

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

Board of Adjustment

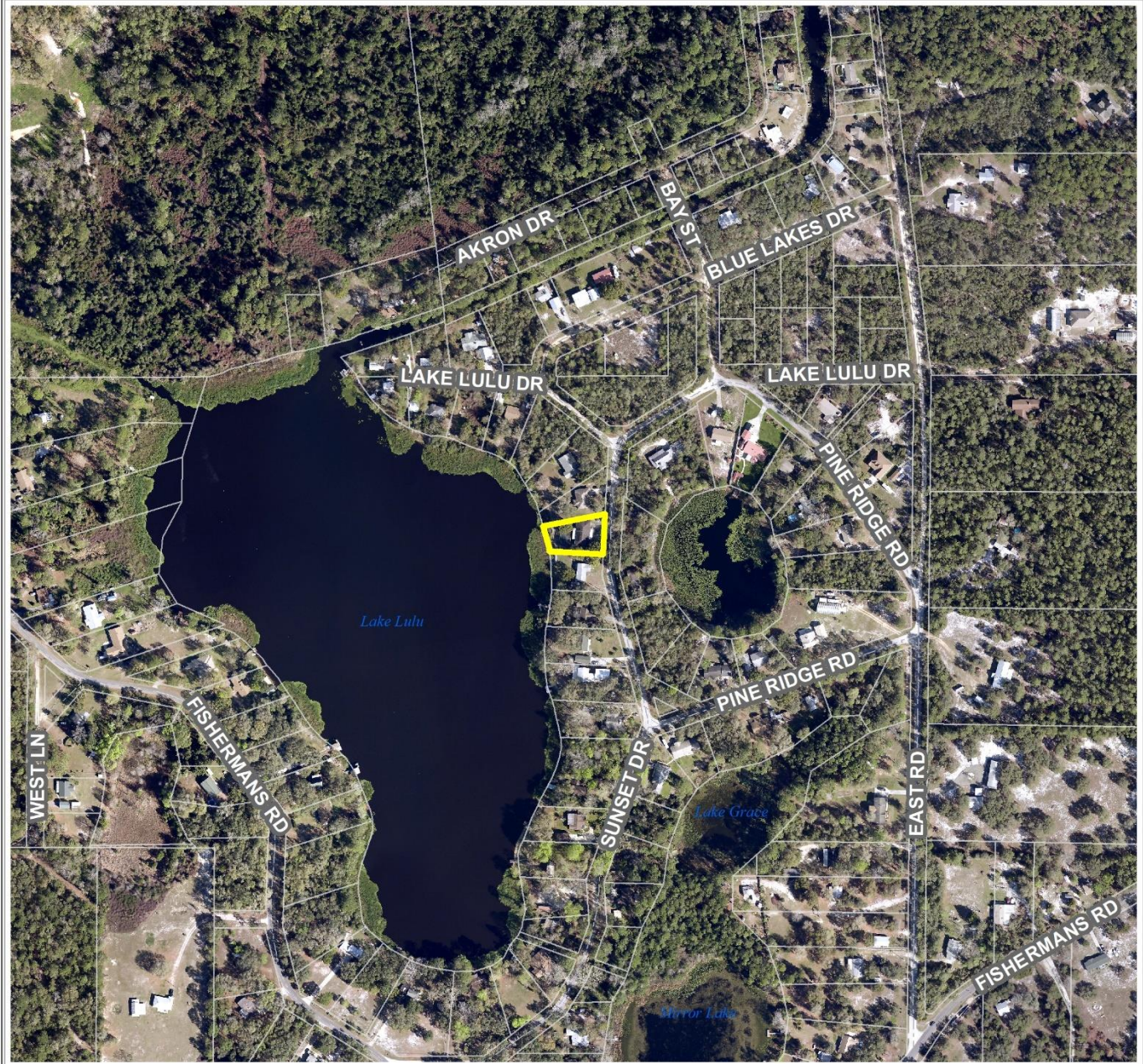


March 8, 2018

VAR-18-07-5
Singleton Property

Commissioner District 5
Blake

Agenda Item #4



Requested Action: Variance from Lake County Land Development Regulations (LDR) Table 3.02.05 to allow a front porch setback fifty (50) feet from the centerline of the road in lieu of sixty-two (62).

Owners/Applicants: Warren Scott Singleton and Rebecca S. Singleton (the "Owners")

- Site Location & Information -

Size	0.35 +/- acres
Location	43907 Sunset Drive, Paisley, FL 32767
Alternate Key #	2810408
Future Land Use	Rural
Existing Zoning District	Agriculture (A)
JPA/ISBA	None
Overlay Protection Area	Wekiva-Ocala Rural Protection Area
Commission District	5

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Agriculture (A)	Residential	Single-Family Residence
South	Rural	Agriculture (A)	Residential	Single-Family Residence
East	None	None	Lake	Lake Lulu
West	None	None	Street	Sunset Drive

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the variance from Lake County Land Development Regulations (LDR) Table 3.02.05 to allow a front porch setback fifty (50) feet from the centerline of the road in lieu of sixty-two (62).

- Background -

The subject property is described as Alternate Key Number 2810408. The parcel is zoned Agriculture (A) and is designated by the Comprehensive Plan as Rural Future Land Use Category. According to the GIS Map, the parcel backs up to Lake Lulu, is located within Flood Zones "A" and "X", and contains wetlands.

The subject property is located in the Blue Lakes Ridge subdivision. The subject parcel is developed with a residence, front porch, rear addition, pool area, screen pool enclosure, seawall, sidewalk and driveway.

-Reason for Request-

On December 19, 2017, the Owners submitted an average setback application requesting a reduced front setback. Lake County provided average setbacks of the neighboring properties, which resulted in 61.6 feet from the centerline of the road for the front setback for the subject property (AS-2017-44-5). In order to replace the front porch, the Owners had a secondary option of submitting for a variance to request relief of the front setback requirement in order to obtain a zoning and building permit for the front porch.

The Owners are requesting a variance from Lake County Land Development Regulations Table 3.02.05 to allow a front porch setback fifty (50) feet from the centerline of the road in lieu of sixty-two (62).

-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 will be or has been achieved by other means.

"We are meeting all other setbacks, there is a large seawall on the backside – the home will still be further back than others within 1000 ft of our property."

The intent of the Code, LDR Table 3.02.05, is to ensure the adherence of safe distance between structures and right-of-ways. The Florida Department of Transportation has guidelines concerning clear zones on roadways. Clear zone as defined in The Manual of Uniform Minimum Standards, for Design, Construction and Maintenance for Streets and Highways (aka "The Florida Greenbook"), is the total roadside border area starting at the edge of the motor vehicle travel lane, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and/or a clear runout area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. The type of road is used to determine the minimum width for a roadway clear zone. According to Table 3-13 in the Florida Green Book (Attachment B), a road with a speed limit of 25 miles per hour without a curb and gutter, has a recommended minimum roadway clear zone of six (6) feet measured from the edge of the through-travel lane. The proposed front porch meets the intent of the code as it is proposed to be located approximately twenty-nine (29) feet from the road and the development is consistent with the adjacent neighboring properties.

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 old porch is extremely unsightly & very much in disrepair the tin roof is flapping in the wind - & leaking its aprox 50 years old. Its an eye sore & it will affect the value of our home & enjoyment of it."

Per LDR Table 3.02.05, properties within the Agriculture (A) zoning district meeting the definition of "existing development lots" shall maintain, for any structure, a setback of sixty-two (62) feet from the centerline of the road.

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(C), Purpose and Intent of District, which describes the intent of the Agriculture (A) Zoning District;
- This request is consistent with Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, which allows single-family dwelling units in the Agriculture (A) Zoning District;
- This request is consistent with Land Development Regulations (LDR) Section 10.01.01(A), General Requirements for Accessory Structures, which states that there shall be a lawful dwelling unit on the Lot;
- This request is consistent with Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category, which allows residential uses as a permitted use; and

- This request appears to be consistent with the Florida Greenbook, Roadside Clear Zone guidelines.

The Owners have 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 Lake County Land Development Regulations (LDR) Table 3.02.05 to allow a front porch setback fifty (50) feet from the centerline of the road in lieu of sixty-two (62) with the following conditions:

1. At the time of permitting, the plot plan must show the proposed front porch and the distance to each property line to ensure compliance with the Land Development Regulations (LDR), as amended.

WRITTEN COMMENTS FILED:

Supportive: -0-

Concern: -0-

Opposition: -0-

Case Manager: Janie Barrón, Planner

Attachment A

Plot plan



Attachment B

Table 3-13, Manual Of Uniform Minimum Standards For Design, Construction And Maintenance For Streets And Highways, State of Florida Department of Transportation, May 2013.

TABLE 3 – 13 MINIMUM WIDTH OF CLEAR ZONE

Type of Facility	DESIGN SPEED (MPH)							
	25 and Below	30	35	40	45	50	55	60 and Above
	MINIMUM CLEAR ZONE (FEET)							
Rural [*]	6	6 Local 10 Collectors 14 Arterials	6 Local 10 Collectors 14 Arterials	10 Collectors 14 Arterials	14 Arterials and Collectors ADT < 1500 18 Arterials and Collectors ADT ≥ 1500	14 Arterials and Collectors ADT < 1500 18 Arterials and Collectors ADT ≥ 1500	18 Arterials and Collectors ADT < 1500 24 Arterials and Collectors ADT ≥ 1500	18 Arterials and Collectors ADT < 1500 30 Arterials and Collectors ADT ≥ 1500
Urban [*]	1 ½	4 ^{**}	4 ^{**}	4 ^{**}	4 ^{**}	N/A ^{**}	N/A ^{**}	N/A ^{**}

* From face of curb

** On projects where the 4 foot minimum offset cannot be reasonably obtained and other alternatives are deemed impractical, the minimum may be reduced to 1 ½'.

• Use rural for urban facilities when no curb and gutter is present. Measured from the edge of through travel lane on rural section.

** Curb and gutter not to be used on facilities with design speed > 45mph.

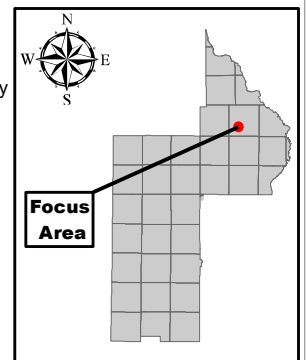
NOTE: ADT in [Table 3-13](#) refers to Design Year ADT.

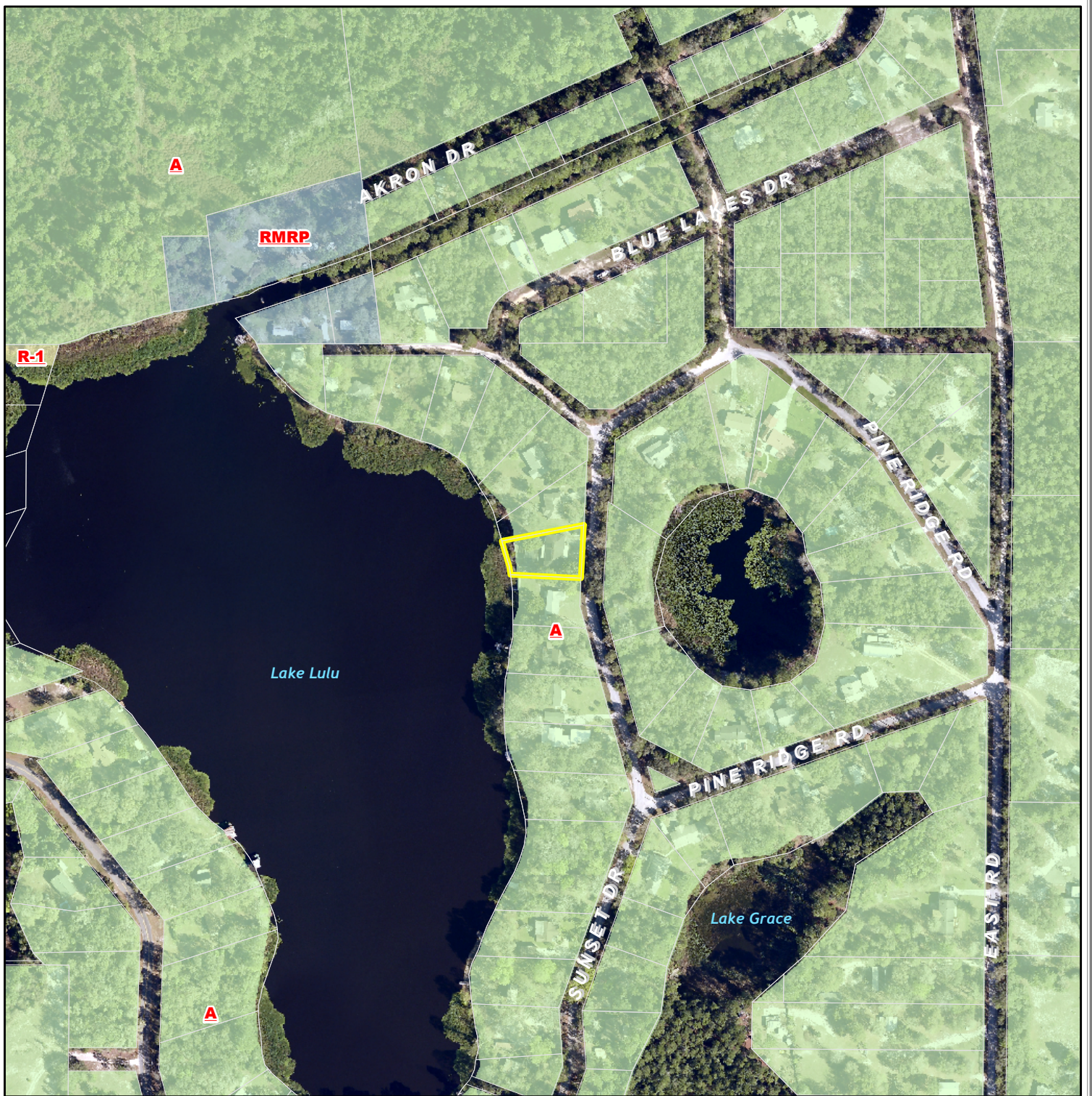


FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|--------------------------|----------------------|
| 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: SINGLETON PROPERTY
CASE NUMBER: VAR-18-07-5
LOCATION (S-T-R): 29-17-28
REQUEST: SETBACK ADJUSTMENT

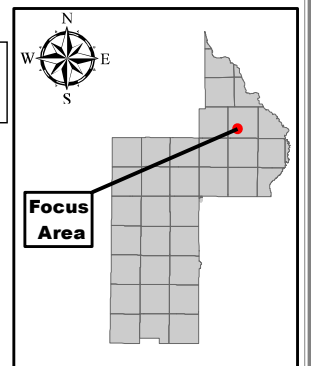




ZONING LEGEND

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: SINGLETON PROPERTY
CASE NUMBER: VAR-18-07-5
LOCATION (S-T-R): 29-17-28
REQUEST: SETBACK ADJUSTMENT



**Final Development Order
VAR-18-07-5
Singleton Property**

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

WHEREAS, Warren Scott Singleton and Rebecca S. Singleton (the “Owners”) requested a variance to Lake County Land Development Regulations (LDR) Table 3.02.05 to allow a front porch setback fifty (50) feet from the centerline of the road in lieu of sixty-two (62); and

WHEREAS, the subject property consists of 0.35 +/- acres and are located west of Sunset Drive in the Paisley area, in Section 29, Township 17 South, Range 28 East, having Alternate Key Numbers 2810408 and more particularly described as:

Lot 28, Blue Lakes Ridge, according to the map or plat thereof, as recorded in Plat Book 12, Page(s) 44, of the Public Records of Lake County, Florida.

WHEREAS, after giving notice of a hearing on the petition for a variance to the Lake County Land Development Regulations, including notice that the petition for a variance would be presented to the Board of Adjustment of Lake County, Florida, on February 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 February 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-18-07-5 to allow a front porch setback fifty (50) feet from centerline of the road in lieu of sixty-two (62) with the following conditions:

1. At the time of permitting, the plot plan must show the proposed front porch and the distance to each property line to ensure compliance with the Land Development Regulations (LDR), as amended.

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 February, 2018.

EFFECTIVE February 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 February, 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