



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 10

Public Hearing Date: December 12, 2019

Case No. and Project Name: VAR-19-62-5, Thomas C Saxe Property

Applicant: Thomas Saxe (the "Applicant")

Owner: Thomas Saxe (the "Owner")

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 10.01.03 (B)(5) & (8) to allow an existing Recreational Vehicle (RV) to be utilized as an accessory dwelling unit that does not share the same architectural style as the principle dwelling unit and to exempt the existing RV from impact fees.

Case Manager: Tim McClendon, AICP, Director of Planning and Zoning

### Subject Property Information

Size: 0.99 +/- net acres

Location: 26012 Mitchell Way, Eustis, FL

Alternate Key No.: 2600276

Future Land Use: Sending Area A-1-20

Current Zoning District: Rural Residential District (R-1)

Flood Zone: "A"

Joint Planning Area / ISBA: N/A

Overlay Districts: Wekiva River Protection Area

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Sending Area A-1-20	Rural Residential (R-1)	Single family residence(s)	Multiple dwellings
South	Sending Area A-1-20	Rural Residential (R-1)	Vacant	Vacant lot
East	Sending Area A-1-20	Rural Residential (R-1)	Single family residence	Single family residence w/accessory structures
West	Sending Area A-1-20	Agricultural (A)	Vacant	Planted pine trees

### Summary of Request.

This application is a result of Code Enforcement Action. The applicant, who has a documented medical hardship, intends utilize an existing, parked Recreational Vehicle (RV) to be used as an Accessory Dwelling Unit (ADU), however, the RV is not occupied full time. The RV is only utilized when the applicant has visitors (who make repairs to the single family dwelling unit on site). The subject property contains two septic systems; the single family dwelling is connected to a properly permitted septic tank, while the RV is connected (temporarily) to a septic system which predates any permit records from the Department of Health.

Sec. 3.06.03 Permitted Parking allows RVs to be parked on a subject property if the RV is owned or used by the owner of the property and it must be parked in such a manner to meet front yard and secondary front yard setbacks, however as previously mentioned the applicant is requesting a variance to Land Development Regulation Sec. 10.01.03(B)(5) & (8) to allow the RV to be occupied and used as an accessory dwelling unit.

Without the variance, the applicant can still park the RV on the subject property, though, the RV would not be allowed to connect to the septic system. Once the RV is connected to the septic system, the Land Development Regulations considers the RV as a permanent use and therefore is identified as an ADU. In lieu of constantly connecting and disconnecting the septic system, the applicant seeks to remedy the issue by having the RV permanently identified as an ADU.

### 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 LDR, 10.01.03 *Accessory Structures that are Dwellings* is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security. The applicant meets the intent of the code and the RV meets and exceeds all other applicable regulations within Sec. 10.01.03.

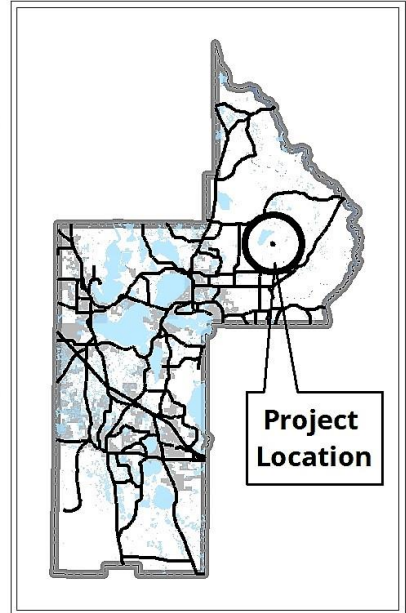
**2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.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

As part of the application, the applicant demonstrated a medical hardship, which does not allow him to complete necessary repairs and upgrades to the principle dwelling unit. The RV is occupied in a temporary fashion by other family members or friends visiting the applicant.

The LDRs allow temporary housing and structures, however the applicant does not satisfy any of the requirements listed in Sec. 10.02.02 *Temporary Housing During Construction* or 10.02.03 *Temporary Residential, Commercial, an Industrial Use Housing Following a Disaster*.

As there are no other remedies available to the applicant, the only means to allow the RV to be occupied is through the variance process. Without the variance the applicant will be required to disconnect the RV from the septic system every time a Code Enforcement Officer receives a call or complaint on the property.

# SUBJECT PROPERTY



**Final Development Order  
VAR-19-62-5  
Saxe Property**

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

**WHEREAS**, Thomas C Saxe (the “Applicant”) submitted a variance request to Lake County Land Development Regulations (LDR) Section 10.01.03(B)(5) & (8) to allow an RV to be to be utilized as an accessory dwelling unit that does not share the same architectural style as the principle dwelling unit and to exempt the existing RV from impact fees and,

**WHEREAS**, the subject property consists of 0.99 +/- acres and is located at 26012 Mitchell Way, Eustis, FL, in the Eustis area of unincorporated Lake County, in Section 16, Township 18 South, Range 28 East, having an Alternate Key Number 2600276, and is more particularly described below as:

SORRENTO SHORES LOT 4 PB 21 PGS 12-17, Public Records of Lake County, Florida.

**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 December 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 December 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-19-62-5 to Lake County Land Development Regulations (LDR) Section 10.01.03(B)(5) & (8) to allow an RV to be to be utilized as an accessory dwelling unit that does not share the same architectural style as the principle dwelling unit and to exempt the existing RV from impact fees, with the following conditions:

1. Development permits from the Office of Planning and Zoning and the Office of Building Services must be obtained for the after-the-fact accessory dwelling unit; and
2. No further additions or expansions may be approved for the accessory dwelling unit

**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 12<sup>th</sup> day of December, 2019.**

**EFFECTIVE December 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 12<sup>th</sup> day of December, 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**