



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: September 12, 2019

Case No. and Project Name: VAR-19-35-4, Wells and Coetzee Property

Applicant: Claude W. Wells and Lee R. Coetzee

Owner: Claude W. Wells and Lee R. Coetzee

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.01.04.4.a to allow a riding stable/academy to be located on a 9.4 +/- acre lot, in lieu of a 10-acre lot; and to LDR Section 3.01.04.4.b to allow an existing barn which houses animals to maintain a setback of 124.4-feet from the western property line, in lieu of 200-feet from the property line.

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

Case Manager: Christine Rock, AICP, Senior Planner

Subject Property Information

Size: 9.4 +/- acres

Location: West of the intersection of State Road 46 and County Road 46A, in the Sorrento area.

Alternate Key No.: 1314020

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

Current Zoning District: Agriculture (A)

Flood Zone: "AE" and "X"

Joint Planning Area / ISBA: N/A

Overlay Districts: Wekiva River Protection Area and Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A) and Agricultural Residential (AR)	Residential and agricultural	Adjacent to State Road 46
South	Wekiva River Protection Area A-1-20 Sending Area and Conservation	Agriculture (A)	Residential, agricultural, and conservation	N/A
East	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Residential and agricultural	N/A
West	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Residential and agricultural	N/A

Summary of Request.

The subject property, identified as Alternate Key Number 1314020, contains approximately 9.4 acres and is zoned Agriculture (A) with a Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category (FLUC) designation. The GIS Aerial Map indicates that the subject property lies partially within flood zone "AE" and the northeast portion of the property contains wetlands. The property is generally located west of the intersection of State Road 46 and County Road 46A, in the Sorrento area of unincorporated Lake County. The subject property is developed with a single-family residence and riding stable/academy, which includes the subject barn.

The Applicant has requested a variance from Lake County Land Development Regulations (LDR) Section 3.01.04.4.a to allow a riding stable/academy to be located on a 9.4 +/- acre lot, in lieu of a 10-acre lot. Additionally, the Applicant has requested a variance to LDR Section 3.01.04.4.b to allow an existing barn which houses animals to maintain a setback of 124.4-feet from the western property line, in lieu of 200-feet from the property line. An approved variance to the minimum acreage requirement and barn setback is required in order to facilitate the submittal of Conditional Use Permit (CUP) for the riding stable/academy.

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 intent of the Code, LDR Section 3.01.04, is to regulate the placement of structures and the use of a parcel in order to ensure that they are not aesthetically or physically harmful to residents and surrounding areas. Impacts with a potential to be harmful to surrounding property owners may include increased propagation of dust, odors, noise, and traffic levels.

The property owner provided the following statement as proof of meeting the intention of the code, *"Moving existing building would be economically unfeasible. (11 stall concrete barn) see photo – sold as an equestrian center!"*

As depicted in the survey (Attachment A), the northeast corner of the existing barn is located 124.4-feet from the eastern property line. Although the barn does not meet the setback from the eastern property line, it does meet the minimum required setback from the northern, southern, and western property lines.

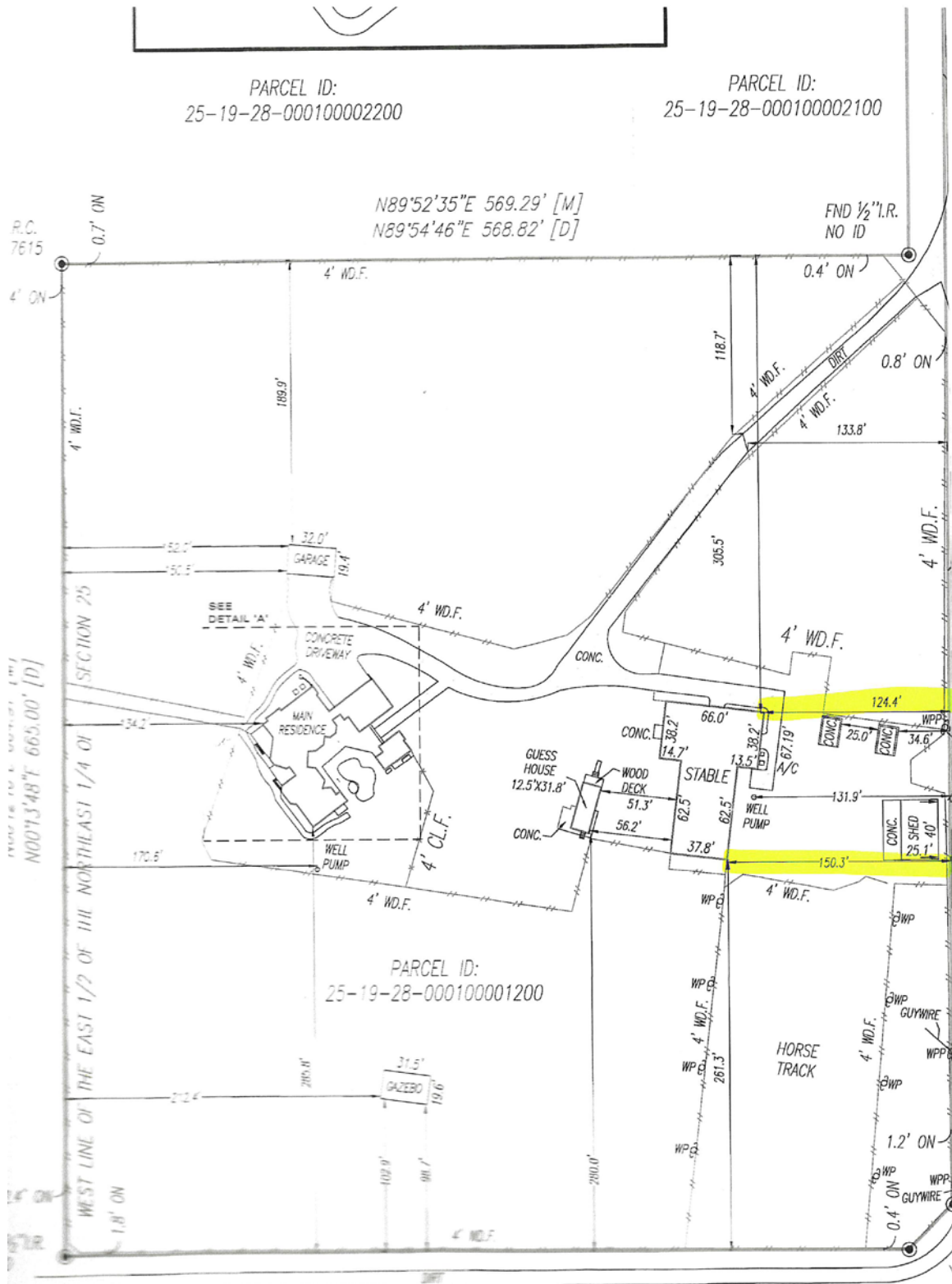
The subject property is approximately 9.4-acres, which does not meet the 10-acre minimum requirement for a stable/riding academy; however, the riding stable/academy use is consistent with the uses allowed within the surrounding zoning districts. Pursuant to LDR Table 3.01.03, riding stables/academies are a conditionally allowed use within the Agriculture zoning district. Pursuant to Comp Plan Policy I-3.2.2, Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category, equestrian related uses are permissible within the FLUC.

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.

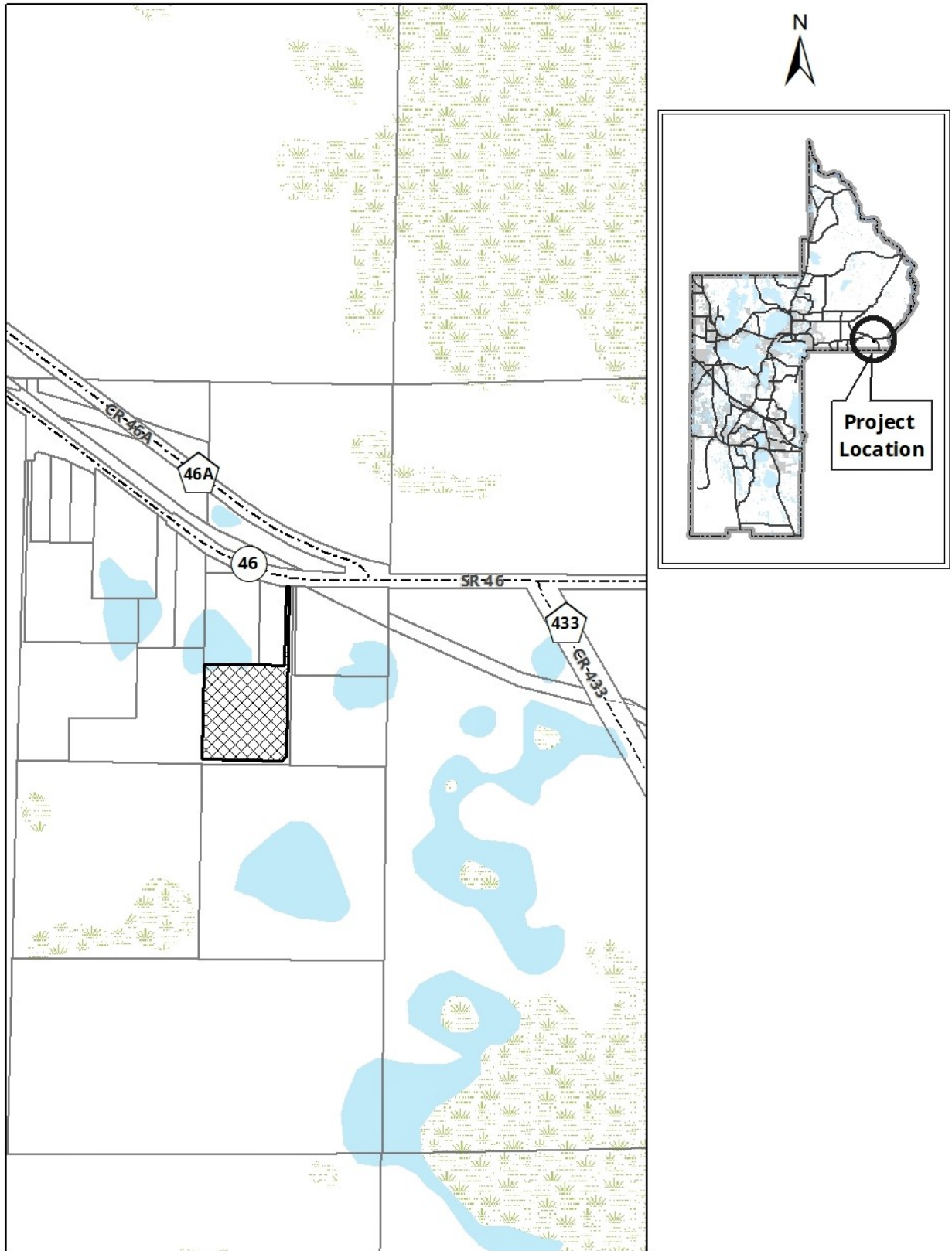
The Applicant provided the following statement, *"Barn was built in 2002 and was used as an equestrian estate and stable. We purchased property not knowing of code violation previous owner misrepresented on form disclosed."*

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 requesting the variance. The Applicant has indicated that it would be financially unfeasible to relocate the barn, which is constructed out of concrete. Additionally, the Applicant indicated that they purchased the property with the intent of continuing the operation of an equestrian center, and that they were not made aware by the previous owners that the existing operation and barn location were inconsistent with Lake County code.

Attachment A – Survey



Map of Subject Property



**Final Development Order
VAR-19-35-4
Wells and Coetzee Property**

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

WHEREAS, Claude W. Wells and Lee R. Coetzee (the "Applicants" and "Owners") made a variance request to Land Development Regulations (LDR) Section 3.01.04.4.a to allow a riding stable/academy to be located on a 9.4 +/- acre lot, in lieu of a 10-acre lot; and to LDR Section 3.01.04.4.b to allow an existing barn which houses animals to maintain a setback of 124.4-feet from the western property line, in lieu of 200-feet from the property line; and

WHEREAS, the subject property consists of 9.4 +/- acres and is located west of the intersection of State Road 46 and County Road 46A, in the Sorrento area of unincorporated Lake County, in Section 25, Township 19 South, Range 28 East, having Alternate Key Number 1314020, and more particularly described in Exhibit "A"; and

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 September 12, 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 September 12, 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-19-35-4 to allow a riding stable/academy to be located on a 9.4 +/- acre lot, in lieu of a 10-acre lot; and to allow an existing barn which houses animals to maintain a setback of 124.4-feet from the western property line, in lieu of 200-feet from the property line with the following condition:

1. Zoning approval for future development or expansion of existing buildings will require the submission of a survey which shows the jurisdictional wetland line and/or flood zone.

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 12th day of September, 2019.
EFFECTIVE September 12, 2019.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Lloyd Atkins, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 12th day of September, 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

Exhibit "A" – Legal Description

Lot 3, of DEERWOOD FARMS, an unrecorded plat covering the property located in Section 25, Township 19 South, Range 28 East, Lake County, Florida and further described as follows:

From the East 1/4 corner of Section 25, Township 19 South, Range 28 East; run North 00 degrees, 01 minutes, 10 seconds West along the East line of the Northeast 1/4 of said Section 25, a distance of 1253.38 feet to a point on the Southerly right-of-way line of S.R. #46; thence South 89 degrees, 18 minutes, 06 seconds West along said Southerly right-of-way line a distance of 684.43 feet to the point of curvature of a curve concave to the Northeast, having a central angle of 01 degrees, 24 minutes, 03 seconds and a radius of 843.45 feet; thence Northwesterly along the arc of said curve a distance of 20.62 feet for a Point of Beginning; thence South 00 degrees, 01 minutes, 10 seconds East parallel with the East line of the Northeast 1/2 of said Section 25, a distance of 1186.12 feet; thence South 44 degrees, 56 minutes, 48 seconds West, a distance of 42.45 feet; thence South 89 degrees, 54 minutes, 56 seconds West parallel with the East-West center section line of said Section 25 a distance of 566.52 feet to a point on the West line of the East 1/2 of the Northeast 1/4 of said Section 25; thence North 00 degrees, 13 minutes, 48 seconds East along said West line, a distance of 665.00 feet; thence North 89 degrees, 54 minutes, 46 seconds East, a distance of 568.82 feet; thence North 00 degrees, 01 minutes, 10 seconds West, parallel with the East line of the Northeast 1/4 of said Section 25, a distance of 551.84 feet to a point on the Southerly right-of-way line of State Road #46, said point being on a curve, concave to the Northeast having a central angle of 01 degrees, 41 minutes, 56 seconds, and a radius of 843.45 feet; thence from a tangent bearing of South 87 degrees, 35 minutes, 55 seconds East, run Southerly along the arc of said curve, a distance of 25.01 feet to the Point of Beginning.