



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: November 6, 2024

Case No. and Project Name: PZ2023-224 Torri Property

Owner/Applicant: Anthony L. Torri

Requested Action: Variance to Land Development Regulations (LDR) Table 3.02.05 and Table 3.02.06 to allow (1) a shed to remain 5.68 feet from the eastern property line in lieu of the required 25 feet setback and (2) to allow for an ISR of 14.5%, in lieu of the maximum ISR of 10%;

Case Manager: Meagan Bracciale, Planner I

Subject Property Information

Size: 5.29 +/- acres

Location: 40646 Oak Woods Way, in the unincorporated Lady Lake area

Alternate Key No.: 3353404

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

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

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: Town of Lady Lake Interlocal Service Boundary Agreement (ISBA) (Attachment "C")

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agricultural (A)	Residential	Single-Family Residence
South	Rural Transition	Rural Residential (R-1)	Right-of-Way and Residential	Single-Family Residence south of Griffin Avenue
East	Rural Transition	Agricultural (A)	Residential	Single-Family Residence
West	Rural Transition	Agricultural (A)	Residential	Single-Family Residence

- Summary of Request -

The subject property, identified as Alternate Key Number 3353404, contains 5.29 +/- acres, is zoned Agricultural District (A) and is designated with a Rural Transition Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is located at 40646 Oak Woods Way, in the unincorporated Lady Lake area of Lake County. The Plot Plan (Attachment "C") indicates that the subject parcel is developed with a single-family residence, detached garage, accessory structure (large garage), and shed over concrete pad. GIS maps indicate that the subject parcel is not located within a flood prone area.

The Applicant has requested a variance to Land Development Regulations (LDR) Section 3.02.05 to allow an after-the-fact shed (gym) to remain 5.68' from the east property line in lieu of the required 25' setback and to allow for an ISR of 14.5%, in lieu of the maximum ISR of 10%, as depicted in the Conceptual Plan (Attachment "D") and (Attachment "E"). LDR Table 3.02.05 requires Agricultural (A) District zoned property to maintain a setback of twenty-five (25) feet from all side and rear property lines and LDR Table 3.02.06 requires Agricultural (A) District zoned property to maintain an Impervious Surface Ratio (ISR) maximum of ten (10%) percent.

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 and Public Works Department did not identify any comments or objections to the request.

The subject property is located within the Lady Lake Interlocal Service Boundary Agreement (ISBA) area (Attachment "C"). The variance request was provided to the Town of Lady Lake for review on September 13, 2024. The Town of Lady Lake has no opposition to this proposal.

- 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, *"I own 3 five-acre parcels that join properties, 15 acres total, each of my children are willed 5 acres each. The shed isn't an issue with any of the kids. It's a gym that they work out in... relocating the shed may cause drainage issues, since there is a (permitted) 75'x76 metal building existing on property."*

Staff has reviewed the requested development and determined that all other setbacks and the maximum height requirements are being respected.

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 additional statement via email on September 16, 2024, *“On January 14th 2022 I purchased a shed from Premier sheds out of Ocala, apparently they didn’t pull a permit and never realized it until I permitted another structure on my property, when I was told about it I called the shed company and ask why a permit wasn’t issued, they told me that they always permit their jobs and asked where I purchased it, I told them and she said that I purchased from the factory and not the sales office and they said that they would handle it and a permit should have been pulled before the shed was delivered. I told them I was submitting another permit and I would take care of it, and to send me all the paperwork that was needed, when I submitted the shed paperwork and all that was done with the shed to permitting, they said everything was in order but will need to submit to zoning for variance to make sure it was good, at that time I was told it needed to be 25 foot from the property line, so I paid the \$500 fee for it go in front of the board, I explained, I also own the joining properties 3-5 Acre tracks 15 total acres and the shed is used for a gym for all of us to use, the properties are willed to my 3 children and each child would receive 5 acres each, the shed has power and ac, insulation and drywall which all the paper work as been submitted, concrete side walks going to the shed with a patio, a lot of time and money went into this shed and its going on 3 years that its been there, next month will be a year that we been trying to get this issued resolved and put behind us, any help would be greatly appreciated to get this wrapped up. Thank you.”*

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE

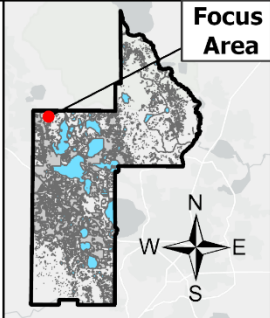


Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\PZ2023-224_TorriProperty.aprx
5/30/2024

- FLU**
- Public Service Facility & Infrastructure
 - Rural
 - Rural Transition

NAME: TORRI PROPERTY
CASE NUMBER: VAR-PZ2023-224
LOCATION (S-T-R): 10-18-24
REQUEST: SIDE SETBACK VARIANCE TO ALLOW A SHED TO REMAIN IN PLACE

DISTRICT: 5



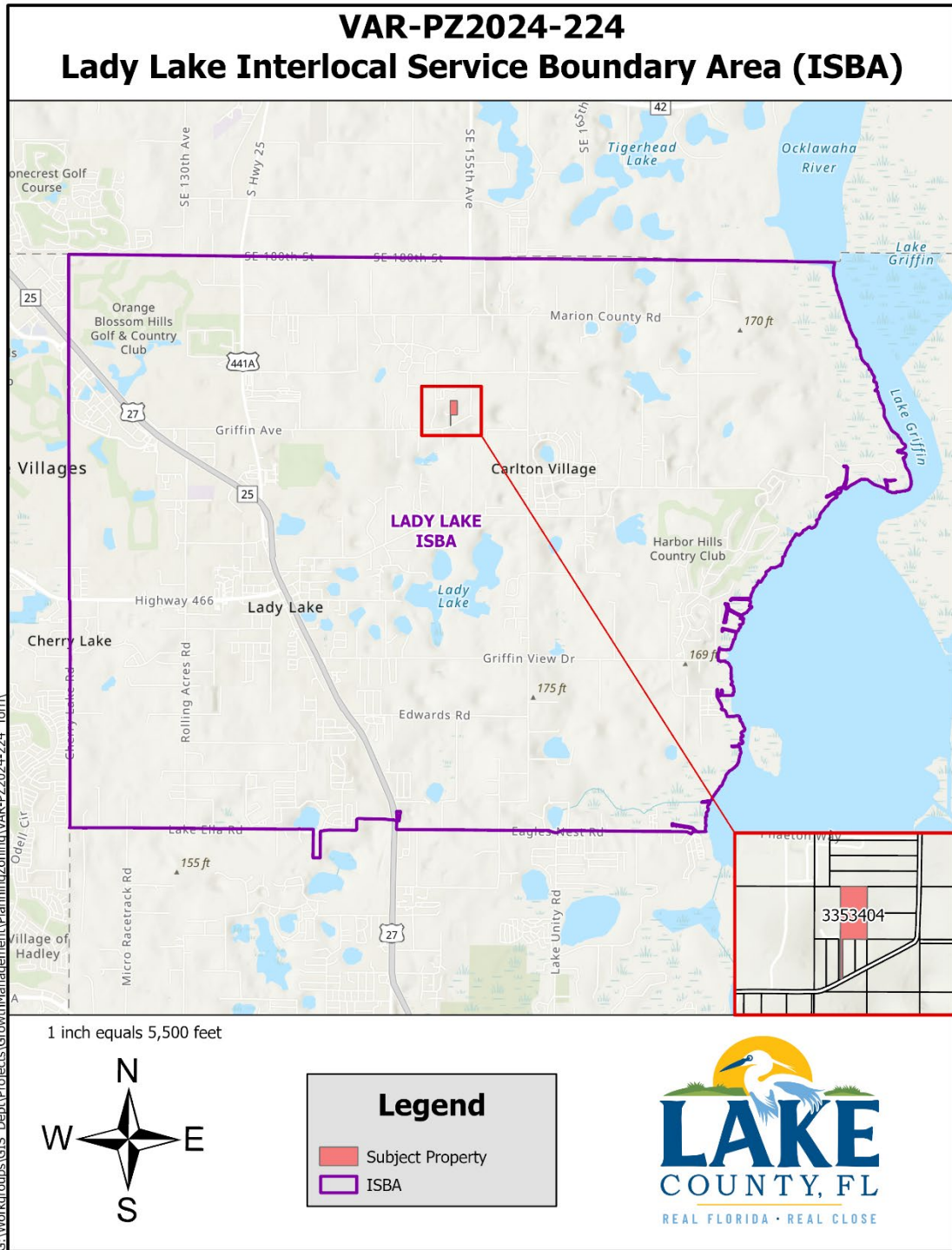
Attachment "B" – Zoning Map

CURRENT ZONING

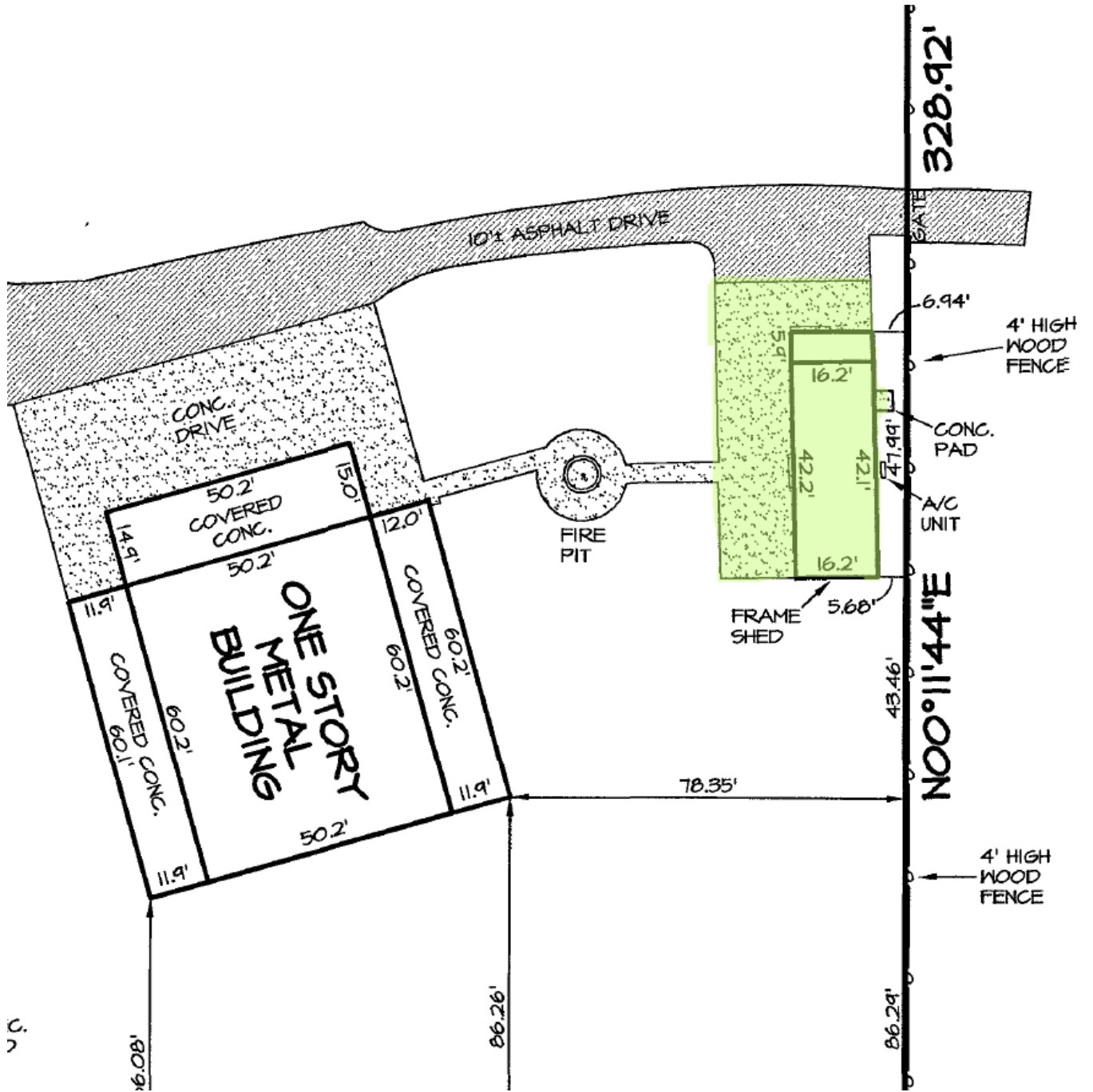


Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\PZ2023-224_TorriProperty\Zoning\PZ2023-224_TorriProperty.aprx
5/30/2024

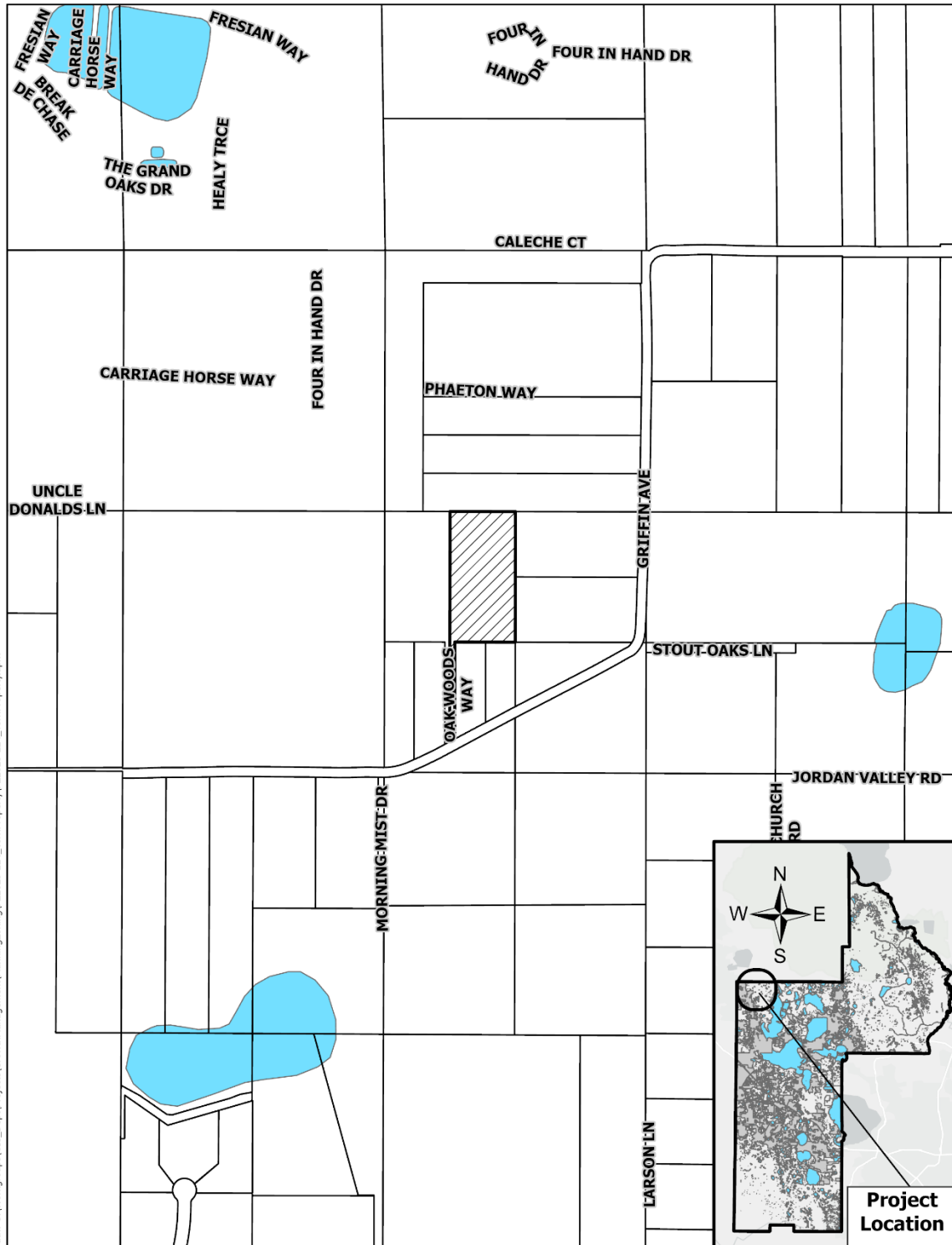
Attachment "C" – Interlocal Service Boundary Agreement Area Map



Attachment "E" – Plot Plan (Zoomed)



Map of Subject Property



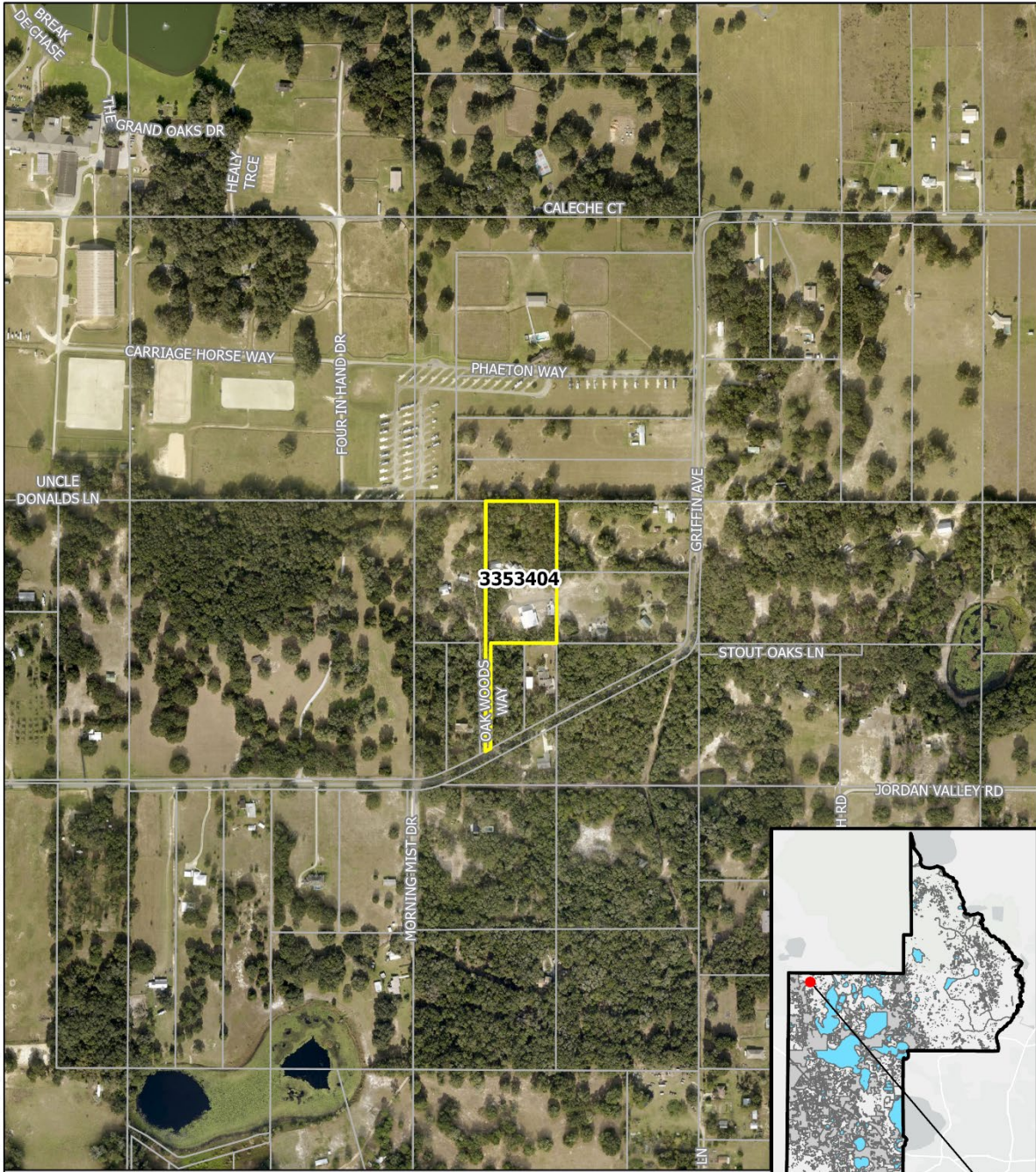
Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\PZ2023-224_TorriProperty.aprx

5/30/2024

Aerial Map of Subject Property



**Var-PZ2023-224
Torri Property**



Side setback variance to allow a shed to remain in place

Focus Area

Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\IPZ2023-224_TorriProperty\IPZ2023-224_TorriProperty.aprx

5/30/2024

Final Development Order

WHEREAS, Anthony L. Torri (the “Applicant” and “Owner”) requested a variance to Land Development Regulations (LDR) Table 3.02.05 and Table 3.02.06 to allow a shed to remain 5.68 feet from the eastern property line in lieu of the required 25 feet setback and to allow for an ISR of 14.5%, in lieu of the maximum ISR of 10%; and

WHEREAS, the subject property consists of 5.29 +/- acres, located at 40646 Oak Woods Way, in the unincorporated Lady Lake area of Lake County, in Section 10, Township 18 South, Range 24 East, having Alternate Key Number 3353404 and more particularly described below; and

The North 660.34 feet for the East 1/2 of the West 1/2 of the Southeast 1/4 of the Northwest 1/4¹/₄, of Section 10, Township 18 South, Range 24 East, Lake County, Florida; AND The West 25.0 feet of the East 1/2 of the West 1/2 of the Southeast 1/4 of the Northwest 1/4, lying North of Griffin Avenue (District 1-7807). LESS the North 660.34 feet thereof, Section 10, Township 18 South, Range 24 East, 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: A variance to Land Development Regulations (LDR) Table 3.02.05 and Table 3.02.06 to allow a shed to remain 5.68 feet from the east property line in lieu of the required 25 feet setback and to allow for an ISR of 14.5%, in lieu of the maximum ISR of 10%, is hereby granted.

**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.