



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: December 8, 2022

Case No. and Project Name: VAR-22-42-4, Porter Property

Applicants: Allison Porter and Terry M. Lodge

Owner: Lainer Porter

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.01.04(1)(a) to allow for a proposed horse barn addition to their dwelling unit to be setback 80-feet from the northern property line, in lieu of 200-feet.

Case Manager: Jacob Geisler, Planner

### Subject Property Information

Size: 10.45 +/- acres (no wetlands or floodplain on site)

Location: 23017 Eques Lane, in the unincorporated Eustis area.

Alternate Key No.: 3827013

Future Land Use: Rural Transition

Current Zoning District: Agriculture

Flood Zone: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Wekiva Study Area

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Planned Unit Development (PUD)	Residential	Single-Family Residential subdivision (Sorrento Springs Phase 4), adjacent to utility access road.
South	Rural Transition	Agriculture (A)	Residential	Single-Family Dwelling Unit
East	Public Service Facility & Infrastructure	Community Facility District (CFD)	Governmental Utilities	City of Eustis Wastewater Treatment Plant
West	Rural Transition	Agriculture (A)	Residential	Single-Family Dwelling Unit

### Summary of Request

The subject property, identified by Alternate Key Number 3827013, contains approximately 10.45 +/- acres (all of which are uplands). The subject property 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 northeast of Eques Lane and west of the existing City of Eustis Wastewater Treatment Plant. The subject property is currently developed with a 10,345 square-foot single-family residence, a livestock building (horse barn), and other accessory structures related to the residential use.

The applicant intends to expand their dwelling unit to allow for a proposed horse barn to be added, which is located 220.7-feet from the property line. Lake County Land Development Regulations (LDR) Section 3.01.04(1)(a) requires a minimum setback of 200-feet from all property lines for livestock buildings. The applicant has submitted a Variance requesting for the proposed addition to be located 80-feet from the northern property line, in lieu of the Code required 200-feet. The applicant provided a plot plan depicting the locations of the existing livestock building and proposed addition (Attachment "A")

The application was provided to the Department of Public Works and the Chief Fire Plans Examiner for review; neither identified any comments or objections to 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.**

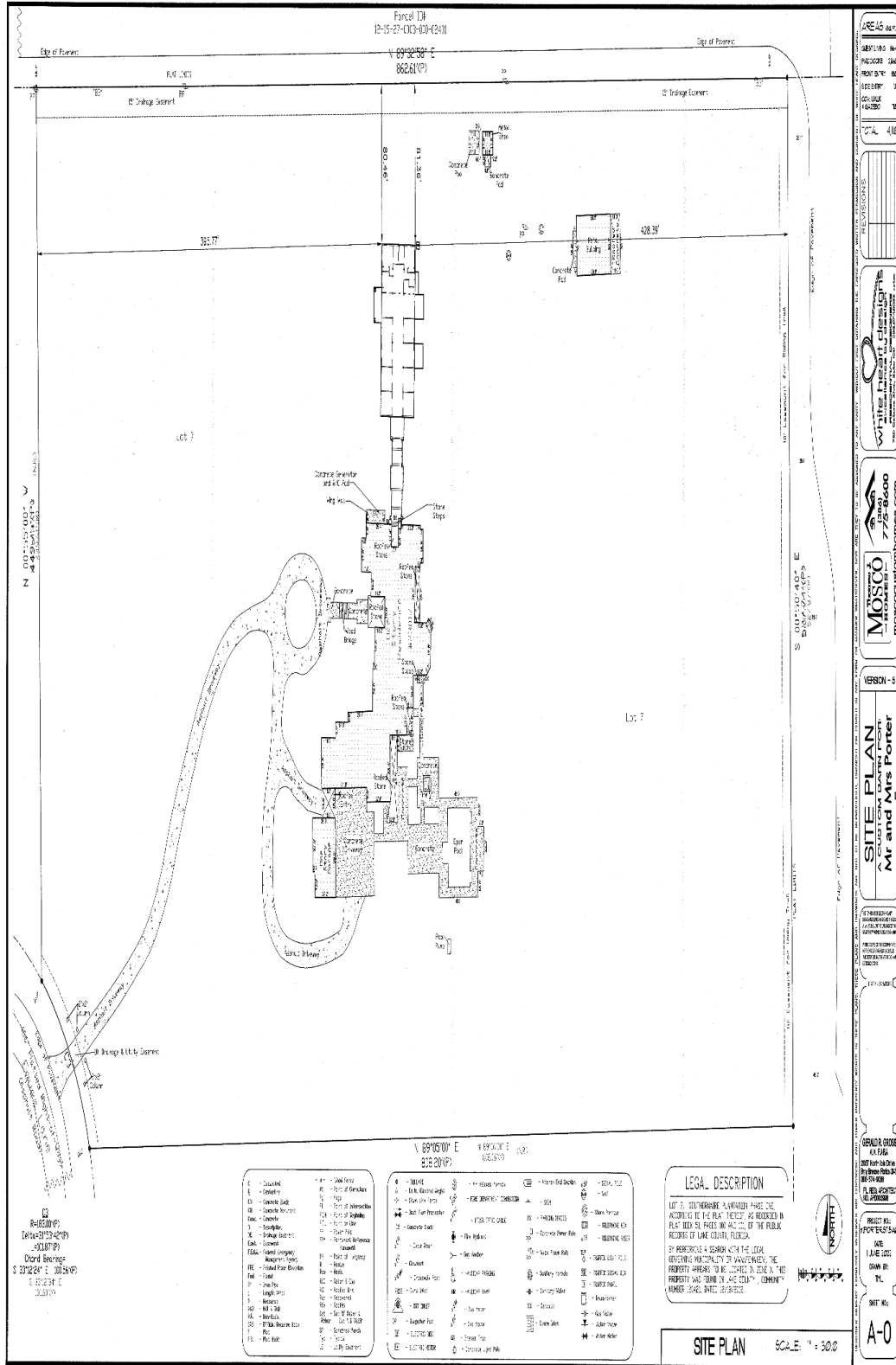
The intent of the Code, LDR Section 3.01.04, is to regulate the placement of structures and the use of a parcel in order to ensure that they are not aesthetically or physically harmful to residents and surrounding areas. Impacts with a potential to be harmful to surrounding property owners may include increased propagation of dust, odors, noise, and traffic levels.

The applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"The proposed location of the addition achieves the intent of the 200' setback because the north corner of the addition will be more than 200' to the nearest neighbor's property line. This is achieved by adding the owner's 80' setback, width of the utility access road, and width of the natural wooded buffer of the PUD to the closest residential property line in the PUD. The total distances is between 203' to 210' estimated with google earth."*

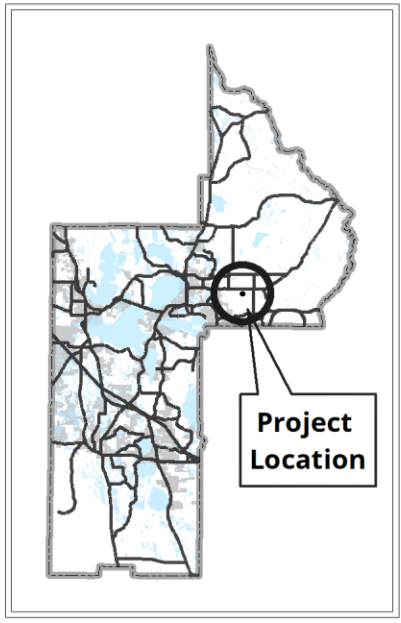
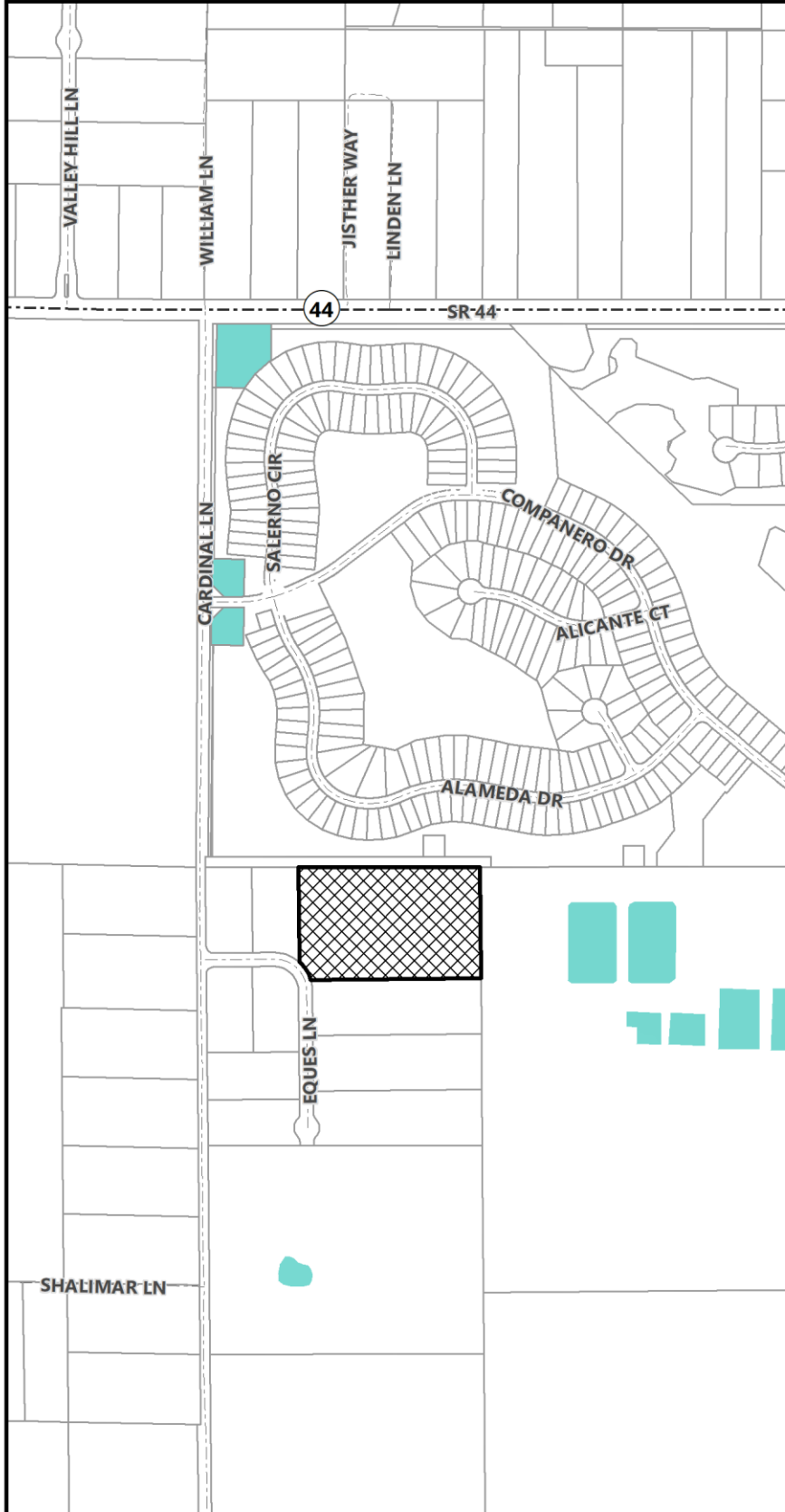
**2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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 hardship is applying this ordinance to an "addition" to the primary residence, as opposed to an accessory structure used for horses. The purpose of the addition is sensible access to daily work of the building while maintaining the best aesthetic views as seen from all neighbors. The proposed location still meets the intent of the 200' setback."*

# Attachment "A" - Plot Plan



# Map of Subject Property



# Aerial Map



VAR-22-42-4  
Porter Property



Barn Addition  
Setback Adjustment

Legend

 Wekiva Study Area

**Final Development Order  
VAR-22-42-4  
Porter Property**

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

**WHEREAS**, Allison Porter and Terry M. Lodge (the “Applicants”), on behalf of Lanier Porter (the “Owner”), requested a Variance to Lake County Land Development Regulations (LDR) Section 3.01.04(1)(a) to allow for a proposed addition to their dwelling unit to be setback 80-feet from the northern property line, in lieu of 200-feet; and

**WHEREAS**, the subject property consists of 10.45 +/- acres and is located at 23017 Eques Lane, in the unincorporated Eustis area, in Section 13, Township 19 South, Range 27 East, having Alternate Key Number 3827013 and more particularly described as:

SOUTHERNAIRE PLANTATION PHASE ONE PB 51 PG 100-101 LOT 7 ORB 5855  
PG 214

**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 December 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 the 8th of December 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-22-42-4 to allow for a proposed addition to a livestock building to be setback 80-feet from the northern property line, in lieu of 200-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.

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**Section 3. Effective Date. This Ordinance will become effective as provided by law.**

**ENACTED this 8th day of December 2022.**

**EFFECTIVE December 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 December 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)**