



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: August 6, 2025

Case No. and Project Name: PZ2025-125

Commissioner District: District 4 – Leslie Campione

Applicant(s): CONFIDENTIAL

Owner(s): CONFIDENTIAL

Requested Action: Variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow for the construction of a 13-foot high, 600 square-foot, open faced carport 37-feet from the Jurisdictional Wetland Line, Ordinary High-Water Line, or Mean High Water Line in lieu of the required 50 feet.

Case Manager: Corey DeVogel, Planner I

Subject Property Information

Size: 1.05 +/- gross acres

Location: 31355 Nutmeg Avenue, in the unincorporated Eustis area

Alternate Key No.: 3268733

Future Land Use: Sending Area A-1-20 (Attachment "A")

Current Zoning District: Rural Residential "R-1" (Attachment "B")

Flood Zones: ("AE") & ("X")

JPA/ISBA: N/A

Overlay/Rural Protection Area: Wekiva River Protection Area, Wekiva Study Area (Attachment "C")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Sending Area A-1-20	Rural Residential "R-1"	Residential Common Elements / Area	Undeveloped HOA Owned Wetland
South	Sending Area A-1-20	Rural Residential "R-1"	Vacant Residential	Utility Building (Unfinished per property appraiser)
East	Sending Area A-1-20	Rural Residential "R-1"	Residential Common Elements / Area	Undeveloped HOA Owned
West	Sending Area A-1-20	Rural Residential "R-1"	Single Family	Single Family Residence

Summary of Request

The subject parcel is identified by Alternate Key Number 3268733 and contains approximately 1.05 gross acres. The subject parcel is zoned as Rural Residential "R-1"; is designated with a Sending Area A-1-20 Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The parcel is also situated within the Wekiva River Protection Area (WRPA) and Wekiva Study Area (WSA). The subject parcel is developed with a 2,307 square foot one-story single family dwelling unit and a 1,086 square foot driveway (Attachment "D"). GIS maps indicate that the subject parcel is located within flood zones "X" and "AE" and there is indication that wetlands exist on the site.

The Applicant is requesting a variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow for the construction of an 600 square foot carport 37 feet from the Jurisdictional Wetland Line, Ordinary High-Water Line, or Mean High Water Line in lieu of the required 50 feet. The proposed structure is to have a height of 13 feet.

The subject property is not located within a Joint Planning Area (JPA) or Interlocal Service Boundary Agreement (ISBA).

The current Impervious Surface Ratio (ISR) for the subject property is 5%. The proposed development will result in an ISR of 7%. The maximum ISR allowed within the Rural Residential "R-1" is 30%. The maximum ISR allowed within the Sending Area A-1-20 FLUC is 20%. The more stringent ISR applies; therefore, the maximum allowed ISR is 20%.

The subject property is located within the WRPA and the WSA. The request is consistent with Comprehensive Plan Objectives I-3.3 and I-3.4 as the lot has been previously developed. The proposed development in an unenclosed structure. Within their project narrative, the Applicant also noted that it will be a non-permanent structure. Per the requirement of the Lake County Floodplain Management Department, the Applicant will be required to have at least one flood vent on one of the walls as a condition of the Flood Resistant Design and Construction. The Applicant completed and submitted a Wekiva River Protection Act Affidavit, describing how the proposed carport will not affect the Wekiva River Protection Area and Wekiva Study Area natural, protected environment (Attachment "E")

For background purposes, in 2007, the subject property was provided a Lot of Record as shown on Attachment "F". (LOR 2007L-0150). The setbacks in Rural Residential "R-1" are as follows: 50' from any jurisdictional wetland line or High-Water Line. 62' from the Centerline of the fronting road. 10' from the side and rear property lines.

The Applicant provided a Project Narrative as a justification for the variance request as shown on Attachment "G".

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.

– Staff Analysis –

A. 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, "N/A [sic]".

Due to the large Jurisdictional Wetland Line (JWL) that crosses over the property, there are no other means of achieving compliance, due to the drain field and septic being in the only buildable area of the property. The only other means of being compliant would, be by moving the proposed carport closer to the road and requesting a variance to the front yard setback instead of the Jurisdictional Wetland Line.

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 50ft setback from the wetland boundary makes it extremely difficult to utilize and of the property outside where the residence is located. The installation of this carport will proved[sic] me with a much needed means of storage with minimal impact to the boundary. I am not asking to encroach on the wetland, but to place a small non permeant[sic] structure just inside the 50ft boundary setback".*

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:

1. **The lot is a developable Lot of Record, or the lot was legally created through a development order prior to March 2, 1993.**

The Royal Trails Unit No. 1 subdivision is recorded in Plat Book 19, Page 1 (subpage 36)(1972).

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 for a carport to be constructed thirty-four (34) 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 without encroaching into any other setbacks.

2. **The maximum developable area shall be limited to 34 feet in width or depth.**

The Development Order contains conditions that limit the maximum developable to 34 feet in width or depth.

3. **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:

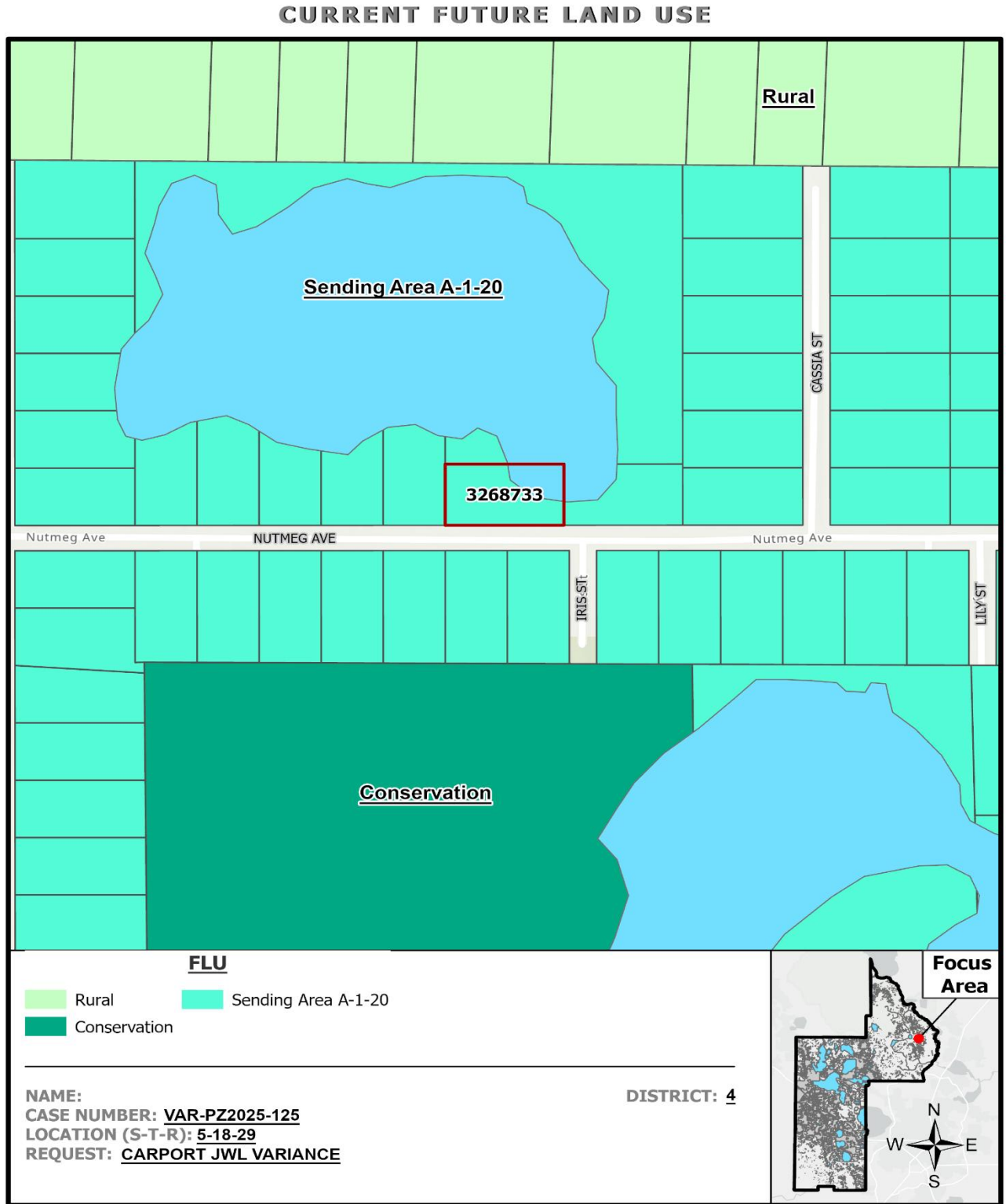
- a. Stormwater calculations must be submitted at the time of issuance of each individual zoning permit in form of an interceptor swale that is sized to capture the first one inch (1") of stormwater runoff on the subject parcel.
- b. Stormwater calculations must be reviewed and approved by the Lake County 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.

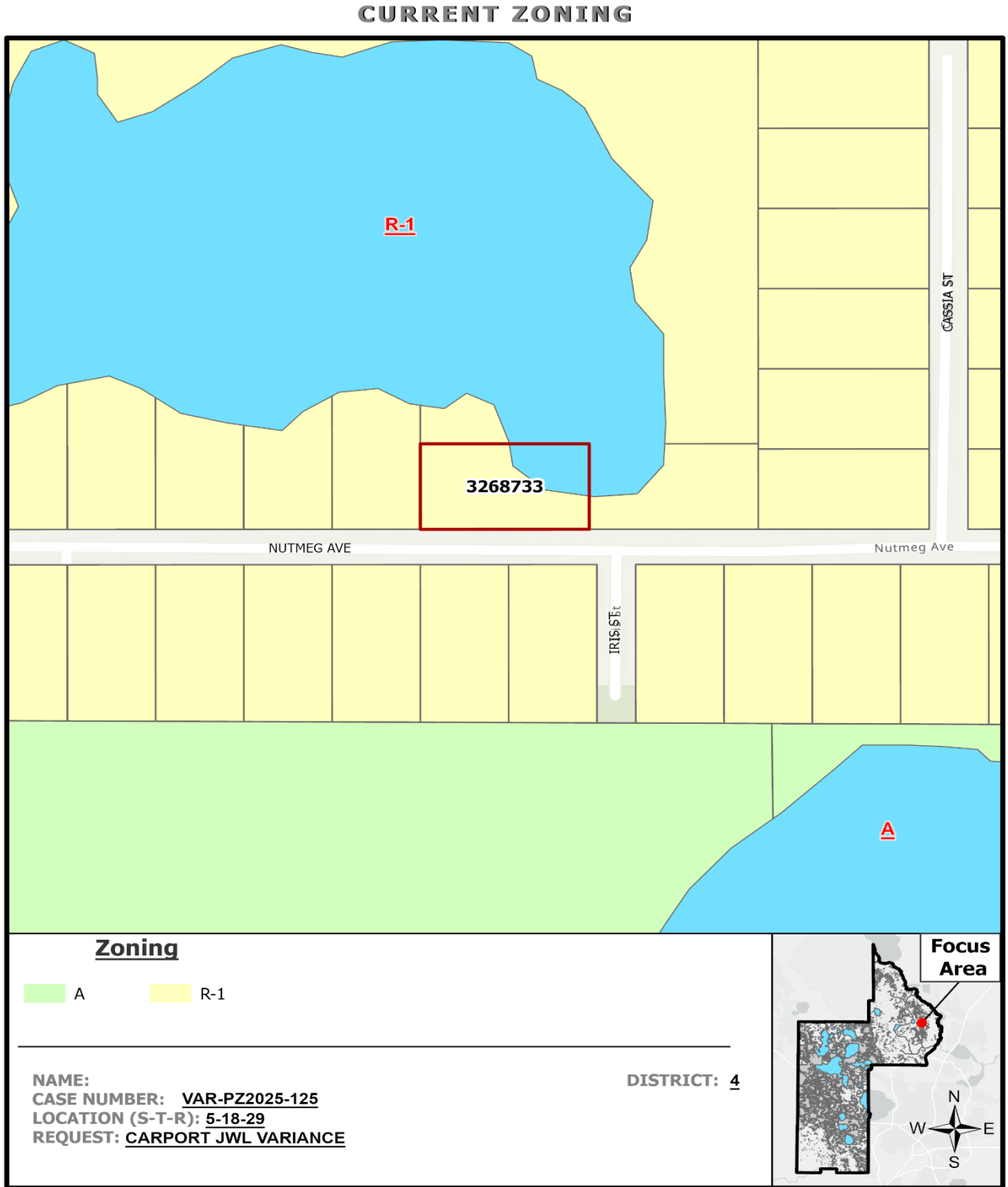
4. Development is constructed as far landward on the lot as possible.

The proposed building envelope is set as far landward as possible without encroaching on the required fifty (50) foot setback from the front property line.

Attachment "A" – Future Land Use Map



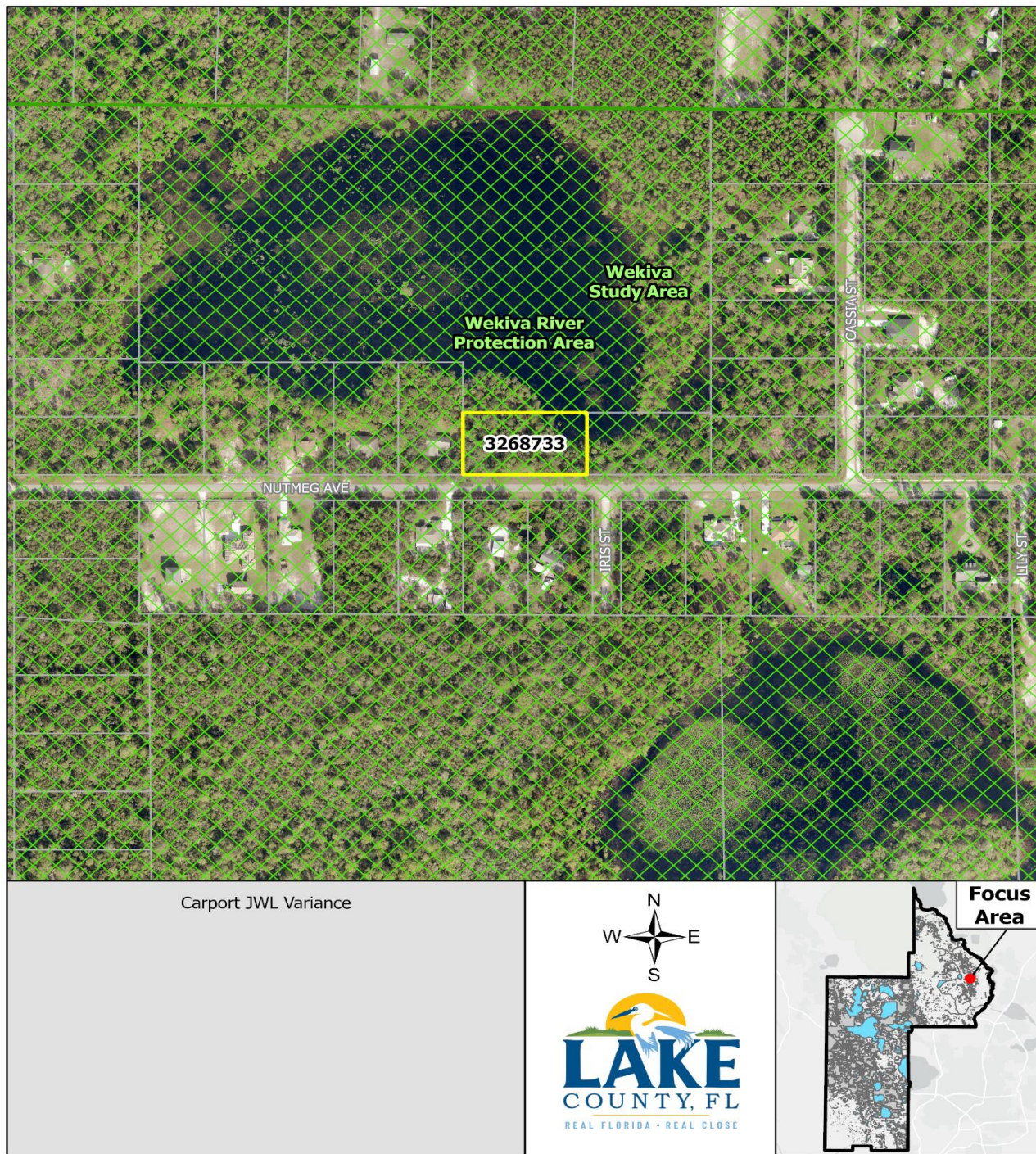
Attachment “B” – Zoning Map



5/12/2025

Attachment "C" – Overlay District Map

Var-PZ2025-125

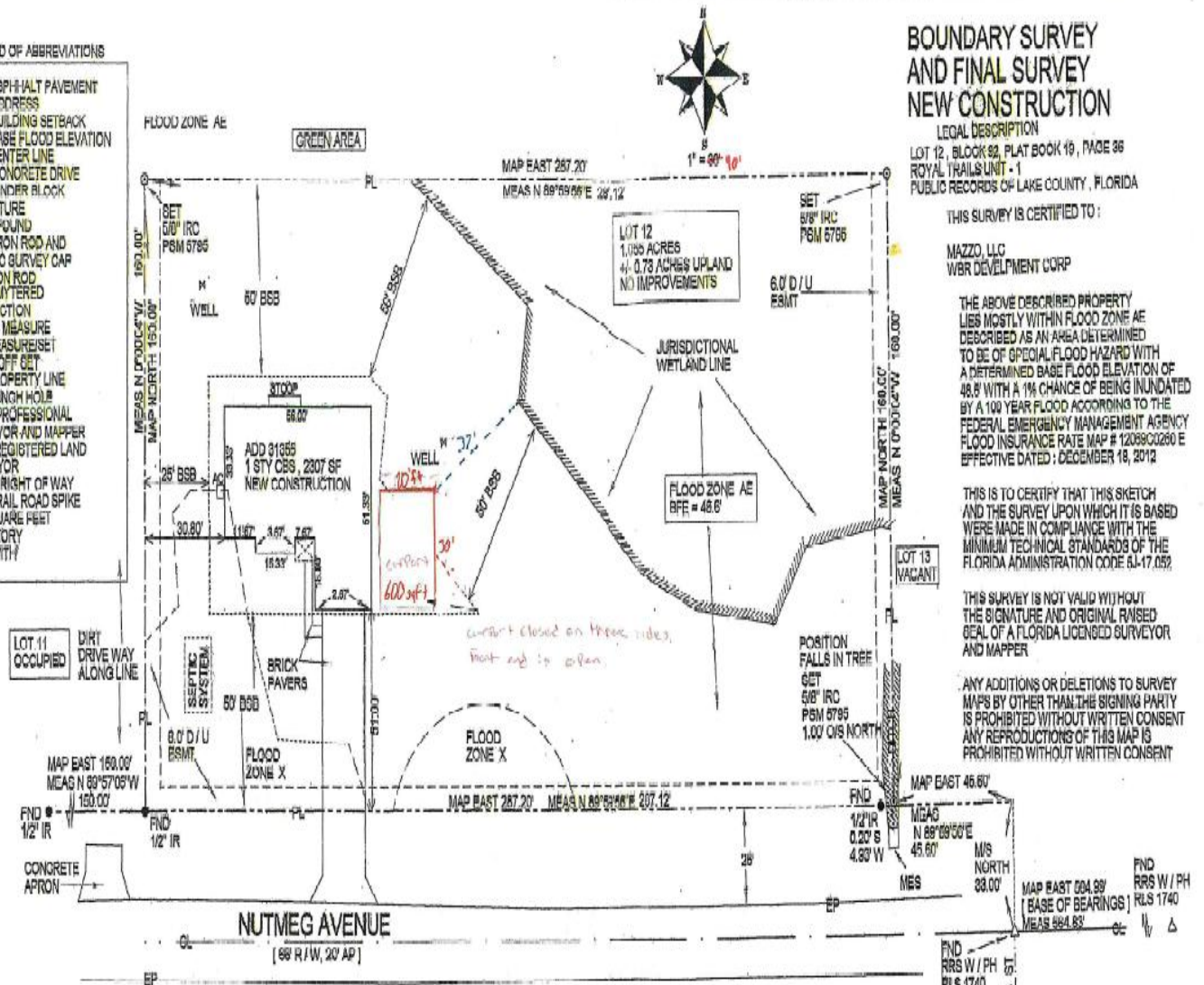


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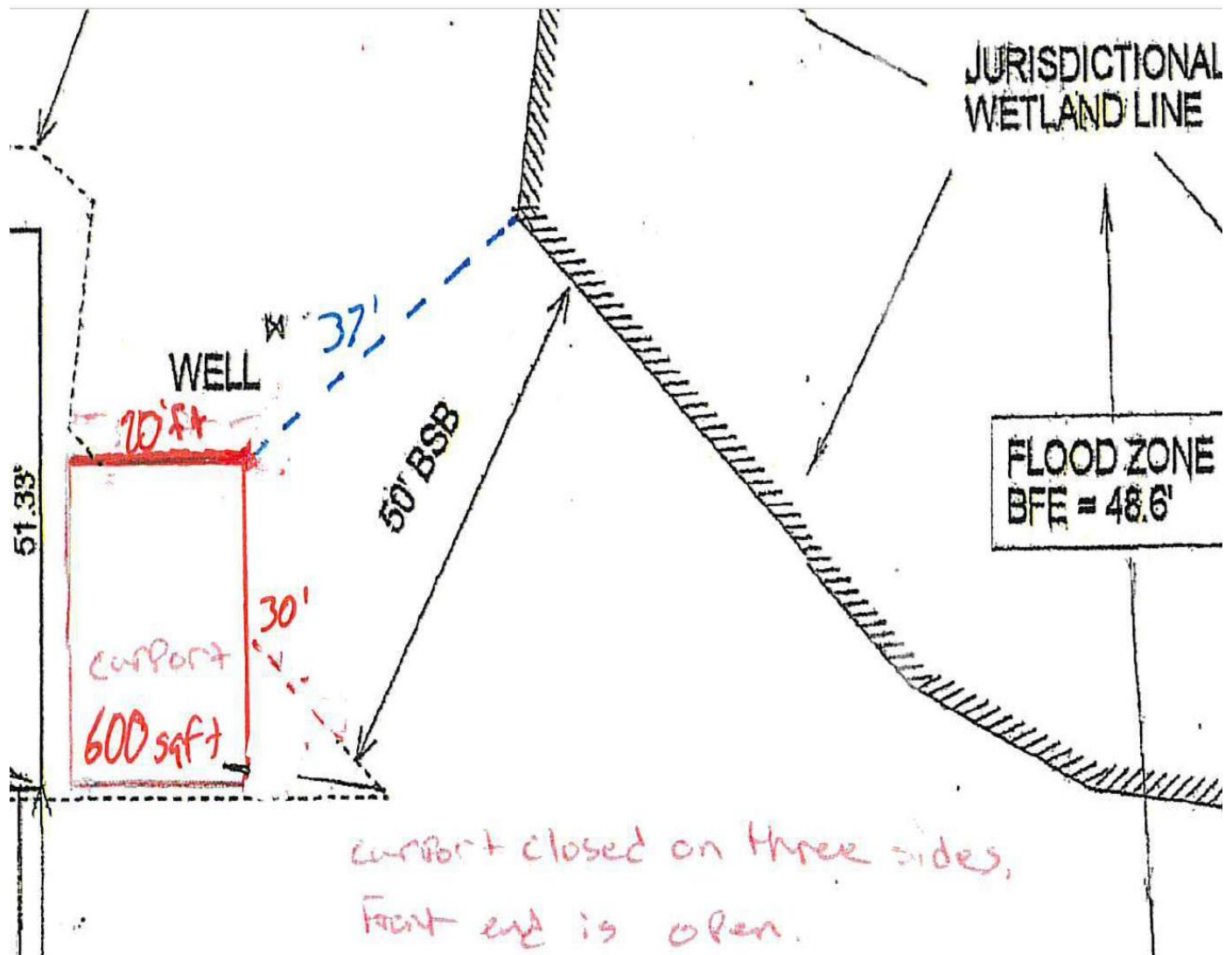
Attachment "D" – Plot Plan (1 of 2)

LEGEND OF ABBREVIATIONS

P = ASPHALT PAVEMENT
 DD = ADDRESS
 SB = BUILDING SETBACK
 FE = BASE FLOOD ELEVATION
 CL = CENTER LINE
 IDR = CONCRETE DRIVE
 BS = CINDER BLOCK
 TR = TRUCK
 ND = FOUNDED
 IR = IRON ROD AND
 LAGTIC SURVEY CAP
 I = IRON ROD
 IS = MYTERED
 ND SECTION
 EAS = MEASURE
 VS = MEASURE/SET
 /S = OFF SET
 L = PROPERTY LINE
 H = PLUGH HOLE
 SM = PROFESSIONAL
 URVEYOR AND MAPPER
 LG = REGISTERED LAND
 URVEYOR
 /W = RIGHT OF WAY
 RS = RAIL ROAD SPIKE
 F = SQUARE FEET
 TY = STORY
 // = WITH



Attachment "D" – Plot Plan (2 of 2)



Attachment “E” – Wekiva Protection Act Affidavit (1 of 5)



Office of Planning and Zoning

Wekiva River Protection Act *Application for Consistency Review*

The Wekiva River Protection Area Act was enacted in 1988 and codified as Part II, Chapter 369, Florida Statutes, for the purpose of protecting the natural resources of the Wekiva River System. The Act provides for protecting the Wekiva River System and its ecology and prohibits development that is not low-density residential in nature, unless that development has less impacts on natural resources than low-density residential development and requires that residential development have a rural density and character in the aggregate. Regardless of the land use designation or zoning classification assigned to any parcel of property located within the Wekiva River Protection Area, (as defined) no development may be approved upon parcels so located unless it conforms to the provision of the Act and the provisions of the Lake County Comprehensive Plan and Land Development Regulations, as amended.

Please thoroughly answer each of the questions below, in letter format, along with a location map, along with an application rezoning/conditional use permit. The information will assist staff in determining if the proposed activity is consistent with the provisions of the Wekiva River Protection Act. Answers should be detailed and apply and articulate sound and generally accepted planning practices and principles.

A. Describe how the proposed activity will protect each of the following:

1. Water quantity, water quality and hydrology of the Wekiva River System.
2. Wetlands associated with the Wekiva River System.
3. Aquatic and wetland-dependent wildlife species associated with the Wekiva River System.
4. Habitat within the Wekiva River Protection Area of species designated pursuant to Rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code.
5. Native vegetation within the Wekiva River Protection Area.

B. Describe how the proposed development will be consistent with the following provisions:

1. Provisions to ensure the preservation of sufficient habitat for feeding, nesting, roosting, and resting as to maintain viable populations or species designated pursuant to Rules 39,27,003, 39-27,004, and 39-27,005, Florida Administrative Code.
2. Clearing of native vegetation within the 100-year flood plain.
3. The rural character of the Wekiva River Protection Area.
4. Prohibition of development that is not low-density in nature, unless that development has less impact on natural resources than low-density residential development.
5. Provisions for setbacks along the Wekiva River for areas that do not fall within the protection zones established pursuant to Section 373.415, Florida Statutes.
6. Restrictions on intensity of development adjacent to publicly owned lands to prevent adverse impacts to such lands.
7. Restrictions on filling and alteration of wetlands in the Wekiva River Protection Area.
8. Provisions encouraging clustering of residential when it promotes protection of environmentally sensitive areas.
9. Ensuring that residential development in the aggregate is of a rural density and character.
10. Concentrating development farthest from the surface water and wetlands of the Wekiva River System.
11. Land adjacent to the surface water and watercourses of the Wekiva River System may not be subdivided so as to interfere with the implementation of protection zones as established pursuant to Section 373.415, Florida Statutes, to interfere with any applicable setbacks from surface water in the Wekiva River System which are established by local governments, or interfere with the policy of concentrating development in the Wekiva River Protection Area as far from the surface water and wetlands of the Wekiva River Systems as practicable.
12. Location of septic tanks and drain fields in the 100-year flood plain and discharges of stormwater to the Wekiva River System.

Lake County shall, through the implementation of the Comprehensive Plan, preserve and protect the Wekiva River Protection Area and Wekiva Study Area as natural resources of critical state and regional importance. The Wekiva River Protection Area and Wekiva Study Area are shown on the Future Land Use Map.

Please Note: Additional approvals, permits and inspections may be required from the Offices of Planning & Zoning, Building Services, and/or Public Safety prior to commencing or continuing business operations.

Office of Planning & Zoning
Wekiva River Protection Act Application for Consistency Review

Created 2022/05
Page 1 of 1

Attachment “E” – Wekiva Protection Act Affidavit (2 of 5)

A. Describe how the proposed activity will protect each of the following:

1. Water quantity, water quality and hydrology of the Wekiva River System.

(The proposed structure is a carport not attached to a permanent foundation. It will remain open at the front end and have drain vents installed along the walls to allow for water to drain in the event the carport was to be impacted by flood water)

2. Wetlands Associated with the Wekiva River System.

(The proposed structure will not impact the wetlands and will not disturb the protections currently in place. As stated above, this structure will not be permanent in nature).

3. Aquatic and wetland-dependent wildlife species associated with the Wekiva River System

(Pending approval, the structure we be placed adjacent to the residence in an area that has already been developed/cleared during construction of the home. It's also important to note that the property is largely comprised of woodland and this structure will not reduce the protection currently afforded for wildlife.)

4. Habitat within the Wekiva River Protection Area of species designated pursuant to Rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code.

(The proposed structure will not impact the habitat within the protected area as this area was developed during construction of the residence).

5. Native vegetation within the Wekiva River Protection Area.

(Same as listed above during 2,3,4).

B. Describe how the proposed development will be consistent with the following provisions.

1. Provisions to ensure the preservation of sufficient habitat for feeding, nesting, roosting, and resting as to maintain viable populations or species designated pursuant to Rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code.

Attachment “E” – Wekiva Protection Act Affidavit (3 of 5)

(As previously stated, the structure poses no additional impact on property or the protection/preservation of habitat or wildlife. Much of the property is extremely rural woodland/wetland. The property will remain rural in accordance with our POA rules and regulations and to ensure the preservation and protection of the Wekiva River Protection Area).

2. Clearing of native vegetation within the 100-year flood plain.

(Additional clearing of native vegetation will not be necessary for this non-permanent structure)

3. The rural character of the Wekiva River Protection Area.

(As previously stated, the structure will have no additional impact on the rural character of the Wekiva River Protection Area. The majority of the property is wooded wetland. The rural environment is why my family moved to this area, and we do not intend to disturb that style of life. Additionally, the structure will allow us a place to store items out of the weather and minimize the impact we have on the protected area. This structure will help contain items typically stored outside. This could be an important aid in keeping the area clean and free of debris in the event of a flood or other natural disaster).

4. Prohibition of development that is not low-density in nature, unless that development has less impact on natural resources than low-density residential development.

(The structure is not affixed to a permanent foundation and is low-density in nature. In addition, it has little to no impact on the natural resources in particular when comparing it to the low-density residential development that has already occurred during the construction of the home.)

5. Provisions for setbacks along the Wekiva River for areas that do not fall within the protection zones established pursuant to Section 373.415, Florida Statutes.

(No information to be provided).

6. Restrictions on intensity of development adjacent to publicly owned lands to prevent adverse impacts to such lands.

Attachment “E” – Wekiva Protection Act Affidavit (4 of 5)

(The property of concern is not surrounded by public lands and will not provide an adverse impact on such land.)

7. Restrictions on filling and alterations of wetlands in the Wekiva River Protection Area.

(No alterations to wetlands will be made as a result of this project.)

8. Lprotection of environmentally sensitive areas.

(No information to provide.)

9. Ensuring that residential development in the aggregate is of rural density in character.

(N/A)

10. Concentrating development farthest from the surface water and wetlands of the Wekiva River System.

(N/A)

11. Land adjacent to the surface water and watercourses of the Wekiva River System may not be subdivided so as to interfere with the implementation of protection zones as established pursuant to Section 373.415 Florida Statutes, to interfere with any applicable setbacks from surface water in the Wekiva River System which are established by local governments, or interfere with the policy of concentrating development in the Wekiva River Protection Area as far from the surface water and wetlands of the Wekiva River System as practicable.

(N/A)

Attachment “E” – Wekiva Protection Act Affidavit (5 of 5)

12. Location of septic tanks and drain fields in the 100-year flood plain and discharges of stormwater to the Wekiva River System.

(N/A)

Attachment "F" – Lot of Record

 LAKE COUNTY FLORIDA	LAKE COUNTY, FLORIDA GROWTH MANAGEMENT CUSTOMER SERVICES DIVISION
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LOT OF RECORD RESPONSE

REVISED

Date: October 10, 2007

To: Gilberto Colon FAX# 407-574-8418
6712 Sugarbush Drive
Orlando, FL 32819

/Re
 : LOR # 2007L-0150

ON POSTED

Dear Property Owner/Representative:

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

no **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: If Unity of Title is required please make sure that a copy of recorded Unity of Title 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 IS: 1 SITE

(one) site for property with legal description:

Royal Trails Unit 1 Lot 12, Block 92

NOTE: If you are granted more than one site an individual tax receipt or property record card will be required prior to permitting. You can obtain an individual property record card by contacting the Lake County Property Appraiser's Office, 317 W. Main Street, Tavares, FL 32778, Phone#: (352) 343-9748.

Sincerely,

<u>Debby Rosenmund</u> Customer Services Staff	<u>Associate Planner</u> Title
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Revised 06/2006 - 1 -

Attachment "G" – Project Narrative

Describe the development request:

~~I would like to install a carport in the area to the right of the residence. The area in question lies partially in the 50ft jurisdictional wetland boundary setback. The carport will be 24ft wide and 30ft long with only a small portion crossing the setback. It is also important to note that this carport will not be a permanent structure and will not be attached to a permanent foundation. It will simply be anchored to the ground and have the ability to be moved should the need arise. It is also important to note that no trees, shrubs, or any other vegetation will need to be removed or damaged as a result of this project.~~

2

Provide Justification for the request:

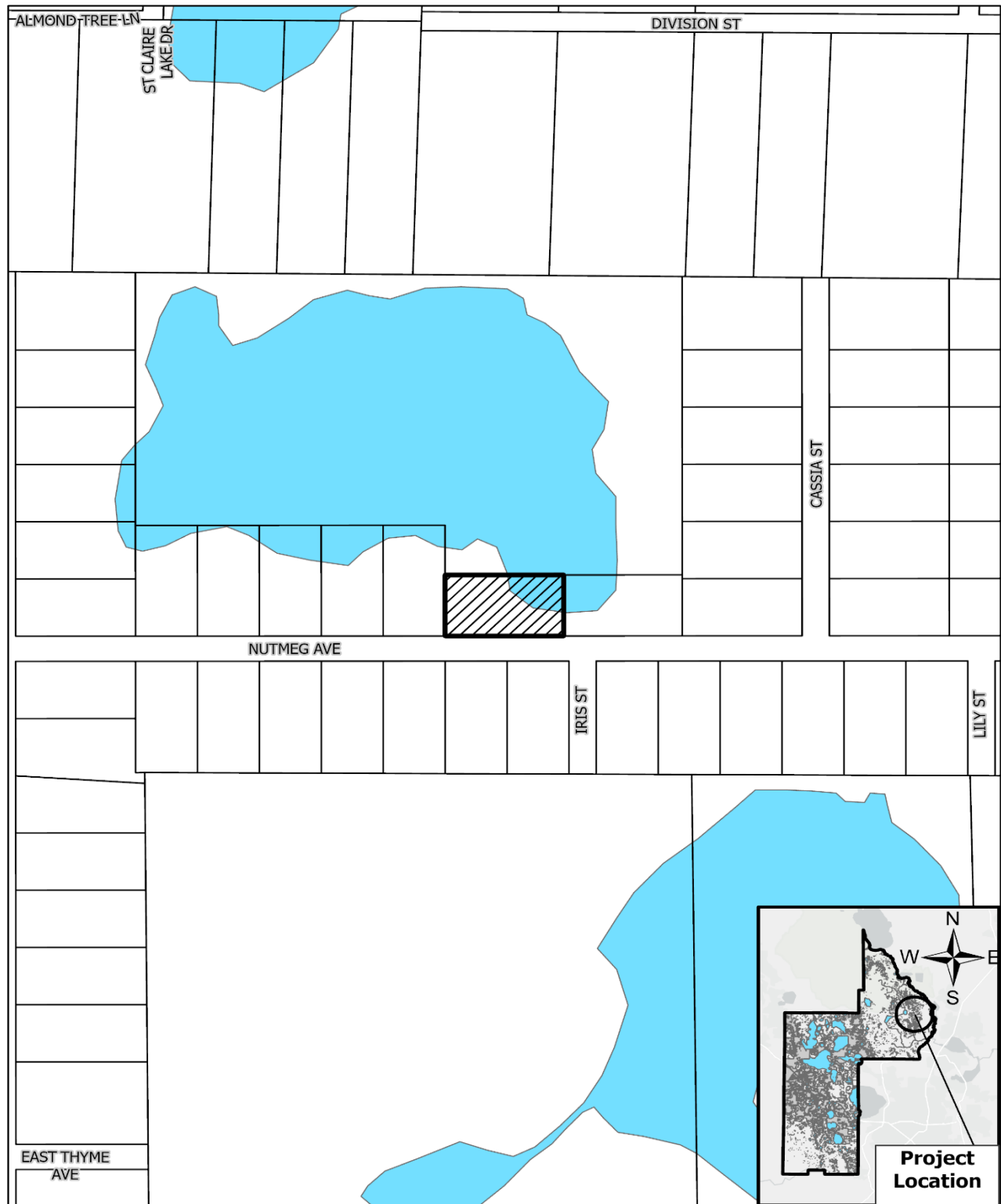
*Please also fill out the additional corresponding Project Narrative if included in the application packet.

~~A good portion of the property at the listed address is impacted by wetland but more importantly the biggest impact to the property is the 50ft setback from the jurisdictional wetland boundary. With this in mind I am requesting the variance to place a portion of this non-permanent structure just inside the 50ft setback. This will allow for the storage of items that currently are difficult to store in the garage or other areas of the home. When you look at the survey of the property you can see how much of an impact the 50ft setback causes. Its also important to note that no trees, shrubs, or any other vegetation will need to be removed or damaged as a result of this project.~~

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

☐ Yes ☒ No

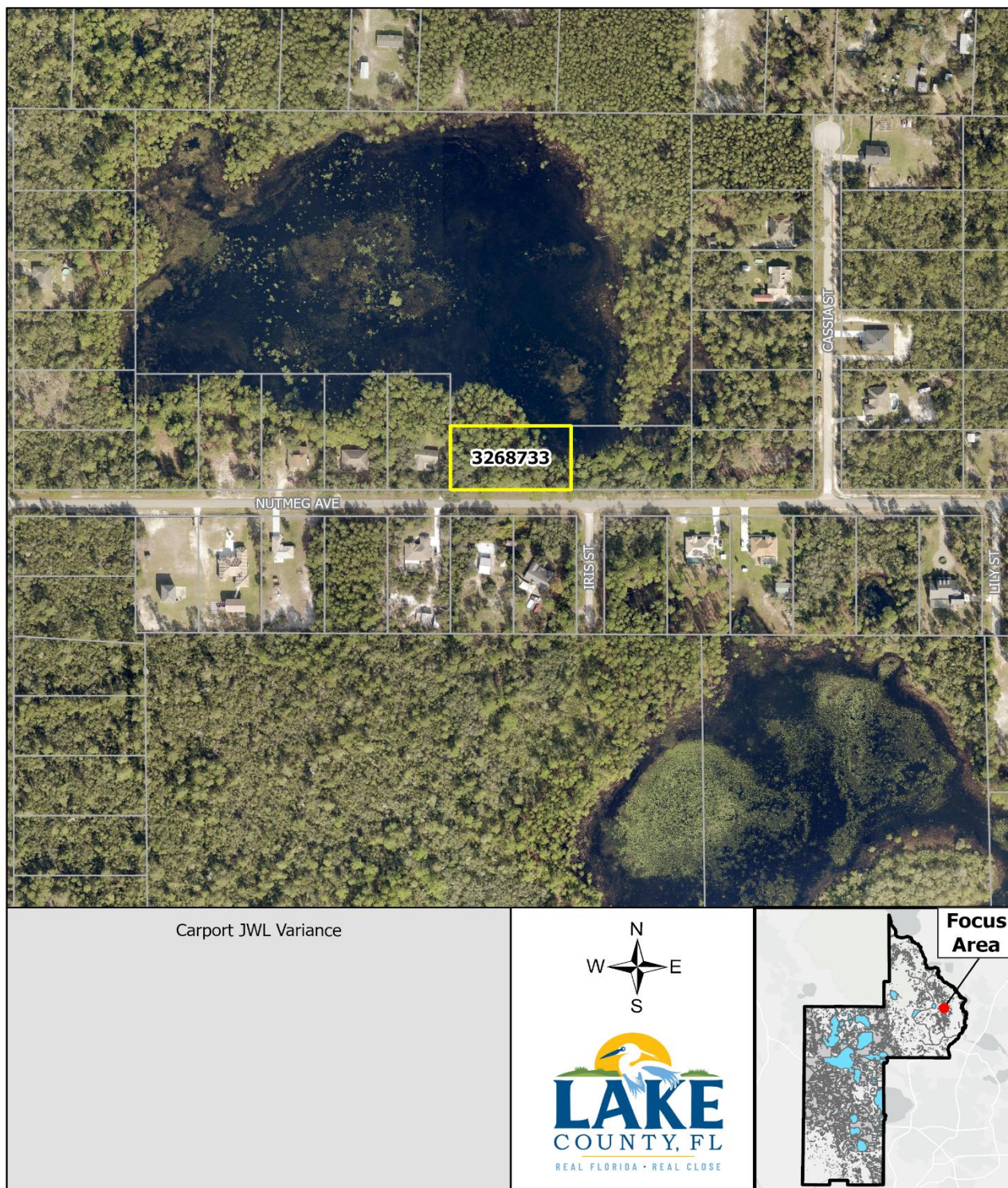
Map of Subject Property



5/12/2025

Aerial Map of Subject Property

Var-PZ2025-125



5/12/2025

FINAL DEVELOPMENT ORDER

(PZ2025-125 / AR 6022)

WHEREAS, the Applicant and Owner requested a Variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow for the construction of a 13-foot high, 600 square-foot, open faced carport 37-feet from the Jurisdictional Wetland Line, Ordinary High-Water Line, or Mean High Water Line in lieu of the required 50 feet; and

WHEREAS, the subject property consists of approximately 1.05 +/- acres located 31355 Nutmeg Avenue in the unincorporated Eustis area in Section 36, Township 17 South, Range 28 East, known as Alternate Key Number 3268733, and more particularly described in Exhibit "A"; and

Exhibit "A: - Legal Description

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 6, 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:

Variance Granted: A variance to Land Development Regulations (LDR) Section 6.01.04(A)(1) to allow for the construction of a 13-foot high, 600 square-foot, open faced carport 37-feet from the Jurisdictional Wetland Line, Ordinary High-Water Line, or Mean High Water Line in lieu of the required 50 feet is hereby granted.

Conditions: The variance granted above is subject to the following requirements/conditions:

1. A separate zoning and building permit will be required before any construction can begin.
2. Stormwater calculations must be submitted at the time of issuance of the zoning permit in the form of an interceptor swale that is sized to capture the first one inch (1") of stormwater runoff on the subject parcel. The maximum side slopes for the swale are 4:1.
3. Stormwater calculations must be reviewed and approved by the Lake County Public Works Department staff.
4. 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 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.

5. There will have to be one flood vent on one of the walls as a condition of the Flood Restraint Design and Construction.

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 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 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 August 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

LEGAL DESCRIPTION
LOT 12 , BLOCK 92, PLAT BOOK 19 , PAGE 36
ROYAL TRAILS UNIT - 1
PUBLIC RECORDS OF LAKE COUNTY , FLORIDA

