



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearing Date: December 8, 2022

Case No. and Project Name: VAR-22-48-4, Ellerby Property

Applicant: Alex Ellerby

Owner: Alexander C. and Robin D. Ellerby

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 6.01.04 (A) (1) to allow for a proposed storage building to be built 27' from the jurisdictional wetland line in lieu of 50'.

Case Manager: Jacob Geisler, Planner

Subject Property Information

Size: 2.1 +/- gross acres

Location: 39253 Wildflower Way, in the unincorporated Eustis area.

Alternate Key No.: 2729414

Future Land Use: Sending Area A-1-20

Current Zoning District: Rural Residential (R-1) - Ordinance # 1972-7

Flood Zones: "AE" and "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Wekiva River Protection Area/ Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Sending Area A-1-20	Rural Residential (R-1)	Residential Common Elements Area	Body of Water
South	Sending Area A-1-20	Rural Residential (R-1)	Office and Wetlands	Royal Trails Unit 1
East	Sending Area A-1-20	Rural Residential (R-1)	Residential	Single Family Dwelling Unit
West	Conservation	Rural Residential (R-1)	Vacant Government State	Vacant and Wetlands

Summary of Request

The subject property, identified by Alternate Key Number 2729414, contains 2.1 +/- gross acres, is zoned Rural Residential (R-1) in accordance with Ordinance #1972-7, and is designated with a Sending Area A-1-20 Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Specifically, the subject property is located at 39253 Wildflower Way, in the unincorporated Eustis 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 Lake County Land Development Regulations (LDR) Section 6.01.04 (A) (1) to allow for a proposed storage building to be built 27' from the jurisdictional wetland line in lieu of the required 50' setback.

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, *"Build foundation up and install retaining wall."*

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, *"To the left front side of house we have mature cypress trees with roots. To the right side of property we have an area that we need to build an in-law-suite. I wish not to take down cypress trees. In-law-suite will be next year."*

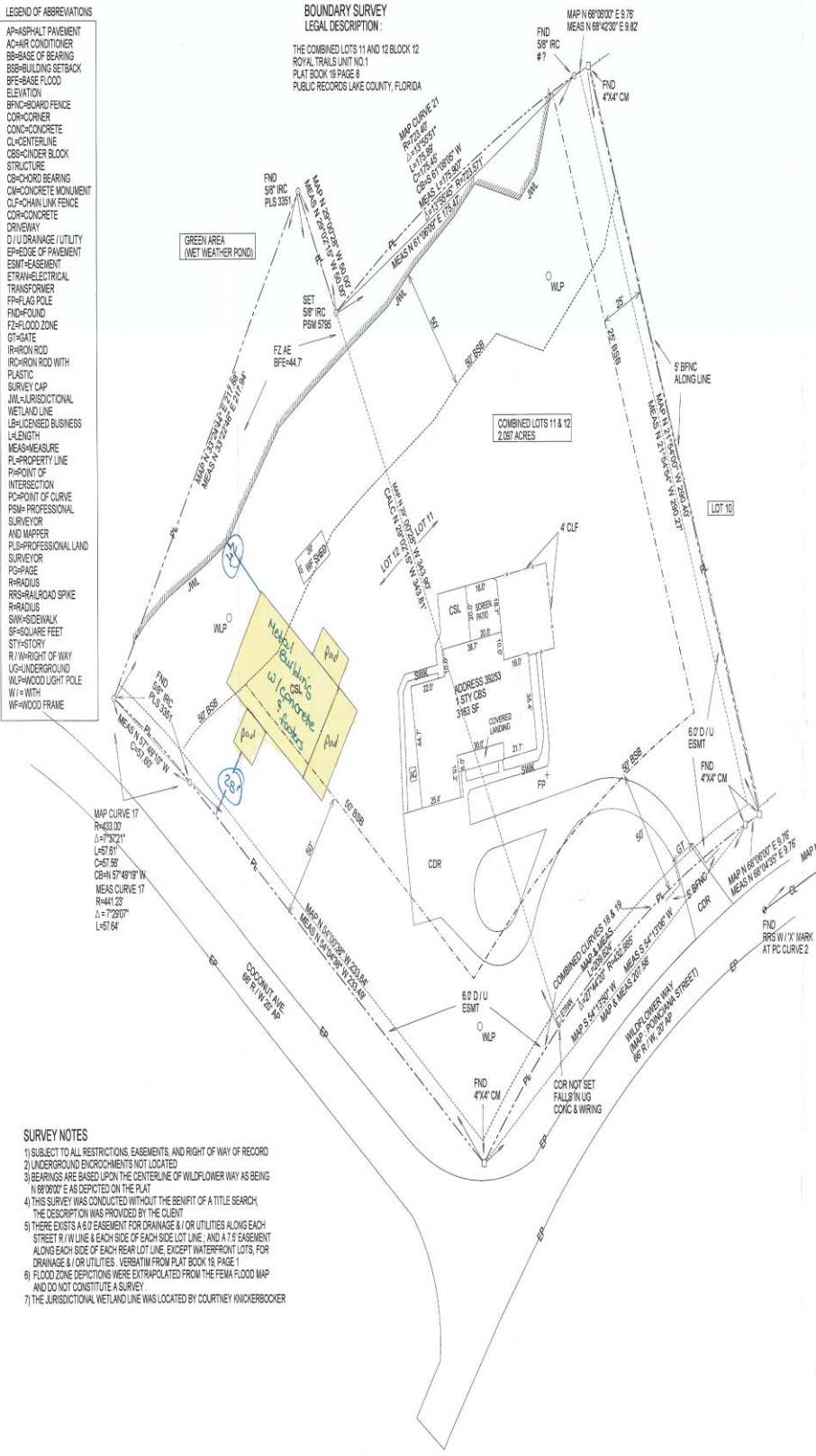
Attachment "A" – Plot Plan

LEGEND OF ABBREVIATIONS

- AP=ASPHALT PAVEMENT
- AC=AIR CONDITIONER
- BS=BASE OF BEARING
- BSB=BUILDING SETBACK
- BFE=BASE FLOOD ELEVATION
- BRFC=BOARD FENCE
- CCR=CORNER
- CC=CONCRETE
- CL=CENTRAL LINE
- CSB=CONCRETE BLOCK STRUCTURE
- CB=CHORD BEARING
- CM=CONCRETE MONUMENT
- CLP=CHAIN LINK FENCE
- CC=CONCRETE DRIVEWAY
- D/U=DRAINAGE / UTILITY
- EP=EDGE OF PAVEMENT
- ESMT=EASEMENT
- ETRA=ELECTRICAL TRANSFORMER
- FP=FLAG POLE
- FND=FOUND
- FZ=FLOOD ZONE
- GT=GATE
- IR=IRON ROD
- IR=IRON ROD WITH PLASTIC SURVEY CAP
- JWL=JURISDICTIONAL WETLAND LINE
- LB=LICENSED BUSINESS LENGTH
- MEAS=MEASURE
- PL=PROPERTY LINE
- PI=POINT OF INTERSECTION
- PC=POINT OF CURVE
- PSM=PROFESSIONAL SURVEYOR AND MAPPER
- PLS=PROFESSIONAL LAND SURVEYOR
- PG=PAGE
- R=RADIUS
- RR=RAILROAD SPIKE
- R=RADIUS
- SNW=SIDEWALK
- SF=SQUARE FEET
- ST=STORY
- R/W=RIGHT OF WAY
- UG=UNDERGROUND
- WLP=WOOD LIGHT POLE
- W=WITH
- WF=WOOD FRAME

BOUNDARY SURVEY LEGAL DESCRIPTION:

THE COMBINED LOTS 11 AND 12 BLOCK 12 ROYAL TRAILS UNIT NO.1 PLAT BOOK 19 PAGE 6 PUBLIC RECORDS LAKE COUNTY, FLORIDA



THIS SURVEY IS CERTIFIED TO:
ALEXANDER C AND ROBIN D ELLERBY

THIS IS TO CERTIFY THAT THIS SKETCH AND THE SURVEY UPON WHICH IT IS BASED WERE MADE IN COMPLIANCE WITH THE MINIMUM TECHNICAL STANDARDS OF THE FLORIDA ADMINISTRATION CODE 51-17.002

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

ANY ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT, AND ANY REPRODUCTIONS OF THIS MAP IS PROHIBITED WITHOUT WRITTEN CONSENT

THE ABOVE DESCRIBED PROPERTY LIES PREDOMINANTLY WITHIN FLOOD ZONE X DESCRIBED AS AN AREA OF MINIMAL FLOODING, AND ALSO IN FLOOD ZONE AE DESCRIBED AS A SPECIAL FLOOD HAZARD AREA WITH A DETERMINED BASE FLOOD ELEVATION OF WHICH THERE IS A 1% CHANCE OF EQUALING OR EXCEEDING IN ANY GIVEN YEAR ACCORDING TO THE FEDERAL FLOOD INSURANCE RATE MAP #12080C085 E EFFECTIVE DATE: 12/18/2012

SURVEY NOTES

- 1) SUBJECT TO ALL RESTRICTIONS, EASEMENTS, AND RIGHT OF WAY OF RECORD
- 2) UNDERGROUND ENCROACHMENTS NOT LOCATED
- 3) BEARINGS ARE BASED UPON THE CENTERLINE OF WILDFLOWER WAY AS BEING N 89°00'00" E AS DEPICTED ON THE PLAT
- 4) THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE SEARCH, THE DESCRIPTION WAS PROVIDED BY THE CLIENT
- 5) THERE EXISTS A 6'0" EASEMENT FOR DRAINAGE & / OR UTILITIES ALONG EACH STREET R/W LINE & EACH SIDE OF EACH LOT LINE, AND A 7.5' EASEMENT ALONG EACH SIDE OF EACH REAR LOT LINE, EXCEPT WATERFRONT LOTS, FOR DRAINAGE & / OR UTILITIES. VERBATIM FROM PLAT BOOK 19 PAGE 1
- 6) FLOOD ZONE DEPICTIONS WERE EXTRAPOLATED FROM THE FEMA FLOOD MAP AND DO NOT CONSTITUTE A SURVEY.
- 7) THE JURISDICTIONAL WETLAND LINE WAS LOCATED BY COURTNEY KNICKERBOCKER

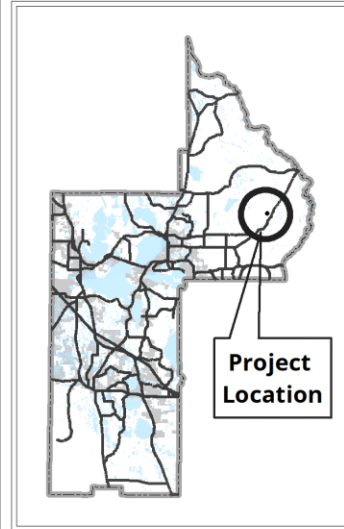
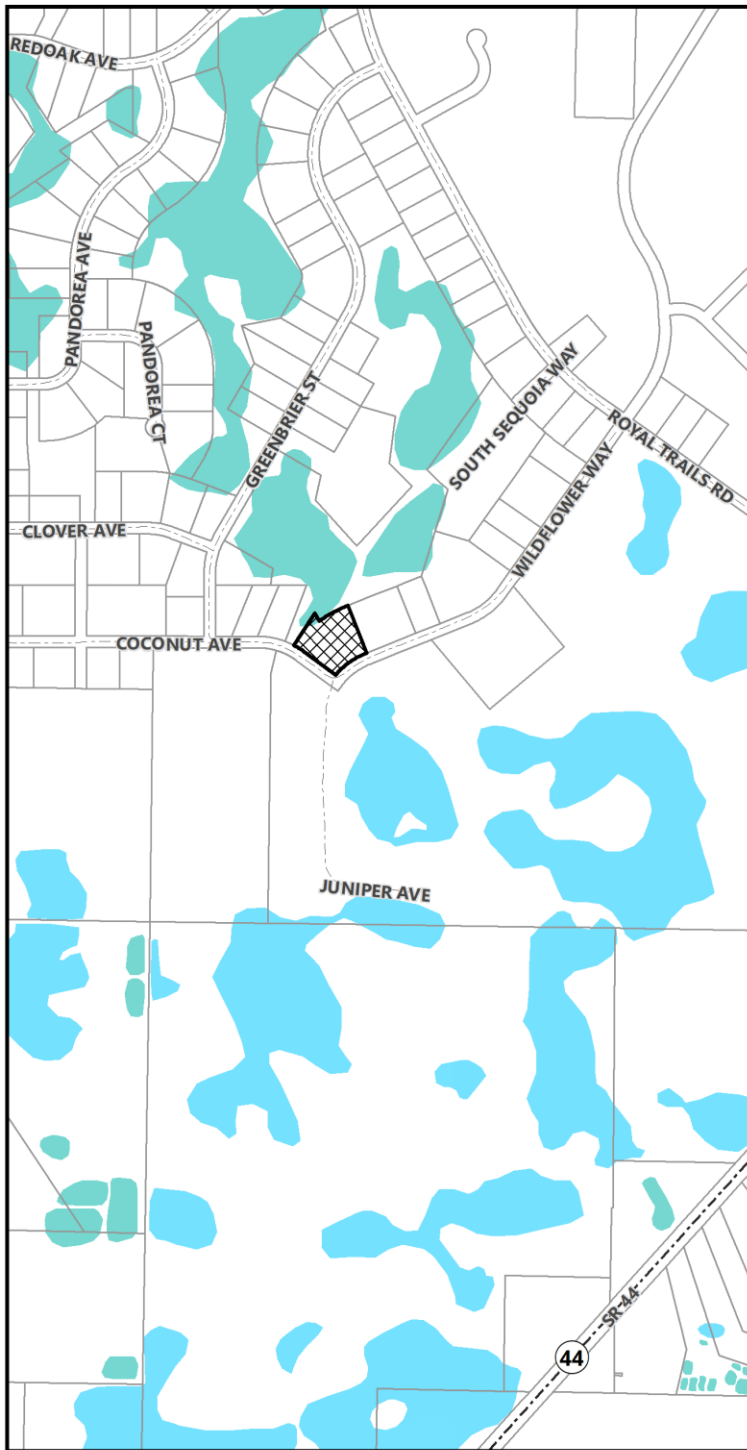
DATE OF SURVEY: JULY 2022
DATE OF DRAWING: 8-6-22
FIELD BOOK 212 PAGE 6-12

ALL TERRAIN SURVEYING AND MAPPING LLC
LICENSED BUSINESS NUMBER #8412
STATE OF FLORIDA

SURVEYED AND DRAFTED BY
TOM SLATER PROFESSIONAL SURVEYOR
AND MAPPER #5795 STATE OF FLORIDA
4142 LOCUST STREET
EUSTIS, FLORIDA 32736
OFFICE (352)483-1300
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Tom Slater
8/8/22

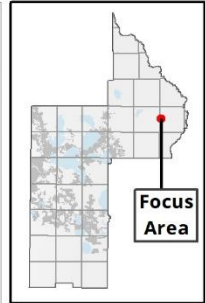
Map of Subject Property



Aerial Map



VAR-22-48-4
Ellerby Property



Wetland Setback
Adjustment

Legend

-  Wekiva Study & Wekiva Protection Area

**Final Development Order
VAR-22-48-4
Ellerby Property**

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

WHEREAS, Alex Ellerby (the “Applicant”), on behalf of Alexander C. Ellerby and Robin D. Ellerby (the “Owner”), requested a Variance to Lake County Land Development Regulations (LDR) Section 6.01.04 (A) (1) to allow for a proposed storage building to be built 27’ from the jurisdictional wetland line in lieu of 50’; and

WHEREAS, the subject property consists of 2.1 +/- gross acres and is located at 39253 Wildflower Way, in the unincorporated Eustis area, in Section 26, Township 17, Range 28, having Alternate Key Number 2729414, and more particularly described as:

ROYAL TRAILS UNIT NO 1 SUB LOTS 11, 12 BLK 12 BEING IN SEC 18-18-29 PB 19 PGS 1-59
ORB 5113 PG 310

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 8th 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-22-48-4, to allow for a proposed storage building to be built 27’ 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.

[Remainder of Page Left Intentionally Blank]

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**

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 _____

Notary Signature

(SEAL)