

LAKE COUNTY PLANNING AND ZONING DIVISION
BOARD OF ZONING ADJUSTMENT STAFF REPORT

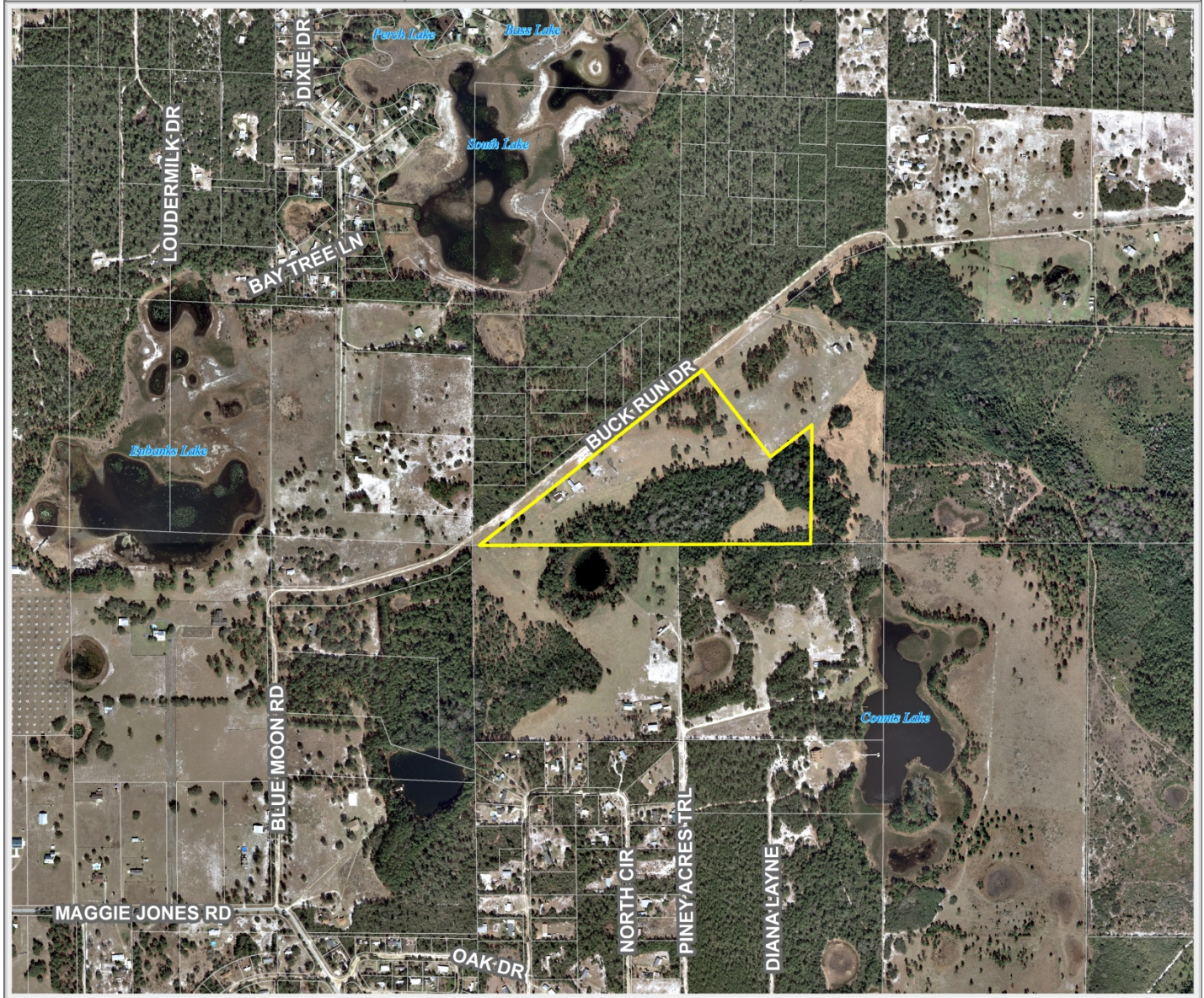


LAKE COUNTY
FLORIDA

VAR-16-06-5

Agenda Item # 1

April 14, 2016



Requested Action: Variance from Lake County Land Development Regulations Section 14.11.01(D)(1)&(2) to allow a minor lot split on the subject property which had been previously split through the minor lot split process and to allow the creation of a lot that does not front on a publicly maintained paved road.

Owner: Kenneth Blakeley Jr, Et Al

Applicant: Kenneth Blakeley Jr, Et Al

- Site Location & Information -

Size	~31.68 acres
Location	42910 Buck Run; located on the south side of Buck Run, north of Blue Moon Road and Maggie Jones Road in the Paisley area.
Alternate Key #	2564661
Future Land Use	Rural
Existing Zoning District	A (Agriculture District)
Joint Planning Area	N/A

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	R-1	Vacant	Vacant wooded lots
South	Rural	A	Single Family Residence	Ag Exempt land
East	Rural	A	Single Family Residence	N/A
West	Rural	A	Single Family Residence	Ag Exempt land

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance from Lake County Land Development Regulations Section 14.11.01(D)(1)&(2) to allow a minor lot split on the subject property which had been previously split through the minor lot split process and to allow the creation of a lot that does not front on a publicly maintained paved road.

- Summary of Analysis -

The subject property is +/- 31.68 acres and is located on the south side of Buck Run, north of Blue Moon Road and Maggie Jones Road in the Paisley area. The Lake County Geographic Information Services (GIS) wetland map indicates that there are wetlands on the parcel. According to the 2012 Federal Emergency Management Agency (FEMA) maps, the parcel lies within flood zone "A".

The property is zoned A (Agriculture District) and is part of the Rural Future Land Use Category. The property is surrounded by A (Agriculture District) zoning districts to the east, west and south, and R-1 (Rural Residential) zoning district to the north. All surrounding properties are part of the Rural Future Land Use Category. The property is currently developed with a single family residence.

The applicant is requesting a variance from LDR Section 14.11.01 (D)(1)&(2) which would allow a minor lot split on the subject property which had been previously split through the minor lot split process and to allow the creation of a lot that does not front on a publicly maintained paved road (Exhibit A).

The existing 31 acre parcel was created through a Lot Split in 1999 (LS 99-041) from a larger 62 acre tract. The 31 acre parcel currently meets the density requirement of the Rural Future Land Use designation (1 dwelling unit per 5 net acres). The applicant is requesting to split the 31 acre lot in order to create one, ten (10) acre lot and one, twenty-one (21) acre lot. The 10 acre lot would be transferred to the applicant's daughter in order to locate them closer to the applicant and also help take care of the applicant's medical needs.

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**:

“The intended split will be transferred to my daughter and will continue to be used as agriculture land and will meet the Rural Future Land Use category density requirements.”

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

“In 2007 when my brother and I decided to sub-divide the sixty-two acres we owned, we worked with the Growth Management Department and was told we could do a family lot split at a further date when my daughter was ready to relocated to our property.”

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

- 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
- This request is consistent with LDR Table 3.02.06, which allows a density of one dwelling unit per five acres in the Agricultural Zoning District; and
- 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 owner/applicant has 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 recommend **approval** of the variance from Lake County Land Development Regulations Section 14.11.01(D)(1)&(2) to allow a minor lot split on the subject property which had been previously split through the minor lot split process and to allow the creation of a lot that does not front on a publicly maintained paved road, with the following condition:

- 1) Any lot created from the minor lot split shall contain 5 net acres.

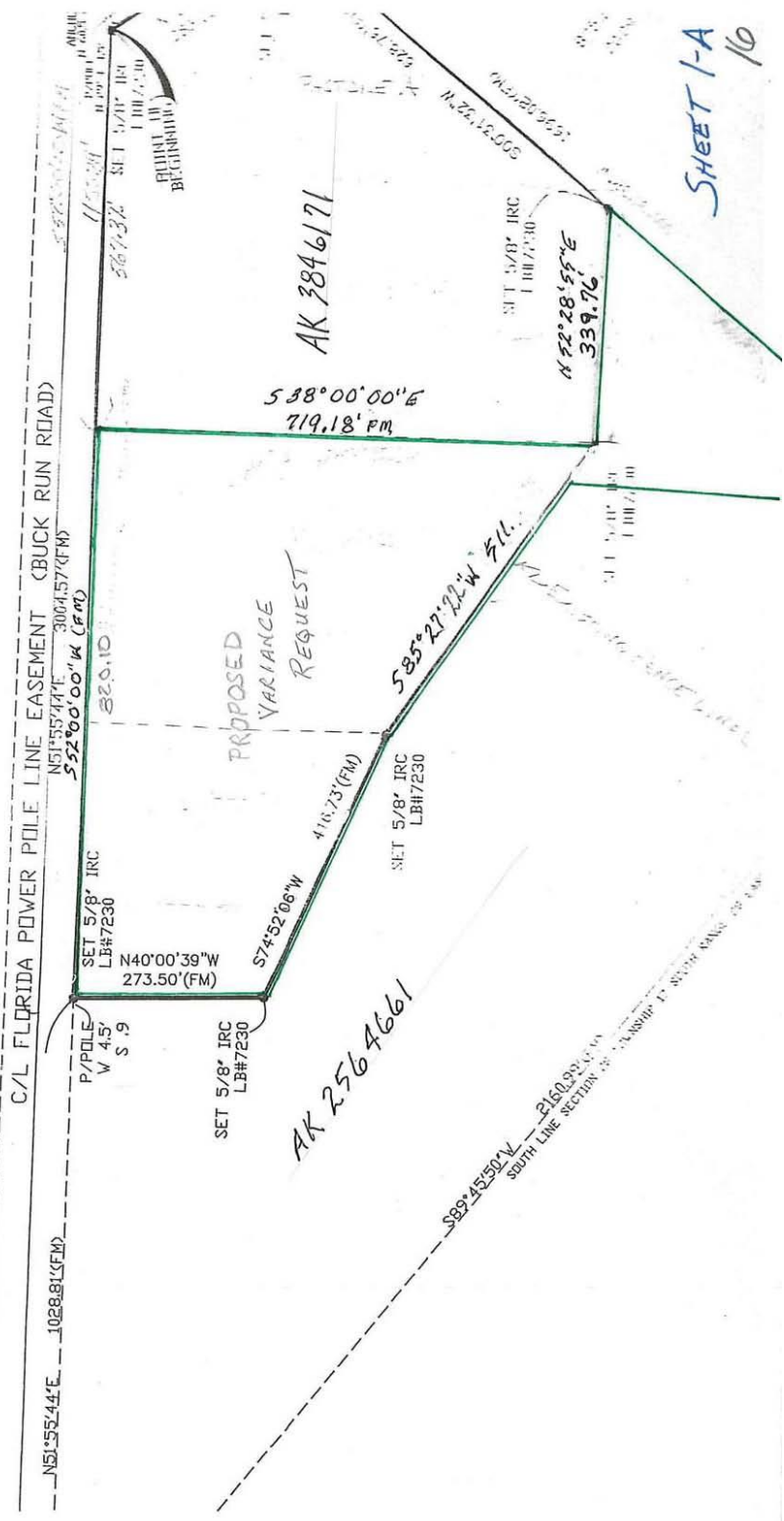
WRITTEN COMMENTS FILED: **Supportive: -0-** **Concern: -0-** **Opposition: -0-**

Case Manager: Tim McClendon, Chief Planner

9/

PER COUNTY ZONING

THIS PROPERTY CAN NOT BE DEVELOPED
DUE TO THE ORIGINAL PLAT NEVER BEING
RECORDED WITH COUNTY.



**Final Development Order
Kenneth Blakeley Jr, Et Al
VAR-16-06-5**

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

WHEREAS, Kenneth Blakeley Jr, Et Al (the “Owners”), requested variances to Land Development Regulation (LDR Section 14.11.01(D)(1)&(2) to allow a minor lot split on the subject property which had been previously split through the minor lot split process and to allow the creation of a lot that does not front on a publicly maintained paved road; and

WHEREAS, the subject property consists of 31.68+/- acres and is located in Paisley, on the south side of Buck Run, north of Blue Moon Road and Maggie Jones Road in Section 28, Township 17 South, Range 28, Alternate Key Number 2564661 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 April 14, 2016; 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 April 14, 2016, the Lake County Board of Adjustment approved the variance for the above property.

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-16-10-5 to allow a minor lot split on the subject property which had been previously split through the minor lot split process and to allow the creation of a lot that does not front on a publicly maintained paved road described in Exhibit A with the following condition:

- 1) Any lot created from the minor lot split shall contain 5 net acres

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 14th day of April, 2016.

EFFECTIVE April 14, 2016.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Donald Schreiner, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this April 14, 2016 by DONALD SCHREINER, who is personally known to me.

(SEAL)

Signature of Acknowledger

Exhibit A.

FROM SE COR OF SEC RUN S 89-45-50 W ALONG SAID S LINE 473.98 FT FOR POB,
 CONT S 89-45-50 W 2161.24 FT TO A POINT 50 FT SE'LY OF FLORIDA POWER POLE
 LINE, N 51-54-15 E 1849.10 FT, S 38-0-0 E 719.18 FT, N 52-28-55 E 339.76 FT, S 0-35-15 W
 772.55 FT TO POB ORB 1247 PG 988 ORB 3490 PG 2459 ORB 4178 PG 1023

