



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearing Date: June 10, 2021

Case No. and Project Name: VAR-21-21-4, Welch Property

Owner: Joshua and Rachel Welch

Applicants: Joshua Welch

Requested Action: Variance to Land Development Regulations (LDR) Sections 10.01.01.F(2) and 3.02.05 to allow an accessory structure (detached garage) to be constructed 12-feet from the front property line, in lieu of 100-feet from the front property line or 62-feet from the centerline of the road.

Case Manager: Emily W. Johnson, Senior Planner

Subject Property Information

Size: 0.98 +/- acres

Location: 33825 East Lake Joanna Drive, Eustis.

Alternate Key No.: 1444381

Future Land Use: Urban Low Density

Current Zoning District: Rural Residential (R-1)

Flood Zones: "AE" and "X"

Joint Planning Area (JPA) / ISBA: City of Eustis

Overlay Districts: Wekiva Study Area

Adjacent Property Land Use Table

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

Summary of Request.

The subject property, identified as Alternate Key Number 1444381, contains 0.98 +/- acres, is zoned Rural Residential (R-1), and is designated with an Urban Low Density Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject property is located west of East Lake Joanna Drive, and east of Lake Joanna, in the unincorporated Eustis area of Lake County. The subject property is currently developed with a single-family dwelling unit and related accessory uses.

The Applicant has requested a variance to LDR Sections 10.01.01.F(2) and 3.02.05 to allow an accessory structure (detached garage) to be constructed 12-feet from the front property line, in lieu of 100-feet from the front property line or 62-feet from the centerline of the road. The plot plan (Attachment "A") depicts the proposed location of the detached garage.

The Lake County Department of Public Works reviewed the application and indicated that they have no comments or concerns regarding 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 intent of the Code, LDR Section 10.01.01, is to regulate the installation, configuration, and use of accessory and temporary structures and uses in order to preserve the community and property values, and to protect the community character.

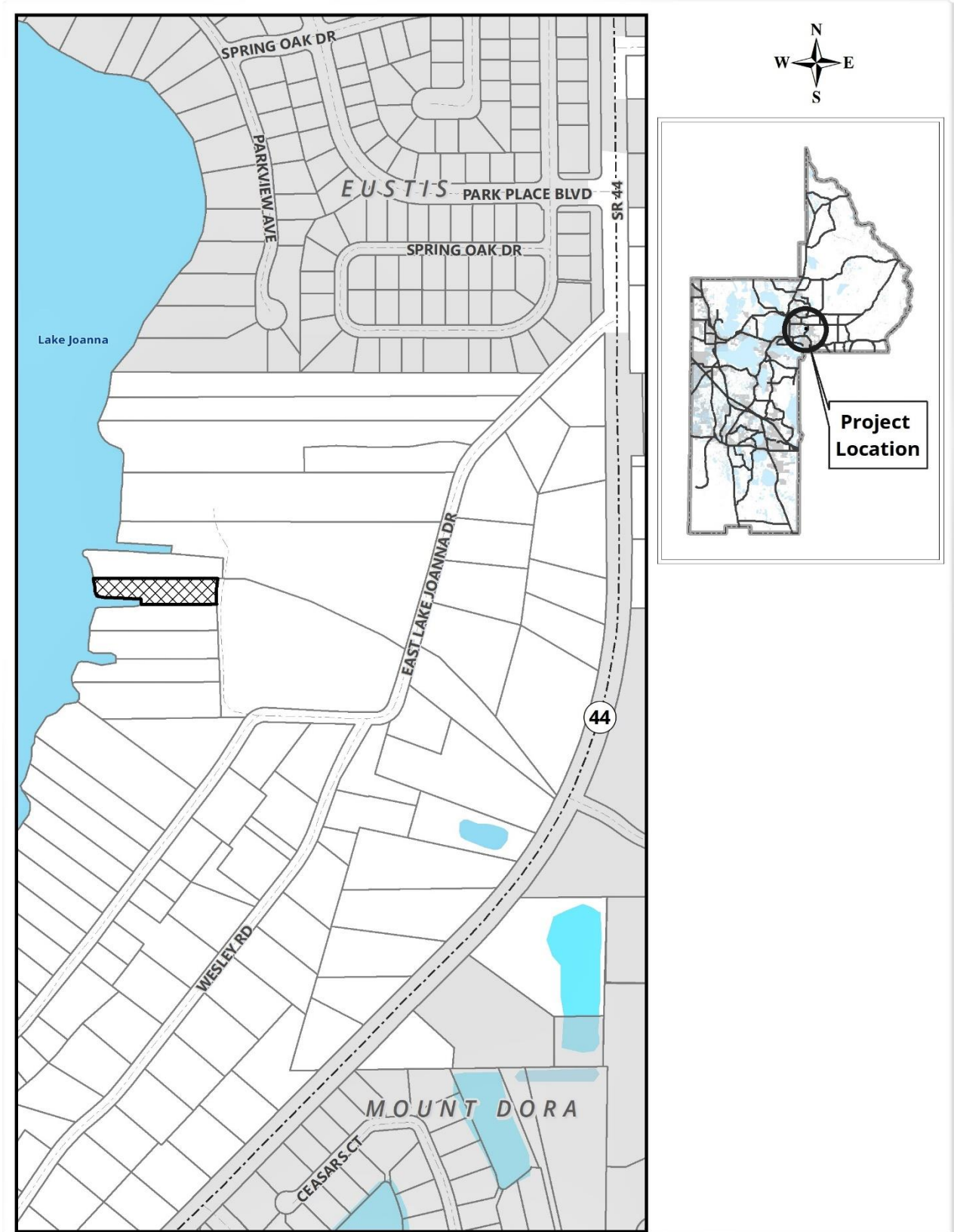
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, *"The garage will have as close as possible matching colors to the house. The house has a metal roof as well to match the proposed garage. Installing the garage will also allow me to remove the mismatched carport that sits in the front yard currently. Other neighbors have also built metal garages on the sides or front of their homes as well. So overall it will still match other homes in the neighborhood."*

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.

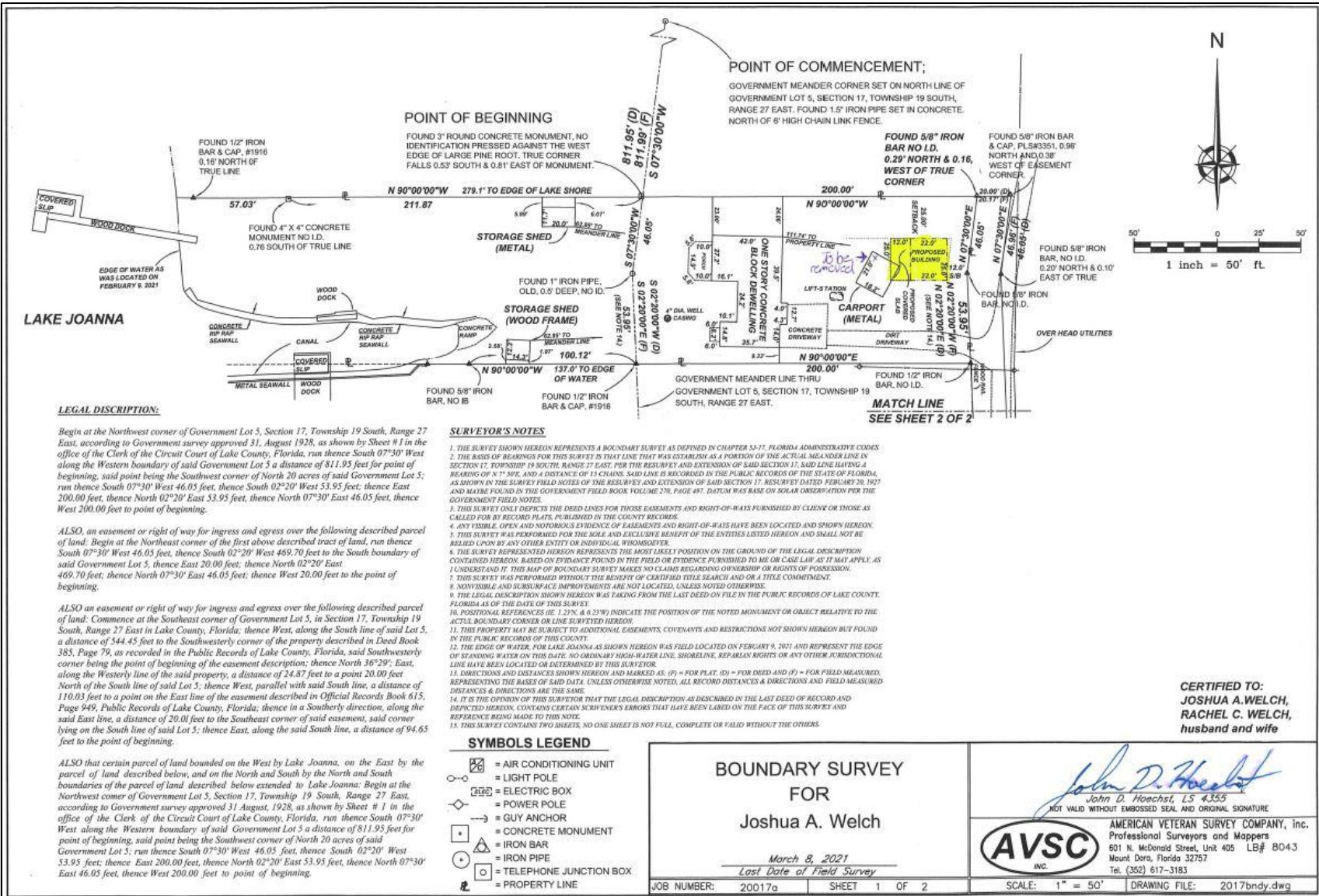
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

As proof of a substantial hardship, the Applicant provided the following statement, *"I need to place the garage in front of my home for 2 reasons. The first reason is that my neighbors would prefer it in the front so that it won't take away their lake view. Second there is minimal room between the house & property line to gain access to the garage if it was located on the back side."*

Map of Subject Property



Attachment "A" - Plot Plan



Final Development Order
VAR-21-21-4
Welch Property

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

WHEREAS, Joshua Welch (the “Applicant”), on behalf of Joshua and Rachel Welch (the “Owners”), requested a variance to Land Development Regulations (LDR) Sections 10.01.01.F(2) and 3.02.05 to allow an accessory structure (detached garage) to be constructed 12-feet from the front property line, in lieu of 100-feet from the front property line or 62-feet from the centerline of the road; and

WHEREAS, the subject property consists of 0.98 +/- acres and is located at 33825 East Lake Joanna Drive, in the Eustis area of unincorporated Lake County, in Section 17, Township 19 South, Range 27 East, having Alternate Key Number 1444381, and more particularly described in Exhibit “A” – Legal Description; and

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 June 10, 2021; 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 June 10, 2021, 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-21-21-4, to allow an accessory structure (detached garage) to be constructed 12-feet from the front property line, in lieu of 100-feet from the front property line or 62-feet from the centerline of the road .

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 June 2021.

EFFECTIVE June 10, 2021.

**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 June 2021, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)

Exhibit "A" – Legal Description

Begin at the Northwest corner of Government Lot 5, Section 17, Township 19 South, Range 27 East, according to Government survey approved 31, August 1928, as shown by Sheet # 1 in the office of the Clerk of the Circuit Court of Lake County, Florida, run thence South 07°30' West along the Western boundary of said Government Lot 5 a distance of 811.95 feet for point of beginning, said point being the Southwest corner of North 20 acres of said Government Lot 5; run thence South 07°30' West 46.05 feet, thence South 02°20' West 53.95 feet; thence East 200.00 feet, thence North 02°20' East 53.95 feet, thence North 07°30' East 46.05 feet, thence West 200.00 feet to point of beginning.

ALSO, an easement or right of way for ingress and egress over the following described parcel of land: Begin at the Northeast corner of the first above described tract of land, run thence South 07°30' West 46.05 feet, thence South 02°20' West 469.70 feet to the South boundary of said Government Lot 5, thence East 20.00 feet; thence North 02°20' East 469.70 feet; thence North 07°30' East 46.05 feet; thence West 20.00 feet to the point of beginning.

ALSO an easement or right of way for ingress and egress over the following described parcel of land: Commence at the Southeast corner of Government Lot 5, in Section 17, Township 19 South, Range 27 East in Lake County, Florida; thence West, along the South line of said Lot 5, a distance of 544.45 feet to the Southwesterly corner of the property described in Deed Book 385, Page 79, as recorded in the Public Records of Lake County, Florida, said Southwesterly corner being the point of beginning of the easement description; thence North 36°29'; East, along the Westerly line of the said property, a distance of 24.87 feet to a point 20.00 feet North of the South line of said Lot 5; thence West, parallel with said South line, a distance of 110.03 feet to a point on the East line of the easement described in Official Records Book 615, Page 949, Public Records of Lake County, Florida; thence in a Southerly direction, along the said East line, a distance of 20.01 feet to the Southeast corner of said easement, said corner lying on the South line of said Lot 5; thence East, along the said South line, a distance of 94.65 feet to the point of beginning.

ALSO that certain parcel of land bounded on the West by Lake Joanna, on the East by the parcel of land described below, and on the North and South by the North and South boundaries of the parcel of land described below extended to Lake Joanna: Begin at the Northwest corner of Government Lot 5, Section 17, Township 19 South, Range 27 East, according to Government survey approved 31 August, 1928, as shown by Sheet # 1 in the office of the Clerk of the Circuit Court of Lake County, Florida, run thence South 07°30' West along the Western boundary of said Government Lot 5 a distance of 811.95 feet for point of beginning, said point being the Southwest corner of North 20 acres of said Government Lot 5; run thence South 07°30' West 46.05 feet, thence South 02°20' West 53.95 feet; thence East 200.00 feet, thence North 02°20' East 53.95 feet, thence North 07°30' East 46.05 feet, thence West 200.00 feet to point of beginning.