



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 9

Public Hearing Date: November 12, 2020

Case No. and Project Name: VAR-20-55-3, Costin Property

Applicant / Owner: Dexter and Lisa Costin

Requested Action: Variance to LDR Table 3.02.06, to allow the subject property to be developed with a maximum impervious surface ratio (ISR) of thirty-four (34) percent, in lieu of thirty (30) percent; and to LDR Section 6.01.04.A.1, to allow for impervious surfacing and two (2) detached accessory structures to be located 34-feet and 29-feet from the seawall, in lieu of 50-feet.

Case Manager: Emily W. Johnson, Planner

Subject Property Information

Size: 0.48 +/- acres

Location: 30017 Johnsons Point Road, in the unincorporated Leesburg area.

Alternate Key No.: 1260094

Future Land Use: Rural

Current Zoning District: Rural Residential (R-1)

Flood Zones: "AE" and "X"

Joint Planning Area (JPA) / ISBA: Leesburg ISBA

Overlay Districts: Sunny Side Development Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	R-1	Vacant Residential	Vacant Residential Lot With Wetlands
South	N/A	N/A	Lake	Lake Harris
East	Rural	R-1	Vacant Residential	Vacant Residential Lot With Wetlands
West	Rural	R-1	Residential	Single-Family Residence

Summary of Request.

The subject property, identified as Alternate Key Number 1260094, contains 0.48 +/- acres, is zoned Rural Residential (R-1), and designated with a Rural Future Land Use Category by the 2030 Comprehensive Plan. The property is a portion of Lot 23 of Johnson's Mary K & T S Subdivision, as recorded in Plat Book 1 Page 7, on the 18th of October 1886. Generally, the subject property is located southeast of Johnsons Point Road, in the unincorporated Leesburg area of Lake County. The subject property is located within the Leesburg Interlocal Service Boundary Agreement Area (ISBA). The City of Leesburg was provided with the variance application and indicated that they have no comments or objections to the request. The subject property is currently developed with a single-family dwelling unit and related accessory structures (including a seawall).

The Applicant has requested a variance to LDR Table 3.02.06, to allow the subject property to be developed with a maximum impervious surface ratio (ISR) of thirty-four (34) percent, in lieu of thirty (30) percent; and to LDR Section 6.01.04.A.1, to allow for impervious surfacing and two (2) detached accessory structures to be located 34-feet and 29-feet from the seawall in lieu of 50-feet. While the detached accessory structures are existing and were constructed in 1982 with the single-family dwelling unit, the Applicant intends to add bathrooms to the accessory structures; the proposed work will exceed the maximum 10-percent expansion allowable for existing non-conforming structures, and will exceed the maximum allowable impervious surface ratio for the subject property.

The plot plan (Attachment "A") depicts the location of the existing seawall, accessory structures, and impervious surfacing. 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 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 intent of LDR Table 3.02.06 is to protect the public health, safety and welfare by limiting the amount of impervious surface in order to reduce flooding and increase water quality. An impervious surface ratio is a measurement of the amount of the base site area that is covered by any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surfaces include, but are not limited to roofs and roads, sidewalks and parking lots paved with asphalt, concrete, compacted sand, limerock or clay. The impervious surface ratios (ISR) in Table 3.02.06 are applicable to both residential and nonresidential development.

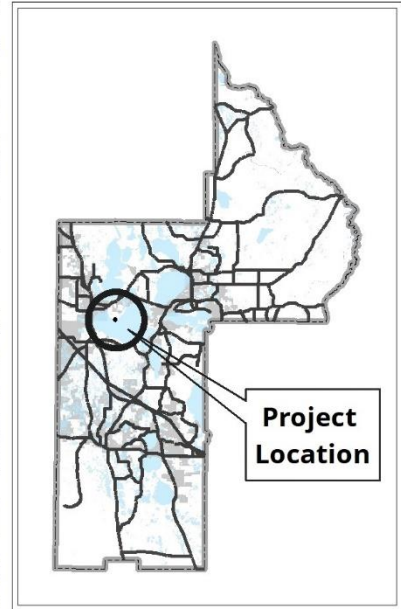
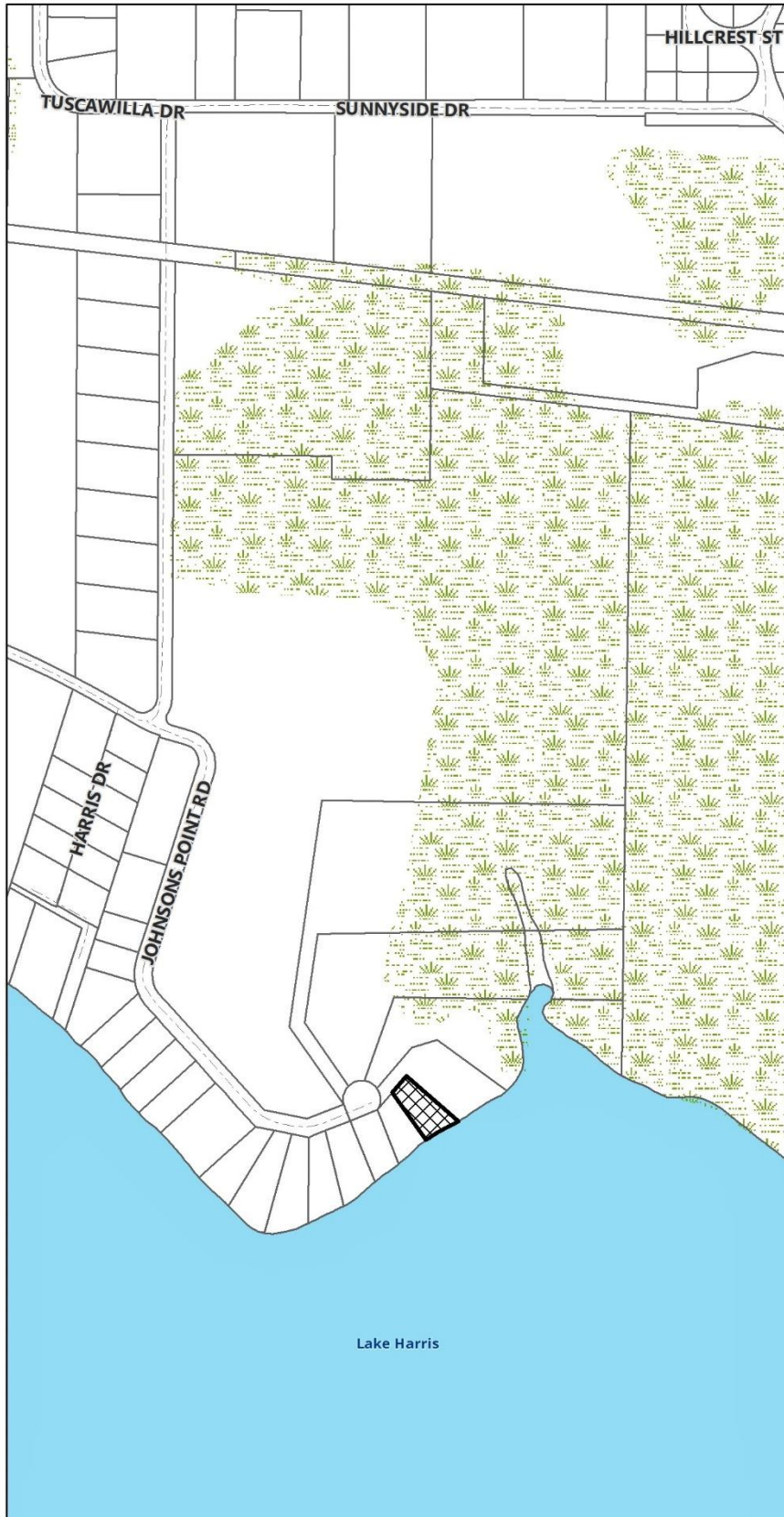
The Applicant provided the following statement as proof that the intent of the code will be or has been achieved by other means, *"We are seeking to add as small as a footprint as possible in a location hidden by the existing structures. The new bathrooms will only add 71.5 sqft to the total impervious surface (0.3%) and will be placed on the back side of the existing structures which will be farther away from the seawall than the existing structures and they will be concealed by the existing structures. The view from the shoreline will not markedly change as a result of the additions. We will also be adding natural plants and landscaping to increasingly conceal the additions and maintain as natural a view from the shoreline as possible."*

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.**

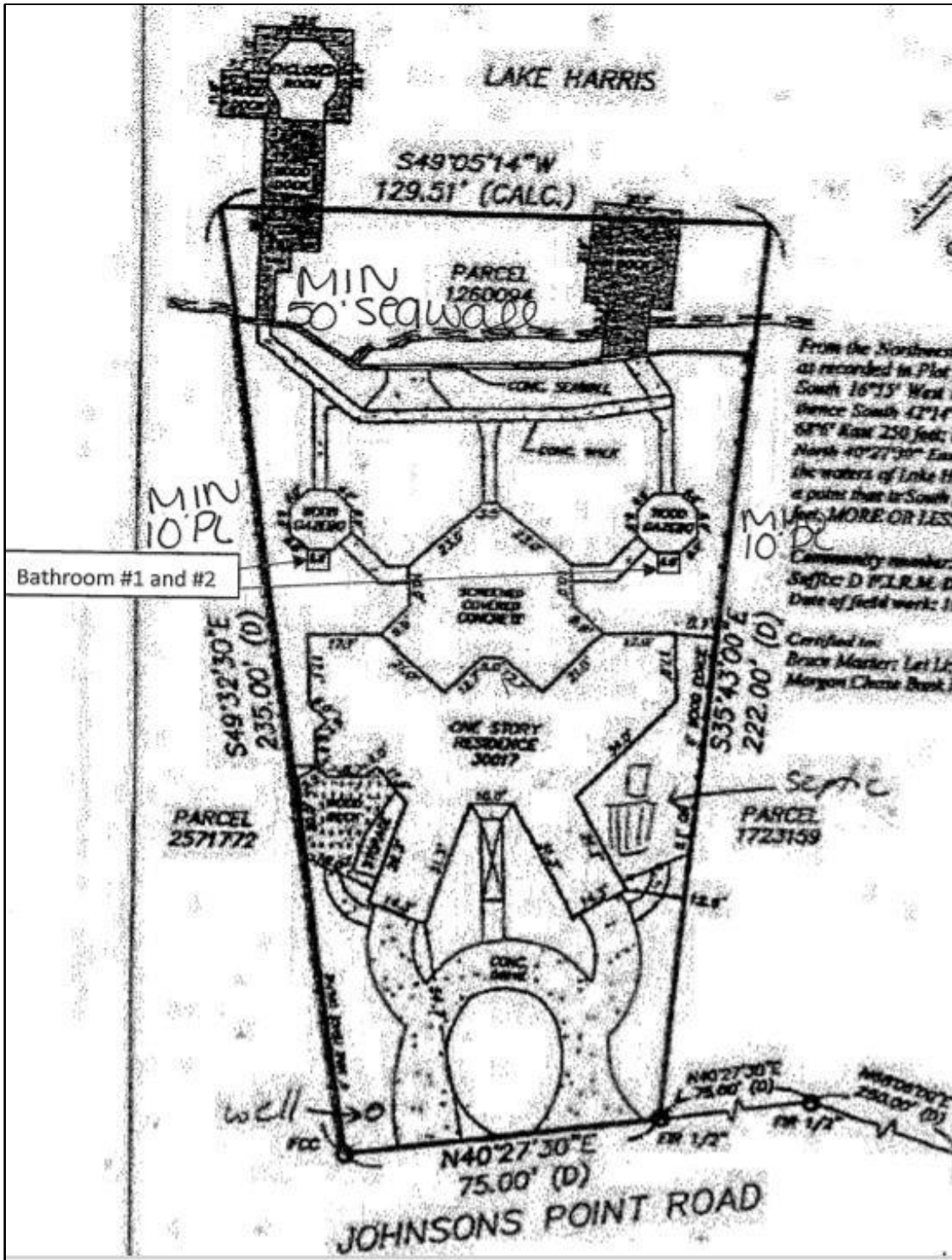
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

The Applicant provided the following statement, *"The main house and additional detached structures were built in 1982. The main house has 3194 sqft (2 br/2 ba). The 2 detached structures are 225 sqft each (1br/0ba). This setup is not ideal to have out family and friends utilize the existing detached rooms without their own bathrooms. The current detached structures were originally built in 1982 and cannot be moved from their current locations. We cannot move the existing structures or the seawall and require a zoning variance to perform the changes we are requesting."*

Map of Subject Property



Attachment "A" – Plot Plan



**Final Development Order
VAR-20-55-3
Costin Property**

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

WHEREAS, Dexter and Lisa Costin (the “Owners” and “Applicants”) requested a variance to LDR Table 3.02.06, to allow the subject property to be developed with a maximum impervious surface ratio (ISR) of thirty-four (34) percent, in lieu of thirty (30) percent; and to LDR Section 6.01.04.A.1, to allow for impervious surfacing and two (2) detached accessory structures to be located 34-feet and 29-feet from the seawall, in lieu of 50-feet; and

WHEREAS, the subject property consists of 0.48 +/- acres and is located at 30017 Johnsons Point Road, in the Leesburg area of unincorporated Lake County, in Section 32, Township 19S, Range 25E, having Alternate Key Number 1260094, and more particularly described in Exhibit “A” – Legal Description (“property”); and

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-20-55-3, to allow the subject property to be developed with a maximum impervious surface ratio (ISR) of thirty-four (34) percent, in lieu of thirty (30) percent; and to allow for impervious surfacing and two (2) detached accessory structures to be located 34-feet and 29-feet from the seawall, 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.

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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)**

Exhibit "A" – Legal Description

PARCEL ID #: 3119250500-000-01403

From the Northwest corner of Lot 14, Mary K. and T.S. Johnson's Subdivision, according to the map or plat thereof as recorded in Plat Book 1, Page 7, Public Records of Lake County, Florida, run thence South 16°15' West along the Westerly line of said Lot 14 a distance of 748.18 feet; thence South 42°14' East 817.33 feet, thence South 78°44' East 185 feet, thence North 68°06' East 250 feet, thence North 40°27'30" East 75 feet to the Point of Beginning; thence North 40°27'30" East 75 feet; thence South 49°32'30" East 235 feet, more or less, to the waters of Lake Harris, thence Southwesterly along and with the waters of said lake to a point that is South 35°43' East of the Point of Beginning, thence North 35°43' West 222 feet, more or less, to the Point of Beginning.

TOGETHER WITH AN EASEMENT INTEREST:

INGRESS AND EGRESS EASEMENT GRANTED UNDER QUIT CLAIM DEED RECORDED IN O.R. BOOK 3838, PAGE 1481, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: An easement for ingress and egress being 60 feet wide when measured at right angles and lying Northwesterly of the following described line: From the NW corner of Lot 14 of Mary K. and T.S. Johnson's Subdivision, as recorded in Plat Book 1, Page 7 of the Public Records of Lake County, Florida, run thence S 16°15' W along the Westerly line of said Lot 14 a distance of 748.18 feet, thence S 42°14'00" E for 817.33 feet; thence S 78°44'00" E for 185 feet; thence N 68°06' E for 150.0 feet to the Point of Beginning; thence continue N 68°06' E for 100 feet, thence N 40°27'30" E for 150 feet and end of this description, said easement intended to adjoin the Easterly boundary of Johnson Point Road.