



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: March 5, 2025

Case No. and Project Name: PZ2024-289, Gray Property

Applicant(s): Gary Gray

Owner(s): Gary Gray and Holly Blanchard Gray

Requested Action: A Variance to Land Development Regulations (LDR) Section 10.01.03(B)(4) to allow for an additional 1,360 square feet over the allowed limit of or seventy percent (70%) of the air conditioned, enclosed living area of the principal dwelling, (excludes garages, patios, Porches and the like), whichever is greater, leading to an 83% allowance if approved. The proposed variance will be for an Accessory Dwelling Unit, which is proposed at 2,560 square feet.

Case Manager: Corey DeVogel, Planner I

Subject Property Information

Size: 6.1 +/- gross acres

Location: 32552 Whitney Road, in the unincorporated Leesburg area.

Alternate Key No.: 3926652

Future Land Use: Urban Low Density (Attachment "A")

Current Zoning District: Agriculture (A) (Attachment "B")

Flood Zone(s): "X" and "A"

JPA/ISBA: City of Leesburg ISBA

Overlay/Rural Protection Area: Economic Development Overlay District (Attachment "C")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Agriculture (A)	Residential	Single-Family Residence on Large Agriculture Tract
South	Urban Low Density	Agriculture (A)	Residential	Single-Family Residence on Large Agriculture Tract
East	Urban Low Density	Agriculture (A)	Lake	Robinson Lake
West	Rural Transition	Rural Residential (R-1)	Residential	Single-Family Residence West of Whitney Road

– Summary of Request –

The subject 6.1 +/- acre parcel is identified by Alternate Key (AK) Number 3926652. The subject parcel is zoned as Agriculture(A); is designated with an Urban Low Future Land Use Category (FLUC) by the 2030 Comprehensive (Comp) Plan; and located within Economic Development Overlay District. The subject parcel is developed with an existing residence and an existing pole barn (Attachment “D”). GIS maps indicate that the subject parcel is located within flood zones “X” and “A”. There is indication that wetlands exist on the site.

The Applicant is requesting a variance to LDR Section 10.01.03(B)(4) to allow a 2,560 square foot accessory dwelling unit with an attached 864 square foot carport which exceeds the allowable threshold of seventy (70) percent of the air conditioned, enclosed living area of the principal dwelling, or an additional 1,360 square feet over the allowed limit.

The existing primary structure is 3140 square feet of air conditioned, enclosed living area. The proposed accessory dwelling unit will constitute eighty-two (82) percent of the air conditioned, enclosed living area of the principal dwelling (excluding garages, patios, and porches. LDR Section 10.01.03.B.4 limits an accessory dwelling unit to no more than one-thousand two-hundred (1,200) square feet or seventy (70) percent of the air conditioned, enclosed living area of the principal dwelling, whichever is greater. In the year 2021, the subject parcel was created through a lot split from Alternate Key:1111315 (LS2019-25-1) (Attachment “F”). The parent parcel was originally 24.8 +/- acres. Through the lot split, the parent parcel became 18.7 +/- acres and the subject parcel is 6.1 +/- acres.

Per the application, the ADU will be developed for the Applicant’s family members.

The Concept Plan depicts Whitney Road, the existing residence, pole barn, well, septic, and Robinson Lake, along with the proposed 2,560 square foot Accessory Dwelling Unit and a proposed 864 square foot carport, which is not included in the variance, since it is not considered living area, to which LDR 10.01.01(D) applies to. Both proposed structures will require separate permitting and approvals through Planning and Zoning as well as the Building Department.

The subject property is located within the Economic Development Overlay District. However, since the property is currently being used for residential purposes, the request is consistent with Comprehensive Plan Policies I-6.5 through I-6.5.3.

The current Impervious Surface Ratio (ISR) for the subject property is 3%. With the future proposed project, The ISR will be 4%. The maximum allowable ISR within the Agriculture “A” zoning district is 10%. The maximum allowable ISR within the Urban Low Density Future Land Use Category is 60%.

The subject property is located within the Leesburg Interlocal Service Boundary Agreement (ISBA) and the application was provided to the City of Leesburg for review and comment. The City of Leesburg had no comments.

Should the proposed variance be granted, separate building and zoning permits will be required.

– Staff Analysis –

LDR Section 14.15.02 states that variances will be granted when the person subject to a LDR demonstrates that the purpose of the LDR will be or has been achieved by other means, and when application of a LDR would create a substantial hardship or would violate principles of fairness.

1. The purpose of the LDR will be or has been achieved by other means.

The intent of LDR Section 10.01.03, is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.

The Applicant provided the following statement as evidence that the intent of the LDR will be or has been achieved by other means, “*There are no other means*”.

- 2. The application of a LDR 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 LDR affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the LDR.**

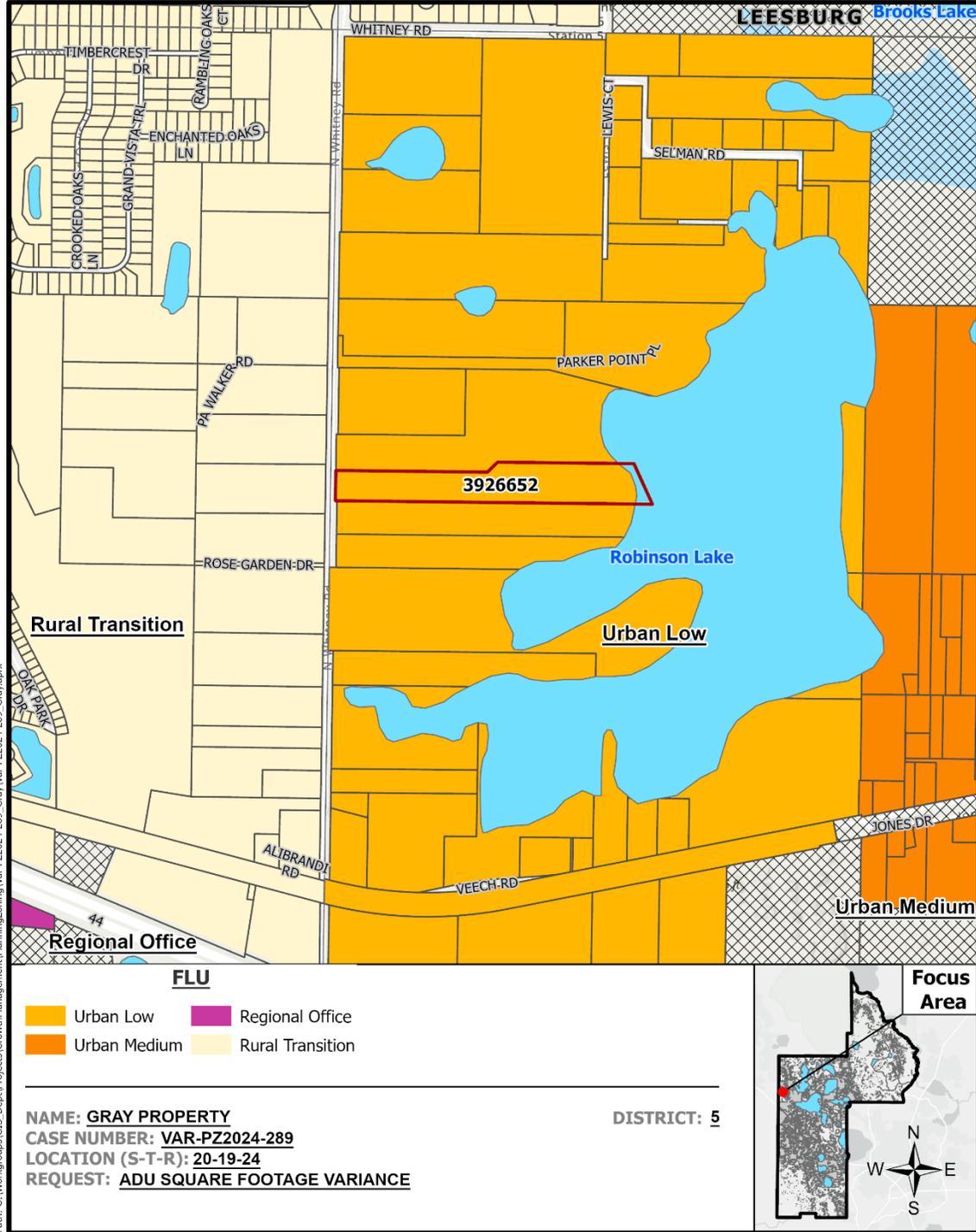
The Applicant provided the following statement (Attachment "E"),

"Allowable square footage is not large enough to accomodate [sic] the size of grown childs [sic] family in order to have adequate bedrooms, bathrooms, food perperation [sic], sanitation washer and dryer plus any additional facilities required to maintain suitable live area

Main home 3140 sq-ADU is 2560 Asking for additional aprox [sic] 362 sqft".

Attachment "A" – Future Land Use Map

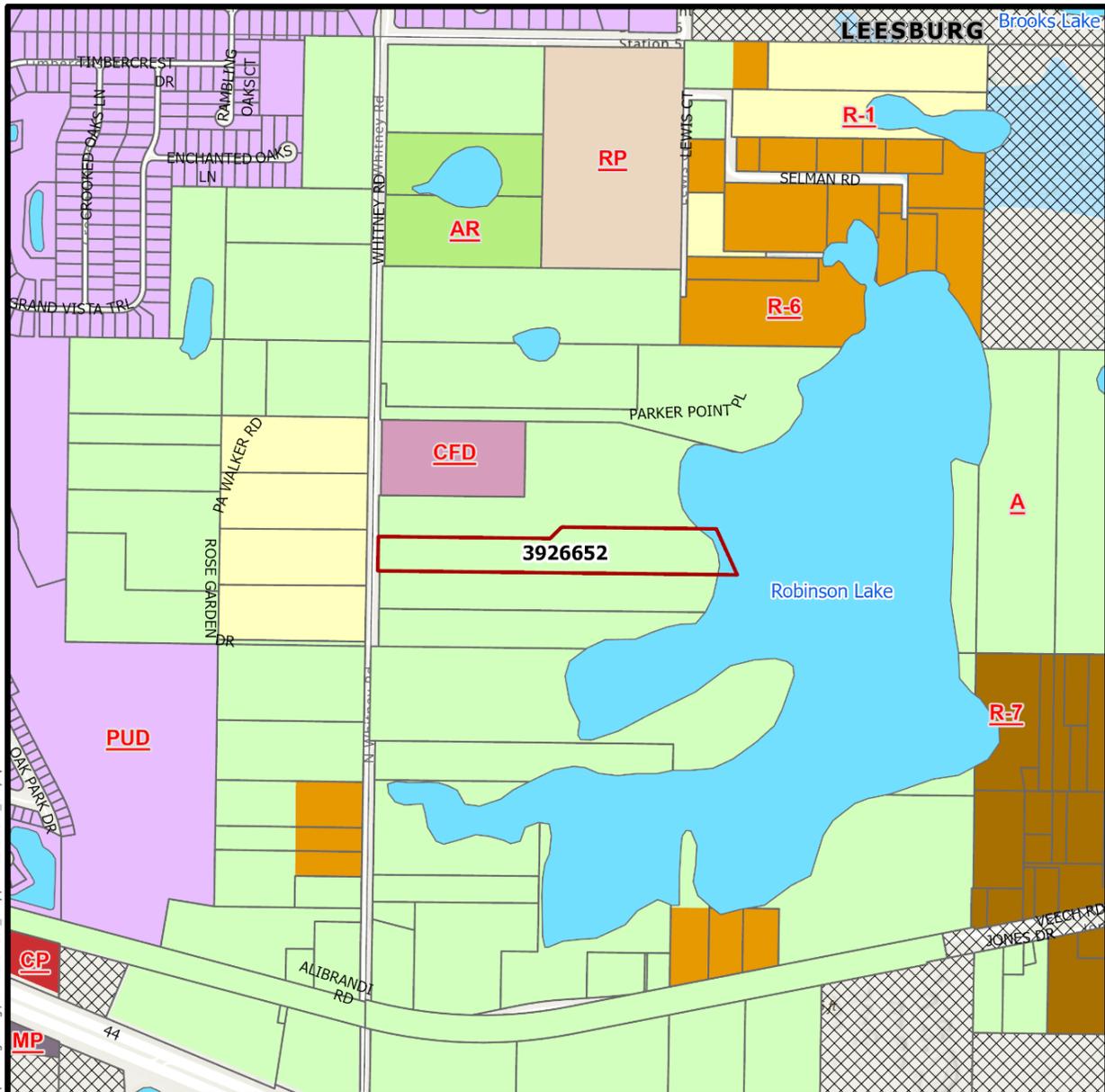
CURRENT FUTURE LAND USE



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12/12/2024

Attachment "B" – Zoning Map

CURRENT ZONING



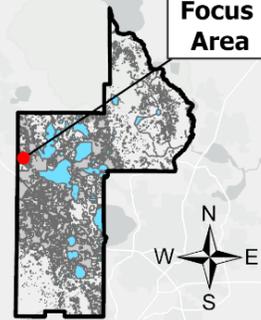
Zoning

- | | | | | |
|----|-----|-----|----|-----|
| A | R-1 | R-7 | CP | CFD |
| AR | R-6 | RP | MP | PUD |

NAME: GRAY PROPERTY
CASE NUMBER: VAR-PZ2024-289
LOCATION (S-T-R): 20-19-24
REQUEST: ADU SQUARE FOOTAGE VARIANCE

DISTRICT: 5

Focus Area



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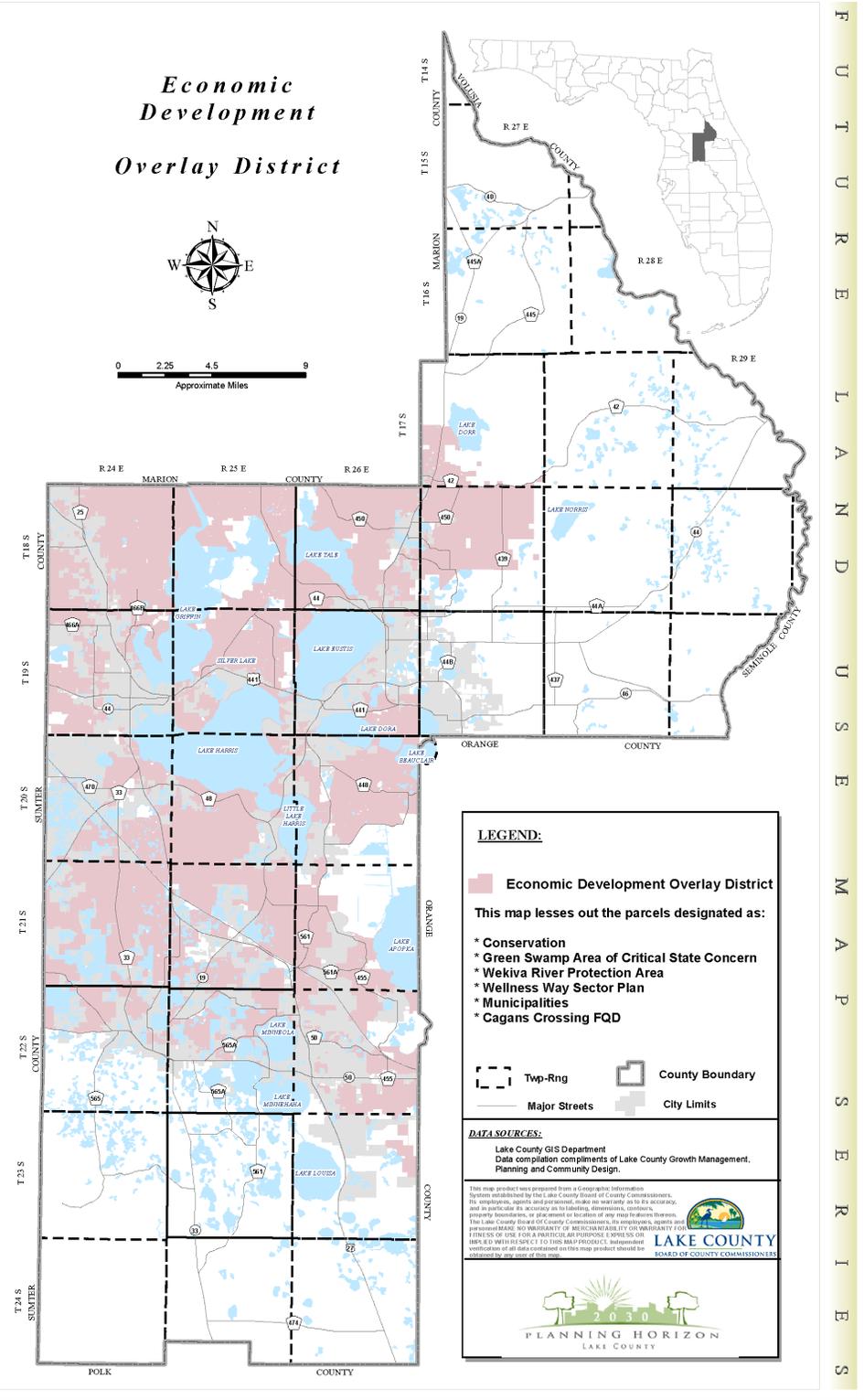
Attachment "C" – Overlay District Map

COMPREHENSIVE PLAN 2030 LAKE COUNTY FLORIDA

Economic Development Overlay District



0 2.25 4.5 9
Approximate Miles



LEGEND:

Economic Development Overlay District

This map lesses out the parcels designated as:

- * Conservation
- * Green Swamp Area of Critical State Concern
- * Wekiva River Protection Area
- * Wellness Way Sector Plan
- * Municipalities
- * Cagans Crossing FQD

Twp-Rng County Boundary

Major Streets City Limits

DATA SOURCES:

Lake County GIS Department
Data compilation compliments of Lake County Growth Management,
Planning and Community Design.

This map product was prepared from a Geographic Information System maintained by the Lake County Board of County Commissioners. Its employees, agents and personnel make no warranty as to its accuracy, use in particular for accuracy as to existing, historical, boundary, property boundaries, or placement or location of any third features thereon. The Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR GUARANTEE FOR FITNESS OF USE FOR A PARTICULAR PURPOSE OR PURPOSES OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data contained on this map product should be obtained by the user of this map.

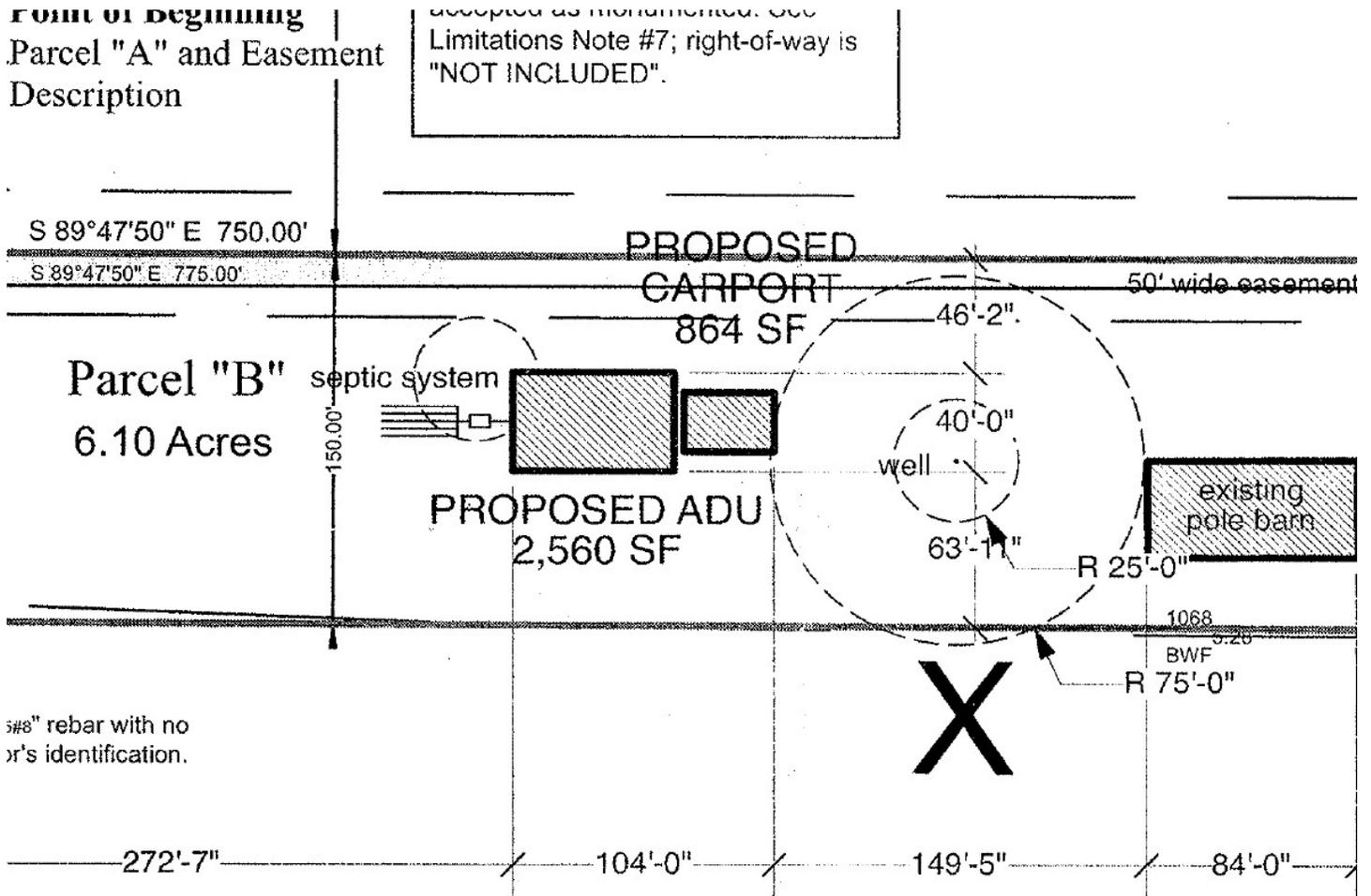
LAKE COUNTY
BOARD OF COUNTY COMMISSIONERS

PLANNING HORIZON
LAKE COUNTY

F U T U R E L A N D U S E M A P S E R I E S

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Attachment "D" – Plot Plan Zoomed Further (Page 3 of 3)



Attachment "E" – Request Justification

Provide Justification for the request:

*Please also fill out the additional corresponding Project Narrative if included in the application packet.

Add one ADU for family to become care takers in the future

Has any other application been filed within the last year in connection with this property?

Yes No

If yes, briefly describe the nature of the request:

Attachment "F" – Lot Split



Office of Planning & Zoning

P.O. Box 7800 • 315 W. Main St., Suite 510 • Tavares, FL 32778

May 13, 2021

Jimmy D. Crawford
702 W Montrose St
Clermont, FL 34711

RE: **APPROVAL** - Minor Lot Split - LS# 2019-25-1 (Randy Jones, Jr. - Whitney Road)
Jones, Randy, Jr. Project No. 2019060005, Application No. 3909 Alternate Key Nos./No. 1111315

Dear Mr. Crawford:

The above referenced project for the minor lot split, in the Leesburg area has been **Approved** and Recorded in Lake County Public Records Department under ORB 5702 Pages 632-634.

Please find the original final development order enclosed.

This file is now complete, please keep in a safe place.

On behalf of the Office of Planning and Zoning, it has been a pleasure working with you. Should you have any questions, please do not hesitate to contact our office at (352) 343-9738.

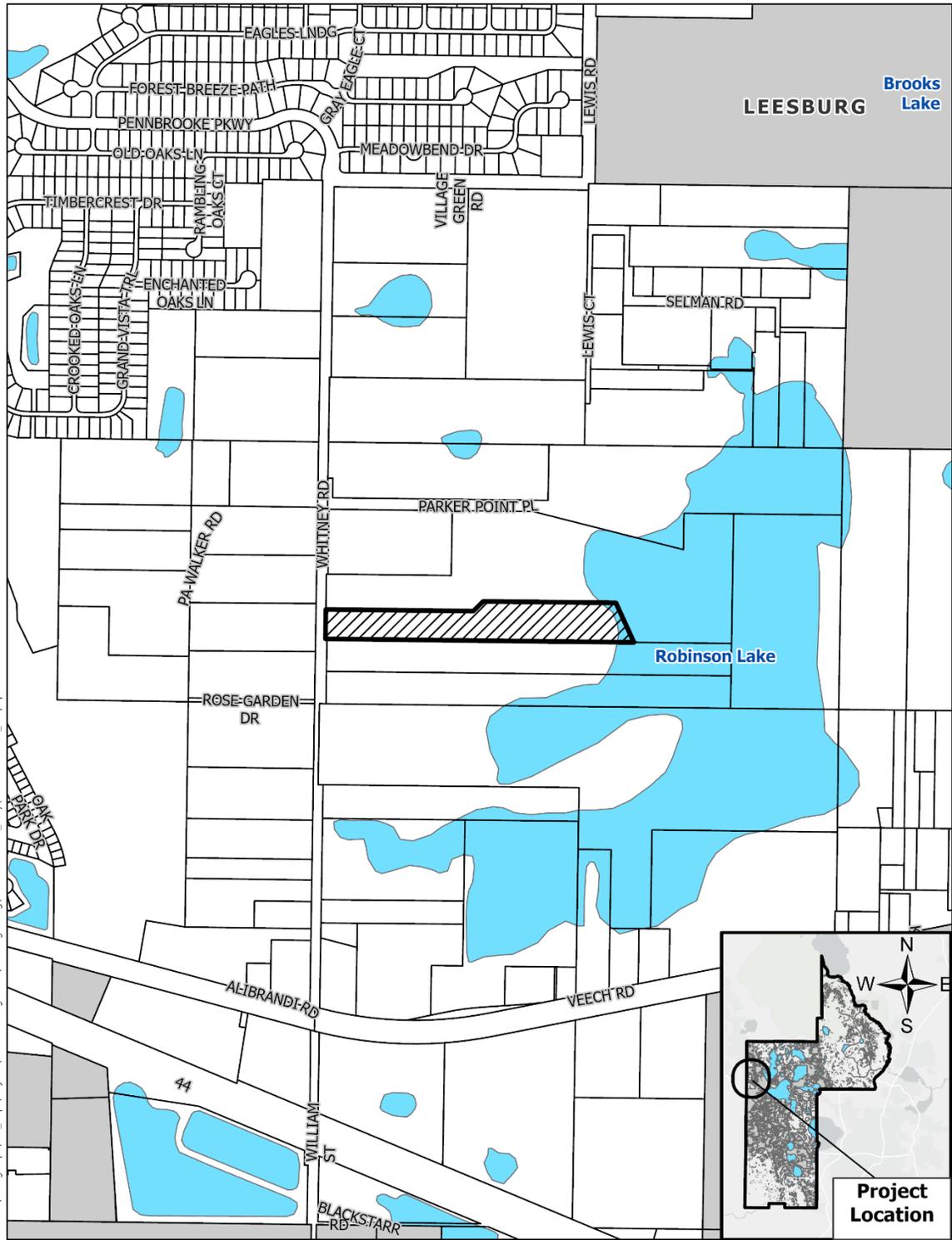
Sincerely,

Sheila M. Short
Senior Planner

cc: File
Jimmy D. Crawford - (Jcrawford@cmhlawyers.com; Jcotch@cmhlawyers.com), Randy Jones - (Wjileesburg@aol.com)

Enclosure: Original Final Development Order, Receipt

Map of Subject Property

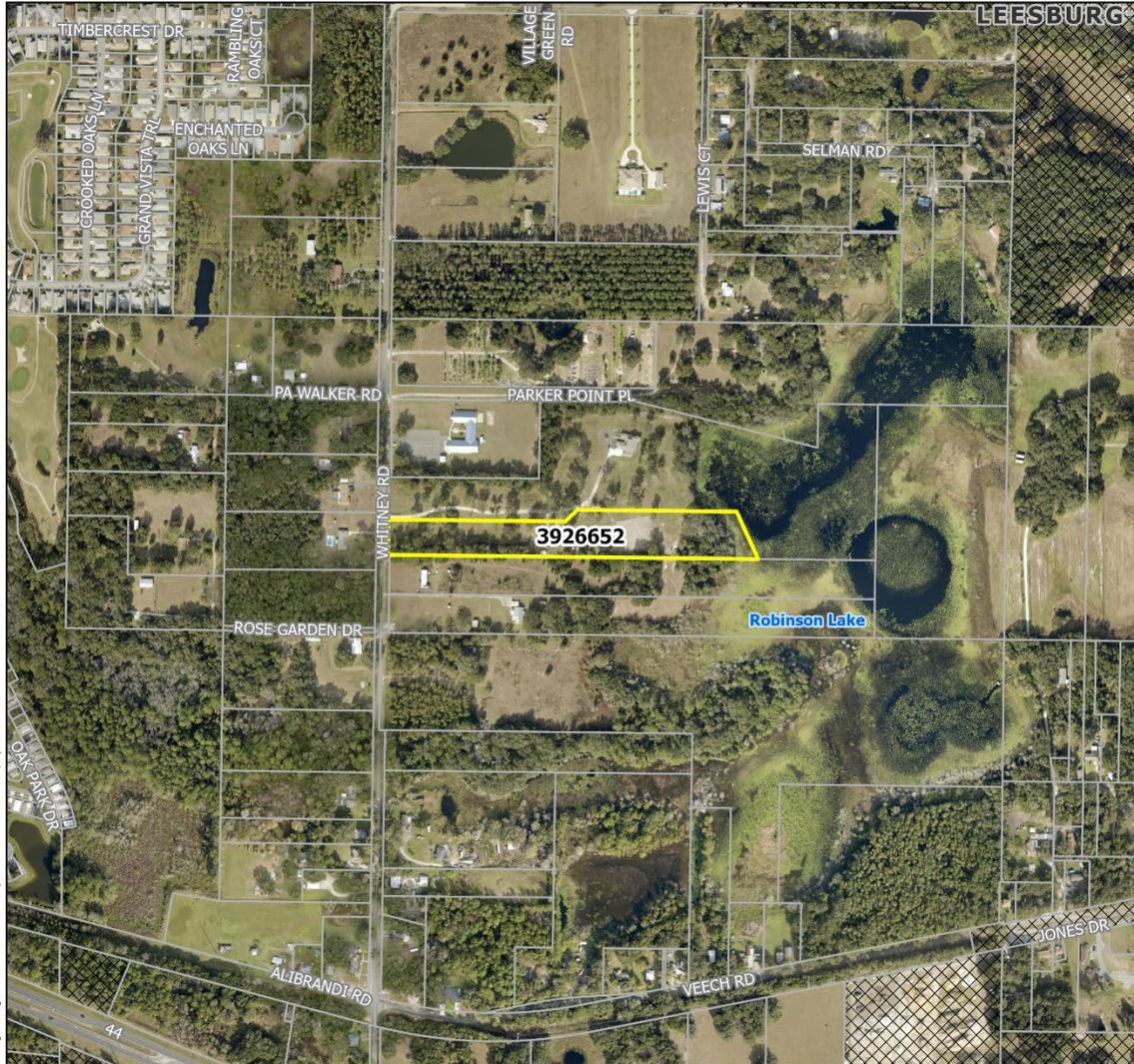


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Aerial Map of Subject Property

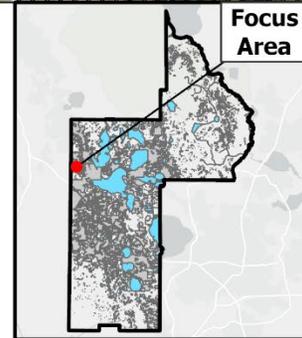
**Var-PZ2024-289
Gray Property**



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12/12/2024

ADU square footage variance



Final Development Order

WHEREAS, Gary Gray (the “Applicant”) requested a variance on behalf of Gary Gray and Holly Blanchard Gray (the “Owner”), to Land Development Regulations (LDR) Section 10.01.03(B)(4) to allow an accessory dwelling unit to exceed seventy percent (70%) of the air conditioned, enclosed living area of the principal dwelling; and

WHEREAS, the subject property consists of approximately 6.1 +/- acres, located at 32552 Whitney Road, in the unincorporated Leesburg area in Section 20, Township 19 South, Range 24 East, known as Alternate Key Number(s) 3926652, and more particularly described in Exhibit “A”; 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 March 5, 2025; 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 LDR Section 10.01.03(B)(4) to allow for an additional 1,360 square feet over the allowed limit of or seventy percent (70%) of the air conditioned, enclosed living area of the principal dwelling (excludes garages, patios, porches and the like), whichever is greater, leading to an 83% allowance if approved. The proposed variance will be for an Accessory Dwelling Unit, which is proposed at 2,560 square feet.

Conditions for Variance:

1. The proposed ADU shall utilize the same access from Whitney Road as the existing structure. There shall be no separate access granted for this additional use.
2. A separate building permit and zoning permit will be required before construction.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea 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 5th day of March 2025, by Bea Meeks, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

(SEAL)

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

A parcel of land in Section 20, Township 19 South, Range 24 East, Lake County, Florida, described as follows:

From the southwest corner of the Northwest $\frac{1}{4}$, of said Section 20, run N $00^{\circ}27'52''$ E, along the west boundary of the Northwest $\frac{1}{4}$ of said Section 19, a distance of 330.00 feet, to the Point of Beginning of the following described parcel of land; from said Point of Beginning, continue N $00^{\circ}27'52''$ E, a distance of 150.00 feet; thence S $89^{\circ}47'50''$ E, a distance of 775.00 feet; thence N $45^{\circ}12'10''$ E, a distance of 70.71 feet; thence S $89^{\circ}47'50''$ E, a distance of 674.65 feet; thence S $24^{\circ}53'29''$ E, a distance of 220.84 feet; thence N $89^{\circ}47'50''$ W, a distance of 1594.00 feet, to the Point of Beginning; LESS right-of-way for Whitney Road.

Area described contains 6.10 acres.