



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 15
 Public Hearing Date: July 8, 2021
 Case No. and Project Name: VAR-21-39-1, Padgett Property
 Owner: Steven M. Padgett
 Applicant: Trenton M. Padgett
 Requested Action: Variance to Land Development Regulations (LDR) Sections 3.01.02(A)(1)(a) and 10.01.03 to allow an accessory dwelling unit to be less than 23-feet 4-inches at the narrowest point.
 Case Manager: Emily W. Johnson, Senior Planner

Subject Property Information

Size: 8.87 +/- acres
 Location: 14025 Gadson Street, Groveland.
 Alternate Key No.: 3272145
 Future Land Use: Urban Low Density
 Current Zoning District: Agriculture (A)
 Flood Zones: "AE" and "X"
 Joint Planning Area (JPA) / ISBA: City of Groveland
 Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	City of Groveland	City of Groveland	Residential	Single-Family Residences within the limits of the City of Groveland
South	Green Swamp Rural	A	Residential and Vacant Residential	Single-Family Residence
East	City of Groveland	City of Groveland	Commercial	Seneca Commerce Park within the limits of the City of Groveland
West	Urban Low Density	RMRP	Vacant, Lake	Vacant Residential Tract with wetlands, Stewart Lake

Summary of Request.

The subject property, identified as Alternate Key Number 3272145, contains 8.87 +/- acres, is zoned Agriculture (A), and is designated with an Urban Low Density Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject property is located west of Gadson Street and east of Stewart Lake, in the unincorporated Groveland area of Lake County. The subject property is currently developed with a 28 X 56 manufactured home (single-family dwelling unit) and other related accessory uses.

The Applicant has requested a variance to LDR Sections 3.01.02(A)(1)(a) and 10.01.03 to allow an accessory dwelling unit to be less than 23-feet 4-inches at the narrowest point. The plot plan (Attachment "A") depicts the proposed location of the accessory dwelling unit, which will contain approximately 900-square feet of living area. The Applicant provided an additional justification statement (Attachment "B") to supplement the application.

The subject property is located within the City of Groveland Interlocal Service Boundary Agreement (ISBA) area. The City of Groveland reviewed the application and supporting documents, and did not identify any concerns with the variance request.

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 3.01.02, *Classification of Uses*, is to allow development and use of property in compliance with the goals, objectives, and policies of Lake County, as expressed in the Lake County Comprehensive Plan.

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.

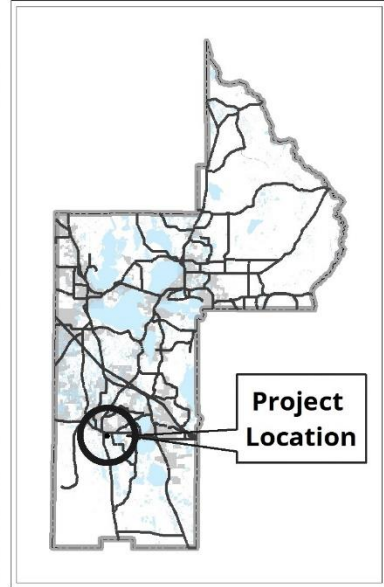
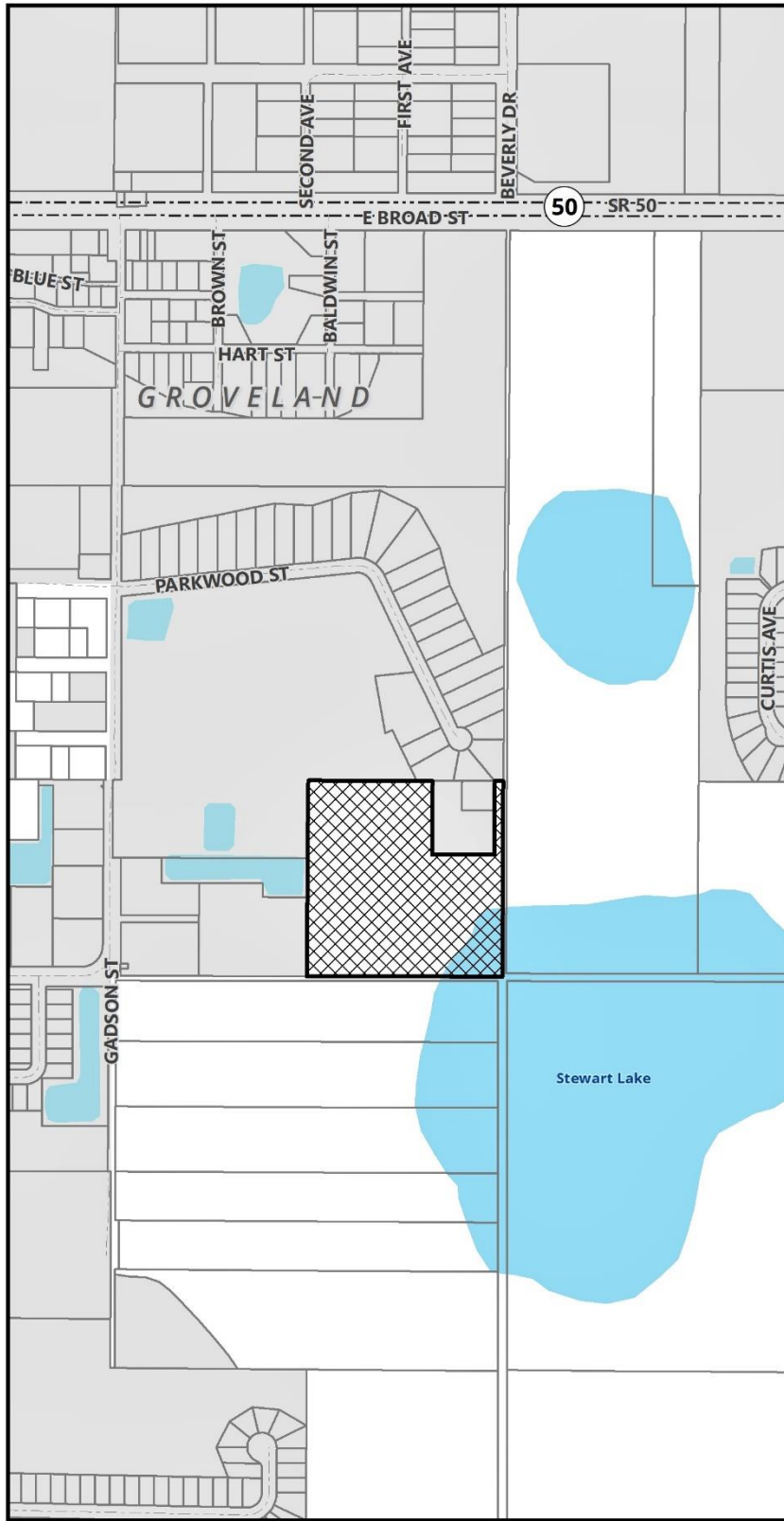
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement: *"Manufactured home meets all setback requirements. Home is under 1200 square feet. Home is a new manufactured home."*

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.

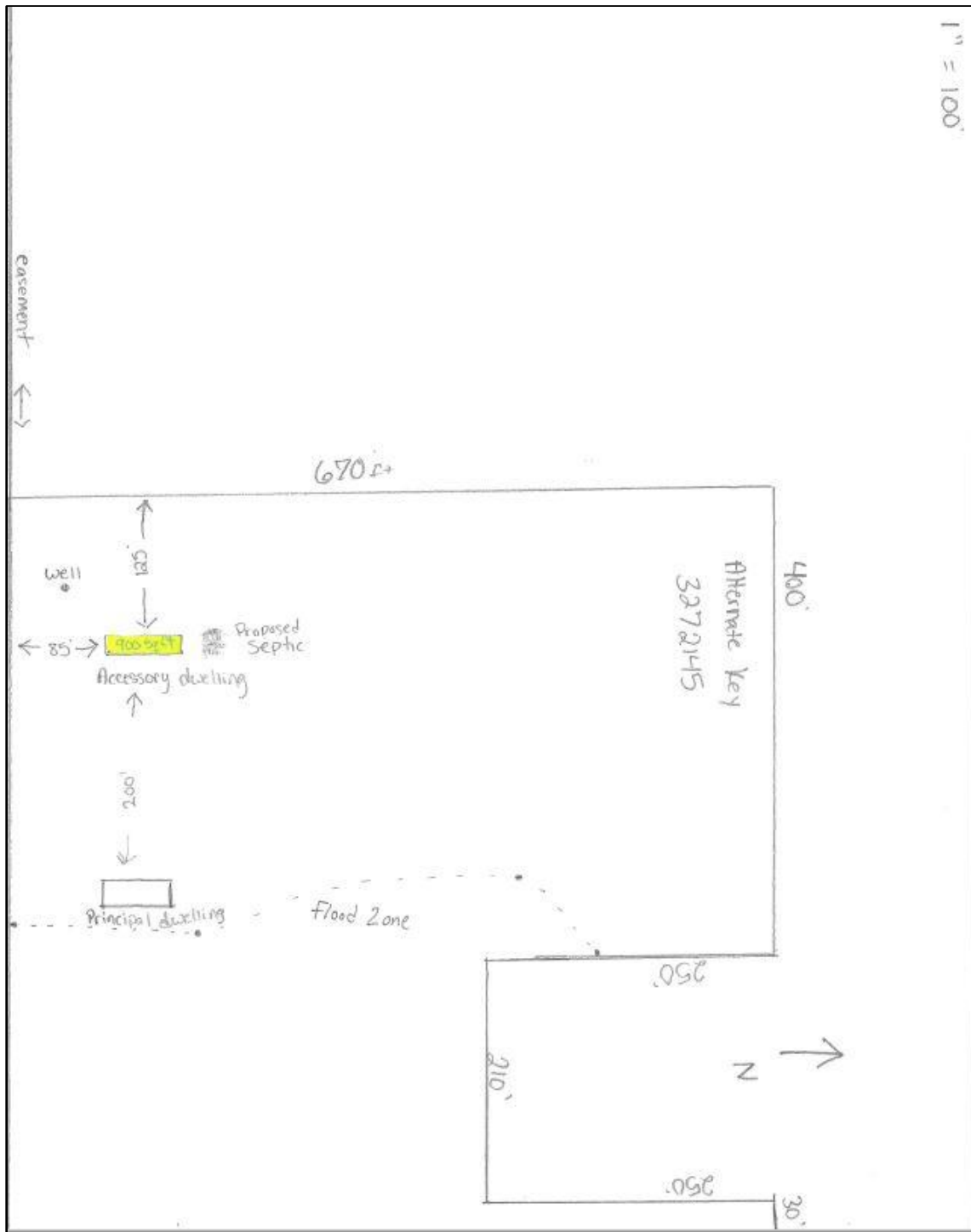
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

As proof of a substantial hardship, the Applicant provided the following statement: *"I was mis-informed by the county, was not told home had to be a double wide when I was inquiring about the rules and requirements prior to purchase of home. It is purchased already and now I am unable to obtain a permit to set the house."*

Map of Subject Property



Attachment "A" – Plot Plan



Attachment "B" – Justification Statement

Variance-addition to notes

I wanted to explain the reason that we are in the variance situation. I took off of work to go up to the county to get all the requirements from them to allow me to put a home on this property and they told me that as long as it was a manufactured home and it was under 1200 square feet i would be good to go. I was given a piece of paper that had this information on it. While shopping and deciding on the homes I called the county and I asked again over the phone and they gave me the same information, once again with no mention of how wide the home must be.

So now I have purchased this home and when trying to pull the permit then they told me that I could not have a single wide. At this point i took off work again, went up to the county and once again they gave me the same information. Then I told them that I had purchased a new single wide and that is when they told me that I could not have that and they finally provided me with the correct documentation that said so. I am not trying to bend the rules, i just simply was not made aware of this issue when i had asked multiple times. They had not given me that info the past few times when I asked them about the rules and regulations. So I was just hoping that they could take this into consideration, that I tried to do it the correct way and was simply not given all of the information I needed to do it correctly. The home I purchased is a brand new 2021 model, it is not going to be a nuisance to the area.

I also would like to make you guys aware that we do have one neighbor who may propose an issue simply out of hatred for us. They have tried to call the cops, code enforcement, health department, and all of their calls have turned out to be just an inconvenience as we have never done anything wrong or bothersome. For an example they called cops on us for "shooting guns repeatedly " when it was actually a gun range over a mile away from our home and theirs. they even stand behind their bushes with binoculars to try and spy on us when we are outside grilling or walking our dogs. i just wanted to make you aware of that. All other neighbors are in good standing with us, as far as we know. Thank you very much!

Final Development Order
VAR-21-39-1
Padgett Property

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

WHEREAS, Trenton M. Padgett (the “Applicant”), on behalf of Steven M. Padgett (the “Owner”), requested a variance to Land Development Regulations (LDR) Sections 3.01.02(A)(1)(a) and 10.01.03 to allow an accessory dwelling unit to be less than 23-feet 4-inches at the narrowest point; and

WHEREAS, the subject property consists of 8.87 +/- acres and is located at 14025 Gadson Street, in the Groveland area of unincorporated Lake County, in Section 19, Township 22 South, Range 25 East, having Alternate Key Number 3272145, 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 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-21-39-1, to allow an accessory dwelling unit to be less than 23-feet 4-inches at the narrowest point.
- 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 8th day of July, 2021.

EFFECTIVE July 8, 2021.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea 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 Meeks, as Vice 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 NO. 1: Begin at the Northeast corner of the South 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 19, Township 22 South, Range 25 East, Lake County, Florida; thence run Westerly along the South line of Edgewood School Subdivision, according to the Plat thereof as recorded in Plat Book 17, Page 9, Public Records of Lake County, Florida, 30.31 feet to the Southeast corner of Lot 27; thence run South 250 feet; thence run Westerly parallel to the South line of the said Subdivision, 210 feet; thence run North 250 feet; thence run West along the North line of the South 1/2 of the Southwest 1/4 of the Southeast 1/4 for 419.69 feet; thence run South to the South line of the said Section 19; thence run Easterly along the South line of the said Section 19 to a point that is South of the Point of Beginning; thence run Northerly along the East line of the Southwest 1/4 of the Southeast 1/4 to the Point of Beginning.