

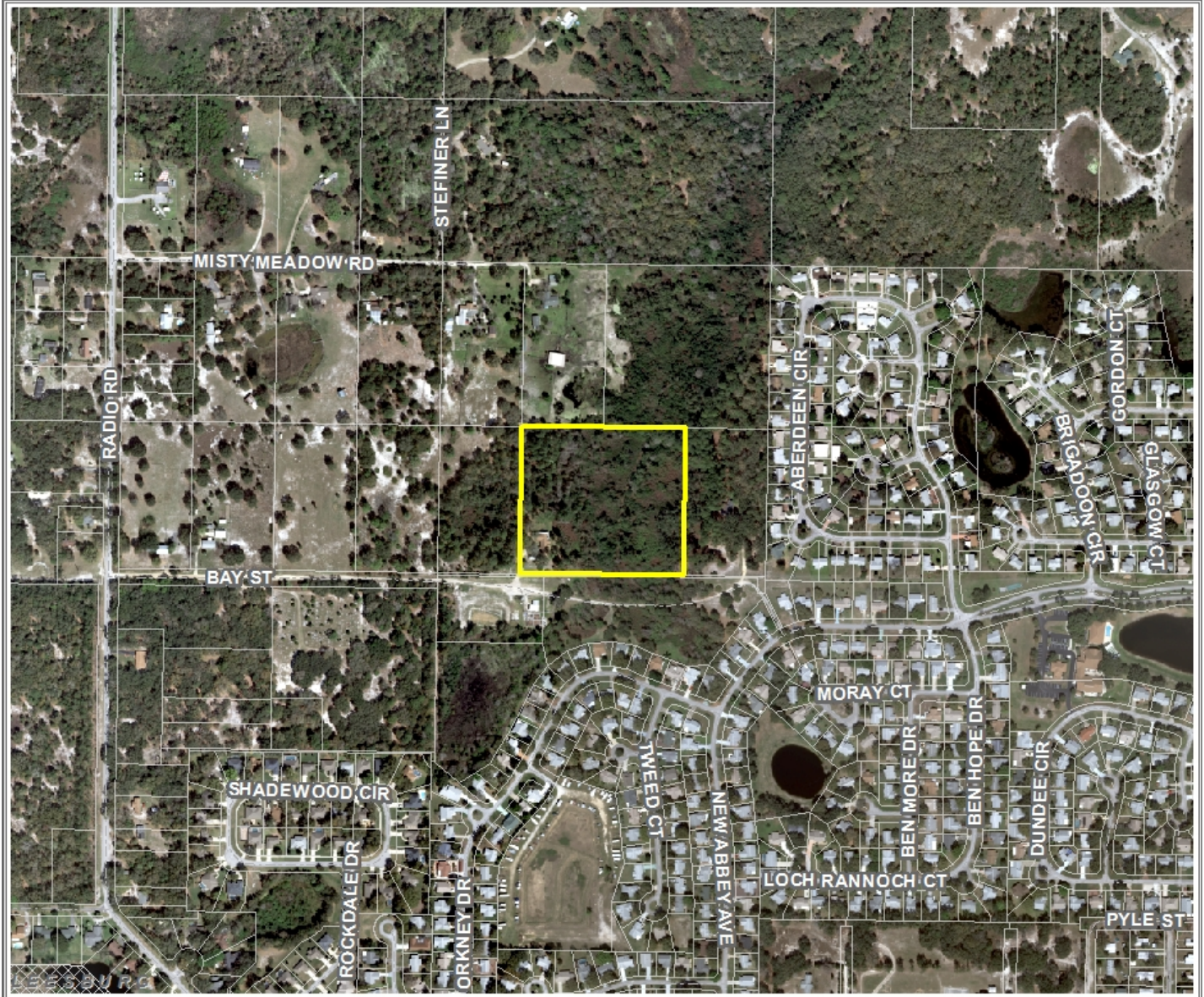
LAKE COUNTY PLANNING AND ZONING DIVISION
BOARD OF ZONING ADJUSTMENT STAFF REPORT



VAR-16-27-3

Agenda Item # 4

August 11, 2016



Requested Action: Variance from Lake County Land Development Regulations Section 10.01.00 (F) to allow a detached carport to be located 45 feet from the front property line in lieu of 100 feet from the right-of-way.

Owner and Applicant: John H and Grace D Weber

- Site Location & Information -

Size	9.2 acres
Location	12028 Grace Lane, Leesburg, FL 34788
Alternate Key #	2536896
Future Land Use	Urban Low
Existing Zoning District	R-1 (Rural Residential)
Joint Planning Area	Leesburg
Commission District	3

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-1 (Rural Residential)	Residence	Single Family Residence
South	Urban Low	R-6 (Urban Residential)	Common Area Tract	Scottish Highlands
East	Urban Low	R-1 (Rural Residential)	Residence	Single Family Residence
West	Urban Low	R-1 (Rural Residential)	Residence	Single Family Residence

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance from Lake County Land Development Regulations Section 10.01.00 (F) to allow a detached carport to be located 45 feet from the centerline of the road in lieu of 100 feet from the right-of-way.

- Summary of Analysis -

The applicant is requesting variances from Lake County Land Development Regulations, Section 10.01.00 (F) to allow a detached carport at 45 feet from the front property line in lieu of the required 100 feet from the right-of-way and to be located in the front yard in lieu of the side or rear yard (Exhibit A).

The parcel is zoned R-1 (Rural Residential) with an Urban Low future land use category. There is a dwelling unit on the parcel and the parcel contains approximately 9.2 acres. The parcel lies within the 100-year flood zone and approximately 75 percent of the lot contains wetlands.

The **intent** of the Code (LDR Section 10.01.00 (F)) is to regulate the installation, configuration and use of accessory and temporary structures and uses in order to preserve the community and property values and to protect the community character.

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

"We have a new camper that requires both cover and a concrete base to stay in good condition. Our hardship is that where we need to place our camper carport is being affected by both a power line easement, our wetlands, and also the LDR stating a structure cannot extend past our home. We must add that meeting that last element would result in the destruction and removal of 4 beautiful oak trees."

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**:

"We propose to place the structure in an area of our property that is already open, has no trees, and can easily accommodate the carport. This location meets the requirement that is to be more than 50 ft. from both wetlands and power lines. No trees will be destroyed, and its location won't cause a hardship for any trees, wetlands, utility, or person. It will make it possible to protect our camper."

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

- The request is consistent with the intent of LDR 10.01.00 (F), which promotes logical development patterns, protects surrounding properties and uses by providing access of emergency or maintenance vehicles.
- The request is consistent with the intent of LDR 6.01.04(A)(1), which protects the wetland area from erosion, sedimentation, water pollution and other negative impacts that may be associated with land uses activities.

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 10.01.00 (F) to allow a carport at 45 feet from the front property line in lieu of the required 100 feet from the right-of-way and in the front yard in lieu of the side or rear yard.

WRITTEN COMMENTS FILED:

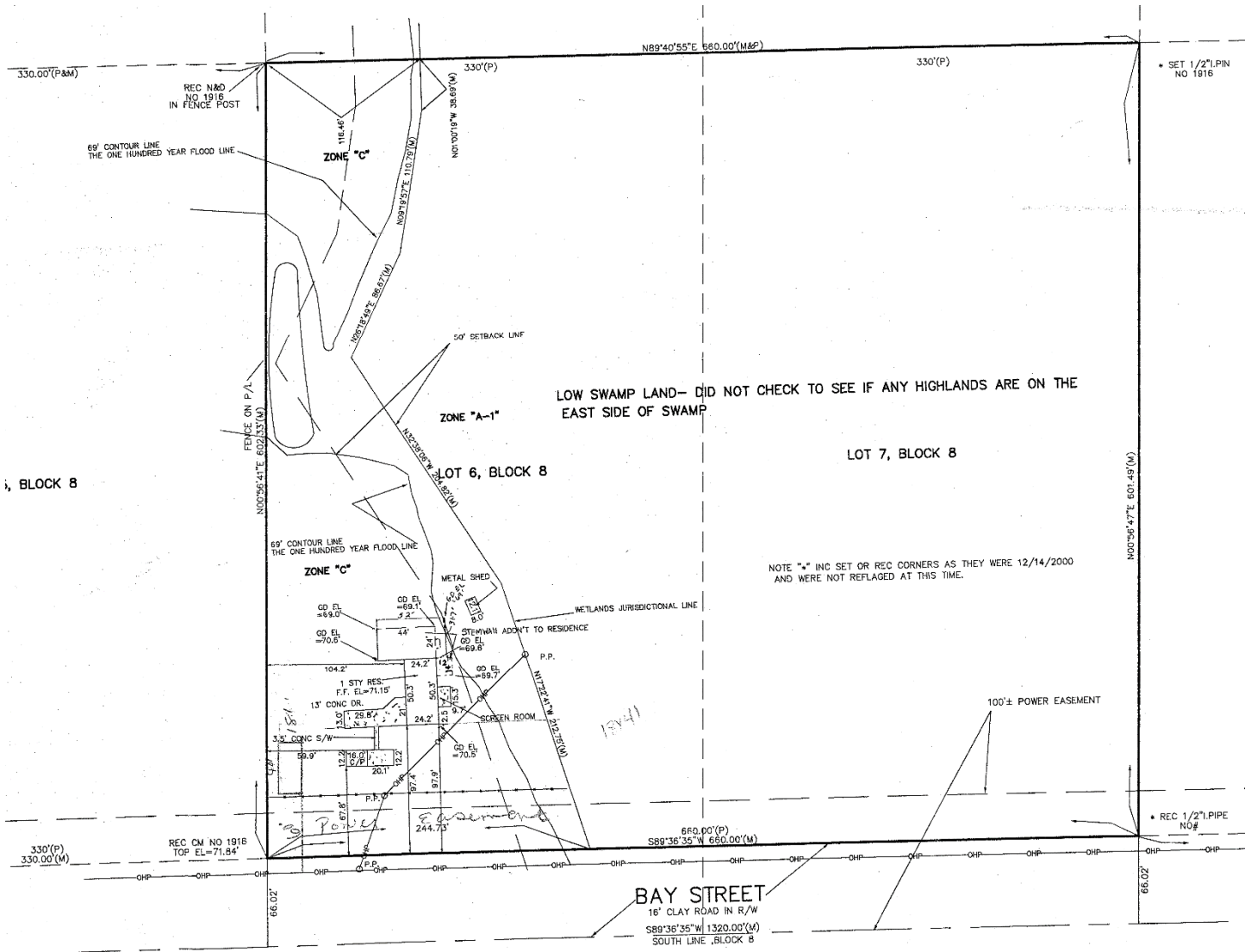
Supportive: -0-

Concern: -0-

Opposition: -0-

Janie Barron, Associate Planner

Exhibit A



**Final Development Order
John H. Weber and Grace D. Weber
VAR-16-27-3**

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

WHEREAS, John H. Weber and Grace D. Weber (the "Applicant" and "Owner") requested a variance from Land Development Regulations (LDR) Section 10.01.00 (F) to allow a detached carport to be located 45 feet from the front property line in lieu of 100 feet from the right-of-way; and

WHEREAS, the subject property consists of 9.2 +/- acres and is generally located on the north side of Bay Street, east of Radio Road, having alternate key number 2536896; and more particularly described as:

SILVER LAKE ESTATES LOTS 6, 7--LESS S 66 FT--, BLK 8, BEING IN SEC 11-19-25 PB 10 PGS 66-69

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 August 11, 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 August 11, 2016, 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 VAR-16-27-3 from Land Development Regulations Section 10.01.00 (F) to allow a detached carport to be located 45 feet from the front property line in lieu of 100 feet from the right-of-way; and

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 August 11, 2016.

EFFECTIVE August 11, 2016.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Donald Schreiner, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this August 11, 2016 by DONALD SCHREINER, who is personally known to me.
(SEAL)

Signature of Acknowledger

Serial Number: _____

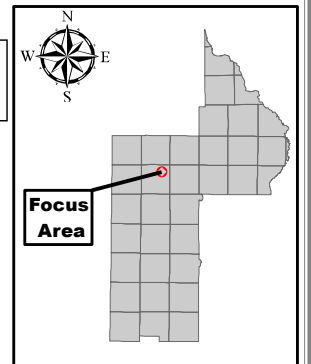
My Commission Expires: _____



ZONING LEGEND

A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

NAME: WEBER
CASE NUMBER: VAR-16-27-3
LOCATION (S-T-R): 11-19-25
REQUEST: ACCESSORY DWELLING UNIT





FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban Low Density |
| Cagans Crossing | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Medium Density |
| Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | |
| Green Swamp Core Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition | |
| Green Swamp Ridge | Regional Office | Sending Area A-1-20 | |
| Green Swamp Rural | Public Service Facility and Infrastructure | Sending Area A-1-40 | |
| Green Swamp Rural Conservation | Receiving Area A-1-20 | Urban High Density | |

NAME: WEBER
CASE NUMBER: VAR-16-27-3
LOCATION (S-T-R): 11-19-25
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