



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: March 12, 2020

Case No. and Project Name: VAR-20-02-1, Pace Property

Applicant: Richard Pace

Owner: Richard E. Pace and Lora K. Pace

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 10.01.03.B.5, to allow an accessory dwelling unit with a different architectural style than the principal dwelling unit.

Case Manager: Emily W. Johnson, Planner

### Subject Property Information

Size: 11.37 +/- acres

Location: 23901 Blue Gem Lane, Howey In The Hills

Alternate Key No.: 3809240

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "AE" and "X"

Joint Planning Area / ISBA: Howey In The Hills ISBA

Overlay Districts: Yalaha – Lake Apopka Rural Protection Area

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Howey In The Hills	Howey In The Hills	Agricultural	Large agricultural tract with wetlands
South	Rural	Agriculture (A)	Agricultural and Residential	Single-family residence on large agricultural tract with wetlands
East	Rural	Agriculture (A)	Agricultural and Residential	Single-family residence on large agricultural tract; adjacent to Blue Gem Lane
West	Rural	Agriculture (A)	Agricultural and Residential	Single-family residence on large agricultural tract with wetlands

### Summary of Request.

The subject property, identified as Alternate Key Number 3809240, contains 11.27 +/- acres, and is zoned Agriculture (A) with a Rural Future Land Use designation. The GIS Aerial Map indicates that the subject property is partially located within flood zones "AE" and "X". The survey (Attachment "A") indicates the boundaries of the wetlands, flood zones, and shows the location of the proposed accessory dwelling unit will be more than fifty (50) feet from the jurisdictional wetland line. The property is generally located west of Blue Gem Lane in the Howey In The Hills area of unincorporated Lake County. The subject property is currently developed with a site-built, concrete-block single-family residence.

The Applicant has requested a variance from Lake County Land Development Regulations (LDR) Section 10.01.03.B.5 to allow an accessory dwelling unit with different architectural style than the principal dwelling unit. The proposed accessory dwelling unit (ADU) is a double-wide mobile home.

### 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.

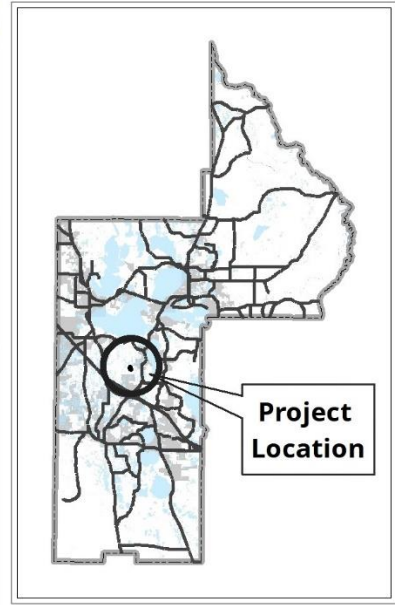
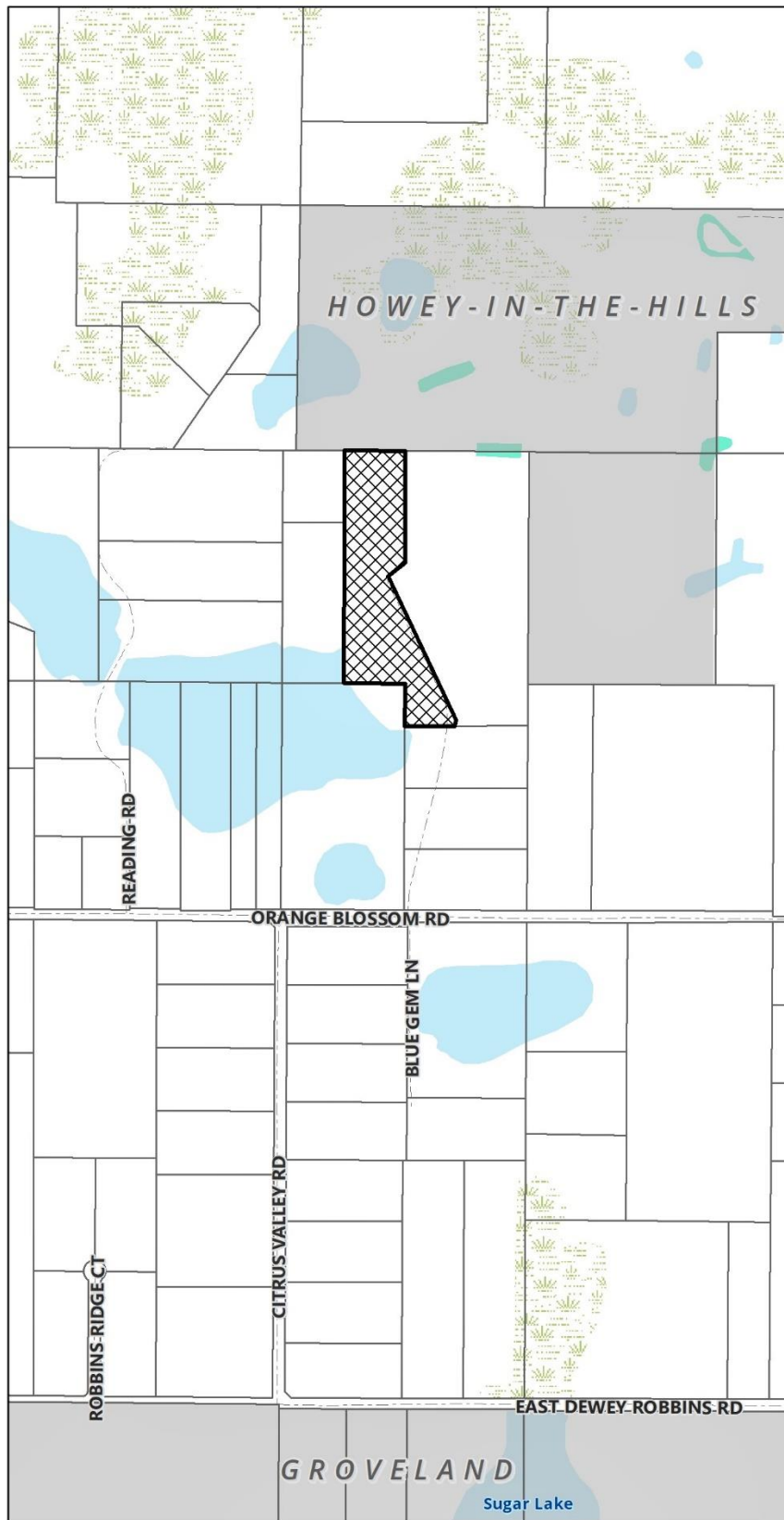
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"The mobile home will be no larger than 1200 sf (double-wide as required in Lake County). We will ensure that we meet all required setbacks set by Lake County. The existing driveway will service both homes with setback."*

**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.**

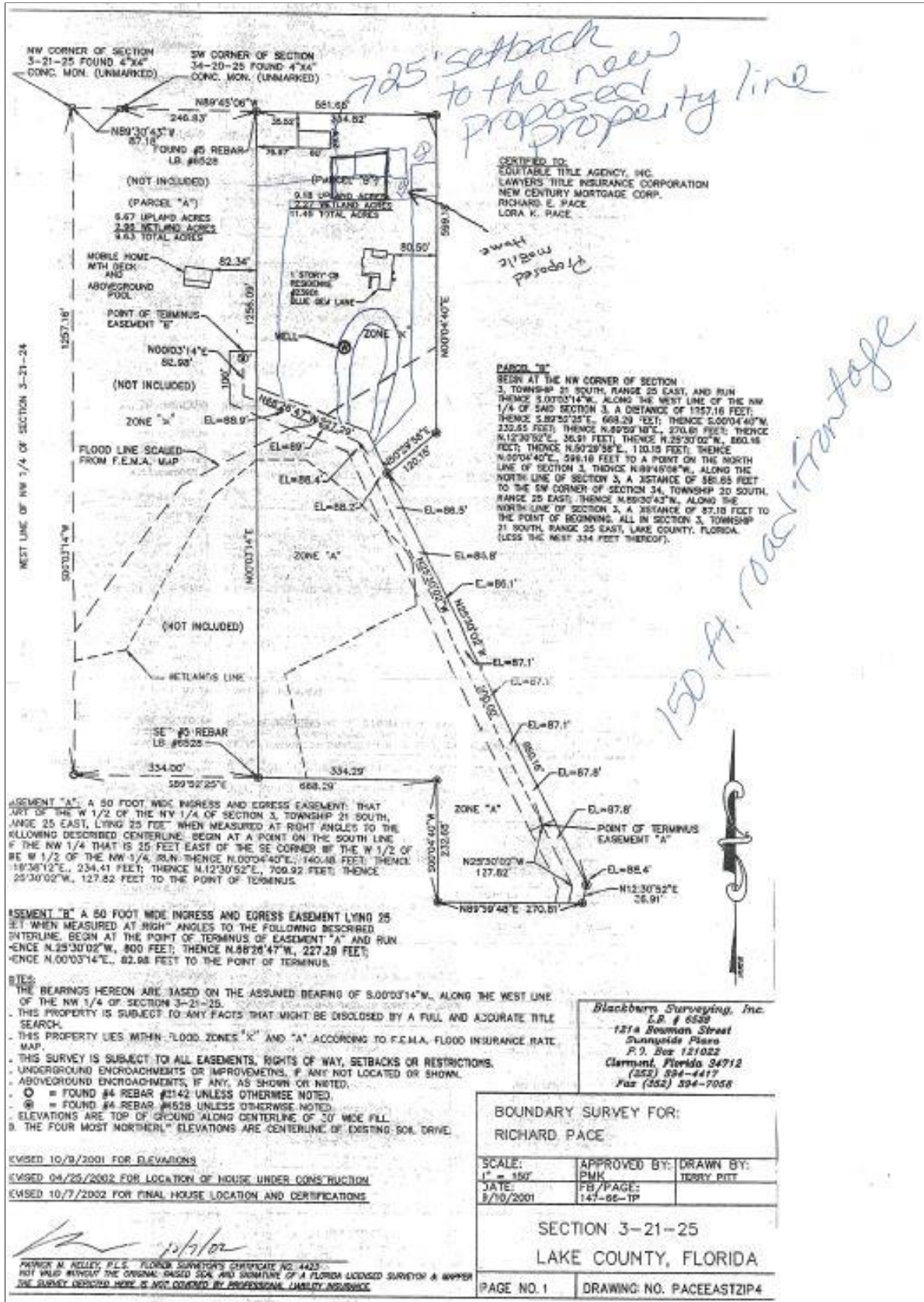
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

The Applicant provided the following statement, *"My Son's wife is pregnant and they have no other place to live that they can afford. It is requested to be able to place a double-wide mobile home on my property in order that my son and his wife will have a house in which they can raise their children. A site built house was way too expensive and unattainable within our means."*

# Subject Property



# Attachment "A" - Survey



**Final Development Order  
VAR-20-02-1  
Pace Property**

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

**WHEREAS**, Richard Pace (the "Applicant"), on behalf of Richard E. and Lora K. Pace (the "Owners"), requested a variance from Land Development Regulations (LDR) Section 10.01.03.B.5, to allow an accessory dwelling unit with a different architectural style than the principal dwelling unit; and

**WHEREAS**, the subject property consists of 11.37 +/- acres and is located at 23901 Blue Gem Lane, in the Howey In The Hills area of unincorporated Lake County, in Section 03, Township 21 South, Range 25 East, having Alternate Key Number 3809240, and more particularly described below; and

Begin at the Northwest corner of Section 3, Township 21 South, Range 25 East, and run thence South 00 degrees 03'14" West, along the West line of the Northwest ¼ of said Section 3, a distance of 1257.16 feet, thence South 89 degrees 52'25" East, 668.29 feet, thence South 00 degrees 04'40" West, 232.65 feet; thence North 89 degrees 59'48" East, 270.81 feet; thence North 12 degrees 30'52" East, 36.91 feet; thence North 25 degrees 30' 02" West, 860.16 feet, thence North 50 degrees 29'58" East, 120.15 feet, thence North 00 degrees 04'40" East, 599.18 feet to the point on the North line of Section 3, thence North 89 degrees 45'06" West along the North line of Section 3, a distance of 581.65 feet to the Southwest corner of Section 34, Township 20 South, Range 25 East, thence North 89 degrees 30'43" West along the North line of Section 3, a distance of 87.18 feet to the point of beginning, all in Section 3, Township 21 South, Range 25 East, Lake County, Florida. (Less a 50 foot wide ingress and egress easement described below).

Easement "A": A 50 foot wide ingress and egress easement: That part of the West ½ of the Northwest ¼ of Section 3, Township 21 South, Range 25 East, lying 25.00 feet when measured at right angles to the following described centerline. Begin at a point on the South line of the Northwest ¼ that is 25.00 feet East of the Southeast corner of the West ½ of the West ½ of the Northwest ¼, run thence North 00 degrees 04'40" East, 140.88 feet, thence North 18 degrees 38'12" East, 234.41 feet; thence North 12 degrees 30'52" East, 709.92 feet; thence North 25 degrees 30'02" West, 127.82 feet to the point of terminus.

Easement "B": A 50 foot wide ingress and egress easement lying 25 feet when measured at right angles to the following described centerline. Begin at the Point of Terminus of Easement "A" and run thence North 25 feet 30'02" West, 800 feet; thence North 68 feet 26'47" West, 227.29 feet; thence North 00 degrees 03'14" East, 82.98 feet to the point of terminus.

**WHEREAS**, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on March 12, 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 March 12, 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-20-02-1 to allow an accessory dwelling unit which has 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.

**Section 3. Effective Date.** This Ordinance will become effective as provided by law.

**ENACTED** this 12<sup>th</sup> day of March, 2020.

**EFFECTIVE** March 12, 2020.

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**Lloyd Atkins, Chairman or  
James Argento, Vice-Chairman**

**State of Florida**

**County of Lake**

**Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_.**

**Personally Known OR Produced Identification**

**Type of Identification Produced \_\_\_\_\_**

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**Notary Signature  
(SEAL)**