



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: October 2, 2024

Case No. and Project Name: PZ2024-093 Wilson Property

Applicants: Richard H. Wilson and Diane Wagner Wilson

Owners: Richard Hayes Wilson Revocable Trust and Diane Wagner Wilson Revocable Trust

Requested Action: Variance to Land Development Regulations (LDR) Sections 10.01.01(D), 10.01.01(E), 10.01.01(F), and Table 3.02.05 to (1) allow an accessory structure (roof-over) to be 312.5% of the main floor square footage of the enclosed living area of the dwelling unit, in lieu of the 80% maximum requirement, (2) for that specific structure to exceed the maximum allowable height for an accessory structure of twenty-five (25) feet by three (3) feet, (3) for a portion of that specific structure to be located in the Front Yard without meeting the standards for exemption under LDR 10.01.01(F)(1 through 3), and (4) to allow for an accessory structure front setback of 32-feet from the edge of pavement in lieu of the required 62-foot setback from the centerline of Elm Road, with the condition that no structural connection between the two structures can be approved now or at any time in the future.

Case Manager: Meagan Bracciale, Planner I

Subject Property Information

Size: 0.31 +/- acres

Location: 56516 Elm Road, in the unincorporated Astor area

Alternate Key No.: 1516200

Future Land Use: Urban Low Density (Attachment "A")

Current Zoning District: Mixed Residential District (R-7) (Attachment "B")

Flood Zone: "AE"; Floodway

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: Pinycastle Range Complex

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

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	N/A	N/A	Water Body	St. John's River
South	N/A	N/A	Right-of-Way	Elm Road
East	Urban Low Density	Mixed Residential District (R-7)	Residential	Vacant Residential
West	Urban Low Density	Mixed Residential District (R-7)	Residential	Single-Family Residence

Summary of Request

The subject property, identified as Alternate Key Number 1516200, contains 0.31 +/- acres, is zoned Mixed Residential District (R-7), and is designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is located at 56516 Elm Road in the unincorporated Astor area of Lake County. GIS maps indicate that the subject parcel is located within fully within Flood Zone "AE" and located within a Floodway adjacent to the St. John's River. The Plot Plan (Attachment "D") indicates that the subject parcel is developed with single-family residence.

The Applicant seeks approval to the following:

Land Development Regulation (LDR) Section	Variance Request
LDR Section 10.01.01(D)	To allow an accessory structure (roof-over), depicted in Attachment "E", to be 312.5% of the main floor square footage of the enclosed living area of the dwelling unit, in lieu of the 80% maximum requirement, as depicted in Attachment "D". LDR 10.01.01(D) requires that for lots less than one (1) acre in size, the square footage of an Accessory Structure(s) shall not exceed eighty (80) percent of the main floor square footage of the enclosed living area of the dwelling unit, which excludes features such as garages, patios, and porches.
LDR Section 10.01.01(E)	To allow an accessory structure, as depicted in Attachment "D", to exceed the maximum allowable height for an accessory structure of twenty-five (25) feet by three (3) feet. LDR 10.01.01(E) requires that Accessory Structure(s) shall not exceed the height of the dwelling unit or twenty-five (25) feet, whichever is greater.
LDR Section 10.01.01(F)	To allow for a portion of an accessory structure (support post), as depicted in Attachment "D", to be located in the Front Yard without meeting the standards for exemption under LDR 10.01.01(D)(1 through 3). LDR 10.01.01(F) requires that Accessory Structures that are buildings shall be located in the side and rear yards, unless: 1) The accessory building is the same architectural style and the exterior walls and roof are the same material and color as the principal dwelling unit; or 2) the accessory building is the type typically found in the front yard, such

	as gazebos, well coverings, or mailbox enclosures. Such buildings shall be no greater than one hundred (100) square feet or of the minimum size and height to accomplish the use, whichever is less; or 3) the accessory building is located a minimum of one hundred (100) feet from the front property line.
LDR Table 3.02.05	To allow for that specific structure, as depicted in Attachment “D”, to be constructed at 32-feet from the edge of pavement in lieu of the required 62-foot setback from the centerline of Elm Road.

For historical purposes, the subject parcel had an average front setback completed in October 2005, which granted an average front setback of 36.5-feet from the edge of the road. Subsequently, on December 8, 2005, the Lake County Board of Adjustments granted a variance from the Lake County Land Development Regulations (LDR) Table 3.02.05 Setbacks, to allow the owners to construct a dwelling unit thirteen feet (13') from the right-of-way of Elm Road, instead of the required setback of sixty-two feet (62') feet from the centerline of the road (+/- .30 ac.).

The subject parcel is located within the Wekiva-Ocala Rural Protection Area (RPA). The intent of Comprehensive Plan Objective I-5.2 is intended to preserve rural density, character, and lifestyles, and to protect the ecological integrity of public and private lands associated with the Ocala National Forest, Wekiva-Ocala Greenway, and St Johns River. The request is consistent with the Comprehensive Plan Objective I-5.2.

The subject parcel is located within the Pinecastle Range Complex Military Operations Overlay District. The variance application was sent to the Naval Air Station (NAS) Community Planning and Liaison Officer (CPLO) for review for a determination of consistency with their regulations and the Navy has no concerns or comments on the request.

The variance application was sent to the Public Works Department, Chief Fire Plans Examiner and Deputy Building Official for determination of consistency with their regulations. The Chief Fire Plans Examiner had no comments. The Deputy Building Office provided informational comments stating that all plans submitted for building or trade permits shall be designed and submitted in conjunction with the requirements of the 8th Edition (2023) Florida Residential Code, for one- and two-family dwellings, townhomes, and associated accessory structures, a Zoning Clearance and County approved site plan and/or County approved plot plan are required when submitting for permit, and that the plans submitted must conform to section R301.1.3 of the 8th Edition (2023) Florida Residential Code.

The Public Works Department provided the below informational comments and advised to include a condition to this variance approval indicating that no structural connection between the proposed structure and dwelling unit can be approved now or at any time in the future.

- A No Rise Certificate by an engineer will be required at time of permitting.
- Elevation certificates may be required depending on the type of structure that is submitted for permitting.

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

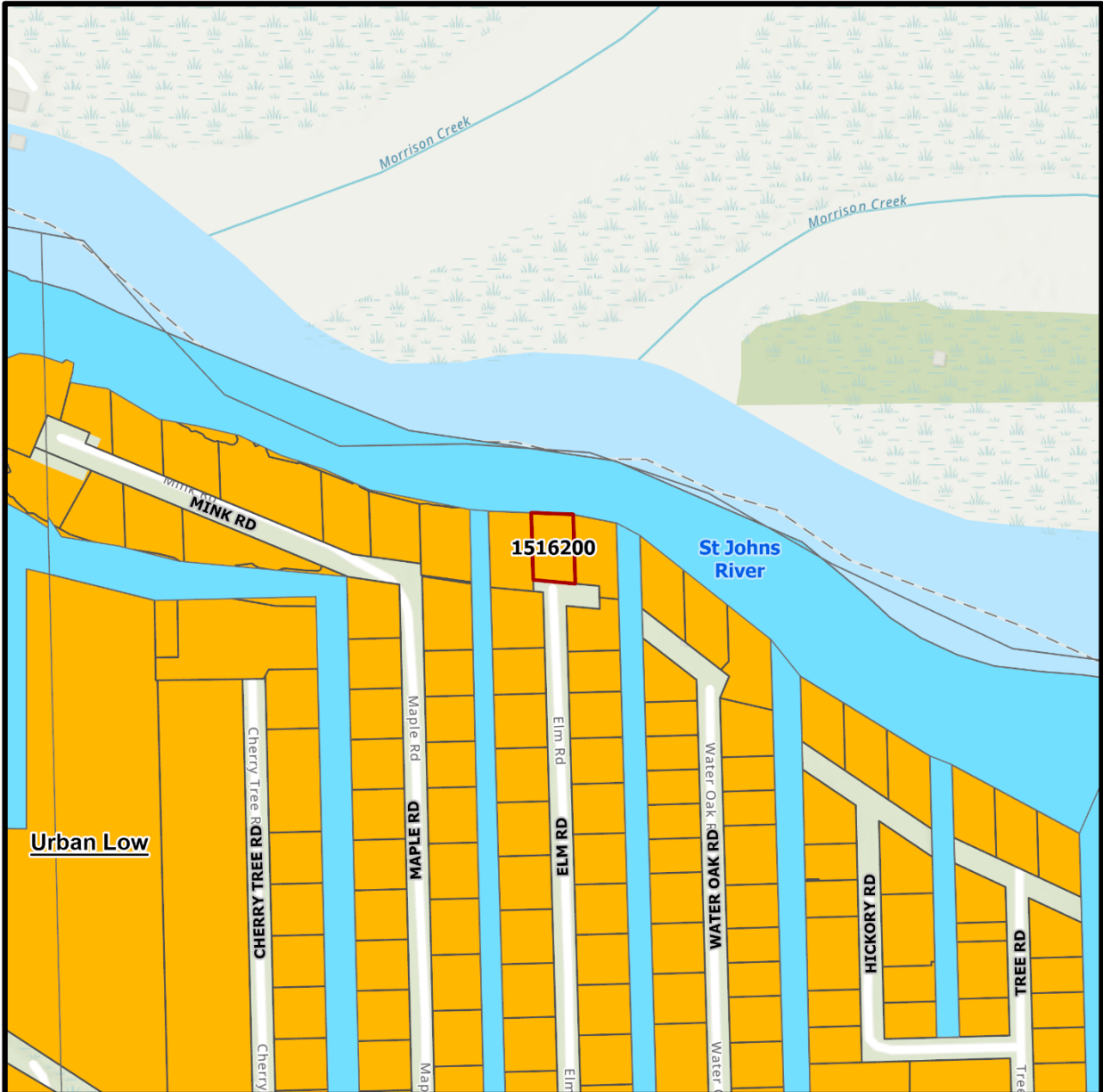
The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *“All development will be outside the jurisdictional wetland [buffer] area.”*

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, *“To preserve our property as roof is leaking and will not support attaching a new roof to the structure and expand porch area.”*

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE



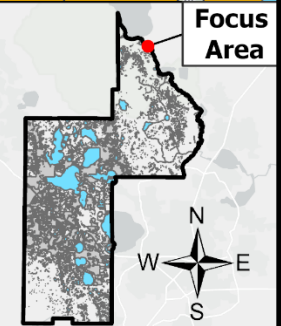
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7/23/2024

FLU
Urban Low

NAME: WILSON PROPERTY
CASE NUMBER: VAR-PZ2024-093
LOCATION (S-T-R): 19-15-28

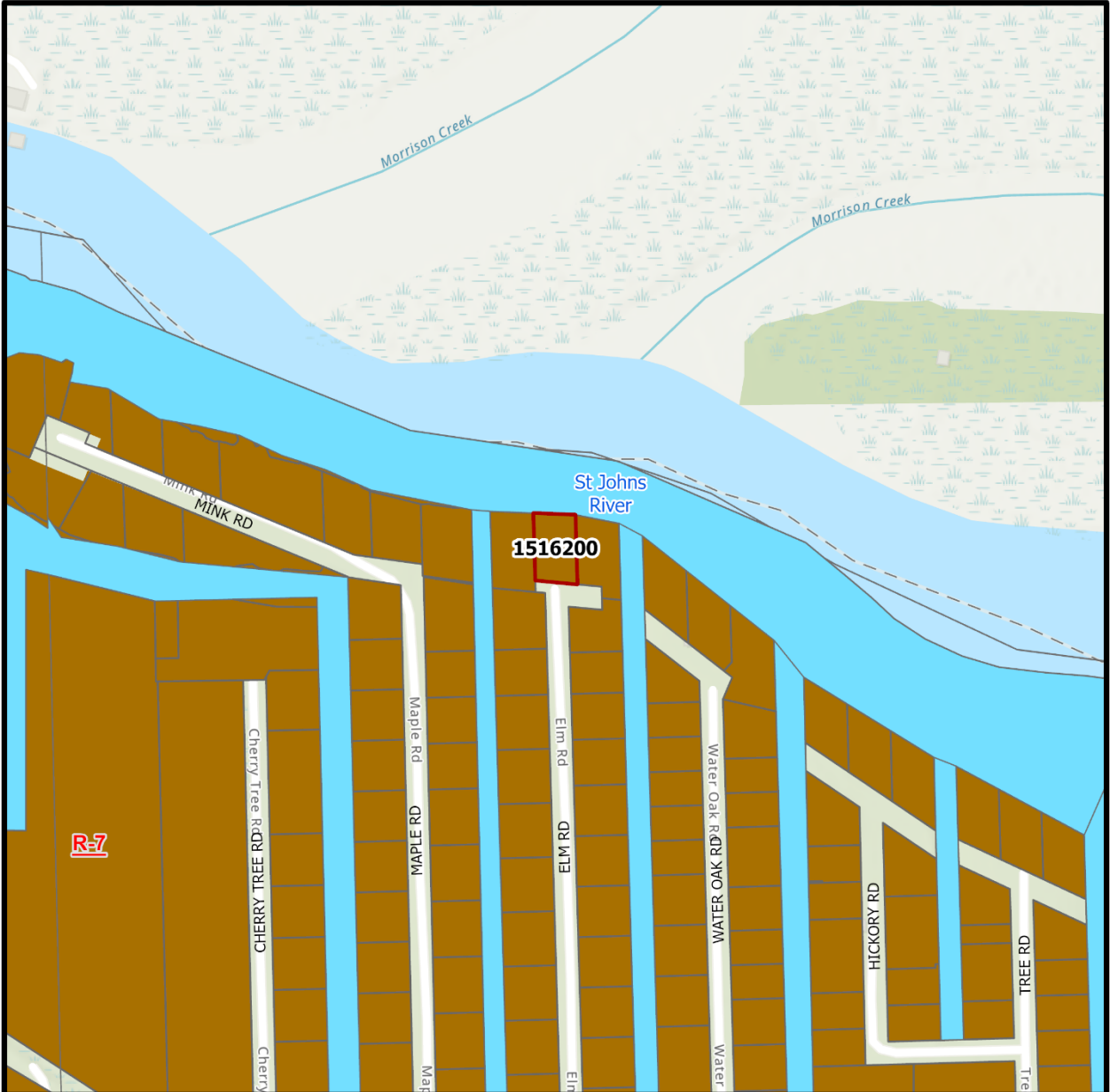
DISTRICT: 4

REQUEST: TO ALLOW (1) FOOT SHORTER DISTANCE THAN EXISTING STRUCTURE TO FRONT PROPERTY LINE; TO EXCEED THE 80% LIMITATION OF ACCESSORY STRUCTURE SQUARE FOOTAGE BY 66%; TO EXCEED LDR 10.01.01 (E) OF 25 FEET TO 28 FEET FOR ACCESSORY STRUCTURE.



Attachment "B" – Zoning Map

CURRENT ZONING



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7/23/2024

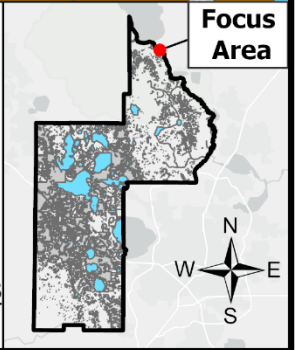
Zoning

 R-7

NAME: WILSON PROPERTY
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LOCATION (S-T-R): 19-15-28

DISTRICT: 4

REQUEST: TO ALLOW (1) FOOT SHORTER DISTANCE THAN EXISTING STRUCTURE TO FRONT PROPERTY LINE; TO EXCEED THE 80% LIMITATION OF ACCESSORY STRUCTURE SQUARE FOOTAGE BY 66%; TO EXCEED LDR 10.01.01 (E) OF 25 FEET TO 28 FEET FOR ACCESSORY STRUCTURE.



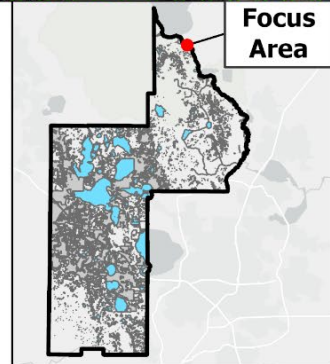
Attachment "C" – Overlay Map of Subject Property

VAR-PZ2024-093 Wilson Property



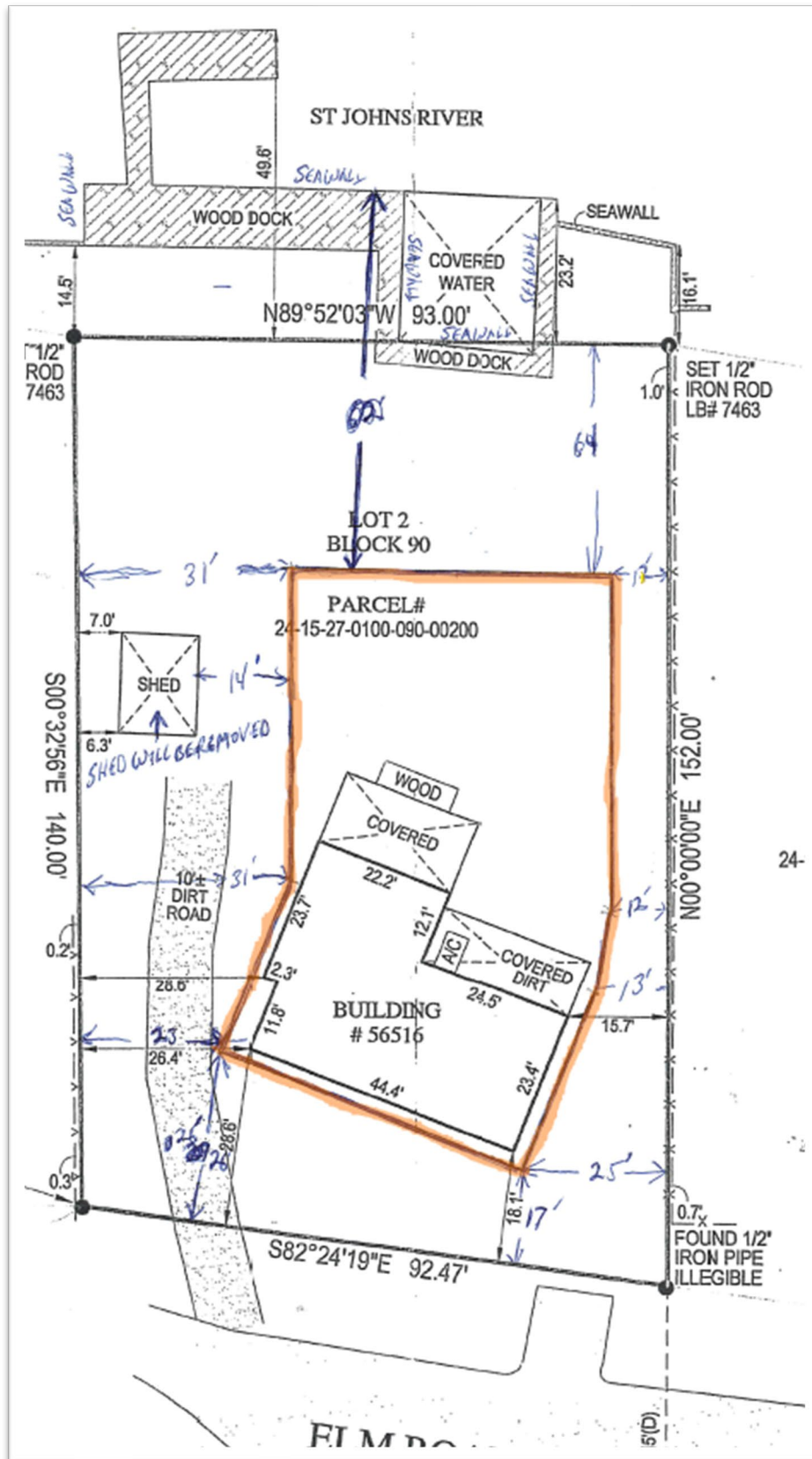
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To allow (1) foot shorter distance than existing structure to front property line; To exceed the 80% limitation of accessory structure square footage by 66%; To exceed LDR 10.01.01 (E) of 25 feet to 28 feet for accessory structure.

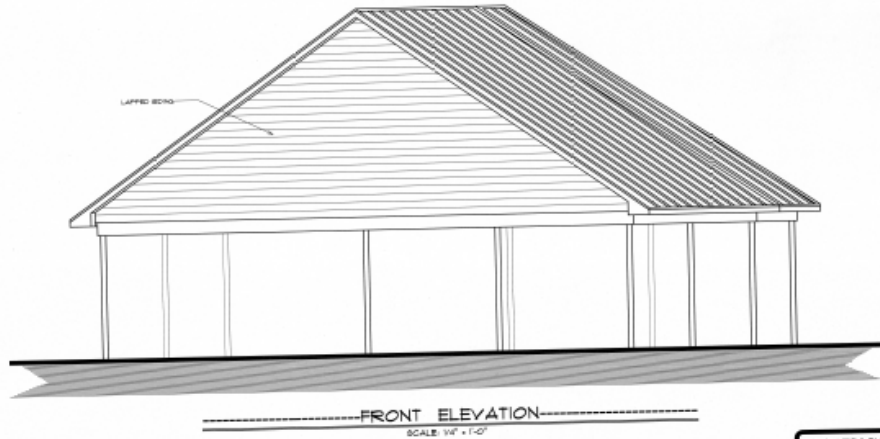


7/23/2024

Attachment "D" – Plot Plan

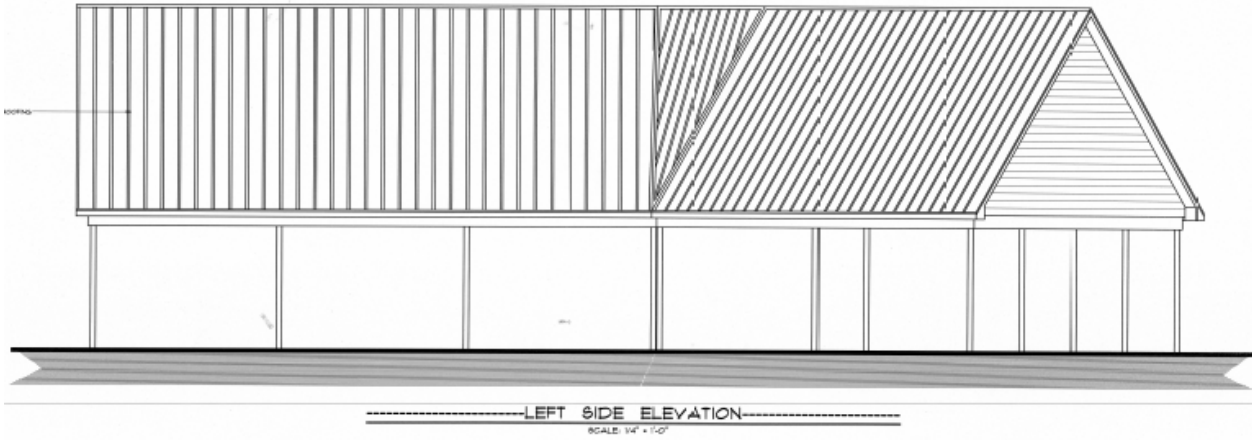


Attachment "E" – Front & Side Elevation

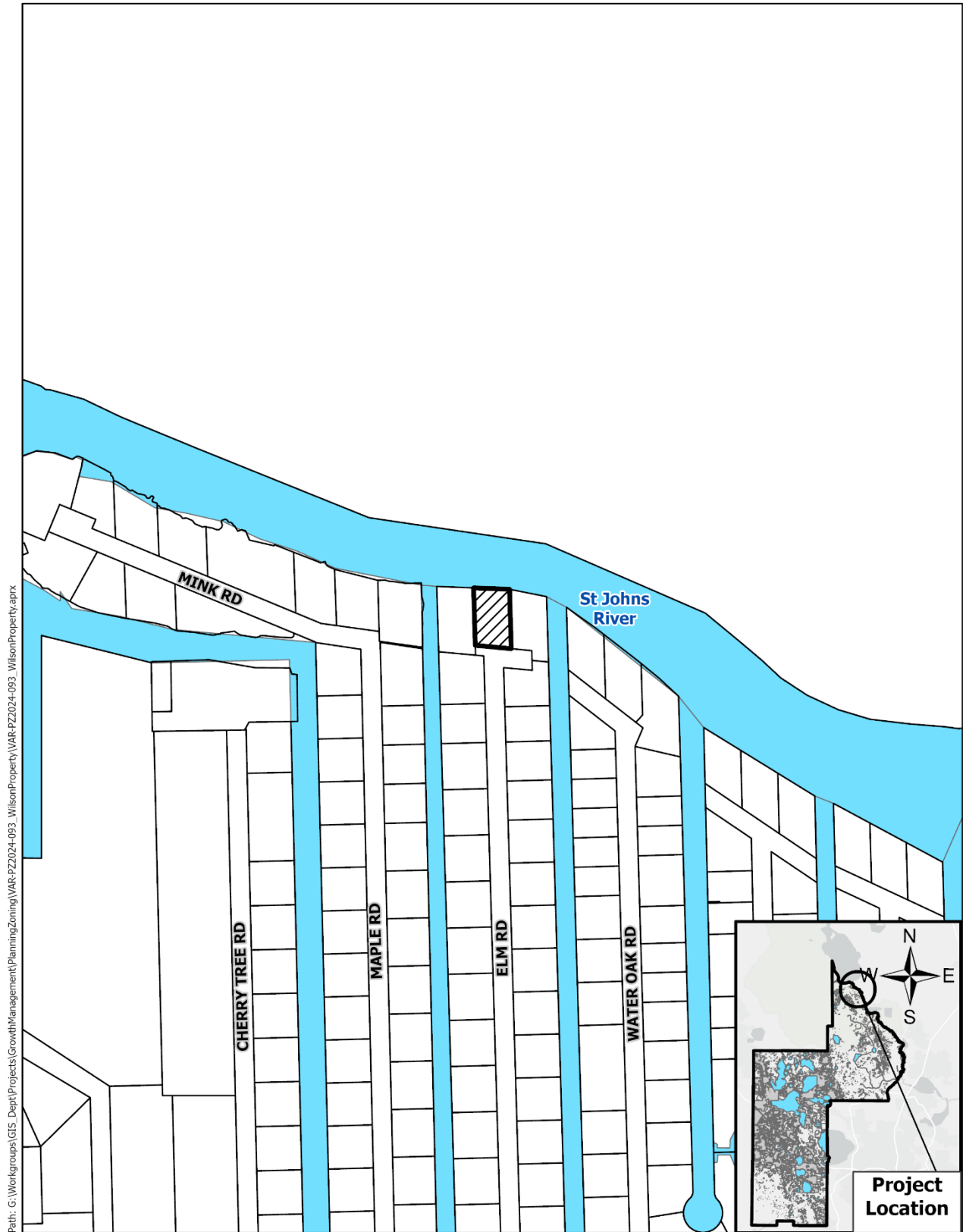


NEW DETACHED ROOF OVER EXISTING HOUSE
MR. AND MRS. WILSON

ESG	APPLICABLE CODES
J. JESS WILSON P.E.	FLORIDA BUILDING CODE, BUILDING 2023 8TH EDITION
P.E. 10417	MECHANICAL CODE, FLORIDA BUILDING CODE, MECHANICAL 2023 8TH EDITION
ENGINEERING SERVICES GROUP, LLC	PLUMBING CODE, FLORIDA BUILDING CODE, BUILDING 2023 8TH EDITION
300 S. ALPINE ST.	ELECTRICAL CODE, NEC 2023 AND NFPA 70
TAVENNER, FL 32781	FIRE CODE, TULSA 2023 8TH EDITION, 1981 PREVENTION OR NFPA 101 2023
CA + 6884	ACCESSIBILITY CODE, FLORIDA BUILDING CODE, BUILDING 2023 8TH EDITION
PHONE: (904) 884-7252	ENERGY CODE, FLORIDA BUILDING CODE, BUILDING 2023 8TH EDITION
	METHOD OF DESIGN, ASCE 7-10



Map of Subject Property



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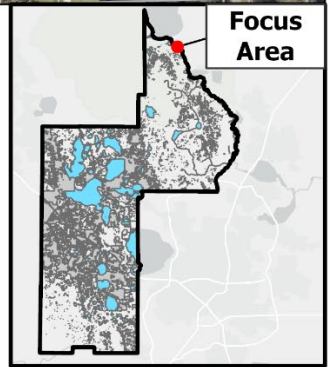
Aerial Map of Subject Property

**VAR-PZ2024-093
Wilson Property**



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To allow (1) foot shorter distance than existing structure to front property line; To exceed the 80% limitation of accessory structure square footage by 66%; To exceed LDR 10.01.01 (E) of 25 feet to 28 feet for accessory structure.



7/23/2024

Final Development Order

WHEREAS, Richard H. Wilson and Diane Wagner Wilson (the “Applicants”) on behalf of Richard Hayes Wilson Revocable Trust and Diane Wagner Wilson Revocable Trust (the “Owners”) requested a variance to Land Development Regulations (LDR) Sections 10.01.01(D), 10.01.01(E), 10.01.01(F), and Table 3.02.05 to (1) allow an accessory structure (roof-over) to be 312.5% of the main floor square footage of the enclosed living area of the dwelling unit, in lieu of the 80% maximum requirement, (2) for that specific structure to exceed the maximum allowable height for an accessory structure of twenty-five (25) feet by three (3) feet, (3) for a portion of that specific structure to be located in the Front Yard without meeting the standards for exemption under LDR 10.01.01(F)(1 through 3), and (4) to allow for an accessory structure front setback of 32-feet from the edge of pavement in lieu of the required 62-foot setback from the centerline of Elm Road.; and

WHEREAS, the subject property consists of 0.31 +/- acres, is located at 56516 Elm Road, in the unincorporated Astor area of Lake County, in Section 19, Township 15 South, Range 28 East, having Alternate Key Number 1516200, and more particularly described as:

Commence at the Southwest Corner of Section 2, according to the plat thereof, as recorded in Plat Book 2, page 2, Public records of Lake County, Florida, run thence South 89 degrees 29’34” East on the South boundary of said Section 2 a distance of 5280.30 feet to the Southeast corner thereof thence North 5651.47 feet, thence East 4118.72 feet to the Point of Beginning, run thence South 82 degrees 24’19” East 92.47 feet, thence North 152 feet, more or less, to the Waters Edge of the St. Johns River, thence Northwest along said Waters Edge 93 feet, more or less, to a Point 140 feet, more or less, North of the Point of Beginning; thence South 140 feet, more or less, to the Point of Beginning; also described as Lot 2, Block 90 according to an unrecorded plat of Astor Forest Campsites, 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 October 2, 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:

1. **Variance Granted:** Variances to the following Lake County Land Development Regulations (LDR) are hereby granted:
 - a. Section 10.01.01(D) to allow an accessory structure (roof-over) to be 312.5% of the main floor square footage of the enclosed living area of the dwelling unit, in lieu of the 80% maximum requirement.
 - b. Section 10.01.01(E) to allow that specific structure to exceed the maximum allowable height for an accessory structure of twenty-five (25) feet by three (3) feet.

- c. Section 10.01.01(F) to allow for a portion of that specific structure to be located in the Front Yard without meeting the standards for exemption under LDR 10.01.01(F)(1 through 3).
 - d. Table 3.02.05 to allow to allow for an accessory structure front setback of 32-feet from the edge of pavement in lieu of the required 62-foot setback from the centerline of Elm Road.
2. **Condition:** The variances granted above are conditioned that no structural connection between the two structures can be approved now or at any time in the future.

**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 2nd day of October 2024, by Bea L. Meeks, as 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.