



ZONING MEMORANDUM

April 10, 2025

Prepared for
Town of Howey-in-the-Hills
Attn: Sean O'Keefe, Town Manager



Parcel #25-20-25-0200-A06-00100, also known as Alternate Key #1329949: Lot Size and Rear Setback Variance Request

Applicant: Staff Initiated Request

Project Description and Background:

This is an application for a variance to allow a lot size less than the required 15,000 square feet in the MDR-1 Zoning District and a variance to allow a rear setback less than the required 30 feet for an existing principal structure in the MDR-1 Zoning District for Parcel #25-20-25-0200-A06-00100, also known as Alternate Key #1329949.

The property is also known as 1009 North Hamlin Avenue, Lot 1, Block A-6 Howey-in-the-Hills, Griffin Village plat. The house that is located on the property was built in 1978. The house has had a couple of additions in the rear and side where the side driveways are located. These additions make the house closer to the rear lot line separating it from Lot 2, Block A-6 Howey-in-the-Hills, Griffin Village plat (please see the attached 2014 property survey- Attachment 1). Both lots are owned by the same people and have been used as one lot for development prior to the owners' purchase of the property in 2024.

The new property owners would like to split the lots so that Lot 2 may be developed as an individual single-family residential property. This would be possible if the lots were reconfigured so that additional area was added to Lot 1 from Lot 2, which would enable Lot 1 to meet the required 30-foot rear building setback and meet then minimum lot size requirement of 15,000 square feet. As it is currently configured, based on Attachment 1, Lot 1 is just under the required lot size at approximately 14,980 square feet, and the house with the additions is 16 feet from the lot line separating Lot 1 and Lot 2 (sits 14 feet into the required rear yard building setback).

The reason the lots cannot be reconfigured as described above is that Lot 2 is in an area where the Town is constructing new right-of-way. This new right-of-way needs approximately 968.49 square feet of property from Lot 2. Please see attached 2024



property survey (Attachment 2) showing the size of Lot 2 and the area the Town needs for right-of-way. Reconfiguring the lots so that Lot 1 can meet the 30-foot rear building setback would make Lot 2 further nonconforming with respect to minimum lot size. This is because Lot 2 is providing 968.49 square feet for the right-of-way, so it is already losing property. After the 968.49 square feet of property is dedicated to the Town, the lot size is 14,904.74 square feet.

If Lot 2 was reduced by the additional 1400 square feet (the 14 X 100 feet area to make Lot 1 conform to the required rear building setback), then Lot 2 would be 13,504.74 square feet).

Allowing the requested variances for Lot 1 will enable Lot 2 to remain defined as meeting the minimum lot size requirements at 14,904.74 square feet. A variance application for Lot 2 is also being processed to accept it as meeting the minimum requirements as it is shown in the 2024 survey (Attachment 2).

The LDC does not provide for an administrative variance to be approved by Town staff. Therefore, this application must come before the Planning and Zoning Board for recommendation to and then subsequent action by Town Council, as the Board of Adjustment, consistent with LDC Section 4.13.00.

Planning and Zoning Board Recommendation: At their March 27, 2025, public hearing, the Planning and Zoning Board voted unanimously (5-0) to recommend approval of the requested variances. The Chair recused herself from voting due to her relationship with the property transaction as realtor.

Staff Recommendation: Approve the requested variances from the minimum lot size requirement and required rear building setback for Parcel #25-20-25-0200-A06-00100, also known as Alternate Key #1329949, as they meet the standards for a variance approval required by LDC Section 4.13.04:

- A. That special conditions and circumstances 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. **The special circumstances in this case are that the properties in question are being restricted in meeting minimum size requirements due to a proposed right-of-way dedication.**
- B. That the special conditions and circumstances do not result from the actions of the applicant. **The special conditions and circumstances result from the actions of the Town needing the additional right-of-way.**



- C. That 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. **Literal interpretation of the lot size and setback requirements would deprive the property owner from rights commonly enjoyed by other properties in the same zoning district as the lots could be reconfigured to meet all elements of minimum lot size and setbacks if the right-of-way area was not needed.**
- D. That the variance created is the minimum variance that will make possible the reasonable use of the land, building or structure. **This request represents the minimum variance that will make reasonable use.**
- E. And, that the 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. **Granting this variance is in harmony with the general intent and purpose of the LDC and is not detrimental to the public welfare.**

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this LDC. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this LDC.

Motion Examples:

1. Approve the requested variance to allow a lot size less than the required 15,000 square feet in the MDR-1 Zoning District and a variance to allow a rear setback less than the required 30 feet for an existing principal structure in the MDR-1 Zoning District for Parcel #25-20-25-0200-A06-00100, also known as Alternate Key #1329949, as it meets the standards for a variance approval required by LDC Section 4.13.04, or
2. Deny the requested variance to allow a lot size less than the required 15,000 square feet in the MDR-1 Zoning District and a variance to allow a rear setback less than the required 30 feet for an existing principal structure in the MDR-1 Zoning District for Parcel #25-20-25-0200-A06-



00100, also known as Alternate Key #1329949 [specify which standards are not met] required by LDC Section 4.13.04, or

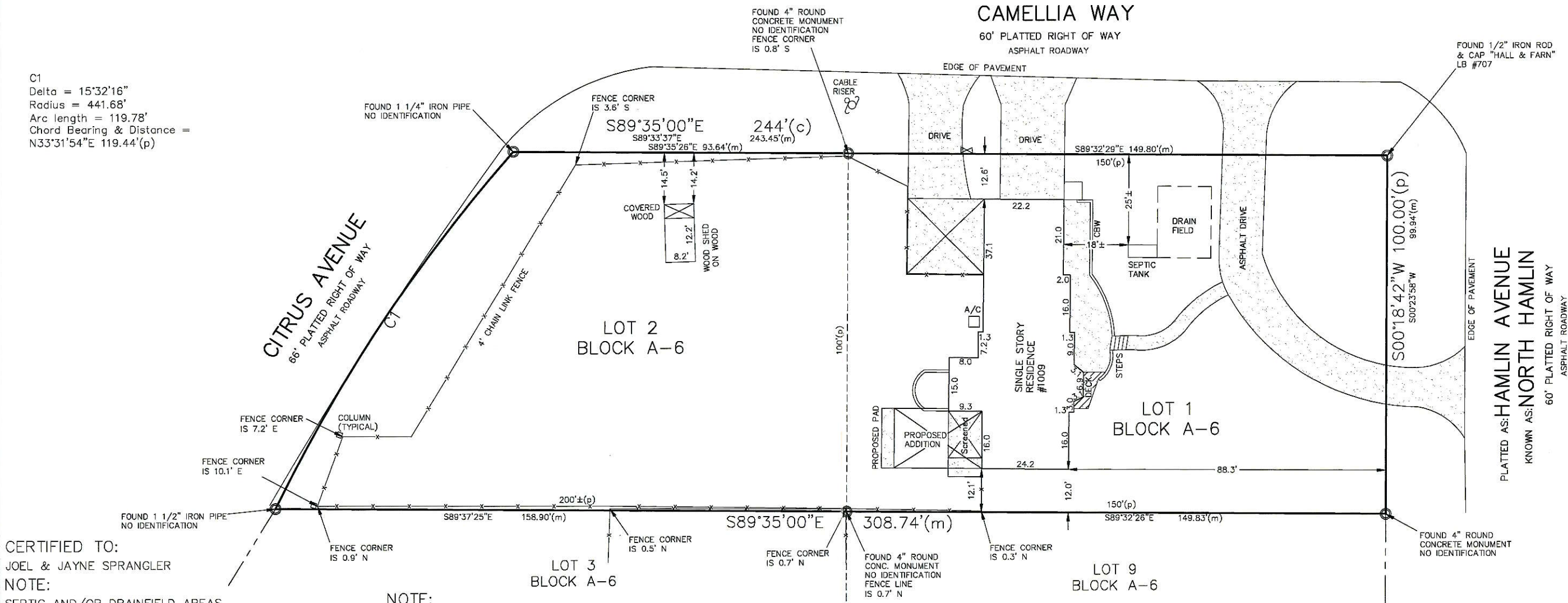
3. Continue the requested variance to allow a lot size less than the required 15,000 square feet in the MDR-1 Zoning District and a variance to allow a rear setback less than the required 30 feet for an existing principal structure in the MDR-1 Zoning District for Parcel #25-20-25-0200-A06-00100, also known as Alternate Key #1329949 [specify information needed] from the applicant that shows the request meets the standards for a variance approval required by LDC Section 4.13.04.

Please note: Pursuant to LDC Section 4.13.05 (a), when a variance is granted for residentially zoned property, construction, installation, and initiation of the approved structure or use must occur on or before the first anniversary of the date the variance is granted. The owner must file written notice with the Town Manager that the owner has begun the approved construction, installation, or use at the subject property. If no such notice is filed on or before the first anniversary, and if the Town Council determines that construction, installation, or initiation of the approved structure has not been initiated the Town Council may terminate the approved variance.

BOUNDARY SURVEY

DESCRIPTION (As Furnished)

LOT 1, BLOCK A-6, HOWEY IN THE HILLS, GRIFFIN VILLAGE, according to the plat thereof as recorded in Plat Book 12, Page 27 of the Public Records of Lake County, Florida, AND LOT 2, BLOCK A-6, LYING EAST OF CITRUS AVENUE AND SOUTH OF CAMELIA WAY, HOWEY IN THE HILLS, GRIFFIN VILLAGE, according to the plat thereof as recorded in Plat Book 12, Page 27 of the Public Records of Lake County, Florida,



CERTIFIED TO:

JOEL & JAYNE SPRANGLER

NOTE:

SEPTIC AND/OR DRAINFIELD AREAS WERE "MARKED BY OTHERS" LOCATION OF DRAINFIELD AND SEPTIC ARE NOT PART OF THIS SURVEY.

NOTE:

IN SECTION B-II #7; EASEMENT ALONG REAR LOT LINES FOR UTILITY SERVICES AS RECITED IN WARRANTY DEED RECORDED IN O.R. BOOK 388, PAGE 310, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA IS NOT PLOTTABLE

- This Plat represents a Boundary Survey of the description as furnished DSW Surveying and Mapping, PLC. per client's instruction and makes no claims regarding ownership or rights of possession.
- Bearings shown hereon are based on the SOUTH line of Lots 1 & 2, Block A-6, Being S 89°35'00" E, PER PLAT.
- This surveyor has not searched the public records or abstracted the land shown hereon for easements, right of ways, covenants and restrictions or other pertinent documents which may be found in the public records of this county. This research was not included in the scope of services of this firm.
- The relative distance accuracy for boundary dimensions shown hereon is in excess of 1 Foot in 10,000 Feet.
- Underground improvements and utilities have not been located.
- This survey performed by DSW Surveying and Mapping, PLC. is for the singular use by the clients named hereon for the express stated purpose listed hereon. This drawing is not legally binding without my signature and original raised embossed seal. No third party is authorized to use this drawing in any way, and this surveyor shall not be held liable for damages resulting from the unauthorized or illegal executions or attempts at circumventing prescribed laws or professional fee payments. All plats, reports, notes, plans, specifications, computer files, field notes or data, other documents and instruments prepared by this firm as instruments of service shall remain the property of this firm. This firm shall retain all common law, statutory and other reserved rights, including the copyright thereto. The original of this drawing remains the property of DSW Surveying and Mapping, PLC.
- Building ties, Fence ties, Etc. are not to be used as a way to reconstruct boundary line location.

Based on the FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, Lake County, Florida, Community Panel Number 120685 0485 E, last dated 12/18/2012, it appears from a scaling of said map that the land described hereon is shown to be in Zone "X", (AREA OF MINIMAL FLOODING) Said FEMA map is not a Survey and no responsibility is taken for the information contained in or the accuracy of the above referenced map.

DRAWING: 14.0307-1.DWG SURVEY DATE: 02/24/14

INTENDED DISPLAY SCALE: 1" = 30' DRAWN: RBB

EXPECTED USE OF THIS LAND: RESIDENTIAL PURPOSES

IT IS CERTIFIED THAT THE SURVEY REPRESENTED HEREON MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 81G17-6 AND 81G17-6.02, FLORIDA STATUTES, PURSUANT TO SECTION 22.027, FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DOUGLAS S. WILLIS, Florida Registration # 5984 FOR THE FIRM:

REVISIONS AND ADDITIONS

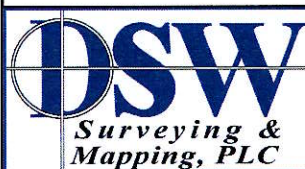
03-08-16 UPDATE SURVEY & PLOT PLAN HSY

LEGEND:

- Light Pole
- Delta (Intersection Angle)
- Radius
- Arc Length
- Utility Easement
- Point of Curvature
- Point of Tangency
- Plat Book
- Page(s)
- Point of Reverse Curvature
- Chain Link Fence
- Air Conditioner
- Right-Of-Way
- Point of Compound Curvature
- Per Plat
- Centerline
- Column
- Typical
- Radius Point
- Radial
- Non Radial
- Base Flood Elevation
- Fire Hydrant
- DENOTES CONCRETE
- Wood Fence
- Measured
- Concrete Block Wall
- Point of Intersection
- Corner Not Found
- Overhead Utility Lines
- Point of Beginning
- Point of Commencement
- Per Description
- Building Setback Line
- Denotes Utility Pole
- Well
- Water Meter
- Covered
- Corner Not Accessible
- Calculated
- Drainage & Utility Easement



**** PLEASE VISIT OUR WEBSITE: WWW.DSWSURVEYS.COM ****



PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATION OF AUTHORIZATION #LB7945
32529 Okaloosa Trail
Sorrento, Florida 32776
Phone: (352) 735-3796
JOB NO. 14.0307 Sheet 1 of 1

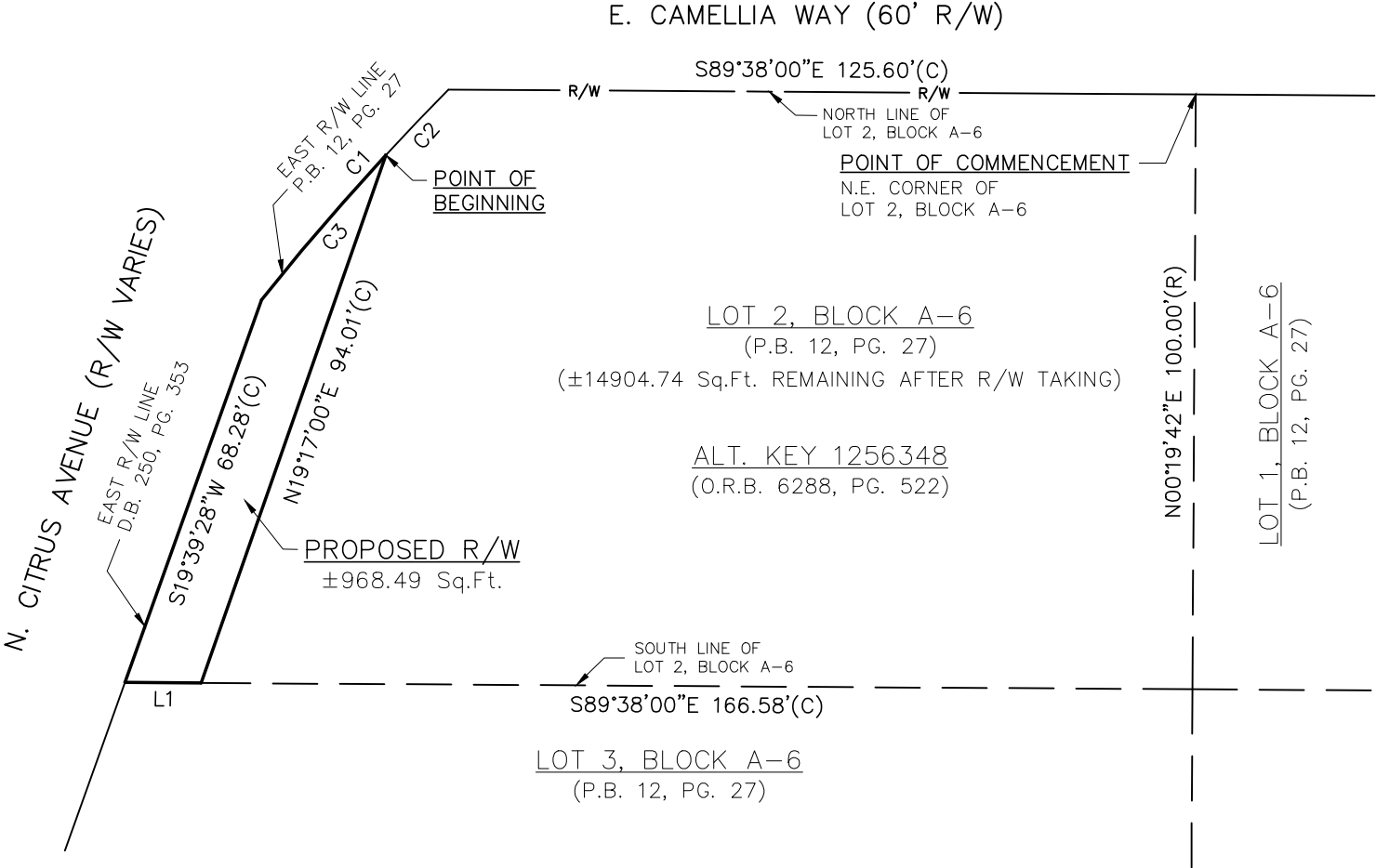
LAND DESCRIPTION: (PREPARED BY THIS OFFICE)

A PORTION OF LOT 2, BLOCK A-6, OF "GRIFFIN VILLAGE", RECORDED IN PLAT BOOK 12, PAGE 27 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA LYING WITHIN SECTION 25, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE NORTH 89°38'00" WEST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 125.60 FEET TO THE EAST RIGHT-OF-WAY OF THE 20 FOOT STREET AS SHOWN ON SAID "GRIFFIN VILLAGE" AND BEING ON A CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A RADIUS OF 441.68 FEET, A CENTRAL ANGLE OF 01°58'23", AND A CHORD BEARING AND DISTANCE OF SOUTH 43°41'55" WEST, 15.21 FEET; THENCE, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 15.21 FEET TO A POINT ON SAID CURVE AND THE POINT OF BEGINNING; THENCE, CONTINUE ALONG SAID CURVE, HAVING A RADIUS OF 441.68 FEET, A CENTRAL ANGLE OF 04°09'50", AND A CHORD BEARING AND DISTANCE OF SOUTH 40°37'49" WEST, 32.09 FEET, A DISTANCE OF 32.10 FEET TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF THE 50 FOOT ROADWAY AS DESCRIBED IN DEED BOOK 250, PAGE 353, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE SOUTH 19°39'28" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 68.28 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID LOT 2; THENCE SOUTH 89°38'00" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 12.82 FEET; THENCE, LEAVING SAID SOUTH LINE, NORTH 19°17'00" EAST, A DISTANCE OF 94.01 FEET TO THE POINT OF BEGINNING. CONTAINING 968.49 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

1. THIS SKETCH IS A GRAPHIC DEPICTION OF THE LAND DESCRIPTION PREPARED BY THIS OFFICE.
2. THERE MAY BE ADDITIONAL EASEMENTS, RESERVATIONS, RESTRICTIONS AND/OR OTHER MATTERS OF RECORD AFFECTING THIS PROPERTY THAT ARE NOT SHOWN HEREON THAT MAY (OR MAY NOT) BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THE UNDERSIGNED HAS NOT PERFORMED AN INDEPENDENT SEARCH FOR ADDITIONAL RECORDS.
3. THE PRINTED DIMENSIONS SHOWN ON THIS SKETCH SUPERSEDE ANY SCALED DIMENSIONS; THERE MAY BE ITEMS DRAWN OUT OF SCALE TO GRAPHICALLY SHOW THEIR LOCATION.
4. THIS SKETCH HAS BEEN EXCLUSIVELY PREPARED FOR THE NAMED ENTITIES SHOWN HEREON AND IS NOT TRANSFERABLE. NO OTHER PERSON OR ENTITY IS ENTITLED TO RELY UPON AND/OR RE-USE THIS SURVEY FOR ANY PURPOSE WITHOUT THE EXPRESSED, WRITTEN CONSENT OF GEORGE F. YOUNG, INC. AND THE UNDERSIGNED PROFESSIONAL SURVEYOR AND MAPPER.
5. UNAUTHORIZED COPIES AND/OR REPRODUCTIONS VIA ANY MEDIUM OF THIS SURVEY OR ANY PORTIONS THEREOF ARE EXPRESSLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF GEORGE F. YOUNG, INC. AND THE UNDERSIGNED PROFESSIONAL SURVEYOR AND MAPPER.
6. ADDITIONS OR DELETIONS TO THIS SKETCH BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
7. THIS SKETCH AND THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. BEARINGS ARE BASED ON "GRIFFIN VILLAGE" AS RECORDED IN PLAT BOOK 12, PAGE 27, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.
9. GEORGE F. YOUNG, INC. AND THE UNDERSIGNED MAKE NO REPRESENTATIONS OR GUARANTEES PERTAINING TO EASEMENTS, RIGHTS-OF-WAY, SET BACK LINES, RESERVATIONS AND/OR AGREEMENTS.
10. THIS SKETCH COMPLIES WITH THE FLORIDA STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

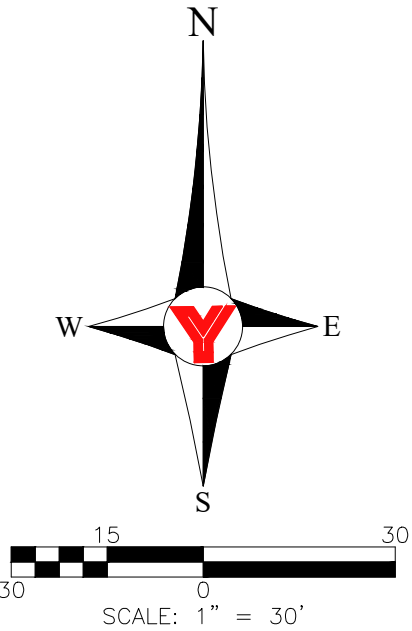


CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	TANGENT	CHORD DIRECTION AND LENGTH
C1	47.31'(C)	441.68'(R)	06°08'13"(C)	23.68'(C)	S41°37'00"W 47.29'(C)
C2	15.21'(C)	441.68'(R)	01°58'23"(C)	7.61'(C)	S43°41'55"W 15.21'(C)
C3	32.10'(C)	441.68'(R)	04°09'50"(C)	16.06'(C)	S40°37'49"W 32.09'(C)

LINE TABLE	
LINE #	LINE DIRECTION AND LENGTH
L1	S89°38'00"E 12.82'(C)

LEGEND:

- (R) RECORD MEASUREMENT
- (C) COMPUTED MEASUREMENT
- Sq.Ft. SQUARE FEET
- R/W RIGHT-OF-WAY
- P.B. OFFICIAL RECORDS BOOK
- O.R.B. OFFICIAL RECORDS BOOK
- PG. PAGE



THIS IS NOT A BOUNDARY SURVEY

REVISED	NO.	BY	DATE	DESCRIPTION	INITIALS	DATE	PREPARED FOR: TOWN OF HOWEY-IN-THE-HILLS	 George F. Young, Inc. 4605 N.W. 6TH STREET, SUITE H, GAINESVILLE, FL 32609 PHONE (352) 378-1444 WWW.GEORGEFYOUNG.COM BUSINESS ENTITY LB21 CIVIL, TRANSPORTATION, SUBSURFACE & STRUCTURAL ENGINEERING ECOLOGY GIS PLANNING SURVEYING ST. PETERSBURG • LAKEWOOD RANCH • TAMPA • GAINESVILLE • LAKE WALES • PUNTA GORDA	 DAVID M. DEREN P.S.M. #6946 DATE: _____	SKETCH OF DESCRIPTION PROPOSED RIGHT-OF-WAY LOT 2, BLOCK A-6 "GRIFFIN VILLAGE"	JOB NO. 24030600GS
	1										SHEET NO. 1 OF 1
	2										
	3										
	4										
	5										
6							SECTION 25, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA				