

LAKE COUNTY PLANNING AND ZONING DIVISION
VARIANCE STAFF REPORT



Board of Adjustment

September 8, 2016

LAKE COUNTY
FLORIDA

<p>VAR-16-35-5 Buttner Setback</p>	<p>District 5</p>	<p>Agenda Item #3</p>
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Requested Action: A variance to Land Development Regulation (LDR) Section 3.01.04.1.a, to allow a livestock building to be located thirty-five (35) and sixty (60) feet from the property lines in lieu of two hundred feet (200) feet from all property lines or as closely centered as possible between the property lines and a fifty (50) foot setback from the property lines.

Owner: Jeffrey and Shannan Buttner (the "Owners")

Applicant: Shannan Buttner (the "Applicant")

- Site Location & Information -

Size	Alternate Key: 12.81 +/- acres; Subject Parcel: 5.42 +/- acres
Property Address	18503 Ravenswood Road, Altoona, Florida
Location	West of State Road 19 and North of the City of Umatilla
Alternate Key No.	1219701
Future Land Use	Rural
Zoning District	Agriculture (A)
Overlay Districts	Wekiva Ocala River Protection Area
Joint Planning Area/ISBA Area	Not Applicable

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Conservation	Agriculture (A)	Conservation Lands	Ocala National Forest
South	Rural	Agriculture (A)	Residential	Ravenswood Road & Single Family Residences on Large Lots
East	Rural	Agriculture (A)	Residential	Single Family Residences on Large Lots
West	Rural	Agriculture (A)	Residential	Dupree Road & Single Family Residences on Large Lots

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance request to LDR Section 3.01.04.1.a, to allow a livestock building to be located thirty-five (35) and sixty (60) feet from the property lines in lieu of two hundred feet (200) feet from all property lines or as closely centered as possible between the property lines and a fifty (50) foot setback from the property lines.

-Staff Analysis-

The subject property is 12.81 +/- acres and is located West of State Road 19 and North of the City of Umatilla. The Lake County Geographic Information Services (GIS) wetland map indicates that there are no wetlands on the property. According to the 2012 Federal Emergency Management Agency (FEMA) maps, the subject property does not lie within the 100-year flood zone. The property is zoned Agriculture (A) and is part of the Rural Future Land Use Category.

Alternate Key 1219701 is comprised of two lots on Lake County's Zoning Map. The two (2) lots were created through the approval of Lot Split 1995-54. Parcel 2 is vacant and undeveloped and Parcel 1 (the subject property) is developed with a Single Family residence and barn.

The applicant is applying for a variance to Land Development Regulation (LDR) Section 3.01.04.1.a, which requires a livestock building to be located two hundred feet (200) feet from all property lines or as closely centered as possible between the property lines and a fifty (50) foot setback from the property lines. The applicant wishes to construct a barn housing livestock on the northeast corner of the property and only thirty-five (35) feet from the eastern property line and sixty (60) feet from the northern property line.

Based on the dimensions of the property, the proposed barn cannot meet the two hundred (200) foot setback from the property lines; at its widest point the lot is only 379.57 feet. Since it could not be located two hundred feet from all property lines, the barn would need to be as closely centered as possible on the property AND maintain a fifty (50) foot setback from all property lines. The residence was placed slightly off-centered on the property and if the barn were centered on the property, as shown in Exhibit E, it would have to be ten (10) feet from the residence and the septic area. This location would damage the septic

VAR-16-35-5

system and inflict the nuisances from the barn on the residence. In addition, if the structure was centered on the property, the owners may not be able to accommodate their desired barn size.

The **intent of the Code**, LDR Section 3.01.04, is to regulate the placement of structures and the use of a parcel in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas. Increased noise, dust, odor and traffic can all impact adjacent property owners. The Code attempts to mitigate the impact on the surrounding areas with a minimum 200-foot setback for livestock buildings.

The applicant has submitted the following reasons as proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**:

“Location A is too close to the side road leaving it vulnerable to horse thieves. The septic and drain field for the residence is located in this area, the barn is not easily accessible from the rear of residence. Location B blocks the view of the owners additional 8 acre parcel leaving the animals vulnerable to theft and is not easily accessible by tractor trailer for deliveries. Neither location has the benefit of natural shade (see exhibit A for proposed locations by the county).”

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

“This application meets the 200 ft. setback on the west and south side of the property and meets the minimum 10ft required setback from each line. There is a line of trees 65 ft. high and 15 ft. wide that run down the entire length of the property where variance is requested creating a visually pleasing buffer (see exhibit B). The overhang (12 ft. wide) on the side of the barn that is closest to the property line will house a 28 ft. and a 40 ft. horse trailer. The property that abuts our property is zoned agricultural and currently has cows on it.”

The Lake County Land Development Regulations, Section 14.15.02 states that variances shall be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

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

1. The subject property is surrounded by agriculturally zoned land within the Rural Future Land Use Category; and
2. The property is not large enough to accommodate a barn located two hundred (200) feet from all property lines; and
3. The barn could not be centered on the property due to the location off the septic system and the existing single family residence; and
4. The barn's proposed location would exceed the minimum setback for accessory structures not housing livestock within the Agriculture zoning district (twenty-five (25) feet from the property line); and
5. The existing vegetation along the eastern property line serves as a buffer and would reduce the impact of noise, dust, and odor associated with a livestock building; and
6. The request is consistent with the intent of LDR 3.01.04, which regulates the placement of livestock buildings.

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 with conditions** of the variance request to LDR 3.01.04.1.a, to allow a livestock building to be located thirty-five (35) and sixty (60) feet from the property lines in lieu of two hundred feet (200) feet from all property lines or as closely centered as possible between the property lines and a fifty (50) foot setback from the property lines.

WRITTEN COMMENTS FILED:

Support: -1 (Exhibit D) -

Questions: -0-

Opposition: -0-

Case Manager: Michele Janiszewski, Planner

Exhibit A.
Location Spot A and B, as provided with the Application

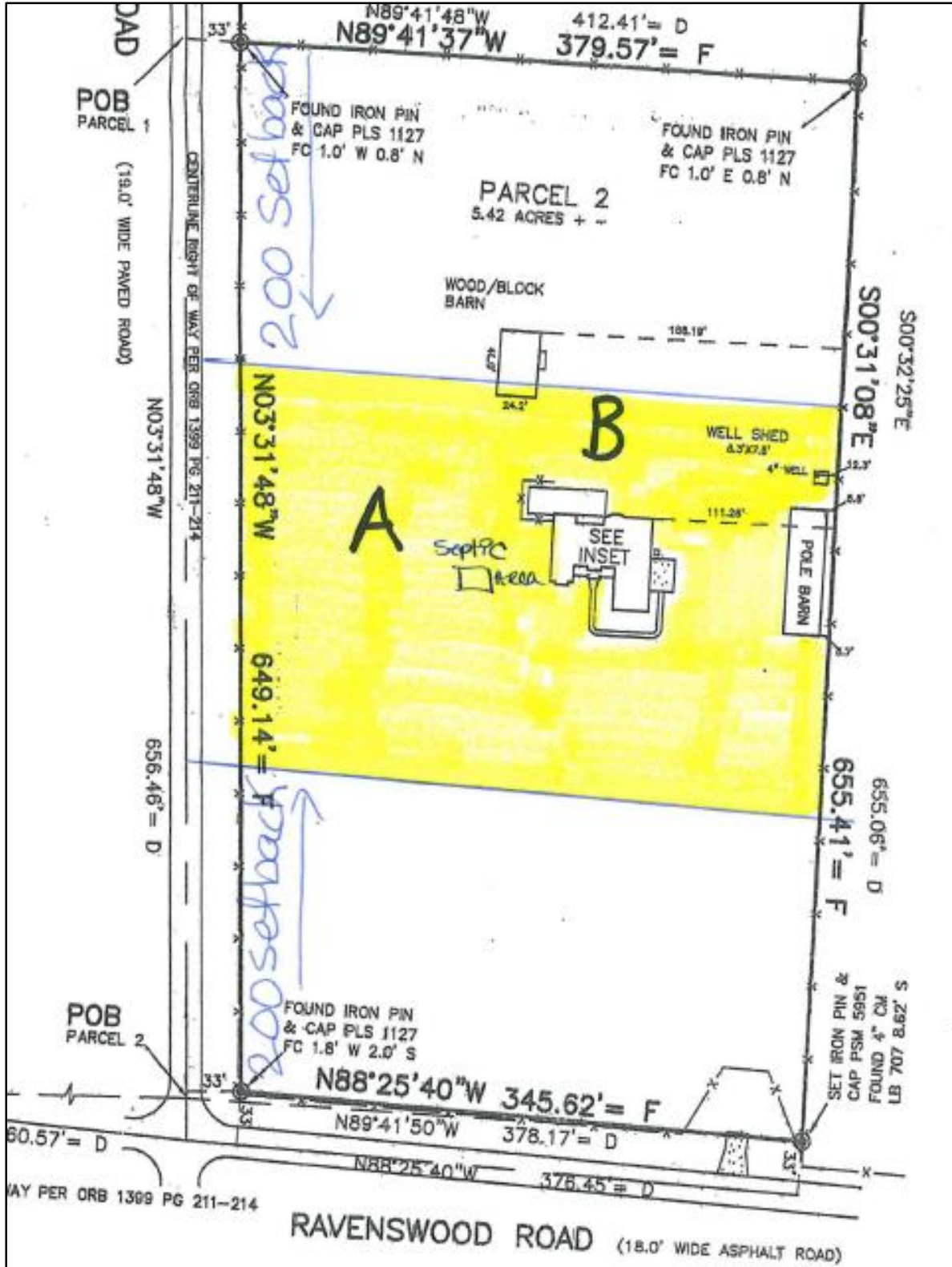


Exhibit B.
Existing Vegetation along the Eastern Property Line

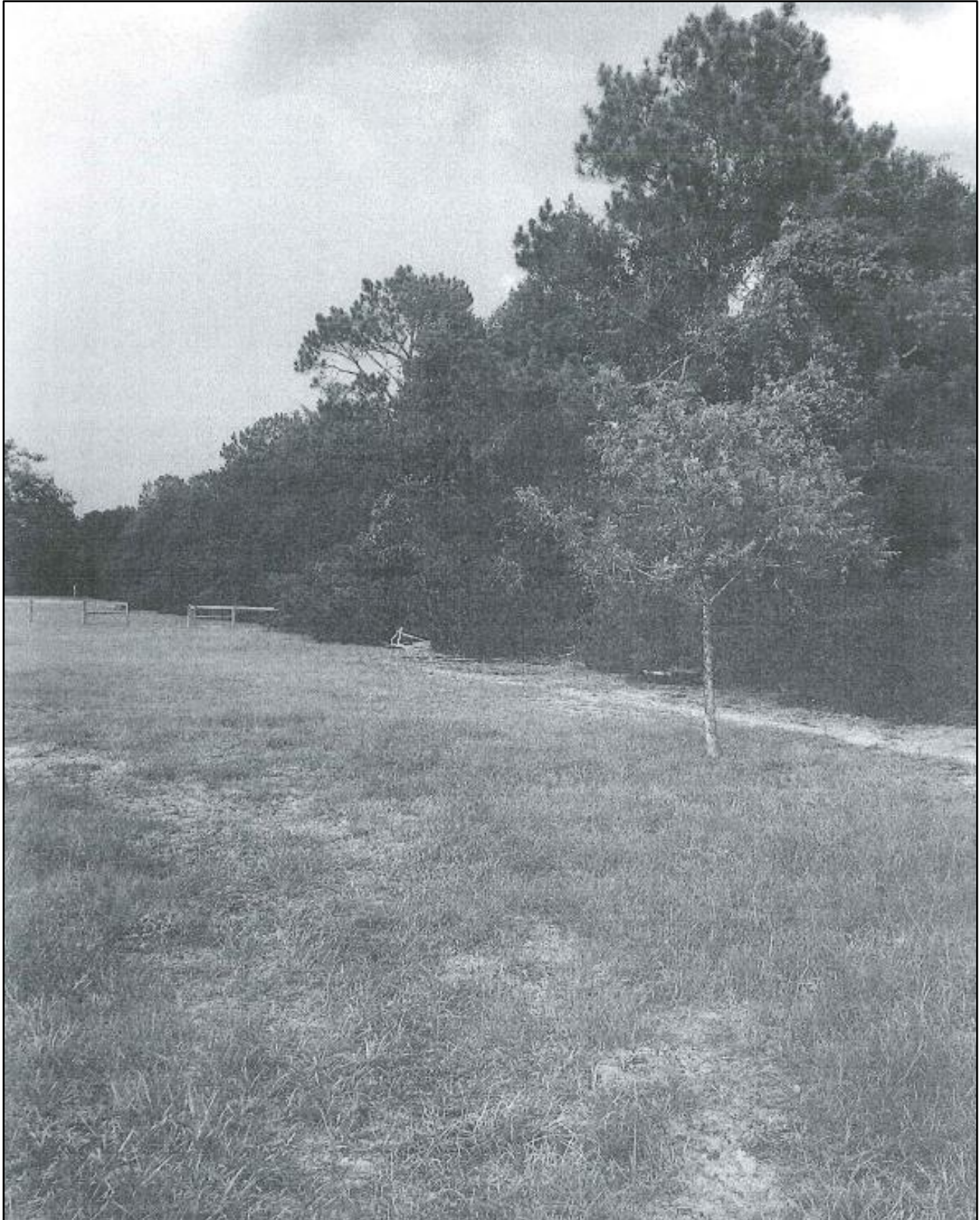


Exhibit C.
Adjacent Property



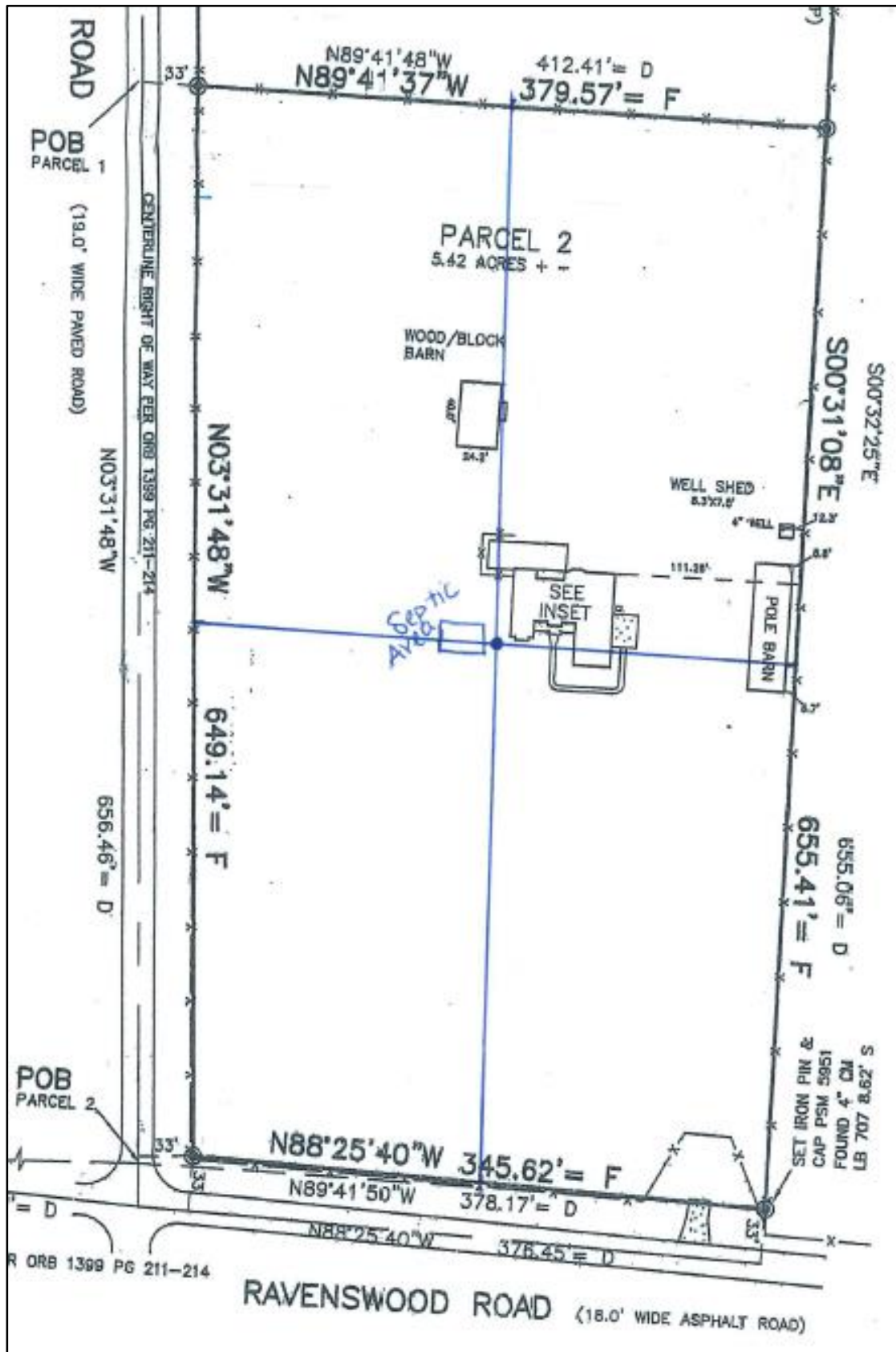
Exhibit D.

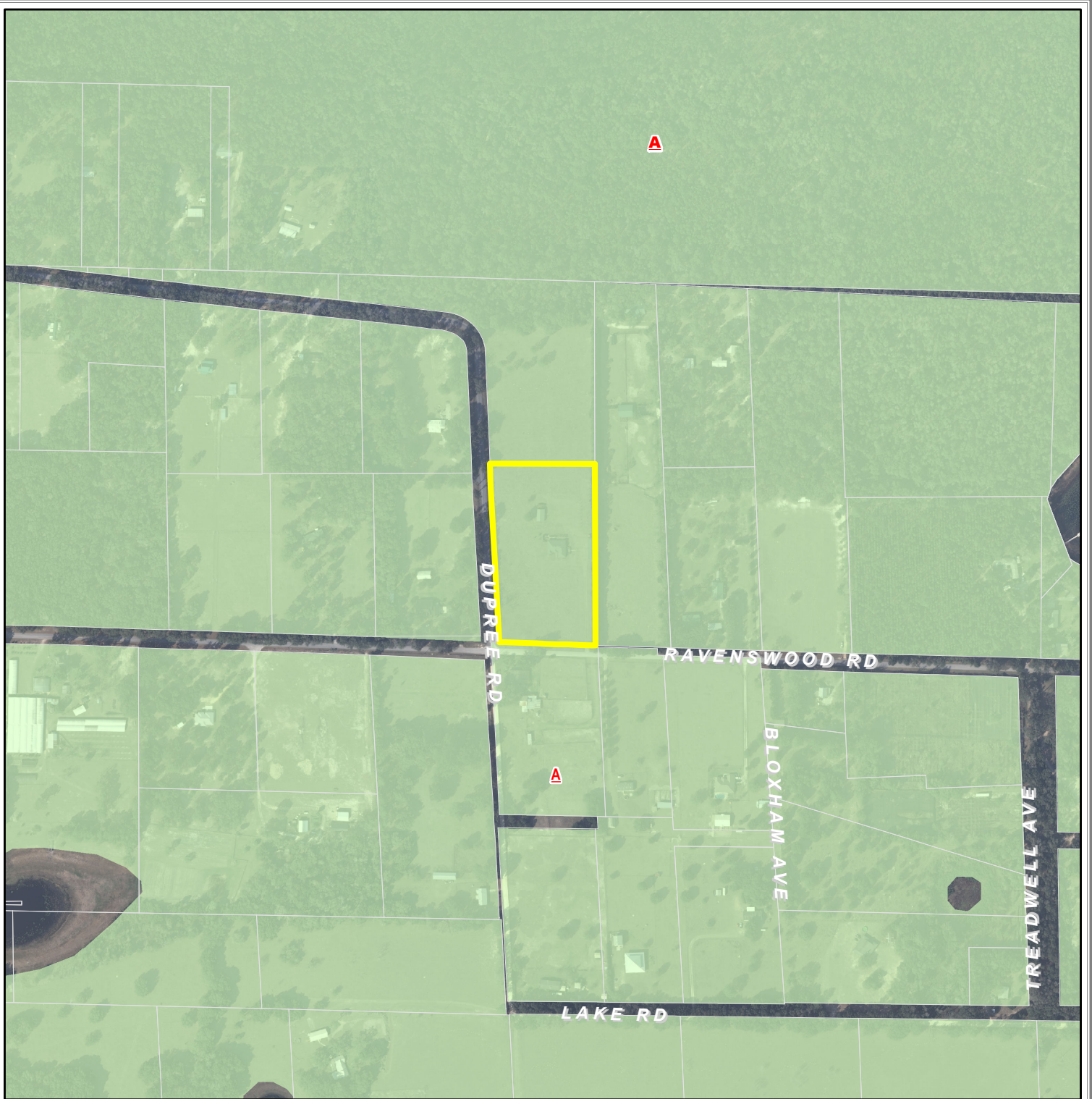
Petition of Neighbors NOT in Objection to the Variance Request

By signing below I am indicating that I do NOT object to a variance allowing Jeffrey and Shannan Buttner to build a barn on their property located at 18503 Ravenswood Rd, Altoona, FL 32702 that is closer than 200 feet from the property line.

DATE	PRINT NAME	SIGN NAME	ADDRESS
7-26-2016	Donald R Jones	<i>[Signature]</i>	18525 Ravenswood Road Altoona FL 32702
7-26-16	Charles Dowdy	<i>[Signature]</i>	18645 Ravenwood Rd.
7-26-16	Debbie Peice	<i>[Signature]</i>	ALTOONA, FL 18641 RAVENWOOD R
7-26-16	Joshua Huffines	<i>[Signature]</i>	18400 Lake Road Altoona FL
7-26-16	Cynthia Sunday	<i>[Signature]</i>	18405 RAVENWOOD RD ALTOONA, FL 32702
7/26/16	REGINA HARRIS	<i>[Signature]</i>	18528 Ravenswood Rd Altoona FL 32702
7/26/16	REGINA HARRIS	<i>[Signature]</i>	18525 Lake Rd Altoona FL 32702
7/26/16	Trish Lynch	<i>[Signature]</i>	18500 Ravenswood Rd Altoona, FL 32702
7/27/27	Gary Austin	<i>[Signature]</i>	18245 Ravenswood Rd Altoona Fla 32702
7/27/16	Ralph Leagus	<i>[Signature]</i>	18630 Ravenswood Altoona FL 32702
7/31/16	LAURA CAUSEY	<i>[Signature]</i>	Dupree Rd. Altoona, FL 32702

Exhibit E.
Barn Location if the Structure is Centered on the Property

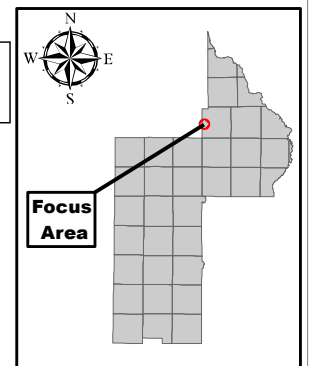


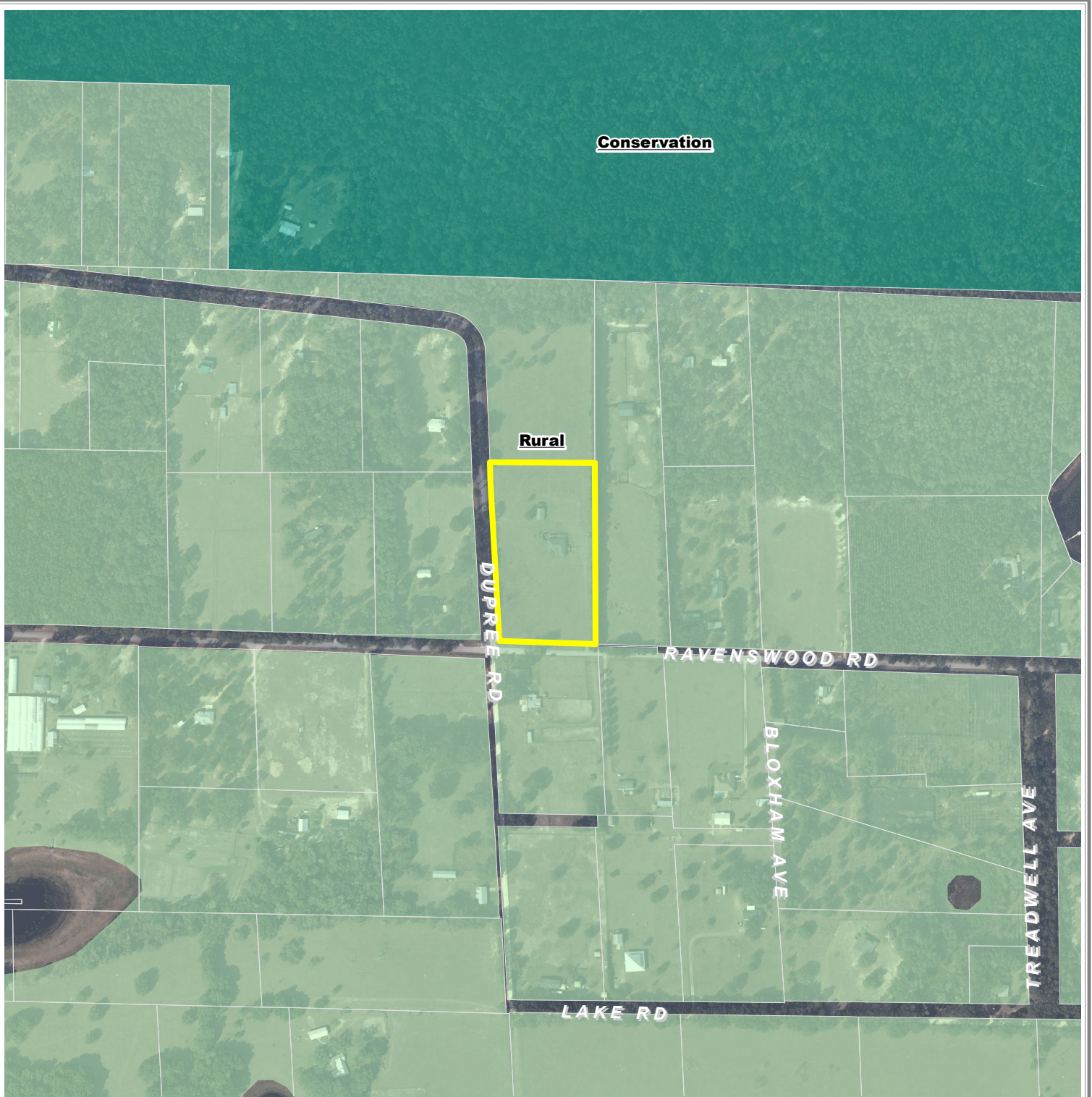


ZONING LEGEND

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: BUTTNER
CASE NUMBER: VAR-16-35-5
LOCATION (S-T-R): 19-17-27
REQUEST: SETBACK ADJUSTMENT

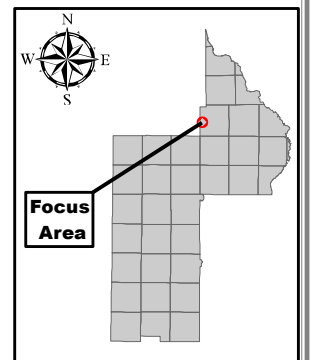




FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban Low Density |
| Cagans Crossing | 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: BUTTNER
CASE NUMBER: VAR-16-35-5
LOCATION (S-T-R): 19-17-27
REQUEST: SETBACK ADJUSTMENT



Final Development Order
Buttner Setback
VAR-16-35-5

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

WHEREAS, Shannan Buttner (the “Applicant”), on behalf of Jeffrey and Shannan Buttner (the “Owners”), requested a variance to Land Development Regulation (LDR) Section 3.01.04.1.a, to allow a livestock building to be located thirty-five (35) and sixty (60) feet from the property lines in lieu of two hundred feet (200) feet from all property lines or as closely centered as possible between the property lines and a fifty (50) foot setback from the property lines; and

WHEREAS, the subject property consists of 5.42 +/- acres West of State Road 19 and North of the City of Umatilla, the southern 5.42 +/- acres of Alternate Key Numbers 1219701, and are more particularly described in Attachment A (hereinafter referred to as the “Property”):

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 September 8, 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 September 8, 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-16-35-5 to allow a livestock building to be located thirty-five (35) and sixty (60) feet from the property lines in lieu of two hundred feet (200) feet from all property lines or as closely centered as possible between the property lines and a fifty (50) foot setback from the property lines with the following conditions:

- A. The livestock building Shall only be used for private use.
- B. This variance for a reduced setback Shall only apply to one (1) livestock building at a location generally consistent with Exhibit B.
- C. The livestock building must be located a minimum of fifty (50) feet from all property lines with the exception of the eastern property line.
 - a. The structure may be located a minimum of thirty-five (35) feet from the eastern property boundary as long as the existing vegetation is maintained to serve as a buffer.

- b. In the event the existing vegetation is removed, a landscape buffer shall be installed to mitigate the off-site impacts of the livestock building.

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 8th day of September, 2016.

EFFECTIVE September 8, 2016.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Donald Schreiner, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this September 8, 2016 by DONALD SCHREINER, who is personally known to me.

(SEAL)

Signature of Notary Public

My Commission Expires: _____

Exhibit A. Legal Description

A PARCEL OF LAND IN SECTION 19, TOWNSHIP 17 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A REFERENCE POINT, A RAILROAD SPIKE, SAID POINT BEING THE SOUTHWEST CORNER OF GOVERNMENT LOT 1 OF SAID SECTION 19; THENCE S88°25'07"E A DISTANCE OF 953.75 FEET TO A SPIKE IN CENTER OF A PAVED ROAD (RAVENSWOOD ROAD #5-8872); THENCE S89°41'50"E A DISTANCE OF 1158.56 FEET TO A POINT ON THE CENTERLINE OF DUPREE ROAD #5-8871 (A CLAY ROAD) AND THE POINT OF BEGINNING; THENCE N03°31'48"W ALONG THE CENTERLINE OF SAID DUPREE ROAD A DISTANCE OF 656.46 FEET; THENCE S89°41'48"E A DISTANCE OF 412.41 FEET; THENCE S00°32'25"E A DISTANCE OF 655.06 FEET TO THE SOUTHEAST CORNER OF THE NE1/4 OF THE NW1/4 OF SAID SECTION 19; THENCE N89°41'50"W A DISTANCE OF 378.17 FEET TO THE POINT OF BEGINNING.
CONTAINING 258913 SQUARE FEET, 5.94 ACRES MORE OR LESS.

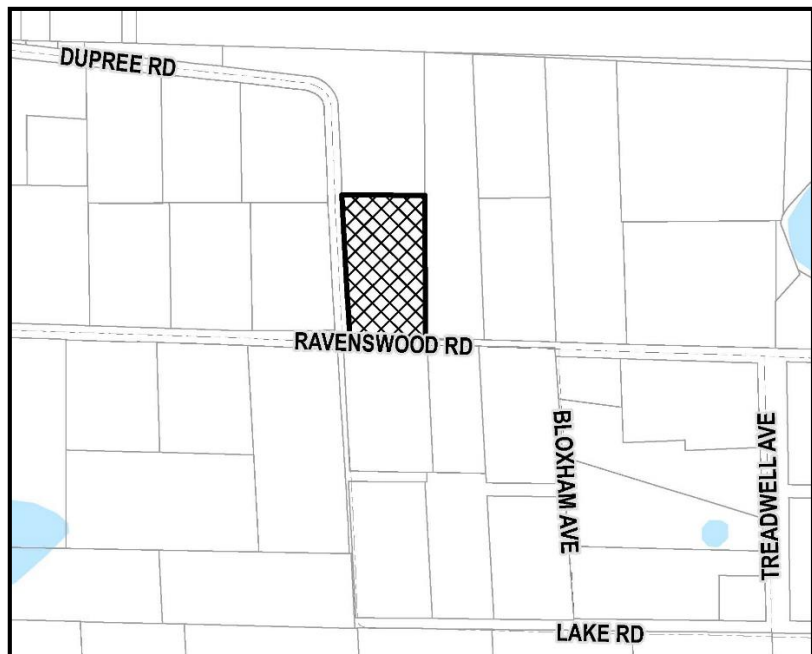
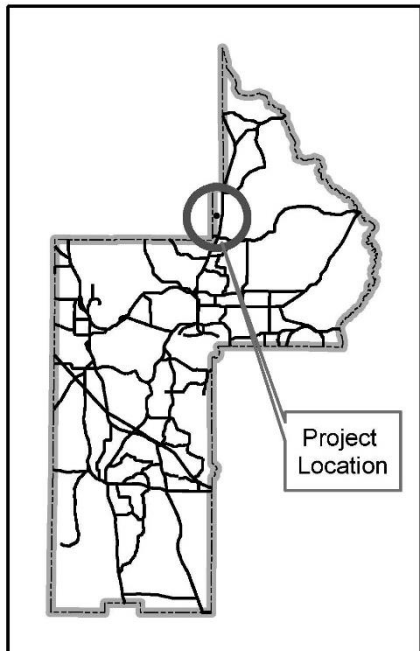


Exhibit B. Proposed Location of Livestock Building

