



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: July 16, 2024

Case No. and Project Name: PZ2023-158 Wilson Property

Applicants/Owners: Darren Wilson and Staci Wilson

Requested Action: Variance to Land Development Regulations (LDR) Table 3.02.05 to allow an addition (porch) to a primary structure to be constructed 46.56-feet from the centerline of the road in lieu of the required 62-feet from the centerline of the road.

Case Manager: Christopher Boyce, Compliance & Monitoring Specialist  
Meagan Bracciale, Planner

### Subject Property Information

Size: 0.62 +/- acres

Location: 13115 S. Sunset Terrace, in the unincorporated Winter Garden area

Alternate Key No.: 1799295

Future Land Use: Urban Low Density

Current Zoning District: Rural Residential District (R-1)

Flood Zone: "X"

Joint Planning Area (JPA) / ISBA: City of Clermont JPA and Southlake ISBA

Overlay Districts: Lake Apopka Basin Overlay District

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Rural Residential District (R-1)	Residential	Single-Family Residence
South	N/A	N/A	Right-of-Way	Single-Family Residence south of South Sunset Terrace R-O-W
East	N/A	N/A	Right-of-Way	Single-Family Residence east of South Sunset Terrace R-O-W
West	Urban Low Density	Planned Unit Development (PUD)	Vacant Common Area Tract	Tract M, Magnolia Pointe Subdivision

## Summary of Request

The subject property, identified as Alternate Key Number 1799295, contains 0.62 +/- acres, is zoned Rural Residential District (R-1), and is designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is located at 13115 S Sunset Terrace in the unincorporated Winter Garden area of Lake County. The Plot Plan (Attachment "C") indicates that the subject parcel is developed with single-family residence. GIS maps indicate that the subject parcel is not located within a flood prone area.

The Applicant has requested a variance to LDR Table 3.02.05 to allow an addition (porch) to the primary structure to be constructed 46.56-feet from the centerline of the road in lieu of the required 62-feet from the centerline of the road as depicted in Attachment "C". LDR Table 3.02.05 requires structures on property adjacent to roads other than state, federal, and County secondary highways to maintain a setback of 62 feet from the centerline of the road or 25 feet from the road right of way, whichever is greater.

The subject parcel is located within the Lake Apopka Basin Area overlay district. 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 and the Lake County Comprehensive Plan. 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 Public Works Department and the Chief Fire Plans Examiner had no comments.

The subject property is located within the Southlake Interlocal Service Boundary Agreement (ISBA) and City of Clermont Joint Planning Area (JPA). The variance request was provided to the City of Clermont for review for a determination of consistency with their regulations. 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.**

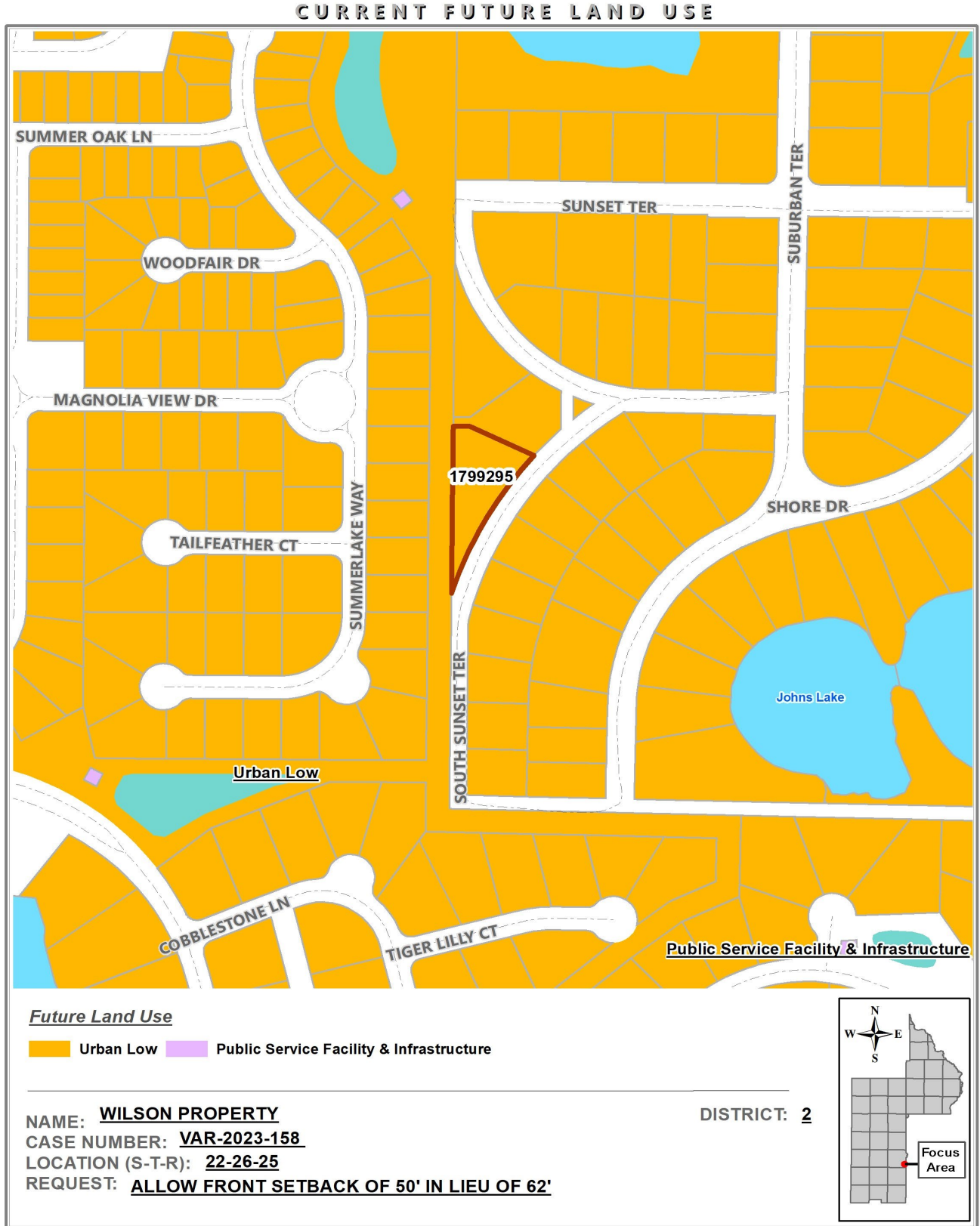
**1. The purpose of the Land Development Regulation will be or has been achieved by other means.**

The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"Our home is 60 ft from centerline and adding a front porch will make it aesthetic appealing, as well as how the home sits on the land is hard to work with. It will ad [sic] curb appeal and become inviting, offering all above."*

**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, *"Adding a new porch will be at 46.56' from road centerline and not the 62' setbacks."*

# Attachment "A" – Future Land Use Map



# Attachment "B" – Zoning Map

## CURRENT ZONING



**Zoning Legend**

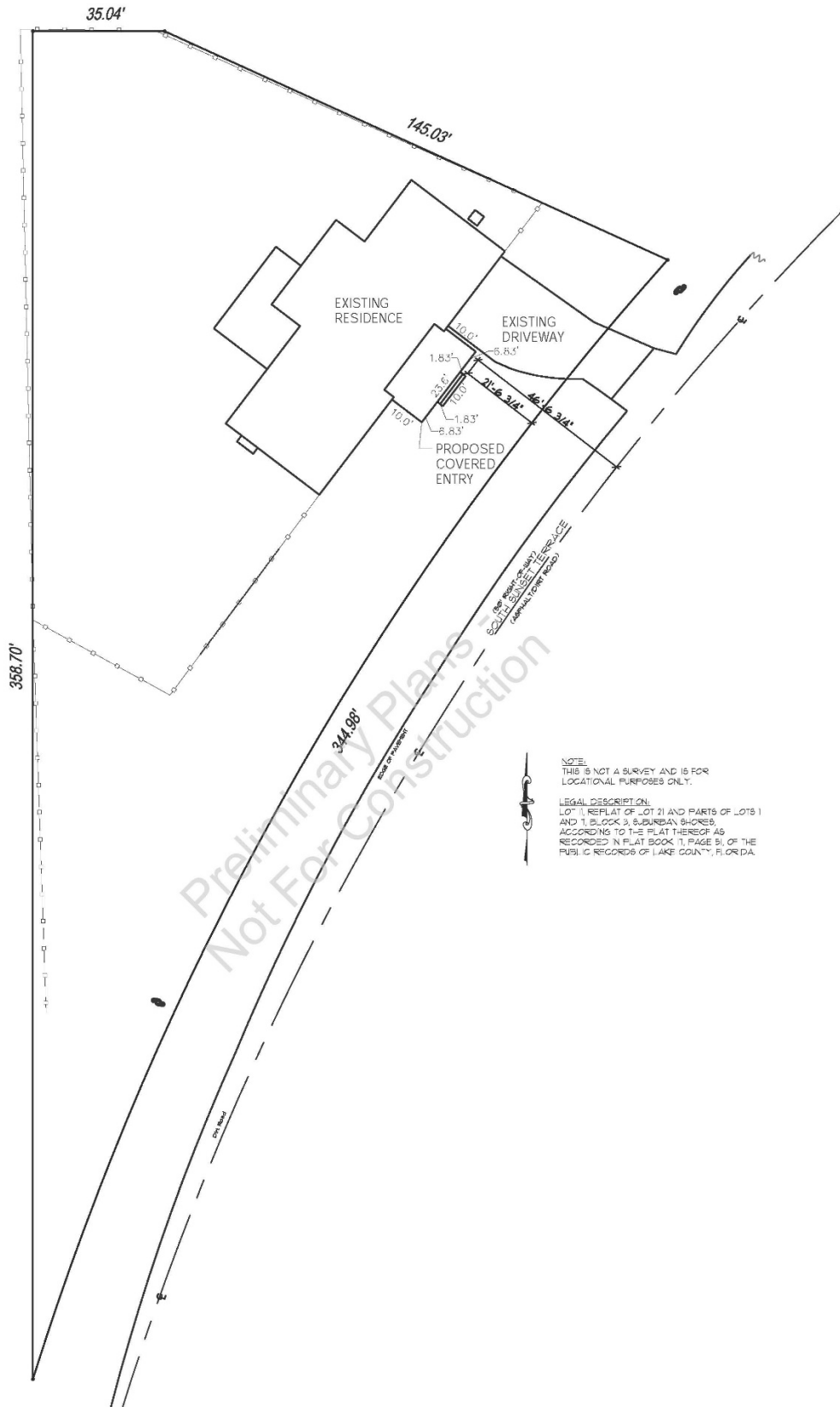
A R-1 R-3 PUD

NAME: **WILSON PROPERTY**  
CASE NUMBER: **VAR-2023-158**  
LOCATION (S-T-R): **22-26-25**  
REQUEST: **ALLOW FRONT SETBACK OF 50' IN LIEU OF 62'**

DISTRICT: **2**



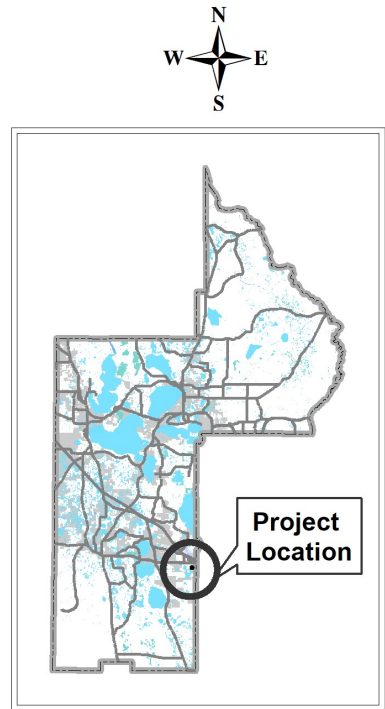
# Attachment "C" – Plot Plan



NOTE:  
THIS IS NOT A SURVEY AND IS FOR  
LOCATIONAL PURPOSES ONLY.

LEGAL DESCRIPTION:  
LOT 1, REPLAT OF LOT 21 AND PARTS OF LOTS 1  
AND 1, BLOCK 3, SUBURBAN SHORES,  
ACCORDING TO THE PLAT THEREOF AS  
RECORDED IN PLAT BOOK 1, PAGE 51, OF THE  
PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

# Map of Subject Property

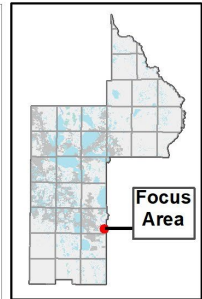




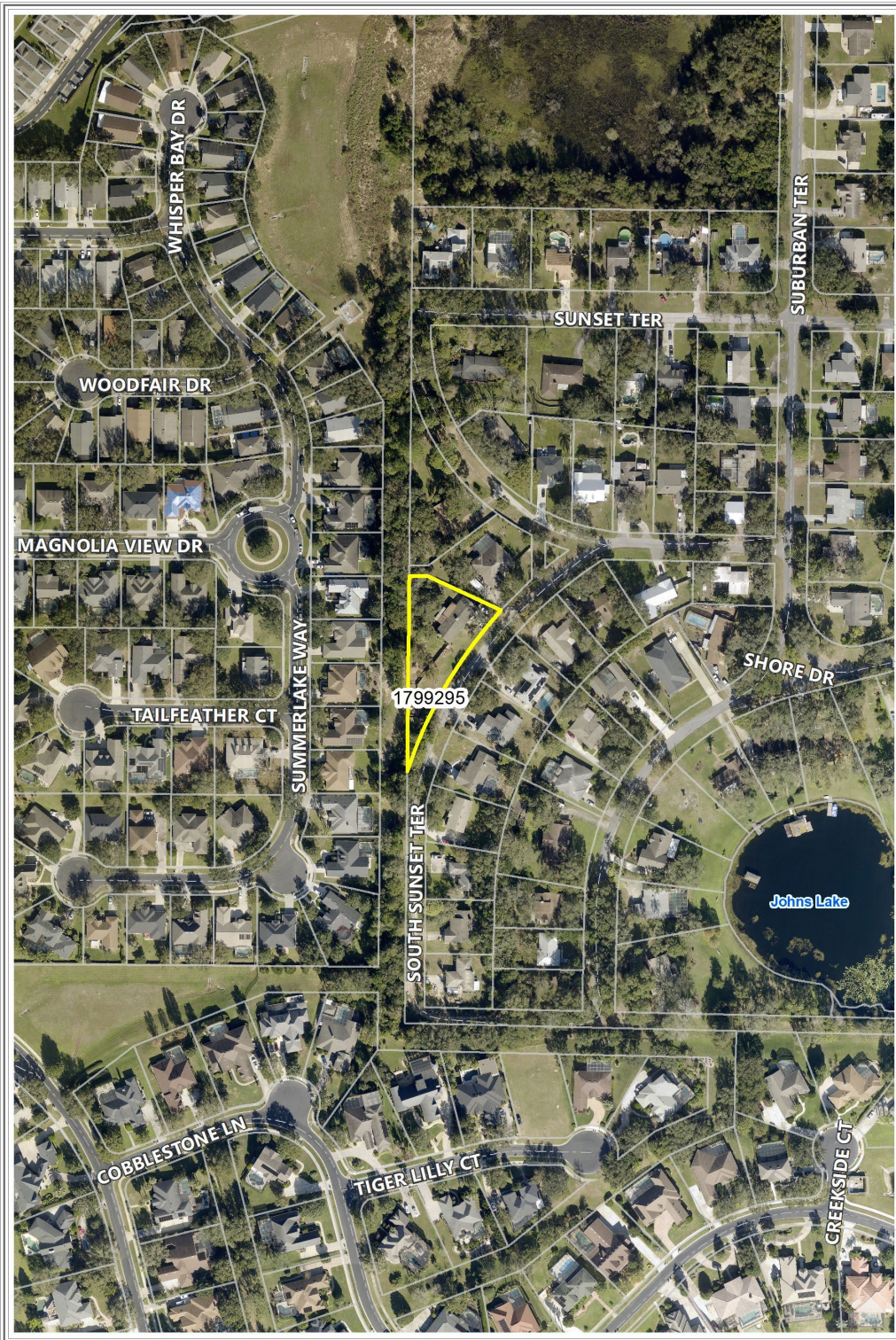
# Aerial Map of Subject Property



VAR-2023-158  
Wilson Property



Allow Front Setback of  
50' in Lieu of 62'



## Final Development Order

**WHEREAS**, Darren and Staci Wilson, (the “Owners” and “Applicants”) requested a variance to Land Development Regulations (LDR) Table 3.02.05 to allow an addition (porch) to primary structure to be constructed 46.56-feet from the centerline of the road in lieu of the required 62-feet from the centerline of the road; and

**WHEREAS**, the subject property consists of 0.62 +/- acres, is located at 13115 S Sunset Terrace, in the unincorporated Winter Garden area of Lake County, in Section 25, Township 22, Range 26, having Alternate Key Number 1799295, and more particularly described as:

Lot 11, replat of Lot 21 and parts of Lots 1 and 7, Block 3, Suburban Shores, according to the Plat thereof as recorded in Plat Book 17, Page 51, of the Public Records of Lake County, Florida. And that portion of the unnamed Right of Way vacated by the Resolution recorded in Official Records Book 1164, Page 2395, 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 July 16, 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 to allow an addition (porch) to primary structure to be constructed 46.56-feet from the centerline of the road in lieu of the required 62-feet from the centerline of the road.

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**Bea L. Meeks, Vice Chairman**



**State of Florida**

**County of Lake**

**Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 16th day of July 2024, by Bea L. Meeks, as Vice 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.