

LAKE COUNTY PLANNING AND ZONING ANALYSIS VARIANCE REQUEST

Board of Adjustment



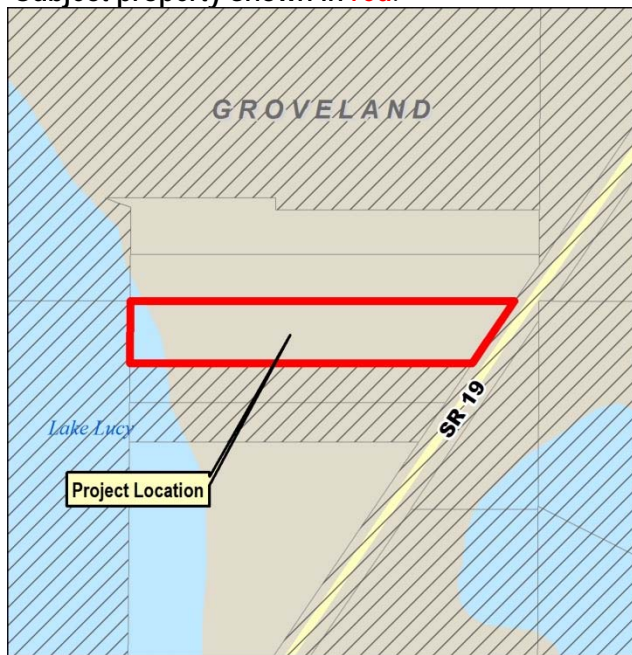
December 10, 2015

VAR-15-20-1	Case Manager: Christine Rice, Planner	Agenda Item # 1
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REQUESTED ACTION: The applicants are requesting a variance from the **Lake County Land Development Regulations (LDRs)** Section 3.01.02(A)(1)(a) to allow an existing accessory dwelling unit located on the property to have a width of less than the required minimum of twenty-three (23) feet, four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area.

- Site Location and Information -

Subject property shown in red.



Owners	Angel and Ninett Ruiz
Applicant	Brandi Stewart
Address of Property	17443 SR 19, Groveland, FL 34736
General Location	Adjacent to State Road 19, Lake Lucy, and the City of Groveland
Size	5.40 acres
Alternate Key	1211476
Future Land Use (FLU)	Rural Transition
Zoning District	Agriculture
Overlay Districts	N/A
ISBA	Groveland
Flood Zone / FIRM Panel	A/0555E
Commissioner's District	District 1, Sullivan

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Rural Transition	Agriculture	Single Family Residence
South	City of Groveland	City of Groveland	Single Family Residence
East	City of Groveland	City of Groveland	State Road 19
West	City of Groveland	City of Groveland	Lake Lucy

- ANALYSIS -

The subject property is 5.40 acres in size and is located adjacent to State Road 19 on the east, the City of Groveland to the south, and adjacent to Lake Lucy on the west. The property is zoned Agriculture and is part of the Rural Transition Future Land Use Category. Lake County Geographic Information Services (GIS) wetland map indicates that there are wetlands on the southern portion of the property. According to the 2012 Federal Emergency Management Agency (FEMA) maps, portions of the lot lie within the 100-year flood zone (Floodzone A). The property is currently developed with a single family residence and an accessory dwelling unit which will be used as a residence for an elderly family member. The subject accessory dwelling unit is permitted on this property because the lot is legally created and is greater than one acre in size, there is only one principal dwelling unit and accessory dwelling unit on the property, and accessory dwelling units are permitted within the Agriculture zoning district.

After purchasing the property the applicants received a code violation notifying them that the accessory dwelling unit had not been permitted prior to being constructed by a previous owner and that it did not satisfy the minimum size requirements for a single family residence. The dimensions of the existing accessory dwelling unit are twenty (20) feet seven (7) inches by thirty-eight feet (38) and per LDRs the minimum width of a single family dwelling unit at the narrowest point is twenty-three (23) feet four (4) inches. The applicants have stated that they were unaware that there were permitting or non-conformance issues with the accessory dwelling unit prior to purchasing the property.

The applicants are requesting a variance from LDR Section 3.01.02(A)(1)(a) which states that a single family dwelling unit shall have a minimum width of twenty-three (23) feet four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area because the dimensions of the existing accessory dwelling unit are smaller than the required dimensions stated in the LDRs. The applicant has provided a letter of explanation, Attachment 1, regarding their variance request.

The **intent of the Code**, LDR Section 3.01.02, *Classification of Uses*, is to describe the specific uses and restrictions that apply to the zoning districts established in these regulations. These regulations are intended 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 **intent of the Code**, LDR Section 10.01.03.A, is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.

The applicants submitted the following reasons as proof of **meeting the intent of the Code**:

Accessory dwelling sits on a five acre parcel of land along with a 2,400 square foot single family residence.

The applicant submitted the following as proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**:

Property was purchased with existing guest house that previous owner did not construct in accordance with size requirements. Current owner had no knowledge prior to purchase and is requesting variance to permit existing guest house. Code requires 23 feet at narrowest point. Home measures 20.7 feet at narrowest point.

FINDINGS OF FACT: Staff has reviewed the application for this variance request and found:

1. This request is consistent with the remaining standards for a single family dwelling unit found in LDR 3.01.02.
2. This request is consistent with the purpose of LDR 10.01.03(A), *Accessory Structures as Dwellings*, which is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.
3. This request is consistent with the standards for accessory dwelling units stated in LDR Section 10.01.03(B).

The owners and applicant have submitted proof of meeting the intent of the Code and have shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, Staff recommends **approval** of the variance request to allow an accessory dwelling unit with a width of less than twenty-three (23) feet four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area.

LU EMMA LN

LAKE LUCY LN

GROVELAND

LAKE LUCY

**SUBJECT
PROPERTY**

19

SR 19

WYNN LN



**Final Development Order
Angel and Ninett Ruiz
VAR-15-20-1**

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

WHEREAS, Angel and Ninett Ruiz, (the "Owner"), and Brandi Stewart (the "Applicant") requested a variance to Land Development Regulation (LDR) Section 3.01.02(A)(1)(a) to allow for an existing accessory dwelling unit to have a width of less than twenty-three (23) feet, four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area; and

WHEREAS, the subject property consists of 5.40+/- acres and is located adjacent to State Road 19, Lake Lucy, and the City of Groveland, in Section 6, Township 22 South, Range 25 East, Alternate Key Number 1211476 and is more particularly described and depicted in Exhibit A; and

WHEREAS, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on December 10, 2015; and

WHEREAS, the Board of Adjustment reviewed said 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 December 10, 2015, the Lake County Board of Adjustment approved the variance for the above property; and

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

Section 1. **Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-15-20-1 to allow for an existing accessory dwelling unit located on the property described in Exhibit A to have a width of less than twenty-three (23) feet, four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area.

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, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

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

ENACTED this 10th day of December, 2015.

EFFECTIVE December 10th, 2015.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Donald Schreiner, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

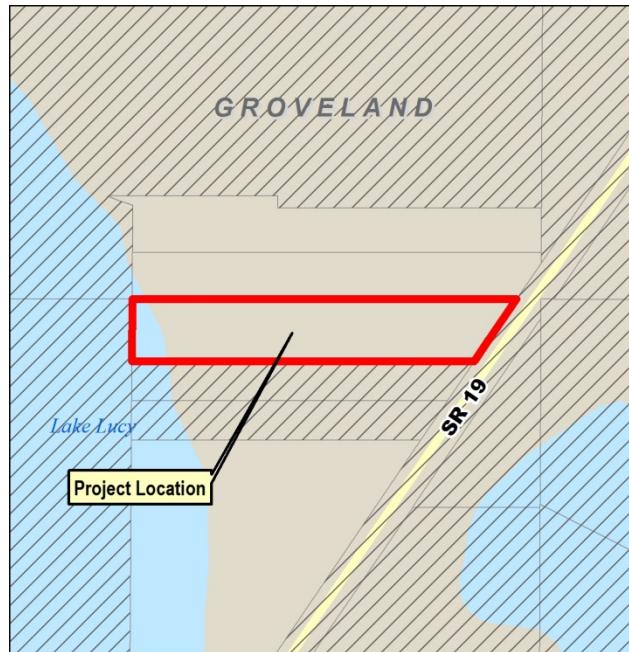
The foregoing instrument was acknowledged before me this December 10, 2015 by DONALD SCHREINER, who is personally known to me.

(SEAL)

Signature of Acknowledger

Exhibit A.

THE NORTH 200 FEET OF GOVERNMENT LOT 8, IN SECTION 6, TOWNSHIP 22 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA (THE NORTH 1/2 OF SAID GOVERNMENT LOT 8 BEING THE SAME AS THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6) LYING WESTERLY OF S.R. 212 (BEING THE SAME AS S.R. 19).



November 3, 2015

"LETTER OF EXPLANATION"

Dear Variance Committee:

Approximately 4 years ago my mother-in-law Enma Hernandez became a widow at the age of 80 years of age. Due to her age and deteriorating health my wife Ninett Ruiz and I decided it would be in her best interest to move in with us. At the time we owned a 3 bedroom home in Clermont, Fl. with only one living room which was less than ideal living conditions.

We decided to start looking for a larger house that had either an "In-Laws Suite" or a "Guest Cottage". Our Realtor Paul Tangalan, with Coldwell Banker, called and told us he had found a property he felt would fit our needs. The property he showed consisted of:

- 5 acres Lot
- Main House: 3 bedrooms, 2.5 baths (2350 sqft of living space)
- Guest Cottage: 1 bedroom, 1 full bath, small kitchen, living room (760 sqft of living space)
- Address: 17443 S.R. 19 Groveland, Fl. 34736

We felt the property was ideal, because my wife and I could have our privacy yet my mother-in-law would also have her own space, and allow for my wife to take care of her now at 84 year old, who no longer is able to drive or take care of herself.

On 4/22/15 we received a notice from Joann Sala, Building Inspector for Lake County that we needed to correct the following:

- The main house had a newer roof yet no permits pulled
- The Guest Cottage was actually some type of work shop/garage that had been converted into a "Guest Cottage" several years prior without the proper permits.

As you can imagine this was shocking to us as the property had been listed on the MLS as a "Guest Cottage" (see attached) and the "Property Record Card" for tax purposes had also listed the "Building 002" as a 760 sqft Total Living Space for which taxes are paid.

This property was sold to us as a BANK OWNED REO. None of the above was disclosed to us. We had absolutely no knowledge that the prior owner had replaced the roof on the main house with out the required permits or that the guest house had been converted without the required permits.

I was now informed that it is my responsibility to correct the above mentioned. This has now created additional stress and financial hardship for my family and I.

As a law abiding citizen, I want to do the right thing and put these matters behind me as soon as possible. I have hired a licensed contractor to pull the required permits to replace the roof on the main house.

As for the "Guest Cottage" were my mother-in-law now resides we have applied for a Variance.

I have attached the following documents:

- MLS Listing
- Property Record Card
- Survey

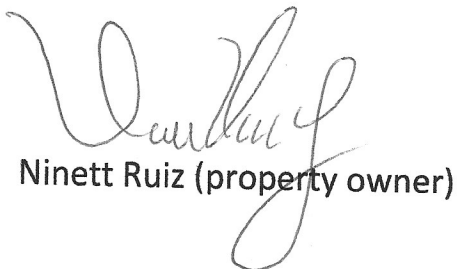
Please let me know if you have any questions or concerns.

Thank you for your time and consideration.

Sincerely,



Angel Ruiz (property owner)



Ninett Ruiz (property owner)