

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



VAR-16-21-4

Agenda Item # 2

July 14, 2016



Requested Action: Variances from Lake County Land Development Regulation Section 10.01.01(F)(1) & 10.01.01(F)(3) to allow a detached accessory building in the front yard that is not the same architectural style as the principal dwelling unit and to allow a detached accessory building 39 feet from the front property line in lieu of 100 feet.

Owner: Burgess Back

Applicant: Ruth Back

- Site Location & Information -

Size	0.286 acres
Location	2835 Bates Avenue, Eustis, FL 32726
Alternate Key #	1708451
Future Land Use	Urban Low
Existing Zoning District	RP (Residential Professional)
Joint Planning Area	Eustis
Commission District	4

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	RP (Residential Professional)	Residence	Single Family Residence
South	Urban Low	City	Residence	Single Family Residence
East	Urban Low	A (Agriculture)	Residence	Single Family Residence
West	Urban Low	A (Agriculture)	Residence	Single Family Residence

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variances from Lake County Land Development Regulations Section 10.01.00 (F)(1) and 10.01.01(F)(3) to allow a detached accessory building in the front yard that is not the same architectural style as the principal dwelling unit and to allow a detached accessory building 39 feet from the front property line in lieu of 100 feet.

- Summary of Analysis -

The applicant is requesting variances from Lake County Land Development Regulations, Section 10.01.00 (F)(1) and 10.01.01(F)(3) to allow a detached accessory building in the front yard that is not the same architectural style as the principal dwelling unit and to allow a detached accessory building 39 feet from the front property line in lieu of 100 feet from the right-of-way and to be located in the front yard in lieu of the side or rear yard (Exhibit A).

The parcel is zoned R-M (Mobile Home Residential) with an Urban Low future land use category. There is a dwelling unit, screen patio, well house, and two sheds on the parcel and the parcel contains approximately 0.18 acres. The parcel does not lie within the 100-year flood zone.

The proposed detached carport will be located 39 feet from the right-of-way. Bates Avenue is classified as an Urban Collector Road, this type of road requires a 40 feet of right-of-way from the centerline of the existing road; the speed limit is twenty (35) miles per hour. The Florida Department of Transportation has guidelines concerning clear zones on roadways. A clear zone, as defined in The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (aka the Florida Greenbook), is the area outside of the traveled road available for use by traveling vehicles. Vehicles frequently leave the traveled roadway due to loss of control of the vehicle by the driver or to avoid items in the road or other vehicles. The primary function of the clear zone is to allow space and time for the driver to retain control of the vehicle and avoid or reduce collisions with roadside objects. This area can also serve as an emergency refuge location for disabled vehicles. The type of road and the speed limit on the road determine the minimum width for a roadway clear zone. In accordance with the Florida Greenbook Table 3-12 Minimum Width of Clear Zone, since Murray Road is a local road and has a speed limit of eight miles per hour, the recommended minimum roadway clear zone is 10 feet

measured from the edge of the through travel lane. The proposed detached carport unit will be located approximately 10 feet from the edge of the traveled lane, which would exceed the clear zone area.

The **intent** of the Code (LDR Section 10.01.00 (F)) is to regulate the installation, configuration and use of accessory and temporary structures and uses in order to preserve the community and property values and to protect the community character.

Staff believes the intent of the Code will be met as the minimum clear zone, as defined in The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (aka the Florida Greenbook).

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

"Will not meet side setbacks and can not be placed in rear due to septic tank."

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**:

"None listed"

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

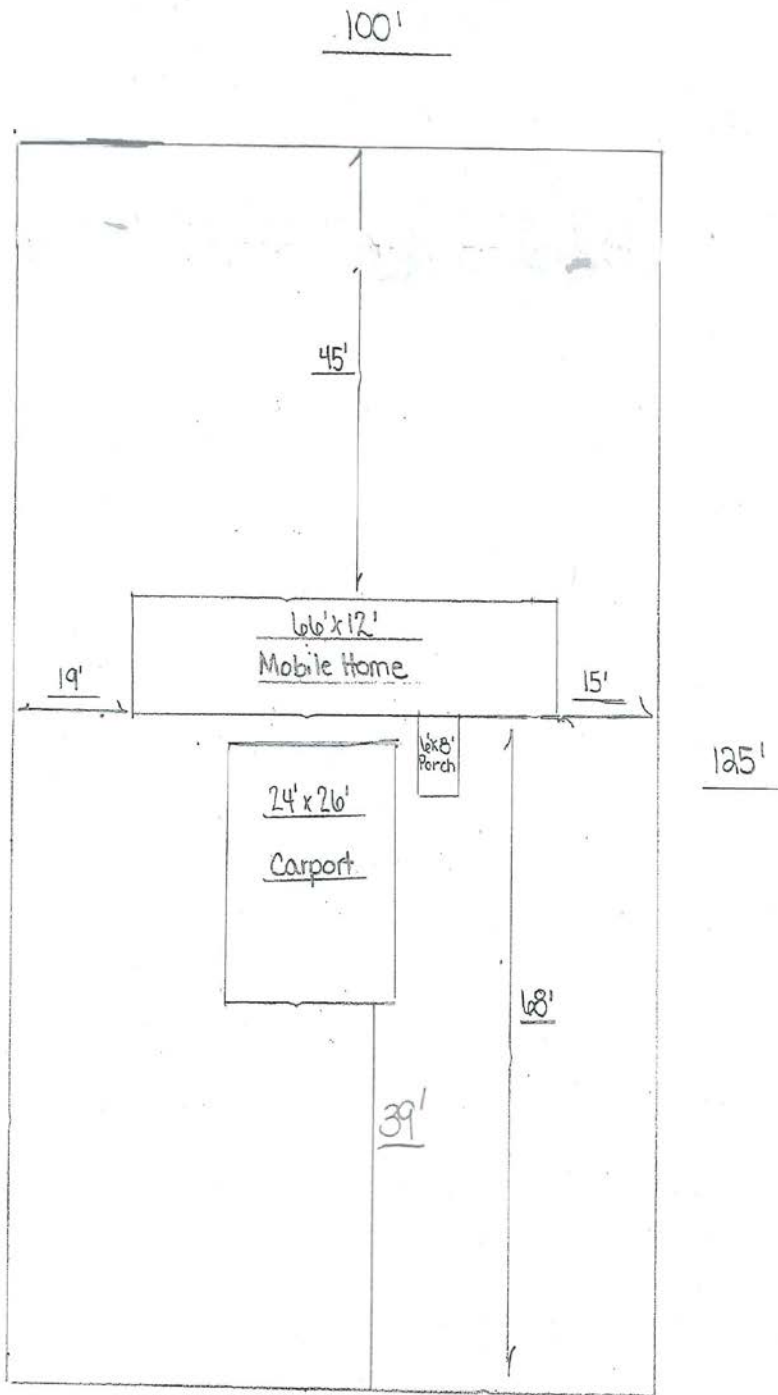
- The request is consistent with the intent of LDR 10.01.00 (F), which promotes logical development patterns, protects surrounding properties and uses by providing access of emergency or maintenance vehicles.

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 Regulations Section 10.01.00 (F)(1) and 10.01.01(F)(3) to allow a detached accessory building in the front yard that is not the same architectural style as the principal dwelling unit and to allow a detached accessory building 39 feet from the front property line in lieu of 100 feet

WRITTEN COMMENTS FILED: **Supportive: -0-** **Concern: -0-** **Opposition: -0-**

Janie Barron, Associate Planner

Exhibit A



Burgess Back

2835 Bates Avenue

1" = 20'

Bates Ave.

**Final Development Order
Burgess Back
VAR-16-21-4**

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

WHEREAS, Burgess Back (the "Applicant" and "Owner") requested a variance from Land Development Regulations (LDR) Section 10.01.01(F)(1) & 10.01.01(F)(3) to allow a detached accessory building in the front yard that is not the same architectural style as the principal dwelling unit and to allow a detached accessory building 39 feet from the front property line in lieu of 100 feet; and

WHEREAS, the subject property consists of 0.286 +/- acres and is generally located on the north side of E Bates Ave, west of CR 44, having alternate key number 1708451; and more particularly described as:

W 100 FT OF E 190.5 FT OF S 125 FT OF GOV LOT 7--LESS ROAD
ORB 827 PG 108

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 July 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 July 14, 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-16-21-4 from Land Development Regulations Section 10.01.01(F)(1) & 10.01.01(F)(3) to allow a detached accessory building in the front yard that is not the same architectural style as the principal dwelling unit and to allow a detached accessory building 39 feet from the front property line in lieu of 100 feet

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 July 14, 2016.

EFFECTIVE July 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 July 14, 2016 by DONALD SCHREINER, who is personally known to me.

(SEAL)

Signature of Acknowledger

Serial Number: _____

My Commission Expires: _____