



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: November 12, 2020

Case No. and Project Name: VAR-20-48-3, Gietz Property

Owners: Charles and Linda J. Gietz

Applicant: Charles Gietz
 Requested Action: Variance to Planned Unit Development Ordinance #2005-45 Section III(A)(1)(d), to allow a proposed pool, associated pool deck and pool enclosure to be constructed 5-feet from the rear property line in lieu of the required 15-feet.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 0.26 +/- acres

Location: 20843 Queen Alexandra Drive, Leesburg

Alternate Key No.: 3819834

Future Land Use: Urban Low Density

Current Zoning District: Planned Unit Development by Ordinance #2005-45

Flood Zone: "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	Urban Low Density	Planned Unit Development (PUD)	Residential	Single-Family Dwelling Units
South	Urban Low Density	Planned Unit Development (PUD)	Residential	Single-Family Dwelling Units
East	Urban Low Density	Planned Unit Development (PUD)	Right-of-Way, Residential	Queen Alexandra Drive, Single-Family Dwelling Units East of R-O-W
West	Urban Low Density	Planned Unit Development (PUD)	Drainage Management and Open Area Common Area Tract	Tract C, Royal Highlands Phase 2-B

Summary of Request.

The Owner has submitted a variance request to Planned Unit Development (PUD) Ordinance #2005-45 Section III(A)(1)(d), to allow a proposed pool, associated pool deck and pool enclosure to be constructed 5-feet from the rear property line in lieu of the required 15-foot (Attachment "A"). Land Development Regulations (LDR) Section 4.03.00, *Planned Unit Development*, provides specific development standards to exercise ingenuity and imagination in the planning and development of tracts under unified control within PUD zoning districts. PUD Ordinance #2005-45 Section III(A)(1)(d) states that single-family residences shall be fifteen (15) feet on the rear. However, Ordinance #2020-36 authorizes the Board of Adjustment to grant variances to adopted ordinance concerning PUD zoning districts.

The subject 0.26 +/- acre parcel is identified by Alternate Key Number 3819834; is located in the Royal Highlands Phase 2-B subdivision; the parcel is zoned Planned Unit Development (PUD) by Ordinance #2005-45; is part of the Urban Low Density Future Land Use Category (FLUC). Currently, the subject parcel is developed with a single-family dwelling unit (Attachment "A"). The Owners have provide a statement (Attachment "B") and Homeowner's Association Architectural Approval Letter (Attachment "C") in support of the application.

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

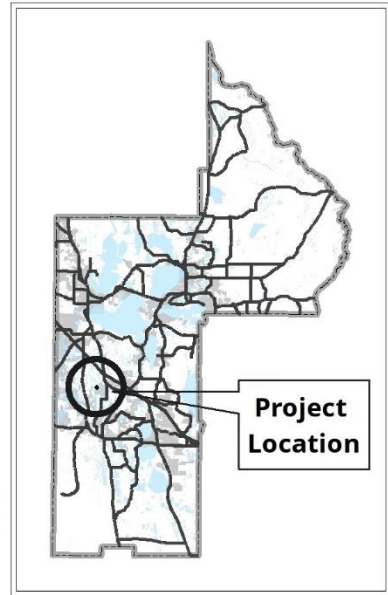
The Owner has submitted the following intent of the Code statement: *"This property in on a boundary of Royal Highlands. There is only open land behind our property that leads to the Palatka River. The property is not located in a Special Flood Hazard Area and the nearest flood zone is located 170' west of the property. The property is no closer than 170' to the river and well beyond the required 50' to Jurisdictional Wetland line."*

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.

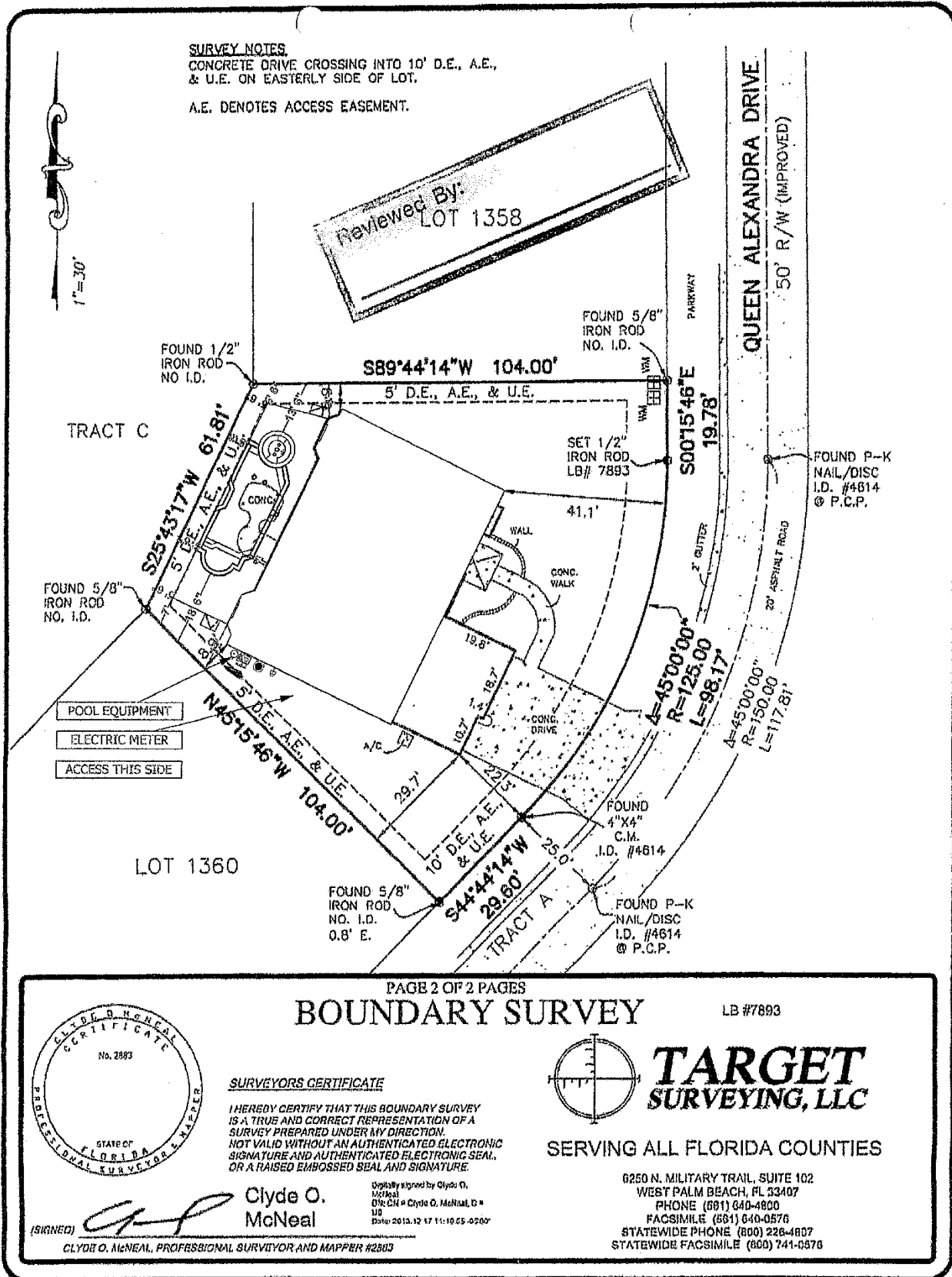
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

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: *"The original house was built too far back in the lot to preclude any meaningful development of the back yard area. There is only 28' to the rear property line from the back of the house. A 15' setback only allows 13' for any type of backyard improvement We are requesting to add a pool and space which requires a minimum of 5' setback from the house which allow only 6' wide pool when pool wall thickness is taken into consideration. The variance would allow for a 10-12' wide pool which would maintain the 5' back utility easement."*

Map of Subject Property



Attachment "A", Concept Plan with Proposed Pool Area.



Attachment "B", Owner Statement.

Charles & Linda Gietz

20843 Queen Alexandra Drive
Leesburg, FL 34748

August 1, 2020

Lake County Florida
Office of Planning and Zoning
315 W. Main Street
Tavares, FL 32778

Dear Zoning Board Members,

Linda and I have applied for a variance of the Royal Highlands PUD Ordinance 2005-45. The ordinance calls for a 15-foot setback from our rear property line in order to construct anything

When our house was built in 2005, the original owner had no plans for anything other than a small patio in the back. Linda and I would like to add a pool and spa but due to the zoning requirement, we need a 10-foot variance from the 15-foot setback in order to have a 10-foot-wide pool. Without it, we would only have about 5-feet wide pool and not worth the effort or expense. We meet or exceed all other setback requirements and have received paperwork from the County confirming that.

Out our back door there is just a large drainage area and then the Palatlahaha River. There are already several pools at houses in the immediate area. Our community is completely built out in no way would this home improvement impede any neighbors view of the beautiful Palatlahaha River and surrounding wetlands. Our pool will not be a detriment to anyone in the neighborhood and only help to raise property values over time.

We would greatly appreciate your favorable consideration of our request.

Sincerely,


Charles Gietz

Cell- (516) 313-2006

E-mail: chuck@gietz.org

Attachment "C", HOA Architectural Approval Letter.



ROYAL HIGHLANDS

July 16, 2020

Architectural Application Approved

Charles and Linda J. Gietz
20843 Queen Alexandra Dr
Leesburg, FL 34748

Re: 20843 Queen Alexandra Dr

Dear Charles and Linda J. Gietz,

Thank you for submitting an architectural application. The Board or Committee has reviewed your request for the **Pool With Enclosure**.

Please be advised that the application has been: Approved

Please note that if an approval was granted, it is your obligation to obtain all necessary permits. The improvement must meet all municipal guidelines or restrictions (if applicable) in addition to Architectural Guidelines established for the community.

If you require further assistance, please do not hesitate to contact our office.

Architectural Review
Phone: (352) 326-8007
Email: highlandsactivity@comcast.net

5350 Monarch Blvd., Leesburg, Florida 34748
Phone: (352) 326-8007 . . . Fax: (352) 326-8160 . . . Email: rhpoa@comcast.net

**Final Development Order
VAR-20-48-3
Gietz Property**

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

WHEREAS, Charles Gietz (the "Owner" and "Applicant") submitted a variance request to Planned Unit Development (PUD) Ordinance #2005-45 Section III(A)(1)(d) to allow a pool, associated pool deck and pool enclosure to be located five (5) feet from the rear property line in lieu of fifteen (15) feet; and

WHEREAS, the subject property consists of 0.26 +/- acres, located at 20843 Queen Alexandra Drive, in the Leesburg area of unincorporated Lake County, Florida, in Section 13, Township 21 South, Range 24 East, having Alternate Key Number 3819834 and more particularly described as:

Lot 1359, Royal Highlands Phase 2-B, according to the Map or Plat thereof as recorded in Plat Book 50, Pages 30 through 34, inclusive, 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 November 12, 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 November 12, 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-20-48-3, to allow a pool, associated pool deck and pool deck to be located five (5) feet from the rear property line in lieu of fifteen (15) 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 12th day of November, 2020.

EFFECTIVE November 12, 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 12th day of November, 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)