



# City of Eustis

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TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: May 4, 2023

RE: Ordinance Number 23-09: Conditional Use Permit for the placement of an accessory structure in front of the primary structure at 4017 East Orange Avenue (Alternate Key Number 1658641).

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## **Introduction:**

Ordinance Number 23-09: Approves a Conditional Use Permit to allow an accessory storage building to be placed in front of the primary residence on real property at 4017 East Orange Avenue.

An accessory use or structure is one that is subordinate to the primary use of the property. As defined in the City of Eustis Land Development Regulations a Residential district accessory use/structure (Single-family). Customary accessory uses/structures may include but are not limited to the following: swimming pools, spas/hot tubs, decks, tennis courts, fences, utility/storage buildings, greenhouses, gardens, garages, satellite dishes/antennas, boathouses, docks, catwalks or elevated walkways.

## **Recommended Action:**

The administration recommends the denial of Ordinance Number 23-09.

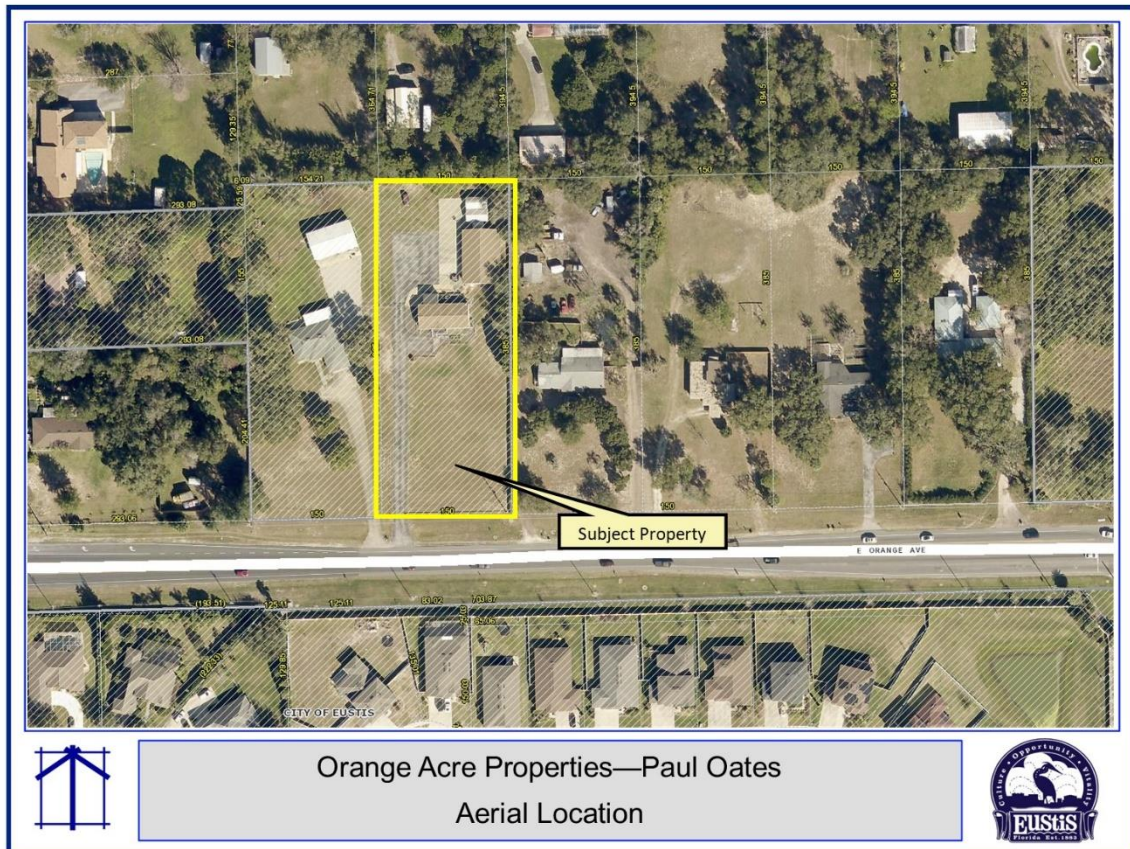
## **Background:**

### **1. Pertinent Site Information:**

- a. The subject property comprises about 1.35 acres, which currently contains a single-family residence, garage, and storage buildings.
- b. The site is within the Suburban Residential land use district, which allows the use related to this request and the existing use(s)/structure(s) of the property.
- c. The issue in question as it relates to this request is the placement of the accessory structure
- d. The property is within the Suburban Neighborhood Design District. The property fits the Estate lot type.
- e. The site and surrounding properties' land use, design district designations, and existing uses are shown below:

Location	Existing Use	Future Land Use	Design District
Site	Residential	Suburban Residential	Suburban Neighborhood

<b>North</b>	Residential	Lake County Urban Low	Lake County R-1 Zoning
<b>South</b>	Residential	Urban Residential / Suburban Residential	Suburban Neighborhood
<b>East</b>	Residential	Lake County Urban Low	Lake County R-1 Zoning
<b>West</b>	Residential	Suburban Residential/ Lake County Urban Low	Suburban Neighborhood



## 2. Proposed Development:

The applicant is requesting a Conditional Use Permit to be allowed to construct a 60-foot by 84-foot (5,040 square feet) storage building/barn in front of the primary residence existing on the property. The City of Eustis Land Development Regulations Section Sec. 110-5.15(c) "All accessory structures regulated by this chapter shall be permitted only in side and rear yards unless there are extenuating circumstances that would justify placement in the street yard with no adverse effects on surrounding properties."

According to measurements calculated from the applicant-provided survey, the property is appraised at 1.33 +/- acres and the existing structures on the property include:

Single-family home – 1,800 +/- square feet

Detached Garage 1 – 2,404 +/- square feet

Detached Garage 2 – 672 +/- square feet

Based on these measurements, the proposed accessory structure will be equal to or larger than the existing single-family residential home and associated improvements. Additionally, it does appear that there would be adequate room to the rear of the existing single-family home to place a structure of equivalent size. Furthermore, based on calculations done based on the survey provided and the proposed accessory structures the maximum impervious surface ratio (ISR) may be exceeded, with the maximum allowable ISR being 40%.

The area along East Orange Avenue is predominantly single-family residential on larger (1 +/- acre) lots on the north side of Orange Avenue and smaller single-family residential lots within existing subdivisions on the south side of Orange Avenue. The properties to the east of the subject property remain unincorporated.

Examining Lake County aerial photography, it appears that all of the built properties in the area have placed accessory structures to the rear of the single-family structure and that all of the accessory structures do not dominate in size over the residential structure.

The subject property appears to have available area to side / rear of the principle residential structure that would allow for placement of a similar accessory storage structure without necessitating a conditional use or waiver request. The placement of the structure in accordance with the code may still pose impervious surface ratio issues.

Lake County regulations for accessory structures are similar to the City of Eustis regulations in that accessory structures shall be placed behind the principal structure, unless certain conditions are met, ie: lots are greater than an acre in size, setback more than 100 feet from the front property line and no more than 85% of the principal residential structure. (Section 10.01.00 of the Lake County Land Development Regulations).

The applicant has provided a justification letter with their application. This letter is provided as an attachment to this Staff Report. The applicant's reasons for the placement of the accessory structure include an image of the proposed building. The image depicts a barn with three roll-up doors in what appears to be a metal-clad building. Section 115-6.1.2 of the City of Eustis Land Development Regulations allow for metal building up to 800 square feet. The proposed building will be over 5,000 square feet.

If the City Commission approves the requested Conditional Use Permit, it is recommended that several conditions be placed within the governing ordinance. These recommendations include:

1. The proposed accessory structure must be clad in a material appropriate to the existing residential structure and in accordance with Section 115-6.1.2 of the City of Eustis Land Development Regulations.
2. The building must be oriented so that the roll-up doors do not face East Orange Avenue.
3. The elevations of the accessory structure visible from East Orange Avenue must be designed to provide the appearance of a residential structure (ie: porch, doors, window treatments (either functional or faux), etc.)

4. The applicant must provide a recent survey of the property with pre-development and post-development impervious surface calculations.
5. No commercial-type operations may occur on the property. The property may not be used for public assembly, exhibition, or display.
6. No signage may be allowed other than that allowed for any residential district.

Applicable Policies and Codes:

**City of Eustis Land Development Regulations:**

***Sec. 110-5.1. Purpose and general standards.***

- (a) *Purpose. It is the purpose of this section to regulate the installation, configuration, and use of accessory structures and the conduct of accessory uses in order to ensure that any adverse impacts created are minimal both aesthetically and physically to residents and surrounding properties.*
- (b) *General standards and requirements. Any number of different accessory structures may be located on a parcel, provided that the following requirements and restrictions are adhered to:*

**(1) An accessory structure or use shall be considered incidental to the principal dwellings and must be in full compliance with all standards and requirements of this land development regulation and all other regulations of the city.**

The proposed accessory structure is more than double the size of the existing structures on the property. The primary use of the property is residential and the residential structure is no larger than 1,800 square feet including porches. Existing accessory structures total approximately 3,100 square feet in size. The requested accessory storage building, to be placed with the street yard is over 5,000 square feet, and become the prominent feature of the property.

- (2) *All accessory structures shall comply with standards pertaining to the principal structure and/or development unless exempted or superseded elsewhere in this land development regulation.*
- (3) *Accessory structures other than fences shall not be located in a required setback, buffer, or landscape area, except that accessory structures 30 inches or less than above the general ground level (i.e. decks) shall not be required to meet setbacks.*
- (4) *Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.*

The maximum impervious surface ratio (ISR) for the Suburban Neighborhood Future Land Use is 40%. The subject property area is 57,750 square feet. Existing structures and pavement on the property are approaching 18,000 square feet of impervious surface. The additions will add 5,040 square feet and 3,072 plus associated paving for access to the structures. With the additions the impervious surface ratio will exceed the allowed ISR of 40%.

- (5) *Accessory structures shall be shown on all development plans with full supporting documentation as required in chapter 102 of this land development regulation.*
- (6) *All accessory uses and structures shall obtain a building permit or other permit or license.*



(7) *Agricultural accessory use/structure. Customary accessory uses/structures may include, but are not limited to the following: swimming pools, spas/hot tubs, tennis courts, fences, utility/storage buildings, greenhouses, gardens, garages, satellite dishes/antennas, boathouses, docks, catwalks and elevated walkways.*

**(8) Residential district accessory use/structure (Single-family). Customary accessory uses/structures may include, but are not limited to the following: swimming pools, spas/hot tubs, decks, tennis courts, fences, utility/storage buildings, greenhouses, gardens, garages, satellite dishes/antennas, boathouses, docks, catwalks or elevated walkways.**

The proposed structure would be allowed in the Suburban Residential without a Conditional Use Permit if the proposed structure were to be placed in the side or rear yard of the principal structure. This is also provided that site plan provided with the building permit show that the maximum ISR is not exceeded.

(9) *Residential district accessory use/structure (multi-family). Customary accessory uses/structures may include, but are not limited to the following: swimming pools, spas/hot tubs, decks, tennis courts, fences, clubhouses, recreational and laundry rooms, sales/rental offices, utility/storage buildings, greenhouses, gardens, garages, satellite dishes/antennas, boathouses, docks, catwalks, or elevated walkways.*

(10) *Commercial district accessory use/structure. Customary accessory uses/structures may include, but are not limited to the following: fences, utility/storage buildings, garages, canopies, gas pumps, satellite dishes/antennas.*

(11) *Industrial district accessory use/structure. Customary accessory uses/structures may include, but are not limited to the following: fences, utility/storage buildings, garages, canopies, gas pumps, satellite dishes/antennas.*

(12) *Mixed use district accessory use/structure. Customary accessory uses/structures may include, but are not limited to the following: swimming pools, spas/hot tubs, tennis courts, fences, utility/storage buildings, greenhouses, gardens, garages, satellite dishes/antennas, boathouses, docks, catwalks, and elevated walkways.*

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016; Ord. No. 21-09 , § 1, 6-17-2021)

**Sec. 110-5.15. Sheds storage buildings, utility buildings, greenhouses and other accessory structures (permanent or temporary).**

(a) No accessory building used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located within 100 feet of any property line.

(b) Storage buildings, greenhouses, and similar structures shall be permitted only if in compliance with standards for distance between buildings, and setbacks, if any, from property lines.

**(c) All accessory structures regulated by this chapter shall be permitted only in side and rear yards, unless there are extenuating circumstances that would justify placement in the street yard with no adverse effects on surrounding properties.**

The proposed placement of the accessory storage building in the street front yard is not consistent with the provision. Given the setback of the existing residential structure, there is some justification for front yard placement, however, the scale of the proposed structure to that of the existing primary residential structure and the other accessory buildings changed the character. This may be mitigated to a degree by adding residential elements to the street visible elevations of the structure.

**(d) All accessory structures regulated by this chapter, except temporary ones as determined by the director, shall be included in all calculations for impervious surfaces, floor area ratios, or other site design requirements applying to the principal use of the lot.**

The proposed accessory structure is more than double the size of the existing structures on the property. The primary use of the property is residential and the residential structure is no larger than 1,800 square feet including porches. Existing accessory structures total approximately 3,100 square feet in size. The requested accessory storage building, to be placed with the street yard is over 5,000 square feet, and become the prominent feature of the property.

- (e) Vehicles, including new and existing tractor-trailers, truck beds, manufactured housing, and mobile homes shall not be used as storage buildings, utility buildings, or other such uses.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016; Ord. No. 21-09 , § 1, 6-17-2021)

**Sec. 102-30. Conditional uses and modifications.**

- (a) *Purpose.* The purpose of this section is to provide for uses that are generally compatible with the use characteristics of a land use district, but which require individual review of their location, design, intensity, configuration, and public facility impact in order to determine the appropriateness of the use of any particular site in the district and their compatibility with adjacent uses. Conditional uses may require the imposition of additional conditions to make them compatible in their specific contexts.
- (b) *Authority.* The city commission may, in accordance with the procedures, standards, and limitations of these land development regulations, grant conditional use permits or conditional use modifications for only those conditional uses set forth in sections 109-3 and 109-4.
- (c) *Standard of review for conditional use permits.* The proposed conditional use must be consistent with the general purpose, goals, objectives, and standard of these land development regulations, the city comprehensive plan, the Code of Ordinances of the city, and in compliance with all additional standards imposed on it by the particular provisions of these land development regulations authorizing such use.
- (d) *Application procedures for conditional uses.* The application for a conditional use permit shall include a survey or map showing the following:
- (1) All structures on the property
  - (2) Abutting rights-of-way
  - (3) Parking
  - (4) Landscape buffers
  - (5) Setbacks from each boundary line
  - (6) Adjacent land uses within 500 feet of the subject property
  - (7) Property legal description
- (e) *Conditions on conditional use permits.* The city commission, by ordinance, shall attach such conditions, limitations and requirements to a conditional use permit as are necessary to carry out the spirit and purpose of these land development regulations and the city comprehensive plan; and to prevent or minimize adverse effects upon other

property in the neighborhood, including but not limited to limitations on size, intensity of use, bulk and location, landscaping, lighting, the provision of adequate ingress and egress, duration of the permit, and hours of operation. Such conditions shall be set forth expressly in the ordinance granting the conditional use permit.

(Ord. No. 16-13, § 1(Exh. A), 5-19-2016; Ord. No. 17-17, § 1, 11-2-2017)

#### **Sec. 115-6.1.2. Metal buildings.**

**(a) Definition. For the purposes of this section, a metal building is any structure (other than the exemptions included in subsection (d)) that has steel or metal walls, sheeting, or siding on more than 25% of its exterior surface. Painting or other surface coating shall not be considered a sufficient covering to eliminate the visibility of the metal exterior surface. In calculating the percentage of a building's exterior surface area, all exterior wall surfaces together with fascia surfaces and gable end areas of a building shall be included, less the total area of all exterior doors and windows. Metal garage or overhanging doors, soffits, or metal roofs are permitted and shall not be considered in the calculation.**

The proposed building appears to be metal sided in the image provided by the applicant. In order to be in compliance with this section of the City of Eustis Land Development Regulations, any proposed metal building must be faced or clad so as to cover the metal fascia.

- (b) *Permitted.* Metal buildings may be constructed in general industrial (GI) land use districts. Metal buildings as defined in this section may be permitted in public institutional (PI) or mixed commercial industrial (MCI) land use districts if:
- (1) The property has an existing metal building, and the construction proposes the expansion of the existing building or additional metal buildings associated with an existing city public works complex;
  - (2) On property in the MCI district, in the established industrial use area along Dillard Road/Huffstetler Drive/Mount Homer Road.
- (c) Metal buildings on properties in PI and MCI land use districts that do not meet the above criteria may be approved by the city commission by waiver or variance as provided for in sections 102-21.1 and 102-31.1.

**(d) Exemptions. This section shall not apply to manufactured homes, mobile homes, and/or residential accessory structures 800 square feet or smaller.**

The proposed accessory storage building is proposed at 60 feet by 84 feet (5,040 square feet), so the proposed building is not subject to an exemption.

- (e) *Non-conforming use.* Metal buildings which would otherwise be prohibited hereunder, but which were constructed prior to the effective date of this section shall be considered existing, non-conforming uses. As an existing, non-conforming use, if such metal building is damaged or destroyed by 51 percent or more of its value (as determined by the building official), that structure shall not be rebuilt as a metal building.

(Ord. No. 16-31, 12-15-2016; Ord. No. 17-17, § 1, 11-2-2017)

#### **Referenced Lake County Regulations:**

##### **10.01.00 Residential Accessory and Temporary Structures and Uses.**

**10.01.01 General Requirements for Accessory Structures.** Accessory Structures used in conjunction with a residential dwelling unit may be allowed on a Lot, provided that the

following requirements are met. This section does not apply to nonresidential farm structures used for agricultural purposes on a bona-fide farm.

- A. There Shall be a lawful dwelling unit on the Lot;
- B. An Accessory Structure(s) Shall comply with applicable standards and Codes, unless exempted or superseded elsewhere in these Regulations;
- C. An Accessory Structure(s) Shall not be located in a required Buffer area, Landscape Buffer, wetland buffers or minimum Building Setback area;
- D. For lots less than one (1) acre in size, the square footage of an Accessory Structure(s) shall not exceed eighty (80) percent of the main floor square footage of the enclosed living area of the dwelling unit, which excludes features such as garages, patios, and porches. If there is more than one (1) Accessory Structure, the combined square footage shall apply;**
- E. An Accessory Structure(s) shall not exceed the height of the dwelling unit or twenty-five (25) feet, whichever is greater.**
- F. Accessory structures that are buildings shall be located in side and rear yards, unless:
  - 1. The accessory building is the same architectural style and the exterior walls and roof are the same material and color as the principal dwelling unit; or**
  - 2. The accessory building is the type typically found in the front yard, such as gazebos, well coverings, or mailbox enclosures. Such building shall be no greater than one hundred (100) square feet or of the minimum size and height to accomplish the use, whichever is less; or**
  - 3. The accessory building is located a minimum of one hundred (100) feet from the front property line.**
- G. Vehicles, Manufactured Housing and Mobile Homes, shall not be used as storage Buildings, utility Buildings, or other such uses.
- H. Cargo and shipping containers shall not be used as Accessory Structure(s) in residential zoning districts.

### **Community Input**

The department has properly advertised the Ordinance in the newspaper; the property owners have been notified for the surrounding properties within 500 feet; and the subject property has been posted with public hearing notice signage. To date, there has been one instance of communication from a member of the public in opposition to the proposed development.

### **Policy Implications:**

Approval of this Conditional Use Permit may open an avenue for additional requests for similar accessory structure placement.

### **Alternatives:**

Approve Ordinance Number 23-09

Deny Ordinance Number 23-09



**Budget/Staff Impact:**

There would be no direct cost to the City associated with the action other than providing standard City services to the development. There would be no additional staff time beyond the normal plan review process and building inspections.

**Prepared By:**

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**Reviewed By:**

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**Attachments**

- Ordinance Number 23-09
- Applicant's Narrative of Justification and Explanation of Request
- Property Record Card (to show current structures on the property)