



ALACHUA COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

Project Number: DR25-000014

Variance and Replat for Willow Oak Plantation Lot 215

SUBJECT: Variance and replat to correct a building encroachment

APPLICANT/AGENT: eda, inc.

PROPERTY OWNER: Brett and Deborah Wallen

PROPERTY INFORMATION: Address: 7655 SW 88th Drive
Parcel Numbers: 07098-001-215
Future Land Use: Low Density
Zoning: Residential Single Family (R-1B)
Acreage: 0.15

CHRONOLOGY: Application submittal: 05/05/2025
Sufficiency Determination: 06/04/2025
Development Review Committee Hearing: 06/18/2025

STAFF RECOMMENDATION: Recommends the DRC approve the variance and recommend approval of the replat to the Board of County Commissioners

BACKGROUND AND SUMMARY OF PROPOSED PLAN:

This application requests a variance from setbacks in Table 403.07.2 Setback Requirements for Residential Lots and proposes a replat to correct a setback encroachment caused during the construction of the single-family residence on Lot 215 in the Willow Oak Planation Subdivision.

The subdivision was platted in May 2006 and setbacks on the lot are consistent with Table 403.07.2. The residence, however, encroaches on the northern side setback by 1.5 feet. The application requests a variance from the zoning district setbacks. The DRC is authorized to vary certain requirements (ULDC Chapter 401) of the ULDC where special conditions applicable to the property in question make the strict enforcement of the regulations impractical and result in a hardship in making reasonable use of the property (Sec. 402.157).

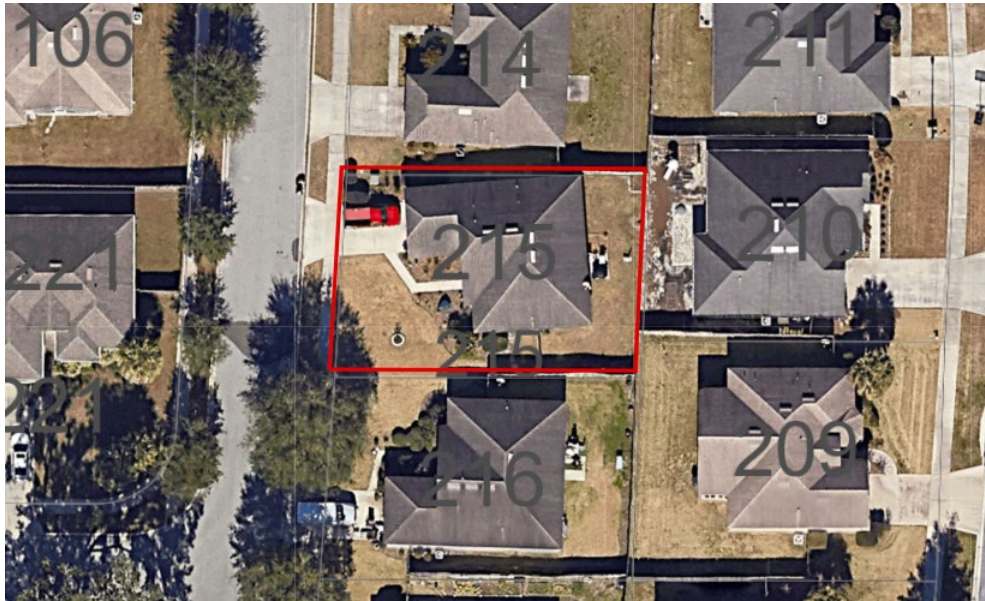


Figure 1, Aerial Image of Lot 215

CONSISTENCY ANALYSIS:

Following is an analysis of the consistency of the proposed plan with the applicable policies of the Comprehensive Plan and Land Development Regulations.

COMPREHENSIVE PLAN ANALYSIS:

Future Land Use Element

The subject parcel carries the Low Density Residential (1-4 du/acre) Future Land Use Designation. The Willow Oak Planation subdivision was platted in 2006 and the application does not increase or decrease the density of the development.

UNIFIED LAND DEVELOPMENT CODE:

Zoning District and Use Regulations

The Willow Oak Planation is in the R-1B zoning district which has a density of 4-8 units per acre. The original plat for Willow Oak Plantation was approved in 2006. The replat will not increase or decrease the existing number of lots and is consistent with the density provisions of the R-1B zoning district.

However, the residence on Lot 215 encroaches on the building setbacks outlined in Table 403.07.2 Setback Requirements for Residential Lots. The setbacks are listed below:

Setbacks	Front or Street	Garage Front	Rear	Side	Accessory Buildings
Lots less than one acre in size, Principal Building	10 feet	20 feet	10 feet	5 feet	Same as principal building except rear is 7.5 feet

Figure 2 below is the survey of the existing conditions. The northeast corner of the residence encroaches on the northern side setback (5 feet) by 1.5 feet. This encroachment was created during the construction of the residence.

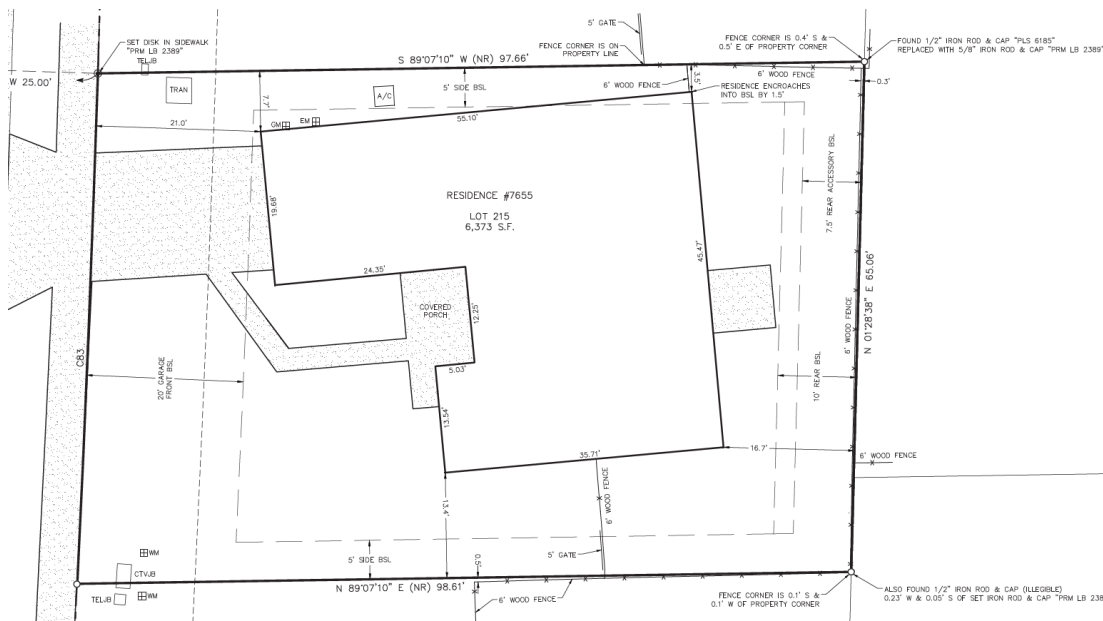


Figure 2, Boundary Survey

Variances

Variances from certain requirements in the ULDC may be authorized by the DRC if specific criteria is met. The criteria, set forth in ULDC Section 402.162 and is outlined below, and an application must comply with each subsection.

(a) Public Interest. The granting of a variance shall not be contrary to the public interest.

Granting a variance from the setback standards for the building encroachment is not contrary to the public interest. The residence is constructed and no modifications are proposed to create any additional encroachments.

(b) Special Conditions.

- 1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.*

The building's foundation was improperly poured on an angle, resulting in the encroachment. This condition/circumstance is peculiar to the building and not applicable to other buildings in the same zoning district.

- 2. The special conditions and circumstances do not result from the actions of the applicant.*

The applicant did not construct the building. Therefore the conditions and circumstances do not result from the actions of the applicant.

(c) Literal interpretation. Literal interpretation of the provisions of regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ULDC and would work unnecessary and undue hardship on the applicant.

The building encroachment creates an encumbrance on legal documents when/if the property changes hands. Other properties in the same zoning district that do not have building encroachments would not face this hardship.

(d) Minimum variance. The variance, if granted, is the minimum variance that shall make possible the reasonable use of the land, building, or structure.

Plats do not identify setbacks but instead include a note that setbacks conform to Table 403.07.2 as part of the County's standard procedure. In this case, the replat identifies the current zoning district setbacks, as well as the building encroachment on the plat. The encroachment includes a 3-inch buffer to account for a small variance in a potential future survey.

The building is not proposed to be changed with this application, and any addition or accessory structure proposed in the future would have to meet the zoning district setbacks as identified on the plat.

This is the minimum variance.

(e) Special privilege not granted. The variance shall not confer on the applicant any special privilege that is denied by this ULDC to other lands, buildings, or structures in the same zoning district.

Only the existing encroachment is considered in this variance. All other buildings or structures proposed on this lot must meet the zoning district setbacks. Therefore, a special privilege is not granted.

(f) General harmony. The variance shall be in harmony with the purpose of this ULDC, and the Comprehensive Plan, and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare.

The above is in harmony with the purpose of the ULDC and does not change any conditions that presently exist in the neighborhood.

Plat Requirements

The plat document meets the minimum requirements set forth in Chapter 177 of Florida State Statutes and Chapter 402 Article 12 of the Unified Land Development Code of Alachua County. According to Sec. 402.61 *Expiration*, approval of a plat shall expire without further action of the BOCC unless the plat has been recorded within two (2) years of the date of BOCC approval of the plat. In order to avoid expiration, all plat documents outlined in Subsection 402.60(a) above must be complete and accepted by the County to obtain the signatures of County officials at least thirty (30) days prior to the two-year expiration date.

STAFF RECOMMENDATION:

Staff has found the requested variance and proposed replat consistent with the Comprehensive Plan and requirements of the Unified Land Development Code.

Staff recommends **approval** of the variance for Willow Oak Plantation Lot 215.

Staff recommends the DRC recommend **approval** of the replat to the BoCC for Willow Oak Plantation Lot 215.