



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 8

Public Hearing Date: September 10, 2020

Case No. and Project Name: VAR-20-36-1, Gelin Property

Applicant: Gloria Gelin

Owner: Gloria and James Gelin

Requested Action: Variance from Lake County Land Development Regulations (LDR) Sections 10.01.03.B.4 and 10.01.03.B.5, to allow for an accessory dwelling unit (ADU) to exceed 1200-square feet of living area, and to be a different architectural design than the primary dwelling.

Case Manager: Emily W. Johnson, Planner

### Subject Property Information

Size: 5.14 +/- acres

Location: 20781 Sugarloaf Mountain Road, Clermont

Alternate Key No.: 2614421

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area / ISBA: Minneola ISBA

Overlay Districts: Lake Apopka Basin; Yalaha – Lake Apopka RPA

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residential	Single-Family Residence; adjacent to Sugarloaf Mountain Road
South	Rural	Agriculture (A)	Residential	Single-Family Residence
East	Rural	Agriculture (A)	Residential	Single-Family Residence; Vacant Residential
West	Rural	Agriculture (A)	Agricultural	Agricultural Pasture

### Summary of Request.

The subject property, identified as Alternate Key Number 2614421, contains 5.14 +/- acres, is zoned Agriculture (A) and designated with a Rural Future Land Use Category by the 2030 Comprehensive Plan. The GIS Aerial Map does not indicate a presence of wetlands or flood zones. The property is generally located west of Sugarloaf Mountain Road, and east of County Road 561, in the unincorporated Clermont area of Lake County. The subject property is located within the Minneola Interlocal Service Boundary Agreement (ISBA) area; the City of Minneola was provided with the variance application and did not provide any comments or objections to the request. The subject property is currently developed with a site-built single-family residence and related accessory structures.

The Applicant desires to place a manufactured home that is 60-feet in length and 28-feet in width on the property, for use as an accessory dwelling unit, and has requested a variance from Lake County Land Development Regulations (LDR) Sections 10.01.03.B.4 and 10.01.03.B.5, to allow for an accessory dwelling unit (ADU) to exceed 1200-square feet of living area, and to be a different architectural design than the primary dwelling.

### 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.

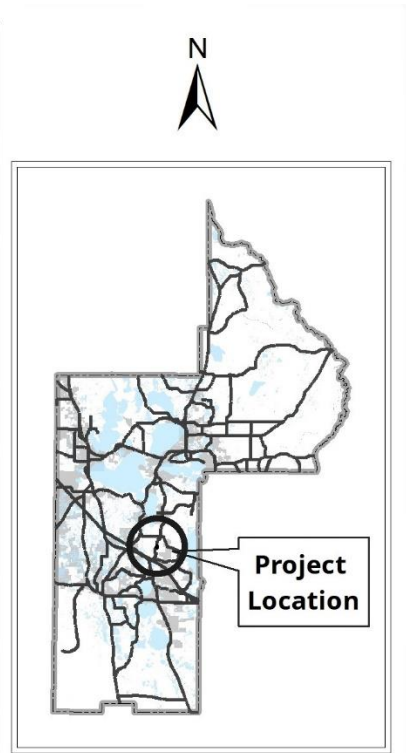
The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"I have 5 acres of land off of Sugarloaf Mountain Road where I have about 2 acres that we would put the manufactured home on. Therefore, it will be on the back part of the property and it will be spread out where it will look like it is part of the property and not all squeezed in at all."*

**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, *"I need to move my parents and sister to my property where I live now as they [sic] health is declining and they are experiencing financial hardship. Therefore, we wanted to buy a manufactured home and place it on my property where I live with my husband and 4 children, so that I can care for them while they still live independently. They need room for walking canes, wheelchair accessibility along with being to get the right size bathroom for them to use with walking mobility equipment."*

# Map of Subject Property





**Final Development Order  
VAR-20-36-1  
Gelin Property**

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

**WHEREAS**, Gloria Gelin (the “Applicant”), on behalf of Gloria and James Gelin (the “Owners”), requested a variance from Land Development Regulations (LDR) Sections 10.01.03.B.4 and 10.01.03.B.5, to allow for an accessory dwelling unit (ADU) to exceed 1200-square feet of living area, and to be a different architectural design than the primary dwelling; and

**WHEREAS**, the subject property consists of 5.14 +/- acres and is located at 20781 Sugarloaf Mountain Road, in the Clermont area of unincorporated Lake County, in Section 19, Township 21S, Range 26E, having Alternate Key Number 2614421, and more particularly described below; and

Attachment “A” – Legal Description

**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 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-20-36-1, to allow for an accessory dwelling unit (ADU) to exceed 1200-square feet of living area, and to be a different architectural design than the primary dwelling.

**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.

[Reminder of Page Left Intentionally 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)**

### **Attachment "A" – Legal Description**

Begin at the Southwest corner of the Northeast 1/4 of Section 19, Township 21 South, Range 26 East; run thence East 654 feet; run thence North 474 feet; run thence South 89°58'30" East 185 feet; run thence North 00°57' West 19 feet for the Point of Beginning. Run thence North 0°57' West 825 feet, more or less, to the North line of the South 1/2 of the Northeast 1/4 of said Section 19; begin again at the Point of Beginning and run South 89°58'30" East 265 feet; run thence North 0°57' West 825 feet, more or less, to the North line of the South 1/2 of the Northeast 1/4 of said Section 19; run thence Westerly along said North line to intersect the first described line. Less and except the North 25 feet thereof for road right of way.