



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 16
 Public Hearing Date: July 8, 2021
 Case No. and Project Name: VAR-21-40-4, Mann Property
 Owner/Applicant: David and Jeanie Mann
 Requested Action: Variance to Land Development Regulation (LDR) Section 9.08.02.A.2(c)(2), to allow an accessory structure (pool, pool deck and pool enclosure) to be located seventeen (17) feet from the rear property line in lieu of thirty (30) feet from the property line.
 Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: .51 +/- acres
 Location: 23617 Stream Avenue, Sorrento.
 Alternate Key No.: 3864705
 Future Land Use: Mt. Plymouth-Sorrento Neighborhood
 Current Zoning District: Urban Residential District (R-6)
 Flood Zone: "X"
 Joint Planning Area/ ISBA: N/A
 Overlay Districts: Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Mt. Plymouth-Sorrento Neighborhood	Urban Residential District (R-6)	Roadway, Residential	Stream Avenue, Single Family Dwelling Units North of Road
South	Mt. Plymouth-Sorrento Neighborhood	Urban Residential District (R-6)	Residential	Single-Family Dwelling Unit
East	Mt. Plymouth-Sorrento Neighborhood	Urban Residential District (R-6)	Residential	Single-Family Dwelling Unit
West	Mt. Plymouth-Sorrento Neighborhood	Urban Residential District (R-6)	Residential	Single-Family Dwelling Unit

Summary of Request.

The Owner has requested a variance to LDR Section 9.08.02.A.2(c)(2), to allow accessory structures (pool, pool deck and pool enclosure) to be located seventeen (17) feet from the rear property line in lieu of thirty (30) feet. The plot plan (Attachment "A") depicts the proposed location of the proposed accessory structures and proposed rear setback of 17-feet from the northern property line.

The subject property, identified as Alternate Key Number 3864705, contains .51 +/- acres, is zoned Urban Residential (R-6) and is designated with a Mt. Plymouth-Sorrento Neighborhood Density Future Land Use Category by the 2030 Comprehensive Plan. The subject parcel is developed with a single-family dwelling unit, driveway, walkway, and covered porches.

The Chief Fire Inspector of Lake County reviewed the variance application and did not identify any concerns or objections with 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 Section 9.08.01, is to ensure that there are adequate fire protection measures in subdivisions when a public or private water systems is not available to provide an alternative means of fire protection water supply. LDR Section 9.08.01.A.1(c) allows alternative means of fire protection water supply to mean either a residential fire sprinkler system or spacing residences sixty (60) feet apart with a minimum of thirty (30) feet clear open space on all sides of the structure.

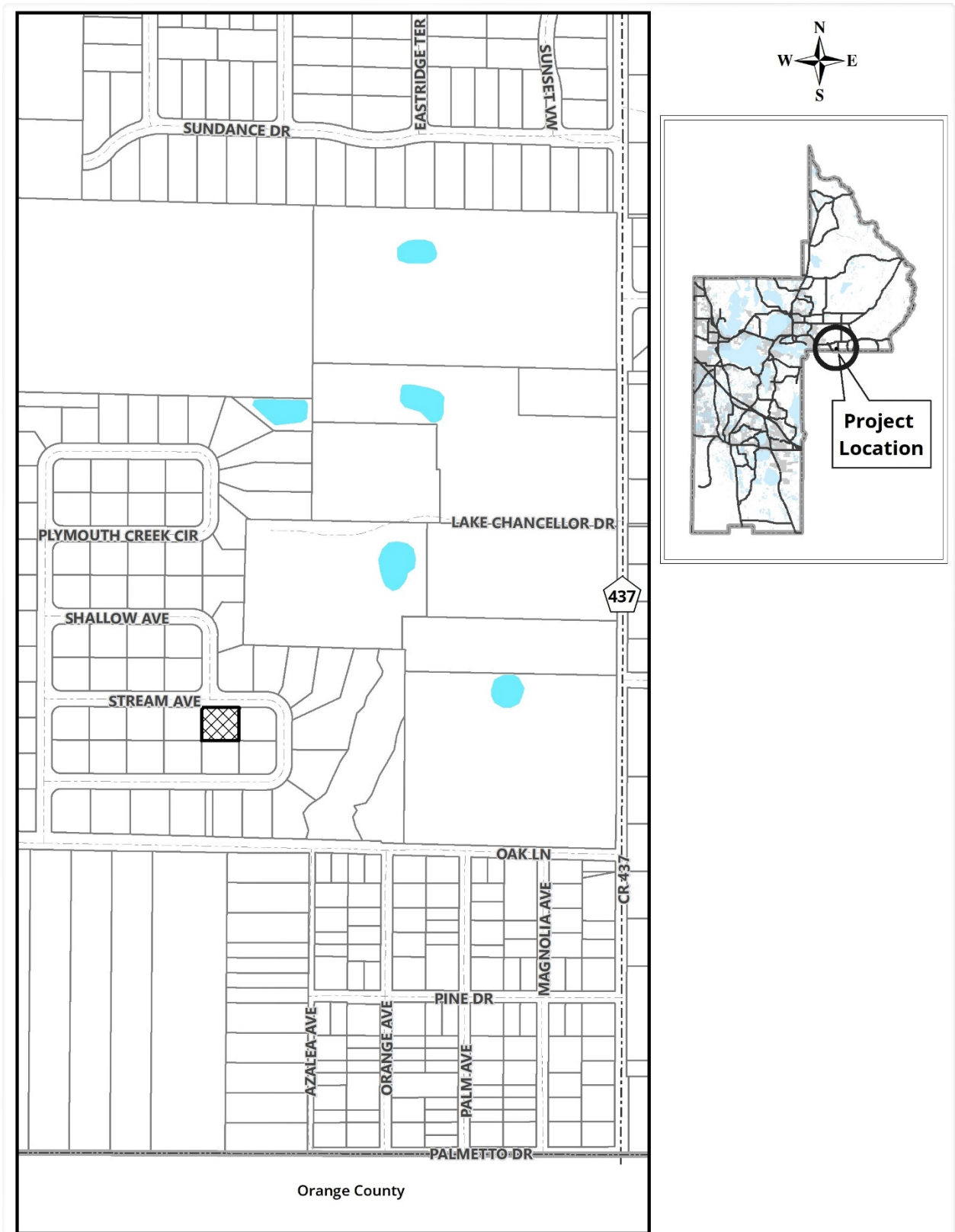
"We will use our pool in case of a fire as a water supply. We will also have a water hose attached to our well outside of the pool enclosure."

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.

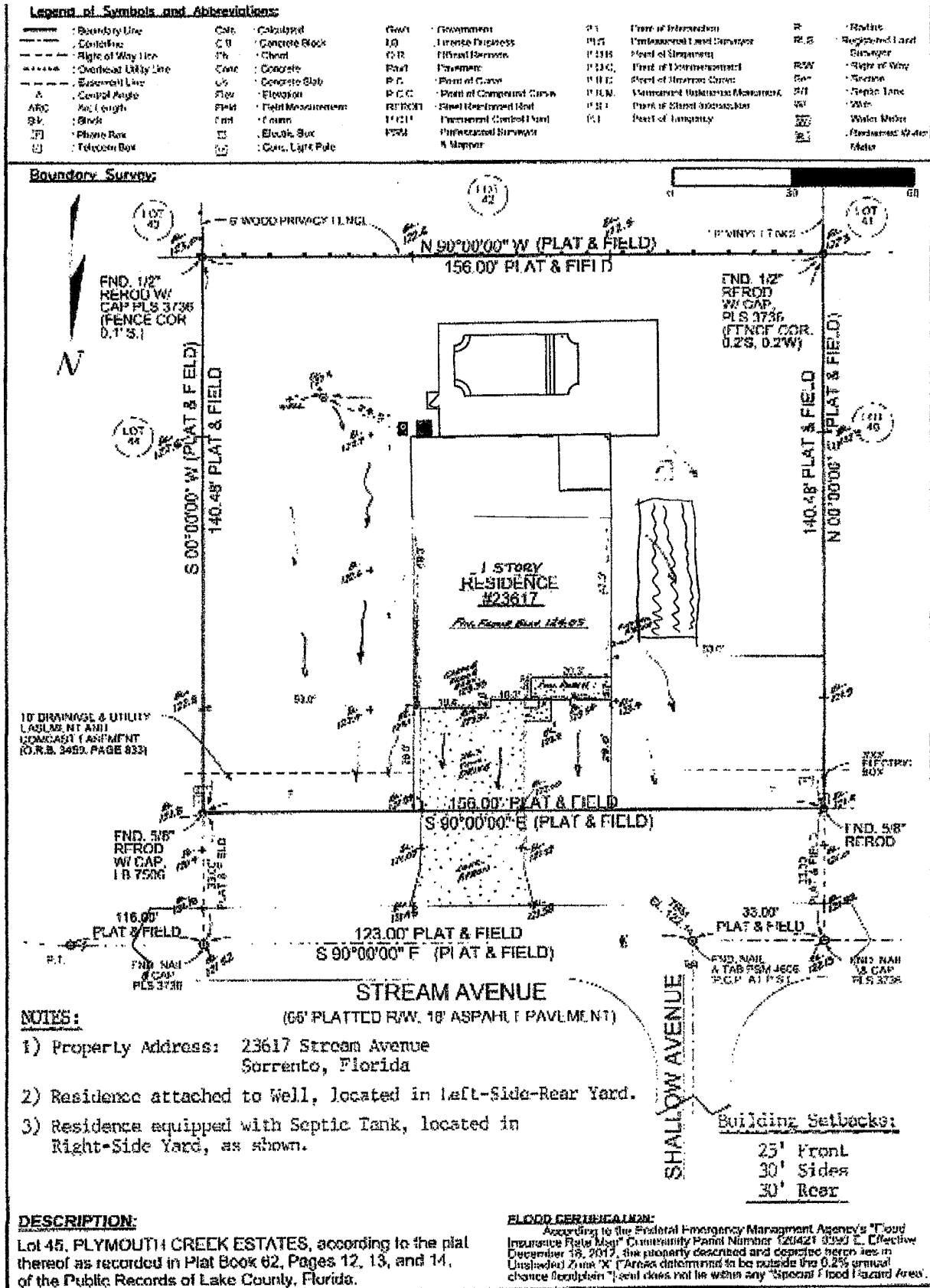
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

"The 30 foot variance for the back yard does not leave any room to build or add to the back yard. It was never changed upon the completion of the development build."

Map of Subject Property



Attachment A. Plot Plan



**Final Development Order
VAR-21-40-4
Mann Property**

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

WHEREAS, David and Jeanie Mann (the “Applicants” and the “Owners”) requested a variance to Land Development Regulations (LDR) Section 9.08.02.A.2(c)(2), to allow an accessory structure (pool, pool deck and pool enclosure) to be located seventeen (17) feet from the rear property line in lieu of thirty (30) feet from the property line; and

WHEREAS, the subject property consists of 0.51 +/- acres and is located at 23617 Stream Avenue, in the Sorrento area of unincorporated Lake County, in Section 36, Township 19, Range 27, having Alternate Key Number 3864705, and more particularly described below; and

Lot 45, Plymouth Creek Estates, according to map or plat thereof as recorded in Plat Book 62, Page(s) 12, 13 and 14, 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 July 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 July 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-21-40-4, to allow an accessory structure (pool, pool deck and pool enclosure) to be located seventeen (17) feet from the rear property line in lieu of thirty (30) feet from the property line.
- 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 July 2021.

EFFECTIVE July 8, 2021.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea Meeks, Vice 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 July, 2021, by Bea Meeks, as Vice Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)