



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: April 5, 2023

Case No. and Project Name: VAR-21-80-5 Gentry Property

Owner / Applicant: Marjorie Gentry

Requested Action: Variance to Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow two accessory structures (30' X 20' detached garages) to be constructed 18-feet from the existing seawall, in lieu of 50-feet; and to LDR Section 3.02.05 to allow two accessory structures (30' X 20' detached garages) to be constructed 4-feet from the southern property line, in lieu of 5-feet.

Case Manager: Emily W. Johnson, AICP, Chief Planner
Janie Barrón, Chief Planner

Subject Property Information

Size: 0.41 +/- acres

Location: 24933 Ralph Circle, in the unincorporated Astor area

Alternate Key No.: 1645531

Future Land Use: Urban Low Density

Current Zoning District: Mixed Residential District (R-7)

Flood Zone: "AE"

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: Pinecastle Range Complex
Wekiva-Ocala Rural Protection Area (RPA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	N/A	N/A	River	Adjacent to St. Johns River
South	Urban Low	Mixed Residential District (R-7)	Residential	Single-Family Residence
East	Urban Low	Mixed Residential District (R-7)	Residential	Single-Family Residence, Adjacent to Canal
West	Urban Low	Mixed Residential District (R-7)	Residential	Single-Family Residence

Summary of Request.

The subject property, identified as Alternate Key Number 1645531, contains 0.41 +/- acres, is zoned Mixed Residential District (R-7), 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 Ralph Circle in the unincorporated Astor area. Based on the Survey (Attachment "A"), the subject parcel is developed with Single-Family Residence and related accessory structures, including a metal seawall along the adjacent canal and St. Johns River. GIS aerial maps indicate that the subject property lies fully within flood zone "AE". Additionally, the subject property is located within the Wekiva-Ocala Rural Protection Area (RPA); the request is consistent with Comprehensive Plan Policy I-5.1.3 Rural Protection Area Principles, Policy I-5.1.7 Protection of Wetlands, and Objective I-5.2 Wekiva-Ocala Rural Protection Area, as no adverse impacts to the wetlands or rural character of the surrounding area are anticipated as a result of the variance being granted.

The Applicant has requested a variance to LDR Sections 6.01.04(A)(1) and 3.02.05, to allow for two accessory structures to be constructed within the existing footprint of several existing carports and sheds, which are to be removed. It is the intention of the Applicant to replace the existing carports and sheds with two 30' X 20' detached garages, as depicted on the Survey (Attachment "A"). LDR Section 6.01.04(A)(1) requires that principal structures, structures, buildings, and impervious surface, excluding water dependent structures, shall be located at least (50) feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, whichever is further landward. LDR Section 3.02.05 requires a 5-foot setback from the property lines for parcels zoned and conforming to the minimum density of the R-7 Zoning District.

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 Insurance Rate Map (FIRM) overlay of the subject property (Attachment "B") and provided the following comments and conditions for inclusion within the draft development order: *"The proposed square footage of proposed impervious surface will be less than the existing. There would be no additional stormwater treatment for the reduced setback from the river/wetland. Reconfiguration of the swale along the property line will need to occur with the construction of the garages. Attached is the flood map for the staff report [Attachment "B"]. The base flood elevation (BFE) is based on the floodway. The BFE is 6.3-feet.*

The following are conditions for the variance:

- 1. The parcel is fully within the special flood hazard area and in a FEMA determined floodway. The proposed garage additions will require flood proof construction material along with flood venting. A plan by a Florida licensed professional engineer will be required at time of building permit application.*
- 2. A No Rise Certificate will be required for construction within the floodway. This will be required at time of building permit application.*
- 3. Elevation Certificates will be required during the construction of the proposed garages.*
- 4. A lot grading plan showing the improvements and drainage features such as swale(s) on the lot and gutters on the garages will be required at time of building permit application."*

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 intent of the Code, LDR Section 3.02.05 is to is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

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, *"Rebuilding the detached garage will not have any negative impact on the wetland area as there is a detached garage there presently."*

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, *"In 2006 I bought the property at 24933 Ralph Circle in Astor, which included a wood frame detached garage. Due to storm damage & mold the garage needs to be rebuilt. It is presently at 18 feet away from a last slip cut out & 42 feet from canal. I would like new detached garage to be at same distance from water."*

3. Pursuant to LDR Section 14.15.04, a variance to the setback requirements from an ordinary high water line, mean high water line, or jurisdictional wetland line may be granted if the following conditions are met:

A. The lot is a developable Lot of Record, or the lot was legally created through a development order prior to March 2, 1993.

The subject property is recognized as Lot 29 of Holiday Haven Campsites, the plat of which was recorded on June 2, 1967 in Plat Book 17, Pages 64 – 65.

B. All other remedies have been exhausted, such as a variance to all other setback requirements.

A variance to the southern property line setback is also being requested; the proposed location will place the proposed garages in the place of existing structures.

C. The maximum developable area shall be limited to 30-feet in width or depth.

The development area of the proposed garages totals to 40-feet in width and 30-feet in depth.

D. The first one inch (1") of storm water runoff shall be captured on site.

This condition has been added to the draft development order, to ensure consistency with LDR Section 14.15.04.

E. Development is constructed as far landward on the lot as possible.

Placing the proposed garages further landward would impact the existing paver driveway; the proposed location will place the proposed garages in the place of existing structures.

Attachment "A" - Survey

COPY

PERVIOUS/IMPERIOUS CALCULATIONS PER STRUCTURE

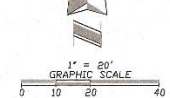
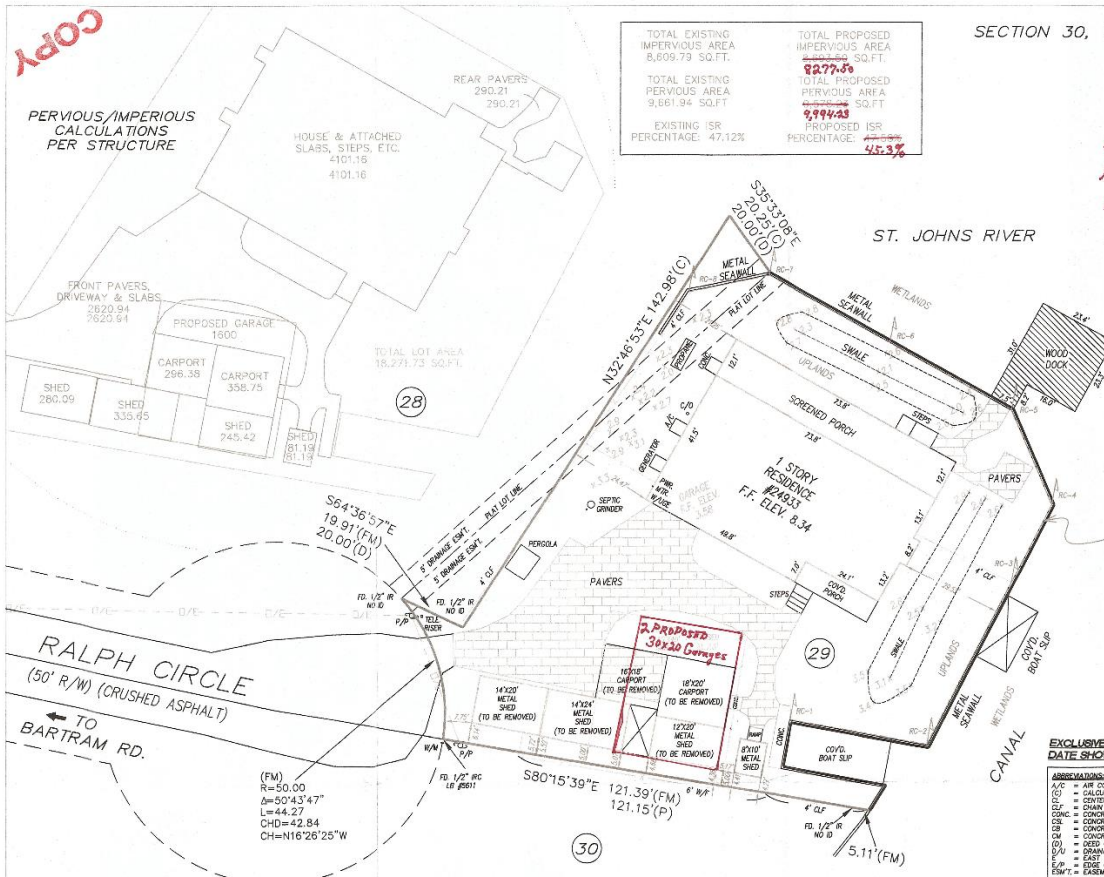
TOTAL EXISTING IMPERVIOUS AREA 8,609.79 SQ.FT.	TOTAL PROPOSED IMPERVIOUS AREA 8,609.79 SQ.FT.
TOTAL EXISTING PERVIOUS AREA 9,661.94 SQ.FT.	TOTAL PROPOSED PERVIOUS AREA 9,661.94 SQ.FT.
EXISTING ISR PERCENTAGE: 47.12%	PROPOSED ISR PERCENTAGE: 45.3%

SECTION 30, TOWNSHIP 15 SOUTH, RANGE 28 EAST
ASTOR
LAKE COUNTY, FLORIDA

PROPOSED VAR-21-80-5
Project No. 2021100016
Application Request No. 4654
Alternate Key No. 1645331

Marjorie Gentry Property (386) 740-0311

Remove existing buildings = 1616 sq. ft.
Construct 2 garages 20'x30' = 1200 sq. ft.
416 sq. ft. addition pervious



NOTE: WETLANDS SHOWN HEREON WERE FLAGGED BY PALMER BIOLOGICAL SERVICES ON MARCH 3, 2022.

DESCRIPTION: (PER ORS 3089 PG. 454)
LOT 28, ACCORDING TO THE PLAT OF HOLIDAY HANEN COMPRES RECORDED IN PLAT BOOK 17, PAGES 64 AND 65, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LESS ANY PART THEREOF LYING WESTERLY OF A LINE DRAWN FROM A POINT 20 FEET WEST OF THE NORTHWEST CORNER OF SAID LOT 29 TO A POINT 20 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 28, ACCORDING TO SAID PLAT, ALSO THAT PORTION OF LOT 28, ACCORDING TO SAID PLAT, LYING EASTERLY OF A LINE DRAWN FROM A POINT 20 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 28 TO A POINT 20 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 28.

REMOVED 3/29/22 TO SHOW CORRECT ISR CALCULATIONS
REMOVED 3/10/22 TO SHOW WETLANDS, SITE PLAN AND PERVIOUS/IMPERVIOUS CALCULATIONS

THIS SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS SHOWN HEREON ON THE MOST CURRENT DATE SHOWN AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOEVER.

ASSOCIATION	CD = CLEAN CUT	ELEVATION	W = WETLAND FLAG
A/C = AIR CONDITIONER	ELV = ELEVATION	N/W = NAIL AND WASHER	S = SOUTH
CL = CALCULATED	FF = FINISHED FLOOR	O/R = OFFICIAL RECORD	S/T = SQUARE TANK
CL = CENTERLINE	FL = FOUND	O/A = OVERLAP	S/F = SQUARE FEET
CL = CHAIN LINK FENCE	FM = FIELD MEASURED	O/E = OVERHEAD ELECTRIC LINE	W/F = WOOD FENCE
CL = CONCRETE	IL = IDENTIFICATION	PA = PAGE	W/P = WOOD PILING
CL = CONCRETE FLAG	IR = IRON PIPE	PI = PLAT (MAP) OVERLAP	W/W = WATERS METER
CL = CONCRETE BLOCK	IR = IRON ROD	P/P = POWER POLE	W/L = WIDTH
CL = CONCRETE MOUND	IRAC = IRON ROD AND CAP	P/E = POINT OF BEGINNING	W/C = WIDTH OF CURVE
CL = DEEP OR DESCRIPTION	LS = LICENSED SURVEYOR	P/B = POINT OF BEGINNING	W/L = WIDTH OF CURVE
CL = DRAINABILITY EXEMPT	LS = LICENSED SURVEY BUSINESS	P/B = POINT OF BEGINNING	W/L = WIDTH OF CURVE
CL = EDGE OF PAVEMENT	N = NORTH	P/L = PROPERTY LINE	W/L = WIDTH OF CURVE
CL = EASEMENT	N/D = NAIL AND DISK	R/W = RIGHT-OF-WAY	W/L = WIDTH OF CURVE

EFIRD SURVEYING GROUP, INC.

475 S. BLUE LAKE AVENUE
DELAND, FLORIDA 32724
PHONE: (386) 740-4144 FAX: (386) 740-4155
WEBSITE: www.efirdsurveying.com
e-mail: larry@efirdsurveying.com
Certificate of Authorization Licensed Business Number 7230

Boundary Survey
Survey Date: 1/20/2022 Drawing Number: 17-0393-D Scale: 1"=20' Drawn by: JM/BE
For: MARJORIE GENTRY
24933 RALPH CIRCLE, ASTOR
LARRY R. EFIRD JR. Professional Surveyor & Mapper No. 0683

- NOTES:
- NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN.
 - NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - NO UNDERGROUND IMPROVEMENTS OR INSTALLATIONS OF OTHER INTERIOR IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS SHOWN, AS PER THE REQUEST OF THE CLIENT.
 - UNLESS NOTED, LEGAL DESCRIPTION FURNISHED BY CLIENT.
 - FEATURES SHOWN BY SYMBOLS, AS INDICATED IN THE LEGEND ARE NOT TO SCALE.
 - THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE SEARCH; A TITLE SEARCH MAY REVEAL ADDITIONAL INFORMATION AFFECTING THE PARCELS AS SHOWN.
 - WHERE APPLICABLE, MONUMENT DIAMETERS, ETC., AND/OR L.S. OR L.B. NUMBERS ARE SHOWN NEAR RESPECTIVE SYMBOL ABOVE, UNLESS SHOWN IN LEGEND.
 - BEARINGS AND GEOMETRY SHOWN HEREON BASED ON SP5 OBSERVATIONS, FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA EAST COAST ZONE (GEOID), NORTH AMERICAN DATUM 1983, 2011 ADJUSTMENT.
 - UNLESS SHOWN, ONLY THOSE MOBILE FEATURES IN THE IMMEDIATE VICINITY OF THE ABOVE DESCRIBED PARCEL, BOUNDARY HAVE BEEN LOCATED.
 - SUBJECT PROPERTY LIES WITHIN ZONE "AET" WITH A PUBLISHED BASE FLOOD ELEVATION OF 6' AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, LAKE COUNTY COMMUNITY RISK-REDUCTION PLAN, REVISIONS TO C, DATED DECEMBER 18, 2012. THIS FLOOD INSURANCE RATE MAP IS NOT A SURVEY AND NO RESPONSIBILITY IS TAKEN FOR THE ACCURACY OF SAID MAP.
 - ELEVATIONS SHOWN HEREON ARE BASED ON NAD83 DATUM.
 - WETLANDS SHOWN HEREON WERE FLAGGED BY PALMER BIOLOGICAL SERVICES ON MARCH 3, 2022.

NOTE:
THIS PLAT AND/OR SKETCH OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS SHOWN HEREON ON THE MOST CURRENT DATE SHOWN AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOEVER. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN HEREON THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY. THIS SURVEY (SKETCH) IS PREPARED WITHOUT BENEFIT OF ABSTRACT OF TITLE SEARCH UNLESS OTHERWISE NOTED. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SURVEYOR (SKETCH) IS PREPARED WITHOUT WRITTEN CONSENT OF THE SURVEYING PARTY OR PARTIES. THIS SURVEY DRAWING IS THE PROFESSIONAL OPINION OF THIS SURVEYOR AND MAPPER AND THE FIRM, WHICH WAS PREPARED UTILIZING THE BEST AVAILABLE INFORMATION AND AS SUCH DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE HELD LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED TO THE SURVEYOR, WHICH WAS USED AS A BASIS IN THE PREPARATION OF THIS SURVEY DRAWING.

COPY

Attachment "B" – FEMA Flood Map



VAR-21-80-5
Gentry property
Alt key 1645531



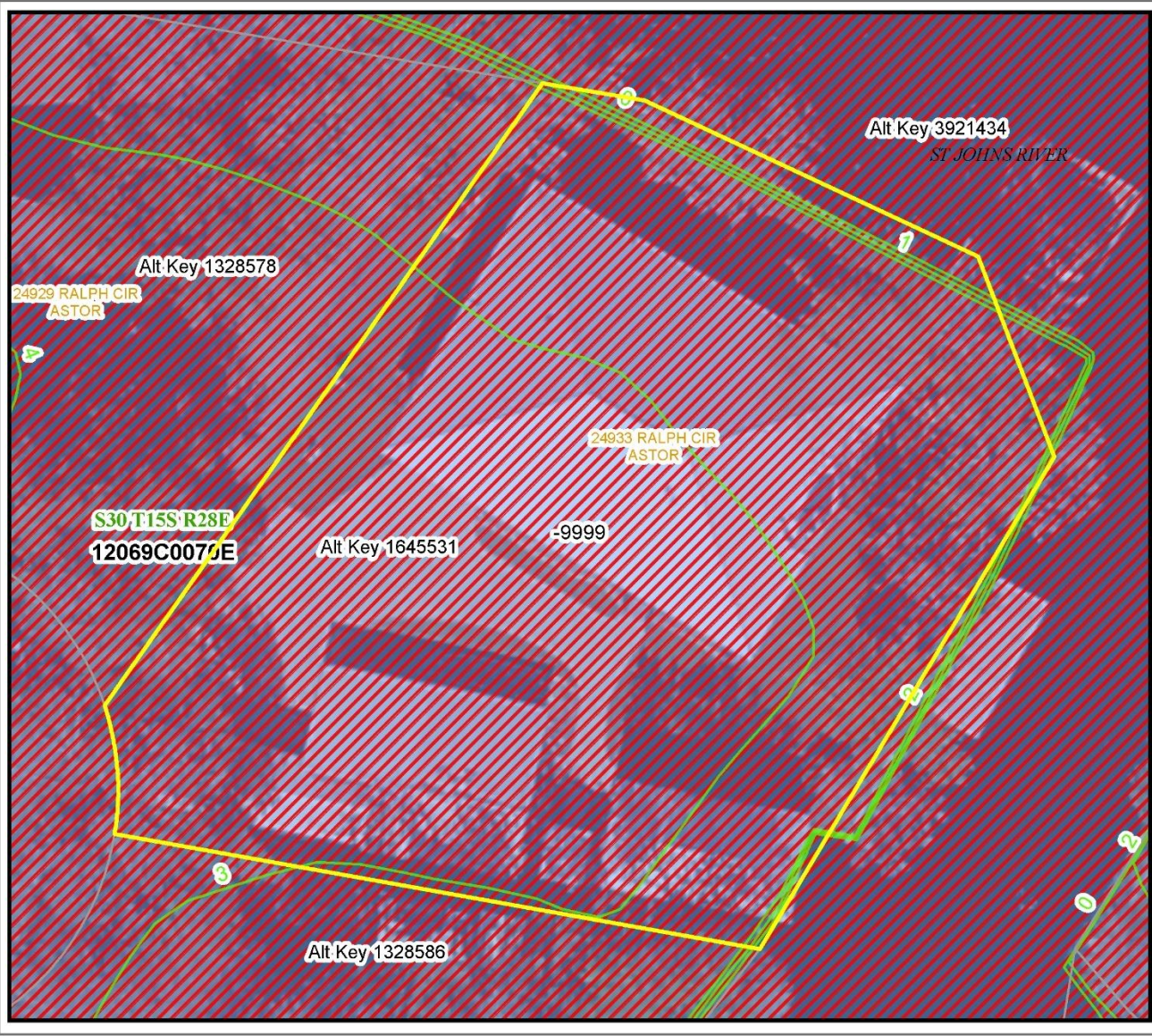
1 inch = 25 feet



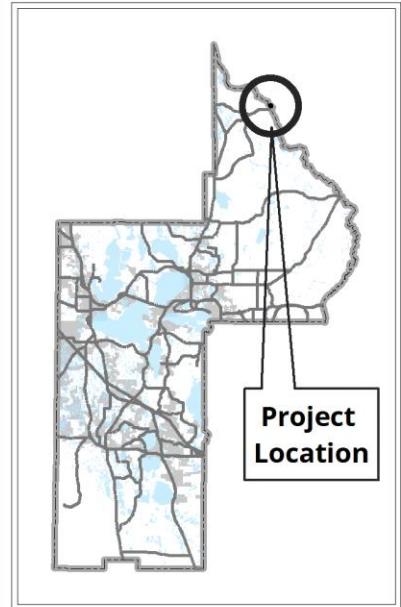
This map graphic is a general representation and in no way does Lake County certify its accuracy. Base Flood Elevations for all zones are not official unless issued on a Lake County Flood Determination Form.

Legend	
	Fences
	Public Works - Floodway Points
	Public Works - Floodway
	Public Works - Street
	Fence
	2022 Floodway
	2022 Floodway
	2012 Floodway
	2012 Floodway
FLOODWAY	
	Floodway
	Channel
2012 Flood Zones	
	X-SE-HAZ
	AE
	AE
	Seams
Color	
	Aerial 2019
	RGB
	Zone 1
	Zone 2
	Zone 3

Date: 4/5/2022

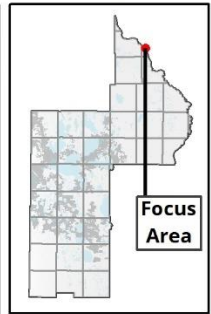


Map of Subject Property



Aerial Map

VAR-21-80-4
Gentry Property



Garage Setback
Adjustment

Legend



Final Development Order
VAR-21-80-5
Gentry Property

WHEREAS, Marjorie Gentry (the “Owner” and “Applicant”) requested a variance to Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow two accessory structures (30’ X 20’ detached garages) to be 18-feet from the existing seawall, in lieu of the required 50-feet; and to LDR Section 3.02.05 to allow two accessory structures (30’ X 20’ detached garages) to be constructed 4-feet from the southern property line, in lieu of the required 5-feet; and

WHEREAS, the subject property consists of 0.41 +/- acres and is located at 24933 Ralph Circle, in the Astor area of unincorporated Lake County, in Section 30, Township 15, Range 28, having Alternate Key Number 1645531, and more particularly described as below:

Lot 29, according to the plat of HOLIDAY HAVEN CAMPSITES, recorded in Plat Book 17, Pages 64 and 65, of the Public Records of Lake County, Florida, less any part thereof lying Westerly of a line drawn from a point 20 feet West of the Northwestern corner of said Lot 29 to a point 20 feet East of the Southeast corner of Lot 28, according to said plat, also that portion of Lot 28, according to said plat, lying Easterly of a line drawn from a point 20 feet West of the Northeast corner of said Lot 28 to a point 20 feet East of the Southeast corner of said Lot 28.

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 April 5th, 2023; 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 April 5, 2023, the Lake County Board of Adjustment approved the variance for the above property.

DONE AND ORDERED by the Board of Adjustment of Lake County, Florida, that:

- Section 1. Variance Granted:** A variance to Section 6.01.04(A)(1), Land Development Regulations, to allow two accessory structures (30’ X 20’ detached garages) to be constructed 18-feet from the existing seawall, in lieu of the required 50-feet, is hereby granted.
- Section 2. Variance Granted:** A variance to Section 3.02.05, Land Development Regulations, to allow two accessory structures (30’ X 20’ detached garages) to be constructed 4-feet from the southern property line, in lieu of 5-feet, is hereby granted with the following conditions:

- a. The parcel is fully within the special flood hazard area and in a FEMA determined floodway. The proposed garage additions will require flood proof construction material along with flood venting. A plan by a Florida licensed professional engineer will be required at time of building permit application; and,
- b. A No Rise Certificate will be required for construction within the floodway. This will be required at time of building permit application; and,
- c. Elevation Certificates will be required during the construction of the proposed garages; and,
- d. A lot grading plan showing the improvements and drainage features such as swale(s) on the lot and gutters on the garages will be required at time of building permit application.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Addie Owens, Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 5th day of April 2023, by Addie Owens, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

(SEAL)

Notary Signature

Pursuant to Section 286.0105, Florida Statutes, if any person desires to appeal any decision with respect to a matter considered at a public meeting or hearing of the Board of Adjustment, such person will need a record of the proceedings, and such person may need to ensure that a verbatim record for such purpose is made, which record includes the testimony and evidence upon which the appeal is based.

A final administrative order of the Board of Adjustment may be appealed to the Circuit Court in Lake County, Florida. Such an appeal shall be filed within thirty (30) days of the execution of this Order. Those filing an appeal of an administrative order must comply with all applicable Florida Rules of Appellate Procedure.