



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: November 12, 2020

Case No. and Project Name: VAR-20-49-4, Hazelgrove Property

Applicant / Owner: Ralph W. and Leigh B. Hazelgrove

Requested Action: Variance to PUD Ordinance #2007-14 Section I.A.4, and to Land Development Regulations (LDR) Section 9.11.E.4, to allow a pool, spa, and associated pool deck and enclosure to be constructed up to the property line, in lieu of 5-feet from the property line.

Case Manager: Emily W. Johnson, Planner

Subject Property Information

Size: 0.28 +/- acres

Location: 30248 Bretton Loop, in the Mount Dora area.

Alternate Key No.: 3851053

Future Land Use: Urban Low Density

Current Zoning District: Planned Unit Development (PUD) by Ordinance #2007-14

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: Mount Dora JPA

Overlay Districts: Wekiva Study Area (WSA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	PUD	Open Space Tract	Sullivan Ranch Tract "N"
South	Urban Low Density	PUD	Residential	Single-Family Residence; adjacent to Bretton Loop
East	Urban Low Density	PUD	Residential	Single-Family Residence
West	Urban Low Density	PUD	Residential	Vacant

Summary of Request.

The subject property, identified as Alternate Key Number 3851053, contains 0.28 +/- acres, is zoned Planned Unit Development (PUD) in accordance with PUD Ordinance #2007-14 and designated with an Urban Low Density Future Land Use Category by the 2030 Comprehensive Plan. The property is described as Lot 230, Sullivan Ranch, according to the plat thereof, as recorded in Plat Book 58 Pages 46-76, of the Public Records of Lake County, Florida. The subject property is generally located on the northern side of Bretton Loop, in the unincorporated Mount Dora area of Lake County. The subject property is located within the Mount Dora Joint Planning Area (JPA); the City of Mount Dora was provided with the variance application and have no comments or objections to the request. The subject property is currently developed with a single-family residence and related accessory structures.

The Applicant has requested a variance to PUD Ordinance #2007-14 Section I.A.4, to allow a pool and associated pool deck and enclosure to be constructed up to the property line, in lieu of 5-feet from the property line. Ordinance #2020-36 was approved by the Board of County Commissioners on the 11th of August 2020, and amended the Land Development Regulations (LDR) to authorize the Board of Adjustment to grant variances to adopted ordinances concerning Planned Unit Development (PUD) zoning districts.

The plat of Sullivan Ranch depicts a 10-foot utilities easement in the front of the subject property; there are no platted drainage easements shown on front, sides, or rear of the subject property. The Department of Public Works reviewed the variance application and identified the need for a variance to the following lot grading regulations contained within LDR Section 9.11.E.4:

The lot grading plan shall be reviewed by the County Manager or designee utilizing the requirements of subsection (A) and the following.

- a. Where filling is necessary, the property owner shall demonstrate that stormwater runoff will be managed to not adversely affect adjacent or nearby properties.
- b. Filling or cutting shall not result in slopes directed toward or away from adjoining properties steeper than four to one (4:1) within five (5) feet of the property line.
- c. Swales shall be required to divert runoff around any structure so as to not adversely impact the structure, adjacent property owners, open water bodies, or wetlands.

Additionally, the Department of Public Works requested the following conditions be included in the draft development order:

1. The retaining wall/stem wall and footer for the pool deck shall not be placed outside of the property.
2. An engineered lot grading plan that includes all existing and proposed improvements along with the drainage pattern and spot elevations shall be required with permit application.

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 PUD Ordinance #2007-14 Section I.A.4, is to regulate the distances between structures and the property line within the Sullivan Ranch PUD, to allow for safe passage along road rights-of-way and to avoid impediment of proper drainage.

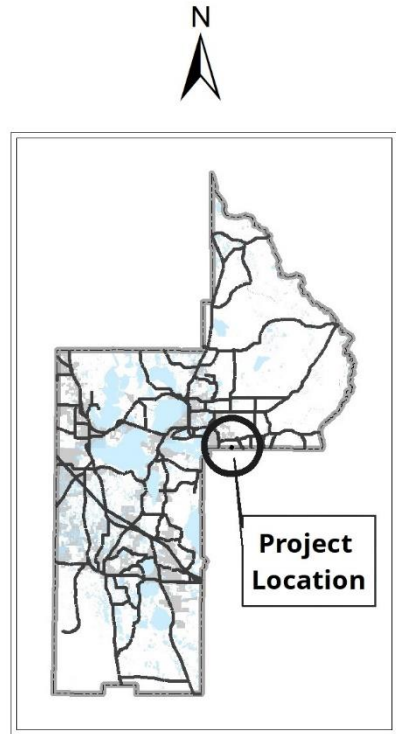
The Applicant provided the following statement as proof that the intent of the code will be or has been achieved by other means, *"We would meet all other land development regulations with the exception of the rear setback."*

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.

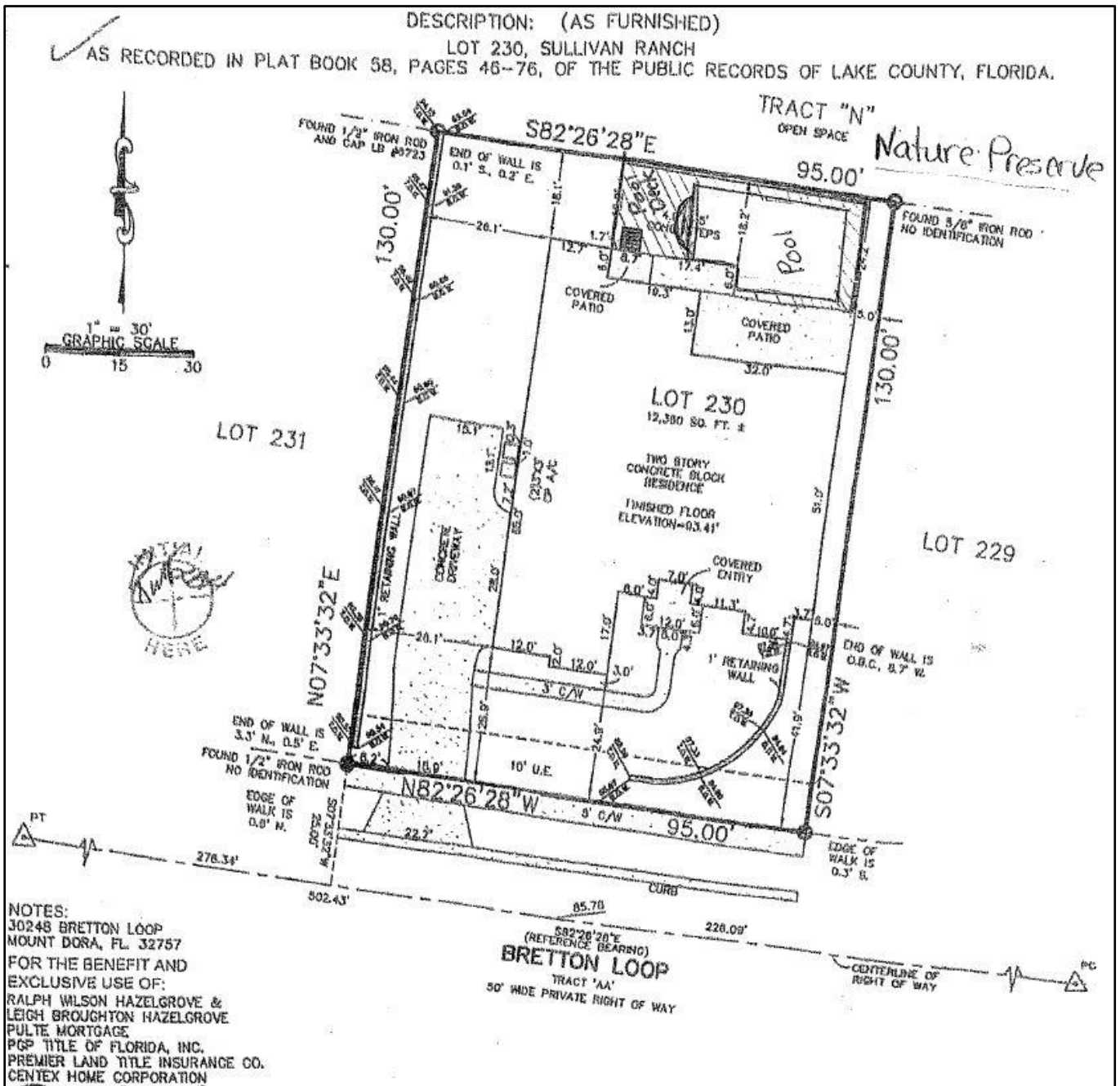
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

The Applicant provided the following statement, *"The size of the lot does not allow enough room to build a pool and adhere to the zoning requirements to stay 5 ft from the rear property line. The homeowner, Ralph Hazelgrove, is a retired firefighter injured in the line of duty. The back injury causes significant pain and makes traditional exercise very difficult. A pool would provide an avenue for exercise and relief from pain."*

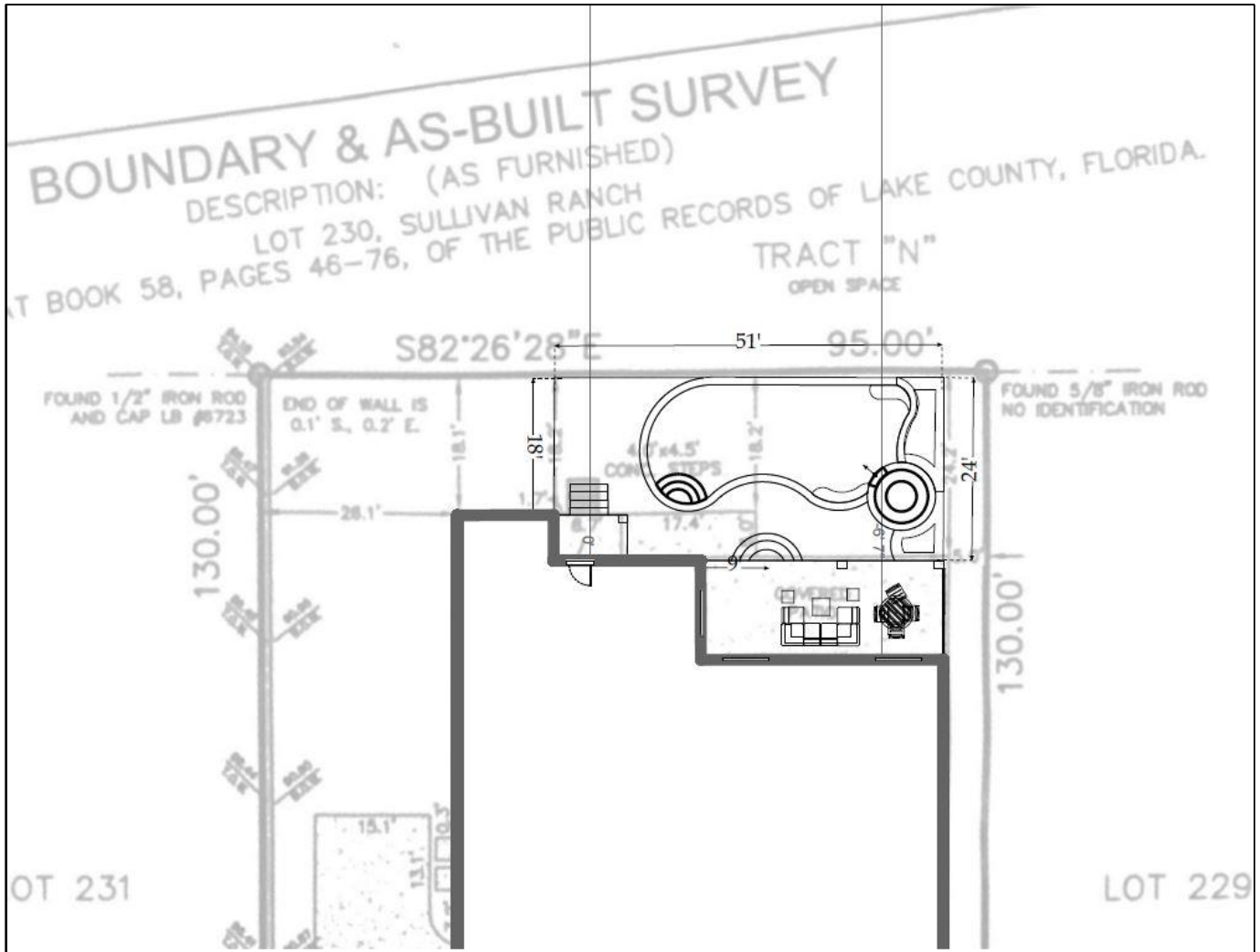
Map of Subject Property



Attachment "A" – Plot Plan (Page 1 of 2)



Attachment "A" – Plot Plan (Page 2 of 2)



**Final Development Order
VAR-20-49-4
Hazelgrove Property**

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

WHEREAS, Ralph W. and Leigh B. Hazelgrove (the “Owners” and “Applicants”) requested a variance to PUD Ordinance #2007-14 Section I.A.4, and to Land Development Regulations (LDR) Section 9.11.E.4, to allow a pool, spa, and associated pool deck and enclosure to be constructed up to the property line, in lieu of 5-feet from the property line; and

WHEREAS, the subject property consists of 0.28 +/- acres and is located at 30248 Bretton Loop, in the Mount Dora area of unincorporated Lake County, in Section 34, Township 19S, Range 27E, having Alternate Key Number 3851053, and more particularly described below (“property”); and

Lot 230, Sullivan Ranch, according to the plat thereof, as recorded in Plat Book 58, at Page(s) 46 through 76, of the Public Records of Lake County, Florida.

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a 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-20-49-4, to allow a pool and associated pool deck and enclosure to be constructed up to the property line, in lieu of 5-feet from the property line, with the following conditions:

1. The retaining wall/stem wall and footer for the pool deck shall not be placed outside of the property; and
2. An engineered lot grading plan that includes all existing and proposed improvements along with the drainage pattern and spot elevations shall be required with permit application.

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.

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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 _____ day of _____, 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)