



LAKE COUNTY FLORIDA

MEETING INFORMATION

Location & Time

Lake County Commission
Chambers
2nd Floor, County
Administration Building
315 West Main Street
Tavares, FL 32778-7800
1:00 p.m.

Board of Adjustment Members

Donald R. Schreiner,
Chairman (At-Large
Representative)

Catherine Hanson, (At-
Large Representative)

Marie Wuenschel (District
1)

Peter Caracciolo (District 2)

Phyllis Luck (District 3)

Lloyd M. Atkins, Jr.
(District 4)

Craig Covington, Vice-
Chairman (District 5)

BOARD OF ADJUSTMENT

AGENDA SEPTEMBER 11, 2014

The Board of Adjustment reviews applications that have been submitted for a variance to the Land Development Regulations; they approve or deny the applications based upon staff reports and evidence submitted during the hearing, taking into consideration the applicant's and other testimony in favor or against the request, in accordance with section 14.15.00 of the Land Development Regulations.

The Board of Adjustment meetings are held the second Thursday of each month.

Board of County Commissioners

Timothy I. Sullivan	District 1
Sean Parks, Vice Chairman	District 2
Jimmy Conner, Chairman	District 3
Leslie Campione	District 4
Welton G. Cadwell	District 5

County Staff

David Heath, County Manager
Melanie Marsh, Deputy County Attorney

Growth Management Department Staff

Amye King, AICP, Director, Department of Growth Management
Chris Schmidt, Manager, Division of Planning & Community Design
Jennifer Cotch, Senior Planner, Division of Planning & Community Design
Donna Bohrer, Public Hearing Coordinator, Division of Planning & Community Design

For any questions, comments, or concerns, please contact the Planning & Community Design Division at (352) 343-9641 or email zoning@lakecountyfl.gov.

All oral and written communication between Board Members and the Public concerning a case are prohibited by Florida Law unless made at the Public Hearing.

If any person decides to appeal any decision made by the Board, a record of the proceedings will be needed. For purposes of appeal, the record of proceedings should be a verbatim record of all proceedings which take place and should include the testimony and evidence upon which any appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of Facilities and Capital Improvement at (352) 343-9760, 48 hours in advance of the scheduled meeting.

Board of Adjustment

September 11, 2014

1:00 p.m.

- I. Call to Order
- II. Minutes Approval – May 8, 2014
- III. Public Comment
- IV. Public Hearings

CONSENT AGENDA

REGULAR AGENDA

CASE NO.	OWNER(S)/APPLICANT(S) NAME	AGENDA NO.
BOA # 10/14/5	David and Kandee Bassett	1

REQUESTED ACTION: The owners are requesting a variance from **Lake County Land Development Regulations, 3.01.04 Key to Conditions in Table of Permitted and Conditional Uses** to allow the placement of a livestock building in the southeast corner of the property to avoid removing trees; the Code requires the building to be as closely centered on the parcel as possible, and requires a minimum setback of 50 feet from all property lines.

V. **OTHER BUSINESS**

Board of Adjustment member's term expiration dates.

VI. Close



VARIANCE REQUEST
 Presented to the
BOARD OF ADJUSTMENT
 September 11, 2014

CASE NO.: BOA# 10/14/5	AGENDA ITEM #: 1
OWNERS/APPLICANTS: David and Kandee Bassett	

REQUESTED ACTION: The owners are requesting a variance from **Lake County Land Development Regulations, 3.01.04 Key to Conditions in Table of Permitted and Conditional Uses** to allow the placement of a livestock building in the southeast corner of the property to avoid removing trees; the Code requires the building to be as closely centered on the parcel as possible, and requires a minimum setback of 50 feet from all property lines.

GENERAL LOCATION: Lady Lake area – South of Marion County Road, east of Smitty Road, AK #1237459 (Sec. 04, Twp. 18, Rng. 24).



FUTURE LAND USE DESIGNATION: Rural

EXISTING ZONING: Agriculture

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Rural (1 du/5 acres)	A (Agriculture) (1 du / 5 acres)	Single-family dwelling unit
South	Rural (1 du/5 acres)	A (Agriculture) (1 du / 5 acres)	Single-family dwelling unit
East	Public Service Facilities and Infrastructure	CFD (Community Facility District)	Grand Oaks Equestrian Museum/Educational & Training Facility
West	Rural (1 du/5 acres)	A (Agriculture) (1 du / 5 acres)	Single-family dwelling unit
Posted:	August 14, 2014; notification cards mailed out August 8, 2014		

14.15.02 Granting Variances and Appeals

Variances shall be granted when the person subject to the 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.

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 the 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.

Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

ANALYSIS: The owners are requesting a variance to allow a barn containing horses to be located sixty-seven (67) feet from the south property line, 210 feet from the north property line, 471 feet from the west (front) property line, and sixty-five (65) feet from the east property line. The Code, 3.01.04(1)(a), requires a livestock building to be located a minimum of two hundred (200) feet from all property lines. In the event that a livestock building cannot be constructed because of the two hundred (200) foot setback, then the livestock building shall be as closely centered as possible between the property lines and a fifty (50) foot setback shall be maintained from all property lines.

LAND DEVELOPMENT REGULATION:

3.01.04 Key to Conditions in Table of Permitted and Conditional Uses.

1. Keeping of Livestock for General Agriculture and Non-Intensive Agriculture. These uses Shall only be Permitted as shown in Table 3.01.03 Schedule of Permitted and Conditional Uses and Shall adhere to the following setbacks:

a. A Livestock Building should maintain a two hundred (200) foot setback from the property line. In the event that a Livestock Building cannot be constructed because of the two hundred (200) feet setback, then the Livestock Building Shall be as closely centered as possible between the property lines AND Shall maintain a fifty (50) foot setback from the property line.

b. If the Lot Width or Length is equal to or less than one hundred fifty (150) feet, then the Livestock Building Shall be as closely centered as possible between the property lines AND Shall maintain a fifty (50) foot setback from the property line.

Livestock. "Livestock" shall include, but not be limited to, all animals of the equine, ratite, bovine or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches and other grazing animals. The term livestock shall specifically exclude exotic animals.

Livestock Building. A Structure used for milking, feeding, or sheltering of farm animals.

The subject property is surrounded by agriculture lands with single-family dwelling units and the Grand Oaks Equestrian Museum/Educational and Training Facility. The parcel is approximately 4.86 acres and is roughly 635 feet (east to west) by 332 feet (north to south) in size. The applicant could not meet the 200-foot setback to the north and south property boundaries and therefore would be required to center the barn and maintain a minimum 50-foot setback from both the north and south property lines.

The **intent** of the Code (Table 3.02.04) is to promote a logical development pattern, provide for safe setbacks between structures and encourage a visually pleasing environment, as well as to ensure that the residents in the surrounding area are not disrupted by the noises and smells by the use of such structures.

The applicants submitted the following reasons as proof of meeting the **intent of the Code**: *“Although the building is not centered on the property, the minimum setback of fifty (50) feet or more is maintained and all the trees can remain as shown in the survey attached.”*

The applicant submitted the following as proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**: *“To center the building on the property would require the removal of many large trees. We would like to avoid removal of any trees and locate the building as shown on the attached survey.”*

FINDINGS OF FACT: Staff has reviewed the application for this variance request and found:

1. This request is inconsistent with LDR Table 3.01.04(1)(a), which attempts to promote standardized setbacks for specific zoning districts and uses.
2. There is sufficient room to construct the barn centered within the property.

The owners have not shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. The owners have not submitted proof of meeting the intent of the Code. Based on the Findings of Fact and Analysis, Staff recommends **denial** of the variance request to allow a barn not to be placed centered on the subject property.

14.15.00 Variances and Appeals.

14.15.01 Purpose of Variances. *Strict application of uniformly applicable Land Development Regulations can lead to unreasonable, unfair, and unintended results in particular instances. The Board of County Commissioners finds that it is appropriate in such cases to adopt a procedure to provide relief to persons subject to the Land Development Regulations. The Board of Adjustment is authorized to grant variances to requirements of the Land Development Regulations consistent with the rules contained in these regulations. This Section does not authorize the Board of Adjustment to grant variances inconsistent with the Comprehensive Plan nor to grant a variance to permit uses not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the Land Development Regulations in the zoning district. In addition, the existence of*

nonconforming use of neighboring lands or un-permitted use of neighboring lands shall not be considered grounds for authorization of a variance.

14.15.02 Generally. Variances shall 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. 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. Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as, contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

ENVIRONMENTAL ISSUE: N/A

FLOODPLAIN: N/A

JOINT PLANNING AGREEMENT: N/A

WEKIVA RIVER PROTECTION AREA: N/A

LAKE APOPKA BASIN: N/A

TRANSPORTATION IMPROVEMENTS: N/A

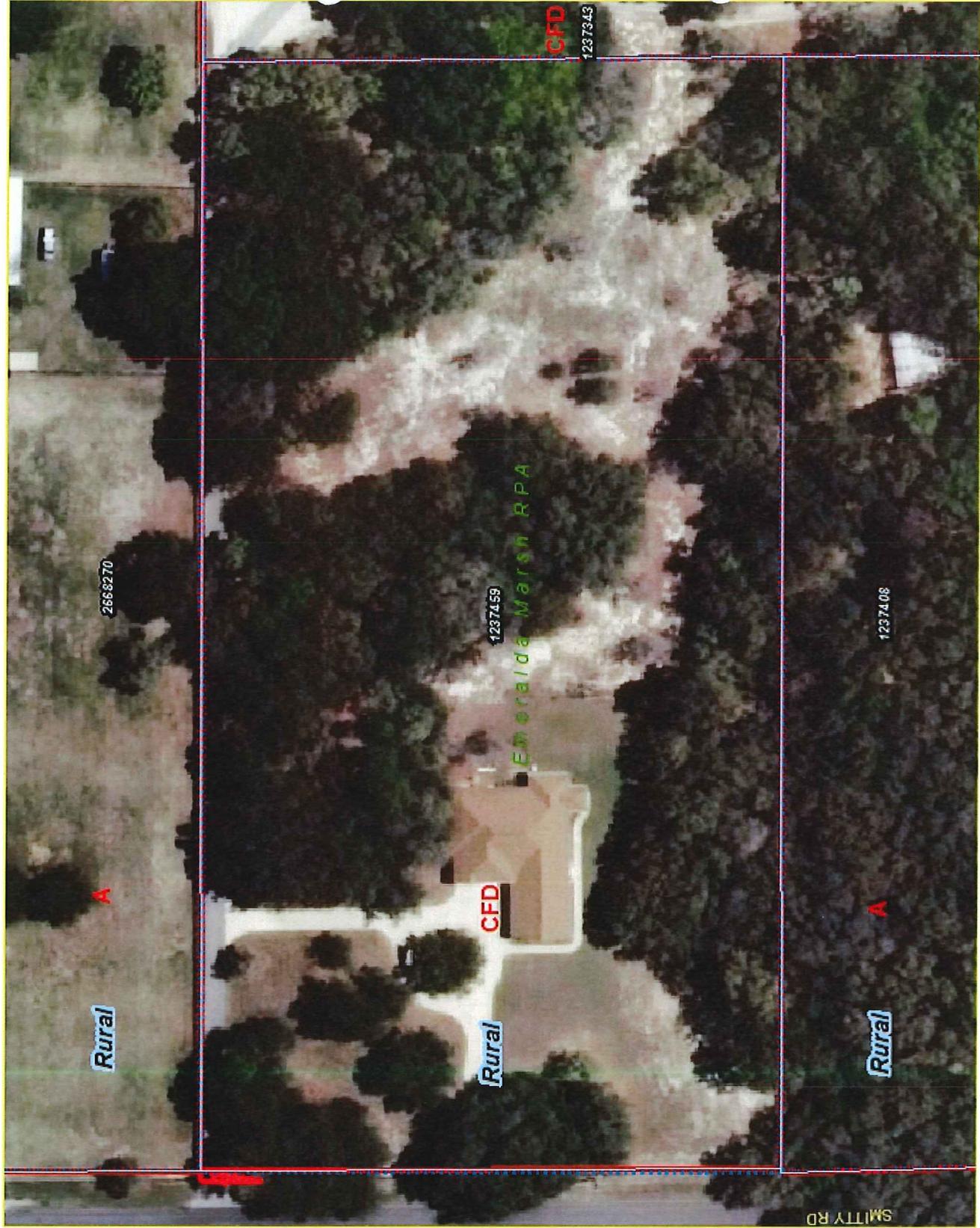
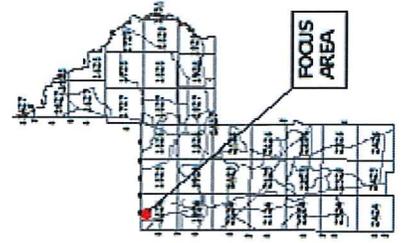
GREEN SWAMP AREA OF CRITICAL STATE CONCERN: N/A



LAKE COUNTY
 DEPARTMENT OF
 GROWTH MANAGEMENT
 CLAYTON SERVICE DIVISION

Legend
Subject Property
Zoning
Future Land Use
Tax Parcels

Case Location (S-T-R):
 04-18-24



Owners/Applicant : Bassett, David and Kandee/Mike Hanna
 BOA# 10-14-5



1 inch = 78.748226 feet

BOA# 10/14/5
Photo Evidence



**Final Development Order
David and Kande Basset
BOA # 10/14/5**

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

WHEREAS, David and Kande Basset (the "Owners") made a request to allow a livestock building (horse barn) to be located in the southwest corner of the property and 65 feet from the property line; the Code requires the building to be as closely centered on the parcel as possible and meet a minimum setback of 50 feet from property lines; and

WHEREAS, the subject property consists of 4.86 acres +/- and is generally located north of Lady Lake in Section 04, Township 18 South, Range 24 East, being composed of alternate key number 1237459 and is more particularly described as:

The North ½ of the Northwest ¼ of the Southwest ¼ of the Southeast ¼, less the West 25 feet thereof, Section 4, Township 18 South, Range 24 East, Lake County, Florida.

AND, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on September 11, 2014; and

WHEREAS, the Board of Adjustment reviewed said 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 September 11, 2014, the Lake County Board of Adjustment approved the variance for the above property; and

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of BOA# 10/14/5 to allow a livestock building (horse barn) to not be centered on the subject property, in accordance with the following **conditions**:

- A. The barn shall be constructed no closer than sixty-five (65) to any property lines.
- B. A row of shrubs shall be planted along the south and east property lines to create a visual buffer from the horse barn.

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, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 11th day of September, 2014.

EFFECTIVE September 11, 2014.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Donald Schreiner, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this September 11, 2014 by DONALD SCHREINER, who is personally known to me.
(SEAL)

Signature of Acknowledger

Serial Number: _____

My Commission Expires: _____