



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: October 14, 2021

Case No. and Project Name: VAR-21-63-5, Johnson Property

Owner/Applicant: Zachary K. Johnson

Requested Action: Variance to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an after the fact structure to be located 7.4-feet from the west property line in lieu of 25-feet from the property line.

Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 4.98 +/- acres

Location: 27601 County Road 44A, Eustis

Alternate Key No.: 2501511

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

Current Zoning District: Agriculture (A)

Flood Zones: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Wekiva River Protection Area, Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Residential	Single-Family Dwelling Unit
South	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Street, Vacant	County Road 44A, Vacant land
East	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Residential	Single-Family Dwelling Unit
West	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Residential	Single-Family Dwelling Unit

Summary of Request

The subject parcel (identified as Alternate Key Number 2501511) contains 4.98 +/- acres, is zoned Agriculture, and is designated with a Wekiva River Protection Area Sending A-1-20 Area Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The concept plan (Attachment "A") shows that the parcel is currently developed with three buildings.

On March 16, 2021, the Owner was cited for building without a permit (Code Case No. 2021030166). To obtain a building permit to satisfy the code case, the Owner is required to obtain a zoning permit for the structure. At the time of the zoning permit submittal, it was found that the existing 538 square foot structure does not meet the required side setback and the zoning permit could not be issued.

The property record card indicates that the structure in question was constructed on the parcel in 2008 and has since become dilapidated and beyond simple repairs. The owner purchased the property in 2018 and was unaware the structure was not permitted properly.

The Owner was in the middle of renovations to the structure when he was cited by Code Enforcement. It should be noted the renovations are being done within the footprint of the existing 538 square foot concrete pad.

The owner has requested a variance to LDR Table, to allow the structure to be located 7.4-feet from the west property line in lieu of 25-feet from the property line.

The Lake County Department of Public Works reviewed the application and did not provide any comments nor identify any concerns with the variance 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.

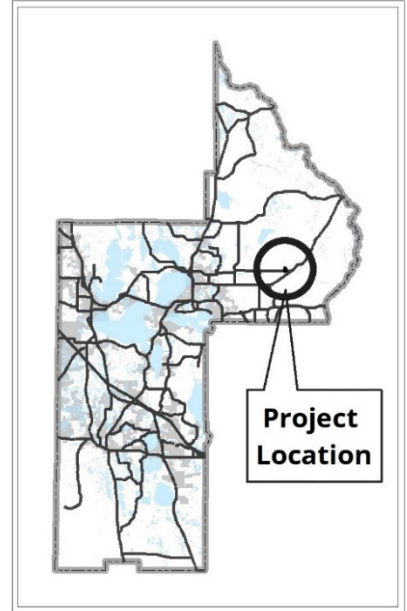
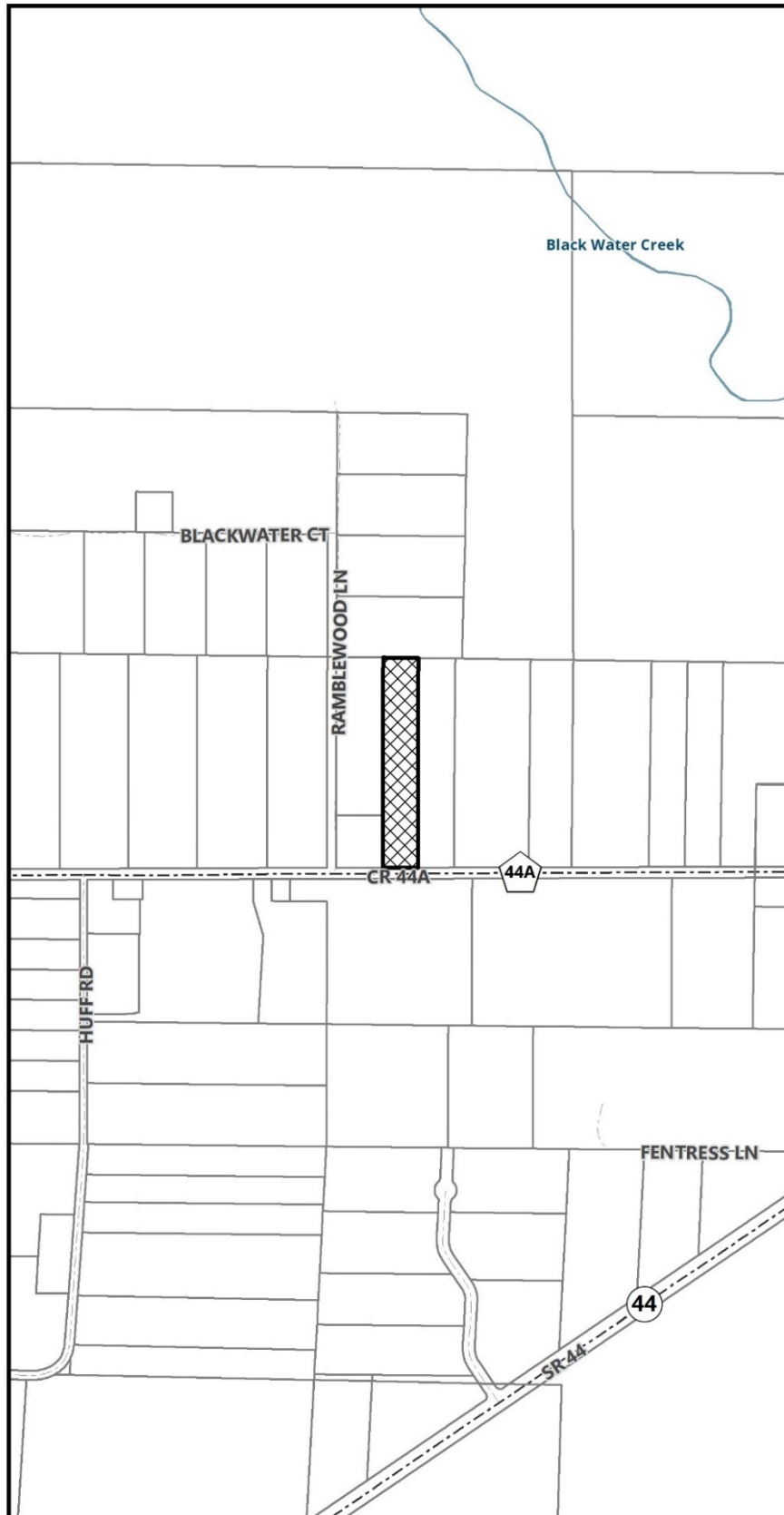
The intent of the Code, LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures and encourage a visually pleasing environment.

The Applicant provided a written statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means [*Attachment "B" – Intent of Meeting the Code Statement*].

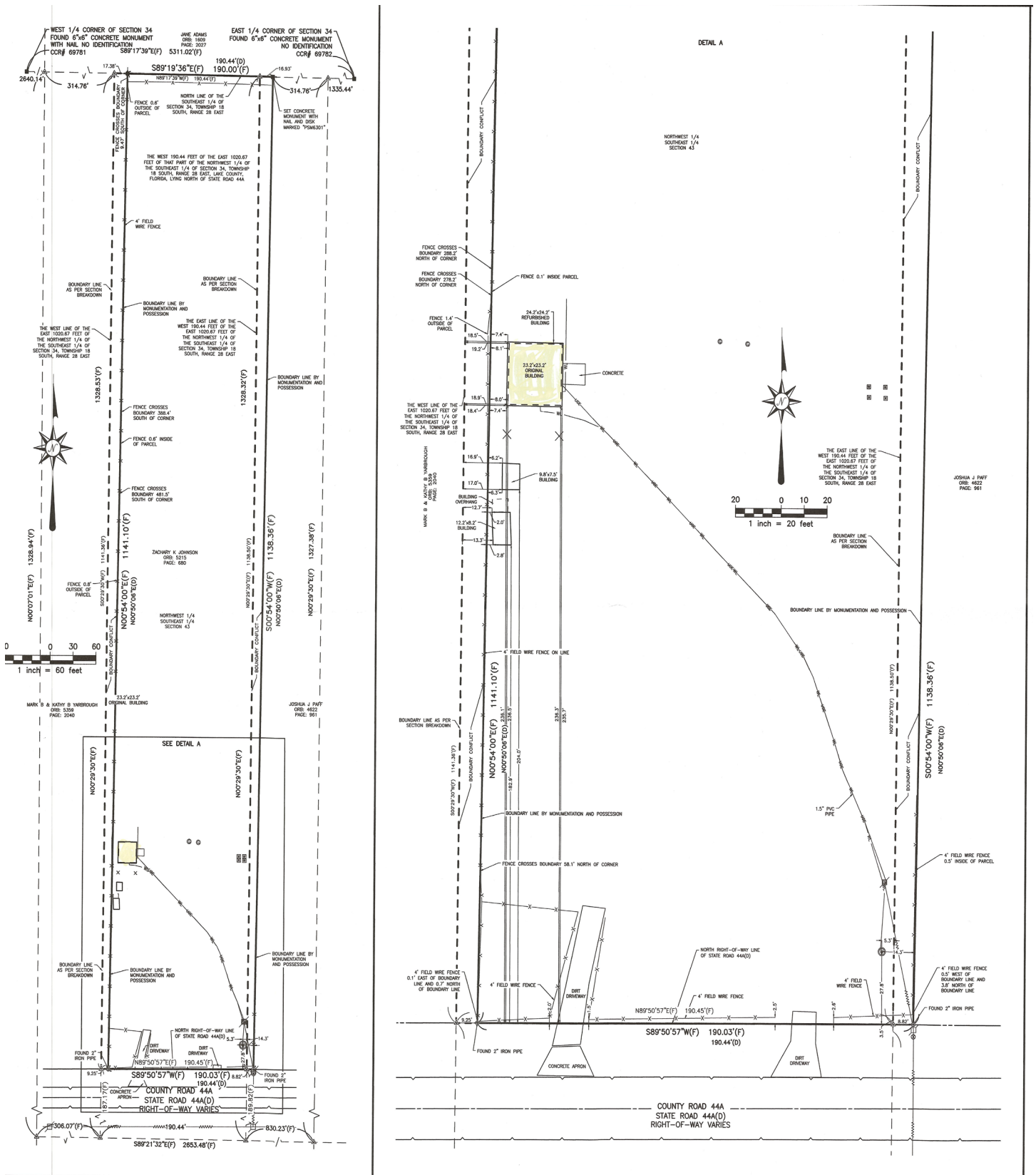
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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.

The Applicant provided a written statement as proof that the literal application of the Land Development Regulation would create a substantial hardship [*Attachment "C" – Hardship Statement*].

Map of Subject Property



Attachment "A" - Concept Plan



Attachment “B” – Intent of Meeting the Code Statement

From: [Zach Johnson](#)
To: [Mitchell, Ruth](#)
Subject: Re: Variance (VAR-21-63-5)
Date: Thursday, August 12, 2021 12:44:56 PM

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey,

The Land development Regulations will be achieved and has been achieved by many ways. For starters, the building there before was old and falling apart. It was a hazard and eye sore to my adjacent neighbors, so the new structure I have built in place of I, is structurally stable and more pleasant to the eye.

Secondly, My neighbor's have been more than happy with my upgrades, I asked them if it was okay that I built the structure where I did. They were all for it and willing to help or supply me anything I needed.

Thirdly, If there will be any issues with water run off onto their property I will be assure to address it with gutters, French drains or anything necessary to not be a nuisance. But the way I built my roof, the water run off will land on my property.

I am willing and able to do whatever seems fit to meet intent of Code and please my neighbors.

Let me know if this answers the questions properly or if I need to add anything.

Thanks,



Zach Johnson, CST
Mobile Mapping Technician

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Attachment "B" – Hardship Statement

Hello,

My name is Zachary Johnson, I am 26 years old. I recently purchased these 5 acres at 27601 CR 44A about 3 years ago. With intentions to one day build a family on it. I grew up in the area my whole life. My parents live right down the road. With my brother, nephew and niece next door to them. It was a miracle that I was able to possess this land. All though the land was rough, I saw the beautiful home to be beneath the rubble.

There was an older trailer that had been rotting away from the previous owner. Being young and naive I thought I could fix it up for cheap. To give me a temporary home. I was wrong and realized I was better off saving my money and building a house in the future. For the damage was too deep to fix.

After a short while I got the notice that I needed to remove the trailer, as it was a "hazard" to the community. I took care of that right away and hired a Demo team. That cost me an arm and a leg. On I went though. I wanted to be able to take care of the property and clean it up. So, I went about things the proper way. I pulled permits to get my electrical hooked back up, after a storm and tree had taken out my power pole. Spent some money getting my well working again, so I could start to plant things. The land was really starting to clean up and look good.

The constant going back and forth for tools and equipment was getting tiresome. I needed a place to store my equipment out of the weather and free from humidity, somewhere to work on things etc... As I thought about it, I had that old shed on the property that is 23'x23' with a concrete foundation. I figured why not just repair what I can and close it in. The day after I decided this, my buddy stops by and I tell him my plan. He works for a building company; they had just finished building and had tons of left-over wood. Let's just say there was enough for me to build the shed over from scratch. By this point I am thinking God's hand is surly on this. In all honesty I did not think anything of the need to pull permits. My thought was there was already a structure there, I am zoned AG, it's just a shed what's the big deal. I got all this free lumber let's get it done. Seeing as all my surrounding neighbors have sheds and buildings even closer to the fence than I. I never saw the issue. I have spoken to my neighbors many times to make sure they were okay with everything I did. They were all more than happy to see me cleaning up the place.

Soon I found out it is a big deal, after I had almost finished the shed. I already had Metal on the roof, vinyl siding, windows, doors you name it. Then I got the notice to stop work. I've been following up with Building and zoning, researching what I needed to do. I have spent over 7K on the building alone, 7K on the Demo, 500 hundred on an Engineer to draw up some blueprints, I have gotten the property surveyed. Just to find out I did not meet the setbacks, therefor zoning would not approve.

Sorry for have taken up your time, but I just wanted to give you a look into my life. I am getting married next year to the woman of my dreams. I have a lot on my plate now with many expenses to follow. I plan to start building a house next year. The last thing I want is this shed to stress about. However, these things work, I'm asking out of the kindness of your heart to let me keep my shed that I have worked so hard on. I'm truly sorry for not going about things the proper way. I have learned a life lesson through this and will do things the right way from here on out. I do not want to make enemies, only friends and relationships. Thank you so much for taking the time to read this.

God Bless,

Zachary Johnson

**Final Development Order
VAR-21-63-5
Johnson Property**

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

WHEREAS, Zachary K. Johnson (the "Owner") requested a variance, to Lake County Land Development Regulations (LDR) Table 3.02.05, to allow an after the the demolition and replacement of a non-conforming structure on the existing concrete footprint to be located 7.4-feet from the west property line in lieu of 25-feet from the property line; and

WHEREAS, the subject property consists of 4.98 +/- acres, is located at 27601 County Road 44A, in the Eustis area of unincorporated Lake County, Florida, in Section 34, Township 18, Range 28, having Alternate Key Number 2501511, and more particularly described as:

The West 190.44 feet of the East 1020.67 feet of that part of the Northwest 1/4 of the Southeast 1/4 of Section 34, Township 18 South, Range 28 East, Lake County, Florida. lying North of State Road 44A; The East and West lines of this parcel being at an angle of North 0 degrees 50 minutes 06 seconds East and being parallel with the East line of said Northwest 1/4 of Southeast 1/4.

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 October 14, 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 October 14, 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-21-63-5, to allow an the demolition and replacement of a nonconforming structure on the existing concrete footprint to be located 7.4-feet from the west property line in lieu of 25-feet from the property line, with the following conditions:

1. The use of the existing, non-conforming structure cannot change; and
2. The existing, non-conforming structure cannot be further expanded.

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 14th day of October 2021.
EFFECTIVE October 14, 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 14th day of October 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)**