



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearing Date: May 13, 2021

Case No. and Project Name: VAR-21-20-4, Hosseinzadeh Property

Applicant: Greg Beliveau, AICP

Owner: Anaiat Hosseinzadeh and Teresa E. Hosseinazadeh

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.01.02(A)(1)(a), to allow an accessory dwelling unit with a minimum width of twenty (20) feet at the narrowest point, in lieu of twenty-three (23) feet four (4).

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 5 +/- acres

Location: 36020 Arabian Way, Eustis

Alternate Key No.: 2998300

Future Land Use: Wekiva River Protection Area (WRPA) A-1-20 Receiving Area

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Wekiva River Protection Area (WRPA)
Wekiva Study Area (WSA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	WRPA A-1-20 Receiving Area	Agriculture (A)	Residential	Single-Family Dwelling Units
South	WRPA A-1-20 Receiving Area	Planned Unit Development (PUD)	Undeveloped Residential PUD	PUD Entitlements for a XXX-lot subdivision
East	WRPA A-1-20 Receiving Area	Agriculture (A)	Residential	Single-Family Dwelling Units
West	WRPA A-1-20 Receiving Area	Agriculture (A)	Residential	Large Agriculture Tract of Land with Single-Family Dwelling Units and Wetlands

Summary of Request.

The Applicant has submitted a variance request to LDR Section 3.01.02(A)(1)(a), to allow an accessory dwelling unit with a minimum width of twenty (20) feet at the narrowest point, in lieu of twenty-three (23) feet four (4).

The subject 5 +/- acre parcel is identified by Alternate Key Number 2998300; the parcel is zoned Agriculture (A), is part of the Wekiva River Protection Area (WRPA) A-1-20 Receiving Area Future Land Use Category; is located within the Wekiva River Protection Area (WRPA) and Wekiva Study Area (WSA) overlay district areas. Currently, the parcel is developed with a mobile home, four (4) concrete covered areas, three (3) sheds, pool with deck, (Attachment "A").

The Owner provided the following statement, *"The proposed mobile home has already been purchased and built based on info received from zoning back in September 2020. All requirements in the info received were met."* A search of our records did not provide a result of a zoning packet dated in or around September 2020. On February 12, 2021, a zoning packet was submitted for a proposed accessory dwelling unit and at that time a to-scale plot plan was submitted depicting a proposed 48 x 20 new mobile home (Attachment "B"). On February 23, 2021, staff reviewed the submitted documents and provided the following comment to the Applicant, *"2/23/2021 - This was applied for under the wrong zoning type. This zoning permit packet will be canceled, and you will need to apply under zoning type: Accessory Dwelling Unit. Also, the accessory dwelling unit does not meet the minimum 23'4" at the narrowest point. Please see the Land Development Regulations 7.00.04.B.2 below regarding an accessory dwelling unit in the Wekiva River Protection Area:*

Accessory Apartments may be allowed in agricultural and residential zoning districts provided that all of the following requirements Shall be met:

- a. No more than one (1) Accessory Apartment Shall be Permitted on any residential Lot.*
- b. Accessory Apartments may be attached to a principal or Accessory Structure or be freestanding.*
- c. An Accessory Apartment Shall not exceed 800 square feet of principal Structure (under roof), or twenty-five (25) percent of the gross square footage of the principal Structure whichever is less.*
- d. The Accessory Apartment Shall be located and designed not to interfere with the appearance of the principal Structure as a one-family Dwelling Unit.*
- e. In no case Shall the guest or servant quarters be constructed prior to the principle Dwelling Unit.*

If the proposed accessory dwelling unit does not meet ANY of the above, a variance will need to be applied for and you will need to contact our office at (352) 343-9641. Thank you.

However, the Owner has not provided documentation as demonstration of proof of the purchase of the dwelling unit proposed to be used as an accessory dwelling unit." Furthermore, the permitting system sent an email alert to the applicant, and the applicant made staff aware that when the email notification was received stating that the minimum mobile home size should be "234-inches" (Attachment "C"). The email alert notification was sent to the creator of the system, who identified that the system was not recognizing feet (') symbol.

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 LDR Section 14.11.01.D.2 is to ensure that properties being split have the facilities that are required for the development of parcels such as roads and appropriate emergency access.

The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"Please see the attached typed letter explaining this hardship (Attachment "D")."*

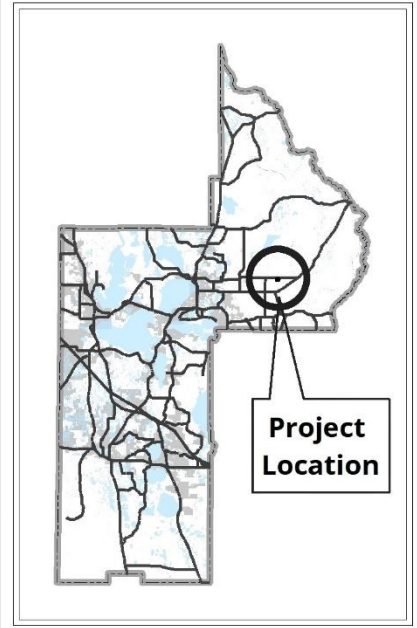
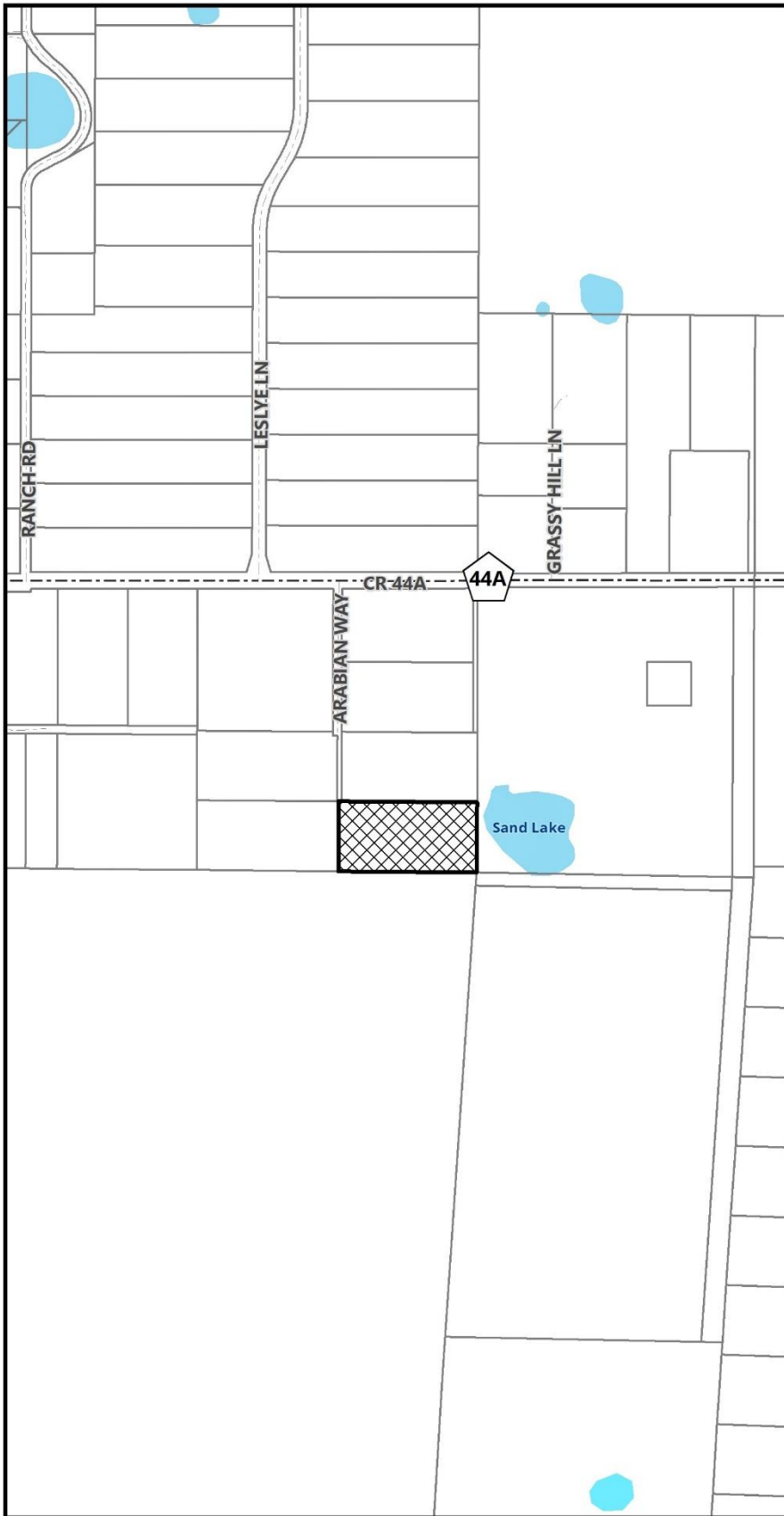
- 2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.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

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.

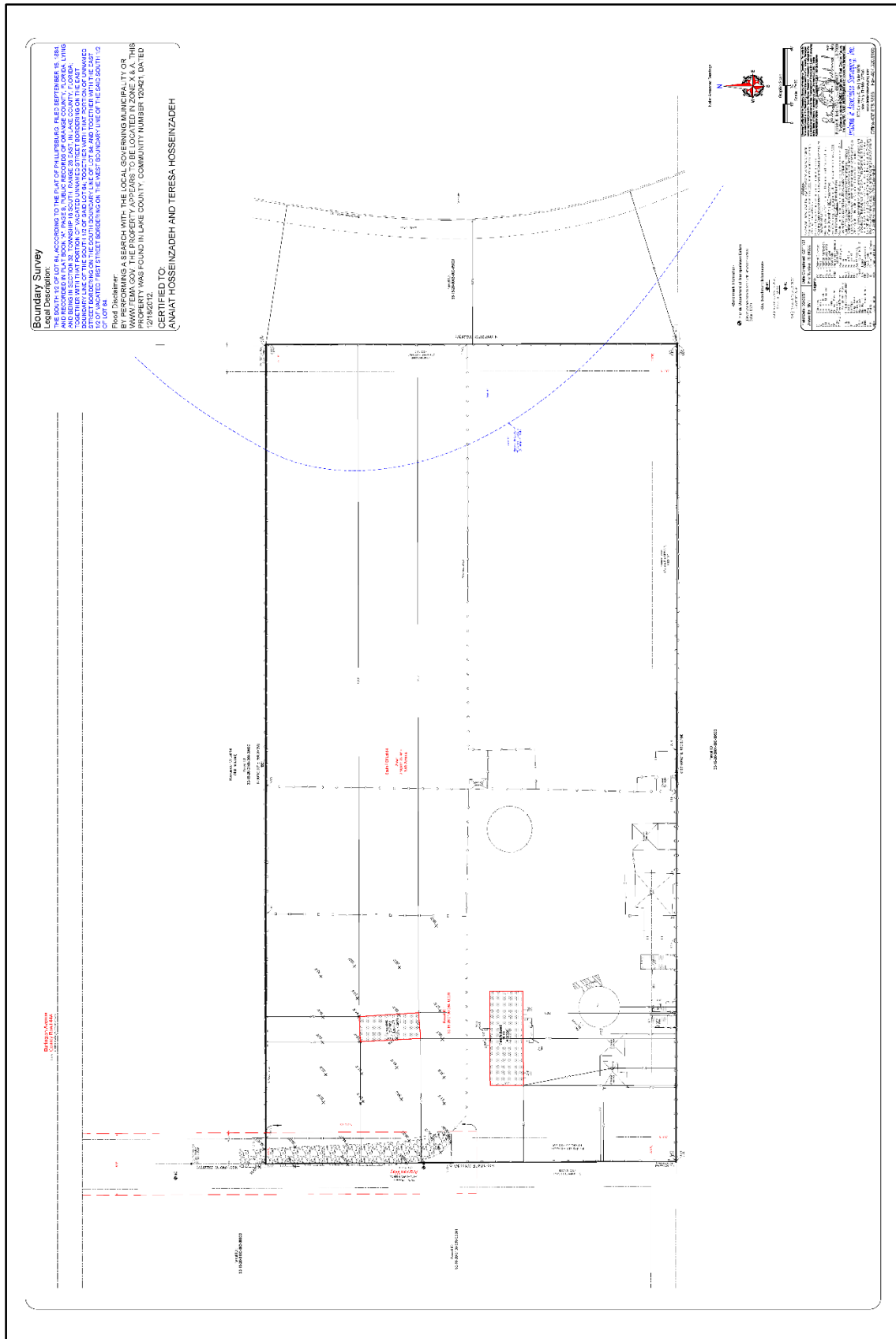
The Applicant provided the following statement, *"The proposed mobile home has already been purchased and built based on info received from zoning back in September 2020. All requirements in the info received were met."*

[Rest of page left blank intentionally]

Map of Subject Property



Attachment "A" – Concept Plan



Attachment "B" – Zoning Packet #14823 Plot Plan

Edit Attachment

Packet Nbr Ref Type Ref Key Ikey

Attach Code	Status	Description
PZ - TO-SCALE PLOT PLAN	SUBMITTED	PZ - TO-SCALE PLOT
PZ - PROPERTY RECORD CARD	SUBMITTED	PZ - PROPERTY RECC
PZ - WARRANTY DEED	SUBMITTED	PZ - WARRANTY DEE
PZ - ZONING PERMIT APPLICATION	SUBMITTED	PZ - ZONING PERMIT

Attach Cd

Attach Descr

Req Status

File Name

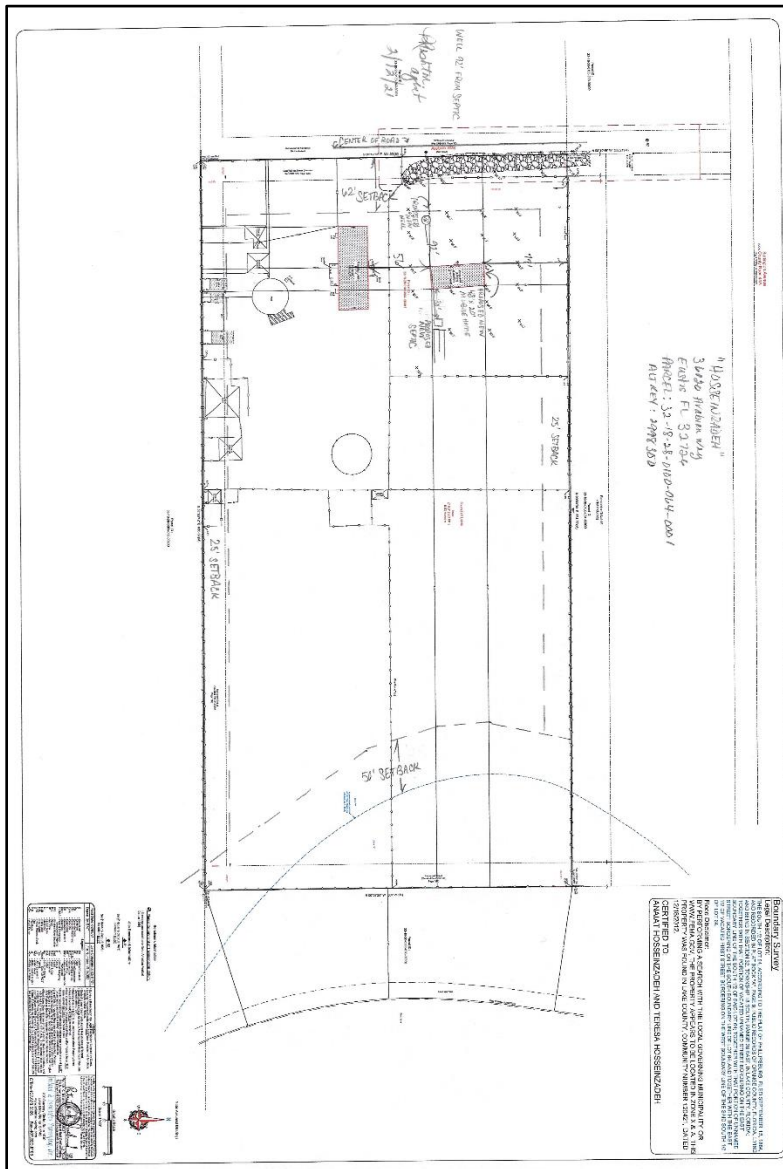
Version Rev Lvl Rev Key

Upload Date

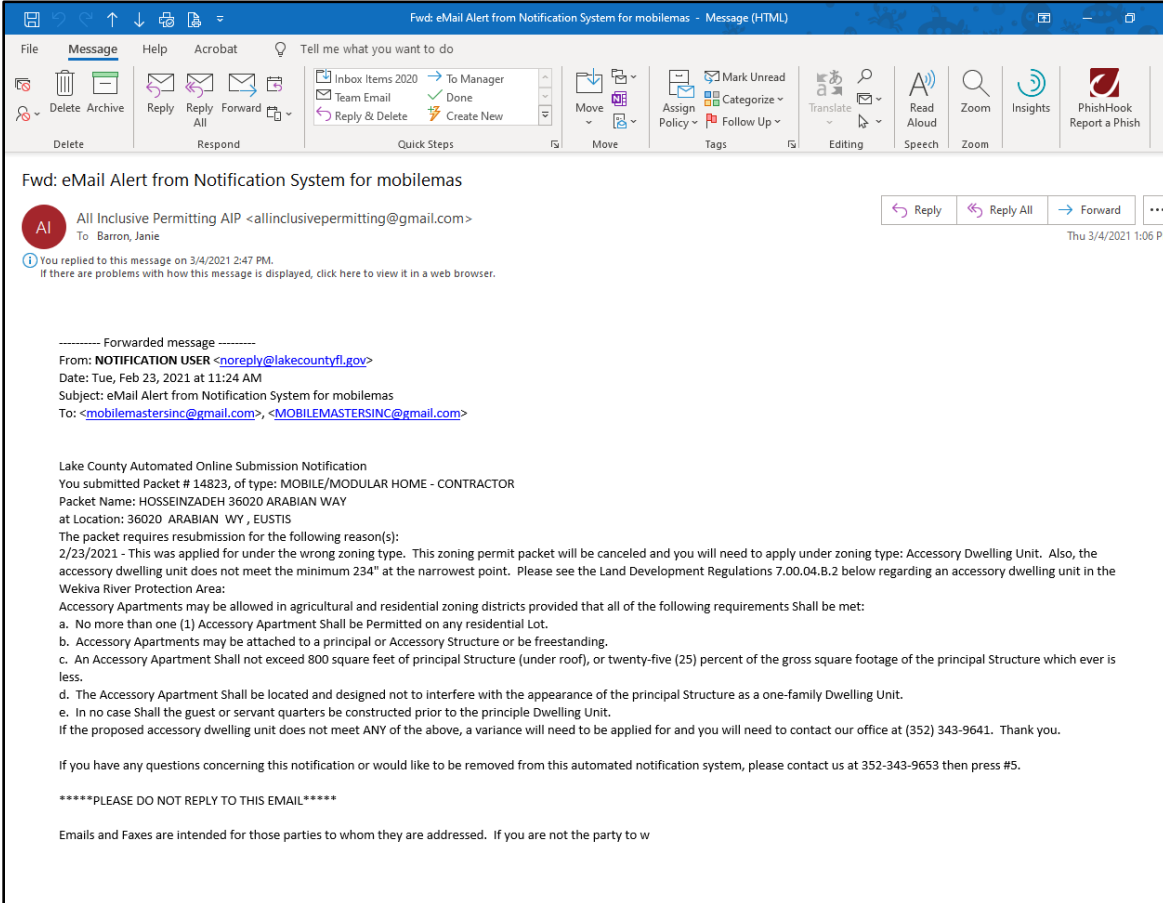
Submit Date

Receive Date

Approve Date



Attachment "C" – Email Alert from Notification System



The screenshot shows an Outlook window titled "Fwd: eMail Alert from Notification System for mobilemas - Message (HTML)". The interface includes a ribbon with "File", "Message", "Help", and "Acrobat" tabs. The "Message" ribbon contains various actions like "Delete", "Archive", "Reply", "Reply All", "Forward", "Move", "Assign Policy", "Mark Unread", "Categorize", "Follow Up", "Translate", "Read Aloud", "Zoom", "Insights", and "PhishHook Report a Phish".

The email content is as follows:

Fwd: eMail Alert from Notification System for mobilemas

AI All Inclusive Permitting AIP <allinclusivepermitting@gmail.com>
To: Barron, Janie

You replied to this message on 3/4/2021 2:47 PM.
If there are problems with how this message is displayed, click here to view it in a web browser.

----- Forwarded message -----

From: **NOTIFICATION USER** <noreply@lakecountyfl.gov>
Date: Tue, Feb 23, 2021 at 11:24 AM
Subject: eMail Alert from Notification System for mobilemas
To: <mobilemastersinc@gmail.com>, <MOBILEMASTERSINC@gmail.com>

Lake County Automated Online Submission Notification
You submitted Packet # 14823, of type: MOBILE/MODULAR HOME - CONTRACTOR
Packet Name: HOSSEINZADEH 36020 ARABIAN WAY
at Location: 36020 ARABIAN WY , EUSTIS

The packet requires resubmission for the following reason(s):
2/23/2021 - This was applied for under the wrong zoning type. This zoning permit packet will be canceled and you will need to apply under zoning type: Accessory Dwelling Unit. Also, the accessory dwelling unit does not meet the minimum 234" at the narrowest point. Please see the Land Development Regulations 7.00.04.B.2 below regarding an accessory dwelling unit in the Wekiva River Protection Area:

Accessory Apartments may be allowed in agricultural and residential zoning districts provided that all of the following requirements shall be met:

- No more than one (1) Accessory Apartment shall be permitted on any residential lot.
- Accessory Apartments may be attached to a principal or Accessory Structure or be freestanding.
- An Accessory Apartment shall not exceed 800 square feet of principal Structure (under roof), or twenty-five (25) percent of the gross square footage of the principal Structure which ever is less.
- The Accessory Apartment shall be located and designed not to interfere with the appearance of the principal Structure as a one-family Dwelling Unit.
- In no case shall the guest or servant quarters be constructed prior to the principal Dwelling Unit.

If the proposed accessory dwelling unit does not meet ANY of the above, a variance will need to be applied for and you will need to contact our office at (352) 343-9641. Thank you.

If you have any questions concerning this notification or would like to be removed from this automated notification system, please contact us at 352-343-9653 then press #5.

*****PLEASE DO NOT REPLY TO THIS EMAIL*****

Emails and Faxes are intended for those parties to whom they are addressed. If you are not the party to w

Attachment "D" – Owner Justification Letter (Page 1 of 2)

March 7, 2021

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

Accessory dwelling unit (mobile home) has been purchased. It is a custom-built home based on the minimum requirements that were provided by the zoning department. We were told the accessory dwelling had to be no more than 800 square feet, so we were not able to buy a home already built since none were the right size. We were never told anything else in regard to any minimum width. This was not ever mentioned until after the home was paid for and built.


Attached are all of the emails we were sent stating any requirements for an accessory dwelling. There is no mention in any of these about a minimum width requirement nor were we ever told verbally about this. Only after the home was completed and the permit in process were we told about a minimum width.

To purchase this accessory dwelling we had to put our current property and house on a lien to get approved, and so while we are waiting for this variance we are still also paying monthly on that loan while no one can use the new house. Further, we have spent a large amount of money on fencing for the new dwelling, appraisals that have been required, surveys that have been required, etc, all in preparation for the new dwelling.

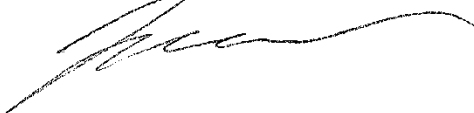
As far as we were aware we have done everything asked of us and followed the regulations which were told to us. We desperately need your help to get this approved. We are asking you to please help us by approving this variance.

Thank you,

Anaiat Hosseinzadeh



Teresa Hosseinzadeh



Attachment "D" – Owner Justification Letter (Page 2 of 2)



All Inclusive Permitting AIP <allinclusivepermitting@gmail.com>

Fwd: eMail Alert from Notification System for mobilemas

1 message

Dustin Crews <mobilemastersinc@gmail.com>
To: All Inclusive Permitting Aip <allinclusivepermitting@gmail.com>

Tue, Feb 23, 2021 at 12:05 PM

----- Forwarded message -----

From: NOTIFICATION USER <noreply@lakecountyfl.gov>
Date: Tue, Feb 23, 2021 at 11:24 AM
Subject: eMail Alert from Notification System for mobilemas
To: <mobilemastersinc@gmail.com>, <MOBILEMASTERSINC@gmail.com>

*2/23
Submitted Zoning
Packet
15308*

Lake County Automated Online Submission Notification
You submitted Packet # 14823, of type: MOBILE/MODULAR HOME - CONTRACTOR
Packet Name: HOSSEINZADEH 36020 ARABIAN WAY
at Location: 36020 ARABIAN WY , EUSTIS

12.5'

The packet requires resubmission for the following reason(s):
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 - ✓ e. In no case shall the guest or servant quarters be constructed prior to the principle Dwelling Unit.
- If the proposed accessory dwelling unit does not meet ANY of the above, a variance will need to be applied for and you will need to contact our office at (352) 343-9641. Thank you.

If you have any questions concerning this notification or would like to be removed from this automated notification system, please contact us at 352-343-9653 then press #5.

*****PLEASE DO NOT REPLY TO THIS EMAIL*****

Emails and Faxes are intended for those parties to whom they are addressed. If you are not the party to whom

*20x48 w/porch
20x40 living
800 sq*

Thanks,
Dustin Crews
Florida Mobile Masters Inc.
4050 NE 35th Street
Ocala, FL 34479
Cell 352-427-9897
Office 352-351-6100
Fax 352-351-6103
mobilemastersinc@gmail.com
www.floridamobilemasters.com

**Final Development Order
VAR-21-20-4
Hosseinzadeh Property**

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

WHEREAS, Greg Beliveau (the “Applicant”) requested a variance request on behalf of Anaiat Hosseinzadeh and Teresa E. Hosseinzadeh (the “Owners”) requested a variance to Lake County Land Development Regulations (LDR) Section 3.01.02(A)(1)(a), to allow an accessory dwelling unit with a minimum width of twenty (20) feet at the narrowest point, in lieu of twenty-three (23) feet four (4); and

WHEREAS, the subject property consists of 5 +/- acres and is located at 36020 Arabian Way, in the unincorporated Eustis area of Lake County, Florida, in Section 32, Township 18 South, Range 28 East, having Alternate Key Number 2998300 and more particularly described as:

The South 1/2 of Lot 64, according to the plat of Phillipsburg, filed September 15, 1984, and recorded in Plat Book “A”, Page 9, Public Records of Orange County, Florida, lying and being in Section 32, Township 18 South, Range 28 East, in Lake County, Florida; together with that portion of vacated unnamed street bordering on the East boundary line of the South 1/2 of said Lot 64; together with that portion of vacated unnamed street bordering on the South boundary line of said Lot 64; and together with the East 1/2 of vacated First Street bordering on the West boundary line of the said South 1/2 of Lot 64.

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations (LDR), including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on May 13, 2021; 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 May 13, 2021, 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-21-20-4, to allow an accessory dwelling unit with a minimum width of twenty (20) feet at the narrowest point, in lieu of twenty-three (23) feet four (4).

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 13th day of May, 2021.

EFFECTIVE May 13, 2021.

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 13th day of May, 2021, by James Argento, as Chairman of the Lake County Board of Adjustments.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)