



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1
 Public Hearing Date: June 10, 2021
 Case No. and Project Name: VAR-20-70-3, Country Club Dr Property
 Owner/Applicant: Confidential - Exempt per Florida Statute (F.S.) section 119.071
 Requested Action: Variance to Lake County Land Development Regulations (LDR) Sections 3.02.05.3 and 9.11.00.C.6, Setbacks, to allow a concrete driveway/walkway to be located up to the side property line, in lieu of 5 feet from the side property line.
 Case Manager: Heather N. Croney, Planner

Subject Property Information

Size: 6,303 +/- square feet or 0.144697 +/- acres
 Location: 13532 Country Club Drive, in the unincorporated Tavares area
 Alternate Key No.: 1528127
 Future Land Use: Rural Transition
 Current Zoning District: Urban Residential (R-6)
 Flood Zone: "X" and "AE"
 Joint Planning Area/ ISBA: None
 Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Rural Residential (R-6)	R-O-W, Residential, Canal	Country Club Dr, Single-Family Dwelling Units North of R-O-W
South	Rural Transition	Canal, Ranchette (RA)	Canal, Residential	Canal, Single-Family Dwelling Unit
East	Rural Transition	Rural Residential (R-6)	Residential	Single-Family Dwelling Unit
West	Rural Transition	Rural Residential (R-6)	Residential	Single-Family Dwelling Unit

Summary of Request.

The subject 6,303 +/- square feet, or 0.144697 +/- acre, parcel is identified by Alternate Key Number 1528127 and is in the Lake Harris Shores subdivision. The parcel is zoned Urban Residential (R-6) and is part of the Rural Transition Future Land Use Category (FLUC). The subject parcel is currently developed with a single-family dwelling unit, screen porch, and a garage. The parcel is generally located along the South side of Country Club Drive, east of Cayman Drive, in the unincorporated Tavares area.

The Applicant has an open code case, case ID #2020040179, for installing concrete for a driveway and walkway within their side setbacks. The Applicant is seeking a variance to allow this concrete driveway and walkway area to remain in its current location. The concrete is located along the western side property line. Lake County Land Development Regulations (LDR) Table 3.02.05 require that a minimum setback of five (5) feet from the side property line for all impervious surfaces be adhered to. Attachment A, Concept Plan, shows the location of the concrete that is within the setback in relation to the rest of the existing structures on the subject property.

The variance application was sent to the Public Works Department for review. The Public Works Department is not in support of impervious surfaces more than a four (4) foot by four (4) foot (4' x 4') step off pad within five (5) feet of the side property lines. The concrete proposed along the side of the house will negatively impact the lot grading requirements for swale drainage. Public Works is concerned that the additional impervious surface within the five (5) foot setback would adversely impact neighboring property with stormwater runoff. LDR Section 9.11.00.A.1 states that "Lot Grading shall not adversely affect surrounding or downstream wetlands, floodplains or neighboring property." Public Works only allows for two 4'x4' areas within the five (5) foot side setback and the proposed impervious surface exceeds this requirement and, as such, must not encroach into the side setback.

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.

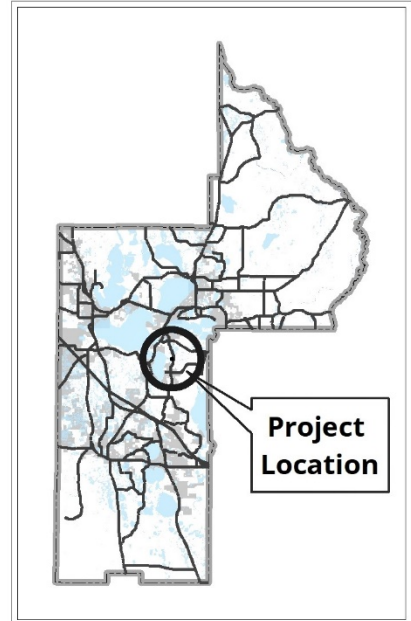
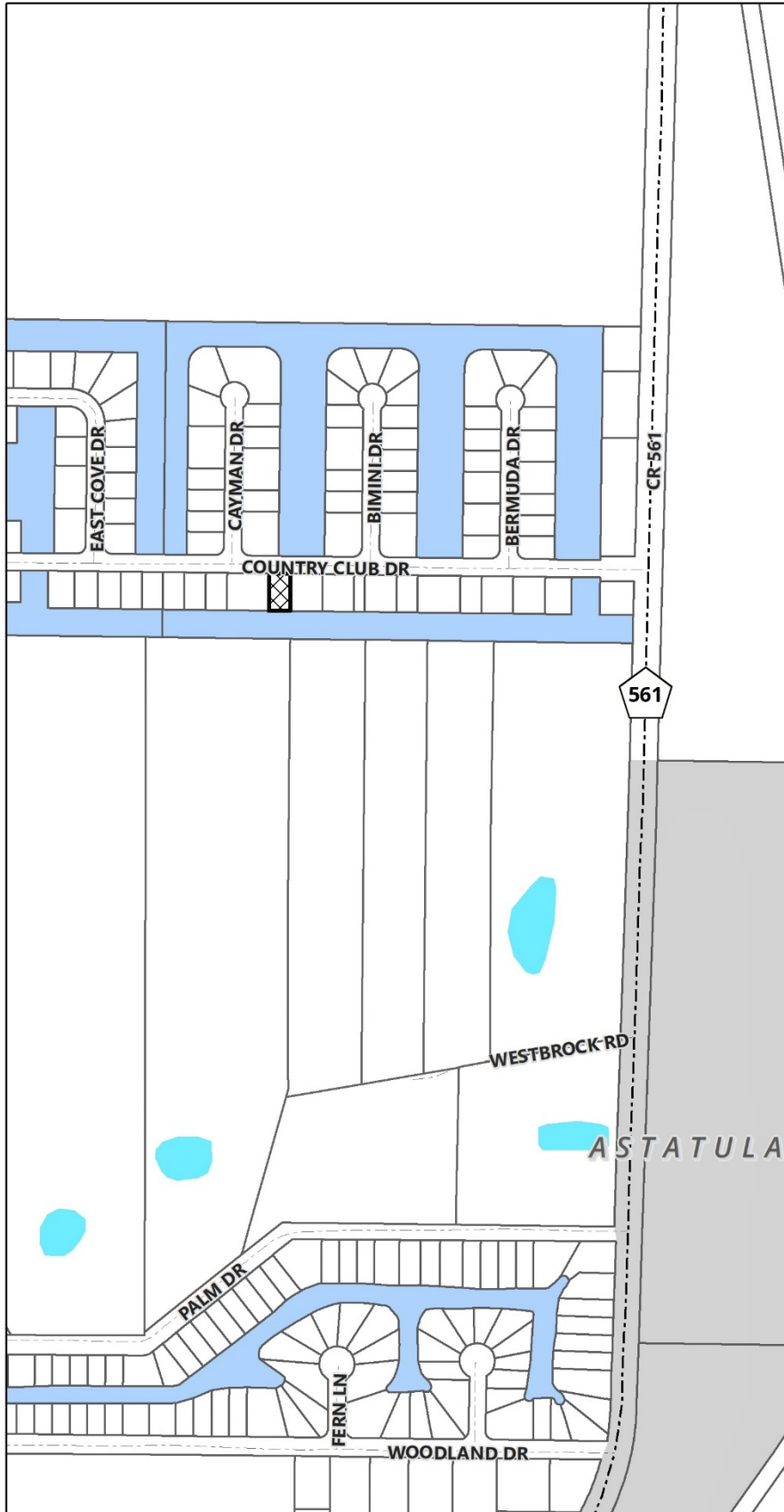
"The land has been developed responsibly and aesthetically pleasing. The concrete walkway has been graded away from an established canal and towards property drainage."

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 current walkway has been poured at its width to allow for the ease of use by homeowner. Homeowner requires the use of a large enough concrete pathway to safely traverse the area. Homeowner has issue moving items in an enclosed space with a fall hazard such as a concrete edge."

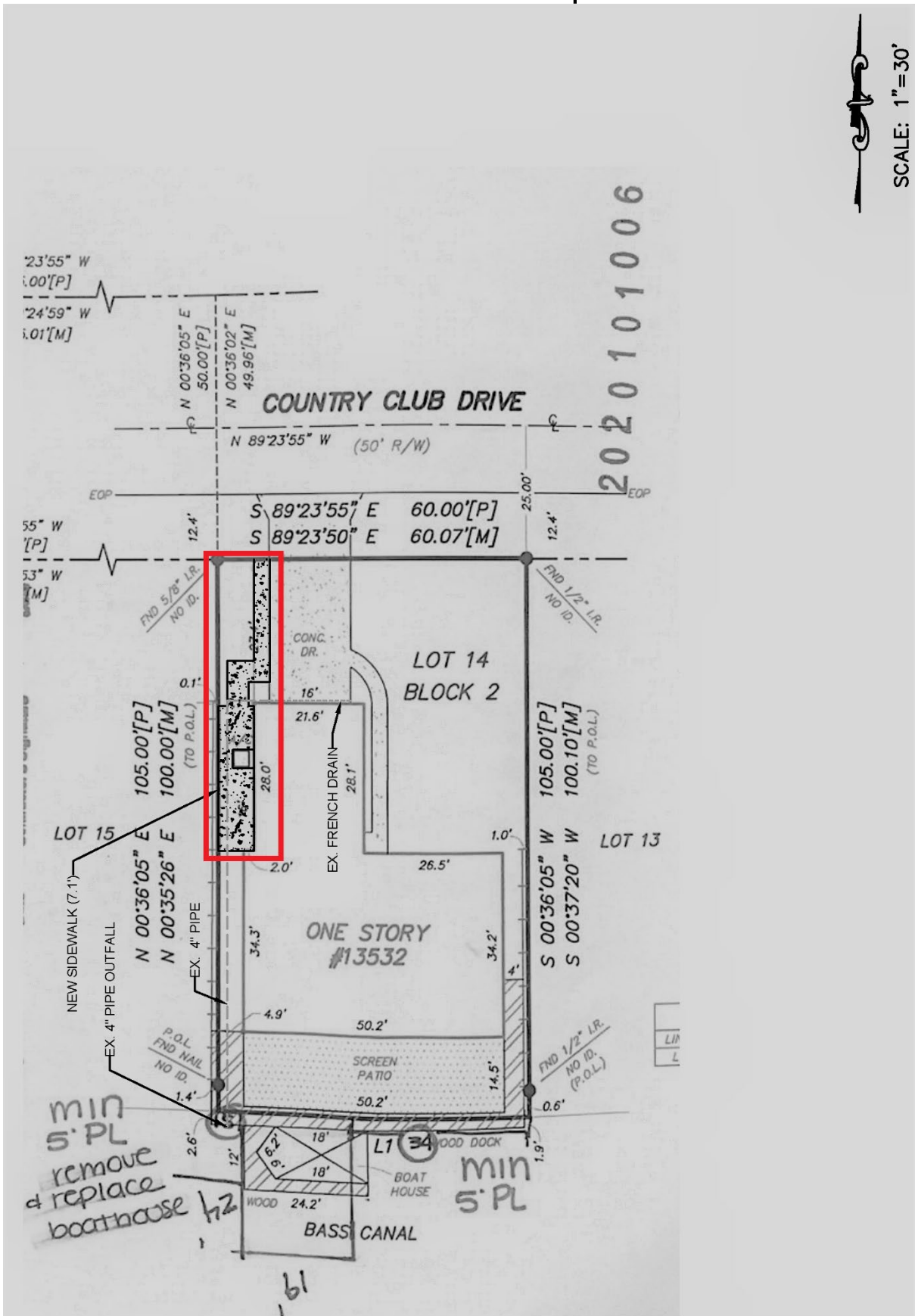
Map of Subject Property



Attachment A. Concept Plan.



SCALE: 1" = 30'



**Final Development Order
VAR-20-70-3
Country Club Dr Property**

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

WHEREAS, the property owners (the "Owners"), requested a variance to Lake County Land Development Regulations (LDR) Section 3.02.05, Setbacks, to allow a concrete driveway/walkway to be located up to the side property line, in lieu of 5 feet from the side property line; and

WHEREAS, the subject property consists of 6,303 +/- square feet, or 0.144697 +/- acre, is located at 13532 Country Club Drive, in the unincorporated Tavares area of Lake County, Florida, in Section 20, Township 20, Range 26, having Alternate Key Number 1528127, and more particularly described below:

Lot 14, Block 2, LAKE HARRIS SHORES UNIT #1, according to the map or plat thereof as recorded in Plat Book 16, Page 65, 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-20-70-3 to allow a concrete driveway/walkway to be located up to the side property line, in lieu of 5 feet from the side property line as depicted on Attachment A.

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, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**

Attachment A. Concept Plan.

SCALE: 1" = 30'

