



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: January 14, 2021

Case No. and Project Name: VAR-20-65-1, 7-Eleven Property/Aspen Dental

Owners: 7-Eleven, Inc.

Applicant: Tracey Diehl

Requested Action: Variance to Lake County Code, Land Development Regulations (LDR) Section 11.02.03(B)(7)(b), to allow two wall signs on elevations without secondary building frontages; to allow wall signs with 84 square-feet of copy area, in lieu of 74.9 square feet on the north and south elevations and in lieu of 50.9 square-feet on the western and eastern elevations.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 1.88 +/- acres

Location: Along US Highway 27, at the intersection of Four Corners Center Drive and Cornerside Way, in the Clermont area

Alternate Key No.: 3860070

Future Land Use: Green Swamp Ridge

Current Zoning District: Neighborhood Commercial District (C-1)

Flood Zone: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Ridge	Neighborhood Commercial District (C-1)	Commercial	McDonald's Restaurant
South	Green Swamp Ridge	Neighborhood Commercial District (C-1)	Right-of-Way, Commercial	Four Corners Way, Commercial Use South of R-O-W
East	Green Swamp Ridge	Neighborhood Commercial District (C-1)	Right-of-Way, Commercial	US Highway 27, Commercial Use East of R-O-W
West	Green Swamp Ridge	Neighborhood Commercial District (C-1)	Right-of-Way, Commercial	Cornerside Way, Commercial Vacant Property West of R-O-W

Summary of Request.

The Applicant has submitted a variance request to Lake County Code, Land Development Regulations (LDR) Section 11.02.03(B)(7)(b), to allow wall signs on an elevations without a secondary building frontages; to allow wall signs with 84 square-feet of copy area, in lieu of 74.9 square feet on the north and south elevations and in lieu of 50.9 square-feet on the western and eastern elevations. LDR Section 11.02.03(B)(7)(b), allows individual businesses with multiple frontage an additional wall sign area of one (1) square foot for each linear foot of building frontage provided that the same or similar facade treatment is used on both the front and side/rear.

The subject 1.88 +/- acre parcel is identified by Alternate Key Number 3860070; the parcel is zoned Neighborhood Commercial District (C-1); and is part of the Green Swamp Ridge Future Land Use Category (FLUC). Currently, the subject parcel is undeveloped, and the site plan for the proposed 3,750-square feet medical/dental office is in review (Attachment "A"). Staff must emphasize that approval of this variance will require the Applicant to revise the site plan to include the proposed wall sign location, and an approval (building permit and zoning permit) will be required for the wall signs.

The variance application was sent to the Florida Department of Economic Opportunity (DEO) for a determination of consistency with Green Swamp Area of Critical State Concern regulations. DEO did not provide any comments. DEO withholds the ability to appeal any process, pursuant to Chapter 380, Florida Statutes 380.05.

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 4.03.00, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

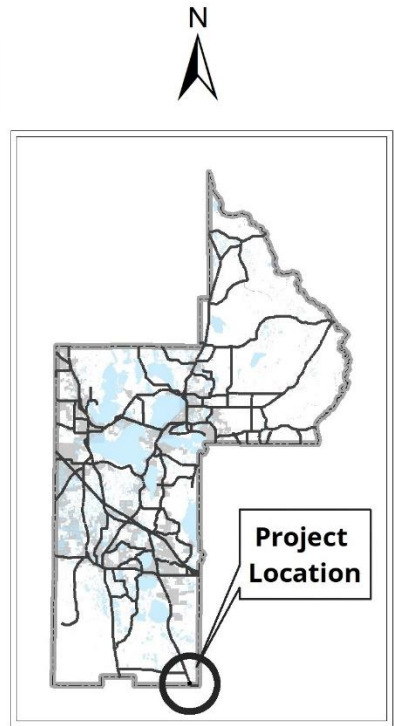
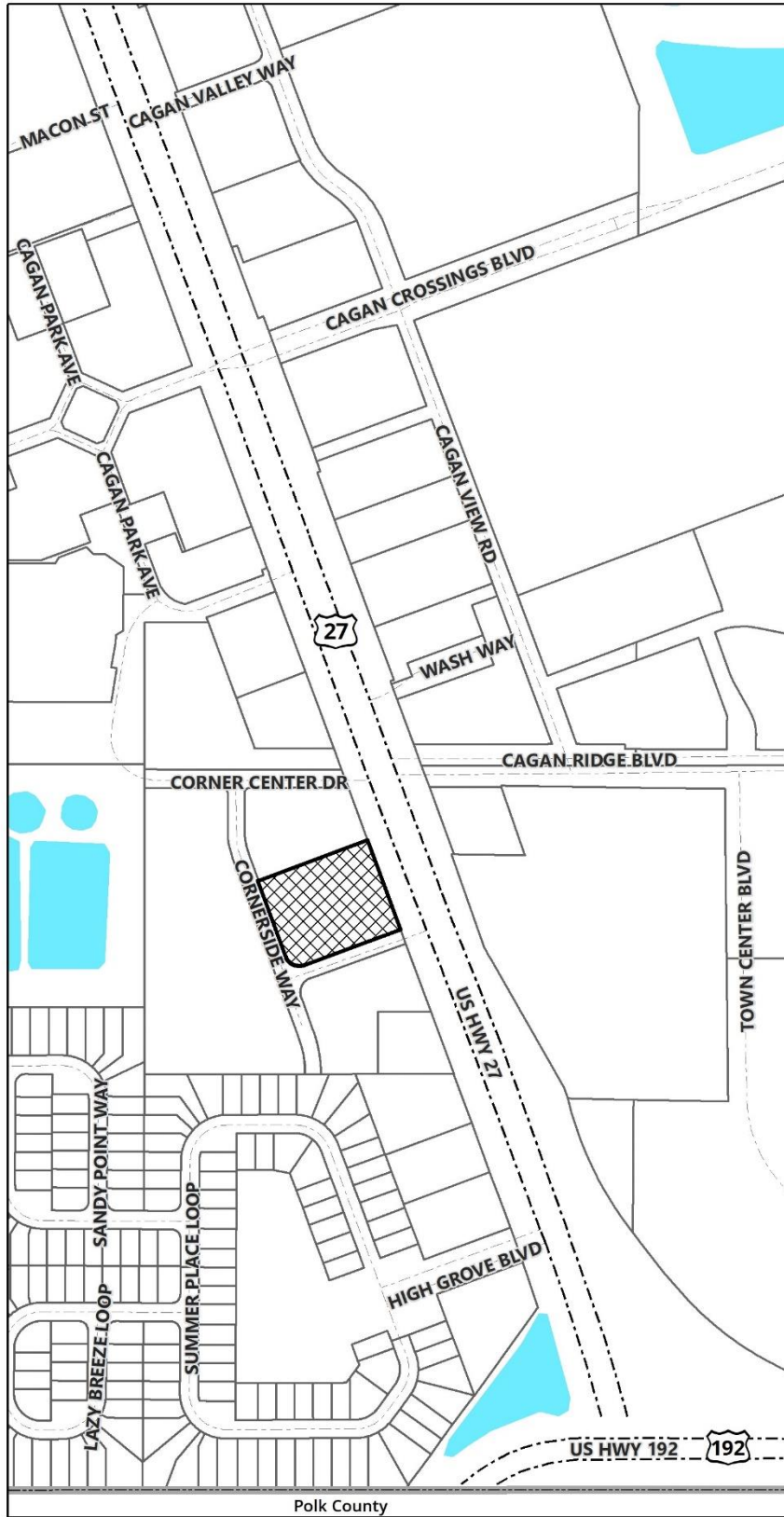
The Applicant has submitted the following intent of the Code statement: *"Lake County is a recognized tourist and economic growth center for Florida. This location is along a major throughfare [sic]. This is a national dental service, where transient motorist and tourists seeking this service may be unfamiliar with the area. Sign regulations is needed to encourage aesthetically pleasing branding while protecting the saftey [sic] of pedestrians and motorists that are traveling."* (Attachment B, Purpose of the Land Development Regulations Continued).

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.

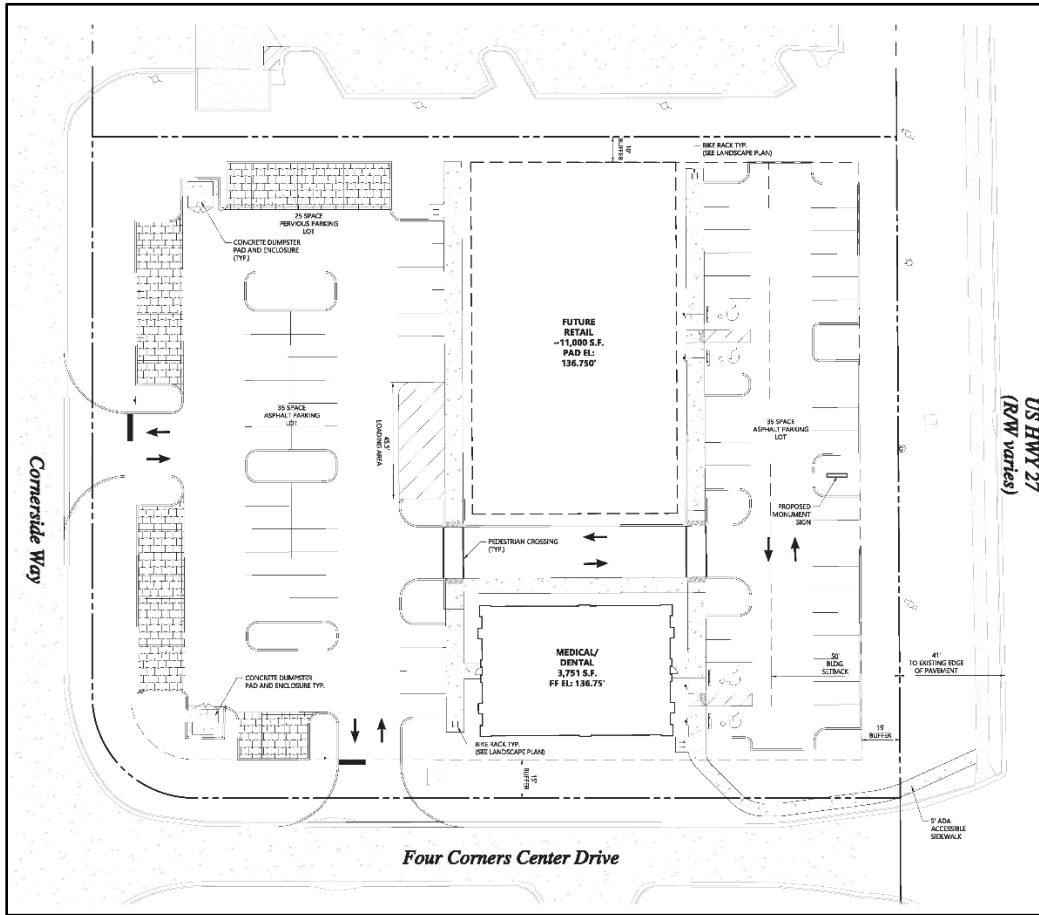
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant submitted the following statement and setback table as proof that the LDR would create a substantial hardship or would violate principles of fairness: *"The unique shape of the lot, and layout of the property with three existing street frontages and visibility from all angles. This property fronts on US Hwy 27 however the driveway entrances are to the rear off Cornerside Way. This is a national dental service and adequate signage for patients seeking emergency dental service is necessary for saftey [sic] of motorists traveling in and around this area. Sign must be visible at posted speed limits."*

Map of Subject Property



Attachment "A", Concept Plan.



Concept Plan with Wall Sign Detail.



Attachment "B", Purpose of Land Development Regulations (Page 1 of 4)

Purpose of the Land Development Regulations Continued:

The proposal is for four wall signs, one on each elevation at 84 sq. ft. each sign. The signs proposed are proportionate to the façade and consistent with the signs used at nearby businesses along US Route 27. The plans are attached, and they outline the details of each sign and elevation.

Considerations for issuance of variances are important and the board must look at all of the related factors. The signs proposed take that into consideration and have no impact on the environment. In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, the floodplain regulations, and the following is a response statement to each of these criteria:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
The signs proposed will be constructed safely and in accordance with State of Florida Building code requirements. They do not pose a danger to the environment.
2. The danger to life and property due to flooding or erosion damage.
The signs proposed do not propose a danger to life due to flooding or erosion.
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
The signs proposed will not cause flood damage.
4. The importance of the services provided by the proposed development to the community.
Aspen Dental is a national dental service that provides a wide variety of services to the community as well as transient guests. Aspen Dental is a medical dental facility that will offer emergent dental services as well as routine dental services. This is a vital service to the community.
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion.
Flood erosion is not a concern here.
6. The compatibility of the proposed development with existing and anticipated development.
The existing and surrounding properties are all zoned commercial (C2) and or planned development (PUD). The signs proposed are consistent with the other businesses that front State Route 27.
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area.
The signs do not propose a flood threat. They are consistent with the types of signs allowed by the comprehensive plan.

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8. The safety of access to the property in times of flooding for ordinary and emergency vehicles.

This is managed by the site plan development for this property and this proposal is for signage and a variance to the signage regulations of Section 11.02.03.B.7 due to the unique layout of the property and multiple street frontages.

9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

The signs will not have an impact.

10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

The signs will not have an impact.

Conditions for issuance of variances. Variances shall be issued only upon consideration of the following items listed herein. Please note there is a response to each condition noted below:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of the floodplain regulations or the required elevation standards.

This property sits between Cornerside Way and US Route 27 and is bordered by Four Corners Center Drive on the south. The unique layout of this property and configuration of this property are the reason for this request. Motorists coming from the north will enter thru Corner Center Drive and turn south on Cornerside Way. The sign on the North (B) and West (D) walls are necessary for these motorists to find this location. Sign B is visible from Southbound lanes on US Route 27 and necessary for those motorists to prepare for their turn onto Corner Center Drive. Sign D is necessary for motorists when traveling on Cornerside Way to find the location because Sign B will not be readily visible from this vantage point. The sign on the East (A) and South (C) walls are necessary for motorists traveling Northbound along US Route 27. Sign A is also for pedestrians and the by right signage for the front primary elevation. This is a divided roadway and motorists traveling at posted speed limits Northbound on US Route 27 are going to need Sign C to plan for lane changes and the turn they would make at the traffic light on Corner Center Drive. There is a unique traffic configuration here and if that turn is missed it is extremely difficult for motorists that are not familiar with this area to find their way back when U turn is not an option. A ground sign is not proposed for the Aspen Dental. The configuration of the existing vacant lot and the characteristics of retail development combined with medical dental services

Attachment "B", Purpose of Land Development Regulations (Page 3 of 4)

makes this a unique situation and adequate signage is imperative the safety of the citizens of Lake County.

2. Determination by the Board of Adjustment that:

- (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship.

This land has been vacant for many years and not developed. The divided highway makes it difficult for a developer to occupy this land with easy access. Adequate signage needs to be available for any business to take its place in the community and be successful. The nature of a dental service requires that persons in distress need to be able to readily identify their destination. Failure to grant the variance would result in exceptional hardship because this property has three street frontages. There are two points of entry to the lot from the west and the south. The signs proposed are proportioned to the building and the minimum necessary to achieve the objective of visibility for motorist safety and travel.

- (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

The granting of the variance does not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances. The signs are compliant with the codified regulations. The variance is to allow for two additional wall signs where a property has a total of three street frontages on the West, East, South and parking lots to the West and East and points of entry to the lot when coming from the south and the north are particularly configured in a way that requires motorists to make advance preparation for turning.

- (c) The variance is the minimum necessary, considering the flood hazard, to afford relief.

The variance is the minimum necessary. A single occupancy building with multiple frontages is allowed 1 sq. ft. per linear ft of primary frontage up to 150 sq. ft. and 1 sq. ft. per linear ft. of secondary frontage up to 150 sq. ft. provided that the treatment used on both the front and side is the same. In total this proposal is for four identical signs that are 84 sq. ft. each when measured in a single rectangle and 71.11 sq. ft. each when measured by sign face area.

The proposal is for a property that has three secondary frontages. The primary frontage is the Front Elevation. This elevation houses the primary

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entrance. This elevation faces the parking lot to the east and US 27. The secondary frontage to the North faces on coming traffic on US 27 where signs that are parallel to the wall / road are not typically visible to motorists, the sign (B) on the northeast corner of the building is visible to the Southbound motorist. Where signs that are parallel to the wall / road are not typically visible to motorists, the sign (C) on the southeast corner of the building is visible to the Northbound motorist. The sign (D) on the west elevation is necessary for those entering from the northwest point of entry. Each of these signs proposed is the minimum necessary and if this property were afforded only two signs it would cause substantial hardship.

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Final Development Order
VAR-20-65-1
7-Eleven Property/Aspen Dental

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

WHEREAS, Tracey Diehl (the “Applicant”) submitted a variance request on behalf of 7-Eleven, Inc. (the “Owner”) to Lake County Code, Land Development Regulations (LDR) Section 11.02.03(B)(7), to allow wall signs on an elevations without a secondary building; to allow wall signs with 84 square-feet of copy area, in lieu of 74.9 square feet on the north and south elevations and in lieu of 50.9 square-feet on the western and eastern elevations; and

WHEREAS, the subject property consists of 1.88 +/- acres, is located along US Highway 27 at the intersection of Four Corners Center Drive and Cornerside Way, in the Clermont area of unincorporated Lake County, Florida, in Section 35, Township 24 South, Range 26 East, having Alternate Key Number 3860070 and more particularly described in **Exhibit “A” – Legal Description**; and

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 14, 2021; 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 14, 2021, 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-20-65-1, to allow wall signs on an elevations without a secondary building; to allow wall signs with 84 square-feet of copy area, in lieu of 74.9 square feet on the north and south elevations and in lieu of 50.9 square-feet on the western and eastern elevations.

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 January, 2021.

EFFECTIVE January 14, 2021.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

James Argento, Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 14th day of January, 2021, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)

Exhibit "A", Legal Description.

THAT PART OF SECTION 35 TOWNSHIP 24 SOUTH RANGE 26 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT A 1 INCH IRON BAR WITH NO IDENTIFICATION NUMBER BEING THE SOUTH 1/4 CORNER OF SAID SECTION 35 THENCE N89°27'33"E ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 35 FOR A DISTANCE OF 1322.03 FEET, THENCE DEPARTING SAID SOUTH LINE RUN N00°01'10"W ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 35 FOR A DISTANCE OF 1133.811 FEET TO THE NORTHWEST CORNER OF LOT 16, HIGH GROVE UNIT I ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 50, PAGES 19 THROUGH 20, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE N89°35'42"E ALONG THE NORTH HUE OF SAID HIGH GROVE UNIT 1, FOR 477.56 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 356.61 FEET AND A CHORD BEARING OF N10°20'13" W; THENCE LEAVING SAID NORTH LINE RUN NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°51'50" FOR A DISTANCE OF 123.63 FEET TO THE POINT OF TANGENCY; THENCE N20°16'08"W, 87.94 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 40.00 FEET AND A CHORD BEARING OF N 24°43'52"E; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR A DISTANCE OF 62.83 FEET TO THE POINT OF TANGENCY; THENCE N 69°43'52" E, 275.71 FEET TO THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 27; THENCE N20°35'59"W ALONG SAID WEST RIGHT-OF-WAY LINE 44.00 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE N20°35'59"W ALONG SAID WEST RIGHT-OF-WAY LINE 258.22 FEET, THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE RUN S69°43'52"W, 313.96 FEET, THENCE S20°16'08"E, 218.22 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY WITH A RADIUS OF 40.00 FEET AND A CHORD BEARING OF S65°16'08"E, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 62.83 FEET TO THE POINT OF TANGENCY THENCE N69°43'52"E, 275.46 FEET TO THE POINT OF BEGINNING.