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## MEMORANDUM

**TO:** Howey-in-the-Hills Planning Board  
**CC:** J. Brock, Town Clerk  
**FROM:** Thomas Harowski, AICP, Planning Consultant  
**SUBJECT:** 120 East Holly Street Variance Application  
**DATE:** January 15, 2024

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Bradley and Lisa Smith, property owners of 120 East Holly Street have applied for a variance from the side yard setback to allow a swimming pool to be constructed in the side yard. The regulations for swimming pools are presented in Section 5.01.08 of the land development code. Subsection F includes the setbacks for pools and pool decks, and reads as follows:

### **5.01.08 Swimming Pools and Pool Enclosures**

- A. All pools shall provide fencing or enclosures in compliance with the requirements of the Florida Building Code.
- B. A screen enclosure may be installed instead of, or in addition to, a fence or wall, provided that the screen enclosure meets all the following requirements:
  - 1. A pool screen enclosure shall be set back from the side lot line a minimum of ten (10) feet;
  - 2. A pool screen enclosure shall not be closer than ten (10) feet to the rear lot line; and
  - 3. A pool screen enclosure shall not exceed twenty-five (25) feet or the height of the principal structure, whichever is lower.
- C. No overhead electric power lines shall pass over any pool, nor shall any power line be nearer than fifteen (15) feet horizontally or vertically from the pool edge.
- D. Pool equipment may be located within the side yard setback, but not closer than five (5) feet to side yard and ten (10) feet to the rear yard lot lines.
- E. Lights used to illuminate any swimming pool shall be shielded and directed to avoid illumination of adjoining properties.
- F. Pools and pool decks shall meet the following setbacks:
  - 1. All pools and pool decks shall not be located in the front yard;
  - 2. The minimum side setback shall be ten (10) feet from the side lot line; and
  - 3. The minimum rear setback shall be not less than ten (10) feet from the rear lot line.

The subject property is zoned Town Center-Residential. Based on the survey and site layout data submitted with the application, the site has a number of nonconformities with regard to setbacks. The original house was constructed in 1953 with later additions including a two-car garage on the west side of the unit, a porch/patio on the east side of the unit and an entry porch on the south side of the unit. The application includes a sketch of the house including additions with dimensions noted. The following table compares the property as currently developed with the TC-R zoning requirements.

Dimension	TC-R	Existing
Lot Width	100 feet	146 feet
Lot Area	9,000 sq. ft.	9,198 sq. ft.
Setbacks		
Front	25 feet	8 feet
Side Corner	25 feet	23+ feet
Side	12.5 feet	21+ feet
Rear	30 feet	10 + feet
Lot Coverage	50 % (4,599s.f.)	41% (3,793 s.f.)

The attached aerial photograph provides a current view of the site layout. With the front of the unit on East Holly Street the lot depth is 63 feet based on the property appraiser records. The only portion of the lot that could accommodate a swimming pool is the area where the pool is proposed. Note also that the property is approaching the maximum impervious surface lot coverage. The lot has another 806 square feet of impervious surface available before the maximum lot coverage is reached.

The applicants are proposing to construct a 10 foot by 16 foot swimming pool on the west side of the house behind the front façade of the house. The distance between the end of the house and the property line is 21.67 feet and the applicants are requesting a variance of five feet to allow the edge of the pool and pool deck to be placed five feet from the property line. This placement will leave 6.67 feet between the pool and the existing garage. The applicants did not indicate if they intend to construct a screen enclosure or fence the pool area to meet the swimming pool code.

The land development code includes standards for granting a variance as presented in Section 4.13.01

**4.13.01 Standards in Granting a Variance**

The Board of Adjustment may authorize a variance from the terms of this LDC as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Code will result in unnecessary and undue hardship. In authorizing a variance from the terms of this LDC, the Board of Adjustment shall find:

- 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,

- B. That the special conditions and circumstances do not result from the actions of the applicant,
- 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,
- D. That the variance created is the minimum variance that will make possible the reasonable use of the land, building or structure, and
- E. 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.
- F. 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.

As noted previously the subject property is extensively developed with the current structure and other impervious surface covering over 40% of the lot leaving only the smaller area to the west of the structure available for the addition of a swimming pool. The proposed variance is likely the minimum relief needed to construct a reasonably sized pool, and it is typical for single-family homes to include swimming pools. However, the applicant states in the application that no real hardship exists other than the extensive development already on the lot and the lack of other options to place a pool on site. Given that there are no special conditions or circumstances that support the variance, the staff cannot recommend the variance.

# 120 East Holly Street



January 15, 2024

pointLayer


 Override 1

polygonLayer


 Override 1  
Street Names

Local Streets 1K

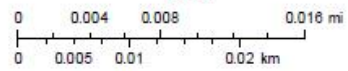
Subdivision Lot Numbers

 Address Locations

Property Name

 Tax Parcels

1:500



Lake BCC

Lake County Board of County Commissioners