

LAKE COUNTY OFFICE OF PLANNING AND ZONING VARIANCE STAFF REPORT

| Project Information | |
|--|--|
| Project Name and Case No. | Bennett Property, VAR-19-04-1 |
| Applicant | Russell S. Hoffman |
| Owner | Anthony F. Bennett |
| Requested Action | Variance to Lake County Land Development Regulations (LDR) Section 10.01.03(B)(5) to allow an accessory dwelling unit that is different in architectural style than the principal dwelling unit. |
| Board of Adjustment Board Hearing Date | April 11, 2019 |
| Staff Analysis/Determination | Staff recommends Approval with conditions as provided in the draft Development Order. |
| Case Manager | Ruth Mitchell, Associate Planner |

| Subject Property Information | |
|------------------------------|--|
| Size | 5.08 +/- acres (no wetlands or water bodies on subject property) |
| Location | West of County Road 561, Astatula area |
| Alternate Key No. | 1743800 |
| Future Land Use | Rural |
| Current Zoning District | Agriculture (A) |
| Floodzone | N/A |
| Joint Planning Area/ ISBA | N/A |
| Overlay Districts | N/A |

| Land Use Table | | | | |
|----------------|-----------------|-----------------|--------------|-----------------------------|
| Direction | Future Land Use | Zoning | Existing Use | Comments |
| North | Rural | Agriculture (A) | Vacant | Vacant |
| South | Rural | Agriculture (A) | Residential | Single-family dwelling unit |
| East | Rural | Agriculture (A) | Residential | Single-family dwelling unit |
| West | Rural | Agriculture (A) | Vacant | Vacant |

| Summary of Request |
|---|
| <p>The Owner is requesting a variance to Lake County Land Development Regulations (LDR) Section 10.01.03(B)(5) to allow an accessory dwelling unit that is different in architectural style than the principal dwelling unit.</p> <p>The Owner inquired information to build a new single family dwelling unit on his parcel and keep the existing mobile home as an accessory dwelling unit. The Owner has requested this variance because the existing mobile home that is to be used as an accessory dwelling unit does not meet the same architectural style as the principal dwelling as required per Land Development Regulations (LDR) 10.01.03(B)(5).</p> |

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.

“Will match mobile home with siding and metal roofing.”

The intent of the Code, Land Development Regulations LDR 10.01.03, is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.

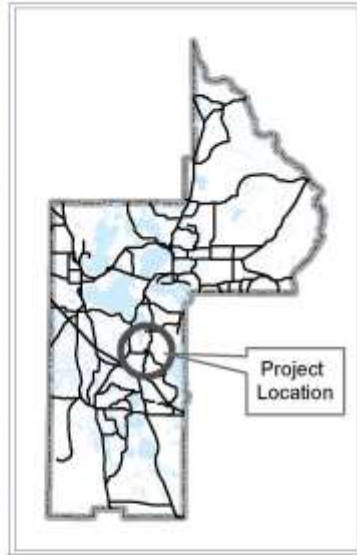
The subject property is zoned Agriculture and is designated as Rural future land use. It is developed with a single family dwelling unit (mobile home), stable and shed. The Owner would like to build a new single-family dwelling unit and keep the existing mobile home on the property as an accessory dwelling unit. The new single family dwelling unit will match the same siding, and metal roof as the existing single family dwelling unit (mobile home).

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.

“We want a conventionally built home on grade with concrete floors for both security, energy efficiency and return on our investment. Future plans may include replacing the mobile home if possible.”

LDR Section 14.15.04, states that for the purposes of this section “substantial hardship” means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance. When the Owner builds the new single-family dwelling unit it would provide better security than the existing single-family dwelling unit (MH). It would be a financial burden to remove the existing single-family dwelling unit (mobile home), as the Owner would need to obtain a demolition permit from Building Services and also pay for a contractor to demolish or remove the single-family dwelling unit (mobile home), once the new single-family dwelling unit is built. The Owner would possibly want to replace the existing single-family dwelling unit in the future.

Subject Property



**Final Development Order
Bennett Property
VAR-19-04-1**

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

WHEREAS, Russell S. Hoffman (the “Applicants”) made a variance request on behalf of Anthony F. Bennett (the “Owner”) submitted an application to request a variance from Land Development Regulations (LDR) Section 10.01.03(B)(5) to allow an accessory dwelling unit that is different in architectural style than the principal dwelling unit; and

WHEREAS, the subject property consists of 5.08 +/- acres and is located west of County Road 561 in the Astatula area, in Section 7, Township 21 South, Range 26, Alternate Key Number 1743800 and is more particularly described below (the “Property”);

The South 1/2 of the North 1/2 of the South 1/2 of the Northeast 1/4 of the Section 7, Township 21 South, Range 26 East, Lake County, Florida. Together with easement for ingress and egress as evidenced by Grant of Easement and License recorded January 21, 2009, in Official Records Book 3722, Page 431, Public Records of Lake County, Florida.

Together with a 2000 Chancell Doublewide Mobile Home, Vin #JACFL21406A, Title No. 89092182 and Vin #JACFL21406B, Title No. 89091951

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 11, 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 April 11, 2019, the Lake County Board of Adjustment approved the variance for the above to allow an accessory dwelling unit that is different in architectural style than the principal dwelling unit.

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-19-04-1 to allow an accessory dwelling unit that is different in architectural style than the principal dwelling unit 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 11th day of April, 2019.

EFFECTIVE April 11, 2019.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Lloyd Atkins, Jr., Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this April 11, 2018 by Lloyd Atkins, Jr., who is personally known to me.

(SEAL)

Signature of Acknowledger