

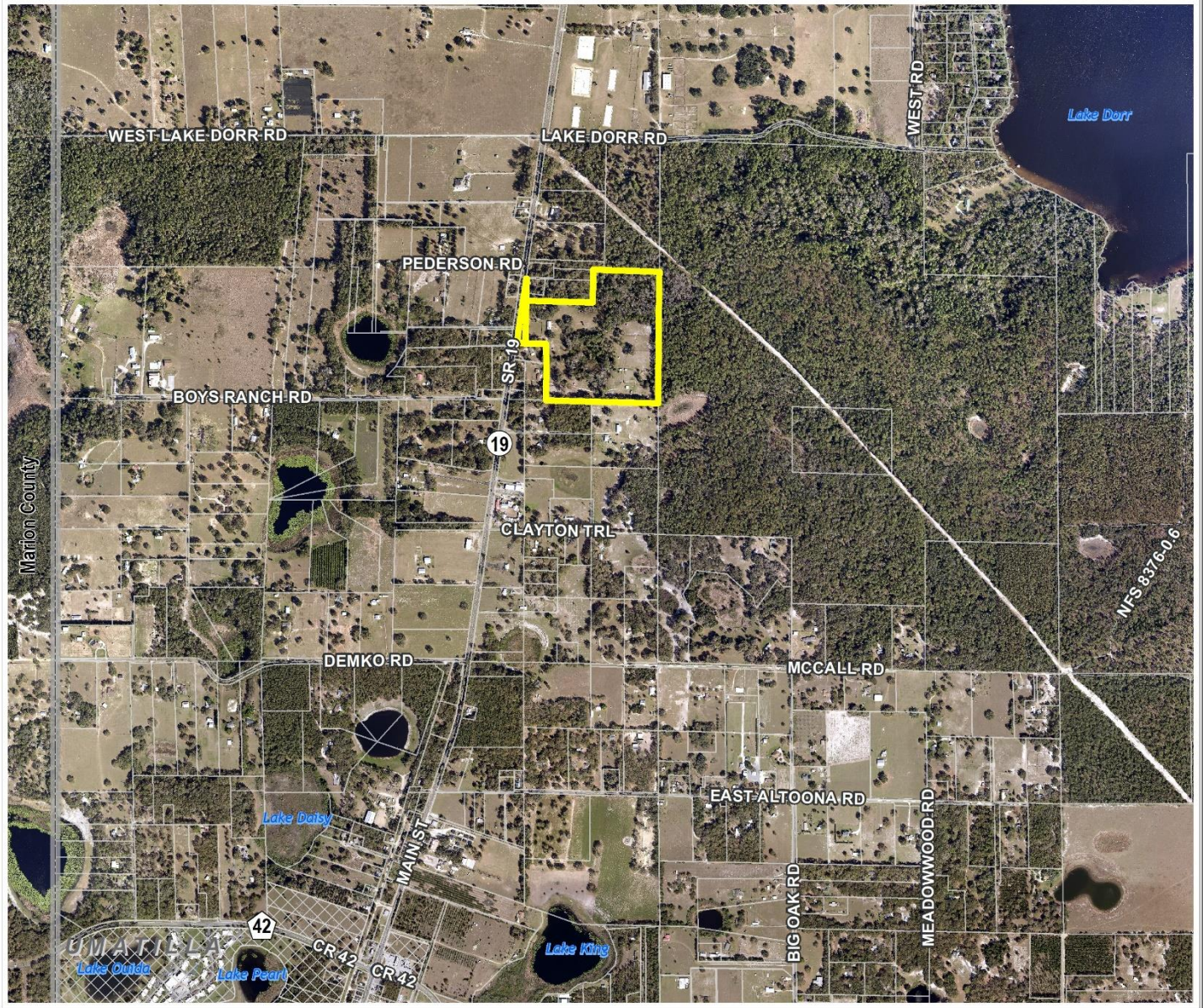
LAKE COUNTY OFFICE PLANNING AND ZONING
BOARD OF ADJUSTMENT STAFF REPORT

Board of Adjustment



November 8, 2018

VAR-18-53-5 Scheiderer Property	Commissioner District 5	Agenda Item # 7
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Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.01.04 (4)(b), *Key to Conditions in Table of Permitted and Conditional Uses*, to reduce the setback required for structures housing animals from two-hundred (200) feet to one-hundred forty-one (141) feet from the south property line for an existing horse stable.

Owners/Applicant: Ronald & Lyndell Scheiderer (the "Applicants")

- Site Location & Information -

Size	33.02 +/- acres
Location	43600 State Road 19, Altoona FL 32702
Alternate Key No.	1219931 & 1220246
Future Land Use	Rural
Existing Zoning District	Agriculture (A)
Overlay Protection Area	Wekiva – Ocala Rural Protection Area
Planning Area/ISBA Area	N/A
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)	SFR	Wooded Lots
South	Rural	Agriculture (A)	SFR	Partially Wooded
East	Conservation	Agriculture (A)	SFR	Forest
West	Rural	Agriculture (A)	SFR	Partially Wooded

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL with conditions** of the Variance to Lake County Land Development Regulations (LDR) Section 3.01.04 (4)(b), *Key to Conditions in Table of Permitted and Conditional Uses*, to reduce the setback required for structures housing animals from two-hundred (200) feet to one-hundred forty-one (141) feet from the south property line for an existing horse stable.

- Background -

The subject property contains 33.02 +/- acres and is currently developed as an agriculture homesite with a single-family dwelling unit, horse stable and associated structures. The property is generally located northeast of the intersection between State Road 19 and Boys Ranch Road in the Altoona area. The parcel is zoned Agriculture (A) with a Rural Future Land Use Category. The subject property has a current Agricultural Exemption for improved pasture lands to facilitate a boarding stable and the grazing of horses. On September 3, 2018 an application was processed by Staff for a Conditional Use Permit (CUP) on the subject property to allow a Boarding Stable in accordance with LDR Section 3.01.03 Schedule of Permitted and Conditional Uses. Prior to moving forward with the CUP request, approval of the proposed Variance is required.

-Reason for Request-

Pursuant to LDR Section 3.01.04 (4)(b), Key to Conditions in Table of Permitted and Conditional Uses, no structure housing animals shall be less than two hundred (200) feet from the nearest right-of-way line of any public road, county road, state or federal road or highway or the adjacent boundary of property owned by others. The existing horse stable building as shown on Attachment "A" maintains a one-hundred forty-one (141) foot setback from the south property line. A fifty-nine (59) foot reduction to the required setback is needed to utilize the existing building for the proposed boarding stable.

– 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** (14.05.00) is to provide for uses that are generally compatible with the use characteristics of a zoning district, but which require individual review of their location, design, intensity, configuration, and public facility impact in order to determine the appropriateness of the use in the district and their compatibility with adjacent uses. Conditional uses may require the imposition of additional conditions to make them compatible in their specific contexts.

The Applicant submitted the following reasons as evidence of **meeting the intent of the Code**: *“The existing stable building was constructed in 1957, prior to current Lake County standards and exists as a lawful non-conforming structure defined in Chapter 10 of the LDR as “a structure that is no longer allowed by current regulations, due to its size, location or other characteristic”. The owners do not intend to expand or enlarge the existing stable building. Additionally, the existing building exceeds the requirement for all other setbacks. Furthermore, there is a significant vegetative buffer that currently exists on the subject property along the effected property line”.*

The proposed variance request meets the intent of the Comprehensive Plan and Land Development Regulations. Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category that allows equestrian related uses as a permitted use. Pursuant to LDR Section 14.00.02, No development activity, use of land, or subdivision of land may be undertaken unless the activity, use or subdivision is authorized by the appropriate development order. In order to utilize the existing stable building for the purposes of the CUP request as a boarding stable, approval of the Variance request, as provided in LDR Section 14.15.00 Variances and Appeals, is required.

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 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 owners state that it would not be possible to move the existing building based on its concrete construction and that it would be cost prohibitive to alter the existing structure or to construct a new stable to meet current standards.”*

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

- The request is consistent with Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category that allows equestrian related uses as a permitted use;
- This request is consistent with Land Development Regulations where in order to utilize the existing stable building for the purposes of the CUP request as a boarding stable, approval of the Variance request, as provided in LDR Section 14.15.00 Variances and Appeals, is required;

- This request is consistent with Land Development Regulations (LDR) Section 14.05.00 as to provide for uses that are generally compatible with the use characteristics of a zoning district, but which require individual review of their location, design, intensity, configuration, and public facility impact in order to determine the appropriateness of the use in the district and their compatibility with adjacent uses. Conditional uses may require the imposition of additional conditions to make them compatible in their specific contexts.
- This request is consistent with Land Development Regulations (LDR) Table 3.01.03 Schedule of Permitted and Conditional Uses that allows a riding stable or academy as a Conditional Use.

The Applicants have 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 to Lake County Land Development Regulations (LDR) Section 3.01.04 (4)(b), Key to Conditions in Table of Permitted and Conditional Uses, to reduce the setback required for structures housing animals from two-hundred (200) feet to one-hundred forty-one (141) feet from the south property line for an existing horse stable:

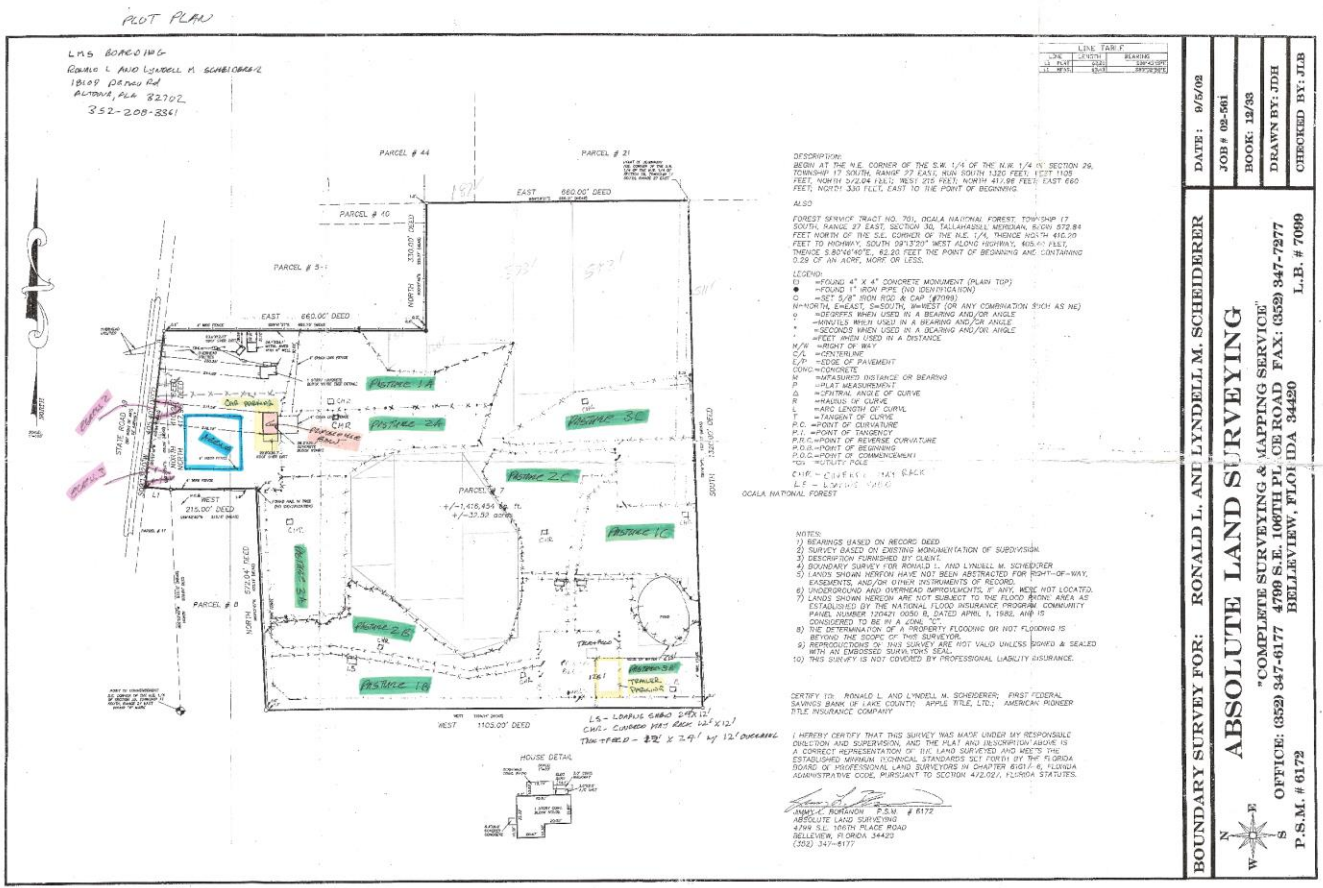
1. The existing stable may not be altered or enlarged as to increase the existing non-conforming setback.
2. The existing vegetative buffer along the effected south property line shall be maintained.

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

Case Manager: Ken Johnson, Senior Planner and Michele Janisweski, Chief Planner

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Attachment A Plot Plan



**Final Development Order
VAR-18-53-5
Scheiderer Property**

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

WHEREAS, Ronald & Lyndell Scheiderer (the "Owners") requested a variance to Lake County Land Development Regulations (LDR) Section 3.01.04 (4)(b), *Key to Conditions in Table of Permitted and Conditional Uses*, to reduce the setback required for structures housing animals from two-hundred (200) feet to one-hundred forty-one (141) feet from the south property line for an existing horse stable; and

WHEREAS, the subject property consists of 33.02 +/- acres and is currently developed as an agriculture homesite with a single-family dwelling unit, horse stable and associated structures. The property is generally located northeast of the intersection between State Road 19 and Boys Ranch Road in the Altoona area, in Section 29, Township 17 South, Range 27 East and Section 30, Township 17 South, Range 27 East, having Alternate Key Numbers 1219931 & 1220246 and is more particularly described below as:

BEGIN AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) SECTION 29, TOWNSHIP 17 SOUTH, RANGE 27 EAST, RUN SOUTH 1320 FEET, WEST 1105 FEET, NORTH 572.04 FEET, WEST 215 FEET, NORTH 417.96 FEET, EAST 660 FEET, NORTH 330 FEET, EAST TO POINT OF BEGINNING.

ALSO:

FOREST SERVICE TRACT NO. 701, OCALA NATIONAL FOREST, TOWNSHIP 17 SOUTH, RANGE TWENTY-SEVEN (27) EAST, SECTION THIRTY (30), TALLAHASSEE MERIDIAN. BEGIN 572.84 FEET NORTH OF SE CORNER OF NE ¼; THENCE NORTH 410.2 FEET, TO HIGHWAY, SOUTH 9°13'20" WEST ALONG HIGHWAY, 405.4 FEET. SOUTH 80°46'40" EAST 62.2 FEET TO POINT OF BEGINNING.

Parcel Identification Number: 29-17-27-0002-000-00700 & 30-17-27-0001-000-01600

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 November 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 November 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-18-53-5 to allow the property to be developed with a reduced setback from two-hundred (200) feet to one-hundred forty-one (141) feet from the south property line for an existing horse stable:

1. The existing stable may not be altered or enlarged as to increase the existing non-conforming setback; and
2. The existing vegetative buffer along the effected south property line shall be maintained.

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 8th day of November, 2018.

EFFECTIVE November 8, 2018.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Timothy Morris, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 8th day of November, 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