

LAKE COUNTY OFFICE OF PLANNING AND ZONING
VARIANCE STAFF REPORT

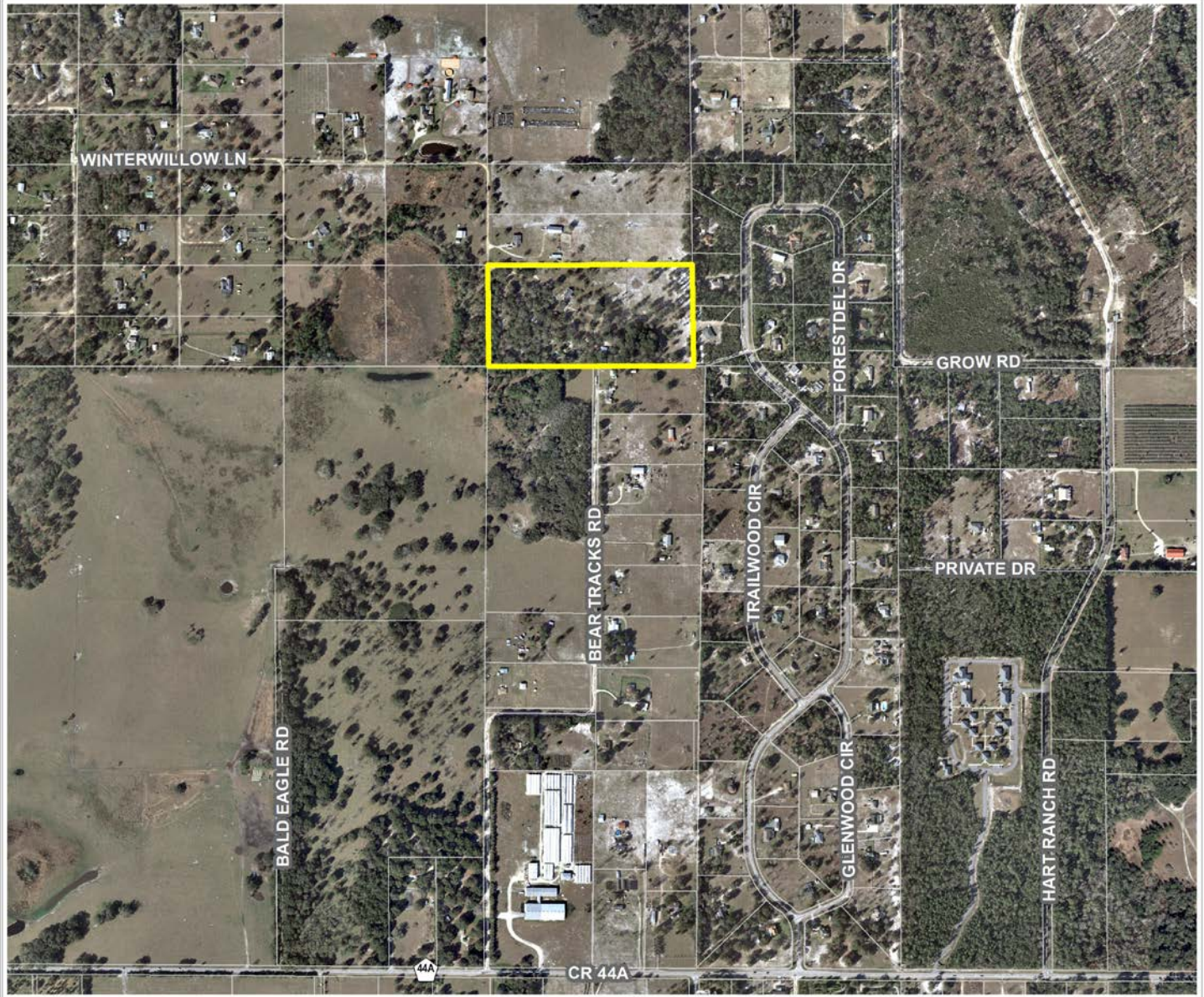


Board of Adjustment

November 9, 2017

LAKE COUNTY
FLORIDA

VAR-17-37-5 Veljkovic Property	Commissioner District 5	Agenda Item #4
-----------------------------------	-------------------------	----------------



Requested Action: Variance to Land Development Regulation (LDR) Section 14.11.01(D)(1) to allow the subject property, which was created through a previous Minor Lot Split, to be split through a Minor Lot Split and a variance 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 paved road.

Owner: Zika Veljkovic and Stanija Veljkovic (the "Owners")

Applicant: Sinisa Nick Veljkovic (the "Applicant")

- Site Location and Information -

Size	19.98 +/- acres
Property Address	22726 Winterwillow Lane, Eustis
Location	South of Winterwillow Lane in the Eustis Area
Alternate Key Number	3777628
Future Land Use	Rural
Zoning District	Agriculture (A)
Overlay Districts	Wekiva Study Area Wekiva-Ocala River Protection Area
Joint Planning Area/ISBA 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	Agriculture	Residential	Single Family Residence
South	Rural	Agriculture	Residential	Single Family Residence
East	Rural	Agricultural Residential	Residential	Single Family Residence
West	Rural	Agriculture	Residential	Single Family Residence

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the variance to Land Development Regulation Section 14.11.01(D)(1) to allow the subject property, which was created through a previous Minor Lot Split, to be split through a Minor Lot Split and a variance 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 a publicly maintained paved road.

- Staff Analysis -

The subject property is 19.98 acres in size and is located south of Winterwillow Lane in the Eustis area. The property is zoned Agriculture (A) with a Rural Future Land Use designation and lies within the Wekiva Study Area. The Lake County Geographic Information Services (GIS) does not indicate the presence of wetlands or flood zone on the property. The subject property was legally created through Minor Lot Split #98-0009 which was approved on February 20, 1998. There are currently two single family dwellings units (SFDU) located on the property. The larger SFDU has 1,920 square feet of living area and the smaller SFDU has 1,200 square feet of living area.

The Applicant has requested a variance to LDR Section 14.11.01(D)(1), which states that only two (2) lots may be created from a legally created lot. The Applicant intends to submit a Minor Lot Split Application to split the subject property into two (2) ten acre parcels but is unable to do so without a variance because the property was created through a previous Minor Lot Split, MLS #98-0009. Attachment #1 shows that the Applicant intends to split the subject property into two (2) ten acre parcels which will each contain one of the existing single family dwelling units located on the property. The proposed two (2) ten acre parcels are consistent with density requirements of the Agriculture zoning district and the Rural Future Land Use Category. LDR Table 3.02.06 (Agriculture zoning district) and Comprehensive Plan *Policy I-1.4., 4 Rural Future Land Use Category* both state that the minimum required density for a single family dwelling unit is five net acres. In addition, the existing SFDUs are consistent with the minimum square footage required for SFDUs within the Agriculture zoning district and satisfy all required setbacks.

The Applicant has requested a variance to Land Development Regulation (LDR) Section 14.11.01(D)(2), which states that each lot created through the Minor Lot Split process must front on a publicly maintained paved road and conform to the

minimum lot dimensions for the land use category and zoning district where the lots are located. The variance is required in order for the Applicant to split the subject property because it fronts an unmaintained 25-foot wide easement rather than a publically maintained paved road. Currently, the 25-foot wide easement does not extend into the proposed southern ten acre parcel. The Applicant intends to address this access issue by widening the existing 25-foot wide easement to 50-feet in width and by extending the proposed 50-foot wide easement 150 feet into the proposed southern parcel. The subject property meets the remaining criteria specified within LDR Section 14.11.01(D)(2), which requires that all lots created through the lot split process conform to the minimum lot dimensions required within the zoning district. Per LDR Table 3.10.00, properties created through the Minor Lot Split process must have a minimum road frontage of 150 feet. As can be seen in Attachment #1, both proposed ten acre parcels will have a minimum of 150 feet of frontage along the easement.

The **intent of the Code**, LDR Section 14.11.00, *Minor Lot Splits, Family Density Exception and Agricultural Lot Split*, is to maintain character of subdivision 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 proposed Minor Lot Split of the subject 19.98 acre property into two ten (10) acre parcels is consistent with the surrounding residential parcels. The properties north and west of the subject property are ten (10) acres in size and are consistent with the proposed lot split. Also, the proposed Minor Lot Split would only create two (2) lots and therefore would not result in high density development or generate a significant impact on public facilities.

The Lake County Land Development Regulations, Section 14.15.02 states that variances shall 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 applicants submitted the following reasons as proof of **meeting the intent of the Code**:

"This 20 acre parcel is in a subdivision with five acres, ten acres, and two 20 acre parcels, that our neighbor Jerry and Dee Shepherd were able to split their 20 acre parcel awhile back. Although they split their 20 acre parcel into a land only 10 acre parcel and a home on the other 10 acres, I request to split our 'the last 20 acre parcel in the subdivision' into two 10 acre parcels which have two established homes on each 10 acre parcel that we have lived in for over 20 years and raised cattle. Therefore there will not be any change or impact on the road or my neighbors. This property has been agriculturally exempt all these years."

The Applicant has stated that the proposed Minor Lot Split, which will result in two (2) ten acre parcels, is consistent with the acreage of the surrounding residential properties. The proposed two (2) ten acre parcels are consistent with the minimum density requirements for the Agriculture zoning district and for the Rural Future Land Use Category. Both the zoning and Future Land Use Category require a minimum of five acres for one single family dwelling unit.

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 name is Sinisa Nick Veljkovic, I am the son of the owners Zika and Stanija Veljkovic that wish to split their 20 acre parcel into two 10 acre parcels, and sell their home on a 10 acre parcel. Due to their age and health conditions. They are both in their 80's. My mother who has severe arthritis, and has lost most of her hearing, and cannot walk without assistants. Also is a diabetic. My father recently developed psoriatic arthritis, had surgery with infusion on hand. He also had two eye surgeries for vision issues, and now he will begin to address his prostate issues. Due to all of this they are in need of financial funds to address all these medical issues."

The Applicant has stated that the Owners are experiencing medical issues that have resulted in a financial hardship. Due to the impacts of the medical and financial hardships the proposed split of the 19.98 acre property into two (2) ten acre parcels has become necessary.

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

1. The request is consistent with Comprehensive Plan Policy I-1.4.4, Rural Future Land Use Category, which requires a minimum of five net acres for one single family dwelling unit; and
2. This request is consistent with LDR Table 3.02.06, which requires a minimum of five net acres for one single family dwelling unit; and
3. This request is consistent with LDR Table 3.10.00, which requires that properties within the Agriculture zoning district have a minimum road frontage of 150 feet.

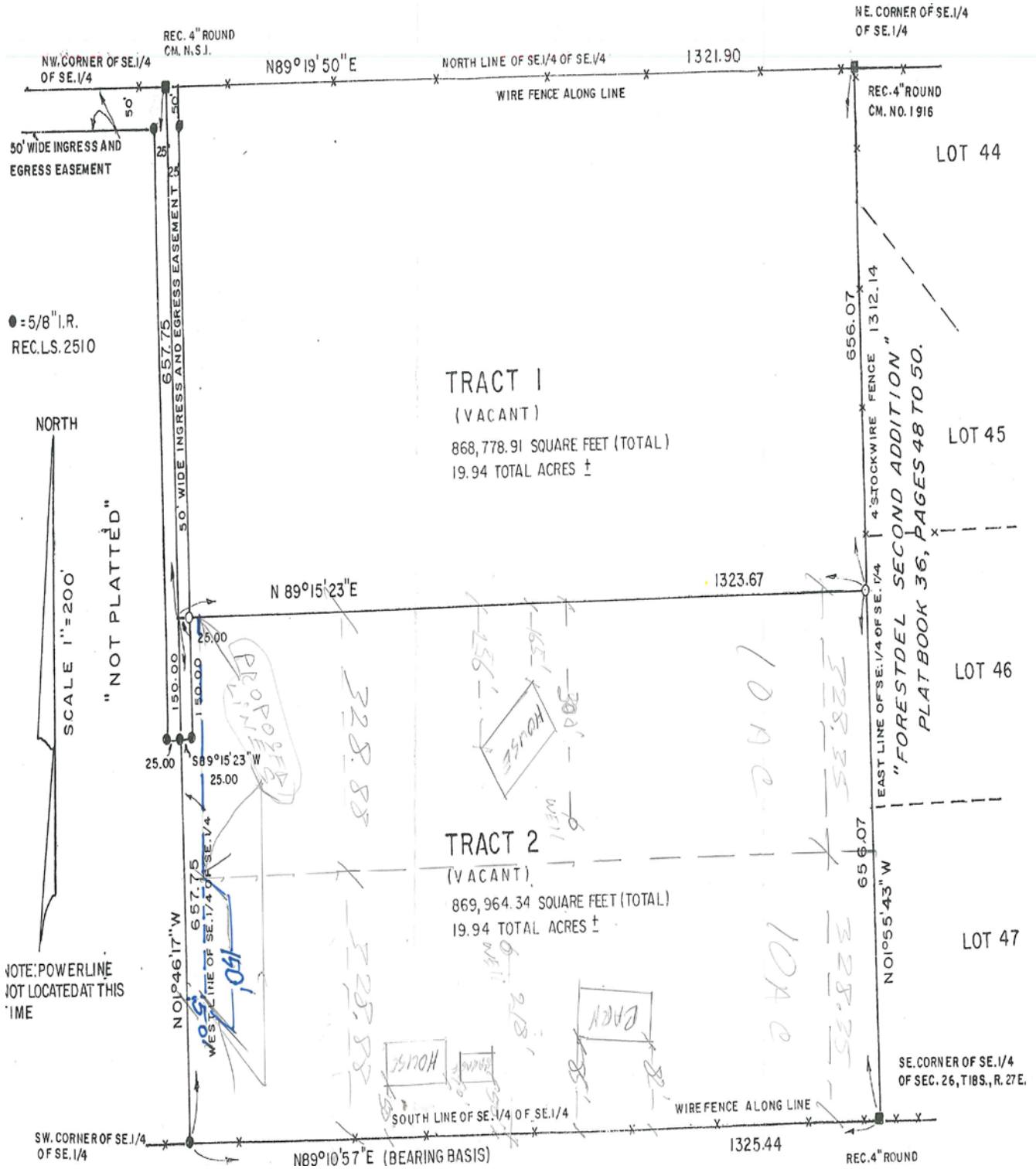
The owner and applicant have submitted proof of meeting the intent of the Code and have shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, Staff recommends **APPROVAL WITH CONDITIONS** of the variance request to Land Development Regulation Section 14.11.01(D)(1) to allow the subject property, which was created through a previous Minor Lot Split, to be split through an additional Minor Lot Split and a variance 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 a publicly maintained paved road with the following conditions:

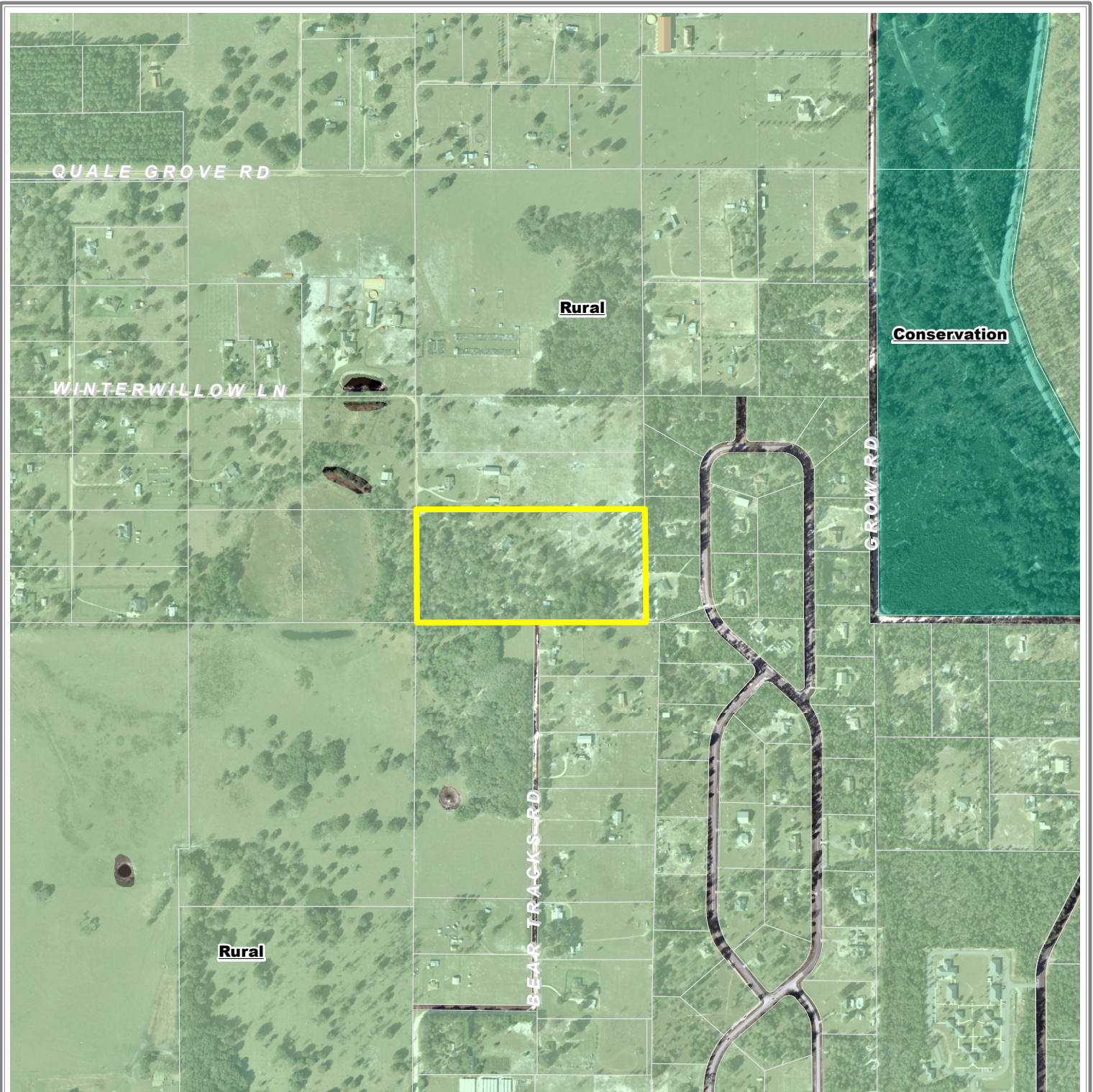
1. Easements must provide access to both newly created parcels.
2. The Easements for newly created parcels must be a minimum of fifty (50) feet in width.
3. The County will not be obligated to maintain the easements.
4. Neither created parcel can be split again through the minor lot split process.
5. The second single family dwelling unit on the property must obtain a separate address.

WRITTEN COMMENTS FILED: **Support: -0-** **Questions: -0-** **Opposition: -0-**

Case Planner: Christine Rock, Planner

Attachment #1 (Survey Showing Proposed Minor Lot Split)





FUTURE LAND USE LEGEND

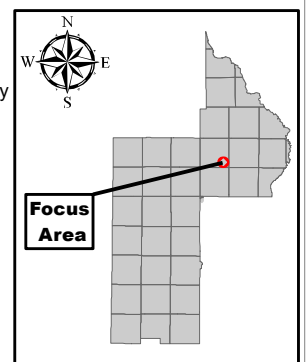
- | | | | |
|--------------------------------|--|--------------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Summer Bay |
| Cagan Crossings | Mt Plymouth-Sorrento Main Street District | Regional Commercial | Urban Low Density |
| Conservation | Mt Plymouth-Sorrento 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 | |

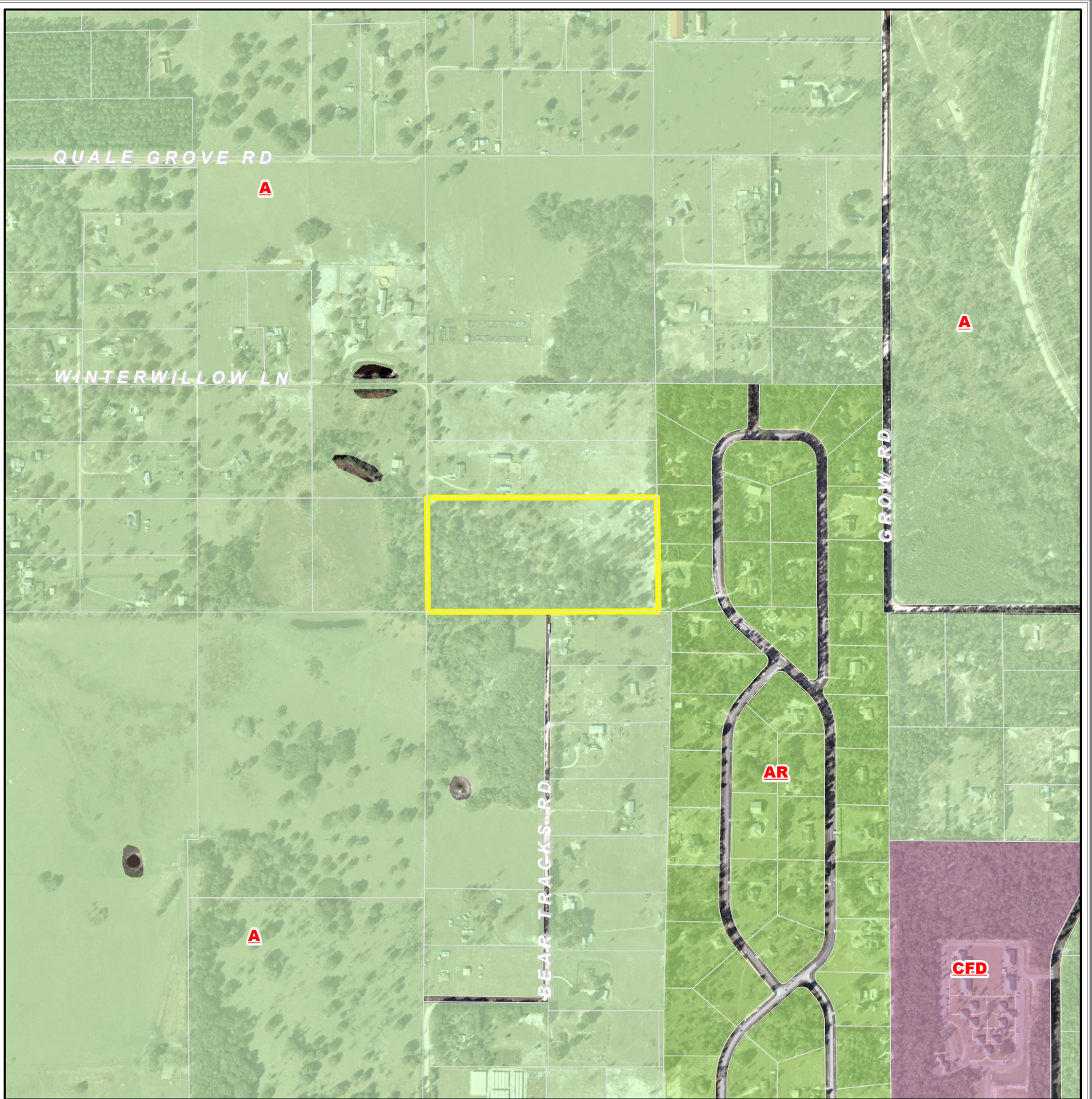
NAME: VELJKOVIC PROPERTY

CASE NUMBER: VAR-17-37-5

LOCATION (S-T-R): 26-18-27

REQUEST: ALLOW SECOND LOT SPLIT/ONE LOT ON NON-COUNTY MAINTAINED ROAD

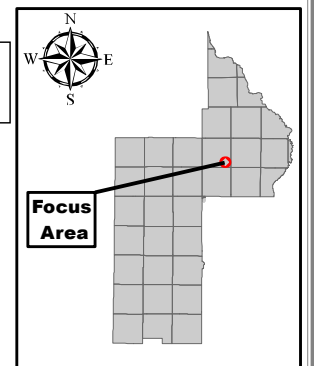




ZONING LEGEND

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: VELJKOVIC PROPERTY
CASE NUMBER: VAR-17-37-5
LOCATION (S-T-R): 26-18-27
REQUEST: ALLOW SECOND LOT SPLIT/ONE LOT ON NON-COUNTY MAINTAINED ROAD



**Final Development Order
Veljkovic Property
VAR-17-37-5**

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

WHEREAS, Sinisa Nick Veljkovic (the "Applicant") submitted an application on behalf of Zika Veljkovic and Stanija Veljkovic (the "Owners"), to request a variance to Land Development Regulation (LDR) Section 14.11.01(D)(1) to allow the subject property, which was created through a previous Minor Lot Split, to be split through an additional Minor Lot Split and a variance 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 a publicly maintained paved road; and

WHEREAS, the subject property consists of 19.98 +/- acres and is located south of Winterwillow Lane in the Eustis Area, in Section 26, Township 18 South, Range 27 East, Alternate Key Number 3777628 and is more particularly described below (the "Property"):

Tract 2 Description:

The South 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 26, Township 18 South, Range 27 East, in Lake County, Florida. Subject to an Easement for ingress and egress, also utilities over the North 150.00 feet of the West 25.00 feet thereof. Also subject to all easements, rights of way and or restrictions of record, if any.

Existing Easement Description:

The East 25.00 feet of the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 26, Township 18 South, Range 27 East, Lake County, Florida, also the North 150.00 feet of the East 25.00 feet of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 26, also the West 25.00 feet of the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 26, also the North 150.00 feet of the West 25.00 feet of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 26.

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the 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 9th, 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:

Section 1. **Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-17-37-5 to allow the subject property to be split through the Minor Lot Split process and to allow the creation of two (2) lots through the Minor Lot Split process which do not front a publicly maintained paved road, subject to the following conditions:

1. Easements must provide access to both newly created parcels.
2. The easements for newly created parcels must be a minimum of fifty (50) feet in width.
3. The County will not be obligated to maintain the easement.
4. Neither created parcel can be split again through the minor lot split process.

The second single family dwelling unit on the property must obtain a separate address.

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 9th day of November, 2017.

EFFECTIVE November 9, 2017.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Catherine Hanson, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this November 9, 2017 by CATHERINE HANSON, who is personally known to me.

(SEAL)

Signature of Acknowledger