

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS VARIANCE REQUEST



Board of Adjustment

**LAKE COUNTY
FLORIDA**

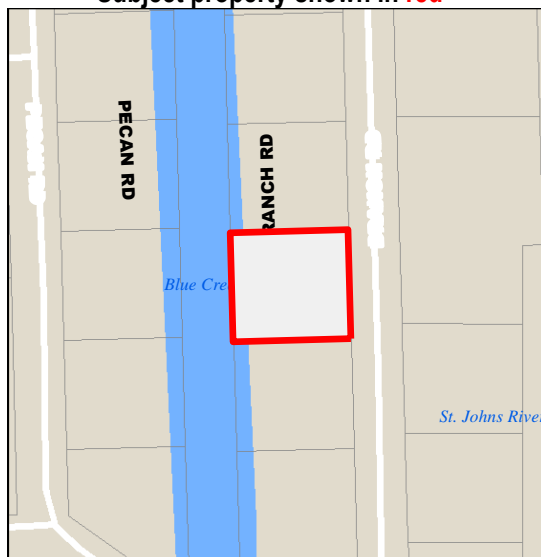
September 10, 2015

| | | |
|--------------------|---|-----------------------|
| VAR-15-12-5 | Case Manager: Ruth Mitchell, Associate Planner | Agenda Item #1 |
|--------------------|---|-----------------------|

REQUESTED ACTION: The applicant is requesting a variance from **Lake County Land Development Regulations**, Section 3.02.05, to allow an expansion of an existing porch to encroach into the front setback.

- Site Location and Information -

Subject property shown in red



| | |
|--------------------------------|------------------------------------|
| Owners | Gary L. Sparks & Marlene C. Sparks |
| Applicant | Joseph L. Wilson |
| Address of Property | 56443 Branch Road, Astor |
| General Location | Branch Road in Astor |
| Size | 0.29 acres |
| Alternate Key | 2746343 |
| Future Land Use (FLU) | Urban Low |
| Zoning District | Mixed Residential District (R-7) |
| Overlay Districts | NA |
| Joint Planning Area | NA |
| ISBA | NA |
| Flood Zone / FIRM Panel | AE and X-unshaded / 0070E |
| Commissioner's District | District 5, Cadwell |

Property Posted: August 25, 2015

-Land Use Table-

| <u>Direction</u> | <u>Future Land Use</u> | <u>Zoning</u> | <u>Existing Use</u> |
|------------------|------------------------|-------------------------|---------------------|
| North | Urban Low | Mixed Residential (R-7) | Residence |
| South | Urban Low | Mixed Residential (R-7) | Residence |
| East | Urban Low | Mixed Residential (R-7) | Residence |
| West | Urban Low | Mixed Residential (R-7) | Residence |

-ANALYSIS-

The subject property is +/- 0.29 acres and is located west of Branch Road in the Astor Area. The Lake County Geographic Information Services (GIS) wetland map does not indicate that wetlands exist on the parcel; however, the aerial shows a canal on the western portion of the lot; and according to the 2012 Federal Emergency Management Agency (FEMA) maps, the lot lies within the 100-year flood zone (Flood zone AE). The property is zoned Mixed Residential (R-7) and is part of the Urban Low Future Land Use Category. The property is surrounded by Mixed Residential zoned properties and are all part of the Urban Low Land Use Category. The property is currently developed with a single-family residence and associated residential structures.

The property is located in the Blue Creek Point subdivision. Our records indicate that the applicant came into our office on July 28, 2015, the applicant had applied for an average setback to reduce the front setback of 62 feet from the centerline of the road. On July 31, 2015, our office received the results giving the applicant a front setback of 62.81 feet from the centerline of the road.

The applicant is requesting a variance to Land Development Regulations Table 3.02.05 *Setback Requirements* to allow an expansion to existing porch to be placed fifty-six feet six inches (56'6") from the center line of the road in lieu of the required sixty-two (62) feet from the center line of the road in mixed residential zoning. This would allow the owner to receive a zoning permit for the expansion of existing porch and apply for a building permit.

The **intent** of the Code (Table 3.02.05) is to ensure the adherence of safe distances between structures and right-of-ways.

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

"Building a front porch to the current set back would not give any significant area of space to function with and the home owners would like to utilize the front porch on a regular basis. The home owners would like to be able to sit on a covered, open-air front porch and enjoy the outdoors comfortably, weather permitting."

Additionally, staff found the applicant applied for a front average setback on July 28, 2015, resulting in a setback of 62.81 feet from the center line of the road.

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

"The design of the front porch currently is not wide enough for covered seating and the home owners would like to expand out into the front setback"

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

- The expansion of the front porch will have limited to no impact to the surrounding properties and will not negatively affect the adjacent property; and
- The variance would reduce the setback by only five feet six inches (5'6") and establish a setback of fifty-six feet six inches (56'6") for the expanded porch; and

The owners and applicant 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 stated above, Staff recommends **approval** of the variance allowing an expansion to the front porch to maintain a fifty-six foot six inches (56'6") setback from the center line of the road in lieu of the required sixty-two (62) foot setback with conditions.