



# LAKE COUNTY FLORIDA

## MEETING INFORMATION

### Location & Time

Lake County Commission  
Chambers  
2<sup>nd</sup> Floor, County  
Administration Building  
315 West Main Street  
Tavares, FL 32778-7800  
**1:00 p.m.**

### Board of Adjustment Members

Donald R. Schreiner,  
Chairman (At-Large  
Representative)

Catherine Hanson, Vice-  
Chairman (At-Large  
Representative)

Marie Wuenschel (District 1)

Vacant (District 2)

Phyllis Luck (District 3)

Lloyd M. Atkins, Jr.  
(District 4)

Craig Covington (District 5)

# BOARD OF ADJUSTMENT

## AGENDA JANUARY 27, 2014

The Board of Adjustment reviews applications that have been submitted for a variance to the Land Development Regulations; they approve or deny the applications based upon staff reports and evidence submitted during the hearing, taking into consideration the applicant's and other testimony in favor or against the request, in accordance with section 14.15.00 of the Land Development Regulations.

The Board of Adjustment meetings are held the second Thursday of each month.

### Board of County Commissioners

Timothy I. Sullivan	District 1
Sean Parks, Vice Chairman	District 2
Jimmy Conner, Chairman	District 3
Leslie Campione	District 4
Welton G. Cadwell	District 5

### County Staff

David Heath, County Manager  
Melanie Marsh, Deputy County Attorney

### Growth Management Department Staff

Amye King, AICP, Director, Department of Growth Management  
Anita Greiner, Chief Planner, Division of Planning & Community Design  
Jennifer Cotch, Senior Planner, Division of Planning & Community Design  
Donna Bohrer, Public Hearing Coordinator, Division of Planning & Community Design

**For any questions, comments, or concerns, please contact the Planning & Community Design Division at (352) 343-9641 or email [zoning@lakecountyfl.gov](mailto:zoning@lakecountyfl.gov).**

All oral and written communication between Board Members and the Public concerning a case are prohibited by Florida Law unless made at the Public Hearing.

If any person decides to appeal any decision made by the Board, a record of the proceedings will be needed. For purposes of appeal, the record of proceedings should be a verbatim record of all proceedings which take place and should include the testimony and evidence upon which any appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of Facilities and Capital Improvement at (352) 343-9760, 48 hours in advance of the scheduled meeting.

# Board of Adjustment

January 27, 2014

1:00 p.m.

- I. Call to Order
- II. Minutes Approval – December 12, 2013
- III. Public Comment
- IV. Public Hearings

## **CONSENT AGENDA**

<b>CASE NO.</b>	<b>OWNER(S)/APPLICANT(S) NAME</b>	<b>AGENDA NO.</b>
<b>BOA # 18-13-4</b>	<b>Kenneth J. McGrath</b>	<b>1</b>

REQUESTED ACTION: The owner is requesting a variance from Lake County Land Development Regulations, Section 3.02.06 Density, Impervious Surface, Floor Area, and Height Requirements to allow a pool and accessory structures that will exceed the maximum 30% impervious surface allowed in Rural Residential (R-1) zoning district.

## **REGULAR AGENDA**

<b>CASE NO.</b>	<b>OWNER(S)/APPLICANT(S) NAME</b>	<b>AGENDA NO.</b>
<b>BOA # 19-13-2</b>	<b>Christopher &amp; Donna Larson</b>	<b>2</b>

REQUESTED ACTION: The owners are requesting a variance from Lake County Land Development Regulations, Section 3.01.04 Key to Conditions in Table of Permitted and Conditional Uses to allow a livestock building to be located 25 feet from the property line.

<b>CASE NO.</b>	<b>OWNERS(S)/APPLICANT(S) NAME</b>	<b>AGENDA NO.</b>
<b>BOA #21-13-4</b>	<b>Weeks Family Properties</b>	<b>3</b>

REQUESTED ACTION: The applicant is requesting a variance from Lake County Land Development Regulations, Section 1.08.02.C.4 Repair or reconstruction of a nonconforming sign to allow the reconstruction of an existing pole sign for a commercial business.

- V. Close

**MINUTES  
BOARD OF ADJUSTMENT  
PUBLIC HEARING  
December 12, 2013**

The Lake County Board of Adjustment met on December 12, 2013 in the Commission Chambers on the second floor of the County Administration Building in Tavares, Florida to consider requests for variances and any other petitions that may be submitted in accordance with Chapter XIV of the Lake County Land Development Regulations.

**Board Members Present:**

Catherine Hanson, Vice-Chairman  
Craig Covington  
Phyllis Luck  
Lloyd M. Atkins, Jr.  
Marie Wuenschel

**Board Members Absent:**

Donald Schreiner, Chairman

**Staff Present:**

Anita Greiner, Chief Planner, Planning & Community Design Division  
Jennifer Cotch, Senior Planner, Planning & Community Design Division  
Melanie Marsh, Deputy County Attorney  
Donna R. Bohrer, Public Hearing Associate, Planning & Community Design Division

Vice-Chairman Hanson called the meeting to order at 1:00 p.m. She noted for the record that there was a quorum present. She confirmed Proof of Publication for the case as shown on the screen. She added that if a variance is approved, the owner/applicant should give staff at least 24 hours before proceeding to the zoning counter to finalize their paperwork.

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<u>CASE NO.</u>	<u>OWNER/ APPLICANT</u>	<u>AGENDA NO.</u>
<u>Consideration of Minutes</u>	November 14, 2013	
<u>Public Comment</u>		
<u>Opening Remarks</u>		
<u>Regular Agenda:</u>		
BOA #18-13-4	Kenneth J. McGrath	1
<u>Closing Remarks</u>		
<u>Adjournment</u>		

**Opening Remarks**

Anta Greiner, Chief Planner, Planning and Community Design, said there were no changes to the agenda.

**Minutes**

**MOTION by Craig Covington, SECONDED by Phyllis Luck to APPROVE the November 14, 2013 Board of Adjustment Public Hearing Minutes, as corrected.**

**FOR: Hanson, Luck, Atkins, Covington, Wuenschel**

**ABSENT: Schreiner**

**AGAINST: None**

**MOTION CARRIED: 5-0**

**Public Comment**

There were no public comments.

**Regular Agenda**

**BOA# 18-13-4**

**OWNERS/APPLICANTS: Kenneth J. McGrath**

Jennifer Cotch, Senior Planner, Planning and Community Design explained the applicant was requesting a variance from the Lake Development Regulations (LDRs) to allow a pool and accessory structure that will exceed the maximum 30% impervious surface ratio (ISR) allowed in the Rural Residential (R-1) zoning district. She said the ISR on the applicant's property is currently 35% and with the proposed improvements, it would be in excess of 40%. She explained that the residence is 1/3 of an acre, with a single-family residence, two paved driveways, a garage and an addition.

Ms. Cotch explained that the land use and property size are in conflict with the future land use, which will be addressed during the county-wide rezoning. She said the medium residential zoning would be more suitable, which allows an ISR of 35%. She said the LDRs have changed and this property is currently restricted to a 30% ISR.

Ms. Cotch said the intent of the Code is to limit the ISR in order to reduce flooding and to protect water quality. She said the applicant has not demonstrated how he could meet the intent of the Code, and the ISR on the property currently exceeds the allowable ISR. She said staff is recommending denial.

Mr. Kenneth McGrath addressed the Board, stating he believed several other variances have been allowed in his community related to the ISR. He said the pool would be utilized for a medical benefit, because this particular pool equipment would create a current for him to swim against.

Lloyd Adkins, Board Member, discussed the amount of the ISR created by the planned pool and the surrounding surfaces. Mr. McGrath said he is willing to remove one of the concrete driveways, and to have pervious pavers around the pool. He said he would do as much as possible to accommodate the pool while reducing the impervious surface. Vice-Chairman Hanson said if the ISR could be reduced to meet the allowable ISR, the need for a variance would cease to exist. Mr. Adkins noted this area was subject to significant standing water during rain events. He said removing some of the concrete might make the pool meet the LDRs. Mr. McGrath did not believe he could meet the 30% requirement. He agreed there was some standing water issues but didn't believe there was extreme flooding.

Vice-Chairman Hanson asked the applicant if the pool could be smaller, and asked Ms. Cotch if it was possible to reduce the ISR to a level allowed by the LDRs.

Ms. Cotch said this application could be postponed to address ways for Mr. McGrath to reduce the amount of ISR on his property. Mr. Adkins said the ISR needs to get as close to 30% as possible, because he has seen significant flooding in the past.

### **PUBLIC COMMENT**

Sharon Clower, neighbor, said she did not object to the pool. She agreed there has been some significant flooding in the past during rain events. She said her front yard and that of her neighbors has flooded in the past. She was concerned about retention of stormwater on Mr. McGrath's property.

Vance Jokim introduce himself as the author of the Fiscal Rangers blog. He said it was his observation that the owner did not seem to have much information regarding this process. He asked if the pool could be pervious because it can be drained. He thought that perhaps staff could provide information on alternatives.

Ms. Greiner said the variance application lists what is necessary, but if the owner has someone else make application on their behalf, as in this case, staff meets with the applicant instead of the owner. She stated that pools are an impervious surface, it does not matter if there is a drain. She also noted that staff notifies the applicant of the staff recommendation.

**MOTION by Craig Covington, SECONDED by Lloyd Adkins to postpone BOA #18-13-4 to the January 9, 2014 meeting with the stipulation that staff and the owner come back with alternatives to reduce the amount of the ISR.**

**FOR: Hanson, Luck, Covington, Wuenschel, Atkins**

**ABSENT: Schreiner**

**AGAINST: None**

**MOTION CARRIED: 5-0**

**Adjournment**

There being no further business, the meeting was adjourned at 1:32 p.m.

Respectfully submitted,

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Donna Bohrer  
Public Hearing Associate

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Donald Schreiner  
Chairman

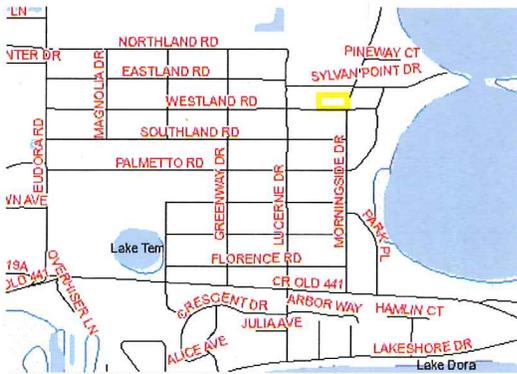


**VARIANCE REQUEST**  
Presented to the  
**BOARD OF ADJUSTMENT**  
January 27, 2014

<b>CASE NO.:</b> BOA# 18-13-4	<b>AGENDA ITEM #:</b> 1
<b>OWNER &amp; APPLICANT:</b> Kenneth J. McGrath	

**REQUESTED ACTION:** The owner is requesting a variance from Lake County Land Development Regulations, Section 3.02.06 Density, Impervious Surface, Floor Area, and Height Requirements to allow a pool and accessory structures that will exceed the maximum 30% impervious surface allowed in Rural Residential (R-1) zoning district.

**GENERAL LOCATION:** Mt Dora area – East on CR Old 441, then left on Morningside Drive (N), to site on left, #1755, AK# 1533678 (Sec. 25, Twp. 19, Rng. 26).



**FUTURE LAND USE DESIGNATION:** Urban Low Density

**EXISTING ZONING:** R-1 (Rural Residential)

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
<b>North</b>	Urban Low Density (4 du / net acre)	R-1 (Rural Residential District) (1 du / acre)	Single-family dwelling unit
<b>South</b>	Urban Low Density (4 du / net acre)	R-1 (Rural Residential District) (1 du / acre)	Single-family dwelling unit
<b>East</b>	Urban Low Density (4 du / net acre)	R-1 (Rural Residential District) (1 du / acre)	Single-family dwelling unit
<b>West</b>	Urban Low Density (4 du / net acre)	R-1 (Rural Residential District) (1 du / acre)	Single-family dwelling unit
<b>Posted:</b>	January 15, 2014; postcards mailed to adjacent property owners on January 13, 2014		

#### **14.15.02 Granting Variances and Appeals**

Variances shall be granted when the person subject to the 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.

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 the 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.

Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

**ANALYSIS:** The owner is requesting a variance to allow the construction of a pool and accessory structures that will increase the impervious surface ratio (ISR) over thirty percent. The Code (3.02.06 Density, Impervious Surface, Floor Area, and Height Requirements) limits the maximum ISR to 0.30 in the R-1 Zoning District.

The parcel is located in Sylvan Shores, a residential subdivision platted in 1926. All of the lots in the subdivision are developed with conventional single-family dwelling units. The owner's parcel is developed with a single-family dwelling unit, detached garage, and enclosed porch. A copy of the survey showing the location of all improvements is attached (Exhibit "A"). The total square footage of the property is 14250 square feet (0.33 acre). The total existing structures are 4874 square feet or 34% impervious surface ratio. With the proposed pool and pavement the total impervious surface would be 0.40 or forty percent.

The owner is proposing to construct an 840 square foot pool with patio. The building would meet all setback requirements and would be located in the side/rear yard as required by the Code.

The parcels to the north, south, east and west are developed with single-family dwelling units. The subject parcel is zoned R-1 (Rural Residential District) and the Future Land Use is Urban Low Density. The Future Land Use and the zoning are in conflict, and will be addressed during the County-wide rezoning. The 2030 Comprehensive Plan Policy I-1.3.2 *Urban Low Density Future Land Use*, states the maximum ISR shall not exceed 0.60 or sixty percent. Under current regulations, the Sylvan Shores subdivision would not be allowed to develop under the R-1 Zoning District since the average lot size is approximately one-third of an acre. The more appropriate zoning classification based on the Future Land Use and the existing development would be Medium Residential District (R-3), which according to the Code (3.02.06) allows a maximum ISR of 0.35 or thirty-five percent. The parcel contains no flood zones or jurisdictional wetlands.

The Land Development Regulations have been updated since the applicants last permit application, which allowed up to 35% impervious surface. Under the previous LDR's, Chapter 3.02.06, lots that were non-conforming to the existing zoning classification could utilize the ISR category which was closest to the

actual area of the non-conforming lot. Since the applicants lot area was most consistent with the R-3 zoning, the applicant was allowed to obtain a maximum ISR of thirty-five percent (35%). The current LDR's do not have this provision.

On December 12, 2013, the variance request was presented to the Board of Adjustments, with a recommendation of denial. At the hearing, the Board members authorized a postponement of one month to allow staff and the applicant time to work on reducing the proposed impervious surface area. On December 20, 2013, Mr. McGrath met with staff and proposed the following:

1. The pool patio area will be constructed out of pervious materials, reducing the pool's impervious surface area from 840 square feet to 425 square feet.
2. Once construction of the pool is complete, the southernmost driveway will be removed.
3. The applicant will keep and maintain the existing cistern system designed to capture rainwater from the roof of the existing home.

With the proposed conditions in place, the ISR will be 35%, the same that exists presently.

The **intent of the Code** (3.02.06) is to protect the public health, safety and welfare by limiting the amount of impervious surface in order to reduce flooding and increase water quality. An impervious surface ratio is a measurement of the amount of the base site area that is covered by any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surfaces include, but are not limited to roofs and roads, sidewalks and parking lots paved with asphalt, concrete, compacted sand, limerock or clay. The impervious surface ratios (ISR) in Table 3.02.06 are applicable to both residential and nonresidential development.

The owner submitted the following reasons as proof of meeting the **intent of the Code**: *"Under reasonable requirements that exist under state guidelines."*

The owner submitted the following as proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**: *"Cannot put a pool in without this revision. Also, it seems there are many homes on the same street that far exceed the R-1, 30% Impervious."*

#### **14.15.00 Variances and Appeals.**

**14.15.01 Purpose of Variances.** Strict application of uniformly applicable Land Development Regulations can lead to unreasonable, unfair, and unintended results in particular instances. The Board of County Commissioners finds that it is appropriate in such cases to adopt a procedure to provide relief to persons subject to the Land Development Regulations. The Board of Adjustment is authorized to grant variances to requirements of the Land Development Regulations consistent with the rules contained in these regulations. This Section does not authorize the Board of Adjustment to grant variances inconsistent with the Comprehensive Plan nor to grant a variance to permit uses not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the Land Development Regulations in the zoning district. In addition, the existence of nonconforming use of neighboring lands or un-permitted use of neighboring lands shall not be considered grounds for authorization of a variance.

**14.15.02 Generally.** Variances shall 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. 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. Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as, contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

**ENVIRONMENTAL ISSUE:** N/A

**FLOODPLAIN:** N/A

**JOINT PLANNING AGREEMENT:** N/A

**WEKIVA RIVER PROTECTION AREA:** N/A

**LAKE APOPKA BASIN:** N/A

**TRANSPORTATION IMPROVEMENTS:** N/A

**GREEN SWAMP AREA OF CRITICAL STATE CONCERN:** N/A

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

1. The applicant was allowed to increase the impervious surface ratio to 35% under the previous Land Development Regulations (LDRs). The current LDRs limit lots to a maximum 30% ISR in the Rural Residential Zoning Classification; and
2. The parcel will remain at an impervious surface ratio of 35% by removing one driveway and using pervious pavers for the pool patio; and
3. The applicant has a cistern system that collects runoff rainwater from the existing single-family home.

Staff finds that the applicant has submitted proof of meeting the intent of the Code and has shown proof of a substantial hardship or that that application of the Code would violate the principles of fairness. Based on the Findings of Fact and Analysis, Staff recommends **APPROVAL** of the variance request.

**BOA# 18-13-4  
Photo Evidence**

**Views of the site**



**Views of the postings**



**Final Development Order  
Kenneth J. McGrath  
BOA # 18-13-24**

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

**WHEREAS**, Kenneth J. McGrath (the "Owner") requested a variance to allow accessory structures that will exceed the maximum impervious surface ratio (ISR) allowed in Rural Residential (R-1) zoning; and

**WHEREAS**, the subject property consists of 0.33 acres +/- and is generally located south of Mt Dora in Section 25, Township 19 South, Range 26 East, being composed of alternate key number 1533678 and is more particularly described as:

SYLVAN SHORES S 55FT OF LOT 20, N 40 FT OF LOT 21, BLK 15

**AND**, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on January 27, 2014; and

**WHEREAS**, the Board of Adjustment reviewed said 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 27, 2014, the Lake County Board of Adjustment approved the variance for the above property; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

**Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of BOA# 18-13-4 to allow an Impervious Surface Ratio (ISR) of .35 or thirty-five percent with the following conditions:

- A. The pool patio area (425 square feet) shall be constructed of pervious materials; and
- B. The southernmost driveway shall be completely removed prior to a final inspection of the pool and associated pervious patio; and
- C. The applicant must keep and maintain the existing cistern system that collects rainwater from the existing single-family home.

**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, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 3. Effective Date. This Ordinance shall become effective as provided by law.**

**ENACTED this 27<sup>th</sup> day of January, 2014.**

**EFFECTIVE January 27, 2014.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**Donald Schreiner, Chairman**

**STATE OF FLORIDA  
COUNTY OF LAKE**

**The foregoing instrument was acknowledged before me this January 27, 2014 by DONALD SCHREINER who is personally known to me.  
(SEAL)**

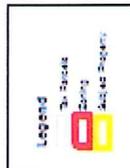
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**Signature of Acknowledger**

**Serial Number: \_\_\_\_\_**

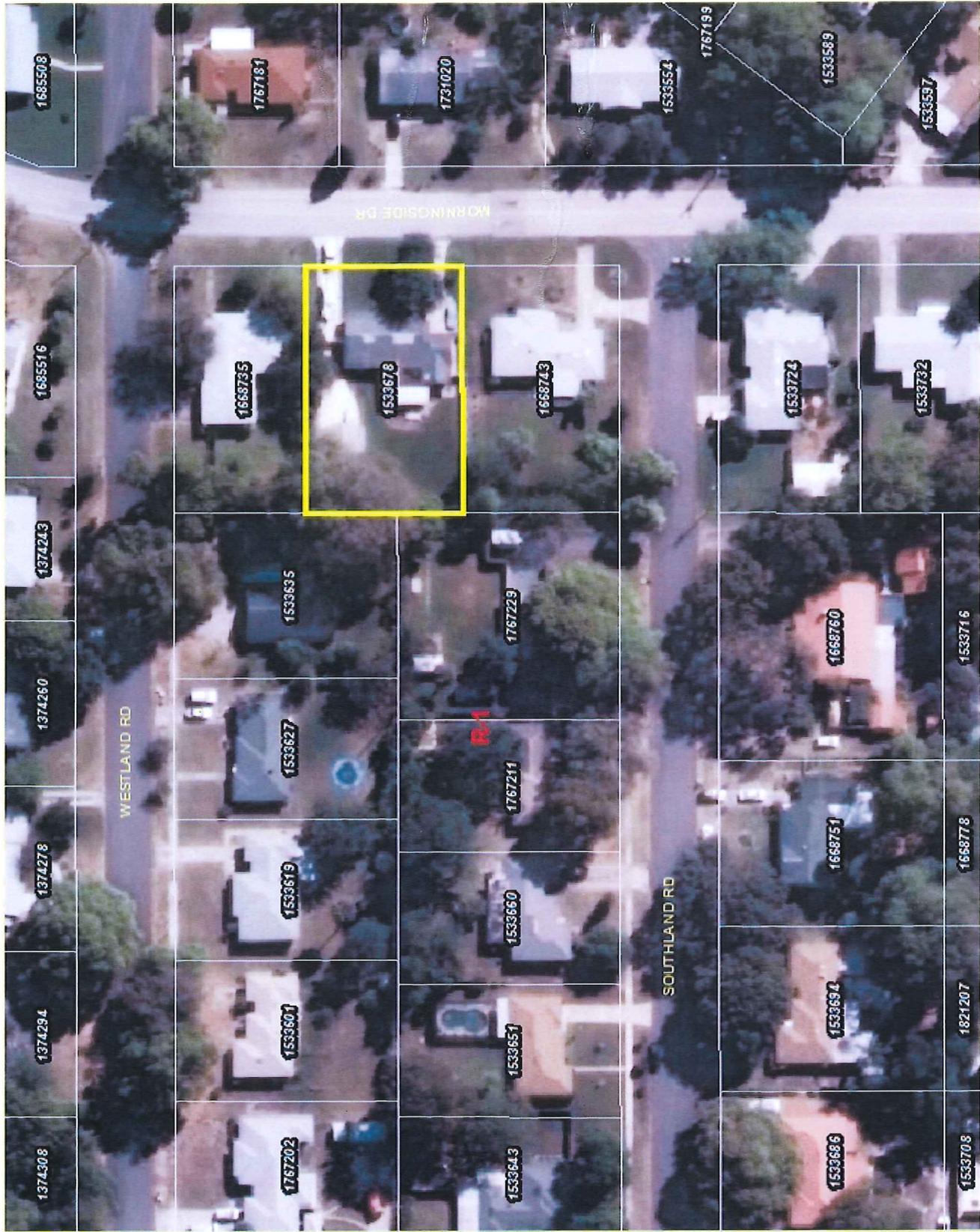
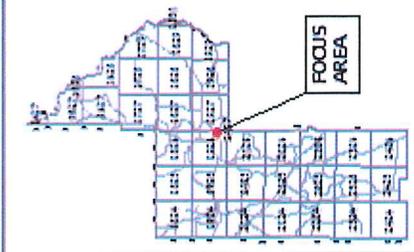
**My Commission Expires: \_\_\_\_\_**



**LAKE COUNTY**  
 DEPARTMENT OF  
 GROWTH MANAGEMENT  
 Community Services Division



Case Location (S-T-R):  
 25-19-26



1 inch = 33.33333 feet

Owner: Kenneth J. McGrath  
 Applicant: Kenneth J. McGrath  
 BOA# 18-13-4

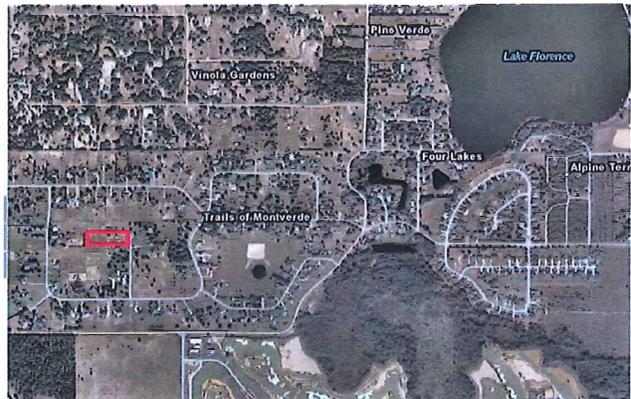


**VARIANCE REQUEST**  
**Presented to the**  
**BOARD OF ADJUSTMENT**  
**January 27, 2014**

<b>CASE NO.:</b> BOA# 19-13-2	<b>AGENDA ITEM #:</b> 2
<b>OWNERS/APPLICANTS:</b> Christopher and Donna Larson	

**REQUESTED ACTION:** The owners are requesting a variance from **Lake County Land Development Regulations, 3.01.04 Key to Conditions in Table of Permitted and Conditional Uses** to allow a livestock building to be located 25 feet from the property line; due to the size of the parcel, the Code requires the building to be as closely centered on the parcel as possible, and requires a minimum setback of 50 feet from all property lines.

**GENERAL LOCATION:** Montverde area – SE on CR 455 to Fosgate Road (S) to Paddock Drive (W) to Arabian Way (W) to Appaloosa Trail (N) #16739, AK# 3028228 (Sec. 09, Twp. 22, Rng. 26).



**FUTURE LAND USE DESIGNATION:** Rural Transition

**EXISTING ZONING:** Agriculture Residential (AR)

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
<b>North</b>	Rural Transition (1 du/5 acres)	AR (Agriculture Residential) (1 du / 2 acres)	single-family dwelling unit
<b>South</b>	Rural Transition (1 du/5 acres)	AR (Agriculture Residential) (1 du / 2 acres)	single-family dwelling unit
<b>East</b>	Rural Transition (1 du/5 acres)	AR (Agriculture Residential) (1 du / 2 acres)	single-family dwelling unit
<b>West</b>	Rural Transition (1 du/5 acres)	AR (Agriculture Residential) (1 du / 2 acres)	single-family dwelling unit
<b>Posted:</b>	January 15, 2014; notification cards mailed out January 13, 2014		

#### **14.15.02 Granting Variances and Appeals**

Variances shall be granted when the person subject to the 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.

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 the 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.

Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

**ANALYSIS:** The owners are requesting a variance to allow a barn containing horses to be located twenty-five (25) feet from the south property line, 110 feet from the north property line, 150 feet from the west property line, and 390 feet from the east (front) property line. The Code, 3.01.04(1)(a), requires a livestock building to be located a minimum of two hundred (200) feet from all property lines. In the event that a livestock building cannot be constructed because of the two hundred (200) foot setback, then the livestock building shall be as closely centered as possible between the property lines and a fifty (50) foot setback shall be maintained from all property lines.

#### **LAND DEVELOPMENT REGULATION:**

##### **3.01.04 Key to Conditions in Table of Permitted and Conditional Uses.**

**1. Keeping of Livestock for General Agriculture and Non-Intensive Agriculture. These uses Shall only be Permitted as shown in Table 3.01.03 Schedule of Permitted and Conditional Uses and Shall adhere to the following setbacks:**

- a. A Livestock Building should maintain a two hundred (200) foot setback from the property line. In the event that a Livestock Building cannot be constructed because of the two hundred (200) feet setback, then the Livestock Building Shall be as closely centered as possible between the property lines AND Shall maintain a fifty (50) foot setback from the property line.**
- b. If the Lot Width or Length is equal to or less than one hundred fifty (150) feet, then the Livestock Building Shall be as closely centered as possible between the property lines AND Shall maintain a fifty (50) foot setback from the property line.**

**Livestock.** "Livestock" shall include, but not be limited to, all animals of the equine, ratite, bovine or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches and other grazing animals. The term livestock shall specifically exclude exotic animals.

**Livestock Building.** A Structure used for milking, feeding, or sheltering of farm animals.

The parcel is located in the Trails of Montverde subdivision; the subdivision was platted in 1986. The subject parcel is an interior lot and is surrounded by seven other lots located in the subdivision, all improved with single-family dwelling units. The parcel is approximately 3.58 acres and is roughly 600 feet (east to west) by 200 feet (north to south) in size. The applicant could not meet the 200-foot setback to the north and south property boundaries and therefore would be required to center the barn and maintain a minimum 50-foot setback from both the north and south property lines.

The **intent** of the Code (Table 3.02.04) is to promote a logical development pattern, provide for safe setbacks between structures and encourage a visually pleasing environment, as well as to ensure that the residents in the surrounding area are not disrupted by the noises and smells by the use of such structures.

The applicants submitted the following reasons as proof of meeting the **intent of the Code**: *"The purpose of the Land Development Regulation has been met by the configuration of our property. The neighborhood around our lot is fully developed. All dwellings (with the exception of one) are greater than 500 feet from our proposed barn site. That one is greater than 250 from the barn site. We are also separated on 2 sides from our neighbors by the horse trail."*

The applicant submitted the following as proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**: *"The primary reason we are getting horses is our Autistic grandson. Research proves that there is a connection that children with Autism have with horses and this is certainly true with our Isaac. The area where we plan to build the barn is a large flat piece of land on our otherwise sloped property. Building the barn to the south side of the property would allow us to have a riding ring where he can be contained but independent. The second reason is that building the barn to the south of our property would place the barn in line with our driveway and would facilitate bringing feed and supplies. The third reason is there is a live oak in the middle of our corral and we would have to remove it to place the barn near the center of the corral."*

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

1. This request is inconsistent with LDR Table 3.01.04(1)(a), which attempts to promote standardized setbacks for specific zoning districts and uses.
2. There is sufficient room to construct the barn, without encroaching into the required building setbacks.

The owners have not shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. The owners have not submitted proof of meeting the intent of the Code. Based on the Findings of Fact and Analysis, Staff recommends **denial** of the variance request to allow a barn to be located twenty-five (25) feet from the property line.

#### **14.15.00 Variances and Appeals.**

**14.15.01 Purpose of Variances.** Strict application of uniformly applicable Land Development Regulations can lead to unreasonable, unfair, and unintended results in particular instances. The Board of County Commissioners finds that it is appropriate in such cases to adopt a procedure to provide relief to persons

subject to the Land Development Regulations. The Board of Adjustment is authorized to grant variances to requirements of the Land Development Regulations consistent with the rules contained in these regulations. This Section does not authorize the Board of Adjustment to grant variances inconsistent with the Comprehensive Plan nor to grant a variance to permit uses not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the Land Development Regulations in the zoning district. In addition, the existence of nonconforming use of neighboring lands or un-permitted use of neighboring lands shall not be considered grounds for authorization of a variance.

**14.15.02 Generally.** Variances shall 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. 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. Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as, contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

**ENVIRONMENTAL ISSUE: N/A**

**FLOODPLAIN: N/A**

**JOINT PLANNING AGREEMENT: N/A**

**WEKIVA RIVER PROTECTION AREA: N/A**

**LAKE APOPKA BASIN: YES**

**TRANSPORTATION IMPROVEMENTS: N/A**

**GREEN SWAMP AREA OF CRITICAL STATE CONCERN: N/A**

**BOA# 19-13-2  
Photo Evidence**



**Views of the postings**



**Final Development Order  
Christopher and Donna Larson  
BOA # 19-13-2**

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

**WHEREAS**, Christopher and Donna Larson (the "Owners") made a request to allow a livestock building (horse barn) to be located 25 feet from a property line; the Code requires the building to be as closely centered on the parcel as possible and meet a minimum setback of 50 feet from property lines; and

**WHEREAS**, the subject property consists of 3.58 acres +/- and is generally located south of Montverde in Section 09, Township 22 South, Range 26 East, being composed of alternate key number 3028228 and is more particularly described as:

TRAILS OF MONTVERDE SUB LOT 136 PB 28 PGS 6-11 ORB 4060 PG 1458

**AND**, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on January 27, 2014; and

**WHEREAS**, the Board of Adjustment reviewed said 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 27, 2014, the Lake County Board of Adjustment approved the variance for the above property; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

**Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of BOA# 19-13-2 to allow a livestock building (horse barn) to be located twenty-five (25) feet from the property line with the following **conditions**:

- A. The owner shall provide a Type "C" landscape buffer along the south property boundary. The buffer shall be designed and constructed per the standards set forth in Lake County Land Development Regulation Chapter IX.
- B. An inspection of the landscape buffer by Lake County Planning & Community Design Division, to ensure the conditions as stated above are met, must be conducted and approved within 30 days of variance

approval. The owner and subsequent owner(s) shall be required to maintain the landscape plan as approved.

- C. Manure, used bedding, and any other associated animal waste, generated by the stable, shall be disposed of off-site on a weekly basis (7-day week). The organic waste stockpile shall be stored a minimum of 200 feet from all property lines and shall be placed within a three-sided enclosure. Spreading the waste on site shall be prohibited. A manifest detailing the receivership of waste shall be maintained at the stable, and shall be subject to review by Lake County.

**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, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 3. Effective Date.** This Ordinance shall become effective as provided by law.

**ENACTED this 27<sup>th</sup> day of January, 2014.**

**EFFECTIVE January 27, 2014.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**Donald Schreiner, Chairman**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this January 27, 2014 by DONALD SCHREINER, who is personally known to me.

(SEAL)

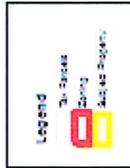
\_\_\_\_\_  
**Signature of Acknowledger**

**Serial Number:** \_\_\_\_\_

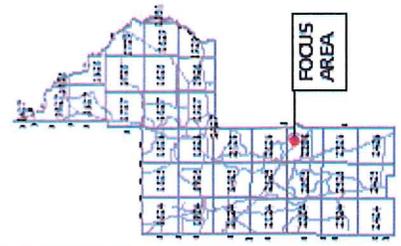
**My Commission Expires:** \_\_\_\_\_



**LAKE COUNTY**  
 DEPARTMENT OF  
 GEOSPATIAL MANAGEMENT  
 Customer Service Division



Case Location (S-T-R):  
 9-22-26



Owners/Applicant : Christopher and Donna Larson  
 BOA# 19-13-2



1 inch = 83.333333 feet

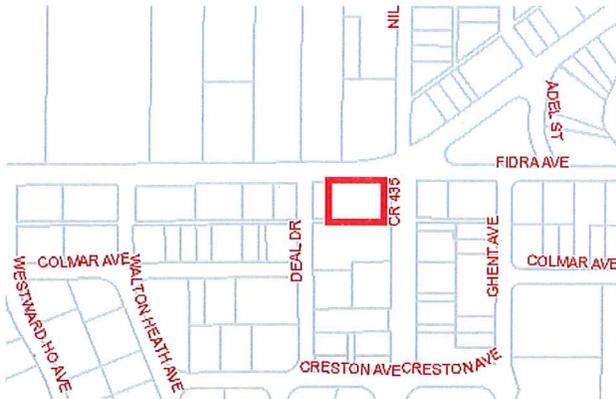


**VARIANCE REQUEST**  
Presented to the  
**BOARD OF ADJUSTMENT**  
January 27, 2014

<b>CASE NO.:</b> BOA# 21-13-4 <b>OWNER:</b> Weeks Family Properties-157, LLC <b>APPLICANT:</b> Laura Rackley/Total Imaging, Inc.	<b>AGENDA ITEM #: 3</b>
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**REQUESTED ACTION:** The applicant is requesting a variance from Lake County Land Development Regulations, Section 1.08.02.C.4 Repair or reconstruction of a nonconforming sign to allow the reconstruction and enlargement of an existing pole sign for a commercial business.

**GENERAL LOCATION:** Sorrento area – Southwest intersection of CR 435 and SR 46 (SR 46 # 25546), AK# 1361681 (Sec. 28, Twp. 19, Rng. 28).



**FUTURE LAND USE DESIGNATION:** Mt Plymouth-Sorrento Main Street  
**EXISTING ZONING:** C-1 (Neighborhood Commercial)

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
<b>North</b>	Mt Plymouth Sorrento Main Street	C-1 (Neighborhood Commercial)	Office/Retail
<b>South</b>	Mt Plymouth Sorrento Main Street	C-1 (Neighborhood Commercial)	Grocery Store
<b>East</b>	Mt Plymouth Sorrento Main Street	CP (Planned Commercial)	Vacant
<b>West</b>	Mt Plymouth Sorrento Main Street	C-1 (Neighborhood Commercial)	Office/Retail
<b>Posted:</b>	January 15, 2014; Postcards mailed out Friday, January 13, 2014		

#### **14.15.02 Granting Variances and Appeals**

Variances shall be granted when the person subject to the 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.

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 the 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.

Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

**ANALYSIS:** The applicant is requesting a variance to allow the reconstruction of an existing nonconforming pole sign, which is currently located on the subject parcel at the existing gas station. The existing pole is approximately 11.5 feet in height and has two signs on it, one is six and one-half feet (6 ½') by five and one-half feet (5 ½') in size and the other is eight and one-half feet (8 ½') by five feet (5'). The applicant is proposing to remove the two existing signs, keep the pole the signs are attached to, and add a new sign that is eight feet (8') by four feet (4'). The total height of the proposed pole sign is fifteen and one-half feet (15 ½') from the ground. The Code (1.08.02.C.4) only allows letter interchange/substitution, painting of boards, replacement of dismountable material or repair/replacement of existing electrical on a nonconforming sign; it does not allow reconstruction, expansion, change, or enlargement of the nonconforming sign. The sign height will be increased to 15 ½ feet; the Code (11.02.03.1.A.5 (a)) allows a ground sign fronting on a two-lane highway to be, at a maximum, eight feet (8') in height.

The 0.54-acre parcel is located at 25546 State Road 46 in the Sorrento area. The property has been zoned Commercial (C-1) since 1959 (Ordinance 1959-003) and currently operates as a gas station/convenient store. The store will remain as a gas station/convenient store; however, it will go from a BP store to a Sunoco store. The proposed changes are attached (Exhibit "A").

The **intent** of the Code (1.08.02) is to allow legally existing non-conforming development to remain in its current state. The Code (11.01.03.5) prohibits pole signs within all zoning districts. As previously stated, the Code does not allow any expansions, changes, enlargements, or alterations of a use in any way which increases its nonconformity.

Allowing unlimited expansion of non-conforming structures does not encourage the transition to conforming structures. The intent of the Code is to replace non-conforming structures with those that conform to the current Codes.

The owners submitted the following reasons as proof of meeting the **intent of the Code**:

*"The proposed work to be performed will enhance the existing location with the new sign, pressure washing, painting, ect., making aesthetic improvements to the existing conditions."*

The owners submitted the following as proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**:

*"To remove the pole sign and install a new 8' tall monument sign – the visibility of the sign is decreased. Further noting that directly across the street a competitor in the petroleum industry has a 27' pylon sign that is more than visible at the intersection. An 8' tall monument would hardly be noticeable and due to setbacks would probably need to be placed behind the retaining wall further obstructing its view."*

## **LAND DEVELOPMENT REGULATION:**

### **1.08.00 - Nonconforming Development.**

**1.08.02 Continuation of Nonconforming Development.** A lawful nonconforming use or structure can continue in its nonconforming state.

A. It may be expanded as provided below:

1. Minor expansions to uses or structures nonconforming to the Comprehensive Plan may be made to meet regulatory requirements so long as the expansion does not exceed ten (10) percent of the nonconforming use or structure. The ten (10) percent shall be based on the use or structure as it existed on September 22, 2011.
2. Modification or rebuilding of a nonconforming communication tower in order to accommodate co-location of additional communication antennas shall be allowed so long as the tower is of the same type (e.g., monopole, lattice, guyed, etc.) and there is no increase in height.
3. Adding to the size of a single-family dwelling unit that is non-conforming due to the minimum width, roof pitch, or overhang requirement may be allowed, provided that:
  - a. A mobile home, travel trailer, recreational vehicle or the like shall not be used as the addition; and
  - b. The expansion shall meet all other requirements of these Land Development Regulations and the Florida Building Code.

B. Repair or reconstruction of nonconforming structures.

1. Normal maintenance and incidental repair (e.g., painting, replacing a roof, replacing windows or doors, rescreening an existing porch, etc.) is allowed.
2. Principal or accessory structures, other than signs, may be repaired or reconstructed after the structure has been damaged or destroyed by fire or natural disaster as long as a certificate of occupancy is issued for the rebuilt nonconforming principal or accessory structure within two

(2) years from the date that it was damaged or destroyed and so long as the nonconformity is not increased.

3. Interior structural alteration, as defined in Chapter II (Structural Work and Alteration), is allowed.
4. Structural alteration required to resolve a safety issue as determined by the Building Official or Fire Official.

**C. Repair or reconstruction of a nonconforming sign.**

1. Normal maintenance and incidental repair (e.g., painting, re-facing, interchange of letters) is allowed.
2. Repair or rebuilding of a sign that has been destroyed or damaged where the replacement of materials is involved is allowed, provided that such replacement shall not exceed fifty (50) percent of the structural materials in the sign within any twenty-four (24) month period.
3. **Existing nonconforming Pole and roof signs, made nonconforming by the Land Development Regulations, may be relocated to a ground sign of the same size, subject to any required permits.**
4. **Another nonconforming sign shall not replace a nonconforming permanent on-premise or off-premise sign, with the exception of substitution or interchange of letters, painted boards, dismountable material or repair/replacement of existing electrical.**
5. If the provisions of F.S. § 479.15(3)-(6), relating to outdoor advertising would apply to a sign, a hearing shall be held before the Board of County Commissioners for the purpose of determining whether the owner of the nonconforming sign is permitted to relocate the sign or whether the County will compensate the owner for its removal. The Board's determination shall be based upon the amount of just compensation due the owner, the current location of the sign, the proposed relocation site, and any other factors applicable to the removal of the sign.

**11.01.03 Prohibited Signs.** The following types of signs are prohibited in all zoning districts within Lake County:

1. Abandoned signs.
2. Signs erected on public property including public right-of-way by a private entity.
3. Beacons or flashing lights.

4. Any series of two (2) or more signs placed in a line parallel to a right-of-way that conveys a single cumulative message.
- 5. Pole signs.**
6. Unsafe signs.
7. Snipe signs.
8. Portable signs except for use as special event signs.
9. Any sign which obstructs visibility at an intersection according to the Manual of Uniform Minimum Standards for Design Construction and Maintenance for Streets and Highways, State of Florida, 1993, and as determined by the County Department of Public Works.
10. Signs imitating or resembling official traffic or government signs or signals.
11. Roof signs.
12. Advertising flags.
13. Signs placed on vehicles or trailers, which are parked or located for the primary purpose of displaying said signs. This does not apply to buses, taxicabs, and similar common carrier vehicles.
14. Signs that create traffic or pedestrian hazards.
15. Off-premises signs, unless otherwise authorized by this Chapter.

**11.02.03 Commercial Districts.** The following provisions govern signage in commercial districts:

1. Single Occupancy Commercial Sites.
  - A. Ground Signs.
    1. All signs shall be ground signs.
    2. Ground signs may not be permitted on vacant property.
    3. One (1) ground sign per parcel for each primary street frontage shall be permitted. The maximum allowable copy area is:
      - a. Sites on designated arterial roadways is sixty (60) square feet per face.
      - b. Sites on designated collector roadways is forty (48) square feet per face.
      - c. Sites on internal roadways is thirty-two (32) square feet per face.
    4. If a single occupancy business has multiple frontages with an architectural design indicating front street orientation to both frontages, an additional ground sign shall be permitted with a maximum square footage of up to fifty (50) percent of that allowed on the primary frontage.
  5. Height

- a. **Ground signs fronting on two lane highways shall not exceed eight (8) feet in height.**
  - b. Ground signs fronting on four lane divided highways shall not exceed twelve (12) feet in height
  - c. The height of any ground sign shall be measured from the finished grade or the roadway, whichever is higher, to the top of the sign face.
6. Setbacks
- a. The minimum setback from the right-of-way line shall be five (5) feet.
  - b. The minimum setback from any side or rear yard property line shall be ten (10) feet.
  - c. The minimum setback from any residential zoning district shall be twenty (20) feet.
7. Corner Lots Visibility Triangle. No part of a ground sign may be located within a triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25) feet from the right-of-way intersection.
8. Design.
- a. Vertical structure supports for ground signs shall be concealed in an enclosed base. The width of such enclosed base shall be equal to at least one-half ( $\frac{1}{2}$ ) the horizontal width of the sign surface.
  - b. The base shall be of an architectural style similar to that of the principal building to include split face block, finished metal or brick or stucco finish.
9. Sign Landscaping. A landscaped planting area a minimum of one hundred (100) square feet in size shall be provided around the base of any ground sign. The landscape shall include shrubs and groundcover. The landscape area shall be counted towards the minimum landscape and pervious area requirements for a site.
10. Sign Illumination. Ground signs may be illuminated internally or externally. The source of externally illuminated signs shall be installed so that it is arranged or screened as to not shine, glare or adversely impact adjacent properties or roadways.

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

1. This request is inconsistent with LDR 1.08.02, which promotes replacement of non-conforming structures, in order to obtain conformity with the Code.
2. The request is inconsistent with LDR 11.01.03 *Prohibited Signs*, which prohibits pole signs.

The owner has not shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. The owner has not submitted proof of meeting the intent of the Code. Based on the Findings of Fact and Analysis, staff recommends **denial** of the variance request to allow the reconstruction and enlargement of the existing nonconforming pole sign.

**14.15.00 Variances and Appeals.**

**14.15.01 Purpose of Variances.** Strict application of uniformly applicable Land Development Regulations can lead to unreasonable, unfair, and unintended results in particular instances. The Board of County Commissioners finds that it is appropriate in such cases to adopt a procedure to provide relief to persons subject to the Land Development Regulations. The Board of Adjustment is authorized to grant variances to requirements of the Land Development Regulations consistent with the rules contained in these regulations. This Section does not authorize the Board of Adjustment to grant variances inconsistent with the Comprehensive Plan nor to grant a variance to permit uses not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the Land Development Regulations in the zoning district. In addition, the existence of nonconforming use of neighboring lands or un-permitted use of neighboring lands shall not be considered grounds for authorization of a variance.

**14.15.02 Generally.** Variances shall 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. 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. Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as, contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

**ENVIRONMENTAL ISSUE: N/A**

**FLOODPLAIN: N/A**

**JOINT PLANNING AGREEMENT: N/A**

**WEKIVA RIVER PROTECTION AREA: YES**

**LAKE AOPKA BASIN: N/A**

**TRANSPORTATION IMPROVEMENTS: N/A**

**GREEN SWAMP AREA OF CRITICAL STATE CONCERN: N/A**

BOA# 21-13-4  
Photo Evidence

Views of the site



Views of the postings



**Final Development Order  
BOA # 21-13-4**

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

**WHEREAS**, Weeks Family Properties-157, LLC (the "Owners") requested a variance to allow the reconstruction and enlargement of a nonconforming pole sign; and

**WHEREAS**, the subject property consists of 0.56 acres +/- and is generally located in the Sorrento area in Section 19, Township 28 South, Range 29 East, being composed of alternate key number 1361681 and is more particularly described as:

MT PLYMOUTH LOTS 1 TO 8 INCL BLK 15 PB 8 PG 85 ORB 722 PG 802 ORB 1333 PG 661  
ORB 3118 PG 1564 |

**AND**, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on January 27, 2014; and

**WHEREAS**, the Board of Adjustment reviewed said 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 27, 2014, the Lake County Board of Adjustment approved the variance for the above property; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

**Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of BOA# 21-13-4, to allow the reconstruction and enlargement of the existing nonconforming pole sign, which will increase the height of the nonconforming sign to 15 ½ feet and will allow a 32-square foot sign to be added to the existing nonconforming pole sign, as shown in Exhibit "A", attached.

**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, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 3. Effective Date.** This Ordinance shall become effective as provided by law.

**ENACTED** this 27<sup>th</sup> day of January, 2014.

**EFFECTIVE** January 27, 2014.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Donald Schreiner, Chairman

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this January 27, 2014, by DONALD SCHREINER, who is personally known to me.  
(SEAL)

\_\_\_\_\_  
Signature of Acknowledger

Serial Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

"EXHIBIT A"

PROPOSED



EXISTING



Project/Location: 25546 SR 46

Sorrento, FL

Customer: Quality Petroleum

Drawn by: L.Rackley

Job Number: QUA-20075-SU

Date: 12/17/2013

Scale: 3/8" = 1'

This original drawing is property of T.I. and is not to be exhibited, copied, or reproduced without permission.

