



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: March 4, 2026

Case No. and Project Name: PZ2025-304, Drifters Riverfront

Commissioner District: District 4 – Leslie Campione

Applicant: P. Colin Rice, Esq

Owner: Astor Riverfront, LLC

Requested Action: 1. A variance to Land Development Regulations (LDR) Section 9.07.12(A)5 to allow a chickee deck to remain at 6.8 feet NVAD88 in lieu of the required 7.8 feet NVAD88.

2. A variance to LDR Section 9.01.06 to allow a waiver to landscaping buffer requirements in lieu of the required buffers.

3. A variance to LDR Section 9.06.00 to allow a waiver to stormwater management requirements related to installation of the chickee.

4. A variance to LDR Table 3.02.05 to allow an accessory commercial structure (ADA bathroom) to be setback 20.46-feet from the northern property line in lieu of the required 50-feet from all roads or right-of-way.

Case Manager: Eddie Montanez, Planner I

Subject Property Information

Size: 1.43 +/- gross acres

Location: 55716 Front Street, in the unincorporated Astor area

Alternate Key Nos.: 1814600; 1784361

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

Current Zoning District: Neighborhood Commercial District (C-1) (Attachment “B”)

Flood Zone: “AE”

JPA/ISBA: N/A

Overlay/Rural Protection Areas: Wekiva-Ocala Rural Protection Area (RPA) (Attachment “C”)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Neighborhood Commercial (C-1)	Right-of-way; Residential	State Road 40; Single-Family Lake Frontage
South	Urban Low Density	Neighborhood Commercial (C-1)	Residential	Manufactured Home Park (Castaways on the River)
East	N/A	N/A	Government Wetland	State of Florida; St Johns River
West	Urban Low Density	Urban Residential District (R-6)	Right-of-way; Residential	Front Street; Blackwater Lane; Vacant Residential

Summary of Request

The subject property, identified by Alternate Key Numbers 1814600 and 1784361, contains approximately 1.43 gross acres, is zoned Neighborhood Commercial (C-1), and is designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The parcels are situated within the Wekiva-Ocala Rural Protection Area (RPA). The subject property is developed with a two-story commercial building (restaurant), parking lot, sidewalks, seawall, sheds, picnic pads, dumpster enclosure, observation deck with an unpermitted chickee hut, an outdoor dining area, and boat docks. The existing development and the proposed ADA restroom are depicted on the Plot Plan (Attachment “D”). GIS maps indicate that the subject parcel is located fully within the “AE” flood zone and there are wetlands adjacent to the site (St. Johns River).

The Applicant is requesting a variance to the following LDR Sections:

1. A variance to LDR Section 9.07.12 to allow a chickee deck to remain at 6.8 feet NVAD88 in lieu of the required 7.8 feet NVAD88.
2. A variance to LDR Section 9.01.06 to allow a waiver to landscaping buffer requirements in lieu of the required buffers.
3. A variance to LDR Section 9.06.00 to allow a waiver to stormwater management requirements related to installation of the Chickee.
4. A variance to LDR Table 3.02.05 to allow an accessory commercial structure (ADA bathroom) to be setback 20.46-feet from the northern property line in lieu of the required 50-feet from all roads or right-of-way.

On May 13, 2025, County Staff approved Site Plan PZ2024-047 (Attachment “E”) for an after-the-fact chickee structure. The approved site plan meets all LDR requirements and depicts an elevated chickee deck (6.8 feet NVAD88), the required landscaping buffer, and a stormwater retention area (under deck). The site plan also contains a note that no mechanical, electrical, or plumbing is proposed.

On October 28, 2025, the requested action was sent to the Development Review Staff for a determination of consistency with applicable regulations; the following comments were provided:

Floodplain Management

Based on the review of the narrative, the information provided, and Lake County, State, and Federal Floodplain Management regulations, Floodplain Management Staff offers the following:

1. *The Applicant initially constructed a full bar below Design Flood Elevation (DFE) in a Regulatory Floodway, in clear violation of local, state, and federal Floodplain Management Regulations.*

2. *The Applicant has continued to show plumbing and electrical work in all previous submittals for permitting for this structure in spite of being notified in writing by Floodplain Management Staff that such utilities were not permitted in this structure without it being elevated to or above DFE.*
3. *The Applicant's currently approved site plan was approved with the explicit condition that no electrical, plumbing, or mechanical equipment was to be included in this structure.*

*Based on this information and the Applicant's assertion that all utilities have been removed from the structure, Floodplain Management approves of this Application **WITH THE FOLLOWING CONDITIONS:***

1. *The Applicant's proposed structure is deemed a **covered observation deck** for regulatory purposes. Covered observation deck means an open platform constructed to stand alone away from other structures and used for observation. No vertical walls, half-walls, or other potential obstructions to the flow of water is permitted as a condition of this variance, with the exception of the railings that have already been constructed.*
2. *[If the] variance is approved, [it should be done] with the understanding that this structure will remain a **covered observation deck with no utilities whatsoever**. Any electrical, mechanical, or plumbing equipment must be approved by Floodplain Management. The Applicant is hereby notified that any attempts to convert this structure back into bar space can only be approved if it is elevated to or above Design Flood Elevation. Any such changes **SHALL** be permitted **PRIOR** to any construction or conversion.*

Please note that these comments are SOLELY dealing with the Floodplain Management variance request and do not confer ANY approval to the proposed variance/waiver requests to Stormwater or Landscape Standards.

Comments regarding ADA restroom:

1. *The proposed structure is not in compliance with the approved site plan. Specifically, the site plan calls out in Note #2, "No Mechanical, Electrical, or Plumbing Proposed." Given that plumbing will be required to operate this bathroom, this proposal is not compliant.*
2. *The Applicant is proposing a structure that is in clear violation of Lake County, State, and Local Floodplain Ordinances, showing an established Finished Floor Elevation of 5.3' NAVD88, more than TWO FEET below the required Design Flood Elevation. Per NFIP regulations, all electrical, mechanical, and plumbing equipment is required to be elevated to at least Design Flood Elevation.*

A revised site plan showing this proposed structure is required. Such site plan would be required to show compliance with Lake County Flood Regulations.

Office of Building Services

1. *The Chickee/Tiki structure must comply with the requirements of the 8th Edition (2023) Florida Building Code (FBC) Section 1612 Flood Loads.*
2. *Building Services does not support any variance that creates a violation of FEMA regulations or a threat to public safety and welfare.*

Comments regarding ADA restroom:

Building Services does not support any variance that creates a violation of the FEMA regulations. If the structure is found to be compliant with FEMA regulation [building permits will be required].

Fire Inspector/Plans Examiner

After further review, the recently approved site plan indicates that no mechanical, electrical, or plumbing work was proposed. However, there are currently two permits—one electrical and one plumbing—under review for work associated with an unpermitted structure on the site. Until the site is brought into full compliance regarding this

unpermitted structure, Fire cannot support any variance request for this location.

Landscaping Inspector

The Landscaping Inspector does not support the variance and recommends the Landscaping Plan remain as depicted on approved site plan.

Public Works Department

The request for a variance to the 9.06.00 Stormwater code is not supported by Public Works Department. Lake County has additional stormwater criteria and requirements [in addition to] state stormwater management rules.

- *The County is very unique area within the State of Florida with varying topography with diverse grade changes, lakes, wetlands, and flood prone areas. It is the direction of the [Board of County Commissioners] to hold the stormwater and flood rules to the highest degree. These current rules related to stormwater and drainage are in place to ensure that additional impervious surfaces to not negatively impact flooding, drainage impacts, nor water quality. The site is next to the St Johns River and within a floodway.*
- *The improvements proposed will cover up more land and exceed the exempted requirements as well as being next to a surface water body known as the St Johns River. The site is commercial and does not meet any of the exemptions such as residential parcel, agricultural, silvicultural, nor maintenance on existing system.*

This request is for a site where a structure was constructed without an approved site plan. The site plan that was [subsequently approved] includes stormwater management that meets the county requirements. The approval of that site plan was based on having this stormwater management area. There is work that still needs to be done in order to bring the site into compliance based on the site plan. The stormwater management shown on the site plan would aid in managing the direct discharging [of] stormwater runoff from the improvements from going directly into the St Johns River.

For background purposes, on November 29, 2025, the Owner of the subject property executed a Development Agreement (Attachment “F”) with Lake County; the purpose of the agreement is to amicably resolve differences regarding the interpretation of Section 553.73(10)(i), Florida Statutes, regarding an exemption for Chickee Hut structures from Florida Building Code. Per the agreement the Owner must ensure the property is fully compliant with all other provisions of the building and fire code and obtain any necessary permits for all electrical and plumbing work; the structure must also comply with flood and stormwater requirements.

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

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 9.07.12 entitled *Other Development*, is to establish minimum requirements to safeguard the public health, safety and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas.

The intent of LDR Section 9.01.06 entitled *Landscape Buffer Requirements*, is to promote the preservation of native plant species; to provide aesthetic landscaping complements to proposed development; to provide a visual separation between land uses, define spaces, and reduce noise pollution.

The intent of LDR Section 9.06.00 entitled *Stormwater Management*, is to prevent loss of life and significant loss of property due to flooding; to encourage productive and enjoyable harmony between humanity and nature; to prevent individuals, business entities, and governmental entities from causing harm to the community by activities which adversely affect water resources; to encourage the protection of wetlands and other natural systems and the use of those natural systems in ways that do not impair their beneficial functioning; to minimize the transport of sediments and pollutants to surface waters; to protect, restore and maintain the habitat of fish and wildlife.

The intent of LDR Table 3.02.05 entitled *Setback Requirement*, is to promote a logical development pattern, provide for safe setbacks between structures and encourage a visually pleasing environment.

The Applicant provided a Narrative (Attachment "G") as evidence that the intent of the Land Development Regulations will be or has been achieved by other means.

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 a Narrative (Attachment "G") detailing the substantial hardship for this request.

Analysis:

Flood

The substantial hardship for this request on page two of the Narrative (Attachment "G") states in part that the cost associated with raising the existing deck are unreasonable and disproportionate; pursuant to LDR Section 14.15.03 F(2)(a), increased cost to satisfy the requirements or inconvenience do not constitute a hardship.

Landscaping

Please note that the Landscaping Sheet (C06) included in the Approved Site Plan (Attachment "E") calls out a type "A" buffer that is 10 feet wide consisting of 11 trees and 79 shrubs along the southern property line to provide a buffer between the subject property and the adjacent residential use. The Owner agreed to landscaping on the Approved Site Plan and there is no hardship preventing its installation.

Stormwater

The substantial hardship provided for this request on page eight of the Narrative states that the physical challenge of providing compensating storage beneath the Chickee serves no significant public purpose and is disproportionality burdensome to the Applicant. Said statement is not a substantial hardship and the literal application of the stormwater regulations would not affect the Owner of the property in a manner that is significantly different from other similarly situated persons who are subject to the LDR. The Owner also agreed to provide stormwater storage underneath the structure through the Approved Site Plan.

Planning and Zoning

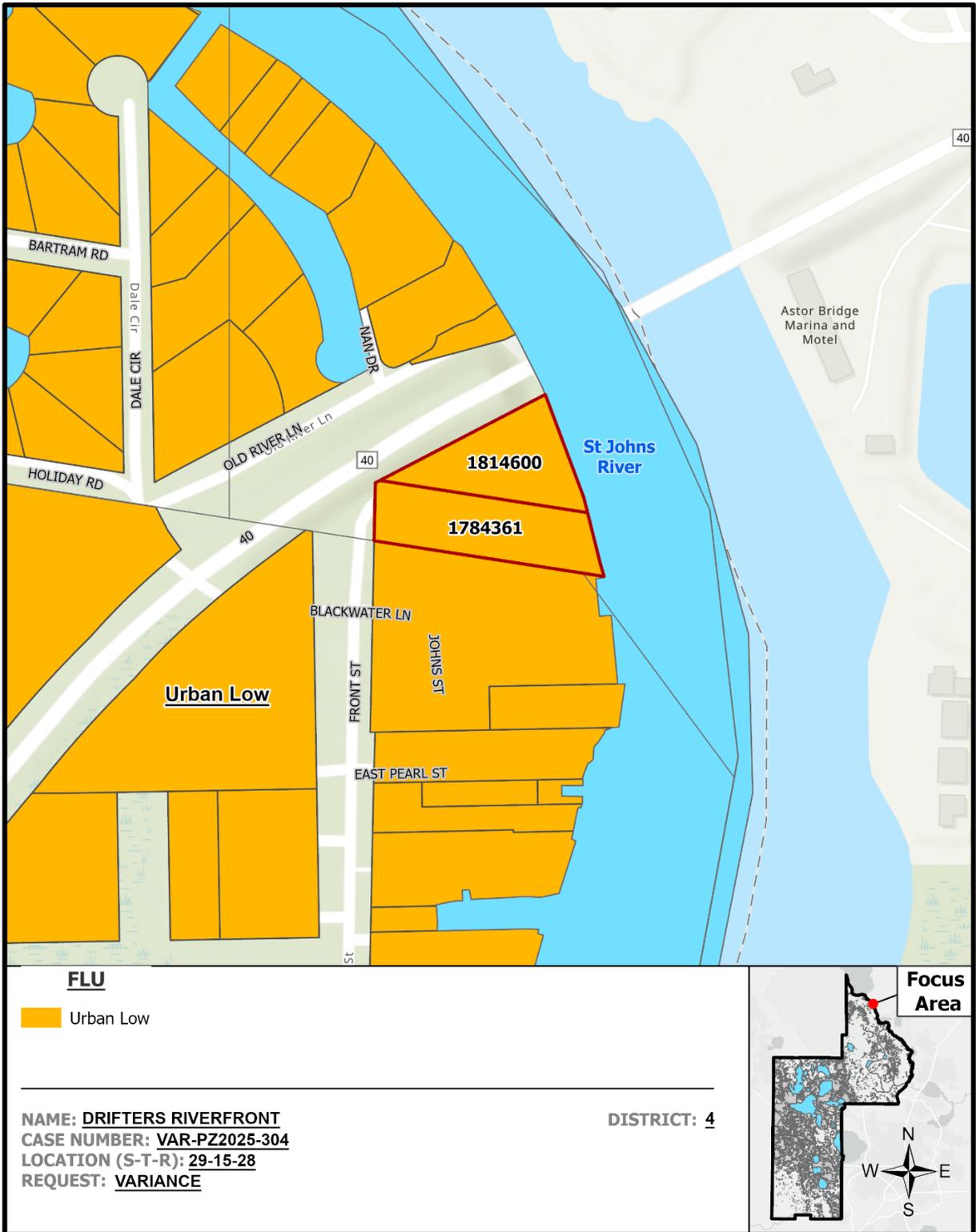
The elevation difference between State Road 40 and the proposed restroom noted on page eleven of the Narrative is substantial and would create a visual separation between the right-of-way and proposed structure.

3. Considerations for issuance of variances. In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, the floodplain regulations, and the following:

- I. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- II. The danger to life and property due to flooding or erosion damage;
- III. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- IV. The importance of the services provided by the proposed development to the community;
- V. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- VI. The compatibility of the proposed development with existing and anticipated development;
- VII. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- VIII. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- IX. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- X. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE

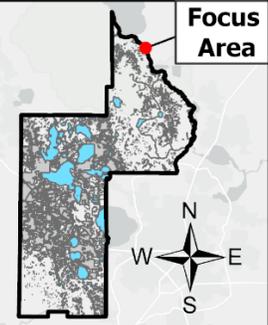


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12/10/2025

FLU
Urban Low

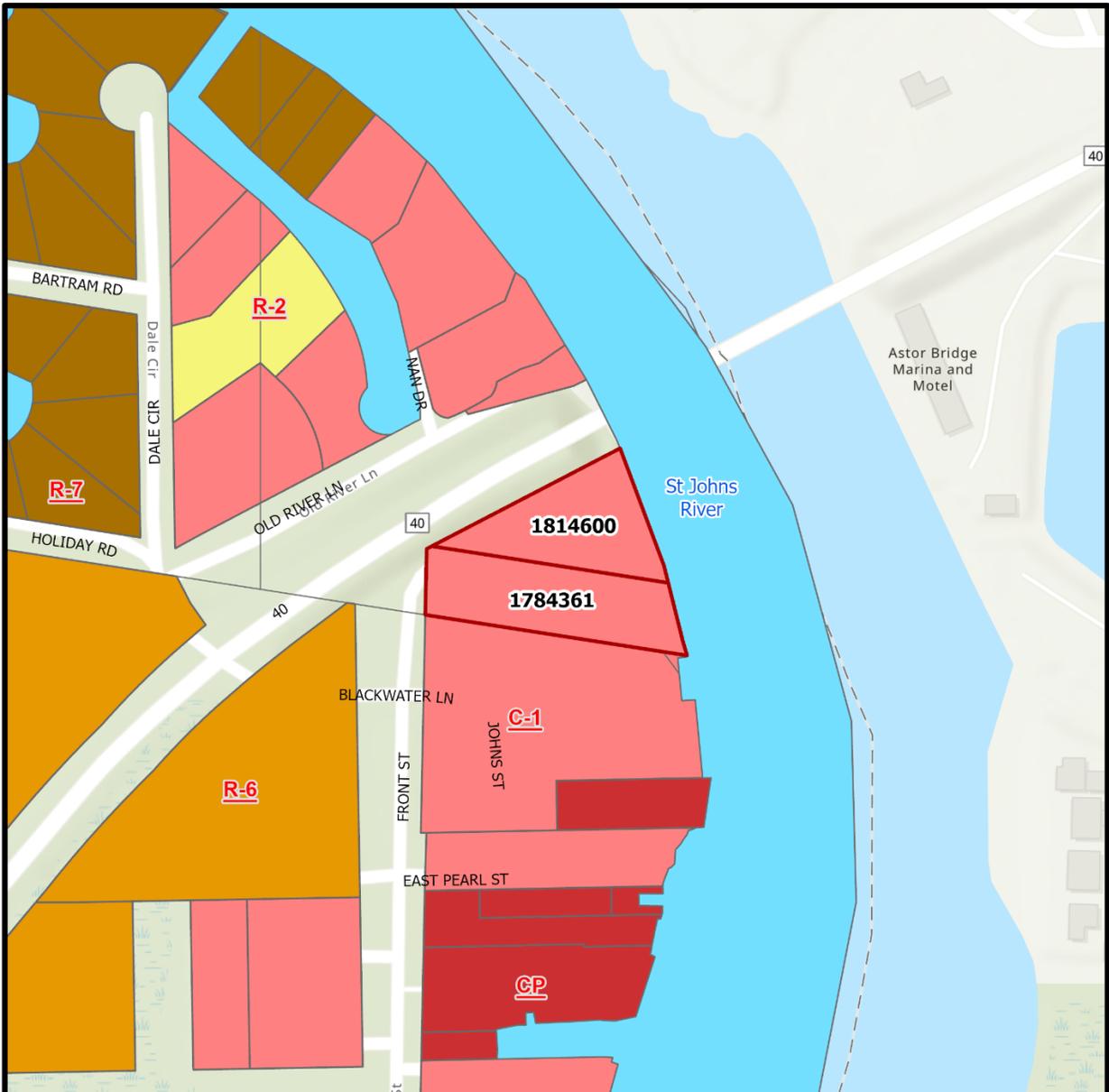
NAME: DRIFTERS RIVERFRONT
CASE NUMBER: VAR-PZ2025-304
LOCATION (S-T-R): 29-15-28
REQUEST: VARIANCE

DISTRICT: 4



Attachment "B" – Zoning Map

CURRENT ZONING

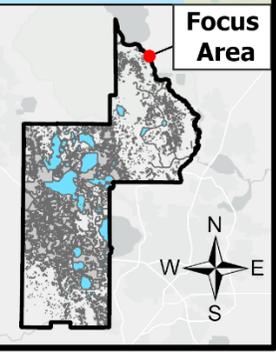


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Zoning									
	R-2		R-6		R-7		C-1		CP

NAME: DRIFTERS RIVERFRONT
CASE NUMBER: VAR-PZ2025-304
LOCATION (S-T-R): 29-15-28
REQUEST: VARIANCE

DISTRICT: 4



12/10/2025

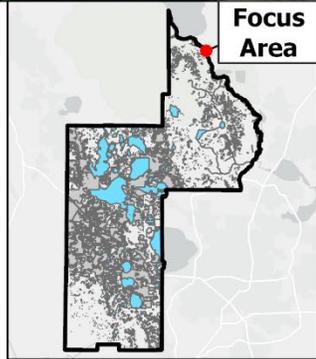
Attachment "C" – Overlay District Map

VAR-PZ2025-304
Drifters Riverfront

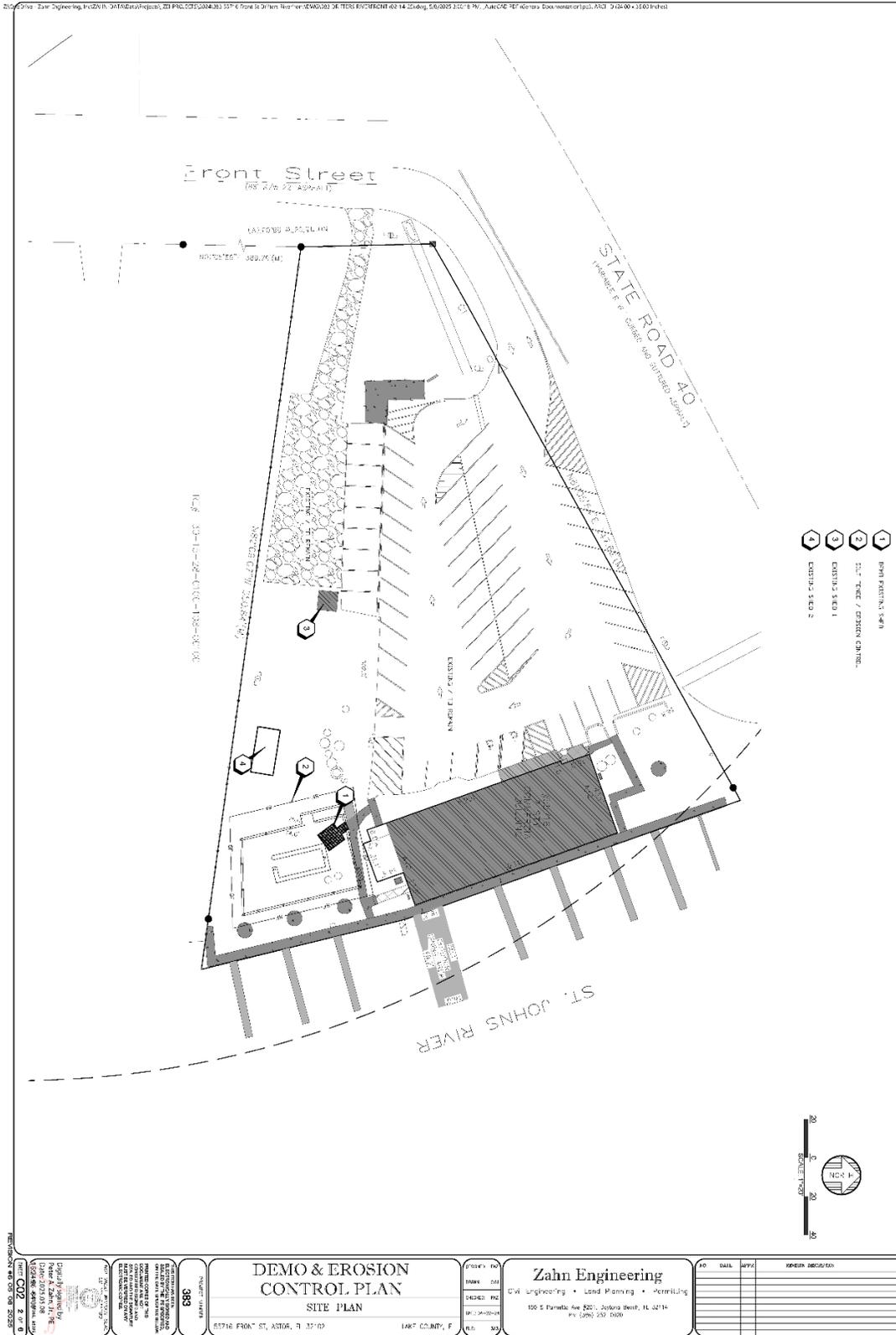


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12/10/2025



Attachment "E" – Approved Site Plan (2 of 6)



DEMO & EROSION CONTROL PLAN

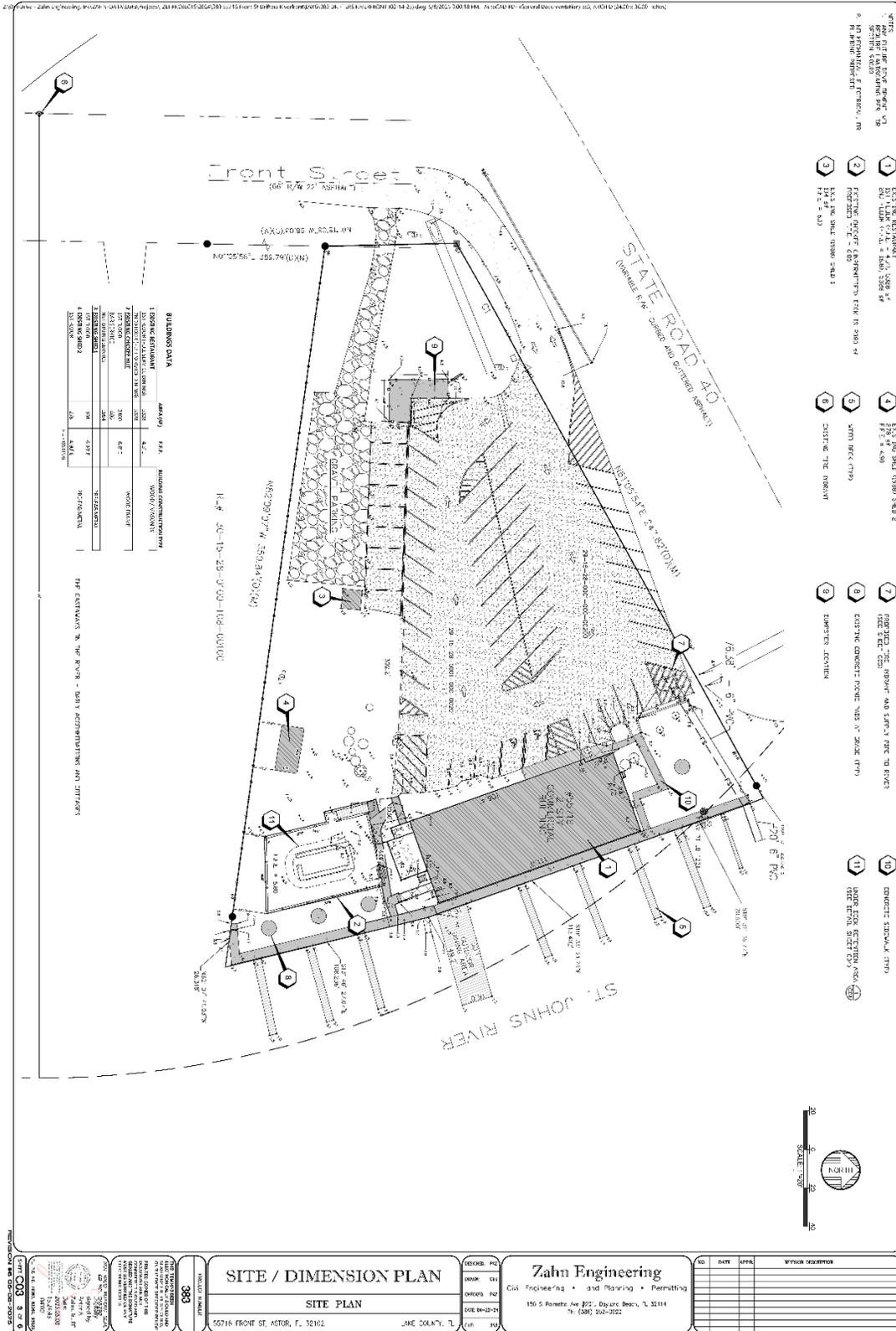
SITE PLAN

65716 FROM ST. JOHN, FL 32110 LAKE COUNTY, FL

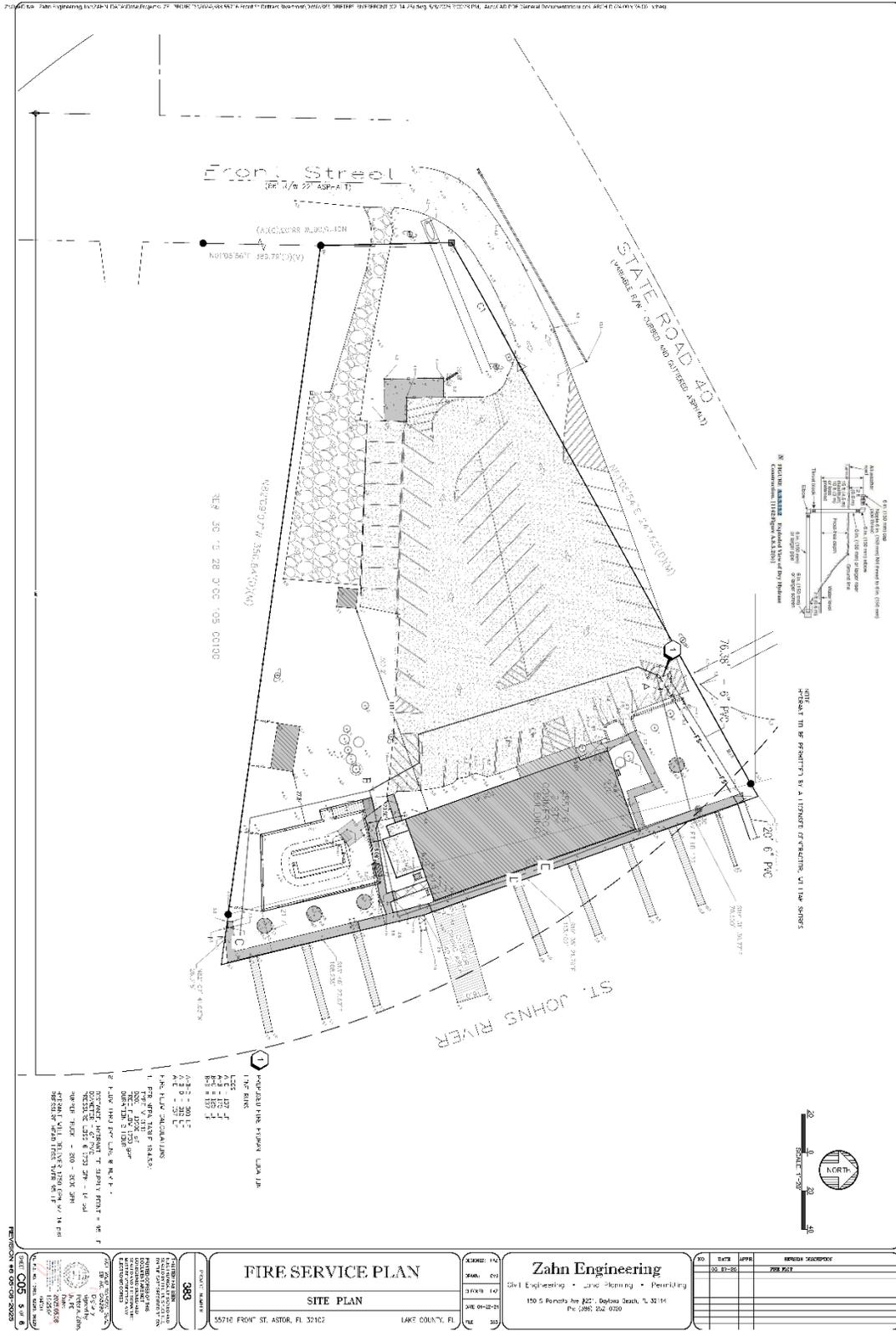
Zahn Engineering
 Civil Engineering • Land Planning • Permitting
 100 S. Parkside Ave. #201, Daytona Beach, FL 32114
 PH: (386) 250-0000

NO.	DATE	BY	REVISION / DESCRIPTION

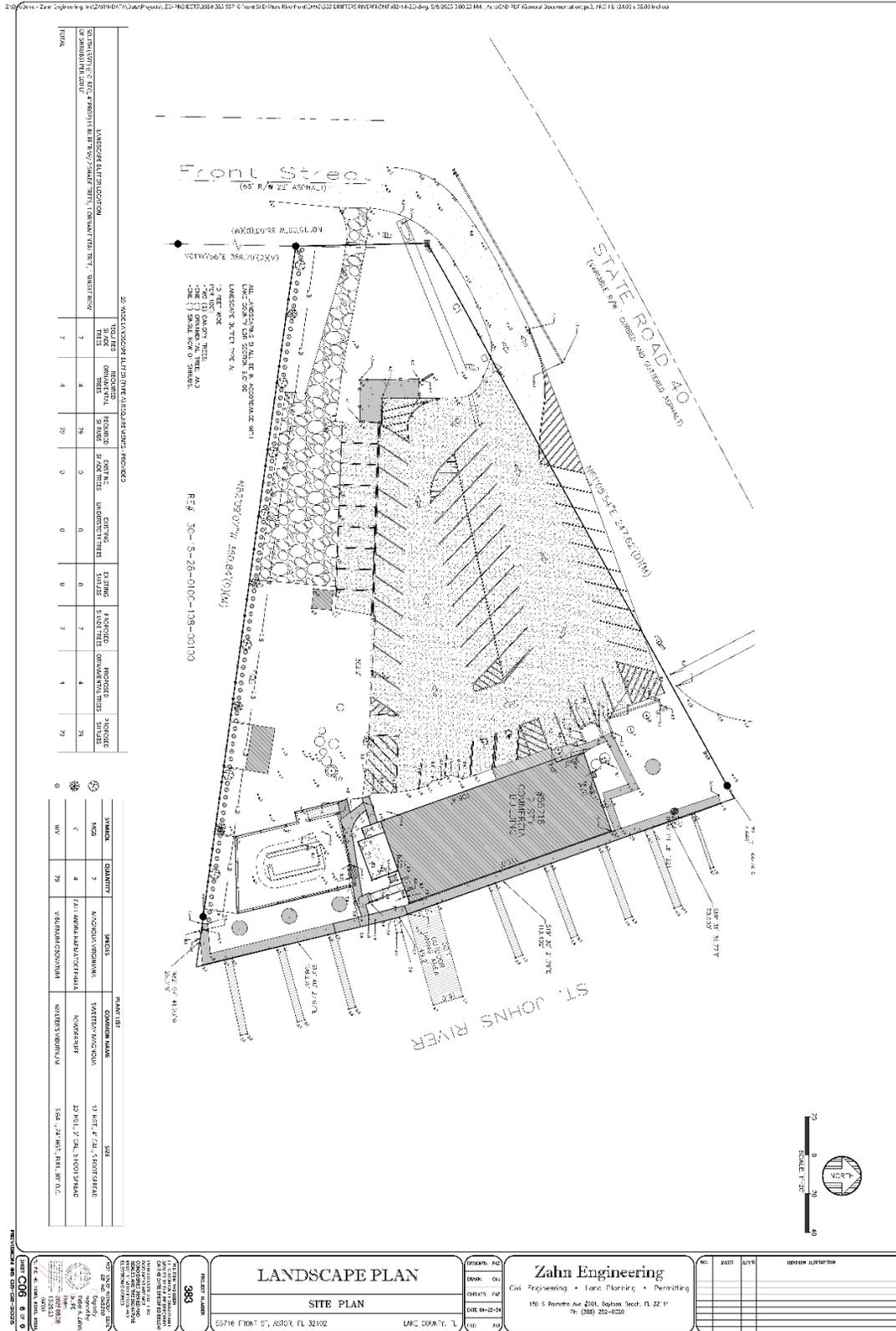
Attachment "E" – Approved Site Plan (3 of 6)



Attachment "E" – Approved Site Plan (5 of 6)



Attachment "E" – Approved Site Plan (6 of 6)



Attachment “F” – Development Agreement (1 of 10)

DEVELOPMENT AGREEMENT FOR ASTOR RIVERFRONT LLC

THIS DEVELOPMENT AGREEMENT (the “Agreement”) is entered into by and between LAKE COUNTY, FLORIDA, a political subdivision of the State of Florida, (the “County”), and Astor Riverfront, LLC, a Florida limited liability company, (the “Owner”) whose address is 101 Brewster Lane, Palm Coast, Florida 32137, collectively referred to herein as (the “Parties”).

WITNESSETH:

WHEREAS, Owner is the owner of a parcel of land situated in Lake County, Florida, depicted on Exhibit A (“the Property”), attached hereto and incorporated herein; and

WHEREAS, Owner has constructed on Owner’s Property, by a certified member of the Seminole Indian Tribe a Florida, a structure that Owner asserts is a Florida Building Code-exempt “Chickee Hut” pursuant to Florida Statutes, Section 553.73(10)(i), which provides that the term “chickee” means an open-sided wooden hut that does not incorporate any “nonwood features;” and

WHEREAS, the Owner admits the structure was constructed using concrete footers and metal fasteners, and is partially enclosed by a railing; and

WHEREAS, the Parties have been negotiating the discrepancy between their respective interpretations of the statute cited above with regard to the definition of an exempt Chickee Hut, which discrepancy is anticipated to be addressed by the Florida legislature during this coming legislative session; and

WHEREAS, the Parties mutually desire to enter into this Agreement to document their agreed-upon path to the Owner’s voluntary compliance with applicable law and regulation with regard to the Owner’s development of the Property during the interim time period prior to the anticipated legislative change or other resolution which determines that metal nails and tie downs, and use of concrete to stabilize the structure and railings so not negate the Chickee Hut exemption; and

WHEREAS, the Agreement is necessary to set forth the terms by which the Parties shall be governed moving forward toward voluntary compliance in a manner that protects life safety; and

WHEREAS, Owner intends to bring the Property into compliance with Lake County Code/Land Development Regulations and Florida Building Code, as applicable; and

WHEREAS, Owner has applied, in October 2025, for a variance from three sections of the Lake County Land Development Regulations related to the Property, which application is currently under review by Lake County staff, under application reference AR 6243, PZ2025-304; and

WHEREAS, the County is willing to suspend regulatory actions against the Owner concerning the Property pursuant to the terms of this Agreement while the Owner actively works to achieve compliance with the Lake County Code/Land Development Regulations and the Florida Building Code, as applicable, via the variance process and applicable permitting processes, and pending anticipated legislative changes.

NOW, THEREFORE, the parties agree as follows:

1. **Recitals.** The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a

Attachment “F” – Development Agreement (2 of 10)

DEVELOPMENT AGREEMENT FOR ASTOR RIVERFRONT LLC

specific part of this Agreement upon adoption hereof.

2. **Effective Date.** This Agreement shall become effective on the date on which this Agreement is executed by the last party hereto (“Effective Date”).

3. **Purpose and Intent.**

(a) The purpose of this Agreement is to amicably resolve differences regarding the interpretation of Section 553.73(10)(i), Florida Statutes, regarding an exemption for Chickee Hut structures from the Florida Building Code. Section 553.73(10)(i), Florida Statutes, **provides that the term “chickee” means an open-sided wooden hut that does not incorporate any “nonwood features”**.

(b) Owner’s position, supported by a statement from the Seminole Tribe, is that nails, concrete, hurricane straps and like materials, although nonwood in nature, are not features of the structure; rather, these elements are regarded as necessary for structural integrity and do not change the fundamental nature or negatively alter the building characteristics of the structure. See Exhibit B, attached hereto and incorporated herein by reference.

(c) The Lake County Building Official’s position is that nails, concrete, hurricane straps and like nonwood materials remove the structure from the exemption provided for in Section 553.73(10)(i), Florida Statutes, based on the plain meaning of the statute. The Building Official relies on opinions issued by the Florida Building Commission identified as *In Re: Broward County Board of Rules and Appeals*, dated December 17, 2013, *In Re: Plaza Beach Motel, Inc.*, dated April 20, 2018, along with guidance issued by the Building Officials Association of Florida as follows: (1) Informal Interpretation Report Number 6848, dated October 25, 2011; and (2) Informal Interpretation Report Number 7006, dated July 13, 2012, all of which are incorporated herein by reference.

(d) It is anticipated that a bill will be filed for consideration during the 2026 Legislative Session that will clarify the Chickee Hut exemption, and which may resolve the dispute regarding interpretation. To allow time for the Legislature to address this issue, the parties hereby agree, subject to the terms outlined herein, that the Chickee Hut constructed at Drifters Riverfront Bar & Grill, located at 55716 Front Street, Astor, Florida, (Exhibit A, identified as AK 1784361 and 1814600) shall be conditionally granted an exemption from the Florida Building Code under Section 553.73(10)(i), Florida Statutes, pending the outcome of the 2026 Legislative Session.

4. **Owner’s Obligations.**

(a) Owner must ensure the property is fully compliant with all other provision of building and fire codes before any occupancy or commercial use of the structure can be permitted. Building permits must be obtained for any and all electrical and plumbing work. A Life Safety Plan for compliance with Fire Code must be submitted by Owner for review and approval by the Lake County Fire Marshal. The structure must also be in compliance with any flood or stormwater requirements.

(b) Owner expressly understands and acknowledges that any future use of the structure **by the Owner, its agents, invitees, or guests is entirely at the Owner’s own risk**. It is the sole obligation of the Owner to maintain appropriate insurance coverage for any future use. By entering into this Agreement for purposes of resolving a dispute over interpretation does not transfer responsibility nor liability to the County in the event persons or property are injured or damaged by failure of the Owner to meet or exceed the requirements of the Florida Building Code.

Attachment "F" – Development Agreement (3 of 10)

DEVELOPMENT AGREEMENT FOR ASTOR RIVERFRONT LLC

(c) Owner agrees that if legislation is not adopted in twelve (12) months from the Effective Date or another resolution occurs with twelve (12) months of the Effective Date establishing that the Chickee Hut exemption is not negated by the use of nonmetal materials, concrete and the addition of railings, Owner may petition the Board of County Commissioners for a single twelve (12) month extension, which may be granted at the sole discretion of the County. If an extension is not granted by the Board of County Commissioners, Owner shall immediately take all necessary steps to bring the structure into full compliance with the Florida Building Code as the conditional Chickee Hut status shall be revoked.

(d) Owner agrees this agreement does not negate Owner's obligation to bring the property into full compliance with the Florida Building Code and Lake County Land Development Regulations. Under no circumstances may the Chickee Hut be occupied for commercial purposes for food or bar service until permits are issued for plumbing and electrical, a live safety plans sealed by a licensed Florida Engineer is approved by the County's Fire Marshal, and any necessary variances are granted. This agreement shall allow for the processing of electrical or plumbing permits if such applications otherwise meet the requirements of the Florida Building Code as such would apply to a Chickee Hut.

4. **Term and Nature of Agreement.** This Agreement shall have an initial term of twelve (12) months, and shall remain in full force and effect for the term of any extension granted pursuant to paragraph 3(c), above, with a maximum term of two (2) years from the Effective Date. If the Property has not been brought into compliance within twelve (12) months, or two (2) years if an extension is granted, of the Effective Date of this Agreement, the Parties understand and acknowledge that enforcement action may be taken by the County for any violations that persist.

5. **Compliance with Laws and Regulation.** In performing pursuant to this Agreement, each party hereto shall abide by the respective statutes, ordinances, rules and regulations pertaining to, or regulating, the acts of such party.

6. **Notices.** Any notice required or allowed to be delivered hereunder shall be in writing and be deemed to be delivered when (i) hand delivered to the official hereinafter designated, or (ii) three days after the date on which deposited in the United States mail, postage prepaid, certified mail return receipt requested, and addressed to a party at the address set forth below, or such other address as the party shall have specified by written notice to the other party delivered in accordance herewith.

Owner

Astor Riverfront, LLC
101 Brewster Lane
Palm Coast, Florida 32137

County

Lake County
P.O. Box 7800
Tavares, Florida 32778
Attn: County Manager

7. **Counterparts.** This Agreement may be executed in any number of counterparts each of which when executed and delivered, shall be an original, but all counterparts shall together constitute one and the same instrument.

8. **Non-Waiver.** No consent or waiver, expressed or implied, by either party, to or of any breach or default of the other party, with regard to the performance by said other party of its obligations under this Agreement shall be deemed or construed to constitute consent or waiver, to or of, any other breach or default in the performance of that party, of the same or of any other objection of performance incumbent upon that party. Failure on the part of either party to complain of any act or failure to act on the part of the other party in default, irrespective of how long the failure continues, shall not constitute a waiver

Attachment “F” – Development Agreement (4 of 10)

DEVELOPMENT AGREEMENT FOR ASTOR RIVERFRONT LLC

by that party of its rights and any remedies that exist under this Agreement, at law, or in equity.

9. **Construction of Agreement.** This Agreement shall not be construed against either party on the basis of it being the drafter of the Agreement. The parties agree that both herein played an equal part in negotiating the terms and conditions of this Agreement. Captions and section headings in this Agreement are provided for convenience only and shall not be deemed to explain, modify, amplify or aid in the interpretation, construction or meaning of the Agreement.

10. **No Estoppel.** Approval of this Development Agreement 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 and/or any other applicable law. Owner is solely responsible for performing any necessary due diligence to ensure the Property will appropriately support future development.

11. **Authority.** Each of the parties hereto represent and warrant to each other that they have all necessary power and authority to enter into and consummate the terms and conditions of this Agreement and that all acts, approvals, procedures and similar matters required in order to authorize this Agreement have been taken, obtained or followed, as the case may be, and that this Agreement shall be valid, binding, and enforceable against the Parties and their successors and assigns.

12. **Breach.** In the event of a breach hereof by either party hereto, then the other party hereto shall have all rights and remedies allowed by law, including the right to specific performance of the provisions hereof.

13. **Entire Agreement.** This Agreement constitutes the entire Agreement between the parties hereto with respect to the subject matter hereof and, upon its execution and approval, shall supersede all prior agreements, understandings, and arrangements, both oral and written, between the parties with respect to such subject matter. This Agreement may be amended only by an instrument in writing executed by the parties hereto or their successors in interest.

14. **Severability.** If any part of this Agreement is found invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the other parts of this Agreement if the rights and obligations of the parties contained therein are not materially prejudiced and if the intentions of the parties can continue to be effectuated. To that end, this Agreement is declared severable.

15. **Assignment.** This Agreement and all of the rights, obligations and responsibilities hereunder, shall not be assignable without the prior approval of such assignment by any other party to this Agreement.

16. **Governing Law, Venue, Waiver of Jury Trial.** This Agreement shall be governed by and construed in accordance with laws of the State of Florida. In the event of any legal action concerning this Agreement, venue shall be in a court of competent jurisdiction in and for Lake County, Florida, and each Party shall be responsible for its own attorneys' fees and costs. **THE PARTIES WAIVE THEIR RIGHT TO A JURY TRIAL FOR ANY ACTION ARISING OUT OF THIS DEVELOPMENT AGREEMENT.**

17. **Land Use Approvals.** This Agreement shall not be construed as granting or assuring or indicating any further grant of any land use, zoning, subdivision, density or development approvals, permissions or rights with respect to the Development Projects. Nor shall this Agreement be deemed to reduce, eliminate, derogate from, or otherwise adversely affect any such approvals, permissions or rights.

18. **Indemnity.** Owner, its successors and assigns shall, to the fullest extent permitted by law,

Attachment "F" – Development Agreement (5 of 10)

DEVELOPMENT AGREEMENT FOR ASTOR RIVERFRONT LLC

defend, indemnify, and hold harmless the County, its officers, commissioners, agents, and employees from and against any and all claims, suits, judgments, demands, liabilities, damages, cost and expenses (including attorneys' fees) for personal injury, bodily injury, property damage or other liability of any kind or nature whatsoever arising directly or indirectly out of or caused in whole or in part by any act or omission relating to this Agreement by the Owner, its agents or employees, or any contractor employed by the Owner, or anyone directly or indirectly employed by them, or anyone for whose acts any of them may be liable, excepting only those acts or omissions arising out of the sole negligence of the County.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed through their authorized representatives, on the respective dates set forth below.

COUNTY

LAKE COUNTY, FLORIDA by and through its
BOARD OF COUNTY COMMISSIONERS

Leslie Campione

Leslie Campione, Chairman

This 18th day of November, 2025



ATTEST:

Donise Bell

Gary J. Cooney, Clerk
Board of County Commissioners
of Lake County, Florida

Approved as to form and legality:

Melanie Marsh 11/18/25

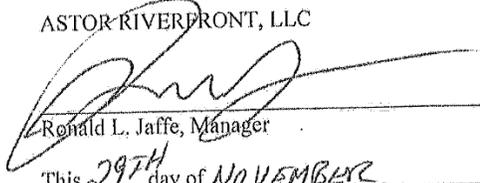
Melanie Marsh
County Attorney

Attachment "F" – Development Agreement (6 of 10)

DEVELOPMENT AGREEMENT FOR ASTOR RIVERFRONT LLC

OWNER

ASTOR RIVERFRONT, LLC



Ronald L. Jaffe, Manager

This 29TH day of NOVEMBER, 2025.

Attachment "F" – Development Agreement (8 of 10)

DEVELOPMENT AGREEMENT FOR ASTOR RIVERFRONT LLC

Exhibit B

SEMINOLE TRIBE OF FLORIDA

TINA OSCEOLA
Executive Director of Operations
6300 STIRLING ROAD, SUITE 345
HOLLYWOOD, FLORIDA 33024
TELEPHONE
(954) 966-6300 EXT. 11428
WEBSITE: www.seminoletribe.com



Tribal Officers:
MARCELLUS W. OSCEOLA, JR.
Chairman
HOLLY TIGER
Vice Chairwoman
NAOMI WILSON
Secretary
PETER HAHN
Treasurer

Memorandum

To: Lake County Building Department
From: Carrie Dilley, Architectural Historian, Seminole Tribe of Florida, Tribal Historic Preservation Office
Date: September 23, 2025
Subject: Applicability of Florida Building Code to Chickees

Statutory Exemption

Under Florida Statutes §553.73(10)(i), chickees constructed by members of the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida are exempt from the Florida Building Code, provided they meet the following statutory criteria:

- Open-sided wooden hut;
- Thatched roof of palm, palmetto, or other traditional materials; and
- No incorporation of electrical, plumbing, or other non-wood features.

Interpretation of "Non-Wood Features"

The statutory prohibition on "non-wood features" has consistently been understood and interpreted by Florida jurisdictions to apply to **modernizing systems and finishes** such as electrical or plumbing installations, concrete or masonry elements, enclosed walls, or similar modifications that alter the traditional character of the structure or that would otherwise alter building level characteristics that would create a need for review under the Florida Building Code to ensure a reasonable level of safety, public health and general welfare.

Incidental fasteners such as nails, screws, or metal straps are generally not considered disqualifying features. These components are typically regarded as necessary for structural integrity and do not change the fundamental nature of a chickee, nor do they negatively alter the building level characteristics of the chickee. Instead, they improve safety, public health and general welfare.

Attachment “F” – Development Agreement (9 of 10)

DEVELOPMENT AGREEMENT FOR ASTOR RIVERFRONT LLC



SEMINOLE TRIBE OF FLORIDA

At this time, **Lake County does not publish specific guidance** explicitly prohibiting or authorizing the use of such fasteners in chickee construction and Seminole chickee builders, consistent with this memorandum and with the full support of the Seminole Tribe, build with fasteners. In some cases, Seminole chickee builders have been requested to add hurricane straps to chickees by Florida jurisdictions.

Cultural Context

Seminole building practices have evolved over time to incorporate methods that improve efficiency, quality, and stability. The use of metal fasteners in chickee construction has been a consistent practice for nearly a century and is accepted within Seminole tradition as compatible with the cultural and functional purposes of these structures.

Conclusion

Chickees that comply with the statutory definition remain exempt from the Florida Building Code. The use of incidental fasteners such as nails does not, in and of itself, remove a structure from this exemption.

Attachment “F” – Development Agreement (10 of 10)

DEVELOPMENT AGREEMENT FOR ASTOR RIVERFRONT LLC

Attachment “G” – Narrative (1 of 12)

P. Colin Rice
Attorney

crice@olderlundylaw.com
Tampa (813) 254-8998

October 1, 2025

Office of Planning and Zoning
Lake County, Florida
315 W. Main Street
Tavares, FL 32778

Via electronic mail



NARRATIVE IN SUPPORT OF VARIANCE RELIEF

Our law firm represents Astor Riverfront, LLC. Please accept this narrative in support of variance relief as it relates to an already-constructed, and Florida Building Code exempt, Chickee hut on the property at 55716 Front Street in Astor. The specific sections of the Lake County Land Development Code subject to this application are below and will be more fully addressed later in this narrative:

1. Lake County Land Development Regulations, Appendix E, Chapter IX, Sec. 9.07.12: Variance approval of Chickee deck height at 6.8 feet NAVD88; and
2. Lake County Land Development Regulations, Appendix E, Chapter IX, Sec. 9.01.06: Variance approval for waiver of Landscaping Standards including waiver of buffer requirement; and
3. Lake County Land Development Regulations, Appendix E, Chapter IX, Sec. 9.06.00: Variance approval for waiver of stormwater management requirements related to installation of Chickee

Attachments

Documents included herewith are listed below and referenced accordingly in this supportive narrative

1. Memorandum from the Seminole Tribe of Florida dated 9/23/25
2. Zoning approval dated 10/30/23
3. Tribe verification letter dated 1/8/24
4. Site plan approval dated 5/13/25
5. No rise certificate dated 3/28/25
6. Lake County Comments related to Permit No. 2025060016 dated 6/10/2025
7. Affidavit Authorizing Agent
8. 2024 Property Tax Bill
9. 2024 Property Tax records
10. Latest recorded deed
11. Variance Application

Background

The subject Chickee was constructed by a member of the Seminole Indian Tribe who confirms construction standards adhere to typical tribal practices and the Chickee qualifies as Florida Building Code exempt.

Attachment “G” – Narrative (2 of 12)

Tribal has evaluated the Lake County treatment of this Chickee and has prepared the memorandum dated 9/23/25, included herewith. It qualifies for the Florida Building Code Exemption. The Chickee is located within the footprint of a first zoning clearance dated October 30, 2023, stamped by the County, for a 34’ by 68’ observation deck on previously undeveloped land adjacent to the longstanding restaurant structure, which had been constructed in 1969. Following the County’s disagreement with the application of the Florida Building Code Exemption as it relates to the subject Chickee, a second zoning clearance was obtained and stamped by the County on May 13, 2025. Our firm has engaged extensively with Lake County in an effort to reach consensus and allow the Applicant to open the Chickee for restaurant patrons. Variance relief is hereby sought to resolve three of the items in question.

Variance Request #1: LDR Appendix E, Chapter IX, Sec. 9.07.12: Variance approval of Chickee deck height at 6.8 feet NAVD88

Describe the development request:

This request is to approve the as-built elevation of the deck within the subject Chickee, which is at 6.8-foot NAVD88.

Provide Justification for the request:

The Chickee is situated within an AE Flood Zone adjacent to the St. John’s River. The Lake County comments dated 6/10/25 state “The Applicant’s proposed Finished Floor Elevation (FFE) is shown as 6.8’ NAVD88, below the required Design Flood Elevation (DFE) for this site of 7.8’ NAVD88. The initial Site Plan Approval was given under the assumption that the area in question would be a gathering area with no equipment or service area. In the event the Applicant wishes to approve this as a bar area, the Applicant will be required to elevate the floor to or above the minimum DFE; and this will need to be added to the Amended Site Plan for approval.”

Applicant disagrees with this contention and, as is detailed more fully below, this section of the LDC should not apply to this particular structure. Irrespective, Applicant is pursuing Variance relief to bring this specific matter to resolution via the Board of Adjustment.

The seminal publication detailing the history and practices customary to tribal Chickees in Florida is “Thatched Roofs and Open Sides: the Architecture of Their Changing Role in Seminole Society” by Carrie Dilley, 2015. “Sleeping chickees, however, had a raised platform made from wooden logs or planks. The platforms were traditionally supported by a set of posts separate from the uprights that held up the roof. Today, chickees have a variety of flooring options. Some have a traditional dirt floor, while others feature poured concrete, gravel, tile, brick or wooden decking. The decision whether or not to apply a flooring material rests with the owner” (emphasis added).

Decks are customary features with both modern and traditional chickees. Further, this, like all chickees, is completely open-sided and constructed of wood. This is not a finished floor – it is more akin to a boat dock than a living room, so the floodplain regulations as applied in this instance do not make any sense.

As it stands today, the Chickee is proposed without electrical and plumbing features. Should those be contemplated in the future, Applicant understands that a permit will be required, and further commits that electrical connection points will be situated above 7.8’ NAVD. In no circumstance, however, is it reasonable to require that the entire 2,000+ square foot weather-proof deck be raised an additional foot.

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

Attachment “G” – Narrative (3 of 12)

Yes. See Permit Number 2025060016; PZ2024-047

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

The costs associated with raising the existing deck are unreasonable and disproportionate. There is no floodplain protection purpose to requiring an increase in deck elevation. Despite the extremely remote chance that flood waters ever reach or exceed 6.8’, even if they reached 10’ this deck does not constitute habitable space. Its construction, which is consistent with traditional Seminole Tribe practices, is entirely flood resistant.

The intent of the floodplain regulations is stated in Sec. 9.07.01(B). None of the enumerated criteria is violated by this Chickee, each of which are addressed individually below:

B. Intent. The purposes of this Section and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- 1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;*

Applicant Response: The Chickee is designed and built to be inherently flood resistant. Neither of the extreme hurricane events from 2024 resulted in flooding that even reached the deck – and if flood waters had reached that height, there is no vulnerable investment of personal or real property that would stand to be damaged by such a flood event. Further, the town of experienced 100-year flood events in 2022 with a record high flood level of 4.71 feet. Please see photograph from 4:56pm, October 10, 2024 following Hurricane Milton:



- 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;*

Attachment “G” – Narrative (4 of 12)

Applicant Response: The Chickee was constructed by the Seminole Indian Tribe consistent with typical practices and is confirmed by the Tribe to be Florida Building Code Exempt. There is no “damage” that could result from a flooding event at the Chickee irrespective of the height of the installed deck.

3. *Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials and other development, which may increase flood damage or erosion potential;*

Applicant Response: The Chickee is supported by posts with a largely open-air space beneath the deck. The enclosed no rise certificate confirms the *de minimis* hydrologic displacement. As a result, nearby properties are not at a meaningful increase of flood risk due to the installation of the Chickee.

4. *Manage the alteration of watercourses, flood hazard areas and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;*

Applicant Response: The floodplain has and will continue to function as though no Chickee had been installed. See No Rise Certificate.

5. *Minimize damage to public and private facilities and utilities;*

Applicant Response: The Chickee is designed to withstand potential flood events, with the water simply receding back into the watercourse with minimal disruptions. There is no meaningful potential of “damage” to real or personal property, private or public, due to the installation of the Chickee.

6. *Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;*

Applicant Response: The Lake County tax base has been tangibly harmed by the inability for the property owner to avail this amenity to restaurant patrons. Upon opening, sales tax revenues for Lake County will only stand to increase dramatically. Approval of this variance will directly benefit the County’s tax base.

7. *Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and*

Applicant Response: No future public expenditure is reasonably foreseeable as a result of the installation of the Chickee.

8. *Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.*

Applicant Response: Sec. 59.22(9) (iii) requires a commitment of the County to maintain “information on the elevation (in relation to mean sea level) of the level of the *lowest floor* (including basement) of all new or substantially improved structures” (emphasis added).

Attachment “G” – Narrative (5 of 12)

CFR Sec. 59.1 defines “lowest floor” to mean: “the lowest floor of the lowest *enclosed area* (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such *enclosure* is not built so as to render the structure in violation of the applicable non-elevation design requirements of 60.3” (emphasis added).

This Chickee, as are all Chickees contemplated by the Florida Building Code exemption, are *by definition open-sided*. A Chickee has no “lowest floor” as contemplated by the Code of Federal Regulations. This flood control standard is flatly misapplied to a Chickee and, frankly, should not even require variance relief.

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

Put simply, a Chickee has no finished floor and the floodplain regulations concerning “enclosed” floors simply do not apply. Variance relief is just and proper in this instance.

Variance Request #2: LDR Appendix E, Chapter IX, Sec. 9.01.06: Variance approval for waiver of Landscaping Standards including waiver of buffer requirement.

Applicant incorporates by reference each of the criteria detailed in Variance Request #1 and provides the following additional support.

Describe the development request:

The Chickee is already constructed. Existing conditions function to offer a transition between uses, and the nearest structure situated on the property to the south is a central office. Further, the Chickee does not represent an additional or change in use from the long-established Bar/Restaurant use that has been continuing for decades.

Provide Justification for the request:

The codified buffering requirements are disproportionately burdensome to the applicant. Mature trees presently exist between the properties and could be imperiled by additional plantings. A 3’ fence is already installed on the property line. See below:

Attachment “G” – Narrative (6 of 12)



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

Yes. See Permit Number 2025060016; PZ2024-047

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

Present conditions are sufficient to offer a reasonable transition between uses. The subject site is not introducing any new uses and existing conditions are more than sufficient to serve the purposes of a buffer.

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

Present conditions are sufficient to offer a reasonable transition between uses. The subject site is not introducing any new uses.

Variance Request #3: LDR Appendix E, Chapter IX, Sec. 9.06.00: Variance approval for waiver of stormwater management requirements related to installation of Chickee.

Attachment “G” – Narrative (7 of 12)

Applicant incorporates by reference each of the criteria detailed in Variance Requests #1 and #2 and provides the following additional support.

Describe the development request:

The Chickee is already installed and is situated within close proximity of the St. John’s River. The natural grade of the property toward the river, in conjunction with the no rise certificate, significantly reduce the need for compensating storage. The deck is elevated and the unfinished ground beneath is fuller pervious. Below is a photograph of the existing condition between the installed Chickee and the St. John’s River:



Provide Justification for the request:

The Lake County comments dated 6/10/25 state “The Applicant is proposing to have its compensating storage for this area underneath the tiki structure. Please provide a cross-section of the proposed drainage area including total volume in order for staff to ensure compliance with No-Rise requirements.

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

Yes. See Permit Number 2025060016; PZ2024-047

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

Attachment “G” – Narrative (8 of 12)

The physical challenge with providing compensating storage beneath the Chickee serves no significant public purpose and is disproportionately burdensome to the Applicant.

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

The grade and proximity to the river and the pervious nature of the surface beneath the chickee deck dramatically reduce any need for compensating storage and represent a disproportionate burden on the applicant.

Conclusion

Applicant respectfully requests approval by the Lake County Board of Adjustment for the three aforementioned variance requests. To date, applicant is unaware of any opposition to the aforementioned requests by any neighbor or any member of the public. Please do not hesitate to reach out to our office should you have any questions or wish to discuss.

Respectfully,

/s/ P. Colin Rice

P. Colin Rice

Attachment “G” – Narrative (9 of 12)

P. Colin Rice
Attorney

crice@olderlundylaw.com
Tampa (813) 254-8998

December 2, 2025



Office of Planning and Zoning
Lake County, Florida
315 W. Main Street
Tavares, FL 32778

Via electronic mail

SUPPLEMENTAL NARRATIVE IN SUPPORT OF VARIANCE RELIEF

Our law firm represents Astor Riverfront, LLC. Application was made on October 1, 2025 for variance relief from three sections of the Lake County Land Development Regulations, which has been assigned Record No PZ2025-304. Please accept this supplemental narrative in support of a separate, fourth request for variance relief from the Lake County Land Development Code:

4. Lake County Land Development Regulations, Appendix E, Chapter III, Sec. 3.02.00, Table 3.02.05 Setback Requirements: Relief from requirement that “All buildings Shall be setback no less than 50’ from all roads, or ROW easements bounding the project area. However, if there is Existing Development, with existing structures on a block, and all right-of-way, which is required by Lake County, is dedicated to the public, then a setback, computed by the average of the structures on the block, Shall be permitted.”

Supplemental Attachments

Documents included herewith are listed below and referenced accordingly in this supportive narrative

1. Site Plan dated 7/29/25 (proposed bathroom Identified as #5)

Describe the development request:

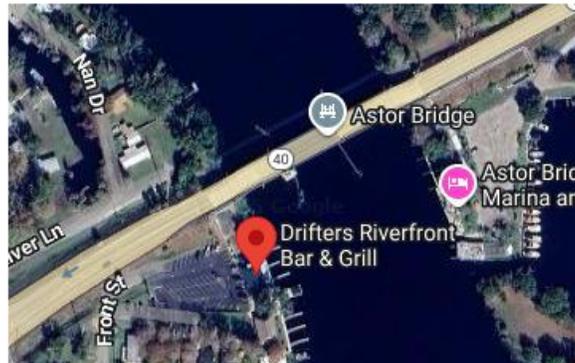
Applicant seeks to install an ADA compliant bathroom separate and apart from the existing Chickee structure. The proposed bathroom is within 50 linear feet of the northern property line adjacent to State Road 40. More precisely, the bathroom is proposed to be 20.46’ from the northern property boundary and even further from the southern edge of the State Road 40 roadway.

To reiterate, Lake County Land Development Regulations, Appendix E, Chapter III, Sec. 3.02.00, Table 3.02.05 Setback Requirements requires a new building setback of at least 50 feet from ROW easements bounding the project area. As will be detailed more fully below, the property’s relationship with State Road 40 is unique and justifies relief from the strict application of this code requirement.

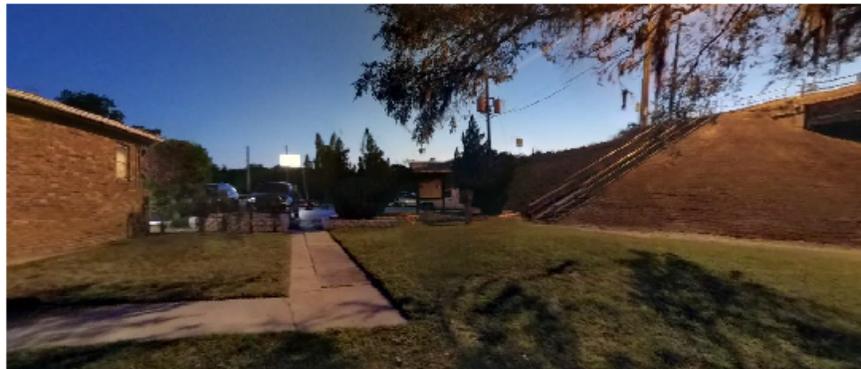
Attachment “G” – Narrative (10 of 12)

Provide Justification for the request.

State Road 40, as it is constructed adjacent to the subject property, is significantly elevated above grade as a connection point to the “Astor Bridge” which spans the St. Johns River and provides vehicular and pedestrian transit from Lake County to Volusia County:

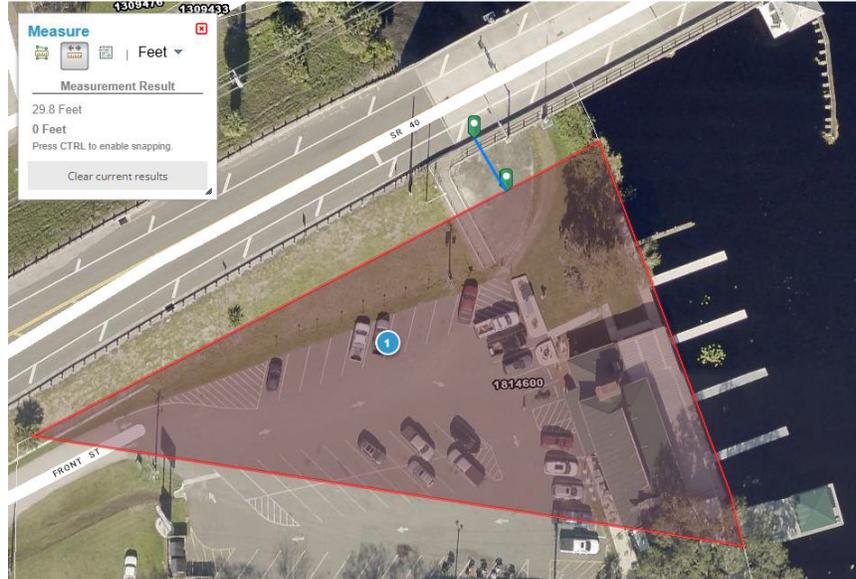


From the subject property, there is a significant buffered hill between State Road 40 and the property line:



The Lake County Property Appraiser GIS system indicates the distance from the property line to the roadway is approximately 30 feet.

Attachment “G” – Narrative (11 of 12)



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

Yes. See Permit Number 2025060016; PZ2024-047

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

The physical conditions of the graded buffer between the north property line and the location of the proposed bathroom are unique to this property and the purpose behind the Land Development Code setback is to protect against adverse impacts between adjacent property uses. State Road 40 is fortified with a concrete barrier and metal railings:



This is not a typical roadway-adjacent right of way that merits full compliance with a 50-foot distance separation and the public interests are fully protected by virtue of existing, immutable conditions. The

Attachment “G” – Narrative (12 of 12)

public roadway used for property access is Front Street, which is well more than 50-feet away from any structure.

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

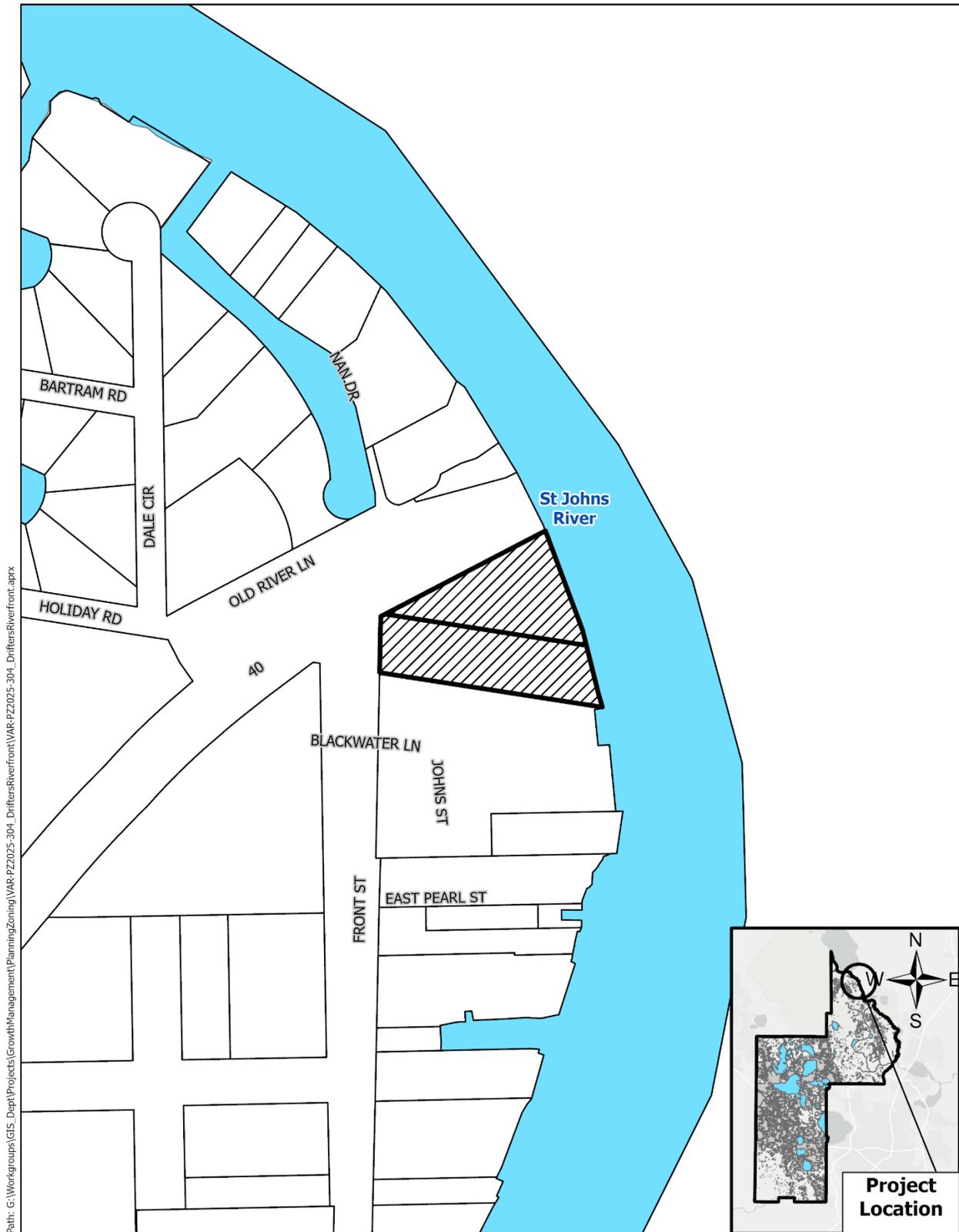
The extreme grade between State Road 40, the existing concrete and steel barriers, and the functional distance of approximately 50-feet between the proposed bathroom and roadway all contribute to conditions that meet the spirit and intent of the Land Development Code. This is the most logical location for auxiliary bathroom facilities to be installed, and relief from the strict application of this code requirement is appropriate in this instance.

Respectfully,

/s/ P. Colin Rice

P. Colin Rice

Map of Subject Property

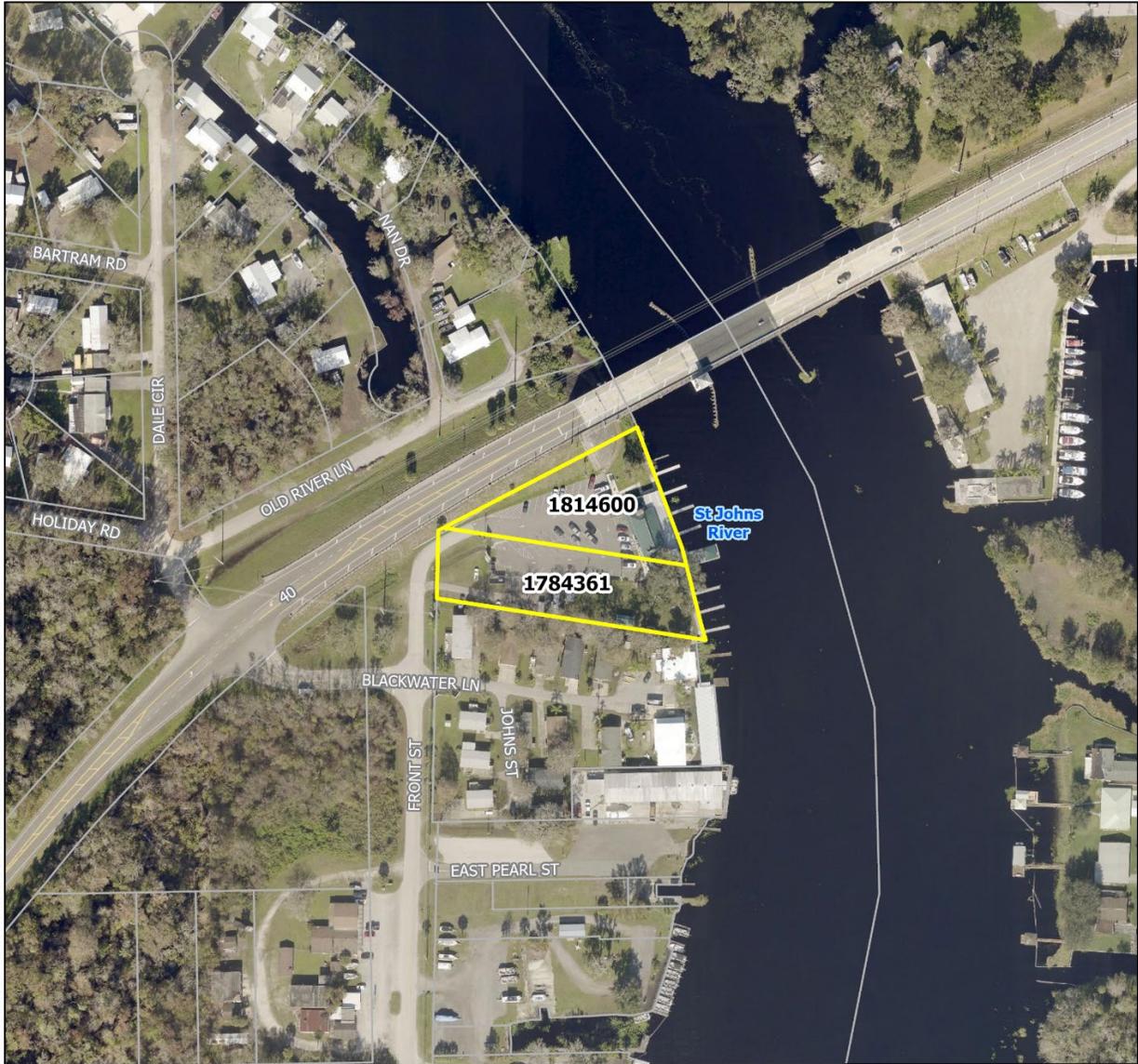


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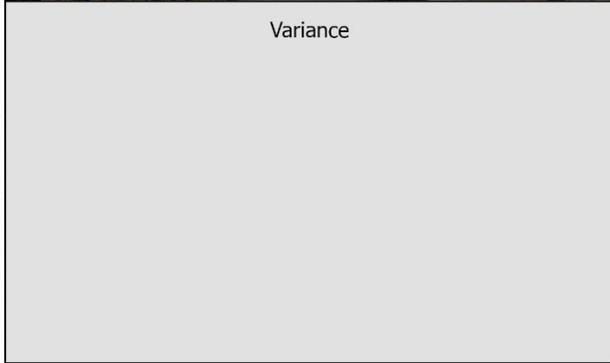
12/10/2025

Aerial Map of Subject Property

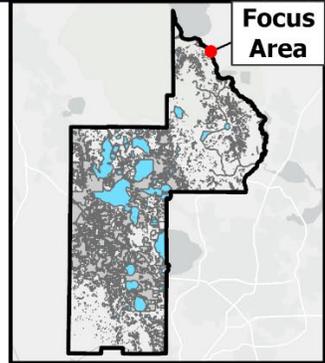
**VAR-PZ2025-304
Drifters Riverfront**



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Variance



Focus Area

12/10/2025

FINAL DEVELOPMENT ORDER

(PZ2025-304 / AR 6243)

WHEREAS, P. Collin Rice, Esq. (the “Applicant”) requested multiple variances on behalf of Astor Riverfront, LLC (the “Owner”), to Land Development Regulations (LDR) Section 9.07.12(A)5 to allow a chickee deck to remain at 6.8 feet NVAD88 in lieu of the required 7.8 feet NVAD88, LDR Section 9.01.06 to allow a waiver to landscaping buffer requirements in lieu of the required buffers, LDR Section 9.06.00 to allow a waiver to stormwater management requirements related to installation of the Chickee, and LDR Table 3.02.05 to allow an accessory commercial structure (ADA bathroom) to be setback 20.46-feet from the northern property line in lieu of the required 50-feet from all roads or right-of-way; and

WHEREAS, the subject property consists of approximately 1.43 +/- acres located at 55716 Front Street in the unincorporated Astor area in Section 29, Township 15 South, Range 28 East, identified by Alternate Key Numbers 1814600 and 1784361, 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:** The following variances to the Land Development Regulations (LDR) are hereby granted:
 - a. Section 9.07.12 to allow a chickee deck to remain at 6.8 feet NVAD88 in lieu of the required 7.8 feet NVAD88.
 - b. Section 9.01.06 to allow a waiver to landscaping buffer requirements in lieu of the required buffers.
 - c. Section 9.06.00 to allow a waiver to stormwater management requirements related to installation of the Chickee.
 - d. Table 3.02.05 to allow an accessory commercial structure (ADA bathroom) to be setback 20.46-feet from the northern property line in lieu of the required 50-feet from all roads or right-of-way.
2. **Conditions:** The variances granted above are subject to the following requirements/conditions:
 - a. Separate zoning and after-the-fact building permits will be required for the ADA bathroom and Certificates of Completion or Occupancy, as applicable, must be obtained within six (6) months of the date this variance is approved. The ADA

- bathroom must meet or exceed all other required land development regulations, including compliance with any applicable floodplain or stormwater management requirements.
- b. The chickee structure is deemed a covered observation deck for regulatory purposes. Covered observation deck means an open platform constructed to stand alone away from other structures and used for observation. No vertical walls, half-walls, or other potential obstructions to the flow of water is permitted as a condition of this variance, with the exception of the railings that have already been constructed.
 - c. This variance is approved with the understanding that the chickee structure will remain a covered observation deck with no utilities. Any electrical, mechanical, or plumbing equipment must be approved by Floodplain Management and Owner must obtain the required building permits and Certificate of Completion or Occupancy as applicable. Conversion of the chickee structure back to bar space or any other use besides a covered observation deck will void the variances granted herein unless the Owner obtains the required county approvals and permits, including elevating the structure to or above Design Flood Elevation. Any such changes shall be permitted prior to any construction or conversion.
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.

[The Remainder of This Page Is Intentionally Left Blank]

**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.

Parcel No. 1:

That part of Government Lot 4 of Section 29, Township 15 South, Range 28 East, in Lake County, Florida, lying South and East of the Southeasterly line of the Right-of-Way of State Road No. 40, LESS the following two tracts: (1) Begin at the intersection of the Southerly line of said Government Lot 4 with the Easterly line of Front Street as shown on the Map of Astor recorded in Plat Book 2, Page 12, Public Records of Lake County, Florida; and run thence Northerly along an extension of the Easterly line of Front Street 100 feet; thence Easterly and parallel with the Southerly line of said Government Lot 4 to the waters of the St. Johns River; thence Southerly along and with the waters of the St. Johns River to the Southerly line of said Government Lot 4; thence Westerly along the Southerly line of said Government Lot 4 to the Point of Beginning; (2) From the Northwest corner of Lot 1 in Block 108, according to the Map of Astor recorded in Plat Book 2, Page 12, Public Records of Lake County, Florida; run thence N 01° W, 184.3 feet along the Northerly extension of Front Street; thence N 62°45' E, 229.3 feet for the Point of Beginning of this described tract; from said Point of Beginning run thence N 62°45' E to the waters of the St. Johns River; thence S 27°15' E, 25 feet; thence S 62°45' W to a point that is S 27°15' E of the Point of Beginning; thence N 27°15' W, 25 feet to the Point of Beginning; LESS AND EXCEPT that portion of the aforescribed real property taken by eminent domain proceedings in that certain case styled Division of Administration, State of Florida Department of Transportation, and Lake County, Plaintiffs, v. Robert J. Zammit, et. al., Defendants, Civil Action 77-402-CA-01 filed in the Circuit Court of the Fifth Judicial Circuit, in and for Lake County, Florida.

Also described as:

That part of Government Lot 4, Section 29, Township 15 South, Range 28 East, Lake County, Florida, lying 100 feet North of and parallel to the North line of the Moses E. Levy grant and lying South of and East of the South and East Right-of-Way lines of State Road 40.

Also described as:

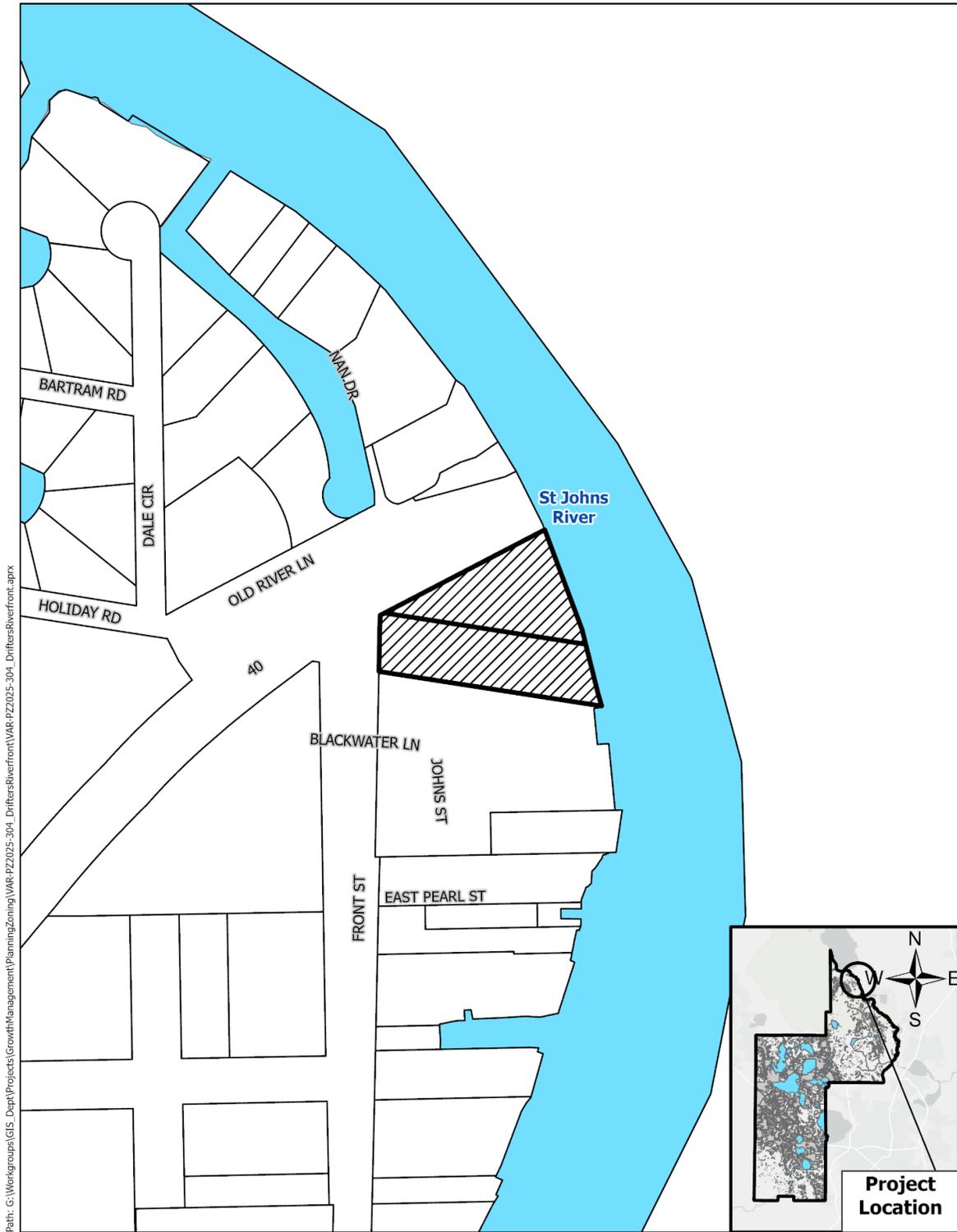
That part of Government Lot 4, Section 29, Township 15 South, Range 28 East, Lake County, Florida, lying 100 feet North of and parallel to the North line of the Moses E. Levy grant and lying South of and East of the South and East Right-of-Way lines of State Road 40.

Parcel No. 2:

A portion of Government Lot 4, Section 29, Township 15 South, Range 28 East, Lake County, Florida, being described as follows: Beginning at an intersection of the Southerly line of said Government Lot 4 with the Easterly line of Front Street, as shown on the Official Map of Astor, recorded in Plat Book 2, Page 12, Public Records of Lake County, Florida; thence run Northerly

along an extension of the Easterly line of said Front Street a distance of 100 feet; thence Easterly and parallel to the Southerly line of said Government Lot 4 to the Westerly shore line of the St. Johns River; thence Southerly along the Westerly shore line of said St. Johns River a distance of 100 feet, more or less, to a point in the Southerly line of said Government Lot 4; thence Westerly along the Southerly line of said Government Lot 4, (being also along the Northerly line of Block 108, Astor) to the Point of Beginning; LESS AND EXCEPT that portion of the aforescribed real property taken by eminent domain proceedings in that certain case styled Division of Administration, State of Florida Department of Transportation, and Lake County, Plaintiffs, v. Robert J. Zammit, et. al., Defendants, Civil Action 77-402-CA-01 filed in the Circuit Court of the Fifth Judicial Circuit, in and for Lake County, Florida.

Parcel Identification Numbers: 29-15-28-0001-000-00201 and 29-15-28-0001-000-00200



Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\PlanningZoning\VAR-PZ2025-304_DriftersRiverfront\VAR-PZ2025-304_DriftersRiverfront.aprx

12/10/2025