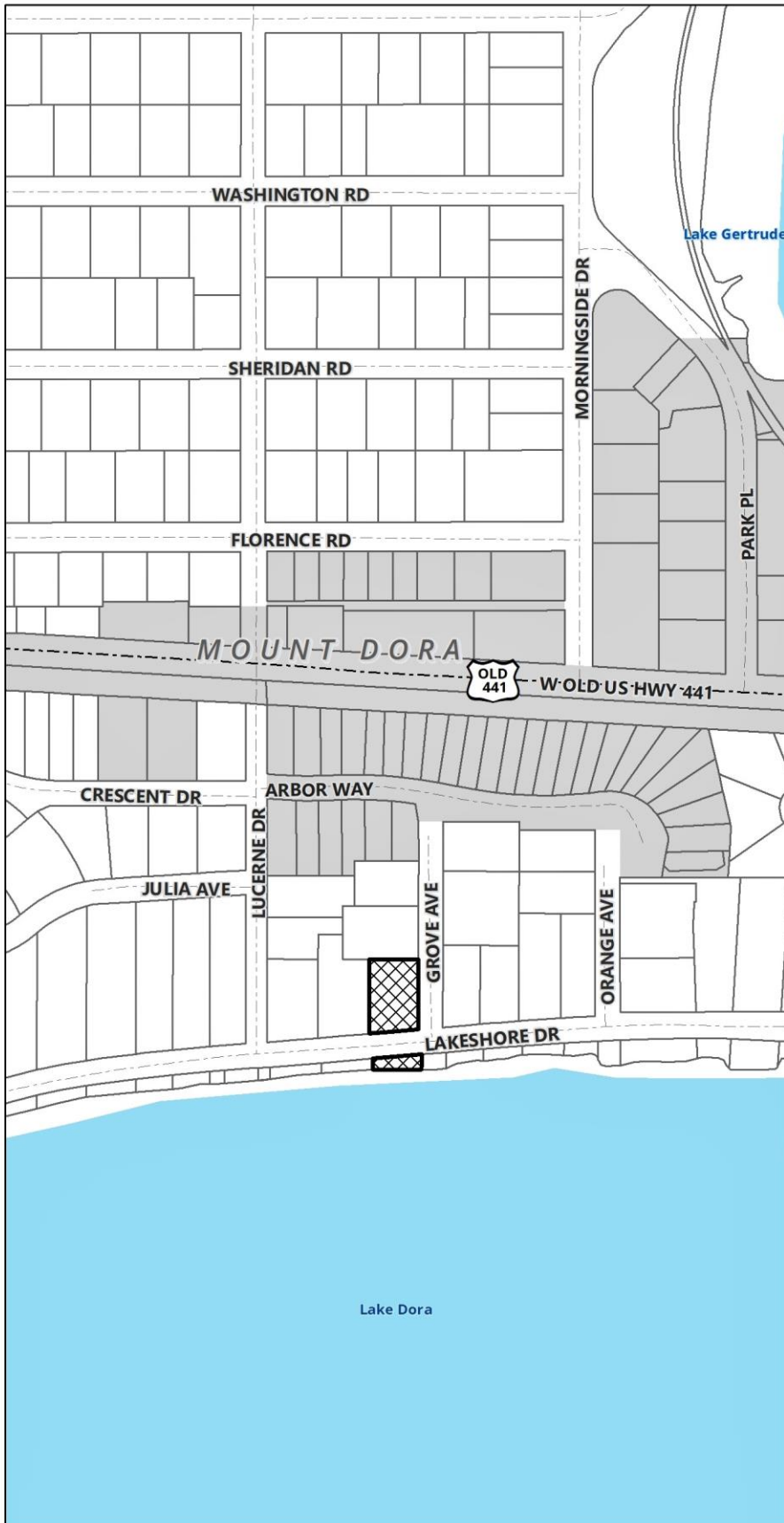
The **intent of the Code**, LDR Section 3.02.05, *Setbacks*, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

"Requesting variance approval of new garage setting back 2 feet west of pre-existing garage and at a 2 foot incline creating pitch towards street, removing flooding problem."

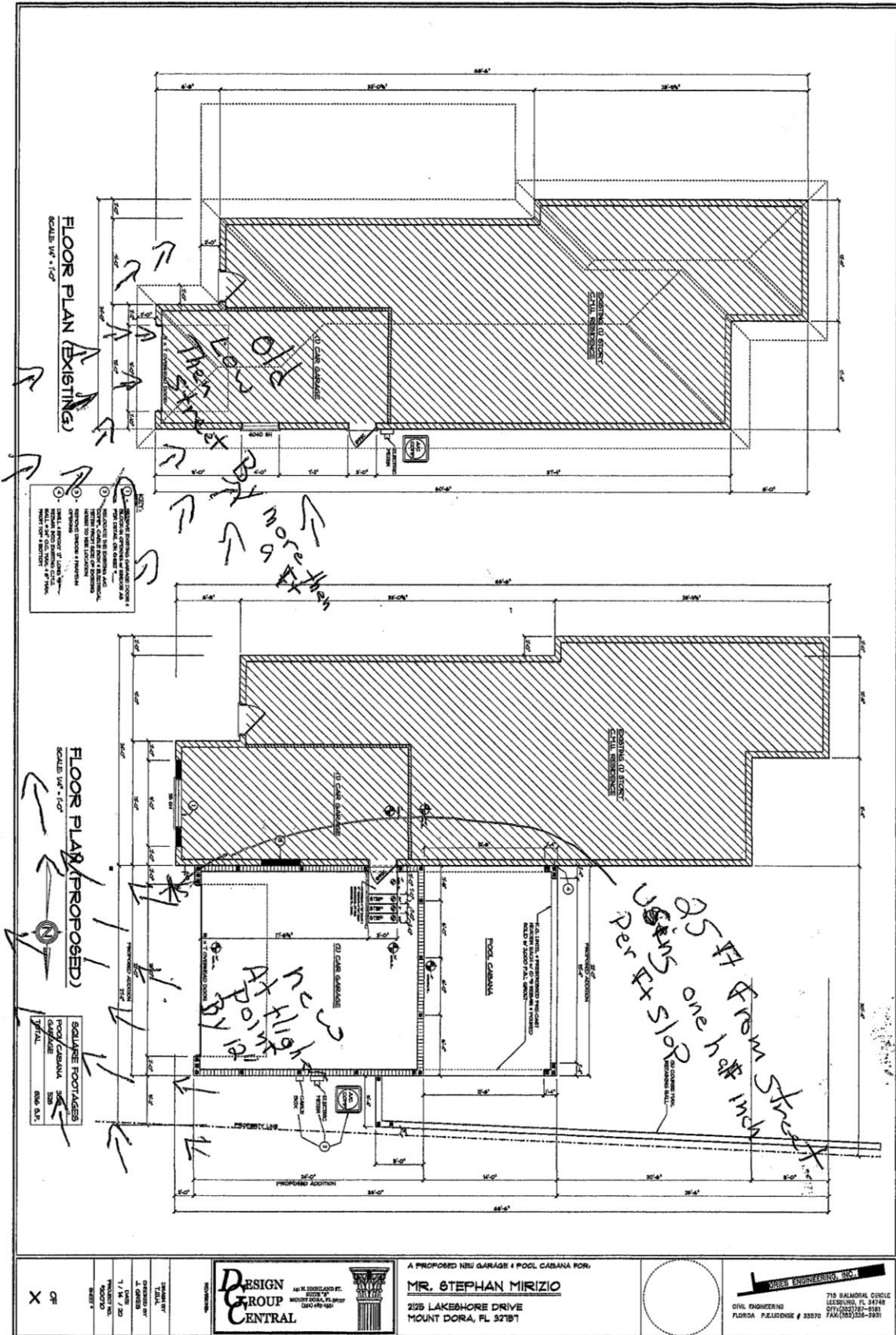
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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.

"Under current conditions, experiencing flooding of home through garage from neighbor's septic fields during heavy rain, tropical storms, hurricanes. Existing garage is at low point of rainfall, lower than street"

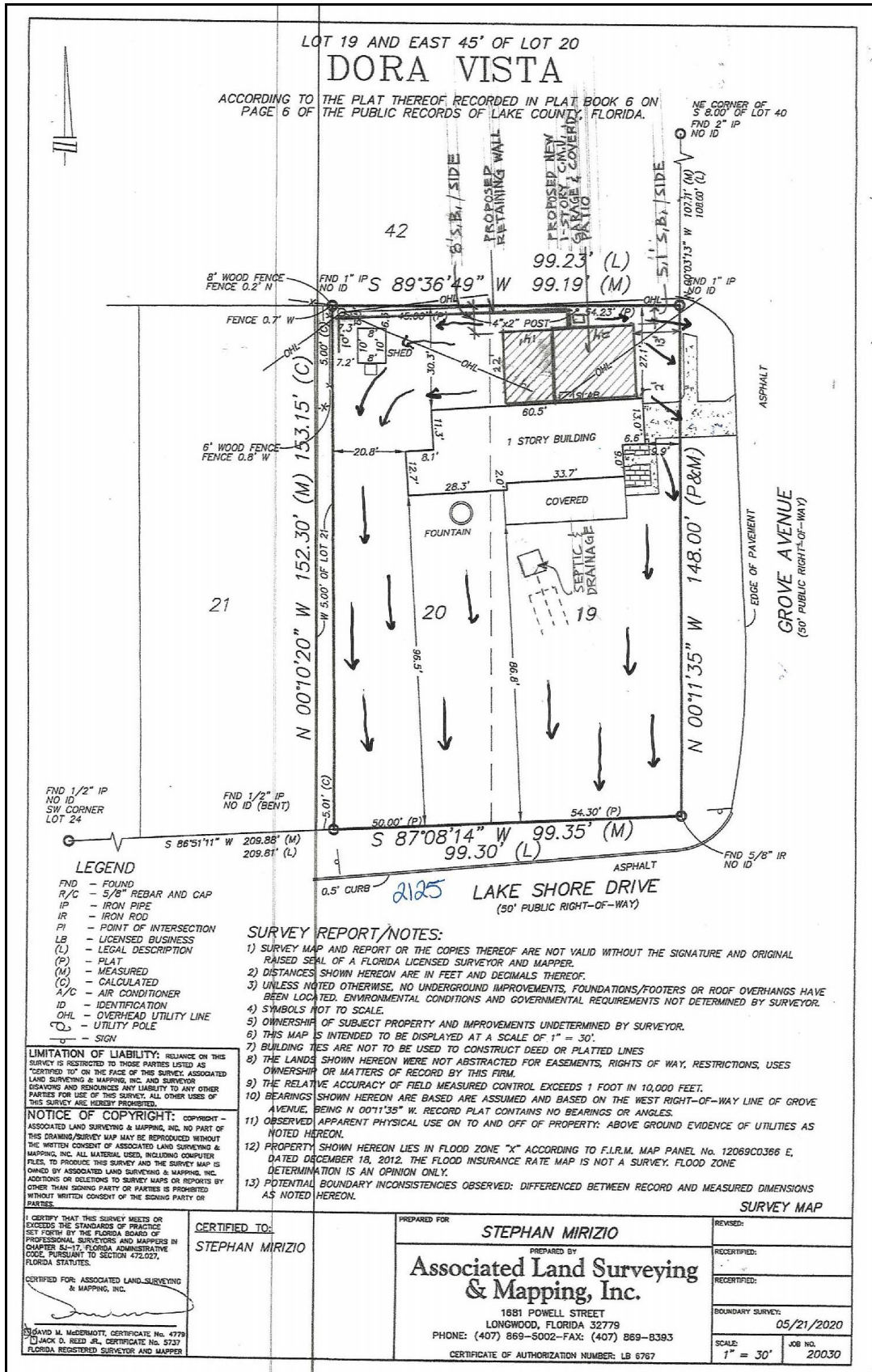
Map of Subject Property



Attachment A. Building Plan.



Attachment B. Concept Plan.



**Final Development Order
VAR-20-47-4
Mirizio Property**

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

WHEREAS, Stephan Mirizio (the “Applicant” and the “Owner”) requested a variance to Lake County Land Development Regulations (LDR) Table 3.02.05, Setback Requirements, Note 3.a to allow a garage to be located thirteen (13) feet from the right-of-way in lieu of twenty-five (25) feet, as required for lots seventy-five (75) feet or greater; and

WHEREAS, the subject property consists of 0.33 +/- acres, is located at 2125 Lakeshore Drive, in the unincorporated Mount Dora area of Lake County, Florida, in Section 25, Township 19, Range 26, having Alternate Key Number 1759366, and more particularly described below (“property”):

Begin at the Northeast corner of Lot 19 in Dora Vista, a subdivision in lake County, Florida, according to the plat thereof as recorded in Plat Book 6, page 6, Public Records of Lake County, Florida, thence run West along the North line of Lots 19 and 20 in the said Dora Vista Subdivision to a point 5 feet East of the Northwest corner of the said Lot 20, thence run South and parallel with the West line of the said Lot 20 to high water mark of Lake Dora, the said point bring hereby designated as Point “A”; Begin again at the point of beginning, thence run South to the high water mark of Lake Dora; thence run Westerly along and with the high water mark of Lake Dora to the above designated Point “A”: Less the right of way of Lake Shore Drive.

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 October 8, 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 October 8, 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-20-47-4 to allow a garage to be on the property located thirteen (13) feet from the right of way, in lieu of twenty-five (25) feet from the right of way. Development permits from the Office of Planning and Zoning and the Office of Building Services must be obtained prior to construction.

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 8th day of October, 2020.
EFFECTIVE October 8, 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 8th day of October, 2020, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**