



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: September 8, 2022

Case No. and Project Name: VAR-22-18-3, Huffman Property

Applicant: Emmit and Tanzanita Huffman

Owner: Emmit and Tanzanita Huffman

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 10.01.01.D to allow for an after-the-fact pole barn to exceed the limit of eighty (80) percent of the main floor square footage of the enclosed living area of the dwelling unit for a lot that is less than one (1) acre in size.

Case Manager: Ryan Winkler, Senior Planner

### Subject Property Information

Size: 0.34 +/- acres

Location: 11815 Layton Street, in the unincorporated Leesburg area.

Alternate Key No.: 3814305

Future Land Use: Urban Medium Density

Current Zoning District: Urban Residential District (R-6)

Flood Zone: "X"

Joint Planning Area/ ISBA: City of Leesburg Interlocal Service Boundary Agreement (ISBA)

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Medium Density	Urban Residential (R-6) Mixed Residential (R-7)	Residential	Single-Family Dwelling Units
South	Urban Medium Density	Urban Residential (R-6)	Residential	Single-Family Dwelling Unit, adjacent to Layton Street
East	Urban Medium Density	Urban Residential (R-6)	Residential	Single-Family Dwelling Unit
West	Urban Medium Density	Urban Residential (R-6)	Residential	Single-Family Dwelling Unit

### Summary of Request.

The subject 0.34 +/- acre parcel is identified by Alternate Key Number 3814305 and is specifically located at 11815 Layton Street, in the unincorporated Leesburg area. The parcel is zoned Urban Residential (R-6) and has a Urban Medium Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Currently, the parcel is developed with a single-family dwelling unit, which contains approximately 1,040-square feet of enclosed living area.

The Office of Building Services issued a Notice of Code Violation (Action Order No. 2022030276) on April 26, 2022, for a pole barn that was constructed without permits. The 48-foot x 34-foot after-the-fact pole barn contains approximately 1,632-square feet. Pursuant to LDR Section 10.01.01.D, for lots less than one acre in size, the square footage of an accessory structure(s) shall not exceed eighty (80) percent of the main floor square footage of the enclosed living area of the dwelling unit, which excludes features such as garages, patios, and porches. If there is more than one accessory structure, the combined square footage shall apply. According to the Lake County Property Appraisers records, the total living area of the house is 1,040-square feet, 80-percent of that square footage is 832-square feet. The cumulative square footage of the after-the-fact accessory structures equates to 1,632-square feet, which is approximately 196% of the living area of the dwelling unit.

To bring the subject property into compliance and resolve the Code violation, the applicant has submitted a variance request to LDR Section 10.01.01.D, to allow for an after-the-fact accessory structure (pole barn) to exceed the limit of eighty (80) percent of the main floor square footage of the enclosed living area of the dwelling unit.

The application was provided to the Lake County Public Works Department and Chief Fire Plans Reviewer/Inspector for review; neither provided comments or objections to the request.

The subject parcel is located within the City of Leesburg ISBA; therefore, variance application was sent to the City of Leesburg for a determination of consistency with their regulations. The City of Leesburg had 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 LDR Section 10.01.01.D. 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.

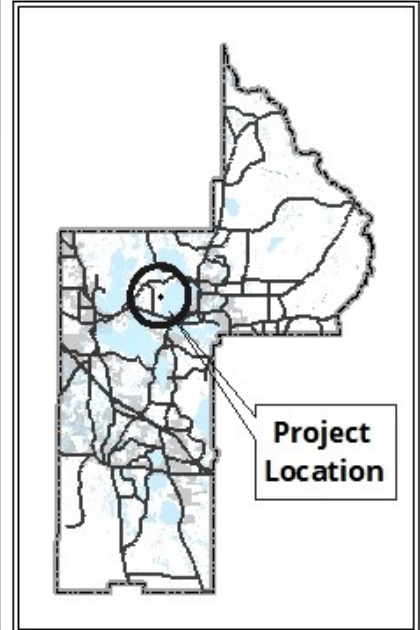
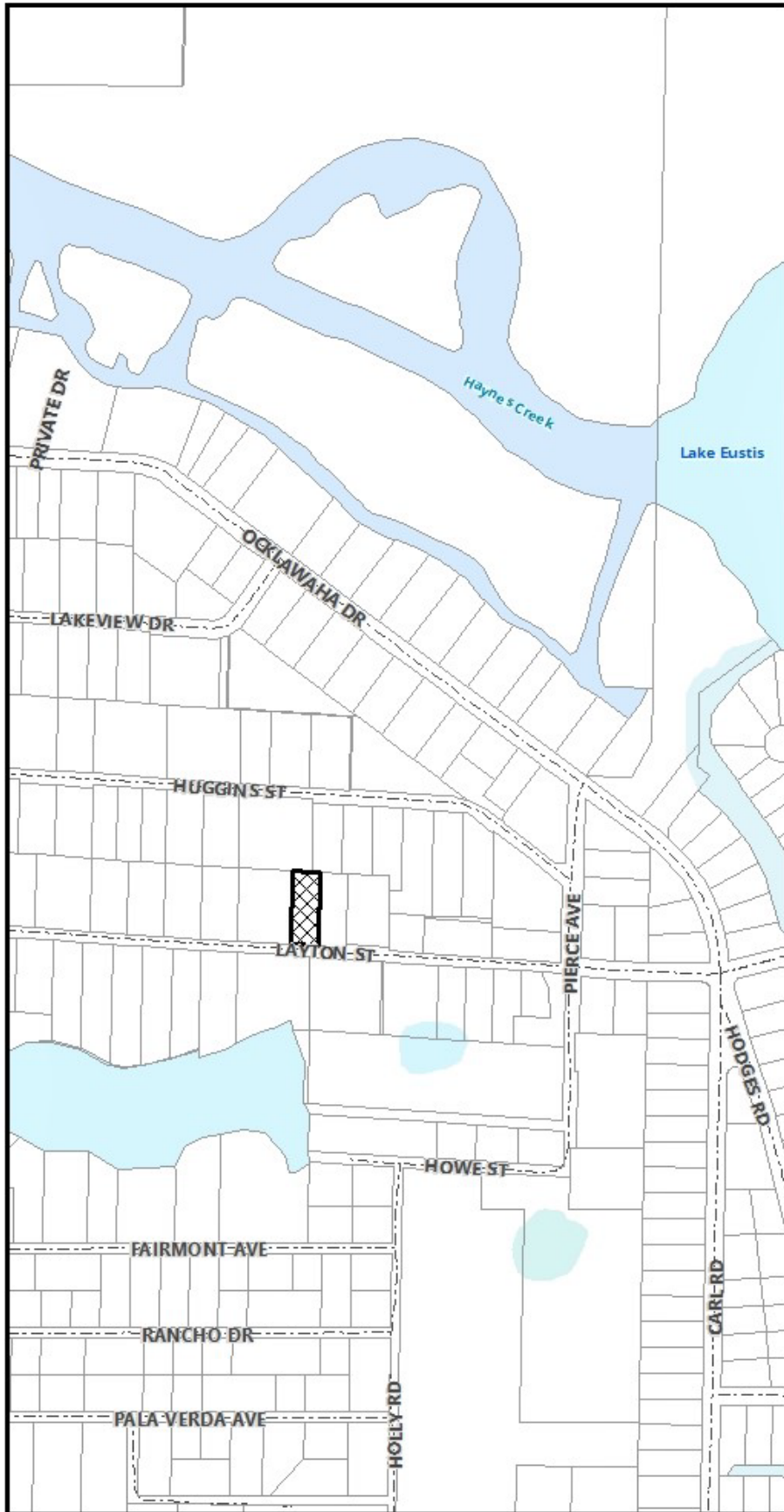
The applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"The LDR was made to keep neighborhoods uniform and we feel like this pole barn is not out of line for the neighborhood. We should not be punished for having an economically sized home."*

**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.

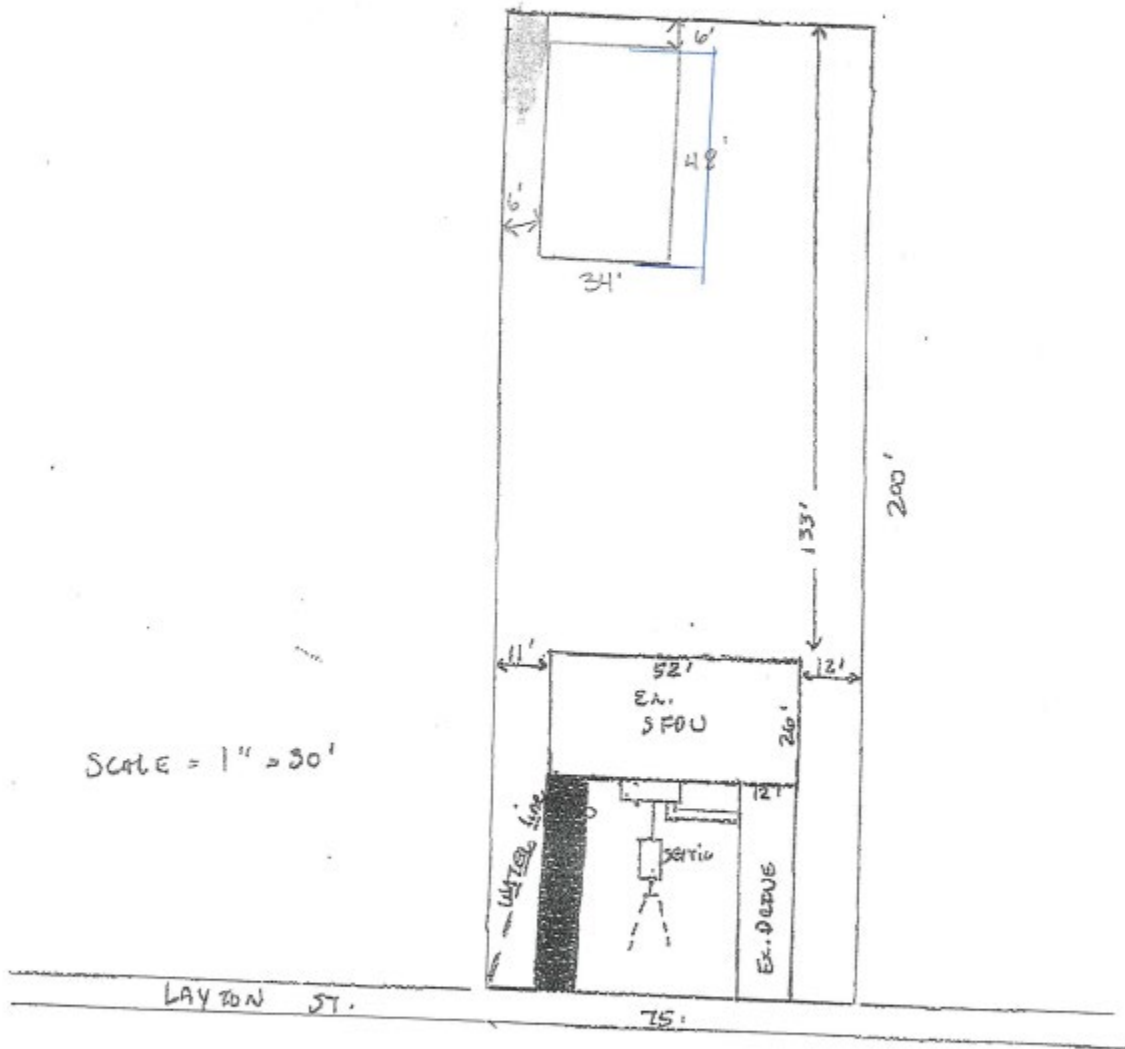
The applicant provided the following statement, *"We would like to build this pole barn for storage of our RV and other outside items to keep out of the weather, being we have only a single car garage."*

# Map of Subject Property



# Attachment "A" – Concept Plan

Proposed pole barn



SCALE = 1" = 30'

11815 Layton St.  
Leesburg, FL 34788  
Alt Key 3814305

**Final Development Order  
VAR-22-18-3  
Huffman Property**

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

**WHEREAS**, Emmit and Tanzanita Huffman (the “Applicants” and “Owners”), requested a variance to Land Development Regulations (LDR) Section 10.01.01.D to allow for an after-the-fact pole barn to exceed the limit of eighty (80) percent of the main floor square footage of the enclosed living area of the dwelling unit on a lot that is less than one (1) acre in size; and

**WHEREAS**, the subject property consists of 0.34 +/- acres and is located at 11815 Layton Street, in the unincorporated Leesburg area of Lake County, Florida, in Section 12, Township 19, Range 25, having Alternate Key Number 3814305 and more particularly described as:

THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE CENTER OF SAID SECTION 12, RUN SOUTH 930 FEET TO THE NORTH RIGHT OF WAY LINE OF LAYTON STREET, THENCE RUN EASTERLY ALONG SAID RIGHT OF WAY LINE 1646.0 FEET MORE OR LESS TO A 5/8" IRON ROD CAP NUMBER P. L. S. 5344 BEING TO POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING THENCE RUN NORTH 200.0 FEET MORE OR LESS TO A 5/8" IRON ROD CAP NUMBER P. L. S. 5344, THENCE RUN EASTERLY 54.0 FEET MORE OR LESS, PARALLEL TO THE AFORESAID RIGHT OF WAY LINE TO A 4" X 4" CONCRETE MONUMENT BEING THE SOUTHWEST CORNER OF LOT 1, COURSEY SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20 PAGE 35, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, THENCE RUN EASTERLY ALONG THE SOUTH LINE OF SAID LOT 1, 21 FEET MORE OR LESS TO A 5/8" IRON ROD CAP NUMBER L. B. 5404, THENCE RUN SOUTH 200.0 FEET MORE OR LESS TO THE SAID NORTH RIGHT OF WAY LINE TO A 5/8" IRON ROD CAP NUMBER L. B. 5404, THENCE RUN WESTERLY ALONG THE SAID RIGHT OF WAY 75.0 FEET MORE OR LESS 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 (LDR), including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on September 8, 2022; 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 September 8, 2022, 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-22-18-3 to allow for an after-the-fact accessory structure (pole barn) to exceed the limit of eighty (80) percent of the main floor square footage of the enclosed

living area of the dwelling unit on a lot that is less than one (1) acre in size, with the following condition:

**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 8th day of September 2022.**

**EFFECTIVE September 8, 2022.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**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 8th day of September 2022, by James Argento, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

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

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**Notary Signature**

**(SEAL)**