



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: April 14, 2022

Case No. and Project Name: VAR-21-92-3 Revell Property

Applicant: James Revell

Owner: James Revell and Beverly Kremer

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 10.01.01(D) to allow a property less than an acre in size to be developed with 2,000 square feet of accessory structures in lieu of 842.4 square feet of accessory structures.

Case Manager: Marellys Moreno, CRA Coordinator

Subject Property Information

Size: 0.48 +/- acres

Location: 11138 Moore Street, Leesburg

Alternate Key No.: 1252211

Future Land Use: Urban Medium

Current Zoning District: Urban Residential (R-6)

Flood Zone: "X"

Joint Planning Area/ ISBA: Leesburg Interlocal Service Boundary Area (ISBA)

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Medium	Mixed Home Residential (RM)	Residential and Street	Moore Street, Single-Family Dwelling Units
South	Urban Medium	Urban Residential (R-6)	Vacant Residential and Street	Townsend Street, Undeveloped Residential
East	Urban Medium	Urban Residential (R-6)	Residential	Single Family Dwelling Units
West	Urban Medium	Urban Residential (R-6)	Residential	Single Family Dwelling Units

Summary of Request.

The subject 0.48 +/- acre parcel is identified by Alternate Key Number 1252211; the parcel is zoned Urban Residential (R-6) and is part of the Urban Medium Density Future Land Use Category (FLUC). The subject property is located within the Hilltop Subdivision Number 3. The subject parcel is developed with a residence, carport, two sheds, and driveway. The applicant stated they will be removing the two sheds, and they will maintain the main residence.

The Applicant seeks approval to allow a property less than an acre in size to be developed with 2,000 square feet of accessory structures in lieu of 842.4 square feet (Attachment "A"). LDR Section 10.01.01(D), states that for lots less than one acre in size, the square footage of an accessory structure(s) shall not exceed eighty percent of the main floor square footage of the enclosed living area of the dwelling unit, which excludes features such as garages, patios, and porches. If there is more than one accessory structure, the combined square footage shall apply. The total living area of the house is 1,053 square feet and 80-percent of that square footage is 842.4 square feet. The cumulative square footage of the accessory structures equates to 2,000-square feet, exceeding the allowed percentage by 137-percent.

The owners have requested a variance to LDR Section 10.01.01(D), to allow the construction of two accessory structures to exceed 80-percent of the main floor square footage of the enclosed living area of the dwelling unit.

The Lake County Department of Public Works reviewed the application and did not provide any comments nor identify any 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.

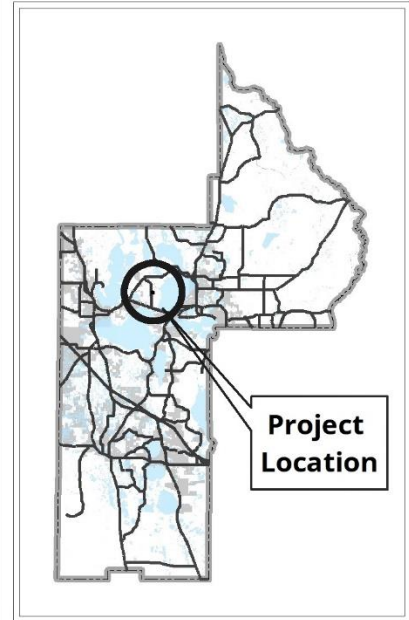
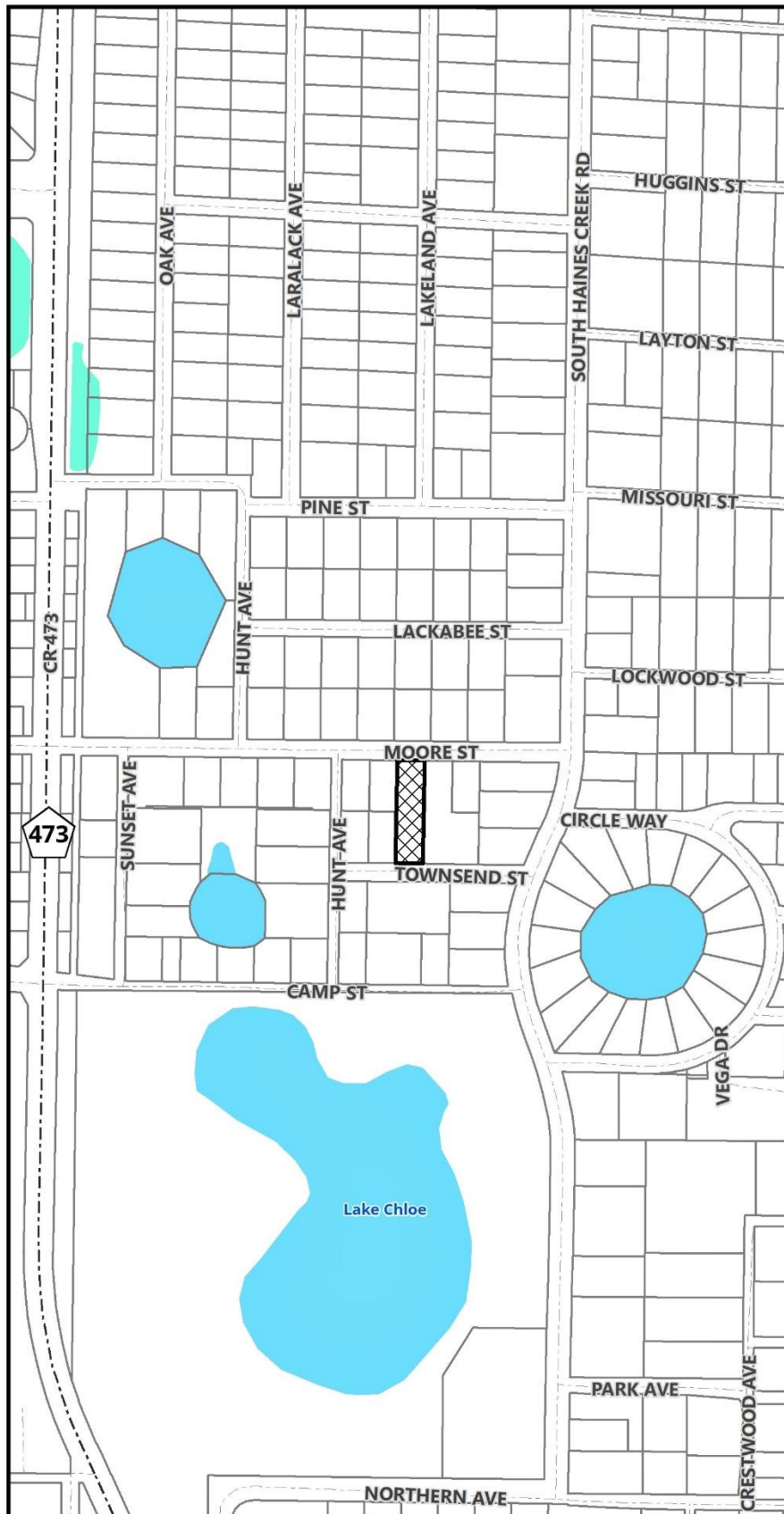
The intent of the Code, LDR Section 10.00.00, is to regulate the installation, configuration, and use of Accessory and temporary Structures and uses to preserve the community and property values and to protect the community character.

The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"Meets setbacks, issue is accessory structure, going to remove 9.8x8 metal shed."*

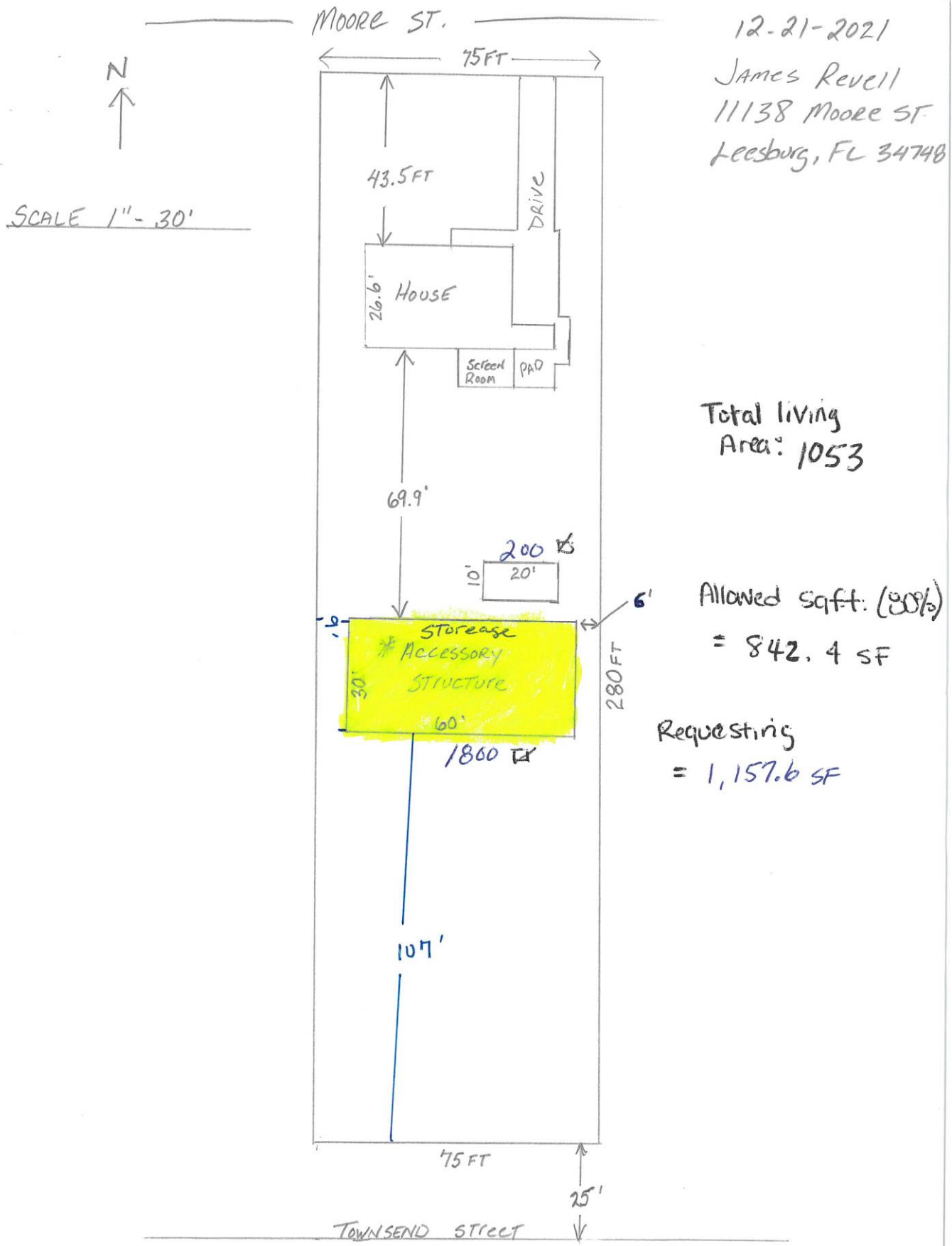
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For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

The Owners provided the following statement, *"Storage to house vehicles, boat, mc, camper, trailer. Accessory structure to store objects so they are not all sitting outside and approve appearance."*

Map of Subject Property



Attachment A, Concept Plan.



12-21-2021
James Revell
11138 Moore St.
Leesburg, FL 34748

Total living Area: 1053

Allowed sqft: (80%)
= 842.4 SF

Requesting
= 1,157.6 SF

**Final Development Order
VAR-21-92-3
Revell Property**

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

WHEREAS, James Revell (the “Applicant”) requested a variance to Lake County Land Development Regulations (LDR) 10.01.01(D), to allow a property less than an acre in size to be developed with 2,000 square feet of accessory structures in lieu of 842.4 square feet; and

WHEREAS, the subject property consists of 0.48 +/- acres and is located at 11138 Moore Street, in the unincorporated Leesburg area of Lake County, Florida, in Section 12, Township 19 South, Range 25 East, having Alternate Key Number 1252211 and more particularly described as:

Parcel 1: Lot 8, Block A, in Hilltop Subdivision, Number 3, a subdivision located in Lake County, Florida, according to the Plat thereof as recorded in Plat Book 14, Page(s) 4 and 4A, public records of Lake County, Florida.

Parcel 2: Lot 9, Block A, in Hilltop Subdivision, Number 3, a subdivision located in Lake County, Florida, according to the Plat thereof as recorded in Plat Book 14, Page(s) 4 and 4A, 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 April 14, 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 April 14, 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-21-92-3 to allow a property less than an acre in size to be developed with 2,000 square feet of accessory structures in lieu of 842.4 square 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 14th day of April, 2022.

EFFECTIVE April 14, 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 14th day of April, 2022, by _____.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)