

LAKE COUNTY PLANNING AND ZONING DIVISION  
VARIANCE STAFF REPORT

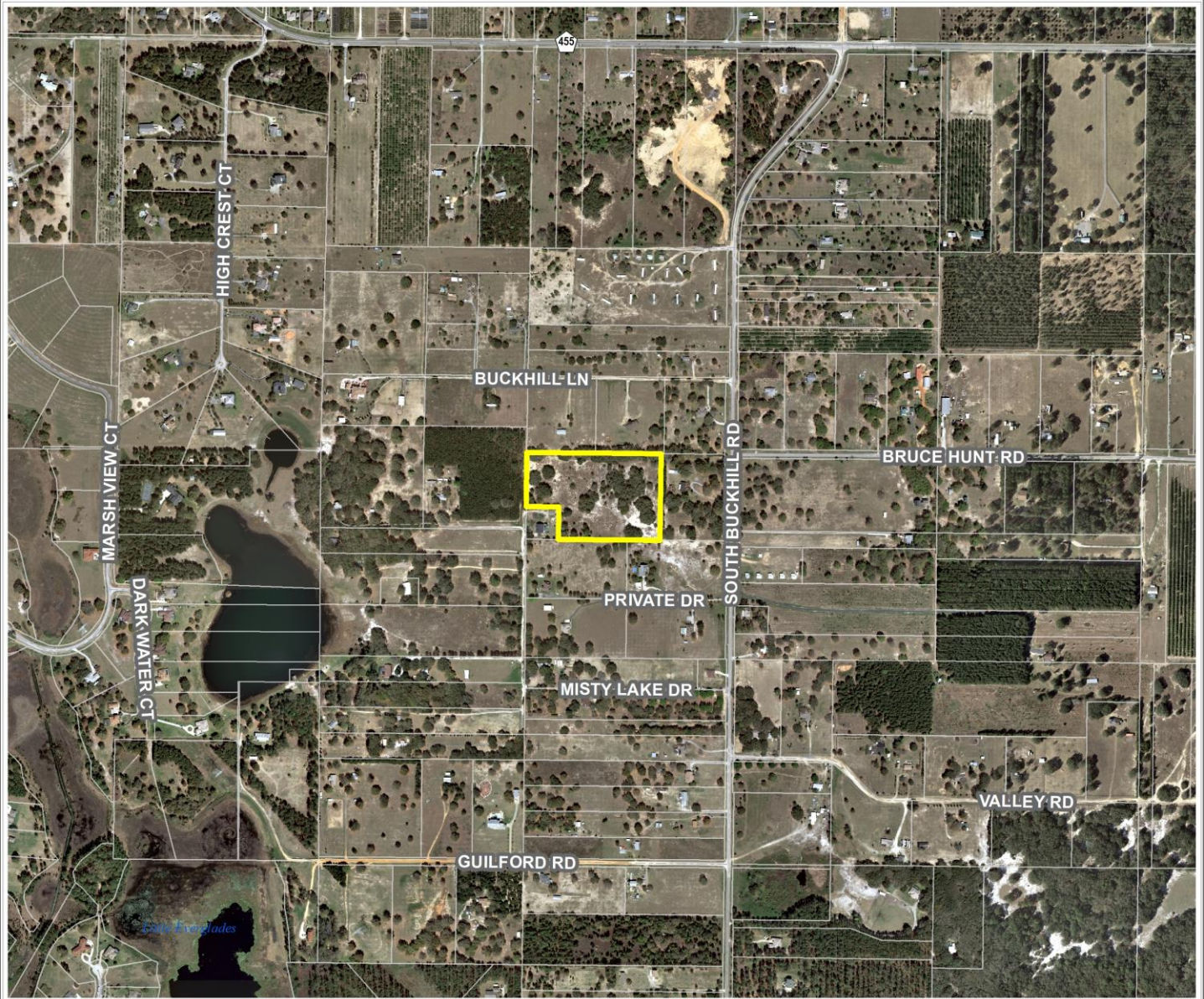


Board of Adjustment

November 9, 2017

LAKE COUNTY  
FLORIDA

VAR-17-36-1 Joyce Property	Commissioner District 1	Agenda #3
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**Requested Action:** Variance to Land Development Regulation (LDR) Section 14.11.01(D)(2) to allow the creation of two (2) lots through the Minor Lot Split process which do not front a publicly maintained road.

**Owner:** Allen Joyce and Lisa Joyce (the "Owners")

**Applicant:** Allen Joyce (the "Applicant")

**- Site Location & Information -**

<b>Size</b>	10.02 +/- acres
<b>Property Address</b>	Vacant
<b>Location</b>	West of South Buckhill Road, Clermont Area
<b>Alternate Key No.</b>	1210402
<b>Future Land Use</b>	Rural
<b>Zoning District</b>	Agriculture (A)
<b>Overlay Districts</b>	Yalaha – Lake Apopka Rural Protection Area
<b>Joint Planning Area/ISBA Area</b>	N/A

**-Land Use Table-**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Rural	Agriculture	Residential	Single Family Residence
<b>South</b>	Rural	Agriculture	Residential	Single Family Residence
<b>East</b>	Rural	Agriculture	Residential	Single Family Residence
<b>West</b>	Rural	Agriculture	Residential	Single Family Residence

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL with conditions** of the variance request to (LDR) Section 14.11.01(D)(2), to allow the creation of two (2) lots through the Minor Lot Split process which do not front on a publicly maintained road.

**-Staff Analysis-**

The subject property is 10.02 +/- acres and is located on the west side of South Buckhill Road, in the Clermont area. The property is zoned Agricultural (A) and is part of the Rural Future Land Use Category. Lake County Geographic Information Services (GIS) wetland map does not indicate the presence of wetlands nor does it indicate the presence of flood zone on the subject property. The property is currently undeveloped.

The Owners intend to complete a minor lot split on their property. Land Development Regulation (LDR) Section 14.11.01.(D)(2), states that each lot created through a minor lot split process must front on a publicly maintained paved road and conform to the minimum lot dimensions for the land use category district where the lots are located. The density requirements for the subject property’s zoning district and future land use category is one (1) dwelling unit per five (5) net acres. The subject property contains 10.02 +/- acres and would meet the density requirements of the zoning district and future land use category as long as each lot contains a minimum of five (5) net acres. The subject property does not front on a publicly maintained paved road.

The Owners are requesting a variance to Land Development Regulation (LDR) 14.11.01(D)(2) in order to allow the creation of two (2) lots through the minor lot split process which do not front a publicly maintained paved road. The Owners are requesting the variance to split the 10.02 +/- acre parcel into two lots that will meet the minimum zoning and future land use density but neither lot will have frontage on a publicly maintained paved road.

The parcel is zoned Agriculture (A). Per Land Development Regulation (LDR) Table 3.10.00, all lots created pursuant to Subsections 14.11.01 and 14.11.02 shall have the minimum frontage at both the road and building setback line. The minimum

road frontage for agriculture zoning is one-hundred fifty (150) feet. The Owners intend to create an easement across the south portion of his parcel that would ensure that each parcel had one-hundred fifty (150) frontage (see exhibit A).

Per Land Development Regulation (LDR) Section 14.11.00(D)(6), flag lots are prohibited. Pursuant to LDR Chapter II, a flag lot is a lot with access provided to the bulk of the lot by means of a narrow corridor. (A narrow corridor is less than 50 feet in width). The Owners intend to add an easement on his parcel during the lot split process, as shown on the attached concept plan (Attachment A). To make the current lot more conforming and to ensure that neither created lot will meet the definition of a flag lot, staff has added a condition to require the lots to be accessed by a fifty (50) foot easement connecting to a publicly maintained road. The easement shown on the concept does not meet the minimum fifty feet (50) that is required by the Land Development Regulations, but it has been added as a condition.

The **intent of the Code**, LDR Section 14.11.01, *Minor Lot Splits*, is to maintain the character of subdivisions and ensure that properties being split have the facilities that area required for the development of parcels such as roads, schools, parks, fire, and sewer and water facilities. The minor lot split would only create two (2) lots; therefore, it would not result in high density development or generate a significant impact on public facilities.

The Owners intend to split the parcel into two (2) five (5) acre parcels. The parcels that are surrounding this property have been split into five (5) acre tracts and several of these tracts are being accessed by easements and have been split with access provided through easements. Allowing the Owners to split their property to create two (2) properties on easements will not change the rural character of the area.

The Lake County Land Development Regulations, Section 14.15.02, states that variances will 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 application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Owners provided a statement that his parcel could not be split into two (2) five (5) acre parcels because the parcel does not front on a county maintained, paved road. The surrounding parcels are made up of five (5) acre lots and the zoning and future land use category call for one dwelling unit per five (5) net acres.

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

*"By allowing me to have two 5 acre lots the "Land Development Regulation" will still be met under Sec 3.02.06 "1DU/5AC" and the "Comprehensive Future Land Use Plan will be met "1DU/5 Net Acres.*

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

*"I was informed by County Staff that I could not split the lot without a Variance. Currently most of the lots owners around my property have 5 acres lots. 14.11.01 D2 created lots will not front on county maintained road."*

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

1. This request is consistent with LDR 14.11.01(D), Minor Lot Split Standards; and
2. This request is consistent with Comprehensive Plan Policy I-4.4.4, Rural Future Land Use Category, which states that the maximum allowed density is one dwelling unit per five (5) net acres.
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 have submitted evidence of meeting the intent of the Code and have shown evidence 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 with conditions** of the variance to Land Development Regulation (LDR) Section 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 road with the following conditions:

1. An easement must be created through the minor lot split process to provide access to the created lots. The easement must have a minimum width of fifty (50) feet.
2. The County will not be obligated to maintain the easement.
3. The Owners must have road name signs installed in accordance with applicable County regulations.
4. The driveway apron must be improved to County standards of either concrete or asphalt with standards flare (4{at road} x 8' {deep}). This will require a driveway permit application through the Public Works Department.
5. Both parcels must be accessible via a fifty (50) foot access to South Buckhill Road.

**WRITTEN COMMENTS FILED:**

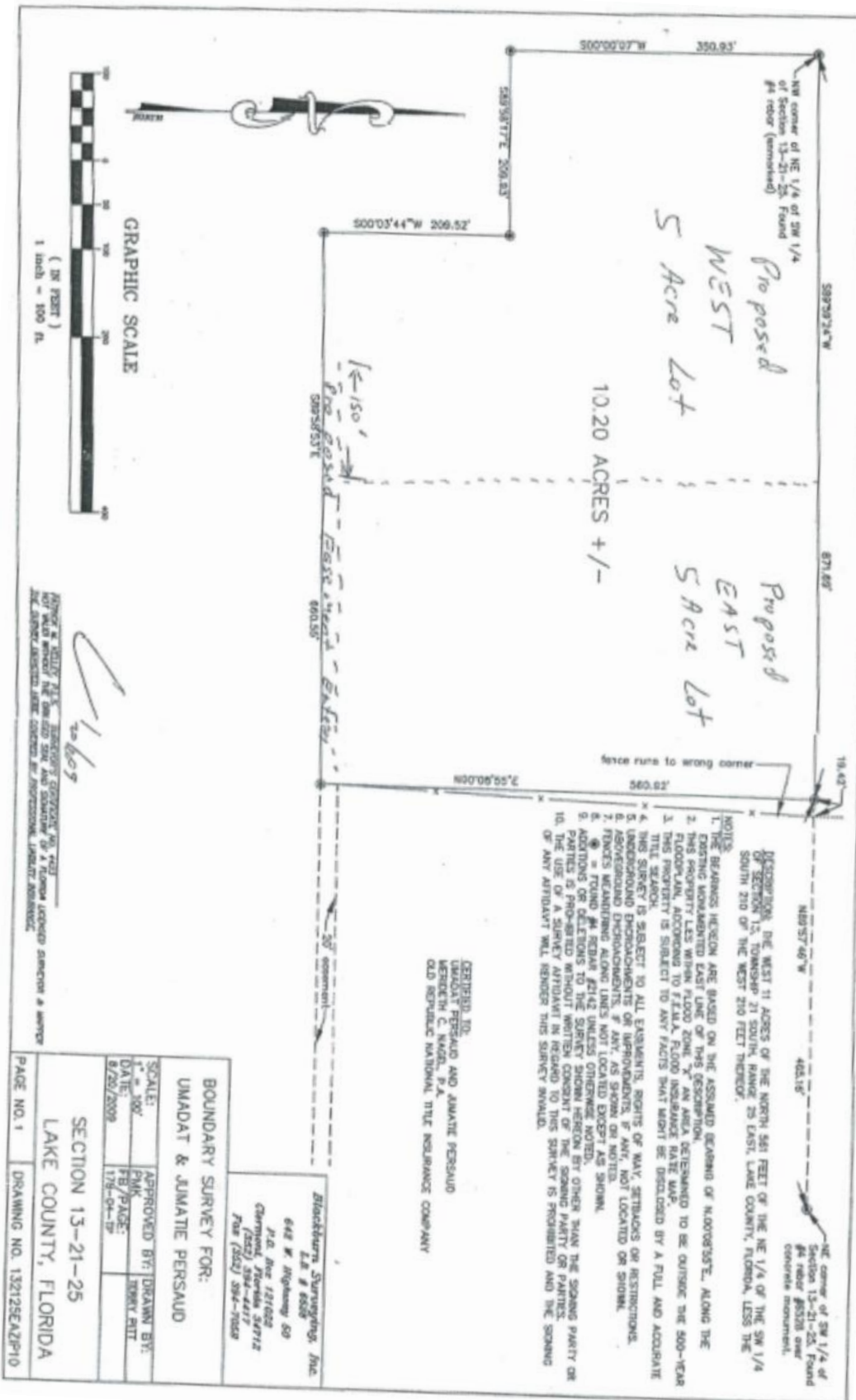
**Support: -0-**

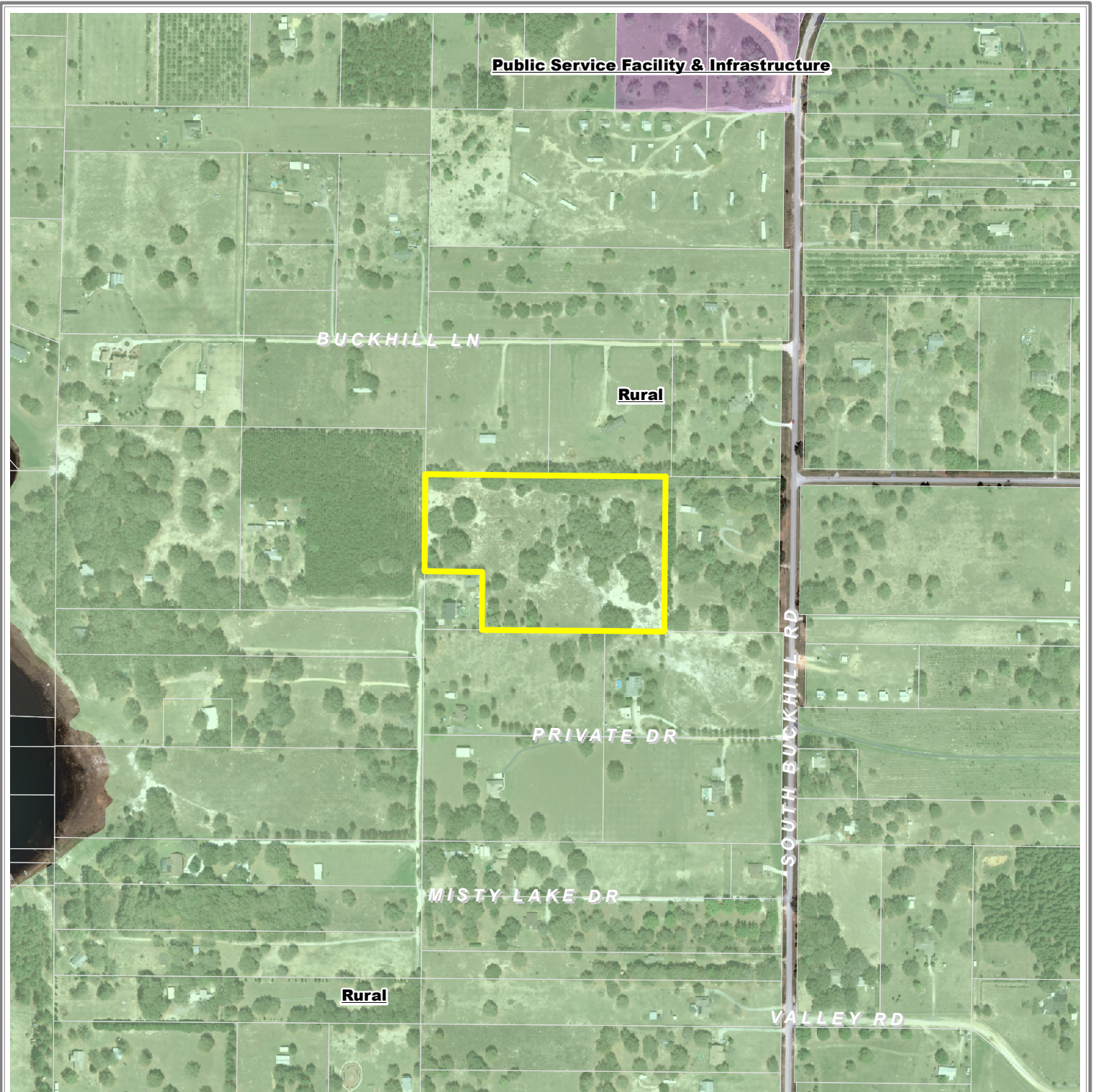
**Questions: -0-**

**Opposition: -0-**

**Case Planner:** Ruth Mitchell, Associate Planner

**Attachment A**





**FUTURE LAND USE LEGEND**

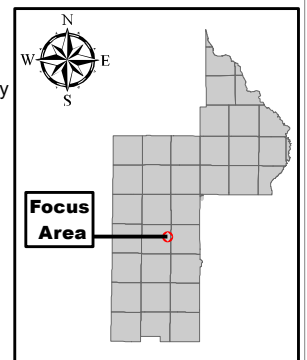
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|--------------------------------|--|--------------------------|----------------------|
| Bella Collina                  | Heavy Industrial                           | Recreation               | Summer Bay           |
| Cagan Crossings                | Mt Plymouth-Sorrento Main Street District  | Regional Commercial      | Urban Low Density    |
| Conservation                   | Mt Plymouth-Sorrento Neighborhood          | Rural                    | Urban Medium Density |
| Green Swamp Core Conservation  | Mt Plymouth-Sorrento Receiving Area        | Rural Transition         | Urban High Density   |
| 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                      | South Lake Regional Park |                      |

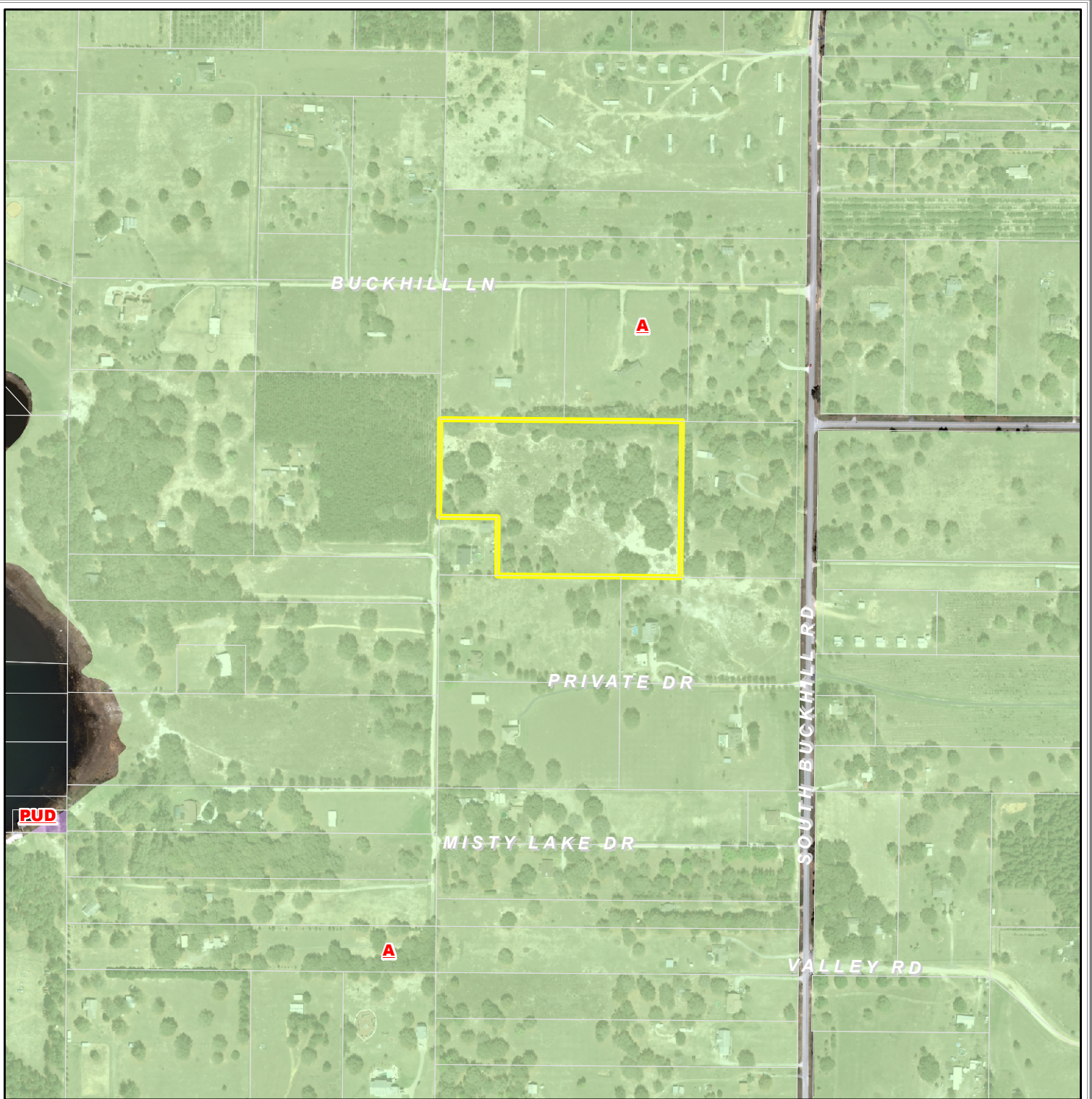
**NAME: JOYCE PROPERTY**

**CASE NUMBER: VAR-17-36-1**

**LOCATION (S-T-R): 13-21-25**

**REQUEST: COUNTY MAINTAINED ROAD REQUIREMENT ADJUSTMENT**

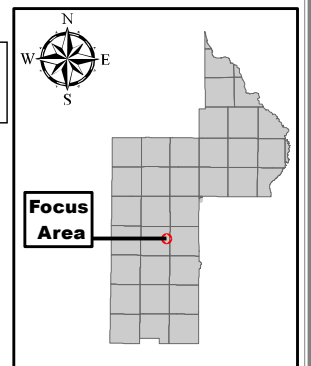




**ZONING LEGEND**

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	

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**Final Development Order  
VAR-17-36-1  
Joyce Property**

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

**WHEREAS**, Allen Joyce (the “Applicant”), on behalf of Allen Joyce and Lisa Joyce (the “Owners”), requested a variance to Land Development Regulation (LDR) Section 14.11.01(D)(2), to allow the creation of a lot through the Minor Lost Split process which does not front a publicly maintained road; and

**WHEREAS**, the subject property consists of 10.02 +/- acres and is located west of South Buckhill Road, in the Clermont area, in Section 13, Township 21 South, Range 25, having Alternate Key Number 1210402 and is more particularly described below as:

THE WEST 11 ACRES OF THE NORTH 561 FEET OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 25 EAST IN LAKE COUNTY, FLORIDA, LESS THE SOUTH 210 FEET OF THE WEST 210 FEET THEREOF, TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS ACROSS THE SOUTH 20 FEET OF THE NORTH 561 FEET OF THE EAST 465 FEET OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 13, TOWNSHIP 21 SOUTH, RANGE 25 EAST IN LAKE COUNTY, FLORIDA.

**WHEREAS**, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on November 9, 2017; and

**WHEREAS**, the Board of Adjustment reviewed the 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 9, 2017, 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-17-36-1 to allow the creation of a lot through the Minor Lot Split process which does not front a publicly maintained road with the following conditions:

1. An easement must be created through the minor lot split process to provide access to the created lots. The easement must have a minimum width of fifty (50) feet.
2. The County will not be obligated to maintain the easement.
3. The Owners must have road name signs installed in accordance with applicable County regulations.



- 4. The driveway apron must be improved to County standards of either concrete or asphalt with standards flare (4' {at road} x 8' {deep}). This will require a driveway permit application through the Public Works Department.
- 5. Both parcels must be accessed via a fifty (50) foot access to South Buckhill 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, the holding will in no way affect the validity of the remaining portions of this Ordinance.

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

**ENACTED this 9<sup>th</sup> day of November, 2017.  
EFFECTIVE November 9, 2017.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**Catherine Hanson, Chairman**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of November, 2017, by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_, as identification and who did \_\_\_\_\_ or did not \_\_\_\_\_ take an oath.

**(SEAL)**

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**Signature of Acknowledger**