

LAKE COUNTY PLANNING AND ZONING ANALYSIS VARIANCE REQUEST

Board of Adjustment



February 11, 2016

VAR-16-01-3	Case Manager: Tim McClendon, Chief Planner	Agenda Item # 1
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REQUESTED ACTION: The applicants are requesting a variance from the **Lake County Land Development Regulations (LDRs)** Section 3.02.06 to allow a maximum Impervious Surface Ratio (ISR) of 36.33% in lieu of 30% (note: existing subject property has an ISR of 35.02%).

- Site Location and Information -

Subject property shown in red.



Property Posted: January 29, 2016

Owners	Steven and Melissa Faraday
Applicant	Steven Faraday
Address of Property	32701 Lakeshore Dr.
General Location	South side of Lakeshore Dr., approximately 3/4 mile south of Lake Dora Dr.
Size	0.25 acres
Alternate Key	1322081
Future Land Use (FLU)	Urban Low
Zoning District	R-1 (Rural Residential)
Overlay Districts	Tavares Joint Planning Area (JPA)
ISBA	Tavares
Flood Zone / FIRM Panel	X/5222 & AE/5376
Commissioner's District	District 3, Conner (Phyllis Luck)

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Urban Low	R-1 (Rural Residential)	Single Family Residence
South	Urban Low	R-1 (Rural Residential)	Single Family Residence
East	Urban Low	R-1 (Rural Residential)	Single Family Residence
West	Urban Low	Lake Dora	Lake Dora

- ANALYSIS -

The subject property is 0.25 acres in size and is located on the south side of Lakeshore Drive, approximately $\frac{3}{4}$ of a mile south of Lake Dora Drive. The property is zoned R-1 (Rural Residential) and is part of the Urban Low Future Land Use Category. Lake County Geographic Information Services (GIS) wetland map indicates that there are no wetlands on the property. According to the 2012 Federal Emergency Management Agency (FEMA) maps, portions of the lot lie within the 100-year flood zone (Flood zone X and AE). The applicant is requesting a variance to Lake County Land Development Regulation Section 3.02.06 to allow a maximum Impervious Surface Ratio (ISR) of 36.33% in lieu of 30%.

The subject property is developed as a single family residence. The residence was constructed in 1959 and currently has a boat dock, a concrete drive way, and two large concrete pads on site as well. The existing ISR of the subject property is 35.02% (Exhibit "A") and is considered legal non-conforming.

The applicant purchased the home in 2013 and is now proposing to remove the two large concrete pads and construct an attached 480 square foot garage. With the removal of the concrete pads and the construction of the attached garage the impervious surface of the subject property would increase by 145 square feet, resulting in an ISR of 36.33% (Exhibit "B").

The **intent of the Code**, LDR Section 3.02.06, *Density, Impervious Surface, Floor Area, and Height Requirements*, is to describe the allowed densities, ISR, FAR, and height requirements that apply to each zoning district established in these regulations. These regulations are intended to allow Development and use of property only in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan.

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

The existing Impervious Surface Ratio of the property is 35.02%. By removing substantial amounts of concrete on site and constructing a new garage, the existing Impervious Surface Ratio of 35.02% is only increased by 1.31% or 145 square feet.

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

The air conditioner handler and the water heater are located in the existing garage thereby making it impossible to park the applicant's vehicles. By constructing a newer and slightly larger garage it would allow the applicant to use the house as intended without having to park vehicles in the elements.

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

1. This request is consistent with the remaining development standards found in LDR 3.02.06, *Density, Impervious Surface, Floor Area, and Height Requirements*;
2. This request is consistent with the purpose of LDR 3.02.05, *Setback Requirements*; the proposed garage is 25 feet from Lakeshore Drive Right-of-Way; and
3. This request is consistent Comprehensive Plan Policy I-1.2.2, *Consistency between Future Land Use and Zoning*, where the maximum ISR allowed within the Urban Low Density Future Land Use Category is 60%.

CONCLUSION:

The owners/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 request to allow a maximum Impervious Surface Ratio (ISR) of 36.33% in lieu of 30%.

WRITTEN COMMENTS FILED: Supportive: -0-

Concern: -0-

Opposition: -0-

**Final Development Order
Steven Faraday and Melissa Faraday
VAR-16-01-3**

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

WHEREAS, Steven Faraday, (the "Applicant"), requested a variance to Land Development Regulation (LDR) Section 3.02.06 to allow a maximum Impervious Surface Ratio (ISR) of 36.33% in lieu of 30%; and

WHEREAS, the subject property consists of 0.25+/- acres and is located in Tavares, along the south side of Lakeshore Drive, in Section 34, Township 19 South, Range 26, Alternate Key Number 1322081 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 February 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 February 11, 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-16-01-3 to allow a maximum Impervious Surface Ratio (ISR) of 36.33% in lieu of 30% (Exhibit B) on the subject parcel 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 11th day of February, 2016.
EFFECTIVE February 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 February 11, 2016 by DONALD
SCHREINER, who is personally known to me.**

(SEAL)

Signature of Acknowledger

Exhibit A.

THAT PART OF TRACT "E", A REPLAT OF FAIRVIEW, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 86, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: FROM THE NORTHEASTERLY CORNER OF SAID TRACT "E" RUN NORTHWESTERLY ALONG THE NORTHERLY LINE OF SAID TRACT "E" A DISTANCE OF 339.00 FEET FOR A POINT OF BEGINNING. FROM SAID POINT OF BEGINNING, RUN THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF SAID TRACT "E" A DISTANCE OF 87.00 FEET; THENCE RUN IN A SOUTHWESTERLY DIRECTION AND PARALLEL WITH THE EASTERLY LINE OF SAID TRACT "E" TO THE WATERS OF LAKE DORA, SAID POINT BEING HEREBY DESIGNED AS POINT "A" BEGIN AGAIN AT THE POINT OF BEGINNING, THENCE RUN SOUTHWESTERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID TRACT "E" TO THE WATERS OF LAKE DORA; THENCE RUN IN A NORTHWESTERLY DIRECTION ALONG AND WITH THE WATERS OF SAID LAKE TO THE ABOVE DESIGNATED POINT "A".



