

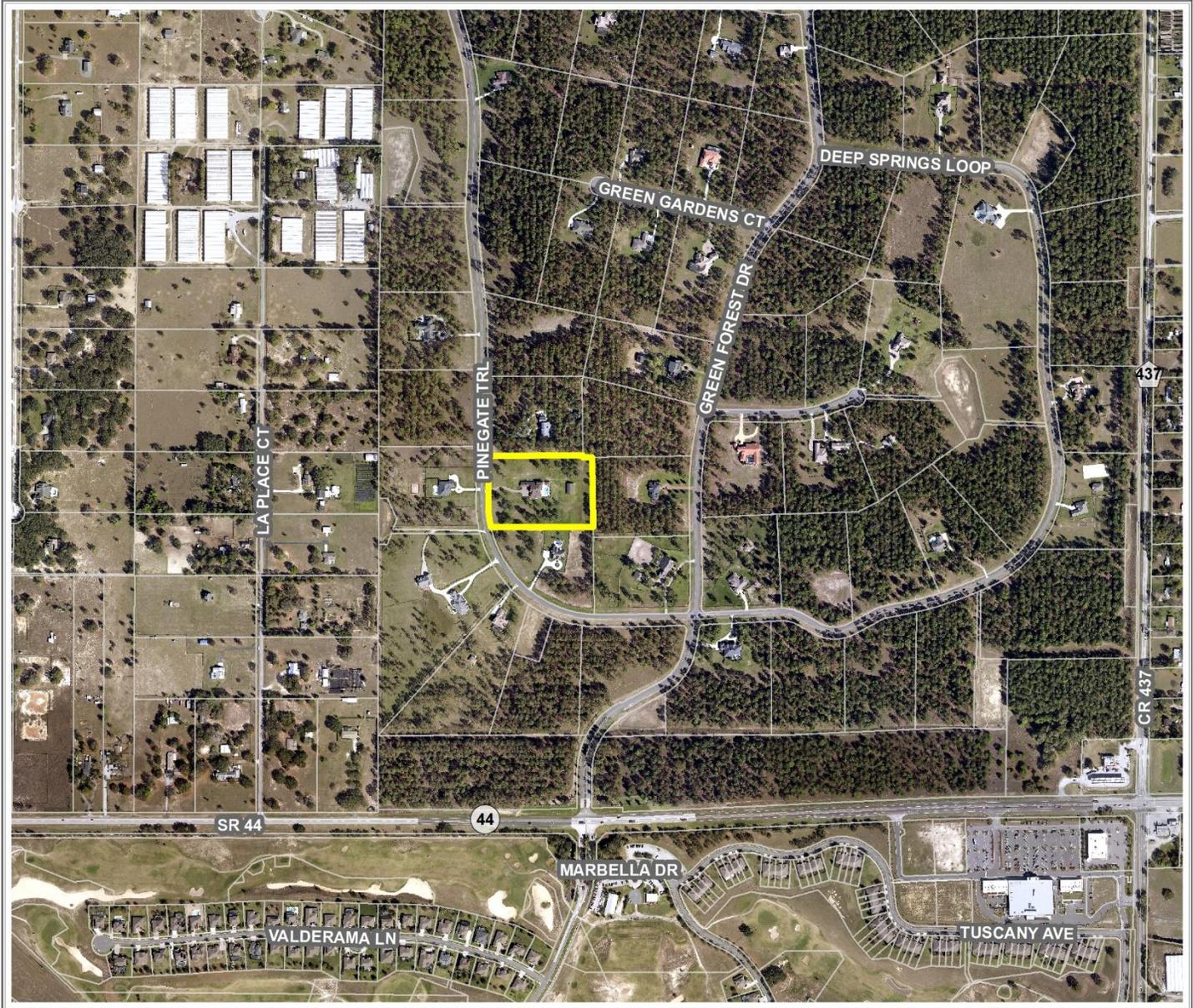
LAKE COUNTY OFFICE PLANNING AND ZONING
BOARD OF ADJUSTMENT STAFF REPORT

Board of Adjustment



May 10, 2018

VAR-18-23-4 Russo Property	Commissioner District 4	Agenda Item # 2
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Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.02.06, *Density, Impervious Surface, Floor Area and Height Requirements*, to allow the property to be developed with a twenty (20) percent impervious surface ratio in lieu of ten (10) percent.

Owners: Michael Lee Russo and Marilyn Russo (the "Owners")

Applicant: Katy Courtney (the "Applicant")

- Site Location & Information -

Size	5.02 +/- acres
Location	35308 Pinegate Trail, Eustis FL 32736
Alternate Key No.	3830896
Future Land Use	Rural
Existing Zoning District	Agriculture (A)
Overlay Protection Area	Wekiva Study Area Wekiva – Ocala Rural Protection Area
Planning Area/ISBA Area	N/A
Commission District	4

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Ranchette District (RA)	SFR	Sunny Acres Subdivision
South	Rural Transition	Planned Unit Development (PUD)	SFR	Sorrento Hills
East	Receiving A-1-20	Agriculture (A)	SFR	Some Agricultural Uses
West	Rural	Agriculture (A)	SFR	Some Agriculture Uses

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL with Conditions** of the Variance to Lake County Land Development Regulations (LDR) Section 3.02.06, *Density, Impervious Surface, Floor Area and Height Requirements*, to allow the property to be developed with twenty (20) percent impervious surface in lieu of ten (10) percent.

- Background -

The subject property contains 5.02 +/- acres and is currently developed with a single-family dwelling unit and associated structures. The property is generally located northwest of the intersection between S.R. 44 and County Road 437 in the Eustis area. The parcel is zoned Agriculture (A) with a Rural Future Land Use Category. The subject property is located within the Lakewood Ranches subdivision, which was platted in 2004. According to the GIS Map, the property does not lie with a floodplain area and there is no indication that wetlands exist on the site.

On November 4, 2008, Building Services issued a Certificate of Occupancy for a single family residence with 4,569 square feet of living area and 1480 square feet of non-living area. The total impervious surface (ISR) for the lot developed with the existing house and all existing and proposed associated structures will be twelve (12) percent. The maximum ISR allowed within the Agriculture (A) zoning district is ten (10) percent.

-Reason for Request-

The Owners seek to construct a 1,875 square foot garage addition to an existing barn. With the addition of the proposed garage, the project will create twelve (12) percent ISR on the subject property. The Applicant has provided a breakdown of the existing and proposed ISR calculations shown in Attachment A. The Applicant submitted a plot plan with a potential final layout of the proposed project as shown in Attachment B. The final development totals equal 26,045 square feet resulting a total ISR of twelve (12) percent.

Per Land Development Regulations (LDR) Section 3.02.06, *Density, Impervious Surface, Floor Area and Height Requirements*, property zoned Agriculture (A) is allowed a maximum impervious surface ratio of ten (10) percent. Impervious surface is any surface which has been compacted or covered with a layer of material that is highly resistant to infiltration by water, and includes semi-pervious surfaces such as compacted clay, in addition to most conventionally surfaced street, roofs, sidewalks, parking lots and other similar surfaces. The impervious surface ratios (ISR) in Table 3.02.06 are applicable to both residential and nonresidential development.

The Applicant is seeking a variance to LDR Section 3.02.06 to allow the property to be developed with a maximum of twenty (20) percent ISR in lieu of ten (10) percent ISR. The Applicant submitted a breakdown of the existing and proposed ISR calculations shown in Attachment A. The total proposed project square footage shown is 26,045 square feet, which totals an impervious surface ratio of twelve (12) percent. The Agriculture (A) zoning district allows a maximum impervious surface ratio of ten (10) percent and the Urban Low Future Land Use Category allows a maximum impervious surface ratio of twenty (20) percent.

– Summary of Analysis –

LDR Section 14.15.02 states that variances shall 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** (3.02.06) is to protect the public health, safety and welfare by limiting the amount of 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.

The Applicant submitted the following reasons as evidence of **meeting the intent of the Code**: *“The proposed detached garage will be located at the rear of the property and not visible from the road, will exceed all setback requirements and will meet all the requirements of Land Development Regulation Section 10.01.01 for Accessory Structures. The proposed development will result in a total ISR of twelve (12) percent for the subject property, which is consistent with the maximum allowable ISR of twenty (20) percent for the Rural Future Land Use Category.”*

The proposed variance request meets the intent of the Comprehensive Plan and Land Development Regulations. The Rural FLUC allows a 20% ISR. The property contains 5.02 +/- acres, which will allow the minimum twenty-five (25) foot setback requirement to be maintained and lot grading will be addressed at the time of permitting to ensure stormwater runoff will not adversely impact 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 Applicant submitted the following as evidence that the application of the Land Development Regulations would create a **substantial hardship or would violate principles of fairness**: *“The owners purchased a large enclosed trailer that attaches to a motor coach and would like a structure to store the trailer out of site of the neighbors and to protect it from the weather and to satisfy HOA requirements that the trailer must be stored in an enclosed building. The proposed*

development will create a total ISR for the subject property exceeding that which is allowed in the Agriculture (A) zoning district, which is inconsistent with that allowed in the Rural Future Land Use Category.”

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 permits single-family dwelling units in the Agriculture (A) Zoning District;
- This request is consistent with Land Development Regulations (LDR) Section 10.01.01, *General Requirements for Accessory Structures*, which allows for accessory structures in conjunction with a residential dwelling unit.
- This request is consistent with Land Development Regulations (LDR) Table 3.02.05, *Setbacks*, which ensures the adherence of safe distances between structures and right-of-ways;
- 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 at a density equal to or less than one (1) dwelling unit per five (5) net buildable acres; and
- This request is consistent with Comprehensive Plan Policy I-1.4.4, Rural Future Land Use Category, which allows a maximum impervious surface ratio of twenty (20) 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 to Lake County Land Development Regulations (LDR) Section 3.02.06, *Density, Impervious Surface, Floor Area and Height Requirements*, to allow the property to be developed with twenty (20) percent impervious surface in lieu of ten (10) percent with the following condition:

1. At the time of permitting, the plot plan for the proposed project shown in Attachment B must indicate the impervious surface calculations (existing and proposed) to ensure that the property meets impervious surface ratio calculations as established in the Comprehensive Plan and Land Development Regulations, as amended. The maximum impervious surface ratio must not exceed twenty (20) percent.
2. The proposed development must meet setback and lot grading requirements.

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

Case Manager: Ken Johnson, Senior Planner

**Attachment A
Impervious Surface Area Worksheet**

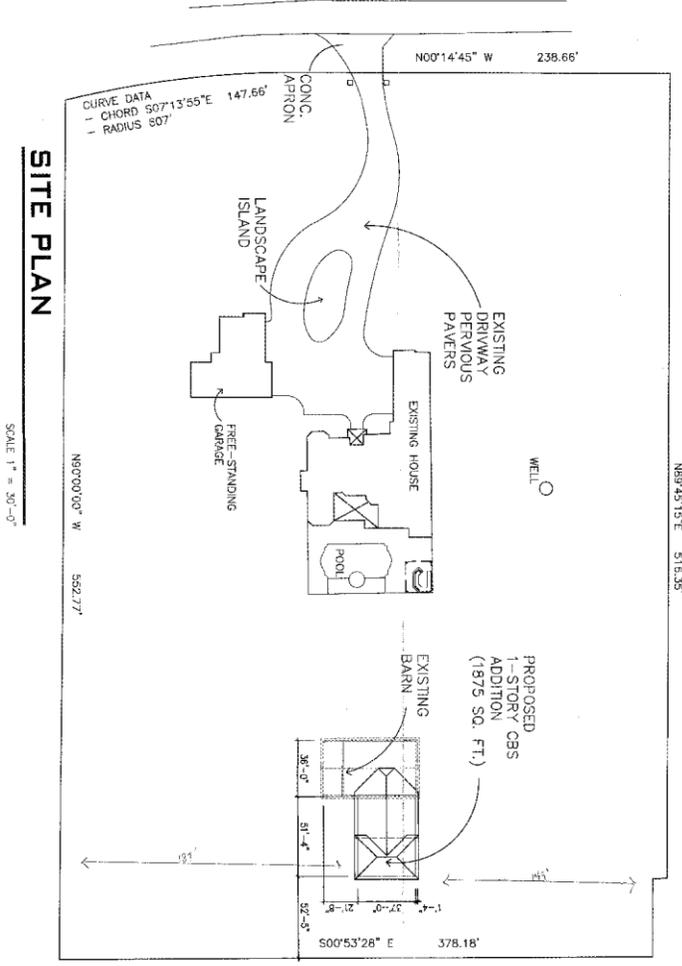
Square Footage Calculations

	<u>Sq Ft</u>	<u>Source</u>
Existing House	6,049	Permit No. 2007080548
Existing Patios/Pool/Cabana	3,154	Permit No. 2016060467
Existing Barn	2,160	Permit No. 2008030161
Existing RV Garage	2,084	Permit No. 2017050613
Existing Driveway Columns	13	Two @ 32" x 32" each
Existing Pavers	10,710	Per Paver Invoice
New Garage	1,875	Engineered Plans
Total Requested Square Footage	26,045	
Total Lot Area	218,236	

Proposed Impervious Surface Ratio (ISR) is 12%

Attachment B Plot Plan

NEW BARN ADDITION FOR MIKE AND MARILYN RUSSO LOT 125, LAKEWOOD RANCHES LAKE COUNTY FLORIDA



SITE PLAN

SCALE 1" = 30'-0"

<p>PAUL N MEDLEY Architect AIA MCARB</p>	<p>75 Glen Ridge Road, Longwood, Florida 32777-2723 PHONE NUMBER 407-914-4441 WWW.PNMAARCHITECTURE.COM</p>
	<p>2017 PLAN APPROVED FOR CONSTRUCTION BY THE FLORIDA DEPARTMENT OF REVENUE AND PROFESSIONAL REGULATION. THIS PLAN IS SUBJECT TO THE ENFORCEMENT OF ALL APPLICABLE ORDINANCES AND REGULATIONS.</p>
<p>PROJECT: GARAGE & POOL ADDITION FOR LOT 125, LAKEWOOD RANCHES, LAKE COUNTY, FLORIDA</p>	<p>REVISION DATES</p>
<p>DATE: 2/11/2018</p>	<p>SHEET TITLE: SITE PLAN</p>
<p>SHEET NUMBER: A1</p>	<p>PROJECT NO.</p>

**Final Development Order
VAR-18-23-4
Russo Property**

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

WHEREAS, Katy Courtney (the “Applicant”) on behalf of Michael Lee Russo and Marilyn Russo (the “Owners”) requested variance to Lake County Land Development Regulations (LDR) Section 3.02.06, *Density, Impervious Surface, Floor Area and Height Requirements*, to allow the property to be developed with twenty (20) percent impervious surface in lieu of ten (10) percent; and

WHEREAS, the subject property consists of 5.02 +/- acres and is located northwest of the intersection between S.R. 44 and County Road 437 in the Eustis area, in Section 12, Township 19 South, Range 27 East, having Alternate Key Number 3830896 and is more particularly described below as:

Lot 125, Lakewood Ranches, according to the map or plat thereof, as recorded in Plat Book 53, Page 19, of the Public Records of Lake County, Florida.

Parcel Identification Number: 0119271200-000-12500

WHEREAS, after giving notice of the hearing on the 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 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-18-23-4 to allow the property to be developed with twenty (20) percent impervious surface in lieu of ten (10) percent with the following conditions:

1. At the time of permitting, the plot plan must indicate the impervious surface calculations (existing and proposed) to ensure that the property meets impervious surface ratio calculations as established in the Comprehensive Plan and Land Development Regulations, as amended. The maximum impervious surface ratio may not exceed twenty (20) percent.
2. The proposed development must meet setback and lot grading requirements.

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 10th 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 14th 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