



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearing Date: November 6, 2024

Case No. and Project Name: PZ2024-192 Hannaford Property

Applicants/Owners: Sean Hannaford and Kerry Hannaford

Requested Action: Variance to Land Development Regulations (LDR) Section 3.01.04(1)(a) to allow a Livestock Building (horse barn) not to be centered within the boundaries on the subject parcel, and to be constructed 24-feet from the eastern property line, in lieu of the required 200-foot setback.

Case Manager: Meagan Bracciale, Planner I

Subject Property Information

Size: 5.31 +/- acres

Location: 36700 East Eldorado Lake Drive, in the unincorporated Eustis area

Alternate Key No.: 3829615

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

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

Flood Zone: "X"

Joint Planning Area (JPA) / ISBA: Eustis Joint Planning Area (JPA) (Attachment "C")

Overlay/Protection Area: Wekiva Study Area (WSA) (Attachment "D")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Rural Residential District (R-1)	Residential	Vacant Residential
South	Rural Transition	Rural Residential District (R-1)	Residential	Single-Family Residence
East	Rural Transition	Rural Residential District (R-1)	Residential	Single-Family Residence
West	Rural Transition	Rural Residential District (R-1)	Right-of-Way, Residential	Single-Family Residences East of East Eldorado Lake Drive

Summary of Request

The subject property, identified as Alternate Key Number 3829615, contains 5.31 +/- acres, is zoned Rural Residential District (R-1), and is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is located within the Eldorado Heights subdivision at 36700 East Eldorado Lake Drive, in the unincorporated Eustis area. GIS maps indicate that the subject parcel is not located within a floodplain area or that wetland exist on the site. The Plot Plan (Attachment "E") indicates that the subject parcel is developed with single-family residence and detached garage.

The Applicant has requested a variance to LDR Section 3.01.04 entitled Key to Conditions in Table of Permitted and Conditional Uses, to allow a Livestock Building (horse barn) not to be centered on the subject parcel, and to be located 24-feet from the rear property line, in lieu of the required 200-foot setback, as depicted in Attachment "E". The LDR defines a Livestock Building as a structure used for milking, feeding, or sheltering of farm animals. LDR Section 3.01.04(1)(a), requires that a Livestock Building should maintain a two hundred (200) foot setback from the property line. In the event that a Livestock Building cannot be constructed because of the two hundred (200) feet setback, then the Livestock Building shall be as closely centered as possible between the property lines and shall maintain a fifty (50) foot setback from the property line. The length of the lot is 625.95 feet, and the width of the lot is 369.60 feet. The Applicant is unable to meet the minimum 200-foot setback from the northern and southern boundary lines as the width of the lot is 369.66-feet. As such, the development order will include a condition that the existing vegetation shall be maintained in perpetuity to mitigate the noise, dust, and odor impacts to the adjacent parcel owned by others.

The subject parcel is located within the Wekiva Study Area Overlay District. The intent of Lake County Comprehensive Plan Objective I-3.4 is intended to preserve and protect the Wekiva Study Area as natural resources of critical state and regional importance. The request is consistent with the Lake County Comprehensive Plan open space requirements as the proposed development will not exceed the maximum Impervious Surface Ratio (ISR) of thirty (30%) percent designated by the FLUC, will not impact any protected natural resources, and the proposed site location has been designated by the applicant as the area of most minimal site disturbance and alteration of terrain.

On September 3, 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.

The subject parcel lies within the City of Eustis Joint Planning Area (JPA) (Attachment "D"). On September 3, 2024, the variance application was sent to the City of Eustis to review for a determination of consistency with their regulations. The City of Eustis has provided no 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.

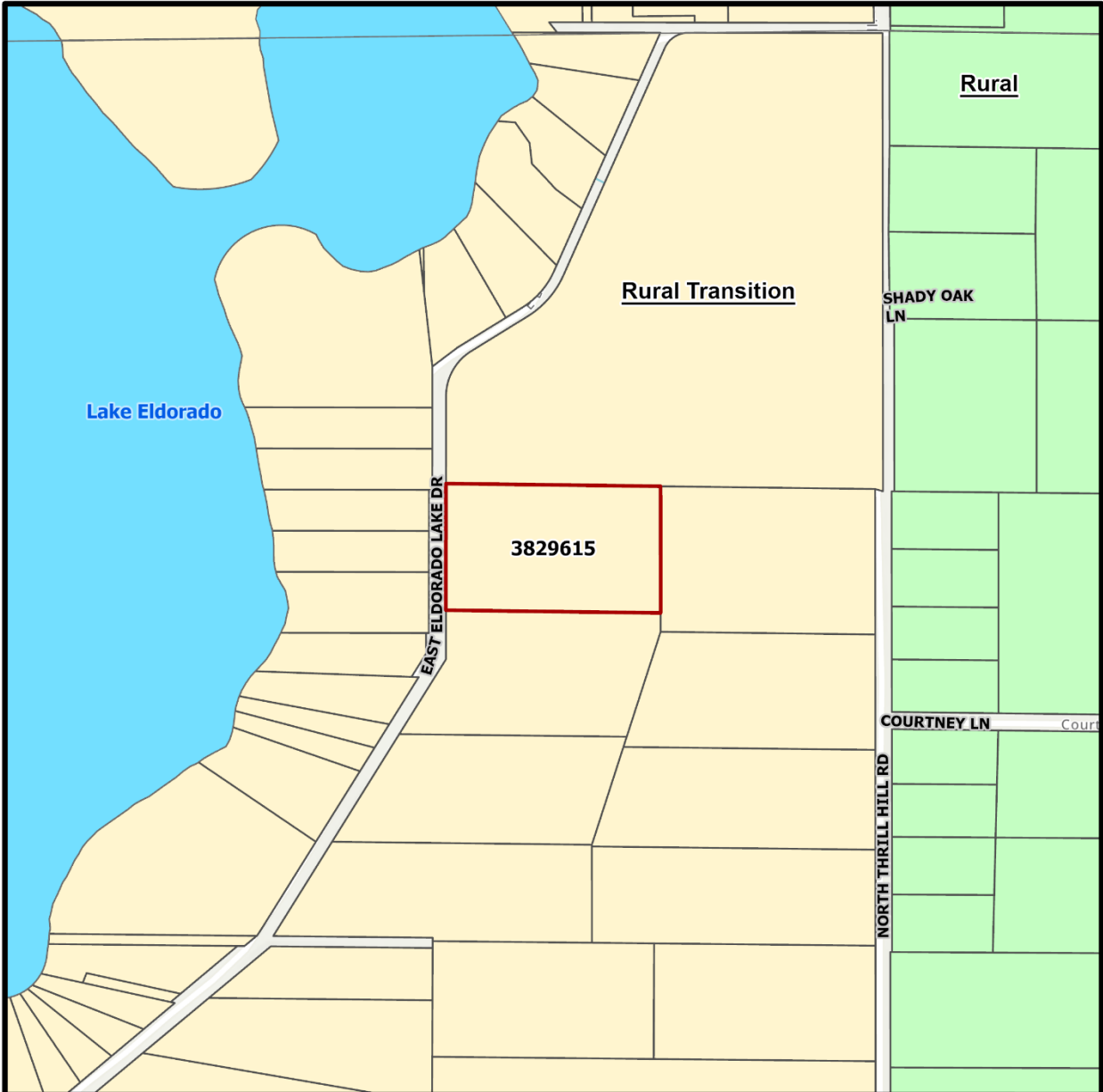
The intent of the Code, LDR Section 3.01.04, is to regulate the placement of structures and the use of a parcel in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas. Increased noise, dust, odor and traffic can all impact adjacent property owners. The Code attempts to mitigate the impact on the surrounding areas with a minimum 200-foot setback for livestock buildings. 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, *“Due to width limitations of our property and location of our current home on the property (built in 2015), there are no other means possible to achieve the regulation. Please see hardship letter attached (Attachment “F”).”*

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, *“Even though we have 5.3 acres of land, our property is only 369-feet wide, so we would not physically be able to build our barn 200 feet off of the property line. Please see hardship letter attached (Attachment “F”).”*

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE



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9/5/2024

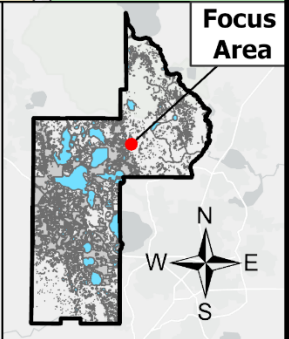
FLU

 Rural  Rural Transition

NAME: HANNAFORD PROPERTY
CASE NUMBER: VAR-PZ2024-192
LOCATION (S-T-R): 33-18-27

DISTRICT: 4

REQUEST: TO ALLOW A LIVESTOCK BUILDING (HORSE BARN) TO BE CONSTRUCTED NON-CENTERED ON THE SUBJECT PARCEL, AND 24-FEET FROM THE REAR PROPERTY LINE, IN LIEU OF THE REQUIRED 50-FOOT SETBACK.



Attachment "B" – Zoning Map

CURRENT ZONING



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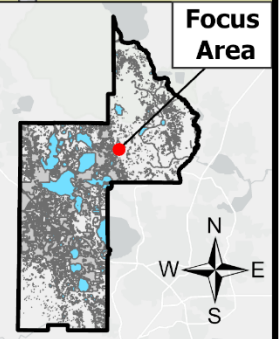
Zoning

A AR R-1

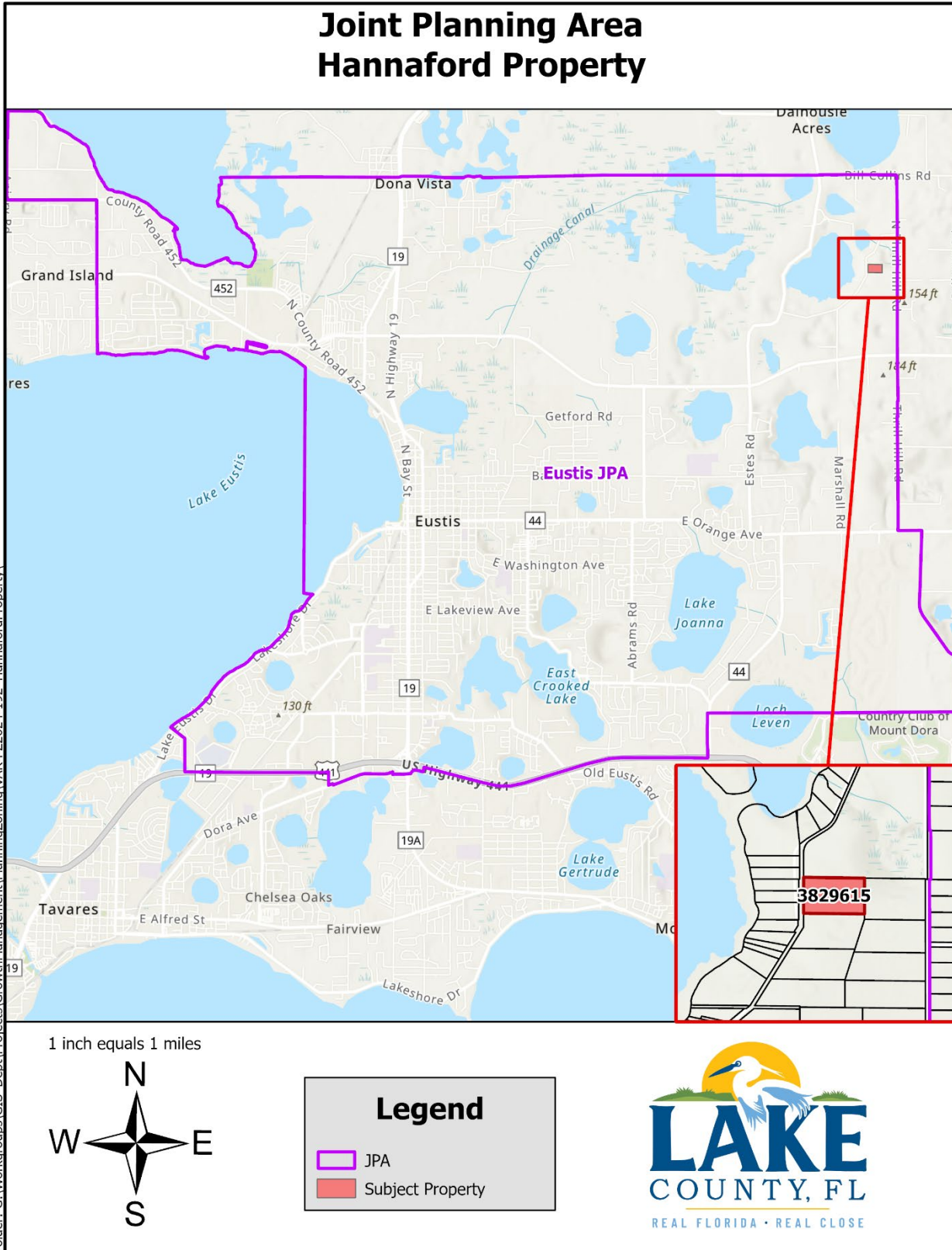
NAME: HANNAFORD PROPERTY
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Attachment "C" – JPA Map of Subject Property



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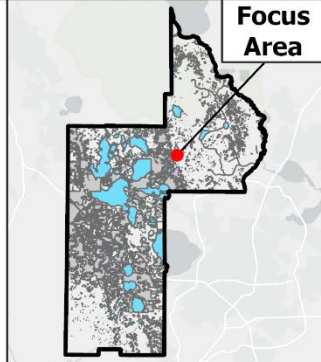
Attachment "D" – Overlay Map of Subject Property

VAR-PZ2024-192 Hannaford Property



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To allow a Livestock Building (horse barn) to be constructed non-centered on the subject parcel, and 24-feet from the rear property line, in lieu of the required 50-foot setback.



9/5/2024

Attachment "F" – Hardship Letter

August 6, 2024

HARDSHIP LETTER – Requesting Variance

Sean and Kerry Hannaford

36700 East Eldorado Lake Dr

Eustis, FL 32736

To Whom it May Concern:

I am writing to request a variance to be able build a barn on our property (where we also have our primary residence). My understanding is that, to build any barn-like structure, there is currently a requirement that it has to be built at least 200' off of our property line. We would not be able to do this as our property, even though we have approx. 5.3 acres, is only 369 feet wide.

We purchased the property in 2012 and built our home in 2015. Since then, our daughter has fallen in love with horseback riding, so now we need to have a barn not only to help ensure the safety of our horses during some of the bad storms/lightning that we get here in Florida, but also in the cases where they are sick and need stall rest.

We are looking to build it approximately 24 feet off of our back property line, which is on average, the distance that majority of the other barns in our area have off of the property lines as most of the homes in our area are anywhere from 5-10 acre pieces of property.

Our property is also pretty heavily treed with a lot of beautiful oak trees, and we are trying to put the barn in a place on our property where we have the most amount of already open space, and in a location on the property where we have to potentially touch the least amount of trees as possible.... We are trying to conserve the large trees we have as well as not encroach on the horses' existing fenced in pasture area that we have in the back of the property. We are not able to put the barn on the front part of our property (in a cost effective manner) due to the significant downhill slope that we have in the front of our house, as well as the trees that we have in our front yard as well.

Please let me know if you have any questions.

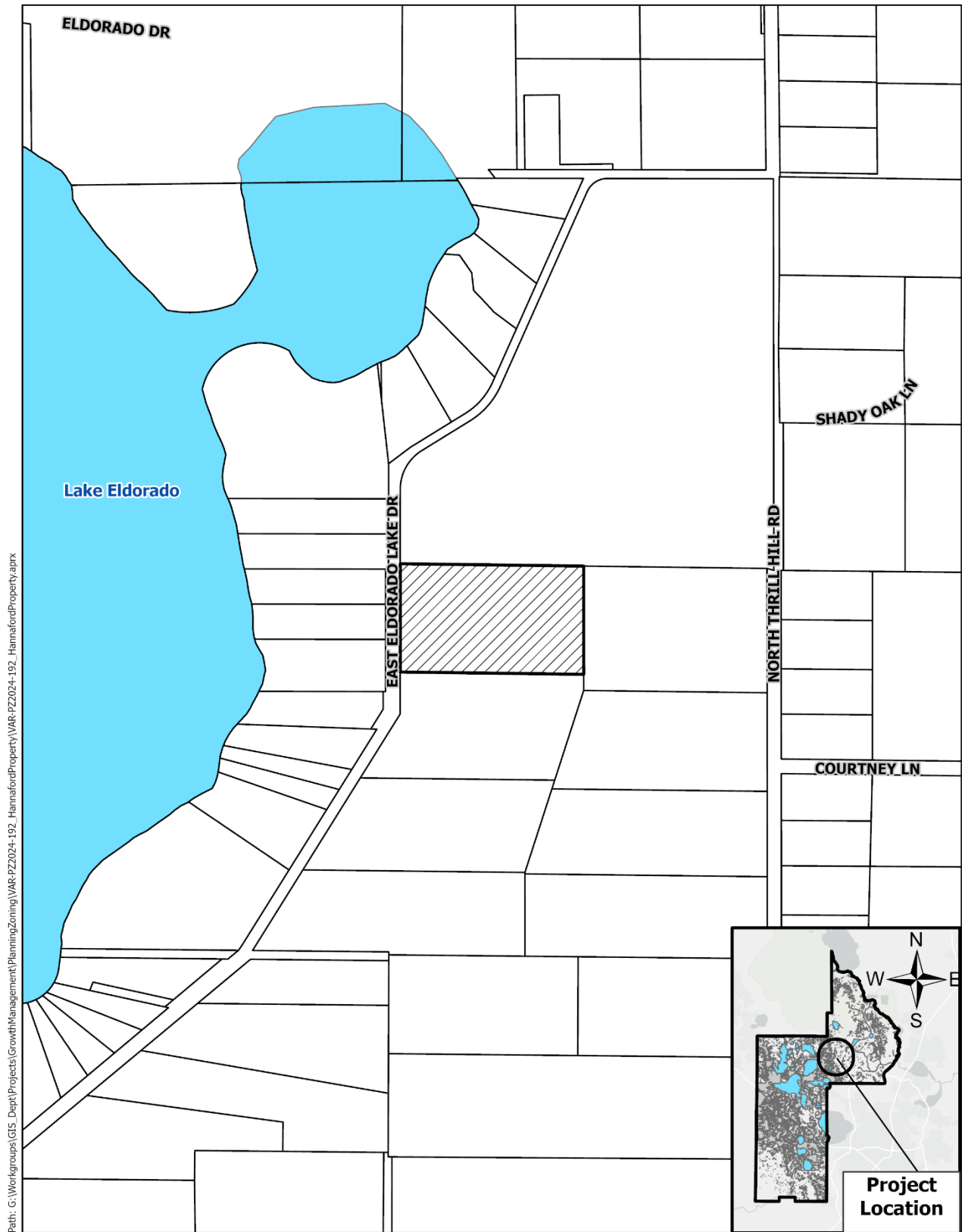
We appreciate your consideration.

Thank you,

Sean and Kerry Hannaford

(352) 636-6925

Map of Subject Property



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9/5/2024

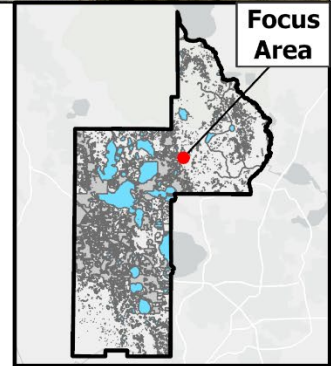
Aerial Map of Subject Property

VAR-PZ2024-192 Hannaford Property



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To allow a Livestock Building (horse barn) to be constructed non-centered on the subject parcel, and 24-feet from the rear property line, in lieu of the required 50-foot setback.



9/5/2024

Final Development Order

WHEREAS, Sean Hannaford and Kerry Hannaford (the “Owners”) requested a variance to Land Development Regulations (LDR) Section 3.01.04(1)(a) to allow a Livestock Building (horse barn) to not be centered within the boundaries on the subject parcel, and to be constructed 24-feet from the eastern property line, in lieu of the required 200-foot; and

WHEREAS, the subject property consists of 5.31 +/- acres, is located at 36700 East Eldorado Lake Drive, in the unincorporated Eustis area of Lake County, in Section 33, Township 18 South, Range 27 East, having Alternate Key Number 3829615, and more particularly described as:

Lot 7, Rose of Eldorado, according to the Plat thereof as recorded in Plat Book 53, Page 1 of the Public Records of 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 November 6, 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:

1. **Variance Granted:** Variances to Land Development Regulations (LDR) Section 3.01.04(1)(a) to allow a Livestock Building (horse barn) not to be centered within the boundaries on the subject parcel, and to be located 24-feet from the eastern property line, in lieu of the required 200-foot, is hereby granted.
2. The variances granted above are conditioned on the owner maintaining the existing vegetation in perpetuity along the width of the proposed Livestock Building to mitigate the noise, dust, and odor impacts to the adjacent parcel owned by others. Should the vegetation be removed in the future then the owner shall install a row of shrubs to mitigate the noise, dust, and odor impacts to the adjacent parcel owned by others.

**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 6th day of November 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.