



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: January 9, 2019

Case No. and Project Name: VAR-19-60-1, Betancourt Property

Applicant: Maria S. Betancourt (the "Applicant")

Owner: Maria S. Castro and Erick E. Betancourt (the "Owners")

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 10.01.03.B.5, to allow for an accessory dwelling unit (ADU) that is not of the same architectural style as the principal dwelling.

Case Manager: Christine Rock, AICP, Senior Planner

Subject Property Information

Size: 5.11 +/- acres

Location: 5512 State Road 33, Clermont, Florida

Alternate Key No.: 1813735

Future Land Use: Green Swamp Core Conservation

Current Zoning District: Agriculture (A)

Flood Zone: "AE" and "X"

Joint Planning Area/ISBA: N/A

Overlay Districts: Green Swamp Area of Critical State Concern

Adjacent Property Land Use Table

| Direction | Future Land Use | Zoning | Existing Use | Comments |
|-----------|-------------------------------|-------------------------------|------------------------------|-------------------------|
| North | Green Swamp Core Conservation | Agriculture (A) | Residential and agricultural | Single-Family Residence |
| South | Green Swamp Core Conservation | Agriculture (A) | Residential and agricultural | Single-Family Residence |
| East | Green Swamp Core Conservation | Agricultural Residential (AR) | Residential and agricultural | Single-Family Residence |
| West | N/A | N/A | Road | State Road 33 |

Summary of Request.

The subject 5.11 +/- acre property, identified as Alternate Key Number 1813735, is located adjacent to State Road 33 in the Clermont area, and is zoned Agriculture (A) with a Green Swamp Core Conservation future land use designation. The property is developed with a site-built single-family dwelling unit, contains wetlands, and lies within the "AE" flood zone.

The Owners intend to obtain zoning approval for a mobile or manufactured home which will be utilized as an accessory dwelling unit. Pursuant to LDR Section 10.01.03.B.5, a primary dwelling unit and an accessory dwelling unit must have the same architectural style. As the site-built primary dwelling unit and the proposed accessory dwelling unit will have different architectural design standards, a variance to Land Development Regulations (LDR) Section 10.01.03.B.5 is required prior to approval of a zoning permit for the proposed accessory 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.

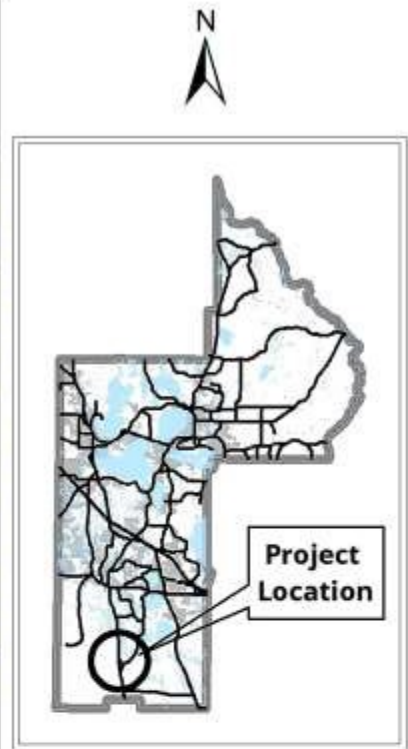
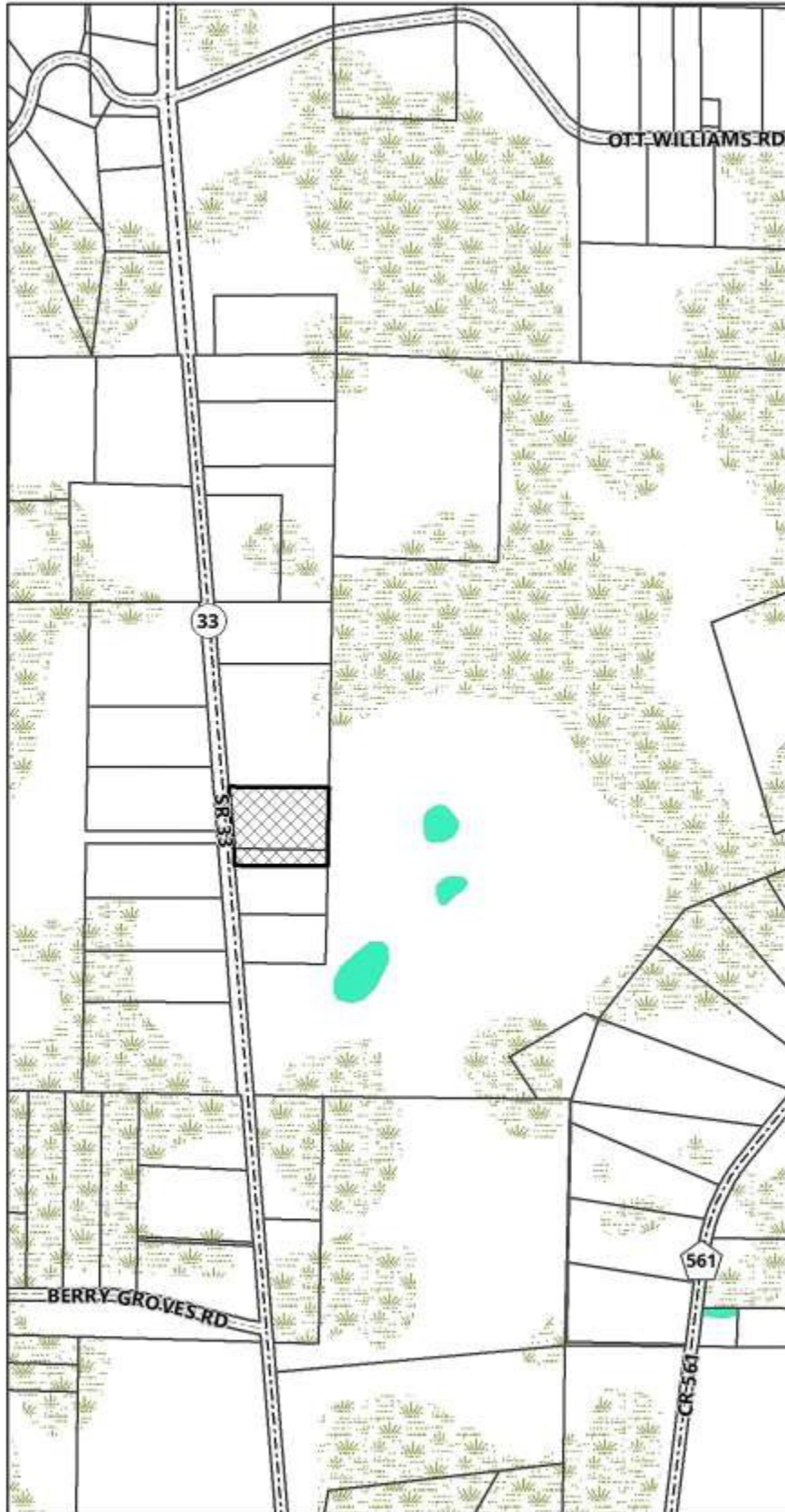
The intent of the Code, LDR Section 10.01.03, *Accessory Structures that are Dwellings*, is to provide for less expensive housing units to accommodate growth, provide housing for relatives, and to provide for security. Additional regulations are set in place for an Accessory Dwelling Unit (ADU) to ensure that the ADU meets the characteristics of the surrounding neighborhood and does not negatively impact overall regional density.

The Applicant submitted the following statement as proof that the purpose of the Land Development Regulations will be or has been achieved by other means, *"Apply for this variance because we are not meeting 2 of the 3 requirements for an accessory unit. Will meet all setbacks and the 1200 sq ft max for accessory unit."*

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 Applicant submitted the following hardship statement, *"We need immediate housing for our daughter with 3 small children ages 2, 5, 9 – going thru [sic] divorce and has no place to live."*

MAP OF SUBJECT PROPERTY



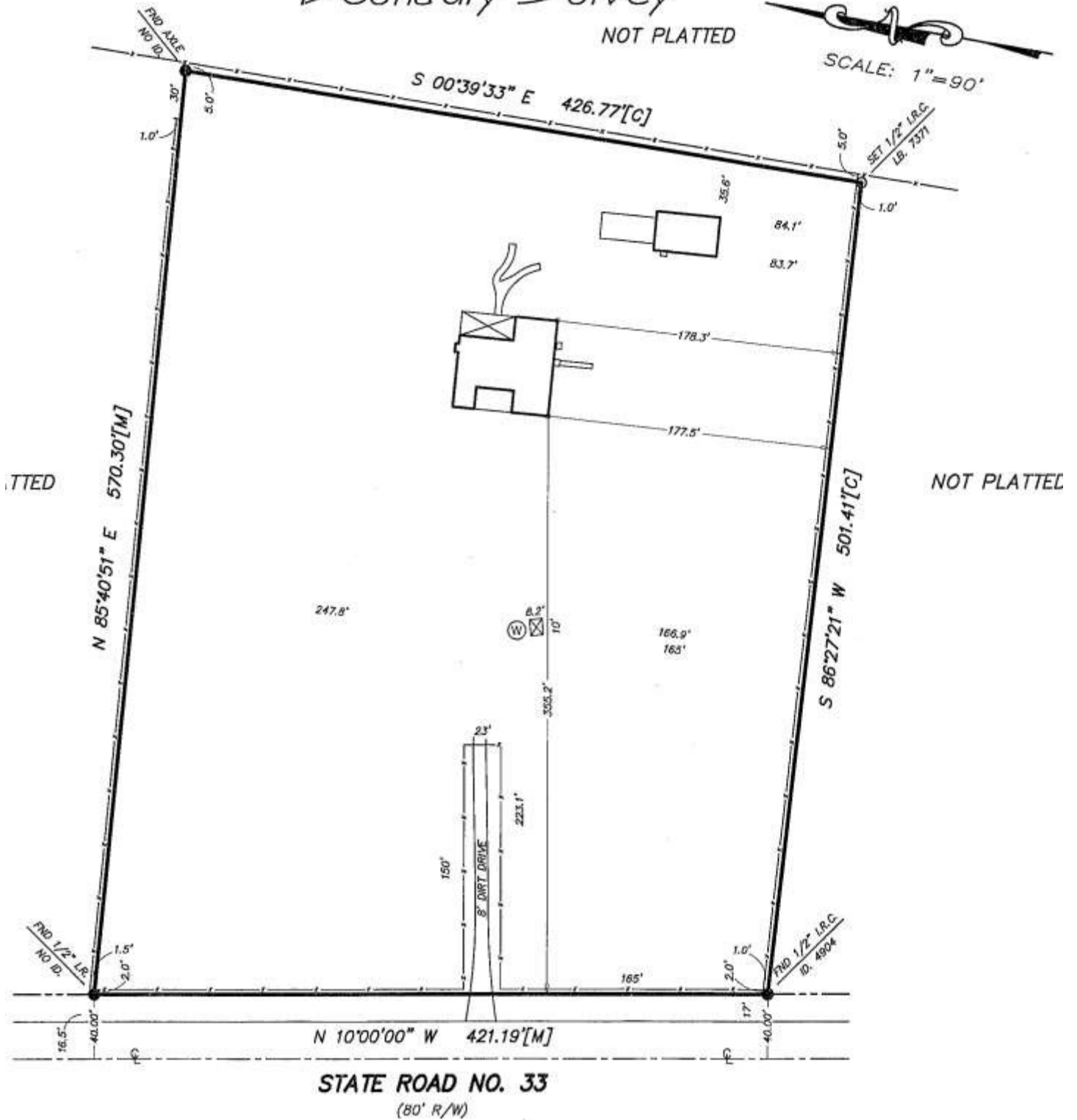
ATTACHMENT "A" - SURVEY

Boundary Survey

NOT PLATTED



SCALE: 1"=90'



**Final Development Order
VAR-19-60-1
Betancourt Property**

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

WHEREAS, Maria S. Betancourt (f/k/a Maria S. Castro) (the "Applicant"), on behalf of Maria S. Castro and Erick E. Betancourt (the "Owners"), made a variance request to Lake County Land Development Regulations (LDR) Section 10.01.03.B.5 to allow for an accessory dwelling unit (ADU) that is not of the same architectural style as the principal dwelling; and,

WHEREAS, the subject property consists of 5.11 +/- acres and is located on State Road 33, in the Clermont area of unincorporated Lake County, in Section 05, Township 24, Range 25, having an Alternate Key Number 1813735 and is more particularly described below as:

The South 330 feet of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4, lying East of State Road No. 33 and part of the North 90 feet of the Northeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 5, Township 24 South, Range 25 East, lying East of State Road No. 33, 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 January 9, 2020; 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 January 9, 2020, 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-19-60-1 to Lake County Land Development Regulations (LDR) Section 10.01.03.B.5 to allow for an accessory dwelling unit (ADU) that is not of the same architectural style as the principal dwelling.

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 9th day of January 2020.

EFFECTIVE January 9, 2020.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Lloyd Atkins, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 9th day of January, 2020, 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