



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: June 4, 2025

Case No. and Project Name: PZ2025-42, Nest Court Property

Applicant: Anthony Fratianne

Owner: Anastassia Abramenko

Requested Action: Variance to Land Development Regulations (LDR) Table 3.02.05 and Section 6.01.04(A)(1) to 1) allow a single-family dwelling unit to be constructed twenty (20) feet from the front property line, in lieu of the required twenty-five (25) feet, and to 2) allow a single-family dwelling unit to be constructed thirty-nine (39) feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, in lieu of the required fifty (50) feet.

Case Manager: Meagan Bracciale, Planner I

Subject Property Information

Size: 0.83 +/- acres

Location: Nest Court, in the unincorporated Grand Island area

Alternate Key No.: 3535316

Future Land Use: Urban Low Density (Attachment "A")

Current Zoning District: Estate Residential (R-2) District (Attachment "B")

Flood Zone: "AE"

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

Overlay/Protection Area: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Estate Residential District (R-2)	Residential	Single-Family Residence
South	Urban Low Density	Estate Residential District (R-2)	Residential	Single-Family Residence
East	Urban Low Density	Estate Residential District (R-2)	Residential	Single-Family Residences East of Nest Court Cul-de-Sac and ROW
West	Rural Transition	Agriculture District (A)	Vacant	Wetlands

Summary of Request

The subject property, identified as Alternate Key Number 3535316, contains 0.83 +/- acres, is zoned Estate Residential (R-2) District and is designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is generally located in the Eagles Landing Subdivision, at the cul-de-sac end of Nest Court, in the Grand Island area of unincorporated Lake County. GIS maps indicate that wetlands exist on the western end of the subject parcel and that the parcel lies entirely within flood zone "AE". The subject parcel is currently vacant.

The Applicant has requested a variance to Land Development Regulations (LDR) Table 3.02.05 and Section 6.01.04(A)(1) Development Near Wetlands and Waterbodies to 1) allow a single-family dwelling unit to be constructed twenty (20) feet from the front property line, in lieu of the required twenty-five (25) feet, and to 2) allow a single-family dwelling unit to be constructed thirty-nine (39) feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, in lieu of the required fifty (50) feet, as depicted in the Plot Plan (Attachments "C" & "D").

The request is consistent with the Comprehensive Plan Policy III-2.2.7, Protection of Shorelines, which states that the County shall *encourage*, to the greatest extent possible, a setback of 50 (fifty) feet from the OHWL, MHWL or JWL, whichever is further landward, for development abutting natural water bodies and wetland areas for existing residential development approved prior to March 2, 1993, provided that the first one (1) inch of stormwater runoff shall be captured on site and the development must be constructed as far landward on the lot as possible. Eagles Landing was platted and accepted by the Board of County Commissioners on July 2, 1991.

On March 17, 2025, 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 had no comments. The Public Works Department has recommended the following conditions, should the variance be granted:

1. The lot shall maintain and re-establish/grade the designed swale collection system for the Eagles Landing subdivision within the lot boundaries. The lot grading plan and building permit submittal shall include the details for the side and rear swale drainage.
2. The finished floor elevation for the house must be a minimum of 18" above the base flood elevation.
3. All construction within the lot boundaries shall be required to be compliant with all Federal, State, and Local Floodplain regulations.

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

Staff Analysis

A. Land Development Regulations Section 14.15.02 Variances and Appeals 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, Land Development Regulations Section 6.01.04 Development near Wetlands and Waterbodies, 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 proposed development will not encroach on the parcel's platted conservation easement area or the platted fifteen (15) foot rear drainage easement.

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, *"Wetlands not adversely affected."*

- 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 code requirement as-is prevents building a single-family residence, thus destroying value of lot."*

B. Land Development Regulations Section 14.15.02 Variances and Appeals 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.**
- B. The Eagles Landing subdivision is recorded in Plat Book 32, Page 53-54. Pursuant to Lake County Comprehensive Plan Policy I-7.1.3(D), Existing Lot Exception for Density, and Lake County Land Development Regulations (LDR) Appendix E, Section 1.08.04(D), Existing Lots Nonconforming to Density Requirements, there shall be an exception to the density requirements of the Comprehensive Plan for a lot within any plat beginning with Plat Book 23, which has met all requirements at the time it was approved by the Board of County Commissioners and recorded in the Public Records of Lake County. A dwelling unit and accessory uses thereto may be permitted on the lot.**
- C. All other remedies have been exhausted, such as a variance to all other setback requirements.**

Staff have determined that a variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow a single-family dwelling unit to be constructed twenty (20) feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, in lieu of the required 50-foot setback, is the only viable remedy to allow the proposed development. The proposed development will not encroach on the fifteen (15) foot rear conservation easement.

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

The Development Order contains conditions that limit the maximum developable area shall be limited to 30 feet in width or depth.

- E. 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 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.

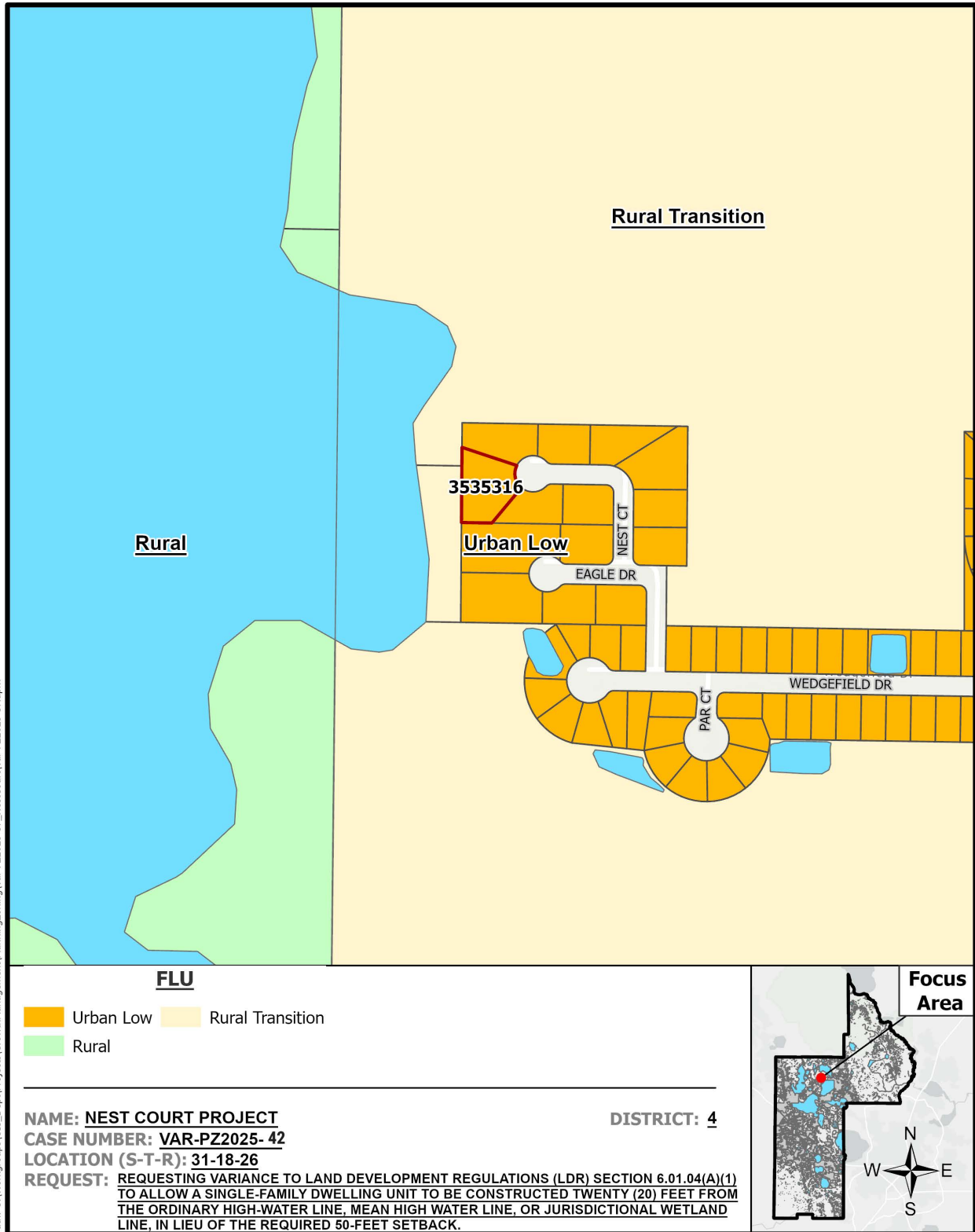
Stormwater Calculations must be submitted and approved by the Lake County Public Works Department. at the issuance of each individual zoning permit.

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

The proposed building envelope is set as far landward as possible and a variance to LDR Table 3.02.05 to allow a single-family dwelling unit to be constructed twenty (20) feet from the front property line, in lieu of the required twenty-five (25) feet, is also being requested.

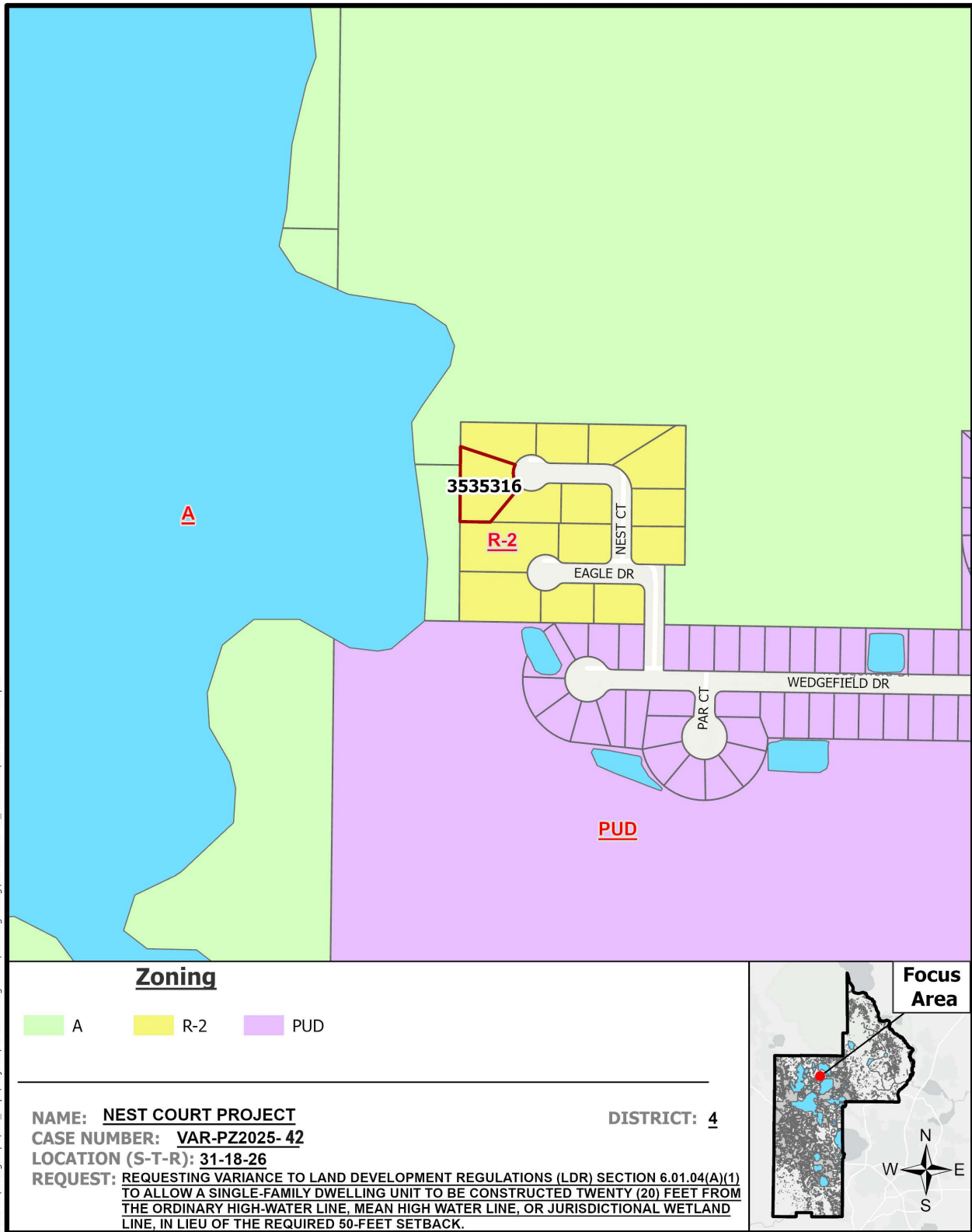
Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE

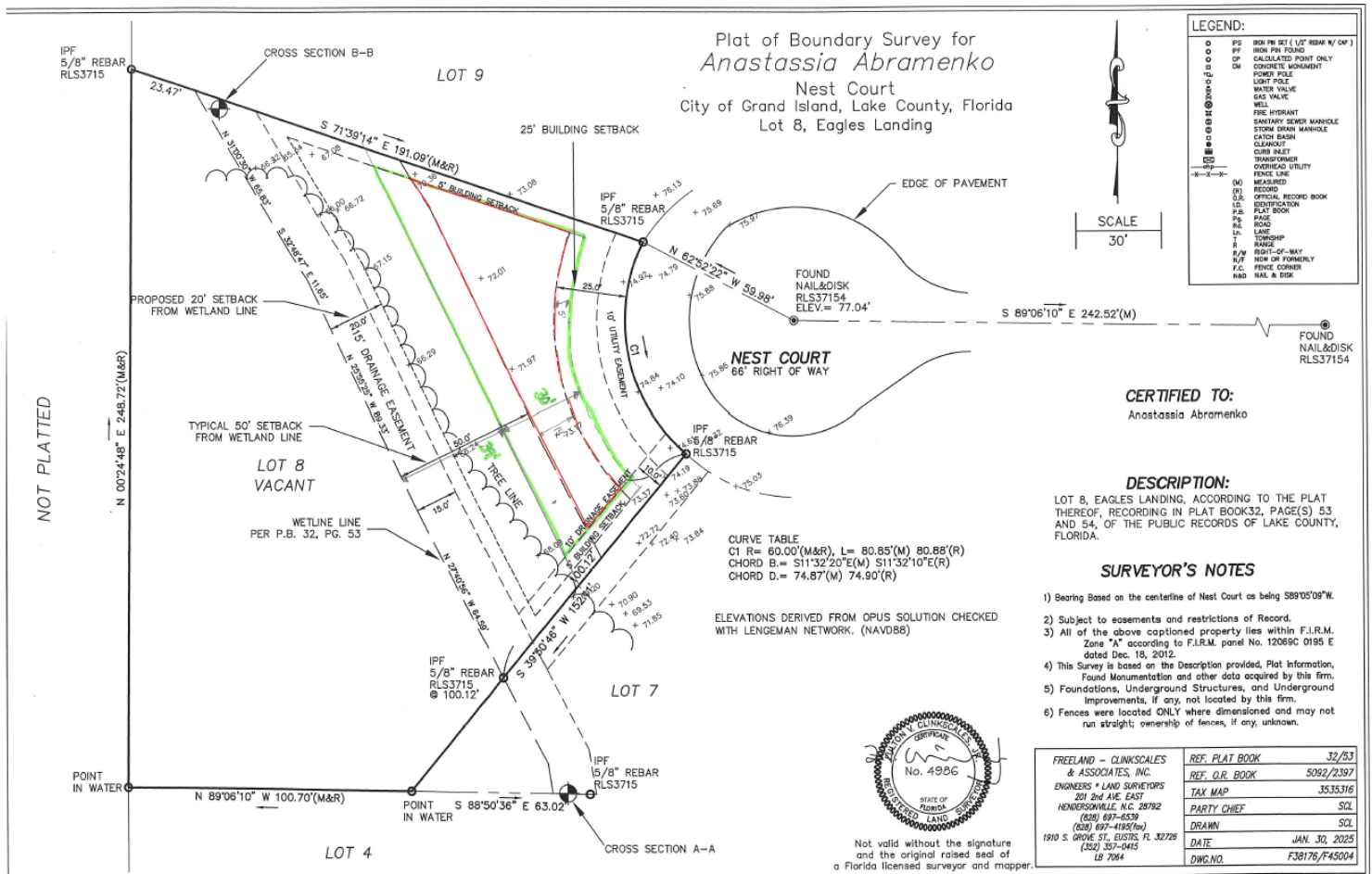


Attachment "B" – Zoning Map

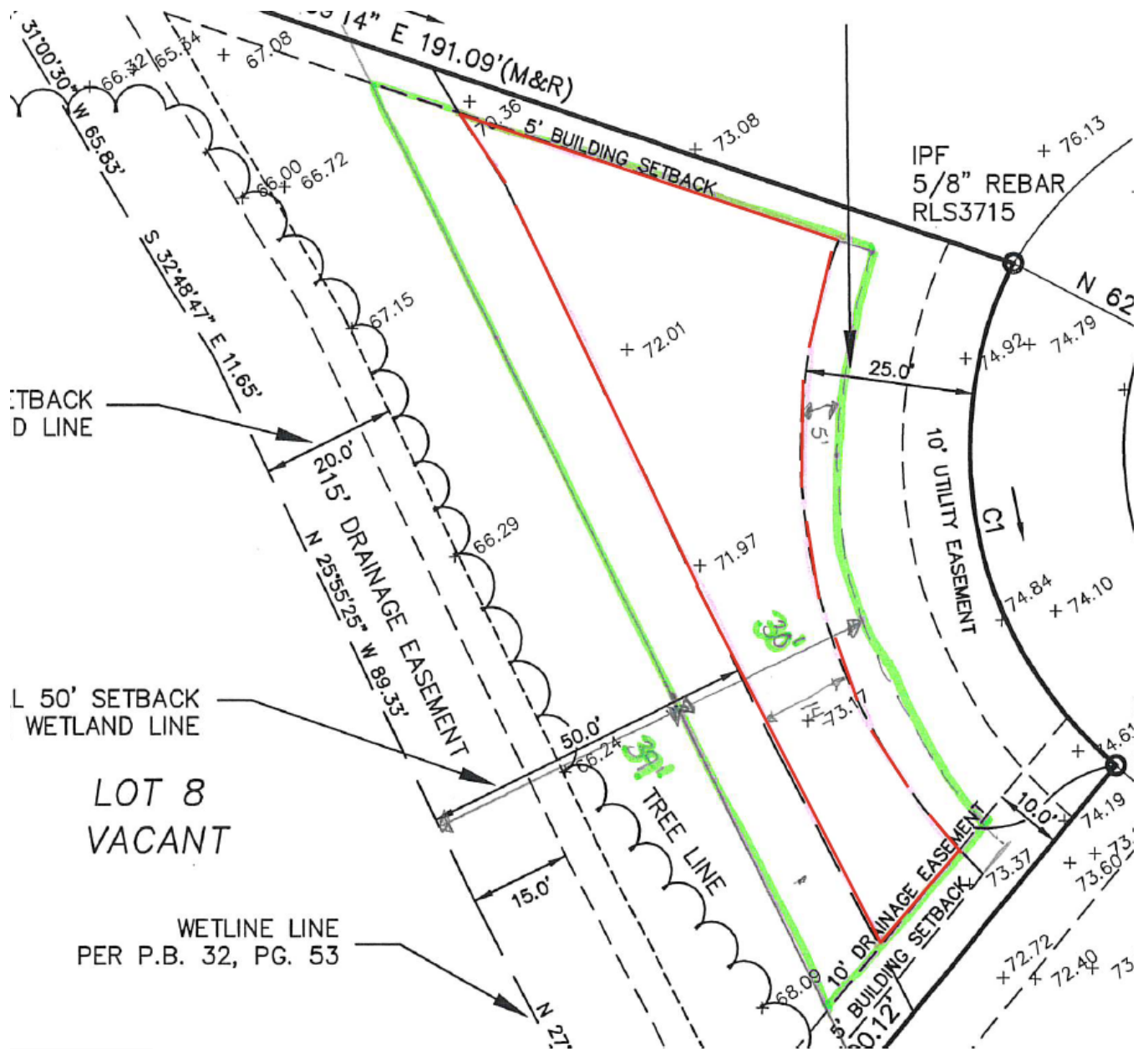
CURRENT ZONING



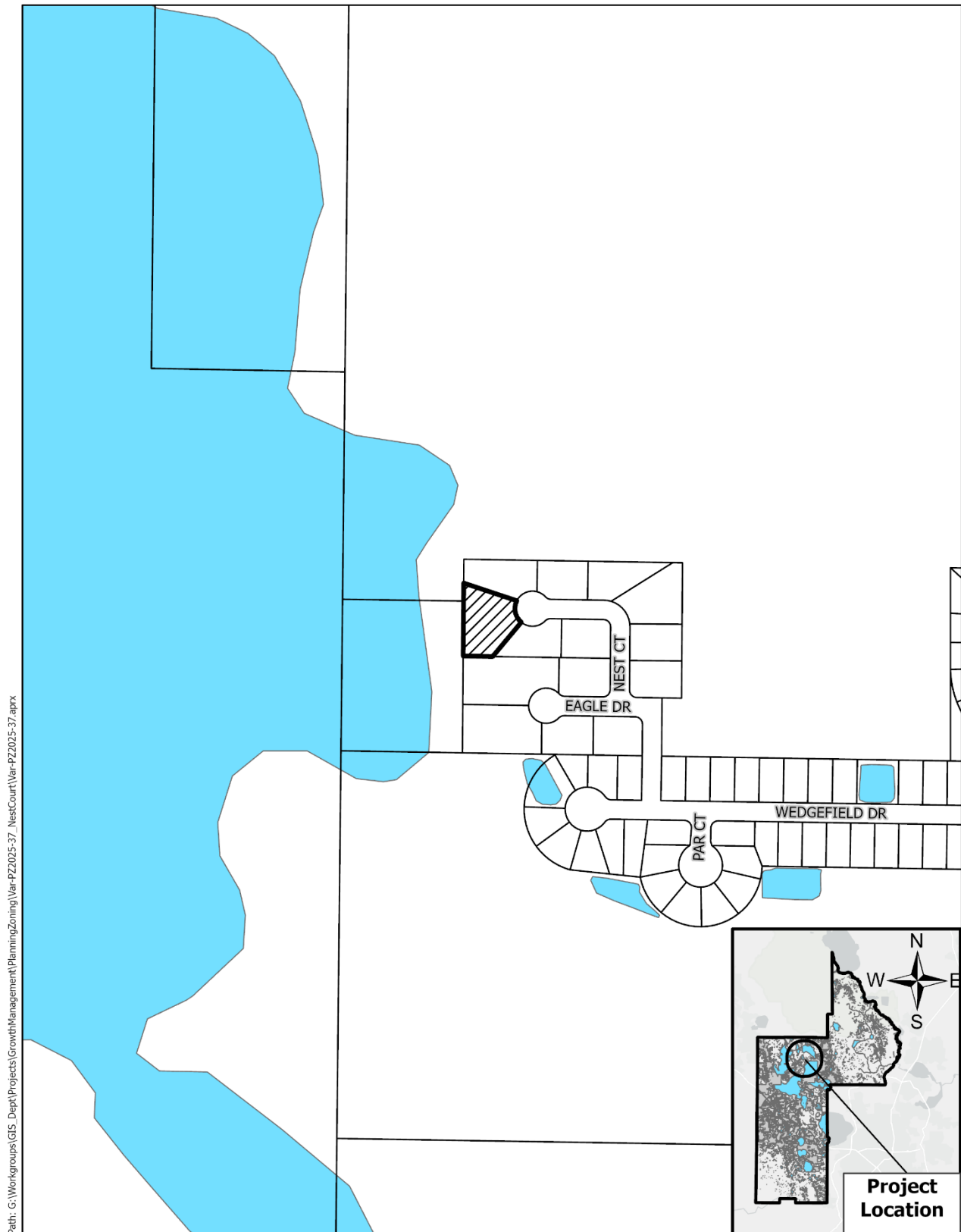
Attachment "C" – Concept Plan / Survey



Attachment "D" – Concept Plan / Survey Zoomed

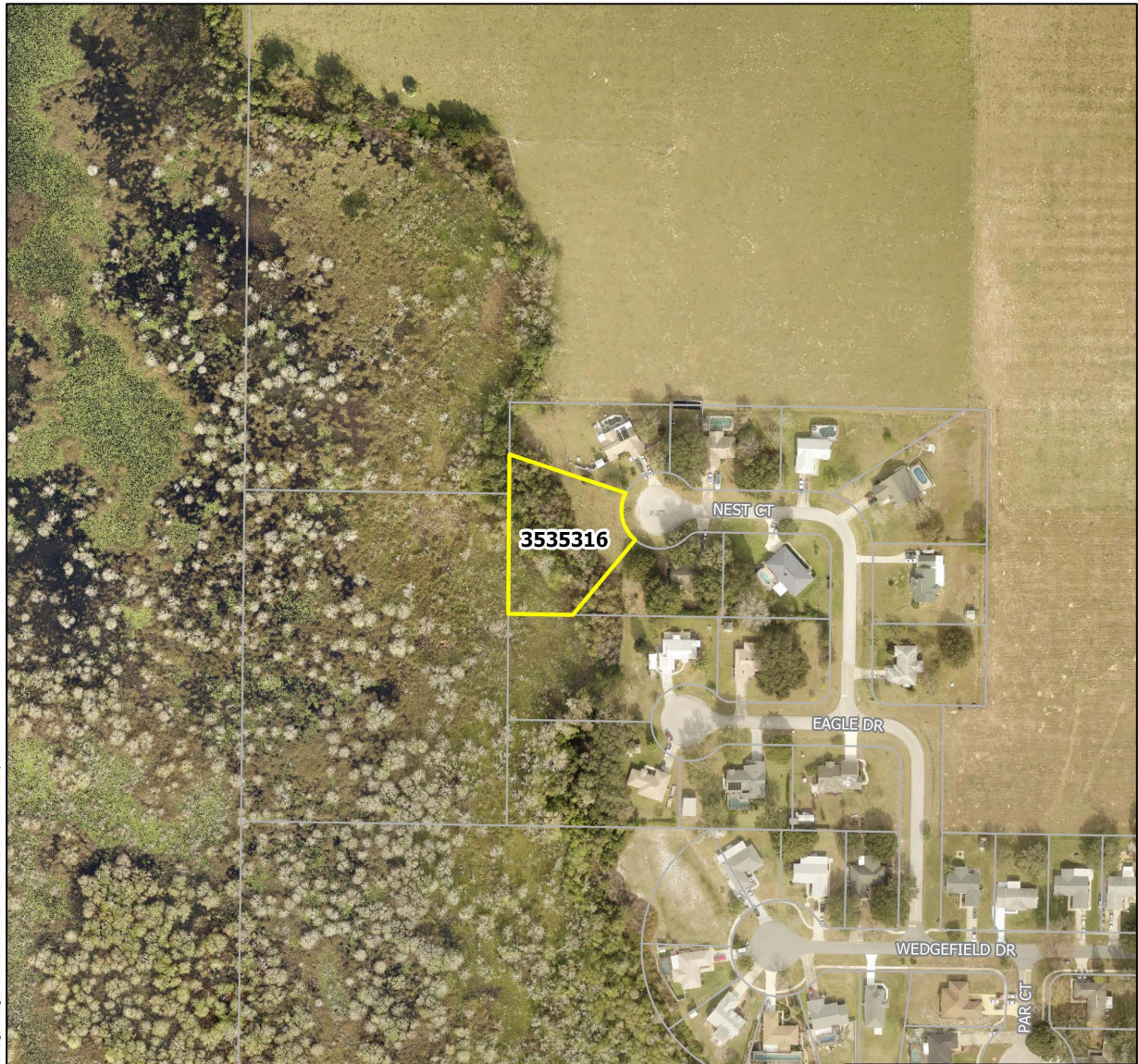


Map of Subject Property

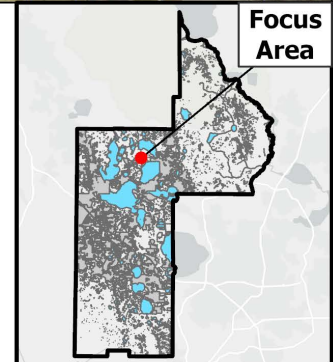


Aerial Map of Subject Property

VAR-PZ2025-42 Nest Court Project



Requesting variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow a single-family dwelling unit to be constructed twenty (20) feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, in lieu of the required 50-foot setback.



Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\Var-PZ2025-37_NestCourt\Var-PZ2025-37.aprx

4/14/2025

FINAL DEVELOPMENT ORDER

(PZ2025-42 / AR 5925)

WHEREAS, Anastassia Abramenko (the “Owner”) requested a variance to Land Development Regulations (LDR) Table 3.02.05 and Section 6.01.04(A)(1) to 1) allow a single-family dwelling unit to be constructed twenty (20) feet from the front property line, in lieu of the required twenty-five (25) feet, and to 2) allow a single-family dwelling unit to be constructed thirty-nine (39) feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, in lieu of the required fifty (50) feet.; and

WHEREAS, the subject property consists of 0.83 +/- acres, is generally located on Nest Court, in the unincorporated Grand Island area of Lake County, in Section 31, Township 18 South, Range 26 East, having Alternate Key Number 3535316, and more particularly described in Exhibit “A”;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 June 4, 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:

1. **Variance Granted:** A variance to Land Development Regulations (LDR) Table 3.02.05 and Section 6.01.04(A)(1) to 1) allow a single-family dwelling unit to be constructed twenty (20) feet from the front property line, in lieu of the required twenty-five (25) feet, and to 2) allow a single-family dwelling unit to be constructed thirty-nine (39) feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, in lieu of the required fifty (50) feet., is hereby granted with conditions as set forth below.

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

- a. The maximum developable area shall be limited to 30 feet in width or depth.
- 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. The lot shall maintain and re-establish/grade the designed swale collection system for the Eagles Landing subdivision within the lot boundaries. The lot grading plan and building permit submittal shall include the details for the side and rear swale drainage.
- f. The finished floor elevation for the house must be a minimum of 18” above the base flood elevation.
- g. All construction within the lot boundaries shall be required to be compliant with all Federal, State, and Local Floodplain regulations.
- h. All development must be as far landward on the lot as possible as required by Comprehensive Plan Policy III-2.2.7.

3. **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.

4. 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 assignees, 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 4th day of June 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

LOT 8, EAGLES LANDING, ACCORDING TO THE PLAT THEREOF, AS RECORDED ON PLAT BOOK 32, PAGE 53, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

