



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: March 5, 2025

Case No. and Project Name: PZ2024-282, Hockenberry Property

Applicant/Owners: Stephen J. Hockenberry and Patricia M. Hockenberry

Requested Action: Variance to Land Development Regulations (LDR) Table 3.02.05 and Section 10.01.01.F to allow after-the-fact accessory structures (shed and carport) to be setback 32.7 feet from the centerline of the road, in lieu of the required 62 feet.

Case Manager: Eddie Montanez, Planner I

Subject Property Information

Size: 0.14 +/- acres

Location: 31708 New Indiana Avenue, in the unincorporated Tavares area

Alternate Key No.: 1330904

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

Current Zoning District: Mixed Home Residential (RM) (Attachment "B")

Flood Zone: "X"

Joint Planning Area (JPA) / ISBA: City of Tavares ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

| Direction | Future Land Use | Zoning | Existing Use | Comments |
|-----------|----------------------|-----------------------------|---------------------------|---|
| North | Urban Medium Density | Mixed Home Residential (RM) | Right-of-Way, Residential | Single-Family Residences North of Linda Avenue |
| South | Urban Medium Density | Mixed Home Residential (RM) | Residential | Single-Family Residences |
| East | Urban Medium Density | Mixed Home Residential (RM) | Residential | Single-Family Residences |
| West | Urban Medium Density | Mixed Home Residential (RM) | Right-of-Way, Residential | Single-Family Residences West of New Indiana Avenue |

– Summary of Request –

The subject property, identified as Alternate Key Number 1330904, contains 0.14 +/- acres, is zoned Mixed Home Residential (RM) District, and is designated with an Urban Medium Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is described as part of the Imperial Mobile Terrace Third Addition (PB 18 PG 1), Lot 28, and located at 31708 New Indiana Avenue in the unincorporated Tavares area of Lake County. The subject parcel is generally located on the corner of New Indiana Avenue and Linda Avenue, in the unincorporated area of Tavares.

The Applicant has requested a Variance to Land Development Regulations (LDR) Table 3.02.05 and Section 10.01.01.F, to allow accessory structures (carport and after-the-fact shed) to be setback 32.7 feet from the centerline of the road, in lieu of the required 62 feet.

The Plot Plan (Attachment "C") depicts that the subject parcel is developed with a single-family residence, two sheds, carport, screened porch, covered patio, wall, sidewalk and driveway. The plot plan also depicts the location of the existing septic tank and drain field.

The subject parcel is located within the Imperial Mobile Terrace Third Addition Plat which was recorded in 1967. The Property Appraiser's site indicates that the dwelling unit was built in 1969. In addition, the Lake County aerial photographs demonstrate that the carport mentioned in this request has been on the property since at least 2004. The shed included within the request appears on the 2022 aerials.

Due to the shape, size and location of the existing residence in comparison to the size of the corner lot, the accessory structures will not be able to meet LDR setback requirements.

The purpose and intent of LDR Table 3.02.05 and LDR Section 10.01.01.F, are to allow development and use of property in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan. More specifically these regulations aim to foster and preserve public safety and aid in harmonious, orderly and aesthetically pleasing development of the County.

Staff reviewed the request and found that the proposal is consistent with the following:

1. Per LDR Table 3.02.06, the max allowable ISR within the RM district is 0.65. Staff review shows that the current ISR of the parcel sits at 0.41.
2. Per LDR Section 10.01.01.E, an accessory structure shall not exceed the height of the dwelling unit or (25) feet, whichever is greater. Staff has concluded that the after-the-fact structures do not exceed maximum allowable height.

The variance application was sent to Public Works Department Engineering and Flood Sections and the Chief Fire Plans Examiner to review for a determination of consistency with their regulations. Neither the Chief Fire Plans Examiner, nor the Public Works Department, had any comments.

The subject parcel is located within the City of Tavares Interlocal Service Boundary Agreement (ISBA). The variance application was sent to the City of Tavares for a determination of consistency with their regulation. The City of Tavares had no comments.

For background purposes, Lake County Code Enforcement became aware of the shed on November 4, 2024, and issued a Notice of Violation to the current owners (Attachment "D") regarding the location of the shed.

Approval of this variance request would assist in resolving Code Case #2024100422.

– 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 LDR Table 3.02.05 and Section 10.01.01.F is to foster and preserve public safety and aid in harmonious, orderly and aesthetically pleasing development of the County.

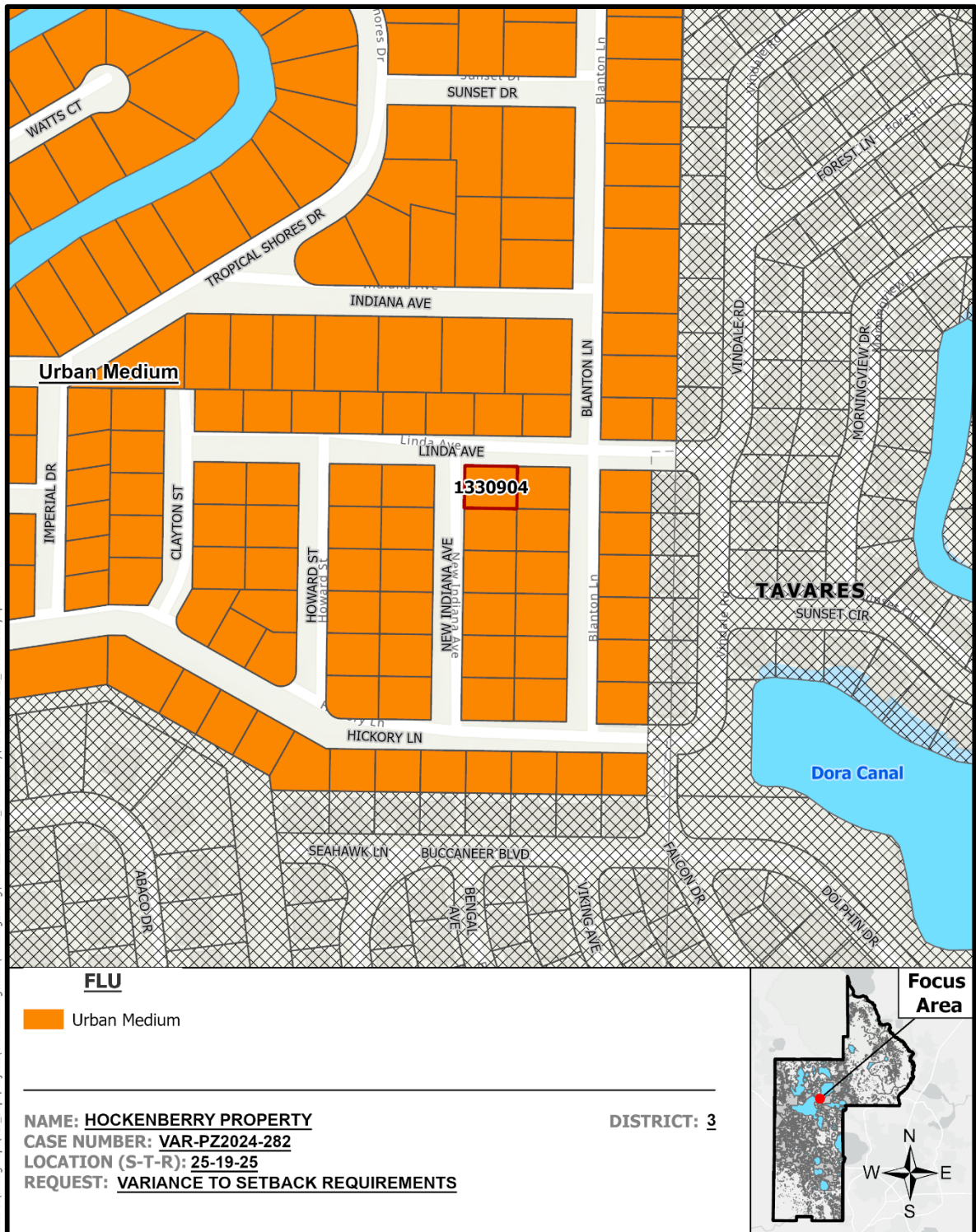
The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *“I am requesting the minimum variance necessary to keep the shed where it is. My side setback of 5 feet is being met. I am also willing to paint the shed to match the house color.”*

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, *“There is no place on our property that would not create the same problem. That being less than 60 feet from the street. Also, if I move to North end of trailer it would interfere with the septic system.”*

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE



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12/10/2024

Attachment "B" – Zoning Map

CURRENT ZONING



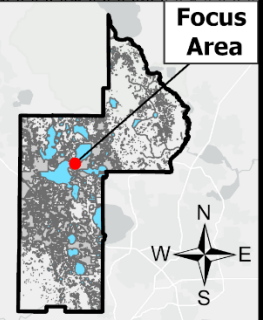
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12/10/2024

Zoning

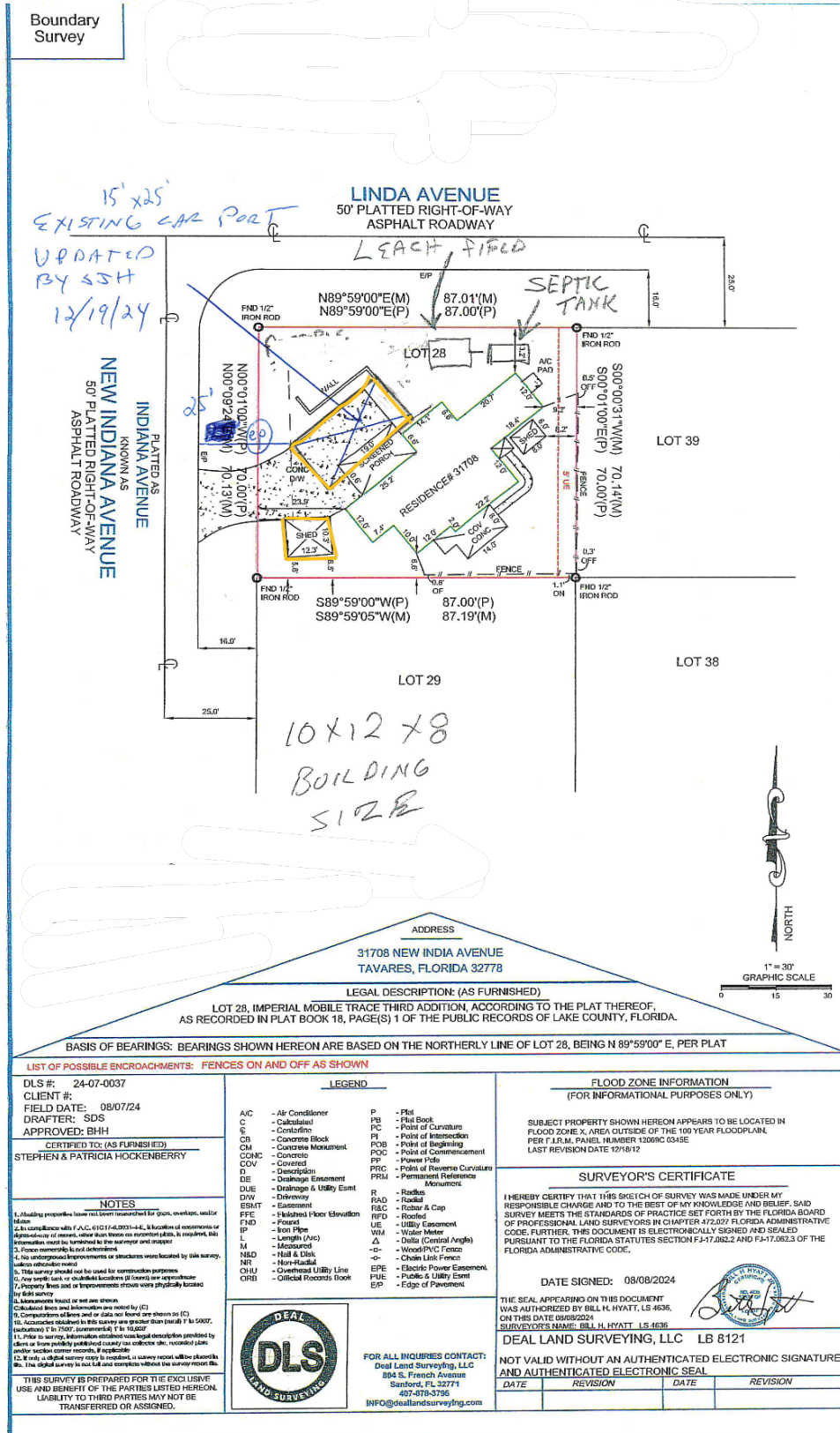
-  R-6
-  RM

NAME: HOCKENBERRY PROPERTY
CASE NUMBER: VAR-PZ2024-282
LOCATION (S-T-R): 25-19-25
REQUEST: VARIANCE TO SETBACK REQUIREMENTS

DISTRICT: 3



Attachment "C" – Plot Plan



Attachment “D” – Notice of Violation & Photographs (Page 1 of 2)



OFFICE OF CODE ENFORCEMENT

NOTICE OF CODE VIOLATION

DATE: 11/4/2024

CASE NUMBER: 2024-10-0422

LOCATION OF VIOLATION: 31708 NEW INDIANA AVE, TAVARES

IN ACCORDANCE WITH LAKE COUNTY CODE AND/OR LAND DEVELOPMENT REGULATIONS YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF SECTION(S):

10.01.01 General Requirements for Accessory Structures. Accessory Structures used in conjunction with a residential dwelling unit may be allowed on a Lot, provided that the following requirements are met. This section does not apply to nonresidential farm structures used for agricultural purposes on a bona-fide farm.

A. There Shall be a lawful dwelling unit on the Lot;

B. An Accessory Structure(s) Shall comply with applicable standards and Codes, unless exempted or superseded elsewhere in these Regulations;

C. An Accessory Structure(s) Shall not be located in a required Buffer area, Landscape Buffer, wetland buffers or minimum Building Setback area;

D. 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. If there is more than one (1) Accessory Structure, the combined square footage shall apply;

E. An Accessory Structure(s) shall not exceed the height of the dwelling unit or twenty-five (25) feet, whichever is greater.

F. Accessory structures that are buildings shall be located in 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 building 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.

Attachment "D" – Notice of Violation & Photographs (Page 2 of 2)



Map of Subject Property

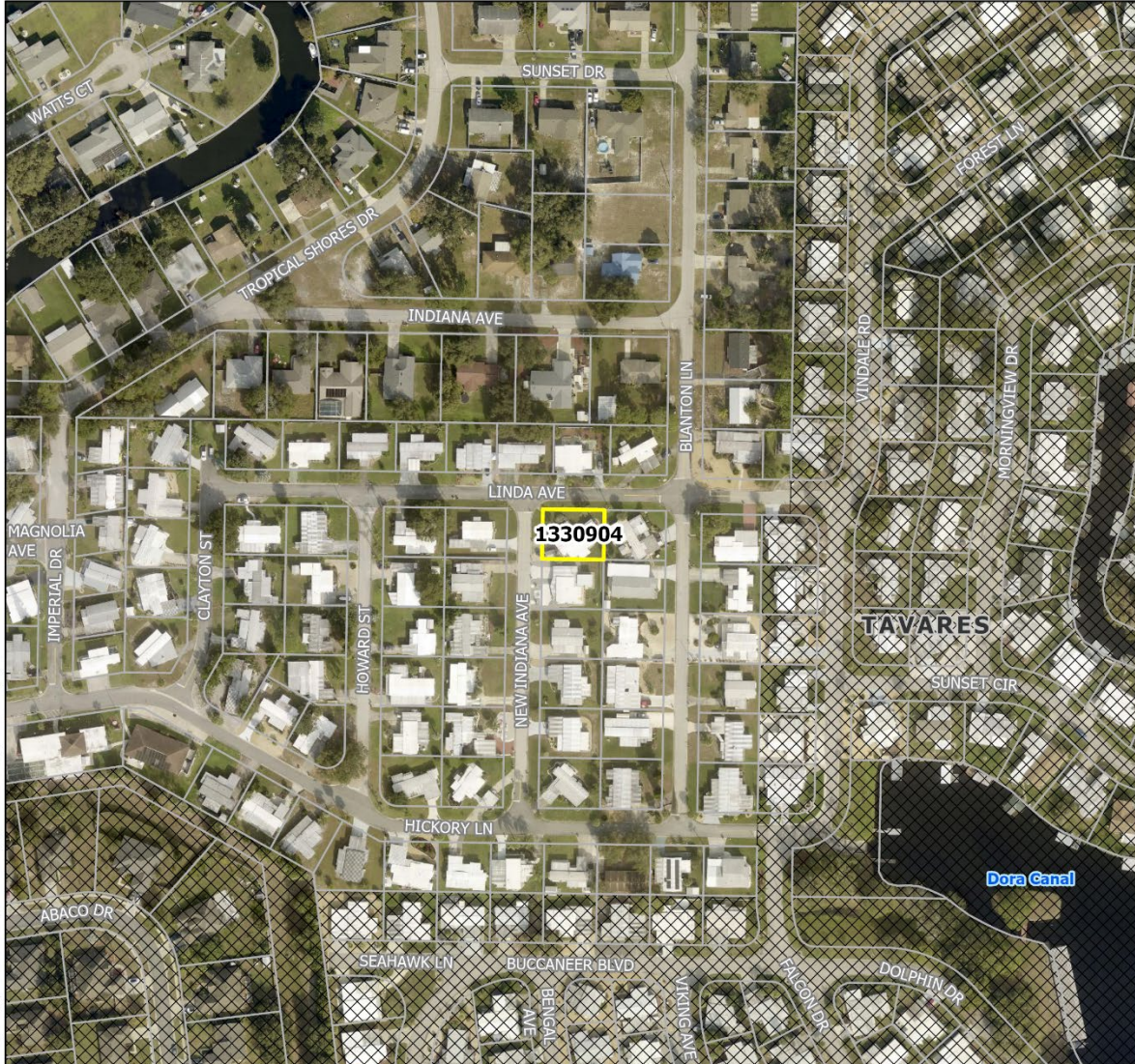


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12/10/2024

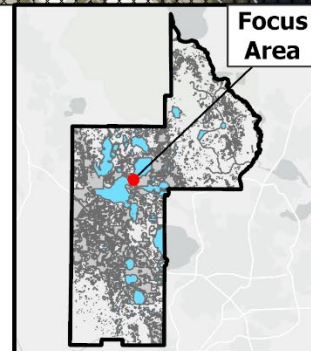
Aerial Map of Subject Property

Var-PZ2024-282 Hockenberry Property



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12/10/2024

Variance to setback requirements



FINAL DEVELOPMENT ORDER

WHEREAS, Stephen J. Hockenberry and Patricia M. Hockenberry (the “Applicants” and “Owners”) requested a variance to Land Development Regulations (LDR) Table 3.02.05 and Section 10.01.01.F, to allow after-the-fact- accessory structures (shed and carport) to be setback 32.7 feet from the centerline of the road in lieu of the required 62 feet; and

WHEREAS, the subject property consists of 0.14 +/- acres, is located at 31708 New Indiana Avenue, in the unincorporated Tavares area of Lake County, in Section 25, Township 19 South, Range 25, having Alternate Key Number 1330904, and more particularly described as:

Lot 28, Imperial Mobile Terrace Third Addition, according to the map or plat thereof as recorded in Plat book 18, Page 1, 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 March 5, 2025; 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; and

DONE AND ORDERED by the Board of Adjustment of Lake County, Florida, that:

Variance Granted: To Land Development Regulations (LDR) Table 3.02.05 and Section 10.01.01.F, to accessory structures (carport and after-the-fact shed) to be setback 32.7 feet from the centerline of the road in lieu of the required 62 feet.

Condition: The accessory structure (shed) exterior walls shall be the same color as the principal dwelling unit. Proof of compliance, demonstrating that the shed has been painted, shall be submitted to County staff within six (6) months of the approval date of the Board of Adjustment order.

**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 5th day of March 2025, 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.