



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearing Date: October 4, 2023

Case No. and Project Name: VAR-23-27-2 Campos Flores Property

Owner/Applicant: Abida C. Campos Flores

Requested Action: Variance to Land Development Regulations (LDR) Section 3.02.05 to allow an accessory structure (carport) to be constructed 50-feet from the centerline of the road, in lieu of the required 62-feet from the centerline of the road.

Case Manager: Sharyn Holt, Planner

Subject Property Information

Size: 0.17 +/- acres

Location: 17325 Palm Drive, in the unincorporated Montverde area

Alternate Key No.: 1532507

Future Land Use: Urban Low (Attachment "A")

Current Zoning District: Mixed Home Residential District (RM) (Attachment "B")

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: Town of Montverde ISBA

Overlay Districts: Lake Apopka Basin Overlay District

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Mixed Home Residential (RM)	Residential	Single-Family Residence
South	Urban Low	Mixed Home Residential (RM)	Right-of-Way, Residential	Single-Family Residence south of Palm Drive
East	Urban Low	Mixed Home Residential (RM)	Residential	Single-Family Residence
West	Urban Low	Mixed Home Residential (RM)	Residential	Single-Family Residence

Summary of Request.

The subject property, identified as Alternate Key Number 1532507, contains 0.17 +/- acres, is zoned Mixed Home Residential District (RM), is designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and located within the Lake Apopka Basin Overlay District. The subject property is located at 17325 Palm Drive, in the unincorporated Montverde area. The subject parcel is described as Lot 11, Block E, of Montverde Mobile Home Subdivision, according to the plat thereof recorded in Plat Book 23, Pages 25 and 26, Public Records of Lake County, Florida. The Plot Plan (Attachment "C") indicates that the subject parcel is developed with a single-family residence and attached carport. 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 (carport) to be located at 50-feet from the centerline of the road, in lieu of the required 62-feet as depicted in the Conceptual Plan (Attachment "C"). LDR Section 3.02.05 indicates that property adjacent to Roads other than state, federal, and County secondary highways shall maintain, for any structure, a setback of 62 feet from the centerline of the Road or 25 feet from the Road right-of-way (ROW), whichever is greater. According to the Plat (Attachment "D") Palm Drive is a 50-foot right-of-way and the required setback is 62-feet from the centerline of the road.

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.

The subject property is located within the Montverde Interlocal Service Boundary Agreement (ISBA). The variance request was provided to the Town of Montverde for review, and the Town of Montverde had no comments.

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, *"Currently the Carport has a total of 425 SF (Additional 165 SF), asphalt shingles roofing to match the rest of the residence, and front setback of 50 feet still remain as the original setback (50 feet)."*

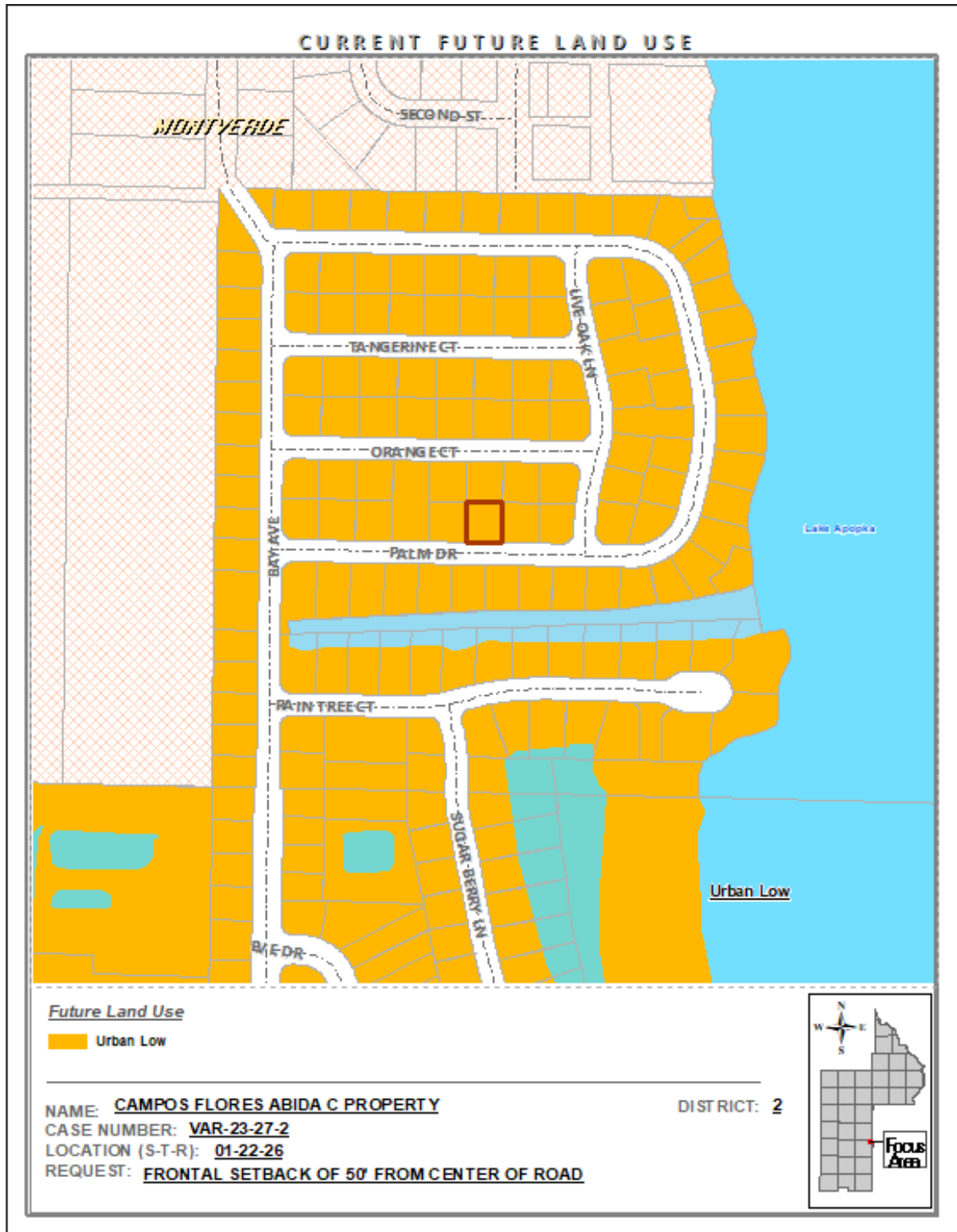
The Office of Public Works has provided informational comments that the traversable unobstructed roadway, or clear zone on Palm Drive, is 6-feet.

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.

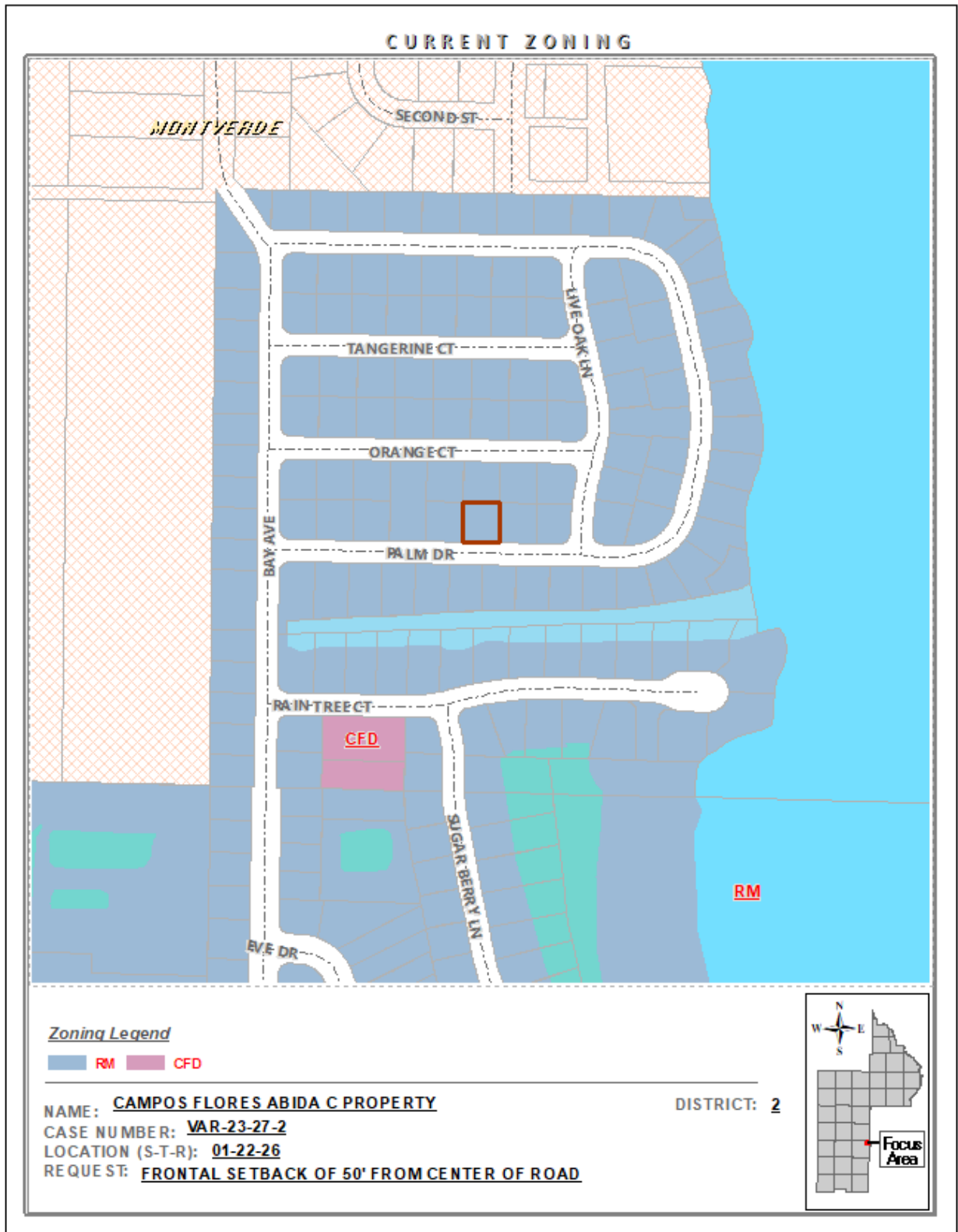
The Applicant provided the following statement, *"Originally the carport was existing with 260 SF, metal roof, and front setbacks of 50 feet."*

Staff reviewed previously approved average front setbacks for neighboring properties and found none. There was a prior code enforcement case, identified as case number 1999090107, for construction of a carport without building permits, located 50-feet from the centerline of the road, which was closed by the Office of Code Enforcement.

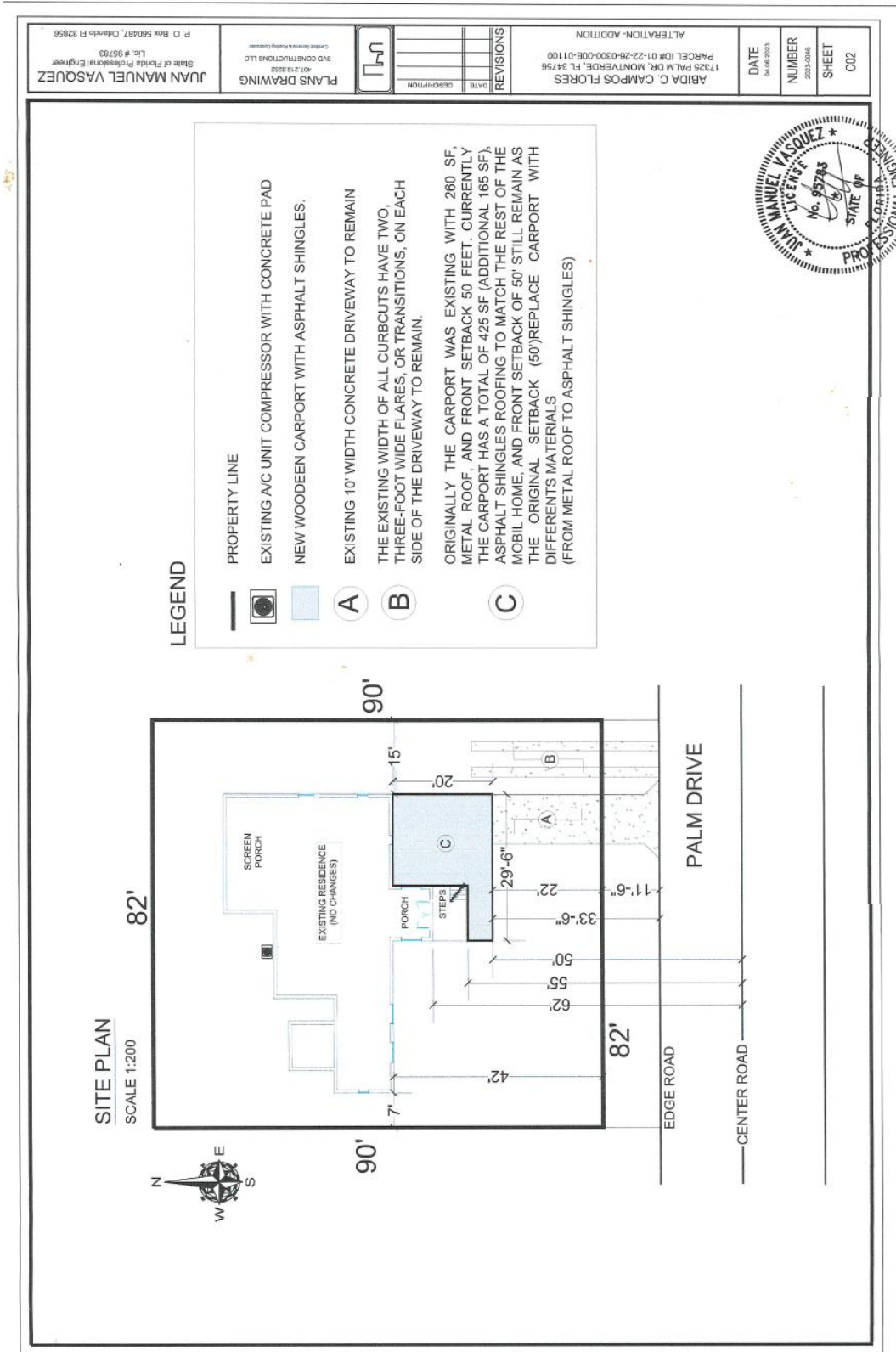
Attachment "A" – Future Land Use Map



Attachment "B" – Zoning Map

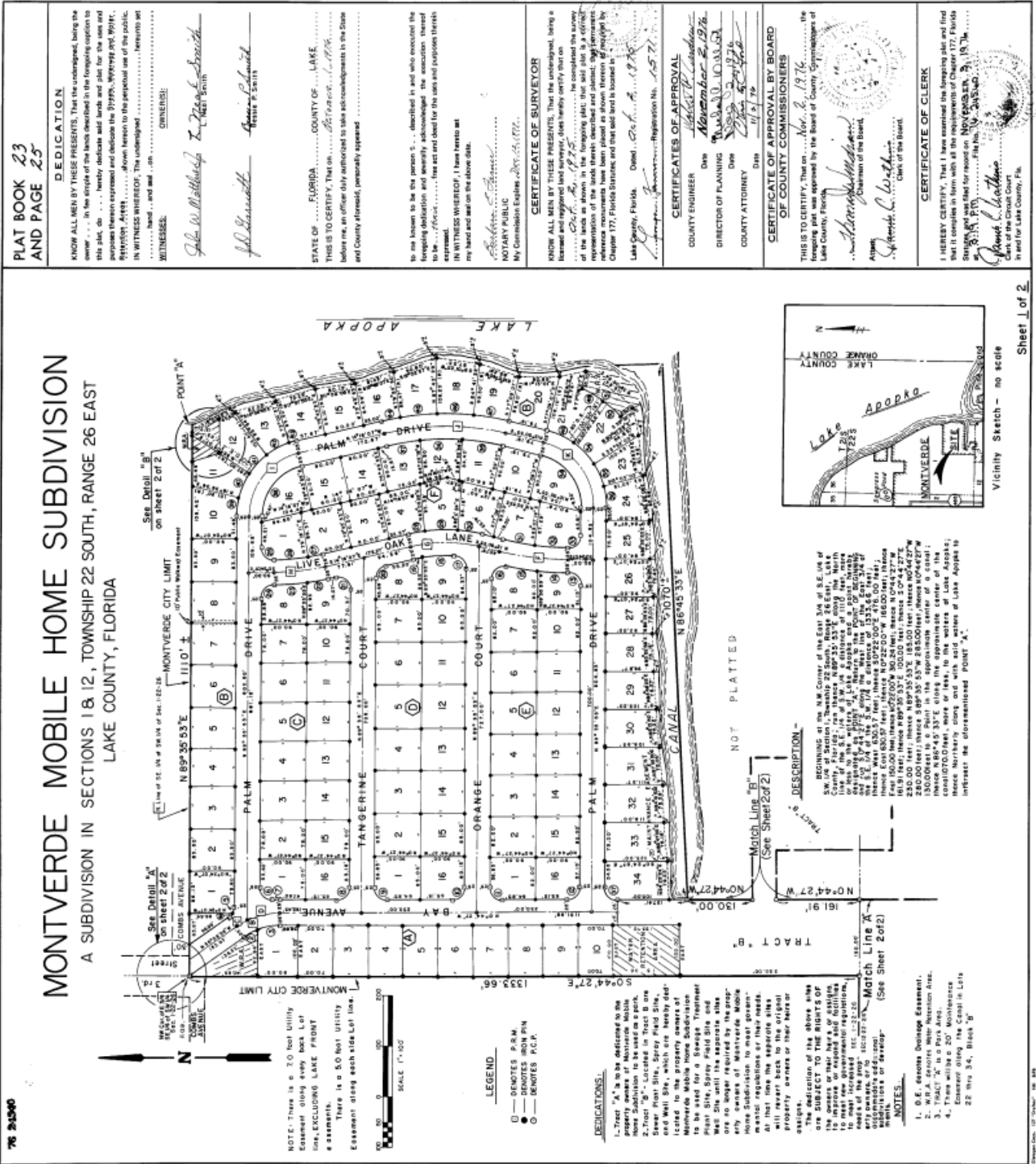


Attachment "C" – Plot Plan

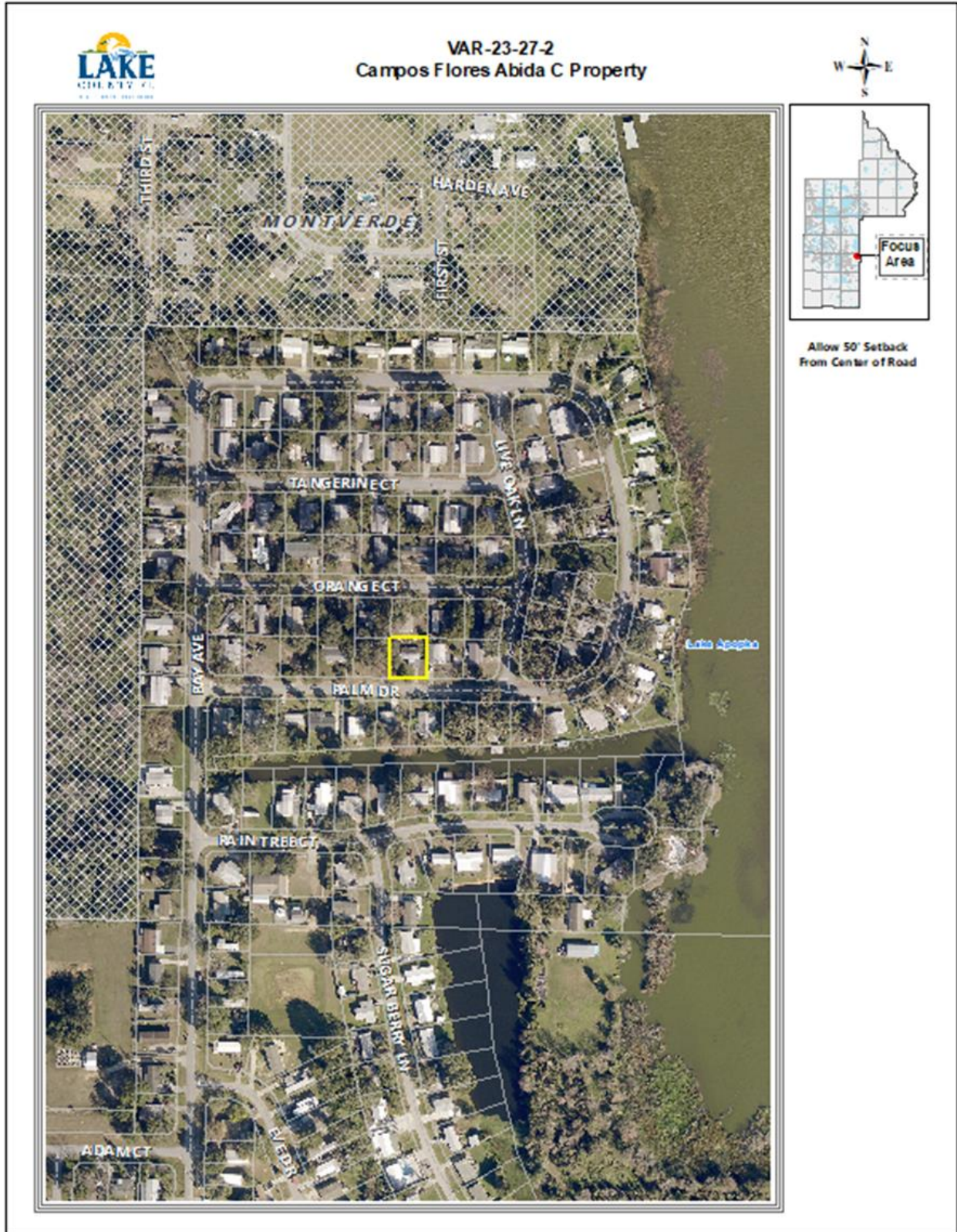


Attachment "D" – Montverde Mobile Home Subdivision (Page 2 of 2)

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Aerial Map of Subject Property



Final Development Order

WHEREAS, Abida C. Campos Flores (the “Owner” and “Applicant”) requested a variance to Land Development Regulations (LDR) Section 3.02.05 to allow an accessory structure (carport) to be constructed 50-feet from the centerline of the road, in lieu of the required 62-feet from the centerline of the road; and

WHEREAS, the subject property consists of 0.17 +/- acres, is located at 17325 Palm Drive, in the unincorporated Montverde area of Lake County, in Section 01, Township 22, Range 26, having Alternate Key Number 1532507, and more particularly described as:

Lot 11, Block E, of Montverde Mobile Home Subdivision, according to the plat thereof, as recorded in Plat Book 23, Pages 25 and 26, 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 (carport) to be constructed 50-feet from the centerline of the road, in lieu of the required 62-feet from the centerline of the road 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.