



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearing Date: March 11, 2021

Case No. and Project Name: VAR-21-01-5, Sawdy Property

Owners/Applicants: Robert Sawdy and Monica Sawdy

Requested Action: Variance to Lake County Land Code, Development Regulations (LDR) Section 6.01.04(A)(1), to allow a single-family dwelling unit and accessory structures to be constructed 30-feet from the jurisdictional wetland line, in lieu of 50-feet.

Case Manager: Janie Barrón, Senior Planner

### Subject Property Information

Size: 0.93 +/- acres

Location: East of Langlois Place, in the Leesburg area

Alternate Key No.: 3392841

Future Land Use: Rural

Current Zoning District: Mixed Home Residential District (RM)

Flood Zones: "AE" and "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Mixed Home Residential District (RM)	Residential	Single-Family Dwelling Units
South	Rural	Mixed Home Residential District (RM)	Residential	Single-Family Dwelling Units
East	Rural	Mixed Home Residential District (RM)	Lake	Lake Yale
West	Rural	Mixed Home Residential District (RM)	Right-of-Way and Residential	Langlois Place, Single-Family Dwelling Units west of R-O-W

### Summary of Request.

The Applicant submitted a variance request to LDR Section 6.01.04(A)(1), to allow a single-family dwelling unit and accessory structures to be constructed 30-feet from the jurisdictional wetland line in lieu of 50-feet, in lieu of fifty (50) feet (Attachment "A").

The subject 0.93 +/- acre parcel is identified by Alternate Key Number 3392841. The parcel is zoned Mixed Homes Residential District (RM), and is part of the Rural Future Land Use Category (FLUC). The subject parcel is currently undeveloped, contains a large wetland area along the southern portion of the lot, and the western portion of the lot backs up to Lake Yale (Attachment "A"). Based on the concept plan, the Owners will meet the 50-foot setback from the wetland line from Lake Yale. The parcel is generally located east of Langlois Place and west of Lake Yale, in the Leesburg area.

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. The Public Works Department reviewed the application and had no 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 14.10.01, is to ensure that properties being split have the facilities that are required for the development of parcels such as roads, schools, parks, fire, sewer, and water facilities.

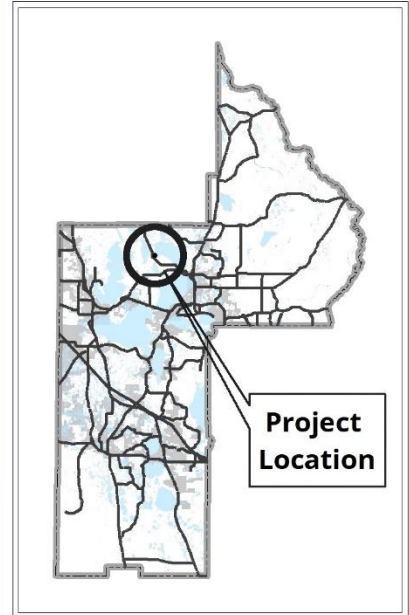
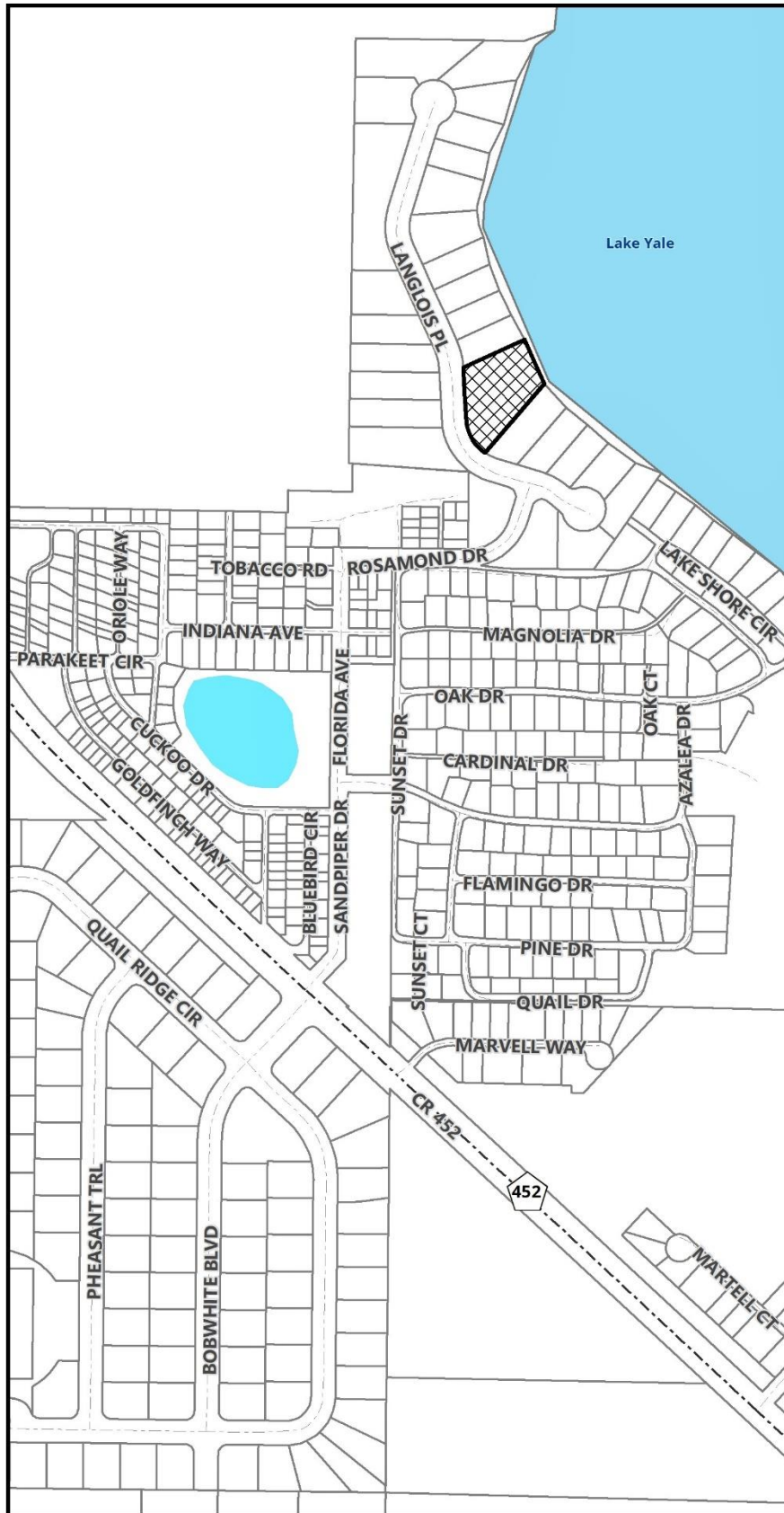
The Owners provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"Homes in Kings Peninsula are basically centered on lots. Our request is to better center our home between lots 12 and 13 for uniformity. According to neighbors with +20 years residency, water has never crested top of bank of pond or been visible in the 100-year flood plain. New location of home will be 30-feet from the JWL, Northeast corner 7 feet from 100-year flood plain, and Southeast corner 15 feet from 100-year flood plain. Other lots have obtained variances in the community. Adjacent to our lot, Lot 14 driveway and structures is +/- 10 feet of wetland pond. Our home will be approximately 3000 total square feet. A side entry garage with a 30-foot pad will be located on the Northwest side of Lot 12, which will provide a favorable view."*

#### **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 Owners provided the following statement, *"Paying county taxes and HOA fees for 2 lots with little to no use of Lot 13. Maintaining Lot 13 with little to no use. Little to no use Lot 13 will restrict home square footage and resale value. Potential trespass liability (personal and governmental). Trespassing on Lot 13 is currently an issue, with folks fishing and "gator watching". A more centered home on Lots 12 and 13 will show residential of property. Moving the home location Northwest will require removal of 100+ year old live oaks."*

# Map of Subject Property





**Final Development Order  
VAR-21-01-5  
Sawdy Property**

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

**WHEREAS**, Robert and Monica Sawdy (the “Owners” and the “Applicants”) requested a variance to Lake County Code, Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow a single-family dwelling unit and accessory structures to be constructed 30-feet from the jurisdictional wetland line, in lieu of 50-feet.; and

**WHEREAS**, the subject property consists of 0.93 +/- acres, located at east of Langlois Place, in the Leesburg area of unincorporated Lake County, Florida, in Section 24, Township 18 South, Range 25 East, having Alternate Key Number 3392841, and more particularly described as below:

Lot 12 and 13, Kings Peninsula, according to the plat thereof as recorded in Plat Book 33, Page 39, 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 March 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 March 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-21-01-5, to allow a single-family dwelling unit and accessory structures to be constructed 30-feet from the jurisdictional wetland line, 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 in form of an interceptor swale that is sized to capture the first one inch (1”) of stormwater runoff on the subject parcel.
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 March, 2021.**

**EFFECTIVE March 11, 2021.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**Bea L. Meeks, Vice-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 March, 2021, by Bea L. Meeks, as Vice-Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

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

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**Notary Signature  
(SEAL)**