



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: October 4, 2023

Case No. and Project Name: VAR-23-40-4 Smith Property

Owner/Applicant: Donald & Stephanie Smith

Requested Action: Variance to Land Development Regulations (LDR) Section 3.02.05 to allow a proposed 27'X52' single-family residence (mobile home) to be developed with a side setback of 5 feet, in lieu of the required 25-feet from the side property line.

Case Manager: Michael Fitzgerald, AICP, Director

### Subject Property Information

Size: 02.53 +/- gross acres

Location: Vacant property east of Bronson Road

Alternate Key No.: 1604630

Future Land Use: Wekiva River Protection Area A-1-40 Sending Area (LOR 2000L-0242) (Attachment "A")

Current Zoning District: Agriculture (A) (Attachment "B")

Flood Zones: "X" and "AE"

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

Overlay Districts: Wekiva Study Area  
Wekiva River Protection Area (WRPA)

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	A-1-40 WRPA Sending Area	Agriculture (A)	Vacant	Vacant and Undeveloped Residential Lot
South	A-1-40 WRPA Sending Area	Agriculture (A)	Vacant	Single Family Residence
East	Seminole County	Seminole County	Vacant	Seminole County - Park
West	A-1-40 WRPA Sending Area	Agriculture (A)	Vacant	Single Family Residence

## Summary of Request

The subject property, identified as Alternate Key Number 1604630, contains 02.53 +/- acres, is zoned Agriculture (A), and is designated as Wekiva River Protection A-1-40 Sending Area Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject property is located east of Bronson Road. The subject property is vacant.

The Applicant is applying for a variance to allow for the proposed 27'X 52' single-family residence (mobile home) to be developed with a side setback of 5-feet in lieu of the required 25-feet from the side property line (Attachment "C").

The variance application was provided to the Lake County Public Works Department and Lake County Chief Fire Inspector for review; the Public Works Department approved with no comments to the request. The Lake County Chief Fire Inspector provided one comment: "*Fire has no objection to 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.**

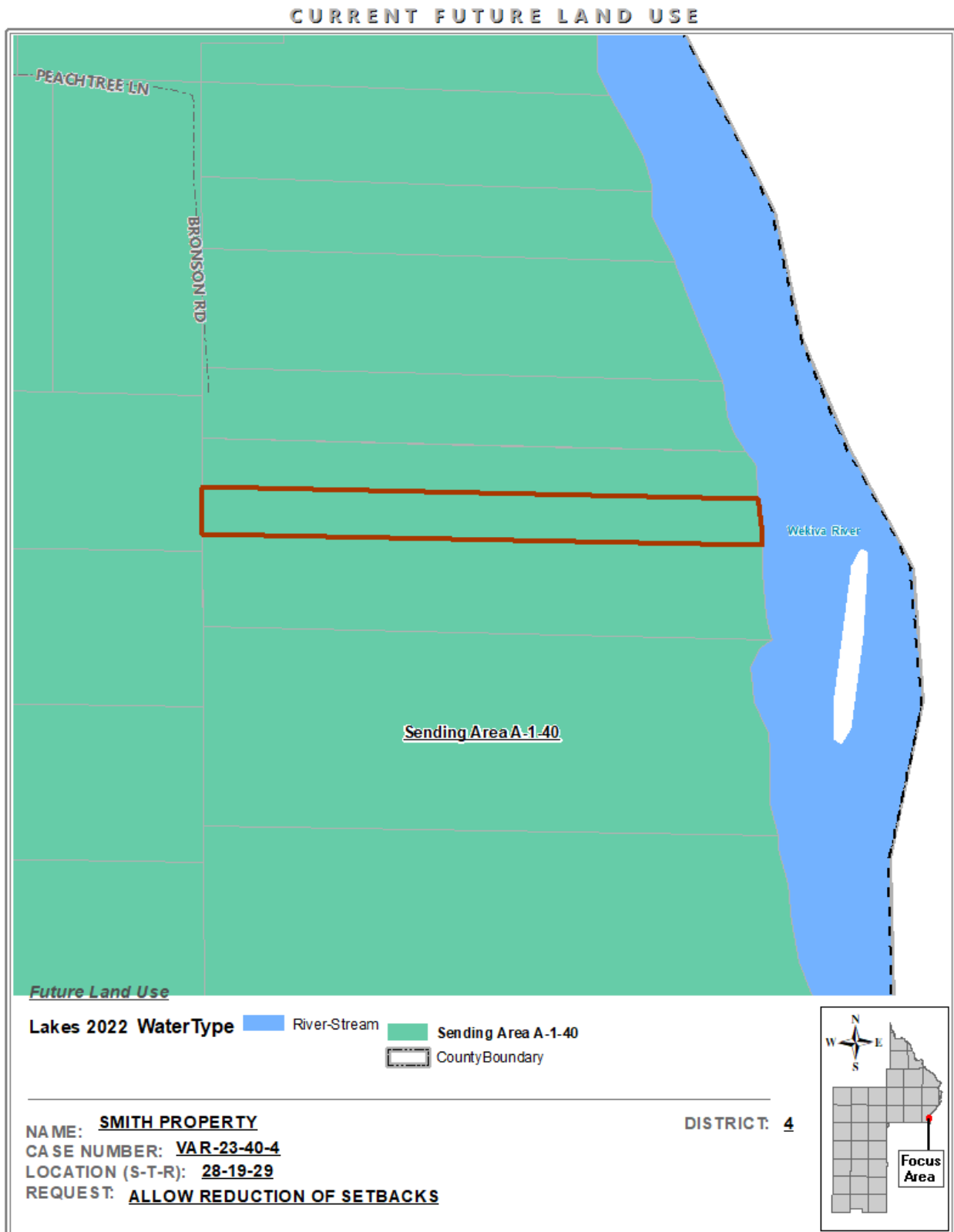
The intent of the Code, LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

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, "*The mobile home needs to be moved back so that it does not hinder access to the rest of the 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.**

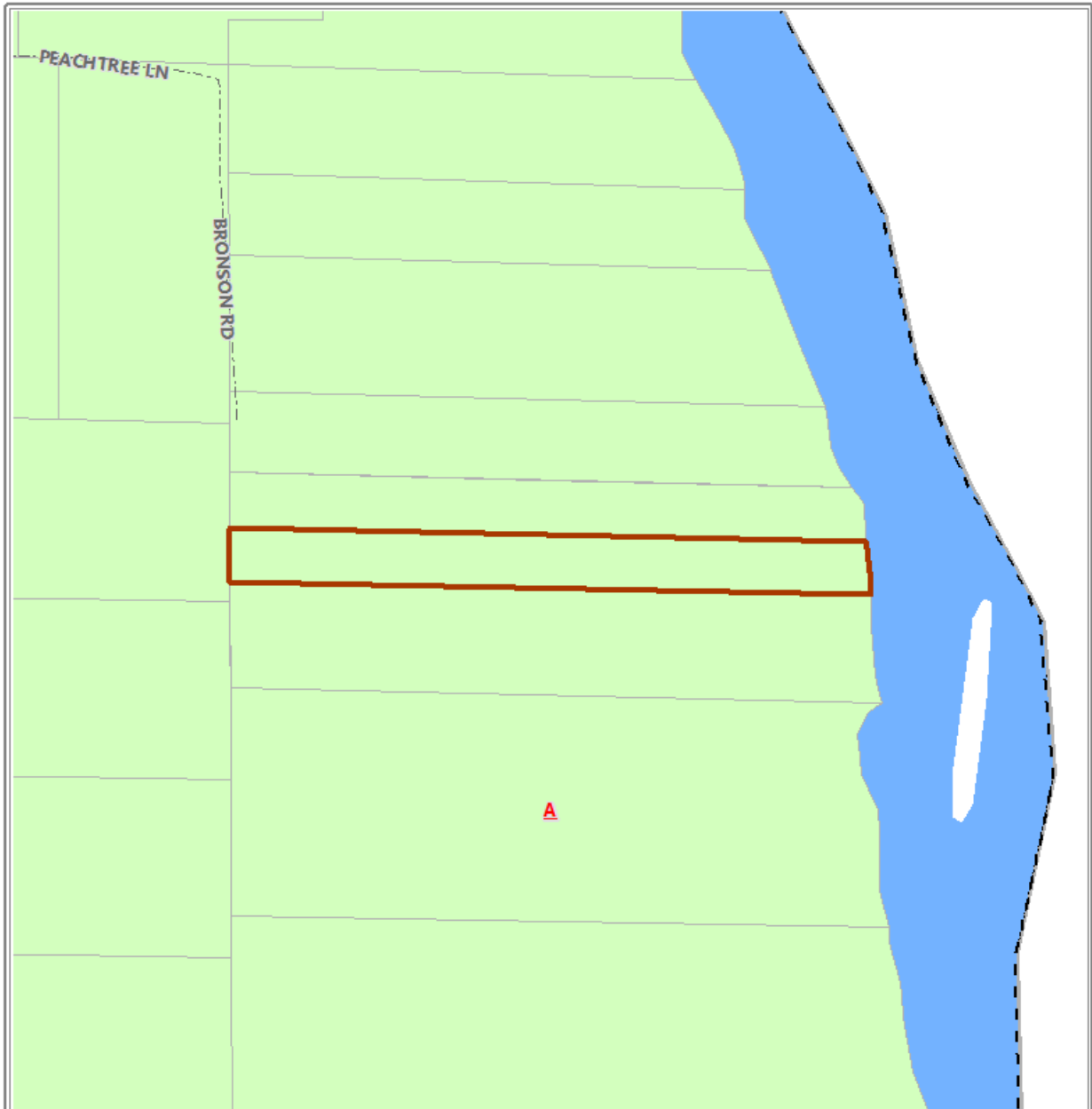
The Applicant proposes to eventually construct a site-built home and maintain the mobile home as an accessory dwelling unit and provided the following statement, "*The property is 100' wide and 1100' deep. The 25' setback creates an impossible design layout for the future proposed site-built home.*"

# Attachment "A" – Future Land Use Map






# Attachment "B" – Zoning Map

## CURRENT ZONING



### Zoning Legend

Lakes 2022 WaterType  River-Stream  A  CountyBoundary

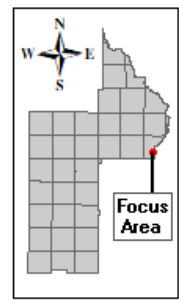
NAME: **SMITH PROPERTY**

DISTRICT: **4**

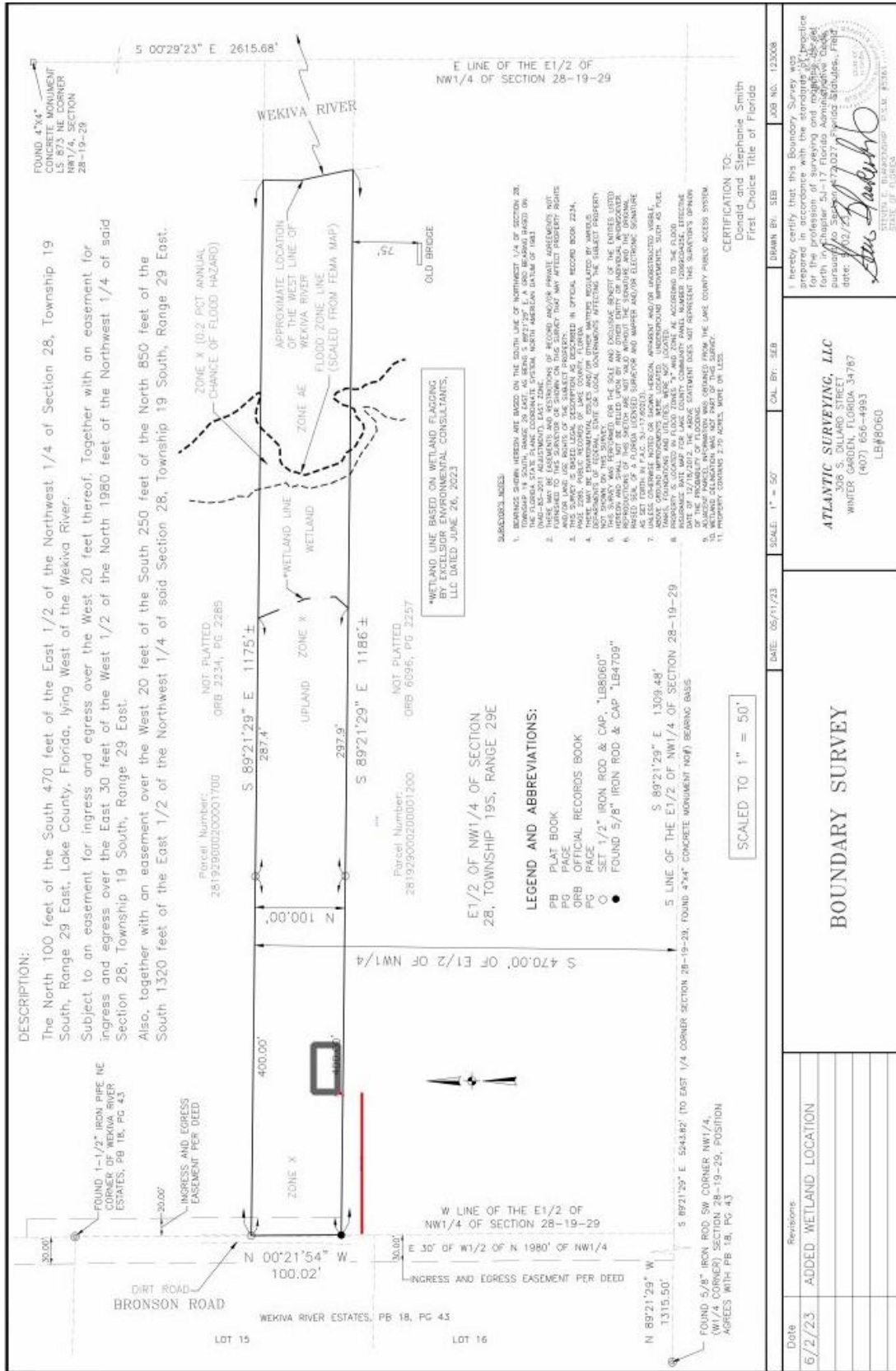
CASE NUMBER: **VAR-23-40-4**

LOCATION (S-T-R): **28-19-29**

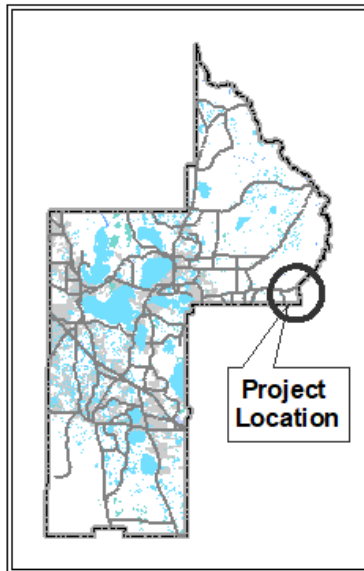
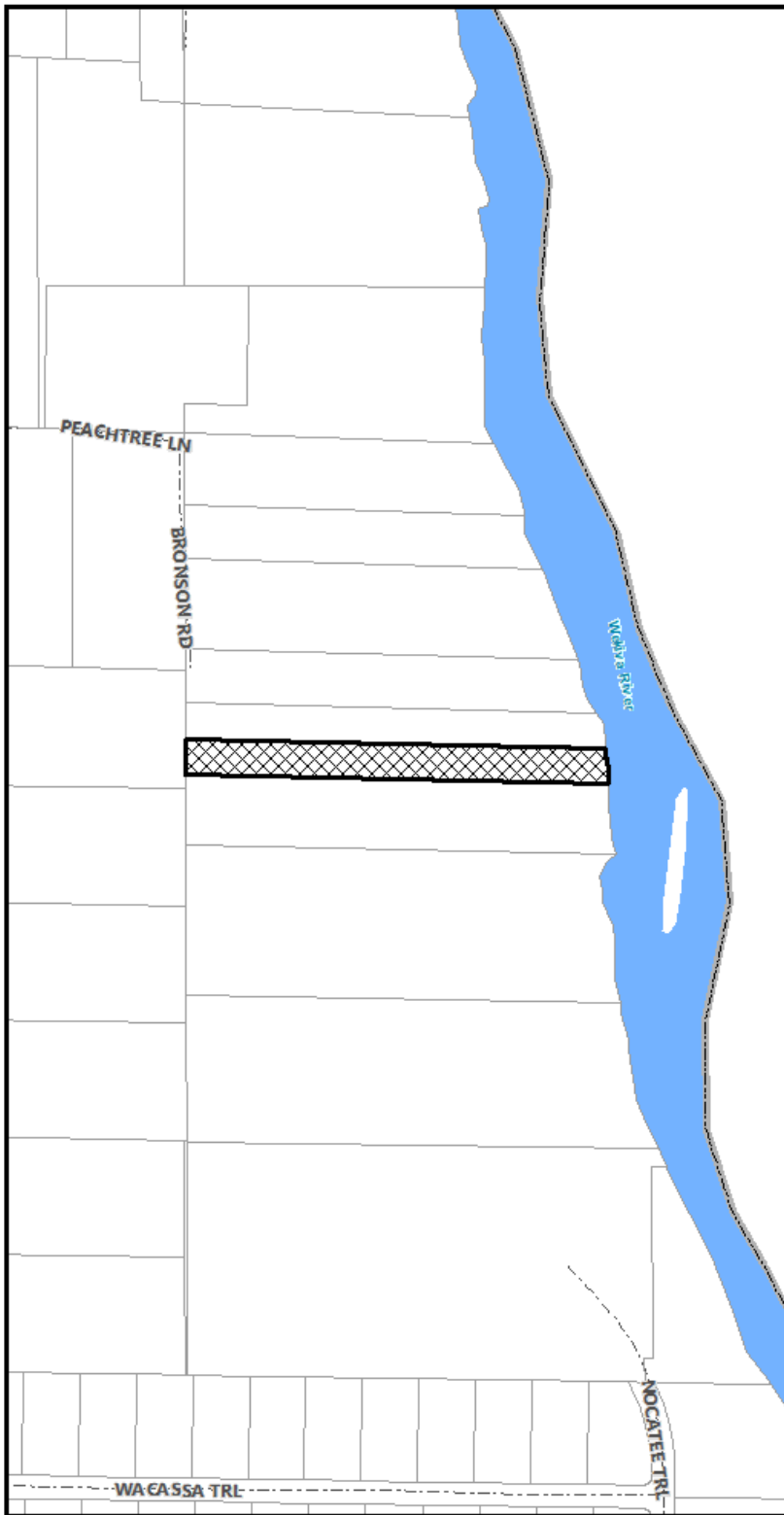
REQUEST: **ALLOW REDUCTION OF SETBACKS**



# Attachment "C" - Plot Plan



# Map of Subject Property

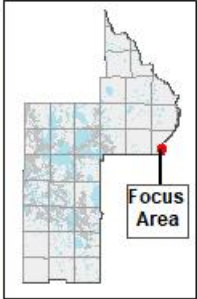




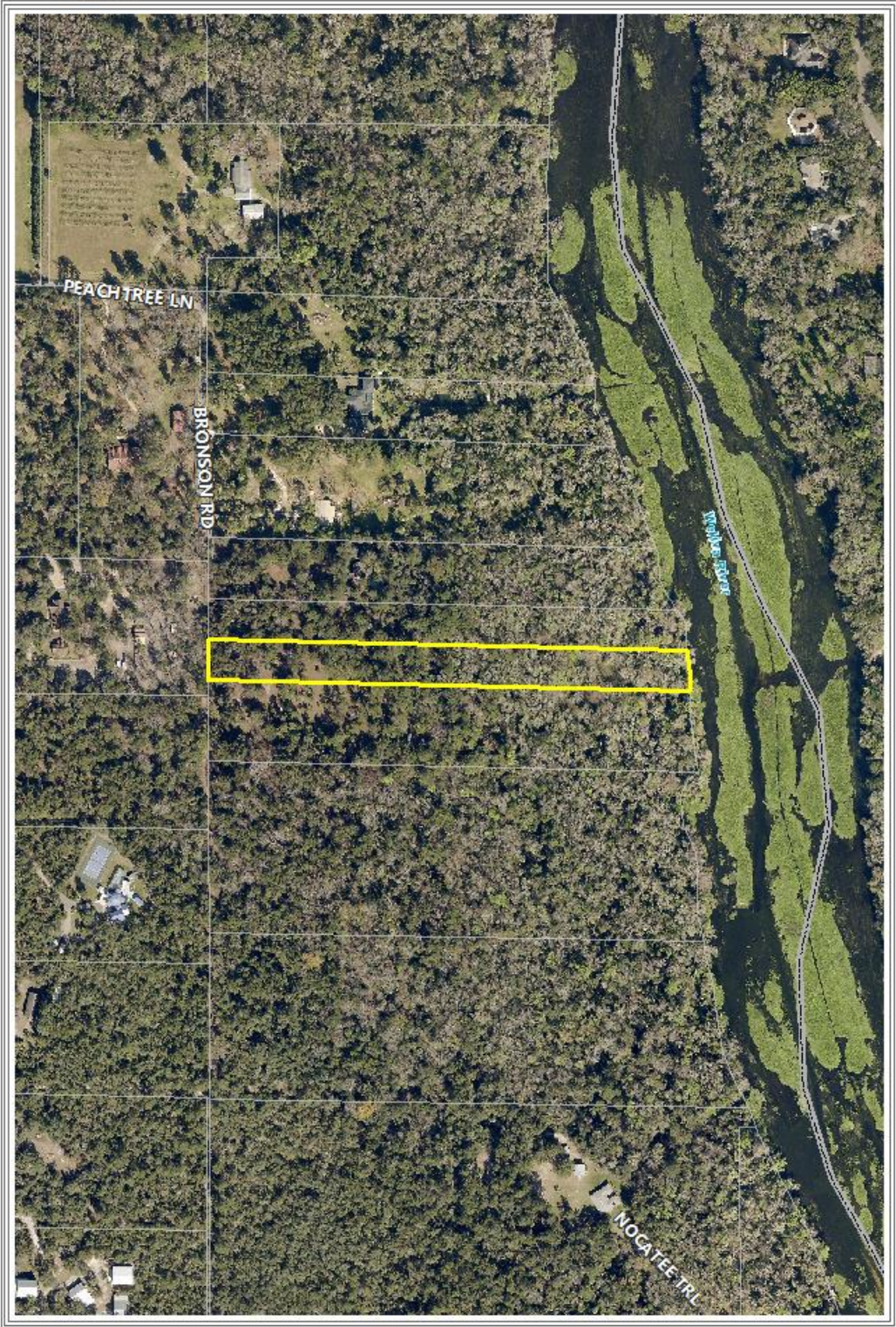
# Aerial Map of Subject Property



VAR-23-40-4  
Smith Property



Allow reduction  
of Setbacks



## Final Development Order

**WHEREAS**, Donald & Stephanie Smith (“Owner”) requested a variance to Land Development Regulations (LDR) Section 3.02.05 to allow a proposed 27’X52’ single-family residence (mobile home) to be developed with a side setback of 5 feet, in lieu of the required 25-feet from the side property line; and

**WHEREAS**, the subject property is vacant and consists of 02.53 +/- acres located east of Bronson Road, in unincorporated Lake County, in Section 28, Township 19, Range 29, having Alternate Key Number 1604630, 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 October 4, 2023; 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 October 4, 2023, the Lake County Board of Adjustment approved the variance for the above property.

**DONE AND ORDERED** by the Board of Adjustment of Lake County, Florida, that:

**Variance Granted:** A variance to Land Development Regulations (LDR) Section 3.02.05 to allow a proposed 27’X52’ mobile home to be developed with a side setback of 5 feet, in lieu of the required 25-feet from the side property line is hereby granted; provided, however that any additional future development will require compliance with the Comprehensive Plan, and LDR, amended.

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**Addie Owens, Chairman**



**State of Florida**

**County of Lake**

**Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 4th day of October 2023, by Addie Owens, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

**Type of Identification Produced \_\_\_\_\_**

**(SEAL)**

\_\_\_\_\_  
**Notary Signature**

Pursuant to Section 286.0105, Florida Statutes, if any person desires to appeal any decision with respect to a matter considered at a public meeting or hearing of the Board of Adjustment, such person will need a record of the proceedings, and such person may need to ensure that a verbatim record for such purpose is made, which record includes the testimony and evidence upon which the appeal is based.

A final administrative order of the Board of Adjustment may be appealed to the Circuit Court in Lake County, Florida. Such an appeal shall be filed within thirty (30) days of the execution of this Order. Those filing an appeal of an administrative order must comply with all applicable Florida Rules of Appellate Procedure.

## **EXHIBIT "A" – LEGAL DESCRIPTION**

THE NORTH 100 FEET OF THE SOUTH 470 FEET OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 19 SOUTH, RANGE 29 EAST, LAKE COUNTY, FLORIDA, LYING WEST OF THE WEKIVA RIVER.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER THE WEST 20 FEET THEREOF. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 30 FEET OF THE WEST 1/2 OF THE NORTH 1980 FEET OF THE NORTHWEST 1/4 OF SAID SECTION 28, TOWNSHIP 19 SOUTH, RANGE 29 EAST.

ALSO, TOGETHER WITH AN EASEMENT OVER THE WEST 20 FEET OF THE SOUTH 250 FEET OF THE NORTH 850 FEET OF THE SOUTH 1320 FEET OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 23, TOWNSHIP 19 SOUTH, RANGE 29 EAST.