



# VARIANCE STAFF REPORT

## OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: August 6, 2025

Case No. and Project Name: PZ2025-134, Timmerman Property

Commissioner District: District 4 – Leslie Campione

Applicant(s): Stephanie Timmerman

Owner(s): Ricky Junior Timmerman and Stephanie Nicole Timmerman

Requested Action: Variance to Land Development Regulations (LDR) Section 10.01.03(B)(4) to allow an accessory dwelling unit that is eighty-two percent (82%) of the air conditioned, enclosed living area of the principal dwelling, in lieu of the required limit of one thousand two hundred (1,200) square feet or seventy percent (70%) of the air conditioned, enclosed living area of the principal dwelling, whichever is greater.

Case Manager: Meagan Bracciale, Planner I

### Subject Property Information

Size: 35.11 +/- acres

Location: 40415 Babb Road, in the unincorporated Umatilla area

Alternate Key No.: 3881102

Future Land Use: Rural (Attachment "A")

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

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

JPA/ISBA: N/A

Overlay/Rural Protection Area: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural FLUC	Agriculture District (A)	Residential	Single-Family Residence
South	Rural FLUC & Rural Transition FLUC	Rural Residential District (R-1)	Residential & Agricultural	Plant Nursery; Single-Family Residences South of Deep Lake
East	Rural Transition FLUC	Rural Residential District (R-1)	Residential	Single-Family Residence
West	Rural FLUC	Agriculture District (A)	Agricultural	Agriculture Structure

## Summary of Request

The subject parcel is identified by Alternate Key number 3881102 and contains approximately 35.11 +/- acres. The subject parcel is zoned Agriculture District (A) and is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject parcel is developed with a single-family dwelling unit (Attachment "C").

GIS maps indicate that the subject parcel is located within flood zones "X" and "AE" and there is indication that wetlands exist on the site. On May 22, 2025, the requested action was sent to the Public Works, Fire Safety, and Flood and Stormwater Departments for review for a determination of consistency with their regulations. The Public Works, Fire Safety, and Flood and Stormwater Departments have no objections to this application.

The Applicant is requesting a variance to LDR 10.01.03(B)(4), *Accessory Dwelling Units*, to allow an approximately 2,432-SF accessory dwelling unit that is eighty-two percent (82%) of the air conditioned, enclosed living area of the principle dwelling, in lieu of the required limit of one thousand two hundred (1,200) square feet or seventy percent (70%) of the air conditioned, enclosed living area of the principal dwelling, whichever is greater. The Applicant's daughter and her family will be moving into the proposed 2,432-SF accessory dwelling unit and need a home of this size to adequately accommodate her family.

For background purposes, the subject parcel went through a minor lot split in 2022. Pursuant to LDR 14.11.01(G), *Minor Lot Splits*, for lot split applications approved after January 1, 2020, once the minor lot split is approved and recorded, neither the original parcel nor the newly created parcels will be eligible for any further lot splits under Section 14.11.00 of the Land Development Regulations. Therefore, the subject parcel is currently ineligible for a Minor Lot Split or a Family Density Exception. Furthermore, a parcel may not be platted if access is off of a clay road, and therefore platting an additional lot for the Applicant's daughter is not allowed under the current Land Development Regulations.

The Applicant provided a Project Narrative as a justification for the variance request as shown on Attachment "D".

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 10.01.03(B)(4), *Accessory Dwelling Units*, is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security. An accessory dwelling unit is permitted on this parcel and would meet all applicable setbacks. The accessory dwelling unit would be shielded from the public by a natural buffer, which will reduce any negative visual impacts.

Pursuant to the table located in LDR Section 3.02.06, *Density, Impervious Surface, Floor Area, and Height Requirements*, the maximum allowed impervious surface ratio (ISR) within the Agriculture District (A) is ten percent (10%). The proposed development will result in a total ISR of <1% and therefore would not exceed the maximum limit for ISR in the Agriculture District (A).

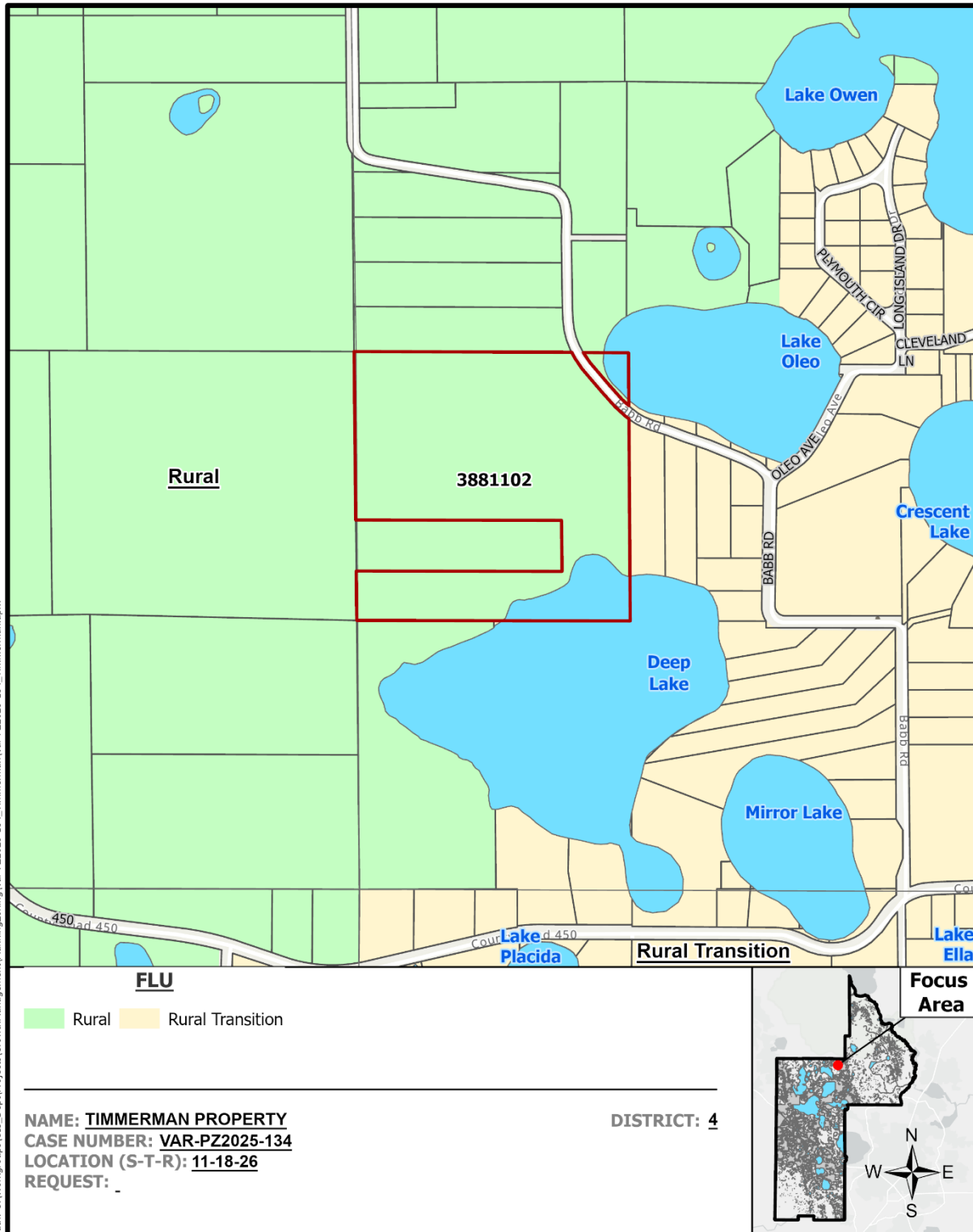
The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"The purpose of this request is so we can place a mobile home on my parents property. My parents home is 2,963 sq ft living space and total 4,200 sq ft. We're allotted 70% of the sq ft which is 2,076 sq ft. Which is 169 sq ft over the space allowed. We are needing the extra space in this home to grow our family and take care of our aging parents."*

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.**

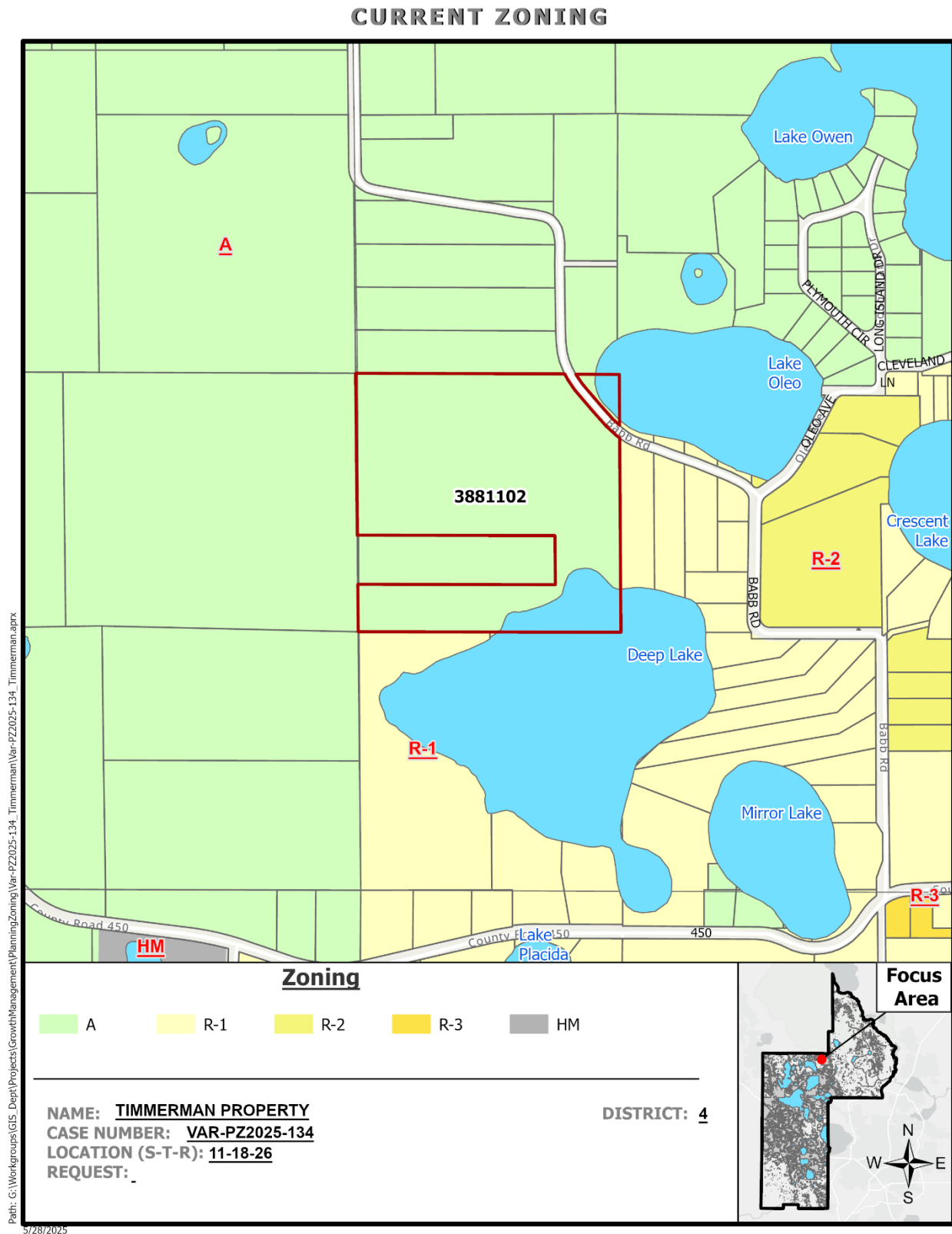
*The Applicant provided the following statement, "We are currently living with my parents and have been trying to buy a home for 2 years without success. This has caused us to put growing a family on hold. We are hoping this variance gets approved so we can begin our family and become homeowners. We are also wanting to stay on the same property as my parents due to them aging and needing more daily assistance. My wifes family is also aging and we hope to have a home so they can live with us so we can assist them as well. I have a career as a contracted nurse practitioner. My hours were cut from full time to part time to 40 hours a month. We own a dog training business and we're preapproved for up to a \$500,000 home. We can stay within this budget by placing a mobile home on my parents property. Thank you for your consideration."*

# Attachment "A" – Future Land Use Map

## CURRENT FUTURE LAND USE



## Attachment "B" – Zoning Map



NW CORNER NW 1/4 11-18-26

FOUND IRON PIPE NO ID NW CORNER NW 1/4 SW 1/4 11-18-26

W LINE NW 1/4 SW 1/4 11-18-26

N LINE NW 1/4 SW 1/4 11-18-26

NB9°45'46"W 1361.70'

WIRE FENCE

NB9°45'46"W 102.49'

25.0'

POB EASEMENT

FOUND IRON PIN & CAP ILLEGIBLE

FOUND IRON PIN LB 6676

227.00'

241.38'

300'14"14" W 25.00'

EDGE OF WATER

10.00'

POC EASEMENT NE CORNER NW 1/4 SW 1/4 11-18-26 FALLS IN LAKE

2668.55'

N00°23'38"W

LAKE

WETLAND JURISDICTION LINE

FOUND IRON PIPE NO ID

BABB ROAD 16" C&G ROAD

318.88'

1329.10'

CHALKLINE FENCE

N00°24'38"W

E LINE NW 1/4 SW 1/4 11-18-26

N00°24'38"W

1329.13'

10.00'

SE CORNER NW 1/4 SW 1/4 11-18-26 FALLS IN LAKE

860.84'

660.84'

589°55'31"E

1357.53'

S LINE NW 1/4 SW 1/4 11-18-26

WIRE FENCE

SET IRON PIN & CAP LB 8397 FOUND IRON PIN LB 6948 13.2' N

ZONE AE

FLOOD ZONE LINE ELEV 64' NAVD

1019.35'

253.01'

500°35'18"E

150.00'

50.0'

25.0'

SEE INSET

217.82'

WELL

PROPOSED WELL

PROPOSED MOBILE HOME

PROPOSED SEPTIC SYSTEM

124.83'

78'

32'

0.11 ACRES

WETLAND JURISDICTION LINE

FLOOD ZONE LINE ELEV 66' NAVD

0.81 ACRES

253.01'

N00°35'18"W

POB

NB9°55'31"W

244.80'

ZONE A

POC SET IRON PIN & CAP LB 8397 FOUND IRON PIN LB 6948 1.7' N & 3.8' E SW CORNER NW 1/4 SW 1/4 12-18-26

SHRUB AREA

WETLAND JURISDICTION LINE

SHRUB AREA

ZONE A

1333.00'

N00°33'22"W 2665.99'

589°59'45"E

1350.93'

NW CORNER NW 1/4 11-18-26

NEW PARCEL 2

41.54 ACRES GROSS

9.38 ACRES WETLAND

32.16 ACRES UPLAND

NEW PARCEL 1

5.92 ACRES GROSS

0.92 ACRES WETLAND

5.00 ACRES UPLAND

589°55'31"E

1019.35'

LESS

0.11 ACRES

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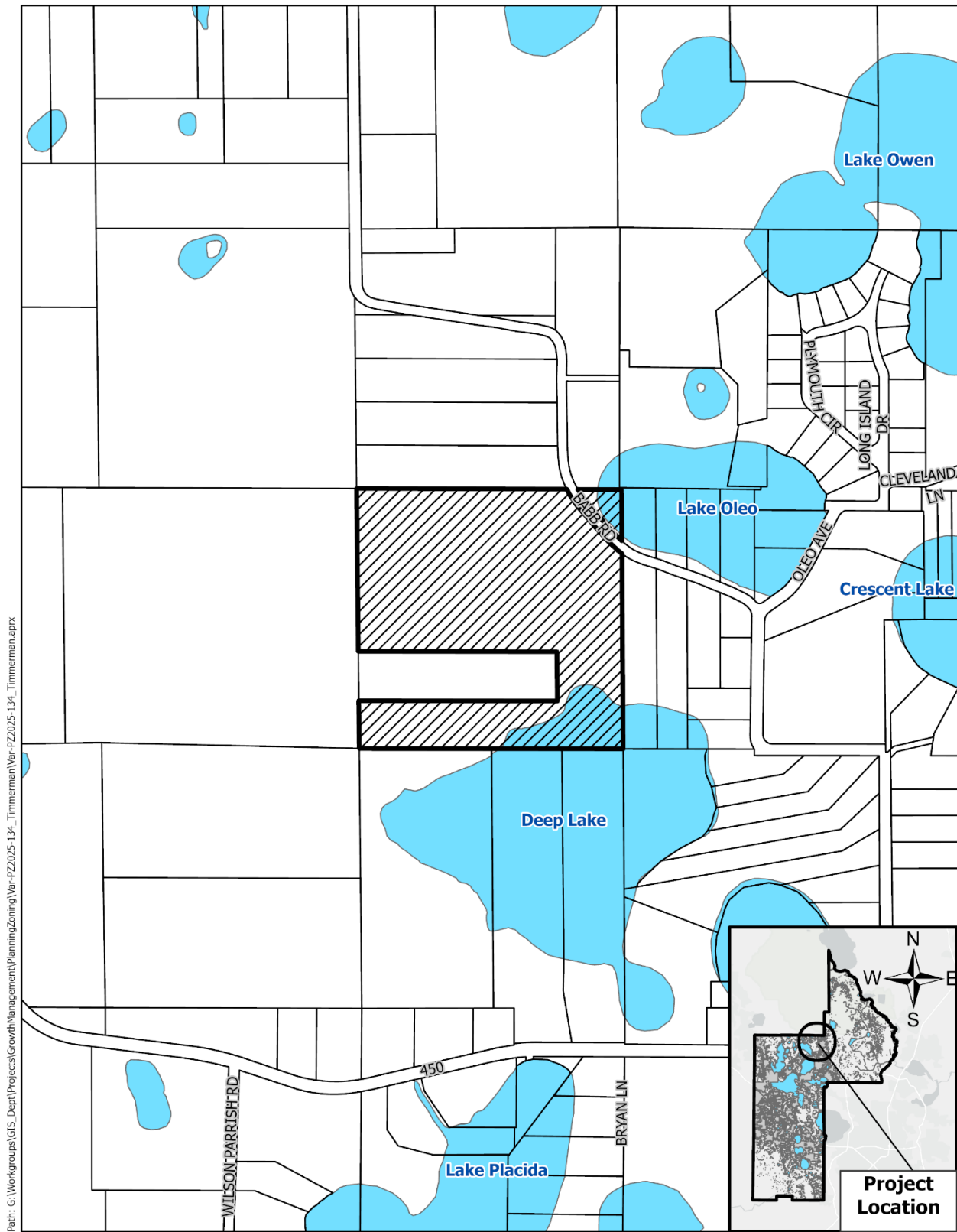
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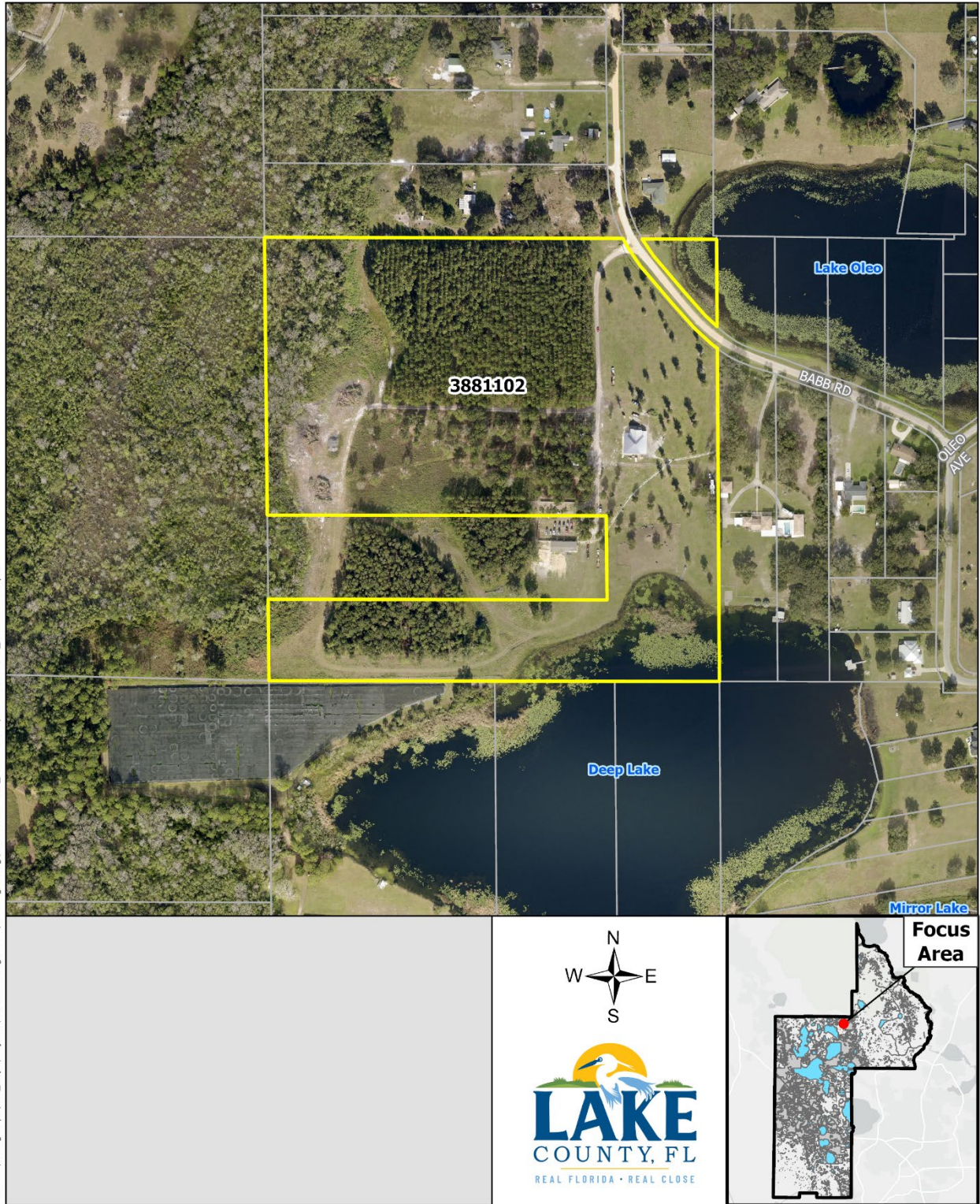
# Map of Subject Property





# Aerial Map of Subject Property

**Var-PZ2025-134  
Timmerman Property**





# FINAL DEVELOPMENT ORDER

(PZ2025-134 / AR 6033)

**WHEREAS**, Ricky Junior Timmerman and Stephanie Nicole Timmerman (the “Owners”) requested a variance to Land Development Regulations (LDR) Section 10.01.03(B)(4) to allow an approximately 2,432-SF accessory dwelling unit that is eighty-two percent (82%) of the air conditioned, enclosed living area of the principle dwelling, in lieu of the required limit of one thousand two hundred (1,200) square feet or seventy percent (70%) of the air conditioned, enclosed living area of the principal dwelling, whichever is greater; and

**WHEREAS**, the subject property consists of approximately 35.11 +/- acres located at 40415 Babb Road in the unincorporated Umatilla area in Section 11, Township 18 South, Range 26 East, identified by Alternate Key Number 3881102, 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 August 6, 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 accessory dwelling unit that is eighty-two percent (82%) of the air conditioned, enclosed living area of the principle dwelling, in lieu of the required limit of one thousand two hundred (1,200) square feet or seventy percent (70%) of the air conditioned, enclosed living area of the principal dwelling, whichever is greater.

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**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 6th day of August 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

The Northwest 1/4 of the Southwest 1/4 of Section 11, Township 18 South, Range 26 East, Lake County, Florida.

AND

The West 10 feet of the Northeast 1/4 of the Southwest 1/4 of Section 11, Township 18 South, Range 26 East, as recorded in Official Records Book 631, Page 253 of the Public Records of Lake County, Florida.

**LESS AND EXCEPT:** A portion of the Northwest 1/4 of the Southwest 1/4 of Section 11, Township 18 South, Range 26 East, Lake County, Florida being more particularly described as follows: Commencement at the Northeast corner of the Northwest 1/4 of the Southwest 1/4 of Section 11, Township 18 South, Range 26 East; thence run North 90°00'00" West along the North line of said Northwest 1/4 of the Southwest 1/4 a distance of 254.77 feet to the point of beginning; thence continue North 90°00'00" West along said North line a distance of 114.20 feet; thence South 00°02'51" West a distance of 99.47 feet; thence South 89°57'09" East a distance of 114.20 feet; thence North 0°02'51" East a distance of 99.57 feet to the point of beginning.

