

LAKE COUNTY PLANNING AND ZONING DIVISION
VARIANCE STAFF REPORT

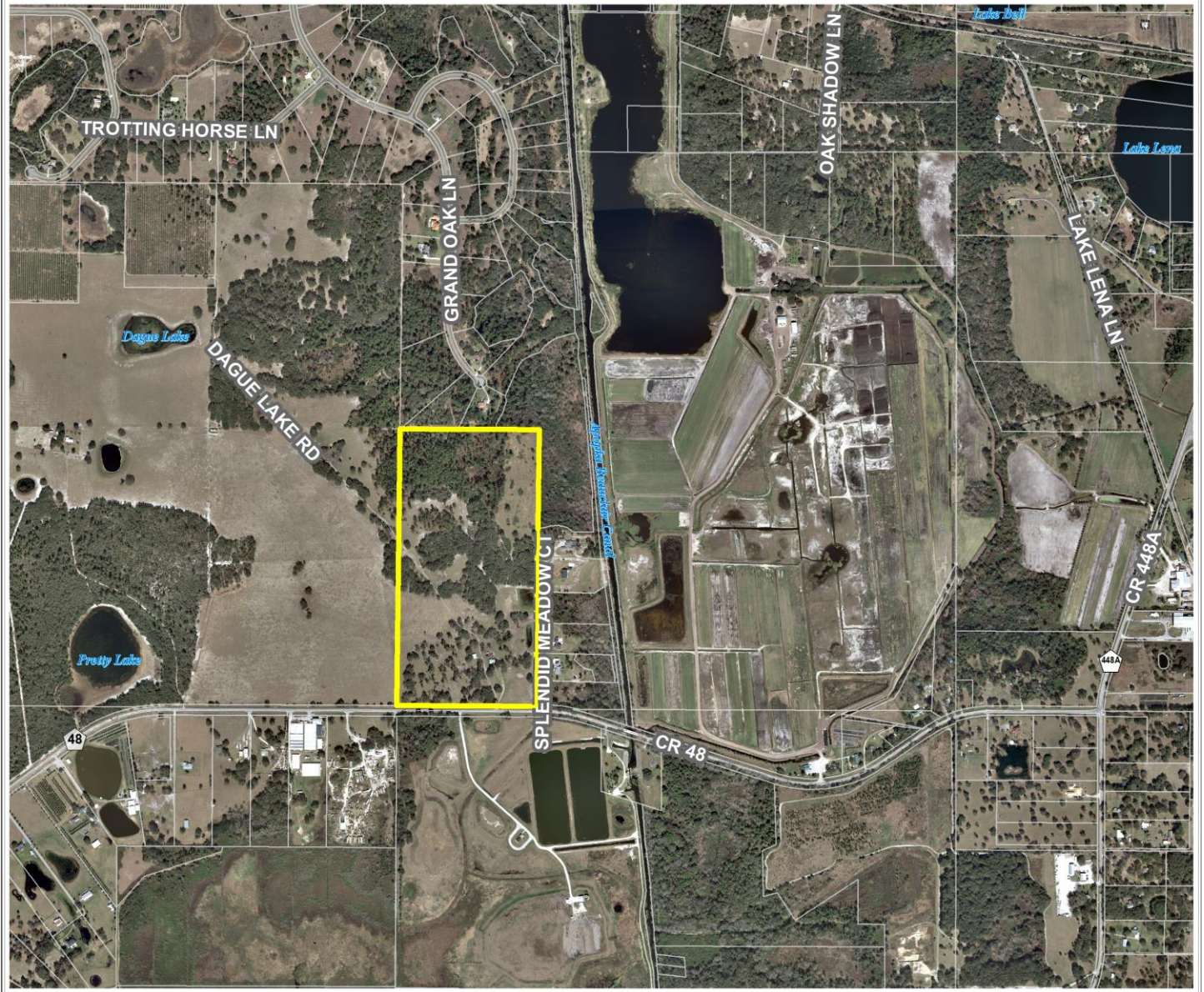


Board of Adjustment

June 8, 2017

LAKE COUNTY
FLORIDA

VAR-17-21-3 Rice Property	District 3	Agenda Item # 2
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Requested Action: Variance to Land Development Regulation (LDR) Section 10.01.03 to allow an accessory dwelling unit to be 1,600 square feet living area in lieu of 1,200 square feet living area.

Owner/Applicant: Jeremy and Heather Rice

- Site Location & Information -

Size	79.77 +/- acres
Property Address	15820 County Road 48, Astatula, FL 34705
Location	North of CR 48, Astatula area
Alternate Key No.	1095247
Future Land Use	Rural
Zoning District	Agriculture (A)
Overlay Districts	Yalaha – Lake Apopka RPA
Joint Planning Area/ISBA Area	Astatula

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Planned Unit Development	Residential	Beauclair Ranch Club Subdivision
South	Rural	County Road 48	Road	
East	Rural	Planned Unit Development	Residential	Beauclair Ranch Club Subdivision
West	Rural	Agriculture	Residential	Single Family Residence

- 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 1,600 square feet living area in lieu of 1,200 square feet living area.

-Staff Analysis-

The subject property is 79.77 +/- acres and is located on the north side of County Road 48, in the Astatula area. The property is zoned Agriculture (A) and is part of the Rural Future Land Use Category. The parcel has no indication of wetlands and portion of the parcel is located within flood zone A. Currently the property is developed with a single family dwelling and buildings used for agriculture purposes.

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 single family residence that is currently on the parcel has 1,600 square feet of living area and the owner/applicants would like to keep the existing home and build a new home with 2,000-2,500 square feet living area. Forty (40) percent of 2,500 square feet is 1,000 square feet, which would mean the owner/applicant would need to reduce the house they would like to build by 800 – 1,300 square feet.

The applicant is requesting a variance to allow an accessory dwelling unit to be 1,600 square feet living area which exceeds the permitted 1,200 square feet by 400 square feet.

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

“If approved, the home we will be building will comply with Lake County building codes and once the elderly couple are no longer in the mobile home it will be removed from the property.”

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 mobile home currently on the 80 acre property has been occupied by an elderly couple who once tended the ranch for over 30 years and are currently aged in their late 80’s. My wife and myself would like to build a home on the 80 acre parcel but we would like the couple to be able to continue living there due to their age. The mobile home is 1600 square feet living area.”

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.

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.

The parcel is a ranch that is 79.77 +/- acres that an elderly couple had tended to and lived on for 30+/- years. The owners of the parcel are ready to build a home for their family (between 2,000 – 2,500 square feet living area) and would like to keep the existing home that the couple live in order to allow the couple to continue residing on the property. The existing home occupied by the elderly couple is 1,600 square feet living area which is only 400 square feet living area more than what the code allows. The existing home meets all setback regulations and impervious service regulations. Making the elderly couple move would be a substantial hardship to the as the couple is on a limited income, they do not pay rent to the owners and they are in their 80s. It also creates a hardship for the owners to build a house that is 1,200 square feet when they would like to build a house that is 2,000 – 2,500 square feet for a growing family.

The owner/applicant is meeting the intent of the code as the elderly couple are in their 80’s and the existing house has been their home for 30+/- years. The couple does not pay rent to the owners and are on a limited income. By allowing the elderly couple to live there it will provide security and be one less thing the elderly couple will need to worry about. The owner/applicant is willing to remove the home as soon as it is no longer occupied by the elderly couple. This parcel is agriculturally exempt and is a ranch. The owner/applicant would like to keep it as a ranch and be able to live on the land, in a house larger than 1,200 square feet living area. The owner/applicant would like to retain the parcel as a whole, as opposed to submitting an application to split the parcel, as the intent of the code is to provide less expensive housing to accommodate growth and security.

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 1,600 square feet living area in lieu of 1,200 square feet living area.

WRITTEN COMMENTS FILED: **Support: -0-** **Questions: -0-** **Opposition: -0-**

Case Planner: Ruth Mitchell, Associate Planner



FUTURE LAND USE LEGEND

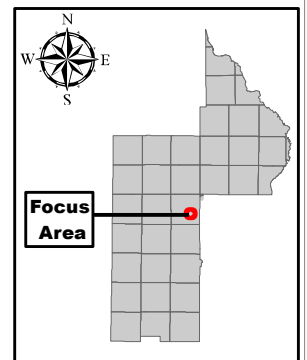
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|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban High Density |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low 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 | |

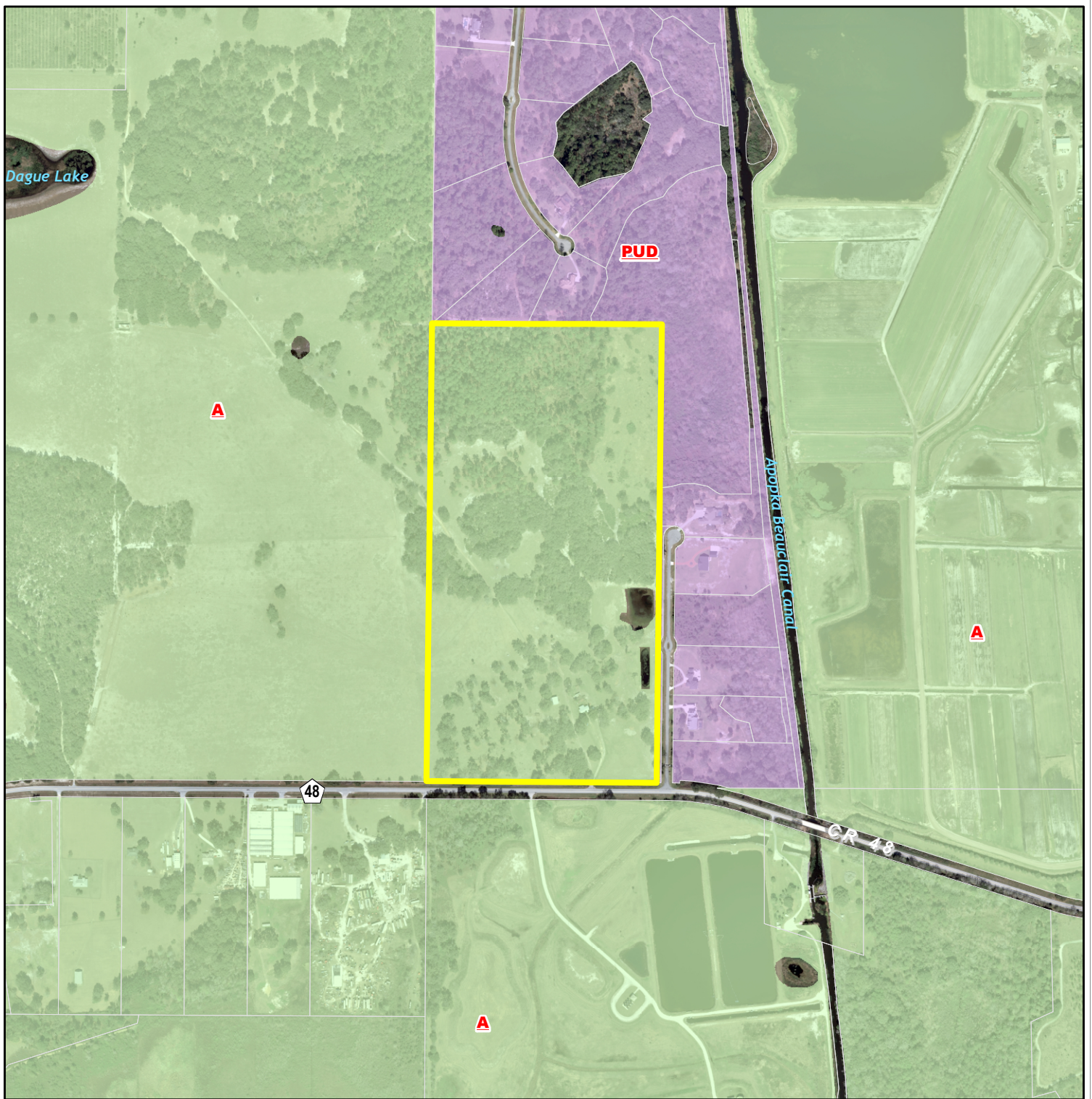
NAME: RICE

CASE NUMBER: VAR-17-21-3

LOCATION (S-T-R): 23-20-26

REQUEST: ACCESSORY DWELLING UNIT SQUARE FOOTAGE

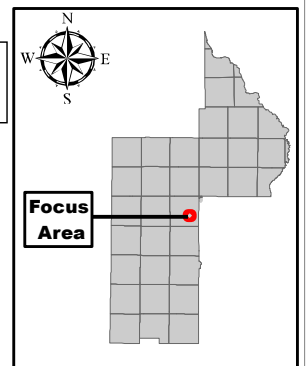




ZONING LEGEND

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: RICE
CASE NUMBER: VAR-17-21-3
LOCATION (S-T-R): 23-20-26
REQUEST: ACCESSORY DWELLING UNIT SQUARE FOOTAGE



Final Development Order
Jeremy S. Rice & Heather M. Rice
VAR-17-21-3

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

WHEREAS, Jeremy S. Rice and Heather M. Rice (the “Applicants” and “Owners”), requested a variance to Land Development Regulation (LDR) Section 10.01.03(B)(4) to allow an accessory dwelling unit to be 1,600 square feet living area in lieu of 1,200 square feet living area; and

WHEREAS, the subject properties consist of 79.77 +/- acres North of County Road 48, in the Astatula area, in Section 23, Township 20, Range 26, having Alternate Key Number 1095247 and is more particularly described below as:

That part of the W ½ of the SW ½, Section 23, Township 20 South, Range 26 East, Lake County, Florida lying North of County Road Number 48.

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 June 8, 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 June 8, 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-17-21-3 to allow an accessory dwelling unit on the Property to be a maximum of 1,600 square feet living area in lieu of 1,200 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.

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

ENACTED this 8th day of June, 2017.

EFFECTIVE June 8, 2017.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Catherine Hanson, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

Signature of Acknowledger