



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 11

Public Hearing Date: May 13, 2021

Case No. and Project Name: VAR-21-07-4, Little Property

Owner/Applicant: Robert B. Little

Requested Action: Variance to Land Development Regulations (LDR) Section 3.02.05, Setbacks, to allow a shed to be located two (2) feet from the western side property line in lieu of 7.5 feet; a variance to LDR Table 6.01.04.A.1 to allow a shed to be located twenty-one (21) feet from the jurisdictional wetland line (top of the canal bank) in lieu of fifty (50) feet; and a variance to LDR Table 6.01.04.A.1 to allow a pergola and concrete slab to be located thirty-four (34) feet from the jurisdictional wetland line (top of the canal bank) in lieu of fifty (50) feet.

Case Manager: Heather N. Croney, Planner

Subject Property Information

Size: 0.36 +/- acres

Location: 12400 South Putney Court, in the Leesburg area.

Alternate Key No.: 2744049

Future Land Use: Urban Low

Current Zoning District: Urban Residential (R-6)

Flood Zone: "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	Urban Residential (R-6)	Residential	South Putney Court, Adjoined by Single-Family Dwelling Units
South	Urban Low	Urban Residential (R-6)	Residential	Canal, Adjoined by Single-Family Dwelling Units
East	Urban Low	Urban Residential (R-6)	Street and Residential	Single Family Dwelling Unit
West	Urban Low	Urban Residential (R-6)	Residential	Single Family Dwelling Unit

Summary of Request.

The subject 0.36 +/- acre parcel is identified by Alternate Key Number 2744049. The parcel is zoned Urban Residential (R-6) and is part of the Urban Low Future Land Use Category (FLUC). The subject parcel is currently developed with a single-family dwelling unit, a utility building, a swimming pool with deck and screen enclosure, a dock, a boathouse, and a carport. The parcel is located along the South side of South Putney Court and north of a canal, within the Pine Harbor subdivision, in the Leesburg area of unincorporated Lake County.

The property owners were cited for building a concrete pad, pergola, and installing electrical connection without a permit in October of 2020 (Code Case No. 2020110192). When the property owner/applicant came into the Office of Planning and Zoning to obtain an after the fact zoning permit for these structures and impervious surface, a zoning permit could not be issued because the structures did not meet the setback requirements established in the Land Development Regulations. Per the provided survey/concept plan, a shed is also located within the required setbacks as well as a utility easement; based on aerials of the subject property and the property's permit history, it appears the shed was constructed without a permit. There is a seven and a half-foot (7.5') utility easement along both sides, east and west, and the rear south side of the property. There is a canal at the south of the property, and an associated thirty-five-foot (35') canal easement. The survey notes that the top of the bank is located within the canal easement.

LDR Section 6.01.04, *Development near Wetlands and Waterbodies*, states that If any wetlands are present on a property proposed for development, the County shall require that a wetland survey and delineation be conducted. LDR Section 6.01.04.A.1 states 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. The applicant has existing structures (wood shed, pergola, and concrete slab) that are within this setback requirement.

LDR Section 3.02.05, *Setbacks*, particularly *Table 3.02.05 – Setback Requirements*, requires that structures be at least five (5) feet from the side property lines in the Urban Residential (R-6) zoning district. Per the provided survey, the wood shed on the property is located two feet from the western property line, and within a utility easement.

The applicant is seeking a variance to Land Development Regulations (LDR) Section 3.02.05, *Setbacks*, to allow a shed to be located two (2) feet from the western side property line in lieu of 7.5 feet; a variance to LDR Table 6.01.04.A.1 to allow a shed to be located twenty-one (21) feet from the jurisdictional wetland line (top of the canal bank) in lieu of fifty (50) feet; and a variance to LDR Table 6.01.04.A.1 to allow a pergola and concrete slab to be located thirty-four (34) feet from the jurisdictional wetland line (top of the canal bank) in lieu of fifty (50) feet. This is shown on Attachment A, Concept Plan.

The variance application was sent to the Public Works Department for review. The Public Works Department states that 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.

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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.

The **intent of the Code**, LDR Section 6.01.04, is to protect the wetland area from erosion, sedimentation, water pollution, and other negative impacts that may be associated with land use activities. The Development Order includes a condition to mitigate any potential negative impacts to the canal.

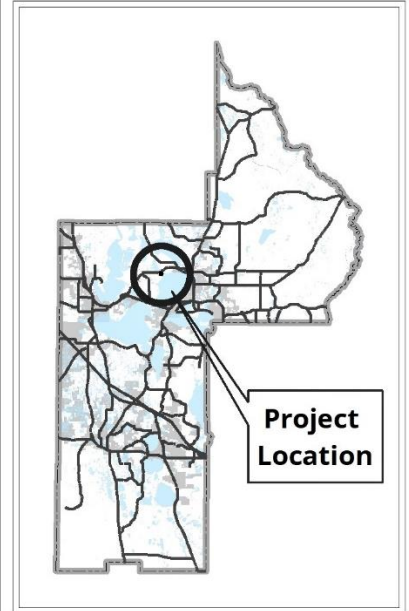
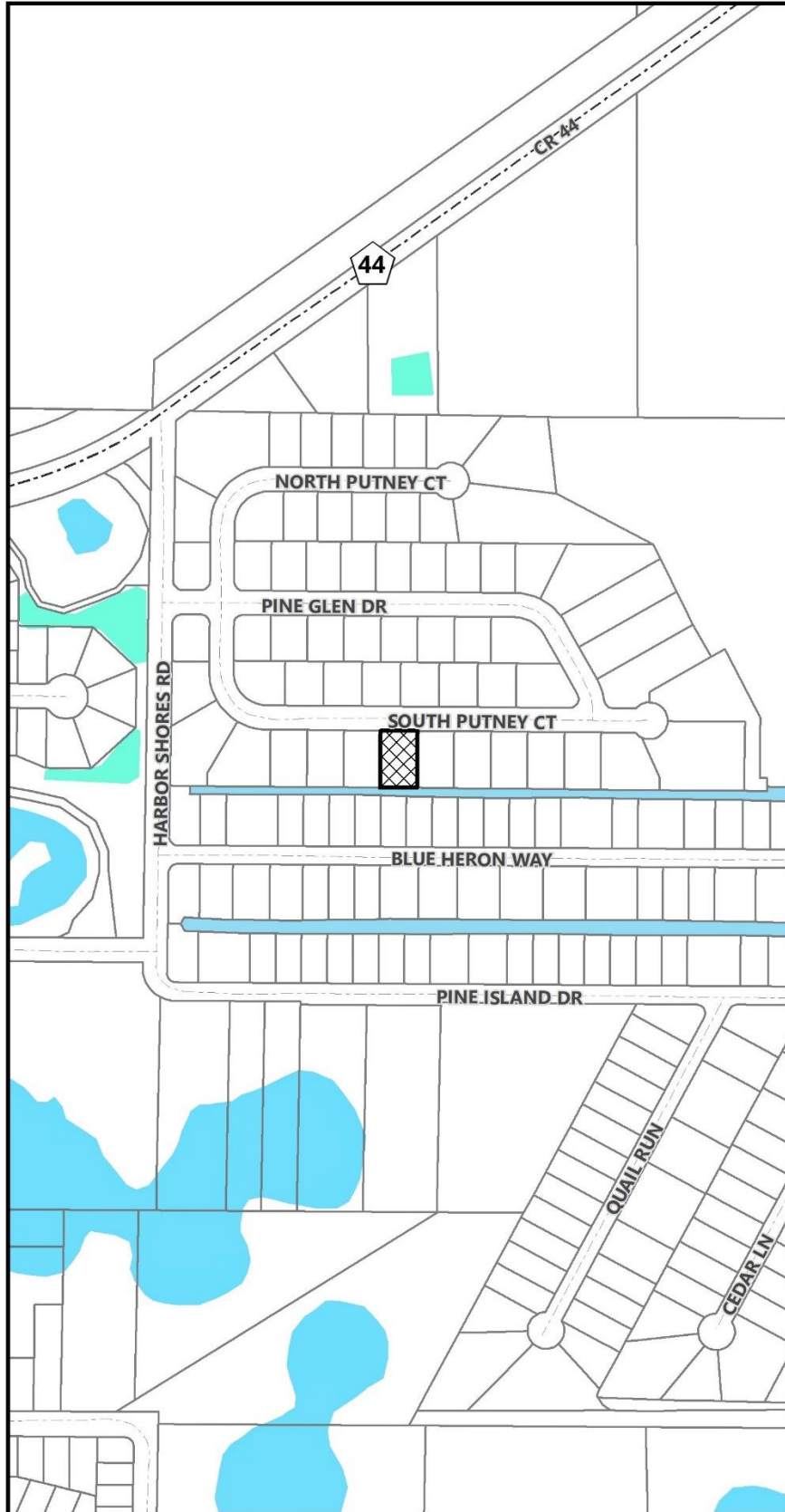
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *“According to the engineering report and drafted blueprints, the concrete slab and pergola structure, are in compliance with current code. Also the Norther/Eastern/and Western setbacks are conforming to the code requirement for the pergola and concrete slab. As for the shed, the Front and Eastern setbacks meet code requirements.”*

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.

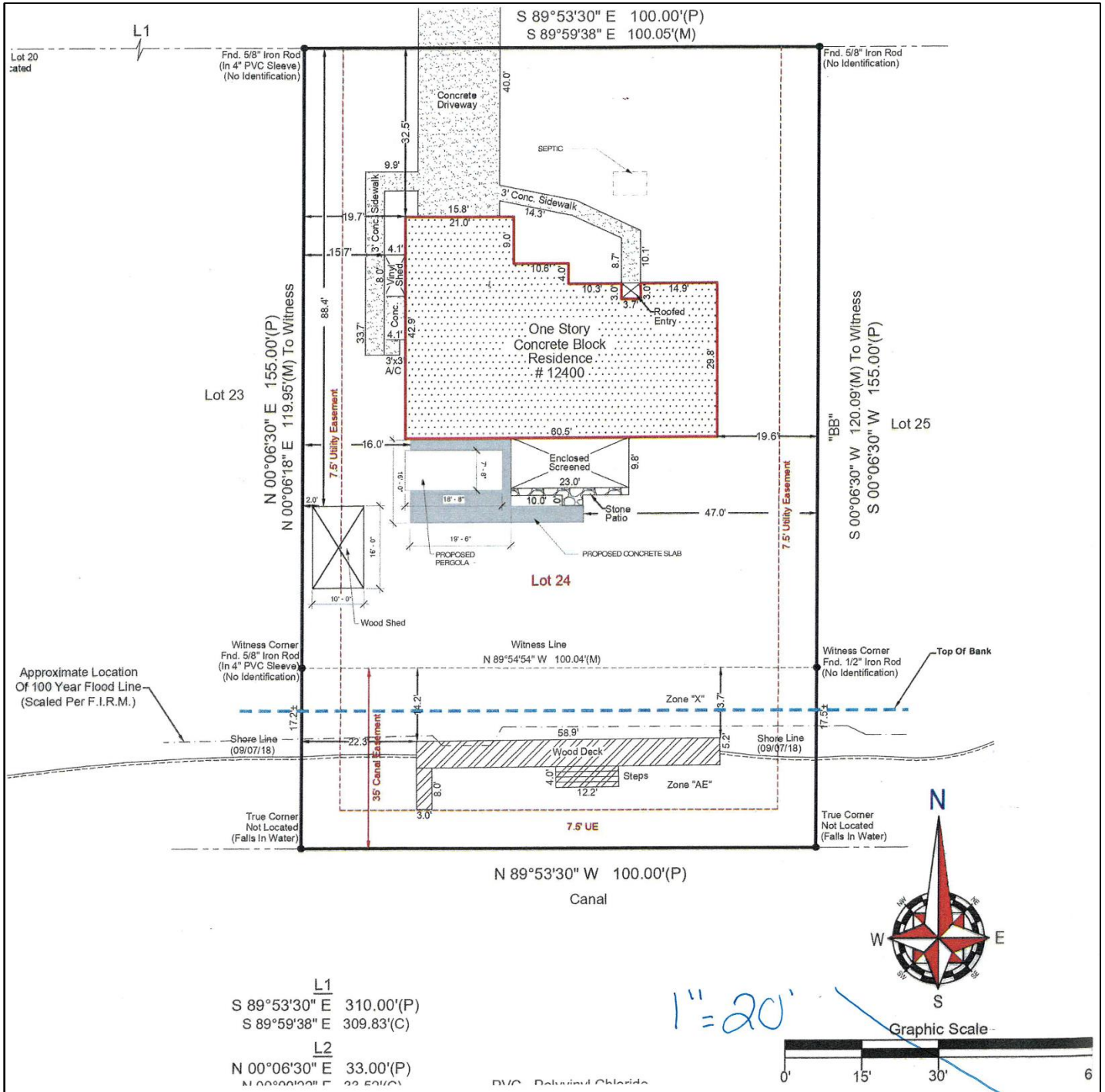
LDR Section 14.15.04 states that for the purposes of this section “substantial hardship” means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *“The shed was already existing on the property in the location when I recently purchased the property. As for the pergola and its concrete slab, funds were used to try to get a new average setback but that resulted in a new average setback of 42.19’ which my cement pad and pergola still did not fit within. In an effort to not waste materials and to avoid financial hardship to rebuild, I submit this application.”*

Map of Subject Property



Attachment "A" — Concept Plan



CURRENT FUTURE LAND USE

Rural Transition

44

CR 44

Urban Low

Conservation

HARBOR SHORES RD

NORTH PUTNEY CT

PINE GLEN DR

SOUTH PUTNEY CT

Urban Low

BLUE HERON WAY

Future Land Use

Urban Low Rural Transition Conservation

NAME: **LITTLE PROPERTY**
CASE NUMBER: **VAR-21-07-4**
LOCATION (S-T-R): **06-19-26**
REQUEST: **SETBACK ADJUSTMENT**

DISTRICT: **4**



CURRENT ZONING

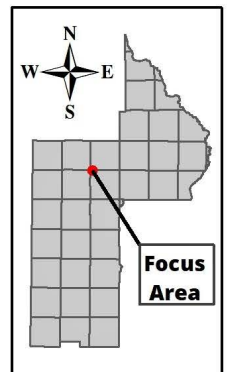


Zoning Legend

 R-3  R-6  CP

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CASE NUMBER: **VAR-21-07-4**
LOCATION (S-T-R): **06-19-26**
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**Final Development Order
VAR-21-07-4
Little Property**

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

WHEREAS, Robert B. Little (the “Owner” and the “Applicant”) requested a Variance to Land Development Regulations (LDR) Section 3.02.05, Setbacks, to allow a shed to be located two (2) feet from the western side property line in lieu of 7.5 feet; a variance to LDR Table 6.01.04.A.1 to allow a shed to be located twenty-one (21) feet from the jurisdictional wetland line (top of the canal bank) in lieu of fifty (50) feet; and a variance to LDR Table 6.01.04.A.1 to allow a pergola and concrete slab to be located thirty-four (34) feet from the jurisdictional wetland line (top of the canal bank) in lieu of fifty (50) feet; and

WHEREAS, the subject property consists of 0.36 +/- acres and generally located at 12400 South Putney Court, in the Leesburg area of unincorporated Lake County, Florida, in Section 06, Township 19, Range 25 East, having Alternate Key Number 2744049 and more particularly described as:

Lot 24, Pine Harbour, according to the map or plat thereof, as recorded in Plat Book 27, Page(s) 19 and 20, inclusive, 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 May 13, 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 May 13, 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-20-29-1, to allow a shed to be located two (2) feet from the western side property line and twenty-one (21) feet from the jurisdictional wetland line (top of the canal bank) in lieu of fifty (50) feet; and a variance to LDR Table 6.01.04.A.1 to allow a pergola and concrete slab to be located thirty-four (34) feet from the jurisdictional wetland line (top of the canal bank) in lieu of fifty (50) feet, as shown on Attachment A, Concept Plan, with the following conditions:

1. Temporary removal and replacement may be necessary during servicing of the utilities located within the utility easement

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 13th day of May, 2021.

EFFECTIVE May 13, 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 13th day of May, 2021, by James Argento.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)

Attachment A. Concept Plan.

