

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

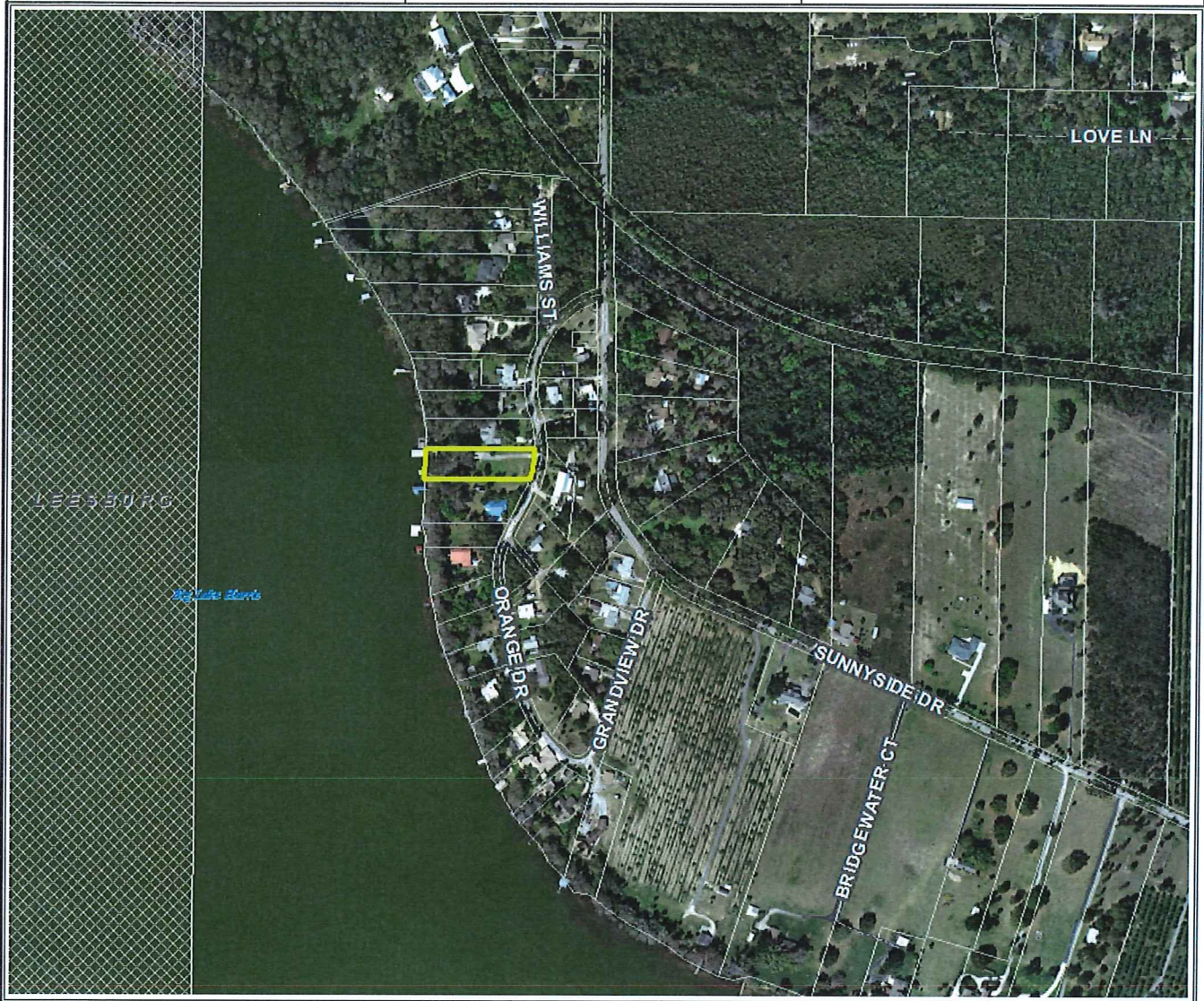


LAKE COUNTY
FLORIDA

VAR-16-31-3

Agenda Item # 5

August 11, 2016



Requested Action: Variance from Lake County Land Development Section 6.01.04(1) to allow an outdoor kitchen be constructed 29 feet from the ordinary high water line, mean high water line, or jurisdictional wetland line in lieu of 50 feet.

Owner and Applicant: Michael R Grimes & Julia Grimes

- Site Location & Information -

Size	0.81 acres
Location	30549 Orange Drive, Leesburg, FL 34748
Alternate Key #	1417341
Future Land Use	Rural (1 du/5 acres)
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	Rural	R-1 (Rural Residential)	Residence	Single Family Residence
South	Rural	R-6 (Urban Residential)	Residence	Single Family Residence
East	Rural	R-1 (Rural Residential)	Residence	Single Family Residence
West	Lake Harris	Lake Harris	Lake Harri	Lake Harris

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance from Lake County Land Development Regulations Section 6.01.04(1) to allow an outdoor kitchen be constructed 29 feet from the ordinary high water line, mean high water line, or jurisdictional wetland line in lieu of 50 feet.

- Summary of Analysis -

The applicant is requesting a variance from Lake County Land Development Regulations, 6.01.04(1) to allow an outdoor kitchen be constructed 29 feet from the ordinary high water line, mean high water line, or jurisdictional wetland line in lieu of 50 feet, as seen in Exhibit A.

The parcel is zoned R-1 (Rural Residential) and is part of the Rural future land use category. There is a dwelling unit on the parcel and the parcel contains approximately 0.81 acres. A western portion of the property lies within the AE flood plain.

The **intent** of the Code LDR Section 6.01.00 *Protection of Wetlands and Waterbodies* identifies the following: The wetlands of Lake County are valuable natural resources which provide beneficial functions contributing to the quality of life of County residents and visitors. It is the purpose of this Section that wetlands be conserved and protected to ensure that the natural structure and functional values are maintained. The intent of this Section is no net loss of wetlands whether by functional value or extent within Lake County.

The applicants submitted the following reasons as proof of **meeting the intent of the Code** as well as submitted the following as proof that the application of the Land Development Regulations would create a **substantial hardship or would violate principles of fairness**:

"My wife and I have owned our home for over 24 years and have been planning on remodeling and updating our home for many years since our home was originally built in the late 1950's. Upon submission of our remodeling plans for a permit, we were informed that the addition of a covered summer kitchen does not meet the current setback requirements. This was a total shock to us since our existing pool (probably built in the early 1970s) is approximately 18 feet from the existing sea wall and the proposed summer

kitchen which will be located next to the pool will be approximately 29 feet from the sea wall. Our neighbor to the left of us has an existing structure (summer kitchen) that has been there for years that is much closer to the sea wall than our proposed addition (please see attached survey and photos). In addition, there are other structures in our neighborhood that are within the setback. Based on the aforementioned precedence and the principals of fairness we are requesting a variance to construct our summer kitchen."

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

- The request is minimal in nature and would allow the outdoor kitchen to be shielded from the natural environment.
- This request is consistent with the entire LDR Section 6.01.04, which lays out several criteria in order to development on a property with wetlands.
- The request is also consistent with LDR Section 10.01.02 *Swimming Pools, Hot Tubs, and Similar Structures*, which allows outdoor kitchens in all zoning districts.
- The request is consistent with the Lake County Comprehensive Plan Policy III-2.2.7 *Protection of Shorelines*.

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 6.01.04(1) to allow an outdoor kitchen be constructed 29 feet from the ordinary high water line, mean high water line, or jurisdictional wetland line in lieu of 50 feet.

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

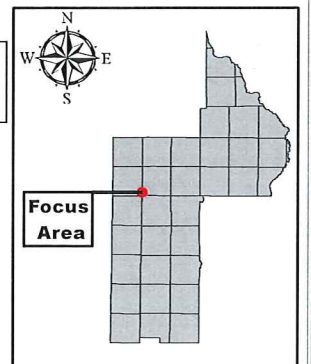
Tim McClendon, Interim Planning Manager



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: GRIMES
CASE NUMBER: VAR-16-31-3
LOCATION (S-T-R): 31-19-25
REQUEST: SETBACK ADJUSTMENT

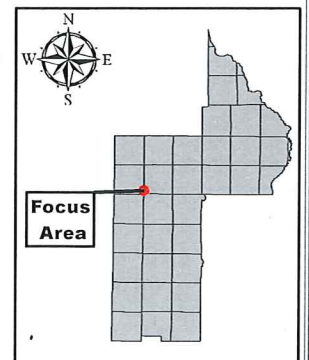




FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| 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: GRIMES
CASE NUMBER: VAR-16-31-3
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REQUEST: SETBACK ADJUSTMENT



**Final Development Order
Michael R Grimes & Julia Grimes
VAR-16-31-3**

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

WHEREAS, Michael R Grimes and Julia Grimes (the "Applicant" and "Owner") requested a variance from Land Development Regulations (LDR) 6.01.04(1) to allow an outdoor kitchen be constructed 29 feet from the ordinary high water line, mean high water line, or jurisdictional wetland line in lieu of 50 feet.; and

WHEREAS, the subject property consists of 0.81 +/- acres and is generally located on the west side of Orange Drive, east of Sunny Side Drive, having alternate key number 1417341; 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 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-16-31-3 from Land Development Regulations Section 6.01.04(1) to allow an outdoor kitchen be constructed 29 feet from the ordinary high water line, mean high water line, or jurisdictional wetland line in lieu of 50 feet.; 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.

VAR-16-31-3

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: _____