

LAKE COUNTY PLANNING AND ZONING ANALYSIS VARIANCE REQUEST



Board of Adjustment LAKE COUNTY February 11, 2016
FLORIDA

VAR-16-03-5	Case Manager: Michele Janiszewski, Planner	Agenda Item #3
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REQUESTED ACTION: The applicant is requesting a variance from **Lake County Land Development Regulations (LDR) 3.01.04.4.B** to allow an existing barn housing livestock to maintain its current setback of eight (8) feet from the property line in lieu of the required two-hundred (200) feet, and **LDR Table 3.02.05** to allow an existing bath house and utility building to maintain their current setback of eighteen (18) feet and seventeen (17) feet from the property lines, respectively, in lieu of the required twenty-five (25) feet.

- Site Location and Information -

Subject property shown in red



Property Posted: February 1, 2016

Owners	Fiddler's Green Ranch LLC
Applicant	James Barnard
Property Address	42715 West Altoona Road, Altoona
General Location	West of State Road 19 and south of Demko Road, North of the City of Umatilla
Size of Property	13.18 +/- acres
S-T-R	31-17-27
Alternate Key	3884353 and 1392781
Future Land Use (FLU)	Rural
Zoning District	Agriculture + CUP 90A/2/5-5
Overlay Districts	A portion of the property lies within the Altoona Rural Support Corridor
Joint Planning Area	NA
ISBA	NA
Flood Zone / FIRM Panel	AE / 12069C0210E
Commissioner's District	District 5, Cadwell

-Land Use Table-

Direction	Future Land Use	Zoning	Existing Use
North	Rural	Agriculture (A)	Improved Pasture
South	Rural	Agriculture (A)	Single Family Residences
East	Rural	Agriculture (A) and Community Commercial (C-2)	Single Family Residence, Vacant residential lands, and a Church
West	Rural	Agriculture (A)	Single Family Residences on large lots and Timber

-ANALYSIS-

The subject properties are zoned Agriculture and are part of the Rural Future Land Use Category. The owner/applicant received approval from the Board of County Commissioners on March 20, 1990 for CUP 90/2/5-5 to allow a riding academy, owner living quarters, security/caretaker's residence and six (6) RV hookups on the subject property. In 1999 the owner amended the CUP 90A/2/5-5 to incorporate more land and to add additional uses.

The property currently operates as an equestrian training/educational facility, riding academy, horse boarding, and event facility known as Fiddler's Green Ranch. The business has been in operation for over twenty (20) years and is currently in the process of amending their conditional use permit (CUP) to allow additional RV hook-ups, a multi-purposed building, and an office.

The property received site plan approval in 1990 (SP 90-4-13) and showed two existing buildings with non-conforming setbacks: utility building and barn. The utility building is located seventeen (17) feet from the property line and is required to be twenty-five feet from the property line. The barn is labeled as 'existing one story metal building' and staff is unable to determine how the structure was being used when the site plan was approved. The new concept plan (Exhibit A.) has the structure labeled as a barn, consistent with how it is being used, which requires the structure to be a minimum of two-hundred (200) feet from all property lines. Since it is unknown how the structure was initially approved, a variance is needed to allow the structure to continue being used as a barn. Aerials indicate that the structure was existing at its current location as early as 1941. Aerials show that there is mature vegetation between the barn and the adjacent property which serve as a buffer. When the 1990 site plan (SP 90-4-13) was approved, the setback for barns was 200 feet from all property lines and the side and rear setback for residences and accessory buildings was five (5) feet from the property lines.

The existing bathhouse, as shown in Exhibit A., is not shown on the original site plan from 1990 and there are no records of the structure being permitted. The bath house is eighteen (18) feet from the property line and is required by LDR Table 3.02.05 to be located twenty-five (25) feet from the property line. The applicant is proposing to expand the structure so a variance is needed in order to allow the non-conforming structure to expand, in accordance with LDR 1.08.03.A.2.

The **intent of the Code** (3.02.05) is to promote safety and aesthetic appeal as well as a reduction of other negative impacts that may be associated with land use activities.

The **intent of the Code** (3.01.04.4.B.) is to protect surrounding properties from the noise, odor, and other negative impacts that may be associated with this land use activity. Public stables have minimum setback requirements in order to reduce the negative impacts on adjacent property owners; this would have been achieved through 200-foot setbacks.

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

The white barn (four stalls) contains farm equipment and the four stalls are used on occasion when we are quarantining a horse because of communicable disease and such (temporary only).

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

To remove or rebuild these structures elsewhere would not be feasible and extremely expensive and not cost effective.

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

1. The proposed rezoning is consistent with Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category which allows equestrian uses as a permitted use; and
2. The request is consistent with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, which permits Riding Stables or Academies as a conditional use in the Agriculture Zoning District; and
3. This request is consistent with the intent of LDR Tables 3.02.05, which requires a safe setback distance from right-of-ways; and
4. This request is consistent with the intent of LDR Table 3.02.05, which requires a safe setback distance from property lines.

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 with conditions** of the variance request allow an existing barn housing livestock to maintain its current setback of eight (8) feet from the property line in lieu of the required two-hundred (200) feet, and to allow an existing bath house and utility building to maintain their current setback of eighteen (18) feet and seventeen (17) feet from the property lines, respectively, in lieu of the required twenty-five (25) feet.

WRITTEN COMMENTS FILED: Supportive: -0-

Concern: -0-

Opposition: -0-

**Final Development Order
Fiddler's Green Ranch
VAR-16-03-5**

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

WHEREAS, James Barnard (the "Applicant"), on behalf of Fiddler's Green Ranch LLC (the "Owner"), requested a variance to Land Development Regulation (LDR) Section 3.01.04.4.B to allow an existing barn housing livestock to maintain its current setback of eight (8) feet from the property line in lieu of the required two-hundred (200) feet, and LDR Table 3.02.05 to allow an existing bath house and utility building to maintain their current setback of eighteen (18) feet and seventeen (17) feet from the property lines, respectively, in lieu of the required twenty-five (25) feet; and

WHEREAS, the subject property consists of 13.18 +/- acres and is located West of State Road 19 and south of Demko Road, North of the City of Umatilla, in Section 31, Township 17 South, Range 27 East, Alternate Key Numbers 3884353 and 1392781 and is more particularly described in Exhibit A (hereinafter referred to as the "Property"):

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 February 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 February 11, 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. Recitals: The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-15-18-4 to allow an existing barn housing livestock to maintain its current setback of eight (8) feet from the property line in lieu of the required two-hundred (200) feet, and to allow an existing bath house and utility building to maintain their current setback of eighteen (18) feet and seventeen (17) feet from the property lines, respectively, in lieu of the required twenty-five (25) feet in accordance with the Concept Plan depicted in Exhibit B, attached hereto and made a part of hereof by this reference, on the subject Property in accordance with the following conditions:

1. The existing barn cannot be used to house more than four (4) animals and cannot contain more than four (4) stalls.
2. The existing vegetation between the barn and the adjacent property shall be maintained to serve as a buffer.
3. The existing vegetation between the bathroom and the adjacent property shall be maintained to serve as a buffer.
4. The proposed expansion of the bathhouse shall be permitted to maintain the reduced setback of seventeen (17) feet from the property line.
5. All other expansions shall meet their required setbacks, as established by the Land Development Regulations, as amended.
6. All new structures shall meet their required setbacks as established by the Land Development Regulations, as amended.

Section 3. 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 4. Effective Date. This Ordinance shall become effective as provided by law.
ENACTED this 11th day of February 2016.
EFFECTIVE February 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 February 11, 2016 by DONALD SCHREINER, who is personally known to me.

(SEAL)

Signature of Acknowledger

**Exhibit A.
Legal Description**

F J HINSON'S PLAN OF THE TOWN OF ALTOONA LOTS 21, 22 & MILL LOT DESCRIBED IN THE FOLLOWING PARCEL: FROM N 1/4 COR OF SEC RUN E ALONG N LINE OF NE 1/4 A DIST OF 331.12 FT, S 0-15-0 E 25 FT, E 1428.87 FT FOR POB, RUN S 0-0-15 E 23 FT, S 55-41-13 E 98.45 FT TO A POINT ON A CURVE BEING CONCAVE W'LY, HAVING A RADIUS OF 2754.79 FT & A CENTRAL ANGLE OF 05-01-31, THENCE RUN SW'LY ALONG THE ARC OF SAID CURVE 241.62 FT TO THE END OF SAID CURVE, THENCE S 18-27-04 W 641.27 FT, N 70-29-32 W 423.36 FT, S 42-10-26 W 397.21 FT, S 18-27-04 W 231.30 FT TO S LINE OF NW 1/4 OF NE 1/4, N 89-47-58 W ALONG SAID S LINE 150 FT TO WATERS OF LAKE DAISY & PT A, RETURN TO POB, RUN E 150 FT TO W'LY R/W LINE OF OLD ACL RR, THENCE RUN S'LY ALONG SAID W'LY R/W LINE OF ACL RR, SAID R/W BEING ON A CURVE CONCAVE W'LY, HAVING A RADIUS OF 2804.79 FT & A CENTRAL ANGLE OF 06-54-37 A DIST OF 338.28 FT ALONG THE ARC OF SAID CURVE TO THE END OF SAID CURVE, THENCE CONT ALONG SAID R/W S 18-27-04 W 1494.11 FT TO THE SE COR OF LOT 21, N 71-29-41 W ALONG S'LY LINE OF SAID LOT 21 A DIST OF 640 FT TO WATERS OF LAKE DAISY, THENCE NW'LY ALONG SAID WATERS OF LAKE TO PT A PB 1 PGS 28-29
ORB 3798 PG 2242

AND:

FROM N 1/4 COR OF SEC RUN E ALONG N LINE OF NE 1/4 A DIST OF 331.12 FT, S 0-15-0 E 25 FT, E 210 FT, S 0-15-0 E 525 FT, E 58 FT, S 0-15-0 E 125 FT, E 200 FT, S 69-56-09 E 392.53 FT FOR POB, RUN S 42-10-26 W 397.21 FT, S 18-27-04 W 231.30 FT TO S LINE OF NW 1/4 OF NE 1/4, S 89-47-58 E ALONG SAID S LINE TO W LINE OF MILL LOT IN F J HINSON'S PLAN OF THE TOWN OF ALTOONA PB 1 PG 29, N ALONG SAID W LINE TO A POINT S 71-29-32 E FROM POB, N 71-29-32 W TO POB
ORB 3798 PG 2242

