



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearing Date: December 12, 2019

Case No. and Project Name: VAR-19-51-1, Howell Property

Applicant: Gregory Howell and Diana Howell (the "Applicants")

Owner: Gregory Howell and Diana Howell (the "Owners")

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 10.01.01.G, to allow an existing manufactured home to be converted into and used as a storage building.

Case Manager: Christine Rock, AICP, Senior Planner

Subject Property Information

Size: 4.56 +/- acres

Location: 20525 County Road 561, Clermont

Alternate Key No.: 1743885

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ISBA: Minneola ISBA

Overlay Districts: Yalaha-Lake Apopka Rural Protection Area (RPA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residential	Single-Family Residence
South	N/A	N/A	Road	Howey Cross Road
East	N/A	N/A	Road	County Road 561
West	Rural	Agriculture (A)	Residential	Single-Family Residence

Summary of Request.

The subject property, identified as Alternate Key Number 1743885, contains 4.56 +/- acres, and is generally located at the intersection of Howey Cross Road and County Road 561 in the Clermont area. The parcel is zoned Agriculture (A), and is designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan.

The Applicant is requesting a variance to Lake County Land Development Regulations (LDR) Section 10.01.01.G, which states that vehicles, manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings, or other such uses. The Applicants intend to convert the existing manufactured home, depicted in Attachment "A" as "Existing Manufactured Home," into a storage building and construct a new site-built single-family dwelling unit. A zoning permit has been issued for the proposed site-built single-family dwelling unit.

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 Code, LDR Table 10.00.00, is to regulate the installation, configuration, and use of Accessory and temporary Structures and uses in order to preserve the community and property values and to protect the community character.

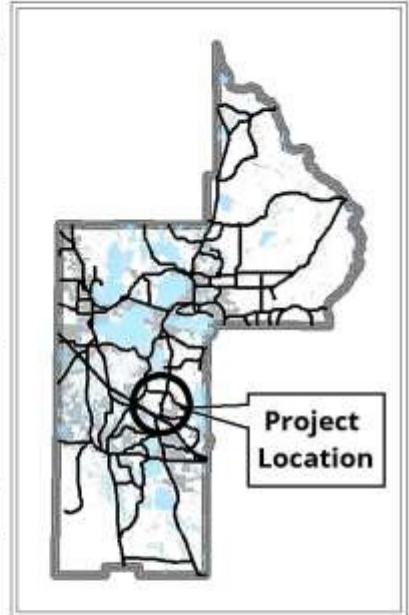
The Applicant submitted the following statement as proof that the purpose and intent of the Land Development Regulations will be or has been achieved by other means, *"Once constructed, there will only be one livable home on [the] property. Existing 1982 manufactured home will be converted to storage. Kitchen will be removed, and 220 electrical will be capped for the stove as required by Lake County."*

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.

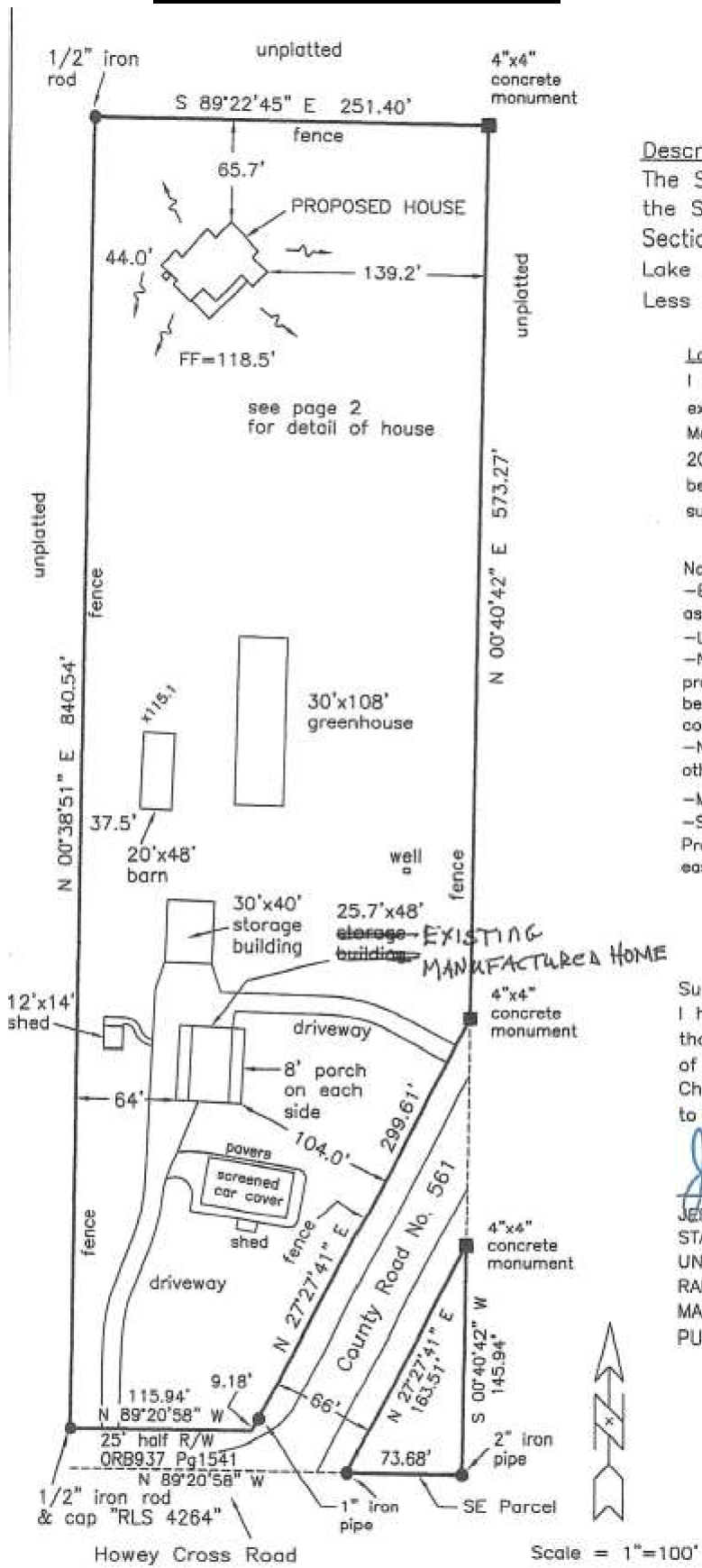
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant's hardship statement is included as Attachment "B".

SUBJECT PROPERTY



Attachment "A" - Plot Plan



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Attachment "B" – Applicant's Hardship Statement

Howell

WHAT IS THE SUBSTANTIAL HARDSHIP IN MEETING THE SPECIFIC CODE REQUIREMENTS?

- 1 Existing Mortgage is contingent on this building staying in place.
- 2 Building has value to mortgage company, and property owners. Lake County value is listed at \$46,401.
- 3 If building stays in place, as is, additional impact fees would be a great financial burden to property owners. The consequences of this burden would not allow property owner to continue with construction of proposed new home, on property.

And that would mean substantial loss of money already paid toward new home construction, ie, Survey, Professional Drafting Service, Professional Engineering Fee, Appraisal Fee, Closing Cost, and deposit paid to Mortgage Company totaling \$50,928.50.

This would also result in breach of contract to existing mortgage holder and construction company.

- 4 Without this variance, property owners would have to rent storage space to store required 7+ years of tax files, business files, and nursery supplies.

Final Development Order
VAR-19-51-1
Howell Property

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

WHEREAS, Gregory Howell and Diana Howell (the "Applicants" and "Owners"), submitted a variance request to Lake County Land Development Regulations (LDR) Section 10.01.01.G, to allow an existing manufactured home to be converted into and used as a storage building; and,

WHEREAS, the subject property consists of 4.56 +/- acres and is located at 20525 County Road 561, in the Clermont area of unincorporated Lake County, in Section 19, Township 21 South, Range 26 East, having an Alternate Key Number 1743885, and is more particularly described below as:

The East 251.63 feet of the South 865.56 feet of the Southeast 1/4 of the Northwest 1/4 of Section 19, Township 21 South, Range 26 East, Lake County, Florida. Less road rights of way.

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 December 12, 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 December 12, 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-19-51-1 to Lake County Land Development Regulations Section 10.01.01.G, to allow an existing manufactured home to be converted into and used as a storage building, with the following conditions:

1. Development permits from the Office of Planning and Zoning and the Office of Building Services must be obtained for the conversion of the manufactured home into a storage building; and
2. To convert the manufactured home into a storage building all kitchen components must be removed, to include capping and complete removal of the 220-volt outlet(s); and
3. Once the manufactured home is converted into a storage building, it may not be used as a dwelling unit or an accessory dwelling unit in the future.

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 12th day of December, 2019.

EFFECTIVE December 12, 2019.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Lloyd Atkins, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 12th day of December, 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