



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 29

Public Hearing Date: August 12, 2021

Case No. and Project Name: VAR-21-56-4, Navarro Property

Owners/Applicants: Thomas and Olena Navarro

Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05 to allow an addition, located in the front of the house, to be located thirty-two (32) feet from the center line of Sylvan Point Drive, in lieu of sixty-two (62) feet from the center line of the road; and to allow an addition, located on the side of the house, to be located seven (7) feet from the property line, in lieu of twenty-five (25) feet from the right-of-way of Morningside Drive.

Case Manager: Ruth Mitchell, Planner

### Subject Property Information

Size: 0.27 +/- acres

Location: 1929 Sylvan Point Drive, Mount Dora

Alternate Key Nos.: 1685575

Future Land Use: Urban Low Density

Current Zoning District: Rural Residential (R-1)

Flood Zones: "X"

Joint Planning Area/ ISBA: Mount Dora

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Rural Residential (R-1)	Residential	Single-Family Dwelling Unit
South	Urban Low Density	Rural Residential (R-1)	Road, Residential	Sylvan Point Drive, Single-Family Dwelling Unit
East	Urban Low Density	Rural Residential (R-1)	Residential	Single-Family Dwelling Unit
West	Urban Low Density	Rural Residential (R-1)	Road, Residential	Morningside Drive, Single-Family Dwelling Unit

### Summary of Request.

The Owner has requested a variance to LDR Table 3.02.05 to allow an addition that will be located in the front of the house, to be located thirty-two (32) feet from the center line, in lieu of sixty-two (62) feet from the center line of Sylvan Pointe Drive; and to allow an addition that will be located on the side of the house to be located seven (7) feet from the property line, in lieu of twenty-five (25) feet from the right-of-way of Morningside Drive.

The subject parcel is zoned Rural Residential (R-1) and is designated as Urban Low Density Future Land Use Category by the 2030 Comprehensive Plan. The concept plan (Attachment "A") shows that the parcel is developed with a single-family dwelling unit, garage and shed.

The subject parcel is located within the Mount Dora Interlocal Service Boundary Agreement (ISBA) Area; therefore, the variance application was sent to the City of Mount Dora for a determination of consistency with their regulations. Mount Dora had no comments nor objections to the request.

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. The Public Works Department provided the comment that the garage should not be located any closer than where the carport was located from the county road.

### 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, is to ensure structures are located a safe distance from roads and there is enough area for safe passage of vehicles.

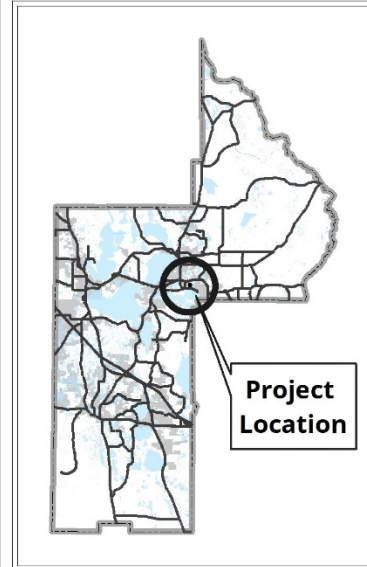
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"We're planning on doing significant improvements to the house that will bring value to the neighborhood. The lot size allows these additions on the front. The back of the house does not allow any addition due to the septic system. This addition is necessary to accommodate our family. Most of the houses on our street do not meet the regulations."*

**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.**

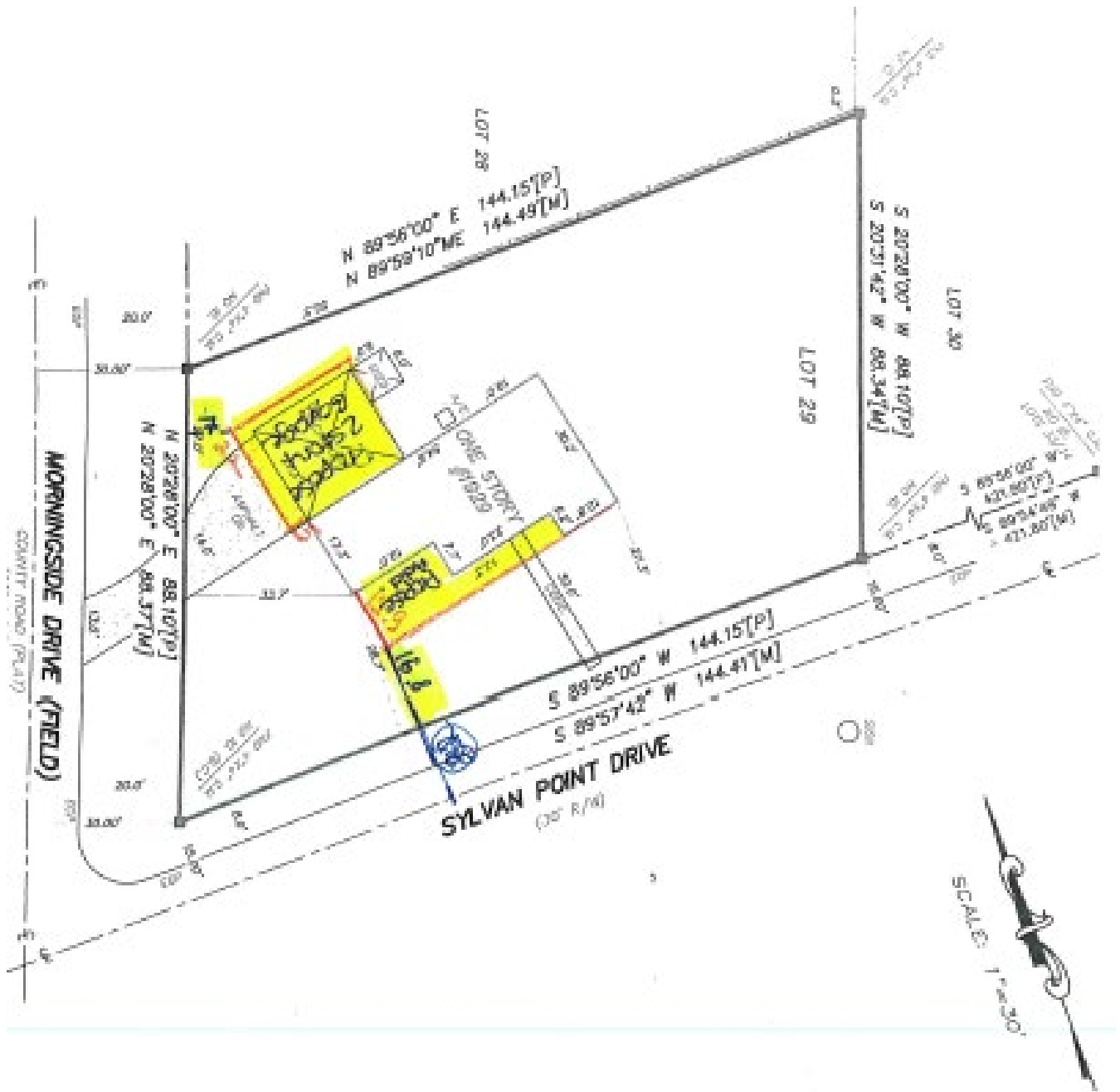
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *"Positioning of existing house does not meet setback requirements."*

# Map of Subject Property



# Attachment "A" - Concept Plan



**Final Development Order  
VAR-21-56-4  
Navarro Property**

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

**WHEREAS**, Thomas and Olena Navarro (the “Owners/Applicants”) requested a variance to Lake County Land Development Regulations (LDR) Table 3.02.05 to allow an addition, located in the front of the house, to be located thirty-two (32) feet from the center line of Sylvan Pointe Drive, in lieu of sixty-two (62) feet from the center line of the road; and to allow an addition, located on the side of the house, to be located seven (7) feet from the property line, in lieu of twenty-five (25) feet from the right-of-way of Morningside Drive; and

**WHEREAS**, the subject property consists of 0.27 +/- acres and is located 1929 Sylvan Point Drive, in the Mount Dora area of unincorporated Lake County, Florida, in Section 25, Township 19, Range 26, having Alternate Key Number 1685575, and more particularly described below;

Lot 29, Sylvan Shores Point, according to the plat thereof as recorded in Plat Book 12, Page 41, 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 August 12, 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 August 12, 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-21-56-4, to allow an addition, located in the front of the house, to be located thirty-two (32) feet from the center line of Sylvan Pointe Drive, in lieu of sixty-two (62) feet from the center line of the road; and to allow an addition, located on the side of the house, to be located seven (7) feet from the property line, in lieu of twenty-five (25) feet from the right-of-way of Morningside Drive.

**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.

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**Section 3. Effective Date. This Ordinance will become effective as provided by law.**

**ENACTED this 12th day of August 2021.**

**EFFECTIVE August 12, 2021.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**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 12th day of August 2021, by James Argento, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

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

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**Notary Signature  
(SEAL)**