



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6
 Public Hearing Date: November 14, 2019
 Case No. and Project Name: VAR-19-52-3, Dewild Property
 Applicant: Matthew Bauchle, Premier Pools of Central Florida
 Owner: Elizabeth Dewild
 Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.02.05.1.2 to allow a portion of a pool, deck, and screen enclosure to encroach 1-foot and 6-inches into a 30-foot drainage and utility easement.
 Case Manager: Christine Rock, AICP, Senior Planner

Subject Property Information

Size: 0.5 +/- acres
 Location: West of Fairview Oaks Boulevard, adjacent to Fairvista Drive in the Tavares area.
 Alternate Key No.: 3837810
 Future Land Use: Urban High
 Current Zoning District: Medium Suburban Residential District (R-4)
 Flood Zone: "X"
 Joint Planning Area / ISBA: N/A
 Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban High	Medium Suburban Residential District (R-4)	Residential	Single-family dwelling unit
South	N/A	N/A	Street	Fairvista Drive
East	Urban High	Medium Suburban Residential District (R-4)	Residential	Single-family dwelling unit
West	N/A	N/A	Street	Fairvista Drive

Summary of Request

The subject property, identified as Alternate Key Number 3837810, contains 0.5 +/- acres and is zoned Medium Suburban Residential District (R-4) with an Urban High Future Land Use designation. The GIS Aerial Map does not indicate that the subject property lies within a flood zone or contains wetlands. The property is generally located west of Fairview Oaks Boulevard, adjacent to Fairvista Drive in the Tavares area of unincorporated Lake County.

The Applicant has requested a variance to LDR Section 3.02.05.1.2, to allow a portion of a pool, deck, and screen enclosure to encroach 1-foot and 6-inches into a 30-foot drainage and utility easement. A zoning and building permit for the pool and deck has been issued; the survey (Attachment "A") depicts the deck located 28-feet and 6-inches from the eastern property line. The deck encroaches within the drainage and utility easement which is located 30-feet from the property line.

As the variance request is to allow a structure to encroach within the drainage easement the application was reviewed by the Lake County Public Works Department. Should the variance be approved, the below condition will apply.

1. A lot grading plan must be submitted at time of permitting, to be reviewed and approved by the Lake County Department of Public Works. Additional grading is needed along the rear and sides of the pool deck to achieve positive drainage away from the pool. Slopes should not exceed 4:1.

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.**

The intent of the Code, LDR Section 3.02.05.1.2, is to ensure that drainage and road easements, as well as right-of-way, are not negatively impacted by the encroachment of structures.

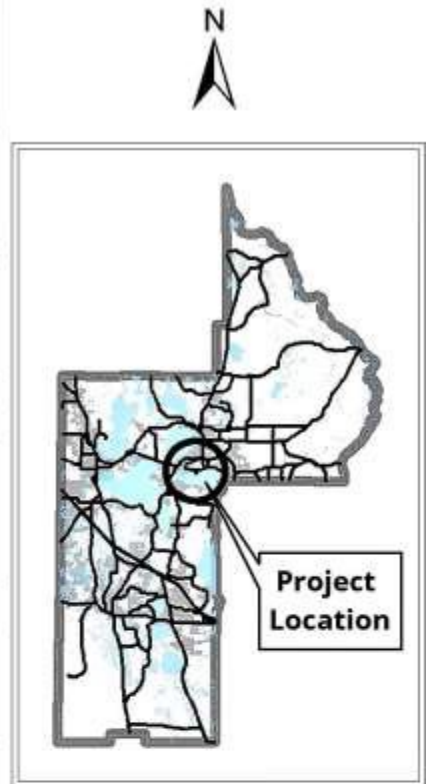
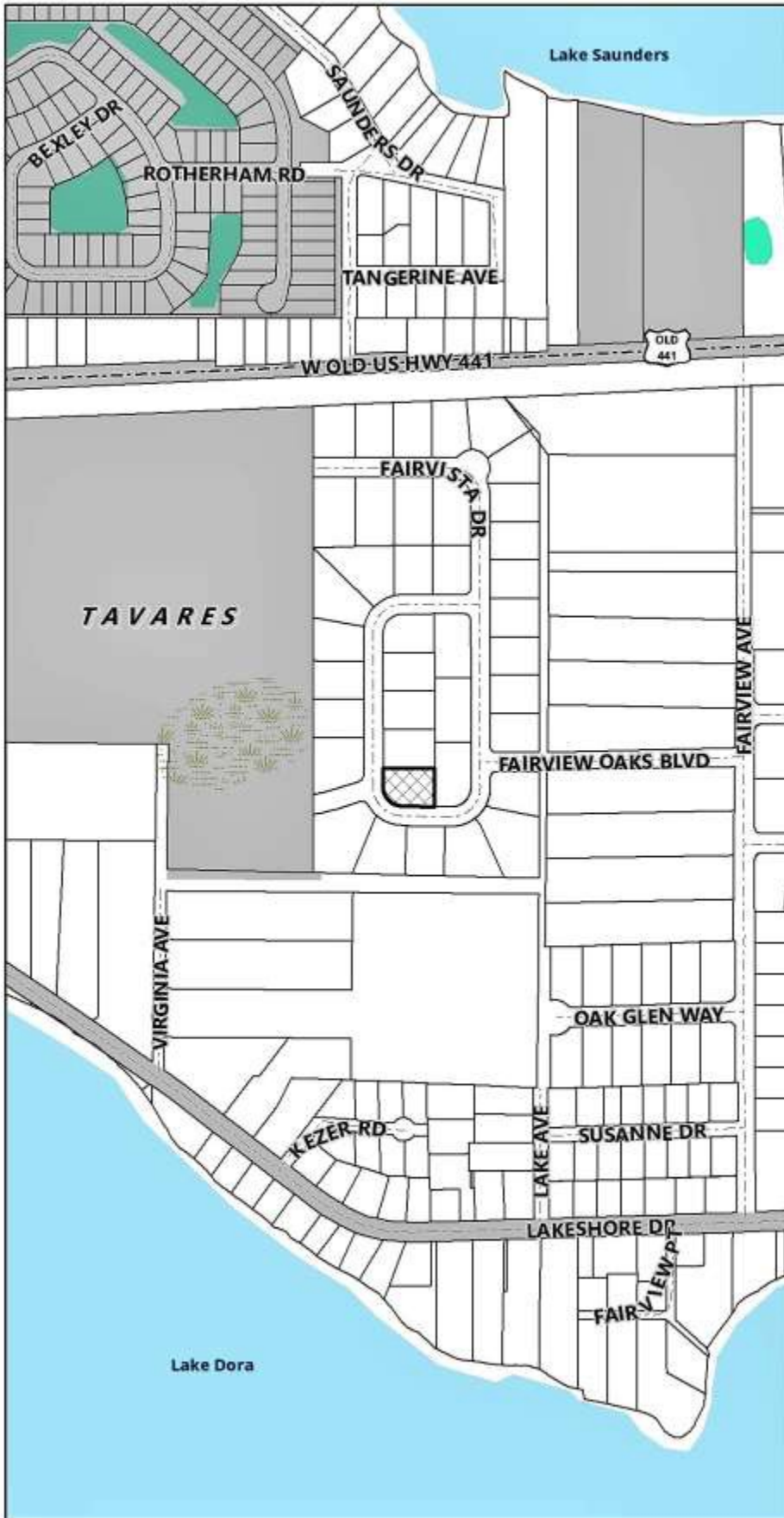
The Applicant provided the following statement, *"28'6" of drainage easement will remain on rear as well as 30' drainage and utility easements on either side of property."*

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.**

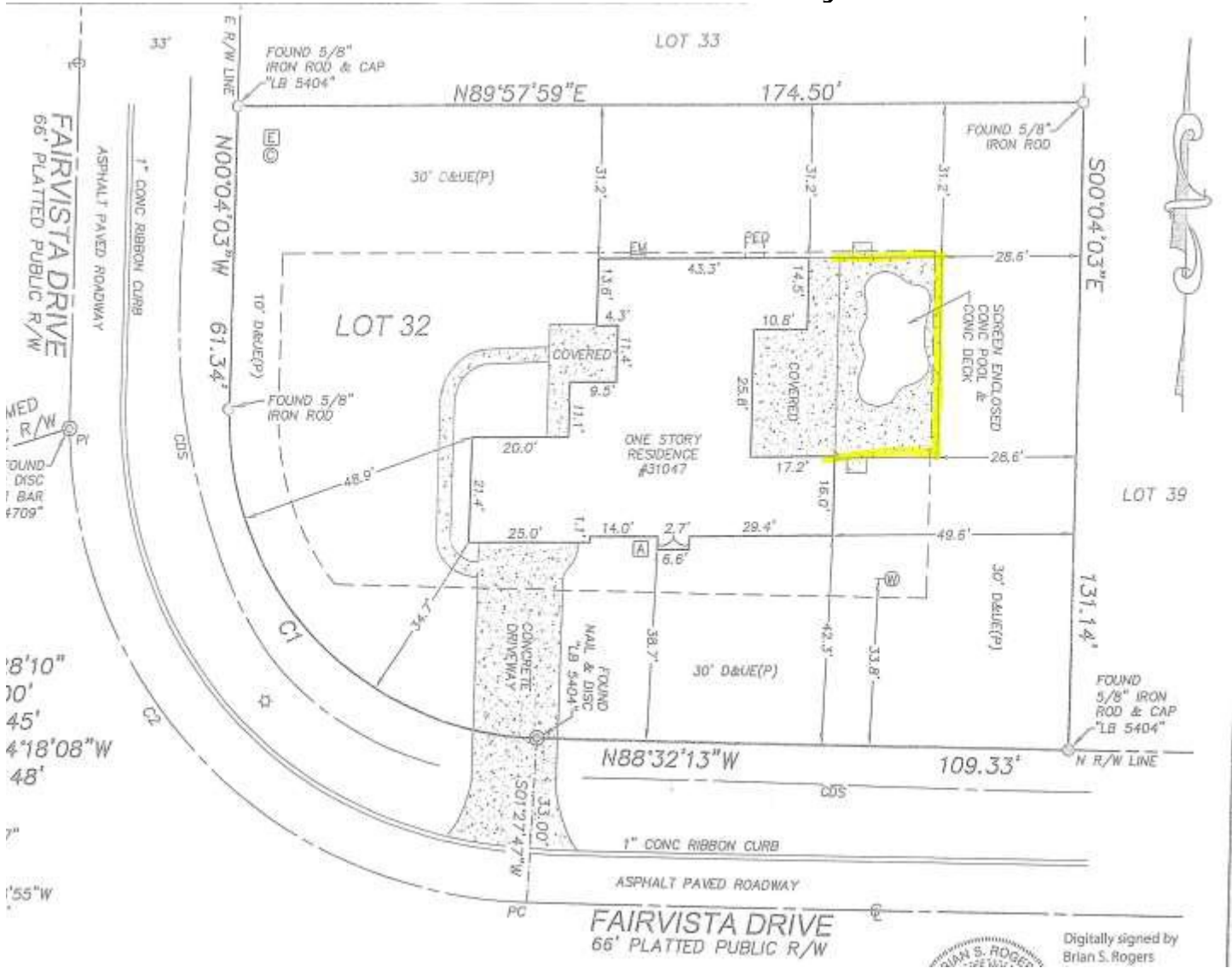
The Applicant provided the following statement, *"The swimming pool/pool deck permit was initially approved under permit 2019041063 with measurement showing 20' to property line on survey. Pool and deck has been constructed, inspection, and inspections have been approved in accordance with permit 2019041063. If the deck had to be cut outside of the easement it would create an unsafe amount of space between the screen and the pool for the homeowner."*

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 requesting the variance. The Applicant has indicated that they have health conditions and that the proposed pool and enclosure will be beneficial to them, as it will allow for non-impact exercise. Additionally, the Applicant has indicated that several houses within their community have pools and enclosures.

Map of Subject Property



Attachment "A" - Survey



**Final Development Order
VAR-19-52-3
Dewild Property**

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

WHEREAS, Matthew Bauchle, Premier Pools of Central Florida, Inc. (the "Applicant"), on behalf of Elizabeth Dewild (the "Owner"), submitted a variance request to Lake County Land Development Regulations (LDR) Section 3.02.05.1.2 to allow a portion of a pool, deck, and screen enclosure to encroach 1-foot and 6-inches into a 30-foot drainage and utility easement; and

WHEREAS, the subject property consists of 0.5 +/- acres and is located west of Fairview Oaks Boulevard, adjacent to Fairvista Drive in the Tavares area, in Section 27, Township 19 South, Range 26 East, having Alternate Key Number 3837810, and is more particularly described below as:

Lot 32, Grand Oak Estates, according to the plat thereof, recorded in Plat Book 54, Page(s) 50 and 51, 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 request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on November 14, 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 November 14, 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-19-52-3 to allow a portion of a pool, deck, and screen enclosure to encroach 1-foot and 6-inches into a 30-foot drainage and utility easement with the following condition:

1. A lot grading plan must be submitted at time of permitting, to be reviewed and approved by the Lake County Department of Public Works. Additional grading is needed along the rear and sides of the pool deck to achieve positive drainage away from the pool. Slopes should not exceed 4:1.

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 Blank]

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

ENACTED this 14th day of November, 2019.

EFFECTIVE November 14, 2019.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Lloyd Atkins, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 14th day of November, 2019, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

Signature of Acknowledger