



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: November 6, 2024

Case No. and Project Name: PZ2024-170, Hicks Property

Applicant/Owners: Patrick L. Hicks and Melanie L Hicks

Requested Action: Variance to Land Development Regulations (LDR) Table 3.02.05 to allow an accessory dwelling unit to be constructed 15-feet from the north property line, in lieu of the required 25-feet.

Case Manager: Meagan Bracciale, Planner I

Subject Property Information

Size: 2.39 +/- acres

Location: 8326 Colony Barn Road, in the unincorporated Clermont area of Lake County

Alternate Key No.: 1036232

Future Land Use Category: Green Swamp Rural Conservation (Attachment "A")

Current Zoning District: Agriculture Residential District (AR) (Attachment "B")

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: Clermont Joint Planning Area (JPA) (Attachment "C")

Overlay District: Green Swamp Area of Critical State Concern (GSACSC) (Attachment "D")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural Conservation	Agriculture Residential District (AR)	Residential	Non-Residential Barn Structure
South	Green Swamp Rural Conservation	Agriculture District (A)	Residential	Single-Family Residence
East	Green Swamp Rural Conservation	Agriculture Residential District (AR)	Residential	Single-Family Residence
West	Green Swamp Rural Conservation	Agriculture Residential District (R-6)	Right-of-Way, Residential	Single-Family Residence West of Colony Barn Road

- Summary of Request -

The subject property, identified as Alternate Key Number 1036232, contains 2.39+/- acres, is zoned Agriculture Residential District (AR), designated with a Green Swamp Rural Conservation Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and is located within the Green Swamp Area of Critical State Concern (GSACSC). The subject property is located East of Colony Barn Road, in the Clermont area of unincorporated Lake County. GIS maps indicate that the parcel lies within flood zone "X".

The Applicant has requested a variance to LDR Table 3.02.05 to allow an accessory dwelling unit to be constructed 15-feet from the north side property line, in lieu of the required 25-feet, as depicted in the Plot Plan (Attachment "E"). LDR Table 3.02.05 requires structures on Agriculture Residential (AR) District parcels, with a minimum of two (2) acres of land, to be set back from side and rear property lines a minimum of twenty-five (25) feet.

The subject parcel is located within the Green Swamp Area of Critical State Concern (GSACSC) (Attachment "D"). The intent of Lake County Comprehensive Plan Policy I-4.1.4 is to effectively and equitably conserve and protect its environmental and economic resources; provide a land and water management system to protect resources; and facilitate orderly and well-planned growth. All permitting for the proposed accessory dwelling unit will be contingent on the final site engineering plan meeting all regulatory guidelines for development within the GSACSC. This request is consistent with the LDR and Comprehensive Plan Policy I-4.1.4.

On August 2, 2024, the variance application was sent to the Public Works Department and the Chief Fire Plans Examiner for review for a determination of consistency with their regulations. The Public Works Department had no comment. The Chief Fire Plans Examiner had no objection to the request.

The subject property is located within the City of Clermont Joint Planning Area (JPA) (Attachment "C"). The variance request was provided to the City of Clermont for review for a determination of consistency with their regulations. The City of Clermont does not oppose the granting of this variance request if the County approves it.

Should the Board of Adjustments approve this variance request, the applicant will be required to obtain zoning and building permits to comply with Lake County Land Development Regulations.

- 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.

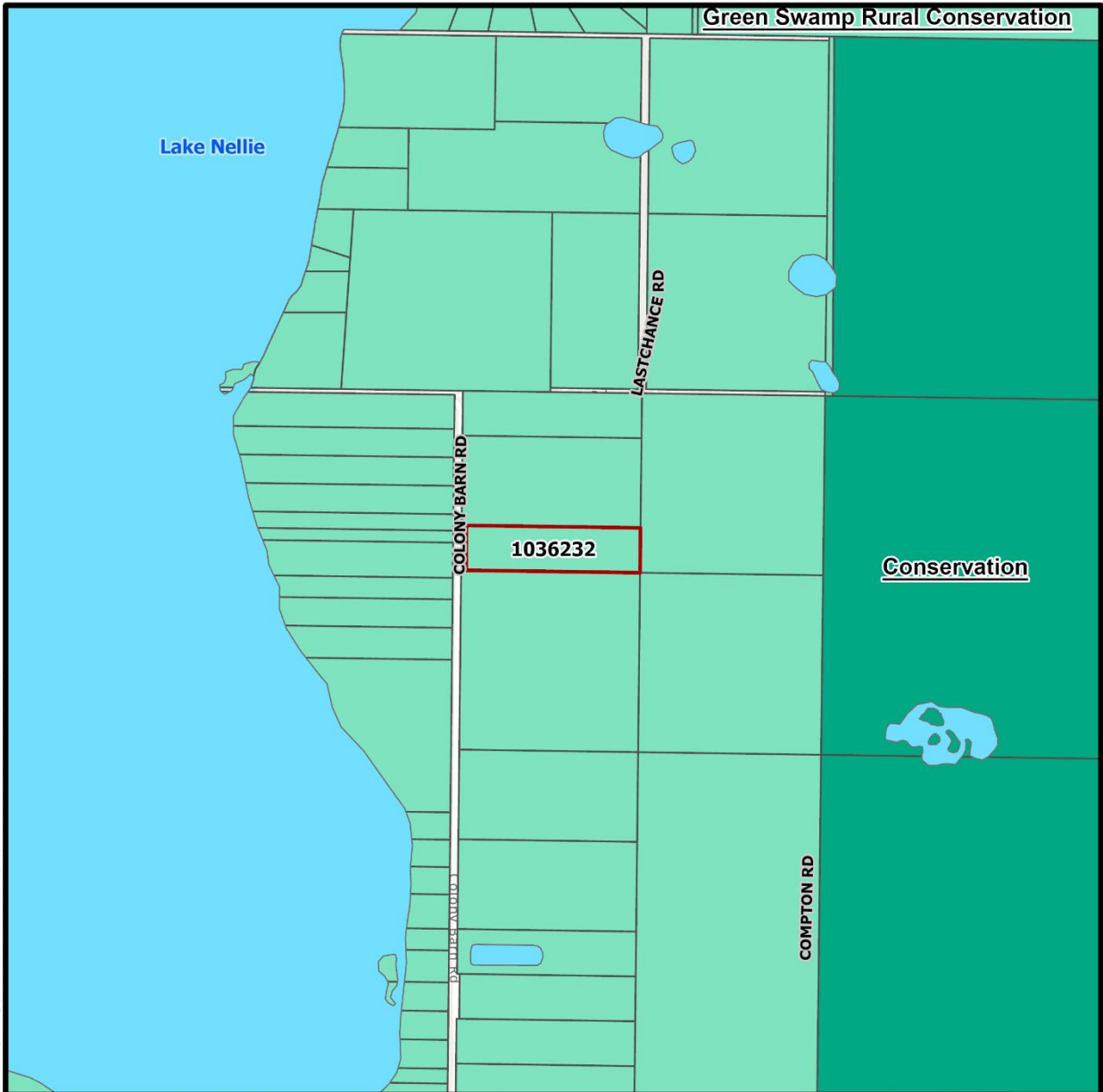
The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"As other nearby properties have approved variances for less than 25' from sidelines, it is only fair that the same approval is applied to our property for our 100% military disabled daughters homesite. The ISR maximum and height [maximum] is not being affected. There is a 25' tall, bamboo plant buffer wall and PVC privacy fence on the north side of this property is maintained."*

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, *"All other structures were placed on this property according to Lake County zoning, all centered. This creates lack of space to add the accessory dwelling structure for our 100% Military Disabled daughter. The variance requested area is the only space that can accommodate her home. The area to the south cannot be used as the driveway and main home septic and drain fields are there. The area to the east is barn and pasture for (2) horses following county guidelines of (1) horse per acre. A wheelchair ramp is needed."*

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE

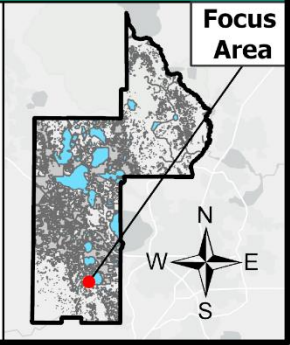


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FLU

- Conservation
- Green Swamp Rural Conservation

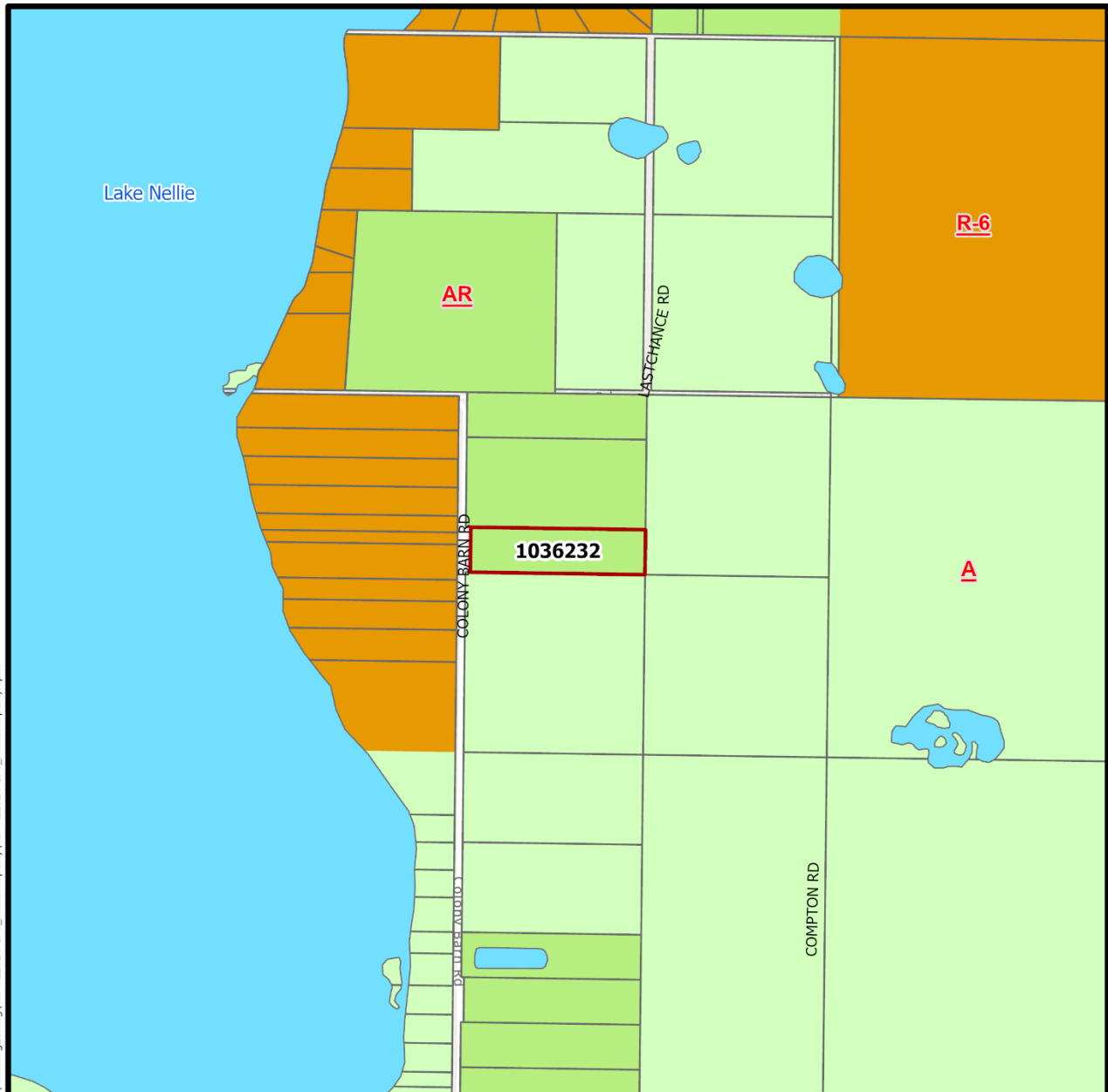
NAME: HICKS PROPERTY **DISTRICT:** 1
CASE NUMBER: VAR-PZ2024-170
LOCATION (S-T-R): 25-24-23
REQUEST: PROPOSED VARIANCE TO LDR TABLE 3.02.05, TO ALLOW AN ACCESSORY DWELLING UNIT TO BE CONSTRUCTED 15-FEET FROM THE NORTH PROPERTY LINE, IN LIEU OF THE REQUIRED 25-FOOT SETBACK.



8/27/2024

Attachment "B" – Zoning Map

CURRENT ZONING



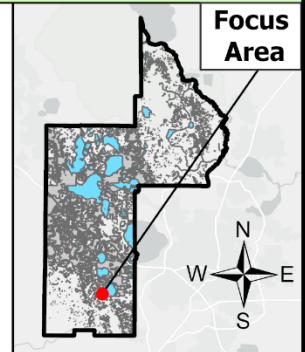
Zoning

- A
- AR
- R-6

NAME: HICKS PROPERTY
CASE NUMBER: VAR-PZ2024-170
LOCATION (S-T-R): 25-24-23

DISTRICT: 1

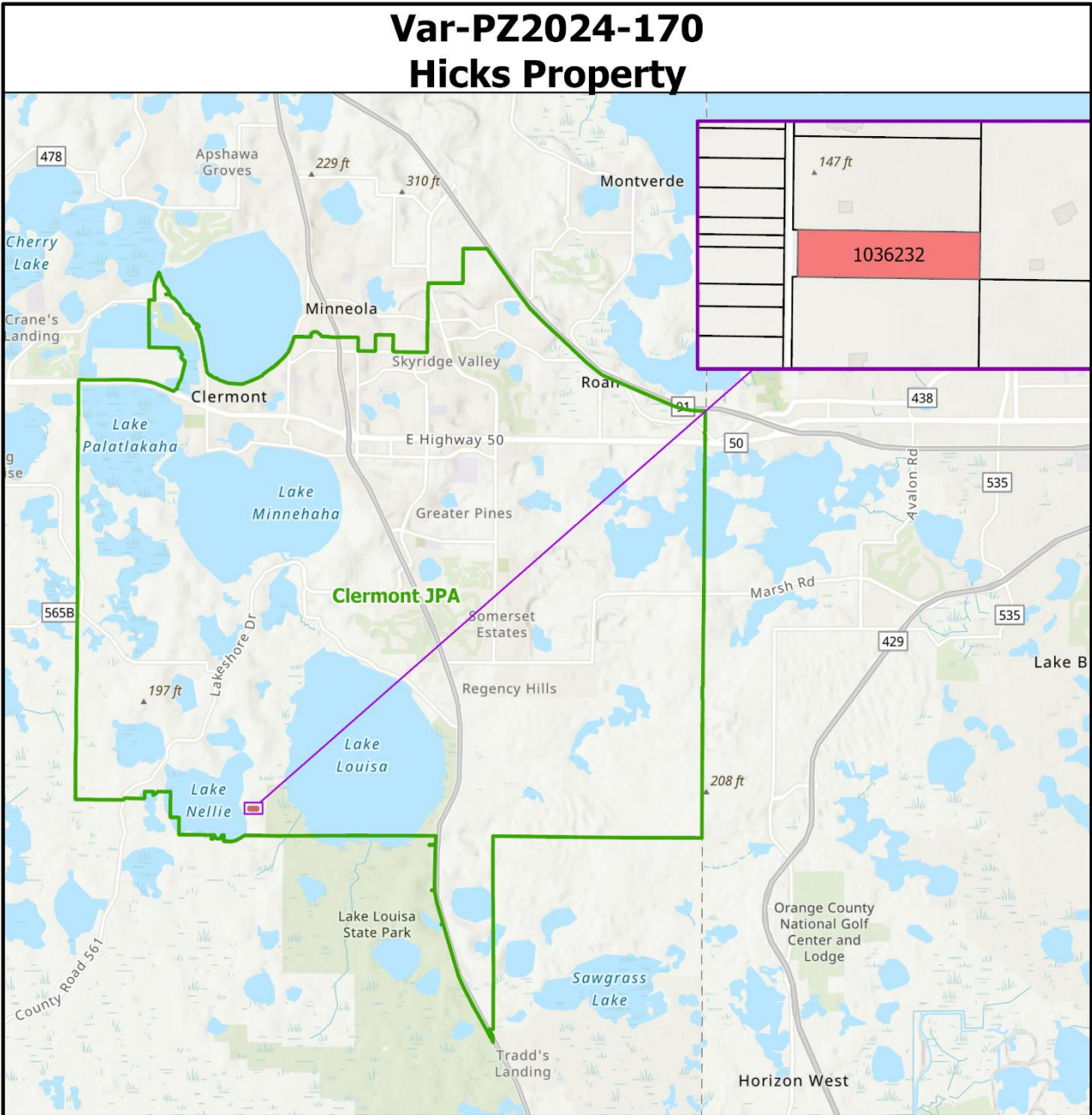
REQUEST: PROPOSED VARIANCE TO LDR TABLE 3.02.05, TO ALLOW AN ACCESSORY DWELLING UNIT TO BE CONSTRUCTED 15-FEET FROM THE NORTH PROPERTY LINE, IN LIEU OF THE REQUIRED 25-FOOT SETBACK.



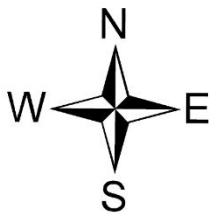
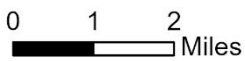
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Attachment "C" – Joint Planning Area Map



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Legend

- Subject Property
- JPA



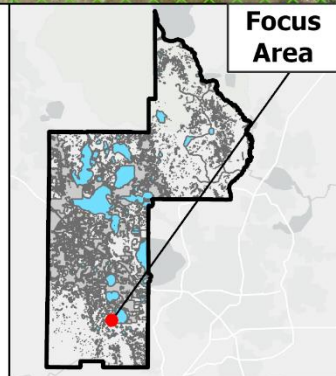
10/17/2024

Attachment "D" – Overlay District Map

Var-PZ2024-170 Hicks Property



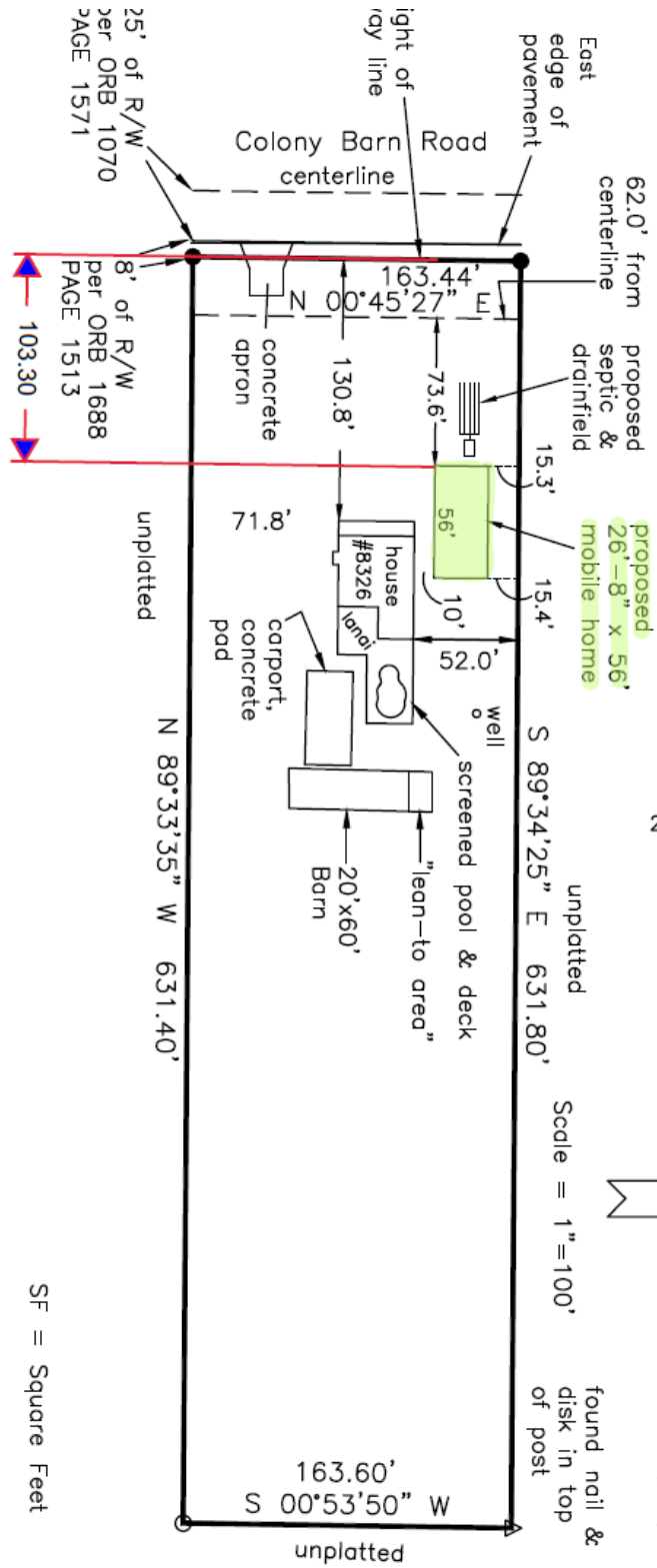
Proposed variance to LDR Table 3.02.05, to allow an Accessory Dwelling Unit to be constructed 15-feet from the North property line, in lieu of the required 25-foot setback.



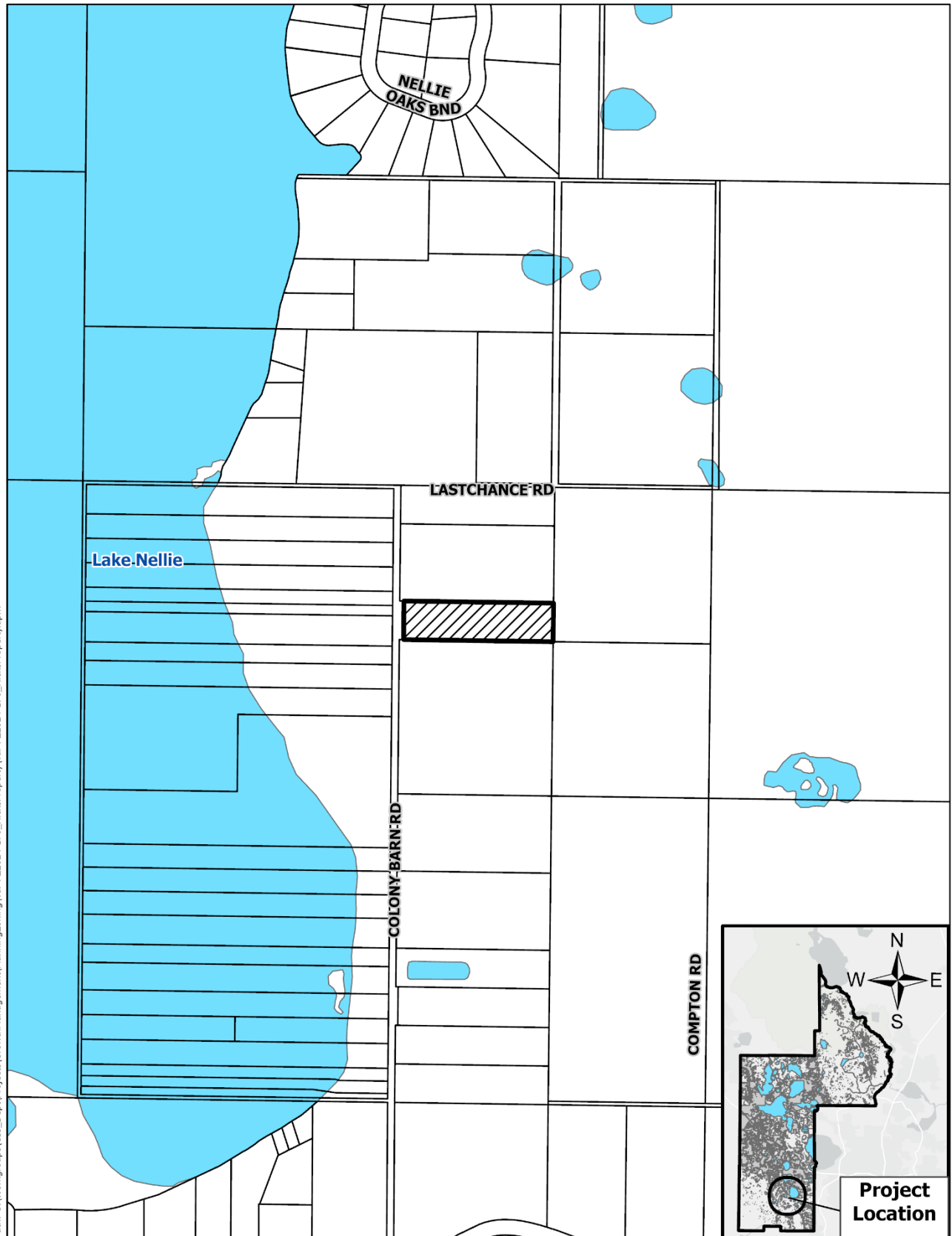
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Attachment "E" – Plot Plan



Map of Subject Property

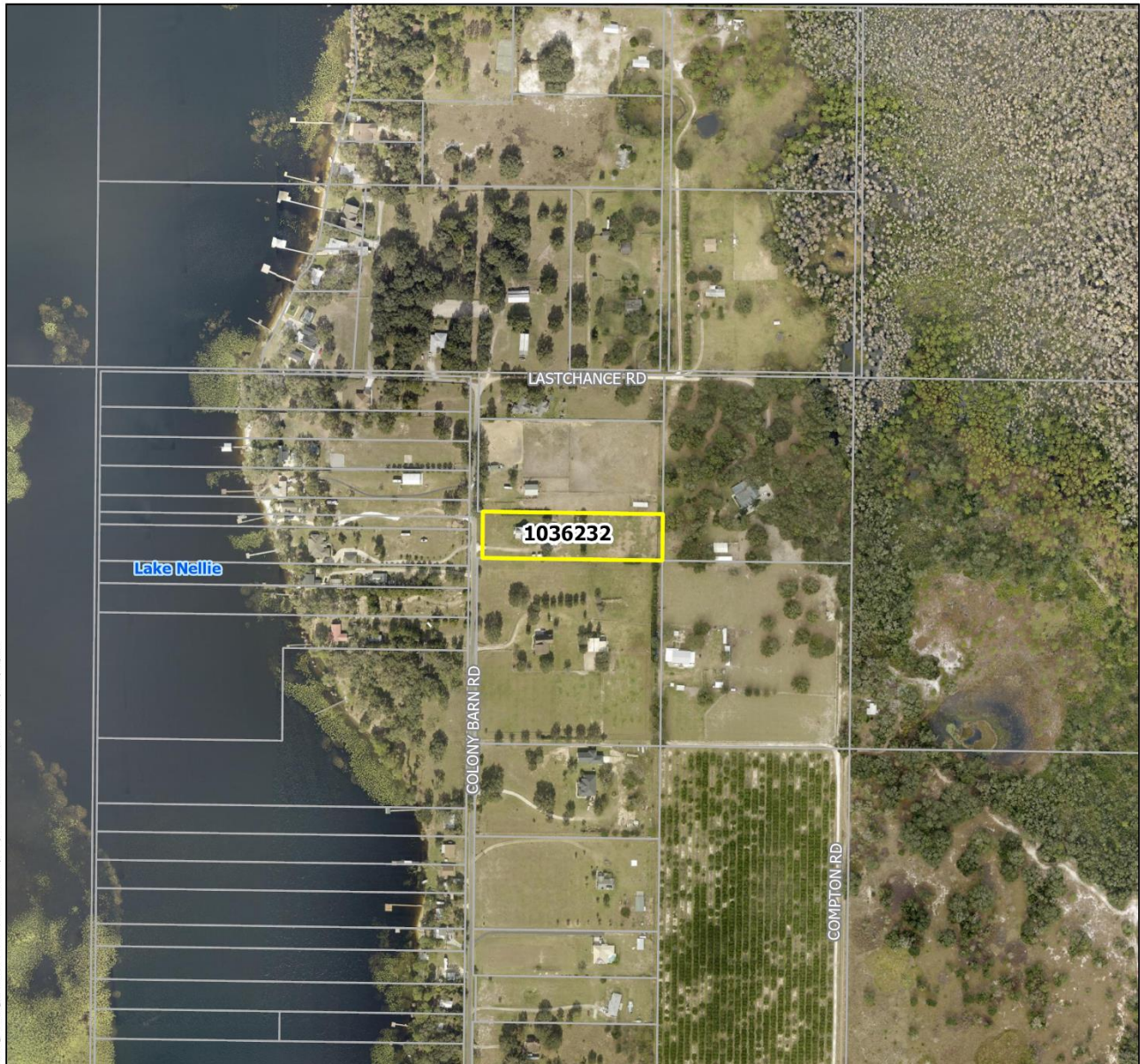


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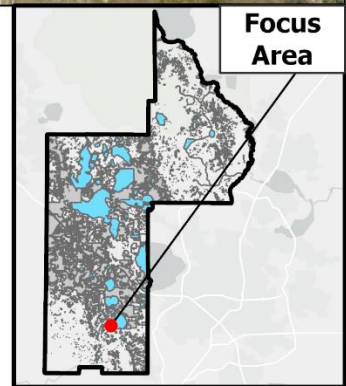
Aerial Map of Subject Property

Var-PZ2024-170 Hicks Property



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Proposed variance to LDR Table 3.02.05, to allow an Accessory Dwelling Unit to be constructed 15-feet from the North property line, in lieu of the required 25-foot setback.



8/27/2024

Final Development Order

WHEREAS, Patrick L. Hicks and Melanie L. Hicks (the "Owners") requested a variance to Land Development Regulations (LDR) Table 3.02.05 to allow an accessory dwelling unit to be constructed 15-feet from the north property line, in lieu of the required 25-feet; and

WHEREAS, the subject property consists of 2.39 +/- acres, located at 8326 Colony Barn Road, in the unincorporated Clermont area of Lake County, in Section 24, Township 23 South, Range 25 East, having Alternate Key Number 1036232 and more particularly described in Exhibit "A", attached hereto and incorporated by reference; 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 November 6, 2024; 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 Land Development Regulations (LDR) Table 3.02.05 to allow an accessory dwelling unit to be constructed 15-feet from the north property line, in lieu of the required 25-feet, is hereby granted.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea L. Meeks, Chairman

**State of Florida
County of Lake**

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 6th day of November 2024, by Bea L. Meeks, Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)

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

The South 1/2 of the South 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 24, Township 23 South, Range 25 East, lying and being in Lake County, Florida, less and except the West 33 feet as conveyed to Lake County in those certain Deeds recorded in Official Records Book 1070, Page 1571 and in Official Records Book 1688, Page 1513, all of the Public Records of Lake County, Florida.