



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5
 Public Hearing Date: July 14, 2022
 Case No. and Project Name: VAR-22-19-4 Dease Property
 Applicant: Don'L Dease
 Owner: Don'L and Laura Dease
 Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.02.05 to allow accessory structures including but not limited to a pool, pool deck, and pool enclosure, to be located 17 feet from the northern side property line, in lieu of 25 feet requirement from the property line.
 Case Manager: Marellys Moreno, CRA Coordinator

Subject Property Information

Size: 5.01 +/- acres
 Location: 31825 Hojin Street, Sorrento
 Alternate Key No.: 3771975
 Future Land Use: Mt. Plymouth-Sorrento Receiving Area
 Current Zoning District: Agriculture (A)
 Flood Zone: "X"
 Joint Planning Area/ ISBA: N/A
 Overlay Districts: Mt. Plymouth-Sorrento, Wekiva River Protection Area, and Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Mt. Plymouth-Sorrento Receiving Area	Agriculture (A)	Vacant Residential	Undeveloped Residential
South	Mt. Plymouth-Sorrento Receiving Area	Agriculture (A)	Vacant Residential	Undeveloped Residential
East	Mt. Plymouth-Sorrento Receiving Area	Agriculture (A)	Vacant Residential	Undeveloped Residential
West	Mt. Plymouth-Sorrento Receiving Area	Planned Unit Development	Residential and Residential Common Area	Single Family Dwelling Unit and Residential Common Area

Summary of Request.

The subject 5.01 +/- acre parcel is identified by Alternate Key Number 3771975; the parcel is zoned Agriculture (A) and is part of the Mt. Plymouth-Sorrento Receiving Area Future Land Use Category (FLUC). The subject property is identified as Lot 2 of the Hojin Gardens Subdivision, recorded in Plat Book 38, Pages 73-74. The subject parcel is developed with a residence, garage, and porch.

The Applicant is seeking approval to allow a pool, pool deck, and pool enclosure to be located 17 feet from the northern side property line, in lieu of 25 feet requirement from the property line. The proposed structures are depicted on the Plot Plan (Attachment "A"). LDR Section 3.02.05 states that rear and side setbacks for new development and existing development with conforming lots shall be twenty-five (25) feet. As a result, a variance is required to facilitate approval of the proposed structures at a reduced setback.

A Variance application was previously approved on April 11, 2019, to Land Development Regulations (LDR) Table 3.02.05, to allow a proposed single-family residence to be located seventeen (17) feet from the northern side property line in lieu of twenty-five (25) feet and to allow a proposed driveway to be located five (5) feet from the southern side property line in lieu of twenty-five (25) feet. However, the applicant did not include accessory structures in the application request.

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.

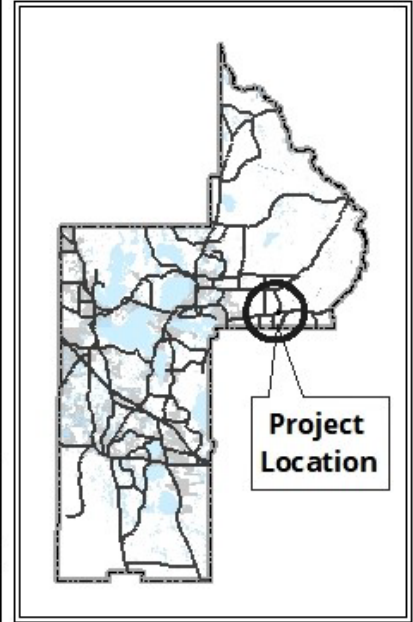
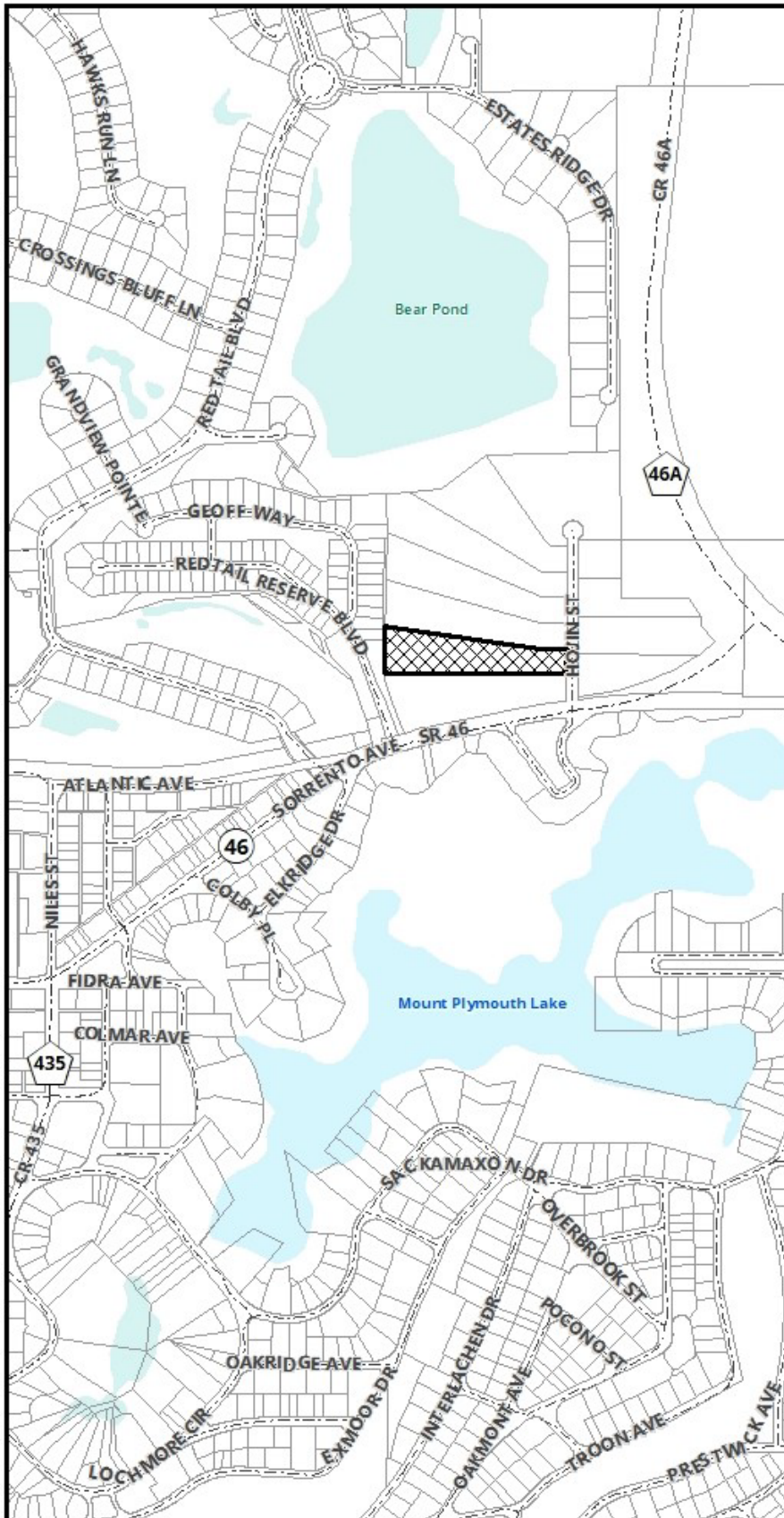
The intent of the Code, LDR Section 3.02.05, is to ensure structures are located a safe distance from roads and there is enough area for safe passage of vehicles.

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, *"A variance for our home was approved in 2019 and we are seeking approval to have the setback approved for the home extended to include our pool, pool enclosure, and pool deck. This would allow the pool, pool enclosure, and pool deck to aesthetically be attached to our home."*

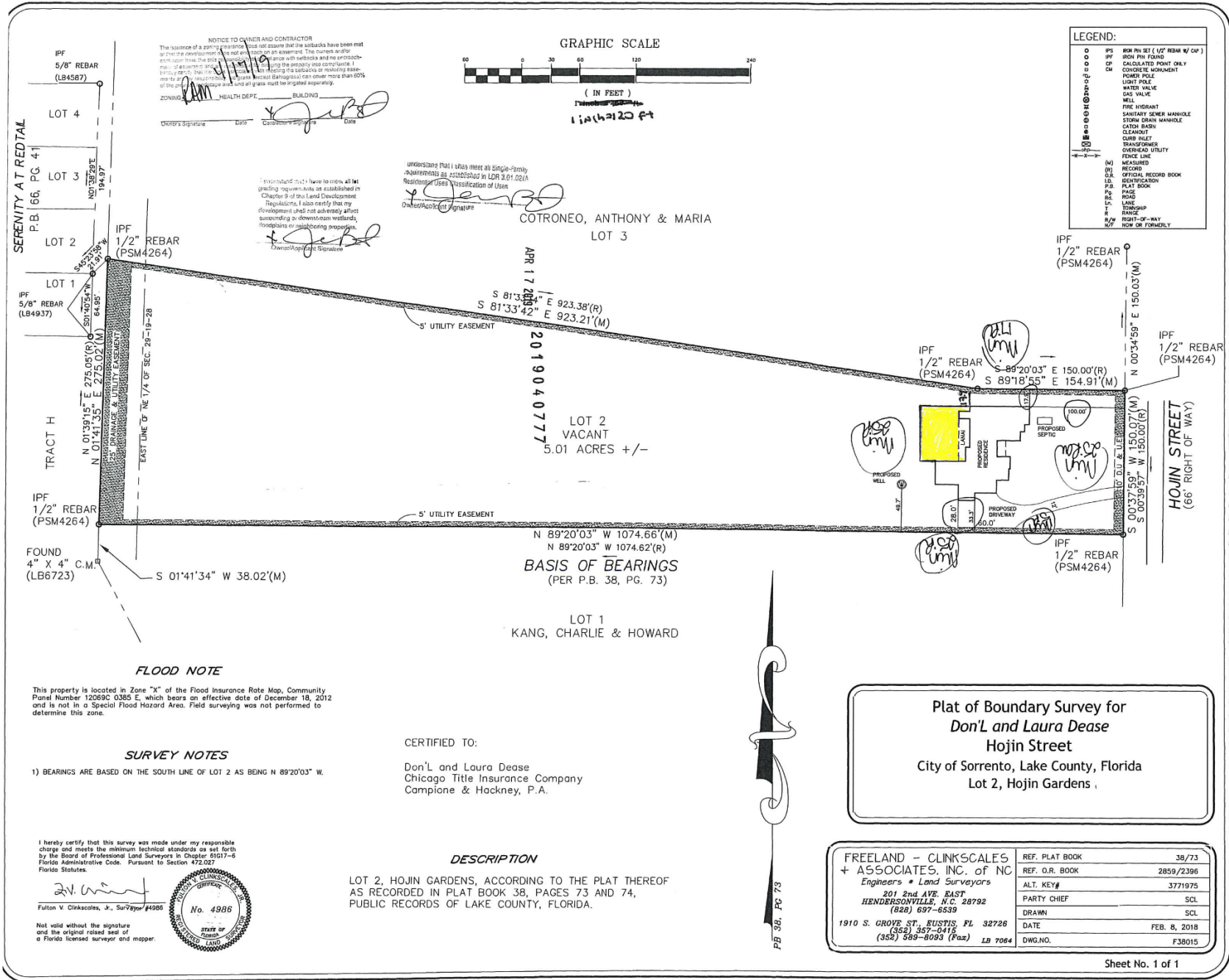
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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, *"Variance was obtained for the construction of our residence and the builder failed to put 'any structure' which is now preventing the construction of our pool, pool deck and enclosure, to be aligned with the edge of our home."*

Map of Subject Property



Attachment "A" - Plot Plan



**Final Development Order
VAR-22-19-4
Dease Property**

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

WHEREAS, Don'L Dease (the "Applicant"), on behalf of Don'L and Laura Dease (the "Owners"), requested a variance to Lake County Land Development Regulations (LDR) Section 3.02.05 to allow accessory structures including but not limited to a pool, pool deck, and pool enclosure, to be located 17 feet from the northern side property line, in lieu of 25 feet requirement from the property line; and

WHEREAS, the subject property consists of 5.01 +/- acres and is located at 31825 Hojin Street, in the unincorporated Sorrento area of Lake County, Florida, in Section 28, Township 19 South, Range 28 East, having Alternate Key Number 3771975 and more particularly described as:

Lot 2, Hojin Gardens, according to the map or plat thereof, as recorded in Plat Book 38, Page(s) 73 and 74, of the 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 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-22-19-4 to allow accessory structures including but not limited to a pool, pool deck, and pool enclosure, to be located 17 feet from the northern side property line, in lieu of 25 feet requirement 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 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)