

# LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS VARIANCE REQUEST



**Board of Adjustment**

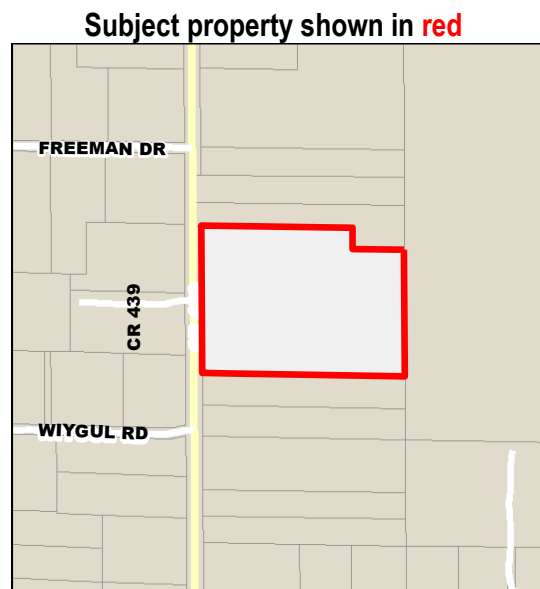
**LAKE COUNTY**  
FLORIDA

**September 10, 2015**

<b>VAR-15-11-5</b>	<b>Case Manager:</b> Michele Janiszewski, Planner	<b>Agenda Item #2</b>
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**REQUESTED ACTION:** The applicant is requesting a variance from **Lake County Land Development Regulations**, 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.

- Site Location and Information -



<b>Owners</b>	Jean M. Gilbert
<b>Applicant</b>	Jean M. Gilbert
<b>Address of Property</b>	40732 County Road 439
<b>General Location</b>	East of Umatilla on County Road 439
<b>Size</b>	25.69 acres
<b>Alternate Key</b>	1222532
<b>Future Land Use (FLU)</b>	Rural
<b>Zoning District</b>	Rural Residential (R-1)
<b>Overlay Districts</b>	Wekiva-Ocala River Protection Area
<b>Joint Planning Area</b>	NA
<b>ISBA</b>	NA
<b>Flood Zone / FIRM Panel</b>	A and X-unshaded / 0230E
<b>Commissioner's District</b>	District 5, Cadwell

Property Posted: August 25, 2015

-Land Use Table-

Direction	Future Land Use	Zoning	Existing Use
North	Rural	Rural Residential (R-1)	Residence and Improved Pasture (AG Exempt)
South	Rural	Agriculture and Rural Residential (R-1)	Residence and Improved Pasture (AG Exempt)
East	Rural	Rural Residential (R-1)	Wetlands and Improved Pasture (AG Exempt)
West	Rural	Agriculture and CR 439	Residences and vacant residential land

**-ANALYSIS-**

The subject property is +/- 25.69 acres and is located east of County Road 439 in the Umatilla Area. The Lake County Geographic Information Services (GIS) wetland map indicates that wetlands exist on the eastern portion of the lot; and 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 zoned Rural Residential (R-1) and is part of the Rural Future Land Use Category. The property is surrounded by Agriculture and Rural Residentially zoned properties and are all part of the Rural Future Land Use Category. The property is currently developed with a single-family residence and associated residential structures.

The property was created through a Lot Line Deviation and Lot Split in 2008. Our records indicate that the applicant came into our office to reconfigure two recognized lots through a lot line adjustment, in order to sell one property and to further divide and sell off an additional five (5) acre parcel through a minor lot split. The applicant provided staff with the lot reconfiguration and Staff approved the lot line deviation and lot split as presented. The case files indicate that had the lot line deviation been executed differently, by creating a twenty five (25) acre and ten (10) acre parcel instead of a thirty (30) acre parcel and a five (5) acre parcel, the ten (10) acre parcel could undergo the lot split instead of the subject thirty (30) acre parcel. Had the subject property not undergone a lot split it would be eligible for a future lot split. The applicant states that she was unaware that the subject property would not be eligible for any future minor lot splits when the lots were reconfigured in 2008. The applicant is now unable to sell a portion of her land which has created a financial hardship.

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 subject property has more than ten (10) acres of uplands and has nine hundred twenty (920) feet of frontage on County Road 439. 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. This minor lot split would not create high density development in this area.

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

*Both lots will front a county maintained road and will meet the Future Land Use Density of one dwelling unit per five acres (Provided by staff).*

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**:

*The inability for the applicant to further divide her property creates a financial hardship. The created properties will meet the density requirements of the zoning district and future land use category (Provided by staff).*

**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 Rural Residential 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.

439

FREEMAN DR

CR 439

SUBJECT  
PROPERTY

WYGGUL RD

WILL MURPHY RD

BRIARWOOD DR

BUCKLEN



**Final Development Order**  
**Jean M. Gilbert**  
**VAR-15-11-5**

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

**WHEREAS**, Jean M. Gilbert, (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

**WHEREAS**, the subject property consists of 25.69+/- acres and is located east of Umatilla, on County Road 439, in Section 11, Township 18 South, Range 27 East, Alternate Key Number 1222532 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 September 10, 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 September 10, 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-15-11-5 to allow a minor lot split on the subject parcel described in Exhibit A which had been previously split through the minor lot split process.

**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 10<sup>th</sup> day of September, 2015.**

**EFFECTIVE September 10, 2015.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**Donald Schreiner, Chairman**

**STATE OF FLORIDA  
COUNTY OF LAKE**

**The foregoing instrument was acknowledged before me this September 10, 2015 by DONALD SCHREINER, who is personally known to me.**

**(SEAL)**

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**Signature of Acknowledger**

## Exhibit A.

That portion of the northwest ¼ of Section 11, Township 18 South, Range 27 East, Lake County, Florida, being further described as follows:

Commence at the west ¼ corner of said section 11, thence s 89°55'30" east along the south line of the northwest ¼ of said section 11, a distance of 50.00 feet to the easterly right of way line of County Road 439, thence north 01°08'09" w along said easterly right of way line a distance of 392.65 feet to the point of beginning of this description, thence south 89°47'57" east a distance of 1,270.07 feet, thence north 01°13'39" west a distance of 793.71 feet, thence s 89°55'30" west a distance of 940.00 feet to the easterly right of way line of County Road 439, thence south 01°08'09" east along said easterly right of way line a distance of 920.65 feet to the point of beginning. Said parcel containing 25.82 acres more or less.

