



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: August 2, 2023

Case No. and Project Name: VAR-22-57-3 Jones Property

Owners: R. Teb Jones, and Angela K. Jones

Applicant: Lee Woods Construction

Requested Action: Variance to Land Development Regulations (LDR) Section 1.08.03(A)(2) to allow the existing non-conforming accessory structure (detached garage) to be expanded by twenty-one percent (21%) to the east, and LDR Section 6.01.04(A)(1) to allow the existing accessory structure (detached garage) at its current location and the proposed expansion to the accessory structure to be located less than 50-feet from the jurisdictional wetland line.

Case Manager: Jacob Geisler, Planner
Janie Barrón, Chief Planner

Subject Property Information

Size: 0.90 +/- acres

Location: 58 Palm Drive, Yalaha

Alternate Key No.: 2703300

Future Land Use: Urban Low Density

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

Flood Zones: "AE" and "X"

JPA/ISBA: Town of Howey in the Hills ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

| Direction | Future Land Use | Zoning | Existing Use | Comments |
|-----------|-----------------|--|--------------|--|
| North | N/A | N/A | Lake | Lake Harris |
| South | Urban Low | Medium Residential District (R-3) | Residential | Single-Family Residence |
| East | Urban Low | Medium Residential District (R-3) | Residential | Single-Family Residence, Adjacent to Canal |
| West | Urban Low | Rural Residential (R-1), Agriculture (A) | Residential | Single-Family Residence |

Summary of Request.

The subject property, identified as Alternate Key Number 2703300, contains 0.90 +/- acres, was zoned Residential Estates (R-1-15) by Ordinance # 4-77 (PH 19-77-2 – Attachment “A”) and later converted to the current zoning of Medium Residential District (R-3), and is designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is generally located at 58 Palm Drive in the unincorporated Yalaha area. Based on the Survey (Attachment “B”), the subject parcel is developed with a Single-Family Residence and related accessory structures, including an existing garage along the adjacent canal that extends into Lake Harris. GIS aerial maps indicate that the subject property lies within flood zones “AE” and “X”.

The Applicant has requested a variance to LDR Section 1.08.03(A)(2) to allow the existing non-conforming accessory structure (detached garage) to be expanded by twenty-one percent (21%) to the east, and LDR Section 6.01.04(A)(1) to allow the existing accessory structure (detached garage) at its current location and the proposed expansion to the accessory structure to be located less than 50-feet from the jurisdictional wetland line as depicted on Attachment “B” – Survey.

According to the Lake County Property Appraiser’s records, the existing accessory structure was constructed in 1988. The 1988 Land Development Regulations (Attachment “C”) did not include setback provisions to the Jurisdictional Wetland Line for parcels located within the R-1-15 Zoning District (n/k/a R-3). Staff has determined that the existing accessory structure is considered a non-conforming use as the detached garage was constructed prior to the 2030 Comprehensive Plan that was enacted on September 22, 2011, and constructed approximately 6 +/- feet from the Jurisdictional Wetland Line. LDR Section 6.01.03(A)(2) states that the continuation of nonconforming uses existing prior to the effective date of the 2030 Comprehensive Plan are allowed unless there is an expansion, change, enlargement, or alteration of a use, which increases its nonconformity in any way. The applicant is requesting to expand the existing detached garage by twenty-one percent (21%).

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. The Public Works Department and the Chief Fire Plans Examiner did not identify any comments or objections to the request.

The subject parcel is located within the Howey-in-the-Hills ISBA; therefore, the variance application was sent to the Town of Howey-in-the-Hills for a determination of consistency with their regulations. The Town of Howey-in-the-Hills had no comments.

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 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 and to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

The intent of the LDR Section 1.08.03 is to allow legally existing non-conforming development to remain in its current state. The Code does not allow any expansions, changes, enlargements, or alterations of a use or development in any way which increases its nonconformity.

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, *"The modification will a lot adequate space to protect stored items such as automobiles. The proposed modification shall not affect existing city systems."*

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, *"Owner is unable to use the existing garage. Opening height is too low and depth is too short to park autos."*

Pursuant to LDR Section 14.15.04 a variance 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.**

Pursuant to Chapter II, Lake County Code, Appendix E, Land Development Regulations, a Lot of Record is defined as a Lot in a Plat recorded in Plat Books 1—22, Public Records of Lake County. A Lot created by a deed which was recorded in the Public Records of Lake County prior to May 20, 1981 and legally describes a Parcel of Land by metes and bounds; A Lot created by a Contract for Deed which was recorded in the Public Records of Lake County prior to May 20, 1981 and legally describes a Parcel of Land by metes and bounds; or a Lot in an unrecorded Plat, recognized by Lake County and identified on the official Zoning Map of Lake County.

Per Lake County's 2030 Comprehensive Plan Policy I-7.1.3 (B), *Existing Exception for Density*: There shall be an exception to the density requirements of this Comprehensive Plan for lots or combination of lots created through a subdivision approved by the Board of County Commissioners and recorded in the Public Records of Lake County in Plat Books 1 through 22. A dwelling unit and accessory uses thereto, may be permitted on the lot, or combination of lots, provided that each of the following requirements are met:

1. The lot shall front on a publicly maintained road, or an easement. If the lot fronts on an easement, the easement must connect to a publicly maintained road, and the lot shall be within 1320 feet of a publicly maintained road;
2. The lot shall be accessible by public safety and other public (i.e. sanitation) agencies;
3. The lot shall have a minimum frontage of forty (40) feet; and
4. The lot shall contain a minimum of 12,500 square feet (excluding open water bodies), unless the lot will be served by central water and wastewater utility service.

The subject parcel complies with the Lot of Record definition and Lot Exception for Density pursuant to Comprehensive Plan Policy I-7.1.3(B) as the subject parcel is located within the Springs Bath and Yacht Club subdivision, a subdivision recorded in Plat Book 17, Page 37, Public Records of Lake County, Florida. Palm Drive is county-maintained and assigned road #3123A). The lot is approximately 46,400 square feet in size and contains approximately 50 feet of road frontage.

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

Due to the date the accessory structure was constructed and its current location, no other remedies are possible at this time other than the variance. The variance is the remedy to bring the current accessory structure in its location into compliance with the current Land Development Regulations.

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

As depicted in Attachment "B", the existing accessory structure is located 6-feet from the top of bank. According to the Lake County Property Appraiser's records, the existing accessory structure was constructed in 1988. The 1988 Land Development Regulations (Attachment "C") did not include setback provisions to the Jurisdictional Wetland Line for parcels located within the R-1-15 Zoning District n/k/a R-3. The accessory structure is a 24' x 34' storage building, the proposed expansion is a 5' x 34' addition, which will total to a 29' x 34' storage building.

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

Should the variance request be approved, the following conditions are included in the final development order:

- 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.
- 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.
- d. No further variances shall be granted.

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

As depicted in Attachment "B", the existing accessory structure is located 6-feet from the top of bank. According to the Lake County Property Appraiser's records, the existing accessory structure was constructed in 1988. The 1988 Land Development Regulations (Attachment "C") did not include setback provisions to the Jurisdictional Wetland Line for parcels located within the R-1-15 Zoning District.

Attachment "A" – Ordinance #4-77 (Page 1 of 3)

ORDINANCE #4-77

WHEREAS, the Lake County Planning and Zoning Commission did, on the 23rd day of February, 1977, review certain applications for changes and revisions of the zoning of certain areas in Lake County, Florida and after giving Notice of Hearings on applications for changes of Zoning Classification (including a Notice that said applications would be presented to the Board of County Commissioners of Lake County, Florida on the 15th day of March, 1977), and

WHEREAS, the Lake County Planning and Zoning Commission did make recommendations on the changes as requested in the particular applications hereinafter set forth subject to the approval of the Board of County Commissioners, Lake County, Florida and

WHEREAS, the Board of County Commissioners reviewed said applications, the recommendations of the Lake County Planning and Zoning Commission and any comments, favorable or unfavorable, from the surrounding owners, at a Public Hearing duly advertised.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Florida that the Zoning Rules and Regulations of Lake County, be altered and changed as follows:

PUBLIC HEARING #10-77-5

LEGAL DESCRIPTION

Lots 1, 2, 3 and 4 in Caskey's Cove Subdivision according to the plat thereof as recorded in Plat Book 16, page 21, Official Records of Lake County, Florida, in Section 35, Township 18 Range 25 E, Lake County, Florida.

CHANGE IN ZONING CLASSIFICATION:

Rezoning from C-1 (Rural or Tourist Commercial District) to R-1-7 (Urban Residential) zoning district.

PUBLIC HEARING #20-77-1

LEGAL DESCRIPTION

Sleigh & Teague's Addition to Lady Lake, Florida according to the official Plat thereof as recorded in Plat Book 8, page 9 of the Public Records of Lake County, Florida. The North $\frac{1}{2}$ of Lot 36, the South $\frac{1}{2}$ of Lot 36 - Less the West 461.7 feet thereof, and Lot 25 - Less the West 10.84 feet.

CHANGE IN ZONING CLASSIFICATION:

Rezoning from Rural Residential to Agriculture.

PUBLIC HEARING #18-77-1

LEGAL DESCRIPTION

The South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16, Township 19 S, Range 24 E, Lake County, Florida.

CHANGE IN ZONING CLASSIFICATION:

Rezoning from RM (Mobile Home Residential District) to RP (Multiple-Family Residential-Professional) zoning district.

Attachment "A" – Ordinance #4-77 (Page 2 of 3)

Ordinance #4-77

page two

PUBLIC HEARING #12-77-2

LEGAL DESCRIPTION

The West 75 feet of the East 420 feet of the North 190 feet of the South 210 feet of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, less Hwy. #468 in Section 28, Township 19 S, Range 24 E, Lake County, Florida

CHANGE IN ZONING CLASSIFICATION:

Rezoning from R-1-7 (Urban Residential) to C-1 (Rural or Tourist Commercial District).

PUBLIC HEARING #17-77-2

LEGAL DESCRIPTION

The North 125 feet of the South 210 feet of the East 70 feet of the West 280 feet of the North $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 15, Township 20 S, Range 24 E, Lake County, Florida.

CHANGE IN ZONING CLASSIFICATION:

Rezoning from R-1-7 (Urban Residential) to R-1-5 (Mobile or Mixed Residential District).

PUBLIC HEARING #19-77-2

LEGAL DESCRIPTION

Section 17, Township 20 S, Range 25 E, Lake County, Florida. Springs Bath & Yacht Club Units 1 thru 5 as recorded in Plat Book 14, pages 27, 31 and 54 and Plat Book 17, pages 37 and 63 of the Public Records of Lake County, Florida. Also, that part of Government Lot 1 in Section 17, Township 20 S, Range 25 E, located within and bounded by said Sub-division.

CHANGE IN ZONING CLASSIFICATION:

Rezoning from Rural Residential and R-1-7 (Urban Residential) to ALL R-1-15 (Residential Estates).

PUBLIC HEARING #21-77-3

LEGAL DESCRIPTION

Begin at the SW corner of Government Lot 12 in Section 27, Township 21 S, Range 26 E, and run thence North 221 feet; thence East 500 feet; thence South 221 feet to the South line of said Section 27, Thence West 500 feet to the POB.

AND

Begin at the NE corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 34, Township 21 S, Range 26 E, and run East along Section line 500 feet; thence South 311.5 feet; thence West 685.4 feet; then North 311.5 feet to the North line of Section 34, thence East 185.4 feet to the POB. (Including lots 8 and 9, Block 10 and lots 10 and 11, Block 9 in Ferndale Subdivision No. 1) all in Lake County, Florida.

CHANGE IN ZONING CLASSIFICATION:

Rezoning from Agriculture to R-1-5 (Mobile or Mixed Residential) zoning District.

Attachment "A" – Ordinance #4-77 (Page 3 of 3)

Ordinance #4-77

page three

DONE AND RESOLVED by the Board of County Commissioners on March 15, 1977

STATE OF FLORIDA)

:

COUNTY OF LAKE)

I HEREBY CERTIFY that the foregoing is a true copy of an Ordinance adopted by the Board of County Commissioners in regular session on March 15, 1977 as the same appears on record in County Commissioners Minute Book 27 page _____.

WITNESS my hand and official seal this 17 day of April, 1977, A.D.

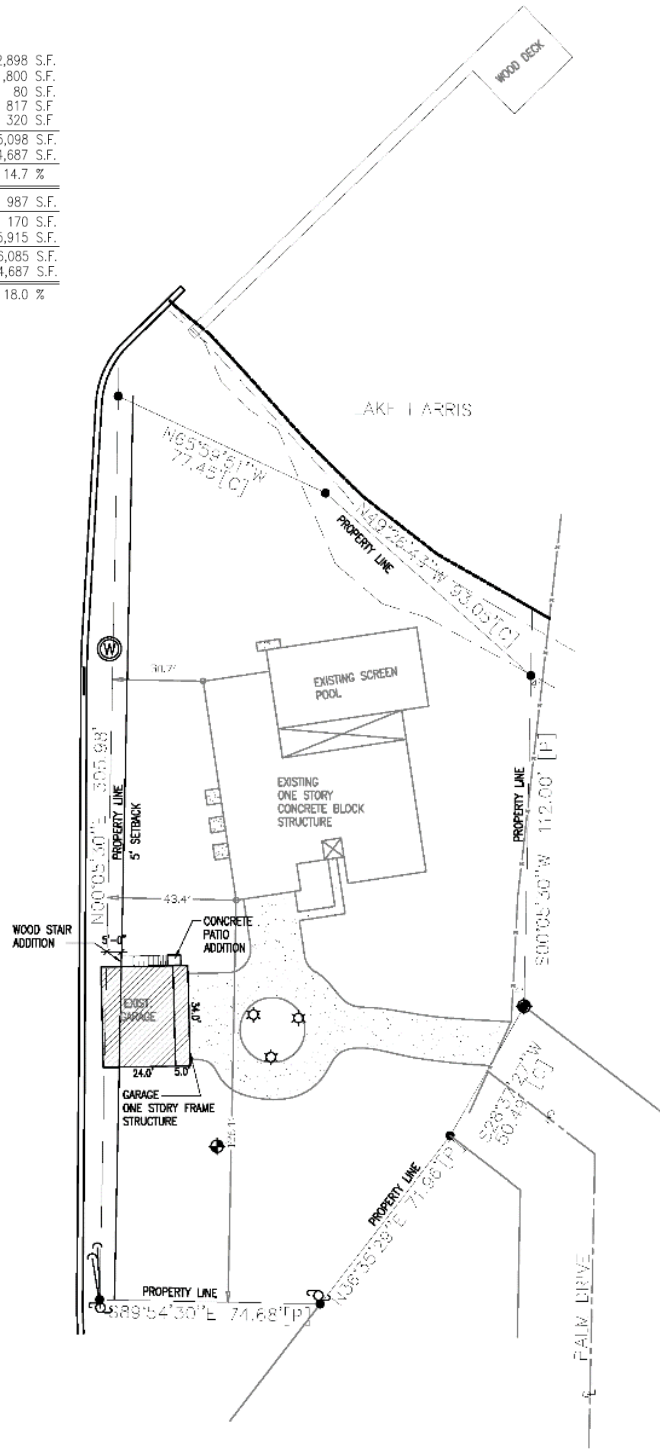
JAMES C. WATKINS,
Clerk of the Circuit Court
and Ex-Official Clerk of the
Board of County Commissioners,
Lake County, Florida

BY: James C. Watkins
Clerk

Attachment "B" – Plot Plan

IMPERVIOUS AREA CALCULATION

| | |
|--|--------------------|
| EXISTING HOUSE W/ ATTACHED GARAGE STRUCTURE | 2,898 S.F. |
| EXISTING CONCRETE POOL, DECK & LANAI | 1,800 S.F. |
| EXISTING CONCRETE PADS | 80 S.F. |
| EXISTING DETACHED GARAGE STRUCTURE | 817 S.F. |
| EXISTING CONCRETE DRIVEWAY & SIDEWALK | 320 S.F. |
| TOTAL EXISTING IMPERMEABLE SURFACE AREA | 5,098 S.F. |
| DIVIDED BY TOTAL SITE AREA | 34,687 S.F. |
| EXISTING IMPERMEABLE SURFACE RATIO | 14.7 % |
| <hr/> | |
| ADDITION DETACHED GARAGE STRUCTURE | 987 S.F. |
| TOTAL IMPERMEABLE SURFACE AREA ADDITIONS | 170 S.F. |
| PLUS EXISTING IMPERMEABLE SURFACE AREA | 5,915 S.F. |
| TOTAL NEW IMPERMEABLE SURFACE AREA | 6,085 S.F. |
| DIVIDED BY TOTAL SITE AREA | 34,687 S.F. |
| NEW IMPERMEABLE SURFACE RATIO | 18.0 % |



1
C101 **NEW SITE PLAN**
SCALE: 1" = 30'

Attachment "C" – 1988 LDR R-1-15 Zoning District (Page 1 of 3)

APPENDIX B—ZONING ORDINANCE

§ 63

62.34. Uses permitted only after conditional use permit hearings and approval.

62.340. It shall be the duty of the planning and zoning commission to establish the conditions to be imposed on the applicant as deemed appropriate, utilizing the guidelines established in article VII, section 70, general provisions.

(a) Country clubs.

(b)–(g) [Repealed by Ord. No. 1985-4, 5-21-85]

(h) [Repealed by Ord. No. 1984-6, 9-26-84]

(i) [Repealed by Ord. No. 1985-4, 5-21-85]

(j) The keeping, grazing, or feeding of horses. This section shall not include riding academies unless they are a part of a master plan for a planned development of five hundred (500) acres or more. Where horses are permitted, a structure or building shall be required. Such structure shall maintain a two hundred-foot setback from all adjacent property lines unless part of a planned development of five hundred (500) acres or more.

(k) [Repealed by Ord. No. 1985-4, 5-21-85]

62.35. Classification of uses. Other similar enterprises or businesses may be permitted which, in the opinion of the planning and zoning commission and the board of county commissioners, are not more obnoxious or detrimental to the particular community than the businesses herein in this subsection enumerated; provided, however, the board of county commissioners may make such findings, which finding shall be conclusive.

Sec. 63. "R-1-15" Residential estates district.

63.10. Purpose and intent. The purpose of this district is to provide for large lots or estate type development, without the inherent agricultural detriments for single-family density in a transitional or urbanizing area.

63.11. Permitted uses.

63.110. One (1) single-family dwelling unit having a minimum living area of one thousand five hundred (1,500) square feet, which may include three hundred (300) square feet of attached screened area, garages, carports or utility area.

63.111. Accessory buildings or structures thereto.

63.112. Guest/Servant quarters not to exceed three hundred (300) square feet of living area excluding carports, garages and screened areas, and permanently attached to the principle dwelling unit, are permitted where the principle dwelling unit is of conventional construction. In no case will the guest/servant quarters be constructed prior to the principle dwelling unit.

63.113. [Repealed by Ord. No. 1975-10, 12-23-75]

63.12. General requirements.

63.120. *Lot size.* A minimum usable land area of not less than fifteen thousand (15,000) square feet.

Attachment "C" – 1988 LDR R-1-15 Zoning District (Page 2 of 3)

§ 63

LAKE COUNTY CODE

63.121. *Lot width.* A minimum width of lots, parcels, or tracts, however designated, shall be one hundred (100) feet measured at the building setback line and seventy-five (75) feet measured along the property line or lines contiguous to any street, road, highway, or easement for ingress or egress, however, stated.

63.13. [Repealed by Ord. No. 1977-4, 1-24-77]

63.14. *Setbacks.*

63.140. Property adjacent to state, federal and county secondary highways shall maintain a fifty-foot setback from the highway right-of-way for any structure. Property adjacent to roads other than state, federal and county secondary highways shall maintain, for any structure, a setback of sixty-two (62) feet from the centerline of the roadways, or twenty-five (25) feet from the road right-of-way, whichever is greater.

63.141. In the case of easements for ingress or egress, where such easements have been legally created, the setback shall be sixty-two (62) feet from the centerline of such easement.

63.142. The building line from any rear or side property line for single-family dwelling units shall be five (5) feet.

63.143. [Repealed by Ord. No. 1987-1, 1-20-87]

63.144. [Repealed by Ord. No. 1982-16, 8-31-82]

63.15. *Uses permitted only after conditional use permit hearings and approval.*

63.150. It shall be the duty of the planning and zoning commission to establish the conditions to be imposed on the applicant as deemed appropriate utilizing the guidelines established under article VII, section 70, general provisions.

(a) [Repealed by Ord. No. 1985-4, 5-21-85]

(b) *Marinas.*

(c)–(e) [Repealed by Ord. No. 1985-4, 5-21-85]

(f) [Repealed by Ord. No. 1984-6, 9-26-84]

(g)–(i) [Repealed by Ord. No. 1985-4, 5-21-85]

63.16. *Classification of uses.*

63.160. Other similar enterprises or businesses may be permitted which, in the opinion of the planning and zoning commission and the board of county commissioners, are not more obnoxious or detrimental to the particular community than the businesses herein in this section enumerated; provided, however, the board of county commissioners may make such finding[s,] which finding shall be conclusive.

63.17. *Uses expressly prohibited.*

63.170.

(a) *Automobile junkyards, wrecked or dismantled automobile storage yards.*

(b) *Junkyards.*

Attachment "C" – 1988 LDR R-1-15 Zoning District (Page 3 of 3)

APPENDIX B--ZONING ORDINANCE

§ 63.20

- (c) Commercial enterprises.
- (d) Pets, other than the normal domesticated household pets, such as dogs and cats.
- (e) Any uses prohibited by County Ordinance 1970-1.
- (f) Any uses expressly permitted in the other zones that are not provided for under the permitted uses section of this zone.

Sec. 63.20. "R-1-10" Medium residential district.

63.21. Purpose and intent. The purpose of the district is to provide for medium density single-family residential usage in an urban area. The R-1-10 district shall provide a larger lot size than R-1-7.

63.22. Permitted uses.

63.220. One (1) single-family dwelling unit having a minimum living area of one thousand two hundred (1,200) square feet, which may include three hundred (300) feet of screened area, garages, carports or utility area.

63.221. Accessory buildings or structures thereto, but not to include guest cottages, which may include a greenhouse or nursery for noncommercial purposes not to exceed one hundred fifty (150) square feet.

63.23. General requirements.

63.230. *Lot size.* A minimum usable land area of not less than ten thousand (10,000) square feet.

63.231. *Lot width.* Minimum width of lots, parcels or tracts, however designated, shall be seventy-five (75) feet measured at the building setback line and fifty (50) feet measured along the property line or lines contiguous to any street, road, highway or easement for ingress or egress, however stated.

63.24. [Repealed by Ord. No. 1978-7. See Sign Ordinance 77-3.]

63.25. Setbacks.

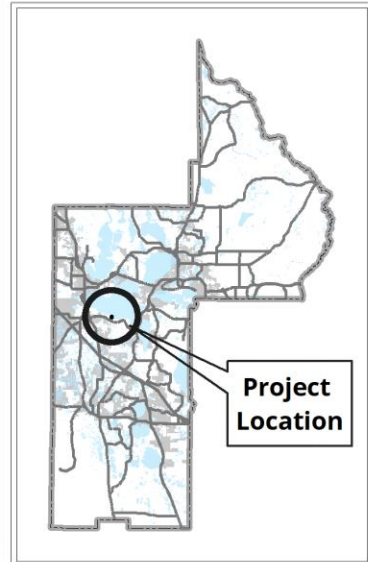
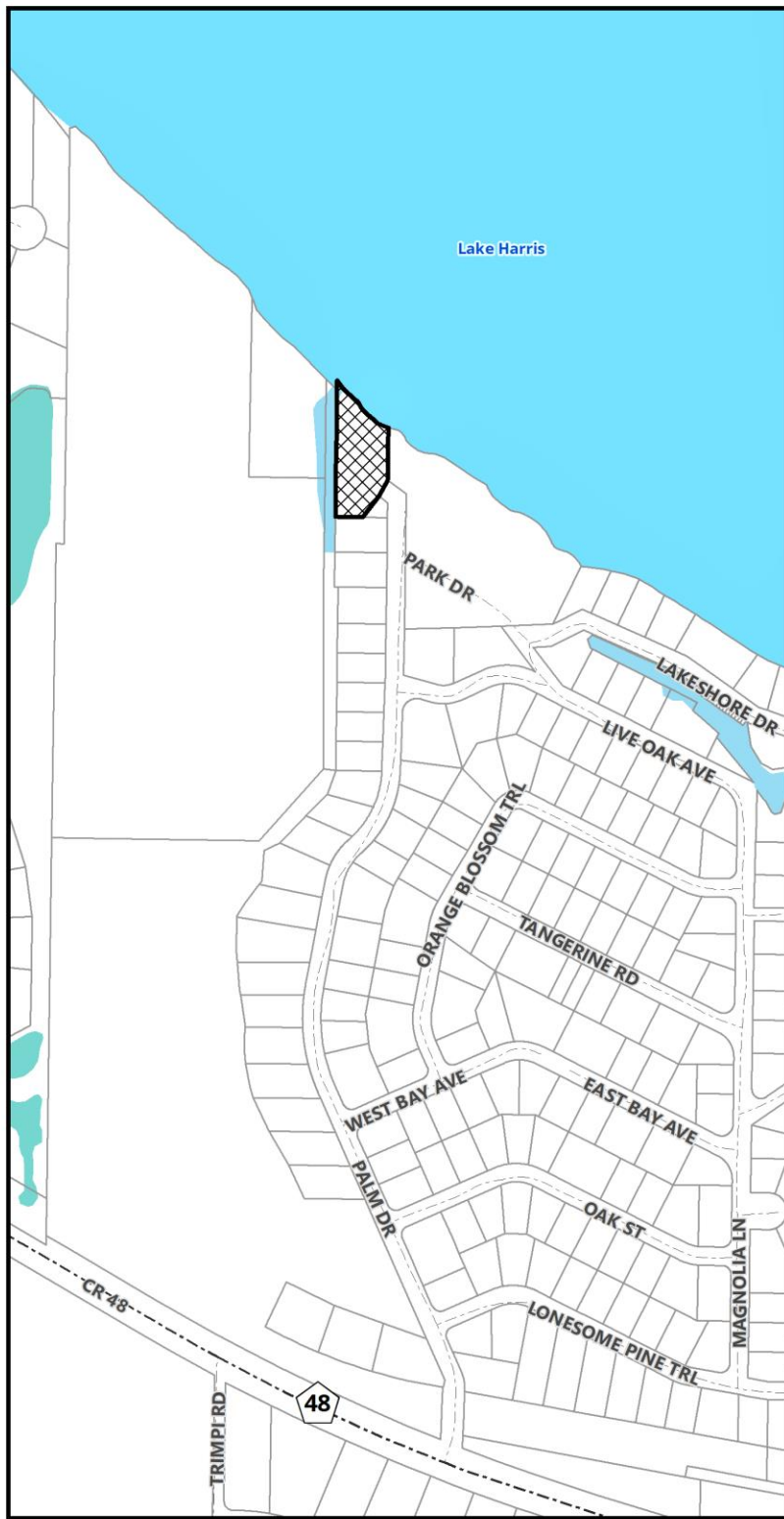
63.250. Property adjacent to state, federal and county secondary highways shall maintain a fifty-foot setback from the highway right-of-way for any structure. Property adjacent to roads other than state, federal, and county secondary highways shall maintain, for any structure, a setback of sixty-two (62) feet from the centerline of the roadways, or twenty-five (25) feet from the road right-of-way, whichever is greater.

63.251. In the case of easements for ingress or egress, where such easements have been legally created, the setback shall be sixty-two (62) feet from the centerline of such easement.

63.252. The building line from any rear or side property line shall be as follows:

- (a) The rear building line shall be five (5) feet.
- (b) The minimum for any one (1) side shall not be less than five (5) feet, including the eaves and overhang.

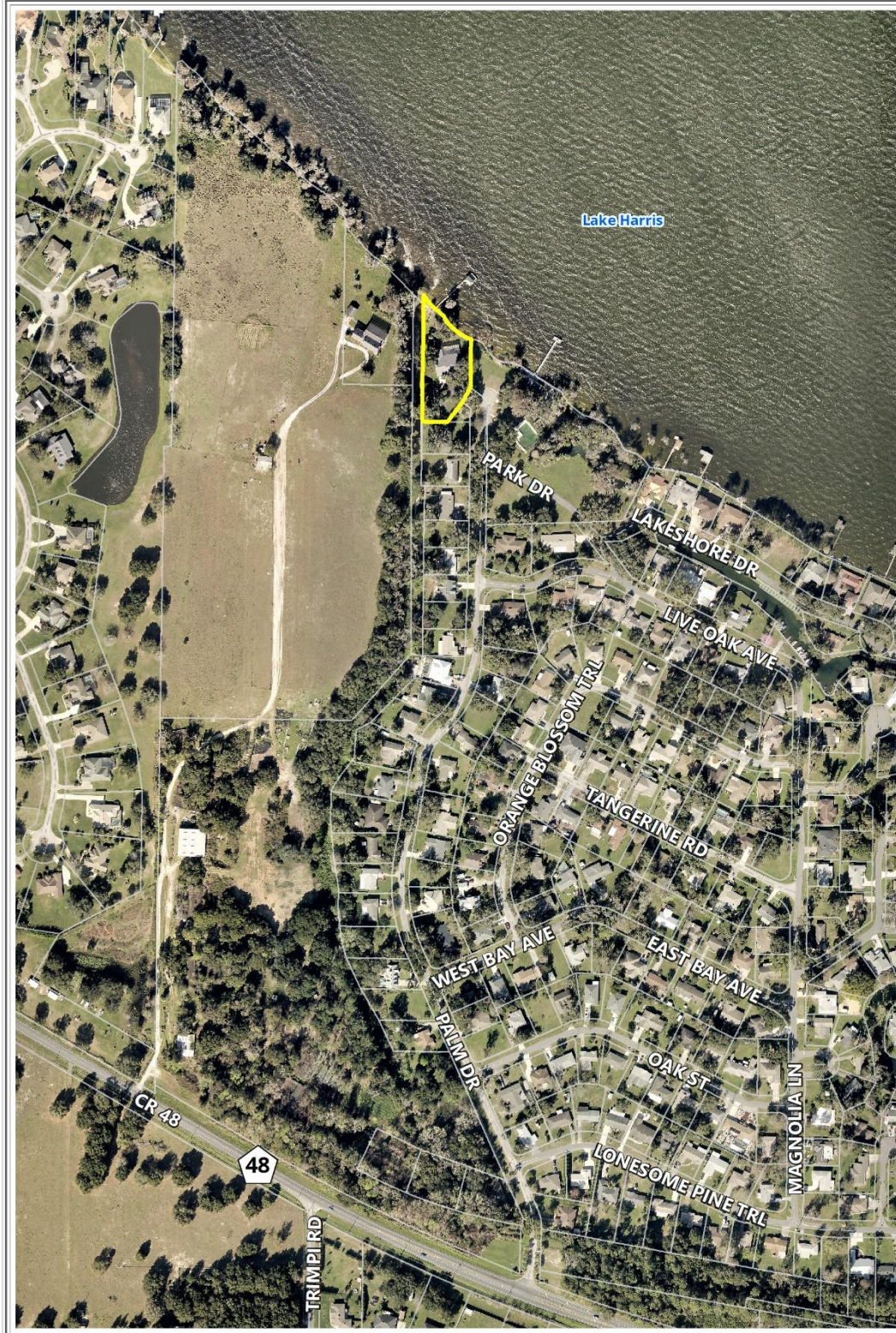
Map of Subject Property



Aerial Map of Subject Property



VAR-22-57-3
Jones Property



Non Conforming
Structure Expansion
Adjustment

Final Development Order
VAR-22-57-3
Jones Property

WHEREAS, R. Teb Jones and Angela K. Jones, hereinafter collectively the (“Owner”) and Lee Woods Construction the (“Applicant”) requested a variance to Land Development Regulations (LDR) Section 1.08.03(A)(2) to allow the existing non-conforming accessory structure (detached garage) to be expanded by twenty-one percent (21%) to the east, and LDR Section 6.01.04(A)(1) to allow the existing accessory structure (detached garage) at its current location and the proposed expansion to the accessory structure to be located less than 50-feet from the jurisdictional wetland line; and

WHEREAS, the subject property consists of 0.90 +/- acres and is located at 58 Palm Drive, in the Yalaha area of unincorporated Lake County, in Section 17, Township 20, Range 25, having Alternate Key Number 2703300, and more particularly described in Exhibit “A” – Legal Description; and

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 August 2, 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 August 2, 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:

Variance Granted: A variance to Land Development Regulations (LDR) Section 1.08.03(A)(2) to allow the existing non-conforming accessory structure (detached garage) to be expanded by twenty-one percent (21%) to the east, and LDR Section 6.01.04(A)(1) to allow the existing accessory structure (detached garage) at its current location and the proposed expansion to the accessory structure to be located less than 50-feet from the jurisdictional wetland line is hereby **granted** with the following conditions:

- a. Major redevelopment, addition, or replacement of the accessory structure (detached garage) will require compliance with the Comprehensive Plan, and LDR, as amended.
- b. 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.
- c. Stormwater calculations must be reviewed and approved by the Lake County Public Works Department.

- d. 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.
- e. No further variances shall be granted.

**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 2nd day of August 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.

EXHIBIT "A" – LEGAL DESCRIPTION

BEGINNING NORTHWEST CORNER OF LOT 4, SPRINGS BATH AND YACHT CLUB UNIT NO. 4, ACCORDING TO THE PLAT OF SPRINGS BATH AND YACHT CLUB UNIT NO. 4, RECORDED IN PLAT BOOK 17, PAGE 37, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND RUN NORTH $00^{\circ}05'30''$ EAST TO LAKE AND POINT "A"; RETURN TO THE POINT OF BEGINNING AND RUN SOUTH $89^{\circ}54'30''$ EAST 74.88 FEET; THENCE NORTHEASTERLY 71.96 FEET TO THE MOST NORTHERLY CORNER OF THE WELL LOT IN SAID SUBDIVISION; THENCE NORTHEASTERLY TO THE NORTHEASTERLY RIGHT OF WAY OF PALM DRIVE AT A POINT SOUTH $53^{\circ}24'30''$ EAST 176.15 FEET FROM FIRST DESCRIBED LINE; THENCE NORTH $00^{\circ}05'30''$ EAST TO LAKE; THENCE NORTHWESTERLY ALONG LAKE TO POINT "A".

ALSO DESCRIBED AS:

LOTS 1, 2 AND 3, AND THAT PORTION OF PALM DRIVE LYING BETWEEN THE AFOREMENTIONED LOTS, ACCORDING TO THE PLAT OF SPRINGS BATH AND YACHT CLUB UNIT NO. 4, RECORDED IN PLAT BOOK 17, PAGE 37, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.