

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

Board of Adjustment

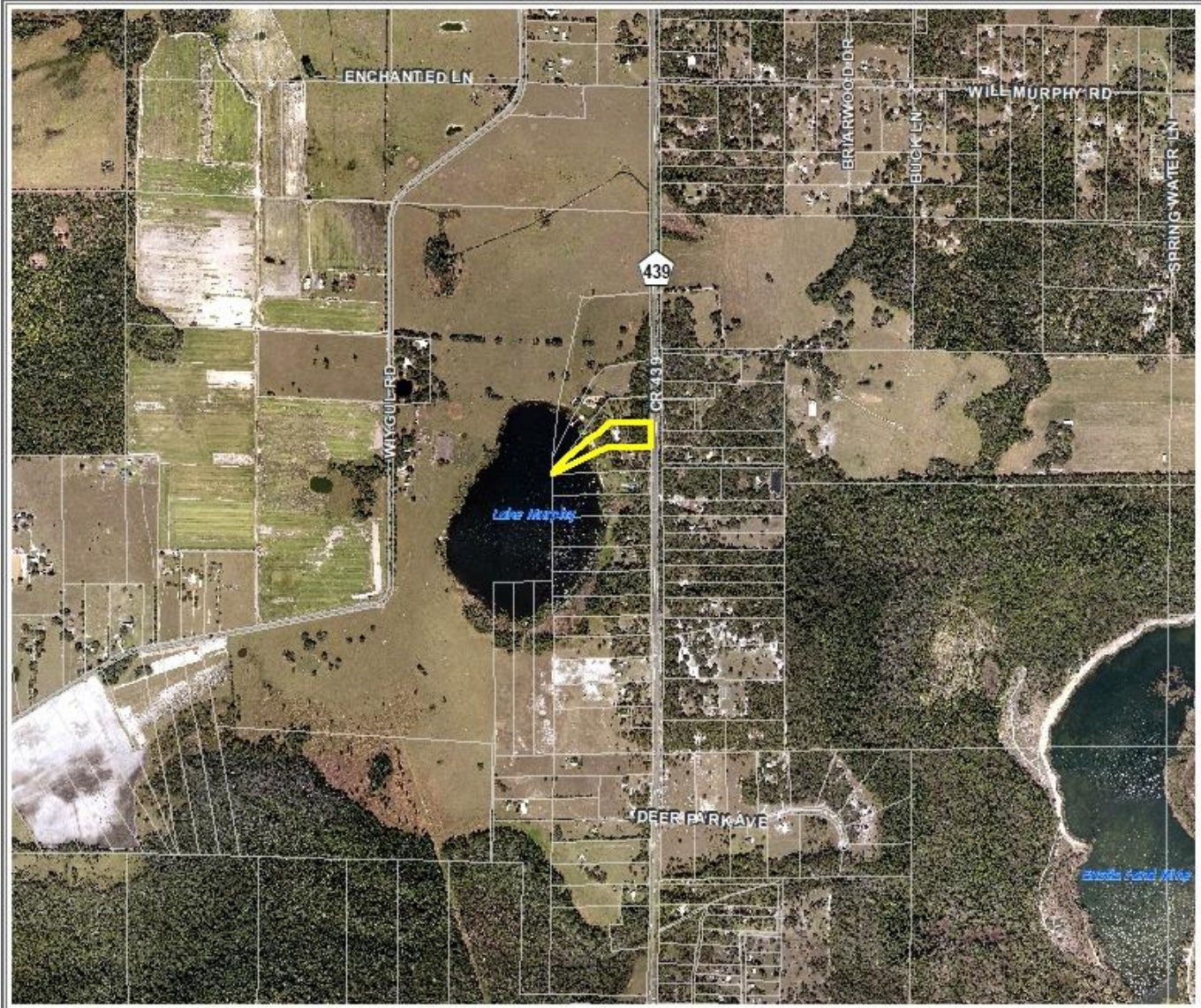


January 10, 2019

VAR-18-58-5
Jones Property

Commissioner District 5
Blake

Agenda Item #4



Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an accessory structure (shed) to be located seven (7) feet eight (8) inches from the side property line in lieu of ten (10) feet from the property line.

Applicant/Owners: Joseph Donelson Jones II (the "Owner")

- Site Location & Information -

Size	4.18 +/- acres
Location	39551 County Road 439, Umatilla, FL 32784
Alternate Key #	1453712
Future Land Use	Rural
Existing Zoning District	Rural Residential (R-1)
ISBA	N/A
Overlay Protection 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	Rural Residential (R-1)	Residence	Single Family Residence
South	Rural	Rural Residential (R-1)	Residence	Single Family Residence
East	Rural	Rural Residential (R-1)	Road	County Road 439
West	N/A	N/A	Lake	Lake Murphy

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an accessory structure (shed) to be located seven (7) feet eight (8) inches from the side property line in lieu of ten (10) feet from the property line.

- Background -

The subject property, identified as Alternate Key Number 1453712, is 4.18 +/- acres in size and is located south of Live Oaks Ranch Road and west of County Road 439. The property is zoned Rural Residential (R-1) and is designated by the 2030 Comprehensive Plan as Rural Future Land Use Category. The Lake County GIS Map and the Federal Emergency Management Agency (FEMA) indicate that the parcel is located within flood-zone area A. The attached survey (Attachment A) shows that the subject parcel is developed with a single-family dwelling unit, two (2) sheds, fence, dock, and seawall. The 603 square foot shed shown in the north-east area of the subject property is an after the fact accessory structure as it was constructed without permits. The applicant has submitted the variance request for lesser setbacks in order to facilitate the issuance of a zoning permit for the accessory structure (shed) as the structure does not meet code requirements.

-Reason for Request-

The Applicant is requesting a variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an accessory structure (shed) to be located seven (7) feet eight (8) inches from the side property line in lieu of ten (10) feet from the property line.

The variance application was submitted pursuant to a code violation notice for constructing an accessory structure (shed) on the subject property without proper approval. Staff was unable to issue the zoning permit for the after-the-fact, unpermitted accessory structure (shed) as the proposed accessory structure (shed) did not meet the minimum setback of 10-feet from the side property line.

-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.

“Previous structure was on the property line. This structure was located too close due to original survey errors.”

The intent of the Code, Land Development Regulations (LDR) Table 3.02.05, is to ensure the adherence of safe distance between structures and right-of-ways.

The subject property is zoned Rural Residential and is designated as Rural future land use and is developed with a single-family dwelling unit, two (2) sheds, fence, dock, and seawall. The X-foot by X-foot shed shown in the north-east area of the subject property is an after the fact accessory structure as it was constructed without permits. Pursuant to Land Development Regulations Section 10.01.01 accessory structures used in conjunction with a residential dwelling unit may be allowed on a lot. The Lake County GIS map appears to show a single family dwelling unit ten (10) feet from the north property line. Therefore, the requested lesser setback of seven (7) feet eight (8) inches from the side property line is consistent with the surrounding properties. Additionally, the accessory structure meets the front, south side and rear setbacks pursuant to Lake County Land Development Regulations Table 3.02.05.

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.

“Lateral setbacks incorrect due to error in original survey. Rural property, no damage as a result.”

The accessory structure (shed) has been paid for and is built; therefore, it would create a financial hardship for the owner to have it removed.

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

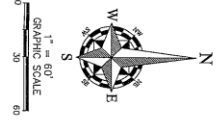
- This request is generally consistent with Land Development Regulations (LDR) Table 3.02.05, Setbacks, which ensures the adherence of safe distances between structures, as three sides meet the setbacks; and
- This request is consistent with Land Development Regulations (LDR) Section 10.01.01, General Requirements for Accessory Structure, which states that there shall be a lawful dwelling unit on the lot.

The Owners 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** of variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an accessory structure to be located seven (7) feet eight (8) inches from the side property line in lieu of ten (10) feet from the property line.

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

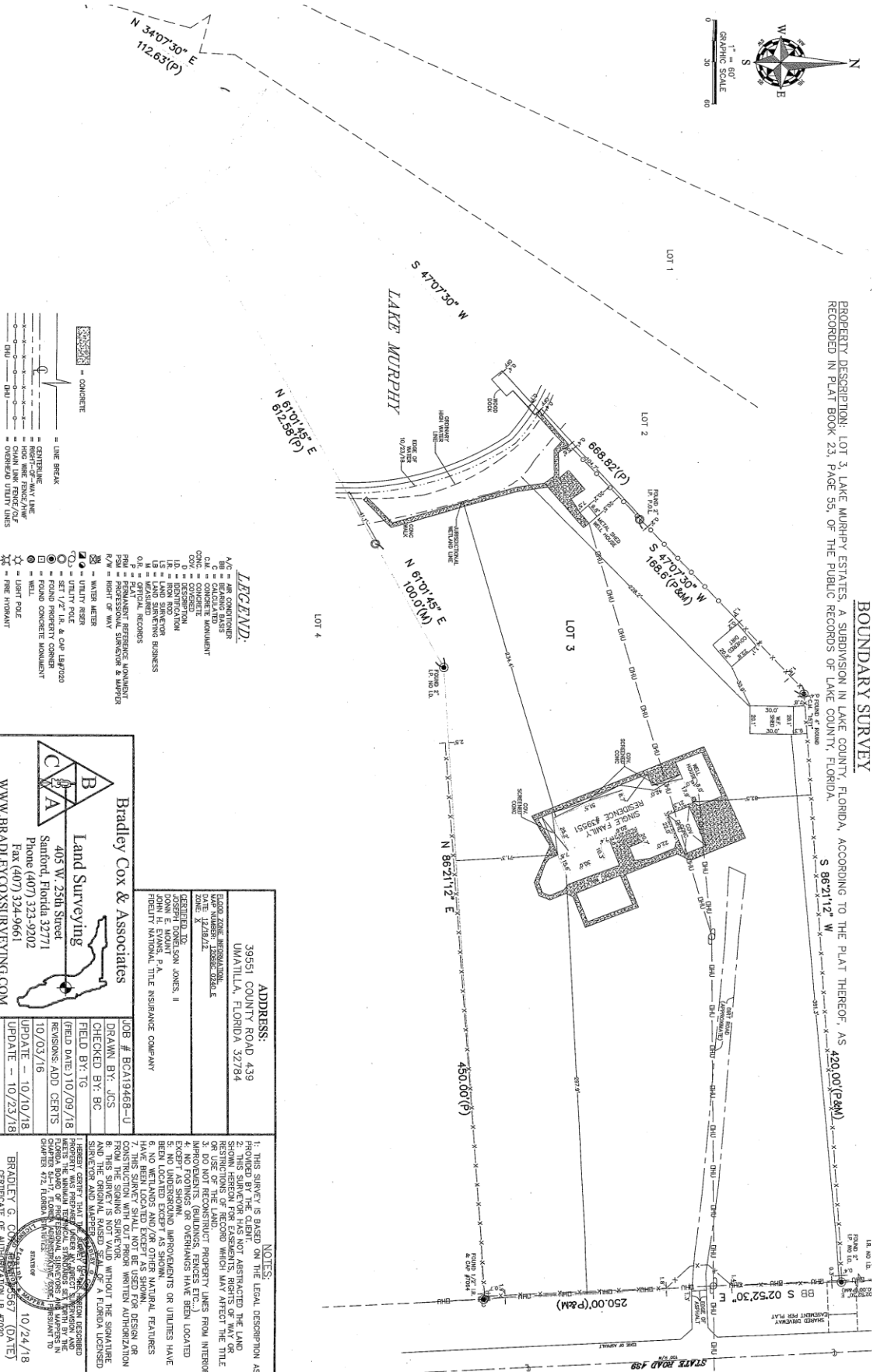
Case Manager: Ruth Mitchell, Associate Planner

Attachment A. Survey



PROPERTY DESCRIPTION: LOT 3, LAKE MURPHY ESTATES, A SUBDIVISION IN LAKE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 55, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

BOUNDARY SURVEY



- LEGEND:**
- LINE BREAK
 - CENTERLINE
 - RIGHT-OF-WAY LINE
 - CHAIN LINK FENCE/CLF
 - OVERHEAD UTILITY LINES
 - CONCRETE
 - WATER METER
 - UTILITY POLE
 - UTILITY POLE WITH WIRE
 - UTILITY POLE WITH WIRE AND CAP LIFTOFF
 - FOUND PROPERTY CORNER
 - FOUND CONCRETE MONUMENT
 - LIGHT POLE
 - WELL
 - FENCE
 - PRE-EXISTING

- LEGEND:**
- A/C = AIR CONDITIONER
 - B = BATH
 - C = CLOSET
 - CA = CONCRETE MONUMENT
 - COV = COVERED
 - D = IDENTIFICATION
 - DR = DRIVE
 - FR = FROM ROOF
 - IR = IRON ROD
 - LA = LAND SURVEYING BUSINESS
 - OR = ORIGINAL RECORDS
 - P = PLAT
 - PR = PROFESSIONAL REFERENCE MONUMENT
 - PSM = PROFESSIONAL SURVEYOR & MAPPER
 - R/W = RIGHT OF WAY
 - W = WATER METER
 - U = UTILITY POLE
 - UW = UTILITY POLE WITH WIRE
 - UWC = UTILITY POLE WITH WIRE AND CAP LIFTOFF
 - F = FOUND PROPERTY CORNER
 - FC = FOUND CONCRETE MONUMENT
 - L = LIGHT POLE
 - W = WELL
 - F = FENCE
 - PE = PRE-EXISTING

Bradley Cox & Associates
Land Surveying
 405 W. 25th Street
 Sanford, Florida 32771
 Phone (407) 324-9202
 Fax (407) 324-9661
 WWW.BRADLEYCOXSURVEYING.COM

ADDRESS:	39551 COUNTY ROAD 439 UMATILLA, FLORIDA 32784
DATE:	12/28/22
DESEIGNED BY:	BRADLEY COX
DRAWN BY:	JCS
CHECKED BY:	BC
FIELD DATE:	10/09/18
REVISIONS:	ADD CERTS 10/03/18
UPDATE:	10/10/18
UPDATE:	10/23/18

NOTES:

- THIS SURVEY IS BASED ON THE LEGAL DESCRIPTION AS SHOWN HEREON FOR EASEMENTS, RIGHTS OF WAY OR OR USE OF THE LAND.
- DO NOT RECONSTRUCT PROPERTY LINES FROM INTERIOR MONUMENTS (GALDINGS, FENCES ETC.) EXCEPT AS SHOWN.
- NO UNDERGROUND IMPROVEMENTS OR UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN.
- NO METAL LINDS AND/OR OTHER NATURAL FEATURES HAVE BEEN LOCATED EXCEPT AS SHOWN.
- THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE OF THE SURVEYOR.
- THE SIGNATURE MUST BE USED FOR DESIGN OR CONSTRUCTION PURPOSES.
- THE SIGNATURE MUST BE WRITTEN AND TRANSCRIBED FROM THE SIGNING SURVEYOR.
- THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE OF THE SURVEYOR.

BRADLEY COX & ASSOCIATES
 10/24/18
 DATE

**Final Development Order
VAR-18-58-5
Jones Property**

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

WHEREAS, Joseph Donelson Jones II (the "Owner") made a variance request to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an accessory structure (shed) to be located seven (7) feet eight (8) inches from the side property line in lieu of ten (10) feet from the property line; and,

WHEREAS, the subject property consists of 4.18 +/- acres and is located south of Live Oaks Ranch Road and west of County Road 439 in the Umatilla area, in Section 15, Township 18, Range 27, having an Alternate Key Number 1453712 and is more particularly described below as:

Lot 3, Lake Murphy Estates, according to the map or plat thereof, as recorded in Plat Book 23, Page(s) 55, of the Public Records of 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 January 10, 2019; 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 January 10, 2019, 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-18-58-5 to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an accessory structure (shed) to be located seven (7) feet eight (8) inches from the side property line in lieu of ten (10) feet from the property line.

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.

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

ENACTED this 10th day of January, 2019.

EFFECTIVE January 10, 2019.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

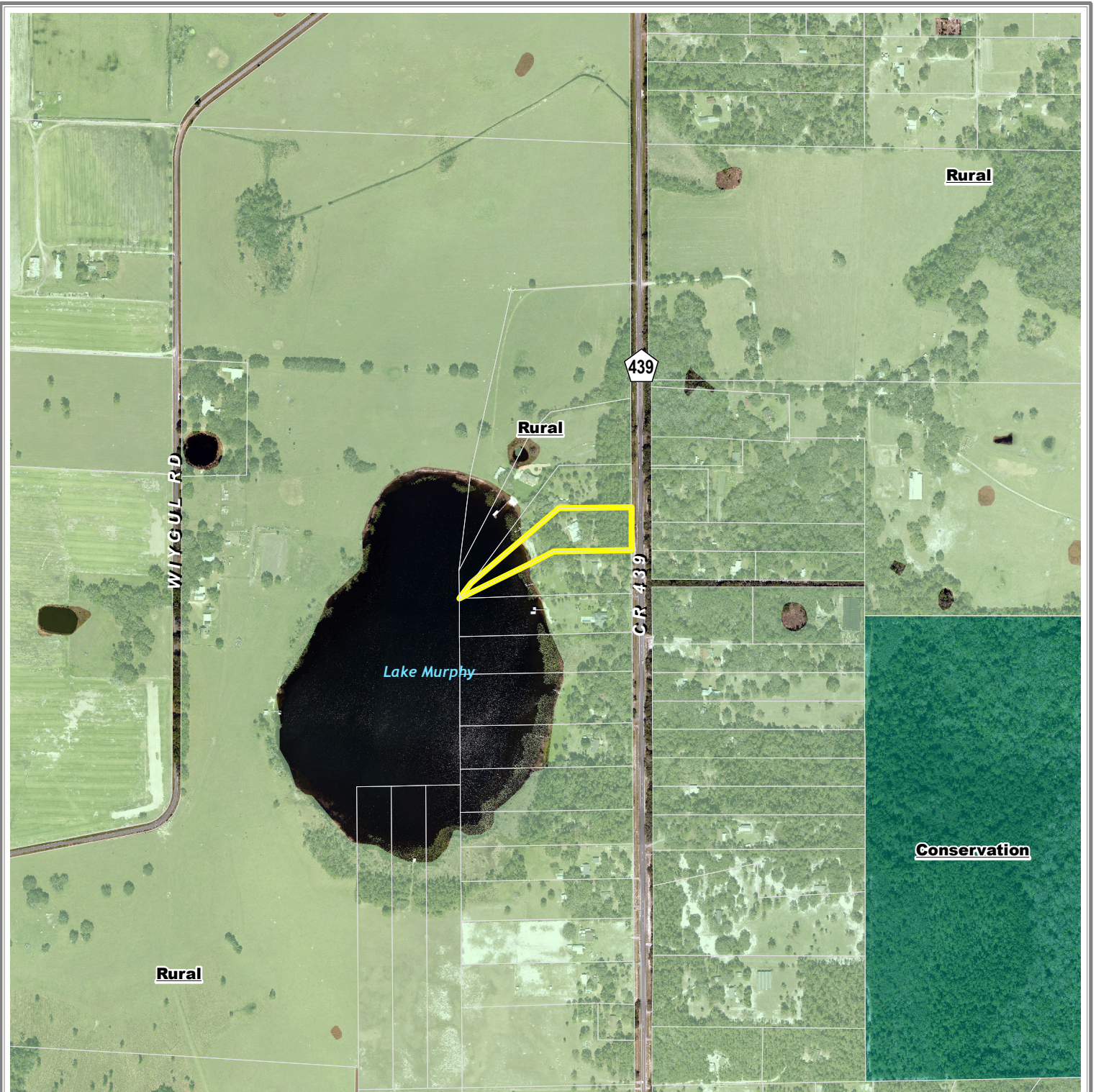
Tim Morris, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 10th day of January, 2019, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

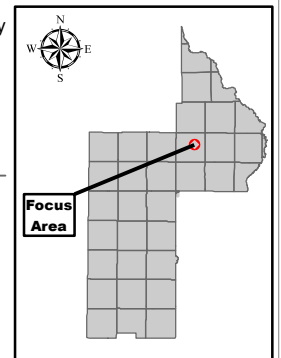
Signature of Acknowledger



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 | 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: JONES PROPERTY
CASE NUMBER: VAR-18-58-5
LOCATION (S-T-R): 15-18-27
REQUEST: SETBACK 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-18-58-5
LOCATION (S-T-R): 15-18-27
REQUEST: SETBACK ADJUSTMENT

