



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: July 14, 2022

Case No. and Project Name: VAR-22-26-2, Stevenson Property

Applicant: Robert Goudy

Owner: Bill and Vicki Stevenson

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 6.01.04.A.1 to allow for an accessory structure to be located less than 50-feet from the jurisdictional wetland line (JWL).

Case Manager: Christopher Boyce, Compliance and Monitoring Associate

Subject Property Information

Size: 0.42 +/- acres

Location: East of Lake Minneola Shores Drive, in the Clermont area.

Alternate Key No.: 1507332

Future Land Use: Rural Transition

Current Zoning District: Medium Residential District (R-3)

Flood Zone: "X" and "AE"

Joint Planning Area/ ISBA: City of Clermont Joint Planning Area (JPA) and Interlocal Service Boundary Agreement (ISBA)

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	-	-	Lake	Lake Minneola
South	Rural Transition	Medium Residential District (R-3)	Residential	Single-Family Dwelling Units
East	-	-	Lake	Lake Minneola
West	Rural Transition	Planned Unit Development (PUD)	Wetland	Vacant

Summary of Request.

The subject property, identified as Alternate Key Number 1507332, contains 0.42 +/- acres, is zoned Medium Residential District (R-3), and is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject property is located East of Lake Minneola Shores Drive, in the unincorporated Clermont area of Lake County. The subject property is currently developed with a single-family residence.

The Applicant has submitted a variance request to LDR Section 6.01.04.A.1 to allow for an accessory structure to be located less than 50-feet from the jurisdictional wetland line (JWL). The Concept Plan (Attachment "A") depicts an existing accessory structure (patio) setback 28-feet from the JWL, in lieu of 50-feet; the proposed updates to the existing non-conforming patio will not increase the size or non-conformity.

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. The Department of 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 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."

The subject parcel is located within the City of Clermont Joint JPA and ISBA; therefore, variance application was sent to the City of Clermont for a determination of consistency with their regulations. The City of Clermont 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.

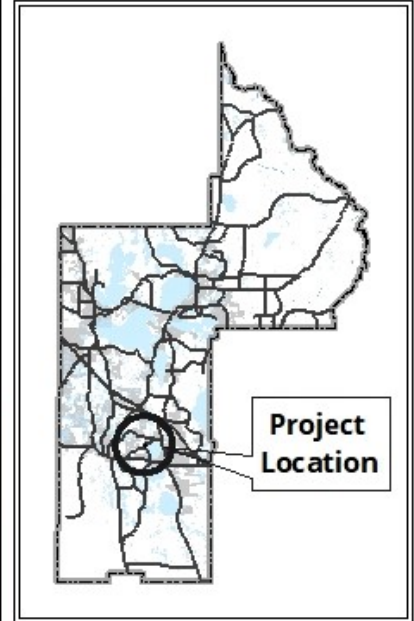
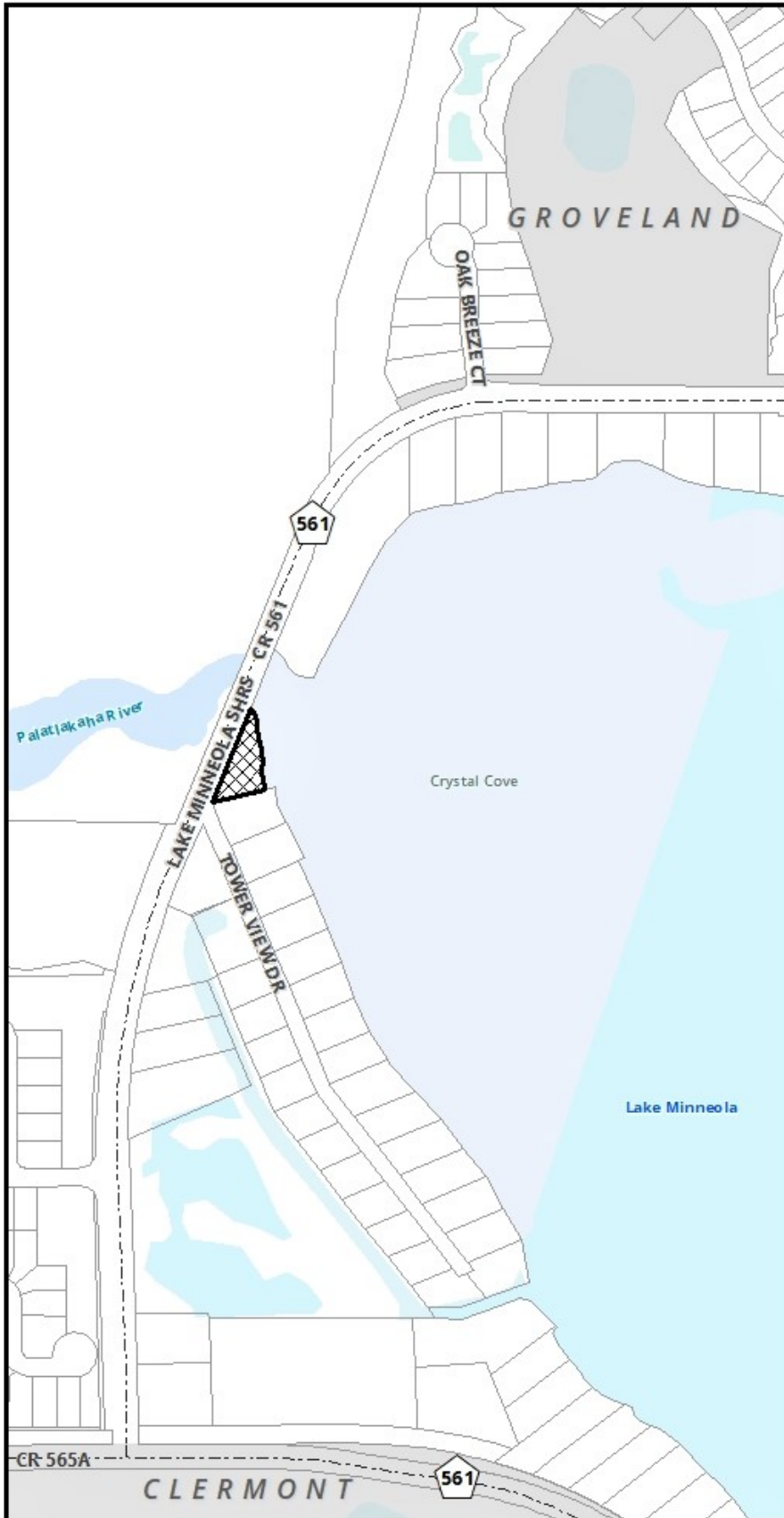
The intent of the Code, LDR Section 6.00.00, is to establish those resources or areas of a Development Site that must be protected from harmful effects of Development. A Developer should apply the provisions of this Section to a proposed Development Site before any other Development design work is done. Application of the provisions of this Section will divide a proposed Development Site into areas that may be Developed and areas that must generally be free of Development Activity. The proposed Development should then be designed to fit within the areas that may be Developed.

The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"modifying rear existing patio roof to match existing home vs. insulated aluminum roof covering. no addition wetland intrusion requested for this project."*

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, *"Existing structure built 1950's very limited space/site to ad improved space structural requirement feasibly restrict adding new small spaces to existing house."*

Map of Subject Property



Attachment "A" – Concept Plan

INTY ROAD AND THAT CERTAIN TRACT OF LAND LYING
 CTION 11, TOWNSHIP 22 SOUTH, RANGE 25 EAST, LAKE
 S FOLLOWS: FROM THE MOST SOUTHERLY CORNER OF
 SUBDIVISION, AS RECORDED IN PLAT BOOK 13, PAGE 34,
 ITY, FLORIDA; RUN THENCE NORTH 23° 12' 30" WEST
 VE OF SAID LOT 1 AND ITS NORTHWESTERLY EXTENSION
 ET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY
 R A POINT OF BEGINNING; RUN THENCE NORTH 76° 21' 30"
 TO THE WATERS OF LAKE MINNEOLA, SAID POINT HEREBY
 ; BEGIN AGAIN AT THE POINT OF BEGINNING; RUN
 ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF
 E OF 320 FEET, MORE OR LESS, TO THE WATERS OF SAID
 EASTERLY ALONG AND WITH SAID WATERS OF LAKE
 DESIGNATED AS POINT "A" FOR A POINT OF TERMINUS, IN

IL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY
 HIS PROPERTY WAS FOUND IN LAKE COUNTY, COMMUNITY NUMBER

:LING, LLC

New garage w/ 2nd floor office

2024 4/15/26

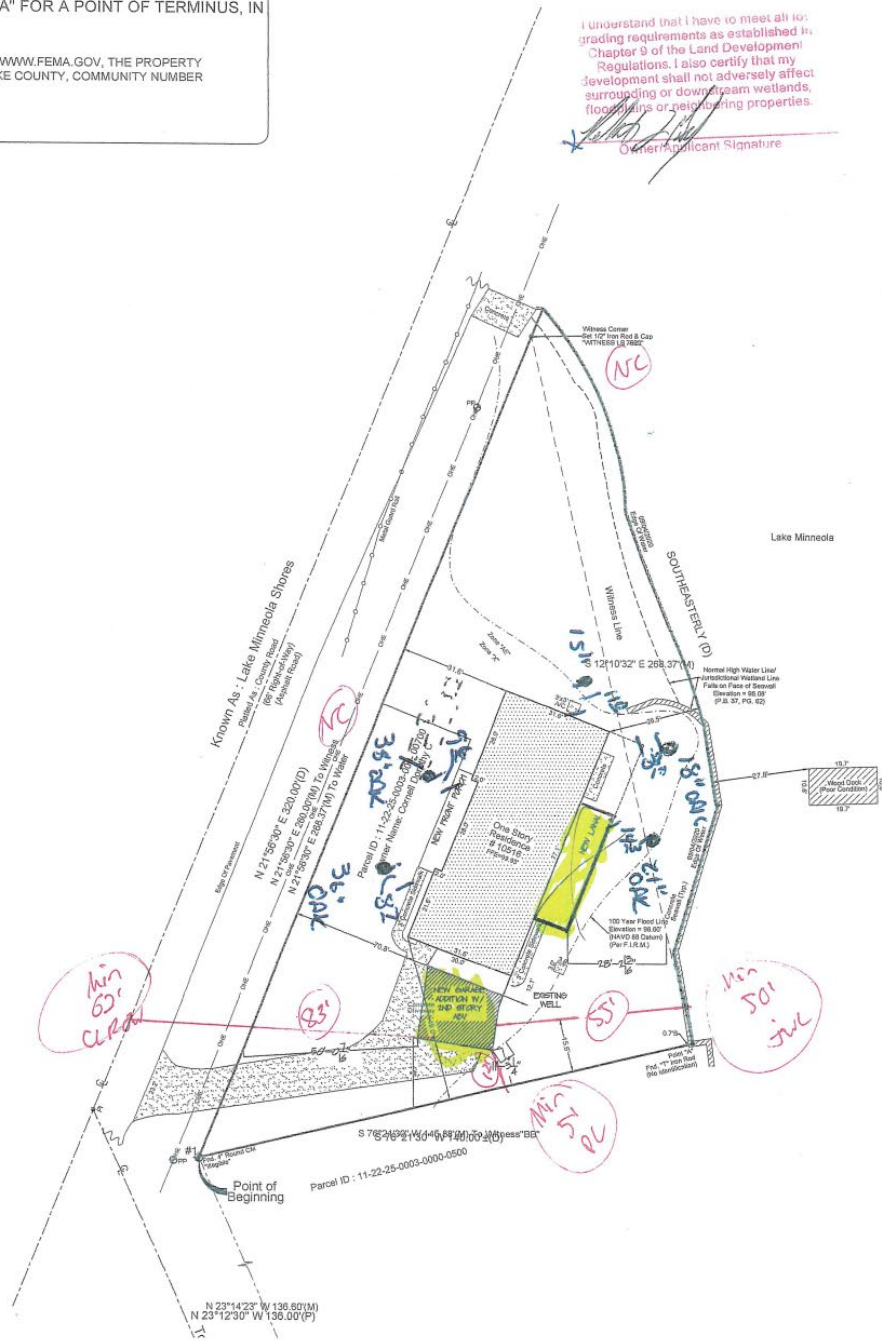
NOTICE TO CONTRACTORS
 The issuance of a zoning certificate does not constitute a guarantee that the applicant's plans have been reviewed or approved. The applicant is responsible for obtaining all necessary permits from the appropriate agencies. I hereby certify that the plans submitted comply with the zoning and other applicable regulations. No other work shall be done on this project without the written consent of the undersigned. This certificate is valid for a period of 60 days from the date of issuance.

ZONING: *AR-1* HEALTH DEPT: *12/14/2024* DATE: *12/14/2024*

Owner's Signature: *[Signature]* Date: *[Signature]* Contractor's Signature: *[Signature]* Date: *[Signature]*

I understand that I have to meet all grading requirements as established in Chapter 9 of the Land Development Regulations. I also certify that my development shall not adversely affect surrounding or downstream wetlands, floodplains or neighboring properties.

[Signature]
 Owner/Applicant Signature



Attachment "B" – FEMA Flood Map

**Final Development Order
VAR-22-26-2
Stevenson Property**

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

WHEREAS, Robert Goudy (the "Applicant"), requested a variance on behalf of Bill and Vicki Stevenson, (the "Owners"), to Lake County Code, Land Development Regulations (LDR) Section 6.01.04.A.1 to allow for an accessory structure to be located less than 50-feet from the jurisdictional wetland line (JWL), and

WHEREAS, the subject property consists of 0.42 +/- acres and is generally located east of Lake Minneola Shores Drive, in the unincorporated Clermont area of Lake County, Florida, in Section 11, Township 22, Range 25, having Alternate Key Number 1507332 and more particularly described as:

That part of abandoned County Road and that certain tract of land lying within Government Lot 5, Section 11, Township 22 South, Range 25 East, Lake County, Florida, described as follows: From the most Southerly corner of Lot 1, Block A, Crystal Cove Subdivision, as recorded in Plat Book 13, page 34, Public Records of Lake County, Florida; run thence North 23° 12' 30" West along the most Westerly line of said Lot 1 and its Northwesterly extension thereof a distance of 246 feet to a point on the Southeasterly right-of-way line of State Road S-561-A for a Point of Beginning; run thence North 76° 21' 30" East 140 feet, more or less, to the waters of Lake Minneola, said point hereby being designated as Point "A"; begin again at the Point of Beginning; run thence North 21° 56' 30" East along said Southeasterly right-of-way line of State Road S-561-A a distance of 320 feet, more or less, to the waters of said Lake Minneola; thence Southeasterly along and with said waters of Lake Minneola to the above point designated as Point "A" for a point of terminus, in Lake County, Florida.

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 July 14, 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-22-26-2 to allow for an accessory structure to be located less than 50-feet from the jurisdictional wetland line (JWL); with the following conditions:

1. The accessory structure (patio) shall not encroach beyond 28-feet or the existing setback, whichever is further; and
2. 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)**