



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: October 2, 2024

Case No. and Project Name: PZ2024-152 Johnson Property

Applicant: Joshua S. Johnson

Owners: Joshua S, Johnson and Brittany L. Johnson

Requested Action: Variance to Land Development Regulations (LDR) Table 3.02.05, to allow a proposed residential addition to be constructed twenty (20) feet from the northern property line in lieu the required twenty-five (25) feet.

Case Manager: Meagan Bracciale, Planner I

Subject Property Information

Size: 4.92 +/- acres

Location: 36121 Huff Road, in the unincorporated Eustis area

Alternate Key No.: 1745063

Future Land Use: Wekiva River Protection Area A-1-20 Receiving Area (Attachment "A")

Current Zoning District: Agriculture District (A) (Attachment "B")

Flood Zone: "X"

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: Wekiva River Protection Area (WRPA) and Wekiva Study Area (WSA) (Attachment "E")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	WRPA A-1-20 Receiving Area	Agriculture District (A)	Residential	Single-Family Dwelling
South	WRPA A-1-20 Receiving Area	Agriculture District (A)	Residential	Single-Family Dwelling
East	WRPA A-1-20 Receiving Area	Agriculture District (A), Community Facility District (CFD)	Right-Of-Way, Residential, and Community Residential Home	Huff Road with Single-Family Residence and Community Residential Home East of Right-of-Way
West	WRPA A-1-20 Receiving Area	Agriculture District (A)	Residential and Agriculture	Single-Family Residence and Commercial Nursery

- Summary of Analysis -

The subject property, identified as Alternate Key Number 1745063, contains 4.92 +/- acres, is zoned Agriculture District (A), is designated with a WRPA A-1-20 Receiving Area Future Land Use Category (FLUC) by the 2030 Comprehensive Plan; and located within the WRPA and WSA. The subject property is located at 36121 Huff Road in the unincorporated Eustis area of Lake County. The Plot Plan (Attachment "C") indicates that the subject parcel is developed with single-family residence and detached accessory structure.

The Applicant has requested a variance to LDR Table 3.02.05, Setback Requirements, to allow a proposed residential addition (Attachment "D") to be setback twenty (20) feet from the side property line in lieu the required twenty-five (25) foot side setback, as depicted in Attachment "C". LDR Table 3.02.05 requires that for lots in zoning districts Agriculture (A), Ranchette (RA), and/or Agricultural Residential (AR) containing a minimum of two (2) acres, that all structures be setback a minimum of twenty-five (25) feet from the side property lines.

The subject parcel is located within the Wekiva River Protection Area and the Wekiva Study Area Overlay Districts. The intent of Lake County Comprehensive Plan Objective I-3.1 is intended to preserve and protect the Wekiva River Protection Area and Wekiva Study Area as natural resources of critical state and regional importance. The request is consistent with the Lake County Comprehensive Plan.

On July 22, 2024, the variance application was sent to the Public Works Department and the Chief Fire Plans Examiner to review for a determination of consistency with their regulations. Neither the Chief Fire Plans Examiner, nor the Public Works Department, had any comments.

- 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.

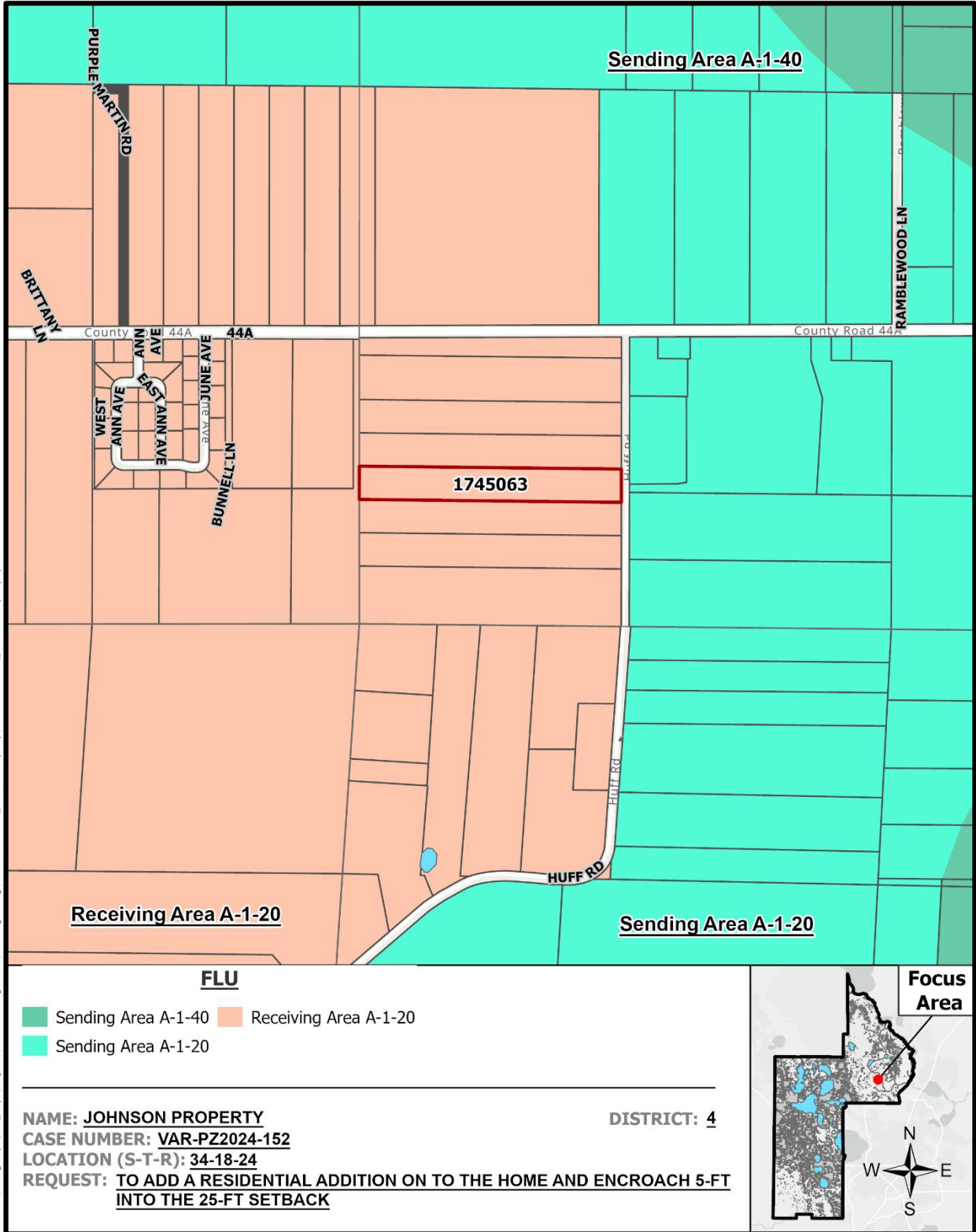
The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"We would not be interfering with any land development regulations. We are only asking to adjust the setback."*

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, *"Currently, the only other place to add on to our house would be the front of the house, which is where our septic and drain field is located. Relocating these items would cause a great financial burden on top of the cost of the new addition."*

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE

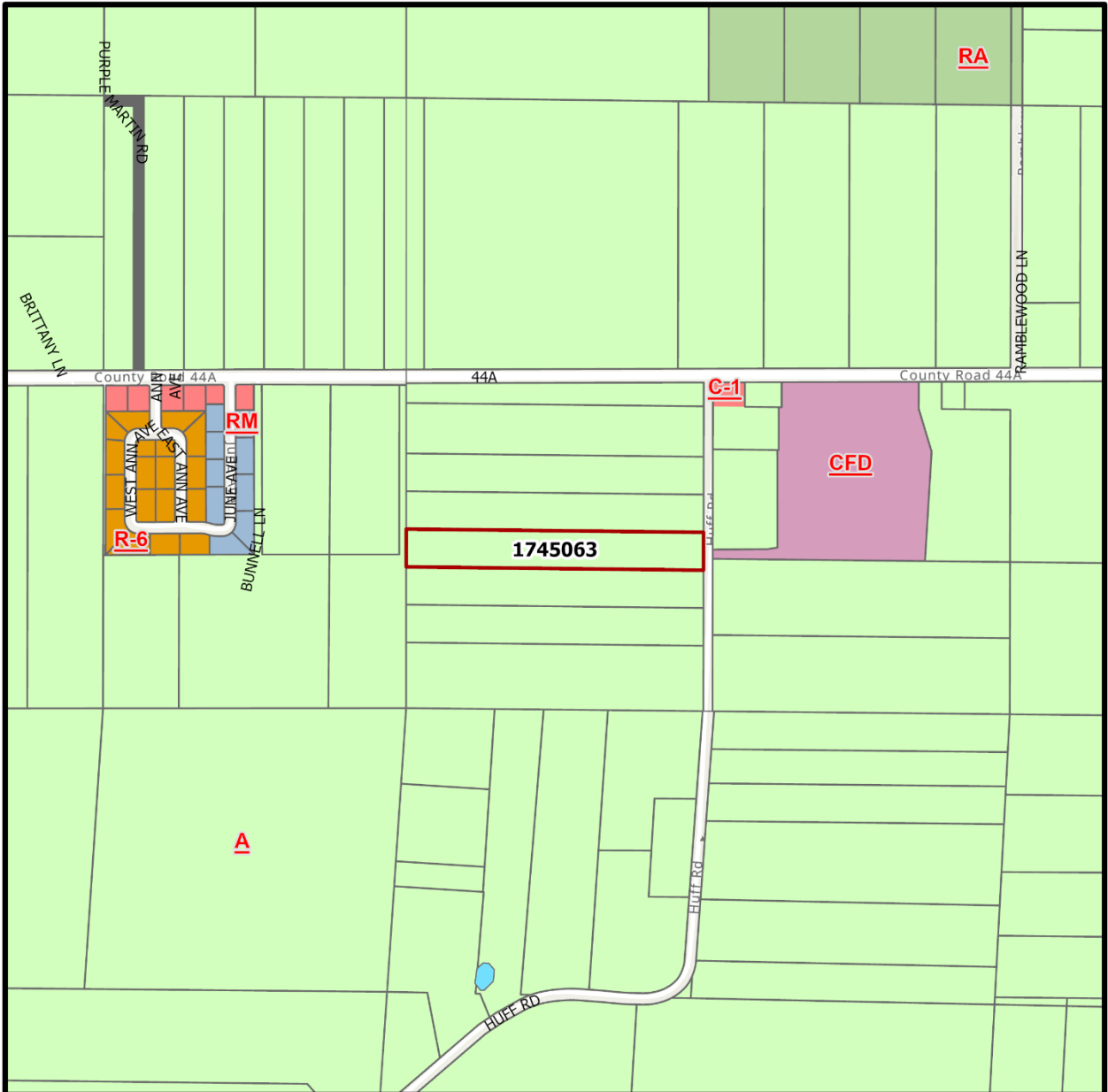


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Attachment "B" – Zoning Map

CURRENT ZONING

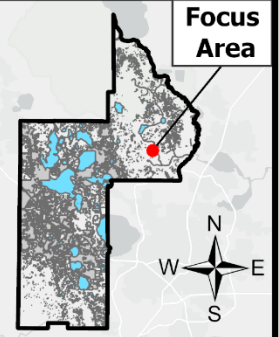


Zoning

- A
- RA
- R-6
- RM
- C-1
- CFD

NAME: JOHNSON PROPERTY
CASE NUMBER: VAR-PZ2024-152
LOCATION (S-T-R): 34-18-24
REQUEST: TO ADD A RESIDENTIAL ADDITION ON TO THE HOME AND ENCROACH 5-FT INTO THE 25-FT SETBACK

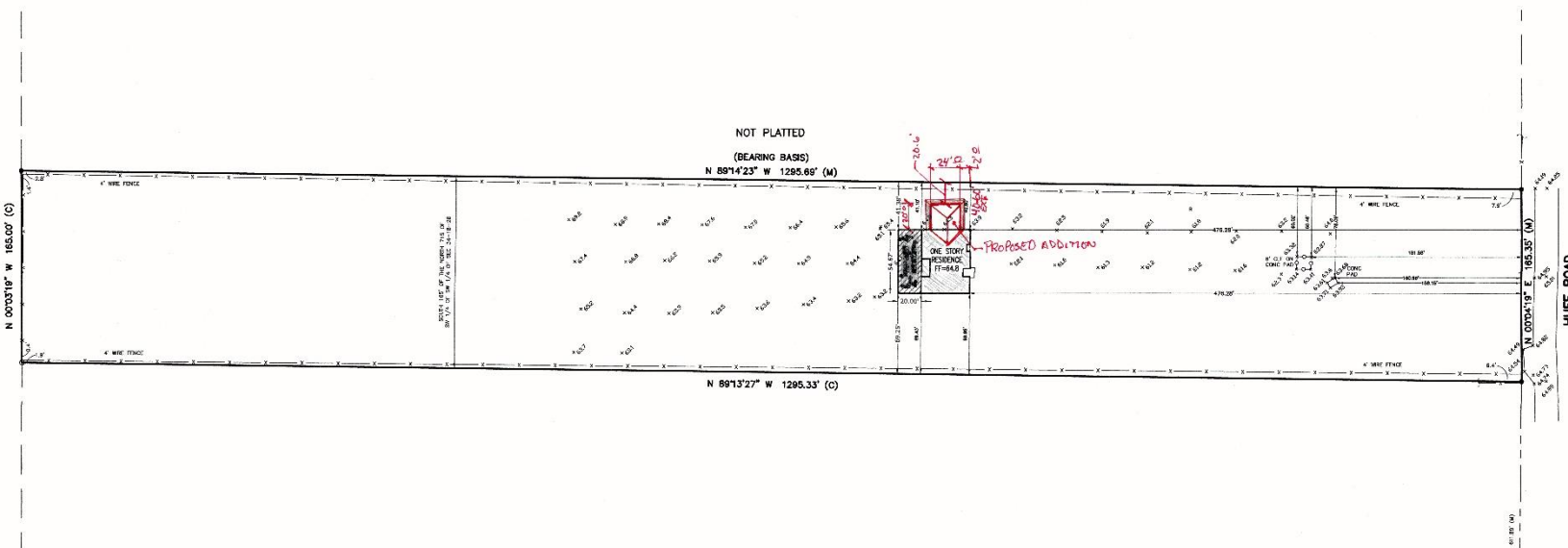
DISTRICT: 4



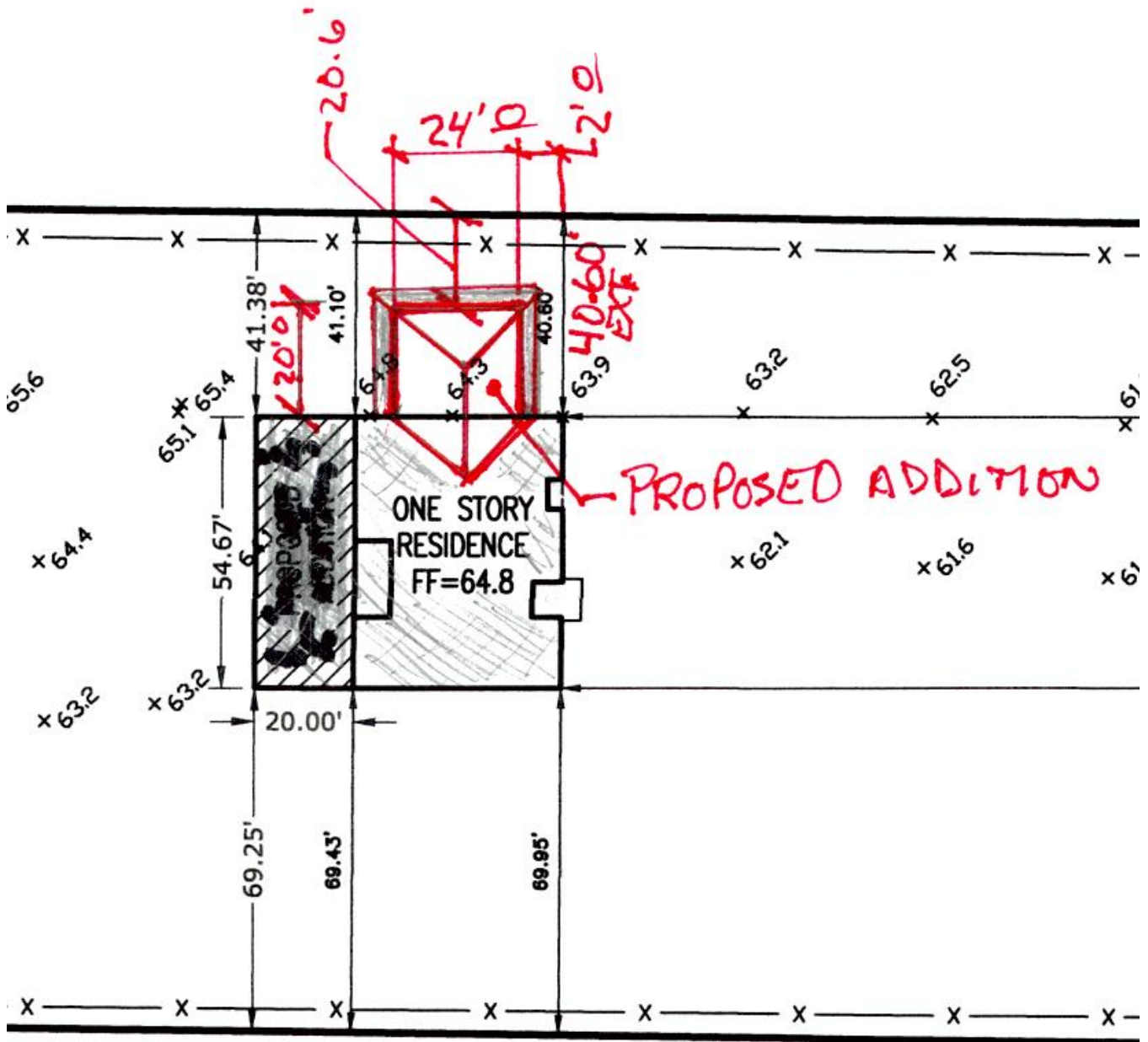
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Attachment "C" – Plot Plan

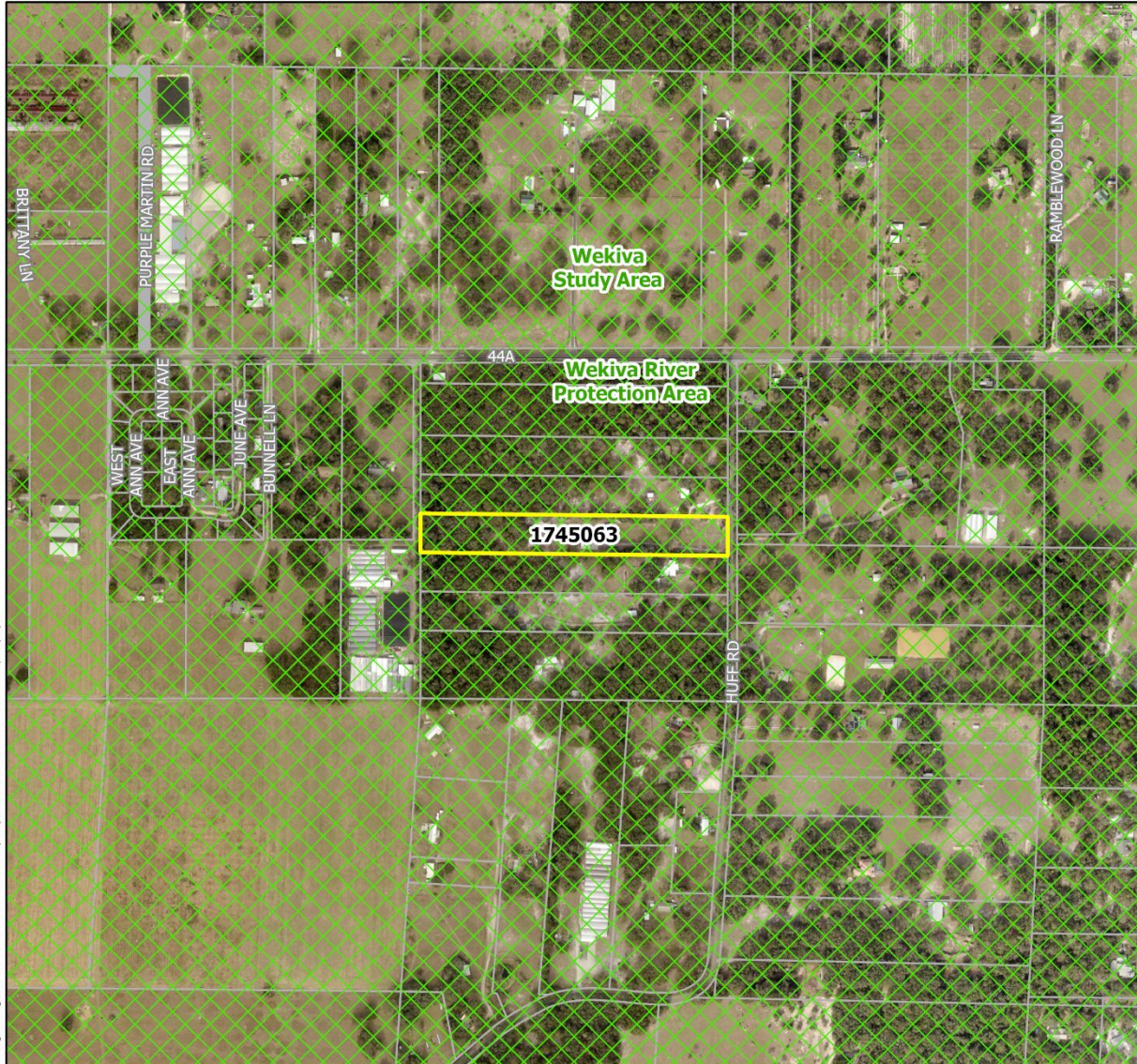


Attachment "D" – Plot Plan Zoom View



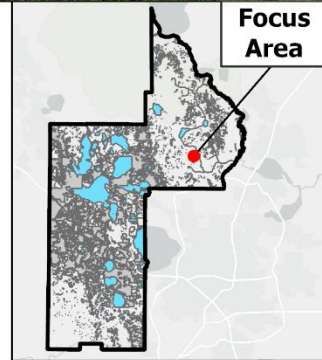
Attachment "E" – Overlay Districts Map

Var-PZ2024-152 Johnson Property



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To add a residential addition on to the home and encroach 5-FT into the 25-FT setback



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Map of Subject Property

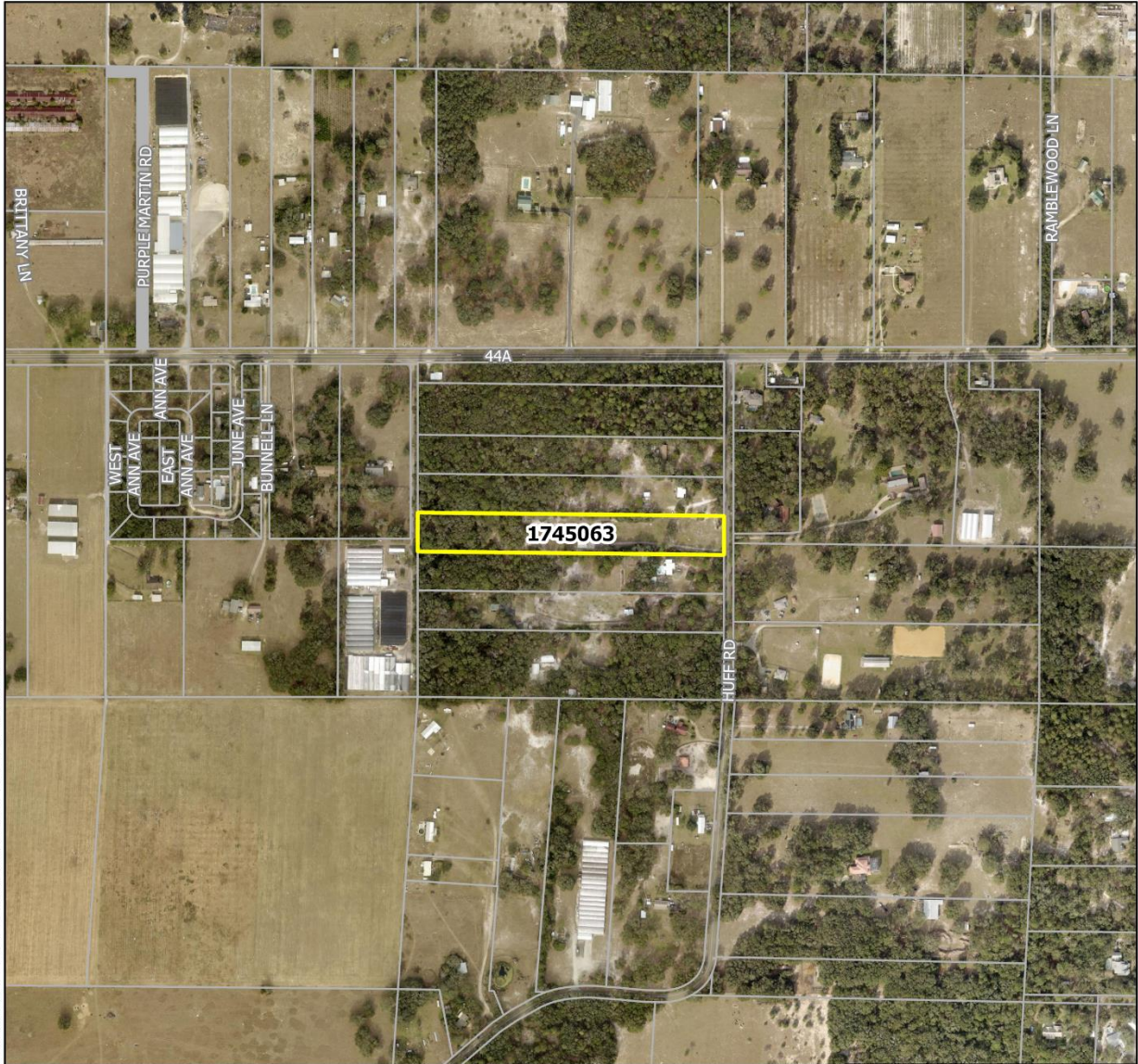


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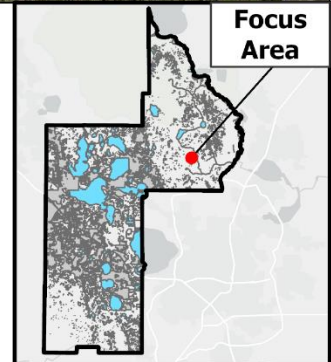
Aerial Map of Subject Property

Var-PZ2024-152 Johnson Property



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To add a residential addition on to the home and encroach 5-FT into the 25-FT setback



7/30/2024

Final Development Order

WHEREAS, Joshua S, Johnson and Brittany L. Johnson, husband and wife (the “Owners”) requested a variance to Land Development Regulations (LDR) Table 3.02.05, to allow a proposed residential addition to be setback twenty (20) feet from the northern property line in lieu the required twenty-five (25) feet; and

WHEREAS, the subject property consists of 4.92 +/- acres, is located at 36121 Huff Road, in the unincorporated Eustis area of Lake County, in Section 34, Township 18S, Range 28E, having Alternate Key Number 1745063, and more particularly described as:

The South 165 feet of the North 715 feet of the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 18 South, Range 28 East, Lake County, Florida.

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 October 2, 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.

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

Variance Granted: A Variance to Land Development Regulations (LDR) Table 3.02.05, to allow a proposed residential addition to be setback twenty (20) feet from the northern property line in lieu the required twenty-five (25) feet.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea L. Meeks, Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 2nd day of October 2024, by Bea L. Meeks, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

(SEAL)

Notary Signature

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.