



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: January 9, 2020

Case No. and Project Name: VAR-19-59-1, Robbins Property

Applicant: Laura Jane Robbins-Ryan, as Trustee of the Laura Jane Robbins-Ryan Revocable Trust

Owner: John Martorana

Requested Action: Variance request to Land Development Regulation (LDR) Section 10.01.03.B.4, to allow for an accessory dwelling unit to exceed 1,200 square feet of the air conditioned, enclosed living area of the principal dwelling and LDR Section 10.01.03.B.5, to allow an accessory dwelling unit on the subject parcel with different architectural style than the principal dwelling unit.

Case Manager: Janie Barrón, Senior Planner

### Subject Property Information

Size: 22.22 +/- acres (8.78 +/- net acres)

Location: South of Justamere Lane in the Groveland area.

Alternate Key No.: 1300371

Future Land Use: Green Swamp Rural

Current Zoning District: Agriculture (A)

Flood Zone: "AE" and "X"

Joint Planning Area/ ISBA: None

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 Rural	Agriculture (A)	Residential	Justamere Lane, Single-Family Dwelling Units
South	Green Swamp Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit on Large Tract of Land
East	Green Swamp Rural	Agriculture (A)	Street	Single-Family Dwelling Unit on Large Tract of Land
West	Green Swamp Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit on Large Tract of Land

## Summary of Request.

The subject 22.2 +/- acre parcel is identified by Alternate Key Number 1300371. The parcel is zoned Agriculture (A) and is designated as Green Swamp Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject parcel is currently developed with a single-family dwelling unit (stucco), pool, barn, dog pen and frame/concrete building. The Owner seeks to add an accessory dwelling unit (mobile home) on the subject parcel that contains 1,378 square feet. Lake County Land Development Regulations (LDR) Section 10.01.03.B.4, requires an accessory dwelling unit not exceed one-thousand two-hundred (1,200) square feet or forty (40) percent of the air conditioned, enclosed living area of the principal dwelling, whichever is greater. In addition, 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 needs to 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.4 to allow for an accessory dwelling unit to exceed 1,200 square feet of the air conditioned, enclosed living area of the principal dwelling and LDR Section 10.01.03.B.5 to allow an accessory dwelling unit on the subject parcel with different architectural style as than the principal dwelling unit.

The variance application was sent to the Florida Department of Economic Opportunity (DEO) for a determination of consistency with Green Swamp Area of Critical State Concern regulations. DEO did not provide any comments. DEO withholds the ability to appeal any process, pursuant to Chapter 380, Florida Statutes 380.05.

## 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.

*"A family lot split or minor lot split is not possible due to the property being located within the future land use of Green Swamp and the amount of wetlands. The property is the last parcel on the street and is bordered by a large lake, therefore there would be no obstructions. The property allows for the structure to meet all setback requirements."*

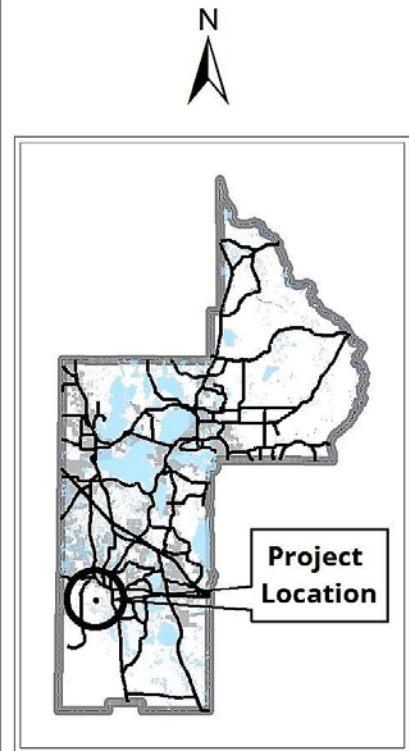
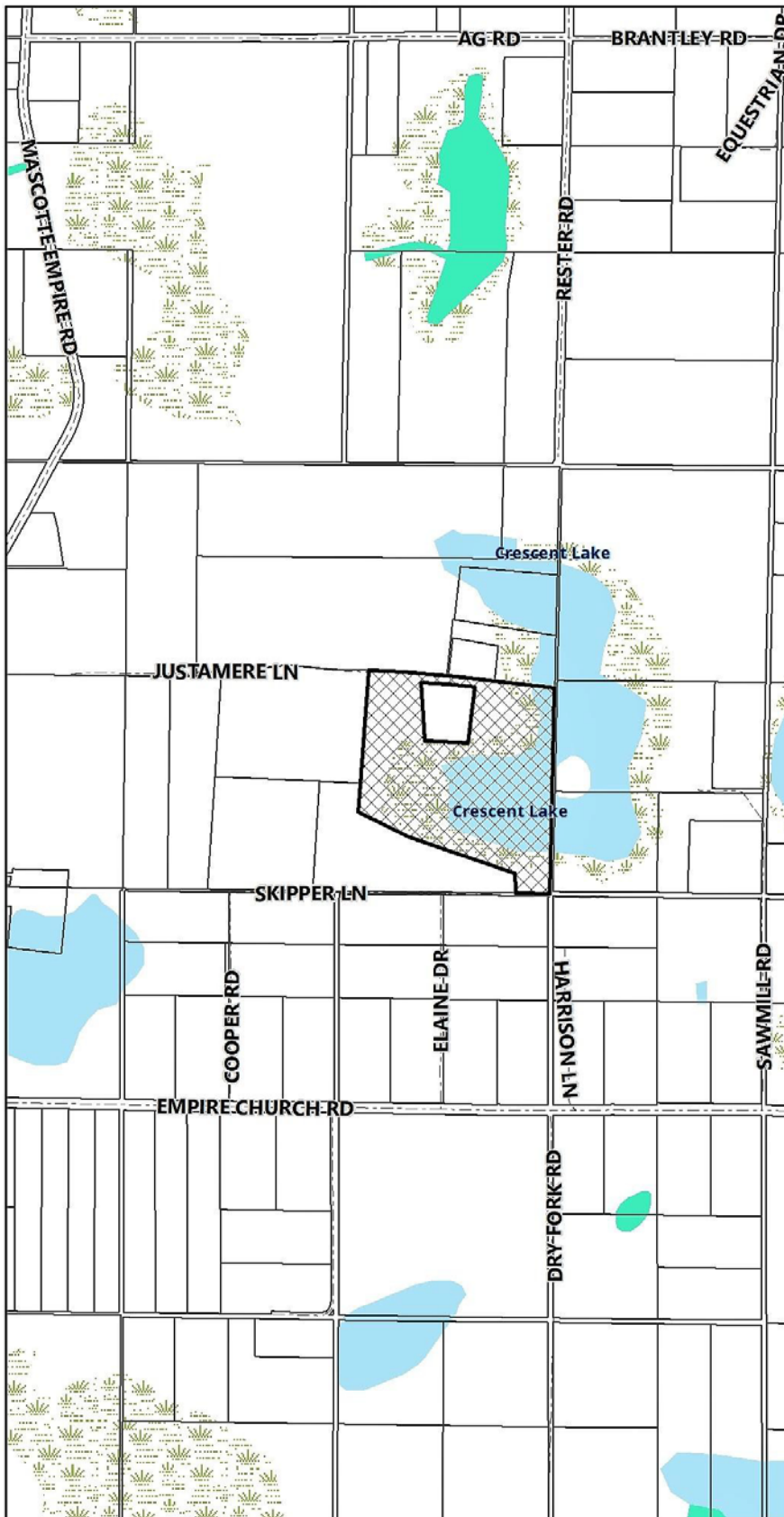
The intent of the Code, LDR Section 10.00.00, is to regulate the installation, configuration, and use of accessory and temporary structures and uses in order to preserve the community and property values, and to protect the community character. The proposed accessory dwelling unit will be occupied by the Owner's family member. In addition, pursuant to Comprehensive Plan Policy I-1.2.10, the Creation of Parcels for Family Members shall not apply to properties located within the Green Swamp Area of Critical State Concern (GSACSC), so a family density exception is not an option for the subject parcel.

### 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.

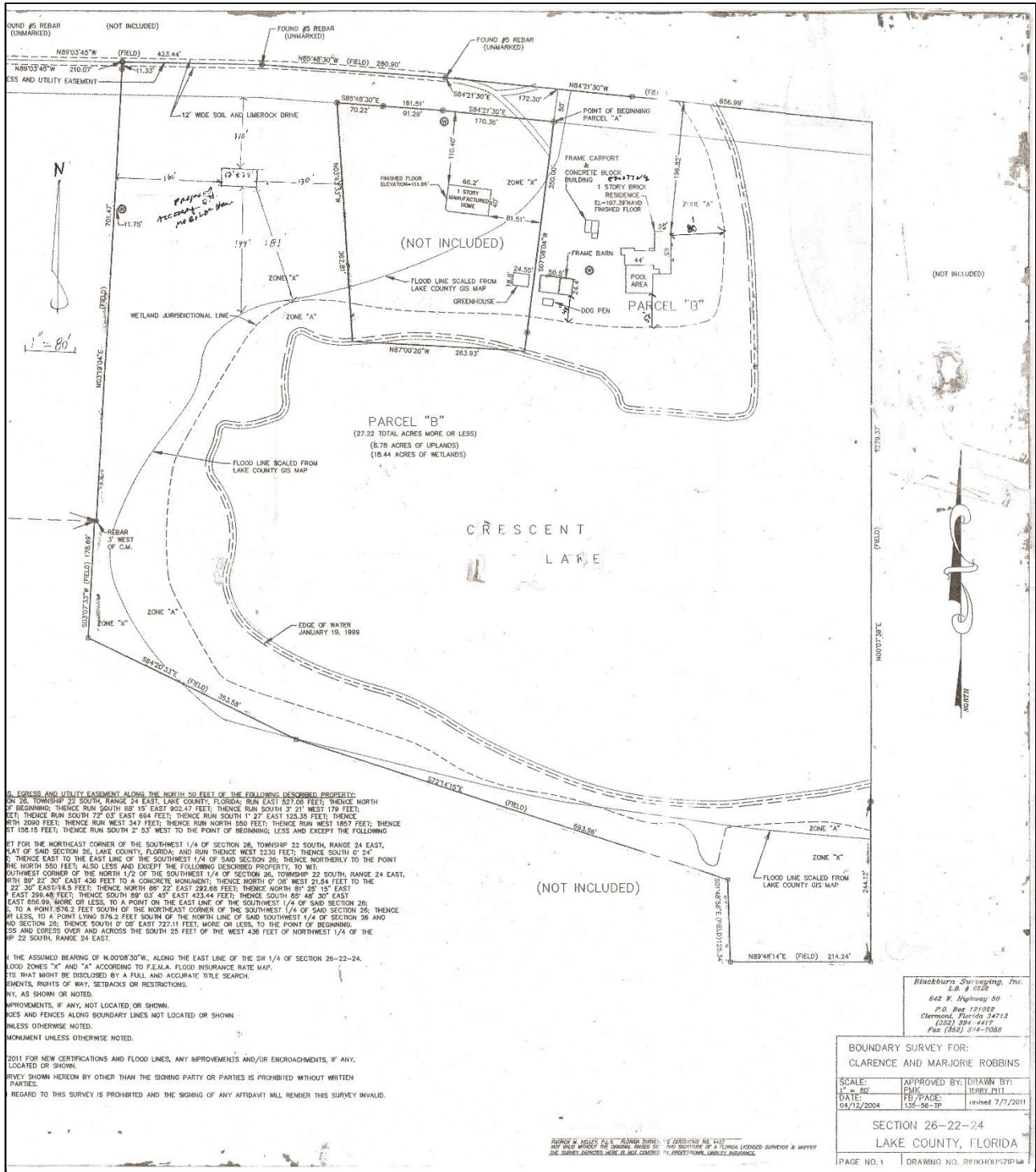
*"Please refer to Attachment B, Hardship and Intent of the Code Statement."*

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



# Attachment A, Concept Plan.



# Attachment B, Hardship and Intent of the Code Statement.

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What is the substantial hardship in meeting the specific code requirement?

In 2012, my husband, our son, Griffin, and I moved from Clermont to our property on Justamere Lane in Groveland. Before moving to Clermont in 1995, TJ( my husband) had lived in Alaska while serving in the Air Force. I had grown up in the suburbs of New Jersey and moved to Clermont in 1996 to teach for Lake County School System. We met in Clermont and married in 2000. When we were finally blessed with our son in 2008, we began discussing the idea of moving out into "the country". After having a home in Alaska on hundreds of acres, TJ wanted to share his love and appreciation for the land and of nature with our son.

Five years later, we found our dream home on Justamere Lane. We fell in love with the property as soon as we saw it. With over 20 acres of land, it also included a lake loaded with fish and nests of sandhill cranes! The back yard looks like a state park with its beautiful cypress trees, and the magnificent live oaks and magnolia trees line and shade the driveway as you enter the property. Visitors always say they feel like they've entered a different world as the bumpy country road ends at our place, at the end of Justamere Lane. I know exactly what they mean. I call this place my sanctuary, a safe haven from the world.

As if the outside property wasn't enough to convince us, the house added its own rustic charm. A stone fireplace to warm up by on those rare chilly evenings and the main living area with its glass sliding doors and large windows allows nature to surround you . We've spent many afternoons and evenings looking through them safely inside, and listening to the sights and sounds of a Florida thunderstorm. There's nothing in the world like it, as you know!

Unexpectedly and without warning, TJ passed away at our home on Saturday morning, January 14<sup>th</sup> 2017, after suffering a fatal heart attack. I decided to resign from my full- time teaching position after nearly twenty years of teaching here in Lake County in order to spend more time with my son, who was eight years old at the time.

These past few years have been a learning experience for me, and I will never agree with the saying "You can't teach an old dog new tricks!" This old dog

# Attachment B, Hardship and Intent of the Code Statement.

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has learned to use a power screwdriver and to maneuver around the cypress knees on a zero turn Gravelly!

I will be forever indebted to my parents; it is mainly due to them that Griffin and I have the financial means to continue to live in our home thus far. (After retiring, they moved to Clermont, where my father passed away in 2013 and my mother in 2017, eight months after my husband's death.)

I am also lucky to have the unwavering support of my neighbors and local friends, however, the property has become increasingly difficult for me to manage alone, along with the responsibilities of being a single parent, and attempting a new career as a certified grief coach/counselor. Several times I have considered leaving our home simply to make life a bit easier, however, I cannot truly imagine leaving it. It is our home, our stability, our security, our sanctuary, and it is too much a part of "us" to leave. It is for this very reason I am respectfully requesting your approval of this variance. With the help and support of Kayla, and her husband, Donnie, and their three children, I believe Griffin and I will be able to stay here, keeping it maintained and well-kept and in turn, they will be given the opportunity to love and appreciate the beauty of this property and help us preserve the very things that attracted us to it the moment we first saw it. Thank you for taking the time and consideration in this matter.

**Final Development Order  
VAR-19-59-1  
Robbins Property**

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

**WHEREAS**, John Martorana (the "Applicant") requested a variance, on behalf of Laura Jane Robbins-Ryan, a Trustee of the Laura Jane Robbins-Ryan Revocable Trust (the "Owner"), to Lake County Land Development Regulation (LDR) Section 10.01.03.B.4 to allow for an accessory dwelling unit to exceed 1,200 square feet of the air conditioned, enclosed living area of the principal dwelling and LDR Section 10.01.03.B.5 to allow an accessory dwelling unit on the subject parcel with different architectural style as than the principal dwelling unit; and

**WHEREAS**, the subject property consists of 22.22 +/- acres and is located at 4348 Justamere Lane, in the unincorporated Groveland area of Lake County, Florida, in Section 26, Township 22 South, Range 24 East, having Alternate Key Number 1300371 and more particularly described in below:

**EXHIBIT "A" – LEGAL DESCRIPTION**

**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 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-19-59-1 to allow for an accessory dwelling unit to exceed 1,200 square feet of the air conditioned, enclosed living area of the principal dwelling and to allow an accessory dwelling unit on the subject parcel with different architectural style as 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.

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

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Lloyd Atkins, Chairman  
James Argento, Vice-Chairman

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 9th day of July, 2019, by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_, as identification and who did \_\_\_\_\_ or did not \_\_\_\_\_ take an oath.

(SEAL)

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Notary Public



## EXHIBIT "A" – LEGAL DESCRIPTION

From the Southwest corner of Section 26, Township 22 South, Range 24 East, Lake County, Florida; run East 527.06 feet; thence North 2° 53' East 700.33 feet for a Point of Beginning; thence run South 88° 15' East 902.47 feet; thence run South 3° 21' West 179 feet; thence run South 64° 13' East 354 feet; thence run South 72° 03' East 694 feet; thence run South 1° 27' East 125.35 feet; thence run East 214.65 feet; thence run North 2090 feet; thence run West 347 feet; thence run North 550 feet; thence run West 1857 feet; thence run South 1320 feet; thence run East 158.15 feet; thence run South 2° 53' West to the Point of Beginning; LESS AND EXCEPT the following described Property, to wit:

Beginning at a Concrete Monument set for the Northeast corner of the Southwest 1/4 of Section 26, Township 22 South, Range 24 East, according to the Groveland Farms Plat of said Section 26, Lake County, Florida; and run thence West 2230 feet; thence South 0° 24' West along the fence line 576.2 feet; thence East to the East line of the Southwest 1/4 of said Section 26; thence

Northerly to the Point of Beginning; and East 347 feet of the North 550 feet; Also LESS AND EXCEPT the following described Property to wit:

From a Concrete Monument at the Southwest corner of the North 1/2 of the Southwest 1/4 of Section 26, Township 22 South, Range 24 East, Lake County, Florida; run thence North 89° 22' 30" East 436 feet to a Concrete Monument; thence North 0° 08' West 21.54 feet to the Point of Beginning; thence North 89° 22' 30" East 14.5 feet; thence North 86° 22' East 292.68 feet; thence North 81° 25' 15" East 261.83 feet; thence South 84° 56' 30" East 299.48 feet; thence South 89° 03' 45" East 423.44 feet; thence South 85° 48' 30" East 280.9 feet; thence South 84° 21' 30" East 656.99, more or less, to a point on the East line of the Southwest 1/4 of said Section 26; thence North 830 feet, more or less, to a point 576.2 feet South of the Northeast corner of the Southwest 1/4 of said Section 26; thence South 88° 54' West 2223 feet, more or less, to a point lying 576.2 feet South of the North Line of said Southwest 1/4 of Section 26 and 436 feet East of the West line of said Section 26; thence South 0° 08' East 727.11 feet, more or less, to the Point of Beginning.

Together with an Easement for Ingress and Egress over and across the South 25 feet of West 436 feet of Northwest 1/4 of the Southwest 1/4 of Section 26, Township 22 South, Range 24 East; Also LESS AND EXCEPT the following:

Commence at the Southwest corner of Section 26, Township 22 South, Range 24 East, Lake County, Florida; thence North 00° 08' 30" West 1321.68 feet; thence North 89° 22' 00" East 436.00 feet, North 00° 08' 30" West 21.54 feet; thence North 89° 22' 00" East 14.50 feet; thence North 86° 21' 30" East 292.68 feet; thence North 81° 25' 15" East 261.83 feet; thence South 84° 56' 30" East 299.48 feet; thence South 89° 03' 45" East 423.44, feet; thence South 85° 48' 30" East 280.90 feet; thence South 84° 21' 30" East 172.30 feet; thence South 07° 08' 04" West 50.00 feet to the Point of Beginning; thence continue South 07° 08' 04" West 350.00 feet; thence North 87° 00' 20" West 263.93 feet; thence North 03° 43' 33" West 362.81 feet; thence South 85° 48' 30" East 161.51 feet; thence South 84° 21' 30" East 170.36 feet to Point of Beginning; Also LESS the following:

## EXHIBIT "A" – LEGAL DESCRIPTION CONTINUED

From the Southwest corner of Section 26, Township 22 South, Range 24 East, Lake County, Florida; run East 527.06 feet; thence North 2° 53' 00" East 700.53 feet for a Point of Beginning; thence run South 88° 15' 00" East 906.07 feet; thence North 03° 19' 04" East 701.47 feet; thence North 89° 03' 45" West 210.07 feet; thence North 84° 56' 30" West 299.48 feet; thence South 81° 25' 15" West 261.83 feet; thence South 86° 21' 30" West 292.68 feet; thence South 00° 08' 30" East 21.54 feet; thence North 89° 51' 19" East 158.15 feet; thence South 02° 48' 21" West 626.65 feet to the Point of Beginning;

Together with:

Description of a 50 Foot Wide Ingress, Egress and Utility Easement Along the North 50 feet of the following described Property:

From the Southwest corner of Section 26, Township 22 South, Range 24 East, Lake County, Florida; run East 527.06 feet; thence North 2° 53' East 700.33 feet for a Point of Beginning; thence run South 88° 15' East 902.47 feet; thence run South 3° 21' West 179 feet; thence run South 64°

13' East 354 feet; thence run South 72° 03' East 694 feet; thence run South 1° 27' East 125.35 feet; thence run East 214.65 feet, thence run North 2090 feet; thence run West 347 feet; thence run North 550 feet; thence run West 1857 feet; thence run South 1320 feet; thence run East 158.15 feet, thence run South 2° 53' West to the Point of Beginning; LESS AND EXCEPT the following described Property, to wit:

Beginning at a Concrete Monument Set for the Northeast corner of the Southwest 1/4 of Section 26, Township 22 South, Range 24 East, according to the Groveland Farms Plat of said Section 26, Lake County, Florida; and run thence West 2230 feet; thence South 0° 24' West Along the Fence Line 576.2 feet; thence East to the East Line of the Southwest 1/4 of said Section 26; thence Northerly to the Point of Beginning; and East 347 feet of the North 550 feet; Also LESS AND EXCEPT the following described Property, to wit:

From a Concrete Monument at the Southwest corner of the North 1/2 of the Southwest 1/4 of Section 26, Township 22 South, Range 24 East, Lake County, Florida; run thence North 89° 22' 30" East 436 feet to a Concrete Monument, thence North 0° 08' West 21.54 feet to the Point of Beginning; thence North 89° 22' 30" East 14.5 feet; thence North 86° 22' East 292.68 feet; thence North 81° 25' 15" East 261.83 feet, thence South 84° 56' 30" East 299.48 feet; thence South 89° 03' 45" East 423.44 feet; thence South 85° 48' 30" East 280.9 feet, thence South 84° 21' 30" East 656.99, more Or less, to a Point On the East Line of the Southwest 1/4 of said Section 26; thence North 830 feet, more Or less, to a Point 576.2 feet South of the Northeast corner of the Southwest 1/4 of said Section 26; thence South 88° 54' West 2223 feet, more Or less, to a Point Lying 576.2 feet South of the North Line of said Southwest 1/4 of Section 26 and 436 feet East of the West Line of said Section 26; thence South 0° 08' East 727.11 feet, more Or less, to the Point of Beginning.

Together with an Easement for Ingress and Egress Over and Across the South 25 feet of the West 436 feet of Northwest 1/4 of the Southwest 1/4 of Section 26, Township 22 South, Range 24 East.