

APPEAL PROCEDURES

The decisions of the Lake County Board of Adjustment (BOA) are final decisions. However, the applicant or other interested party may appeal a decision of the BOA within 30 days after the filing of the written decision.

If the applicant desires to appeal a decision by the BOA, the applicant may appeal to the Circuit Court of the Fifth Judicial Circuit in and for Lake County, Fla., or at the option of the owner via the provisions of the Florida Land Use and Environmental Dispute Act, Chapter 95-181, Laws of Florida.

If another interested party desires to appeal a BOA decision, the other interested party may appeal to the Circuit Court of the Fifth, Judicial Circuit in and for Lake County, Fla.



OBTAINING RECORDS

Audio tapes and minutes of all Lake County Board of Adjustment (BOA) public hearings are available to the public. For a copy of an audio tape or minutes of a BOA public hearing, contact the recording secretary at (352) 343-9641 ext. 5795.

If you desire a transcript of a BOA public hearing, you should arrange in advance of the hearing with a private court reporter to have the hearing transcribed. Court reporting services are not available through the County.



LAKE COUNTY

DEPARTMENT OF
GROWTH MANAGEMENT

315 W. Main St., Tavares, fifth floor

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keyword: gm

MISSION STATEMENT OF THE LAKE COUNTY ZONING DIVISION

To provide the best customer service possible to the citizens of Lake County by affording a total range of services; continually improving the customer's experience with Lake County Government.

LAKE COUNTY BOARD OF ADJUSTMENT



LAKE COUNTY

DEPARTMENT OF
GROWTH MANAGEMENT
Zoning Division

For more information about zoning, contact the Lake County Zoning Division at (352) 343-9641.

For more information about safety inspections, contact the Lake County Building Division at (352) 343-9653.

This brochure is intended to assist those applying for a variance before the Board of Adjustment (BOA) and those who may be affected by a BOA decision on a variance application.

BOARD OF ADJUSTMENT FAQS

Q. What is a variance?

A. A variance may be applied for when a citizen is able to demonstrate that the purpose of the Lake County Land Development Regulations (LDRs) will be or has been achieved by other means and when the application of a LDR would create a substantial hardship or would violate principles of fairness.

Q. What is a “substantial hardship?”

A. A substantial hardship is a demonstrated economic, technological, legal or other type of hardship to the person requesting the variance.

Q. What is meant by “principles of fairness?”

A. Principles of fairness are violated when the literal application of a LDR affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the LDRs.

Q. When will I know of the Board’s decision?

A. Board of Adjustment decision notices regarding requests are mailed to the applicant after the public hearing.

Q. What is the “intent of the code?”

A. When an applicant applies for a variance to the LDRs, he or she must include in the application how the intent of the LDRs will be met. (For example, an applicant wants to put a structure closer to the jurisdictional wetland line than requirements allow. By putting in a swale that meets requirements, the applicant would be preventing stormwater runoff from intruding into the wetland, which would meet the intent of the LDRs.

ABOUT THE BOARD OF ADJUSTMENT

The Board of Adjustment (BOA) is a decision making body appointed by the Board of County Commissioners. The BOA consists of seven members, one member from each County Commission district and two at-large members.

The responsibilities of the BOA are to consider requests for variances and waivers from the Land Development Regulations (LDRs). The BOA is not authorized to grant variances inconsistent with the comprehensive Plan nor to grant a variance to permit uses not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the LDRs in the zoning district. Additionally, the existence of nonconforming use of neighboring lands or unpermitted use of neighboring lands shall not be considered grounds for authorization of a variance.

MEETING LOCATION & TIME

The BOA public hearings are held in the Commission Chambers on the second floor of the Lake County Administration Building, located at 315 W. Main St. in Tavares. Meetings are held the second Thursday of the month at 1 p.m. Notice of the public hearing is given in the form of posting the subject property, newspaper advertisement (legal section) and letters to the applicant and property owners within 300 feet of the subject property.



MEETING PROCEDURES

The Chairman of the Board of Adjustment (BOA) announces each case, followed by a staff report and recommendation for approval or denial of the request as appropriate. The applicant is then given an opportunity to explain their request to the BOA.

Interested parties are given an opportunity to express their support or concerns relative to the case. The applicant is given an opportunity to rebut issues or concerns brought up in opposition to the request. The BOA will then discuss and vote on the request.

CONSENT AGENDA

If staff recommends approval, no one voices opposition and no one on the BOA has questions or concerns, a case will be placed on the consent agenda. The BOA votes on the consent agenda, which could include multiple cases, by one motion at the beginning of the meeting.

PRESENTATION TIPS

- Approach the podium and sign in (printing full name).
- Make remarks concise and limited to the variance request.
- If there is a large group with similar concerns, a spokesperson should be appointed to avoid redundancy.
- Inform the BOA where your property is in relation to the subject property.
- State specifically why you are in favor or opposed to the request.
- If any documents are presented during the public hearing as exhibits, these must be provided to the recording secretary. The exhibits will be retained as part of the formal record of the public hearing and cannot be returned.