



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: September 8, 2022

Case No. and Project Name: VAR-22-08-4 Ramirez Property

Applicant: Yrene N. Ramirez

Owner: Yrene N. Ramirez and Dmitri N. Pridannikov

Requested Action: Variance to Land Development Regulations (LDR) Section 3.02.05 to allow the secondary front setback to be 15-feet from the right-of-way, in lieu of the required 25-foot setback from the right-of-way, to accommodate a single-family dwelling unit.

Case Manager: Marellys Moreno, CRA Coordinator

Subject Property Information

Size: 0.2 +/- acres

Location: East of the intersection of Sunningdale Street and Sleepy Hollow Street, in the Mount Plymouth area.

Alternate Key No.: 1367379

Future Land Use: Mt. Plymouth-Sorrento Receiving Area

Current Zoning District: Urban Residential (R-6)

Flood Zone: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Mt. Plymouth-Sorrento Special Community, Wekiva Study Area, and Wekiva River Protection Area

Adjacent Property Land Use Table

| Direction | Future Land Use | Zoning | Existing Use | Comments |
|-----------|--------------------------------------|-------------------------|--------------|---|
| North | Mt. Plymouth-Sorrento Receiving Area | Urban Residential (R-6) | Residential | Single-Family Dwelling Unit, adjacent to Sleepy Hollow Street |
| South | Mt. Plymouth-Sorrento Receiving Area | Urban Residential (R-6) | Residential | Single-Family Dwelling Unit |
| East | Mt. Plymouth-Sorrento Receiving Area | Urban Residential (R-6) | Residential | Single-Family Dwelling Unit |
| West | Mt. Plymouth-Sorrento Receiving Area | Urban Residential (R-6) | Residential | Single-Family Dwelling Unit, adjacent to Sunningdale Street |

Summary of Request.

The subject 0.2 +/- acre parcel is identified by Alternate Key Number 1367379; the parcel is zoned Urban Residential (R-6), and designated as Mt. Plymouth-Sorrento Receiving Area Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is recognized as Lot 4 of the Mount Plymouth Subdivision, recorded in Plat Book 8, Pages 85. The subject parcel is currently vacant and undeveloped.

On April 7, 2022, the Office of Code Enforcement issued a Notice of Violation (Action Order No. 2022040012) on the subject property for site work without development permits. The code case indicates that unapproved site work includes possible tree clearing, grading, and storage of construction materials for the proposed single-family dwelling unit.

The applicant is seeking approval to allow the secondary front setback to be 15-feet from the right-of-way of Sleepy Hollow Street, in lieu of the required 25-foot setback from the right-of-way, to accommodate a proposed single-family dwelling unit. The proposed location of the single-family dwelling unit is depicted on the Plot Plan (Attachment "A"). Note 3(a) under LDR Table 3.02.05 specifies a secondary front setback of 25-feet from the right-of-way for ongoing or existing residential lots which have a minimum width of 75-feet. Lake County Land Development Regulations defines Existing Development as a Plat which was recorded prior to July 16, 1991; a Plat which has been granted vested rights pursuant to a Vested Rights Certificate; an unrecorded Plat which Lake County has recognized; an Agricultural Lot Split, a Large Lot Split or Minor Lot Split approved by Lake County prior to July 16, 1991. Since the Mount Plymouth Subdivision Plat was approved July 16, 1991, the required setback is 25-feet from the right-of-way, and a variance is required to facilitate approval of the proposed structure at a reduced secondary front setback.

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.

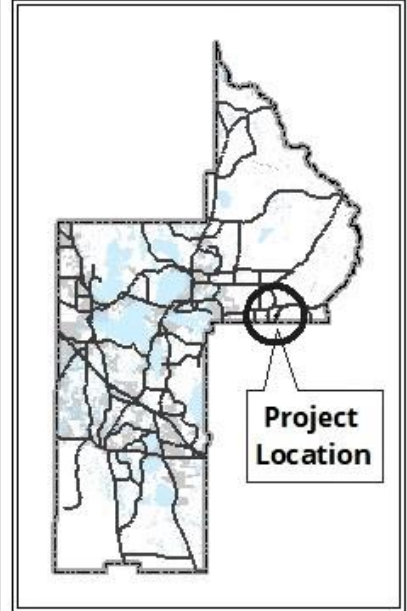
The intent of the Code, LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures and roadways, and encourage a visually pleasing environment.

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: *"We'll meet the minimum square footage requirements, and the side and rear setbacks would be met as well."*

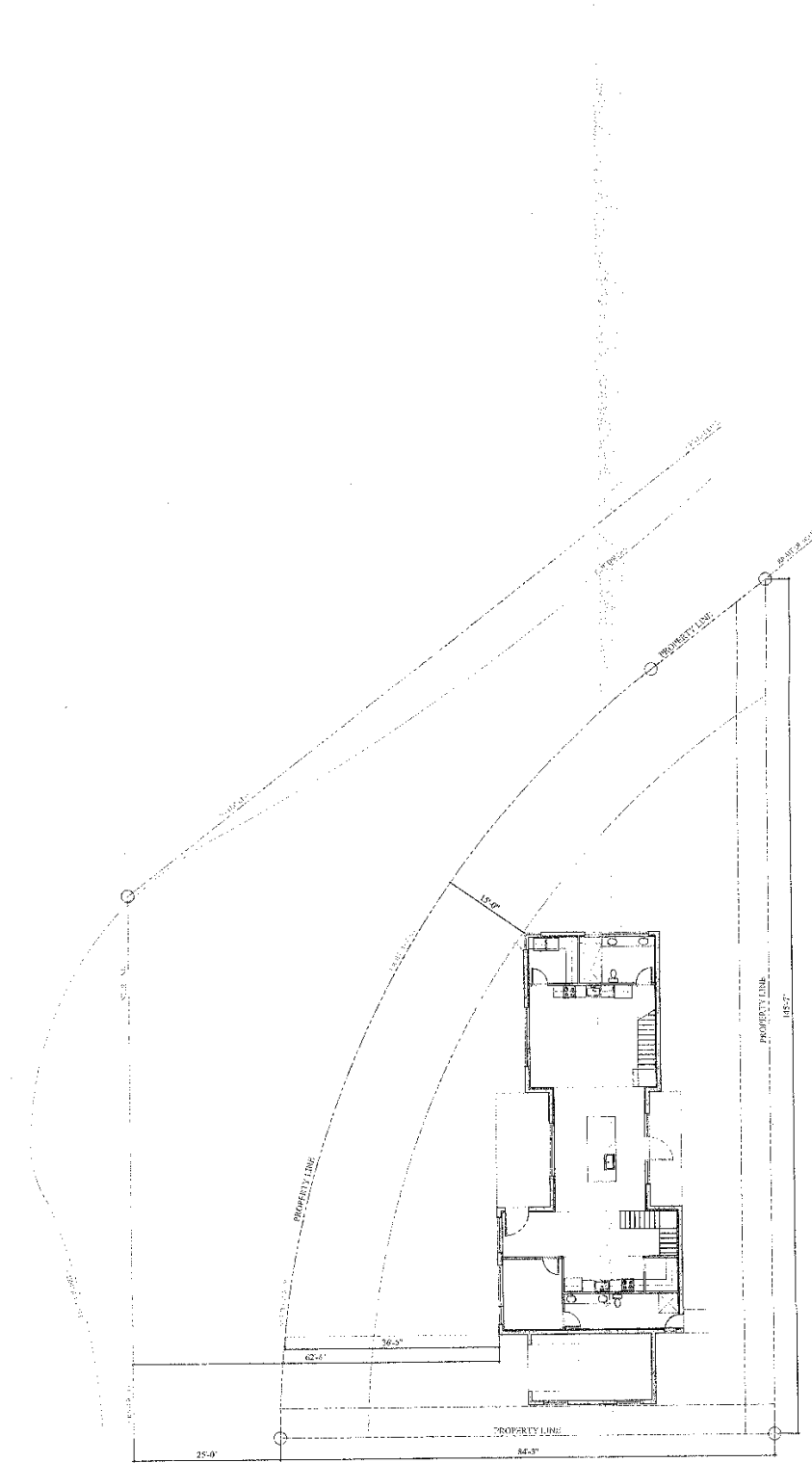
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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 as proof of a substantial hardship: *"Due to the square footage minimum requirements of the house the footprint of the house will not meet the 25 feet setback from the Right-of Way. In order to fit the home in our property, we want to request to change setback from 25' from the right-of-way to 15' from right-of-way to our home structure."*

Map of Subject Property



Attachment "A" – Plot Plan



**Final Development Order
VAR-22-08-4
Ramirez Property**

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

WHEREAS, Yrene N. Ramirez (the “Applicant”), on behalf of Yrene N. Ramirez and Dmitri N. Pridannikov (the “Owners”), requested a variance to Lake County Land Development Regulations (LDR) Section 3.02.05 to allow the secondary front setback to be 15-feet from the right-of-way, in lieu of the required 25-foot setback from the right-of-way, to accommodate a single-family dwelling unit; and

WHEREAS, the subject property consists of 0.2 +/- acres and is located east of the intersection of Sunningdale Street and Sleepy Hollow Street, in the unincorporated Mount Plymouth area of Lake County, Florida, in Section 28, Township 19 South, Range 28 East, having Alternate Key Number 1367379 and more particularly described as:

MT. PLYMOUTH LOT 4 BLK 84 PB 8 PG 85 ORB 5660 PG 889

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 September 8, 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 September 8, 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-22-08-4 to allow the secondary front setback to be 15-feet from the right-of-way, in lieu of the required 25-foot setback from the right-of-way, to accommodate a single-family dwelling unit.

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 8th day of September 2022.

EFFECTIVE September 8, 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 8th day of September 2022, by James Argento, as Chairman of the Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)