



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 12  
 Public Hearing Date: May 14, 2020  
 Case No. and Project Name: VAR-20-12-3, Kidd Property  
 Applicant: Tori Lynn Kidd  
 Owner: Michael Anthony Kidd and Tori Lynn Kidd  
 Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.20.05, to allow a single-family dwelling unit to be constructed fifty-two (52) feet from the centerline of the road in lieu of sixty-two (62) feet and LDR Section 6.01.04(A)(1), to allow a single-family dwelling unit to be constructed forty (40) feet from the seawall in lieu of fifty (50).  
 Case Manager: Janie Barrón, Senior Planner

### Subject Property Information

Size: 0.26 +/- acres  
 Location: Along Treasure Island Road, in the Leesburg area.  
 Alternate Key No.: 1498422  
 Future Land Use: Rural Transition  
 Current Zoning District: Agriculture (A)  
 Flood Zone: "AE" and "X"  
 Joint Planning Area/ ISBA: City of Leesburg ISBA  
 Overlay Districts: None

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture (A)	Street and Residential	Treasure Island Road, Adjoining Single-Family Dwelling Units
South	N/A	N/A	Lake	Lake Griffin
East	Rural Transition	Agriculture	Residential	Single-Family Dwelling Units
West	Rural Transition	Agriculture (A)	Residential	Single-Family Dwelling Units

## Summary of Request.

The subject 0.26 +/- acre parcel is identified by Alternate Key Number 1498422. The parcel is zoned Agriculture (A) and is part of the Rural Transition Future Land Use Category (FLUC). The subject parcel is located in the Treasure Island Shores subdivision and is currently undeveloped (Attachment "A").

The Owner desires to construct a single-family dwelling unit on the subject parcel; however, between the layout of the lot and the current setbacks limit the buildable area at the narrowest point to 34.8-feet, impeding the Owners from constructing their desired home or any future additions/structures. Land Development Regulations (LDR) Table 3.02.05, requires the single-family dwelling unit to be setback sixty-two (62) feet from the centerline of Treasure Island Road and LDR Section 6.01.04(A)(1), requires a fifty (50) foot setback from the ordinary high water line, mean high water line or jurisdictional wetland line, whichever is further landward. Therefore, the application seeks a variance to Lake County Land Development Regulations (LDR) Table 3.02.05 and LDR Section 6.01.04(A)(1), to allow a single-family dwelling unit to be constructed fifty-two (52) feet from the centerline of the road in lieu of sixty-two (62) feet and LDR Section 6.01.04(1), to allow a single-family dwelling unit to be constructed forty (40) feet from the seawall in lieu of fifty (50).

## 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, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

The intent of the Code, LDR Section 6.01.04, is to protect the wetland areas from erosion, sedimentation, water pollution, and other negative impacts which may be associated with land use activities.

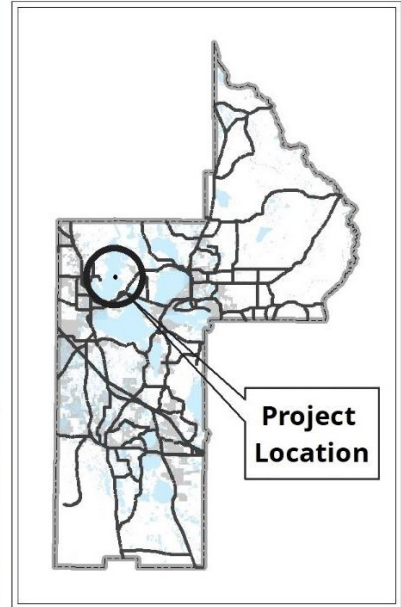
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"In reviewing other homes on Treasure Island Road, it appears that the 62' Centerline of Road (COR) setback and the 50' from the high waterline/seawall setback has been waived numerous times. Although it is not an official measurement, I measured all of the homes located on Treasure Island Road using the measuring tool located on the Lake County Connect Interactive Map on the internet and it appears that 11 of the homes were granted front setback waivers from the Centerline of the Road (COR) and 17 homes were granted rear setback waivers from the water. We are requesting that we be allowed the same courtesy."*

### 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.

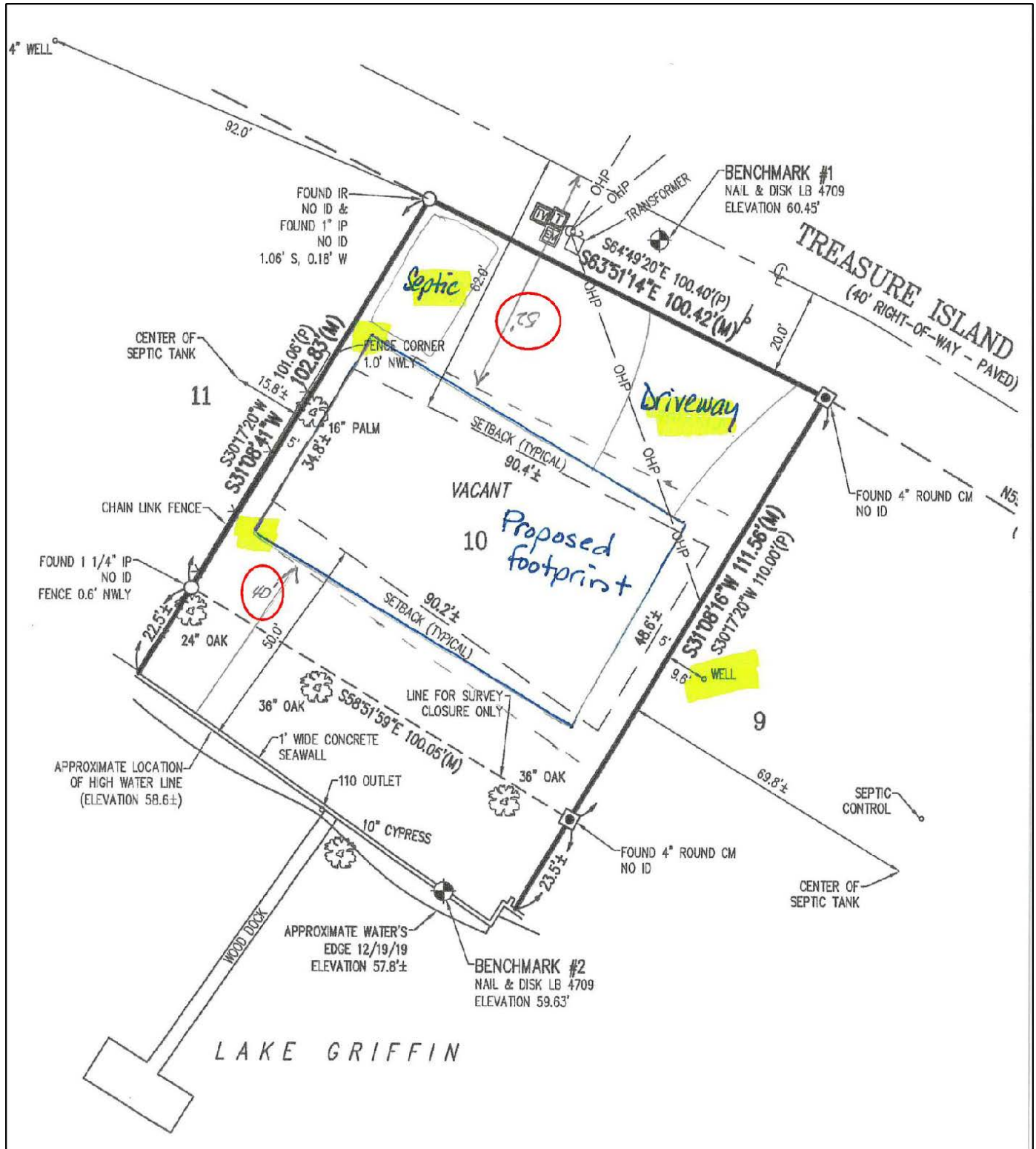
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *"The hardship in meeting the specific code requirement is a combination of the location of the neighbor's well and the shape of the lot. First, the neighbor located to the east of our property, 7124 Treasure Island Road, has their well 9.6 feet from our property line and approximately half-way between the road and the lake. Due to the mandatory 75' from any well and 75' from the lake requirement for a septic tank, we will be required to put our septic tank/drain field in a very specific location, the northwest corner of the lot (shown on the map included in this application). Second, due to the unusual shape of the lot, the setbacks have a more narrow width on the west side than on the east side (see attached survey). Originally, we were planning on putting the home on the east side where there was a wider depth but after learning that the septic tank/drain field would have to be on the west side, we would not be allowed to put a driveway over a drain field. This requirement will force us to put the driveway/garage on the east side of the property and the home to the west side which is only 34.8 feet in width."*

# Map of Subject Property



# Attachment A, Concept Plan.



**Final Development Order  
VAR-20-12-3  
Kidd Property**

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

**WHEREAS**, Michael Anthony Kidd and Tori Lynn Kidd (the "Owners") made a request to Lake County Land Development Regulations (LDR) Table 3.20.05, to allow a single-family dwelling unit to be constructed fifty-two (52) feet from the centerline of the road in lieu of sixty-two (62) feet and LDR Section 6.01.04(A)(1), to allow a single-family dwelling unit to be constructed forty (40) feet from the seawall in lieu of fifty (50); and

**WHEREAS**, the subject property consists of 0.26 +/- acres and located along Treasure Island Road, in the unincorporated Leesburg area of Lake County, Florida, in Section 05, Township 19 South, Range 25 East, having Alternate Key Number 1498422 and more particularly described as:

Lot 10, Treasure Island Shores, according to the map or plat thereof, as recorded in Plat Book 11, Page(s) 89, of the Public Records of Lake County, Florida.

**WHEREAS**, after giving notice of the hearing on the 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 May 14, 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 May 14, 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-20-12-3 to allow a single-family dwelling unit to be constructed fifty-two (52) feet from the centerline of the road in lieu of sixty-two (62) feet and LDR Section 6.01.04(1), to allow a single-family dwelling unit to be constructed forty (40) feet from the seawall in lieu of fifty (50) with the following conditions:

1. Stormwater calculations must be submitted at the time of permitting indicating that the first one inch (1") of stormwater runoff shall be captured on site.
2. Stormwater calculations must be reviewed and approved by the Lake County Public Works Department staff.
3. The stormwater abatement system must be installed prior to any final inspections, inspected and approved by the Lake County Public Works Department staff.

**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 14th day of May, 2020.

EFFECTIVE May 14, 2020.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Lloyd Atkins, Chairman or  
James Argento, Vice-Chairman

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)