



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: December 10, 2020

Case No. and Project Name: VAR-20-61-5, Byler Property

Owners: Barbara and Freeman Byler

Applicant: Steven W. Crow Jr.

Requested Action: Variance to Land Development Regulations (LDR) Table 3.02.05, Setbacks, to allow for a proposed single-family dwelling unit to be located 4.5-feet from the side property lines, in lieu of the required 5-feet.

Case Manager: Emily W. Johnson, Senior Planner

Subject Property Information

Size: 0.17 +/- acres

Location: 24031 Armadillo Road, in the Astor area.

Alternate Key No.: 1712165

Future Land Use: Urban Low

Current Zoning District: Mixed Residential District (R-7)

Flood Zone: "X"

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: Wekiva – Ocala Rural Protection Area (RPA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	R-7	Residential	Single-Family Residence
South	Urban Low	R-7	Right-of-Way	Armadillo Road, Single-Family Residence south of R-O-W
East	Urban Low	R-7	Vacant Residential	Undeveloped Residential Lot
West	Urban Low	R-7	Residential	Single-Family Residence

Summary of Request.

The subject property, identified as Alternate Key Number 1712165, contains 0.17 +/- acres, is zoned Mixed Residential District (R-7) and designated with an Urban Low Future Land Use Category by the 2030 Comprehensive Plan. The property is described as Lot 13 of Block 3 of Astor Forest Campsites Subdivision, an unrecorded plat. Generally, the subject property is located north of Armadillo Road, in the Astor area of Lake County. The subject property is located within the Wekiva – Ocala RPA, and is currently vacant.

The Applicant was issued a zoning clearance on June 23, 2020 for a single-family residence (28' X 65' mobile home) with side and rear setbacks of 5-feet. Upon submitting an application for a permit, the Office of Building Services found that the dimensions of the proposed single-family residence exceeded those which were approved; in order to revise the zoning clearance to reflect the accurate dimensions (28' X 66'), a variance to the 5-foot setback is required. The Applicant has requested a variance to LDR Table 3.02.05, in order to allow for the proposed single-family dwelling unit to be located 4.5-feet from the side property lines, in lieu of the required 5-feet.

The plot plan (Attachment "A") depicts the accurate dimensions and placement of the proposed single-family residence. The Department of Public Works reviewed the variance application and indicated that they have no objections nor comments in regards to the 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 LDR Table 3.02.05 is to establish an adequate and safe distance between structures, avoid impediment of proper drainage, and ensure neighboring properties are not otherwise negatively impacted by proposed development.

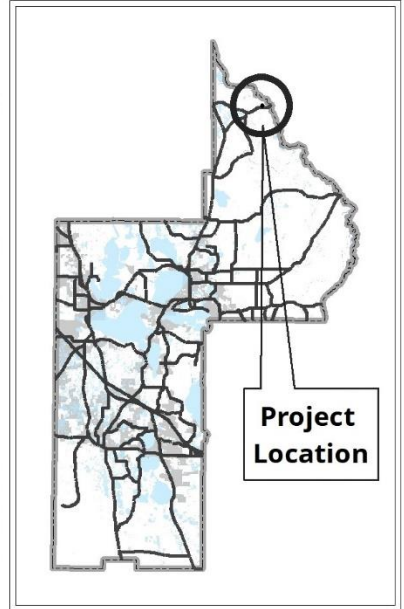
The Applicant provided the following statement as proof that the intent of the code will be or has been achieved by other means, *"The center[line of the] road setback has been met, as well as the [setback to the] property behind the home."*

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.

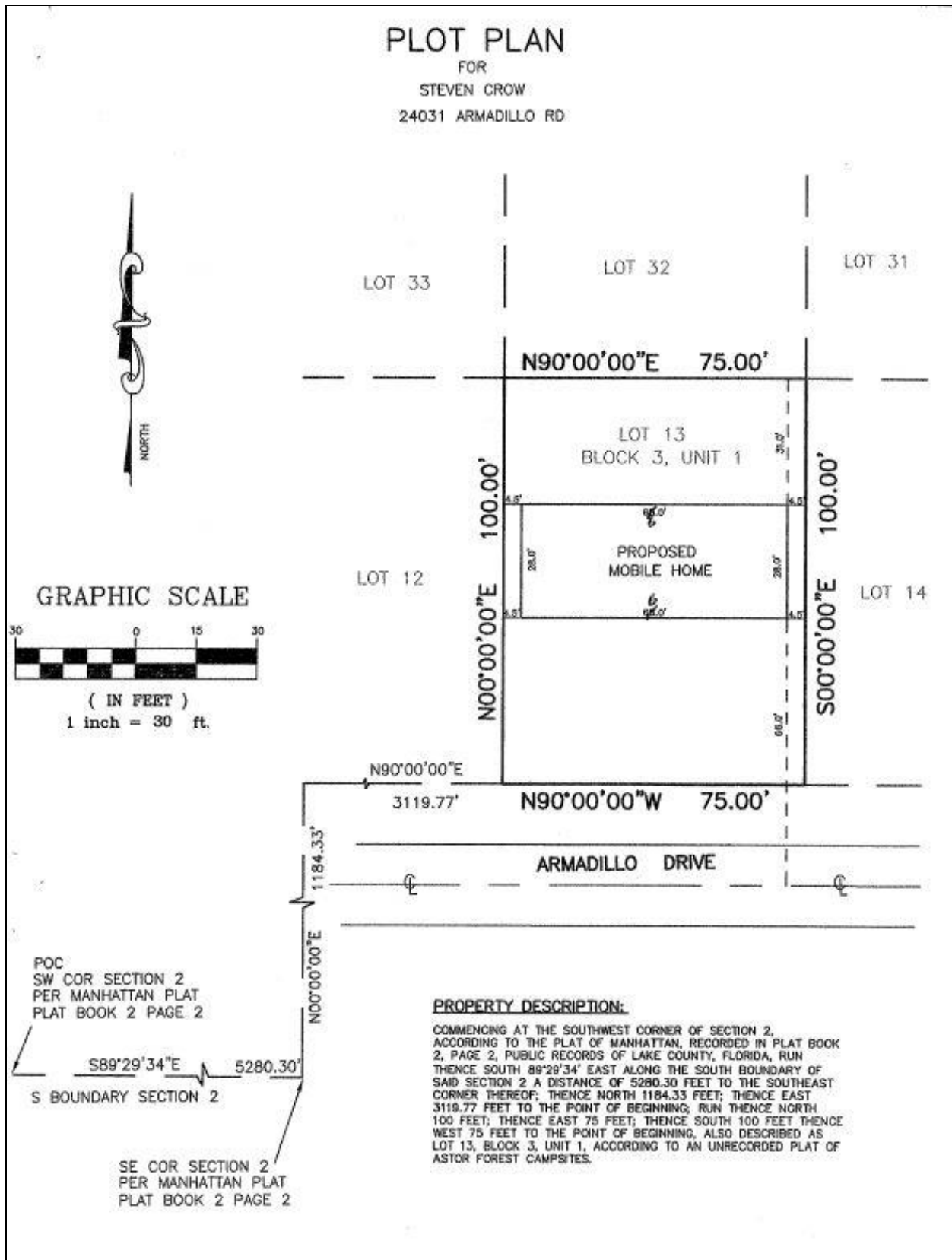
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

The Applicant provided the following statement, *"This is my grandfathers residents [sic] the home he has lived in for 20+ years. The neighbors adjacent to the property have no issues with the 6" in question. The home was moved to have a smaller lot for less maintenance for my grandfather to take care of."*

Map of Subject Property



Attachment "A" – Plot Plan



**Final Development Order
VAR-20-61-5
Byler Property**

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

WHEREAS, Steven W. Crow Jr. (the "Applicant"), on behalf of Barbara and Freeman Byler (the "Owners"), requested a variance to Land Development Regulations (LDR) Table 3.02.05, Setbacks, to allow for a proposed single-family dwelling unit to be located 4.5-feet from the side property lines, in lieu of the required 5-feet; and

WHEREAS, the subject property consists of 0.17 +/- acres, located at 24031 Armadillo Road, in the Astor area of unincorporated Lake County, in Section 38, Township 15, Range 28, having Alternate Key Number 1712165, and more particularly described below; and

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 2,
ACCORDING TO THE PLAT OF MANHATTAN, RECORDED IN PLAT BOOK
2, PAGE 2, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, RUN
THENCE SOUTH 89°29'34' EAST ALONG THE SOUTH BOUNDARY OF
SAID SECTION 2 A DISTANCE OF 5280.30 FEET TO THE SOUTHEAST
CORNER THEREOF; THENCE NORTH 1184.33 FEET; THENCE EAST
3119.77 FEET TO THE POINT OF BEGINNING; RUN THENCE NORTH
100 FEET; THENCE EAST 75 FEET; THENCE SOUTH 100 FEET THENCE
WEST 75 FEET TO THE POINT OF BEGINNING, ALSO DESCRIBED AS
LOT 13, BLOCK 3, UNIT 1, ACCORDING TO AN UNRECORDED PLAT OF
ASTOR FOREST CAMPSITES.

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on December 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 December 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-20-61-5, to allow for a proposed single-family dwelling unit to be located 4.5-feet from the side property lines, in lieu of the required 5-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 10th day of December, 2020.
EFFECTIVE December 10, 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 _____ day of _____, 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)**