



City of Eustis

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TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: September 19, 2024

RE: **FIRST READING**

Ordinance Number 24-38: Conditional Use Permit for an Accessory Dwelling Unit at 514 East Washington Avenue

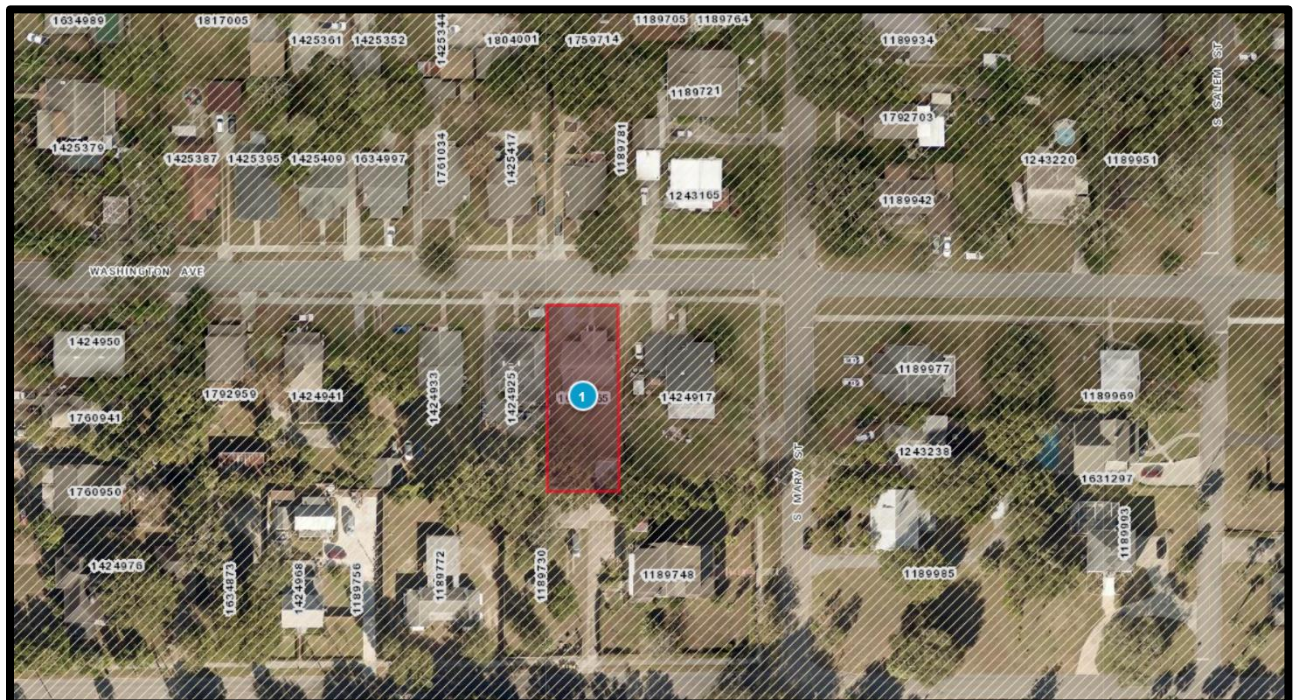
Introduction:

Ordinance Number 24-38 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 514 East Washington Avenue (Alternate Key Number 1634865).

Background:

Pertinent Site Information:

- a. The subject property at 514 East Washington Avenue (Alternate Key Number 1634865) comprises about 0.2 acres.



- b. The subject property currently contains a two-story 1,134 square-foot single-family residence built in 1924, a detached garage, and a screened porch. 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), and 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 23-00911) is open on this property for work being done without a permit, which includes converting detached garage into a habitable space; known alterations include installation of a window on the east side, a kitchenette and bathroom facilities.

Proposed Development:

Andrew Bennett of Blue Jay Properties, LLC, the owner of 514 East Washington Avenue, is requesting Conditional Use approval to convert the detached garage to an accessory dwelling unit, including modification of windows and doors within the Washington Avenue Historic District. The applicant received approval for a Certificate of Appropriateness (COA), 2024-COA-07, from the Historic Preservation Board (HPB) during their meeting on July 10, 2024. The application for a Certificate of Appropriateness (see attached for complete information) states:

- Existing 350 sq. ft. building will remain
- 7'x14' of front would remain storage.
- Remainder to serve as efficiency apartment.
- Small window to be added to the left side of the garage.
- Designated parking area may be added.
- Existing features include AC/heat, electrical service, insulation, finished drywall, an exterior door on the right side, a small window on the right side of the garage, a metal garage door at the front, and water supply.

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 Andrew Bennett, who is the owner/applicant (Blue Jay Properties, LLC). The owner 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 23-00911 (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 April 17, 2024, and approved by the HPB during their July 10, 2024, 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 addition of some features of the structure. The applicant proposes to convert a portion of the existing detached garage into an accessory dwelling unit with the remaining 7 x 14-foot area as open storage. Other improvements include things such as bathroom facilities, kitchenette, and an additional exterior window, as well as a designated parking area. Pre-existing items include AC/heat, exterior door, small window and water supply (see approved Certificate of Appropriateness).

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 will also be required 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 1,134-square-foot primary residence was originally constructed in 1924, the 432-square-foot detached garage was constructed in 1923. 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.

The single accessory dwelling unit use will not generate sufficient traffic to require a traffic study.

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 x 18 feet for automobile parking and 12 feet x 7 feet for storage).

(2) Equipped with an operational overhead door with minimum dimensions of 9 feet x 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 x 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 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).

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

Recommended Action:

Based on review, staff finds the request for a Conditional Use Permit to accommodate an accessory dwelling unit consistent with applicable code, and recommends adoption of Ordinance 24-38.

Policy Implications:

None.

Alternatives:

1. Approve Ordinance Number 24-38.
2. Deny Ordinance Number 24-38.

Budget/Staff Impact:

None

Prepared By:

Kyle Wilkes, Senior Planner

Reviewed By:

Jeff Richardson, AICP, Deputy Director, Development Services

Attachments:

Proposed Ordinance Number 24-38

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

Property Record Card for Subject Property

Relevant Correspondence with Property Owner, Blue Jay Properties, LLC

Certificate of Appropriateness 2024-COA-07 Approval and Attachments

Washington Avenue Historic District Boundaries Map