



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: February 7, 2024

Case No. and Project Name: PZ2023-160 King Property

Owner/Applicant: Bobby R. King Sr

Requested Action: An after the fact variance to Land Development Regulations (LDR) Table 3.02.05 Note 3(a) to allow an addition (screen room) to be constructed at 10-feet from the secondary front yard setback, in lieu of the required 15-feet from the secondary front yard setback.

Case Manager: Christopher Boyce, Compliance & Monitoring Specialist

Subject Property Information

Size: 0.26 +/- acres

Location: 35636 Rose Moss Avenue, in the unincorporated Leesburg area

Alternate Key No.: 3918146

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

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

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: None

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Medium Residential District (R-3)	Residential	Single-Family Residence
South	Urban Low	Medium Residential District (R-3)	Right-of-Way and Residential	Single-Family Residence east of Rose Moss Avenue
East	Urban Low	Medium Residential District (R-3)	Right-of-Way and Residential	Single-Family Residence east of Callicarpa Lane
West	Urban Low	Medium Residential District (R-3)	Residential	Single-Family Residence

Summary of Request

The subject property, identified as Alternate Key Number 3918146, contains 0.26 +/- acres, is zoned Medium Residential District (R-3), and is designated with an Urban Low Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is located at 35636 Rose Moss Avenue in the unincorporated Leesburg area. 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 located within flood zone "X."

The Applicant has requested a variance to LDR Table 3.02.05 Note 3(a) to allow an addition (screen room) to be constructed at 10-feet from the property line, in lieu of the required 15-feet for all new development as depicted in Attachment "C."

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 did not identify any comments or objections to the request. The Public Works Department provided three comments. *"(1.) The addition to the property will require lot grading plan with the building permit. Drainage from this improvement must not adversely affect the neighboring property. (2.) Lot grading inspection(s) will be required for the improvement added on to the property. The inspection(s) will be part of the building permit. (3) Any fencing and landscaping for the property must meet code, not be within the visibility triangle of Rose Moss Avenue and Callicarpa Lane, and not impact the lot drainage."*

An additional condition is recommended if the variance is approved as it appears the structure may encroach upon the ten foot platted drainage easement. To ensure that the structure does not encroach into the drainage easement, the Applicant should be required to provide a signed and sealed survey by a surveyor licensed in the State of Florida confirming that the structure does not impact the drainage easement. If the structure does impact the drainage easement, the variance will be considered null and void.

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.

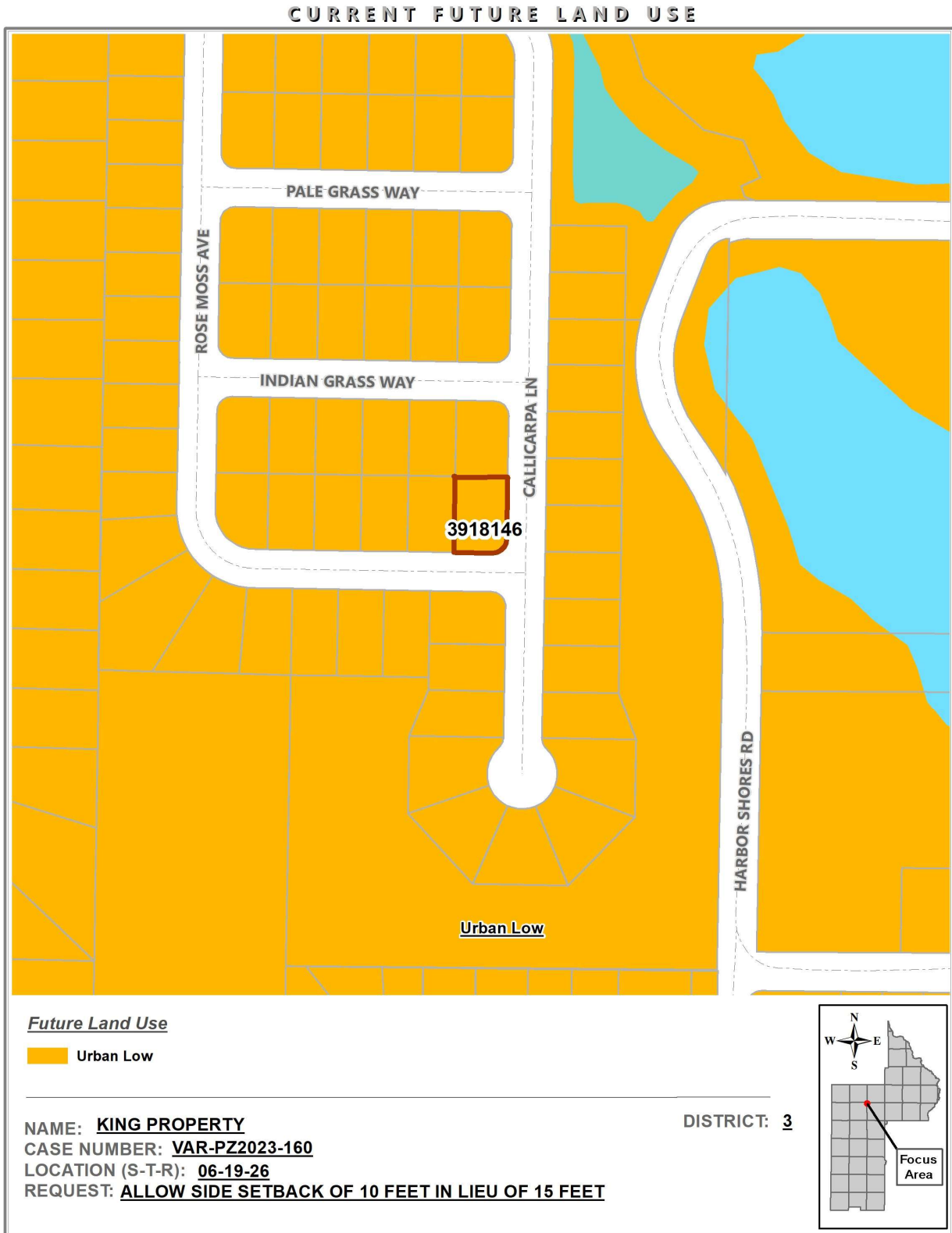
1. The purpose of the Land Development Regulation will be or has been achieved by other means.

The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"I will be installing a vinyl fence (white) as well as landscaping to shield the property as not to create an unsitely [sic] distraction to the neighborhood"*.

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, *"I've spent \$6200.00 on a concrete slab, it is my intention to build a screen enclosure and fence the property in. the demensions [sic] are 16x35x20x20 ft. I've already purchase the pavers to help add value as well as help beautify the property"*.

Attachment "A" – Future Land Use Map



Attachment "B" – Zoning Map

CURRENT ZONING



Zoning Legend

■ A ■ R-3 ■ R-6 ■ RM

NAME: **KING PROPERTY**

CASE NUMBER: **VAR-PZ2023-160**

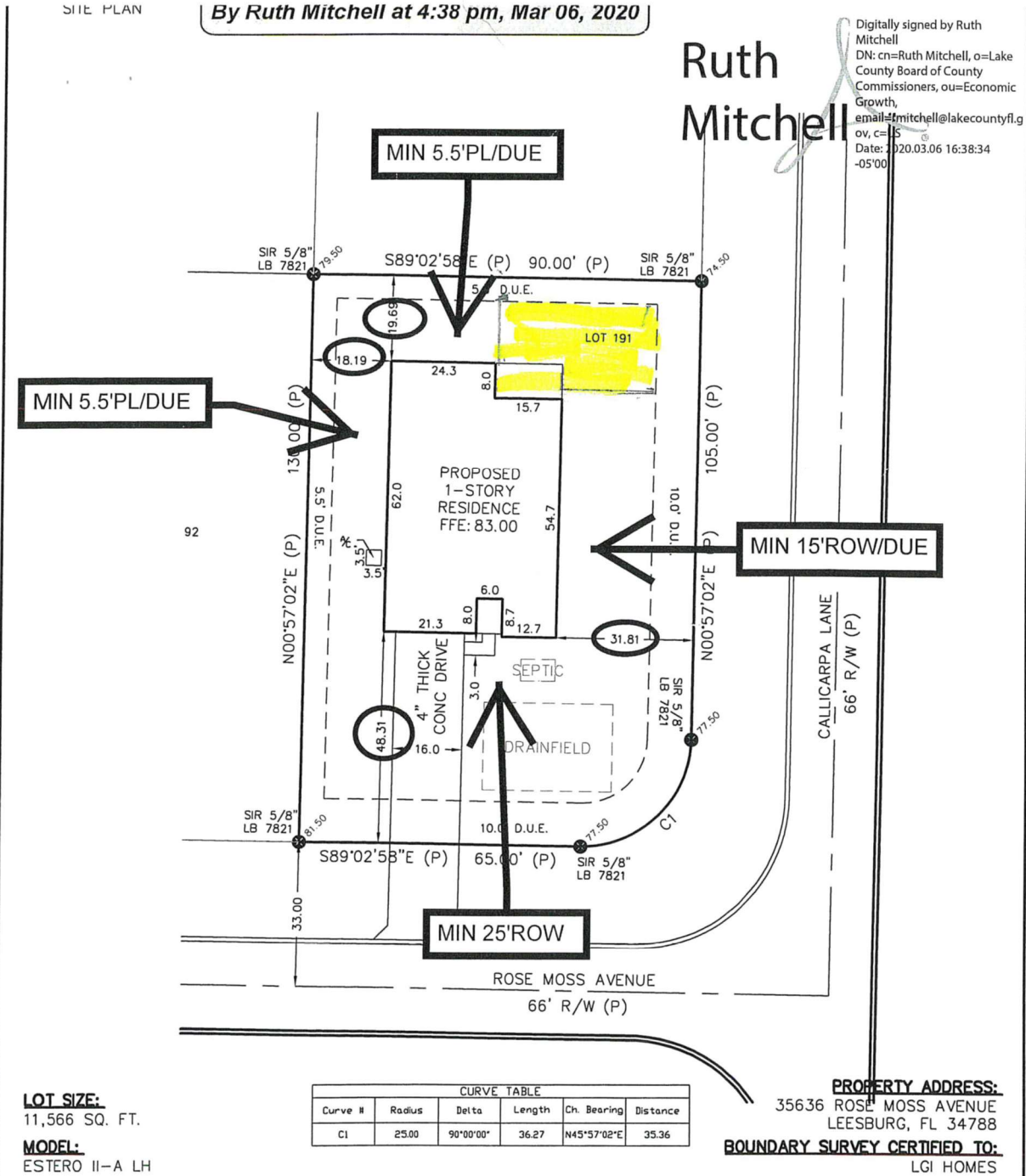
LOCATION (S-T-R): **06-19-26**

REQUEST: **ALLOW SIDE SETBACK OF 10 FEET IN LIEU OF 15 FEET**

DISTRICT: **3**



Attachment "C" – Plot Plan



Ruth Mitchell
Digitally signed by Ruth Mitchell
DN: cn=Ruth Mitchell, o=Lake County Board of County Commissioners, ou=Economic Growth, email=r.mitchell@lakecountyfl.gov, c=US
Date: 2020.03.06 16:38:34 -05'00'

LEGEND & ABBREVIATIONS

PSM = PROFESSIONAL SURVEYOR & MAPPER
 LB = LICENSED BUSINESS
 LS = LICENSED SURVEYOR
 FND = FOUND
 SET = SET "LB 7821"
 IRC = IRON ROD & CAP
 ND = NAIL & DISK
 CM = CONCRETE MONUMENT
 CB = CHORD BEARING
 CD = CHORD DISTANCE
 CONC = CONCRETE
 PVMT = PAVEMENT
 R/W = RIGHT-OF-WAY
 COV = COVERED
 % = AIR CONDITIONER (3.5'x3.5' PAD)
 D.E. = DRAINAGE EASEMENT

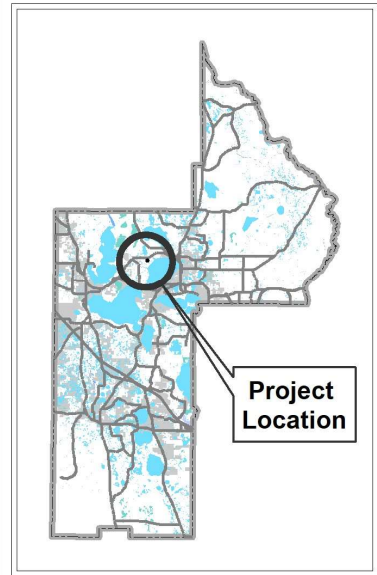
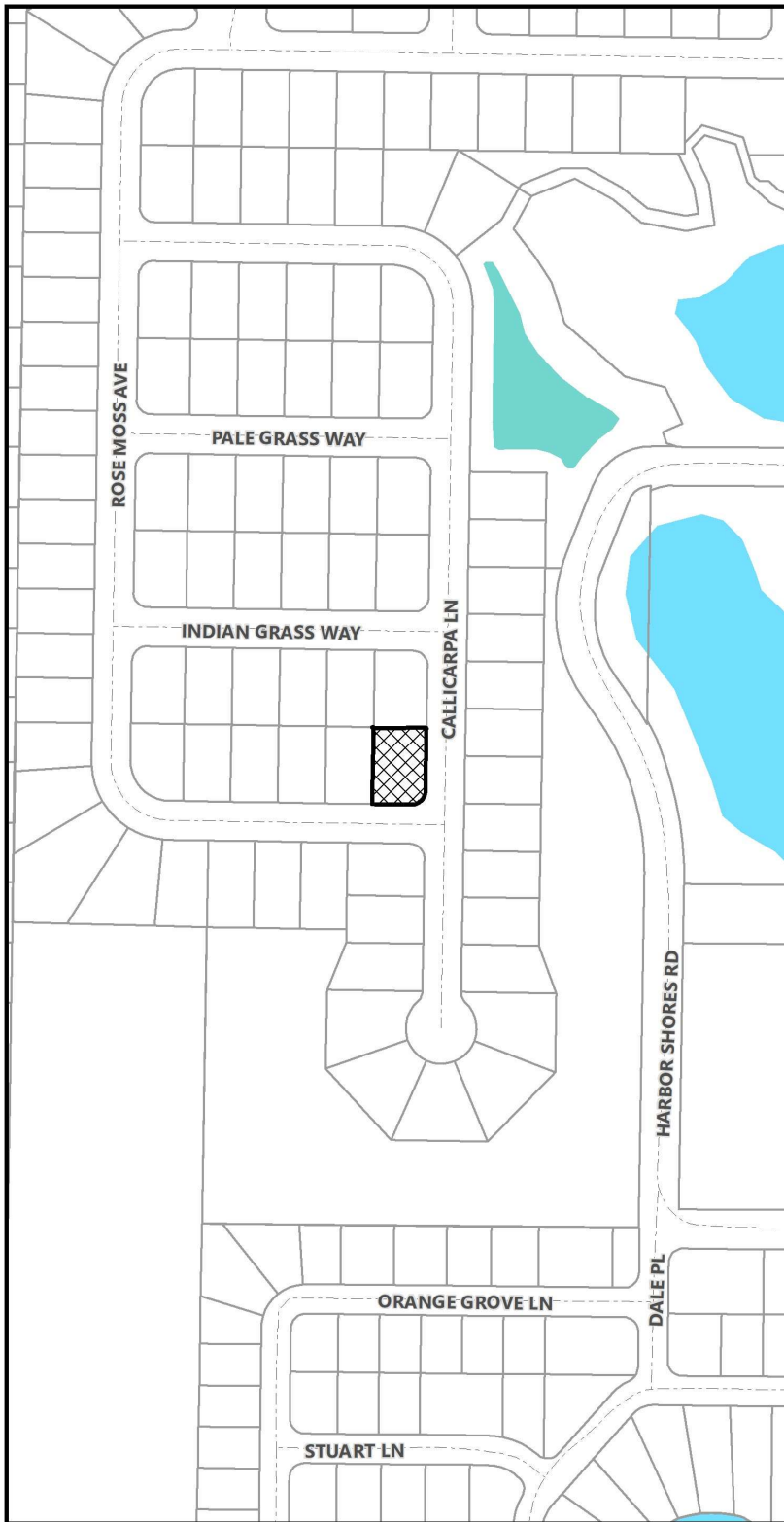
SURVEYOR'S NOTES

1. BASIS OF BEARING – THE SOUTH LINE OF LOT 191, MEADOW RIDGE OF GRAND ISLAND PHASE 2, AS RECORDED IN PLAT BOOK 72, PAGES 3-5, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AS BEING S89°02'58"E PER PLAT.
2. DATE OF FIELD SURVEY: 2/7/20
3. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING SURVEYOR.
4. PROPERTY LINES SHOULD NOT BE ESTABLISHED USING FENCE OR BUILDING TIES.
5. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, BURIED UTILITIES, FOUNDATIONS AND FOOTERS WERE LOCATED.
6. BASED UPON MY REVIEW OF THE "FLOOD INSURANCE RATE MAP" OF LAKE COUNTY, FLORIDA. COMMUNITY PANEL NO. 12069C0332E. EFFECTIVE DATE

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS REQUIRED BY CHAPTER 5J-17 FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

This item has been electronically signed and sealed by Foun M. Hoffmeier, PSM on [Date/Time Stamp: shown] using a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

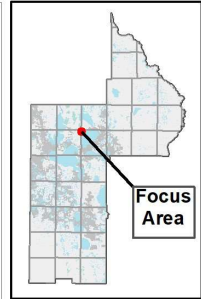
Map of Subject Property



Aerial Map of Subject Property



VAR-PZ2023-160
King Property



Allow Side Setback
of 10' in Lieu of 15'



Final Development Order

WHEREAS, Bobby R. King, Sr, (the “Owner” and “Applicant”) requested a variance to Land Development Regulations (LDR) Table 3.02.05 Note 3.(a) to allow an addition (screen room) to be constructed at 10-feet from the secondary front yard setback, in lieu of the required 15-feet.

WHEREAS, the subject property consists of 0.26 +/- acres, is located at 35636 Rose moss Avenue, in the unincorporated Leesburg area of Lake County, in Section 01, Township 19, Range 25, having Alternate Key Number 3918146, and more particularly described as:

Lot 191, Meadow Ridge of Grand Island Phase 2, according to the plat thereof, recorded in Plat Book 72, Pages 3 through 5, inclusive, 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 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.

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 an addition (screen room) to be constructed at 10-feet from the secondary front yard setback, in lieu of the required 15-feet is hereby **granted** with the following conditions:

1. That the property owner must submit to the Office of Planning and Zoning a signed and sealed survey by a surveyor licensed in the State of Florida confirming that the screen room does not encroach into the publicly dedicated drainage easement. The survey must be submitted before or with the application for a zoning permit and/or building permit. If the screen room encroaches into the drainage easement, this variance shall be null and void.
2. The addition to the property will require a lot grading plan with the building permit. Drainage from this improvement must not adversely affect the neighboring property.
3. Lot grading inspections will be required during construction of the improvement and as part of the building permit inspection process.
4. Any fencing or landscaping must:
 - a. Meet the code or land development requirements, as applicable;

- b. Not encroach upon the Visibility Triangle for Rose Moss Avenue and Callicarpa Lane; and
- c. Not impact the lot drainage.

**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 _____

(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.