



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2
 Public Hearing Date: July 14, 2022
 Case No. and Project Name: VAR-22-14-3 Stoneburner Property
 Owners: John Stoneburner
 Requested Action: Variance to Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow an accessory structure to be constructed 8-feet from the existing seawall, in lieu of 50-feet.
 Case Manager: Christopher Boyce, Compliance and Monitoring Associate

Subject Property Information

Size: 0.58 +/- acres
 Location: 35626 Quail Run, in the unincorporated Leesburg area
 Alternate Key No.: 1644330
 Future Land Use: Urban Low Density
 Current Zoning District: Urban Residential District (R-6)
 Flood Zones: "AE" and "X"
 Joint Planning Area (JPA) / ISBA: N/A
 Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Urban Residential District (R-6)	Residential	Single-Family Residence
South	Urban Low	Urban Residential District (R-6)	Residential	Single-Family Residence
East	Urban Low	Urban Residential District (R-6)	Residential	Single-Family Residence
West	Urban Low	Urban Residential District (R-6)	Residential	Single-Family Residence

Summary of Request.

The subject property, identified as Alternate Key Number 1644330, contains 0.58 +/- acres, is zoned Urban Residential District (R-6), and is designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is generally located east of Quail Run in the unincorporated Leesburg area. Based on the conceptual plan (Attachment "A"), the subject parcel is developed with a Single-Family Residence and lies within flood zones "AE" and "X" as the subject property is located along Lake Eustis.

The Applicant has requested a variance to LDR Section 6.01.04(A)(1), to allow an accessory structure to be constructed 8-feet from the existing seawall. It is the intention of the Applicant to extend existing shed width by 17-feet and the length by 10-feet as depicted on Attachment "A" (Concept Plan).

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. Public Works provided a FEMA Flood map overlay of the subject property (Attachment "B") and provided the following comments, "An interceptor/environmental swale that is sized to capture the first 1-inch of stormwater runoff from the impervious area of the parcel shall be provided on site. The proposed structures roof drainage will need to be direct to this swale. An engineered design that includes a plan and calculations must be submitted with the permit application for the improvement/addition for the site. Flood permitting may be required at time of building permit application. Any compensating storage for fill within the floodplain shall be provided onsite."

The subject parcel is located within the City of Tavares Interlocal Service Boundary Area (ISBA). The variance application was sent to the City of Tavares for a determination of consistency with their regulations. The City of Tavares 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.

The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"setback of new shed will be 6' from south side, north side app. 80', front 100', back 8' from retaining wall. This is matching other home on both side. (see attached plot plan) Attempted Average setback"*

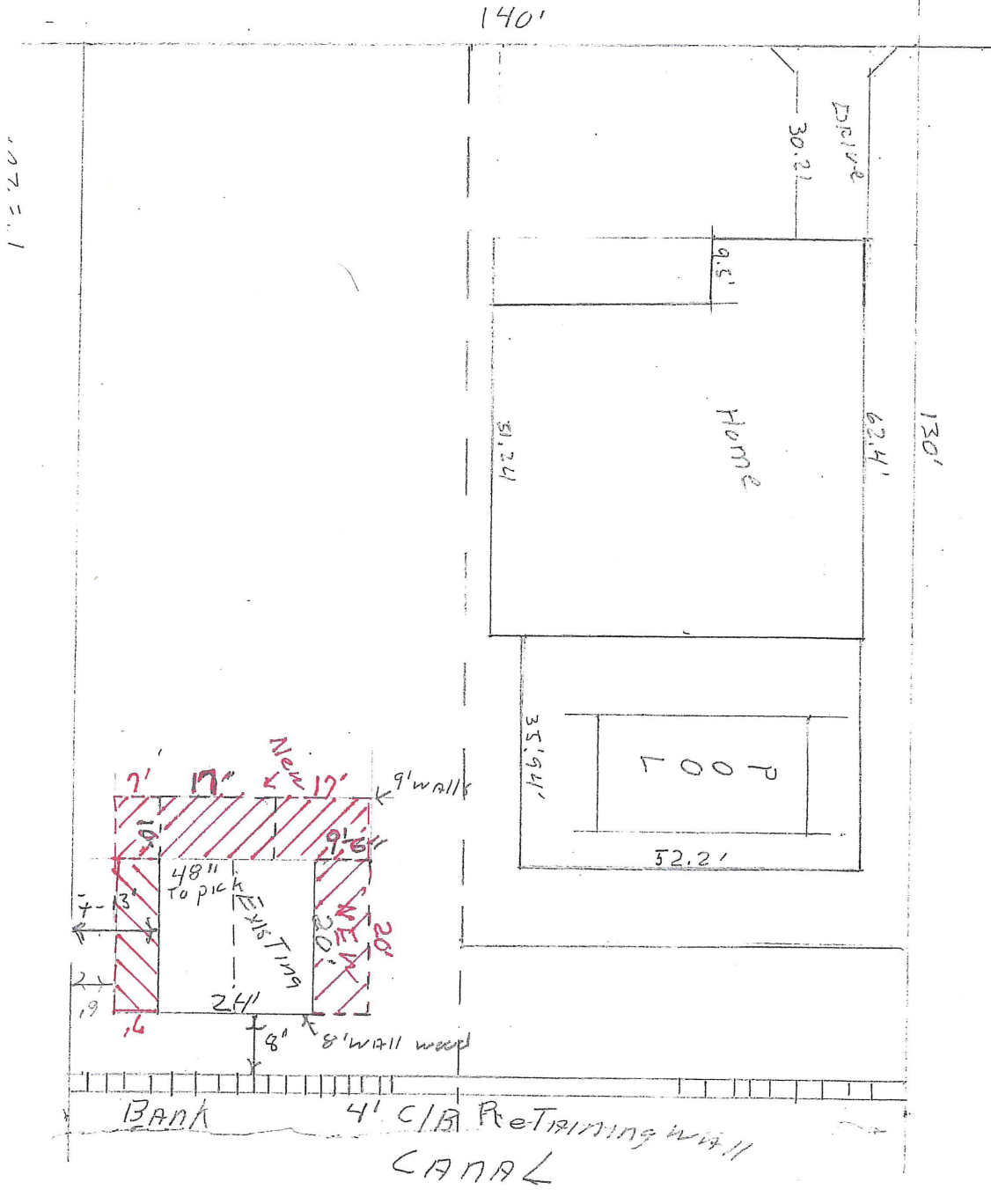
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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 the following statement, *"Wanting to add to a 20'x24' shed that is 8' from a existing retaining wall that is 8' from water edge. Side setback is 6' from lot line on North side. (Existing shed is encroaching water edge) Other two sides front & side are so. (see attached site plan)"*. This statement indicates that a substantial hardship does exist for this variance request.

Attachment "A" - Concept Plan

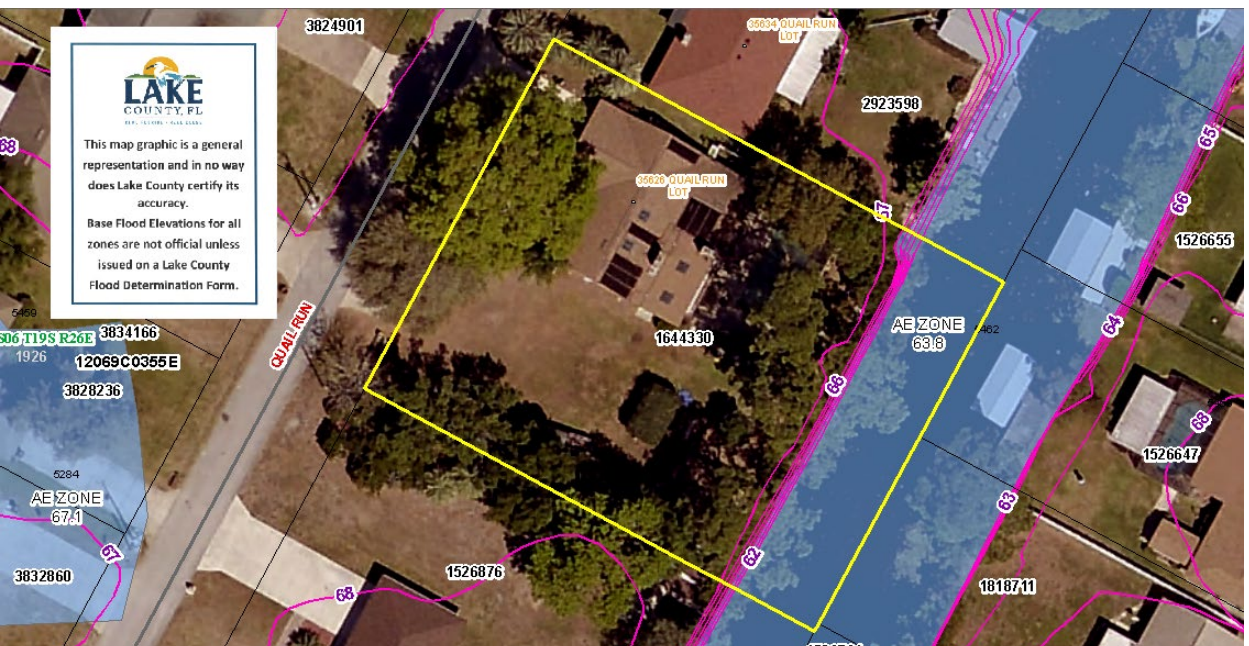
John Stoneburner
35626 Quail Run
Leesburg, FL 34788

ALT# key 1644330
John Stoneburner
cell #
352-406-9379
35626 Quail Run

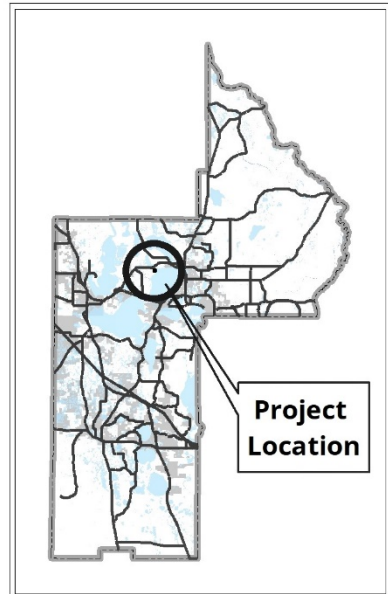
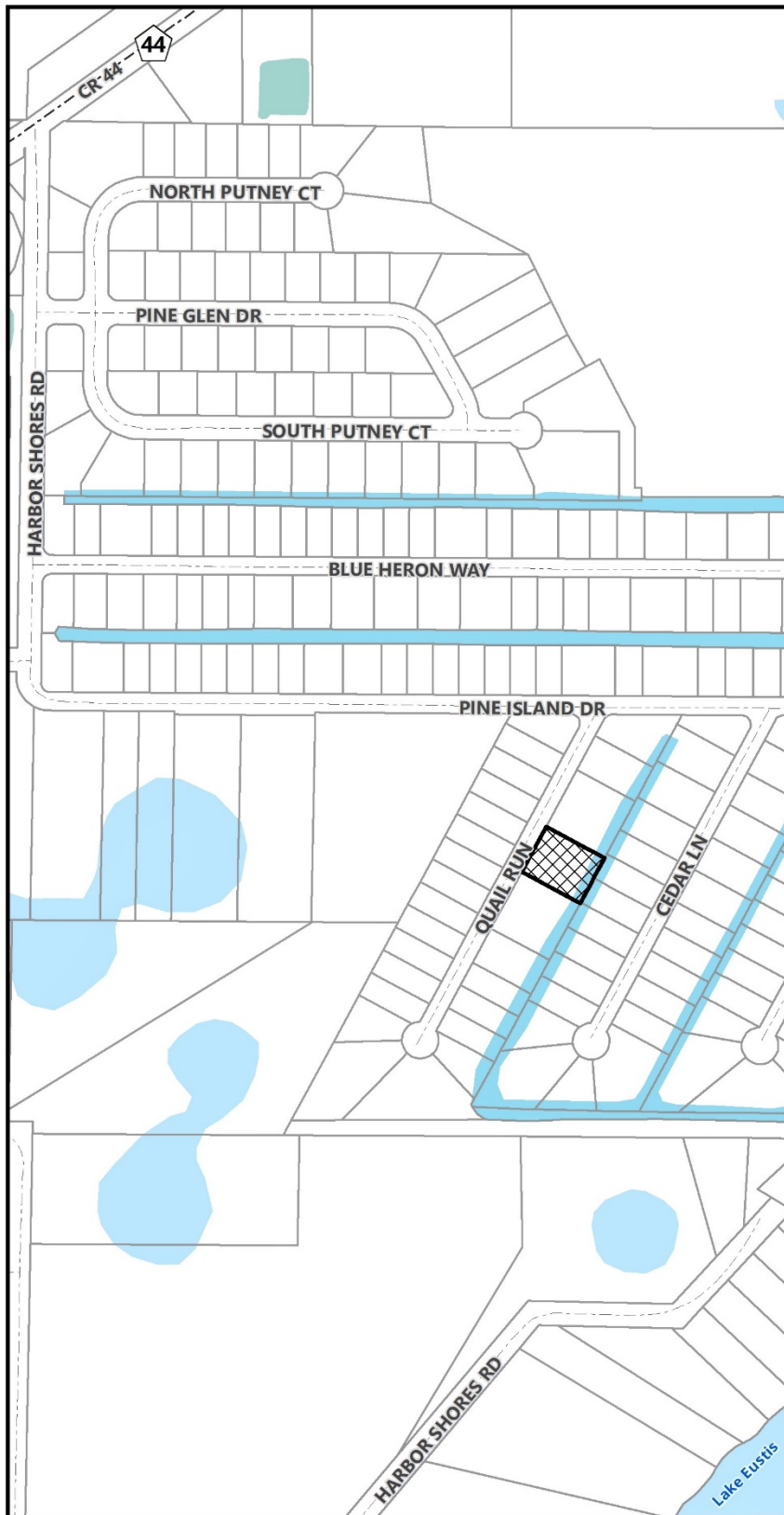


1" = 20'
SCALE

Attachment "B" – FEMA Flood Map



Map of Subject Property



Final Development Order
VAR-22-14-3
Stoneburner Property

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

WHEREAS, John Stoneburner (the “Owner” and “Applicant”) requested a variance to Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow an accessory structure to be constructed 8-feet from the existing seawall, in lieu of 50-feet from the seawall, and

WHEREAS, the subject property consists of 0.58 +/- acres and is located at 35626 Quail Run, in the Leesburg area of unincorporated Lake County, in Section 06, Township 19, Range 26, having Alternate Key Number 1644330, and more particularly described as below:

LOTS 6 & 7, BLOCK 4, UNIT 1, HARBOR SHORES, a subdivision recorded in Plat Book 15, pages 32 and 32A 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 July 14th, 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 July 14, 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-22-14-3 to allow an accessory structure to be constructed 8-feet from the existing seawall, in lieu of 50-feet from the seawall; with the following condition:

1. An interceptor/environmental swale that is sized to capture the first 1-inch of stormwater runoff from the imperious area of the parcel shall be provided on site. The proposed structures roof drainage will need to be direct to this swale. An engineered design that includes a plan and calculations must be submitted with the permit application for the improvement/addition for the site. Flood permitting may be required at time of building permit application. Any compensating storage for fill within the floodplain shall be provided onsite.

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 July 2022.

EFFECTIVE July 14, 2022.

**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 July 2022, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**