



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearing Date: February 11, 2021

Case No. and Project Name: VAR-20-74-3, Denby Property

Owners/Applicants: Thomas G. Denby and Kimberly A. Denby

Requested Action: Variance to Lake County Code, Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow a pool and associated pool enclosure to be constructed 21-feet from the jurisdictional wetland line (wetland area located on the northern portion of the property) and 25-feet from the jurisdictional wetland line (Lake Dora) in lieu of fifty (50) feet.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 1.01 +/- acres

Location: 29650 Squirrel Point Road, Tavares

Alternate Key No.: 2530570

Future Land Use Category: Rural Transition FLUC

Current Zoning District: Estate Residential District (R-2)

Flood Zones: "AE" and "X"

Joint Planning Area/ISBA: City of Tavares JPA and ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Estate Residential District (R-2)	Residential	Single-Family Dwelling Unit
South	Rural Transition	Estate Residential District (R-2)	Residential	Single-Family Dwelling Unit
East	Rural Transition	Estate Residential District (R-2)	Lake	Lake Dora
West	Rural Transition	Estate Residential District (R-2) and Municipal	Residential and Municipal	Single-Family Dwelling Unit and Large Wooded Tract of Land

Summary of Request.

The Applicant has submitted a variance request to Lake County Code, Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow a pool and associated pool enclosure to be constructed 21-feet from the jurisdictional wetland line (wetland area located on the northern portion of the property) and 25-feet from the jurisdictional wetland line (Lake Dora) in lieu of the required fifty (50) feet.

The subject 1.01 +/- acre parcel is identified by Alternate Key Number 2530570; the parcel is zoned Estate Residential District (R-2); and is part of the Rural Transition Future Land Use Category (FLUC). The subject property is described as Lot 1, Squirrel Point, a subdivision in Lake County, Florida, according to the Plat thereof recorded in Plat Book 25, Pages 40 through 41, Public Records of Lake County, Florida. Currently, the subject parcel is developed with a single-family dwelling unit, covered concrete area, wood dock and driveway (Attachment "A"). Staff must emphasize that approval of this variance for the proposed pool and associated pool enclosure will require the Applicant to revise the site plan to label the proposed pool and associated pool enclosure, and an approval (building permit and zoning permit) will be required for the pool and associated pool enclosure.

The subject parcel is located within the City of Tavares JPA and ISBA; therefore, variance application was sent to the City of Tavares for a determination of consistency with their regulations. The City of Tavares had no comments or objections to the request.

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, is to protect valuable natural resources requiring protection from erosion, sedimentation, water pollution and other negative impacts, which may be associated with land use activities. It is the intent of this section to minimize such negative impacts through protection standards for development of adjacent lands.

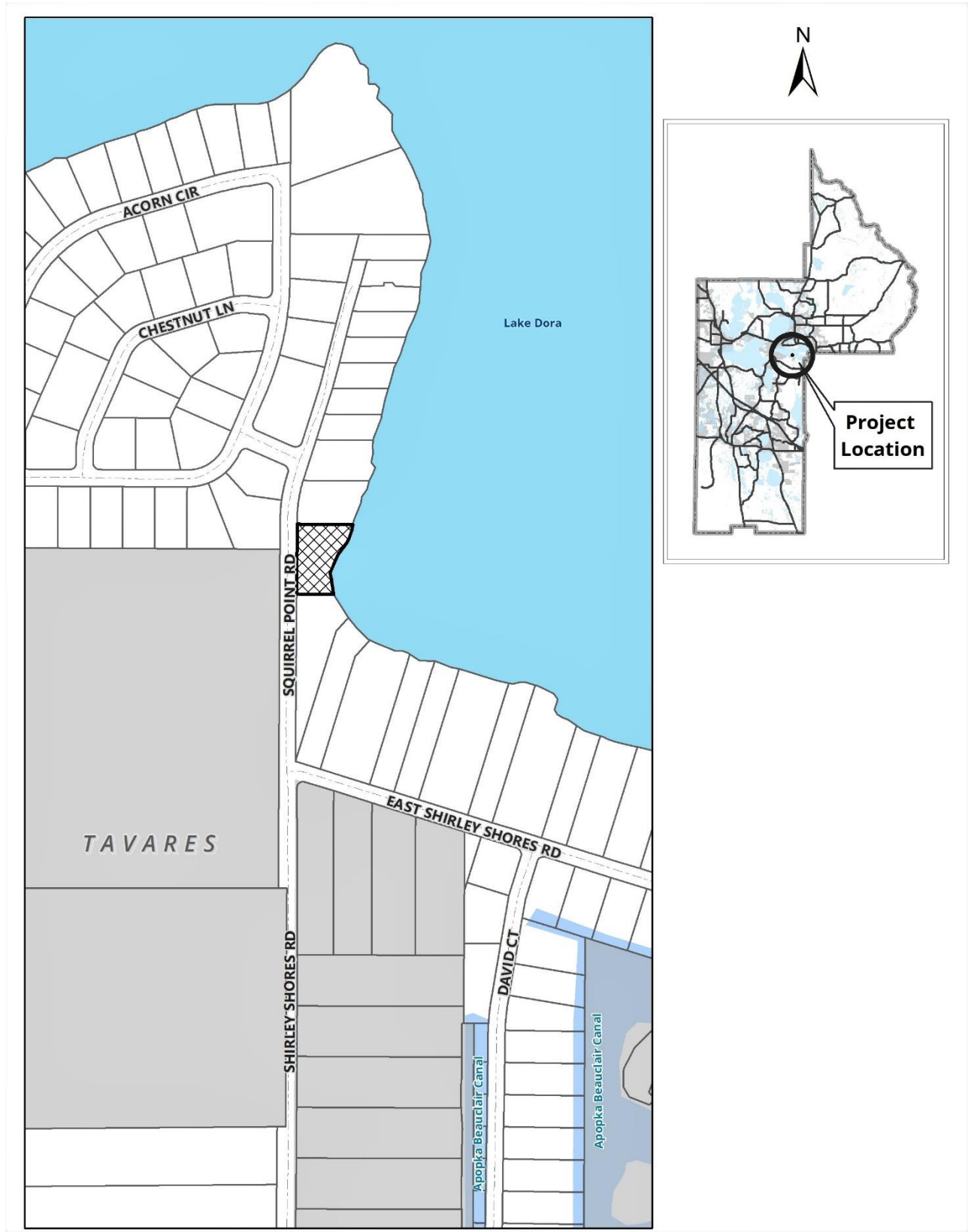
The Applicant has submitted the following intent of the Code statement: *"We have shrunk the spool as much as possible and positioned the screen as close to edge of spool running parallel with seawall to allow for maximum distance to seawall."*

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.

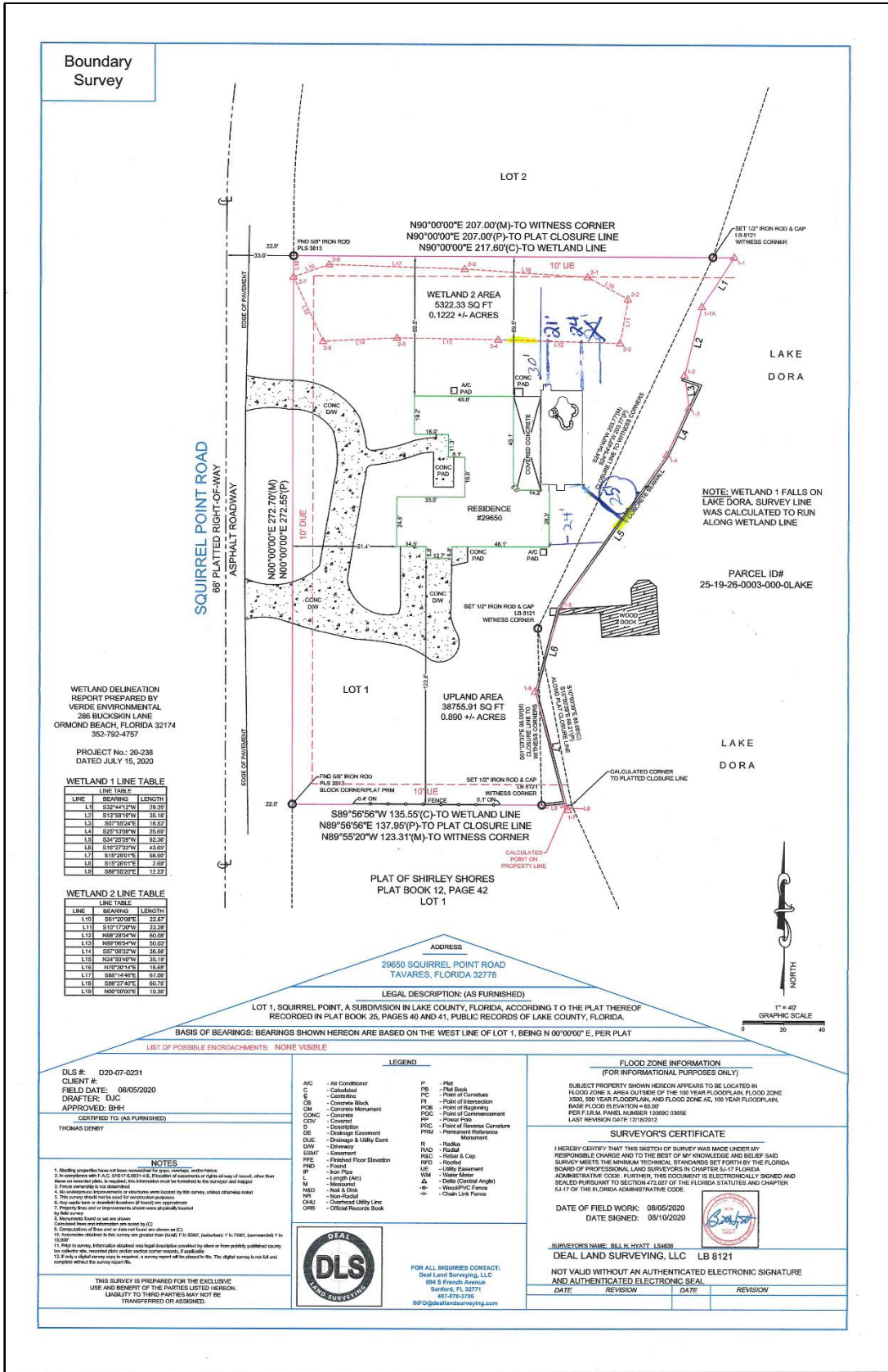
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant submitted the following statement and setback table as proof that the LDR would create a substantial hardship or would violate principles of fairness: *"The pool jets will provide relief for Thomas' back which he had surgery but still needs therapy this will give. Please see attached letter from Doctor (Attachment "B")."*

Map of Subject Property



Attachment "A", Concept Plan.



Attachment "B", Letter from Doctor.



William L. Mills, M.D.

Family & General Practice

November 24, 2020

RE: Thomas Denby

To Whom It May Concern:

Mr. Denby has been under my care for many years for ongoing back issues. His condition required back surgery, though this did not result in complete resolution to his chronic back pain.

It is medically necessary that he have a spool installed to help with the treatment and control of his ongoing chronic back pain.

If you have any further questions, please contact my office.

Sincerely,

A handwritten signature in blue ink that reads "William L. Mills, M.D.".

William L. Mills, M.D.

WLM/mr

801 Marshall Farms Road • Ocoee, Florida 34761 • (407) 877-6280

**Final Development Order
VAR-20-74-3
Denby Property**

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

WHEREAS, Thomas G. Denby and Kimberly A. Denby (the “Owners” and “Applicants”) submitted a variance request to Lake County Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow a pool and associated pool enclosure to be constructed twenty-one (21) feet from the jurisdiction wetland line (wetland area located north of the property) and twenty-five (25) feet from the jurisdictional wetland line (Lake Dora) in lieu of fifty (50) feet; and

WHEREAS, the subject property consists of 1.01 +/- acres, is located at 29650 Squirrel Point Road, in the Tavares area of unincorporated Lake County, Florida, in Section 02, Township 20 South, Range 26 East, having Alternate Key Number 2530570 and more particularly described as:

Lot 1, Squirrel Point, a subdivision in Lake County, Florida, according to Plat thereof recorded in Plat Book 25, Pages 40 and 41, 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 February 11, 2021; 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 February 11, 2021, 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-20-74-3, to allow a pool and associated pool enclosure to be constructed twenty-one (21) feet from the jurisdiction wetland line (wetland area located north of the property) and twenty-five (25) feet from the jurisdictional wetland line (Lake Dora) in lieu of fifty (50) feet with the following conditions:

1. Stormwater calculations must be submitted at the time of issuance of each individual zoning permit, capturing the first one inch (1”) of stormwater runoff on the site.
2. Stormwater calculations must be reviewed and approved by the Lake County Public Works Department staff.

3. The stormwater abatement system must be depicted on the to-scale plot plan when applying for the zoning permit; installed prior to any final inspection, inspected and approved by the Lake County Public Works Department staff.

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 11th day of February, 2021.

EFFECTIVE February 11, 2021.

**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 11th day of February, 2021, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)