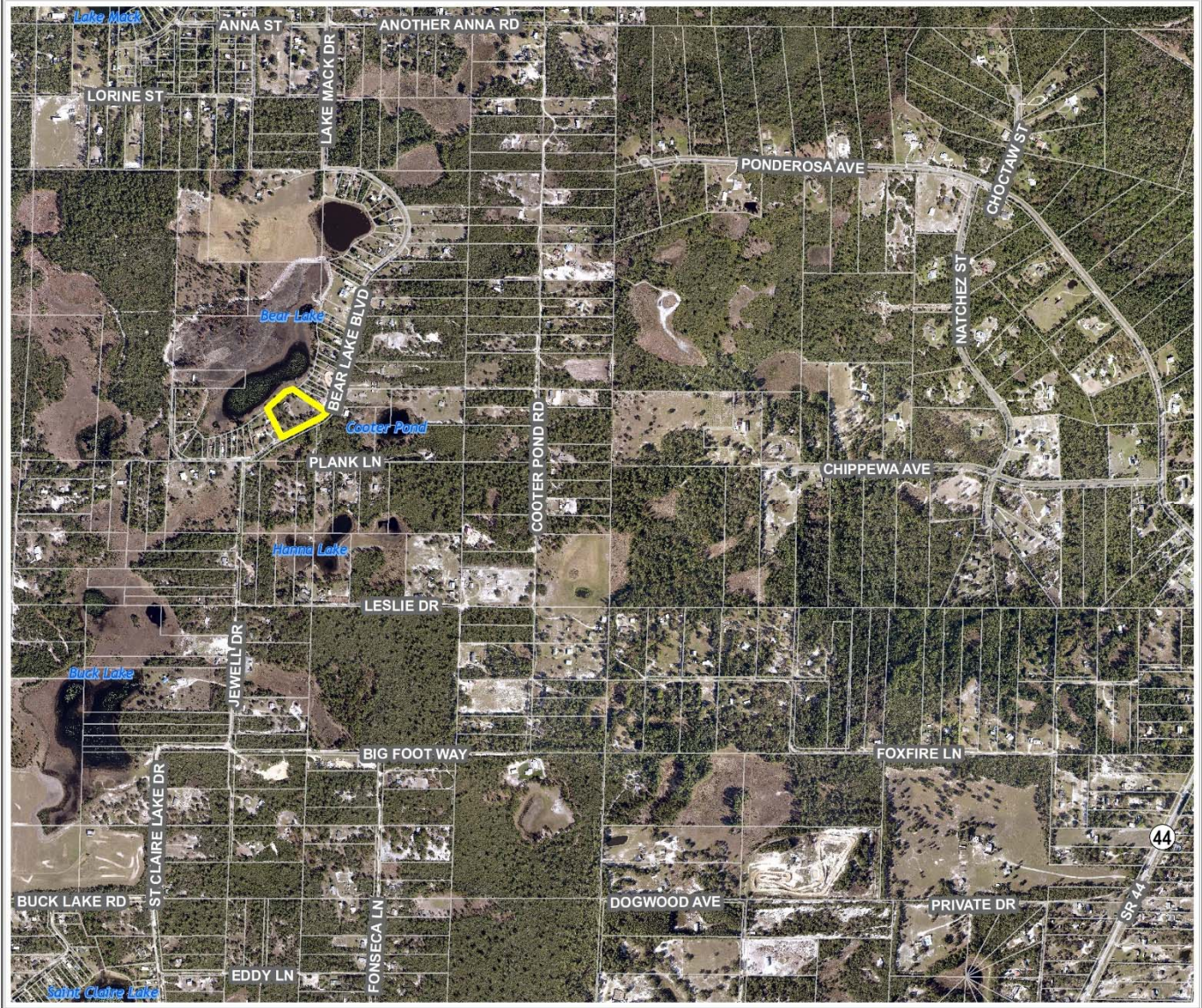


VAR-18-33-5 Adesso Property	Commissioner District 5 Blake	Agenda Item # 2
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Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 10.01.03 (B)(4) to allow an 1,763 square foot accessory dwelling unit in lieu of 1,200 square feet; and a variance to 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: Anthony Adesso and Becky Adesso (the "Owners")

Applicant: Anthony Adesso (the "Applicant")

- Site Location & Information -

Size	2.84 +/- acres
Location	43315 Bear Lake Blvd
Alternate Key No.	1316502
Future Land Use	Rural
Existing Zoning District	Agriculture (A)
Overlay Protection Area	Wekiva – Ocala Rural Protection Area
Planning Area/ISBA Area	None
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	Rural	Agriculture (A)	Residential	Single Family Residence
South	Rural	Agriculture (A)	Residential	Single Family Residence
East	Rural	County Road	Road	Bear Lake Blvd
West	Conservation	Lake	Lake	Bear Lake

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL with Conditions** of the Variance to Lake County Land Development Regulations (LDR) Section 10.01.03 (B)(4) to allow a living area of 1,763 square foot accessory dwelling unit in lieu of 1,200 square feet; and a variance to 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.

- Background -

The subject property contains 2.48 +/- acres and is currently developed with a frame built single-family dwelling unit, a frame-built garage, and a metal building. The property is generally located east of Bear Lake on Bear Lake Rd in the Deland area and is zoned Agriculture (A) with a Rural Future Land Use designation. The subject property lies within the Wekiva-Ocala Rural Protection Area.

-Reason for Request-

The Applicant has requested the variance because they are seeking to build a 1,763 square foot block home as an accessory dwelling. The Applicant submitted a plot plan with a potential final layout of the proposed project (Attachment A).

Per Lake County Land Development Regulations (LDR) Section 10.01.03 (B)(4), An Accessory Dwelling Unit Shall not exceed one thousand two hundred (1,200) square feet or forty percent (40%) of the air conditioned, enclosed living area of the principal dwelling (excludes garages, patios, porches and the like), whichever is greater. The existing single-family residence contains 1,360 square feet of living area so the property may be developed with an accessory dwelling unit up to 1,200 square feet. The Applicant is proposing an accessory dwelling unit with 1,763 square feet of living area.

LDR Section 10.01.03 (B)(5), requires accessory dwelling units to be the same architectural style as the principal dwelling unit. This variance was requested because the existing frame built single family dwelling unit is a manufactured home and the

proposed block home single family residence that will be used as an accessory dwelling unit will have different architectural styles as one will be a manufactured frame built home and one is a block home and they will not be utilizing the same colored materials.

- Summary of Analysis -

LDR 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

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

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

The Applicant submitted the following reasons as evidence of **meeting the intent of the Code**:

"I believe the site built home will improve the values of properties adjacent to it."

The Land Development Regulations state that the accessory dwelling unit should not exceed forty (40) percent of the living space of the primary dwelling or 1,200 square feet, whatever is greater. The Land Development Regulations also state that the accessory dwelling unit should not interfere with the appearance of the primary dwelling unit. The applicant states that the accessory dwelling unit will add to the integrity of the property and will not hinder the appearance of the primary dwelling unit. The accessory dwelling unit will meet all setbacks and impervious surface ratio requirements for its zoning district. The accessory dwelling unit will also meet the requirements for a single family dwelling unit and all other requirements of the accessory dwelling unit.

The accessory dwelling unit would be used to house family members of the Owners which is consistent with the intent of Land Development Regulations Section 10.01.03 which states that the purpose of this Section is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.

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 Applicant submitted the following as evidence that the application of the Land Development Regulations would create a **substantial hardship or would violate principles of fairness**:

"The code passed in October 2017 requires new structures to match existing structures. Due to 2007 tornadoes we would like the new structure to be site built not manufactured." It would be built to have my parents live next door to me instead of Chicago, IL."

The Applicant states that they would like to build a home that is sturdier than the current frame built home and that is why they would like to build a block home in lieu of a manufactured frame built home for the accessory dwelling unit. Creating a site built home that looks like a manufactured home would not be economical therefore would pose a hardship to the Owners.

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

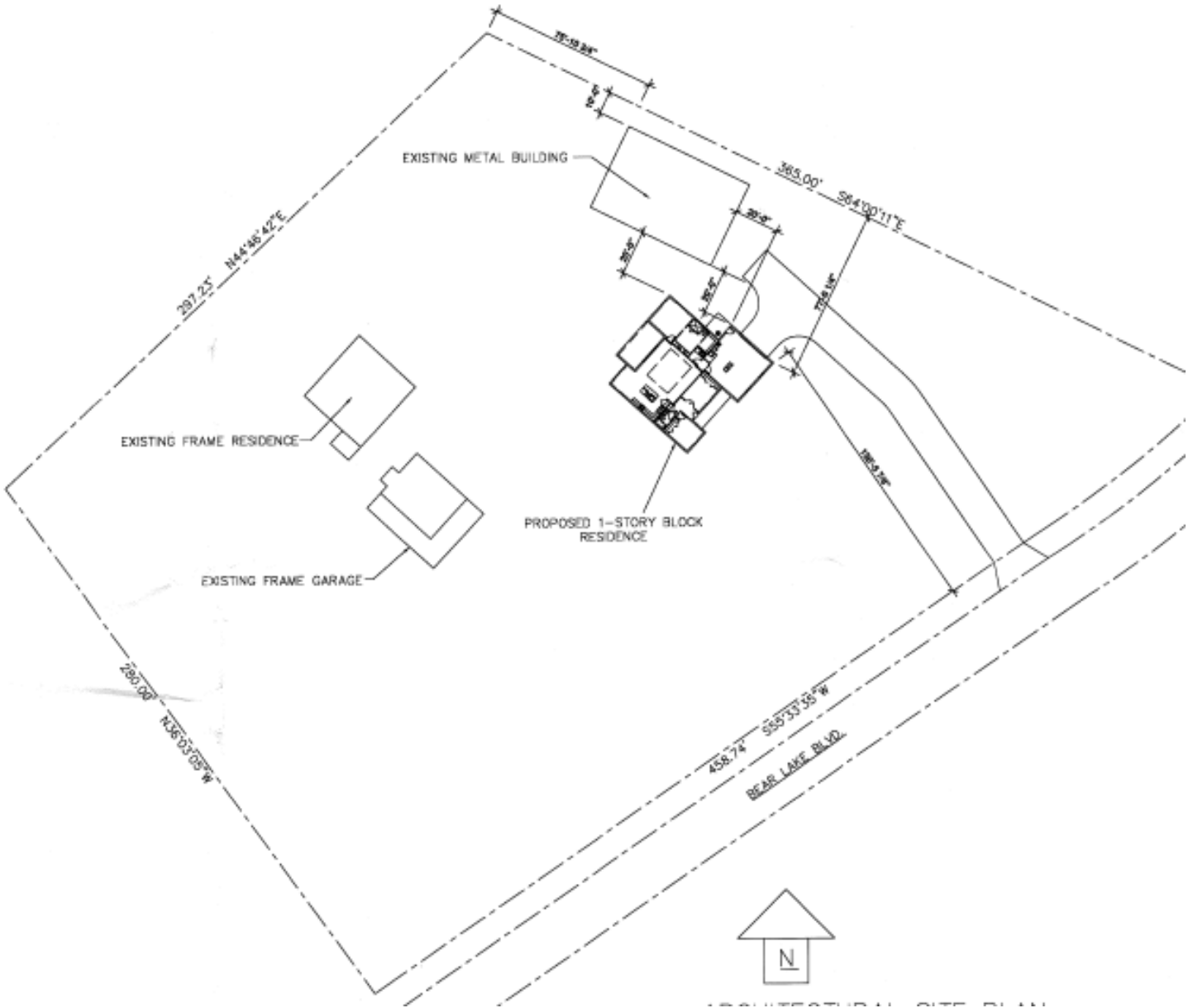
- This request is consistent with Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, which permits single-family dwelling units in the Agriculture (A) Zoning District;
- This request is consistent with Land Development Regulations (LDR) Table 3.02.05, Setbacks, which ensures the adherence of safe distances between structures and right-of-ways; because the proposed location meets its setbacks.
- This request is consistent with the 2030 Comprehensive Plan Policy I-1.4.4.Rural Future Land Use Category which allows residential development as a permitted use.
- This request is consistent with Land Development Regulations (LDR) Chapter 6.01.04 Development near Wetlands and Waterbodies, which ensures the protection of wetlands because the proposed location is more than fifty feet from the jurisdictional wetland line. The Applicant will provide a survey with the jurisdictional wetland line during the permitting process.
- This request is consistent with Land Development Regulations (LDR) Chapter 9.07.00 Flood Plain Management, which is to safeguard the public health, safety and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas because the structure is not located within a flood zone.

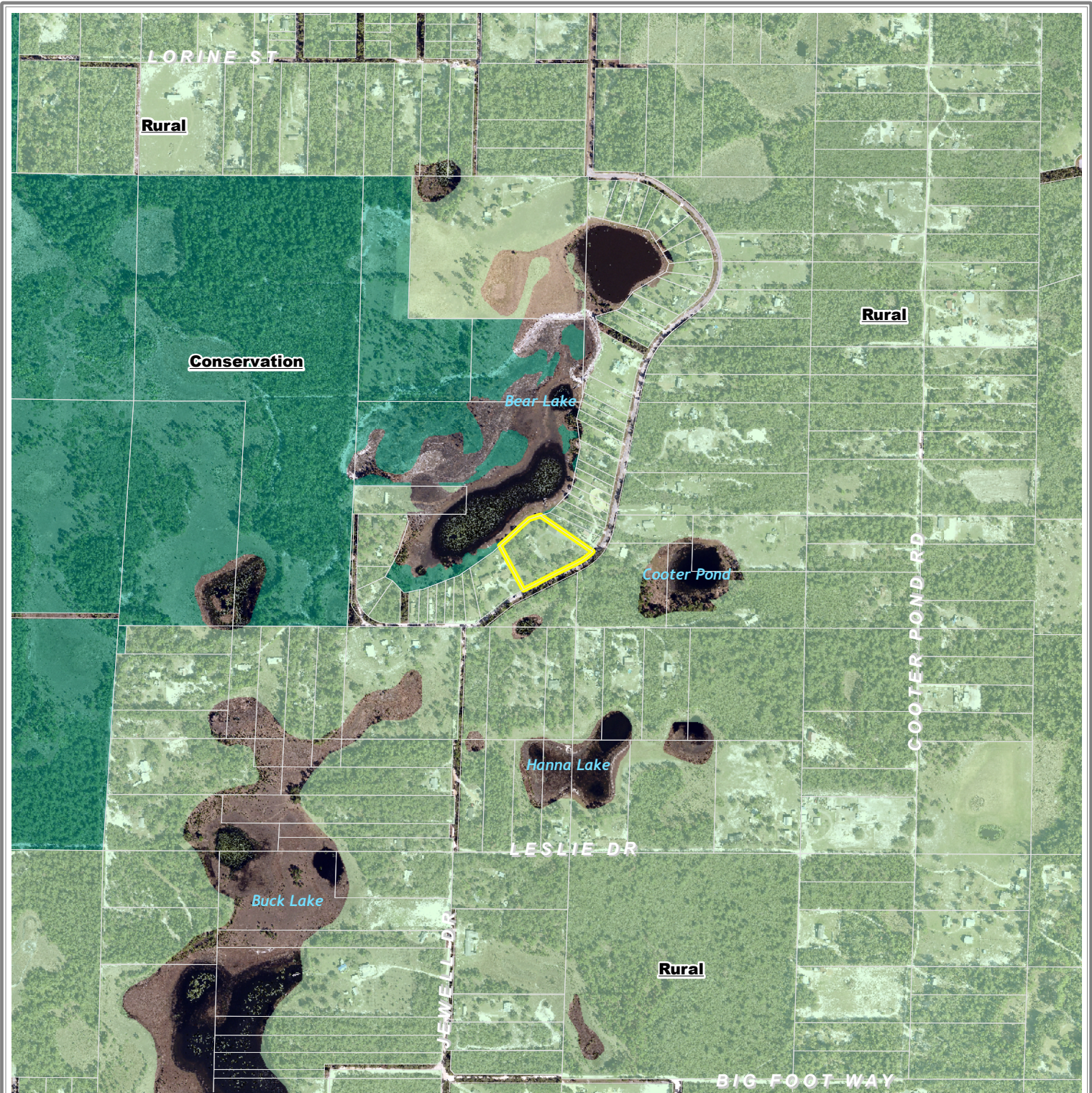
The Applicant has submitted evidence of meeting the intent of the Code and has provided evidence of a substantial hardship indicating that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, staff recommends **Approval** of the Variance to Lake County Land Development Regulations (LDR) Section 10.01.03 (B)(4), and (B)(5), with the following condition:

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

Case Manager: Shelby Eldridge, Associate Planner

Attachment A





FUTURE LAND USE LEGEND

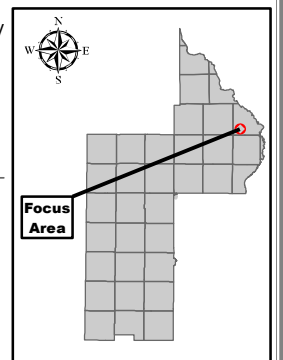
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|--------------------------------|--|--------------------------|
| Bella Collina | Mt Plymouth-Sorrento Main Street District | Regional Commercial |
| Cagan Crossings | Mt Plymouth-Sorrento Neighborhood | Rural |
| Conservation | Mt Plymouth-Sorrento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

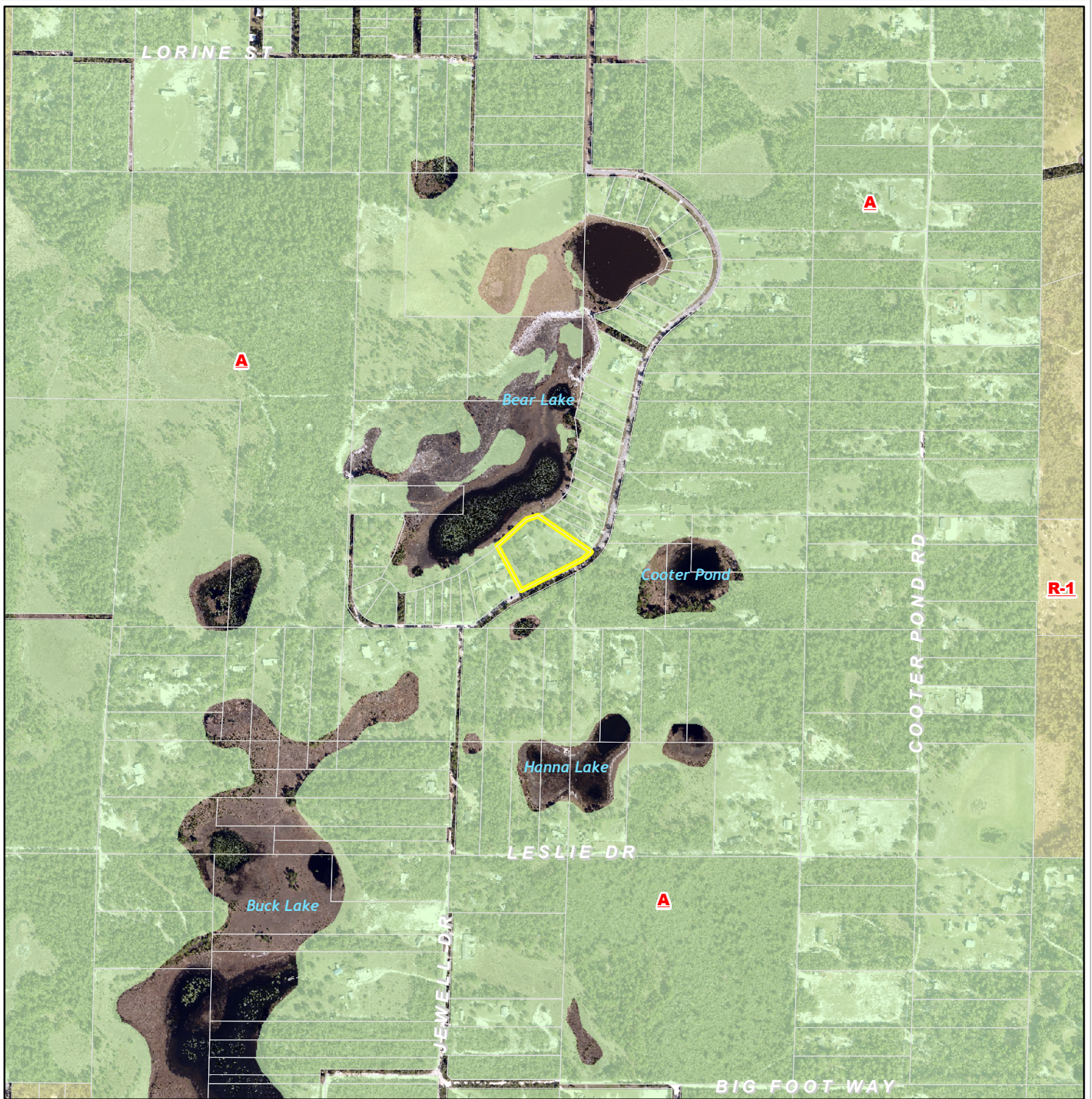
NAME: ADESSO PROPERTY

CASE NUMBER: VAR-18-33-5

LOCATION (S-T-R): 29-17-29

REQUEST: ACCESSORY DWELLING UNIT ADJUSTMENT

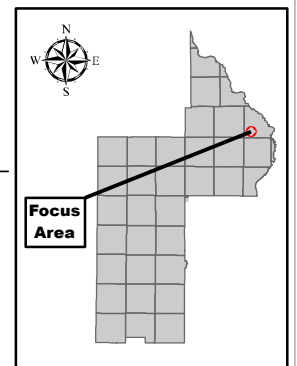




ZONING LEGEND

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: ADESSO PROPERTY
CASE NUMBER: VAR-18-33-5
LOCATION (S-T-R): 29-17-29
REQUEST: ACCESSORY DWELLING UNIT ADJUSTMENT



**Final Development Order
VAR-18-33-5
Adesso Property**

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

WHEREAS, Anthony Adesso (the “Applicant”), on behalf of Anthony Adesso and Becky Adesso (the “Owners”), 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 1,763 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 2.48 +/- acres and is generally located east of Bear Lake on Bear Lake Rd in the Deland area, in Section 29, Township 17 South, Range 29 West, having Alternate Key Number 1316502 and is more particularly described below as:

Lots 43 to 47, Inclusive, Bear Lake Heights, according to the Plat thereof as recorded in Plat Book 11, Page 92, of the Public Records of Lake County, Florida.

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on July 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 July 12, 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-18-33-5 to allow a 1,763 square foot block home to be placed as an accessory dwelling unit with a different architectural design standard than the primary dwelling unit.

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 July, 2018.

EFFECTIVE July 12, 2018.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Timothy Morris, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 12th day of July, 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