



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: October 14, 2021

Case No. and Project Name: VAR-21-68-2, Fishman Property

Owner: Andrea H. Fishman

Applicant: Greg Sirois

Requested Action: Variance to Land Development Regulations (LDR) Section 3.01.04(1)(b), to allow a livestock building (barn) to be constructed thirty (30) feet from the east property line and one-hundred thirty (130) feet from the west property line, in lieu of being as closely centered as possible and maintaining a fifty (50) foot setback from the property line.

Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 2.25 +/- acres

Location: 15232 Thoroughbred Lane, Montverde.

Alternate Key No.: 3037324

Future Land Use: Rural Transition

Current Zoning District: Agricultural Residential (AR)

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: Montverde ISBA

Overlay Districts: Lake Apopka Basin

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agricultural Residential (AR)	Residential	Single-Family Residence, adjacent to Thoroughbred Lane
South	Rural Transition	Agricultural Residential (AR)	Residential	Single-Family Residence
East	Rural Transition	Agricultural Residential (AR)	Residential	Single-Family Residence
West	Rural Transition	Agricultural Residential (AR)	Residential	Single-Family Residence

Summary of Request.

The Applicant has requested a variance to LDR Section 3.01.04(4)(b), to allow a livestock building (barn) to be constructed thirty (30) feet from the east property line and one-hundred thirty (130) feet from the west property line, in lieu of being as closely centered as possible and maintaining a fifty (50) foot setback from the property line. The proposed location of the barn will ensure two large, mature oak trees, which are centered on the property, will not have to be removed.

The subject parcel is zoned Agricultural Residential (AR) and is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The concept plan (Attachment "A") shows that the parcel is developed with a single-family dwelling unit, covered screen room, patio, driveway, and related accessory structures.

The subject parcel is located within the Town of Montverde ISBA; therefore, the variance application was sent to Montverde for a determination of consistency with their regulations. The Town of Montverde had no comments nor objections to this 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 3.01.04, is to regulate the placement of structures and the use of a parcel in order to ensure that they are not aesthetically or physically harmful to residents and surrounding areas. Impacts with a potential to be harmful to surrounding property owners may include increased propagation of dust, odors, noise, and traffic levels.

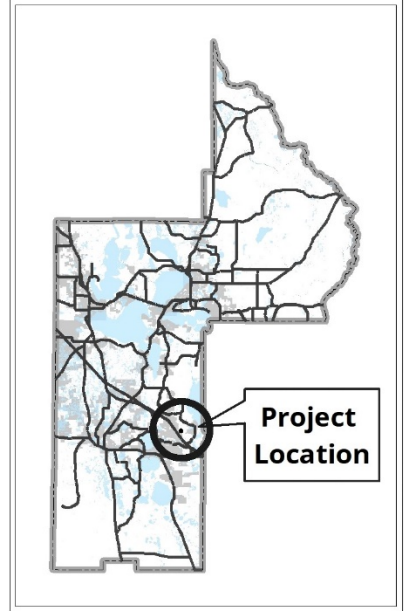
The Applicant provided the following statement as proof that the intent of the code will be or has been achieved by other means, *"Moving barn to side setback will release all drainage issues."*

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.

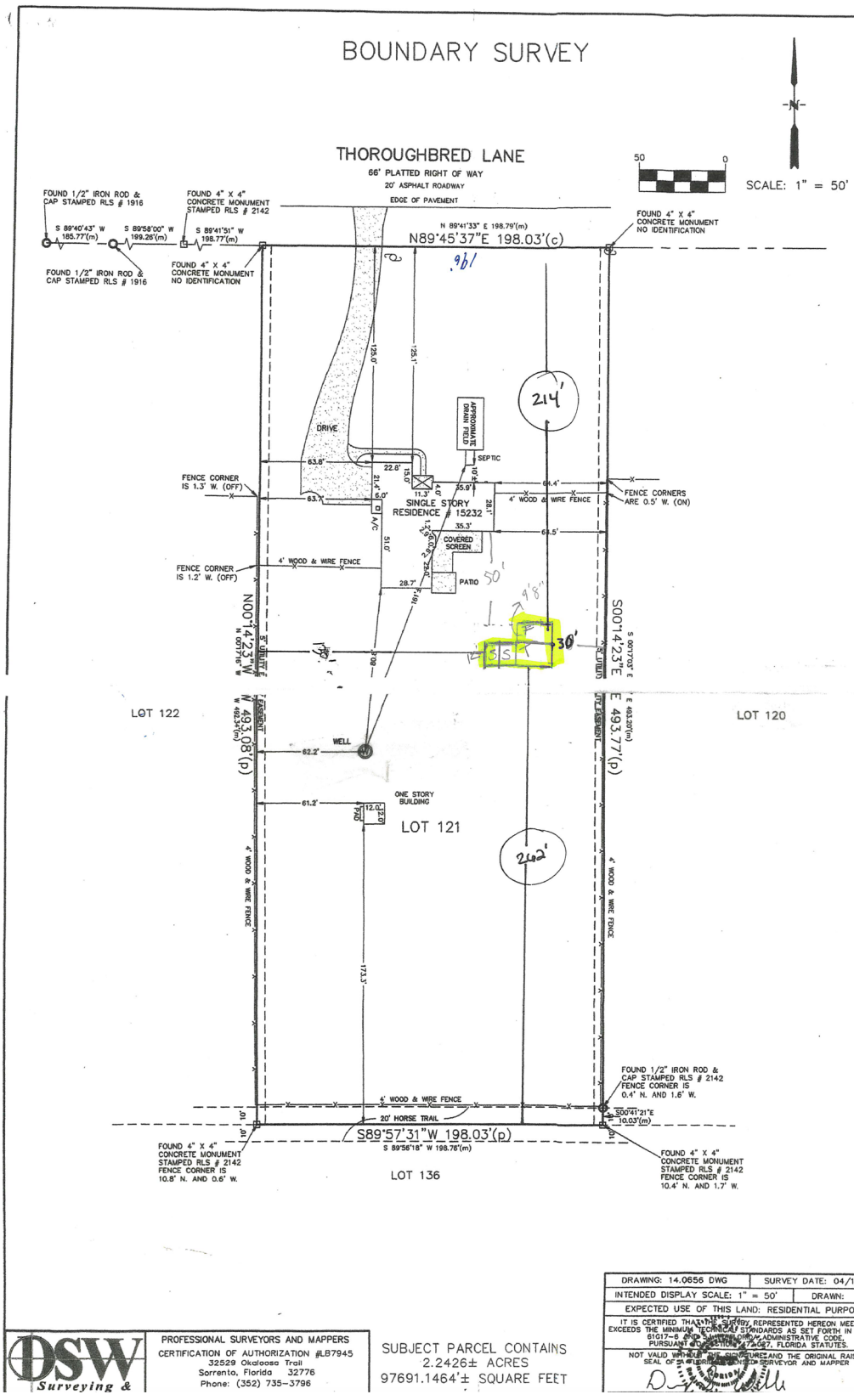
The Applicant provided the following statement, *"Need to relocate new barn to side of the center of property due to drainage issues and the owner does not want to block her view of property."*

As previously noted by staff, two large, mature oak trees would be required to be removed if the barn were constructed in the center of the property.

Map of Subject Property



Attachment "A" – Concept Plan



PROFESSIONAL SURVEYORS AND MAPPERS
 CERTIFICATION OF AUTHORIZATION #LB7945
 32529 Okaloosa Trail
 Sorrento, Florida 32776
 Phone: (352) 735-3796

SUBJECT PARCEL CONTAINS
 2.2426± ACRES
 97691.1464± SQUARE FEET

DRAWING: 14.0656 DWG	SURVEY DATE: 04/11
INTENDED DISPLAY SCALE: 1" = 50'	DRAWN:
EXPECTED USE OF THIS LAND: RESIDENTIAL PURPOSE	
IT IS CERTIFIED THAT THIS SURVEY, REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN §1017-2.02, SURVEYING AND MAPPING ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 17, §107, FLORIDA STATUTES.	
NOT VALID UNLESS SIGNED AND SEALED AND THE ORIGINAL RAISE SEAL OF SURVEYOR AND MAPPING	

D. J. Smith

**Final Development Order
VAR-21-68-2
Fishman Property**

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

WHEREAS, Greg Sirois (the “Applicant”), on behalf of Andrea H. Fishman (the “Owner”), requested a variance to Land Development Regulations (LDR) Section 3.01.04(4)(b), to allow a livestock building (barn) to be constructed thirty (30) feet from the east property line and one-hundred thirty (130) feet from the west property line, in lieu of being as closely centered as possible and maintaining a fifty (50) foot setback from the property line; and

WHEREAS, the subject property consists of 2.25 +/- acres and is located at 15232 Thoroughbred Lane, in the Montverde area of unincorporated Lake County, in Section 10, Township 22, Range 26, having Alternate Key Number 3037324, and more particularly described as:

Lot 121, The Trails of Montverde, a subdivision in Lake County, Florida, according to the Plat thereof recorded in Plat Book 28, Pages 6 through 11, inclusive, Public Records of Lake County, Florida.

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 October 14, 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 October 14, 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-21-68-2, to allow a livestock building (barn) to be constructed thirty (30) feet from the east property line and one-hundred thirty (130) feet from the west property line.
- 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.

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**Section 3. Effective Date. This Ordinance will become effective as provided by law.
ENACTED this 14th day of October 2021.
EFFECTIVE October 14, 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 14th day of October 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)**