

LAKE COUNTY PLANNING AND ZONING DIVISION
VARIANCE STAFF REPORT

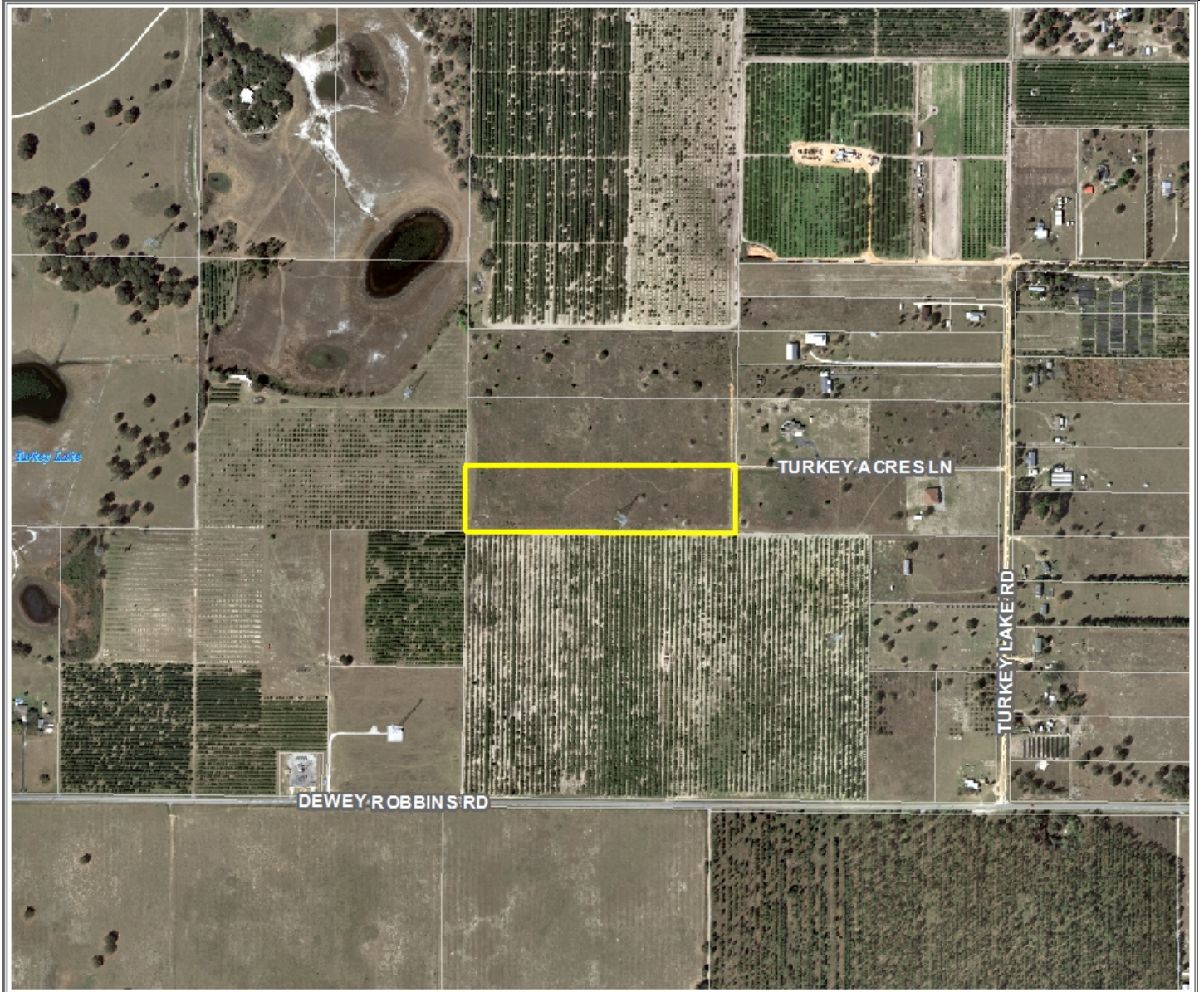


Board of Adjustment

August 11, 2016

LAKE COUNTY
FLORIDA

VAR-16-26-3 Mizak Property	District 3	Agenda Item # 3
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Requested Action: A variance to Land Development Regulation (LDR) Section 10.01.03(B)(4) to allow an accessory dwelling unit with 1,600 square feet of living area in lieu of 1,200 square feet of living area.

Owner(s): James M. and Pamela A. Mizak

Applicant(s): James M. and Pamela A. Mizak

- Site Location & Information -

Size	10.09 +/- acres
Property Address	NA
Location	End of Turkey Acres Lane and west of Turkey Lake Road.
Alternate Key No.	3827992
Future Land Use	Rural
Zoning District	A (Agriculture)
Overlay Districts	NA
Joint Planning Area/ISBA Area	Leesburg ISBA

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Agriculture	Vacant	
South	Rural	Agriculture	Vacant	
East	Rural	Agriculture	Single Family Residence	
West	Rural	Agriculture	Vacant	

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance to Land Development Regulation (LDR) Section 10.01.03(B)(4) to allow an accessory dwelling unit with 1,600 square feet of living area in lieu of 1,200 square feet of living area.

- Staff Analysis -

The subject property is 10.09 +/- acres in size and is generally located at the end of Turkey Acres Lane and west of Turkey Lake Road. The property was legally created through Large Lot Split 95-82 and is zoned Agriculture with a Rural Future Land Use Category. The property lies within the Yalaha-Lake Apopka Rural Protection Area. Lake County Geographic Information Services (GIS) wetland map does not indicate the presence of wetlands on the property. According to the 2012 Federal Emergency Management Agency (FEMA) maps, there are no portions of the lot that lie within the 100-year flood zone.

The property is currently vacant, however, the applicant has plans to construct one primary residence and one accessory dwelling unit. An accessory dwelling unit is permitted on this property because the lot is a legally created lot, there will be one primary residence, and the lot is greater than one acre in size. Accessory dwelling units are permitted within the Rural FLUC and Agriculture zoning district. The owner/applicant is applying for a variance to Land Development Regulation (LDR) Section 10.01.03(B)(4) to allow an accessory dwelling unit with 1,600 square feet of living area in lieu of 1,200 square feet of living area. The applicant has stated that they are requesting the larger square footage of living area in order to better accommodate two adults and a newborn child.

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

"This request is found to be consistent with numerous properties and parcels in the section which are found to have more than one residential structure or out building. Development regulations would continue to be maintained by granting a minor variance for this family and their livelihood."

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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**:

"This request for a simple variance would allow the property owners to have their son and daughter-in-law as well as their grandchild to be close by in order to take care of them as they continue to age beautifully. A series of health issues has created concerns for the son and the overall family."

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

- This request is consistent with the purpose of LDR 10.01.03, *Accessory Structures that are Dwellings*, which attempts to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.
- This request is consistent with the remaining standards for accessory dwelling units as found in LDR 10.01.03(B).

The owner 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 to Land Development Regulation (LDR) Section 10.01.03(B)(4) to allow an accessory dwelling unit with 1,600 square feet of living area in lieu of 1,200 square feet of living area.

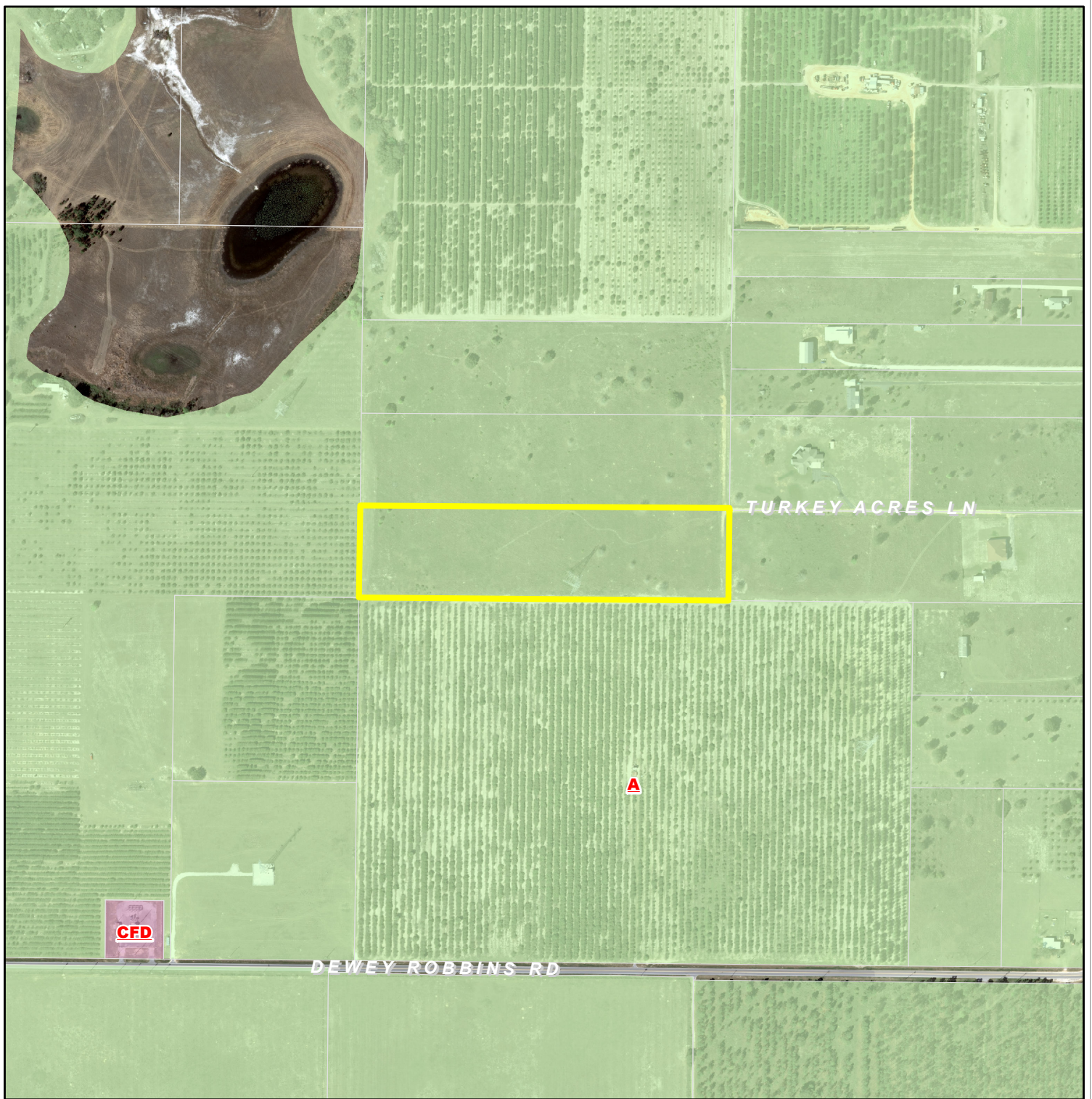
WRITTEN COMMENTS FILED:

Support: -0-

Questions: -0-

Opposition: -0-

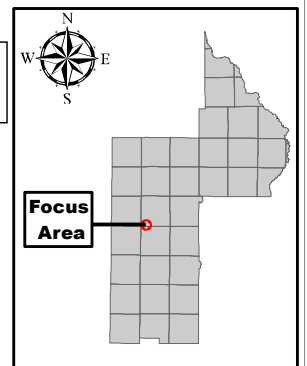
Case Manager: Christine Rice, Planner

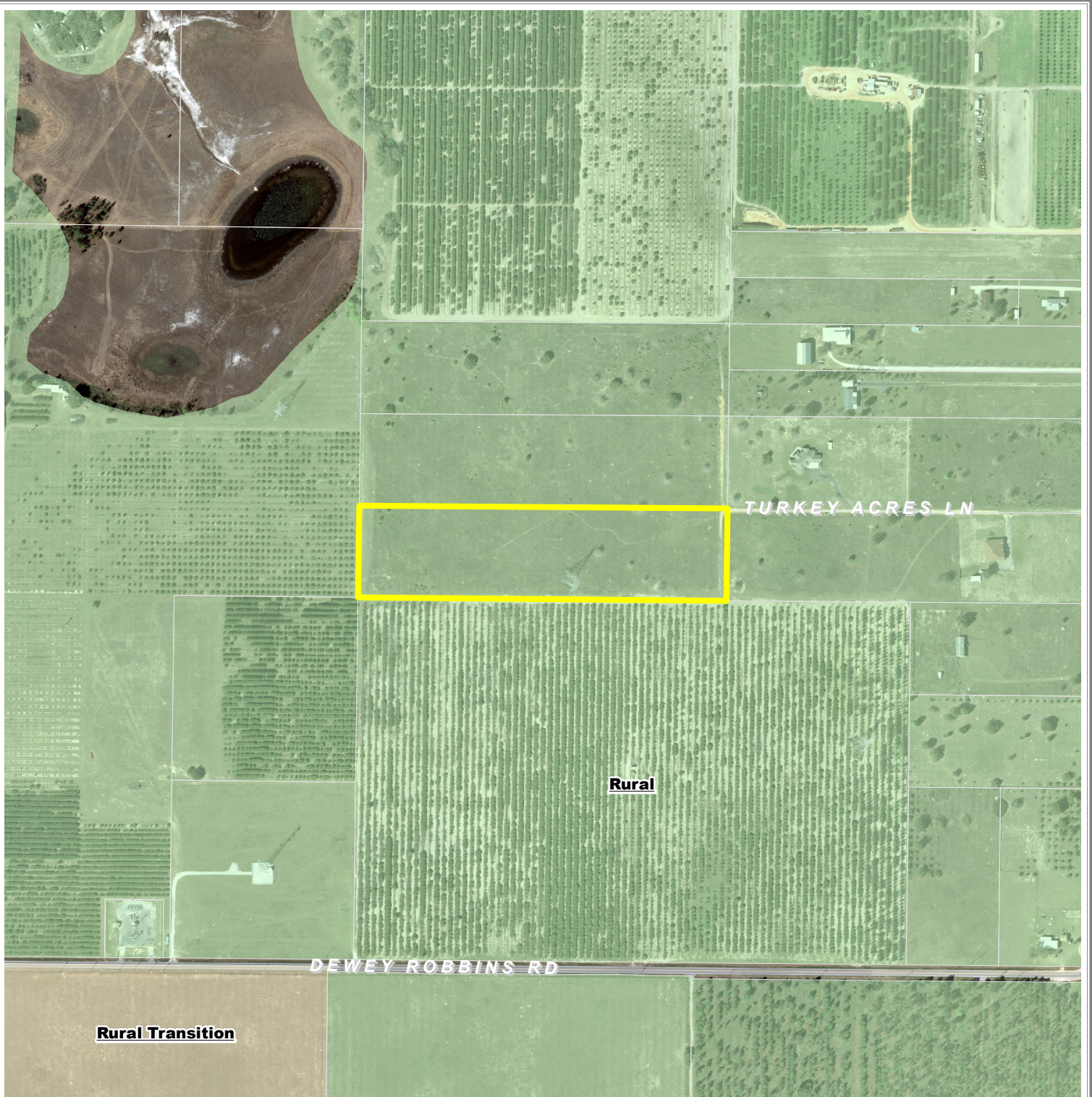


ZONING LEGEND

A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

NAME: MIZAK
CASE NUMBER: VAR-16-26-3
LOCATION (S-T-R): 32-20-25
REQUEST: ADDITIONAL SINGLE FAMILY RESIDENCE

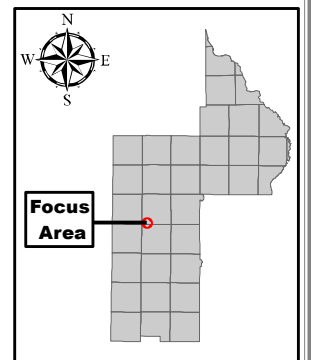




FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban Low Density |
| Cagans Crossing | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Medium Density |
| Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | |
| Green Swamp Core Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition | |
| Green Swamp Ridge | Regional Office | Sending Area A-1-20 | |
| Green Swamp Rural | Public Service Facility and Infrastructure | Sending Area A-1-40 | |
| Green Swamp Rural Conservation | Receiving Area A-1-20 | Urban High Density | |

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REQUEST: ADDITIONAL SINGLE FAMILT RESIDENCE



Final Development Order
James M. Mizak and Pamela A. Mizak
VAR-16-26-3

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

WHEREAS, James M. Mizak and Pamela A. Mizak (the "Applicants" and "Owners") requested a variance from Land Development Regulations (LDR) Section 10.01.03(B)(4) to allow an accessory dwelling unit with 1,600 square feet of living area in lieu of 1,200 square feet of living area; and

WHEREAS, the subject property consists of 10.09 +/- acres and is generally located at the end of Turkey Acres Lane and west of Turkey Lake Road, and having Alternate Key Number 3827992; and more particularly described as:

Lot 3: The South 1/2 of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 32, Township 20 South, Range 25 East, Lake County, Florida. Subject to a Easement for Ingress and Egress across the East 50 feet of the North 150 feet thereof.

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 August 11, 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 August 11, 2016, 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-16-26-3 from Land Development Regulations Section 10.01.03(B)(4) to allow an accessory dwelling unit with 1,600 square feet of living area in lieu of 1,200 square feet of living area; and

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 August 11, 2016.

EFFECTIVE August 11, 2016.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Donald Schreiner, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this August 11, 2016 by DONALD SCHREINER, who is personally known to me.

(SEAL)

Signature of Acknowledger

Serial Number: _____

My Commission Expires: _____