

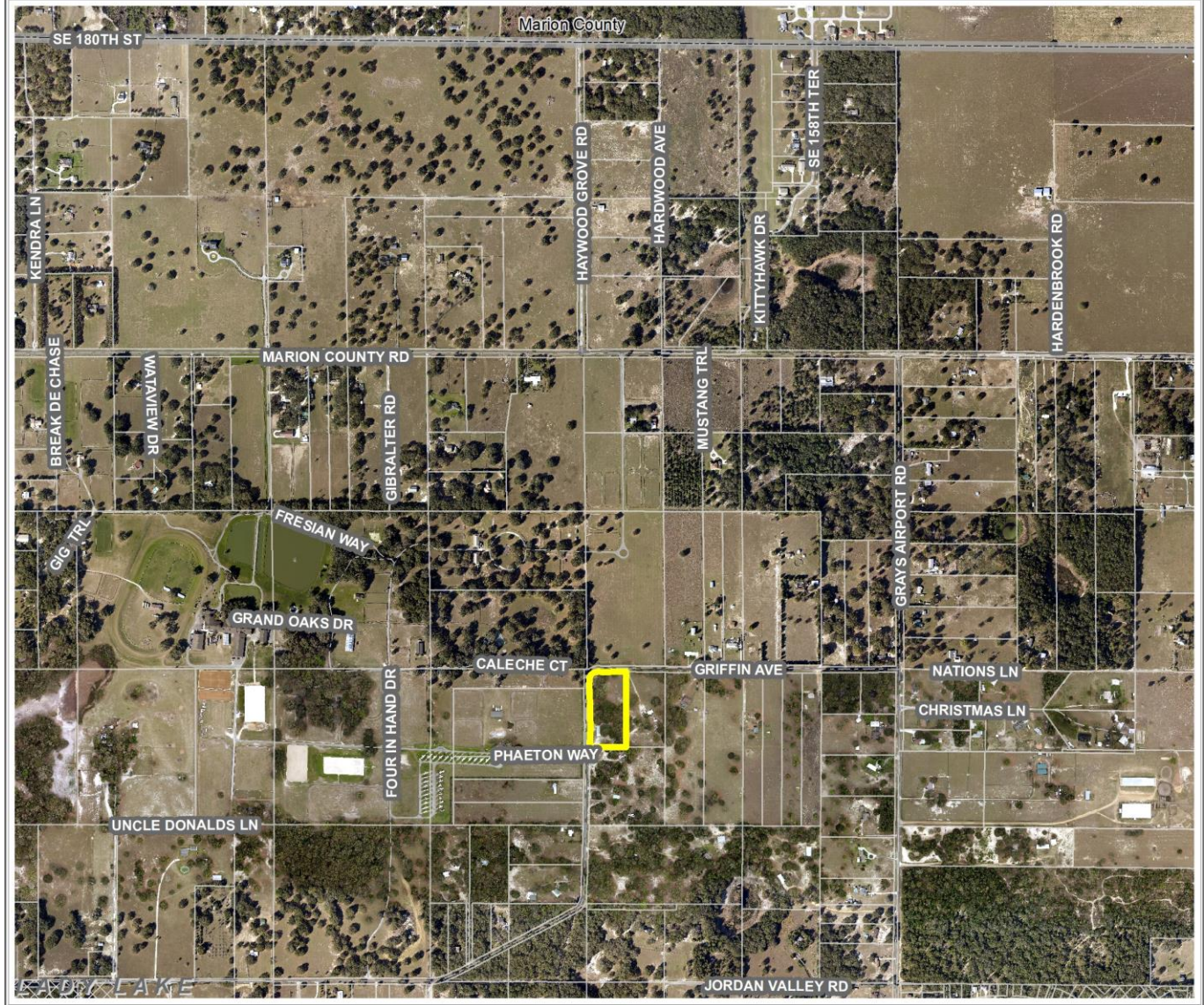
**LAKE COUNTY OFFICE OF PLANNING AND ZONING
BOARD OF ADJUSTMENT STAFF REPORT**

Board of Adjustment



April 12, 2018

VAR-18-21-5 Jones Property	Commissioner District 5	Agenda Item #2
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Applicant Requested Action: Variance from Lake County Land Development Regulations (LDR) Section 10.01.03(B)(4), to allow an accessory dwelling unit to have 1,837 square feet of living area in lieu of 1,200 square feet of living area and a variance from LDR Section 10.01.03(B)(5) to allow an accessory dwelling unit to be constructed with a different architectural design standard than the primary residence.

Owners and Applicants: John and Romyne Jones (the "Applicants")

- Site Location & Information -

Size	4.45 +/- acres
Location	3516 Griffin Avenue, Lady Lake
Alternate Key #	1238358
Future Land Use	Rural
Existing Zoning District	Agriculture (A)
Overlay Protection Area	NA
JPA/ISBA	Lady Lake ISBA
Commission District	5

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Public Service facility and Infrastructure	Community Facility District	Vacant	Adjacent to Griffin Avenue
South	Rural	Agriculture	Residential	Single Family Dwelling Unit
East	Rural	Agriculture	Residential	Single Family Dwelling Unit
West	Rural	Community Facility District	Grand Oaks Holding	Adjacent to Griffin Avenue

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **Approval with Conditions** of the variance from Lake County Land Development Regulations (LDR) Section 10.01.03(B)(4), to allow an accessory dwelling unit to have 1,837 square feet of living area in lieu of 1,200 square feet of living area and a variance from LDR Section 10.01.03(B)(5) to allow an accessory dwelling unit to be constructed with a different architectural design standard than the primary residence with the condition that the accessory dwelling unit and the primary residence have similar color schemes

- Background -

The subject property is identified as Alternate Key Number 1238358 and is generally located at the intersection of Griffin Avenue and Caleche Court in the Lady Lake area. The parcel is zoned Agriculture (A) with a Rural Future Land Use Category (FLUC). According to the GIS Map, the property does not lie within a floodplain area and there is no indication that wetlands exist on the site. The subject property contains 4.45 +/- acres and is currently developed with mobile home with 1,837 square feet of living area and wood deck.

- Reason for Request -

The Applicants have requested a variance from LDR 10.01.03(B)(4), which states that an accessory dwelling unit may not exceed 1,200 square feet of living area 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 Applicants recently purchased the subject property which included an existing mobile home with 1,837 square feet of living area and wood deck as seen in the attached survey (Attachment #1). The Applicants have requested this variance because the existing mobile home that is to be used as an accessory dwelling unit exceeds the maximum allowed square footage per LDR 10.01.03(B)(4). The Applicants intend to construct a larger site built home and utilize the existing mobile home as an accessory dwelling unit for their children.

The Applicants have also requested a variance from LDR Section 10.01.03(B)(5), which states that an accessory dwelling unit shall be located and designed not to interfere with the appearance of the principal dwelling as a one-family dwelling unit and the accessory dwelling unit shall be the same architectural style as the principal dwelling unit. This variance was requested because the proposed site built single family residence and the existing mobile home that will be used as an accessory dwelling unit will have different architectural styles as one will be site built and one is a mobile home and they will not be utilizing the same colored materials. The Applicants have indicated in their statement, Attachment #2, that the two residential structures will have the same paint scheme and siding.

– 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.

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

The Applicants provided the following explanation for meeting the intent of the code (10.01.03(B)(4)): *“We believe that the purpose of the code is being achieved by other means when keeping the existing home. First, by being more than 1,200 square feet, the home will provide housing for our adult children. Our older daughter and her fiancé have started a family and have a son. They both work full-time and are students. Our younger daughter and her fiancé have recently moved to Lady Lake to be near us and start their family. The home will provide an opportunity at affordable housing that they would not otherwise have at this point, as well as room to grow their young families.”*

The Applicants provided the following explanation for meeting the intent of the code (10.01.03(B)(5)): *“Secondly, although the homes will not be the same since one is a mobile home and one is site built, they will be of similar style and appearance. The mobile home has horizontal lap siding, and the new home will have horizontal lap siding on the front and also be one story. It will be painted in the same tan/brown color family as the existing mobile home. Plus, the homes will be in different areas of the property, so there will be some separation which could give the appearance of separate parcels.”*

The Applicants’ complete statement is included as Attachment #2. The Applicants intend to convert the existing mobile home into an accessory dwelling unit in order to provide their adult children with affordable housing that will be close to the Applicants’ proposed single family residence. The Applicants have also stated in Attachment #2 that the existing mobile home and the proposed site built home will have similar siding and color schemes in order to ensure that both residential structures have a similar appearance. Additionally, per the survey, Attachment #1, the existing mobile home meets all required setbacks as found in 1.08.04, Nonconforming Lots - Setback Requirements, and meets the remaining criteria found in LDR 10.01.03(B), *Accessory Structures as Dwellings*.

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 Applicants provided the following hardship statement: “Conforming to the code would mean removal of the mobile home and cause a financial hardship because we had to buy the mobile home in order to buy the property. We did offer to buy the property without it, but the seller would only sell the property with it. As a result, the purchase price was substantially higher than if we had been able to purchase the land alone. A copy of the property record card is attached, showing the values of the mobile home and property. This higher purchase price affects our budget for construction of our home, maintenance and improvements to the property. Also, in order to keep the mobile home per the code as written, we would have had to build a home of greater than 5,100 square feet of living space, so that the mobile home is no more than 40% of the size of the primary home. This is not feasible due to the costs of construction and maintenance plus the upkeep on such a large home.”

The Applicants have stated that removing the existing mobile home would be a burden because they were unable to purchase the property without the mobile home and consequently the purchase price of the property was higher. The Applicants have also indicated that it would be a financial hardship to construct a single family dwelling unit that is large enough to allow an accessory dwelling unit with 1,837 square feet of living area. Per LDR Section 10.01.03(B)(5), an accessory dwelling unit may not exceed 1,200 square feet of living area or 40% of the living area of the primary residence; in order to utilize the existing mobile home as an accessory dwelling unit without the variance the Applicants would need to construct a 5,100 square foot home.

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

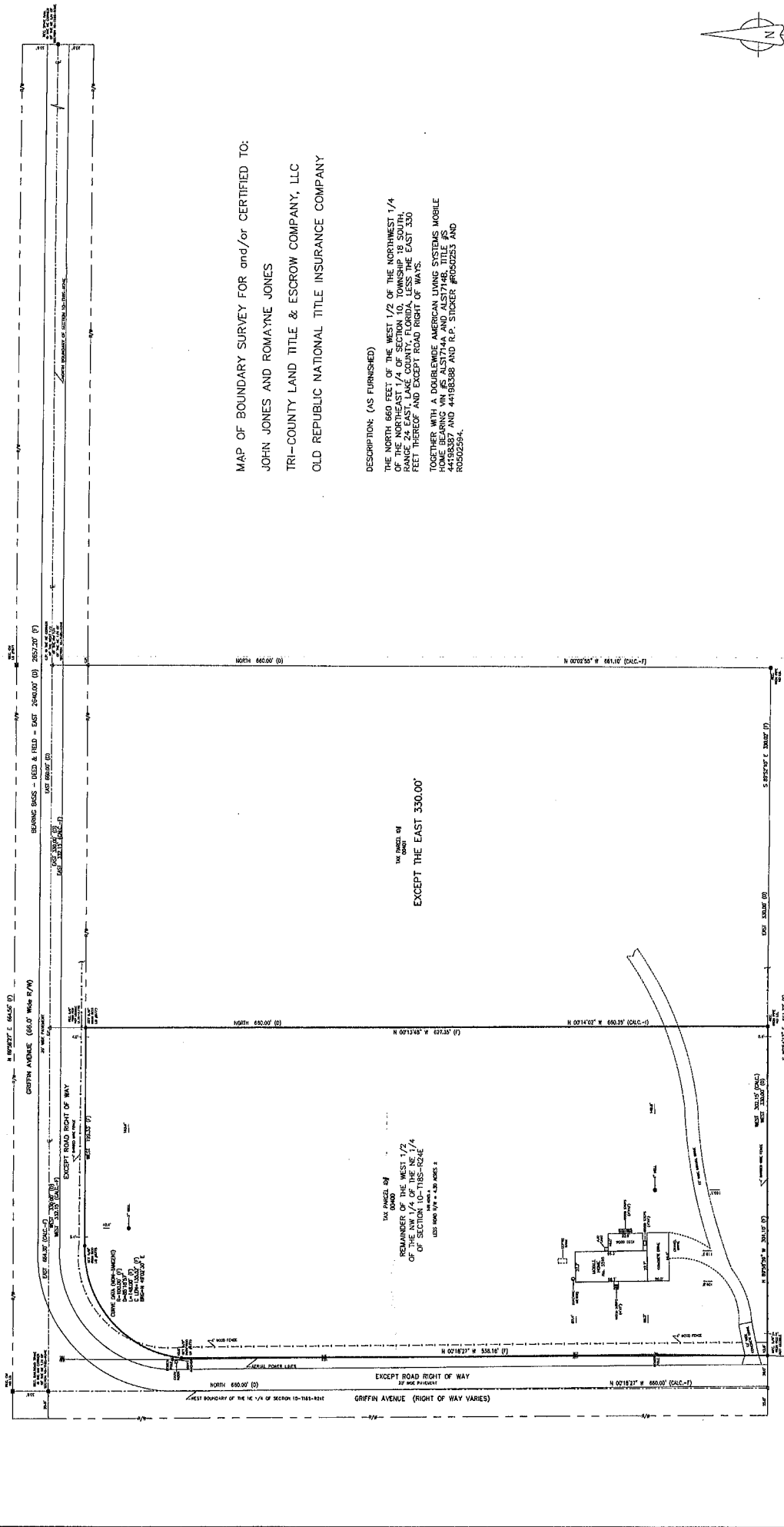
- The existing mobile home meets all setback requirements as found in LDR Table 1.08.04, *Nonconforming Lots - Setback Requirements*.
- This request is consistent with the purpose of LDR 10.01.03(A), *Accessory Structures as Dwellings*, which attempts to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.
- This request is consistent with the remaining standards for accessory dwelling units found in LDR 10.01.03(B).

The Applicants have submitted evidence of meeting the intent of the Code and have provided evidence 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 with Conditions** of the variance from Lake County Land Development Regulations (LDR) Section 10.01.03(B)(4), to allow an accessory dwelling unit to have 1,837 square feet of living area in lieu of 1,200 square feet of living area and a variance from LDR Section 10.01.03(B)(5) to allow an accessory dwelling unit to be constructed with a different architectural design standard than the primary residence with the following condition:

1. The accessory dwelling unit and the primary residence must have similar color schemes and siding.

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

Case Manager: Christine Rock, Planner



MAP OF BOUNDARY SURVEY FOR and/or CERTIFIED TO:
 JOHN JONES AND ROMAYNE JONES
 TRI-COUNTY LAND TITLE & ESCROW COMPANY, LLC
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

DESCRIPTION: (AS FURNISHED)

THE NORTH 660 FEET OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 24 NORTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LESS THE EAST 330 FEET THEREOF AND EXCEPT ROAD RIGHT OF WAYS, TOGETHER WITH A DOORLEWIDE AMERICAN LIVING SYSTEMS MOBILE HOME BEARING VIN JS AL5174A AND AL5174B, TITLE JS 4485557 AND 44198388 AND R.P. STICKER #R050253 AND R030265A.

THE PARCEL OF
 BOND
 EXCEPT THE EAST 330.00'

THE PARCEL OF
 BOND
 THE SOUTHWEST 1/4 OF THE WEST 1/2 OF SECTION 10-1185-R24E T33S R24E W4E AS ACRES 1

MARK W. EVANS & ASSOC., INC. — LAND SURVEYORS
 1105 S. GOLF COURSE RD., SUITE 100, GAITHERSBURG, MD 20878
 PHONE: (301) 251-1144
 FAX: (301) 251-1145
 WWW: WWW.MWELANDSURVEYORS.COM

DATE: 7/14/14
 PROJECT: 14-001

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE PROFESSIONAL STANDARD CONDITIONS OF PRACTICE FOR LAND SURVEYORS IN THE STATE OF MARYLAND AND THE STANDARD CONDITIONS OF PRACTICE FOR LAND SURVEYORS IN THE STATE OF VIRGINIA.

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

**J.E. JONES, JR.
ROMAYNE N. JONES
3516 GRIFFIN AVE.
LADY LAKE, FL 32159**

February 14, 2018

Lake County Office of Planning & Zoning
Attn.: Christine Rock
315 W Main St, Rm 510
Tavares, FL 32778

Re: 3516 Griffin Ave, Lady Lake

Dear Ms. Rock:

After looking for two years for property on which to build our home, we found and purchased this property. There is an existing 3-bedroom mobile home of approximately 1,800 square feet on the property, which we are asking to keep once our home is built. We will need variance of the Lake County code for two reasons:

1. Accessory Dwelling Unit (existing mobile home) exceeds 1,200 square feet of living area.
2. The two structures do not have the same architectural style as one is a mobile home and one will be a site built home.

We believe that the purpose of the code is being achieved by other means when keeping the existing home. First, by being more than 1,200 square feet, the home will provide housing for our adult children. Our older daughter and her fiancé have started a family and have a son. They both work full-time and are students. Our younger daughter and her fiancé have recently moved to Lady Lake to be near us and start their family. The home will provide an opportunity at affordable housing that they would not otherwise have at this point, as well as room to grow their young families.

Secondly, although the homes will not be the same since one is a mobile home and one is site built, they will be of similar style and appearance. The mobile home has horizontal lap siding, and the new home will have horizontal lap siding on the front and also be one story. It will be painted in the same tan/brown color family as the existing mobile home. Plus, the homes will be in different areas of the property, so there will be some separation which could give the appearance of separate parcels.

**J.E. JONES, JR.
ROMAYNE N. JONES
3516 GRIFFIN AVE.
LADY LAKE, FL 32159**

February 14, 2018
Lake County Office of Planning & Zoning
Attn.: Christine Rock
Cont'd.

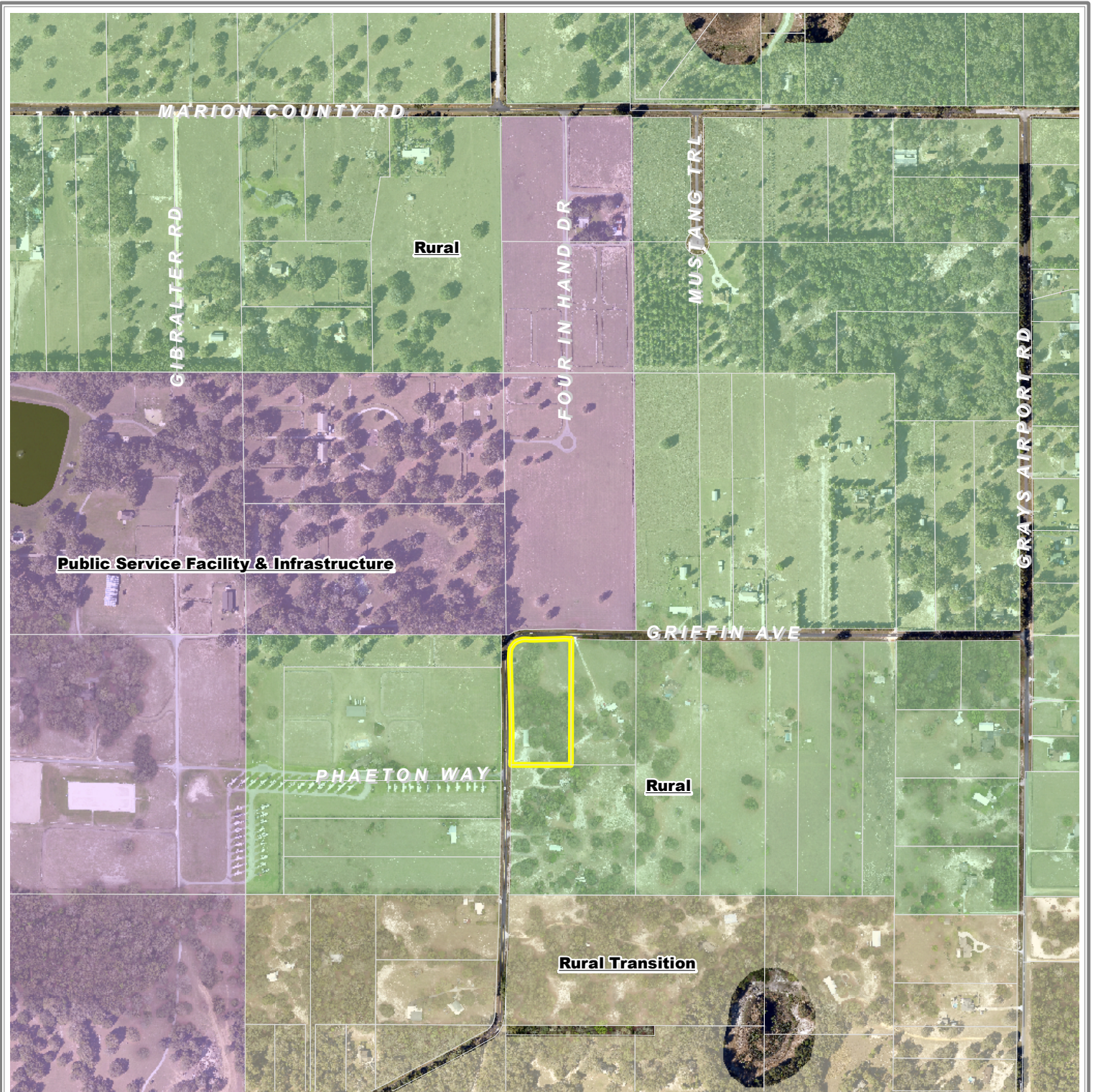
Conforming to the code would mean removal of the mobile home and cause a financial hardship because we had to buy the mobile home in order to buy the property. We did offer to buy the property without it, but the seller would only sell the property with it. As a result, the purchase price was substantially higher than if we had been able to purchase the land alone. A copy of the property record card is attached, showing the values of the mobile home and property. This higher purchase price affects our budget for construction of our home, maintenance and improvements to the property. Also, in order to keep the mobile home per the code as written, we would have had to build a home of greater than 5,100 square feet of living space, so that the mobile home is no more than 40% of the size of the primary home. This is not feasible due to the costs of construction and maintenance plus the upkeep on such a large home.

In summary, we are asking for variance of two sections of the code so that we can keep the existing mobile home as an accessory dwelling unit. We would like for you to consider the fact that we are improving the property by building a permanent, site-built home. We would also like you to consider that the existing home has been on the property since 2005 and conforms to the Lake County code, including setbacks.

Thank you for your time and attention.

Respectfully,

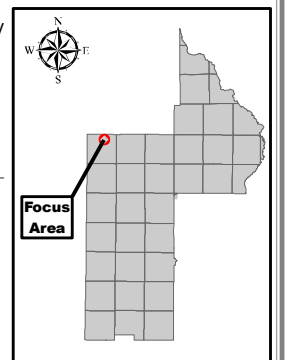
Romayne Jones

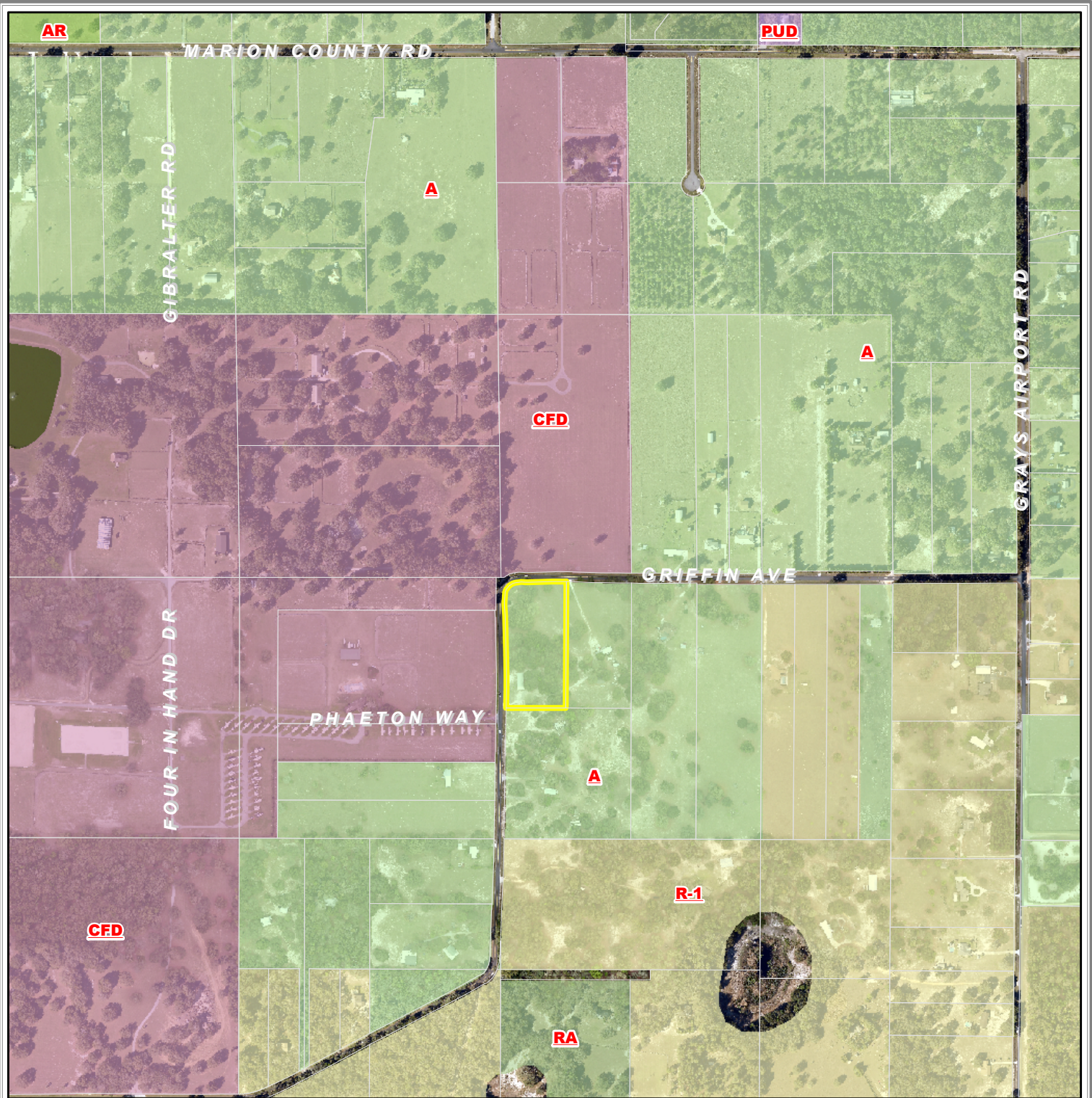


FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|--------------------------|----------------------|
| Bella Collina | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low Density |
| Cagan Crossings | Mt Plymouth-Sorrento Neighborhood | Rural | Urban Medium Density |
| Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition | Urban High Density |
| Green Swamp Core Conservation | Regional Office | Sending Area A-1-20 | Wellness Way 1 |
| Green Swamp Interlachen | Public Service Facility and Infrastructure | Sending Area A-1-40 | Wellness Way 2 |
| Green Swamp Ridge | Receiving Area A-1-20 | South Lake Regional Park | Wellness Way 3 |
| Green Swamp Rural | Recreation | Summer Bay | Wellness Way 4 |
| Green Swamp Rural Conservation | | | Towncenter |
| Heavy Industrial | | | |

NAME: JONES PROPERTY
CASE NUMBER: VAR-18-21-5
LOCATION (S-T-R): 10-18-24
REQUEST: ACCESSORY DWELLING UNIT ADJUSTMENT

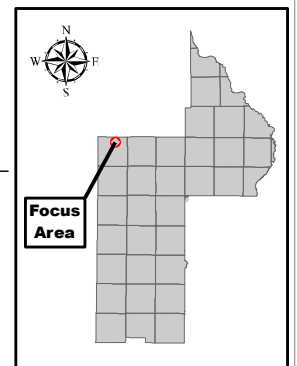




ZONING LEGEND

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	

NAME: JONES PROPERTY
CASE NUMBER: VAR-18-21-5
LOCATION (S-T-R): 10-18-24
REQUEST: ACCESSORY DWELLING UNIT ADJUSTMENT



**Final Development Order
Jones Property
VAR-18-21-5**

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

WHEREAS, John and Romaine Jones (the "Applicants") submitted an application to request a variance from Land Development Regulations (LDR) Section 10.01.03(B)(4), to allow an accessory dwelling unit with 1,837 square feet of living area in lieu of 1,200 square feet of living area and from LDR Section 10.01.03(B)(5) to allow an accessory dwelling unit with different architectural design standards than the primary residence; and

WHEREAS, the subject property consists of 4.45 +/- acres and is located at the intersection of Griffin Avenue and Caleche Court in the Lady Lake area, in Section 10, Township 18 South, Range 24 East, Alternate Key Number 1238358 and is more particularly described below (the "Property");

The North 660 feet of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 10, Township 18 South, Range 24 East, Lake County, Florida, LESS the East 330 feet thereof and except road right of ways.

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on April 12, 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 April 12, 2018, the Lake County Board of Adjustment approved the variance for the above to allow the subject property to be developed with an accessory dwelling unit with 1,837 square feet of living area in lieu of 1,200 square feet of living area and to allow an accessory dwelling unit with different architectural design standards than the primary residence.

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-18-21-5 to allow the property to be developed with an accessory dwelling unit with 1,837 square feet of living area in lieu of 1,200 square feet of living area and to allow an accessory dwelling unit with different architectural design standards than the primary residence with the following condition:

1. The accessory dwelling unit and the primary residence must have similar color schemes and siding.

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 12th day of April, 2018.

EFFECTIVE April 12, 2018.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Catherine Hanson, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this April 12, 2018 by CATHERINE HANSON, who is personally known to me.

(SEAL)

Signature of Acknowledger