



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: February 7, 2024

Case No. and Project Name: PZ2023-187

Owners/Applicants: Thomas M. Langmann and Dawn S. Langmann

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 10.01.01(D), Section 10.01.01(F)(3), and Table 3.02.05 to allow accessory structures (storage shed and carport extension) with a combined square footage in excess of eighty (80) percent of the main square footage of the enclosed living area of the dwelling unit, to allow an accessory structure (storage shed) to be constructed 15-feet from the front property line in lieu of the required 100-feet, and to allow a side setback for accessory structures, (storage shed and carport extension) of 5-feet from the property line in lieu of the required 10-feet.

Case Manager: Shari Holt, Planner

Subject Property Information

Size: 0.60 +/- acres

Location: 36607 East Eldorado Lake Drive, in the unincorporated Eustis area

Alternate Key No.: 1452678

Future Land Use: Rural Transition (Attachment "A")

Current Zoning District: Rural Residential (R-1) (Attachment "B")

Flood Zone: "X" and "A"

Joint Planning Area (JPA) / ISBA: Eustis JPA

Overlay Districts: Wekiva Study Area Overlay District

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Rural Residential (R-1)	Residential	Single-Family Residence
South	Rural Transition	Rural Residential (R-1)	Residential	Single-Family Residence
East	Rural Transition	Rural Residential (R-1)	Right-of-Way / Residential	Right-of-Way / Single-Family Residence
West	N/A	N/A	Lake Eldorado	N/A

Summary of Request.

The subject parcel, identified as Alternate Key Number 1452678 contains 0.60 +/- acres (Attachment "C"), is zoned Rural Residential (R-1), is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and is located within the Wekiva Study Area Overlay District. The subject parcel is described as Lot 130, in Eldorado Heights, a Subdivision in Lake County, according to the plat thereof as recorded in Plat Book 3, Page 7, inclusive of the public records of Lake County, Florida. The subject parcel located at 36607 East Eldorado Lake Drive, in the unincorporated Eustis area of Lake County. GIS maps indicate that the subject parcel is located within flood areas "X" and "A".

The Applicant has requested a variance to Lake County Land Development Regulations (LDR) Section 10.01.01(D), Section 10.01.01(F)(3), and Table 3.02.05 to allow accessory structures (storage shed and carport extension) with a combined square footage in excess of eighty (80) percent of the main square footage of the enclosed living area of the dwelling unit, to allow an accessory structure (storage shed) to be constructed less than 100-feet from the front property line, and to allow a side setback for accessory structures, (storage shed and carport extension) of 5-feet from the property line in lieu of the required 10-feet.

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 10.00.00 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 intent of the Code, LDR Section 3.01.00 is to describe the specific uses and restrictions that apply to applicable zoning districts.

To show that the intent of the Code will be or has been achieved by other means, the Applicant provided the following statement, *"...The carport extension will give a more practical look in appearance. I'm going to paint shed the house's same color plus it has a cute ft porch so it will enhance the value + be a catalyst to the community."*

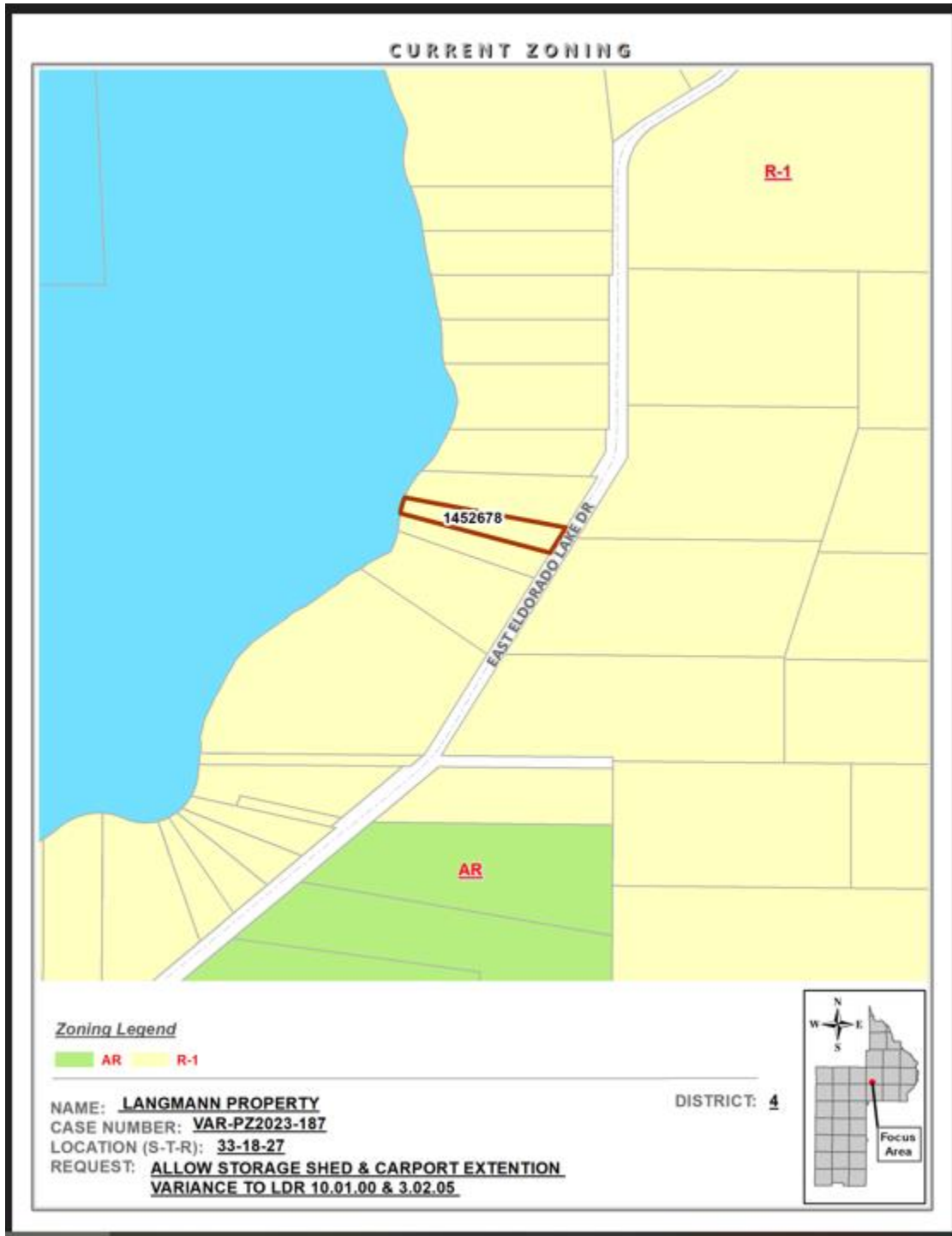
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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.

To show substantial hardship, the Applicant provided the following statement, *"No access to backyard and extreme elevation drop in backyard making it impossible to have a shed..."*

Attachment "A" – Future Land Use Map



Attachment "B" – Zoning Map



Map of Subject Property



Aerial Map of Subject Property



Allow Storage Shed &
Carport Extension
Variance to LDR
10.01.00 & 3.02.05

Final Development Order

WHEREAS, Thomas M. Langmann and Dawn S. Langmann (the “Applicants” and “Owners”), requested a variance to Land Development Regulations (LDR) Section 10.01.01(D), Section 10.01.01(F)(3), and Table 3.02.05 to allow accessory structures (storage shed and carport extension) to be constructed in excess of eighty (80) percent of the main square footage of the enclosed living area of the dwelling unit, to allow an accessory structure (storage shed) to be constructed 15-feet from the front property line in lieu of the required 100-feet, and to allow a side setback for accessory structures (storage shed and carport extension) 5-feet from the property line in lieu of the required 10-feet; and

WHEREAS, the subject property consists of 0.60 +/- acres and is located at 36607 East Eldorado Lake Drive, in the unincorporated Eustis area of Lake County, in Section 32, Township 18, Range 27, having Alternate Key Number 1452678 and more particularly described in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on February 7, 2024; 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, the Lake County Board of Adjustment approved the variance for the above property.

DONE AND ORDERED by the Board of Adjustment of Lake County, Florida, that:

Variances Granted: Variances to following Lake County Land Development Regulations (LDR) are hereby granted:

1. Section 10.01.01(D): to allow a storage shed and carport extension with a combined square footage in excess of eighty (80) percent of the main square footage of the enclosed living area of the dwelling unit.
2. Section 10.01.01(F)(3): to allow the shed and carport extension to be constructed 15-feet from the front property line in lieu of the required 100-feet.
3. Table 3.02.05 to allow a storage shed and carport extension to have a side setback of 5-feet from the property line in lieu of the required 10-feet.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Addie Owens, Chairman

**State of Florida
County of Lake**

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 7th day of February 2024, by Addie Owens, as Chairman of the Lake County Board of Adjustment.

**Personally Known OR Produced Identification
Type of Identification Produced _____**

Notary Signature

(SEAL)

Pursuant to Section 286.0105, Florida Statutes, if any person desires to appeal any decision with respect to a matter considered at a public meeting or hearing of the Board of Adjustment, such person will need a record of the proceedings, and such person may need to ensure that a verbatim record for such purpose is made, which record includes the testimony and evidence upon which the appeal is based.

A final administrative order of the Board of Adjustment may be appealed to the Circuit Court in Lake County, Florida. Such an appeal shall be filed within thirty (30) days of the execution of this Order. Those filing an appeal of an administrative order must comply with all applicable Florida Rules of Appellate Procedure.

EXHIBIT A: LEGAL DESCRIPTION

LOT 130 IN ELDORADO HEIGHTS, A SUBDIVISION IN LAKE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 7, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LESS THE SOUTHEASTERLY 10 FEET THEREOF ADJACENT TO A 30 FOOT WIDE PLATTED STREET IN THE SAID ELDORADO HEIGHTS.

ALSO: THAT PART OF AN UNNAMED STREET, NOW CLOSED BOUNDED AND DESCRIBED AS FOLLOWS: BEGIN AT THE MOST WESTERLY CORNER OF LOT 130 IN THE SAID ELDORADO HEIGHTS; THENCE RUN WESTERLY ALONG A PROJECTION WESTERLY OF THE SOUTHERLY LINE OF THE SAID LOT 130 TO THE WATERS OF LAKE ELDORADO, THE SAID POINT BEING HEREBY DESIGNATED AS POINT "A"; BEGIN AGAIN AT THE POINT OF BEGINNING, THENCE RUN NORTHERLY ALONG THE WESTERLY LINE OF THE SAID LOT 130 TO THE MOST NORTHERLY CORNER OF THE SAID LOT 130; THENCE RUN WESTERLY ALONG A PROJECTION WESTERLY OF THE NORTHERLY LINE OF THE SAID LOT 130 TO THE WATERS OF LAKE ELDORADO; THENCE SOUTHERLY ALONG AND WITH THE WATERS OF THE SAID LAKE TO THE ABOVE DESIGNATED POINT "A".