

# LAKE COUNTY PLANNING AND ZONING ANALYSIS VARIANCE REQUEST



**Board of Adjustment**

**LAKE COUNTY  
FLORIDA**

**February 11, 2016**

<b>VAR-16-04-1</b>	<b>Case Manager:</b> Ruth Mitchell, Associate Planner	<b>Agenda Item #4</b>
--------------------	---	-----------------------

**REQUESTED ACTION:** The applicant is requesting variances from **Lake County Land Development Regulations 11.02.03 (2) (B) (1) & (2) Shopping Center Wall Signs** to allow wall signage copy area of 113 square feet in lieu of 88 square feet and to allow a wall sign on the side elevation of a store where there is not an entrance to the general public.

**- Site Location and Information -**

Subject property shown in **red**



**Property Posted:** January 29, 2016

<b>Owners</b>	Cagan Crossings LTD
<b>Applicant</b>	Lee & CO Commercial Graphics Inc
<b>Address of Property</b>	514 US HWY Clermont, FL 34711
<b>General Location</b>	The West side of US Hwy 27, in the southern portion of the county
<b>Size</b>	1.08 acres
<b>Alternate Key</b>	3883370
<b>Future Land Use (FLU)</b>	Cagans Crossing
<b>Zoning District</b>	Planned Unit Development (PUD)
<b>Overlay Districts</b>	Green Swamp Area of Critical State Concern
<b>Joint Planning Area</b>	NA
<b>ISBA</b>	NA
<b>Flood Zone / FIRM Panel</b>	X-unshaded / 0750E
<b>Commissioner's District</b>	District 1, Sullivan

**-Land Use Table-**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Cagans Crossing	Planned Unit Development (PUD)	Commercial Retail Center
South	Cagans Crossing	Planned Unit Development (PUD)	Commercial Retail Center
East	Cagans Crossing	Planned Unit Development (PUD)	Commercial Retail Center
West	Cagans Crossing & Green Swamp Ridge	Community Facility District (CFD)	Commercial Retail Center

**-ANALYSIS-**

The subject property is approximately 1.08 acres and is located on the west side of US 27, in Clermont. The Lake County Geographic Information Services (GIS) wetland map indicate that there are no wetlands on the property; according to the 2012 Federal Emergency Management Agency (FEMA) maps, no portions of the lot lie within the 100-year flood zone. The property is zoned Planned Unit Development (PUD) by Ordinance 2003-94 and is part of the Cagans Crossing Land Use Category. The property is located within the Green Swamp Area of Critical State Concern. The subject property is currently developed with a Dunkin Donuts.

The applicant is requesting two variances from Lake County Land Development Regulations (LDR), each is explained below:

1. The Dunkin Donuts tenant space is allowed a maximum of 88 square feet of copy area per LDR Section 11.02.03 (2) (B) (1) & (2). There are three (3) existing wall signs which have not been properly permitted. There are two identical Dunkin Donut wall signs, each 56.5 square feet of copy area in size (identified in as "Sign 1" and "Sign 2" in exhibit "A") and a Dunkin Donut graphic wall sign, 225 square feet of copy area in size (identified as "Sign 3" in exhibit A"). The applicant has agreed to remove the 225 square foot coffee graphic sign and is requesting a variance from LDR Section 11.02.03 (2) (B) (1) & (2) to allow 113 square feet of wall sign copy area in lieu of 88 square feet.
2. LDR Section 11.02.03 (2) (B) (2) which also states that shopping Center Wall Signs for individual businesses with multiple frontage are permitted additional wall sign area of one square foot of building front provided that the same or similar façade treatments used on both front and side and there is an entrance to the general public on such sides. The applicant is also requesting a variance from this section of the code to allow a wall sign on the side elevation of the store where there is not an entrance to the general public. The after-the-fact wall sign is to provide visibility direction to the location of the business for the traffic traveling north bound on U.S.Highway 27.

The **intent of the Code** (Section 11.00.00) is to preserve scenic, economic and aesthetic values, including the special character and attractiveness of Lake County communities. This is achieved through regulating the number, size, placement and physical characteristics of signs. Section 11.01.10 states that sign site plans are required to ensure motorist safety, and to preserve and protect the visual beauty of the landscape, commercial, industrial and residential development applications. The addition of a wall sign on the side of the building will not negatively affect the special character or aesthetics of this area and will ensure motorist safety by providing direction to the location of the drive thru pharmacy. The side elevation does not provide a public entrance to the store but the drive thru provides public access to the store and, therefore, additional signage is warranted to ensure safe traffic patterns by identifying the location of the drive thru.

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

*"The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The general intent of the land development code is to allow sign age for each business that is architecturally pleasing to the eye, proportional to its location, as well as beneficial for the general public to identify the property for safe access. Our request will not be injurious to the neighborhood or detrimental to the public welfare, but instead will benefit the general public by providing greater value."*

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**:

*“Our primary concern is visibility. We are seeking relief to section 11.02.03(2) (B) (1) & (2) of the code so we may be able to install signage of the West elevation to address our concern. When traveling northbound on US Highway 27, there is no pylon or monument sign to identify the business. The side wall sign is the only sign that identifies the business from a south to north direction. Without the sign, customers must drive past the business before seeing the front wall sign. The business is losing exposure.”*

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

1. This request is consistent with LDR 11.02.04, which attempts to protect surrounding parcels from negative visual impacts; and
2. This request is consistent with LDR 11.02.03, which attempts to provide adequate signage for commercial business; and
3. Signage is needed to identify the location of the drive thru to ensure safe traffic circulation and motorist safety; and
4. The large commercial building provides sufficient room and need for the additional signage; and

**CONCLUSION:**

The owner 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 variances requesting to allow wall signage copy area of 113 square feet in lieu of 88 square feet and to allow a wall sign on the side elevation of a store where there is not an entrance to the general public, with the following condition:

- 1) The applicant shall remove the 225 square foot Dunkin Donuts coffee graphic wall sign (Exhibit “A”, identified as “Sign 3”) prior to permit approval by the Planning and Zoning Division.

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

**Concern: -0-**

**Opposition: -0-**

**1 FRONT ELEVATION**  
Scale 1/2" = 1'

**2 SIDE ELEVATION**  
Scale 1/2" = 1'

**1 FRONT ELEVATION**  
Scale 1/2" = 1'

**2 SIDE ELEVATION**  
Scale 1/2" = 1'

**APPROVED JAN 24 2012**

Any errors or omissions in these drawings shall be made to conform with the requirements of the Florida Building Code section 105.4.1. The contractor shall be held responsible for code compliance and shall be held on job site.

**LAKE COUNTY BUILDING DIVISION**

**PLANS FOR INSPECTORS USE ONLY MUST BE ON JOB SITE DURING INSPECTION**

**LEFT SIDE ELEVATION**  
Scale: 1/8" = 1'

**2012010374**

**JAN 26 2012**

LAKEY BROCK, P.E. #24024  
CIVIL STRUCTURAL  
6033 COMMERCIAL LN.  
CUDDEBAY, FL 34607  
227-766-9120

**MATERIAL DESCRIPTION**

M1 1" x 1" x 11/8 SQUARE ALUMINUM TUBING

M2 3/8" x 3" LAG BOLTS

M3 VINYL FABRIC IN CUSTOMER'S CHOICE OF COLOR

M4 BUILDING WHERE ANVING WILL BE MOUNTED

M5 SUN LINE FLOURESCENT LAMP FEATURE

M6 FLOURESCENT I/O LAMPS

**3 SIDE VIEW**

**MATERIAL DESCRIPTION**

M1 1" x 1" x 11/8 SQUARE ALUMINUM TUBING

M2 3/8" x 3" LAG BOLTS

M3 VINYL FABRIC IN CUSTOMER'S CHOICE OF COLOR

M4 BUILDING WHERE ANVING WILL BE MOUNTED

**3 SIDE VIEW**

**APOLLO**

1700 15th Avenue North, Suite D  
Largo, FL 33777  
Tel: 727-525-0550  
Fax: 727-525-0544  
www.apolloaluminum.com





**Final Development Order  
LEE & CO COMMERCIAL GRAPHICS, INC.  
VAR-16-04-1**

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

**WHEREAS**, Lee & Co Commercial Graphics, Inc. (the "Applicant"), requested variances to Land Development Regulation (LDR) Section 11.02.03 (2) (B) (1) & (2), to allow wall signage copy area of 113 square feet in lieu of 88 square feet and to allow a wall sign on the side elevation of a store where there is not an entrance to the general public.; and

**WHEREAS**, the subject property consists of 1.08+/- acres and is located in Clermont, on the west side of US Highway 27, in the southern portion of Lake County, in Section 35, Township 24 South, Range 26 East, Alternate Key Number 3883370 and is more particularly described and depicted in Exhibit B; 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-16-04-1 to allow wall signage copy area of 113 square feet in lieu of 88 square feet and to allow a wall sign on the side elevation of a store where there is not an entrance to the general public on the subject parcel described in Exhibit B, in accordance with the following condition:

- 1) The applicant shall remove the 225 square foot Dunkin Donuts coffee graphic wall sign (Exhibit "A", identified as "Sign 3") prior to permit approval by the Planning and Zoning Division.

**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 11<sup>h</sup> 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

**1 FRONT ELEVATION**  
Scale 1/2" = 1'

**2 SIDE ELEVATION**  
Scale 1/2" = 1'

**LEFT SIDE ELEVATION**  
Scale: 1/8" = 1'

**10"**

**8'**

**1 FRONT ELEVATION**  
Scale 1/2" = 1'

**2 SIDE ELEVATION**  
Scale 1/2" = 1'

**APPROVED JAN 21 2012**

Any errors or omissions in this set of drawings shall be the responsibility of the client. The contractor shall verify all dimensions and details before construction. All drawings shall be reviewed for code compliance and shall be kept on job site.

**LAKE COUNTY BUILDING DIVISION**

**PLANS FOR INSPECTORS**

**MUST BE ON JOB SITE DURING INSPECTION**

**USE ONLY SIGN 1**

*Need tolerance*

**LABRY BROOKS, P.E. #24024**  
CIVIL STRUCTURAL  
6033 COLUMBIANA LN.  
OZONDALE, FL 34457  
727-86-9150

**JAN 26 2012**

2012010374

*John Brooks*

**MATERIAL DESCRIPTION**

- M1 1" x 1" x 1/16 SQUARE ALUMINUM TUBING
- M2 3/8" x 5" LAG BOLTS
- M3 VINYL FABRIC IN CUSTOMER'S CHOICE OF COLOR
- M4 BUILDING WHEIR ANCHOR WALL BE MOUNTED
- M5 SLIM LINE FLUORESCENT LAMP FIXTURE
- M6 FLUORESCENT H.O. LAMP'S

**3 SIDE VIEW**

**MATERIAL DESCRIPTION**

- M1 1" x 1" x 1/16 SQUARE ALUMINUM TUBING
- M2 3/8" x 5" LAG BOLTS
- M3 VINYL FABRIC IN CUSTOMER'S CHOICE OF COLOR
- M4 BUILDING WHEIR ANCHOR WALL BE MOUNTED

**2 SIDE VIEW**

**APOLO**  
2700 S.W. 12TH AVENUE, SUITE 10  
MIAMI, FL 33135  
Tel: 772-253-0544 Fax: 772-253-0544  
www.apolo.com



**FRONT SIDE ELEVATION**  
Scale: 1/8" = 1'

**APPROVED JAN 27 2012**

LAKE COUNTY BUILDING DIVISION

Any errors or omissions in these plans shall be made to conform with the applicable code requirements per Florida Building Code, Chapter 10, Part 1. Plans were reviewed for compliance and shall be kept on job site.

**RVC LOGO CUP SIGN FOR CLEARMONT, FL FRONT OF BUILDING ELEVATION**

**NOTICE TO OWNER AND CONTRACTOR:**

The issuance of a zoning clearance does not assure that the applicant has been notified that the development does not encroach on an easement. The owner and contractor have the sole responsibility for checking the property into compliance. I hereby certify that the owner and contractor have been notified of the zoning clearance and that the owner and contractor are responsible for the proper installation of the signs. The signs must be installed by the owner or contractor.

**ZONING:** R-12, R-12.1, R-12.2

**OWNER'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**CONTRACTOR'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**PLANS FOR USE ON SITE MUST BE OBTAINED DURING INSPECTION**

**3/4" Sintra Plastic**

**JAN 26 2012**  
20112010374

**LARRY BROOKS, P.E. #34034**  
CIVIL STRUCTURAL  
6033 CAMBERLY LN.  
ODDSSAW, FL 34637  
732-785-9150

**LETTER SECTION**  
Scale: 1/4" = 1'  
18' x 12.5' = 225 Sq. Ft.

18'

12' - 6"

*Larry Brooks*

**COLOR SCHEDULE:**

BER-2198 / FLAME SATIN	BER-1036 / HOT PINK SATIN	BER-1100 / BURNING MOOSE
BER-1100 / BURNING MOOSE	BER-1036 / HOT PINK SATIN	BER-2198 / FLAME SATIN
BER-1036 / HOT PINK SATIN	BER-1100 / BURNING MOOSE	BER-2198 / FLAME SATIN

# Exhibit B

FROM NW COR OF NE 1/4 RUN N 89-42-18 E ALONG N LINE OF NE 1/4 A DIST OF 616.52 FT TO W'LY R/W LINE OF US HWY 27, S 20-35-59 E ALONG SAID W'LY R/W LINE A DIST OF 3005.12 FT FOR POB, CONT S 20-35-59 E ALONG SAID R/W LINE 233 FT, S 69-24-01 W 201.08 FT, N 20-35-59 W 233 FT, N 69-24-01 E 201.08 FT TO POB ORB 4100 PG 1374 |

