



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 28
 Public Hearing Date: August 12, 2021
 Case No. and Project Name: VAR-21-55-5, Inter-Vision Property
 Owners: Inter-Vision Homes, Inc.
 Applicant: Charles W. O'Neal
 Requested Action: Variance to Lake County Land Development Regulations (LDR) 6.01.04(A)(1) to allow a single-family dwelling unit to be constructed thirty-five (35) feet from the jurisdictional wetland line in lieu of fifty (50) feet.
 Case Manager: Ryan Winkler, Planner

Subject Property Information

Size: 0.26 +/- acres
 Location: 31450 State Road 44, Eustis, Florida 32736
 Alternate Key No.: 1768152
 Future Land Use: Wekiva River Protection Area, Sending Area A-1-20
 Current Zoning District: Agriculture (A)
 Flood Zones: "A"
 Joint Planning Area (JPA) / ISBA: Howey in the Hills
 Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Sending Area A-1-20	A	Residential	Vacant
South	Sending Area A-1-20	A	Residential	Vacant Single-Family Home
East	N/A	N/A	Street	State Road 44
West	Sending Area A-1-20	A	Residential	Vacant Single-Family Home

Summary of Request.

The subject property, identified as Alternate Key Number 1768152, contains 0.26 +/- acres, is zoned Agriculture (A), and is designated with a Wekiva River Protection Sending Area A-1-20 Future Land Use Classification by the 2030 Comprehensive Plan. Generally, the subject property is located south of State Road 44, and east of Lake Drive, in the unincorporated Pine Lakes area of Lake County. The subject property is currently undeveloped.

The Applicant has requested a variance to LDR Section 6.01.01 to allow a single-family home to be constructed 35-feet from the jurisdictional wetland line, in lieu of the 50-feet from the side property line. The plot plan (Attachment "A") depicts the proposed location of the single-family home.

The Lake County Department of Public Works reviewed the application and provided the following comments in response to the variance application. "Based on FEMA Flood Insurance Rate Map, this parcel is fully within the special flood hazard area and will require floodplain permitting. Mobile and modular structures have special elevation requirements within the special flood hazard areas. The proposed placement of the mobile home would require lot grading fees and inspections. The plan submitted during permitting would require stormwater calculations to capture 1-inch of run-off and a detailed plan showing the location of the stormwater abatement swale and cross-section of swale."

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(A)(1) is to conserve and protect wetlands, to ensure that natural structure and functional values are maintained, and to maintain no net loss of wetlands.

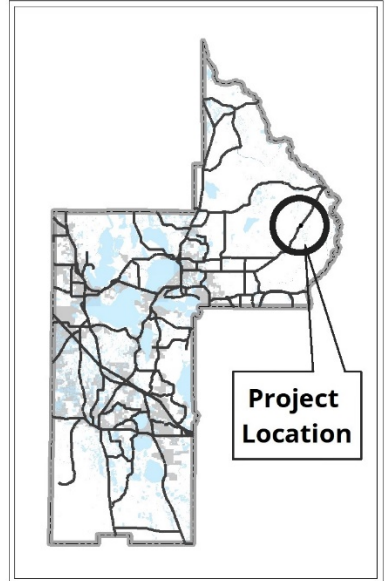
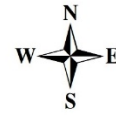
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, "*We are using a de-nitrifying septic system, keeping all natural aquatic vegetation, leaving all possible trees and utilizing every technique available to reduce any impact on the wetlands.*"

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, "*Between the minimum setback from State Road 44, the side setbacks, the setbacks for the septic tank, the minimum distance between the well and septic tank, the proposed location is the only one that works.*"

Map of Subject Property



**Final Development Order
VAR-21-55-5
Inter-Vision Property**

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

WHEREAS, Charles W. O’Neal (the “Applicant”) requested on behalf of Inter-Vision, Inc. (the “Owners”) a variance to Lake County Land Development Regulations (LDR) Sections 6.01.01(A)(1) to allow for the placement of one (1) single-family home 35-feet from the jurisdictional wetland line in lieu of fifty (50) feet; and

WHEREAS, the subject property consists of 0.23 +/- acres and is generally located south of State Road 44 and east of Lake Drive, in the unincorporated Pine Lakes area of Lake County, Florida, in Section 8, Township 18 South, Range 29 East, having Alternate Key Number 1768152 and more particularly described as:

PINE LAKES SOUTH LOT 5 BLK P – LESS NW’LY 17 FT FOR ROAD R/W – PB 13 PG 6

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations (LDR), including notice that the 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-21-55-5, to allow a single-family dwelling unit to be constructed thirty-five (35) feet from the jurisdictional wetland line in lieu of fifty (50) feet, with the following condition:

1. Stormwater calculations must be submitted at the time of issuance of each individual zoning permit in form of an interceptor swale that is sized to capture the first one inch (1”) of stormwater runoff on the site.
2. Stormwater calculations must be reviewed and approved by the Lake County Public Works Department staff.

3. The stormwater abatement system must be depicted on the to-scale plot plan when applying for the zoning permit; installed prior to any final inspection, inspected and approved by the Lake County Public Works Department staff.
4. Flood determination and permitting will be required during the site development permitting.

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 12th 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 12th 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)