



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: January 9, 2020

Case No. and Project Name: VAR-19-39-4, Showcase Homes Inc Property

Applicant: James J. Bible

Owner: Showcase Homes, Inc.

Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05 Note 3(b), to allow Grand Island Oaks Phase II Lots 55, 56, 57, 58, 59 and 60 to construct a pool, pool deck, and pool enclosure five (5) feet from the right-of-way, in lieu of fifteen (15) feet (secondary frontage setback).

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 5+/- acres

Location: West of Grand Island Oaks Circle, east of Apiary Road, and south of County Road 44 in the Grand Island area.

Alternate Key No.: 3852294, 3852295, 3852296, 3852297, 3852298 and 3852299

Future Land Use: Urban Low Density

Current Zoning District: Urban Residential (R-6)

Flood Zone: "X"

Joint Planning Area/ ISBA: City of Eustis

Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Urban Residential (R-6)	Residential	Single-Family Dwelling Units
South	Urban Low Density	Urban Residential (R-6)	Residential	Single-Family Dwelling Units
East	Urban Low Density	Urban Residential (R-6)	Street	Grand Island Oaks Circle, Single-Family Dwelling Units
West	Urban Low Density	Urban Residential (R-6)	Street	Apiary Road, Single-Family Dwelling Units

Summary of Request.

The subject properties are located within the Grand Island Oaks Phase II Subdivision as recorded in Public Records, Lake County, Florida. The subdivision is zoned Urban Residential District (R-6) and is designated as Urban Low Density Future Land Use Category. The subdivision is located within the Eustis Joint Planning Area.

The Applicant is requesting a variance to develop Lots 55 through 60, Grand Island Oaks Phase II Subdivision with a secondary front setback (rear setback) of five (5) feet from the right-of-way, in lieu of fifteen (15) feet as illustrated on the concept plan (Attachment "A"). The Applicant would like to accommodate a pool, deck, and pool enclosure on the aforementioned lots with a setback of five (5) feet from Apiary Road. Therefore, the application seeks a variance to Lake County Land Development Regulations (LDR) Table 3.02.05 Note 3(b), to allow Grand Island Oaks Phase II Lots 55 through 60 to construct a pool, pool deck, and pool enclosure at a setback of five (5) feet from the right-of-way, in lieu of fifteen (15) feet (secondary front setback). Lots 55 through 59, Grand Oaks Phase II, are vacant and undeveloped. In addition, a residence is currently under construction on lot 60, Grand Oaks Phase II.

The application was sent to the Public Works Department for a determination of consistency with the construction plans and their regulations. The Public Works Department reviewed the application and informed staff that revised mass grading plans were approved. Public Works does not object to the variance request.

The subject parcel is located in the Eustis ISBA and the application was sent to the City of Eustis to review. The City has no comments or objections the variance.

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.**

"See Exhibit A-1 to the Application." (Attachment "B")

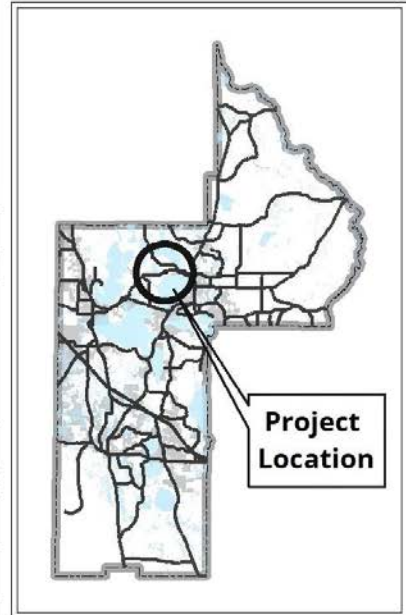
The intent of the Code, LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

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.**

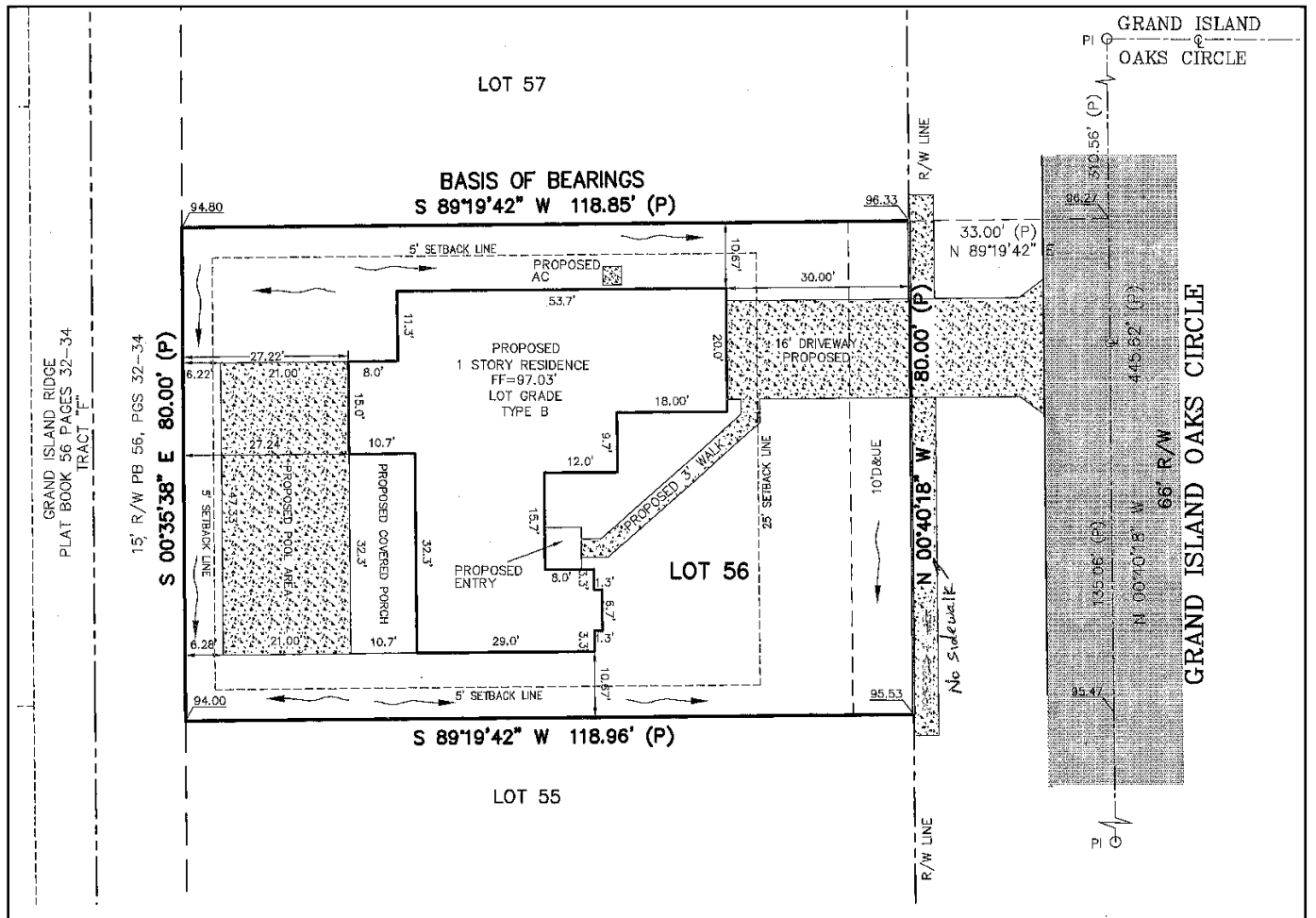
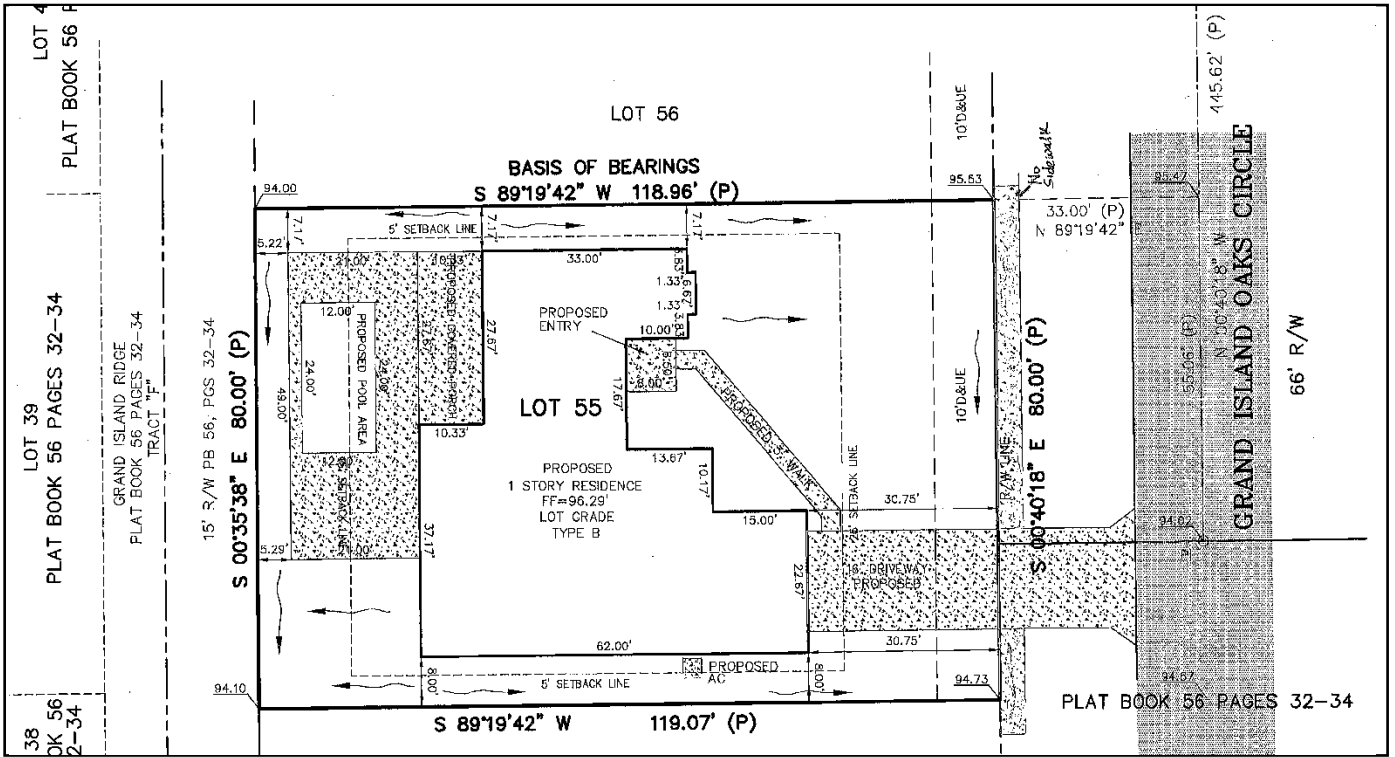
"See Exhibit A-1 to the Application." (Attachment "B")

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.

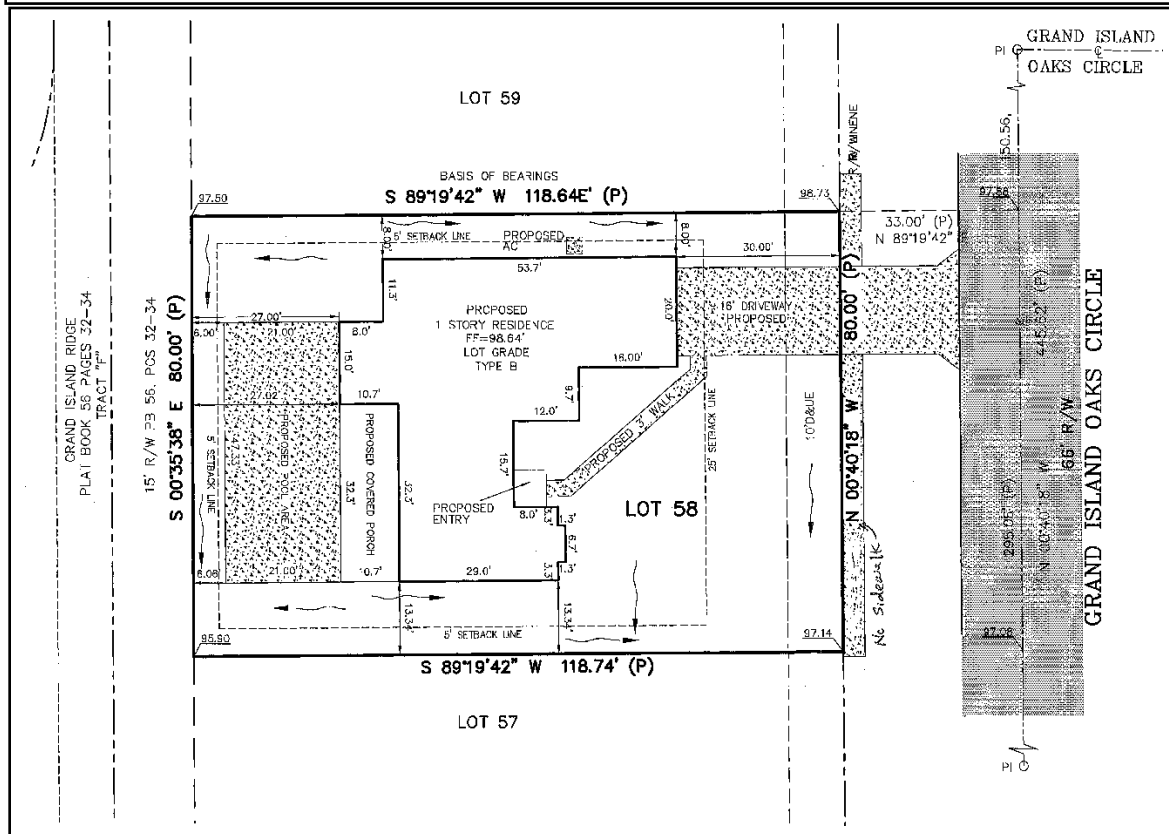
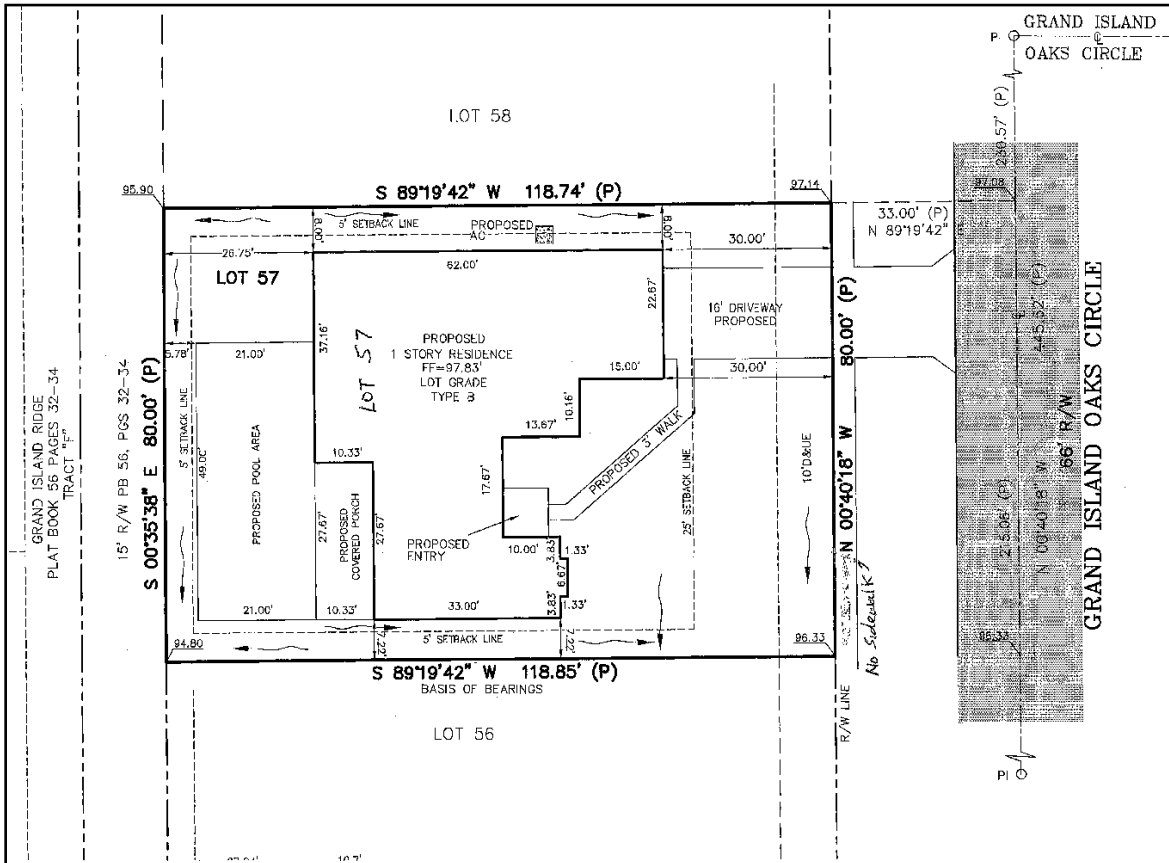
Map of Subject Property.



Attachment A, Concept Plan (Page 1 of 3).



Attachment A, Concept Plan (Page 2 of 3).



Attachment B, Applicant's Exhibit A-1.

EXHIBIT A-1

The lots along Apiary Rd are the only lots in the subdivision with a rear yard setback greater than 5 feet. Although the front setbacks of all the homes in the subdivision are 25 feet; the constructed setback of the homes are a minimum of 30 to 35 feet because of changes to the State of Florida septic system sizes that have increased since the beginning of the project.

Apiary Rd behind the lots is a private, non-County maintained road and serves only a few homes. During development approval in 2004, Showcase Homes conveyed 17' depth of property at the intersection of Apiary and SR 44 and along SR 44. The conveyance of this property at no cost to County provided a safer access to SR 44 from this section of Apiary Rd. A 6 feet high vinyl fence has also been constructed along the rear lot lines of the lots to prevent access to Apiary Rd.

Showcase Homes has contracts pending to build homes with pools on these lots. A reduction of the rear setback from 15 feet to 5 feet is required to construct a pool on the lots.

**Final Development Order
VAR-19-39-4
Showcase Homes Inc Property**

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

WHEREAS, James J. Bible, a registered agent for Showcase Homes, Inc. (the "Owner" and "Applicant"), submitted a variance to Lake County Land Development Regulations (LDR) Table 3.02.05 Note 3(b), to allow Grand Island Oaks Phase II Lots 55, 56, 57, 58, 59 and 60 to construct a pool, pool deck, and pool enclosure five (5) feet from the right-of-way, in lieu of fifteen (15) feet (secondary frontage setback); and

WHEREAS, the subject lots consist of approximately 0.21 +/- acres and are located west of Grand Island Oaks Circle, east of Apiary Road, and south of County Road 44, in the unincorporated Grand Island area of Lake County, Florida, in Section 32, Township 18 South, Range 26 East, having Alternate Key Numbers 3852294, 3852295, 3852296, 3852297, 3852298 and 3852299 and more particularly described in below:

EXHIBIT "A" – LEGAL DESCRIPTION

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 January 9, 2020; 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 9, 2020, 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-19-39-4 to allow Grand Island Oaks Phase II Lots 55, 56, 57, 58, 59 and 60 to construct a pool, pool deck, and pool enclosure five (5) feet from the right-of-way, in lieu of fifteen (15) feet (secondary frontage setback) with the following condition:

1. A six (6) foot fence must be installed and maintained along the western property lines for each individual lot (Grand Island Oaks Phase II Lots 55, 56, 57, 58 and 60) to serve as a visual buffer.

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 9th day of January, 2020.

EFFECTIVE January 9, 2020.

BOARD OF ADJUSTMENT

LAKE COUNTY, FLORIDA

Lloyd Atkins, Chairman

James Argento, Vice-Chairman

STATE OF FLORIDA

COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 9th day of January, 2020, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

Notary Public

EXHIBIT "A" – LEGAL DESCRIPTION

Lot 55, Grand Island Oaks Phase II, according to the plat as recorded in Plat Book 58, Pages 91 and 92, of the Public Records of Lake County, Florida; and

Lot 56, Grand Island Oaks Phase II, according to the plat as recorded in Plat Book 58, Pages 91 and 92, of the Public Records of Lake County, Florida; and

Lot 57, Grand Island Oaks Phase II, according to the plat as recorded in Plat Book 58, Pages 91 and 92, of the Public Records of Lake County, Florida; and

Lot 58, Grand Island Oaks Phase II, according to the plat as recorded in Plat Book 58, Pages 91 and 92, of the Public Records of Lake County, Florida; and

Lot 59, Grand Island Oaks Phase II, according to the plat as recorded in Plat Book 58, Pages 91 and 92, of the Public Records of Lake County, Florida; and

Lot 60, Grand Island Oaks Phase II, according to the plat as recorded in Plat Book 58, Pages 91 and 92, of the Public Records of Lake County, Florida.