



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 10
 Public Hearing Date: May 13, 2021
 Case No. and Project Name: VAR-21-14-4, Sims-Reyes Property
 Applicant: Shannon Sims-Reyes
 Owner: Beverly Kim Sims and Shannon Monique Sims-Reyes
 Requested Action: Variance to Lake County Land Development Regulations (LDR) Sections 7.00.04(B)(2)(c), to allow an accessory apartment / dwelling unit to be 1,680-square feet, in lieu of 800-square feet; and LDR Section 7.00.04(B)(2)(e), to allow the guest quarters to remain on site prior to the construction of the principal residence.
 Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 5.05 +/- acres
 Location: 35724 Huff Road, Eustis
 Alternate Key No.: 1313937
 Future Land Use: Wekiva River Protection Area A-1-20 Receiving Area
 Current Zoning District: Agriculture (A)
 Flood Zone: "X"
 Joint Planning Area/ ISBA: N/A
 Overlay Districts: Wekiva River Protection Area (WRPA)
 Wekiva Study Area (WSA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	WRPA A-1-20 Receiving Area	Agriculture (A)	Residential	Single-Family Dwelling Units
South	WRPA A-1-20 Receiving Area	Agriculture (A)	Right-of-Way and Agriculture	Huff Road and Large Vacant Agriculture Tract of Land South of R-O-W
East	WRPA A-1-20 Receiving Area	Agriculture (A)	Residential	Single-Family Dwelling Units
West	WRPA A-1-20 Receiving Area	Agriculture (A)	Residential	Single-Family Dwelling Units

Summary of Request.

The Applicant has submitted a variance request to LDR Sections 7.00.04(B)(2)(c), to allow an accessory apartment /dwelling unit to be 1,680-square feet, in lieu of 800-square feet; and LDR Section 7.00.04(B)(2)(e), to allow an accessory dwelling apartment / dwelling unit to remain on the subject property prior to the construction of the principal residence. The Applicant is proposing to convert the existing residence into an accessory dwelling unit and proposes to get permits for the installation of a 40' x 76' mobile home, which will be occupied by the Applicant as the primary residence.

The subject 5.05 +/- acre parcel is identified by Alternate Key Number 1313937; the parcel is zoned Agriculture (A); is part of the Wekiva River Protection Area A-1-20 Receiving Area Future Land Use Category (FLUC); is located within the Wekiva River Protection Area and Wekiva Study Area. The parcel was originally created through the family lot split in 2005-35 (FDE #2005- Parcel "D"). Currently, the parcel is developed with a residence, wood deck, porch, barn, two (2) carports, and two (2) wood sheds.

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 7.00.04 is to protect the Wekiva River System, including water quantity, water quality, and hydrology; associated with Wetlands; aquatic and wetland-dependent wildlife species; habitat within the Wekiva River Protection Area (WRPA) and native vegetation within the WRPA.

The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"We attempted to do a land division and are not able to. We have found a home large enough and will follow all guidelines. 25-ft easement and only 2 homes on the property."*

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.

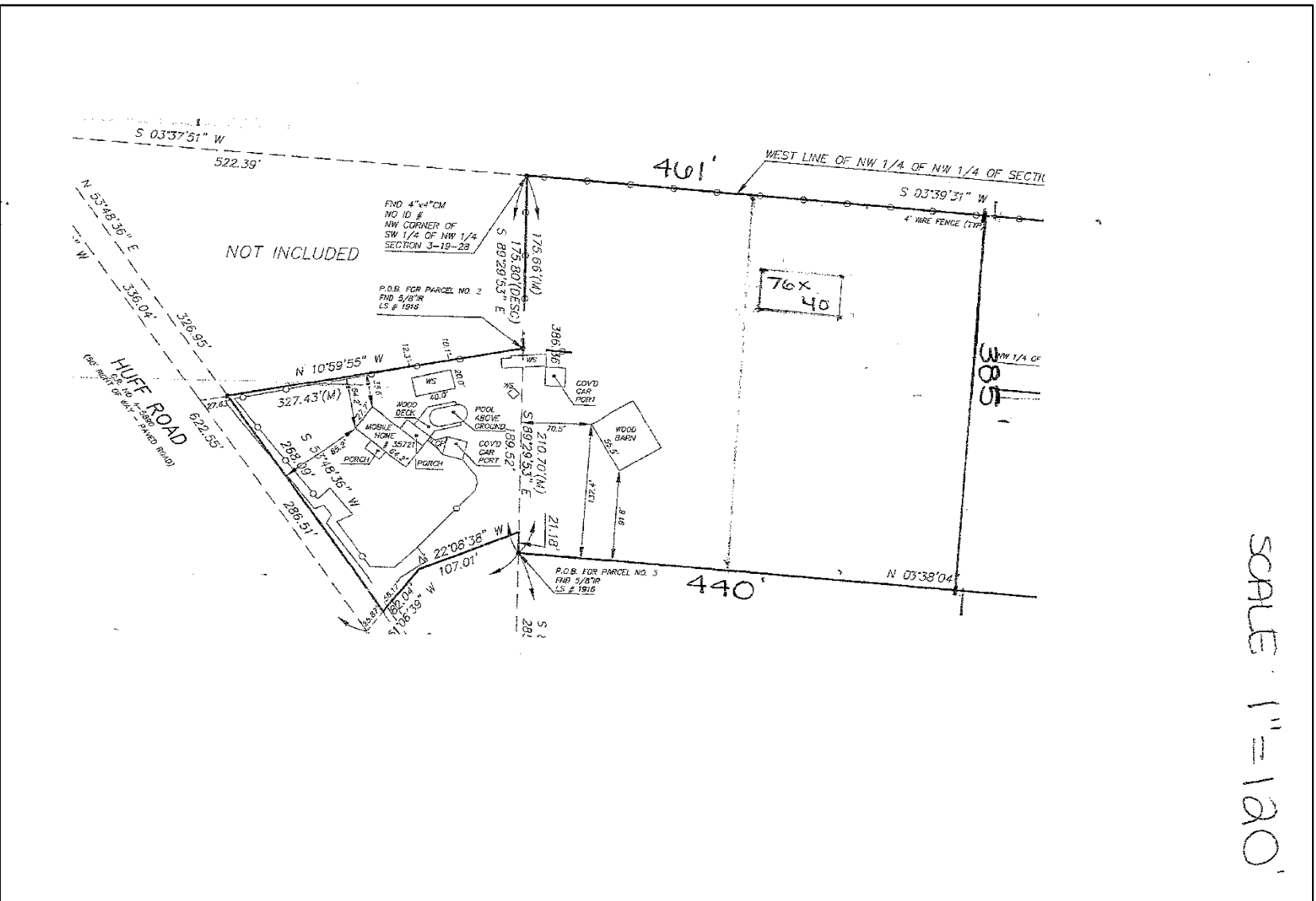
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *"My husband passed away 2.5 yrs ago and the property has become harder to care for on my own. My granddaughter also just lost her husband 6 months ago and we want to help each other. She has 4 young children and will need to build a larger home on my property in order to accommodate us all. My small, old 1984 mobile home is just not feasible for all of them."*

Map of Subject Property



Attachment "A" - Concept Plan



**Final Development Order
VAR-21-14-4
Sims Property**

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

WHEREAS, Shannon Sims-Reyes (the “Applicant” and the “Owner”) submitted a variance request on behalf of Beverly Kim Sims (the “Owner”) to Lake County Land Development Regulations (LDR) Sections 7.00.04(B)(2)(c), to allow an accessory apartment / dwelling unit to be 1,680-square feet, in lieu of 800-square feet; and LDR Section 7.00.04(B)(2)(e), to allow the guest quarters to remain on site prior to the construction of the principal residence; and

WHEREAS, the subject property consists of 5.12 +/- acres and located at 35721 Huff Road, in the unincorporated Eustis area of Lake County, Florida, in Section 03, Township 19 South, Range 28 East, having Alternate Key Number 1313937 and more particularly described in Exhibit “A”, Legal Description:

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 May 13, 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 May 13, 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-21-14-4, to allow an accessory apartment / dwelling unit to be 1,680-square feet, in lieu of 800-square feet; and LDR Section 7.00.04(B)(2)(e), to allow the guest quarters to remain on site prior to the construction of the principal residence.

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 May, 2021.

EFFECTIVE May 13, 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 13th day of May, 2021, by James Argento, as Chairman of the Lake County Board of Adjustments.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)

Exhibit "A" – Legal Description

Commence at the Northwest Corner of the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 19 South, Range 28 East, Lake County, Florida, run South 03°39'31" West along the West line of the Northwest 1/4 of the Northwest 1/4 said Section 3, a distance of 779.19 feet to the point of beginning; then South 86°21'56" East 385.58 feet; thence South 03°38'04" West to the South line of the Northwest 1/4 of the Northwest 1/4 said Section 3, a distance of 440.52 feet; thence North 89°29'53" West along the South line of the Southwest 1/4 of the Southwest of 1/4 of said Section 3 a distance of 386.36 feet to the Southwest Corner of the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 19 South, Range 28 East, Lake County, Florida; thence North 03°39'31" West along the West line of the Northwest 1/4 of the Northwest 1/4 of said Section 3 a distance of 461.72 feet to the point of beginning.

And

That part of the Southwest 1/4 of the Northwest 1/4 of Section 3, Township 19 South, Range 28 East, Lake County, Florida, described as follows: From the Northwest Corner of the Southwest 1/4 of Section 3, township 19 South, Range 28 East, Lake County, Florida, run thence South 89°29'53" East along the North line of the said Southwest 1/4 of the Northwest 1/4 of Section 3 a distance of 175.80 feet for a point of beginning; run thence North 53°05'06" East (along the center line of Huff Road) a distance of 286.51 feet; thence North 51°03'39" West 83.04 feet; thence North 22°12'46" East 107.06 feet to a point on the aforesaid North line of the Southwest 89°23'53" West along said line 189.38 feet to the point of beginning, less that part lying South of and within the Right-of-way of County Clay Road No. 4-5890 a.k.a Huff Road it existed on April 8, 2005.

Together with and subject to a 50 feet right-of-way easement for ingress, egress, and utilities measured perpendicular 25 feet each side of the following described center line: Commence at the Northwest Corner of the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 19 South, Range 28 East, Lake County, Florida; run thence South 89°56'29" East a distance of 360.96 feet to the point of beginning; run thence South 03°38'04" West 1092.97 feet; thence South 11°47'03" West 156.03 feet; thence South 22°12'46" East 121.14 feet; thence South 51°06'39" East 55.95 feet to the northerly line of the Right-of-Way of Huff Road and the point of termination of said center line of easement.