



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: December 10, 2020

Case No. and Project Name: VAR-20-59-4, Blake Property

Owners: Carlo and Altamese Blake

Applicant: Carlo Blake

Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 6.01.04.A.1, Development near Wetlands and Waterbodies, to allow a screen enclosure and shed to be located nineteen (19) feet from the top of the bank in lieu of fifty (50) feet.

Case Manager: Heather N. Croney, Planner

### Subject Property Information

Size: 0.33 +/- acres

Location: 12715 Blue Heron Way, in the Leesburg area

Alternate Key No.: 1250757

Future Land Use: Urban Low

Current Zoning District: Urban Residential (R-6)

Flood Zone: "AE"

Joint Planning Area/ ISBA: None

Overlay Districts: None

### Adjacent Property Land Use Table

| Direction | Future Land Use | Zoning                  | Existing Use | Comments   |
|-----------|-----------------|-------------------------|--------------|--|
| North     | Urban Low       | Urban Residential (R-6) | Lake         | Lake Eustis  |
| South     | Urban Low       | Urban Residential (R-6) | Street       | Blue Heron Way, Adjoined by Single-Family Dwelling Units |
| East      | Urban Low       | Urban Residential (R-6) | Residential  | Grove Avenue, Adjoined by Single-Family Dwelling Units   |
| West      | Urban Low       | Urban Residential (R-6) | Residential  | Single-Family Dwelling Units                             |

### Summary of Request.

The subject 0.33 +/- acre parcel is identified by Alternate Key Number 1250757. The parcel is zoned Urban Residential (R-6) and is part of the Urban Low Future Land Use Category (FLUC). The subject parcel is developed with a single-family dwelling unit. The parcel is generally located along the north side of Blue Heron Way, in the Leesburg area, and on the south side of Lake Eustis.

The Applicant is seeking to construct a screen enclosure and shed to replace an existing pool, screen enclosure, and shed located nineteen (19) feet from the seawall/jurisdictional wetland line. LDR Section 6.01.04, Development near Wetlands and Water Bodies, requires that principal structures, structures, buildings, and impervious surface, excluding water dependent structures, shall be located at least (50) feet from the ordinary high water line, mean high water line, or jurisdictional wetland line, whichever is further landward. As such, the Applicant is requesting a variance to this provision to accommodate his development plans.

The applicant is seeking to improve and revamp the current structures to be more functional as well as to provide protection from weather and creatures of nature. The concept plan is included as Attachment A.

The variance application was sent to the Public Works Department for review. 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. A detailed lot grading plan will need to be submitted with the permitting plans to include the interceptor swale, lot grading, and direction of drainage flow.

### 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.**

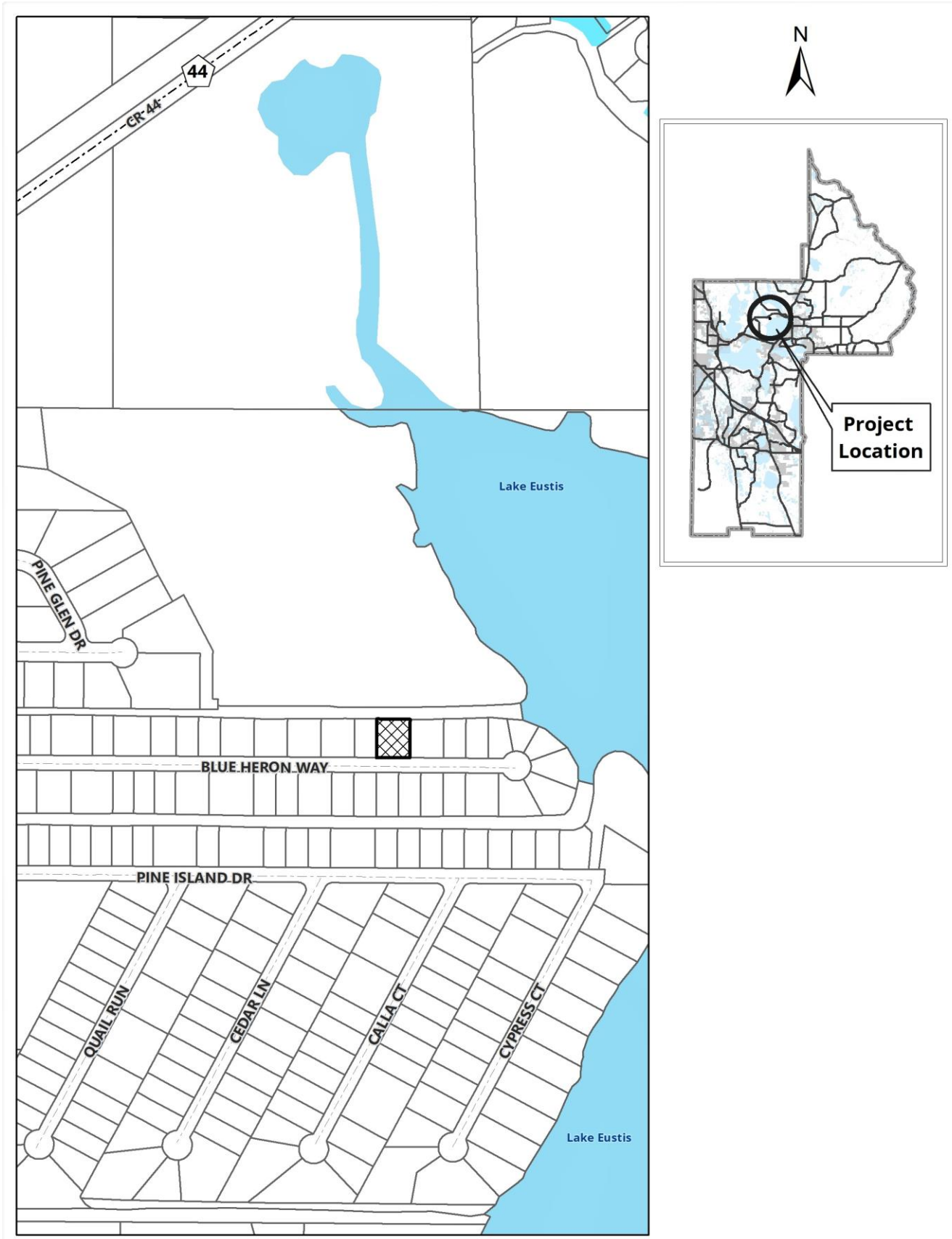
The **intent of the Code**, LDR Section 3.02.05, *Setbacks*, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

*“These are replacement structures that have been previously approved and will be improved structures and enhancements for the property. The old screen structure had a covered section.”*

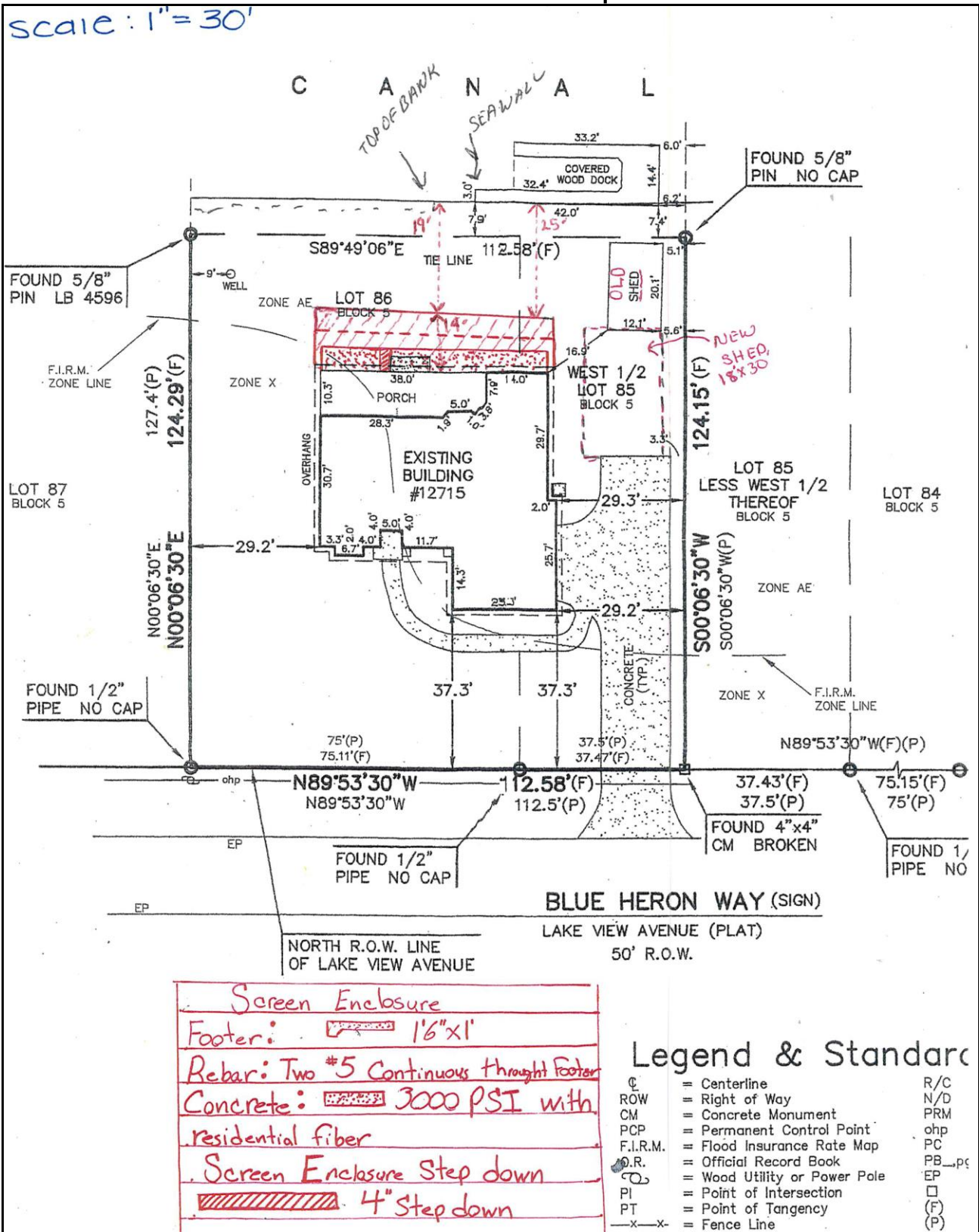
**2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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.**

*“Just trying to replace the old deteriorating structures with structures that are more functional and provides protection from flying insects, snakes and rodents.”*

# Map of Subject Property



# Attachment A. Concept Plan.



**Final Development Order  
VAR-20-59-4  
Blake Property**

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

**WHEREAS**, Carlo Blake (the “Applicant”) on behalf of Carlo and Altamese Blake (“the Owners”) requested a variance to Lake County Land Development Regulations (LDR) Table 6.01.04.A.1, Development near Wetlands and Waterbodies, to allow a screen enclosure and shed to be located nineteen (19) feet from the top of the bank in lieu of fifty (50) feet; and

**WHEREAS**, the subject property consists of 0.33 +/- acres, is located at 12715 Blue Heron Way, in the unincorporated Leesburg area of Lake County, Florida, in Section 06, Township 19, Range 26, having Alternate Key Number 1250757, and more particularly described below (“property”):

LOT 86 AND THE WEST ½ OF LOT 85, BLOCK 5, HARBOR SHORES, UNIT NO. 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17, PAGE 8 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 December 10, 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 December 10, 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-20-59-4 to allow a screen enclosure and shed to be located nineteen (19) feet from the top of the bank in lieu of fifty (50) feet, with the following conditions:

1. Development permits from the Office of Planning and Zoning and the Office of Building Services must be obtained prior to construction.
2. 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.
3. A detailed lot grading plan will need to be submitted with the permitting plans to include the interceptor swale, lot grading, and direction of drainage flow.

**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 10th day of December, 2020.  
EFFECTIVE December 10, 2020.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**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 10th day of December, 2020, by James Argento, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

**Type of Identification Produced \_\_\_\_\_**

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**Notary Signature  
(SEAL)**