



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: March 5, 2025

Case No. and Project Name: PZ2024-273, Wooding Property

Applicant/Owner: Garrett Collin Wooding

Requested Action: Variance to Land Development Regulations (LDR) Section 6.01.04.A.1 to allow an after-the-fact accessory structure (metal building) to remain 21.99-feet from the ordinary high water line, mean high water line, or jurisdictional wetland line, in lieu of the required 50-feet.

Case Manager: Eddie Montanez, Planner I

Subject Property Information

Size: 2.49 +/- acres

Location: 6834 Oil Well Road, in the unincorporated Clermont area

Alternate Key No.: 2506873

Future Land Use Category: Green Swamp Core Conservation (Attachment "A")

Current Zoning District: Agriculture (A) (Attachment "B")

Flood Zones: "A" and "X"

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

Overlay District: Green Swamp Area of Critical State Concern (GSACSC)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Core Conservation	Agriculture (A)	Vacant	Wetlands
South	Green Swamp Core Conservation	Agriculture (A)	Vacant	Wetlands
East	Green Swamp Core Conservation	Agriculture (A)	Vacant	Wetlands
West	Green Swamp Core Conservation	Agriculture (A)	Residential	Single-Family Residence

Summary of Request.

The subject property, identified as Alternate Key Number 2506873, contains 2.49 +/- acres, is zoned Agriculture District (A), is designated with a Green Swamp Core Conservation Future Land Use Category (FLUC) by the 2030 Comprehensive Plan and located within the Green Swamp Area of Critical State Concern (GSACSC) Overlay Protection Area. The subject property is located at 6834 Oil Well Road, in the Clermont area of unincorporated Lake County. GIS maps indicate that wetlands exist on the subject parcel and that the parcel lies partially within flood zones "A" and "X".

The Applicant has requested a variance to LDR Section 6.01.04.A.1 to allow an after-the-fact accessory structure (metal building) to remain 21.99-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"). LDR Section 6.01.04.A.1 indicates 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.

On March 5, 2024, the Office of Building Services issued a Notice of Code Violation for building without a permit (Attachment "F"). This notice was issued for the two-car garage constructed on the property without permits. The code violation is currently open under Case Number 2024300040.

On November 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 Chief Fire Plans Examiner did not identify any comments to the request, but Public Works provided the following comments:

- a. Stormwater calculations must be submitted at the time of issuance of each individual zoning permit for an interceptor swale that is sized to capture the first one inch (1") of stormwater runoff on the subject parcel.
- b. Storm water calculations must be reviewed and approved by the Lake County Public Works Department.
- c. The storm water abatement system must be depicted on a scaled plot plan with an engineered design that includes a plan and calculations; must be submitted with the zoning permit application for improvement/addition for the site; installed prior to any final inspection, inspected and approved by the Lake County Public Works Department Staff.

The subject parcel is located within the Green Swamp Area of Critical State Concern (GSACSC) and due to the nature of the proposed use being for a residential accessory structure a master land use plan is not required; the request is consistent with LDR Section 8.01.01(A)(2).

The subject parcel is located within the GSACSC, the application was provided to Florida Commerce for a courtesy review and determination of consistency with Green Swamp Area of Critical State Concern regulations. Florida Commerce withholds the ability to appeal any process, pursuant to Chapter 380, Florida Statutes.

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

- 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 purpose of the Code, LDR Section 6.01.04, is to protect wetlands from erosion, sedimentation, water pollution and other negative impacts, which may be associated with land use activities, and ensure that the natural structure and functional values are maintained. The intent of this Section is no net loss of wetlands within Lake County.

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 stand alone [sic] cypress head will not be impacted by this shop. Shop is on new concrete with footers and is hurricane rated to today's [sic] standards*"

- 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, *"The wetland sits in the middle of property and is not in a place to meet the 50' setback for any place on the property to place a shop near the home."*

- 3. Land Development Regulations (LDR) Section 14.15.04 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.**

The subject parcel was recognized as a Lot of Record by the County on February 3, 2005 (Attachment "F").

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

Based on review of the application, supporting documentation and maximum developable area the other remedy available would be to relocate the after-the-fact accessory structure for compliance with the setbacks.

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

As seen in Attachment "D" the after-the-fact accessory structure has been constructed without the proper approvals and is in the desired location of the owner. The north side of the parcel's maximum developable area is 105 feet in width and 120 feet in depth (building envelope) as depicted on Attachment "G". The developable area provides room for the accessory structure to be relocated closer to the single-family residence to meet the minimum required setbacks.

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

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

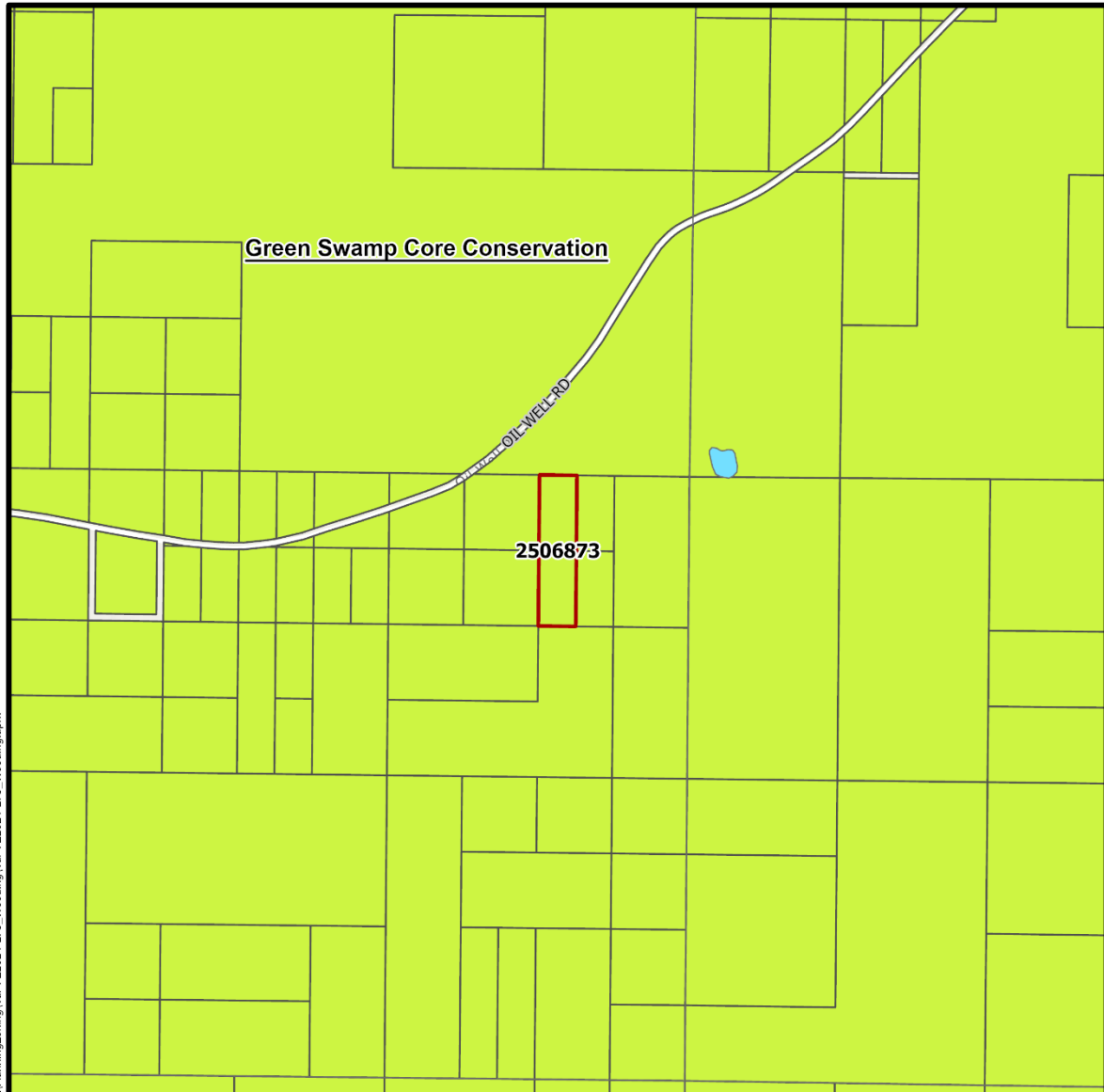
- a. Stormwater calculations must be submitted at the time of issuance of each individual zoning permit for an interceptor swale that is sized to capture the first one inch (1") of stormwater runoff on the subject parcel.
- b. Storm water calculations must be reviewed and approved by the Lake County Public Works Department.
- c. The storm water abatement system must be depicted on a scaled plot plan with an engineered design that includes a plan and calculations; must be submitted with the zoning permit application for improvement/addition for the site; installed prior to any final inspection, then inspected and approved by the Lake County Public Works Department Staff.

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

Upon staff review of the approved plot plan for the construction of the home staff has concluded that the after-the-fact metal building was not constructed as far landward as possible. The maximum developable area is 105 feet in width and 120 feet in depth (building envelope) as depicted on Attachment "G". The developable area provides room for the accessory structure to be relocated closer to the single-family residence to meet the minimum required setbacks.


Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE



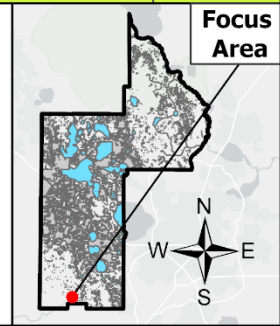
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12/10/2024

FLU

 Green Swamp Core Conservation

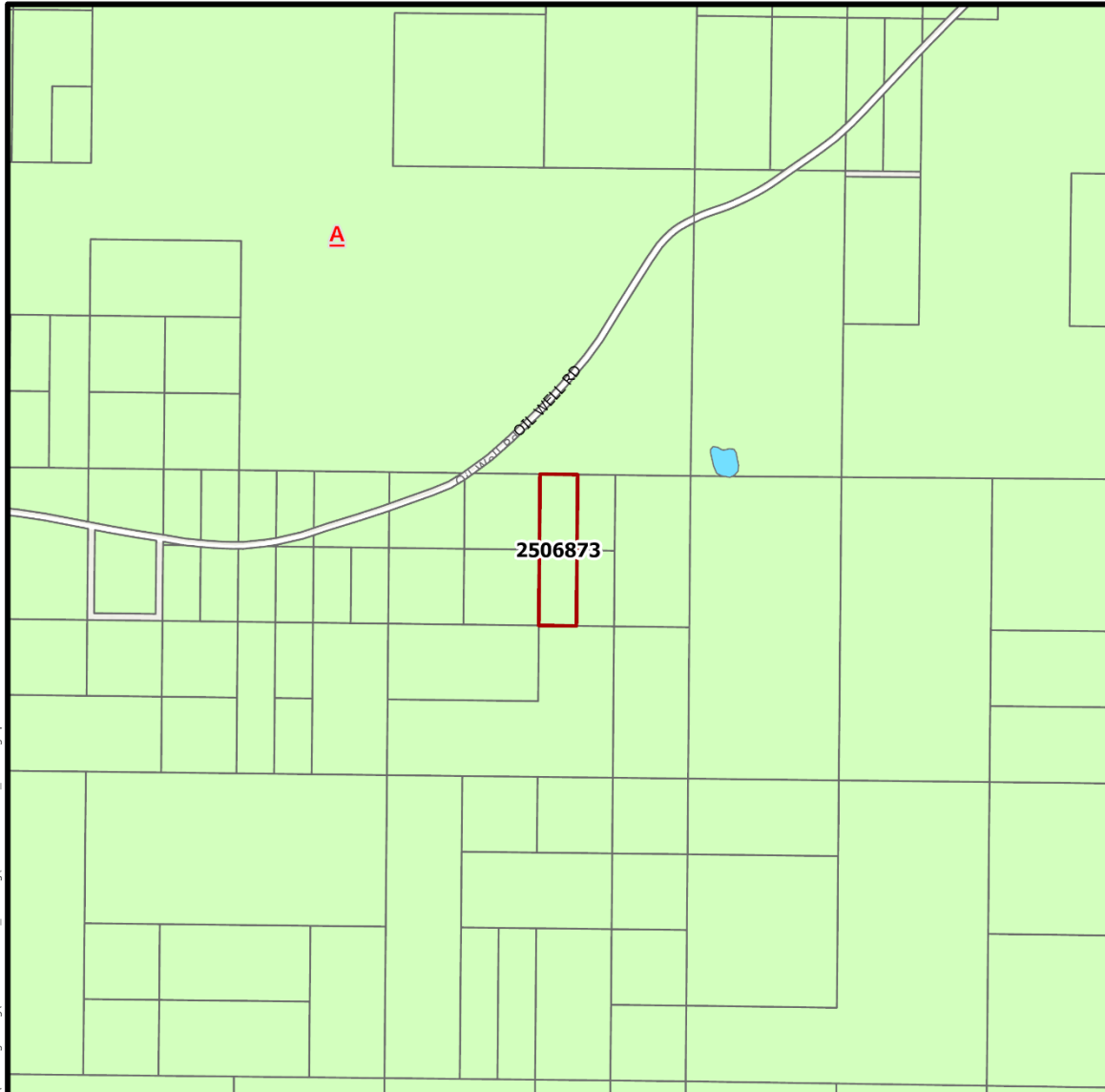
NAME: WOODING PROPERTY
CASE NUMBER: VAR-PZ2024-273
LOCATION (S-T-R): 19-24-25
REQUEST: VARIANCE TO WETLAND SETBACK

DISTRICT: 1



Attachment "B" – Zoning Map

CURRENT ZONING



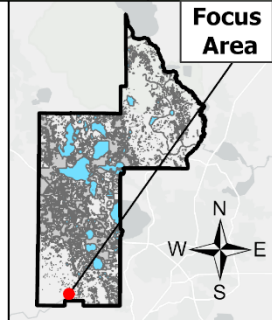
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12/10/2024

Zoning

 A

NAME: WOODING PROPERTY
CASE NUMBER: VAR-PZ2024-273
LOCATION (S-T-R): 19-24-25
REQUEST: VARIANCE TO WETLAND SETBACK

DISTRICT: 1



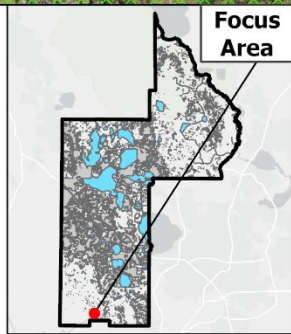
Attachment "C" – Overlay District Map

Var-PZ2024-273 Wooding Property



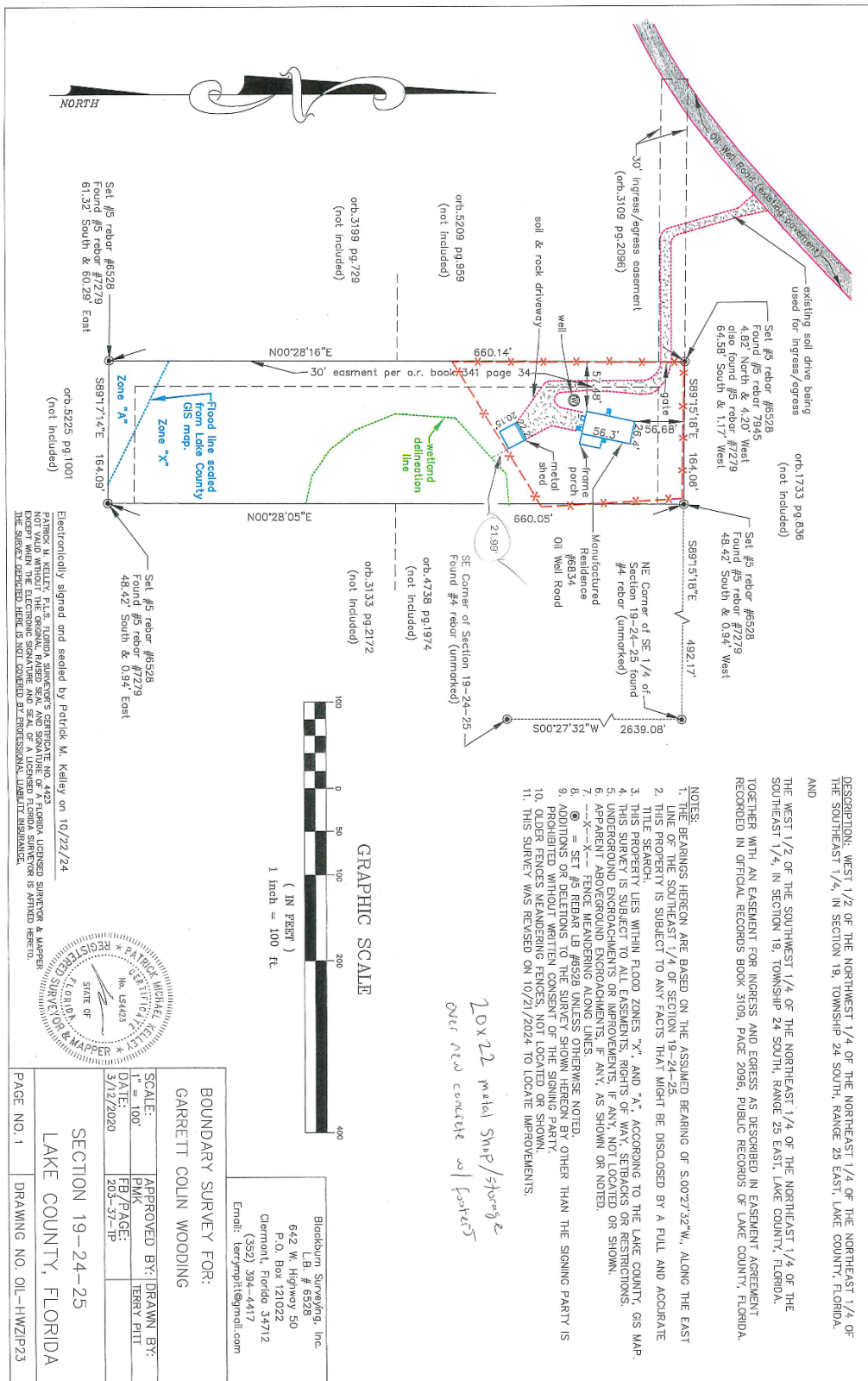
Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\Var-PZ2024-273_Wooding\Var-PZ2024-273_Wooding.aprx

Variance to wetland setback



12/10/2024

Attachment "D" – Plot Plan



Attachment "E" – Notice of Code Violation (Page 1 of 2)



OFFICE OF BUILDING SERVICES NOTICE OF CODE VIOLATION

DATE: 3/5/2024

LOCATION OF VIOLATION: 6834 OIL WELL RD

GARRETT C WOODING
6834 OIL WELL RD
CLERMONT, FL 34714

IN ACCORDANCE WITH LAKE COUNTY CODE AND/OR LAND DEVELOPMENT REGULATIONS YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF SECTION(S):

**Lake County Code Chapter 6, Section 6-22(2)(g) PERMITS
No Building Permit.**

IN ORDER TO PREVENT ANY FURTHER ACTION, THE FOLLOWING CORRECTIVE MEASURES MUST BE TAKEN:

A building permit will need to be issued for the two car garage. A final inspection will need to be obtained within the required time frame of the building permit.

DAYS TO COMPLY 10

MICHAEL W RODEN
LICENSING INVESTIGATOR

2024030040
CASE NUMBER

Please feel free to contact me at (352) 396-3379 to discuss your case.

**All Lake County Codes can be viewed online at www.municode.com
If a permit is required, please provide copy of this letter to the building department.**

Attachment "E" – Photograph of Code Violation (Page 2 of 2)



Attachment "F" – Lot of Record 2005C-0002

CS15



LAKE COUNTY, FLORIDA DEPARTMENT OF GROWTH MANAGEMENT CUSTOMER SERVICES DIVISION

LOT OF RECORD RESPONSE

Date: 7-3-05
 To: Allison Mullany
6200 Calvin Lee Rd
Groveland, FL 34736
 Re: LOR # 2005C-002

Dear Property Owner/Representative:

The above referenced Lot of Record Determination has been processed and the following item is pending:

_____ UNITY OF TITLE: This form is used to combine individual properties into one, please submit the form for recording to the Lake County Public Records Center, 122 E. Main Street, Tavares, Florida 32778. Phone #: (352) 253-2600.

NOTE: Please make sure that a copy of these recorded forms are returned to the Lake County Customer Division for final approval. If you have any questions, please do not hesitate to contact me at (352) 343-9641.

THE NUMBER OF SITES APPROVED FOR BUILDING PERMIT ISSUANCE: 1 site

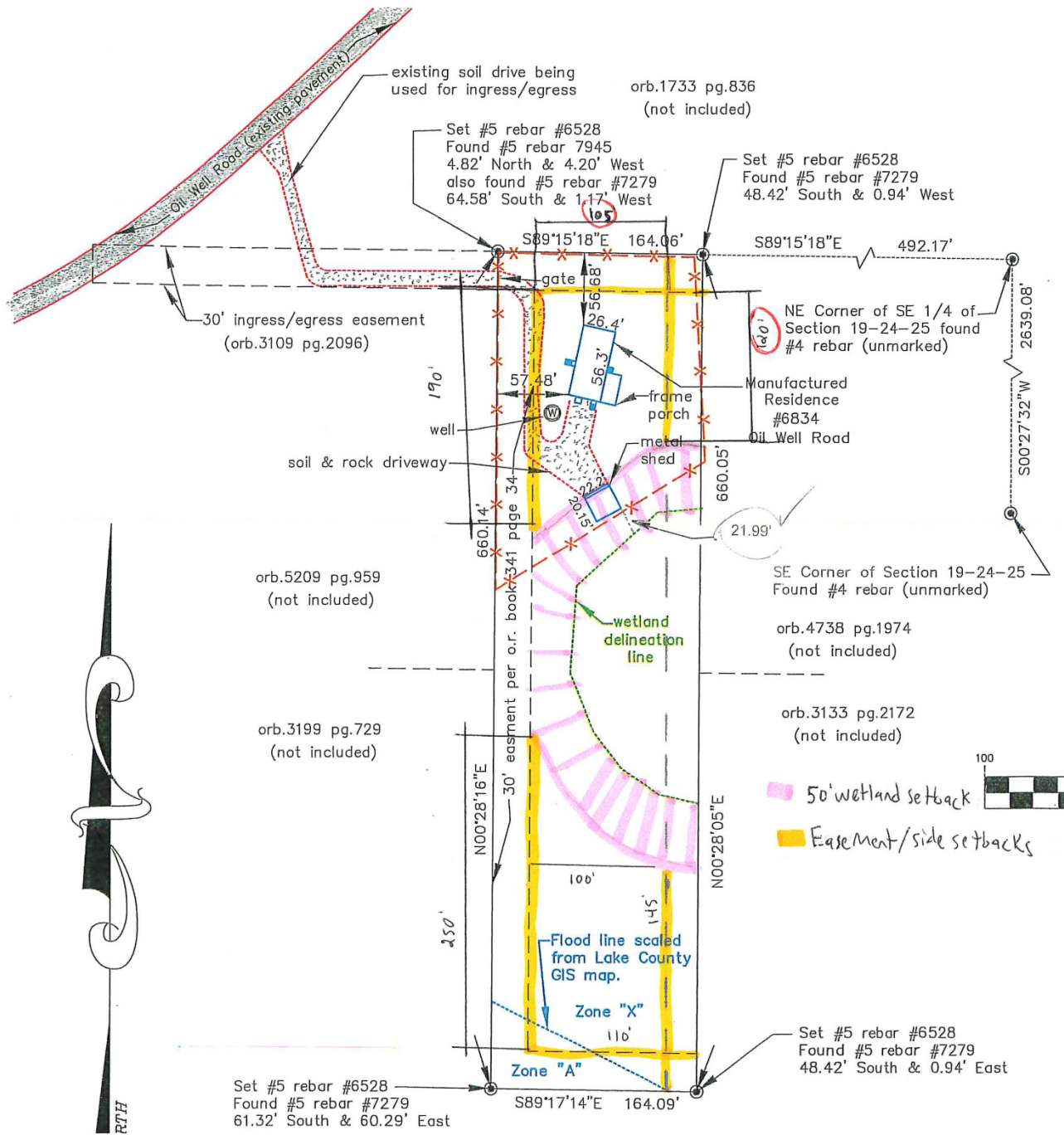
- One (1) site for property with legal description: AK# 2506873
- One (1) site for property with legal description: _____
- One (1) site for property with legal description: _____
- One (1) site for property with legal description: _____

Sincerely,

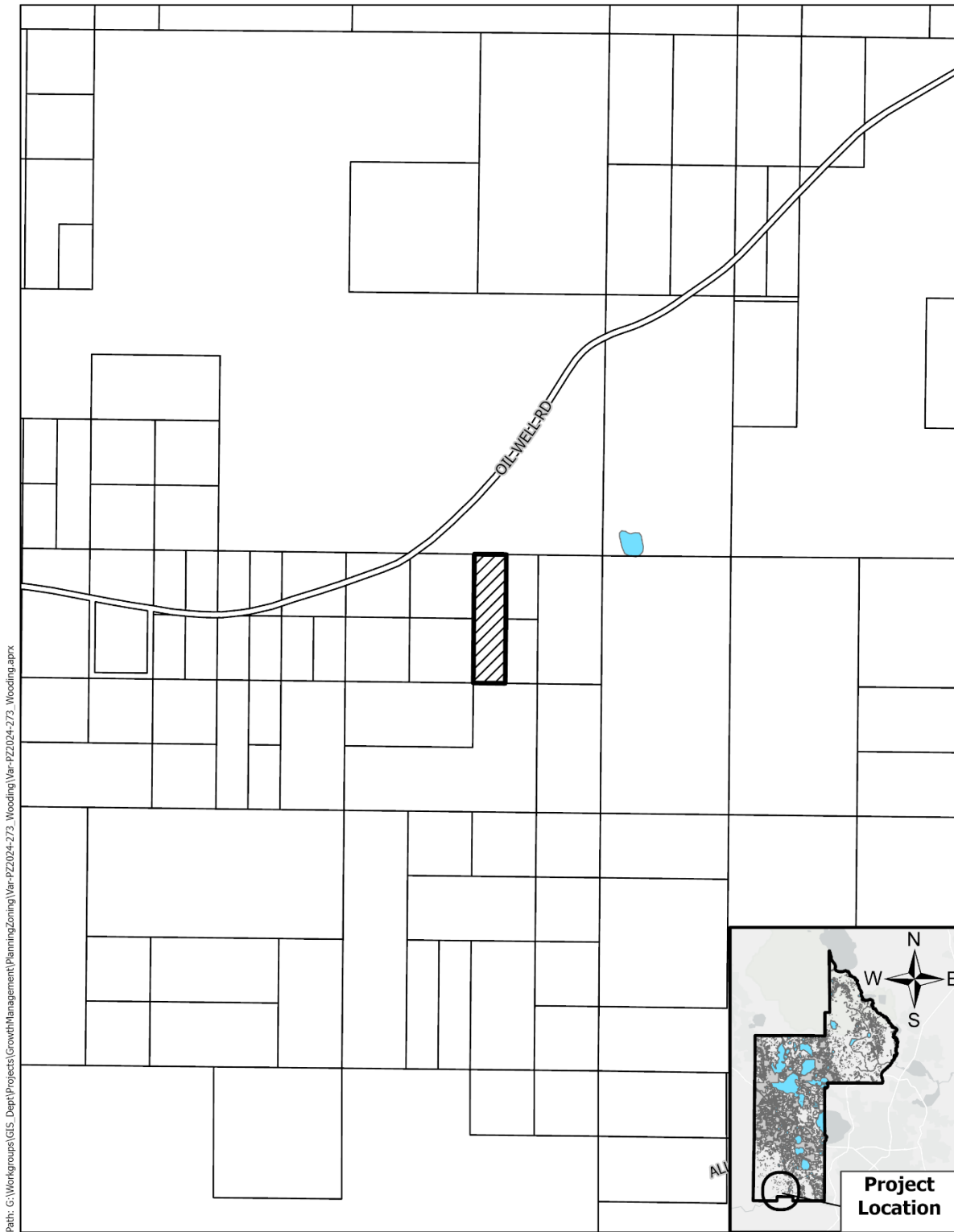
Jackie L. Ding
Customer Services Staff

Associate Planner
Title

Attachment "G" – Developable Area



Map of Subject Property



Path: C:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\Var-PZ2024-273_Wooding\Var-PZ2024-273_Wooding.aprx

12/10/2024

Aerial Map of Subject Property

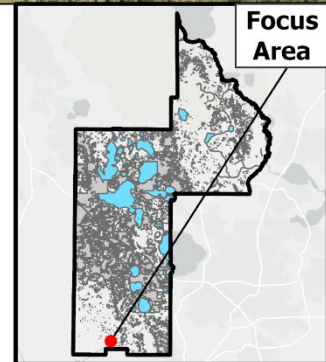
Var-PZ2024-273 Wooding Property



Path: C:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\Var-PZ2024-273_Wooding\Var-PZ2024-273_Wooding.aprx

12/10/2024

Variance to wetland setback



FINAL DEVELOPMENT ORDER

WHEREAS, Garrett Collin Wooding (the “Applicant” and “Owner”) requested a variance to Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow an after-the-fact accessory structure (metal building) to remain 21.99 feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, in lieu of the required 50’ setback; and

WHEREAS, the subject property consists of 2.49 +/- acres, is located at 6834 Oil Well Road, in the unincorporated Clermont area of Lake County, in Section 19, Township 24 South, Range 25 East, having Alternate Key Number 2506873, 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 March 5, 2025; 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

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

Variance Granted: To Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow an after-the-fact accessory structure (metal building) to remain 21.99 feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, in lieu of the required 50’ setback is hereby granted with the conditions as set forth below.

Conditions: Prior to the issuance of the zoning permit for the improvement/addition:

1. Stormwater calculations must be submitted at the time of issuance of each individual zoning permit for an interceptor swale that is sized to capture the first one inch (1”) of stormwater runoff on the subject parcel.
2. Storm water calculations must be reviewed and approved by the Lake County Public Works Department.
3. The storm water abatement system must be depicted on a scaled plot plan with an engineered design that includes a plan and calculations and must be submitted with the zoning permit application for improvement/addition for the site.

Inspection: Prior to the issuance of the Final Inspection for the improvement/addition the storm water abatement system must be installed prior to any final inspection, inspected and approved by the Lake County Public Works Department.

Notice to Owner(s): The property owners, their successors and assigns, are hereby placed on notice that placing structures closer to the Ordinary High-Water Line, Mean High Water Line, or Jurisdictional Wetland Line, may increase the likelihood of flooding on the property subject to this variance, or to adjacent properties. Approval of this variance does not relieve property owners, their successors, or assigns, from responsibility or liability for flooding or other damage that may be incurred from altering the required setbacks.

**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 5th day of March 2025, by Bea L. Meeks, 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

The West 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 Of the Southeast 1/4, in Section 19, Township 24 South, Range 25 East, Lake County, Florida. AND The West 1/2 of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4, in Section 19, Township 24 South, Range 25 East, Lake County, Florida. Together with an Easement for Ingress and Egress as described in Easement Agreement recorded in Official Records Book 3109, Page 2096, Public Records of Lake County, Florida.