



VARIANCE REQUEST
Presented to the
BOARD OF ADJUSTMENT
February 14, 2013

CASE NO.: BOA# 6-13-2
OWNER: Clermont Motor Sales, LLC

AGENDA ITEM #: 2
APPLICANT: Patricia Ortiz

REQUESTED ACTION: The owner is requesting a variance from **Lake County Land Development Regulations, Section 11.02.03.(1) B. & E. Permitted Signs, Commercial District** to allow wall signage that exceeds 150 square feet, that does not front on a right-of-way and to allow directional signage that exceeds six square feet in area (+/- 18.48 acres).

GENERAL LOCATION: Clermont area – US Hwy 27 S, E on SR 50, to site on left, #16851, AK# 1048699 (Sec. 09, Twp. 22, Rng. 26).



FUTURE LAND USE DESIGNATION: Regional Commercial

EXISTING ZONING: CP (Planned Commercial) with limited C-1 (Neighborhood Commercial) and C-2 (Community Commercial) uses

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Regional Commercial	CP (Planned Commercial) with limited C-1/C-2 uses	auto dealership under construction
South	Urban Low Density (4 du / net acre)	PUD (Planned Unit Development)	vacant
East	Regional Commercial	PUD (Planned Unit Development)	vacant
West	Regional Commercial	MP (Planned Industrial)	sand mine
Posted:	January 24, 2013 at Auto Plex Lane and SR 50, Clermont		

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 owner is requesting a variance to allow 378 square feet of wall signage and directional signs that are 20.45 square feet in size and six feet in height. The owner is also requesting that 101.31 square feet of the total wall signage face a side of the parcel does not front on a road right-of-way. The Code (11.02.03) states that wall signage cannot exceed 150 square feet and has to face a right-of-way; directional signage is limited to six square feet of sign area and four feet in height.

The 18.48-acre parcel is located on State Road 50, east of Clermont. In 2011, this parcel was zoned to allow auto sales with accessory uses. In 2012, the owner began the construction process for a new Toyota dealership. The site will host the main showroom in addition to administrative offices, collision center, used vehicle sales and a car wash/detail area. A service center will be located directly to the rear of the main showroom in the same building. The total square footage of building area will be 74,757. A copy of the site plan showing the location of all proposed structures is attached (Exhibit "A").

Toyota of Clermont will sell two main brands of vehicle, Toyota and Scion. Both types of vehicles are part of a global brand that are identified through trademarks, symbols and lettering that are unique to each brand. Corporate sign rules dictate color and size of the images and lettering that represent each brand. Variations to the corporate sign rules are not allowed; if the symbol cannot be displayed as trademarked, it cannot be displayed at all.

The owner is proposing to install 101.31 square feet of wall signage on the eastern elevation of the building. These signs will advertise the brand of vehicles sold at the dealership and identify the location as Toyota of Clermont. The signs on the eastern elevation are visible from SR 50 due to the sites topography and the elevation of the road. The owner is also proposing 276.69 square feet of wall signage on the southern elevation of the building. The structure is architecturally designed to be the same when viewed from the front and side. The signs are comprised of text and symbols that will indicate the brand of vehicle as well as dealership identification.

The final variance request from the owner is for an increase in directional signage height from four feet to six feet and to increase the total sign area allowed from six (6) square feet to 20,415 square feet. Directional signs are internal to the site and are used to direct vehicle and pedestrian traffic to the proper location on the site. The signs help provide a safe environment for employees and the public by directing individuals in an efficient manner. These signs are for public safety and are not being used to promote a brand or business.

The parcel to the north, east and south are vacant; a sand mine is located west of the parcel. There is no residential development adjacent to the owner's subject parcel.

The **intent** of the Code (11.02.03) is to provide regulations to preserve scenic, economic and aesthetic values including the special character and attractiveness of Lake County communities. This ordinance regulates signs of commercial character and cites the standards for the number, size, placement and physical characteristics of such signs.

The current Land Development Regulations do not allow proportionate sized signs for single occupancy buildings. For example, a single occupancy business regardless of the structure size would be allowed a 150 square foot wall sign; the same square footage allowed to Toyota of Clermont which houses six separate types of businesses (collision center, parts, new car sales, used car sales, carwash/detail, service center). Directional signs are also defined as having a total sign area versus copy area. This severely limits the size of directional signs which are used to facilitate safe access and promote efficient traffic flows on the site. Lake County is currently in the process of revising the Land Development Regulations to correct the deficiencies. Until the new Regulations are corrected, businesses will be face a demonstrated hardship by errors in the Code.

The owner submitted the following statements 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**:

"The site consists of approximately 25 acres and is located just west of the intersection of E Highway 50 and Little Morse Road/Auto Plex Lane. Toyota of Clermont is currently under construction and when complete will house a 45,647 square foot building containing offices, sales and showroom, and service and parts area; a 24,110 square foot collision area and a 5,000 square foot carwash and detail area. The use and site plan were approved through the Planned Development Process in 2005; at this time variance is requested to allow signage consistent with the corporate branding of Toyota and required to adequately identify the site.

Wall Signage

Wall signage is proposed on the south and east building fronts. The Code allows a maximum wall sign area equal to 1 square foot per 1 linear foot of building frontage or a maximum of 150 square feet, whichever is less for each street fronting building façades with a public entrance.

The east building façade is not adjacent to a roadway and does not have a public entrance; however, signage on this front is more functional because of the limited visibility caused by the existing development on the west.

Variance requested from Code Section 11.02.03 Commercial Districts Single Occupancy Sites B. Wall Signage to allow a maximum wall sign copy area of 378 square feet and to allow wall signs on a façade that is not adjacent to a roadway and does not provide a public entrance.

Directional Signs

The directional signage proposed exceeds the maximum sign area allowed. The proposed directional signs measure 5 feet tall (when measured from grade to the top of the tallest portion of the sign and include the sign base height of 1 foot) and 4 feet 1 inch wide for a total sign size of 20.415 square feet. They are double sided and the smallest size possible to provide the necessary directional information. The maximum copy area is 12.6 square feet.

Variance is requested from Code Section 11.02.03 Single Occupancy Commercial Sites, E Directional Signs to increase the allowed sign area from 6 square feet to 20.415 square feet.”

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

1. This request is consistent with LDR 11.02.03, which attempts to provide adequate signage for commercial business.
2. The large commercial building provides sufficient room and need for the additional signage.
3. The eastern elevation is visible from the main right-of-way frontage.
4. The directional signs are for increased safety and are not being used as advertising signs

The owner has shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. The owner has also submitted proof of meeting the intent of the Code. Based on the Findings of Fact and Analysis, staff recommends **approval** of the variance request to allow the following signage:

- 101.31 square feet of wall signage on the eastern elevation,
- 276.69 square feet of wall signage on the southern elevation, and
- directional signs, which are 6 feet tall and 20.415 square feet in size.

LAND DEVELOPMENT REGULATION:

11.02.03 Commercial Districts. The following provisions govern signage in commercial districts:

1. Single Occupancy Commercial Sites.

A. Ground Signs.

1. All signs shall be ground signs.
2. Ground signs may not be permitted on vacant property.
3. One (1) ground sign per parcel for each primary street frontage shall be permitted. The maximum allowable copy area is:
 - a. Sites on designated arterial roadways is sixty (60) square feet per face.
 - b. Sites on designated collector roadways is forty (48) square feet per face.

- c. Sites on internal roadways is thirty-two (32) square feet per face.
- 4. If a single occupancy business has multiple frontages with an architectural design indicating front street orientation to both frontages, an additional ground sign shall be permitted with a maximum square footage of up to fifty (50) percent of that allowed on the primary frontage.
- 5. Height
 - a. Ground signs fronting on two lane highways shall not exceed eight (8) feet in height.
 - b. Ground signs fronting on four lane divided highways shall not exceed twelve (12) feet in height
 - c. 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.
- 6. Setbacks
 - a. The minimum setback from the right-of-way line shall be five (5) feet.
 - b. The minimum setback from any side or rear yard property line shall be ten (10) feet.
 - c. The minimum setback from any residential zoning district shall be twenty (20) feet.
- 7. 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.
- 8. Design.
 - a. 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.
 - b. 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.
- 9. 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.
- 10. 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.
- B. 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. Single occupancy businesses with multiple frontage may be permitted an additional sign area of one (1) square foot for each linear foot of secondary building frontage; provided that the same or similar facade treatment is used on both front an side and there is an entrance to the general public on such sides.**
- C. Projecting Signs.
 - 1. Projecting signs may be substituted for wall signs.
 - 2. Projecting signs shall not project more than four (4) feet from the building wall on which the sign is attached.

3. Projecting signs shall be a minimum of twelve (12) feet above ground level.
 4. Projecting signs shall not project above the roofline of the building to which it is attached.
- D. **Awning Signs.** The sign area shall be counted toward the total wall sign area allowed for the single occupancy site.
- E. **Directional Signs.** On-site directional signs or instructional signs used to direct on-premise vehicular or pedestrian traffic is permitted.
1. Sign height shall be limited to a maximum of four (4) feet.
 2. Sign area shall be limited to a maximum of six (6) square feet.

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: Jurisdictional Wetland Line in the rear of the parcel.

FLOODPLAIN: Flood Zone "AE" in the rear of the parcel.

JOINT PLANNING AGREEMENT: N/A

WEKIVA RIVER PROTECTION AREA: N/A

LAKE APOPKA BASIN: N/A

TRANSPORTATION IMPROVEMENTS: N/A

GREEN SWAMP AREA OF CRITICAL STATE CONCERN: N/A

**BOA# 6-13-2
Photo Evidence**



Views of the site



Views of the postings

**Final Development Order
Clermont Motor Sales LLC / Patricia Ortiz
BOA # 6-13-2**

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

WHEREAS, Clermont Motor Sales LLC (the "Owner") made a request to allow wall signage that exceeds 150 square feet, that does not front on a right-of-way and to allow directional signage that exceeds six square feet in area; and

WHEREAS, the subject property consists of 18.48 acres +/- and is generally located west of Tavares in Section 26, Township 22 South, Range 26 East, being composed of alternate key number 1048699 and is more particularly described as:

LAKE HIGHLANDS 26-22-26 BEG AT NE COR OF SEC, RUN S 0-40-12
W 1183.47 FT TO N R/W LINE OF SR 50, N 89-09-12 W 680.32 FT,
N 0-25-53 W TO N LINE OF SEC, E ALONG SAID N LINE OF SEC TO
POB, BEING TRACTS 1 & 16, PART OF TRACTS 2 & 15A PB 3 PG 52

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 February 14, 2013; and

WHEREAS, the Board of Adjustment reviewed said petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owner at a public hearing duly advertised; and

WHEREAS, on February 14, 2013, 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 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# 6-13-2 to allow the following signage:

- 101.31 square feet of wall signage on the eastern elevation,
- 276.69 square feet of wall signage on the southern elevation, and
- directional signs, which are 6 feet tall and 20.415 square feet in size.

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 14th day of February, 2013.

EFFECTIVE February 14, 2013.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Donald Schreiner, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this February 14, 2013 by DONALD SCHREINER, who is personally known to me.
(SEAL)

Signature of Acknowledger

Serial Number: _____

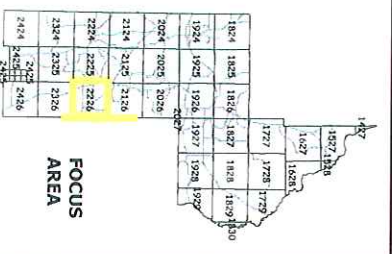
My Commission Expires: _____



Legend

-  Tax Parcels
-  Zoning
-  Subject Property

Case Location (S-T-R):
26-22-26



FOCUS AREA

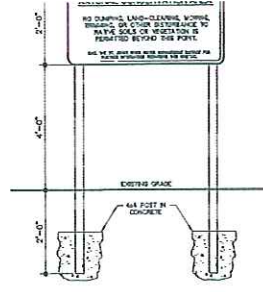


Owner: Clermont Motor Sales LLC
Applicant: Patricia Ortiz
BOA# 6-13-2



1 inch = 250 feet

KURD FIRE FLOW AND FLOW
 94,398 SF TOTAL = 4,500
 DISTRIBUTION OF FIRE
 S = 300 FT SPACING 180



- 7 CONTRACTOR TO INSTALL NEW 6" CONCRETE CURB PER DETAIL ON SHEET C2.1
- 8 PROPOSED LANDSCAPE AREA, SEE SHEET C3.
- 9 CONTRACTOR TO INSTALL NEW CONCRETE WHEEL STOPS PER DETAIL ON SHEET C3.
- 10 CONTRACTOR TO INSTALL NEW CATCH BASINS PER DETAIL ON SHEET C3.
- 11 CONTRACTOR TO INSTALL NEW MITERED END SECTION PER DETAIL ON SHEET C3.
- 12 CONTRACTOR TO INSTALL NEW CURB AND OUTER PER DETAIL ON SHEET C2.1.
- 13 CONTRACTOR TO INSTALL NEW STORM MANHOLE PER DETAIL ON SHEET C3.
- 14 CONTRACTOR TO INSTALL NEW CURB INLET PER DETAIL ON SHEET C3.
- 15 CONTRACTOR TO INSTALL STAMPED CONCRETE TO MATCH NEW CAR DELIVERY.
- 16 CONTRACTOR TO INSTALL NEW CONCRETE FILLED GALVANIZED STEEL BOLLARD SECURITY FENCE PAINTED BLACK PER DETAIL ON SHEET C2.1.
- 17 CONTRACTOR TO INSTALL NEW 6" HIGH SLATED BLACK VINYL COATED CHAIN LINK FENCE W/ REINFORCED ROLLING GATE W/ A KNOX FIRE DEPARTMENT ACCESS SYSTEM PADLOCK. CONTRACTOR TO CONTACT LAKE COUNTY FIRE RESCUE AT (352) 343-9458.
- 18 CONTRACTOR TO INSTALL NEW 6" CONCRETE SIDEWALK PER DETAIL ON SHEET C2.1.
- 19 CONTRACTOR TO INSTALL NEW 2" ASPHALT PAVEMENT FOR FIRE DEPARTMENT ACCESS.
- 20 CONTRACTOR TO INSTALL HANDI HUT SALES STATION OR APPROVED EQUAL.
- 21 CONTRACTOR TO INSTALL NEW SIGN - FIRE LANE BY ORDER OF THE FIRE DEPARTMENT SIGN THAT IS 12" x 18" W/ WHITE BACKGROUND AND RED LETTERS AND MOUNTED 7" HIGH.
- 22 CONTRACTOR TO INSTALL NEW 5" WIDE CONCRETE SIDEWALK PER DETAIL ON SHEET C2.1.
- 23 CONTRACTOR TO INSTALL NEW FLAG POLE. VERIFY SIZE AND STYLE WITH OWNER.
- 24 LOCATION OF PROPOSED MONUMENT SIGN (PERMITTED SEPARATE).
- 25 CONTRACTOR TO INSTALL NEW 6" HIGH ASKE SERIES V COMMERCIAL GRADE ALUMINUM FENCE W/ REINFORCED ROLLING GATE W/ A KNOX FIRE DEPARTMENT ACCESS SYSTEM PADLOCK. CONTRACTOR TO CONTACT LAKE COUNTY FIRE RESCUE AT (352) 343-9458.
- 26 CONTRACTOR TO INSTALL CONCRETE STAIRS, (5) 47.2" x 36" HIGH.

SURVEYOR: DRMP SURVEYORS
 1505 EAST COLONIAL DRIVE
 ORLANDO, FLORIDA 32803
 (407) 896-0524

CONTACT PERSONS: SPRING ENGINEERING, INC.
 ROLAND P. DOWE, PE
 JAY DOUCETTE

SITE PREPARATION
 ALL ORGANIC MATERIAL SHALL BE REMOVED FROM BENEATH THE FOOTINGS, SLABS AND PAVEMENT AND REPLACED WITH COMPACTED INORGANIC GRANULAR BACKFILL. EXCAVATION OF UNSUITABLE MATERIALS SHOULD EXTEND A MINIMUM DISTANCE OF 5' BEYOND THE FOOTPRINT OF THE BUILDING OR EDGE OF PAVEMENT.
 FOR ADDITIONAL INFORMATION ON THE REQUIRED SITE PREPARATION REFER TO THE REPORT OF GEOTECHNICAL SUBSURFACE EXPLORATION.

INSURANCE MAP No. 12 06900570 D.
 DATED JULY 3, 2002 (ELEV.=75.00')

FLOOR AREA RATIO: MAX=5.0% (MIN=0.75%)

SALES / SERVICE BLDG = 1,222 AC
 COLLISION CENTER BLDG = 0.581 AC
 CAR WASH = 0.074 AC
 DETAIL CANOPY = 0.043 AC
 TOTAL = 1.92 AC / 28.32 AC
 FAR = 0.068

SITE AREAS: (TOTAL SITE = 1,233,675 SF = 28.32 ACRES)
 DEVELOPABLE ACREAGE: 28.32 AC - 3,506 AC WETLAND =
 TOTAL = 24,814 AC

- BUILDING	1,920 AC	7.7 %
- PAVING	12,654 AC	51.0 %
- LANDSCAPING	6,440 AC	26.0 %
- FOND	3,780 AC	15.3 %
- IMPERVIOUS AREA	14,584 AC	58.8 %
- PERVIOUS AREA	10,230 AC	41.2 %

ALLOWABLE IMPERVIOUS: 0.70

BUILDING HEIGHT: ONE STORY 35'-0" MAX.
 BUILDING INTENSITY: 6.3%

LANDSCAPE BUFFER YARDS:
 NORTH: TYPE 'B' - 15' WIDE
 SOUTH: TYPE 'C' - 20' WIDE
 WEST: TYPE 'B' - 15' WIDE
 EAST: TYPE 'B' - 15' WIDE

BUILDING SETBACKS:
 50' FRONT YARD
 50' SIDE YARD
 50' REAR YARD

UTILITY COMPANIES:
 WATER: CITY OF CLEMONT UTILITIES
 SEWER: CITY OF CLEMONT UTILITIES
 ELECTRIC: CLEMONT ENERGY
 TELEPHONE: BELL SOUTH
 FIRE PROTECTION: LAKE COUNTY FIRE DEPT.

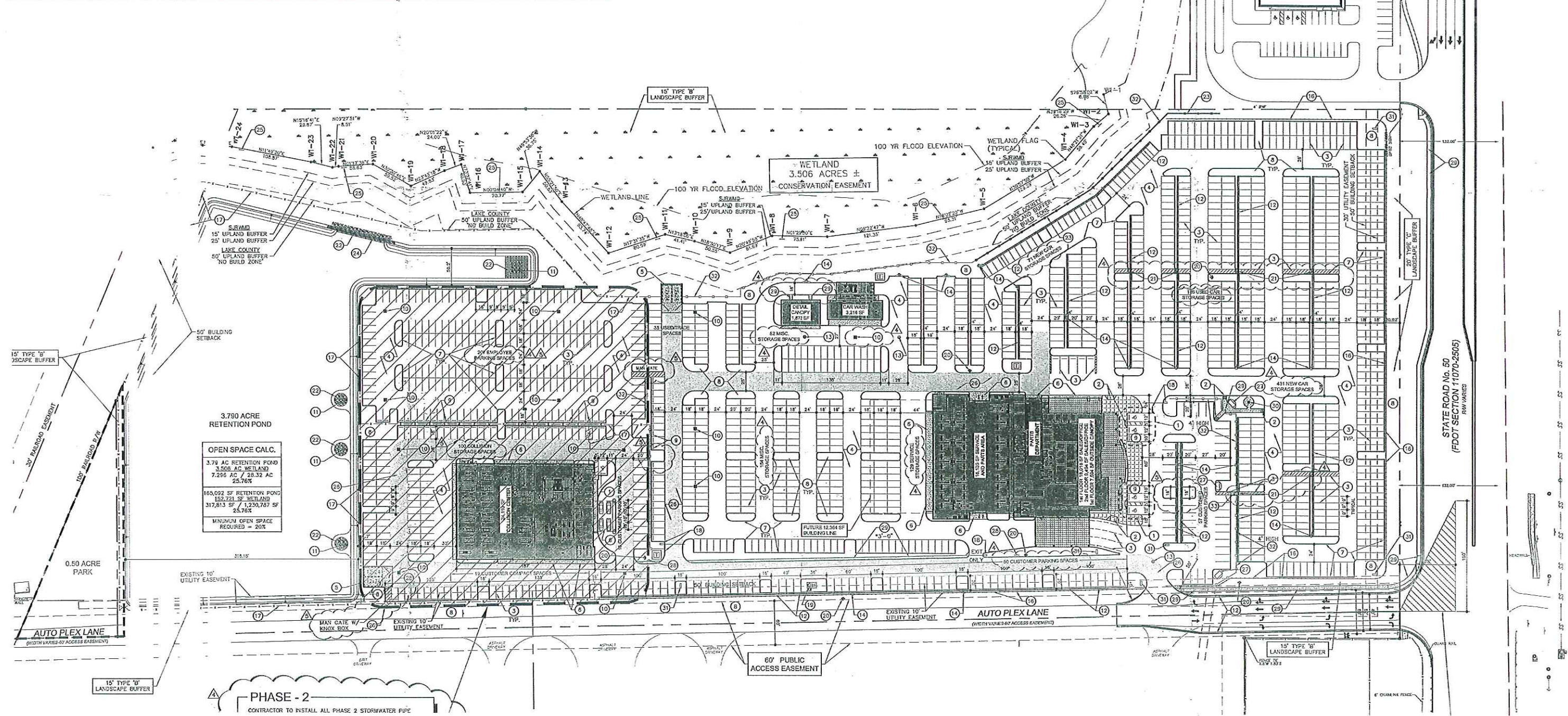
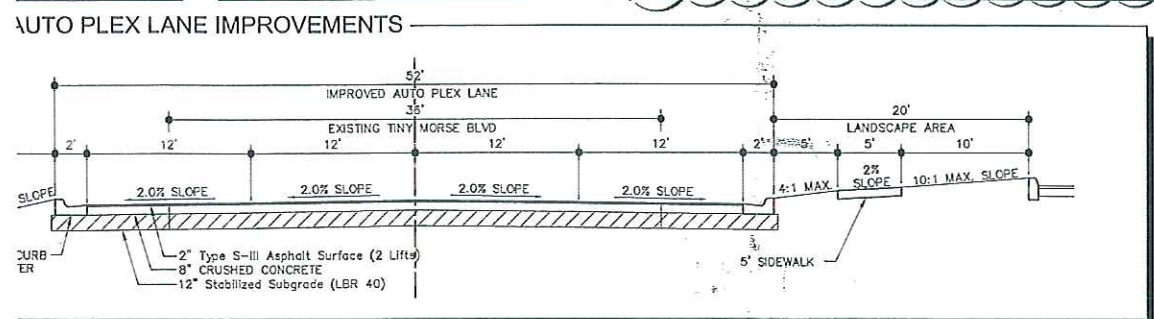
CITY OF CLEMONT
 REQUIRED PARKING (AUTO DEALERSHIP):
 OFFICE AND SALES @ 1 SPACE PER 200 SF
 27,512 SF x 200 SF = 138 SPACES

REQUIRED PARKING (COLLISION CENTER):
 OFFICE AND SALES @ 1 SPACE PER 200 SF
 2,710 SF x 200 SF = 14 SPACES

CUSTOMER SPACES REQUIRED: 152 SPACES
 CUSTOMER SPACES PROVIDED: 152 SPACES

PROVIDED PARKING (CUSTOMER):
 CUSTOMER PARKING SPACES: = 128 SPACES
 CUSTOMER COMPACT SPACES: = 19 SPACES
 HANDICAP PARKING SPACES: = 5 SPACES
 EMPLOYEE PARKING SPACES: = 207 SPACES
 SERVICE PARKING SPACES: = 129 SPACES
 USED/TRADE-IN SPACES: = 35 SPACES
 COLLISION PARKING SPACES: = 100 SPACES
 NEW CAR STORAGE SPACES: = 502 SPACES
 USED CAR STORAGE SPACES: = 186 SPACES
 MISC. PARKING SPACES: = 206 SPACES

TOTAL SPACES PROVIDED: = 1,517 SPACES



OPEN SPACE CALC.
 3.79 AC RETENTION POND
 3,506 AC WETLAND
 7,256 AC / 28.32 AC
 25.76%

165,022 SF RETENTION POND
 152,721 SF WETLAND
 317,813 SF / 1,230,787 SF
 25.76%

MINIMUM OPEN SPACE
 REQUIRED = 20%

PHASE - 2
 CONTRACTOR TO INSTALL ALL PHASE 2 STORMWATER PIPE