



**VARIANCE REQUEST**  
 Presented to  
**LAKE COUNTY BOARD OF ADJUSTMENT**  
 September 8, 2011

**CASE NO.:** BOA# 12-11-4 **AGENDA ITEM #:** 3

**OWNERS & APPLICANTS:** Brett and Peggy Parent

**REQUESTED ACTION:** The owners are requesting a variance from the **Lake County Land Development Regulations (LDRs) 10.01.02.C** to allow two detached garages in front of the existing single-family dwelling unit (+/- 2 acres).

**GENERAL LOCATION:** Eustis area – US Hwy 441 to Old Eustis Road, East on Old Eustis Road to Raintree Lane (private easement), South on Raintree Lane to intersection, left at intersection to site #1412 (Sec. 19, Twp. 19, Rng. 27). AK# 1445167

**FUTURE LAND USE DESIGNATION:** Urban

**EXISTING ZONING:** R-1 (Rural Residential) & R-3 (Medium Residential District)

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Urban (Up to 7 du/ac)	R-3 (Medium Residential District)	Single-Family Dwelling Unit
South	Urban (Up to 7 du/ac)	R-1 (Rural Residential)	Single-Family Dwelling Unit
East	Urban (Up to 7 du/ac)	R-3 (Medium Residential District)	Single-Family Dwelling Unit
West	Urban (Up to 7 du/ac)	R-1 (Rural Residential)	Single-Family Dwelling Unit / Vacant Parcel
<b>DATE POSTED:</b>	August 15, 2011 at Raintree Lane & Old Eustis Road, Eustis		

**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 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 purchased the parcel in January 2011. It is the owner's intent to rebuild the current home, while also adding several outbuildings. Due to the lakefront configuration of the parcel and the existing trees on site, the owners are requesting a variance to locate two garages in front of the home.

The existing single-family dwelling unit is constructed in the traditional Ranch architectural style. The owners are proposing to reconstruct the home in a Midwestern Craftsman style. This will include changing the exterior and roofing. All supporting accessory structures will be constructed in this new Midwestern Craftsman style and will incorporate the existing trees into the layout.

By allowing the owners to place their garages in the front, they will be able to minimize the number of live oaks they have to remove. To preserve the view of the lake the owners propose locating the garages in the front of the home. This will also allow the owners to maintain the majority of the existing trees located on the parcel. A plot plan showing the configuration of all structures and existing trees is attached (Exhibit "A").

The existing single-family dwelling is accessed from Raintree Lane, a private ingress/egress and utility easement. The parcel is at the end of this easement and no other parcels are accessed beyond this point.

The parcel is located on Lake Gertrude and there are jurisdictional wetlands along the lakefront. The area along the lakefront also lies in the 100-year flood zone designated "AE". The proposed development on the parcel will not encroach into the wetland setback or the flood zone.

The **intent of the Code** (10.01.02.C) is to regulate the installation, configuration and use of accessory structures in order to ensure they are not harmful either aesthetically or physically to residents and surrounding areas. The proposed garages will not negatively affect the surrounding community.

The owners submitted the following as proof of meeting the **intent of the Code**:

*"The proposed garages are designed in harmony with the existing neighborhood. We have faced the garage doors facing ea. other in a motor court that will not be visible from the street. Both structures will be one story with low sloped roofs to match the exist'g house. The main house will be a two story Midwest craftsman style."*

The owners submitted the following as proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**:



*"The renovation & additions are designed in and around 11 existing mature live oaks (20" to 36") to comply with current regulations, attaching the garage to a common wall of the house would result in the destruction of the largest live oak (36") by detaching the garage, this tree can be saved."*

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

1. This request is consistent with LDR 10.01.05, which allows for accessory structures to accommodate an owner's needs.
2. This request is consistent with the intent of LDR 9.02.00, which encourages the protection and proliferation of trees and palms.

The owners have submitted proof of meeting the intent of the Code and have shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis, Staff recommends **approval** with the following condition:

- **The two detached garages shall be constructed in the same architectural style as the existing single-family dwelling unit; the walls and roofing materials must be of the same material and color as the dwelling unit.**

**WRITTEN COMMENTS FILED:**      Support: -0-      Concern: -0-      Oppose: -0-

#### **10.01.00 - Accessory Uses and Structures**

##### **10.01.02 Storage Buildings, Utility Buildings, Non-Commercial Greenhouses.**

A. No Accessory Buildings used for industrial storage of hazardous, incendiary, noxious, or pernicious materials Shall be located nearer than one hundred (100) feet from any property line.

B. Storage Buildings, non-commercial greenhouses, and the like Shall be Permitted only in compliance with standards for distance between Buildings, and Setbacks, if any, from property lines.

**C. Storage Buildings, non-commercial greenhouses and the like Shall be Permitted only in side and rear yards, and Shall not encroach into any required Building Setback from an abutting Right-of-Way.**

D. Vehicles, including Manufactured Housing and Mobile Homes, Shall not be used as storage Buildings, utility Buildings, or other such uses.

#### **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:** There are jurisdictional wetlands on the parcel.

**FLOODPLAIN:** Portions of the parcel lie in the 100-year flood zone designated as "AE".

**JOINT PLANNING AGREEMENT:** N/A

**LAKE APOPKA BASIN:** N/A

**WEKIVA RIVER PROTECTION AREA:** N/A

**TRANSPORTATION IMPROVEMENTS:** N/A

**GREEN SWAMP AREA OF CRITICAL STATE CONCERN:** N/A



**BOA# 12-11-4  
Photo Evidence**



**Views of the site**



**Views of the postings**

**Final Development Oder**

**Brett and Peggy Parent  
BOA # 12-11-4**

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

**WHEREAS**, Brett and Peggy Parent (the "Owners") made a request to allow two detached garages to be located in front of the single-family dwelling unit; and

**WHEREAS**, on September 8, 2011, the Lake County Board of Adjustments approved the variance for the above property; and

**WHEREAS**, the subject property consists of 2 +/- acre and is generally located South of Eustis closet to the intersection of Old Eustis Road and Raintree Lane in Section 19, Township 19 South, Range 27 East, being composed of Alternate Key Number 1445167, and more particularly described as:

FROM NW COR OF GOV LOT 3 RUN S ALONG W LINE OF GOV LOT 3 A DIST OF 200.76 FT, E 105 FT FOR POB, RUN S 200 FT, SW'LY ALONG A STRAIGHT LINE 30 FT TO A POINT THAT IS 430.76 FT S OF A POINT 100 FT E OF NW COR OF SAID GOV LOT 3, S 180.09 FT TO WATERS OF LAKE GERTRUDE & PT A, RETURN TO POB, RUN E 178 FT, S 02-33-0 W 249.69 FT, S 0-0-0 E 225 FT TO WATERS OF LAKE GERTRUDE, W'LY ALONG SAID WATERS OF LAKE TO PT A ORB 3989 PG 1296

**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 Adjustments of Lake County, Florida, on September 8, 2011; and

**WHEREAS**, the Board of Adjustments 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**, upon review, certain terms pertaining to the development of the above described property have been duly approved; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustments 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# 12-11-4 to allow two detached garages to be located in front of the single-family dwelling unit with the following condition:



- The two detached garages shall be constructed in the same architectural style as the existing single-family dwelling unit; the walls and roofing materials must be of the same material and color as the dwelling unit.

**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 8<sup>th</sup> day of September, 2011.

EFFECTIVE September 8<sup>th</sup>, 2011.

BOARD OF ADJUSTMENTS  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Donald Schreiner, Chairman

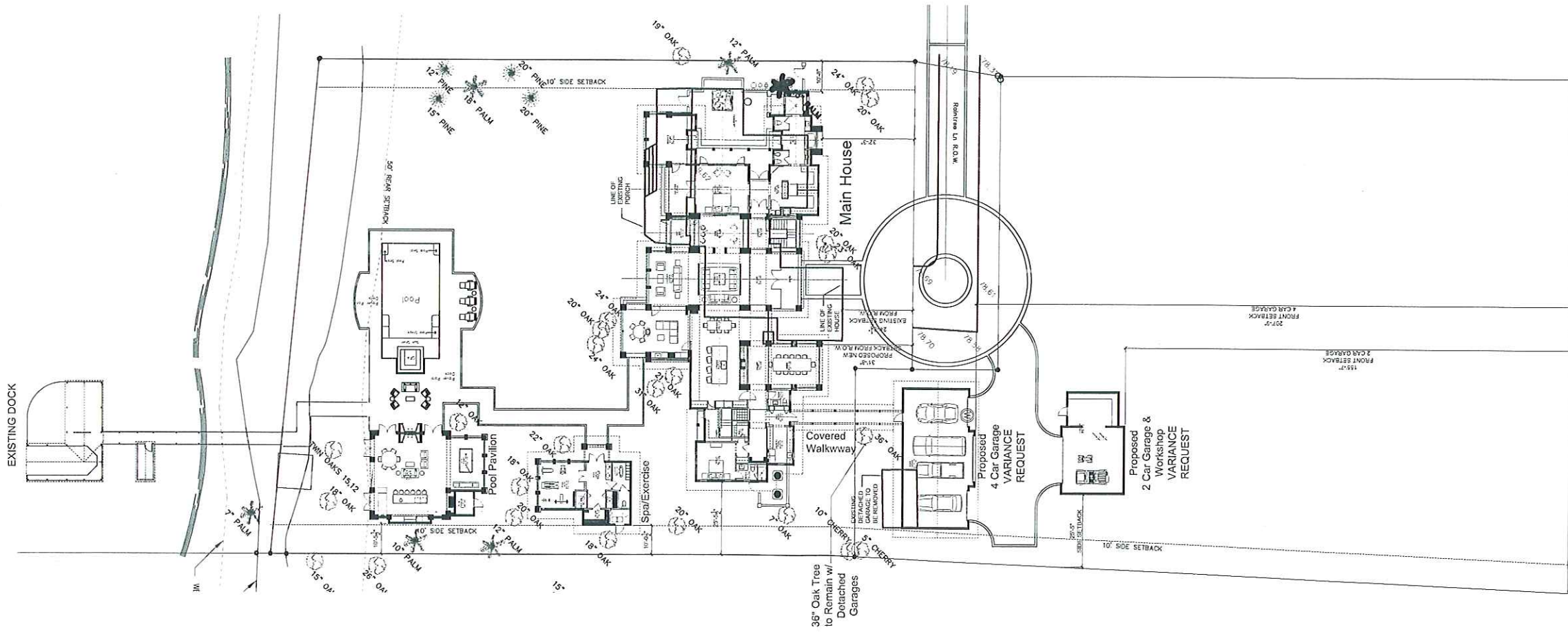
STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this September 8<sup>th</sup>, 2011 by DONALD SCHREINER, who is personally known to me.  
(SEAL)

\_\_\_\_\_  
Signature of Acknowledger

Serial Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



**OVERALL SITE PLAN**  
SCALE: 1/16" = 1'-0"  
NORTH

**CURRENT AREA TABULATION**

MAIN HOUSE		80% Max Detached bldgs	
Cooled Space			
First Floor A/C	5,004 S.F.		
Second Floor A/C	1,655 S.F.		
<b>Total Air-Conditioned Space</b>	<b>6,659 S.F.</b>		
Non-Conditioned Space			
Covered Entry	84 S.F.	4 CarGarage	1,224 S.F.
Outdoor Living	537 S.F.	2 Car Garage/Workshop	768 S.F.
Covered Walk Way	196 S.F.	Pool Pavilion	1,194 S.F.
4 CarGarage	1,224 S.F.	Spa/Exercise	676 S.F.
2 Car Garage/Workshop	768 S.F.	<b>Total Non-Conditioned Space</b>	<b>4,679 S.F.</b>
Pool Pavilion	1,194 S.F.	<b>Total Area</b>	<b>11,338 S.F.</b>
Spa/Exercise	676 S.F.	<b>Total Area</b>	<b>3,662 S.F.</b>
<b>Total Non-Conditioned Space</b>	<b>4,679 S.F.</b>		
<b>Total Area</b>	<b>11,338 S.F.</b>		

**-Variance Request - Accessory Building(s) in Front Yard**

A CUSTOM RESIDENCE FOR:  
**Brett and Peggy Parent**  
1412 RAIN TREE LANE, MOUNT DORA, FLORIDA

DATE	MARK	REMARK	BY

DATE: 05/11/11  
PROJECT NO: 12001  
AS INDICATED  
SCALE: 1/16" = 1'-0"  
SHEET NO: **SP 1.0**  
2011-05-24

not valid without signature & seal  
Mark P. Nasrallah  
Fla. Reg. AR 0009138

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