



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 25

Public Hearing Date: August 12, 2021

Case No. and Project Name: VAR-21-52-1, Brigmond Property

Owners: Perry Tyler Brigmond

Applicant: Perry Tyler Brigmond

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.02.05, to allow a single-family dwelling unit to be constructed five (5) feet from the side property lines, in lieu of twenty-five (25) feet from the side property lines.

Case Manager: Ryan Winkler, Planner

Subject Property Information

Size: 2.06 +/- acres

Location: Florida Boys Ranch Road, in the unincorporated Groveland area of Lake County.

Alternate Key No.: 3537483

Future Land Use: Green Swamp Rural Conservation

Current Zoning District: Agriculture (A)

Flood Zones: "AE" and "X"

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: Green Swamp Area of Critical State Concern

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural Conservation	R-3	Lake	Pine Island Lake
South	N/A	N/A	Street	Florida Boys Ranch Road
East	Green Swamp Rural Conservation	A	Residential	Vacant
West	Green Swamp Rural Conservation	A	Residential	Existing Single-Family Home

Summary of Request.

The subject property, identified as Alternate Key Number 3537483, contains 2.06 +/- acres, is zoned Agriculture (A), and is designated with a Green Swamp Rural Conservation Future Land Use Classification by the 2030 Comprehensive Plan. Generally, the subject property is located north of Florida Boys Ranch Road, and east of Skylark Lane, in the unincorporated Groveland area of Lake County. The subject property is currently undeveloped.

The Applicant has requested a variance to LDR Sections 3.02.05 to allow a single-family home to be constructed 5-feet from the side property lines, in lieu of 25-feet from the side property line. The plot plan (Attachment "A") depicts the proposed location of the single-family home. In 2019, the LDR was amended to revise the side and rear setbacks for nonconforming lots, which at the time were 5-feet from side and rear property lines. Ordinance #2019-2 revised LDR Section 1.08.00 to establish side and rear setbacks for non-conforming lots to match the closest sized zoning district. The closest sized zoning district for this property is Agricultural Residential (AR) which requires a 25-foot setback from side and rear property lines.

The Lake County Department of Public Works reviewed the application and indicated that they have no objection to the variance request, however, they have provided an informational comment as follows: "A lot grading plan will be required with submittal of the zoning and building permit applications."

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.

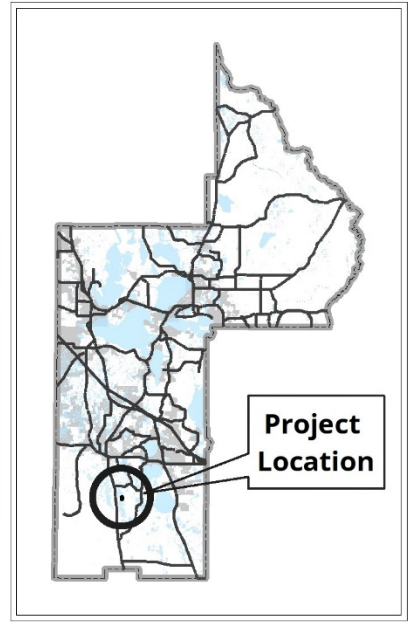
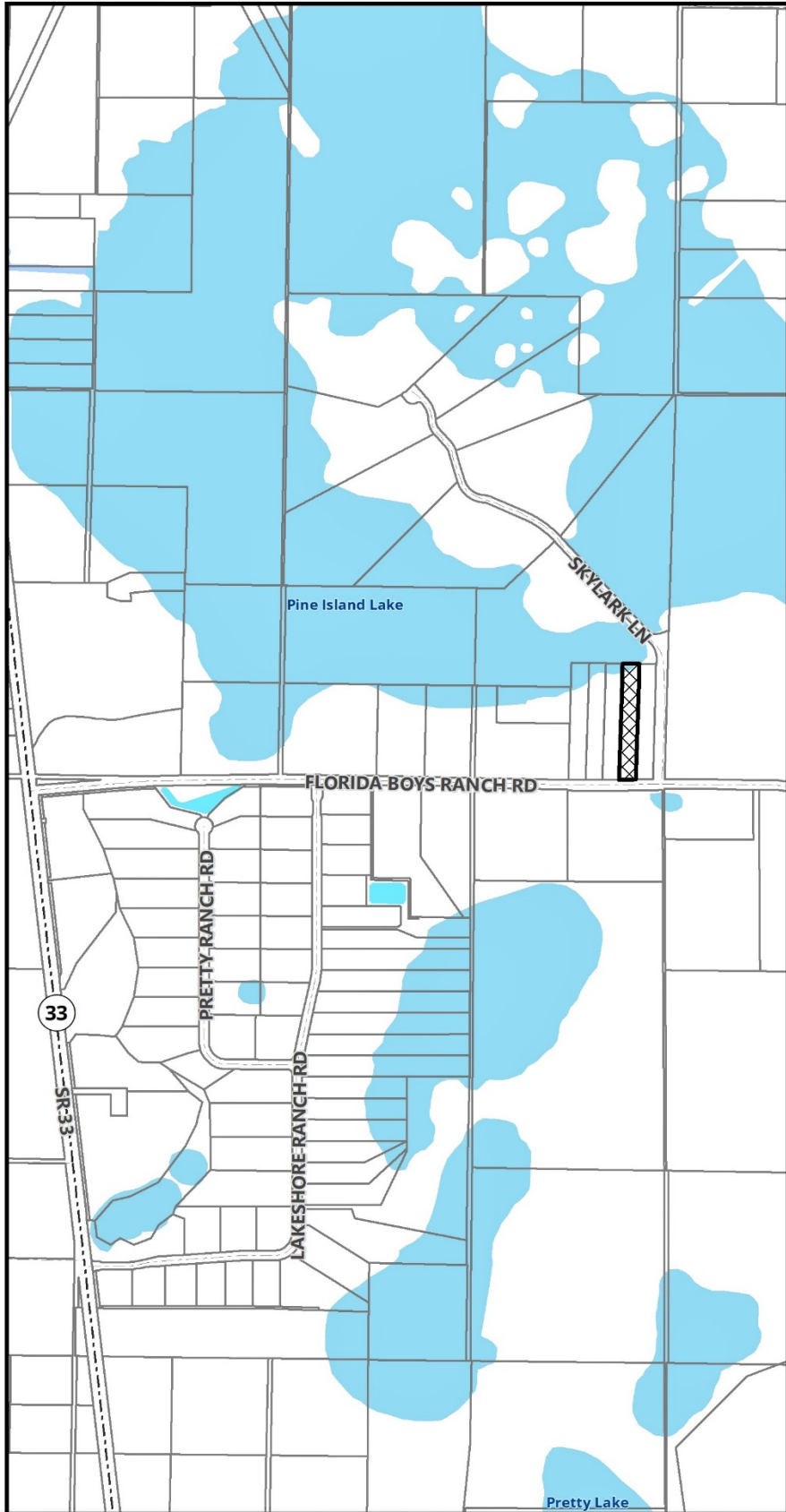
As proof the applicant will achieve or has been achieved the intent of the code is as follows: *"...the situation at hand is the two homes beside Tyler's lot Alt Key # 35337483-Florida Boys Ranch Road have 5-foot setbacks on each side of their homes. Due to the recent setback changes I cannot build a home compatible with my neighbors. The home would be out of order -narrow and long."*

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.

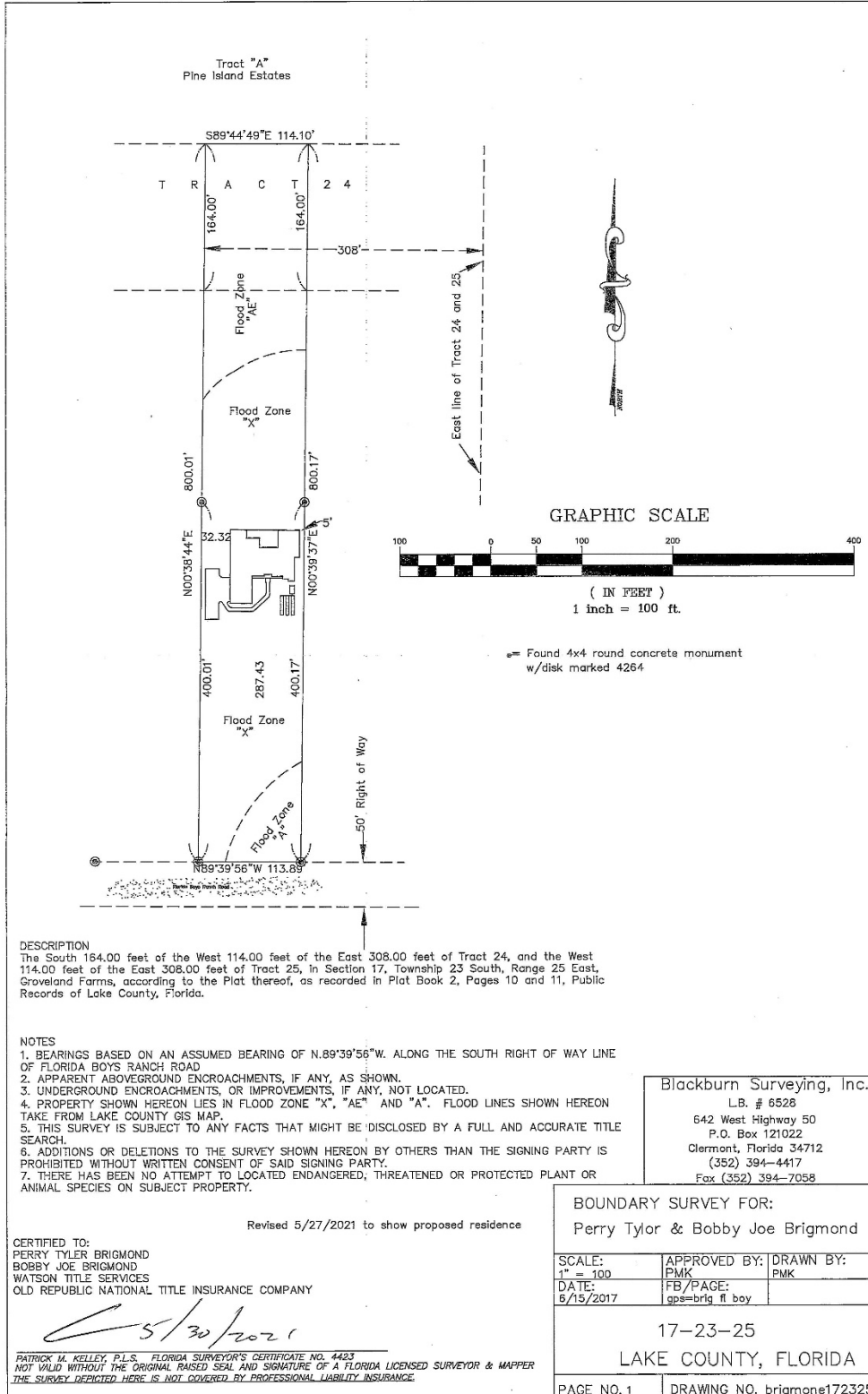
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

As proof of a substantial hardship, the Applicant provided the following statement, *"I bought this property back in 2017. With the intention 5 foot on each side. The adjoining neighbors of which, are right beside me with the same size lot-built their houses with the 5-foot setbacks. I have had my plans already drawn up to 5-foot setback requirements. In talking with my engineer he has informed me that the setbacks have changed to 25 foot. (recently). That information was obtained from staff in zoning on 5-3-21. With the current plans we would have to shave off 5 foot on each side. In doing so- that would not work with the plans as set forth. [sic]"*

Map of Subject Property



Attachment "A" – Plot Plan



**Final Development Order
VAR-21-52-1
Brigmond Property**

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

WHEREAS, Perry Tyler Brigmond (the "Owner") requested a variance to Lake County Land Development Regulations (LDR) Section 3.02.05, to allow a single-family dwelling unit to be constructed 5-feet from the side property lines, in lieu of twenty-five (25) feet from the side property lines; and

WHEREAS, the subject property consists of 2.06+/- acres and is generally located north of Florida Boys Ranch Road and west of Skylark Lane, in the unincorporated Groveland area of Lake County, Florida, in Section 17, Township 23 South, Range 25 East, having Alternate Key Number 3537483 and more particularly described as:

The South 164.00 feet of the West 114.00 feet of the East 308.00 feet of Tract 24, and the West 114.00 feet of the East 308.00 feet of Tract 25, in Section 17, Township 23 South, Range 25 East, Groveland Farms, according to the Plat thereof, as recorded in Plat Book 2, Pages 10 and 11, of the Public Records of 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 August 12, 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 August 12, 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-21-52-1 allow a single-family dwelling unit to be constructed 5-feet from the side property lines, in lieu of twenty-five (25) feet from the side property lines, with the following condition:

1. A lot grading plan will be required with submittal of the zoning and building permit applications.

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 12th day of August, 2021.

EFFECTIVE August 12, 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 12th day of August 2021, by James Argento, as of the Lake County Board of Adjustment

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)