

LAKE COUNTY PLANNING AND ZONING DIVISION
BOARD OF ZONING ADJUSTMENT STAFF REPORT



VAR-16-10-5

Agenda Item # 2

April 14, 2016



Requested Action: Variance from Lake County Land Development Regulation Section 3.01.02(A)(1)(a) to allow an accessory dwelling unit located on the property to maintain a minimum width of ten (10) ft. in lieu of the required twenty-three (23) feet, four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area.

Owner: Marcia L & Laurie B Weatherly Stahl
Applicant: Marcia L & Laurie B Weatherly Stahl

- Site Location & Information -

Size	~5.01 acres
Location	37520 Pumpkin Lane; Located on the north side of Pumpkin Lane, just east of the intersection of Pumpkin Lane and SR 44 in the Eustis area.
Alternate Key #	1785863
Future Land Use	Wekiva River Protection Area A-1-20 Sending Area
Existing Zoning District	A (Agriculture District)
Joint Planning Area	N/A

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	A	Single Family Residence	Pasture Ag Exempt land
South	Rural	A	Single Family Residence	Manufactured home on site
East	Rural	A	Vacant	Pasture Ag Exempt land
West	Rural	A	Single Family Residence	N/A

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance from Lake County Land Development Regulation Section 3.01.02(A)(1)(a) to allow an accessory dwelling unit located on the property to maintain a minimum width of ten (10) ft. in lieu of the required twenty-three (23) feet, four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area.

- Summary of Analysis -

The subject property is +/- 5.01 acres and is located on located on the north side of Pumpkin Lane, east of SR 44 in the Eustis area. The Lake County Geographic Information Services (GIS) wetland map indicates that there are no wetlands on the parcel. According to the 2012 Federal Emergency Management Agency (FEMA) maps, the parcel does not lie within a flood zone.

The property is zoned A (Agriculture District) and is part of the Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category. The property is surrounded by A (Agriculture District) zoning districts and are all surrounding properties are part of the Wekiva River Protection Area A-1-20 Sending Are Future Land Use Category. The property is currently developed with a 10 ft. wide mobile home being used as a single family residence.

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.

The applicant has state that there is an existing 10 ft. wide single family dwelling currently on site (Exhibit A). The applicant intends to move a new double wide residence (28 ft. x 76 ft.) on to the property and use the existing 10 ft. wide single family dwelling as an accessory dwelling unit. The applicant has stated the accessory dwelling unit would be occupied by their daughter for help with the applicant's daily medical needs.

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**:

“The existing 10 ft. wide single family dwelling meets all other accessory dwelling unit criteria located within Sec. 10.01.03.”

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

“As a retired senior, I cannot afford to buy or rent storage space nor can I afford to pay to have the existing 10 ft. wide dwelling removed.”

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 owner/applicant has 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 recommend **approval** of the variance from Lake County Land Development Regulation Section 3.01.02(A)(1)(a) to allow an accessory dwelling unit located on the property to maintain a minimum width of ten (10) ft. in lieu of the required twenty-three (23) feet, four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area.

WRITTEN COMMENTS FILED:

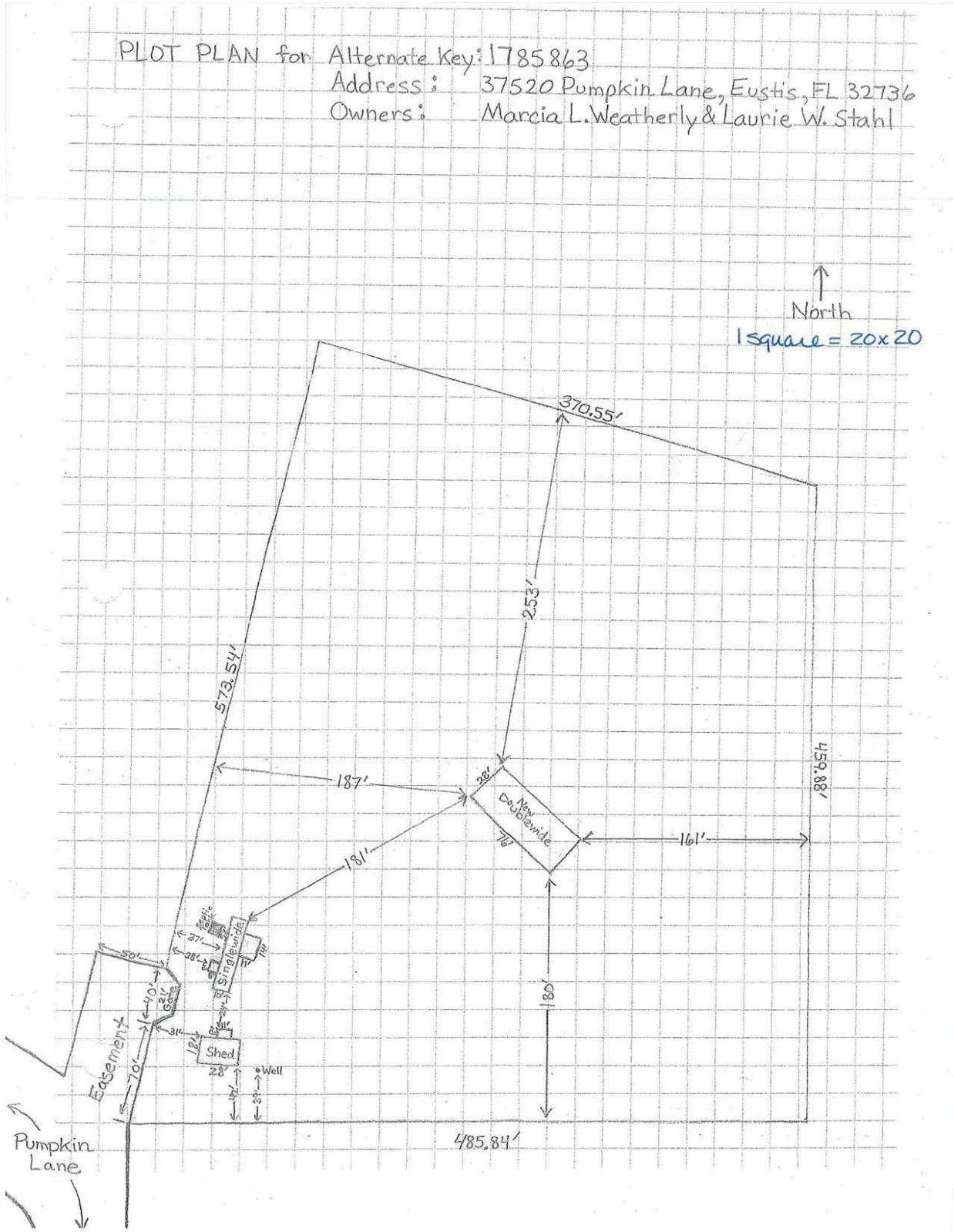
Supportive: -0-

Concern: -0-

Opposition: -0-

Case Manager: Tim McClendon, Chief Planner

Exhibit A



Final Development Order
Marcia L. & Laurie B. Weatherly Stahl
VAR-16-10-5

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

WHEREAS, Marcia L. & Laurie B. Weatherly Stahl, (the “Owners”), requested variances to Land Development Regulation (LDR) Section 3.01.02(A)(1)(a) to allow an accessory dwelling unit located on the property to maintain a minimum width of ten (10) ft. in lieu of the required 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 0.32+/- acres and is located in Eustis, on the north side of Pumpkin Lane, just east of the intersection of Pumpkin Lane and SR 44 in Section 30, Township 18 South, Range 29, Alternate Key Number 1785863 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 April 14, 2016; 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 April 14, 2016, the Lake County Board of Adjustment approved the variance for the above property.

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-16-10-5 to allow an accessory dwelling unit located on the property to maintain a minimum width of ten (10) ft. in lieu of the required twenty-three (23) feet, four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area. described in Exhibit A.

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 14th day of April, 2016.

EFFECTIVE April 14, 2016.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Donald Schreiner, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this April 14, 2016 by DONALD SCHREINER, who is personally known to me.

(SEAL)

Signature of Acknowledger

Exhibit A.

FROM SW COR OF SW 1/4 OF NW 1/4, RUN N 01-01-10 E ALONG W LINE OF SAID SW 1/4 OF NW 1/4 A DIST OF 76.16 FT TO SE'LY R/W LINE OF SR 44, THENCE N 40-53-28 E ALONG SAID SE'LY R/W LINE OF SR 44 A DIST OF 601.30 FT, S 53-42-45 E 571.17 FT FOR POB, RUN S 88-26-51 E 485.84 FT TO A POINT ON E LINE OF SAID SW 1/4 OF NW 1/4, N 01-12-48 E ALONG SAID E LINE OF SW 1/4 OF NW 1/4 A DIST OF 459.88 FT TO A POINT 652 FT S OF NE COR OF SAID SW 1/4 OF NW 1/4, N 72-51-13 W ALONG A LINE TOWARD A POINT LOCATED 520.63 FT FROM INTERSECTION OF THE SE'LY R/W LINE OF SR 44 & N LINE OF SAID SW 1/4 OF NW 1/4, WHEN MEASURED SW'LY ALONG SAID SE'LY R/W LINE OF SR 44 A DIST OF 370.55 FT TO A POINT S 72-51-13 E A DIST OF 359.08 FT FROM INTERSECTION THEREOF, WITH SE'LY R/W LINE OF SR 44, THENCE S 14-16-01 W 573.54 FT TO POB ORB 708 PG 514 ORB 4673 PG 364

