



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearing Date: October 8, 2020

Case No. and Project Name: VAR-20-43-4, Jones Property

Applicant / Owner: Rick J. Jones and Susan L. Jones

Requested Action: Variance from Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an after-the-fact accessory structure (carport) and concrete slab to be located 2-feet 10-inches from the southern property line, in lieu of 10-feet.

Case Manager: Emily W. Johnson, Planner

### Subject Property Information

Size: 0.51 +/- acres

Location: 34641 Cattail Drive, Eustis.

Alternate Key No.: 3033175

Future Land Use: Urban Low Density

Current Zoning District: Estate Residential (R-2)

Flood Zone: "X"

Joint Planning Area (JPA) / ISBA: Eustis JPA

Overlay Districts: Wekiva Study Area

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Estate Residential (R-2)	Residential	Single-Family Residence
South	Urban Low Density	Estate Residential (R-2)	Residential	Single-Family Residence
East	Urban Low Density	Estate Residential (R-2)	Residential	Single-Family Residence Adjacent to Cattail Drive
West	City of Eustis	City of Eustis	Community Facility (Place of Worship)	First Baptist Church of Eustis Under City of Eustis Jurisdiction

### Summary of Request.

The subject property, identified as Alternate Key Number 3033175, contains 0.51 +/- acres, is zoned Estate Residential (R-2) and designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The GIS Aerial Map does not indicate a presence of wetlands or flood zone on the property. The property is generally located west of Cattail Drive, in the Eustis area of unincorporated Lake County. The subject property is currently developed with a single-family residence and related accessory structures.

On the 31st of July 2020, the Office of Building Services opened Code Case Action Order No. 2020070348 for installation of a carport without obtaining the appropriate permits. In order to resolve the code violation and facilitate the issuance of a zoning permit, the Applicant has requested a variance from LDR Table 3.02.05, to allow an after-the-fact accessory structure (carport) and concrete slab to be located 2-feet 10-inches from the southern property line, in lieu of 10-feet.

The variance application and supporting documents were provided to the Lake County Department of Public Works and to the City of Eustis. Neither the Lake County Department of Public Works, nor the City of Eustis, indicated any comments, conditions, or objections to the variance 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, Setbacks, is to ensure that structures are located a safe distance from right-of-ways and neighboring properties, and to avoid impediment of proper drainage.

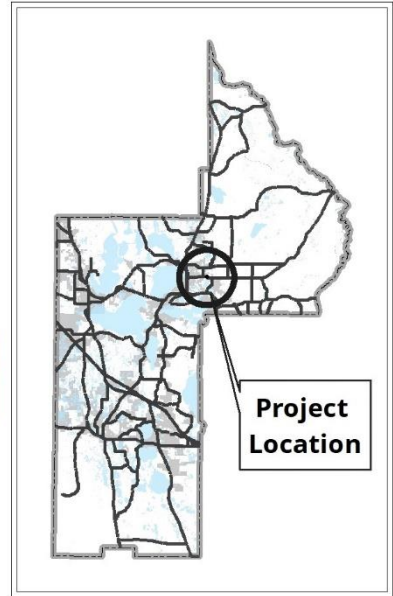
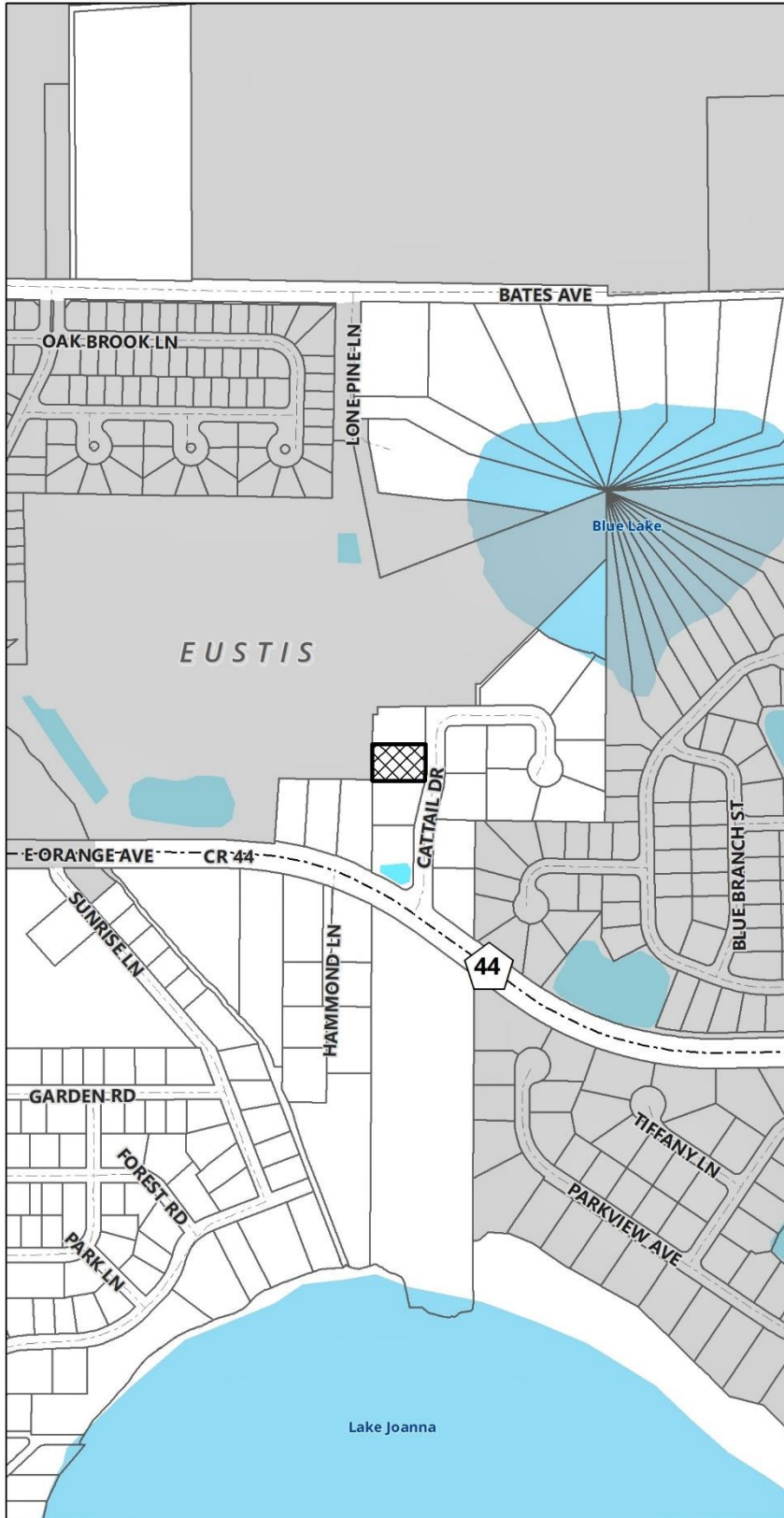
The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"Meeting the rear setback requirements. Not protruding [beyond] the front of [the] home."*

**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.**

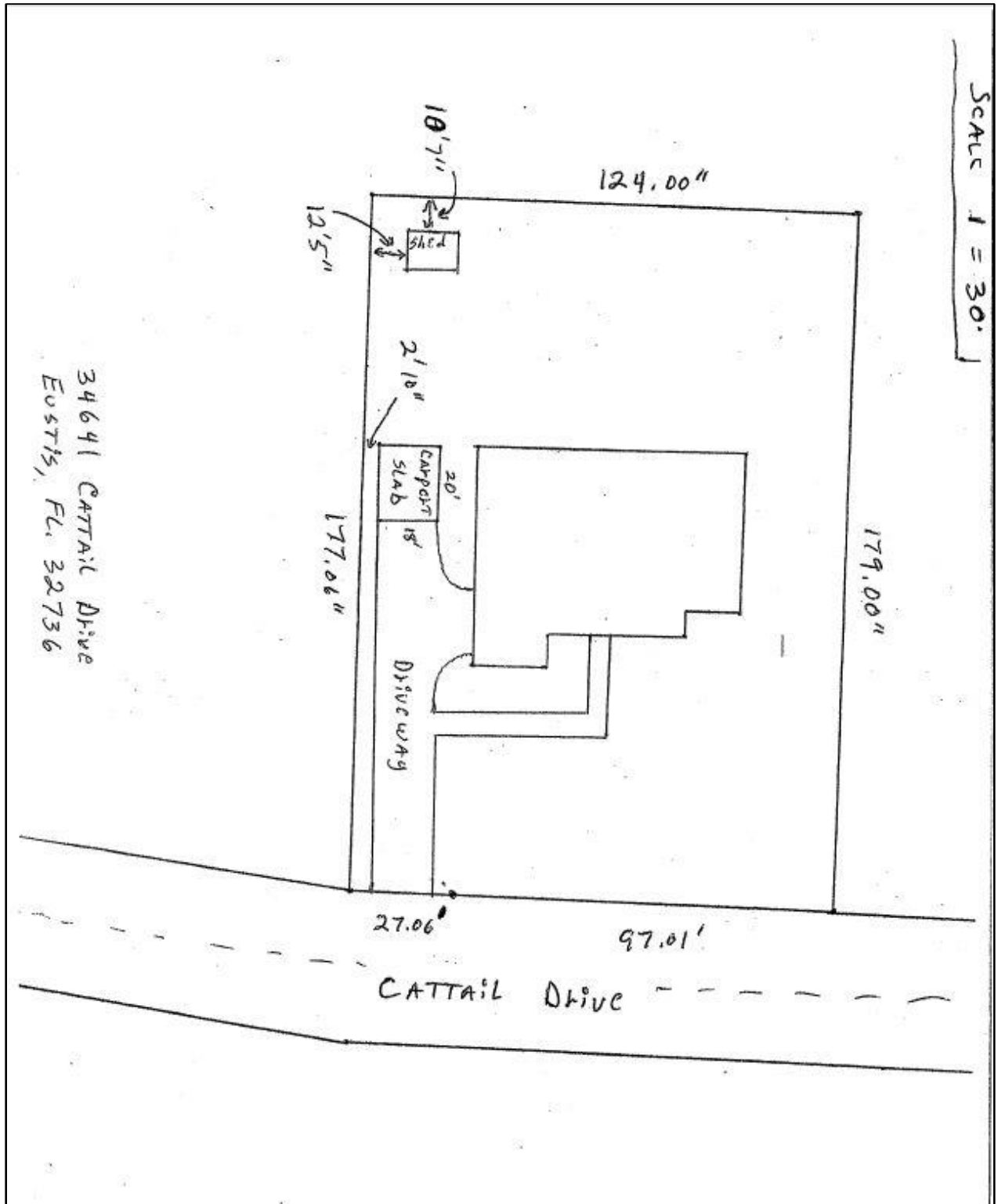
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

The Applicant provided the following statement, *"The Carolina carport slab is an extention [sic] to the existing driveway. The 10ft side setback would not allow the Carolina carport slab nor the driveway to exist."*

# Map of Subject Property



# Attachment "A" – Plot Plan



**Final Development Order  
VAR-20-43-4  
Jones Property**

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

**WHEREAS**, Rick J. Jones and Susan L. Jones (the “Owners” and “Applicants”), requested a variance from Land Development Regulations (LDR) Table 3.02.05, to allow an after-the-fact accessory structure (carport) and concrete slab to be located 2-feet 10-inches from the southern property line, in lieu of 10-feet; and

**WHEREAS**, the subject property consists of 0.51 +/- acres and is located at 34641 Cattail Drive, in the Eustis area of unincorporated Lake County, in Section 07, Township 19, Range 27, having Alternate Key Number 3033175, and more particularly described below (“property”); and

Blue Lake Bend Subdivision Lot 3, according to the plat or map thereof recorded in Plat Book 29, Pages 19-20, 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 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-20-43-4, to allow for an after-the-fact accessory structure (carport) and concrete slab to be located on the property 2-feet 10-inches from the southern property line, in lieu of 10-feet; with the following condition:

1. Development permits from the Office of Planning and Zoning and the Office of Building Services must be obtained for the after-the-fact accessory structure (carport) and concrete slab; and
2. If at any point in the future the accessory structure (carport) and concrete slab are relocated on the property, they must meet the required setbacks at the time of permitting.

**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.

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

**ENACTED this 8<sup>th</sup> day of October, 2020.**

**EFFECTIVE October 8, 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 James Argento, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

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

\_\_\_\_\_  
**Notary Signature**

**(SEAL)**