



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: September 9, 2021

Case No. and Project Name: VAR-21-41-3, Williams Property

Owners/Applicants: Richard W. Williams and Pamela S. Williams

Requested Action: Variance to Lake County Land Development Regulations (LDR) Sections 10.01.03(4) and (5) to allow an accessory dwelling unit with a 1,250-square feet enclosed living area, in lieu of 1,200-square feet, and different architectural style as the principal dwelling unit.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 5.02 +/- acres

Location: 35328 Dennis Road, Leesburg

Alternate Key No.: 3870642

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: Leesburg ISBA

Overlay Districts: Emerald Marsh Rural Protection Area (RPA)

Adjacent Property Land Use Table

| Direction | Future Land Use | Zoning | Existing Use | Comments |
|-----------|------------------|-----------------|-----------------------------|--|
| North | Rural | Agriculture (A) | Vacant | Large Vacant Agriculture Parcel |
| South | Rural | Agriculture (A) | Agriculture and Residential | Large Tract of Land with Single-Family Dwelling Units and Wetlands |
| East | Rural Transition | Agriculture (A) | Agriculture and Residential | Large Tract of Land with Single-Family Dwelling Unit and Wetlands |
| West | Rural | Agriculture (A) | Agriculture and Residential | Single-Family Dwelling Units |

Summary of Request.

The 5.02 +/- acre parcel is identified by Alternate Key Number 3870642; the parcel is zoned Agriculture (A); is part of the Rural Future Land Use Category (FLUC); and located within the Emeralda Marsh Rural Protection Area (RPA). The subject parcel is developed with a single-family dwelling unit.

The Applicant has submitted a variance request to LDR Sections 10.01.03(4) and (5) to allow an accessory dwelling unit with a 1,250-square feet enclosed living area, in lieu of 1,200-square feet, and different architectural style as the principal dwelling unit (Attachment "A").

The variance application was sent to the Public Works Department for a determination of consistency with their regulations and the Department of Public Works had no comments or objections to the request.

The subject parcel is located within the City of Leesburg ISBA and the variance application was sent to City of Leesburg for a determination of consistency with their regulations. Leesburg had no comments or objections to the 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 LDR Section 14.11.01.D.2 is to ensure that properties being split have the facilities that are required for the development of parcels such as roads and appropriate emergency access.

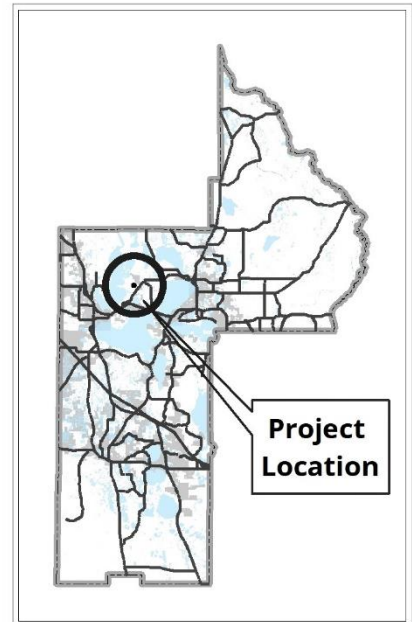
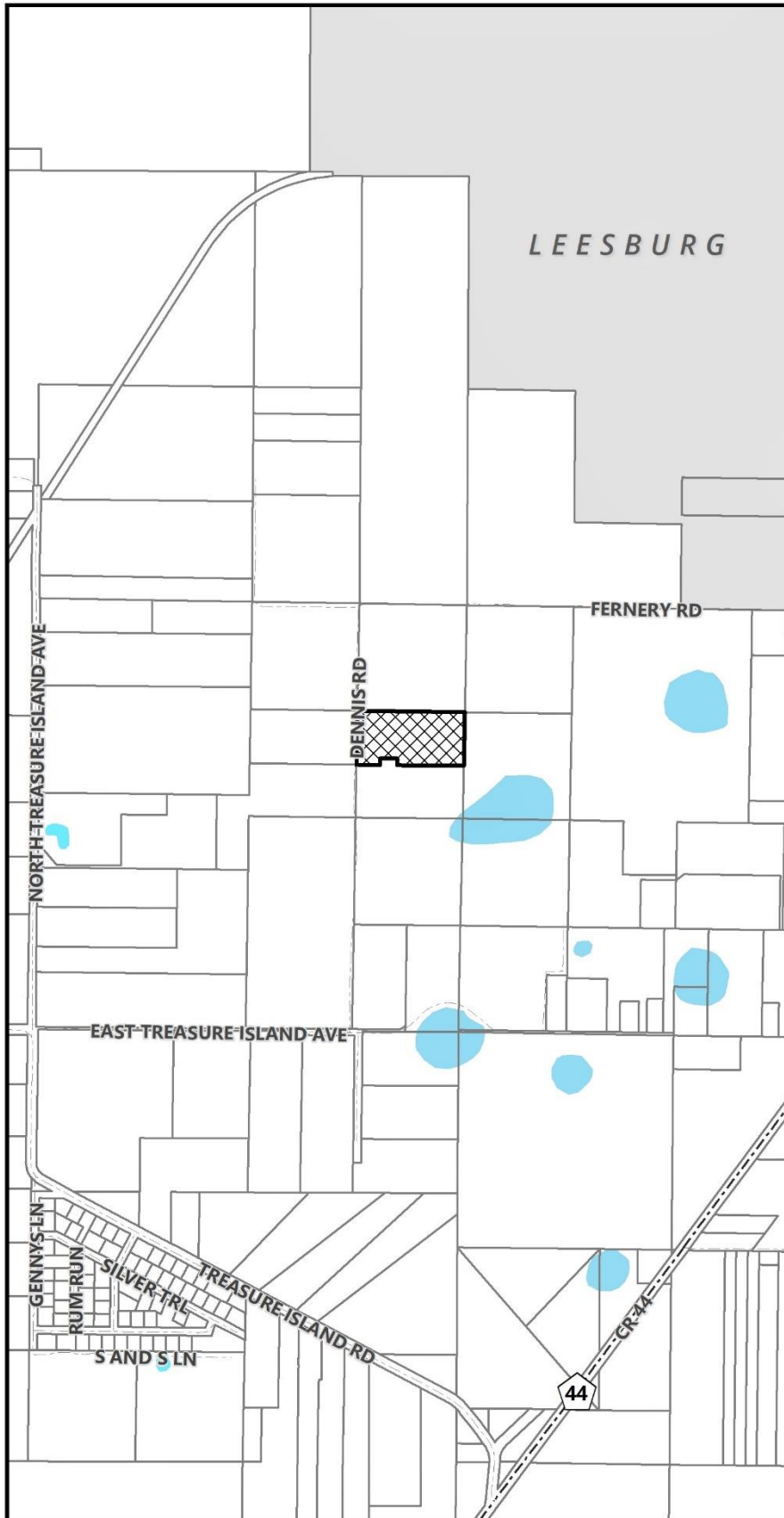
The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"Please see attachment on the next page (Attachment "B")."*

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.

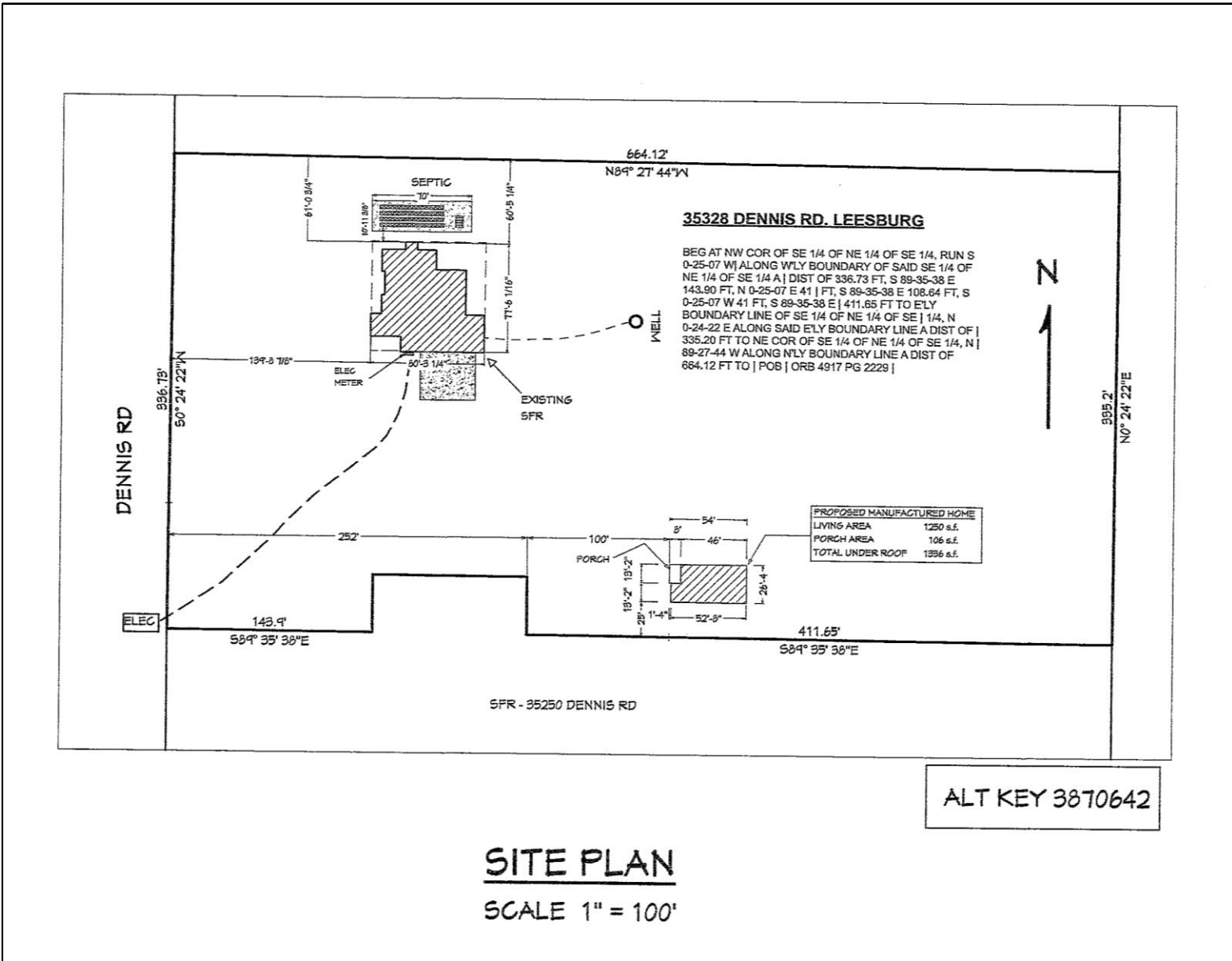
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *"Please see attachment on the next page (Attachment "B")."*

Map of Subject Property



Attachment "A" - Concept Plan



Attachment "B" – Supplemental Information

Attachment to Variance Application submitted by Richard and Pamela Williams
AK#3870642

What is the substantial hardship in meeting the specific code requirement?

The Accessory Dwelling Unit will allow me to be closer to my mother so that I can provide compassionate care, companionship and be quickly available if the need arises. My mother needs her independence as part of her quality of life, and as her physical and emotional needs increase, it would be best to have those needs provided in her own home setting rather than having to move her somewhere else. This sense of security as she ages is very important to her emotional and physical health. When the time comes, she can avoid an assisted living facility, which she cannot afford, by having her home close by and spatially able to accommodate whatever ADA requirements she will need as well as provide space for a 24/7 nurse or caregiver when that becomes necessary. The request for a variance of 50 sq.ft. will make this possible. A substantial deposit \$6,500.00 has been made on the manufactured home and will be lost if the variance request cannot be addressed as soon as possible. I feel that these are substantial needs and hardships that will be met by the approval of our request for a variance.

Describe how the purpose of the Land Development Regulation will be or has been achieved by other means.

The intent/purpose of Land Development Regulations (LDR) Section 10.01.03, Accessory Structures that are Dwellings, is as follows: *to provide for less expensive housing units to accommodate growth, provide housing for relations, 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.*

The purpose will be achieved by providing housing for the applicant's (Pamela Williams) mother, Mrs. Sue Barber. Further, the purpose of security, both emotional and physical, will be achieved by the mother's proximity to the applicant, which allows for quick access to her mother if needed. The selected manufactured home will meet the characteristics of the surrounding neighborhood and the primary residence.

**Final Development Order
VAR-21-41-3
Williams Property**

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

WHEREAS, Richard W. Williams and Pamela S. Williams (the “Owners”) requested a variance to Lake County Land Development Regulations (LDR) Sections 10.01.03(4) and (5) to allow an accessory dwelling unit with a 1,250-square feet enclosed living area, in lieu of 1,200-square feet, and different architectural style as the principal dwelling unit; and

WHEREAS, the subject property consists of 5.02 +/- acres and is located at 35328 Dennis Road, in the unincorporated Leesburg area of Lake County, Florida, in Section 04, Township 19 South, Range 25 East, having Alternate Key Number 3870642 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, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on September 9, 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 September 9, 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-21-41-3 to allow an accessory dwelling unit with a 1,250-square feet enclosed living area, in lieu of 1,200-square feet, and different architectural style as the principal dwelling unit.
- 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 9th day of September 2021.

EFFECTIVE September 9, 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 9th day of September 2021, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**

EXHIBIT "A" – Legal Description

That part of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 4, Township 19 South, Range 25 East, Lake County, Florida, described as follows:

Begin at the Northwest corner of said Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 and run South 00°25'07" West, along the Westerly boundary of said Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 a distance of 336.73 feet; Thence departing said Westerly boundary run South 89°35'38" East, 143.90 feet; Thence North 00°25'07" East, 41.00 feet; Thence South 89°35'38" East 108.64 feet; Thence South 00°25'07" West 41.00 feet; Thence South 89°35'38" East 411.65 feet to the Easterly boundary of said Southeast 1/4; Thence North 00°24'22" East along the Easterly boundary a distance of 335.20 feet to the Northeast corner of said Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4; Thence North 89°27'4444" West along the Northerly boundary of said Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4, a distance of 664.12 feet to the Point of Beginning.