



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: November 6, 2024

Case No. and Project Name: PZ2024-162, Wilson Property

Applicant/Owner: Janet Wilson

Requested Action: Variance to Land Development Regulations (LDR) Table 3.02.05 and Section 1.08.02 to allow (1) a residential addition to be constructed 22-feet from the western property line in lieu of the required 25-feet or (2) to allow an addition/enlargement to the non-conforming residential structure greater than ten (10%) percent of the living square footage of the structure.

Case Manager: Meagan Bracciale, Planner I

Subject Property Information

Size: 5.03 +/- acres

Location: 32200 Wekiva Pines Boulevard, in the unincorporated Sorrento area of Lake County

Alternate Key No.: 2599090

Future Land Use Category: Wekiva River Protection Area (WRPA) Sending Area A-1-20 (Attachment "A")

Current Zoning District: Ranchette District (RA) (Attachment "B")

Flood Zones: "AE" and "X"

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

Overlay District: Wekiva Study Area (WSA) Overlay District (Attachment "C")
 Wekiva River Protection Area (WRPA) Overlay District (Attachment "C")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	WRPA Sending Area A-1-20	Ranchette District (RA)	Residential	Single-Family Residence
South	WRPA Sending Area A-1-20	Ranchette District (RA)	Vacant Residential	Vacant Residential
East	WRPA Sending Area A-1-20	Agriculture District (A)	Residential	Single-Family Residence
West	WRPA Sending Area A-1-20	Ranchette District (RA)	Right-of-Way and Residential	Single-Family Residence West of Wekiva Pines Blvd

- Summary of Request -

The subject property, identified as Alternate Key Number 2599090, contains 5.03 +/- acres, is zoned Ranchette District (RA), designated with a Wekiva River Protection Area (WRPA) Sending Area A-1-20 Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and is located within the WRPA and Wekiva Study Area (WSA). The subject property is described as Lot 5 of the Wekiva Pines Country Estates subdivision (Plat Book 25/Page 61), in the Sorrento area of unincorporated Lake County. GIS maps indicate that minimal wetlands exist on the subject parcel and that the parcel lies partially within flood zones "AE" and "X".

The Applicant has requested a variance to LDR Table 3.02.05 to allow a residential addition to be constructed 22-feet from the western property line in lieu of the required 25-feet as depicted in the Plot Plan (Attachment "D" and "E"). A variance approval to this code will redefine the existing Single-Family Dwelling Unit, permitted in 1991, from legal non-conforming to a conforming structure. The applicant has already taken the required steps to vacate a portion of the 30-foot platted drainage easement along the East property line through the Public Works Department (Resolution No. 2024-79). The vacated portion encompasses the existing dwelling structure, including the side porch. In addition, should the variance to LDR Table 3.02.05 *not* be granted, the applicant seeks a variance to LDR Section 1.08.02, to allow an addition/enlargement to a non-conforming structure greater than ten (10%) percent of the living square footage of the structure.

The subject parcel is located within the WSA Overlay District (Attachment "C"). The intent of Lake County Comprehensive Plan Objective I-3.4 is to protect and preserve the function of natural resources within the WSA, including but not limited to springs, springsheds, karst features, most-effective recharge areas, sensitive natural habitats, wetlands, wildlife, and wildlife corridors. This request is consistent with the LDR and Comprehensive Plan Objective I-3.4. The proposed variances would not impact any protected natural resources.

The subject parcel is located within the WRPA Overlay District (Attachment "C"). The intent of Lake County Comprehensive Plan Objective I-3.3 is to implement protection policies and regulations that maintain rural density and character in the aggregate, concentrate development farthest from surface waters and wetlands of the Wekiva River System, minimize impacts on water quantity and quality, protecting native vegetation, wetlands, habitat, wildlife and wildlife corridors, and restrict open space areas to conservation and passive recreational uses. These requests are consistent with the LDR and Comprehensive Plan Objective I-3.3. The proposed variances would not negatively impact the designated density or nearby wetlands.

On July 22, 2024, 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 has requested that the applicant revise their survey to show the vacated portion of the easement, prior to any future zoning clearance or building permit applications. The Chief Fire Plans Examiner 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 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, *"The variance is the only way for me to improve and expand my home, aside from having to demolish it which is not feasible. My home is also currently sitting 100 feet away from wetlands currently on my 5-acre plot which I wish to preserve the natural resource and stay away from. I am asking to move the rear setback 3 feet, (from 25 to 22 feet) which would then make my home a conforming structure. This setback also would not have any impact on any neighboring properties."*

- 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, *"I am wanting to renovate and add room additions to my existing home which is currently 1677 sq.ft. The strict compliance of the current rear setback of 25 feet is not permitting me to do this.*

Pursuant to permit #74736 (1991), the rear setback of my property was 5 feet. The home was built away from the 5-foot setback at a distance of approximately 22 feet in 1991. Apparently, zoning codes have changed, and the current rear setback of my property is set at 25 feet which places the whole back of my home and side covered porch into the setback by approximately 2.2' to 2.8'. This would make my home a "non-conforming structure" and would not permit me to do the renovations and additions planned which is more than the 10% or 167 sq.ft. allowed. The practical difficulty was not created as a result of any action taken by me or predecessors in the interest of the property that was unlawful (permit #74736), or which could have been reasonably foreseen to create difficulty in complying with the current ordinance for future improvements.

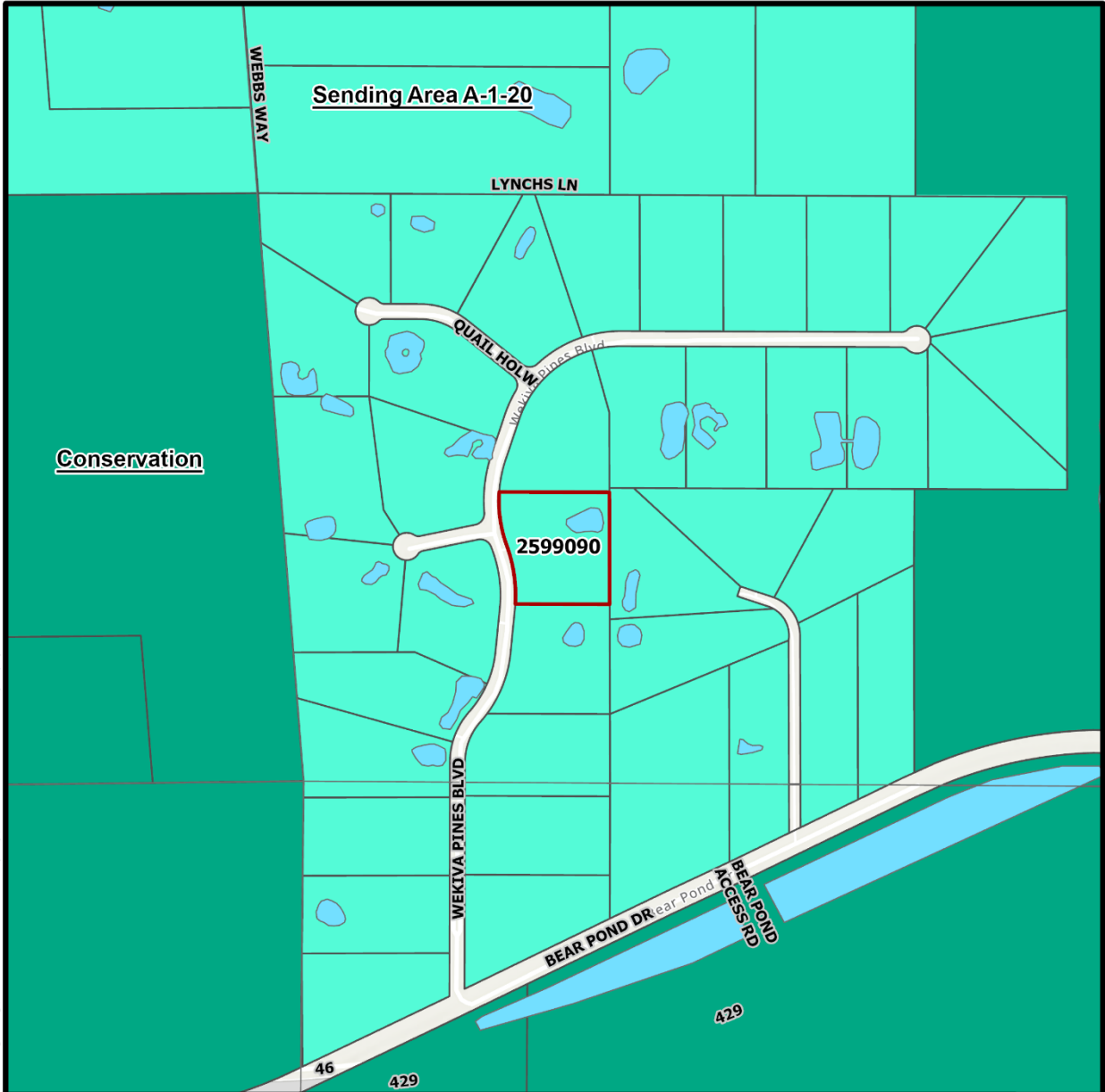
I have spent a lot of time and money trying to get to the permitted stage of my proposed renovations by getting numerous surveys, elevation survey, boundary survey (wetlands), architectural plans and vacating the current drainage easement which was approved in May of 2024

(VP-1295). I am wanting to enclose the already existing covered porches and move forward to the front of the house and away from the current rear setback. This would allow me to have a beautiful dining room, master bedroom with a master bathroom, indoor laundry room and to have more than just one bathroom. There is no reasonable way for me to achieve this without a variance.

I thank you for your time and consideration regarding my request."

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE



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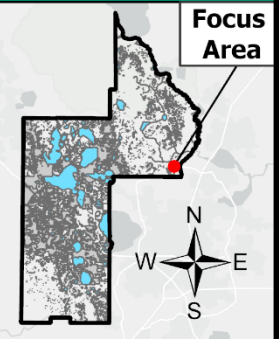
FLU

- Conservation
- Sending Area A-1-20

NAME: WILSON PROPERTY
CASE NUMBER: VAR-PZ2024-162
LOCATION (S-T-R): 20-19-29

DISTRICT: 4

REQUEST: REQUESTING VARIANCES TO LAND DEVELOPMENT REGULATIONS (LDR) TABLE 3.02.05 AND SECTION 1.08.02 TO ALLOW (1) A RESIDENTIAL ADDITION TO BE CONSTRUCTED 22- FEET FROM THE WESTERN PROPERTY LINE IN LIEU OF THE REQUIRED 25- FEET AND (2) TO ALLOW AN ADDITION/ENLARGEMENT TO A NONCONFORMING STRUCTURE.



8/29/2024

Attachment "B" – Zoning Map

CURRENT ZONING



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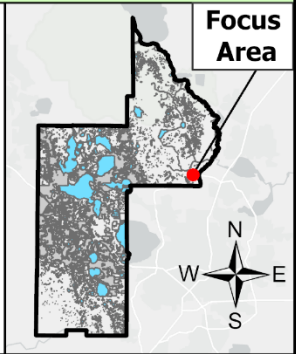
Zoning

A RA

NAME: WILSON PROPERTY
CASE NUMBER: VAR-PZ2024-162
LOCATION (S-T-R): 20-19-29

DISTRICT: 4

REQUEST: REQUESTING VARIANCES TO LAND DEVELOPMENT REGULATIONS (LDR) TABLE 3.02.05 AND SECTION 1.08.02 TO ALLOW (1) A RESIDENTIAL ADDITION TO BE CONSTRUCTED 22-FEET FROM THE WESTERN PROPERTY LINE IN LIEU OF THE REQUIRED 25-FEET AND (2) TO ALLOW AN ADDITION/ ENLARGEMENT TO A NONCONFORMING STRUCTURE.



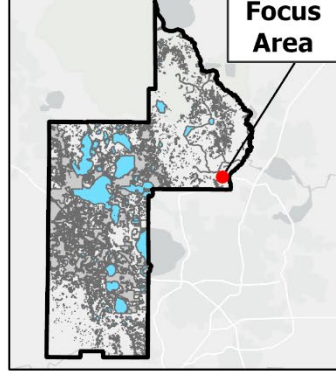
Attachment "C" – Overlay District Map

VAR-PZ2024-162 Wilson Property



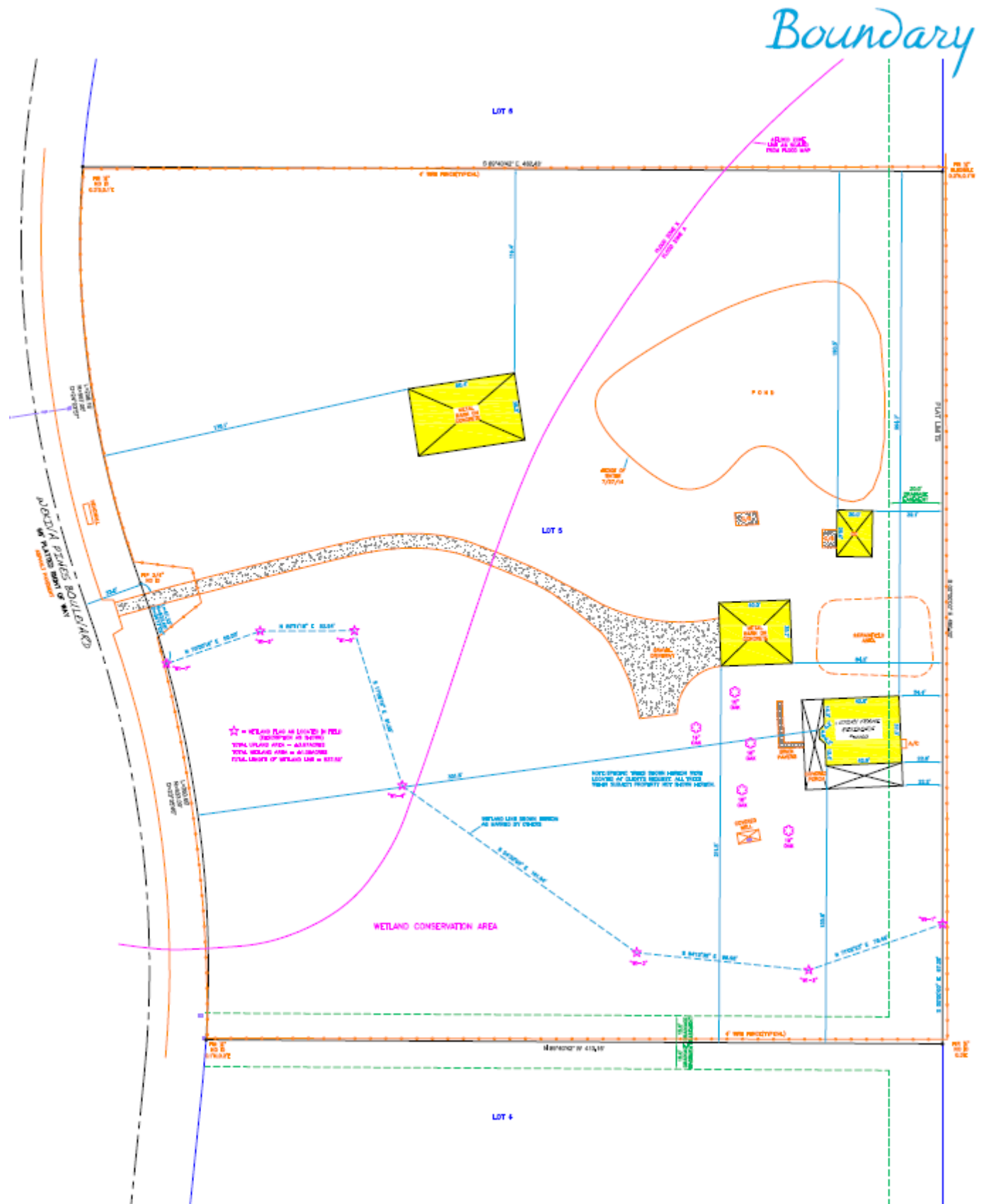
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Requesting variances to Land Development Regulations (LDR) Table 3.02.05 and Section 1.08.02 to allow (1) a residential addition to be constructed 22-feet from the western property line in lieu of the required 25-feet and (2) to allow an addition/enlargement to a nonconforming structure.

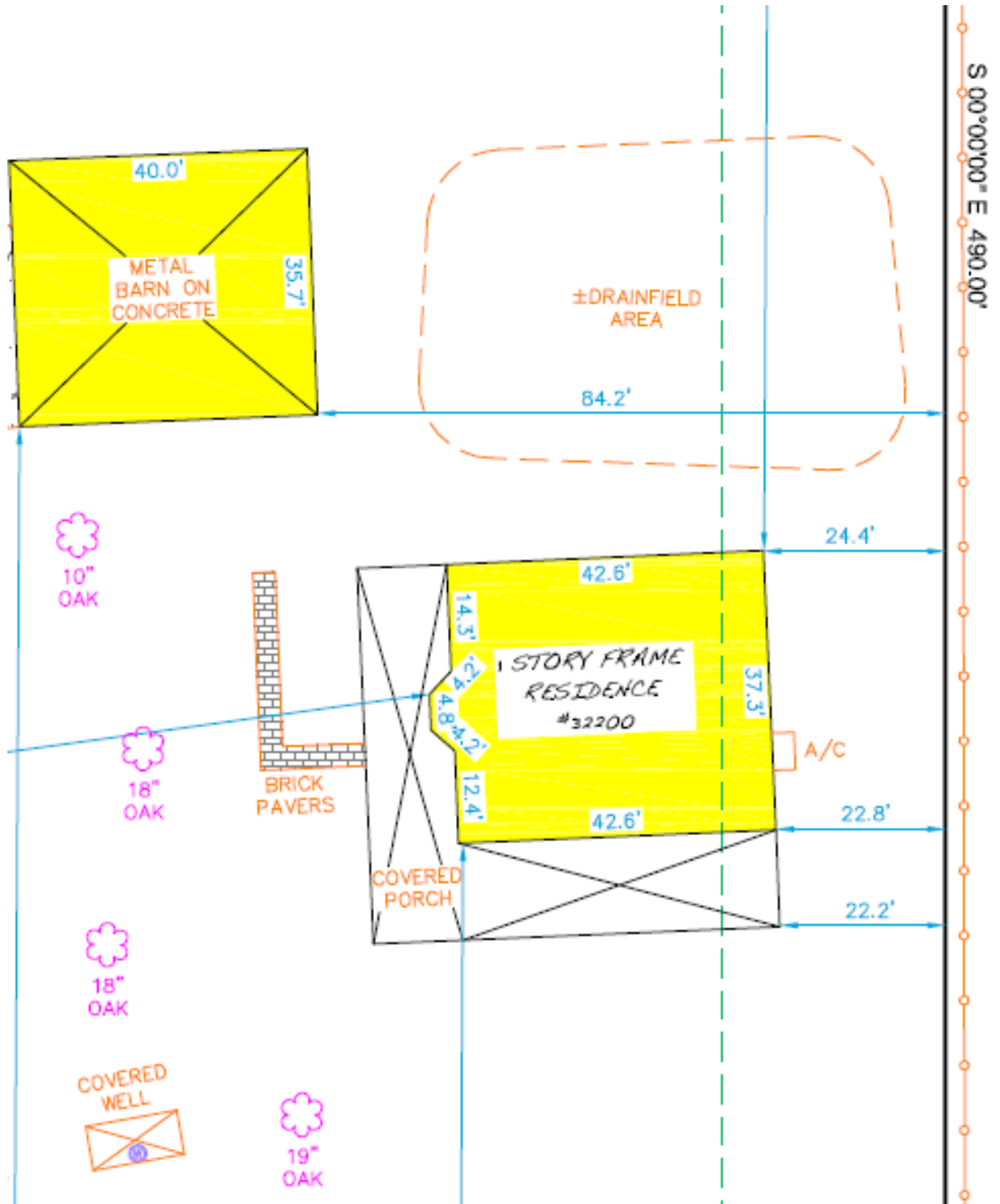


8/29/2024

Attachment "D" – Plot Plan



Attachment "E" – Zoomed Plot Plan



Map of Subject Property



Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\VAR-PZ2024-162_WilsonProperty\VAR-PZ2024-162_WilsonProperty.aprx

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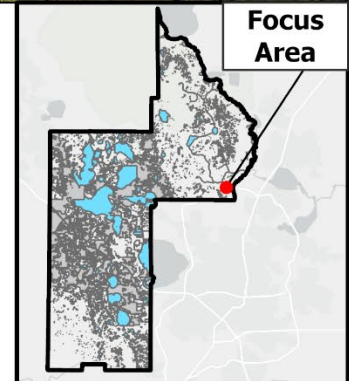
Aerial Map of Subject Property

VAR-PZ2024-162
Wilson Property



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Requesting variances to Land Development Regulations (LDR) Table 3.02.05 and Section 1.08.02 to allow (1) a residential addition to be constructed 22-feet from the western property line in lieu of the required 25-feet and (2) to allow an addition/enlargement to a nonconforming structure.



8/29/2024

Final Development Order

WHEREAS, Janet K. Wilson (the "Owner") requested a variance to Land Development Regulations (LDR) Table 3.02.05 and Section 1.08.02 to allow (1) a residential addition to be constructed 22-feet from the western property line in lieu of the required 25-feet or (2) to allow an addition/enlargement to the non-conforming residential structure greater than ten (10%) percent of the living square footage of the structure; and

WHEREAS, the subject property consists of 5.03 +/- acres, located at 32200 Wekiva Pines Boulevard, in the unincorporated Sorrento area of Lake County, in Section 20, Township 19 South, Range 29 East, having Alternate Key Number 2599090, and more particularly described as:

Lot 5, Wekiva Pines Country Estates, according to the Plat thereof, recorded in Plat Book 25, Page(s) 61 and 62, 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 November 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: Variances to the following Lake County Land Development Regulations (LDR) are hereby granted:

- a. Table 3.02.05 to allow a residential addition to be constructed 22-feet from the western property line in lieu of the required 25-feet.
- b. Section 1.08.02 to allow an addition/enlargement to the non-conforming residential structure greater than ten (10%) percent of the living square footage of the structure.

**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 6th day of November 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.