



Levy County Board of County Commissioners

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LEVY COUNTY

Planning and Zoning Department

Presented by: Tara E. Howell, JBPro, Interim Zoning Official

Date: August 4, 2025

Petition: VAR 25-01

Applicant: Virgil and Cheryl Laxton

Owner: Virgil and Cheryl Laxton

Property Address: 11371 NW 113 TER, Chiefland FL 32626

Parcel ID(s): 0763103200, 0763103500

Parcel Size(s): 0.630 acres

FLUM Designation: Agricultural / Rural Residential

Zoning District: A/RR



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Request Summary

The applicants/owners, Virgil and Cherly Laxton, are requesting a variance from Section 50-677 of the Levy County Land Development Code for parcels 0763103200 and 0763103500 (collectively referred to as the “Subject Property”). The subject property consists of lots 13-19 of Spring Village Unit 1 according to Plat Book 3, Page 36, Public Records of Levy County, FL.

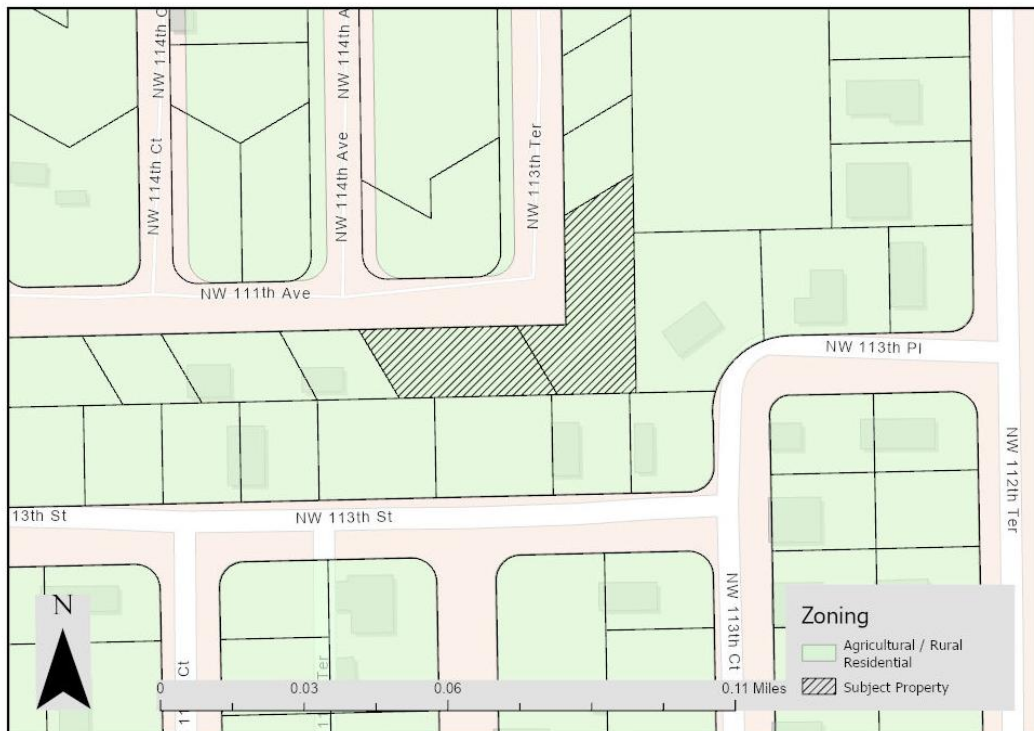
The applicant is requesting a variance to accommodate the construction/placement of a single-family dwelling on the subject property, which is constrained by its size and configuration. Specifically, the applicant is seeking relief from the required front and rear yard setbacks as follows:

- A front yard setback reduction from 30 feet to 15 feet
- A rear yard setback reduction from 30 feet to 15 feet

Zoning of Subject Property

The subject property is zoned A/RR (Agricultural/Rural Residential).

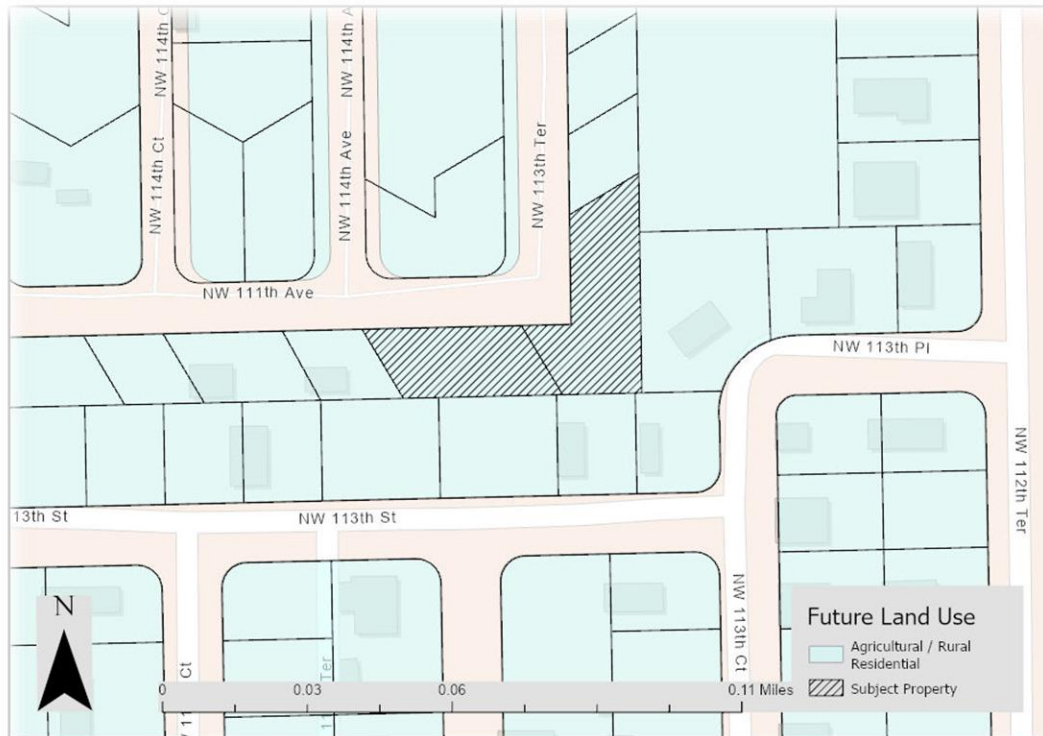
Figure 1: Zoning Map of Subject Property and Surrounding Area.



FLU of Subject Property

The subject property is designated Agricultural/Rural Residential on the Future Land Use Map.

Figure 2: Future Land Use Arial Map of Subject Property and Surrounding Area.



Surrounding Areas

The surrounding area consists of land uses similar to the applicant's proposed use, primarily residential home sites, including both existing single-family residences, manufactured homes and vacant lots intended for residential development.

Direction	Future Land Use Category	Zoning District	Current Use
Subject	Agricultural / Rural Residential	A / RR	Vacant, Mobile Home
North	Agricultural / Rural Residential	A / RR	Vacant, Mobile Home
South	Agricultural / Rural Residential	A / RR	Vacant, Mobile Home
West	Agricultural / Rural Residential	A / RR	Vacant, Mobile Home, Single Family Residential
East	Agricultural / Rural Residential	A / RR	Vacant, Mobile Home

Staff Analysis

The Subject Property lots are non-conforming legal lots of record within a platted subdivision known as Springs Village Unit 1 and zoned A/RR (Agricultural/Rural Residential), which generally requires the following minimum setbacks:

- Front: 50 feet
- Side: 10 feet
- Rear: 50 feet

However, Section 50-677 provides a setback relief provision for non-conforming legal lots of record that are located within platted subdivisions and are zoned either A/RR or F/RR. Under this provision, qualifying lots may utilize the reduced setbacks of the RR (Rural Residential) zoning district, which are:

- Front: 30 feet
- Side: 10 feet
- Rear: 30 feet

Land Development Review Criteria

Section 50-861 of the Levy County Land Development Code establishes the criteria by which the Board of Adjustment shall evaluate and authorize a variance request. The section provides the following guidance:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

Special conditions and circumstances exist that are unique to the subject property and are not generally applicable to other properties within the same zoning district. Specifically, the subject lot is a non-conforming legal lot of record that was platted prior to the adoption of current land development regulations, resulting in a lot size and configuration that do not meet present-day setback or dimensional standards. As such, strict application of the zoning requirements would deprive the property owner of reasonable use of the land for residential purposes.

2. That the special conditions and circumstances do not result from the actions of the applicant.

The special circumstances described above are created by the nature of the subject property and did not arise from the actions of the applicant.

3. That granting the variance requested will not confer on the applicant any special privilege that is denied to other properties in the same zoning district under the terms of the code and would work unnecessary and undue hardship on the applicant.

Granting the requested variance will not confer any special privilege upon the applicant that is denied to other properties within the same zoning district. The variance is being sought solely to allow reasonable residential use of a non-conforming legal lot of record, which is consistent with surrounding uses in the area. Similar variances may be granted to other property owners in comparable circumstances within the same zoning district. Strict enforcement of the current setback requirements would impose an unnecessary and undue hardship on the applicant due to the lot's substandard size and configuration, which are the result of historic platting and not actions of the applicant. Approval of the variance ensures equitable treatment and supports the intended residential character of the area.

4. That a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the code and would work unnecessary and undue hardship on the applicant.

A literal interpretation of the Code's provisions would deprive the applicant of the ability to make reasonable residential use of the property— a right commonly enjoyed by other property owners within the same zoning district. The subject lot is a non-conforming legal lot of record with dimensions that do not meet current setback standards due to its historic platting. Without the requested variance, the applicant would be unable to construct a residence that meets the practical needs of a typical single-family home. This would impose an unnecessary and undue hardship, as the inability to develop the lot for its intended residential use is not due to any action by the applicant, but rather the result of regulations imposed after the lot was legally created.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The variance requested represents the minimum relief necessary to allow for the reasonable use of the subject property. The applicant is seeking only a modest reduction in the front and rear setbacks to accommodate the placement of a single-family residence on a non-conforming legal lot of record. No additional variances or exceptions are being requested beyond what is needed to enable development consistent with the character of the surrounding area. The reduced setbacks will still provide adequate separation from adjacent properties and ensure compatibility with nearby residential uses, while allowing the property owner to make reasonable use of the land.

6. That the grant of the variance will be in harmony with the general intent and purpose of this article, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Granting the requested variance will be in harmony with the general intent and purpose of the Land Development Code, which is to promote the orderly use and development of land while ensuring the health, safety, and welfare of the public. The variance will allow for the construction of a single-family residence on a legally established lot, consistent with the surrounding residential character of the area. The reduced setbacks will not negatively impact neighboring properties or the broader community, as adequate separation will still be maintained. The proposed development will not create traffic, environmental, or safety concerns and will be compatible with adjacent uses, thereby ensuring the variance is not injurious to the area or detrimental to the public welfare.

7. That the grant of the variance will be consistent with the provisions of the comprehensive plan.

The granting of the requested variance is consistent with the provisions of the Levy County Comprehensive Plan, specifically the Future Land Use Element and the Private Property Rights Element.

The subject property is designated Agricultural/Rural Residential on the Future Land Use Map. According to the Comprehensive Plan, this designation is intended to support very low-density rural development, including agriculture, conservation, recreational uses, and residential development at a maximum density of one dwelling unit per ten acres, with exceptions for parcels of record



as of December 31, 1989. The subject property qualifies under this exception, as it is a legally established parcel of record created prior to that date. Therefore, the proposed residential use is consistent with the intended purpose of the Agricultural/Rural Residential designation.

Additionally, the requested variance supports Policy 1.2 of the Private Property Rights Element, which affirms a property owner’s right to use, maintain, develop, and improve their property for personal use or the use of others, subject to applicable laws. Approving the variance would allow the applicant to exercise these rights while remaining consistent with the rural character and intent of the Comprehensive Plan.

Thus, the variance request aligns with both the land use intent and the property rights protections established in the Comprehensive Plan.

Staff Findings

Petition VAR 25-01 has been evaluated pursuant to the criteria set forth in Section 50-851 of the Levy County Land Development Code. Based on this review, staff finds that the application is consistent with the applicable Variance requirements established in that section.

The Board of Adjustment may take the following courses of action:

- Grant approval
- Grant denial
- Grant approval Conditions