



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: April 8, 2021

Case No. and Project Name: VAR-20-72-3, Barker Property

Owners: Alexander and Kimberly Barker

Applicant: Jimmy D. Crawford, Esq.

Requested Action: Variance to Land Development Regulations (LDR) Section 6.01.04.A(1) to allow for an accessory structure (pool, spa, pool deck, and/or pool enclosure) to be constructed 35-feet from the seawall, in lieu of 50-feet.

Case Manager: Emily W. Johnson, Senior Planner

Subject Property Information

Size: 0.76 +/- acres

Location: 29048 Beauclair Drive, in the unincorporated Tavares area.

Alternate Key No.: 2743409

Future Land Use: Rural Transition

Current Zoning District: Estate Residential (R-2)

Flood Zones: "AE" and "X"

Joint Planning Area (JPA) / ISBA: City of Tavares ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	R-2	Residential	Single-Family Residence
South	Rural Transition	R-2	Residential	Single-Family Residence
East	Rural Transition	A	Wetland	Large Vacant Wetland Tract Adjacent to Beauclair Drive
West	N/A	N/A	Lake	Lake Beauclair

Summary of Request.

The subject property, identified as Alternate Key Number 2743409, contains 0.76 +/- acres, is zoned Estate Residential (R-2), and is designated with a Rural Transition Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject property is located east of Beauclaire Drive, in the unincorporated Tavares area of Lake County. The subject property is recognized as Lot 13 of Lake Beauclaire subdivision, as recorded in Plat Book 26, Page 69, on March 19, 1984. The subject property is currently developed with a single-family dwelling unit and related accessory uses, including a concrete seawall.

The Applicant has requested a variance to LDR Section 6.01.04.A(1) to allow for an accessory structure (pool, spa, pool deck, and/or pool enclosure) to be constructed 35-feet from the seawall, in lieu of 50-feet; the plot plan (Attachment "A") depicts the proposed pool to be approximately 20-feet from the 100-year flood line.

The Lake County Department of Public Works reviewed the application and provided the following condition, should the variance request be approved:

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 application for the improvement/addition for the site.

The subject property is located within the City of Tavares Interlocal Service Boundary Agreement (ISBA) Area. The City of Tavares reviewed the application and did not provide any comments nor identify any concerns with the variance 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 conserve and protect wetlands, to ensure that the natural structure and functional values are maintained, and to maintain no net loss of wetlands.

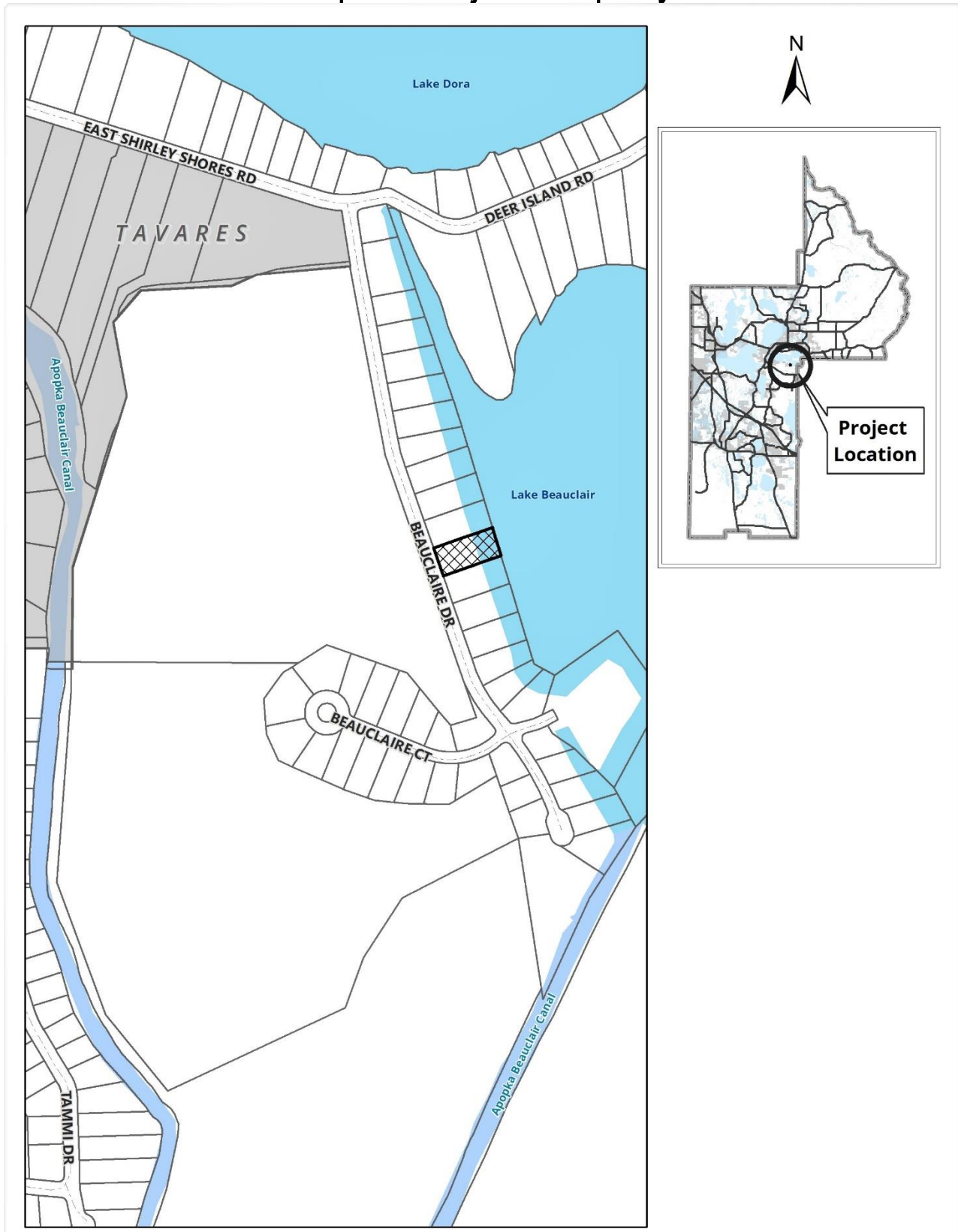
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided a statement of justification and support (Attachment "B").

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.

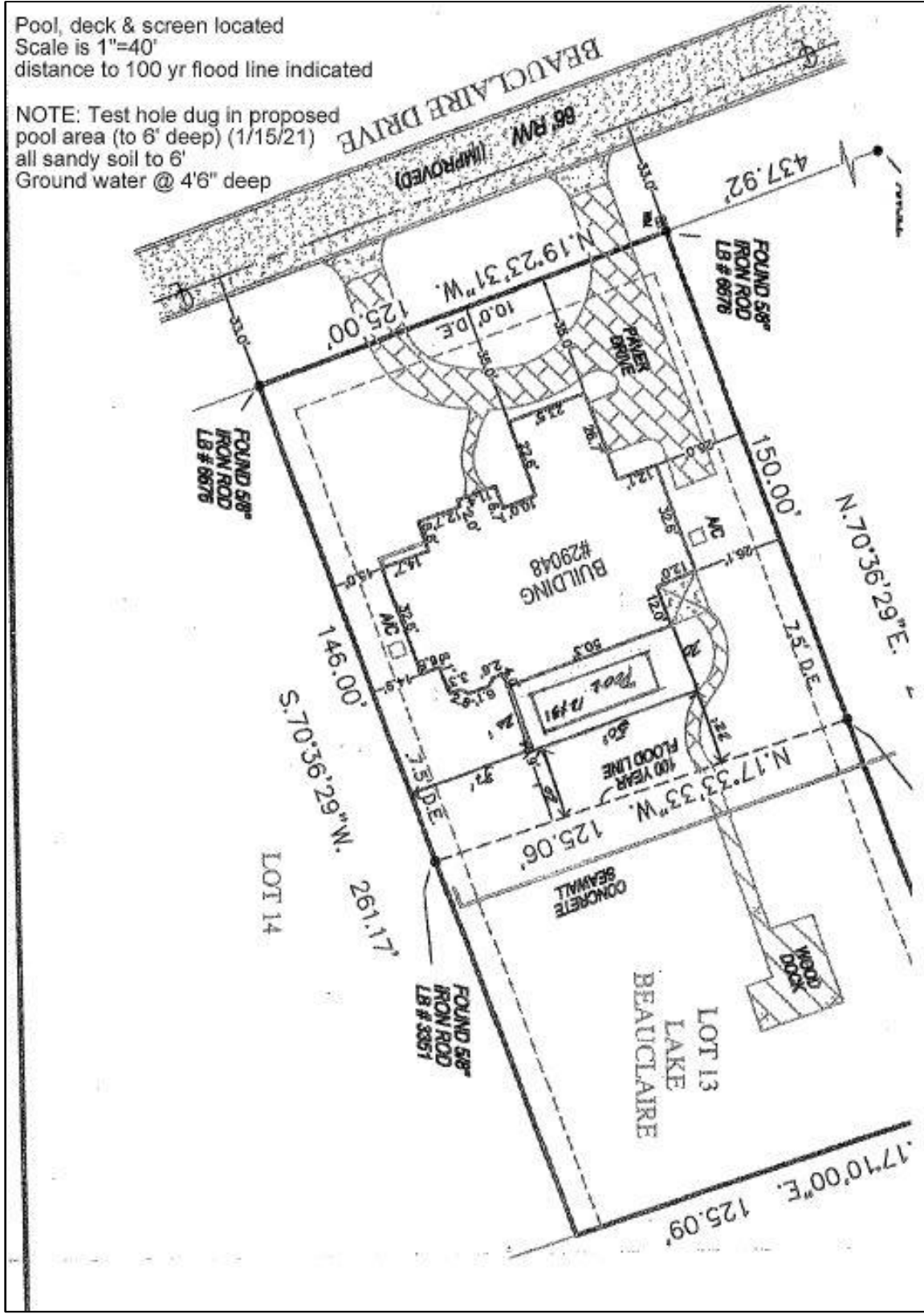
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

As proof of a substantial hardship, the Applicant provided a statement of justification and support (Attachment "B").

Map of Subject Property



Attachment "A" – Plot Plan



Attachment “B” – Statement of Justification and Support (Page 1 of 2)

Alexander and Kimberly Barker recently purchased the property known as 29048 Beauclair Drive, Tavares, AKN# 2743409 (the “Property”). The Property is located within the Lake Beauclair Subdivision that was platted in 1984 and is improved with a single-family home and seawall. The Barkers wish to add a swimming home to their backyard, as many of their neighbors have. Since the Property is adjacent to Lake Beauclair, the Barkers are required to meet the development standards of the Lake County Comprehensive Plan and Land Development Regulations that require a minimum 50-ft setback to wetlands and waterbodies. The distance between the Barker’s home and the seawall is approximately 50-ft., and therefore a variance to LDR 6.01.04, and to Comprehensive Plan Policy III-2.2.7(5), which is specifically allowed, is being requested in order to allow for the construction of a swimming pool within the setback.

The purpose and intent of the Land Development Code is to protect the natural structure and functional values of wetlands and surface waters. The Property has an existing permitted seawall that has disrupted balance between a natural wetland shoreline. The existing sodded yard adds no value to the shoreline or wetlands associated with Lake Beauclair. Granting the requested variance will allow the Barkers to enjoy their property to its fullest potential without disruption to the environment, particularly Lake Beauclair.

The County’s Comprehensive Plan identifies and authorizes the use of the variance process for property owners who cannot meet the shoreline setback requirement. A variance shall be granted if:

Attachment “B” – Statement of Justification and Support (Page 2 of 2)

- 1. The lot is a development Lot of Record, or the lot was legally created through a development order prior to March 2, 1993 (The Property was platted in 1984); and*
- 2. All other remedies have been exhausted, such as a variance to all other setback requirements (The swimming pool will be attached or immediately adjacent to the existing principal structure. The design will be limited to the maximum development area of 30 feet.); and*
- 3. The maximum development area shall be limited to 30 feet in width or depth (The pool enclosure area will be limited to 30 feet in width/depth.); and*
- 4. The first one inch (1”) of stormwater runoff shall be captured on site (Engineering and swale construction providing capture of the first one inch of stormwater runoff will be provided with the pool application.); and*
- 5. Development is constructed as landward on the lot as possible (The pool will be constructed as far landward as possible).*

Finally, the vast majority of the Barker’s neighbors have pools (See attached GIS Aerial).

If a variance to the shoreline setback is denied, the Barkers will not be able to enjoy their property in the same manner enjoyed by their neighbors.

Final Development Order
VAR-20-72-3
Barker Property

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

WHEREAS, Jimmy D. Crawford, Esq. (the “Applicant”), on behalf of Alexander and Kimberly Barker (the “Owners”), requested a variance to Land Development Regulations (LDR) Section 6.01.04.A(1) to allow for an accessory structure (pool, spa, pool deck, and/or pool enclosure) to be constructed 35-feet from the seawall, in lieu of 50-feet; and

WHEREAS, the subject property consists of 0.76 +/- acres and is located at 29048 Beauclaire Drive, in the Tavares area of unincorporated Lake County, in Section 02, Township 20, Range 26, having Alternate Key Number 2743409, and more particularly described below; and

Lot 13 of LAKE BEAUCLAIRE, according to the Plat thereof, as recorded in Plat Book 26, Page 69, 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 April 8, 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 April 8, 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-20-72-3, to allow for an accessory structure (pool, spa, pool deck, and/or pool enclosure) to be constructed 35-feet from the seawall, in lieu of 50-feet; with the following condition:

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 application for the improvement/addition for the site.

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 8th day of April, 2021.

EFFECTIVE April 8, 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 _____ day of _____, 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)