

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

Board of Adjustment



January 10, 2019

VAR-18-59-4  
Slimick Property

Commissioner District 4  
Campione

Agenda Item #3



**Requested Action:** Variance to Lake County Land Development Regulations (LDR) 9.08.02.A.2.c.2, to allow an accessory structure (pool and pool enclosure) to be located twenty-one (21) feet two (2) inches from the rear property line in lieu of thirty (30) feet from the property line.

**Owners/Applicants:** Jason Slimick and Courtney Slimick (the "Owners" and "Applicants")

**- Site Location & Information -**

|                                   |  |
|-----------------------------------|--|
| <b>Size</b>                       | 0.51 +/- acres   |
| <b>Location</b>                   | 30414 Plymouth Creek Circle, Sorrento, FL 32776                |
| <b>Alternate Key #</b>            | 3864726  |
| <b>Future Land Use</b>            | Mt. Plymouth-Sorrento Neighborhood                             |
| <b>Existing Zoning District</b>   | Urban Residential (R-6)  |
| <b>ISBA</b>                       | N/A  |
| <b>Overlay Protection Area(s)</b> | Mount Plymouth Sorrento Special Community<br>Wekiva Study Area |
| <b>Commission District</b>        | 4  |

**-Land Use Table-**

| <u>Direction</u> | <u>Future Land Use</u>             | <u>Zoning</u>           | <u>Existing Use</u> | <u>Comments</u>         |
|------------------|------------------------------------|-------------------------|---------------------|-------------------------|
| North            | Mt. Plymouth-Sorrento Neighborhood | Urban Residential (R-6) | Residence           | Single Family Residence |
| South            | Mt. Plymouth-Sorrento Neighborhood | Urban Residential (R-6) | Road                | Plymouth Creek Circle   |
| East             | Mt. Plymouth-Sorrento Neighborhood | Urban Residential (R-6) | Residence           | Single Family Residence |
| West             | Mt. Plymouth-Sorrento Neighborhood | Urban Residential (R-6) | Town of Lady Lake   | Town of Lady Lake       |

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the variance to Lake County Land Development Regulations (LDR) 9.08.02.A.2.c.2, to allow an accessory structure (pool and pool enclosure) to be located twenty-one (21) feet, two (2) inches from the rear property line in lieu of thirty (30) feet from the property line.

**- Background -**

The subject property, identified as Alternate Key Number 3864726, is 0.51 +/- acres and is located east of Plymouth Creek Circle. The property is zoned Urban Residential (R-6) and is designated by the 2030 Comprehensive Plan as Mt. Plymouth-Sorrento Neighborhood Future Land Use Category. The Federal Emergency Management Agency (FEMA) Floodzone Maps do not indicate that the parcel is located within a flood-prone area.

The subject property is Lot 66 of the Plymouth Creek Estates Subdivision as recorded in Plat Book 62, Page 12, Public Records of Lake County, Florida. The Plymouth Creek Estates plat was approved by the Board of County Commissioners on August 21, 2007 and recorded in Public Records shortly afterwards. The subject parcel is developed with a single-family dwelling (Attachment A).

**-Reason for Request-**

The applicant has submitted the variance request for lesser setbacks in order to facilitate the issuance of a zoning permit for the accessory structure (pool and pool enclosure) as the structure does not meet code requirements. The Applicant is requesting a variance to Lake County Land Development Regulations (LDR) 9.08.02.A.2.c.2, to allow an accessory structure (pool and pool enclosure) to be located twenty-one (21) feet two (2) inches from the rear property line in lieu of thirty (30) feet from the property line.

**-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.**

*“Our pool water would be available to any fire services and wouldn’t reduce access to homes or reduce rooftop distance.”*

The intent of the Code, Land Development Regulations (LDR) 9.08.01, is to ensure that there is adequate fire protection measures in subdivisions when a public or private water system is not available to provide an alternative means of fire protection water supply. LDR Section 9.08.01.A.1.(c) allows alternative means of fire protection water supply to mean either a residential fire sprinkler system or spacing residences sixty (60) feet apart with a minimum of thirty (30) feet clear open space on all sides of the structure. The single family residence does not have a sprinkler system.

The Owners would like to have a pool and pool enclosure constructed on their property located less than thirty (30) feet from the rear property line. A pool is any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep, per Florida Building Code, 6<sup>th</sup> Edition (2017). A pool retains water and would not be affected if a fire were to occur within the single family residence. The Chief Fire Inspector of Lake County reviewed the variance application and did not identify any concerns or objections with the variance request.

**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.**

*“We are asking for 9’ of space in addition to the 15’. 2 or 3 other homes in the neighborhood (23535 Stream Ave. and 23547 Stream Ave.) have pools through traditional permitting. We want to enhance the value of our home and keep up with the neighbors on similar sized lots. We purchased a ½ acre lot and cannot use the property as planned.”*

23535 Stream Avenue and 23547 Stream Avenue are both located within the same subdivision and received permits to build a pool and pool enclosure. If the Owners are not allowed to construct a pool and pool enclosure on their property, the “principles of fairness” would be violated.

*{Rest of Page Intentionally Left Blank}*

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

1. The Applicants have demonstrated that they are meeting the intent of the code because the structure subject to the reduced setback retains water and could be utilized for fire suppression in the event of a fire; and
2. The Applicants have demonstrated that the principles of fairness have been violated.

The Owners have submitted evidence of meeting the intent of the Code and have 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** of variance to Lake County Land Development Regulations (LDR) (LDR) 9.08.02.A.2.c.2, to allow an accessory structure (pool and pool enclosure) to be located twenty-one (21) feet two (2) inches from the rear property line in lieu of thirty (30) feet from the property line.

**WRITTEN COMMENTS FILED:**

**Supportive: -0-**

**Concern: -0-**

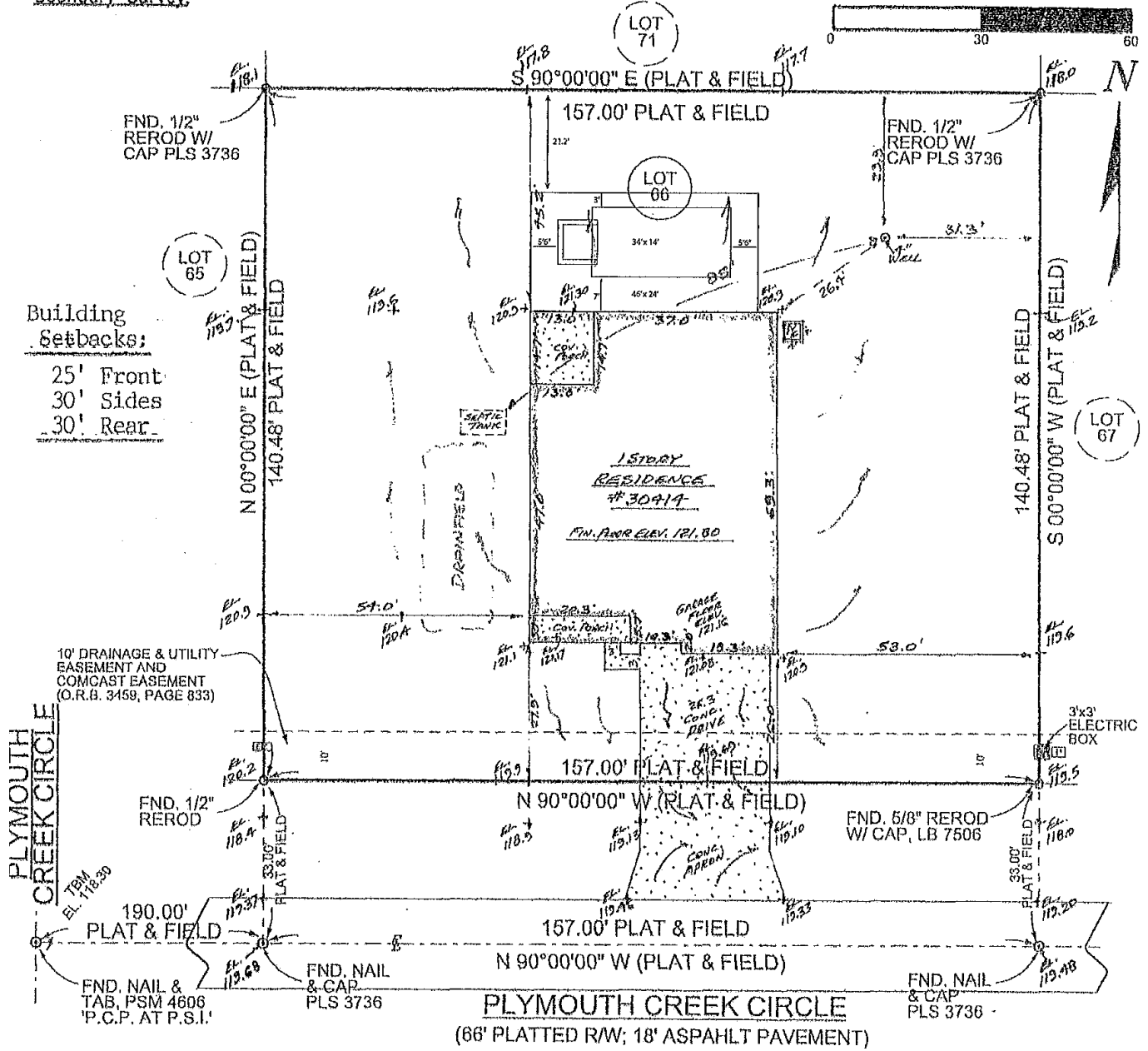
**Opposition: -0-**

**Case Manager:** Ruth Mitchell, Associate Planner



# Attachment A. Survey

Boundary Survey:



**Final Development Order  
VAR-18-59-4  
Slimick Property**

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

**WHEREAS**, Jason Slimick and Courtney Slimick (the “Owners” and “Applicants”) made a variance request to Lake County Land Development Regulations (LDR) 9.08.02.A.2.c.2, to allow an accessory structure (pool and pool enclosure) to be located twenty-one (21) feet two (2) inches from the rear property line in lieu of thirty (30) feet from the property line; and,

**WHEREAS**, the subject property consists of 0.51 +/- acres and is located east of Plymouth Creek Circle in the Sorrento area, in Section 36, Township 19, Range 27, having an Alternate Key Number 3864726 and is more particularly described below as:

Lot 66, Plymouth Creek Estates, according to map or plat thereof as recorded in Plat Book 62, Page(s) 12, 13 and 14, of the Public Records of Lake County, Florida.

**WHEREAS**, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on January 10, 2019; and

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

**WHEREAS**, on January 10, 2019, 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-18-59-4 to Lake County Land Development Regulations (LDR) 9.08.02.A.2.c.2, to allow an accessory structure (pool and pool enclosure) to be located twenty-one (21) feet two (2) inches from the rear property line in lieu of thirty (30) feet from the property line

**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.

***{Remainder of Page Intentionally Left Blank}***

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

**ENACTED this 10<sup>th</sup> day of January, 2019.**

**EFFECTIVE January 10, 2019.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**Tim Morris, Chairman**

**STATE OF FLORIDA  
COUNTY OF LAKE**

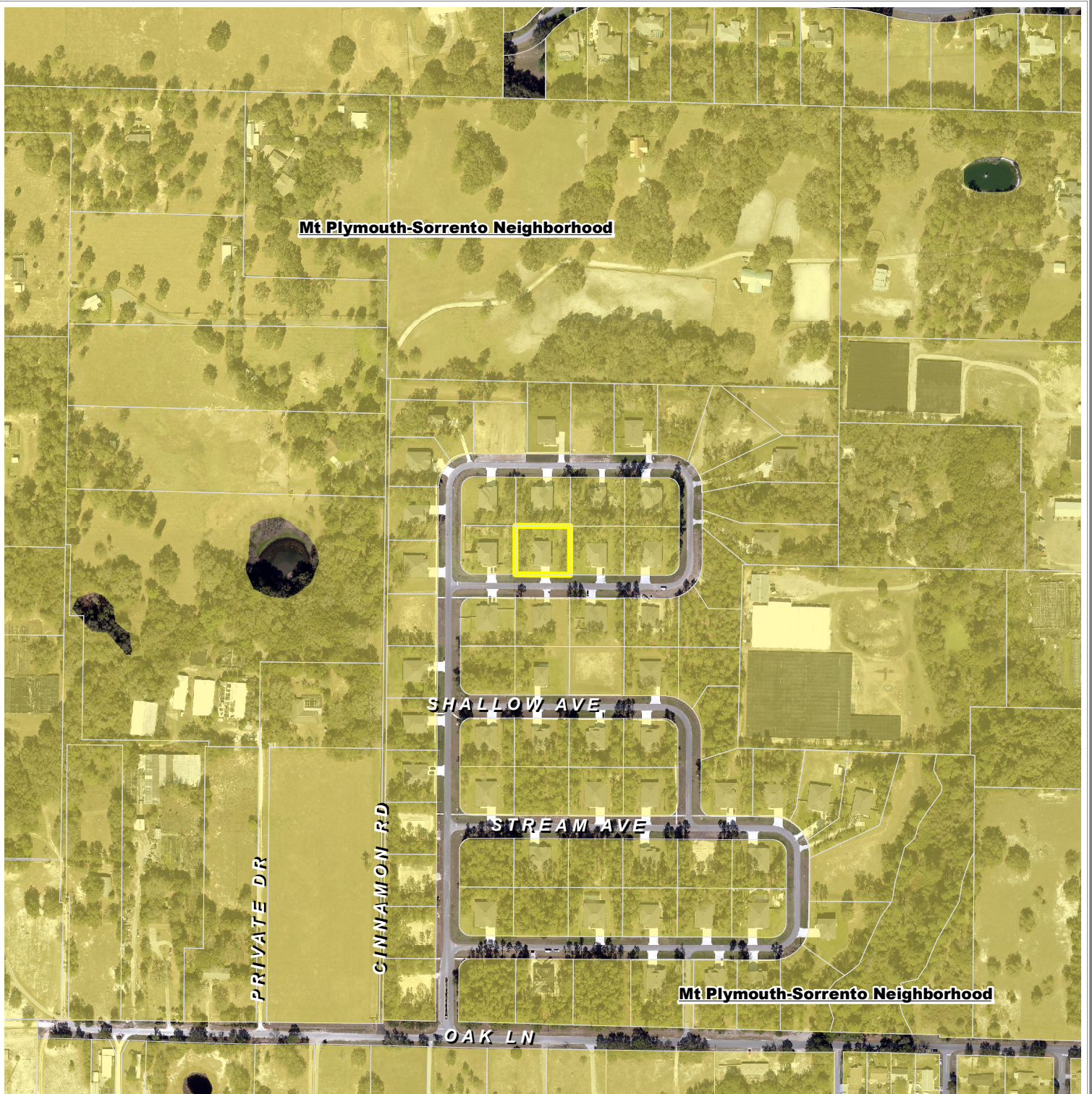
The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of January, 2019, by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_, as identification and who did \_\_\_\_\_ or did not \_\_\_\_\_ take an oath.

**(SEAL)**

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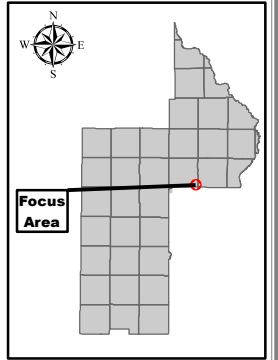
**Signature of Acknowledger**





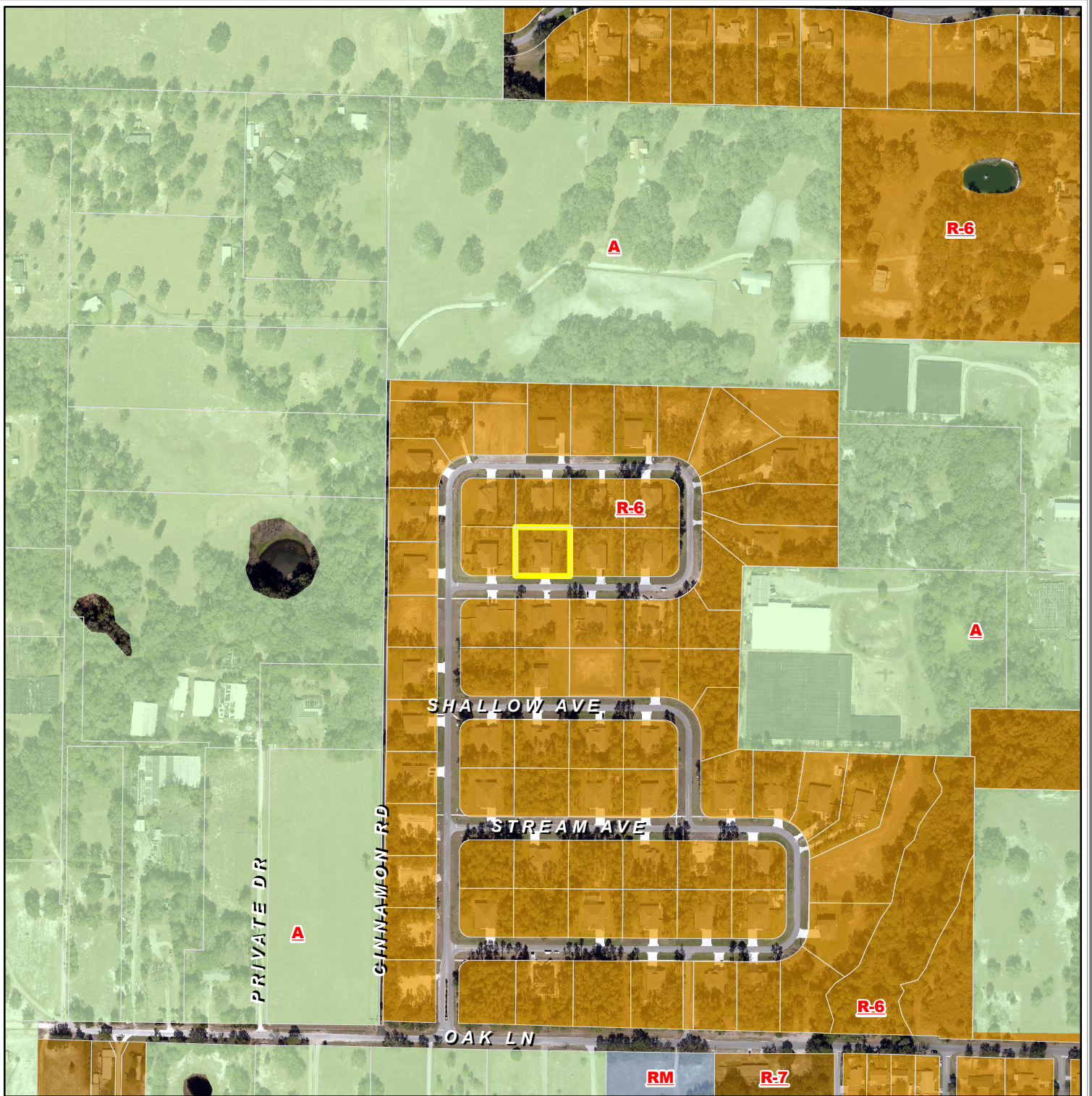
**FUTURE LAND USE LEGEND**

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



**NAME:** SLIMICK PROPERTY  
**CASE NUMBER:** VAR-18-59-4  
**LOCATION (S-T-R):** 36-19-27  
**REQUEST:** SETBACK ADJUSTMENT FOR POOL





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 |     |

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