



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearing Date: July 11, 2019

Case No. and Project Name: VAR-19-25-5, Wilcox Property

Applicant: Timothy D. Wilcox

Owner(s): Timothy D. Wilcox & Pamela C. Schneider

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.02.05, to allow after-the-fact pole barn at 14 ft.

Staff Determination: Staff recommends approval of the variance request.

Case Manager: Sandy Michel, Planner

### Subject Property Information

Size: 19.50 net acres (wetlands or water bodies are on the property)

Location: North of McCall Rd. in the Altoona area.

Alternate Key No.: 1219892

Future Land Use: Rural

Current Zoning District: Agricultural District (A)

Flood Zone: AE/X

Overlay Districts: Wekiva - Ocala RPA

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agricultural District (A)	Residential	Single-family dwelling unit
South	N/A	N/A	Road	McCall road
East	Rural	Agricultural District (A)	Residential	Single-family dwelling unit
West	Rural	Agricultural District (A)	Residential	Single-family dwelling unit

### Summary of Request.

The subject 19.50 net acres property is identified by Alternate Key Number 1219892. The properties are generally located north of McCall rd. in the Altoona area. The properties are currently zoned Agricultural District (A) and is designated as Rural in the Future Land Use.

The Applicant has built within property setback (LDR Section 3.02.05), and currently requesting to keep the after-the-fact pole barn at its current location.

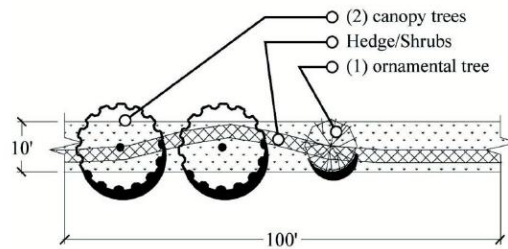
### Staff Analysis.

**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 is in a rural agricultural area of the county with many pole barns and other agricultural and utility structures. The requested variance would not encroach on the 33’ easement. McCall Road is unpaved, and is a dead end on both east and west so all traffic is local. Based on discussion with neighbors, applicant does not believe the requested variance would have any negative impact on the neighborhood.”*

According to the LDR Section 3.02.05, the Zoning District Regulations establish the required setbacks. The subject property is in the Agricultural District (A), the setbacks for this zone are 25 feet for side and rear. The pole barn is located in the front of an easement which requires a 25 ft. setback. The owners are asking for a variance of 14 ft. from the easement. Staff recommends approval with conditions for this request. The conditions staff is asking for is to maintain the existing landscape buffers surrounding the pole barn, as well as, to place shrubs on south side of pole barn facing the McCall Road, Landscape Buffer ‘A’ see below for illustration (please see the DO section 2.A.), the easement (See attachment B for photos of pole barn provided by owner).



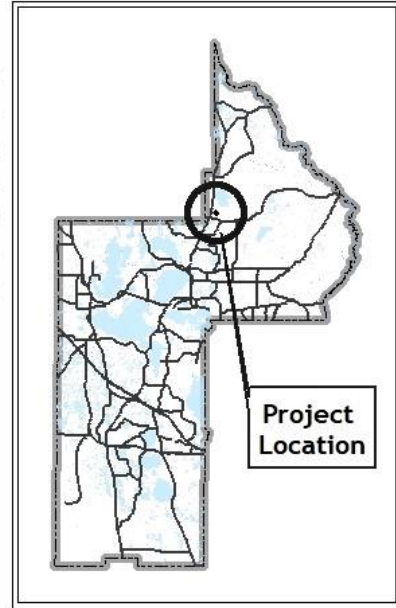
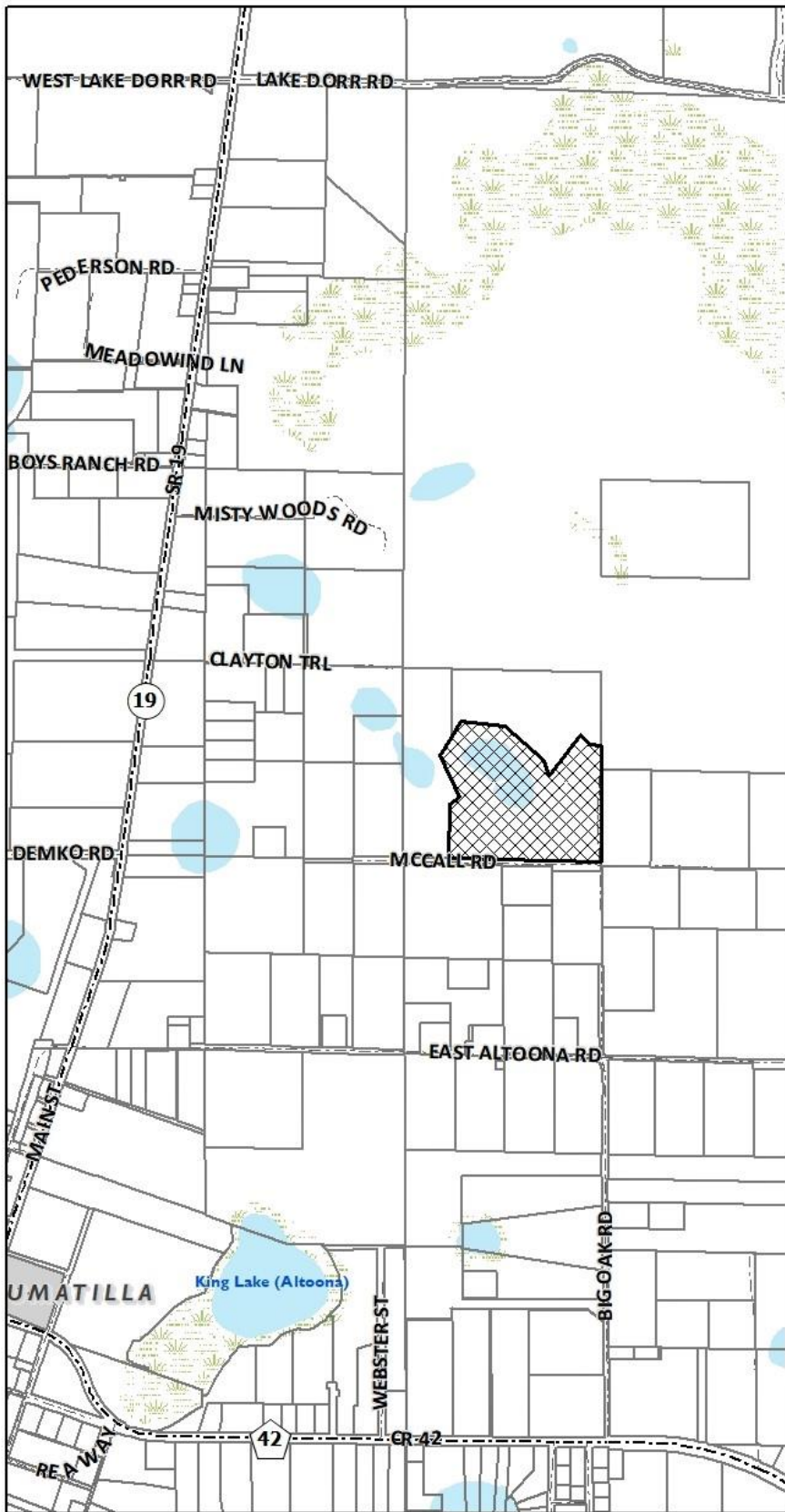
Landscape Buffer A – Ten feet (10) width option

**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.**

*“Applicant acknowledges that although the hardship was created through an error on his part, moving the structure in question to comply with the current setback requirement will be difficult, requiring that the structure be dismantled so that it can be re-constructed at least 14’ further north.”*

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.

# Map of Subject Property







## Attachment B: photos of the property



From across McCall Road looking to the East



Looking West from Property Driveway



From across McCall Road looking to the West

**Final Development Order  
VAR-19-25-5  
Wilcox Property**

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

**WHEREAS**, Timothy D. Wilcox (the “Applicant”) requested a variance, on behalf of Timothy D. Wilcox & Pamela C. Schneider (the “Owners”) made a variance request to Lake County Land Development Regulations (LDR) Table 3.02.05, *Setback Requirements*, to allow an addition to the existing barn to be located eleven (11) feet from an easement from the required twenty-five (25) feet and Land Development Regulations (LDR) Section 10.01.03.B.5 to allow for an accessory dwelling unit (ADU) that is not of the same architectural style as the principal dwelling; and,

**WHEREAS**, the subject property consists of 19.50 +/- acres and is located at 19323 McCall Rd., Altoona, FL 32702, in Section 29, Township 17 South, Range 27 West having an Alternate Key Number 1219892 and more particularly described in:

Exhibit “A” – Legal Description

**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 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-19-25-5 to Lake County Land Development Regulations (LDR) Table 3.02.05, *Setback Requirements*, to allow an existing pole to be located fourteen (14) feet from an easement from the required twenty-five (25) feet.

A. A Type “A” landscape buffer must be installed and maintained along the southeast side where the pole barn is located, as well as, the owners must maintain the existing vegetation that surrounds the pole barn 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 11<sup>th</sup> 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 11<sup>th</sup> 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

From the Northeast corner of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 29. Township 17 South, Range 27 East Lake County, Florida, run thence South  $00^{\circ}23'12''$  West along the East line of said Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 29 a distance of 494.49 feet for a Point of Beginning; thence North  $87^{\circ}50'00''$  West, parallel with the South line of the said Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 29 a distance of 50.02 feet; thence North  $41^{\circ}00'06''$  West 91.60 feet; thence South  $37^{\circ}30'17''$  West 354.97 feet; thence North  $41^{\circ}00'6''$  West 91.60 feet; thence North  $47^{\circ}46'41''$  West 349.81 feet; thence North  $82^{\circ}41'08''$  West 303.86 feet; thence South  $31^{\circ}29'58''$  West 136.59 feet to a point on the East line of the West  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 29; said point being 473.06 feet South  $01^{\circ}49'20''$  West of the Northeast corner of the said West  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 29; thence South  $31^{\circ}14'04''$  West 138.60 feet; thence South  $23^{\circ}32'52''$  East 313.54 feet; thence South  $58^{\circ}20'10''$  West 79.47 feet to a point on the aforesaid East line of the West  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the section 29; thence South  $01^{\circ}49'20''$  West along said East line of the West  $\frac{1}{4}$  a distance of 406.01 feet to a point on the South line of the said Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 29 a distance of 1016.69 feet to the Southeast corner of said Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 29; thence North  $00^{\circ}23'12''$  East along the East line of the said Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of section 29 a distance of 830.84 feet to the Point of beginning. SUBJECT TO an easement across the East 50.00 feet of said property. SUBJECT TO right of way for County District Road No. 5-8376 along the South side thereof. TOGETHER WITH a 2000 Jacobsen Classic Doublewide Mobile Home ID# JACFL21337A & JACFL21337B.