

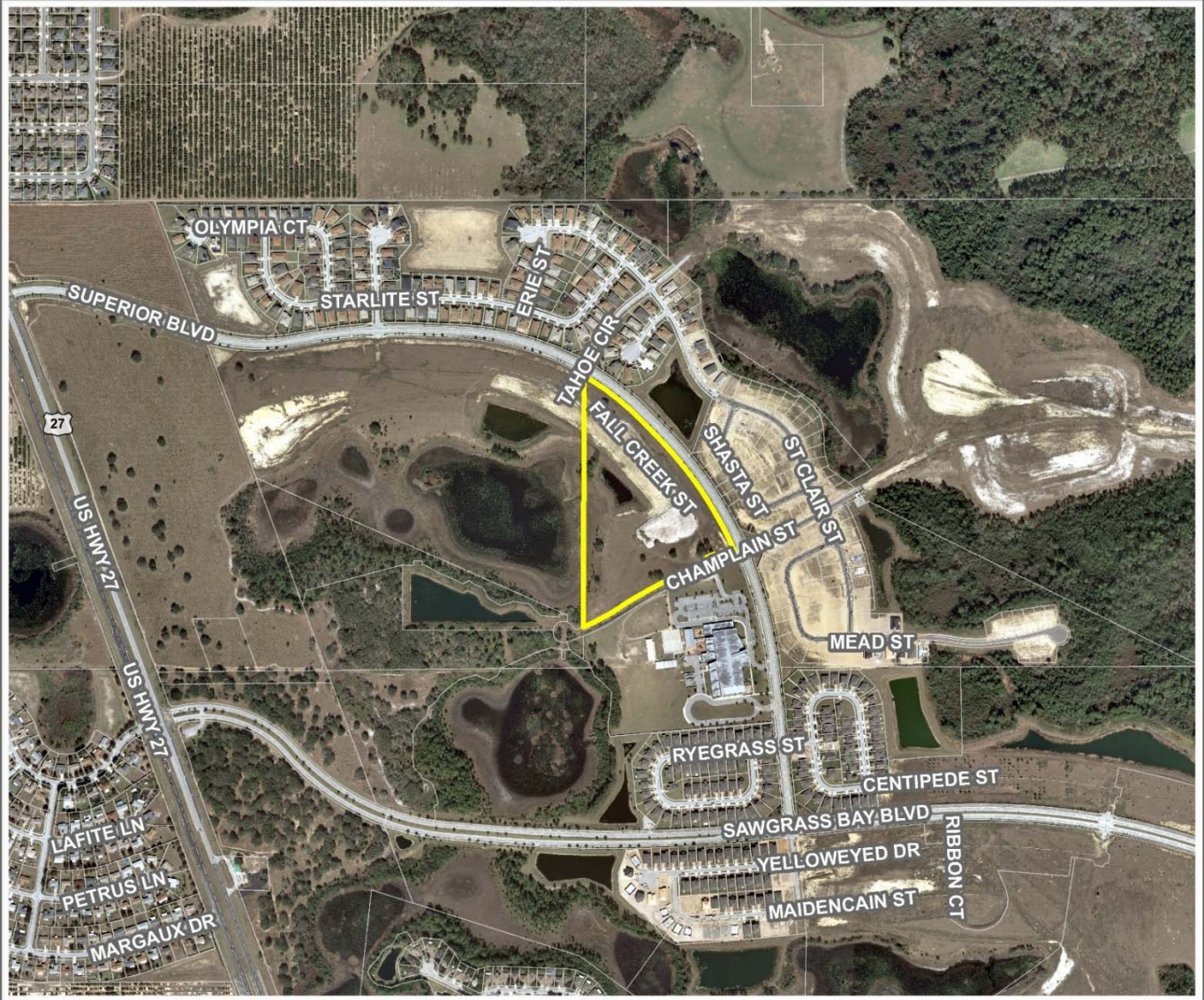
LAKE COUNTY PLANNING AND ZONING DIVISION
VARIANCE STAFF REPORT

Board of Adjustment



March 9, 2017

VAR-17-02-1	District 1 Commissioner Sullivan	Agenda Item #2
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Requested Action: Variance from Lake County Land Development Regulations (LDR), LDR Section 6.01.04.A.1 to allow a single family dwelling unit and associated accessory structures to be located 41 feet from the jurisdictional wetland line in lieu of 50 feet.

Owner and Applicant: Home Dynamics Sawgrass LLC

- Site Location & Information -

Size	0.20 +/- acres
Property Address	16001 Champlain Street, Clermont, FL 34711
Location	West of Superior Boulevard and North of Champlain Street area
Alternate Key No.	3906049
Future Land Use	Urban Low
Zoning District	PUD (Planned Unit Development)
Overlay Districts	N/A
Joint Planning Area/ISBA Area	N/A

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	Planned Unit Development	Residential	Single Family Residence
South	Urban Low	Planned Unit Development	School	Elementary School
East	Urban Low	Planned Unit Development	Residential	Single Family Residence
West	Urban Low	Planned Unit Development	Residential	Vacant

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance from Lake County Land Development Regulations (LDR), LDR Section 6.01.04.A.1 to allow a single family dwelling unit and associated accessory structured to be located 41 feet from the jurisdictional wetland line in lieu of 50 feet.

- Staff Analysis -

The subject property is 0.20 +/- acres in size and is generally located west of Superior Boulevard and north of Champlain Street in the Clermont area. The property is vacant. According to the 2012 Federal Emergency Management Agency (FEMA) map, the property lies partially within flood zone "A" and "X".

The original preliminary plan and construction plan approval for 5 phases of Greater Lakes were approved in 2005; due to the economy the final plat approval for each phase was completely individually. In 2015, the property received Preliminary Plat approval from the Planning and Zoning Division and they received Construction Plan approval from Public Works. The Final Plat was submitted in 2016 and at that time the developer elected not to record it until the construction of the infrastructure was completed as they did not want to post a performance bond. The subject property was previously described as Lot 264 of Greater Lakes Phase 3, of the Greater Lakes Phase 3 subdivision, as originally shown on the Developer's Agreement, as recorded in ORB 4788 PG 1486. The plat was recorded on January 25, 2017.

Lake County Land Development Regulations (LDR) Section 6.01.04.A. requires Principal structures, structures, buildings, and impervious surface, excluding water dependent structures, shall be located at least (50) feet from the ordinary high water line, mean high water line, or jurisdictional wetland line, whichever is further landward. Comprehensive Plan Policy III-2.2.7 *Protection of Shorelines*, establishes a fifty (50) foot setback from the mean high water line (MWWL) or the jurisdictional wetland line (JWL), whichever is further landward, for development adjacent to natural water bodies and wetland areas.

The owner is proposing to construct a single-family dwelling unit on the subject property and is unable to construct the proposed single family dwelling unit due to the setback requirements set by the Land Development Regulations (LDR) and Comprehensive Plan. The owner has exhausted every possible option to construct the proposed single-family dwelling unit; as the parcel is in a PUD, the setbacks were established by the approved ordinance in 2005 (ordinance

#2005-7) so relief from the setbacks established by the ordinance is not possible.

To accommodate the proposed residence, the owner/applicant is requesting a variance to allow a single-family dwelling unit and associated accessory structured to be located 41 feet from the jurisdictional wetland line in lieu of 50 feet.

Comprehensive Plan Policy III-2.2.7(5), states that a variance to the fifty (50) foot setback requirements 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.

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**, LDR Section 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**:

"This lotting configuration was approved in 2005 when the County approved the Preliminary Plat. Final Engineering Plans for this lot were also approved in 2005 with setbacks based on the approved PUD ordinance. The County Comprehensive Plan was modified in 2011 to require a 50-foot building setback from the wetland line. The lot limits were already set at that time base on construction of Superior Blvd."

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**:

"The wetland limits have been placed in a recorded conservation easement and conservation area signs are required at the wetland line to notify homeowners to stay out of the area."

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

1. This request is consistent with the entire LDR Section 6.01.04, which lays out several criteria in order to development on a property with wetlands.
2. The request is consistent with the Lake County Comprehensive Plan Policy III-2.2.7 *Protection of Shorelines*.

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 6.01.04.A.1 to allow a single-family dwelling unit, associated accessory structures and additions to be constructed a minimum of 41 feet from the jurisdictional wetland line in lieu of 50 feet 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:

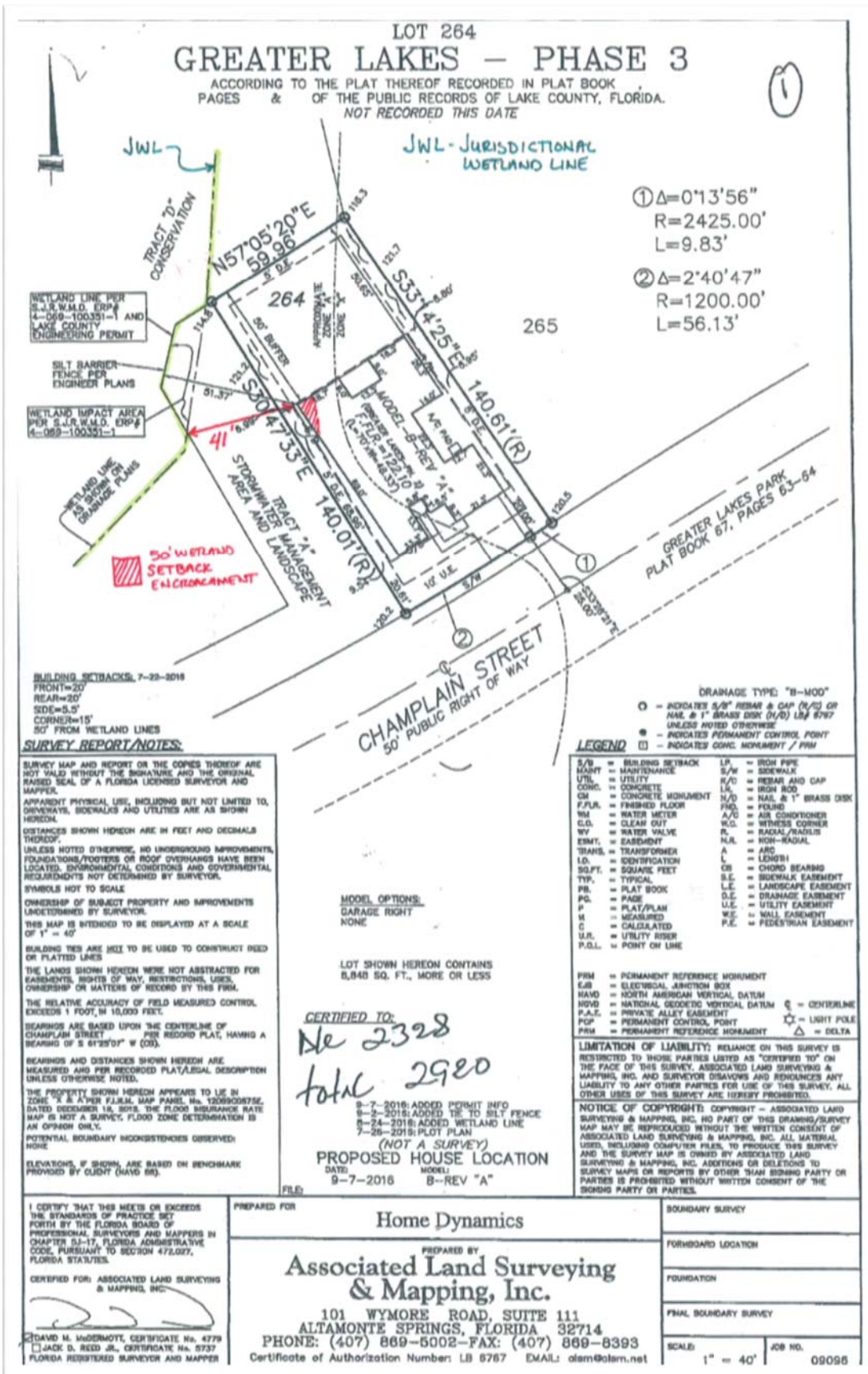
Support: -0-

Questions: -0-

Opposition: -0-

Case Manager: Janie Barron, Associate Planner

Exhibit A





FUTURE LAND USE LEGEND

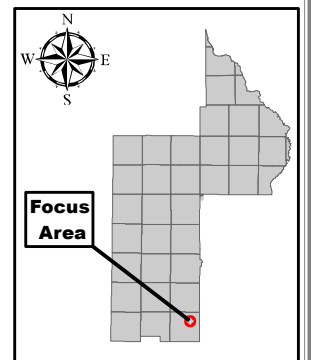
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|--------------------------------|--------------------------------------------|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban High Density |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low Density |
| Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | Urban Medium Density |
| 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 | Summer Bay | |

NAME: HOME DYNAMICS - GREATER LAKES PH3 (LOT 264)

CASE NUMBER: VAR-17-02-1

LOCATION (S-T-R): 11-24-26

REQUEST: SETBACK ADJUSTMENT - WETLAND



Final Development Order
Home Dynamics Sawgrass, LLC, a Florida limited liability company
VAR-17-02-1

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

WHEREAS, David Schack, the registered agent for Home Dynamics Sawgrass LLC (the "Applicant" and "Owner"), requested variances to Land Development Regulation (LDR) Section 6.01.04.A.1 to allow a single-family dwelling unit and associated accessory structures to be located 41 feet from the jurisdictional wetland line in lieu of 50 feet; and

WHEREAS, the subject property consists of 0.20+/- acres and is located in Clermont, west of Superior Boulevard and north of Champlain Street, in Section 11, Township 24 South, Range 26 East, having Alternate Key Number 3906049 and is more particularly described below as:

GREATER LAKES PHASE 3 SUB LOT 264 PB 68 PG 82-84

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 March 9, 2017; 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 March 9, 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-17-02-1 to allow a single family dwelling unit and associated accessory structures to be located 41 feet from the jurisdictional wetland line in lieu of 50 feet in accordance with the following conditions:

1. Stormwater calculations indicating that the first one inch (1") of stormwater runoff shall be captured on site must be submitted at the time of permitting.
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 9th day of March, 2017.
EFFECTIVE March 9, 2017.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, 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