



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6  
 Public Hearing Date: November 12, 2020  
 Case No. and Project Name: VAR-20-52-1, Edwards Property  
 Applicant / Owner: Jerome and Jennifer Edwards  
 Requested Action: Variance to LDR Section 6.01.04.A.1, to allow the subject property to be developed with a rear setback of 29.2-feet from the jurisdictional wetland line (JWL), in lieu of 50-feet.  
 Case Manager: Emily W. Johnson, Planner

### Subject Property Information

Size: 0.47 +/- acres  
 Location: Northeast of Savage Circle, in the Howey-In-The-Hills area.  
 Alternate Key No.: 2857242  
 Future Land Use: Urban Low Density  
 Current Zoning District: Estate Residential (R-2)  
 Flood Zones: "AE" and "X"  
 Joint Planning Area (JPA) / ISBA: Howey-In-The-Hills ISBA  
 Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	R-2	Vacant Residential	Vacant Residential
South	Urban Low Density	R-2	Residential	Single-Family Residence
East	N/A	N/A	Lake	Little Lake Harris
West	Urban Low Density	R-2	Residential	Single-Family Residence; adjacent to Savage Circle

### Summary of Request.

The subject property, identified as Alternate Key Number 2857242, contains 0.47 +/- acres, is zoned Estate Residential (R-2), and designated with an Urban Low Density Future Land Use Category by the 2030 Comprehensive Plan. The property is described as Lot 9 of Cypress Point Subdivision, as recorded in Plat Book 26 Pages 25-26, on the 18th of March 1983. Generally, the subject property is located northeast of Savage Circle, in the unincorporated Howey-In-The-Hills area of Lake County. The subject property is located within the Howey-In-The-Hills Interlocal Service Boundary Agreement Area (ISBA). The Town of Howey-In-The-Hills was provided with the variance application and have no comments or objections to the request. The subject property is currently undeveloped.

The Applicant has requested a variance to LDR Section 6.01.04.A.1, to allow the subject property to be developed with a rear setback of 29.2-feet from the jurisdictional wetland line (JWL), in lieu of 50-feet.

The Survey (Attachment "A") delineated the Jurisdictional Wetland Line (JWL), and depicts distance of the proposed single-family dwelling unit and paver patio from the JWL; the proposed development will encroach approximately 20.8-feet into the wetland setback, but will be located outside of the flood zone. The Department of Public Works reviewed the variance application and identified the following conditions to be included in the development order, should the variance request be approved:

1. An interceptor swale that is sized to capture the first 1-inch of stormwater runoff shall be provided on site. An engineered design that includes a plan and calculations must be submitted with the permit applications for the interceptor swale.
2. Additional flood determination and permitting will be required during the site development permitting.

### 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.A.1, is to conserve and protect wetlands, to ensure that the natural structure and functional values are maintained, and to maintain no net loss of wetlands.

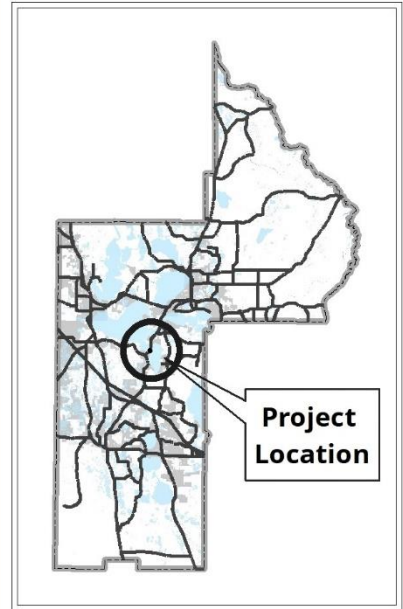
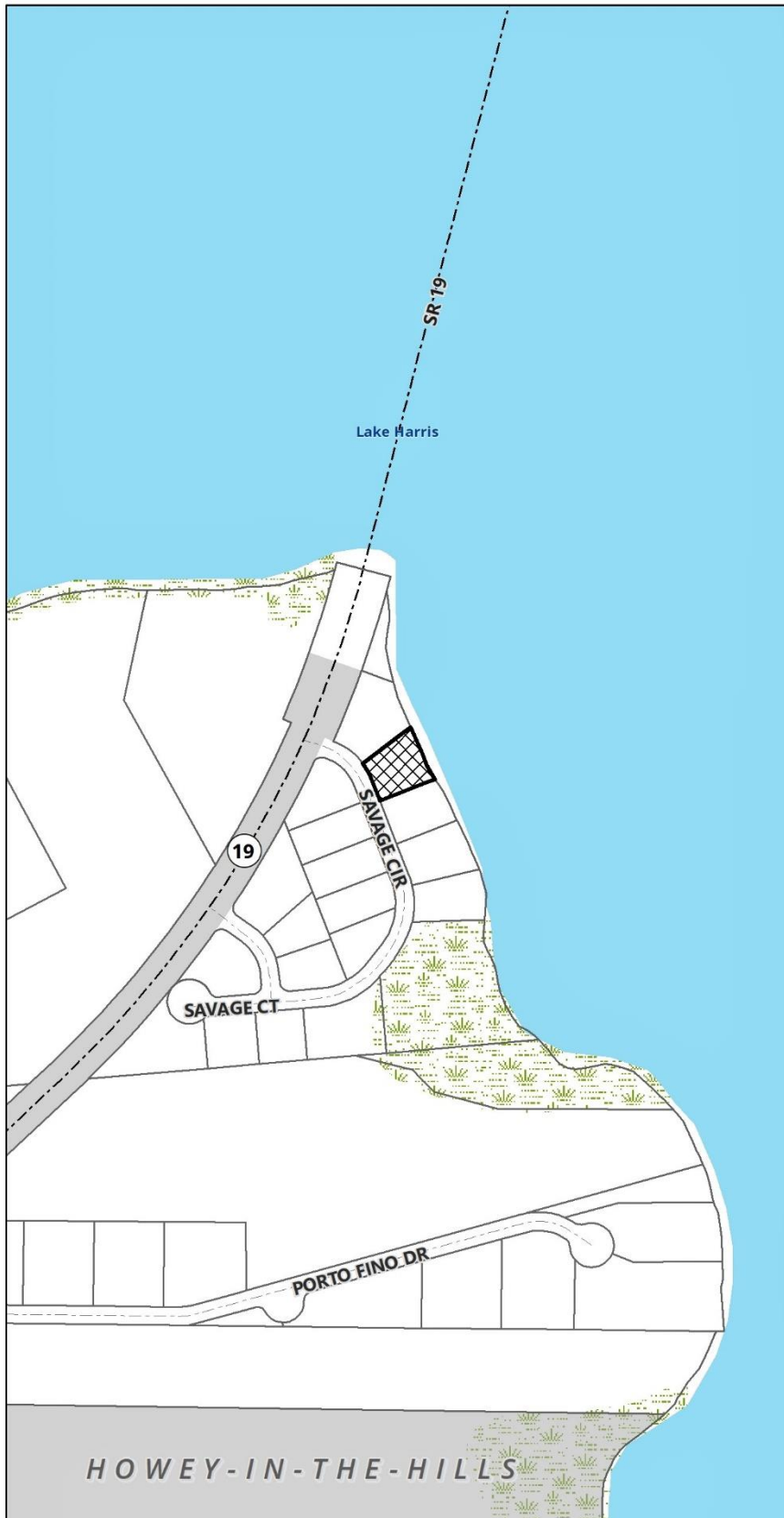
The Applicant provided the following statement as proof that the intent of the code will be or has been achieved by other means, *"The LDR does not allow us to have a home of equal size value or appearance as others in our community/neighborhood. The LDR also, in the current state, does not allow us to have the privacy to have our new pool properly located at the back of the home."*

**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, *"1. Home would not be similar to existing homes in neighborhood devaluing the property significantly causing a hardship 2. Not allowing our new home to be of similar size and value would be against the principles of fairness."*

# Map of Subject Property



# Attachment "A" – Plot Plan



**Final Development Order  
VAR-20-52-1  
Edwards Property**

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

**WHEREAS**, Jerome and Jennifer Edwards (the “Owners” and “Applicants”) requested a variance to LDR Section 6.01.04.A.1, to allow the subject property to be developed with a rear setback of 29.2-feet from the jurisdictional wetland line (JWL), in lieu of 50-feet; and

**WHEREAS**, the subject property consists of 0.47 +/- acres and is located northeast of Savage Circle, in the Howey-In-The-Hills area of unincorporated Lake County, in Section 24, Township 20S, Range 25E, having Alternate Key Number 2857242, and more particularly described below (“property”); and

Lot 9, Cypress Point, according to the map or plat thereof, as recorded in Plat Book 26, Page(s) 25 and 26, 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-20-52-1, to allow the subject property to be developed with a rear setback of 29.2-feet from the jurisdictional wetland line (JWL), in lieu of 50-feet, with the following conditions:

1. An interceptor swale that is sized to capture the first 1-inch of stormwater runoff shall be provided on site. An engineered design that includes a plan and calculations must be submitted with the permit applications for the interceptor swale; and
2. Additional flood determination and permitting will be required during the site development permitting.

**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 12<sup>th</sup> 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)**