

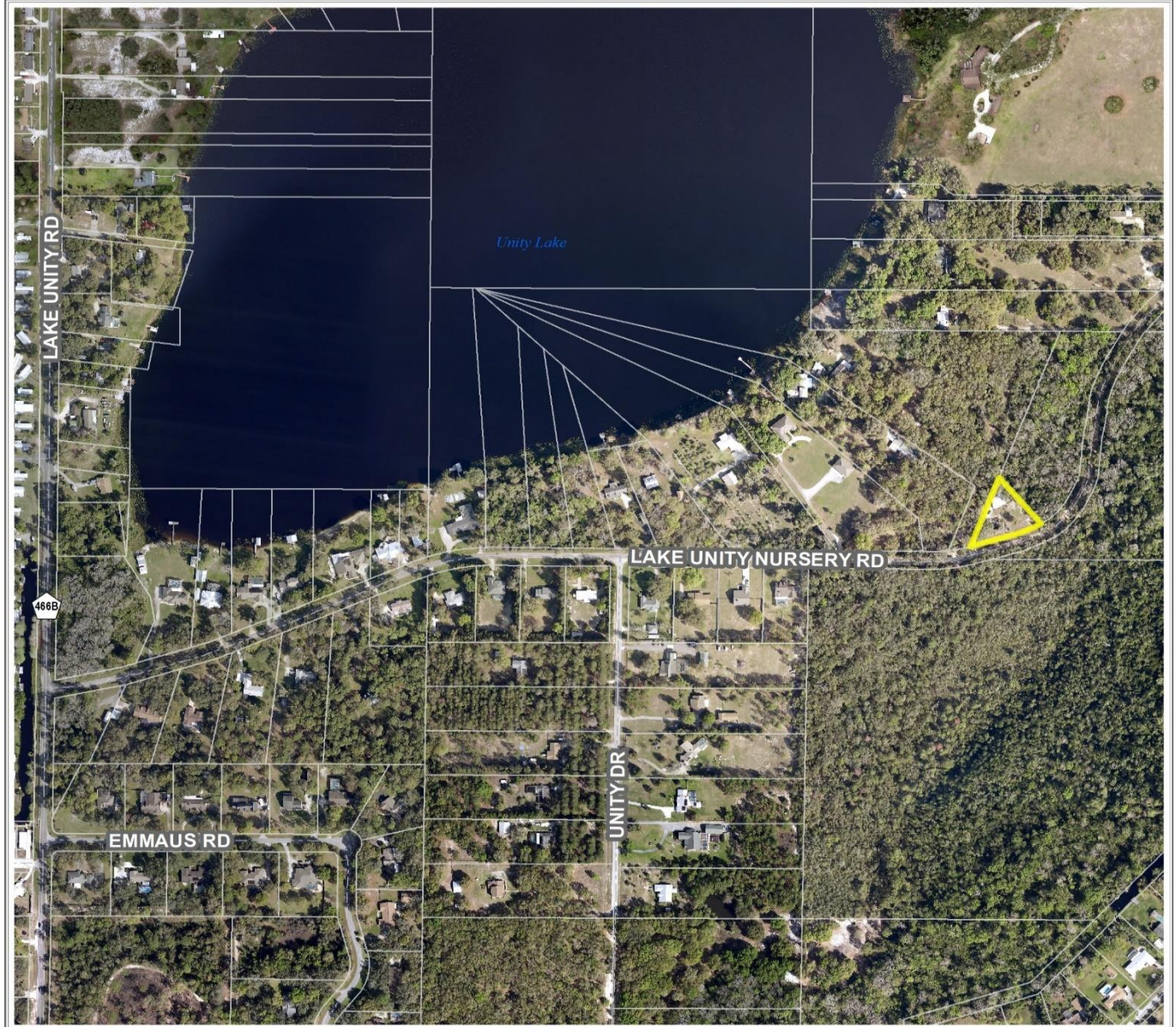
LAKE COUNTY OFFICE OF PLANNING AND ZONING
BOARD OF ZONING ADJUSTMENT STAFF REPORT

Board of Adjustment



March 8, 2018

<p>VAR-18-06-5 Clouse Property</p>	<p>Commissioner District 5 Blake</p>	<p>Agenda Item #5</p>
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Requested Action: Variance from Lake County Land Development Regulations (LDR) Table 3.02.05, LDR Section 10.01.01(D) and (F) to allow an accessory structure (storage metal building) to be located in the front yard setback eighteen (18) feet the front property line in lieu of sixty-two (62) feet from the centerline of the road, to allow an accessory structure to exceed eighty (80) percent of the living area of the dwelling unit on property less than an acre, and to allow an accessory structure with a different architectural style than the single-family dwelling unit.

Owners: Robert A. Clouse, Sr. and Marsha L. Clouse (the "Owners")

Applicant: Alma Kay Courtney (the "Applicant")

- Site Location & Information -

Size	0.65 +/- acres
Location	36119 Lake Unity Nursery Road, Fruitland Park, FL 34731
Alternate Key #	1285615
Future Land Use	Rural Transition
Existing Zoning District	Rural Residential (R-1)
Overlay Protection Area/ISBA	Fruitland Park ISBA and JPA
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 Transition	Rural Residential (R-1)	Residential	Large heavy wooded lot with Single-Family Residence
South	None	None	Street	Lake Unity Nursery Road
East	Rural Transition	Rural Residential (R-1)	Vacant	Vacant heavy wooded lot
West	Rural Transition	Rural Residential (R-1)	Residential	Large heavy wooded lot with Single-Family Residence

- 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, LDR Section 10.01.01(D) and (F) to allow an accessory structure (storage metal building) to be located in the front yard setback eighteen (18) feet the front property line in lieu of sixty-two (62) feet from the centerline of the road, to allow an accessory structure to exceed eighty (80) percent of the living area of the dwelling unit on property less than an acre, and to allow an accessory structure with a different architectural style than the single-family dwelling unit.

- Background -

The subject property contains 0.65 +/- acres and is described as Alternate Key Number 1285615. The parcel is zoned Rural Residential (R-1) and is designated by the Comprehensive Plan as Rural Transition Future Land Use Category. The property is generally located north of Lake Unity Nursery Road in the Fruitland Park area.

The subject parcel consists of a pie-shaped lot, with a one-story single-family residence, a/c pad, concrete pads, frame building, screen enclosure, well house, carport and driveway.

-Reason for Request-

The Applicant is requesting a variance from Lake County Land Development Regulations Section 10.01.01(D) and (F) to allow an accessory structure (storage metal building) to be located in the front yard setback eighteen (18) feet the front property line, to allow the accessory structure to exceed eighty (80) percent of the living area of the dwelling unit, and to allow the accessory structure where it will not match the architectural structure of the dwelling unit.

-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.

“The accessory structure will meet the current sides & rear setbacks a wood privacy fence will be placed along the front property line for screening purposes. The east side of the property is heavily wooded and undeveloped.”

The intent of the Code, LDR Section, 10.01.01, is to regulate the installation, configuration, and use of accessory and temporary structures and uses in order to preserve the community and property values and to protect the community character. 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 fence will create a visual buffer to preserve the character of the community; the structure will not obstruct the view of neighbors or drivers. Per LDR Table 3.02.05, properties within the Rural Residential (R-1) 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. 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, 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 thirty (30) 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 accessory structure is proposed to be located approximately eighteen (18) feet from the road.

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 lot is in a triangle shape. The SFR was constructed in 1958 at 111’ back from the front property line. There is not enough room in the rear or side yards to place a storage building. Due to multiple architectural [sic] styles and portions of flat roof on the SFR it is impossible to construct the metal storage building to match the SFR elevations or styles. The storage building cannot be built 100’ from the front property line, as the SFR has been built at 111’ which would not leave enough buildable area. The metal accessory building is needed for storage of personal lawn equipment, tools, and personal items. Also due to physical disabilities an enclosed level area is needed to perform maintenance [sic] of lawn mower, and personal vehicles.”

Per LDR Section, 10.01.01, for lots less than one (1) acre in size, the square footage of an accessory structures shall not exceed eighty (80) percent of the main floor square footage of the enclosed living area of the dwelling unit, which excludes features such as garages, patios, and porches. If there is more than one (1) accessory structure, the combined square footage shall apply. In addition, the accessory structure shall be located in the side or rear yards, unless:

- a. The accessory structure is the same architectural style and the exterior walls and roof are the same material and color as the principal dwelling unit; or
- b. The accessory building is located a minimum of one hundred (100) feet from the front property line.

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 Rural Residential (R-1) 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 Rural Residential (R-1) 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-1.4.5 Rural Transition 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 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 Lake County Land Development Regulations (LDR) Table 3.02.05, LDR Section 10.01.01(D) and (F) to allow an accessory structure (storage metal building) to be located in the front yard setback eighteen (18) feet the front property line in lieu of sixty-two (62) feet from the centerline of the road, to allow an accessory structure to exceed eighty (80) percent of the living area of the dwelling unit on property less than an acre, and to allow an accessory structure with a different architectural style than the single-family dwelling unit subject to the following condition:

1. A privacy fence must be installed or a row of shrubs must be planted to create a visual buffer from Lake Unity Nursery Road.

WRITTEN COMMENTS FILED: **Supportive: -0-** **Concern: -0-** **Opposition: -0-**

Case Manager: Janie Barrón, Senior Planner

Exhibit A
Plot plan

LEGEND/ABBREVIATIONS

- Concrete
- E.O.P. = EDGE OF PAVEMENT
- Ph. = Paint
- C.M. = Concrete Monument
- I.P. = IRON PIN
- Stk. = Surveyor's Hat and Stake
- (R) = road
- T88 = Telephone Service Box
- Dec. = Electrical Service Box
- Outr. = Outside Lx. Service Box
- A/C = Air Conditioner
- SSS = Sanitary Sewer Stub
- L.B. = Licensed Business
- S.E. = Special Easement
- C-1 = Curve Number
- R.S. = Registered Land Surveyor
- F.M. = Field Book
- P.L.S. = Professional Land Surveyor
- C = Contour
- R/W = Right-of-Way
- (P) = Post
- (M) = Metal
- (D) = by Description
- (S) = Station
- PPM = Permanent Reference Monument
- PCP = Permanent Control Point
- R.C.P. = Round Concrete Pipe
- E.O.W. = Edge of Water
- U.E. = Utility Easement
- D.E. = Driveway Easement
- PP = Power Pole and Overhead Line

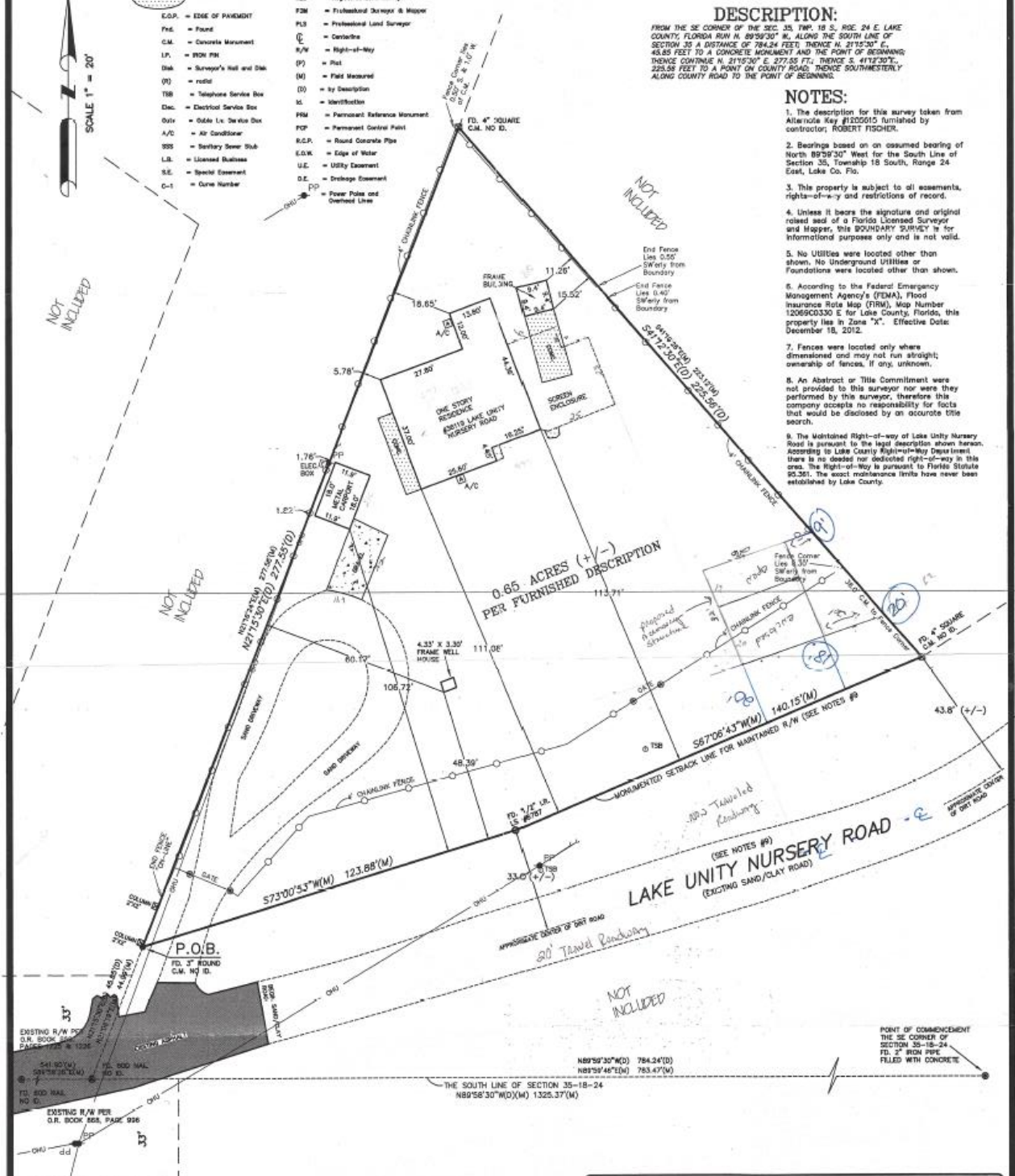
BOUNDARY SURVEY

DESCRIPTION:

FROM THE SE CORNER OF THE SEC. 35, TWP. 18 S., R. 24 E. LAKE COUNTY, FLORIDA RUN N 89°59'30" W, ALONG THE SOUTH LINE OF SECTION 35 A DISTANCE OF 784.24 FEET, THENCE N 21°15'30" E, 43.85 FEET TO A CONCRETE MONUMENT AND THE POINT OF BEGINNING; THENCE CONTINUE N 21°15'30" E, 277.35 FT.; THENCE S 41°12'30" E, 223.58 FEET TO A POINT ON COUNTY ROAD, THENCE SOUTHWESTERLY ALONG COUNTY ROAD TO THE POINT OF BEGINNING.

NOTES:

1. The description for this survey taken from Alternate Key #1200015 furnished by contractor; ROBERT FISCHER.
2. Bearings based on an assumed bearing of North 89°59'30" West for the South Line of Section 35, Township 18 South, Range 24 East, Lake Co. Fla.
3. This property is subject to all easements, rights-of-way and restrictions of record.
4. Unless it bears the signature and original raised seal of a Florida Licensed Surveyor and Mapper, this BOUNDARY SURVEY is for informational purposes only and is not valid.
5. No Utilities were located other than shown. No Underground Utilities or Foundations were located other than shown.
6. According to the Federal Emergency Management Agency's (FEMA), Flood Insurance Rate Map (FIRM), Map Number 12060C0330 E for Lake County, Florida, this property lies in Zone "X". Effective Date: December 18, 2012.
7. Fences were located only where dimensioned and may not run straight; ownership of fences, if any, unknown.
8. An Abstract or Title Commitment were not provided to this surveyor nor were they performed by the surveyor; therefore this company accepts no responsibility for facts that would be disclosed by an accurate title search.
9. The Maintained Right-of-way of Lake Unity Nursery Road is pursuant to the legal description shown hereon. According to Lake County Right-of-Way Ordinance there is no dedicated or dedicated right-of-way in this area. The Right-of-Way is pursuant to Florida Statute 35.351. The exact maintenance limits have never been established by Lake County.



CERTIFIED TO:

MARSHA L. AND ROBERT A. CLOUSE, SR.

12/6/2016
DATE

John T. McElhorn
JOHN T. MC ELHORN, PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 6023

SHEET 1 OF 1

CLIENT: MARSHA L. & ROBERT A. CLOUSE, SR.
JOB NO.: TR1601002
DATE: NOVEMBER 21, 2016
DRAWN BY: JTM CHECKED BY: JTM
ACAD FILE: CLOUSE.301804.DWG
REVISIONS: _____ DATE: _____

BOUNDARY-SURVEY

SECTION-35-TOWNSHIP-18-SOUTH-RANGE-24-EAST
LAKE COUNTY, FLORIDA.
ADDRESS: #8119-LAKE-UNITY-NURSERY-ROAD

**FARNER
BARLEY**
AND ASSOCIATES, INC.
138 W. KING ST. - SUITE 201 - OROVATO, FL 32759

**ENGINEERS
& SURVEYORS
& PLUMBERS
LS 4789**



FUTURE LAND USE LEGEND

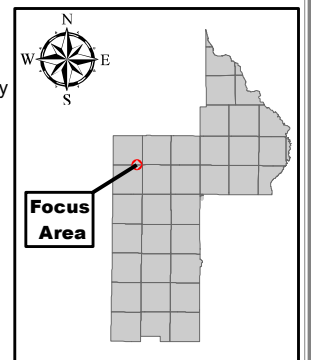
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|--------------------------------|--|--------------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Summer Bay |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low Density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

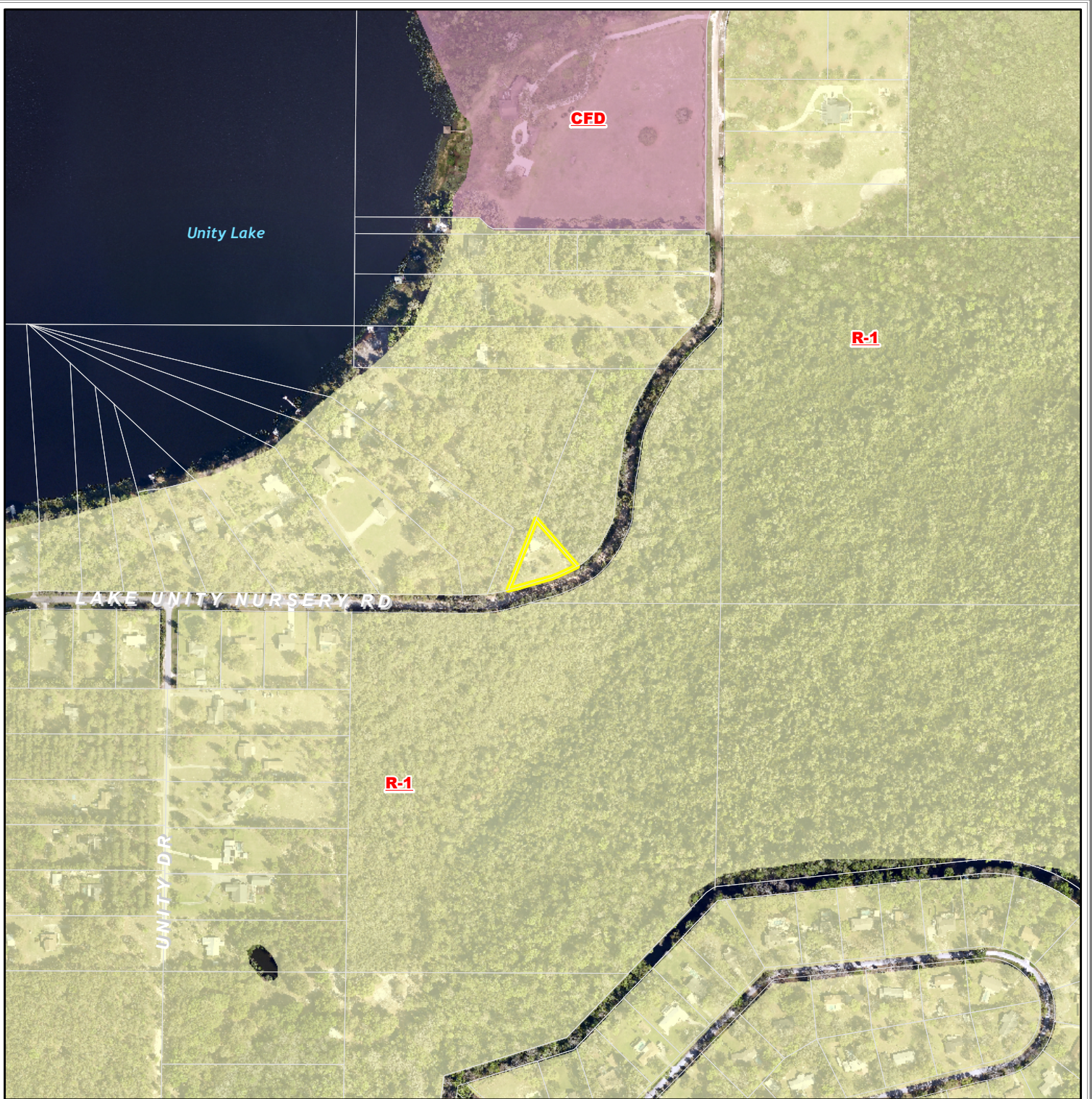
NAME: CLOUSE PROPERTY

CASE NUMBER: VAR-18-06-5

LOCATION (S-T-R): 35-18-24

REQUEST: ACCESSORY STRUCTURE SETBACK ADJUSTMENT

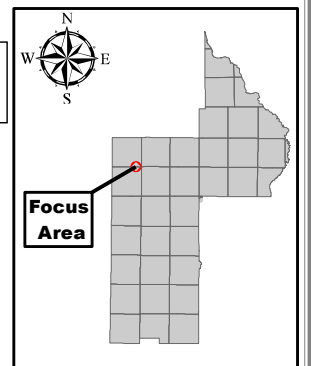




ZONING LEGEND

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: CLOUSE PROPERTY
CASE NUMBER: VAR-18-06-5
LOCATION (S-T-R): 35-18-24
REQUEST: ACCESSORY STRUCTURE SETBACK ADJUSTMENT



**Final Development Order
VAR-18-06-5
Clouse Property**

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

WHEREAS, Alma Kay Courtney (the “Applicant”) on behalf of Robert A. Clouse, Sr. and Marsha L. Clouse (the “Owners”) requested a variance to Lake County Land Development Regulations (LDR) Table 3.02.05, LDR Section 10.01.01(D) and (F) to allow an accessory structure (storage metal building) to be located in the front yard setback eighteen (18) feet the front property line in lieu of sixty-two (62) feet from the centerline of the road, to allow an accessory structure to exceed eighty (80) percent of the living area of the dwelling unit on property less than an acre, and to allow an accessory structure with a different architectural style than the single-family dwelling unit; and

WHEREAS, the subject property consists of 0.65 +/- acres and are located north of Lake Unity Nursery Road in the Fruitland Park area, in Section 35, Township 18 South, Range 24 East, having Alternate Key Number 1285615 and more particularly described below as:

From the SE corner of the Sec. 35, Twp. 18S., Rge. 24E. Lake County, Florida, run N. 89°59’30” W., along the South line of Section 35 a distance of 784.24 feet; thence N. 21°15’30” E., 45.85 ft. to a concrete monument and the Point of Beginning; thence continue N. 21°15’30” E. 277.55 ft.; thence S. 41°12’30” E., 225.56 feet to a point of County Road; thence Southwesterly along County Road to the Point of Beginning.

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 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 requests 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-18-06-5 to allow an accessory structure (storage metal building) to be located in the front yard setback eighteen (18) feet the front property line in lieu of sixty-two (62) feet, to allow an accessory structure to exceed eighty (80) percent of the living area of the dwelling unit on property less than an acre, and to allow an accessory structure with a different architectural style than the single-family dwelling unit with the following condition:

- 1. A privacy fence must be installed or a row of shrubs must be planted to create a visual buffer from Lake Unity Nursery Road.

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