



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: April 2, 2025

Case No. and Project Name: PZ2024-318, Brewer Property

Applicant(s): Todd Brewer

Owner(s): Todd Brewer and Dana Brewer

Requested Action: A Variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow an addition to be constructed at 40 feet from the ordinary high-water line, mean high water line or jurisdictional wetland line (seawall), in lieu of the required 46.12 feet as approved through the average setback process.

Case Manager: Corey DeVogel / Planner I

Subject Property Information

Size: 0.52 +/- acres

Location: 28009 Lois Drive, in the unincorporated Tavares area.

Alternate Key No.: 1402972

Future Land Use: Rural Transition (Attachment "A")

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

Flood Zone(s): "X" & "AE"

JPA/ISBA: Tavares ISBA

Overlay/Rural Protection Area: N/A (Attachment "G")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture "A"	AG Pasture	Property located across rear yard canal, roughly 75' from subject property.
South	Rural Transition	Agriculture "A"	Single Family Canal Frontage	Part of Venetian Village Subdivision.
East	Rural Transition	Agriculture "A"	Single Family Canal Frontage	Part of Venetian Village Subdivision.
West	Rural Transition	Agriculture "A"	Single Family Canal Frontage	Part of Venetian Village Subdivision.

Summary of Request

The subject parcel is identified by Alternate Key Number 1402972 and contains approximately 0.52+/- acres. The subject parcel is zoned as Agriculture "A"; is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive (Comp) Plan; and located within the Economic Development Overlay District. Per the GIS maps the subject parcel is located within flood zones "X" & "AE" and there is indication that wetlands exist on the site within the rear canal.

The Applicant seeks approval for a reduction in the required average rear setback to 40' for a future addition to the principal structure.

The Applicant is requesting a variance to LDR Section 6.01.04(A)(1) to allow a 40 foot rear setback in lieu of the provided 46.12 average setback (Attachment "C").

The Concept Plan depicts a single-family residence, detached proposed 30'.0" x 22'.0" (660) square foot addition (bedroom) to the principal structure, with the addition having a 41.1-foot setback to the rear property line and canal (Attachment "D").

The subject property is located within the Tavares Interlocal Service Boundary Agreement (ISBA) and the application was provided to the City of Tavares for a determination of consistency with their regulations. The City of Tavares had no comments.

For background purposes, on October 3, 2024, the subject property was provided an average setback of 46.12 feet from the seawall to the exterior wall of the Single-Family Residence.

The subject parcel is developed with the following structures: Single family residence (1973), swimming pool (1972), seawall (2023), detached garage (2023) (Attachment "F").

Staff reviewed the request and found that the subject parcel is considered a nonconforming lot as the lot was created prior to September 22, 2011, and does not meet the minimum Agriculture zoning district lot size requirements. Per LDR Section 1.08.03(F), the subject parcel would utilize the R-2 zoning district ISR calculations which is a maximum of 35%; however, the maximum ISR for the Rural Transition FLUC is 30%. Staff's review concludes that the proposed ISR including the addition will be 30% and would therefore be in compliance with the Comp Plan and LDR.

The Applicant provided a Project Narrative as shown in Attachment "G".

Should the variance request be approved, a building permit and zoning permit will be required.

– 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 protect valuable natural resources requiring protection from erosion, sedimentation, water pollution and other negative impacts, which may be associated with land use activities. It is the intent of this section to minimize such negative impacts through protection standards for development of adjacent lands.

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, *"Applied for average setback [sic] did not get distance needed."*

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, *"Rear setback to 40 feet."*

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's original deed was recorded on August 11, 1975 (Attachment "G").

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 Venetian Village, First Addition subdivision, a subdivision recorded in Plat Book 14, Page 29, Public Records of Lake County, Florida.

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

On October 3, 2024, the property owner applied for an average setback determination and was granted a 46.12' average setback in lieu of the standard 50' rear setback from the canal.

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

The subject property's maximum developable area is 139 feet in width and 94.9 feet in depth (building envelope) as depicted on Attachment "H".

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

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

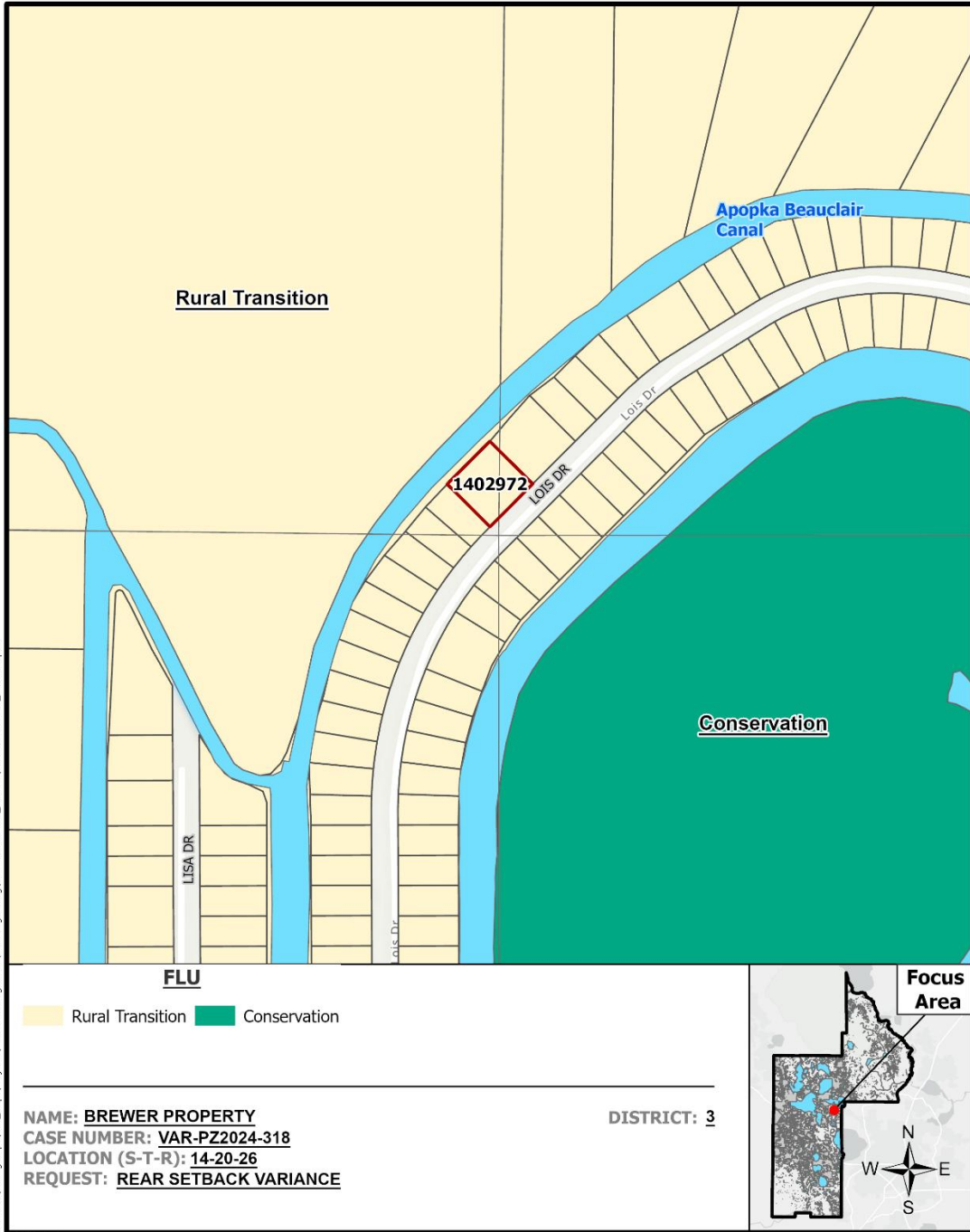
- a. Stormwater calculations must be submitted at the time of issuance of each individual zoning permit for an interceptor swale that is sized to capture the first one inch (1") of stormwater runoff on the subject parcel.
- b. Storm water calculations must be reviewed and approved by the Lake County 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 proposed construction of the home addition, staff has concluded that the proposed placement is not as far landward as possible. The subject property's maximum developable area is 139 feet in width and 94.9 feet in depth (building envelope) as depicted on Attachment "H".

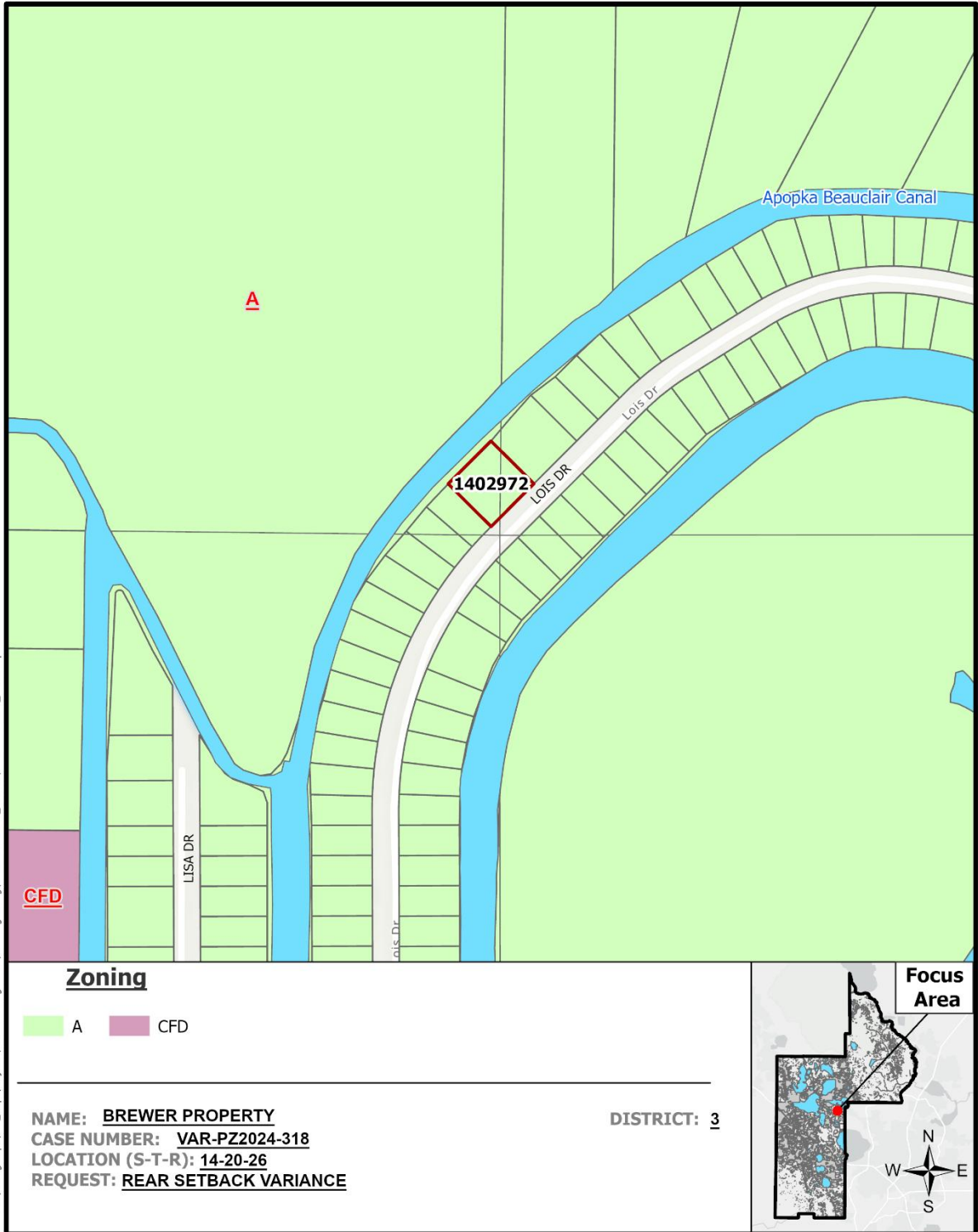
Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE



Attachment "B" – Zoning Map

CURRENT ZONING



Attachment "C" – Average Setback



Office of Planning & Zoning

P.O. Box 7800 • 315 W. Main St., Suite 510 • Tavares, FL 32778

October 3, 2024

Todd Brewer
28009 Lois Drive
Tavares FL 32778
Email: todd@brewersecurity.com

Re: Average Setback Results – AS-2024-025
Alternate Key No: 1402972

Dear Mr. Brewer,

Upon your request for a rear average setback from the canal; staff visited the area and measured the structures at the following addresses:

28049 Lois Dr, Tavares	Rear 42.23 FT	From TOB to Ext Wall of SFR
28103 Lois Dr, Tavares	Rear 50.00 FT	From TOB to Ext Wall of SFR

The measurements resulted in an Average Rear Setback of 46.12 feet from the Sea Wall to the Exterior Wall of the Single-Family Residence.

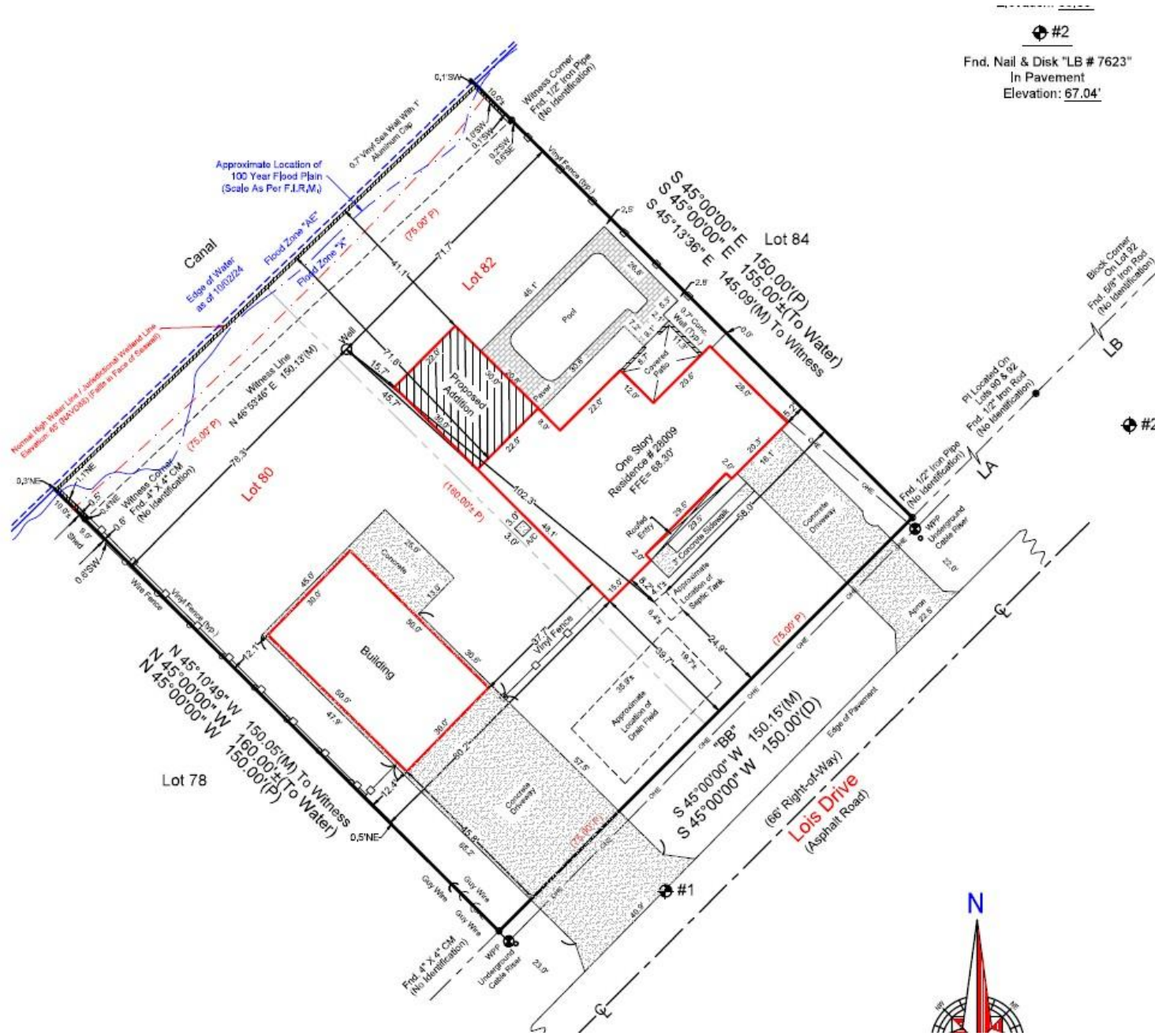
If you have any questions, or if we can be of further service, please contact our office at (352) 343-9641 or email me at abigail.white@lakecountyfl.gov

Sincerely,

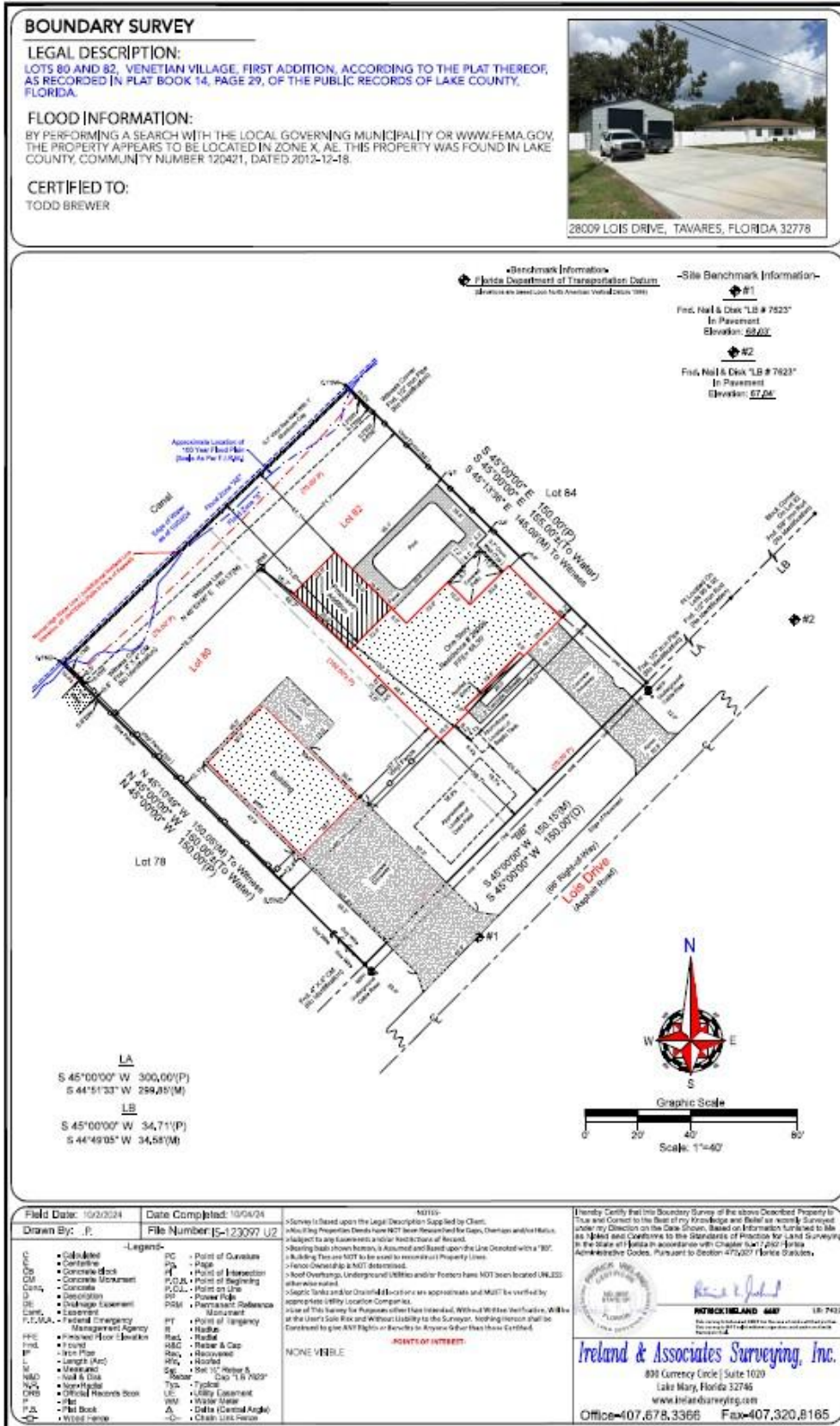
Abigail White
Associate Planner

cc: Mike Fitzgerald, AICP, Director, Office of Planning and Zoning
Ronald Branch, Associate Planner Supervisor, Office of Planning and Zoning
File

Attachment "D" – Plot Plan (1 of 2)



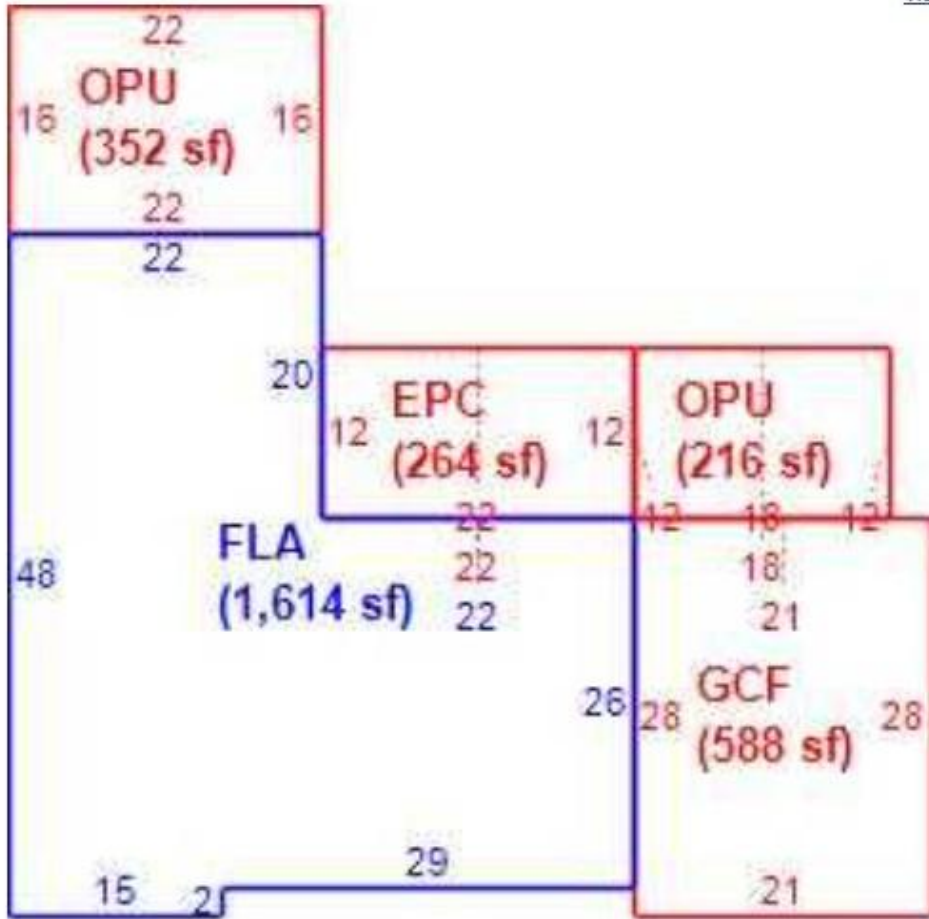
Attachment "D" – Plot Plan (2 of 2)



Attachment “E” – Property Appraiser Structures

Section Type	Ext. Wall Type	No. Stories	Floor Area
ENCLOSED PORCH FINISH (EPF)		1.00	264
FINISHED LIVING AREA (FLA)	Stucco/Brick (03)	1.00	1614
GARAGE FINISH (GAR)		1.00	588
OPEN PORCH UNFINISHED (OPU)		1.00	568

[View Larger / Print / Save](#)



Miscellaneous Improvements

No.	Type	No. Units	Unit Type	Year	Depreciated Value
1	SWIMMING POOL - RESIDENTIAL (POL2)	512	SF	1972	\$15,232.00
2	POOL/COOL DECK (PLD1)	488	SF	1972	\$1,141.00
3	UTILITY BLDG FINISHED (UBF5)	240	SF	2023	\$4,680.00
4	SEAWALL (SEW3)	143	LF	2023	\$20,914.00

Attachment "F" – Project Narrative

Provide Justification for the request:

*Please also fill out the additional corresponding Project Narrative if included in the application packet.

Recently installed seawall to provide land stability
at water front. In anticipation of new bedroom.
Home came with small bedrooms and want larger
Master bedroom + closet.

Has any other application been filed within the last year in connection with this property?

Yes No

If yes, briefly describe the nature of the request:

Attachment "G" - Original Deed

AGREEMENT FOR DEED RAMCO FORM 23

Rec 6.00
St 2.55
Int 2.00

L.V. 594 PAGE 1233
S.G.K.

Articles of Agreement,

Made this 1st day of March
in the year of our Lord, one thousand nine hundred and seventy four

Between
SYBIL McDONALD, a widow
SIMEON ROLLE, 2311 Griffin Road, Leesburg, Fla., Apt. 5G

part y of the first part, and
part y of the second part.

Witnesseth, That if the said part y of the second part shall first make the payments and perform the covenants hereinafter mentioned on his part to be made and performed, the said part y of the first part hereby covenant and agree to convey and assure to the said part y of the second part, his heirs, executors, administrators or assigns, in fee simple, clear of all incumbrances whatever, by a good and sufficient deed, the lot, piece or parcel of land, situated in the County of Lake, State of Florida known and described as follows, to-wit:

Lois 22 and 23, Oakville Subdivision according to plat thereof shown in Plat Book 17, page 62, public records of Lake County, Florida.

Received \$ 3.40 in payment of Taxes Due on
Class of 100 75 16 20
of Florida 75 16 20
JAMES C. WALTONS Clerk of Circuit Court
Lake County, Florida

and the said part y of the second part hereby covenant and agree to pay to the said part y of the first part the sum of \$2000.00 Dollars,
in the manner following : the sum of \$300.00 in cash upon execution of this agreement; the balance of \$1700.00 to be paid in monthly installments of \$100.00 each which shall include interest at 8% and such sums credited to principal and interest from month to month due and outstanding; said payments to continue until fully paid.

with interest at the rate of 8 per centum per annum, payable monthly
~~annually on the whole sum remaining from time to time unpaid; and to pay all taxes, assessments or impositions that may be legally levied or imposed upon said land subsequent to the year 1973~~
~~and to pay the amount of any such taxes, assessments or impositions as they become due and payable from the date of their becoming due and payable~~
~~and to pay the amount of any such taxes, assessments or impositions as they become due and payable from the date of their becoming due and payable~~

And in case of failure of the said part y of the second part to make any of the payments or any part thereof, or to perform any of the covenants on his part hereby made and entered into, this contract shall, at the option of the part y of the first part, be forfeited and terminated, and the part y of the second part shall forfeit all payments made by him on this contract; and such payments shall be retained by the said part y of the first part in full satisfaction and liquidation of all damages by her sustained, and the said part y of the first part shall have the right to re-enter and take possession of the premises aforesaid without being liable to any action therefor.

It Is Mutually Agreed, by and between the parties hereto, that the time of each payment shall be an essential part of this contract, and that all covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators and assigns of the respective parties.

In Witness Whereof, The parties to these presents have hereunto set their hands and seals the day and year first above written.

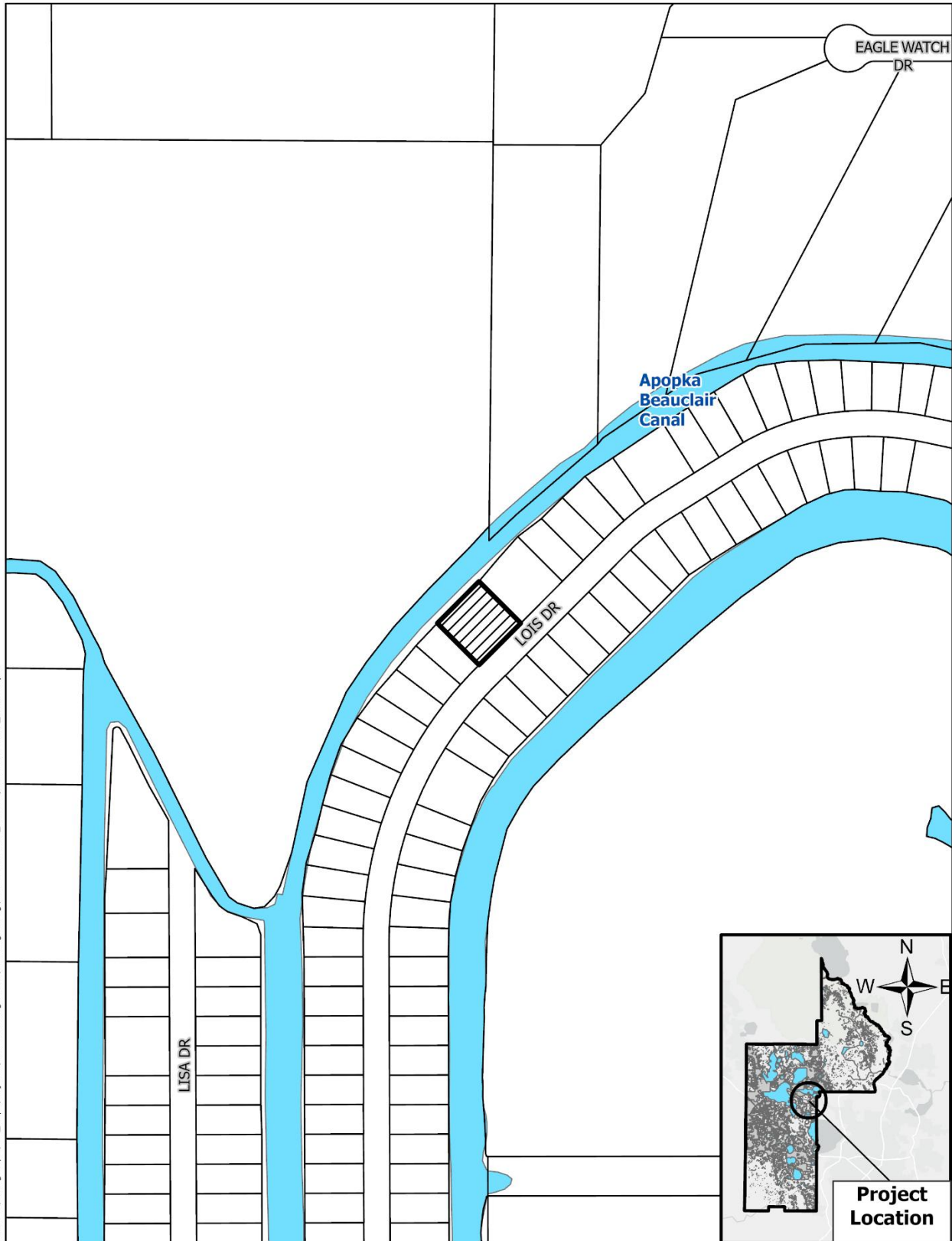
Signed, Sealed and Delivered in Presence of:

James C. Walton Sybil McDonald LS
As to party of first part Party of first part LS
Barbara M. DeBaha Simeon Rolle LS
As to party of second part Party of second part LS

RECORDED
CLERK OF CIRCUIT COURT
LAKE COUNTY, FLA.
Aug 11 11 07 AM '75

22 JAN 57
SURRENTU

Map of Subject Property



Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\Var-PZ2024-318_Brewer\Var-PZ2024-318_Brewer.aprx

12/24/2024

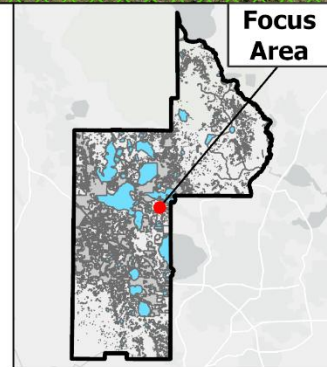
Aerial Map and Overlay of Subject Property

**Var-PZ2024-318
Brewer Property**



Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\Var-PZ2024-318_Brewer\Var-PZ2024-318_Brewer.aprx

Rear Setback Variance



12/24/2024

Final Development Order

(PZ2024-318 / AR 5863)

WHEREAS, Todd Brewer (the “Applicant”) requested a variance on behalf of Dana Brewer and Todd Brewer (the “Owner”), to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow for a 40’ rear setback from a seawall for a bedroom addition in lieu of the required 46.12’ average setback provided by Lake County; and

WHEREAS, the subject property consists of approximately .51 +/- acres located 28009 Lois Drive, in the unincorporated Tavares area in Section 11, Township 20 South, Range 26 East, known as Alternate Key Number 1402972, and more particularly described in **Exhibit “A”**

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 2, 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.

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

1. **Variance Granted:** A variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow an addition to be constructed at 40 feet from the ordinary high-water line, mean high water line or jurisdictional wetland line (seawall), in lieu of the required 46.12 feet as approved through the average setback process is hereby granted.
2. **Conditions:** The variance granted above is subject to the following requirements/conditions:
 - a. Since the new addition will place the property at its maximum Impervious Surface Ratio of 30%, No further structures shall be permitted without the removal of existing structures, so as to not exceed the maximum Impervious Surface Ratio of 30%.
 - 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 staff.
 - d. 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.
 - e. A separate zoning permit and building permit will be required before construction.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea 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 2nd day of April 2025, by Bea 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

Lots 80 and 82, FIRST ADDITION TO VENETIAN VILLAGE, according to the map or plat thereof as recorded in Plat Book 14, Page 29, Public Records of Lake County, Florida.