



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 9

Public Hearing Date: September 10, 2020

Case No. and Project Name: VAR-20-37-3, Squirrel Point HOA Property

Applicant: Dockmaster of Lake Co., Inc. – John A. Key

Owner: Squirrel Point HOA

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 10.01.04 B.1, Boat Docks and Ramps, to build a dock to replace a current dock, which will be 38' from the right property line, and 100' from the left property line in lieu of LDR's requirement of that if the boat dock is placed on a tract of land entirely within the subdivision, which is specifically designated for a common area on the recorded plat, then the boat dock shall be set back a minimum of one hundred (100) feet from property not within the subdivision and a minimum of ten (10) feet within the 100-foot setback shall be landscaped to provide a visual screen and reduce noise.

Case Manager: Heather N. Croney, Planner

Subject Property Information

Size: 2.14 +/- acres

Location: on Acorn Circle, in the Eustis area.

Alternate Key No.: 2583151 and 2882000

Future Land Use: Rural Transition

Current Zoning District: Estate Residential (R-2)

Flood Zone: "X"

Joint Planning Area/ISBA: Tavares Interlocal Service Boundary Area (ISBA)

Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Estate Residential (R-2)	Residential	Single Family Dwelling Unit
South				Tavares City Limits
East	Rural Transition	Estate Residential (R-2)	Residential	Single Family Dwelling Unit
West			wetland	Lake Dora

Summary of Request.

The subject 2.14 +/- acre parcel is identified by Alternate Key Numbers 2583151 and 2882000. The parcel is zoned Estate Residential (R-2), is part of the Rural Transition Future Land Use Category (FLUC), and located within the Tavares Interlocal Service Boundary Area (ISBA).

The Applicant seeks approval to allow them to tear out the current dock which is fifty-six feet (56') in length and located on the right side of the existing concrete boat ramp, twenty-two feet (22') from the right property line, and one hundred and eighteen feet (118') from the left property line, and rebuild the dock to be eighty-eight feet (88') in length on the left side of the existing concrete boat ramp, thirty-eight feet (38') from the right property line, and one hundred feet (100') from the left property line. This request is in lieu of one hundred feet (100') on both sides and to allow the existing trees and fence to serve as the landscaping area to create a visual screen and reduce noise from the adjoining neighboring properties. Lake County Land Development Regulations (LDR) Section 10.01.04 B.1, *Boat Docks and Ramps*, requires that if the boat dock is placed on a tract of land entirely within the subdivision, which is specifically designated for a common area on the recorded plat, then the boat dock shall be set back a minimum of one hundred feet (100') from property not within the subdivision and a minimum of ten (10) feet within the 100-foot setback shall be landscaped to provide a visual screen and reduce noise. Attachment A illustrates a survey with a sketch of the proposed boat dock.

The variance application was provided to the City of Tavares for comment. The City of Tavares had no comments or issues with the variance request.

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 10.00.00, *Accessory and Temporary Structures and Uses*, is to regulate the installation, configuration, and use of accessory and temporary structures and uses in order to preserve the community and property values and to protection the community character.

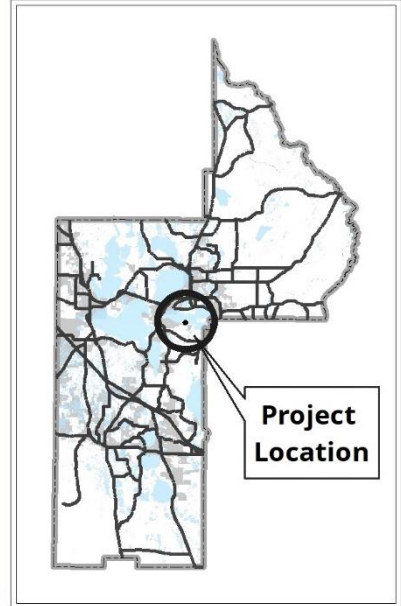
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *“Current dock has existed since 1991. Tract B has many existing and mature trees, more specifically, there are four (4) existing and mature trees near the existing concrete boat ramp and existing docks, and the proposed dock that will all remain.”*

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, *“Tract be was plotted in prior to 1982 and only has 144' of lake frontage. Landscape – There is no electricity or irrigation.”*

Map of Subject Property



**Final Development Order
VAR-20-37-3
Squirrel Point HOA Property**

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

WHEREAS, Dockmaster of Lake Co., Inc. – John A. Key (the “Applicant”) requested a variance on behalf of Squirrel Point HOA (the “Owner”) to Lake County Land Development Regulations (LDR) Section 10.01.04 B.1, to allow a dock to be built 38 feet from the right property line, and 100 feet from the left property line; and

WHEREAS, the subject property consists of 2.14 +/- acres and is located on Acorn Circle, in the unincorporated Eustis area of Lake County, Florida, in Section 02, Township 20, Range 26, having Alternate Key Numbers 2583151 and 2882000, and more particularly described as:

Tract B, Squirrel Point Subdivision, as recorded in Plat Book 25, Pages 40 and 41, in the Public Records of Lake County, Florida.

AND

Lot 13, Squirrel Point, according to the Plat thereof as recorded in Plat Book 25, Pages 40 and 41, 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 September 10, 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 September 10, 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-20-37-3 to allow the proposed replacement dock to be built 38 feet from the right property line, and 100 feet from the left property 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 10th day of September, 2020.

EFFECTIVE September 10, 2020.

BOARD OF ADJUSTMENT

LAKE COUNTY, FLORIDA

**James Argento, Chairman or
Bea Meeks, 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 10th day of September, 2020, by _____.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)