



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearing Date: April 8, 2021

Case No. and Project Name: VAR-21-08-4, Mid-Florida Lakes Mobile Home Park/Allen Property

Applicant: Ricky Allen

Owner: MHC-Deanza Financing Limited Partnership

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow an after-the-fact deck to be located five (5) feet from the jurisdictional wetland line in lieu of fifteen (15) feet.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 0.06 +/- acres (261.16 +/- acres Mobile Home Park)

Location: 177 Lakeview Drive, Leesburg

Alternate Key No.: 1742463

Future Land Use Category: Urban Low Density

Current Zoning District: Mobile Home Rental Park (RMRP)

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	Urban Low Density	Mobile Home Rental Park (RMRP)	Lake	Lake
South	Urban Low Density	Mobile Home Rental Park (RMRP)	Right-of-Way	Lakeview Drive, Single-Family Dwelling Units South of R-O-W
East	Urban Low Density	Mobile Home Rental Park (RMRP)	Residential	Single-Family Dwelling Units
West	Urban Low Density	Mobile Home Rental Park (RMRP)	Residential	Single-Family Dwelling Units

Summary of Request.

The subject site is located within Mid-Florida Lakes Mobile Home Park, the parcel is identified by Alternate Key Number 1742463; the parcel is zoned Rental Mobile Home Park (RMRP) and is part of the Urban Low Density Future Land Use Category (FLUC). Currently, the parcel is developed with a single-family dwelling unit (mobile home) and after-the-fact deck.

On May 27, 2020, a notice of violation was issued to the Owner for building a deck without a permit. The Applicant submitted a variance request to LDR Section 6.01.04(A)(1), to allow an after-the-fact deck to be located five (5) feet from the jurisdictional wetland line in lieu of fifteen (15) feet (Attachment "A"). LDR Section 6.01.04(A)(1) requires that development be constructed fifty (50) feet from the jurisdictional wetland line. However, in 2001, average setback (AS-2001-006) approved an average rear setback of 15.5-feet to the jurisdictional wetland line for parcels located within Mid-Florida Lakes Mobile Home Park (Attachment "B").

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. The Public Works Department had no objections to the request and provided the following comments: "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 to the site."

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.

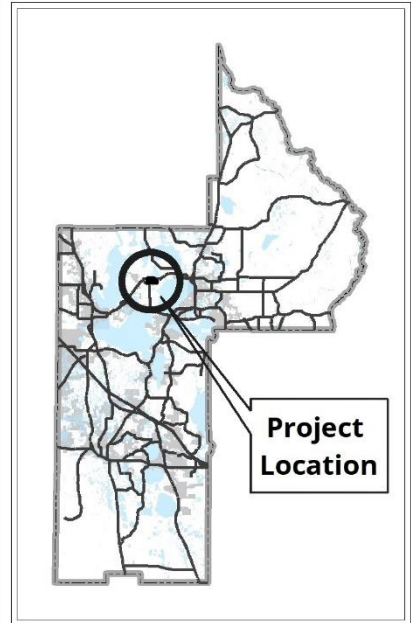
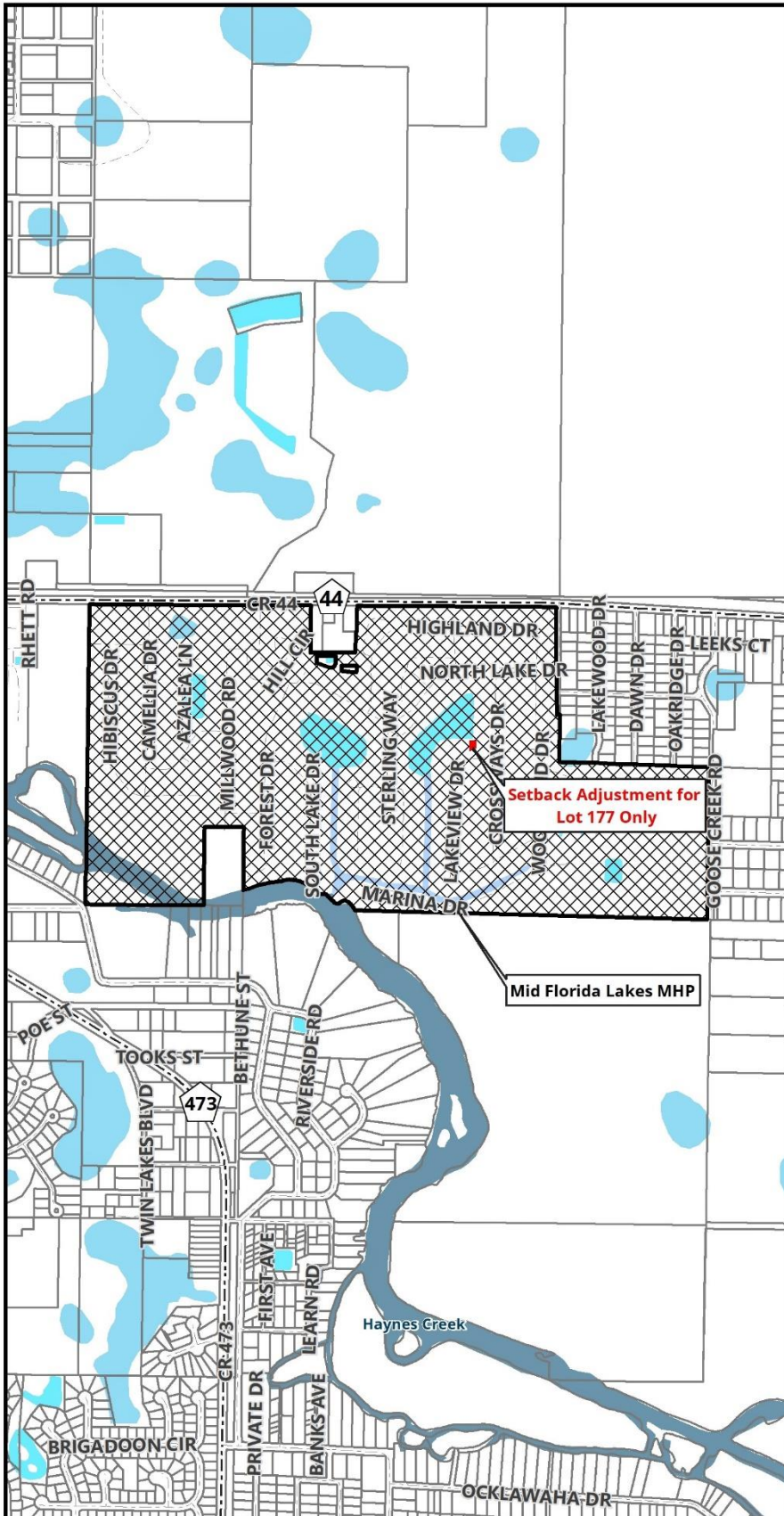
The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"I will meet the front and side setbacks."*

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.

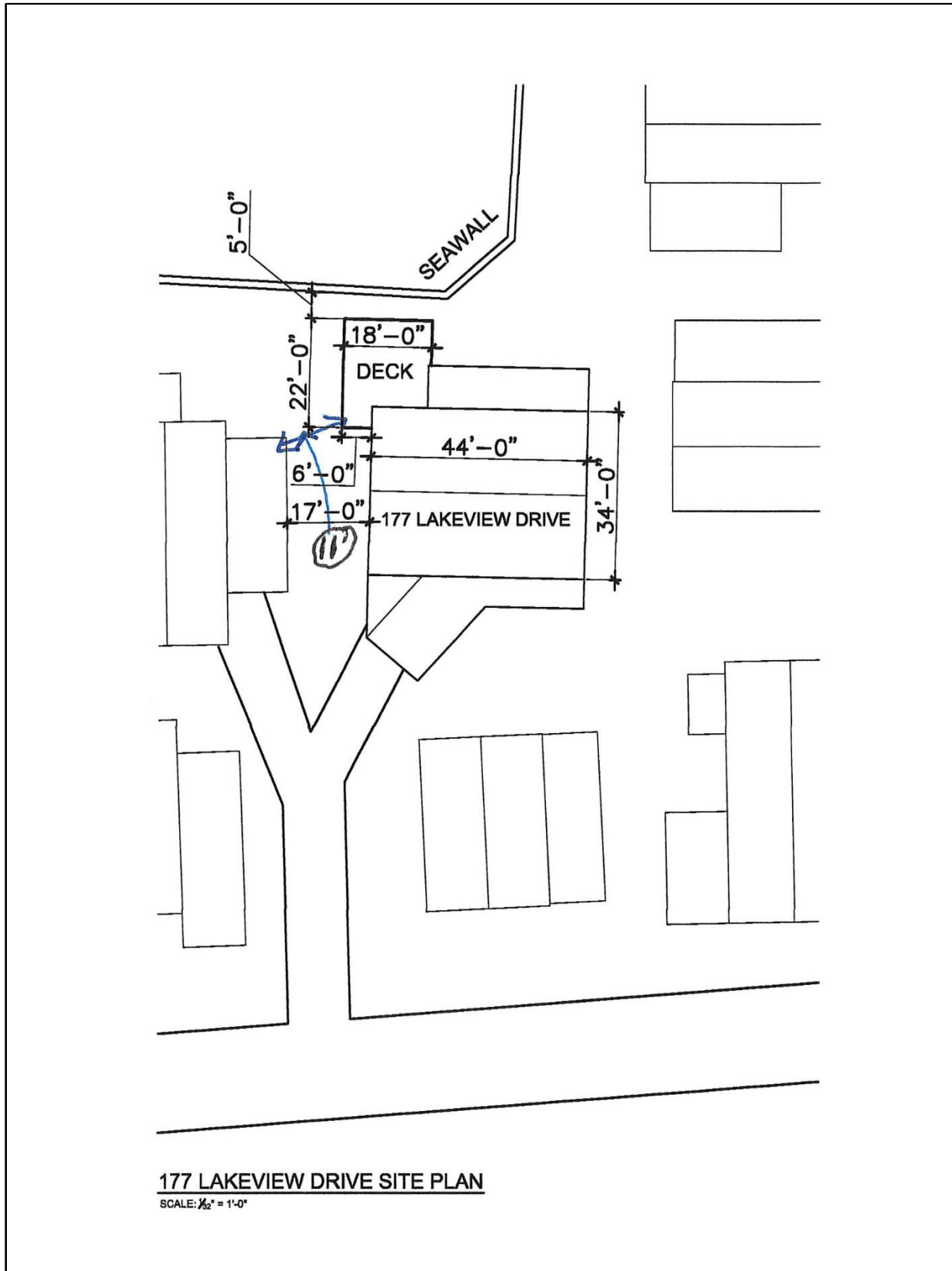
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *"We were new to the state of Florida, when we moved into Mid Florida Lakes. We were told that a building permit wasn't needed because we don't owe the property. We just needed park approval. We talked with the General Manager and submitted a drawing which was approved for construction. Once construction started and was 3/4 done, we were turned in by a neighbor, for not having a building permit. This was all new to us. We were not aware that we needed to be 15.5' from the seawall, park requires 5'. Once I received a stop work order, I called Mike Roaden and started the permit procedure to make things right. I also expressed to Mike Roaden several times that our intent was good and we wasn't trying to do something shady, we just didn't know. Since then I have had several conversations with Janie and Mike, trying to get a building permit."*

Map of Subject Property



Attachment "A" – Concept Plan



Attachment "B" – Average Setback #2001-006

Revised 01/11/00

Lake County, Florida
Department of Growth Management
Planning and Development Services Division
REAR
AVERAGE FRONT SETBACK APPLICATION

Date: 3-20-01

File # AS2001-006

Requested by: Larry Macel (GM)
(signature)

* 267 6972 -cell

Name: Mid Florida Lakes + Carefree SAs Phone # 352-589-8302
Address: 201 Forest Dr. Leesburg Fl 34788

Owner(s) Name: Manufactured Homes Comm Inc. Phone # _____
Address: 2 N. Riverside Plaza Chicago Ill.

Legal Description: (attach a copy of the Recorded Deed and Property Record Card)

Alternate Key # 1779103 Sec. 1 Twn. 19 Rng. 25
Subdivision: MID FLA LAKES Lot: _____ Blk.: _____

Required ^{REAR} front set back: 50' WJL Requested ^{REAR} front set back: _____

1. a. Application Fee \$75.00.
- b. Master Park Plan Average Setback \$250.00 per park.
2. Plot plan showing existing setbacks for the applicant's property.
3. Staff will verify the dimensions provided by the applicant as shown on the submitted plot plan.
4. Once the average front setback is verified, the applicant may apply for a building permit at the average front setback line.
5. Should the applicant desire to be located closer than the average setback, a variance application would be required to be submitted and approved by the Board of Adjustment.

To be Completed by Staff Only

Field Verification

Staff conducting verification: Brian Vayh Date: 4-02-01
Plot plan average setback: _____ Verified average front setback 15 1/2 FEET
FROM WJL

Survey Verification

Staff verifying sealed survey: _____ Date: _____
Verified average front setback _____
Survey date: _____ Surveyed by: _____

**Final Development Order
VAR-21-08-4
Mid-Florida Lakes Mobile Home Park
Allen Property**

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

WHEREAS, Ricky Allen (the “Applicant”) requested a variance to Lake County Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow an after-the-fact deck to be located five (5) feet from the jurisdictional wetland line in lieu of fifteen (15) feet; and

WHEREAS, the subject property is located at 177 Lakeview Drive, in the unincorporated Leesburg area of Lake County, Florida, in Section 01, Township 19 South, Range 25 East, having Alternate Key Number 1742463 and more particularly described in Attachment “A” – Legal Description:

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations (LDR), including notice that the 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-21-08-4 for parcel located at 177 Lakeview Drive, Leesburg, to allow an after-the-fact deck to be located at five (5) feet from the jurisdictional wetland line, in lieu of fifteen (15) 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 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 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 8th day of April, 2021, by _____.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)

Attachment "A" – Legal Description

SOUTHWEST 1/4 OF NORTHEAST 1/4--LESS E 30 FT OF SOUTHWEST 1/4 OF NORTHEAST 1/4 FOR COUNTY RD-- NORTHWEST 1/4 OF SEC 1-19-25 LYING N OF CENTERLINE OF MAIN CHANNEL OF HAINES CREEK--LESS HWY R/W & LESS RR R/W & LESS BEG ON S LINE OF HWY 44 WITH 390.39 FT W OF E LINE OF NORTHWEST 1/4 OF NORTHWEST 1/4, RUN S TO A POINT 833.24 FT N OF S LINE OF NORTHWEST 1/4 OF NORTHWEST 1/4, WEST 390.39 FT, NORTH TO SOUTH R/W LINE OF HWY 44, EAST 390.39 FT TO POB & LESS FROM NORTHWEST CORNER OF SEC 1-19-25 RUN S 0-31-03 W ALONG W LINE A DIST OF 116.41 FT TO A POINT ON S'LY R/W LINE OF CR 44, N 89-59-30 E ALONG SAID SOUTH R/W LINE 932.30 FT, S 0-35-47 W 400 FT, S 01-09-36 E 111.92 FT FOR POB, RUN S 01-53-04 W 41.48 FT TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWEST, HAVING A RADIUS OF 15 FT, A CENTRAL ANGLE OF 94-29-11, A CHORD BEARING OF S 49-07-40 W & A CHORD DIST OF 22.03 FT, THENCE SW'LY ALONG SAID CURVE AN ARC DIST OF 22.03 FT, THENCE SW'LY ALONG SAID CURVE AN ARC DIST OF 24.74 FT TO THE POINT OF TANGENCY OF SAID CURVE, THENCE BEARING N 83-37-45 W A DIST OF 111.90 FT, N 0-0-0 E 43.02 FT, N 89-48-20 E 129.23 FT TO POB & LESS FROM NORTHWEST COR OF SEC 1-19-25 RUN S 0-31-30 W 116.41 FT TO A POINT ON THE S'LY R/W LINE OF CR 44, N 89-59-30 E ALONG SAID SOUTH R/W LINE 542.20 FT, S 0-35-47 W 400 FT, N 89-59-30 E 49.93 FT, S 0-0-30 E 26.94 FT FOR POB, RUN N 90-0-0 E 163 FT, S 0-0-0 E 69.93 FT, S 33-23-13 W 31.88 FT, S 84-03-32 W 27.42 FT, N 70-09-0 W 125.81 FT, N 0-09-16 E 56.67 FT TO POB-- FROM INTERSECTION OF S'LY LINE OF CR 44 WITH W LINE OF E 390.39 FT OF NORTHWEST 1/4 OF NORTHWEST 1/4 OF SEC 1-19-25 RUN S'LY ALONG SAID W LINE TO N LINE OF S 1013.24 FT OF NORTHWEST 1/4 OF NORTHWEST 1/4 FOR POB, CONT S'LY ALONG W LINE TO N LINE OF S 833.24 FT OF NORTHWEST 1/4 OF NORTHWEST 1/4, W'LY ALONG SAID N LINE 11.09 FT, NE'LY TO A POINT ON N LINE OF S 1013.24 FT OF NORTHWEST 1/4 OF NORTHWEST 1/4 THAT IS 6.10 FT W'LY OF POB, E'LY ALONG N LINE OF S 1013.24 FT OF NORTHWEST 1/4 OF NORTHWEST 1/4 A DIST OF 6.10 FT TO POB, ALL IN SEC 1-19-25, EAST 1/2 OF NORTHEAST 1/4 OF SEC 2-19-25--LESS CR 44 & LESS RR R/W & LESS EAST 1/2 OF SOUTHEAST 1/4 OF SOUTHEAST 1/4 OF NORTHEAST 1/4 OF SEC 2-19-25