



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 9

Public Hearing Date: December 12, 2019

Case No. and Project Name: VAR-19-56-4, Myers Property

Applicant: Carlton-Jane Palmer Beck-Findley

Owner: Michael Myers and Cheryl Myers

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 6.01.04.A.1, to allow a pool, spa, deck, and pool enclosure to be located 20-feet from the jurisdictional wetland line (seawall) at the closest point, in lieu of 50-feet from the jurisdictional wetland line (seawall).

Case Manager: Christine Rock, AICP, Senior Planner

Subject Property Information

Size: 1 +/- acres

Location: Grand Island, FL

Alternate Key No.: Exempt per F.S. sec 119.071

Future Land Use: Urban Low Density

Current Zoning District: Agriculture (A)

Flood Zone: "AE"

Joint Planning Area/ISBA: N/A

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	N/A	N/A	Lake	Lake
South	N/A	N/A	Road	Road
East	Urban Low Density	Agriculture (A)	Residential	Single Family Dwelling Unit
West	Urban Low Density	Estate Residential (R-2)	Residential	Single Family Dwelling Unit

Summary of Request

The subject property contains 1 +/- acres and is zoned Agriculture (A) with an Urban Low Density Future Land Use designation. The GIS Aerial Map indicates that the subject property lies fully within the flood zone.

The Applicant has requested a variance to LDR Section 6.01.04.A.1, to allow a pool, spa, deck, and pool enclosure to be located 20-feet, at the closest point, from the jurisdictional wetland line (seawall), in lieu of 50-feet from the jurisdictional wetland line (seawall). The subject property contains a seawall which does not span the entire length of the property; the proposed structures are to be located in the area that is between the house and the seawall rather than located on the side of the property directly adjacent to the lake without a seawall. The proposed structures will be located 18-feet from the seawall at the closest point and 28-feet at the farthest point from the 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. An interceptor swale will need to be constructed between the proposed location of the pool and the seawall.
2. 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, *"There is an existing seawall that will separate the pool from the lakeshore."*

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, *"Limited buildable area. Eastside: old drain field and shorter lot line, Westside: large live oak roots in buildable space. New drain field was required to be upfront. MIL [mother in law] suite built set back due to roots (2014). Existing porch was prior to ownership (poured slab)."*

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

Exempt per F.S. sec 119.071.

**Final Development Order
VAR-19-56-4
Myers Property**

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

WHEREAS, Carlton-Jane Palmer Beck-Findley (the "Applicant"), on behalf of Michael Myers and Cheryl Myers (the "Owners"), submitted a variance request to Lake County Land Development Regulations (LDR) Section 6.01.04.A.1, to allow a pool, spa, deck, and pool enclosure to be located 20-feet from the jurisdictional wetland line (seawall) at the closest point, in lieu of 50-feet from the jurisdictional wetland line (seawall); and

WHEREAS, the subject property consists of 1 +/- acres and is located in the Grand Island area of unincorporated Lake County, in Section 29, Township 18 South, Range 26 East, and more particularly described below as:

The East 130 feet of the Southeast 1/4 of Section 29, Township 18 South, Range 26 East, in Lake County Florida, lying North of the Northerly line of the right of way of State Road No. S-452, and lying South of the Waters of Lake Yale.

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-19-56-4 to allow a pool, spa, deck, and pool enclosure to be located 20-feet from the jurisdictional wetland line (seawall), in lieu of 50-feet from the jurisdictional wetland line (seawall), with the following conditions:

1. An interceptor swale will need to be constructed between the proposed location and the pool and the seawall.
2. 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