



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: March 4, 2026

Case No. and Project Name: PZ2025-404, Mullen Property

Commissioner District: District 3 – Kirby Smith

Applicant(s): Thomas Mullen

Owner(s): Thomas Sullivan Mullen and Charlotte Mullen

Requested Action: A variance to Land Development Regulations (LDR) 6.01.04(A)(1), to allow a pool with deck to be constructed thirty-nine (39) feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, whichever is further landward, in lieu of the required fifty (50) foot setback.

Case Manager: Meagan Bracciale, Planner II

Subject Property Information

Size: 0.39 +/- acres

Location: 11416 Lake Eustis Drive, in the unincorporated Leesburg area

Alternate Key No.: 1496641

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

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

Flood Zone(s): “AE” and “X”

JPA/ISBA: City of Leesburg Interlocal Service Boundary Agreement (ISBA) Area

Overlay/Rural Protection Area: N/A

BMAP Location: Upper Ocklawaha

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Medium Density	Urban Residential (R-6) District	Residential	Single-Family Residence
South	Urban Medium Density	Urban Residential (R-6) District	Residential	Vacant
East	Urban Medium Density	Urban Residential (R-6) District	Residential	Single-Family Residence East of the Canal

Direction	Future Land Use	Zoning	Existing Use	Comments
West	Urban Medium Density	Urban Residential (R-6) District	Residential	Single-Family Residence West of Lake Eustis Drive

– Summary of Request –

The subject parcel is identified by Alternate Key Number 1496641 and contains approximately 0.39 +/- acres. The subject parcel is zoned as Urban Residential (R-6) District and is designated with an Urban Medium Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject parcel is developed with a single-family residence, metal shed, seawall, and a covered dock, as shown on the Plot Plan (Attachment “C”).

Pursuant to LDR Table 3.02.06, the maximum impervious surface ratio (ISR) for the Urban Residential (R-6) zoning district is fifty-five (55%) percent. Should the proposed variance be approved, the proposed development will result in a total ISR of thirty (30%) percent, in compliance with LDR Table 3.02.06.

GIS maps indicate that the subject parcel is located within flood zones “AE” and “X” and there is no indication that wetlands exist on the site. On December 29, 2025, the requested action was sent to the Public Work Department for review for a determination of consistency with applicable regulations, including flood and stormwater requirements. The subject property has no Special Flood Hazard Areas on it. Floodplain Management staff had no objections to this application and stated that based on the provided conceptual plan and FEMA FIRMs, this project will be sited completely outside the Special Flood Hazard Area. The Public Works Department had no objections to this application, but recommended the following conditions for the variance:

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.

On December 29, 2025, the requested action was sent to the Fire Safety Chief Plans Examiner for review for a determination of consistency with applicable regulations. The Chief Plans Examiner did not have any concerns or comments about the proposed variance.

The Applicant is requesting a variance to LDR 6.01.04(A)(1), to allow a pool with deck to be constructed thirty-nine (39) feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, whichever is further landward, in lieu of the required fifty (50) foot setback.

The subject parcel is located within the City of Leesburg Interlocal Service Boundary Agreement (ISBA) and the application was provided to the City of Leesburg to review for a determination of consistency with their regulations. The City of Leesburg has provided no comments or concerns about the proposed variance request.

The Applicant provided a Project Narrative as shown on Attachment “D”.

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 –

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 LDR Section 6.01.04, entitled *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 be conditioned so as to conserve and ensure the protection of adjacent wetlands, identified on Attachment “C” by the Ordinary Water Line at the seawall.

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, *“Please view, on GIS Lake County interactive Map, the following properties which have similarly placed Pools, in relation to the Canal, 2 of which are approximately 32 to 35 feet from canal waters edge, and 2 others at approximately 40 feet to canal waters edge. We are respectfully requesting a similar setback for our pool project at 39 feet.*

Properties (Attachment “E”):

- 11220 Lake Eustis Dr. pool setback is approx. 32 feet
- 11336 Lake Eustis Dr. pool setback is approx. 35 feet (measure to side canal edge)
- 11422 Lake Eustis Dr. pool setback is approx. 40 feet
- 11430 Lake Eustis Dr. pool setback is approx. 40 feet

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 current setback requirements are 50-feet. Our proposed pool requires a variance for an additional 11-feet of space, thus we are requesting a revised setback of 39-feet from the canal. We have identified four (4) existing SFR properties, with pools, on our street with very similar setbacks.*

Properties (Attachment “E”):

- 11220 Lake Eustis Dr. pool setback is approx. 32 feet
- 11336 Lake Eustis Dr. pool setback is approx. 35 feet (measure to side canal edge)
- 11422 Lake Eustis Dr. pool setback is approx. 40 feet
- 11430 Lake Eustis Dr. pool setback is approx. 40 feet

Pursuant to LDR 6.01.04(A)(1)(d), for an average setback determination on lots that cannot meet the fifty (50) foot setback requirement and front on a canal, the two closest principal structures or dwelling units on the same side of the canal shall be used for the average setback determination. Due to the average setback reference

measurements being required to be taken from the existing, compliant principle structures and not from the permitted pools, an average setback determination was not advantageous for the proposed pool and deck.

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 Sunny Dell Park First Addition subdivision was established in May of 1954 and is recorded in Plat Book 12, Page 76-77.

Pursuant to Lake County Comprehensive Plan Policy I-7.1.3(G), Existing Lot Exception for Density, there shall be an exception to the density requirements to the Comprehensive Plan for any lot for which a Certificate of Occupancy was issued for a single-family residence by Lake County, in accordance with Lake County terms and conditions, prior to the adoption of this plan. The subject parcel has an existing residence that was constructed in 1990.

For these reasons, Staff recognizes that the subject lot is a Developable Lot of Record.

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

As stated above, pursuant to LDR 6.01.04(A)(1)(d), for an average setback determination on lots that cannot meet the fifty (50) foot setback requirement and front on a canal, the two closest principal structures or dwelling units on the same side of the canal shall be used for the average setback determination. Due to this requirement, an average setback determination was not appropriate for the proposed pool and deck.

Staff have determined that a variance to Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow a pool with deck to be constructed thirty-nine (39) feet from the ordinary high waterline, in lieu of the required 50-foot setback, is the only viable remedy to allow the proposed development.

2. 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 to 30 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.

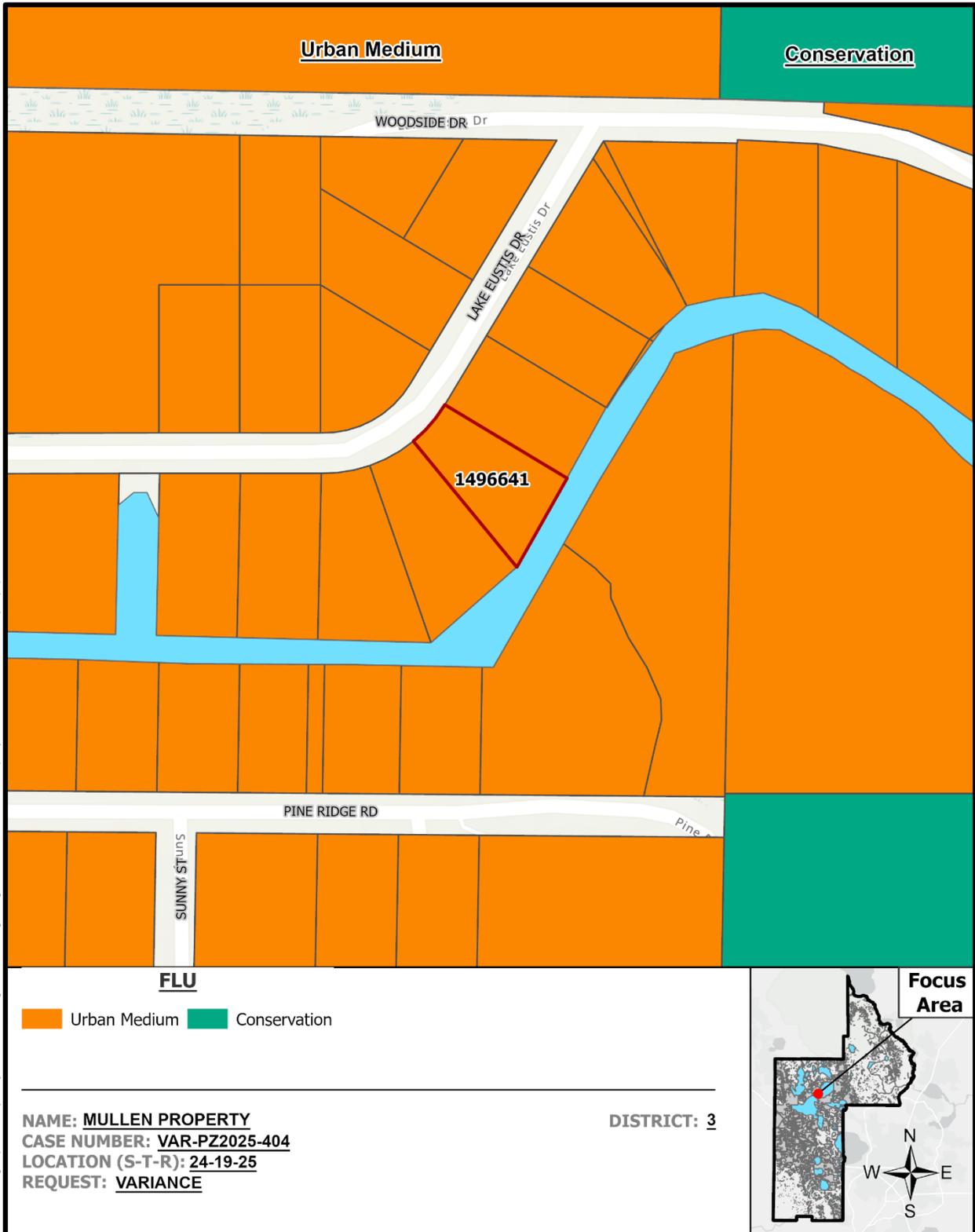
Stormwater Calculations must be submitted and approved by the Lake County Public Works Department at the issuance of each individual zoning permit.

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

The proposed building envelope is set as far landward as possible within the limits of the parcel and the placement of the existing residence.

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE



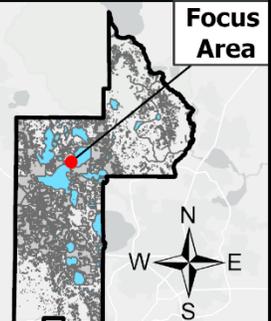
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2/5/2026

FLU

Urban Medium Conservation

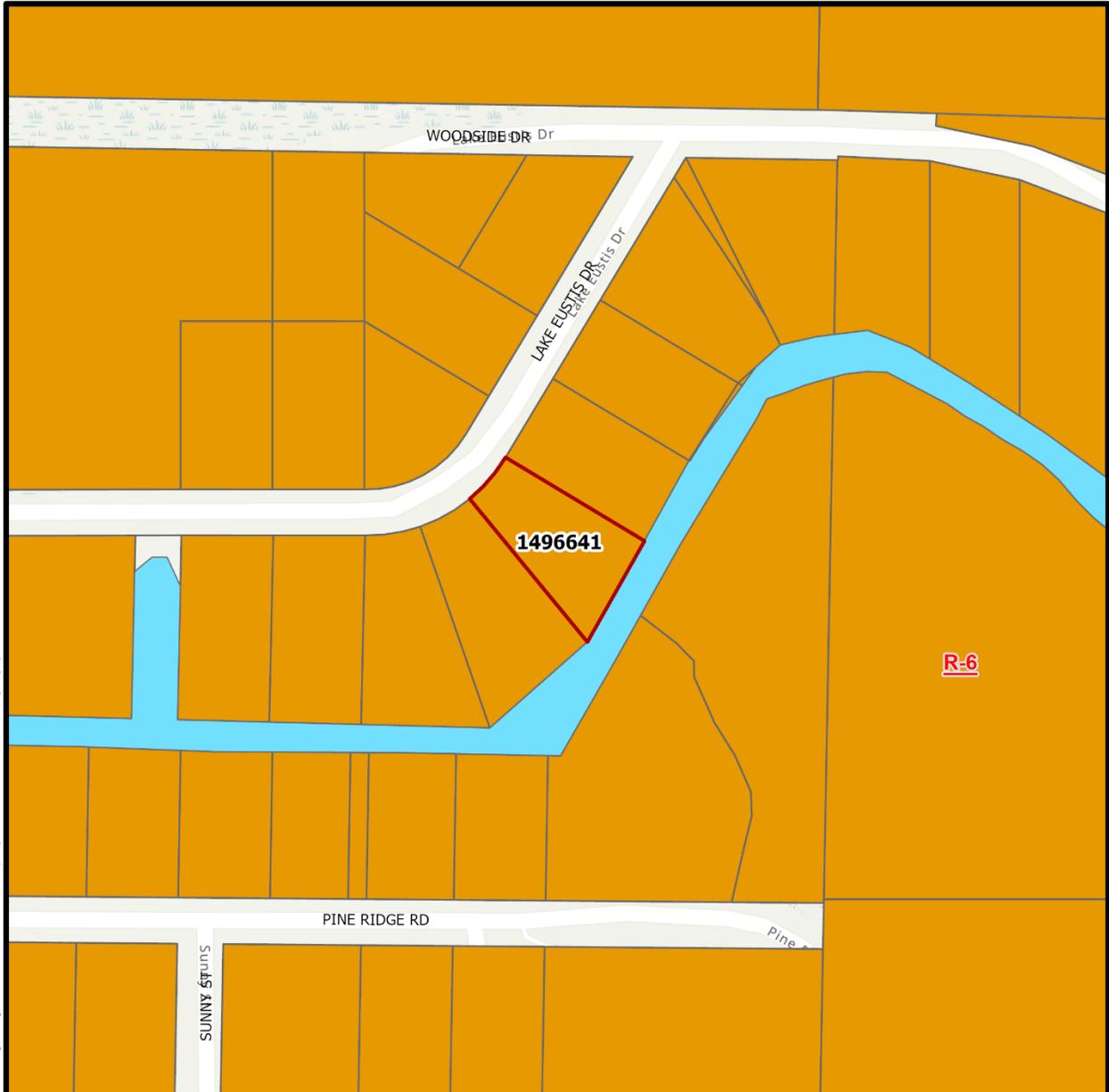
NAME: **MULLEN PROPERTY**
CASE NUMBER: **VAR-PZ2025-404**
LOCATION (S-T-R): **24-19-25**
REQUEST: **VARIANCE**

DISTRICT: **3**



Attachment "B" – Zoning Map

CURRENT ZONING

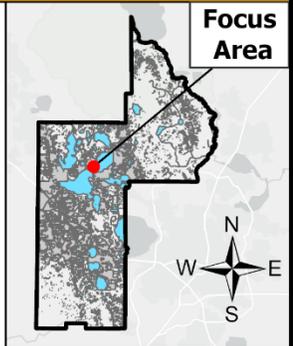


Zoning

 R-6

NAME: MULLEN PROPERTY
CASE NUMBER: VAR-PZ2025-404
LOCATION (S-T-R): 24-19-25
REQUEST: VARIANCE

DISTRICT: 3



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ATTACHMENT "D" PROJECT NARRATIVE

Office of Planning and Zoning



Project Narrative Variance

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

Current setback requirements are 50 feet. Our proposed pool requires a variance for an additional 11 feet of space, thus we are requesting a revised setback of 39 feet from the canal.

We have identified 4 existing SFR properties, with pools, on our street with very similar setbacks

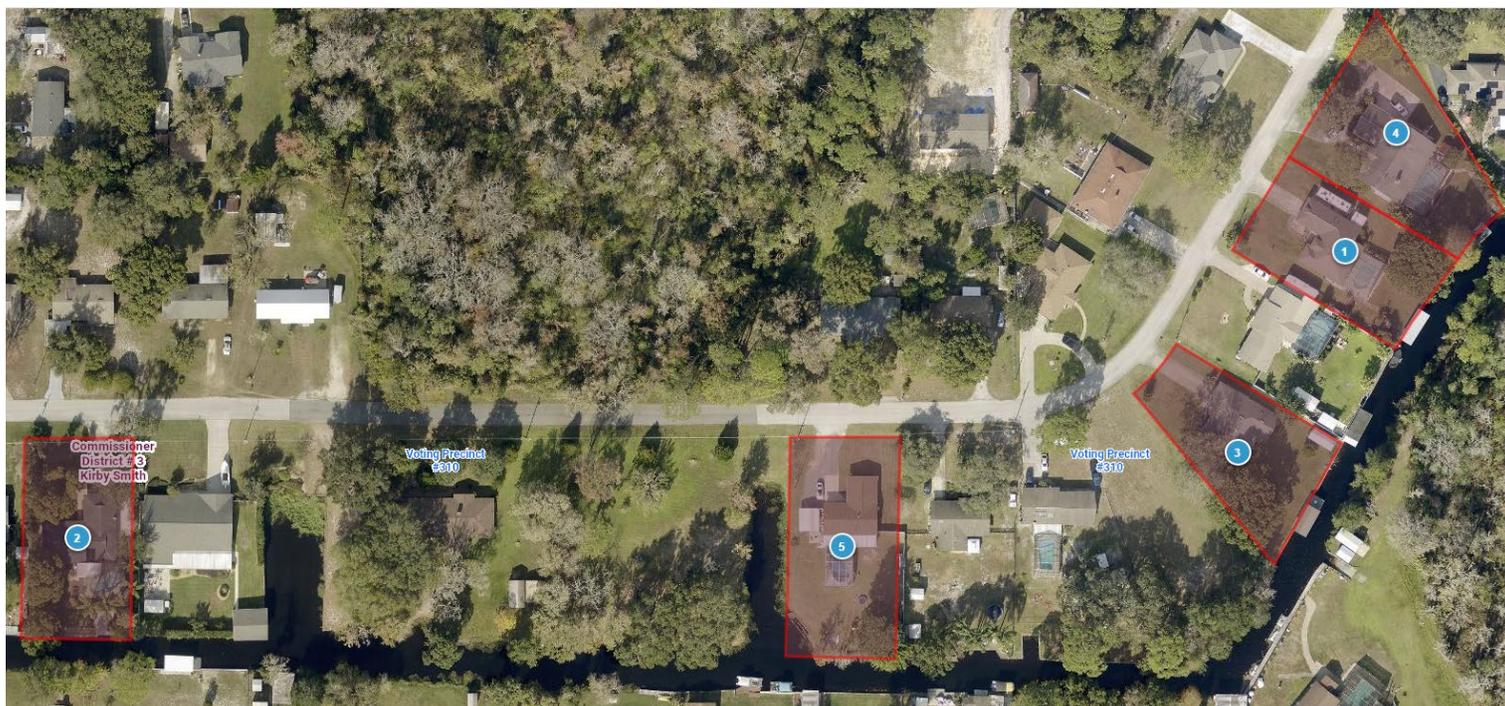
2. Describe how the purpose of the Land Development Regulation will be or has been achieved by other means:

Please View, on GIS Lake County interactive Map, the following properties which have similarly placed Pools, in relation to the Canal, 2 of which are approximately 32 to 35 feet from canal waters edge, and 2 others at approximately 40 feet to canal waters edge. We are respectfully requesting a similar setback for our pool project at 39 feet.

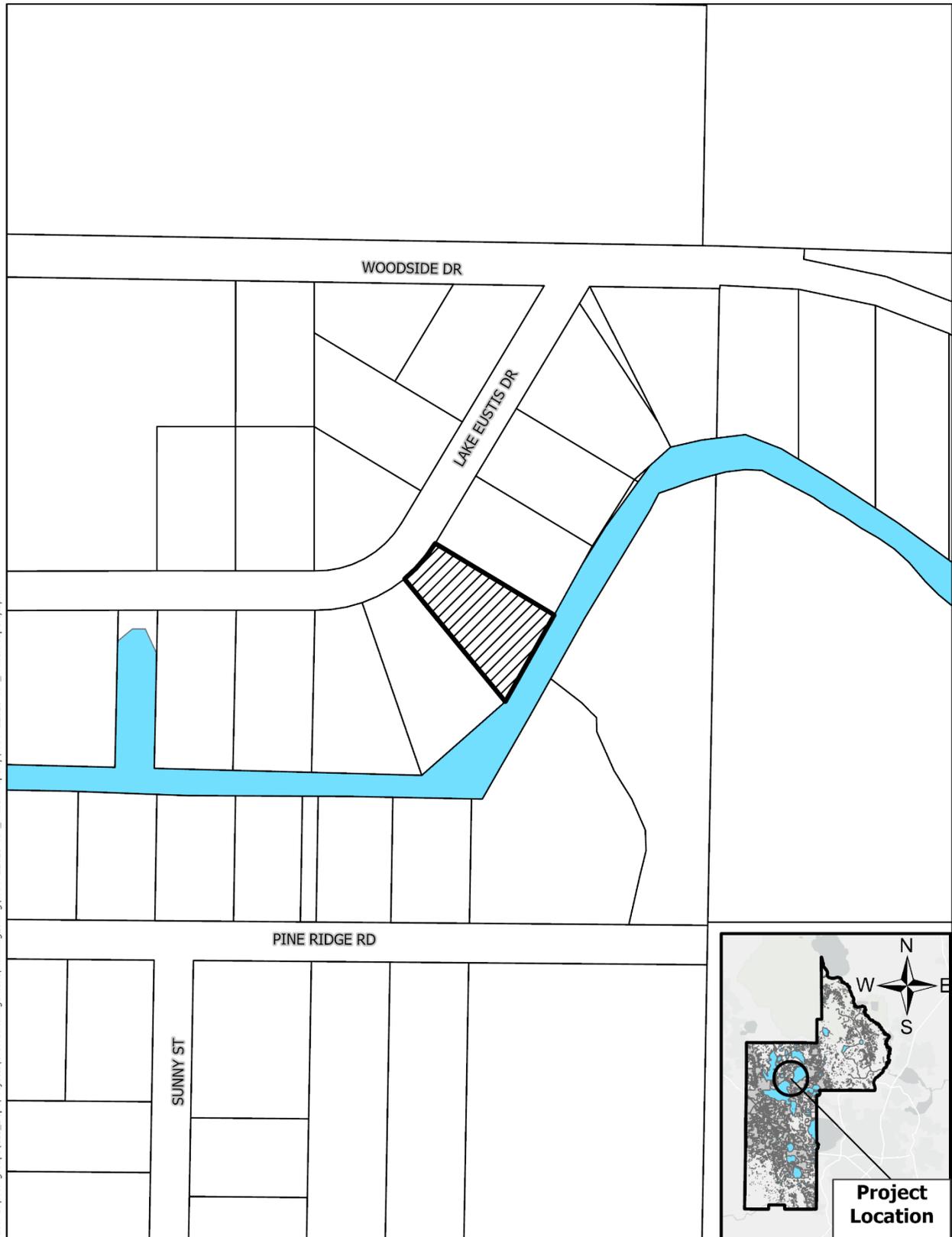
Properties:

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ATTACHMENT "E" COMPARATIVE PROPERTIES



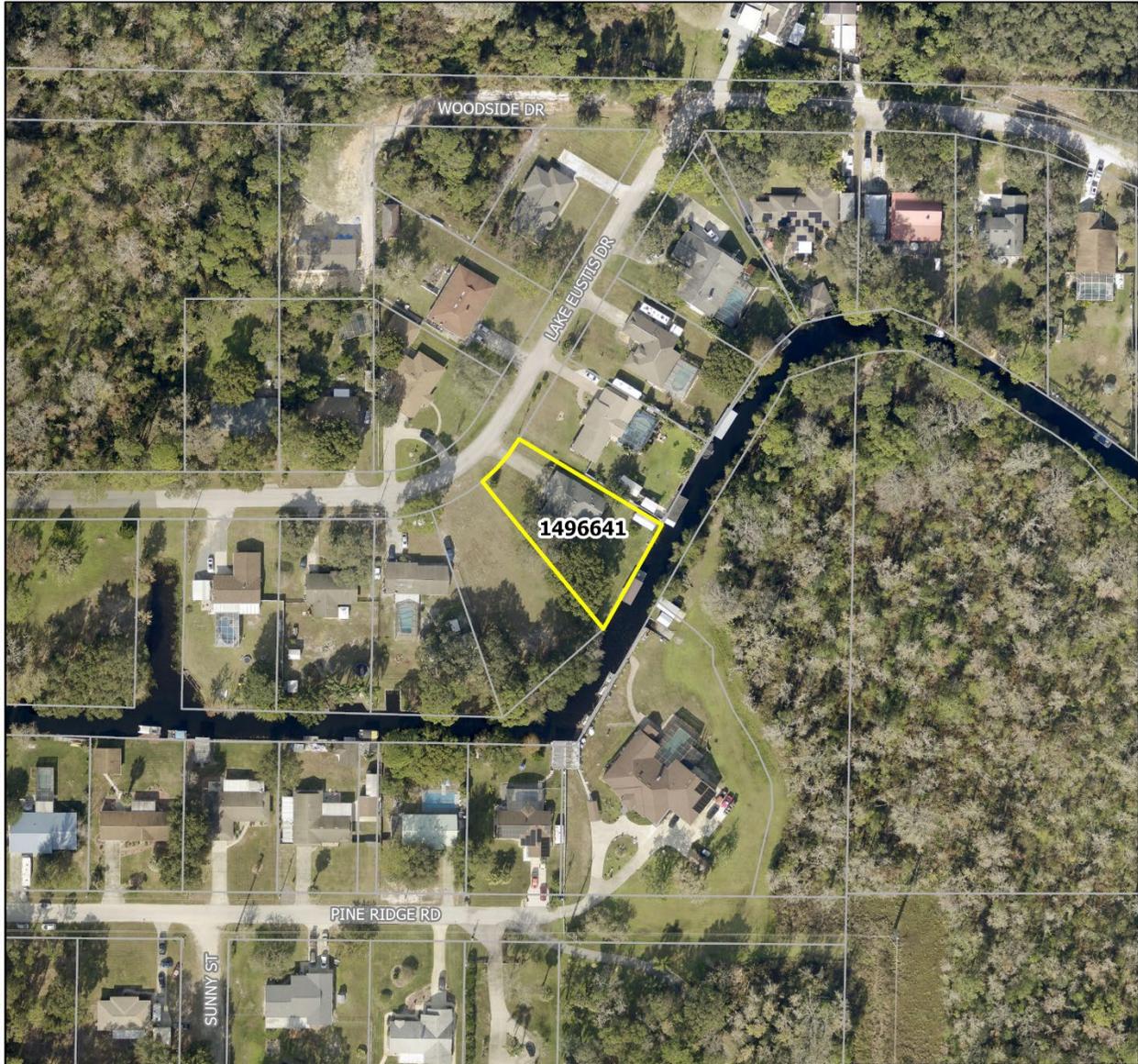
Map of Subject Property



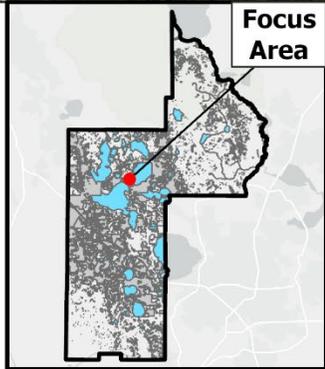
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Aerial Map of Subject Property

VAR-PZ2025-404
Mullen Property



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2/5/2026

FINAL DEVELOPMENT ORDER

(PZ2025-404/ AR 6310)

WHEREAS, Thomas Sullivan Mullen and Charlotte Mullen (the “Owners”) requested a variance to Land Development Regulations (LDR) Section 6.01.04(A)(1), to allow a pool with deck to be constructed thirty-nine (39) feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, whichever is further landward, in lieu of the required fifty (50) foot setback; and

WHEREAS, the subject property consists of approximately 0.39 +/- acres located at 11416 Lake Eustis Drive in the unincorporated Leesburg area in Section 24, Township 19 South, Range 25 East, identified by Alternate Key Number 1496641, 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 March 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 6.01.04(A)(1), to allow a pool with deck to be constructed thirty-nine (39) feet from the ordinary high-water line, mean high water line, or jurisdictional wetland line, whichever is further landward, in lieu of the required fifty (50) foot setback, is hereby granted.
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 for an interceptor/environmental swale that is sized to capture the first one inch (1”) of stormwater runoff on the subject parcel.
 - c. Storm water calculations must be reviewed and approved by the Lake County Public Works Department staff.
 - d. 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 the improvement/addition for the site; installed prior to any final inspection, inspected, and approved by the Lake County Public Works Department staff.
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. **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.
- 5. **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 March 2026, by Bea Meeks, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

(SEAL)

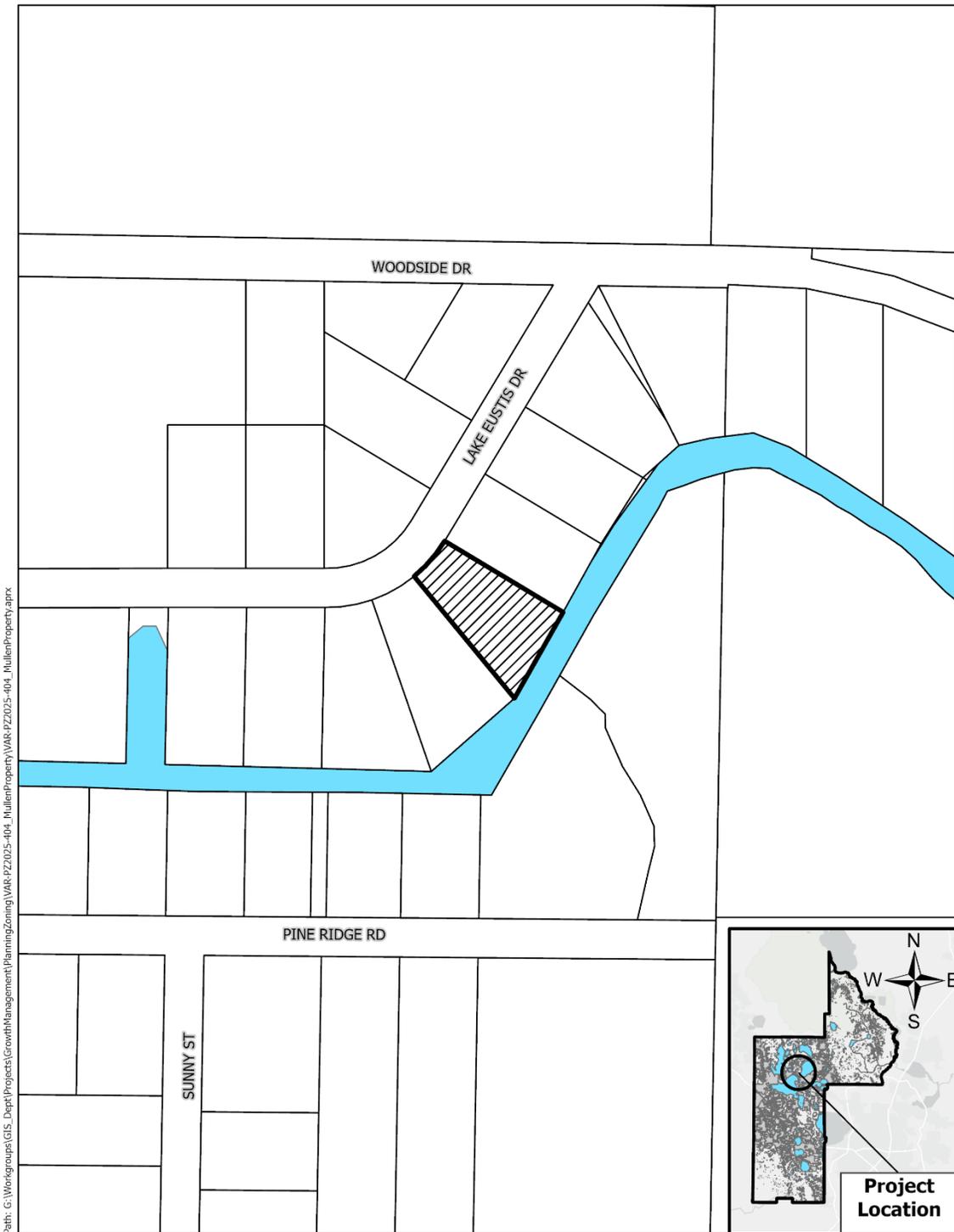
Notary Signature

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 8, Block B, FIRST ADDITION TO SUNNY DELL PARK, according to the plat thereof, recorded in Plat Book 12, Page 76, of the Public Records of Lake County, Florida.



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