



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: April 2, 2025

Case No. and Project Name: PZ2024-319, Peterson Property

Applicant(s): Brian Peterson & Krista Peterson

Owner(s): Brian Peterson & Krista Peterson

Requested Action: Variance to Land Development Regulation (LDR) Section 10.01.01(D) to allow the combined accessory structures to exceed eighty (80) percent of the main floor square footage of the enclosed living area of the dwelling unit, which excludes features such as garages, patios, and porches. The Applicant proposes to construct a 400-square foot detached, covered porch, which will result in a 1,528 square foot combined accessory structures and will result in one-hundred and eight (108) percent of the main floor square footage of the enclosed living area of the dwelling unit, in lieu of the allowed eighty (80) percent.

Case Manager: Corey DeVogel / Planner I

### Subject Property Information

Size: .91 +/- acres

Location: 7141 Calvin Lee Rd, in the unincorporated Groveland area.

Alternate Key No.: 1643732

Future Land Use: Green Swamp Rural Conservation (Attachment "A")

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

Flood Zone(s): "X"

JPA/ISBA: N/A

Overlay/Rural Protection Area: Green Swamp Area of Critical State Concern (Attachment "C")

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural Conservation	Agriculture "A"	Agriculture	Agricultural Lot
South	Green Swamp Rural Conservation	Agriculture "A"	Residential	Residential Lot
East	Green Swamp Rural Conservation	Agriculture "A"	Agriculture	Agricultural Lot
West	Green Swamp Rural Conservation	Agriculture "A"	Residential	Residential Lot

**– Summary of Request –**

The subject parcel is identified by Alternate Key Number 1643732 and contains approximately .91 +/- acres. The subject parcel is zoned Agriculture "A"; is designated with a Green Swamp Rural Conservation Future Land Use Category (FLUC) by the 2030 Comprehensive (Comp) Plan; and located within Green Swamp Area of Critical State Concern (GSACSC). The subject parcel is developed with a detached barn (2008) and Mobile home (2023) (Attachment "C"). GIS maps indicate that the subject parcel is located outside of a flood prone area, and there is no indication that wetlands exist on the site.

The Applicant is requesting a variance to LDR Section 10.01.01(D) to allow the combined accessory structures to exceed eighty (80) percent of the main floor square footage of the enclosed living area of the dwelling unit, which excludes features such as garages, patios, and porches. The Applicant proposes to construct 400-square feet detached, covered porch, which will result in a 1,528 square foot combined accessory structures and will results in one-hundred and eight (108) percent of the main floor square footage of the enclosed living area of the dwelling unit, in lieu of the allowed eighty (80) percent.

The Concept Plan (Attachment "D") depicts a 400 square foot detached porch located between the property's mobile home (1,456sqft.) and 1,182 square foot detached barn. The current ISR for the property is 7%. With the addition of the detached , covered porch the total covered area will be 3,038sqft, and the ISR will be 9%. The maximum ISR allowed within Agriculture "A" Zoning is 10%, and the maximum allowable ISR within the Green Swamp Rural Conservation Future Land Use District is 20%.

Staff reviewed the request and found that the proposal is consistent with the following:

1. The proposed project will result in a 9% ISR. The proposed ISR is consistent with LDR Table 3.02.06, which states that parcels located within the Agriculture zoning district have an ISR maximum allowance of 10% and consistent with Comprehensive Plan Policy I-1.2.2, which states that parcels located within the Green Swamp Rural Conservation FLUC shall have a maximum allowance of 20%.

The subject property is located within the Green Swamp Area of Critical State Concern and the request is consistent with Lake County Comprehensive Plan Policies I-4.1.4 through I-4.1.6.

The subject parcel is located within the Green Swamp Area of Critical State Concern (GSACSC). On 01/16/2025, the application was provided to Florida Commerce for a determination of consistency with Green Swamp Area of Critical State Concern regulations. Florida Commerce had no comments. Florida Commerce withholds the ability to appeal any process, pursuant to Chapter 380, Florida Statutes 380.05.

For background purposes, a single-family home existed on the property, which had been removed via demo permit in 2023.

The applicant provided a Project Narrative and justification for the conditional use permit request as shown on Attachment "E".

Should the Board of Adjustments approve this variance request, the applicant will be required to obtain zoning and building permits to comply with Lake County Land Development Regulations, as amended.

– 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 10.01.01, 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

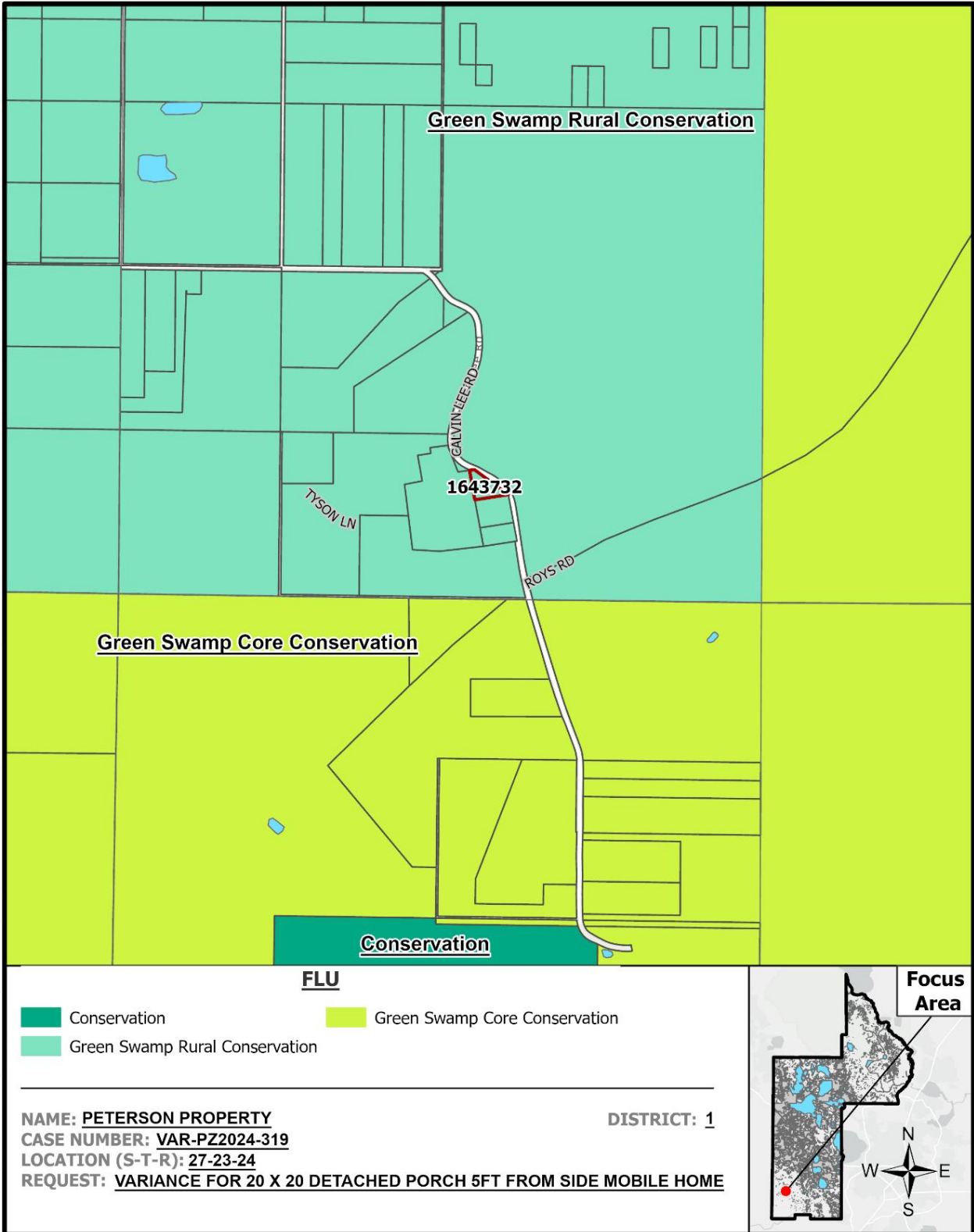
The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *“After researching online the accessory structure rules, I was unsure how barn sq footage applied. I made a number of calls speaking to Building permits, planning & zoning, septic. I ask[sic] about the barn & accessory structure. I was told since barn had concrete floor and wings did not, they only counted concrete floor sq. footage. Each time I called I explained this was a detached porch. Met[sic] with sheds & More signed contract for detached porch made 1<sup>st</sup> payment \$1062.72[sic]. Following week to county to apply for permit and was told the (detached porch) did not meet accessory structure[sic]. I was disappointed because nobody had ask me to bring survey for review & determine sq footage. Then suggested I file for variance[sic]”.*

**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, *“Misinform[sic] by county, never ask[sic] to provide survey signed contract and 1<sup>st</sup> payment, paid \$1062.72”.*

# Attachment "A" – Future Land Use Map

## CURRENT FUTURE LAND USE





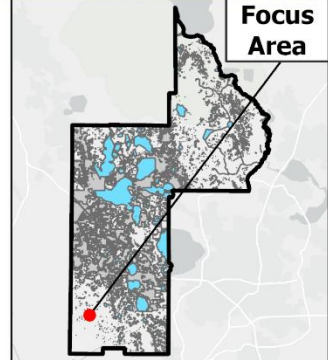
# Attachment "C" – Overlay District

VAR-PZ2024-319  
Peterson Property



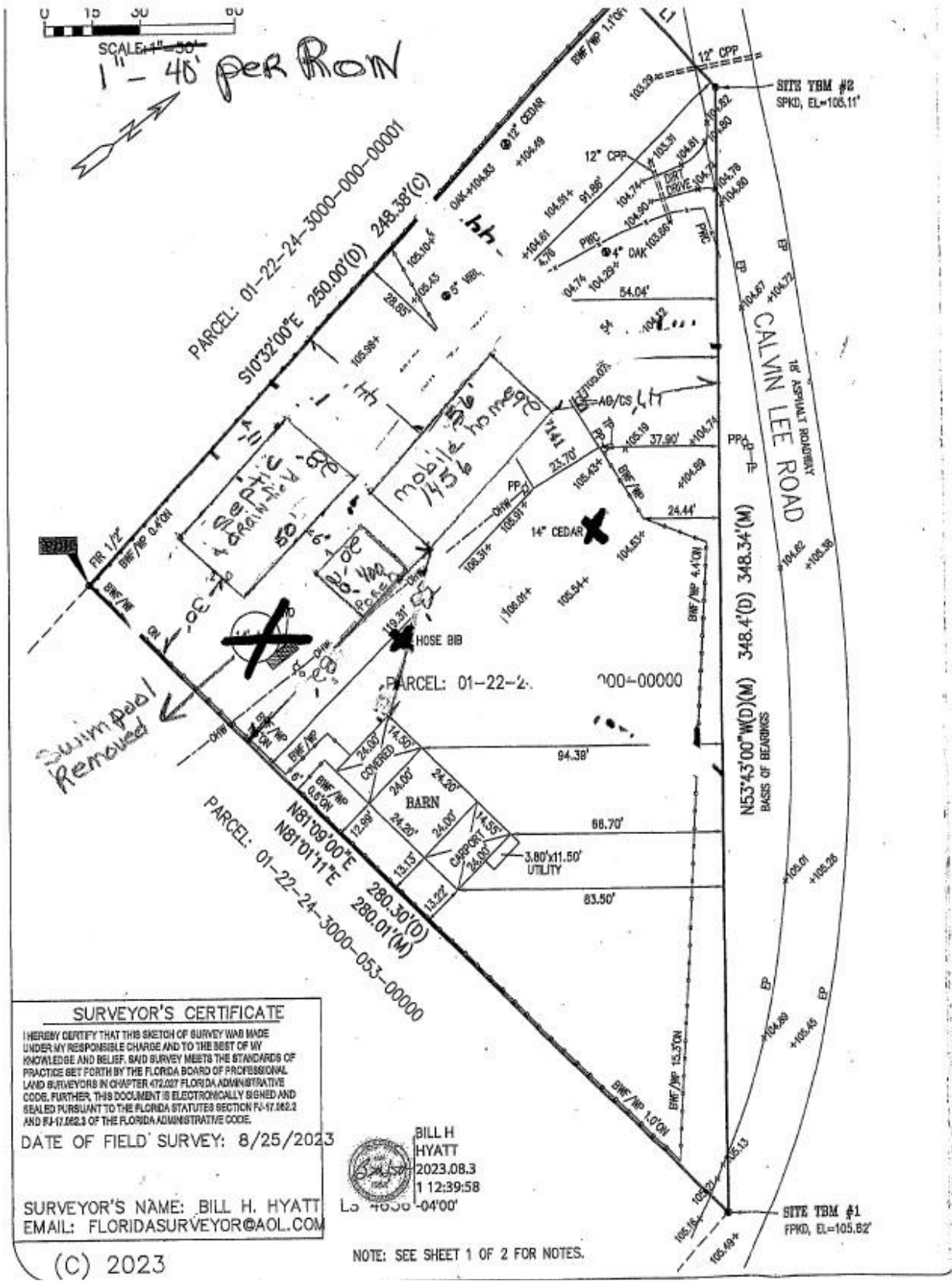
Path: G:\Workgroups\GIS\_Dept\Projects\GrowthManagement\Planning\Zoning\VAR-PZ2024-319\Peterson\VAR-PZ2024-319\Peterson.aprx

Variance for 20 x 20 detached porch 5ft from side mobile home




1/17/2025

# Attachment "D" - Concept Plan (1 of 3)



(C) 2023

# Attachment "D" – Concept Plan (2 of 3)



**The Carport Company of Florida**  
 1903 NW Martin Luther King Jr Ave  
 Ocala, FL 34475  
 352.694.9573  
 info@thecarportcompany.com

Customer Order - Nov 27, 2024

Ship To		Order #		Dealer	
Name Brian Peterson		1732721087881042		Shedn More Tavares	
Delivery Address 7141 Calvin Lee Rd				<a href="mailto:rfelicianoshedsnmore@gmail.com">rfelicianoshedsnmore@gmail.com</a>	
City Groveland		State FL		Zip Code 34736	
Email kristasmith1221@yahoo.com		Phone # 352-404-3309		Mobile #	



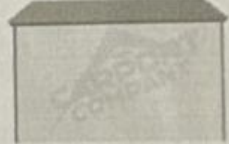


Building Info	Size	Color		Anchoring & Site Preparation
Style: Garage	$\frac{20'}{\text{Width}} \times \frac{20'}{\text{Frame Length}} \times \frac{10'}{\text{Leg Height}}$	Roof	Pearl Gray <input type="checkbox"/>	Installation Surface: Concrete
Roof Overhang: 6"		Trim:	Pearl Gray <input type="checkbox"/>	
Roof Style: Vertical Style		Siding:	Bright White <input type="checkbox"/>	
Gauge: 12 Gauge Legs				
Brace: Standard Brace				

**Design Link & Notes**

Design Link: <https://design.thecarportcompany.com/?lng=en-US#e042b0f376ac49b3271fcb5eb9c1b43>

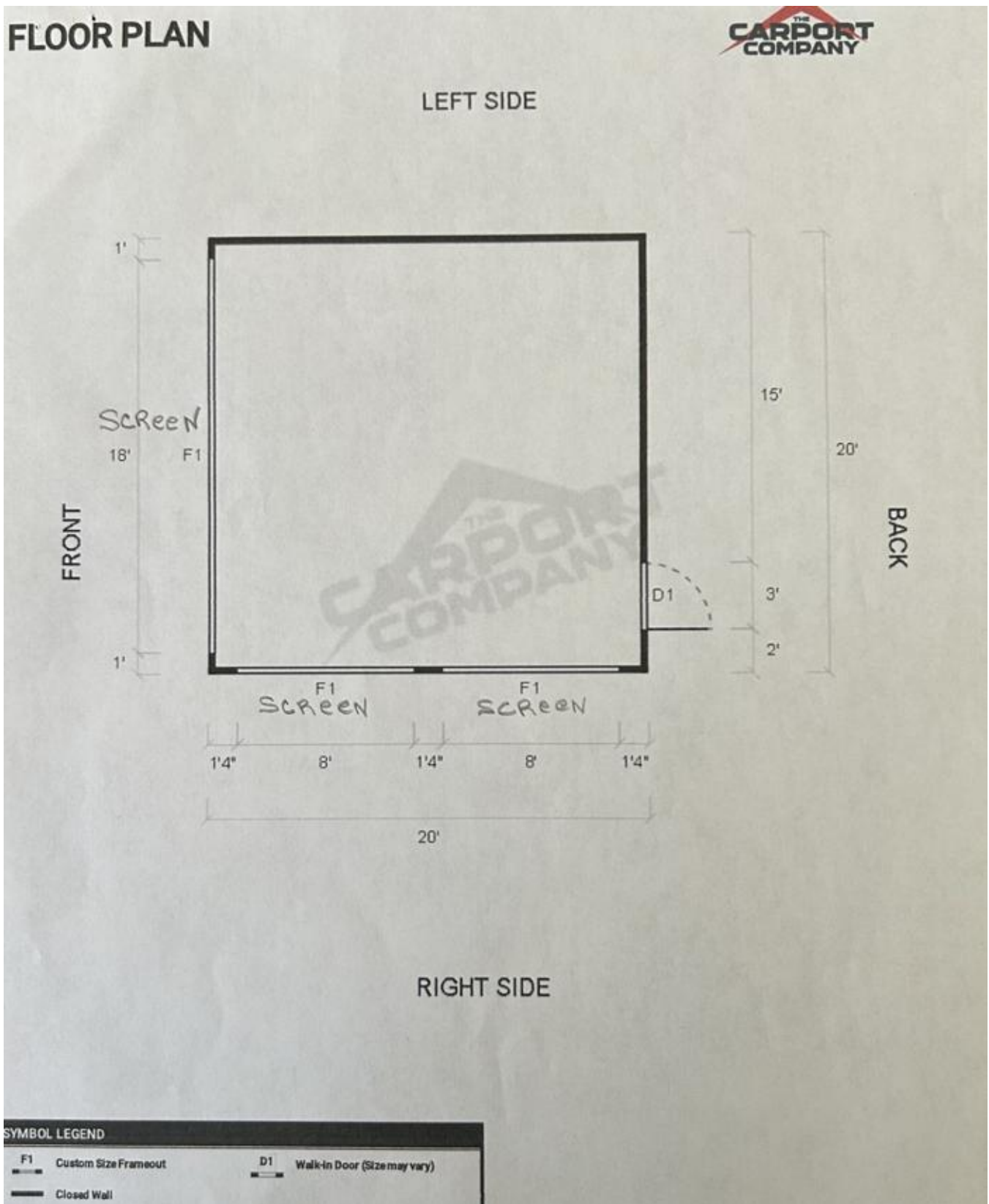
Contact me I'm simply exploring building options right now. Please dont contact me yet.

**Building Images**

		
Perspective View	Front	Left Side
		
Right Side	Back	



# Attachment "D" – Concept Plan (3 of 3)



# Attachment "E" – Narrative Justification

Describe the development request:

Variance for 20x20 detached porch  
5ft from side mobile home

2

AR # 5867  
Peterson, BRIAN

Provide Justification for the request:

\*Please also fill out the additional corresponding Project Narrative if included in the application packet.

mobile home 56x26 1456 sqft  
Barn 1248 sqft (Barn include main 576 wings 672) = 1248  
Proposed detached porch 400 sqft 20x20  
need variance to meet compliance with  
ACCESSORY STRUCTURE

Has any other application been filed within the last year in connection with this property?

Yes  No

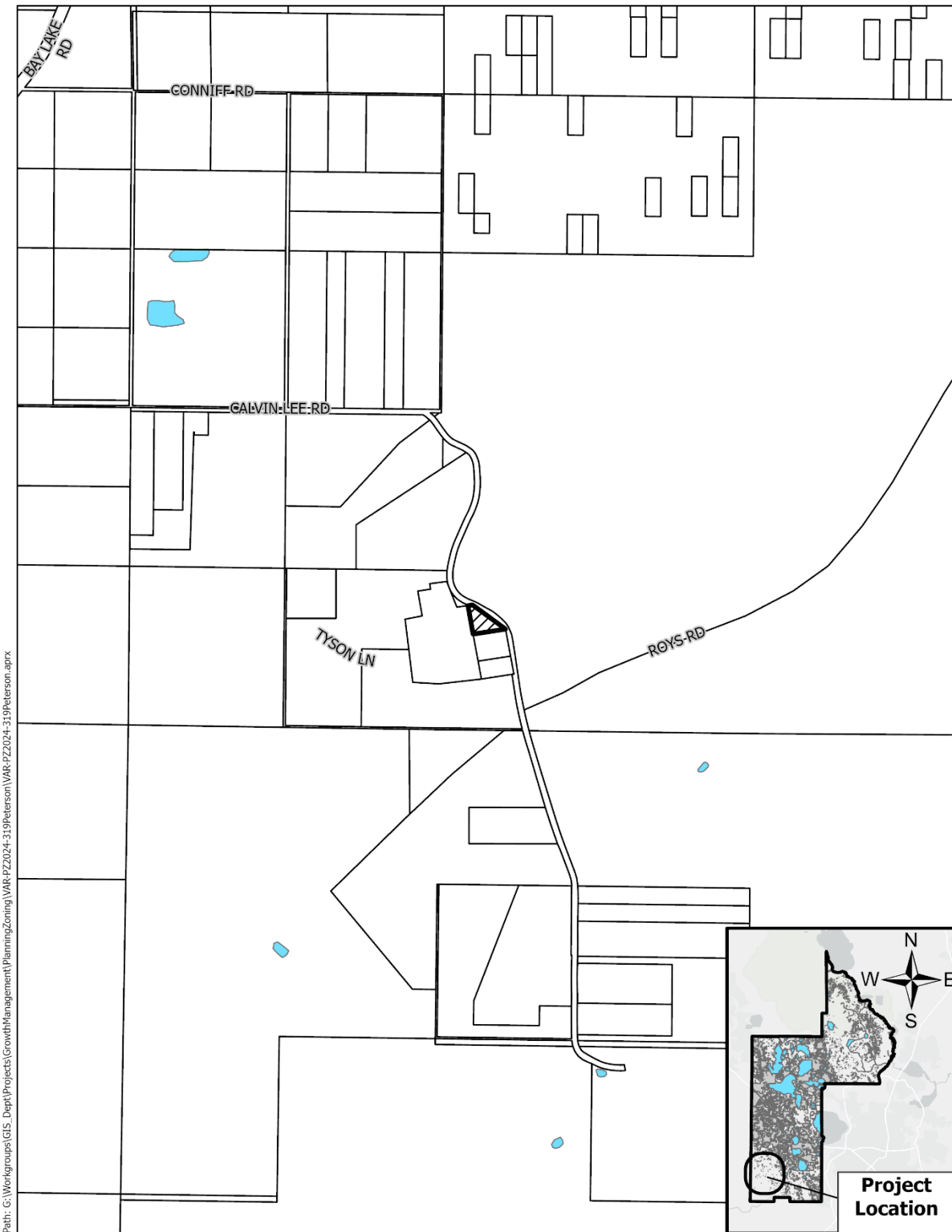
If yes, briefly describe the nature of the request:

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# Map of Subject Property



Path: C:\Workgroups\GIS\_Dept\Projects\GrowthManagement\Planning\Zoning\WAR-PZ2024-319\peterson\WAR-PZ2024-319\peterson.aprx

1/17/2025

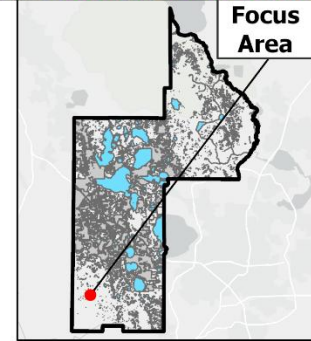
# Aerial Map of Subject Property

VAR-PZ2024-319  
Peterson Property



Path: G:\Workgroups\GIS\_Dept\Projects\GrowthManagement\Planning\Zoning\VAR-PZ2024-319\peterson\VAR-PZ2024-319\peterson.aprx

Variance for 20 x 20 detached porch 5ft from side mobile home



1/17/2025

## **Final Development Order (PZ2024-319, AR 5867)**

**WHEREAS**, Brian Peterson and Krista Peterson (the “Applicants”) requested a variance on behalf of Brian Peterson and Krista Peterson (the “Owners”), to Land Development Regulations (LDR) Section 10.01.01(D) to allow the combined accessory structures to exceed eighty (80) percent of the main floor square footage of the enclosed living area of the dwelling unit, which excludes features such as garages, patios, and porches. The Applicant proposes to construct 400-square feet detached patio, which will result in a 1,528 square foot combined accessory structures and will results in one-hundred and eight (108) percent of the main floor square footage of the enclosed living area of the dwelling unit, in lieu of the allowed eighty (80) percent; and

**WHEREAS**, the subject property consists of approximately .91 +/- acres located 7141 Calvin Lee Rd in the unincorporated Groveland area in Section 27, Township 23 South, Range 24 East, known as Alternate Key Number(s) 1643732, and more particularly described in Exhibit “A”; 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 April 2, 2025; 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:** Variance to Land Development Regulation (LDR) Section 10.01.01(D) to allow the combined accessory structures to exceed eighty (80) percent of the main floor square footage of the enclosed living area of the dwelling unit, which excludes features such as garages, patios, and porches. The Applicant proposes to construct a 400-square feet detached, covered porch, which will result in a 1,528 square foot combined accessory structures and will result in one-hundred and eight (108) percent of the main floor square footage of the enclosed living area of the dwelling unit, in lieu of the allowed eighty (80) percent.

The variance granted above is subject to the following requirement/condition:

1: A separate building permit and zoning permit will be required before any construction is to be done.

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**Bea 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 April 2025, by Bea 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.

### Exhibit "A" – Legal Description

BEGIN 390.85 FEET NORTH OF THE SOUTH 1/4 CORNER OF SECTION 27, TOWNSHIP 23 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, RUN NORTH 83°30' EAST 362.85 FEET; THENCE NORTH 10°32' WEST 390.15 FEET FOR THE POINT OF BEGINNING; THENCE RUN NORTH 81°09' EAST 280.3 FEET; THENCE NORTH 53°43' WEST 348.4 FEET; THENCE SOUTH 82°11' WEST 40 FEET; THENCE SOUTH 10°32' EAST 250 FEET TO THE POINT OF BEGINNING, ACCORDING TO THE PLAT OF GROVELAND FARMS AS RECORDED IN PLAT BOOK 2, PAGES 10 AND 11, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

TOGETHER WITH A 1980 VOGU DOUBLEWIDE MOBILE HOME, IDENTIFICATION NUMBERS 2681A AND 2681B; TITLE NUMBERS 16917529 AND 16917530.