



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearing Date: December 9, 2021

Case No. and Project Name: VAR-21-72-5, Veraghen Property

Owner: Ryan Veraghen

Applicant: Jamie Blunt, Loch Builders and Design Group, LLC

Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an accessory structure to be constructed 17-feet from the south property line with a walkway that is 4-foot from the south property line and to allow an accessory structure (walkway) to be constructed 20-feet from the west property line in lieu of 25-feet from the property line. Variance to Lake County Land Development Regulations (LDR) Section 3.02.05 to allow a walkway to be constructed 4-feet from the property line.

Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 2.52 +/- acres

Location: 40313 County Road 452, Leesburg

Alternate Key No.: 2990058

Future Land Use: Rural

Current Zoning District: Agriculture Residential (AR)

Flood Zones: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Emeralda Marsh Rural Protection Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture Residential (AR)	Residential	Single-Family Dwelling Unit
South	Rural	Agriculture Residential (AR)	Vacant	Vacant, Residential Lot 6 of Lake Yale Woods Subdivision
East	Rural	Agriculture (A)	Street, Vacant	County Road 452, Single-Family Dwelling Unit
West	Conservation	Agriculture (A)	Marsh	Emeralda Marsh

Summary of Request

The subject parcel (identified as Alternate Key Number 2990058) contains 2.52 +/- acres, is zoned Agriculture Residential (AR), and is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The concept plan (Attachment "A") shows that the parcel is currently developed with single-family dwelling unit, driveway, pool, and pool deck.

On July 14, 2021, the Owner was cited for constructing two buildings without a permit (Code Case No. 2021070004). The Owner is required to obtain a building permit for the structures to resolve the code case. Prior to applying for the building permit, the Owner is required to obtain a zoning permit for the structures to ensure they are developed in compliance with the Land Development Regulations (LDR).

LDR Table 3.02.05 establishes a 25-foot setback from the side and rear property lines for structures developed within the Agriculture Residential (AR) zoning district. Staff was unable to issue a zoning permit because neither structure meets the required setback. One structure is located 17-feet from the south property line and developed with a concrete walkway which is 4-feet from the property line and the other structure is surrounded with concrete which is 20-feet from the western property line.

Based on the application, the Applicant has indicated that the accessory structures were constructed in 2008. The aerials provided through Lake County ArcGIS indicates that the structures were constructed between the years of 2008 and 2014, and the warranty deed indicates the property was purchased by the Owner in 2006.

The owner has requested a variance to LDR Table 3.02.05, to allow an accessory structure (storage building with walkway) to be constructed at 4-feet from the south property line and to allow an accessory structure (walkway) to be constructed 20-feet from the west property line in lieu of 25-feet from the property line.

The Lake County Department of Public Works reviewed the application and did not provide any comments nor 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.

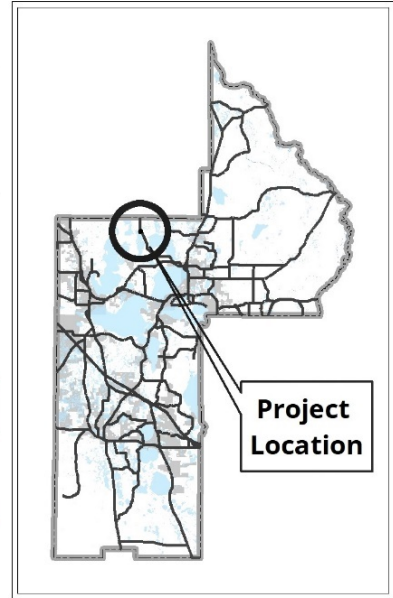
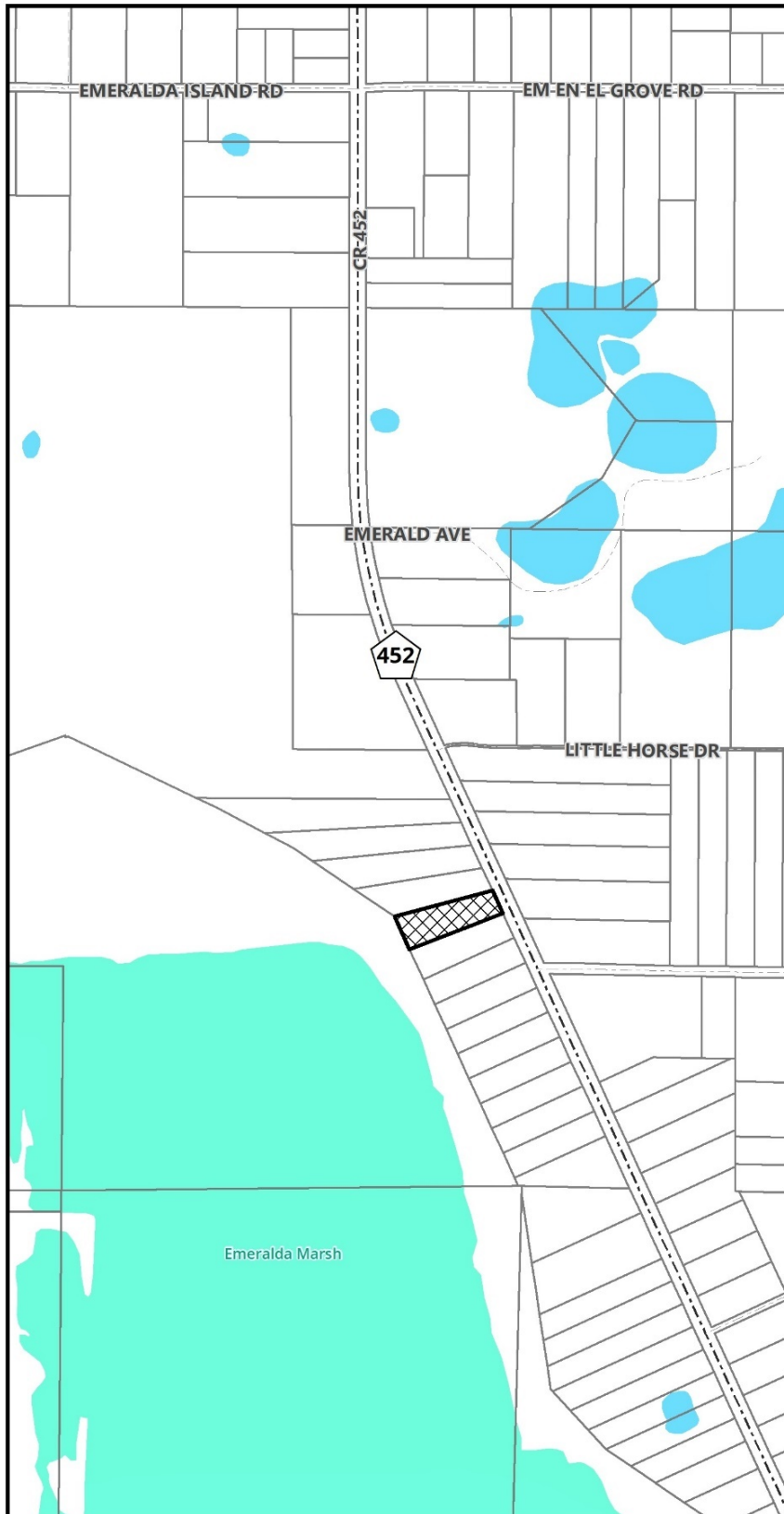
The intent of the Code, LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures and encourage a visually pleasing environment.

To show that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, *"All other structures on property meet the approved setbacks."*

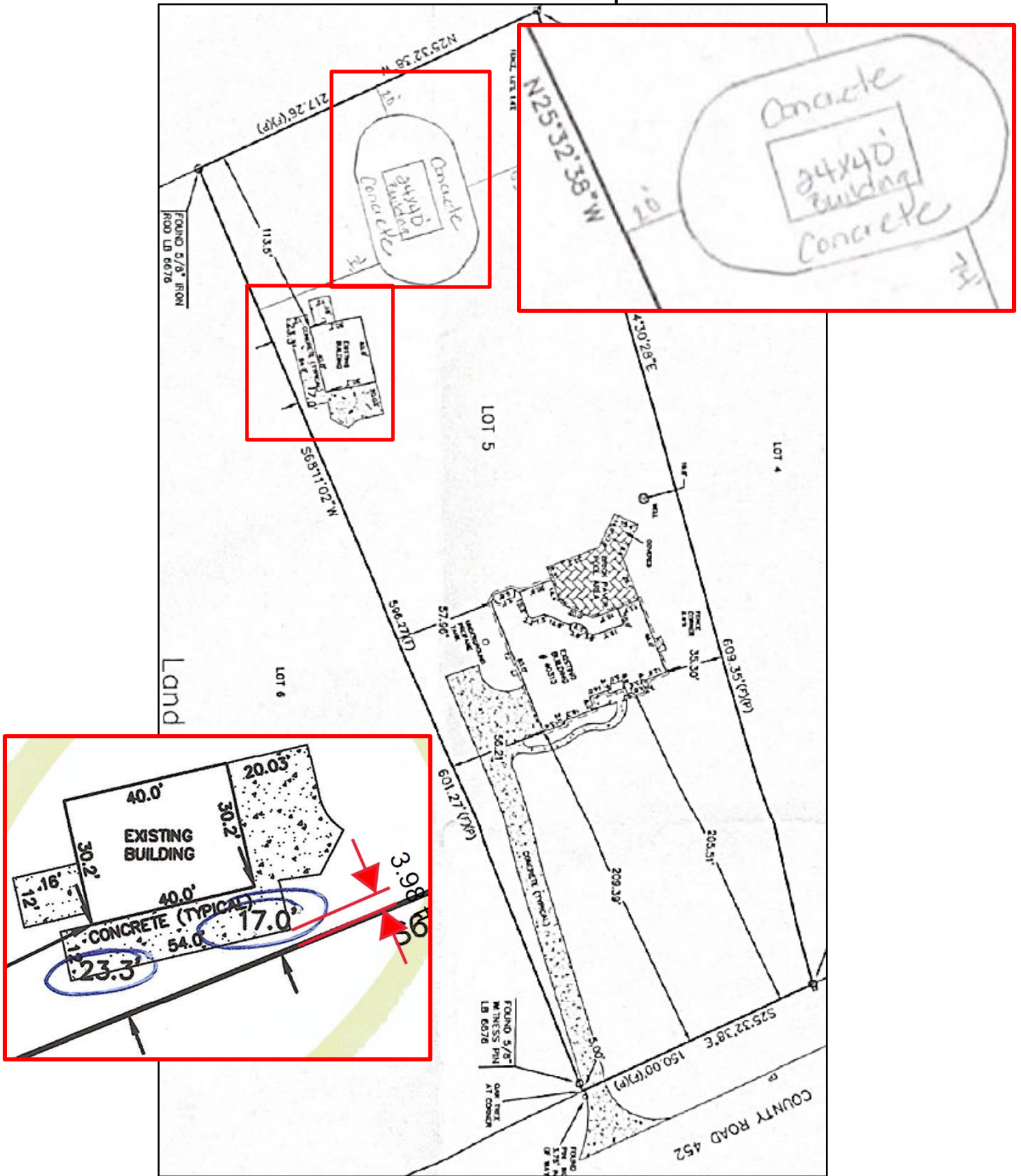
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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 Applicant provided the following statement, *"This building has been in place for many years (built in 2008), to tear this down and start over would be very costly. The owner of the property also owns the lot next door, closes to the subject storage building, which he intends to build on in the future."*

Map of Subject Property



Attachment "A" - Concept Plan



**Final Development Order
VAR-21-72-5
Veraghen Property**

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

WHEREAS, Jamie Blunt (the “Applicant”), on behalf of Ryan Veraghen (the “Owner”) requested a variance, to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an accessory structure to be constructed 17-feet from the south property line with a walkway that is 4-foot from the south property line and to allow an accessory structure (walkway) to be constructed 20-feet from the west property line in lieu of 25-feet from the property line.; and

WHEREAS, the subject property consists of 2.52 +/- acres, is located at 40313 County Road 452, in the Leesburg area of unincorporated Lake County, Florida, in Section 11, Township 18, Range 25, having Alternate Key Number 2990058, and more particularly described as:

Lot 5, LAKE YALE WOODS, according to the plat thereof, recorded in Plat Book 29, pages 71, 72 and 73, 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, 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-21-72-5, to allow an accessory structure to be constructed 17-feet from the south property line with a walkway that is 4-foot from the south property line and to allow an accessory structure (walkway) to be constructed 20-feet from the west property line in lieu of 25-feet from the property line., with the following conditions:

1. The use of the existing, non-conforming structure cannot change; and
2. The existing, non-conforming structure cannot be further expanded into the established setback.

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, 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)**