



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 8

Public Hearing Date: May 13, 2021

Case No. and Project Name: VAR-21-17-3, Gregory Property

Owners/Applicants: Donald Gregory and Janice Gregory

Requested Action: Variance to Lake County Code, Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow a residence to be constructed 13.56-feet from the seawall, in lieu of 26.89-feet.

Case Manager: Janie Barrón, Senior Planner

### Subject Property Information

Size: 0.14 +/- acres

Location: West of Bermuda Drive, in the Tavares area

Alternate Key No.: 1528224

Future Land Use: Rural Transition

Current Zoning District: Urban Residential District (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	Rural Transition	Urban Residential District (R-6)	Residential	Single-Family Dwelling Unit
South	Rural Transition	Urban Residential District (R-6)	Residential	Single-Family Dwelling Unit
East	Rural Transition	Urban Residential District (R-6)	Right-of-Way, Residential	Bermuda Drive, Single-Family Dwelling Units East of R-O-W
West	Rural Transition	Urban Residential District (R-6)	Canal, Residential	Canal, Single-Family Dwelling Units East of Canal

### Summary of Request.

The subject 0.14 +/- acre parcel is identified by Alternate Key Number 1528224; the parcel is zoned Urban Residential District (R-6); is part of the Urban Low Density Future Land Use Category (FLUC); and located within the Lake Harris Shores Unit #1 subdivision. Currently, the subject parcel is vacant and undeveloped (Attachment "A").

The Applicant has submitted a variance request to Lake County Code, Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow a residence 13.56-feet from the seawall, in lieu of 26.89-feet. LDR Section 6.01.04(A)(1) requires principal structures to be located at least (50) feet from the jurisdictional wetland line (seawall). On February 10, 2021, the Owner submitted an average setback application, which approved a rear setback of 26.89-feet from the seawall (Attachment "B").

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: "An interceptor swale that is sized to capture that first 1-inch of stormwater runoff shall be provided on site. An engineered design that includes a plan and calculations must be submitted with the permit application for the improvement/addition for the site."

### 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 6.01.04, is to protect valuable natural resources requiring protection from erosion, sedimentation, water pollution and other negative impacts, which may be associated with land use activities. It is the intent of this section to minimize such negative impacts through protection standards for development of adjacent lands.

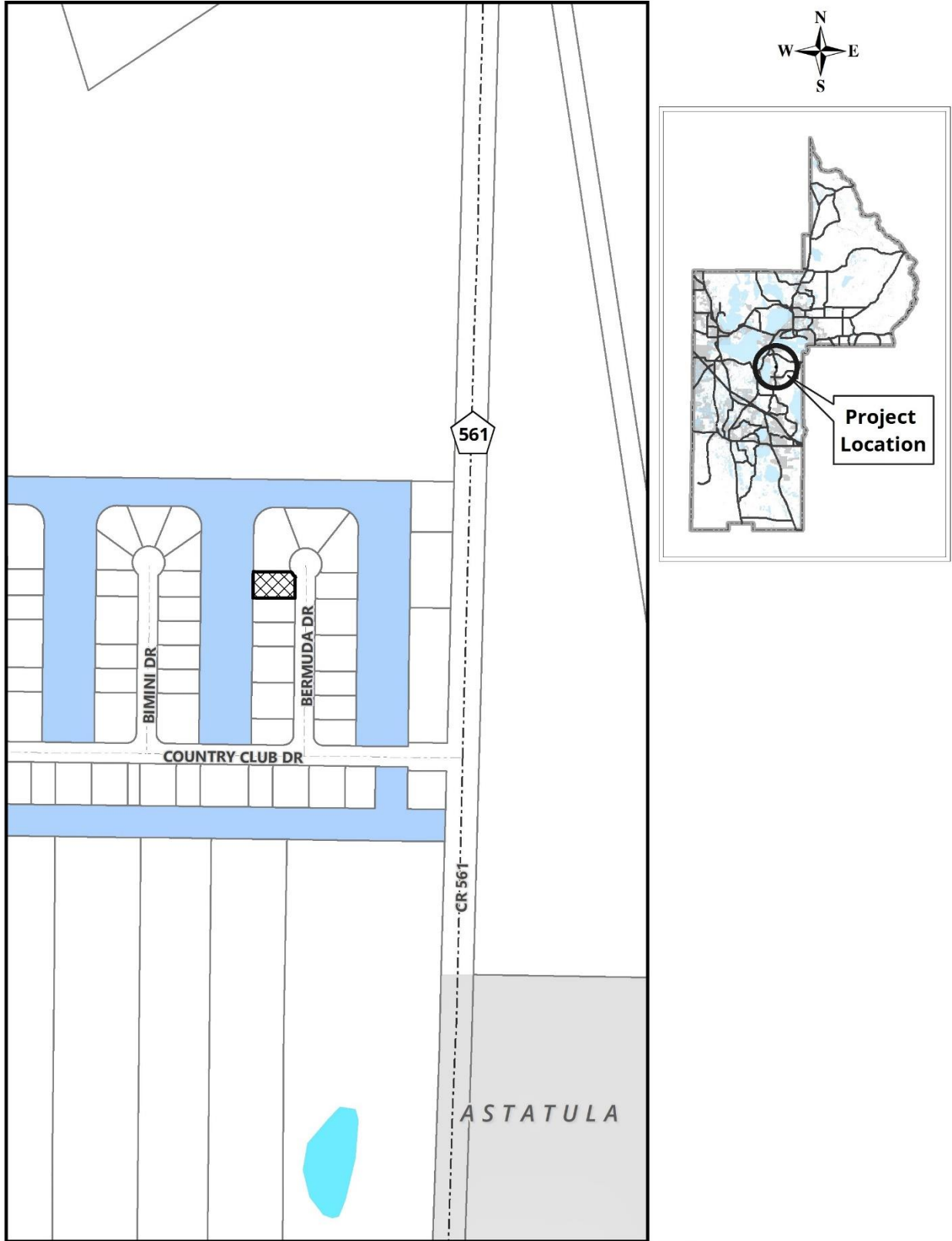
The Applicant has submitted the following intent of the Code statement: *"Did attempt to go with average setbacks of neighboring properties but is not enough room to building proposed home."*

#### **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.**

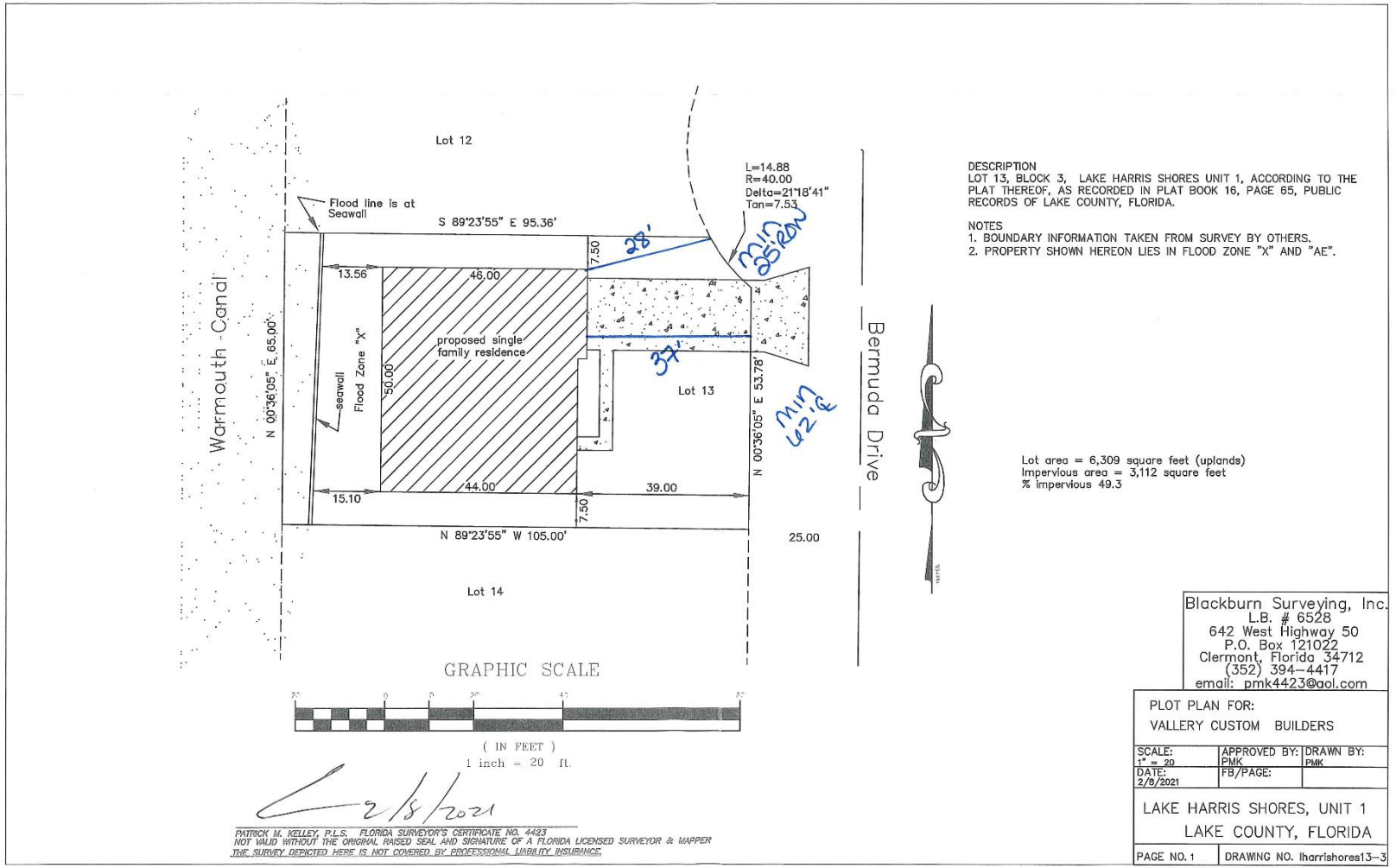
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant submitted the following statement and setback table as proof that the LDR would create a substantial hardship or would violate principles of fairness: *"Did attempt to go with average setbacks of neighboring properties but is not enough room to build proposed home."*

# Map of Subject Property



# Attachment "A", Concept Plan.



## Attachment "B", Average Setback (Page 1 of 3)



Office of Planning & Zoning

P.O. Box 7800 • 315 W. Main St., Suite 510 • Tavares, FL 32778

April 15, 2021

Donald & Janice Gregory  
780 Oak Drive  
Clermont, FL 34711

Via Email: [autodon11@gmail.com](mailto:autodon11@gmail.com) / [markv@vallerycustombuilders.com](mailto:markv@vallerycustombuilders.com)

Re: Revised: Average Setback Results (AS #2021-09-3) – Alternate Key #1528224

Dear Donald & Janice,

Upon your request for an average setback; staff visited the area and measured the structures at the following addresses:

26637 Bermuda Dr. Tavares Fl. 22.81 feet Sea Wall to Single Family Residence  
26703 Bermuda Dr. Tavares Fl. 30.97 feet Sea Wall to Single Family Residence  
(Revised)

The measurement resulted in an average Rear Setback of 26.89 feet from the Single Family Residence. (Revised)

If you have any questions, or if we can be of further service, please contact our office at (352) 343-9641 or email me at [rbranch@lakecountyfl.gov](mailto:rbranch@lakecountyfl.gov).

Sincerely,

Ron Branch  
Associate Planner

P 352.353.9641 • F 352.343.9767

Board of County Commissioners • [www.lakecountyfl.gov](http://www.lakecountyfl.gov)

Douglas B. Shields  
District 1

Sean M. Parks, AICP, QEP  
District 2

Kirby Smith  
District 3

Leslie Campione  
District 4

Josh Blake  
District 5

# Attachment "B", Average Setback (Page 2 of 3)



## Office of Planning and Zoning

### Average Setback Application

Date: 2/1/21

Owner(s) Name: Donald & Janice Gregory Phone # 352-394-7423  
Mailing Address: 780 Oak Drive  
City Clermont State FL Zip Code 34711

Applicant Name: Dona la Gregory Phone # 352-348-7329  
Mailing Address: 780 Oak Drive  
City Clermont State FL Zip Code 34711

Email Address: autodon11@gmail.com  
Legal Description: Lot 13 Block 3 LARIE HARRIS STORES  
Alternate Key # 1528224 Section \_\_\_\_\_ Township \_\_\_\_\_ Range Unit 1

Detailed Directions: \_\_\_\_\_

Requested average:  front average setback  rear average setback  front and rear average setback

- Please submit the following documentation:
- Plot plan showing proposed development
  - Property record card and/or recorded warranty deed
  - Original documentation from adjacent property owners granting County staff permission to enter their property to perform the average setback determination. The attached signature page can be used.
  - Fee in the amount of:
    - \$157.00 for individual lots, or
    - \$250.00 + \$5 per lot over 25 lots for a Master Park Plan.
- You may pay with a debit or credit card, however, an additional fee equal to 1% of the transaction total will be added for the convenience of using a debit or credit card.

When the average setback is verified, the applicant may apply for a permit at the average setback line.

**To be Completed by Staff Only**

Address Measured:  
26637 Bermuda Dr, Tavares  
26703 Bermuda Dr, Tavares

Results:  
22.81ft S/W to SFR  
30.97ft S/W to SFR

Field Verification:  
Verified average front setback: \_\_\_\_\_ Verified average rear setback: 26.89ft

Staff conducting verification: [Signature] Date: 2/19/2021

File #: AS-2021-09-3 Address Screen: \_\_\_\_\_



**Final Development Order**  
**VAR-21-17-3**  
**Gregory Property**

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

**WHEREAS**, Donald Gregory and Janice Gregory (the “Owners“ and “Applicants”) submitted a variance request to Lake County Code, Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow a residence to be constructed 13.56-feet from the seawall, in lieu of 26.89-feet; and

**WHEREAS**, the subject property consists of 0.14 +/- acres, is located west of Bermuda Drive, in the Tavares area of unincorporated Lake County, Florida, in Section 20, Township 20 South, Range 26 East, having Alternate Key Number 1528224 and more particularly described as:

Lot 13, Block 3, Lake Harris Shores Unit #1, according to the plat thereof as recorded in Plat Book 16, Page 65, 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, including notice that the 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-21-17-3, to allow a residence to be constructed 13.56-feet from the seawall, in lieu of 26.89-feet with the following conditions:

1. Stormwater calculations must be submitted at the time of issuance of each individual zoning permit in form of an interceptor swale that is sized to capture the first one inch (1”) of stormwater runoff on the site.
2. Stormwater calculations must be reviewed and approved by the Lake County Public Works Department staff.
3. The stormwater abatement system must be depicted on the to-scale plot plan when applying for the zoning permit; installed prior to any final inspection, inspected, and approved by the Lake County Public Works Department staff.



**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 13th day of May, 2021.

**EFFECTIVE** May 13, 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 13th day of May, 2021, by James Argento, Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

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

\_\_\_\_\_  
**Notary Signature  
(SEAL)**