



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: February 4, 2026

Case No. and Project Name: PZ2025-230, Freeman Property

Commissioner District: District 3 – Kirby Smith

Applicant: Michael C. Freeman

Owner: Michael C. Freeman

Requested Action: A variance to Land Development Regulations (LDR) Section 6.01.04(A) to allow an accessory structure (patio) to be constructed 12 feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line in lieu of the required Average Setback Determination of 35.71 feet.

Case Manager: Eddie Montanez, Planner I

Subject Property Information

Size: 0.35 +/- gross acres

Location: 12802 Blue Heron Way, in the unincorporated Leesburg area

Alternate Key No.: 1328098

Future Land Use: Urban Low Density (Attachment “A”)

Current Zoning District: Urban Residential (R-6) District (Attachment “B”)

Flood Zone(s): “AE” and “X”

JPA/ISBA: N/A

Overlay/Rural Protection Area: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Urban Residential (R-6) District	Right-of-Way; Residential	Blue Heron Way; Single-Family Residence with Canal Frontage
South	Urban Low Density	Urban Residential (R-6) District	Residential	Single-Family Residence with Canal Frontage
East	Urban Low Density	Urban Residential (R-6) District	Residential	Single-Family Residence with Canal Frontage
West	Urban Low Density	Urban Residential (R-6) District	Residential	Single-Family Residence with Canal Frontage

Summary of Request

The subject parcel is identified by Alternate Key Number 1328098 and contains approximately 0.35 gross acres. The subject parcel is zoned Urban Residential (R-6) District and is designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject parcel is developed with a single-family residence, driveway, shed, seawall, and boat dock as depicted on the Plot Plan (Attachment "C"). GIS maps indicate that the subject parcel is located within flood zones "X"/ "AE" and that wetlands exist on the site.

The Applicant is requesting a variance to LDR Section 6.01.04(A) to allow an accessory structure (patio) to be constructed 12 feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line in lieu of the required Average Setback Determination of 35.71 feet.

The proposed patio as shown on the Plot Plan meets the required side setback of 5 feet from the property line. The property's existing Impervious Surface Ratio (ISR) is 0.21 while the proposed ISR is 0.23 which does not exceed the maximum ISR of 0.55 for the Urban Residential (R-6) Zoning District. The proposed patio is also consistent with LDR Section 10.01.01 entitled *General Requirements for Accessory Structures*. The Applicant is requesting for the proposed accessory structure to be 23.71 feet closer to the canal than what the LDR allows.

The requested action was sent to the Public Works Department and the Office of Fire Rescue for review and determination of consistency with applicable regulations, including flood and stormwater requirements.

The Public Works Department offered the following comments and conditions regarding the request:

Comments

The Applicant's property is adjacent to a manmade canal that empties into Lake Eustis. This flooding source has been mapped by FEMA with an established Base Flood Elevation (BFE) of 63.8' NAVD88 and an associated Design Flood Elevation (DFE) of 65.3' NAVD88.

Staff would require a detailed site plan showing the location of the proposed structure in relation to the existing FEMA SFHA and a stormwater retention plan that would be required to be reviewed and accepted prior to any permits for this property allowing this proposed construction.

Conditions

- 1. 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.*
- 2. Stormwater calculations must be reviewed and approved by the Lake County Public Works Department staff.*
- 3. 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.*

The Chief Fire Plans Examiner reviewed the request and had no comment.

Should the Board of Adjustment 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 intent of LDR Section 6.01.04 entitled *Development near Wetlands and Waterbodies*, is to protect natural resources requiring protection from erosion, sedimentation, water pollution and other negative impacts which may be associated with land use activities.

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 land development regulation intent would not be hindered by the expansion of my patio. The remaining grass area between the seawall and the proposed patio would include the documented floodplain boundary and would serve the Land Development Regulation by ensuring adequate grass area on the property. The side yard and front yard provide significant lawn area.”*

Analysis: The statement provided does not address how the proposed development will mitigate negative impacts to the wetlands on the site.

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 as evidence that the principle of fairness would be violated if the variance isn't approved, *“The existing setback rule effectively prevents the construction of any patio space behind my home. The way that the house is configured on my lot, the rear of the house is at the existing setback limit and no further construction of usable patio space would be possible, given the existing limitations.”*

Analysis: The statement provided does not demonstrate a substantial hardship as there is no justification for the request. Application of the required rear setback on this property would not violate principles of fairness nor affect the Owner of the subject property in a manner that is significantly different than other similarly situated persons subject to the LDR.

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 is a part of the Harbor Shores Unit 2 (PB 17 PG 8) subdivision that was platted on September 12, 1962, and meets LDR Lot of Record requirements.

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

On October 22, 2025, the Applicant received an Average Setback Determination (Attachment “D”) establishing a rear setback of 35.71 feet from the seawall and has no other remedies to pursue their desired patio placement.

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

The developable area is 135 feet wide by 70 feet deep. The subject parcel does not meet this requirement for granting a variance.

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.

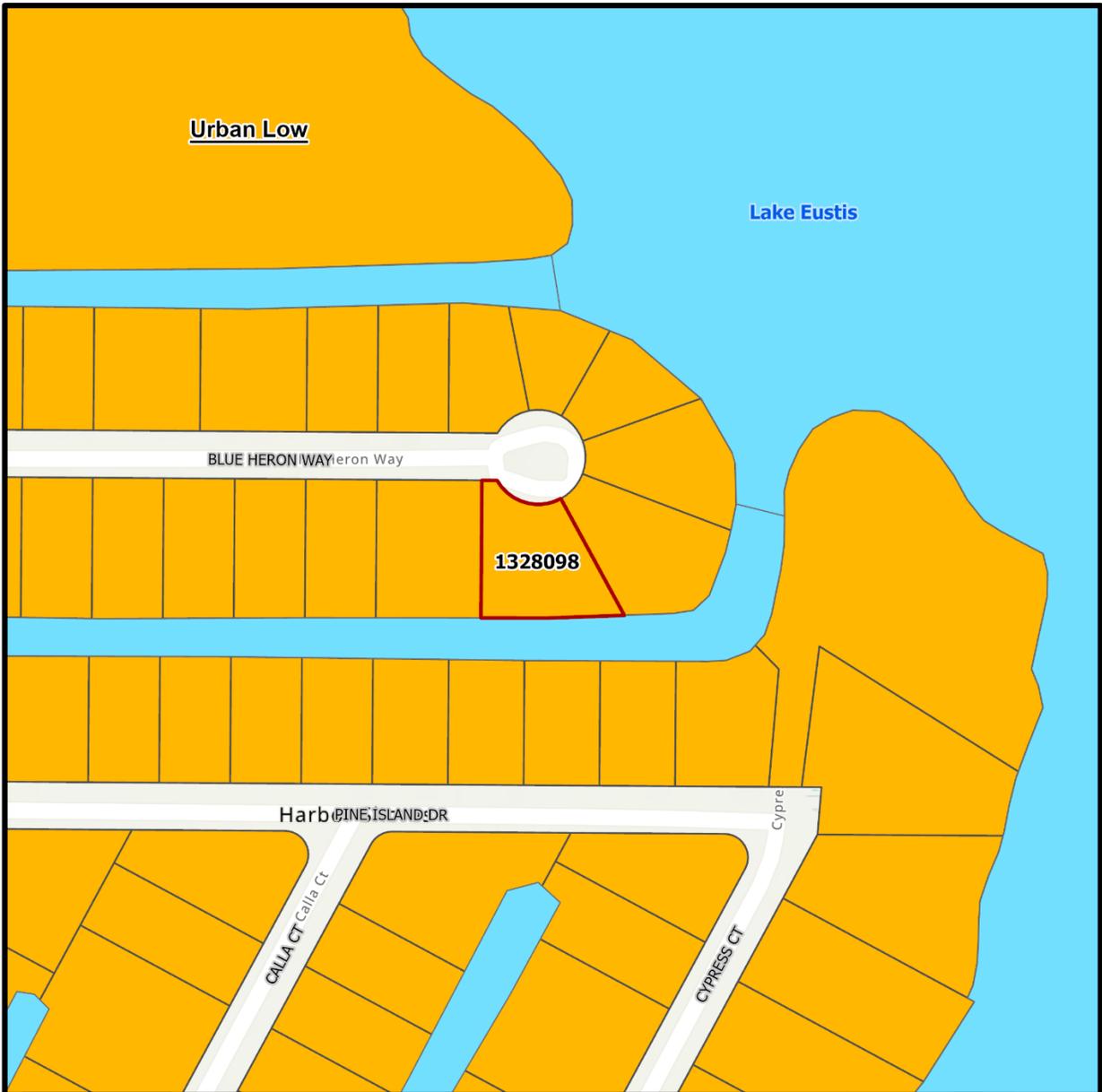
E. Development is constructed as far landward on the lot as possible.

The proposed accessory structure is located as far landward as possible based on the subject parcel's configuration, the existing structures, and the size of the proposed patio.

Analysis: The intent of LDR Section 14.15.04 is to allow for variances on parcels that are Lots of Record but otherwise undevelopable due to wetland setback requirements; the Section also implies that subsections A through E must also be met to grant this type of variance. Being that the subject parcel is already developed approval of this request would exceed the intent of the LDR.

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE

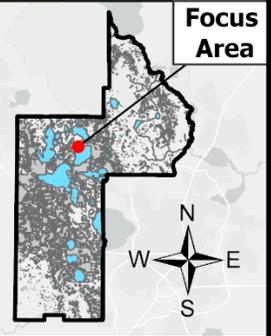


FLU

Urban Low

NAME: FREEMAN PROPERTY
CASE NUMBER: VAR-PZ2025-230
LOCATION (S-T-R): 06-19-26
REQUEST: VARIANCE

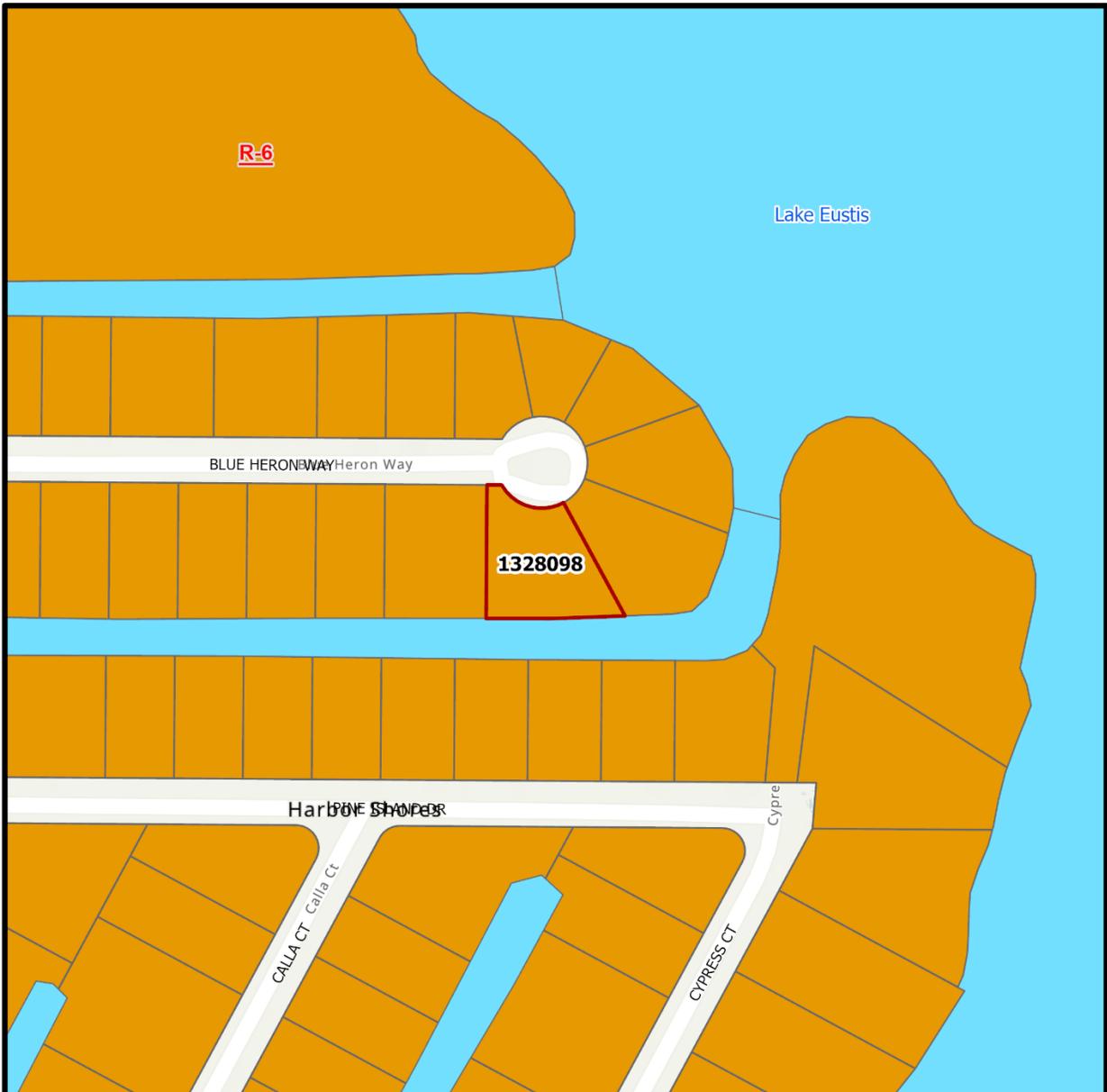
DISTRICT: 3



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11/12/2025

Attachment "B" – Zoning Map

CURRENT ZONING



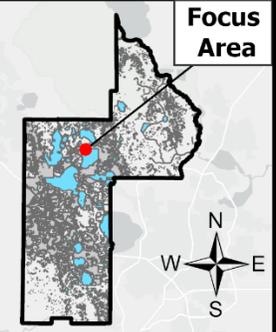
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Zoning

 R-6

NAME: FREEMAN PROPERTY
CASE NUMBER: VAR-PZ2025-230
LOCATION (S-T-R): 06-19-26
REQUEST: VARIANCE

DISTRICT: 3

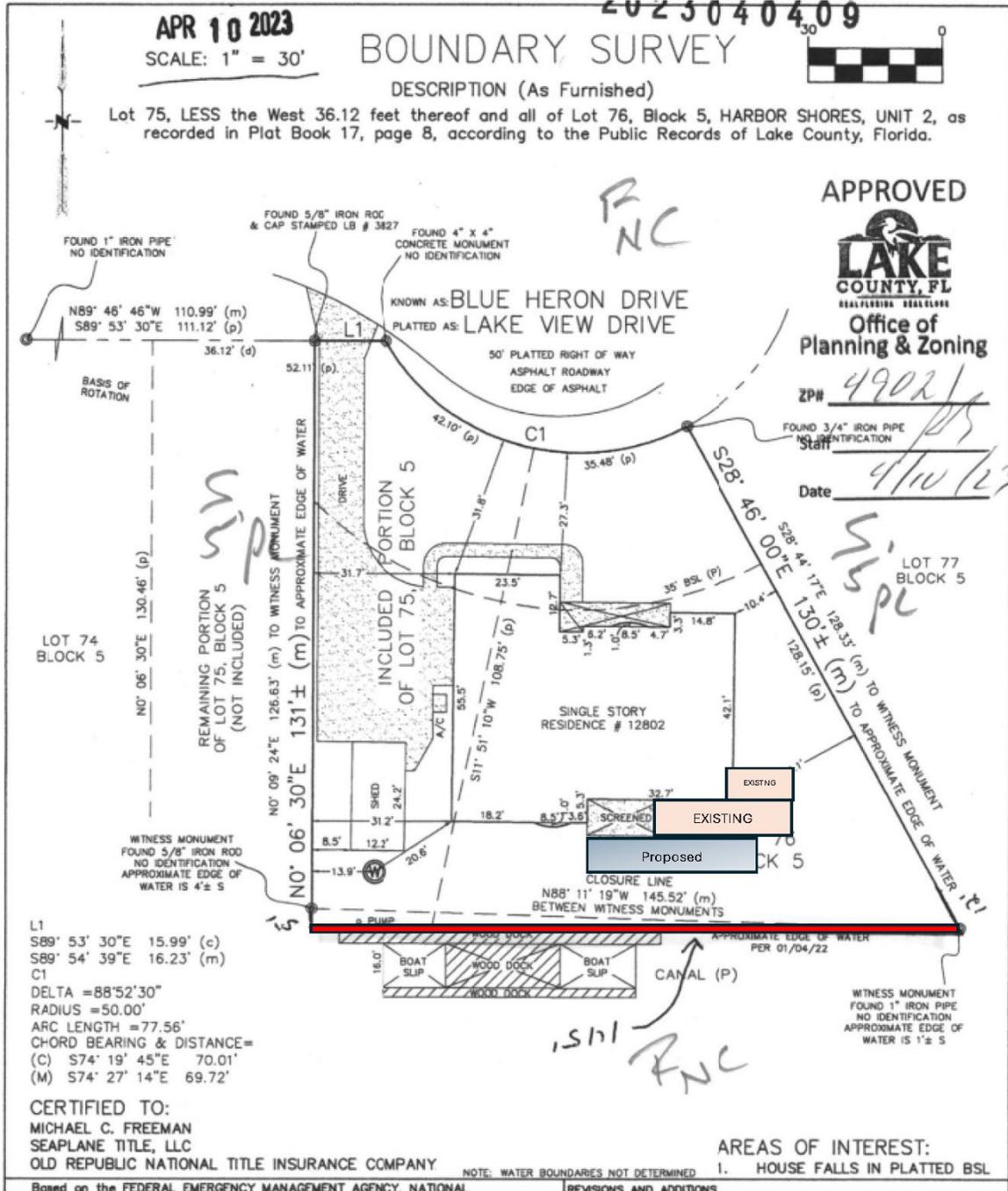


11/12/2025

Attachment "C" – Plot Plan (1 of 2)

MCF 10/23/2025

Survey drawing showing seawall in red and proposed patio concrete expansion in grey. The proposal would leave approximately 12 feet of grass between the new patio concrete and the seawall.



Attachment "C" – Plot Plan (2 of 2)

MCF 10/23/2025



Attachment “D” – Average Setback



Office of Planning & Zoning

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

October 22, 2025
Michael Freeman
12802 Blue Heron Way
Leesburg, FL 34788
Email: mikefreemancpa@gmail.com

Re: Average Setback Results – AS-2025-341
Alternate Key No: 1328098

Dear Mr. Freeman,

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

12740 Blue Heron Way	Rear 33.23 FT	From S/W to Ext Wall of SFR
12726 Blue Heron Way	Rear 38.18 FT	From S/W to Ext Wall of SFR

The measurements resulted in an Average Rear Setback of 35.71 feet from the Seawall 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 angela.smith@lakecountyfl.gov
Sincerely,

Angela Smith
Development Review Technician

cc: Janie Barrón, Planning Manager, Office of Planning and Zoning

P 352.343.9641 • F 352.343.9767
Board of County Commissioners • www.lakecountyfl.gov

Anthony Sabatini
District 1

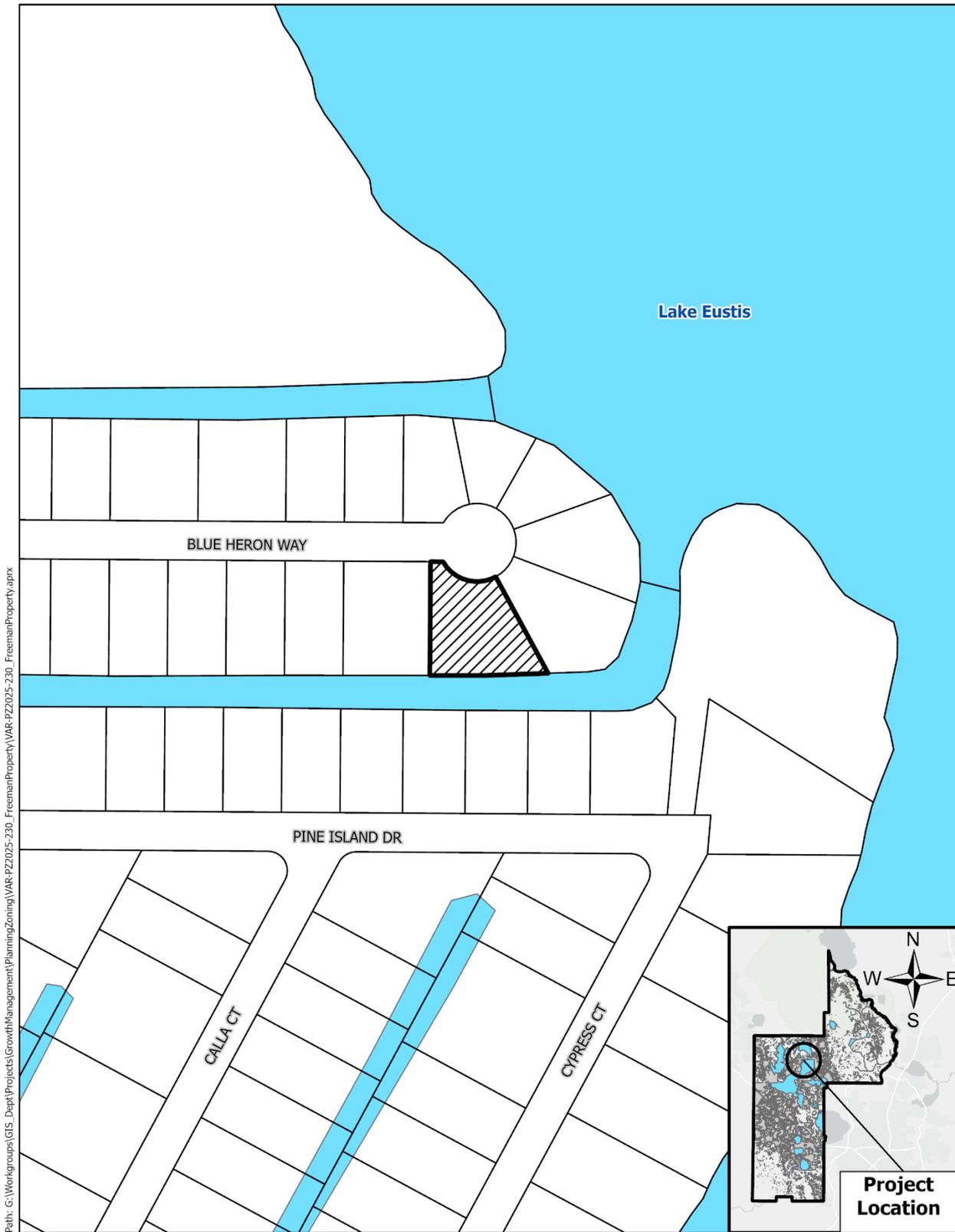
Sean M. Parks, AICP, QEP
District 2

Kirby Smith
District 3

Leslie Campione
District 4

Timothy Morris
District 5

Map of Subject Property



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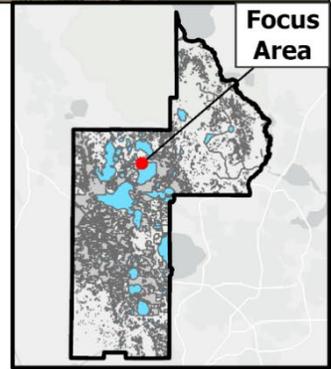
11/12/2025

Aerial Map of Subject Property

VAR-PZ2025-230
Freeman Property



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11/12/2025

FINAL DEVELOPMENT ORDER

(PZ2025-230 / AR 6151)

WHEREAS, Michael C. Freeman (the “Applicant”) requested a variance on behalf of Michael C. Freeman (the “Owner”), to Land Development Regulations (LDR) Section 6.01.04(A) to allow an accessory structure (patio) to be constructed 12 feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line in lieu of the required Average Setback Determination of 35.71 feet; and

WHEREAS, the subject property consists of approximately 0.35 +/- acres located at 12802 Blue Heron Way in the unincorporated Leesburg area in 6 Section, Township 19 South, Range 26 East, identified by Alternate Key Number 1328098, 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 February 4, 2026; 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 6.01.01(A) to allow an accessory structure (patio) to be constructed 12 feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line in lieu of the required Average Setback Determination of 35.71 feet is hereby granted.
2. **Conditions**: The variance granted above is subject to the following requirements / conditions:
 - a. Stormwater calculations must be submitted at the time of issuance of each individual zoning permit for an interceptor/environmental 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.
 - d. A separate zoning and building permit will be required before construction can begin.
3. **No Estoppel**: Approval of this variance cannot be relied upon to assert a claim of estoppel against the County if the property identified herein cannot be developed due to the inability

to meet other requirements under the applicable Land Development Regulations. The Owner is solely responsible for performing any necessary due diligence to ensure the property will appropriately support future development.

- 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 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 February 2026, 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 for an administrative order must comply with all applicable Florida Rules of Appellate Procedure.

EXHIBIT "A", LEGAL DESCRIPTION.

Lot 75, LESS the West 36.12 feet thereof and all of Lot 76, Block 5, Harbor Shores, Unit 2, according to the map or plat thereof as recorded in Plat Book 17, Page 8, Public Records of Lake County, Florida.

