



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearing Date: September 8, 2022

Case No. and Project Name: VAR-22-28-4, Anderson & Haas Property

Applicant: Kimberly Dahlgren

Owners: Stacy Anderson and Robert Haas

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.02.05 to allow for a steel building to be located 10-feet from the southern side property line, in lieu of the required setback of 25-feet.

Case Manager: Ryan Winkler, Senior Planner

Subject Property Information

Size: 5 +/- acres

Location: 37530 Jenny Lane, in the unincorporated Eustis area.

Alternate Key No.: 3010108

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Wekiva Study Area (WSA)
Wekiva-Ocala Rural Protection Area (RPA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Agriculture and Residential	Single-Family Dwelling Unit
South	Rural	Agriculture (A)	Agriculture and Residential	Single-Family Dwelling Unit
East	Rural	Agricultural Residential (AR)	Residential	Single-Family Dwelling Units, Rollingwood Trail ROW
West	Rural	Agriculture (A)	Residential	Horse Stable/Equestrian Stable and Single-Family Dwelling Unit

Summary of Request.

The subject 5 +/- acre parcel is identified by Alternate Key Number 3010108, and is specifically located at 37530 Jenny Lane, in the unincorporated Eustis area. The parcel is zoned Agriculture (A) and has a future land use designation of Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject parcel is located within the Wekiva River Study Area (WSA) and Wekiva-Ocala Rural Protection Area (RPA). Currently, the parcel is developed with a manufactured home, deck, and carport/pole barn. The property owners removed a dilapidated shed to allow for the placement of a new shed on the subject parcel.

LDR Section 3.02.05, Setbacks, specifies a side setback of 25-feet from the property line for accessory structures on properties zoned Agriculture (A). The subject property contains approximately 5 +/- acres, and is conforming to the Agriculture (A) zoning district.

The applicant has submitted a variance request to LDR Section 3.02.05 to allow for the placement of a 30'x 30' (900 square foot) steel building on new concrete to be located 10-feet from the southern side property line, in lieu of the required 25-feet.

The variance application was sent to the Lake County Public Works Department for review. Public Works did not provide any comments nor 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 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.

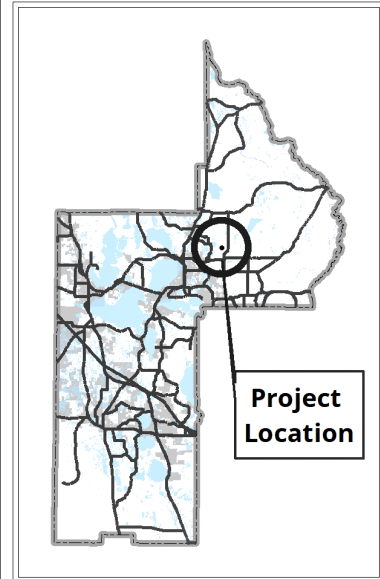
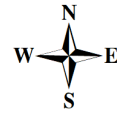
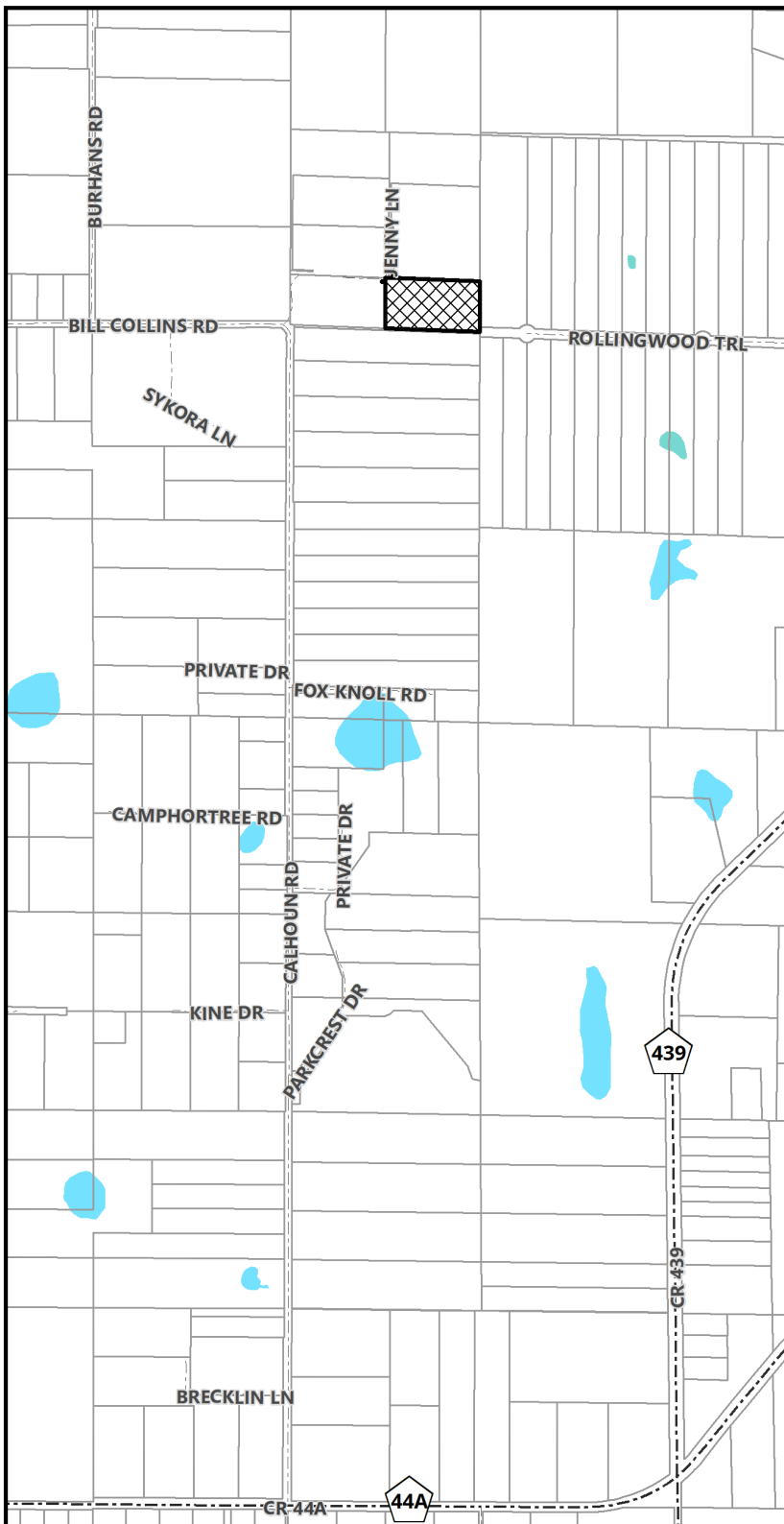
The applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"New shed provides needed storage, upgrades property value with new steel on concrete rather than existing (since removed) delapidated wood shed [sic]."*

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 14.15.02 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, *"This resident has a handicap, customer has a handicap ramp installed onsite. Very hard for customer to maneuver around distant parts of the property one wheelchair/walker. Would like the new building to remain closer to the home. Previously existing shed was in same location, was delapidated. New shed upgrades the appearance and property value of said location [sic]."*

Map of Subject Property



**Final Development Order
VAR-22-28-4
Anderson & Haas Property**

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

WHEREAS, Kimberly Dahlgren (the “Applicant”), on behalf of Stacy Anderson and Robert Haas (the “Owners”), requested a variance to Lake County Land Development Regulations (LDR) Section 3.02.05 to allow for a steel building to be located 10-feet from the southern side property line, in lieu of the required setback of 25-feet; and

WHEREAS, the subject property consists of 5 +/- acres and is located at 37530 Jenny Lane, in the unincorporated Eustis area of Lake County, Florida, in Section 27, Township 18 South, Range 27 East, identified by Alternate Key Number 3010108 and more particularly described in Exhibit “A” – Legal Description:

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-22-28-4, to allow for a steel building to be located 10-feet from the southern side property line, in lieu of the required setback of 25-feet; with the condition that the structure shall not be used to house animals.

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

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 Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)

Exhibit "A" – Legal Description

THE SOUTH 340.23 FEET OF THE EAST 1/2 OF THE SW 1/4 OF THE NW 1/4 OF SECTION 27 TOWNSHIP 18 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, SUBJECT TO AN INGRESS AND EGRESS EASEMENT OVER THE WEST 50.00 FEET OF THE NORTH 25.00 FEET THEREOF, ALSO THAT PORTION OF THE AFOREMENTIONED SW 1/4 OF THE NW 1/4 DESCRIBED AS FOLLOWS: COMMENCE AT THE SW CORNER OF THE EAST 1/2 OF THE SW 1/4 OF THE NW 1/4, RUN N. 0° 42' 12" 310.23 FEET TO THE POINT OF BEGINNING. THENCE N. 87° 20' 17" W. 25.00 FEET, THENCE N. 0° 41' 43" E. 5.00 FEET, THENCE S. 87° 20' 17" E. 75.00 FEET, THENCE N. 0° 41' 43" E. 75.00 FEET, THENCE S. 87° 20' 17" E. 5.00 FEET, THENCE S. 0° 41' 43" W. 80.00 FEET, THENCE N. 87° 20' 17" W. 55.00 FEET TO THE POINT OF BEGINNING. ALL OF THE DESCRIBED PROPERTY SUBJECT TO ANY EASEMENT, RIGHTS OR WAY OF RESTRICTIONS OF RECORD. CONTAINING 5.00 ACRES MORE OR LESS.

TOGETHER WITH AN EASEMENT DESCRIBED AS FOLLOWS:

BEGIN AT THE SW CORNER OF THE SW 1/4 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 18 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, RUN N. 0° 41' 43" E. ALONG THE WEST LINE OF SAID SW 1/4 OF NW 1/4 365.23 FEET; THENCE S 87° 20' 17" E. 641.44 FEET, THENCE N. 0° 41' 43" E. 313.33 FEET, THENCE S 87° 20' 17" E. 50.00, THENCE S 0° 41' 43" W. 363.33 FEET, THENCE N 87° 20' 17" W. 618.44 FEET, THENCE S. 0° 41' 43" W. 315.33 FEET, TO THE SOUTH LINE OF SW 1/4 OF NW 1/4, THENCE N 87° 20' 17" W. ALONG SAID SOUTH LINE 50.00 FEET TO THE POINT OF BEGINNING.