



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: May 9, 2019

Case No. and Project Name: VAR-19-18-5, Galloway Property

Applicant: Jimmy D. Crawford, Esquire, Crawford, Modica & Holt Chartered Attorneys at Law

Owner: William Shane Files and Cheryl J. Files

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.02.05(J), to allow four (4), existing accessory structures to remain in their current location and to be used as kennels with a setback of less than two-hundred (200) feet from the north property line.

Staff Determination: Staff recommends approval of the variance request with the conditions outlined in the development order.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 30+/- acres

Location: North of County Road 44A in the Eustis area

Alternate Key No.: 1710847

Future Land Use: Wekiva River Protection Area Receiving Area A-1-20

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: None

Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Wekiva River Protection Area Receiving Area A-1-20	Agriculture (A)	Vacant	Vacant Large Tract of Land
South	N/A	N/A	County Road	County Road 44A
East	Wekiva River Protection Area Receiving Area A-1-20	Agriculture (A)	Residential	Single-Family Dwelling Units
West	Wekiva River Protection Area Receiving Area A-1-20	Agriculture (A)	Residential	Single-Family Dwelling Units

Summary of Request.

The Applicant seeks to use four (4), existing accessory structures to remain in their current location and to be used as kennels for a proposed dog training facility. Lake County Land Development Regulations (LDR) Section 3.02.05(J), states that buildings, runs, pens or other structures used for the purpose of a kennel, or to house, feed, exercise or otherwise maintain a total of five (5) or more dogs must maintain a 200 foot setback from the nearest right-of-way line of any road, adjacent boundary, or property owned by others.

The subject parcel is currently developed with a single-family dwelling unit and four (4) accessory structures. Ordinance 2002-10 approved conditional use permit #02/1/1-5 to allow a home occupation to operate a veterinary clinic for small and large animals from the residence. The contractor purchaser is interested in amending the conditional use permit to allow a dog training facility.

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.

“The existing structures are located adjacent to a heavily forested area which provides sufficient buffering to the adjacent property.”

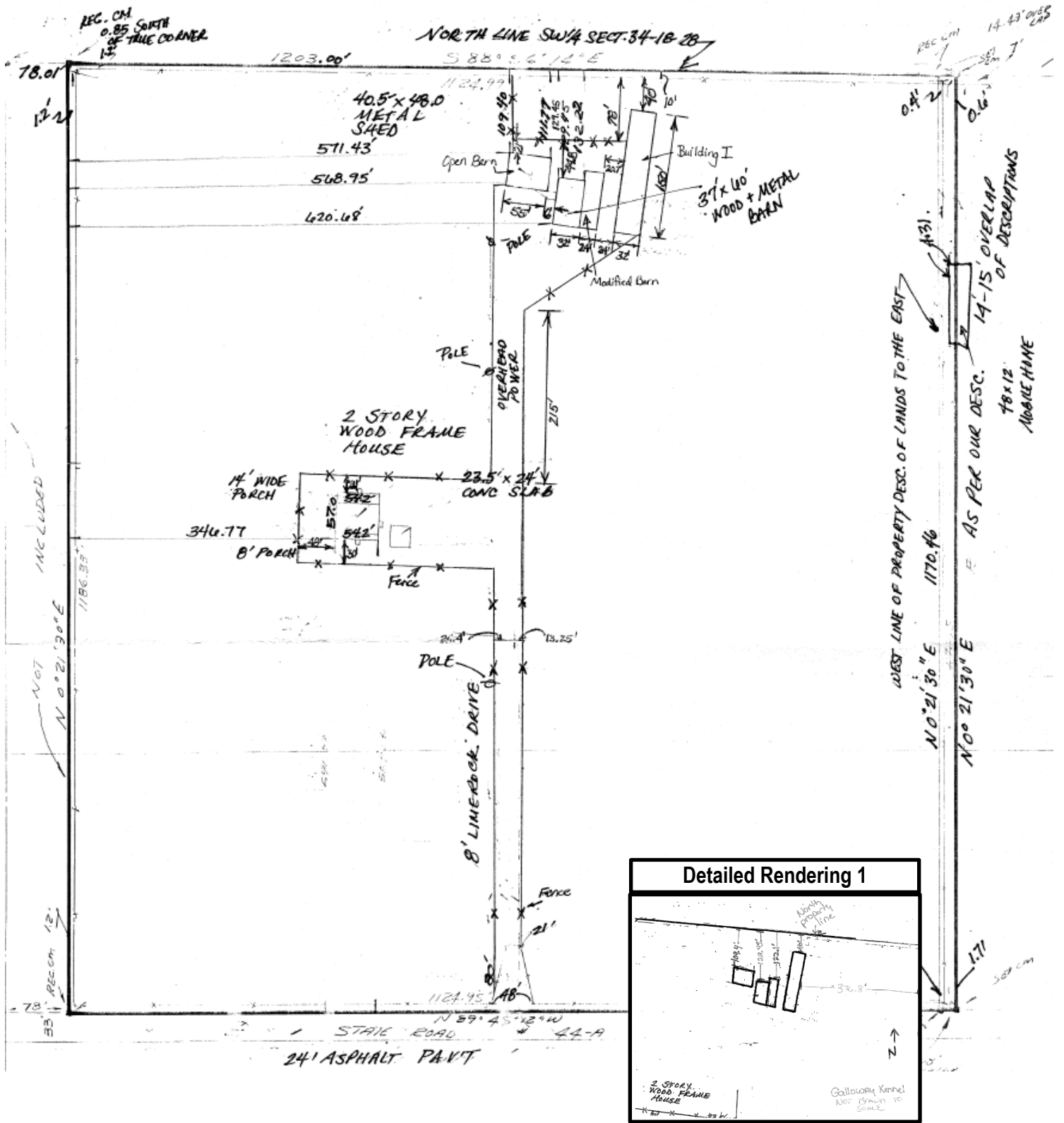
The intent of the Code, LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures and encourage a visually pleasing environment. The existing accessory structures meet the minimum two-hundred (200) foot setback from the southern, eastern and western property lines. GIS data indicates that the four (4), existing accessory structures are adjacent to existing vegetation, which creates a visual buffer and shields the visibility and potential noise of the existing structures from neighboring properties. If the variance is approved by the Board of Adjustments and the proposed conditional use permit is approved by the Board of County Commissioners, a development application for site plan approval will be required. The development application will require the submission of a noise assessment will be required during site plan review to ensure there is no adverse noise impact on the neighboring properties.

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.

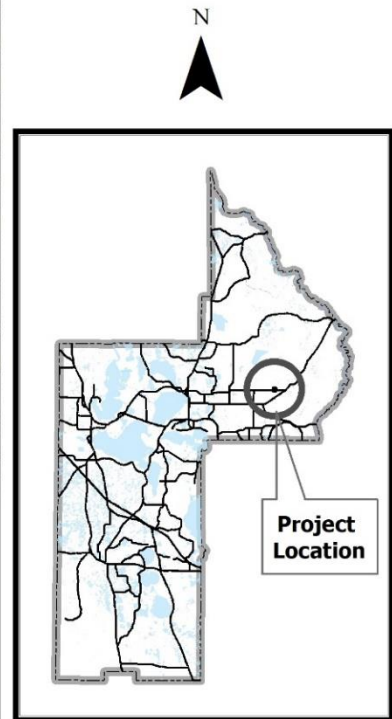
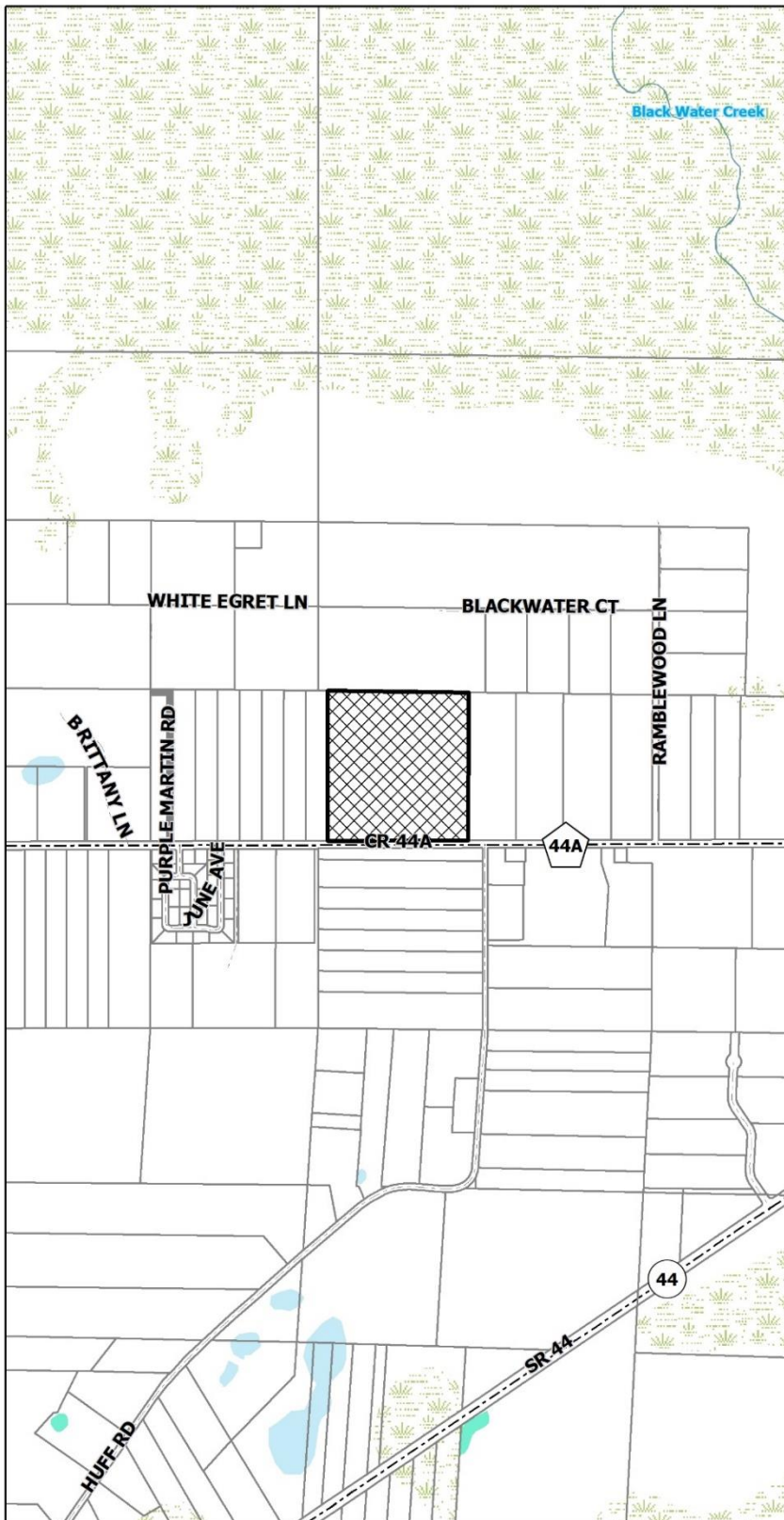
“The structures are existing and were authorized per CUP Ordinance 2002-10 to house animals. The contract purchaser has requested to amend the CUP Ordinance and plans to utilize the existing structures on site.”

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. The contractor purchaser is interested in purchasing the subject parcel that has an existing conditional use permit approval. Ordinance 2002-10 approved conditional use permit #02/1/1-5 to allow a home occupation to operate a veterinary clinic for small and large animals from the residence and the contractor purchaser. However, the contractor purchaser is interested in amending the conditional use permit to allow a dog training facility. It is cost prohibited if the contractor purchaser is required to remove the existing accessory structures to meet the kennel setbacks or construct additional structures to be used as kennels.

Attachment A – Concept Plan



Map of Subject Property



**Final Development Order
VAR-19-18-5
Galloway Property**

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

WHEREAS, Jimmy D. Crawford, Esquire (the “Applicant”) requested a variance on behalf of William Shane Files and Cheryl J. Files (the “Owners”) to Lake County Land Development Regulations (LDR) Section 3.02.05(J), to allow four (4), existing accessory structures to remain in their current location and to be used as kennels with a setback of less than two-hundred (200) feet from the north property line; and

WHEREAS, the subject property consists of 30 +/- acres and is generally located north of CR 44A in the Eustis area, in Section 34, Township 18 South, Range 28 East, having Alternate Key Number 1710847 and more particularly described in below; and

THAT PART OF THE EAST 1,125 FEET OF THE WEST 1,203 FEET OF THE NORTH 1/2 OF THE SW 1/4 OF SECTION 34, TOWNSHIP 18 SOUTH, RANGE 28 EAST, LYING NORTH OF THE NORTH LINE OF THE RIGHT-OF-WAY OF COUNTY ROAD 44A IN 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 May 9, 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 May 9, 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-19-18-5 to allow four (4), existing accessory structures to remain in their current location and to be used as kennels with a setback of less than two-hundred (200) feet from the north property line with the following conditions:

1. The northern property boundary existing vegetation must be maintained to serve as a buffer.
2. Replaced and/or new structures proposed to be used as kennels shall be required to meet the minimum two-hundred (200) foot kennel setbacks as specified in the Land Development Regulations (LDR).

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 May, 2019.

EFFECTIVE May 9, 2019.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Lloyd Atkins, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 9th day of May, 2019, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

Notary Public