



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 22  
 Public Hearing Date: August 12, 2021  
 Case No. and Project Name: VAR-21-48-4, Kurtz Property  
 Owners: Andrew T. Kurtz and Danielle L. Kurtz  
 Applicant: David Vedder  
 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 34-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: 0.34 +/- acres  
 Location: 2680 Little Laurel Way, Mount Dora.  
 Alternate Key No.: 1240867  
 Future Land Use: Urban Low Density  
 Current Zoning District: Rural Residential (R-1)  
 Flood Zones: "AE" and "X"  
 Joint Planning Area (JPA) / ISBA: City of Mount Dora  
 Overlay Districts: Wekiva Study Area

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	R-1	Residential	Single-Family Residence
South	N/A	N/A	Lake	Lake Gertrude
East	Urban Low Density	R-1	Residential	Single-Family Residence
West	Urban Low Density	R-1	Residential	Single-Family Residence, adjacent to Little Laurel Way

### Summary of Request.

The subject property, identified as Alternate Key Number 1240867, contains 0.34 +/- acres, is zoned Rural Residential (R-1), and is designated with an Urban Low Density Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject property is located east of Little Laurel Way, and north of Lake Gertrude, in the unincorporated Mount Dora area of Lake County. The subject property is currently developed with a single-family dwelling unit and related accessory uses.

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 34-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 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 Mount Dora Joint Planning Area (JPA). The City of Mount Dora 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.

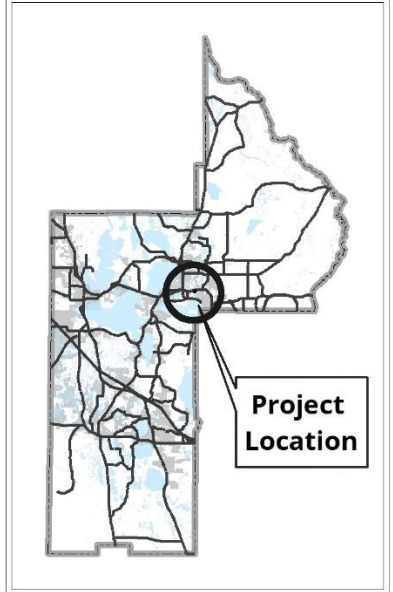
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, *"Meets side setbacks, brings value to property, updates space and brings outside electric to current code."*

- 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, *"There is already an existing porch/patio structure existing. This will be a remove and replace build. To build pool/spa w/ deck & porch structure."*

# Map of Subject Property





**Final Development Order**  
**VAR-21-48-4**  
**Kurtz Property**

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

**WHEREAS**, David Vedder (the “Applicant”), on behalf of Andrew T. Kurtz and Danielle L. Kurtz (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 34-feet from the jurisdictional wetland line, in lieu of 50-feet from the jurisdictional wetland line; and

**WHEREAS**, the subject property consists of 0.34 +/- acres and is located at 2680 Little Laurel Way, in the Mount Dora area of unincorporated Lake County, in Section 24, Township 19, Range 26, having Alternate Key Number 1240867, and more particularly described in Exhibit “A” – Legal Description; and

**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 August 12, 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 August 12, 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-21-48-4, to allow for an accessory structure (pool, spa, deck, and/or pool enclosure) to be located 34-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.

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**Section 3. Effective Date. This Ordinance will become effective as provided by law.  
ENACTED this 12<sup>th</sup> day of August 2021.  
EFFECTIVE August 12, 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 12<sup>th</sup> day of August, 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

That part of a PARTIAL REPLAT OF LOT "A" OF SAGE AND KINNEY SUBDIVISION, and other land in Section 24, Township 19 South, Range 26 East, in Lake County, Florida, according to the plat thereof as recorded in Plat Book 11, Page 23, Public Records of Lake County, Florida, bounded and described as follows: From the Northeast corner of said Subdivision run South 515 feet for a point of beginning. From said point of beginning run thence North 88°26' West 94 feet; thence run South 172 feet, more or less, to the waters of Lake Gertrude; thence run Northeasterly along the waters of said Lake 97.09 feet, more or less, to a point South of the point of beginning; thence run North 138 feet, more or less to the point of beginning.