

LAKE COUNTY PLANNING AND ZONING DIVISION
VARIANCE STAFF REPORT

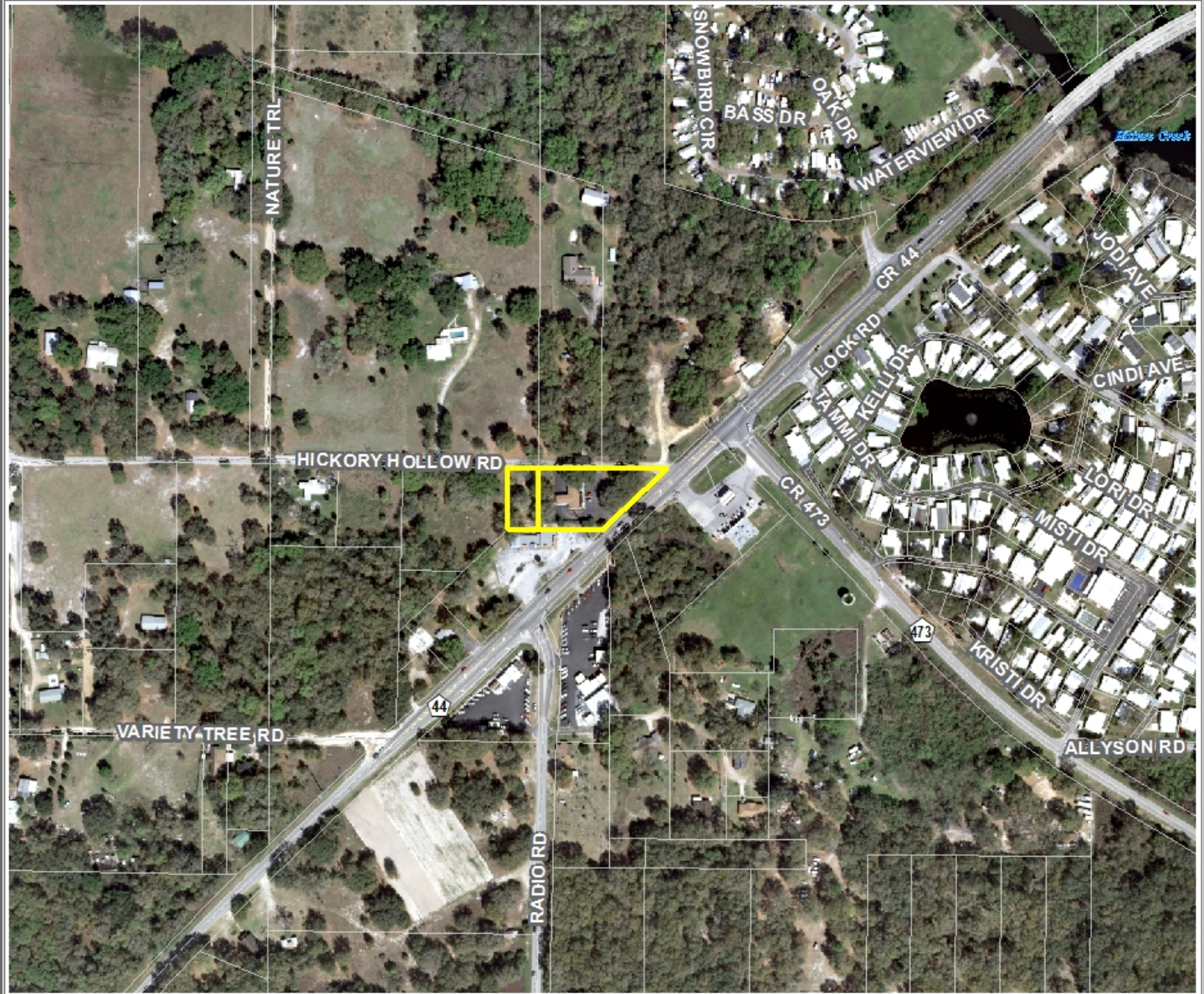


Board of Adjustment

September 8, 2016

LAKE COUNTY
FLORIDA

VAR-16-28-3 United Southern Bank Property	District 3	Agenda Item # 4
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Requested Action: A variance from Lake County Land Development Regulations Section 3.02.05 in order to obtain a setback of thirty (30) feet from Hickory Hollow Road in lieu of a setback of fifty (50) feet from Hickory Hollow Road for the construction of a new bank building.

Owner(s): United Southern Bank

Applicant(s): Greg Lewis, Senior Vice President

- Site Location & Information -

Size	0.74 +/- acres
Property Address	10021 County Road 44 West
Location	Generally located at the intersection of County Road 44 and Hickory Hollow Road in the Leesburg area.
Alternate Key No.	1388104 and 1388406
Future Land Use	Rural Transition
Zoning District	CP (Planned Commercial)
Overlay Districts	NA
Joint Planning Area/ISBA Area	Leesburg ISBA

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural Transition	Community Commercial District (C-2), Agriculture (A), and Urban Residential District (R-6)	Commercial building and single family residences	Adjacent to Hickory Hollow Road
South	Rural Transition	Planned Commercial (CP)	Commercial building	
East	Urban Low	Neighborhood Commercial (C-1)	Commercial building	Adjacent to County Road 44
West	Rural Transition	Agriculture	Vacant	

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of a variance from Lake County Land Development Regulations Section 3.02.05 in order to obtain a setback of thirty (30) feet from Hickory Hollow Road in lieu of a setback of fifty (50) feet from Hickory Hollow Road for the construction of a new bank building.

- Staff Analysis -

The subject property is 0.74 +/- acres in size and is generally located at the intersection of County Road 44 and Hickory Hollow Road in the Leesburg area. The property is zoned Planned Commercial (CP) in accordance with Ordinance #105-88 and is within the Rural Transition Future Land Use Category. Ordinance #105-88 states that the permitted use of the property will be limited to a branch bank. The property lies within the Lisbon Rural Support Corridor. Lake County Geographic Information Services (GIS) wetland map does not indicate the presence of wetlands on the property. According to the 2012 Federal Emergency Management Agency (FEMA) maps, there are no portions of the lot that lie within the 100-year flood zone.

There is an existing commercial building located on the property which will be demolished. Currently, staff is reviewing a Major Site Plan Application for the construction of a new bank building which will replace the demolished building. The Applicant stated that their small bank building design would have to be drastically altered in order to satisfy the required fifty (50) foot setback from Hickory Hollow Road. Since the small bank design cannot be built on the property and satisfy the required setback from Hickory Hollow Road the owner/applicant is applying for a variance to LDR Section 3.02.05.

The Applicant is requesting a variance to LDR Section 3.02.05 in order to obtain a setback of thirty (30) feet from Hickory Hollow Road in lieu of a setback of fifty (50) feet from Hickory Hollow Road for the construction of a new United Southern Bank building. This variance was suggested during the review of a Major Site Plan Application for the new bank building (Application Request #2903).

The **intent of the Code**, LDR Section 3.02.05, is to promote safety and aesthetic appeal as well as a reduction of other negative impacts that may be associated with land use activities.

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

"The new building will meet all LDR requirements with the exception of the minor encroachment. The building has been repositioned to meet the setback requirement for CR 44. We are amenable to all other requirements under the applicable LDR's. The setback from Hickory Hollow Road is onerous, given that it is a secondary road that serves residential properties and does not have a paved path to any other major roads."

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**:

"Parking, retention and setback requirements prohibit us from replacing the existing building with our standard branch building. Rehabbing the existing building is not economically feasible nor would it be esthetically desirable for the County or the bank. Our small bank building design would have to be drastically altered to meet the 50' setback requirements relative to Hickory Hollow Road. Additionally, the new building will sit no closer to Hickory Hollow Road than the existing building. In essence, we could not tear down and reconstruct the exact same building on site."

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

- This request is consistent with the remaining setback standards found in LDR Section 3.02.05.
- The proposed bank building will meet the required setback from County Road 44.
- This variance was suggested during the review of the Major Site Plan Application for the new United Southern Bank building.

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 variance to Land Development Regulation (LDR) Section 3.02.05 for a setback of thirty (30) foot from Hickory Hollow Road in lieu of a setback of fifty (50) feet from Hickory Hollow Road for a new United Southern Bank building.

WRITTEN COMMENTS FILED:

Support: -0-

Questions: -0-

Opposition: -0-

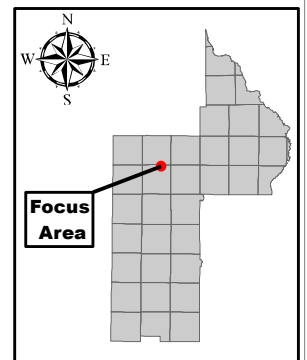
Case Manager: Christine Rice, Planner



FUTURE LAND USE LEGEND

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|--------------------------------|--|---------------------|----------------------|
| 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: UNITED SOUTHERN BANK
CASE NUMBER: VAR-16-28-3
LOCATION (S-T-R): 02, 03-19-25
REQUEST: SETBACK ADJUSTMENT



**Final Development Order
United Southern Bank
VAR-16-28-3**

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

WHEREAS, Greg Lewis, Senior Vice President (the "Applicant") and United Southern Bank ("the Owner") requested a variance from Land Development Regulations (LDR) Section 3.02.05 in order to obtain a setback of thirty (30) feet from Hickory Hollow Road in lieu of a setback of fifty (50) feet from Hickory Hollow Road for the construction of a new United Southern Bank building; and

WHEREAS, the subject property consists of 0.74 +/- acres and is generally located at the intersection of County Road 44 and Hickory Hollow Road in the Leesburg area, and having Alternate Key Numbers 1388104 and 1388406; and more particularly described as:

A parcel of land in Section 2 and 3, Township 19 South, Range 25 East, Lake County, Florida described as follows:

From the N.W. corner of the S.W. 1/4 of the N.W. 1/4 of Section 2, Township 19 South, Range 25 East, (same being the N.E. corner of the S.E. 1/4 of the N.E. 1/4 of Section 3, Township 19 South, Range 25 East), run thence N. 89°58'51" E. along the North line of said S.W. 1/4 of the N.W. 1/4, a distance of 80.80 feet and the point of beginning of this description; from said P.O.B. continue N. 89°58'51" E. along said North line of the S.W. 1/4 of the N.W. 1/4, 215.00 feet to the Westerly right-of-way of State Road No. 44; thence s. 45°51'00" W. along said Westerly right-of-way, 216.00 feet; thence leaving said right-of-way, run S.89°58'51" W., 215.00 feet; thence N. 0°01'09" W., 150.46 feet to the North line of said S.W. 1/4; thence N. 89°58'51" E, along the North line of said S.W. 1/4, 155.03 feet to the P.O.B. LESS right-of-way for County Road.

Subject to easements, rights-of-way and restrictions of record.

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 September 8, 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 September 8, 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-16-28-3 from Land Development Regulations Section 3.02.05 in order to obtain a setback of thirty (30) feet from Hickory Hollow Road in lieu of a setback of fifty (50) feet from Hickory Hollow Road for the construction of a new bank building; 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 September 8, 2016.

EFFECTIVE September 8, 2016.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Donald Schreiner, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this September 8, 2016 by DONALD SCHREINER, who is personally known to me.
(SEAL)

Signature of Acknowledger

Serial Number: _____

My Commission Expires: _____