

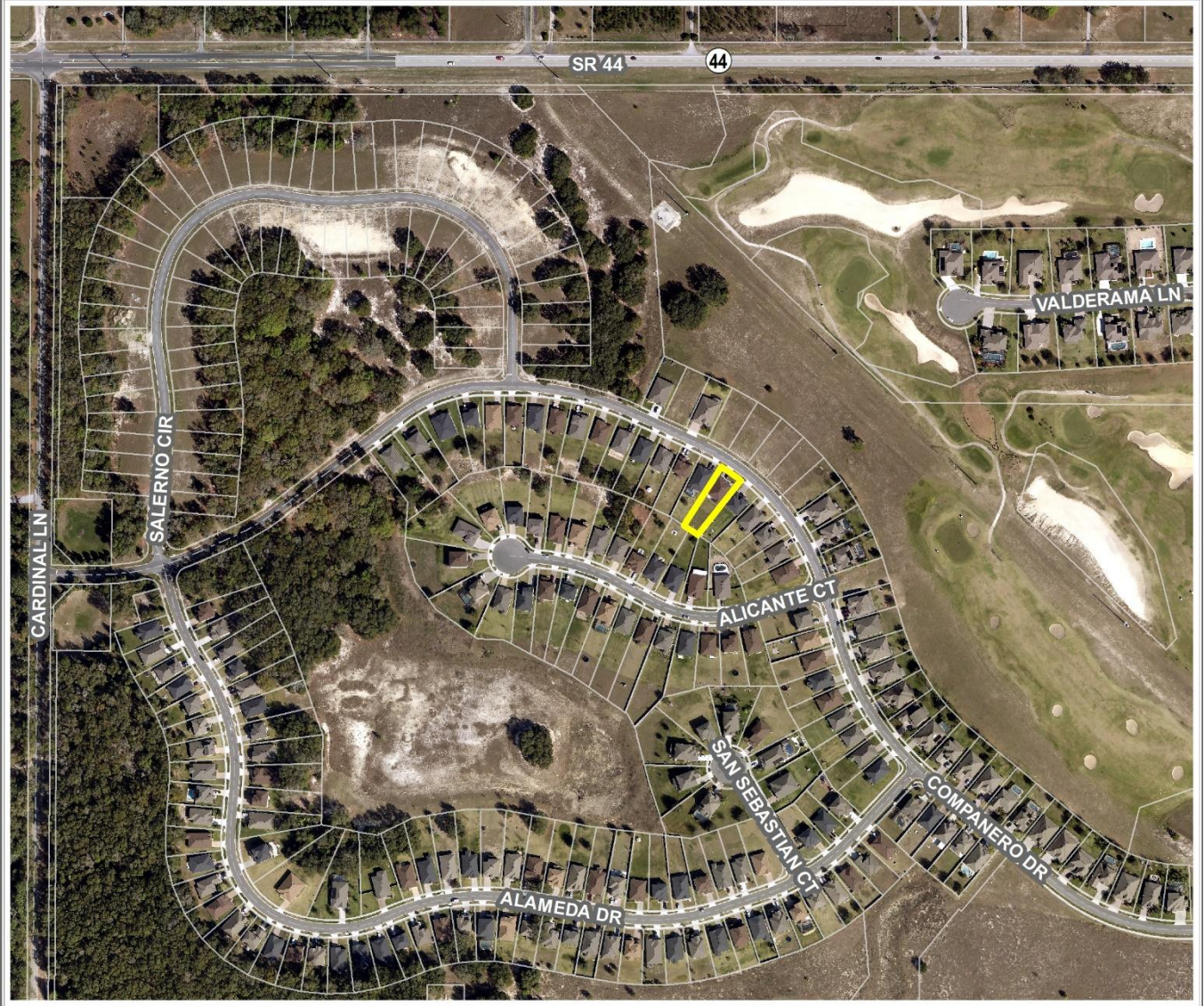
LAKE COUNTY OFFICE OF PLANNING AND ZONING  
BOARD OF ADJUSTMENT STAFF REPORT

Board of Adjustment



May 10, 2018

VAR-18-22-4 Robinson Property	Commissioner District 4 Campione	Agenda Item #1
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**Requested Action:** Variance to Planned Unit Development (PUD) Ordinance 1991-34, Section (I)(A)(3)(a), to allow a paver sidewalk to be developed two (2) feet from the north-western property line in lieu of the mandated fifteen (15) feet between structures.

**Owners:** Kendal D. Robinson & Robbin N. Robinson (“The Owners”)

**Applicant:** D.C. Johnson (the “Applicant”)

**- Site Location & Information -**

<b>Size</b>	0.23 +/- acres
<b>Location</b>	23724 Companero Drive, Sorrento, FL 32776
<b>Alternate Key #</b>	3852950
<b>Future Land Use</b>	Rural Transition
<b>Existing Zoning District</b>	Planned Unit Development (PUD)
<b>Overlay Protection Area</b>	Wekiva Study Area
<b>ISBA/JPA</b>	N/A
<b>Commission District</b>	4, Campione

**-Land Use Table-**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural Transition	Planned Unit Development (PUD)	Residential	Single Family Residences on similarly platted lots.
South	Rural Transition	Planned Unit Development (PUD)	Residential	Single Family Residences on similarly platted lots.
East	Rural Transition	Planned Unit Development (PUD)	Residential	Single Family Residences on similarly platted lots.
West	Rural Transition	Planned Unit Development (PUD)	Residential	Single Family Residences on similarly platted lots.

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL WITH CONDITIONS** of the variance application to Planned Unit Development (PUD) Ordinance 1991-34, Section (I)(A)(3)(a), to allow a paver sidewalk to be developed two (2) feet from the north-western property line in lieu of the mandated fifteen (15) feet between

**- Background -**

The subject property contains 0.23 +/- acres (approximately 10,163 square feet) and is currently developed with a single family dwelling unit and associated accessory structures. The existing single family residence was built in 2014 and contains 1,680 square feet of living area and 2,253 square feet area under the roof. The property is located within Sorrento Springs Phase 4 subdivision, which is generally located south of State Road 44 and west of County Road 437 in the Sorrento area.

The parcel is zoned Planned Unit Development (PUD) and is part of the Rural Transition Future Land Use Category. According to GIS map data, there is no indication of flood zone or wetlands. The survey (Attachment A) and plat show a ten (10) foot drainage and utilities easement in the front of the property, and no easements on the side or rear property lines. PUD Ordinance 1991-34 states that the required minimum distance between residential structures is fifteen (15) feet.

**-Reason for Request-**

The Owners are requesting a variance to Planned Unit Development (PUD) Ordinance 1991-34, Section (I)(A)(3)(a), to allow a paver sidewalk to be developed two (2) feet from the north-western property line in lieu of the mandated fifteen (15) feet between structures.



Office of Planning and Zoning staff issued a permit on June 15, 2017 for a screen enclosure and patio cover over new and existing concrete. Per a written statement provided by the Applicant (Attachment B), it was found during inspections that the Owners had a contractor add a paver sidewalk from the driveway to the backyard in order to provide wheelchair access to the rear of the property. The Owners were unaware that the structure setback applied to pavers, and are requesting a variance to the PUD Ordinance to allow for the wheelchair access to remain.

### -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 intent of the Code, LDR Table 3.02.05, *Setback Requirements*, is to ensure the adherence of safe distances between structures and right-of-ways, and to avoid impediment of proper drainage.

The Applicant submitted the following statement as evidence of meeting the intent of the code, *"The pitch of the land will allow water to drain easily."* The Applicant also submitted a written statement from the neighbor that shares the subject property line with The Owners (Attachment C) stating that she does not have an issue with the location of the paver sidewalk.

Staff has found that the proposed paver sidewalk is not a structure that would impose a safety hazard. Per the Lake County Fire Inspector, a paver sidewalk is not considered a structure by definition in the Florida Fire Prevention Code. There is fifteen and four-tenths (15.4) feet between the Single Family Residence (SFR) located on the subject property and the SFR sharing the subject property line. The SFR sharing the subject property line is seven and six-tenths (7.6) feet away from the property line, which places the paver sidewalk at nine and six-tenths (9.6) feet away from the nearest SFR. The front and rear setbacks referenced in PUD 1991-34 will not be affected.

Land Development Regulations (LDR) 9.11.00.B(6), *Lot Grading – Exempt Activities*, states that Additional impervious surface that intrudes into any portion of the setback that is within five (5) feet of the side or rear property line is exempt from lot grading, provided that: a) Impervious surface is installed in no more than two (2) areas with a maximum size of four (4) feet by four (4) feet each, for the purpose of supporting mechanical equipment, pool equipment, step-off pads and other similar uses; and b) A detailed plan is submitted by the owner or applicant demonstrating that stormwater will be conveyed in a way to protect neighboring property. Drainage pipes, underdrains, inlets, or other approved methods may be used to convey the stormwater. The plan shall be reviewed and approved prior to construction of an alternative method of stormwater conveyance.

Pavers are considered an impervious surface by the definition set by LDR Chapter 2, *Definitions*. The Applicant stated that fifty-eight (58) square feet of the paver sidewalk is encroaching into the five (5) foot setback referred to by LDR 9.11.00.B(6). Because of this, Public Works staff has requested that as conditions of the variance approval, 1. A detailed lot grading plan must be submitted showing grade points, drainage flow, swale and other drainage features that demonstrate runoff from the sidewalk will be conveyed per the original lot grading plan and meeting the Sorrento Springs mass grading plan and 2. Positive drainage must be maintained with the sidewalk and no drainage may adversely impact, and there must not be any discharge, onto the neighboring property.

**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 Applicant submitted a statement that the application of the Land Development Regulations would create a substantial hardship or violate principles of fairness because The Owners “need wheelchair access on the side and rear of the dwelling.” The paver sidewalk is already in place, and removing it would create a hardship for a wheelchair bound occupant. Even if the paver sidewalk was shifted so as to be touching the SFR, portions of it would still be within the setback as the SFR is seven and six-tenths (7.6) feet from the property line, and the paver sidewalk is three (3) feet to five (5) feet wide depending on the point being measured. The paver sidewalk cannot be relocated to the other side of the SFR as the air conditioning pad would obstruct the path of the wheelchair.

Staff has found that imposing the Land Development Regulations would violate the principles of fairness, as the Owners are requesting the variance for a disability-related development, and the literal application of the Land Development Regulations and PUD Ordinance would affect them in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation and PUD Ordinance.

**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 Development (PUD) Zoning District;
- This request is consistent with Land Development Regulations (LDR) Section 4.03.04(D), *Impervious and Floor Area Ratios*, which details the maximum Impervious Surface Ratio (ISR) allowed in the Planned Unit Development (PUD) Zoning District;
- 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.

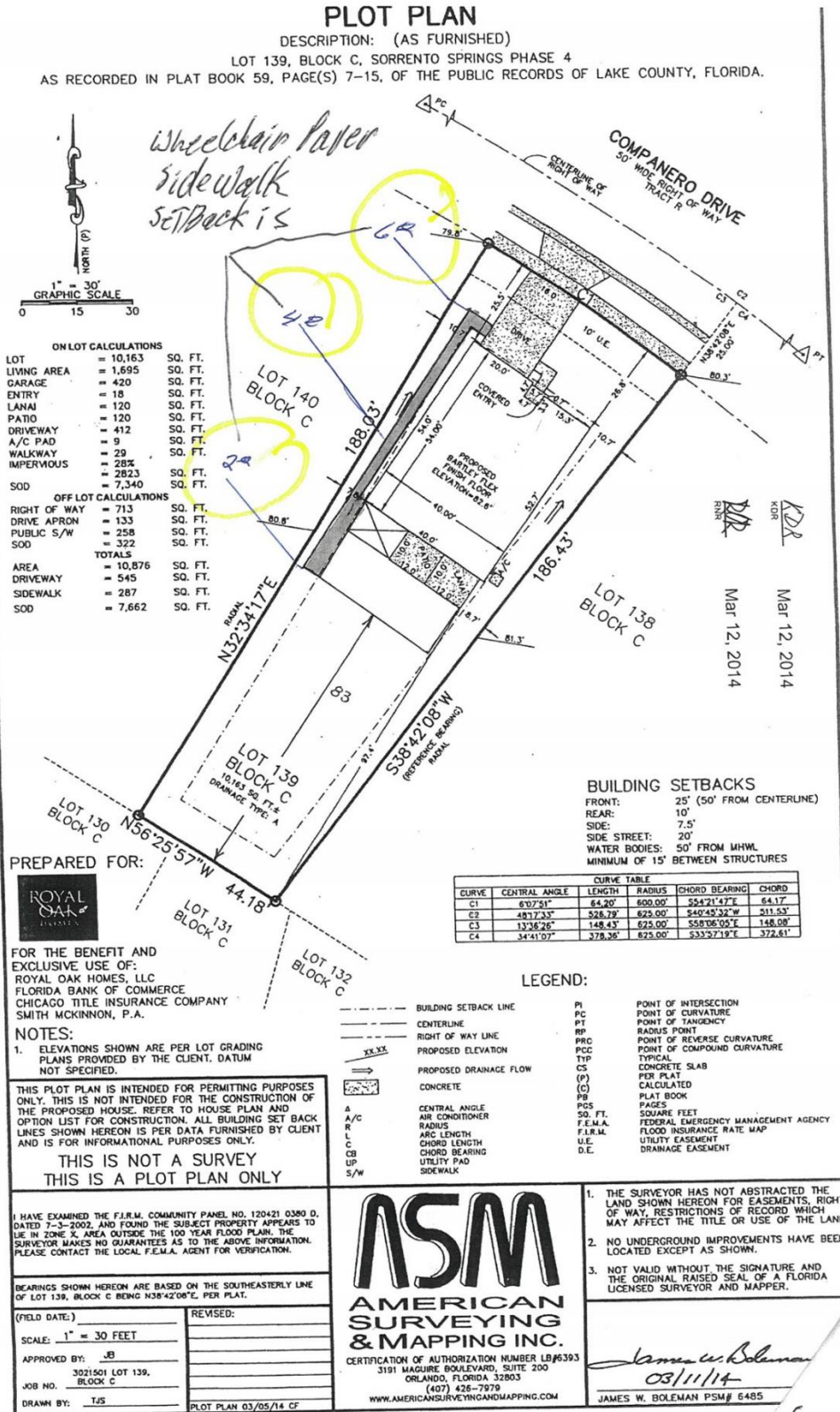
The Applicant has submitted evidence of meeting the intent of the Code and has provided evidence of a substantial hardship indicating that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, staff recommends **Approval with Conditions** of the Variance from Planned Unit Development (PUD) Ordinance 1991-34, Section (I)(A)(3)(a), to allow a paver sidewalk two (2) feet from the north-western property line in lieu of the mandated fifteen (15) feet between structures with the conditions that:

- 1) The Applicant must provide a detailed lot grading plan showing grade points, drainage flow, swale and other drainage features that demonstrate runoff from the sidewalk will be conveyed per the original lot grading plan and meeting the Sorrento Springs mass grading plan.
- 2) The Applicant must demonstrate that positive drainage will be maintained with the sidewalk and no drainage may adversely impact, and there must not be any discharge onto, the neighboring property.

**WRITTEN COMMENTS FILED:**                      **Supportive: -1-**                      **Concern: -0-**                      **Opposition: -0-**

**Case Manager:** Emily W. Johnson, Associate Planner

# Attachment A. Survey



Attachment B. Statement from Applicant



**Florida Pool Enclosures, Inc**

*Committed to Your Satisfaction*

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927 Hickory Street, Altamonte Springs, Florida 32701  
Tel (407) 260-2800 Fax (407) 260-6411  
[www.FloridaPoolEnclosures.com](http://www.FloridaPoolEnclosures.com)  
E-Mail [sales@floridapoolenclosures.com](mailto:sales@floridapoolenclosures.com)

February 22, 2018  
BCC Lake county

On 6/19/2017 we received a building permit (#2017060578) and built said cage with a completion date of 12/17/2017. Upon getting the final inspection, the inspector brought to my attention that the homeowner had the paver people add a sidewalk from the driveway to the back yard for wheelchair access, they knew they could not build a structure in said setback but unaware that pavers would be an issue. As seen we are asking for a variance or modification of standards to allow wheelchair access to rear of dwelling as the pitch of the side yard apparently for drainage is such to not inhibit the natural flow of stormwater.

Thank you for your consideration and feel free to contact me for anything you need for making a decision on this wheelchair path.

Regards,  
Douglas Johnson  
Dc4harvick@gmail.com  
Florida Pool Enclosures, Inc.  
Phone (407) 260-2800  
Cell# (407) 739-2680

Attachment C. Statement from Neighbor

Mrs. June Kennedy  
23730 Companero Drive  
Sorrento,  
Florida 32776

RECEIVED  
FEB 28 2018  
BY: SAM

February 25, 2018

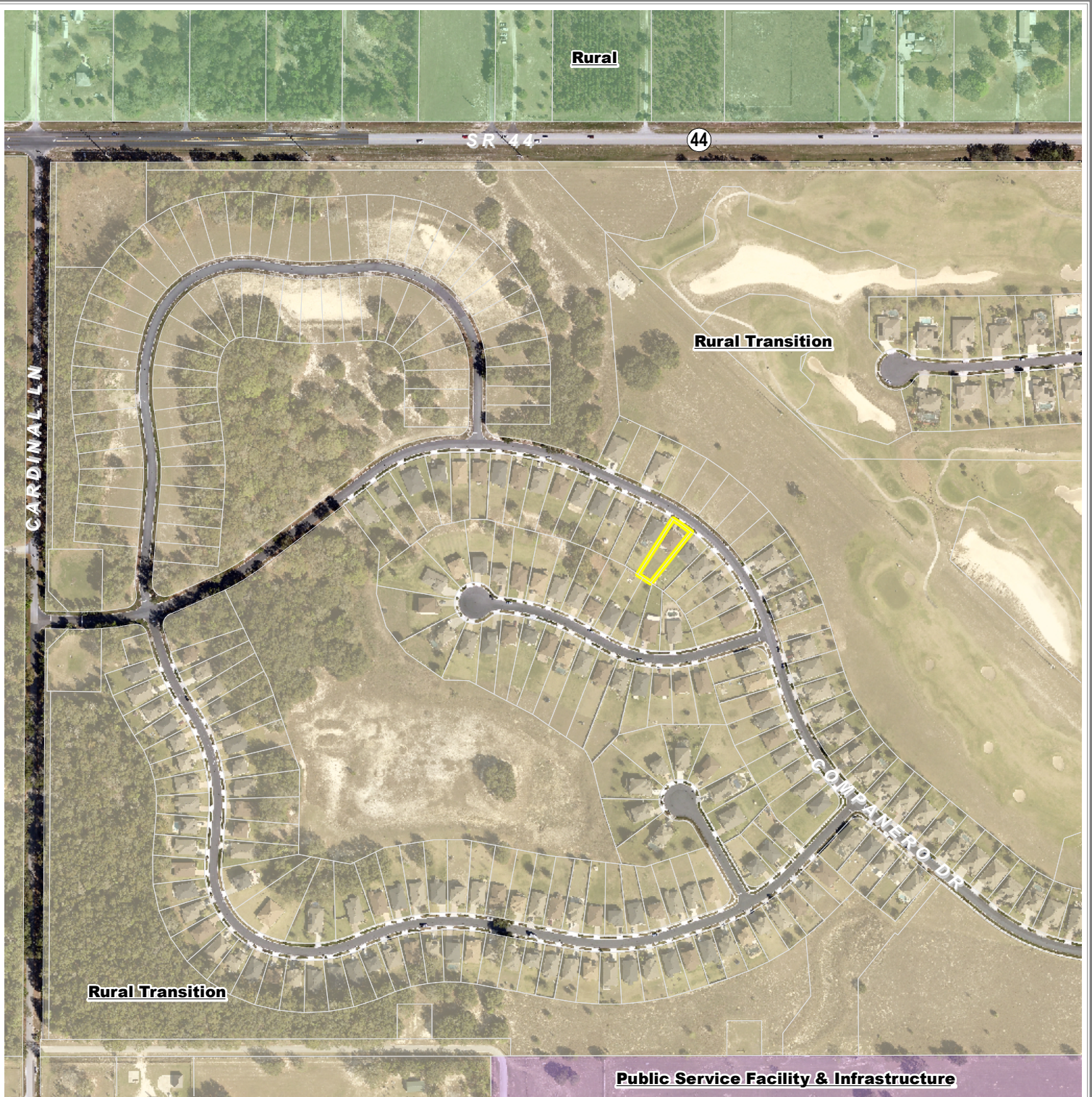
To Whom This May Concern,

I Mrs. June Kennedy own the property located at 23730 Companero Drive in Sorrento Florida. I understand that my neighbors Kendal and Robin Robinson residing next door to my home at 23724 Companero Drive Sorrento Florida are applying for a variance for their walkway. I have no issues with this. If you have any further questions please feel free to contact me on my cell at 917-860-4171.

Sincerely,

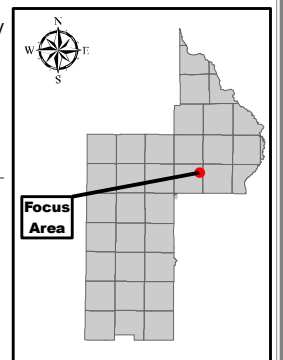
*Mrs. June Kennedy*  
Mrs. June Kennedy





**FUTURE LAND USE LEGEND**

- |                                |  |                          |                      |
|--------------------------------|--|--------------------------|----------------------|
| Bella Collina                  | Mt Plymouth-Sorrento Main Street District  | Regional Commercial      | Urban Low Density    |
| Cagan Crossings                | Mt Plymouth-Sorrento Neighborhood          | Rural                    | Urban Medium Density |
| Conservation                   | Mt Plymouth-Sorrento Receiving Area        | Rural Transition         | Urban High Density   |
| Green Swamp Core Conservation  | Regional Office                            | Sending Area A-1-20      | Wellness Way 1       |
| Green Swamp Interlachen        | Public Service Facility and Infrastructure | Sending Area A-1-40      | Wellness Way 2       |
| Green Swamp Ridge              | Recreation                                 | South Lake Regional Park | Wellness Way 3       |
| Green Swamp Rural              | Recreation                                 | Summer Bay               | Wellness Way 4       |
| Green Swamp Rural Conservation |  |                          | Towncenter           |
| Heavy Industrial               |  |                          |                      |



**NAME: ROBINSON PROPERTY**  
**CASE NUMBER: VAR-18-22-4**  
**LOCATION (S-T-R): 12-19-27**  
**REQUEST: SETBACK & BUFFER ADJUSTMENT**

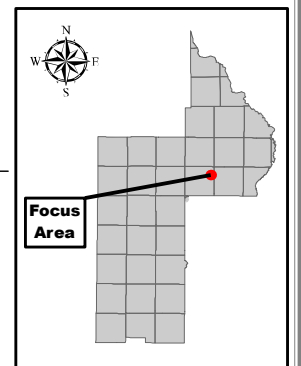




ZONING LEGEND

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: ROBINSON PROPERTY**  
**CASE NUMBER: VAR-18-22-4**  
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**REQUEST: SETBACK & BUFFER ADJUSTMENT**





**Final Development Order  
VAR-18-22-4  
Robinson Property**

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

**WHEREAS**, D.C. Johnson (the “Applicant”) on behalf of Kendal D. Robinson and Robbin N. Robinson (the “Owners”) requested a variance to Planned Unit Development (PUD) Ordinance 1991-34, Section (I)(A)(3)(a), to allow a paver sidewalk to be developed two (2) feet from the north-western property line in lieu of the mandated fifteen (15) feet between structures; and

**WHEREAS**, the subject property consists of 0.23 +/- acres and is located southerly of State Road 44 and westerly of County Road 437 in the Sorrento area, in Section 12, Township 19, Range 27, having Alternate Key Number 3852950 and is more particularly described below as:

Lot 139, Block C, Sorrento Springs Phase 4, according to the map or plat thereof, as recorded in Plat Book 59, Page 7, of the Public Records of Lake County, Florida.

**WHEREAS**, after giving notice of the hearing on the petition for a variance to the Planned Unit Development (PUD) Ordinance, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on May 10, 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 May 10, 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-18-22-4 to allow a paver sidewalk to be developed two (2) feet from the north-western property line in lieu of the mandated fifteen (15) feet between structures, with the following conditions:

1. The Applicant must provide a detailed lot grading plan showing grade points, drainage flow, swale and other drainage features that demonstrate runoff from the sidewalk will be conveyed per the original lot grading plan and meeting the Sorrento Springs mass grading plan; and
2. The Applicant must demonstrate that positive drainage will be maintained with the sidewalk and no drainage may adversely impact, and there must not be any discharge onto, the neighboring property.

**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 10<sup>th</sup> day of May, 2018.  
EFFECTIVE May, 10, 2018.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**Catherine Hanson, Chairman**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of May, 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**