



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearing Date: November 10, 2022

Case No. and Project Name: VAR-22-36-5, Schlutermann Property

Applicant: George and Christine Schlutermann

Owner: George and Christine Schlutermann

Requested Action: Variance to Lake County Land Development Regulations (LDR) Sections 3.02.05 and 1.08.03(D) to allow for a proposed driveway extension and accessory structure (40' X 22' detached garage) to be located a minimum of 2-feet from the property line, in lieu of 10-feet.

Case Manager: Jacob Geisler, Planner

Subject Property Information

Size: 0.66 +/- acres

Location: 3928 Woodpecker Drive, in the unincorporated Fruitland Park area

Alternate Key No.: 2839503

Future Land Use: Rural Transition

Current Zoning District: Agriculture District (A)

Flood Zones: "A" and "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture (A)	Residential	Single-Family Dwelling Unit
South	Rural Transition	Rural Residential (R-1)	Residential	Single-Family Dwelling Unit
East	N/A	N/A	Lake	Lake Idlewild
West	Rural Transition	Rural Residential (R-1)	Vacant	Single-Family Dwelling Unit, adjacent to Woodpecker Drive

Summary of Request.

The subject property, identified by Alternate Key Number 2839503, contains 0.66 +/- acres, is zoned Agriculture (A), and is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject property is located east of the Woodpecker Lane / Honey Drive intersection, in the unincorporated Fruitland Park area of Lake County. The subject property is currently developed with a 3,895-square foot single-family residence.

The property owners intend to construct a detached 40' X 22' (880 square foot) garage to store a recreational vehicle and expand the existing concrete driveway. In order to facilitate approval of a Zoning Clearance, the applicant has requested a variance to LDR Sections 3.02.05 and 1.08.03 (D) to allow for setbacks of less than 10-feet on an Agriculturally-zoned property that is between one-acre and one half-acre in size.

LDR Section 1.08.03 (D) states "*Structures that are built on lots that meet Section 1.08.04 (Existing Lots Nonconforming to the Density Requirements), or that do not meet the minimum Lot size of the Zoning District, shall utilize the setback requirement of the zoning district closest to the size of the nonconforming lot. For example, a forty-four thousand (44,000) square foot lot in the Agriculture "A" zoning district shall utilize the setback requirement for the Rural Residential "R-1" zoning district (10') rather than the setback for the Agriculture zoning district (25')*". Because the subject parcel is zoned Agriculture (A), but is consistent in size with the Estate Residential (R-2) zoning district, the minimum setback is 10-feet instead of 25-feet. The parcel contains approximately 0.66 +/- acres and is non-conforming in size to the Agriculture (A) zoning district (1 dwelling unit / 5 net acres).

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, Setbacks, is to promote a logical development pattern, provide for safe setbacks between structures, and encourage a visually pleasing environment.

The intent of the Code, LDR Section 1.08.00, Nonconforming Uses, is to allow for the continuation, reestablishment, repair or reconstruction of lawful nonconforming development, previously existing prior to the effective date of the 2030 Comprehensive Plan (September 22, 2011).

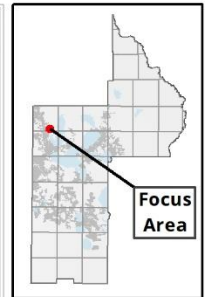
The applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, "*By adding this storage garage it will make our property look a lot nicer with the RV being stored.*"

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 the following statement, "*The property owner would like to construct a storage garage for an RV. Because of the typography, it is economically infeasible to construct it in any other location on the property. The proposed building and driveway expansion would not block the view or is located unusually close to the resident on the southside.*"

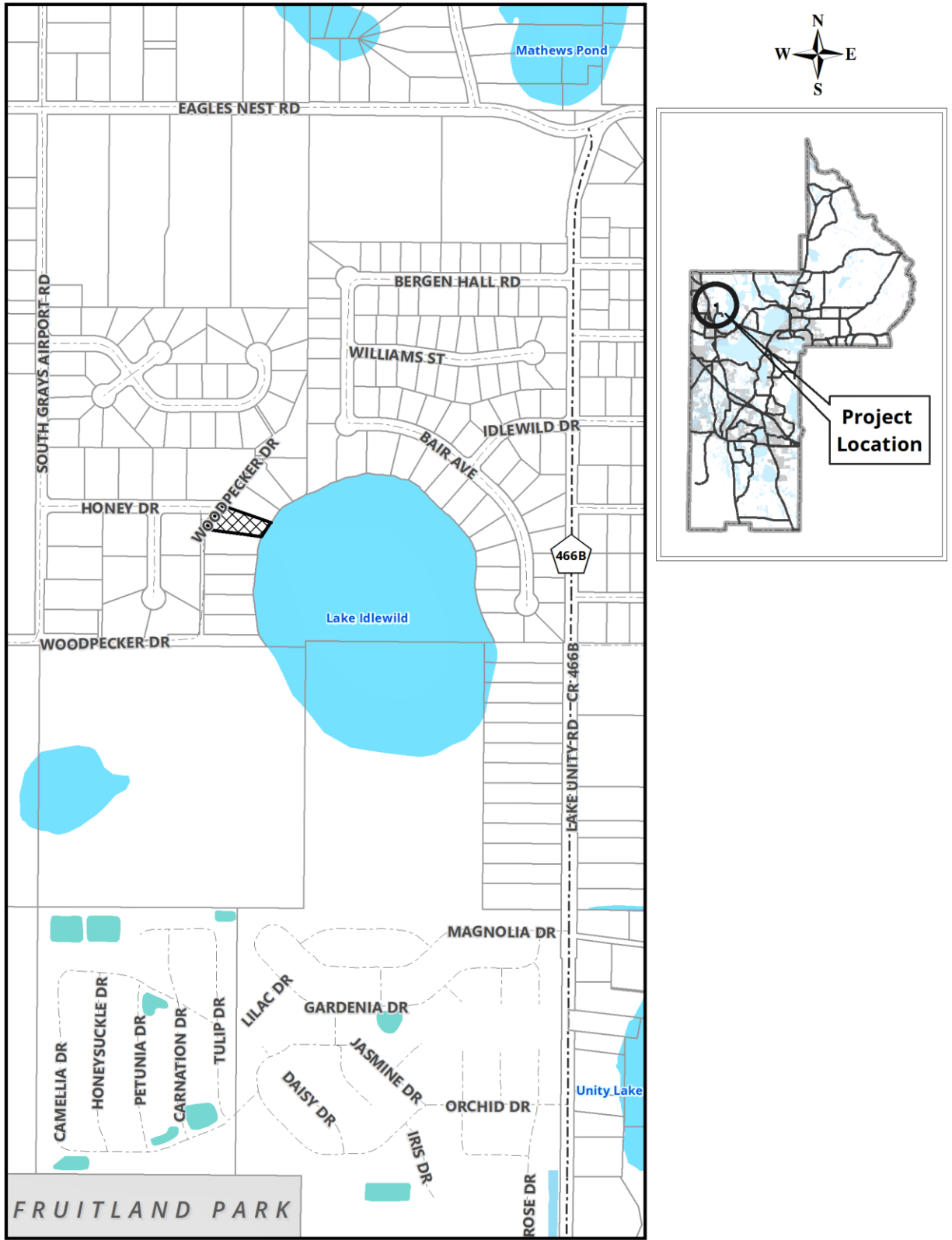
Aerial Map

VAR-22-36-5
Schlutermann Property



Driveway & Accessory
Structure Setback
Adjustment

Map of Subject Property



**Final Development Order
VAR-22-36-5
Schlutermaun Property**

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

WHEREAS, George and Christine Schlutermaun (the “Applicants” and “Owners”), requested a variance to Lake County Land Development Regulations (LDR) Section 3.02.05 and 1.08.03(D) to allow for a proposed driveway extension and accessory structure (40’ X 22’ detached garage) to be located a minimum of 2-feet from the property line, in lieu of 10-feet; and

WHEREAS, the subject property consists of 0.66 +/- acres and is located at 3928 Woodpecker Drive, in the unincorporated Fruitland Park area, in Section 34, Township 18 South, Range 24 East, having Alternate Key Number 2839503 and more particularly described as:

Parcel 1: Lots 10 and 11 in Lake Idlewild, a subdivision in Lake County, Florida, according to the Plat thereof, recorded in Plat Book 3, Page 6, Public Records of Lake County, Florida.

And

Parcel 2: That certain parcel of land lying between Lots 10 and 11 and Lake Idlewild, North of the Southerly line of said Lot 11 extended Easterly and South of the Northerly line of said Lot 10 extended Easterly, Lake Idlewild, a subdivision in Lake County, Florida, according to the Plat thereof, recorded in Plat Book 3, Page 6, 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 (LDR), including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on November 10, 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 the 10th of November 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-22-36-5 to allow for a proposed driveway extension and accessory structure (40’ X 22’ detached garage) to be located a minimum of 2-feet from the property line, in lieu of 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 10th day of November 2022.

EFFECTIVE November 10, 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 10th day of November 2022, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)