



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: March 6, 2024

Case No. and Project Name: PZ2023-53, Bazdaric Property

Applicant: Jamie Douglas Bazdaric

Owners: Jennifer L. Bazdaric and Jamie Douglas Bazdaric

Requested Action: Variance to Land Development Regulations (LDR) Table 3.02.05 to allow an accessory structure (carport) to be constructed 9-feet from the western property line, in lieu of the required 25-feet.

Case Manager: James Frye, Planner

Subject Property Information

Size: 5.00 +/- acres

Location: 16201 Magnolia Creek Lane, in the unincorporated Montverde area

Alternate Key No.: 3533097

Future Land Use Category: Rural Transition (Attachment "A")

Current Zoning District: Agricultural Residential (AR) (Attachment "B")

Flood Zones: "AE" and "X"

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

Overlay Districts: Lake Apopka Basin Overlay District (Attachment "C")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agricultural (A)	Vacant	Vacant / Wetlands
South	Urban Low	Rural Residential (R-1)	Right-of-Way and Residential	Single-Family Residence south of Magnolia Creek Lane
East	Rural Transition	Agricultural Residential (AR)	Vacant	Vacant / Wetlands
West	Rural Transition	Agricultural Residential (AR)	Residential	Single-Family Residence / Wetlands

Summary of Request.

The subject property, identified as Alternate Key Number 3533097, contains 5.00 +/- acres, is zoned Agricultural Residential District (AR), is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and is located within the Lake Apopka Basin Overlay District. The subject property is located generally north of Magnolia Creek Lane and east of County Road 455, in the unincorporated Montverde area. GIS maps indicate that wetlands exist on the subject parcel and that the parcel is partially located within flood zones "AE" and "X".

The Applicant desires to construct a carport 9-feet from the western property line and has requested a variance to LDR Table 3.02.05 to allow an accessory structure (metal carport) to be constructed 9-feet from the western property line, in lieu of the required 25-feet as depicted in the Plot Plan (Attachment "D"). The Conceptual Plan (Attachment "D") depicts an existing single-family dwelling unit with a pool, a concrete driveway, and a second story addition with back porch extension approved on December 29, 2023, by Zoning Permit #52806. LDR Table 3.02.05 indicates that within the Agricultural Residential District (AR) accessory structures shall maintain a side setback of 25 feet from the property line. LDR Section 6.15.04 indicates that parcels located within the Lake Apopka Basin Overlay District must maintain a 50-foot natural buffer between the wetlands and any development. The request is consistent with the Lake Apopka Basin Area regulations because the proposed carport will be 160-feet from the wetland delineation as seen on the Plot Plan (Attachment "D").

On October 25, 2023, 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 to the request.

The subject property is located within the Montverde Interlocal Service Boundary Agreement (ISBA). On October 25, 2023, 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, *"Slope grading and planting of vegetation to control water flow. This plan and variance will maintain a 50-foot distance from the wetland line (preferred result here). Structure will be on same level as house, avoiding excess digging and disturbance of area. Avoids the structure being requested in front of house where the driveway impinges on property line requirements also."*

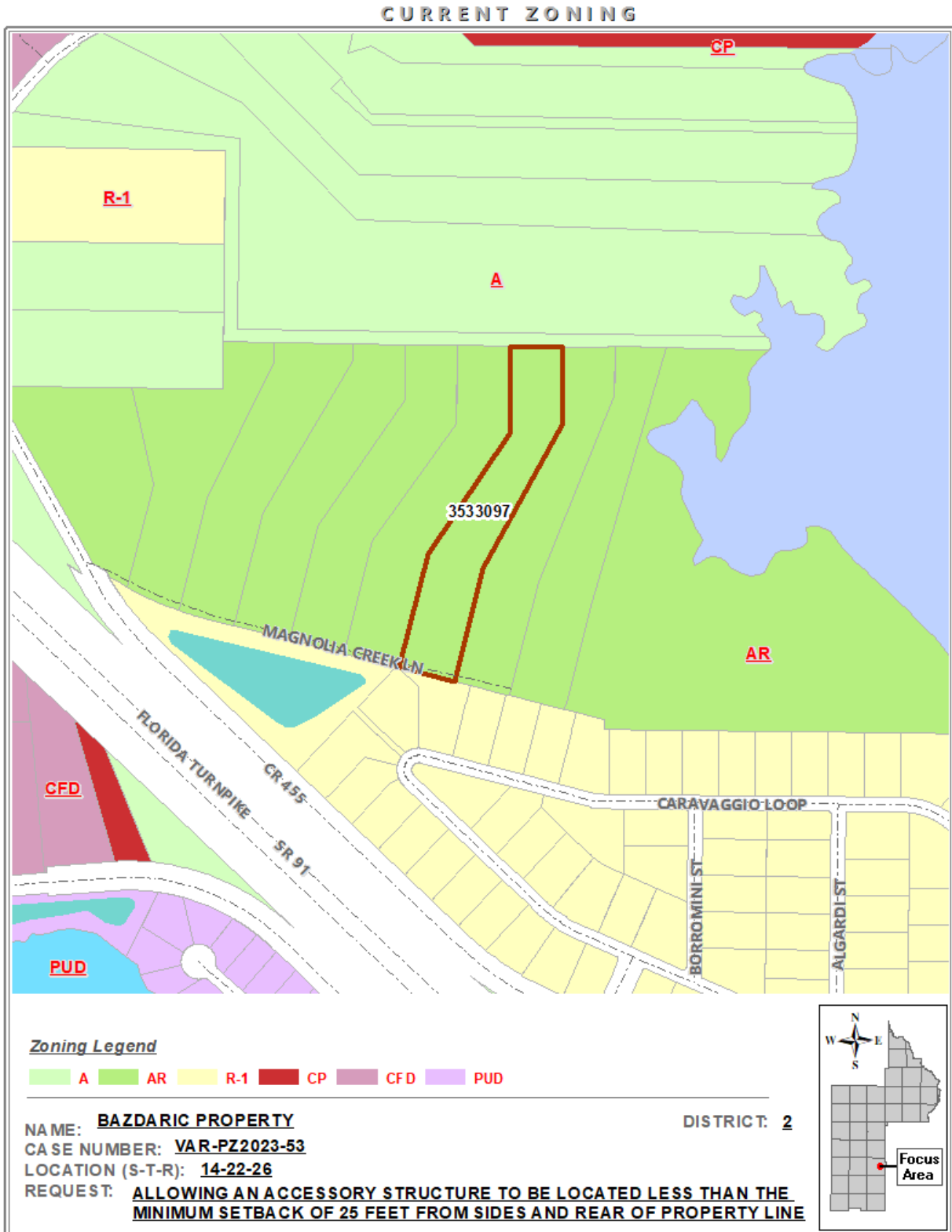
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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 property is large, but we cannot build on the large majority of it due to wetland restrictions. Once you get 50 feet away from the mean high-water mark there is limited space before you would have to put a structure in front of the house. The slopes and areas are also challenging outside of that. Putting the structure 9 feet from the property line will alleviate all other variance requests."*

Attachment "A" – Future Land Use Map



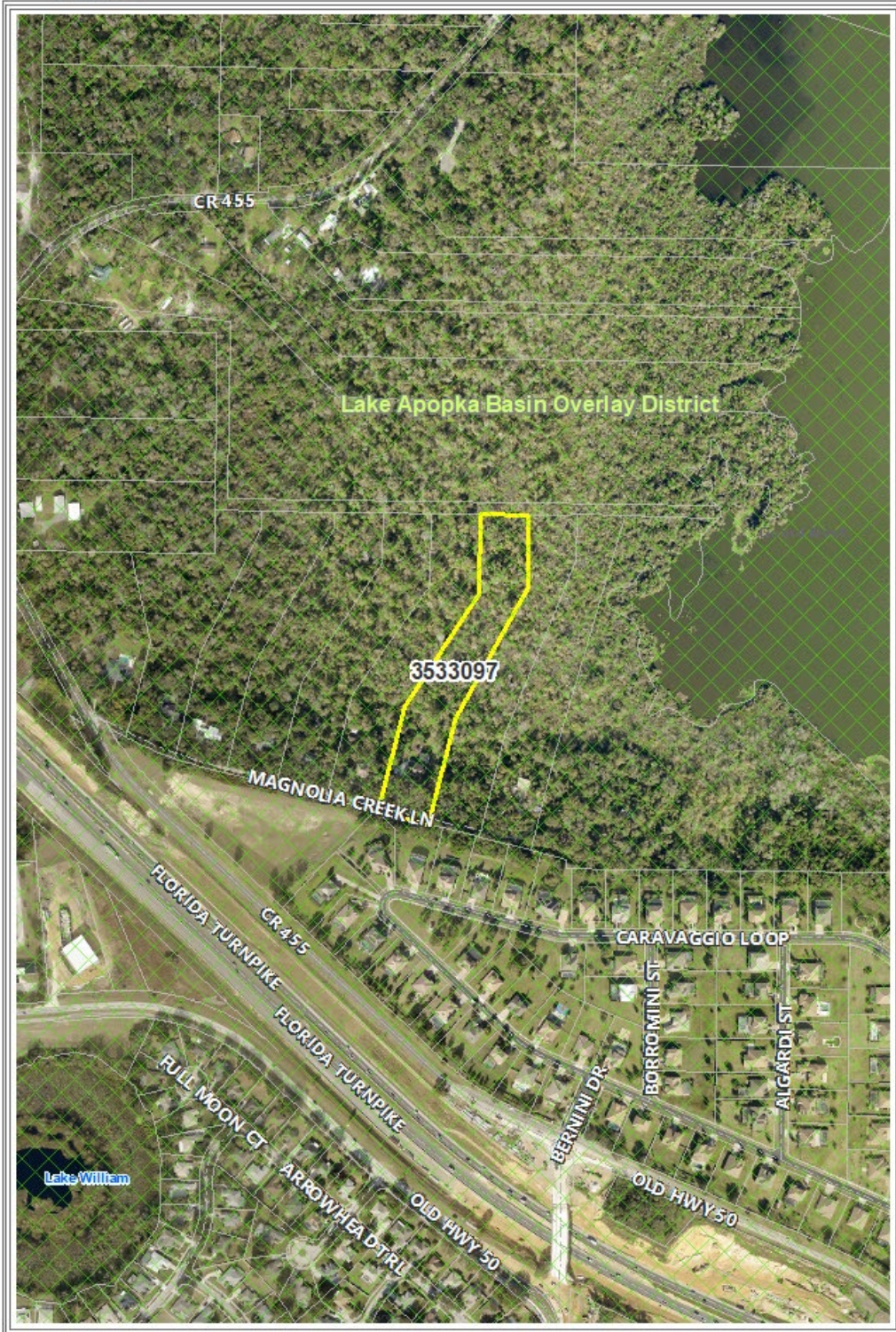
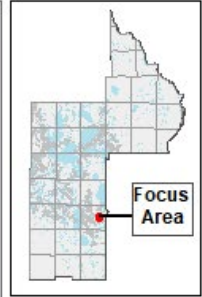
Attachment "B" – Zoning Map



Attachment "C" – Overlay District Map

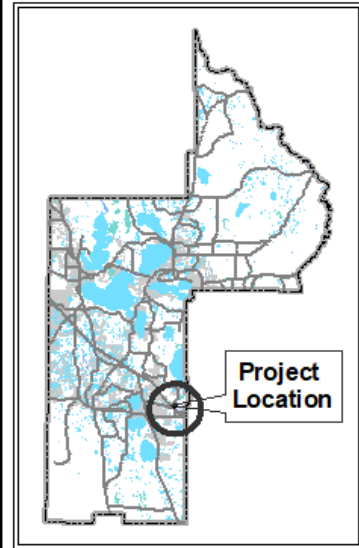
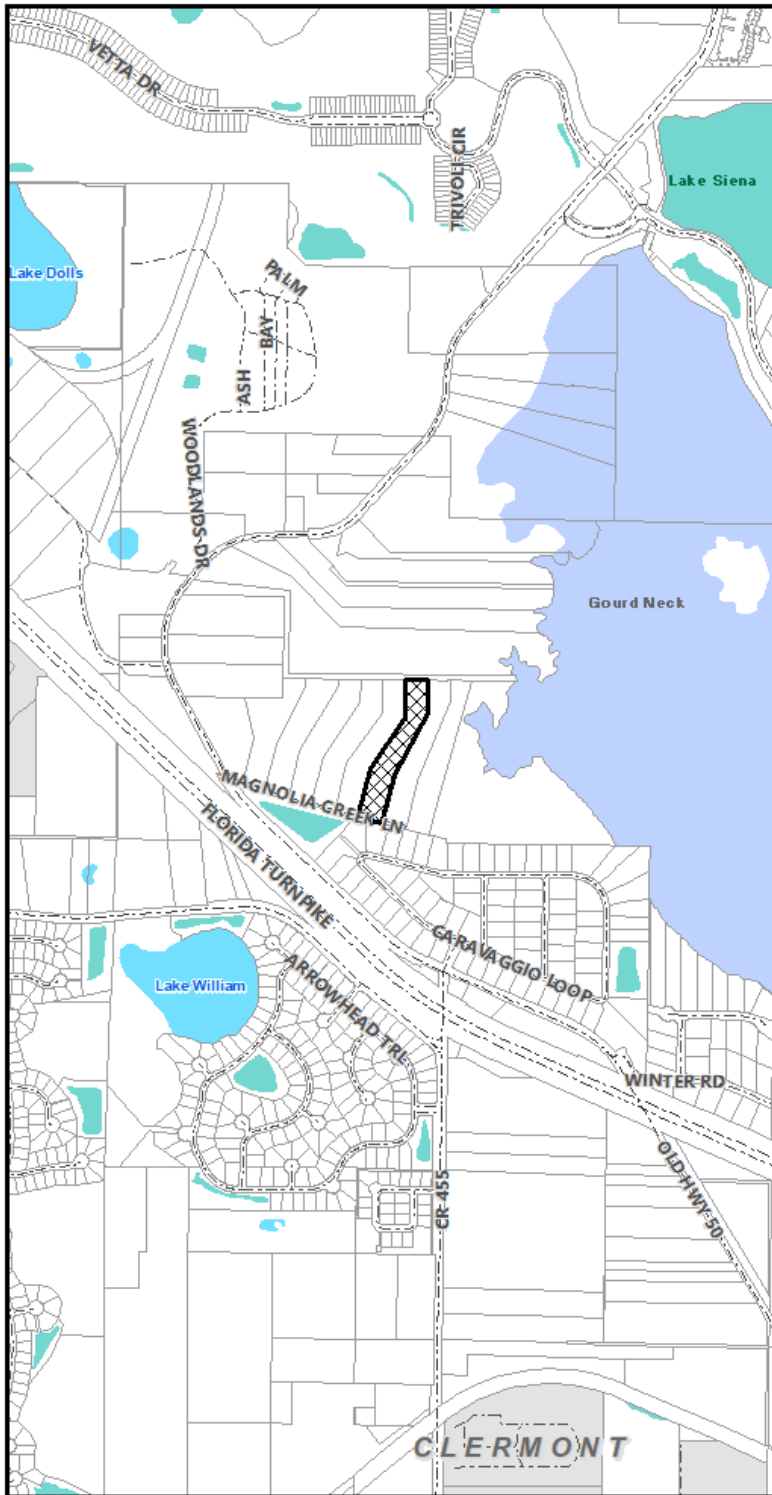


VAR-PZ2023-53
Bazdaric Property



Allowing an accessory structure to be located less than the minimum setback of 25 feet from sides and rear of property line

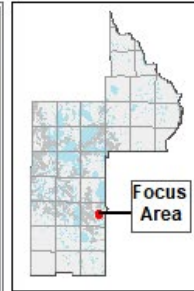
Map of Subject Property



Aerial Map of Subject Property



VAR-PZ2023-53
Bazdaric Property



Allowing an accessory structure to be located less than the minimum setback of 25 feet from sides and rear of property line

Final Development Order

WHEREAS, Jennifer L. Bazdaric and Jamie Douglas Bazdaric (the “Applicant” and “Owner”), requested a variance to Land Development Regulations (LDR) Table 3.02.05 to allow an accessory structure (carport) to be constructed 9-feet from the western property line, in lieu of the required 25-feet; and

WHEREAS, the subject property consists of 5.00 +/- acres, located at east of County Road 455, in the unincorporated Montverde area of Lake County, in Section 14, Township 22, Range 26, having Alternate Key Number 3533097 and more particularly described in Exhibit A, attached hereto and incorporated by reference; and

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 March 6, 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 Land Development Regulations (LDR) Table 3.02.05 to allow an accessory structure (carport) to be constructed 9-feet from the western property line 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 March 2024, by Addie Owens, 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" – Legal Description

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; THENCE RUN NORTH 89 DEGREES 59 MINUTES 45 SECONDS EAST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 14 FOR A DISTANCE OF 138.89 FEET TO THE CENTERLINE OF THE ABANDONED SCL RAILROAD RIGHT OF WAY; THENCE RUN NORTH 76 DEGREES 23 MINUTES 09 SECONDS WEST ALONG SAID CENTERLINE FOR A DISTANCE OF 671.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 76 DEGREES 23 MINUTES 09 SECONDS WEST ALONG SAID CENTERLINE FOR A DISTANCE OF 195.00 FEET; THENCE LEAVING SAID CENTERLINE RUN NORTH 13 DEGREES 36 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 400.00 FEET; THENCE RUN NORTH 33 DEGREES 16 MINUTES 03 SECONDS EAST FOR A DISTANCE OF 499.38 FEET; THENCE RUN NORTH 00 DEGREES 13 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 314.00 FEET TO THE NORTH LINE OF THE SOUTH 1/4 OF SAID SECTION 14; THENCE RUN SOUTH 89 DEGREES 46 MINUTES 56 SECONDS EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 180.00 FEET; THENCE LEAVING SAID NORTH LINE RUN SOUTH 00 DEGREES 13 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 282.00 FEET; THENCE RUN SOUTH 28 DEGREES 07 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 561.04 FEET; THENCE RUN SOUTH 13 DEGREES 36 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT ON, OVER, AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

COMMENCE AT THE SOUTH 1/4 OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA;

THENCE RUN NORTH 89 DEGREES 59 MINUTES 45 SECONDS EAST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 14 FOR A DISTANCE OF 138.89 FEET TO THE CENTERLINE OF THE ABANDONED SCL RAILROAD RIGHT OF WAY; THENCE RUN NORTH 76 DEGREES 23 MINUTES 09 SECONDS WEST ALONG SAID CENTERLINE FOR A DISTANCE OF 281.00 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING SAID CENTERLINE RUN NORTH 13 DEGREES 44 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 50.00 FEET TO A POINT LYING 50.00 FEET NORTH OF, WHEN MEASURED AT RIGHT ANGLES TO. SAID CENTERLINE; THENCE RUN NORTH 76 DEGREES 23 MINUTES 09 SECONDS WEST PARALLEL WITH SAID CENTERLINE FOR A DISTANCE OF 1262.42 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 1110.92 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE PARALLEL WITH SAID CENTERLINE FOR A DISTANCE OF 531.44 FEET THROUGH A CENTRAL ANGLE OF 27 DEGREES 24 MINUTES 32 SECONDS TO A POINT OF NON-TANGENCY ON THE EASTERLY RIGHT OF WAY OF COUNTY ROAD 455; THENCE RUN SOUTH 29 DEGREES 51 MINUTES 46 SECONDS EAST ALONG SAID EASTERLY RIGHT OF WAY FOR A DISTANCE OF 132.13 FEET TO THE AFORESAID CENTERLINE OF THE ABANDONED SCL RAILROAD RIGHT OF WAY AND A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 1160.92 FEET AND A CHORD BEARING OF SOUTH 65 DEGREES 46 MINUTES 06 SECONDS EAST; THENCE RUN SOUTHEASTERLY ALONG SAID CENTERLINE AND THE ARC OF SAID CURVE FOR A DISTANCE OF 430.27 FEET THROUGH A CENTRAL ANGLE OF 21 DEGREES 14 MINUTES 07 SECONDS TO THE END OF SAID CURVE; THENCE RUN SOUTH 76 DEGREES 23 MINUTES 09 SECONDS EAST ALONG SAID CENTERLINE FOR A DISTANCE OF 1262.31 FEET TO THE POINT OF BEGINNING.