

LAKE COUNTY PLANNING AND ZONING ANALYSIS VARIANCE REQUEST

Board of Adjustment



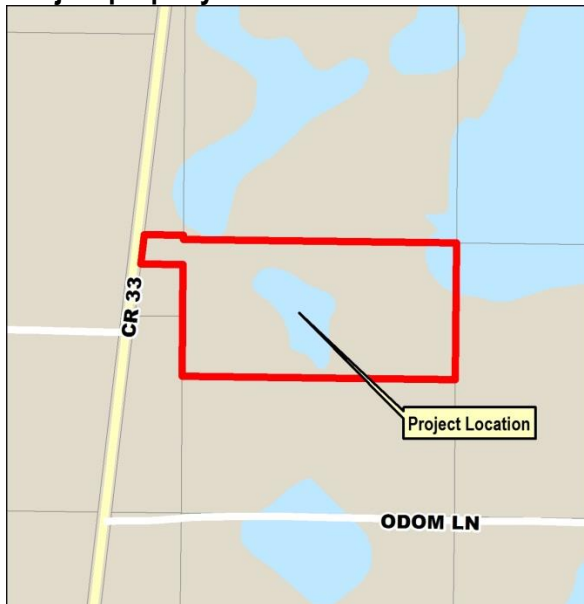
November 12, 2015

VAR-15-16-1	Case Manager: Christine Rice Planner	Agenda Item # 1
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REQUESTED ACTION: The applicant is requesting variances from **Lake County Land Development Regulations**, Section 14.11.01(D)(1) and Section 14.11.01(D)(2). Section 14.11.01(D)(1) states that only two lots may be created from the originally created lot or lot of record. The applicant is requesting a variance from this section of the LDRs because they are proposing a minor lot split of a lot that was created through a previous minor lot split. 14.11.01(D)(2) states that each lot shall front on a publically maintained paved road and conform to the required minimum lot dimensions for the land use category and zoning district where the lots are located. The applicant is seeking a variance from this section of the LDRs because one of the two lots created through the proposed minor lot split will not front on a publically maintained paved road. Both created lots will be consistent with the required density of the zoning and Future Land Use.

- Site Location and Information -

Subject property shown in red.



Property Posted: October 22, 2015

Owners	Gary B. and Nora Gunn
Applicant	Gary B. and Nora Gunn
Address of Property	3713 Odom Lane, Groveland, Florida
General Location	Adjacent to CR 33 and north of Odom Lane near the Town of Mascotte
Size	20.73 acres
Alternate Key	3391713
Future Land Use (FLU)	Rural
Zoning District	Agriculture
Overlay Districts	N/A
Joint Planning Area	Mascotte
ISBA	Mascotte
Flood Zone / FIRM Panel	A/0470E
Commissioner's District	District 3, Conner

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>
North	Rural	Agriculture	Vacant agricultural land (Ag exempt)
South	Rural	Agriculture	Agricultural land and single family residence (Ag Exempt)
East	Rural	Agriculture	Agricultural land and single family residence
West	Rural	Agriculture	Adjacent to CR 33, Agricultural land, and single family residence

-Analysis-

The subject property is 20.73 acres in size and is Ag Exempt. It is located adjacent to County Road 33 and north of Odom Road in the Mascotte area. The property is zoned Agriculture and is part of the Rural Future Land Use Category. Lake County Geographic Information Services (GIS) wetland map indicates that wetlands exist in the north east corner, central area, and in the north west corner of the property. According to the 2012 Federal Emergency Management Agency (FEMA) maps, portions of the lot lie within the 100-year flood zone (Floodzone A). The property is currently developed with a single family residence and associated residential structures. This property was created through a Lot Split in 1997, MLS 1997-49.

The minor lot split process was created to allow a parent parcel to be split, creating two parcels fronting on a publicly-maintained paved road. The **intent** of the Code (Section 14.11.01.D.1 & 2) is to ensure that properties being split have the facilities that are required for the development of parcels such as roads, schools, parks, fire, and sewer and water facilities.

The applicant is requesting a variance from Section 14.11.01.D.1 which states that only two lots may be created from the original legally created lot because the subject lot was created through a lot split in 1997. The applicant is requesting an additional minor lot split for this property because they would like to an additional lot where family members can build a single family residence. The proposed lot split will create two 10 acre lots that will conform to the minimum 5 acre per dwelling unit density requirement for the Agriculture Zoning District and Rural Future Land Use Category. Proposed Lot 1 will have 6 +/- acres of uplands and Proposed Lot 2 will have 6.6 +/- acres of uplands. This minor lot split would not create high density development in this area.

The applicant is also requesting a variance from Section 14.11.01.D.2 which states that lots created through a minor lot split must front on a publically maintained paved road. One of the lots that will be created through the minor lot split will not have any road frontage. The applicant has proposed an easement that will satisfy this requirement of the Code which will provide access into the newly created lot from County Road 33.

The applicants submitted the following reasons as proof of **meeting the intent of the Code**:

“Property will be 10 acre parcel and will be used as a single family homestead. Granting of the variance will not change or violate the current Land Development Regulations. Current surrounding properties are a mix of 10 or less acres and 40 acre parcels.”

The applicant submitted the following as proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**:

“Property owners will deed split parcel to allow son and daughter in law to build single family home on the newly created parcel close to relatives. This will only be possible with variance approval. Not allowing for the variance will cause a substantial financial and emotional hardship.”

FINDINGS OF FACT: Staff has reviewed the application for this variance request and found:

1. The request is consistent with Comprehensive Plan Policy 1-1.13: Land Use Density and Intensity Standards, which allows one dwelling unit per five acres in the Rural Future Land Use Category; and
2. This request is consistent with LDR Table 3.02.06, which allows a density of one dwelling unit per one acre in the Agriculture Zoning District; and
3. This request is consistent with the intent of LDR 14.11.01.D.1, which discourages high density development when the infrastructure is not in place to support the development.

The owners and applicant have submitted proof of meeting the intent of the Code and have shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, Staff recommends **approval** of the variance request to allow a minor lot split on the subject parcel that had been previously split through the minor lot split process.

AUSTIN MERRITT RD

CR 33

CHARTER LN

33

SUBJECT PROPERTY

ODOM LN

GROVELAND AVE



**Final Development Order
Gary B. Gunn and Nora Gunn
VAR-15-16-1**

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Gary B. Gunn and Nora Gunn, (the "Applicant" and "Owner"), requested a variance to Land Development Regulation (LDR) Section 14.11.01(D)(1) to allow a minor lot split on the subject parcel which had been previously split through the minor lot split process and Land Development Regulation (LDR) Section 14.11.01 (D)(2) to allow for the creation of a lot that will not front on a publically maintained paved road ; and

WHEREAS, the subject property consists of 20.73+/- acres and is located east of Mascotte, on County Road 33, in Section 10, Township 21 South, Range 24 East, Alternate Key Number 3391713 and is more particularly described and depicted in Exhibit A; and

WHEREAS, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on November 12, 2015; and

WHEREAS, the Board of Adjustment reviewed said petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, on November 12, 2015, the Lake County Board of Adjustment approved the variance for the above property; and

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

Section 1. **Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-15-16-1 to allow a minor lot split of a parcel that has been previously split through a minor lot split and to allow for the creation of a lot that will not front on a publically maintained paved road of the subject parcel as described in Exhibit A.

Section 2. **Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 12th day of November, 2015.

EFFECTIVE November 12, 2015.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Donald Schreiner, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this November 12, 2015 by DONALD SCHREINER, who is personally known to me.

(SEAL)

Signature of Acknowledger

Exhibit A.

The North ½ of the Southwest ¼ of the Southeast ¼ and that part of the Southeast ¼ of the Southwest ¼ lying East of Highway 33. Less the South 1200 feet thereof, also the South 20.17 feet of the Northeast ¼ of the Southwest ¼ lying East of Highway 33. All lying and being in section 10, Township 21 South, Range 24 East in Lake County, Florida.

