



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: June 11, 2020

Case No. and Project Name: VAR-20-14-5, Zopfi Property

Applicant: Jennifer Allen

Owner: Michael C. Zopfi & Jennifer L. Allen

Requested Action: Variance to Lake County Land Development Regulation (LDR) Section 3.01.02.A.1.a, to allow a single family residence to be 16.2' at its narrowest part in lieu of 23'4"; a variance to Lake County LDR Section 10.01.02.B.5, to allow an accessory dwelling unit to be a different architectural style than the principle dwelling unit; and a variance to Lake County LDR Section 3.02.05 to allow a deck to be less than five (5) feet from the property line.

Case Manager: Michele Janiszewski, Chief Planner

### Subject Property Information

Size: 0.34 +/- acres

Location: 23901 Deed Rd, Astor

Alternate Key No.: 1512336

Future Land Use: Urban Low Density

Current Zoning District: Mixed Residential (R-7)

Flood Zone: "X"

Joint Planning Area/ISBA: N/A

Overlay Districts: Wekiva-Ocala Rural Protection Area (RPA)

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Mixed Residential (R-7)	Undeveloped	Vacant Residential
South	N/A	N/A	Right-of-Way	Deer Rd
East	Urban Low Density	Mixed Residential (R-7)	Undeveloped	Vacant Residential
West	N/A	N/A	Right-of-Way	River Rd

### Summary of Request.

The subject property is developed with a single-family residence and accessory structures. In 2007, the former owner obtained a building permit (Permit No. 2007060367) for a 16' x 24' shed with electric and plumbing. In 2019, the current Owners received a notice of code violation for converting the shed into an accessory dwelling unit and constructing a deck without permits (Code Violation No. 2019090226).

The accessory dwelling unit is not the same architectural style as the principle dwelling unit nor does it meet the minimum width for a single-family dwelling unit. In addition, the patio does not meet the five (5) foot setback from the northern property line. As such, the Applicant seeks a variance to Lake County Land Development Regulation (LDR) Section 3.01.02.A.1.a, to allow a single family residence to be 16.2' at its narrowest part in lieu of 23'4"; a variance to Lake County LDR Section 10.01.02.B.5, to allow an accessory dwelling unit to be a different architectural style than the principle dwelling unit; and a variance to Lake County LDR Section 3.02.05 to allow a deck to be less than five (5) feet from the property line (Attachment A).

### 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 Chapter 10.00.00, 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

The Applicant submitted the following statement as proof that the purpose and intent of the Land Development Regulations will be or has been achieved by other means:

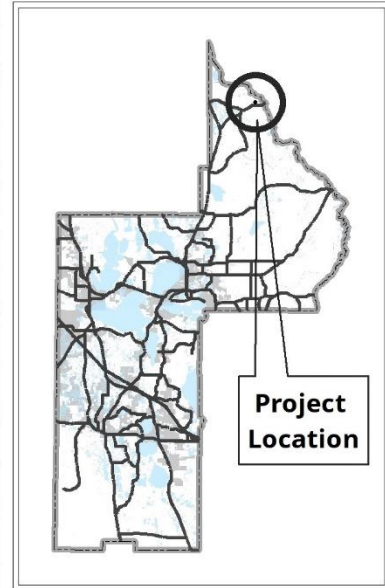
*The ADU has been built to code – just need to acquire the permits and zoning to make it legal. Actually, it has been zoned already as an AU which should not be any different than an ADU? Only have 1 neighbor across the street, no neighbors on 3 other sides so neighbors should not be affected. Behind a 6 ft tall fence.*

**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.**

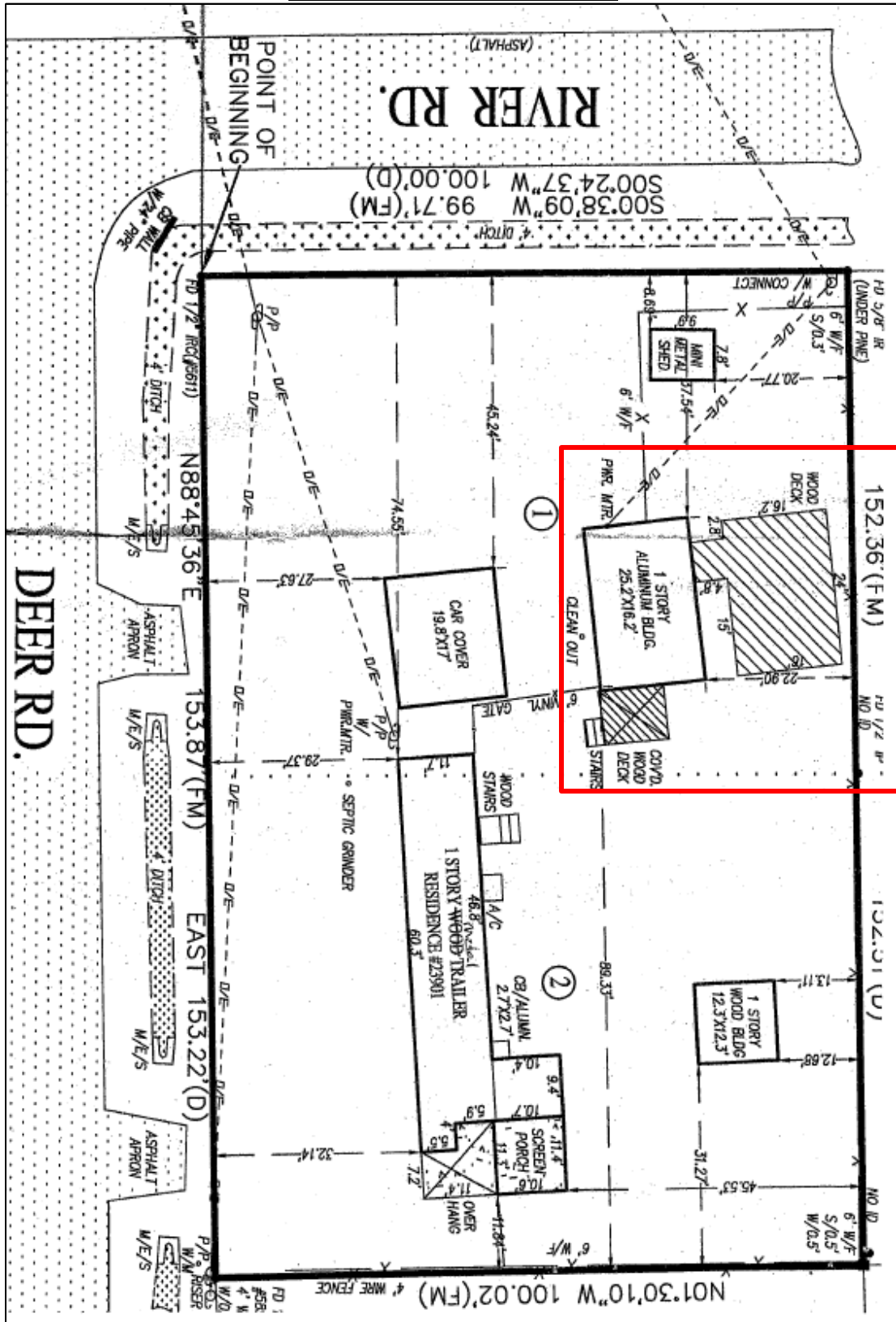
The Applicant submitted the following statement as proof of a substantial hardship:

*Evidently bought property thinking, advertised as such as an accessory dwelling unit and it was not permitted as an ADU – it was permitted as an AD therefore, we are in compliant with permitting. I am disabled and cannot afford to make drastic changes to the building to bring it up to code and for additional permitting and impact fees.*

### Subject Property



**Attachment A. Plot Plan.**



**Final Development Order  
VAR-20-14-5  
Zopfi Property**

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

**WHEREAS**, Jennifer Allen (the “Applicant”), on behalf of Jennifer Allen and Michael Zopfi (the “Owners”), submitted variance application seeking to obtain a variance to Lake County Land Development Regulation (LDR) Section 3.01.02.A.1.a, to allow a single family residence to be 16.2’ at its narrowest part in lieu of 23’4”; a variance to Lake County LDR Section 10.01.02.B.5, to allow and accessory dwelling unit to be a different architectural style than the principle dwelling unit; and a variance to Lake County LDR Section 3.02.05 to allow a deck to be less than five (5) feet from the property line.; and,

**WHEREAS**, the subject property consists of 0.34 +/- acres and is located at 23901 Deed Rd, in the Astor area of unincorporated Lake County, in Section 37, Township 15 South, Range 27 East, Alternate Key Number 1512336 and is more particularly described below as:

**Commence at the Southwest corner of Section 2, according to the plat of Manhattan, as recorded in Plat Book 2 Page 2, Public Records of Lake County, Florida; thence South 89 degrees 29 minutes 34 seconds East on the South boundary of said Section 2, a distance of 5280.30 feet to the Southeast corner thereof; thence North a distance of 1935.07 feet; thence East a distance of 2145.55 feet to the POINT OF BEGINNING; thence continue East, a distance of 153.22 feet; thence North a distance of 100.00 feet; thence West a distance of 152.51 feet; thence South 00 degrees 24 minutes 37 seconds West a distance of 100.00 feet to the POINT OF BEGINNING, being in Section 1 of the aforementioned Manhattan, also described as Lots 1 and 2, Block 6, Unit No. 1, according to an unrecorded plat of ASTOR FOREST CAMPSITES.**

**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 June 11, 2020; 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 June 11, 2020, 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-20-14-5 to Lake County Land Development Regulations Section 3.01.02.A.1.a, to allow a single family residence to be 16.2’ at its narrowest part in lieu of 23’4”; a variance to Lake County LDR Section 10.01.02.B.5, to allow and accessory dwelling unit to be a different architectural style than the principle dwelling unit; and a variance to Lake County LDR Section 3.02.05 to allow a deck to be less than five (5) feet from the northern property line.

**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 June, 2020.**

**EFFECTIVE June 11, 2020.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**James Argento, Chairman**

**State of Florida**

**County of Lake**

**Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_  
\_\_\_\_\_.**

**Personally Known OR Produced Identification**

**Type of Identification Produced \_\_\_\_\_**

\_\_\_\_\_  
**Notary Signature  
(SEAL)**