



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: October 14, 2021

Case No. and Project Name: VAR-21-70-4, Copeland Property

Owners: Richard and Elizabeth Copeland

Applicant: Paul D. Caruso

Requested Action: Variance to Land Development Regulations (LDR) Section 10.01.03.B(4), to allow an accessory dwelling unit to be constructed with 2,600-square feet living area, in lieu of 1,797-square feet living area, and LDR Section 10.01.03.B(5), to allow an accessory dwelling unit to be constructed that has a different architectural style than the principal dwelling.

Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 9.62 +/- acres

Location: 35934 Gatch Road, Eustis.

Alternate Key No.: 3792186

Future Land Use: Urban Low

Current Zoning District: Residential Professional (RP)

Flood Zones: "A" and "X"

Joint Planning Area (JPA) / ISBA: City of Eustis JPA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	City of Eustis	City of Eustis	Pasture	City of Eustis, Clear Lake
South	City of Eustis	City of Eustis	Pasture	City of Eustis, Agriculture
East	Urban Low Density	Residential Professional (RP)	Vacant	Vacant lot
West	City of Eustis	City of Eustis	Residential	City of Eustis, Residential

Summary of Request.

The subject property, identified as Alternate Key Number 3792186, contains 9.62 +/- acres, is zoned Residential Professional (RP), and is designated with an Urban Low Future Land Use Category by the 2030 Comprehensive Plan. The subject parcel is generally located north of East County Road 44 and Gatch Road in the Eustis area. The concept plan shows that the parcel is developed with a single-family dwelling unit, driveway, shed, barn, well house, wood frame accessory structure and dock (Attachment "A").

Land Development Regulations (LDR) 10.01.03.B(4) states that an accessory dwelling unit shall not exceed 1,200 square feet or forty (40) percent of the air conditioned, enclosed living area of the principal dwelling (excluding garages, patios, porches, and the like), whichever is greater. The living area of the principal dwelling is 4,493-square feet; 40-percent of the air-conditioned area would be 1,797-square feet. The Applicant seeks to construct a 2,600-square foot (living area) accessory dwelling unit. The living area of the proposed accessory dwelling unit is 65-percent of the air-conditioned area of the principal dwelling unit; therefore, exceeds the allowed threshold. Furthermore, LDR Section 10.01.03.B(5) states that an accessory dwelling unit cannot have a different architectural style than the principal dwelling and the Applicant seeks a variance deviation from the architectural style.

The subject parcel is located within the City of Eustis JPA and the application was provided to the City of Eustis to review. The City of Eustis had no comments or objections to the request.

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.

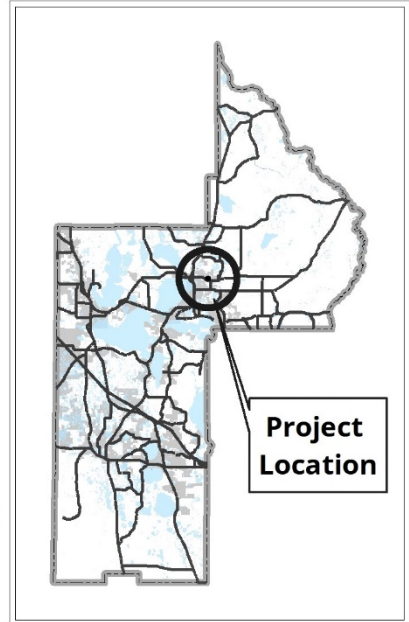
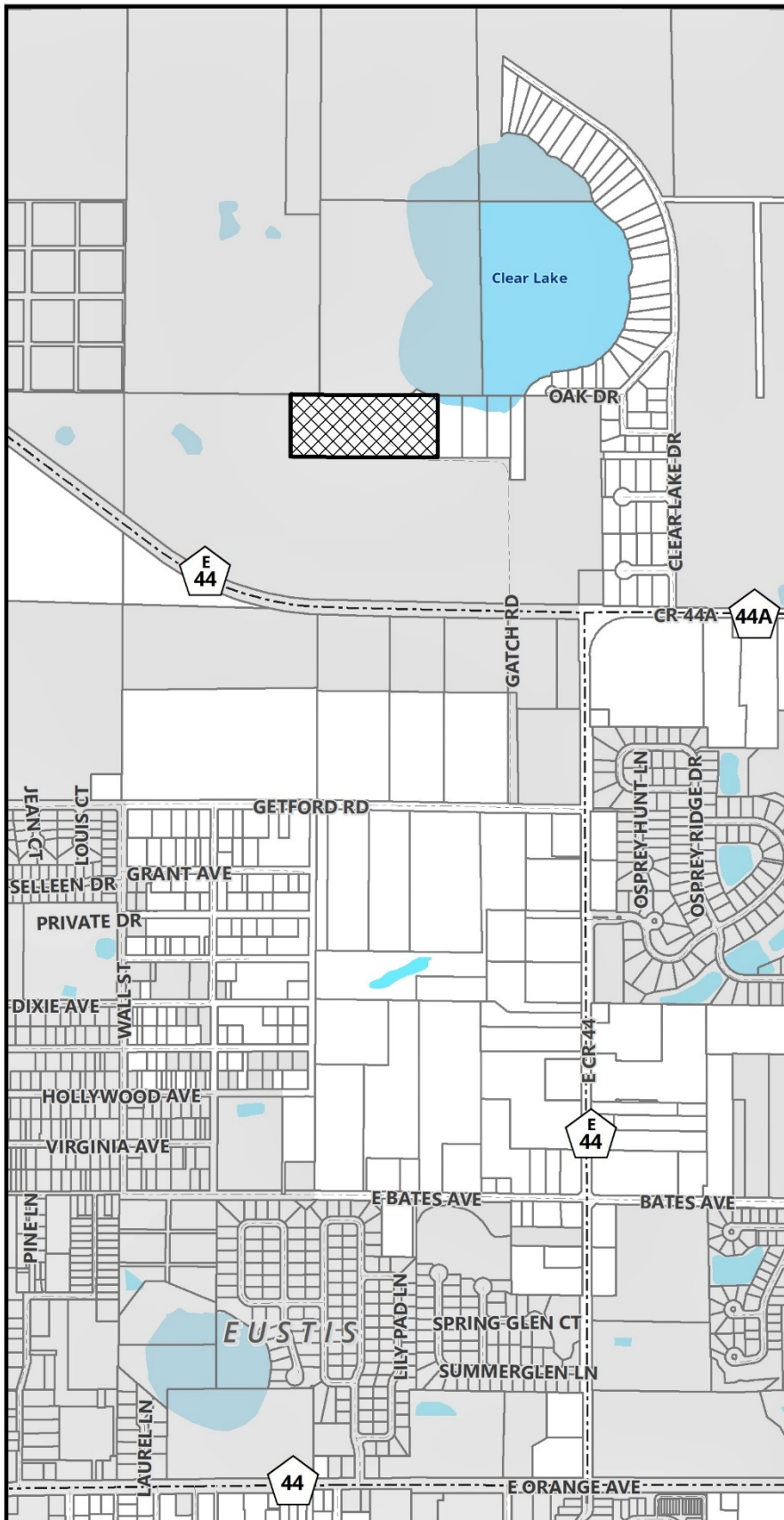
The intent of the Code, LDR Section 10.01.03, *Accessory Structures that are Dwellings*, is to provide for less expensive housing units to accommodate growth, provide housing for relatives, and to provide for security. Additional regulations are set in place for an accessory dwelling unit (ADU) to ensure that the ADU meets the characteristics of the surrounding neighborhood and does not negatively impact overall regional density.

As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement: *[Attachment "B" – Intent of Meeting the Code Statement]*.

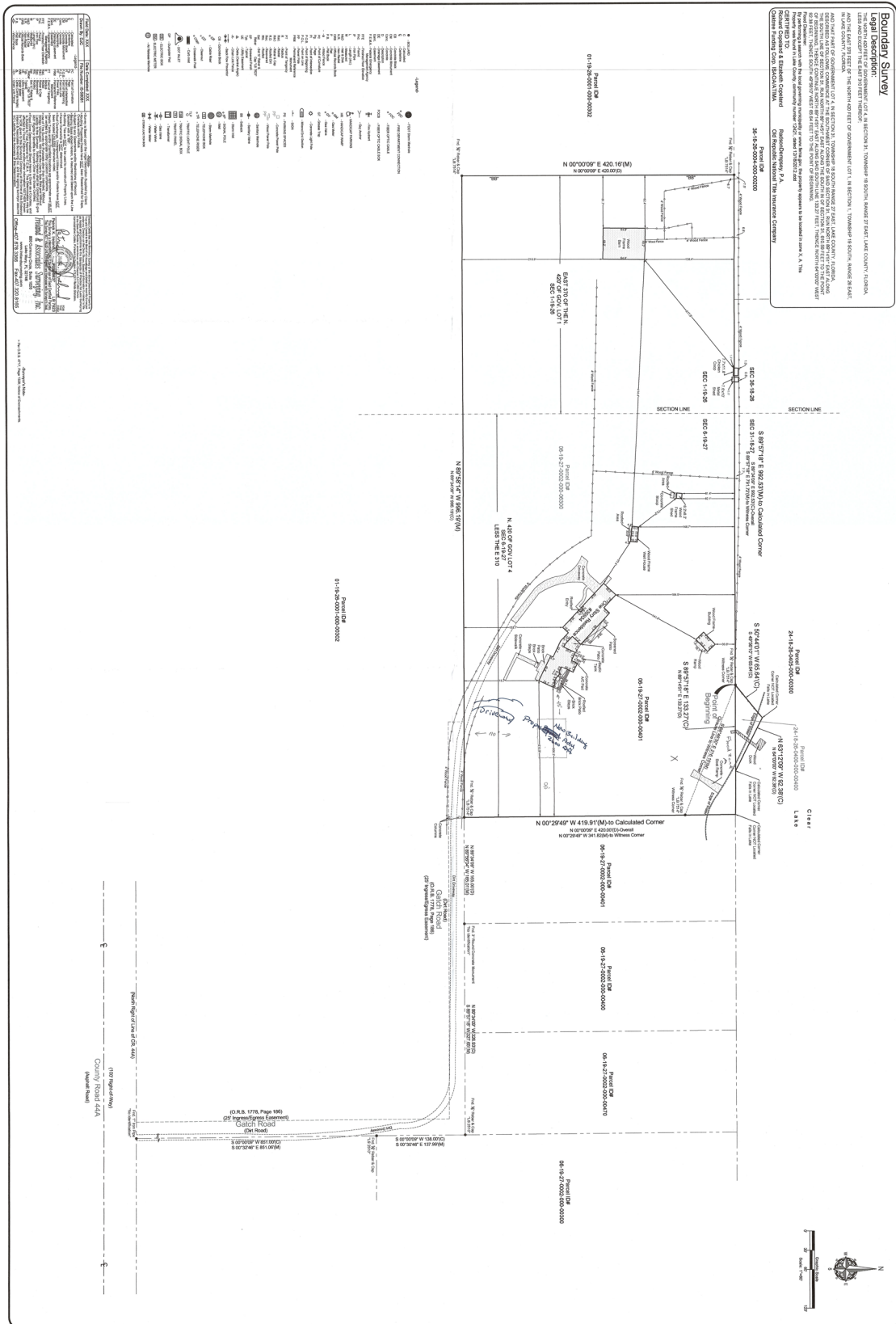
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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 proof of a substantial hardship, the Applicant provided the following statement: *[Attachment "C" – Hardship Statement]*.

Map of Subject Property



Attachment "A" – Plot Plan



Attachment "B" – Intent of Meeting the Code Statement

We are achieving the other stipulations by various means as follows:

#1 The lot is a Lot of Record

#2 No more than one (1) principal Dwelling Unit and one (1) Accessory Dwelling Unit is on the Lot of Record.

#3 Accessory Dwelling unit is a stand-alone building.

#6 The Accessory Dwelling Unit meets the setback requirements.

#7 The principal dwelling unit and the Accessory Dwelling unit will share one common driveway

#8 Impact fees will be paid on Accessory Dwelling Unit as if it was a separate dwelling.

Attachment "C" – Hardship Statement

09/02/2021

RE: Copeland Variance Application

To Whom it may concern:

I am writing to you to ask for an exception for additional square footage on the secondary home allowance, based on a hardship.

My parents, Richard and Elizabeth Copeland live at 35934 Gatch Road in Eustis (County Property). Richard had a quadruple bypass earlier this year and has gone into A-Fib several times since the surgery. Elizabeth has several health problems including essential tremors, blood pressure and other heart related issues including a prolapsed mitro-valve. With their health, it is very difficult for them to maintain their 10 acre property and they will need even more help in the future. They do not wish to sell, as it is the perfect property for family gatherings and their dream retirement home.

Ken (their son) and Bree Copeland and their two boys (age 16, 11) currently live in Utah in a 4200 square foot home and have two businesses.

They are planning to sell their businesses and house to move onto their parents property in Eustis.

Each boy needs their own bedroom, and Ken will be starting a consulting business and needs a home office to be nearby and able to help his parents. Bree is a talented artist and needs to be able to have her art studio to continue her craft.

We would like to request permission to build a larger home than the 40% of the primary dwelling to have the space needed to accommodate our family's needs.

Based on the square footage of the main home, current zoning of 40% of the primary dwelling would only allow for a 1797 square foot home. We would like permission to build a 2219 square foot home with a bonus room above the garage to turn into bedrooms for the boys.

This would be a total square footage (under air) of 2600, which would be a total of 58% of the primary dwelling (+18% of the primary dwelling). Still, this is significantly less than we currently have in Utah. Here is the link to the floorplan we would like to use:

<https://www.houseplans.com/plan/2219-square-feet-3-bedroom-2-50-bathroom-2-garage-european-ranch-traditional-sp275350>

We have explored the options of rezoning and subdividing the land, but since the land is not paid off, the bank will not allow it to be split. So we are reduced to just building a secondary dwelling.

This move is going to be difficult for our family as we have lived in Utah for 25 plus years and are giving up a lot to move to help my parents. We just don't know how to make it work in a home significantly less than half of what we currently own.

We hope that you will be able to help us with this hardship exemption.

Thank you for your consideration.

Kenneth Copeland

Final Development Order VAR-21-70-4 Copeland Property

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

WHEREAS, Paul D. Caruso (the "Applicant"), on behalf of Richard and Elizabeth Copeland (the "Owners"), requested a variance to Land Development Regulations (LDR) Section 10.01.03.B(4) to allow a 2,600-square foot accessory dwelling unit, in lieu of 1,797-square feet, and LDR Section 10.01.03.B(5) to allow an accessory dwelling unit with different architectural style than the principal dwelling; and

WHEREAS, the subject property consists of 9.62 +/- acres, located at 35934 Gatch Road, in the Eustis area of unincorporated Lake County, in Section 06, Township 19 South, Range 27, having Alternate Key Number 3792186, and more particularly described below; and

The North 420 feet of Government Lot 4, in Section 6, Township 19 South, Range 27 East, in Lake County, Florida, LESS AND EXCEPT the East 310 feet thereof; AND The East 370 feet of the North 420 feet of Government Lot 1, in Section 1, Township 19 South, Range 26 East, in Lake County, Florida; AND That part of Government Lot 4, in Section 31, Township 18 South, Range 27 East, Lake County, Florida, described as follows: Commence at the Southwest corner of said Section 31, run North 89°14'51" East along the South line of Section 31, 610.59 feet to the Point of Beginning, thence continue North 89°14'51" East along said South line 133.27 feet, thence North 64°00'00" West 92.38 feet, thence South 49°56'10" West 65.64 feet to the Point of Beginning.

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 October 14, 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 October 14, 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-21-70-4 to allow a 2,600-square foot accessory dwelling unit, in lieu of 1,797-square feet, and LDR Section 10.01.03.B(5) to allow an accessory dwelling unit with different architectural style than the principal dwelling.

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 14 day of October 2021.

EFFECTIVE October 14, 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 14 day of October 2021, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)