



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 10

Public Hearing Date: November 12, 2020

Case No. and Project Name: VAR-20-56-2, Thomas Property

Owner: Angela and James Thomas

Applicant: Angela Thomas

Requested Action: Variance to Lake County Land Development Regulations Table 3.02.05, Setback Requirements, to allow an accessory structure to be located sixteen (16) feet from the rear/northern property line in lieu of twenty five (25) feet.

Case Manager: Heather N. Croney, Planner

Subject Property Information

Size: 5 +/- acres

Location: 120085 C W Harrell Road, in the Clermont area

Alternate Key No.: 1071224

Future Land Use: Rural

Current Zoning District: Agriculture

Flood Zone: "X"

Joint Planning Area/ ISBA: Clermont Interlocal Service Boundary Area and Joint Planning Area

Overlay Districts: Lake Apopka Basin Overlay District

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture	Vacant	Vacant Residential
South	City of Clermont	City of Clermont	Street	Sunburst Lane, Adjoined by Single-Family Dwelling Units
East	Regional Office	Medium Residential (R-3)	Vacant, Wetlands	Vacant, Wetlands
West	Rural	Agriculture (A)	Residential	Single Family Dwelling Unit

Summary of Request.

The subject five (5) +/- acre parcel is identified by Alternate Key Number 1071224. The parcel is zoned Agriculture (A) and is part of the Rural Future Land Use Category (FLUC). The subject parcel is currently developed with a manufactured home. The parcel is generally located along the North side of Sunburst Lane, in the Clermont area.

The property owners were cited for building without a permit in April of 2020 (Code Case No. 2020040060) for an accessory structure. The accessory structure was placed on the property in 2011 prior to the current property owner purchasing the property in 2014. The Applicant was unable to obtain a zoning permit for the structure to facilitate the issuance of a building permit, but the structure does not meet its setback. Lake County Land Development Regulations Table 3.02.05, *Setback Requirements*, requires a twenty five (25) foot setback from the rear property line for Agriculture-zone property. The Applicant is seeking a variance for an existing accessory structure to be sixteen (16) feet from the rear/northern property line in lieu of twenty-five (25) feet.

The variance application was sent to the Public Works Department for review. The Public Works Department has no objections to the request. The subject property is located in the Clermont Interlocal Service Boundary Area (ISBA) and the variance application was sent to the City of Clermont; no comments or objections have been provided by the City.

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.

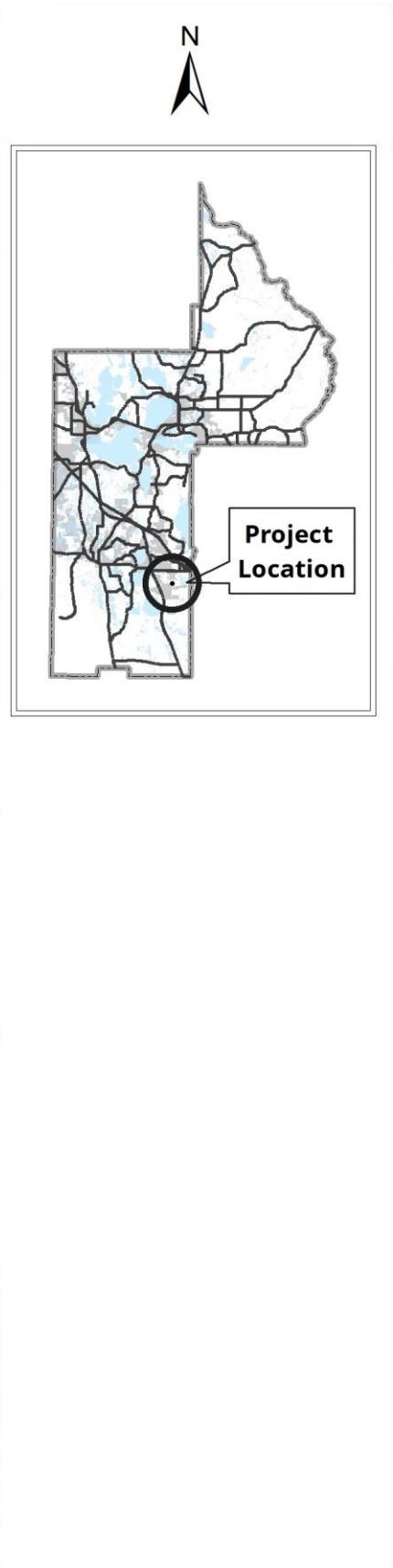
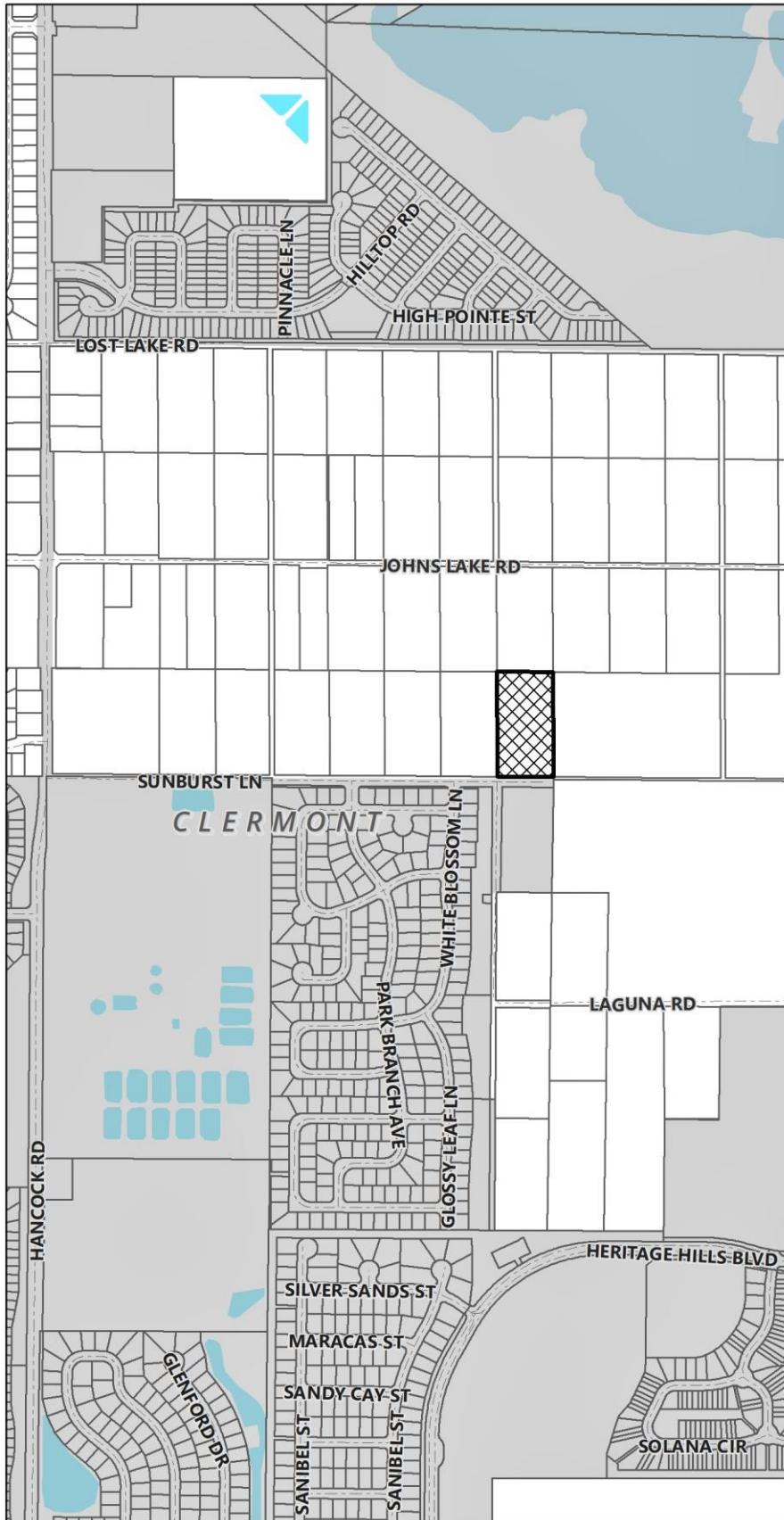
The **intent of the Code**, LDR Section 3.02.05, *Setbacks*, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

"Fence and woods between properties to the north. Home more than 200' from building in question: NW of the building."

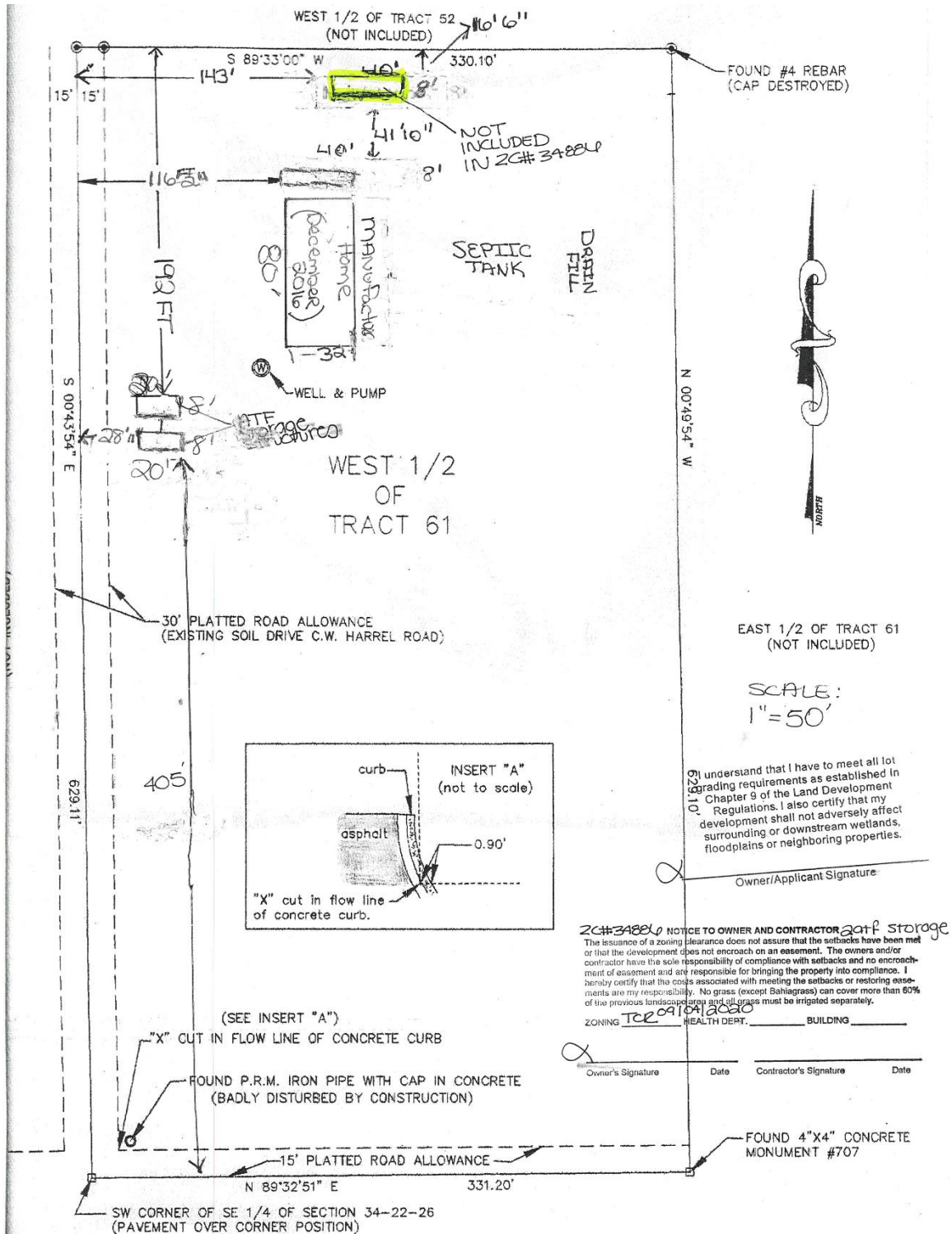
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For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

"Unit in when purchased in 2014 per taxes put in 2011. It was a hurricane shelter. Its mounts is 6 concrete pillars about 10 feet in ground and it can't be moved."

Map of Subject Property



Attachment A. Concept Plan.



I understand that I have to meet all lot grading requirements as established in Chapter 9 of the Land Development Regulations. I also certify that my development shall not adversely affect surrounding or downstream wetlands, floodplains or neighboring properties.

Owner/Applicant Signature

2C#34886 NOTICE TO OWNER AND CONTRACTOR
 The issuance of a zoning clearance does not assure that the setbacks have been met or that the development does not encroach on an easement. The owners and/or contractor have the sole responsibility of compliance with setbacks and no encroachment of easement and are responsible for bringing the property into compliance. I hereby certify that the costs associated with meeting the setbacks or restoring easements are my responsibility. No grass (except Bahiagrass) can cover more than 50% of the previous landscaped area and all grass must be irrigated separately.

ZONING TC 9101 HEALTH DEPT. _____ BUILDING _____

Owner's Signature _____ Date _____ Contractor's Signature _____ Date _____

THE WEST 1/2 OF TRACT 61 OF POSTAL COLONY COMPANY, SECTION 34, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 9, PAGE 65, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

SETBACKS HEREON ARE BASED ON THE ASSUMED BEARING OF N.89°32'51"E., ALONG THE SOUTH BOUNDARY OF TRACT 61.

PROPERTY IS SUBJECT TO ANY FACTS THAT MIGHT BE DISCLOSED BY A FULL AND ACCURATE TITLE SURVEY. PROPERTY LIES WITHIN FLOOD ZONE "X" AN AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD ZONE, ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP. FOUND ENCROACHMENTS OR IMPROVEMENTS, IF ANY, NOT LOCATED OR SHOWN. FOUND ENCROACHMENTS, IF ANY, AS SHOWN. FOUND #5 REBAR #1723 UNLESS OTHERWISE NOTED.

Blackburn Surveying, Inc.
 L.B. # 6528
 642 W. Highway 50
 P.O. Box 121022
 Clermont, Florida 34712
 (352) 394-4417

Final Development Order
VAR-20-56-2
Thomas Property

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

WHEREAS, Angela Thomas (the “Applicant”), on behalf of James W. and Angela L. Thomas (the “Owners”), requested a Variance to Lake County Land Development Regulations Table 3.02.05, Setback Requirements, to allow an existing accessory structure to be located sixteen (16) feet from the rear/northern property line in lieu of twenty-five (25) feet; and

WHEREAS, the subject property consists of 5 +/- acres, is located at 12008 C W Harrell Road, in the unincorporated Clermont area of Lake County, Florida, in Section 34, Township 22 South, Range 26 East, having Alternate Key Number 1071224, and more particularly described below:

The West 1/2 of Tract 61 of Postal Colony Company, located in Section 34, Township 22 South, Range 26 East, Lake County, Florida, and recorded in Plat Book 9, Page 65, Public Records of Lake County, Florida.

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 November 12, 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 November 12, 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-20-56-2 to allow an accessory structure to be located sixteen (16) feet from the rear/northern property line 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.

**Section 3. Effective Date. This Ordinance will become effective as provided by law.
ENACTED this 12th day of November, 2020.
EFFECTIVE November 12, 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 12th day of November, 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)**