



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: December 6, 2023

Case No. and Project Name: PZ2023-13, Owens Property

Owner: Emmett Owens, III and Dorothy Owens

Requested Action: Variance to Land Development Regulation (LDR) Table 3.02.05 (Note 3(a)) to allow a 10-foot secondary front yard setback on a lot 75-feet or greater in width in lieu of the required 25-feet.

Case Manager: Shari Holt, Planner

Subject Property Information

Size: 0.29 +/- acres

Location: North of South Sunset Terrace, in the unincorporated Clermont area of Lake County

Alternate Key No.: 1735483

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

Current Zoning District: Rural Residential (R-1) (Attachment "B")

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: Clermont Joint Planning Area (JPA)

Overlay Districts: Lake Apopka Basin Overlay District

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Rural Residential (R-1)	Residential	Single-Family Residence
South	Urban Low	Planned Unit Development (PUD)	Right of Way / Magnolia Pointe Common Area	South Sunset Terrace / Magnolia Pointe Common Area
East	Urban Low	Rural Residential (R-1)	Right of Way / Residential	Suburban Terrace / Single-Family Residence
West	Urban Low	Rural Residential (R-1)	Residential	Single-Family Residence

Summary of Request.

The subject property, identified as Alternate Key Number 1735483 contains 0.29 +/- acres, is zoned Rural Residential (R-1), is designated with an Urban Low Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and located within the Lake Apopka Basin Area. The subject property is generally located north of South Sunset Terrace, in the unincorporated Clermont area of Lake County. The subject property is currently vacant and undeveloped.

The Applicant has requested a Variance to LDR Section Table 3.02.05, Note 3(a) to allow a 10-foot secondary front yard setback on a lot 75-feet or greater in width in lieu of the required 25-feet. LDR Section 3.02.05, Note 3, states the following:

A secondary front yard setback shall be established for Corner Lots and Double Frontage Lots. The following setbacks shall apply:

(a) Ongoing Development – For Lots of seventy-five (75) feet and greater, a secondary front yard setback shall be established at twenty-five (25) feet. The plot plan depicts the proposed secondary front yard setback (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 Clermont Interlocal Service Boundary Area (ISBA) and Joint Planning Area (JPA). The variance application was sent to the City of Clermont for a determination of consistency with their regulations. The City of Clermont had no comments.

The subject parcel is located within the Lake Apopka Basin Area. The intent of LDR Section 6.15.00 is to create uniform protection standards, in compliance with the objectives of the Lake County Comprehensive Plan and for the restoration of Lake Apopka. The request is consistent with the LDR Section 6.15.00.

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.

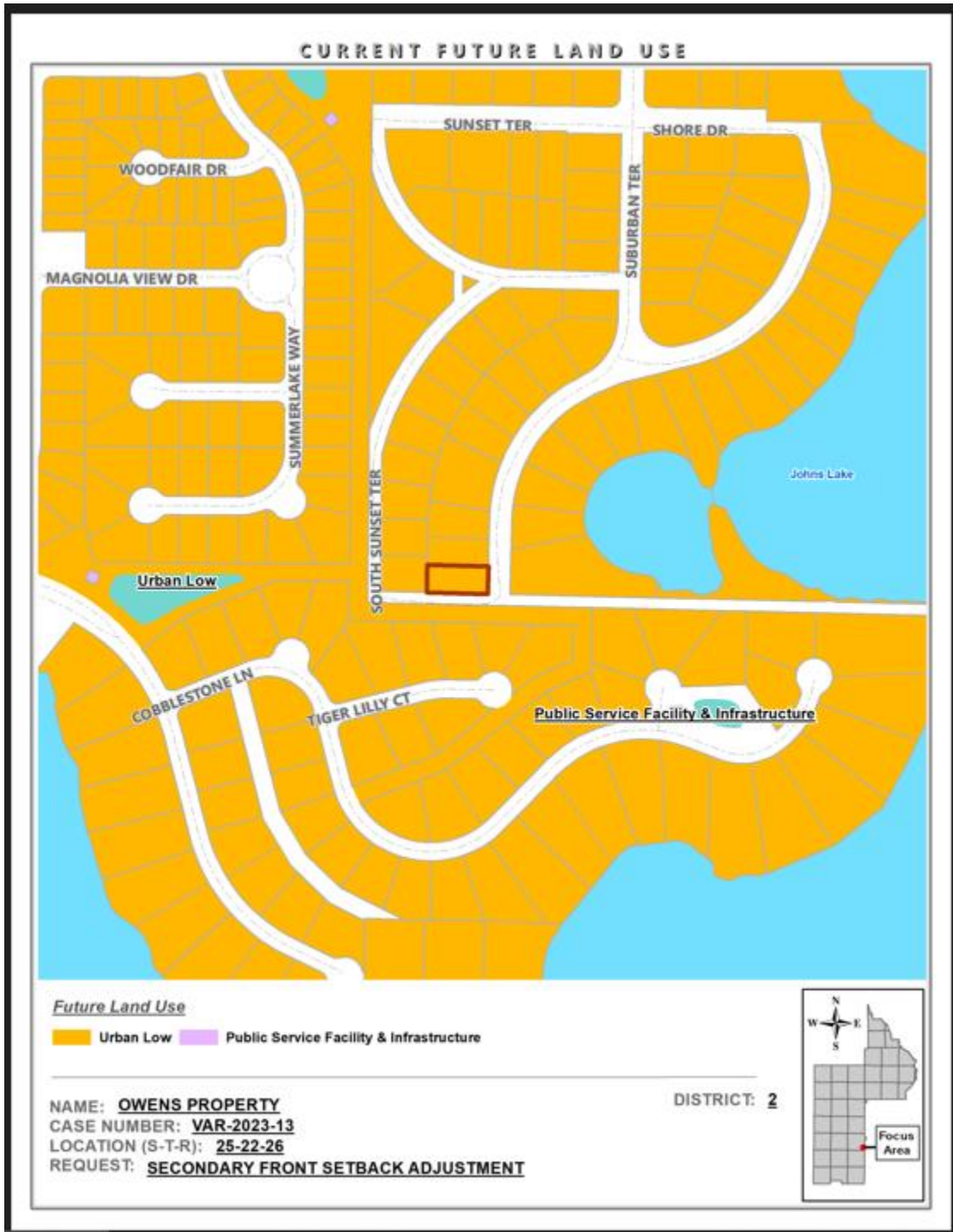
To show that the intent of the Code will be or has been achieved by other means, the Applicant provided the following statement, *"This variance is for a reduced setback, not an elimination of one. There are no lots to the south on the other side of the dirt road."*

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, *"[The setback] reduces buildable width of single family residence."*

Attachment "A" – Future Land Use



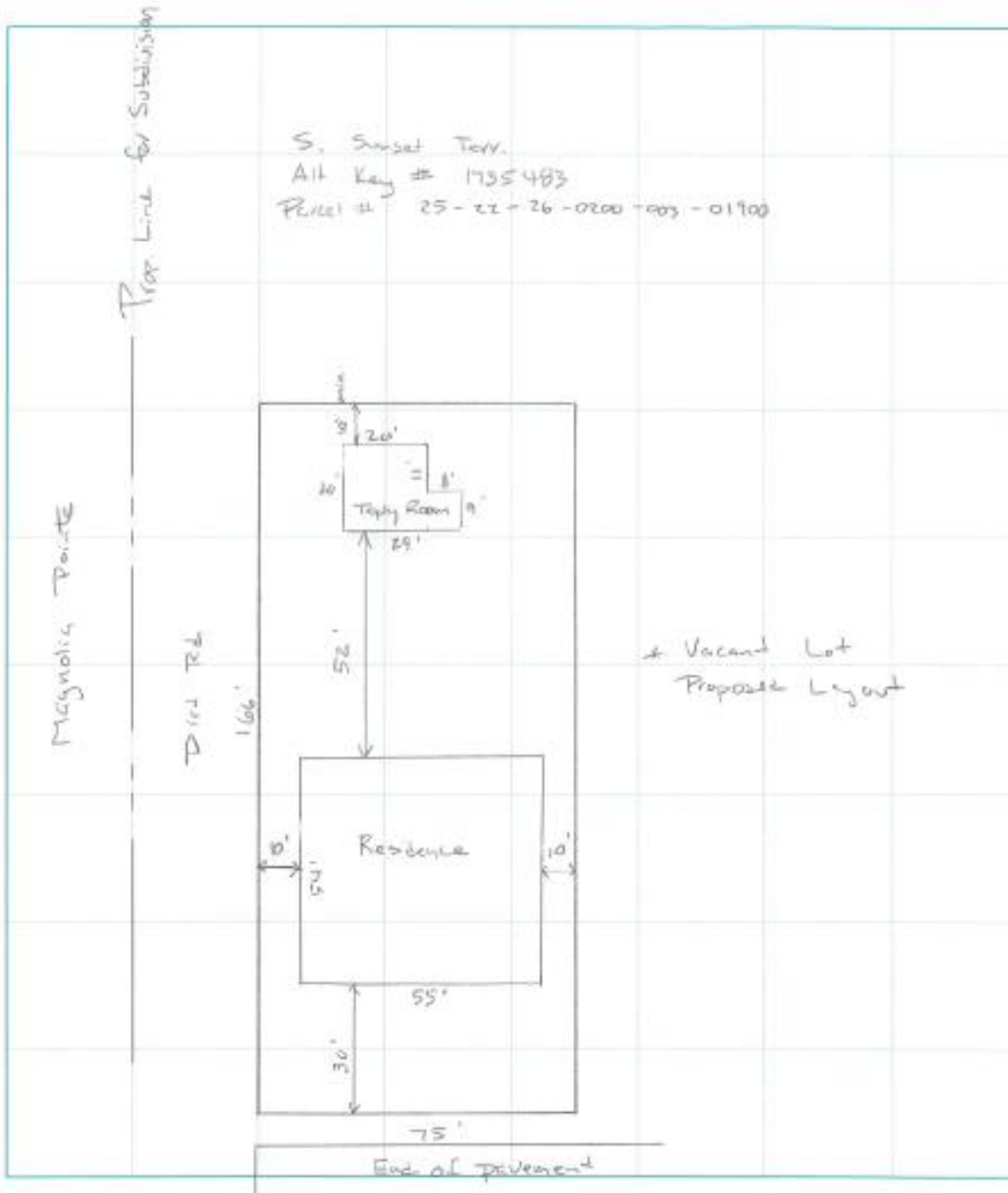
Attachment "B" –Current Zoning District



Attachment "C" – Plot Plan



JOB: _____
CONTACT: _____
DATE: _____



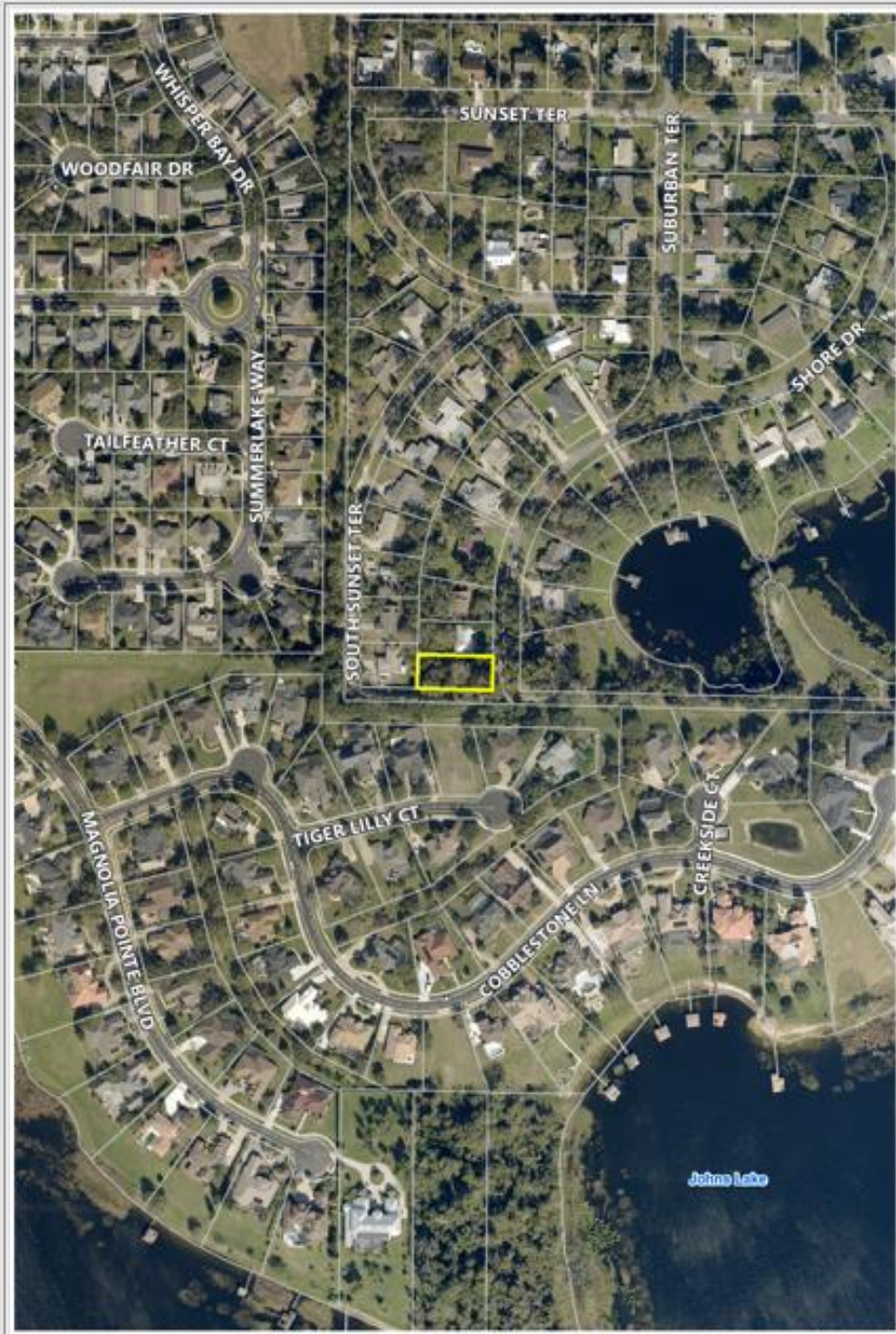
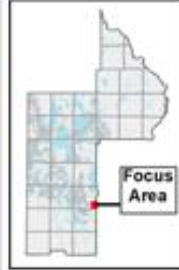
Map of Subject Property



Aerial Map



VAR-2023-13
Owens Property



Allow Secondary
Front Setback

Final Development Order

WHEREAS, Emmett Owens, III and Dorothy Owens (the “Owner” and “Applicant”) requested a variance to Land Development Regulations (LDR) Table 3.02.05 (Note 3(a)) to allow a 10- foot secondary front setback on a lot 75-feet or greater in width in lieu of the required 25-feet; and

WHEREAS, the subject property consists of 0.29 +/- acres, is located north of South Sunset Terrace, in the unincorporated Clermont area of Lake County, in Section 25, Township 22, Range 26, having Alternate Key Number 1735483, and more particularly described as:

The Southerly 7.2 feet of Lot 19 and all of Lot 20, in Block 3 of Suburban Shores, according to the plat thereof, as recorded in Plat Book 12, Pages 82, 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 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 Table 3.02.05 (Note 3(a)) to allow a 10-foot secondary front setback on a lot 75-feet or greater in width in lieu of the required 25-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.