



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: August 13, 2020

Case No. and Project Name: VAR-20-42-2, Cramer and Haven Property

Owner / Applicant: Donald R. Haven

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 10.01.03(B)(5), to allow an accessory dwelling unit to be different in architectural design than the primary residence, and to LDR Section 3.01.02(A)(1)(a), to allow an accessory dwelling unit to be eighteen (18) feet at the narrowest point, in lieu of twenty-three (23) feet four (4) inches.

Case Manager: Ruth Mitchell, Associate Planner

### Subject Property Information

Size: 0.41 +/- acres

Location: 17010 Elderberry Drive, Montverde

Alternate Key No.: 2692618

Future Land Use: Urban Low Density

Current Zoning District: Mixed Home Residential (RM)

Flood Zone: "AE" and "X"

Joint Planning Area / ISBA: Town of Montverde

Overlay District: Lake Apopka Basin

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	N/A	N/A	Lake	Lake Apopka
South	N/A	N/A	Street	Elderberry Drive (County-Maintained Road #1869)
East	Urban Low Density	Mixed Home Residential (RM)	Vacant Residential	Lot 29 of Montverde Mobile Home Subdivision 2 <sup>nd</sup> Addition
West	Urban Low Density	Mixed Home Residential (RM)	Vacant Residential	Lot 27 of Montverde Mobile Home Subdivision 2 <sup>nd</sup> Addition

### Summary of Request.

The subject 0.41 +/- acre parcel is identified by Alternate Key Number 2692618; the parcel is zoned Mixed Home Residential (RM), is designated as Urban Low Density Future Land Use Category (FLUC), and is located within the Town of Montverde Interlocal Service Boundary Agreement (ISBA). The Town of Montverde reviewed the variance application and had no comments or objections. Currently, the parcel is developed with a single-family dwelling unit (mobile home) and associated accessory structures.

The Applicant has submitted a variance request to LDR Section 10.01.03(B)(5), to allow an accessory dwelling unit with different architectural design than the primary dwelling unit, and to LDR Section 3.01.02.A.(1)(a), to allow an accessory dwelling unit to be eighteen (18) feet at the narrowest point, in lieu of twenty-three (23) feet four (4) inches. The Owner desires to place a site-built accessory dwelling unit on the subject parcel for his mother so that he can assist with their care.

### 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 10.00.00 is to preserve the community and property values and to protect the community character.

The intent of LDR Section 3.01.01 is to allow development and use of property only in compliance with the goals, objectives and policies of Lake County, as expressed in the County Comprehensive Plan.

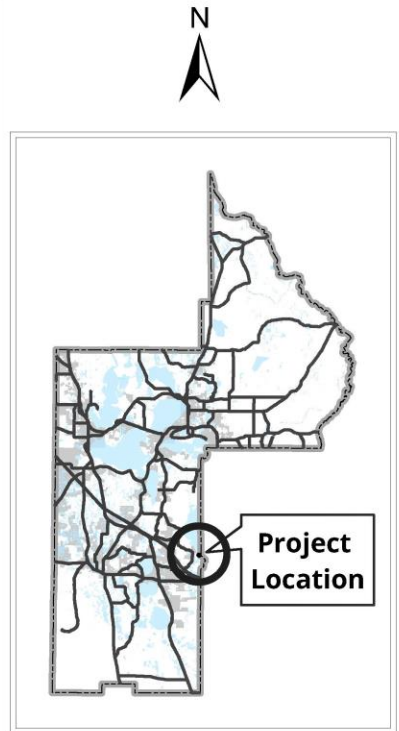
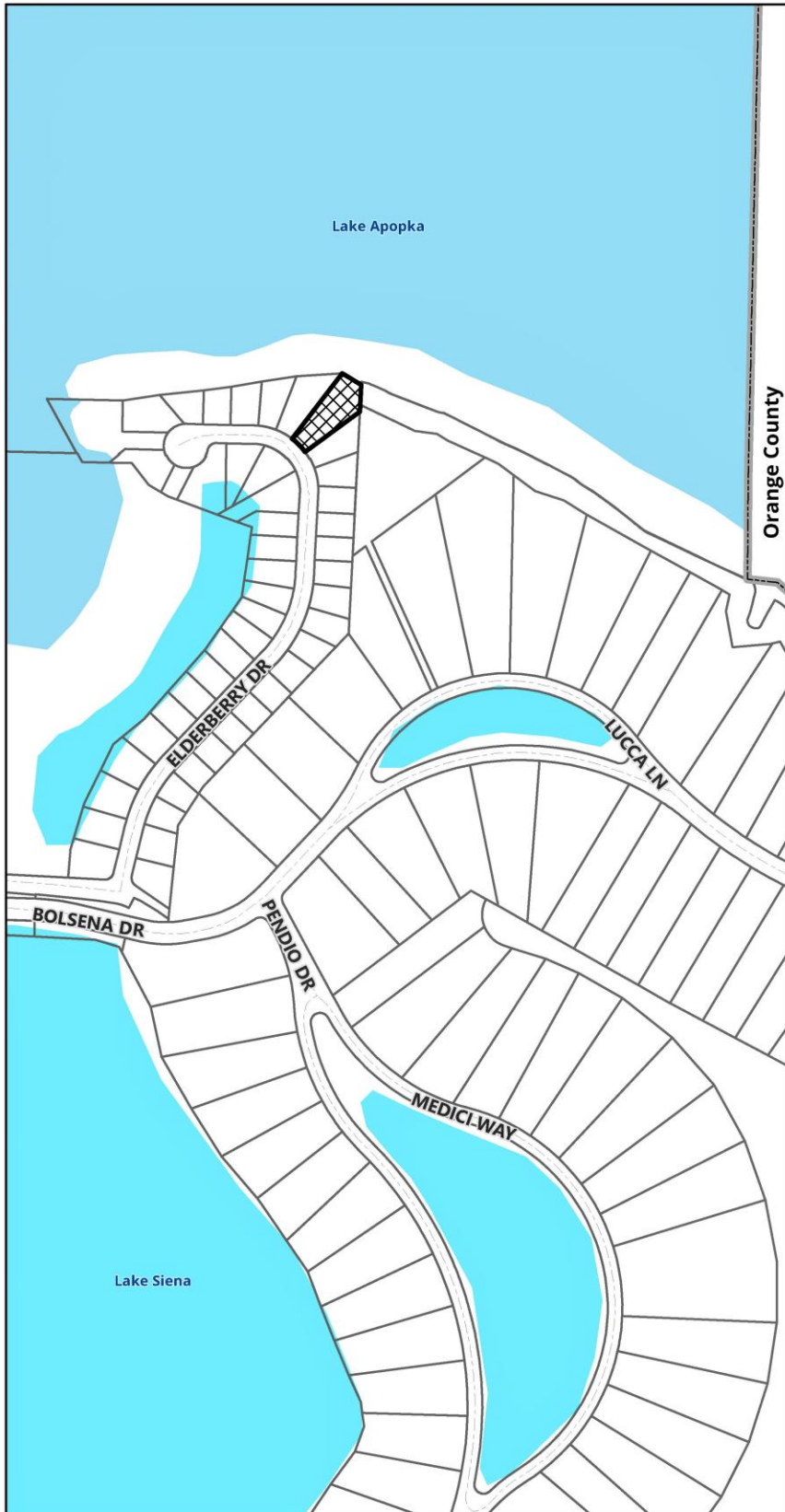
The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *“All setbacks and square footages per Lake County and change for accessory building on the same property. The accessory dwelling will be a major step forward towards improving the community as well as bring property values up considering all residences now in that subdivision are mobile homes.”*

**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 need to take care of my mother who suffers greatly from dementia and has congestive heart failure with a leaky valve in her heart and she is in atrial fibrillation all the time. Her dementia has increased greatly each month. Due to Covid 19 she is unable to leave her current residence, we must also give her all her medication on a daily basis.”*

# Map of Subject Property





**Final Development Order  
VAR-20-42-2  
Cramer and Haven Property**

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

**WHEREAS**, Donald R. Haven (the “Applicant” and the “Owner”) requested a variance to Lake County Land Development Regulations (LDR) Section 10.01.03(B)(5), to allow an accessory dwelling unit to be different in architectural design than the primary dwelling unit, and to LDR Section 3.01.02(A)(1)(a), to allow an accessory dwelling unit to be eighteen (18) feet at the narrowest point, in lieu of twenty-three (23) feet four (4) inches.

**WHEREAS**, the subject property consists of 0.41 +/- acres and is located at 17010 Elderberry Drive, in the unincorporated Montverde area of Lake County, Florida, in Section 01, Township 22, Range 26, having Alternate Key Number 2692618, and more particularly described as:

Lot 28, Montverde Mobile Home Subdivision Second Addition, according to the plat thereof as recorded in Plat Book 26, Page 24, of the Public Records of Lake County, Florida.

Together with that certain 1983 Flee Doublewide Mobile Home Title, Title No.: FLFL2524A and FLFL2524B; Title No.: 40450619 and Title No.: 40428856.

Parcel Identification Number: 01-22-26-040000002800

**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-20-42-2, to allow an accessory dwelling unit with different architectural style than the principal dwelling unit, and to allow an accessory dwelling unit to be eighteen (18) feet at the narrowest point, in lieu of twenty-three (23) feet four (4) inches.

**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**

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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 13th day of August, 2020, by \_\_\_\_\_.**

**Personally Known OR Produced Identification**

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

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**Notary Signature**

**(SEAL)**