



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearing Date: November 14, 2019

Case No. and Project Name: VAR-19-48-1, Jackson Property

Applicant: Thomas Michael Jackson

Owner: Thomas Michael Jackson

Requested Action: Variance from the Lake County Land Development Regulations (LDR) Table 3.02.05 to allow an existing accessory structure (boat cover) to maintain a side setback of 5.8-feet, in lieu of 10-feet, from the western property line and to LDR Section 10.01.06.B.2 to allow an existing chicken coop to maintain a setback of 9.05-feet, in lieu of 20-feet, from the eastern property line.

Case Manager: Christine Rock, AICP, Senior Planner

Subject Property Information

Size: 1.05 +/- acres

Location: West of Villa City Road, adjacent to Mary's Villa Road in the Mascotte area

Alternate Key No.: 2946156

Future Land Use: Rural Transition

Current Zoning District: Rural Residential (R-1)

Flood Zone: "X"

Joint Planning Area / ISBA: None

Overlay Districts: None

Adjacent Property Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	NA	NA	Road	Mary's Villa Road
South	Rural Transition	Rural Residential (R-1)	Vacant residential	Undeveloped
East	Rural Transition	Rural Residential (R-1)	Single family residential	Single family dwelling unit
West	Rural Transition	Rural Residential (R-1)	Single family residential	Single family dwelling unit

Summary of Request.

The subject property is 1.05 +/- acres in size and is generally located west of Villa City Road, adjacent to Mary's Villa Road in the Mascotte area. The subject property is developed with a single-family dwelling unit and accessory structures including the boat cover and chicken coop.

The Applicant has requested a variance to allow an existing boat cover to maintain a setback of 5.8-feet, in lieu of 10-feet, from the western property line and to allow a chicken coop to maintain a setback of 9.05-feet, in lieu of 20-feet, from the eastern property line. The Applicant requested the variance as a result of a code violation for constructing the structures without permits. Staff is unable to issue a zoning permit for the structures prior to an approved variance for lesser setbacks. The locations of the structures are depicted in the survey (Attachment "B").

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.

Please see Attachment "A" for the Applicant's statement.

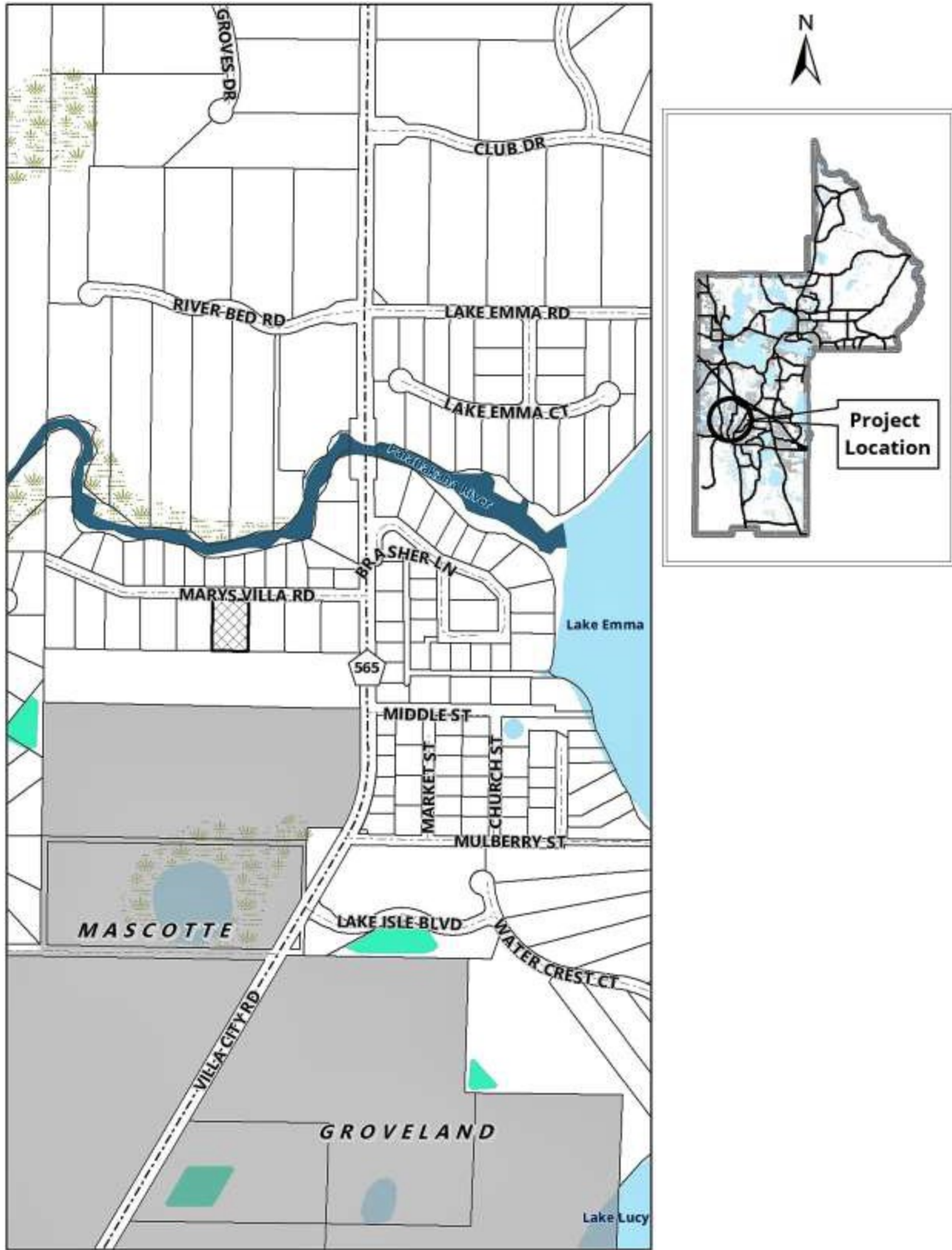
The intent of the Code, LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment. Additionally, the intent of the Code, LDR Section 10.01.00, is to regulate the installation, configuration, and use of accessory and temporary structures and uses in order to preserve the community and property values and to protect the community character.

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.

Please see Attachment "A" for the Applicant's statement, and Attachment "C" for a letter of support from the western-adjacent neighbor.

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.

Map of Subject Property



Attachment "A" – Applicant's Statement

Variance Application Attachment

5618 Marys Villa Road Groveland, Florida 34736

Thomas Michael Jackson

What is your variance request?

1. To obtain side property set back relief to 5.8 feet from 10 feet along my western side property line where my boat cover structure exists.
2. To obtain side property set back relief to 9.05 feet from 10 feet along my eastern side property line where my chicken pen exists.

What is the substantial hardship in meeting the specific code requirement?

1. Boat Cover Structure:

This variance request is to reduce the west side yard setback line from 10 feet to 5.8 feet. My intent in locating the boat cover structure in this area was/is to protect my boat from damaging weather elements, to protect it from damaging leaves & branches falling from trees and to shield it from view of my neighbors and other passersby. Parking my boat under this covering structure beside my existing detached garage achieves this because my detached garage is set back further from the front of my property than my house is. There isn't another place on my property where I can store my boat that does not create unsightliness for my neighbors and others when looking at my property from out in front of it. It is a fairly large boat. When it is stored beside my detached garage, it cannot be easily seen from the street. If I store it in front of the detached garage, it hinders access to the detached garage and use of it, it hinders use of the driveway system that is common to the detached garage and the house's garage and it hinders use and access of the house's garage. It would also be easily seen from the street to the possible objection of my neighbors if I were to store it in front of the detached garage. I also cannot easily store the boat elsewhere on the property because the driveway system's layout and alignment everywhere else on the property does not provide maneuvering room necessary to avoid storing it in front of the house. Lastly, there are large trees, landscaping islands and hardscaping components integrated into the positioning of the structures on the property that prohibit easily locating the boat out of view. Keeping nature in mind with the blended placement of structures, landscaping and hardscaping here on my property has been an important part of developing the property.

2. Chicken Pen:

This variance request is to reduce the east side yard setback line from 10 feet to 9.05 feet. When I built the pen, I had thought it met the setback requirement. At the time I built it, I

Attachment "A" – Applicant's Statement, Continued

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measured from a shed the neighbors had on my property's east property line. I had thought the shed was located exactly on the property line. Upon completing the attached survey, it became apparent my chicken pen is inside the 10-foot setback line by 0.95 feet. The neighbor's shed is no longer there. My chicken pen has existed in this location for approximately 10 years without any issues or complaints from the neighbor. My chickens are egg laying hens. No roosters are kept here.

Describe how the purpose of the Land Development Regulations will be or has been achieved by other means.

Boat Cover Structure:

I have installed a 6-foot high, board-on-board fence along the property line to shield the boat from the neighbor's view. The finished side of the fence faces the neighbor's property. Also, there are substantial trees on the neighbor's property adjacent to the property line that further shield the boat and boat cover structure from their view. The boat cover structure is built to provide protection to the boat, to blend in with the natural surroundings and to be aesthetically integrated into my detached garage. Additionally, my detached garage and boat cover structure have been set back intentionally from the front property lines further than the back side my neighbor's house and the back face my house. The boat cover structure does not negatively impact the adjacent neighbor. Please refer to the attached written statement indicating they have no objection to the boat cover structure as it is currently built and located.

Chicken Pen:

This pen was built to blend in with its area surroundings. It is an aesthetically pleasing structure. Large shade trees surround it and a four-foot high three board & wire fence runs the length of the side property line it is adjacent too. It is home to my egg laying hens, and it is well maintained. The hen chickens are kept in the pen and do not venture out of it at all. I do not keep Roosters here on the property. The neighbors are not negatively impacted by the pen being built and it being less than one foot over the setback line does not significantly impact them any more or any less than if it were not encroaching slightly over the setback line. Their view is not degraded at all due to how the pen blends in with its surroundings. Large potted plants and shrubbery are also placed adjacent to the pen to create a nice atmosphere.

Attachment "C" – Letter of Support

9/9/2019

Mr. Thomas Michael Jackson
5618 Marys Villa Road
Groveland, Florida 34736

Re: Your boat cover structure

Dear Mr. Jackson,

Please feel free to use this letter as a documented statement from us in your efforts to secure a side yard setback variance from Lake County on your western property line which is adjacent to our lot.

We are fine with your boat cover structure as it currently exists and do not object to it being closer to the property line between our lots than what the County's current side yard setback regulations call for.

To clarify, we are your neighbors directly on the west side of your lot. We share the same property line. We have no objections to how you have developed your property. In fact, we appreciate what you have done with it. Our address is: 5600 Marys Villa Road Groveland, Florida 34736.

Please inform the people at Lake County you are dealing with that they are welcome to call me at 352-516-5032 for more information if they would like.

Good luck neighbor

Sincerely,

A handwritten signature in black ink, appearing to read "SD", written over a light blue grid background.

Steve Daugherty

**Final Development Order
VAR-19-48-1
Jackson Property**

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

WHEREAS, Thomas Michael Jackson (the "Applicant" and "Owner") made a request for a variance to Lake County Land Development Regulations (LDR) Table 3.02.05 to allow an existing accessory structure (boat cover) to maintain a side setback of 5.8-feet, in lieu of 10-feet, from the western property line and to LDR Section 10.01.06.B.2 to allow an existing chicken coop to maintain a setback of 9.05-feet, in lieu of 20-feet, from the eastern property line; and

WHEREAS, the subject property consists of 1.05 +/- acres and is located west of Villa City Road, adjacent to Mary's Villa Road in the Mascotte area of Lake County, Florida, in Section 36, Township 21 South, Range 24 East, having Alternate Key Number 2946156 and more particularly described as:

Lot 6, Mary's Villa Acres, in Section 36, Township 21 South, Range 24 East, according to the Plat thereof as recorded in Plat Book 27, Page 92, Public Records of 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 November 14, 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 November 14, 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-19-48-1 to allow an existing accessory structure (boat cover) to maintain a side setback of 5.8-feet, in lieu of 10-feet, from the western property line and to allow an existing chicken coop to maintain a setback of 9.05-feet, in lieu of 20-feet, from the eastern property line with the following conditions:

1. A lot grading plan must be submitted at time of permitting, to be reviewed and approved by the Lake County Department of Public Works.
2. The boat cover structure shall have gutters on the western adjacent neighbor's side with a downspout directing water flow to the front or rear of the property and away from neighbor.

- 3. Any and all new structures including the replacement of the subject structures shall be required to meet the minimum zoning district 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 14th day of November, 2019.

EFFECTIVE November 14, 2019.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Lloyd Atkins, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 14th day of November, 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