



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearing Date: July 8, 2021

Case No. and Project Name: VAR-21-29-3, Mastrosimone Property

Applicant: Philip Mastrosimone

Owner: Philip Mastrosimone, Jr and Rosemarie E. Mastrosimone, Trustees of the Philip and Rosemarie Mastrosimone Family Trust Dated May 21, 2020

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.02.05, to allow an after-the-fact accessory structure (storage shed) to be located at 20.19-feet from the western property line, in lieu of 25-feet.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 2.38 +/- acres

Location: 7780 Number Two Road, Howey in the Hills

Alternate Key No.: 1780730

Future Land Use: Rural

Current Zoning District: Rural Residential District (R-1)

Flood Zones: "A" and "X"

Joint Planning Area/ ISBA: Howey in the Hills ISBA

Overlay Districts: Yalaha – Lake Apopka Rural Protection Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Right-of-Way, Residential	Number Two Road, Large Agriculture Tract of Land with Wetlands North of R-O-W
South	Rural	Rural Residential (R-1)	Agriculture and Residential	Horse Stable/Equestrian Stable and Single-Family Dwelling Units
East	Rural	Rural Residential (R-1)	Lake, Agriculture	Pumpkin Center Lake, Large Agriculture Tract of Land with Wetlands North of R-O-W
West	Rural	Agriculture (A)	Right-of-Way, Agriculture, Residential	Punkin Center Road, Single-Family Dwelling Units West of R-O-W

Summary of Request.

The subject 2.38 +/- acre parcel is identified by Alternate Key Number 1780730; the parcel is zoned Rural Residential District (R-1), is part of the Rural Future Land Use Category (FLUC) and is located within the Yalaha – Lake Apopka Rural Protection Area. Currently, the parcel is developed with a single-family dwelling unit, pole barn.

On November 30, 2020, the Owner was cited for building without a permit (Code Case No. 202090244). To obtain permitting to satisfy the code case, the Owner is required to obtain a permit for the accessory structure. However, at the time of zoning permit submittal, the Owner was informed that the after-the-fact structure did not meet the required secondary front setback. The Applicant has submitted a variance request to LDR Section 3.02.05, to allow an after-the-fact accessory structure (storage shed) to be located at 20.19-feet from the western property line, in lieu of 25-feet. 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 Howey in the Hills ISBA; therefore, variance application was sent to Howey in the Hills for a determination of consistency with their regulations. Howey in the Hills 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 LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures and encourage a visually pleasing environment.

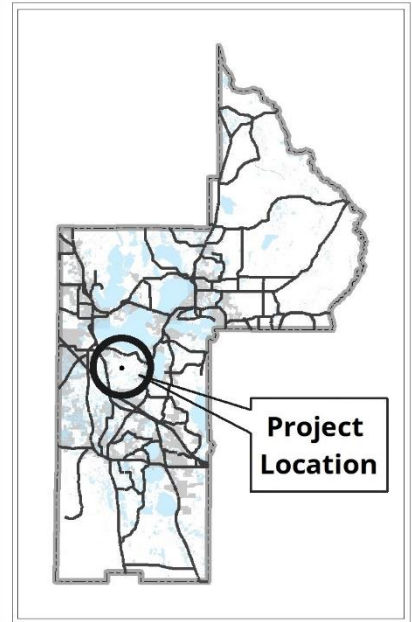
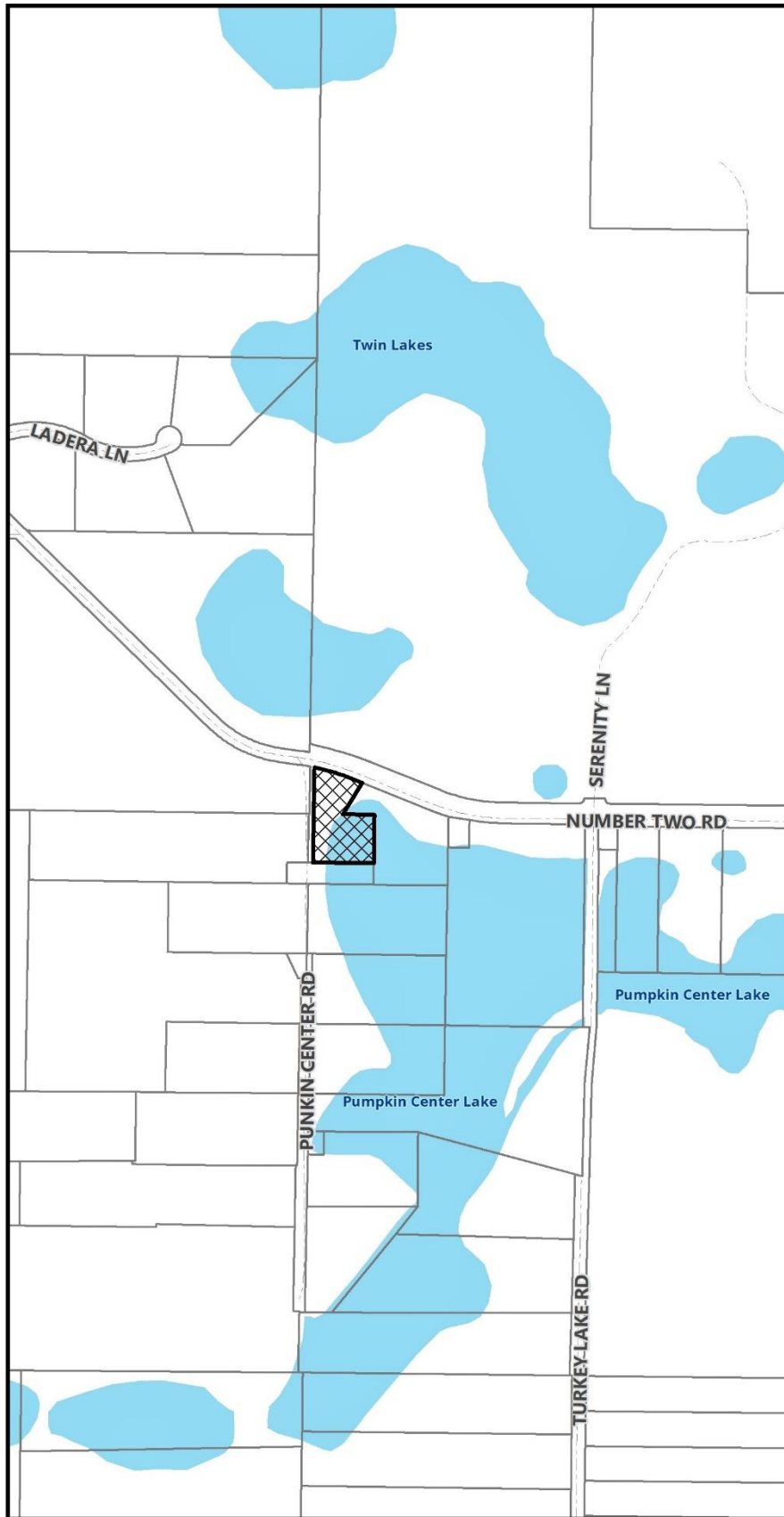
The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *“All other setbacks are met. Trying to obtain a permit for shed – rebuild. There is existing home on property.”*

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.

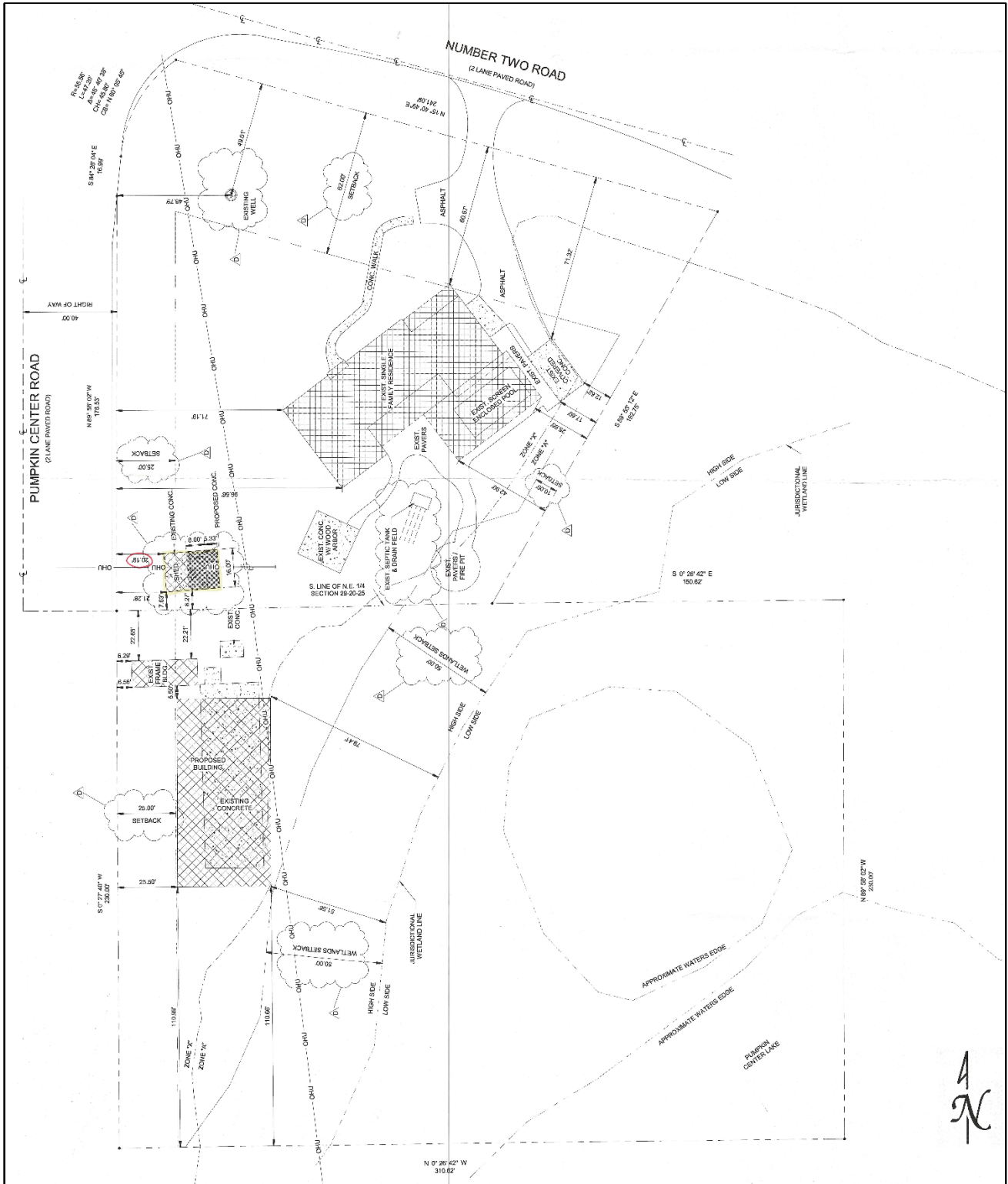
LDR Section 14.15.04 states that for the purposes of this section “substantial hardship” means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *“Existing shed prior to purchasing home. Shed full of termites. Needed shed for lawn equipment, etc. Rebuilt shed exact to original but added 8’ additional storage & front porch for aesthetic [sic] reasons. Covered w/metal to avoid future termites.”*

Map of Subject Property



Attachment "A" – Concept Plan



**Final Development Order
VAR-21-29-3
Mastrosimone Property**

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

WHEREAS, Philip Mastrosimone, Jr. (the “Applicant” and the “Owner”) requested a variance to Lake County Land Development Regulations (LDR) Section 3.02.05, to allow an after-the-fact accessory structure (storage shed) to be located at 20.19-feet from the western property line, in lieu of 25-feet; and

WHEREAS, the subject property consists of 2.38 +/- acres and located at 7780 Number Two Road, in the unincorporated Howey in the Hills area of Lake County, Florida, in Section 29, Township 20 South, Range 25 East, having Alternate Key Number 1780730 and more particularly described as:

Begin at the SW corner of the Northeast 1/4 of Section 29, Township 20 South, Range 25 East, Lake County, Florida, run North 89 degrees 59 minutes 00 seconds East for 160.00 feet, thence run North 30 degrees 32 minutes 30 seconds East for 192.75 feet to the right-of-way of a 50-foot wide County Road, thence run Northwesterly along said right-of-way for a distance of 267 feet, more or less, to the West line of the Northeast 1/4 of said Section 29, thence run South 00 degrees 27 minutes 40 seconds West for 240.00 feet to the Point of Beginning.

AND

The North 230 feet of the West 310 feet of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 29, Township 20 S, Range 25 East, Lake County, Florida. Less Right of Way of County Road on the West side of above property.

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations (LDR), including notice that the 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-20-25-1, to allow an after-the-fact accessory structure (storage shed) to be located at 20.19-feet from the western 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, 2020.

**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)**