



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: December 12, 2019

Case No. and Project Name: VAR-19-37-3, Karleskint Property

Applicant: Richard L. Karleskint

Owner: Terry A. Karleskint, Richard L. Karleskint, and Barbara Karleskint

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 6.01.04.A.1 to allow a concrete pad and screen enclosure to be located five (5) feet, at the closest point, from the jurisdictional wetland line (seawall), in lieu of fifty (50) feet from the jurisdictional wetland line (seawall).

Case Manager: Christine Rock, AICP, Senior Planner

Subject Property Information

Size: 0.25 +/- acres

Location: North of Peppertree Court, adjacent to Waterwood Drive in the Yalaha area.

Alternate Key No.: 2866446

Future Land Use: Urban Low Density

Current Zoning District: Medium Residential District (R-3)

Flood Zone: "AE" and "X"

Joint Planning Area / ISBA: Howey-In-The-Hills ISBA

Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Medium Residential District (R-3)	Residential	Single-Family Dwelling Unit
South	Urban Low Density	Medium Residential District (R-3)	Residential	Single-Family Dwelling Unit
East	N/A	N/A	Street	Waterwood Drive
West	N/A	N/A	Canal	Canal

Summary of Request.

The subject property, identified as Alternate Key Number 2866446, contains 0.25 +/- acres and is zoned Medium Residential District (R-3) with an Urban Low Density Future Land Use designation. The property is identified as Lot 11 of the Waterwood subdivision as recorded in Plat Book 25, Page 29, and is generally located North of Peppertree Court, adjacent to Waterwood Drive in the Yalaha area of unincorporated Lake County. The subject property is developed with a single-family residence and the western property line abuts a canal.

The Applicant has requested a variance from Lake County Land Development Regulations (LDR) Section 6.01.04.A.1, to allow a proposed concrete pad and screen enclosure to be located 5-feet from the jurisdictional wetland line (seawall), at the closest point, in lieu of 50-feet from the jurisdictional wetland line (seawall). Previously, an average setback (AS-2004-040) was granted to allow a setback of 25-feet and 11-inches from the seawall and a variance (BOA #71-04-3) was granted to allow an addition to the existing single family residence to be located 12-feet from the jurisdictional wetland line. Although the proposed concrete pad and screen enclosure is to be located 5-feet from the jurisdictional wetland line (seawall) at the closest point, the survey (Attachment "A") shows that the majority of the proposed concrete pad and screen enclosure will be located 24 +/- feet from the jurisdictional wetland line (seawall).

The Lake County Public Works Department has reviewed the variance application and has provided the below comments to be incorporated within the final development order.

1. The first 1-inch of stormwater runoff must be captured on site. An engineered design that includes a plan and calculations must be submitted.

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 6.01.01, is to conserve and protect wetlands, and to ensure that the natural structure and functional values of wetlands are maintained. The intent of this section is to avoid any net loss of wetlands whether by functional value or extent within Lake County.

The Applicant provided the following statement, *"Upon completion of 3" aluminum roof we will install gutters w/down spouts to drain alongside of existing down spouts at back side of house."*

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, *"We can't utilize this area due to the amount of insects from dusk to dawn."*

Map of Subject Property




Attachment A - Survey

BOUNDARY SURVEY



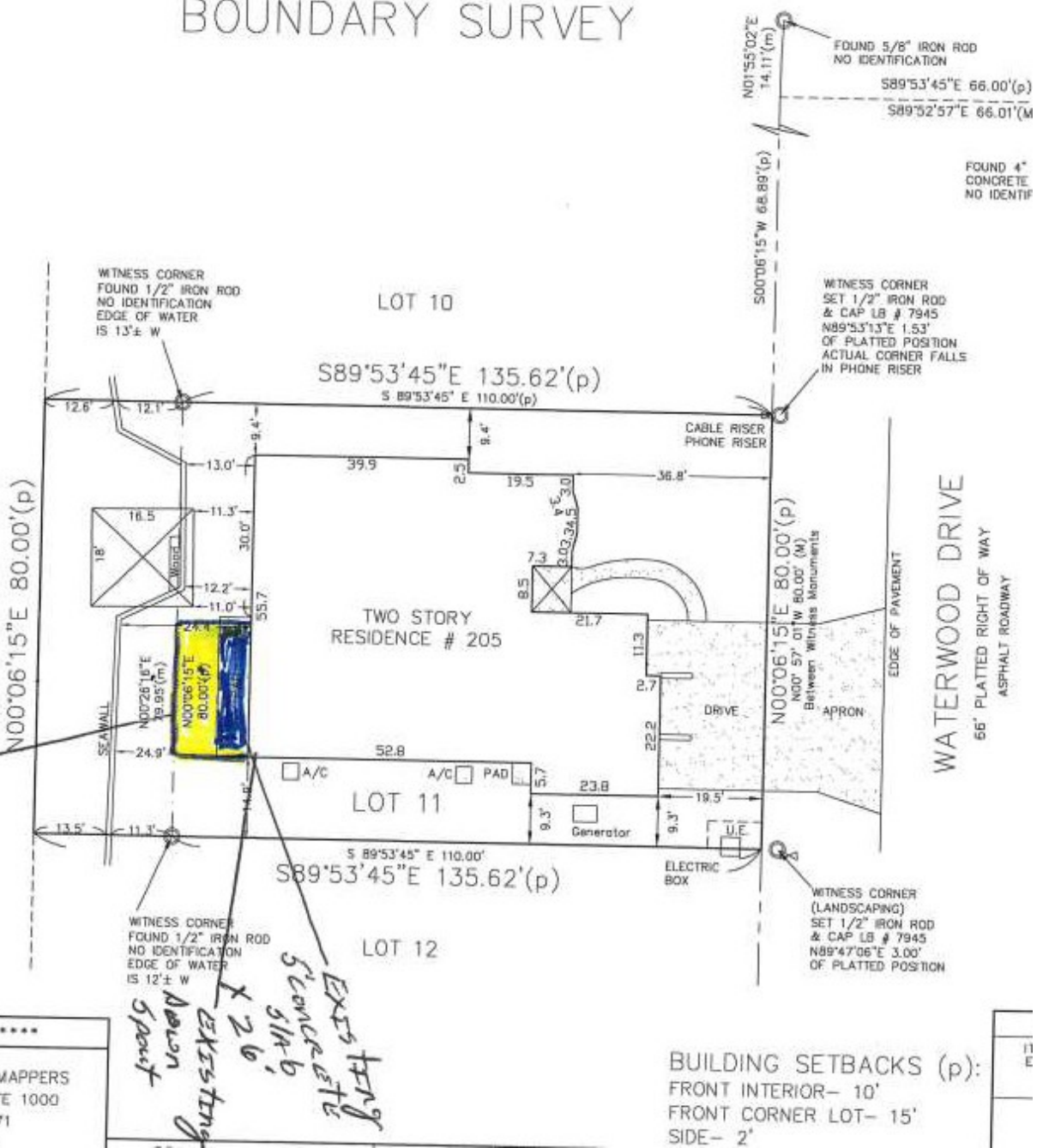
Handwritten notes:
 11' x 26'
 roof will be
 in w/ 3" aluminum
 x 26" aluminum
 extend 6mb to
 club - unit no. 3

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PROFESSIONAL SURVEYORS AND MAPPERS
 4500 ORANGE BOULEVARD, SUITE 1000
 SANFORD, FLORIDA 32771
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SPRINGS BATH AND YACHT
 CLUB-UNIT NO. 3
 PLAT BOOK 14, PG. 54



**Final Development Order
VAR-19-37-3
Karleskint Property**

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

WHEREAS, Richard L. Karleskint (the "Applicant"), on behalf of Terry A. Karleskint, Richard L. Karleskint, and Barbara Karleskint (the "Owners"), submitted a variance request to Lake County Land Development Regulations (LDR) Section 6.01.04.A.1 to allow a concrete pad and screen enclosure to be located five (5) feet, at the closest point, from the jurisdictional wetland line (seawall), in lieu of fifty (50) feet from the jurisdictional wetland line (seawall); and

WHEREAS, the subject property consists of 0.25 +/- acres and is located north of Peppertree Court, adjacent to Waterwood Drive in the Yalaha area, in Section 17, Township 20 South, Range 25 East, having Alternate Key Number 2866446, and is more particularly described below as:

Lot 11, WATERWOOD SUBDIVISION, according to the Plat thereof recorded in Plat Book 25, Page 29, 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 December 12, 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 December 12, 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-19-37-3 to allow a concrete pad and screen enclosure to be located five (5) feet, at the closest point, from the jurisdictional wetland line (seawall), in lieu of fifty (50) feet from the jurisdictional wetland line (seawall)with the following condition:

1. The first 1-inch of stormwater runoff must be captured on site. An engineered design that includes a plan and calculations must be submitted.

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.

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Section 3. Effective Date. This Ordinance will become effective as provided by law.
ENACTED this 12th day of December, 2019.
EFFECTIVE December 12, 2019.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Lloyd Atkins, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 12th day of December, 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