



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: September 9, 2021

Case No. and Project Name: VAR-21-57-3, Wright Property

Owners: Clarence and Arquilla Wright

Applicant: Cleo Davis

Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05 to allow an addition to be located forty-five (45) feet from the center line of Firethorn Road, in lieu of sixty-two (62) feet from the center line of the road.

Case Manager: Ruth Mitchell, Planner

### Subject Property Information

Size: 5.11 +/- acres

Location: 21130 Firethorn Road, Eustis

Alternate Key Nos.: 2997257

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zones: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Wekiva Study Area and Wekiva – Ocala RPA

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Road, Residential	Firethorn Road, Single-Family Dwelling Unit
South	Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit
East	Rural	Agriculture(A)	Residential	Single-Family Dwelling Unit
West	Rural	Agriculture(A)	Residential	Single-Family Dwelling Unit

### **Summary of Request.**

The Owner has requested a variance to LDR Table 3.02.05 to allow an addition to be located forty-five (45) feet from the center line, in lieu of sixty-two (62) feet from the center line of Sylvan Pointe Drive.

The subject parcel is zoned Agriculture (A) and is designated as Rural 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 and an addition attached by a breezeway.

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. The Public Works Department 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 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.

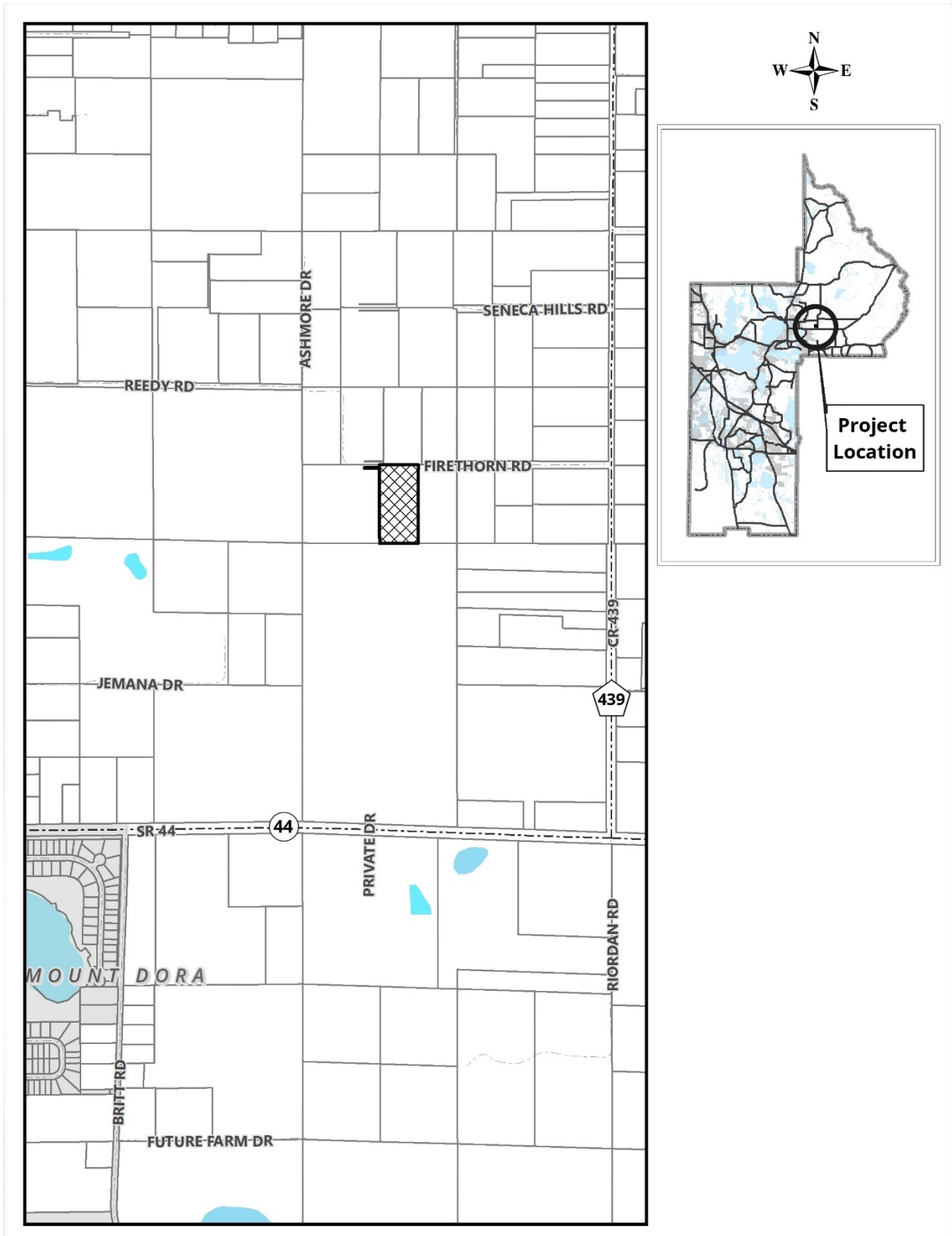
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"We cannot meet the intent of the code because the house is built too far to the right of the property line but we can add some shrubbery as a buffer to the front of the house."*

**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.**

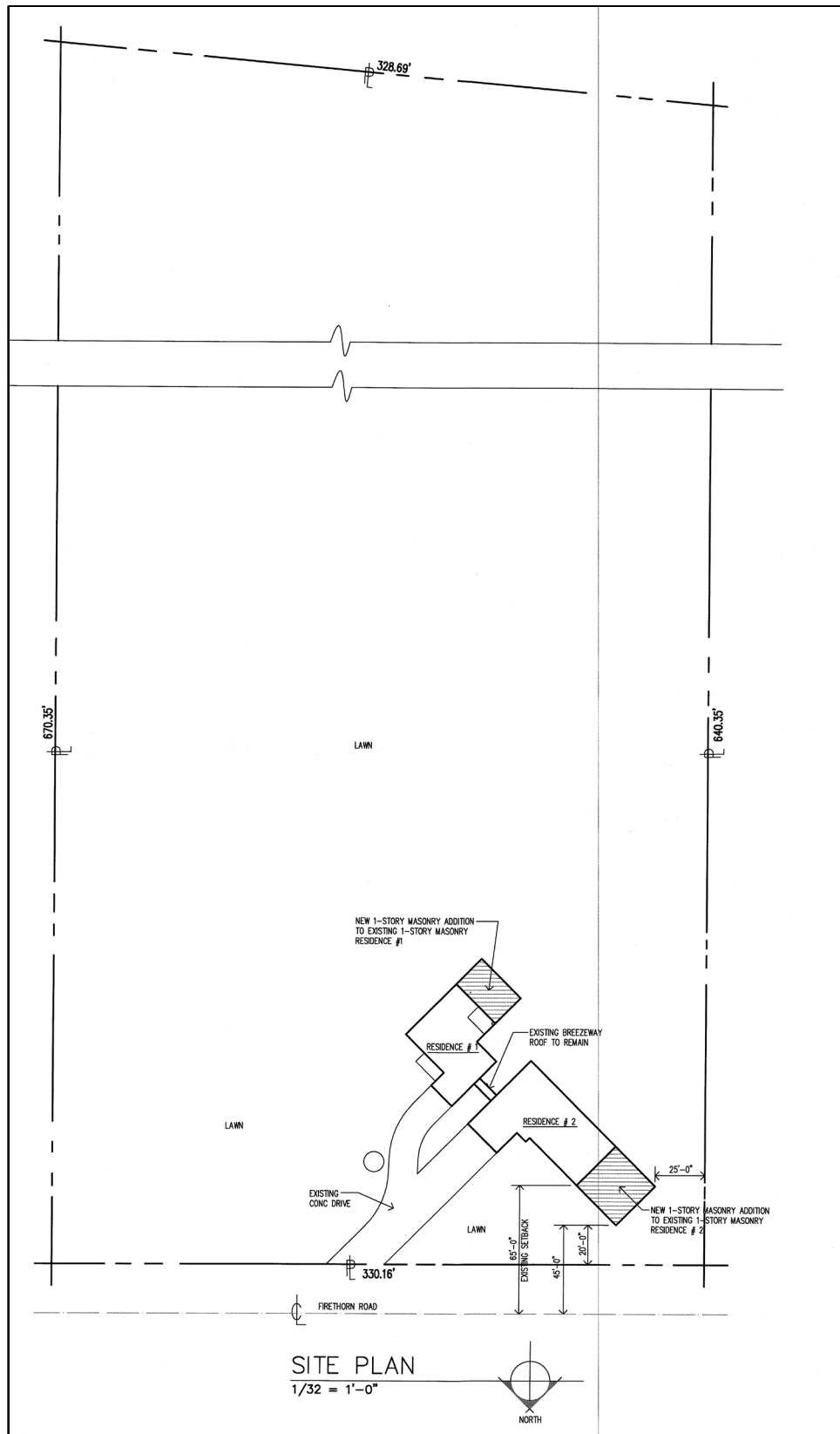
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *"We need to add two rooms on the right side of our home. We are not able to add rooms on the back of the home as there is a swimming pool there. We cannot add rooms on the left side of the house as there is another house there. There is no place to add the rooms to the front of the home."*

# Map of Subject Property



# Attachment "A" - Concept Plan



**Final Development Order  
VAR-21-57-4  
Wright Property**

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

**WHEREAS**, Cleo Davis (the "Applicant") requested a variance on behalf of Clarence and Arquilla Wright (the "Owners") to Lake County Land Development Regulations (LDR) Table 3.02.05 to allow an addition to be located forty-five (45) feet from the center line of Firethorn Road, in lieu of sixty-two (62) feet from the center line of the road; and

**WHEREAS**, the subject property consists of 5.11 +/- acres and is located 21130 Firethorn Road, in the Eustis area of unincorporated Lake County, Florida, in Section 03, Township 19, Range 27, having Alternate Key Number 2997257, and more particularly described below;

Commence at the SE corner of the SW 1/4 of the SW 1/4 of Section 3, Township 19 South, Range 27 East, Lake County, Florida; run N.89°54'50"W., along the South line of said SW 1/4 of the SW 1/4, 330.52 feet for the POINT OF BEGINNING; thence continue N.89°54'50"W., along said South line 328.69 feet; thence N.00°07'35"E., 640.50 feet; thence N.89°54'50"W., 127.62 feet; N.00°03'55"E., 5.00 feet; thence S.89°54'50"E., 127.62 feet; thence N.00°07'35"E., 25.00 feet; thence S.89°54'50"E., 329.14 feet; thence S.00°9'51"W., 670.50 feet to the POINT OF BEGINNING. Subject to an easement for ingress and egress over the North 25.00 feet of the West 22.38 feet.

Parcel Identification Number: **03-19-27-0003-000-07800**

**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 September 9, 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 September 9, 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-21-57-3, to allow an addition to be located forty-five (45) feet from the center line of Firethorn Road, in lieu of sixty-two (62) feet from the center line of the road, with the following conditions:

1. The residence and attached addition cannot be expanded beyond the expansion depicted in exhibit A, unless the proposed expansion is compliant with the established setbacks as established in LDR Table 3.02.05.

**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 9th day of September 2021.**

**EFFECTIVE September 9, 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 9th day of September 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)**