

LAKE COUNTY PLANNING AND ZONING DIVISION  
VARIANCE STAFF REPORT

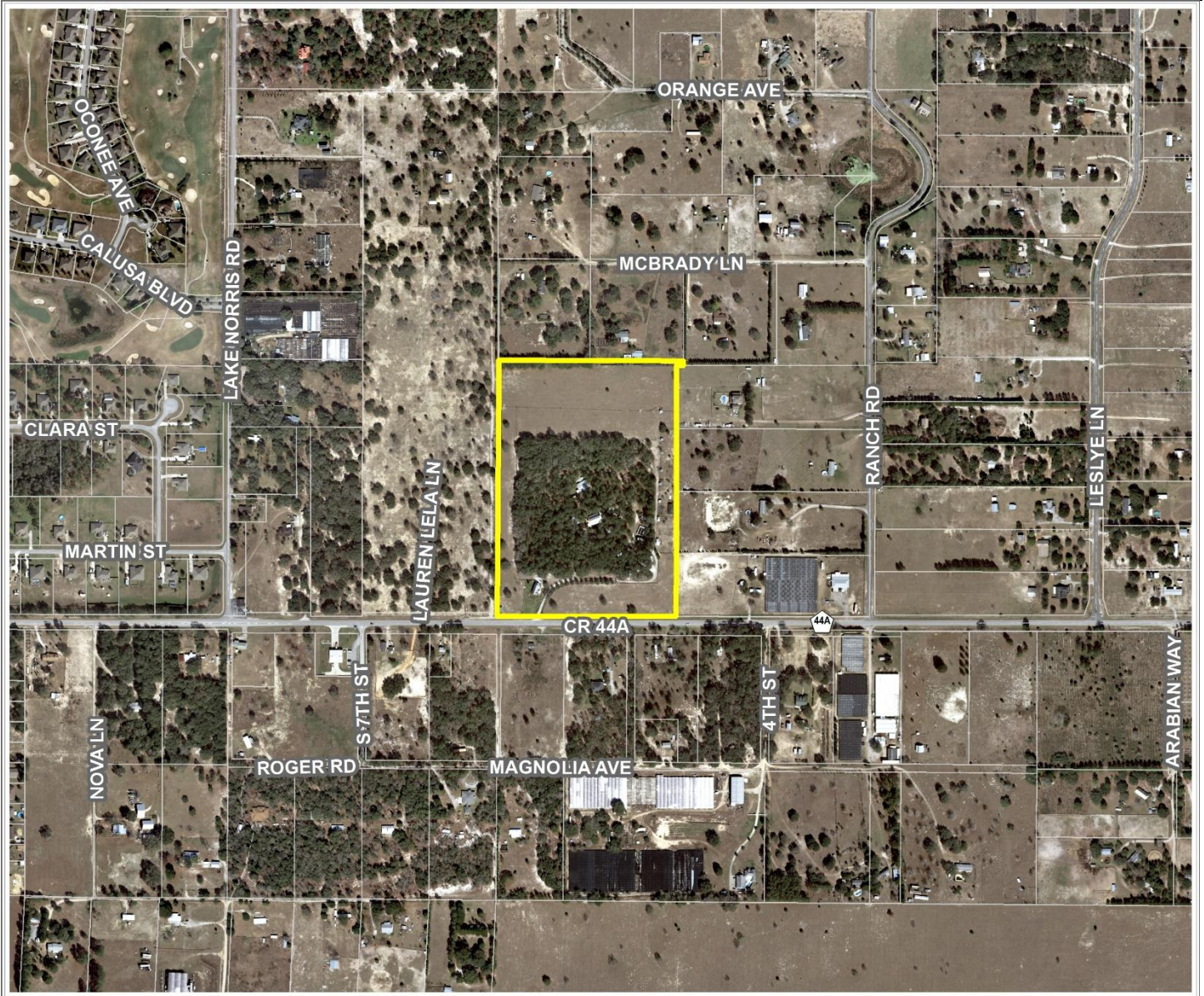


Board of Adjustment

February 9, 2017

LAKE COUNTY  
FLORIDA

VAR-17-05-5 Fredricks Property	District 5	Agenda Item #4
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**Requested Action:** Variance to Land Development Regulation (LDR) Section 10.01.03 to allow an accessory dwelling unit to be 1488 square feet living area in lieu of 1256 square feet living area.

**Owner/Applicant:** John & Carol Fredricks, Trustees

**- Site Location & Information -**

<b>Size</b>	25 +/- acres
<b>Property Address</b>	25339 CR 44A, Eustis, Florida 32736
<b>Location</b>	North of CR 44A, Eustis area
<b>Alternate Key No.</b>	2997311
<b>Future Land Use</b>	Receiving Area A-1-20
<b>Zoning District</b>	Agriculture (A) / Community Facility District (CFD)
<b>Overlay Districts</b>	Wekiva River Protection Area; Wekiva Study Area
<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>	Receiving Area A-1-20	Agriculture	Residential	Single family residence
<b>South</b>	Receiving Area A-1-20	Agriculture	Residential	Single family residence
<b>East</b>	Receiving Area A-1-20	Agriculture	Residential	Single family residence
<b>West</b>	Receiving Area A-1-20	Agriculture	Vacant	Darian Estates vacant lots

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the variance request to (LDR) Section 10.01.03 to allow an accessory dwelling unit to be 1488 square feet living area in lieu of 1256 square feet living area.

**-Staff Analysis-**

The subject property is 25 +/- acres and is located on the north side of County Road 44A, in the Eustis area. The property has split zoning, which are Agriculture (A) on the north side and Community Facility District (CFD) on the southwest corner and is part of the Receiving Area A-1-20 Future Land Use Category. The parcel has no indication of wetlands and is not located within a flood zone. Currently there is a single family dwelling, carport, work shed, two barns, tack room, chapel and an unpermitted manufactured home, which is what the current owners would like to permit as an accessory dwelling unit.

The owner/applicant bought the property in 1998 and was unaware that the two homes that were on the parcel had not been permitted. In 2016, code enforcement opened a case regarding those two homes. The owner/applicant applied for a building permit for the primary home on January 10, 2017, with a living area of 3185 square feet.

The owner/applicant is applying for a variance to Land Development Regulation (LDR) 10.01.03(B)(4) which states that an accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet or forty (40) percent of the air conditioned, enclosed living area of the principal dwelling (excludes garages, patios, porches and the like), whichever is greater. The accessory dwelling unit is 1488 square feet living area which is over the allowed 1256 square feet by 214 square feet (as seen in Exhibit A).

The **intent of the Code**, LDR Section 10.01.03, is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.

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

*“The intent of the code is to allow an accessory dwelling for guest/relative occupancy but limit the size to avoid additional impacts to adjacent properties. The site is heavily wooded and the Applicant proposes to maintain this condition to buffer adjacent properties from any additional impacts the excess square footage (288 square feet) may cause adjacent properties.”*

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**:

*“The manufactured home was placed on the property in 1978 by a previous owner. The County has no record of any permitting for the structure. The Fredricks were cited for a structure w/o a building permit and contend they have no responsibility for the placement. The applicants state it would be a substantial monetary loss if they were unable to permit and use the structure and had to remove it. They wish to clear the code violations and need the variance to do so.”*

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

1. This request is consistent with LDR 10.01.03, Accessory Structures that are Dwellings, which attempts to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security; and
2. This request is consistent with the remaining standards for accessory dwelling units as found in LDR 10.01.03(B).

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 an accessory dwelling unit to be 1488 square feet living area in lieu of 1256 square feet living area.

**WRITTEN COMMENTS FILED:**

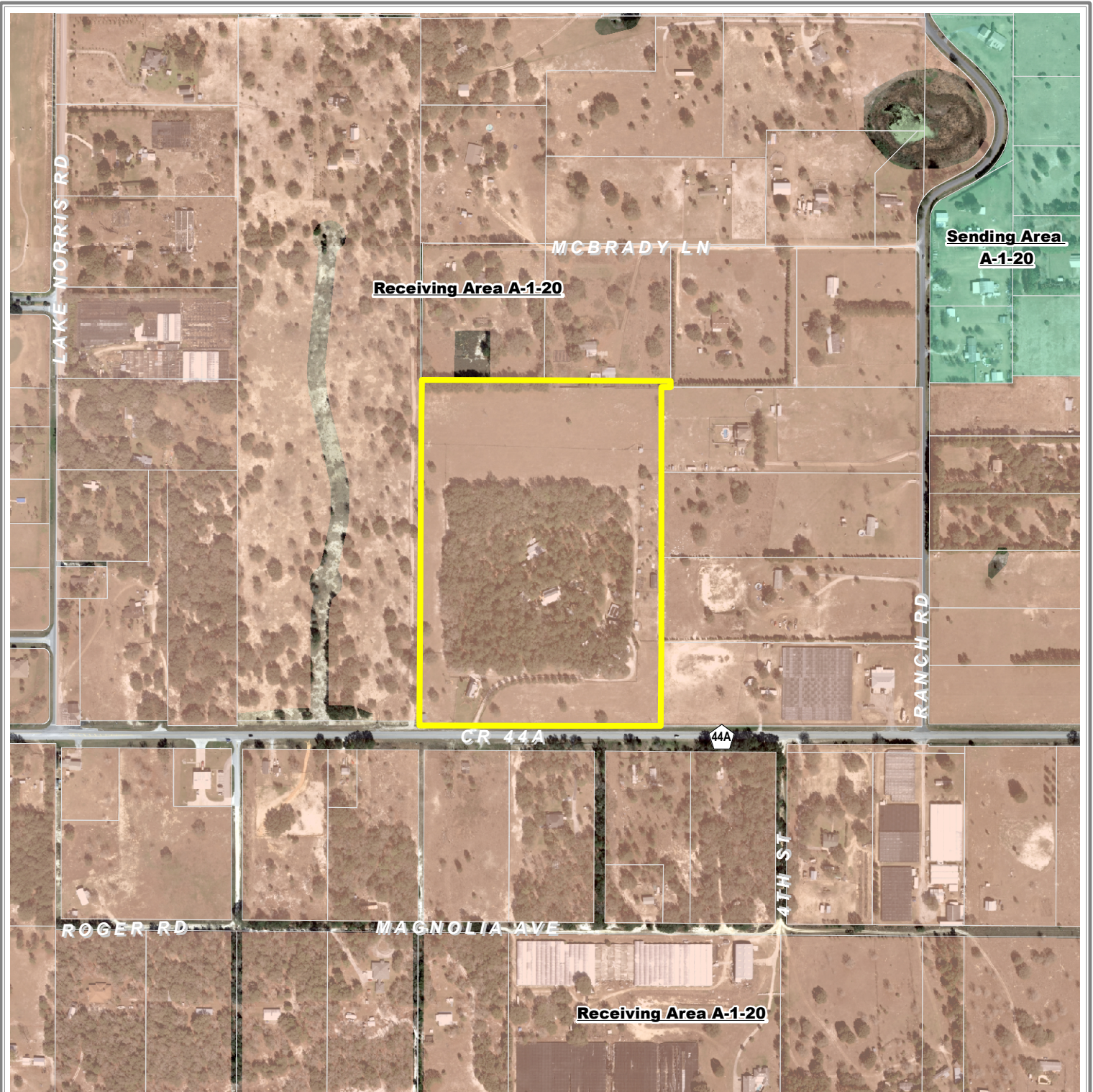
**Support: -0-**

**Questions: -0-**

**Opposition: -0-**

Case Planner: Ruth Mitchell

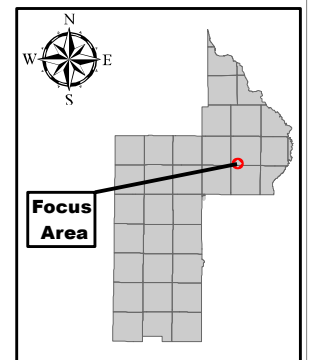


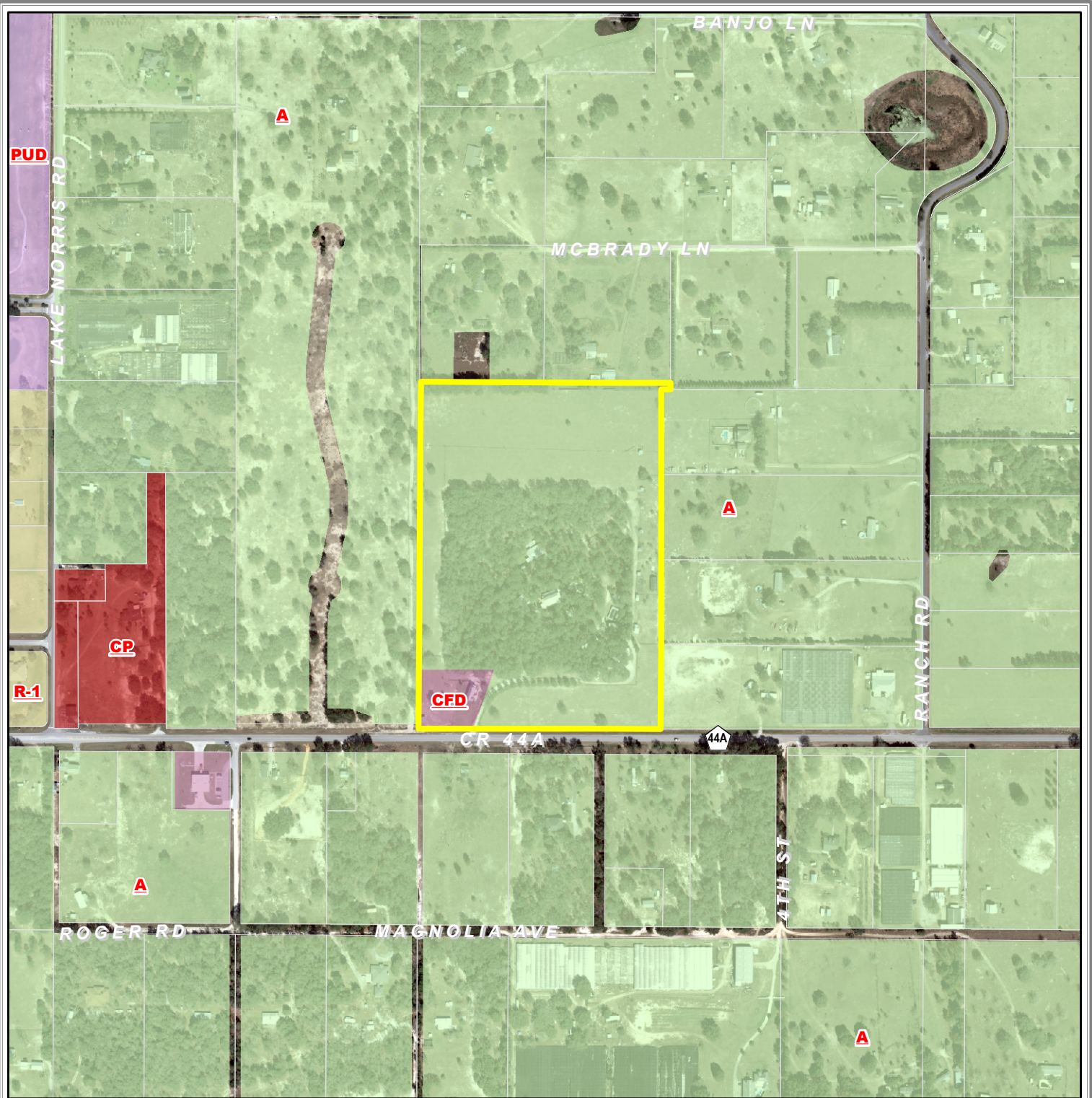


**FUTURE LAND USE LEGEND**

- |                                |  |                     |                      |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina                  | Heavy Industrial                           | Recreation          | Urban High Density   |
| Cagan Crossings                | Mt Plymouth-Sorrento Main Street District  | Regional Commercial | Urban Low Density    |
| Conservation                   | Mt Plymouth-Sorrento Neighborhood          | Rural               | Urban Medium Density |
| 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                      | Summer Bay          |                      |

**NAME: FREDRICKS**  
**CASE NUMBER: VAR-17-05-5**  
**LOCATION (S-T-R): 32-18-28**  
**REQUEST: ACCESSORY DWELLING UNIT SIZE ADJUSTMENT**

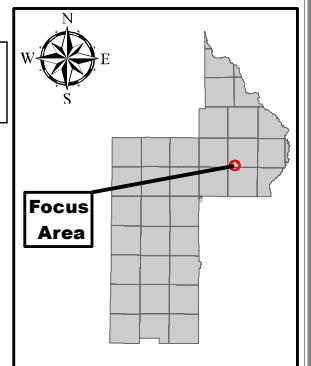




**ZONING LEGEND**

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	

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**Final Development Order**  
**John and Carol Fredricks, Trustees**  
**VAR-17-05-5**

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

**WHEREAS**, John & Carol Fredricks, Trustees (the “Applicant and Owner”), requested a variance to Land Development Regulation (LDR) Section 10.01.03 to allow an accessory dwelling unit to be 1488 square feet living area in lieu of 1256 square feet living area; and

**WHEREAS**, the subject properties consist of 25+/- acres North of County Road 44A, in the Eustis area, Alternate Key Number 2997311, and are more particularly described in below (hereinafter referred to as the “Property”):

PHILLIPSBURG FROM NE COR OF SEC RUN W ALONG W LINE OF SEC 2148.20 FT, S 0DEG 30MIN 03SEC W 2667.28 FT, N 89DEG 47MIN 28SEC W 946.10 FT TO POB, RUN S 0DEG 30MIN 03SEC W 1228.40 FT TO N R/W OF SR 44-A, N 89DEG 38MIN 36SEC W ALONG SAID N R/W 873.84 FT, N 0DEG 20MIN 36SEC E 1226.14 FT, S 89DEG 47MIN 28SEC E 877.22 FT TO POB ORB 1581 PG 2379, ORB 1726 PG 1911, ORB 1740 PG 1237 ORB2069 PG 2237

**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 February 9, 2017; 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 February 9, 2017, 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-17-05-5 to allow an accessory dwelling unit to be 1488 square feet living area in lieu of 1256 square feet living 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.

VAR 17-05-5, Fredricks Property

**Section 4. Effective Date. This Ordinance shall become effective as provided by law.**

**ENACTED this 9<sup>th</sup> day of February, 2017.**

**EFFECTIVE February 9, 2017.**

**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 February 9, 2017, by DONALD SCHREINER, who is personally known to me.**

**(SEAL)**

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**Signature of Acknowledger**