



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: July 8, 2021

Case No. and Project Name: VAR-21-27-3, Jensen Property

Owners: Norman and Laura Jensen

Applicant: Norman and Laura Jensen

Requested Action: Variance to Land Development Regulations (LDR) Section 6.01.04(A)(1)(a) to allow an accessory structure (pool, spa, deck, and/or pool enclosure) to be located 30.5-feet from the jurisdictional wetland line/seawall, in lieu of 50-feet from the jurisdictional wetland line/seawall.

Case Manager: Emily W. Johnson, Senior Planner

Subject Property Information

Size: 0.32 +/- acres

Location: 7140 Treasure Island Road, Leesburg.

Alternate Key No.: 1691508

Future Land Use: Rural Transition

Current Zoning District: Agriculture (A)

Flood Zones: "AE" and "X"

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

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture (A)	Residential	Single-Family Residences, adjacent to Treasure Island Road
South	N/A	N/A	Lake	Lake Griffin
East	Rural Transition	Agriculture (A)	Residential	Single-Family Residences
West	Rural Transition	Agriculture (A)	Residential	Single-Family Residences

Summary of Request.

The subject property, identified as Alternate Key Number 1691508, contains 0.32 +/- acres, is zoned Agriculture (A), and is designated with a Rural Transition Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject property is located southwest of Treasure Island Road, in the unincorporated Leesburg area of Lake County. The subject property is recognized as Lot 7 of Treasure Island Shores subdivision, as recorded in Plat Book 11, Page 89, on January 11, 1949. The subject property is currently developed with a single-family dwelling unit and related accessory uses, including a concrete block seawall.

The Applicant has requested a variance to LDR 6.01.04(A)(1)(a) to allow an accessory structure (pool, spa, deck, and/or pool enclosure) to be located 30.5-feet from the jurisdictional wetland line/seawall, in lieu of 50-feet from the jurisdictional wetland line/seawall; the plot plan (Attachment "A") depicts the proposed location and dimensions of the pool and deck.

The Lake County Department of Public Works reviewed the application and requested the following condition for inclusion in the development order:

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.

The subject property is located within the City of Leesburg Interlocal Service Boundary Agreement (ISBA) Area. The City of Leesburg 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.

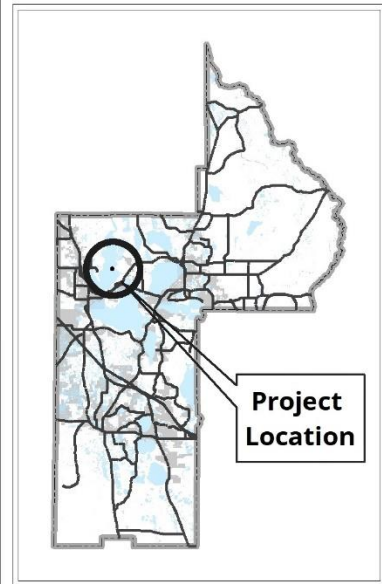
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, *"Our intent is to construct a modest concrete pool, concrete walk way around the pool, and screened birdcage all within the footprint shown on the survey. We have an existing seawall which will not be disturbed or destabilize the shoreline substrate with any mechanical equipment. Our intention is to maintain the seawall to not allow any erosion of the soil and we have hearty grass up to the seawall to stop any erosion too."*

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.

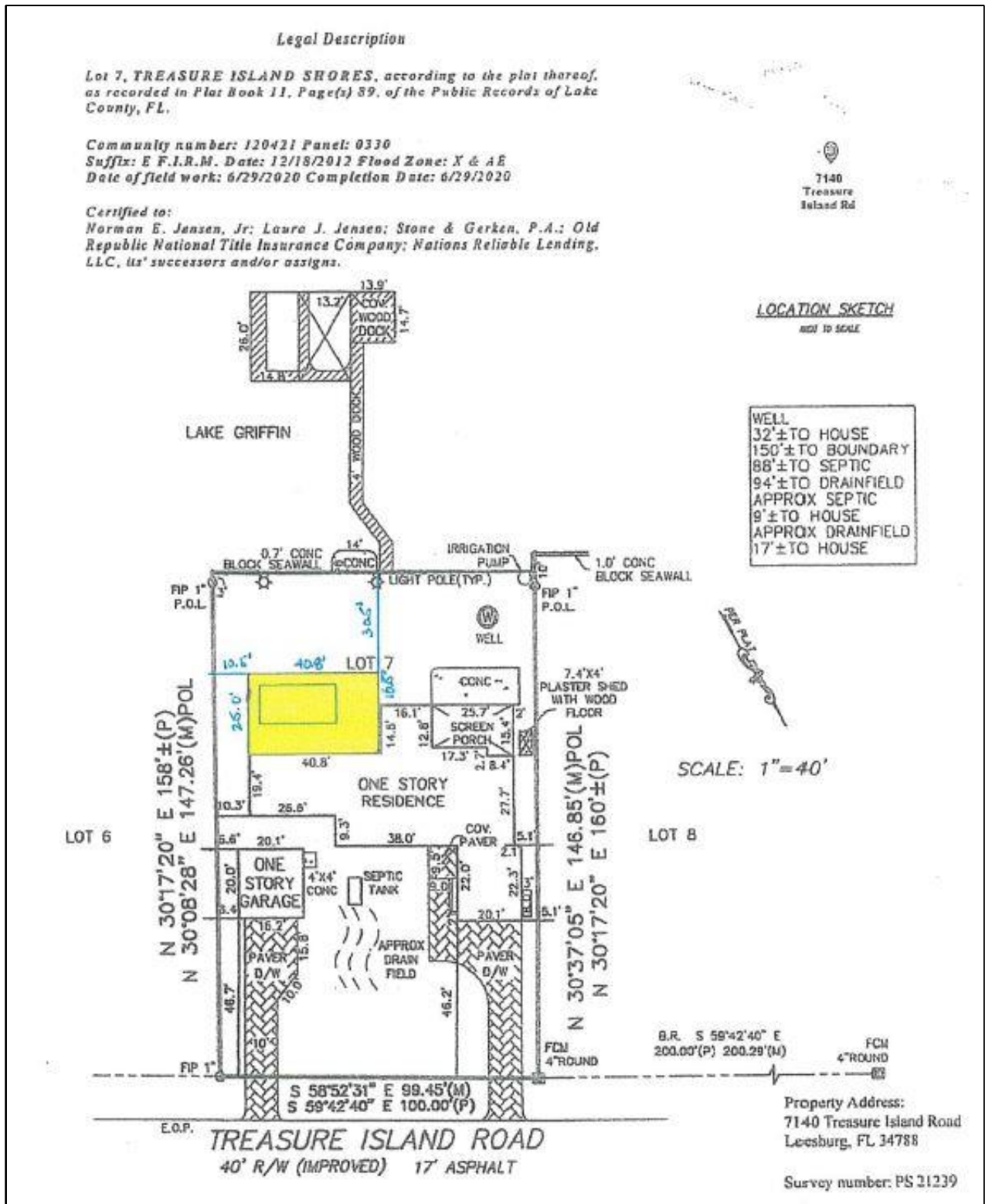
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

As proof of a substantial hardship, the Applicant provided the following statement, *“I, Norman Jensen, retired after a 32 year career as a firefighter / first responder. Due to the nature of my job my lower back has several spine/disc issues that are relieved during daily pool activity.”*

Map of Subject Property



Attachment "A" – Plot Plan



**Final Development Order
VAR-21-27-3
Jensen Property**

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

WHEREAS, Norman and Laura Jensen (the “Applicants” and the “Owners”) requested a variance to Land Development Regulations (LDR) Section 6.01.04(A)(1)(a) to allow an accessory structure (pool, spa, deck, and/or pool enclosure) to be located 30.5-feet from the jurisdictional wetland line/seawall, in lieu of 50-feet from the jurisdictional wetland line/seawall; and

WHEREAS, the subject property consists of 0.32 +/- acres and is located at 7140 Treasure Island Road, in the Leesburg area of unincorporated Lake County, in Section 5, Township 19, Range 25, having Alternate Key Number 1691508, and more particularly described below; and

Lot 7, TREASURE ISLAND SHORES, according to the plat thereof, as recorded in Plat Book 11, Page 89, 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 July 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 July 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-21-27-3, to allow for an accessory structure (pool, spa, deck, and/or pool enclosure) to be located 30.5-feet from the jurisdictional wetland line/seawall, in lieu of 50-feet from the jurisdictional wetland line/seawall; 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.

Section 3. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this 8th day of July 2021.

EFFECTIVE July 8, 2021.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea 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 8th day of July, 2021, by Bea Meeks, as Vice Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)