



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearing Date: December 8, 2022

Case No. and Project Name: VAR-22-46-1, Broderick Property

Applicant: Alexander Montoya

Owner: Drew Broderick

Requested Action: Variance to Lake County Land Development Regulations (LDR) to Lake County Land Development Regulations (LDR) Section 6.01.04 (A) (1) to allow for an in-ground pool and deck to be built 39' from the jurisdictional wetland line in lieu of the required 50'.

Case Manager: Jacob Geisler, Planner

### Subject Property Information

Size: 0.38 +/- gross acres

Location: 11815 Lake Susan Court, in the unincorporated Clermont area.

Alternate Key No.: 1725216

Future Land Use: Green Swamp Rural

Current Zoning District: Rural Residential District (R-1)

Flood Zones: "AE" and "X"

Joint Planning Area/ ISBA: Clermont Joint Planning Area (JPA)

Overlay Districts: Green Swamp Area of Critical State Concern

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural	Rural Residential (R-1)	Residential	Single Family Dwelling Unit
South	Green Swamp Rural	Rural Residential (R-1)	Residential	Single Family Dwelling Unit
East	Green Swamp Rural	Rural Residential (R-1)	Residential	Single Family Dwelling Unit
West	Urban Low	Rural Residential (R-1)	Residential	Single-Family Dwelling Unit

### Summary of Request

The subject property, identified by Alternate Key Number 1725216, contains 0.38- gross acres, is zoned Rural Residential (R-1) and is designated with a Green Swamp Rural Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Specifically, the subject property is located at 11815 Lake Susan Court, in the unincorporated Clermont area of Lake County. The concept plan ( Attachment "A") shows that the parcel is developed with a single-family dwelling unit.

The applicant has submitted a Variance request to County Land Development Regulations (LDR) Section 6.01.04 (A) (1) to allow for an in-ground pool and deck to be built 39-feet from the jurisdictional wetland line in lieu of the required 50-feet.

The subject parcel is located within the Clermont JPA; 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.

The Variance application was sent to the Florida Department of Economic Opportunity (DEO) for a courtesy review of consistency with Green Swamp Area of Critical State Concern regulations. DEO did not provide any comments. DEO retains the ability to appeal any development permit, pursuant to Section 380.05, Florida Statutes.

### 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 natural structure and functional values are maintained, and to maintain no net loss of wetlands. The applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"The pool and deck will be approximately 39 feet from the Lagoon Canal top of Bank."*

**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 two following statements, *"The pool and deck will not meet the 50 feet setback requirement to seawall or top of bank. The rear property line abuts to a man-made canal called "Lagoon Canal". The nearest point to top of bank is 35 feet."*

# Attachment "A" – Plot Plan

NOTION: LOT 19, LAKE SUSAN, ACCORDING TO THE PLAT IS RECORDED IN PLAT #49, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.



SAN COURT

TITLE SERVICES



Surveying, Inc.

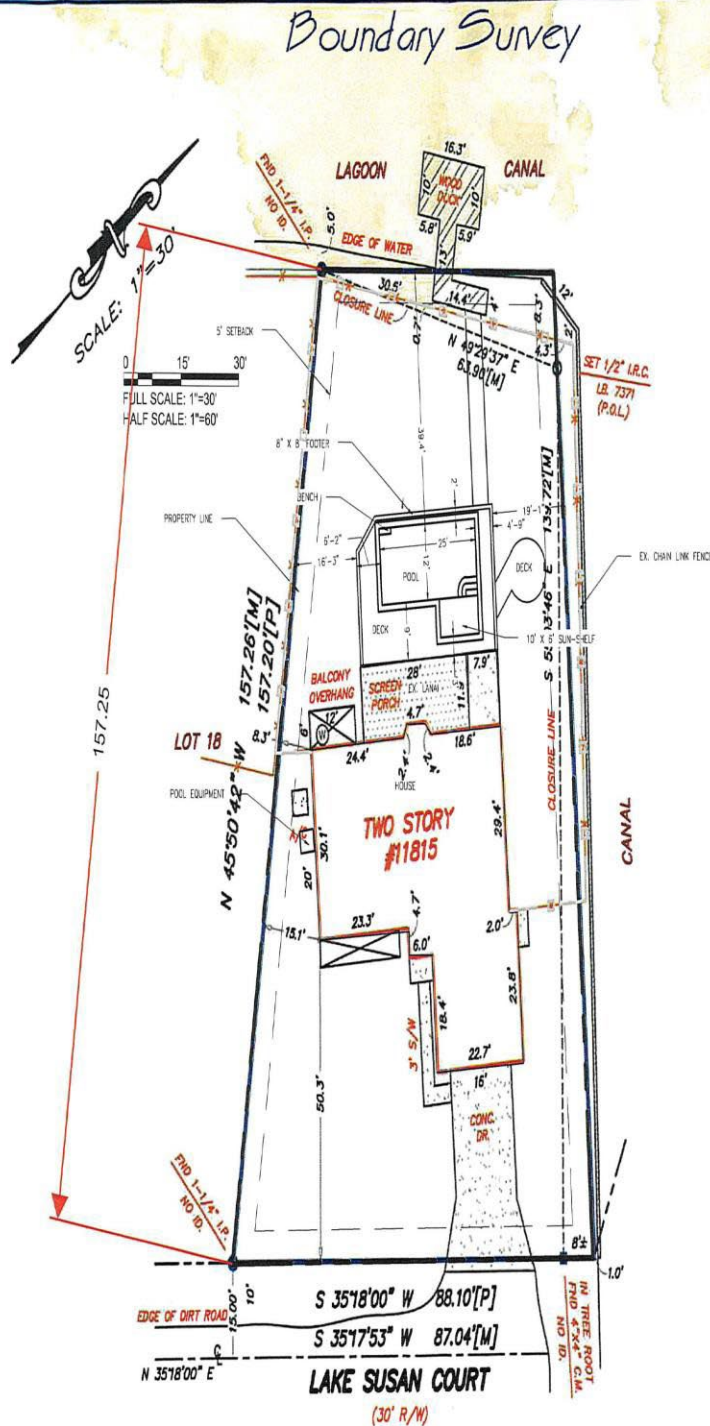
Residential Surveying  
 11 No. 7371  
 11111 Dr. Ste. #1113  
 33333, FL 32746  
 9717 or 407-330-9716  
 37-330-9775  
 gssurveying.com

CHECKED BY:  
**BRETT**

MELISSA BRODERICK  
 TITLE INSURANCE COMPANY

F.I.R.M. DATE:  
 12/18/12

FIELD DATE:  
 10/26/17



- A/C - AIR CONDITIONER
- A.E - ALLEY EASEMENT
- B.C - BLOCK CORNER
- BLK - BLOCK
- C.B - CONCRETE BLOCK
- C.B.S - CONCRETE BLOCK
- C.M - CONCRETE MOUND
- CONC - CONCRETE
- D - DEED
- D.E - DRAINAGE EASEMENT
- E.O.P - EDGE OF PAVEMENT
- F.C.C - FOUND CROSSING
- F.F.E - FINISHED FLOOR
- FND - FOUND
- ID - IDENTIFICATION
- I.P - IRON PIPE
- I.R - IRON ROD
- I.R.C - IRON ROD & CAP
- L - ARC LENGTH
- L.B - LAND SURVEY
- L.S - LAND SURVEY
- L.E - LANDSCAPE EASEMENT
- M - MEASURED
- M.E - MAINTENANCE EASEMENT
- NAD - NAIL AND DISK
- P - PLAT
- P.E - PEDESTRIAN EASEMENT
- P.C - POINT OF CURVE
- P.C.C - POINT OF CURVE
- P.C.P - PERMANENT CURVE
- P.L - PROPERTY LINE
- P.O.B - POINT OF BEGINNING
- P.O.C - POINT OF CURVE
- P.O.L - POINT ON LINE
- P.O.R - POINT OF REVISION
- P.R.M - PERMANENT RECORD
- P.R.A.E - PRIVATE DRAINAGE
- R.T - POINT OF TANGENCY
- R - RADIUS
- R/W - RIGHT OF WAY
- S/W - SIDEWALK
- U.E - UTILITY EASEMENT
- W.F.S - WOOD FRAME

BEARINGS SHOWN  
 TO THE CENTERLINE  
 BEING N 35

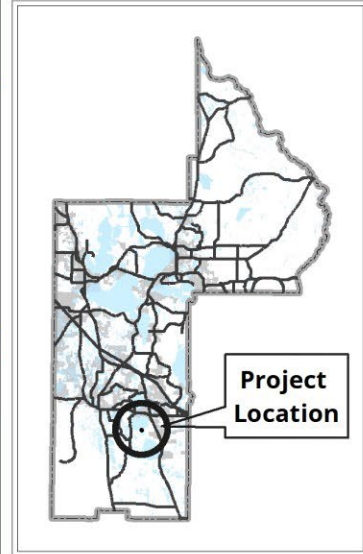
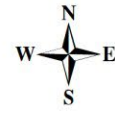
- NOTES:
- 1) This survey is based on the Client's information.
  - 2) This Surveyor has not excavated, rights of way, easements, or other encumbrances that may affect the title or boundaries.
  - 3) Do not reconstruct property.
  - 4) No footing or overhang.
  - 5) No improvements or utilities shown.
  - 6) Not valid without a signed electronic seal or the seal of a Licensed Surveyor and a Notary Public.

Certification: I certify to the accuracy of this survey and that it meets the requirements of the Florida Statutes in Chapter 463, Part 1, pursuant to the Florida Surveying Act.

*Leon L. Hami*

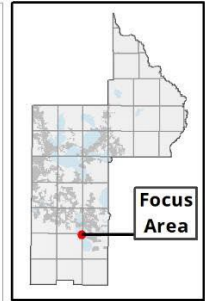
LEON L. HAMI

# Map of Subject Property



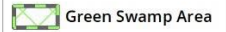
# Aerial Map

VAR-22-46-1  
Broderick Property



Wetland Setback  
Adjustment

Legend



**Final Development Order  
VAR-22-46-1  
Broderick Property**

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

**WHEREAS**, Alexander Montoya (the “Applicant”), on behalf of Drew Broderick (the “Owner”), requested a Variance to Lake County Land Development Regulations (LDR) Section 6.01.04 (A) (1) to allow for an in-ground pool and deck to be built 39’ from the jurisdictional wetland line in lieu of 50’; and

**WHEREAS**, the subject property consists of 0.38 +/- gross acres and is located at 11815 Lake Susan Court, in the unincorporated Clermont area, in Section 1, Township 23 Range 25, having Alternate Key Number 1725216, and more particularly described as

LAKE SUSAN HOMESITES LOT 19 PB 14 PG 49 ORB 5029 PG 52

**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 December 8, 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 the 8<sup>th</sup> of December 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-22-46-1, to allow for an in-ground pool and deck to be built 39’ from the jurisdictional wetland line in lieu of 50’.

**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 8th day of December 2022.**

**EFFECTIVE December 8, 2022.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**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 8th day of December 2022, by James Argento, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

**Type of Identification Produced \_\_\_\_\_**

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**Notary Signature  
(SEAL)**