



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: January 13, 2022

Case No. and Project Name: VAR-21-78-1, Traniello Property

Owner/Applicant: Laura Traniello

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 10.01.03(B.)(5) and 10.01.01(F.), to allow an after the fact accessory structure (barn) to have a different architectural style than the single-family dwelling unit and to be constructed 51.5-feet from the front property line in lieu of 100-feet from the front property line.

Case Manager: Ruth Mitchell, Planner

### Subject Property Information

Size: 2.88 +/- acres

Location: 10444 Log House Road, Clermont.

Alternate Key No.: 3027892

Future Land Use: Urban Low

Current Zoning District: Urban Residential (R-6)

Flood Zones: "AE" and "X"

Joint Planning Area/ ISBA: Clermont

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Urban Residential (R-6)	Residential	Single-Family Dwelling Unit
South	Urban Low	Agriculture Residential (AR)	Lake	Sawmill Lake
East	Urban Low	Agriculture (A)	Residential	Single-Family Dwelling Unit
West	Urban Low	Agriculture (A)	Residential	Single-Family Dwelling Unit

## Summary of Request

The subject parcel (identified as Alternate Key Number 3027892) contains 2.88 +/- acres, is zoned Urban Residential (AR), and is designated with an Urban Low Density 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, dock, and detached garage.

On April 19, 2021, the Owner was cited for constructing a barn without a permit (Code Case No. 2021040121). The Owner is required to obtain a building permit for the structure 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 that the structure is developed in compliance with the Land Development Regulations (LDR).

LDR Section, 10.01.01(F) establishes a 100-foot setback from the front property line, for accessory structures that are not located on the side or rear of the single-family dwelling unit and LDR Section 10.01.03(B.)(5.) must be the same architectural style as the principal dwelling. Staff was unable to issue a zoning permit because the structure was built in front of the single-family dwelling unit, did not meet the same architectural design, and did not meet the required front setback.

Based on the application and County records, a previous variance (BOA 57-06-2) was approved, on May 11, 2006, to allow the construction of a detached garage in front of a single-family dwelling unit (with conditions) and to allow accessory structures, that were built without permits, to be located on the parcel prior to the construction of the single-family dwelling unit (Attachment "B"). Based on county records, a permit to build the detached garage was not obtained. The development order contained three conditions for the detached garage and one of the conditions stated that the detached garage must be constructed in the same architectural style as the dwelling unit, must use the same roofing material and color, and the exterior of the detached garage must be of the same material and colors as the dwelling unit.

The Owner is requesting a variance to Lake County LDR Section 10.01.01(F.) and 10.01.03(B.)(5.) to allow an accessory structure to be constructed with a different architectural design than the single-family dwelling unit and to be constructed 51.5-feet from the front property line in lieu of 100-feet from the front property line.

The Department of Public Works reviewed the application and did not provide any comments nor identify any concerns with the variance request.

The subject parcel is located within the City of Clermont Joint Planning Area (JPA). The variance application was sent to the City of Clermont for a determination of consistency with their regulations. The City of Clermont 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 the Code, LDR Section 10.00.00, is to regulate the installation, configuration, and use of accessory and temporary structures and uses to preserve the community and property values and to protect the community character.

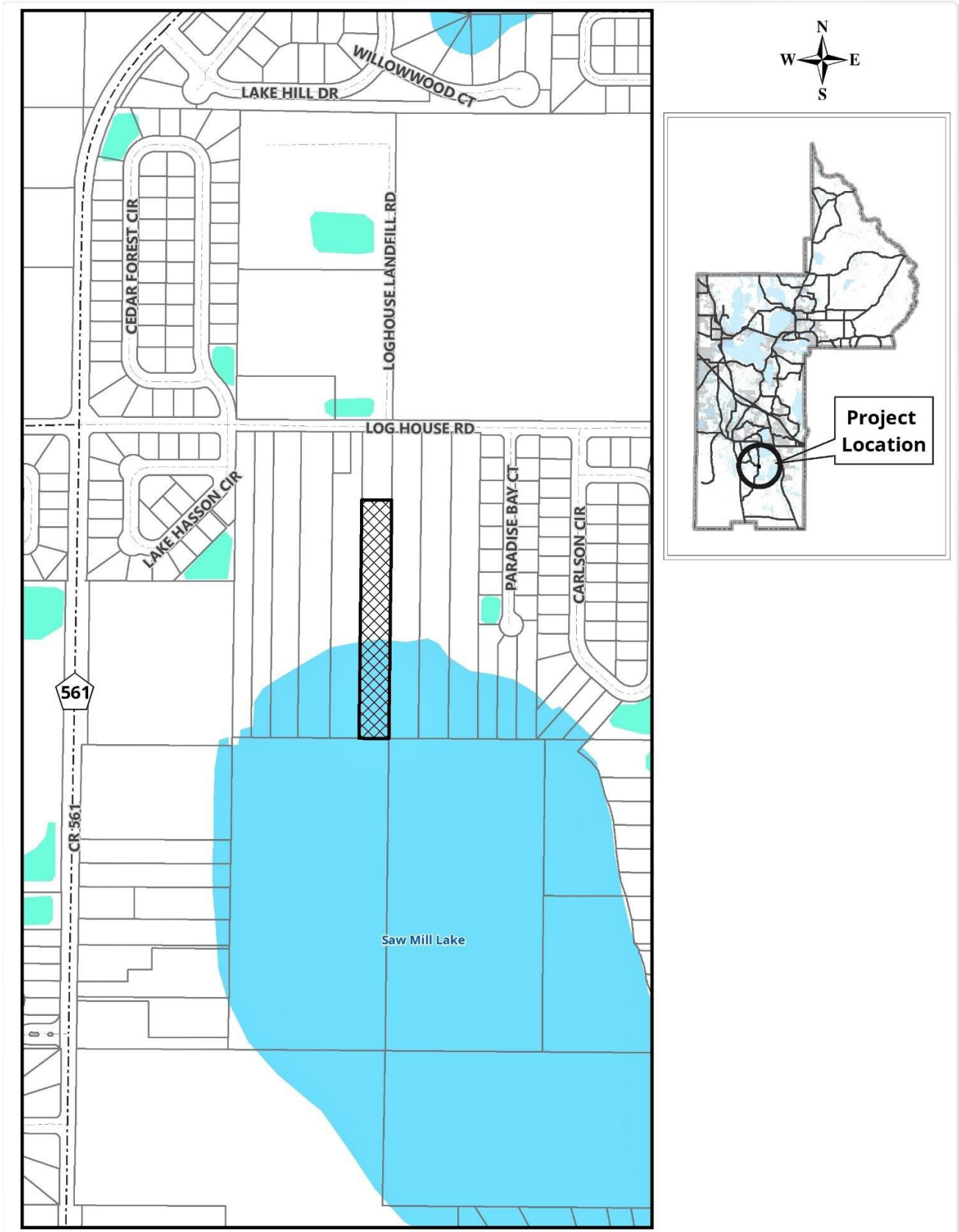
To show that the intent of the code will be or has been achieved by other means, the Owner provided a written statement, *[Attachment "B" – Intent of Meeting the Code Statement]*.

- 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.**

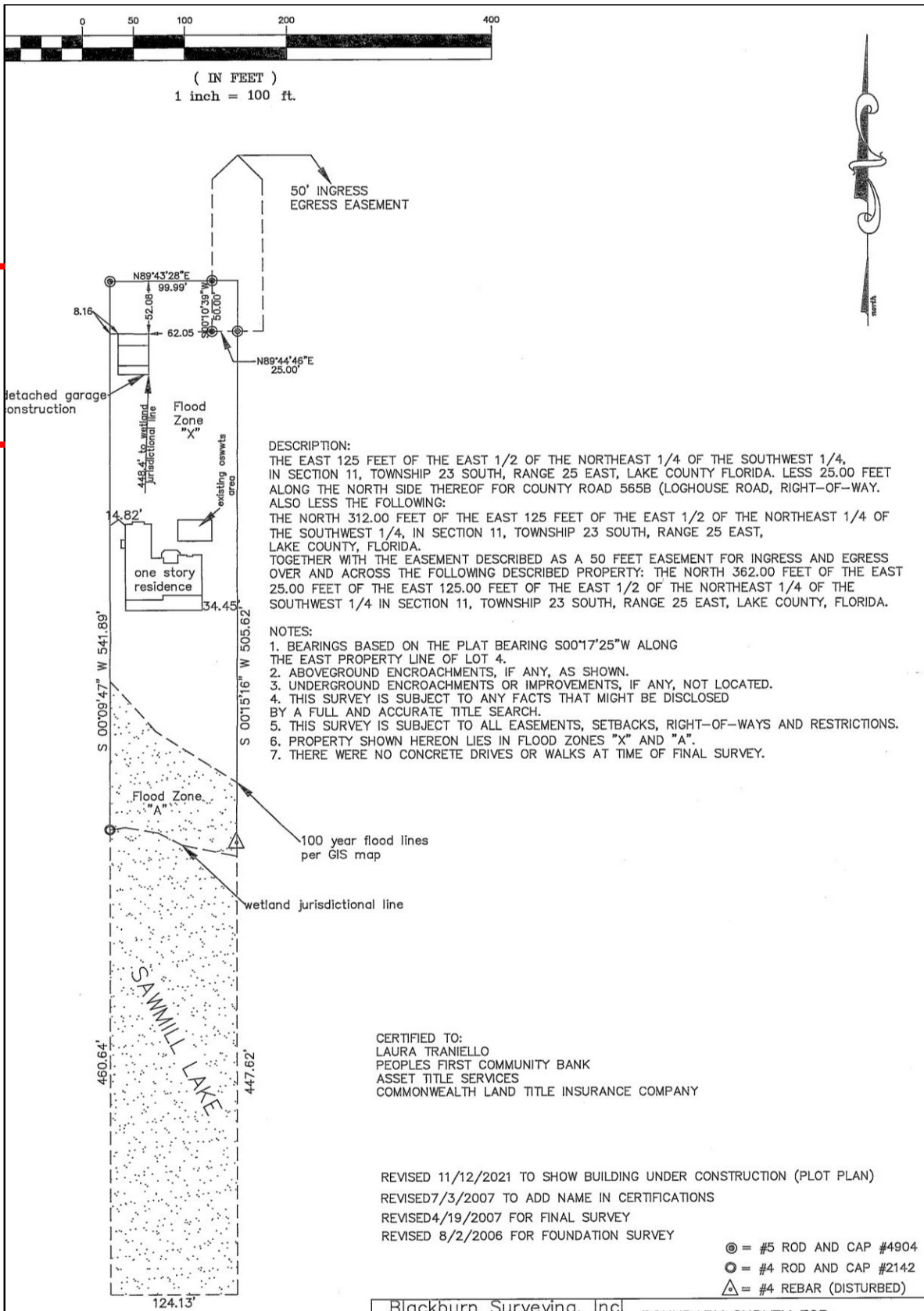
The variance that was approved on May 11, 2006, was specifically for a detached garage, that was not built. The Owner is requesting a variance for a carport.

To show substantial hardship, the Owner provided a written statement, *[Attachment "C" – Hardship Statement]*

# Map of Subject Property



# Attachment "A" - Concept Plan



## Attachment "B" – Intent of Meeting the Code Statement.

I have submitted pictures of garage on my property and pictures of other properties<sup>nearby</sup> with detached garages less than 100ft from road and with dwellings that do ~~not~~ match their house.

## Attachment "C" – Hardship Statement.

What is the substantial hardship in meeting the specific code requirement? The pole barn is already constructed. We strategically built the unit in a location not to encroach our neighbor to the west. We also have a new neighbor that has built a house and a five car garage directly in front of our house which blocks view of pole barn from road.

We previously had a variance approved allowing us to place a carport and storage structure in front of house; in May 11, 2006.

**Final Development Order  
VAR-21-78-1  
Traniello Property**

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

**WHEREAS**, Laura Traniello (the "Owner") requested a variance, to Lake County Land Development Regulations (LDR) Section 10.01.01(F) and Section 10.01.03(B.)(5.), to allow an accessory structure (barn) to be constructed with a different architectural style than the single-family dwelling unit and to be constructed 51.5-feet from the front property line in lieu of 100-feet from the front property line.; and

**WHEREAS**, the subject property consists of 2.88 +/- acres, is located at 10444 Log House Road, in the Clermont area of unincorporated Lake County, Florida, in Section 11, Township 23, Range 25, having Alternate Key Number 3027892, and more particularly described as:

The East 125 feet of the East 1/2 of the Northeast 1/4 of the Southwest 1/4, in Section 11, Township 23 South, Range 25 East, Lake County Florida. Less 25.00 feet along the North side thereof for County Road 565B (Loghouse Road), Right-of-Way.

ALSO LESS THE FOLLOWING:

The North 312.00 feet of the East 125 feet of the East 1/2 of the Northeast 1/4 of the Southwest 1/4, in Section 11, Township 23 South, Rang 25 East, Lake County, Florida.

TOGETHER WITH the Easement described as a 50 foot easement for ingress and egress over and across the following described property: The North 362.00 feet of the East 25.00 feet of the East 125.00 feet of the East ½ of the Northeast 1/4 of the Southwest 1/4 in Section 11, Township 23 South, Range 25 East, 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 January 13, 2022; 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 January 13, 2022, 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-21-78-1, to allow an accessory structure (barn), to be constructed with a different architectural style than the single-family dwelling unit and to be constructed 51.5-feet from the front property line in lieu of 100-feet from the front 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 13th day of January 2022.

**EFFECTIVE** January 13, 2022.

**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 13th day of January 2022, by James Argento, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

**Type of Identification Produced** \_\_\_\_\_

\_\_\_\_\_  
**Notary Signature  
(SEAL)**