

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



Requested Action: Variance from Lake County Land Development Regulation Section 3.01.02(A)(1)(a) to allow an accessory dwelling unit located on the property to maintain a minimum width of fifteen (15) ft. in lieu of the required twenty-three (23) feet, four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area.

Owner: Dori and Susan A. Milner

Applicant: Dori and Sue Milner

- Site Location & Information -

Size	~9.84 acres
Location	10830 Old Studio St; located on the west side of Old Studio St, approximately 650 ft. south of Pine Island Rd, District 1
Alternate Key #	3781596
Future Land Use	Green Swamp Rural
Existing Zoning District	A (Agriculture District)
Joint Planning Area	N/A

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	A	Single Family Residence	4 Single Family Residences on 4 lots
South	Rural	A	Vacant	N/A
East	Rural	A	Vacant	N/A
West	Rural	A	Vacant	N/A

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance from Lake County Land Development Regulations Section 3.01.02(A)(1)(a) to allow an accessory dwelling unit located on the property to maintain a minimum width of fifteen (15) ft. in lieu of the required twenty-three (23) feet, four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area.

- Summary of Analysis -

The subject property is +/- 9.84 acres and is located on the west side of Old Studio St, approximately 650 ft. south of Pine Island Rd. The Lake County Geographic Information Services (GIS) wetland map indicates that wetlands do exist on the parcel and according to the 2012 Federal Emergency Management Agency (FEMA) maps, the lot lies within Flood zone A.

The property is zoned A (Agriculture District) and is part of the Rural Future Land Use Category. The property is surrounded by A (Agriculture District) zoning districts and all surrounding properties are part of the Rural Land Use Category. The property is currently developed as a single-family residence.

The applicants are requesting a variance from LDR Section 3.01.02(A)(1)(a) which states that a single family dwelling unit shall have a minimum width of twenty-three (23) feet four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area.

The applicants have stated that there is an existing 15 ft. wide single family dwelling currently on site (Exhibit A) which was constructed in 1987 and they plan to bring a new single family dwelling 1,344 square feet in size (28' x 48'). The applicants plan to use the 15 ft. wide single family residence as an accessory dwelling unit to the new single family dwelling.

The **intent of the Code**, LDR Section 3.01.02, *Classification of Uses*, is to describe the specific uses and restrictions that apply to the zoning districts established in these regulations. These regulations are intended 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 existing 15 ft. wide single family dwelling meets all other accessory dwelling unit criteria located within Sec. 10.01.03, Accessory Dwelling Units.”

The applicants 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 existing 15 ft. wide single family residence was properly permitted in 1987 and is still being used today. We simply wish to allow our daughter to live on the property in her own residence. The existing home will provide her less expensive housing.”

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

1. This request is consistent with the remaining standards for a single family dwelling unit found in LDR 3.01.02.
2. This request is consistent with the purpose of LDR 10.01.03(A), *Accessory Structures as Dwellings*, which is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.
3. This request is consistent with the standards for accessory dwelling units stated in LDR Section 10.01.03(B).

CONCLUSION

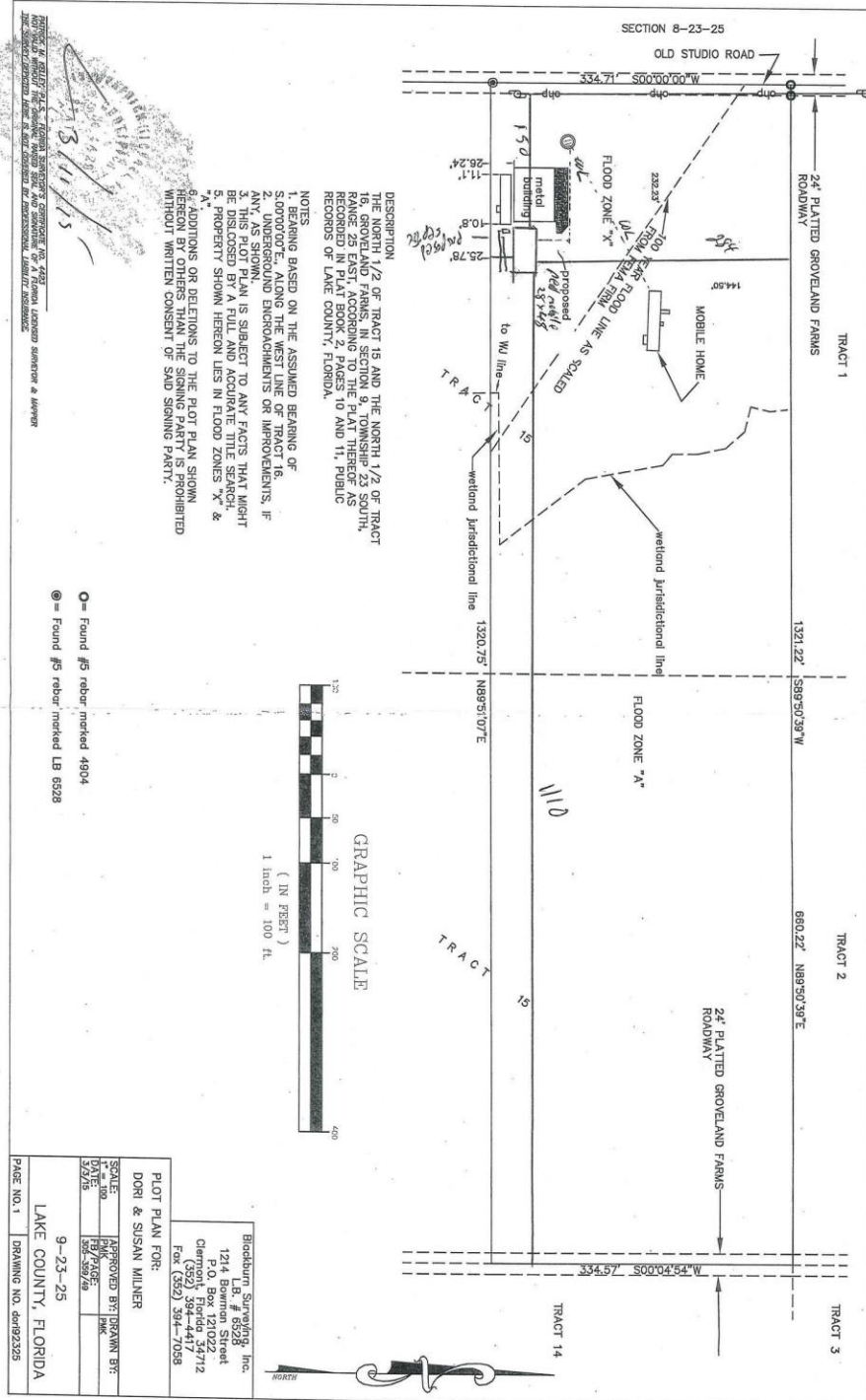
The owners/applicants have submitted proof of meeting the intent of the Code and have shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, staff recommend **approval** of the variance from Lake County Land Development Regulations Section 3.01.02(A)(1)(a) to allow an accessory dwelling unit located on the property to maintain a minimum width of fifteen (15) ft. in lieu of the required twenty-three (23) feet, four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area.

WRITTEN COMMENTS FILED:

Supportive: -0-

Concern: -0-

Opposition: -0-



Final Development Order
Dori Milner and Susan A. Milner
VAR-16-07-1

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

WHEREAS, Dori Milner and Susan A. Milner (the “Applicants”) requested a variance to Land Development Regulation (LDR) Section 3.01.02(A)(1)(a) to allow an accessory dwelling unit located on the property to maintain a minimum width of fifteen (15) feet in lieu of the required twenty-three (23) feet, four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area; and

WHEREAS, the subject property consists of 9.84+/- acres and is located in Clermont, along the west side of Old Studio St, approximately 650 ft. south of Pine Island Rd, in Section 01, Township 22, Range 24, Lake County, Florida, Alternate Key Number 3781596 and is more particularly described and depicted in Exhibit A, attached hereto (hereinafter referred to as the “Property”); and

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 March 10, 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 March 10, 2016, the Lake County Board of Adjustment approved the variance for the above described 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-16-07-1 to allow an accessory dwelling unit located on the Property to maintain a minimum width of fifteen (15) feet in lieu of the required twenty-three (23) feet, four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area.
- 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 10th day of March, 2016.
EFFECTIVE March 10, 2016.**

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Donald Schreiner, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

**The foregoing instrument was acknowledged before me this March 10, 2016 by DONALD SCHREINER, who is
personally known to me.**

(SEAL)

Signature of Acknowledger

Exhibit A.

The North ½ of Tract 15 and the North ½ of Tract 16, Groveland Farms, in Section 9, Township 23 South, Range 25 East, according to the Plat thereof, as recorded in Plat Book 2, Pages 10 and 11, Public Records of Lake County, Florida.

