



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: June 11, 2020

Case No. and Project Name: VAR-20-22-1, Vosse Property

Applicant: Sauer and Sons Construction Inc.

Owner: Milton & Joann M. Vosse

Requested Action: Variance to Lake County Land Development Regulation (LDR) Section 6.01.04.A.1, to allow a bird cage to be located 34 feet from the seawall / jurisdictional wetland line in lieu of fifty (50) feet.

Case Manager: Michele Janiszewski, Chief Planner

Subject Property Information

Size: 0.14 +/- acres

Location: 21 Gallinule Ct, Fruitland Park

Alternate Key No.: 3277767

Future Land Use: Urban Low Density

Current Zoning District: Rental Mobile Home Park (RMRP)

Flood Zone: X

Joint Planning Area/ISBA: None

Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Rental Mobile Home Park (RMRP)	Residential	Mobile Home
South	Urban Low Density	Rental Mobile Home Park (RMRP)	Residential	Mobile Home
East	NA	NA	Lake	Lake Griffin
West	NA	NA	NA	Gallinule Ct

Summary of Request.

The subject property is developed with a mobile home within the Harbor Oaks Mobile Home Park (MHP). The Owners are seeking to construct an 8' x 15' birdcage on the rear of their home. The birdcage, as proposed (Attachment A), would be thirty-four (34) feet from the seawall / jurisdictional wetland line. LDR Section 6.01.04.A.1 requires structures to be located a minimum of fifty (50) feet from the jurisdictional wetland line. Lake County Comprehensive Plan Policy III-2.2.7 encourages existing development to adhere to a fifty (50) foot setback from natural water bodies but allows the development to continue with the existing wetland setback as long as the development was approved prior to March 2, 1993; the structure is as far landward as possible; and the first one inch (1") of stormwater runoff shall be captured on site.

The Applicant is seeking a variance to LDR Section 6.01.04.A.1, to allow a bird cage to be located 34 feet from the seawall / jurisdictional wetland line in lieu of fifty (50) feet. The original master park plan for the Harbor Oaks MHP was approved on August 25, 1970; the proposed structure is connected to the rear of the single-family dwelling unit which makes it as far landward as possible; and a condition in the development order is to ensure the first one inch (1") of stormwater runoff shall be captured on site.

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 submitted the following statement as proof that the purpose and intent of the Land Development Regulations will be or has been achieved by other means:

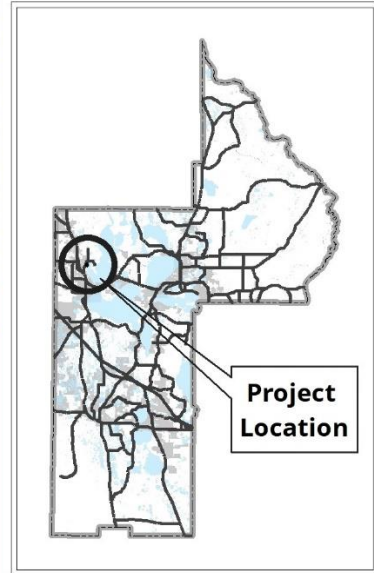
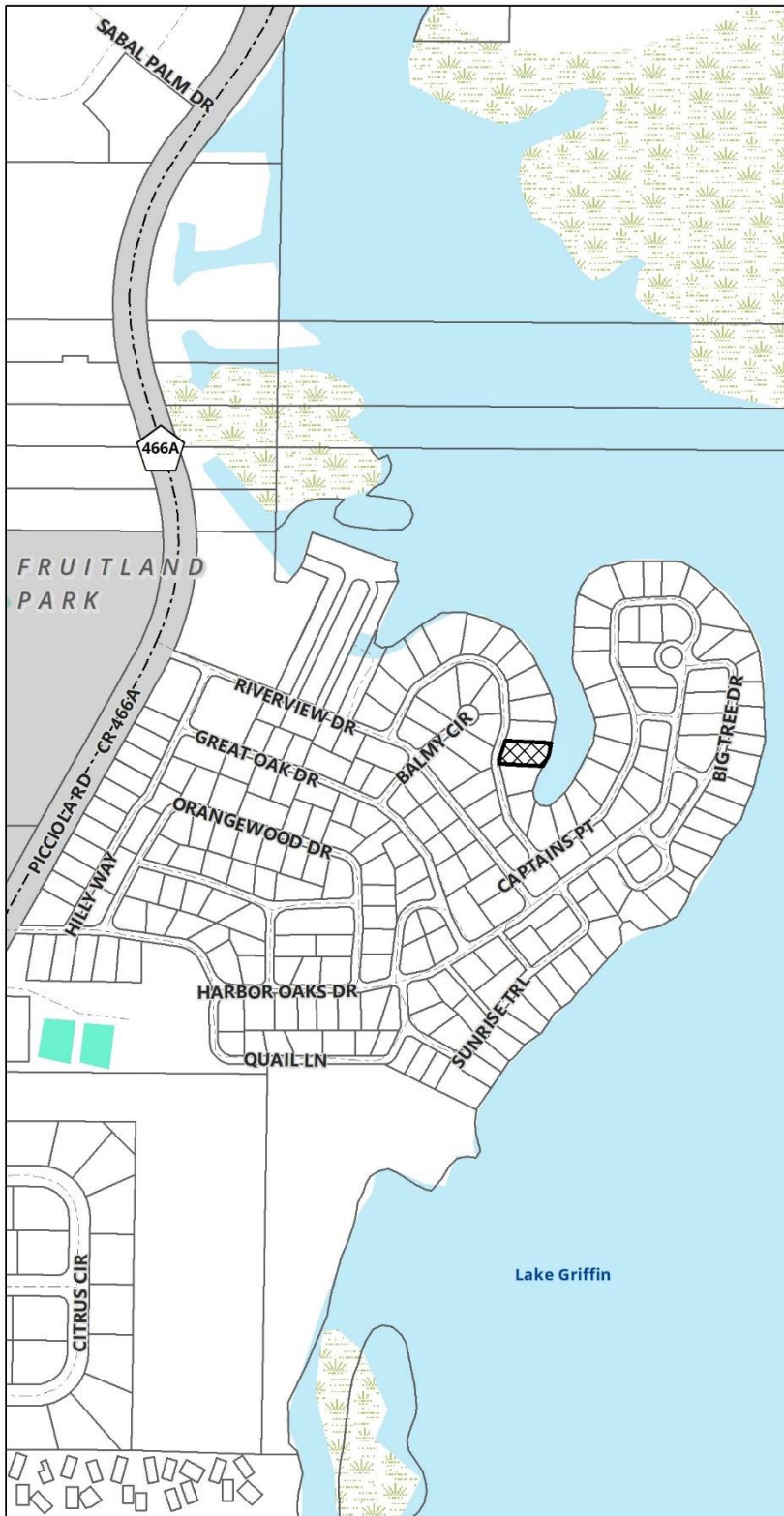
The proposed structure is only 8' off the rear of the home and is screened completely to the concrete slab. So there will not be any issue with flooding or water infiltration. Numerous neighbors has structures even closer to the seawall.

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.

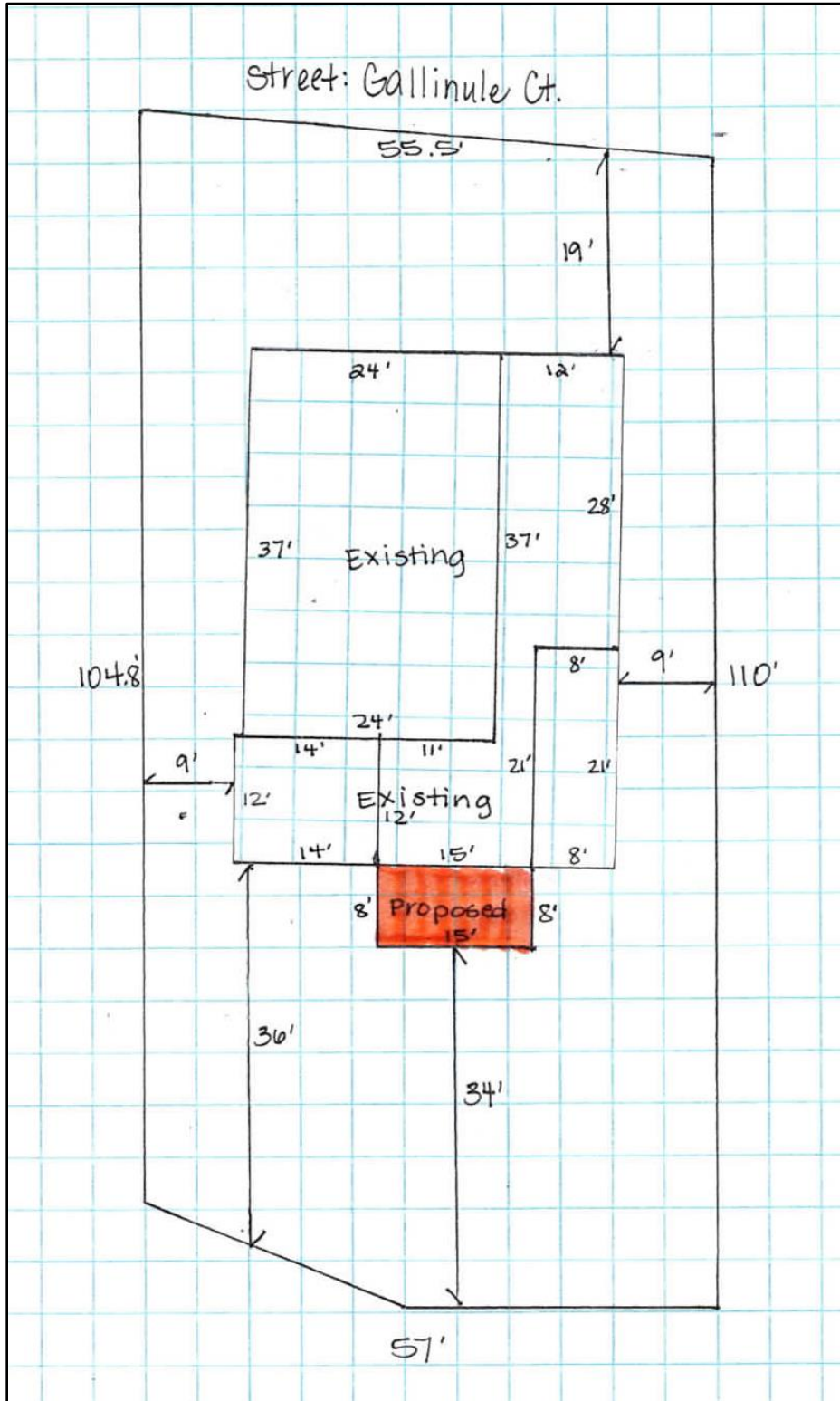
The Applicant submitted the following statement as proof of a substantial hardship:

The hardship in meeting the specific code requirement is the house already sits approx. 36' from the seawall. Therefore, any structure built on the rear of the home is hardship to have approved for the homeowners. Since other neighbors have other structures closer to the seawall; denying approval would prevent homeowner from enjoying their property.

Subject Property



Attachment A. Concept Plan.



**Final Development Order
VAR-20-22-5
Vosse Property**

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

WHEREAS, Sauer and Sons Construction Inc. (the "Applicant"), on behalf of Milton & Joann M. Vosse (the "Owners"), submitted variance application seeking to obtain a variance to Lake County Land Development Regulation (LDR) Section 6.01.04.A.1, to allow a bird cage to be located 34 feet from the seawall / jurisdictional wetland line in lieu of fifty (50) feet; and,

WHEREAS, the subject property consists of 0.14 +/- acres and is located at 21 Gallinule Ct, in the Fruitland Park area of unincorporated Lake County, in Section 11, Township 19 South, Range 24 East, Alternate Key Number 3603036 and is more particularly described below as:

UNIT #135 of HARBOR OAKS HOMEOWNERS COOPERATIVE, a Residential Cooperative, according to Exhibit "B" (Plot Plan) of the Master Form Proprietary Lease recorded in Official Records Book 1337, Pages 1838 through 1895, of the Public Records of Lake County, Florida (the "Property"), together with all permanent improvements located thereon, including 1983 PALM Manufactured Home bearing ID #PH06218A and PH06218B, Title #20513971 and 22351637;

WHEREAS, after giving notice of a hearing on a 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 June 11, 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 June 11, 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-20-21-1 to Lake County Land Development Regulation (LDR) Section 6.01.04.A.1, to allow a bird cage to be located 34 feet from the seawall / jurisdictional wetland line in lieu of fifty (50) feet with the following condition: The first one inch (1") of stormwater runoff shall be captured on site and stormwater calculations demonstrating compliance with this requirement shall be provided with the application for a zoning permit.

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 11th day of June, 2020.

EFFECTIVE June 11, 2020.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

James Argento, 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)