

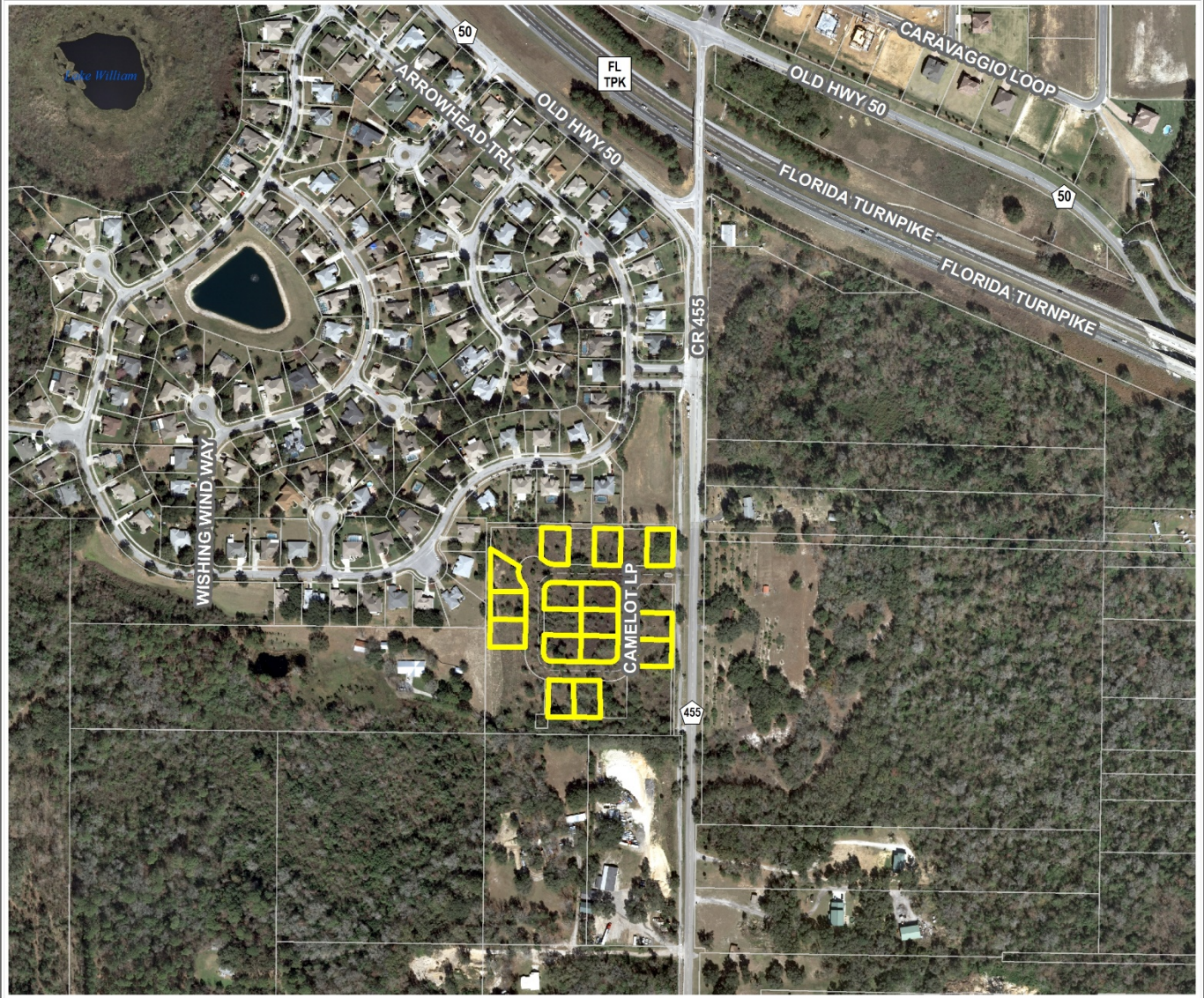
LAKE COUNTY PLANNING AND ZONING DIVISION
BOARD OF ZONING ADJUSTMENT STAFF REPORT

Board of Adjustment



September 14, 2017

VAR-17-33-2 Victoria Estates at Clermont, LLC Properties	Commissioner District 2	Agenda Item #2
--	-------------------------	----------------



Requested Action: Variance from Lake County Land Development Regulations (LDR) Section 3.02.06 *Density, Impervious Surface, Floor Area and Height Requirements*, to allow Victoria Estates Subdivision lots 1, 3, 5, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19 and 21 to be developed with a maximum of sixty (60) percent impervious surface ratio in lieu of forty-five (45) percent.

Owner: Victoria Estates at Clermont, LLC (the "Owner")

Applicant: Fred Boutros, as the registered agent for Victoria Estates at Clermont, LLC (the "Applicant")

- Site Location & Information -

Size	0.23 +/- acres to 0.37 +/- acres (each lot)
Location	Camelot Loop, Clermont, FL 34711
Alternate Key #	3902842, 3902844, 3902846, 3902848, 3902849, 3902850, 3902851, 3902852, 3902854, 3902855, 3902857, 3902858, 3902859, 3902860 and 3902862
Future Land Use	Urban Low
Existing Zoning District	Medium Suburban Residential District (R-4)
Overlay Protection Area	Lake Apopka Basin
Joint Planning Area	Clermont Joint Planning Area
Commission District	2

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	PUD (Planned Unit Development)	Residence	Single Family Residences
South	Urban Low	A (Agriculture)	Residence	Single Family Residences on large tracts
East	N/A	N/A	Road	County Road 455
West	Urban Low	PUD (Planned Unit Development) and A (Agriculture)	Residence	Single Family Residences

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL with Conditions** of the variance from Lake County Land Development Regulations (LDR) Section 3.02.06 *Density, Impervious Surface, Floor Area and Height Requirements*, to allow Victoria Estates Subdivision lots 1, 3, 5, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19 and 21 to be developed with a maximum of sixty (60) percent impervious surface ratio in lieu of forty-five (45) percent.

- Summary of Analysis -

The subject properties are located within the Victoria Estates Subdivision as recorded in Public Records, Lake County, Florida. The final plat was approved by the Board of County Commissioners (BCC) on June 7, 2017 and recorded in the Lake County Public Record (Plat Book 68, Page 28) on June 28, 2016. The subdivision is zoned Medium Suburban Residential District (R-4) with an Urban Low Future Land Use Category. The subdivision is located within the Clermont Joint Planning Area, Clermont Interlocal Service Boundary, and Lake Apopka Basin Overlay District. According to GIS map data, the 15 lots within the subdivision area do not lie with a floodplain area, and there is no indication that wetlands exist on the lots.

The purpose of the Medium Suburban Residential District (R-4) is to provide for a medium density single-family usage in a suburban or rapidly urbanizing area. Pursuant to the approved construction plans for the subdivision (Attachment A), the lot sizes range from 10,050 square feet to 16,181 square feet, and with a maximum impervious surface ratio of forty-five (45) percent, both which are consistent with the R-4 zoning district.

The applicant is requesting a variance to develop 15 lots within the Victoria Estates Subdivision with a maximum of sixty (60) percent impervious surface ratio. The applicant has submitted the model home floor plans that the developer has approved specifically for lots within the subdivision. The model homes floor plans are within the maximum impervious surface ratio of forty-five (45) percent. The model homes floor plan information are listed below:

1. Jullien Model Home, which is a four (4) bedroom, three (3) bath with two (2) car garage model home that contains a living area of 2,651 square feet and a total area of 3,379 square feet (60' x 59'-6");
2. Jullien Model Home, which is a four (4) bedroom, three (3) bath with three (3) car garage that contains a living area of 2,651 square feet and a total area of 3,592 square feet (70' x 59'-6");
3. Jullien Plus Model Home, which is a four (4) bedroom, three (3) bath with three (3) car garage that contains a living area 2800 square feet and a total area of 3,740 square feet (70' x 59'-6");
4. Kate Model Home, which is a four (4) bedroom, three (3) bath with three (3) car garage that contains a living area of 2,806 square feet and a total area of 3,661 sf (52'-6" x 70');
5. Isabel Model Home, which is a four (4) bedroom, three (3) bath with three (3) car garage that contains a living area of 2,964 square feet and a total area of 4,128 sf (70' x 65'-6");
6. Victoria Model Home, which is a four (4) bedroom, three (3) bath with three (3) car garage that contains a living area of 3,021 square feet and a total area of 3,994 square feet or an optional total area of 4,097 square feet (70' x 59'-6");
7. Charlotte Model Home, which is a two (2) story residence, four (4) bedroom, four (4) bath with three (3) car garage that contains a living area of 3,507 square feet and a total area 4,405 square feet (52'-6" x 70');
8. Elizabeth Model Home, which is a four (4) bedroom, three (3) bath with a three (3) car garage that contains 3,856 square feet and a total area of 4,788 square feet or an optional total area of 4,959 square feet (70' x 59'-6");
9. Wyndham Model Home, which is a two-story residence, five (5) bedroom, three and a half (3.5) bath with two (2) car garage that contains a living area of 4,227 square feet and total area of 4,846 square feet (59'-8" x 50'); and
10. Wyndham Plus Model Home, which is a six (6) bedroom, four and a half (4.5) bath with three (3) car garage that contains a living area of 4,486 square feet and total area of 5,316 square feet (70' x 50').

However, the Applicant would like to accommodate a pool, deck, and pool enclosure to be constructed on the each of the 15 lots. This would be consistent with the Lake County Comprehensive Plan Policy I-1.3.2 *Urban Low Future Land Use Category*, which allows properties within this Future Land Use Category to be developed with an impervious surface ratio of up sixty (60) percent. As an example, the owner/applicant submitted a plot plan with a final layout for lot 11 (Attachment "B") that shows the existing impervious surface ratio calculation (45 percent) and the proposed project impervious surface ratio calculation (57.49 percent), which will be similar for the other 14 lots.

Pursuant to Land Development Regulations (LDR) Section 3.02.06 *Density, Impervious Surface, Floor Area and Height Requirements*, any parcel zoned Medium Suburban Residential District (R-4) is allowed a maximum impervious surface ratio of thirty-five (35) percent. Pursuant to Comprehensive Plan Policy I-1.3.2 *Urban Low Density Future Land Use Category*, any parcel located within this future land use category is allowed a maximum impervious surface ratio of sixty (60) percent. Impervious surface is any surface which has been compacted or covered with a layer of material that is highly resistant to infiltration by water, and includes semi-pervious surfaces such as compacted clay, in addition to most conventionally surfaced street, roofs, sidewalks, parking lots and other similar surfaces.

The **intent of the Code**, LDR Section 3.02.06, is to describe the specific uses and restrictions that apply to the zoning districts established in the regulations. The owner/applicant submitted several model home designs that area specific

for the lots within the subdivision. The zoning district allows a maximum impervious surface ratio of forty-five (45) percent and the future land use category allows a maximum impervious surface ratio of sixty (60) percent. The proposed impervious surface ratio is consistent with the Comprehensive Plan.

The Lake County Land Development Regulations Section 14.15.02 states that variances shall be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The applicant has submitted a hardship request indicated that the model home floor plans designated for the community are at a maximum impervious surface ratio of forty-five (45) percent and has indicated that in order to make the lot appealing to the potential homebuyer, the contractor would like to add a pool, pool deck and pool screen enclosure, not being able to accommodate a pool, pool deck and pool screen enclosure would violate the principals of fairness for both the developer and potential homebuyer.

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

"Without a variance being granted to the impervious surface ratio for the lots, due to the home sizes compared to the lot sizes, it would not be possible to accommodate homebuyers' requests to have swimming pools installed. Home Models designated for this community are using approx. 45% ISR. Clients requesting a pool would increase the ISR to approx. 60%. An inability to meet client requests for pools on the lots will have a detrimental impact on the ability to market and sell homes on the lots."

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**:

"Pervious and/or semi-pervious pavers and materials, to the extent possible, will be utilized at pool decks in order to meet the general intent and purposes of the Land Development Regulations."

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

- This request is consistent with Land Development Regulations (LDR) Section 3.00.02(J) Purpose and Intent of District, which describes the intent of the Medium Suburban Residential (R-4) Zoning District;
- This request is consistent with Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, which permits single-family dwelling units in the Medium Suburban Residential (R-4) Zoning District;
- This request is consistent with Comprehensive Plan Policy I-1.3.2 Urban Low Density Future Land Use Category, which allows residential uses as a permitted use; and
- This request is consistent with Comprehensive Plan Policy I-1.3.2 Urban Low Density Future Land Use Category, which allows a maximum impervious surface ratio of sixty (60) percent.

The owner/applicant has submitted proof of meeting the intent of the Code and has provided evidence of a substantial hardship indicating that the application of the Code would likely violate principles of fairness. Based on the Findings of Fact and Analysis stated above, staff recommends **Approval with Conditions** of the Variance from Lake County Land Development Regulations (LDR) Section 3.02.06 *Density, Impervious Surface, Floor Area and Height Requirements*, to allow Victoria Estates Subdivision lots 1, 3, 5, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19 and 21 to be developed with a maximum of sixty (60) percent impervious surface ratio in lieu of forty-five (45) percent with the following conditions:

1. Each plot plan for the proposed project must show the impervious surface calculations (existing and proposed). The impervious surface ratio must not exceed sixty (60) percent.
2. Pool decks are to be constructed of pervious or semi-pervious paver material. The paver and semi-pervious material must be labeled on each plot plan prior to approval.

WRITTEN COMMENTS FILED:

Supportive: -0-

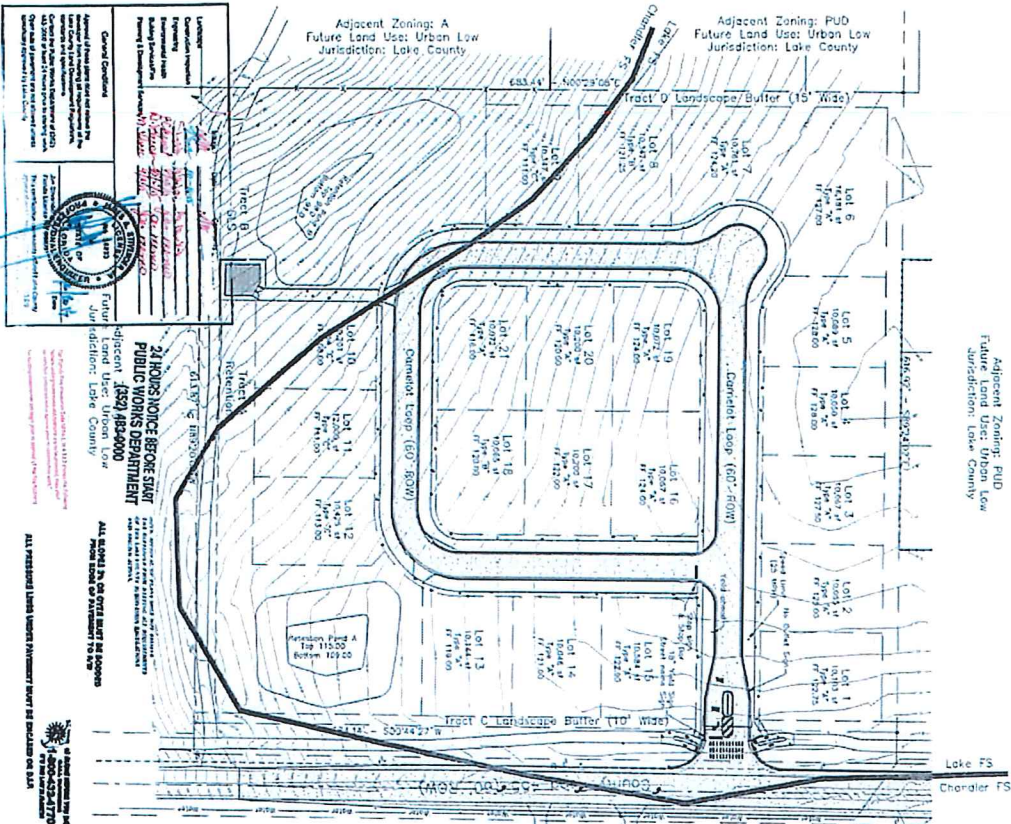
Concern: -0-

Opposition: -0-

Case Manager: Janie Barrón, Planner

Attachment "A" Final Construction Plans

Victoria Estates - Final Construction Plans Alt Key: 1110254



Category	Item	Notes
General Conditions	1. All work shall be in accordance with the approved plans and specifications.	
	2. The contractor shall be responsible for obtaining all necessary permits and licenses.	
	3. The contractor shall maintain access to all adjacent properties at all times.	
	4. The contractor shall be responsible for the removal and disposal of all debris.	
Professional Engineer	1. The plans were prepared by the undersigned professional engineer.	
	2. The plans were prepared in accordance with the Florida Engineering Code of Ethics.	
	3. The plans were prepared in accordance with the Florida Engineering Board's rules and regulations.	
	4. The plans were prepared in accordance with the Florida Engineering Board's standards of practice.	

24 HOURS NOTICE BEFORE START
PUBLIC WORKS DEPARTMENT
CLERMONT, FLORIDA 34501
ALL RIGHTS BY THE OWNER ARE RESERVED
PROVIDED THAT THE WORK IS IN ACCORDANCE WITH THE CITY OF CLERMONT'S STANDARDS AND SPECIFICATIONS FOR PUBLIC WORKS.



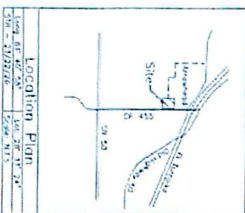
Adjacent Zoning: A
Future Land Use: Urban Low
Jurisdiction: Lake County



- Schedule of Drawings**
- CO - Subdivision Cover Sheet
 - C1 - Preliminary Plan
 - C2 - Final Subdivision Plat
 - C2.1 - Preliminary Utility Plan
 - C3 - Subdivision Utility Plan
 - C4 - Plan & Profile #1
 - C5 - Plan & Profile #2
 - C6 - Plan & Profile #3
 - C7 - Plan & Profile #4
 - C8 - Turn Lane & Driveway Plan
 - C9 - Site Visibility Plan
 - C10 - Drainage Details & Sections
 - C11 - Erosion Control Details
 - C12 - Culvert Standard General Notes
 - C13 - Culvert Standard General Notes
 - C14 - Culvert Standard General Notes
 - C15 - Culvert Standard General Notes
 - C16 - Culvert Standard General Notes
 - C17 - Culvert Standard General Notes
 - C18 - Culvert Standard General Notes
 - C19 - Culvert Standard General Notes
 - C20 - Culvert Standard General Notes
 - C21 - Culvert Standard General Notes
 - C22 - Culvert Standard General Notes
 - C23 - Culvert Standard General Notes
 - C24 - Culvert Standard General Notes
 - C25 - Culvert Standard General Notes
 - C26 - Culvert Standard General Notes
 - C27 - Culvert Standard General Notes
 - C28 - Culvert Standard General Notes
 - C29 - Culvert Standard General Notes
 - C30 - Culvert Standard General Notes
 - C31 - Culvert Standard General Notes
 - C32 - Culvert Standard General Notes
 - C33 - Culvert Standard General Notes
 - C34 - Culvert Standard General Notes
 - C35 - Culvert Standard General Notes
 - C36 - Culvert Standard General Notes
 - C37 - Culvert Standard General Notes
 - C38 - Culvert Standard General Notes
 - C39 - Culvert Standard General Notes
 - C40 - Culvert Standard General Notes
 - C41 - Culvert Standard General Notes
 - C42 - Culvert Standard General Notes
 - C43 - Culvert Standard General Notes
 - C44 - Culvert Standard General Notes
 - C45 - Culvert Standard General Notes
 - C46 - Culvert Standard General Notes
 - C47 - Culvert Standard General Notes
 - C48 - Culvert Standard General Notes
 - C49 - Culvert Standard General Notes
 - C50 - Culvert Standard General Notes

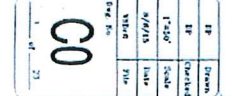
Legal Description:
Subdivision cover sheet for the proposed subdivision consisting of 21 lots, more or less, situated in the County of Lake, State of Florida, and being the same as shown on the subdivision map filed for record in Public Records of Lake County, Florida, Book 1110254, Page 1. The subdivision is bounded on the north by the subdivision map filed for record in Public Records of Lake County, Florida, Book 1110254, Page 1; on the east by the subdivision map filed for record in Public Records of Lake County, Florida, Book 1110254, Page 1; on the south by the subdivision map filed for record in Public Records of Lake County, Florida, Book 1110254, Page 1; and on the west by the subdivision map filed for record in Public Records of Lake County, Florida, Book 1110254, Page 1.

Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	10,000	10,000	10,000
2	10,000	10,000	10,000
3	10,000	10,000	10,000
4	10,000	10,000	10,000
5	10,000	10,000	10,000
6	10,000	10,000	10,000
7	10,000	10,000	10,000
8	10,000	10,000	10,000
9	10,000	10,000	10,000
10	10,000	10,000	10,000
11	10,000	10,000	10,000
12	10,000	10,000	10,000
13	10,000	10,000	10,000
14	10,000	10,000	10,000
15	10,000	10,000	10,000
16	10,000	10,000	10,000
17	10,000	10,000	10,000
18	10,000	10,000	10,000
19	10,000	10,000	10,000
20	10,000	10,000	10,000
21	10,000	10,000	10,000



TRACT TABLE

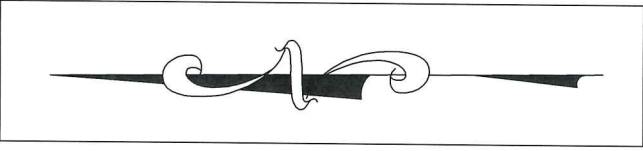
TRACT NO.	AREA (SQ. FT.)	AREA (SQ. FT.)	AREA (SQ. FT.)
1	10,000	10,000	10,000
2	10,000	10,000	10,000
3	10,000	10,000	10,000
4	10,000	10,000	10,000
5	10,000	10,000	10,000
6	10,000	10,000	10,000
7	10,000	10,000	10,000
8	10,000	10,000	10,000
9	10,000	10,000	10,000
10	10,000	10,000	10,000
11	10,000	10,000	10,000
12	10,000	10,000	10,000
13	10,000	10,000	10,000
14	10,000	10,000	10,000
15	10,000	10,000	10,000
16	10,000	10,000	10,000
17	10,000	10,000	10,000
18	10,000	10,000	10,000
19	10,000	10,000	10,000
20	10,000	10,000	10,000
21	10,000	10,000	10,000



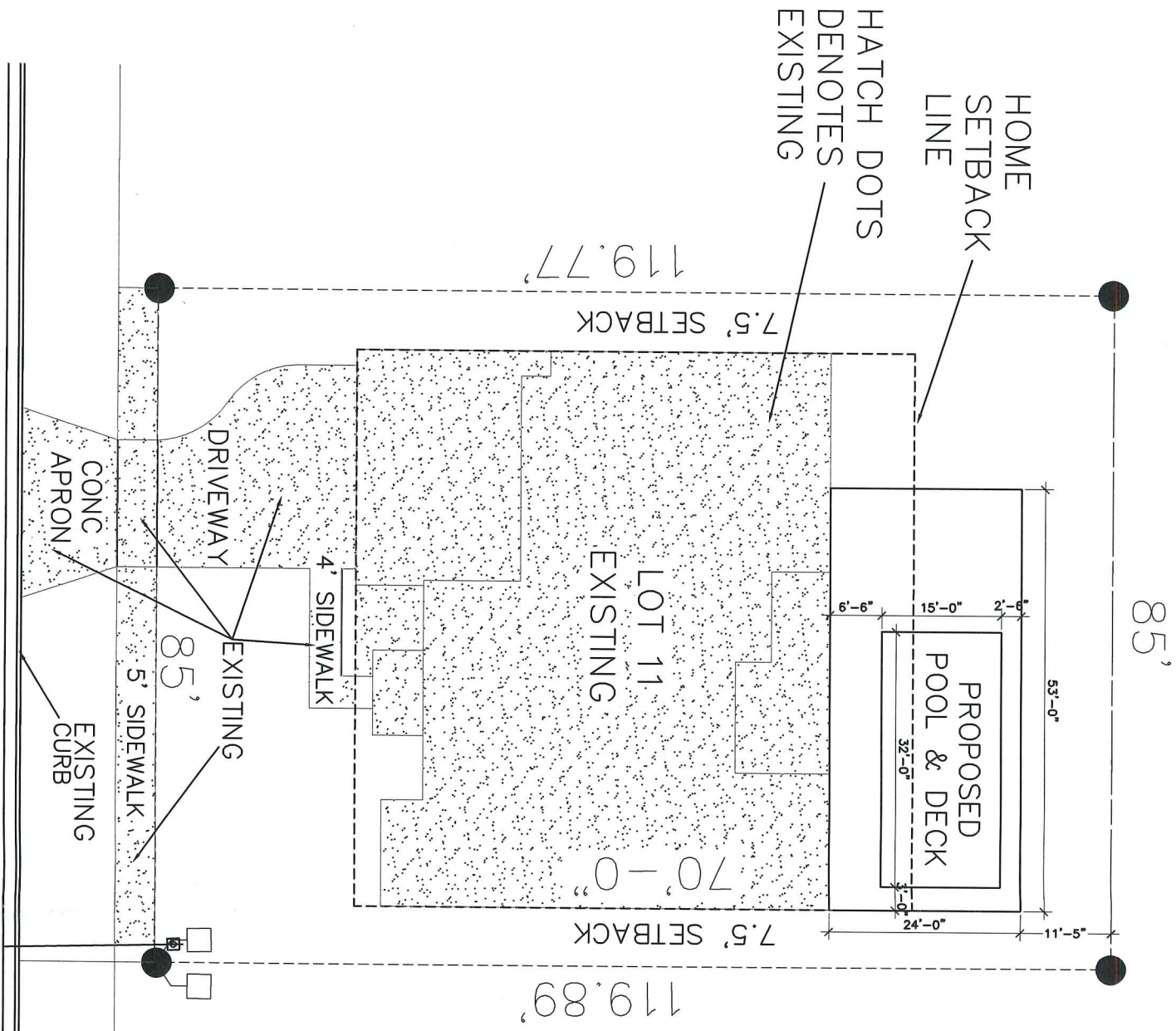
Final Construction Plans Cover Sheet
Victoria Estates Subdivision
County Road 455, Clermont, Florida 34711

Unroe Engineering, Inc
Civil Engineering/Planning/Scientific Evaluation
PO Box 640042, Orlando, FL 32069-0042
Business Authorization Number: EB 00006578 ph (407) 299-0650

NO.	DATE	DESCRIPTION	BY
1	11/11/11	NO CHANGE	
2			
3			
4			
5			
6			
7			
8			
9			
10			



CAMELOT LOOP



EXISTING SITE DATA	
EXISTING RESIDENCE	3958 SQ. FT.
DRIVEWAY/WALK	633 SQ. FT.
TOTAL IMPERVIOUS LOT AREA (PROPERTY LINE TO CURB NOT INCLUDED)	4591 SQ. FT. 10200 SQ. FT.
I.S.R. %	45.00 %

PROPOSED SITE DATA	
EXISTING RESIDENCE	3958 SQ. FT.
EXISTING DRIVEWAY/WALK	633 SQ. FT.
PROPOSED POOL AREA	1272 SQ. FT.
TOTAL IMPERVIOUS LOT AREA (PROPERTY LINE TO CURB NOT INCLUDED)	5863 SQ. FT. 10200 SQ. FT.
I.S.R. %	57.49 %

1312 BOWMAN ST.
CLERMONT, FL. 34711
P (352)394-1032
F (352)394-1794
www.pillarhomes.us



PROJECT
LOT 11 VICTORIA ESTATES
0000 CAMELOT LOOP,
CLERMONT, FL. 34711
CLIENT
PILLAR HOMES

S. Q. FTG.
1ST FLR. 3026
BONUSRM. 822
TOTAL 3848
GARAGE 615
CLANAL 249
ENTRY 68
TOTAL 4780

ELIZABETH:
3 CAR GARAGE
(LEFTHAND)
ELEVATION "B"

SHEET NO.
2 OF 20
SITE PLAN
1" = 20'-0"

WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR DIMENSIONS AND CONDITIONS OF THE JOB PRIOR TO CONSTRUCTION. 2016 PILLAR HOMES

Final Development Order
VAR-17-33-2
Victoria Estates at Clermont, LLC Properties

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

WHEREAS, Fred Boutros, as the registered agent for Victoria Estates at Clermont, LLC (the "Owner" and the "Applicant") requested a variance from Lake County Land Development Regulations (LDR) Section 3.02.06 *Density, Impervious Surface, Floor Area and Height Requirements*, to allow Victoria Estates Subdivision lots 1, 3, 5, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19 and 21 to be developed with a maximum impervious surface ratio of sixty (60) percent in lieu of a maximum impervious surface ratio of forty-five (45) percent; and

WHEREAS, the subject properties consist of 0.23 +/- acres to 0.37 +/- acres each and are located east of County Road 455 in the Clermont area, in Section 23, Township 22 South, Range 26 East, having Alternate Key Numbers 3902842, 3902844, 3902846, 3902848, 3902849, 3902850, 3902851, 3902852, 3902854, 3902855, 3902857, 3902858, 3902859, 3902860 and 3902862 and are more particularly described below as:

Lots 1, 3, 5, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19 and 21, Victoria Estates Subdivision, according to the plat as recorded in Plat Book 68, Pages 28, of the Public Records of Lake County, Florida.

WHEREAS, after giving notice of a hearing on a petition for a variance from the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on September 14, 2017; and

WHEREAS, the Board of Adjustment reviewed the 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 14, 2017, 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-17-33-2 to allow the property to be developed with a maximum impervious surface ratio of sixty (60) percent in lieu of a maximum impervious surface ratio of forty-five (45) percent with the following conditions:

1. Each plot plan for the proposed project must show the impervious surface ratio calculations (existing and proposed). The impervious surface ratio must not exceed sixty (60) percent for each plot plan.
2. Pool decks are to be constructed of pervious or semi-pervious paver material. The paver and semi-pervious material must be labeled on each plot plan prior to approval.

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, the holding will in no way affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this 14th day of September, 2017.

EFFECTIVE September 14, 2017.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Catherine Hanson, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 14th day of September, 2017, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

Signature of Acknowledger