

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

Board of Adjustment

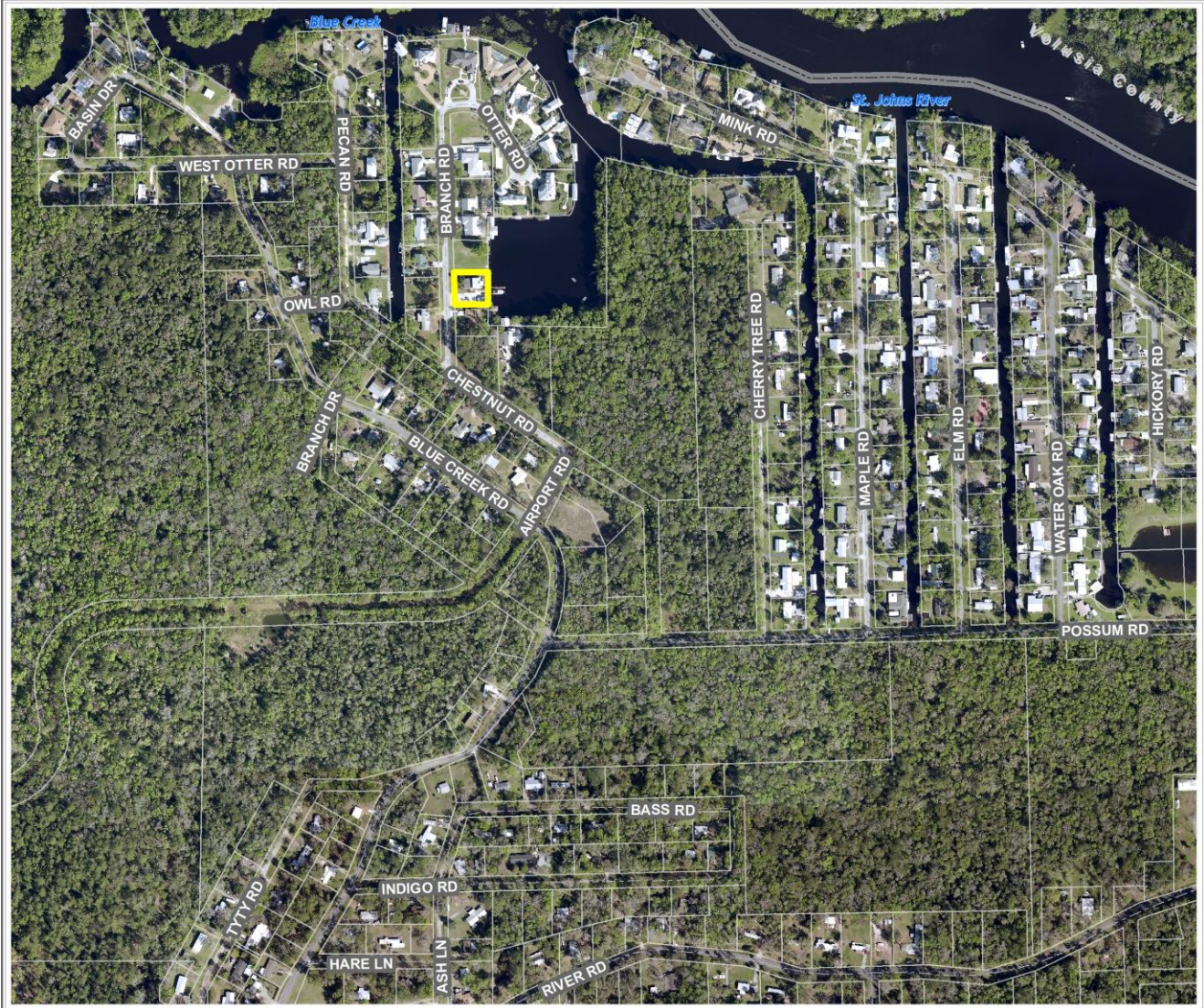


August 9, 2018

VAR-18-32-5
Field Property

Commissioner District 5
Blake

Agenda Item #3



Applicant Requested Action: Variance to Lake County Land Development Regulations (LDR) 10.01.01(D), to allow an accessory structure to be larger than eighty (80) percent of the main floor square footage of enclosed living area of the dwelling unit.

Owner and Applicant: Timothy Field

- Site Location & Information -

Size	0.28 +/- acres
Location	56420 Branch Road, Astor, Florida 32102
Alternate Key #	2746513
Future Land Use	Urban Low
Existing Zoning District	Mixed residential (R-7)
Overlay Protection Area	N/A
Commission District	5
ISBA/JPA	N/A

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	Mixed Residential (R-7)	Vacant Residential Lot	Blue Creek Point Subdivision
South	Urban Low	Mixed Residential (R-7)	Residential	Single Family Residence
East	N/A	N/A	Water body	Basin
West	N/A	N/A	Road	Branch Road

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the variance to Lake County Land Development Regulations (LDR) 10.01.01(D) to allow an accessory structure to be larger than eighty (80) percent of the main floor square footage of enclosed living area of the dwelling unit.

- Background -

The subject property is described as alternate key number 2746513. The parcel is zoned Mixed Residential (R-7) and is designated by the 2030 Comprehensive Plan as Urban Low Future Land Use Category. According the GIS map, the parcel is located fully in flood-prone area (Flood Zones "AE"), and contain wetlands.

The subject property is located within the Blue Creek Point subdivision. The subject parcel is 0.28 +/- acres in size (approximately 12,284 square feet) and is developed with a single-family dwelling unit, board walk and dock. The property is generally located east of Branch Road in the Astor area.

- Reason for Request -

The Owner of the parcel wants to construct a two-story detached garage that consists of 1,028 square feet living area and a total area of 3,335 square feet over existing concrete (Attachment A). Per the Land Development Regulation (LDR) 10.01.01(D), "for lots less than one (1) acre in size, the square footage of an Accessory Structure(s) shall not exceed eighty (80) percent of the main floor square footage of the enclosed living area of the dwelling unit, which excludes features such as garages, patios, and porches. If there is more than one (1) Accessory Structure, the combined square footage shall apply." The Property Record Card shows the living area of the Owner's dwelling as 1,696 square feet (Attachment B). Eighty (80) percent of the living area of the Owner's dwelling is 1,356 square feet. The proposed detached garage, existing porches, existing screen room and existing boat house are over the eighty (80) percent by 2,289 square feet.

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

The intent of the Code, LDR Section 10.00.00, is to regulate the installation, configuration, and use of Accessory and temporary Structures and uses in order to preserve the community and property values and to protect the community character.

“The ISR calculation will be met and the addition will have gutters and control water.”

The Mixed Residential (R-7) zoning district allows accessory structures. The accessory structure will meet the required setbacks that are listed Land Development Regulations (LDR) Table 3.02.05, Setbacks, and will not go over the impervious surface ratio (ISR) as shown on the survey (Attachment C). The Owner will be building the accessory structure over existing concrete and gutters will be placed on the structure to not impede the wetlands.

The Applicant will meet the intent of the code because the parcel that the accessory structure will be located on has a lawful dwelling unit located on it; the accessory structure will not be located in a required buffer area, landscape buffer, wetland buffers or minimum building setback area and the accessory structure will be located on the in the side yard as required in Land Development Regulations (LDR) 10.01.01(A), 10.01.01(C) and 10.01.01(F).

2. Whether 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.

“Want a garage and primary dwelling is small for visitors.”

The Owner has already paid for the building plans and would suffer great financial burden if he was unable to obtain permits for the proposed accessory structure. The Owner would like to use the living area within the accessory structure to have a place for friends and family that are visiting to stay, as his house is unable to accommodate visitors.

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

- This request is consistent with Land Development Regulation (LDR) Table 3.02.05, Setbacks, which ensures the adherence of safe distances between structures and right-of-way; and

- This request is consistent with Land Development Regulation (LDR) Table 3.02.06, Density, Impervious Surface, Floor Area, and Height Requirements; and
- This request is consistent with Land Development Regulation (LDR) 10.01.01(A), which requires a lawful dwelling unit on the lot for accessory structures to be allowed; and
- This request is consistent with Land Development Regulation (LDR) 10.01.01(C), prohibiting accessory structures from being located in a required buffer area, landscape buffer, wetlands buffers or minimum building setback area; and
- This request is consistent with Land Development Regulation (LDR) 10.01.01(F), requiring accessory structures that are buildings to be located in the side or rear yard.

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 with Conditions** of the Variance Lake County Land Development Regulations (LDR) 10.01.01(D) to allow an accessory structure to be larger than eighty (80) percent of the main floor square footage of enclosed living area of the dwelling unit with the following condition:

1. The accessory structure must not be used as an accessory dwelling unit.

WRITTEN COMMENTS FILED:

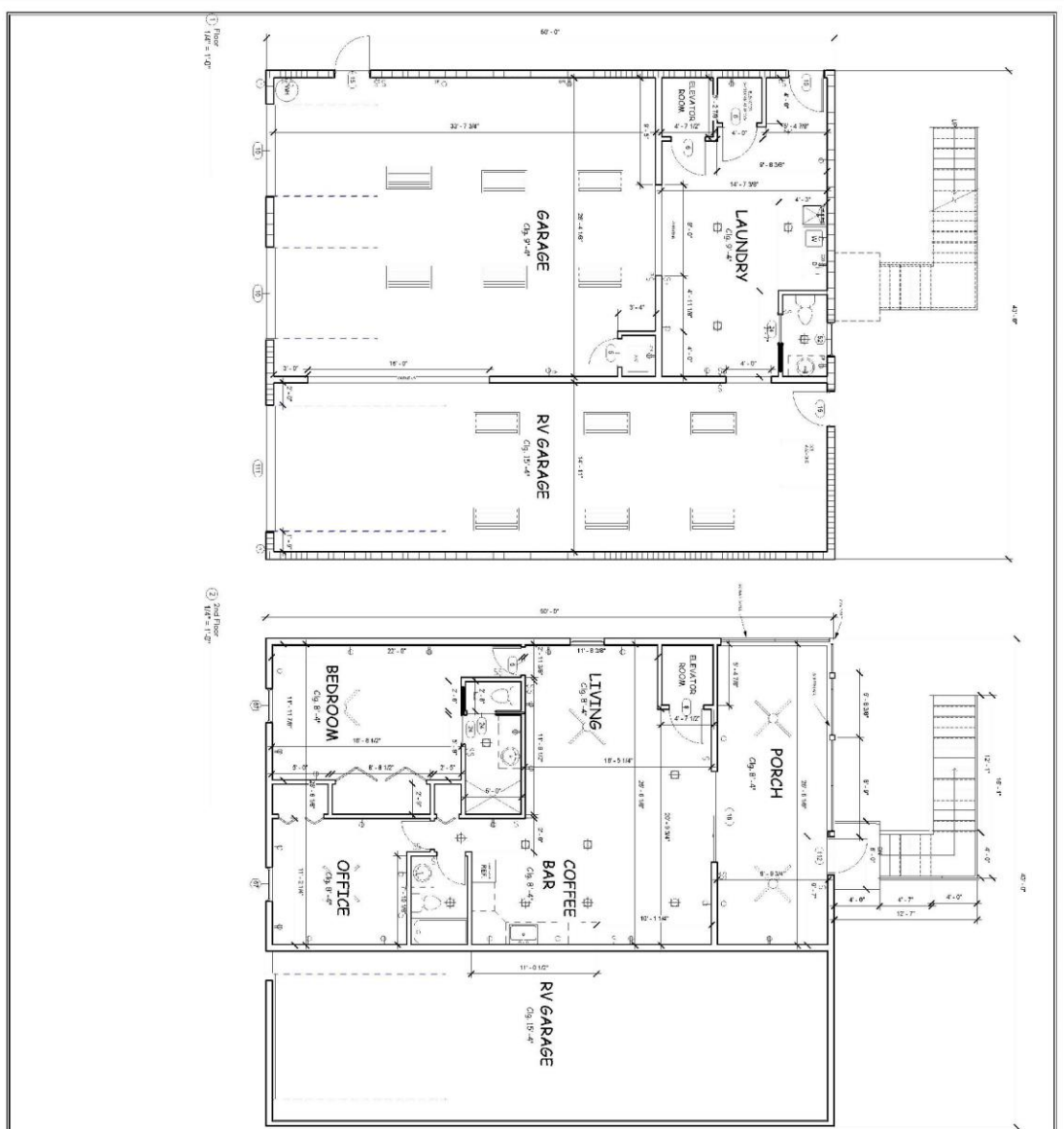
Supportive: -0-

Concern: -0-

Opposition: -0-

Case Manager: Ruth Mitchell, Associate Planner

Attachment A – Floor Plan



Count	Type	Material	Finish	Width	Height	Phase	Time
4	Door	1/2" Solid Core	White	36" x 80"	8'-0"	New	Construction
3	Door	1/2" Solid Core	White	36" x 80"	8'-0"	New	Construction
2	Door	1/2" Solid Core	White	36" x 80"	8'-0"	New	Construction
10	Door	1/2" Solid Core	White	36" x 80"	8'-0"	New	Construction
15	Door	1/2" Solid Core	White	36" x 80"	8'-0"	New	Construction
18	Door	1/2" Solid Core	White	36" x 80"	8'-0"	New	Construction
24	Door	1/2" Solid Core	White	36" x 80"	8'-0"	New	Construction
104	Door	1/2" Solid Core	White	36" x 80"	8'-0"	New	Construction
105	Door	1/2" Solid Core	White	36" x 80"	8'-0"	New	Construction
111	Door	1/2" Solid Core	White	36" x 80"	8'-0"	New	Construction
112	Door	1/2" Solid Core	White	36" x 80"	8'-0"	New	Construction
113	Door	1/2" Solid Core	White	36" x 80"	8'-0"	New	Construction

Name	Area
Garage	1200 SF
RV Garage	1200 SF
Laundry	100 SF
Living	1000 SF
Office	1000 SF
Bedroom	1000 SF
Bar	100 SF
Coffee	100 SF
Porch	100 SF
Elevator Room	100 SF
Other	100 SF
Total	10000 SF



PERMIT SET SHEET A-1
 Bruce Kekley
Field, Tim
 55470 Branch Rd
 Astor, FL 32108

OSKISE, RUNDERSON
 Professional Engineer
 State of Florida
 Registration # 000202
 2810 N. US Highway 1
 Bldg. Post Office Box 1000
 Kissimmee, FL 34741
 Phone: 407-391-9990

FE SIGN / SEAL
 DATE

FLOOR PLAN

BLDG. DEPT: Lake Co
 PROJECT NO: 3412-Field
 DRAWN BY: JACOB W. SCHMIDT
 DATE: 3/12/2018
 TYPED BY: J. SKYPPER
 SALES PERSON: J. SKYPPER

Attachment B – Property Record Card

Property Details : Lake County Property Appraiser

Page 1 of 5

Select Language ▼

PROPERTY RECORD CARD

General Information

Owner Name:	FIELD TIMOTHY G	Alternate Key:	2746513
Mailing Address:	56420 BRANCH RD ASTOR, FL 32102 Update Mailing Address	Parcel Number:	24-15-27-020009801300
		Millage Group and City:	0006 (UNINCORPORATED)
		Total Certified Millage Rate:	14.8302
		Trash/Recycling/Water/Info:	My Public Services Map ⓘ
Property Location:	56420 BRANCH RD ASTOR FL 32102 Update Property Location ⓘ	Property Name:	-- Submit Property Name ⓘ
		School Locator:	School and Bus Map ⓘ
Property Description:	BLUE CREEK POINT LOT 13, BLK 98 ORB 4834 PG 1347		
<small>NOTE: This property description is a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Lake County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description.</small>			

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	SINGLE FAMILY CANAL (0102)	0	0		1	LT	\$0.00	\$100,000.00






Residential Building(s)

Building 001

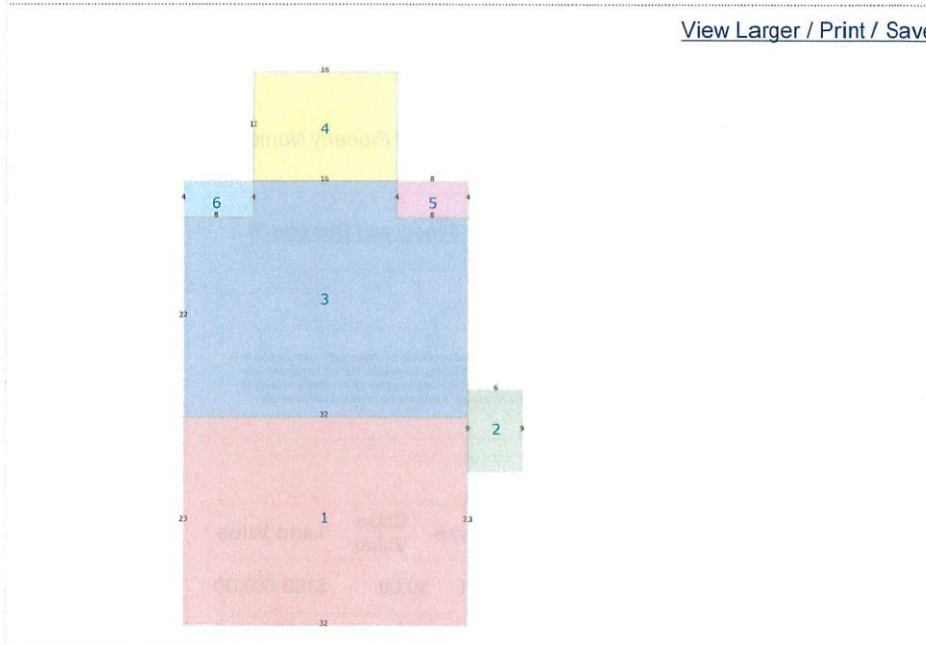
Residential	Single Family	Building Value: \$96,311.00						
Summary								
Year Built: 1985	Total Living Area: 1696 ⓘ	Central A/C: Yes	Attached Garage: No					
Bedrooms: 2	Full Bathrooms: 1	Half Bathrooms: 0	Fireplaces: 1					
<i>Incorrect Bedroom, Bath, or other information?</i> ⓘ								
Section(s)								
Section No.	Section Type	Ext. Wall Type	No. Stories	Floor Area	Finished Attic	Basement	Basement Finished	Map Color
1	FINISHED LIVING AREA (FLA)	Wood (001)	1	736	N	0%	0%	

<http://www.lakecopropappr.com/property-details.aspx?AltKey=2746513>

7/19/2018

2	OPEN PORCH (OPF)	No Wall Type (000)	1	54	N	0%	0%	
3	FINISHED LIVING AREA (FLA)	Wood (001)	1.25	768	N	0%	0%	
4	SCREEN PORCH (SPU)	No Wall Type (000)	1	192	N	0%	0%	
5	OPEN PORCH (OPF)	No Wall Type (000)	1	32	N	0%	0%	
6	OPEN PORCH (OPF)	No Wall Type (000)	1	32	N	0%	0%	

[View Larger / Print / Save](#)



Miscellaneous Improvements

No.	Type	No. Units	Unit Type	Year	Depreciated Value
0001	DECKING - WOOD (DEC)	594	SF	1985	\$1,681.00
0002	UTILITY BUILDING - FINISHED (UBF)	143	SF	1986	\$751.00
0003	DOCK (DOC)	984	SF	1986	\$7,282.00
0004	BOATHOUSE (BHS)	364	SF	1986	\$4,910.00
0005	SEAWALL (SEW)	151	LF	1986	\$2,741.00
0006	FINISHED OPEN PORCH (FOP)	128	SF	2011	\$1,007.00
0007	DOCK (DOC)	400	SF	2011	\$4,680.00

Sales History

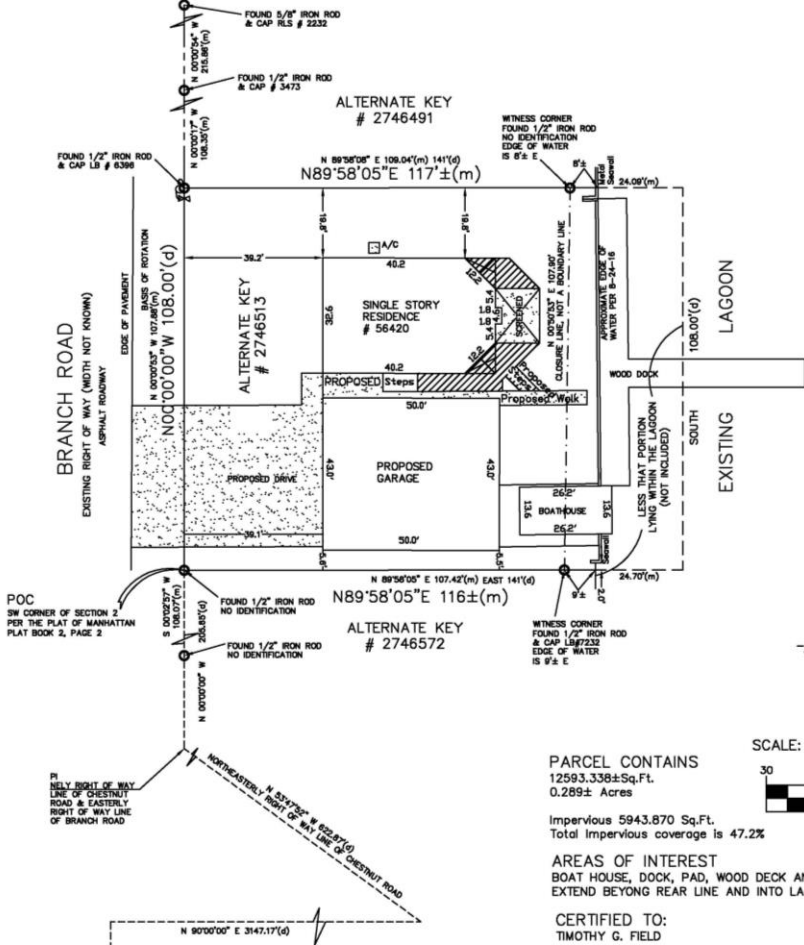
NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description above and/or recorded and indexed with the Clerk of Court. [Follow this link to search all documents by owner's name.](#)

Attachment C – Survey

BOUNDARY SURVEY

DESCRIPTION (As Furnished)

LOT 13, BLOCK 98, OF THE UNRECORDED PLAT OF ASTOR FOREST CAMPSITES IN SECTION 24, TOWNSHIP 15 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, FURTHER DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF SECTION 2, ACCORDING TO THE PLAT OF "MANHATTAN" AS RECORDED IN PLAT BOOK 2, PAGE 2, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, RUN THENCE SOUTH 89°29'34" EAST ALONG THE SOUTH BOUNDARY OF SAID SECTION 2, A DISTANCE OF 5280.30 FEET TO THE SOUTHEAST CORNER THEREOF, THENCE NORTH 4535.15 FEET EAST 3147.17 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF CHESTNUT ROAD, THENCE NORTH 53°47'52" WEST ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE 622.87 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE 822.87 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF BRANCH ROAD, THENCE NORTH ALONG SAID EASTERLY RIGHT OF WAY LINE OF BRANCH ROAD 205.65 FEET FOR A POINT OF BEGINNING, CONTINUE THENCE NORTH ALONG SAID EASTERLY RIGHT OF WAY LINE 108.00 FEET THENCE EAST 141.00 FEET, THENCE SOUTH 108.00 FEET, THENCE WEST 141.00 FEET TO THE POINT OF BEGINNING LESS THAT PART LYING WITHIN THE LAGOON OF THE EAST SIDE THEREOF, ALSO DESCRIBED AS LOT 13, BLOCK 98, ACCORDING TO AN UNRECORDED PLAT OF BLUE CREEK POINT.



PARCEL CONTAINS
12593.338± Sq.Ft.
0.289± Acres

Impervious 5943.870 Sq.Ft.
Total Impervious coverage is 47.2%

AREAS OF INTEREST
BOAT HOUSE, DOCK, PAD, WOOD DECK AND SEAWALL
EXTEND BEYOND REAR LINE AND INTO LAGOON.

CERTIFIED TO:
TIMOTHY G. FIELD

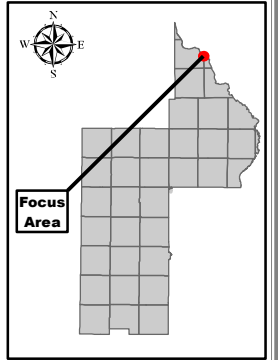
REVISIONS AND ADDITIONS	
08-25-17	ADD PROPOSED SITE CHANGES (PLOT PLAN)
04-06-18	MODIFY PROPOSED SITE CHANGES (PLOT PLAN)
08-22-18	MODIFY PROPOSED SITE PLAN (PLOT PLAN)
LEGEND: X = Light Pole Δ = Delta (Intersection Angle) R = Rods L = Arc Length U.E. = Utility Easement PC = Point of Curvature PT = Point of Tangency PI = Point of Intersection CB = Corner Not Found PG (S) = Page(s) PRC = Point of Reverse Curvature CLF = Chain Link Fence A/C = Air Conditioner R/W = Right-Of-Way POC = Point of Compound Curvature (P) = Per Plot C = Centerline CUL = Culvert TYP. = Typical (R) = Radius Point (Rd) = Road SFE = Base Flood Elevation EQUIP = Equipment F.H. = Fire Hydrant CONCRETE = DENOTES CONCRETE WF = Wood Fence M = Measure CBW = Concrete Block Wall CNF = Corner Not Found OUL = Overhead Utility Lines POB = Point of Beginning POC = Point of Commencement P = Per Description BSL = Building Setback Line DENOTES UTILITY POLE W = Well M = Meter C = Covered CNA = Corner Not Accessible (C) = Calculated D.U.E. = Drainage & Utility Easement D.A.U.E. = Drainage, Access & Utility Easement	
Based on the FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, Lake County, Florida, Community Panel Number 120421 0070 E, last dated 12/18/2012; it appears from a scaling of said map that the land described herein is shown to be in Zone "AE". (AREA OF 100 YEAR FLOOD) BFE = 6 PER F.E.M.A. Said FEMA map is not a Survey and no responsibility is taken for the information contained in or the accuracy of the above referenced map.	
1. This Plat represents a Boundary Survey of the description as furnished DSW Surveying and Mapping, P.L.C. per client's instruction and makes no claim regarding ownership or rights of possession. 2. Bearings shown herein are based on the SOUTH line of Section 2, being S 89°29'34" E per description. 3. This surveyor has not searched the public records or abstracted the land shown herein for assessments, right of ways, covenants and restrictions or other pertinent documents which may be found in the public records of this county. This research was not included in the scope of service of this firm. 4. The relative distance accuracy for boundary dimensions shown herein is in excess of 1 Foot in 10,000 Feet. 5. Underground improvements and utilities have not been located. 6. This survey performed by DSW Surveying and Mapping, P.L.C. is for the singular use by the client named herein for the express stated purpose listed herein. This drawing is not legally binding without my signature and original raised embossed seal. No third party is authorized to use this drawing in any way, and this surveyor shall not be held liable for damages resulting from the unauthorized or illegal executions or attempts at circumventing prescribed laws or professional fee payments. All plots, reports, notes, plans, specifications, computer files, field notes or data, other documents and instruments prepared by this firm as instruments of service shall remain the property of this firm. This firm shall retain all common law, statutory and other reserved rights, including the copyright therein. The original of this drawing remains the property of DSW Surveying and Mapping, P.L.C. 7. Building ties, fence ties, Etc. are not to be used as a way to reconstruct boundary line location.	
***** PLEASE VISIT OUR WEBSITE: WWW.DSWSURVEYS.COM ***** PROFESSIONAL SURVEYORS AND MAPPERS CERTIFICATION OF AUTHORIZATION #LB7945 4500 ORANGE BOULEVARD, SUITE 1000 SANFORD, FLORIDA 32771 Phone: (352) 735-3799 JOB NO. 16.2132 Sheet 1 of 1	
* PLEASE VISIT OUR WEBSITE: WWW.DSWSURVEYS.COM * DRAWING: 16.2132-1 SURVEY DATE: 08/23/16 INTENDED DISPLAY SCALE: 1" = 30' DRAWN: RBB EXPECTED USE OF THIS LAND: RESIDENTIAL PURPOSES IT IS CERTIFIED THAT THIS SURVEY REPRESENTED HEREON MEETS OR EXCEEDS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 62B, F.L.A.C.S. ADMINISTRATIVE CODES, PURSUANT TO THE SURVEYING ACT, FLORIDA STATUTES. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A LICENSED PROFESSIONAL SURVEYOR AND MAPPER DOUGLAS S. WILLIS, Registration # 5984 FOR THE FIRM:	



FUTURE LAND USE LEGEND

- | | | |
|--------------------------------|--|--------------------------|
| 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 | Recreation | South Lake Regional Park |
| Green Swamp Rural | Receiving Area A-1-20 | 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: FIELD PROPERTY
CASE NUMBER: VAR-18-32-5
LOCATION (S-T-R): 24-15-27
REQUEST: ACCESSORY DWELLING UNIT SIZE ADJUSTMENT

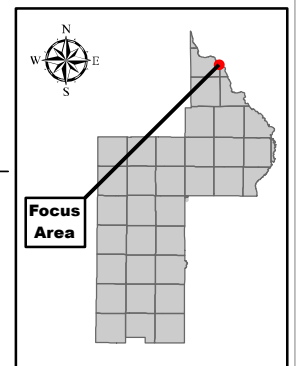




ZONING LEGEND

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	

NAME: FIELD PROPERTY
CASE NUMBER: VAR-18-32-5
LOCATION (S-T-R): 24-15-27
REQUEST: ACCESSORY DWELLING UNIT SIZE ADJUSTMENT



**Final Development Order
VAR-18-32-5
Field Property**

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

WHEREAS, Timothy Field (the “Owner” and “Applicant”) requested a variance to Lake County Land Development Regulations (LDR) 10.01.01(D), to allow an accessory structure to be larger than eighty (80) percent of the main floor square footage of enclosed living area of the dwelling unit; and

WHEREAS, the subject property consists of 0.28 +/- acres and is located east of Branch Road in the Astor area, in Section 24, Township 15, Range 27, having an Alternate Key Number 2746513 and is more particularly described below as:

Lot 13, Block 98 of the unrecorded plat of Astor Forest Campsites in Section 24, Township 15 South, Range 27 East, Lake County, Florida.

WHEREAS, after giving notice of a hearing on a 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 August 9, 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 August 9, 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-18-32-5 to Lake County Land Development Regulations (LDR) 10.01.01(D), to allow an accessory structure to be larger than eighty (80) percent of the main floor square footage of enclosed living area of the dwelling unit; with the following conditions:

1. The accessory structure must not be used as an accessory 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 9th day of August, 2018.

EFFECTIVE August 9, 2018.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Timothy Morris, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 9th day of August, 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