

LAKE COUNTY PLANNING AND ZONING DIVISION
VARIANCE STAFF REPORT

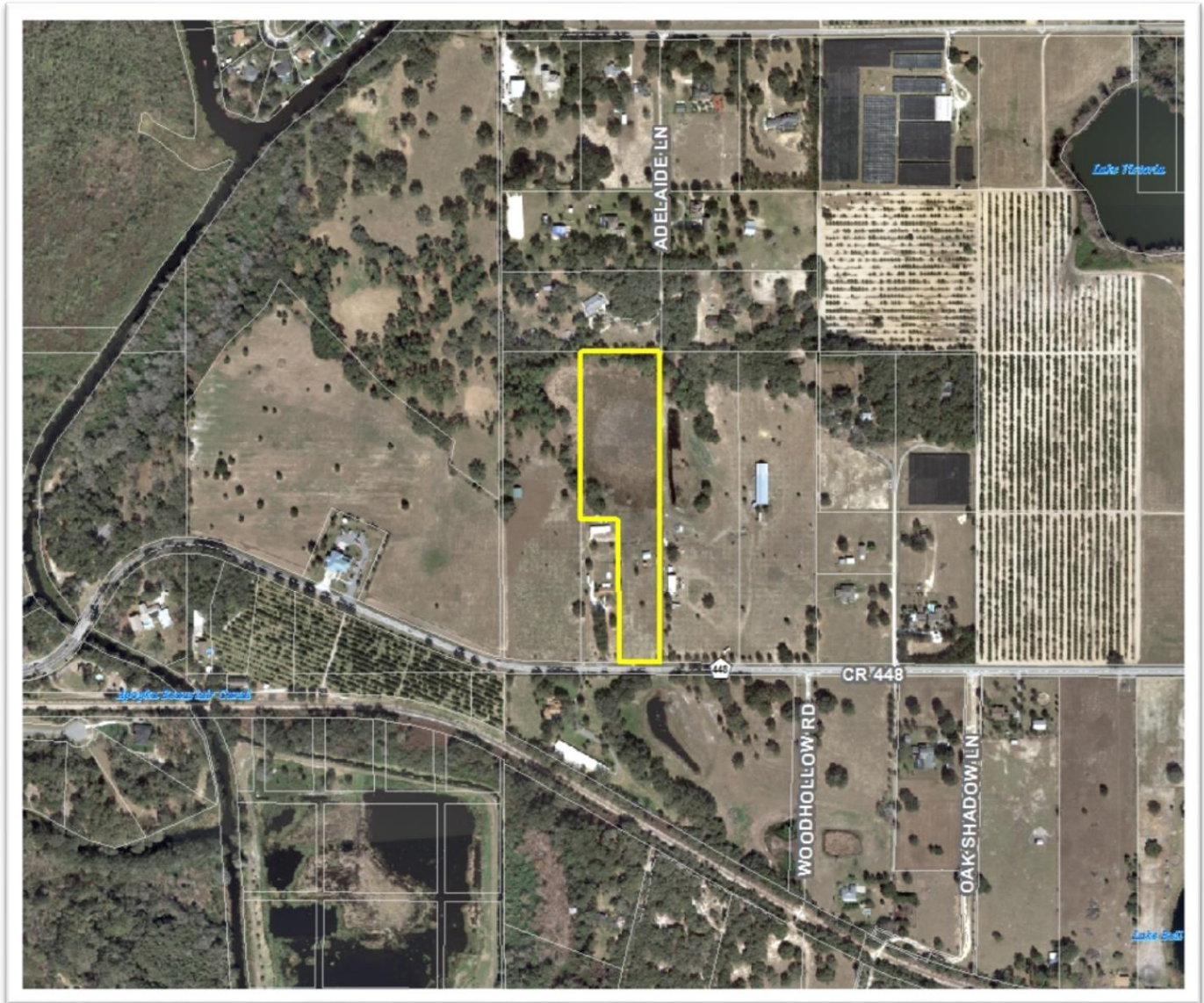


Board of Adjustment

November 10, 2016

LAKE COUNTY
FLORIDA

VAR-16-37-3 Lisa Morgan	District 3	Agenda Item #1
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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 20 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 600 square feet in size in lieu of 900 square feet.

Owner/Applicant: Lisa Morgan

- Site Location & Information -

Size	7.55 +/- acres
Property Address	NA
Location	North side of County Road 448, Tavares area
Alternate Key No.	2871458
Future Land Use	Rural
Zoning District	Agriculture (A) / Rural Residential (R-1)
Overlay Districts	NA
Joint Planning Area/ISBA Area	NA

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Agriculture	Residential	Single family residence
South	Rural	Agriculture	Vacant	Single family residence
East	Rural	Rural Residential	Vacant	Vacant
West	Rural	Agriculture	Residential	Single family residence

- 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 600 square feet in size in lieu of 900 square feet.

-Staff Analysis-

The subject property is 7.55 +/- acres and is located on the north side of County Road 448, in the Tavares area. The property has split zoning, which are Agriculture (A) on the north side and Rural Residential (R-1) on the south side and is part of the Rural Future Land Use Category. The parcel has an indication of wetlands and is located within flood zones "A" and "X". Currently there is an unpermitted block structure, which is what the current owners would like to permit as a single-family dwelling unit.

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 convert the existing structure which is twenty (20) feet at its narrowest point to be used as a single family residence (as seen in Exhibit A).

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**:

"I am meeting all setbacks from property lines/boundaries and roof pitch and solid foundation. I also meet density, impervious surface, and height requirements. I am using an existing building on the property and converting to a residence. It was there when I purchased back in 5/2016."

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**:

“Currently 26 year old son endeavoring to make a place for himself after paying off \$18,000 school loan. Works 30 hours a week. Current housing economy very high and standard of living and pay has not risen with it. Very difficult to qualify for the current houses out there now. He will build onto the existing structure later as his finances grow. It’s a very solid nice structure. He is currently living at home with parents in very cramped quarters.”

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 and Rural Residential 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 7.5 acres. 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 20 feet at the narrowest point in lieu of the required 23 feet, 4 inches; and to allow a single family residence 600 square feet in size in lieu of 900 square feet.

WRITTEN COMMENTS FILED:

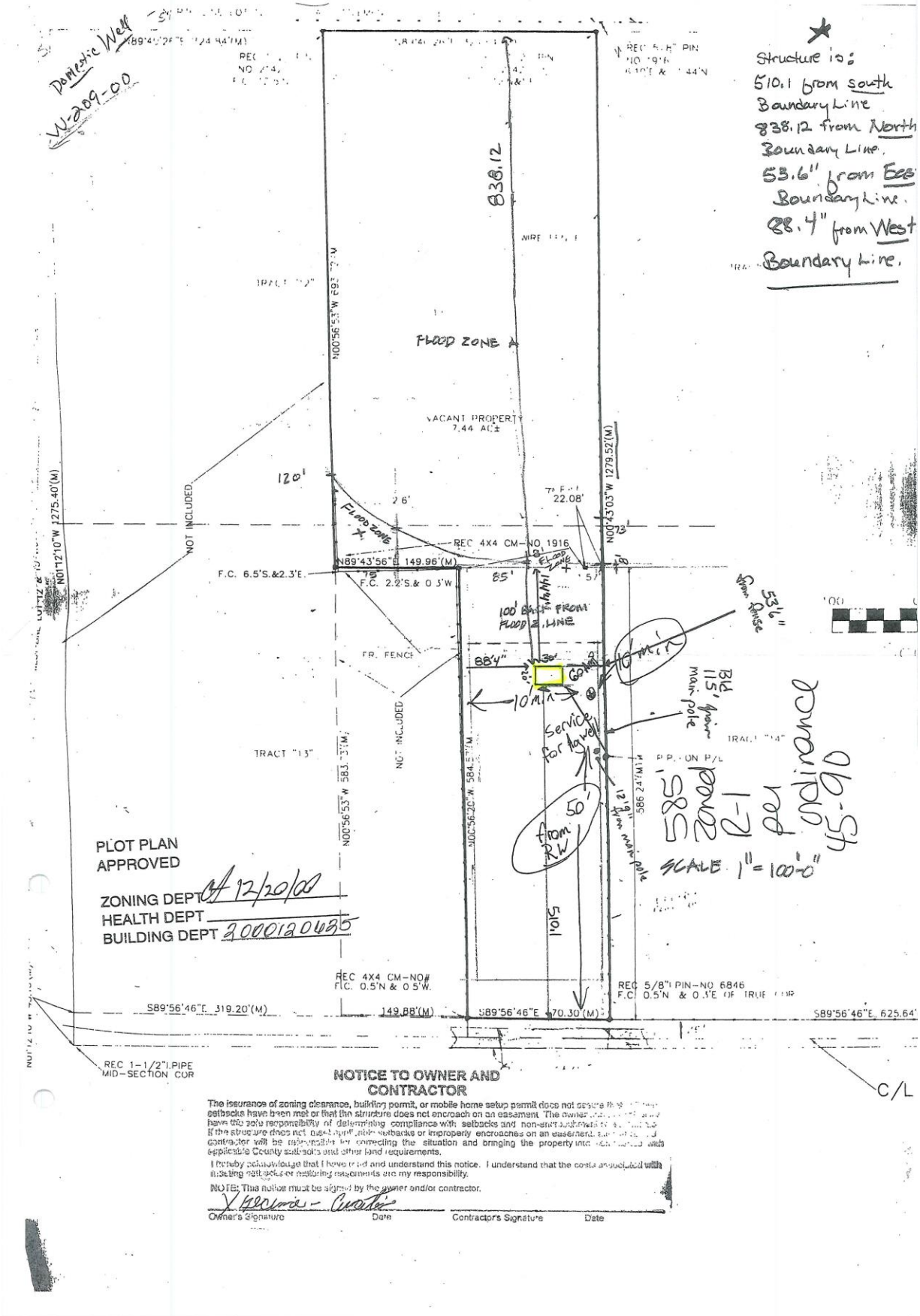
Support: -0-

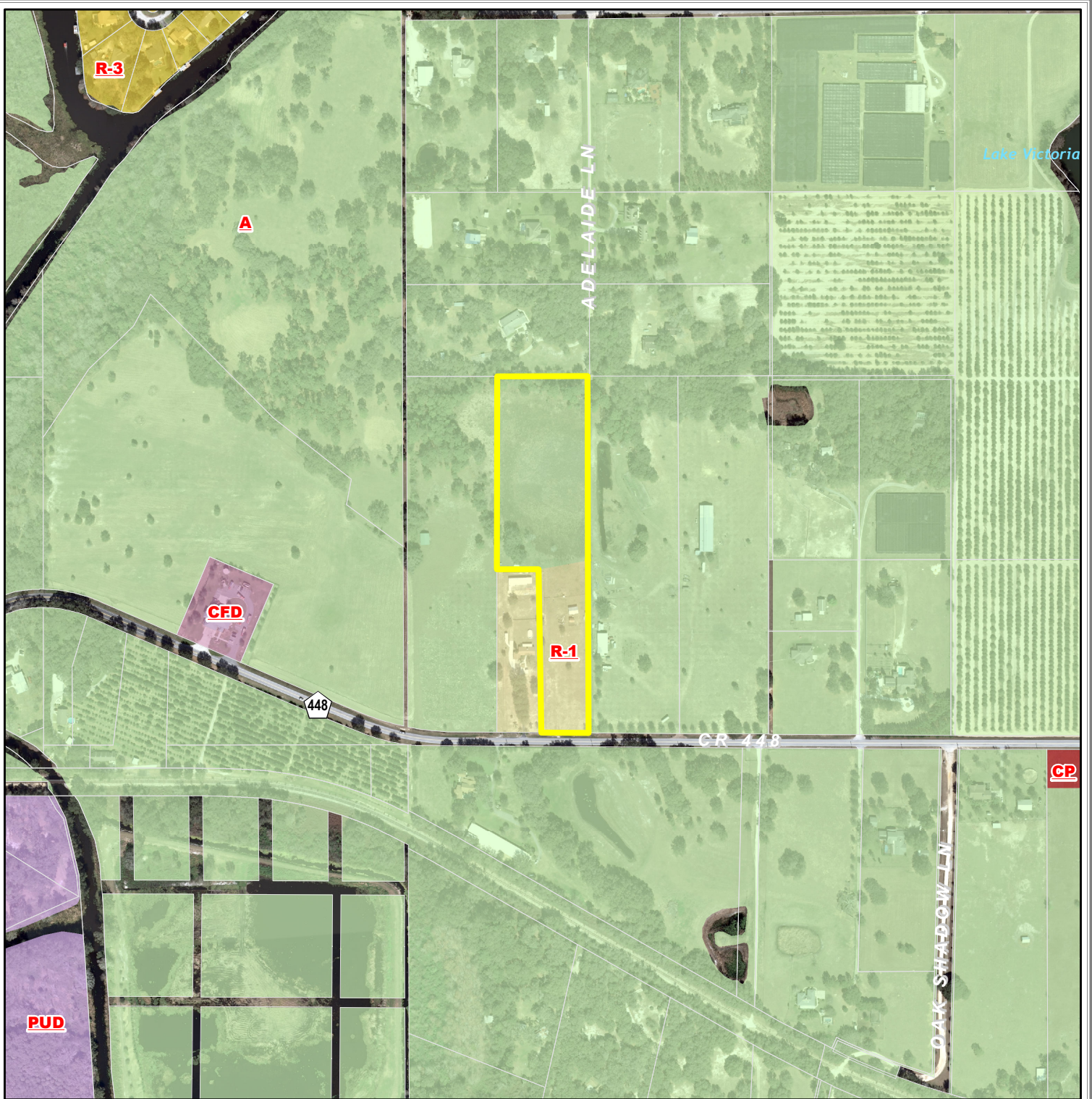
Questions: -0-

Opposition: -0-

Case Planner: Ruth Mitchell

Exhibit A

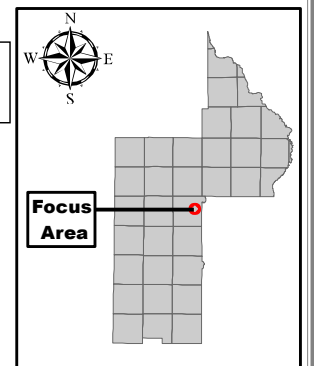


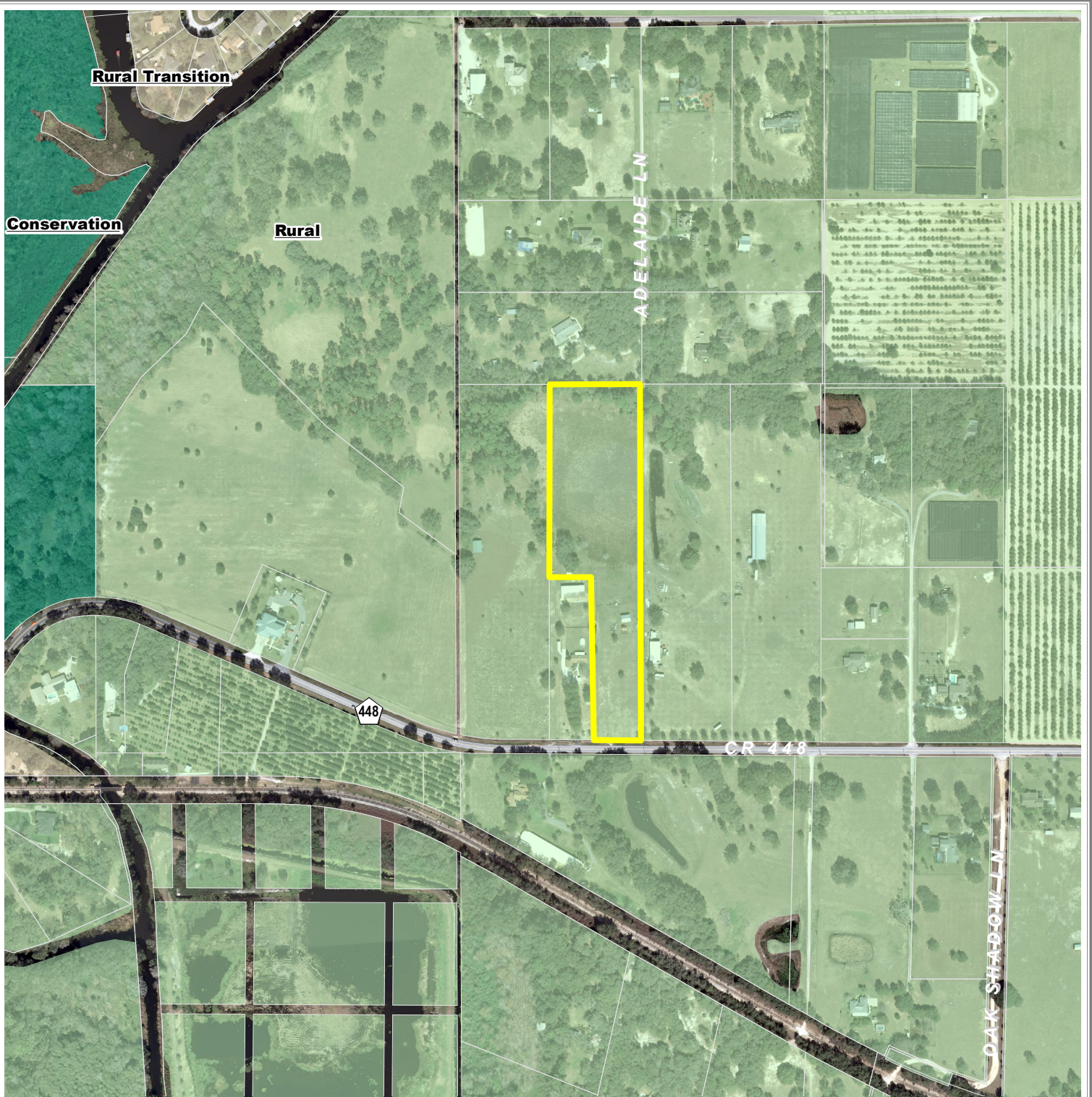


ZONING LEGEND

A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

NAME: MORGAN
CASE NUMBER: VAR-16-37-3
LOCATION (S-T-R): 14-20-26
REQUEST: MINIMUM STRUCTURE SIZE

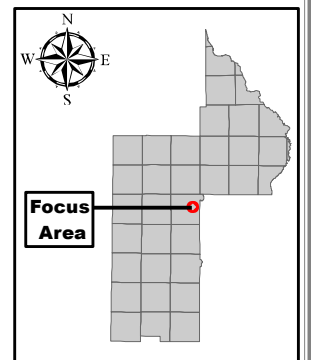




FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban Low Density |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Medium Density |
| Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | |
| Green Swamp Core Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition | |
| Green Swamp Ridge | Regional Office | Sending Area A-1-20 | |
| Green Swamp Rural | Public Service Facility and Infrastructure | Sending Area A-1-40 | |
| Green Swamp Rural Conservation | Receiving Area A-1-20 | Urban High Density | |

NAME: MORGAN
CASE NUMBER: VAR-16-37-3
LOCATION (S-T-R): 14-20-26
REQUEST: MINIMUM STRUCTURE SIZE



Final Development Order
Lisa Morgan
VAR-16-37-3

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

WHEREAS, Lisa Morgan (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-three (23 feet, four (4) inches wide to be used as a single family residence and Section 3.02.09 to allow a single family residence 600 square feet in size in lieu of 900 square feet.

WHEREAS, the subject property consists of 7.55 +/- acres and is located on the north side of County Road 448, Mount Dora area, in Section 11, Township 20 South, Range 26, Alternate Key Number 2871458 and is more particularly described below (hereinafter referred to as the “Property”):

VICTORIA SETTLEMENT 14-20-26 THAT PART OF LOTS 12 & 13 DESC AS FOLLOWS: FROM NE COR LOT 11 RUN S 89DEG 43MIN 02SEC W ALONG THE N LINE OF SAID LOTS 11 & 12 A DIST OF 664.9 FT TO POB, CONT S 89DEG 43MIN 02SEC W ALONG N LINE OF SAID LOT 12 A DIST OF 324.95 FT, S 00DEG 56MIN 20SEC E 694.4 FT, E 150 FT PARALLEL WITH N LINE OF SAID LOT 12, S 00DEG 56MIN 20SEC E TO N'LY R/W OF SR 448, E'LY ALONG SAID R/W TO SE COR OF SAID LOT 12, N 00DEG 43MIN 27SEC W 1279.64 FT TO POB
PB 1 PG 61 ORB 4792 PG 1379

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 November 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 November 10, 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-16-37-3 to allow a single family residence to be 20 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 600 square feet in size in lieu of 900 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 10th day of November, 2016.

EFFECTIVE November 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 November 10, 2016 by DONALD SCHREINER, who is personally known to me.

(SEAL)

Signature of Acknowledger