

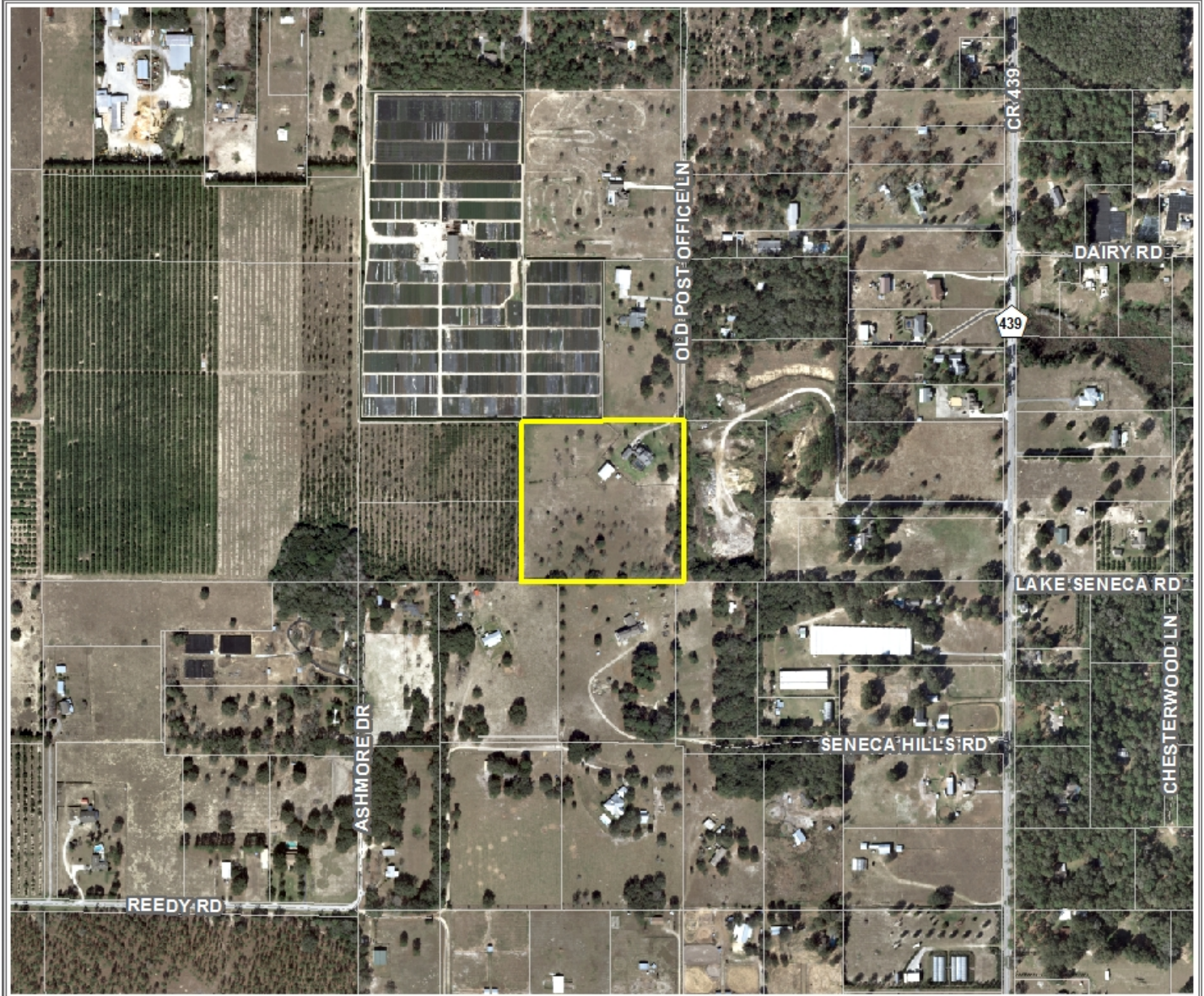
LAKE COUNTY PLANNING AND ZONING DIVISION  
BOARD OF ZONING ADJUSTMENT STAFF REPORT



VAR-16-25-4

Agenda Item # 5

July 14, 2016



**Requested Action:** Variance from Lake County Land Development Regulations Table 3.02.05 to allow an accessory structure (chicken coop) to be located 20 feet from the easterly property line in lieu of 25 feet from the property line.

**Owner:** Donald P McConnell Trust c/o Harding & Carbone

**Applicant:** Bank of America, as Trustee

- Site Location & Information -

Size	9.965 acres
Location	35601 Old Post Office Lane, Eustis, FL 32736
Alternate Key #	3701305
Future Land Use	Urban Low
Existing Zoning District	A (Agriculture)
Joint Planning Area	N/A
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	Rural	A (Agriculture)	Residence	Single Family Residence
South	Rural	A (Agriculture)	Residence	Single Family Residence
East	Rural	A (Agriculture)	Residence	Single Family Residence/Mine
West	Rural	A (Agriculture)	Residence	Vacant

- Summary of Staff Determination -

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the variance from Lake County Land Development Regulations Table 3.02.05 to allow an accessory structure (chicken coop) to be located 20 feet from the easterly property line in lieu of 25 feet from the property line with the condition that they plant a row of shrubs on the easterly side of the chicken coop to create a visual buffer.

- Summary of Analysis -

The applicant is requesting a variance from Lake County Land Development Regulations, Table 3.02.05 to allow an accessory structure (chicken coop) to be located 20 feet from the easterly property line in lieu of 25 feet from the property line.

The parcel is zoned Agriculture with a Rural future land use category. There is a dwelling unit, garage, metal building and chicken coop on the parcel and the parcel contains approximately 9.965 acres. The parcel does not lie within the 100-year flood zone.

The **intent** of the Code (Table 3.02.05) is to ensure the adherence of safe distances between structures and right-of-ways.

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

*“Caretaker purchased a used shed & had a chicken coop built without the trustee knowing. She did not know a building permit was required. Trustee is working on correcting the violation by having engineering drawings made and survey completed. The survey showed the setback violation. The chicken coop & concrete slab would need to be torn down or moved, if possible, to correct the setback violation.”*

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**:

*"The chicken coop & slab would need to be moved or substantially altered to meet the 25' setback. The cost is prohibitive to alter the building as new engineering plans would be required plus a new permit required. Tearing down the building would be a cost hardship due to the money already spent to erect it."*

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

- The request is consistent with the intent of LDR Table 3.02.05, which ensures the adherence of safe distances between structures and right-of-ways.

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 Table 3.02.05 to allow an accessory structure (chicken coop) to be located 20 feet from the easterly property line in lieu of 25 feet from the property line with the following condition:

- 1) A row of shrubs on the easterly side of the chicken coop to create a visual buffer.

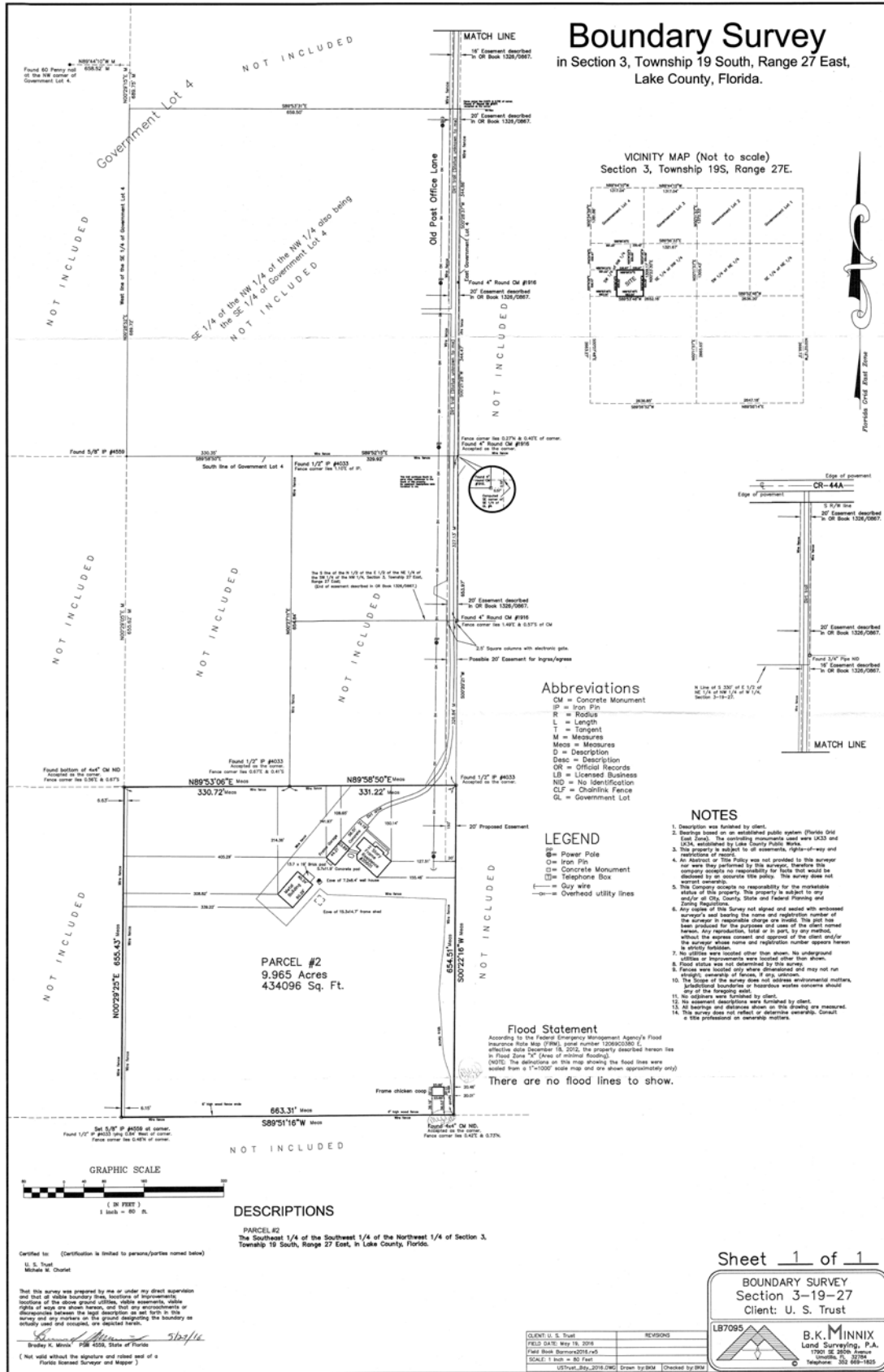
**WRITTEN COMMENTS FILED:**

**Supportive: -0-**

**Concern: -0-**

**Opposition: -0-**

Janie Barron, Associate Planner



**Final Development Order  
Donald P McConnell Trust c/o Harding & Carbone  
VAR-16-25-4**

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

**WHEREAS**, Donald P McConnell Trust c/o Harding & Carbone (the "Owner") and Bank of America, as Trustee (the "Applicant") requested a variance from Land Development Regulations (LDR) Land Development Regulations Table 3.02.05 to allow an accessory structure (chicken coop) to be located 20 feet from the easterly property line in lieu of 25 feet from the property line; and

**WHEREAS**, the subject property consists of 9.965 +/- acres and is generally located on the south end of Old Post Office Ln., having alternate key number 3701305; and more particularly described as:

SE 1/4 OF SW 1/4 OF NW 1/4

ORB 3248 PG 256 ORB 3494 PG 2122

**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-16-25-4 from Land Development Regulations Table 3.02.05 to allow an accessory structure (chicken coop) to be located 20 feet from the easterly property line in lieu of 25 feet from the property line; 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 July 14, 2016.

EFFECTIVE July 14, 2016.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

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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)

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Signature of Acknowledger

Serial Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_