



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearing Date: July 14, 2022

Case No. and Project Name: VAR-22-25-5, Mumme Property

Applicant: Karen Mumme and Kristen Mumme

Owner: Karen Mumme and Kristen Mumme

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.01.04.1.a to allow for one (1) Livestock Building to be 34-feet from the western side property line and one (1) Livestock Building to be 31-feet from the western side property line, in lieu of the required two hundred (200) foot setback from the side property line.

Case Manager: Christopher Boyce, Compliance and Monitoring Associate

### Subject Property Information

Size: 4.79 +/- acres

Location: South of Marion County Road, in the Weirsdale area

Alternate Key No.: 3438019

Future Land Use: Rural

Current Zoning District: Agriculture District (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: Town of Lady Lake Interlocal Service Boundary Agreement (ISBA)

Overlay Districts: Emeralda Marsh RPA

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agricultural Residential (AR)	Agricultural	AG/Pasture and Agricultural Homesite
South	Rural	Agriculture (A)	Residential	Single-Family Dwelling Units
East	Rural	Agriculture (A)	Residential	Vacant Residential
West	Public Service Facility & Infrastructure	Community Facility District (CFD)	Residential	Single-Family Dwelling Units

### Summary of Request.

The Applicant has submitted a variance request to LDR Section 3.01.04.1.a to allow for one (1) Livestock Building to be 34-feet from the western side property line and one (1) Livestock Building to be 31-feet from the western side property line, in lieu of the required two hundred (200) foot setback from the side property line.

The subject property, identified as Alternate Key Number 3438019, contains 4.79 +/- acres, is zoned Agriculture (A), and is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject properties are located south of Marion County Road, in the unincorporated Weirsdale area of Lake County. The subject property is currently developed with a single-family residence. The proposed livestock buildings are depicted on the Concept Plan (Attachment "A").

The variance application was sent to the Fire Inspector for a determination of consistency with their regulations. The Fire Inspector provided the following comments, "Fire has no object if only for personal use, any other proposed uses, must comply with Lake county LDR's and FFPC for fire protection water supply and access."

The subject parcel is located within the Lady Lake ISBA; therefore, variance application was sent to the Town of Lady Lake for a determination of consistency with their regulations. The Town of Lady Lake 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.**

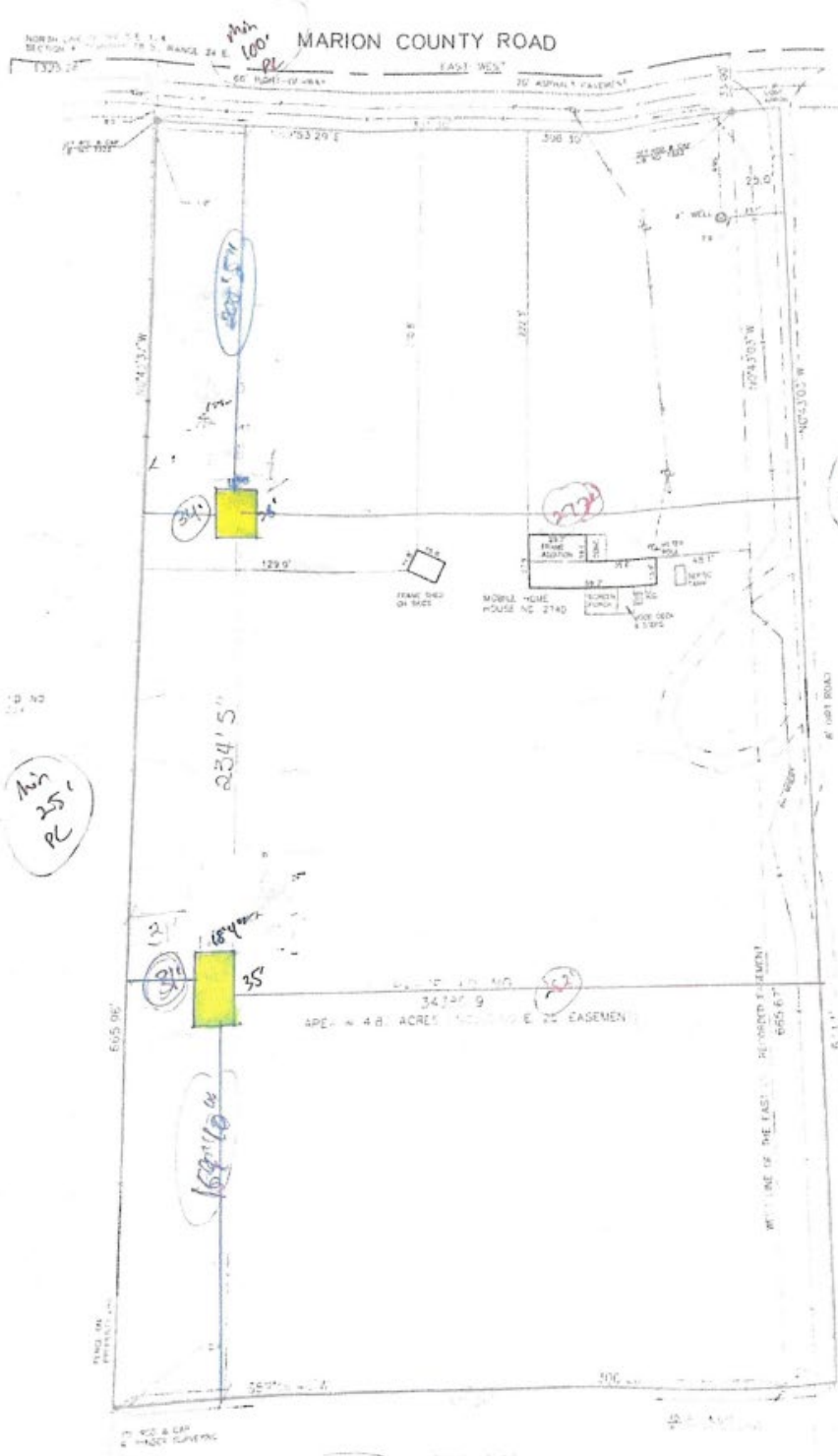
The intent of the Code, LDR Section 3.01.01, is to allow Development and use of property only in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan.

The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"Property was purchased for horses and the previous owners kept horses. The property is next to Grand Oaks and there is pasture and barns on that land. There are no houses closeby Grand Oaks uses the parcels for driving horses and riding. The barns are setback from the fence and are totally enclosed with wood. A 4 board fence with no climb wire is around our property – Trees area long the fence line"*

**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, *"After the fact barns (built in 2013) were not permitted. Permit has been approved #2022041119. The intent is to keep personal horses for riding or driving. Since the barns are structurally good it would be difficult to move them"*

# Attachment "A" – Concept Plan



RECEIVED  
 MAY 05 2022  
 Planning & Zoning

APPROVED  
  
 LAKE COUNTY, IN  
 Office of Planning & Zoning  
 270 43502  
 1st Atty AWH  
 Date 04/07/2022

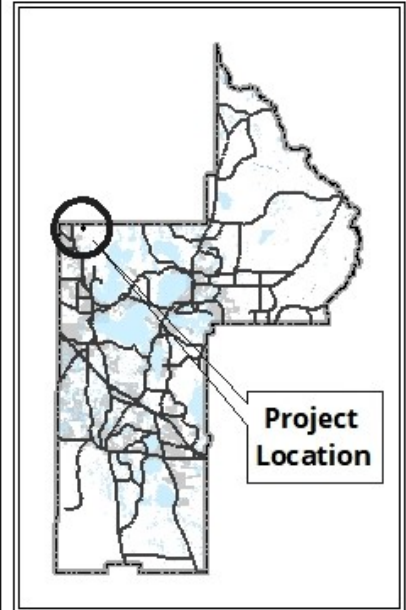
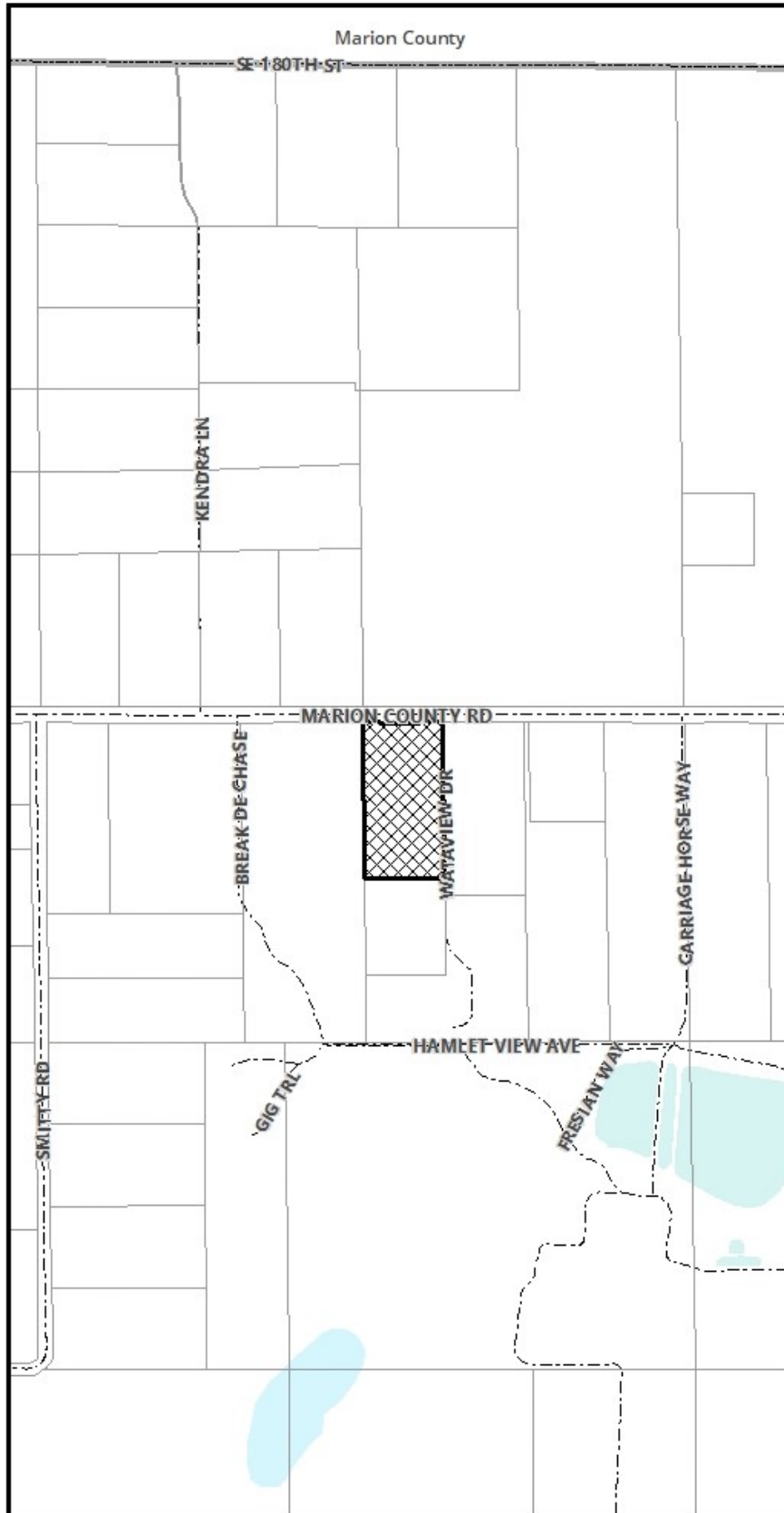
PARCEL ID NO 2429863

**LEGAL DESCRIPTION:**

NOR 1/2 OF THE WEST 1/2 OF THE NW 1/4 OF SECTION 18 T4N R24E AS SHOWN ON MAP FOR COUNTY OF LAKE INDIANA  
 25' EASEMENT #1  
 25' OF THE NORTH 1/2 OF THE NW 1/4 OF SECTION 18 T4N R24E AS SHOWN ON MAP FOR COUNTY OF LAKE INDIANA

**SURVEYOR'S CERTIFICATE**

# Map of Subject Property



**Final Development Order  
VAR-22-25-5  
Mumme Property**

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

**WHEREAS**, Karen Mumme and Kristen Mumme (the “Applicants” and “Owners”), requested a variance to Lake County Land Development Regulations (LDR) Section 3.01.04.1.a to allow for one (1) Livestock Building to be 34-feet from the western side property line and one (1) Livestock Building to be 31-feet from the western side property line, in lieu of the required two hundred (200) foot setback from the side property line; and

**WHEREAS**, the subject property consists of 4.79 +/- acres and is generally located south of Marion County Road, in the unincorporated Weirsdale area of Lake County, Florida, in Section 04, Township 18, Range 24, having Alternate Key Number 3438019 and more particularly described as:

THE NORTH 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF  
THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 18 SOUTH, RANGE 24 EAST, IN  
LAKE COUNTY, FLORIDA, LESS THE NORTH 33 FEET AS RIGHT-OF-WAY FOR  
COUNTY ROAD.

**WHEREAS**, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations (LDR), including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on July 14, 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 July 14, 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-22-25-5 to allow for one (1) Livestock Building to be 34-feet from the western side property line and one (1) Livestock Building to be 31-feet from the western side property line, in lieu of the required two hundred (200) foot setback from 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.

**Section 3. Effective Date. This Ordinance will become effective as provided by law.**

**ENACTED this 14th day of July 2022.**

**EFFECTIVE July 14, 2022.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**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 July 2022, by James Argento, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

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

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**Notary Signature**

**(SEAL)**