



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: September 9, 2021

Case No. and Project Name: VAR-21-42-3, Steele Property

Owner/Applicant: Robert Steele

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.02.05.I(1)(d), to allow an after-the-fact fence to be located on the front property line in lieu of forty (40) feet from the centerline of South Canal Drive.

Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 0.2 +/- acres for both parcels

Location: West of South Canal Drive, east of Magnolia Lane in Howey-in-the-Hills.

Alternate Key Nos.: 1275512

Future Land Use: Urban Low Density

Current Zoning District: Medium Residential (R-3)

Flood Zones: "X"

Joint Planning Area/ ISBA: 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 | Medium Residential (R-3) | Vacant | Vacant Land |
| South | Urban Low Density | Medium Residential (R-3) | Residential | Single-Family Dwelling Unit |
| East | Urban Low Density | Medium Residential (R-3) | Residential | Single-Family Dwelling Unit |
| West | Urban Low Density | Medium Residential (R-3) | Road, Residential | South Canal Drive, Single-Family Dwelling Unit |

Summary of Request.

The Owner has requested a variance to LDR Section 3.02.05.l(1)(b), to allow an after-the-fact fence to be located on the front property line in lieu of forty (40) feet from the centerline of South Canal Drive. In January of 2021, the Owner received a code violation for building a fence without permits. The owner came into the Office of Planning and Zoning to apply for the zoning permit to facilitate the building permit. The zoning permit could not be issued as the fence was not meeting the required front setback. LDR Section 3.02.05.l(1) states that building appurtenances shall have a minimum setback from the centerline of a traveled roadway of one-half of the Right-Of-Way width required for the classification of the road. Minimum right-of-way widths shall be based upon the classification of the road. South Canal Drive is considered a minor collector road (with swales) with a right-of-way of eighty feet; therefore, the setback is a minimum of forty feet from the centerline of the road.

The subject parcel is zoned Medium Residential (R-3) and is designated as Urban Low Density Future Land Use Category by the 2030 Comprehensive Plan. The concept plan (Attachment "A") shows that the parcel, recognized as Lot 39, is vacant and depicts the after-the-fact fence.

The subject parcel is located within the Howey-in-the-Hills ISBA; therefore, the variance application was sent to Howey-in-the-Hills for a determination of consistency with their regulations. Howey-in-the-Hills had no comments nor objections to the request.

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. The Public Works Department had no comments nor objections to the 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 3.02.05, is to ensure structures are located a safe distance from roads and there is enough area for safe passage of vehicles.

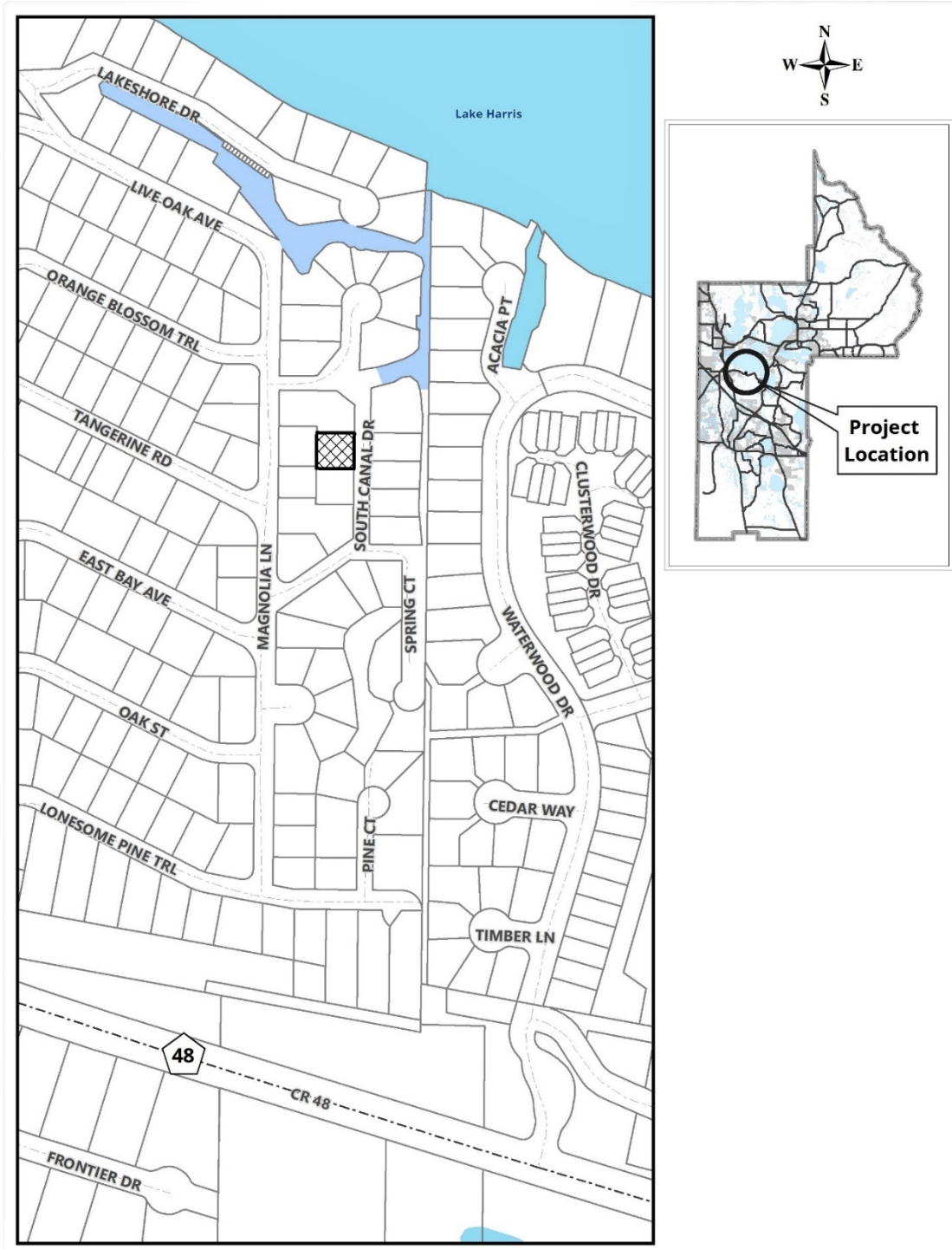
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, "*Canal Drive is a dead end street and pavement ends at the north end of property. The fence is for security and eliminates golf carts from using my property as a turn around.*"

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.

The Applicant provided the following statement, "*Mossy Oak Fence installed and wants to charge me additional labor charge to remove and reinstall.*"

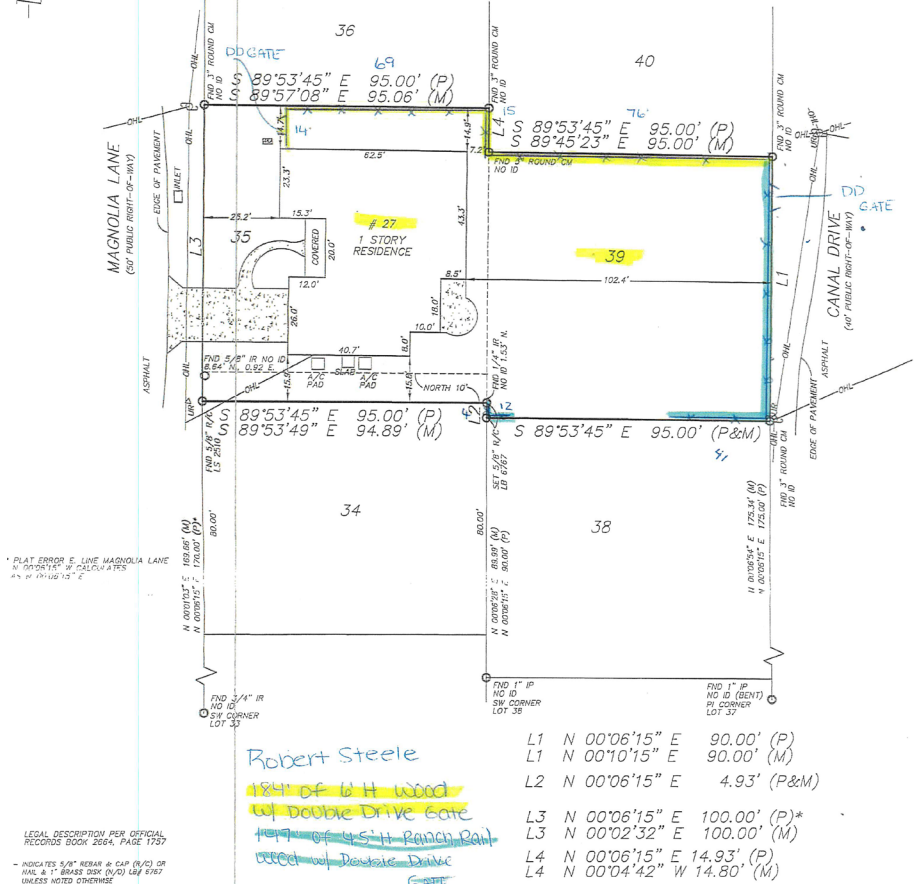
Map of Subject Property



Attachment "A" - Concept Plan

NORTH 10' OF LOT 34 AND ALL OF LOTS 35 AND 39
SPRINGS BATH AND YACHT CLUB
 UNIT No. 3

ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 14 ON
 PAGE 54 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.



* PLAT ERROR E. LINE MAGNOLIA LANE
 N 00°01'15" E 172.00' (M)
 AS N 00°01'15" E

LEGAL DESCRIPTION PER OFFICIAL
 RECORDS BOOK 2064, PAGE 1733

- INDICATES 5/8" REBAR & CAP (R/C) OR
 1" BARS (B) (V) OR 1/4" L&P (L&P)
- UNLESS NOTED OTHERWISE
- INDICATES PERMANENT CONTROL POINT
- INDICATES CONC. MONUMENT / PERM

IRVING REPORT/NOTES:

- THIS MAP AND REPORT OR THE COPIES THEREOF ARE TO BE USED WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- IMPLICIT PHYSICAL USE, INCLUDING BUT NOT LIMITED TO, TOWNSHIP, AND UTILITIES AS SHOWN HEREON.
- STAKES SHOWN HEREON ARE IN FEET AND DECIMALS ONLY.
- UNLESS NOTED OTHERWISE, NO UNDERGROUND IMPROVEMENTS, UTILITIES, PIPES OR ROOF DRAINAGE HAVE BEEN LOCATED, ENVIRONMENTAL CONDITIONS AND GOVERNMENTAL CONSTRAINTS NOT DETERMINED BY SURVEYOR.
- METERS NOT TO SCALE.
- ANEWSHIP OF SUBJECT PROPERTY AND IMPROVEMENTS DETERMINED BY SURVEYOR.
- IF PROPERTY SHOWN HEREON APPEARS TO BE IN USE BY ONE (1) OR MORE PARTIES, THE FLOOD INSURANCE RATE MAP IS NOT A SURVEY, FLOOD ZONE DETERMINATION IS AN OPINION ONLY.
- THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1" = 30'.
- BUILDING LINES ARE NOT TO BE USED TO CONSTRUCT DEED OR PLATTED LINES.
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, USES, OWNERSHIP OR MATTERS OF RECORD BY THIS FIRM.
- THE RELATIVE ACCURACY OF FIELD MEASURED CONTROL POINTS IS 1 FOOT IN 10,000 FEET.
- BEARINGS ARE BASED UPON THE EAST RIGHT OF WAY LINE OF MAGNOLIA LANE PER RECORD PLAT, HAVING A BEARING OF N 00°01'15" W.
- BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED AND PER RECORDED PLAT/LEGAL DESCRIPTION UNLESS OTHERWISE NOTED.
- POTENTIAL BOUNDARY INCONGRUITIES OBSERVED: DIFFERENCES BETWEEN RECORD AND MEASURED DIMENSIONS AS NOTED HEREON.
- LEGAL DESCRIPTION PROVIDED BY CLIENT.

- L1 N 00°06'15" E 90.00' (P)
- L1 N 00°10'15" E 90.00' (M)
- L2 N 00°06'15" E 4.93' (P&M)
- L3 N 00°06'15" E 100.00' (P)*
- L3 N 00°02'32" E 100.00' (M)
- L4 N 00°06'15" E 14.93' (P)
- L4 N 00°04'42" W 14.80' (M)

LEGEND

| | | | | | |
|--------|---------------------|------|------------------------|------|------------------------------------|
| A/C | = AIR CONDITIONER | IP | = IRON PIPE | WV | = WATER VALVE |
| MAINT | = MAINTENANCE | IP/C | = IRON PIPE AND CAP | ΔUR | = UTILITY RISER |
| PLUMB | = PLUMBING | R/C | = REBAR AND CAP | ☆ | = LIGHTPOLE |
| URFC | = UTILITY REPAIR | LS | = L&P | W | = WATER METER |
| CONC | = CONCRETE | W | = WALL & 1" BRASS DISK | ○/O | = CLEANOUT |
| CH | = CONCRETE MONUMENT | W/D | = WOOD FENCE | DL | = OVERHEAD UTILITY LINE |
| P.FLR. | = FINISHED FLOOR | W/C | = WOOD FENCE | UTL | = UTILITY POLE |
| WM | = WASTE METER | W/P | = WOOD FENCE | CLF | = CHAIN LINK FENCE |
| EMT. | = ELECTRICAL | W/P | = WOOD FENCE | PT | = POINT OF CURVATURE |
| TRANS. | = TRANSFORMER | W/P | = WOOD FENCE | ESB | = ELECTRICAL SERVICE BOX |
| IDENT. | = IDENTIFICATION | W/P | = WOOD FENCE | NAVD | = NORTH AMERICAN VERTICAL DATUM |
| SQ.FT. | = SQUARE FEET | W/P | = WOOD FENCE | NAD | = NATIONAL GEODESIC VERTICAL DATUM |
| TRP. | = TRIP | W/P | = WOOD FENCE | PCP | = PERMANENT CONTROL POINT |
| PL. | = PLAT | W/P | = WOOD FENCE | PM | = PERMANENT REFERENCE MONUMENT |
| P | = PLAT/PLAN | W/P | = WOOD FENCE | | |
| H | = MEASURED | W/P | = WOOD FENCE | | |
| C | = CALCULATED | W/P | = WOOD FENCE | | |
| UL | = UTILITY RISER | W/P | = WOOD FENCE | | |

ELECTRONIC FILE: IF THIS FILE WAS SIGNED ELECTRONICALLY BY SURVEYOR AS NOTED IN SIGNATURE BLOCK, ON THE DATE AND/OR THE STAMP SHOWN USING A DIGITAL SIGNATURE, PRINTED COPIES OF THIS ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPY.

LIMITATION OF LIABILITY: RELIANCE ON THIS SURVEY IS RESTRICTED TO THOSE PARTIES LISTED AS "CERTIFIED TO" ON THE FACE OF THIS SURVEY.

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| | | |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| CERTIFIED TO: ROBERT STEELE | PREPARED FOR: ROBERT STEELE | BOUNDARY SURVEY DATE: 08/04/2020 |
| | PREPARED BY: Associated Land Surveying & Mapping, Inc. 1681 POWELL STREET LONGWOOD, FLORIDA 32750 PHONE: (407) 869-5002 - FAX: (407) 889-8393 Certificate of Authorization Number: LB 6767 BNA/L: olam@olam.net | SCALE: 1" = 30' JOB NO.: 20033 |

Final Development Order
VAR-21-42-3
Steele Property

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

WHEREAS, Robert Steele (the “Owner” and the “Applicant”) requested a variance to Lake County Land Development Regulations (LDR) Section 3.02.05.1(1)(d), to allow an after-the-fact fence to be located on the front property line in lieu of forty (40) feet from the centerline of South Canal Drive; and

WHEREAS, the subject property consists of 0.2 +/- acres and is located west of South Canal Drive and east of Magnolia Lane, in the Howey-in-the-Hills area of unincorporated Lake County, Florida, in Section 17, Township 20 South, Range 25, having Alternate Key Number 1275512 and more particularly described and more particularly described below;

Lot 39, Springs Bath and Yacht Club Unit No.3, according to the map or plat thereof as recorded in Plat thereof as recorded in Plat Book 14, Page 54, Public Records of Lake County, Florida.

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 September 9, 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 September 9, 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-21-42-3, to allow an after-the-fact fence to be located on the property line in lieu of forty (40) feet from the centerline of South Canal Drive.

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.

{Remainder of page left blank intentionally }

**Section 3. Effective Date. This Ordinance will become effective as provided by law.
ENACTED this 9th day of September 2021.
EFFECTIVE September 9, 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 9th day of September 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)**