



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: February 7, 2024

Case No. and Project Name: PZ2023-71 Kerns Property

Owner/Applicant: Kelly Kerns

Requested Action: Variance to Land Development Regulations (LDR) Table 3.02.05 to allow a single-family dwelling unit to be constructed 47-feet from the centerline of the road, in lieu of the required 62-feet from the centerline of the road.

Case Manager: Shari Holt, Planner

Subject Property Information

Size: 0.51 +/- acres

Location: East of Tower View Drive, in the unincorporated Minneola area

Alternate Key No.: 1319811

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

Current Zoning District: Medium Residential District (R-3) (Attachment "B")

Flood Zones: "A" and "X"

Joint Planning Area (JPA) / ISBA: Clermont Joint Planning Area and
Clermont Interlocal Service Boundary Agreement

Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North			Right-of-Way	Lake Minneola Shores / Tower View Drive
South	Urban Low	Medium Residential (R-3)	Canal, Residential	Canal / Single-Family Residence
East	Urban Low	Medium Residential (R-3)	Right-of-Way, Residential	Tower View Drive / Single-Family Residence
West	Urban Low	Planned Unit Development (PUD)	Right-of-Way, Common Area	Lake Minneola Shores / Common Area Lake Minneola Landings

Summary of Request.

The subject property, identified as Alternate Key Number 1319811, contains 0.51 +/- acres, is zoned Medium Residential District (R-3), is designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is located generally east of Tower View Drive, in the unincorporated Clermont area. The subject parcel is described as GIS maps indicate that the subject parcel is partially located within flood zone "A".

The Applicant has requested a variance to LDR Table 3.02.05 to allow a single-family dwelling unit to be located at 47-feet from the centerline of the road, in lieu of the required 62-feet as depicted in the Site Plan (Attachment "C"). LDR Table 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.

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 Clermont Interlocal Service Boundary Agreement (ISBA) and the Clermont Joint Planning Area (JPA). The variance request was provided to the City of Clermont for review, and the City of Clermont 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 Table 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, *"Allowing the variance will not impact any neighboring properties in a negative way. It is solely for the benefit of being able to build the minimum square footage needed to have a livable home that coincides with the existing surrounding homes. I am happy to leave the existing foliage along 561/Lake Minneola Shores if that is any concern."*

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, *"The allowable building area using the current setbacks does not allow for the construction of a home consistent in size with the existing houses on the street."*

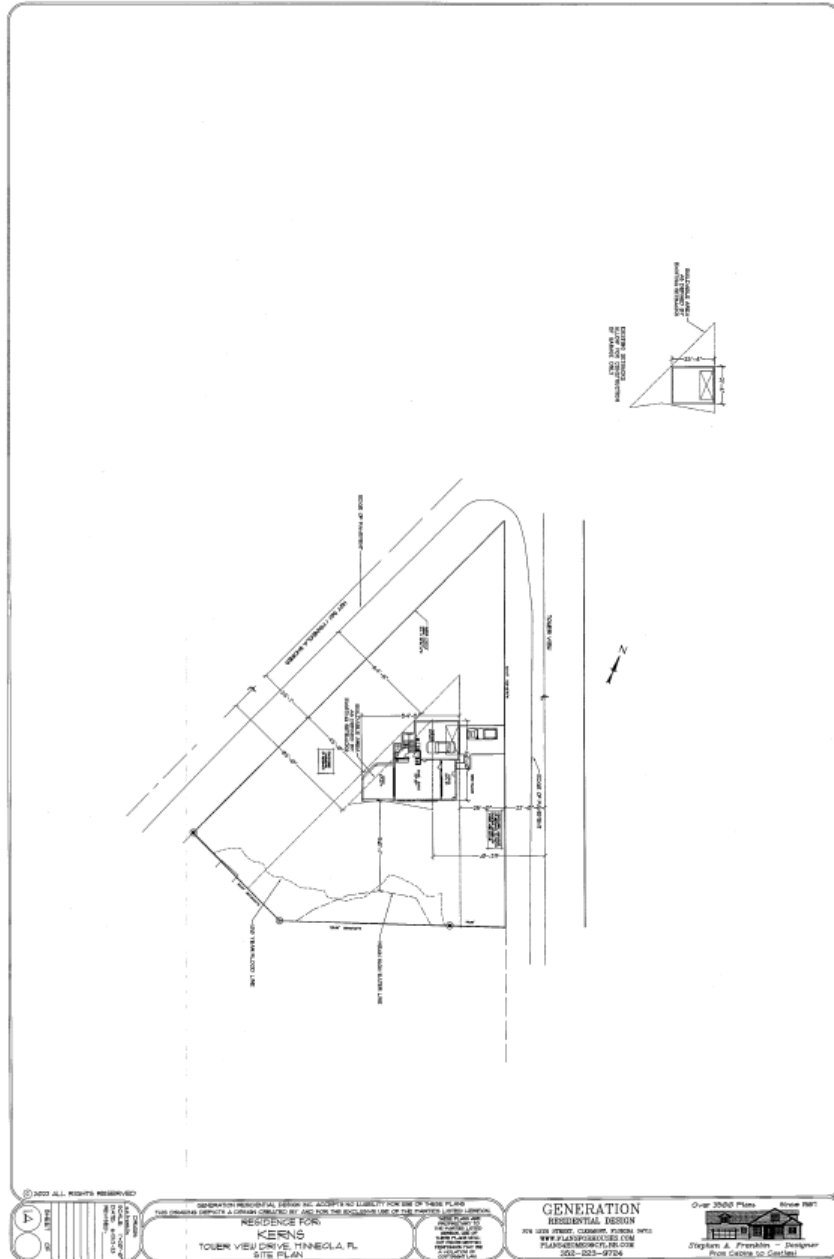
Attachment "A" – Future Land Use Map



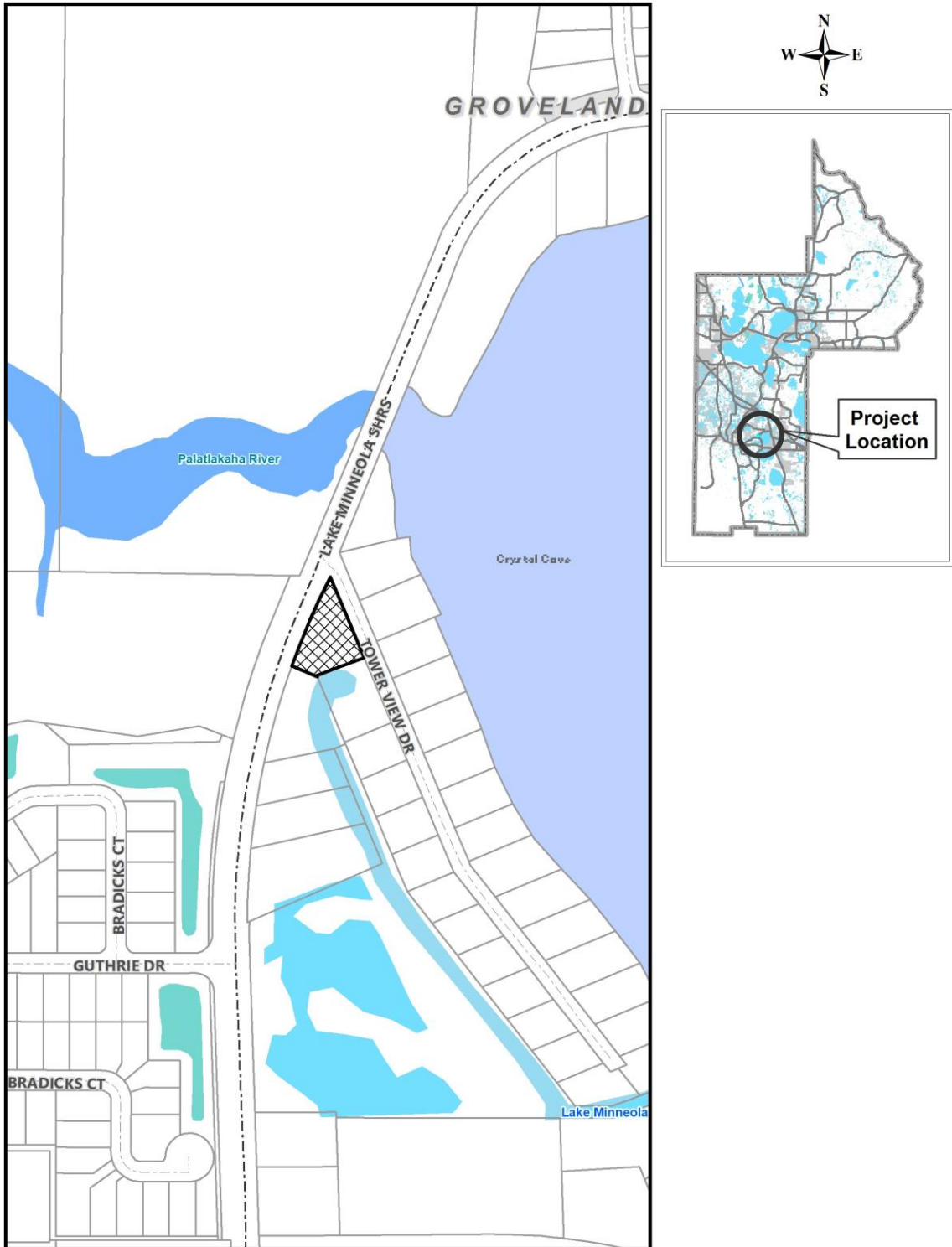
Attachment "B" – Zoning Map



Attachment "C" – Site Plan



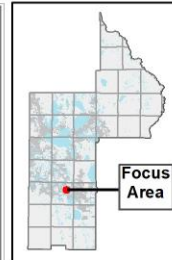
Map of Subject Property



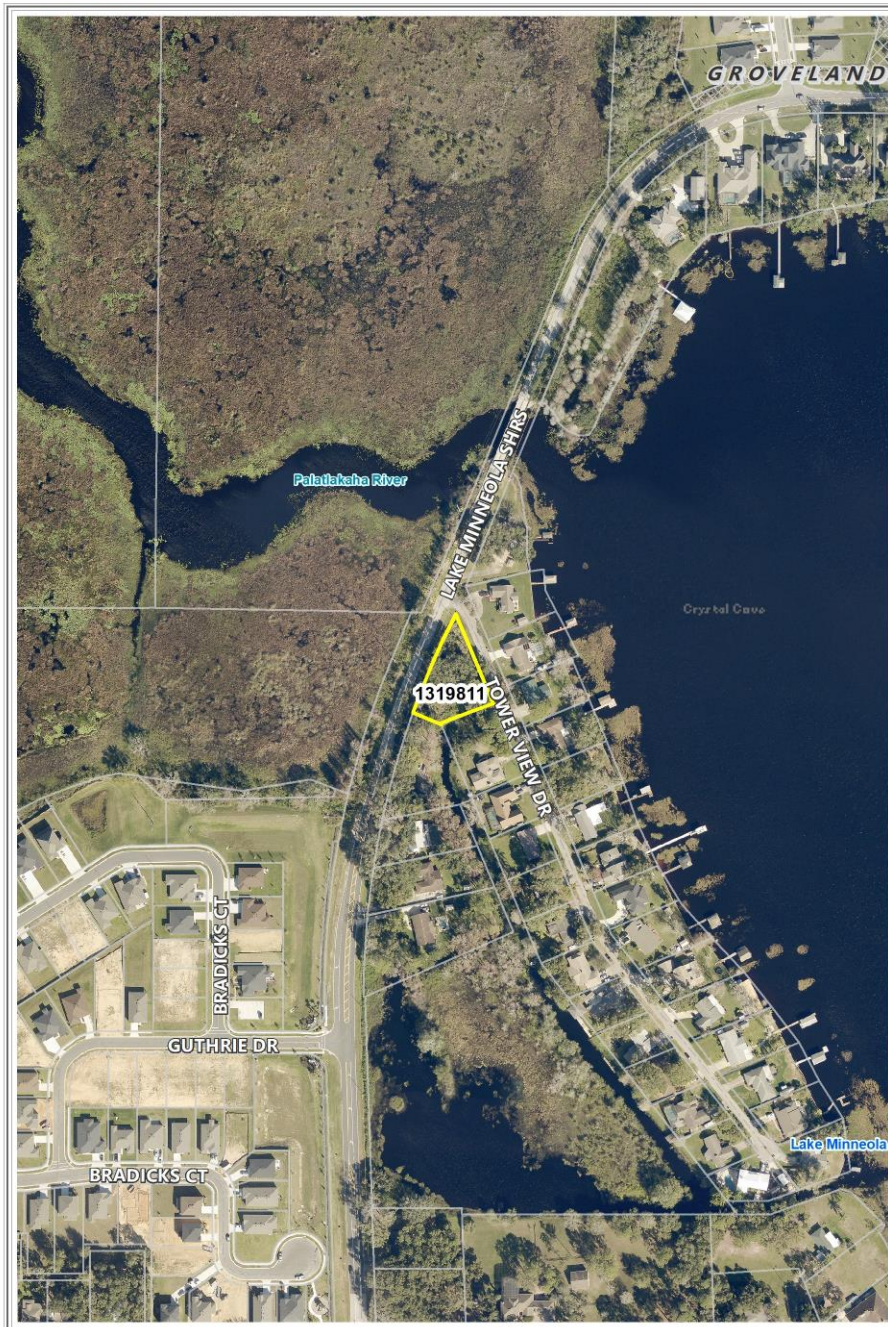
Aerial Map of Subject Property



VAR-PZ2023-71
Kerns Property



Allow Front Setback
Variance



Final Development Order

WHEREAS, Kelly Kerns (the “Applicant” and “Owner”), requested a variance to Land Development Regulations (LDR) Table 3.02.05 to allow a single-family dwelling unit to be constructed 47-feet from the centerline of the road in lieu of the required 62-feet; and

WHEREAS, the subject property consists of 0.51 +/- acres and is located east of Tower View Drive, in the unincorporated Clermont area of Lake County, in Section 14, Township 22, Range 25, having Alternate Key Number 1319811 and more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference;

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 February 7, 2024; 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 February 7, 2024 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) Table 3.02.05 to allow a single-family dwelling unit to be constructed 47-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 7th day of February 2024, by Addie Owens, as Chairman of the Lake County Board of Adjustment.

**Personally Known OR Produced Identification
Type of Identification Produced _____**

Notary Signature

(SEAL)

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

That part of Section 14, Township 22 South, Range 25 East, Lake County, Florida, more particularly described as follows:

Commence at the Northeast corner of Lot 2, Block B, Crystal Cove Subdivision, recorded in Plat Book 13, Page 34, Public Records of Lake County, Florida; run thence North 23° 12' 30" West a distance of 75 feet to an iron pipe and the Point of Beginning; run thence North 23° 12' 30" West 227.15 feet to a concrete monument at a point on the Easterly right-of-way line of County Road 561-A designated as Point "A"; begin again at the Point of Beginning and run South 68° 50' 49" West a distance of 125.08 feet to an iron pipe; run thence North 67° 30' 07" West a distance of 68.58 feet to a point on the Easterly right-of-way line of County Road 561-A; run thence Northerly along said right-of-way line to intersect Point "A".