



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearing Date: July 8, 2021

Case No. and Project Name: VAR-21-30-1, Castro Property

Owners: Richard and Mia Castro

Applicant: Philip Crotwell, President, Design South Homes

Requested Action: Variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow a single-family dwelling unit and related accessory structures to be constructed 25-feet from the jurisdictional wetland line, in lieu of 50-feet from the jurisdictional wetland line.

Case Manager: Emily W. Johnson, Senior Planner

Subject Property Information

Size: 0.68 +/- acres

Location: Northeast of the intersection of State Road 19 and Savage Circle in the unincorporated Howey-In-The-Hills area.

Alternate Key No.: 2767910

Future Land Use: Urban Low Density

Current Zoning District: Estate Residential (R-2)

Flood Zones: "AE" and "X"

Joint Planning Area (JPA) / ISBA: Town of Howey-In-The-Hills

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	R-2	Park	Park Tract, as identified on the plat of Cypress Point (PB 26, Pgs 25-26)
South	Urban Low Density	R-2	Residential	Single-Family Residence, adjacent to Savage circle
East	N/A	N/A	Lake	Little Lake Harris
West	Urban Low Density	Agriculture (A)	Vacant	Large Vacant Tract, adjacent to State Road 19

Summary of Request.

The subject property, identified as Alternate Key Number 2767910, contains 0.68 +/- acres, is zoned Rural Residential (R-2), and is designated with an Urban Low Density Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject property is located northeast of the intersection of State Road 19 and Savage Circle in the unincorporated Howey-In-The-Hills area. The subject property is recognized as Lot 10 of Cypress Point subdivision, as recorded in Plat Book 26, Pages 25-26, on March 18, 1983. The subject property is currently vacant and undeveloped

The Applicant has requested a variance to LDR 6.01.04(A)(1) to allow a single-family dwelling unit and related accessory structures to be constructed 25-feet from the jurisdictional wetland line, in lieu of 50-feet from the jurisdictional wetland line. The plot plan (Attachment "A") depicts the proposed location and dimensions of the single-family dwelling unit, driveway, lanai, screen enclosure, well, and septic system.

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 Town of Howey-In-The-Hills Interlocal Service Boundary Agreement (ISBA) Area. The Town of Howey-In-The-Hills 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.

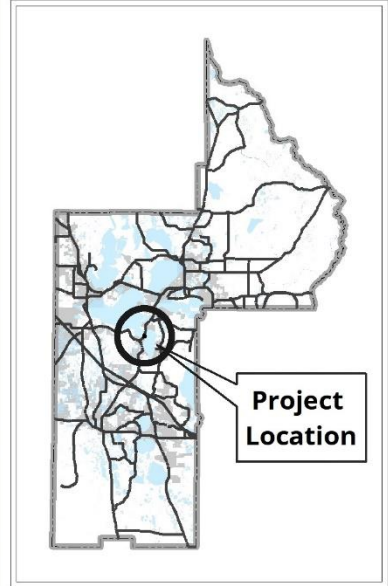
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, *"We are compliant on our site plan for all well and septic locations and property setback requirements, with the exception of the corner of the proposed new home's rear porch and screen cage with the wetland line. The recently permitted home currently under construction adjacent to our lot received the same wetland variance order to proceed with construction."*

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.

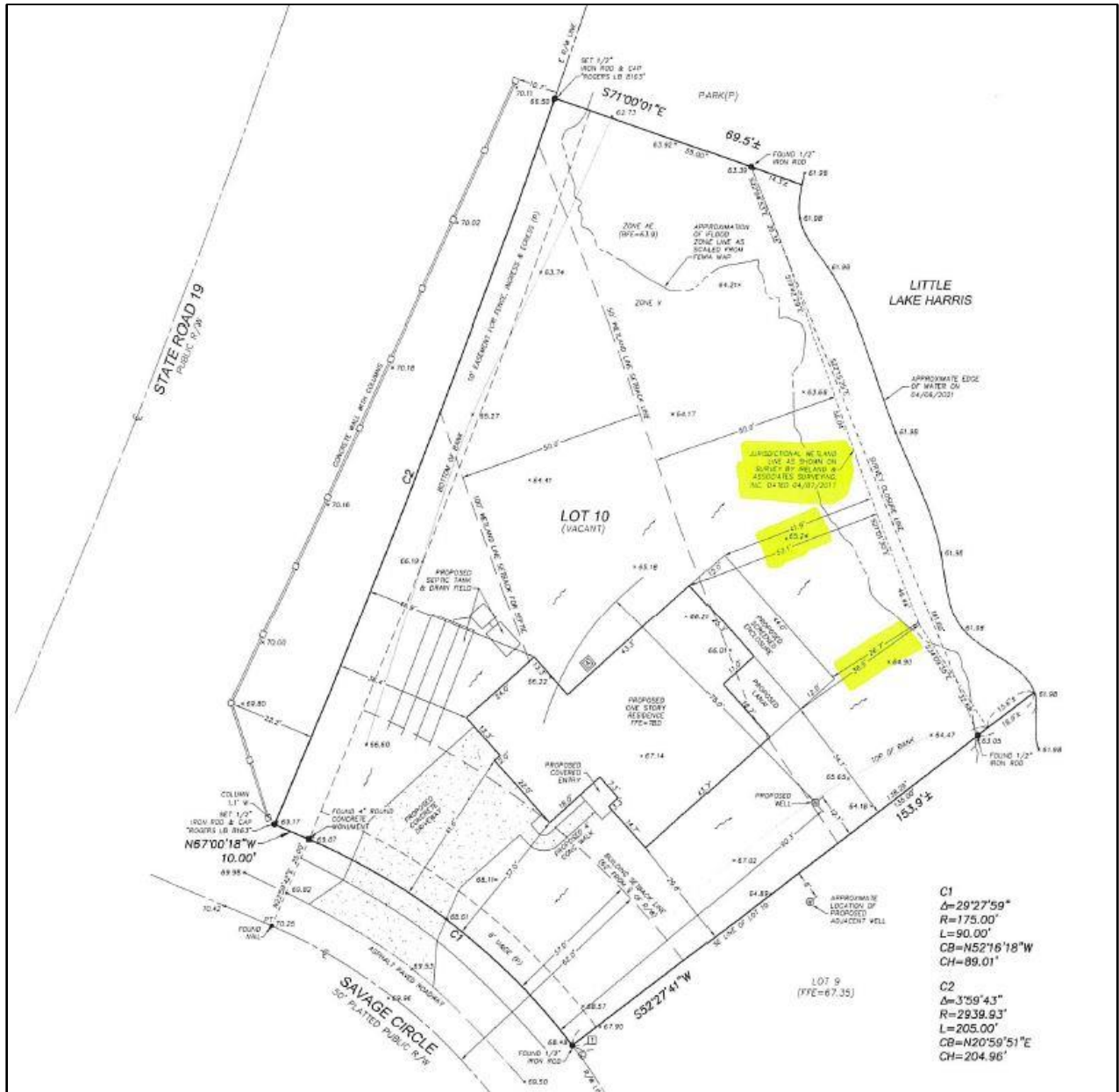
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

As proof of a substantial hardship, the Applicant provided the following statement, *"As the last buildable lot in the community and next to a recently permitted large home under construction, we have limited options for locating the well and septic for a new modest size home of 2,020 SF. Those limitations have left only one possible location for placement of the new home on the site. We are requesting a variance for the rear wetland line from 50 feet to 25 feet to accommodate the proposed new home and screen cage."*

Map of Subject Property



Attachment "A" – Plot Plan



**Final Development Order
VAR-21-30-1
Castro Property**

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

WHEREAS, Philip Crotwell, President, Design South Homes (the “Applicant”), on behalf of Richard and Mia Castro (the “Owners”) requested a variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow a single-family dwelling unit and related accessory structures to be constructed 25-feet from the jurisdictional wetland line, in lieu of 50-feet from the jurisdictional wetland line; and

WHEREAS, the subject property consists of 0.68 +/- acres and is located northeast of the intersection of State Road 19 and Savage Circle, in the Howey-In-The-Hills area of unincorporated Lake County, in Section 24, Township 20, Range 25, having Alternate Key Number 2767910, and more particularly described below; and

Lot 10, Cypress Point, according to the map or plat thereof, as recorded in Plat Book 26, Pages 25-26, 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-21-30-1, to allow for a single-family dwelling unit and related accessory structures to be constructed 25-feet from the jurisdictional wetland line, in lieu of 50-feet from the jurisdictional wetland line; 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)**