



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: July 8, 2021

Case No. and Project Name: VAR-21-28-2, Mundy Property

Owner: Leland Nathan Mundy and Jocklyn Mundy

Applicant: Leland Nathan Mundy Requested

Action: Variance to Land Development Regulations (LDR) Table 15.02.01C, an addition to an existing utility building to be constructed at 5-feet from the northern property line, in lieu of 25-feet.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 2.04 +/- acres

Location: 13044 Hartle Road, Clermont, FL 34711

Alternate Key No.: 1592551

Future Land Use: Urban Low Density

Current Zoning District: Agriculture (A)

Flood Zones: "AE" and "X"

Joint Planning Area (JPA) / ISBA: City of Clermont JPA and ISBA

Overlay Districts: Lake Apopka Basin

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Agriculture (A)	Residential	Single-Family Residences
South	Urban Low Density	Agriculture (A)	Vacant	Vacant Large Tract of Agriculture Land
East	Urban Low Density	Agriculture (A)	Lake	Johns Lake and Single-Family Residences East of the Lake
West	Urban Low Density	Agriculture (A)	Residential	Hartle Road and Single-Family Residences West of R-O-W

Summary of Request.

The Owner has requested a variance to LDR Table 15.02.01C, to allow an addition to an existing utility building to be constructed at 5-feet from the northern property line, in lieu of 25-feet. The plot plan (Attachment "A") depicts the proposed location of the proposed addition and proposed side setback of 5-feet from the northern property line.

The subject property, identified as Alternate Key Number 1592551, contains 2.04 +/- acres, is zoned Agriculture (A), is designated with an Urban Low Density Future Land Use Category by the 2030 Comprehensive Plan and located within the Lake Apopka Basin Overlay Area. The subject parcel is developed with a single-family dwelling unit, driveway, walkway and utility building.

The Lake County Department of Public Works reviewed the application for consistency with their regulations. The Department of Public Works has no comments or objections to the request.

The subject parcel is located within the City of Clermont JPA and ISBA; therefore, variance application was sent to the City of Clermont for a determination of consistency with their regulations. The City of Clermont had no comments or objections to the 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 is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

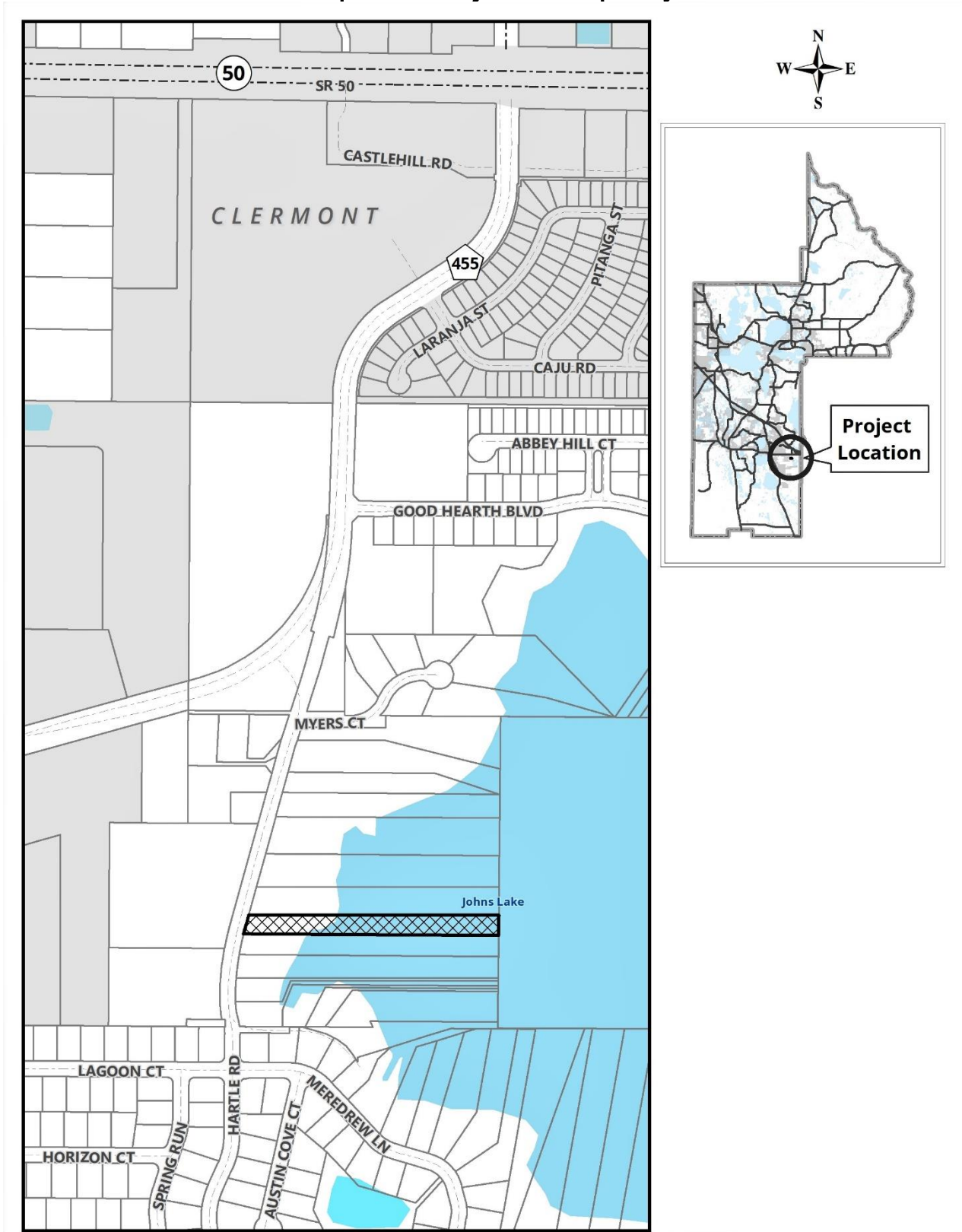
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, *"The proposed UBF extension will meet the side setback on the south side of the building of 25"*

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.

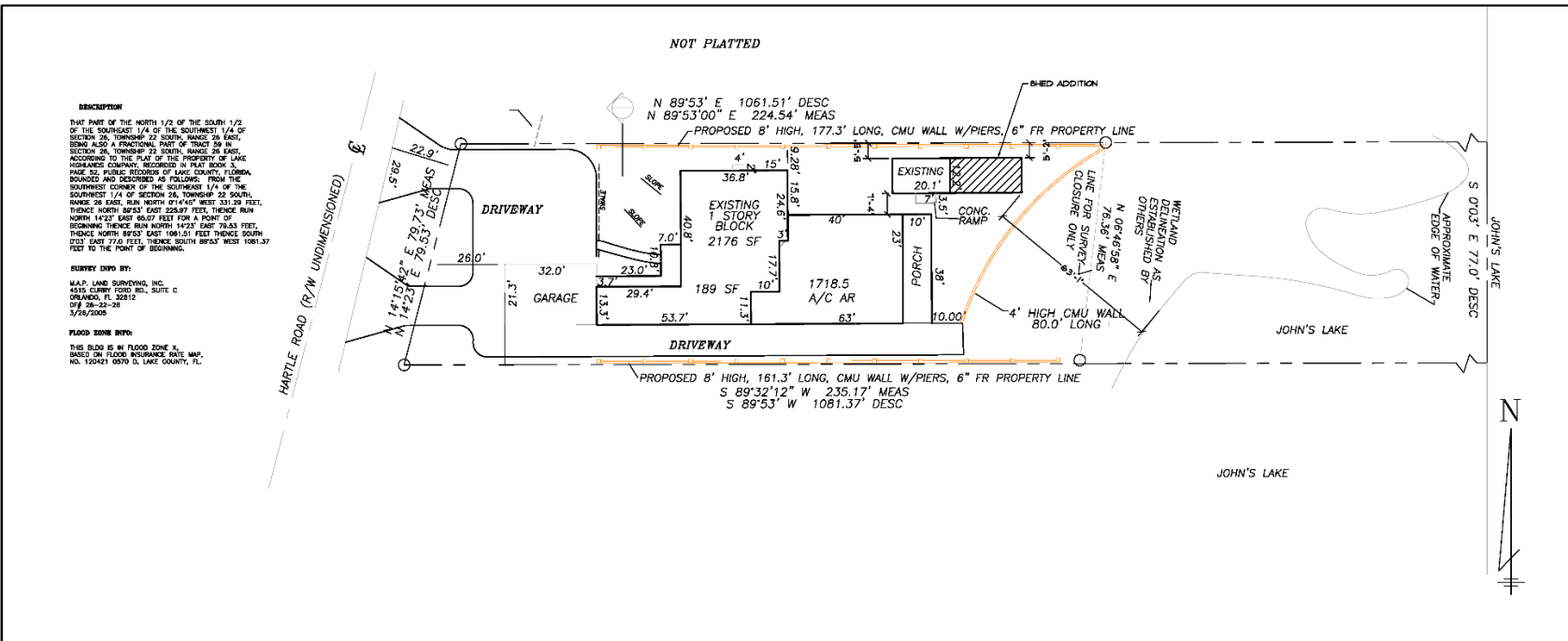
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

As proof of a substantial hardship, the Applicant provided the following statement, *"The variance requested is relatively minor. If granted, the variance will not diminish the value of the surrounding properties in fact it will serve to maintain the current pleasing visual harmony. We purchased our home in 2000, it was built in 1958, in 1997 a Utility Building-Finished was built in the back yard, with a side yard setback of 5'3". We need to add on to this building for the space needed to work out of our home in a quiet professional atmosphere this need has been exacerbated by the Covid pandemic. Because of the pandemic work even more from home and spend less time traveling. Although zoned agriculture, our lot is of substandard width and could never meet the requisite 25' side setback as it is only 77.0' feet wide."*

Map of Subject Property



Attachment "A" – Plot Plan



**Final Development Order
VAR-21-28-2
Mundy Property**

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

WHEREAS, Leland Nathan Mundy (the “Owner” and “Applicant”) requested a variance request on behalf of Jocklyn Mundy (the “Owner”) to Lake County Land Development Regulations (LDR) Table 15.02.01C, to allow an addition to an existing utility building to be constructed at 5-feet from the northern property line, in lieu of 25-feet; and

WHEREAS, the subject property consists of 2.04 +/- acres, located at 13044 Hartle Road, in the Clermont area of unincorporated Lake County, in Section 26, Township 22, Range 26, having Alternate Key Number 1676541, and more particularly described in Exhibit “A” – Legal Description; and

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-21-28-2, to allow an addition to an existing utility building to be constructed at 5-feet from the northern property line, in lieu of 25-feet.
- 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 L. 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 L. Meeks, as Vice-Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)

Exhibit "A" – Legal Description.

That part of the North 1/2 of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 26, Township 22 South, Range 26 East, being also a fractional part of Tract 59 in Section 26, Township 22 South, Range 26 East, according to the plat of the property of lake Highlands Company, Recorded in Plat Book 3, Page 52, Public Records of Lake County, Florida, bounded and described as follows: From the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of Section 26, Township 22 South, Range 26 East, run North 0°14'45" West 331.29 feet, thence North 89°53' East 225.97 feet, thence run North 14°23' East 79.53 feet, thence North 89°53' East 1061.51 feet, thence South 0°03' East 77.0 feet, thence South 89°53' West 1081.37 feet to the Point of Beginning.