



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2
 Public Hearing Date: December 9, 2021
 Case No. and Project Name: VAR-21-60-1, Jones Property
 Owner/Applicant: Randy Jones
 Requested Action: Variance to Lake County Land Development Regulations (LDR) Sections 10.01.03.(B)(4), to allow an accessory dwelling unit to be constructed with 2,500-square feet of living area, in lieu of 1,992-square feet of living area
 Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 18.76 +/- acres
 Location: 32600 Whitney Road, Leesburg
 Alternate Key No.: 1111315
 Future Land Use: Urban Low Density
 Current Zoning District: Agriculture (A)
 Flood Zones: "A" and "X"
 Joint Planning Area/ ISBA: Leesburg ISBA
 Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Agriculture (A)	Right-of-Way, Agriculture and Residential	Parker Point Place, Agriculture Use and Single-Family Dwelling Unit North of R-O-W
South	Urban Low	Agriculture (A)	Agriculture and Residential	Large Tract of Land with Single-Family Dwelling Units and Wetlands
East	Urban Low	Agriculture (A)	Lake	Robinson Lake
West	Urban Low	Community Facility District (CFD)	Church	Whitney Baptist Church

Summary of Request.

The subject property, identified as Alternate Key Number 1111315, contains 18.76 +/- acres, is zoned Agriculture (A), and is designated with an Urban Low Future Land Use Category by the 2030 Comprehensive Plan. Based on GIS and conceptual plan, the subject parcel lies within flood zones "A" and "X" and there is an indication that wetlands exist on the site. The subject parcel is located at 32600 Whitney Road, Leesburg. The concept plan shows that the parcel is developed with a single-family dwelling unit and driveway (Attachment "A").

Land Development Regulations (LDR) Section 10.01.03(B)(4), states that an accessory dwelling unit shall not exceed 1,200 square feet or forty (40) percent of the air conditioned, enclosed living area of the principal dwelling (excluding garages, patios, porches, and the like), whichever is greater. The living area of the principal dwelling is 4,981-square feet so 40-percent of the air-conditioned area would be 1,992-square feet. As such, the property may be developed with an accessory dwelling unit containing 1,992-square feet. The Owner seeks to construct a 2,500-square foot accessory dwelling unit. The living area of the proposed accessory dwelling unit is 50-percent of the air-conditioned area of the principal dwelling unit; therefore, exceeds the allowed 40 percent threshold and requires a variance.

The variance application was sent to the Public Works Department for review and they had no objections or concerns 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.

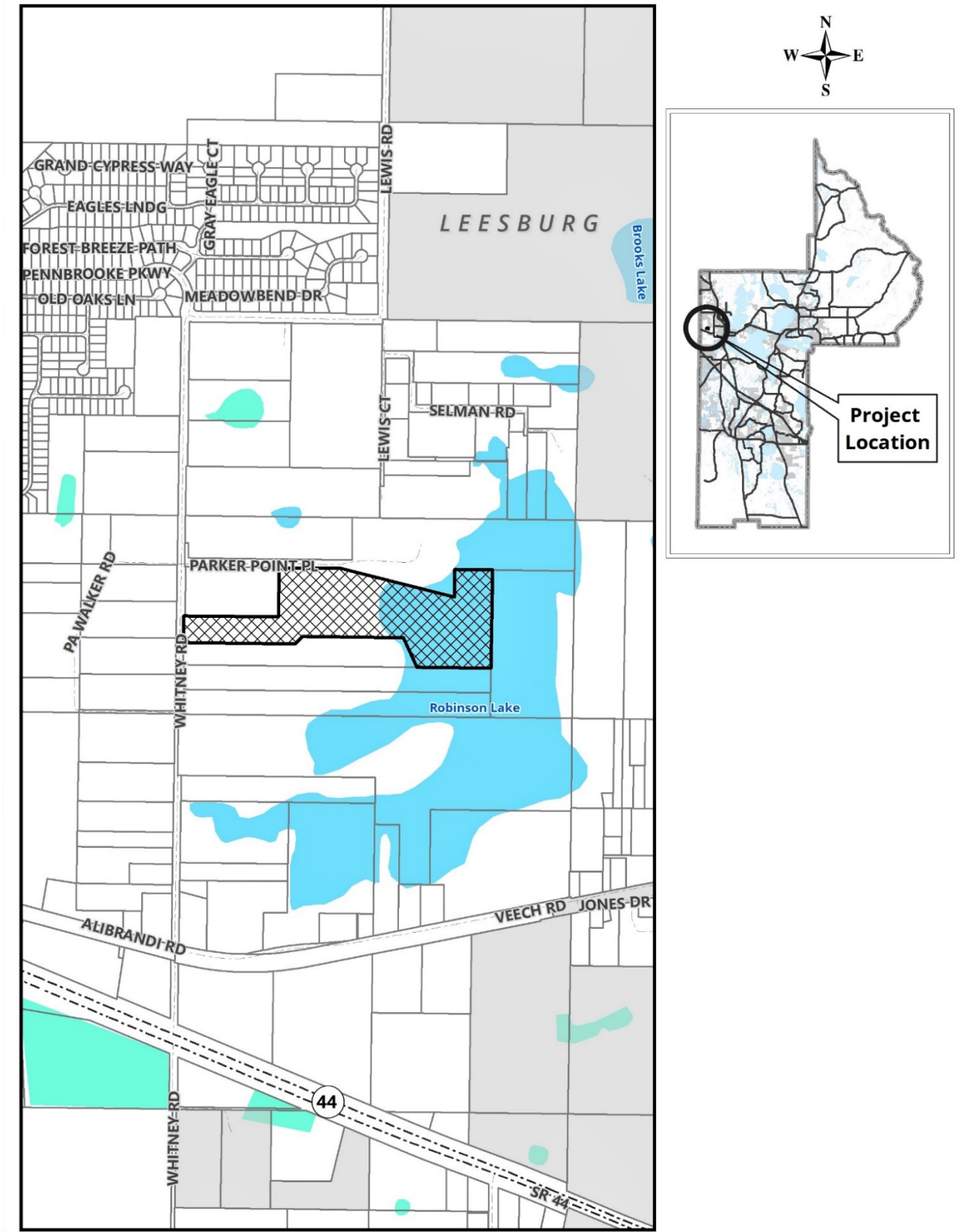
The intent of LDR Section 10.01.03, *Accessory Structures that are Dwellings*, is to provide for less expensive housing units to accommodate growth, provide housing for relatives, and to provide for security. Additional regulations are set in place for an accessory dwelling unit (ADU) to ensure that the ADU meets the characteristics of the surrounding neighborhood and does not negatively impact overall regional density.

To show that the intent of the code will be met, the Owner provided the following statement, *"This additional total square footage request for the accessory building is for a primary residence for Rev. Gary and Judy Blanchard who have been Lake County residents for 49 years. He is still employed (part-time) with First Baptist Church, Leesburg. Extra space is primarily needed so he can continue to work from home having access to a home office and storage for files, books, and materials. The house will be designed with same architectural style of the primary dwelling including the exterior walls and roof. This residence will meet all guidelines in 10.01.01 and 10.01.03 as stated in the land development regulations in Appendix E of Lake County's Code. We are asking for a variance of 600 square feet for a residence that will be constructed on 12.6 acres of the upland portion of the lot."*

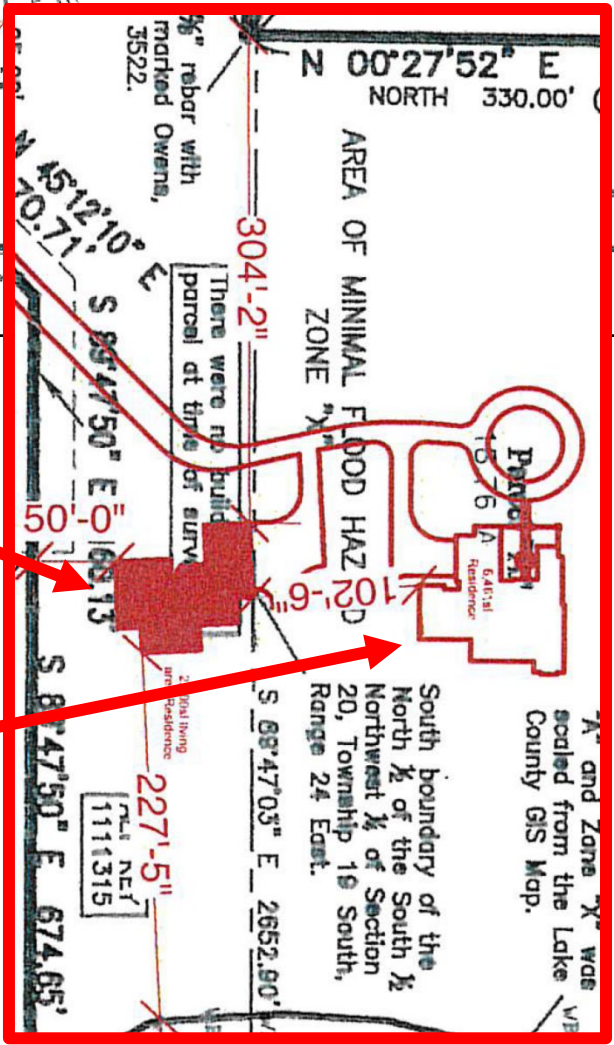
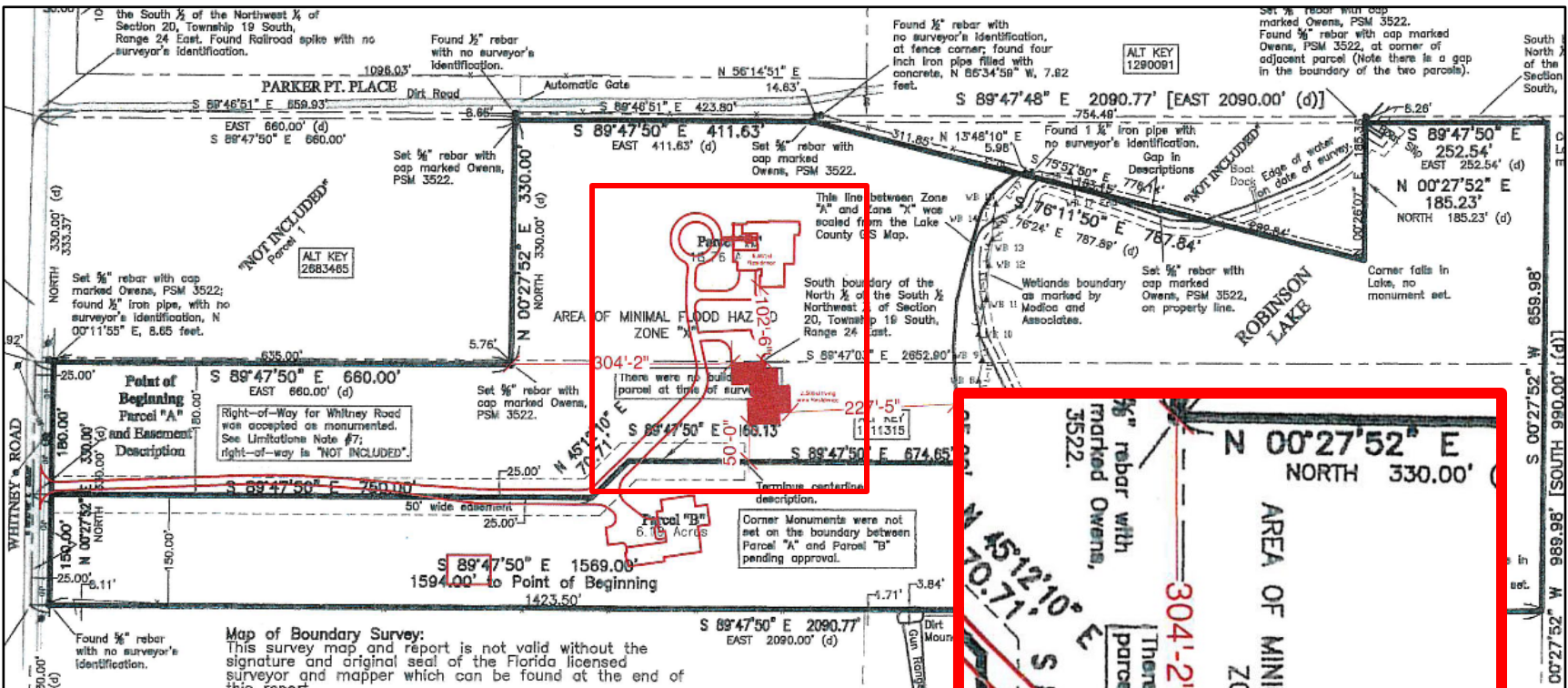
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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.

To show substantial hardship, the Owner provided the following statement, *"This residence will be for in laws who need additional living space. He still works from home office and requires space for materials (books, support material for ministry & volunteer supplies) the family plan is to age in place here. Home will allow space for medical equipment and supplies as needed."*

Map of Subject Property



Attachment "A" - Concept Plan



**Final Development Order
VAR-21-60-1
Jones Property**

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

WHEREAS, Randy Jones (the "Applicant" and "Owner") requested a variance to Lake County Land Development Regulations (LDR) Section 10.01.03.(B)(4), to allow an accessory dwelling unit to be constructed with 2,500-square fee living area, in lieu of 1,992-square feet living area; and

WHEREAS, the subject property consists of 18.76 +/- acres, located at 32600 Whitney Road, in the unincorporated Leesburg area of Lake County, Florida, in Section 20, Township 19 South, Range 24 East, having Alternate Key Number 1111315 and more particularly described below; and

A parcel of land in Section 20, Township 19 South, Range 24 East, Lake County, Florida, described as follows:

From the southwest corner of the Northwest ¼, of said Section 20, run N 00°27'52" E, along the west boundary of the Northwest ¼ of said Section 20, a distance of 480.00 feet, to the Point of Beginning of the following described parcel of land; from said Point of Beginning, continue N 00°27'52" E, a distance of 180.00 feet; thence S 89°47'50" E, a distance of 660.00 feet; thence N 00°27'52" E, a distance of 330.00 feet; thence S 89°47'50" E, a distance of 411.63 feet; thence S 76°11'50" E, a distance of 787.84 feet; thence N 00°27'52" E, a distance of 185.23 feet; thence S 89°47'50" E, a distance of 252.54 feet; thence S 00°27'152" W, a distance of 659.98 feet; thence N 89°47'50" W, a distance of 496.77 feet; thence N 24°53'29" W, a distance of 220.84 feet; thence N 89°47'50" W, a distance of 674.65 feet; thence S 45°12'10" W, a distance of 70.71 feet; thence N 89°47'50" W, a distance of 775.00 feet; to the point of beginning; LESS right-of-way for Whitney Road. Area described contains 18.76 acres [Also known as Parcel A of LS-2019-25-1, recorded in OR BK 5702, Page 632, Public Records, 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 December 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 December 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-21-60-1 to allow an accessory dwelling unit to be constructed with 2,500-square fee living area, in lieu of 1,992-square feet living area.

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 December 2021.

EFFECTIVE December 9, 2021.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

James Argento, 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 9th day of December 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)