



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: February 11, 2021

Case No. and Project Name: VAR-20-67-2, English Property

Owner: Gary and Dana English

Applicant: Gary English

Requested Action: Variance to Land Development Regulations (LDR) Table 3.02.05, Setbacks, to allow a setback of five (5) feet from the northern and southern side property lines, in lieu of twenty-five (25) feet from the side property lines.

Case Manager: Heather N. Croney, Planner

### Subject Property Information

Size: 3.5 +/- acres

Location: 13130 Hartle Road, in the Clermont area

Alternate Key No.: 1592518

Future Land Use: Urban Low Density Future Land Use Category (FLUC)

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: Clermont Interlocal Service Boundary Area (ISBA)

Overlay Districts: Lake Apopka Basin Overlay District

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Agriculture (A)	Vacant Property	Vacant Property
South	Urban Low	Agriculture (A)	Residential	Single Family Dwelling Unit
East	N/A	N/A	Lake	Johns Lake
West	Urban Low	Agriculture (A)	Residential	Hartle Road, Adjoined by Agriculture Property

### Summary of Request.

The subject 3.5 +/- acre parcel is identified by Alternate Key Number 1592518 and is located at 13130 Hartle Road, in the unincorporated Clermont area of Lake County. This property is located along the East side of Hartle Road, on the west side of Johns Lake, and south of County Road 455. The parcel is zoned Agriculture, is part of the Urban Low Density Future Land Use Category (FLUC), and is located within the Clermont Interlocal Service Boundary Area (ISBA), as well as the Lake Apopka Basin Overlay District. The subject parcel is currently developed with a single-family dwelling unit with an enclosed porch and a detached garage.

The Applicant is seeking to construct a parking structure aligned with the existing garage situated along the southern property boundary, build an addition onto their house, and construct a metal building along the northern boundary of the property. LDR Table 3.02.05 establishes a twenty-five (25) foot side setback for the subject property. The single-family dwelling unit was constructed in 1920 and is located approximately thirty-three (33) feet from the southern property boundary. The detached garage was constructed in 1950 and is located less than five (5) feet from the southern property boundary. The Applicant is seeking to construct a covered parking area five (5) feet from the southern boundary, closely aligned to the existing garage; add an addition to the house which would encroach on the twenty-five (25) foot setback on the southern boundary; and erect a large metal building five (5) feet from the northern property boundary. As a result, the Applicant is requesting a variance from LDR Table 3.02.05 to establish a side setback of five (5) feet from the north and south property lines, in lieu of twenty-five (25) feet.

The variance application was sent to the Public Works Department for review. The Public Works Department had no comments, conditions, or objections to the request. The property is located within the Clermont Interlocal Service Boundary Area (ISBA) and the variance application was sent to the City of Clermont to review; the City did not provide any comments or objections 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 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.

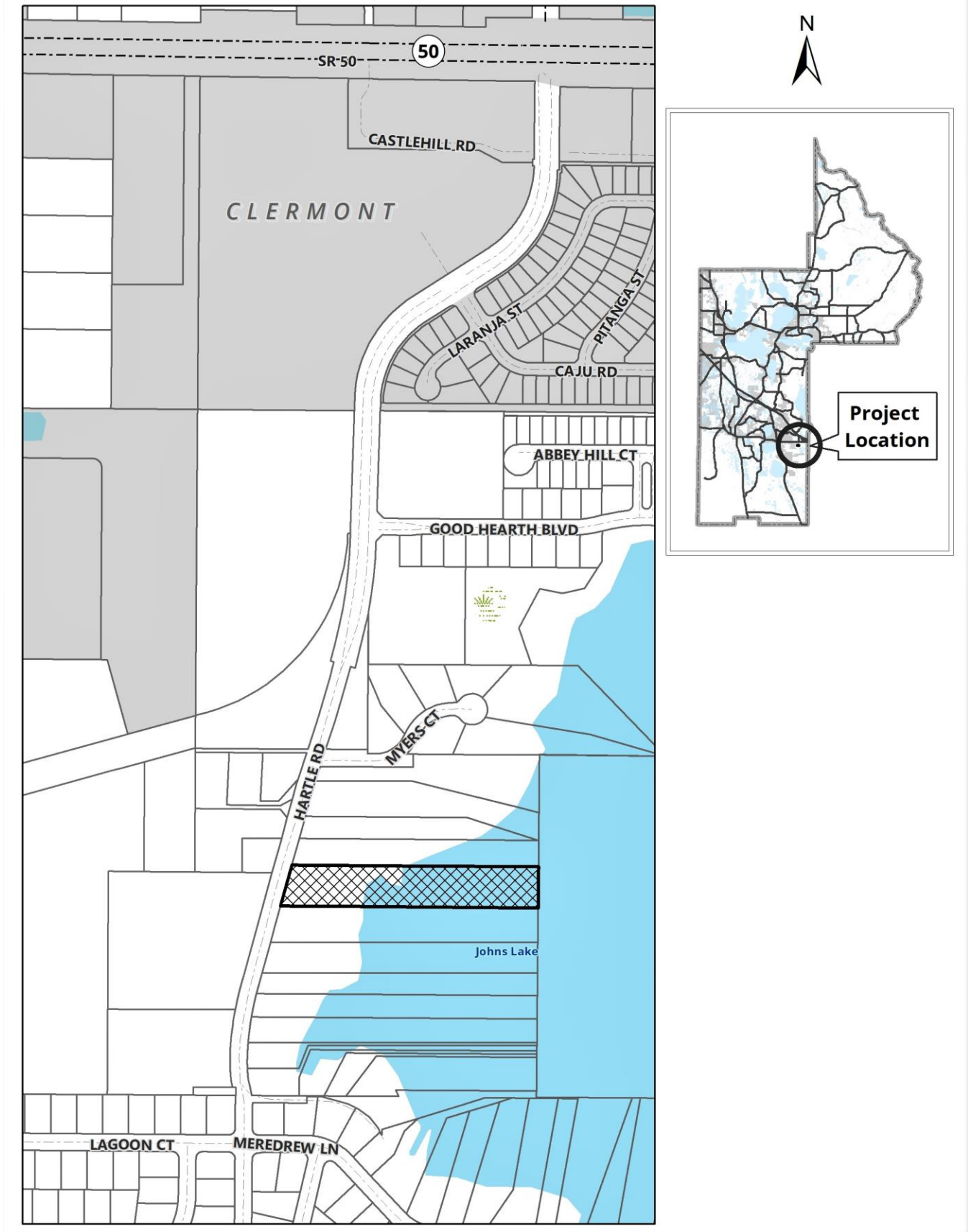
*“Both neighbors have been consulted and are supportive of the variance request. The land use regulation will be achieved by planting either barrier trees and/or a hedge as needed, which is agreeable to the adjacent property owners.” (Attachment “B” – Purpose of the Land Development Regulations Continued)*

**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.**

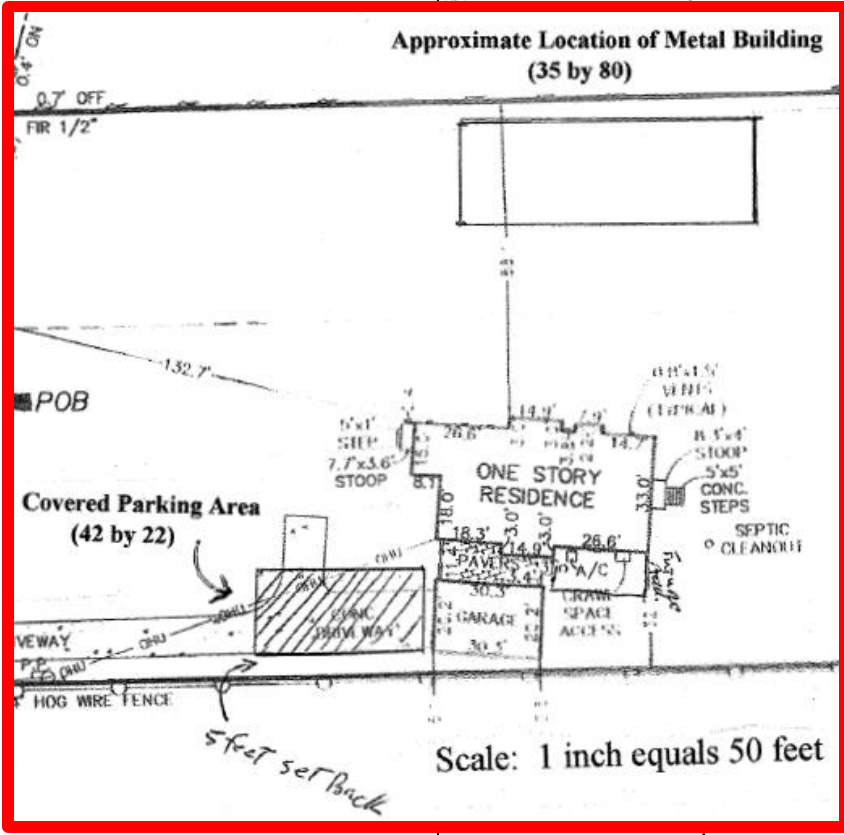
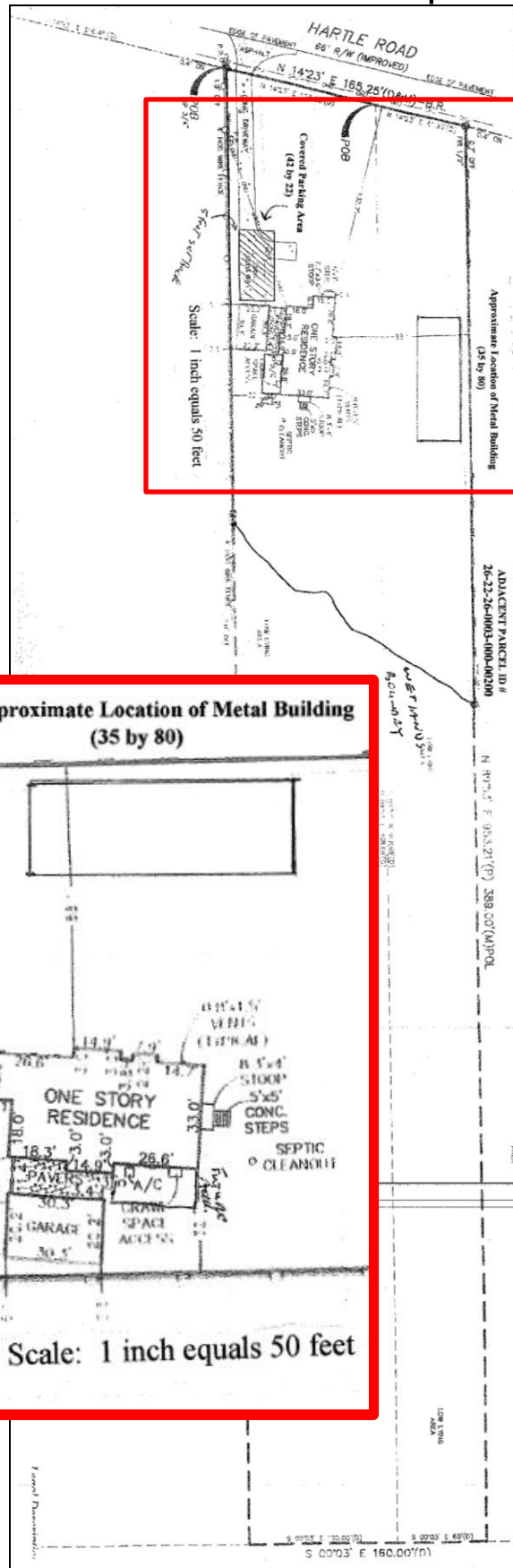
LDR Section 14.15.04 states that for the purposes of this section “substantial hardship” means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

*“Without the variance several large Oaks on the property would have to be removed and/or damaged on the north side. On the south side the variance will allow the parking structure to be integrated in the existing garage. This will also allow for a future addition to the house. The existing garage from when the house was originally built is already five feet from the property line to the south.”*

# Map of Subject Property



# Attachment "A" – Concept Plan



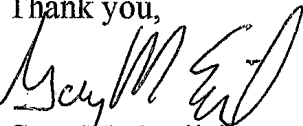
## Attachment "B" – Purpose of Land Development Regulations

To: Lake County office of Planning and Zoning

Re: 13130 Hartle Road Variance Application

The variance request, supported by both neighbors, will help preserve the natural tree coverage of the property on the north side. There are large Oaks and Magnolia trees which will not have to be trimmed or removed if the variance is granted. The variance request for the above property will not change the character of the adjacent homes. Existing structures are already built within 5 feet of the property line on the south side of the property. Since the 1960's the area has changed dramatically, and the proposed changes will not adversely affect the neighboring homes and the nearby sub-divisions.

Thank you,



Gary M. English

**Final Development Order**  
**VAR-20-67-2**  
**English Property**

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

**WHEREAS**, Gary English (the “Applicant”), on behalf of Gary and Dana English (the “Owners”), requested a variance to Land Development Regulations Table 3.02.05, Setbacks, to allow a setback of five (5) feet from the northern and southern side property lines in lieu of twenty-five (25) feet from the side property lines; and

**WHEREAS**, the subject property consists of 3.5 +/- acres, is located at 13130 Hartle Road, in the unincorporated Clermont area of Lake County, Florida, in Section 26, Township 22, Range 26, having Alternate Key Number 1592518, and more particularly described in **Exhibit “A” – Legal Description**; and

**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 February 11, 2021; 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 February 11, 2021, 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-20-67-2 to allow a setback of five (5) feet from the northern and southern property lines, in lieu of twenty-five (25) feet from the side property lines, with the following conditions:

1. Development permits from the Office of Planning and Zoning and the Office of Building Services must be obtained prior to construction.
2. Any structure located closer than twenty-five (25) feet to the side property lines shall have landscaping installed along the northern and southern perimeter to buffer the visual impact on the adjacent property owners.

**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 11th day of February, 2021.  
EFFECTIVE February 11th, 2021.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**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 11th day of February, 2021, by James Argento, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

**Type of Identification Produced \_\_\_\_\_**

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**Notary Signature  
(SEAL)**

**Exhibit "A" – Legal Description**

*Parcel #7, Lake Sherman, described as follows: From S.W. corner of the S.E. ¼ of S.W. ¼ of Section 26, Township 22 South, Range 26 East; run thence N.00°14'45"W., 331.29 feet; thence N.89°53'E., 225.97 feet; thence N.14°23'E., 516.41 feet for a Point of Beginning, run thence N.14°23'E., 61.99 feet; thence N.89°53'E., 953.21 feet, thence S.00°03"E., 60 feet; thence S.89°53'W., 968.68 feet to the Point of Beginning.*

*And*

*From Southwest corner of the Southeast ¼ of Southwest ¼ of Section 26, Township 22 South, Range 26 East; run N.00°14'45"W., 331.29 feet; thence N.89°53'E., 225.97 feet; thence N.14°23'E., 413.13 feet for a Point of Beginning, run thence N.14°23'E., 103.28 feet; thence N.89°53'E., 968.68 feet, thence S.00°03"E., 100.00 feet; thence S.89°53'W., 994.47 feet to the Point of Beginning.*

**Community number: 120421 Panel: 0595**

**Suffix: E F.I.R.M. Date: 12/18/2012 Flood Zone: X & AE**

**Date of field work: 8/31/2020 Completion Date: 8/31/2020**

*Certified to:*

*Dana D. English; Mortgagee Title Services, Inc.; Chicago Title Insurance Company; Waterstone Mortgage Corporation, its' successors and/or assigns as their interests may appear.*

*Property Address:*

*13130 Hartle Road*

*Clermont, FL 34711*

**Survey number: PS 23305**