



CITRUS COUNTY
PLANNING AND DEVELOPMENT COMMISSION

Thursday March 3, 2022 at 9:00 AM
Lecanto Government Building
3600 W. Sovereign Path
Room 166
Lecanto, Florida 34461

Robert Bass, Chair
Stacey Worthington, 1st Vice Chair
James Roys, 2nd Vice Chair
Richard Barmes, Member
Kurt Stone, Member

Michael Facemyer, Member
David Bramblett, Member
Carole Scragg, Alternate Member
William Burda, Alternate Member

- A. CALL TO ORDER**
- B. INVOCATION**
- C. PLEDGE OF ALLEGIANCE**
- D. ROLL CALL**
- E. CHAIRMAN TO READ THE APPEAL PROCESS AND MEETING PROCEDURES**
- F. OPEN TO THE PUBLIC – Receive comments from the public**
- G. APPROVE MINUTES -**
- H. STAFF ANNOUNCEMENTS**
- I. EX PARTE COMMUNICATION - COUNTY ATTORNEY**
- J. APPLICATIONS**
 - 1. V-22-05 Blue Stone Real Estate for Matthew Winger

Conduct a public hearing on March 3, 2022, to review and consider V-22-05 Blue Stone Real Estate for Matthew Winger
- K. ADDITIONAL ITEMS -**
- L. PLANNING AND DEVELOPMENT COMMISSION MEMBER COMMENTS**
- M. ADJOURN**

If any person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings and, for such purpose, he or she may need to insure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.

Any person requiring reasonable accommodation at this meeting because of a disability or physical impairment should contact the County Administrator's Office, 3600 W. Sovereign Path, Suite 267, Lecanto, FL 34461, (352) 527-5210, at least two days before the meeting. If you are hearing or speech impaired, dial 7-1-1, 1-800-955-8771 (TTY) or 1-800-955-8770 (v), via Florida Relay Service.

Si necesita un traductor de español por favor haga arreglos con el Condado dentro de dos días de la notificación de la publicación (352-527-5370).



AGENDA MEMORANDUM

FROM:	Michael Sherman, AICP Growth Management Director
SUBJECT:	V-22-05 Blue Stone Real Estate for Matthew Winger
AGENDA DATE:	March 03, 2022

BRIEF OVERVIEW:

This request is for a Variance from the Citrus County Land Development Code (LDC) for the placement of a single-family dwelling having less than the required 50-foot setback from the centerline of a right-of-way, pursuant to Section 2300, Building Setback Requirements and Height Requirements for All Land Uses, as specified in the LDC.

BUDGET IMPACT/FUNDING SOURCE:

Account No.	Account Title	Current Budget	YTD Expenditures	Encumbrances	Available Balance
					\$0

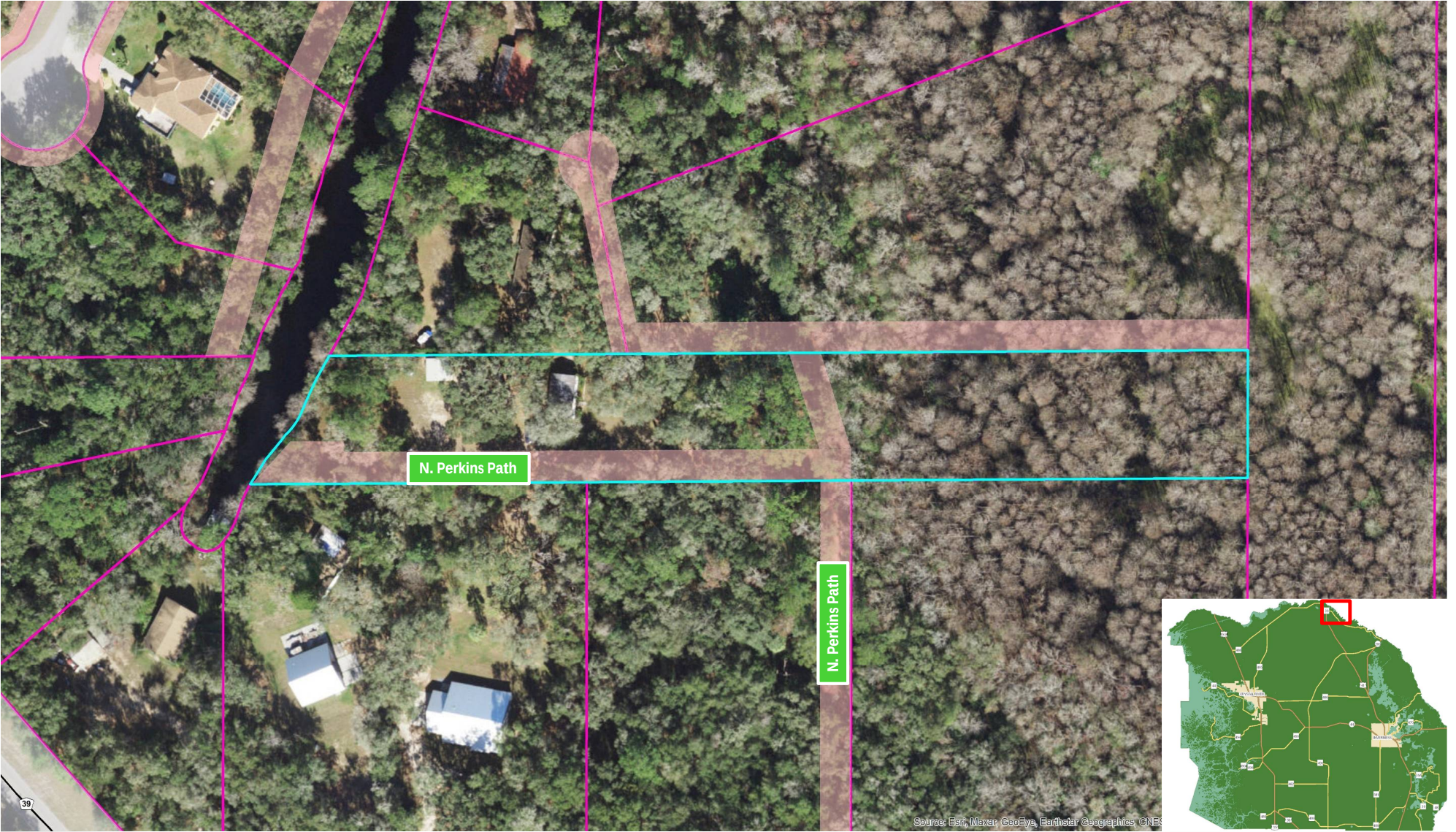
N/A Applicant Responsibility

RECOMMENDED ACTION:

Conduct a public hearing on March 3, 2022, to review and consider V-22-05 Blue Stone Real Estate for Matthew Winger

V-22-05

Blue Stone Real Estate & Construction for Matthew Winger





Attachment: Coordinator PowerPoint (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)



Attachment: Coordinator PowerPoint (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)

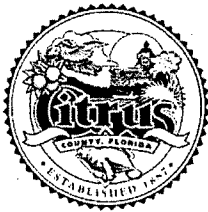


Attachment: Coordinator PowerPoint (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)



Attachment: Coordinator PowerPoint (1997 : V-22-05 Blue Stone Real Estate for Matthew Winger)



**Board of County Commissioners**

DEPARTMENT OF GROWTH MANAGEMENT

LAND DEVELOPMENT DIVISION

3600 W. Sovereign Path, Suite 140

Lecanto, FL 34461

Telephone: (352) 527-5239 Fax (352) 527-5428

Toll Free (352) 489-2120 TTY (352) 527-5312

Web Address: www.citrusbocc.com**CITRUS COUNTY LAND DEVELOPMENT CODE****VARIANCE APPLICATION**Application No.: V-22-05 Date: 12/22/21

* Written Authorization is required if Applicant is different than Owner.

Applicant*Name: Blue Stone Real Estate 3 ConstructionAddress: 3905 N. Lecanto HwyCity: Beverly HillsState: FLORIDA Zip: 34465Home No.: _____ Cell No.: 727-226-4010Work No.: 352-584-0409 Fax No.: 352-513-2636Email: michael.demaria@outlook.com**Property Owner**Name: Matthew Winger, a married manAddress: 4403 Blantyre PlaceCity: ValricoState: FLORIDA Zip: 33596Home No.: _____ Cell No.: 321-818-3798

Work No.: _____ Fax No.: _____

Email: winger.matt@gmail.comProperty Description: Section: 12 Township: 17 South Range: 18 EastLegal Description: SEE ATTACHEDSubdivision: Quiet WatersLot(s): 10 Block/Parcel: _____Alternate Key #: 2253177Parcel ID: 18E17512 11000 0100Is this hearing being requested as a result of a Code Violation Notice? Yes _____ No X

If "Yes", explain on a separate sheet and attach a copy of the Notice of Violation.

Variance Request: To allow construction of single family home in current stated county setback. Asking for minimum setback in front property line of 25'.State hardship that justifies the granting of the variance: Hardship is the size of the lot coupled with the stated county setbacks which limit usable space, significantly.

I am aware that if the property cannot be located using information from the submitted application, this application may be rescheduled to a later hearing date. I also understand that a sign must be placed (and marking flags may be placed) on the property by the Land Development Division at least seven days prior to the scheduled meeting.

I understand that approval for the proposed use shown hereon does not in any way relieve me of the responsibility of observing and complying with any deed restrictions applicable to the subject property.

I hereby authorize Citrus County or its agents to enter upon the property, which is the subject of this application and the date of the hearing thereon, at any time between the hours of 8:00 AM and 5:00 PM for the purpose of gathering any information relevant to this application.

I DO HEREBY SWEAR THAT THE INFORMATION CONTAINED HEREIN AND THE ATTACHMENTS HERETO ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.Signature: Michael De MariaSTATE OF FLORIDA
COUNTY OF CITRUSI HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Michael De Maria, who is personally known to me or provided Drivers License as identification and who did not take an oath.WITNESS my hand and official seal this 22nd day of July, 21.Iris AvarelloIris Avarello

Notary Public - State of Florida

For Staff Use Only

Date: 12/22/21

Time: _____

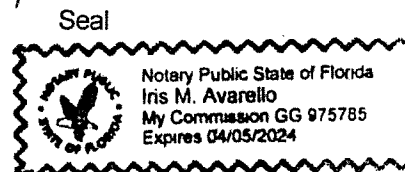
Initials: SW

ATF: _____

QTR: _____

LUD: _____

FZ: _____



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DEC 22 2021

V-22-05

Land Development Divis

1/12/2021

In Depth Variance Request and Hardship

To whom it may concern,

We are seeking a variance to build a single-family dwelling at the property located at 10985 N Perkins Path in Dunnellon (Altkey 2253177). The purpose of this variance is to be able to construct a home that the Winger family can efficiently live in for their relocation to Citrus County from Tampa.

The hardship we are citing is the actual size of the land – the dimension of the width – and the setbacks imposed onto the land by the Land Development Code, which we believe to be highly restrictive *because* of the width of the property. As you can see from the surveys presented, the land is quite long but very skinny. Close to half of the land is taken up by wetland area and is therefore unbuildable. On the buildable half (35' West of the Delineated Wetland Line), a large portion of “front yard” is in Flood Zone AE. As you can see on the site plan, we have the proposed SFD placed so that it is out of this Flood Zone. Taking the West setbacks into account, this leaves approximately 330' of length to build a house on. However, to restate, the hardship comes from the width of the property with the county's-imposed setbacks, which I will explain further.

From South property line to North property line, there is 120'. The North property line setback is 5'. Along the Southern property line, there is a “road” identified on the site plan as a “10' wide limerock drive.” This drive is a private easement by a property owner of the past given to the homeowners of the Quiet Waters unplatted subdivision. This is to give these surrounding property owners access to the private boat ramp. According to the Citrus County Zoning Department, employees of which I have spoken to, this easement is looked at by the county as a “right-of-way” easement, due to it giving access to the water. We understand this may be the case and are fine with the easement. We have **no intentions** of trying to vacate said easement. However, it is our understanding that because of its designation of “right-of-way,” this 10' wide limerock drive now imposes a 50' setback – from its center – on the property owners. The center of this drive is approximately 15' away from the southern property line, meaning because of its designation, this 10' wide drive, creates a 65' wide setback, meaning the buildable width of the property is only 50'. With the 330 feet of length previously mentioned, and the 50' of buildable space, we are looking at a buildable footprint of .37 acres out of 2.5 acres. Quite restrictive given the size of the property.

The Winger family and I have been working tirelessly since at least March 25, 2021, on this project. This letter serves as a culmination of the time, effort and double-digit thousands of dollars invested into creating a plan that satisfies the Land Development Code of the county, while also trying to deliver a product that the Winger family can be happy with for years to come. Through sacrifices and compromises on our end, we hope to work with the county and PDC on an

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Land Development

Page 1 of 3

Packet Pg. 12

Attachment: Applicant Submittal (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)

1/12/2021

amicable and reasonable solution that benefits all parties. Our best effort is shown in the site plan, the subsequent explanation and our resulting big “ask.”

As you can see from the site plan, the Wingers have designed a beautiful home that is both wide and long that includes a pool. As the plan sits, it is currently 61’ 6” long by 74’ 8” wide (in the front). With the pool, the length reaches 81’ 4”. We have been asked if turning the home to face South versus East would be an easy solution – one especially that would not warrant a variance request. The answer is no, regardless of the direction the home faces, given its dimensions, a variance will be needed either way due to the restrictive nature of the property dimensions coupled with the setbacks imposed by the Land Development Code. With the home facing East, the footprint needed is significantly smaller thus the variance amount we are requesting is significantly smaller as well.

The variance we are requesting is for the Planning and Development Committee to reduce the setback of 50’ from the center of the limerock drive to 20’ from the center of the limerock drive for at least the portion of buildable area on the property. We have included pictures with this application letter – and will bring them to the hearing as well – to aid in showing the property and easement to explain how this is our minimum ask. Image A and Image B show the usage of the easement as it is currently being used. As you can see, the drive up to the designated parking area – located near the Winger’s current mobile – has been used as a back-and-forth path for standard sized vehicles for quite some time. After that, use of the easement has been virtually nonexistent. This is shown on Image C where the tracks end right where the cars are parked. One neighbor to the South, a longtime friend of the Winger family, reports that the drive has looked like it does in these pictures for at least the last 25 years that he’s been at the property.

The reason for showing that is to show that this easement is only used and *only able to be used* at a certain width to start with. At the top right of Image B, you can see a tree that currently blocks any attempt to navigate off the path and extra wide vehicle from going through. In addition to that, you can see on the site plan the power lines that stretch from the end of the private road, Perkins Path (the only access point to the property), west to almost the left side property line. We have been in communication with Duke Energy regarding these property lines and have included a copy of an email by the engineer, stating that removal of the power poles along the southern property line is a possibility. If the variance is granted and we can build the Winger family home, funds will be allocated to remove the poles and place them at a better suited location on the property.

For at least the last 25 years that we know, this 10’ wide limerock drive, and therefore the easement and/or “right-of-way” described, has only been used on its 10’ wide footprint. Therefore, our ask of reducing the 50’ setback to 20’ would allow the Winger family to build their home on the smallest and most efficient footprint available – thus utilizing this property to its highest and best use – while also maintaining the 10’ wide easement given to property owners of Quiet Waters unplatted subdivision. As previously stated, the current setbacks limit the Winger family to a buildable space of approximately .37 acres out of their 2.54 acres. This ask would increase the buildable size of the property to .55 acres out of their 2.54.

Attachment: Applicant Submittal (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)

1/12/2021

We request an audience to discuss the terms of this variance application so that the Winger family can express their concerns and opinions, and hope we (PDC included) can come to a fair and reasonable outcome for everybody.

Thank you,

A handwritten signature in black ink, appearing to read "Michael C. DeMaria". The signature is fluid and cursive, with the first name "Michael" being more prominent and the last name "DeMaria" following in a similar style.

Michael C. DeMaria
Blue Stone Real Estate & Construction Inc.
d/b/a Stonington Construction Inc.
(727) 226-4010

Attachment: Applicant Submittal (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)

Vicki R. Austin

From: Michael DeMaria <michael.demaria@outlook.com>
Sent: Friday, January 14, 2022 1:14 PM
To: Joseph C. Hochadel
Cc: Cheryl B. Burton; Vicki R. Austin
Subject: [EXTERNAL]RE: Letter of Sufficiency Determination (V-22-05)
Attachments: 2021-44 Winger (Blue Stone) - Revisions 7-27-21.pdf

Importance: High

Follow Up Flag: Follow up

Flag Status: Flagged

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WARNING: This email originated from an external Domain DO NOT CLICK unless you recognize the sender and know the content is safe.

JAN 14 2022
 V 22-05
 Land Development Division

Good afternoon Joe,

Per our conversation today, please see the attached Winger plan to help answer any questions regarding the footprint of the house and anything structural. As I mentioned, the dotted line from the survey that was in questions is just the surveyors marking the footprint of the house, it is nothing structural.

Also, to address the factory home shown on the survey, the Winger's plan is to have that home removed upon the (hopeful) approval of their variance request. As I said, they wish to make Perkins Path their permanent residence and the factory home currently there is not suitable for that purpose.

I hope that clears everything up! If you have any further questions, please let me know as I am happy to answer them.

Thanks and have a great weekend!

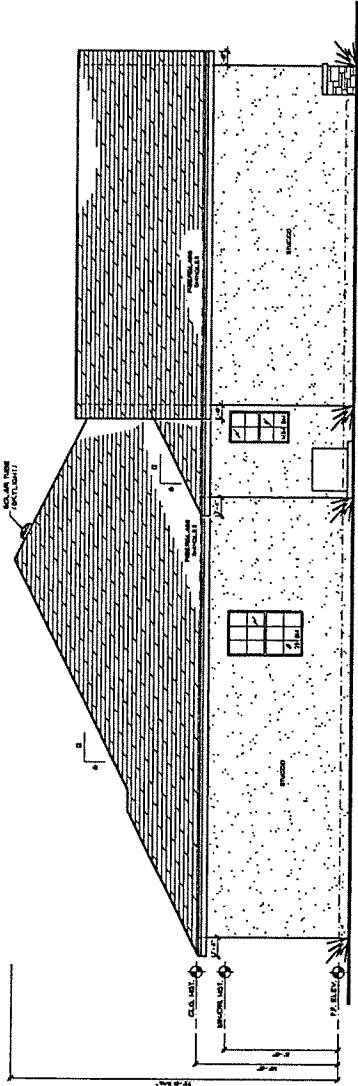
Michael DeMaria

Vice President
 Blue Stone Real Estate & Construction, Inc.
 Carlton-Royce International, Inc.
 Realtor®
 Lic #SL3388045
 Office: (352) 584-0409

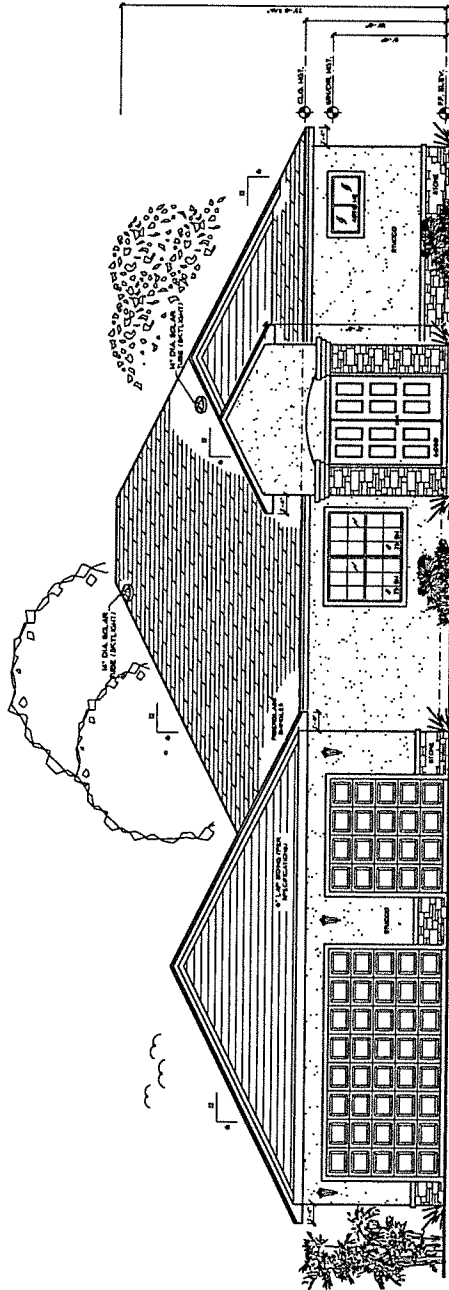
From: Cheryl B. Burton <Cheryl.Burton@citrusbocc.com>
Sent: Thursday, January 13, 2022 8:45 AM
To: michael.demaria@outlook.com
Cc: Joseph C. Hochadel <joe.hochadel@citrusbocc.com>; Vicki R. Austin <Vicki.Austin@citrusbocc.com>
Subject: Letter of Sufficiency Determination (V-22-05)

Good morning,

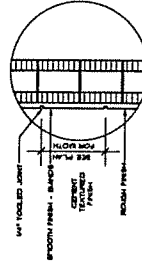
Attachment: Applicant Submittal (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)



2 LEFT SIDE ELEVATION



FRONT ELEVATION

[illegible][illegible]

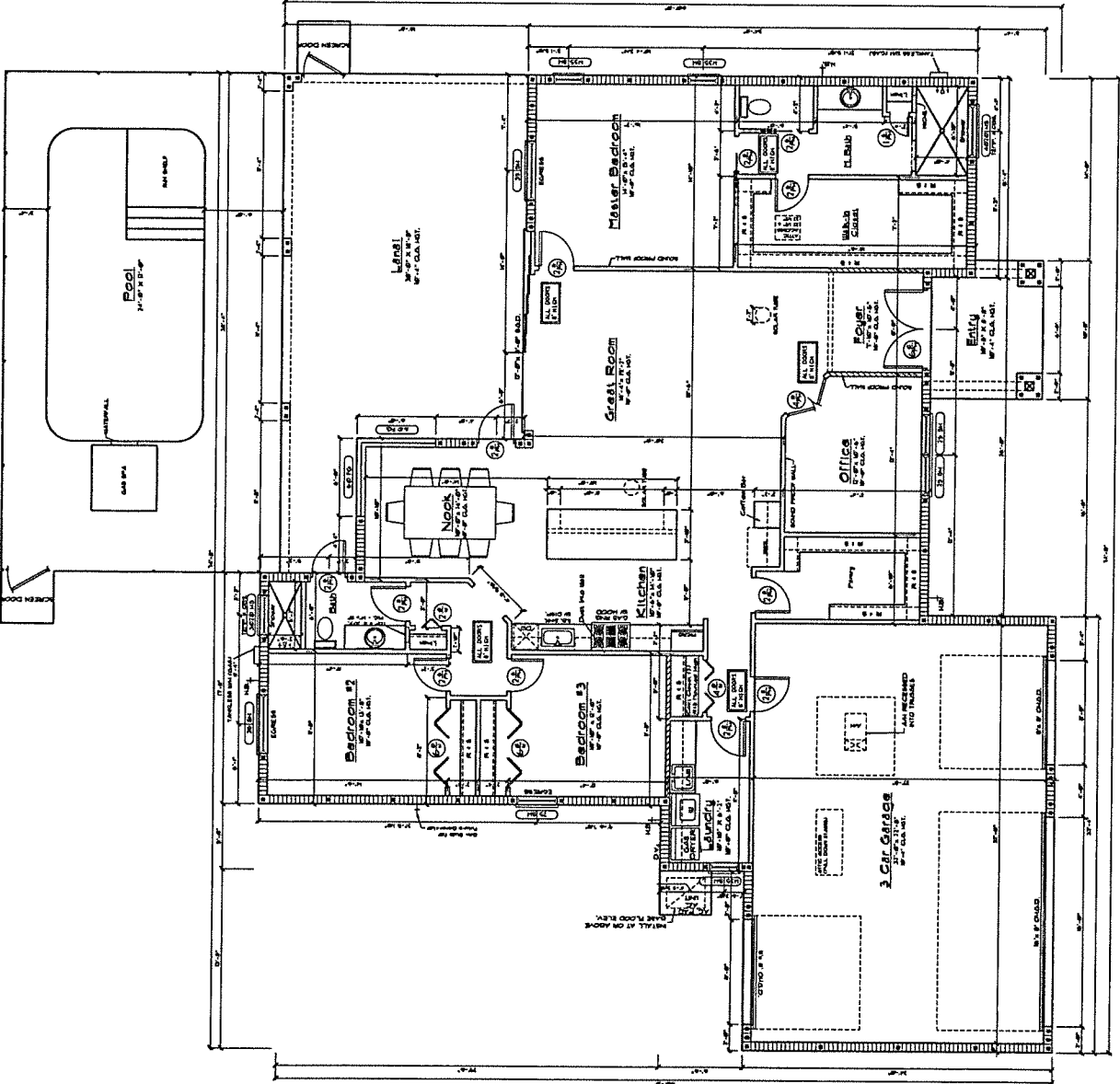
TOOLED BAND DETAIL

[illegible]

JAN 14 2022

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1 FLOOR PLAN



FINISHING NOTES:

1. ALL FINISHES TO BE AS SHOWN ON THE FINISH SCHEDULE. IF ANY FINISH IS NOT SHOWN, IT SHALL BE THE STANDARD FINISH FOR THAT MATERIAL.

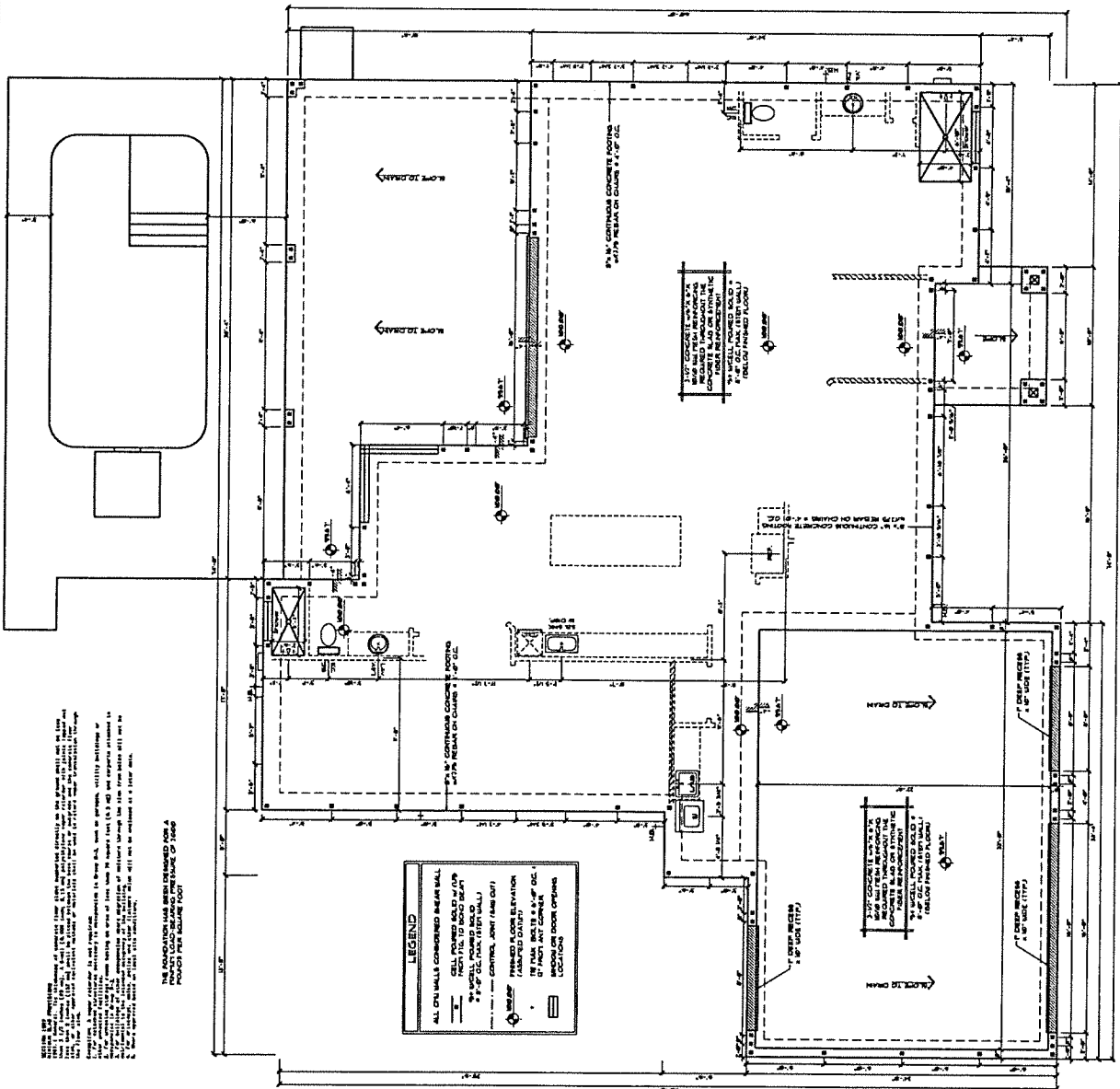
2. ALL WALLS TO BE 5/8\"

SEPARATION	CHILLING/HEATING SEPARATION	MATERIAL
INTERIOR WALLS	INTERIOR WALLS	1/2\"
EXTERIOR WALLS	EXTERIOR WALLS	1/2\"
CEILING	CEILING	1/2\"
FLOOR	FLOOR	1/2\"

DOOR SCHEDULE, BUT MEAS. DOORS		FACE	BLOCK
DOOR	DESCRIPTION	MEASUREMENT	RESULT
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1000

TOTAL LIVING:	2144 SF
GARAGE:	710 SF
LAND ENTRY:	88 SF
LAND:	3553 SF
TOTAL:	



RECEIVED

JAN 14 2022

✓ 22-05

Attachment: Applicant Submittal (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)

michael.demaria@outlook.com

From: Rashley, Ben <Ben.Rashley@duke-energy.com>
Sent: Wednesday, December 8, 2021 9:50 AM
To: Michael DeMaria
Subject: 10985 N Perkins Path

Good Morning Michael,

It was a pleasure to meet with you on site today.

After looking into this one it's certainly possible to get those lines along the South of the property removed but know that there may be cost involved.

Please keep me involved as this process progresses.

Thanks,
Ben Rashley

Get [Outlook for iOS](#)

Attachment: Applicant Submittal (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)

RECEIVED

DEC 22 2021

V-22-05

Land Development I

Packet Pg. 21



Image A

RECEIVED

DEC 22 2021

V-22-05

Land Development Division



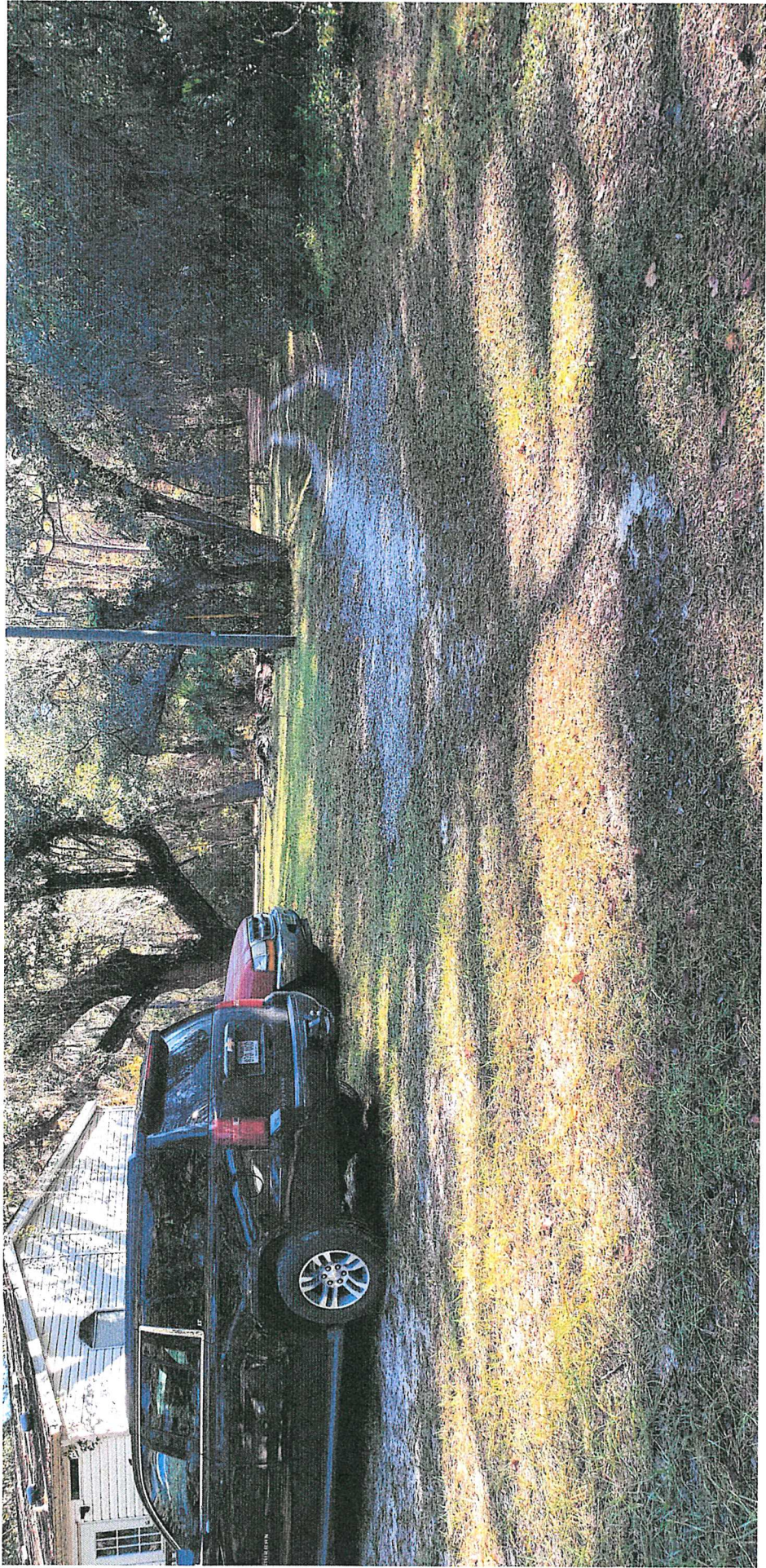
Image B

RECEIVED

DEC 22 2021

V-22-05

Land Development



RECEIVED

DEC 22 2021

V-22-05

Land Development Division

Image C

Attachment: Applicant Submittal (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)

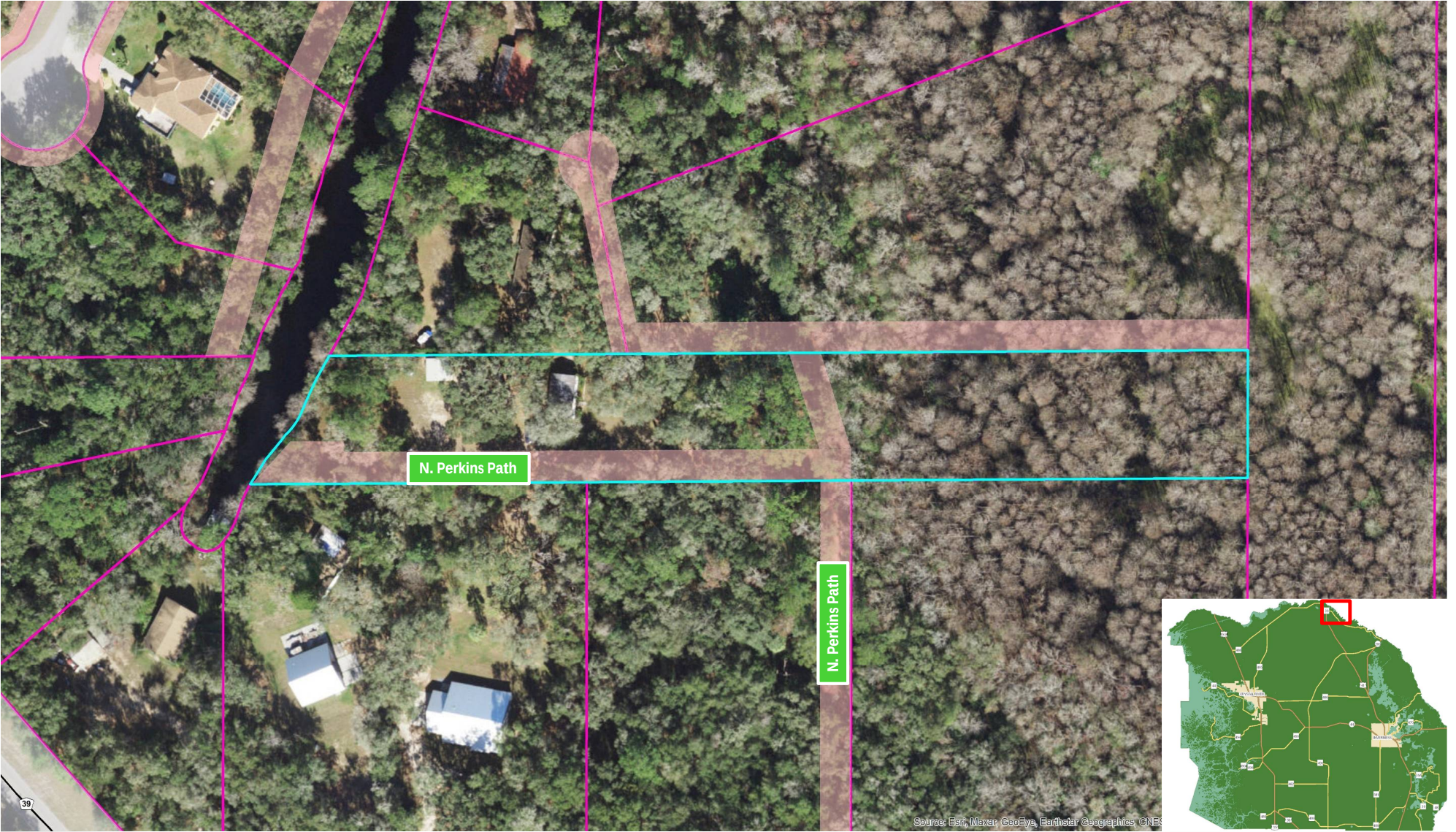
**SITE PLAN PENDING APPROVAL BY
COUNTY BUILDING DEPARTMENT**

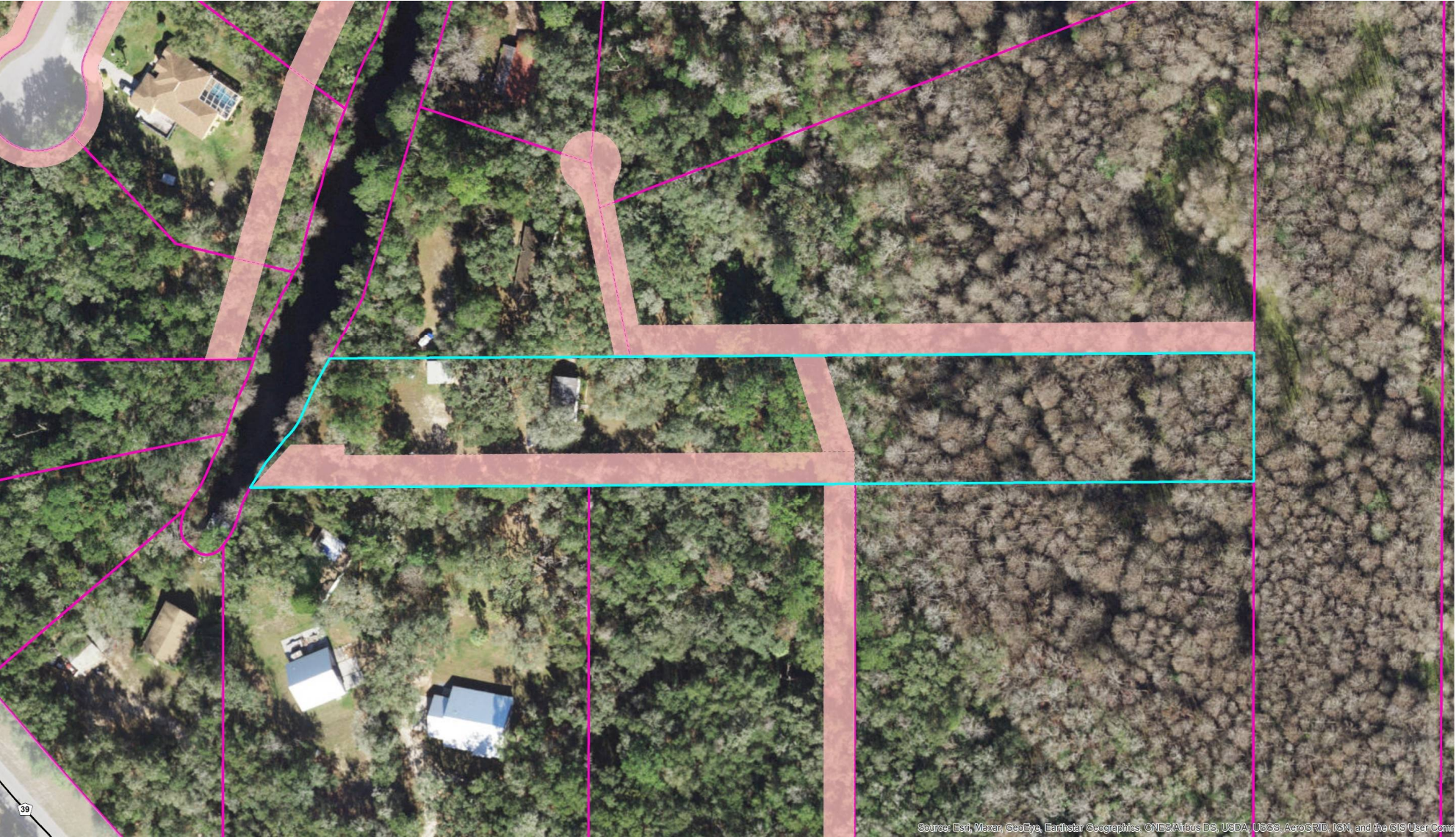
PHYSICAL ADDRESS 10985 N. PERKINS PATH
SECTION: 12 TWP. 17 S RANGE: 18



V-22-05

Blue Stone Real Estate & Construction for Matthew Winger





Attachment: Planner Power Point (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)



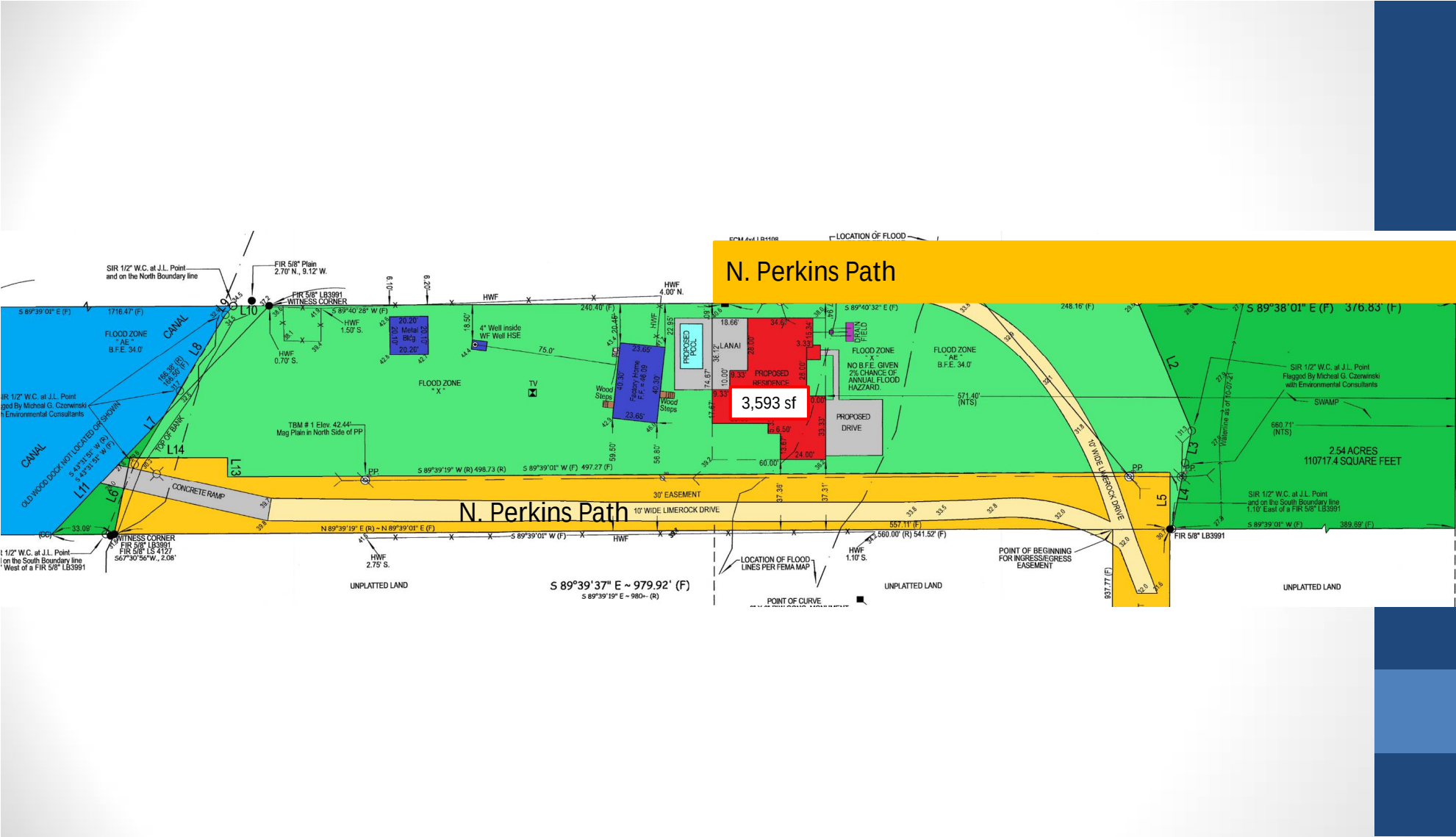
Attachment: Planner Power Point (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)

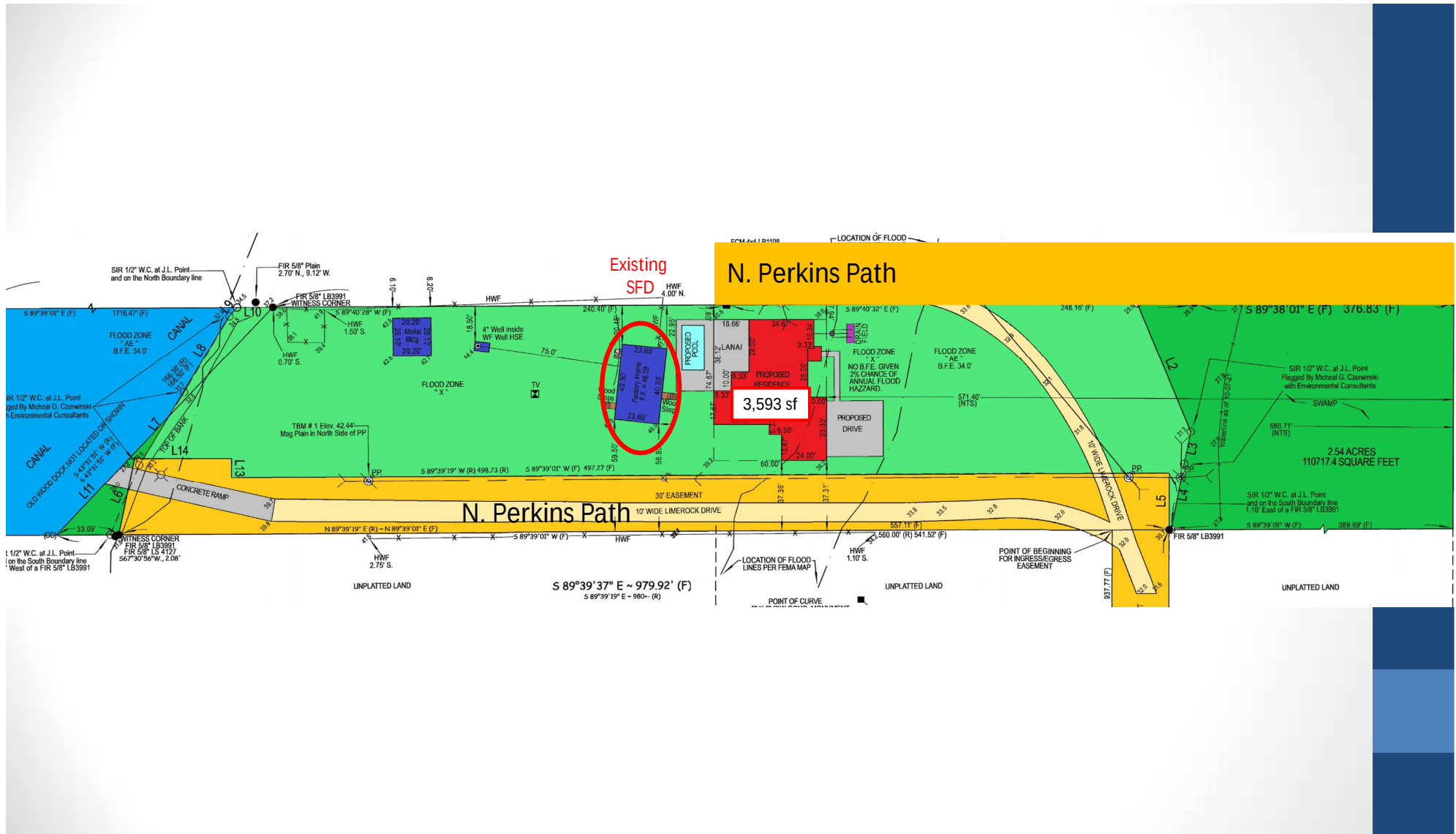


Attachment: Planner Power Point (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)

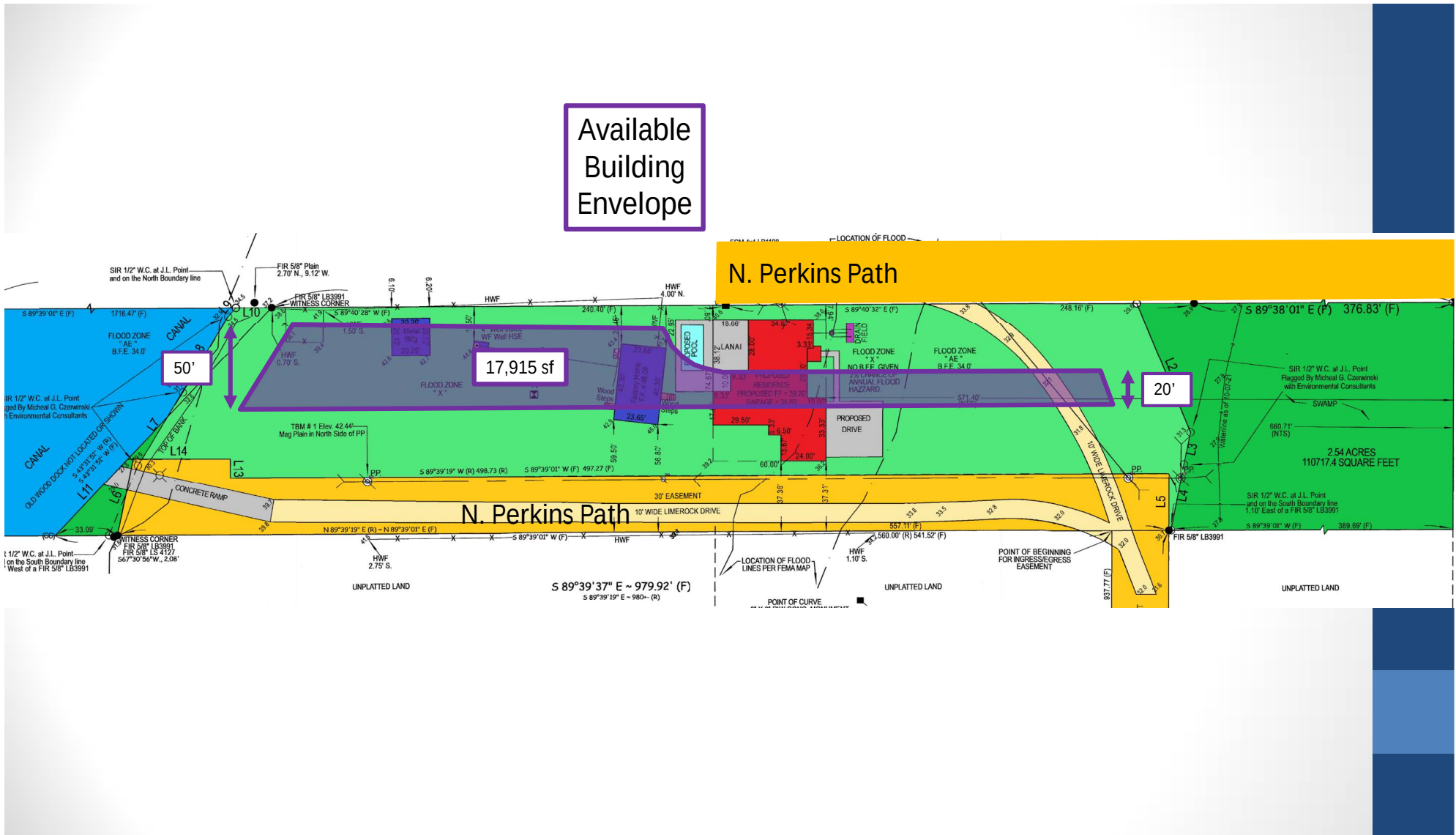


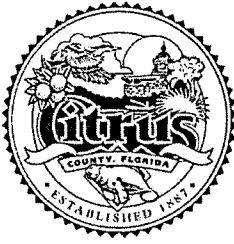
Attachment: Planner Power Point (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)











PM2-22-14

**DEPARTMENT OF GROWTH MANAGEMENT
LAND DEVELOPMENT DIVISION
STAFF FINDINGS REPORT
TO THE
PLANNING AND DEVELOPMENT COMMISSION**

**VARIANCE APPLICATION NO.: V-22-05 Blue Stone Real Estate & Construction for
Matthew Winger**

DATE: January 28, 2022

PREPARED BY: Joe Hochadel, Principal Planner, Land Development Division *JH*

VARIANCE REQUESTED	This request is for a Variance from the Citrus County Land Development Code (LDC) for the placement of a single-family dwelling having less than the required 50-foot setback from the centerline of a right-of-way, pursuant to Section 2300, <u>Building Setback Requirements and Height Requirements for All Land Uses</u>, as specified in the LDC. The applicant is requesting a 22-foot setback from the centerline of N. Perkins Path and a 7-foot setback from the edge of the right-of-way on two sides.
SUBJECT PROPERTY	Section 12, Township 17S, Range 18E; specifically, Lot 10 of the Quiet Waters Unrecorded Subdivision (AK 2253177), which address is 10985 N. Perkins Path, Dunnellon, FL. A complete legal description of the property is on file with the Land Development Division.
ACREAGE	Approximately 110,717 square feet (2.54 acres)
LAND USE	CL, Low Intensity Coastal and Lakes District on the Future Land Use Map; CLMH, Low Intensity Coastal and Lakes District, mobile homes allowed on the LDC Atlas
SURROUNDING AREA/ LAND USE	North – N. Perkins Path, single-family dwellings South – N. Perkins Path; single-family dwelling East – Wetlands; single-family dwelling West – Canal The subject property is a residential lot and is surrounded by a canal and residential lots. See attached map for a complete graphic description of the characteristics of the surrounding area.
FLOOD ZONE	According to the Flood Insurance Rate Map (FIRM), the subject property appears to be located in Flood Zone X and AE, as found on Community Panel Number 12017C0095D.

Attachment: Staff Report and Locator Map (19947 : V-22-05 Blue Stone Real Estate for Matthew Winger)

SOIL INFORMATION	According to the <i>Soil Survey of Citrus County</i> (1988), the soil type in the area is Hallandale-Rock outcrop complex, rarely flooded. Limitations to building development are severe due to flooding and wetness.
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BACKGROUND

The subject property is part of the Quiet Waters Unrecorded Subdivision in the Dunnellon area and is approximately 2.54 acres in size with a depth of approximately 120 feet. There is an existing 960 square-foot mobile home that was placed in 2009 as well as a 400 square-foot detached garage built in 2018 and an existing concrete boat ramp. The property abuts a canal to the west and takes access from N. Perkins Path, a 30-foot wide, limerock, private, right-of-way. N. Perkins Path runs along most of the southern edge of the property and expands to a width of 40 feet at the boat ramp as well as along the southern property line of the lots to the north. There are wetlands located near the boat ramp and on the eastern portion of the property across from where N. Perkins Path connects from CR-39 (W. Withlacoochee Trl.). The lot is located within the River and Lakes Region and is outside of the Planned Service Area (PSA).

The surrounding area contains single-family dwellings, mobile homes and vacant lots, some of which appear to have non-conforming setbacks that predate current adopted right-of-way setback standards. Since the property is unique with the reduced right-of-way width and has a significant amount of wetland/marsh areas, an average waterfront setback and average right-of-way setback would not be an accurate comparative analysis.

ANALYSIS:

The applicant is requesting a reduced right-of-way setback on the property for a single-family dwelling with a pool. The dwelling will be approximately 22 feet from the centerline of the right-of-way (7 feet from the edge of the right-of-way) from N. Perkins Path to the south as well as to the north. The proposed single-family dwelling is located as to meet setbacks from all wetlands and waterbodies. The site plan indicates the requested footprint is approximately 3,593 square feet in size, which includes a garage, entry, and lanai. The applicant is also proposing a 760 square-foot pool enclosure. Although shown on the site plan, the applicant has indicated the existing mobile home will be removed if this request is granted.

Since N. Perkins Path is located entirely along the southern portion of the subject property, a 50-foot setback from the centerline of N. Perkins Path to the south equates to 65 feet from the southern property line. That together with the 50-foot setback from the centerline of N. Perkins Path to the north (35 feet from the property line), leaves a 20-foot wide buildable area between the required right-of-way setbacks. The buildable area widens to the west to approximately 50 feet wide where it is no longer subject to the right-of-way setback to the north. The total buildable area for the property is approximately 17,915 square feet with the buildable area on the western portion of the property not subject to the northern right-of-way setback being approximately 13,701 square feet in size. While the subject property does have limitations due to the rights-of-way, the proposed single-family home could be relocated to the west and/or reduced in size to meet the Land Development Code standards.

While the applicant has not provided an Impervious Surface Ratio calculation, the proposed Impervious Surface Ratio (ISR) is approximately nine percent, which complies with the current maximum 35 percent ISR for the CL District for lots greater than one acre. The applicant will be required to meet ISR standards at time of permitting.

The **Engineering Division** has no objection to the request.

Consistency with the Comprehensive Plan – All development applications shall demonstrate complete compliance with the Comprehensive Plan.

Policy 10A.1.3 Assure compatibility of development and development intensities with existing and planned transportation facilities.

Staff comment: *N. Perkins Path is an existing private, limerock local roadway on two sides of the subject property. The applicant is proposing to place the single-family dwelling between the two rights-of-way. The single-family dwelling could be relocated and/or reduced in size to reduce or eliminate encroachment into existing setbacks.*

Policy 17.9.1 Runoff from structures, streets, yards, and parking areas shall be carefully controlled to prevent flooding in adjacent areas or pollution of water bodies.

Staff comment: *The applicant has not indicated a berm/swale will be provided if this application is approved. N. Perkins Path is an existing private roadway with no stormwater system for runoff. The site will be required to meet ISR standards at time of development.*

Consistency with the Land Development Code (LDC) – Staff reviewed this application under the standards of Section 2300, Building Setback Requirements and Height Requirements for All Land Use Districts.

§2300.A A minimum setback from an abutting right-of-way shall be required for all buildings. The required minimum setback shall be measured from the centerline of the right-of-way. The distance is determined by the functional classification of the roadway, as specified on the Functional Classification Map in this LDC. Minimum distance is shown in the following table:

BUILDING SETBACK REQUIREMENTS	
Local Street (public or private)	50 feet
Minor Collector	65 feet
Major Collector	75 feet
Minor Arterial	100 feet
Principal Arterial	125 feet

Staff comment: *The applicant is proposing a 22-foot right-of-way setback from the centerline of N. Perkins Path, seven feet from the edge of the right-of-way. While it appears some of the single-family dwellings in the area meet the right-of-way setback, this lot is unique in the number and location of rights-of-way.*

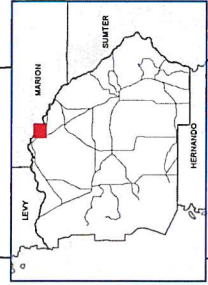
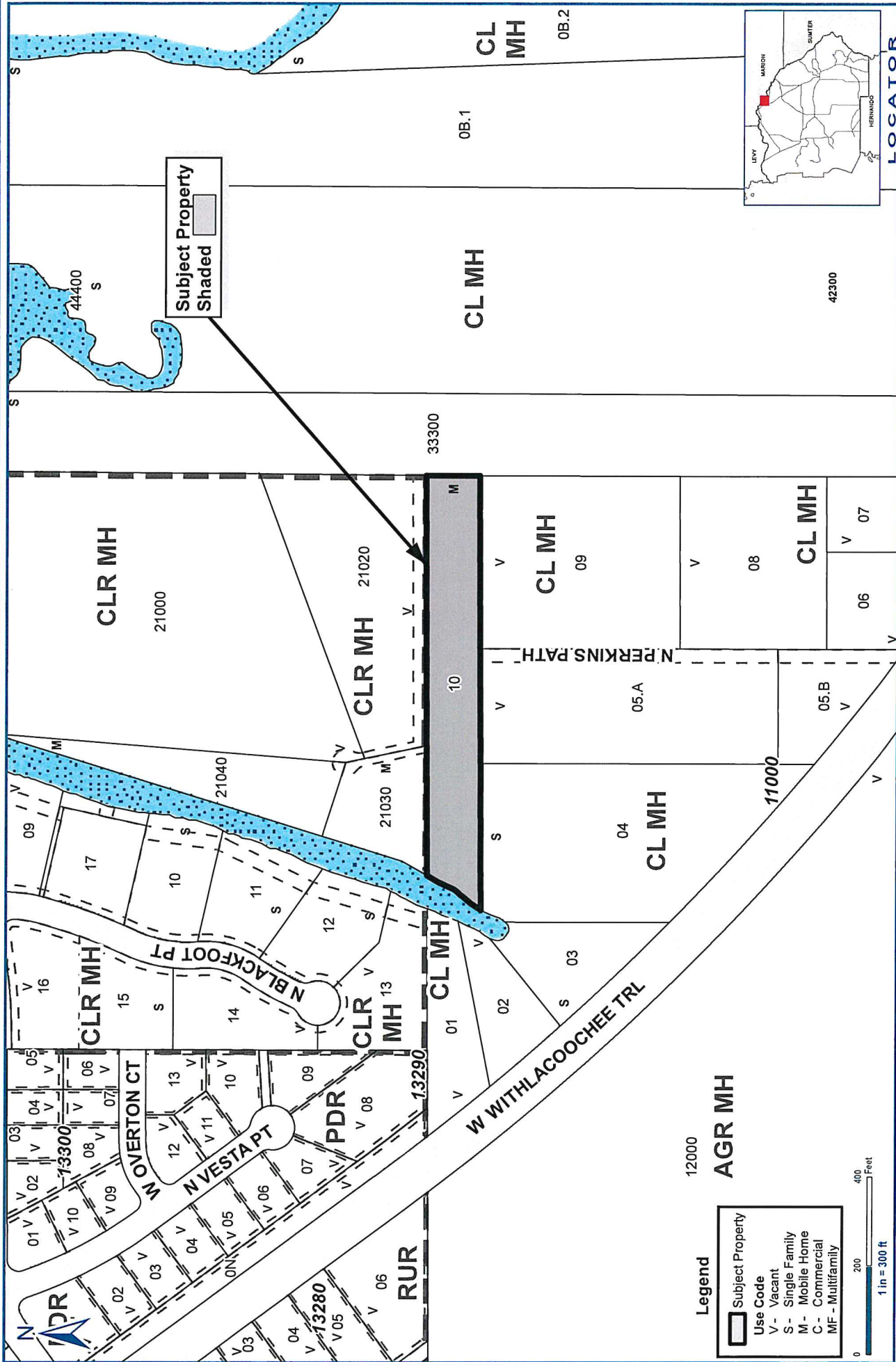
PROPOSED FINDINGS OF FACT

Pursuant to Section 4400, Variances, of the Citrus County Land Development Code (LDC), approval of a petition for variance from the provisions and requirements of this code shall be granted by the PDC only if all of the following are positive:

1. ***Special conditions and circumstances do exist which are peculiar to the land, structure, or building involved and which are not applicable to land, structures, or buildings in the same land use district.*** The subject property is unique, and the circumstances appear to not be applicable to other lands in the neighborhood. The lot has 30-foot wide, private rights-of-way to the north and south, as well as wetlands and a canal, which limit development.
2. ***The special conditions and circumstances do result from the actions of the applicants.*** The constraints to the property as mentioned above are not the result of the applicant; however, there is a buildable area on the property that the applicant could utilize to eliminate or reduce the encroachment.
3. ***A granting of the variance requested will not confer on the applicant any special privilege that is denied by this code to other lands, buildings, or structures in the same land use district.*** This subject property has two right-of-way setbacks, as well as wetland and waterbody setbacks, that appear unique to the surrounding area. Most other lots in this area appear to have only one right-of-way setback and one wetland/waterbody setback.
4. ***Literal interpretation of the provisions of this code which would not deprive the applicant of rights commonly enjoyed by other similarly situated properties and would not work unnecessary and undue hardship on the applicant.*** The applicant is proposing to place the single-family dwelling between the two rights-of-way. The single-family dwelling could be relocated and/or reduced in size to fit within the available building envelope and meet required setbacks.
5. ***The variance granted is not the minimum variance that will make possible the reasonable development and/or use of the land, building, or structure.*** The placement and size of the home could be modified to meet the Land Development Code standards.
6. ***The granting of the variance will be in harmony with the general intent and purpose of this code and will not be injurious to the area involved or otherwise detrimental to the public welfare.*** The visual impact of the proposed single-family home is consistent with the aesthetic character of the surrounding neighborhood.

7. ***There will be full compliance with any additional conditions and safeguards which the PDC may prescribe, including but not limited to reasonable time limits within which the action for which the variance is required shall be begun or completed, or both.*** Where standards are not specified herein, the Citrus County Land Development Code standards (or current code standards) will apply. In addition, noncompliance with or any violation of the above referenced conditions, as may be determined by Citrus County Compliance may, in addition to any penalty imposed by Code Compliance and subsequent to the procedural requirements set forth in Section 1800 of the Citrus County Land Development Code being satisfied, render this Variance null, void, and of no force or effect.
8. ***Granting of the variance will deviate from the clear intent of the adopted Comprehensive Plan.*** The application is not consistent with the Comprehensive Plan, as discussed in this staff report.

JH/cb



LOCATOR

Geographic Information Systems

Cynthia P. Stielhorn

Cynthia P. Stielhorn

This map is for informational purposes only. The State of Florida, Department of Transportation, does not warrant the accuracy or completeness of the information provided. The State of Florida, Department of Transportation, is not responsible for any errors or omissions in this map. The user assumes all liability for the use of this information.

Prepared By : Susan O'Connell

Date: January 18, 2022

Source: Enterprise Geodatabase

Map Number: SO001245

Applicant: Blue Stone Real Estate & Construction for Matthew Winger

Location: 10985 N Perkins Path Dunnellon

DC Atlas: Low Intensity Coastal & Lakes MH Allowed (CL MH)

Planner Initials: _____ Date: _____

Application #: V-22-05

Proposal: Variance for reduced ROW Setback

DC Atlas: Low Intensity Coastal & Lakes MH Allowed (CL MH)