

LAKE COUNTY OFFICE OF PLANNING AND ZONING
BOARD OF ZONING ADJUSTMENT STAFF REPORT

Board of Adjustment

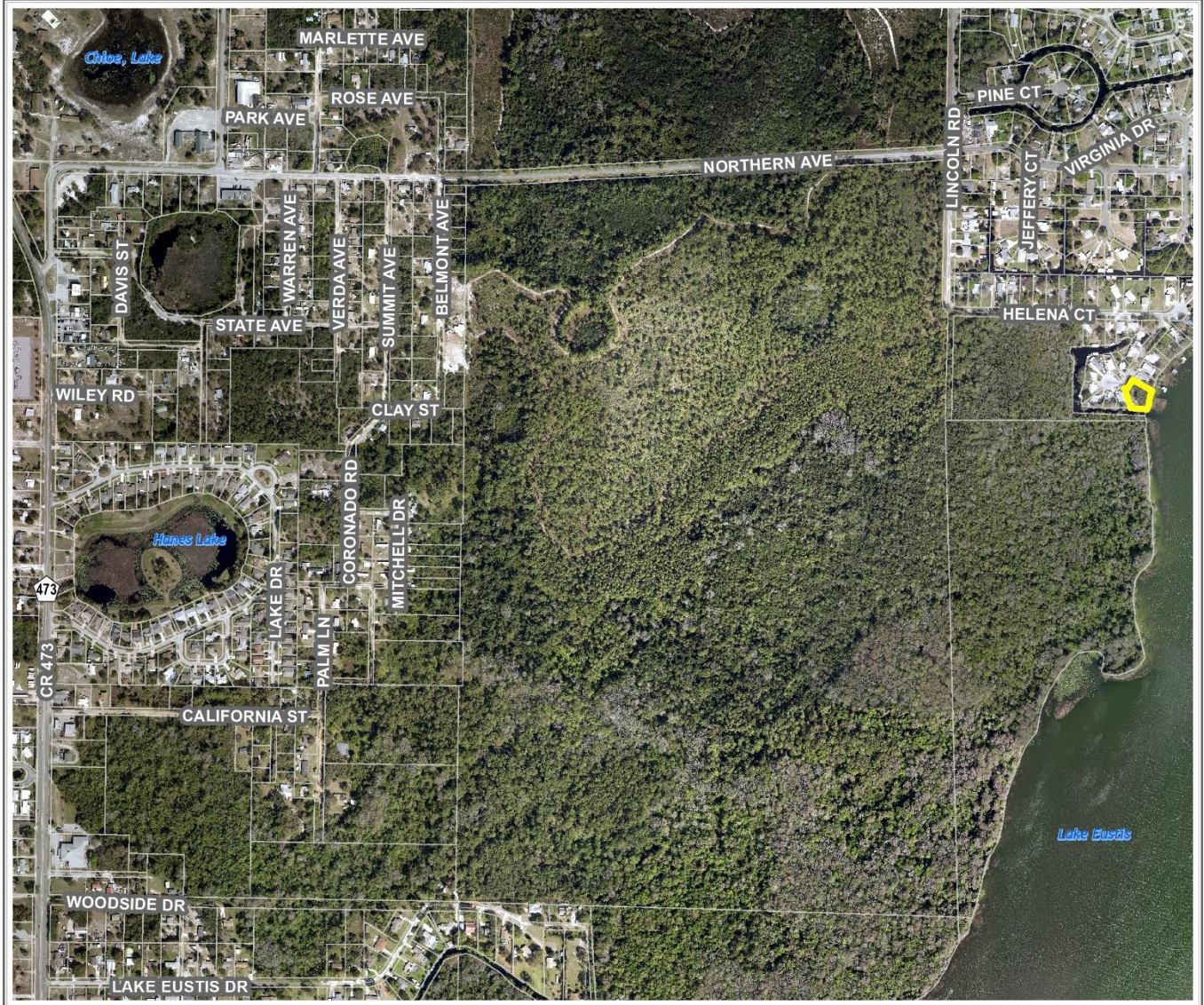


August 9, 2018

VAR-18-34-3
Isler Property

Commissioner District 3
Breedon

Agenda Item #4



Requested Action: Variance to Lake County Land Development Regulations (LDR) 6.01.04(A)(1), to allow the single-family dwelling unit to be constructed twenty-five (25) feet from the jurisdictional wetland line (Lake Eustis) in lieu of fifty (50) feet, and twenty-five (25) feet from the top of canal bank in lieu of fifty (50) feet.

Owner: Claude T. Isler and Gloria B. Isler (the "Owners")

Applicant: William A. Ray, AICP, Ray and Associates (the "Applicant")

- Site Location & Information -

Size	0.36 +/- acres
Location	Southeast of Barksdale Drive in the Leesburg area.
Alternate Key #	2947454
Future Land Use	Urban Medium Density
Existing Zoning District	Mixed Home Residential (RM)
Overlay Protection Area/ISBA	Leesburg Interlocal Service Boundary Agreement
Commission District	3

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Medium Density	Mixed Home Residential (RM)	Residential	Single Family Residence
South	Urban Medium Density	Mixed Home Residential (RM)	Canal	None
East	Urban Medium Density	Mixed Home Residential (RM)	Lake	Lake Eustis
West	Urban Medium Density	Mixed Home Residential (RM)	Street	Barksdale Drive

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **Approval with Conditions** of the variance to Lake County Land Development Regulations (LDR) 6.01.04(A)(1), to allow the single-family dwelling unit to be constructed twenty-five (25) feet from the jurisdictional wetland line (Lake Eustis) in lieu of fifty (50) feet, and twenty-five (25) feet from the top of canal bank in lieu of fifty (50) feet.

- Background -

The property is zoned Mixed Home Residential (RM) zoning district and is designated by the Comprehensive Plan as Urban Medium Density Future Land Use Category. The property is located within the Leesburg Interlocal Service Boundary Agreement. According to the Federal Emergency Management Agency (FEMA) map, the property lies within flood zones "AE" and "X". According to GIS map data and plot plan, the parcel contains wetlands. The property is generally located southeast of Barksdale Drive in the Leesburg area.

The subject parcel is described as lots 17 and 18 of Bar-Bell Mobile Home Village. Bar-Bell Mobile Home Village the plat (PB 18 PG 23) was recorded in the Lake County Public Records on April 29, 1970 (Attachment A). The property is developed with a single family residence (mobile home), covered porch, screen porch, steps and concrete pad, detached concrete block building, detached carport and shed (Attachment B).

-Reason for Request-

The applicant is requesting a variance from the Lake County Land Development Regulations (LDR), to allow the single-family dwelling unit to be constructed twenty-five (25) feet from the jurisdictional wetland line (Lake Eustis) in lieu of fifty (50) feet, and twenty-five (25) feet from the top of canal bank in lieu of fifty (50) feet.

Lake County Land Development Regulations (LDR) requires Principal structures, structures, buildings, and impervious surface, excluding water dependent structures, shall be located at least fifty (50) feet from the ordinary high water line, mean high water line, or jurisdictional wetland line, whichever is further landward. Comprehensive Plan Policy III-2.2.7 *Protection of Shorelines*, establishes a fifty (50) foot setback from the mean high water line (MWWL) or the jurisdictional

wetland line (JWL), whichever is further landward, for development adjacent to natural water bodies and wetland areas. Additionally, Comprehensive Plan Policy III-2.2.7 *Protection of Shorelines*, provides the option of applying for a variance to the setbacks if the criteria below are met:

- The lot is a developable Lot of Record, or the lot was legally created through a development order prior to March 2, 1993; and
- All other remedies have been exhausted, such as a variance to all other setback requirements; and
- The maximum developable area shall be limited to 30 feet in width or depth; and
- The first one inch (1") of stormwater runoff shall be captured on site; and,
- Development is constructed as far landward on the lot as possible.

-Staff Analysis-

LDR Section 14.15.02 states that variances will be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness

1. The purpose of the Land Development Regulation will be or has been achieved by other means.

"1 inch of stormwater runoff shall be captured [sic] on site and retained prior to discharge, due to the lost [sic] size and configuration the development foot print has already established that the home must be located in the approximate location of the existing mobile home to be replaced. There are no Wetlands on site as an existing seawall forms the waterward edge. The construction of a new home is specifically necessary to accommodate the needs of the family/owner to provide for the needs of a son who is mobility impaired."

Pursuant to the LDRs Chapter II, Wetlands are defined as:

Areas which are identified by being inundated or saturated by surface or Groundwater with a frequency or duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include: swamps, marshes, bogs and similar areas. The extent and jurisdiction Shall be determined by the jurisdictional limits defined by Chapter 17-4, F.A.C. implemented by the Florida Department of Environmental Regulation, and as defined within Chapter 40D-4 and 40C-4, implemented by the Southwest Florida Water Management District and St. John's River Water Management District, respectively.

Wetlands, as defined in Section 373.019(25), Florida Statutes, mean those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficiency to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.

The intent of the Code, LDR Section 6.01.04, is to protect the wetland areas from erosion, sedimentation, water pollution, and other negative impacts that may be associated with land uses activities. Since the replacement single-family dwelling unit is proposed to be constructed closer than fifty (50) feet from the JWL, in order to minimize such negative impacts, staff recommended that stormwater calculations be submitted indicating how the Owners will maintain the stormwater runoff caused by the replacement single-family dwelling unit (Attachment C).

The intent of Code, LDR Section 14.15.04, is to provide a process to grant variances when the person subject to the LDRs demonstrates that the purpose of the LDRs will be or has been achieved by other means, and when application of a LDR would create a substantial hardship or would violate principles of fairness.

Pursuant to LDR Section 14.15.04, *Variance to the setback requirement from an ordinary high water line, mean high water line, or jurisdictional wetland line*, a variance to the setback requirements from an ordinary high water line, mean high water line, or jurisdictional wetland line may be granted if:

- A. The lot is a developable Lot of Record, or the lot was legally created through a development prior to May 2, 1993; and
- B. All other remedies have been exhausted, such as a variance to all other setback requirements; and
- C. The maximum developable area shall be limited to thirty (30) feet in width or depth; and
- D. The first one inch (1") of storm water runoff shall be captured on site; and
- E. Development is constructed as far landward on the lot as possible.

The lot was legally created through a development (recorded plat) on April 29, 1970 and the Applicant has provided a plot plan that includes stormwater calculations retaining the first inch (1") of rain runoff on the site (Attachment C and D).

Pursuant to the Environmental Resource Permit Applicant's Handbook Volume I for the Florida Department of Environmental Protection, Northwest Florida Water Management District, Suwanee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, and South Florida Water Management District, Part III Environmental, Section 10.2.7 Secondary Impacts, an applicant must provide reasonable assurances that a regulated activity will not cause adverse secondary impact to the water resource, as described in sections (a) through (d), shown in Attachment D. Aquatic or wetland dependent fish and wildlife are an integral part of the water resources that the Agency is authorized to protect under Part IV, Chapter 373.F.S. Secondary impacts to that habitat functions of wetlands associated with adjacent upland activities will not be considered adverse if buffers, with a minimum width of fifteen (15) feet and an average width of twenty-five (25) feet, are provided abutting those wetlands that will remain under the permitted design, unless additional measures are needed for protection of wetlands used by bald eagles for nesting, or listed species for nesting, denning, or critically important feeding habit. Buffers shall remain in an undisturbed condition, except for drainage features such as spreader swales and discharge structures, provided the construction or use of these features does not adversely impact wetlands. (Attachment E)

2. **The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.**

"Lake County Land Development Regulation required the location of the Drain-filed 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 feet wetland/MHWL Buffer created a condition where a Conventional home can not [sic] be constructed on the lot. The inability to construct new home on the existing lots creates a significant adverse economic impact upon the Homeowner. The required 50' setback from a dug canal along the souther [sic] boundary of the property contributes to the problem. (Attachment F)"

Pursuant to Comprehensive Plan Policy III-2.2.7 Protection of Shorelines, the County shall require a 100-foot setback, from the mean high water line of lakes and wetlands, or the jurisdictional wetland line, whichever is further landward for the installation of septic tank drain fields. The installation of the septic tank is further landward to accommodate for the proposed single-family dwelling unit to be situated as far landward as possible to be located as far as possible from the jurisdictional wetland line. By doing so, the Applicant meets the intent of the Code by installing the septic tank further landward but it causes a hardship to the rear setback.

LDR Section 14.15.04, states that for the purposes of this section “substantial hardship” means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance. The Applicant has indicated that the Owner is proposing to construct an ADA compliant home specifically to accommodate the care and need of their son who is mobility impaired. The Applicant has submitted a plot plan with the proposed floor plan of the proposed residence to demonstrate that the construction of the replacement single-family dwelling unit includes an elevator, which is ADA compliant to accommodate the needs of the Owner’s mobility impaired son (Attachment D). Staff believes that the Owner has demonstrated a substantial hardship and meets the definition as defined within this Section.

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

- This request may be consistent with Environmental Resource Permit Applicant’s Handbook Volume I for the Florida Department of Environmental Protection, Northwest Florida Water Management District, Suwanee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, and South Florida Water Management District, Part III Environmental, Section 10.2.7 Secondary Impacts, which states that secondary impacts to that habitat functions of wetlands associated with adjacent upland activities will not be considered adverse if buffers, with a minimum width of fifteen (15) feet and an average width of twenty-five (25) feet, are provided abutting those wetlands that will remain under the permitted design, unless additional measures are needed for protection of wetlands used by bald eagles for nesting, or listed species for nesting, denning, or critically important feeding habit and the Applicant is proposing to be located twenty-five (25) feet from the jurisdictional wetland line (Lake Eustis) in lieu of fifty (50) feet, and twenty-five (25) feet from the top of canal bank in lieu of fifty (50) feet;
- This request is consistent with LDR Section 14.15.04, “Substantial Hardship” definition, which states that a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance has been demonstrated and the Owner is proposed to construct an ADA compliant new home to accommodate the care and needs of their mobility impaired son;
- This request is consistent with LDR Section 14.15.04, *Variance to the setback requirement from an ordinary high water line, mean high water line, or jurisdictional wetland line*, which states that the lot must be a developable Lot of Record, or the lot was legally created through a development prior to May 2, 1993 and the lot was legally created as part of a recorded plat dated April 29, 1970;
- This request is consistent with LDR Section 14.15.04, *Variance to the setback requirement from an ordinary high water line, mean high water line, or jurisdictional wetland line*, which states that the first inch (1”) of storm water runoff shall be captured on site and the Applicant has provided stormwater calculations retaining the first inch (1”) of rain runoff on the site;
- This request may be consistent with LDR Section 14.15.04, *Variance to the setback requirement from an ordinary high water line, mean high water line, or jurisdictional wetland line*, which states that the development shall be constructed as far landward on the lot as possible as an average setback for the front was not submitted.

The owner/applicant has submitted evidence of meeting the intent of the Code and has provided evidence of a substantial hardship indicating that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, staff recommends **Approval with Conditions** of the Variance to Lake County Land Development Regulations (LDR) 6.01.04(A)(1), to allow the single-family dwelling unit to be constructed

twenty-five (25) feet from the jurisdictional wetland line (Lake Eustis) in lieu of fifty (50) feet, and twenty-five (25) feet from the top of canal bank in lieu of fifty (50) feet with the following conditions:

1. At the time of permitting, the survey shall be updated to include the impervious surface ratio (ISR) calculations and must not exceed a maximum of sixty-five (65) percent ISR.
2. Stormwater calculations must be submitted at the time of permitting indicating that the first one inch (1") of stormwater runoff will be captured on site.
3. Stormwater calculations must be reviewed and approved by the Lake County Public Works Department staff.
4. The stormwater abatement system must be depicted on the plot plan when applying for the zoning permit, installed prior to any final inspections, and inspected and approved by the Lake County Public Works Department staff.
5. The septic system must be an advanced treatment system designed to remove nutrients from the effluent.
6. The proposed floor plan of the residence must comply and consistent with the Florida Building Code. At least one bathroom in the proposed single-family dwelling unit, located with maximum possible privacy, where bathrooms are provided on habitable grade levels, with a door that has a twenty-nine (29) inch clear opening in accordance with the Florida Building code Chapter 2, Section 233.3.6. If the floor plan for the proposed residence does not comply with the Americans with Disabilities Act standards, the developable area of the lot will be limited to thirty (30) feet in width or depth, whichever provides the proposed single-family dwelling unit further away from the jurisdictional wetland line of Lake Eustis.

WRITTEN COMMENTS FILED:

Supportive: -0-

Concern: -0-

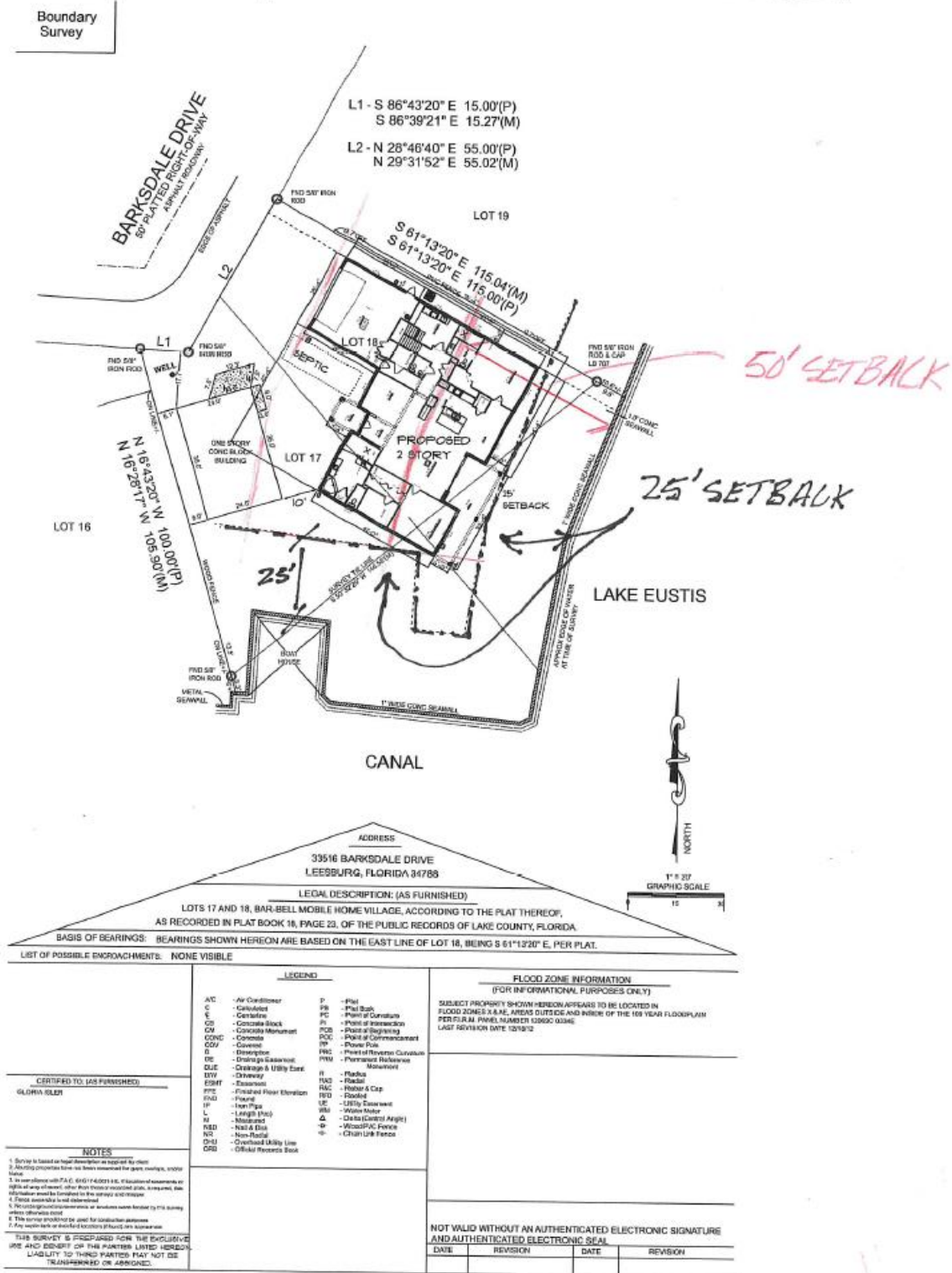
Opposition: -0-

Case Manager: Janie Barrón, Senior Planner

Attachment B

Plot plan with proposed replacement single-family dwelling unit and proposed twenty-five (25) foot wetland setback

EXHIBIT 2 PROPOSED 25' WETLAND SETBACK



Attachment C
Stormwater Calculations

STORMWATER STORAGE

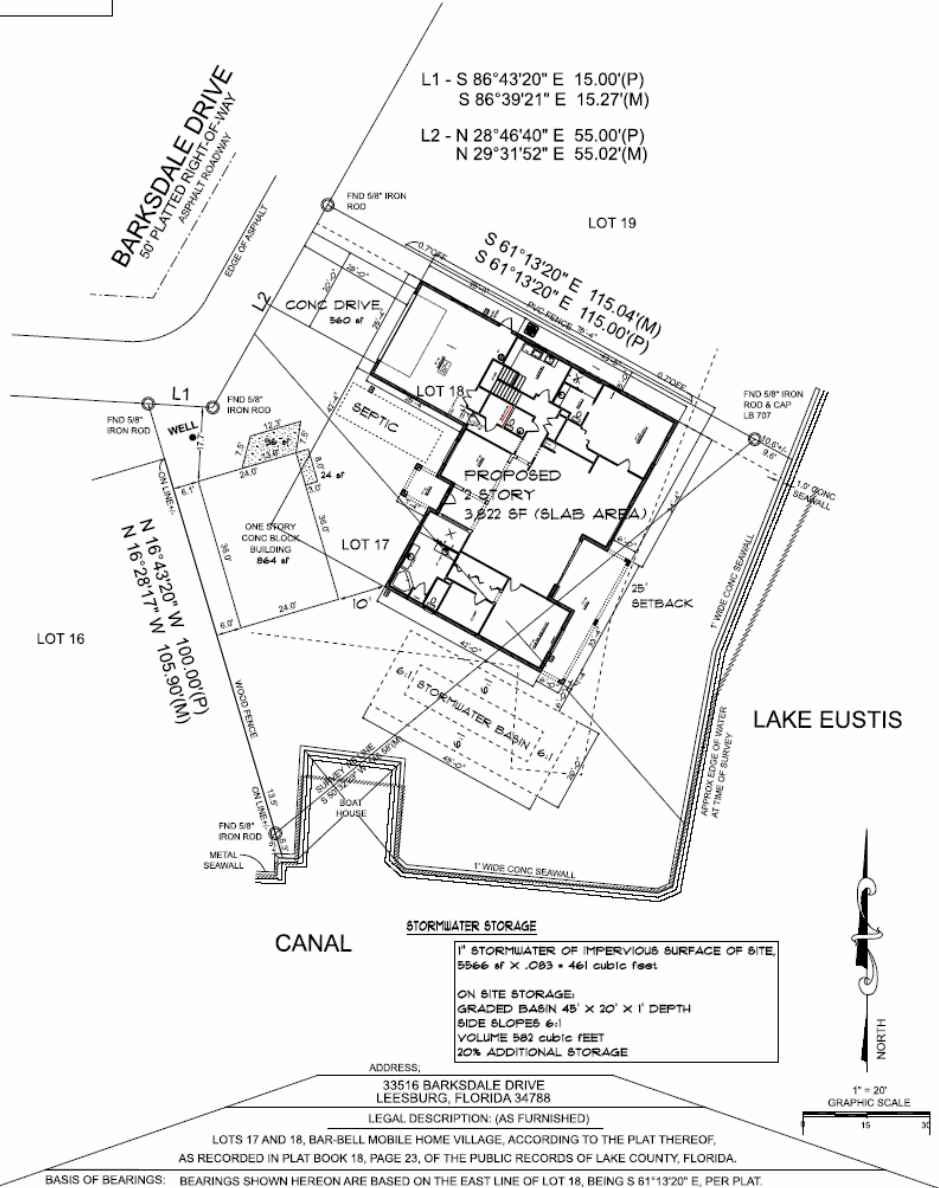
1" STORMWATER OF IMPERVIOUS SURFACE OF SITE,
5566 sf X .083 = 461 cubic feet

ON SITE STORAGE:
GRADED BASIN 45' X 20' X 1' DEPTH
SIDE SLOPES 6:1
VOLUME 582 cubic FEET
20% ADDITIONAL STORAGE

Attachment D

Proposed Replacement Single-Family Dwelling Unit ADA Compliant Floor Plan

Boundary
Survey



LIST OF POSSIBLE ENCROACHMENTS: NONE VISIBLE

LEGEND		FLOOD ZONE INFORMATION (FOR INFORMATIONAL PURPOSES ONLY)									
A/C - Air Conditioner	P - Plat	SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONES X & AE, AREAS OUTSIDE AND INSIDE OF THE 100 YEAR FLOODPLAIN PER FIRM PANEL NUMBER 12060C 0334E. LAST REVISION DATE 12/18/12.									
C - Calculated	PB - Plat Book										
E - Easement	PC - Point of Curvature										
CB - Concrete Block	PI - Point of Intersection										
CM - Concrete Monument	PB - Point of Beginning										
CONC - Concrete	POC - Point of Commencement										
COV - Covered	PP - Power Pole										
D - Description	PRC - Point of Reverse Curvature										
DE - Drainage Easement	PRM - Permanent Reference Monument										
DUE - Drainage & Utility Easement	R - Radius										
EW - Easement	RAD - Radial										
ESMT - Easement	R&C - Rebar & Cap										
FFE - Finished Floor Elevation	RFD - Roofed										
FND - Found	UE - Utility Easement										
IP - Iron Pipe	WM - Water Meter										
L - Length (Arc)	Z - Zella (Central Angle)										
M - Measured	Z - Wood/PVC Fence										
N&D - Nail & Disk	⊕ - Chain Link Fence										
NR - Non-Radial											
OHU - Overhead Utility Line											
ORIS - Official Records Book											
		SITE AREAS TOTAL LOT 15,165 SF PROPOSED HOME 3,822 sf CONCRETE DRIVE 560 sf SIDEWALKS 200 sf STORAGE BUILDING 864 sf CONCRETE PADS 120 sf TOTAL 5,566 sf COVERAGE = 36.7%									
CERTIFIED TO: (AS FURNISHED) GLORIA ISLER		NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL									
NOTES 1. Survey is based on legal description as supplied by client. 2. Adjacent properties have not been researched for gaps, overlaps, and/or holes. 3. In compliance with F.A.C. 61G17.4.001-4-E, if location of easements or rights-of-way of record, other than those on recorded plats, is required, this information must be furnished to the surveyor and requester. 4. Parcel ownership is not determined. 5. No underground improvements or structures were located by this survey, unless otherwise noted. 6. This survey should not be used for construction purposes. 7. Any septic tank or drainfield locations (if found) are approximate.		<table border="1"> <thead> <tr> <th>DATE</th> <th>REVISION</th> <th>DATE</th> <th>REVISION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		DATE	REVISION	DATE	REVISION				
DATE	REVISION	DATE	REVISION								
THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.											

Attachment E (3 Pages)

Environmental Resource Permit Applicant's Handbook Volume I for the Florida Department of Environmental Protection, Northwest Florida Water Management District, Suwanee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, and South Florida Water Management District

(Part III Environmental, Section 10.2.7 Secondary Impacts Dated October 1, 2013)

10.2.7 Secondary Impacts

Pursuant to **section 10.1.1(f), above**, an applicant must provide reasonable assurances that a regulated activity will not cause adverse secondary impacts to the water resource, as described in **sections (a) through (d), below**. Aquatic or wetland dependent fish and wildlife are an integral part of the water resources that the Agency is authorized to protect under Part IV, Chapter 373, F.S.

Aquatic or wetland dependent species that are listed species are particularly in need of protection, as are: the bald eagle (*Haliaeetus leucocephalus*), which is protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) and Rule 68A-16.002, F.A.C.

A proposed activity shall be reviewed under this criterion by evaluating the impacts to: wetland and surface water functions identified in **section 10.2.2, above**, water quality, upland habitat for bald eagles and aquatic or wetland dependent listed species, and historical and archaeological resources. *De minimis* or remotely related secondary impacts will not be considered. Applicants may propose measures such as preservation to prevent secondary impacts. Such preservation shall comply with the land preservation provisions of **section 10.3.8, below**. If such secondary impacts cannot be prevented, the applicant may propose mitigation measures as provided for in **sections 10.3 through 10.3.8, below**.

This secondary impact criterion consists of the following four parts:

- a) An applicant shall provide reasonable assurance that the secondary impacts from construction, alteration, and intended or reasonably expected uses of a proposed activity will not cause or contribute to violations of water quality standards or adverse impacts to the functions of wetlands or other surface waters as described in **section 10.2.2, above**.

Impacts such as lights from development adjacent to marine turtle nesting beaches, boat traffic generated by a proposed dock, boat ramp or dry dock facility, which causes an increased threat of collision with manatees; impacts to wildlife from vehicles using proposed roads in wetlands or other surface waters; impacts to water quality associated with the use of septic tanks or propeller dredging by boats and wakes from boats; and impacts associated with docking facilities as described in **sections 10.2.4.3(f) through (i), above**, will be considered relative to the specific activities proposed and the potential for such impacts. Impacts of groundwater withdrawals upon wetlands and other surface waters that result from the use of wells permitted pursuant to the District consumptive use rules shall not be considered under the rules adopted pursuant to Part IV of Chapter 373, F.S.

Secondary impacts to the habitat functions of wetlands associated with adjacent upland activities will not be considered adverse if buffers, with a minimum width of 15 ft. and an average width of 25 ft., are provided abutting those wetlands that will remain under the permitted design, unless additional measures are needed for protection of wetlands used by bald eagles for nesting, or listed species for nesting, denning, or critically important feeding habitat. The mere fact that a species is listed does not imply that all of its feeding habitat is critically important. Buffers shall remain in an undisturbed condition, except for drainage features such as spreader swales and discharge structures, provided the construction or use of these features does not adversely impact wetlands. Where an applicant elects not to use buffers of the above-described dimensions, buffers of different dimensions, or other measures, may be proposed to provide the required reasonable assurance. Wetlands or other surface waters shall not be filled to achieve this buffer requirement. For example, an undisturbed upland buffer would not be required to be established waterward of areas of wetlands or other

surface waters that are authorized to be filled for other purposes, such as to construct a bulkhead, although this does not relieve the applicant from providing other reasonable assurance demonstrating that the construction, alteration, and intended or reasonably expected uses of a proposed activity will not result in adverse secondary impacts to wetlands and other surface waters. Buffers proposed to protect against secondary impacts shall be allowed to overlap with vegetated natural buffers, except where the Agency determines that such overlap would adversely affect the purposes each buffer is designed to address.

- b) An applicant shall provide reasonable assurance that the construction, alteration, and intended or reasonably expected uses of a proposed activity will not adversely impact the ecological value of uplands for bald eagles, and aquatic or wetland dependent listed animal species for enabling existing nesting or denning by these species, but not including:
1. Areas needed for foraging; or
 2. Wildlife corridors, except for those limited areas of uplands necessary for ingress and egress to the nest or den site from the wetland or other surface water.

Table 10.2.7-1 identifies those aquatic or wetland dependent listed species and species having special protection that use upland habitats for nesting and denning.

In evaluating whether a proposed activity will adversely impact the ecological value of uplands to the bald eagle and aquatic or wetland dependent listed species, the Agencies shall consider comments received from the Florida Fish and Wildlife Conservation Commission (FWC), the U.S. Fish and Wildlife Service, the applicant, and the public (for comments related to this section). Permitting guidelines within management plans, recovery plans, habitat and conservation guidelines, scientific literature, and technical assistance documents such as the "Florida Wildlife Conservation Guide" (myfwc.com/conservation/value/fwcg/) also will be considered.

Compliance with the U.S. Fish and Wildlife Service (USFWS) Habitat Management Guidelines for the Wood Stork in the Southeast Region (January 1990), available at: http://www.fws.gov/northflorida/WoodStorks/Documents/19900100_gd_Wood-stork-habitat-guidelines-1990.pdf, and reproduced in Appendix G, will provide reasonable assurance that the proposed activity will not adversely impact upland habitat functions described in paragraph (b) for the wood stork.

Secondary impacts to the functions of wetlands or uplands for nesting of bald eagles (*Haliaeetus leucocephalus*) will not be considered adverse if the applicant holds a valid permit pursuant to paragraph 68A-16.002(1)(a), F.A.C., or a valid authorization as described in paragraph 68A-16.002(1)(c), F.A.C., for the same activities proposed by the applicant under Part IV of Chapter 373, F.S., or if the applicant demonstrates compliance with the FWC Bald Eagle Management Plan (April 9, 2008) incorporated by reference in subsection 68A-16.002(4), F.A.C. (effective May 15, 2008), and reproduced in Appendix H).

For those aquatic or wetland dependent listed animal species for which habitat management guidelines have not been developed, or in cases where an applicant does not propose to use USFWS or FWC habitat management guidelines, the applicant may propose measures to mitigate adverse impacts to upland habitat functions described in paragraph (b) provided to aquatic or wetland dependent listed animal species and species having special protection listed in Table 10.2.7-1. Such proposals will be evaluated by the Agency to determine if the measures provide reasonable assurance.

- c) In addition to evaluating the impacts in the area of any dredging and filling in, on, or over wetlands or other surface waters, and as part of the balancing review under **section 10.2.3, above**, the Agency will consider any other associated activities that are very closely linked and causally related to any proposed dredging or filling that have the potential to cause impacts to significant historical and archaeological resources.
- d) An applicant shall provide reasonable assurance that the following future activities will not result in water quality violations or adverse impacts to the functions of wetlands or other surface waters as described in **section 10.2.2, above**:

1. Additional phases or expansion of the proposed activity for which plans have been submitted to the Agency or other governmental agencies; and
2. On-site and off-site activities regulated under Part IV, Chapter 373, F.S., or activities described in Section 403.813(1), F.S., that are very closely linked and causally related to the proposed activity.

As part of this review, the Agency will also consider the impacts of the intended or reasonably expected uses of the future activities on water quality and wetland and other surface water functions.

In conducting the analysis under section (d)2, above, the Agency will consider those future projects or activities that would not occur but for the proposed activity, including where the proposed activity would be considered a waste of resources should the future project or activities not be permitted.

Where practicable, proposed activities shall be designed in a fashion that does not necessitate future impacts to wetland and other surface water functions. Activity expansions and future activity phases will be considered in the secondary impact analysis. If the Agency determines that future phases of an activity involve impacts that do not appear to meet permitting criteria, the current application shall be denied unless the applicant can provide reasonable assurance that those future phases can comply with permitting criteria. One way for applicants to establish that future phases or system.

Attachment F

Cover sheet with Hardship Statement



Ray and Associates

Planning & Environmental

2712 SE 29th Street Ocala, Florida 34471

352-425-8881 wrayassoc@aol.com

Date: May 5th, 2018

Memo To: Tim McClendon; Manager
 Planning and Community Design Division, Lake County

Transmitted Via Email: Tim McClendon <tmccleendon@lakecountyfl.gov>

From: William (Bill) A. Ray, AICP
CC: Gloria B. & Claude T. Isler

Subject: Wetland Setback Variance Request:
 Isler Lot: AltKey #2946454, Lake County, FL.

Tim;

This memo is provided in reference to the Wetland Variance request we have been discussing were the property owners are seeking to replace an existing Mobile Home with a Conventional Site Built Single Family Residence that is required to meet the needs of a mobility impaired family member.

The subject Lot AltKey #2946454 is located in the Bar-Bel Mobile Home Village on the west side of Lake Eustis. The lot is further identified by Lake County as:

Parcel Number 18-19-26-0100-0000-1700

The subject lot is a "corner lot" fronting on Lake Eustis where there is an existing Seawall and a deep-water Canal also with a Sea Wall for the "Wetland limits". The Sea Wall extends along the entire "wetland limits" and waterfront. This condition is common throughout the existing subdivision.

In the existing condition wetland setback are 15' from Lake Eustis and 10' for the existing covered boathouse fronting on a Canal.

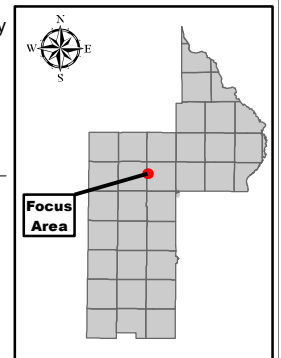
The property Owners are requesting a Variance to the required 50' wetland Setback imposed by Lake County. A literal interpretation of this requirement would effectively render the lot functionally unusable for redevelopment when one applies additional county Front and Side yard setbacks and Septic Tank requirements.

It is requested that a 25' Wetland setback, in accordance with the regulations of the St. Johns River Water Management District, be granted. This will increase the existing wetland setback by 10' feet on Lake Eustis and 15' from the jurisdictional wetland limits along the canal. The On site Waste disposal System (OSWDS) will be located in the Front yard as far from the lake as practicable meeting Lake County requirements.



FUTURE LAND USE LEGEND

- | | | |
|--|--------------------------|----------------------|
| Bella Collina | Regional Commercial | Urban Low Density |
| Cagan Crossings | Rural | Urban Medium Density |
| Conservation | Rural Transition | Urban High Density |
| Green Swamp Core Conservation | Sending Area A-1-20 | Wellness Way 1 |
| Green Swamp Interlachen | Sending Area A-1-40 | Wellness Way 2 |
| Green Swamp Ridge | South Lake Regional Park | Wellness Way 3 |
| Green Swamp Rural | Summer Bay | Wellness Way 4 |
| Green Swamp Rural Conservation | | Towncenter |
| Heavy Industrial | | |
| Mt Plymouth-Sorrento Main Street District | | |
| Mt Plymouth-Sorrento Neighborhood | | |
| Mt Plymouth-Sorrento Receiving Area | | |
| Regional Office | | |
| Public Service Facility and Infrastructure | | |
| Receiving Area A-1-20 | | |
| Recreation | | |



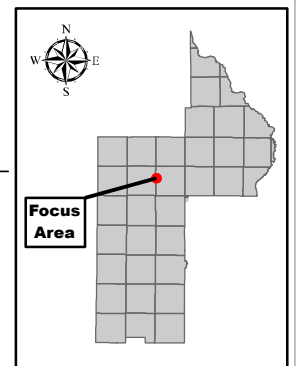
NAME: ISLER PROPERTY
CASE NUMBER: VAR-18-34-3
LOCATION (S-T-R): 18-19-26
REQUEST: WETLAND SETBACK ADJUSTMENT



ZONING LEGEND

A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

NAME: ISLER PROPERTY
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**Final Development Order
VAR-18-34-3
Isler Property**

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

WHEREAS, William A. Ray with Ray and Associates (the “Applicant”) requested a variance on behalf of Claude T. Isler and Gloria B. Isler (the “Owners”) to Lake County Land Development Regulations (LDR), Section 6.01.04(A)(1), to allow the single-family dwelling unit to be constructed twenty-five (25) feet from the jurisdictional wetland line (Lake Eustis) in lieu of fifty (50) feet, and twenty-five (25) feet from the top of canal bank in lieu of fifty (50) feet; and

WHEREAS, the subject property consists of 0.36 +/- acres and is generally located southeast of Barksdale Drive in the Leesburg area, in Section 18, Township 19 South, Range 26 East, having Alternate Key Number 2947454 and is more particularly described below as:

Lots 17 and 18 in Bar-bell Mobile Home Village, according to the plat thereof recorded in Plat Book 18, Page 23, Public Records of Lake County, Florida.

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on August 9, 2018; and

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

WHEREAS, on August 9, 2018, the Lake County Board of Adjustment approved the variance for the above property.

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-18-34-3 to allow the single-family dwelling unit to be constructed twenty-five (25) feet from the jurisdictional wetland line (Lake Eustis) in lieu of fifty (50) feet, and twenty-five (25) feet from the top of canal bank in lieu of fifty (50) feet with the following conditions:

1. At the time of permitting, the survey shall be updated to include the impervious surface ratio (ISR) calculations and must not exceed a maximum of sixty-five (65) percent ISR.
2. Stormwater calculations must be submitted at the time of permitting indicating that the first one inch (1”) of stormwater runoff will be captured on site.

3. Stormwater calculations must be reviewed and approved by the Lake County Public Works Department staff.
4. The stormwater abatement system must be depicted on the plot plan when applying for the zoning permit, installed prior to any final inspections, and inspected and approved by the Lake County Public Works Department staff.
5. The septic system must be an advanced treatment system designed to remove nutrients from the effluent.
6. The proposed floor plan of the residence must comply and consistent with the Florida Building Code. At least one bathroom in the proposed single-family dwelling unit, located with maximum possible privacy, where bathrooms are provided on habitable grade levels, with a door that has a twenty-nine (29) inch clear opening in accordance with the Florida Building code Chapter 2, Section 233.3.6. If the floor plan for the proposed residence does not comply with the Americans with Disabilities Act standards, the developable area of the lot will be limited to thirty (30) feet in width or depth, whichever provides the proposed single-family dwelling unit further away from the jurisdictional wetland line of Lake Eustis.

Section 2. Severability: If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

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

ENACTED this 9th day of August, 2018.

EFFECTIVE August 9, 2018.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Timothy Morris, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 9th day of August, 2018, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

Notary Public