



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: October 4, 2023

Case No. and Project Name: PZ2023-09 Lambert Property

Owner/Applicant: Gary W. Lambert

Requested Action: Variance to Land Development Regulations (LDR) Section 3.02.05 to allow an accessory structure (detached garage) to be constructed 14.5-feet from the right of way, in lieu of the required 25-feet from the right of way.

Case Manager: Shari Holt, Planner

Subject Property Information

Size: 0.43 +/- acres

Location: 27834 Veva Avenue, in the unincorporated Paisley area

Alternate Key No.: 1340063

Future Land Use: Rural (Attachment "A")

Current Zoning District: Mixed Residential (R-7) (Attachment "B")

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: None

Overlay Districts: Wekiva – Ocala Rural Protection Area Overlay District

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Right of Way Mixed Residential (R-7)	Vacant Residential	Vacant Residential
South	Rural	Mixed Residential (R-7)	Right-of-Way, Lake Kathryn	Right-of-Way, Lake Kathryn
East	Rural	Mixed Residential (R-7)	Residential	Single-Family Residence
West	Rural	Right-of-Way Mixed Residential (R-7)	Residential	Single-Family Residence

Summary of Request

The subject property, identified as Alternate Key Number 1340063, contains 0.43 +/- acres, is zoned Mixed Residential District (R-7), is designated with a Rural Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and located within the Wekiva – Ocala Rural Protection Area Overlay District. The subject property is located at 27834 Veva Avenue, in the unincorporated Paisley area. The subject parcel is described as Lots 30, 31, 32, 33, Block 2, Lakeview Park, according to the plat thereof recorded in Plat Book 5, Page 63, Public Records of Lake County, Florida. The Plot Plan (Attachment “C”) indicates that the subject parcel is developed with a single-family residence. GIS maps indicate that the subject parcel is not located within a flood prone area.

The Applicant has requested a variance to LDR Section 3.02.05 to allow an accessory structure (detached garage) to be located at 14.5-feet from the right-of-way, in lieu of the required 25-feet as depicted in the Conceptual Plan (Attachment “C”). LDR Section 3.02.05 indicates that a secondary front yard setback shall be established for corner lots and double frontage lots. For lots of seventy-five feet and greater, a secondary front setback shall be established at 25-feet.

The variance application was sent to the Public Works Department and the Chief Fire Plans Examiner for review for a determination of consistency with their regulations. The Chief Fire Plans Examiner and Public Works Department did not identify any comments or objections 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.

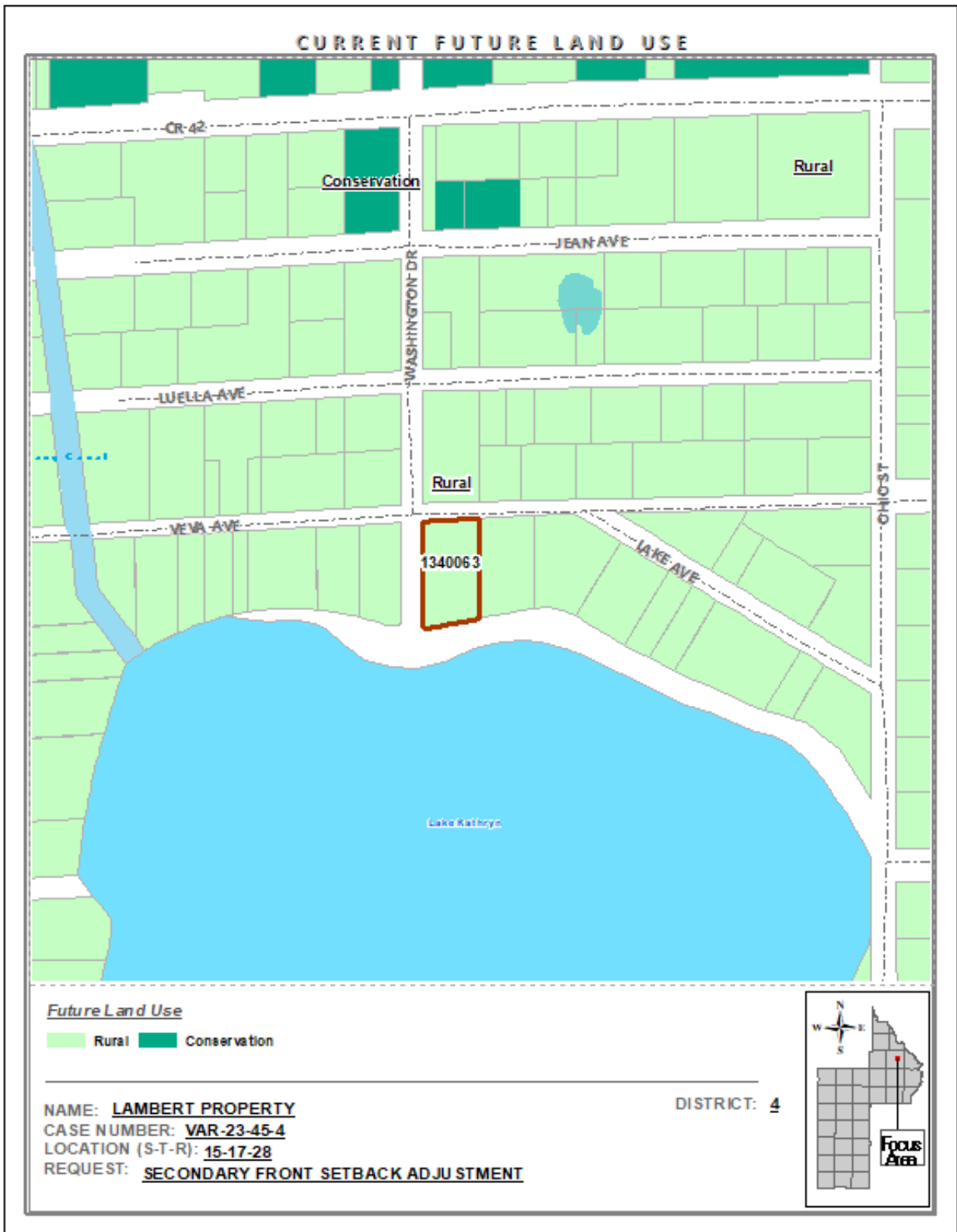
The intent of the Code, LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

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 right of way that is undeveloped (Washington Ave) is a 40’ ROW. There will still be a 30’ wide ROW access to the undeveloped road, leaving plenty of room if/when needed. Side street was platted in 1920’s.”*

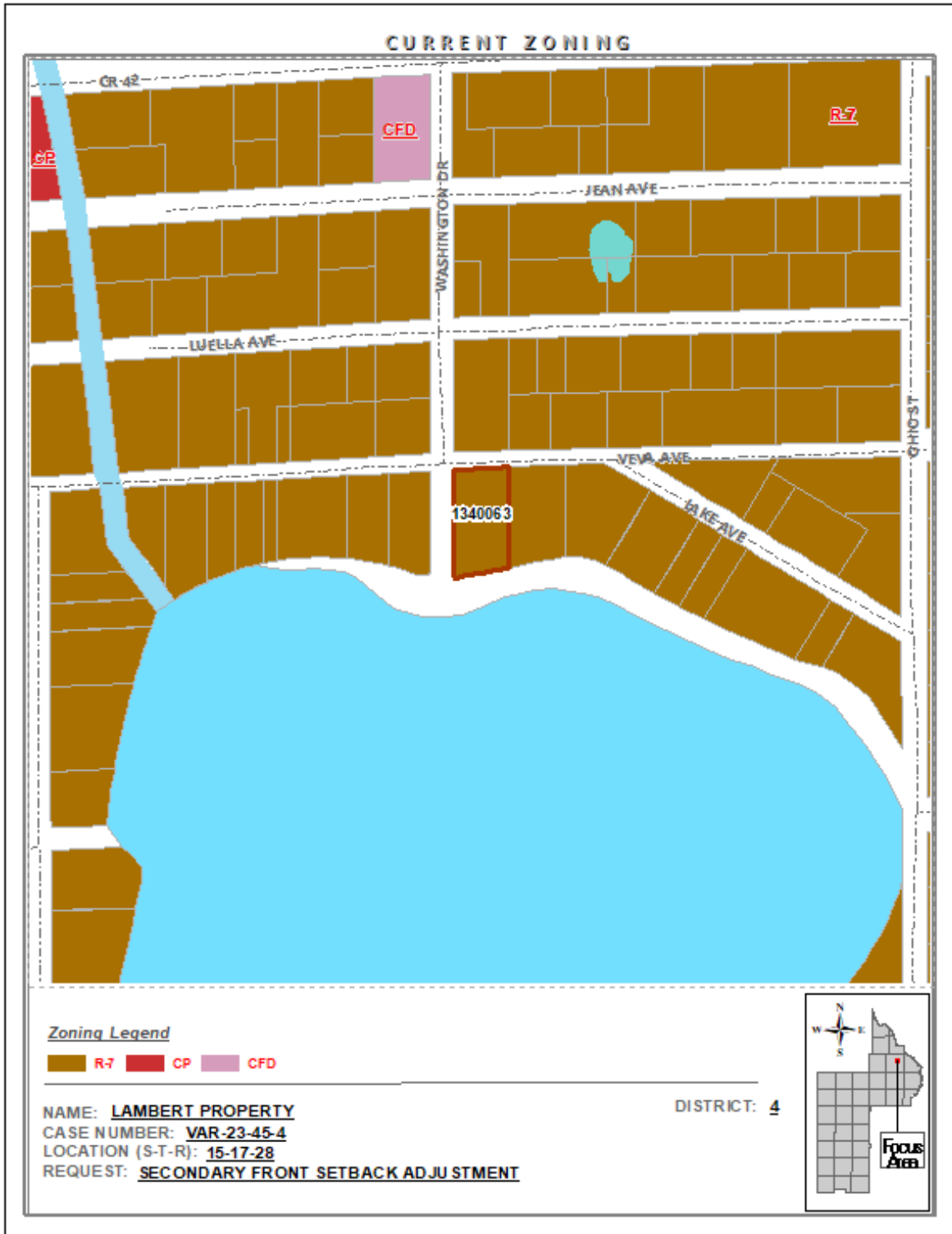
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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 provided the following statement that the application of a Land Development Regulation would cause a hardship or would violate the principles of fairness. *“Concrete contractor was unaware of side street because it is undeveloped. He did not know of a 25’ setback required on a corner lot, and I did not know either. The foundation cannot be adjusted, that is a hardship. I can’t use it, it is 8” thick fiber cement at a cost of \$21,000.”*

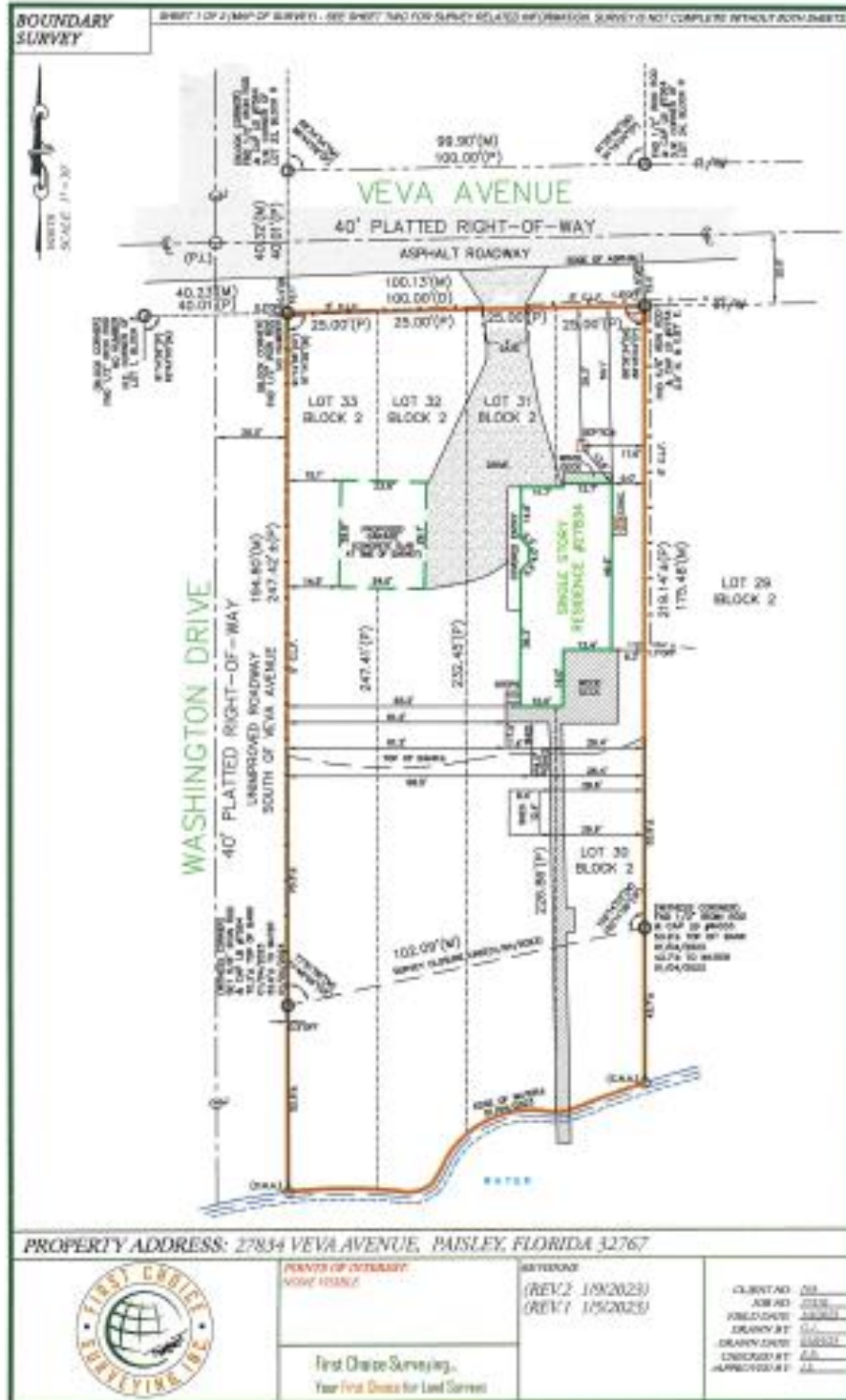
Attachment "A" – Future Land Use Map



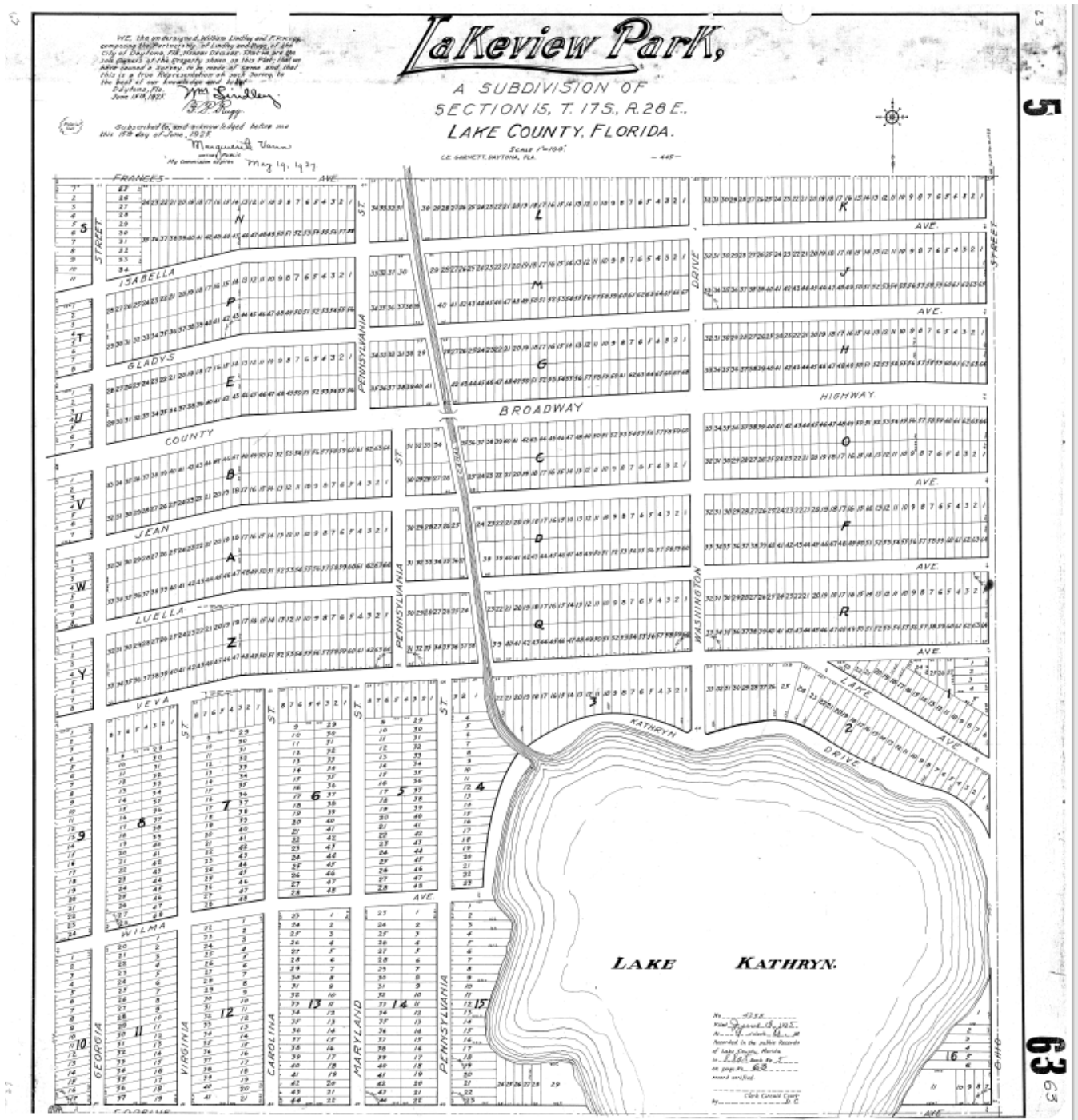
Attachment "B" – Zoning Map



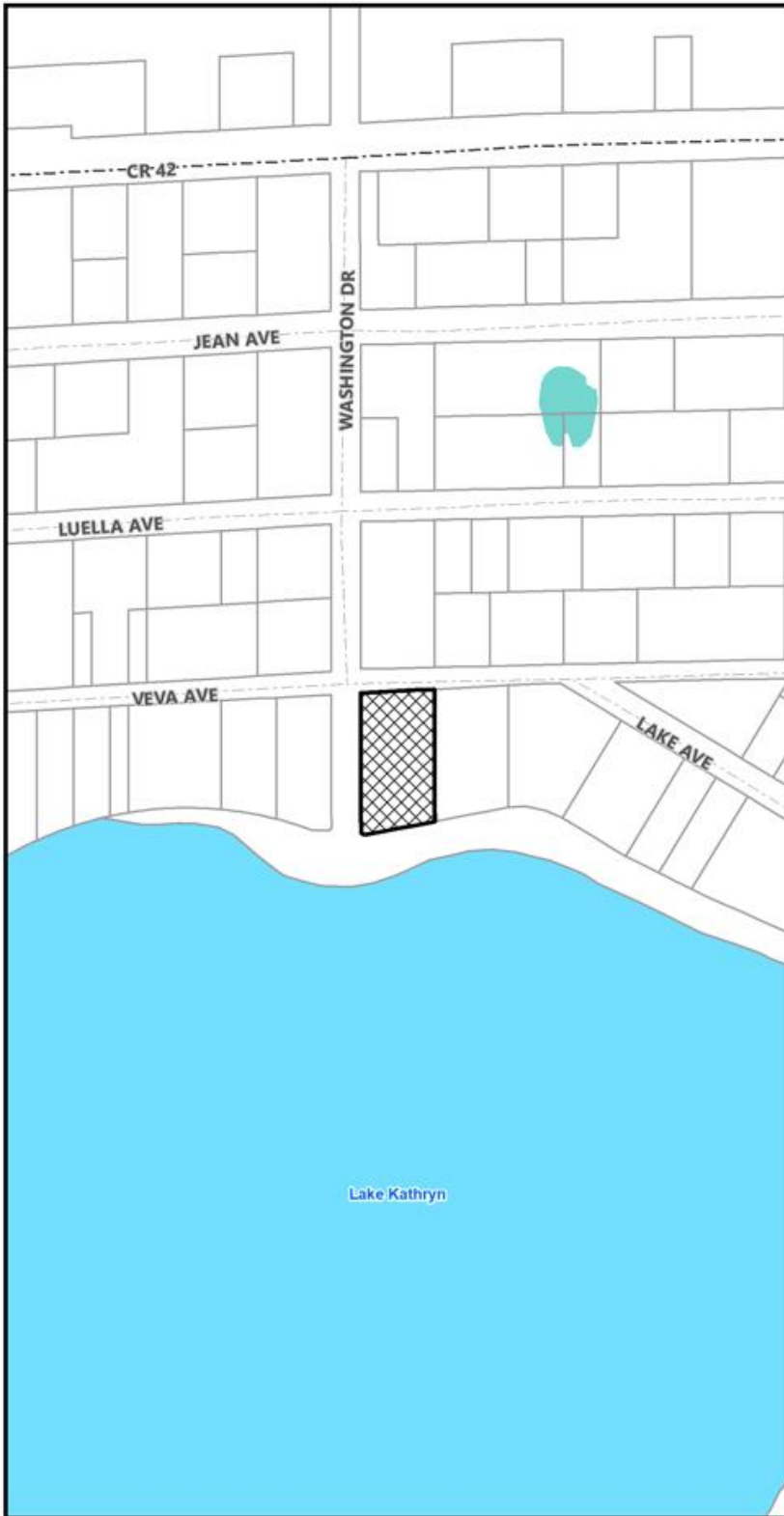
Attachment "C" – Plot Plan



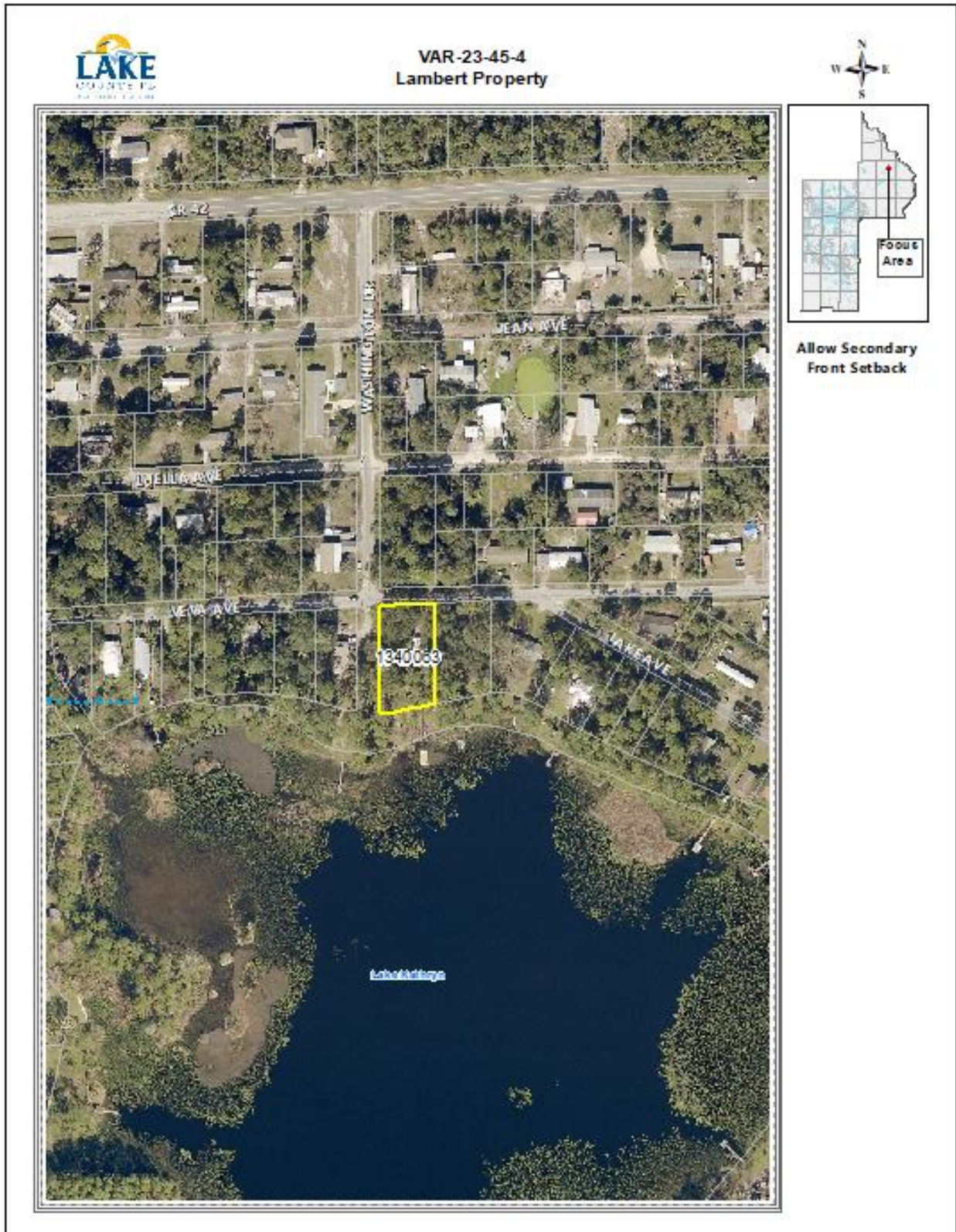
Attachment "D" – Lakeview Park Subdivision (Page 1 of 2)



Map of Subject Property



Aerial Map of Subject Property



Allow Secondary
Front Setback

Final Development Order

WHEREAS, Gary W. Lambert (the “Owner” and “Applicant”) requested a variance to Land Development Regulations (LDR) Section 3.02.05 to allow an accessory structure (detached garage) to be constructed 14.5-feet from the right of way, in lieu of the required 25-feet from the right of way; and

WHEREAS, the subject property consists of 0.43 +/- acres, is located at 27834 Veva Avenue, in the unincorporated Paisley area of Lake County, in Section 15, Township 17, Range 28, having Alternate Key Number 1340063, and more particularly described as:

Lots 30, 31, 32, 33 Block 2, Lakeview Park, according to the plat thereof, as recorded in Plat Book 5, Page 63, of the Public Records of Lake County, Florida.

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.

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

Variance Granted: A variance to Section 3.02.05 to allow an accessory structure (detached garage) to be constructed 14.5-feet from the right of way, in lieu of the required 25-feet from the right of way is hereby granted.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

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.