



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 14

Public Hearing Date: July 8, 2021

Case No. and Project Name: VAR-21-38-5, Brucelas-Burch Property

Owners: Tisha I. Brucelas-Burch and Sharon L. Brucelas-Burch

Applicant: Sharon L. Brucelas-Burch

Requested Action: Variance to Lake County Code, Land Development Regulations (LDR) Section 3.02.05(J) to allow an after-the-fact kennel to be located 198-feet from the eastern and western property lines, in lieu of 200-feet.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 5 +/- acres

Location: 19844 Wiygul Road, Umatilla

Alternate Key No.: 3827730

Future Land Use: Rural Transition

Current Zoning District: Rural Residential District (R-1)

Flood Zone: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Rural Residential (R-1)	Vacant	Vacant Large Tract of Land
South	Rural Transition	Rural Residential (R-1)	Residential Subdivision	Lake Dalhousie Estates
East	Rural Transition	Rural Residential (R-1)	Vacant	Large Tract of Land with Single-Family Dwelling Unit
West	Rural Transition	Rural Residential (R-1)	Vacant	Large Tract of Land with Single-Family Dwelling Unit

Summary of Request.

The subject 5 +/- acre parcel is identified by Alternate Key Number 3827730; the parcel is zoned Agriculture (A) and is part of the Rural Transition Future Land Use Category (FLUC). The parcel was originally created through the family lot split in 2004 (FDE #2004-023 Tract "B"). The subject parcel is developed with residence, detached garage and three (3) woodsheds.

The Applicant has submitted a variance request to LDR Sections 3.02.05(J) to allow an after-the-fact kennel to be located 198-feet from the eastern and western property lines (Attachment "A").

On April 15, 2021, the Owners were cited for a dog training operation without the proper approvals (Code Case No. 2021040137). To satisfy the code case for the dog training operation and kennel. The Owners inquired with Planning and Zoning about the dog training operation and kennel. However, staff explained that to obtain the proper approvals for the dog training operation and kennel, the Owners would need to submit a variance as the after-the-fact kennel did not meet the required 200-foot setback from the western and eastern property lines; the parcel would need to be rezoned from Rural Residential District (R-1) to Agriculture (A); and the proposed operation is allowed conditionally pursuant to the Rural Transition Future Land Use Category (FLUC).

The variance application was submitted in conjunction with an application to rezone the subject property from R-1 to A and a conditional use permit to allow for the dog training operation and kennel.

Staff has received opposition emails regarding all three (3) public hearing cases. However, staff must emphasize that the variance request is specific to the LDR Section 3.02.05(J) to allow the after-the-fact kennel to be located 198-feet from the eastern and western property lines.

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 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures and encourage a visually pleasing environment.

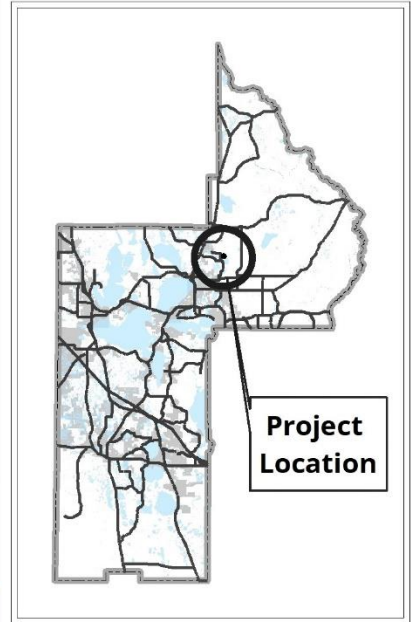
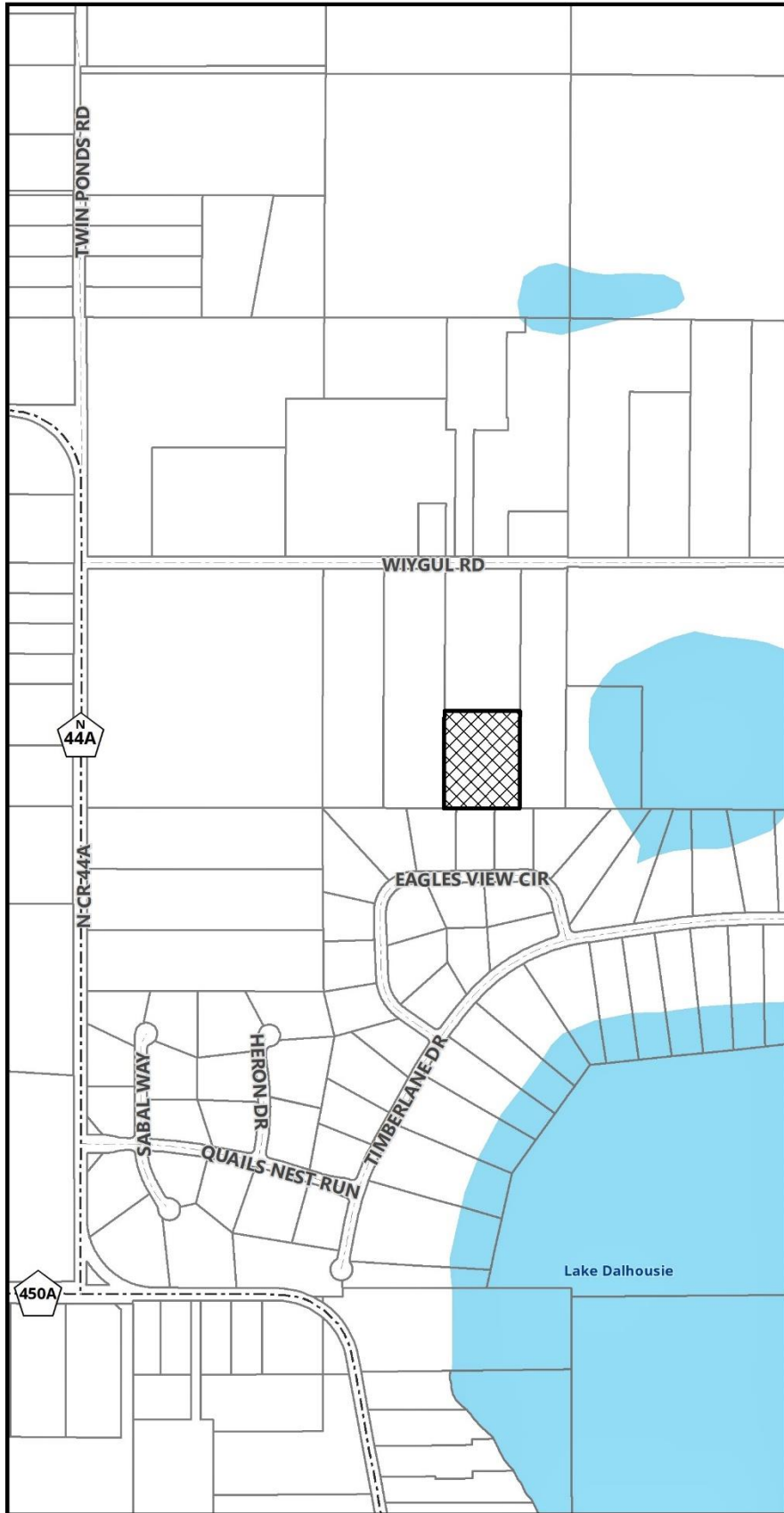
The Applicant has submitted the following intent of the Code statement: *"Required setback is 200ft asking for approval of a 198ft setback E & W property lines."*

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 submitted the following statement and setback table as proof that the LDR would create a substantial hardship or would violate principles of fairness: *"Was giving [sic] misinformation on building permit by selling company of building. Understand now it was our responsibility [sic] to verify [sic] word of mouth information. Soul [sic] income relies on ability to have building."*

Map of Subject Property



**Final Development Order
VAR-21-38-5
Brucelas-Burch Property**

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

WHEREAS, Sharon L. Brucelas-Burch (the “Owner” and the “Applicant”) requested a variance requested on behalf of Tisha T. Brucelas-Burch (the “Owner”) to Lake County Code, Land Development Regulations (LDR) Section 3.02.05(J), to allow an after-the-fact kennel to be located 198-feet from the eastern and western property lines, in lieu of 200-feet; and

WHEREAS, the subject property consists of 5 +/- acres, located at 19844 Wiygul Road, in the Umatilla area of unincorporated Lake County, Florida, in Section 20, Township 18 South, Range 27 East, having Alternate Key Number 3827730 and more particularly described as:

The South 527.97 feet of the following described parcel: The West 412.50 feet to the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 20, Township 18 South, Range 27 East, Lake County, Florida.

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on July 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 July 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-21-38-5 to allow an after-the-fact kennel to be located 198-feet from the eastern and western property lines.

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 8th day of July 2021.

EFFECTIVE July 8, 2021.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea L. Meeks, Vice Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 8th day of July 2021, by Bea L. Meeks, as Vice-Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)