



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: May 14, 2020

Case No. and Project Name: VAR-19-66-1, Lake Minneola Landings PUD Property

Applicant: Stephen McConn (Lake Minneola Property Owners Association, Inc.) and Candice Hawks (Poulos & Bennett LLC)

Owner: Lake Minneola Landings Property Owners Association, Inc.

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 9.01.06(B) Table 1, to allow the subdivision fence along the subdivision property line to suffice as the required landscape buffer within Tract "O", in lieu of a Type "B" landscape buffer; and to LDR Section 9.01.06(D) to allow the subdivision fence along the subdivision property line to suffice as the subdivision wall within Tract "O", in lieu of a solid wall.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 0.52 +/- acres

Location: Tract "O" of the Lake Minneola Landing subdivision, which is generally located west of Lake Minneola Shores and north of County Road 565A, in the Clermont area.

Alternate Key No.: 3912167

Future Land Use: Urban Low Density

Current Zoning District: Planned Unit Development (PUD) by Ordinance #2016-24

Flood Zone: "X"

Joint Planning Area / ISBA: Groveland ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Planned Unit Development (PUD)	Residential	Single-Family Dwelling Units, Adjoined by Bradicks Court
South	Urban Low Density	Agriculture (A)	Residential	Single-Family Dwelling Units, Adjoined by CR 565A
East	Urban Low Density	Planned Unit Development (PUD)	Residential	Single-Family Dwelling Units, Adjoined by Lake Minneola Shores
West	Urban Low Density	Planned Unit Development (PUD)	Residential	Single-Family Dwelling Units

Summary of Request.

The subject parcel is identified by Alternate Key #3912167. The parcel is zoned Planned Unit Development by Ordinance #2016-24 and is designated with an Urban Low Density Future Land Use Category (FLUC). The subject parcel is described as Tract "O" of Lake Minneola Landing subdivision, and designated for landscape.

The Applicant seeks approval to allow the fence installed by the Developer within Tract "O" of Lake Minneola Landing subdivision to suffice as the subdivision landscape buffer and screening. The Applicant has provided a justification letter (Attachment "B"), which states that should the homeowners wish to install a fence at their rear property line, the landscape buffer provided in Tract "O" becomes an area difficult to maintain. This variance request will affect the property owners of Lots 1 through 6, and Lots 9 through 16, as depicted in the Concept Plan (Attachment "A"). Based on the justification letter, the owners of these lots have requested that the HOA submit the variance request. However, Lake County Land Development Regulations (LDR) Section 9.01.06(B) Table 1, requires a Type "B" landscape along the property lines between Planned Unit Development (PUD), Agriculture (A), and Planned Industrial (MP) zoning districts. Additionally, LDR Section 9.01.06(D), *Supplemental Requirements for Subdivision and Site Plans*, requires a solid wall. Therefore, the application seeks a variance to Lake County Land Development Regulations (LDR) Section 9.01.06(B) Table 1, to allow the subdivision fence along the subdivision property line to suffice as the required landscape buffer within Tract "O", in lieu of a Type "B" landscape buffer with a width of twenty (20) feet or fifteen (15) feet; and to LDR Section 9.01.06(D) to allow the subdivision fence along the subdivision property line to suffice as the subdivision wall located within the outer limits of Tract "O", in lieu of a solid wall.

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 Section 3.02.05, is to promote the preservation of native plant species, to provide for aesthetic landscaping complements to proposed development, and to encourage the use of plants that qualify as Florida Friendly Landscaping. Previously, Planning and Zoning Staff met the HOA on property to discuss the matter; during the visit, staff observed that the slope of the land may inhibit maintenance of Tract "O". Additionally, staff acknowledges the possibility that should individual fences be installed along rear lot lines, proper maintenance of Tract "O" may not be feasible.

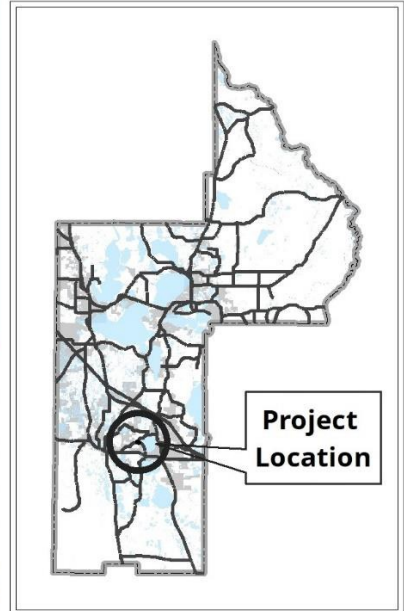
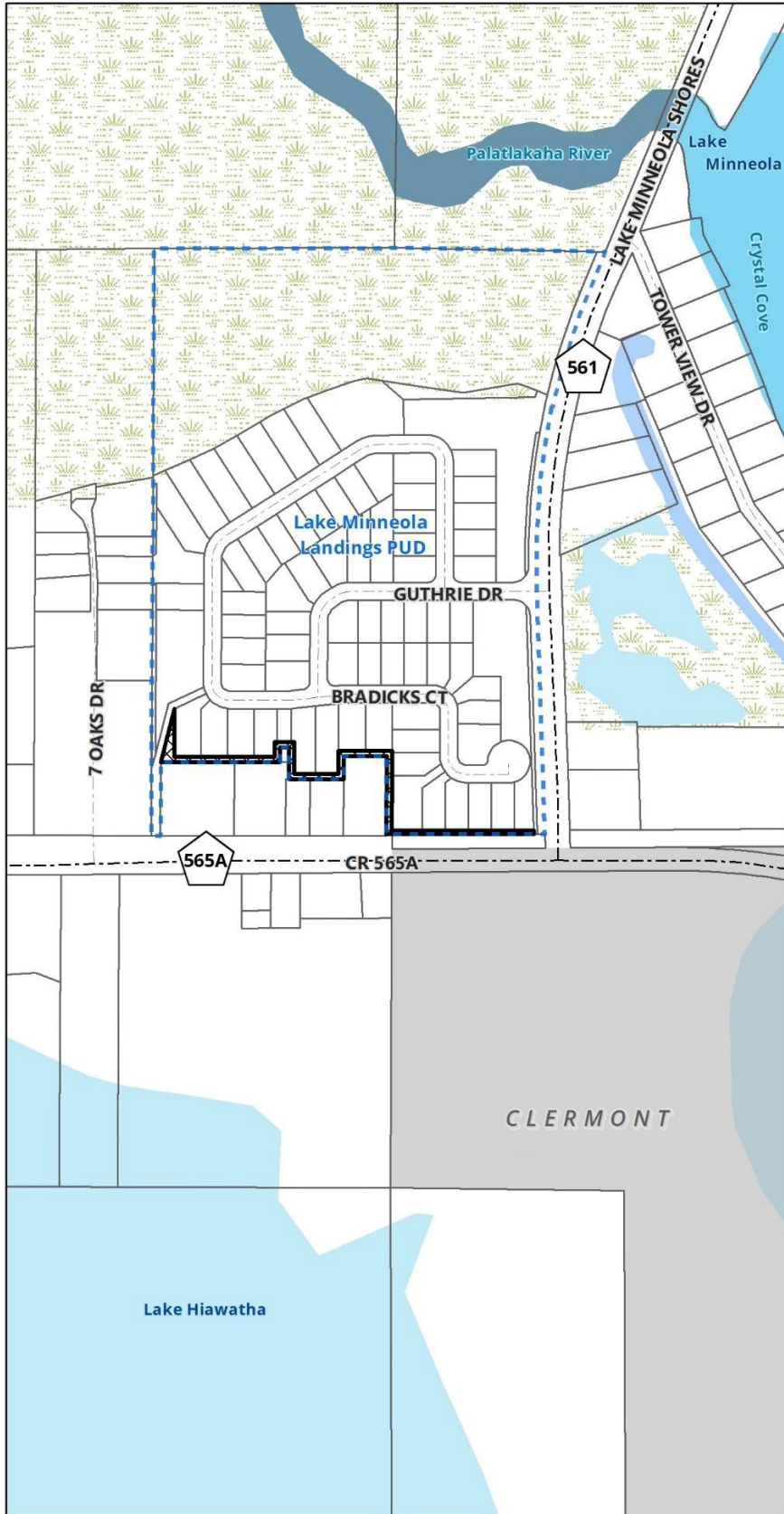
The Applicant provided the following statement as proof that the purpose of the Land Development Regulation will be sustained, *"Fencing provides the necessary buffer as indicated in the LDR."*

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.

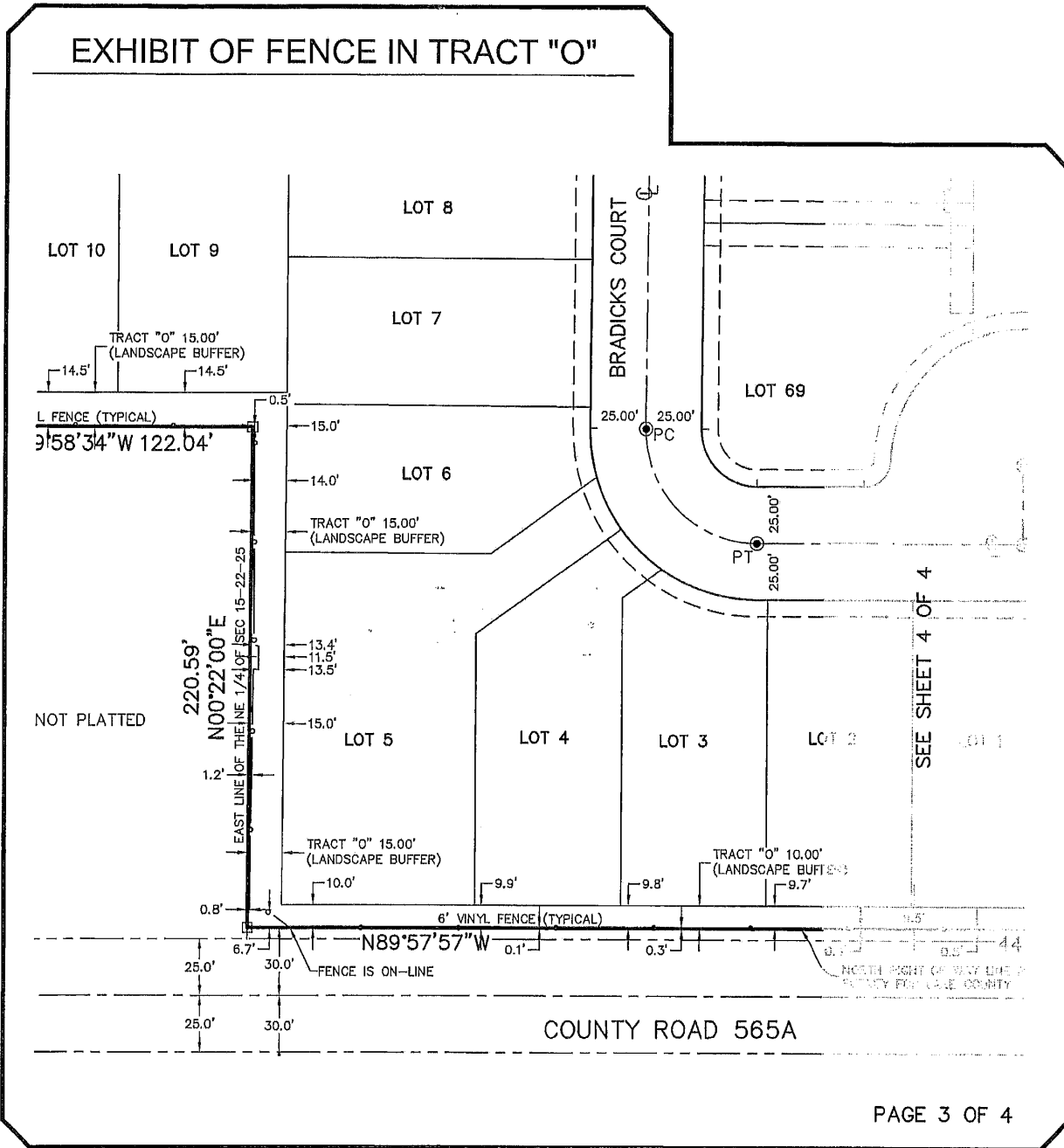
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided a justification letter (Attachment "B") and the following statement as proof of a substantial hardship, *"Adjacent property owners have a fence along their rear property line abutting the boundary of Lake Minneola Landings. Developer installed a landscape buffer within Tract O, but lot owners within Lake Minneola Landings wish to install fences, which creates difficulty for the maintenance of Tract O. Lot owners are requesting the Developer request a variance to resolve the issue."*

Map of Subject Property



Attachment A, Exhibit of Fence Adjoining Lots 1 - 5.



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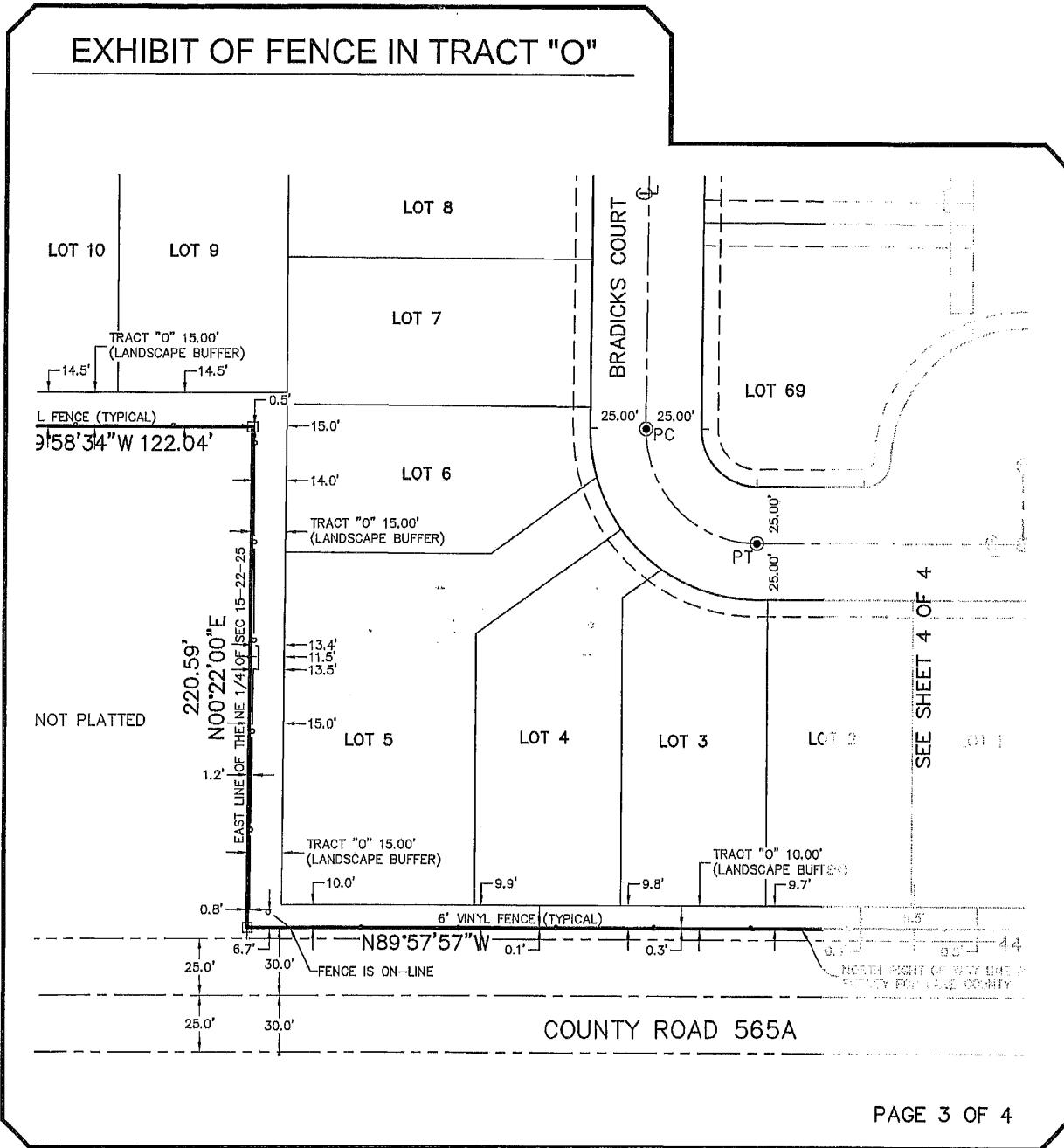
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LEGEND:

PC - POINT OF CURVATURE CL - CENTERLINE
 PT - POINT OF TANGENCY
 RP - RADIUS POINT
 PI - POINT OF INTERSECTION

JOB NO. 20160586	CALCULATED BY: JPC	FOR THE LICENSED BUSINESS #6723 BY:
DATE: 03/04/20	DRAWN BY: JPC	
SCALE: 1" = 60'	CHECKED BY: JLR	JAMES L. RICKMAN, P.S.M. #5633

Attachment A, Exhibit of Fence Adjoining Lots 3 – 6 and 9.



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PAGE 3 OF 4



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LEGEND:

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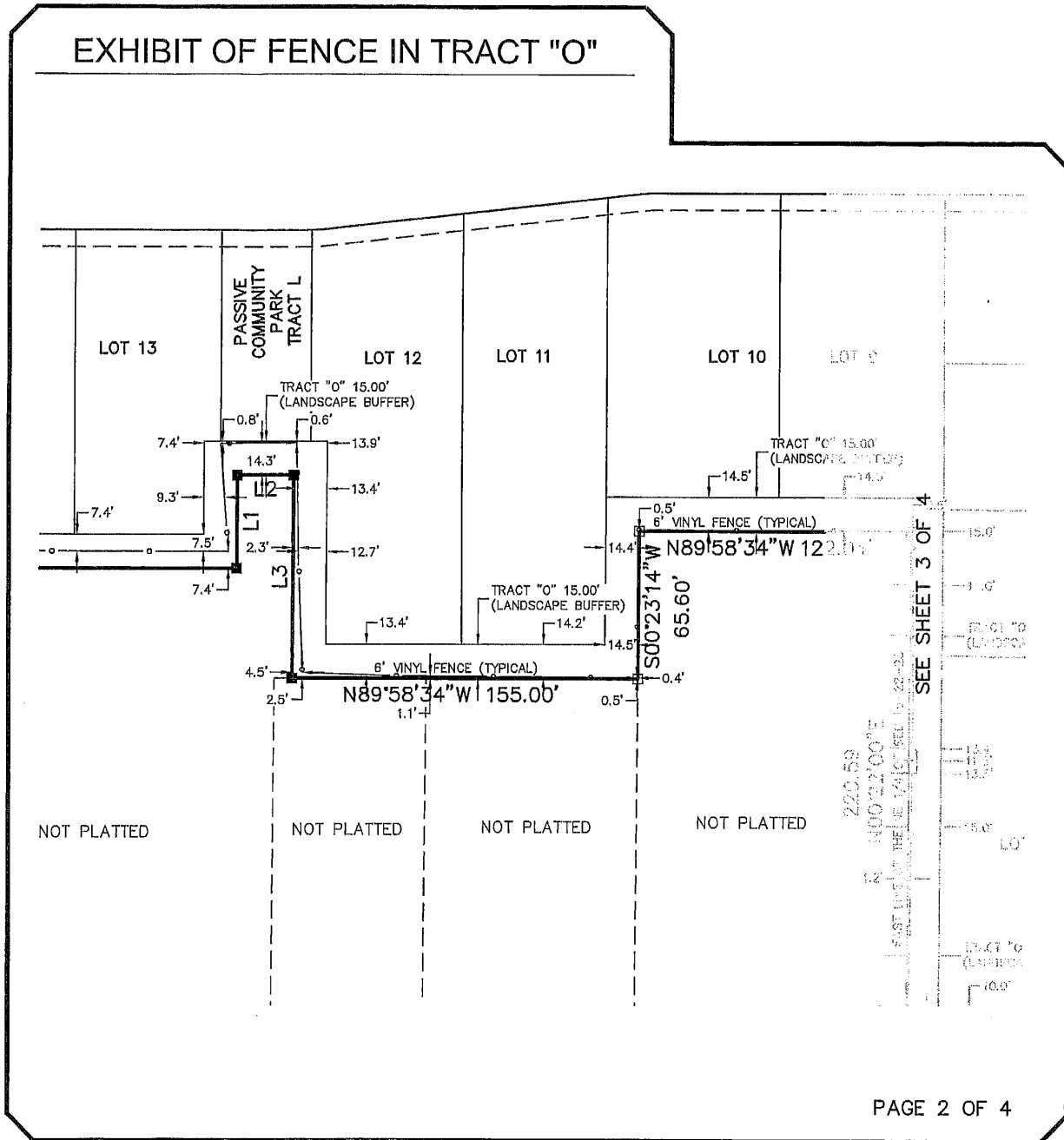
CL - CENTERLINE

JOB NO. 20160586
DATE: 03/04/20
SCALE: 1" = 60'

CALCULATED BY: JPC
DRAWN BY: JPC
CHECKED BY: JLR


FOR THE LICENSED BUSINESS #6723 BY:
JAMES L. RICKMAN, P.S.M. #5633

Attachment A, Exhibit of Fence Adjoining Lots 10 - 13.



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PAGE 2 OF 4

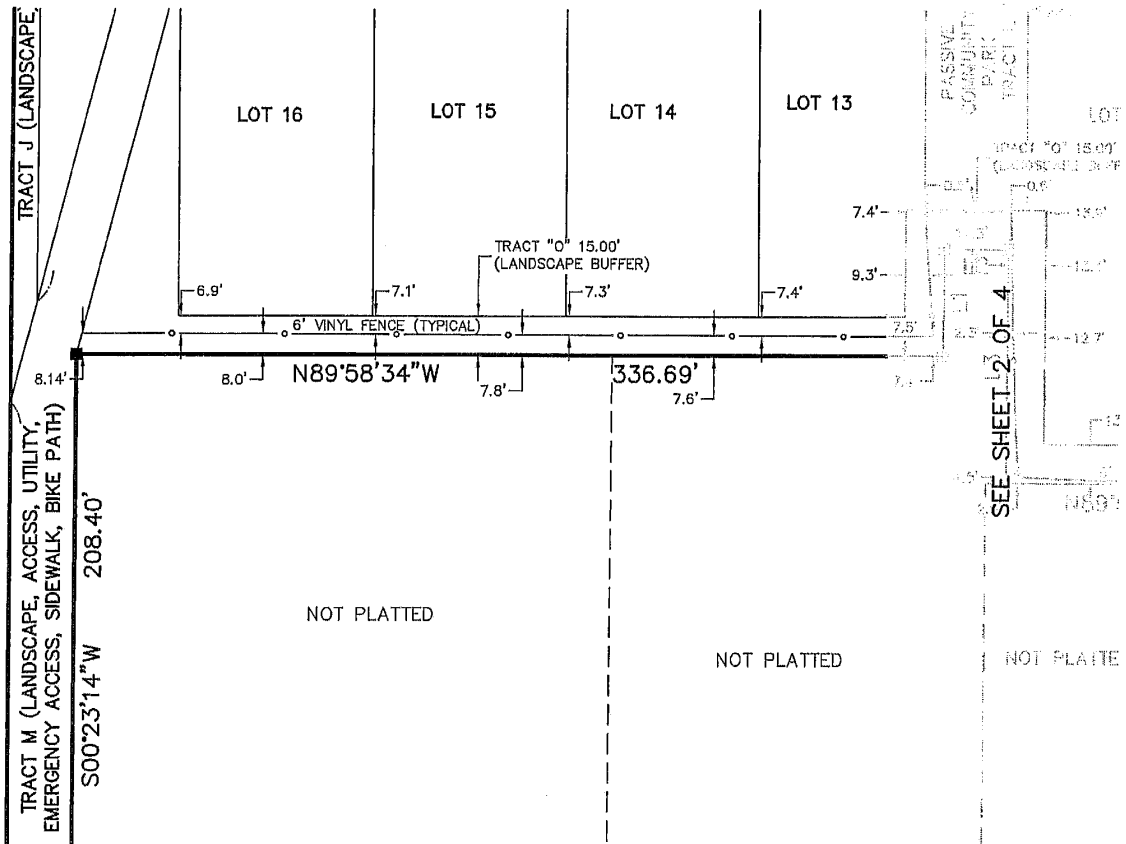
 <p>ALLEN & COMPANY Professional Surveyors & Mappers</p> <p>16 EAST PLANT STREET Winter Garden, Florida 34787 * (407) 654-5355</p>	<p>LEGEND:</p> <p>PC - POINT OF CURVATURE Ⓢ - CENTERLINE PT - POINT OF TANGENCY RP - RADIUS POINT PI - POINT OF INTERSECTION</p>		
	JOB NO. <u>20160566</u> DATE: <u>03/04/20</u> SCALE: <u>1" = 60'</u>	CALCULATED BY: <u>JPC</u> DRAWN BY: <u>JPC</u> CHECKED BY: <u>JLR</u>	FOR THE LICENSED BUSINESS #6723 BY: JAMES L. RICKMAN, P.S.M. #5633

Attachment A, Exhibit of Fence Adjoining Lots 13 - 16.

EXHIBIT OF FENCE IN TRACT "O"

LEGAL DESCRIPTION:

TRACT "O", LAKE MINNEOLA LANDINGS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 70, PAGES 51-54 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.



Drawing name: L:\Data\20160566\SKETCHES\Sketch 13 - Tract O - Fence Location SHEET 1 OF 4

PAGE 1 OF 4



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SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. THIS SKETCH IS NOT VALID UNLESS SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
3. BEARINGS SHOWN HEREON ARE BASED ON NORTH RIGHT OF WAY LINE OF C.R. 535A, BEING N 89°57'57" W (ASSUMED FOR ANGULAR DESIGNATION ONLY)
4. THE RECORDING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE ORANGE COUNTY PUBLIC ACCESS SYSTEM.
5. DELINEATION OF THE LANDS SHOWN HEREON ARE AS PER THE CLIENT'S INSTRUCTIONS.

JOB NO. 20160586
DATE: 03/04/20
SCALE: 1" = 60'

CALCULATED BY: JPC
DRAWN BY: JPC
CHECKED BY: JLR

FOR THE LICENSED BUSINESS #6723 BY:

JAMES L. RICHMOND, P.S.M. #5633

Attachment B, Justification Letter.



Poulos & Bennett, LLC • 2602 E. Livingston Street • Orlando, Florida 32803 • (407) 487-2594 • www.poulosandbennett.com

March 10, 2020

Steve K. Greene
Chief Planner
Lake County
Planning & Zoning
315 W. Main Street, Room 510
Tavares, FL 32778

Subject: Lake Minneola Landings- Justification Letter (Variance)
Poulos & Bennett Job No. 16-196

Dear Mr. Greene,

We are submitting a Variance Application for the Lake Minneola Landings Subdivision. Our variance request is seeking relief from Land Development Regulations (LDR) Sec 901.06(B) Table 2 and 9.01.06(D). At Plat, Tract "O" was established as a 10' to 15' Landscape/Fence buffer for the lot owners against the adjoining property. The Developer installed a landscape buffer along the rear of lots 1-6 and lots 9-16. Should the homeowners wish to install a fence at their rear property line, the landscape/fence buffer provided in Tract O becomes an area which is difficult to maintain, as there is a fence installed by the Developer (as shown on attached easement).

Lot owners are requesting a variance be granted to allow the rear 10' or 15' of Tract O be deeded to them to allow them to maintain this area.

A fence creates the necessary buffer, in lieu of the landscape, to provide privacy between adjacent property owners.

Best Regards,

A handwritten signature in blue ink that reads "Candice H. Hawks".

Candice H. Hawks
Plat Manager

Attachment a/s

Final Development Order
VAR-19-66-1
Lake Minneola Landings Property Owners Association, Inc.

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

WHEREAS, Stephen McConn of Lake Minneola Property Owners Association, and Candice Hawks of Poulos & Bennett, LLC. (the "Applicants") requested a variance on behalf of Lake Minneola Landings Property Owners Association, Inc. (the "Owner"), to Lake County Land Development Regulations (LDR) Section 9.01.06(B) Table 1, to allow the subdivision fence along the subdivision property line to suffice as the required landscape buffer within Tract "O", in lieu of a Type "B" landscape buffer; and to LDR Section 9.01.06(D) to allow the subdivision fence along the subdivision property line to suffice as the subdivision wall within Tract "O", in lieu of a solid wall; and

WHEREAS, the subject property consists of 0.52 +/- acres and is generally located west of Lake Minneola Shores, north of County Road 565A, in the unincorporated Clermont area of Lake County, Florida, in Section 14, Township 22 South, Range 25 East, having Alternate Key Number 3912167 and more particularly described as:

Tract "O" of Lake Minneola Landing, according to the Plat thereof as recorded in Plat Book 70, Pages 51 through 54, of the Public Records of Lake County, Florida.

WHEREAS, proper notice of the hearing was given 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 14, 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 May 14, 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-19-66-1 to allow the subdivision fence along the subdivision property line to suffice as the required landscape buffer within Tract "O", in lieu of a Type "B" landscape buffer; and to allow for rear property line fences on lots 1-6 and lots 9-16 to suffice as subdivision screening, in lieu of a solid wall within Tract "O" with the following condition:

1. The fence installed within Tract "O" shall be maintained to serve as a buffer and mitigate any potential noise impacts to neighboring properties located outside of Lake Minneola Landing subdivision.

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 14th day of May, 2020.

EFFECTIVE May 14, 2020.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Lloyd Atkins, Chairman or
James Argento

State of Florida
County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online
notarization, this _____ day of _____, 2020, by _____
_____.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature
(SEAL)