



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: July 11, 2019

Case No. and Project Name: VAR-19-22-1, Purdy Property

Applicant/ Owner: Leslie Purdy

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.02.05, to allow after-the-fact pole barn to be located four (4) feet from the property line in lieu of twenty-five (25) feet from the property line.

Staff Determination: Staff recommends approval of the variance request with the conditions provided in the draft development order.

Case Manager: Sandy Michel, Planner

Subject Property Information

Size: 2.30 net acres (no wetlands or water bodies on subject property)

Location: South of Green Swamp Rd. in the Clermont area.

Alternate Key No.: 3387261

Future Land Use: Green Swamp Rural Conservation

Current Zoning District: Agricultural Residential (AR)

Flood Zone: X

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	N/A	N/A	Road	Green Swamp Rd.
South	Green Swamp Rural Conservation	Agricultural District (A)	Vacant	N/A
East	Green Swamp Rural Conservation	Agricultural Residential (AR)	Residential	Single-family dwelling units
West	Green Swamp Rural Conservation	Agricultural District (A)	Vacant	N/A

Summary of Request.

The subject property contains 2.30 net acres and is identified by Alternate Key Number 3387261. The property is generally located south of Green Swamp Rd. in the Clermont area. The property is zoned Agricultural Residential (AR) and is designated

as Green Swamp Rural Conservation in the Future Land Use. The property is developed with a single family dwelling unit, detached garage, and solar panels.

On January 22, 2019 the property owner was provided a Notice of Code Violation for building without a permit and the Office of Code Enforcement designated the violation as Code Case 2019010209. The Owner is required to obtain a zoning permit to facilitate the issuance of a building permit for the structure which would resolve the code violation. Land Development Regulation (LDR) Table 3.02.05, Setback Requirements, establishes a side setback of twenty-five (25) feet from the side property line for property. The Office of Planning & Zoning is unable to issue a zoning permit for the pole barn because the structure is located four (4) feet from the property line and does not meet its side setback requirement.

The Applicant has requested a variance to LDR Section 3.02.05 to establish a reduced setback to keep the after-the-fact pole barn at its current location.

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 property nearest to the structure is 8 acres and undeveloped. The owner has stated they don't intend to build. There are no runoff or other impacts to attached property."

The intent of the Code, LDR Table 3.02.05, is to ensure the adherence of safe distance between structures; ensure structures are developed at a safe distance from roads and right-of-ways to provide safe travel for motorists; and ensure that stormwater generated by development does not adversely affect the neighboring properties.

The structure is located 393 feet from the front property line, the barn follows its front setback. Public Works reviewed the request and indicated that a lot grading plan will be required when applying for the building permit with the Office of Building Services. To ensure the stormwater generated by the structure does not adversely affect the adjacent property, staff has added conditions to the ordinance which requires a 4:1 slope grading to direct stormwater from the neighboring property and requires the structure to have gutters if the roof is directing draining towards the property line. These conditions will ensure that there is no adverse impacts on the adjacent property caused by stormwater.

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.

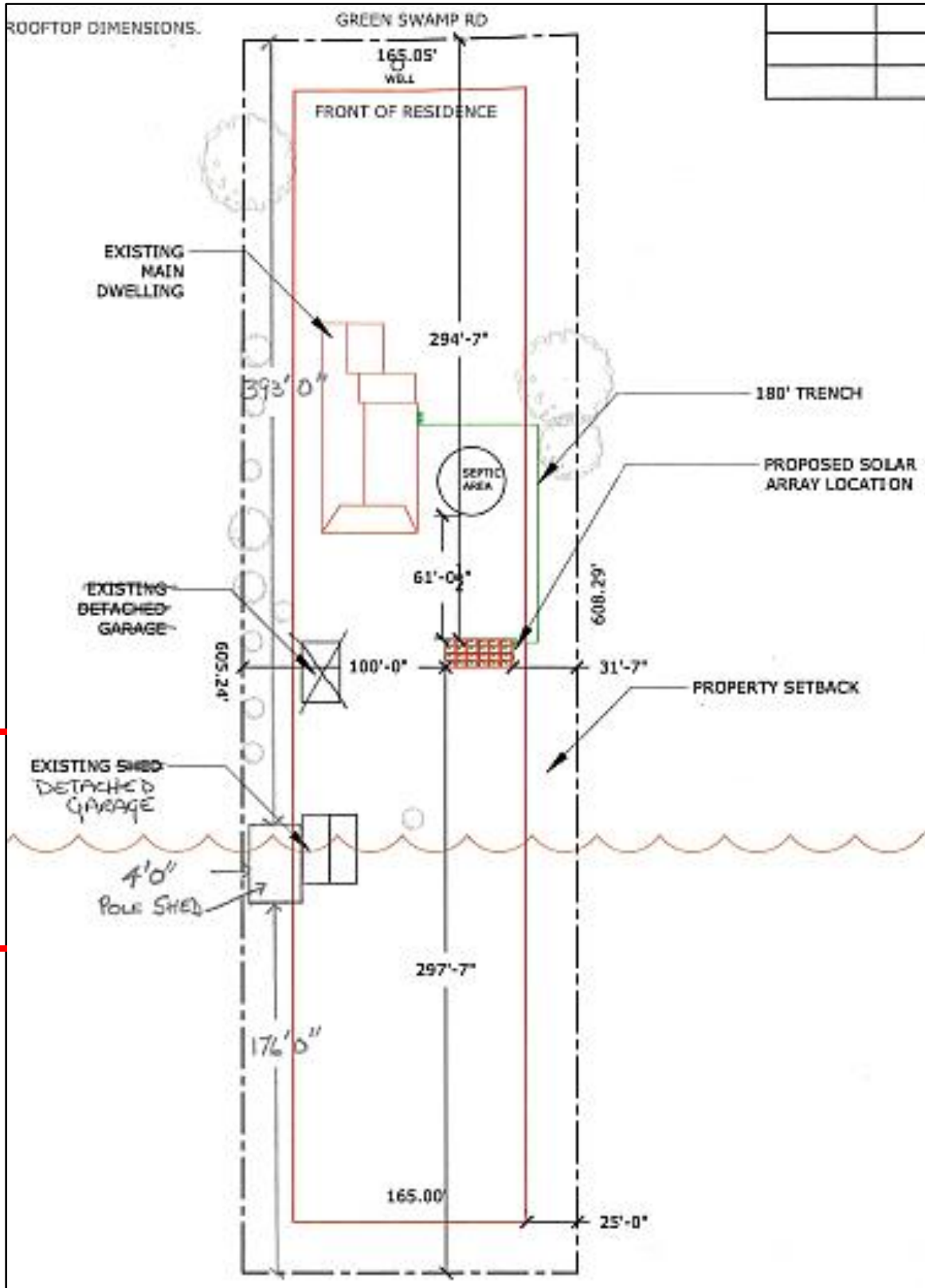
"The structure has already been built. It would be a significant financial burden to move the structure. Also, placement took consideration of the existing neighborhood site lines, esthetics as well as a security concern because the neighbor conducts a business with clients inside."

The Applicant has mention the economic hardships moving the barn if the variance was not approved. As well as the reason why the barn was placed there in the first place. Staff has found this to be sufficient to LDR Section 14.15.02.

Map of Subject Property



Attachment A – Survey Plan



Final Development Order
VAR-19-22-1
Purdy Property

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

WHEREAS, Leslie Purdy (the “Owner” and “Applicant”) made a variance request to Lake County Land Development Regulations (LDR) Table 3.02.05, *Setback Requirements*, to allow a pole-barn to be located four (4) feet from property line in lieu of twenty-five (25) feet from the property line; and

WHEREAS, the subject property consists of 2.30 +/- acres and is located at 6979 Green Swamp rd. in the Clermont area, in Section 24, Township 23, Range 25, having an Alternate Key Number 3387261 and is more particularly described as:

The West 165.0 feet of the West ½ of Tract 20, Section 34 Township 23 South, range 25 East of postal colony company, According to the Plat thereof as recorded in the Plat Book 8, Page 31, 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 variance would be presented to the Board of Adjustment of Lake County, Florida, on July 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 July 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-19-22-1 to Lake County Land Development Regulations (LDR) Table 3.02.05, *Setback Requirements*, to allow a pole barn to be located four (4) feet from the property line in lieu of twenty-five (25) feet from the property line with the following conditions:
1. A 4:1 slope grading will need to be achieved with the structure. The stormwater drainage must be directed away from neighboring property.
 2. The use of gutters will be required if the roof is directing drainage towards the 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 July, 2019.

EFFECTIVE July 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 July, 2019, by _____, who is personally known to me and who did _____ or did not _____ take an oath.

(SEAL)

Notary Public