



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: September 4, 2024

Case No.: PZ2024-066

Owners: Ivan Cesar and Joana Silva

Applicants: Kevin Alex

Requested Action: A variance to Land Development Regulations (LDR) Table 3.02.05 to allow a single-family dwelling unit to be constructed 10-feet from the property line in lieu of the required 25-feet.

Case Manager: James Frye, Planner I

Subject Property Information

Size: 10.61 +/- acres

Location: generally located west of County Road 33 and north of Falabella Court, in the unincorporated Groveland area

Alternate Key No.: 3848793

Future Land Use: Rural (Attachment "A")

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

Flood Zones: "AE" and "X"

Joint Planning Area (JPA) / ISBA: Leesburg Interlocal Service Boundary Agreement (ISBA)

Overlay Districts: Economic Development Overlay District

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Vacant	Vacant Residential / Clearwater Lake, , wetlands present
South	Rural	Agriculture (A)	Residential / Right-of-Way	Lot 44, Single Family Dwelling Unit, Falabella Court
East	Rural	Agriculture (A)	Vacant	Lot 41, vacant, wetlands present
West	Rural	Agriculture (A)	Vacant	Large Agriculturally Exempt parcel, wetlands present

Summary of Request

The subject property, identified by Alternate Key Number 3848793, contains 10.61 +/- acres, is zoned Agriculture District (A), and is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is generally located west of County Road 33 and north of Falabella Court, in the unincorporated Groveland area. The subject parcel is currently undeveloped and vacant. The Plot Plan (Attachment "C") identifies the proposed single-family dwelling unit with proposed concrete driveway, sidewalk, 10-foot drainage easement along the eastern property line, 25-foot conservation easement, and retention area/riverine. GIS maps indicate that the subject parcel is located within flood zones "AE" and "X" and contains wetlands.

The Applicant has requested a variance to LDR Table 3.02.05 to allow a single-family dwelling unit to be constructed 10-feet from the property line in lieu of the required 25-feet 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 provide any comments.

The Public Works Department provided the following condition upon approval: A lot grading plan prepared by an engineer will be required with building and zoning permit applications. The lot grading plan shall include spot grade elevations of the property, grading detail and info for the drainage facility on the property, the side drainage easement and swale drainage, finished floor elevation for the building, any retaining wall locations and details, and all distances for the improvements from all property lines.

The variance application was sent to the City of Leesburg for review for a determination of consistency with their regulations. The City of Leesburg 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.

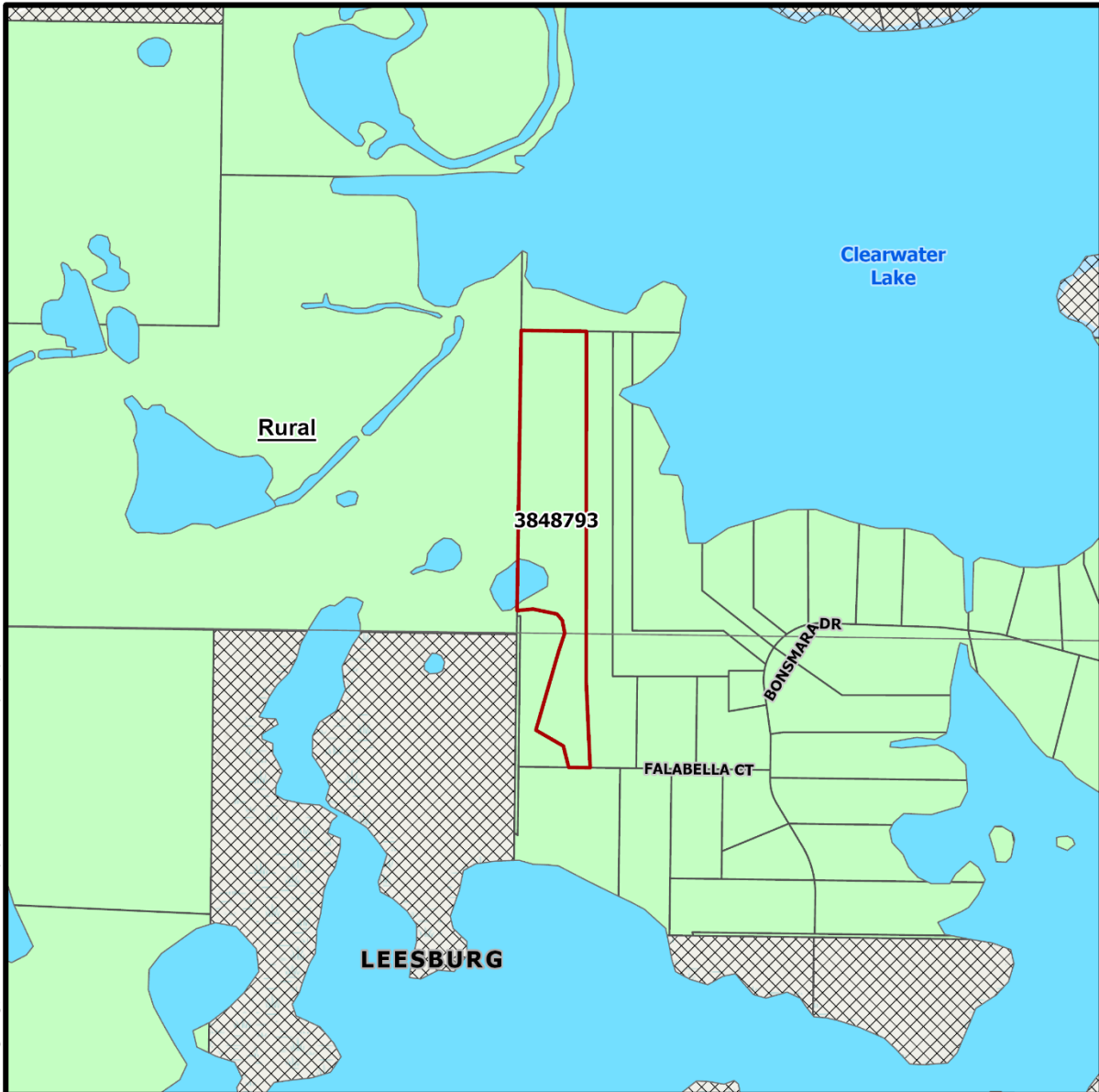
The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, "Request a 10' setback on left side to allow custom home to fit on buildable area of 10.60-acre property and keep community cohesive. Please see attached plot plan and drainage map." (Attachment "C")

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, *“Substantial intrusion of the rear drainage easement compared to adjacent property greatly reduces size of buildable area. Reduced buildable area and Lake County setbacks will not allow a home to properly fit on property.”*

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE



FLU

■ Rural

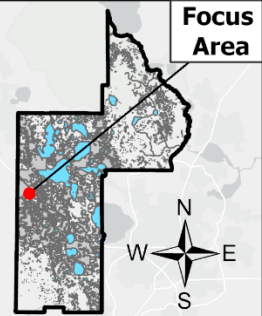
NAME: CESAR PROPERTY

CASE NUMBER: VAR-PZ2024-066

LOCATION (S-T-R): 33-20-24

REQUEST: TO BUILD A SINGLE-FAMILY DWELLING UNIT 10-FEET FROM THE WESTERN PROPERTY LINE IN LIEU OF THE REQUIRED 25-FEET

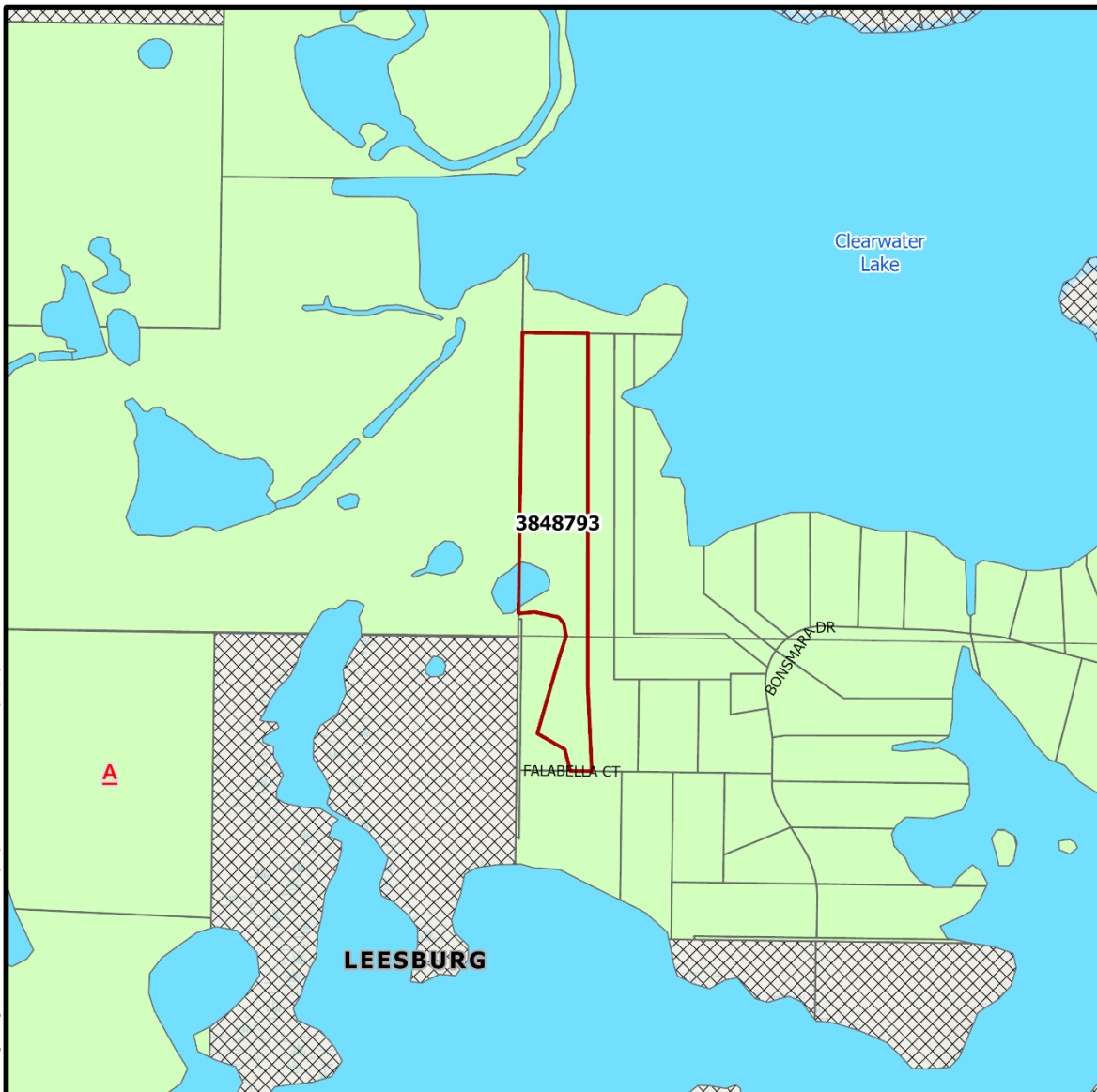
DISTRICT: 1



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6/13/2024

Attachment "B" – Zoning Map

CURRENT ZONING

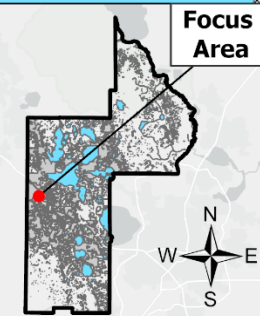


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6/13/2024

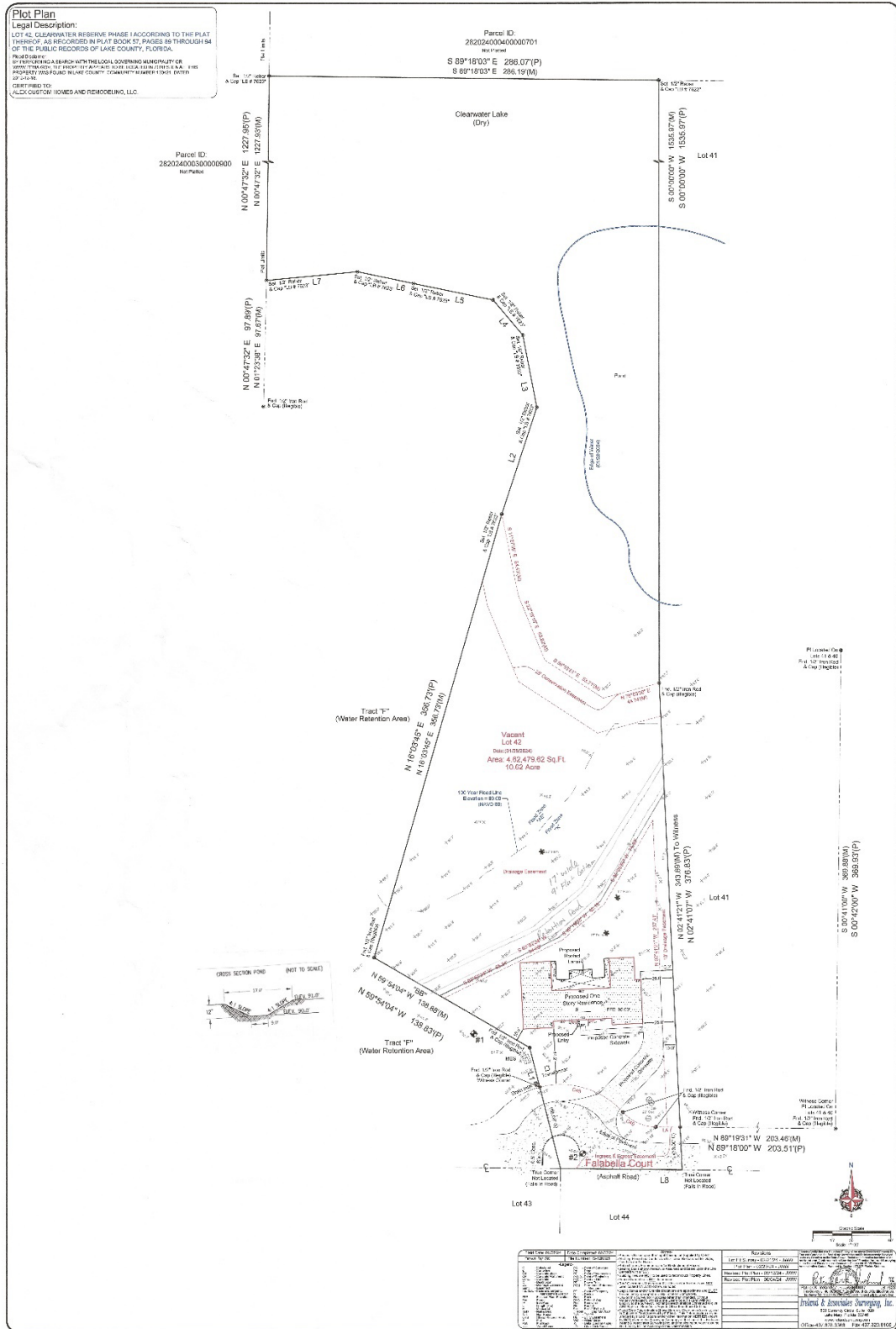
Zoning

■ A

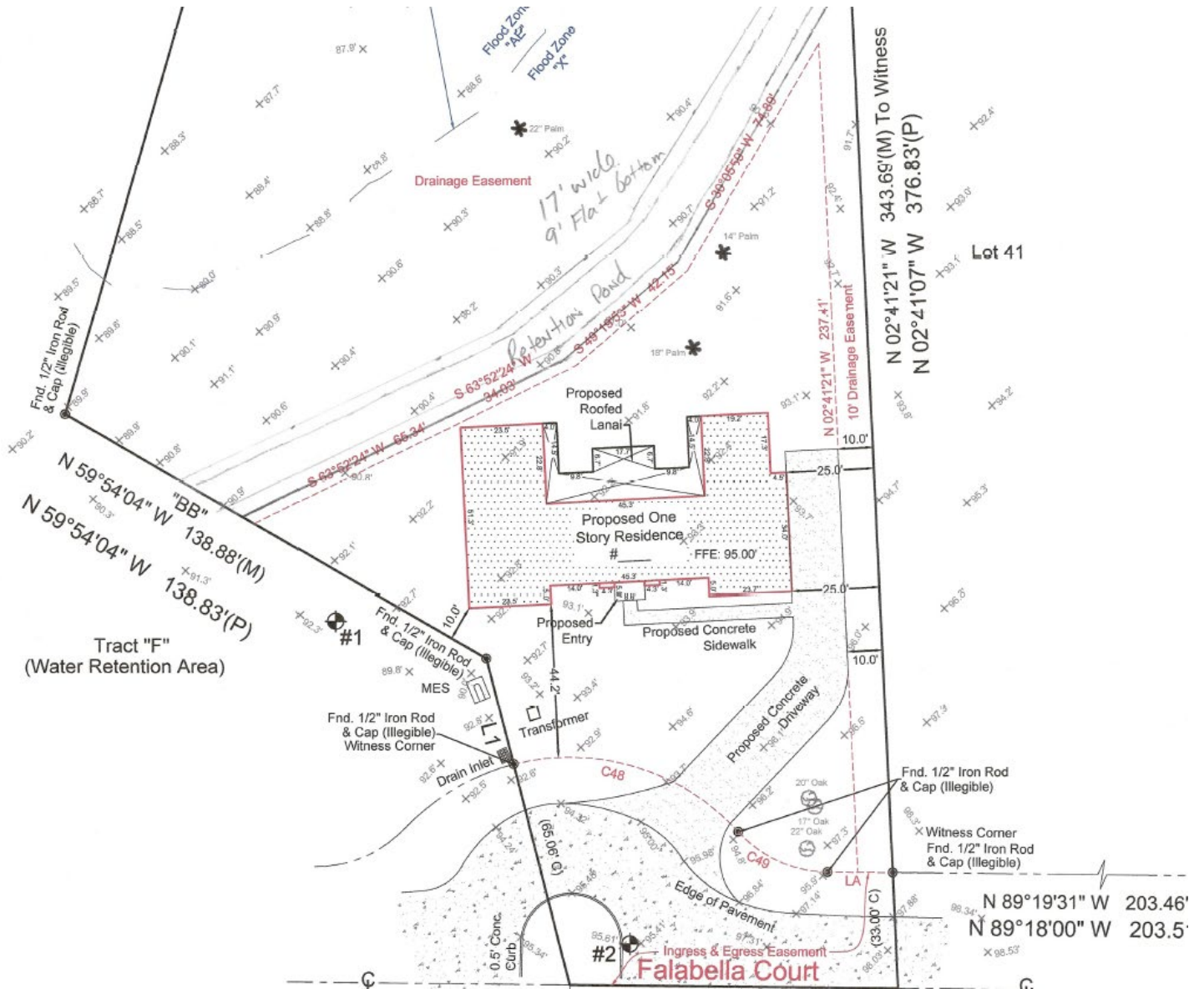
NAME: CESAR PROPERTY **DISTRICT:** 1
CASE NUMBER: VAR-PZ2024-066
LOCATION (S-T-R): 33-20-24
REQUEST: TO BUILD A SINGLE-FAMILY DWELLING UNIT 10-FEET FROM THE WESTERN PROPERTY LINE IN LIEU OF THE REQUIRED 25-FEET



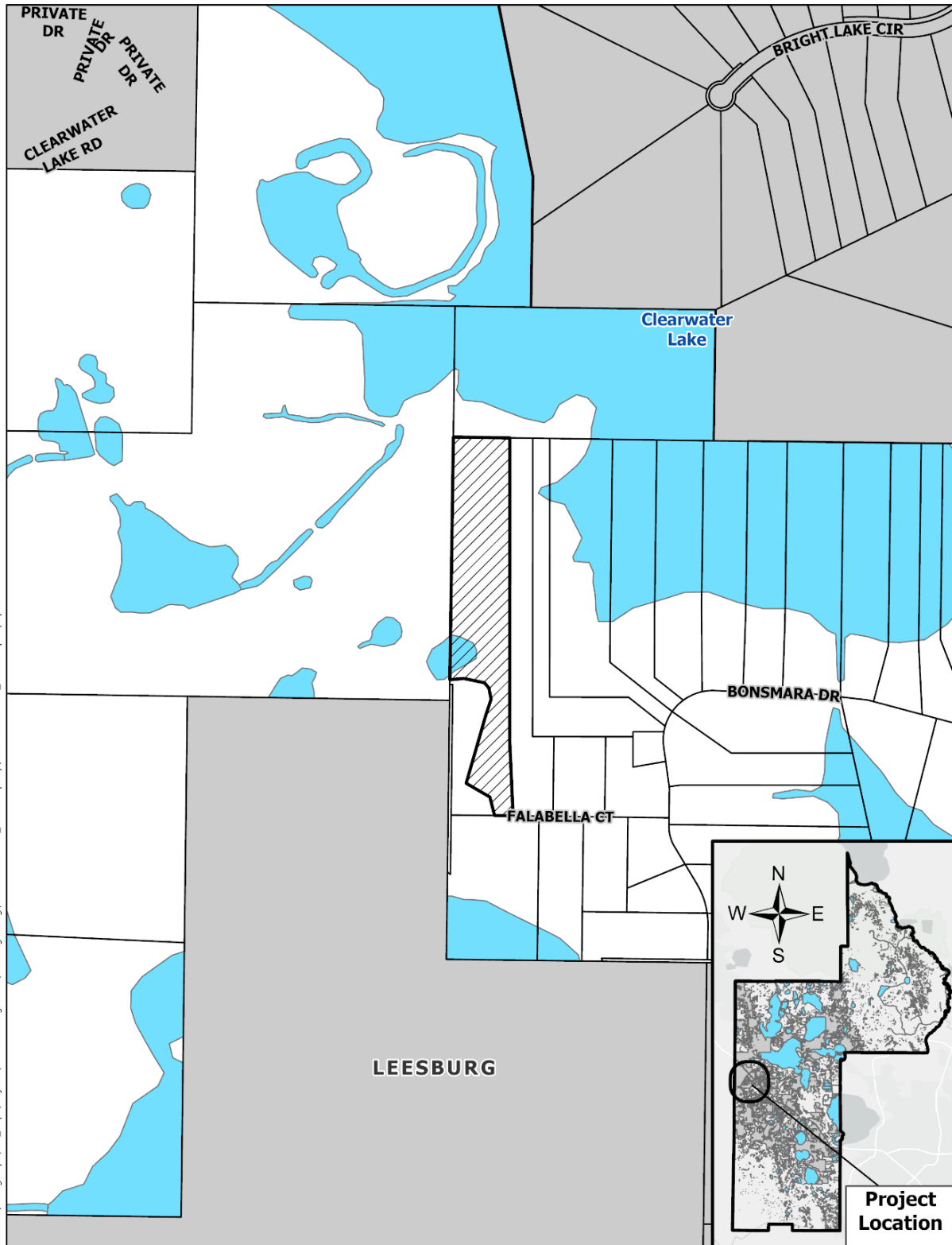
Attachment "C" – Plot Plan



Attachment "C" – Plot Plan (Continued)



Map of Subject Property



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Aerial Map of Subject Property



VAR-PZ2024-066
Cesar Property



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6/13/2024

Final Development Order

WHEREAS, Kevin Alex (the "Applicant") on behalf of Ivan Cesar and Joana Silva (the "Owners"), requested a variance to Land Development Regulations (LDR) Table 3.02.05 to allow a single-family dwelling unit to be constructed 10-feet from the property line in lieu of the required 25-feet; and

WHEREAS, the subject property consists of 10.61 +/- acres, located west of County Road 33 and north of Falabella Court, in the unincorporated Groveland area of Lake County, in Sections 28 and 33, Township 20 South, Range 24 East, having Alternate Key Number 3848793 and more particularly described below;

Lot 42, Clearwater Reserve Phase I according to the plat thereof, as recorded in Plat Book 57, Pages 89 through 94 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 September 4, 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 a single-family dwelling unit to be constructed 10-feet from the property line with conditions as set forth below.

Condition: Pursuant to Lake County Code, Appendix E, Land Development Regulations, Chapter IX, Section 9.11.00, *Lot Grading*, and Section 14.14.02(D)(1)(j), a lot grading plan prepared by an engineer will be required with building and zoning permit applications. The lot grading plan shall include spot grade elevations of the property, grading detail and info for the drainage facility on the property, the side drainage easement and swale drainage, finished floor elevation for the building, any retaining wall locations and details, and all distances for the improvements from all property lines

**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 4th day of September 2024, by, Bea L. Meeks, 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.