



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1
 Public Hearing Date: December 6, 2023
 Case No. and Project Name: PZ2023-06, Common Wealth Trust Services, LLC Property
 Owner: Common Wealth Trust Services, LLC
 Requested Action: Variance to Land Development Regulation (LDR) Table 3.02.05 to allow a 35.64-foot front setback from the centerline of the road in lieu of a front setback of 62-feet.
 Case Manager: Shari Holt, Planner

Subject Property Information

Size: 0.24 +/- acres
 Location: 38224 Jim Daugherty Road, in the unincorporated Umatilla area of Lake County.
 Alternate Key No.: 1588197
 Future Land Use: Urban Low (Attachment "A")
 Current Zoning District: Urban Residential (R-6) (Attachment "B")
 Flood Zones: "X"
 Joint Planning Area (JPA) / ISBA: Umatilla Interlocal Service Boundary Area
 Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	City of Umatilla		Vacant Industrial	Gateway Commerce Center
South	City of Umatilla		Commercial Warehouse	Gateway Commerce Center
East	City of Umatilla		Commercial Warehouse	Gateway Commerce Center
West	Urban Low	Urban Residential (R-6)	Right of Way / Lake Smith Estates Tract A / Residential	Jim Daugherty Road / Subdivision Tract A / Single-Family Residence

Summary of Request.

The subject property, identified as Alternate Key Number 1588197 contains 0.24 +/- acres, is zoned Urban Residential (R-6), and is designated with an Urban Low Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is located at 38224 Jim Daugherty Road, in the unincorporated Umatilla area of Lake County.

The Applicant has requested a variance to LDR Table 3.02.05 to allow a 35.64-foot front setback from the centerline of the road in lieu of a front setback of 62-feet. The proposed lot variance is depicted on the plot plan (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 and Lake County Chief Fire Inspector recommended approval of the variance request.

The subject parcel is located within the City of Umatilla Interlocal Service Boundary Area (ISBA). The variance application was sent to the City of Umatilla for a determination of consistency with their regulations.

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 Table 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures and encourage a visually pleasing environment.

To show that the intent of the Code will be or has been achieved by other means, the Applicant provided the following statement, *"Trying to build a deck on existing slab...improving the house entrance."*

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.

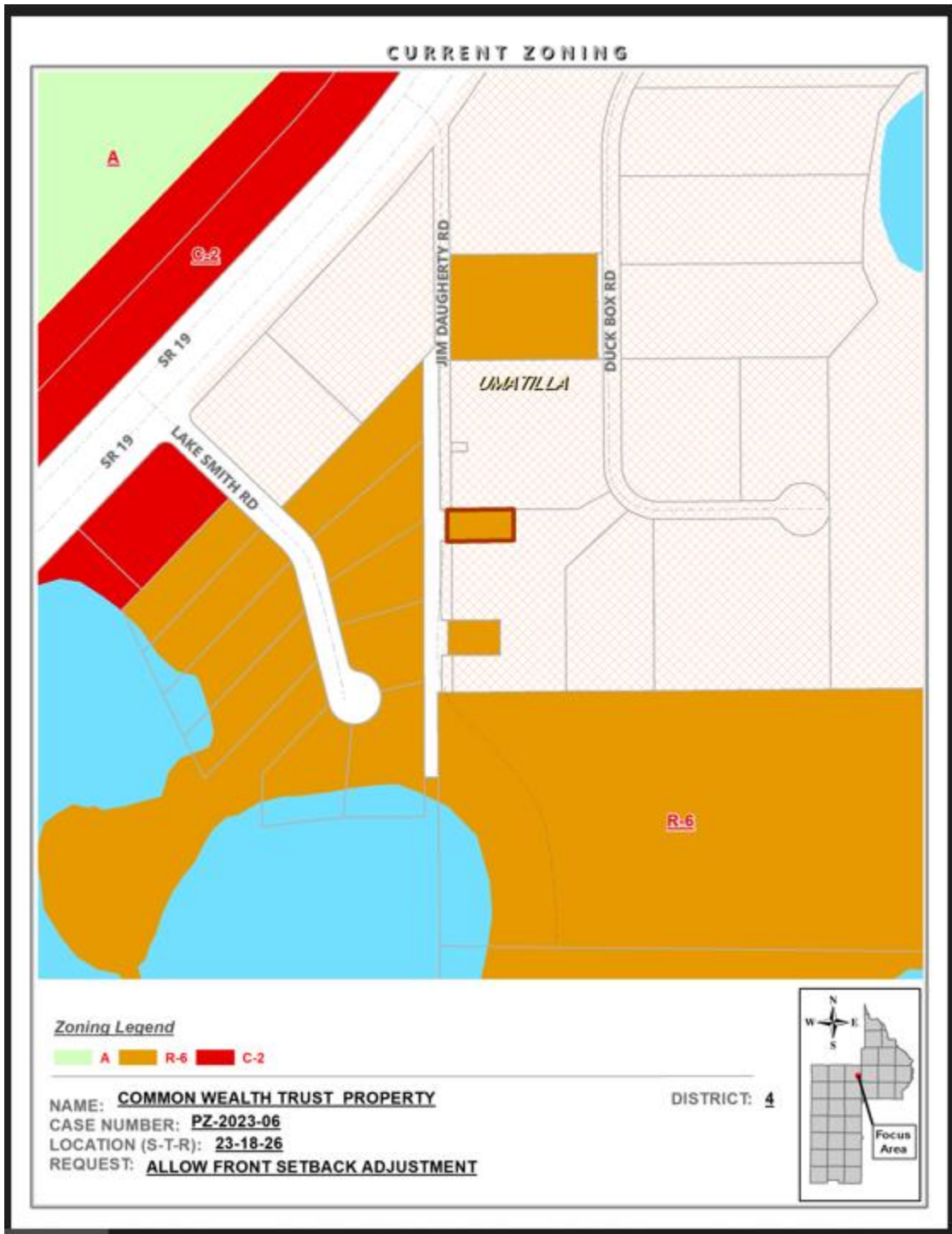
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

To show substantial hardship, the Applicant provided the following statement, *"Trying to build a deck on existing slab. This property was build [sic] on 1900 and does not meet the code requirement of the distance between the road and the propose project."*

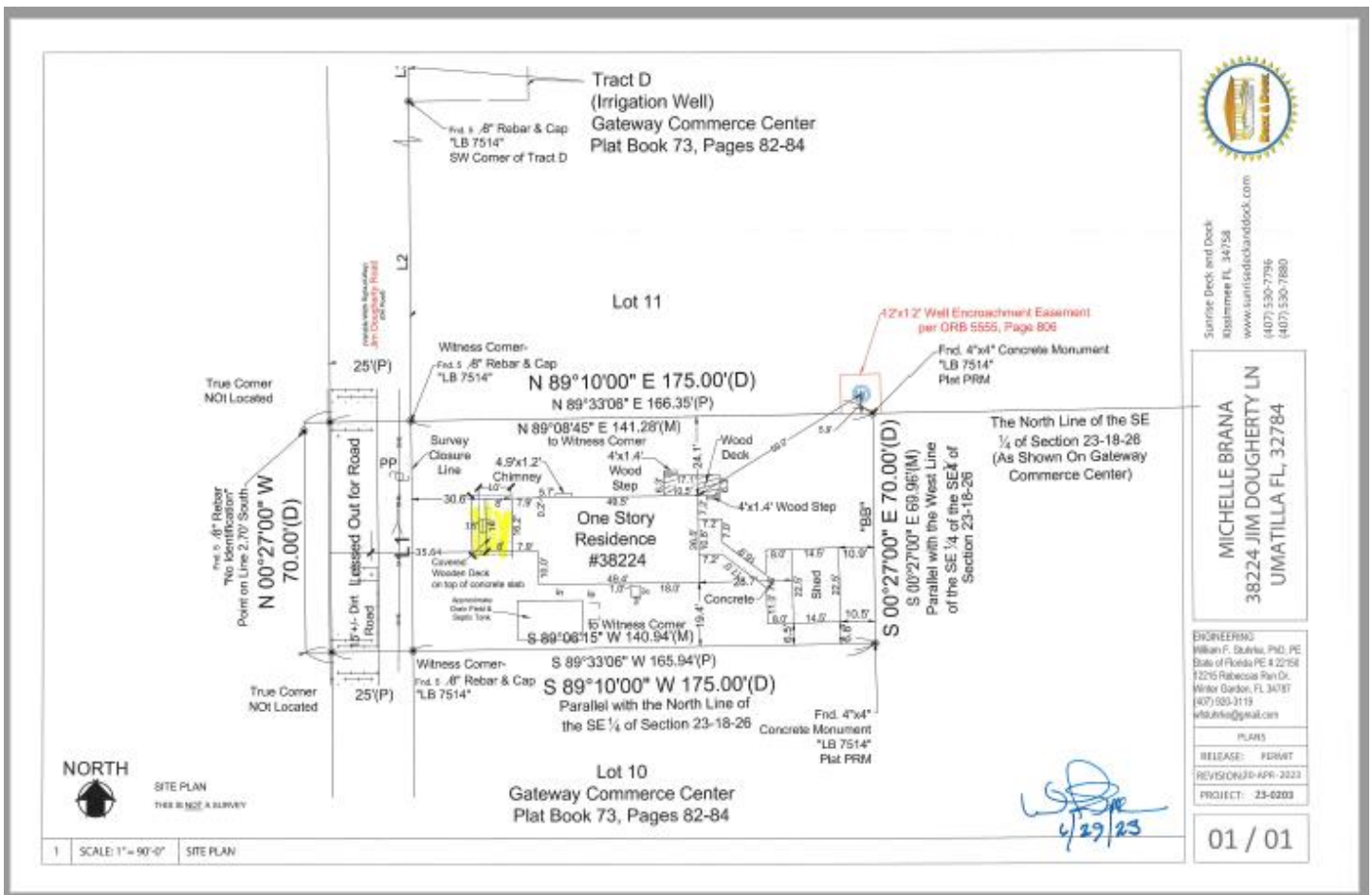
Attachment "A" – Future Land Use



Attachment "B" –Current Zoning District



Attachment "C" – Plot Plan



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 4301 S.W. 34th St.
 Ft. Lauderdale, FL 33309
 www.sunrisedeckanddock.com
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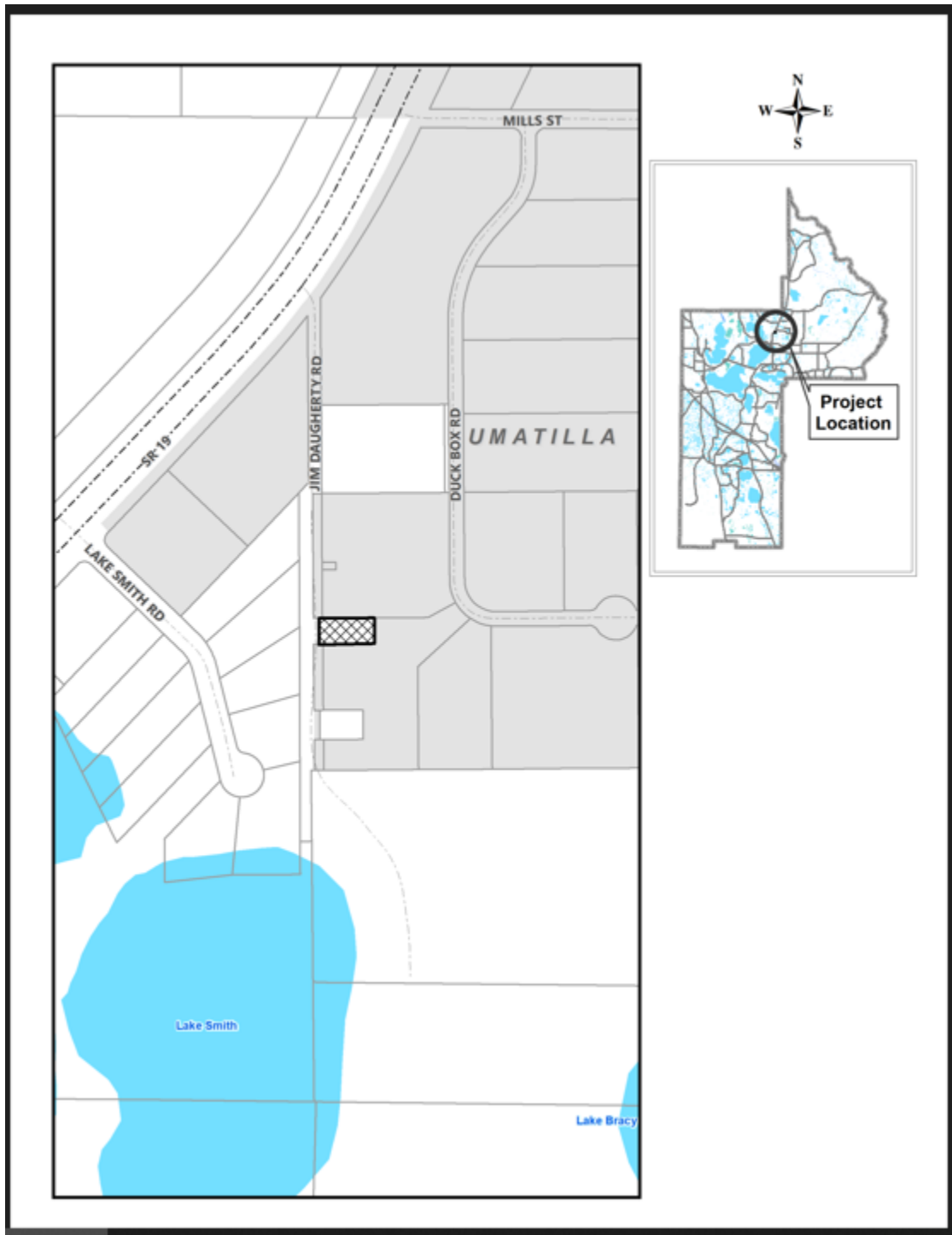
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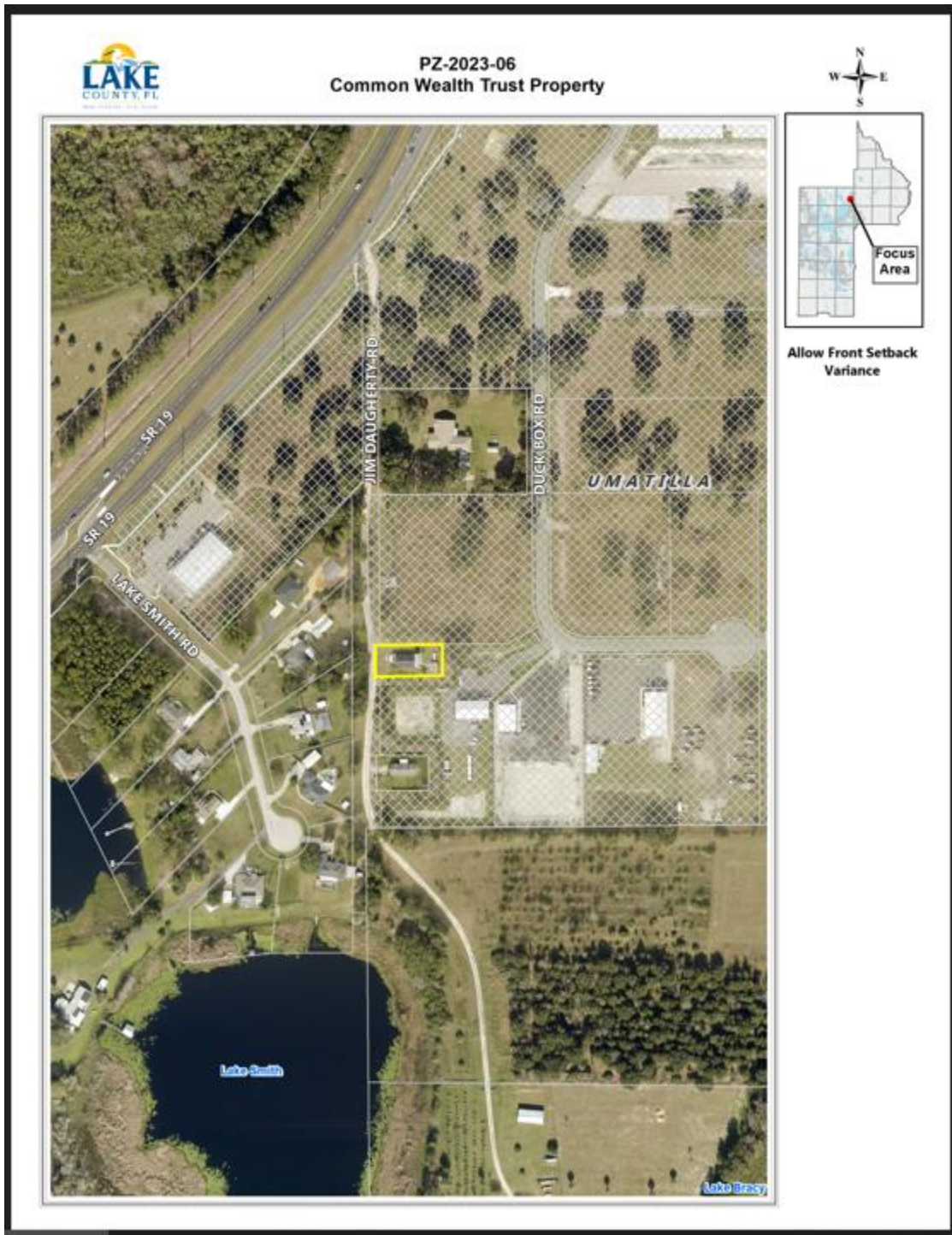
PLANS
 RELEASE: PERMIT
 REVISION: APR-2023
 PROJECT: 23-0203

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Map of Subject Property



Aerial Map



Final Development Order

WHEREAS, Common Wealth Trust Services, LLC (the “Owner” and “Applicant”) requested a variance to Land Development Regulations (LDR) Table 3.02.05 to allow a 35.64-foot front setback from the centerline of the road in lieu of a front setback of 62-feet; and

WHEREAS, the subject property consists of 0.24 +/- acres, is located at 38224 Jim Daugherty Road, in the unincorporated Umatilla area of Lake County, in Section 23, Township 18 South, Range 26 East, having Alternate Key Number 1588197, and more particularly described as:

That part of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 23, Township 18 South, Range 26 East, in Lake County, Florida, bounded and described as follows: Begin at the Northwest corner of the said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, and run North 89 degrees 10 minutes East along the North Line of the said Southeast $\frac{1}{4}$ a distance of 175 feet; thence run South 00 degrees 27 minutes East and parallel with the West line of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ a distance of 70 feet; thence run South 89 degrees 10 minutes West and parallel with the North line of the said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; a distance of 175 feet to a point on the West line of the said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence run North 00 degrees 27 minutes West along the West line of the said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ a distance of 70 feet to the point of beginning, less road right of way.

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 December 6, 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 LDR Table 3.02.05 to allow a 35.64-foot front setback from the centerline of the road in lieu of a front setback of 62-feet 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 6th day of December 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.