



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearing Date: October 8, 2020

Case No. and Project Name: VAR-20-44-2, Ahmadi Property

Owner/Applicant: Asad (Ben) Ahmadi

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow an enclosed patio to be constructed thirty-nine (39) feet from the jurisdictional wetland line (eastern property line) and forty-one (41) feet from the jurisdictional wetland line (northern property line) in lieu of fifty (50) feet.

Case Manager: Heather Croney, Planner

Subject Property Information

Size: 0.43 +/- acres

Location: Northeast of Rain Tree Court and is adjacent to Lake Apopka, in the Montverde area.

Alternate Key No.: 2578041

Future Land Use: Urban Low

Current Zoning District: Mixed Home Residential (RM)

Flood Zones: "AE" and "X"

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

Overlay Districts: Lake Apopka Basin Overlay District and Yalaha-Lake Apopka Rural Protection Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Mixed Home Residential (RM)	Lake, Residential	Lake Apopka, Adjoined by Single-Family Dwelling Units
South	Urban Low	Mixed Home Residential (RM)	Street	Single-Family Dwelling Units
East	Urban Low	Lake Apopka	Lake Apopka	Lake Apopka
West	Urban Low	Mixed Home Residential (RM)	Lake Apopka, Residential	Single-Family Dwelling Units Adjoining Lake Apopka

Summary of Request.

The subject parcel contains 0.43 +/- acre, is identified by Alternate Key Number 2578041, the parcel is zoned Mixed Home Residential (RM), is part of the Urban Low Future Land Use Category (FLUC) and located in both the Montverde Interlocal Service Boundary Area (ISBA), located within the Lake Apopka Basin Overlay District and located within the Yalaha-Lake Apopka Rural Protection Area (RPA). The subject parcel is currently developed with a single-family dwelling unit. The parcel is generally located on the on the northeastern side of Rain Tree Court and is adjacent to Lake Apopka, in the Montverde area.

The Applicant has submitted a variance request to LDR Section 6.01.04(A)(1) to facilitate approval of a patio to be constructed thirty-nine (39) feet from jurisdictional wetland line (JWL) (eastern property line) and forty-one (41) feet from JWL. LDR Section 6.01.04(A)(1) requires that the structure maintain a setback of fifty (50) feet from the jurisdictional wetland line. Attachment "A", the Concept Plan, shows the existing home and where the patio is proposed to be developed should the variance request be approved as well as it depicts the location of the wetlands in relation to structures.

Since this property was platted on July 15th of 1981, pursuant to Comprehensive Plan Policy III-2.2.7, *Protection of Shorelines*, it is permitted for a variance to the setback requirement of fifty (50) feet from the the ordinary high water line (OHWL), mean high water line (MHWL) or jurisdictional wetland line (JWL), whichever is further landward. The Comprehensive Plan states that residential lots and non-residential development approved prior to March 2, 1993 may be permitted to continue development with the existing established wetland setback as long as the development does not adversely impact the natural water body or wetlands and all other feasible alternative have been exhausted, provided that the first one inch (1") of stormwater runoff shall be captured on site and the development must be constructed as far landward on the lot as possible.

The variance application was reviewed by the Public Works Department. The Public Works Department has the following condition for this variance: "The first 1-inch of stormwater runoff must be captured on site. An engineered design that includes a plan and calculations must be submitted with the permit applications for the interceptor swale."

As this property is within the Montverde Interlocal Service Boundary Area, the variance application was sent to the Town of Montverde for review. The Town of Montverde did not provide any objections to this 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 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.

"Please refer to Average setback in the Mobile Home Park in Montverde. Because of limited space, would like to add an enclosed patio. I will follow all other setbacks. "

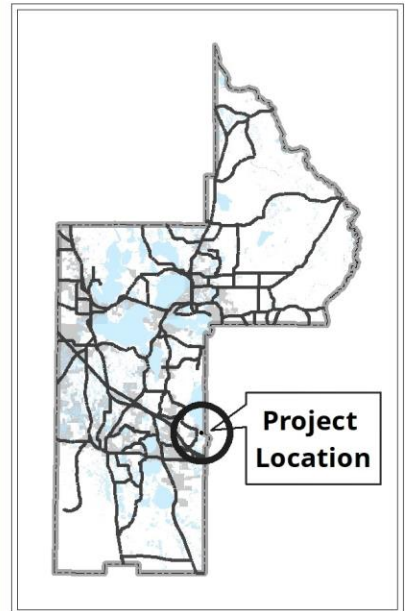
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For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

VAR-20-44-2, Admadi Property

“For being an oversized lot and having a limited space for a larger mobile home, due to setbacks, would like to add an enclosed patio.”

Map of Subject Property



Attachment "A" - Concept Plan

DESCRIPTION: LOT 21 OF MONTERVE MOBILE HOME SUBDIVISION, FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE(S) 69 AND 70, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, A LESS PART OF LOT 21, MONTERVE MOBILE HOME SUBDIVISION, FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25, PAGE 69, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 21, RUN THENCE NORTH 20°44'46" EAST 80.13 FEET ALONG THE WESTERLY LINE OF SAID LOT 21, THENCE RUN SOUTH 03°05'32" WEST 45.16 FEET; THENCE RUN SOUTH 40°59'46" WEST 39.55 FEET TO THE POINT OF BEGINNING.

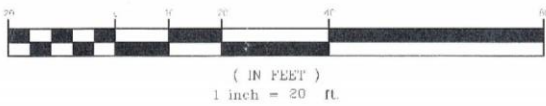
NOTES:

1. THE BEARINGS HEREON ARE BASED ON THE PLAT BEARING OF NORTH FOR THE MONUMENTED CHORD FOR RAINTREE COURT.
2. THIS PROPERTY IS SUBJECT TO ANY FACTS THAT MIGHT BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
3. THIS PROPERTY LIES WITHIN FLOOD ZONES "X SHADED", AND "AE" ACCORDING TO LAKE COUNTY GIS MAP.
4. THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, SETBACKS OR RESTRICTIONS.
5. UNDERGROUND ENCROACHMENTS OR IMPROVEMENTS, IF ANY, NOT LOCATED OR SHOWN.
6. APPARENT ABOVEGROUND ENCROACHMENTS, IF ANY, AS SHOWN OR NOTED.
7. □ = FOUND 4" ROUND CONCRETE MONUMENT #1571 (PRM).
8. ADDITIONS OR DELETIONS TO THE SURVEY SHOWN HEREON BY OTHER THAT THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.
9. OLD DOCK AND BOAT LIFT IN NEED OF REPAIR, NOT LOCATED OR SHOWN.

- ✪ = PALM TREE
- 🌳 = OAK, PINE, MAPLE, BAY, CEDAR, CYPRESS OR CAMPHOR TREE

REVISED FOR JUNE 15, 2020, FOR PROPOSED PATIO

GRAPHIC SCALE



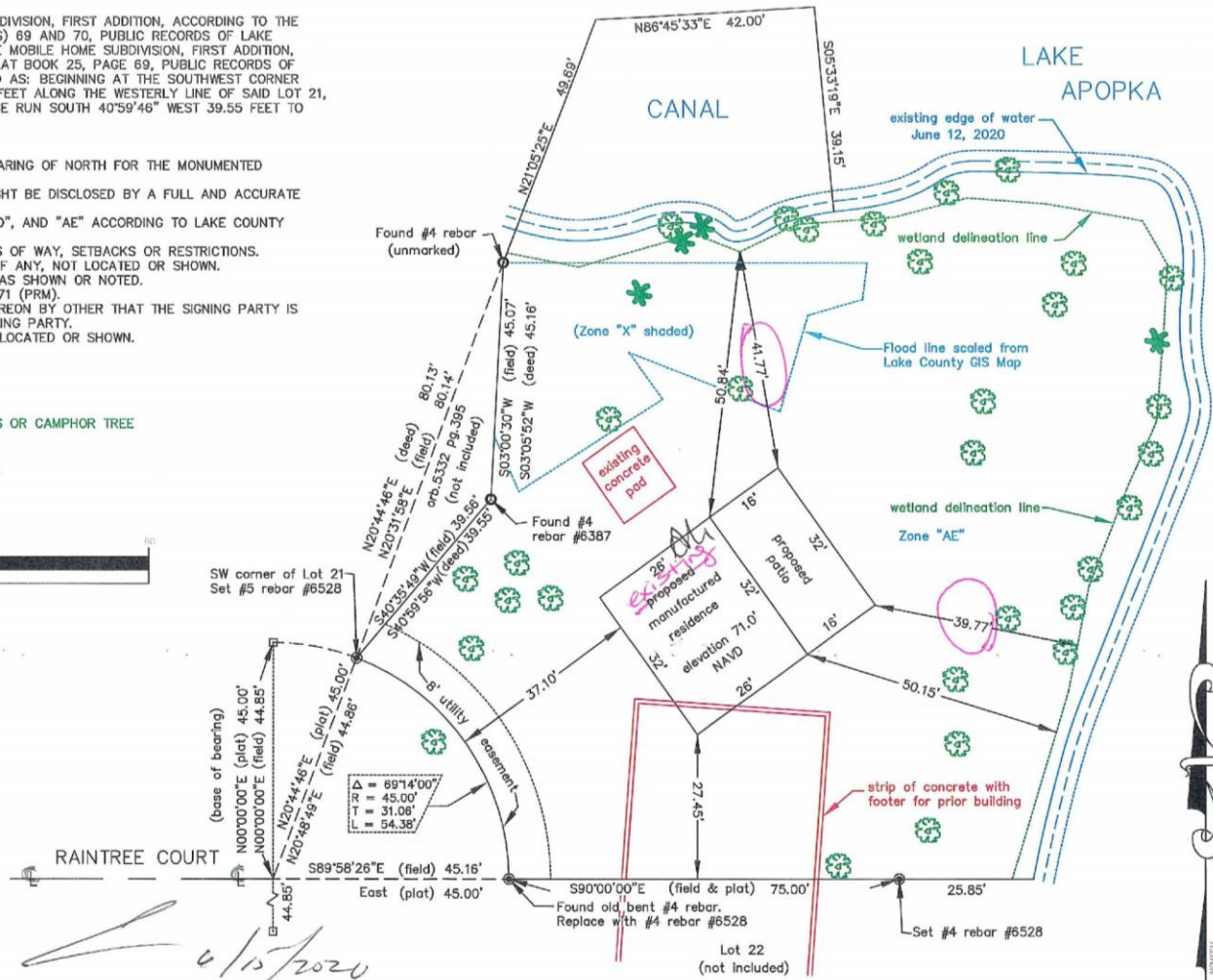
Blackburn Surveying, Inc.
 L.B. # 6528
 642 W. Highway 50
 P.O. Box 121022
 Clermont, Florida 34712
 (352) 394-4417
 Email: terrypitt@gmail.com

BOUNDARY SURVEY FOR:
 BEN AHMADI

SCALE: 1" = 20'	APPROVED BY: PMK	DRAWN BY: TERRY PITT
DATE: 6/12/2020	FB/PAGE: 204-23-TP	

Montverde Mobile Home Park
 LAKE COUNTY, FLORIDA

PAGE NO. 1 DRAWING NO. MMH3-21Z1P18



PATRICK M. KELLEY, P.L.S. FLORIDA SURVEYOR'S CERTIFICATE NO. 4423
 NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR & MAPPER
 THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

**Final Development Order
VAR-20-44-2
Ahmadi Property**

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

WHEREAS, Asad Ahmadi (the “Applicant” and the “Owner”) requested a variance to Lake County Land Development Regulations (LDR) Section 6.01.04(A)(1 to allow a patio to be constructed thirty-nine (39) feet from the jurisdictional wetland line (eastern property line) and forty-one (41) feet from the jurisdictional wetland line (canal) in lieu of fifty (50) feet; and

WHEREAS, the subject property consists of 0.43 +/- acres, is located on the northeastern side of Rain Tree Court and is adjacent to Lake Apopka, in the Montverde area of unincorporated Lake County, Florida, in Section 01, Township 22, Range 26, having Alternate Key Number 2578041, and more particularly described below (“property”):

Lot 21 of Montverde Mobile Home Subdivision First Addition, according to the plat thereof as recorded in Plat Book 25, Page(s) 69 and 70, Public Records of Lake County, Florida, less a Part of Lot 21, Montverde Mobile Home Subdivision First Addition, according to the Plat thereof, as recorded in Plat Book 25, Page 69, Public Records of Lake County, Florida, more Particularly described as: Beginning at the Southwest corner of Lot 21, Run thence North 20 Degrees 44’46” East 80.13 feet along the westerly line of said Lot 21, thence Run South 03 Degree 05’52” West 45.16 feet; thence run South 40 Degrees 59’56” West 39.55 feet to the Point of Beginning.

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-20-44-2 to allow a patio to be constructed on the property thirty-nine (39) feet from the jurisdictional wetland line (eastern property line) and forty-one (41) feet from the jurisdictional wetland line (canal) in lieu of fifty (50) feet, with the following condition:

1. The first 1-inch of stormwater runoff must be captured on site. An engineered design that includes a plan and calculations must be submitted with the permit applications for the interceptor swale; and
2. Development permits from the Office of Planning and Zoning and the Office of Building Services will be required for the construction of the patio.

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)