



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 8

Public Hearing Date: October 2, 2024
 *** Continued to the November 6, 2024, BOA Meeting ***

Public Hearing Date: November 6, 2024

Case No. and Project Name: PZ2024-124, Sheila Maggio Property

Applicant/Owner: Sheila Maggio

Requested Action: Variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow an addition (20' x 30' covered screen room) to remain constructed 16-feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, in lieu of the required 50-foot setback.

Case Manager: Meagan Bracciale, Planner I

Subject Property Information

Size: 0.28 +/- acres

Location: 12221 Helena Court, Leesburg

Alternate Key No.: 1203112

Future Land Use Category: Urban Medium Density (Attachment "A")

Current Zoning District: Mobile Home Rental Park District (RMRP) (Attachment "B")

Flood Zones: "AE" and "X"

Joint Planning Area (JPA) / ISBA: City of Leesburg Interlocal Service Boundary Agreement (ISBA) (Attachment "C")

Overlay District: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Medium Density	Urban Residential District (R-6)	Canal and Residential	Single-Family Residential North of Canal
South	Urban Medium Density	Mobile Home Rental Park District (RMRP)	Residential and Right-of-Way	Single-Family Residential South of Helena Court Cul-de-sac
East	Urban Medium Density	Mobile Home Rental Park District (RMRP)	Residential	Single-Family Residence
West	Urban Medium Density	Mobile Home Rental Park District (RMRP)	Residential	Single-Family Residence

- Summary of Request -

The subject property, identified as Alternate Key Number 1203112, contains 0.28 +/- acres, is zoned Mobile Home Rental Park District (RMRP) and designated with an Urban Medium Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is generally located in the Western Shores Subdivision, at the cul-de-sac end of Helena Court, in the Leesburg area of unincorporated Lake County. GIS maps indicate that wetlands exist on the northern end of the subject parcel and that the parcel lies partially within flood zones "AE" and "X", of which are separated by a permitted seawall. The subject parcel is currently developed with a single-family residence with attached, permitted wood deck at the rear (Attachment "D").

The Applicant has requested a variance to LDR Section 6.01.04(A)(1) to allow an addition (20' x 30' covered screen room) to remain constructed 16-feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, in lieu of the required 50-feet as depicted in the Plot Plan (Attachment "D"). The Applicant is requesting to maintain the 16-foot setback between the existing, permitted seawall and deck. This adjusted setback will allow the applicant to retain zoning clearance for an after the fact screen room, with roof, constructed without permits, over the deck. After retaining zoning clearance for this structure, she will then be able to apply for after-the-fact building permits. Should the permits be granted, the structure's status would change from un-permitted to permitted and the structure would be allowed to be left in place. Code Case #2024030207 would be resolved.

For historical purposes, building permit #2007070745 (Attachment "F"), issued on July 23, 2007, permitted the 28' x 48' slatted wood deck and specifically noted that the deck was *"not to be covered without a variance"* as the deck did not meet the setback to the jurisdictional wetland line.

On June 27, 2024, 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 Chief Fire Plans Examiner had no comments.

The subject property is located within the City of Leesburg (ISBA). The variance request was provided to the City of Leesburg on July 1, 2024, to review for a determination of consistency with their regulations. The City of Leesburg has offered no objections to this variance request at the time of this report.

Should the Board of Adjustments approve this variance request, the applicant will be required to obtain zoning and building permits to comply with Lake County Land Development Regulations.

Opposition correspondence included as Attachment "G".

- October 2, 2024, Board of Adjustment (BOA) Meeting Case Summary -

During agenda update staff presented the memo that included the correspondence received and requested that the case be presented under the regular agenda. There was not a quorum for staff to conduct a full presentation to the BOA and the case was continued to the November 6, 2024, BOA meeting.

- 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 on August 22, 2024, as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"I believe this existing structure meets all of the other Land Development Regulations. Except for the mean high-water setback to the canal."*

- 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, "Trying to come into compliance for Code Case #SM2024030207."

The Applicant additionally requested via email, on July 25th, 2024, to include *"Financial and Medical issues"* as a standing hardship on the application. This is an after-the-fact request to assist in resolving a current code enforcement case and the applicant has already paid for the structure materials and construction.

LDR Section 14.15.04 states that variances 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): 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 Western Shores subdivision, a Recognized Unrecorded Neighborhood of Lake County, Florida.

- 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 33.05-feet from the seawall. The applicant has elected not to proceed with an average setback application as the owner has already constructed a covered screen room addition on an existing wood deck that is located 16-feet from the seawall.

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

As seen in Attachment "E" below, the addition is 30 feet wide and 20 feet deep, over the existing permitted deck.

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

The Development Order contains conditions that requires stormwater calculations as follows:

- 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.

Stormwater Calculations must be submitted and approved by the Lake County Public Works Department. at the issuance of each individual zoning permit.

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

The covered screen room addition has been constructed as far landward as possible. As seen in Attachment "E" below, the covered screen room addition is attached to the existing, permitted mobile home and deck.

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE

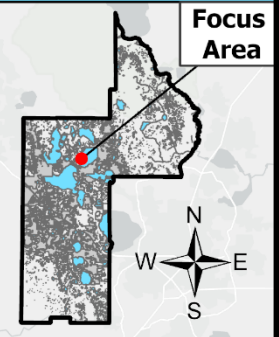


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FLU

Urban Medium Conservation

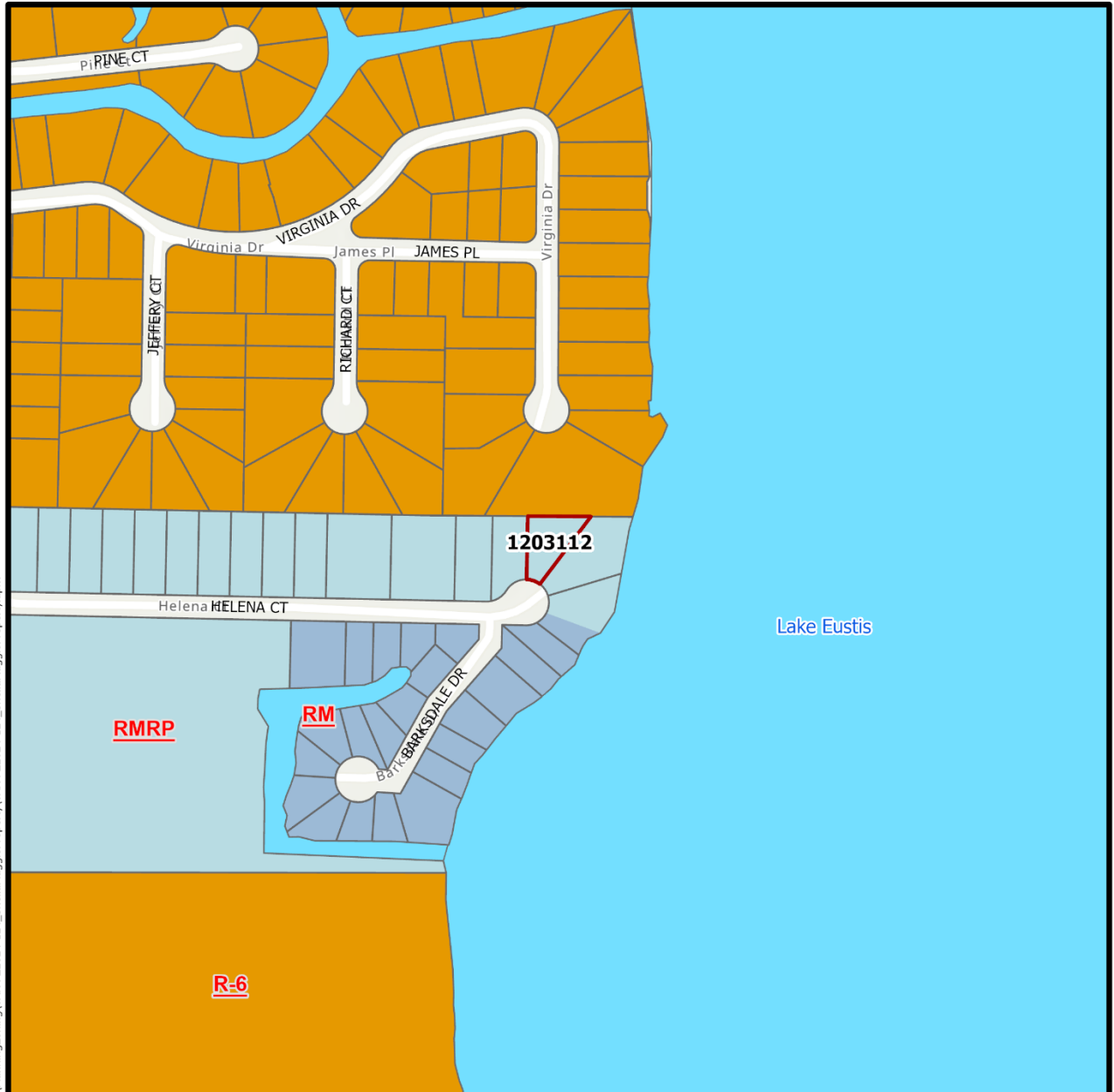
NAME: SHEILA MAGGIO PROPERTY **DISTRICT:** 3
CASE NUMBER: VAR-PZ2024-124
LOCATION (S-T-R): 18-19-26
REQUEST: REQUESTING A VARIANCE FOR AN ATF 20'X30' COVERED SCREEN ROOM TO BE APPROVED ON THE EXISTING, ALREADY PERMITTED WOOD SLOTTED DECK. (CC# 2024030207; T HORTON)



7/25/2024

Attachment "B" – Zoning Map

CURRENT ZONING



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Zoning

- R-6
- RMRP
- RM

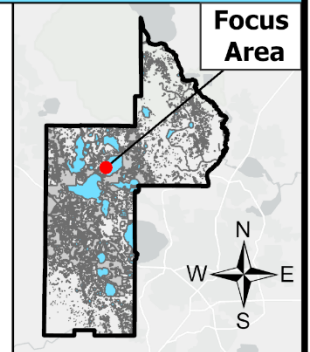
NAME: SHEILA MAGGIO PROPERTY

DISTRICT: 3

CASE NUMBER: VAR-PZ2024-124

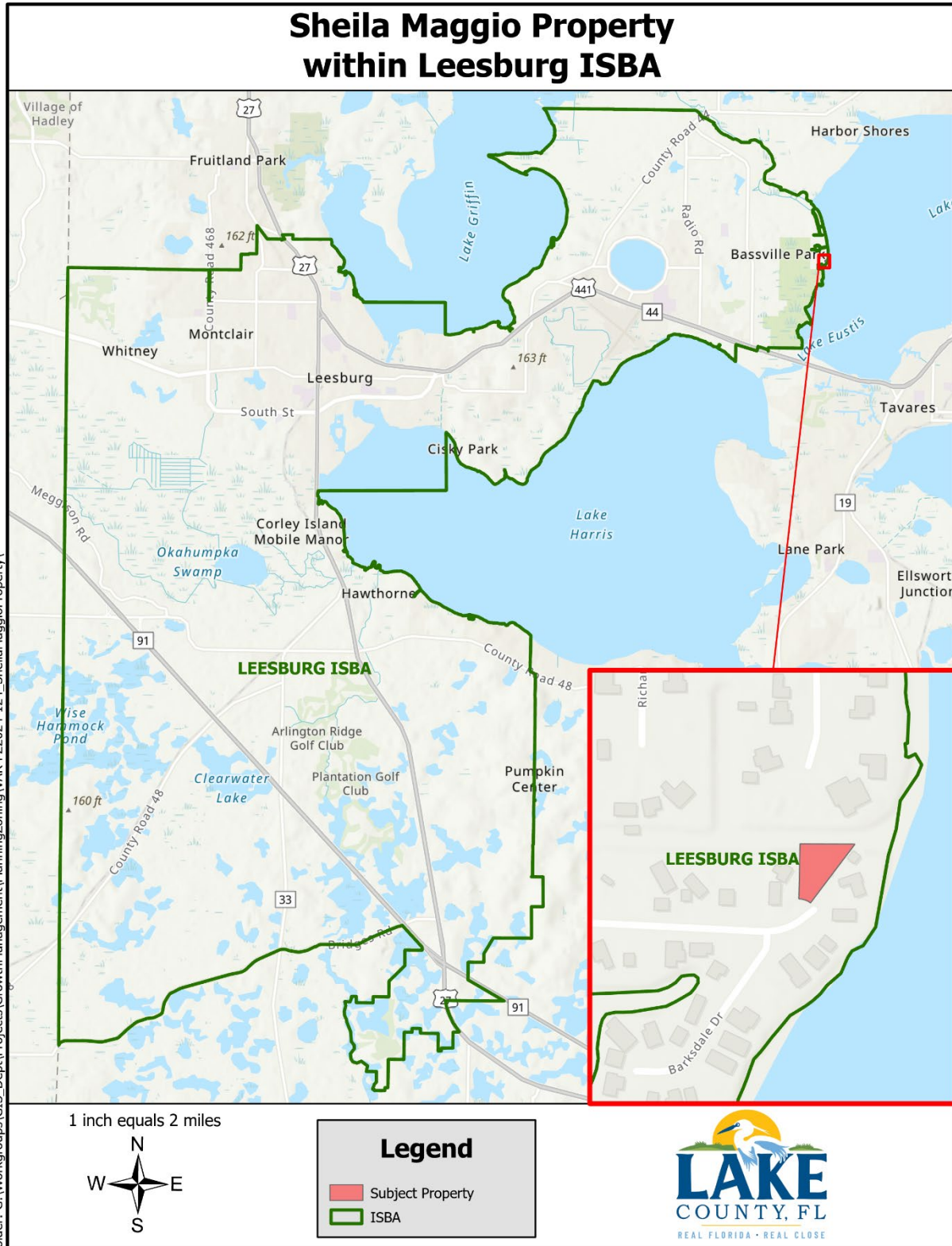
LOCATION (S-T-R): 18-19-26

REQUEST: REQUESTING A VARIANCE FOR AN ATF 20'X30' COVERED SCREEN ROOM TO BE APPROVED ON THE EXISTING, ALREADY PERMITTED WOOD SLOTTED DECK. (CC# 2024030207; T HORTON)



7/25/2024

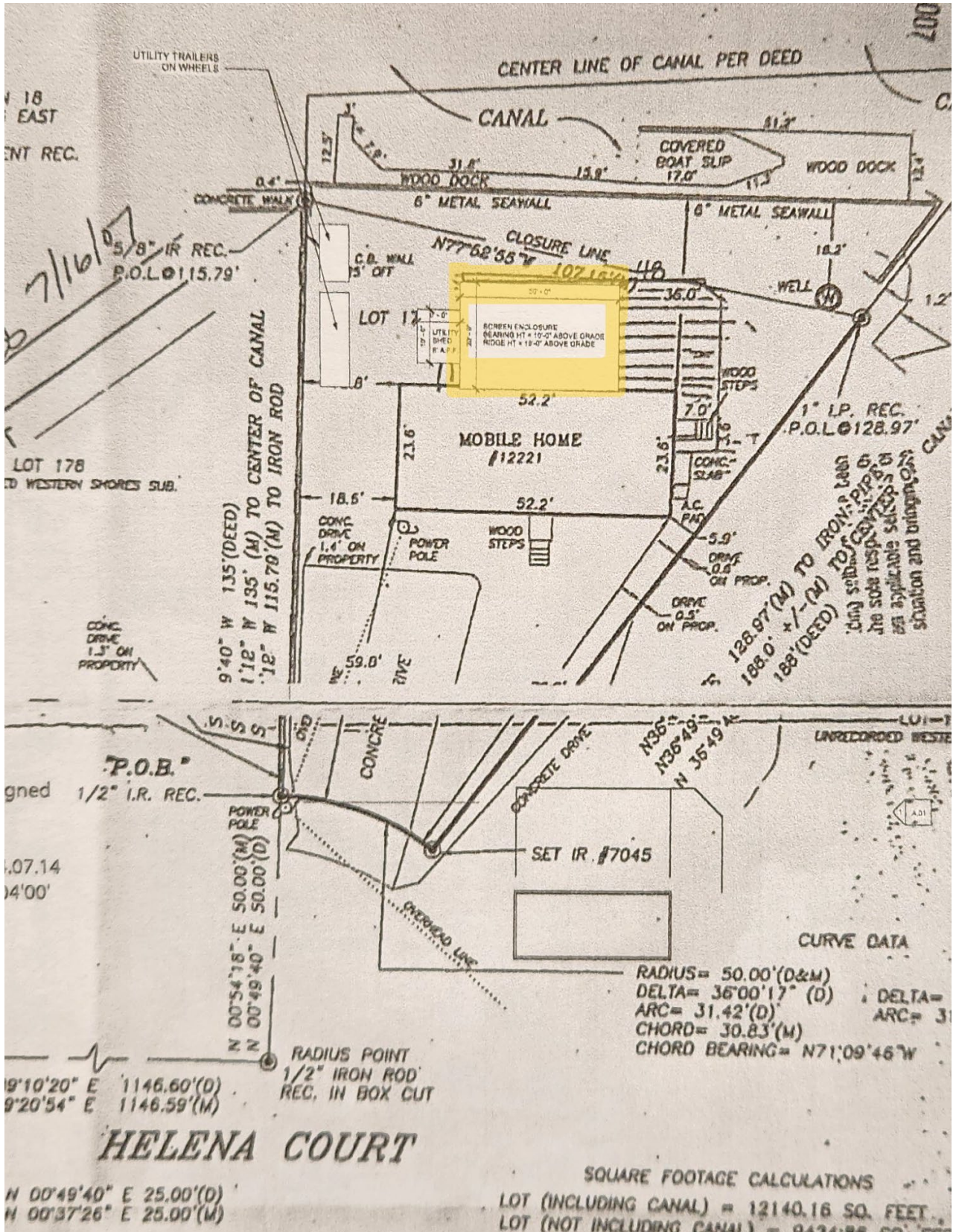
Attachment "C" – ISBA Map



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8/6/2024

Attachment "D" – Plot Plan



Attachment "F" – Wood Deck Building Permit

TAVARES OFFICE
P O BOX 7800
315 WEST MAIN STREET
TAVARES, FL 32778
(352)343-9653

Lake County BUILDING SERVICES DIVISION BUILDING PERMIT 2004 Florida Building Code

PERMIT

VALID #: 365

PERMIT #: 2007070745 ISSUED: 07-23-07 MASTER #: 2007070745 (365) ALT KEY: 1203112

JOB 12221 HELENA CT
ADDRESS: LEESBURG, FL 34788-

OWNER INFORMATION:
MAGGIO SHEILA

CONTRACTOR INFORMATION:

12221 HELENA CT
LEESBURG FL 34788-

STATE LIC. NBR:

SUBDIVISION #: 0719260- WESTERN SHORES LOT: 17900 BLOCK: 000

RANGE-TOWNSHIP-SECTION: 26-19-07

JOB DESCRIPTION: 28 X 48 SLATTED WOOD DECK

TOTAL SQFT: 1,344 SEWER #: SEPTIC JOB VALUE: 1,500.00

SETBACKS FRONT: 25'RW REAR: 36'1" WATE LEFT: 5' RIGHT: 5'

ADDL INFO: 1. 28 X 48 SLATTED WOOD DECK (NOT TO BE COVERED WITHOUT A VARIANCE), NO FLOOD
REQUIRED 7/16/2007 DEB

This permit will become null and void if a satisfactory inspection is not completed within six (6) months. Permit void if work described hereon has not been completed and inspected within twelve (12) months from issue date. Demolition permits expire 60 days from the date of issuance. Permits issued for "FINAL ONLY" or Board Cases, expire 30 days from the date of issuance.

Notice: In addition to the requirements in this permit, there may be additional restrictions applicable to this property that may be found in the records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies. s:553.79(10),P.S.

It is the responsibility of the owner or operator to comply with the provisions of s.469.003 of the Florida Statutes and to notify the Department of Environmental Regulation of his/her intentions to remove asbestos, when applicable, in accordance with state and federal laws.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT. F.S. 713.135

Building Official: D.T. Greiner
Permit Specialist: LOWE, JENNIFER

Cashier
Sheila Maggio
Received By

JUL 23 2007

Date

JUL 23 2007

Date

For Inspections, Call
(352) 343-9634
Inspections will be
made the following
workday

CDPR2020

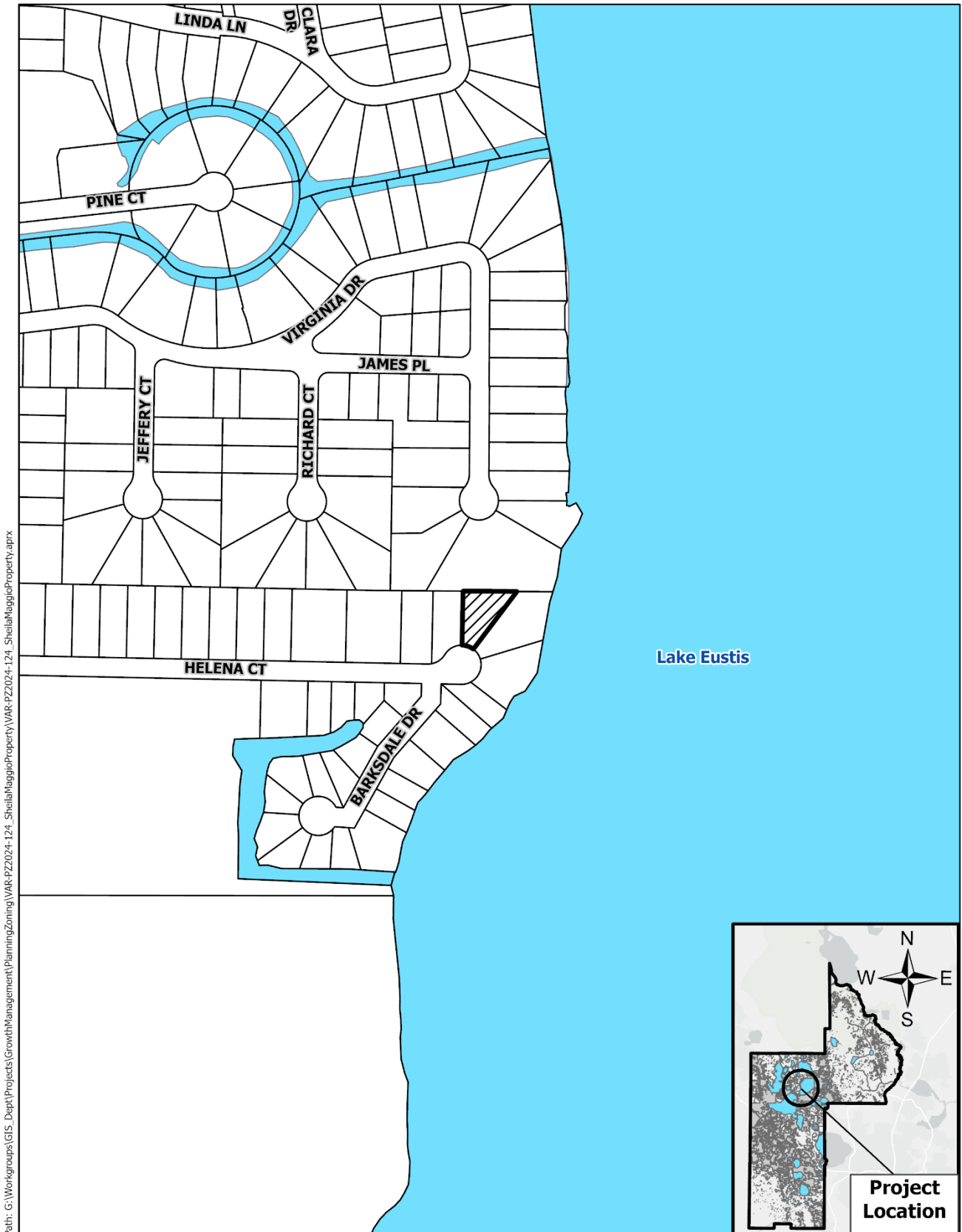
Attachment "G" – Opposition Correspondence

From: Diane Ray <myscottiemindy@aol.com>
Sent: Thursday, August 29, 2024 2:22 PM
To: Bracciale, Meagan <meagan.bracciale@lakecountyfl.gov>
Subject: RE: Sheila Maggio Variance Application

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Megan per our conversation I am sending you the following information. The information provided to you and the variance board is not correct. The plot plans are not correct and therefore the pervious/impervious calculations are wrong. Not sure why he include calculations using the canal but to included in pervious/inpervious is not correct according to my surveyor. Because of these problems I would like to request that this variance board be postponed from Oct 2 to Nov until we can be sure all the problems with the Maggio petition are corrected and no others found. I am continuing to re Review the documents to make sure the proper picture of this variance is sent to the board. Also since the large storage building on wheels is permanent I believe it has to be included in pervious/impervious calculations. Also all measurements out in that area are taken from seawall for setbacks, not the center of the canal.

Map of Subject Property

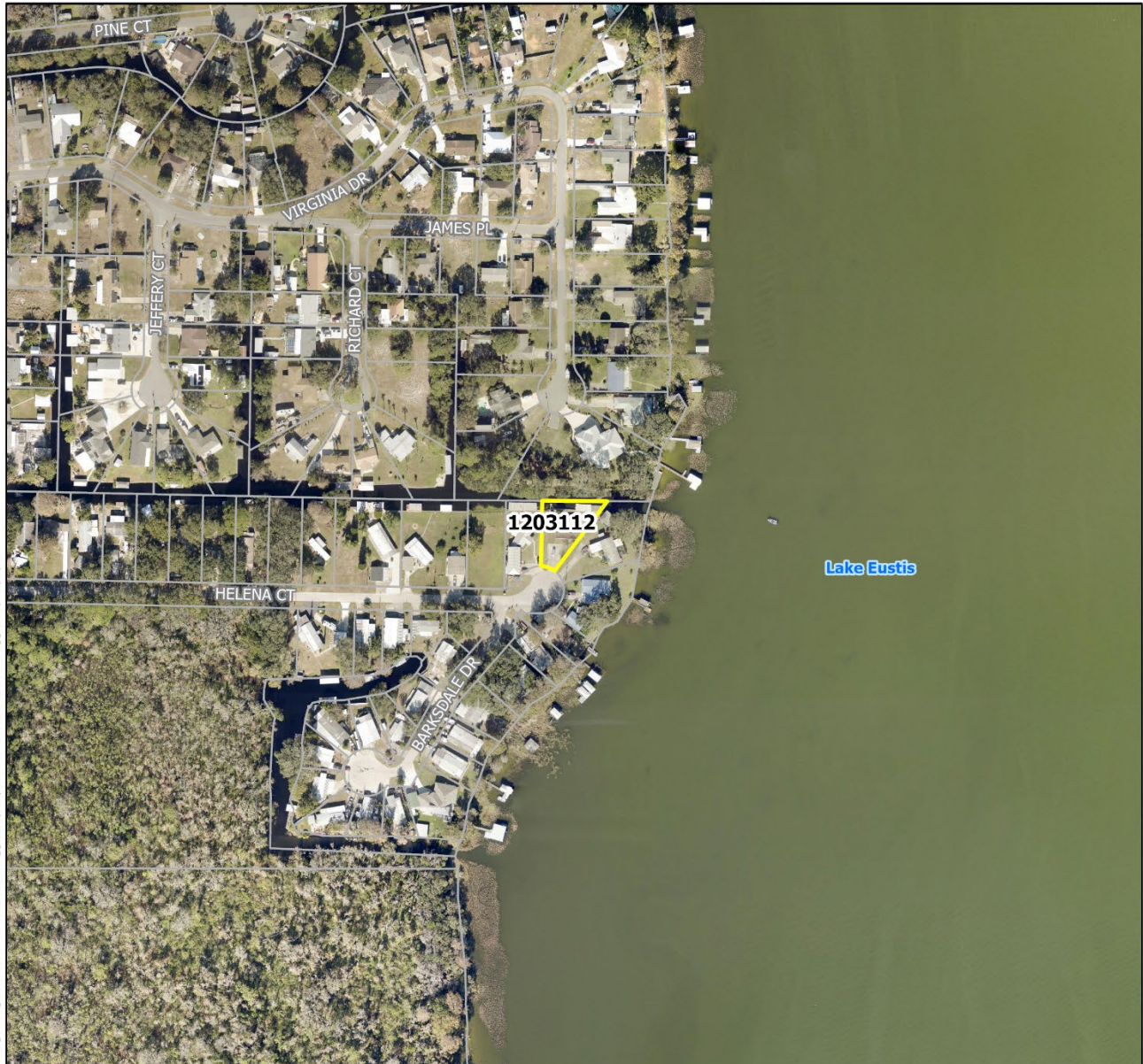


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7/25/2024

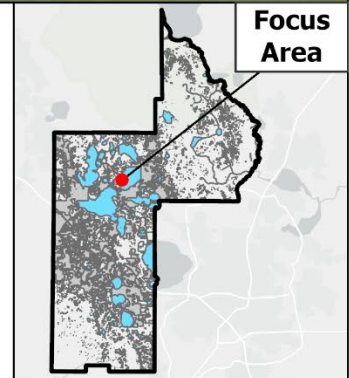
Aerial Map of Subject Property

VAR-PZ2024-124 Sheila Maggio Property



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Requesting a variance for an ATF 20'x30' covered screen room to be approved on the existing, already permitted wood slotted deck. (CC# 2024030207; T Horton)



7/25/2024

Final Development Order

WHEREAS, Sheila Maggio (the "Owner" and "Applicant") requested a variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow an addition (20' x 30' covered screen room) to remain constructed 16-feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, in lieu of the required 50-foot setback; and

WHEREAS, the subject property consists of 0.28 +/- acres, located at 12221 Helena Court, in the unincorporated Leesburg area of Lake County, in Section 7, Township 19 South, Range 26 East, having Alternate Key Number 1203112 and more particularly described in Exhibit "A", attached hereto and incorporated by reference; 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 November 6, 2024; 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.

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

Variance Granted: A variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow an addition (20' x 30' covered screen room) to remain constructed 16-feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, 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 a to-scale plot plan with an engineered design that includes a plan and calculations; must be submitted with the zoning permit application for the improvement/addition for the site; installed prior to any final inspection, inspected, and approved by the Lake County Public Works Department staff.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea L. Meeks, Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 6th day of November 2024, by Bea L. Meeks, Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL) 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

Commencing at the Northwest corner of Section 18, Township 19 South, Range 26 East, run thence South $0^{\circ}54'40''$ West 2095.12 feet, thence South $89^{\circ}10'20''$ East 108.03 feet, thence North $0^{\circ}49'40''$ East 25 feet, thence South $89^{\circ}10'20''$ East 1146.60 feet to a point being the radius point of a 50 ft. radius curve, thence North $0^{\circ}49'40''$ East 50 feet to the Point of Beginning; run thence Southeasterly along the arc of said 50 ft. radius curve through a central angle of $36^{\circ}00'$ for 31.42 feet, thence North $36^{\circ}49'40''$ East along a line radial to said 50 ft. radius curve 188 feet, more or less, to the center line of a canal, thence Westerly along and with the center line of said canal to a point that is North $0^{\circ}49'40''$ East of the Point of Beginning, thence South $0^{\circ}49'40''$ West along a line radial to said 50 ft. radius curve 135 feet, more or less, to the Point of Beginning. Said tract also known as Lot 179 according to an unrecorded plat of Western Shores Subdivision. TOGETHER WITH the 1969 Wnst. mobile home (ID# 865124279FR3) located thereon.