



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 10

Public Hearing Date: December 9, 2021

Case No. and Project Name: VAR-21-76-4 Lowry Property

Applicant: George Hart

Owner: Staci Lowry

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 1.08.03(D) and 3.02.05 to allow an addition to the residence be constructed seven (7) feet from the property line lieu of ten (10) feet.

Case Manager: Ryan Winkler, Planner

### Subject Property Information

Size: 0.90 +/- acres

Location: 33537 East Lake Joanna Drive, Eustis

Alternate Key No.: 1803128

Future Land Use: Urban Low

Current Zoning District: Rural Residential (R-1)

Flood Zone: "AE" and "X"

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

Overlay Districts: Wekiva Study Area (WSA)

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Rural Residential (R-1)	Residential	Single-Family Dwelling Units
South	Urban Low	Rural Residential (R-1)	Residential	Single Family Dwelling Unit
East	Urban Low	Rural Residential (R-1)	Residential and Street	East Lake Joanna Drive, Single Family Dwelling Units
West	Municipal	Municipal	Lake	Lake Joanna

### Summary of Request.

The subject 0.90 +/- acre parcel is identified by Alternate Key Number 1803128; the parcel is zoned Rural Residential (R-1) and is part of the Urban Low Density Future Land Use Category (FLUC). The subject property is located within the Belleaux Estates subdivision. The subject parcel is developed with a residence, detached garage, carport/pole shed, a boat house, and driveway.

The Applicant seeks approval to allow an addition consisting of a lanai and fireplace to the primary residence to be constructed seven (7) feet from the southern property line. The 0.9 +/- acre subject property is nonconforming to the current zoning district, which requires one (1) dwelling unit per one (1) acre. In accordance with LDR Section 1.08.03(d), structures that are built on lots that do not meet the minimum lot size of the zoning district shall utilize the setback requirements of the zoning district closest to the size of the nonconforming lot. Per LDR Section 1.08.03(d), the nonconforming lot shall adhere to the R-2 zoning district setback requirements. LDR Table 3.02.05 requires structures on lots within the R-2 be setback ten (10) feet from the side property lines. Therefore, the application seeks a variance to LDR Table 3.02.05, to allow an accessory dwelling unit to be constructed seven (7) feet from the eastern property line in lieu of ten (10) feet.

The subject parcel is located within the City of Eustis JPA; therefore, the variance application was sent to the City of Eustis for a determination of consistency with their regulations. The City of Eustis had no comments.

### 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.**

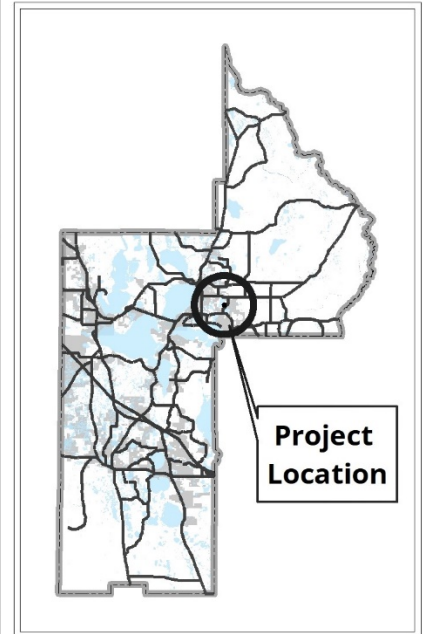
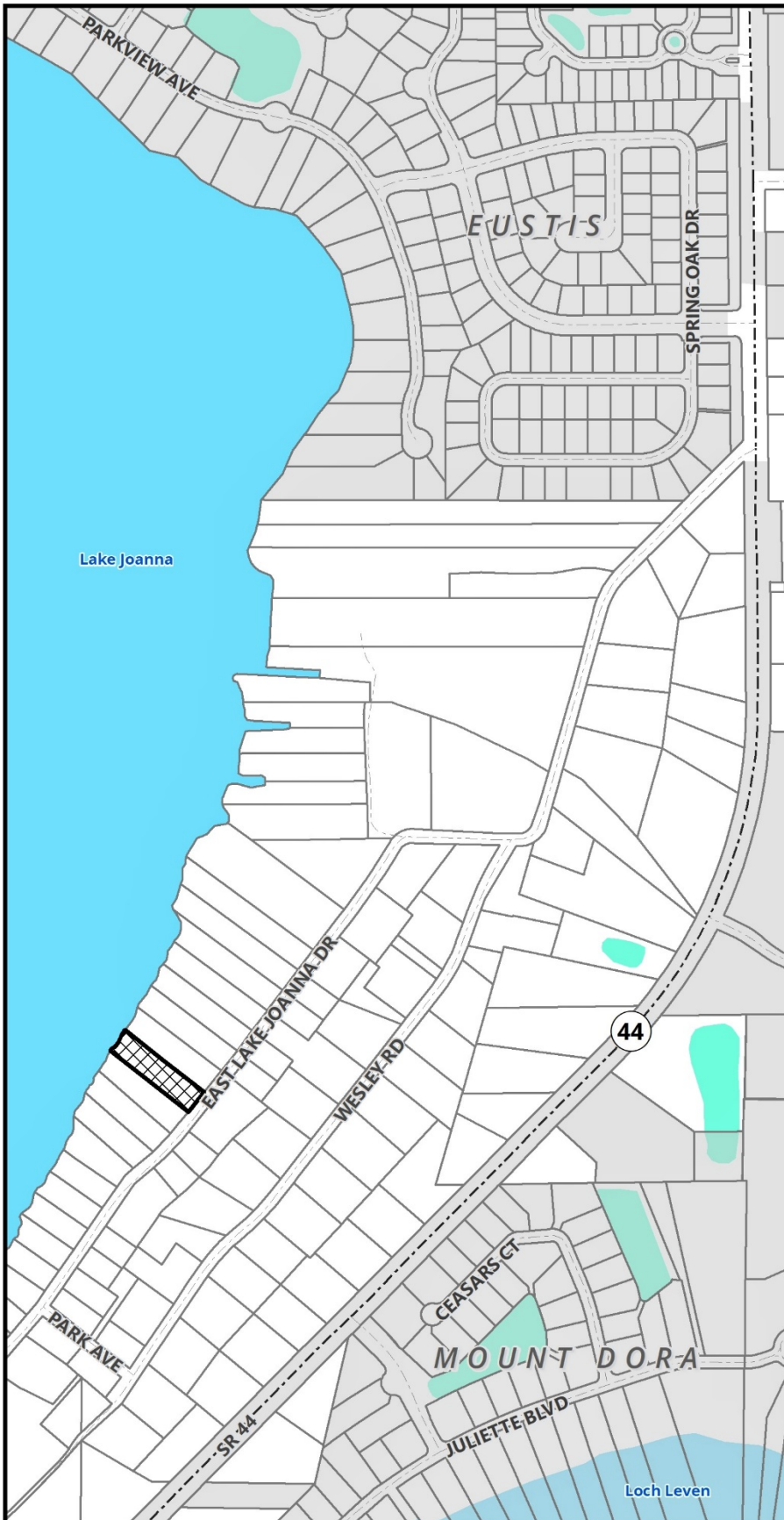
The intent of the Code, LDR Section 3.02.05, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"There will be 7' clearance for walking, mowing around fireplace and neighbors fence is at 12-feet."* This statement indicates that the variance request follows the intent of LDR Section 3.02.05.

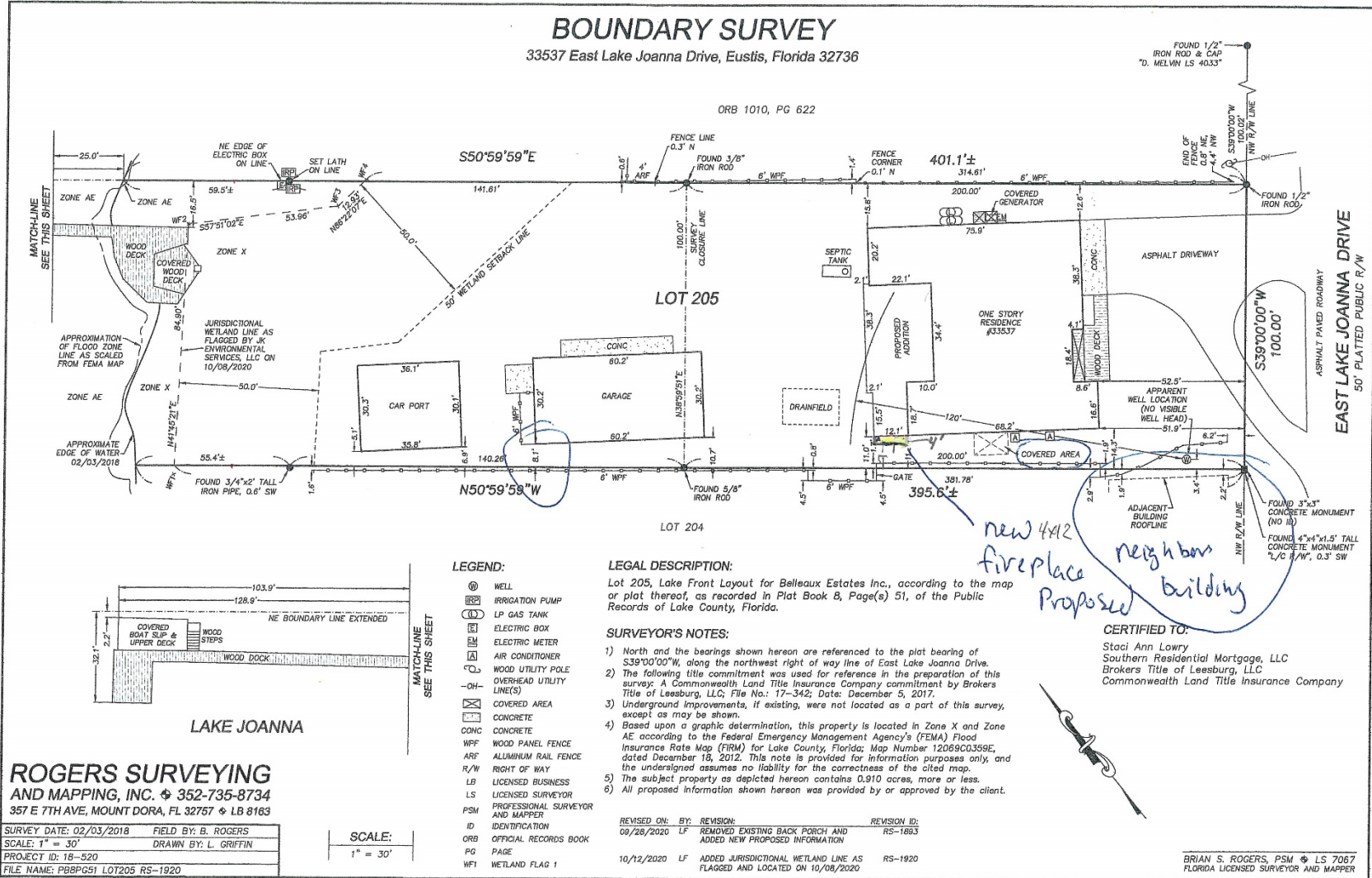
**2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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 Owners provided the following statement, *"Not enough room for projected fireplace at side of newly constructed lanai permit #2020101305. See survey – neighbors garage 7-feet over 10-foot setback and 5-car garage on this property 2-feet over."* This statement indicates that a substantial hardship does exist for this variance request.

# Map of Subject Property



Attachment A, Concept Plan.



**Final Development Order  
VAR-21-76-4  
Lowry Property**

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

**WHEREAS**, George Hart (the “Applicant”) requested a variance on behalf of Staci Lowry (the “Owner”) to Lake County Land Development Regulations (LDR) 1.08.03(D) and 3.02.05 Setback requirements to allow an addition to the residence be constructed seven (7) feet from the property line lieu of ten (10) feet.; and

**WHEREAS**, the subject property consists of 0.90 +/- acres and is located at 33537 East Lake Joanna Drive, in the unincorporated Eustis area of Lake County, Florida, in Section 17, Township 19 South, Range 27 East, having Alternate Key Number 1803128 and more particularly described as:

Lot 205, Lake Front Layout for Belleaux Estates, Inc., according to the map or plat thereof, as recorded in Plat Book, Page(s) 51, of the 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 December 9, 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 December 9, 2021the 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-21-76-4 an addition to the residence be constructed seven (7) feet from the property line lieu of ten (10) 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 9th day of December, 2021.**

**EFFECTIVE December 9, 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 9th day of December, 2021, by \_\_\_\_\_.**

**Personally Known OR Produced Identification**

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

---

**Notary Signature**

**(SEAL)**