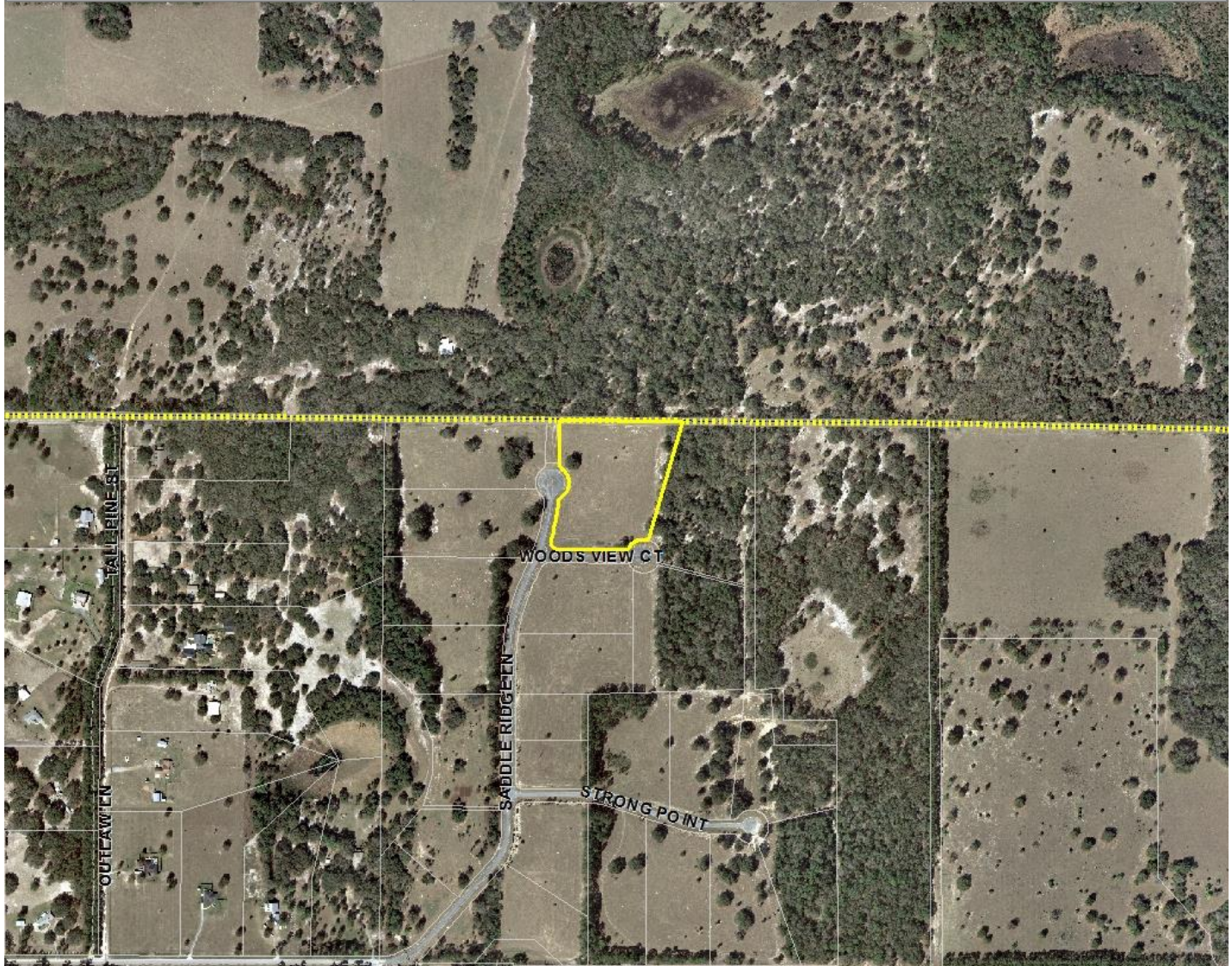


LAKE COUNTY PLANNING AND ZONING DIVISION
BOARD OF ZONING ADJUSTMENT STAFF REPORT



| | | |
|---|-------------------|-------------------------------|
| <p>VAR-16-09-5 Mike and Shannon Sapp</p> | <p>District 5</p> | <p>Agenda Item # 3</p> |
|---|-------------------|-------------------------------|



Requested Action: A variance from Lake County Land Development Regulations Section 3.01.04 (1)(a) to allow a livestock building to be constructed 83 ft. from the side (east) property line in lieu of 200 ft.

Owner: Mike I Sapp and Shannon G Sapp

Applicant: Mike and Shannon Sapp

- Site Location & Information -

| | |
|---------------------------------|--|
| Size | ~6.94 acres |
| Location | 41526 Saddle Ridge Ln; Located on the east side of Saddle Ridge Ln, north of the intersection of Marion County Rd and Gator Lake Rd. |
| Alternate Key # | 3849874 |
| Future Land Use | Rural |
| Existing Zoning District | A (Agriculture District) |
| Joint Planning Area | Lady Lake JPA |

Land Use Table

| <u>Direction</u> | <u>Future Land Use</u> | <u>Zoning</u> | <u>Existing Use</u> | <u>Comments</u> |
|------------------|------------------------|---------------|---------------------|-----------------|
| North | Marion County | N/A | Vacant | N/A |
| 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 3.01.04 (1)(a) to allow a livestock building to be constructed 83 ft. from the side (east) property line in lieu of 200 ft.

- Summary of Analysis -

The subject property is +/- 6.94 acres and is located on the east side of Saddle Ridge Ln, north of the intersection of Marion County Rd and Gator Lake Rd. The Lake County Geographic Information Services (GIS) wetland map does not indicate that wetlands exist on the parcel; and according to the 2012 Federal Emergency Management Agency (FEMA) maps, the lot lies within Flood zone X. 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 are all surrounding properties are part of the Rural Land Use Category. The property is currently developed as a single-family residence and is located within the Saddle Ridge subdivision, which is an equestrian community.

The applicants are requesting a variance to Land Development Regulations Section 3.01.04(1)(a) to allow a livestock building to be constructed 83 ft. from the side (east) property line in lieu of 200 ft. This same sections states that if a livestock building cannot be constructed with a 200 ft. setback, that is can be located as closely centered as possible between the property lines and shall maintain a fifty (50) ft. setback from the property line.

The proposed livestock building is 40 ft. x 45 ft. (1,800 sq. ft.) in size and will house the applicants' horses. The placement of the livestock building is not "centered" on the property due to the location of the existing house and due to natural swales located on the property. The livestock building is proposed to be located on the flattest area of the subject parcel (Exhibit A).

The **intent** of the Code (Section 3.01.04) is to ensure the adherence of safe distances between livestock buildings and neighboring single family dwellings.

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

“The subject property is located in an equestrian development where all lots are allowed to have horse stables per the development covenants and restrictions. Lake County Regulations state if a barn cannot meet the 200 ft. setback, it must be as closely centered on a property as possible while meeting a 50 ft. setback. While the location of the proposed barn is not “centered” it still meets the 50 ft. setback requirement.”

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 proposed horse barn cannot be placed on the center of the property due to the location of the existing house and the natural swales located on the property.”

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

1. The request is consistent with the Lake County Comprehensive Plan.
2. The Saddle Ridge subdivision is an equestrian community with many of the residences having livestock buildings located on them.
3. The proposed livestock building is being constructed on the flattest area of the subject property.
4. Allowing a livestock building on the subject property 83 ft. from the eastern property line will have limited to no impact to the surrounding properties and will not negatively affect the adjacent property.

CONCLUSION

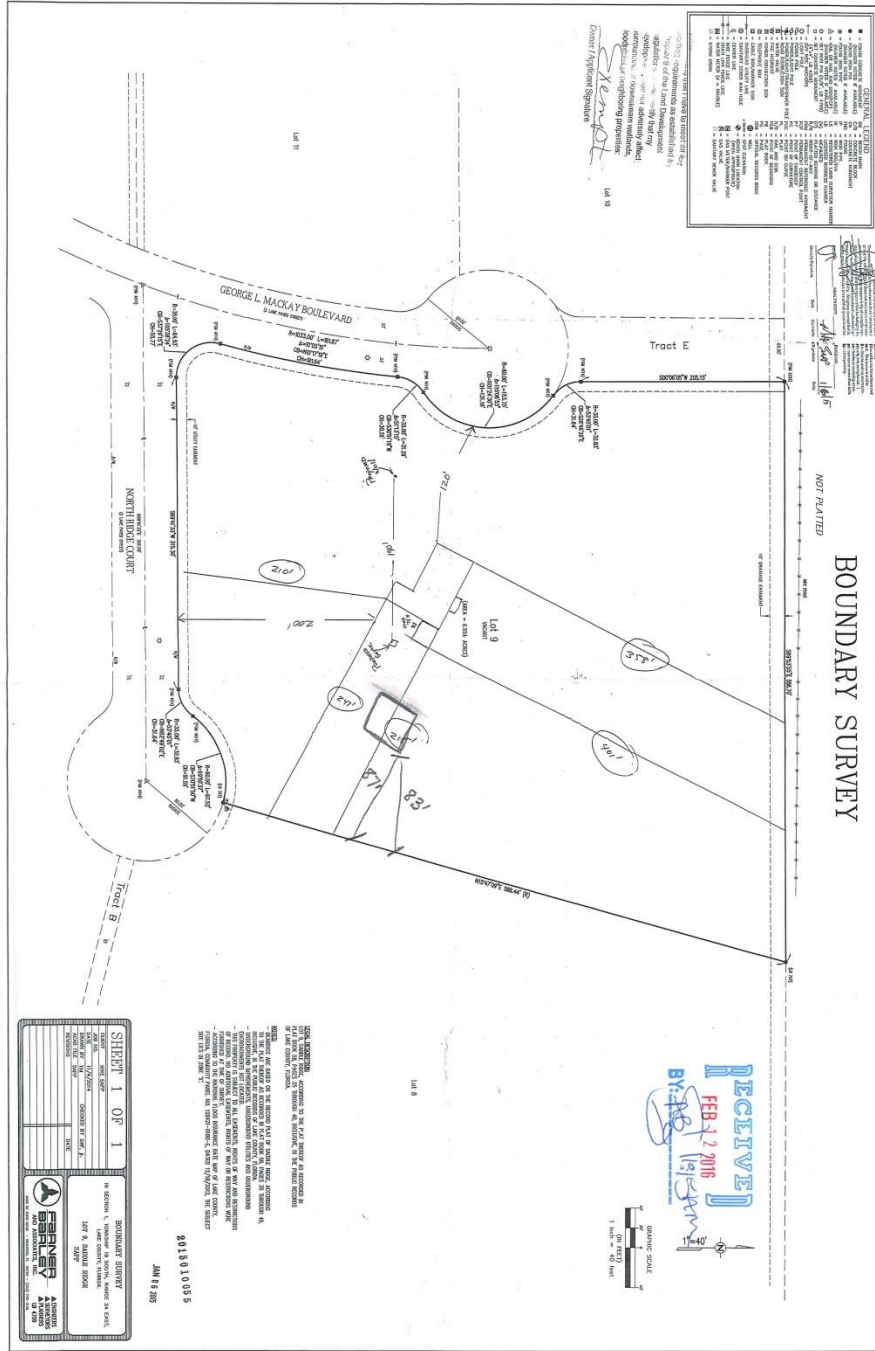
The owners/applicantst have submitted proof of meeting the intent of the Code and have shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, Staff recommends **approval** of the variance to allow a livestock building to be constructed 83 ft. from the side (east) property line in lieu of 200 ft.

WRITTEN COMMENTS FILED:

Supportive: -0-

Concern: -0-

Opposition: -0-



Final Development Order
Mike I. Sapp and Shannon G. Sapp
VAR-16-09-5

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

WHEREAS, Mike and Shannon Sapp (the "Applicants") requested a variance to Land Development Regulation (LDR) Section 3.01.04 (1)(a) to allow a livestock building to be constructed 83 ft. from the side (east) property line in lieu of 200 ft.; and

WHEREAS, the subject property consists of 6.94+/- acres and is located in Weirsdale, on the east side of Saddle Ridge Ln, north of the intersection of Marion County Rd. and Gator Lake Rd., in Section 01, Township 18, Range 24, Lake County, Florida, Alternate Key Number 3849874 and is more particularly described and depicted in Exhibit A (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-16-09-5 to allow a livestock building to be constructed on the Property 83 ft. from the side (east) property line in lieu of 200 ft.
- 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.

Lot 9 of Saddle Ridge, according to the Plat thereof as recorded in Plat Book 58, Page(s) 35 through 40, of the



Public Records of Lake County, Florida.