

LAKE COUNTY OFFICE OF PLANNING AND ZONING VARIANCE STAFF REPORT

Project Information	
Project Name and Case No.	Crispin Property, VAR-19-06-1
Applicant	James Branan
Owner	Stephan Crispin
Requested Action	Variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an accessory structure (detached garage with living area) to be located five (5) feet from the south side property line in lieu of twenty-five (25) feet.
Board of Adjustment Board Hearing Date	April 11, 2019
Staff Analysis/Determination	Staff recommends Approval with conditions of the variance as described in the Development order.
Case Manager	Ruth Mitchell, Associate Planner

Subject Property Information	
Size	4.96 +/- acres (wetlands are present on the northern portion of the subject property)
Location	North of Hammock Grove Road, Leesburg area
Alternate Key No.	3782535
Future Land Use	Rural Future Land Use Category
Current Zoning District	Agriculture (A)
Floodzone	A/X
Joint Planning Area/ ISBA	City of Leesburg ISBA
Overlay Districts	N/A

Land Use Table				
Direction	Future Land Use	Zoning	Existing Use	Comments
North	City of Leesburg	City of Leesburg	Vacant	Vacant
South	Rural	Agriculture (A)	Residential	Single-family dwelling unit
East	Rural	Agriculture (A)	Residential	Single-family dwelling unit
West	City of Leesburg	City of Leesburg	Vacant	Vacant

Summary of Request
<p>The subject property is developed with a single family residence and the Owner is seeking to construct a detached garage with living area on the property. The Applicant applied for a zoning permit to add the detached garage with living area to the parcel and staff was unable to issue the permit as the south side setback was not being met.</p> <p>The Applicant is requesting a variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an accessory structure (detached garage with living area) be located five (5) feet from the south side property line in lieu of twenty-five (25) feet.</p>

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.

“This is a rural area with no other structures within 200 years on opposite property line. Limited visibility from road due to natural tree & shrub growth.”

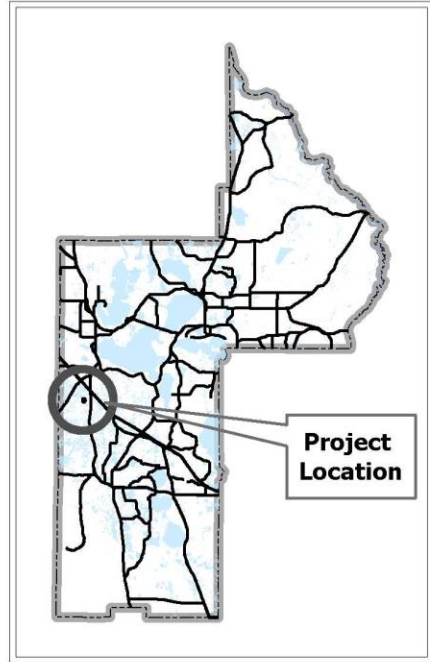
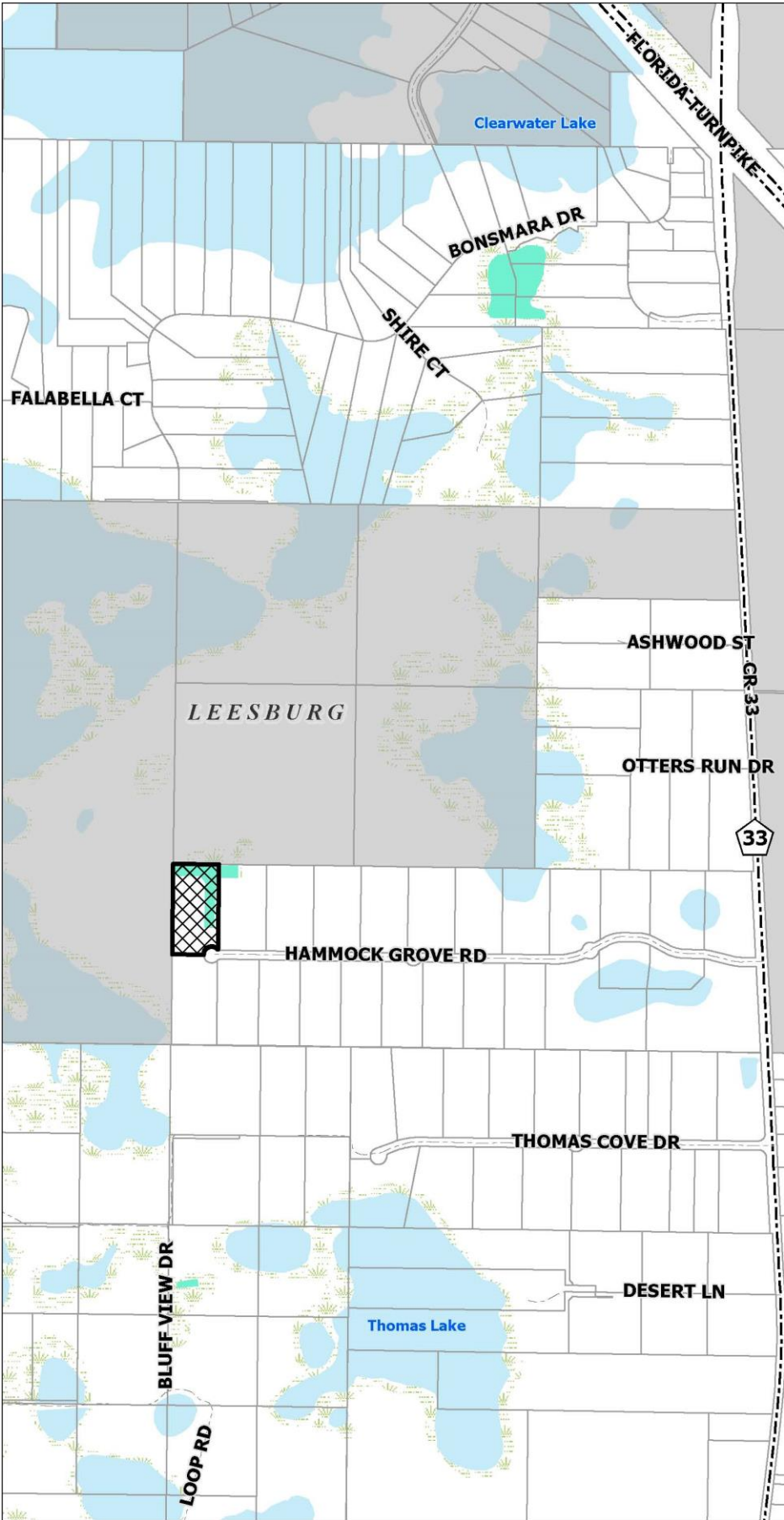
The intent of the code, LDR Section 3.02.05, is to ensure the adherence of safe distance between structures and right-of-ways. Pursuant to Land Development Regulations (LDR) Section 10.01.01(F)(1), accessory structures shall be located in side and rear yards, unless: the accessory building is the same architectural style and the exterior walls and roof are the same material and color as the principal dwelling unit. The proposed detached garage with living area will be the same architectural style as the home and it will meet the front setback as required per Land Development Regulations (LDR) Table 3.02.05.

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.

“2 Large 50 year old oak trees we do not want to disturb. Also, the new building needs to be accessible to the sewer system. Auto access to garage from roadway.”

The buildable area on the subject property is constrained by the flood zone and wetlands. Pursuant to LDR Section 14.20.01.5, when buildable area exists out of the flood-prone area, development shall take place in that area. In order to locate the proposed garage with living area outside of the flood zone the variance for a lesser side setback is required as the side setback cannot be met in the area that is outside of the flood zone. The northern 3.9 acres lies within Flood Zone A, as established on the FEMA Flood Zone maps. The engineered plans have already been paid for which would create a financial hardship on the Owner if the proposed garage with living area did not get approved.

Subject Property



**Final Development Order
VAR-19-06-1
Crispin Property**

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, James Branam (the “Applicant”) on behalf of Stephan Crispin, Trust (the “Owners”) made a variance request to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an accessory structure (detached garage with living area) to be located five (5) feet from the south side property line in lieu of twenty-five (25) feet; and,

WHEREAS, the subject property consists of 5 +/- acres and is located north of Hammock Grove Road and in the Leesburg area, in Section 33, Township 20, Range 24, having an Alternate Key Number 3782535 and is more particularly described below as:

2801 Hammock Grove Road, Groveland, Florida 34736
Hammock Grove Estates Sub Lot 12 PB 40 Pages 30-33, ORB 4194 PG 1695

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on April 11, 2019; 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

WHEREAS, on April 11, 2019, the Lake County Board of Adjustment approved the variance for the above property.

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that:

- Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-19-06-1 to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an accessory structure (detached garage with living area) to be located five (5) feet from the south side property line in lieu of twenty-five (25) feet with the following conditions:
1. An updated survey must be provided that is drawn to scale, showing all existing and proposed structures; it must show the jurisdictional wetland line and the 2012 flood zone, prior to approval of the zoning permit.
 2. The proposed accessory structure (detached garage with living area) shall maintain a five (5) feet setback from the south side property line.
- Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this 11th day of April, 2019.

EFFECTIVE April 11, 2019.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Lloyd Atkins, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 11th day of April, 2019, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

Signature of Acknowledger