



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: May 13, 2021

Case No. and Project Name: VAR-20-76-4, Sears Property

Owners: Jeraldine Sears

Applicant: Anthony Manzella

Requested Action: Variance to Lake County Code, Land Development Regulation (LDR) Section 3.02.05 to allow for a single-family residence to be located twenty-two feet and five inches (22.5) from Getford Court and twelve (12) feet from Dawes Street in lieu of sixty-two (62) feet from the centerline of the road for the front setback and twenty-five (25) feet from the Right-Of-Way for the secondary frontage setback.

Case Manager: Marellys Moreno, CRA Coordinator

### Subject Property Information

Size: 0.23 +/- acres

Location: 713 Getford Court, in unincorporated Eustis area of Lake County

Alternate Key No.: 3800941

Future Land Use: Urban Medium

Current Zoning District: Residential Professional (RP)

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: Eustis JPA

Overlay Districts: Wekiva Study Area

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Medium Density	Residential Professional (RP)	Residential	Three (3) Single-Family Residences
South	Urban Medium Density	Residential Professional (RP)	Residential	Single-Family Residence
East	City of Eustis	City of Eustis	Community Facility	Public School
West	City of Eustis	City of Eustis	Vacant	Vacant Governmental Municipal

### Summary of Request.

The subject property, identified as Alternate Key Number 3800941, contains 0.23 +/- acres, is zoned Residential Professional (RP) and designated with an Urban Medium Density Future Land Use Category by the 2030 Comprehensive Plan. The GIS Aerial Map does not indicate a presence of wetlands or flood zone. The property is generally located northwest of the intersection of Dawes Street and Getford Court in the Eustis area of unincorporated Lake County. The subject property is currently developed with a single-family home, which will be removed upon permitting of the proposed single-family residence. It must be noted that the applicant would be receiving State Housing Initiative Program (SHIP) funds from the Lake County Office of Housing & Human Services to replace an existing single-family home.

The Applicant has requested a variance from Lake County Land Development Regulations (LDR) Table 3.02.05, Setback Requirements, to allow for a single-family residence to be constructed located twenty-two feet and five inches (22.5) from Getford Court and twelve (12) feet from Dawes Street in lieu of sixty-two (62) feet from the centerline of the road and twenty-five (25) feet from the Right-Of-Way.

The Department of Public Works reviewed the application and they had no objections, conditions, or comments regarding the variance 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 Table 3.02.05, Front Setbacks, is to ensure that structures are located a safe distance from roads, and that there is adequate area for the safe passage of vehicles.

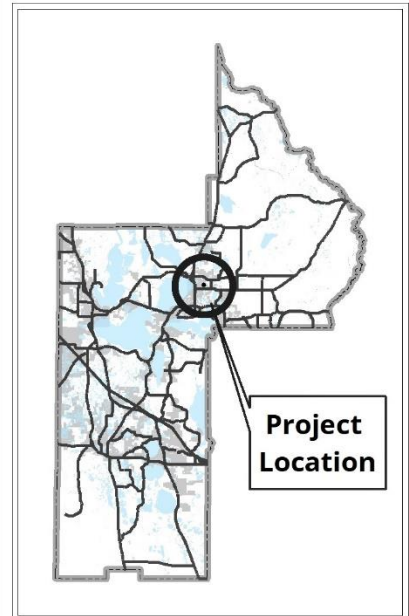
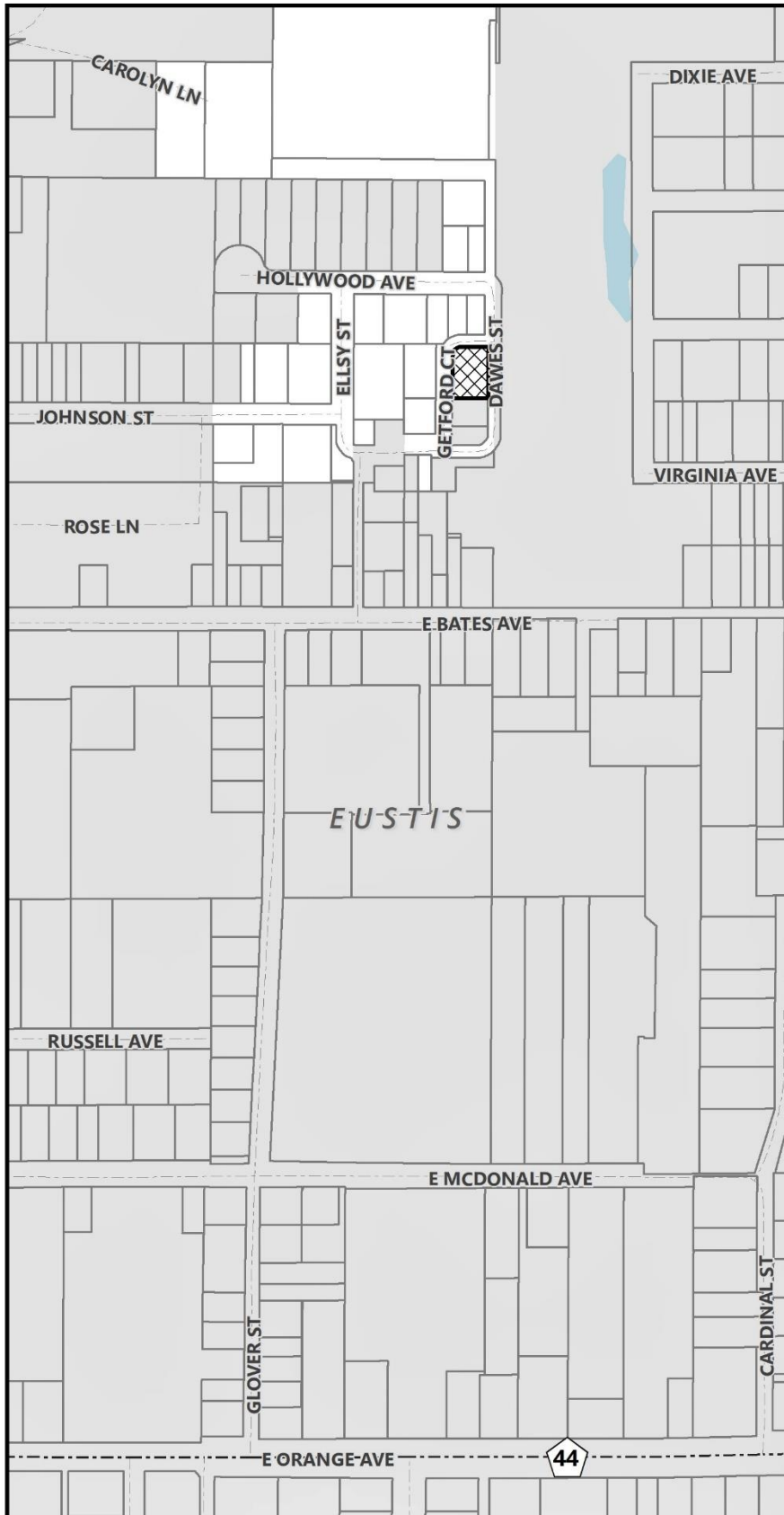
The Applicant provided the following statement as proof that the intent of the code will be or has been achieved by other means: *"A new home will enhance the curb appeal of the existing neighborhood and will encourage senior residents to continue to stay in the area. The new home will add value to existing homes, while maintaining the neighborhood aesthetics, as well."*

#### **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.**

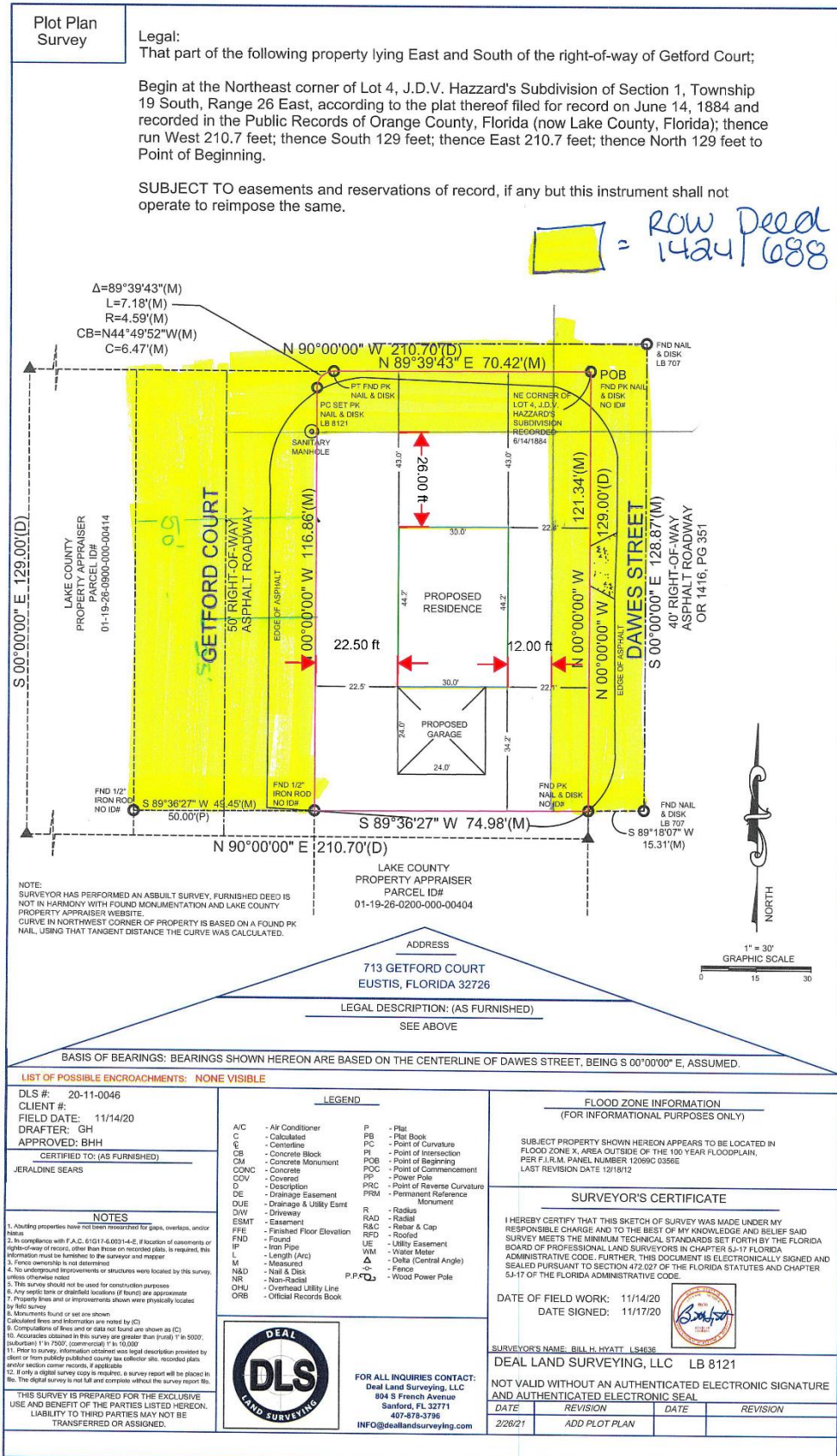
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

The Applicant provided the following statement *"Current home is in need of extensive repairs and is occupied by an elderly woman who does not have the means to complete the repairs. The state of the home is rapidly declining and will soon become uninhabitable. The SHIP program has authorized a new home to be built but the setbacks cannot be met with the proposed home. Minimum structure size, rear setbacks, and ISR can still be met."*

# Map of Subject Property



# Attachment "A" - Site Plan



**Final Development Order  
VAR-20-76-4  
Sears Property**

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

**WHEREAS**, Anthony Manzella (the “Applicant”), on behalf of Jeraldine Sears (the “Owner”), requested a variance to Land Development Regulations (LDR) Section 3.02.05 to allow for a single-family residence to be located twenty-two feet and five inches (22.5) from Getford Court and twelve (12) feet from Dawes Street in lieu of sixty-two (62) feet from the centerline of the road and twenty-five (25) feet from the Right-Of-Way (ROW); and

**WHEREAS**, the subject property consists of 0.23 +/- acres and is located 713 Getford Court, in unincorporated Eustis area of Lake County, in Section 1, Township 19, Range 26, having Alternate Key Numbers 3800941, and more particularly described below:

Begin at the Northeast corner of Lot 4, J.D.V. Hazzard’s Subdivision of Section 1, Township 19 South, Range 26 East, according to the plat thereof filed for record on June 14, 1884 and recorded in the Public Records of Orange County, Florida (now Lake County, Florida); thence run West 210.7 feet; thence South 129 feet; thence East 210.7 feet; thence North 129 feet to Point of Beginning.

**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 May 13, 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 May 13, 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-20-76-4, to allow for a single-family residence to be located twenty-two feet and five inches (22.5) from Getford Court and twelve (12) feet from Dawes Street in lieu of sixty-two (62) feet from the centerline of the road and twenty-five (25) feet from 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.

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**Section 3. Effective Date. This Ordinance will become effective as provided by law.  
ENACTED this 13<sup>th</sup> day of May, 2021.  
EFFECTIVE May 13, 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 \_\_\_\_\_ day of \_\_\_\_\_, 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)**