



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: July 14, 2022

Case No. and Project Name: VAR-22-13-4 Mrozinski Property

Owner: James L. and Vanessa R. Mrozinski

Applicant: Greg Steinmetz Construction, Inc.

Requested Action: Variance to Land Development Regulations (LDR) Section 3.02.05, Setbacks, to allow for an after-the-fact structure (metal garage with single-family dwelling unit) to be located 21-feet from the northern side property line, in lieu of 25-feet.

Case Manager: Emily W. Johnson, Chief Planner

Subject Property Information

Size: 5.01 +/- acres

Location: 10428 Emerald Avenue in the Leesburg area of unincorporated Lake County.

Alternate Key No.: 3407831

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zones: "A" and "X"

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

Overlay Districts: Emerald Marsh Rural Protection Area (RPA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	A	Residential	Single-Family Residence
South	Rural	A	Residential	Single-Family Residence
East	Rural	A	Residential	Single-Family Residence
West	Rural	A	Agricultural	Large Vacant Agriculture Tracts, adjacent to County Road 452

Summary of Request.

The subject property, identified as Alternate Key Number 3407831, contains 5.01 +/- acres, is zoned Agriculture (A), and is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject property is located east of County Road 452 and southwest of Emerald Avenue, in the unincorporated Leesburg area of Lake County. The subject property is currently developed with the subject metal building which contains approximately 490-square feet of living area.

On March 12, 2019, staff from the Office of Planning and Zoning issued a zoning clearance for a metal structure containing a single-family dwelling unit with 850-square feet of living area and 2400 square feet under roof; the zoning clearance was revised on February 9, 2021 to contain 981 square feet of living area, and again on February 11, 2021 to contain 490-square feet of living area. The structure was approved with a minimum setback of 25-feet from the property line. Upon purchasing the property on June 21, 2021, the Owners found that the structure was built at a setback of 21-feet from the property line, and without obtaining a permit from the Office of Building Services.

The Applicant has requested a variance to LDR Section 3.02.05, Setbacks, to allow for an after-the-fact structure (metal garage with single-family dwelling unit) to be located 21-feet from the northern side property line, in lieu of 25-feet. The as-built location of the structure is depicted on the plot plan (Attachment "A").

The variance application was provided to the Lake County Public Works Department and Lake County Chief Fire Inspector for review; neither the Public Works Department nor the Fire Inspector provided any comments nor opposition 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.

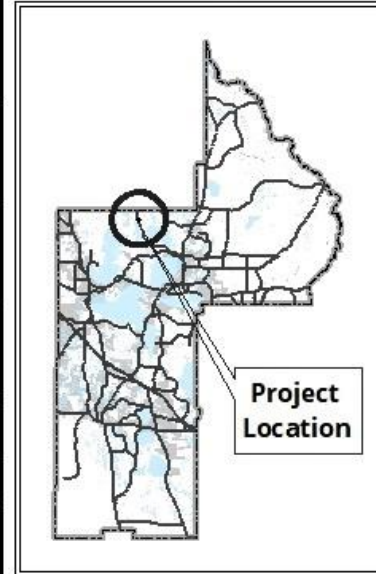
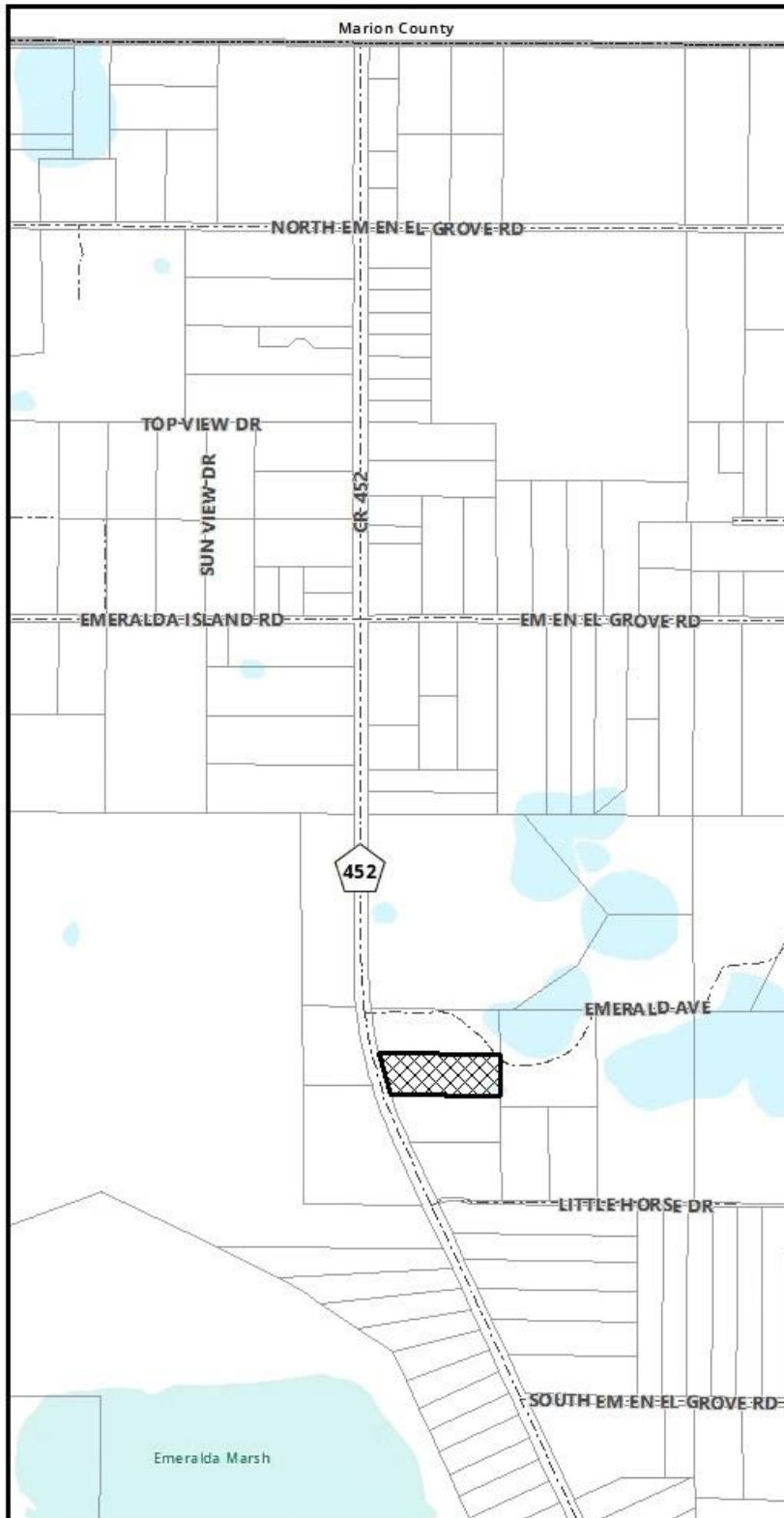
The intent of the code, LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

To show that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, *"The purpose of the LDR doesn't seem to be compromised in regard to pattern or visual appearance in any way, the setback being reduced from 35 to 21' doesn't present a problem for emergency vehicles or utilities or the neighboring property and we are trying to help the owner with a hardship imposed on them from a bad/fraudulent real estate deal wherein the property purchased was represented to have been permitted and the building able to be lived in. The home/property owner has incurred financial hardship in both being able to live in the home they believed they could live in and has had to find another home to live in until this can be remedied. We are requesting the encroachment be amended by way of variance to allow them to permit the structure and bring it up to code internally."*

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, *"The structure that is present was build [4]' too close to the property line. The hardship would be tearing it down and rebuilding it. This was done by the previous owner and was represented as a permitted structure."*

Map of Subject Property



**Final Development Order
VAR-22-13-4
Mrozinski Property**

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

WHEREAS, Greg Steinmetz Construction Inc. (the “Applicant”), on behalf of James L. and Vanessa R. Mrozinski (the “Owners”), requested a variance to Land Development Regulations (LDR) Section 3.02.05, Setbacks, to allow for an after-the-fact structure (metal garage with single-family dwelling unit) to be located 21-feet from the northern side property line, in lieu of 25-feet; and

WHEREAS, the subject property consists of 5.01 +/- acres and is located at 10428 Emerald Avenue, in the Leesburg area of unincorporated Lake County, in Section 11, Township 18, Range 25, having Alternate Key Number 3407831, and more particularly described in EXHIBIT “A” – LEGAL DESCRIPTION; and

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 July 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 July 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-22-13-4, to allow for an after-the-fact structure (metal garage with single-family dwelling unit) to be located 21-feet from the northern side property line, in lieu of 25-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 14th day of July, 2022.
EFFECTIVE July 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 July 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)**

EXHIBIT "A" – LEGAL DESCRIPTION

COMMENCE AT THE NORHTEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 18 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA, AND RUN SOUTH 00° 46' 20" EAST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 305.49 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING CONTINUE SOUTH 00° 46' 20" EAST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 278.65 FEET; THENCE NORTH 89° 43' 27" WEST 741.72 FEET; TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY NO. C-452, SAID POINT BEING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIAL BEARING OF SOUTH 70° 55' 03" WEST AND 2814.78 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05° 54' 51" AN ARC LENGTH OF 270.55 FEET; THENCE SOUTH 89° 43' 27" EAST, 816.63 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 18 SOUTH, RANGE 25 EAST IN LAKE COUNTY, FLORIDA AND RUN NORTH 89° 46' 51" WEST ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORHTWEST 1/4 A DISTANCE OF 324.02 FEET TO THE POINT OF BEGINNING OF THIS EASEMENT LEGAL DESCRIPTION; FROM SAID POINT OF BEGINNING RUN SOUTH 50° 12' 50" EAST 184.85 FEET; THENCE NORTH 71° 29' 10" EAST, 104.88 FEET; THENCE NORTH 24° 38' 53" EAST 222.13 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE AFORESAID MENTIONED SECTION 11; THENCE SOUTH 89° 42' 22" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 27.44 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 11; THENCE SOUTH 00° 31' 38" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 58.77 FEET; THENCE SOUTH 24° 38' 53" WEST 189.76 FEET; THENCE SOUTH 46° 09' 35" WEST 139.09 FEET; THENCE SOUTH 71° 29' 10" WEST 119.38 FEET; THENCE SOUTH 78° 57' 21" WEST 194.26 FEET; THENCE NORTH 87° 01' 21" WEST, 154.01 FEET, THENCE NORTH 42° 10' 55" WEST, 256.83 FEET; THENCE NORTH 50° 12' 50" WEST, 248.53; THENCE NORTH 89° 46' 51" WEST, 519.67 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY NO. C-452, SAID POINT BEING ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIAL BEARING OF SOUTH 82° 06' 33" WEST AND A RADIUS OF 2814.79 FEET; THENCE NORTHERLY ALONG THE ARC LENGTH OF 50.44 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORHTWEST 1/4 OF THE AFOREMENTIONED SECTION 11; THENCE SOUTH 89° 46' 51" EAST ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 544.33 FEET TO THE POINT OF BEGINNING.