



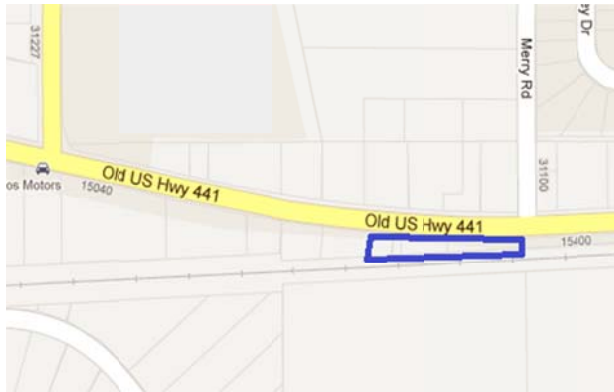
**VARIANCE REQUEST**  
 Presented to  
**LAKE COUNTY BOARD OF ADJUSTMENT**  
 July 12, 2012

**CASE NO.:** BOA# 19-12-3 **AGENDA ITEM #:** 2

**OWNERS & APPLICANTS:** Rodney and Cheryl Reisman

**REQUESTED ACTION:** The owners are requesting a variance from the **Lake County Land Development Regulations (LDRs) 11.02.04.2 Wall Signs** to allow two wall signs to be placed on the sides of an industrial building when the sides of the building do not front along the road right-of-way (+/- 0.14 acre).

**GENERAL LOCATION:** Eustis area –East on Old Hwy 441 to site on right #15312, AK# 1403936 (Sec. 27, Twp. 19, Rng. 26).



**FUTURE LAND USE DESIGNATION:** Urban High

**EXISTING ZONING:** LM (Light Manufacturing)

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Urban High (12 du / 1 ac)	Light Manufacturing	Commercial Office
South	Urban High (12 du / 1 ac)	Light Manufacturing	Railroad
East	Urban High (12 du / 1 ac)	Light Manufacturing	Vacant
West	Urban High (12 du / 1 ac)	Light Manufacturing	Warehousing
<b>Date Posted:</b>	June 21, 2012 at Old Hwy 441 and Merry 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 the 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 are requesting a variance to allow wall signs on two of the sides of their building that do not front a right-of-way. The Code (11.02.04) allows wall signage on the side of buildings that front on right-of-ways. These wall signs are permitted in addition to monument signs that may be placed in front of the business for visual identification to customers. The owners are unable to erect a monument sign, due to setback restraints; they are now attempting to use multiple wall signs for increased business visibility.

The parcel is located on Old Highway 441 and is developed with a 2,240-square-foot building. The parcel is triangular in shape bordered by a County road, railroad track and industrial buildings; the building was constructed in 1974 and is located approximately 11 feet from the edge of the right-of-way of Old Highway 441. The area in front of the building is used for customer parking, which reduces the amount of usable space along the right-of-way. The buildings placement allows drivers on the road to view the sides of the building depending on the direction of travel; the close placement of the structure to the road limits the ability to view the existing wall sign on the front of the structure.

The owners operate Eustis Roofing Company from the site and use the structure for storage of inventory and as a sales office to the general public. In 2012, the owners began to make aesthetic improvements to the site; the exterior of the building was refinished and all impervious areas were treated to a new coat of asphalt. When the asphalt was placed the existing non-conforming monument sign was removed. Since the non-conforming sign has been removed, the owners are required to meet the current sign regulations. The buildings existing location in relation to the right-of-way prevents the owners from installing a conforming monument sign.

The **intent** of the Code (Section 11.02.04) is to preserve scenic, economic and aesthetic values, including the special character and attractiveness of Lake County communities. This is achieved through regulating the number, size, placement and physical characteristics of signs. The addition of wall signs on the side of the building will not negatively affect the special character or aesthetics of this area.

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

*"Greetings!*

*Thank you in advance for taking consideration of our application.*

*Our building sits right in a curve on Old US Hwy 441. Driving West the front of the building is not seen until you are right next to it, and then you would have to turn your head to see it. Coming from the West direction is right where the curve starts as well and it is a little more visible but still difficult to see the building sign. Therefore it is very difficult to see our business sign that is posted on the front of our building from either direction. A common complaint from our customers is that they cannot find our business and drive right by our building many times until they find us. It is dangerous for them as drivers and for vehicles behind them.*

*In the late 80's when we moved into this building we had a sign that was on two posts out by the road. This was taken down when the building lot was paved and did not get posted back up as it was a non-conforming sign. There is approx. 26ft. from our building front to the road line. From the picture you can see a vehicle parked out in front of the office end of the building where we have an overhang. From the rear of the vehicle to the road line there is approx. 6 ft of easement. Therefore it is impossible to put a free standing sign in front of our building.*

*Because of the above described reasons it is a hardship to see our business sign. Our request is to install signs on the East and West ends of our building to be easily seen from either direction. The East end has a big bay door and there is only a small area for a sign that we have not yet had drawn up. However on the east end of the building we have had a sign company show us what a sign would look like and have attached a picture for your review. There are a few other businesses that are not in the curve before our building that have signs on the West end of their buildings and they are easily visible making it easy for the consumer to find the business they are looking for as well as much safer.*

*Kind Regards,  
Rodney & Cheryl Reisman"*

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

- This request is consistent with LDR 11.02.04, which attempts to protect surrounding parcels from negative visual impacts.
- There is not sufficient buildable area between the building and the right-of-way to erect a monument sign.
- The total sign area will not exceed 150 square feet, which is the maximum allowed by Code.

The owners 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** of the variance request **with the following condition**:

- The total sign area of all wall signs shall not exceed 150 square feet.

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

**11.02.04 Industrial Districts. The following provisions govern Signage in industrial districts:**

1. Ground Signs.
  - A. All signs shall be ground signs.
  - B. Ground signs may not be permitted on vacant property.
  - C. One (1) ground sign per parcel for each primary street frontage shall be permitted as follows:
    1. Sites on designated arterial roadways is sixty (60) square feet per face.
    2. Sites on designated collector roadways is forty-eight (48) square feet.
    3. Sites on internal roadways is thirty-two (32) square feet per face.
  - D. Height.
    1. Ground signs fronting on two (2) lane highways shall not exceed eight (8) feet in height.
    2. Ground signs fronting on four lane divided highways shall not exceed twelve (12) feet in height
    3. The height of any ground sign shall be measured from the finished grade or the roadway, whichever is higher, to the top of the sign face.
  - E. Setbacks.
    1. The minimum setback from right-of-way line shall be five (5) feet.
    2. The minimum setback from any side or rear yard property line shall be ten (10) feet.
    3. The minimum setback from any residential zoning district shall be twenty (20) feet.
  - F. Corner Lots Visibility Triangle. No part of a ground sign may be located within a triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25) feet from the right-of-way intersection.
  - G. Design.
    1. Vertical structure supports for ground signs shall be concealed in an enclosed base. The width of such enclosed base shall be equal to at least one-half (½) the horizontal width of the sign surface.
    2. The base shall be of an architectural style similar to that of the principal building to include split face block, finished metal or brick or stucco finish.
  - H. Sign Landscaping. A landscaped planting area a minimum of one hundred (100) square feet in size shall be provided around the base of any ground sign. The landscape shall include shrubs and groundcover. The landscape area shall be counted towards the minimum landscape and pervious area requirements for a site.
  - I. Sign Illumination. Ground signs may be illuminated internally or externally. The source of externally illuminated signs shall be installed so that it is arranged or screened as to not shine, glare or adversely impact adjacent properties or roadways.
2. **Wall signs are permitted with a total of one (1) square foot of copy area for signage allowed for each linear foot of right-of-way frontage, up to one hundred and fifty (150) square feet.**
3. Projecting Signs.

- A. Projecting signs may be substituted for wall signs.
  - B. Projecting signs shall not project more than four (4) feet from the building wall on which the sign is attached.
  - C. Projecting signs shall be a minimum of twelve (12) feet above ground level.
  - D. Projecting signs shall not project above the roofline of the building to which it is attached.
4. Awning Signs. The sign area shall be counted toward the total wall sign area allowed for the single occupancy site.
5. Directional Signs. On-site directional signs or instructional signs used to direct on premise vehicular or pedestrian traffic is permitted.
- A. Sign height shall be limited to a maximum of four (4) feet.
  - B. Sign area shall be limited to a maximum of six (6) square feet.
6. Directory Signs for Industrial Parks.
- A. Individual sites within an industrial park shall comply with all provisions regarding ground signs and wall signs.
  - B. For multiple occupancy complexes, in addition to ground and wall signage, one (1) directory sign per street frontage, which is accessed by the park, shall be permitted as follows:
    - 1. Sites under one hundred thousand (100,000) square feet shall be permitted up to forty-eight (48) square feet.
    - 2. Sites of one hundred thousand one (101,000) square feet or more shall be permitted up to sixty four (64) square feet.
  - C. Height. Maximum height shall be twelve (12) feet.
  - D. Setbacks. There shall be a minimum setback of ten (10) feet from the road right-of-way.
7. Construction Signs.
- A. One (1) temporary on-site construction sign may be permitted for each development parcel. For developments having frontage on more than one (1) street as a major collector or arterial, a second construction sign shall be permitted.
  - B. Size.
    - 1. On parcels over one hundred and one (101) acres in size a temporary sign Shall not exceed sixty-four (64) square feet.
    - 2. On parcels one hundred (100) acres in size or smaller a temporary sign shall not exceed thirty-two (32) square feet.
  - C. Setbacks.
    - 1. Temporary construction signs shall not be located closer than fifteen (15) feet to any property line.
    - 2. Temporary construction signs shall not be located closer than fifteen (15) feet from the road right-of-way.
8. Special Events.
- A. Temporary signs not prohibited by this Code are permitted for purposes such as: art festivals; bicycle festivals; civic events; Lake County Parade of Homes; Lights of Lake; triathlons; Lake County Fair; carnivals and rodeos, and other special events.
  - B. A temporary right-of-way utilization permit is required to place special event signs within the County right-of-way. A single permit can be issued to cover all signs for one (1) event.
  - C. Display of temporary signs for special events shall not exceed fourteen (14) days.
  - D. Special event signs shall not exceed forty-eight (48) square feet.

- E. The placement and removal of special event signs shall be the responsibility of the person or organization sponsoring the event.
  - F. A permit under this chapter is not required.
  - G. Portable signs may be used by the primary sponsor of a special event for the purpose of advertising such special event.
9. Real estate signs which do not exceed thirty-two (32) square feet in copy area. Such signs do not require a permit under this chapter. One (1) larger signs is allowed subject to the following:
- A. Each parcel must be ten (10) acres in size or greater.
  - B. The maximum sign area shall not exceed sixty-four (64) square feet.
  - C. Signs shall not be located closer than twenty (20) feet from any property line. For a single occupancy sites, signs shall not be located closer than five (5) feet from the property line.
  - D. Signs shall be ground style or landscaped to screen visible means of support.
  - E. Signs shall not be located closer than twenty-five (25) feet from the road right-of-way. For a single occupancy site, signs shall not be located closer than fifteen (15) feet from the road right-of-way.
  - F. A permit under this chapter is not required.
10. Campaign Signs. Campaign signs which do not exceed forty-eight (48) square feet per sign. Such signs shall not be located closer than twenty (20) feet to any property line and shall be removed within thirty (30) days following the election. Signs not exceeding sixteen (16) square feet do not require a permit.
11. Temporary Signs.
- A. A parcel in a commercial district may erect not more than two (2) temporary signs with an aggregate sign face area not to exceed thirty-two (32) square feet
  - B. Temporary ground signs may not exceed six (6) feet in height.
  - C. Temporary signs shall be set back a minimum of twenty-five (25) feet from any road right-of-way and ten (10) feet from all property lines.
  - D. Temporary signs may be permitted for a maximum of thirty (30) days.
  - E. Reserved.
  - F. Temporary signs may be permitted on a single site for maximum of sixty (60) days in any calendar year.
  - G. Temporary signs may not be illuminated.

#### **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 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: N/A**

**FLOODPLAIN: N/A**

**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# 19-12-3  
Photo Evidence



Views of the site



Views of the postings



**Final Development Order  
Rodney and Cheryl Reisman  
BOA # 19-12-3**

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

**WHEREAS**, Rodney R. Reisman and Cheryl L. Reisman (the "Owners") made a request to allow two wall signs to be placed on the sides of an industrial building, when those building sides do not front along the road right-of-way; and

**WHEREAS**, the subject property consists of 0.14 acre +/- and is generally located east of Tavares in Section 27, Township 19 South, Range 26 East, being composed of Alternate Key Number 1403936, and is more particularly described as:

VIRGINIA LAND CORP E 200 FT OF W 652 FT N OF RR R/W & S OF |  
R/W OF OLD HWY 441, BLK U PB 2 PG 29

**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 Adjustment of Lake County, Florida, on July 12, 2012; and

**WHEREAS**, the Board of Adjustment 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**, on July 12, 2012, the Lake County Board of Adjustment approved the variance for the above property; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above described 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# 19-12-3 to allow two wall signs to be placed on the sides of an industrial building, when those building sides do not front along the road right-of-way, with the following condition:

- **The total sign area of all wall signs shall not exceed 150 square feet.**

**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 12<sup>th</sup> day of July, 2012.

EFFECTIVE July 12, 2012.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

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

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this July 12, 2012 by DONALD SCHREINER,  
who is personally known to me.  
(SEAL)

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

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

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