



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: August 13, 2020

Case No. and Project Name: VAR-20-27-1, Farrar Property

Owners/Applicants: Scott T. Farrar and Shawna L. Farrar

Requested Action: Variance to 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.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 6.7 +/- acres

Location: 10702 Sandy Ridge Avenue, Clermont

Alternate Key No.: 1026296

Future Land Use: Green Swamp Rural Conservation

Current Zoning District: Agriculture (A)

Flood Zones: "A" and "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Green Swamp Area of Critical State Concern (GSACSC)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural Conservation	Agriculture (A)	Street, Residential and Agriculture	Sandy Ridge Avenue, Adjoining Single-Family Dwelling Units and Agriculture Tract of Land
South	Green Swamp Rural Conservation	Agriculture (A)	Agriculture	Agriculture Large Tract of Land with Wetlands
East	Green Swamp Rural Conservation	Agriculture (A)	Residential	Large Tract of Land with Single-Family Dwelling Unit and Wetlands
West	Green Swamp Rural Conservation	Agriculture (A)	Residential	Agriculture Large Tract of Land

Summary of Request.

The Applicant has submitted a variance request to 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 Owner desires to place an accessory dwelling unit (mobile home) on the subject parcel for his parents so that he can assist with their care. This is a less expensive alternate home for his elderly parents.

The subject 6.7 +/- acre parcel is identified by Alternate Key Number 1026296; the parcel is zoned Agriculture (A), is part of the Green Swamp Rural Conservation Future Land Use Category (FLUC), and is located within the Green Swamp Area of Critical State Concern. Currently, the parcel is developed with a single-family dwelling unit and a concrete slab.

The variance application was sent to the Florida Department of Economic Opportunity (DEO) for a courtesy review of consistency with Green Swamp Area of Critical State Concern regulations. DEO did not provide any comments. DEO retains the ability to appeal any development permit, pursuant to Section 380.05, Florida Statutes.

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 LDR Section 14.11.01.D.2, is to ensure that properties being split have the facilities that are required for the development of parcels such as roads and appropriate emergency access.

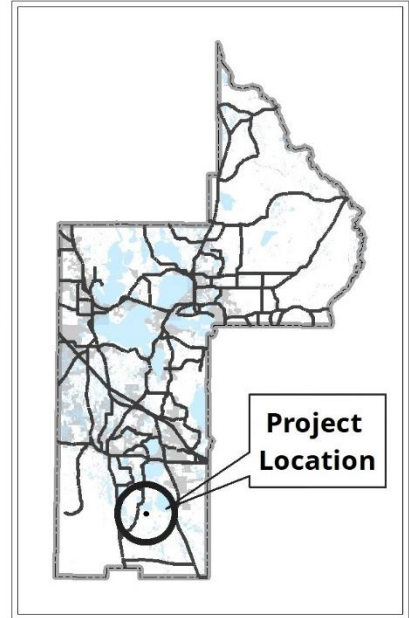
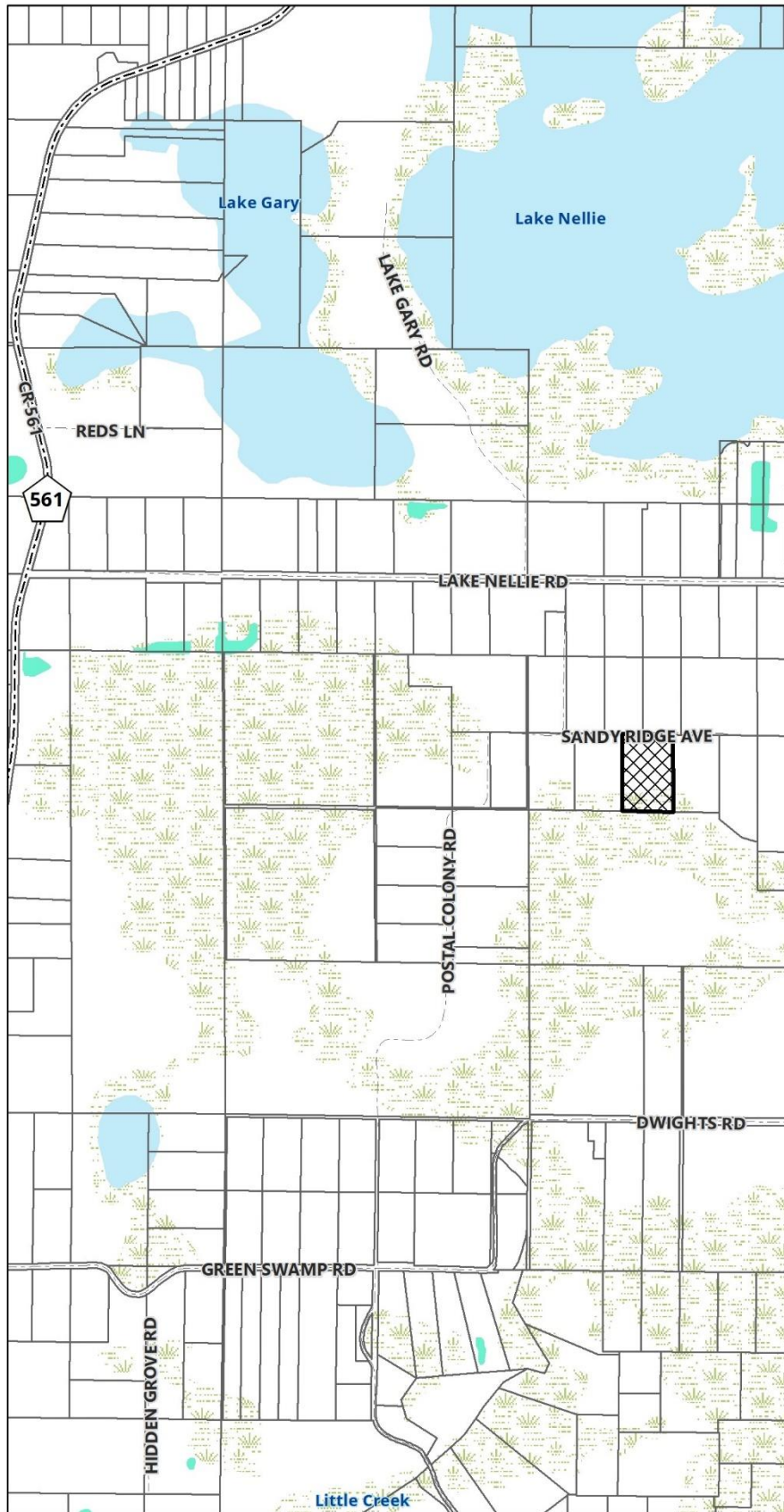
The Applicant provided the following statement as proof that the intent of the Land Development Regulations will be or has been achieved by other means, *"We will achieve our goal by purchasing a small double wide mobile home and placing it on our property. This can be done quickly and within their limited budget."*

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.

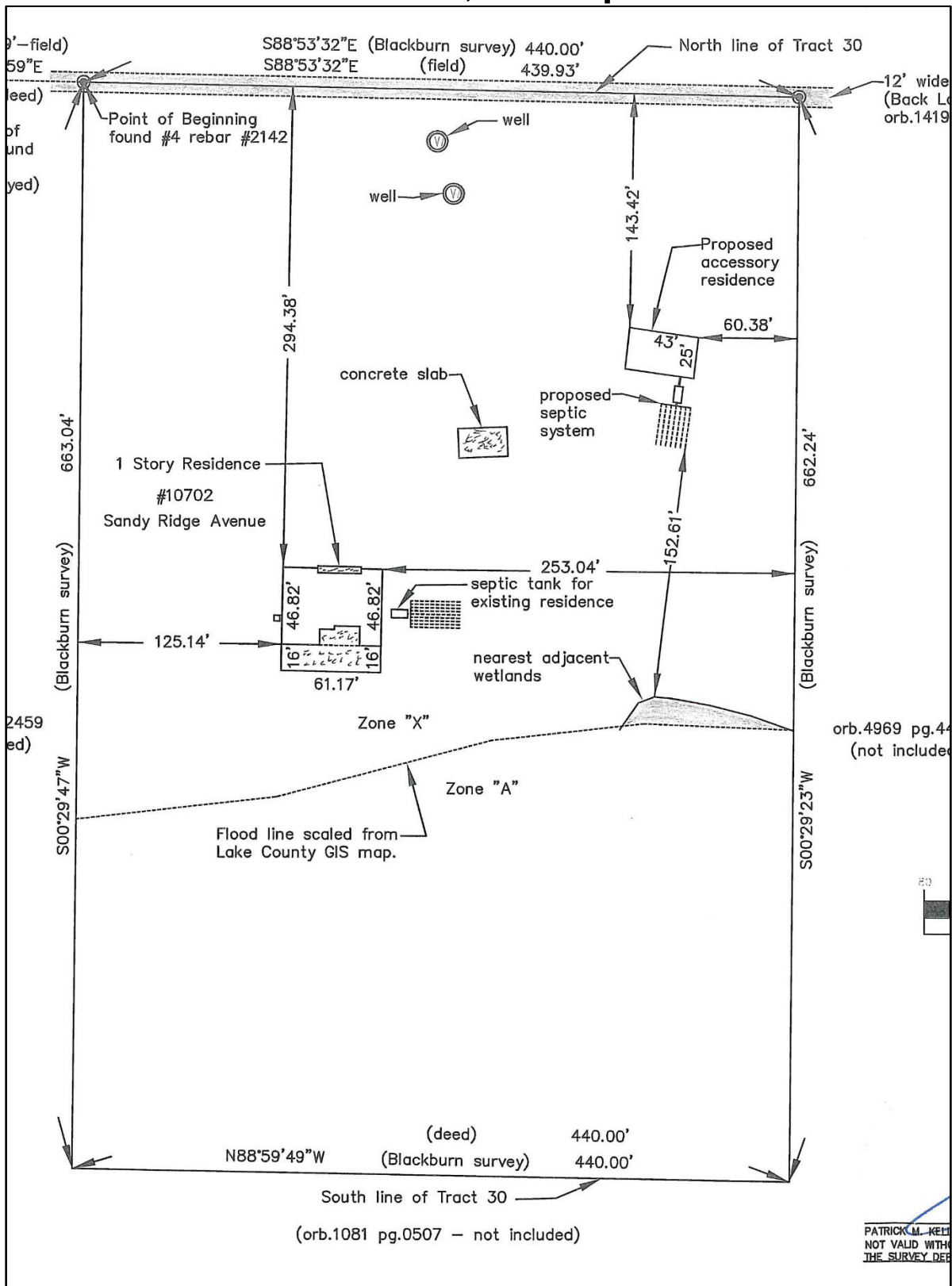
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *"My parents sold their home recently. From the sale of their home, they will be able to purchase a small home without having a mortgage payment. My mother has macular degeneration and needs to be in a safe environment quickly. With my parents living on my property, we will be able to care for them as needed and allow them to age safely in a plat with dignity."*

Map of Subject Property



Attachment A, Concept Plan.



**Final Development Order
VAR-20-27-1
Farrar Property**

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

WHEREAS, Scott T. Farrar and Shawna L. Farrar (the “Applicants” and the “Owners”) requested a variance to 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; and

WHEREAS, the subject property consists of 6.7 +/- acres and is located at 10702 Sandy Ridge Avenue, in the unincorporated Clermont area of Lake County, Florida, in Section 26, Township 23 South, Range 25 East, having Alternate Key Number 1026296 and more particularly described as:

Begin at a point 150 feet of the Northwest corner of Tract 30, in Section 26, Township 23 South, Range 25 East, according to the plat of Property of the Postal Colony Company, thereof as recorded in Plat Book 8, Page 31, Public Records of Lake County, Florida; run thence East on North line of Tract, 440 feet; thence run South to South line of Tract; thence run West 440 feet; thence run South to South line of Tract; thence run West 440 feet; thence run North to the Point of Beginning; Being all of said Tract 30, except a strip 150 feet wide on the West side of Tract and except a strip 70 feet wide on the East side of Tract. Together with the Prescriptive Easement granted under Case #95-1439, as recorded in Final Judgement recorded in Book 1419, Page 161, 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 (LDR), including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on August 13, 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 August 13, 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-20-27-1, to allow an accessory dwelling unit with 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 13th day of August, 2020.

EFFECTIVE August 13, 2020.

BOARD OF ADJUSTMENT

LAKE COUNTY, FLORIDA

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 13th day of August, 2020, by _____.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)