



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearing Date: April 8, 2021

Case No. and Project Name: VAR-21-09-5, Roe Property

Owners: Robert A. and Natalie M. Roe

Applicant: Paul D. Caruso, Corban Construction Co.

Requested Action: Variance to Land Development Regulations (LDR) Section 10.01.03.B(4), to allow for an existing mobile home which exceeds 1,200-square feet (32 X 56) to be utilized as an accessory dwelling unit (ADU); LDR Section 10.01.03.B(5), to allow said ADU to have a different architectural style than the proposed principal dwelling; and LDR Section 10.01.03.B(7), to allow said ADU to have a separate driveway from the proposed principal dwelling.

Case Manager: Emily W. Johnson, Senior Planner

### Subject Property Information

Size: 8.99 +/- acres

Location: 20100 Alvey Road, in the unincorporated Umatilla area.

Alternate Key No.: 1222397

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: City of Umatilla ISBA

Overlay Districts: Wekiva – Ocala Rural Protection Area (RPA)

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	A	Residential and Agricultural	Single-Family Residences and Agriculture adjacent to Alvey Road
South	Rural	A	Residential and Vacant Residential	Single-Family Residence and Vacant Residential
East	Rural	A	Agricultural	Large Agricultural Tract
West	Rural	A	Vacant Residential	Vacant Residential

### Summary of Request.

The subject property, identified as Alternate Key Number 1222397, contains 8.99 +/- 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 south of Alvey Road, in the unincorporated Umatilla area of Lake County. The subject property is currently developed with a 32' X 56' mobile home (single-family dwelling unit), a greenhouse, and other related accessory uses.

The Applicant has requested a variance to LDR Section 10.01.03.B(4), to allow for an existing mobile home which exceeds 1,200-square feet (32 X 56) to be utilized as an accessory dwelling unit (ADU); LDR Section 10.01.03.B(5), to allow said ADU to have a different architectural style than the proposed principal dwelling; and LDR Section 10.01.03.B(7), to allow said ADU to have a separate driveway from the proposed principal dwelling. The Owners intend to construct a new site-built single-family dwelling unit on the subject property, but wish to keep the existing mobile home as an accessory dwelling unit (ADU). Because the proposed primary dwelling unit and ADU will have different architectural design standards, will have separate driveway access, and the ADU will exceed 1200-square feet in living area, an approved variance to the aforementioned LDR Sections is required to facilitate issuance of the zoning permit.

### 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.

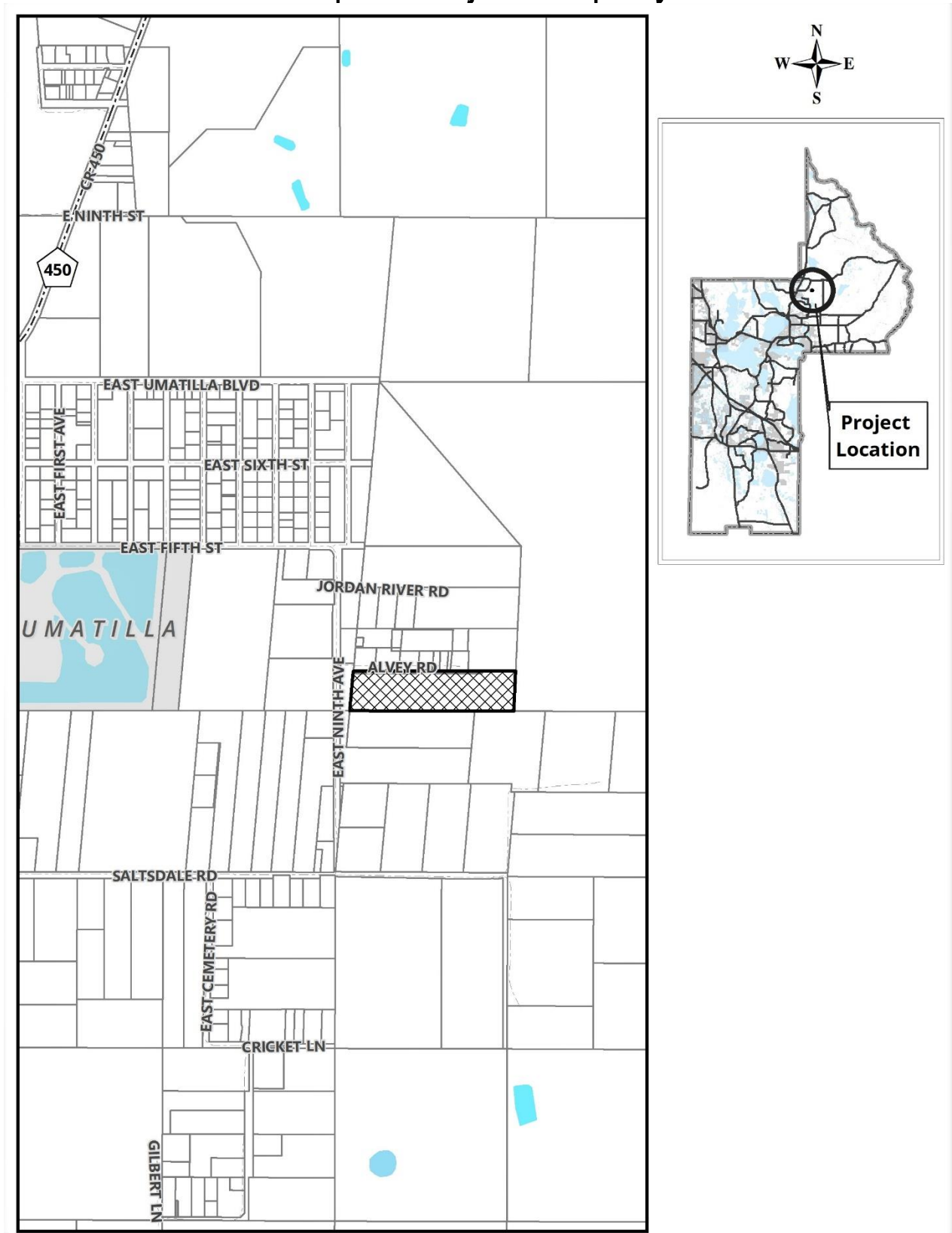
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement: *"(1) The lot is a Lot of Record and a legally created lot. (2) Only one Principal Dwelling and one Accessory Dwelling will exist on the property. (3) Accessory Dwelling Unit will not be attached to Principal Dwelling Unit. (4) Accessory Dwelling Unit meets setback requirements."*

**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.**

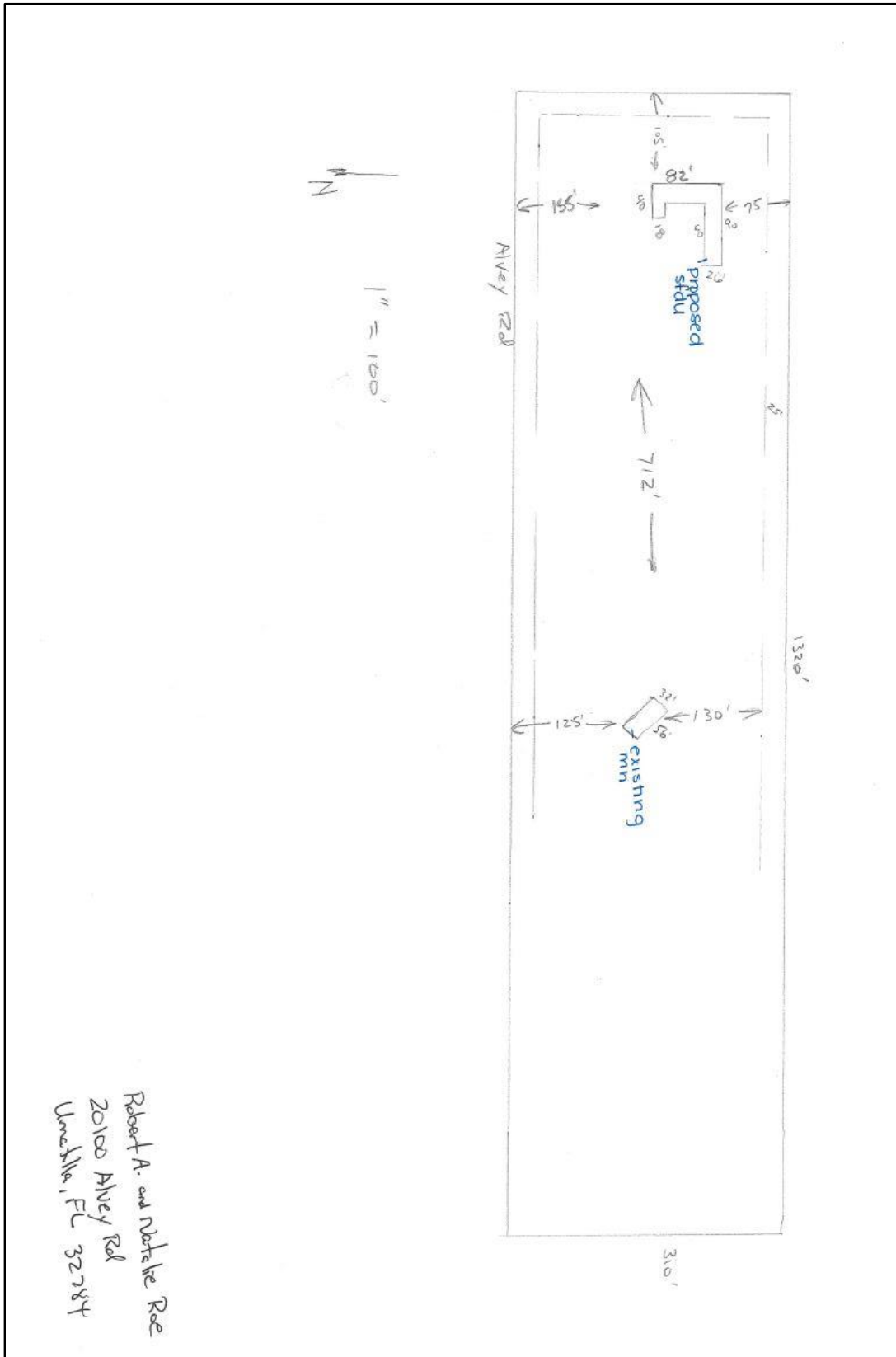
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

As proof of a substantial hardship, the Applicant provided the following statement: *"Owner lives on property and wants to build a more substantial, permanent home."*

# Map of Subject Property



# Attachment "A" – Plot Plan



Robert A. and Natalie Roe  
20100 Alvey Rd  
Unelaha, FL 32284

**Final Development Order**  
**VAR-21-09-5**  
**Roe Property**

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

**WHEREAS**, Paul D. Caruso, Corban Construction Co. (the “Applicant”), on behalf of Robert A. and Natalie M. Roe (the “Owners”), requested a variance to Land Development Regulations (LDR) Section 10.01.03.B(4), to allow for an existing mobile home which exceeds 1,200-square feet (32 X 56) to be utilized as an accessory dwelling unit (ADU); LDR Section 10.01.03.B(5), to allow said ADU to have a different architectural style than the proposed principal dwelling; and LDR Section 10.01.03.B(7), to allow said ADU to have a separate driveway from the proposed principal dwelling; and

**WHEREAS**, the subject property consists of 8.99 +/- acres and is located at 20100 Alvey Road, in the Umatilla area of unincorporated Lake County, in Section 09, Township 18 South, Range 27 East, having Alternate Key Number 1222397, and more particularly described below; and

Begin at the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of Section 9, Township 18 South, Range 27 East, in Lake County, Florida, run thence North 310 feet, thence East to the East boundary of said Northwest 1/4 of the Southwest 1/4, thence South 310 feet; thence West to the Point of Beginning.

**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 April 8, 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 April 8, 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-21-09-5, to allow for to allow for an existing mobile home which exceeds 1,200-square feet (32 X 56) to be utilized as an accessory dwelling unit (ADU); to allow said ADU to have a different architectural style than the proposed principal dwelling; and to allow said ADU to have a separate driveway from the proposed principal 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.

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

**ENACTED** this 8<sup>th</sup> day of April, 2021.

**EFFECTIVE** April 8, 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)**