



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: June 9, 2022

Case No. and Project Name: VAR-22-01-1 Phelps Property

Owners: Dean Phelps

Requested Action: Variance to Land Development Regulations (LDR) Section 3.01.02.A.1.a., to facilitate approval of a single-family dwelling unit (modular home) that is twelve (12) feet wide at the narrowest point, in lieu of twenty-three (23) feet four (4) inches.

Case Manager: Christopher Boyce, Compliance and Monitoring Associate

### Subject Property Information

Size: 76.46 +/- acres

Location: Southwest of South Fork Ranch Drive, in the unincorporated Clermont area

Alternate Key No.: 3847489

Future Land Use: Green Swamp Core Conservation

Current Zoning District: Agriculture (A)

Flood Zones: "A" and "X"

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: Green Swamp Area of Critical State Concern (GSACSC)

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Core Conservation	Agriculture (A)	Residential / Agriculture	Single-Family Residence / Aquaculture
South	Green Swamp Core Conservation	Agriculture (A)	Residential / Agriculture	Single-Family Residence / Hay
East	Green Swamp Core Conservation	Agriculture (A)	Residential / Agriculture	Single-Family Residence / Cattle
West	Green Swamp Core Conservation	Agriculture (A)	Residential	Single-Family Residence

### Summary of Request.

The subject property, identified as Alternate Key Number 3847489, contains 76.46 +/- acres, is zoned Agriculture (A), and is designated with a Green Swamp Core Conservation Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is generally located southwest of South Fork Ranch Drive in the unincorporated Clermont area. Based on the conceptual plan (Attachment "A"), the subject parcel is developed with an accessory structure and lies within flood zones "A" and "X".

The Applicant has requested a variance to LDR Section 3.01.02.A.1.a., facilitate approval of a single-family dwelling unit (modular home) that is twelve (12) feet wide at the narrowest point, in lieu of twenty-three (23) feet four (4) inches, as depicted on the Concept Plan (Attachment "A").

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. The Department of Public Works provided a FEMA Flood map overlay of the subject property (Attachment "B") and provided no comments.

The subject parcel is located within the Green Swamp Area of Critical State Concern (GSACSC). The variance application was sent to the Department of Economic Opportunities for a determination of consistency with their regulations. The Department of Economic Opportunities 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.**

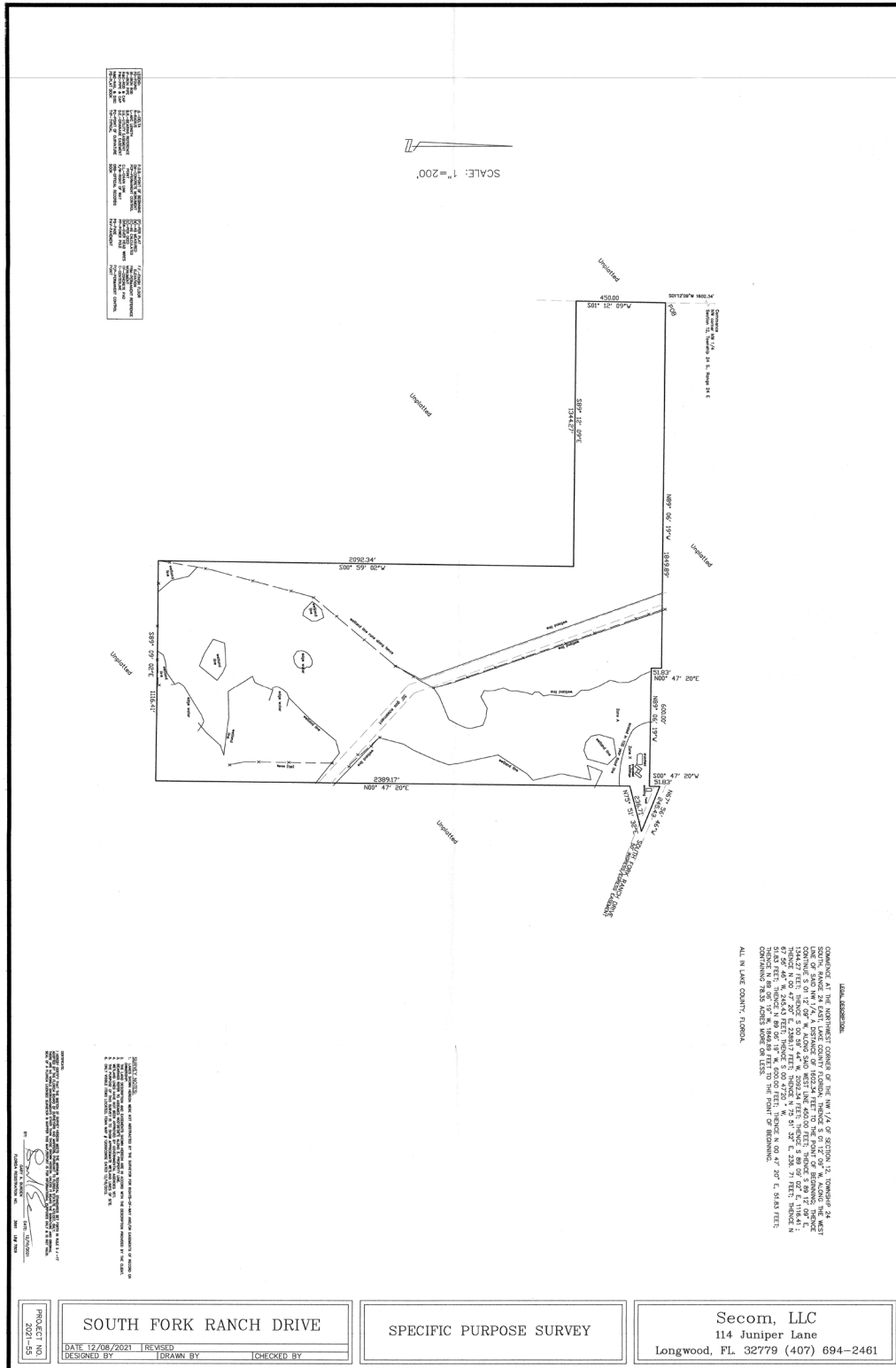
The purpose of the code, LDR Section 3.01.02, is to ensure that the development and use of the property are consistent with the overall character of Lake County and not aesthetically harmful to residents and surrounding areas.

The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"The intent of this structure and its design is to lessen the impact on the surrounding wetlands and associate environment, at the same time providing a pleasing aesthetic view to complement the surrounding Florida flora."*

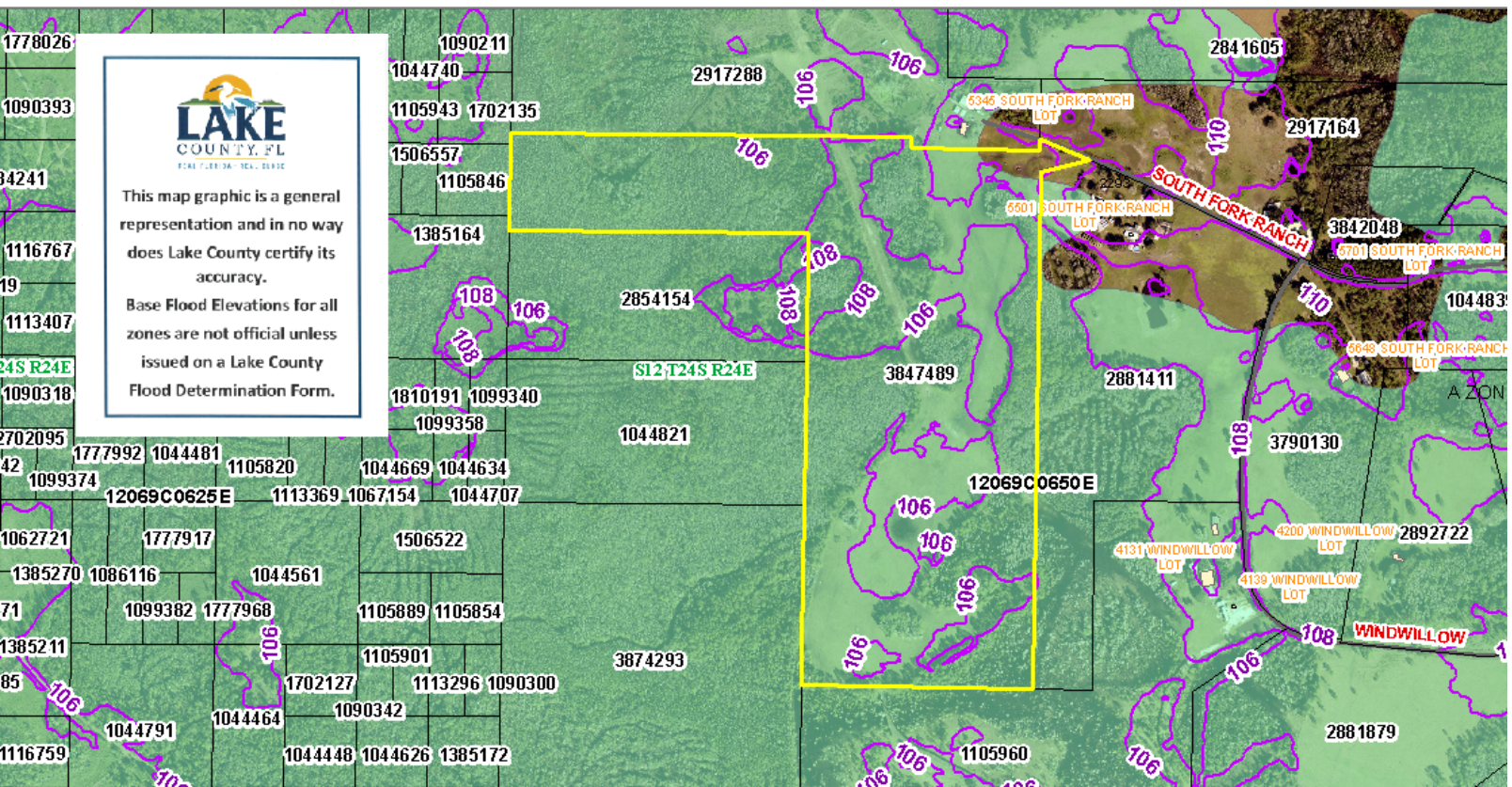
**2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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, *"Home was built with offset dogtrot design. Would require redesign of pier system (foundation)"*.

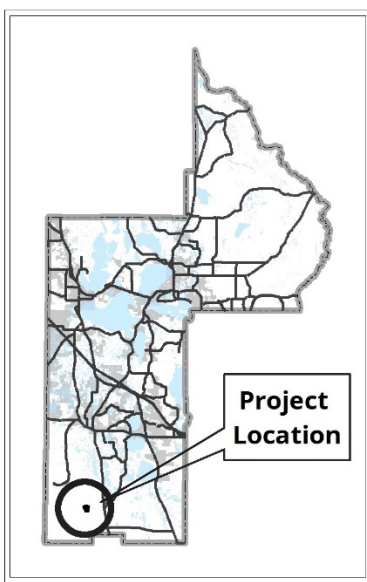
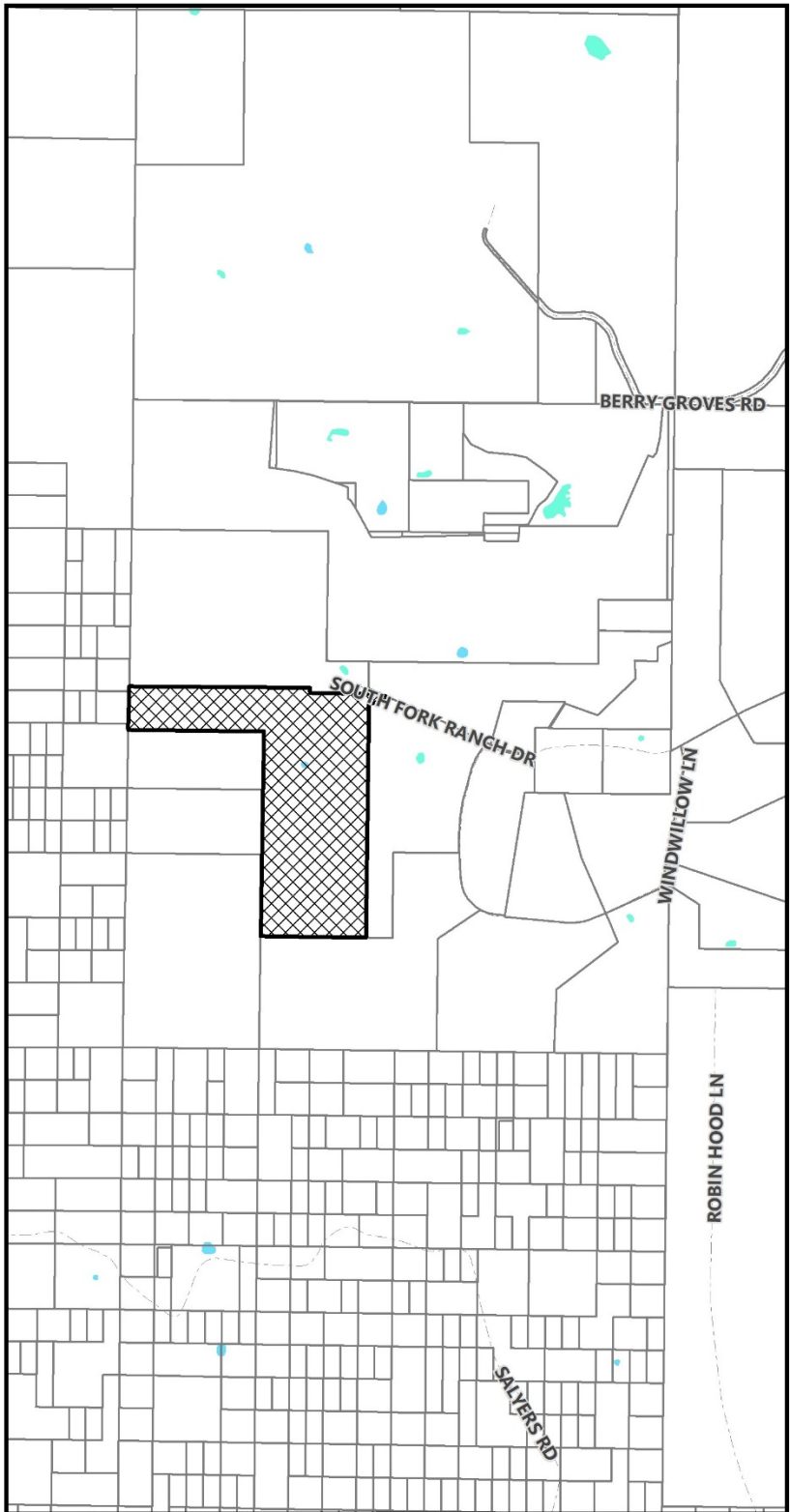
# Attachment "A" – Concept Plan



# Attachment "B" – FEMA Flood Map



# Map of Subject Property



**Final Development Order  
VAR-22-01-1  
Phelps Property**

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

**WHEREAS**, Dean Phelps (the "Owner" and "Applicant") requested a variance to Land Development Regulations (LDR) Section 3.01.02.A.1.a., to facilitate approval of a single-family dwelling unit (modular home) that is twelve (12) feet wide at the narrowest point, in lieu of twenty-three (23) feet four (4) inches, and

**WHEREAS**, the subject property consists of 76.46 +/- acres and is located southwest of South Fork Ranch Drive, in the Clermont area of unincorporated Lake County, in Section 12, Township 24, Range 24, having Alternate Key Number 3847489, and more particularly described as below:

Commence at the Northwest corner of the NW 1/4 of Section 12, Township 24 South, Range 24 East, Lake County, Florida; thence S 01 ° 12'09" W along the West line of said NW 1/4, a distance of 1602.34 feet to the Point of Beginning; thence continue S 01 ° 12'09" W along said West line, 450.00 feet; thence S 89°12'09"E, 1344.27 feet; thence S 00°59'44"W, 2092.34 feet; thence S 89°09'02"E, 1116.41 feet; thence N 00°47'20"E, 2389.17 feet; thence N 75°51'32"E, 236.71 feet; thence N 67°56'46"W, 245.43 feet; thence S 00°47'20"W, 51.83 feet; thence N 89°06'19" W, 600.00 feet; thence N 00°47'20" E, 51.83 feet; thence N 89°06'19" W, 1849.89 feet to the Point of Beginning

**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 June 9th, 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 June 9, 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-22-01-1 to facilitate approval of a single-family dwelling unit (modular home) that is twelve (12) feet wide at the narrowest point, in lieu of twenty-three (23) feet four (4) inches.

**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 9<sup>th</sup> day of June 2022.**

**EFFECTIVE June 9, 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 9<sup>th</sup> day of June 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)**