



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: March 10, 2022

Case No. and Project Name: VAR-21-85-2 Polfer Property

Owners: Matthew J. Polfer & Lauren L. Sutcliffe

Applicant: Matt Pospisil

Requested Action: Variance to Land Development Regulations (LDR) Section 15.02.00, Table 15.02.01C, Residential Side Setback Requirements, to allow the replacement of a deck to be located 4.8-feet from the property line in lieu of the 7.5-foot requirement.

Case Manager: Ryan Winkler, Planner

Subject Property Information

Size: 0.55 +/- acres

Location: 12150 Maria Avenue, in the Clermont area of unincorporated Lake County

Alternate Key No.: 1737109

Future Land Use: Urban Low Density

Current Zoning District: Residential Professional (RP)

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: Clermont Joint Planning and Area
Clermont Interlocal Service Boundary Area

Overlay Districts: US-27/Independence Blvd – Hartwood Major Commercial Corridor

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	R-3	Residential	Single-Family Residences, Royal View Estates 1 st Add Subdivision
South	Urban Low Density	RP	Residential	Single-Family Residence, Lot 11 of the Four Winds the Subdivision
East	N/A	N/A	City of Clermont	City of Clermont Jurisdiction
West	Urban Low Density	RP	Residential	Single-Family Residence, Lot 9 of the Four Winds the Subdivision

Summary of Request.

The subject property, identified as Alternate Key Number 1737109, contains 0.55 +/- acres, is zoned Residential Professional (RP), and is designated with an Urban Low Density Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject property is located north of Maria Avenue in the Four Winds Subdivision, in the unincorporated Clermont area of Lake County. The subject property is located within the Clermont Interlocal Service Boundary Area Agreement (ISBA) and the City of Clermont was provided with the variance application and indicated that they have no comments or objections to the request. The subject property is currently developed with a single-family dwelling unit and related accessory uses.

The Applicant has requested a variance to LDR Table 15.02.01C, *Clermont JPA Land Development Regulations; Setbacks*, to allow for the replacement of an existing wooden deck with a concrete slab to be setback 4.8-feet from the eastern property line, in lieu of the 7.5-foot requirement. The new concrete slab is proposed to be within the same footprint of the wooden deck, the location of which is depicted on the plot plan (Attachment "A").

The Lake County Department of Public Works reviewed the variance application and provided the following: *"Typically no impervious should be within 5-ft of the side property line and no new drainage runoff cannot impact neighboring property per lot grading ordinance"*.

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.

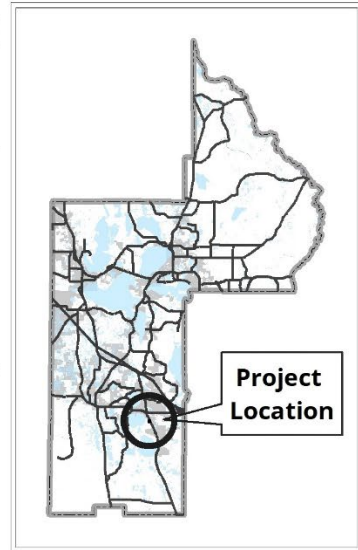
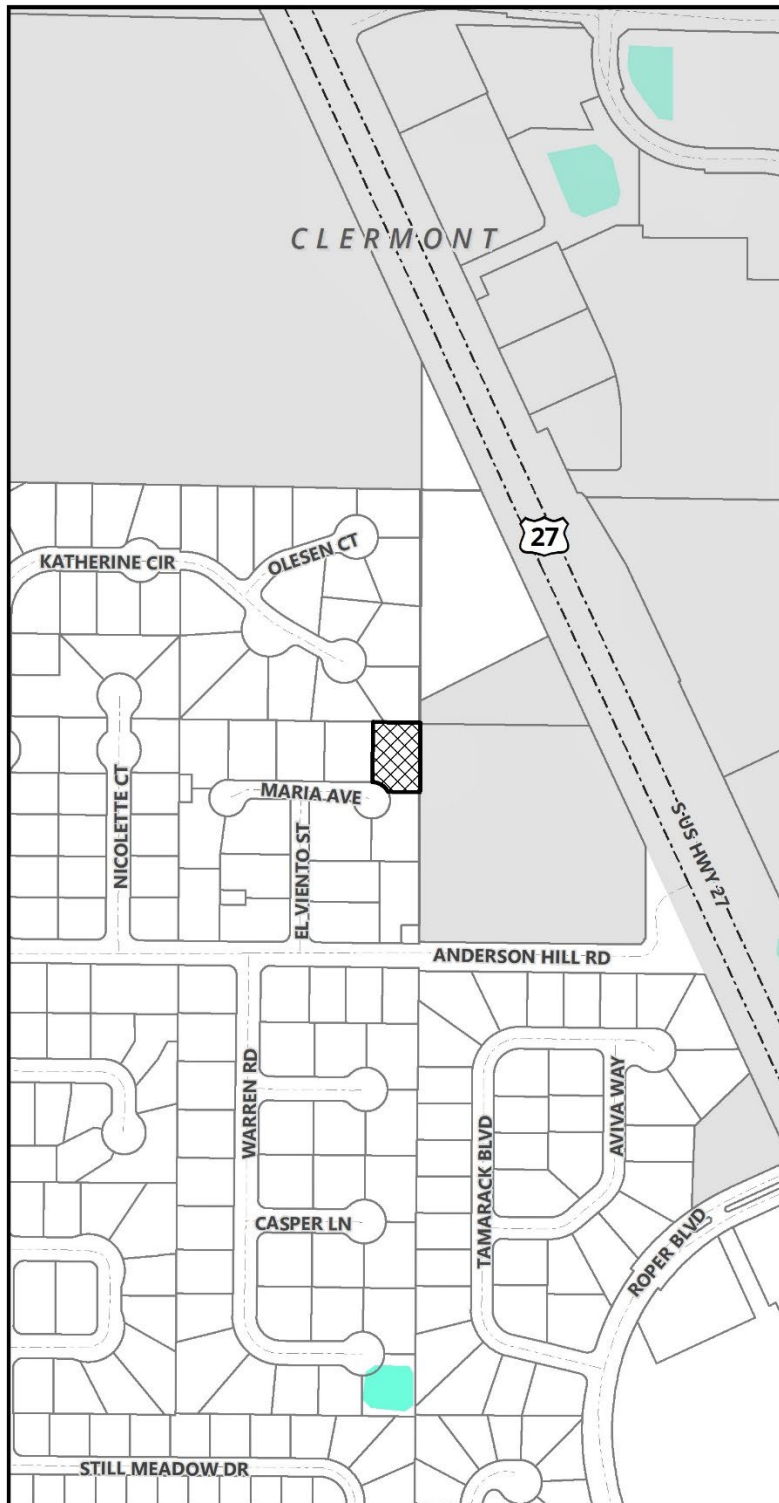
The intent of the Code, LDR Table 15.02.01C, *Residential Side Setback Requirements in the Clermont Joint Planning Area*, and LDR Section 3.02.05, *Setbacks*, is to ensure that structures are located a safe distance from rights-of-way and neighboring properties, and to avoid impediment of proper drainage.

To show that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, *"All setbacks are met except for the one side we are requesting. With this request, neighboring property will not be affected in any way. Property grades will remain the same as existing."*

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.

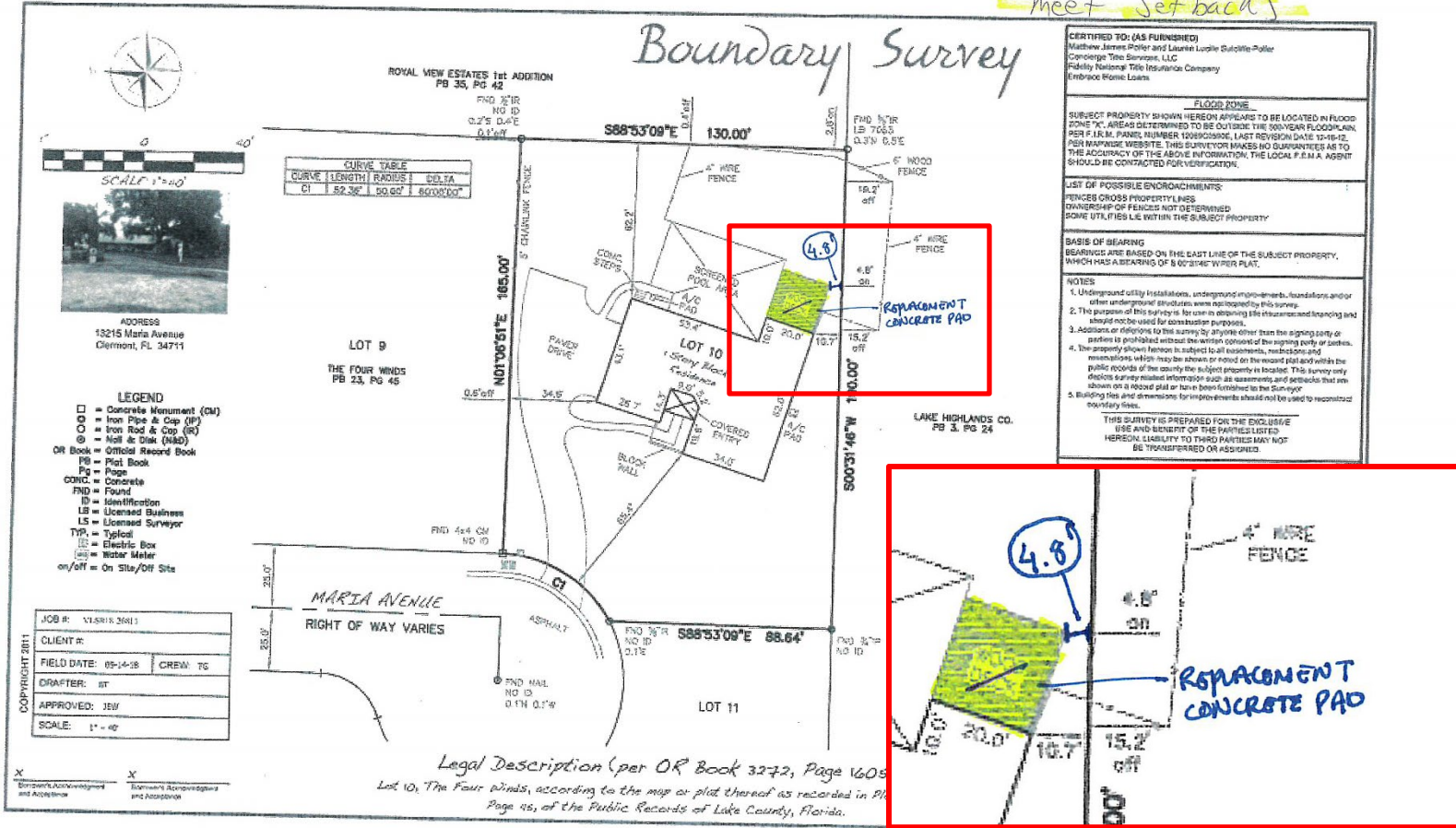
To show substantial hardship, the Applicant provided the following statement, *"We want to replace wood deck with concrete, and we are not meeting setbacks. We are requesting setback to be changed to accommodate new concrete replacement existing deck. New concrete will be in the same footprint as existing wood deck."*

Map of Subject Property



Replace Wood Deck
with Concrete & will not
meet Setbacks

Attachment "A" - Plot Plan



**Final Development Order
VAR-21-85-2
Polfer Property**

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

WHEREAS, Matt Pospili, (the “Applicant”), on behalf of Matthew Polfer and Lauren Sutcliffe, (the “Owners”), requested a variance to Land Development Regulations (LDR) Section 15.02.00, Table 15.02.01C, Residential Side Setback Requirements in the Clermont Joint Planning Area (JPA) Boundary, to allow the replacement of a deck to be located 4.8-feet from the property line in lieu of the 7.5-foot requirement; and

WHEREAS, the subject property consists of 0.55 +/- acres and is located at 13215 Maria Avenue, in the Clermont area of unincorporated Lake County, in Section 32, Township 22, Range 26, having Alternate Key Number 1737109, and more particularly described below; and

Lot 10, The Four Winds, according to the map or plat thereof, as recorded in Plat Book 23, Page(s) 45, 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 March 10, 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 March 10, 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-21-85-2, to allow the replacement of a deck to be located 4.8-feet from the property line in lieu of the 7.5-foot requirement 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.

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

ENACTED this 10th day of March, 2022.

EFFECTIVE March 10, 2022.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

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 _____ day of _____, 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)