



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5  
 Public Hearing Date: September 10, 2020  
 Case No. and Project Name: VAR-20-31-4, Ern Property  
 Applicant / Owner: Robert and Terry Ern  
 Requested Action: Variance from Lake County Land Development Regulations (LDR) Table 3.02.05, to allow for a front porch to be located 44.98-feet from the centerline of the road, in lieu of 62-feet; and LDR Section 1.08.03.D, to allow for a deck to be located 4.6-feet from the southern property line, in lieu of 10-feet.  
 Case Manager: Emily W. Johnson, Planner

### Subject Property Information

Size: 0.54 +/- acres  
 Location: 2850 East Crooked Lake Drive, in the Eustis area.  
 Alternate Key No.: 1632030  
 Future Land Use: Urban Low Density  
 Current Zoning District: Rural Residential (R-1)  
 Flood Zones: "AE" and "X"  
 Joint Planning Area (JPA) / ISBA: Eustis JPA  
 Overlay Districts: N/A

### Adjacent Property Land Use Table

| Direction | Future Land Use   | Zoning | Existing Use | Comments   |
|-----------|-------------------|--------|--------------|--|
| North     | Urban Low Density | R-1    | Residential  | Single-Family Residence                                      |
| South     | Urban Low Density | R-1    | Residential  | Vacant Residential   |
| East      | Urban Low Density | R-1    | Residential  | Single-Family Residence; adjacent to East Crooked Lake Drive |
| West      | N/A               | N/A    | Lake         | East Crooked Lake  |

### Summary of Request.

The subject property, identified as Alternate Key Number 1632030, contains 0.54 +/- acres, is zoned Rural Residential (R-1) and designated with an Urban Low Density Future Land Use Category by the 2030 Comprehensive Plan. The GIS Aerial Map indicates a presence of wetlands, and that the parcel lies partially within flood zones "AE" and "X". The property is generally located west of East Crooked Lake Drive, and east of East Crooked Lake, in the unincorporated Eustis area of Lake County. The subject property is located within the Eustis Joint Planning Area (JPA); the City of Eustis was provided with the variance application and did not provide any comments or objections to the request. The subject property is currently developed with a single-family residence and related accessory structures.

The Applicant has requested a variance from Lake County Land Development Regulations (LDR) Table 3.02.05, Setback Requirements, to allow for a front porch to be located 44.98-feet from the centerline of the road (19.98-feet from the front property line), in lieu of 62-feet; and LDR Section 1.08.03.D, to allow for a deck to be located 4.6-feet from the southern property line, in lieu of 10-feet. The Department of Public Works reviewed the variance application and did not provide any comments or objections to the request.

### Staff Analysis.

**LDR Section 14.15.02 states that variances will be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness.**

**1. The purpose of the Land Development Regulation will be or has been achieved by other means.**

The intent of the Code, LDR Table 3.02.05, Front Setbacks, is to ensure that structures are located a safe distance from roads, and that there is adequate area for the safe passage of vehicles.

The intent of the Code, LDR Section 1.08.03.D, Setbacks for Nonconforming Lots, is to allow for structures that are built on lots that do not meet the minimum lot size of the Zoning District to utilize the setback requirement of the zoning district closest to the size of the nonconforming lot.

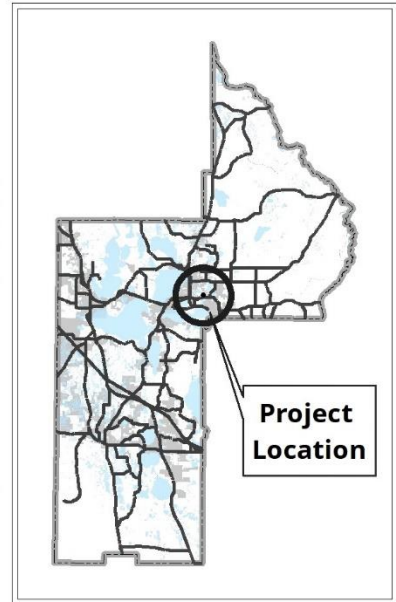
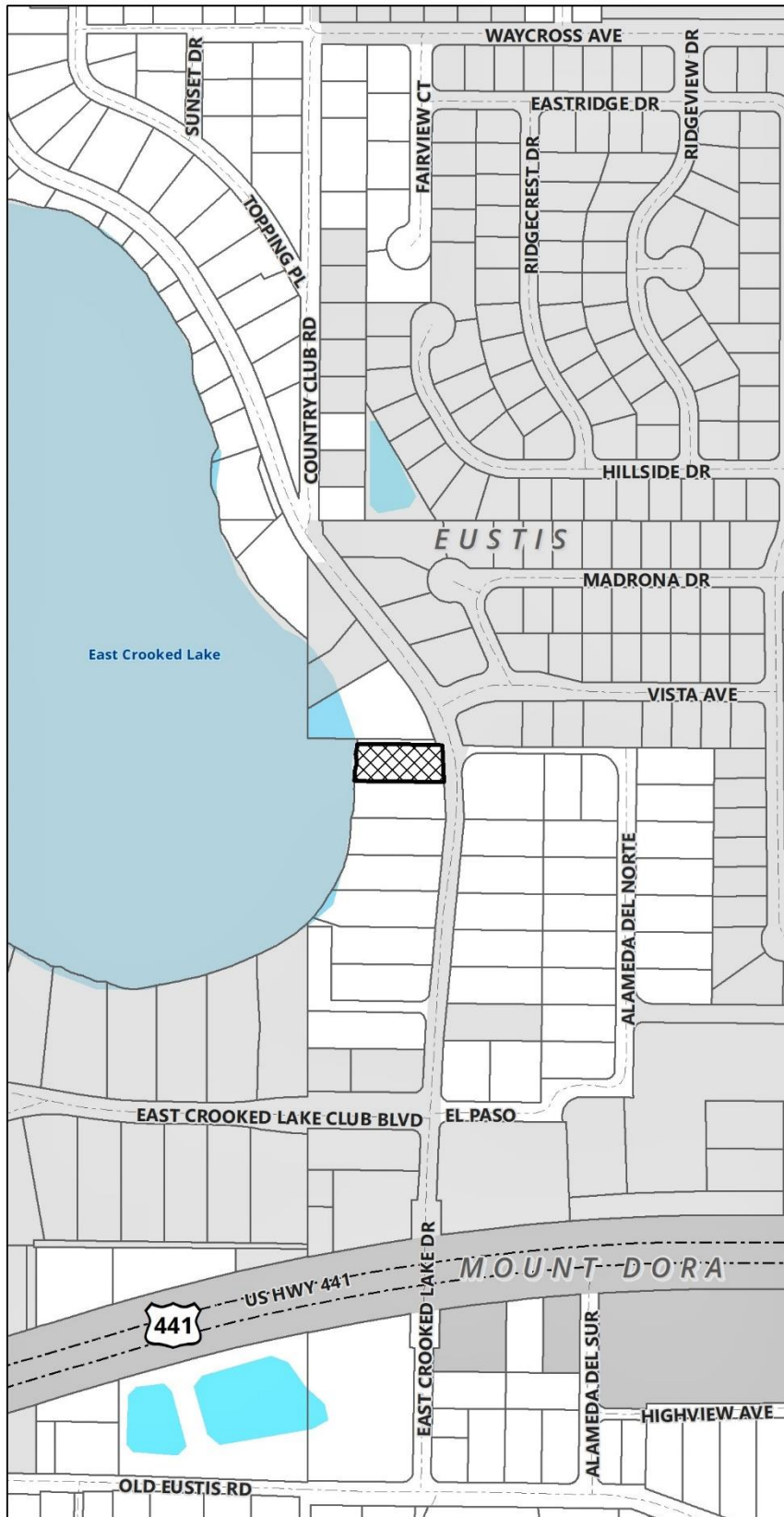
The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"The new structure will be a vast improvement on the existing structure, which was built in 1958, and is in need of repairs and improvements. The proposed front setback of 19.98' will be an improvement on the existing setback of 19.3', which is under the required 25'. The new structure will also be more visually appealing, will increase property values, and will allow for making the entrance ADA accessible for Terry Ern, an amputee. The proposed side yard setback of 4.6' for the proposed deck will match the existing 4.6' side yard setback. The vacant lot adjacent to this side of the house is also owned by the Applicant."*

**2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.**

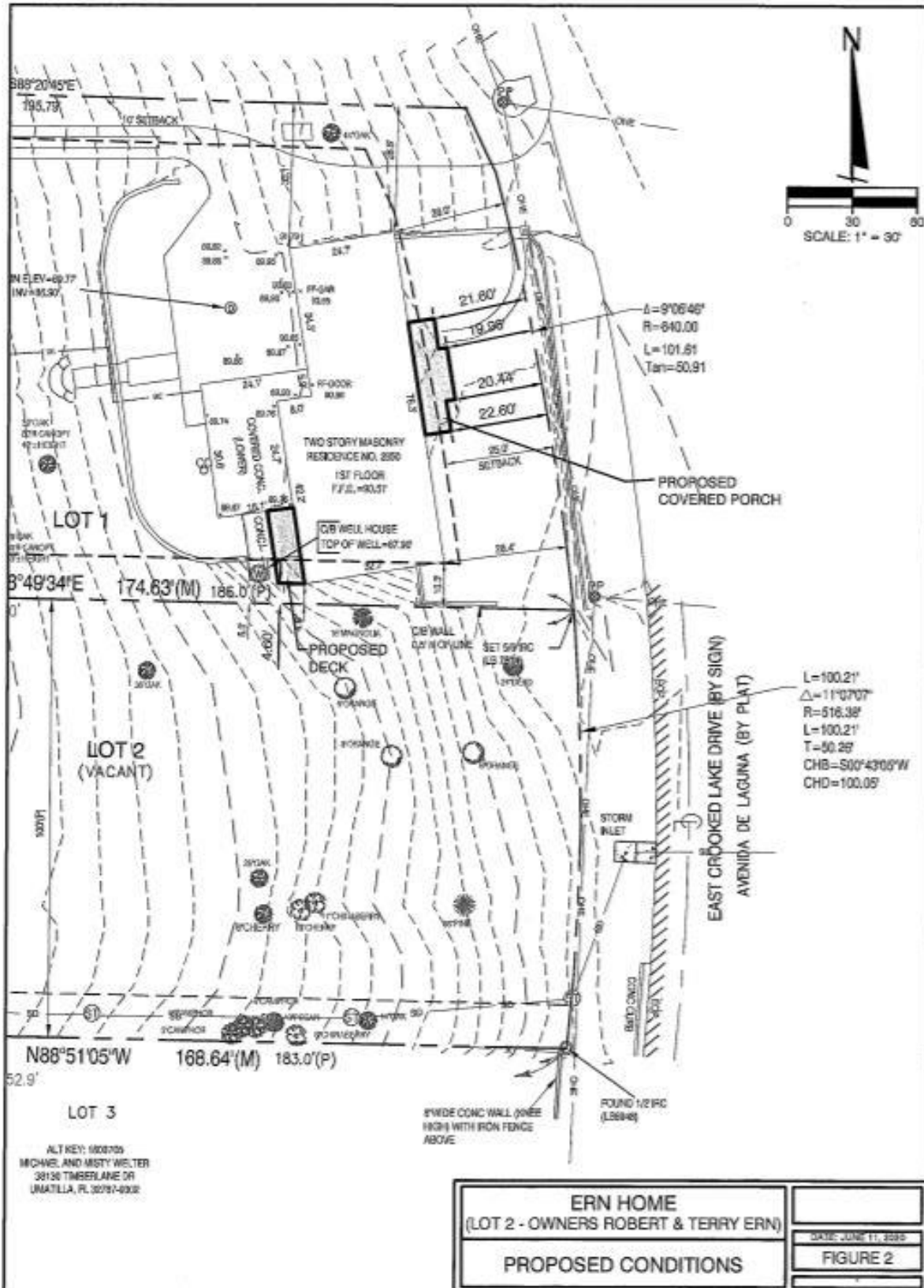
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

The Applicant provided the following statement, *"Existing home was built in 1958, and is in need of renovation, due to age-related issues. Home will be renovated, but it is not possible to meet current setbacks with existing home, which does not currently meet setbacks. In order to complete renovations, increase home value, and modernize home, as well as make ADA accessible for Owner, improvements will not meet current front and side yard setbacks. However, improvements will not increase encroachments into current setbacks, so will therefore, improve the current situation on the front setback, and will maintain the existing side setback."*

# Map of Subject Property



# Attachment "A" – Plot Plan



**Final Development Order  
VAR-20-31-4  
Ern Property**

**A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Robert and Terry Ern (the “Owners” and “Applicants”), requested a variance from Land Development Regulations (LDR) Table 3.02.05, to allow for a front porch to be located 44.98-feet from the centerline of the road, in lieu of 62-feet; and from LDR Section 1.08.03.D to allow for a deck to be located 4.6-feet from the southern property line, in lieu of 10-feet; and

**WHEREAS**, the subject property consists of 0.54 +/- acres and is located at 2850 East Crooked Lake Drive, in the Eustis area of unincorporated Lake County, in Section 19, Township 19S, Range 27E, having Alternate Key Number 1632030, and more particularly described below; and

Lot 1, El Bonito, a subdivision in Lake County, Florida, according to the plat thereof recorded in Plat Book 5, Page 46, Public Records of Lake County, Florida.

**WHEREAS**, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on September 10, 2020; and

**WHEREAS**, the Board of Adjustment reviewed the petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

**WHEREAS**, on September 10, 2020, the Lake County Board of Adjustment approved the variance for the above property.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that:

- Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-20-31-4, to allow for a front porch to be located 44.98-feet from the centerline of the road (19.98-feet from the front property line), in lieu of 62-feet, and to allow for a deck to be located 4.6-feet from the southern property line, in lieu of 10-feet.
- Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

[Reminder of Page Left Intentionally Blank]

**Section 3. Effective Date. This Ordinance will become effective as provided by law.**

**ENACTED this 10<sup>th</sup> day of September, 2020.**

**EFFECTIVE September 10, 2020.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**James Argento, Chairman**

**State of Florida**

**County of Lake**

**Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_.**

**Personally Known OR Produced Identification**

**Type of Identification Produced \_\_\_\_\_**

\_\_\_\_\_  
**Notary Signature  
(SEAL)**