

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

Board of Adjustment



March 8, 2018

| VAR-18-03-5<br>Seymour Property   | Commissioner District 5<br>Blake | Agenda Item #1 |
|---|----------------------------------|----------------|
|  |                                  |                |

**Requested Action:** Variance from Lake County Land Development Regulations (LDR) Section 3.01.02(A)(1)(a), to allow an accessory dwelling unit with a width of eleven (11) feet seven (7) inches at the narrowest point in lieu of twenty-three (23) feet four (4) inches.

**Owners/Applicants:** Anthony D. and Anthony J. Seymour (the “Owners” and the “Applicants”)

**- Site Location & Information -**

|                                 |  |
|---------------------------------|--|
| <b>Size</b>                     | 11.64 +/- acres                                      |
| <b>Location</b>                 | 40630 and 40712 Bridal Path Lane, Leesburg, FL 34788 |
| <b>Alternate Key #</b>          | 3345771 and 1122023                                  |
| <b>Future Land Use</b>          | Rural  |
| <b>Existing Zoning District</b> | Agriculture (A)                                      |
| <b>JPA/ISBA</b>                 | None   |
| <b>Overlay Protection Area</b>  | Emerald Marsh River Protection Area                  |
| <b>Commission District</b>      | 5  |

**-Land Use Table-**

| <u>Direction</u> | <u>Future Land Use</u> | <u>Zoning</u>   | <u>Existing Use</u> | <u>Comments</u>                       |
|------------------|------------------------|-----------------|---------------------|---------------------------------------|
| North            | Rural                  | Agriculture (A) | Residential         | Single Family Residence with wetlands |
| South            | Rural                  | Agriculture (A) | Vacant              | Single Family Residence with wetlands |
| East             | Rural                  | Agriculture (A) | Street              | Large Tract of Land with Wetlands     |
| West             | None                   | None            | Street              | Bridle Path Lane                      |

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL WITH CONDITIONS** of the variance from Lake County Land Development Regulations (LDR) Section 3.01.02(A)(1)(a), to allow an accessory dwelling unit with a width of eleven (11) feet seven (7) inches at the narrowest point in lieu of twenty-three (23) feet four (4) inches.

**- Background -**

The property is zoned Agriculture (A) and is designated by the Comprehensive Plan as Rural Future Land Use Category. According to the Federal Emergency Management Agency (FEMA) map, the property lies within flood zones "AE" and "X". According to GIS map data and plot plan, the parcel contains wetlands. The subject parcel was reconfigured through the lot line deviation process and is described as Lot Line Deviation #2017-28-5 Parcel E.

The subject 11.64 +/- acre parcel is developed with a two-story block residence, wood deck, concrete area, storage shed with concrete area, pool with wood steps, mobile home, utility room with wood deck, covered wood deck, and two (2) storage sheds.

**-Reason for Request-**

The applicant is requesting a variance from Lake County Land Development Regulations Section 3.01.02(A)(1)(a), to allow a structure to be used as an accessory dwelling unit with a width of eleven (11) feet seven (7) inches at the narrowest point in lieu of twenty-three (23) feet four (4) inches.

**-Staff Analysis-**

**LDR Section 14.15.02 states that variances will 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**

**1. The purpose of the Land Development Regulation will be or has been achieved by other means.**

*“Physical disable I need help on property – upkeep – feeding cows. I need the dwelling for my son”*

The intent of the Code, LDR Section, 3.01.02(A)(1), is to provide a minimum architectural standard for single-family dwelling units to ensure compatibility with the surrounding neighborhood, while allowing a mixture of architectural styles. The surrounding area consists of a mixture of single-wide and double-wide mobile homes on surrounding lots. Allowing a single-family dwelling unit with a reduced width will not adversely affect the character of the surrounding neighborhood (Attachment B). LDR Section 3.01.02(A)(1)(a) requires a dwelling unit have a minimum width of twenty-three (23) feet four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area. The surrounding area consists of a mixture of single-wide and double-wide mobile homes on surrounding lots. Allowing a single-family dwelling unit with a reduced width will not adversely affect the character of the surrounding neighborhood (Attachment B).

**2. The 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. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.**

*“The actual size of the mobile home is 11.8 with 11.8 attachment The code requires me to have 23’4” at the narrowest point which I do not meet – the house has been on site since 1991”*

Per the Code, a single family dwelling unit must have a minimum width of twenty-three (23) feet four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility areas. The Owner has provided a statement that the home has been on the property since 1991 and provided a plot plan showing the current location of the existing primary dwelling unit and accessory dwelling unit (Attachment A). LDR Section 3.01.02(A)(1)(a) requires a dwelling unit have a minimum width of twenty-three (23) feet four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, carports or utility area. Requesting that the Owner remove the existing dwelling and replacing it with a dwelling unit that meets the current regulation would cause a hardship due to his disability and an additional expense.

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

- This request is consistent with Land Development Regulations (LDR) Section 3.00.02(B) Purpose and Intent of District, which describes the intent of the Agriculture (A) Zoning District; and
- The request is consistent with Land Development Regulations (LDR) Section 3.01.02(A)(1) Classification of Uses, which attempts to protect the use of property and surrounding properties by implementing minimum standards. The existing dwelling unit will not alter the character of the neighborhood or create adverse impacts on the adjacent lots, which is the intent of the regulation; and
- This request is consistent with Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, which allows single-family dwelling units in the Agriculture (A) Zoning District; and
- The request is consistent with Land Development Regulations (LDR) Table 3.02.09 Minimum Structure Size Requirements, which requires the minimum structure size to be 850 square feet in the Agriculture (A) Zoning District; and
- This request is consistent with Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category, which

allows residential uses as a permitted use.

The owner/applicant has submitted proof of meeting the intent of the Code and has provided proof of a substantial hardship indicating 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 Lake County Land Development Regulations (LDR) Section 3.01.02(A)(1)(a), to allow an accessory dwelling unit with a width of eleven (11) feet seven (7) inches at the narrowest point in lieu of twenty-three (23) feet four (4) inches.

**WRITTEN COMMENTS FILED:**

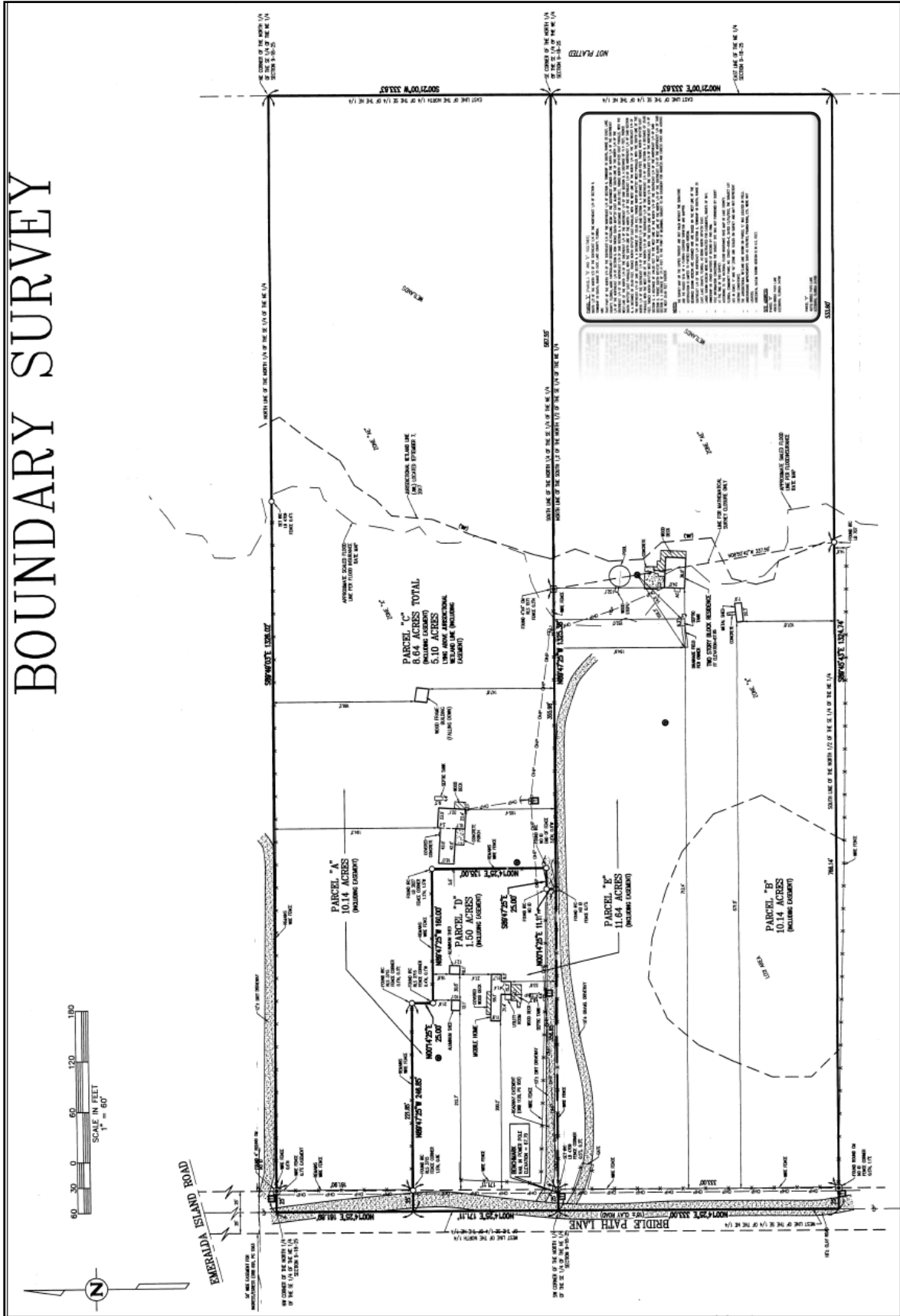
**Supportive: -0-**

**Concern: -0-**

**Opposition: -0-**

**Case Manager:** Janie Barrón, Planner

**Exhibit A**  
Plot plan

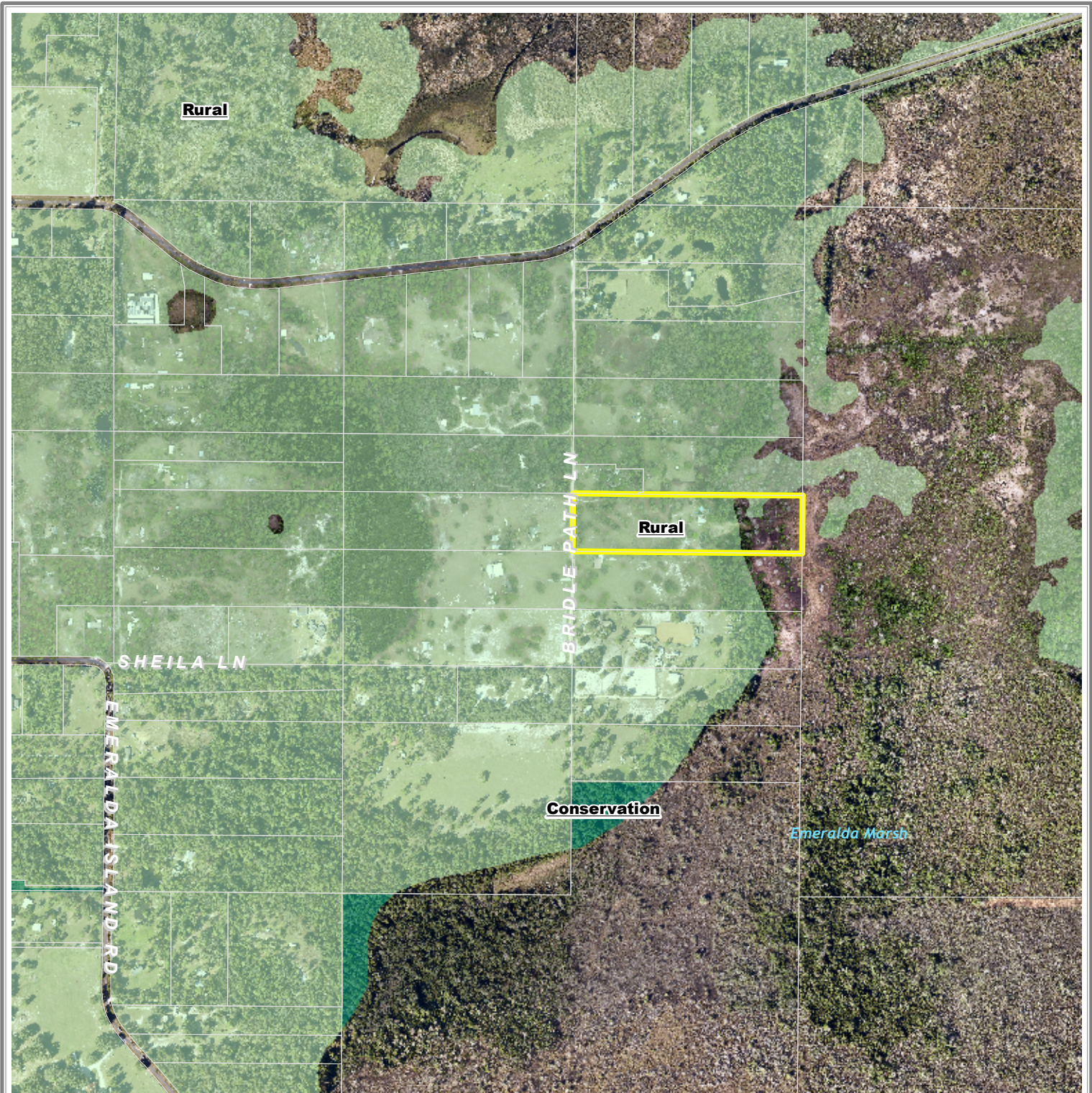


## **Exhibit B**

### Minimum Structure Width of Surrounding Single Family Residences

| Alternate Key Number | Dimensions of Residence excluding any attached screen room, architectural design features, garages, carports or utility area.* |
|----------------------|--|
| 1121833              | 16' X 76'  |
| 1122058              | 12' X 61'  |
| 1121965              | 12' X 57'  |
| 1778603              | 12' X 50'  |
| 1386420              | 12' X 65'  |

\*Information obtained through the Lake County Property Appraiser Website.



**FUTURE LAND USE LEGEND**

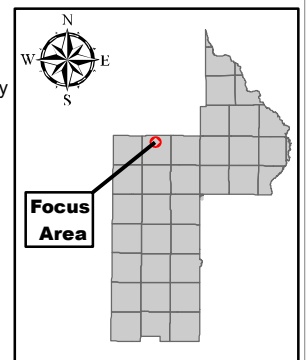
- |                                |  |                          |                      |
|--------------------------------|--|--------------------------|----------------------|
| Bella Collina                  | Heavy Industrial                           | Recreation               | Summer Bay           |
| 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         | Urban High Density   |
| 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                      | South Lake Regional Park |                      |

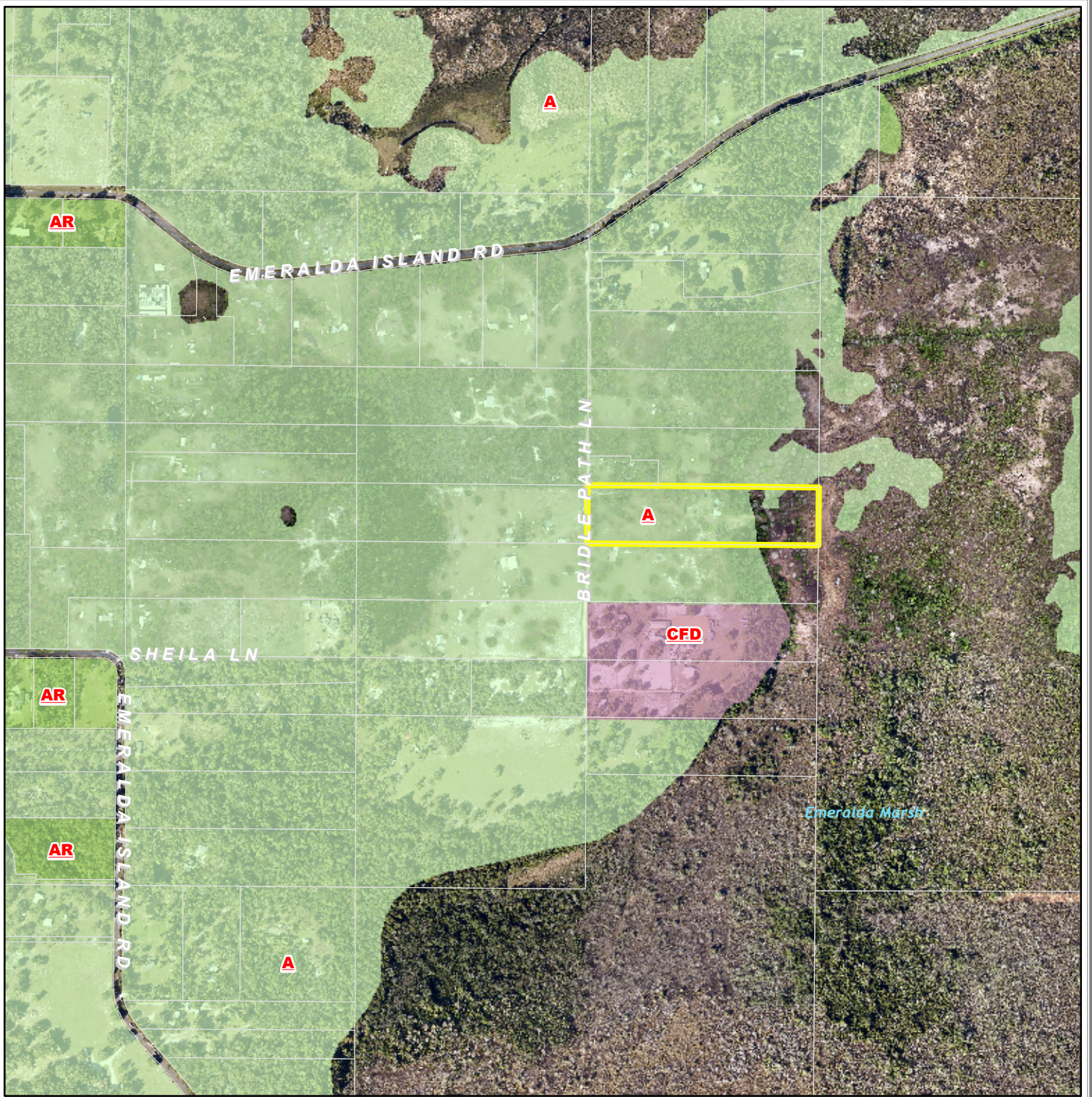
**NAME: SEYMOUR PROPERTY**

**CASE NUMBER: VAR-18-03-5**

**LOCATION (S-T-R): 09-18-25**

**REQUEST: ACCESSORY DWELLING UNIT (ADU) ADJUSTMENT**





**ZONING LEGEND**

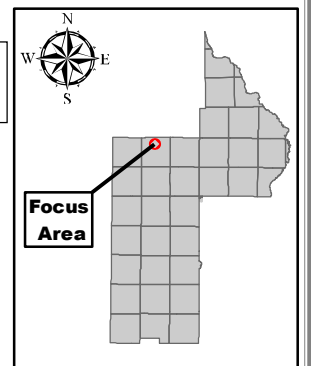
|    |     |     |     |     |      |     |     |    |     |     |
|----|-----|-----|-----|-----|------|-----|-----|----|-----|-----|
| A  | RA  | R-2 | R-4 | R-7 | RMRP | RV  | C-2 | LM | MP  | PUD |
| AR | R-1 | R-3 | R-6 | RP  | RM   | C-1 | CP  | HM | CFD |     |

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**REQUEST: ACCESSORY DWELLING UNIT (ADU) ADJUSTMENT**





**Final Development Order**  
**VAR-18-03-5**  
**Seymour Property**

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

**WHEREAS**, Anthony D. Seymour and Anthony J. Seymour (the "Owners") requested a variance to Lake County Land Development Regulations (LDR) Section 3.01.02(A)(1)(a), to allow an accessory dwelling unit with a width of eleven (11) feet seven (7) inches at the narrowest point in lieu of twenty-three (23) feet four (4) inches; and

**WHEREAS**, the subject property consists of 11.64 +/- acres and are located east of Bridle Path Lane in the Leesburg area, in Section 09, Township 18 South, Range 25 East, having Alternate Key Numbers 3345771 and 1122023 and more particularly described below as:

LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]

**WHEREAS**, after giving notice of a hearing on the petition for a variance to the Lake County Land Development Regulations, including notice that the petition for a variance would be presented to the Board of Adjustment of Lake County, Florida, on February 8, 2018; and

**WHEREAS**, the Board of Adjustment reviewed the 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 8, 2018, 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:

- Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-18-03-5 to allow an accessory dwelling unit with a width of eleven (11) feet seven (7) inches at the narrowest point in lieu of twenty-three (23) feet four (4) inches.
- Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

**Section 3. Effective Date. This Ordinance will become effective as provided by law.**

**ENACTED this 8<sup>th</sup> day of February, 2018.**

**EFFECTIVE February 8, 2018.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**Catherine Hanson, Chairman**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of February, 2018, 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**

Exhibit A. Legal Description.

SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 of SECTION 9, TOWNSHIP 18 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

AND

THAT PART OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9, A DISTANCE OF 318.85 FEET, THEN NORTH 00°14'25" EAST PARALLEL WITH THE WEST LINE OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9, A DISTANCE OF 11.11 FEET, THENCE SOUTH 89°47'25" EAST PARALLEL WITH THE SOUTH LINE OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9, A DISTANCE OF 25.00 FEET, THENCE NORTH 00°14'25" EAST PARALLEL WITH THE WEST LINE OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9, A DISTANCE OF 135.00 FEET, THENCE NORTH 89°47'25" WEST PARALLEL WITH THE SOUTH LINE OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9, A DISTANCE OF 160.00 FEET, THENCE NORTH 00°14'25" EAST PARALLEL WITH THE WEST LINE OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9, A DISTANCE OF 25.00 FEET, THENCE NORTH 89°47'25" WEST PARALLEL WITH THE SOUTH LINE OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, A DISTANCE OF 246.85 FEET TO THE WEST LINE OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9, A DISTANCE OF 171.11 FEET TO THE POINT OF BEGINNING. SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE WEST 25.00 FEET THEREOF.