

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

Board of Adjustment



March 8, 2017

<p>VAR-18-05-5 Hembree Property</p>	<p>Commissioner District 5</p>	<p>Agenda Item #3</p>
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Applicant Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.06, *Density Impervious Surface, Floor Area and Height Requirements*, to allow the property to be developed with sixty (60) percent impervious surface ratio (ISR) in lieu of ten (10) percent.

Owners: Benjamin Hembree and Shannon Hembree

Applicant: Tawnya Booker-Brown

- Site Location & Information -

Size	0.2 +/- acres
Location	55127 6 th Street, Astor, Florida 32102
Alternate Key #	1315531
Future Land Use	Urban Low
Existing Zoning District	Agriculture (A)
Overlay Protection Area	N/A
Commission District	5
ISBA/JPA	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	Agriculture	Residential	Single Family Residence
South	Urban Low	Agriculture	Residential	Single Family Residence
East	Urban Low	Agriculture	Road	Sixth Street
West	Urban Low	Agriculture	Vacant	Vacant

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the variance to Lake County Land Development Regulations (LDR) Table 3.02.06, to allow the property to be developed with sixty (60) percent impervious surface ratio (ISR) in lieu of ten (10) percent ISR.

- Background -

The property is zoned Agriculture and is designated as the Urban Low Future Land Use Category. The Lake County GIS map does not indicate the presence of wetlands nor does it indicate the presence of flood on the subject property.

The subject property is 0.2 +/- acres in size (approximately 8,774 square feet) and is developed with a single-family dwelling unit constructed in 1972 and a shed. The property is generally located west of Sixth Street in the Astor area.

- Reason for Request -

In December of 2017, the Applicant attempted to obtain a zoning permit to replace the existing single family dwelling unit due to damage from Hurricane Irma. The zoning permit was unable to be issued because the proposed single family dwelling unit exceeded the maximum impervious surface ratio (ISR) allowed within the Agriculture zoning district. Per the Land Development Regulations (LDR) Table 3.02.06, the maximum impervious surface ratio (ISR) allowed within the Agriculture (A) zoning district is ten (10) percent. As subject property is 0.20 acres in size and the maximum allowed ISR is 10%, the property may be developed with 891 square feet of impervious surface area. The proposed replacement single family dwelling unit is roughly 1,920 square feet in size and the existing shed will be removed. The replacement single-family dwelling unit will exceed the maximum allowed impervious surface area of 891 square feet (10% ISR) by 1,029 square feet or roughly twenty-four (24) percent.

– 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. Whether the purpose of the Land Development Regulation will be or has been achieved by other means.

The intent of the Code, LDR Section 3.02.06, is to protect the public health, safety and welfare by limiting the amount of the impervious surface in order to reduce flooding and increase water quality. An impervious surface ratio is a measurement of the amount of the base site area that is covered by any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surfaces include, but are not limited to roofs and roads, sidewalks and parking lots paved with asphalt, concrete, compacted sand, limerock or clay.

“We will meet all setbacks if it gets changed. We will not come close to 60% filled.”

The Agriculture zoning district allows a maximum impervious surface ratio of ten (10) percent while the future land use category, Urban Low, allows a maximum impervious surface ratio of sixty (60) percent. The Applicant submitted a plot plan that shows the location of the proposed replacement single-family dwelling unit which indicates that the shed will be removed (See Attachment A). The proposed replacement single-family dwelling unit is roughly 1,920 square feet which has an impervious surface ratio of twenty-four (24) percent.

The Applicant will meet the intent of the code because the new single-family dwelling unit will be at least twenty-three feet four inches at the narrowest point as required in Land Development Regulations (LDR) 3.01.02(A). The existing single-family dwelling unit is considered non-conforming to the current code, (LDR) 3.01.02(A), as its dimension at the narrowest point is sixteen (16) feet which is less than 23-feet 4-inches. The new single-family dwelling unit will also meet the setbacks that is described in Land Development Regulations (LDR) Table 3.02.05.

2. Whether 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.

“They have a 1972 mobile home that was damages in the storm and needs to be replaced.”

The Owners would suffer great financial burden if they were unable to obtain permits to locate the proposed single-family dwelling unit on the subject property as it has already been ordered and is in the process of being manufactured. The Owners are removing an existing shed that is on the property, so the only thing that will be on the parcel is the single family dwelling unit.

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

- 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 Agriculture (A) Zoning District; and
- This request is consistent with Land Development Regulation (LDR) Table 3.02.05, Setbacks, which ensures

the adherence of safe distances between structures and right-of-way; and

- 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; and
- This request is consistent with Comprehensive Plan Policy I-1.3.2, Urban Low Future Land Use Category, which allows a maximum impervious surface ration of sixty (60) percent.

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 Lake County Land Development Regulations (LDR) Table 3.02.06, *Density Impervious Surface, Floor Area and Height Requirements*, to allow the property to be developed with sixty (60) percent impervious surface ration (ISR) in lieu of ten (10) percent with the following conditions:

1. The plot plan for the proposed project must show the impervious surface calculations (existing and proposed) to ensure that the property meets impervious surface ratio calculations as established in the Comprehensive Plan. The maximum impervious surface ratio must not exceed sixty (60) percent.

WRITTEN COMMENTS FILED:

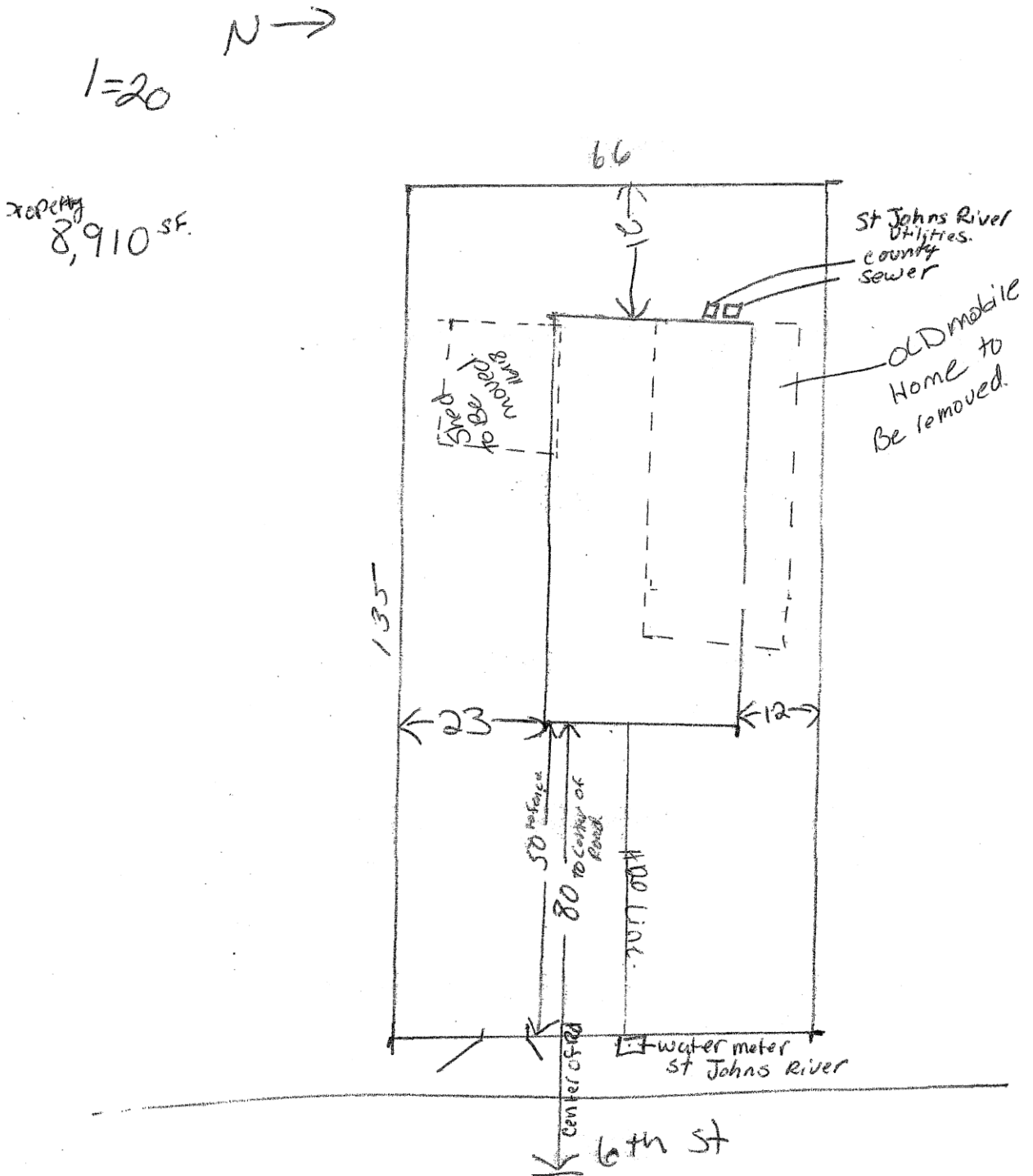
Supportive: -0-

Concern: -0-

Opposition: -0-

Case Manager: Ruth Mitchell, Associate Planner

Attachment A - Plot Plan





FUTURE LAND USE LEGEND

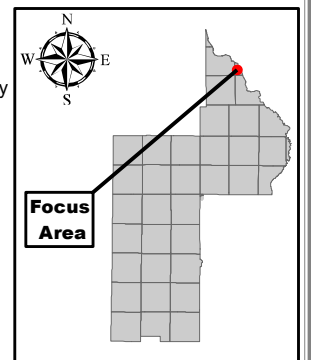
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|--------------------------------|--|--------------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Summer Bay |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low Density |
| 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: HEMBREE PROPERTY

CASE NUMBER: VAR-18-05-5

LOCATION (S-T-R): 37-15-27

REQUEST: IMPERVIOUS SURFACE RATIO (ISR) ADJUSTMENT





ZONING LEGEND

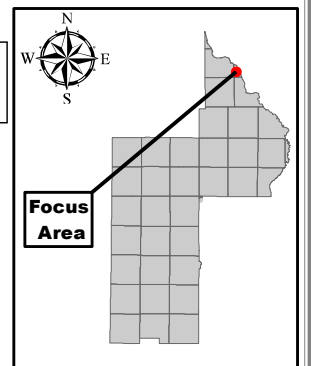
A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

NAME: HEMBREE PROPERTY

CASE NUMBER: VAR-18-05-5

LOCATION (S-T-R): 37-15-27

REQUEST: IMPERVIOUS SURFACE RATIO (ISR) ADJUSTMENT



Final Development Order
VAR-18-05-5
Hembree Property

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

WHEREAS, Tawnya Booker-Brown (the “Applicant”) on behalf of Benjamin Hembree and Shannon Hembree (the “Owners”) requested a variance to Lake County Land Development Regulations (LDR) Table 3.02.06, Density Impervious Surface, Floor Area and Height Requirements, to allow the property to be developed with sixty (60) percent impervious surface ratio (ISR) in lieu of ten (10)percent; and

WHEREAS, the subject property consists of 0.2 +/- acres and is located west of Sixth Street in the Astor area, in Section 30, Township 15, Range 28, having an Alternate Key Number 1315531 and is more particularly described below as:

LOT 7, BLOCK 143, 1ST ADDITION TOWN OF ASTOR, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE45, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on March 8, 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 March 8, 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-18-05-5 to Lake County Land Development Regulations (LDR) Table 3.02.06, Density Impervious Surface, Floor Area and Height Requirements, to allow the property to be developed with sixty (60) percent impervious surface ratio (ISR) in lieu of ten (10) percent; with the following conditions:

1. The plot plan for the proposed project must show the impervious surface calculations (existing and proposed) to ensure that the property meets impervious surface ratio calculations as established in the Comprehensive Plan. The maximum impervious surface ration must not exceed sixty (60) percent.

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 8th day of March, 2018.

EFFECTIVE March 8, 2018.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Catherine Hanson, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 8th day of March, 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