



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 9

Public Hearing Date: June 10, 2021

Case No. and Project Name: VAR-21-26-5, Madan Property

Owner/Applicant: Kyle Louis Madan

Requested Action: Variance to Land Development Regulations (LDR) Table 3.02.05, to allow a single-family dwelling unit and accessory structures to be constructed 50-feet from the centerline of the road on the eastern and western property lines, in lieu of 62-feet.

Case Manager: Janie Barrón, Senior Planner

### Subject Property Information

Size: 0.38 +/- acres

Location: South of Autumn Mist Road and surrounded by Crest Lane in the Eustis area

Alternate Key No.: 1676541

Future Land Use: Wekiva River Protection Area (WRPA) A-1-20 Sending Area

Current Zoning District: Agriculture (A)

Flood Zone: Fully "AE"

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: Wekiva River Protection Area (WRPA)

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	WRPA A-1-20 Sending Area	Agriculture (A)	Residential	Single-Family Residences
South	WRPA A-1-20 Sending Area	Agriculture (A)	Right-of-Way	Crest Lane and Single-Family Residences South of R-O-W
East	WRPA A-1-20 Sending Area	Agriculture (A)	Right-of-Way	Crest Lane and Single-Family Residences East of R-O-W
West	WRPA A-1-20 Sending Area	Agriculture (A)	Right-of-Way	Crest Lane and Single-Family Residences West of R-O-W

### Summary of Request.

The Owner has requested a variance to LDR Table 3.02.05, to allow a single-family dwelling unit and accessory structures to be constructed 50-feet from the centerline of the road, in lieu of 62-feet. The plot plan (Attachment "A") depicts the proposed location of the single-family dwelling unit and proposed 50-foot setback from the centerline of the road on the eastern and western property lines.

The subject property, identified as Alternate Key Number 1676541, contains 0.24 +/- acres, is zoned Agriculture (A), and is designated with a Wekiva River Protection Area (WRPA) A-1-20 Sending Area Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject property is located south of Autumn Mist Road, and surrounded by Crest Lane, in the unincorporated Eustis area of Lake County. The subject property is in the Blue Lakes Ridge subdivision. The subject parcel is vacant and undeveloped.

The Lake County Department of Public Works reviewed the application for consistency with their regulations. The Department of Public Works has 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 Table 3.02.05 is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

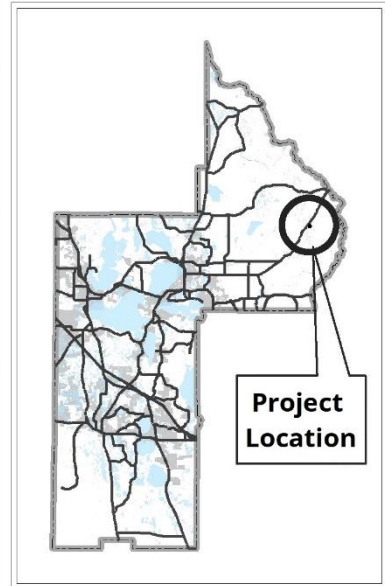
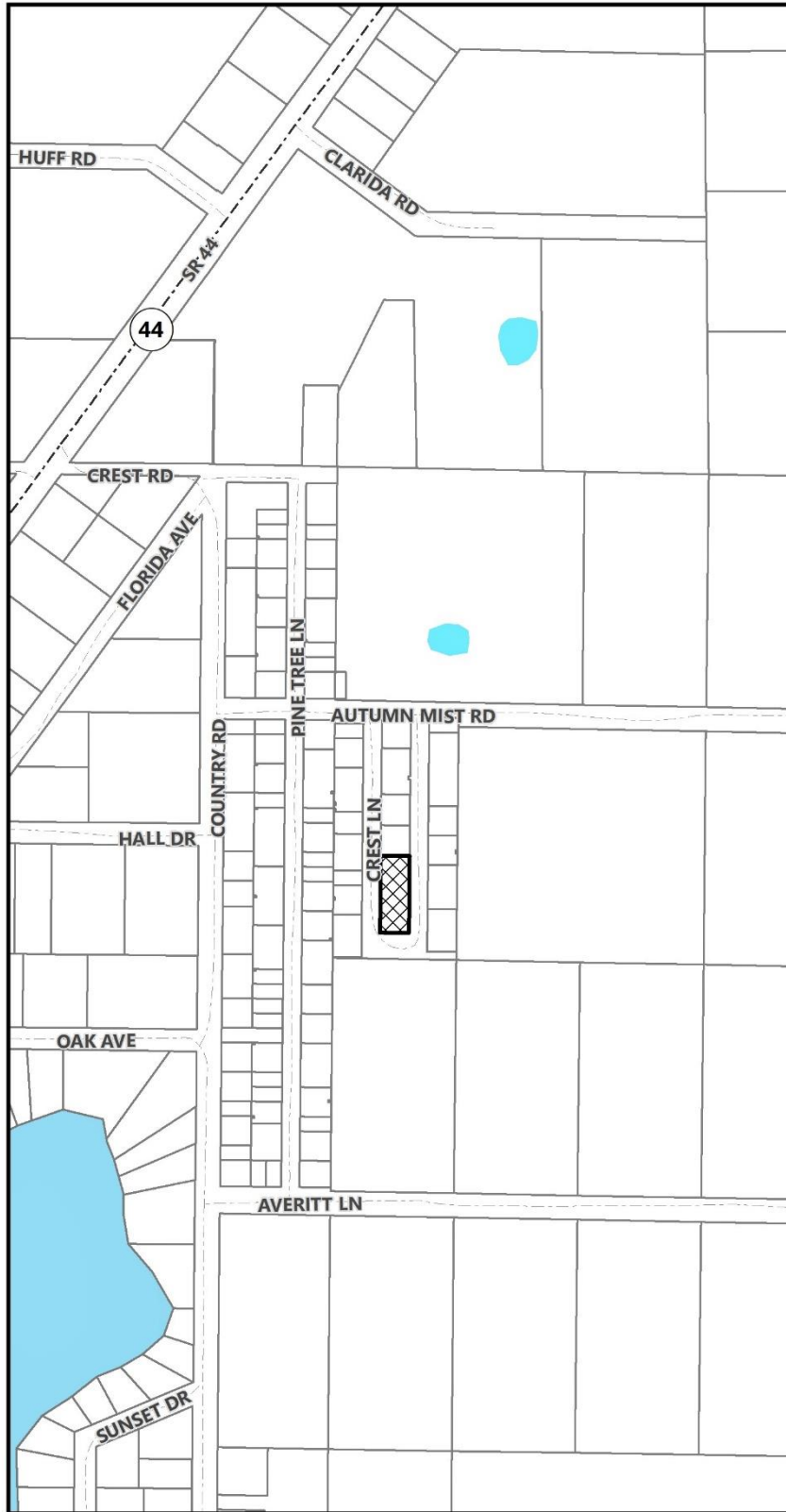
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, *"I am meeting the 62' setback on 1 side however it is not possible on the other 2 sides. I am meeting the minimum width of 23'-4". I am slo meeting the setbacks on the north side as well. It will not exceed the impervious surface ratio. Impact fees have already been paid."*

**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.

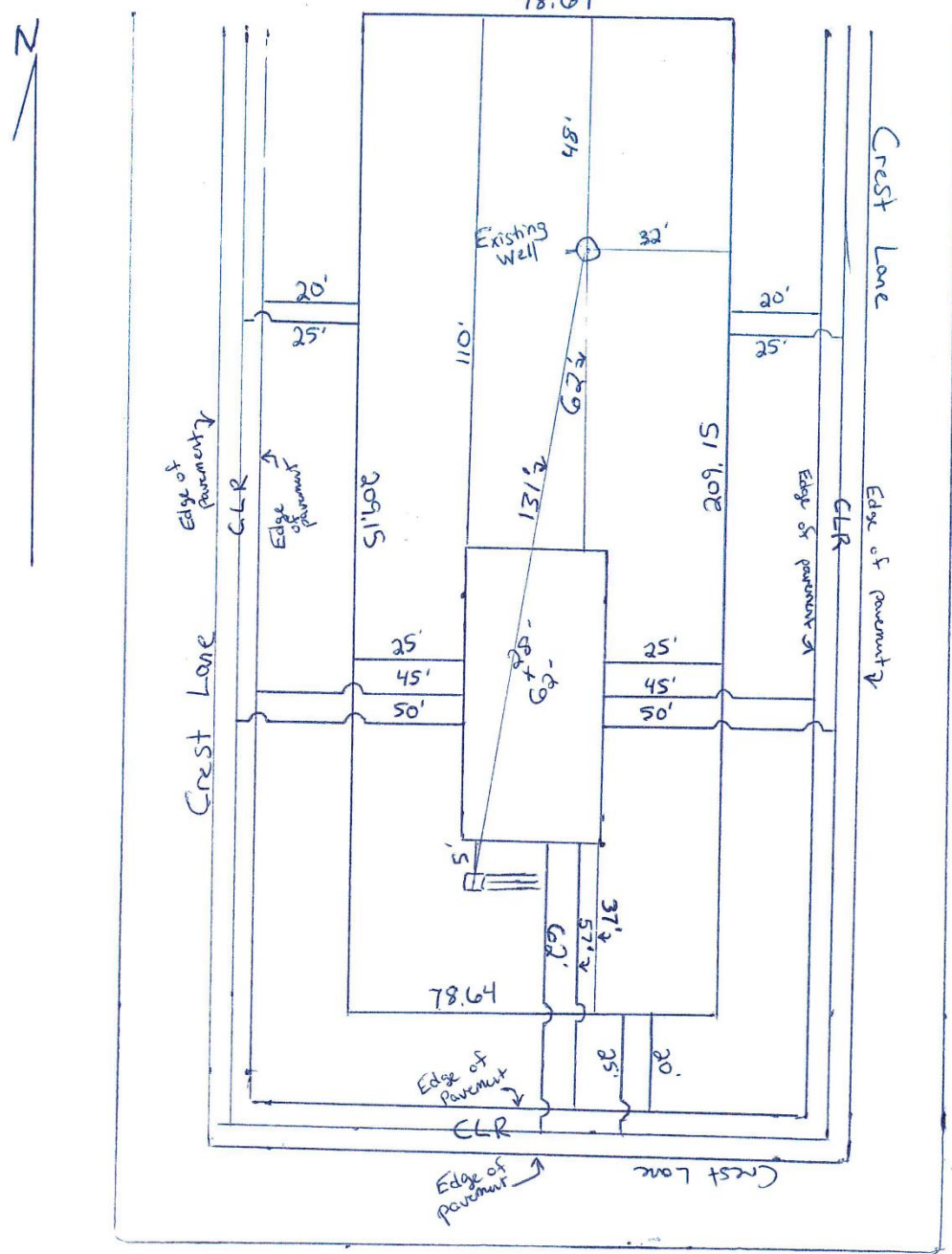
As proof of a substantial hardship, the Applicant provided the following statement, *"If I were to stay 62 ft from the center of the road all the way around my property, I would only 14 ft to put a double wide manufactured home."*

# Map of Subject Property



# Attachment "A" - Plot Plan

MADAN  
09-18-29-0200-000-1570  
TBD Crest Lane  
Eustis, FL 32736  
Scale 1"=30'



**Final Development Order  
VAR-21-26-5  
Madan Property**

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

**WHEREAS**, Kyle Louis Madan (the “Owner” and “Applicant”) requested a variance to Land Development Regulations (LDR) Table 3.02.05, to allow a single-family dwelling unit and accessory structure(s) to be constructed 50-feet from the centerline of the road on the eastern and western property lines, in lieu of 62-feet; and

**WHEREAS**, the subject property consists of 0.38 +/- acres, is located south of Autumn Mist Road and adjacent to Crest Lane, in the Eustis area of unincorporated Lake County, in Section 17, Township 20, Range 25, having Alternate Key Number 1676541, and more particularly described below; and

Pine Park First Add Lots 157, 158, 159, 160 & 4/11 Int In Well Lot O Located In Lot 153 PB 16 PG 43

**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-21-26-5, to allow a single-family dwelling unit and accessory structure(s) to be constructed 50-feet from the centerline of the road on the eastern and western property lines, in lieu of 62-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.

**Section 3. Effective Date. This Ordinance will become effective as provided by law.  
ENACTED this 10<sup>th</sup> 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 8<sup>th</sup> day of July, 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)**