



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6
 Public Hearing Date: December 12, 2019
 Case No. and Project Name: VAR-19-53-1, Rivera/Santiago Property
 Owners/Applicants: Victor Rivera and Luz D. Santiago
 Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 10.01.03.B.5, to allow an accessory dwelling unit on the subject parcel with a different architectural style than the principal dwelling unit.
 Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 5 +/- acres
 Location: West of South Buckhill Road, north of Howey Cross Road in the Clermont area.
 Alternate Key No.: 1404649
 Future Land Use: Rural
 Current Zoning District: Agriculture (A)
 Flood Zone: "X"
 Joint Planning Area/ ISBA: City of Minneola ISBA
 Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residential	Single-Family Dwelling Units on Large Agriculture Tracts of Land
South	Rural	Agriculture (A)	Residential	Single-Family Dwelling Units on Large Agriculture Tracts of Land
East	N/A	N/A	Street	South Buckhill Road, Single-Family Dwelling Units on Large Agriculture Tracts of Land
West	Rural	Agriculture (A)	Residential	Single-Family Dwelling Units on Large Agriculture Tracts of Land

Summary of Request.

The subject 5 +/- acre parcel is identified by Alternate Key Number 1404649. The parcel is zoned Agriculture (A) and is designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject parcel is currently developed with a single-family dwelling unit (mobile home), shed, gazebo, and detached garage. The Owner seeks to convert an existing accessory structure (detached garage) into an accessory dwelling unit. The detached garage was originally permitted as an agriculture building through a non-residential waiver by the previous owner. Lake County Land Development Regulations (LDR) Section 10.01.03.B.5, requires that an accessory dwelling unit be located and designed not to interfere with the appearance of the principal dwelling as one-family dwelling unit and be the same architectural style as the principal dwelling unit. Therefore, the application seeks a variance to Lake County Land Development Regulations (LDR) Section 10.01.03.B.5, to allow an accessory dwelling unit on the subject parcel with a different architectural style than the principal 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 structure of the building to be restored already has the appearance of a residence, it is built in concrete. The changes to be made are mainly inside and maybe couple of cosmetic improvements outside; such cosmetic improvements will not alter the use of the building as a permanent residence for the couple. The current building has both the location and required measurements of the planning division.”

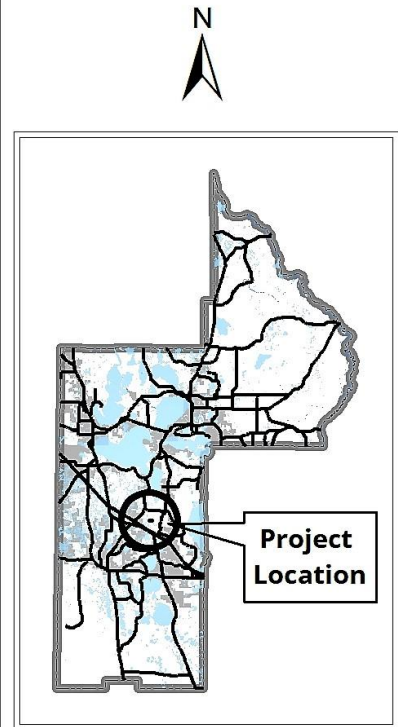
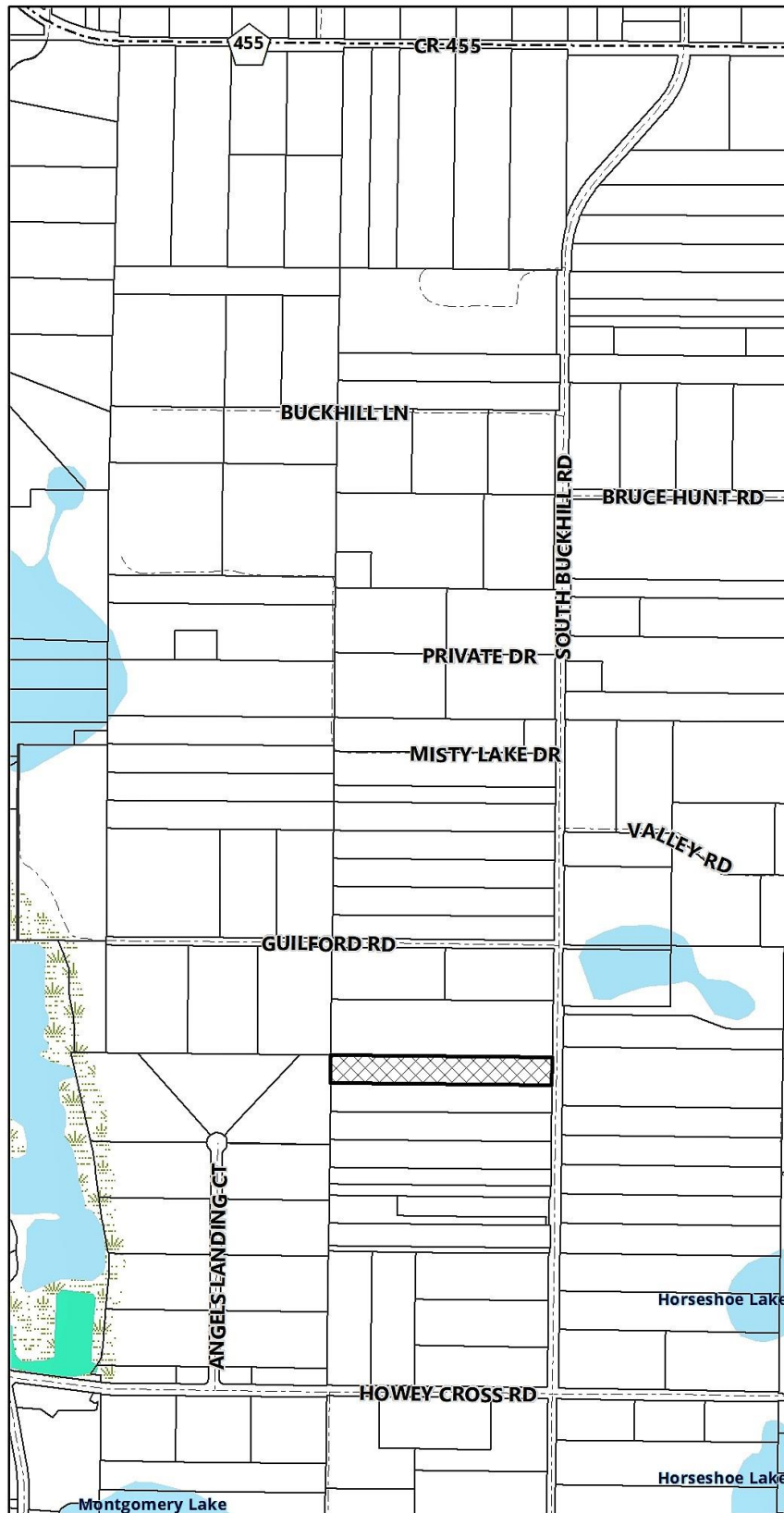
The intent of the Code, LDR Section 10.00.00, is to regulate the installation, configuration, and use of accessory and temporary structures and uses in order to preserve the community and property values, and to protect the community character.

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 prospective residents of the building to be restores into a habitable residence are seniors who currently are paying high rent in a subdivision. Both of them are disable; one of them a veteran. One of the advantages of this is that the son of the couple will be living next door and could provide necessary support as needed. The building to be restored would take less of a financial burden as the main structure can remain as is.”

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.

Map of Subject Property



**Final Development Order
VAR-19-53-1
Rivera/Santiago Property**

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

WHEREAS, Victor Rivera and Luz D. Santiago (the “Owners” and “Applicants”), made a variance request to Lake County Land Development Regulations (LDR) Section 10.01.03.B.5, to allow an accessory dwelling unit on the subject parcel with a different architectural style than the principal dwelling unit; and

WHEREAS, the subject property consists of 5 +/- acres and is located at 20835 South Buckhill road, in the unincorporated Clermont area of Lake County, Florida, in Section 24, Township 21 South, Range 25 East, having Alternate Key Number 1404649, and is more particularly described as:

The North 1/4 of the South 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 24, Township 21 South, Range 25 East, Lake County, Florida.

WHEREAS, after giving notice of the hearing on the 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-19-53-1 to allow an accessory dwelling unit on the subject parcel with a different architectural style than the principal dwelling unit.

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.

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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)

Notary Public