



City of Eustis

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TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: June 5, 2025

RE: Resolution 25-34: Garage setback variance for property at 501 Jackson Street

Introduction:

Resolution Number 25-34 approves a Variance to the City of Eustis Land Development Regulations Section 110-4.1 to allow a garage street setback of approximately 11 feet to allow construction of a garage on a pre-existing, legally conforming estate lot at 501 Jackson Street.

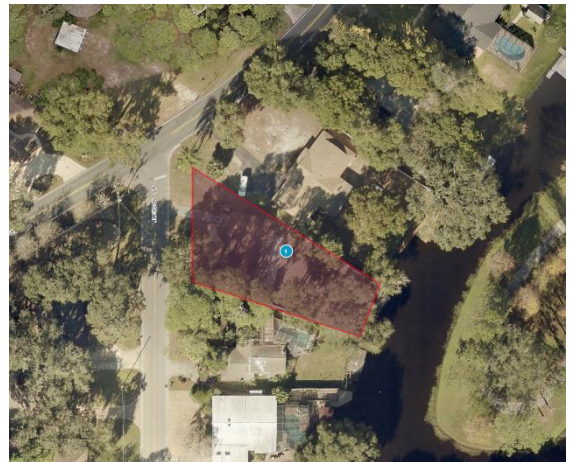
Background:

Pertinent Site Information:

1. The property is approximately one (1) acre, located at 501 Jackson Street.
2. The property is conforming to the dimensional criteria for an Estate Lot in an Urban Neighborhood (UN) design district, which minimums are 8,400 square feet (70' x 120').

Applicant's Request:

The applicant, Ryan Benaglio, is requesting a variance to the primary street garage setback of 18 feet to 11 feet. The applicant's justification for the request is that the variance is necessary in order to build a garage suitable in size to accommodate his vehicle.



ANALYSIS OF REQUEST: LAND DEVELOPMENT REGULATIONS, SECTION 102-31.1 MAJOR VARIANCES.

- (a) Generally. A variance is a request to modify or eliminate a provision of these land development regulations concerning the type, size, dimension, or height of a sign, lot, building, or structure, for a particular property and/or a request to waive any other development standard or provision of the land development regulations that cannot be addressed under section 102-21.1.

The applicant requests a variance to the 18-foot garage setback required in the Urban Neighborhood (UN) Design District. While the property subject to this request

is a standard size, the applicant wishes to construct a garage that cannot be accommodated by the 18-foot primary street setback for garages.

- (b) Requirements for Variance. Variances may 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 the application of the regulation would create substantial hardship or would violate principles of fairness. For the purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal or other type of hardship such as the following:

Not applicable.

- 1) "There exist special circumstances and conditions which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same land use district. Land use violations or nonconformities on neighboring properties shall not constitute grounds for approval of any proposed hardship relief."

The property subject to this request is conforming and has existed in its current dimensional consideration since 1957 (or before) when the house was constructed.

- 2) "The special conditions and circumstances do not result from actions of the applicant, nor could the conditions or circumstances be corrected or avoided by the applicant."

The applicant has a proposed home remodel/addition which would increase the footprint of the home and garage, pushing the garage within the 18-foot garage setback requirement. However, the proposed setback is consistent with the front setback in the Urban Neighborhood (UN) Design District for primary structures.

"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 same regulation."

The application of the 18-foot street yard garage setback affects this property to the extent that the proposed garage cannot be constructed with an 18-foot setback given the proposed addition to the primary residence. The proposed addition and garage constitute infill development.

"Financial loss, business competition, or purchase of property with intent to develop in violation of the restrictions of the Land Development Regulations shall not constitute grounds for approval."

The applicant wishes to develop a larger home and garage not in compliance with Land Development Regulations.

"The City Commission must also make the following findings in order to approve a Variance":

- a. The granting of relief does not create unsafe conditions or other detriments to the public welfare beyond the normal effects of development otherwise allowed.”

The granting of relief would allow a primary garage setback of 11-feet (Jackson Street). The proposed garage setback would reduce the driveway length to the detriment of off-street parking.

- b. "The granting of relief does not confer upon the applicant any special privilege that is denied by this Land Development Regulation to the lands, buildings, or structures in the same district”.

Granting relief would allow the applicant special privilege by providing a nearly 30 percent relief in setback to accommodate a garage and home addition.

- c. “The granting of relief does not violate the general intent and purpose of this Land Development Regulation nor the policies of the Comprehensive Plan.”

“The general purpose of this Code is to establish procedures and standards for the development of land within the corporate boundaries and the planning area of the City, such procedures and standards being formulated in an effort to promote the public health, safety and welfare and enforce and implement the City's Comprehensive Plan, while permitting the orderly growth and development within the City and Eustis planning area consistent with its small-town community character and life style.”

Approval of this request should not impact the public health, safety, and as there should be room to park one vehicle.

- d. “The relief granted is the minimum degree of relief necessary to make possible the reasonable use of the land, building, or structure in compliance with all other applicable regulations.”

The requested setback variance is not the minimum to allow for reasonable use of the property (construction of a new garage).

APPLICABLE POLICIES AND CODES:

Land Development Regulations:

Land Use Districts 109-2.3 (b): Suburban Residential district (SR). Areas designated suburban residential (SR) have a maximum density of five units to one acre. The SR designation is intended to provide for a mix of single-family detached, patio homes and townhouse-type dwellings in a suburban atmosphere.

Design Districts 109-5.5 (b) (1): Urban Neighborhood

- a. *Definition.* Predominately residential uses with some neighborhood scale commercial services.
- b. *Structure.* Interconnected trails, bikeways and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods.

c. *Form*. Mix of detached residential uses with some neighborhood supporting retail, parks and civic spaces as focal points in the neighborhoods.

Estate Lot Section 110-4.1. Estate Lot: A building lot located and designed to accommodate a detached building with large common lot yards, rear yards and street yards (See attached Estate Lot typology).

Recommended Action:

The request for setback relief meets Land Development Regulation's requirements for a Variance or the required findings for Variance approval, so staff recommends approval.

Policy Implications:

None

Budget/Staff Impact:

Not applicable.

Business Impact Estimate:

Not applicable.

Prepared By:

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