



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: March 6, 2024

Case No. and Project Name: PZ2023-54, Batchelor Property

Owner/Applicant: John Allen Batchelor, Jr.

Requested Action: Variance to Land Development Regulations (LDR) Section 10.01.01(F)(3) to allow an accessory structure (metal building) to be constructed 20-feet from the front property line in lieu of the required 100-feet from the property line, and variance to LDR Table 3.02.05 to allow a side setback of 5-feet from the northern property line, in lieu of the required 10-feet as determined pursuant to LDR 1.08.03(D).

Case Manager: Shari Holt, Planner

Subject Property Information

Size: 0.65 +/- acres

Location: 44035 Parkway Lane, Altoona

Alternate Key No.: 1733197

Future Land Use: Rural (Attachment "A")

Current Zoning District: Agriculture District (A) (Attachment "B")

Flood Zones: "A" and "X"

Joint Planning Area (JPA) / ISBA: None

Overlay Districts: Wekiva – Ocala Rural Protection Area Overlay District (Attachment "C")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture	Residential	Single-Family Residence
South	Rural	Agriculture	Residential	Single-Family Residence
East	Rural	Agriculture	Right-of-Way, Residential	Parkway Lane and Single-Family Residences east of R-O-W
West	Rural	Agriculture	Vacant	Vacant Residential

Summary of Request.

The subject property, identified as Alternate Key Number 1733197, contains 0.65 +/- acres, is zoned Agriculture District (A), is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan and located within the Wekiva – Ocala Rural Protection Area. The subject property is located at 44035 Parkway Lane, in the unincorporated Altoona area. The subject parcel is described as Part of Lot 12 and the South 1/2 of Lot 13, Pine Acres on Lake Dorr, according to the plat thereof recorded in Plat Book 12, Page 50, Public Records of Lake County, Florida. GIS maps indicate that wetlands existing on the subject parcel and illustrate that the subject parcel is located within flood zones “A” and “X”.

The Applicant has requested a variance to LDR Section 10.01.01(F)(3) to allow an accessory structure (metal building) to be constructed 20-feet from the front property line in lieu of the required 100-feet from the property line, and variance to LDR Table 3.02.05 to allow a side setback of 5-feet from the property line in lieu of the required 10-feet from the northern property line, as depicted in the Conceptual Plan (Attachment “D”). LDR Section 10.01.01(F)(3) states that accessory structure that are building shall be located in side and rear yards, unless the accessory building is located a minimum of 100-feet from the front property line; and LDR Section 1.08.03(D) states that structures that are built on lots that meet Section 1.08.04 (Existing Lots Nonconforming to the Density Requirements), or that do not meet the minimum Lot size of the Zoning District, shall utilize the setback requirement of the zoning district closest to the size of the nonconforming lot. The subject parcel contains 0.65 +/- acres and is conforming to the Estate Residential District (R-2), and therefore a 10-foot required side setback has been determined.

The request is consistent with Comprehensive Plan I-5.2.2, which limits future land use within the Wekiva – Ocala Rural Protection Area to the Rural FLUC.

On September 18, 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.

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 10.01.01 is to regulate the installation, configuration, and use of accessory structures and temporary uses in order to preserve the community and property values and to protect the community character.

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 has provided the following statement. *“The building will be a "brand new" building built by a local contractor. We will be doing our best to color match or remain neutral to color with the existing residence. There will be a form of decorative rock/mulch/millings used for the front area of the building. We will lightly landscape to match the existing residence. There will be no exterior markings and or excited paint schemes whatsoever nor will there be any exaggerated lighting or colored lighting displayed. Any areas of sod or lawn impacted by construction will be replaced upon final completion of building.”*

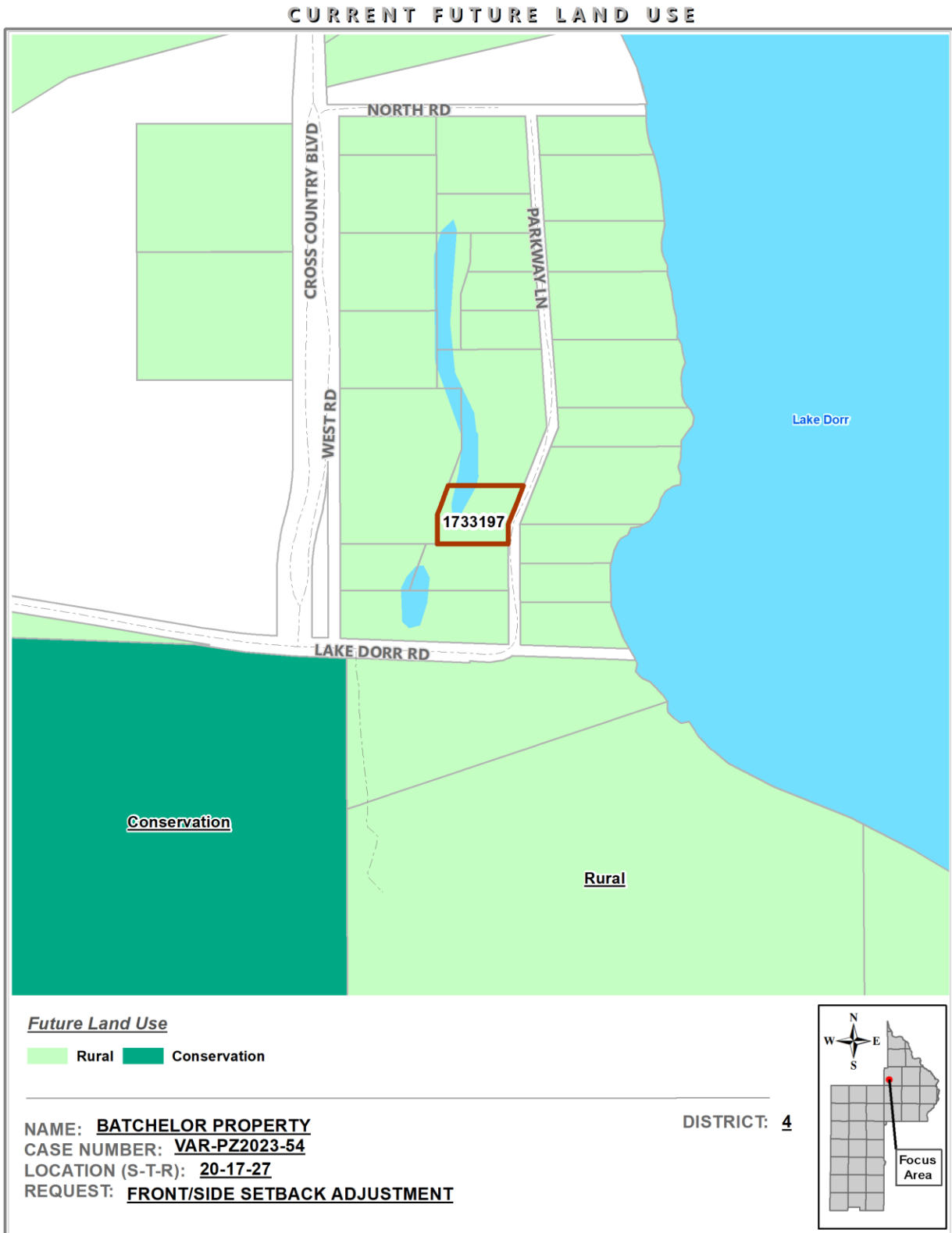
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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, *“Property line configuration along with placement/construction of residence on the property, does not offer any other location on the property suitable to meet any of the required setback as well as practical use of the metal building. Septic is located on southside of the residence Foundation retaining wall and neighboring property on remaining northside.”*

Condition.

Pursuant to Land Development Regulations Section 6.01.04, and prior to the issuance of any permits, the Owner shall be required to submit a survey that delineates the jurisdictional wetland line. The proposed structure shall be located 50-feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, whichever is further landward.

Attachment "A" – Future Land Use Map



Attachment "B" – Zoning Map

CURRENT ZONING



Zoning Legend

 A

NAME: **BATCHELOR PROPERTY**
CASE NUMBER: **VAR-PZ2023-54**
LOCATION (S-T-R): **20-17-27**
REQUEST: **FRONT/SIDE SETBACK ADJUSTMENT**

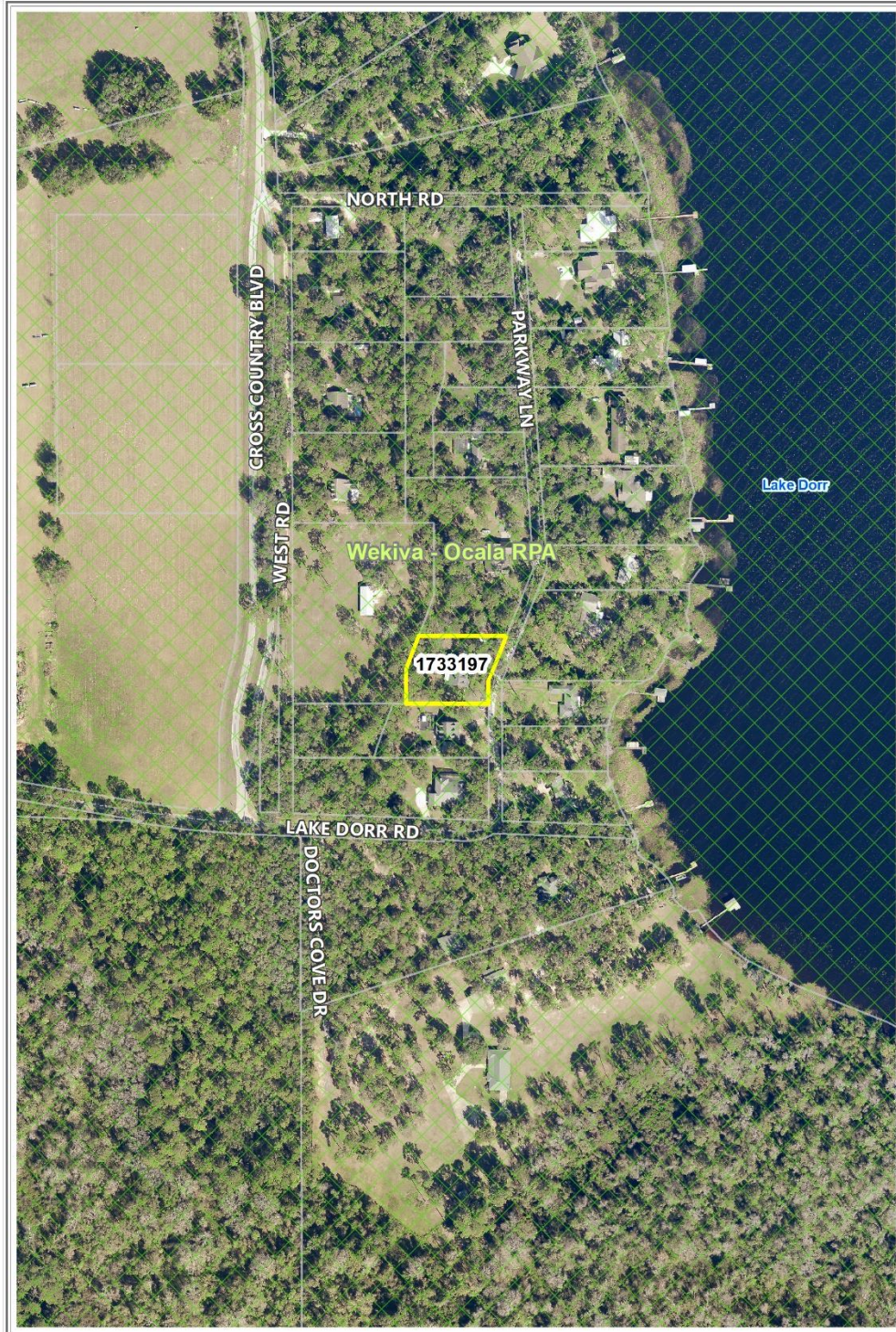
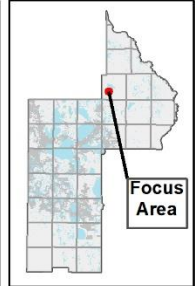
DISTRICT: **4**



Attachment "C" – Rural Protection Area Map



VAR-PZ2023-54
Batchelor Property

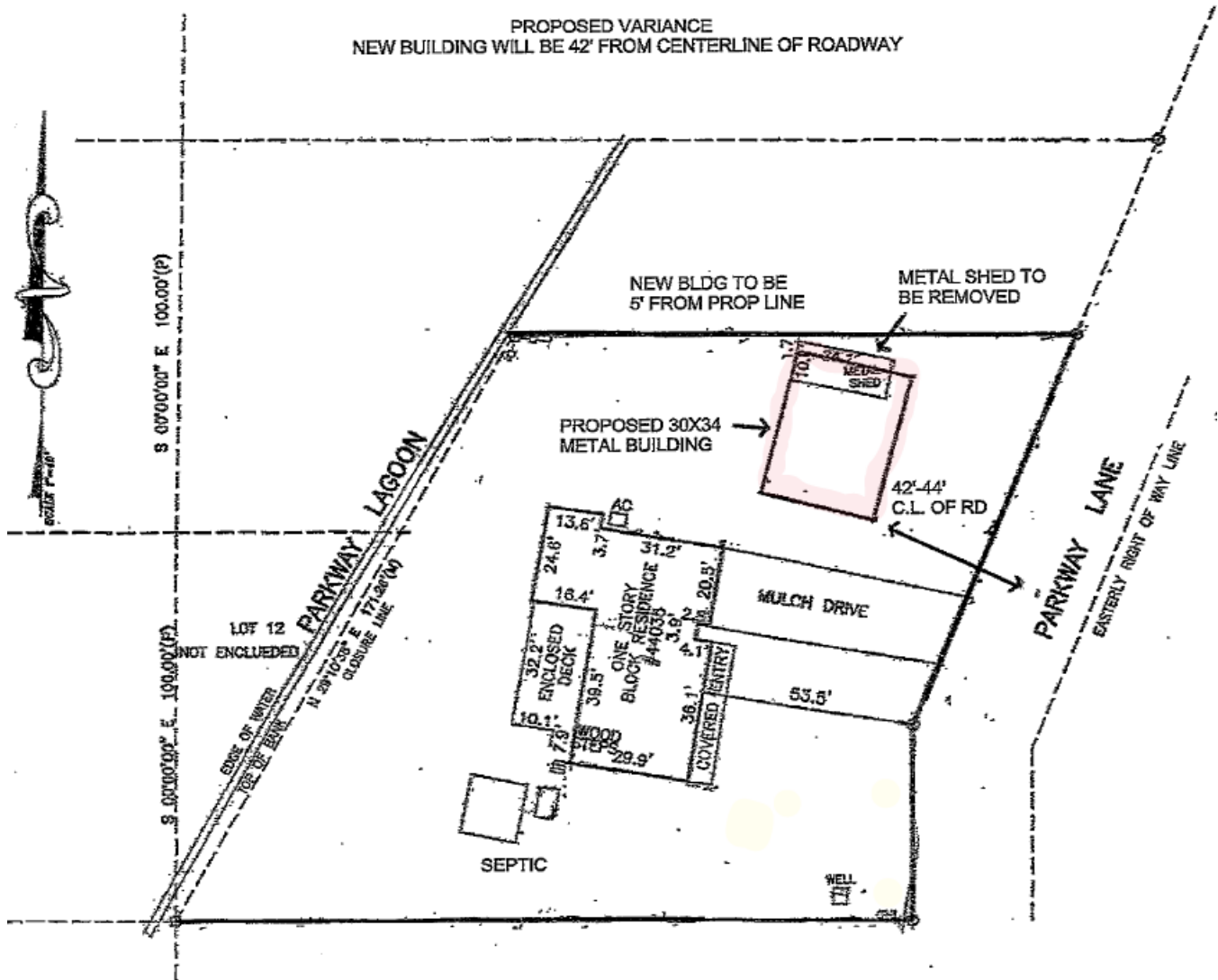


Allow Front/Side
Setback

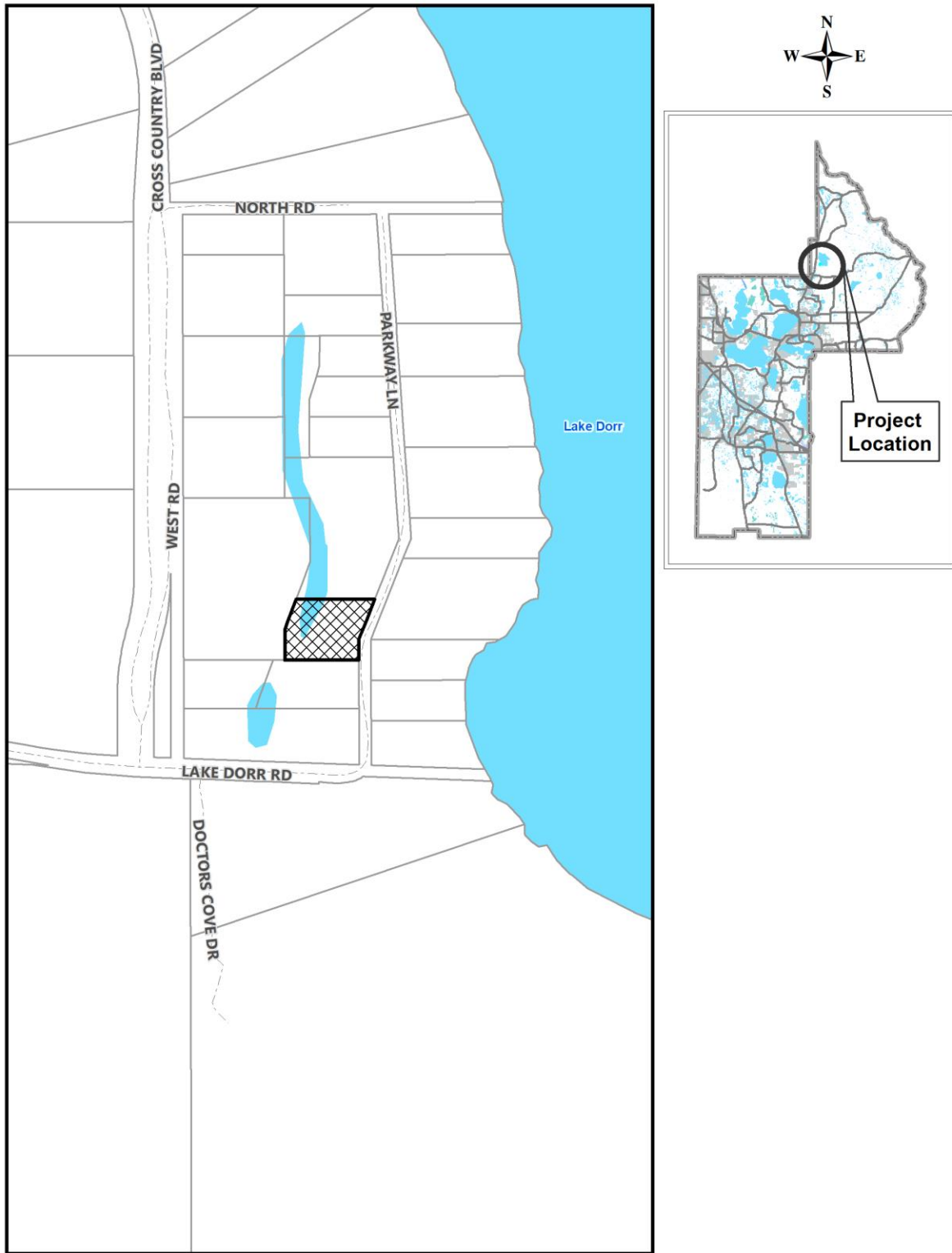
Legend

 Protection Area

Attachment "D" – Plot Plan



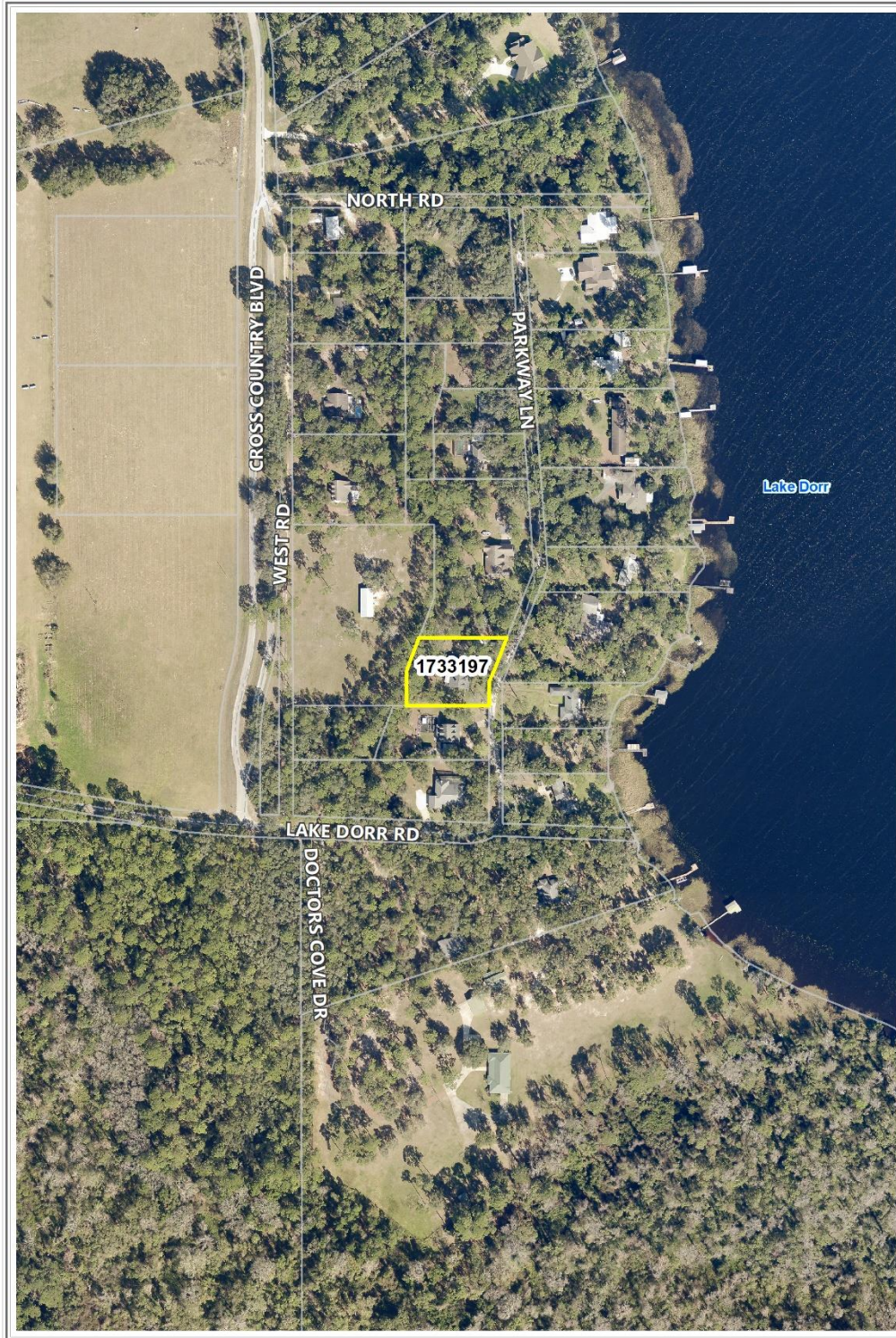
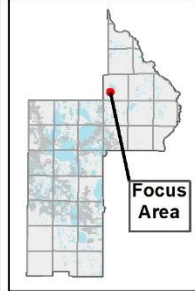
Map of Subject Property



Aerial Map of Subject Property



VAR-PZ2023-54
Batchelor Property



Allow Front/Side
Setback

Final Development Order

WHEREAS, John Allen Batchelor, Jr. (the “Applicant” and “Owner”), requested a variance to Land Development Regulations (LDR) Section 10.01.01(F)(3) to allow an accessory structure (metal building) to be constructed 20-feet from the front property line in lieu of the required 100-feet from the front property line, and a variance to LDR Table 3.02.05 to allow a side setback of 5-feet from the northern property line in lieu of the required 10-feet as determined pursuant to LDR 1.08.03 (D); and

WHEREAS, the subject property consisting of 0.65 +/- acres, has been determined to be nonconforming pursuant to LDR, does not meet the minimum lot size of the Agriculture zoning district, and is conforming to the Estate Residential District (R-2) and therefore shall utilize the setback requirement of the R-2 zoning district; and

WHEREAS, the subject property consists of 0.65 +/- acres, located at 44035 Parkway Lane, in the unincorporated Altoona area of Lake County, in Section 20, Township 17, Range 27, having Alternate Key Number 1733197 and more particularly described below;

That Part of Lot 12 And the South 1/2 of Lot 13, Pine Acres on Lake Dorr, according to the plat thereof, recorded in Plat Book 12, Page 50, Public Records of Lake County, Florida, lying East of Parkway Lagoon.

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) Section 10.01.01(F)(3) to allow an accessory structure (metal building) to be constructed 20-feet from the front property line in lieu of the required 100-feet from the front property line, and a variance to LDR Table 3.02.05 to allow a side setback of 5-feet from the side property line in lieu of the required 10-feet as determined pursuant to LDR 1.08.03 (D) is hereby granted with the following conditions:

Condition: Pursuant to Land Development Regulations Section 6.01.04, and prior to the issuance of any permits, the Owner shall be required to submit a survey that delineates the jurisdictional wetland line. The proposed accessory structure shall be

located 50-feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, whichever is further landward.

**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, 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.