

# LAKE COUNTY PLANNING AND ZONING ANALYSIS VARIANCE REQUEST



Board of Adjustment

**LAKE COUNTY**  
FLORIDA

February 11, 2016

<b>VAR-16-05-5</b>	<b>Case Manager:</b> Janie Barrón, Associate Planner	<b>Agenda Item #5</b>
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**REQUESTED ACTION:** The applicant is requesting variances from Lake County Land Development Regulations (LDR), Section 3.02.05 to allow a dwelling unit and additions to be located 46 feet from the center line of the road (Blue Creek Road) in lieu of 62 feet and LDR Section 6.01.04 to allow a dwelling unit and additions to be located 20 feet from the jurisdictional wetland line in lieu of 50 feet (+/- 0.44 acres).

- Site Location and Information -

Subject property shown in red



Property Posted: February XX, 2016

<b>Owners</b>	Carven Angel
<b>Applicant</b>	Carven Angel
<b>Address of Property</b>	56107 Blue Creek Rd, Astor
<b>General Location</b>	West of Blue Creek Road, south of Possum Road, North of State Road 40
<b>Size</b>	0.44 acres
<b>Alternate Key</b>	1514835
<b>Future Land Use (FLU)</b>	Urban Low
<b>Zoning District</b>	R-7 (Mixed Residential District)
<b>Overlay Districts</b>	N/A
<b>Joint Planning Area</b>	N/A
<b>ISBA</b>	N/A
<b>Flood Zone / FIRM Panel</b>	AE / 0070E
<b>Commissioner's District</b>	District 5, Caldwell

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Urban Low	A (Agriculture)	Vacant
South	Urban Low	R-7 (Mixed Residential District)	Residence
East	Urban Low	R-7 (Mixed Residential District)	Vacant
West	Urban Low	R-7 (Mixed Residential District)	Residence

**-ANALYSIS-**

The owner is requesting variances from Lake County Land Development Regulations (LDR), Section 3.02.05 to allow a dwelling unit and additions to be located 46 feet from the center line of the road (Blue Creek Road) in lieu of 62 feet and LDR Section 6.01.04 to allow a dwelling unit and additions to be located 20 feet from the jurisdictional wetland line in lieu of 50 feet.

The parcel is zoned R-7 (Mixed Residential District) with an Urban Low future land use category. The parcel is currently vacant and contains approximately 0.44 acres. The property lies fully within the 100-year flood zone designated as flood zone "AE" and contains wetlands, which are located on the northern side of the property. Attached is the survey of the parcel indicating the location of the wetland area (Exhibit "A").

The owner is proposing to replace the existing residence and has found that currently his lot is deemed unbuildable based on the setback requirements set by the Land Development Regulations (LDR) and Comprehensive Plan. Based on the Comprehensive Plan Policy III-2.2.7(5) indicates that a variance to the setback requirements listed above may be granted if:

- The lot is a developable Lot of Record, or the lot was legally created through a development order prior to March 2, 1993; and
- All other remedies have been exhausted, such as a variance to all other setback requirements; and
- The maximum developable area shall be limited to 30 feet in width or depth; and
- The first one inch (1") of stormwater runoff shall be captured on site; and,
- Development is constructed as far landward on the lot as possible.

The owner has exhausted every possible option to construct the proposed single-family dwelling unit and additions and will not meet the required wetland setback without an approved variance. The owner is proposing to locate the replacement single-family dwelling unit and additions to be located 46 feet from the centerline of the road and located at a minimum of 20 feet from the jurisdictional wetland line. In order to minimize negative impacts on the wetland area, calculations and a plot plan will need to be submitted indicating how the owners will maintain the storm water runoff caused by the additional impervious surface.

The **intent** of the Code (Table 3.02.05) is to ensure the adherence of safe distances between structures and right-of-ways. The intent of the code (6.01.04) is to protect the wetland area from erosion, sedimentation, water pollution, and other negative impacts that may be associated with land use activities.

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

*"(1) I will provide storm water calculations, etc., to retain the 1<sup>st</sup> inch of rain (2) I will meet the minimum structure size for the zoning district."*

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**:

*"When I bought this property in 1985 it had a small trailer, 304 S.F., but tenants have lived there continuously until approx., June 2015. It was in bad shape so I removed it & bought a much newer 24x32 double wide to improve the neighborhood – now staff tells me this much better home does not meet new code & lots are not buildable."*

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

1. Land Development Regulation, Table 3.02.05 indicates that property adjacent to roads other than state, federal, and County secondary highways shall maintain, for any structure, a setback of 62 feet from the centerline of the Road or 25 feet from the Road ROW, whichever is greater; and
2. Land Development Regulation, Section 6.01.04(A) indicates that principal structures, structures, building, and impervious surface, excluding water dependent structures, shall be located at least fifty feet (50') from the ordinary high water line, mean high water line, or jurisdictional wetland line, whichever is further landward and the tower will comply with this section; and
3. Comprehensive Plan Policy III-2.2.7(5) indicates that a variance to the setback requirements listed above may be granted if:
  - The lot is a developable Lot of Record, or the lot was legally created through a development order prior to March 2, 1993; and
  - All other remedies have been exhausted, such as a variance to all other setback requirements; and
  - The maximum developable area shall be limited to 30 feet in width or depth; and
  - The first one inch (1") of stormwater runoff shall be captured on site; and,
  - Development is constructed as far landward on the lot as possible.

#### CONCLUSION:

The owner has submitted proof of meeting the intent of the Code and has 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 allowing the proposed replacement single-family dwelling unit and additions to be located at the front setback of 46 feet from the centerline of the road and at the setback of 20 feet from the wetland line with the following conditions:

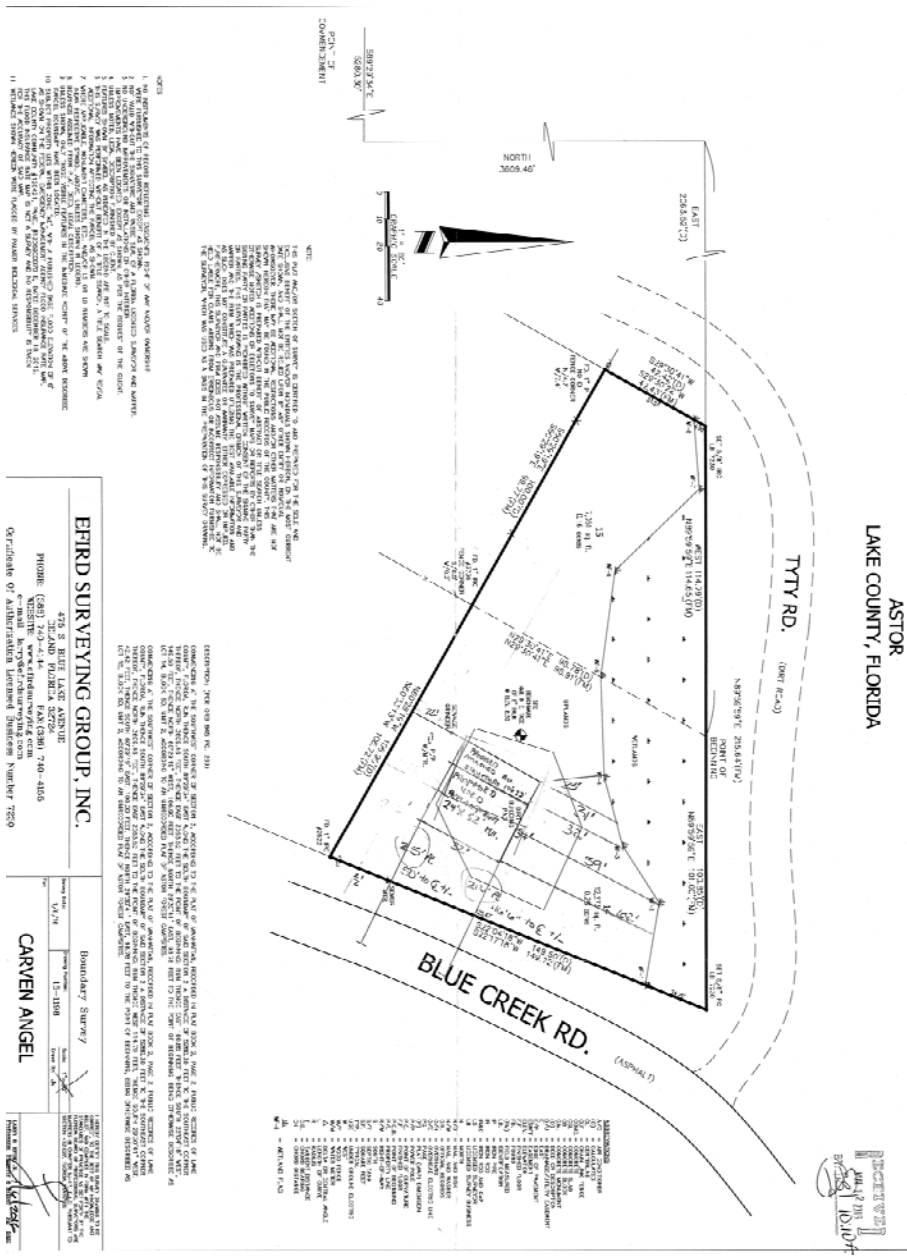
1. Stormwater calculations must be submitted at the time of permitting indicating that the first one inch (1") of stormwater runoff shall be captured on site.
2. Stormwater calculations must be reviewed and approved by the Public Works Department staff.
3. The stormwater abatement system must be installed prior to any final inspections, inspected and approved by the Public Works Department staff.

WRITTEN COMMENTS FILED: Supportive: -0-

Concern: -0-

Opposition: -0-

Exhibit "A"



**Final Development Order  
Carven Angel  
VAR-16-05-5**

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

**WHEREAS**, Carven Angel, (the "Owner"), requested variances to Land Development Regulation (LDR) Section 3.02.05 to allow a dwelling unit and additions to be located 46 feet from the center line of the road (Blue Creek Road) in lieu of 62 feet and LDR Section 6.01.04 to allow a dwelling unit and additions to be located 20 feet from the jurisdictional wetland line in lieu of 50 feet (+/- 0.44 acres); and

**WHEREAS**, the subject property consists of 0.44+/- acres and is located in Astor, north of State Road 44, in Section 24, Township 15 South, Range 27 East, Alternate Key Number 1514835 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-16-05-5 to allow a dwelling unit and additions to be located 46 feet from the centerline of the road (Blue creek Road) in lieu of 62 feet and to allow the dwelling unit and additions to be located 20 feet from the jurisdictional wetland line in lieu of 50 feet as described in Exhibit A, in accordance with the following conditions:

1. Stormwater calculations must be submitted at the time of permitting indicating that the first one inch (1") of stormwater runoff shall be captured on site.
2. Stormwater calculations must be reviewed and approved by the Public Works Department staff.
3. The stormwater abatement system must be installed prior to any final inspections, inspected and approved by the Public Works Department staff.

**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>th</sup> day of February, 2016.  
**EFFECTIVE** February 11, 2016.

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**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)

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**Signature of Acknowledger**

# Exhibit A.

ASTOR FOREST CAMPSITES LOTS 14, 15 BLOCK 60 ORB 845 PG 269

