



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: June 9, 2022

Case No. and Project Name: VAR-22-16-4 Corbett Property

Applicant: Kyle and Katelyn Corbett

Owner: Bob's Pools and Screens

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 9.08.02(A)(2)(c)(2) to allow a deck and screen enclosure along with associated pool and spa to be located 21-feet from the rear property line, in lieu of 30-feet from the property line.

Case Manager: Marellys Moreno, CRA Coordinator

Subject Property Information

Size: 0.5 +/- acres

Location: 23613 Stream Avenue, Sorrento

Alternate Key No.: 3864704

Future Land Use: Mt. Plymouth-Sorrento Neighborhood

Current Zoning District: Urban Residential (R-6)

Flood Zone: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Mt. Plymouth-Sorrento and Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Mt. Plymouth-Sorrento Neighborhood	Urban Residential (R-6)	Residential and Street	Stream Avenue and Single-Family Dwelling Units
South	Mt. Plymouth-Sorrento Neighborhood	Urban Residential (R-6)	Residential	Single-Family Dwelling Unit
East	Mt. Plymouth-Sorrento Neighborhood	Urban Residential (R-6)	Vacant Residential and Street	Stream Avenue and Undeveloped Residential
West	Mt. Plymouth-Sorrento Neighborhood	Urban Residential (R-6)	Residential	Single Family Dwelling Unit

Summary of Request.

The subject 0.5 +/- acre parcel is identified by Alternate Key Number 3864704; the parcel is zoned Urban Residential (R-6) and is part of the Mt. Plymouth-Sorrento Neighborhood Future Land Use Category (FLUC). The subject property is identified as Lot 44 of the Plymouth Creek Estates subdivision, recorded in Plat Book 62, Pages 12-14. The subject parcel is developed with a residence, attached garage, covered porch, and screened porch.

The Applicant is seeking approval to allow a deck and screen enclosure along with associated pool and spa to be located 21-feet from the rear property line, in lieu of 30-feet from the property line. The proposed accessory structures are depicted on the Plot Plan (Attachment "A"). LDR Section 9.08.02(A)(2)(c)(2) states that in subdivisions with lots smaller than one (1) acre, and where no public or private water system is available for flow, an alternative means of fire protection water supply shall be provided with the County Manager or designee's approval such as spacing of homes a minimum of sixty (60) feet apart, minimum of thirty (30) feet from the property lines and, a minimum of thirty (30) feet clear open space on all sides of the structure. As a result, a variance is required to facilitate approval of the proposed accessory structures at a reduced setback.

The Lake County Fire Plan Review and the 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.

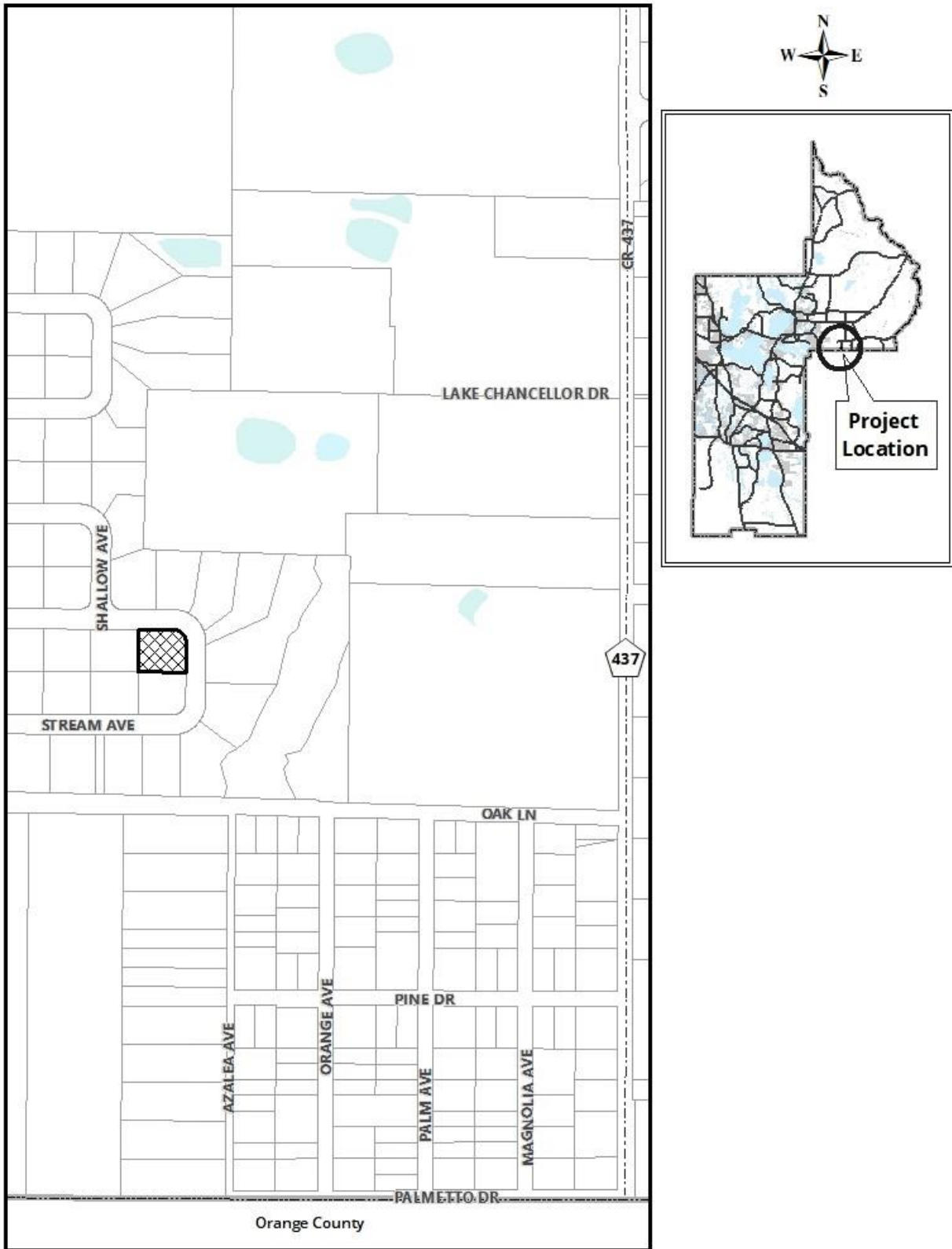
The intent of the Code, LDR Section 9.08.00, is to ensure all new buildings or structures have a suitable approved fire protection water supply.

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, *"The granting of a variance to permit a pool and screen enclosure at the proposed location would grant reasonable use of the subject property. It would offer the property owner the same rights as others within the same zoning district and based on the location does not appear would be considered injurious to the public. The deck and screen enclosure are 21 feet from the property line and the pool and spa are set 23 feet from the rear property."*

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, *"Homeowner is disabled and recovering from brain surgery. Usage of a personal pool is crucial to his recovery as it plays a large roll [sic] in physical and mental therapy. On days of chemo and radiation, it is an outlet to still enjoy his family. He will use the pool to help regain muscle mass and strength to continue his fight with terminal cancer."*

Map of Subject Property



**Final Development Order
VAR-22-16-4
Corbett Property**

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

WHEREAS, Bob's Pools and Screens (the "Applicant"), on behalf of Kyle and Katelyn Corbett (the "Owners"), requested a variance to Lake County Land Development Regulations (LDR) 9.08.02(A)(2)(c)(2) to allow a deck and screen enclosure along with associated pool and spa to be located 21-feet from the rear property line, in lieu of 30-feet from the property line; and

WHEREAS, the subject property consists of 0.5 +/- acres and is located at 23613 Stream Avenue, in the unincorporated Sorrento area of Lake County, Florida, in Section 36, Township 19 South, Range 27 East, having Alternate Key Number 3864704 and more particularly described as:

PLYMOUTH CREEK ESTATES PB 62 PG 12-14 LOT 44 ORB 5876 PG 1783.

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 June 9, 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 June 9, 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-22-16-4 to allow a deck and screen enclosure along with associated pool and spa to be located 21-feet from the rear property line, in lieu of 30-feet from the property line.

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 June 2022.

EFFECTIVE June 9, 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 9th day of June 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)