



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearing Date: August 7, 2024

Case No.: PZ2024-016

Owners/Applicants: CONFIDENTIAL

Requested Action: A variance to Land Development Regulations (LDR) Table 3.02.05 to allow all existing structures to remain 5-feet from the western property line, in lieu of the required 25-feet from the western property line.

Case Manager: James Frye, Planner I
Christopher Boyce, Compliance & Monitoring Specialist

Subject Property Information

Size: 2.28 +/- acres

Location: 4916 Mount Pleasant Road, in the unincorporated Groveland area

Alternate Key No.: 3866416

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

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

Flood Zones: "A" and "X"

Joint Planning Area (JPA) / ISBA: Groveland ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture (A)	Right-of-Way, Residential, and Agriculture	Agricultural Homesite and Agricultural (Cattle) north of Mount Pleasant Road
South	Rural Transition	Agriculture (A)	Residential and Agriculture	Agricultural Homesite and Agricultural (Cattle)
East	Rural Transition	Agriculture (A)	Residential	Single-Family Residence
West	Rural Transition	Agriculture (A)	Residential	Single-Family Residence

Summary of Request

The subject property, identified by Alternate Key Number 3866416, contains 2.28 +/- acres, is zoned Agriculture District (A), and is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is located at 4916 Mount Pleasant Road, in the unincorporated Groveland area. The Plot Plan (Attachment "C") indicates that the subject parcel is developed with a single-family residence, detached garage with concrete pad, storage shed and contains wetlands. GIS maps indicate that the subject parcel is located within flood zones "A" and "X."

The Applicant has requested a variance to LDR Table 3.02.05 to allow all existing accessory structures to be constructed at 5-feet from the western property line, in lieu of the required 25-feet from the western property line as depicted in Attachment "C." The development order includes a condition that the accessory structures shall not be used to house livestock and that livestock building setbacks must adhere and be in compliance with LDR Section 3.01.04(1).

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 did not provide any comments.

The variance application was sent to the City of Groveland for review for a determination of consistency with their regulations. The City of Groveland did not provide any 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, *"In an effort to comply with the building code as we knew it, we planned to place the storage shed in the proposed location as it would be minimally visible from the road, would not break the easement restriction, would be no closer to our neighbor's property than our previously approved garage, and would not violate any other applicable code requirement. We discussed the potential placement with our surrounding neighbors, who approved it prior to its purchase. Attached to this package (Attachments 7/8/9) are letters signed by those neighbors, relating the same. Upon learning of the Agricultural classification of our property, I researched the applicable code and support the idea of ensuring that there is land area where agricultural pursuits are encouraged. The original purpose for the shed was to increase our outdoor storage space, with the intention of expanding our garden and allowing us to begin poultry farming. With the limitations discussed above, those pursuits will be difficult to support under the current circumstances". (Attachment "D" Neighbor Correspondence).*

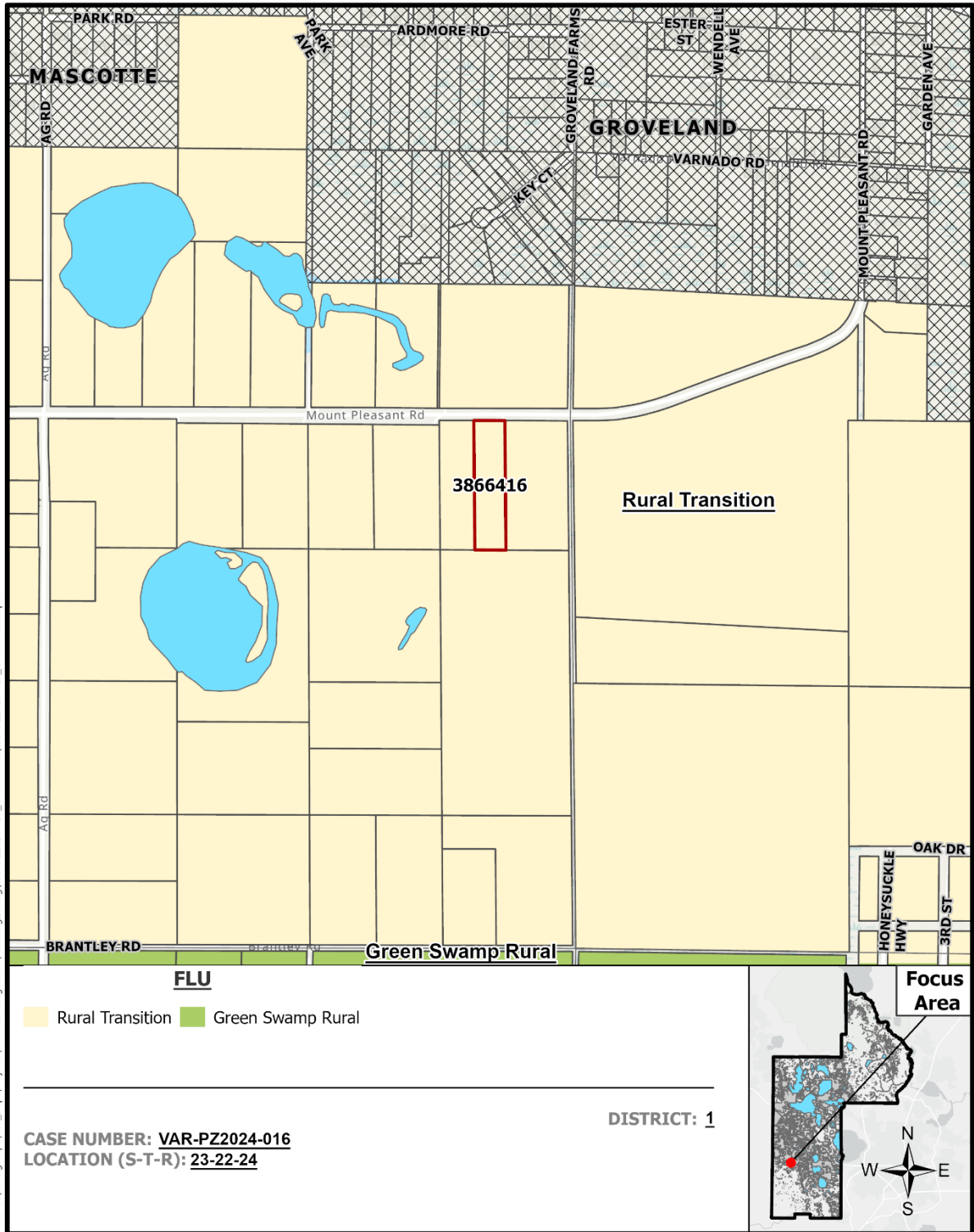
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the

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, *"Despite featuring 1.44 acres of "upland" land area, the unique orientation of our property drastically limits the potential placement locations for an additional storage shed. Multiple features with regulatory restrictions limit the area in which we can place structures, and the shape of our property amplifies the impact of these restrictions. Included with this packet (Attachment 6) is a visual representation of our property area that is restricted by code with the restricted areas outlined in red, and the available areas outlined in green. Between the Eastern easement restriction, the wetland restriction, the newly placed Wester property line restriction, and the requirement for storage sheds to be located in the side or rear yard, we have little to no area that would be suitable for a shed of the desired size. Adding to this challenge is the presence of a septic drain field in the rear yard, which further restricts the available area. Given these restrictions, any further development of the property would be restricted to these minimal spaces, which effectively excludes many of the available options"*.

Attachment "A" – Future Land Use Map

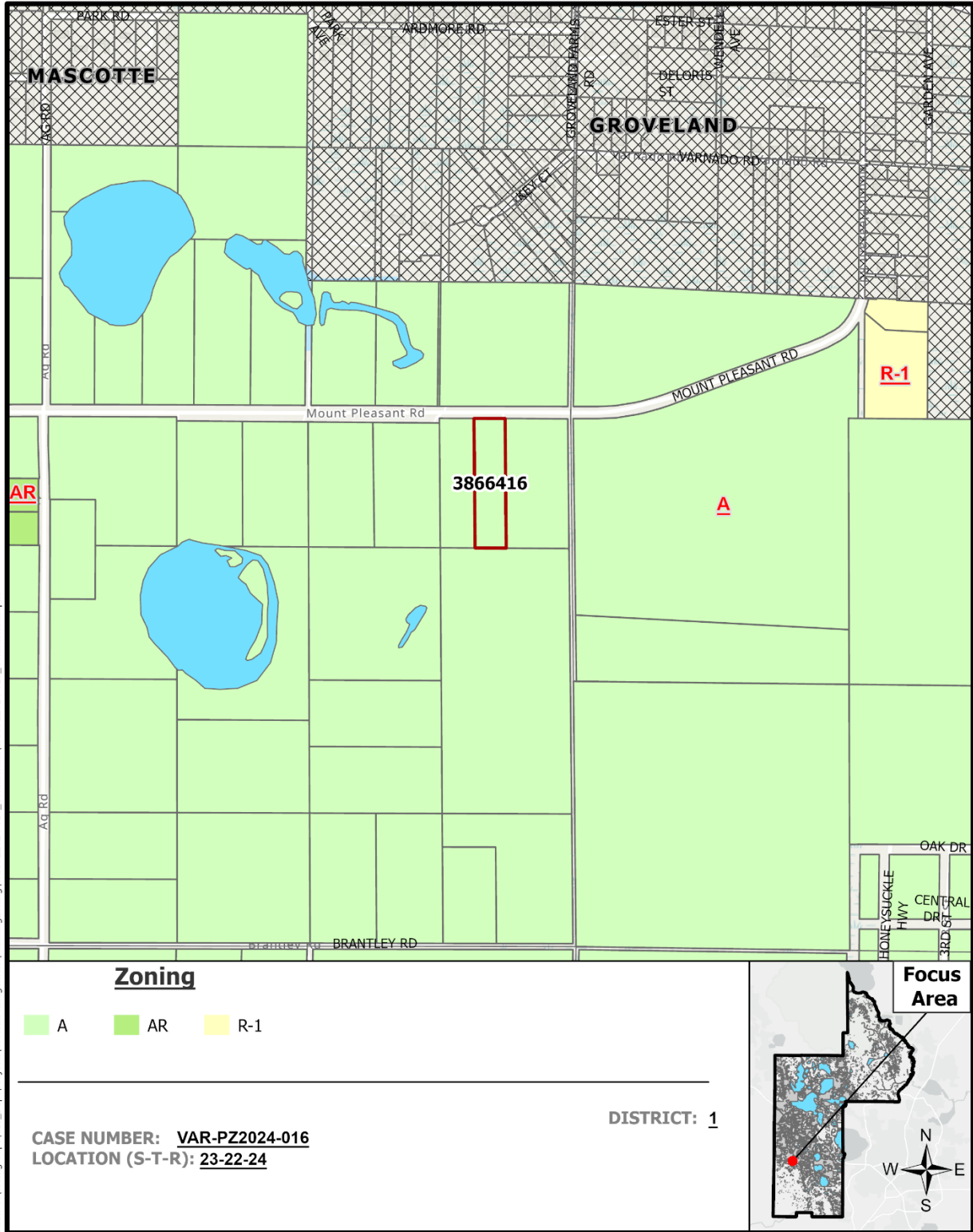
CURRENT FUTURE LAND USE



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7/25/2024

Attachment "B" – Zoning Map

CURRENT ZONING



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7/25/2024

Attachment "D" – Neighbor Correspondence

2023

To Whom it May Concern,

I am the property owner of 4934 Mount Pleasant Rd Groveland, FL 34736. My property is located on the Eastern border of [REDACTED] property (4916 Mount Pleasant Rd).

The [REDACTED] spoke to me about their storage shed placement prior to their variance application. The placement does not affect my property in any way, and I have no outstanding concerns.

If you have any further questions, please contact me at your convenience.

Sincerely,

Laura Bushwitz
laurabushwitz@gmail.com
1-19-23

 **CONFIDENTIAL**
Spouse
firefighter

Attachment "D" – Neighbor Correspondence Continued

2023

To Whom it May Concern,

I am the property owner of 4922 Mount Pleasant Rd Groveland, FL 34736. My property is located on the Southern border of [REDACTED] property (4916 Mount Pleasant Rd).

The [REDACTED] spoke to me about their storage shed placement prior to their permit application. We agreed on the placement, it does not affect my property in any way, and I have no outstanding concerns.


If you have any further questions, please contact me at your convenience.

Sincerely,

STEVE THOMPSON

Steve Thompson

407-287-2643

 CONFIDENTIAL *Spouse*
Firefighter

Attachment "D" – Neighbor Correspondence Continued

2022

To Whom it May Concern,

I am the property owner for 4902 Mount Pleasant Rd. Groveland, FL. My property is located directly west of [REDACTED] property (4916 Mount Pleasant Rd.).

The [REDACTED] spoke to me about their storage shed placement prior to their permit application. We agreed on the placement and it does not affect my property nor do I have any outstanding concerns.

If you have any questions, please let me know.

(352) 502-1487

Sincerely,

Gina L. Purvis (Craig)

Gina L. Purvis

Handwritten: The neighbor
CONFIDENTIAL 

Map of Subject Property



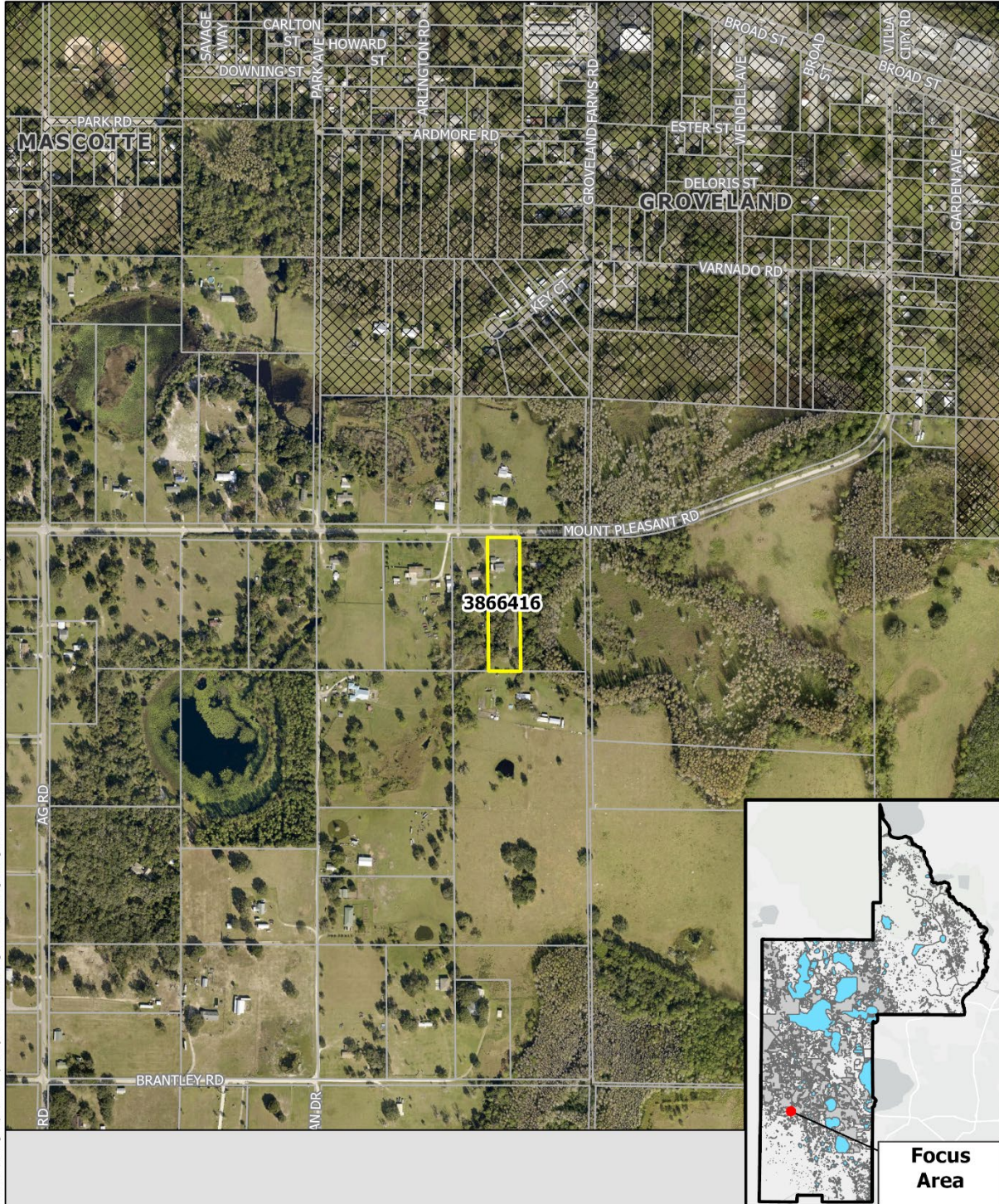
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4/24/2024

Aerial Map of Subject Property



VAR-PZ2024-016



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7/25/2024

Final Development Order

WHEREAS, the Applicant and Owner, requested a variance to Land Development Regulations (LDR) Table 3.02.05 to allow existing structures to remain 5-feet from the western property line in lieu of the required 25-feet; and

WHEREAS, the subject property consists of 2.28 +/- acres, located east of Ag Road and south of Mount Pleasant Road, in the unincorporated Groveland area of Lake County, in Section 01, Township 22, Range 24, having Alternate Key Number 3866416 and more particularly described below;

The East 154.50 feet of the West ½ Tract 40, Groveland Farms, in Section 23, Township 22 South, Range 24 East, according to the Plat thereof, recorded in Plat Book 2, Page(s) 10 – 11 of the Public Records of Lake County, Florida. LESS road Right-of-Way and subject to an easement for Ingress and Egress over and across the East 66 feet of the afore described property.

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 August 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 Land Development Regulations (LDR) Table 3.02.05 to allow all existing accessory structures to remain 5-feet from the western property line with conditions as set forth below.

Condition: The existing accessory structures shall not be used to house livestock and will remain in compliance with LDR Section 3.01.04(1). Pursuant to LDR Section 3.01.04(1) a Livestock Building should maintain a two hundred (200) foot setback from the property line. In the event that a Livestock Building cannot be constructed because of the two hundred (200) feet setback, then the Livestock Building Shall be as closely centered as possible between the property lines AND shall maintain a fifty (50) foot setback from the property line.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea L. Meeks, Chairman

**State of Florida
County of Lake**

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 7 day of August 2024, by Bea L. Meeks, 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.