



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: October 14, 2021

Case No. and Project Name: VAR-21-64-3, Neudauer Property

Owners: Sandra Neudauer and Clint Neudauer

Applicant: Sandra Neudauer

Requested Action: Variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow an accessory structure to be constructed 44-feet from the jurisdictional wetland line/seawall and to allow a concrete walkway to be constructed 4-feet from the jurisdictional wetland line/seawall, in lieu of 50-feet from the jurisdictional wetland line/seawall.

Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 0.26 +/- acres

Location: 34208 Island Drive, Leesburg.

Alternate Key No.: 1503116

Future Land Use: Urban Medium Density

Current Zoning District: Mixed Residential (RM)

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	Urban Medium Density	Mixed Residential (RM)	Residential	Single-Family Residence
South	N/A	N/A	Lake	Lake Eustis
East	Urban Medium Density	Mixed Residential (RM)	Residential	Single-Family Residence adjacent to Island Drive
West	Urban Medium Density	Mixed Residential (RM)	Residential	Single-Family Residence

Summary of Request.

The Owner has requested a variance to LDR Section 6.01.04(A)(1) to allow an accessory structure to be constructed 44-feet from the jurisdictional wetland line/seawall and a concrete walkway to be constructed 4-feet from the jurisdictional wetland line/seawall, in lieu of 50-feet from the jurisdictional wetland line/seawall.

The subject parcel is zoned Mixed Residential (RM) and is designated as Urban Medium Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The concept plan (Attachment "A") shows that the parcel is developed with a single-family dwelling unit, screen room, driveway, and a dock.

As of September 29, 2021, a total of two letters have been received in support of the request.

The variance application was sent to the Public Works Department for a determination of consistency with their regulations and the Department of Public Works identified the following condition for inclusion in the draft development order: *"an interceptor swale that is sized to capture the first 1-inch of stormwater runoff shall be provided on site and 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 parcel is located within the City of Leesburg Interlocal Service Boundary Area (ISBA). The variance application was sent to the City of Leesburg for a determination of consistency with their regulations. The City of Leesburg had no comments or 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.

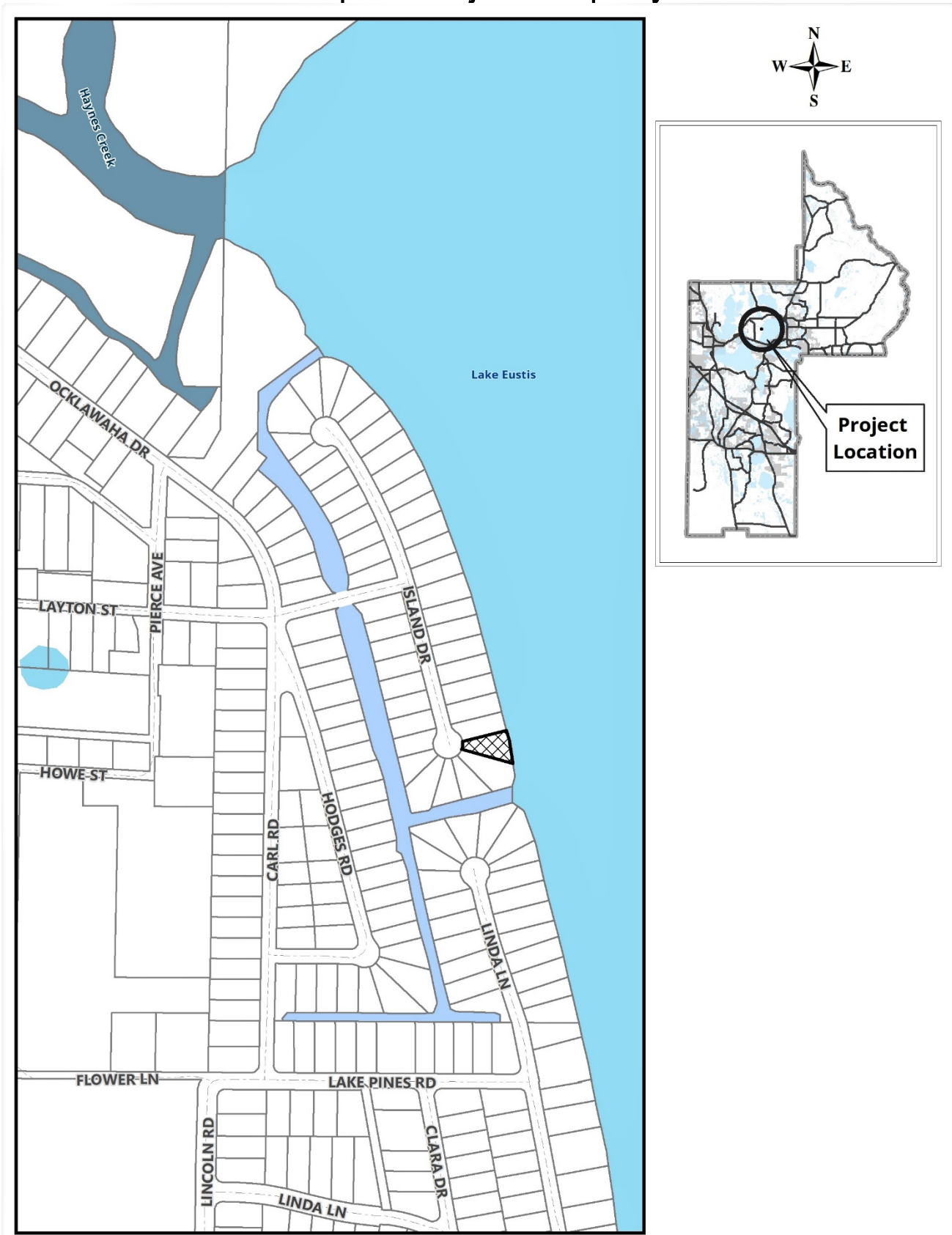
The intent of the Code, LDR Section 6.01.04 is to conserve and protect wetlands, to ensure that the natural structure and functional values are maintained, and to maintain no net loss of wetlands.

As proof that the intent of the code will be or has been achieved by other means, the Applicant provided a written statement [*Attachment "B" – Intent of Meeting the Code Statement*].

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.

The Applicant provided a written statement as proof that the literal application of the Land Development Regulation would create a substantial hardship [*Attachment "C" – Hardship Statement*].

Map of Subject Property

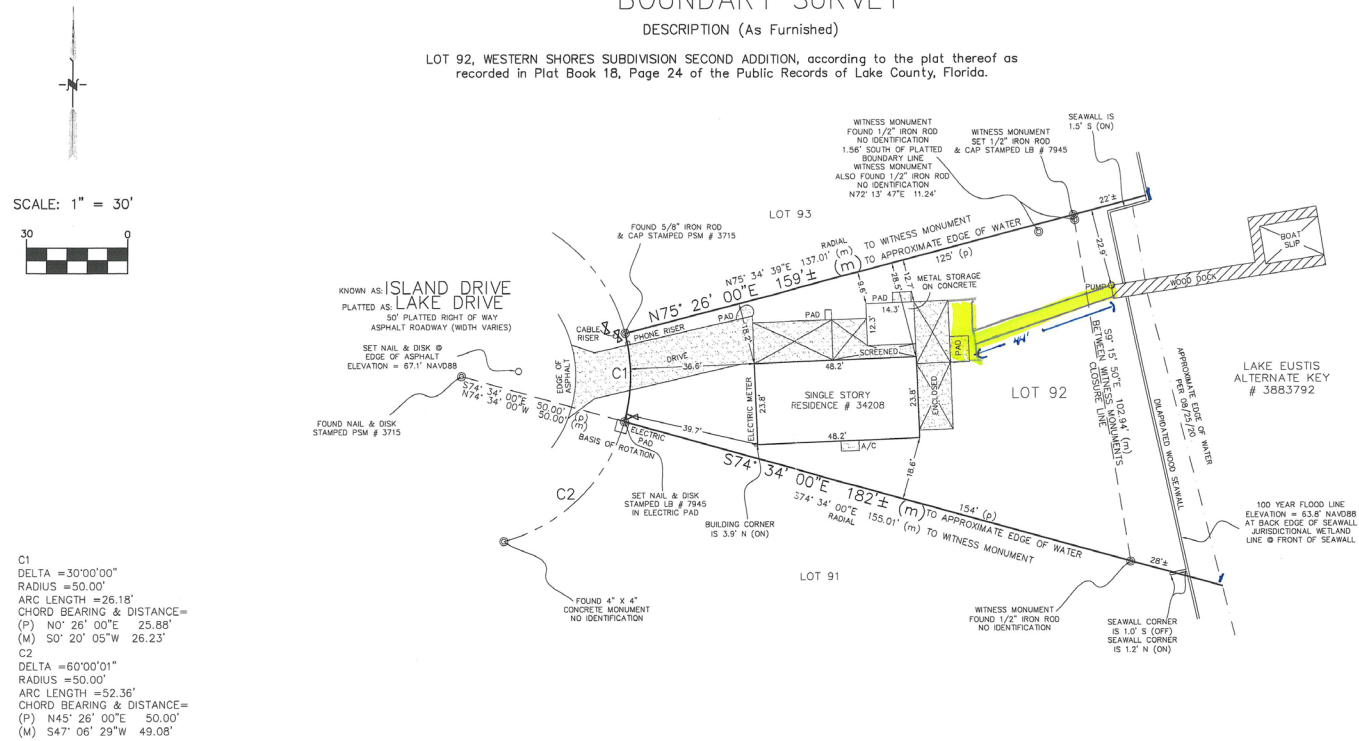


Attachment "A" - Concept Plan

BOUNDARY SURVEY

DESCRIPTION (As Furnished)

LOT 92, WESTERN SHORES SUBDIVISION SECOND ADDITION, according to the plat thereof as recorded in Plat Book 18, Page 24 of the Public Records of Lake County, Florida.



C1
 DELTA = 30°00'00"
 RADIUS = 50.00'
 ARC LENGTH = 26.18'
 CHORD BEARING & DISTANCE =
 (P) N0° 26' 00"E 25.88'
 (M) S0° 20' 05"W 26.23'

C2
 DELTA = 60°00'01"
 RADIUS = 50.00'
 ARC LENGTH = 52.36'
 CHORD BEARING & DISTANCE =
 (P) N45° 26' 00"E 50.00'
 (M) S47° 06' 29"W 49.08'

1. This Plat represents a Boundary Survey of the description as furnished DSW Surveying and Mapping, PLLC, per client's instruction and makes no claims regarding ownership or rights of possession.

2. Bearings shown hereon are based on the SOUTH line of Lot 92.

3. This surveyor has not searched the public records or abstracted the land shown hereon for easements, right of ways, covenants and restrictions or other pertinent documents which may be found in the public records of this county. This research was not included in the scope of services of this firm.

4. The relative distance accuracy for boundary dimensions shown hereon is in excess of 1 Foot in 10,000 Feet.

5. Underground improvements and utilities have not been located.

6. This survey performed by DSW Surveying and Mapping, PLLC, is for the singular use by the client named hereon for the express stated purpose stated hereon. This drawing is not legally binding without my signature and original raised embossed seal. No third party is authorized to use this drawing in any way, and this surveyor shall not be held liable for damages resulting from the unauthorized or illegal executions or attempts at circumventing prescribed laws or professional fee payments.

7. All plats, reports, notes, plans, specifications, computer files, field notes or data, other documents and instruments prepared by this firm as instruments of service shall remain the property of this firm. This firm shall retain all common law, statutory and other reserved rights, including the copyright thereto. The original of this drawing remains the property of DSW Surveying and Mapping, PLLC.

8. Building lines, Fence lines, Etc. are not to be used as a way to reconstruct boundary line location.

9. Fencing may delineate and off property as fencing travels property lines. Fencing is located and lies at the property corners only.

Based on the FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, Lake County, Florida, Community Panel Number 120421 0332 E, last dated 12/18/2012, it appears from a scaling of said map that the land described hereon is shown to be in Zone "X & AE", (AREA OF MINIMAL & 100 YEAR FLOODING) BFE = 63.8' PER FEMA. Said FEMA map is not a Survey and no responsibility is taken for the information contained in it or the accuracy of the above referenced map.

DRAWING: 20.1333 SURVEY DATE: 08/25/20
 INTENDED DISPLAY SCALE: 1" = 30' DRAWN: DSW

EXPECTED USE OF THIS LAND: RESIDENTIAL PURPOSES

IT IS CERTIFIED THAT THIS SURVEY REPRESENTED HEREON MEETS OR EXCEEDS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 53-17, F.L.A.C., AND THE FLORIDA STATUTES PURSUANT TO SECTION 53-17, F.L.A.C., AND THE FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DOUGLAS S. WILLIS, Florida Registration # 5984 FOR THE FIRM:

REVISIONS AND ADDITIONS	
09/01/20	LOCATE WETLANDS/100 YEAR FLOOD/SET SITE BENCHMARK
LEGEND:	
	= Light Pole
	= Utility Pole
	= Radius
	= Utility Easement
	= Point of Curvature
	= Point of Tangency
	= Plot Book
	= Page(s)
	= Point of Reverse Curvature
	= Chain Link Fence
	= Air Conditioner
	= Right-Of-Way
	= Point of Compound Curvature
	= Per Plat
	= Centerline
	= Column
	= Typical
	= Radial Point
	= Radial
	= Non Radial
	= Base Flood Elevation
	= Fire Hydrant
	= DENOTES CONCRETE
	= Wood Fence
	= Measured
	= Concrete Block Wall
	= Corner Not Found
	= Overhead Utility Lines
	= Point of Beginning
	= Point of Commencement
	= Building Setback Line
	= Denotes Utility Pole
	= Well
	= Water Meter
	= Covered
	= Corner Not Accessible
	= Calculated
	= Drainage & Utility Easement

NOTES:
 ELEVATIONS SHOWN HEREON ARE BASED ON FLORIDA D.O.T. GPS NETWORK NAVD88

CERTIFIED TO:
 SANDRA & CLINT NEUDAUER
 SUNBELT HOME SALES, INC.

**** PLEASE VISIT OUR WEBSITE: WWW.DSWSURVEYS.COM ****

PROFESSIONAL SURVEYORS AND MAPPERS
 CERTIFICATION OF AUTHORIZATION #LB7945
 32138 OKALOOSA TRAIL
 SORRENTO, FLORIDA 32778
 Phone: (352) 735-3796

JOB NO. 20.1333 Sheet 1 of 1

Attachment "B" – Intent of Meeting the Code Statement

Clint and Sandra Neudauer
34208 Island Drive
Leesburg, FL 34788
neudauers@yahoo.com
775.230.3686

August 31, 2021

State of Florida - Lake County, Florida
Office of Planning and Zoning
Attn: Ruth Mitchell
315 West Main Street
Tavares, FL 32778

RE: Application for a Variance – VAR-21-64-3, Neudauer Property
Project No. 2021080008, Application Request No. 4565
Alternate No. 1503116

Good afternoon Ms. Mitchell

Thank you for speaking with me this morning, I'm in receipt of your letter dated August 27, 2021. Per your request to code Land Development Regulation (LDR), Section 6.01.04.A(1)(b) conserve and protect wetlands. Our plan to meet this Code for LDR is the concrete patio and walkway will have slop, so whenever it rains any run off of water will run off onto the grass. Pitching the concrete will conserve and protect the wetlands.

Should you have any additional questions, please contact me at 775.230.3686.

Sincerely,

Sandra L. Neudauer

Sandra L. Neudauer

Attachment "C" – Hardship Statement

Clint and Sandra Neudauer
34208 Island Drive
Leesburg, FL 34788
neudauers@yahoo.com
775.230.3686

State of Florida - Lake County, Florida
Office of Planning and Zoning
315 West Main Street
Tavares, FL 32778

July 30, 2021

RE: Variance – Western Shores Second Addition Community, Neudauer 34208 Island Drive, Leesburg, FL 34788, Lot 92. Code 6.01.04 Development near Wetlands and Waterbodies – A. 1.

Dear Board Members:


This letter is to request and substantiate the grant of a Variance for a residence at 34208 Island Drive, Leesburg FL 34788 in Lake County, Florida. I (homeowners) am requesting a variance to put a concrete patio (existing) in front of our screened room and a walkway to our dock.

This request is due to medically necessary and would bear a hardship to I, Sandra Neudauer who have had two knee replacements and use a cane and/or wheelchair, going over a wood walkway would be extremely difficult as wood warps and are uneven. Per Lake County's ordinance listed above (2013) concrete walkways/Patios are not allowed.

As you can see the attached pictures neighbors have added concrete/paver patios and walkways which granting our variance would also conform with or neighborhood.

Should you have any additional questions, please contact me at 775.230.3686.

Sincerely,



Sandra Neudauer

**Final Development Order
VAR-21-64-3
Neudauer Property**

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

WHEREAS, Sandra Neudauer (the “Applicant”), on behalf of Sandra and Clint Neudauer (the “Owners”) requested a variance to Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow an accessory structure to be constructed 44-feet from the jurisdictional wetland line/seawall and a concrete walkway to be constructed 4-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 0.26 +/- acres and is located southwest of Palm Avenue, in the Leesburg area of unincorporated Lake County, in Section 07, Township 19, Range 26, having Alternate Key Number 1503116, and more particularly described below; and

Lot 92, Second Addition to Western Shores Subdivision, according to the map or plat thereof as recorded in Plat Book 18, Page 24, 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 October 14, 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 October 14, 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-21-64-3, to allow an accessory structure to be constructed 44-feet from the jurisdictional wetland line/seawall and a concrete walkway to be constructed 4-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 14th day of October 2021.

EFFECTIVE October 14, 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 14th day of October 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)