

LAKE COUNTY PLANNING AND ZONING DIVISION  
VARIANCE STAFF REPORT



Board of Adjustment

June 16, 2016

LAKE COUNTY  
FLORIDA

VAR-16-14-3 William Ray	District 3	Agenda Item # 2
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**Requested Action:** A variance to Land Development Regulation (LDR) Section 6.01.04(A)(1)(E) to allow a pool with associated structures be constructed a minimum of 20 feet from the jurisdictional wetland line in lieu of 50 feet.

**Owner:** Brolin Holdings, LLC

**Applicant:** William Ray

**- Site Location & Information -**

<b>Size</b>	0.62 +/- acres
<b>Property Address</b>	33741 Lakeshore Dr, Tavares, FL 32778
<b>Location</b>	Directly south of Lakeshore Drive, in the Tavares area
<b>Alternate Key No.</b>	1374341
<b>Future Land Use</b>	Urban Low
<b>Zoning District</b>	R-1 (Rural Residential)
<b>Overlay Districts</b>	NA
<b>Joint Planning Area/ISBA Area</b>	Tavares Joint Planning Area

**-Land Use Table-**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Urban High	LM	Vacant	Vacant
<b>South</b>	n/a	n/a	Lake Dora	Lake
<b>East</b>	Urban Low	R-1	Residence	Single Family Residence
<b>West</b>	Urban Low	R-1	Residence	Single Family Residence

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the variance to Land Development Regulation (LDR) Section 6.01.04(A)(1)(E) to allow a pool with associated structures be constructed a minimum of 20 feet from the jurisdictional wetland line in lieu of 50 feet.

**-Staff Analysis-**

The subject property is 0.62 +/- acres and is located directly south of the intersection of Lakeshore Drive and Mission Avenue in the Tavares / Mount Dora area. The Lake County Geographic Information Services (GIS) wetland map indicate that there are wetlands on the property. According to the 2012 Federal Emergency Management Agency (FEMA) maps, the southern portion of the lot lies within the "0.2 Pct Annual Chance of Flood Hazard." The property is zoned R-1 (Rural Residential) and is part of the Urban Low Future Land Use Category. The property is located within the Tavares Joint Planning Area. There is a single family residence currently under construction on the subject property.

The owner/applicant is applying for a variance to Land Development Regulation (LDR) Section 6.01.04(A)(1)(E) to allow a pool with associated structures be constructed a minimum of 20 feet from the jurisdictional wetland line in lieu of 50 feet. There was an existing residence on site, however that residence has been demolished and removed. There is a new residence under construction. As previously indicated, the subject property does lie within a flood plain. The new residence had to be constructed closer towards the Lake Dora in order to meet the setbacks from the flood plain. The placement of the residence has limited the buildable area for a pool and screen enclosure.

Section 6.01.04(A)(1)(E) allows an applicant to apply for a variance provided that construction maintains a jurisdictional wetland line setback of 20 feet while also allowing the maximum developable area be limited to 30 feet in depth and width.

The **intent of the Code**, LDR Section 6.01.04 is that wetlands be conserved and protected to ensure that the natural structure and functional values are maintained.

The applicants submitted the following reasons as proof of **meeting the intent of the Code** and proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**

*“Land Development Regulations required the location of the drain field and septic tank to be located in the front yard, requiring the home to be located further towards the lake. This requirement combined with the 50 foot wetland buffer created a condition where a pool cannot be constructed on the lot in the remaining area. The inability to construct a pool associated with the home has a significant adverse economic impact upon the homeowner. The required 50 foot setback from a constructed Lake County Drainage outfall at the northeast property line contributes to the problem.”*

*“The maximum development encroachment area shall be limited to 30 feet in width and 900 square feet total. 1 inch of stormwater runoff shall be captured on site and retained prior of discharge, development foot print has already established where the home is located as far landward as possible. There are no true wetlands on site as an existing seawall forms the waterward edge.”*

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

1. This request is consistent with the entire LDR Section 6.01.04, which lays out several criteria in order to development on a property with wetlands.
2. The request is also consistent with LDR Section 10.01.02 *Swimming Pools, Hot Tubs, and Similar Structures*, which allows swimming pools in all zoning districts.
3. The request is consistent with the Lake County Comprehensive Plan Policy III-2.2.7 *Protection of Shorelines*.

The owner and applicant 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 stated above, Staff recommends **approval** of the variance to Land Development Regulation (LDR) Section 6.01.04(A)(1)(E) to allow a pool with associated structures be constructed a minimum of 20 feet from the jurisdictional wetland line in lieu of 50 feet with the following condition:

1. The first one inch (1”) of stormwater runoff shall be captured on site.

**WRITTEN COMMENTS FILED:**

**Support: -0-**

**Questions: -0-**

**Opposition: -0-**

Case Planner: Tim McClendon

**Final Development Order**  
**Brolin Holdings, LLC and William Ray**  
**VAR-16-19-5**

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

**WHEREAS**, William Ray and Brolin Holdings, LLC (the “Applicants” and the “Owners”) requested a variance to Land Development Regulation (LDR) Section 6.01.04(A)(1)(E) to allow a pool with associated structures be constructed a minimum of 20 feet from the jurisdictional wetland line in lieu of 50 feet; and

**WHEREAS**, the subject property consists of 0.62 +/- acres and is located directly south of Lakeshore Drive in the Tavares area, in Section 27, Township 19 South, Range 26, Alternate Key Number 1374341 and is more particularly described below (hereinafter referred to as the “Property”):

TAVADORA SHORES BEG AT NW COR OF LOT 1, RUN S 32-05-38 W ALONG W LINE OF SAID LOT 1 A DIST OF 284 FT TO WATERS OF LAKE DORA & PT A, RETURN TO POB, RUN N 87-46-53 E ALONG N LINE OF SAID LOT 1 A DIST OF 101.26 FT TO THE BEGINNING OF A CURVE CONCAVE TO THE S, HAVING A RADIUS OF 1113 FT, THENCE CONT ALONG SAID CURVE A DIST OF 11.77 FT THRU A CENTRAL ANGLE OF 0-36-21, CHORD BEARING OF N 87-39-29 E & CHORD DIST OF 11.77 FT, THENCE S 32-45-18 W 330 FT TO WATERS OF LAKE DORA, THENCE NW'LY ALONG SAID WATERS OF LAKE DORA TO PT A BEING PART OF LOTS 1 & 2 PB 12 PG 25  
ORB 4777 PG 1822

**WHEREAS**, 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 June 16, 2016; 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 June 16, 2016, the Lake County Board of Adjustment approved the variance for the above property.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that 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. Recitals:** The foregoing recitals are true and correct and incorporated herein by reference.

**Section 2. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-16-19-5 to allow a pool with associated structures be constructed a minimum of 20 feet from the jurisdictional wetland line in lieu of 50 feet with the following condition:

1. The first one inch (1") of stormwater runoff shall be captured on site.

**Section 3. 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 4. Effective Date.** This Ordinance shall become effective as provided by law.

**ENACTED this 16<sup>th</sup> day of June, 2016.**

**EFFECTIVE June 16, 2016.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**Donald Schreiner, Chairman**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this June 19, 2016 by DONALD SCHREINER, who is personally known to me.

(SEAL)

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**Signature of Acknowledger**