



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 20
 Public Hearing Date: August 12, 2021
 Case No. and Project Name: VAR-21-45-5, Peterson Property
 Owner/Applicant: Jayson S. Peterson
 Requested Action: Variance to Land Development Regulation (LDR) Section 3.01.02.A(1)(a), to allow a single-family dwelling unit to be seven (7) feet two (2) inches at the narrowest point, in lieu of twenty-three (23) feet four (4) inches; and to LDR Table 3.02.09, to allow the minimum structure size to be five-hundred eleven (511) square feet in lieu of eight-hundred fifty (850) square feet.
 Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 5.01 +/- acres
 Location: West of Ilex Trail and south of Red Oak Drive, Eustis.
 Alternate Key No.: 3429338
 Future Land Use: Wekiva River Protection Area A-1-20 Sending Area
 Current Zoning District: Agriculture (A)
 Flood Zone: "A" and "X"
 Joint Planning Area/ 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)	Right-of-Way	South Whitney Road, Single Family Dwelling Units north of R-O-W
South	Conservation	Agriculture (A)	Vacant	Large, vacant tract of land
East	WRPA A-1-20 Sending Area	Agriculture (A)	Residential	Single-Family Dwelling Unit
West	WRPA A-1-20 Sending Area	Agriculture (A)	Residential	Single-Family Dwelling Unit

Summary of Request.

The subject 5.01 +/- acre parcel is identified by Alternate Key Number 3429338; the parcel is zoned Agriculture (A) and designated as Wekiva River Protection Area (WRPA) A-1-20 Sending Area Future Land Use Category (FLUC). The concept plan (Attachment "A") shows that the parcel is vacant.

The Owner came into the Office of Planning and Zoning to submit a zoning permit; however, the zoning permit was rejected as the proposed single-family dwelling unit did not meet the required width and minimum structure size. The Owner has submitted a variance request to LDR Section 3.01.02(A)(1)(a) and to LDR Table 3.02.09, to allow a single-family dwelling unit with a minimum width of seven (7) feet two (2) inches at the narrowest point, in lieu of twenty-three (23) feet four (4) inches; and to be a minimum size of five-hundred eleven (511) square feet, in lieu of eight-hundred fifty (850) square feet.

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 3.01.02(A)(1)(a) is to promote aesthetic appeal as well as a reduction of other negative impacts that may be associated with land use activities.

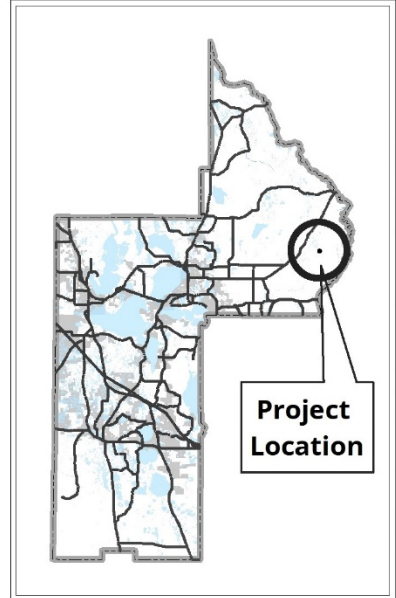
The Applicant provided the following statement as proof that the purpose of the Land Development Regulation will be or has been achieved by other means: *"setback and impervious surface ratio is being met. And, again I plan to build an enclosed porch that will meet the 850' sq requirements. Once this area is further developed (i.e. road, lights, street signs...) I plan to build a bigger home there."*

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.

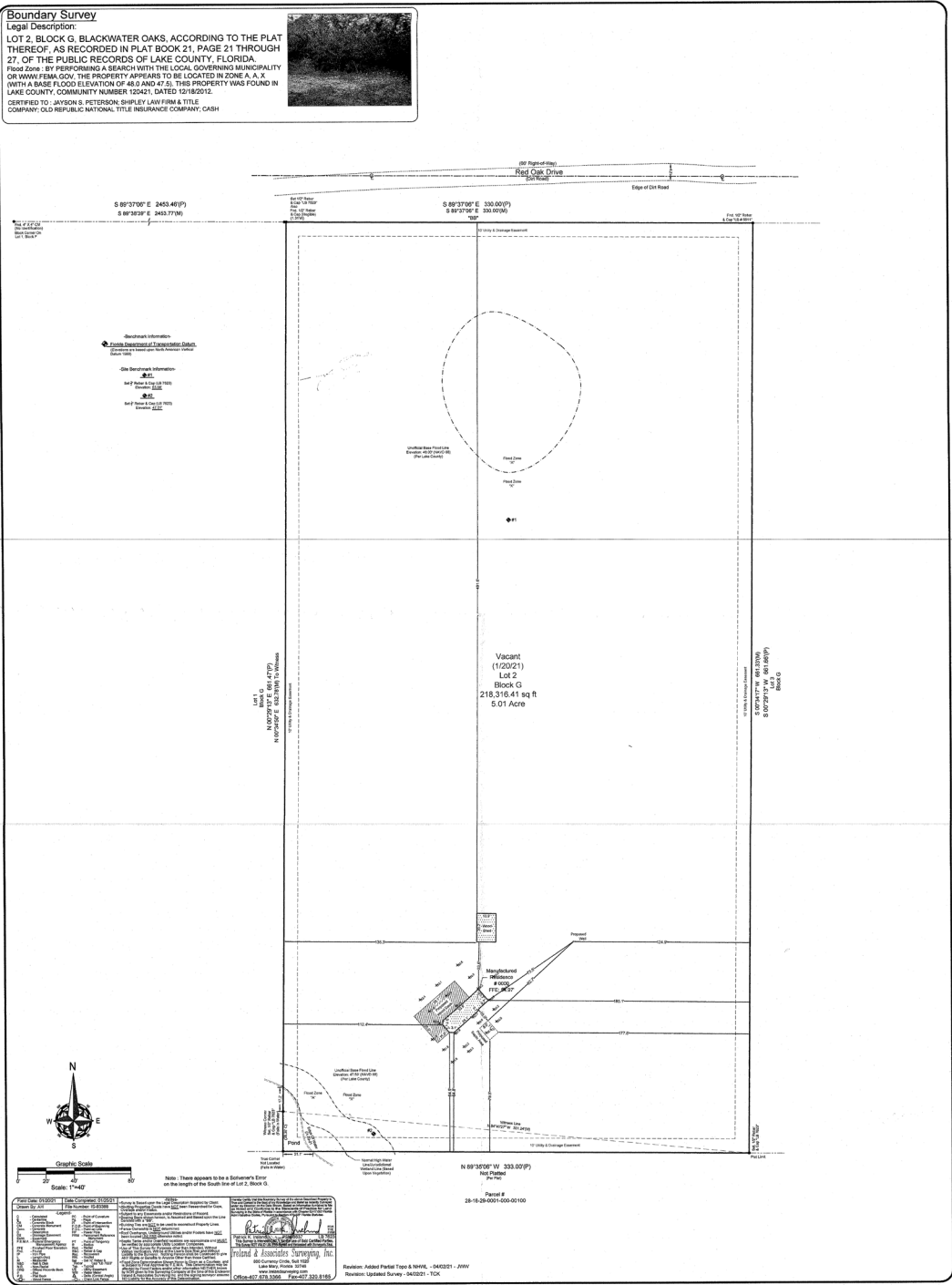
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement as proof of a substantial hardship: *"this property is in a remote location. Finally it is all I could afford, at this time. 850sf will be achieved with the enclosed wood deck I plan to build adjacent to trailer. When funds become available to me, I would like to build a tradition style home."*

Map of Subject Property



Attachment "A" – Concept Plan



**Final Development Order
VAR-21-45-5
Peterson Property**

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

WHEREAS, Jayson S. Peterson (the “Applicant” and the “Owner”), requested a variance to Land Development Regulation (LDR) Section 3.01.02.A(1)(a), to allow a single-family dwelling unit to be seven (7) feet two (2) inches at the narrowest point, in lieu of twenty-three (23) feet four (4) inches; and to LDR Table 3.02.09, to allow the minimum structure size to be five-hundred eleven (511) square feet, in lieu of eight-hundred fifty (850) square feet; and

WHEREAS, the subject property consists of 5.01 +/- acres, is located west of Ilex Trail and south of Red Oak Drive, in the unincorporated Eustis area of Lake County, Florida, in Section 21, Township 18, Range 29, having Alternate Key Number 3429338, and more particularly described below;

LOT 2, BLOCK “G”, BLACKWATER OAKS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 21, 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 August 12, 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 August 12, 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-21-45-5 to allow a single-family dwelling unit to be seven (7) feet two (2) inches at the narrowest point, in lieu of twenty-three (23) feet four (4) inches; and to allow the minimum structure size to be five-hundred eleven (511) square feet, in lieu of eight-hundred fifty (850) square feet with the following condition:

1. At the time of permitting, an updated survey must be provided which shows the 2012 flood zones and jurisdictional wetland line.

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 12th day of August 2021.
EFFECTIVE August 12, 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 12th day of August 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)**