



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: October 8, 2020

Case No. and Project Name: VAR-20-38-3, Searfoss Property

Owner/Applicant: Franklin C. Searfoss

Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow a single-family dwelling unit and accessory structures to be constructed forty-five (45) 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 and accessory structures to be constructed thirty-three (33) feet from the Jurisdictional Wetland Line in lieu of fifty (50) feet.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 1.12 +/- acres

Location: Intersection of Shores Court and Treasure Island Road in the Leesburg area.

Alternate Key No.: 3887020

Future Land Use: Rural Transition

Current Zoning District: Agriculture (A)

Flood Zones: "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, Residential	Shores Court, Adjoined by Single-Family Dwelling Units
South	Rural Transition	Agriculture (A)	Canal, Residential	Canal, Adjoined by Single-Family Dwelling Units
East	Rural Transition	Agriculture (A)	Street, Residential	Treasure Island Road, Adjoined by Single-Family Dwelling Units
West	Rural Transition	Agriculture (A)	Residential	Vacant and Undeveloped Lots

Summary of Request.

The Owner has submitted a variance request to LDR Table 3.02.05, and LDR Section 6.01.04(A)(1), to allow a single-family dwelling unit and accessory structures to be constructed forty-five (45) feet from the centerline of the road, and thirty-three (33) feet from the Normal High Water Line.

The subject 1.12 +/- acres parcel is identified by Alternate Key Number 3887020; is located in the Treasure Island Shores First Addition subdivision; the parcel is zoned Agriculture (A); is part of the Rural Transition Future Land Use Category (FLUC); and is undeveloped. The subject property consists of four (4) individual platted lots; is 153-feet by 350-feet; shaped long and narrow (Attachment "A"); and the subject parcel contains approximately 16-feet of wetlands. LDR Table 3.02.05 requires a front setback of 62 feet from the centerline of the road, a secondary front setback of 25-feet from the right-of-way, a side setback of 5-feet from the property line and LDR Section 6.01.04(A) requires a 50-foot setback from the wetland line. The lot size, lot shape, wetlands and setbacks limit and heavily restrict the buildable area.

As part of the Owners proof that the LDR would create a substantial hardship or would violate principles of fairness statement, he provided addresses within the same subdivision which are developed with residences, which do not meet the setbacks as specified in LDR Table 3.02.05 and LDR Section 6.01.04(A). A search of the area revealed that an average setback was submitted for one of the lots. An average setback application establishes a minimum front setback for a property based on the existing structures developed on the same side of the street. Unfortunately, this option is not available to the Owner because the adjacent lots on the same side of street are vacant and undeveloped.

The subject parcel is located within the City of Leesburg ISBA; therefore, variance application was sent to the City of Leesburg for a determination of consistency with their regulations. The City of Leesburg had no comments or objections to the 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 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 area from erosion, sedimentation, water pollution, and other negative impacts that may be associated with land use activities. The Development Order includes a condition to mitigate any potential negative impacts to the canal.

The Owner has submitted the following intent of the Code statement: *"With the combining of the four lots into one building lot the side set back of a minimum 10' has been achieved. With our proposed site plan, attached, we have side setbacks of 80' and 224'. The new home plan will also meet the height code requirement of less than 35'."*

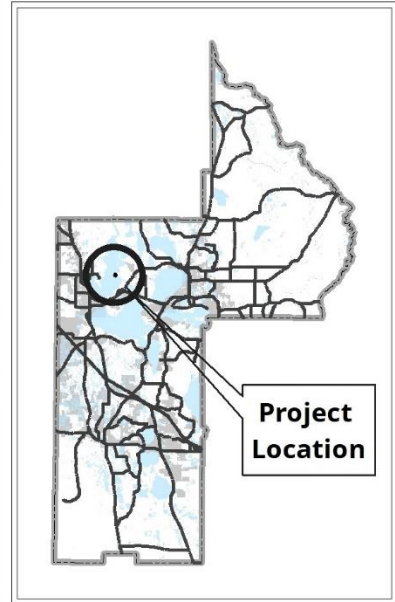
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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.

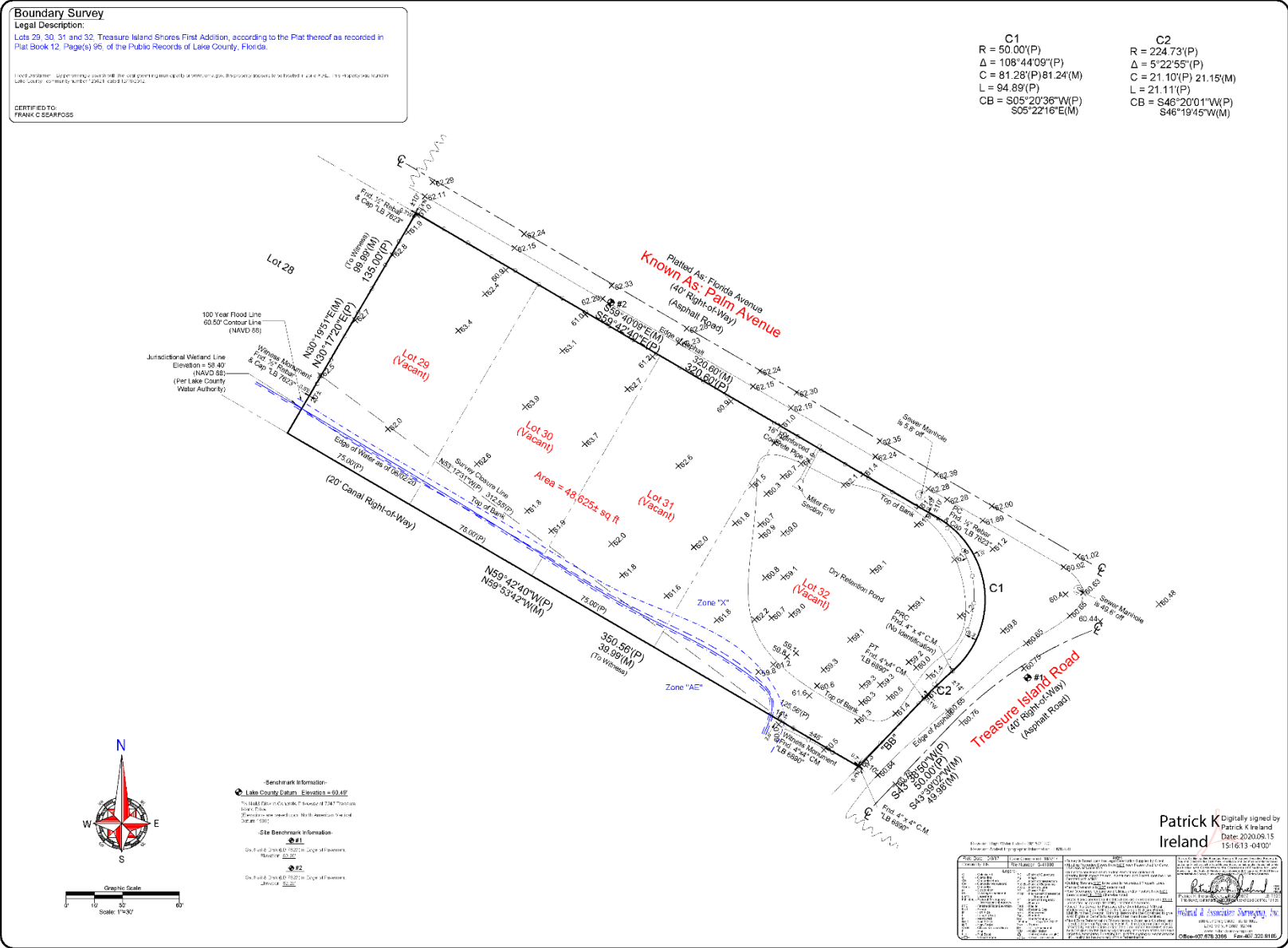
The Owners submitted the following statement and setback table as proof that the LDR would create a substantial hardship or would violate principles of fairness: *"We are requesting that the front setback be adjusted to 45' from Center Line of the road and the rear setback to be 30' from top of bank. The current front and rear setback code requirements create a hardship with new home depth. The specific code requirement nets a total of 26' for the depth of the new home. A typical house plan is 62' deep. This footprint dimension has proven to make it impossible to build a home that is functional, desirable and typical for the community. I have attached our proposed house plan and site plan for review. Please consider that we have combined four lots into one building lot this has allowed for three times the impervious are from the original plan development."*

Setback Table of Adjoining Properties	
Front Set Back Examples:	Rear Set Back Examples:
<i>Alt Key #1691516 is 45'</i>	<i>Alt Key #1498546 is 30'</i>
<i>Alt Key #1498457 is 36'</i>	<i>Alt Key 2512750 is 20'."</i>

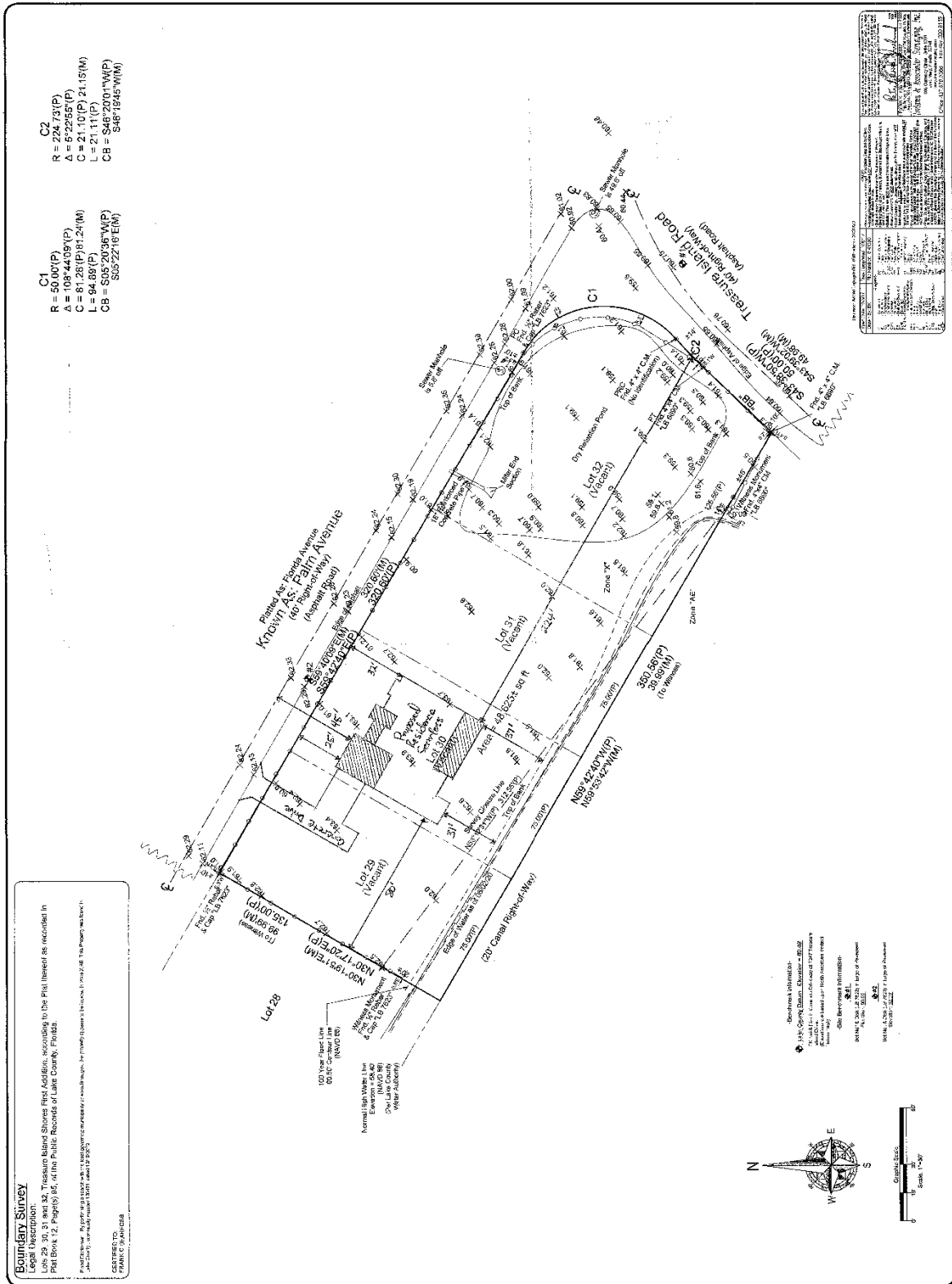
Map of Subject Property



Attachment "A", Survey with Jurisdictional Wetland Line.



Attachment "B", Survey with Proposed SFDU Footprint.



C1
 R = 50.00'(P)
 Δ = 108°44'09"(P)
 C = 81.28'(P) 81.24'(M)
 L = 94.89'(P)
 CB = S05°20'36" W(P)
 S05°22'16" E(M)

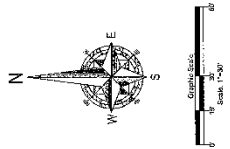
C2
 R = 224.73'(P)
 Δ = 6°22'55"(P)
 C = 21.10'(P) 21.15'(M)
 L = 21.11'(P)
 CB = S48°20'01" W(P)
 S48°19'45" W(M)

Boundary Survey
 Local Description:
 Lot 28, 30, 31 and 32, Treasure Island Shores First Addition, according to the Plat thereof as recorded in Plat Book 12, Page(s) 94, of the Public Records of Lake County, Florida.

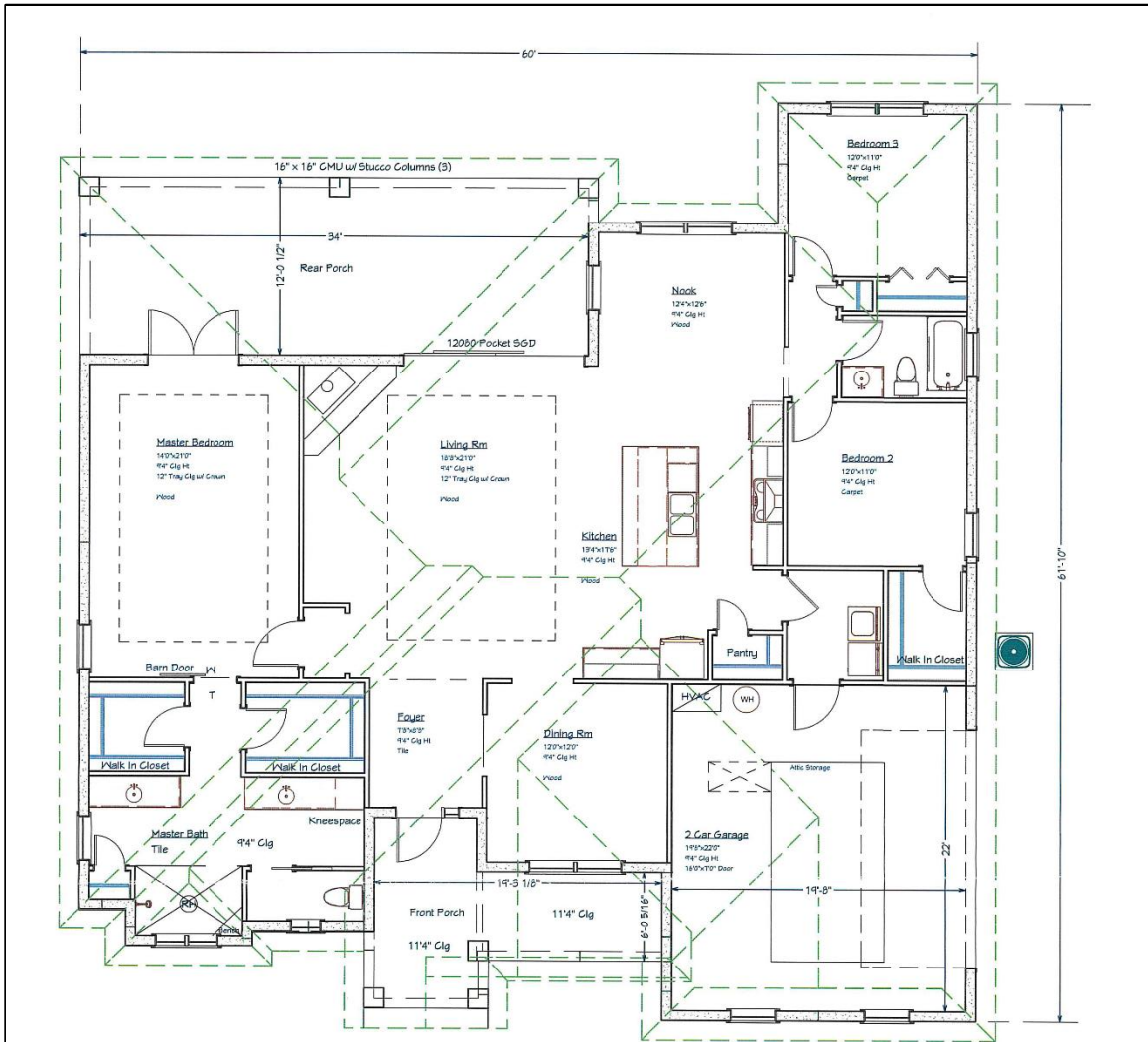
As shown on the attached plat, the boundaries of the subject property are shown in accordance with the Public Records of Lake County, Florida, as recorded in Plat Book 12, Page(s) 94, of the Public Records of Lake County, Florida.

DATE: 05/12/2023
 SURVEYOR: FRANCIS J. HANCOCK

<p>Francis J. Hancock Surveyor 11111 S. US Highway 1 Suite 100 Lake Park, FL 32053 Phone: 407.352.1111 Fax: 407.352.1112 Email: fhancock@floridasurveyors.com</p>	<p>Survey No. 2023-0001 Date of Survey: 05/12/2023 Date of Plat: 05/12/2023 Plat Book: 12 Page(s): 94 County: Lake State: Florida</p>
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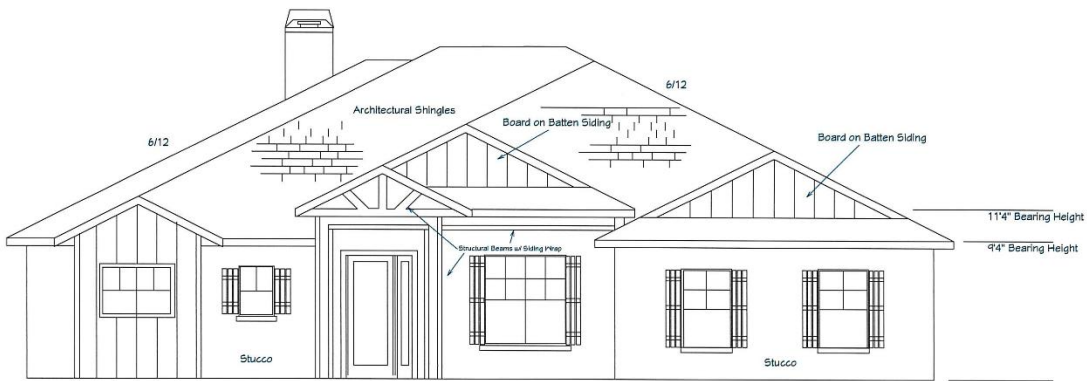
Attachment "B", Residence Floor Plan.



Searfoss Residence by American Family Homes, Inc
5/26/20

Area Tabs:	
Living Area	2226
Garage	461
F. Porch	164
R. Porch	412
TOTAL	3266

NOTICE
This Plan and Derivatives Thereof are
Copyright Protected and Available
Exclusively From
American Family Homes, Inc.
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Babelene B Elevation

**Final Development Order
VAR-20-38-3
Searfoss Property**

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

WHEREAS, Franklin C. Searfoss (the “Owner” and “Applicant”) submitted a variance request to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow a single-family dwelling unit and accessory structure to be constructed forty-five (45) 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 and accessory structures to be constructed thirty-three (33) feet from the Jurisdictional Wetland Line in lieu of fifty (50) feet; and

WHEREAS, the subject property consists of 1.12 +/- acres and is located at the intersection of Shores Court and Treasure Island Road, in the Leesburg area of unincorporated Lake County, Florida, in Section 05, Township 19 South, Range 25 East, having Alternate Key Number 3887020 and more particularly described as:

Lots 29, 30, 31 and 32, Treasure Island Shores First Addition, according to the plat thereof, recording in Plat Book 12, Page 95, 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 October 8, 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 October 8, 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-20-38-3, to allow a single-family dwelling unit and accessory structures to be constructed forty-five (45) feet from the centerline of the road, and thirty-three (33) feet from the Jurisdictional Wetland Line with the following condition:

1. Stormwater calculations must be submitted at the time of issuance of each individual zoning permit, capturing the first one inch (1”) of stormwater runoff on the site.
2. Stormwater calculations must be reviewed and approved by the Lake County Public Works Department staff.

- 3. The stormwater abatement system must be depicted on the to-scale plot plan when applying for the zoning permit, installed prior to any final inspection, 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 8th day of October, 2020.

EFFECTIVE October 8, 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 8th day of October, 2020, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)