



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 27

Public Hearing Date: August 12, 2021

Case No. and Project Name: VAR-21-54-3, Syska Property

Owners/Applicants: Niles and Dana Syska

Requested Action: Variance to Land Development Regulations (LDR) Section 10.01.01(F)(2), to allow an accessory structure to be located in the front yard, and to be sixty-eight (68) feet from the front property line, in lieu of one-hundred (100) feet.

Case Manager: Ruth Mitchell, Planner

### Subject Property Information

Size: 9.73 +/- acres

Location: 8205 Conway Road, Yalaha.

Alternate Key No.: 3619277

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: Howey-in-the-Hills

Overlay Districts: Yalaha – Lake Apopka RPA

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Right-of-Way	Large agricultural tract north of Whitt Lane
South	Rural	Agriculture (A)	Right-of-Way	South Conway Road, Single-Family Dwelling Unit
East	Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit
West	Rural	Agriculture (A)	Vacant	Large agricultural tract

### Summary of Request.

The Owners have requested a variance to LDR Section 10.01.01(F)(2), to allow an accessory structure to be located in the front yard, and to be located sixty-eight (68) feet from the front property line, in lieu of one-hundred (100) from the front property line.

The subject 9.73 +/- acre parcel is identified by Alternate Key Number 3619277; the parcel is zoned Agriculture (A) and is designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The concept plan (Attachment "A") shows that the parcel is developed with a single-family dwelling unit.

The subject parcel is located within the Town of Howey-in-the-Hills Interlocal Service Boundary Agreement (ISBA) Area; therefore, the variance application was sent to the Town of Howey-in-the-Hills for a determination of consistency with their regulations. Howey-in-the-Hills had no comments or objection 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 10.00.00, 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.

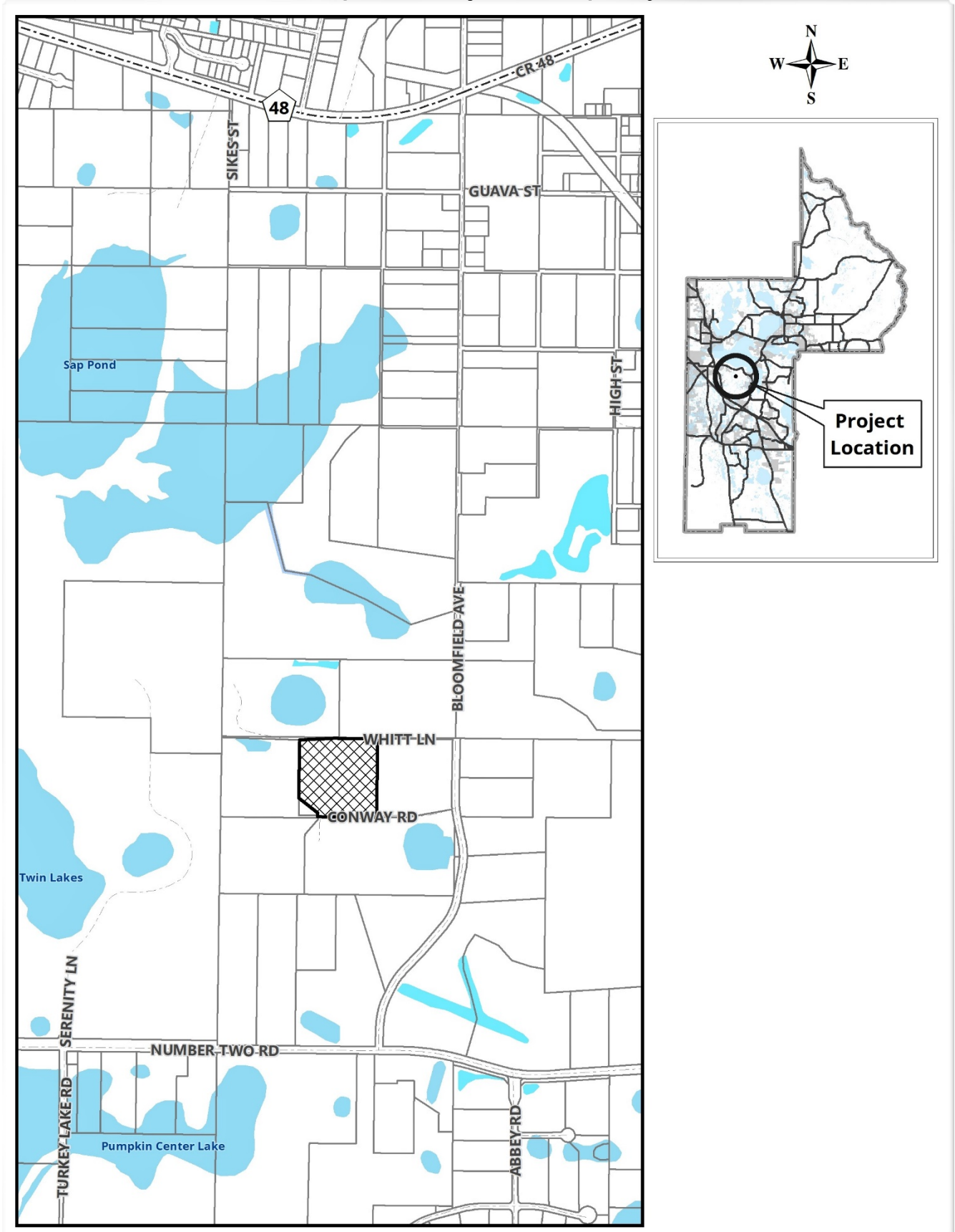
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, *"The LDR will be achieved by maintaining a reasonable set back from road. We are asking for variance in the setback required for detached garage for the hardship reasons stated in the explanation letter attached."*

**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.**

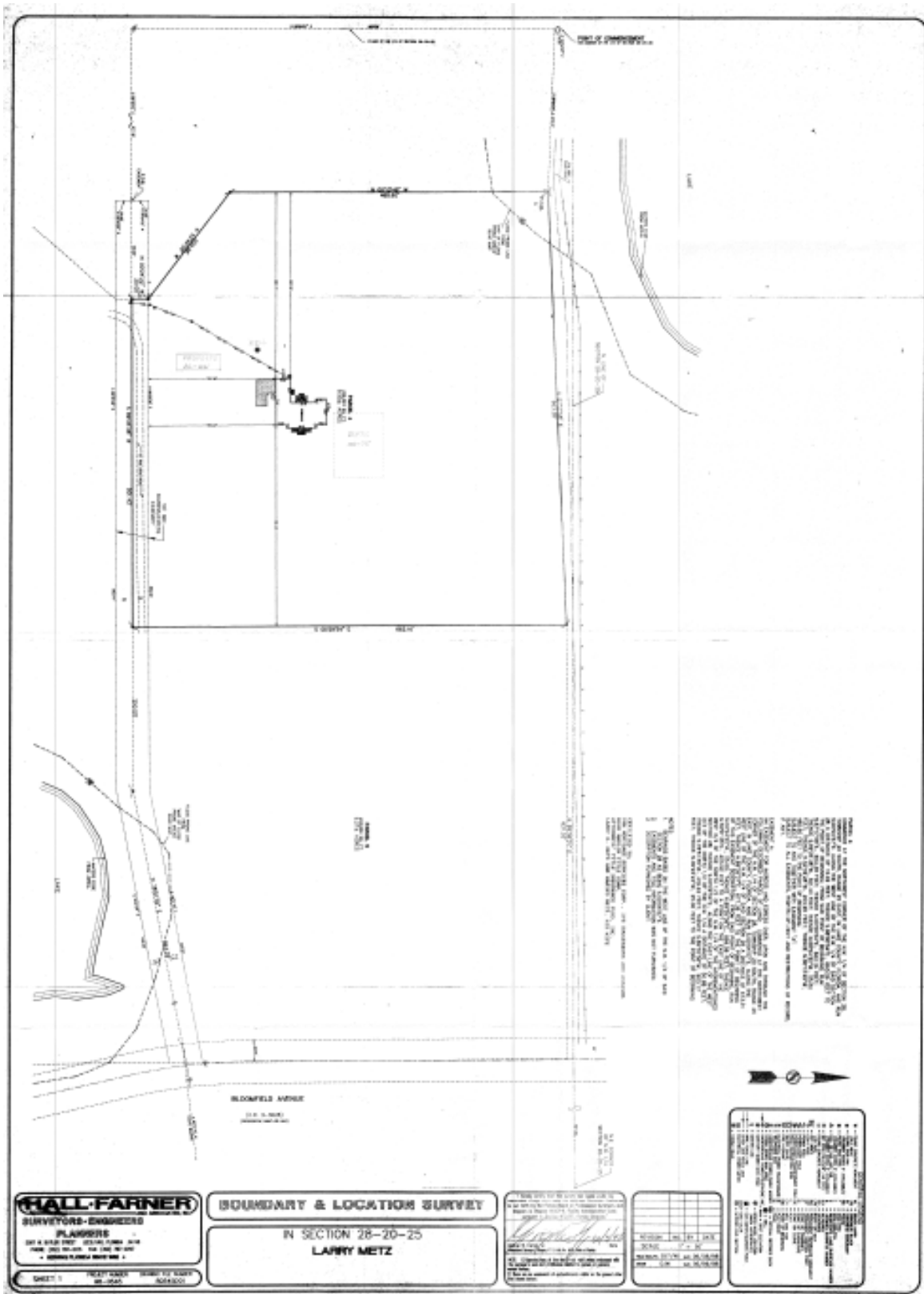
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

As proof of a substantial hardship, the Applicant provided the following statement, *"Please see attachment B for response."*

# Map of Subject Property



# Attachment "A" – Plot Plan



## Attachment "B" – Justification Letter

Niles and Dana Syska  
8205 Conway Road  
Yalaha, FL 34797  
937-830-2855  
Dlws.ssd@gmail.com

6/1/2021

Lake County, Florida  
Office of Planning and Zoning  
315 W. Main Street  
Tavares, FL 32778

Regarding Application for Variance

To Whom it May Concern:

I am writing to seek a variance of Land Development Regulations to build a detached garage for my single-family home at the above listed address. Current zoning rules say that buildings must be more than 100 feet from the front or driveway access. I respectfully request to build a detached garage 68 feet from the property line to the building. Thus, I am requesting a variance of approximately 35 ft from the property line or a variance of approximately 60 ft from the easement which is where the fence will be located.

Although it may appear that the 10 acre parcel has other locations for this garage, it in fact does not. Due to many factors related to land topography, access to the property, and location of existing structures, we feel that the location we have applied for permitting is the most suitable. To place the garage anywhere else would cause undue hardship and expense. Outlined below are many factors that we have carefully taken into consideration.

- The property essentially sits on a hill with the highest elevation in the SW corner sloping to the lowest elevation in the NE corner. The land where the garage is proposed is the most level. To place the garage anywhere else on the property, would incur significant expense to level the ground.
- Consulting with construction group Mathews & Hanna, gives an estimate of \$20,000 to bring in dirt and level the ground at any other site on the property.
- The existing driveway to the house approaches from the South side of the house, however the house faces to the East. Thus, placing the garage anywhere to the East would put it in the front yard.
- Placing the garage anywhere except to the South of the house prevents ease of access and practical use. When pulling into the driveway, the natural order is to park in reasonable walking distance to the house. Placing the garage anywhere else on the property would cause unnecessary distance, making it impractical to use.
- The garage must be at least 50 ft from the well, which will not allow room behind the house to the West. (Please see survey).
- The electric and cable lines are to the SW, making placement of the garage beyond the lines inappropriately far from the house. (Please see survey).
- The Septic and drain field are to the North of the house, making placement of the garage beyond the septic system inappropriately far from the house.
- The attached garage on the house is currently facing the South and placing the proposed garage to the South would allow all parking in one area.

Lake County, Florida  
Office of Planning and Zoning  
6/1/2021  
Page 2

Please see the attached plans for the detached garage building, photos of the existing property, and our survey. We have not planned the location of this garage without considerable thought. We could avoid the zoning rule of 100 ft, by building a structure of similar material to the house. However, building the structure of similar material to the house would again cause undue hardship and is unnecessarily burdensome. The cost of a block and stucco garage is almost 5 times that of the metal garage that is proposed. We have tried to match the garage building as closely as possible to the house by making it similar in color and adding the additional cost of wainscot. (Please see design of the metal garage and pictures of the house). The house is yellow with a green roof and the garage will be beige with a green roof and green wainscot. We intend to paint the house a less yellow color and more cream or beige color in the future.

We could also avoid the zoning rule of 100 ft by placing a smaller garage. However, the size of the garage was not planned without careful consideration. We have 4 drivers that live in the house. The current attached garage is very small and inadequate for our use. I drive a crew cab pickup truck which is unable to fit in the current garage. Our hope is to build the detached garage for bigger vehicles and storage. Once our kids move out, we would like to turn the current attached garage into additional living space. Thus, we would certainly need the size of the detached garage that is proposed.

I respectfully ask that you please consider granting this variance to build a detached garage. I believe strict compliance with the ordinance prevents improvement of the property in a manner which is reasonable, customary and consistent with other properties in the area. I also believe strict compliance with the ordinance would cause practical difficulty due to significant or unjustified expense in light of the scope of the project, destruction or demolition of attractive features of the property, or similar reasons. Below is a summary of my points. I thank you in advance for your consideration.

- There is an inability to make reasonable use of other areas of the land due to well, septic, trees, underground utilities, etc. The trees that line the driveway will not be affected and will remain to the East of the building and the driveway.
- We find that complying with the ordinance would present hardship because it would require an additional \$20,000 of grading work and removal of several trees from the property.
- The hardship is unique to this property and not similar to surrounding properties.
- This parcel and surrounding parcels on both Conway Road, Bloomfield Road, and Number Two Road are rural and agricultural properties. Most homes have multiple secondary buildings and barns.
- It would be unnecessarily burdensome to plan this detached garage in another location due to proximity to the house. The purpose of the garage is to park cars with close access to the house. It would be a hardship to have this garage far from the house making the garage inconvenient and almost useless.

With respect,



Niles A Syska & Dana L Syska

**Final Development Order  
VAR-21-54-3  
Syska Property**

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

**WHEREAS**, Dana Syska (the "Applicant"), on behalf of Niles and Dana Syska (the "Owners"), requested a variance to Lake County Land Development Regulations (LDR) Section 10.01.01(F)(2), to allow an accessory structure to be located in the front yard, and to be sixty-eight (68) feet from the front property line, in lieu of one-hundred (100) feet; and

**WHEREAS**, the subject properties consist of 9.73 +/- acres and is located at 8205 Conway Road, in the Yalaha area of unincorporated Lake County, Florida, in Section 28, Township 20, Range 25, having an Alternate Key Number 3619277, and more particularly described as:

Commencing at the Northwest corner of the NW 1/4 of Section 28, Township 20 South, Range 25 East, in Lake County, Florida; and run S 00°04'57" E along the West line of the NW 1/4 of said Section 28 a distance of 10.02 feet; thence S 88°00'54" E, 663.26 feet to the Point of Beginning; from said Point of Beginning, run N 87°17'58" E, 863.38 feet; thence S 00°29'54" E, 662.16 feet; thence S 89°35'38" W, 501.43 feet; thence N 00°24'22" W, 25.00 feet; thence N 52°49'28" W, 204.96 feet; thence N 00°13'49" W 485.60 feet to the Point of Beginning.

**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-21-54-3, to allow an accessory structure to be located in the front yard, and to be sixty-eight (68) feet from the front property line, in lieu of one-hundred (100) 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 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, Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

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

---

**Notary Signature  
(SEAL)**