



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearing Date: December 12, 2019

Case No. and Project Name: VAR-19-54-5, Hobbie Property

Applicant: Gordon D. Hobbie (the "Applicant")

Owner: Gordon D. and Sherry M. Hobbie (the "Owners")

Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05 to allow a detached garage to be constructed eighteen (18) feet from the northwestern property line, in lieu of twenty-five (25) feet.

Case Manager: Emily W. Johnson, Planner

Subject Property Information

Size: 2.61 +/- acres

Location: 44402 Cross Country Boulevard, Altoona

Alternate Key No.: 3789098

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "A" and "X"

Joint Planning Area/ISBA: N/A

Overlay Districts: Wekiva-Ocala Rural Protection Area (RPA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residential	Single-Family Residence
South	Rural	Agriculture (A)	Vacant Residential	Vacant Platted Residential Lot
East	N/A	N/A	Lake	Lake Dorr
West	N/A	N/A	Road	Cross Country Boulevard

Summary of Request.

The subject property, identified as Alternate Key Number 3789098, contains 2.61 +/- acres, and is generally located east of Cross Country Boulevard, and west of Lake Dorr, in the unincorporated Altoona area. The parcel is zoned Agriculture (A), and is designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is described as being Lot 8 of the Oaks at Lake Dorr subdivision, as recorded in Plat Book 42, Pages 61-62, Public Records of Lake County. The plat indicates a drainage easement, thirty-three (33) feet in width, in the rear of the property. Should the variance request be approved, the Applicant will have to obtain a permit for the proposed detached garage; a to-scale signed, sealed boundary survey depicting the Jurisdictional Wetland Line (JWL), 2012 Flood Zones, existing development and the proposed improvements, will be required with permitting.

The Applicant is requesting a variance to Lake County Land Development Regulations (LDR) Table 3.02.05, Setback Requirements to allow a detached garage to be constructed eighteen (18) feet from the northwestern property line, in lieu of twenty-five (25) feet. As the plat of Oaks at Lake Dorr was approved by the Board of County Commissioners on June 15, 1999, the subdivision is considered new development and is therefore subject to a twenty-five (25) foot side setback pursuant to LDR Table 3.02.05. A variance is required in order to reduce the setback to the requested eighteen (18) feet from the northwestern property line. The proposed location of the detached garage (depicted on the plot plan, Attachment "A") will not impact any right-of-ways or easements, and will meet all other applicable setbacks. The Department of Public Works reviewed the application and supplied conditions to be contained in the draft development order.

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, is to ensure the adherence of safe distances between structures and right-of-ways, and to avoid impediment of proper drainage.

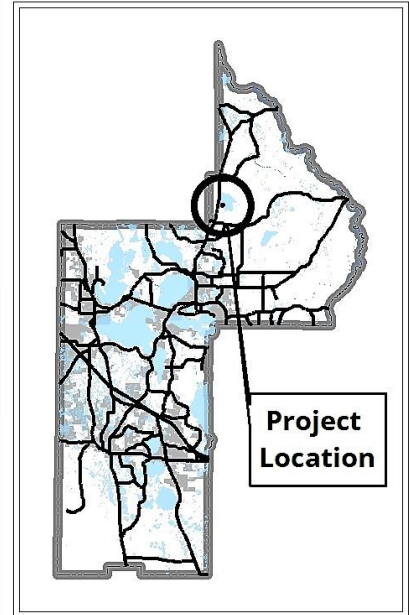
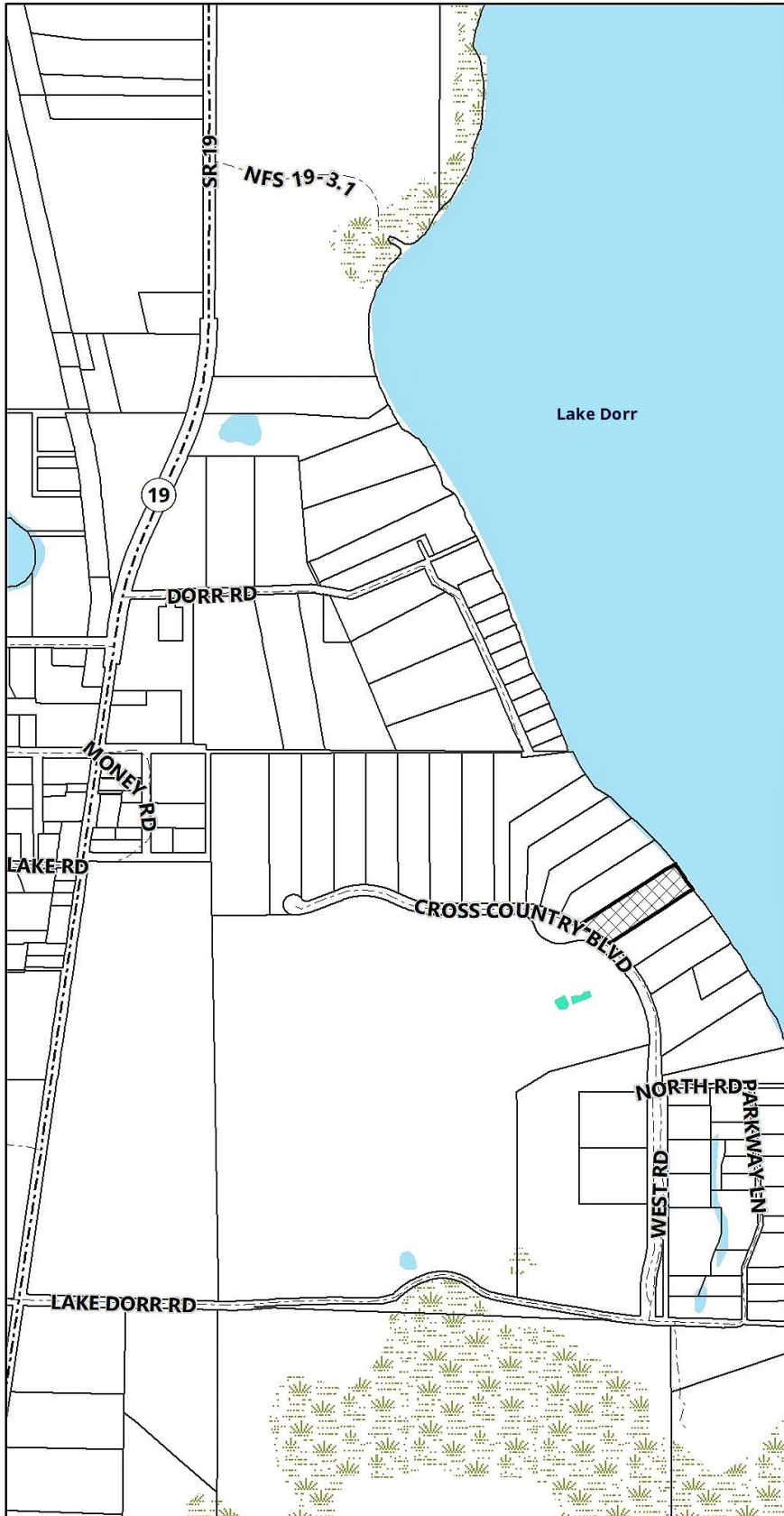
The Applicant submitted the following statement as proof that the purpose and intent of the Land Development Regulations will be or has been achieved by other means, *"The main purpose of moving the garage is to protect the septic system, but would also better align with our neighbor's garage as well. Their garage has a 15' setback from the property line. Moving our garage closer to theirs serves to preserve the open rural appearance of our 3 acre lot, a goal of our neighborhood covenant. The remaining distance of 33 feet between the 2 garages would still provide generous space for utility work/emergency equipment. Our neighborhood covenant serves to protect each one by limiting construction to the east end of each lot. No construction is allowed between this area and the street."*

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.

LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant submitted the following statement as proof of a substantial hardship, *"The hardship we face is fitting the garage between the existing driveway and the septic system. Apparently the septic drainfield was installed closer to the house and the northern boundary than was expected. The original plan would now place the garage within 8 feet of the existing septic line and drainfield. We are concerned about construction damage and future risks to the septic system. Moving the garage 7 feet into the setback would create an acceptable distance between the drainfield and garage – over 15 feet."*

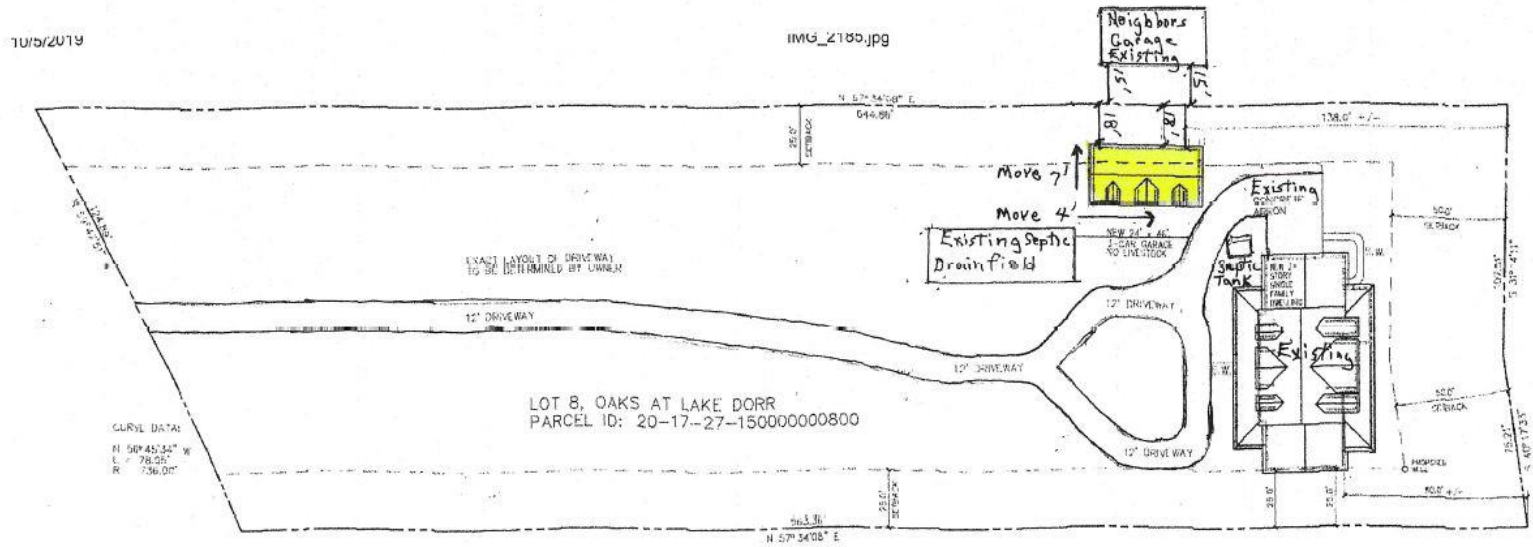
SUBJECT PROPERTY



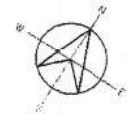
Attachment "A" - Plot Plan

Scale 1" = 50'

Variance Request for 3 car garage



LEGAL DESCRIPTION
 LOT 8, OAKS AT LAKE DORR SUBDIVISION, AS
 RECORDED IN PLAT BOOK 42, PAGES 61-62,
 PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.
 SITE DATA OBTAINED FROM A SURVEY PROVIDED
 BY DONOGHUE CONSTRUCTION LAYOUT, LLC.
 DATED APRIL 4, 2018.



10/5/2019

IMG_2185.jpg

CURVE DATA:
 N 90°45'34" W
 L = 78.25'
 R = 736.00'

LOT 8, OAKS AT LAKE DORR
 PARCEL ID: 20-17-27-150000000800

Final Development Order
VAR-19-54-5
Hobbie Property

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

WHEREAS, Gordon Hobbie (the “Applicant”), on behalf of Gordon and Sherry Hobbie (the “Owners”), submitted a variance request to Lake County Land Development Regulations (LDR) Table 3.02.05 to allow a detached garage to be constructed eighteen (18) feet from the northwestern property line, in lieu of twenty-five (25) feet; and,

WHEREAS, the subject property consists of 2.61 +/- acres and is located at 44402 Cross Country Boulevard, in the Altoona area of unincorporated Lake County, in Section 20, Township 17 South, Range 27 East, having an Alternate Key Number 3789098, and is more particularly described below as:

Lot 8, OAKS AT LAKE DORR, according to the Plat thereof, recorded in Plat Book 42, Page(s) 61 to 62 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 December 12, 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 December 12, 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-19-54-5 to Lake County Land Development Regulations (LDR) Table 3.02.05 to allow a detached garage to be constructed eighteen (18) feet from the northwestern property line, in lieu of twenty-five (25) feet, with the following conditions:

1. Development permits from the Office of Planning and Zoning and the Office of Building Services must be obtained for the detached garage; and
2. A to-scale signed, sealed boundary survey depicting the Jurisdictional Wetland Line (JWL), 2012 Flood Zones, existing development, and the proposed improvements must be submitted upon permitting for review and approval by the Office of Planning and Zoning; and
3. A lot grading plan must be submitted upon permitting for review and approval by the Department of Public Works; and
4. An interceptor swale will need to be constructed between the garage and the side 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 12th day of December, 2019.

EFFECTIVE December 12, 2019.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Lloyd Atkins, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 12th day of December, 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