



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6
 Public Hearing Date: February 11, 2021
 Case No. and Project Name: VAR-20-75-5, Blancett Property
 Owners: Lawrence K Blancett Jr. & Cheryl Blancett
 Applicant: Cheryl Blancett
 Requested Action: Variance to Land Development Regulations (LDR) Section 10.01.03(B)(4), to allow an accessory dwelling unit (ADU) to contain 1,440-square feet of living area, in lieu of 1,200-square feet.
 Case Manager: Emily W. Johnson, Senior Planner

Subject Property Information

Size: 3.13 +/- acres
 Location: 10853 South Em En El Grove Road, in the unincorporated Leesburg area of Lake County.
 Alternate Key No.: 3834030
 Future Land Use: Rural
 Current Zoning District: Agriculture (A)
 Flood Zones: "X"
 Joint Planning Area (JPA) / ISBA: N/A
 Overlay Districts: Emeraldal Marsh Rural Protection Area (RPA)

Adjacent Property Land Use Table

| Direction | Future Land Use | Zoning | Existing Use | Comments |
|-----------|-----------------|--------|--------------|-------------------------|
| North | Rural | A | Residential | Single-Family Residence |
| South | Rural | A | Residential | Single-Family Residence |
| East | Rural | A | Residential | Single-Family Residence |
| West | Rural | A | Residential | Single-Family Residence |

Summary of Request.

The subject property, identified as Alternate Key Number 3834030, contains 3.13 +/- acres, is zoned Agriculture (A), and is designated with a Rural Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject property is located north of South Em En El Grove Road and south of Little Horse Drive, in the unincorporated Leesburg area of Lake County. The subject property is currently developed with a single-family dwelling unit and related accessory uses.

The Applicant has requested a variance to LDR Section 10.01.03(B)(4), to allow for an accessory dwelling unit (ADU) to contain 1,440-square feet of living area, in lieu of 1,200-square feet. It is the intention of the property owner for the proposed ADU to house family members in need of care. The location of the proposed ADU is depicted on the plot plan (Attachment "A").

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 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 code will be or has been achieved by other means: *"We have proper setbacks. We have a permit pending."*

The Applicant provided an additional written statement in regards to the purpose of the Land Development Regulation, which is included as Attachment "B" (2 pages).

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, *"We were unaware of the maximum size prior to paying the non-refundable deposit, and as such we paid the deposit and the home is in production. We also have accepted an offer on my mom and dad's current home."*

The Applicant provided an additional written statement in regards to the hardship, which is included as Attachment "B" (2 pages).

Map of Subject Property



Attachment "B" – Additional Applicant Statement (Page 1 of 2)

Office of Zoning & Planning
315 W. Main Street
Suite 510
Tavares, FL 32778

RE: Project # 2020120011
Application Request # 4271

To Whom It May Concern,

The purpose of this letter is to advise how the LDR will be / has been achieved by other means.

My parents are almost 80 years of age, and currently live in Seminole County, specifically Winter Springs. It is an approximate hour and ten-minute drive each way in order to check on them, and as such, the distance makes it impossible to check on them every day, so at times we must rely on others to do so. My dad recently had a lung infection that rendered him hospitalized for several weeks and has developed gout. My Mom is currently in fair health, but her ability to remember things have becoming increasingly worrisome. As such, my husband and I assisted in purchasing a home to have installed on our property, for them to live in. The purchase required a non-refundable deposit for the production of the mobile home to start, as the completion would take approximately eight to ten weeks time. At the time, we were unaware of limitations on the size of the residence, and assumed the new home to be in line with our home that is currently on the property. As such, we have set forth the request for the variance in the amount of approximately 260 feet.

Receiving the variance will help us eliminate many issues that we currently face, such as,

1. My parents will be closer, thereby enabling us to assist them and care for them as needed, without the hour and ten-minute drive
2. We will be able to assist my parents quicker should an emergency arrive, as they will be only feet from us, and not Counties away
3. The cost of the new home is significantly lower than their previous home, and thereby saving them money for groceries and utilities
4. We will not lose the \$60,000 deposit that we committed to

Additionally, we have taken much care to ensure that the new home will not interfere with, or infringe on our surrounding neighbors in any way. This is achieved by;

1. Our property is over three acres large, with an approximate acre separating our neighbors on both sides
2. The new home will be set on the second acre, with an approximate fifty feet distance from an empty plot, and an approximate half acre from our adjoining neighbor

Attachment "B" – Additional Applicant Statement (Page 2 of 2)

3. There is nothing that sits on the second acre where the home will be erected except trees, therefore no one will be inconvenienced by the home or the view of the home.

We pray that we are granted the variance so that we may continue to settle my parents current residence, as they have received and accepted an offer to sell, and rejection of the variance may negatively affect us, as well as the proposed buyer.

Respectfully,

Cheryl CJ Blancett
10853 S. Em En El Grove Road
Leesburg, FL 34788
386-878-5658

**Final Development Order
VAR-20-75-5
Blancett Property**

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

WHEREAS, Cheryl Blancett (the “Applicant”), on behalf of Lawrence K Blancett Jr. and Cheryl Blancett (the “Owners”), requested a variance to Land Development Regulations (LDR) Section 10.01.03(B)(4), to allow for an accessory dwelling unit (ADU) to contain 1,440-square feet of living area, in lieu of 1,200-square feet; and

WHEREAS, the subject property consists of 3.13 +/- acres and is located at 10853 South Em En El Grove Road, in the Leesburg area of unincorporated Lake County, in Section 11, Township 18, Range 25, having Alternate Key Number 3834030, and more particularly described in Exhibit “A” – Legal Description; and

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 February 11, 2021; 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 February 11, 2021, 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-20-75-5, to allow for an accessory dwelling unit (ADU) to contain 1,440-square feet of living area, in lieu of 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.

[Remainder of Page Left Intentionally Blank]

**Section 3. Effective Date. This Ordinance will become effective as provided by law.
ENACTED this 11th day of February, 2021.
EFFECTIVE February 11, 2021.**

**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 _____, 2021, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**

EXHIBIT "A" – Legal Description

PARCEL "B"

BEGINNING AT A 4" ROUND CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF THE WEST 168 FEET OF THE EAST 672 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 18 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, LESS THE RIGHT OF WAY OF COUNTY ROAD; THENCE N.00°09'43"W., A DISTANCE OF 1299.40 FEET TO A 4" ROUND CONCRETE MONUMENT; THENCE S.89°50'09"W., A DISTANCE OF 167.92 FEET TO A 4" ROUND CONCRETE MONUMENT; THENCE S.00°00'00"E., A DISTANCE OF 1298.22 FEET; THENCE S.89°46'04"E., A DISTANCE OF 171.59 FEET TO THE POINT OF BEGINNING, LESS THE SOUTH 519.76 FEET.

TOGETHER WITH A 50.00 FOOT EASEMENT FOR INGRESS/EGRESS BEING THE EAST 50.00 FEET OF THE SOUTH 150.00 FEET OF THE ABOVE DESCRIBED LAND AND THE EAST 50.00 FEET OF THE FOLLOWING DESCRIBED LAND: THE SOUTH 519.76 FEET OF THE FOLLOWING: BEGINNING AT A 4" ROUND CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF THE WEST 168 FEET OF THE EAST 672 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 18 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, LESS THE RIGHT OF WAY OF COUNTY ROAD; THENCE N.00°09'43"W., A DISTANCE OF 1299.40 FEET TO A 4" ROUND CONCRETE MONUMENT; THENCE S.89°50'09"W., A DISTANCE OF 167.92 FEET TO A 4" ROUND CONCRETE MONUMENT; THENCE S.00°00'00"E., A DISTANCE OF 1298.22 FEET; THENCE S.89°46'04"E., A DISTANCE OF 171.59 FEET TO THE POINT OF BEGINNING.