



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: April 8, 2021

Case No. and Project Name: VAR-21-04-4, Dean Property

Applicants/Owners: Tracey A. Dean and Paul R. Dean

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.02.05, to allow a single-family dwelling unit addition (garage and entry porch) to be constructed forty-seven (47) feet from the centerline of the road, in lieu of sixty-two (62) feet.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 0.50 +/- acres

Location: 35642 Cypress Court, Leesburg

Alternate Key No.: 1733278

Future Land Use Category: Urban Low Density FLUC

Current Zoning District: Urban Residential (R-6)

Flood Zones: "AE" and "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Urban Residential District (R-6)	Residential	Single-Family Dwelling Units
South	Urban Low Density	Urban Residential District (R-6)	Right-of-Way	Cypress Court, Single-Family Dwelling Units South of R-O-W
East	Urban Low Density	Urban Residential District (R-6)	Lake	Lake
West	Urban Low Density	Urban Residential District (R-6)	Residential	Single-Family Dwelling Units

Summary of Request.

The Owners submitted a variance request to LDR Section to allow a single-family dwelling unit addition (garage and entry porch) to be constructed forty-seven (47) feet from the centerline of the road, in lieu of sixty-two (62) feet (Attachment "A"). The Owners desire to construct a garage and front entry porch addition to the existing single-family dwelling unit.

The subject 0.50 +/- acre parcel is identified by Alternate Key Number 1733278; the parcel is zoned Urban Residential District (R-6), and is part of the Urban Low Density Future Land Use Category (FLUC). Currently, the parcel is developed with a single-family dwelling unit, porch, pool, screen, and driveway.

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. The Public Works Department had no objections to the request and provided the following comments: "The plot plan needs to show the existing driveway as to be removed and the new one would be allowed with the adjustment to the garage if the variance request is approved. Additionally, there is a tree in the right-of-way that would need to be removed to allow the new driveway apron. Any and all landscaping for the lot must be contained on the lot and not in the right-of-way."

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, is to promote a logical development pattern, provide for safe setbacks between structures and encourage a visually pleasing environment.

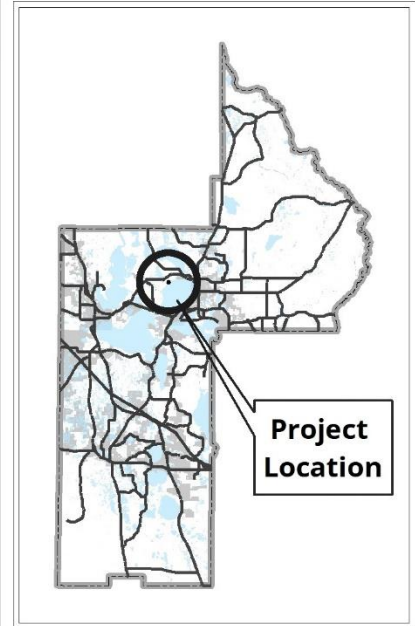
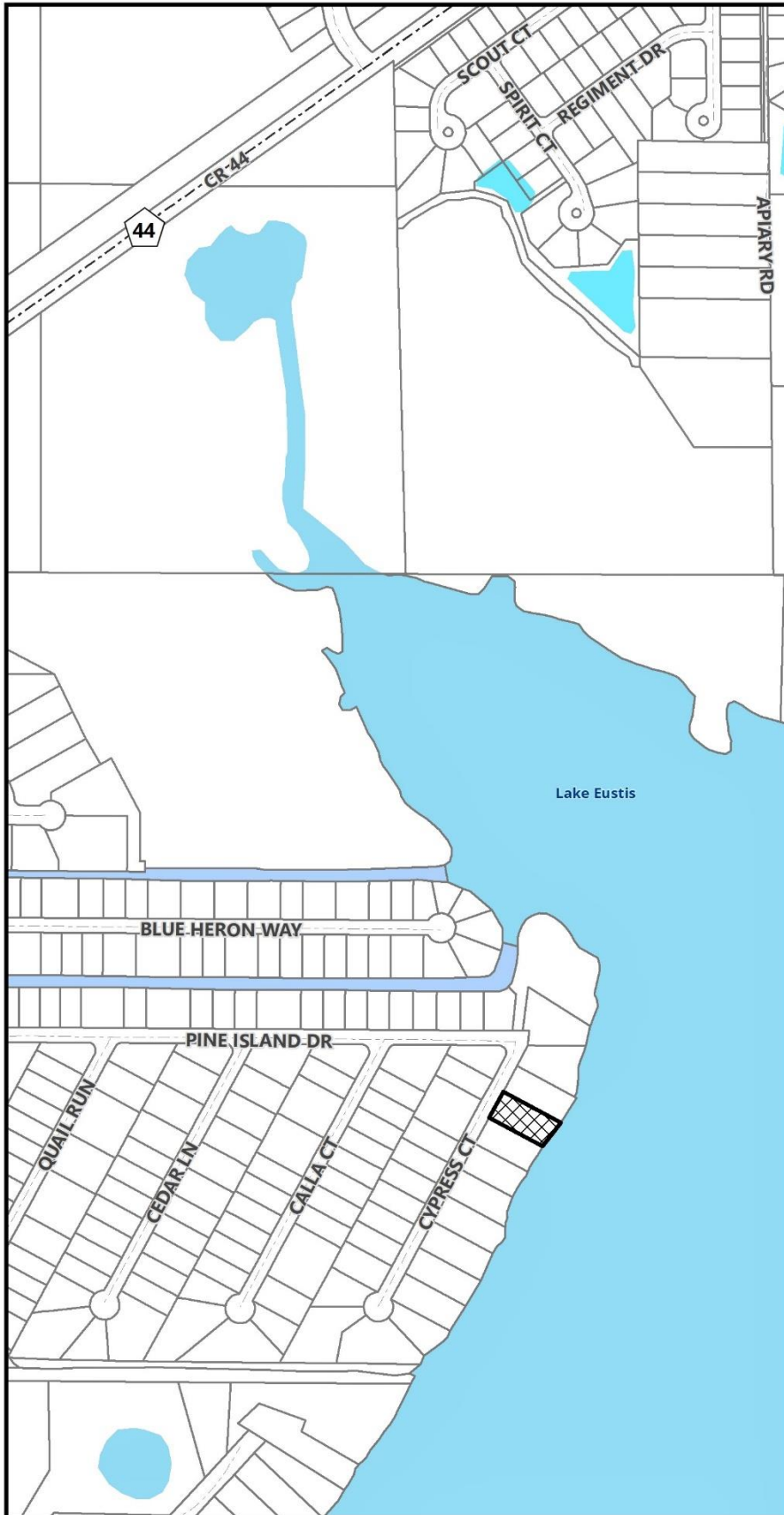
The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"The remodel would beautify and add value to the neighborhood. It would also provide hidden parking for two large vehicles and neater parking for two small vehicles."*

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.

The Applicant provided the following statement, *"We cannot fit our vehicles in the garage as it was built in 1982 when people drove compact cars. We have a business pick up truck and a large SUV. Vehicles now coast upwards of \$50,000 not \$7,000 like they did when this garage was built. We would like to protect and shelter our vehicles in the garage. It will also look cleaner and neater without vehicles parked all over the front of the house as we have two adult children with their own vehicles. We plan other improvements to the front of the house and this would greatly improve curb appeal while providing more parking."*

Map of Subject Property



**Final Development Order
VAR-21-04-4
Dean Property**

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

WHEREAS, Tracey A. Dean and Paul R. Dean (the "Owners") requested a variance to Lake County Land Development Regulations (LDR) Section 3.02.05, to allow a single-family dwelling unit addition (garage and entry porch) to be constructed forty-seven (47) feet from the centerline of the road, in lieu of sixty-two (62) feet; and

WHEREAS, the subject property consists of 0.50 +/- acres and located at 35642 Cypress Court, in the unincorporated Leesburg area of Lake County, Florida, in Section 06, Township 19 South, Range 26 East, having Alternate Key Number 1733278 and more particularly described as:

Lot 3, Block 1, Pine Island Shores, according to the map or plat thereof, as recorded in Plat Book 14, Page(s) 3, of the 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 (LDR), including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on April 8, 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 April 8, 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-21-04-4, to allow a single-family dwelling unit addition (garage and entry porch) to be constructed forty-seven (47) feet from the centerline of the road, in lieu of sixty-two (62) feet with the following condition:

1. Any and all landscaping shall be contained within the lot and not in the right-of-way.

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 April, 2021.

EFFECTIVE April 8, 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 8th day of April, 2021, by _____.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)