

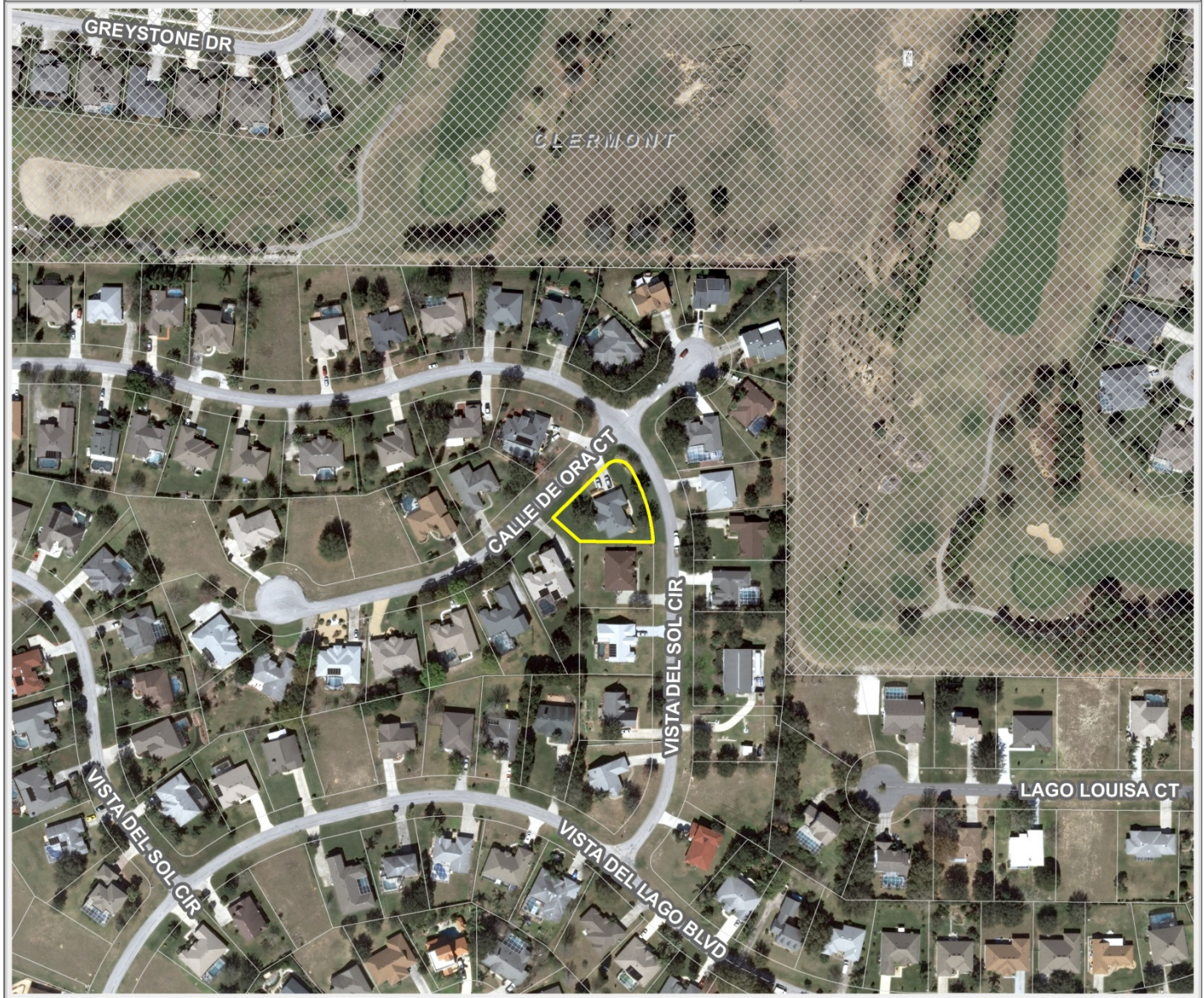
LAKE COUNTY PLANNING AND ZONING DIVISION
BOARD OF ZONING ADJUSTMENT STAFF REPORT



VAR-16-11-2

Agenda Item # 3

April 14, 2016



Requested Action: Variance from Lake County Land Development Regulations Section 3.02-05 (Note 3) to allow an addition (garage) to be located 9 ft. from the secondary front yard setback (corner lot) in lieu of twenty-five (25) ft.

Owner: Dale M. Rex and Barbara C. Rex

Applicant: Dale M. Rex

- Site Location & Information -

Size	~0.32 acres
Location	10525 Vista Del Sol Circle
Alternate Key #	3296290
Future Land Use	Urban Low
Existing Zoning District	R-6 (Urban Residential District)
Joint Planning Area	N/A

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	R-6 (Urban Residential)	Residence	Single Family Residence
South	Urban Low	R-6 (Urban Residential)	Residence	Single Family Residence
East	Urban Low	R-6 (Urban Residential)	Residence	Single Family Residence
West	Urban Low	R-6 (Urban Residential)	Residence	Single Family Residence

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance from Lake County Land Development Regulations Section 3.02-05 (Note 3) to allow an addition (garage) to be located 9 ft. from the secondary front yard setback (corner lot) in lieu of twenty-five (25) ft.

- Summary of Analysis -

The applicant is requesting variances from Lake County Land Development Regulations, Table 3.02.05 Note 3 Setback Requirements to allow a garage addition at 9 feet from the right-of-way in lieu of the required 25 feet from the right-of-way for the secondary frontage road requirements (Exhibit A).

The parcel is zoned R-6 (Urban Residential) with an Urban Low future land use category. The parcel is currently vacant and contains approximately 0.98 acres. The parcel does not lie within the 100-year flood zone.

The proposed attached garage will be located 9 feet from the right-of-way from one corner and will be 20 feet from the right-of-way from the other corner.

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

Staff believes the intent of the Code will be met, based on the roadway clear zone standards. NOTE: PW to review.

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

"I am unable to keep a boat at my house for more than temporary loading and unloading due to the restrictions outlined on page 14 section 6.4 – C of our Declaration of Covenants for the Vistas. As a result, I am paying for monthly storage at another location since the Declarant never developed the area set aside for boat and camper storage. Never get to enjoy the boat because it takes more than 24 hours to charge up the batteries and perform the required pre trip maintenance. I am being penalized for

owning a corner lot as standard lots have much small side setback requirement. Your consideration would be greatly appreciated. Regards, Dale M. Rex”

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 proposed attached garage will be designed to meet the minimum required front and rear setbacks.”

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

- The request is consistent with the intent of LDR 3.02.05, which promotes logical development patterns, protects surrounding properties and uses by providing access of emergency or maintenance vehicles.

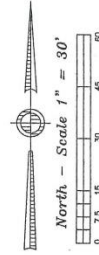
The owner/applicant has submitted proof of meeting the intent of the Code and have shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, staff recommend **approval** of the variance from Lake County Land Development Regulations Section 3.02-05 (Note 3) to allow an addition (garage) to be located 9 ft. from the secondary front yard setback (corner lot) in lieu of twenty-five (25) ft.

WRITTEN COMMENTS FILED: **Supportive: -0-** **Concern: -0-** **Opposition: -0-**

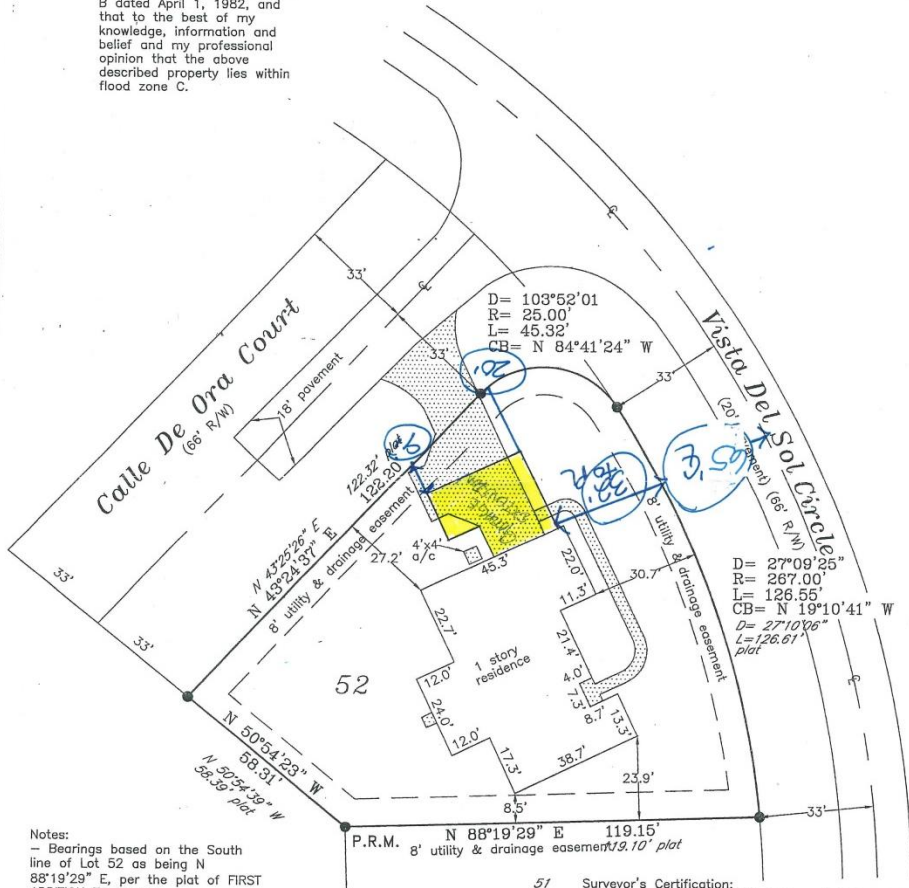
Janie Barron, Associate Planner

Map of Boundary Survey

DESCRIPTION:
 Lot 52, FIRST ADDITION TO VISTAS, according to the plat thereof, as recorded in
 Plat Book 30, Pages 52, 53, and 54, of the public records of Lake County,
 Florida.
 CONTAINING 0.32 acres, more or less, and being subject to any easements or
 rights of way of record.



Lake County
 I hereby declare that I have
 examined the Flood Insurance
 Rate Map panel 120421 0375
 B dated April 1, 1982, and
 that to the best of my
 knowledge, information and
 belief and my professional
 opinion that the above
 described property lies within
 flood zone C.



Notes:
 - Bearings based on the South
 line of Lot 52 as being N
 88°19'29" E, per the plat of FIRST
 ADDITION TO VISTAS.
 - Legal description supplied by
 client.
 - No title commitment or abstract
 for the above property has been
 provided. It is possible there are
 recorded or unrecorded documents
 which could affect the boundary of
 this parcel.
 - No adjacent, underground or
 internal improvements, other than
 those shown, located this date.

51 Surveyor's Certification:
 I hereby certify to DALE M. REX and BARBARA C. REX, NORTH
 AMERICAN TITLE COMPANY, AMERICAN PIONEER TITLE INSURANCE
 COMPANY and FIRST FEDERAL SAVINGS BANK OF LAKE COUNTY
 that I have surveyed the property described hereon and that said
 survey and drawing are accurate to the best of my knowledge
 and belief. I further certify that this Map of Boundary Survey
 meets the minimum technical standards for surveys as set forth
 in Chapter 61G17 Florida Administrative Code, pursuant to Section
 472.027, Florida Statutes.
 FLORIDA GEODETIC SURVEYING & MAPPING, INC. LB 7063
 JAMES H. WALTERS JR. PLS #2566 Date 6/7/02
 STATE OF FLORIDA
 UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL
 OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS
 MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT
 VALID.

Legend:
 ● denotes found iron rod & cap
 marked "RLS 1918"
 ○ denotes concrete

#	Date	Revisions

Field Survey 6/6/02	Prepared for: Project#: 93041.005
Party Chief MC	North American Title
Computed by ML	
Drawn by ML	Florida Geodetic Surveying & Mapping, Inc.
Scale 1"=30'	720 West Montrose Street Clermont, Florida 34711 (352) 394-3000 / FAX (352) 394-1305

Final Development Order
Dale M. Rex and Barbara C. Rex
VAR-16-11-2

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

WHEREAS, Dale M. Rex and Barbara C. Rex, (the "Owners"), requested variances to Land Development Regulation (LDR) Section Table 3.02.05 Note 3, to allow a garage addition at 9 feet from the right-of-way in lieu of the required 25 feet from the right-of-way for the secondary frontage road requirements; and

WHEREAS, the subject property consists of 0.32+/- acres and is located in Clermont, north of State Road 44, in Section 08, Township 23 South, Range 26 East, Alternate Key Number 3296290 and is more particularly described and depicted in Exhibit A; and

WHEREAS, 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 April 14, 2016; 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 April 14, 2016, the Lake County Board of Adjustment approved the variance for the above property.

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 VAR-16-11-2 to allow a garage addition at 9 feet from the right-of-way in lieu of the required 25 feet from the right-of-way for the secondary frontage road requirements described in Exhibit A.

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 April, 2016.

EFFECTIVE April 14, 2016.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Donald Schreiner, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this April 14, 2016 by DONALD SCHREINER, who is personally known to me.

(SEAL)

Signature of Acknowledger

Exhibit A.

VISTA SUB FIRST ADD LOT 52 PB 30 PGS 52-54 ORB 2129 PG 164

