



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: September 3, 2025

Case No. and Project Name: PZ2025-153, Carter Property

Commissioner District: District 1 – Anthony Sabatini

Applicant(s): Neal Carter

Owner(s): Neal A. Carter and Elizabeth L. Carter

Requested Action: Variance to Lake County Ordinance 1992-08(1)(I)(A)(2) to allow for the construction of an in-ground pool and deck 6-feet from the rear yard property line in lieu of the required 25-foot rear yard setback.

Case Manager: Corey DeVogel, Planner I

Subject Property Information

Size: 0.38 +/- gross acres

Location: 11107 Crooked River Court, in the unincorporated Clermont area

Alternate Key No.: 3782066

Future Land Use: Green Swamp Rural (Attachment “A”)

Current Zoning District: PUD “Susan’s Landing Phase 2” (Attachment “B”)

Flood Zone: “X”

JPA/ISBA: Clermont JPA

Overlay/Rural Protection Area: Green Swamp Area of Critical State Concern (Attachment “C”)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural	PUD	Residential	Single Family Residence
South	Green Swamp Rural	PUD	Common Area	HOA owned Residential Common Area
East	Green Swamp Rural	PUD	Residential	Single Family Residence
West	Green Swamp Rural	PUD	Residential	Single Family Residence

Summary of Request

The subject parcel is identified by Alternate Key Number 3782066 and contains approximately 0.38 +/- gross acres. The subject parcel is zoned as PUD "Susan's Landing Phase 2"; is designated with a Green Swamp Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan; and located within the Green Swamp Area of Critical State Concern. The subject parcel is developed with a single-family residence (Attachment "D").

GIS maps indicate that the subject parcel is located within flood zone "X" and there is no indication that wetlands exist on the site. On June 4th, the requested action was sent to Public Works, Flood, and Stormwater staff for a determination of consistency with the applicable regulations. The Public Works Department had the following comments:

A lot grading plan design by an engineer will be required showing the grading and drainage improvements with the addition of the pool while not impacting the subdivision buffer and not adversely affecting neighboring properties with the additional stormwater runoff.

The Applicant is requesting a variance to 1992-08 (1)(I)(A)(2) to allow for the construction of an in-ground pool and deck 6-feet from the rear yard property line in lieu of the required 25-foot rear yard setback.

The purpose of regulation 1992-08 (1)(A)(2) is to prevent the encroachment of development towards neighboring properties.

The subject parcel is located within the Green Swamp Area of Critical State Concern (GSACSC). On June 4th, the application was provided to Florida Commerce for a determination of consistency with Green Swamp Area of Critical State Concern regulations. Florida Commerce provided no comment (Attachment "E"). Florida Commerce withholds the ability to appeal any process pursuant to Chapter 380, Florida Statutes.

The subject property is located within the Clermont Joint Planning Area (JPA) and the application was provided to the City of Clermont to review for a determination of consistency with their regulations. The City of Clermont provided comments (Attachment "F"). The City of Clermont would not oppose this variance request if the Board of A decides to grant the variance.

For background purposes, the subject property is located in Phase II of Susan's Landing in the unincorporated Clermont area. The property abuts Tract "J", a 25 foot wide common area.

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 –

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 Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"All other requirements of LDR will be met"*.

- 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, *"Unable to build proposed pool under code required, thus making variance necessary"*.

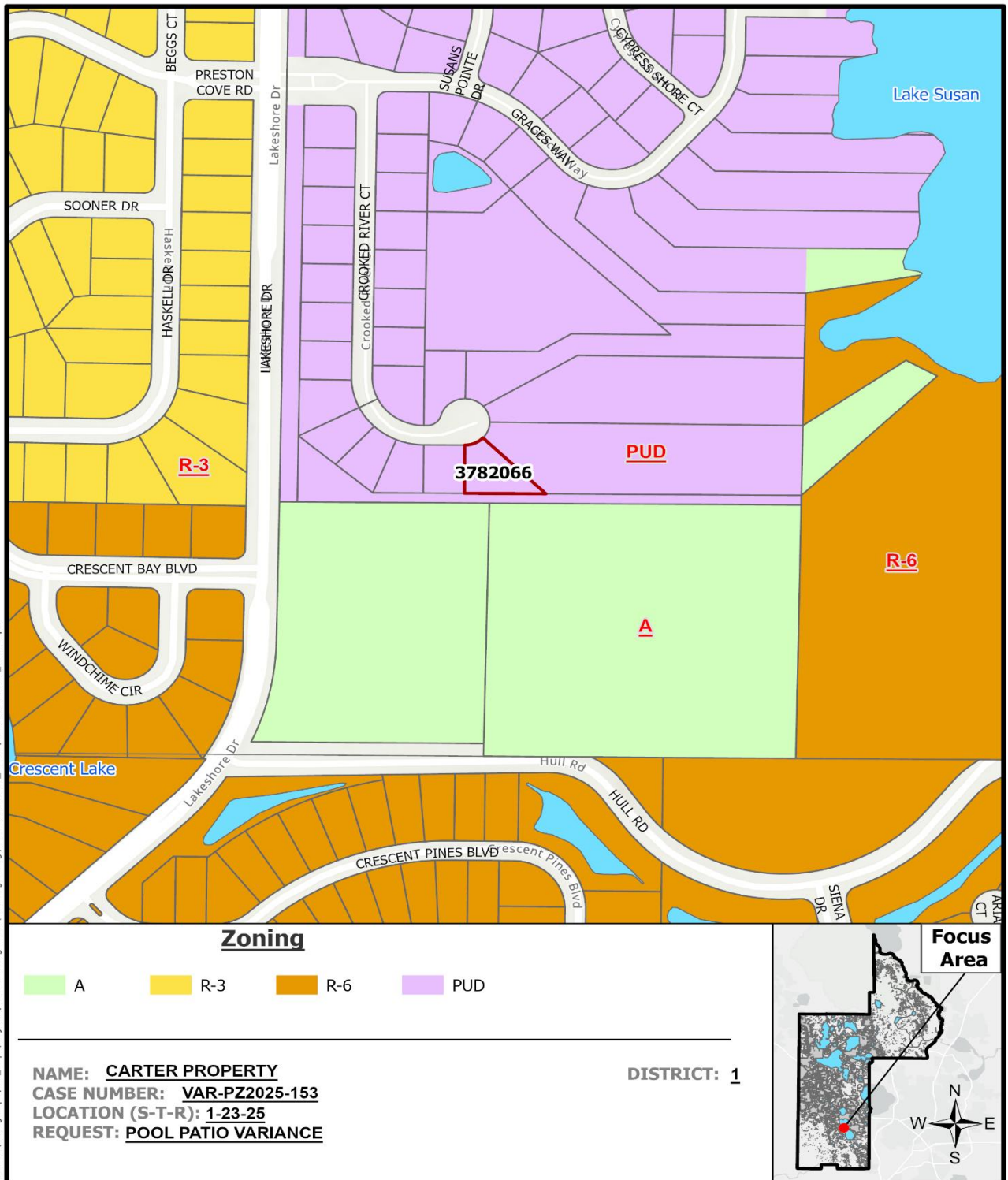
The noted hardship of setbacks for the Applicant comes from the non-standard shape of the Applicant's property, where the home is built close to the rear yard line.

Attachment "A" – Future Land Use Map



Attachment "B" – Zoning Map

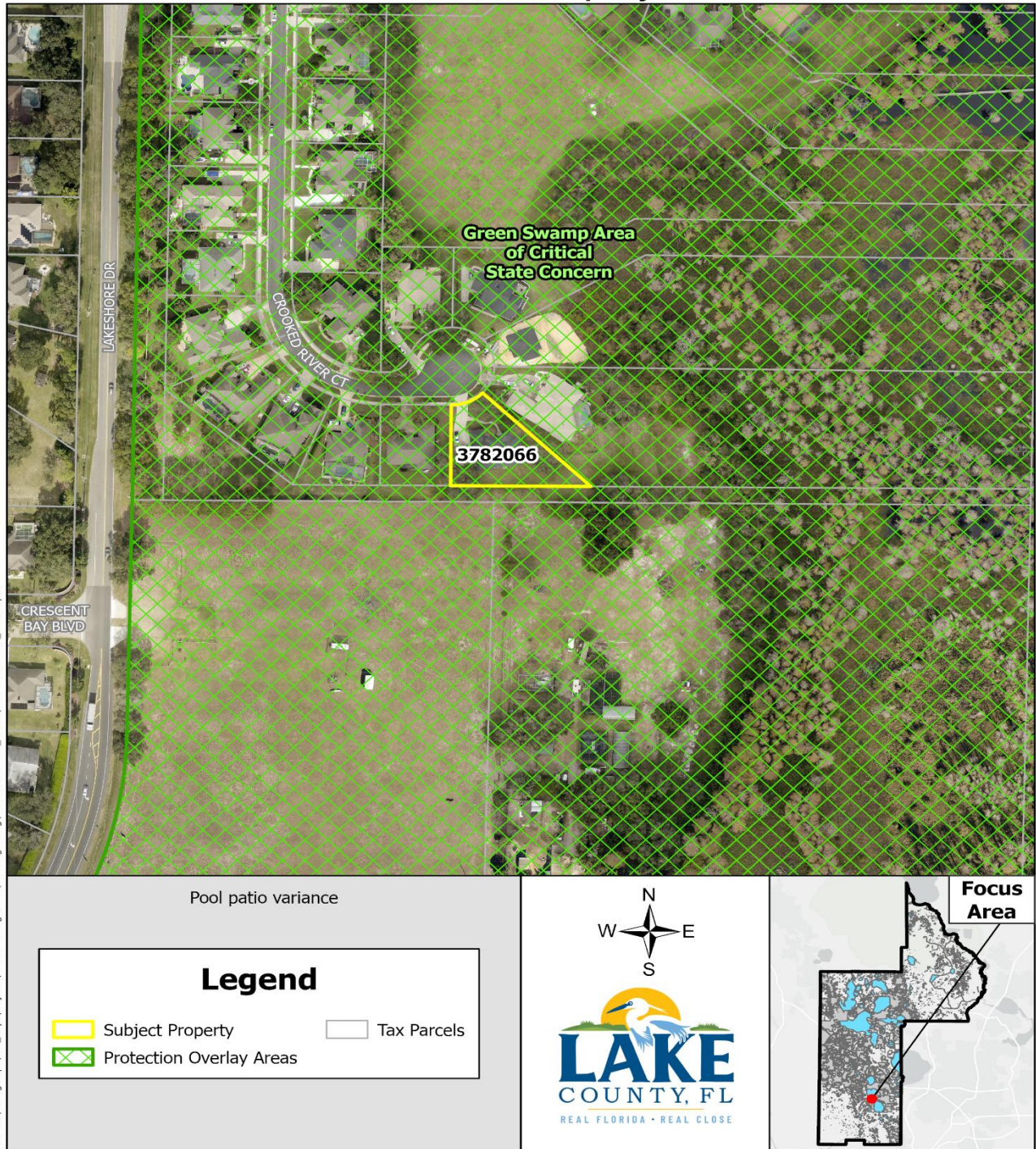
CURRENT ZONING



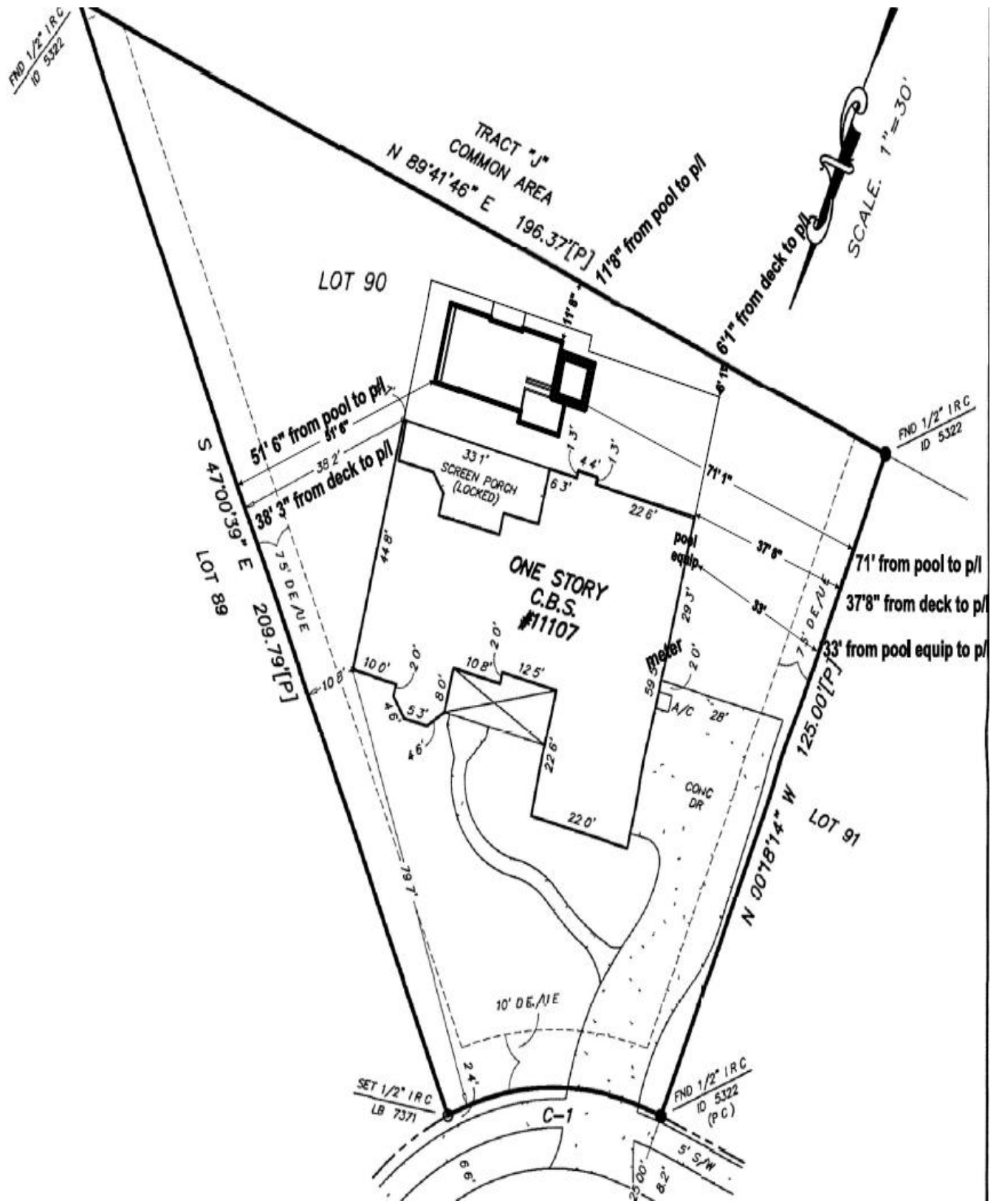
Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\VAR-PZ2025-153_Carter\VAR-PZ2025-153_Carter.aprx
6/4/2025

Attachment "C" – Overlay District Map

**Var-PZ2025-153
Carter Property**



Attachment "D" – Plot Plan (1 of 2)

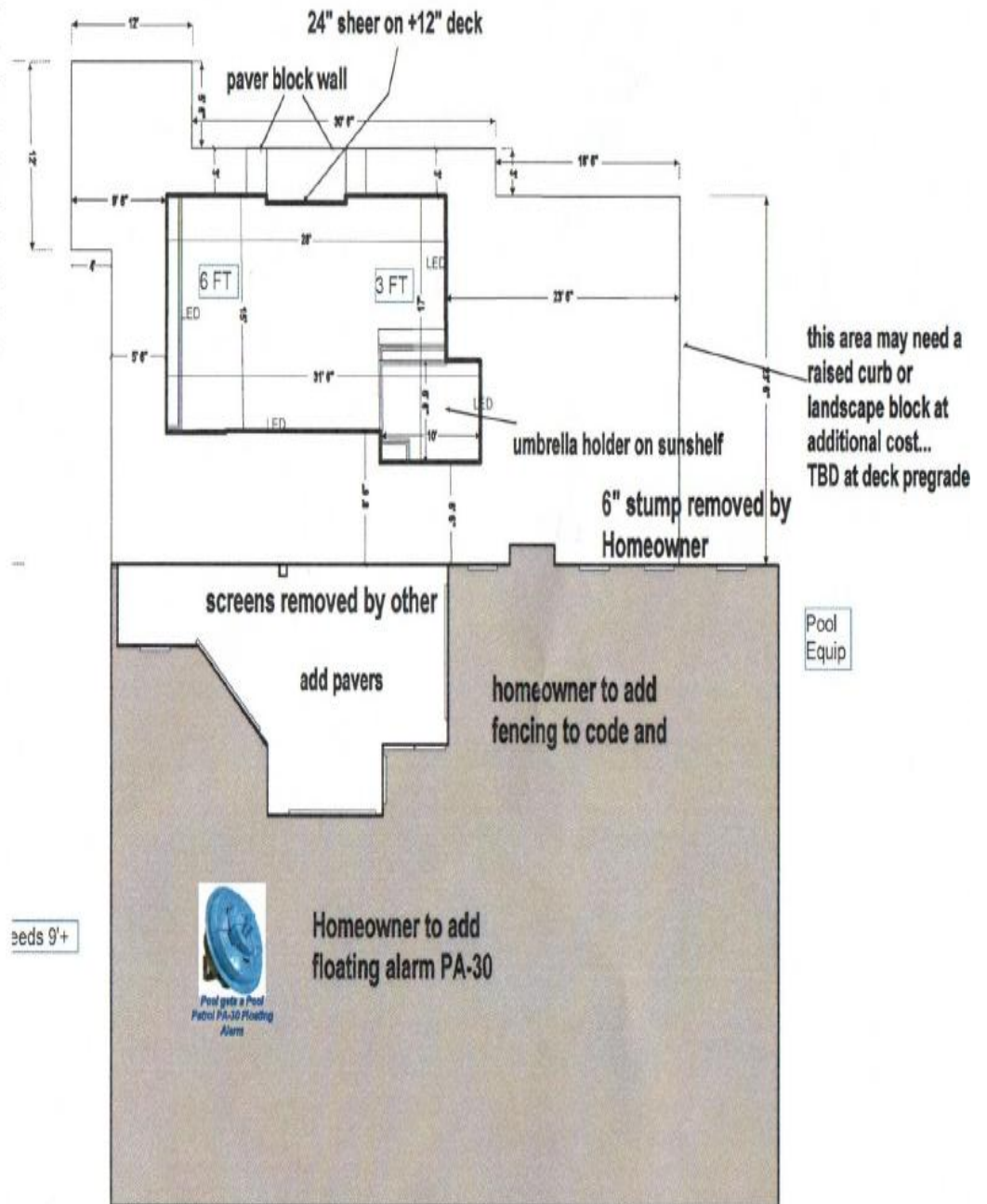


Attachment "D" – Plot Plan (2 of 2)

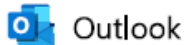
DATE OF REVISION: _____

Sheet Notes:

Cut & Cap Irrigation: HOMEOWNER
 Remove & Replace Fence: n/a
 Screen Removal: others
 Concrete/Paver Removal: homeowner
 Window / Door Alarms: no
 Floating Alarms: homeowner
 Septic & Drain Field: n/a
 Tree/Shrub/Stump Removal: homeowner
 Aquagevity Anchors: _____
 Umbrella Sleeve Location: yes
 Door & Gate Swings: n/a
 Water Truck Delivery: no
 Well Water Filtration: n/a



Attachment "E" – Florida Department of Commerce



Re: Review Request | Carter Property | VAR | AK 3782066 | AR 6054 | PZ2025-153

From DeVogel, Corey <corey.devogel@lakecountyfl.gov>

Date Wed 6/25/2025 7:22 AM

To Valdez, Yazmin <yazmin.valdez@commerce.fl.gov>; Pelfrey, Joshua <joshua.pelfrey@commerce.fl.gov>

Good morning,

Please have any comments for this project to me by the end of day today, 6/25/25. Please let me know if more time is needed.

Thank you,
Corey

Tell us how we're doing.

Participate in our customer satisfaction survey

**CLICK
HERE**



Corey DeVogel
Planner I

DEVELOPMENT SERVICES

OFFICE OF PLANNING & ZONING

A P.O. Box 7800, Suite 510, Tavares, FL 32778

P 352-343-9641 | **F** 352-343-9767

E corey.devogel@lakecountyfl.gov | **W** www.lakecountyfl.gov

NOTE: Florida has a very broad public records law.

Your email communications may be subject to public disclosure.

Attachment “F” – Clermont Joint Planning Area (JPA)

RE: Review Request | Carter Property | VAR | AK 3782066 | AR 6054 | PZ2025-153

From John E. Kruse <jekruse@clermontfl.org>

Date Wed 6/4/2025 3:36 PM

To DeVogel, Corey <corey.devogel@lakecountyfl.gov>

Cc Barron, Janie <janie.barron@lakecountyfl.gov>; Valdez, Yazmin <yazmin.valdez@commerce.fl.gov>; Pelfrey, Joshua <joshua.pelfrey@commerce.fl.gov>

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.

Good afternoon Corey,

The City of Clermont would not oppose this variance request if Lake County decides to grant the request.

If you have any questions, please let me know.

Sincerely,

John

352-241-7309

Attachment "G" – Project Narrative (1 of 3)



Office of Planning and Zoning

Project Narrative Variance

1. What is the substantial hardship in meeting the specific code requirement?

UNABLE TO BUILD PROPOSED POOL UNDER CODE REQUIRED, THUS
MAKING VARIANCE NECESSARY

2. Describe how the purpose of the Land Development Regulation will be or has been achieved by other means:

ALL OTHER REQUIREMENTS OF ADR WILL BE MET.

Attachment "G" – Project Narrative (2 of 3)

Re: FW: Re: Hearing Scheduled | Carter Property | VAR | AR 6054 | AK 3782066 | PZ2025-153

From ncarter8@cfl.rr.com <ncarter8@cfl.rr.com>

Date Tue 8/12/2025 2:33 PM

To DeVogel, Corey <corey.devogel@lakecountyfl.gov>

 1 attachment (2 MB)

Carter Survey with Setback Line.pdf;

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.

Hi Corey,

I apologize for the delay in my reply.

In direct response to the comment/question, I'm attaching a boundary survey for my property with the setback line superimposed over top. From this, I don't see where a pool could be built anywhere in the backyard without the variance. Also, note the comment about the side yard with slope/elevation concerns which makes this area unbuildable.

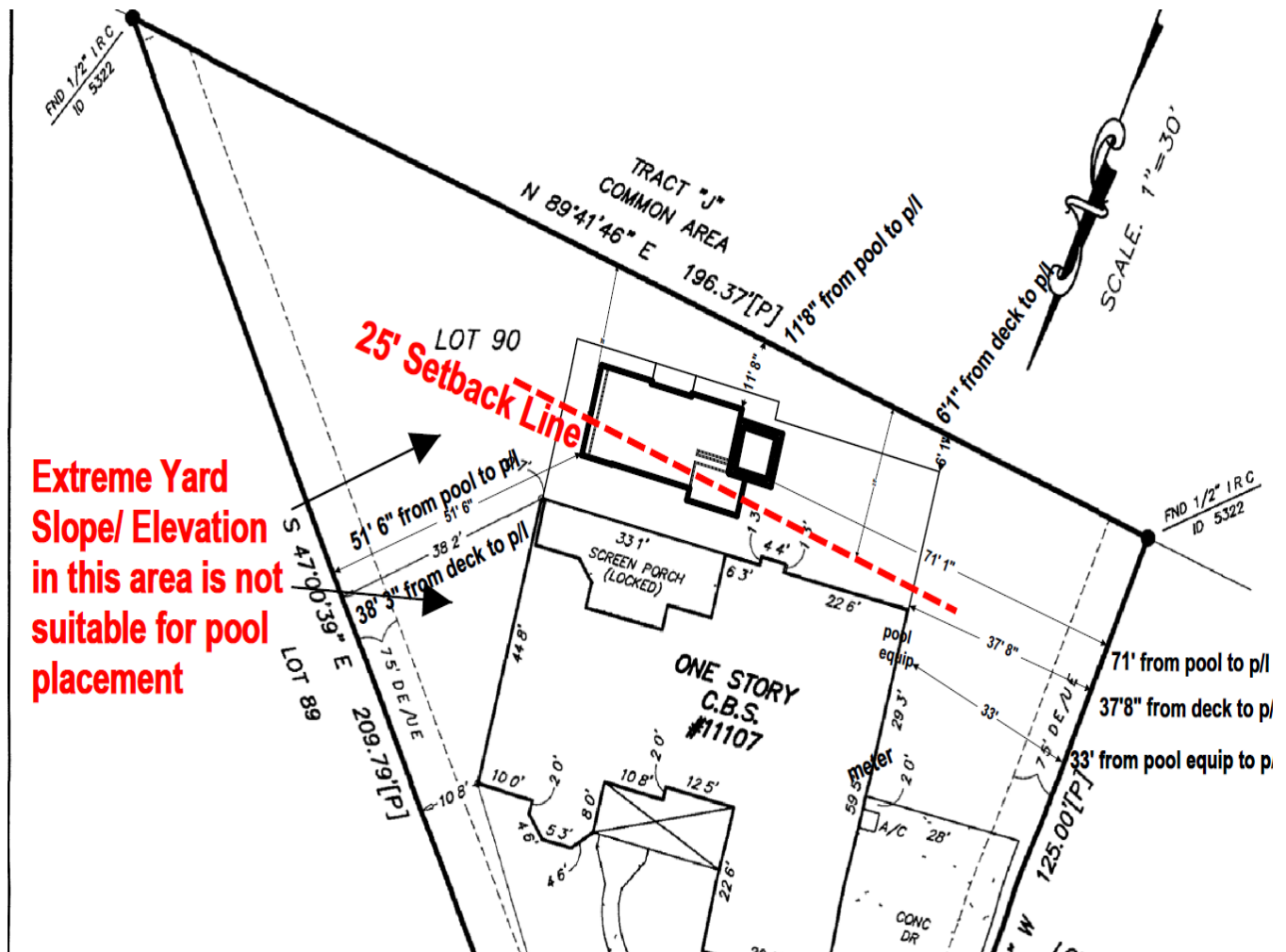
1) With the code as is, the hardship presented to my wife and I are several. First, the unusual shape of the property as illustrated in the attachment makes it very difficult if not impossible to comply with existing regulations, even though ample land exists.

2) We purchased this property in 1998 and had the house built in 2000. Since this time, there is nothing my wife or I have done to this property that self created this problem. If anything, a mature healthy lawn and very large oak trees have mitigated any flooding or pooling of water anywhere on our property as well as surrounding property.

3) Our inability to have a pool built with deck prohibits our ability to improve the value of our property and derive a reasonable financial/economic return on our property. Of note here is the scores of pools built in our subdivision since the first homeowner moved in pre 2000. More specifically, the homeowner living two homes down from us at 11119 Crooked River Court had a pool built 2-3 years ago with the same pool builder and was not required to obtain a variance even though his back yard property is essentially the same or smaller than ours with significantly more elevation and slope features. There are also three pools on either side of me spanning a total of five houses with similar setback issues but no variance was required. These pools have not proved to be detrimental to the surrounding area and have served the public interest.

Let me know if this sufficient to address the issues raised. Thank you

Attachment "G" – Project Narrative (3 of 3)

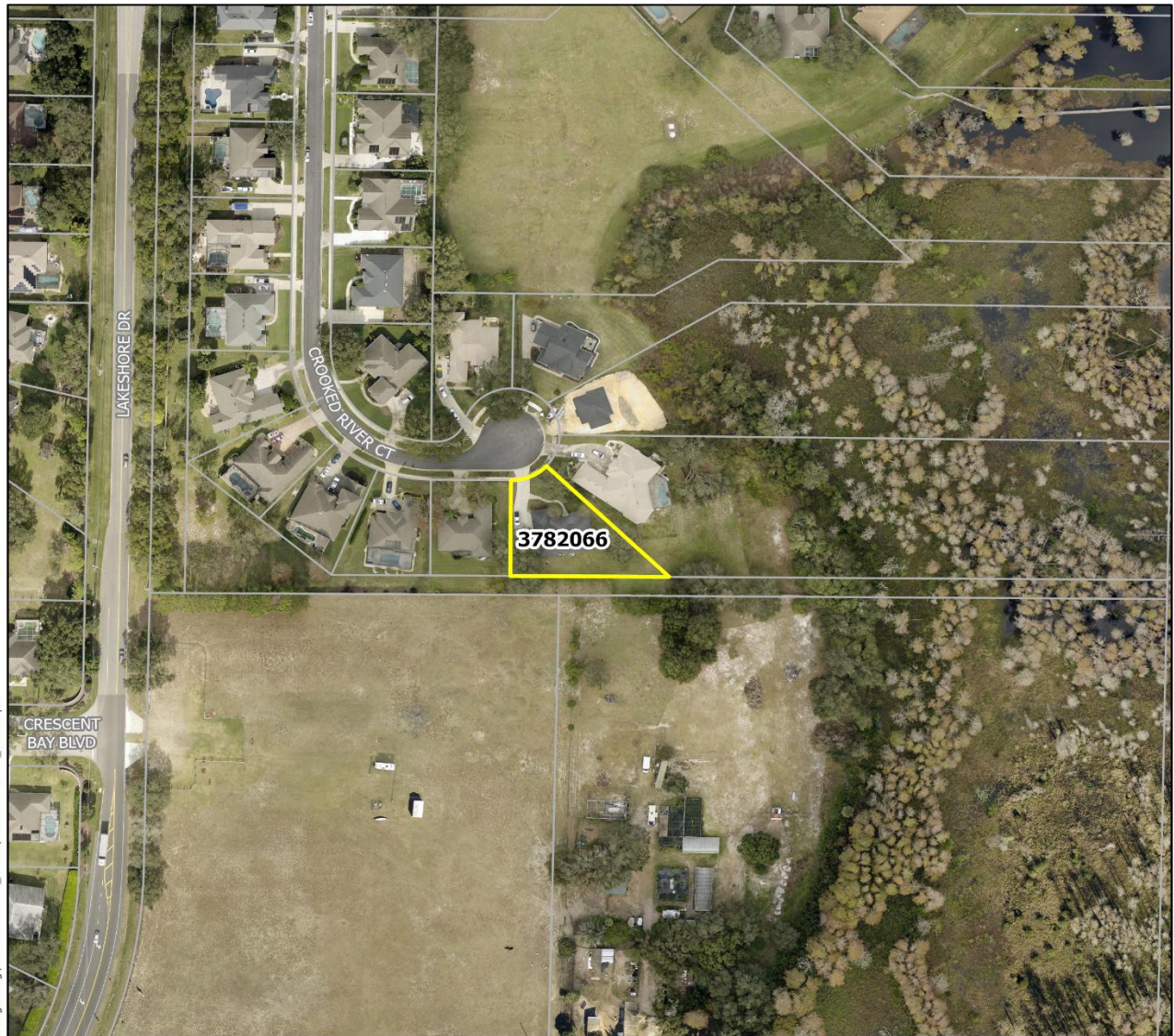


Map of Subject Property



Aerial Map of Subject Property

**Var-PZ2025-153
Carter Property**



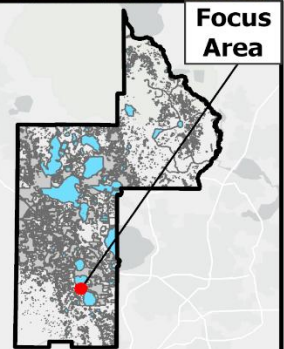
Pool patio variance

Legend

- Streets
- Subject Property
- Tax Parcels



Focus Area



6/4/2025

FINAL DEVELOPMENT ORDER

(PZ2025-153 / AR 6054)

WHEREAS, Neal Carter (the “Applicant”) requested a variance on behalf of Neal A. Carter and Elizabeth L. Carter (the “Owner”), to Lake County Ordinance 1992-08(1)(I)(A)(2) to allow for the construction of an in-ground pool and deck, 6-feet from the rear yard property line in lieu of the required 25-foot rear yard setback; and

WHEREAS, the subject property consists of approximately 0.38 +/- acres located at 11107 Crooked River Court, in the unincorporated Clermont area in Section 01, Township 23 South, Range 25 East, known as Alternate Key Number 3782066, 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 September 3, 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 Ordinance 1992-08 (C)(1)(I)(A)(2) to allow for the construction of an in-ground pool and deck 6-feet from the rear yard property line in lieu of the required 25-foot rear yard setback is hereby granted.
2. **Conditions:** The variance granted above is subject to the following requirements/conditions:
 - a. A separate building and zoning permit will be required before any construction can begin.
 - b. A lot grading plan designed by an engineer licensed by the State of Florida will be required showing the grading and drainage improvements with the addition of the pool while not impacting the subdivision buffer and not adversely affecting neighboring properties with the additional stormwater runoff.
 - c. Tree removal permits will be required before any trees can be removed, if necessary for 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 3rd day of September 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

Lot 90, Susan's Landing, Phase II, according to the plat thereof, as recorded in Plat Book 39, Pages 86 through 88, Public Records of Lake County, Florida.

