



97 N. Saint Andrews Dr.  
Ormond Beach, FL 32174

PH: 386.316.8426 • TMHConsulting@cfl.rr.com

## MEMORANDUM

**TO: HOWEY-IN-THE-HILLS PLANNING BOARD**  
**FROM: THOMAS HAROWSKI, AICP, PLANNING CONSULTANT**  
**SUBJECT: VARAINCE REQUEST FOR 709 N. LAKESHORE BLVD.**  
**DATE: MAY 15,2017**

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The Town has received a request for a variance of 10 feet 6 inches from the required front yard setback of 35 feet to allow an enclosed sun room to be constructed 24 feet 4 inches from the front property line. The applicant has submitted an application responding to the criteria for a variance along with a survey of the property showing the proposed location for the sunroom. This information is available for review by the Planning Board.

### Existing Conditions

The subject property is located on the south side of Laurel Avenue at the intersection with N. Lakeshore Boulevard. The property is designated as Medium Density Residential on the future land use map and zoned MDR-1. The comprehensive plan and zoning are consistent. The properties to the north, west and south have the same comprehensive plan designation and zoning. The property to the east across Lakeshore Boulevard is lakefront property which designated as conservation on the future land use map and zoned REC-1. The MDR-1 zoning requires setbacks of 35 feet for the front yard, 12.5 feet for corner yards and side yards, and 25 feet for the rear yard. According to the survey data, the corner yard and side yard setbacks are conforming. The rear setback is non-conforming as the storage room is shown as 21 feet from the rear property line. The front setback is shown as almost 38 feet in the survey, but the year 2000 survey does not show a 10-foot wooden deck and porch area extending east from the house. This deck is shown on the Property Appraiser's records as an open porch. Presumably the open porch/deck was conforming when it was constructed, but the structure is non-conforming with regard to the current front yard setback (27.8 feet vs. the required 35 feet). The proposed sun room construction would remove the deck and replace it with the sun room, extending the existing non-conformity another 3.5 feet into the required yard.

## Applicant's Comments

As part of the application for the variance, the applicant supplied some comments regarding the justification for the variance. The Planning Board members can read the applicant's submittal in its entirety, but a few of the salient points are noted as follows:

- The applicant notes that front door orientation of the house is to Laurel Avenue even though the house address is Lakeshore Boulevard. (As noted above the dwelling setback on Laurel Avenue is conforming with the required setbacks for corner yards in the MDR-1).
- The applicant notes that the home was constructed in 1963 prior to the establishment of the current setback requirements.
- The applicant states that the proposed sun room addition would not interfere with the view from adjacent properties and would be consistent with the building line of properties already facing Lakeshore Boulevard.
- The property, after construction of the proposed sun room, would still maintain a significant setback from the property line, from the edge of pavement and from the center of the road.

No survey data is available to support the applicant's claim that the building line for homes along Lakeshore Boulevard is consistent with the proposed line of the subject property with the sun room addition. A review of aerial photographs available on the Lake County Property Appraiser's web site does show a relatively consistent line for houses to the north and south of the subject property. The tree cover on the subject property prevents an exact view of that house relative to the other homes, but we do have the survey data to rely upon in that case. The measurement tool on the Property Appraiser's web site was used to determine the distance from other structures to the edge of pavement for Lakeshore Boulevard. These measurements showed the units ranging from 75 to 80 feet from the structure to the edge of pavement. Clearly there is some room for error in these measurements, but the distance from these units appears to be a little larger than the 57 feet claimed by the applicant from the new room to the edge of pavement. At the intersection with Laurel Avenue, Lakeshore begins a slight turn to the northeast which could result in more area from the houses to the edge of pavement. Without survey data, it is impossible to comment on whether other structures are non-conforming with regard to setbacks from Lakeshore Boulevard.

## Standards for Variances

Section 4.13.04 of the land development regulations sets out standards for granting a variance. In making a recommendation to the Town Council, the Planning Board should consider these criteria in forming its recommendation. The criteria are listed below:

- A. Special conditions exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district.

Staff has not identified any conditions that are peculiar to the applicant's lot or house when compared with similar properties along this section of Lakeshore Boulevard. Staff has been advised that the existing open deck needs repair, but the property owner may make necessary repairs to the structure even if portions of the structure are non-conforming with regard to the front yard setback.'

- B. The special conditions and circumstances to not result from the actions of the applicant.

Staff concurs that the current condition of the property predates the applicant's ownership. Assuming the existing open deck met setbacks when it was constructed, there has been a change in the setback requirements that now prevents the conversion of this space into enclosed living area.

- C. The literal interpretation of the provisions of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant.

The applicant still has the ability to enjoy the lakefront views either from the house or from the open deck. Views from the deck area are not the same type of all-weather views that the sun room would afford.

- D. The variance created is the minimum variance that will make possible the reasonable use of the land, building or structure.

The variance request is based on the size of the desired room. The net increase in variance area over the current deck is 3.5 feet. Staff will concur that a 13-foot wide room is not excessive given the size and character of homes fronting the lake.

- E. Granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The applicant has claimed that the proposed sun room will not interfere with views of the lake from neighboring properties, and staff concurs with this opinion. The construction of the proposed sun room will not interfere with light and air access to adjacent properties. The advertising of the variance will provide the public an opportunity to offer comments on the general harmony of the project with the surrounding area.

The Planning Board has the opportunity to suggest safeguards and conditions that would minimize impacts of the proposed development should the variance be

granted. Staff did not identify any specific conditions that it wishes to suggest at this time.

### Recommendation

Staff does not believe the information provided documents compliance with Criterion A or Criterion C. The variance is not recommended.



# VARIANCE APPLICATION

Howey-in-the-Hills

**PLEASE PRINT LEGIBLY**

Property Owner (if there are multiple owners, please provide all the information on the attached ownership list): Ann Griffin

Property Owner's Contact Information (If multiple owners, please provide mailing address, daytime phone, and fax and/or email for each owner):

First Owner: Ann Griffin  
Mailing Address: 709 N. Lakeshore Drive Howey 34737  
Daytime Phone: (352) 223-2967  
Fax and/or Email: \_\_\_\_\_

Second Owner: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_  
Fax and/or Email: \_\_\_\_\_

If more than two owners, please attach additional information.

Applicant (If different from owner): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_  
Fax and/or Email: \_\_\_\_\_

If the Applicant does not own the property, or is not the sole owner, please complete the Authorized Agent Affidavit form, attached.

If the Applicant is Not the Owner of the Property, is the Applicant:

- \_\_\_\_\_ A Tenant
- \_\_\_\_\_ An Authorized Agent for the Owner
- \_\_\_\_\_ Other (please explain): \_\_\_\_\_

Property's Physical Address: 709 N. Lakeshore Dr  
The attached Verified Legal Description Form must also be completed as part of the application.

A survey of the property, showing all current improvements on the site, to scale, is required as part of the application submittal. The survey can be no larger than 11" X 17" in size.

An additional copy of the survey or a site plan drawn to scale should be included as part of the application which specifically shows any improvements that are being requested as part of the variance. Again, this site plan can be no larger than 11" X 17" in size.



Property Information: Tax Parcel ID: \_\_\_\_\_ Alt Key #: 1762740

Please identify below the current land uses located on the site and all adjacent properties. For example, land uses would be identified as single family home, office, grocery store, etc.

Subject Site: 709 N. Lakeshore

Adjacent property to the North: \_\_\_\_\_

Adjacent property to the South: \_\_\_\_\_

Adjacent property to the East: \_\_\_\_\_

Adjacent property to the West: \_\_\_\_\_

Does the property currently have:

- |                     |                                         |                                        |
|---------------------|-----------------------------------------|----------------------------------------|
| Town Water:         | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| Central Sewer:      | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO |
| Potable Water Well: | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO |
| Septic Tank:        | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |

How long has the current owner owned the property? Since 3/12/17

Please attach property tax records or other documentation to verify how long the current owner has owned the property.

What specific Code requirement is the applicant seeking a variance from?

see attached

\_\_\_\_\_

\_\_\_\_\_

What, in the applicant's point of view, are the specific special conditions or circumstances that exist on the property?

see attached

\_\_\_\_\_

\_\_\_\_\_

What, in the applicant's point of view, is the unnecessary and undue hardship that exists to provide justification for the variance?

see attached

\_\_\_\_\_

\_\_\_\_\_

The applicant should provide any additional information that may be helpful to the Town in rendering a decision on the requested variance.

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Additional information may be necessary. The applicant is required to provide a daytime telephone number where he/she can be reached.

The applicant is required to provide the names and mailing addresses of all property owners within 300 feet of the subject property, in the form of mailing labels. Three (3) sets of labels are required. These names and addresses may be obtained from the Lake County Property Appraiser's Office.

The Town will also provide a sign which must be posted on the subject property, visible from the adjacent right-of-way or road access. The sign must be posted at least one week prior to the Planning and Zoning Board meeting where this application will be on the agenda and the sign must remain posted until the Town Council public hearing.

A \$400 application fee is due and payable at the time this application is submitted to the Town. In addition to this application fee, a \$1,000 review deposit is required. By signing this application, the applicant acknowledges that the \$400 application fee covers advertising costs, mailings, and the time spent on the application by the Town Clerk. The applicant also acknowledges by his/her signature below that he/she understands he or she will be responsible for any additional costs that the Town incurs as a result of having Town consultants review the application. Once those additional costs are paid by the applicant, the Town will return the balance of the \$1,000 review deposit to the applicant. By signing this application, the applicant also acknowledges that he/she understands that variances expire if not acted upon within the timeframes outlined in the Town's Land Development Regulations.

Witnesses:



Signature



Print Name

Applicant:



Signature



Print Name

Signature

Print Name

1. What specific Code requirement is the applicant seeking a variance from?

The applicant is requesting relief from the 35' setback requirement for a corner lot for the set back along N. Lakeshore Drive (East). Currently there is a wooded deck that would be removed and replaced with a 13'6 x 35' covered sun room to take enjoy the views of Little Lake Harris. The room's eastern edge will leave a 25.7' measurement to the property line. Additionally the room will be approximately 57' from Lakeshore Drive.

2. What, in the applicant's point of view, are the specific special conditions or circumstances that exist with the property?

While the residence has an address of 709 N. Lakeshore, the front door is located on Laurel Ave. Additionally, the lot is a corner lot which triggers 35' setbacks on both the front (on Laurel) and the side (on N. Lakeshore), instead of the typical 12'6" side setback requirement. By allowing the variance, the room will not noticeably protrude beyond the visually line of homes on Lakeshore and will maintain a suitable buffer from N. Lakeshore Drive.

3. What, in the applicant's point of view, is the unnecessary and undue hardship that exists to provide the justification of the variance?

The home was constructed in 1963, prior to the establishment of the current setback requirements. The proposed sunroom would not limit the view from any adjacent property and would be consistent with the line of properties already on Lakeshore Drive, maintaining approximately 57' to the edge of Lakeshore pavement and 66' from the middle of the road. Additionally, allowing the Sunroom addition would increase the property value by allowing the home to take advantage of the sweeping views of Little Lake Harris.



Please hand deliver completed application and fee to:

Town Clerk  
Town of Howey in the Hills  
101 N. Palm Avenue  
Howey in the Hills, FL 34737

Please make application fee and review deposit checks payable to the Town of Howey in the Hills.

The Town Clerk may be reached at 352-324-2290 or by visiting Town Hall during normal business hours.

**FOR TOWN CLERK OFFICE USE ONLY**

Date Received: 4/27/2017

CK # 2210

- 3 sets of labels attached?
- current survey attached?
- site plan attached showing proposed improvements?
- verified legal description form attached?
- authorized agent affidavit attached?
- ownership list attached?

APPLICATION NO. \_\_\_\_\_

Reviewed and Accepted By: B. P. [Signature] 4/27

Provided to Town Planner on: 4/27

Planning & Zoning Board meeting date: 5/25

Town Council meeting date: 6/12



# Authorized Agent Affidavit

STATE OF FLORIDA  
COUNTY OF LAKE

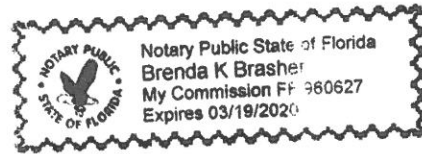
Before me, the undersigned authority, this day personally appeared Ann Griffin hereinafter "Owner", and \_\_\_\_\_ hereinafter "Applicant", who, being by me first duly sworn, upon oath, depose and says:

1. The Applicant is the duly authorized representative of the Owner, on the real property as described and listed on the pages attached to this affidavit and made a part of hereof.
2. That all Owners have given their full and complete permission for the Applicant to act in their behalf as set out in the accompanying application.
3. That the attached ownership list is made a part of the Affidavit and contains the legal description(s) for the real property, and the names and mailing addresses of all Owners having an interest in said land.

FURTHER Affiant(s) sayeth not.

Sworn to and subscribed before me this  
27 day of April, 2017  
Brenda Brasher  
 Notary Public  
 State of Florida at Large  
 My Commission Expires: \_\_\_\_\_

Ann Griffin  
 Owner



Sworn to and subscribed before me this  
 \_\_\_ day of \_\_\_\_\_, 20\_\_  
 \_\_\_\_\_  
 Notary Public  
 State of Florida at Large  
 My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
 Owner

Sworn to and subscribed before me this  
 \_\_\_ day of \_\_\_\_\_, 20\_\_  
 \_\_\_\_\_  
 Notary Public  
 State of Florida at Large  
 My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
 Owner

Sworn to and subscribed before me this  
 \_\_\_ day of \_\_\_\_\_, 20\_\_  
 \_\_\_\_\_  
 Notary Public  
 State of Florida at Large  
 My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
 Owner



# Ownership List

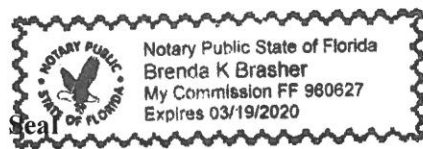
(must be completed by all owners)

Owner's Name: Ann h. Griffin  
Ownership Interest: 100% owner  
Mailing Address: 311 N. Lakeshore Blvd  
Howey in the Hill  
Legal Description: \_\_\_\_\_

[Signature]  
Signature

4/27/2017  
Date

The foregoing instrument was acknowledged before me on 4/27/2017 by Ann Griffin who is personally known to me or has presented \_\_\_\_\_ as identification and who did \_\_\_\_\_ or did  not take an oath.



Brenda Brasher  
Notary Public

\*\*\*\*\*

Owner's Name: \_\_\_\_\_  
Ownership Interest: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_

\_\_\_\_\_  
Signature Date

The foregoing instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_ who is personally known to me or has presented \_\_\_\_\_ as identification and who did \_\_\_\_\_ or did \_\_\_\_\_ not take an oath.

\_\_\_\_\_  
Notary Public

Seal

# PROPERTY RECORD CARD

## General Information

<b>Owner Name:</b>	GRIFFIN ANN L	<b>Alternate Key:</b>	1762740
<b>Mailing Address:</b>	1010 N LAKESHORE DR HOWEY IN THE HILLS, FL 34737 <a href="#">Update Mailing Address</a>	<b>Parcel Number:</b>	25-20-25-0100B0400100
		<b>Millage Group and City:</b>	000H (HOWEY IN THE HILLS)
		<b>Total Certified Millage Rate:</b>	23.8976
		<b>Trash/Recycling/Water/Info:</b>	<a href="#">My Public Services Map</a> ⓘ
<b>Property Location:</b>	709 NORTH LAKESHORE BLVD HOWEY IN THE HILLS FL 34737 <a href="#">Update Property Location</a> ⓘ	<b>Property Name:</b>	-- <a href="#">Submit Property Name</a> ⓘ
		<b>School Locator:</b>	<a href="#">School and Bus Map</a> ⓘ
<b>Property Description:</b>	HOWEY EMERY HEIGHTS LOT 1 BLK B-4 PB 12 PG 94   ORB 4916 PG 1947		

## Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	SFR LAKEFRONT LOT (0103)	75	140		75	FF	\$0.00	\$53,198.00

## Residential Building(s)

### Building 001

Residential	Single Family	Building Value: \$123,004.00						
<b>Summary</b>								
Year Built: 1963	Total Living Area: 1740 ⓘ	Central A/C: Yes	Attached Garage: Yes					
Bedrooms: 3	Full Bathrooms: 2	Half Bathrooms: 1	Fireplaces: 1					
<a href="#">Incorrect Bedroom, Bath, or other information?</a> ⓘ								
<b>Section(s)</b>								
Section No.	Section Type	Ext. Wall Type	No. Stories	Floor Area	Finished Attic	Basement	Basement Map Finished	Color
1	FINISHED LIVING AREA (FLA)	Block (002)	1	1320	N	0%	0%	
2	OPEN PORCH (OPF)	No Wall Type (000)	1	220	N	0%	0%	
3	GARAGE (GCF)	Stucco/Brick (003)	1	276	N	0%	0%	



4	UTILITY / STORAGE (SBF)	Block (002)	1	138	N	0%	0%
5	FINISHED LIVING AREA (FLA)	Block (002)	1	420	N	0%	0%
6	OPEN PORCH (OPU)	No Wall Type (000)	1	350	N	0%	0%

**You must have Flash Player 6 or higher to view the building drawing.**



Click to enable Adobe Flash Player

## Miscellaneous Improvements

There is no improvement information to display.

## Sales History

Book/Page	Sale Date	Instrument	Qualified/Unqualified	Vacant/Improved	Sale Price
<a href="#">4916 / 1947</a>	3/12/2017	Trustees Deed	Qualified	Improved	\$208,000.00
<a href="#">3797 / 1789</a>	6/30/2009	Quit Claim Deed	Unqualified	Improved	\$100.00
<a href="#">3787 / 2204</a>	6/19/2009	Quit Claim Deed	Unqualified	Improved	\$100.00
<a href="#">2792 / 814</a>	8/2/2004	Quit Claim Deed	Unqualified	Improved	\$0.00
<a href="#">2579 / 1313</a>	5/19/2004	Warranty Deed	Qualified	Improved	\$199,600.00
<a href="#">1730 / 1912</a>	7/2/1999	Warranty Deed	Qualified	Improved	\$128,000.00
<a href="#">1286 /</a>	3/1/1994	Warranty Deed	Qualified	Improved	\$82,000.00

[1747](#)[1242 / 1396](#)

8/1/1993	Certificate of Title	Unqualified	Improved	\$0.00
3/1/1991	Warranty Deed	Qualified	Improved	\$89,000.00
2/1/1986	Warranty Deed	Qualified	Improved	\$59,500.00
2/1/1986	Warranty Deed	Unqualified	Improved	\$1.00

[Click here to search for mortgages, liens, and other legal documents.](#) ⓘ

## Values and Estimated Ad Valorem Taxes ⓘ

Tax Authority	Market Value	Assessed Value	Taxable Value	Millage	Estimated Taxes
LAKE COUNTY BCC GENERAL FUND	\$176,202	\$176,202	\$176,202	5.11800	\$901.80
LAKE COUNTY MSTU AMBULANCE	\$176,202	\$176,202	\$176,202	0.46290	\$81.56
LAKE COUNTY MSTU FIRE	\$176,202	\$176,202	\$176,202	0.47040	\$82.89
SCHOOL BOARD STATE	\$176,202	\$176,202	\$176,202	4.62700	\$815.29
SCHOOL BOARD LOCAL	\$176,202	\$176,202	\$176,202	2.24800	\$396.10
TOWN OF HOWEY IN THE HILLS	\$176,202	\$176,202	\$176,202	9.27500	\$1,634.27
ST JOHNS RIVER FL WATER MGMT DIST	\$176,202	\$176,202	\$176,202	0.28850	\$50.83
LAKE COUNTY VOTED DEBT SERVICE	\$176,202	\$176,202	\$176,202	0.15240	\$26.85
LAKE COUNTY WATER AUTHORITY	\$176,202	\$176,202	\$176,202	0.25540	\$45.00
NORTH LAKE HOSPITAL DIST	\$176,202	\$176,202	\$176,202	1.00000	\$176.20
				<b>Total:</b>	<b>Total:</b>
				23.8976	\$4,210.79

## Exemptions Information

This property is benefitting from the following exemptions with a checkmark ✓

Homestead Exemption (first exemption up to \$25,000)

[Learn More View the Law](#)

Additional Homestead Exemption (up to an additional \$25,000)

[Learn More View the Law](#)

Limited Income Senior Exemption (applied to county millage - up to \$50,000)

[Learn More View the Law](#)

Limited Income Senior Exemption (applied to city millage - up to \$25,000) ⓘ

[Learn More View the Law](#)

Limited Income Senior 25 Year Residency (county millage only-exemption amount varies)

[Learn More View the Law](#)

Widow / Widower Exemption (up to \$500)

[Learn More View the Law](#)

Blind Exemption (up to \$500)

[Learn More View the Law](#)

Disability Exemption (up to \$500)

[Learn More View the Law](#)

Total and Permanent Disability Exemption (amount varies)

[Learn More View the Law](#)

Veteran's Disability Exemption (\$5000)

[Learn More View the Law](#)

Veteran's Total and Permanent Disability Exemption (amount varies)

[Learn More View the Law](#)

Veteran's Combat Related Disability Exemption (amount varies)

[Learn More View the Law](#)

Deployed Servicemember Exemption (amount varies)

[Learn More View the Law](#)

Surviving Spouse of First Responder Exemption (amount varies)	<a href="#">Learn More View the Law</a>
Conservation Exemption (amount varies)	<a href="#">Learn More View the Law</a>
Tangible Personal Property Exemption (up to \$25,000)	<a href="#">Learn More View the Law</a>
Religious, Charitable, Institutional, and Organizational Exemptions (amount varies)	<a href="#">Learn More View the Law</a>
Government Exemption (amount varies)	<a href="#">Learn More View the Law</a>

## Exemption Savings ⓘ

The exemptions marked with a ✓ above are providing a tax dollar savings of: **\$0.00**

## Assessment Reduction Information (3% cap, 10% cap, Agricultural, Portability, etc.)

This property is benefitting from the following assessment reductions with a checkmark ✓

Save Our Homes Assessment Limitation (3% assessed value cap)	<a href="#">Learn More View the Law</a>
Save Our Homes Assessment Transfer (Portability)	<a href="#">Learn More View the Law</a>
Non-Homestead Assessment Limitation (10% assessed value cap)	<a href="#">Learn More View the Law</a>
Conservation Classification Assessment Limitation	<a href="#">Learn More View the Law</a>
Agricultural Classification	<a href="#">Learn More View the Law</a>

## Assessment Reduction Savings ⓘ

The assessment reductions marked with a ✓ above are providing a tax dollar savings of: **\$0.00**

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Property data last updated on 17 April 2017.  
[Site Notice](#)

# BOUNDARY SURVEY FOR: THOMAS R. FREEMAN & DARREN W. STUART

LEGAL DESCRIPTION (OFFICIAL RECORDS BOOK 1286, PAGE 1747)

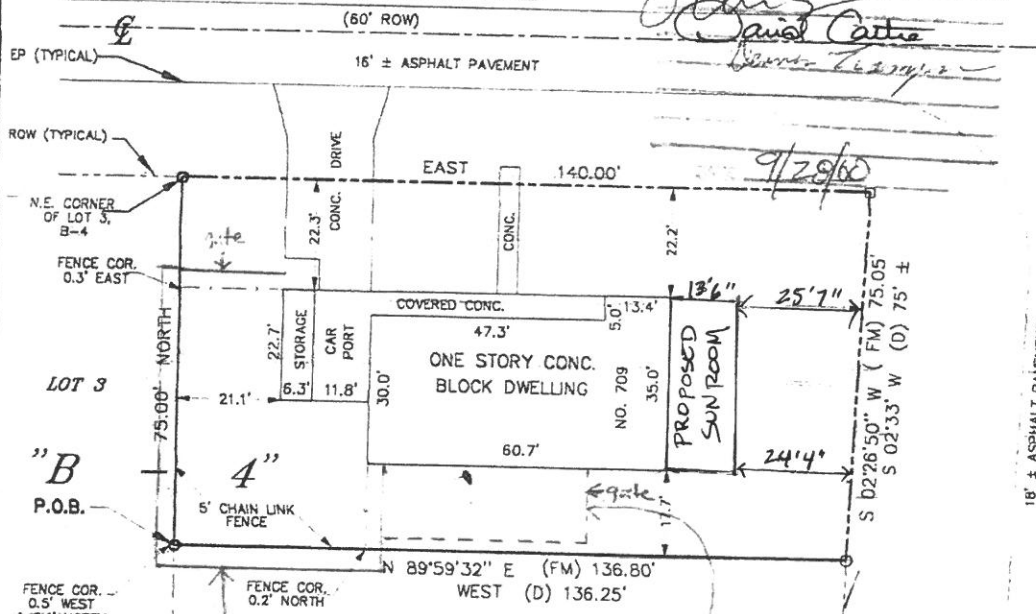
That part of Block B-4 of Emery Heights, a subdivision in the city of Howey-in-the-Hills Florida, according to the plat thereof recorded in Plat Book 12, page 94, Public Records of Lake County, Florida, bounded and described as follows: Begin at a point on the East line of Lot 3 in said Block B-4 that is 75 feet South of the Northeast corner of said Lot 3, thence North along the East line of said Lot 3 a distance of 75 feet to the Northeast corner thereof; thence East along the South line of the right of way of Laurel Avenue 140 feet to the Westerly line of the right of way of Lake Shore Boulevard, thence South 2°33' West along the Westerly line of the right of way of Lake Shore Boulevard 75 feet, more or less, to a point that is due East of the point of beginning, thence West 136.25 feet, more or less, to the point of beginning, also described as Lot 1 in said Block B-4.

### LEGEND

- = 4x4 Conc. Mon. found (No Id)
- = 4x4 Conc. Mon. set
- = Rebar & Cap found (# 4709)
- = Rebar & Cap set
- = 4" Round Conc. Mon. (No Id)
- ⊕ = Cross Cut found
- ⊖ = Center Line of ROW

- // = Line not to Scale
- ROW = Right of Way
- (No Id) = No Identification
- EP = Edge of Pavement
- P.O.B. = Point of Beginning
- (D) = Deed
- (FM) = Field Measurement

## LAUREL AVENUE



### NOTES:

- 1) Bearings are based on Record Plat.
- 2) All distances and bearings are as shown.
- 3) Lands shown hereon were not abstracted for rights of way, easements of record, or ownership.
- 4) No utilities located unless otherwise shown (underground or overhead).
- 5) Reference sources previous survey information by:  
Richard W. Snyder & others.
- 6) Legal Description furnished by Client.
- 7) Reproductions of this PLAT are not valid unless sealed with an embossed Surveyor's seal.
- 8) This property is ALL within Zone C as shown on Community Panel 120585 0001 B map prepared by the National Flood Insurance Program.

This survey is also certified correct to the following named parties;  
Thomas R. Freeman and Darren W. Stuart  
Attorneys' Title Insurance Fund, Inc.  
Nancy A. Davito, P.A.  
Preferred Mortgage Consultants, Inc.  
Chase Manhattan Mortgage Corporation

This survey is certified correct to the best of my knowledge and belief, and meets or exceeds the minimum technical standards set forth in Section 472.027 of the Florida Statutes.

Richard W. Snyder  
RICHARD W. SNYDER, Esq.  
Florida Licensed Surveyor and Mapper  
License No. 2628

LAKE SHORE BOULEVARD  
(N. LAKE SHORE BLVD.)  
18' ± ASPHALT PAVEMENT







Town of Howey-in-the-Hills  
101 N. Palm Avenue  
P.O. Box 128  
Howey-in-the-Hills, Florida 34737  
(352) 324-2264

**MAILED CERTIFIED MAIL MAY 11, 2017**

**TOWN OF HOWEY-IN-THE-HILLS - NOTICE OF PUBLIC HEARINGS**

Dear Property Owner:

The Howey-in-the-Hills Planning & Zoning Board will hold a Public Hearing on Thursday, May 25, 2017 to make a recommendation to the Board of Adjustment. The Howey-in-the-Hills Town Council acting as the Board of Adjustment will hold a Public Hearing on Monday, June 12, 2017 to consider a proposal by applicant, Ann Griffin, whose property is shown on the attached map. Both Public Hearings will be held at 6:00 p.m., or soon thereafter, at the Howey-in-the-Hills Town Hall, 101 N. Palm Avenue, Howey-in-the-Hills, Florida.

The purposes of the hearings are to take public comment, both written and oral, concerning the following:

Variance Application

**Applicant has requested a Variance from the Land Development Code requirement for a 35-foot front yard setback to permit construction of a sun room extending 10 feet eight inches into the required front yard. The property is located at 709 North Lakeshore Drive.**

Copies of the documents regarding the Variance Application may be inspected by interested persons at the Town Hall, located at 101 N. Palm Ave. Howey-in-the-Hills, FL 34737, on Monday through Thursday, from 8:00 a.m. to 5:00 p.m. and Friday, from 8:00 a.m. to 3:45 p.m. Also, you may attend the public hearings and be heard by the Town Council and submit written comments.

The public hearings may be continued to one or more future dates. The times, places, and dates of any continuances of the public hearings shall be announced during the public hearings without any further notice being mailed to you.

If you have a disability and need assistance to participate in this proceeding, you may contact the Town Clerk's office at (352) 324-2290, at least 48 hours in advance of the scheduled hearings for accommodation.

You are advised that, if you decide to appeal any decision made at this meeting, you will need a record of the proceeding, and for such purposes, you may need to ensure that a verbatim record of the proceeding is made which includes the testimony and evidence upon which the appeal is based, per Section 286.0105, Florida Statutes.

# Affidavit of Publication

## DAILY COMMERCIAL

Leesburg, Lake County Florida  
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomily

who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake County, Florida; that the attached copy of advertisement, being a notice in the matter of

Notice of Public Hearing

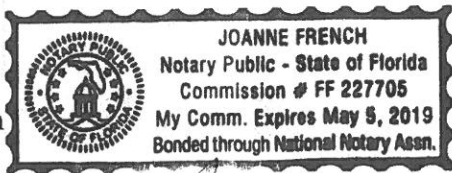
was published in said newspaper in the issues of:

May 12, 2017

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 12 day of May A.D., 2017.

Joanne French  
Notary Public



Joanne French  
(Print, Type or Stamp Name of Notary Public)

AD# 10064361

### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Town of Howey-in-the-Hills will hold a Public Hearing at its Planning & Zoning Board Meeting on May 25, 2017, at 6:00 p.m., or as soon thereafter to consider the adoption of the following proposed Variance Application. The applicant is requesting a Variance to the Land Development Code (LDC) requirements pertaining to the schedule of setback requirements for a principal structure on the subject property located at 709 N. Lakeshore Drive and owned by Ann Griffin. The Public Hearing will be held at Town Hall, 101 N. Palm Avenue, Howey-in-the-Hills, FL. The Variance Application may be inspected in its entirety at the office of the Town Clerk during regular business hours. All interested parties may appear at the meeting and be heard with respect to the application. NOTICE: Please be advised that, under State Law, if you should decide to appeal a decision with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made at your own cost. In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact the Town Clerk at 352-324-2290 at least 3 business days prior to the meeting to request

such accommodations.

Brenda Brasher, MMC  
Town Clerk

Ad No: 10064361  
May 12, 2017

# Affidavit of Publication

## DAILY COMMERCIAL

Leesburg, Lake County Florida  
STATE OF FLORIDA, COUNTY OF LAKE

Before the undersigned authority personally appeared

Linda Rostomly

*Linda Rostomly*

who on oath says that she is an authorized employee of the Daily Commercial, a daily newspaper published at Leesburg, in Lake County, Florida; that the attached copy of advertisement, being a notice in the matter of

PUBLIC HEARING

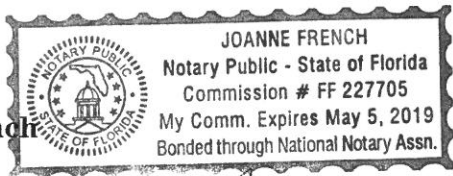
was published in said newspaper in the issues of:

MAY 25, 2017

Affiant further says that the said Daily Commercial is published at Leesburg, in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida, daily, and has been entered as second class mail matter at the post office in Leesburg, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 25 day of May A.D., 2017.

Joanne French  
Notary Public



*Joanne French*  
(Print, Type or Stamp Name of Notary Public)

AD# 10064362

### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Town of Howey-in-the-Hills will hold a Public Hearing as the Town Council acts as the Board of Adjustment on June 12, 2017, at 5:45 p.m., or as soon as thereafter, to consider the adoption of the following proposed Variance Application. The applicant is requesting a Variance to the Land Development Code (LDC) requirements pertaining to the schedule of setback requirements for a principal structure on the subject property located at 709 N. Lakeshore Drive and owned by Ann Griffin. The Public Hearing will be held at Town Hall, 101 N. Palm Avenue, Howey-in-the-Hills, FL. The Variance Application may be inspected in its entirety at the office of the Town Clerk during regular business hours. All interested parties may appear at the meeting and be heard with respect to the application. NOTICE: Please be advised that, under State Law, if you should decide to appeal a decision with respect to this matter, you will need a record of the proceedings, and may need to ensure that a verbatim record is made at your own cost. In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact the Town Clerk at 352-324-2290 at least 3 business days prior to the meeting to request such accommodations.

Brenda Brasher, MMC  
Town Clerk

Ad No: 10064362  
May 25, 2017

MINUTES OF THE PLANNING AND ZONING BOARD MEETING  
HELD MAY 25, 2017

Chairman Llewellyn called the May 25, 2017 meeting to order at 6:05p.m.

Present: Chairman Llewellyn, Member Lehning, Member Ricci and Member St. Clair.

Absent: Member Douthit, excused

Also Present: Town Planner Harowski and Administrative Assistant II Burke

**APPROVAL OF MINUTES**

**Minutes of Regular Meeting held February 23, 2017 and April 27, 2017**

**Member Lehning, seconded by Member St. Clair, moved to approve the minutes as presented. Motion passed unanimously.**

**PUBLIC HEARING**

**Review of and recommendation to the “Board of Adjustment” (the Town Council will be sitting as the Board of Adjustment) for a Variance Application for setbacks from the Land Development Regulations for a sunroom located at 709 N Lakeshore Blvd.**

**Town Planner Harowski** said the Town had received a request for a variance of 10 feet 6 inches from the required front yard setback of 35 feet to allow an enclosed sun room to be constructed 24 feet 4 inches from the front property line. The applicant has submitted an application responding to the criteria for a variance along with a survey of the property showing the proposed location for the sunroom.

**Town Planner Harowski** said Section 4.13.04 of the Land Development Code sets out standards for granting a variance. In making a recommendation to the Town Council, the Planning Board should consider these criteria in forming its recommendation. The criteria are listed below:

- A. Special conditions exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district.

***Staff has not identified any conditions that are peculiar to the applicant's lot or house when compared with similar properties along this section of Lakeshore Boulevard. Staff has been advised that the existing open deck needs repair, but the property owner may make necessary repairs to the***



**structure even if portions of the structure are non-conforming with regard to the front yard setback.**

- B. The special conditions and circumstances to not result from the actions of the applicant.

**Staff concurs that the current condition of the property predates the applicant's ownership. Assuming the existing open deck met setbacks when it was constructed, there has been a change in the setback requirements that now prevents the conversion of this space into enclosed living area.**

- C. The literal interpretation of the provisions of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant.

**The applicant still has the ability to enjoy the lakefront views either from the house or from the open deck. Views from the deck area are not the same type of all-weather views that the sun room would afford.**

- D. The variance created is the minimum variance that will make possible the reasonable use of the land, building or structure.

**The variance request is based on the size of the desired room. The net increase in variance area over the current deck is 3.5 feet. Staff will concur that a 13-foot wide room is not excessive given the size and character of homes fronting the lake.**

- E. Granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

**The applicant has claimed that the proposed sun room will not interfere with views of the lake from neighboring properties, and staff concurs with this opinion. The construction of the proposed sun room will not interfere with light and air access to adjacent properties. The advertising of the variance will provide the public an opportunity to offer comments on the general harmony of the project with the surrounding area.**

Town Planner Harowski's recommendation to the Planning and Zoning Board is to not recommend the variance as it doesn't meet criteria A or C.

**The Public Hearing was opened.**

**Ann Griffin, 709 N Lakeshore Blvd**, said that she bought the house to downsize. She explained that the requested sunroom would replace the existing porch that was rotted. She said the sunroom would improve her property value along with the surrounding properties.

**Member Lehning** asked if it would be air conditioned. **Ann Griffin** replied yes.

**Member Lehning** asked if the deck was built when the house was. **Ann Griffin** replied no, that it was built around 2003.

**Ann Griffin** said that since there is already an existing porch could she rebuild. **Town Planner Harowski** replied that she may repair or replace what is already there but couldn't make alterations.

**Member St. Clair** asked what Ann Griffin's other options were. **Town Planner Harowski** said she could repair the existing porch but couldn't enclose it.

**Martha Macfarlane, 210 E Cypress Ave**, said she would like the Planning and Zoning Board to consider the value it would bring to Ann Griffin's property.

***The Public Hearing was closed.***

***Member Lehning, seconded by Member St. Clair, moved to recommend to the "Board of Adjustments" that the proposed sunroom be granted with the exception that the sunroom is the same dimensions as the existing porch. Motion passed 4-0 with a roll call vote.***

## **NEW BUSINESS**

### **Approval or Denial of Building Permit Application at 114 E Lakeview Avenue**

**Paul Caruso, Corban Construction**, gave background on the proposed building permit at 114 E Lakeview Avenue.

**Member Lehning** asked why the garage wouldn't be in the front of the house. **Paul Caruso** said the home owners would like to have the addition in the front so that they can enjoy the views of Little Lake Harris.

**Member Ricci** asked if there would be a wall separation from the bathroom to the garage. **Paul Caruso** replied yes.

**Member Ricci** said that the proposed building permit would be an improvement to what is existing.

**Chairman Llewellyn** said that the addition still has to meet the setbacks. **Paul Caruso** replied that he would resubmit plans to meet the setbacks.

**Member Lehning, seconded by Member St. Clair, moved to approve that Corban Construction submit revised plans to meet the required setbacks to Town Hall for the Building Official to review and approve. Motion carried 4-0 with a roll call vote.**

### **Discussion: Historic Overlay Zoning**

Town Planner Harowski said at the recent Town Council meeting, the Council authorized the development of the zoning overlay concept for presentation to the Planning Board. The Council is looking for recommendations from the Board on the concept as presented in my report to the Council. The key points in the overlay concept are:

- Maintenance of the underlying zoning while adding a historic designation to the property that allows for some alternative uses if required to preserve the historic asset.
- Application of the overlay zone through the Town's normal zoning amendment process so that there is adequate public notice and opportunity for the public to participate in the process.
- Creation of a Historic Preservation Management Agreement (HPMA) which would operate like a planned unit development to set forth regulations for the use and development of the historic property. The HPMA is really the heart of the process as it provides the specifics for governing activities on the historic property site.
- Should the historic resource be removed for any reason, the historic designation would be lost and the property would revert to the underlying zoning.

**Member Lehning** asked Town Planner Harowski to clarify what he means by "should the historic resource be removed." **Town Planner Harowski** said if a natural disaster demolishes the historic structure the property would revert back to the underlying zoning.

**Town Planner Harowski** said Town Attorney Ramos recommends that the applicant meet both criteria in order to qualify for a historic overlay. 1. The historic or archeological asset is listed on the National Register of Historic Properties; designated by the State of Florida as a historic or archeological resource; approved by the Town Council as a locally significant site. 2. The original use of the building or site no longer functions in the current environment or would create negative secondary impacts to the surrounding neighborhood if utilized for its original use.

**Martha Macfarlane, 210 E Cypress Ave**, asked if an applicant would have to reapply for a zoning change if the resource that deemed it historic was removed or demolished even if they were to try and recreate the historic resource. **Town Planner Harowski** replied yes.

**Charles Richardson, 214 E Laurel Ave**, asked if the historic resource was the structure not the land. **Town Planner Harowski** said the historic resource is what is deemed to be the “historic” whether it be the structure or land.

**There were no recommendations from the Planning and Zoning Board to the Town Council.**

## **Chapter 6: Recreation and Open Space Element**

**Town Planner Harowski** gave background on the Recreation and Open Space Element. He said the Recreation and Open Space Element is another one of the population based elements in terms of assessing level of service compliance and needed facilities. As we have seen with other population based elements, the service demands are less than projected in 2010 due to the lower population growth. This section will examine the changes that have occurred since 2010 and identify any needed updates to the plan element.

**Town Planner Harowski** said the nature walk in the Sarah Maude Mason Preserve has undergone renovation and educational signage has been added. Central Park has been upgraded with the expansion of the basketball court to a full-size court; the addition of play equipment; a picnic facility and a four-square game court. Griffin Park is being upgraded with new play equipment and upgraded seating and picnic facilities. The Town is also seeking funding to add structured parking to the boat ramp. While these improvements are not adding park area, they are improving the recreational opportunity and experience for Town residents and visitors.

**Town Planner Harowski** said that a review of the goals, objectives and policies did not identify any obvious amendments. The policies include recommended facilities per unit of population (Policy 1.1.2) but these are guidelines rather than minimum levels of service. Many of the noted facilities are provided by the private sector such as tennis and golf (Mission Inn) and by Lake County for team sports. The capital improvements element has included proposals for long-range provision of park space keyed to the planned Village Mixed-Use projects. The facilities are identified as the north and south neighborhood parks. As the Village Mixed Use projects develop, the Town will include park facilities in the planning of these developments. The Town may want to formalize this intent in the plan policies. The plan element also includes specific policies about open space to be incorporated into new development. These policies have been adopted into the Town’s land development regulations and are being implemented as new development comes forward.

## **Chapter 11: Public Schools Element**

**Town Planner Harowski** said the Public School Facilities Element (PSFE) was adopted in response to a state mandate that public schools be added to local government Comprehensive Plans and that school capacity be included as one component of the concurrency evaluation for new development.



The Planning Board will recall that the concurrency process is designed to ensure that adequate public services will be available to support new development at the time the service impacts of that development occur. This directive put school capacity on the same footing as traffic capacity, potable water and the other basic services that local government provides.

**Town Planner Harowski**' s recommends that policy 1.1.2 can be deleted as the requirement for the effective date for the initiation of school concurrency has passed and the policy has been implemented. Staff discussed the element with school district staff and they did not indicate a need for any major revisions. He added that no changes to the school concurrency areas are contemplated at this time.

### **PUBLIC COMMENTS**

**Charles Richardson, 214 E Laurel Ave**, asked to clarify what the recommendation was for Ann Griffin's Variance. **Administrative Assistant II Burke** replied that the Planning and Zoning Board recommend to the "Board of Adjustments" that the proposed sunroom be granted with the exception that the sunroom is the same dimensions as the existing porch.

The meeting adjourned at 7:45 p.m.

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Chairman Llewellyn

ATTEST:

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Dairian Burke  
Administrative Assistant II