



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: February 13, 2020

Case No. and Project Name: VAR-19-65-3, Freeman Property

Applicant: James and Jacklin Freeman

Owner: James and Jacklin Freeman

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 6.01.04.A.1, to allow an accessory structure to be located 30-feet from the jurisdictional wetland line, in lieu of 50-feet from the jurisdictional wetland line.

Case Manager: Christine Rock, AICP, Senior Planner

Subject Property Information

Size: 0.33 +/- acres

Location: Intersection of Linda Lane and Lake Pines Road in the Leesburg area.

Alternate Key No.: 1202337

Future Land Use: Urban Medium Density

Current Zoning District: Mixed Home Residential (RM)

Flood Zone: "AE" and "X"

Joint Planning Area / ISBA: Leesburg ISBA

Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Medium	Mixed Home Residential (RM)	Canal and residential	Subject property is partially adjacent to canal and residential lot
South	N/A	N/A	Street	Adjacent to Lake Pines Road
East	Urban Medium	N/A	Street	Adjacent to Linda Lane
West	Urban Medium	N/A	Residential	Single-Family Dwelling Unit

Summary of Request.

The subject property, identified as Alternate Key Number 1202337, contains 0.33 +/- acres and is zoned Mixed Home Residential (RM) with an Urban Medium Density Future Land Use designation. The GIS Aerial Map indicates that the subject property lies partially within flood zones "AE" and "X". The property is generally located at the intersection of Linda Lane and Lake Pines Road in the Leesburg area of unincorporated Lake County. The subject property is Lot 14 within the unrecorded subdivision of Western Shores. The subject property is developed with a single-family residence and the northern property line partially abuts a canal.

The Applicant has requested a variance from Lake County Land Development Regulations (LDR) Section 6.01.04.A.1, to allow an accessory structure to be located 30-feet from the jurisdictional wetland line (canal), in lieu of 50-feet from the jurisdictional wetland line (canal). The reduced wetland setback is from a canal, rather than a lake or natural wetland.

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.

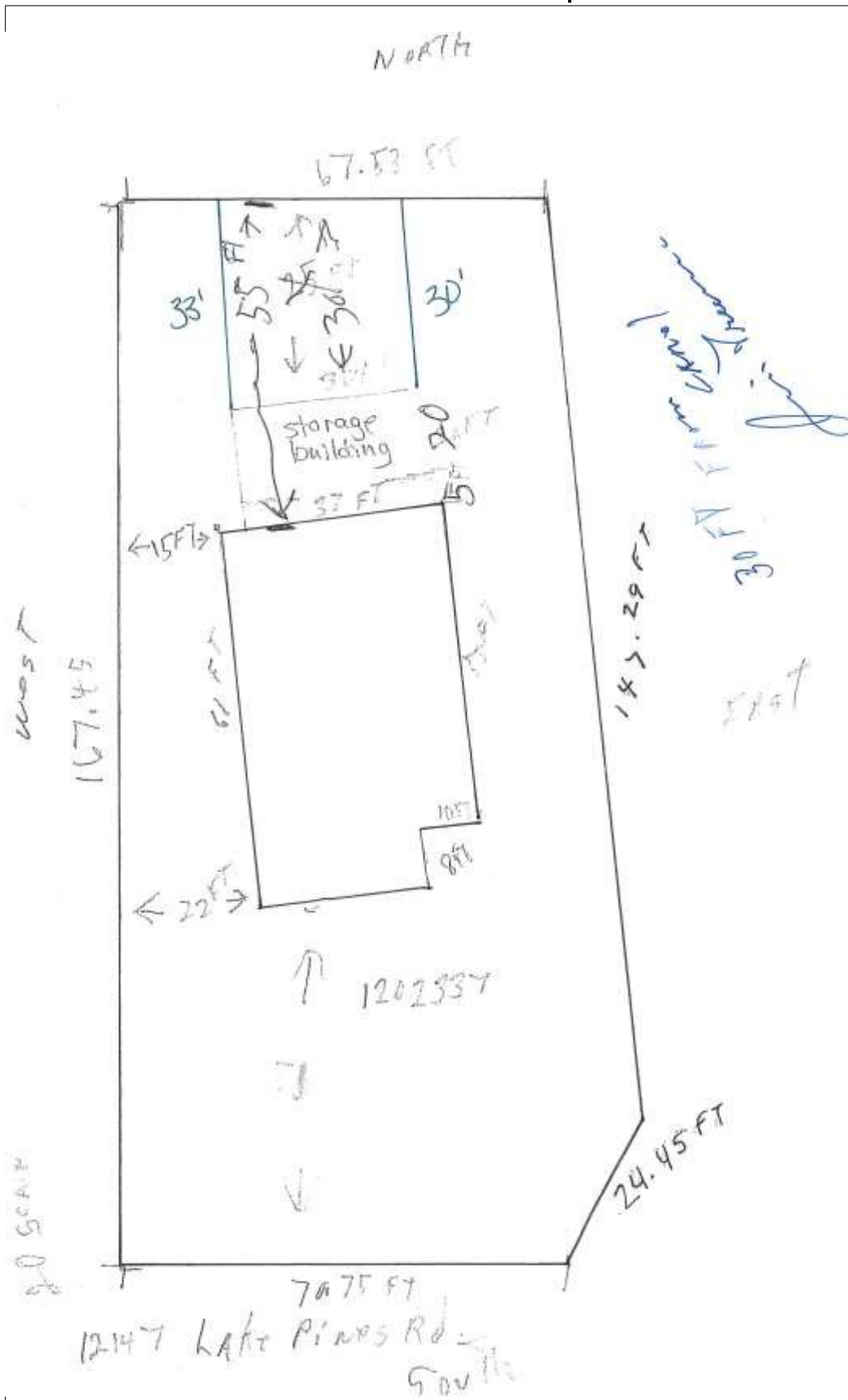
The intent of the Code, LDR Section 6.01.01, is to conserve and protect wetlands, and to ensure that the natural structure and functional values of wetlands are maintained. The intent of this section is to avoid any net loss of wetlands whether by functional value or extent within Lake County.

The Applicant provided the following statement, *"Need variance because of proximity to canal."*

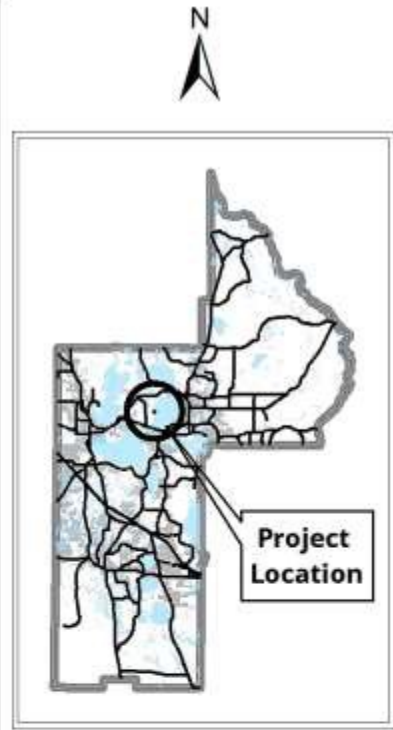
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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, *"Had applied for average setback [and] didn't get room for shed."*

Attachment A - Concept Plan



Subject Property



**Final Development Order
VAR-19-65-3
Freeman Property**

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

WHEREAS, James and Jacklin Freeman (the "Applicants" and "Owners") requested a variance from Land Development Regulations (LDR) Section 6.01.04.A.1, to allow an accessory structure to be located 30-feet from the jurisdictional wetland line, in lieu of 50-feet from the jurisdictional wetland line; and

WHEREAS, the subject property consists of 0.33 +/- acres and is located at the intersection of Linda Lane and Lake Pines Road in the Leesburg area of unincorporated Lake County, in Section 07, Township 19 South, Range 26 East, having Alternate Key Number 1202337, and more particularly described in Exhibit "A"; and

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 February 13, 2020; 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 February 13, 2020, 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-19-65-3 to allow an accessory structure to be located 30-feet from the jurisdictional wetland line, in lieu of 50-feet from the jurisdictional wetland 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.
- Section 3.** **Effective Date.** This Ordinance will become effective as provided by law.

ENACTED this 13th day of February, 2020.

EFFECTIVE February 13, 2020.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Lloyd Atkins, Chairman or
James Argento

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of **physical presence** or **online notarization, this**
_____ day of _____, 2020, by _____

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature
(SEAL)

Exhibit "A" – Legal Description

Lots 14 of the Unrecorded Subdivision of Western Shores more particularly described as:

That part of Government Lot 4 in Section 7, Township 19 South, Range 26 East, in Lake County, Florida, bounded and described as follows: From the Southwest corner of said Government Lot 4, run thence East along the South line of the said Government Lot 4, a distance of 960.48 feet; thence run North 25 feet to the Point of Beginning; run thence East 71.31 feet to a curve concave to the Northwesterly and having a radius of 25 feet, run thence Northerly along the arc of said curve through central angle of 100.51' for a distance of 44 feet to the end of said 25 foot radius curve; thence North 10°51' West 147.94 feet; thence North 19°11' West for 11.65 feet; thence West to a point that is North of the Point of Beginning; thence South 186 feet to the Point of Beginning. Less any part thereof lying within the canal on the North side thereof; Also, less that part that might lie within Linda Lane.