



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: November 12, 2020

Case No. and Project Name: VAR-20-50-5, Carroll Property

Owner: Brad and Krista Carroll

Applicant: Krista Carroll

Requested Action: Variance to Planned Unit Development (PUD) Ordinance #1998-17 to allow a pool to be located three (3) feet from the rear property line in lieu of the required ten (10) feet.

Case Manager: Heather N. Croney, Planner

Subject Property Information

Size: 0.35 +/- acres

Location: 24220 Calusa Boulevard, in the Eustis area

Alternate Key No.: 3825463

Future Land Use: Wekiva River Protection Area A-1-20 Receiving Area

Current Zoning District: Planned Unit Development (PUD) by Ordinance #1998-17

Flood Zone: "X"

Joint Planning Area/ ISBA: None

Overlay Districts: Wekiva River Protection Area (WRPA) and Wekiva Study Area (WSA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Receiving Area A-1-20	Planned Unit Development (PUD)	Open Space	Open Space
South	Receiving Area A-1-20	Planned Unit Development (PUD)	Right-of-Way, Residential	Calusa Blvd, Single-Family Dwelling Units South of R-O-W
East	Receiving Area A-1-20	Planned Unit Development (PUD)	Residential	Single-Family Dwelling Unit
West	Receiving Area A-1-20	Planned Unit Development (PUD)	Residential	Single-Family Dwelling Unit

Summary of Request.

The subject 0.35 +/- acre parcel is identified by Alternate Key Number 3825463 and is located in the Village at Black Bear subdivision. The parcel is zoned Planned Unit Development per Ordinance 1998-17, is part of the Receiving Area A-1-20 Future Land Use Category (FLUC), is located within the WRPA and located within the WSA. The subject parcel is currently developed with a single-family dwelling unit, open porch, and a garage. The parcel is generally located along the North side of Calusa Boulevard, in the Eustis area.

The Applicant is seeking to construct an in-ground pool in their backyard three (3) feet from the rear property line; however, PUD Ordinance #1998-17 requires that the structure maintain a rear setback of ten (10) feet.

The variance application was sent to the Public Works Department for review. The Public Works Department has no objections to the request, but provided a comment to be advised that there is a ten-foot (10') Golf Ball Retrieval Easement (GBRE) along the rear of the property.

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

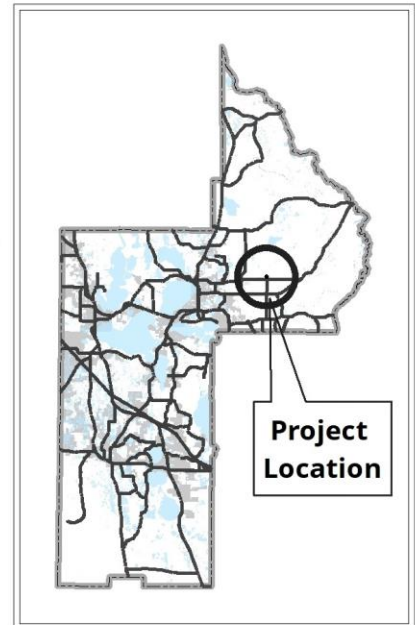
"We are meeting the codes on the sides. Everything else regarding the structure is meeting code standards. Our property line is 30 – 50 feet from the golf cart path."

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.

"If we are unable to get this variance approved, we will not be able to have a pool installed. There is no community pool in our neighborhood."

Map of Subject Property



Attachment A. Concept Plan.

File: 505-915-9042
shorring@ReoTitleCo.com
www.ReoTitleCo.com

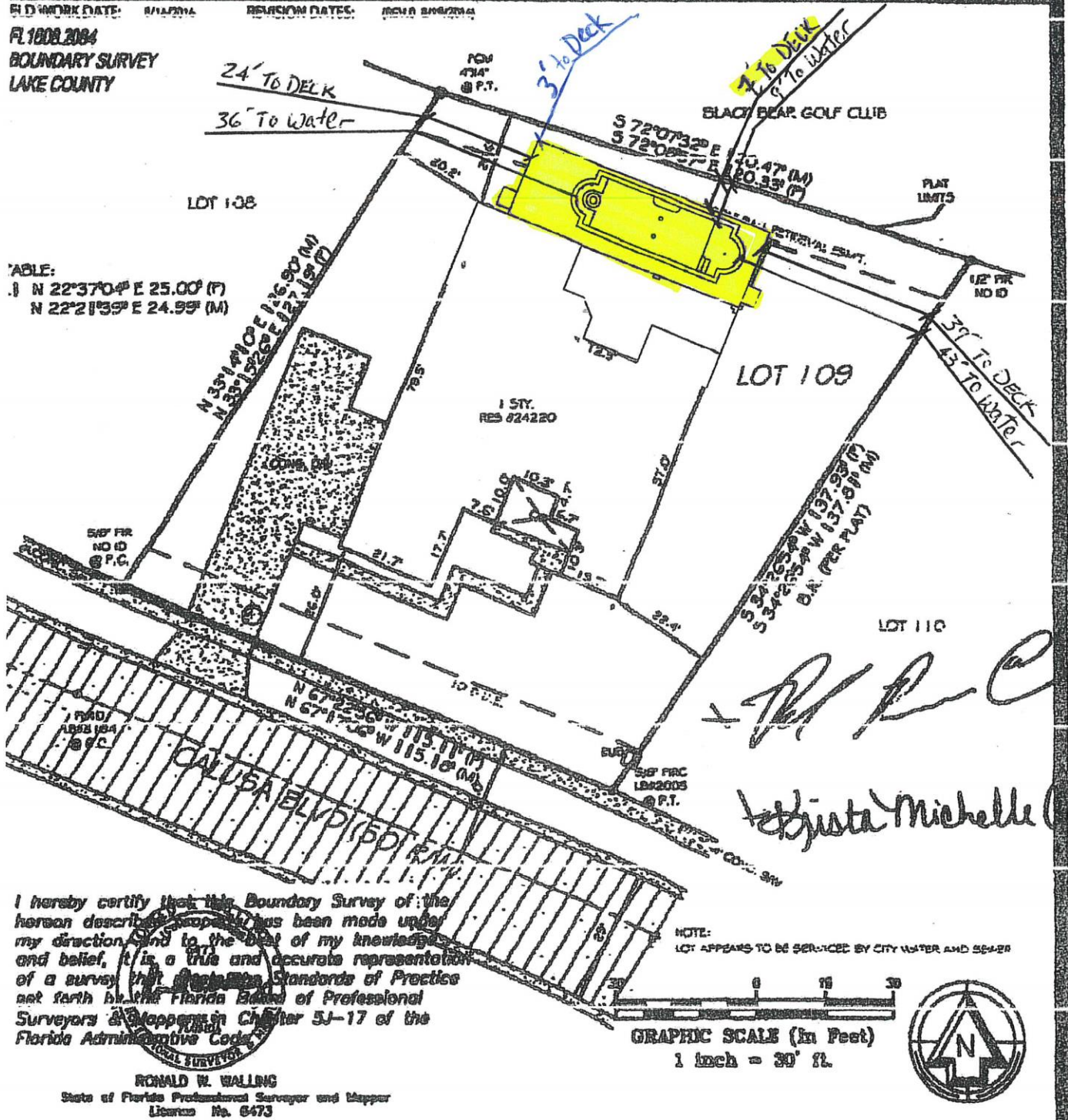
PROPERTY ADDRESS: 24220 CALUSA BLVD EUSTIS, FLORIDA 32736

SURVEY NUMBER: FL1608.2084

FIELD WORK DATE: 8/14/2016 REVISION DATES: NONE

FL 1608.2084
BOUNDARY SURVEY
LAKE COUNTY

TABLE:
1 N 22°37'04" E 25.00' (F)
N 22°21'35" E 24.99' (M)



I hereby certify that this Boundary Survey of the herein described property has been made under my direction and to the best of my knowledge and belief, it is a true and accurate representation of a survey that complies with the Standards of Practice set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17 of the Florida Administrative Code.

RONALD W. WALLING
State of Florida Professional Surveyor and Mapper
License No. 6473

Final Development Order
VAR-20-50-5
Carroll Property

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

WHEREAS, Krista Carroll (the “Applicant”), on behalf of Brad and Krista Carroll (the “Owners”), requested a variance to Lake County Planned Unit Development Ordinance 1998-17 to allow a pool to be located three (3) feet from the rear property line in lieu of the required ten (10) feet; and

WHEREAS, the subject property consists of 0.35 +/- acres, is located at 24220 Calusa Boulevard, in the unincorporated Eustis area of Lake County, Florida, in Section 31, Township 18, Range 28, having Alternate Key Number 3825463, and more particularly described below:

Lot 109, of Village at Black Bear – Unit Two, according to the Plat thereof, as recorded in Plat Book 51, at Page 64 and 65, of the Public Records of Lake County, Florida.

a/k/a 24220 Calusa Blvd., Eustis, FL 32736

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-20-50-5 to allow a pool to be located three (3) feet from the rear property line in lieu of the required ten (10) feet.

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)**