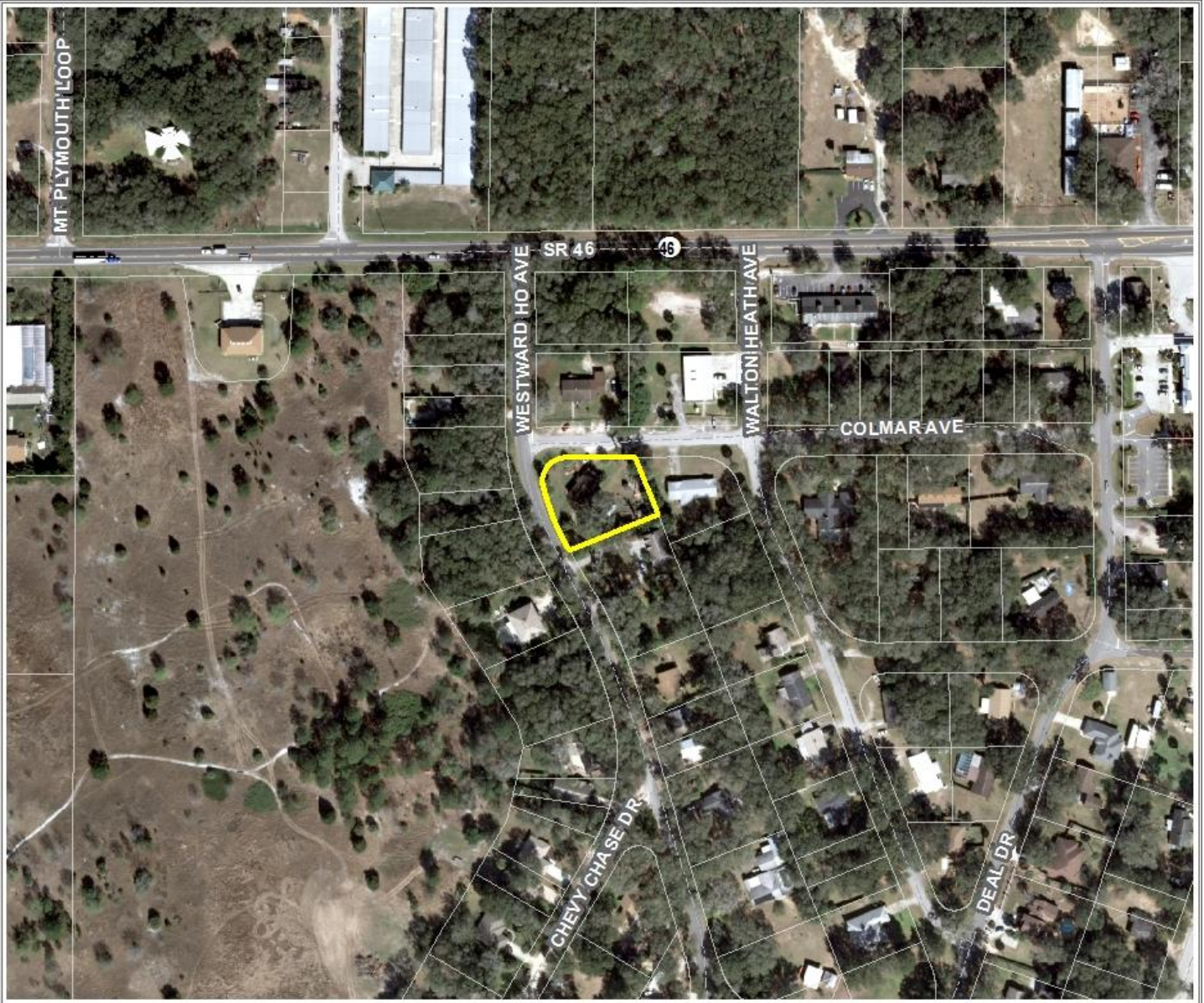


LAKE COUNTY PLANNING AND ZONING DIVISION
BOARD OF ZONING ADJUSTMENT STAFF REPORT



VAR-16-39-4 Boyd Property	Agenda Item #3	November 10, 2016
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Requested Action: Variance from Lake County Land Development Regulations Table 3.02.05 to allow a residential porch to be located 12.5 feet from the public right of way of Colmar Avenue in lieu of 25 feet from the public right of way as required for a secondary front setback.

Owner: Randall C. and Tina Y. Boyd

Applicant: Randall C. Boyd

- Site Location & Information -

Size	0.46 acres
Location	31416 Westward Ho Avenue, Sorrento, Florida
Alternate Key #	1753163
Future Land Use	Mount-Plymouth-Sorrento Neighborhood
Existing Zoning District	Urban Residential District (R-6)
Joint Planning Area	N/A
Commission District	4

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Mount-Plymouth-Sorrento Neighborhood	Urban Residential District (R-6)	Residence	Adjacent to Colmar Avenue
South	Mount-Plymouth-Sorrento Neighborhood	Urban Residential District (R-6)	Residence	
East	Mount-Plymouth-Sorrento Neighborhood	Urban Residential District (R-6)	Residence	
West	Mount-Plymouth-Sorrento Neighborhood	Urban Residential District (R-6)	Residence	Adjacent to Westward Ho Avenue

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance from Lake County Land Development Regulations Table 3.02.05 to allow a residential porch to be located 12.5 feet from the public right of way of Colmar Avenue in lieu of 25 feet from the public right of way as required for a secondary front setback.

- Summary of Analysis -

The applicant is requesting a variance from Lake County Land Development Regulations, Table 3.02.05 to allow a residential porch to be located 12.5 feet from the public right of way of Colmar Road in lieu of 25 feet from the public right of way as required for a secondary front setback.

The parcel is zoned Urban Residential District with a Mount Plymouth Sorrento Neighborhood Future Land Use Category and is approximately 0.46 acres in size. The parcel does not lie within the 100-year flood zone. There is an existing single family dwelling unit and accessory residential structures located on the property. The existing home on the property does not meet the minimum required secondary front setback from Colmar Avenue.

The Applicant is requesting a variance for a lesser setback so that a porch may be added to the front of their home. A variance is required as the porch is unable to meet the required secondary front setback due to the existing house not meeting the minimum secondary front setback. When the home was constructed it was built 17.8 feet from the right of way of Colmar Road rather than the required 25 feet from the right of way. Only a portion of the proposed porch will not meet the 25 foot

setback from Colmar Road because the home is not parallel to Colmar Road. The proposed front porch is angled away from the road and as a result, only a portion of the proposed porch is within 25 feet of the right of way, see Attachment 1.

The **intent** of the Code (Table 3.02.05) is to ensure the adherence of safe distances between structures and right-of-ways.

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

“At the N.E. corner of the requested porch we would not meet the setback. However, in less than 10’ we exceed the 25’ requirements due to the position of the home on the lot. Other portions of the home are meeting setbacks”

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**:

“At purchase of home the home has never met the current setback regulations of 25’ [from the ROW required for a secondary frontage lot]. Without the variance approval we would not be able to add on due to the original construction.”

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

- The request is consistent with the intent of LDR Table 3.02.05, which ensures the adherence of safe distances between structures and right-of-ways.
- A portion of the proposed residential porch does satisfy the 25 foot secondary front setback from the public right of way.

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 Table 3.02.05 to allow a residential porch to be located 12.5 feet from the public right of way of Colmar Avenue in lieu of 25 feet from the public right of way as required for a secondary front setback.

WRITTEN COMMENTS FILED:

Supportive: -0-

Concern: -0-

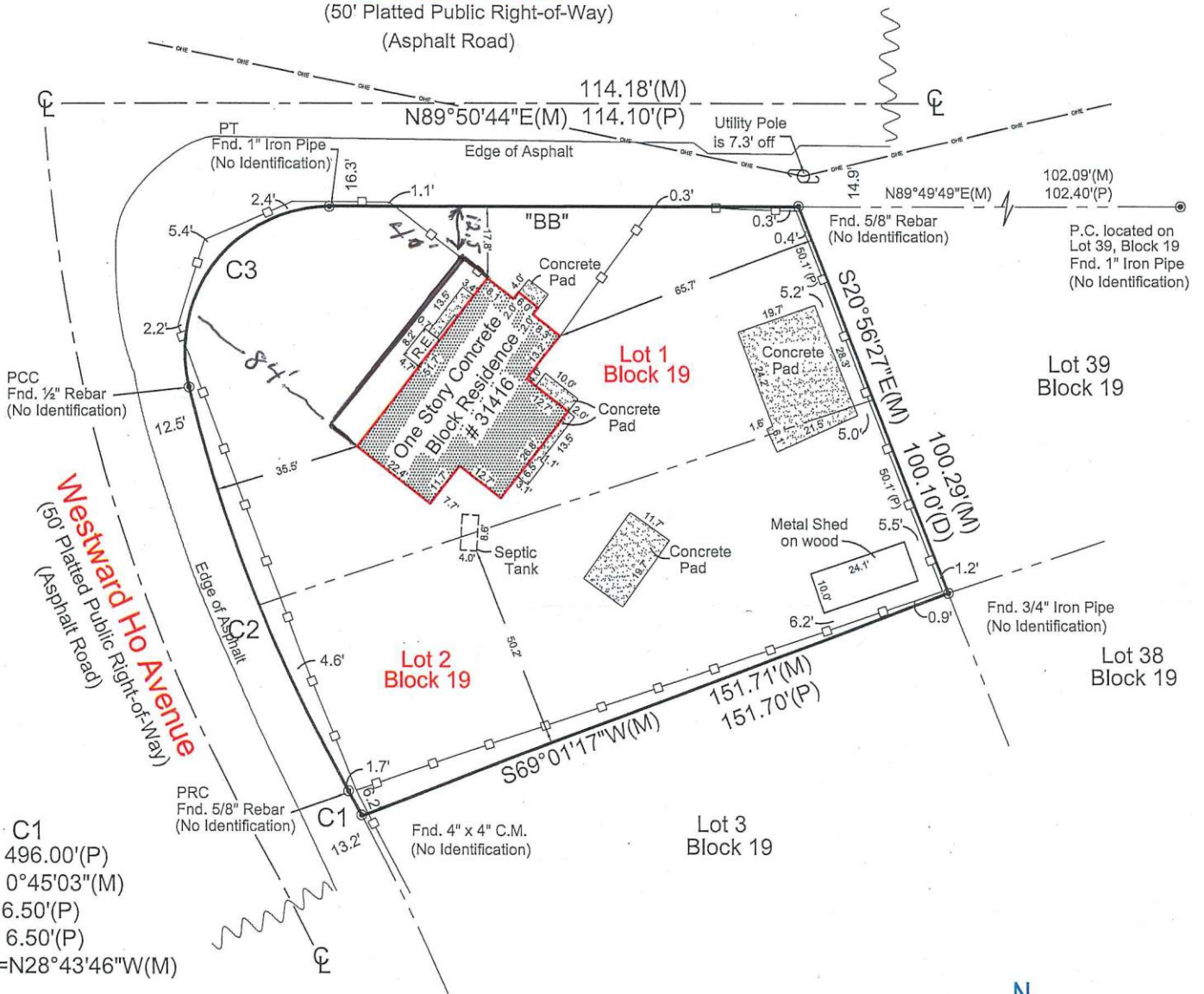
Opposition: -0-

Christine Rice, Planner

Attachment 1

Colmar Avenue

(50' Platted Public Right-of-Way)
(Asphalt Road)



C1
 R = 496.00'(P)
 Δ = 0°45'03"(M)
 L = 6.50'(P)
 C = 6.50'(P)
 CB=N28°43'46"W(M)

C2
 R = 385.00'(P)
 Δ = 15°43'49"(M)
 L = 105.70'(M)
 C = 105.37'(M)
 CB=N21°14'23"W(M)

C3
 R = 35.70'(P)
 Δ = 102°39'10"(M)
 L = 63.96'(M)
 C = 55.74'(M)
 CB=N37°57'06"E(M)

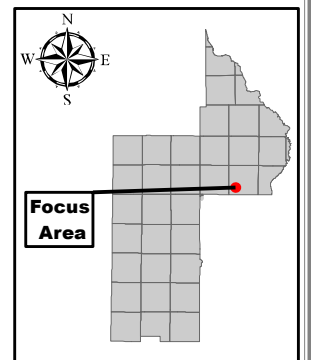




FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban Low Density |
| Cagan Crossings | 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: BOYD
CASE NUMBER: VAR-16-39-4
LOCATION (S-T-R): 29-19-28
REQUEST: SETBACK ADJUSTMENT

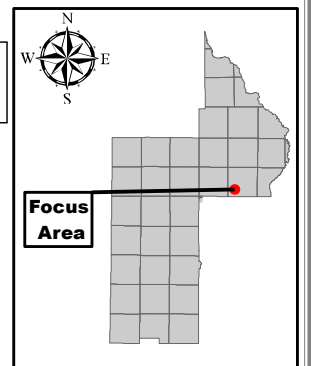




ZONING LEGEND

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	CF	

NAME: BOYD
CASE NUMBER: VAR-16-39-4
LOCATION (S-T-R): 29-19-28
REQUEST: SETBACK ADJUSTMENT



**Final Development Order
Randall C. and Tina Y. Boyd Property
VAR-16-39-4**

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

WHEREAS, Randall C. Boyd, (the "Applicant") on behalf of Randall C. Boyd and Tina Y. Boyd (the "Owners") requested a variance from Lake County Land Development Regulations (LDR) Table 3.02.05 to allow a residential porch to be located 12.5 feet from the public right of way of Colmar Avenue in lieu of 25 feet from the public right of way as required for a secondary front setback; and

WHEREAS, the subject property consists of 0.46 +/- acres and is generally located south of State Road 46 and adjacent to Westward Ho Avenue in the Sorrento area, having alternate key number 1753163; and more particularly described as:

Lots 1 and 2, Block 19, Mt. Plymouth Section "A", according to the map or plat thereof as recorded in Plat Book 8, Page 85, Public Records of Lake County, Florida.

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 November 10, 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 November 10, 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-16-39-4 from Lake County Land Development Regulations Table 3.02.05 to allow a residential porch to be located 12.5 feet from the public right of way of Colmar Avenue in lieu of 25 feet from the public right of way as required for a secondary front setback; 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 November 10, 2016.

EFFECTIVE November 10, 2016.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Donald Schreiner, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this November 10, 2016 by DONALD SCHREINER, who is personally known to me.

(SEAL)

Signature of Acknowledger

Serial Number: _____

My Commission Expires: _____

