



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: June 11, 2020

Case No. and Project Name: VAR-20-19-1, Lew Property

Applicant: Hunt Law Firm, P.A.

Owner: David C. Lew

Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an accessory dwelling unit to be constructed ten (10) feet from the eastern property lines in lieu of twenty-five (25) feet.

Case Manager: Janie Barrón, Senior Planner

### Subject Property Information

Size: 5.84 +/- acres

Location: 8210 Cherry Lake Road, Groveland

Alternate Key No.: 3799435

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "AE" and "X"

Joint Planning Area/ ISBA: Groveland Interlocal Service Boundary Agreement (ISBA)

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture Residential (AR)	Residential and Street	Cherry Lake Road (CR 478), Adjoining Single-Family Dwelling Units
South	Municipal	Municipal	Lake	Cherry Lake
East	Rural	Agriculture (A)	Residential	Single-Family Dwelling Units
West	Rural	Estate Residential (R-2)	Residential	Single-Family Dwelling Units

### Summary of Request.

The subject 5.84 +/- acre parcel is identified by Alternate Key Number 3799435; the parcel is zoned Agriculture (A) and is part of the Rural Future Land Use Category (FLUC). The subject property is located within the Cherry Lake Shores subdivision; the subdivision plat was approved on December 19, 2000. The subject parcel is developed with a residence, garage, lanai, pool, steps, and driveway.

The Applicant seeks approval to allow an accessory dwelling unit (guest house) to be constructed ten (10) feet from the eastern property line. LDR Table 3.02.05, requires structures on lots platted recorded after July 16, 1991, and situated on agriculturally zoned parcels that contain five (5) acres or more, be setback twenty-five (25) from the side property lines. Therefore, the application seeks a variance to LDR Table 3.02.05, to allow an accessory dwelling unit to be constructed ten (10) feet from the eastern property line in lieu of twenty-five (25) feet.

The subject parcel is located within the City of Groveland ISBA; therefore, variance application was sent to the City of Groveland for a determination of consistency with their regulations. The City of Groveland had no comments.

### 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 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

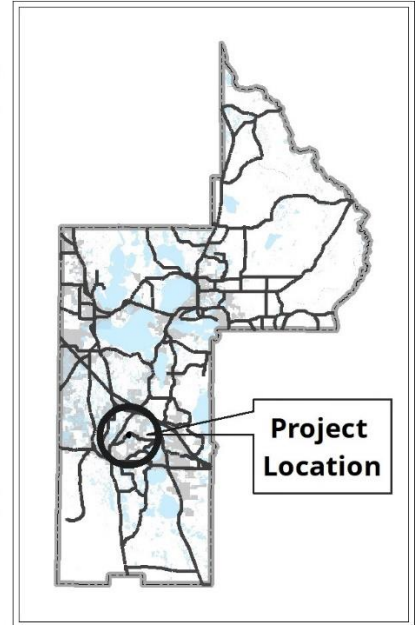
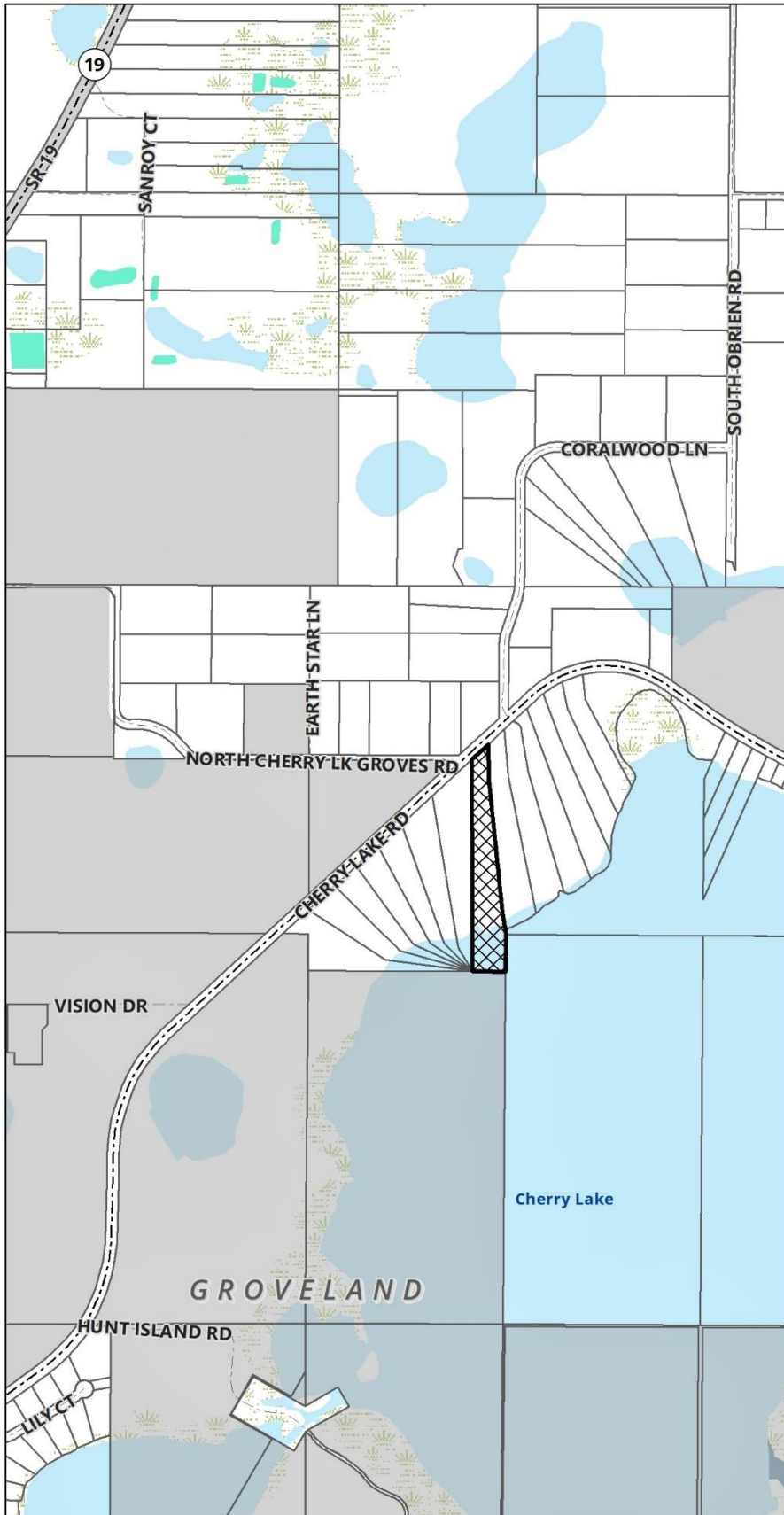
The Applicant provided the following statement as proof that the intent of the Land Development Regulations will be or has been achieved by other means, *“This property and the adjacent properties each contain one large residential dwelling unit on approximately 5 acre parcels. The neighboring parcel to the west is zoned R-1 and has a set-back requirement of 10 feet. The neighboring parcel to the east is zoned Agricultural like the subject property. The variance requested will not change the nature or character of the neighborhood. Since both properties to the left and right of the subject property have structures less than 25 feet from the property line of the subject property, the variance will not be inconsistent with the neighborhood. As depicted in the plan, the structure will still be more than 10 feet from the property line to the east. The addition to the residence will continue to fulfill the residential purpose of the property. Likewise, this variance will not affect the future land use of the property which is Rural and allows for residential categories within set-backs of 10-feet.”*

**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.**

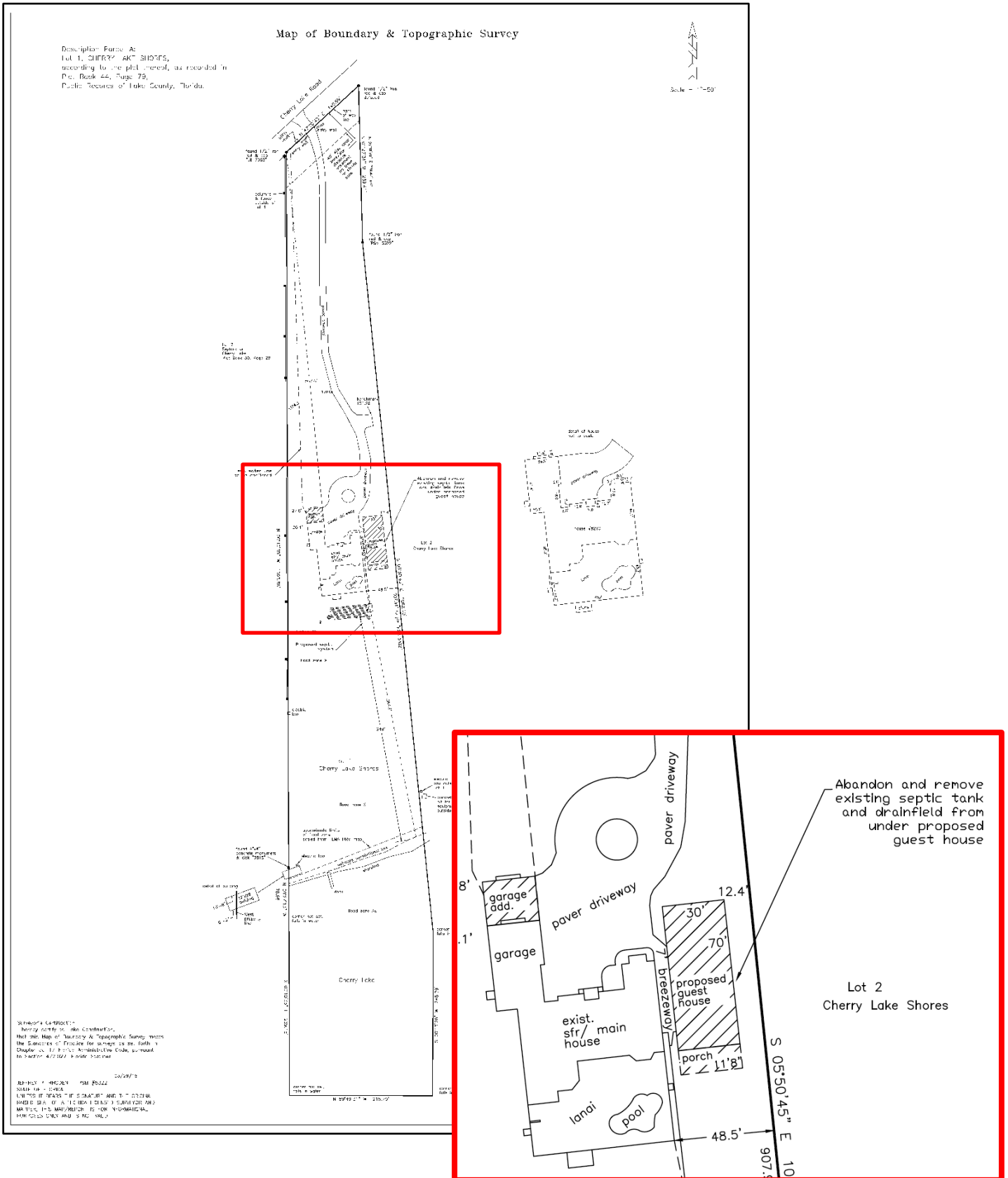
LDR Section 14.15.04 states that for the purposes of this section “substantial hardship” means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *“The physical characteristics of the property create a hardship. The property is zoned Agriculture and requires a 25-foot setback from the property lines to the east and west of the residence. However, the property is very long and narrow leaving very little room on the east boundary to accommodate the accessory structures the owner wishes to construct. As depicted in the attached plan, the owner, David Lew, wishes to construct a game room off the western side of the home. A variance of the required set-backs from 25-feet to 10-feet would allow the construction and would still be consistent with the neighboring property which is zoned R-2 and only requires a 10-foot setback. It should also be noted that both of the neighboring parcels to the east and west appear to have structures with set-backs of less than 25-feet to the owner’s property.”*

# Map of Subject Property



# Attachment A, Concept Plan.



**Final Development Order  
VAR-20-19-1  
Lew Property**

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

**WHEREAS**, Hunt Law Firm, P.A. (the “Applicant”) requested a variance on behalf of David C. Lew (the “Owner”) to Lake County Land Development Regulations (LDR) Section 3.02.05, to allow an accessory dwelling unit to be constructed ten (10) feet from the eastern property line in lieu of twenty-five (25) feet; and

**WHEREAS**, the subject property consists of 5.84 +/- acres and is located at 8210 Cherry Lake Road, in the unincorporated Groveland area of Lake County, Florida, in Section 04, Township 22 South, Range 25 East, having Alternate Key Number 3799435 and more particularly described as:

Lot 1, Cherry Lake Shores, according to the Plat thereof, recorded in Plat Book 44, Page(s) 79 and 80, of the Public Records of 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 June 11, 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 June 11, 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-20-19-1 to allow the proposed accessory dwelling unit to be located ten (10) feet from the eastern property line with the following condition:

1. A row of shrubs be installed on the eastern property line adjacent to the proposed accessory dwelling unit to create a visual buffer from the adjoining neighboring parcel.

**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 11th day of June, 2020.**

**EFFECTIVE June 11, 2020.**

**BOARD OF ADJUSTMENT**

**LAKE COUNTY, FLORIDA**

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**James Argento, Chairman**

**State of Florida**

**County of Lake**

**Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 11th day of June, 2020, by \_\_\_\_\_.**

**Personally Known OR Produced Identification**

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

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**Notary Signature**

**(SEAL)**