



**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 MARCH 13, 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**

March 13, 2014

1:00 p.m.

- I. Call to Order
- II. Minutes Approval – January 27, 2014
- III. Public Comment
- IV. Public Hearings

<u>CONSENT AGENDA</u>	<u>OWNERS(S)/APPLICANT(S) NAME</u>	<u>AGENDA NO.</u>
<b>BOA# 1-14-2</b>	<b>Kevin Harrison/AT&amp;T Mobility</b>	<b>1</b>

REQUESTED ACTION: The owner is requesting a variance from the Lake County Land Development Regulations, *3.13.09 B1, Wireless Antennas, Towers, and Equipment Setbacks* to allow a 140 foot tall telecommunication tower to be off-centered within the boundaries of the property recognized as the parent parcel on the official zoning map.

<b>BOA# 22-13-5</b>	<b>MHC Lakeside Terrace, LLC</b>	<b>2</b>
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REQUESTED ACTION: The owner is requesting a variance from the Lake County Land Development Regulations, *10.01.04B 1 & 2, Boat Docks and Boat Ramps* placed on Common Areas to allow boat docks to be placed less than 100 feet from property lines, allow less than the required 10 foot wide landscape buffer, as well as allowing the docks to be placed on parcels other than those designated for common use.

<b>BOA# 2-14-5</b>	<b>James and Pamela Anderson</b>	<b>3</b>
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REQUESTED ACTION: The owners are requesting a variance from the Lake County Land Development Regulations, *3.01.02A1a & b Classification of Uses* to use a single-wide mobile home (less than 23 feet 4 inches wide, with a roof pitch of less than 1:4, and does not have the minimum 6 inch roof overhang), as an accessory dwelling unit.

**REGULAR AGENDA**

**Motion to Reconsider BOA#21-13-4**

**CASE NO.**

<b>BOA #21-13-4</b>	<b>Weeks Family Properties</b>	<b>4</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 of an existing pole sign for a commercial business.

- V. Close

**MINUTES**  
**BOARD OF ADJUSTMENT**  
**PUBLIC HEARING**  
**January 27, 2014**

The Lake County Board of Adjustment met on January 27, 2014 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:**

Donald Schreiner, Chairman  
Catherine Hanson, Vice-Chairman  
Craig Covington  
Phyllis Luck  
Lloyd M. Atkins, Jr.

**Board Members Absent:**

Marie Wuenschel

**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

Chairman Schreiner called the meeting to order at 1:00 p.m. He noted for the record that there was a quorum present. He confirmed Proof of Publication for the case as shown on the screen. He 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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<b><u>CASE NO.</u></b>	<b><u>OWNER/ APPLICANT</u></b>	<b><u>AGENDA NO.</u></b>
<b><u>Consideration of Minutes</u></b>	December 12, 2013	
<b><u>Public Comment</u></b>		
<b><u>Opening Remarks</u></b>		
<b><u>Consent Agenda:</u></b>		
BOA # 18-13-4	Kenneth J. McGrath	1
<b><u>Regular Agenda</u></b>		
BOA # 19-13-2	Christopher & Donna Larson	2
BOA # 21-13-4	Weeks Family Properties	3
<b><u>Closing Remarks</u></b>		
<b><u>Adjournment</u></b>		

**Opening Remarks**

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

**Minutes**

**MOTION by Catherine Hanson, SECONDED by Craig Covington to APPROVE the December 12, 2013 Board of Adjustment Public Hearing Minutes, as submitted.**

**FOR: Schreiner, Hanson, Luck, Covington, Atkins**  
**ABSENT: Wuenschel**  
**AGAINST: None**  
**MOTION CARRIED: 5-0**

**Public Comment**

There were no public comments.

**Consent Agenda**

**BOA# 18-13-4**  
**OWNERS/APPLICANTS: Kenneth J. McGrath** **AGENDA NO.: 1**

**MOTION by Catherine Hanson, SECONDED by Craig Covington to APPROVE the consent agenda with conditions as set forth by staff in BOA #18-13-4, Kenneth J. McGrath.**

**FOR: Schreiner, Hanson, Luck, Covington, Atkins**  
**ABSENT: Wuenschel**  
**AGAINST: None**  
**MOTION CARRIED: 5-0**

**Regular Agenda**

**BOA# 19-13-2**

**AGENDA NO.: 2**

**OWNERS/APPLICANTS: Christopher & Donna Larson**

Jennifer Cotch, Senior Planner, presented the case stating this was a request to allow a livestock building to be located 25 feet from the property line. The property is located in the Trails of Montverde subdivision and is zoned Agriculture Residential (AR). The Code requires livestock buildings to be as closely centered on the parcel as possible, requiring a minimum setback of 50 feet from all property lines. The applicant's request would allow the building to be located 110 feet from the north property line, 150 feet from the west property line, 390 feet from the east property and 25 feet from the south property line. The property is approximately 3.58 acres and is roughly 600 feet (east to west) and 200 feet (north to south). The applicant could not meet the 200-foot setback to the north and south property line and would therefore have to center the barn and maintain a 50-foot setback. The applicant is requesting the livestock building to be constructed on the flattest portion of their property.

Ms. Cotch said there is sufficient space for the applicant to meet the required setback, consistent with the LDRs and staff recommended denial. She said two letters of support for the applicant have been received and the applicant is present to answer questions.

There was discussion between the Board and Ms. Cotch relating to the proposed barn location, the elevation change on the property, and the grading necessary to meet the LDRs. Ms. Cotch showed the location of the barn in scale on the map.

Donna Larson, owner, said the proposed location of the barn would allow for a riding ring to be constructed for their autistic grandson's ongoing equine therapy. She said the land slopes from the west down to the proposed barn location. The riding ring would be placed to the north, and the barn would be aligned with their driveway. She said that although their grandson's disability is not physical, she believes it should be given the same consideration as that extended to physical disabilities. She noted that the proposed location of the barn would also make it easier for them to care for their horses. She also noted that the closest neighbor's home will be 250 feet from the barn, and that the neighbor and the Home Owner's Association (HOA) president submitted letters of support. In addition, she explained that the proposed barn location would prevent the oak tree from being adversely affected by barn construction.

Christopher Larson, owner, said in response to a suggestion from Ms. Cotch that they intend to plant a landscape barrier.

Chairman Schreiner noted that locating the barn and riding ring on the flattest portion of their property would be the best solution for their needs.

**MOTION by Craig Covington, SECONDED by Catherine Hanson to APPROVE BOA# 19-13-2, Christopher & Donna Larson, with conditions as set forth by staff in the final development order.**

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

**ABSENT:** Wuenschel

**AGAINST:** None

**MOTION CARRIED:** 5-0

**BOA# 21-13-4**

**AGENDA NO.: 3**

**OWNERS/APPLICANTS: Weeks Family Properties**

Jennifer Cotch, said the applicant is Laura Rackley of Total Imaging, Inc., representing the Weeks Family Properties – 157, Inc. She explained that they are requesting a variance from the Land Development Regulations (LDRs) relating to the repair and reconstruction of a nonconforming sign to allow the reconstruction and enlargement of an existing pole sign for a commercial business. The property is located at the intersection of CR 435 and SR 46. It is approximately one-half acre in size, zoned Neighborhood Commercial (C-1), and is in the Mt. Plymouth-Sorrento Main Street Future Land Use Category.

Ms. Cotch further explained that the applicant is requesting a variance to allow the existing pole sign, which has two signs on it, one is six and one-half feet (6 ½') by five and one-half feet (5 ½'), the other sign is eight and one-half feet (8 ½') by five feet (5') to be reconstructed by removing the two existing signs, keeping the pole and adding a new sign that is eight feet (8') by four feet (4'). She noted that the intent of the Code is to allow non-conforming development to remain in its current state, not allowing expansions or changes that increase the nonconformity.

Ms. Cotch noted that staff has received five (5) emails in opposition.

There were no questions of staff.

Polly Licciardi, Total Imaging, Inc., said restricting this business to a monument sign would place the business at an economic disadvantage. The Weeks Family has recently purchased this business and they are investing in significant renovations. She explained that this is a locally-owned business that looks forward to improving the community.

Ms. Licciardi stated that the business across the street has multiple tenants and a 25' tall pole sign, which is twice as large as the existing sign on the applicant's property. Ms. Licciardi said they are requesting to keep the current pole and that the new signs will be smaller in size. She said without this variance the business will be at a significant economic disadvantage. She submitted a picture comparing the existing signs and how the monument sign would look on the applicant's property, compared to the sign across the street, The Kangaroo Express. The proposed square footage of the sign will be smaller than the existing sign. She said it was

questionable that the business would be economically feasible if they did not have competitive and comparable signage.

Catherine Hanson said she believed that a monument sign in this location would severely impede this business and said she would prefer to have the existing sign improved. She didn't believe a monument sign was an option in this location. Chairman Schreiner said he agreed.

In response to a statement by Ms. Licciardi, Melanie Marsh, Deputy County Attorney, noted that the requirement for a monument sign is not a new requirement.

### **Public Comment**

Tim Bailey said he was the chairman of the local Community Redevelopment Agency (CRA), although he was not representing the CRA. He was concerned about this request, noting that new, more conservative LDRs, will be submitted to the County. He recommended that the height of this sign not change, but consider modifying the sign.

Christine Thompson said she served on the CRA advisory committee, although not speaking on their behalf. She believed this sign should conform to the existing regulations and no changes should be allowed.

Francis Nipe said she was a member of the Mt. Plymouth Landowners League, she opposed this request and thought they should conform to the regulations.

Jason Rhoden said he was with Quality Petroleum. He thought the existing sign was an eyesore. He said that the proposed sign would be better looking and would be smaller.

There was some discussion regarding the location of the sign on the right-of-way, and the improvements planned by the Weeks Family. Mr. Rhoden said they all wanted to improve the community. Ms. Cotch noted that the electronic sign was not an issue.

Phyllis Luck asked about the sight distance and asked if Public Works staff had looked at this application. Ms. Marsh said that review would be part of the planning review process.

Ms. Cotch explained the pole sign at the gas station across the road would remain for the duration of their contract with Kangaroo Express, which could be as long as ten years.

**MOTION by Catherine Hanson to deny the request to the variance, throwing it back to an improved sign. SECONDED by Phyllis Luck.**

Ms. Hanson said it would then be completely up to the applicant whether they made it one on top of the other or side by side; but, it would be a smaller sign.

Chairman Schreiner stated it had been moved by Catherine Hanson, Seconded by Phyllis Luck to deny the application as submitted.

Craig Covington asked if the recommendation was for a monument sign or modification of the existing sign. Ms. Luck said there should not be a monument sign. Ms. Hanson said the motion is for the modification of the existing sign.

There being no further discussion Chairman Schreiner called for a vote, asking all those in favor of denying the application; the vote was unanimous.

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

**ABSENT: Wuenschel**

**AGAINST: None**

**MOTION CARRIED: 5-0**

Ms. Greiner noted that there would not be a meeting in February.

**Adjournment**

There being no further business, the meeting was adjourned at 1:50 p.m.

Respectfully submitted,

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Donna Bohrer  
Public Hearing Associate

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Donald Schreiner  
Chairman



**VARIANCE REQUEST**  
Presented to  
**BOARD OF ADJUSTMENT**  
March 13, 2014

**CASE NO.:** BOA# 1-14-2

**AGENDA ITEM #:** 1

**OWNER:** Steven Gupta

**APPLICANT:** AT&T Mobility c/o Kevin Harrison

**REQUESTED ACTION:** The owner is requesting a variance from the **Lake County Land Development Regulations, 3.13.09.B.1 Wireless Antennas, Towers, and Equipment Setbacks** to allow a telecommunication tower to be off-centered within the boundaries of the property recognized as the parent parcel on the official zoning map.

**GENERAL LOCATION:** Clermont area, Hwy 50 east, turn left on CR 455, to #14948 on right. Described as Alternate Key Number 1819199, within Sec. 23, Twp. 22, Range 26, and consisting of approximately 13+/- acres.



**FUTURE LAND USE DESIGNATION:** Urban Low  
**EXISTING ZONING:** Planned Commercial (CP)

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Urban Low	Rural Residential (1 du/ acre)	SFDU
South	Urban Low	Planned Commercial (CP) Ord. 2005-22	vacant
East	Urban Low	Agriculture (1 du/ 5ac)	vacant
West	Urban Low	Planned Unit Development (PUD) (1 du/1.51ac)	Residential subdivision (Arrowhead)
<b>POSTED:</b>	February 25, 2014 along CR 455, mailings were sent out February 21, 2014		

## 14.15.02 Granting Variances and Appeals

Variances shall be granted when the person subject to the Land Development Regulation (LDR) 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 Code (LDR 3.13.09.B.1) requires towers to be centered within the boundaries of the property recognized as the parent parcel on the official zoning map. In addition, the Code requires a camouflage or stealth tower to be located at least 100 feet away from a single-family or duplex dwelling unit; the Code is copied below. The owner is proposing to place a 140 foot tall stealth communication tower on the subject site, which would require a separation of 100 feet from all property lines, as well as from dwelling units. The applicant is requesting a variance to the requirement that all towers have to be centered within the boundaries of the property; the center of the subject property consists of forested wetlands and is within the 100-year flood zone. The applicant will meet all other requirements of the Code, in addition to meeting the wetland setbacks in LDR Chapter 6.02.02, by not having the tower centered on the parcel.

### **3.13.09 Setbacks.**

- A. *Equipment facility and guyed support structures shall meet a setback of twenty-five (25) feet from property lines or the Zoning District setback, whichever is greater.*
- B. *Towers Shall be:*
  1. **Centered within the boundaries of the Property recognized as the parent parcel on the official zoning map;**
  2. *Maintain a minimum setback of one hundred (100) feet from the Property Line;*
  3. *Be measured and reported using Global Position System coordinates for the center of the Tower; and*
  4. *Shall meet the requirements in Table 1 below:*

**Tower Table 1 - Additional Tower Setbacks**

	<i>From Residential or PUD Zoned Lands in the Urban Low, Urban Medium, Urban High, Mt. Plymouth-Sorrento Main Street, Mt. Plymouth-Sorrento Receiving Area or Green Swamp Ridge Future Land Use Categories, and in similar municipal zonings and land use categories.</i>	<i>From any Single-Family or Duplex Residential Unit</i>
<i>Lattice</i>	<i>1320 feet</i>	<i>1320 feet</i>
<i>Guyed</i>	<i>1320 feet</i>	<i>1320 feet</i>
<i>Monopole</i>	<i>330 feet</i>	<i>400% of the tower height</i>
<b>Camouflage</b>	<b>100 feet</b>	<b>100 feet</b>

*If the Owner of the Property where the Tower is to be located owns Residential units thereon or on surrounding properties (or if such properties are owned by his or her parents or children and they have consented in writing), those units Shall not be taken into consideration when calculating the Setback requirements of this section.*

The subject property is located southeast of where the Florida Turnpike crosses beneath County Road 455, east of Clermont and consists of approximately thirteen (13) acres.

The applicant is proposing to place the tower and equipment facility 100 feet from the west property line, 1194 feet from the east property line, 415 feet from the south property line and 335 feet from the north property line, as shown on the attached plot plan (Attachment #1). The placement of the tower and equipment facility in this location will prevent the tower from being located within the 100-year flood zone and will allow a greater setback to the wetlands located near the center of the parcel.

The **intent** of the Code is to adapt to the growing need for wireless communication antennas and towers by being able to act upon requests to place, construct and modify any wireless communications antenna and/or tower within a reasonable amount of time; to reasonably accommodate amateur communications; and to represent the minimum practicable regulation thereof. The intent of the Code is also to protect existing land uses from potential adverse visual impacts through sound planning, careful review of applications, proper permitting, and adherence to appropriate regulations, and to allow for wireless communications competition following the adoption of the Federal Telecommunications Act of 1996.

Further, the intent is to preserve and enhance radio communications throughout Lake County in times of emergencies that threaten the life, safety and welfare of Lake County residents, businesses and properties to include the establishment of easements, covenants and agreements necessary to address issues, such as fiber-optic cabling, associated with the provisions of emergency communication(s). The regulations are intended to accomplish this goal through careful design, siting, landscape screening and the encouragement of innovative camouflaging techniques.

The section of the Code the applicant is requesting a variance from is meant to protect existing land uses from potential adverse visual impacts.

The applicant submitted the following reasons as proof of meeting the **intent of the Code**: *"The proposed tower site location was selected to optimize the distance from the property lines to the north and south and maximizes the distance from the western property line without crossing the wetland boundary line to the east"*.

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 subject property is irregular in shape and is substantially covered by designated wetlands."*

<b>ENVIRONMENTAL ISSUE:</b> Wetlands being avoided	<b>FLOODPLAIN:</b> Floodplain to be avoided
<b>JOINT PLANNING AGREEMENT:</b> Clermont	<b>LAKE AOPKA BASIN:</b> Yes
<b>WEKIVA RIVER PROTECTION AREA:</b> N/A	<b>TRANSPORTATION IMPROVEMENTS:</b> N/A
<b>GREEN SWAMP AREA OF CRITICAL STATE CONCERN:</b> N/A	

**FINDINGS OF FACT:** Staff reviewed the application for this variance request and found: This request is consistent with LDR 3.13.01, the purpose of which is to adapt to the need for wireless communication antennas and towers. The applicant has shown the need for a tower in this location.

1. The proposed tower meets the intent of the Code by reducing the visual impacts with the construction of a stealth tower.
2. The proposed tower location will keep development, which includes equipment and storage out of the forested wetland system and out of the Flood Zone "A" or the 100-year flood zone.

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

Views of the site and postings



**Final Development Order  
Lake County Board of County Commissioners  
BOA#1-14-2**

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

**WHEREAS**, Steven Gupta (the "Owner") made a request to allow a telecommunications tower to be located 100 feet from the west property line, 1194 feet from the east property line, 415 feet from the south property line and 335 feet from the north property line; and

**WHEREAS**, the subject properties consists of 13 acres +/- and is generally located east of County Road 455 east of Clermont, Section 23, Township 22 South, Range 26 East, lying within Alternate Key Number 1819199 and is more particularly described as:

LAKE HIGHLANDS 23-22-26 TRACTS 19 & 20 S OF HWY--LESS BEG  
INTERSECTION E R/W SR 455 & SW'LY R/W SUNSHINE STATE PKWY,  
RUN S 0DEG 08MIN 12SEC W ALONG SAID E R/W 171.04 FT, N 89DEG  
54MIN 58SEC E 150 FT, S 61DEG 56MIN 29SEC E 318.02 FT, N  
89DEG 54MIN 58SEC E TO SW'LY R/W OF SUNSHINE STATE PKWY, NW  
ALONG SAID SW R/W TO POB--, TRACTS 29 & 30--LESS S 300  
FT--PB 4 PG 11 ORB 2643 PG 1635

**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 March 13, 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 March 13, 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# 1-14-2 to allow a 140 foot tall telecommunications tower to be located 100 feet from the west property line, 1194 feet from the east property line, 415 feet from the south property line and 335 feet from the north property line, in order to avoid wetland and flood zone impacts.

**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 13 day of March, 2014.

EFFECTIVE March 13, 2014.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

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

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 14 day of November, 2013 by DONALD SCHREINER, who is personally known to me.  
(SEAL)

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

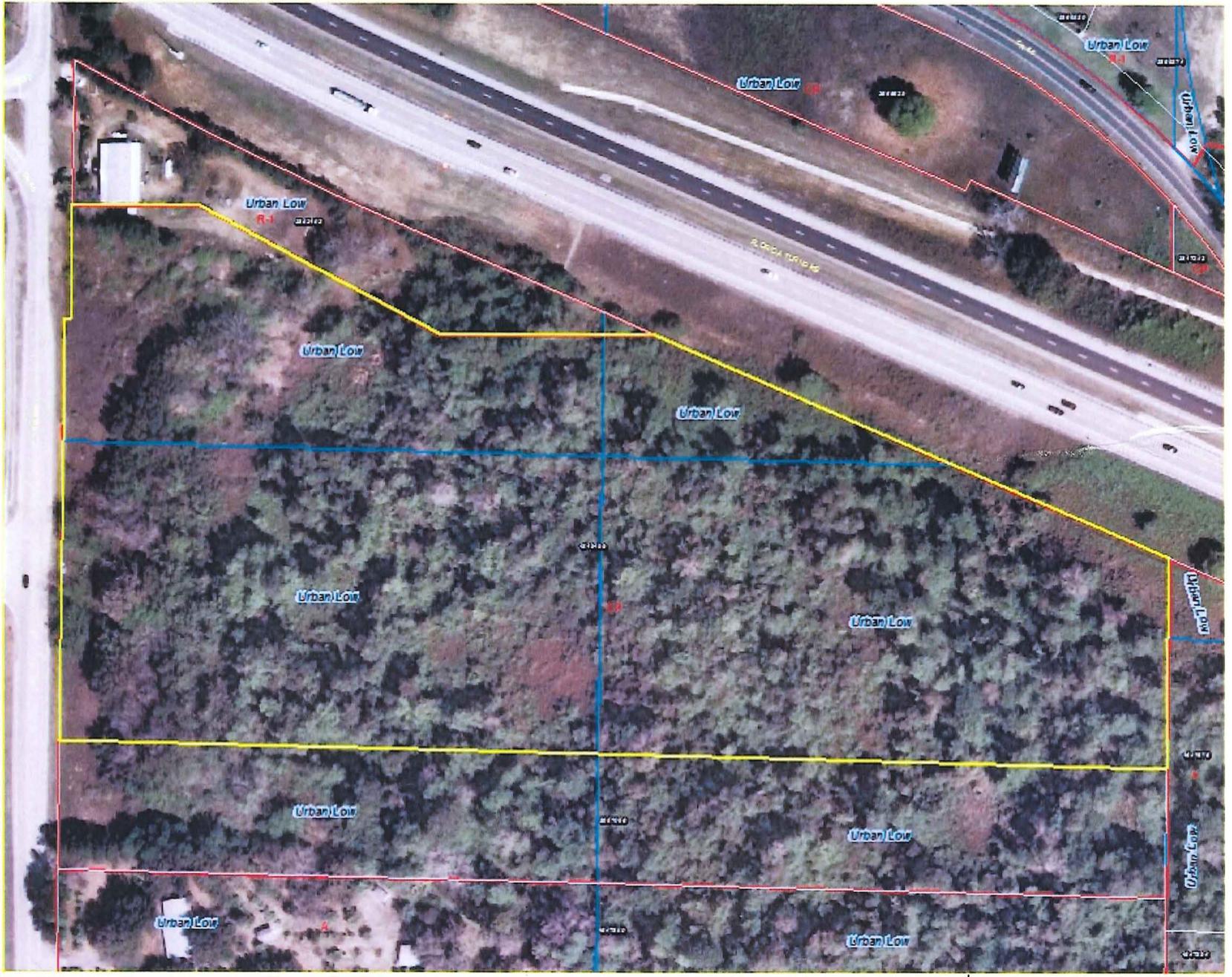
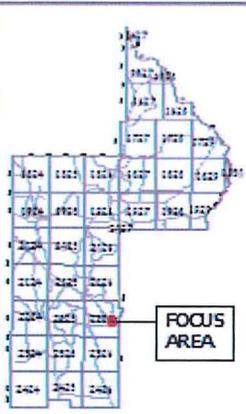
Serial Number: \_\_\_\_\_

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

**Legend**

-  Tax Parcel
-  Zoning
-  Subject Property

Case Location (S-T-R):  
23-22-26



Owner: Steven Gupta  
Applicant : AT&T Mobility c/o Kevin Harrison  
BOA# 1-14-2



1 inch = 160.097906 feet



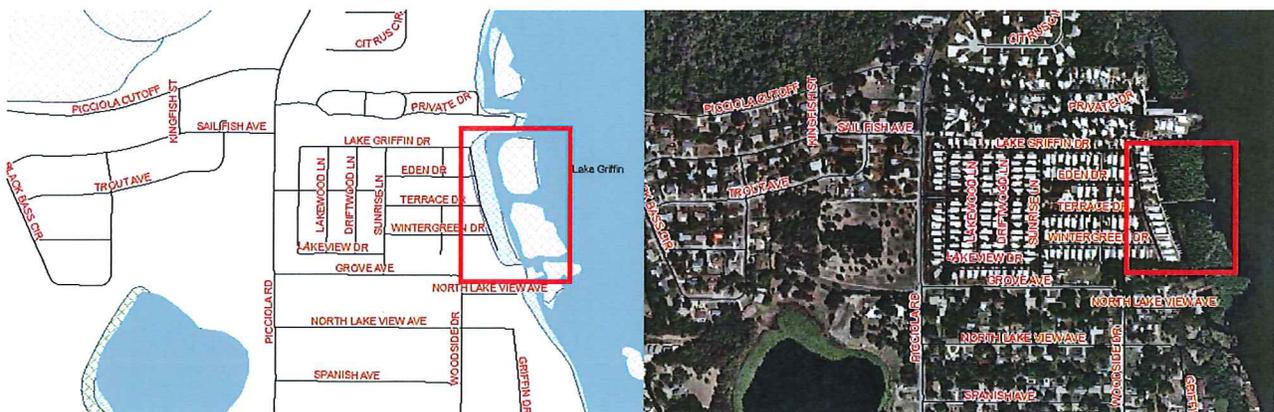


**VARIANCE REQUEST**  
 Presented to  
**BOARD OF ADJUSTMENT**  
 March 13, 2014

<b>CASE NO.:</b> BOA# 22-13-5 <b>OWNER:</b> MHC Lakeside Terrace, LLC	<b>AGENDA ITEM #: 2</b> <b>APPLICANT:</b> Raymond Hollinger
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**REQUESTED ACTION:** The owner is requesting a variance from the **Lake County Land Development Regulations (LDRs) 10.04.01.B.1&2 Boat Docks and Ramps** to allow the replacement of docks that are not on common tracts, do not meet the minimum 100-foot setback from the property lines, and do not have the required 10-foot wide landscape buffer within the setback. (+/- 26 acres).

**GENERAL LOCATION:** Fruitland Park area – North on US Hwy 27, right on Lake Griffin Drive to Lakeside Terrace, to lots on Griffin Drive, AK#1740801 (Sec. 10, Twp. 19, Rng. 24).



**FUTURE LAND USE DESIGNATION:** Urban Medium  
**EXISTING ZONING:** RMRP-Mobile Home Rental Park District.

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
<b>North</b>	Urban Low (4 du / net acre)	RMRP (Mobile Home Rental Park District)	Griffwood Mobile Home Park
<b>South</b>	Urban Medium (7 du / net acre)	R-1 (Rural Residential District) (1 du / acre)	Griffin Shores Subdivision
<b>East</b>	Lake Griffin	Lake Griffin	Lake Griffin
<b>West</b>	Urban Medium (7 du / net acre)	R-1 (Rural Residential District) and R-6 (Urban Residential District)	Single-Family Dwelling Units
<b>DATE POSTED:</b>	February 25, 2014, postcards mailed out February 21, 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 Lakeside Terrace Adult Mobile Home Park was platted as a Mobile Home Park in 1985. The Master Park Plan was approved with 54 boat slips perpendicular to a vertical seawall, as shown on Attachment # 1. A boat-launch ramp, pier, park and picnic area was permitted on a common area tract, with landscaping to screen the common area from platted lots; however, the boat docks are adjacent to platted lots and not accessible from the common area. The Code requires a boat dock or boat ramp to be located within a common area that is located entirely within the platted subdivision, a minimum 100-foot setback from property lines not within the subdivision/mobile home park, and requires a 10 foot wide landscape buffer to reduce noise and to provide a visual screening from the dock/ramps.

In addition, the Code states that a recorded plat as of May 19, 1992, which designates a parcel for recreational uses, common elements or common areas, shall be permitted at a minimum setback of twenty-five (25) feet in lieu of the one hundred (100) foot setback otherwise required. The Master Park Plan approved in 1985, but did not include a common area where the boat docks were placed, and does not meet any other requirements relating to the boat docks/ramps; the existing docks were considered existing non-conforming structures. The existing non-conforming structures can be repaired and maintained, but if they are removed, they cannot be replaced in the same location, unless a variance is approved.

In July of 2013, the applicant applied for a zoning clearance to remove the 56 existing boat docks and replace them with 36 new docks that are three (3) feet wide and sixteen (16) feet long; a copy of the proposed plan is attached (Attachment #2). The application did not meet the requirements of the Land Development Regulations; new structures are required to meet the current Land Development Regulations. If the variance is not approved, the owner would have to either revise the Master Park Plan to include the creation of a common area, construct the docks 100 feet from any property not within the park, and place a 10 foot wide landscape buffer within the setback. The owner has approximately 830-linear feet of shoreline; the proposed plan indicated that the docks will be setback 15 feet from the northern property line and 24 feet from the southern property line.

The **intent of the Code (Chapter X)** is to regulate the installation, configuration, and use of accessory structures in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

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

*"The boat docks are closer than 100 feet from the adjacent properties are existing and are only being replaced. No new hardship is being requested on the adjacent property owners. The overall footprint of the docks is being reduced from 56 to 36."*

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**:

*"The original facility had 56 boat docks approved by a Master Plan in 1985 with a non-conforming status. The applicant is requesting to remove the 56 boat docks and replace them with 36 docks. The approved Master Plan shows the northern and southern most boat docks not meeting the 100-foot setback requirement, with the southernmost being setback less than 10 feet."*

A copy of the Code relating to boat docks is copied below for reference.

#### **10.04.00 - Boat Docks and Ramps**

##### **10.01.04 Boat Docks and Ramps.**

**B. Boat Docks and Boat Ramps placed on Common Areas. Boat docks and boat ramps placed on common areas shall only be permitted as part of a platted residential subdivision and only under the following conditions:**

- 1. The boat dock or boat ramp is placed on a tract of land entirely within the subdivision, which is specifically designated for a common area on the recorded plat. The boat dock or boat ramp shall be set back a minimum of one hundred (100) feet from property not within the subdivision and a minimum of ten (10) feet within the 100-foot setback shall be landscaped to provide a visual screen and reduce noise. However, an applicant with a recorded plat as of May 19, 1992, which designates a parcel for recreational uses, common elements or common areas, shall be permitted at a minimum setback of twenty-five (25) feet in lieu of the one hundred (100) foot setback otherwise required.**
- 2. Access to the boat dock or boat ramp shall be located entirely within the platted subdivision within which the boat dock or boat ramp is to be located.**

#### **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

**LAKE APOPKA BASIN:** N/A

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

**TRANSPORTATION IMPROVEMENTS:** N/A

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

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

1. This request is consistent with Comprehensive Plan Policy III-2.2.7 Protection of Shorelines, which allows docks, platforms and pile supported walkways.
2. The request is consistent with LDR 10.00.00, which allows for accessory structures, which are not harmful to surrounding residents.

The owner has submitted proof of meeting the intent of the Code and has shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis, staff recommends **APPROVAL** of the variance request to allow the replacement of 36 of the original 56 docks that do not meet the 100-foot setback, and are not all located on a common designated tract, with the following condition:

- A 10 foot wide landscape buffer shall be installed between the docks and the northern and southern property lines.

**WRITTEN COMMENTS FILED:** Support: -0-

Concern: -0-

Oppose: -0-

BOA# 22-13-5  
Photo Evidence



**Final Development Order  
MHC Lakeside Terrace, LLC  
BOA # 22-13-5**

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

**WHEREAS**, MHC Lakeside Terrace, LLC (the "Owners") made a request to allow the placement of 36 docks that do not meet the 100-foot setback from the property line, does not have a 10-foot wide landscape buffer within the setback, and are not located within a common tract; and

**WHEREAS**, the subject property consists of 26 acres +/- and is generally located east of Fruitland Park in Section 11, Township 19 South, Range 24 East, being composed of Alternate Key Number 1740801, and more particularly described as:

S 880 FT OF N 1/2 OF FRACTIONAL SW 1/4, N 50 FT OF S 1/2 OF FRACTIONAL SW 1/4--LESS THAT PART OF FOLLOWING DESCRIBED PROPERTY LYING IN SEC 11, FROM NE COR OF SE 1/4 OF SE 1/4 OF SEC 10 RUN S ALONG SEC LINE 50 FT TO N R/W OF GROVE AVE, W'LY ALONG GROVE AVE 160.27 FT FOR POB, TURN RT AN ANGLE OF 90DEG & RUN N'LY 125 FT, E'LY PARALLEL WITH N R/W OF GROVE AVE TO A CANAL, S'LY & E'LY ALONG CANAL TO LAKE GRIFFIN, S'LY ALONG LAKE GRIFFIN TO A PT 50 FT S OF N LINE OF SW 1/4 OF SW 1/4, W'LY PARALLEL TO N LINE OF SW 1/4 OF SW 1/4 TO W LINE OF SW 1/4 OF SW 1/4, W'LY ALONG N LINE OF GROVE AVE 160.27 FT TO POB-- JORB 4049 PG 2487

**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 March 13, 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 March 13, 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# 22-13-15 to allow the placement of 36 finger-docks (3 feet by 16 feet) that will not meet the 100 foot wide side setback. The docks shall be setback minimum of 15 feet

from the northern property line, 24 feet from the southern property line, and the docks do not have to be located within a common tract, with the following conditions:

- 10 foot wide landscape buffer shall be placed in the setback from the southern and northern property lines.

**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 13<sup>th</sup> day of March, 2014.

EFFECTIVE March 13, 2014.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

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

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this March 13, 2014 by DONALD SCHREINER, who is personally known to me.

(SEAL)

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

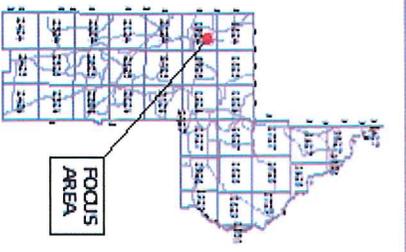
Serial Number: \_\_\_\_\_

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

**Legend**

- 30' Buffer
- 200' Buffer
- 300' Buffer

Case Location (S-T-R):  
 10,11-19-24



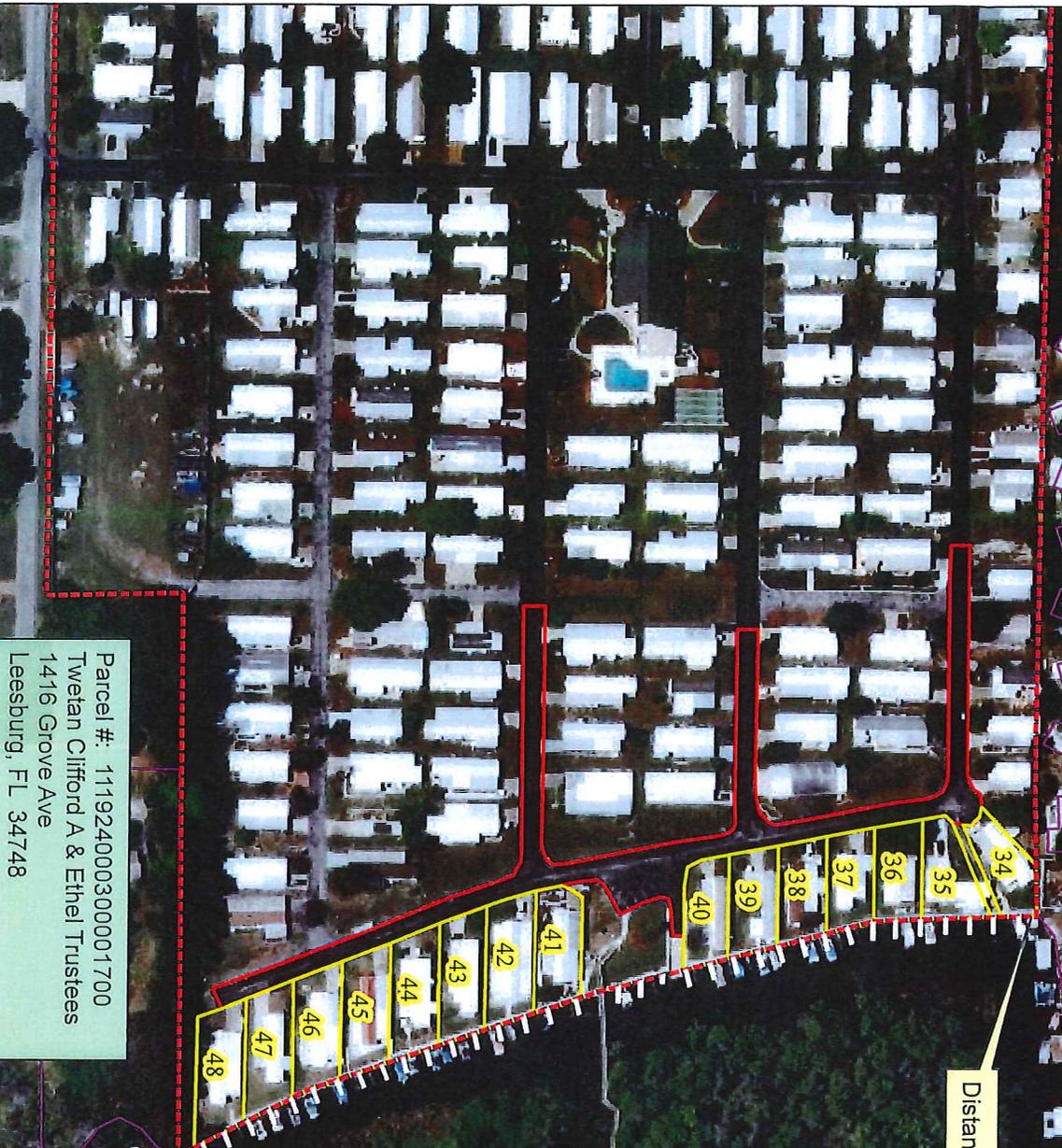
Owner: MHC Lakeside Terrace, LLC  
 Applicant: RP Hottinger Construction, Inc.  
 BOA# 22-13-5



1 inch = 120.430292 feet



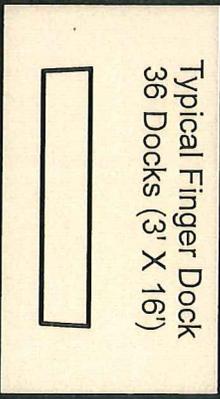
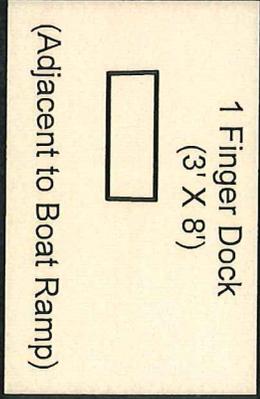
Parcel #: 1019240675000000000  
 Griffwood MH Park  
 3846 Picciola Rd.  
 Fruitland Park, FL 34731



Parcel #: 111924000300001700  
 Twetan Clifford A & Ethel Trustees  
 1416 Grove Ave  
 Leesburg, FL 34748

Distance between 1st Dock and Parcel Line = 15 Feet

Distance between Last Dock and Parcel Line = 24 feet



Attachment # 2

Lakeside Terrace  
 Lake County, Florida  
 Proposed Condition



VARIANCE REQUEST  
 Presented to  
 BOARD OF ADJUSTMENT  
 March 13, 2014

CASE NO.: BOA# 2-14-5  
 OWNERS & APPLICANTS: James D. & Pamela J. Anderson  
 AGENDA ITEM #: 3

**REQUESTED ACTION:** The owners are requesting a variance from the Lake County Land Development Regulations (LDRs) 3.01.02.A.1.a and b. **Classification of Uses** to allow an accessory dwelling unit to be placed on the subject parcel with a width of less than twenty-three (23) feet, four (4) inches, a roof pitch that is less than one foot of rise for each four feet of horizontal run, and an overhang of less than six (6) inches wide (8.5 +/- acres).

**GENERAL LOCATION:** Astor area – North on CR 445 to SR 40 east, right on Saw Mill Road to #22816, AK# 1356563 (Sec. 8, Twp. 15, Rng. 27).



**FUTURE LAND USE DESIGNATION:** Rural

**EXISTING ZONING:** A (Agriculture)

Direction	Future Land Use	Zoning	Existing Use
North	Rural	Agriculture (1 du/ 5 acres)	Vacant
South	Conservation	Agriculture (1 du/ 5 acres)	Vacant
East	Conservation	Agriculture (1 du/ 5 acres)	Vacant
West	Rural	Agriculture (1 du/ 5 acres)	Vacant
<b>DATE POSTED:</b>	February 25, 2014; post cards mailed out February 21, 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 purchased the subject property in 2005 with an existing single-wide mobile home located on the property. The current Land Development Regulations require single-family dwelling units to be a minimum of 23 feet 4 inches wide at the narrowest point, a roof pitch of at least one foot of rise for each four (4) feet of horizontal run, and at least six (6) inches of overhang. Therefore, the existing single-wide mobile home was a non-conforming existing structure.

The owners would like to place a double-wide (30'x60') mobile home on the subject property to be used as the primary residence; they are requesting a variance to allow the existing single-wide mobile home to be utilized as an accessory dwelling unit. An accessory dwelling unit is allowed on a lot of record or legally created lot that consists of at least one (1) acre in size, as described in Chapter 10.01.03, copied below. The single-wide mobile home meets all the requirements of an accessory structure that may be used as a dwelling; however it does not meet the requirements of Chapter 3.01.02 1a and 1b which requires that single family dwelling units meet the following:

##### *10.01.03 Accessory Structures that are Dwellings.*

- A. *Purpose. The purpose of this Section is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.*
- B. *Standards. Accessory Dwellings may be allowed in agricultural and residential zoning districts provided that all of the following requirements are met:*
  - 1. *The Lot must be a Lot of Record or a legally created Lot and must be one (1) acre in area or greater.*
  - 2. *No more than one (1) principal dwelling unit and one (1) Accessory Dwelling Shall be permitted on any Lot of Record, or legally created Lot. Prior to the date a Building Permit is issued for an Accessory Dwelling or prior to the use of an existing Structure as an Accessory Dwelling, the Owner Shall execute and the County Manager or designee Shall record in the public records of Lake County, Florida, at the Owner's expense, a legal*

document that requires the principal dwelling and the Accessory Dwelling to remain in the same ownership.

3. An Accessory Dwellings may be attached to a principal dwelling, an apartment unit within the principal dwelling, or a stand-alone building.
4. An Accessory Dwelling unit Shall not exceed one thousand two hundred (1,200) square feet or forty (40) percent of the air conditioned, enclosed living area of the principal dwelling (excludes garages, patios, porches and the like), whichever is greater.
5. The Accessory Dwelling Shall be located and designed not to interfere with the appearance of the principal dwelling as a one-family Dwelling Unit.
6. An Accessory Dwelling units must meet the setback requirements of the principal dwelling.
7. The principal dwelling unit and the accessory dwelling unit shall share a common driveway if access to the accessory dwelling unit is from the same right-of-way or easement.
8. Impact fees Shall be paid on an Accessory dwelling units as if it was a separate dwelling.

#### Chapter 3.01.02 Classification of Uses

##### A. Residential Uses:

**1. Single-Family Dwelling Unit. One (1) Dwelling Unit, including modular and mobile homes, that may be detached from any other Dwelling Unit or may be attached to another single-family Dwelling Unit on an adjacent Lot by a common party wall.**

**a. Single-Family Dwelling Units shall have a minimum width of twenty-three (23) feet four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, Carports or utility area. Prior to the issuance of any Building or use Permits, site plans set forth under the general provision section shall be submitted to the County Manager or designee for his approval.**

**b. The pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run and a minimal overhang of six (6) inches. Installed gutter may be counted as part of the six (6) inch overhang.**

**c. Solid foundation or Permanent skirting Shall be required around the perimeter of the unit.**

**d. Any wheels, tongue or any transportation apparatus must be removed or enclosed.**

The **intent of the Code** (3.01.02) is to allow development and use of property in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan. This regulation attempts to encourage a logical development pattern with minimum standards in each zoning district.

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

*"We have owned the property in Astor for approximately nine (9) years. The property needed a lot of help. The mobile home that we are asking a variance for was falling apart on the inside, and was not much better on the outside. The inside was a disaster, the kitchen area was falling apart, there were holes in the walls, and all the walls were yellow from cigarette smoke. We had to gut the whole inside right down to the 2 x 4 studs from roof to floor, even replaced insulation in the walls. We gutted it and rebuilt it ourselves; it took approximately seven (7) years working only every other weekend because of my job I had to work every other weekend. It too approximately \$15,000 to finish the inside plus about \$2,000 to fix the outside.*

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:**

*"We have a good friend named Dave Hoffman who we have known for 20 years. At this time he has two bad lungs and is on oxygen 24/7. Right now he lives in Sebastian, Florida with his mother and sister and it is a four hour drive for him one way from Sebastian to Gainesville Moffitt. We would like to help out a good friend in need, so he can be closer to his doctor."*

A search of a one-half mile radius of the subject property was conducted to see how many mobile homes are existing in the area. Of the eleven (11) properties with single-family dwelling units on them, six (6) of them were mobile homes.

#### **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

LAKE AOPKA BASIN: N/A

WEKIVA RIVER PROTECTION AREA: 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. This request is consistent with LDR 10.01.03, *Accessory Structures as Dwellings*, whose purpose is to provide for less expensive housing units to accommodate growth, provide housing for relatives and to provide for security.
2. The request is consistent with LDR 3.01.02, *Classification of Uses*, which attempts to protect surrounding properties and uses.

The owners have submitted proof of meeting the intent of the Code and have shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis, Staff recommends approval of the variance request to allow the existing single-wide mobile home that is less than twenty-three (23) feet, four (4) inches wide, has a roof pitch that is less than one foot of rise for each four feet of horizontal run, and has an overhang of less than six (6) inches wide, to be utilized as an accessory dwelling unit.

WRITTEN COMMENTS FILED: Support: -0- Concern: -0- Oppose: -0-

BOA# 2-14-5  
Photo Evidence



**Final Development Order  
James D. & Pamela J. Anderson  
BOA # 2-14-5**

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

**WHEREAS**, James D. and Pamela J. Anderson (the "Owners") made a request to allow the existing single-wide mobile home to be utilized as an accessory dwelling unit on the subject parcel; the existing single-wide has a width of less than twenty-three (23) feet, four (4) inches, a roof pitch that is less than one foot of rise for each four feet of horizontal run, and an overhang of less than six (6) inches wide; and

**WHEREAS**, the subject property consists of 8.5 acres +/- and is generally located south of Astor in Section 8, Township 15 South, Range 27 East, being composed of Alternate Key Number 1356563, and more particularly described as:

MANHATTAN, SEC 8 E 1/2 OF LOT 54 LYING S OF FORMER  
ATLANTIC COASTLINE R/R R/W PB 2 PG 13 ORB 2887 PG 2321

**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 March 13, 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 March 13, 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# 2-14-5 to allow the existing single-wide mobile home to be utilized as an accessory dwelling unit; the existing single-wide mobile home has a width of less than twenty-three (23) feet, four (4) inches, a roof pitch that is less than one foot of rise for each four feet of horizontal run, and an overhang less than six (6) inches wide.

**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 13<sup>th</sup> day of March, 2014.

EFFECTIVE March 13, 2014.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

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

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this March 13, 2014 by DONALD SCHREINER, who is personally known to me.

(SEAL)

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

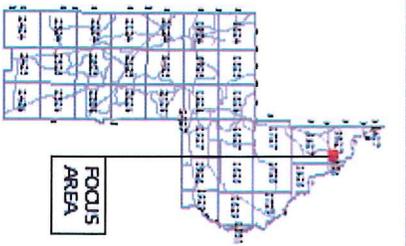
Serial Number: \_\_\_\_\_

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

**Legend**

- █ 3rd District
- █ 2nd District
- █ 1st District

Case Location (S-1-R):  
 8-15-27



Owners/Applicant: James & Pamela Anderson  
 BOA# 2-14-5

1 inch = 131.039022 feet



**VARIANCE REQUEST**  
 Presented to the  
**BOARD OF ADJUSTMENT**  
 March 13, 2014

**CASE NO.:** BOA# 21-13-4 **AGENDA ITEM #: 4**  
**OWNER:** Weeks Family Properties-157, LLC  
**APPLICANT:** Laura Rackley/Total Imaging, Inc.

**REQUESTED ACTION:** The applicant is requesting a variance from Lake County Land Development Regulations, Section 1.08.02.B Repair or reconstruction of a nonconforming sign to allow the reconstruction 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>
North	Mt Plymouth Sorrento Main Street	C-1 (Neighborhood Commercial)	Office/Retail
South	Mt Plymouth Sorrento Main Street	C-1 (Neighborhood Commercial)	Grocery Store
East	Mt Plymouth Sorrento Main Street	CP (Planned Commercial)	Vacant
West	Mt Plymouth Sorrento Main Street	C-1 (Neighborhood Commercial)	Office/Retail
<b>Posted:</b>	Posted February 25, 2014; Postcards mailed out Friday, February 21, 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 a pole sign. The subject parcel has an existing non-conforming pole sign for the gas station. The existing pole is approximately 11.5 feet in height and has two signs on it, one is 6.5 feet by 5.5 feet in size and the other is 8.5 feet by 5 feet. 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 8 feet by 4 feet. The total height of the proposed pole sign is 15.5 feet from the ground. The Code (1.08.04.1 & 3) does not allow expansion, change, enlargement, or alteration of a use or development in any way which increases its nonconformity or structure alterations of non-conforming structures.

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 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 & 03) is to allow legally existing non-conforming development to remain in its current state. The Code does not allow any expansions, changes, enlargements, or alterations of a use or development in any way which increases its nonconformity, or structure alterations of non-conforming structures.

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, not increase the non-conformity by allowing expansions.

The owner 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 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**:

*"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, dismantlable 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.

#### **1.08.03. Nonconforming Uses.**

- A. Generally. The continuation or reestablishment of nonconforming uses previously existing, prior to the effective date of the 2030 Comprehensive Plan (September 22, 2011) is allowed, unless:
  1. There is a change of use from one (1) Use Classification identified in Subsection 3.01.03 to another Use Classification;
  2. There is an expansion, change, enlargement or alteration of a use, which increases its nonconformity in any way;
  3. The nonconforming use is discontinued or abandoned for a period of eighteen (18) months;
  4. An agricultural use, not requiring a CUP, is discontinued for fifteen (15) consecutive years;
  5. The use is determined to be inconsistent with the character of the surrounding community to such an extent as to cause an adverse impact to the public interest, as determined by the Board of County Commissioners, at a regularly scheduled public hearing;
  6. Any adult entertainment establishment existing prior to November 16, 2000 and not meeting all requirements of Chapter 3, Article IV of the Lake County Code shall be considered a nonconforming use.

**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.

#### **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

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

1. This request is inconsistent with LDR 1.08.04, which attempts to promote replacement of non-conforming development.
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 of the existing non-conforming pole sign.

BOA# 21-13-4  
Photo Evidence



**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 "Owner") requested a variance to allow a 15.5-ft tall pole sign with a 32 square foot sign attached; 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 March 13, 2014; and

**WHEREAS**, the Board of Adjustment reviewed said petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owner at a public hearing duly advertised; and

**WHEREAS**, on March 13, 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 a the existing non-conforming pole sign to be reconstructed 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 13<sup>th</sup> day of March, 2014.

**EFFECTIVE** March 13, 2014.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

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

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this March 13, 2014 by DONALD SCHREINER, who is personally known to me.  
(SEAL)

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

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

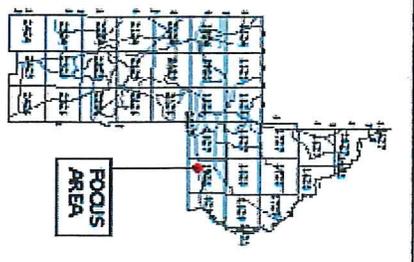
My Commission Expires: \_\_\_\_\_

Exhibit "A"





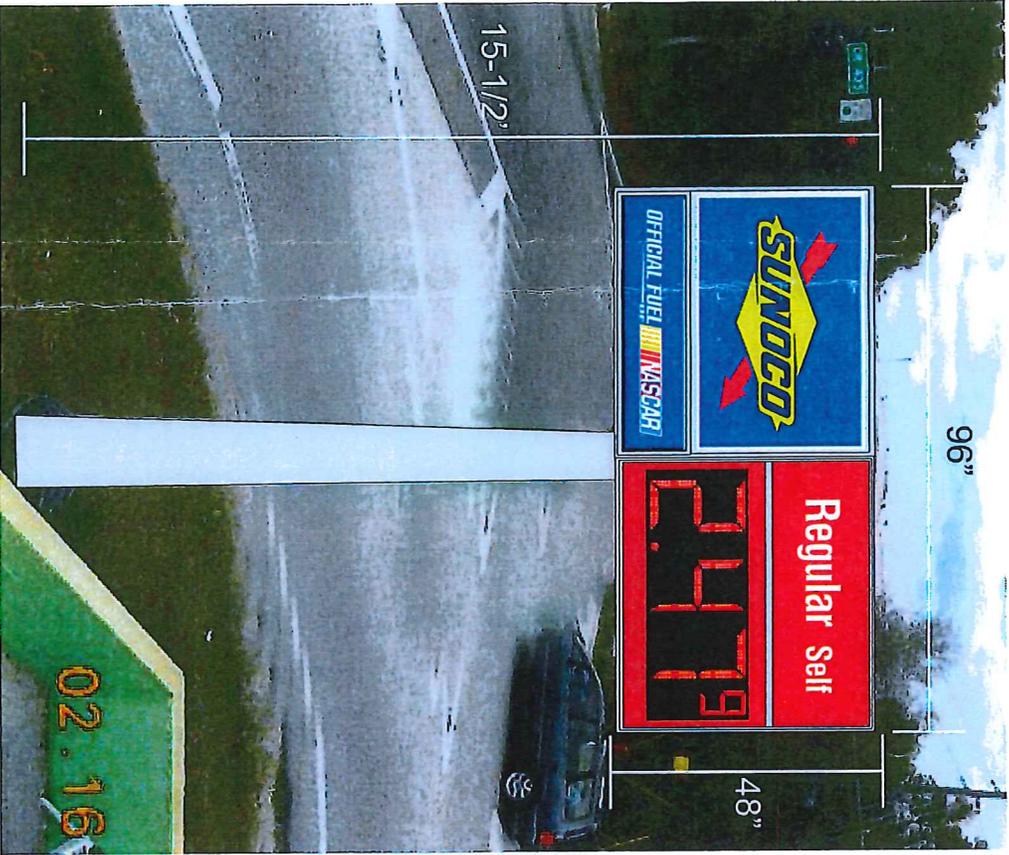
Case Location (S-1R):  
 28-19-18



Owner: Weeks Family Properties, 157, LLC  
 Applicant: Laura Rackley c/o Total Imaging, Inc  
 BOA# 21-13-4

"EXHIBIT A"

PROPOSED



EXISTING

