

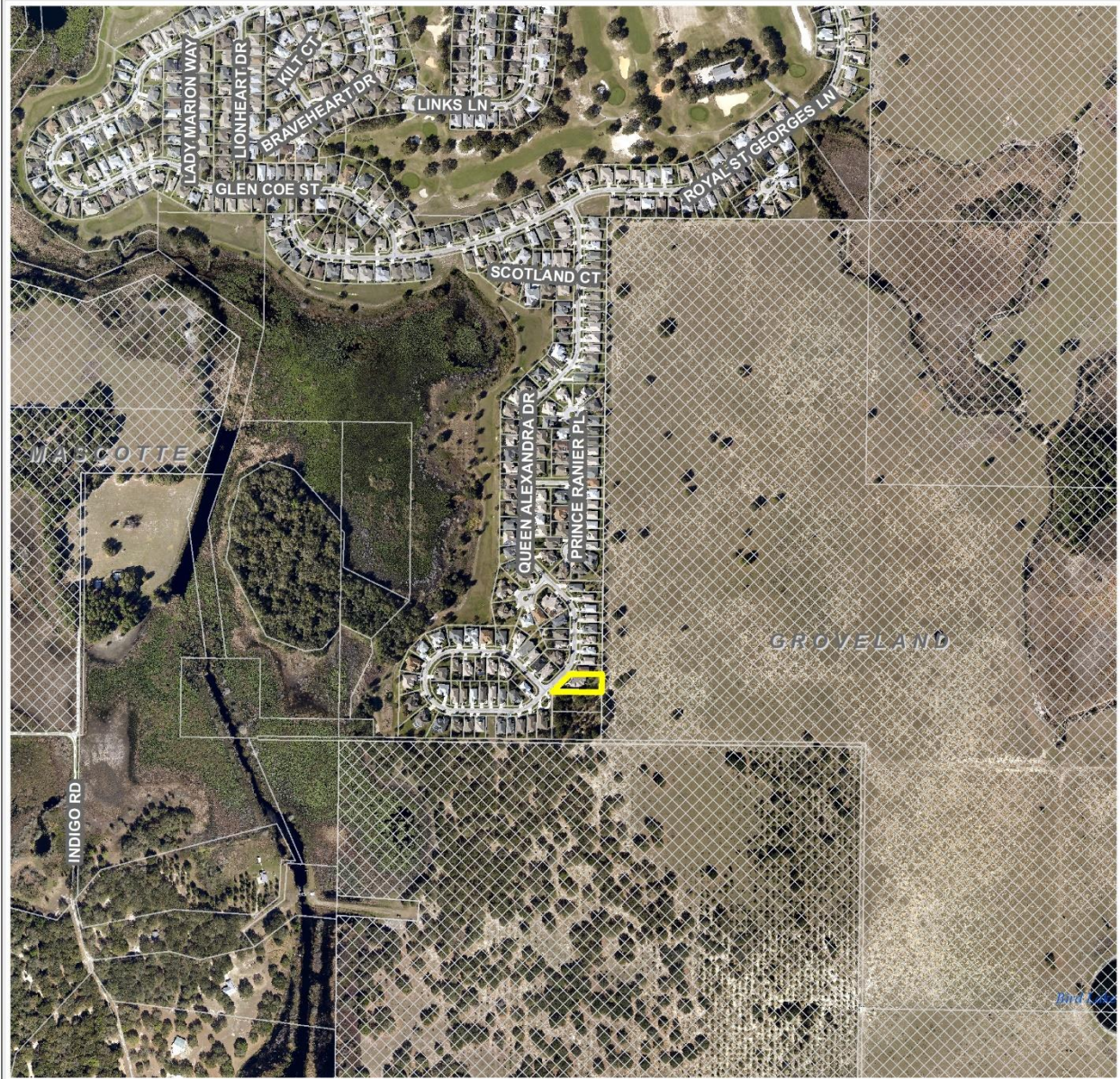
LAKE COUNTY OFFICE OF PLANNING AND ZONING
BOARD OF ZONING ADJUSTMENT STAFF REPORT

Board of Adjustment



January 11, 2018

<p>VAR-17-46-3 Tramontana Property</p>	<p>Commissioner District 3</p>	<p>Agenda Item #1</p>
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Requested Action: Variance to Planned Unit Development (PUD) 2005-45 Section (III)(A)(1)(d)(1) to allow an accessory structure to be constructed five (5) feet from the property line in lieu of twenty-five (25) feet.

Owners: Charles Tramontana & Bonnie Tramontana (the "Owners")

Applicant: LPG Urban & Regional Planners (the “Applicant”)

- Site Location & Information -

Size	0.42 +/- acres
Location	20646 Queen Alexandra Drive Leesburg, FL 34748
Alternate Key #	3819902
Future Land Use	Urban Low
Existing Zoning District	Planned Unit Development (PUD)
Interlocal Service Boundary Agreement Area	Leesburg
Joint Planning Area	Groveland
Commission District	3

-Land Use Table-

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Planned Unit Development (PUD)	Residential	Single Family Residence
South	Urban Low	Agriculture	Vacant	None
East	NA	NA	City of Groveland	City of Groveland
West	Urban Low	Planned Unit Development (PUD)	Residential	Adjacent to Queen Alexandra Drive

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the variance to Lake County Planned Unit Development (PUD) Ordinance 2005-45 Section III(A)(1)(d)(1), to allow an accessory structure to be constructed five (5) feet from the side property line in lieu of twenty-five (25) feet.

- Background -

The property is zoned Planned Unit Development (PUD) by Ordinance #2005-45 and has an Urban Low Future Land Use Category designation. The property is generally located in the southeast section of Royal Highlands Phase 2-B subdivision in the Leesburg area. The property is located within the Leesburg Interlocal Service Boundary Agreement area and the Groveland Joint Planning Area. The Lake County GIS map does not indicate the presence of wetlands nor does it indicate the presence of flood on the subject property (see Attachment A). The property is developed with a single family residence.

-Reason for Request-

The Applicant is requesting a variance to Planned Unit Development (PUD) Ordinance #2005-45 Section III(A)(1)(d)(1), to allow an accessory structure to be located five (5) feet from the side property line in lieu of twenty-five (25) feet (Attachment B).

Ordinance #2005-45 establishes the setbacks for Royal Highlands Subdivision and indicates that there is a minimum twenty-five (25) foot setback from the subdivision boundary. The approved construction plans dated September 2, 2003, included a note (#14) which states that all structures on lots 1401 through 1411, 1427 through 1436, 1447 through 1463 and 1474 through 1489 shall maintain a 25 foot wide structure setback from the planned unit development (PUD) boundary line (See Attachment C). The parcel is located within the Groveland JPA area with the city of Leesburg ISBA. The City of Groveland and the City of Leesburg were contacted on December 11th, 2017 and have no comment on the variance.

-Staff Analysis-

LDR Section 14.15.02 states that variances will 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

1. The purpose of the Land Development Regulation (LDR) will be or has been achieved by other means.

"1. The PUD setback of 25'-0" places the setback line directly along the right side of the existing single family residence. Leaving no room for any accessory structures. The adjacent property along the PUD line is a land locked lot, and is currently owned by the adjacent neighbor. We will maintain the PUD setback of 25'-0" along the rear property lines where the current property is not land locked. ."

The Applicant has indicated that the rear setback referenced in Ordinance #2005-45 will not be affected. The Applicant has provided a plot plan with the final layout of the proposed accessory structure, which indicates that the accessory structure will be constructed five (5) feet from the side property line. This variance request is consistent with Land Development Regulations.

2. The 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. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.

"The adjacent property to the PUD line is a land locked lot currently owned by the adjacent neighbor. The lot is vacant and covered in scrub oaks and other trees. The adjacent neighbor purchased the lot for the sole purpose that it would never be developed. This being the case, a setback of 5'-0" such as all the other side setback restraints in the community would be more suitable."

The Applicant has indicated that the integrity of the subdivision setback will still be in place as the neighbor owns the vacant lot next to the subdivision with no plans to develop the lot.

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

- This request is consistent with Land Development Regulations (LDR), Section 4.03.01, Purpose and

Intent, which describes the intent of the Planned Unit Developments (PUD) Zoning District.

- This request is consistent with Land Development Regulations (LDR) Section 4.03.04(B), Residential Development Standards, which indicates that the maximum height of any residential structure shall be forty (40) feet.
- This request is consistent with Comprehensive Plan Policy I-1.3.2, Urban Low Future Land Use Category, which allows residential uses as a permitted use.

The Applicant has submitted evidence of meeting the intent of the Code and has provided evidence of a substantial hardship indicating that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, staff recommends **Approval with Conditions** of the variance to Planned Unit Development (PUD) Ordinance # 2005-45 Section III (A)(1)(D)(1) to allow an accessory structure to be constructed five (5) feet from the side property line in lieu of twenty-five (25) feet with the following conditions:

1. The proposed structure is not to be constructed within any utility, drainage, or conservation easement.
2. The lot must have an approved replat to show a reduced setback of five (5) feet prior to issuance of a building permit.

WRITTEN COMMENTS FILED:

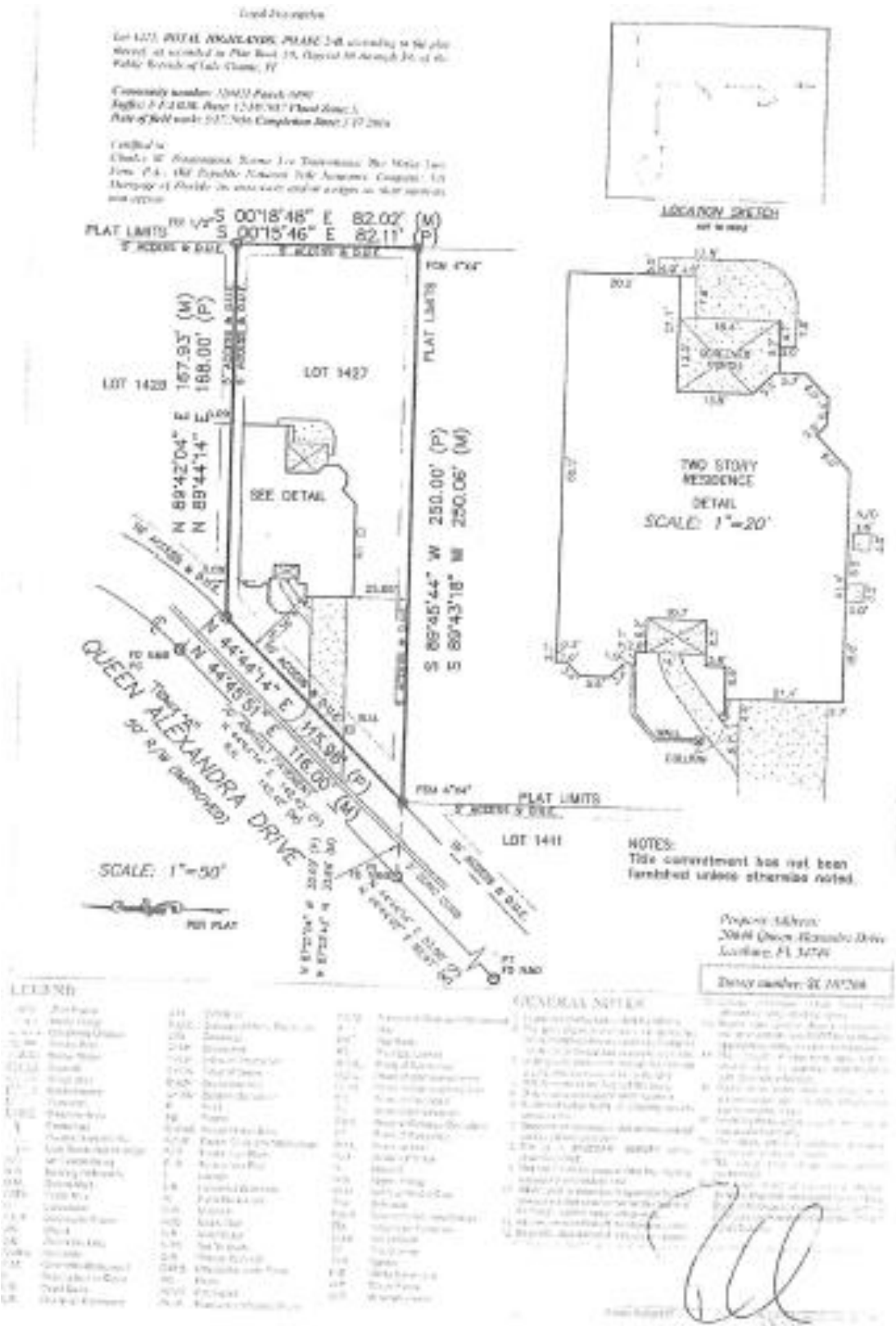
Supportive: -0-

Concern: -0-

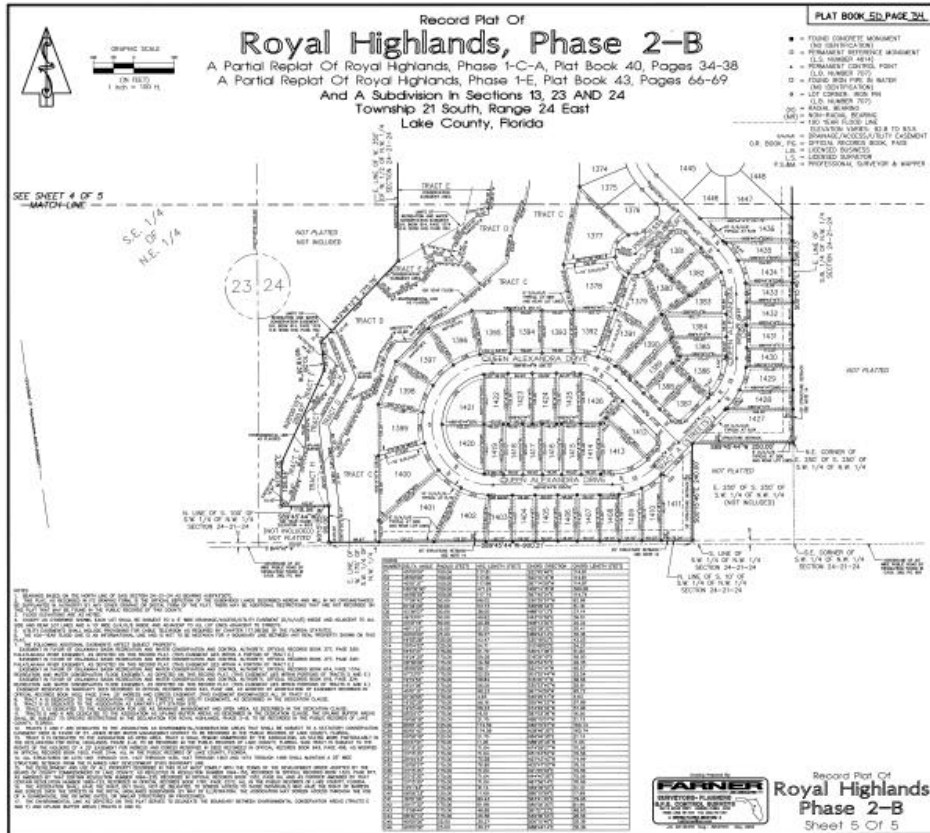
Opposition: -0-

Case Manager: Shelby Eldridge, Associate Planner

Attachment A

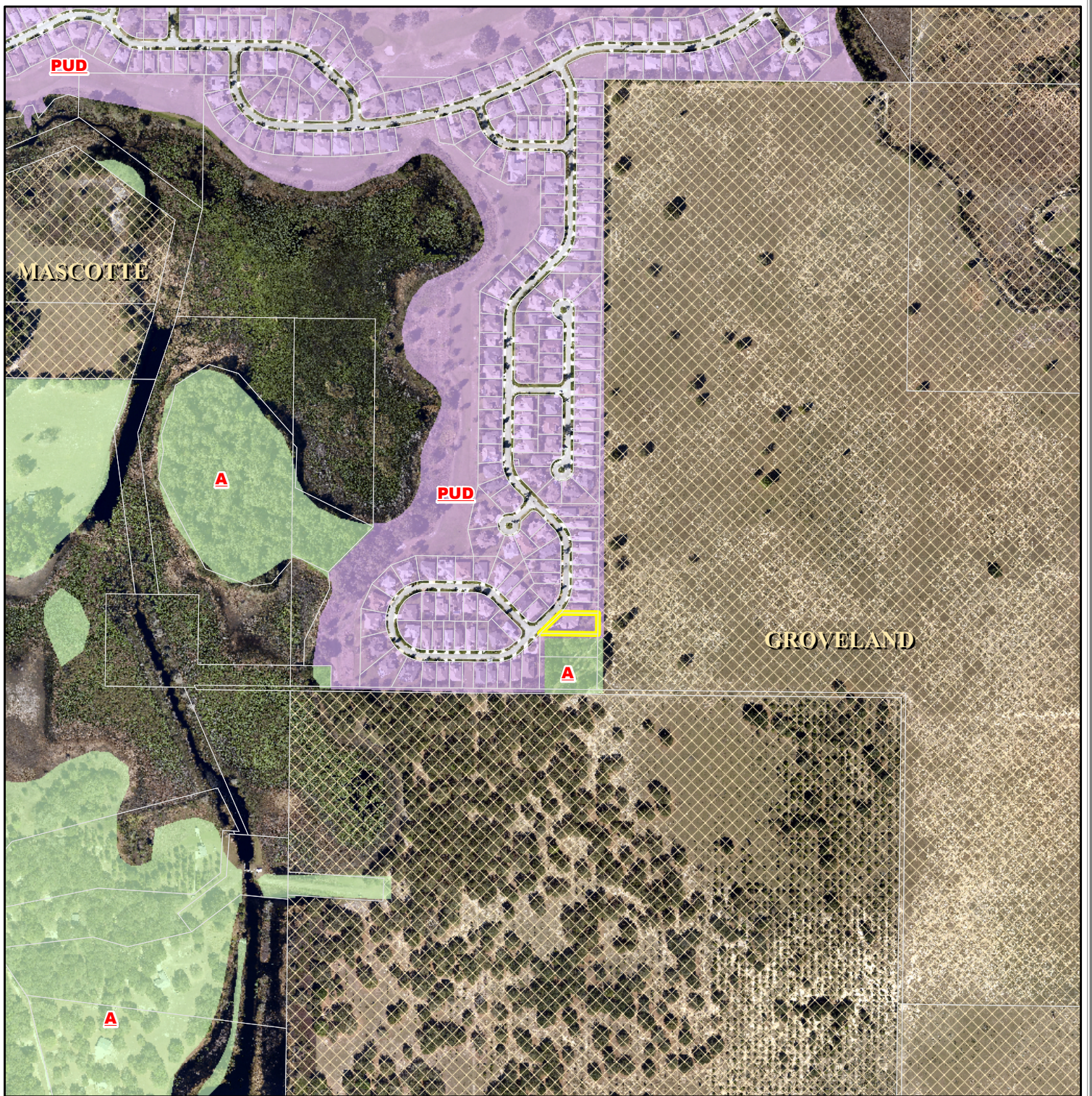


Attachment C



NOTES:

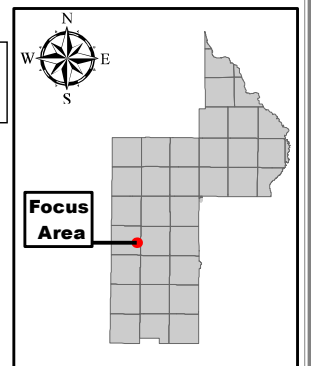
1. BEARINGS BASED ON THE NORTH LINE OF SAID SECTION 24-21-24 AS BEARING N.89°43'50"E.
2. THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
3. FLOOD ELEVATIONS ARE AS NOTED.
4. EXCEPT AS OTHERWISE SHOWN, EACH LOT SHALL BE SUBJECT TO A 5' WIDE DRAINAGE/ACCESS/UTILITY EASEMENT (D/A/U/E) INSIDE AND ADJACENT TO ALL SIDE AND REAR LOT LINES AND A 10' WIDE D/A/U/E INSIDE AND ADJACENT TO ALL LOT LINES ADJACENT TO STREETS.
5. UTILITY EASEMENTS SHALL INCLUDE PROVISIONS FOR CABLE TELEVISION AS REQUIRED BY CHAPTER 177.09(28) OF THE FLORIDA STATUTES.
6. THE 100-YEAR FLOOD LINE IS AN INFORMATIONAL LINE AND IS NOT TO BE MISTAKEN FOR A BOUNDARY LINE BETWEEN ANY REAL PROPERTY SHOWN ON THIS PLAT.
7. THE FOLLOWING ADDITIONAL EASEMENTS AFFECT SUBJECT PROPERTY:
 EASEMENT IN FAVOR OF OKLAWAHA BASIN RECREATION AND WATER CONSERVATION AND CONTROL AUTHORITY, OFFICIAL RECORDS BOOK 377, PAGE 539: PALATLAKAHA RIVER EASEMENT, AS DEPICTED ON THIS RECORD PLAT. (THIS EASEMENT LIES WITHIN A PORTION OF TRACT E.)
 EASEMENT IN FAVOR OF OKLAWAHA BASIN RECREATION AND WATER CONSERVATION AND CONTROL AUTHORITY, OFFICIAL RECORDS BOOK 377, PAGE 545: PALATLAKAHA RIVER EASEMENT, AS DEPICTED ON THIS RECORD PLAT. (THIS EASEMENT LIES WITHIN A PORTION OF TRACT E.)
 EASEMENT IN FAVOR OF OKLAWAHA BASIN RECREATION AND WATER CONSERVATION AND CONTROL AUTHORITY, OFFICIAL RECORDS BOOK 614, PAGE 1374: RECREATION AND WATER CONSERVATION FLOOD EASEMENT, AS DEPICTED ON THIS RECORD PLAT. (THIS EASEMENT LIES WITHIN PORTIONS OF TRACTS D AND E.)
 EASEMENT IN FAVOR OF OKLAWAHA BASIN RECREATION AND WATER CONSERVATION AND CONTROL AUTHORITY, OFFICIAL RECORDS BOOK 619, PAGE 324: RECREATION AND WATER CONSERVATION FLOOD EASEMENT, AS DEPICTED ON THIS RECORD PLAT. (THIS EASEMENT LIES WITHIN PORTIONS OF TRACTS D AND E.)
 EASEMENT RESERVED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 643, PAGE 496, AS MODIFIED BY MODIFICATION OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 1603, PAGE 2144: 25' INGRESS AND EGRESS EASEMENT. (THIS EASEMENT ENCOMPASSES ALL OF TRACT G.)
8. TRACT A IS DEDICATED TO THE ASSOCIATION FOR USE AS STREETS AND UTILITY EASEMENTS, AS DESCRIBED IN THE DEDICATION CLAUSE.
9. TRACT B IS DEDICATED TO THE ASSOCIATION AS SANITARY LIFT STATION SITE.
10. TRACT C IS DEDICATED TO THE ASSOCIATION FOR USE AS DRAINAGE MANAGEMENT AND OPEN AREA, AS DESCRIBED IN THE DEDICATION CLAUSE.
11. TRACTS D AND H ARE DEDICATED TO THE ASSOCIATION AS UPLAND BUFFER AREAS AS DESCRIBED IN THE DEDICATION CLAUSE. THE UPLAND BUFFER AREAS SHALL BE SUBJECT TO SPECIFIC RESTRICTIONS IN THE DECLARATION FOR ROYAL HIGHLANDS, PHASE 2-B, TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.
12. TRACTS E AND F ARE DEDICATED TO THE ASSOCIATION AS ENVIRONMENTAL/CONSERVATION AREAS THAT SHALL BE SUBJECT TO A STATUTORY CONSERVATION EASEMENT DEED IN FAVOR OF ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.
13. TRACT G IS DEDICATED TO THE ASSOCIATION AS OPEN AREA. TRACT G SHALL REMAIN UNIMPROVED BY THE ASSOCIATION, AS STATED MORE PARTICULARLY IN THE DECLARATION FOR ROYAL HIGHLANDS, PHASE 2-B, TO BE RECORDED IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. SAID TRACT IS SUBJECT TO THE RIGHTS OF THE HOLDERS OF A 25' EASEMENT FOR INGRESS AND EGRESS RESERVED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 643, PAGE 496, AS MODIFIED IN OFFICIAL RECORDS BOOK 1603, PAGE 2144, ALL IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.
14. ALL STRUCTURES ON LOTS 1401 THROUGH 1411, 1427 THROUGH 1436, 1447 THROUGH 1463 AND 1474 THROUGH 1489 SHALL MAINTAIN A 25' WIDE STRUCTURE SETBACK FROM THE PLANNED UNIT DEVELOPMENT (PUD) BOUNDARY LINE.
15. THE DEVELOPMENT AND USE OF ALL PROPERTY DESCRIBED IN THIS PLAT MUST COMPLY WITH THE TERMS OF THE DEVELOPMENT ORDER ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, AS REFLECTED IN RESOLUTION NUMBER 1994-153, RECORDED IN OFFICIAL RECORDS BOOK 1323, PAGE 877, AS AMENDED BY THAT CERTAIN RESOLUTION NUMBER 1994-235, RECORDED IN OFFICIAL RECORDS BOOK 1332, PAGE 64, AND AS FURTHER AMENDED BY THAT CERTAIN RESOLUTION NUMBER 1999-123, RECORDED IN OFFICIAL RECORDS BOOK 1787, PAGE 2272, ALL IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.
16. THE ASSOCIATION SHALL HAVE THE RIGHT, BUT SHALL NOT BE OBLIGATED, TO SCREEN ACCESS TO THOSE INDIVIDUALS WHO HAVE THE RIGHT OF INGRESS AND EGRESS OVER THE STREETS IN THE ROYAL HIGHLANDS SUBDIVISION. BY WAY OF ILLUSTRATION: THE ASSOCIATION MAY SCREEN ACCESS THROUGH THE USE OF A GUARDHOUSE, ONE OR MORE GATES, OR SIMILAR STRUCTURES OR PROCEDURES.
17. THE ENVIRONMENTAL LINE AS DEPICTED ON THIS PLAT SERVES TO DELINEATE THE BOUNDARY BETWEEN ENVIRONMENTAL CONSERVATION AREAS (TRACTS E AND F) AND UPLAND BUFFER AREAS (TRACTS D AND H).

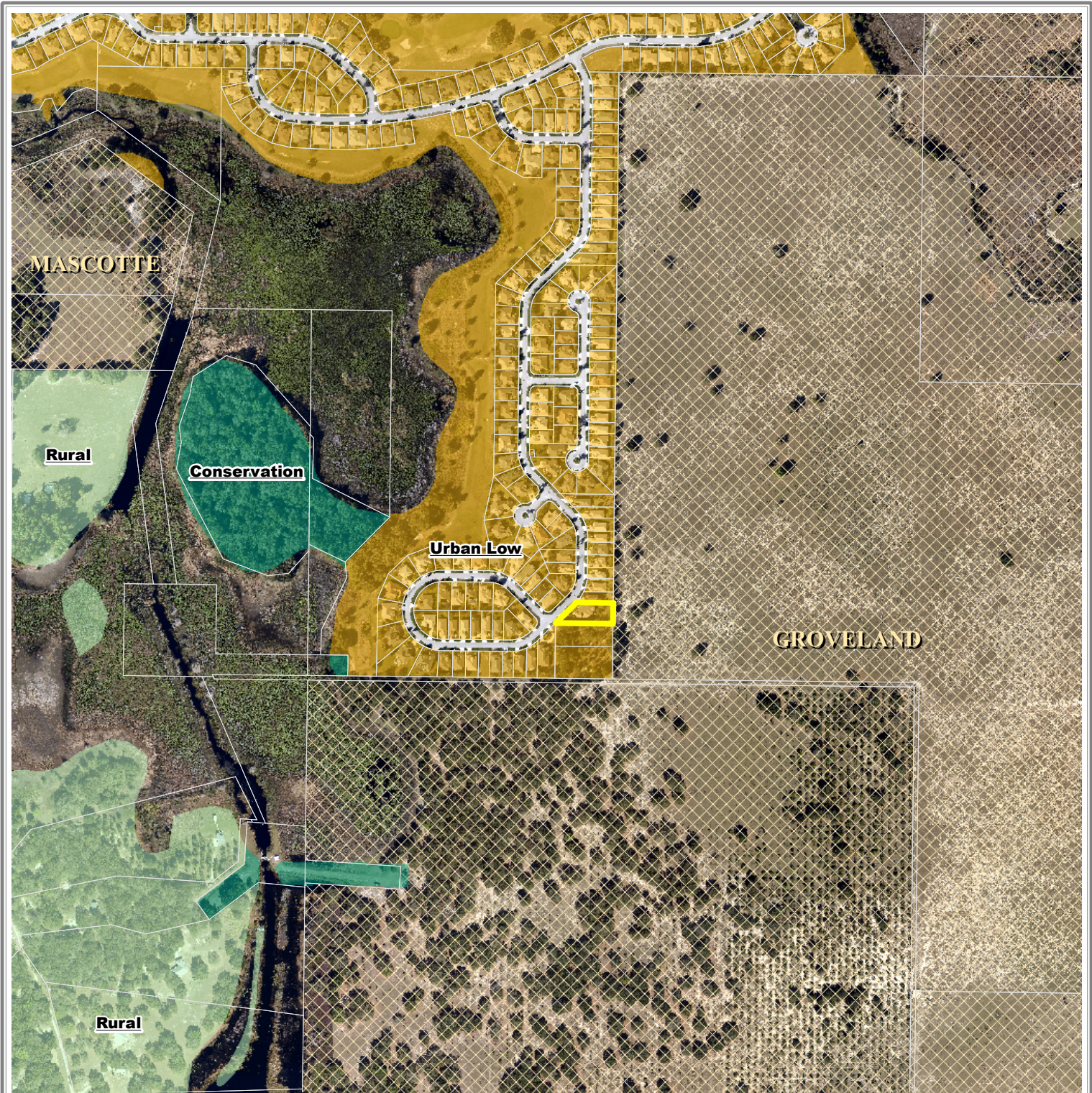


ZONING LEGEND

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	CFD	

NAME: TRAMONTANA PROPERTY
CASE NUMBER: VAR-17-46-3
LOCATION (S-T-R): 24-21-24
REQUEST: SETBACK ADJUSTMENT

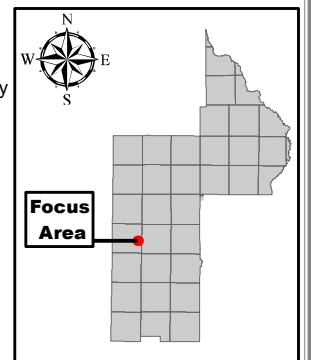




FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|--------------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Summer Bay |
| 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 | Urban High Density |
| 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 | South Lake Regional Park | |

NAME: TRAMONTANA PROPERTY
CASE NUMBER: VAR-17-46-3
LOCATION (S-T-R): 24-21-24
REQUEST: SETBACK ADJUSTMENT



**Final Development Order
VAR-17-46-3
Tramontana Property**

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

WHEREAS, LPGURP (the "Applicant") on behalf of Charles M. Tramontana and Bonnie L. Tramontana (the "Owner") requested a variance to Planned Unit Development (PUD) Ordinance #2005-45(III)(A)(1)(d)(1) to allow an accessory structure to be constructed five (5) feet from the side property line in lieu of twenty-five (25) feet; and

WHEREAS, the subject property consists of 0.42 +/- acres and is generally located in the southeast section of Royal Highlands Phase 2-B subdivision in the Leesburg area and in Section 13, Township 21, Range 24, having Alternate Key Number 3819902 and is more particularly described below as:

Lot 1427, Royal Highlands Phase 2-B, according to the map or plat thereof as recorded in Plat Book 50, Pages 30-34, of the Public Records of Lake County, Florida.

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Planned Unit Development (PUD) Ordinance #2005-45(III)(A)(1)(d)(1), including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on January 11, 2018; 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 January 11, 2018, 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:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-17-46-3 to allow an accessory structure to be constructed five (5) feet from the south side property line in lieu of twenty-five (25) feet;

1. The plot plan for the proposed project must show the impervious surface calculations (existing and proposed) to ensure that the property meets its

impervious surface ratio calculations as established in the Comprehensive Plan and Land Development Regulations, as amended.

2. The proposed structure is not to be constructed within any utility, drainage, or conservation easement.
3. The lot must have an approved replat to show a reduced setback of five (5) feet from the south side property line, prior to issuance of a building permit.

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 11th day of January, 2018.

EFFECTIVE January 11, 2018.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Catherine Hanson, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 11th day of January, 2018, 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