



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearing Date: June 10, 2021

Case No. and Project Name: VAR-21-22-5, Wilson Property

Owner: Scott A. & Christie M. Wilson

Applicant: Scott A. Wilson

Requested Action: Variance to Land Development Regulation (LDR) Section 6.01.04.A.1, to allow a pool, pool deck, and pool enclosure to be located thirty (30) feet from the jurisdictional wetland line (JWL) in lieu of fifty (50) feet.

Case Manager: Michele Janiszewski, Chief Planner

Subject Property Information

Size: 9.19 +/- gross acres

Location: 13650 County Road 450, Umatilla

Alternate Key No.: 3804007

Future Land Use: Rural

Current Zoning District: Agriculture

Flood Zone: "X" & "A"

Joint Planning Area / ISBA: None

Overlay Districts: Emerald Marsh Rural Protection Area (RPA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Vacant	Vacant Lot 1 of Aunt Mattie's Acres
South	Rural	Agriculture (A)	Residential	Single Family Dwelling Unit
East	Rural	Agriculture (A)	Vacant	Vacant Agriculture Land
West	Rural	Agriculture (A)	Right-of-Way	CR 450, Single Family Dwelling Unit West of Road

Summary of Request.

The subject 9.19 +/- acre parcel is identified by Alternate Key Number, contains 9.19 +/- acres, is zoned Agriculture (A, and is designated with a Rural Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject property is located east of County Road 450, in unincorporated Umatilla area of Lake County. The subject parcel is currently developed with a single-family dwelling unit and related accessory uses, including a dock.

The Applicant has requested a variance to LDR Section 6.01.04.A.1, to allow a pool, pool deck and a pool enclosure thirty (30) feet from the jurisdictional wetland line in lieu of fifty (50) feet; the plot plan (Attachment "A") depicts the proposed location of pool and pool deck.

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

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.

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.

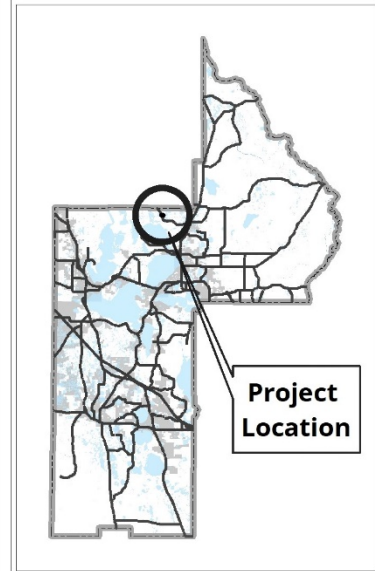
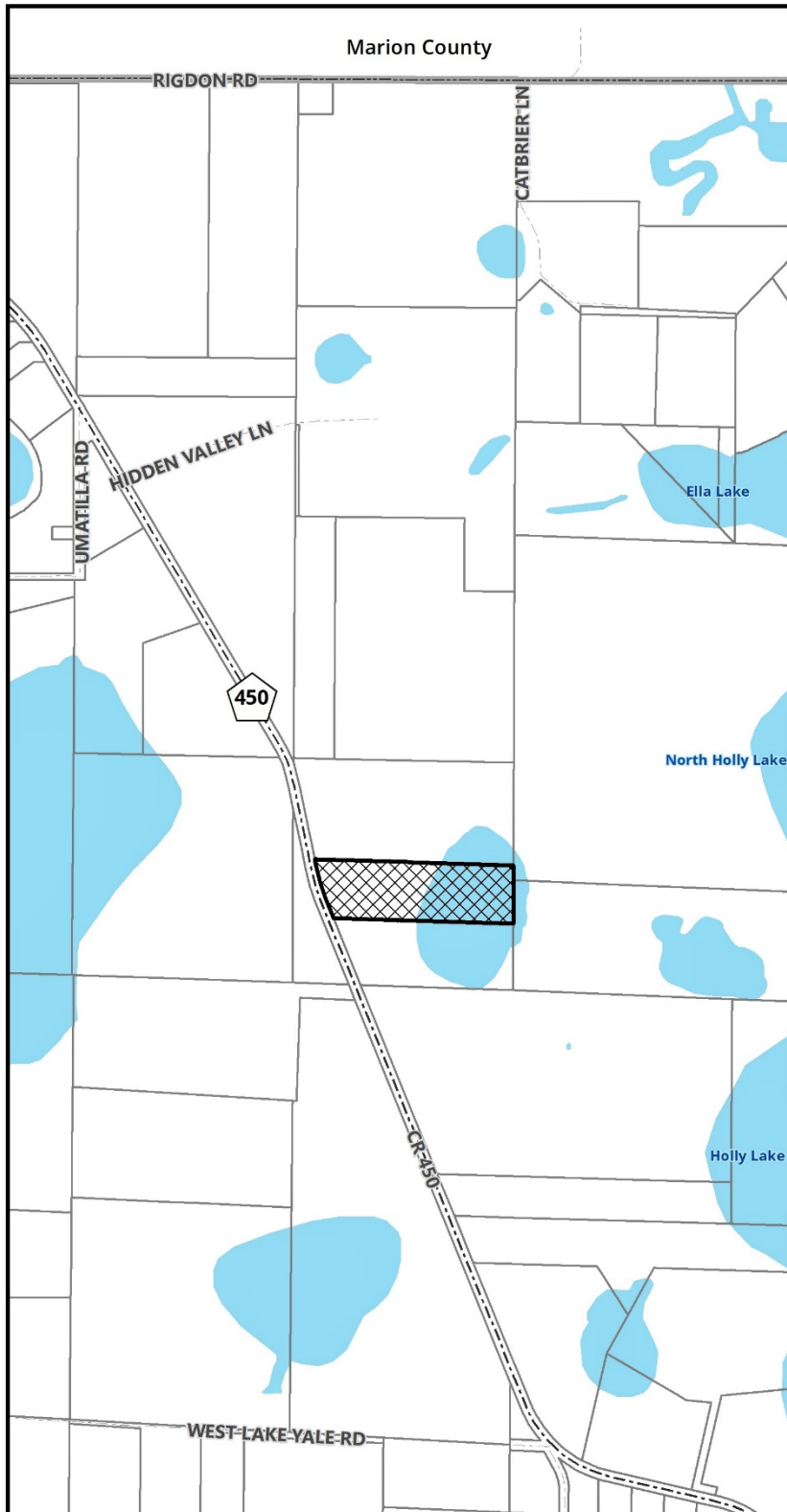
"With no ability to adjust the house location and septic placing, my only means toward positive LDR will be to maintain and preserve our lake shoreline, regardless of pool placement. We will maintain a clean and healthy lake edge, ensuring no erosion and loss of embankment. The elevation of our yard above lake level should aid in this a well."

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.

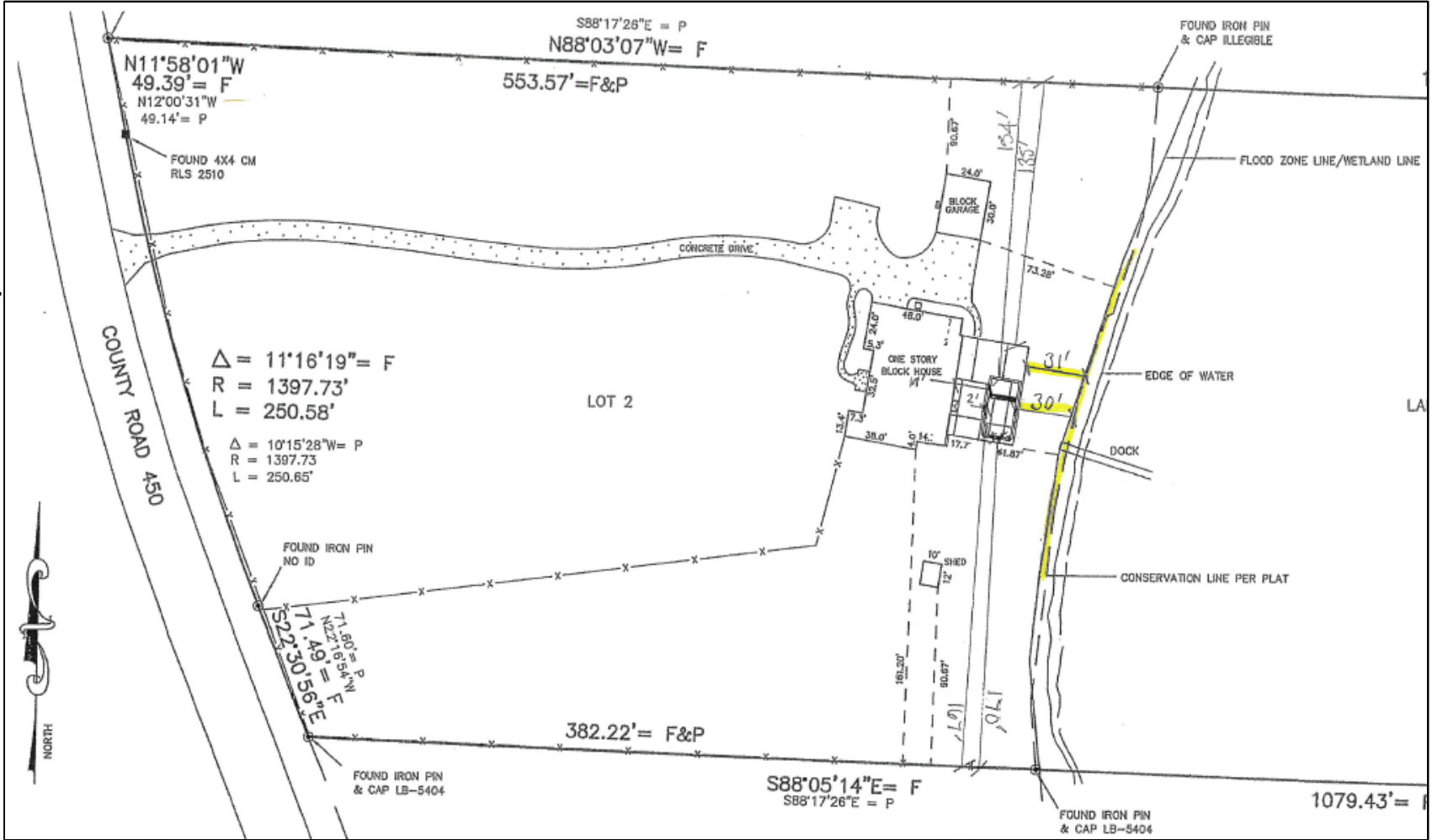
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

"In buying this house, the vision is to have an amazing pool view to go along with our lake view. We are filing this variance due to the pool landing with the 50' guideline and LDR regs, true waterline to pool deck at 30'-310 feet. This house having been built in 2002, no builder could've foreseen such a rule, and with the septic tank beside the house hampering pool location too. My only neighbors house (ALT #3804008) was built in '03 and their pool in '08, well before the 2010 LDR put the Comprehensive Plan. For this, we seek some grandfathering approval."

Map of Subject Property



Attachment A. Concept Plan.



**Final Development Order
VAR-21-22-5
Wilson Property**

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

WHEREAS, Scott A. and Christie M. Wilson (the “Applicant” and the “Owner”), requested a variance to Land Development Regulation (LDR) Section 6.01.04.A.1, to allow a pool, pool deck, and pool enclosure to be located thirty (30) feet from the jurisdictional wetland line (JWL) in lieu of fifty (50) feet; and

WHEREAS, the subject property consists of 9.19 +/- acres, is located at 13650 County Road 450, in the unincorporated Umatilla area of Lake County, Florida, in Section 05, Township 18, Range 26, having Alternate Key Number 3804007, and more particularly described in “**Exhibit A – Legal Description**”.

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 June 10, 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 June 10, 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-21-22-5 to allow a pool, pool deck, and pool enclosure to be located thirty (30) feet from the jurisdictional wetland line (JWL) in lieu of fifty (50) feet with the following conditions:

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.

**Section 3. Effective Date. This Ordinance will become effective as provided by law.
ENACTED this 10th day of June, 2021.
EFFECTIVE June 10, 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 10th day of June, 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)**

Exhibit "A" – Legal Description

Lot 2, AUNT MATTIE'S ACRES, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 45, PAGE 98, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.