

LAKE COUNTY PLANNING AND ZONING DIVISION
VARIANCE STAFF REPORT

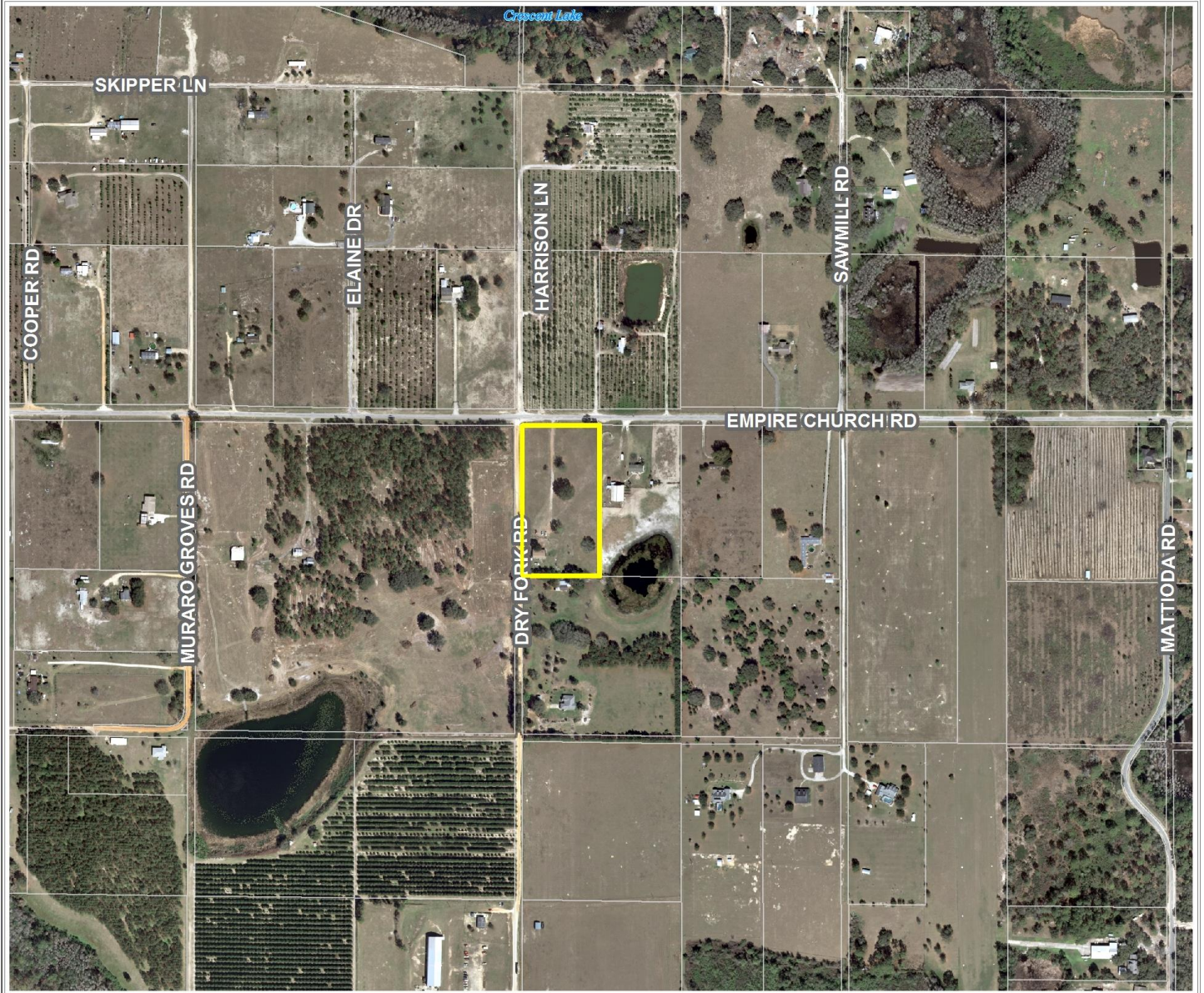


Board of Adjustment

December 8, 2016

LAKE COUNTY
FLORIDA

| | | |
|----------------------------------|------------|-----------------|
| VAR-16-40-1 Martinez Property | District 1 | Agenda Item # 2 |
|----------------------------------|------------|-----------------|



Requested Action: A variance to Land Development Regulation (LDR) Section 10.01.03(B)(4) to allow an accessory dwelling unit with 1,248 square feet of living area in lieu of 1,200 square feet of living area.

Owner: Nelson I. Martinez

Applicant: Nelson I. Martinez

- Site Location & Information -

| | |
|--------------------------------------|--|
| Size | 4.43 +/- acres |
| Property Address | NA |
| Location | At the intersection of Empire Church Road and Dry Fork Road in the Groveland area. |
| Alternate Key No. | 2988207 |
| Future Land Use | Green Swamp Rural |
| Zoning District | A (Agriculture) |
| Overlay Districts | Green Swamp Area of Critical State Concern |
| Joint Planning Area/ISBA Area | NA |

- Land Use Table -

| <u>Direction</u> | <u>Future Land Use</u> | <u>Zoning</u> | <u>Existing Use</u> | <u>Comments</u> |
|------------------|------------------------|---------------|---------------------|--------------------------------|
| North | Green Swamp Rural | Agriculture | Residential | Adjacent to Empire Church Road |
| South | Green Swamp Rural | Agriculture | Residential | |
| East | Green Swamp Rural | Agriculture | Residential | |
| West | Green Swamp Rural | Agriculture | Residential | Adjacent to Dry Fork Road |

- 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 1,248 square feet of living area in lieu of 1,200 square feet of living area.

- Staff Analysis -

The subject property is 4.43 +/- acres in size and is generally located at the intersection of Empire Church Road and Dry Fork Road in the Groveland area. The property is zoned Agriculture with a Green Swamp Rural Future Land Use Category. The property lies within the Green Swamp Area of Critical State Concern. Lake County Geographic Information Services (GIS) wetland map indicates the presence of wetlands in the south-western portion of 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 developed with a single family residence with 1,248 square feet of living area. The property owner would like to convert the existing residence into an accessory dwelling unit in order to add a larger primary residence to the property. The proposed primary residence will be more than 1,200 square feet.

Per LDR Section 10.01.03, accessory dwellings are allowed in agricultural and residential zoning districts provided that all the criteria set forth in LDR Section 10.01.03(B) are met. An accessory dwelling unit is permitted on this property because the lot was legally created, there will only be one primary residence and one accessory dwelling unit, and the lot is greater than one acre. Single family residences and accessory dwelling units are permitted within the Green Swamp Rural FLUC and the Agriculture zoning district. The owner is applying for a variance to Land Development Regulation (LDR) Section 10.01.03(B)(4) to allow an accessory dwelling unit with 1,248 square feet of living area in lieu of the maximum 1,200 square feet of living area.

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.”

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 owner to have his mother who is 83 years old and suffering from the beginning stages of dementia close in order to care for her. The owner would also have a place for his daughter, son-in-law and grandchild to stay for extended visits.”

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

1. This request is consistent with LDR 10.01.03(A) which attempts to provide less expensive housing units for relatives; and
2. 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; and
3. 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 1,248 square feet of living area in lieu of 1,200 square feet of living area.

WRITTEN COMMENTS FILED:

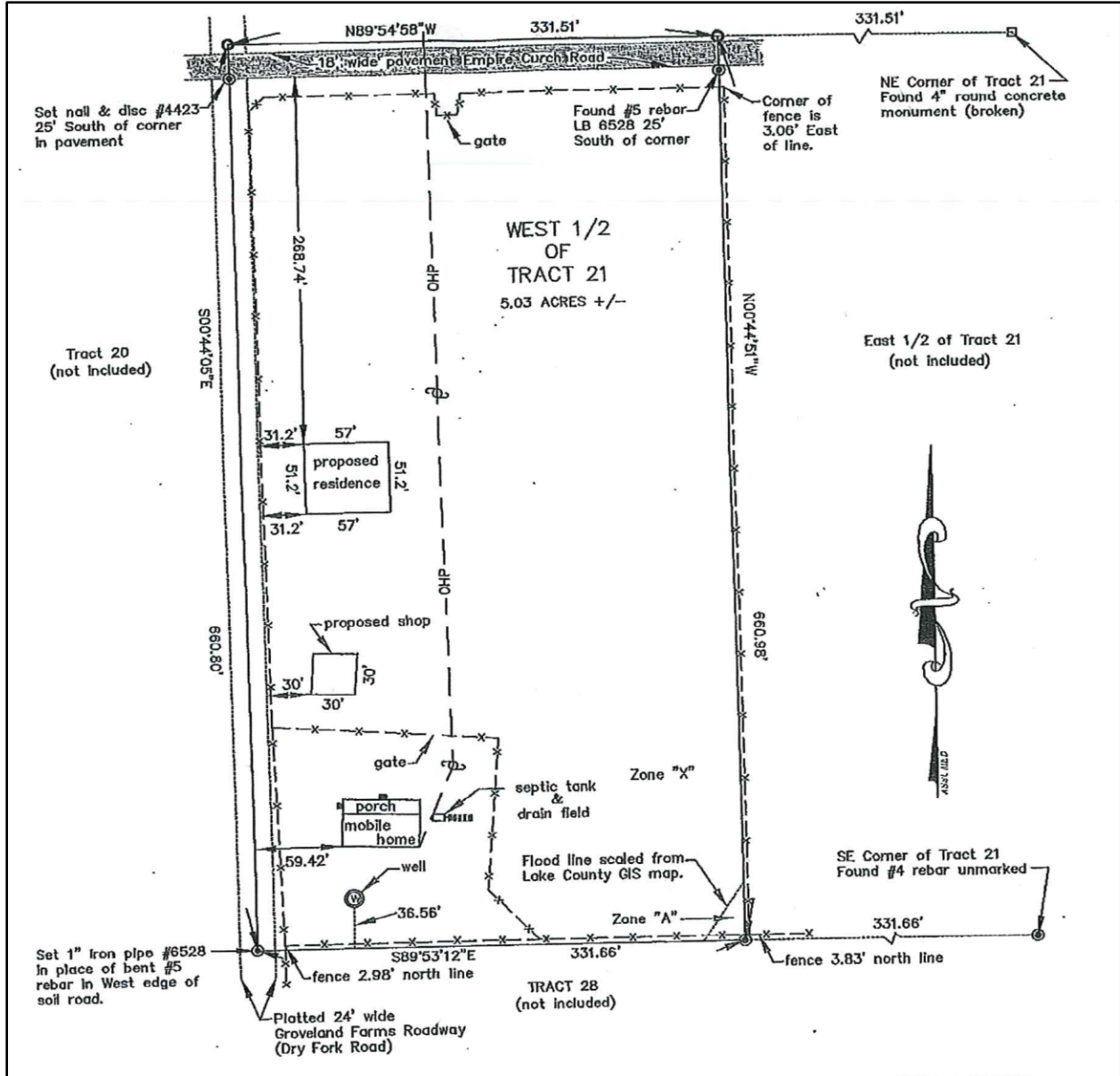
Support: -0-

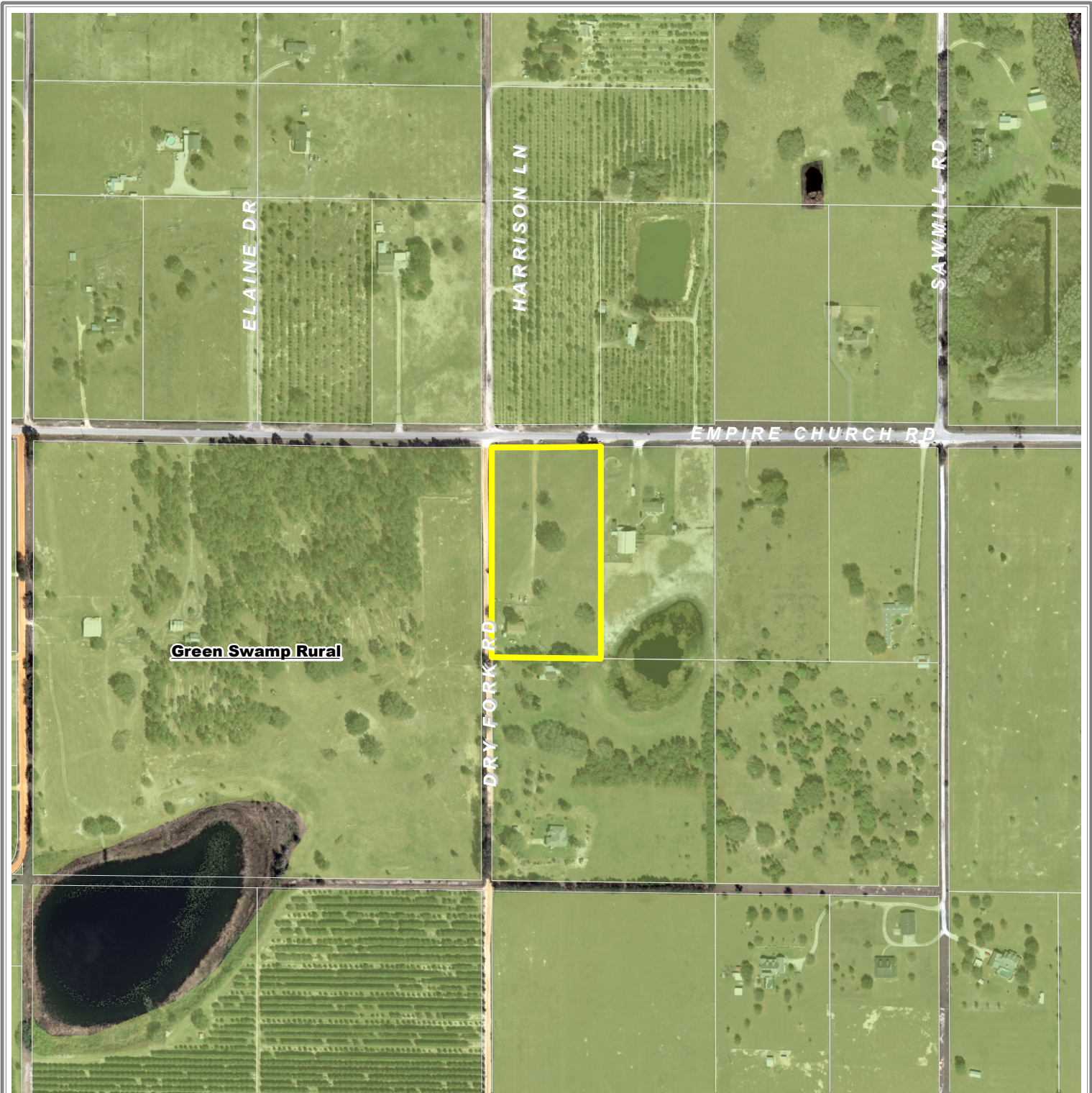
Questions: -0-

Opposition: -0-

Case Manager: Christine Rice, Planner

Attachment 1 – Concept Plan



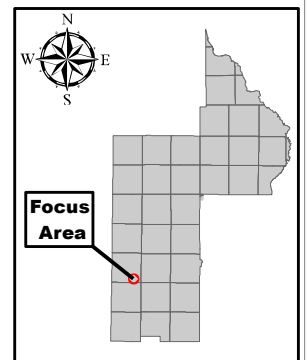


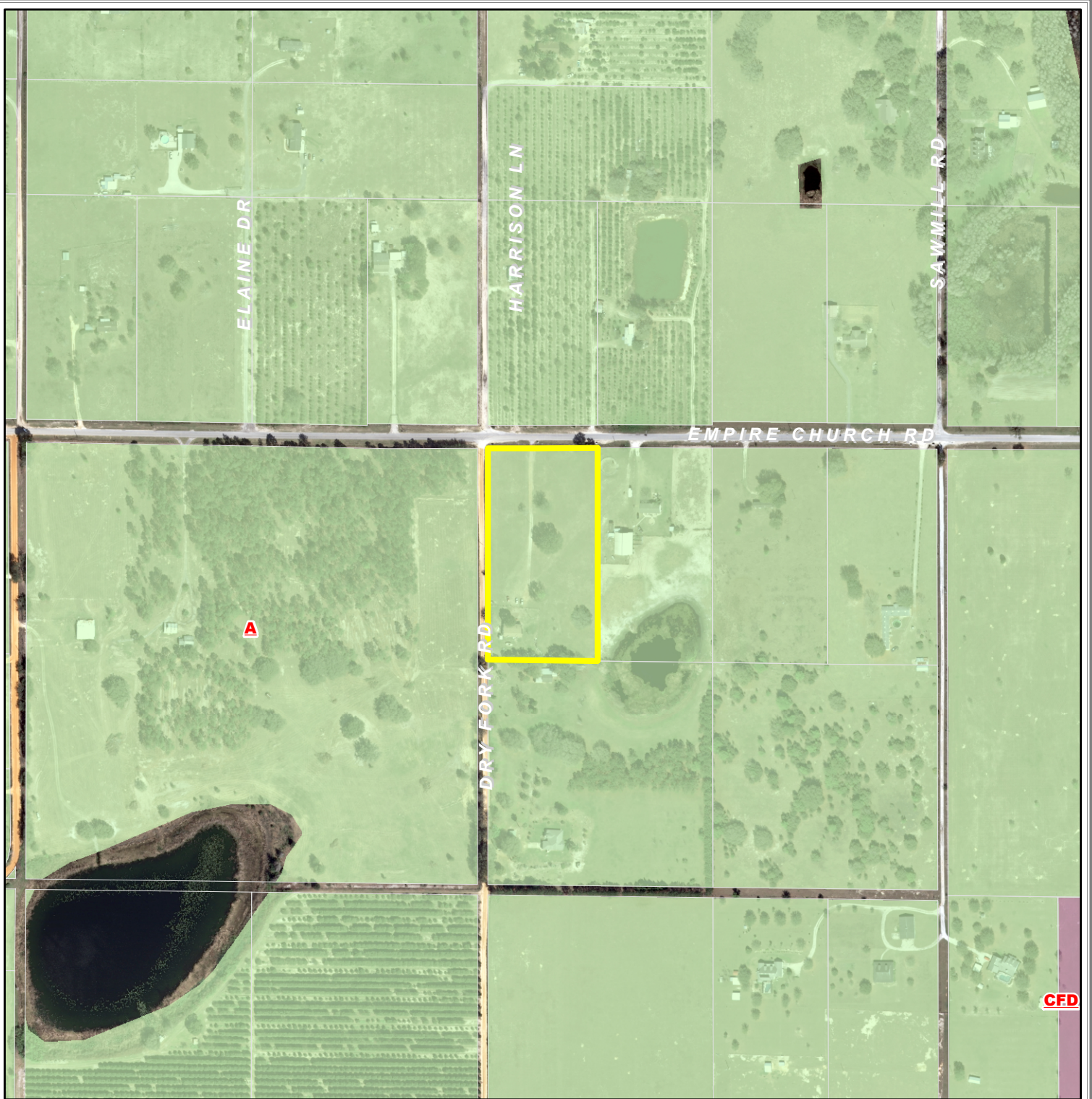
Green Swamp Rural

FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban Low Density |
| Cagan Crossings | 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 | |

NAME: MARTINEZ
CASE NUMBER: VAR-16-40-1
LOCATION (S-T-R): 35-22-24
REQUEST: ACCESSORY DWELLING UNIT SIZE

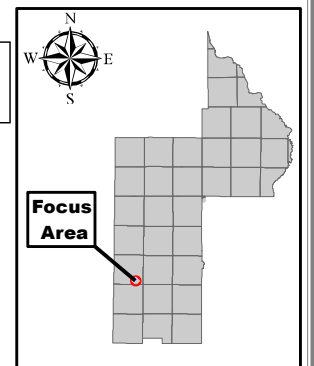




ZONING LEGEND

| | | | | | | | | | | |
|----|-----|-----|-----|-----|------|-----|-----|----|-----|-----|
| 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: MARTINEZ
CASE NUMBER: VAR-16-40-1
LOCATION (S-T-R): 35-22-24
REQUEST: ACCESSORY DWELLING UNIT SIZE



**Final Development Order
Nelson I. Martinez Property
VAR-16-40-1**

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

WHEREAS, Nelson I. Martinez, (the "Owner" and "Applicant") requested a variance from Lake County Land Development Regulations (LDR) Section 10.01.03(B)(4) to allow an accessory dwelling unit with 1,248 square feet of living area in lieu of 1,200 square feet of living area; and

WHEREAS, the subject property consists of 4.43 +/- acres and is generally located at the intersection of Empire Church Road and Dry Fork Road in the Groveland area, having Alternate Key Number 2988207; and more particularly described as:

The West 1/2 of Tract 21, in Section 35, Township 22 South, Range 24 East, Groveland Farms, according to the Plat thereof as recorded in Plat Book 2, Pages 10 and 11, Public Records of Lake County, Florida.

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 8, 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 December 8, 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-16-40-1 from Lake County Land Development Regulations Section 10.01.03(B)(4) to allow an accessory dwelling unit with 1,248 square feet of living area in lieu of 1,200 square feet of living 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 December 8, 2016.

EFFECTIVE December 8, 2016.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Donald Schreiner, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this December 8, 2016 by DONALD SCHREINER, who is personally known to me.
(SEAL)

Signature of Acknowledger

Serial Number: _____

My Commission Expires: _____