

LAKE COUNTY PLANNING AND ZONING DIVISION
VARIANCE STAFF REPORT

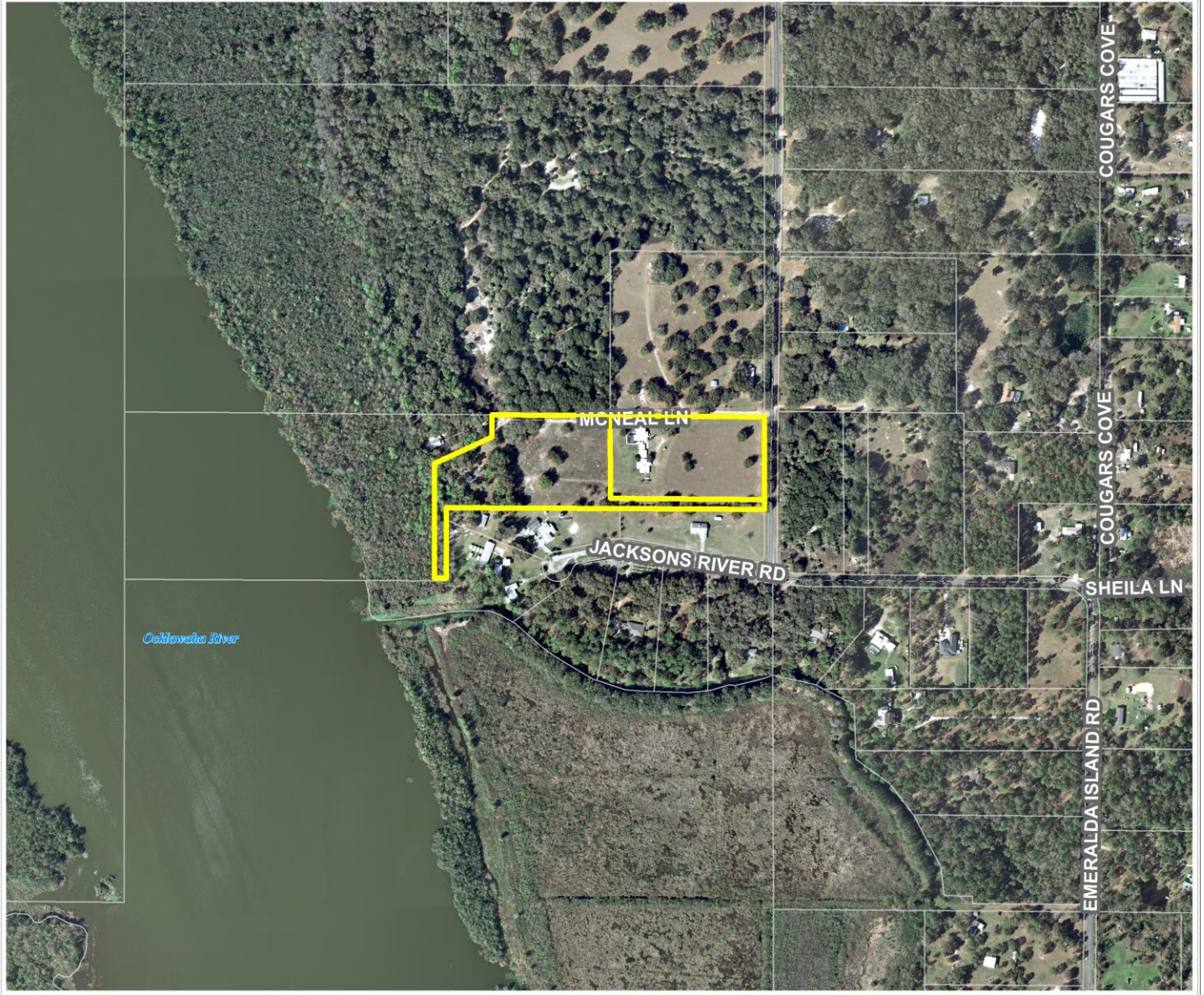


Board of Adjustment

December 8, 2016

LAKE COUNTY
FLORIDA

VAR-16-44-5 McNeal Property	District 1	Agenda Item #3
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Requested Action: Variance from Lake County Land Development Regulations 14.11.01(D)(2) to allow the creation of a lot through the Minor Lot Split process which does not front a publicly maintained paved road.

Owner(s): Marie A. McNeal and Marie A. McNeal Life Estate

Applicant(s): Marie A. McNeal

- Site Location & Information -

Size	10 +/- acres total
Property Address	40601 Emeraldal Island Road, Leesburg
Location	Generally located west of Emeraldal Island Road and adjacent to McNeal Lane in the Leesburg area.
Alternate Key No.	1586194 and 3852034
Future Land Use	Rural
Zoning District	Agricultural Residential (AR)
Overlay Districts	Emeraldal Marsh RPA
Joint Planning Area/ISBA Area	NA

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Agriculture/Agriculture Residential	Residential	Adjacent to McNeal Lane
South	Rural	Agriculture	Residential	
East	Rural	Agriculture Residential	Residential	Adjacent to Emeraldal Island Road
West	Rural	Agriculture Residential	Residential	

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance from Lake County Land Development Regulations 14.11.01(D)(2) to allow the creation of a lot through the Minor Lot Split process which does not front a publicly maintained paved road.

- Staff Analysis -

The property is generally located west of Emeraldal Island Road and adjacent to McNeal Lane in the Leesburg area. The property is zoned Agricultural Residential with a Rural Future Land Use Category. Lake County Geographic Information Services (GIS) wetland map indicates the presence of wetlands in the south western portion of AK # 1586194 and does not indicate any wetlands on AK #3852034. According to the 2012 Federal Emergency Management Agency (FEMA) maps, a portion of the lies within the 100-year flood zone.

The subject property is described as Alternate Key 1586194 and 3852034 and is comprised of 10 acres. Although the subject property has two separate Alternate Keys, the property is recognized as one ten (10) acre parcel on the Lake County Zoning Map. The ten acre parcel was created by Lot Line Deviation 2011-0009. The two five acre lots are not recognized because the subject property was not split through the Minor Lot Split process. There is an existing single family residence and accessory residential structures located on AK #3852034. AK #1586194 is currently vacant but previously had a single family residence.

The owner/applicant is applying for a variance to Land Development Regulation (LDR) Section 14.11.01(D)(2) in order to allow the creation of a lot which does not front a publicly maintained paved road through the Minor Lot Split process. The Applicant is requesting the variance in order to split the ten acre parcel into two recognized five (5) acre lots. One of the proposed lots will front Emeraldal Island Road and the second proposed lot will front on a 50 foot easement connecting to Emeraldal Island Road.

The **intent of the Code**, LDR Section 14.11.00 *Minor Lot Splits, Family Density Exception and Agricultural Lot Splits*, 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 applicants submitted the following reasons as proof of **meeting the intent of the Code**:

“Owner is applying for a variance with the intention of splitting one ten acre parcel into two five acres within one fronting on a county maintained paved road and the other lot fronting on the 50 foot easement.””

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**:

“My late husband and I purchased a 10 acre parcel of land on Emerald Island in 1974. When he passed away in 2013 I had the understanding that the 10 acre parcel had been split into two (2) five (5) acres tracts, however, planning and zoning has informed me that the parent parcel is still a ten (10) acre package. I have been paying property taxes on two 5 acre tracts. The property Record Cards show two parcels and the IMAPP shows the same two 5 acre tracts. I have no idea how it reverted back to a 10 acres tract; unless my husband changed something in 2011. I will be 77 next month and cannot keep up with the maintenance on the property and need to sell. My grandson would like to purchase five (5) of the ten (10) acres, however, before he can do that we need approval for a variance on the parent parcel making it two five acre tracts. .”

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

- The request is consistent with the remaining standards stated in LDR Section 14.11.01(D) *Minor Lot Split Standards*.
- The request is consistent with Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category, which states that the maximum allowed density is one dwelling unit per five (5) net acres.

The owner 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 from Lake County Land Development Regulations 14.11.01(D)(2) in order to allow the creation of a lot which does not front a publicly maintained paved road through the Minor Lot Split process.

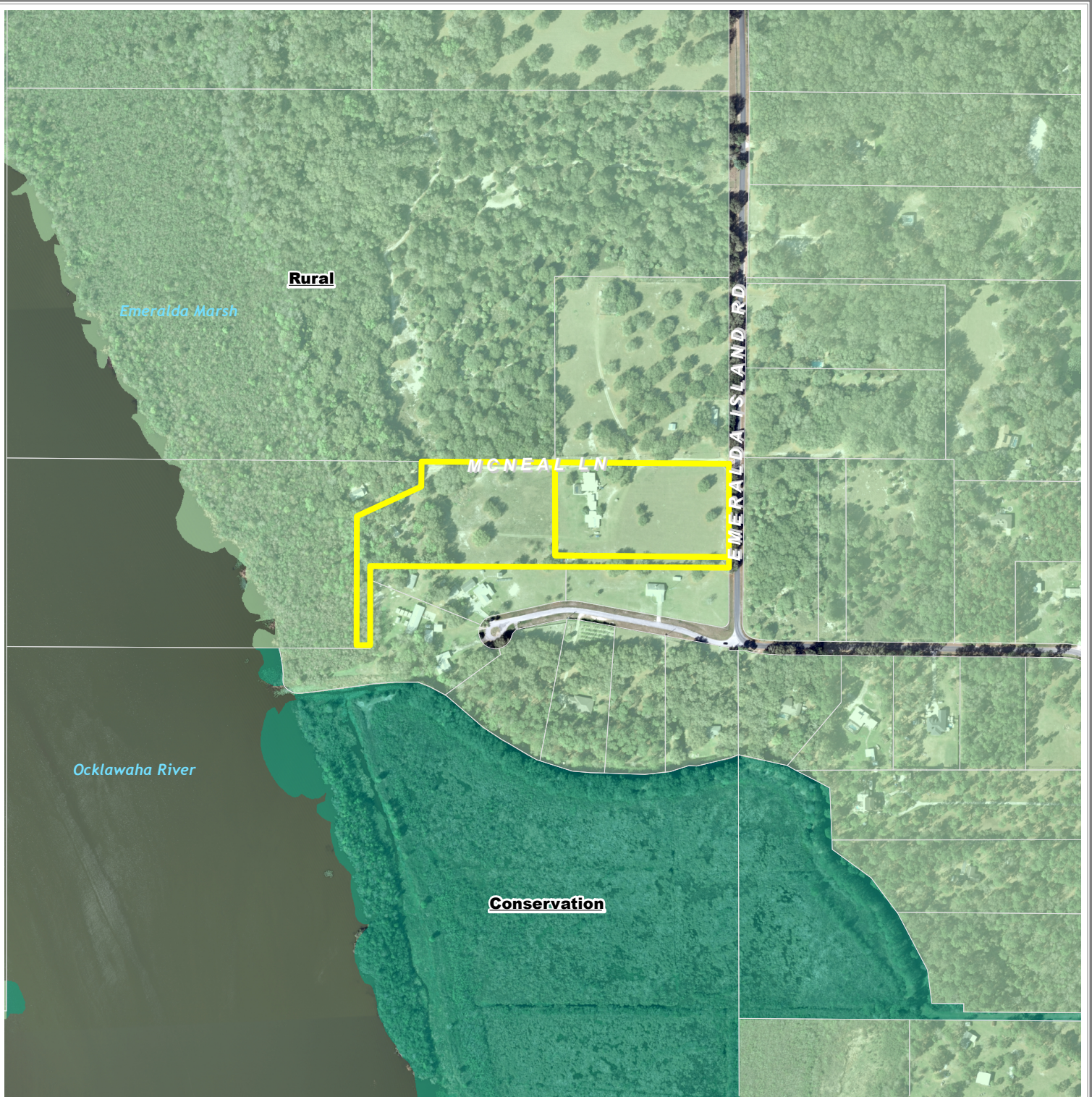
WRITTEN COMMENTS FILED:

Support: -0-

Questions: -0-

Opposition: -0-

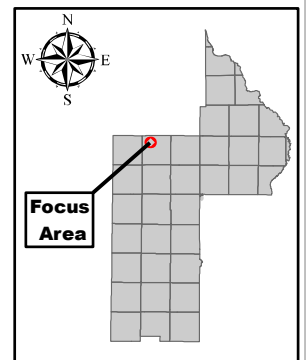
Case Manager: Christine Rice, Planner

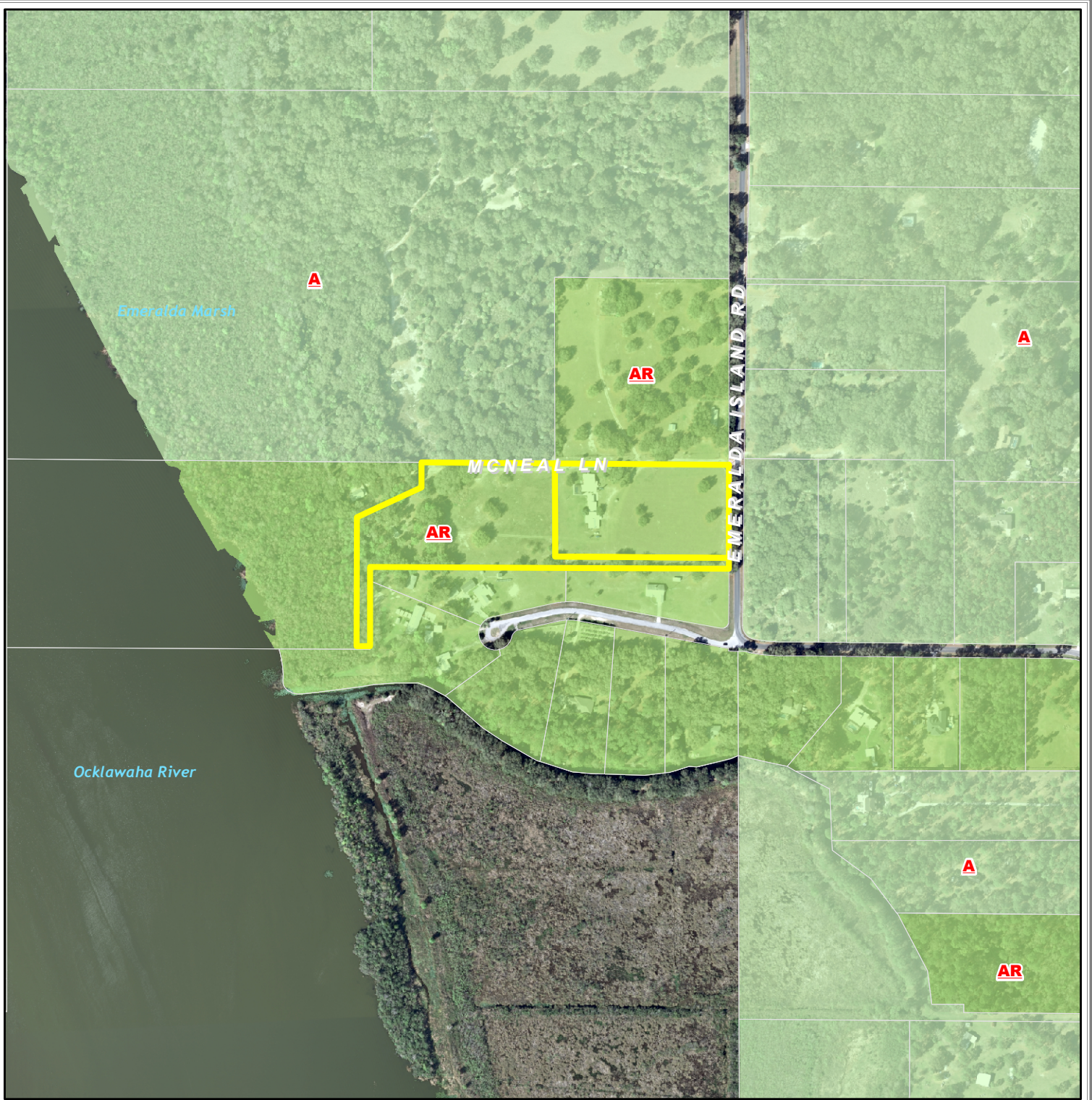


FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban Low Density |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Medium Density |
| Conservation | Mt Plymouth-Sorrento Neighborhood | Rural | |
| Green Swamp Core Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition | |
| Green Swamp Ridge | Regional Office | Sending Area A-1-20 | |
| Green Swamp Rural | Public Service Facility and Infrastructure | Sending Area A-1-40 | |
| Green Swamp Rural Conservation | Receiving Area A-1-20 | Urban High Density | |

NAME: MC NEAL
CASE NUMBER: VAR-16-44-5
LOCATION (S-T-R): 08-18-25
REQUEST: LOT SPLIT/COUNTY MAINTAINED ROAD

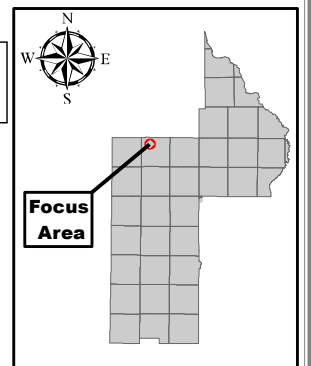




ZONING LEGEND

A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

NAME: MC NEAL
CASE NUMBER: VAR-16-44-5
LOCATION (S-T-R): 08-18-25
REQUEST: LOT SPLIT/COUNTY MAINTAINED ROAD



**Final Development Order
McNeal Property
VAR-16-44-5**

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

WHEREAS, Marie A. McNeal (the "Applicant") on behalf of Marie A. McNeal and Marie A. McNeal Life Estate, (the "Owners") have requested a variance from Lake County Land Development Regulations 14.11.01(D)(2) to allow the creation of a lot through the Minor Lot Split process which does not front a publicly maintained paved road; and

WHEREAS, the subject property consists of 10 +/- acres and is generally located west of Emeraldal Island Road and adjacent to McNeal Lane in the Leesburg area, having Alternate Key Numbers 1586194 and 3852034; and more particularly described 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 December 8, 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 December 8, 2016, 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-16-44-5 from Lake County Land Development Regulations 14.11.01(D)(2) to allow the creation of a lot through the Minor Lot Split process which does not front a publicly maintained paved road.

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 December 8, 2016.

EFFECTIVE December 8, 2016.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Donald Schreiner, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this December 8, 2016 by DONALD SCHREINER, who is personally known to me.
(SEAL)

Signature of Acknowledger

Serial Number: _____

My Commission Expires: _____

Exhibit A. Legal Description.

The North 363 feet of the S 1 / 2 of SE 1 / 4 of NE 1 / 4 of Sec. 8-T18S-R25E, in Lake County, Florida, less the right-of-way for Emerald Island Marsh Road.

Together with:

That portion of the south 11 of the southwest 1/4 of the Northeast 1/4 of section 8, township 18 south, range 25 east, Lake County, Florida, described as follows:

Commence at the southeast corner of southeast 1/4 of the Northeast 1/4 of said section 8; thence run N 00°17'24"E along the east line of said southeast 1/4 of the Northeast 1 / 4 a distance of 299.54 feet to the south line of the North 363.00 feet of said southeast 1/4 of the Northeast 1 / 4; thence departing said east line run N 89°01'41"w along said south line a distance of 1322.47 feet to the east line of said southwest 1/4 of the northeast 1 / 4 said point being the point of beginning; thence run S 00°18'03"W along said east line a distance of 11.97 feet to the field monumented north line of Jackson's River Country Estates as recorded in plat book 29, page 30, public records of Lake County, Florida, thence run N 89°26°11" W along said North line a distance of 1.61 feet to the monumented west line of said Jackson's River Country Estates; thence run S 00°17'19"W along said west line a distance of 285.76 feet to the south line of said southwest 1/4 of the northeast 1/4; thence run N 88°57'01" W along said south line a distance of 48.29 feet; thence departing said south line run N 00°18'03"E a distance of 464.00 feet; thence run N 65°3'26"E a distance of 54.85 feet to the aforesaid east line of the southwest ¼ of the Northeast 1/4; thence run S 00°18'03"w along said east line a distance of 189.82 feet to the point of beginning. Containing 0.534 acres more or less

Also subject to:

A 50 foot wide easement for ingress/egress and utilities recorded in Official Records Book 03528. Pages 2456-2460, public records of Lake County, Florida.

Less:

That portion of the south 1/2 of the southeast 1/4 of the Northeast 1/4 of Section 8, Township 18 South, Range 25 East, Lake County, Florida, described as follows:

Commence at the southeast corner of said southeast 1/ 4 of the Northeast 1/4; thence run N 00°17'24"E along the east line of said southeast 1 / 4 of the Northeast 1 / 4 a distance of 299.54 feet to the south line of the north 363.00 feet of said southeast 1/4 of the Northeast 1/4; thence departing said east line run N 89°01'41"W along said south line a distance of 1322.47 feet to the west line of said southeast 1/4 of the Northeast 1/4; thence run N 00°18'03"E along said west line a distance of 189.82 feet for the point of beginning; thence continue N 00°18'03"E along said west line a distance of 173.20 feet to the north line of said southeast 1/4 of the northeast 1/4; thence run S 89°01'41" E along said north line a distance of 177.45 feet; thence departing said north line run S 00°58'19"W a distance of 90.02 feet; thence run S 65°35'26"W a distance of 194.14 feet to the point of beginning.