

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

Board of Adjustment

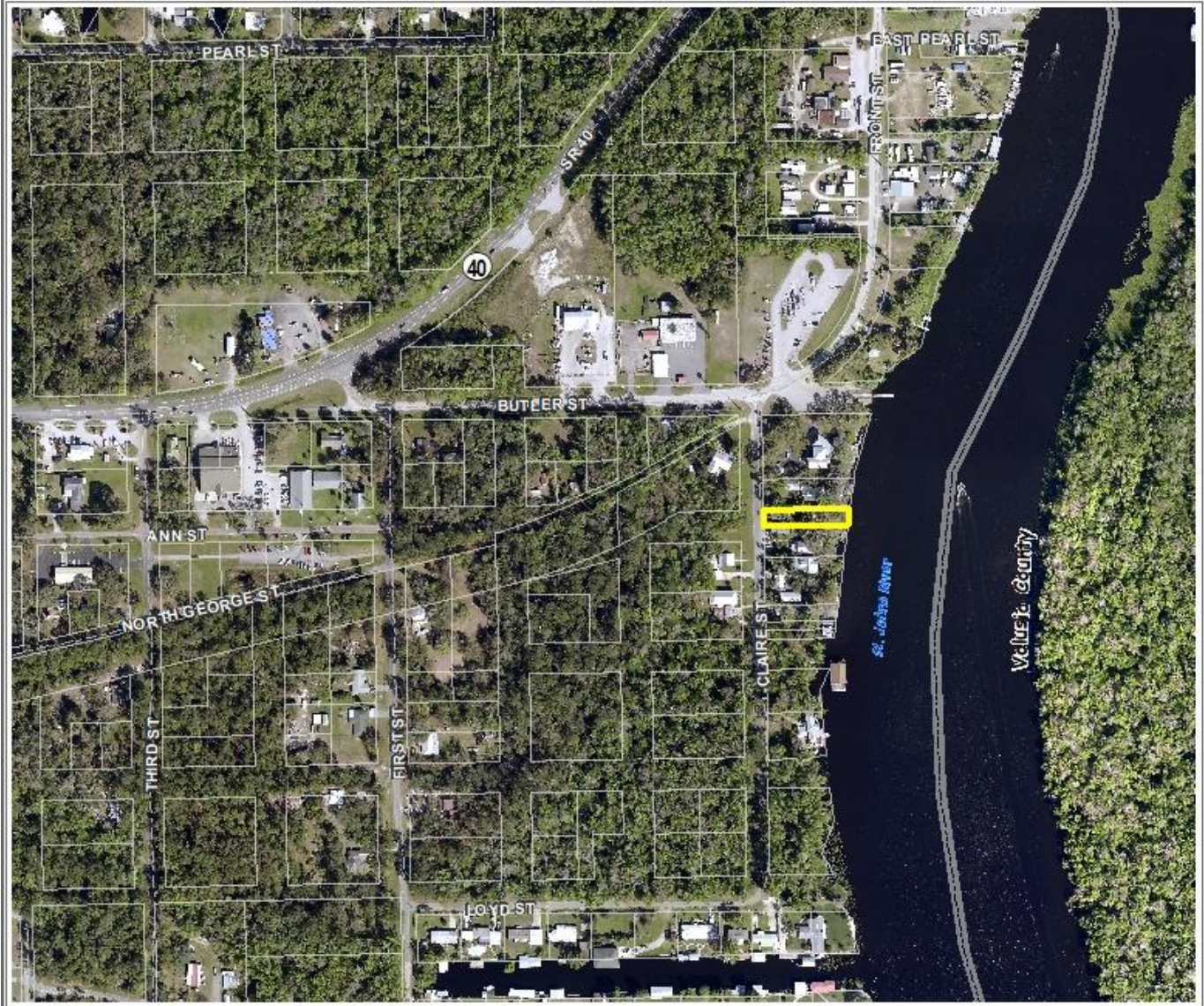


January 10, 2019

VAR-18-60-5
West Property

Commissioner District 5
Blake

Agenda Item #5



Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 10.01.01.D and Section 10.01.01.F, to allow an accessory structure (pool and pool enclosure) to be located in front of a single-family dwelling unit in lieu of the side or rear of a single-family dwelling unit and to allow an accessory structure (pool and pool enclosure) to be located twenty-four (24) feet from the front property line in lieu of one hundred (100) feet from the property line.

Owners: Cleveland West (the "Owner")

Applicants: Riley E. Davis III of Buzz Davis Pools (the "Applicant")

- Site Location & Information -

Size	0.22 +/- acres
Location	55342 Claire Street, Astor, FL 32102
Alternate Key #	1788510
Future Land Use	Urban Low
Existing Zoning District	Urban Residential (R-6)
ISBA	N/A
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	Urban Low	Urban Residential (R-6)	Residence	Single Family Residence
South	Urban Low	Urban Residential (R-6)	Residence	Single Family Residence
East	N/A	N/A	River	Saint Johns River
West	N/A	N/A	Street	Claire Street

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance to Lake County Land Development Regulations (LDR) 10.01.01.D and 10.01.01.F, to allow an accessory structure (pool and pool enclosure) to be located in front of a single-family dwelling unit in lieu of the side or rear of a single-family dwelling unit and to allow an accessory structure (pool and pool enclosure) to be located twenty-four (24) feet from the front property line in lieu of one hundred (100) feet from the property line.

- Background -

The subject property, identified as Alternate Key Number 1788510, is 0.22 +/- acres in size and is located south of Butler Street and east of Claire Street in the Astor area. The property is zoned Urban Residential (R-6) and is designated by the 2030 Comprehensive Plan as Urban Low Future Land Use Category. The Lake County GIS Map and the Federal Emergency Management Agency (FEMA) indicate that the parcel is located fully within flood-zone A/E. The attached survey (Attachment A) shows that the subject parcel is developed with a single-family dwelling unit, detached brick building, shed, covered wood deck and boat dock. The Applicant has submitted the variance request for lesser setbacks in order to facilitate the issuance of a zoning permit for the accessory structure (pool and pool enclosure) as the proposed accessory structure does not meet setback requirements.

-Reason for Request-

The Applicant is requesting a variance to Lake County Land Development Regulations (LDR) Section 10.01.01.D and Section 10.01.01.F, to allow an accessory structure (pool and pool enclosure) to be located in front of a single-family dwelling unit in lieu of the side or rear of a single-family dwelling unit and to allow an accessory structure (pool and pool enclosure) to be located twenty-four (24) feet from the front property line in lieu of one hundred (100) feet from the property line.

The Applicant submitted an application for a zoning permit in October 2018. Staff was unable to issue the zoning permit as the proposed accessory structure (pool and pool enclosure) did not meet the minimum setback of one hundred (100)

feet from the front property line and was located in the front of the single-family dwelling unit instead of to the side or rear of the single-family dwelling unit as required by the Land Development Regulations.

-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.

“Variance will allow construction of a pool which would otherwise be impossible due to location of the house in proximity to the sea wall.”

The intent of the Code, Land Development Regulations (LDR) Section 10.01.00, 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 subject property is zoned Urban Residential (R-6) and has a detached garage in front of the single-family dwelling unit that is located less than 100 feet from the property line. The Lake County GIS map appears to show accessory structures on several surrounding properties that are located in front of the single-family dwelling unit. Therefore, the requested lesser setback of 24-feet from the front property line is consistent with the surrounding properties. Additionally, the accessory structure meets the side and rear setbacks pursuant to Lake County Land Development Regulations Table 3.02.05.

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.

“Pool needs to be located at the front of property due to house location at rear of property. Front of house actually faces toward St. Johns River is close proximity to sea wall.”

The engineering plans for the proposed accessory structure (pool and pool enclosure) have been paid for; therefore, it would create a financial hardship for the owner if the proposed accessory structure is unable to be built. The single-family dwelling unit is located on the St. Johns River and the proposed accessory structure (pool and pool enclosure) would not meet the required minimum setback of fifty (50) from the seawall if placed on the side or rear of the single-family dwelling.

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

- This request is consistent with Land Development Regulations (LDR) Section 10.01.01, General Requirements for Accessory Structure, which states that there shall be a lawful dwelling unit on the lot.

The Owner has submitted evidence of meeting the intent of the Code and have 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 variance to Lake County Land Development Regulations (LDR) 10.01.01.D and 10.01.01.F, to allow an accessory structure (pool and pool enclosure) to be located in front of a single-family dwelling unit in lieu of the side or rear of a single-family dwelling unit and to allow an accessory structure (pool and pool enclosure) to be located twenty-four (24) feet from the front property line in lieu of one hundred (100) feet from the property line.

WRITTEN COMMENTS FILED:

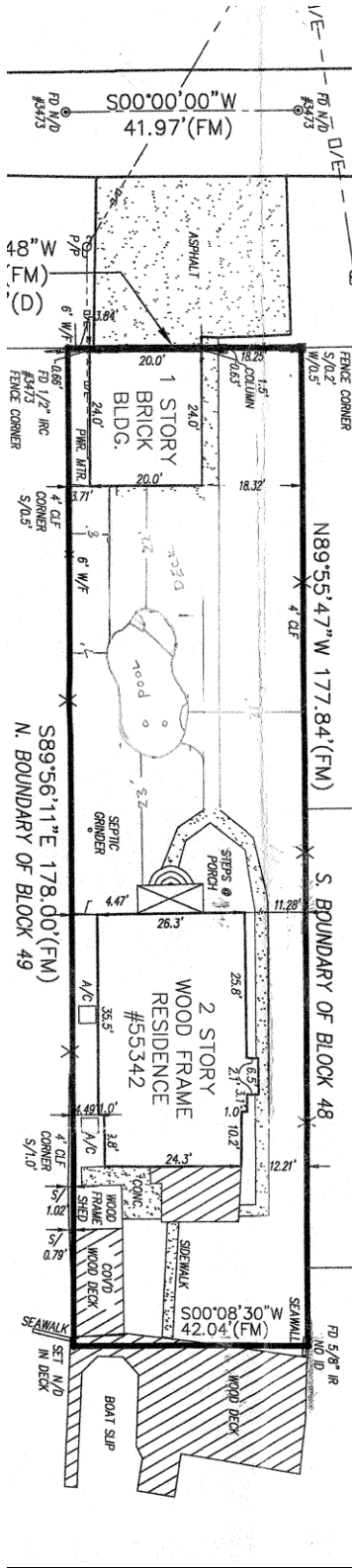
Supportive: -0-

Concern: -0-

Opposition: -0-

Case Manager: Ruth Mitchell, Associate Planner

Attachment A. Survey



**Final Development Order
VAR-18-60-5
West Property**

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

WHEREAS, Riley E. Davis III of Buzz Davis Pools, Inc. (the “Applicant”) made a variance request on behalf of Cleveland West (the “Owner”) to Lake County Land Development Regulations (LDR) Section 10.01.01.D and Section 10.01.01.F, to allow an accessory structure (pool and pool enclosure) to be located in front of a single-family dwelling unit in lieu of the side or rear of a single-family dwelling unit and to allow an accessory structure (pool and pool enclosure) to be located twenty-four (24) feet from the front property line in lieu of one hundred (100) feet from the property line; and,

WHEREAS, the subject property consists of 0.22 +/- acres and is located south of Butler Street and east of Claire Street in the Astor area, in Section 30, Township 15, Range 28, having an Alternate Key Number 1788510 and is more particularly described below as:

Bounded on the North by the South boundary of Block 48, on the South by the North boundary of Block 49, on the West by the East boundary of Claire Street and on the East by the St. Johns River, according to the MAP OF ASTOR, according to the plat thereof, recorded in Plat Book 2, Page(s) 12, of the 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 January 10, 2019; 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 January 10, 2019, 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-18-60-5 to Lake County Land Development Regulations (LDR) Section 10.01.01.D and Section 10.01.01.F, to allow an accessory structure (pool and pool enclosure) to be located in front of a single-family dwelling unit in lieu of the side or rear of a single-family dwelling unit and to allow an accessory structure (pool and pool enclosure) to be located twenty-four (24) feet from the front property line in lieu of one hundred (100) feet from the property line.

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 January, 2019.

EFFECTIVE January 10, 2019.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Tim Morris, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 10th day of January, 2019, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

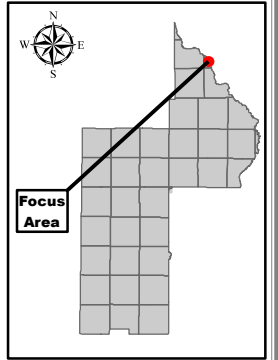
Signature of Acknowledger

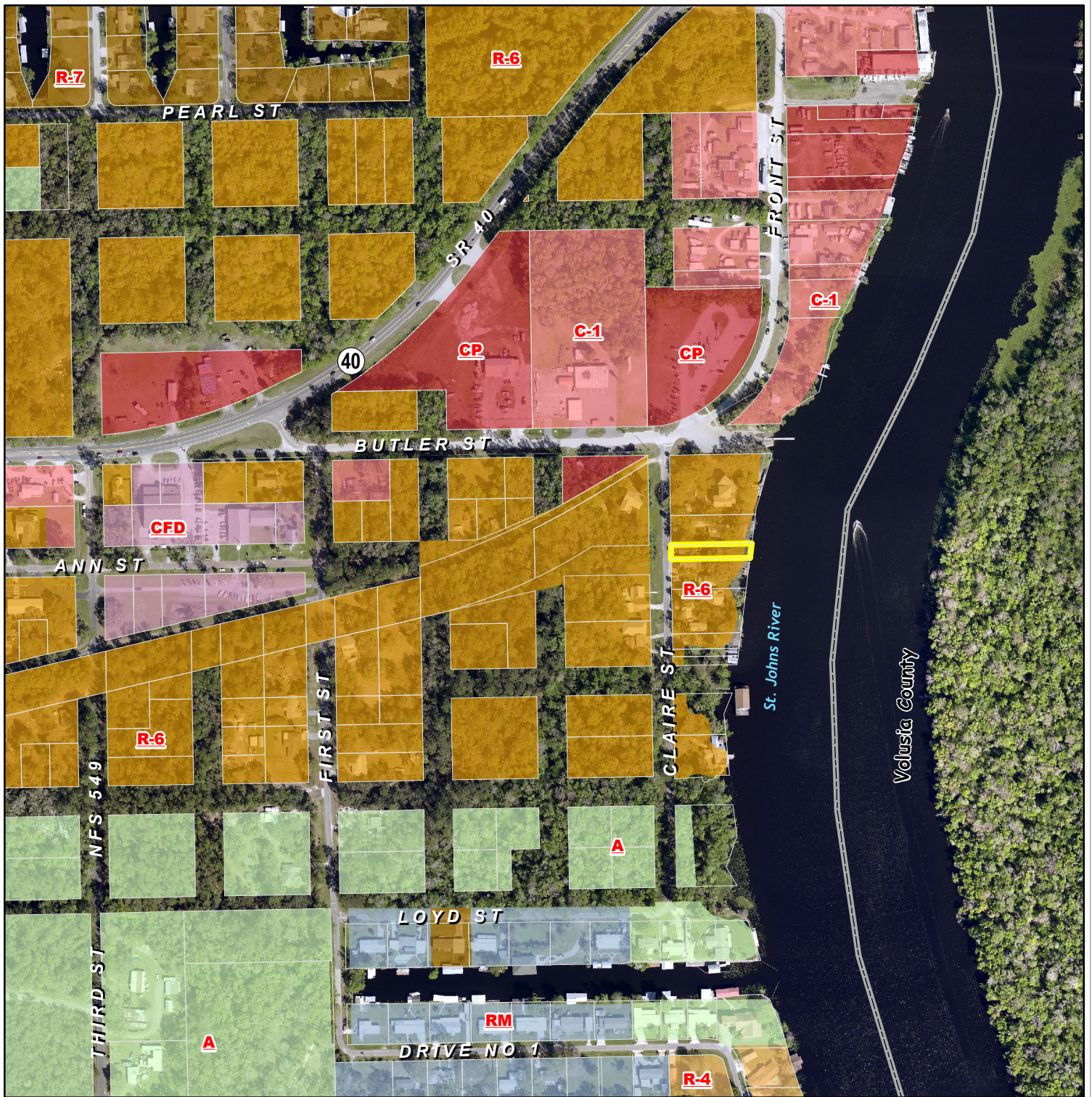


FUTURE LAND USE LEGEND

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	Receiving Area A-1-20	South Lake Regional Park	Wellness Way 3
Green Swamp Rural	Recreation	Summer Bay	Wellness Way 4
Green Swamp Rural Conservation			Towncenter
Heavy Industrial			

NAME: WEST PROPERTY
CASE NUMBER: VAR-18-60-5
LOCATION (S-T-R): 37-15-27
REQUEST: POOL 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: WEST PROPERTY
CASE NUMBER: VAR-18-60-5
LOCATION (S-T-R): 37-15-27
REQUEST: POOL SETBACK ADJUSTMENT

