



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: January 13, 2022

Case No. and Project Name: VAR-21-81-1, Reynolds and Davids Property

Owners/Applicant: Joseph Reynolds and Andrew Davids

Requested Action: Variance to PUD Ordinance #2005-7 to allow an accessory structure (patio and screen enclosure) to be constructed 10-feet from Champlain Street, in lieu of 15-feet from Champlain Street.

Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 0.17 +/- acres

Location: 16128 Mead Street, Clermont.

Alternate Key No.: 3890119

Future Land Use: Urban Low

Current Zoning District: Planned Unit Development (PUD)

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Planned Unit Development (PUD)	Residential	Single-Family Residence
South	Urban Low	Planned Unit Development (PUD)	Residential	Single-Family Residence
East	N/A	N/A	Street	Mead Street, Single-Family Residence
West	N/A	N/A	Street	Champlain Street, Single-Family Residence

Summary of Request.

The subject parcel (identified as Alternate Key Number 3890119) contains 0.21 +/- acres, is zoned Planned Unit Development (PUD) in accordance with PUD Ordinance #2005-7 and is designated with an Urban Low Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The conceptual plan (Attachment "A") shows that the parcel is currently developed with a single-family dwelling unit, driveway, walkway, fence and covered patio. The subject parcel is located west of Mead Street and east of Superior Boulevard in the unincorporated Clermont area.

The Owners contacted the Office of Planning and Zoning to receive setback requirements to construct an accessory structure on the subject property. Once staff provided the setback information, the Owners realized that due to the location of the lot, the Owners would not be able to meet the secondary front setback.

The Owners are requesting a variance to Planned Unit Development Ordinance #2005-7, to allow an accessory structure (patio and screen room) to be constructed 10-feet from Champlain Street in lieu of 15-feet.

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. The Department of Public Works reviewed the application and had no objections or concerns 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 Planned Unit Development Ordinance 2007-5, Section 1.A(1)(b) Setbacks, is to ensure structures are located a safe distance from roads and there is enough area for safe passage of vehicles.

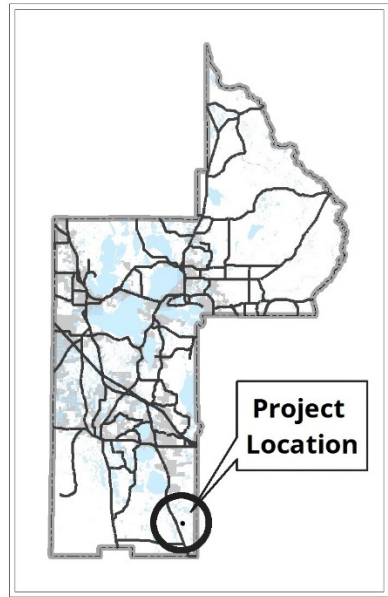
The parcel is developed with a fence on the rear and side property lines. The fence would be an extra buffer between the proposed accessory structure and traffic.

To show that the intent of the code will be or has been achieved by other means, the Applicant provided a written statement, *[Attachment "B" – Intent of Meeting the Code Statement]*

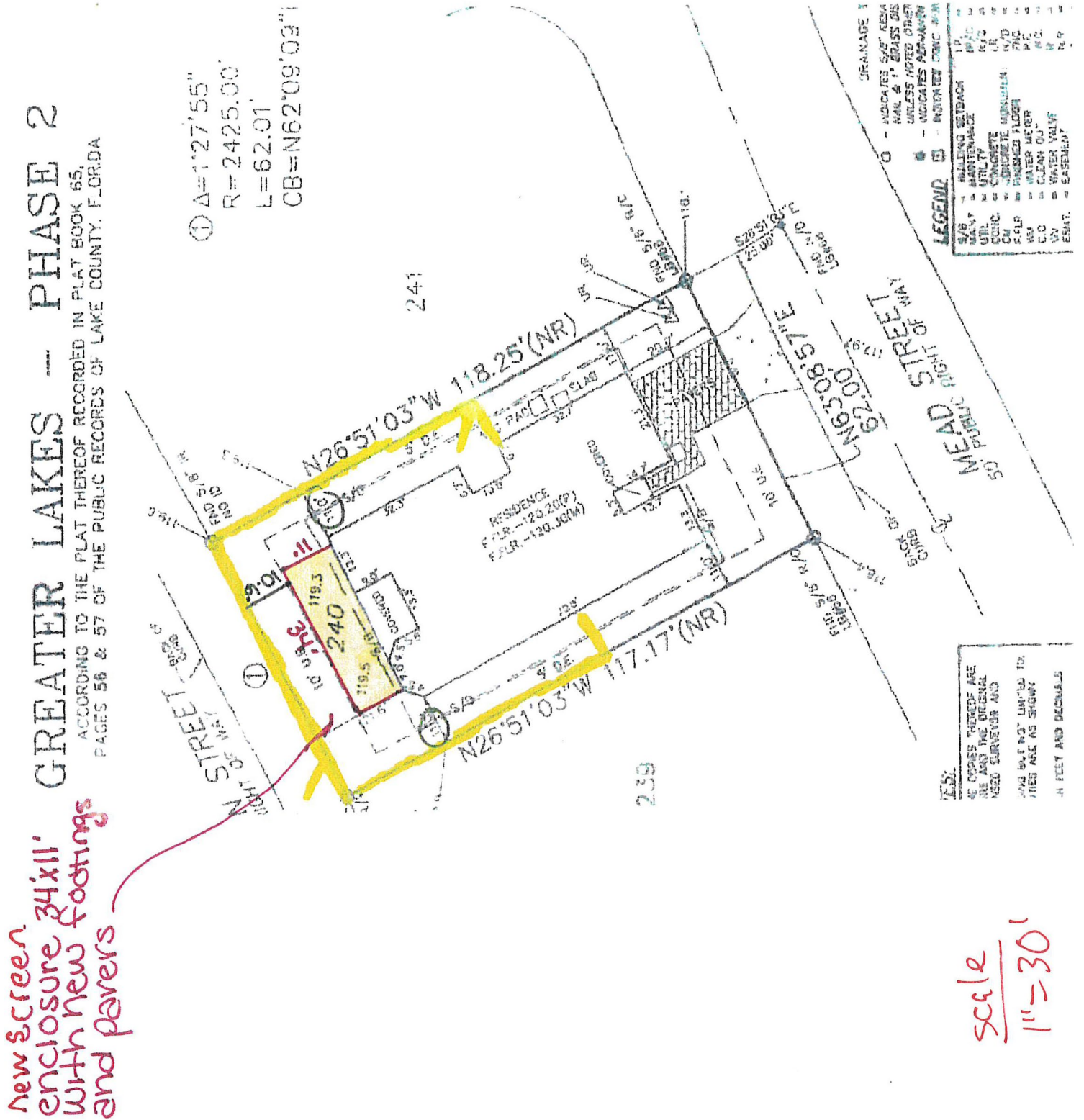
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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.

To show substantial hardship, the Applicant provided a written statement, *[Attachment "C" – Hardship Statement]*.

Map of Subject Property



Attachment "A" – Concept Plan



Attachment "B" – Intent of Meeting the Code Statement

Per our understanding of conversations with the Chief Planner, the primary intention of the increased setback for our rear yard is to improve sight-lines near the right of way. The intention of this setback can be achieved as existing sight-lines would not be obstructed by a screen enclosure. The structure would be ten (10) feet inside of the property line, and there is an additional twelve (12) feet from the roadway to our property line. In addition, existing fencing on adjacent property already blocks any sight-lines that could be obstructed by any other structure within the requested variance area.

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Attachment "C" – Hardship Statement

Our property is relatively unique in our neighborhood and contains a secondary right of way setback in our rear yard due to it having frontage on a neighborhood street. In addition, we have an existing easement ten (10) feet inside of our property line for utility lines. Due to homes on both sides of our property being two stories, we receive a large amount of shade directly behind our home. Subsequently our yard has a hard time drying out, or maintaining healthy grass in this area. We would like to extend our patio and create a screen enclosure to make this a usable space, and improve the appearance of the area, in addition to reducing the dirt that comes into our home.

**Final Development Order
VAR-21-81-1
Reynolds and Davids Property**

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

WHEREAS, Joseph Reynolds and Andrew Davids (the "Owners"), requested a variance to PUD Ordinance #2005-7 to allow an accessory structure (patio and screen enclosure) to be constructed 10-feet from Champlain Street, in lieu of 15-feet from Champlain Street; and

WHEREAS, the subject property consists of 0.17 +/- acres and is located 16128 Mead Street, in the Clermont area of unincorporated Lake County, in Section 10, Township 24, Range 26, having Alternate Key Number 3890119, and more particularly described below; and

Lot 240 of Greater Lakes Phase 2, according to the Plat thereof as recorded in Plat Book 65, Page 56, 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 January 13, 2022; 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 January 13, 2022, 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-21-81-1, to allow an accessory structure (patio and screen enclosure) to be constructed 10-feet from Champlain Street, in lieu of 15-feet from Champlain Street.

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 13th day of January 2022.

EFFECTIVE January 13, 2022.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

James Argento, Chairman

State of Florida

County of Lake

VAR-21-81-1, Reynolds and Davids Property

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 13th day of January 2022, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature
(SEAL)