



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: December 10, 2020

Case No. and Project Name: VAR-20-60-4, Soto Property

Owner/Applicant: Jesline Gonzalez Soto

Requested Action: Variance to Lake County Code, Land Development Regulations (LDR) Section 3.02.05, to allow an after-the-fact storage shed to be located 10-feet from the right-of-way, in lieu of the required 25-feet.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 0.25 +/- acres

Location: 13438 Lake Yale View Loop, Grand Island.

Alternate Key No.: 3853551

Future Land Use: Urban Low Density

Current Zoning District: Medium Residential District (R-3)

Flood Zone: "X"

Joint Planning Area/ ISBA: Eustis JPA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Medium Residential District (R-3)	Residential	Single-Family Dwelling Units
South	Urban Low Density	Medium Residential District (R-3)	Right-of-Way, Residential	Single-Family Dwelling Units South of R-O-W
East	Urban Low Density	Medium Residential District (R-3)	Residential	Single-Family Dwelling Units
West	Urban Low Density	Medium Residential District (R-3)	Right-of-Way, Residential	Single-Family Dwelling Units West of R-O-W

Summary of Request.

The Applicant submitted a variance request to LDR Section 3.02.05, to allow an after-the-fact storage shed to be located 10-feet from the right-of-way, in lieu of the required 25-feet.

The subject 0.25 +/- acre parcel is identified by Alternate Key Number 3853551. The parcel is zoned Medium Residential District (R-3) and is part of the Urban Low Density Future Land Use Category (FLUC). The subject parcel is currently undeveloped and vacant.

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. The Public Works Department had no comments or objections to the request.

The subject parcel is located within the City of Eustis JPA; therefore, variance application was sent to the City of Eustis for a determination of consistency with their regulations. The City of Eustis had no 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 Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

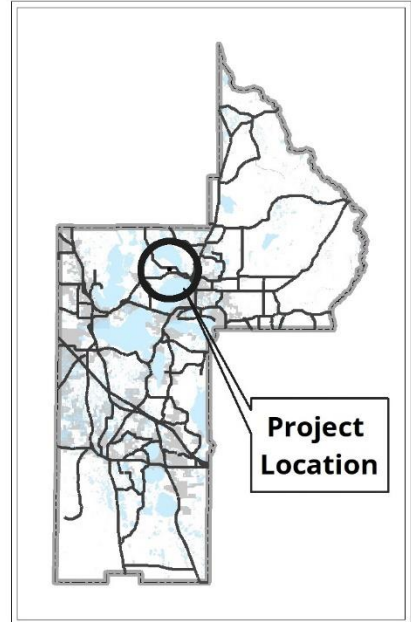
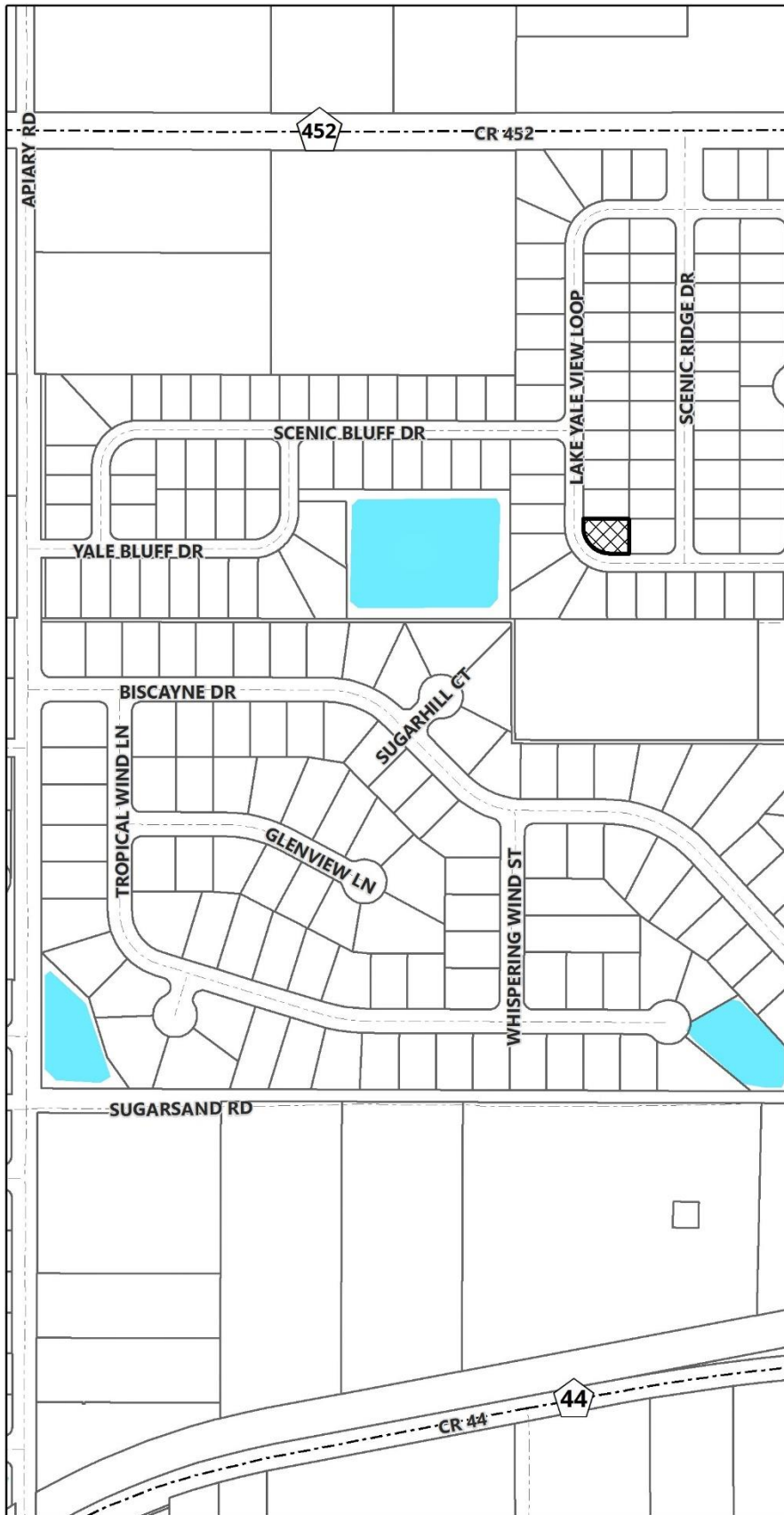
The Owners provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *“By leaving the shed at the require spot I don’t block the septic system or the utility easement. It’s also 35’ from street, 10’ from property line and fence.”*

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 Owners provided the following statement, *“The shed has already been placed at the requested location before I knew I needed a permit for it. By moving it 25’ from property line, shed will sit on top of septic system and only 8’ from house. My HOA only is giving permission [sic] to place it on the side of the house. Behind the house will be building a pool.”*

Map of Subject Property



**Final Development Order
VAR-20-60-4
Soto Property**

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

WHEREAS, Jesline Gonzalez Soto (the “Owner” and “Applicant”) requested a variance to Lake County Code, Land Development Regulations (LDR) Section 3.02.05, to allow an after-the-fact storage shed to be located 10-feet from the right-of-way, in lieu of the required 25-feet; and

WHEREAS, the subject property consists of 0.25 +/- acres, is located at 13438 Lake Yale View Loop, in the Grand Island area of unincorporated Lake County, Florida, in Section 29, Township 18 South, Range 26 East, having Alternate Key Number 3853551, and more particularly described as below:

Lot 101, Windy Ridge, according to the map or plat thereof, as recorded in Plat Book 59, Page(s) 43, of the 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 December 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 December 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-20-60-4, to allow an after-the-fact storage shed to be located 10-feet from the right-of-way, in lieu of the required 25-feet with the following conditions:

1. A row of shrubs shall be installed prior to final inspection along the eastern portion of storage shed to create a visual buffer.

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 10th day of December, 2020.

EFFECTIVE December 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 10th day of December, 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)