



City of Eustis

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TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: July 20, 2023

RE: Ordinance Number 23-11: **FIRST READING** Conditional Use Permit for an Accessory Dwelling Unit at 708 East Lemon Avenue

Introduction:

Ordinance Number 23-11 approves a Conditional Use Permit for an accessory dwelling unit to an existing single-family residence in the Suburban Residential (SR) land use district for property located at 708 East Lemon Avenue (Alternate Key Number 1631271).

This item was previously discussed during the June 15 City Commission meeting, which was planned to be the first reading of this item. The property owner was not present. James Svenson, who is the applicant as well as the contractor who has done work on the property, was present and spoke on this item. Some questions were specific to the property owner, and Mr. Svenson was unable to answer all questions Commission had regarding the request. The Commission requested that the item be tabled until a later date when the property owner could attend in person. The property owner had communicated to staff previously that she would be in town and available for any needs during this time at the end of the month. The Commission moved to table this item until a date certain of July 20 and if the property owner could not attend then it would be postponed until a different date that the property owner could attend. The property owner, Amy Taylor, confirmed via email on July 9 that she plans to be present on July 20 for the City Commission meeting.

Recommended Action:

The administration recommends approval of Ordinance Number 23-11.

Background:

Pertinent Site Information:

- a. The subject property at 708 East Lemon Avenue (Alternate Key Number 1631271) comprises about 0.21 acres.



- b. The subject property currently contains a two-story 2,292 square-foot single-family residence built in 1925, a detached garage, and a swimming pool with a pool deck. The Property Record Card from Lake County Property Appraisers' office's website is attached for reference.
- c. The site and surrounding properties' land use are Suburban Residential (SR) except for immediately north of the subject property, which is Public Institutional (PI) land use for the use of Eustis Elementary School at 714 Citrus Avenue, also in the Washington Avenue Historic District.
- d. The subject property and all properties immediately adjacent to it are in the Urban Neighborhood design district.
- e. A Code Enforcement Violation (Violation ID 23-00081) is open on this property for work being done without a permit, which includes installation of a handicapped ramp installed on the main single-family residence, as well as work on the detached garage to convert it to a dwelling unit.

Proposed Development:

Amy Taylor, the owner of 708 East Lemon Avenue, is requesting Conditional Use approval to convert the detached garage to an accessory dwelling unit, including modification of windows, doors, roof, and paint, within the Washington Avenue Historic District. The applicant received approval for a Certificate of Appropriateness (COA), 2023-COA-06, from the Historic Preservation Board (HPB) during their meeting on May 10, 2023. The application for a Certificate of Appropriateness (see attached for complete information) states:

- Existing building will remain
- Replacing missing and wood rotten windows and doors with new vinyl energy-efficient Lowe's windows (white) to match existing as close as possible
- Outside walls to remain (will paint only)
- Roof to remain (will coat with silver coating)
- Door to be six-panel metal to match existing

Applicant's Request:

The applicant requests approval to permit the conversion of the detached garage structure to an accessory dwelling unit in the Suburban Residential land use district.

Analysis and Summary:

The primary contact person for this application is James Svenson, who is the contractor for the applicant/property owner, Amy Taylor. The contractor began work on this property without any prior permits or approvals. As a result of a member of the public contacting Code Enforcement to inquire about work being done at the property that they did not think was permitted, Code Enforcement investigated and issued a violation notice along with options for correction of the violation, which is Violation 23-00081 (attached for reference).

This property is in the Washington Avenue Historic District, so the first step to remedy the violation was a Certificate of Appropriateness (COA) application for approval by the Historic Preservation Board (HPB), which was submitted on March 7, 2023, and approved by the HPB during their May 10, 2023, meeting. The associated COA application, backup documentation, staff report, and approval letter are attached for reference.

The proposed work is generally consistent with the overall property and the surrounding properties nearby. The existing structures will remain, but renovations will be done internally to the detached garage along with the replacement of some features of the structure, such as doors and windows in addition to a silver coating on the roof. The replacement windows and doors are proposed to be energy efficient. The existing windows on the subject structure (garage to be converted to a dwelling unit) are four-pane windows, but the new replacement windows that are proposed are single-paned.

The Property Owner stated in an email correspondence (attached for reference) on May 23, 2023, "I want to remodel the garage into an apartment because I want trusted eyes on site. That's what I'm doing. It makes it better for everyone."

The City's Land Development Regulations Section 109-4, Use Regulations Table, require conditional use approval for accessory dwelling units in the Suburban Residential land use district. As a result, a Conditional Use application request was received to seek this required approval to bring the property into compliance. A Building Permit application has also been submitted for the proposed work, which can theoretically receive approval by Planning upon approval of a Conditional Use for an accessory dwelling unit on this property.

The standards of review must show the conditional use is consistent with the City's Comprehensive Plan, Land Development Regulations, and City Codes, which are shown below.

This request for allowance of an ADU is generally consistent with the goals and objectives of the City's Comprehensive Plan, which has provisions for providing affordable housing and varieties of housing types, which an ADU can do. This ADU would be in an area of other residential development. The exterior appearance would not be a great variation as it is currently other than general maintenance and upkeep type of improvements, per the information that has been submitted, and is attached for reference.

Per Section 110-5.8, Garages, (full code section text is below) a garage is required for all single-family dwellings, and should any property owner enclose or reduce the size of any existing garage or carport below the square footage requirements of this section, then the owner shall mitigate the loss of the garage by providing for on-site parking and outside storage. If in a designated historic district, in an urban design district, or on a legal lot of record that is below the minimum suburban standard, or if enclosing a carport, then the owner may designate two on-site parking spaces at least 9 feet x 18 feet each in the driveway area or on the residential lot behind the building frontage; and provide outside storage by either constructing a storage shed with minimum dimensions of 10 feet x 10 feet in accordance with the Land Development Regulations for accessory structures or

by providing outside access to a designated, separated storage area within the enclosed garage or carport (minimum dimensions 12 feet x 7 feet).

The property has a storage shed on the property that will meet the requirements for storage to be provided, and there is a driveway on the property that can be utilized for parking.

Compatibility:

Per the Lake County Property Appraiser records (property record card attached for reference), the existing 2,292-square-foot primary residence was originally constructed in 1925, the 364-square-foot detached garage was constructed in 1924, and the swimming pool and deck was constructed in 1972. County and City records indicate the use of the structures continue to be as they were initially constructed to be utilized until recent work was being done on the property.

Surrounding land uses have not changed considerably over the years and are primarily residential. Just north of the subject property is in the Public Institutional land use and occupied by Eustis Elementary School.

The single accessory dwelling unit use will not generate sufficient traffic to require a traffic study nor affect the traffic on the side streets of South Salem Street or East Lemon Avenue.

Noise should not be an issue as the primary use will be accessory residential occupying a small space.

The Impervious surface ratio (ISR) maximum for the SR land use is 40%. All structures on this site are previously existing and no new structures or impervious surface area are proposed.

Pursuant to Eustis LDR Sec. 94-176. – Definitions, “Impervious areas means those hard surfaced areas which either prevent or retard the entry of water into the soil mantle, as it entered under natural conditions prior to development, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include but are not limited to rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, and other surfaces which similarly impact the natural infiltration or runoff patterns which existed prior to development.”

The impervious surface ratio (ISR) is the relationship between the total impervious surface area on a site and the gross land area. The ISR is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the gross land area.

Applicable Policies and Codes:

The standards of review must show the conditional use is consistent with the City’s Comprehensive Plan, Land Development Regulations (LDR), and City Codes. Accordingly, staff has reviewed this conditional use request with consideration of the following.

The Comprehensive Plan: The Suburban Residential (SR) land use applies to residential areas which are typically adjacent to other residential development. The purpose is to provide for residential neighborhoods with fewer street connections and more bicycle and pedestrian-friendly circulation patterns, with limited retail and service businesses while maintaining residential character or compatibility.

Pursuant to Eustis LDR Section 94-176. – Definitions, “Impervious areas means those hard-surfaced areas which either prevent or retard the entry of water into the soil mantle, as it entered under natural conditions prior to development, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include but are not limited to rooftops, sidewalks,

walkways, patio areas, driveways, parking lots, storage areas, and other surfaces which similarly impact the natural infiltration or runoff patterns which existed prior to development.”

Section 102-30 (Conditional Uses) of the Land Development Regulations (LDRs) provides for uses that are generally compatible with the use characteristics of a future land use district, but which require individual review of:

“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.”

The Conditional Use review allows the City Commission to attach conditions, limitations, and requirements to a conditional use permit to prevent or minimize adverse effects upon other properties in the neighborhood. These conditions can include limitations on size, intensity of use, bulk and location, landscaping, lighting, provision of adequate ingress and egress, duration of the permit, and hours of operation.

Section 109-4 (Use Regulations Table) allows an accessory apartment as a conditional use within the SR land use district.

Sec. 110-5.8. Garages

(a) *Garages.* All single-family dwellings, including mobile homes, duplexes, triplexes, row houses, and the like, constructed after the effective date of this section, shall possess a garage as follows:

(1) Minimum size 300 square feet (12 feet × 18 feet for automobile parking and 12 feet × 7 feet for storage).

(2) Equipped with an operational overhead door with minimum dimensions of 9 feet × 7 feet, which door, when closed, conceals the interior of the garage.

(b) Should any property owner enclose or reduce the size of any existing garage or carport below the square footage requirements of this section, then the owner shall mitigate the loss of the garage by providing for on-site parking and outside storage as follows:

(1) Construct a new garage on the property sufficient to meet the square footage requirements of this section; or

(2) If in a designated historic district, in an urban design district, or on a legal lot of record that is below the minimum suburban standard, or if enclosing a carport, then the owner may take the following actions in lieu of replacing the garage:

a. Designate two on-site parking spaces at least 9 feet × 18 feet each in the driveway area or on the residential lot behind the building frontage; and

b. Provide outside storage by either constructing a storage shed with minimum dimensions of 10 feet × 10 feet in accordance with the Land Development Regulations for accessory structures or by providing outside access to a designated, separated storage area within the enclosed garage or carport (minimum dimensions 12 feet × 7 feet).

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Policy Implications:

Approval or denial of this waiver request to grant approval of a conditional use to permit an accessory dwelling unit at 708 East Lemon Avenue could set a precedent for the review of similar requests in the future; however, this could be an opportunity as well to show flexibility and also offer a variety of housing options.

Alternatives:

1. Approve Ordinance Number 23-11.
2. Deny Ordinance Number 23-11.

Discussion of Alternatives:

Alternative 1 approves Ordinance Number 23-11.

Advantages:

1. The project may move forward with site modifications.
2. A new accessory housing unit will be available in Eustis.
3. The structure will be occupied and maintained.
4. The proposed use will be compatible with the surrounding uses as the type of accessory residence proposed should be low impact.

Disadvantages:

1. Approval of an accessory dwelling unit in the area could prompt other requests for an accessory dwelling unit in this area, which could change the character of the area.

Alternative 2 denies Resolution Number 23-11.

Advantages:

1. No accessory dwelling unit will exist in this area primarily occupied by residences.

Disadvantages:

The City could lose the opportunity of having a new accessory dwelling unit in the city limits as well as an affordable housing option.

Community Input:

The department has properly advertised the Ordinance in the newspaper; notified surrounding properties within 500 feet, and posted the property. Other than during public meetings, to date, there has been no opposition received to the proposed development, nor any feedback at all related to this Conditional Use request directly to staff; however, nearby members of the public did attend the Historic Preservation Board (HPB) meeting on May 10 that approved the Certificate of Appropriateness (COA) for this, and one spoke on the item. During the June 15 City Commission meeting, as noted by the approved minutes, there was no public comment on this item.

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 inspection.

Conclusion:

Staff recommends approval of the conditional use request based upon the above discussion which outlines that the proposed use will be compatible with the surrounding uses because of its location, with no change to the existing building, which will not affect the intensity of the property or tax the capacity of any public facilities. Upon approval of this request, there should be no further planning concerns with the building permit application that is on hold. Other than planner review and approval, it is also required for the Building Official to grant approval of this building permit request.

Prepared By:

Heather Croney, Senior Planner

Reviewed By:

Jeff Richardson, AICP, Deputy Director, Development Services

Attachments:

Maps to show General Location, Future Land Use, and Design District

Property Record Card for Subject Property

Relevant Correspondence with Property Owner, Amy Taylor

Certificate of Appropriateness 2023-COA-06 Approval and Attachments

Washington Avenue Historic District Boundaries Map

Proposed Ordinance Number 23-11