



# VARIANCE STAFF REPORT

## OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: September 10, 2020

Case No. and Project Name: VAR-20-28-5, Villa Property

Applicant: Silvia Villa

Owner: Silvia Villa

Requested Action: Variance to Lake County Land Development Regulation (LDR) Section 10.01.03(B)(4) to allow an accessory dwelling unit to be one thousand four hundred (1,400) square feet in lieu of a maximum of one thousand two hundred (1,200) square feet.

Case Manager: Michele Janiszewski, Chief Planner

### Subject Property Information

Size: 10.04 +/- acres

Location: 40406 Bridle Path Lane, Leesburg

Alternate Key No.: 1778620

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X" and "AE"

Joint Planning Area/ISBA: N/A

Overlay Districts: Emerald March Rural Protection Area (RPA)

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Community Facility District (CFD)	Developed	Religious and Equestrian Retreat
South	Conservation	Community Facility District (CFD)	Recreation and Conservation Area	Emerald Marsh Conservation Areas - St. John's Water Management District
East	Rural	Agriculture (A)	Undeveloped	Wetlands
West	Rural	Agriculture (A)	Residential and Agriculture	Single Family Dwelling Unit on Acreage

### Summary of Request.

The subject property is developed with a single-family residence and accessory structures. The Owner is seeking to permit a second, single-family dwelling unit on the property to be used as an accessory dwelling unit (ADU). LDR Section 10.01.03.B.4. states that an Accessory Dwelling Unit may not exceed one thousand two hundred (1,200) square feet or forty percent (40%) of the air conditioned, enclosed living area of the principal dwelling (excludes garages, patios, porches and the like), whichever is greater.

The existing single-family dwelling unit contains 1,344 square feet and the proposed single-family dwelling unit is 1,400 square feet. Since neither dwelling unit will be less than 1,200 square feet, the Owner has applied for a variance to LDR Section 10.01.03(B)(4) to allow an accessory dwelling unit to be one thousand four hundred (1,400) square feet in lieu of a maximum of one thousand two hundred (1,200) square feet.

### 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 Chapter 10.01.03.A, is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.

The Applicant submitted the following statement as proof that the purpose and intent of the Land Development Regulations will be or has been achieved by other means:

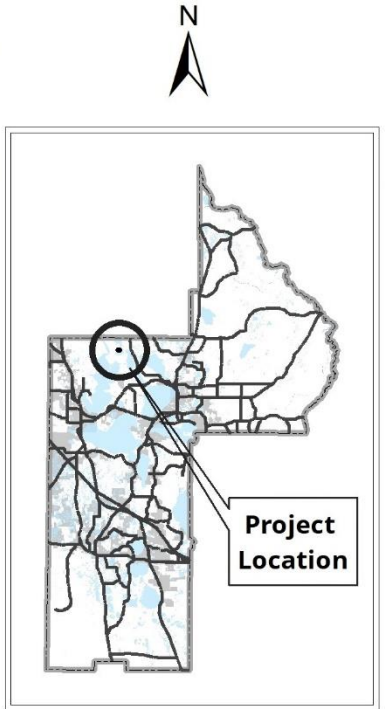
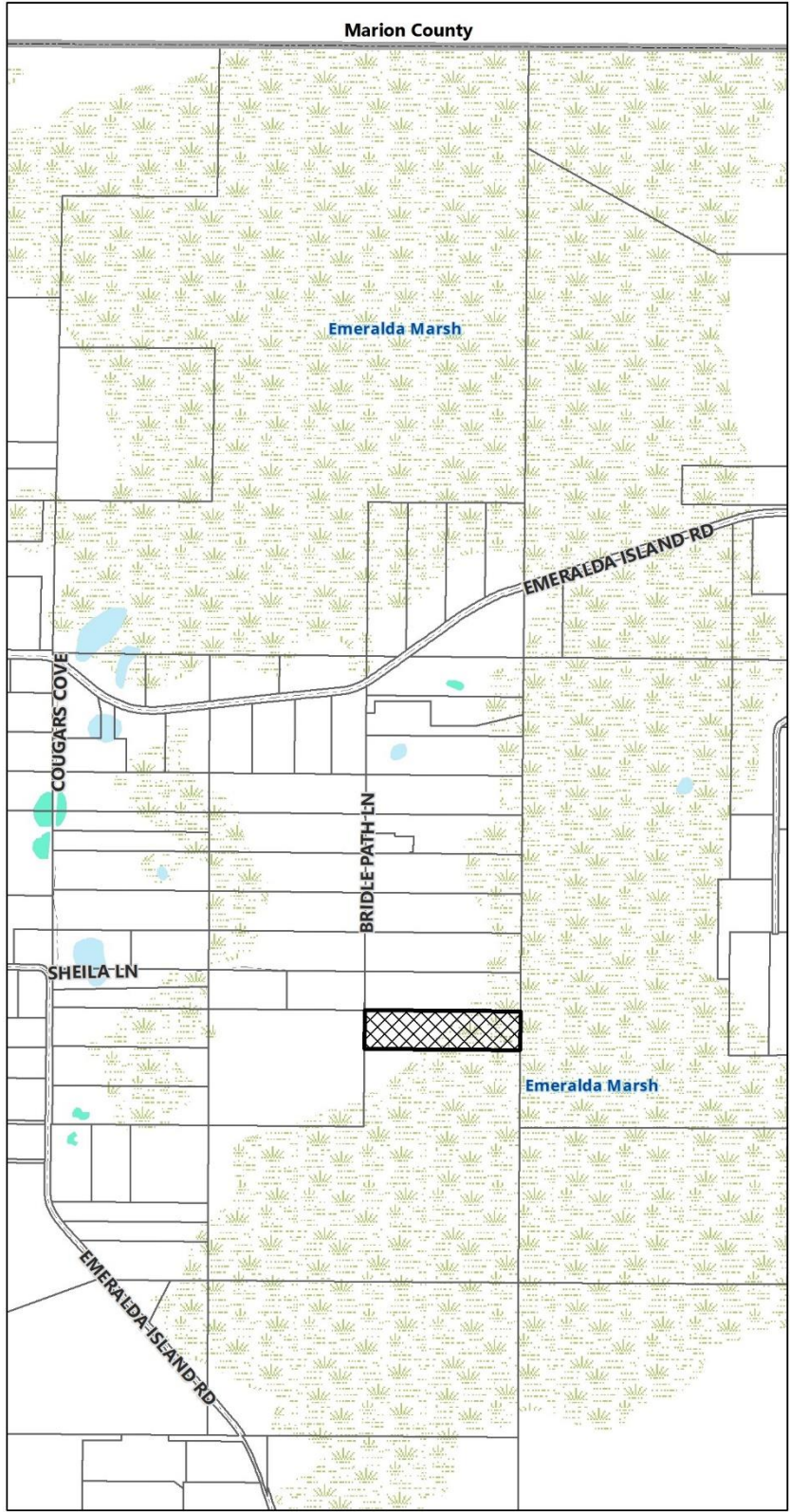
*We will meet the setback requirements and will also follow the architectural style of existing mobile home.*

**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.**

The Applicant submitted the following statement as proof of a substantial hardship:

*My parents currently live on the property, would like to have another mobile home put on site to continue to provide support to my parents, My family size is of two children and need more space than provided by their existing home.*

### Subject Property



**Final Development Order**  
**VAR-20-28-5**  
**Villa Property**

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

**WHEREAS**, Silvia Villa (the “Applicant” and “Owner”), submitted variance application seeking to obtain a variance to Lake County Land Development Regulation (LDR) Section 10.01.03(B)(4) to allow an accessory dwelling unit to be one thousand four hundred (1,400) square feet in lieu of a maximum of one thousand two hundred (1,200) square feet; and,

**WHEREAS**, the subject property consists of 10.04 +/- acres and is located at 40406 Bridle Path Lane, in the Leesburg area of unincorporated Lake County, in Section 9, Township 18 South, Range 25 East, Alternate Key Number 1778620 and is more particularly described below as:

The South ½ of the North ½ of the Northeast ¼ of the Southeast ¼ of Section 9, Township 18 South, Range 25 East, Lake County, Florida.

**WHEREAS**, after giving notice of a hearing on a 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 September 10, 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 September 10, 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-20-28-5 to Lake County Land Development Regulations Section 10.01.03(B)(4) to allow an accessory dwelling unit to be one thousand four hundred (1,400) square feet in lieu of a maximum of one thousand two hundred (1,200) square feet.

**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.

*{Rest of Page Intentionally Left Blank}*

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

**ENACTED this 10<sup>th</sup> day of September, 2020.**

**EFFECTIVE September 10, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_  
\_\_\_\_\_.**

**Personally Known OR Produced Identification**

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

\_\_\_\_\_  
**Notary Signature  
(SEAL)**