



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: May 13, 2021

Case No. and Project Name: VAR-21-11-4, Vogel/Plank Property

Applicant: Richard Vogel

Owner: Richard J. Vogel and John Plank

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 7.00.04(B)(2)(e), to allow an existing residence to be converted into a guest quarters to remain on site prior to the construction of the principal residence.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 4.93 +/- acres

Location: 25120 County Road 44A, Eustis

Alternate Key No.: 1400961

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)	Right-of-Way and Residential	County Road 44A and Large Tract of Agriculture Land with a Single-Family Dwelling Unit North of R-O-W
South	WRPA A-1-20 Receiving Area	Agriculture (A)	Right-of-Way and Residential	Magnolia Avenue and Single-Family Dwelling Units 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	Community Facility District (CFD) and Agriculture (A)	Right-of-Way and Residential	South 7th Street and Fire Station #21 West of R-O-W

Summary of Request.

The Applicant has submitted a variance request to LDR Section 7.00.04(B)(2)(e), to allow an existing residence to be converted into a guest quarters to remain on site prior to the construction of the principal residence. LDR Section 7.00.04(B)(2)(e), states that in no case shall the guest quarters be constructed prior to the principal dwelling unit. The Applicant desires to convert the existing dwelling unit into a guest quarters and construct a principal dwelling unit (Attachment "A").

The subject 4.93 +/- acre parcel is identified by Alternate Key Number 1400961; the parcel is zoned Agriculture (A), is part of the WRPA A-1-20 Receiving Area Future Land Use Category (FLUC), and is located within the Wekiva River Protection Area, and Wekiva Study Area. Currently, the parcel is developed with a single-family dwelling unit.

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.

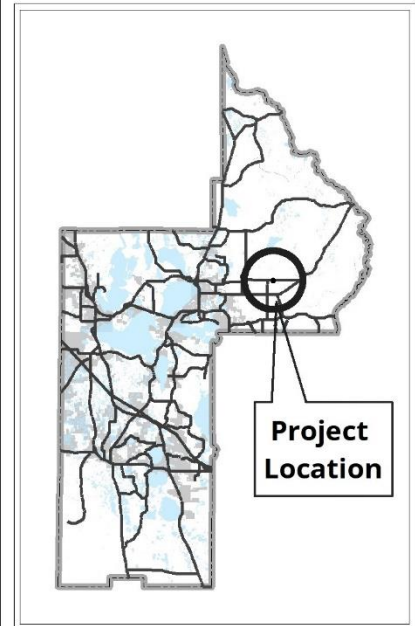
The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, "See Attachment "B"."

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.

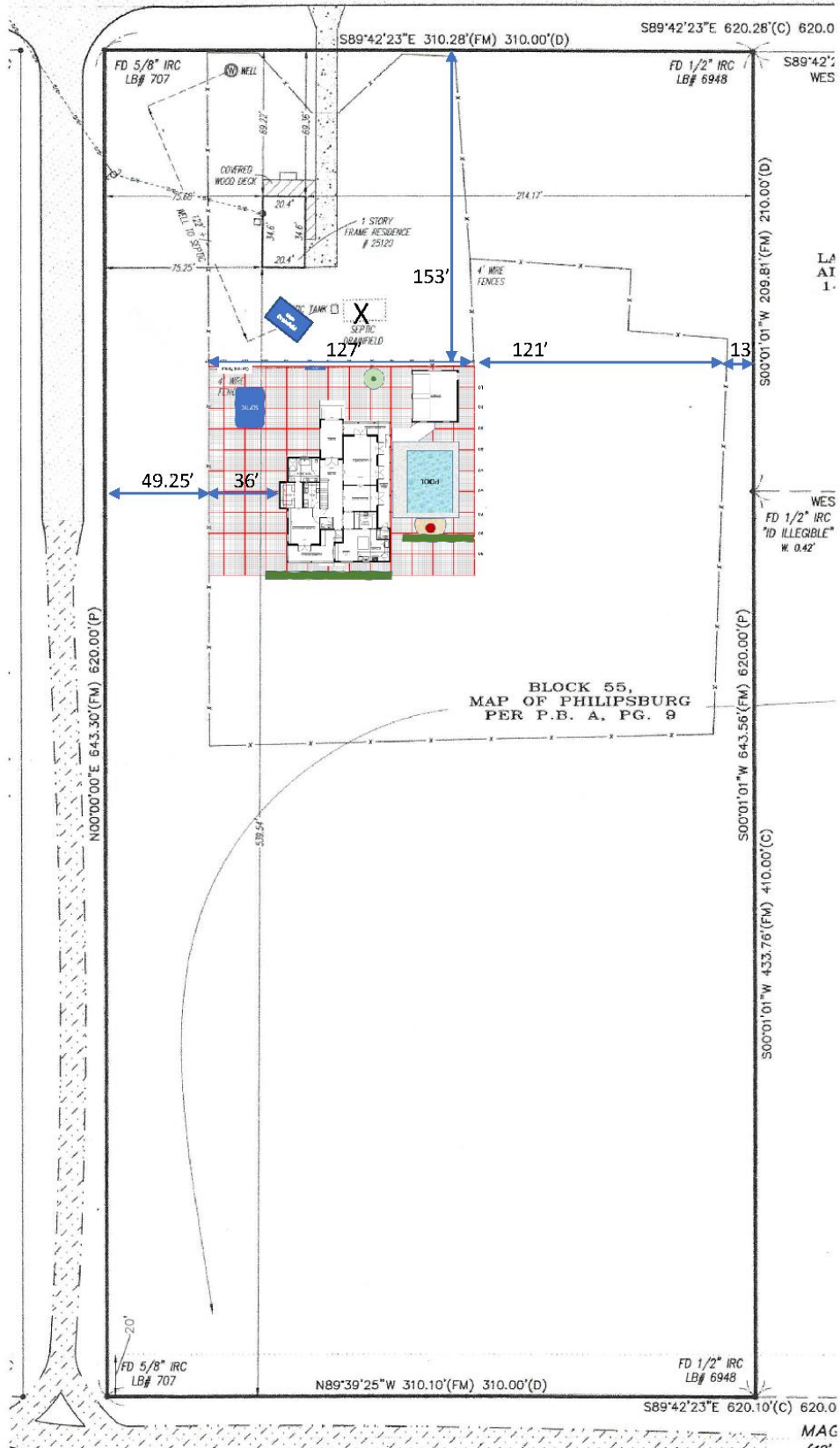
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, "Property in Wekiva Protection Area in footprint is 100 x 124 area of current pasture. See attachment (Attachment "B")."

Map of Subject Property



Attachment "A" – Concept Plan



Attachment "B" – Hardship and Justification Statement

25120 CR44A
EUSTIS, FL

Request to be able to build a new primary residence without removing any trees or the legacy oak grove on the property. Property continues to support agriculture purposes.

- Existing house structure is 700 square foot and currently use it as both a residence and for the greenhouse business office. We desire to reassign this structure to be the auxiliary building on the property and continue to use it for the greenhouse business.
- Proposal to build a new primary building: Approximate 2,300 sq. ft. footprint
- Proposal to build a connected garage: Approximate 530 sq. ft. footprint
- Proposal to include a swimming pool

Location of new primary residence to be in front of the oak grove in an existing fenced in pasture.

**Final Development Order
VAR-21-11-4
Vogel/Plank Property**

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

WHEREAS, Richard J. Vogel (the “Applicant” and the “Owner”) submitted a variance request on behalf of John Plank (the “Owner”) to Lake County Land Development Regulations (LDR) Section 7.00.04(B)(2)(e), to allow an existing residence to be converted into a guest quarters to remain on site prior to the construction of the principal residence; and

WHEREAS, the subject property consists of 4.93 +/- acres and located at 25120 County Road 44A, in the unincorporated Eustis area of Lake County, Florida, in Section 32, Township 18 South, Range 28 East, having Alternate Key Number 1400961 and more particularly described as:

The West 1/2 of Lot 55, Phillipsburg, according to the plat thereof recorded in Plat Book A, Page 9, of the Public Records of Orange County, Florida, now part of Lake County, Florida, being in Section 32, Township 18, Range 28 East, Lake County, Florida.

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-21-11-4, to allow a 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)