



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: October 8, 2020

Case No. and Project Name: VAR-20-40-4, Carrion Property

Owners: Nancy Figueroa and Carlos Carrion, Jr.

Applicant: Carlos Carrion, Jr.

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.01.04.1.a to allow a horse stable to be located fifty (50) feet from the northern property line and fifty-five (55) feet from the eastern side property line, in lieu of two-hundred (200) feet from all property lines.

Case Manager: Heather Croney, Planner

### Subject Property Information

Size: 4.43 +/- acres

Location: 35202 Pinegate Trail on the North side of Pinegate Trail, west of Green Forest Drive, in the Eustis area

Alternate Key No.: 3830897

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: None

Overlay Districts: Wekiva-Ocala Rural Protection Area (RPA) and Wekiva Study Area

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residential	Single-Family Dwelling Units
South	Rural	Agriculture (A)	Street	Pinegate Trail, Adjoined by Single-Family Dwelling Units
East	Rural	Agriculture (A)	Residential	Single-Family Dwelling Units
West	Rural	Agriculture (A)	Street	Pinegate Trail, Adjoined by Single-Family Dwelling Units

### Summary of Request.

The subject 4.43 +/- acre parcel is identified by Alternate Key Number 3830897. The parcel is zoned Agriculture (A), is part of the Rural Future Land Use Category (FLUC), and located in both the Wekiva-Ocala Rural Protection Area (RPA) and the Wekiva Study Area. The subject parcel is currently developed with a single-family dwelling unit, open porch, and a garage. The parcel is generally located on the northeast side of Pinegate Trail and west of Green Forest Drive, in the Eustis area.

The Applicant has submitted a variance request to LDR Section 3.1.04.1.a to facilitate approval of a horse stable which will be located fifty (50) feet from the rear property line and fifty-five (55) feet from the eastern property line. However, LDR Section 3.01.04.1.a requires that the structure maintain a setback of two-hundred (200) feet from the property lines; the code provides an alternative setback option in the event that a livestock building cannot be constructed because of the two hundred (200) feet setback, in which case the livestock building shall be as closely centered as possible between the property lines while maintaining a minimum setback of fifty (50) feet from the property lines. The proposed stable will not be centered on the property.

The variance application was sent to the Public Works Department for review. The Public Works Department has no 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 Section 3.01.04.1.a, is to regulate the placement of structures and the use of a parcel in order to ensure that they are not harmful, either aesthetically or physically, to residents and surrounding areas. Increased noise, dust, odor and traffic can all impact adjacent property owners. The Code attempts to mitigate the impact on the surrounding areas with a minimum setback of two-hundred (200) feet for livestock buildings.

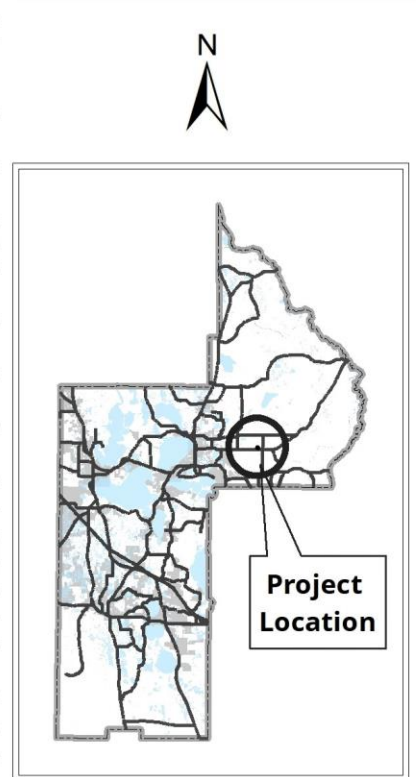
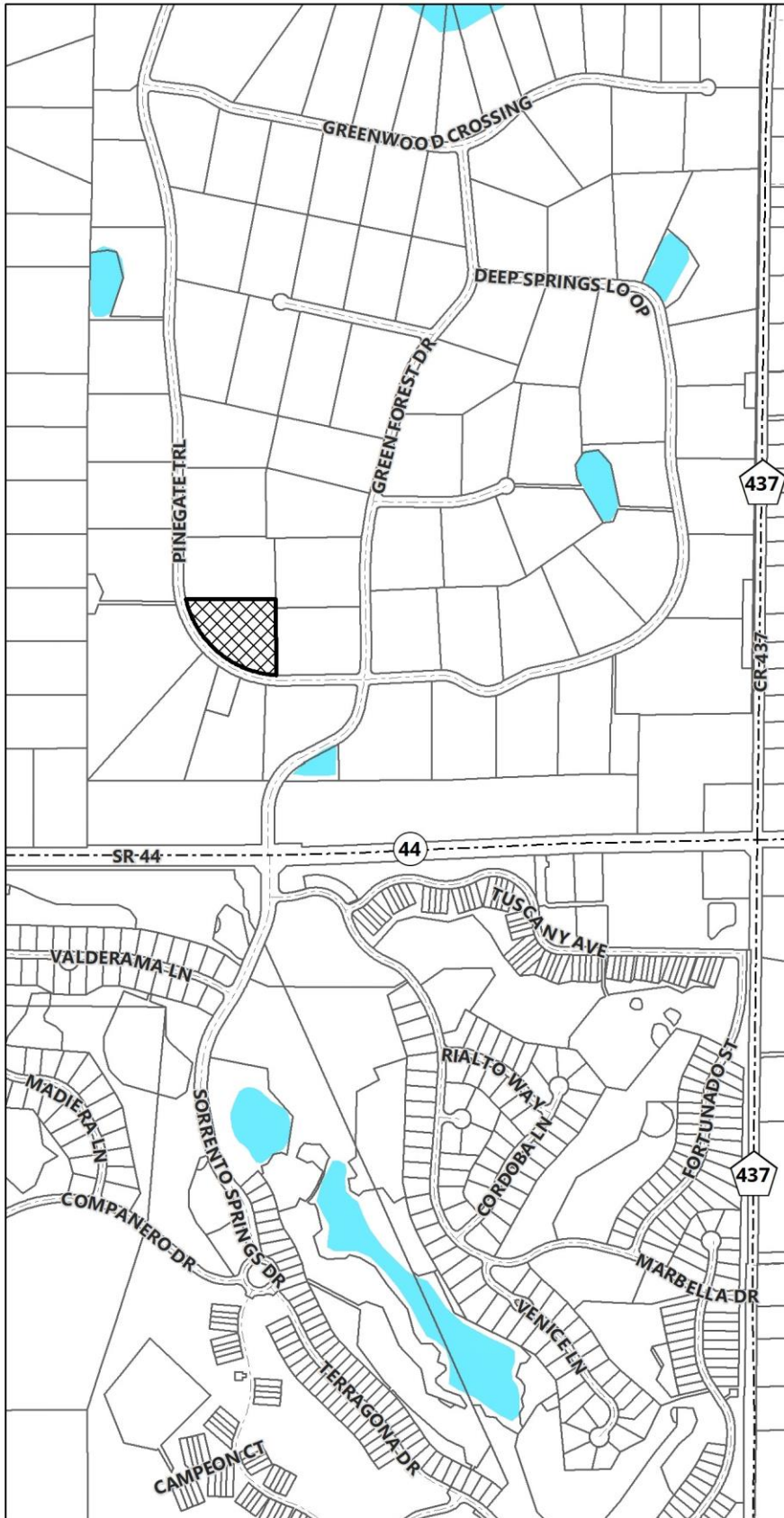
*"It is [my] understanding that the purpose of the Land Development Regulation is to contain agriculture activities at a residence distance away from neighboring residences limiting noise and odors that may be produced from horses in this case. In reviewing aerial imagery, there are two adjacent parcels that have horse barns behind their primary residences near the back of the properties. As my property is essentially a corner lot, I am unable to locate the barn in the center of the lot. The proposed location for my horse barn maintains consistency with the neighboring parcels and keeps structures on all three parcels in closer proximity. It also avoids the barn on my property from being constructed closer to my neighbor's pool which I'm sure they would appreciate to maintain higher property values."*

**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 requesting the variance.

*"The deeds [sic] restrictions state line of barn must be behind rear of main house, I have slash pines which are protected and I want to preserve the current canopy. I have evidence of gopher tortoise activity and I am consistent to the arrangement of structures on neighboring properties (barns in back and houses in the front.)"*

# Map of Subject Property





**Final Development Order  
VAR-20-40-4  
Carrion Property**

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

**WHEREAS**, Carlos Carrion, Jr. (the “Applicant”), on behalf of Nancy Figueroa and Carlos Carrion, Jr. (the “Owners”), requested a variance to Lake County Land Development Regulations (LDR) Section 3.01.04.1.a, to allow a proposed horse stable to be located fifty (50) feet from the northern property line and fifty-five (55) feet from the eastern side property line, in lieu of two-hundred (200) feet from all property lines; and

**WHEREAS**, the subject property consists of 4.43 +/- acres, is located at 35202 Pinegate Trail, in the unincorporated Eustis area of Lake County, Florida, in Section 01, Township 19, Range 27, having Alternate Key Number 3830897, and more particularly described below:

Lot 126, LAKEWOOD RANCHES, according to the plat thereof as recorded in Plat Book 53, Page(s) 19 through 27, Public Records of Lake County, Florida.

**WHEREAS**, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on October 8, 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 October 8, 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-20-40-4 to allow a proposed horse stable to be located fifty (50) feet from the northern property line and fifty-five (55) feet from the eastern side property line, in lieu of two-hundred (200) feet from all property lines, with the following condition:

1. A Type “A” landscape buffer must be installed and maintained along the eastern and northern property lines to serve as a buffer and mitigate any potential noise impacts.

**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.

**Section 3. Effective Date. This Ordinance will become effective as provided by law.  
ENACTED this 8th day of October, 2020.  
EFFECTIVE October 8, 2020.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**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 8th day of October, 2020, by James Argento, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

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

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**Notary Signature  
(SEAL)**