



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: July 5, 2023

Case No. and Project Name: VAR-23-05-3 Reinert Property

Owners: John M. Reinert and Renaye D. Reinert

Applicant: Creative Dock Design

Requested Action: Variance to Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow a proposed accessory structure (Carport over an existing concrete slab) to be constructed 10-feet from the seawall, in lieu of the required 50-feet.

Case Manager: Jacob Geisler, Planner

### Subject Property Information

Size: 0.15 +/- acres

Location: 13409 County Club Drive, in the unincorporated Tavares area

Alternate Key No.: 1528771

Future Land Use: Rural Transition

Current Zoning District: Urban Residential District (R-6)

Flood Zone: "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	N/A	N/A	Canal	Blue Bream Cove Canal (canal that feeds into Little Lake Harris)
South	Rural Transition	Urban Residential District (R-6)	Right-of-Way, Residential	Single-Family Residence, south of Country Club Drive
East	N/A	N/A	Canal	Blue Bream Cove Canal (canal that feeds into Little Lake Harris)
West	Rural Transition	Urban Residential District (R-6)	Vacant Residential	Vacant canal front property

### Summary of Request.

The subject property, identified as Alternate Key Number 1528771, contains 0.15 +/- acres, is zoned Urban Residential District (R-6), and is designated with a Rural Transition (FLUC) by the 2030 Comprehensive Plan. The subject property is located at 13409 County Club Drive in the unincorporated Tavares area. The subject parcel is described as Lot 1 in Block 9 of Lake Harris Shores Unit 2, a subdivision in Lake County, Florida, according to the plat thereof recorded in Plat Book 17, Page 36, Public Records of Lake County, Florida. 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. GIS aerial maps indicate that there is no flood zone on the subject property. The subject property is not located within any Overlay District, Joint Planning Area (JPA), or Interlocal Service Boundary Agreement (ISBA).

The Applicant has requested a variance to LDR Sections 6.01.04(A)(1) to allow a proposed accessory structure (30.7' X 13' carport over an existing concrete slab) to be constructed 10 feet from the seawall, in lieu of the required 50-feet, 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, be located at least (50) feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, whichever is further landward.

Staff reviewed previously approved average setbacks for neighboring properties and found that the closest measurement is 13.01-feet from the seawall. The applicant has elected not to proceed with an average setback application as the owners are proposing to construct a carport on an existing concrete slab that is located 10-feet from the seawall.

The variance application was sent to the Public Works Department and the Chief Fire Plans Examiner for review for a determination of consistency with their regulations. Both the Public Works Department and the Chief Fire Plans Examiner did not identify any 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, *"Will be built over existing slab, so no additional land will be covered as the carport will be built up on slab."*

**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, *"Need covered parking area for vehicles. There is no other access point on the property to install a carport. No way to access back of property with vehicles, so would like*

*to build a carport on the existing concrete slab. When brought in for Zoning Clearance, were told we needed to apply for a variance as the existing slab does not meet required setback of 50 feet. The existing slab is 10.2 feet from seawall.”*

**LDR Section 14.15.04 states that variances to the setback requirement from an ordinary high water line, mean high water line, or jurisdictional wetland line. A variance to the setback requirements from an ordinary high water line, mean high water line, or jurisdictional wetland line may be granted if:**

**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 intent of the Code, LDR Section 14.15.04 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.

Per Lake County’s 2030 Comprehensive Plan Policy I-7.1.3 (C): There shall be an exception to the density requirements of this Comprehensive Plan for lots or combination of lots described in Paragraphs A or B above but that do not meet the requirements contained therein. A dwelling unit and accessory uses thereto, may be permitted on the lot, or combination of lots, if one of the following criteria is met:

- The owner demonstrates that on March 2, 1993 such lot was owned by the owner or their predecessor in title and no contiguous lots were owned by the owner or their predecessor in title on that date.

The two lots that are contiguous on the west side of the subject property have two Lots of Records that apply. Therefore, staff has determined that the subject property was the only property owned by the applicant predecessor, as they would have had been required to aggregate, per Lake County’s Comprehensive Plan Policy 1-7.1.3 (C).

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

Staff reviewed previously approved average setbacks for neighboring properties and found that the closest measurement is 13.01-feet from the seawall. The applicant has elected not to proceed with an average setback application as the owners are proposing to construct a carport on an existing concrete slab that is located 10-feet from the seawall.

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

As seen in Attachment “A” below, the proposed carport extends over the 30-foot requirement. Therefore, this option would not apply.

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

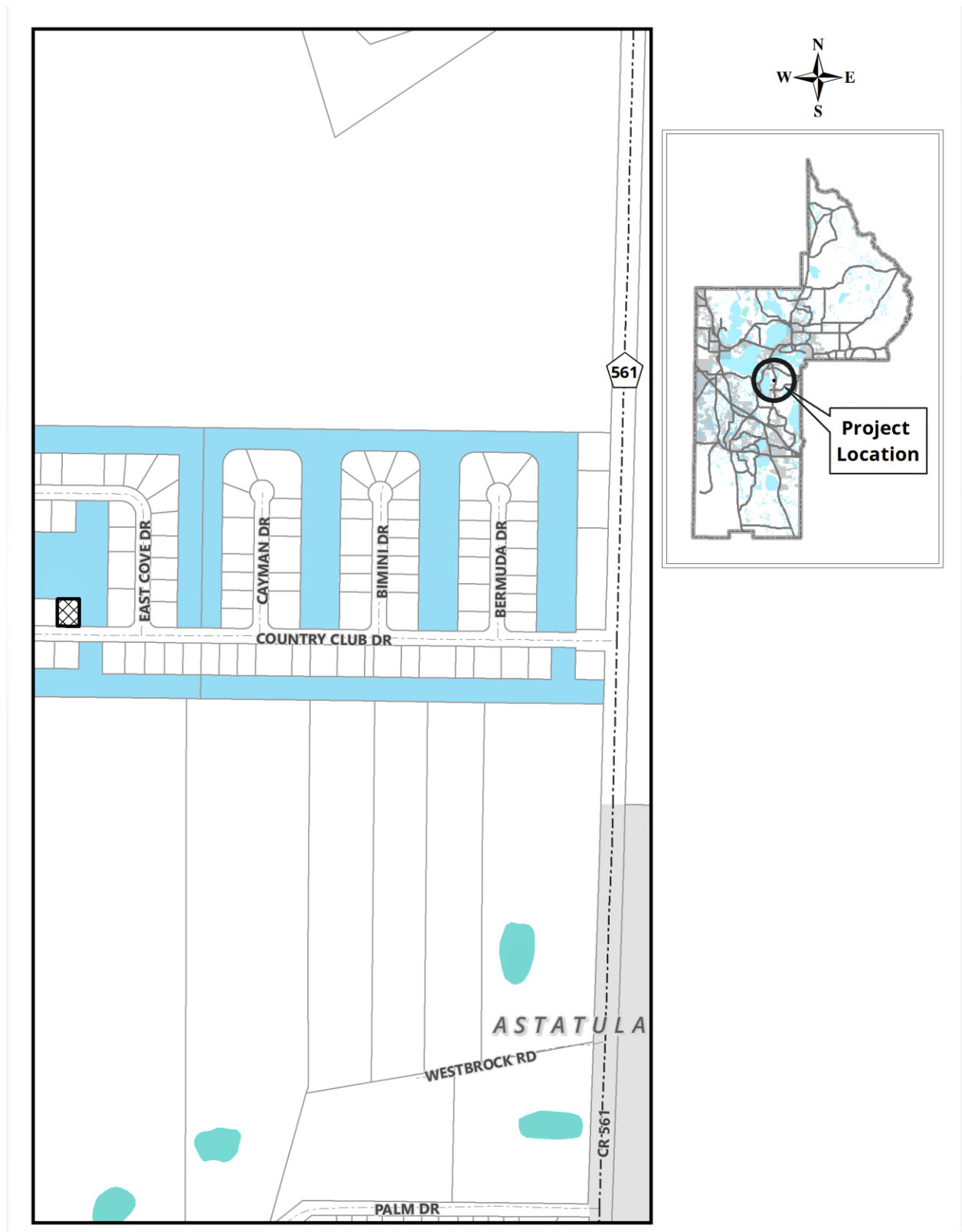
Staff has determined that this does not apply to the Variance request as the carport extends over the 30-foot requirement.

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

As seen in Attachment “A” below, the proposed carport abuts the seawall located on the property line.



# Map of Subject Property

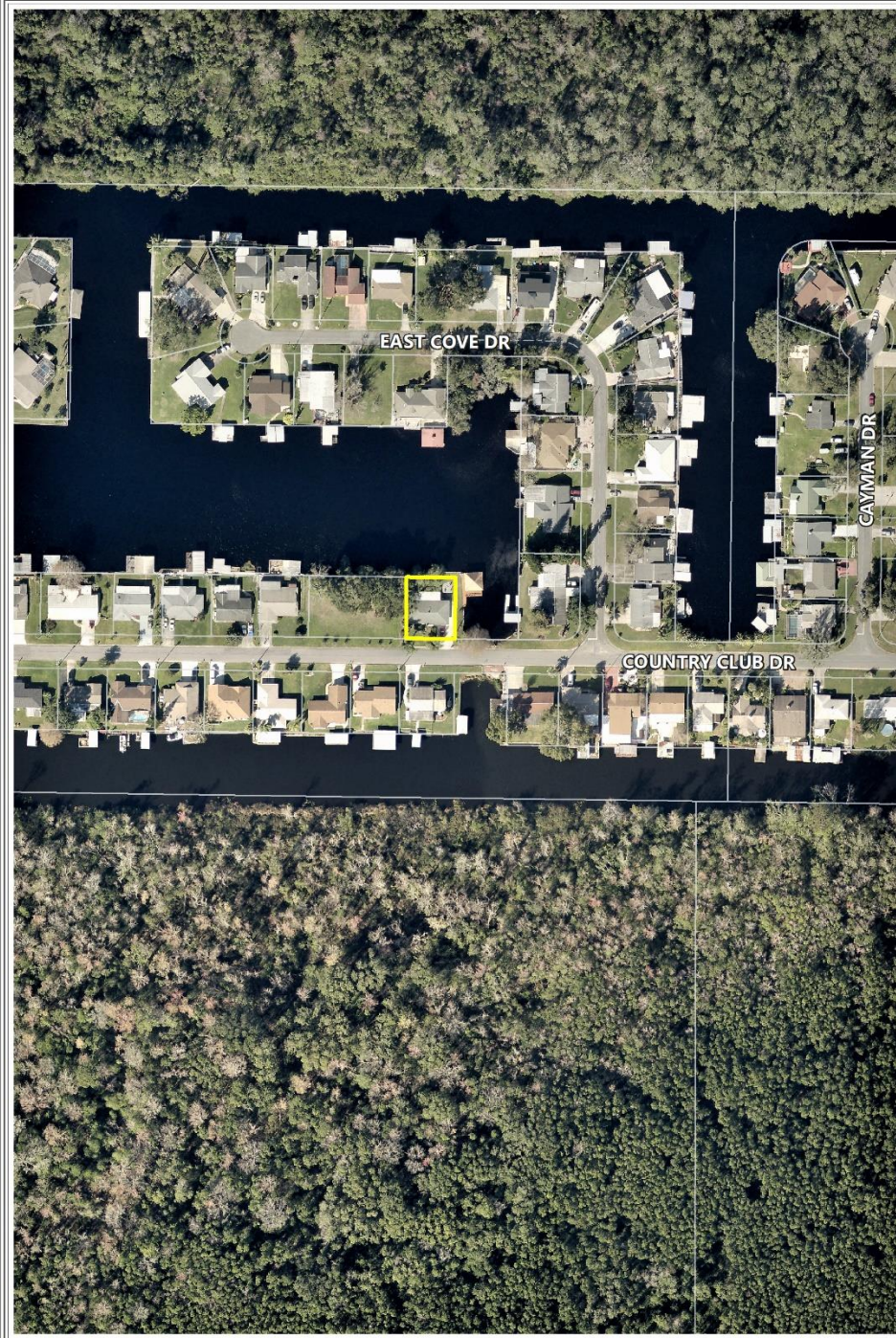




# Aerial Map of Subject Property



VAR-23-05-3  
Reinert Property



Setback Adjustment

**Final Development Order**  
**VAR-23-05-3**  
**Reinert Property**

**WHEREAS**, John M. Reinert and Renaye D. Reinert (the “Owners”) and Creative Dock Design (the “Applicant”) requested a variance to Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow an accessory structure (carport over an existing concrete slab) to be constructed 10-feet from the seawall, in lieu of the required 50-feet; and

**WHEREAS**, the subject property consists of 0.15 +/- acres and is located at 13409 Country Club Drive, in the Tavares area of unincorporated Lake County, in Section 20, Township 20, Range 26, having Alternate Key Number 1528771, and more particularly described as below:

Lot 1 in Block 9 of Lake Harris Shores Unit 2, a subdivision in Lake County, Florida, according to the plat thereof recorded in Plat Book 17, page 36, 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 5, 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 July 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 an accessory structure (carport over an existing concrete slab) to be constructed 10-feet from the seawall, in lieu of the required 50-feet, is hereby granted, with the condition:

- a. Stormwater calculations must be submitted at the time of issuance of each individual zoning permit in form of an interceptor swale that is sized to capture the first one inch (1”) of stormwater runoff on the subject parcel.
- b. Stormwater calculations must be reviewed and approved by the Lake County Public Works Department staff.
- c. The stormwater abatement system must be depicted on the to-scale plot plan when applying for the zoning permit; installed prior to any final inspection, inspected, and approved by the Lake County Public Works Department staff.

**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 5<sup>th</sup> day of July 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.