

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

Board of Adjustment

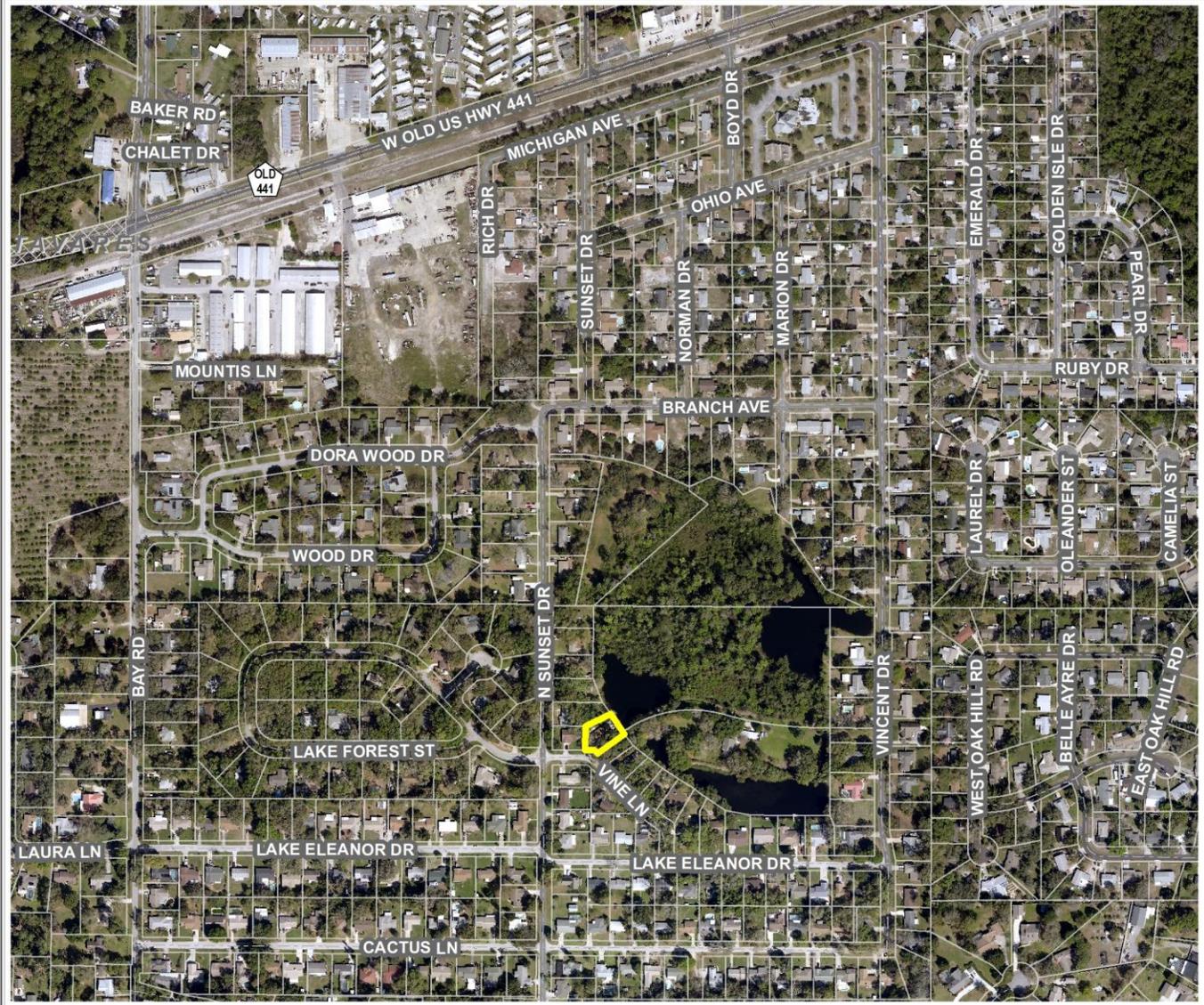


May 10, 2018

VAR-18-28-4
Ferber Property

Commissioner District 4

Agenda Item #6



Applicant Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 6.01.04, *Development near Wetlands and Waterbodies*, to allow a residential addition to be located thirty-two feet (32) from the jurisdictional wetland line in lieu of fifty (50) feet.

Owner: Elisabeth C. Ferber

- Site Location & Information -

Size	0.25 +/- acres
Location	3839 Vine Lane, Mount Dora, FL 32757
Alternate Key #	2686715
Future Land Use	Urban Low
Existing Zoning District	Rural Residential (R-1)
Overlay Protection Area	NA
Commission District	4
ISBA/JPA	Mount Dora

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	Rural Residential (R-1)	Residential	Single Family Residence
South	N/A	N/A	Road	Vine Lane
East	Urban Low	Rural Residential (R-1)	Tract A of Golden Heights First Addition Subdivision	Tract A of Golden Heights First Addition Subdivision
West	Urban Low	Rural Residential (R-1)	Residential	Single Family Residence

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance from Lake County Land Development Regulations (LDR) Section 6.01.04, *Development near Wetlands and Waterbodies*, to allow a residential addition to be located thirty-two feet (32) from the jurisdictional wetland line in lieu of fifty (50) feet.

- Background -

The property is zoned Rural Residential (R-1) and has an Urban Low Future Land Use Category designation. The property is generally located north of Vine Lane in the Mount Dora area and is located within the Mount Dora Joint Planning Area. According to the Federal Emergency Management Agency (FEMA) map, the property does not lie within the flood zone. According to a survey of the property, Attachment A, the parcel contains wetlands. The property is developed with a single family residence and screen room.

- Reason for Request -

The Owner is seeking to construct a two room addition on the north side of the property. The subject property has a fifty (50) foot rear setback to the jurisdictional wetland line. The existing house was built in 1987 and is considered existing nonconforming as it does not meet the required fifty (50) foot setback to the jurisdictional wetland line. The Owner is requesting a variance to Lake County Land Development Regulations (LDR) Section 6.01.04, *Development near Wetlands and Waterbodies*, to allow a residential addition to be thirty-two feet (32) from the jurisdictional wetland line in lieu of fifty (50) feet.

- 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 6.01.04, is to protect the wetland area from erosion, sedimentation, water pollution, and other negative impacts that may be associated with land use.

“Existing house has a current setback of 32.2’ from Wetlands. Attached are plans to capture the first one inch of stormwater runoff designed by a civil engineer. Addition is designed to square off the house and keep within the current overall design of the house. The developmental area which falls into the 50’ limitation is not greater than 30’ in width or depth since it is 16’ wide by 17.8’ long. The rest of the addition is within the wetland guidelines.” Please see Attachment B for the Owner’s full comments.

The proposed addition will not extend beyond the existing house; therefore, not causing any additional impact to the wetlands. The Owner has provided engineer stamped plans to show how the first inch of stormwater runoff will be captured as required by Lake County’s 2030 Comprehensive Plan Policy III-2.2.7, Protection of Shorelines and consistent with Land Development Regulations (LDR) Variance to the setback requirement from an ordinary high water line, mean high water line, or jurisdictional wetland line.

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.

“Based on the current structure of the house, the only place to add an access hallway/door is in the current Master Bedroom next to the bathroom. If I have to move the addition 50’, then I won’t have a way to access those 2 rooms without major redesigning and pulling out a bathroom or I would have to exit the house in order to enter the room addition. Additionally, I have an air conditioning unit and parking pad that would have to be moved. The hardship is extra cost, loss of parking pad and the house design itself will not look as pleasing in the neighborhood.” Please see Attachment B for the Owner’s full comments and Attachment C for Letters of Support.

The subject parcel is lot 7 of the Golden Heights, First Addition subdivision that was platted on August 11, 1958. The existing single family residence was built in the 1980s and at that time there were no provisions in the code for protection of shorelines. In order for the proposed addition to meet the required fifty (50) foot setback from the JWL the Owner must move it twenty (20) feet to the west of the current proposed location. If the proposed addition is moved twenty feet to the west the Owner will lose the concrete parking pad located on the north side of the home and will be required to relocate the air conditioner and air conditioner pad. The Owner would also suffer a great financial burden as she would need to pay for new construction plans as the existing construction plans (that are already paid for) wouldn’t match the proposed work. The Owner would also need to redesign the house to better access the two room addition which would result in extra costs for materials, permits, and construction plans that she is not prepared to pay for.

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

- This request is consistent with Land Development Regulations (LDR) Section 14.15.04, Variance to the setback requirement from and ordinary high water line, mean high water line, or jurisdictional wetland line.

- This request is consistent with Comprehensive Plan Policy III-2.2.7, Protection of Shorelines.

The Owner 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** of the Variance to Lake County Land Development Regulations (LDR) Section 6.01.04, *Development near Wetlands and Waterbodies*, to allow a residential addition to be located thirty-two feet (32) from the jurisdictional wetland line in lieu of fifty (50) feet.

WRITTEN COMMENTS FILED: **Supportive: -3-** **Concern: -0-** **Opposition: -0-**

Case Manager: Ruth Mitchell, Associate Planner

Attachment B – Owner Comments

Variance Request:

I am asking for a variance to the building code 14.15.04 wetland setback requirement of 50' in order to add a studio and recreation room to the side of my existing home. I'm asking to add 2 rooms, which combined, total 16' wide by 38' long. Of this, 16' x 17.8 feet is what falls over the 50' requirement.

I would like to start the rooms along the side of the existing house which is currently at 32.2 feet from the wetlands setback. (see wetlands survey attached)

Hardship:

Based on the current structure of the house, the only place to add an access hallway/door is in the current Master Bedroom next to the bathroom. -If I have to move the addition 50', then I won't have a way to access those 2 rooms without major redesigning and pulling out a bathroom or I would have to exit the house in order to enter the room addition. Additionally, I have an air conditioning unit and parking pad that would have to be moved. The hardship is, extra cost, loss of parking pad and the house design itself will not look as pleasing in the neighborhood.

Exceptions to the Requirement:

The existing home at 3839 Vine Lane, Mt Dora, FL 32757 was built in 1987, prior to the surrounding lands being designated as a Wetlands.

Existing house has a current setback of 32.2' from Wetlands.

Although designated as a Wetlands, it is actually a manmade Canal and is currently being used by neighboring homes as a retention canal.

Attached are plans to capture the first one inch of stormwater runoff designed by a civil engineer.

Addition is designed to square off the house and keep within the current overall design of the house.

The developmental area which falls into the 50' limitation is not greater than 30' in width or depth since it is 16' wide by 17.8' long. The rest of the addition is within the wetland guidelines.

Attachments:

Topographical and Elevation Survey,

Wetlands Survey,

New Addition Design

stormwater calculations

tax receipt, Warranty Deed & Title Ins.

Owner's Affidavit

1 A

Attachment C – Letters of Support

NEIGHBOR NOTIFICATION AND APPROVAL OF VARIANCE REQUEST

Neighbor, Elisabeth C Ferber has applied for a variance to the 50’ set back requirement, in order to upgrade her home with a room addition. Application filed 3/8/18 with the Office of Planning and Zoning in Lake County in Tavares and a hearing is set for 5/10/18. This is open to the public to attend. Time is to be determined.

Home is located at 3839 Vine Lane, Mt Dora, FL 32757, in Golden Heights area

Variance Request: I am asking for a variance to the building code 14.15.04 wetland setback requirement of 50’ in order to add a studio and recreation room to the side of my existing home. I’m asking to add 2 rooms, which combined, total 16’ wide by 38’ long. Of this, 16’ x 17.8 feet is what falls over the 50’ requirement.

I would like to start the rooms along the side of the existing house which is currently at 32.2 feet from the wetlands setback. (see wetlands survey attached)

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Plans were drafted to capture the first one inch of stormwater runoff designed by a civil engineer.

Addition is designed to square off the house and keep within the current overall design of the house.

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Debra Priester
I, Stanley V. Priester Stanley V. Priester own the house located at
3839 Vine Lane, Mt. Dora, FL 32757 in Mt Dora, FL 32757. I have been notified of this
request and do give approval of this variance being honored, thereby allowing Elisabeth Ferber to build the room
addition.

Stanley V. Priester Debra Priester April 12, 2018

Signature

Date

NEIGHBOR NOTIFICATION AND APPROVAL OF VARIANCE REQUEST

Neighbor, Elisabeth C Ferber has applied for a variance to the 50' set back requirement, in order to upgrade her home with a room addition. Application filed 3/8/18 with the Office of Planning and Zoning in Lake County in Tavares and a hearing is set for 5/10/18. This is open to the public to attend. Time is to be determined.

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Addition is designed to square off the house and keep within the current overall design of the house.

The developmental area which falls into the 50' limitation is not greater than 30' in width or depth since it is 16' wide by 17.8' long. The rest of the addition is within the wetland guidelines.

I, Jane Koburger own the house located at 3815 Vine Lane in Mt Dora, FL 32757. I have been notified of this request and do give approval of this variance being honored, thereby allowing Elisabeth Ferber to build the room addition.

Jane Koburger
Signature

4-12-18
Date

NEIGHBOR NOTIFICATION AND APPROVAL OF VARIANCE REQUEST

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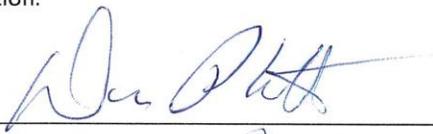
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I, Don Platt & CAROL PLATT own the house located at 3630 Oak St in Mt Dora, FL 32757. I have been notified of this request and do give approval of this variance being honored, thereby allowing Elisabeth Ferber to build the room addition.

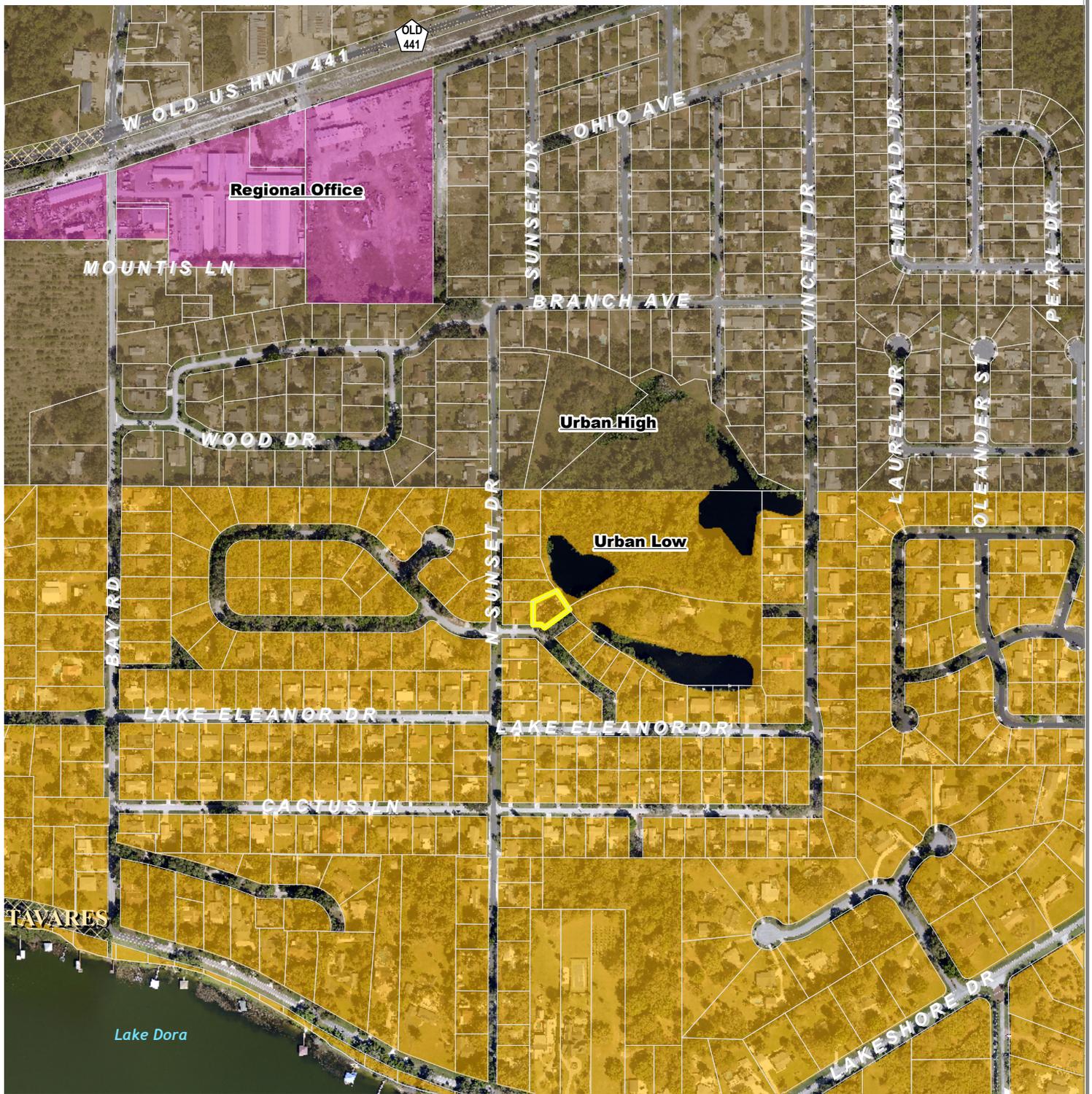


4/12/18

Signature

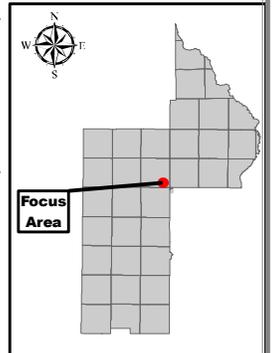
Date





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 | Receiving Area A-1-20 | Summer Bay | Wellness Way 4 |
| Green Swamp Rural Conservation | | | Towncenter |
| Heavy Industrial | | | |



NAME: FERBER PROPERTY
CASE NUMBER: VAR-18-28-4
LOCATION (S-T-R): 35-19-26
REQUEST: WETLAND SETBACK ADJUSTMENT

**Final Development Order
VAR-18-2-3
Ferber Property**

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

WHEREAS, Elisabeth C. Ferber (the "Owner") requested a variance to Lake County Land Development Regulations (LDR) Section 6.01.04, *Development near Wetlands and Waterbodies*, to allow a residential addition to be thirty two feet (32) from the jurisdictional wetland line in lieu of fifty (50) feet; and

WHEREAS, the subject property consists of 0.25 +/- acres and is located north of Vine Lane in the Mount Dora area, in Section 35, Township 19, Range 26, having an Alternate Key Number 2686715 and is more particularly described below as:

LOT 7, Block 10, First Addition to Golden Heights, according to the plat thereof recorded in Plat Book 14, Page 34, 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 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-18-28-4 to Lake County Land Development Regulations (LDR) Section 6.01.04, *Development near Wetlands and Waterbodies*, to allow a residential addition to be thirty two feet (32) from the jurisdictional wetland line in lieu of fifty (50) feet.

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.

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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 10th 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