

LAKE COUNTY PLANNING AND ZONING DIVISION  
VARIANCE STAFF REPORT



Board of Adjustment

June 16, 2016

LAKE COUNTY  
FLORIDA

VAR-16-15-5 Paul Begley	District 5	Agenda Item # 3
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**Requested Action:** Variances to Land Development Regulation (LDR) Section 3.01.02.(A)(1)(a) to allow a single family residence to be 12 feet at the narrowest point in lieu of the required 23 feet, 4 inches; and Section 3.02.09 to allow a single family residence 708 square feet in size in lieu of 850 square feet.

**Owner/Applicant:** Paul Begley

**- Site Location & Information -**

<b>Size</b>	0.45 +/- acres
<b>Property Address</b>	28140 Hibiscus Ave, Paisley FL 32767
<b>Location</b>	South side of Hibiscus Ave, east of Magnolia St, Paisley area
<b>Alternate Key No.</b>	1401526
<b>Future Land Use</b>	Rural
<b>Zoning District</b>	Agriculture (A)
<b>Overlay Districts</b>	NA
<b>Joint Planning Area/ISBA Area</b>	NA

**-Land Use Table-**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Rural	R-7	Residential	Single family residence
<b>South</b>	Rural	Agriculture	Vacant	Vacant
<b>East</b>	Rural	Agriculture	Residential	Single wide mobile home
<b>West</b>	Rural	Agriculture	Residential	Single wide mobile home

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the variance requests to (LDR) Section 3.01.02(A)(1)(a) to allow a structure less than twenty-four (24) feet, three (3) inches wide to be used as a single family residence and Section 3.02.09 to allow a single family residence 708 square feet in size in lieu of 850 square feet.

**-Staff Analysis-**

The subject property is .045 +/- acres and is located on the south side of Hibiscus Ave, just east of Magnolia St, in the Paisley area. The Lake County Geographic Information Services (GIS) wetland map indicate that there are no wetlands on the property. According to the 2012 Federal Emergency Management Agency (FEMA) maps, the subject property is not located in any flood plain. The property is zoned Agriculture (A) and is part of the Rural Future Land Use Category. There was a single wide mobile home on the property until it was removed last year. The property is currently vacant.

The owner/applicant is applying for a variance to Land Development Regulation (LDR) Section 3.01.02.A.1.a. which requires single family residences to be a minimum of twenty-three (23) feet four (4) inches wide at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area. The applicant wishes to construct a structure sixteen (12) feet at its narrowest point to be used as a single family residence (as seen in Exhibit A).

The proposed 12 foot wide mobile home seeks to replace the 12 foot wide mobile home that was removed from the property last year.

The **intent of the Code**, LDR Section 3.01.01, is to allow Development and use of property only in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan. The plans for the proposed single family residence are in alignment with this regulation.

The applicants submitted the following reasons as proof of **meeting the intent of the Code** and proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**:

VAR-16-13-4

*"The trailer meets all other zoning rules and regulations, including setbacks. I am homeless and the trailer was gifted to me."*

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

1. This request is consistent with LDR Table 3.01.03, which allows residential uses within the Agriculture Zoning District; and
2. The intent of the Code (3.01.02) is to allow development and use of property in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan; and
3. The proposed residence will be situated on a half-acre lot and surrounded by other single wide mobile homes being used as single family residences. The proposed residence will not alter the character of the neighborhood or create adverse impacts on the adjacent lots, which is the intent of the regulation.

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 request to allow a single family residence to be 12 feet at the narrowest point in lieu of the required 23 feet, 4 inches; and to allow a single family residence 708 square feet in size in lieu of 850 square feet.

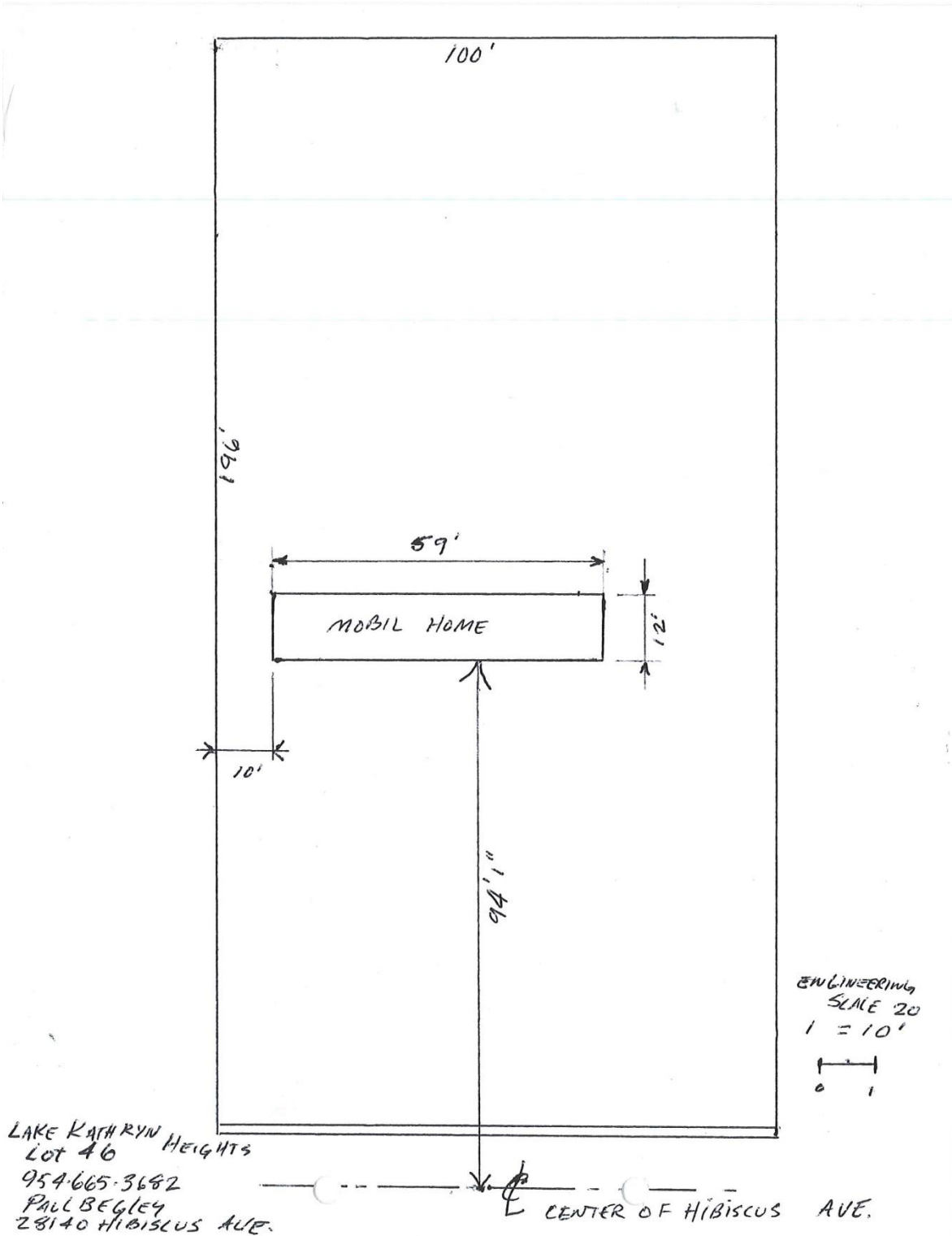
**WRITTEN COMMENTS FILED:**

**Support: -0-**

**Questions: -0-**

**Opposition: -0-**

Case Planner: Tim McClendon



**Final Development Order**  
**Paul Begley**  
**VAR-16-15-5**

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

**WHEREAS**, Paul Begley (the “Applicants” and the “Owners”) requested variances to Land Development Regulation (LDR) Section 3.01.02(A)(1)(a) to allow a structure less than twenty-four (24) feet, three (3) inches wide to be used as a single family residence and Section 3.02.09 to allow a single family residence 708 square feet in size in lieu of 850 square feet.

**WHEREAS**, the subject property consists of 0.45 +/- acres and is located on the south side of Hibiscus Ave, east of Magnolia St, Paisley area, in Section 14, Township 17 South, Range 28, Alternate Key Number 1401526 and is more particularly described below (hereinafter referred to as the “Property”):

PLANTATION HEIGHTS LOT 46 PB 17 PG 22

ORB 4751 PG 509 ORB 4755 PG 962

**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 June 16, 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 June 16, 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-16-19-5 to allow a single family residence to be 12 feet at the narrowest point in lieu of the required 23 feet, 4 inches; and Section 3.02.09 to allow a single family residence 708 square feet in size in lieu of 850 square feet.

**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 16<sup>th</sup> day of June, 2016.**

**EFFECTIVE June 16, 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 June 16, 2016 by DONALD SCHREINER, who is personally known to me.

(SEAL)

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**Signature of Acknowledger**