



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: July 11, 2019

Case No. and Project Name: VAR-19-24-4, Dickerson Property

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

Owner: Jeffrey L. Dickerson

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.02.05(J), to allow a proposed kennel building to be constructed with a setback of less than two-hundred (200) feet from the western, northern, and southern property lines.

Staff Determination: Staff recommends approval of the variance request subject to the conditions contained in the draft development order.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 5+/- acres

Location: North of State Road 46, and south of Wolf Branch Road in the Sorrento area.

Alternate Key No.: 3378784

Future Land Use: Mt. Plymouth Sorrento Neighborhood

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	Mt. Plymouth Sorrento Neighborhood	Agriculture (A)	Residential	Single-Family Dwelling Units
South	Mt. Plymouth Sorrento Neighborhood	Agriculture (A)	Residential	Single-Family Dwelling Units
East	N/A	N/A	Street	Orange Street, Adjoining by Single-Family Dwelling Units
West	Mt. Plymouth Sorrento Neighborhood	Agriculture (A)	Residential	Vacant Large Agriculture Tracts of Land

Summary of Request.

The subject 5 +/- acre parcel is identified by Alternate Key Number 3378784. The parcel is zoned Agriculture (A) and is part of the Mt. Plymouth Sorrento Neighborhood Future Land Use Category (FLUC). The subject parcel is currently developed with a single-family dwelling unit, stable, shed, and horse corral areas. The Owner seeks approval to allow an additional 3,000 +/- square foot building that will be used as kennel with a setback of fifty (50) feet from the western property line, one-hundred thirty-seven and one-half (137.5) feet from the northern and southern property lines. However, Lake County Land Development Regulations (LDR) Section 3.02.05(J), requires that structures used for the purpose of a kennel must maintain a setback of two-hundred (200) feet from the nearest right-of-way line of any road, adjacent boundary, or property owned by others. Therefore, the application seeks a variance to Lake County Land Development Regulations (LDR) Section 3.02.05(J), to allow a proposed kennel building to be constructed with a setback of less than two-hundred (200) feet from the western, northern, and southern property lines.

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 Property Owner will center the kennel structure on his property to ensure adjacent neighbors have adequate buffers, as required in LDR 3.01.04.1 Keeping of Livestock for General Agriculture and Non-Intensive Agriculture. The LDR's have a contradictory section of the LDR's that requires a 200 foot setback regardless of lot dimensions."

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 lot width is three-hundred five (305) feet and therefore cannot accommodate the minimum required two-hundred (200) foot setback for the proposed kennel. To meet the intent of the Code, the Applicant is proposing a fifteen (15) foot landscape buffer (Type "A") to create a visual buffer and mitigate any potential noise impacts.

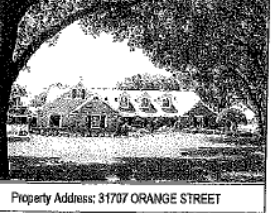
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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.

"LDR 3.02.05.J. requires the proposed kennel (concurrent CUP application) to maintain a 200 foot setback from the nearest ROW, road or adjacent boundary or Property owned by others. The Owner's property is only 305 ft wide and therefore makes it impossible to meet a 200 ft setback. We are requesting a variance to this section, however we will follow LDR 3.01.04.1 that allows properties without enough width to center structures that will house animals on the property."

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. It is impossible for the proposed building to meet the minimum required kennel setback as the lot width is three-hundred five (305) feet. Therefore, even if the Owners reconfigure the proposed structure or proposed location, the property would not be able to accommodate the minimum required two-hundred (200) foot setback for the proposed kennel.

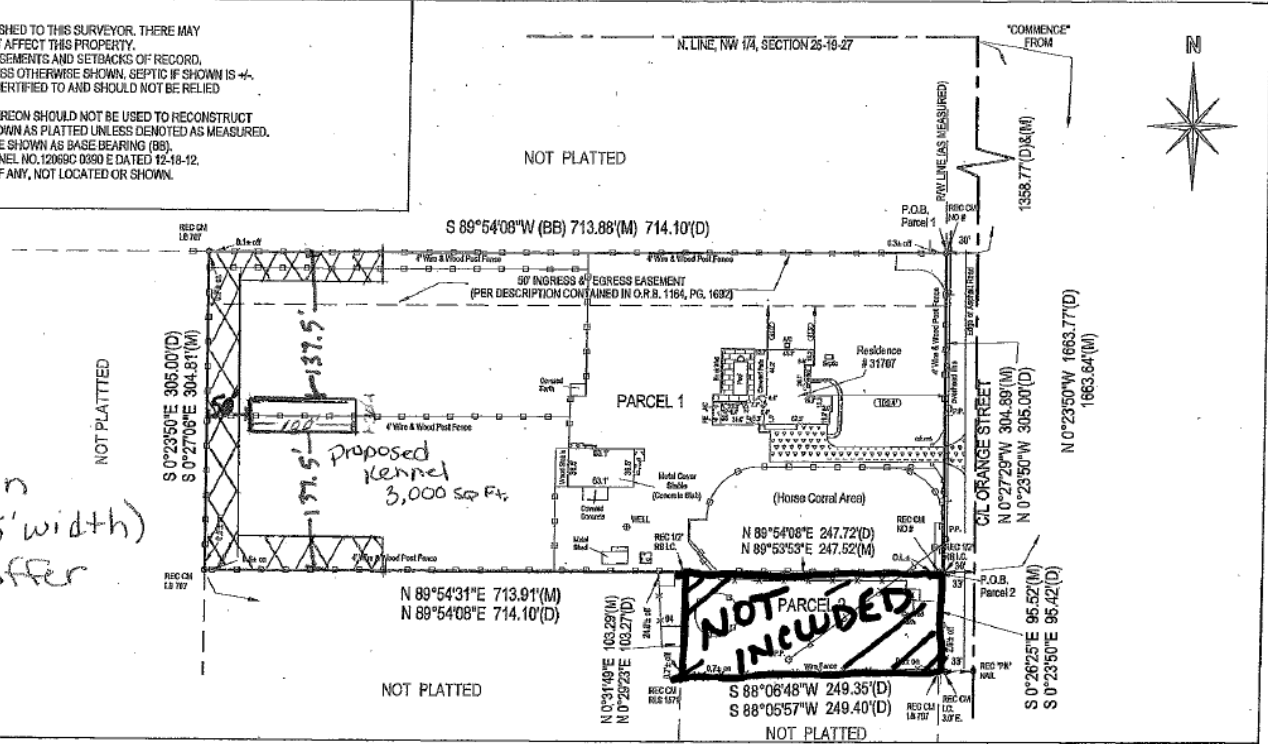
Attachment A – Concept Plan

NOTES:
 1. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THIS SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY.
 2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN. SEPTIC IF SHOWN IS UPON OR USED BY ANY OTHER ENTITY.
 3. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON OR USED BY ANY OTHER ENTITY.
 4. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES. BOUNDARY BEARINGS AND DISTANCES ARE SHOWN AS PLATTED UNLESS DENOTED AS MEASURED.
 5. BEARINGS ARE BASED ON DESCRIPTIVE DATUM AND ON THE LINE SHOWN AS BASE BEARING (BB).
 6. PROPERTY HEREON LOCATED IN ZONE "X" PER F.L.R.M. MAP PANEL NO. 120690 0390 E DATED 12-18-12.
 7. BUILDING LINES SHOWN, REPRESENT BUILDING WALLS, EAVES, IF ANY, NOT LOCATED OR SHOWN.



Property Address: 31707 ORANGE STREET

Proposed location of Type A (15' width) landscape buffer



DESCRIPTION:
 PARCEL 1: Commence at the intersection of the East line of the Northwest 1/4 of Section 25, Township 19 South, Range 27 East, Lake County, Florida, with the South line of the North 1358.77 feet of the Northwest 1/4 of said Section 25, run thence S 89°54'08" W, along the said line of the North 1358.77 feet of the Northwest 1/4 a distance of 30.0 feet to a point on the West right of way of Orange Street and the Point of Beginning, continue S 89°54'08" W, 714.10 feet; thence S 0°23'50" E, 305.00 feet; thence N 89°54'08" W, 714.10 feet to a point on the West right of way of Orange Street; thence N 0°23'50" W, along said West right of way of Orange Street 305.00 feet to the Point of Beginning. The North 60.0 feet subject to an easement for ingress and egress.
 PARCEL 2: Commence at the northeast corner of the Northwest 1/4 of Section 25, Township 19 South, Range 27 East, Lake County, Florida, run thence S 0°23'50" E, along the East line of the Northwest 1/4, 1663.77 feet; thence S 89°54'08" W, 33.00 feet to the Point of Beginning; from said Point of Beginning, run S 0°23'50" E, 95.42 feet; thence S 88°05'57" W, 249.40 feet; thence N 0°29'29" E, 103.27 feet; thence N 89°54'08" E, 247.72 feet to the Point of Beginning.

JOB NO.: 15-1712
 DATE FIELD: 08-21-15
 SIGNED: 08-24-15
 DRAWN BY: RWJ
 P.C.: RP
 CHECKED BY: RWJ

Boundary And Mapping Associates, Inc.
 LAND SURVEYORS LB 4585
 109 WEST ORANGE STREET
 ALTAMONTE SPRINGS, FL 32714
 PH. (407) 898-1155

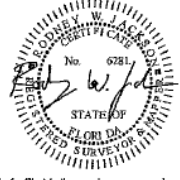
CERTIFIED TO:
 JEFFREY L. DICKERSON AND DIANA LYNN ROY
 FIRST FEDERAL BANK, F.S.B.
 CITY TITLE SERVICES, LLC
 ALIANT NATIONAL TITLE

LEGEND	
REC. - RECOVERED	CONCRETE
IP. - IRON PIPE	PRO. POINT OF REVERSE CURVE
IC. - ILLEGIBLE CAP #	R.P. - RADIUS POINT
C.M. - 4"x4" CONCRETE MONUMENT	R - RADIUS
RB - REBAR	L - LENGTH OF ARC
RAD. - RADIAL	B.E. - BIOWALK EASEMENT
N.R. - NOT RADIAL	U.E. - UTILITY EASEMENT
N&D - NAIL & DISC	D.E. - DRAINAGE EASEMENT
(P) - PER PLAT	L.E. - LANDSCAPE EASEMENT
(M) - AS MEASURED	P.E. - POOL EQUIPMENT
(D) - PER DESCRIPTION	P.P. - POWER POLE
O.L. - ON LINE	C.L. - CHAIN LINK / WIRE FENCE
P.C. - POINT OF CURVATURE	W.F. - WOODEN FENCE
P.T. - POINT OF TANGENCY	V.F. - VINYL FENCE
R.W. - RIGHT-OF-WAY	A.F. - ALUMINUM FENCE

This is a digitally signed and sealed drawing of a boundary survey performed under the direction of the undersigned. Survey is authorized on or about the date of the survey shown hereon and certified only to those persons and/or entities listed herein. The boundary survey meets the minimum technical standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17 F.A.C. pursuant to section 472.027 Florida Statutes.

Rodney W. Jackson
 RODNEY W. JACKSON, PSM 6281

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.



Map of Subject Property



**Final Development Order
VAR-19-24-4
Dickerson 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 Jeffrey L. Dickerson (the “Owner”), to Lake County Land Development Regulations (LDR) Section 3.02.05(J), to allow a proposed kennel building to be constructed with a setback of less than two-hundred (200) feet from the western, northern, and southern property lines; and

WHEREAS, the subject property consists of 5 +/- acres and is located at 31707 Orange Street, in the unincorporated Sorrento area of Lake County, Florida, in Section 25, Township 19 South, Range 27 East, having Alternate Key Number 3378784 and more particularly described in below:

EXHIBIT “A” – LEGAL DESCRIPTION

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 July 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 July 11, 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-19-24-4 to allow a proposed kennel building to be constructed with a setback of less than two-hundred (200) feet from the western, northern, and southern property lines with the following conditions:

1. A Type “A” landscape buffer must be installed and maintained along the western, northern, and southern property lines to serve as a buffer and mitigate any potential noise impacts.

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 July, 2019.

EFFECTIVE July 11, 2019.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Lloyd Atkins, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 11th day of July, 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

EXHIBIT "A" – LEGAL DESCRIPTION

Commence at the intersection of the East line of the Northwest 1/4 of Section 25, Township 19 South, Range 27 East, Lake County, Florida, with the South line of the North 1358.77 feet of the Northwest 1/4 of said Section 25, run thence S.89°54'08"W., along the said South line of the North 1358.77 feet of the Northwest 1/4 a distance of 30.0 feet to a point on the West right of way of Orange Street and the Point of Beginning of this description; from said Point of Beginning, continue S.89°54'08"W., 714.10 feet; thence S.00°23'50"E., 305.0 feet; thence N.89°54'08"E., 714.10 feet to a point on the West right of way of Orange Street; thence N.00°23'50"W., along said West right of way of Orange Street 305.0 feet to the Point of Beginning.

The North 50.00 feet subject to an easement for ingress and egress.