



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: June 7, 2023

Case No. and Project Name: VAR-23-01-5 Teachout Property

Owners: Frank H. Teachout and Margaret W. Teachout, as Co-Trustees of the Frank and Margaret Teachout Revocable Trust Dated July 12, 2021

Applicant: Frank H. Teachout and Margaret W. Teachout

Requested Action: Variance to Land Development Regulations (LDR) Section 3.01.04(1)(a) to allow a livestock building to be located less than 200 feet from the eastern and southern property lines.

Case Manager: Janie Barrón, Chief Planner

### Subject Property Information

Size: 14.28 +/- acres

Location: 41906 Outlaw Lane, in the unincorporated Weirsdale area

Alternate Key No.: 3742061

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area (JPA) / ISBA: Town of Lady Lake ISBA

Overlay Districts: Emeralda Marsh Rural Protection Area (RPA)

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Marion County	Marion County	Residential	Large Tract of Land within Marion County's Jurisdiction
South	Rural	Agriculture	Residential	Large Tract of Agriculture Land with Single-Family Residence
East	Rural	Agriculture	Right-of-Way and Residential	Large Tract of Agriculture Land with Single-Family Residence easterly of Outlaw Lane and Tall Pine Street
West	Rural	Agriculture	Residential	Large Tract of Agriculture Land with Single-Family Residence

## Summary of Request.

The subject 14.28 +/- acres, identified as Alternate Key Number 3742061, is zoned Agriculture (A), is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and located within the Emeralda Marsh Rural Protection Area. The subject parcel is generally located east of Outlaw Lane, in the unincorporated Weirsdale area of Lake County. Based on the Survey (Attachment "A"), the subject parcel is developed with Single-Family Residence and carport. GIS aerial maps indicate that the subject parcel does not lie within a flood-prone area and no wetlands exist on site.

The Applicant has requested a variance to LDR Section 3.01.04(1)(a) to allow a livestock building to be located less than 200 feet from the eastern and southern property lines. It is the intention of the Applicant to construct the livestock building 137-feet from the eastern property line and 130-feet from the southern property line, as depicted on the Survey (Attachment "A"). LDR Section 3.01.04(1)(a) requires that livestock building maintain a 200-foot setback from the property lines, or be as closely centered as possible between the property lines and shall maintain a fifty (50) foot setback from the property line. The livestock building cannot be constructed in the center of the property because the Applicants received a Certificate of Occupancy for a single-family home in that location (Permit #2022030067).

The request is consistent with Comprehensive Plan Objective I-5.3 entitled *Emeralda Marsh Rural Protection Area*, which states that the intent is to preserve rural density, character, and lifestyles and to protect the ecological integrity of public and private lands associated with the Emeralda Marsh. The request to construct a livestock building preserves the rural character and lifestyle of the area.

The subject parcel is located within the Town of Lady Lake ISBA. The 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.**

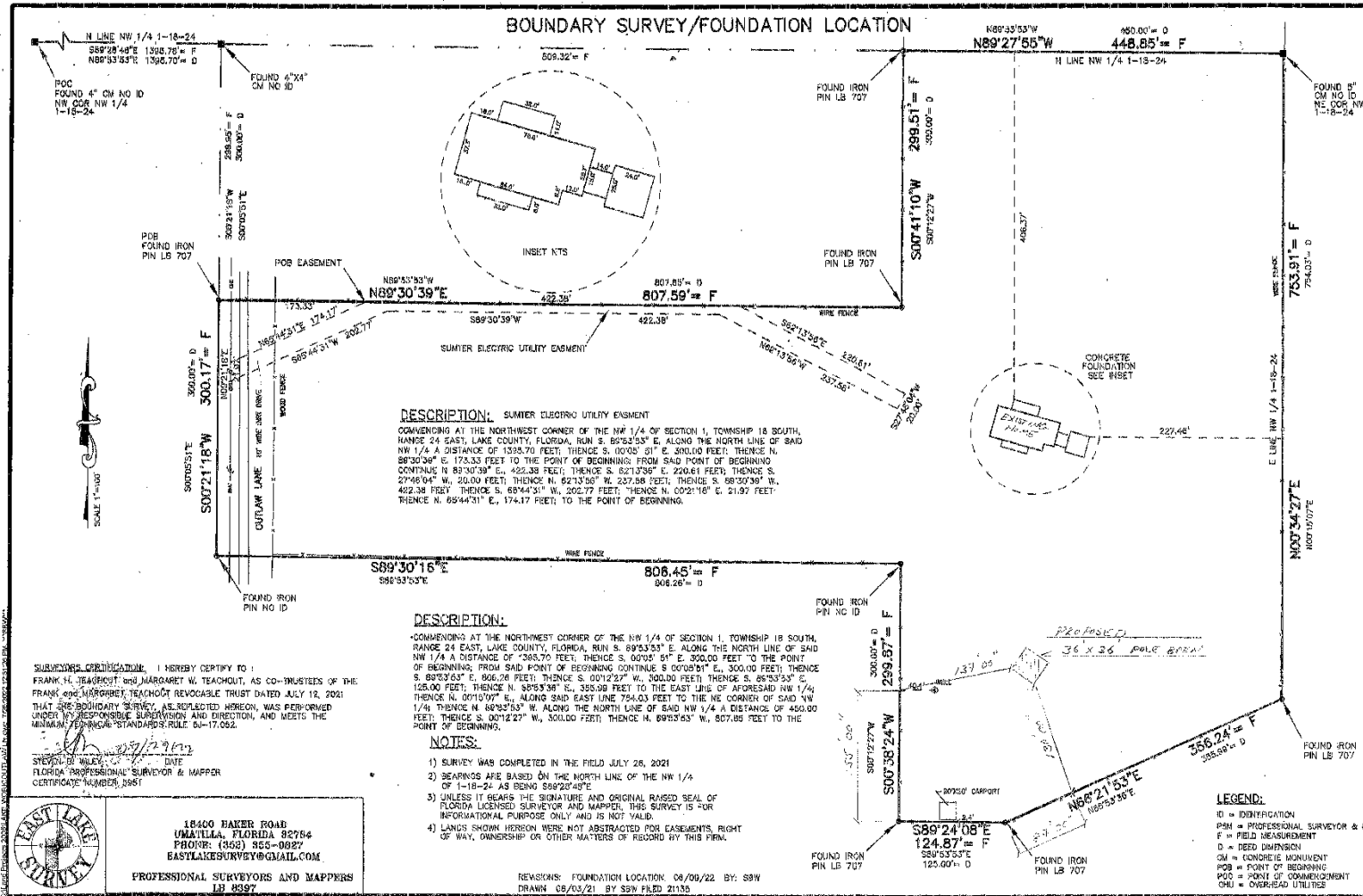
The intent of the Code, LDR Section 3.01.04, is to regulate the placement of structures and the use of a parcel to ensure that they are not aesthetically or physically harmful to residents and surrounding areas. Impacts with a potential to be harmful to surrounding property owners may include increased propagation of dust, odors, noise, and traffic levels.

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 property is T shaped within 5.5 acres 300' wide, two-thirds of acreage heavily wooded and approximately 3 acres too steep to build upon. Building with a 200' setback adjacent to land suitable for pasture would require the removal of multiple massive live oak trees and partially filling a natural hollow. The hardship to owners is the cost of tree removal/damage and the destruction of desirable property features."*

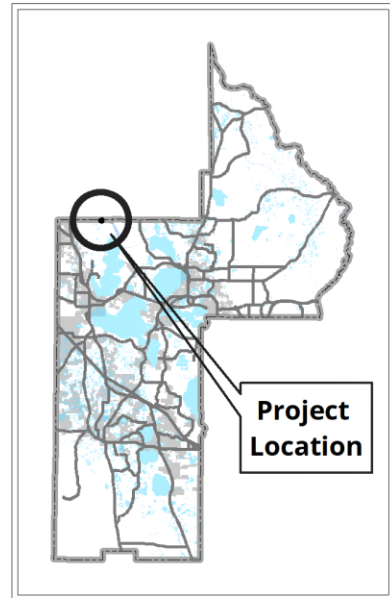
- 2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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, *"Allowing the owners of the A zoned property to house code approved animals without creating a financial hardship fulfills the intent of the regulation without operating to the detriment of neighbors, who have animal barns between their homes and proposed barn. The property adjacent to the variance is used as pasture for cattle, a horse and a pony."*

Attachment "A" - Plot Plan



# Map of Subject Property



# Aerial Map of Subject Property



VAR-23-01-5  
Teachout Property



Barn Setback  
Adjustment



**Final Development Order**  
**VAR-23-01-5**  
**Teachout Property**

**WHEREAS**, Frank H. Teachout and Margaret W. Teachout, as Co-Trustees of the Frank and Margaret Teachout Revocable Trust Dated July 12, 2021 (the “Owner” and “Applicant”) requested a variance to Land Development Regulations (LDR) Section 3.01.04(1)(a) to allow a livestock building to be located less than 200-feet from the eastern and southern property lines; and

**WHEREAS**, the subject property consists of 14.28 +/- acres and is located at 41906 Outlaw Lane, in the unincorporated Weirsdale area, in Section 01, Township 18, Range 24, having Alternate Key Number 3742061, and more particularly described in Exhibit “A” – Legal Description; and

**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 7, 2023; 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.

**DONE AND ORDERED** by the Board of Adjustment of Lake County, Florida, that:

**Variance Granted:** A variance to Section 3.01.04(1)(a), Land Development Regulations, to allow a livestock building to be located less than 200-feet from the eastern and southern property lines, is hereby granted, with the following conditions:

- a. The livestock building shall be constructed no less than 137 feet from the eastern property line and no less than 130 feet from the southern property line as shown on the survey submitted with the application.

- b. The Applicants shall either (1) maintain the existing vegetation in perpetuity along the eastern and southern property lines, or (2) if the existing vegetation is removed, a row of shrubs shall be installed along the eastern and southern property lines to create a visual buffer and mitigate potential noise impacts.

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**Addie Owens, Chairman**

**State of Florida**

**County of Lake**

**Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 7<sup>th</sup> day of June 2023, by Addie Owens, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

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

**(SEAL)**

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**Notary Signature**

Pursuant to Section 286.0105, Florida Statutes, if any person desires to appeal any decision with respect to a matter considered at a public meeting or hearing of the Board of Adjustment, such person will need a record of the proceedings, and such person may need to ensure that a verbatim record for such purpose is made, which record includes the testimony and evidence upon which the appeal is based.

A final administrative order of the Board of Adjustment may be appealed to the Circuit Court in Lake County, Florida. Such an appeal shall be filed within thirty (30) days of the execution of this Order. Those filing an appeal of an administrative order must comply with all applicable Florida Rules of Appellate Procedure.



## EXHIBIT "A" – LEGAL DESCRIPTION

Commencing at the Northwest Corner of the NW 1/4 of Section 1, Township 18 South, Range 24 East, Lake County, Florida, run S. 89°53'53" E. along the North line of said NW 1/4 a distance of 1395.70 feet; thence S. 00°05'51" E. 300.00 feet to the Point of Beginning; from said Point of Beginning continue S. 00°05'51" E., 300.00 feet; thence S. 89°53'53" E. 806.26 feet; thence S. 00°12'27" W., 300.00 feet thence S. 89°53'53" E. 125.00 feet; thence N. 65°53'36" E., 355.99 feet to the East line of aforesaid NW 1/4; thence N. 00°15'07" E., along said East line 754.03 feet to the NE corner of said NW 1/4; thence N. 89°53'53" W. along the North line of said NW 1/4 a distance of 450.00 feet; thence S. 00°12'27" W., 300.00 feet; thence N. 89°53'53" W., 807.85 feet to the Point of Beginning.