



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: February 11, 2021

Case No. and Project Name: VAR-20-69-5, Donehoo Property

Owners: Thomas R. Donehoo Jr. & Jessica L. Donehoo

Applicant: Thomas R. Donehoo Jr.

Requested Action: Variance to Land Development Regulations (LDR) Section 3.02.05, Setbacks, to allow an after-the-fact accessory structure (carport) to be setback 3-feet from the northern property line, in lieu of 5-feet.

Case Manager: Emily W. Johnson, Senior Planner

Subject Property Information

Size: 0.65 +/- acres

Location: 16631 Lake Smith Road, in the unincorporated Umatilla area of Lake County.

Alternate Key No.: 3781322

Future Land Use: Urban Low Density

Current Zoning District: Urban Residential District (R-6)

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: Umatilla

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	R-6	Residential	Single-Family Residence
South	Urban Low Density	R-6	Residential	Single-Family Residence
East	N/A	N/A	Right-of-Way Tract	Tract "A" of Lake Smith Estates
West	Urban Low Density	R-6	Residential	Single-Family Residences, Adjacent to Lake Smith Road

Summary of Request.

The subject property, identified as Alternate Key Number 3781322, contains 0.65 +/- acres, is zoned Urban Residential District (R-6), and is designated with an Urban Low Density Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject property is located east of Lake Smith Road and west of Jim Daugherty Road, in the unincorporated Umatilla area of Lake County. The subject property is located within the Umatilla Interlocal Service Boundary Area Agreement (ISBA); the City of Umatilla was provided with the variance application and indicated that they have no comments or objections to the request. The subject property is currently developed with a single-family dwelling unit and related accessory uses.

On October 22, 2020, the Office of Building Services opened a code enforcement case (Action Order 2020090169) for an after-the-fact accessory structure (carport) that was constructed without a permit; because the structure does not meet the required setbacks, the Applicant submitted a variance request in order to facilitate permitting of the structure.

The Applicant has requested a variance to LDR Section 3.02.05, Setbacks, to allow for an after-the-fact accessory structure (carport) to be setback 3-feet from the northern property line, in lieu of 5-feet. The carport is proposed to be placed over existing concrete, the location of which is depicted on the plot plan (Attachment "A"). The Lake County Department of Public Works reviewed the variance application and did not indicate any comments or opposition to the request. The Applicants provided a petition signed by surrounding property owners in support of their request (Attachment "B").

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 ensure that structures are located a safe distance from right-of-ways and neighboring properties, and to avoid impediment of proper drainage.

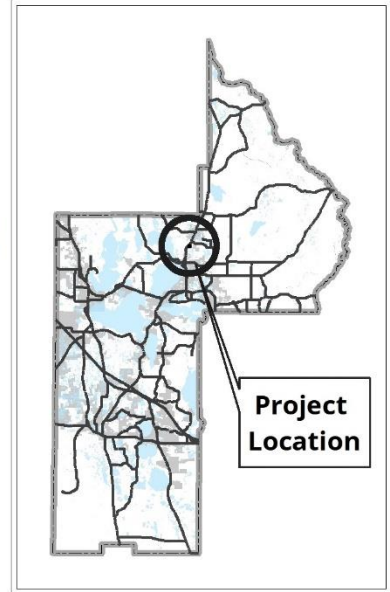
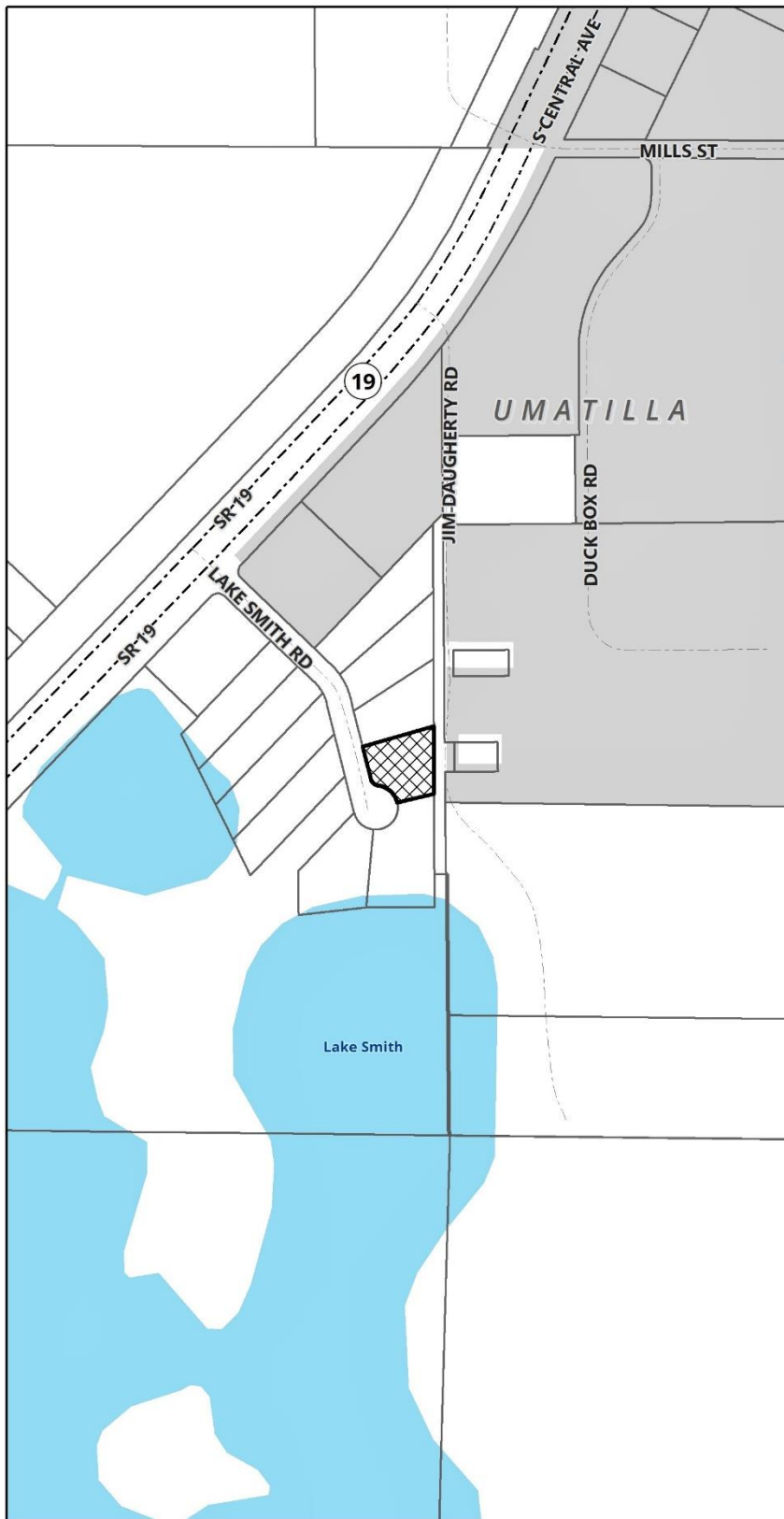
The Applicant provided the following statement as proof that the intent of the code will be or has been achieved by other means, *"3 of the 4 corners meet the required setbacks. The NW corner is 3 ft from the property line. My neighbor signed a letter (in packet) and agreed that he does not plan on putting anything on that side of his home (close to the carport side) within 7 ft. So in the future there will always be a 10 ft space between my neighbor and I to meet the water runoff."*

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.

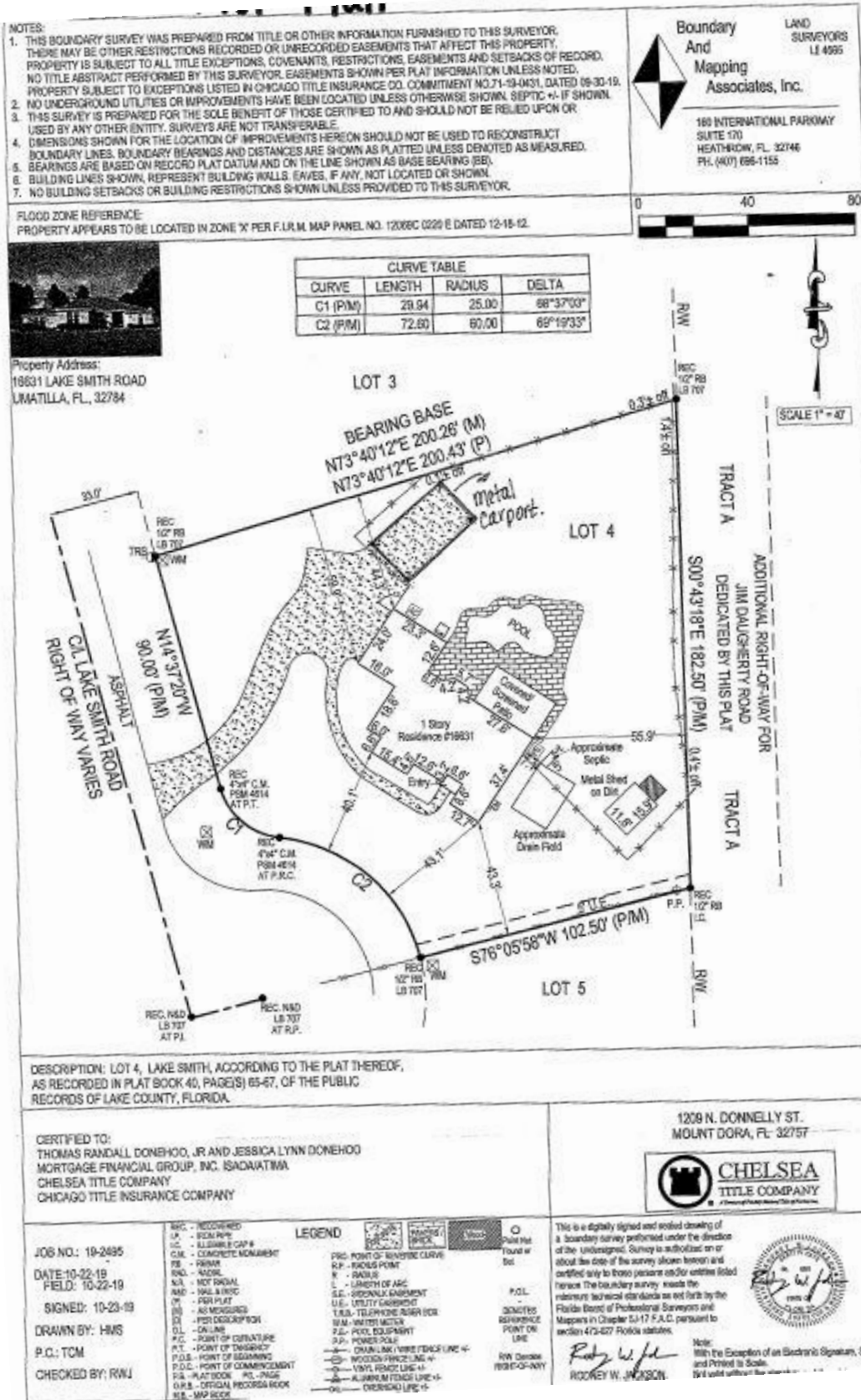
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

The Applicant provided the following statement, *"We purchased this house in November 2019. There is a slab of concrete that is 20 X 40. The same size as the metal carport, it does not meet the 5 ft setback. It's 3 ft away from my neighbor's fence. If I have to move the metal carport it will cost a lot of money to pour more concrete and this would put us in a financial hardship."*

Map of Subject Property



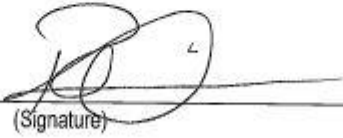
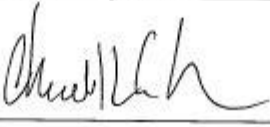


Attachment "A" – Plot Plan



Attachment "B" – Signed Petition (Page 1 of 2)

Donehoo Request: To allow our metal carport to be 3ft instead of 5ft from the setback on the concrete pad that was already in place when we purchased the home in November 2019.

Summary of Petition: We the residents in the Lake Smith Estate (information below) are okay with Thomas R. Donehoo Jr. & Jessica L. Donehoo having the metal carport that does not meet the 5ft setback at the following location: 16631 Lake Smith Rd. Umatilla, FL. 32784

#1	Ron Oliver		11/03/20
	(Print Name)	(Signature)	(Date)
	16639 LAKE SMITH RD.		3781323
	(Address)		(Alt Key #)
#2	Charles Schneider		11/04/20
	(Print Name)	(Signature)	(Date)
	16623 Lake Smith Rd		3781321
	(Address)		(Alt Key #)
#2	Milissa Schneider		11-04-20
	(Print Name)	(Signature)	(Date)
	16623 Lake Smith Rd.		3781321
	(Address)		(Alt Key #)
#1	Donna Campbell		11-4-2020
	(Print Name)	(Signature)	(Date)
	16639 Lake Smith Rd		3781323
	(Address)		(Alt Key #)

Attachment "B" – Signed Petition (Page 2 of 2)

#3 Patricia + Larry Qualls
(Print Name) (Signature) 11/5/2020
(Date)
16616 Lake Smith Rd Umatilla, FL 3781328
(Address) (Alt Key #)

#4 Patricia Torrance Patricia Torrance 11/5/2020
(Print Name) (Signature) (Date)
16615 Lake Smith Rd Umatilla, FL 32784 3781320
(Address) (Alt Key #)

#5 Kyle Weaver Kyle Weaver 11/5/2020
(Print Name) (Signature) (Date)
16607 Lake Smith Road Umatilla, FL 32784 3781318
(Address) (Alt Key #)

#6 Claudia Petree Claudia Petree 11/5/2020
(Print Name) (Signature) (Date)
16624 Lake Smith Rd Umatilla, FL 32784 3781326
(Address) (Alt Key #)

#7 Clarence Petree Clarence Petree 11-5-2020
(Print Name) (Signature) (Date)
16624 Lake Smith Rd Umatilla FL 3781326
(Address) (Alt Key #)

#8 Lovella McConnell Lovella McConnell 11-05-2020
(Print Name) (Signature) (Date)
16632 Lake Smith Rd, Umatilla, FL 3781325
(Address) (Alt Key #)

**Final Development Order
VAR-20-69-5
Donehoo Property**

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

WHEREAS, Thomas R. Donehoo Jr. (the "Applicant"), on behalf of Thomas R. Donehoo Jr. and Jessica L. Donehoo (the "Owners"), requested a variance to Land Development Regulations (LDR) Section 3.02.05, Setbacks, to allow for an after-the-fact accessory structure (carport) to be setback 3-feet from the northern property line, in lieu of 5-feet; and

WHEREAS, the subject property consists of 0.65 +/- acres and is located at 16631 Lake Smith Road, in the Umatilla area of unincorporated Lake County, in Section 23, Township 18, Range 26, having Alternate Key Number 3781322, and more particularly described below; and

Lot 4, Lake Smith Estates, according to the map or plat thereof, as recorded in Plat Book 40, Page(s) 65 through 67, inclusive, of the Public Records of Lake County, Florida.

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 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-20-69-5, to allow for an after-the-fact accessory structure (carport) to be setback 3-feet from the northern property line, in lieu of 5-feet; with the following condition:

1. Development permits from the Office of Planning and Zoning and the Office of Building Services must be obtained for the subject after-the-fact accessory structure.

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.

[Remainder of Page Left Intentionally Blank]

Section 3. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this 11th day of February, 2021.

EFFECTIVE February 11, 2021.

**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 _____, 2021, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**