



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearing Date: March 10, 2022

Case No. and Project Name: VAR-21-91-1 Tibbett Property

Owners: Lance & Tonya Tibbetts Family Trust

Applicant: Chris Meeks

Requested Action: Variance to PUD Ordinance #2005-45 Section III.A.1.d.1 to allow a pool, deck, and associated screen enclosure to be located seven (7) feet from the rear property line in lieu of fifteen (15) feet.

Case Manager: Ryan Winkler, Planner

Subject Property Information

Size: 0.28 +/- acres

Location: 21839 Prince William Ct, in the unincorporated Leesburg area

Alternate Key No.: 3755057

Future Land Use: Urban Low Density

Current Zoning District: Planned Unit Development (PUD)

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: Leesburg Interlocal Service Boundary Area

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	PUD	Open Space	Tract C (Open Space) for the Royal Highlands Phase 1-A subdivision
South	Urban Low Density	N/A	ROW	Prince William Ct Right-of-Way
East	Urban Low Density	PUD	Residential	Single Family Residence (Lot 233) of the Royal Highlands Phase 1-A subdivision
West	Urban Low Density	PUD	Residential	Single Family Residence (Lot 231) of the Royal Highlands Phase 1-A subdivision

Summary of Request.

The subject property, identified as Alternate Key Number 3755057, contains 0.28 +/- acres, is zoned Planned Unit Development (PUD), and is designated with an Urban Low Density Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject property is located north of Prince William Ct in the Royal Highlands Phase 1-A subdivision, in the unincorporated Leesburg area of Lake County. The subject property is located within the Leesburg Interlocal Service Boundary Area (ISBA). The subject property is currently developed with a single-family dwelling unit.

The Applicant has requested a variance to Section III.A.1.d.1 of PUD Ordinance #2005-45 to allow a pool, deck, and associated pool enclosure to be located seven (7) feet from the rear property line in lieu of fifteen (15) feet. The accessory structures are proposed to be located seven (7) feet from the rear property line, the location of which is depicted on the plot plan (Attachment "A").

The Lake County Department of Public Works reviewed the variance application and had no comment to make on 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 3.02.05, Setbacks, is to ensure that structures are located as safe distance from rights-of-way and neighboring properties, and to avoid impediment of proper drainage.

To show that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, *"The left and right side of the property will remain the same, without any structure being proposed. It will leave 1500 sqft on the left side and 1900 sqft on the right side"*

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.

To show substantial hardship, the Applicant provided the following statement, *"Setback code limits the property homeowners ability to install a swimming pool of adequate size for relaxation and exercise, which is also not limited to the possibility of need for therapy use in the future for the homeowners."*

Map of Subject Property



**Final Development Order
VAR-21-91-1
Tibbetts Property**

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

WHEREAS, Chris Meeks, (the “Applicant”), on behalf of Lance and Tonya Tibbetts, (the “Owners”), requested a variance to PUD Ordinance #2005-45 Section III.A.1.d.1 of to allow a pool, deck, and associated screen enclosure to be located seven (7) feet from the rear property line in lieu of fifteen (15) feet; and

WHEREAS, the subject property consists of 0.28 +/- acres and is located at 21839 Prince William Court, in the Leesburg area of unincorporated Lake County, in Section 12, Township 21, Range 24, having Alternate Key Number 3755057, and more particularly described below; and

Lot 232, Royal Highlands Phase 1-A, according to the map or plat thereof as recorded in Plat Book 38, Pages 16 through 21, 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 March 10, 2022; 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 March 10, 2022, 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-21-91-1 to allow a pool, deck, and screen enclosure to be located seven (7) feet from the rear property line in lieu of fifteen (15) feet.

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 10th day of March, 2022.

EFFECTIVE March 10, 2022.

**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 _____ day of _____, 2022, 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)**