

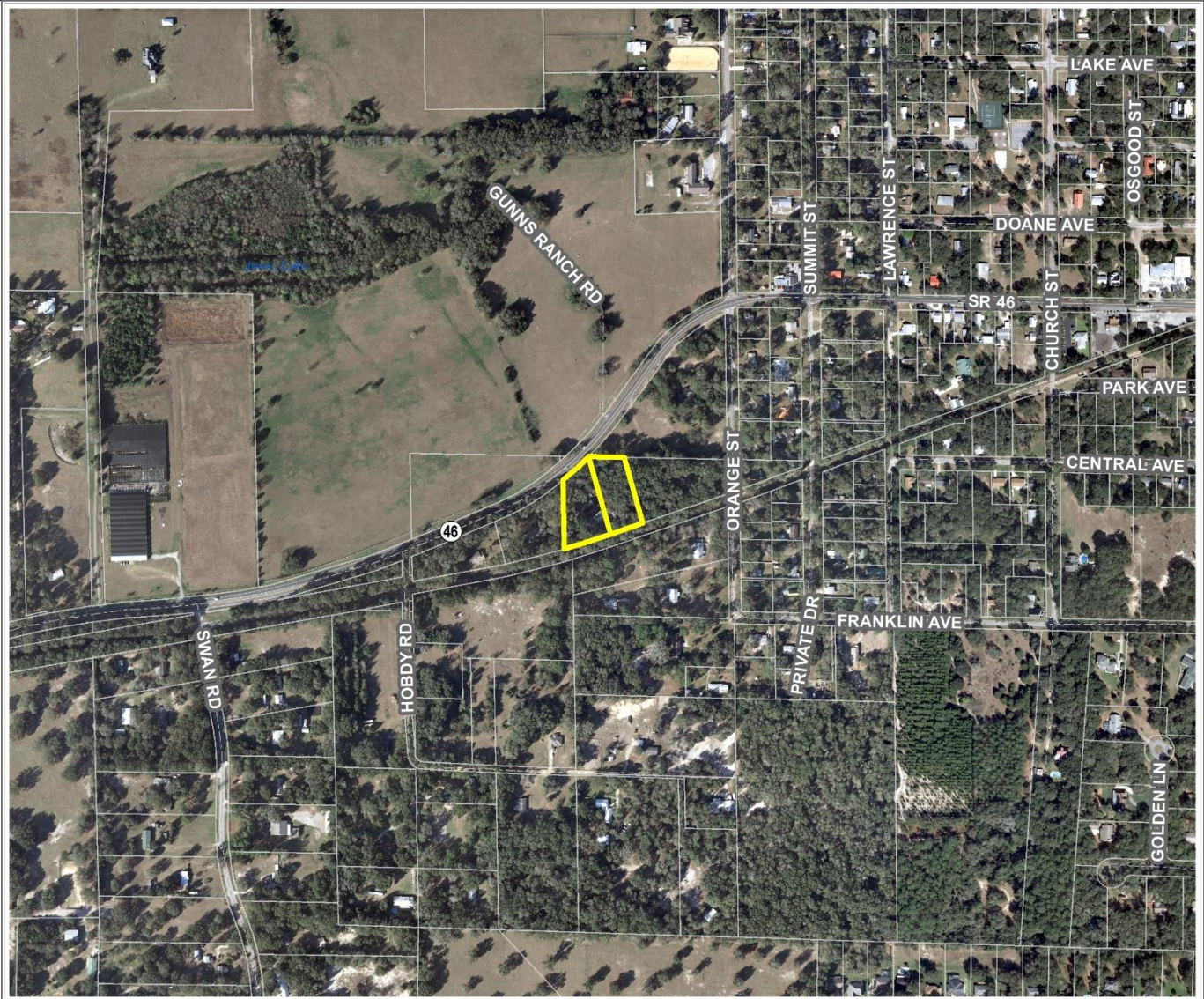
LAKE COUNTY OFFICE PLANNING AND ZONING DIVISION
BOARD OF ZONING ADJUSTMENT STAFF REPORT

Board of Adjustment



December 14, 2017

VAR-17-40-4 Norton/Mercado Property	Commissioner District 4	Agenda Item #1
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Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.10.00, *Road Frontage*, to allow a parcel that is zoned Rural Residential (R-1) to be split through the minor lot split process to create a parcel with fifty (50) feet of road frontage in lieu of one-hundred (100) feet.

Owners/Applicants: Deborah Norton, Steven R. Mercado, and Marlene A. Mercado (the "Owners")

- Site Location & Information -

Size	2.11 +/- acres
Location	23332 State Road 46, Sorrento, FL 32776
Alternate Key #	3784456 and 2729376
Future Land Use	Mt. Plymouth-Sorrento Neighborhood
Zoning District	Rural Residential (R-1)
Overlay Protection Area	Wekiva Study Area
Commission District	4

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	N/A	N/A	Road	State Road 46
South	N/A	N/A	Railroad Right-of-Way	S.C.L Railroad Right-of-Way
East	Mt. Plymouth-Sorrento Neighborhood	Rural Residential (R-1)	Vacant	None
West	Mt. Plymouth-Sorrento Neighborhood	Rural Residential (R-1)	Residence	Single Family Residence

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL with Conditions** of the Variance to Lake County Land Development Regulations (LDR) Section 3.10.00, *Road Frontage*, to allow a parcel that is zoned Rural Residential (R-1) to be split through the minor lot split process to create a parcel with fifty (50) feet of road frontage in lieu of one-hundred (100) feet.

- Summary of Analysis -

The subject property contains 2.11 +/- acres separated into two alternate keys; the 1.10 acre portion (Alternate Key 2729376) is currently developed with a single-family dwelling unit, pool and metal shed and the other 1.01 acre portion (Alternate Key 3784456) is vacant. The property is generally located southerly of State Road 46 in the Sorrento area. The parcel is zoned Rural Residential (R-1) designated as Mt. Plymouth-Sorrento Neighborhood Future Land Use Category and is located within the Wekiva Study Area. According to the GIS Map, the property does not lie with a floodplain area and there is no indication that wetlands exist on the site.

On May 16, 1985, Lot Approval 38-85 created one site for a 1.05 acre parcel, currently known as Alternate Key 27229376. On May 11, 2001, Lot Line Deviation 2001-013 granted an adjustment of lot lines and combined Alternate Keys 2729376 and 3784456 into a single lot.

Deborah Norton purchased the complete parcel, as approved by Lot Line Deviation 2001-013, in 2012. On December 11, 2015, Ms. Norton sold the western portion (1.10 acres) of the property to Steven R. Mercado and Marlene A. Mercado. Ms. Norton was under the assumption that because the parcel was described by the Property Appraiser's Office in two (2) individual property record cards that she owned two (2) individual building sites.

Land Development Regulations (LDR) Section 14.00.02, *Prohibition*, states that no development activity, use of land, or subdivision of land may be undertaken unless the activity, use or subdivision is authorized by the appropriate development order. There is no development order authorizing the subdivision of this property. LDR Section 14.07.02,

Platting Required, states that no application for a single-family building permit for construction in the unincorporated area of Lake County will be granted unless a plat including such parcel of land has been approved by the Board of County Commissioners and recorded in the official records of Lake County, Florida. The only exceptions to mandatory platting are as follows: Lots of Record (as defined in the LDR); Lots created via administrative lot split; and model homes in conjunction with Developers Agreements. The divided lots do not meet the definition of a Lot of Record nor would the proposed residence be a model home.

In order to create two lots, a minor lot split application would need to be submitted and approved by the Planning & Zoning Division. LDR Section 14.11.01, *Minor Lot Splits*, states:

1. That only two (2) lots may be created from the original legally created lot or lot of record. The total number of lots created shall include the original parcel. The original parcel shall be known as the parent parcel and those lots created out of the parent parcel shall not be entitled to another minor lot split; and
2. Each lot Shall either (1) front on a publicly maintained paved road and conform to the required minimum lot dimensions for the land use category and zoning district where the lots are located.

LDR Section 3.10.00, *Road Frontage*, indicates that all lots created pursuant to subsections 14.11.01 and 14.11.02 must have the minimum frontage at both the Road and Building Setback Line as specified in Table 3.10.00. Based on Land Development Regulations (LDR) Section 3.10.00, *Road Frontage*, any parcel zoned Rural Residential (R-1) must have a minimum of one-hundred (100) feet of road frontage. Currently, the subject property has approximately 150.96 feet of road frontage along State Road 46.

The Owners are requesting a variance to LDR Section 3.10.00, *Road Frontage*, which requires any parcel created through the minor lot split process which is zoned Rural Residential (R-1) to have a minimum of one-hundred (100) feet of road frontage. The Owners are proposing to create one parcel with 101 feet of frontage and once parcel with fifty (50) feet of road frontage (Attached A).

The **intent of the Code** (3.10.00) is to prevent the creation of flag lots and to allow sufficient area to construct structures on the parcel and meet all the required setbacks. A flag lot is defined as a lot with access provided to the bulk of the lot by means of a narrow corridor (a narrow corridor is less than fifty (50) feet in width). The Owners submitted a plot plan with a potential final layout of the proposed project where it shows one of the parcels with fifty (50) feet of road frontage and the other parcel with one-hundred (100) feet of road frontage. The minimum road frontage requirement for the Rural Residential (R-1) zoning district is one-hundred (100) feet.

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 have provided a hardship statement indicating they were under the impression that they had two individual building sites as the property was identified by two (2) individual alternate key numbers. The original owner, Deborah Norton, sold a portion of the property and kept the other portion with the intention of constructing a single family residence at a later date.

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

“Allowing permits to build on this lot zoned R1 will maintain the density of development. All land is high & dry surrounding other residential properties”

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

“Back in 2012 I purchased both parcels @ 23332 SR46. I recently sold Parcel “A” back in 2015. & [sic] kept Parcel B to build at a later date. Each parcel has had their owner ID/Alt Key & taxed are paid separately. I was unaware [sic] that this would cause any further restrictions. They are each 1 acre & Both [sic] front a publicly maintained paved road.”

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

- This request is consistent with Land Development Regulations (LDR), Section 3.00.02(C), Purpose and Intent of District, which describes the intent of the Rural Residential (R-1) Zoning District; and
- This request is consistent with Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, which permits single-family dwelling units in the Rural Residential (R-1) Zoning District; and
- This request is consistent with LDR Section 14.11.01, Minor Lot Splits, which allows two (2) lots to be created from the original legally created lot or lot of record; and
- This request is consistent with LDR Section 14.11.01(D)(6), which prohibits the creation of flag lots. A flag lot is defined as a lot with access provided to the bulk of the lot by means of a narrow corridor (a narrow corridor is less than fifty (50) feet in width); and
- This request is consistent with Comprehensive Plan Policy I-3.2.5, Mount Plymouth-Sorrento Neighborhood Future Land Use Category, which allows residential uses as a permitted use.

The Owners have submitted evidence of meeting the intent of the Code and have provided evidence of a substantial hardship indicating 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 Variance to Lake County Land Development Regulations (LDR) Section 3.10.00, *Road Frontage*, to allow a parcel that is zoned Rural Residential (R-1) to be split through the minor lot split process to create a parcel with fifty (50) feet of road frontage in lieu of one-hundred (100) feet with the following conditions:

1. A minor lot split application must be submitted within six (6) months of the effective date of the Development Order.
2. A minor lot split approval must be obtained prior to any zoning approvals.
3. A joint/shared driveway with an ingress and egress easement will be required prior to the final lot split approval.

WRITTEN COMMENTS FILED:

Supportive: -0-

Concern: -0-

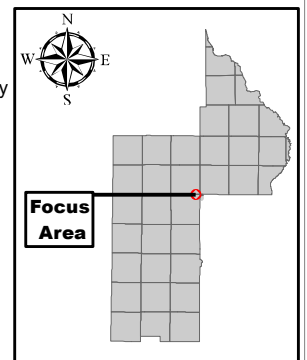
Opposition: -0-

Case Manager: Janie Barrón, Planner

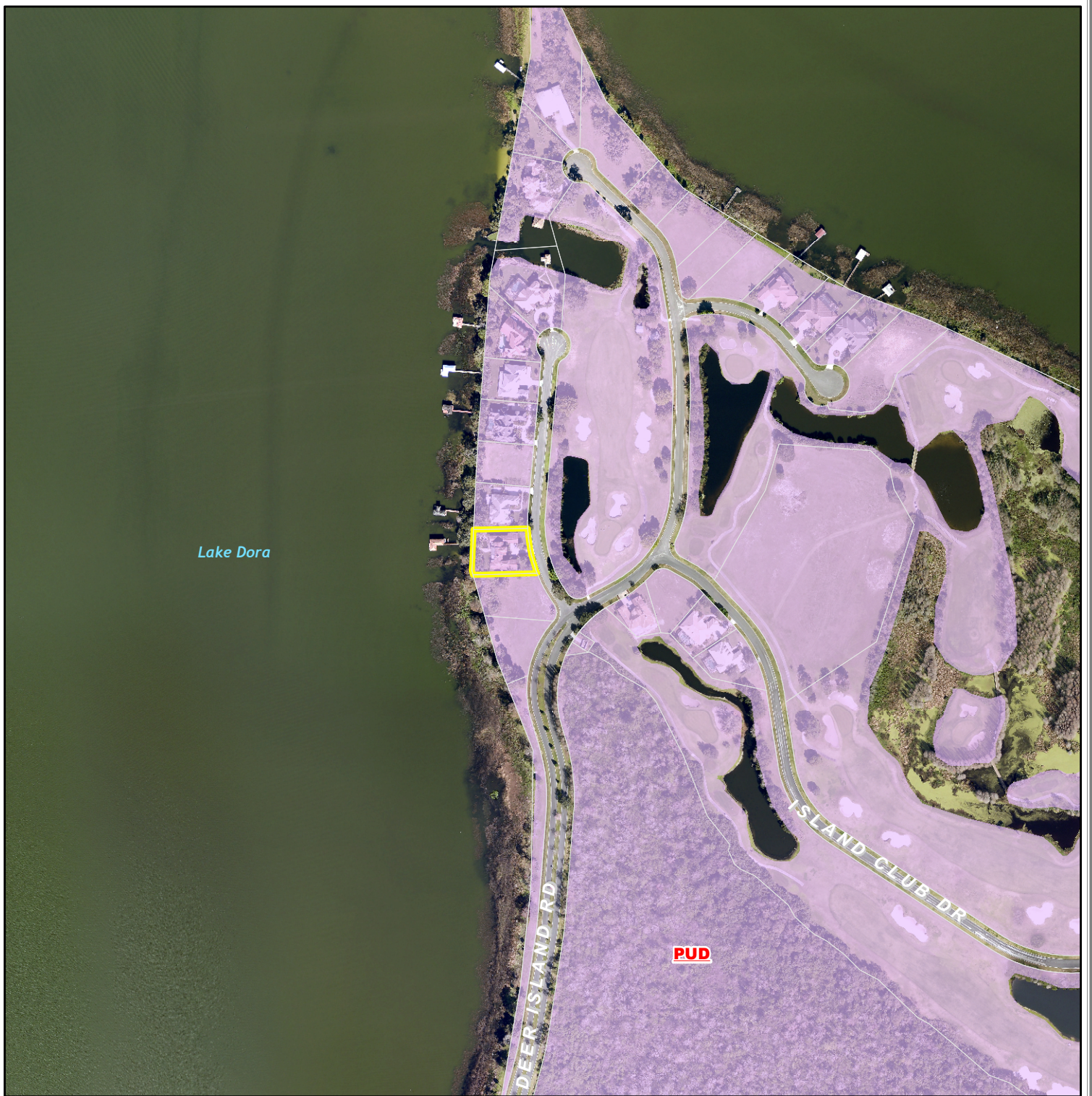


FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|--------------------------|----------------------|
| 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 | |



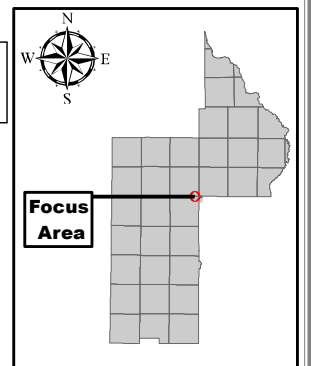
NAME: GALIS, MEJIA PROPERTY
CASE NUMBER: VAR-17-49-3
LOCATION (S-T-R): 01-20-26
REQUEST: SETBACK ADJUSTMENT



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	

NAME: GALIS, MEJIA PROPERTY
CASE NUMBER: VAR-17-49-3
LOCATION (S-T-R): 01-20-26
REQUEST: SETBACK ADJUSTMENT



**Final Development Order
VAR-17-49-3
Galvis/Mejia Property**

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

WHEREAS, Richard J. Stier of American Home Corp. (the “Applicant”) on behalf of Victor H. Galvis, and Diana P. Mejia as Trustees of the 2009 Victor H. Galvis, and Diana P. Mejia Revocable Trust dated September 3, 2009 (the “Owners”) requested a variance to Lake County Land Development Regulations (LDR) 6.01.04(A)(1), and Planned Unit Development (PUD) Ordinance #1995-62(1)(I)(A)(2)(a), to allow a pool to be constructed a minimum of twenty-seven (27) from the jurisdictional wetland line in lieu of fifty (50) feet, and fifteen (15) feet from the conservation easement in lieu of twenty (20) feet; and

WHEREAS, the subject property consists of 0.50 +/- acres and are located northeast of the intersection of Deer Island Road and Sunset Pointe in the Tavares area, in Section 36, Township 19 South, Range 26 East, having Alternate Key Number 3777145 and more particularly described below as:

Lot 3, Block B, The Deer Island Club, according to the plat thereof as recorded in Plat Book 24, Pages 81 through 96, Public Records of Lake County, Florida, now known as Lot 3, Parcel B, The Deer Island Club – Second Replat, according to the plat thereof, recorded in Plat Book 39, Page 9, of the Public Records of Lake County, Florida.

WHEREAS, after giving notice of a hearing on the petition for a variance to the Lake County Land Development Regulations, including notice that the petition for a variance would be presented to the Board of Adjustment of Lake County, Florida, on December 14, 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 December 14, 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-17-40-4 to Lake County Land Development Regulations (LDR) 6.01.04(A)(1), and Planned Unit Development (PUD) Ordinance #1995-62(1)(I)(A)(2)(a) , to allow a pool to be constructed a minimum of twenty-seven (27) from the jurisdictional wetland line in lieu of fifty (50) feet, and fifteen (15) feet from conservation easement in lieu of twenty (20) feet with the following conditions:

1. At the time of permitting, the survey will need to be updated to show the flood zones.
2. The proposed pool is not to be constructed within any utility, drainage or conservation easement.

- 3. The maximum developable area shall be limited to thirty (30) feet in width or depth.
- 4. Stormwater calculations must be submitted at the time of permitting indicating that the first one inch (1") of stormwater runoff shall be captured on site.
- 5. Stormwater calculations must be reviewed and approved by the Lake County Public Works Department staff.
- 6. The stormwater abatement system must be installed prior to any final inspections, inspected and approved by the Lake County Public Works Department staff.

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 14th day of December, 2017.

EFFECTIVE December 14, 2017.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Catherine Hanson, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 14th day of December, 2017, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

Signature of Acknowledger