

LAKE COUNTY PLANNING AND ZONING DIVISION
VARIANCE STAFF REPORT

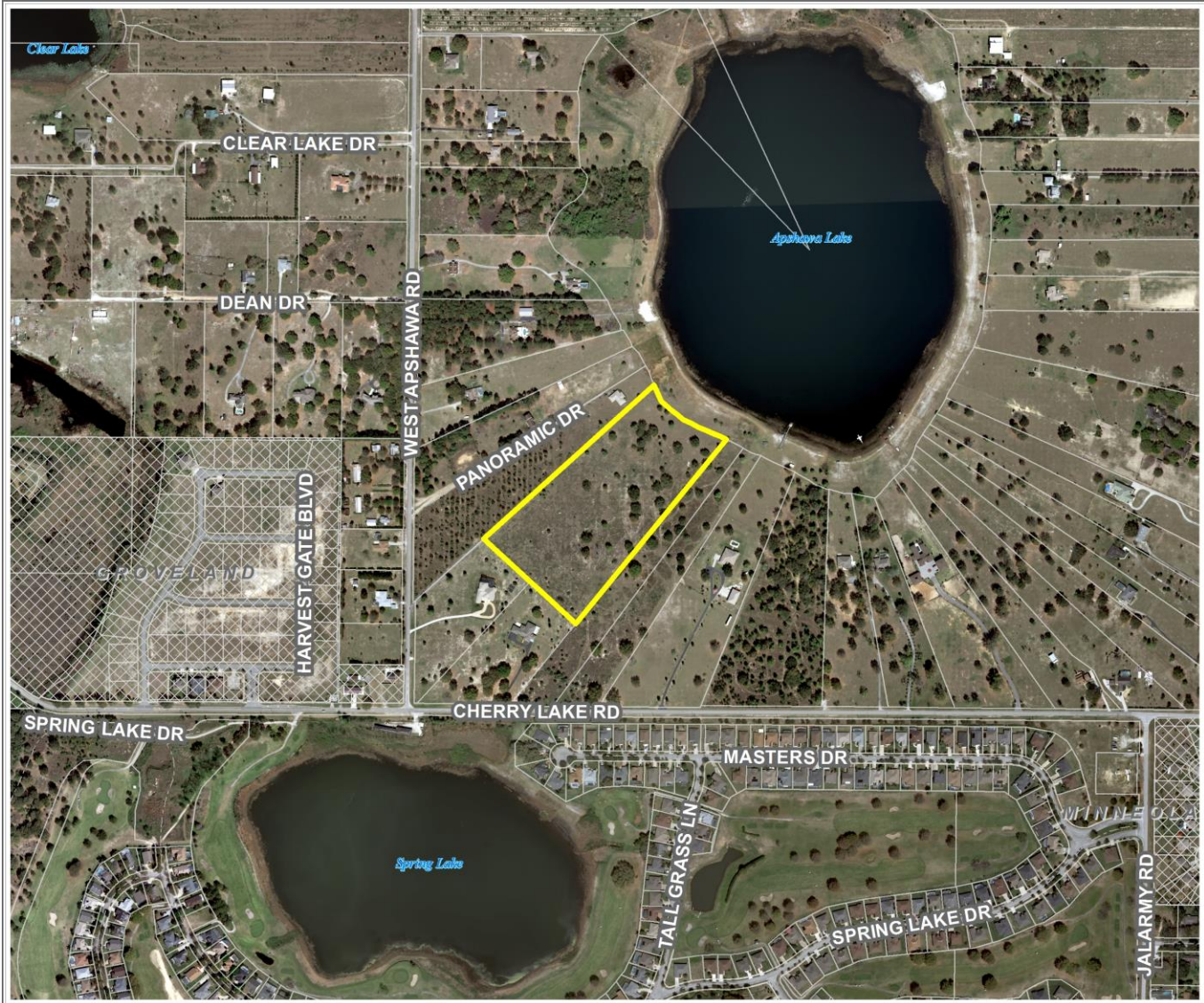


LAKE COUNTY
FLORIDA

Board of Adjustment

February 9, 2017

VAR-17-06-1 Joyce Property	Commissioner District 1	Agenda Item #5
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Requested Action: A 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.

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

Applicant: Allen Joyce (the "Applicant")

- Site Location & Information -

Size	13.29 +/- acres
Property Address	Vacant
Location	East of West Apshawa Road, in the Groveland area
Alternate Key No.	1786657
Future Land Use	Rural
Zoning District	Agriculture (A)
Overlay Districts	N/A
Joint Planning Area/ISBA Area	Groveland ISBA

-Land Use Table-

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	Agriculture (A)	Residential	House and Apshawa Lake
South	Rural	Agriculture (A)	Vacant	Vacant
East	Rural	Agriculture (A)	Vacant	Vacant
West	Rural	Agriculture (A)	Residential	House

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance request to 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.

-Staff Analysis-

The subject property is 13.29 +/- acres and is located east of West Apshawa Road, in the Groveland area. The Lake County Geographic Information Services (GIS) wetland map indicates that there are wetlands on the northeast portion of the property. According to the 2012 Federal Emergency Management Agency (FEMA) maps, a portion of the subject property lies within the 100-year flood zone. The property is zoned Agriculture (A) and is part of the Rural Future Land Use Category. The property is vacant.

The subject property consists of portions of lots 22, 23, and 24 of the Apshawa Groves Subdivision which was platted in 1931 (Attachment A). The property was created through a Lot Line Deviation (LLD 96-27) in 1996 which reconfigured the lots (Attachment B). The Lot Line Deviation allowed the subject property to be created without any road frontage. Before the lot line deviation was approved, a fifty (50) foot easement was created to provide access to the subject property from West Apshawa Road, a county maintained road. The fifty (50) foot easement for ingress/egress was recorded in OR Book 1188, PG 2297, Public Records of Lake County, Florida.

The property owners inquired about completing a minor lot split on their property. Land Development Regulation (LDR) Section 14.11.01.D2, 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 dwelling unit per five (5) net acres. The subject property contains 13.29 +/- acres and would meet the density requirements to complete a minor lot split as long as each created lot contained a minimum of five (5) net acres.

The owner/applicant is applying for a variance to LDR Section 14.11.01(D)(2) in order to allow the creation of two (2) lots which do not front a publicly maintained paved road through the Minor Lot Split process. The Applicant is requesting the

variance in order to split the 13.29+/- 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 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 are 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.

LDR 14.11.00(D)(7) states that a minor lot split shall not be approved within a platted subdivision when such lot split changes the character of the subdivision, or where the lot split increases the density, beyond the general nature of the subdivision. The lots platted within the Apsawa Groves Subdivision have been subdivided over the years. The lots within the subdivision contain an average of five (5) acres. In 2002 a lot split was approved within the subdivision which required the establishment of a fifty (50) foot easement to access the created lot (Attachment C). These findings concluded that the proposed minor lot split would not change the character of the subdivision.

Neither of the lots that would be created through the minor lot split will front on a publicly maintained paved road. The applicant has proposed expanding the existing easement to provide access to both lots from Apsawa Road which will satisfy this requirement of the Code. Staff has drafted the following conditions which would need to be met to ensure that the easement provides adequate access to the proposed lots and will meet the intent of the code:

1. The easement will have a minimum width of fifty (50) feet.
2. The property owners shall not obligate the County to maintain the easement.
3. Have Road name signs installed in accordance with applicable County regulations.
4. The driveway apron should 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.

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

"I was informed by county staff that we could not split the 14 acre lot into an 8.7 acre parcel and 5.5 acre parcel without a variance. Currently within 500 feet of our property, there are 6 other lots that are 5 acres each."

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

"By allowing us to have an 8.7 acre lot parcel and 5.5 acre lot (by splitting our 14 acre lot) the land development regulation will still be met under section 3.02.06 "1 DU/5 AC" and the Comprehensive Future Land Use Plan will be met "1 DU/5 Net Acres the character of the subdivision will not be changed."

Please see Exhibit D (email dated January 26, 2017) for the owner/applicant's intent for meeting the code regarding the easement portion of the minor lot split.

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

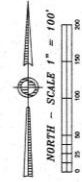
1. This request is consistent with LDR Section 14.11.01(D) Minor Lot Split Standards; and
2. This request is consistent with Comprehensive Plan Policy I-4.4.4 Rural Future Land Use Category, which states that the maximum allowed density is one dwelling unit per five (5) net acres.
3. This request is 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 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 request to allow a creation of a lot through the Minor Lot Split process which does not front a publicly maintained road.

Attachment B. LLD-1996-0027.

LLD# 1996-0027

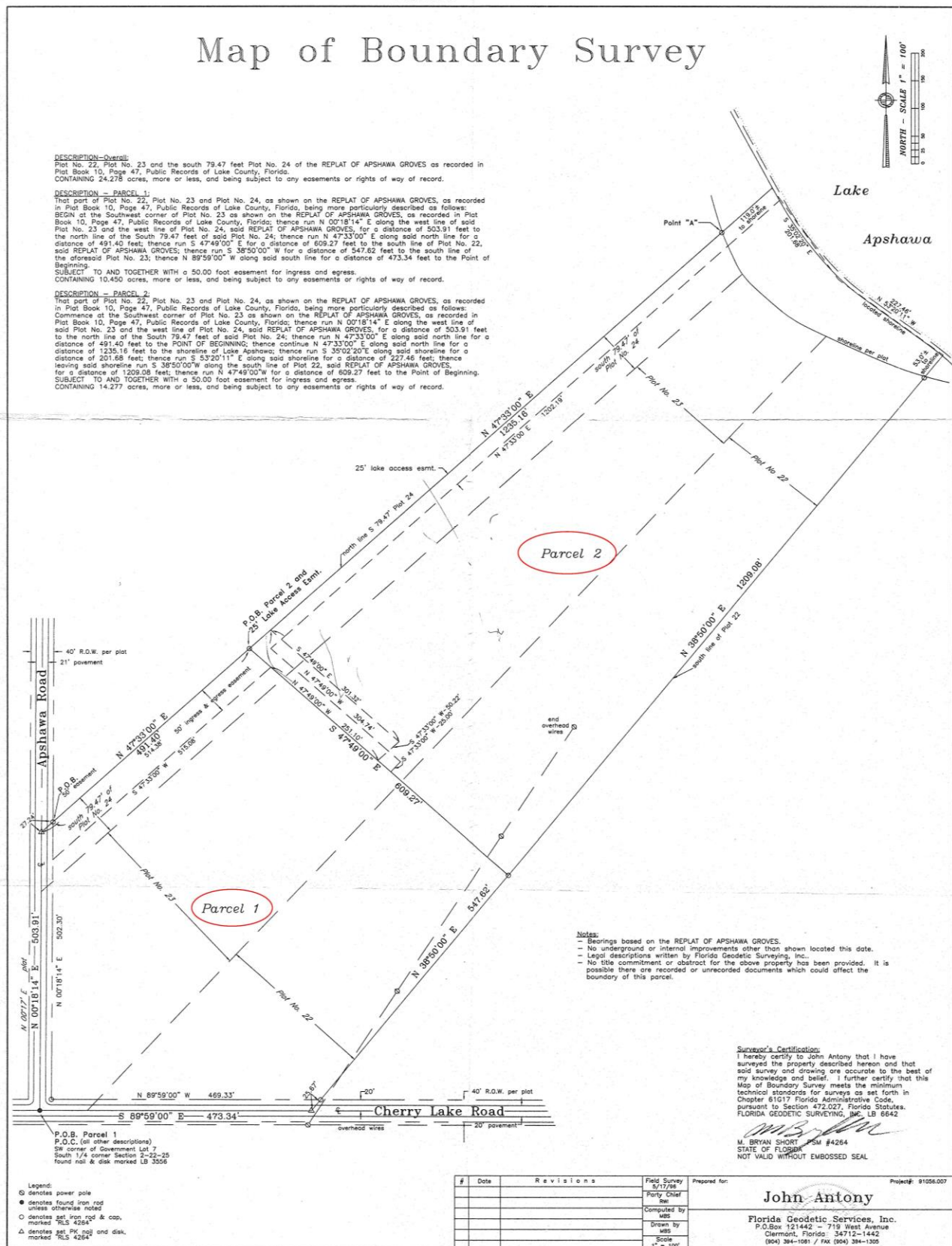
Map of Boundary Survey



DESCRIPTION—Overall:
 Plot No. 22, Plot No. 23 and the south 79.47 feet Plot No. 24 of the REPLAT OF APASHAWA GROVES as recorded in Plot Book 10, Page 47, Public Records of Lake County, Florida, CONTAINING 24.278 acres, more or less, and being subject to any easements or rights of way of record.

DESCRIPTION — PARCEL 1:
 That part of Plot No. 22, Plot No. 23 and Plot No. 24, as shown on the REPLAT OF APASHAWA GROVES, as recorded in Plot Book 10, Page 47, Public Records of Lake County, Florida, being more particularly described as follows: BEGIN at the Southwest corner of Plot No. 23 as shown on the REPLAT OF APASHAWA GROVES, as recorded in Plot Book 10, Page 47, Public Records of Lake County, Florida; thence run N 00°18'14" E along the west line of said Plot No. 23 and the west line of Plot No. 24, said REPLAT OF APASHAWA GROVES, for a distance of 503.91 feet to the north line of the South 79.47 feet of said Plot No. 24; thence run N 47°33'00" E along said north line for a distance of 491.40 feet; thence run S 47°49'00" E for a distance of 609.27 feet to the south line of Plot No. 22, said REPLAT OF APASHAWA GROVES; thence run S 38°50'00" W for a distance of 547.62 feet to the south line of the aforesaid Plot No. 23; thence N 89°59'00" W along said south line for a distance of 473.34 feet to the Point of Beginning. SUBJECT TO AND TOGETHER WITH a 50.00 foot easement for ingress and egress. CONTAINING 10.450 acres, more or less, and being subject to any easements or rights of way of record.

DESCRIPTION — PARCEL 2:
 That part of Plot No. 22, Plot No. 23 and Plot No. 24, as shown on the REPLAT OF APASHAWA GROVES, as recorded in Plot Book 10, Page 47, Public Records of Lake County, Florida, being more particularly described as follows: Commence at the Southwest corner of Plot No. 23 as shown on the REPLAT OF APASHAWA GROVES, as recorded in Plot Book 10, Page 47, Public Records of Lake County, Florida; thence run N 00°18'14" E along the west line of said Plot No. 23 and the west line of Plot No. 24, said REPLAT OF APASHAWA GROVES, for a distance of 503.91 feet to the north line of the South 79.47 feet of said Plot No. 24; thence run N 47°33'00" E along said north line for a distance of 491.40 feet to the POINT OF BEGINNING; thence continue N 47°33'00" E along said north line for a distance of 1235.16 feet to the shoreline of Lake Apschawa; thence run S 35°02'20" E along said shoreline for a distance of 201.68 feet; thence run S 53°20'11" E along said shoreline for a distance of 227.46 feet; thence leaving said shoreline run S 38°50'00" W along the south line of Plot 22, said REPLAT OF APASHAWA GROVES, for a distance of 1209.08 feet; thence run N 47°49'00" W for a distance of 609.27 feet to the Point of Beginning. SUBJECT TO AND TOGETHER WITH a 50.00 foot easement for ingress and egress. CONTAINING 14.277 acres, more or less, and being subject to any easements or rights of way of record.



Notes:
 - Bearings based on the REPLAT OF APASHAWA GROVES.
 - No underground or internal improvements other than shown located this date.
 - Legal descriptions written by Florida Geodetic Surveying, Inc.
 - No title commitment or abstract for the above property has been provided. It is possible there are recorded or unrecorded documents which could affect the boundary of this parcel.

Surveyor's Certification:
 I hereby certify to John Antony that I have surveyed the property described herein and that said survey and drawing are accurate to the best of my knowledge and belief. I further certify that this Map of Boundary Survey meets the minimum technical standards for surveys as set forth in Chapter 61G17 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes, FLORIDA GEODETIC SURVEYING, INC. LB 6642
 M. BRYAN SHORT PSM #4264
 STATE OF FLORIDA
 NOT VALID WITHOUT EMBOSSED SEAL

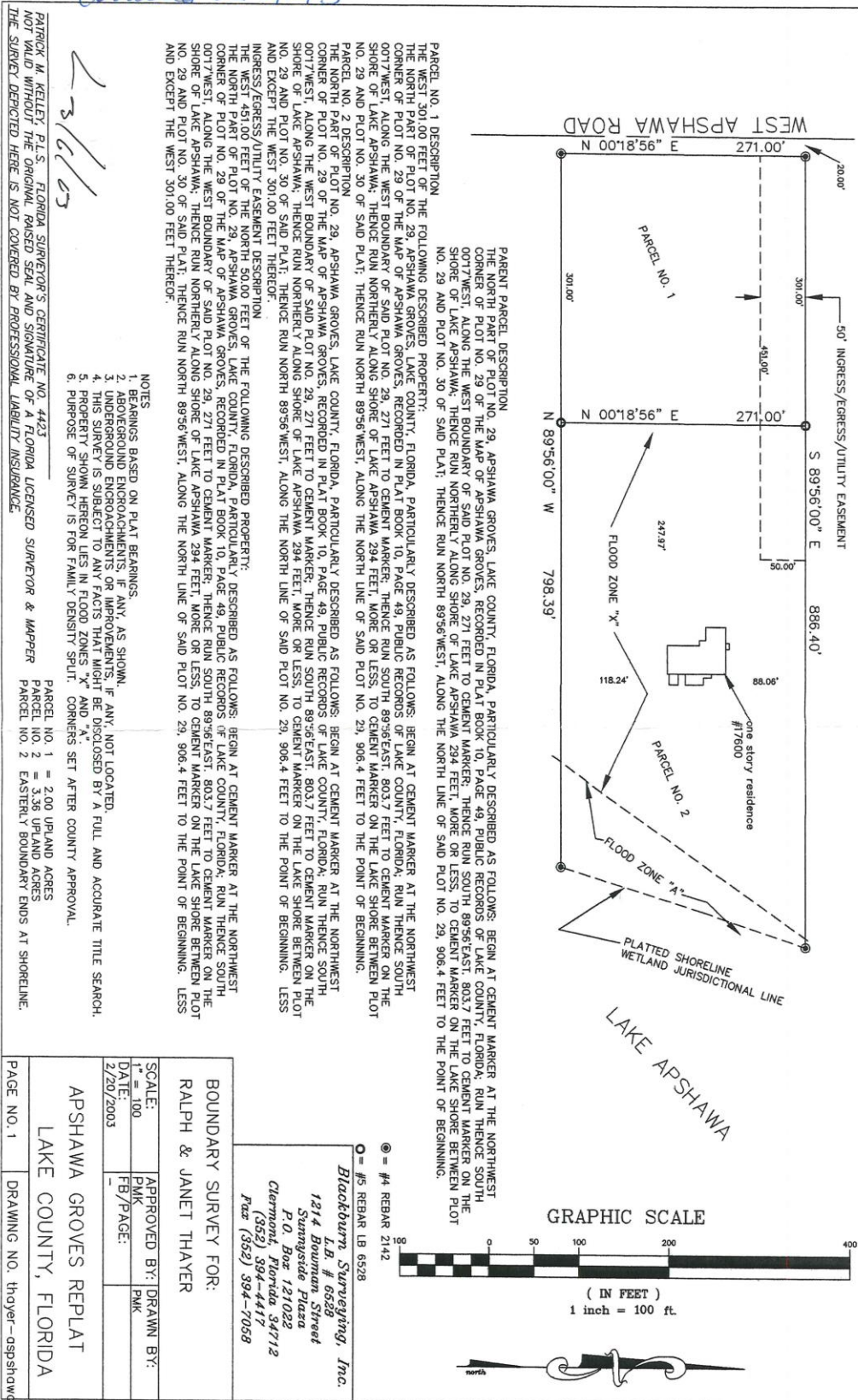
- Legend:**
 ○ denotes power pole
 ● denotes found iron rod unless otherwise noted
 ○ denotes set iron rod & cap, marked RLS 4264
 ▲ denotes set iron rod and disk, marked RLS 4264

#	Date	Revisions	Field Survey	Prepared for:
			5/17/88	
			Party Chief	
			RW	
			Computed by	
			MS	
			Drawn by	
			MS	
			Scale	
			1" = 100'	

John Antony
 Florida Geodetic Services, Inc.
 P.O. Box 121442 - 719 West Avenue
 Clermont, Florida 34712-1442
 (904) 344-1091 / FAX (904) 344-1395
 Project#: 91056.007

Exhibit C

connected OK 3/18/03



PATRICK M. KELEY, P.L.S., FLORIDA SURVEYOR'S CERTIFICATE NO. 4423
 NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR & MAPPER
 THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

2-3/6/03

- NOTES
1. BEARINGS BASED ON PLAT BEARINGS.
 2. ABOVEGROUND ENCROACHMENTS, IF ANY, AS SHOWN.
 3. UNDERGROUND ENCROACHMENTS OR IMPROVEMENTS, IF ANY, NOT LOCATED.
 4. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MIGHT BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
 5. PROPERTY SHOWN HEREON LIES IN FLOOD ZONES "X" AND "A". CORNERS SET AFTER COUNTY APPROVAL.
 6. PURPOSE OF SURVEY IS FOR FAMILY DENSITY SPLIT.

PARCEL NO. 1 = 2.00 UPLAND ACRES
 PARCEL NO. 2 = 3.58 UPLAND ACRES
 PARCEL NO. 2 EASTERLY BOUNDARY ENDS AT SHORELINE.

BOUNDARY SURVEY FOR:	RALPH & JANET THAYER
APPROVED BY:	DRAWN BY:
DATE:	2/20/2003
SCALE:	1" = 100'
APSHAWA GROVES REPLAT	
LAKE COUNTY, FLORIDA	
PAGE NO. 1	DRAWING NO. thoyer-05pshawa

Blackburn Surveying, Inc.
 L.B. # 6528
 1214 Bounman Street
 Sunnyside Plaza
 P.O. Box 121022
 Clermont, Florida 34712
 (352) 394-4417
 Fax (352) 394-7058

Exhibit D

Mitchell, Ruth

From: Allen <amiamifirefighter@yahoo.com>
Sent: Thursday, January 26, 2017 3:23 PM
To: Mitchell, Ruth
Subject: Re: Variance VAR-17-06-1

Hi Ruth

Please see the following

1. A non-exclusive easement deed of 50 foot wide is in place as per ORB 1112 page 0193
2. We agree that the County is not obligated to maintain the roadway
3. During the minor lot split process I will work with County 911 to select the road name and install the proper road signs
4. When we submit the building permit we agree to install at minimum an Asphalt apron at least 10 foot deep with at least 4 foot flares

Thank you

Sent from my iPhone

On Jan 25, 2017, at 12:17 PM, Mitchell, Ruth <rmitchell@lakecountyfl.gov> wrote:

I will be, you can email it to me and I can add it that way. It is up to you.

Ruth Mitchell, Associate Planner
Division of Planning & Zoning
Department of Economic Growth
Lake County Board of County Commissioners
P.O. Box 7800
315 West Main Street
Tavares, FL 32778-7800
Email: rmitchell@lakecountyfl.gov
Office Email: zoning@lakecountyfl.gov
Voice: 352-343-9641
Fax: 352-343-9767

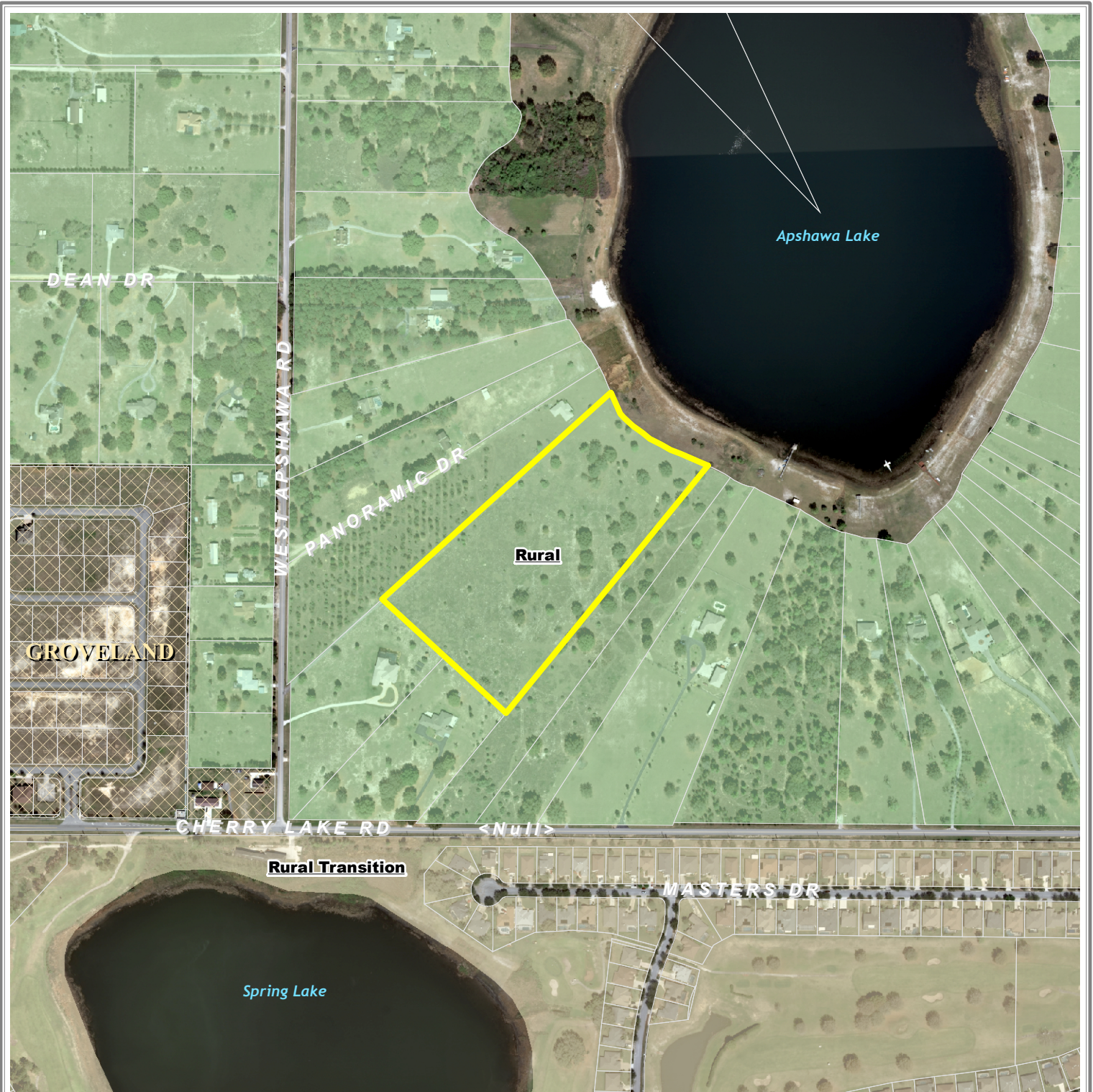
Please note: Florida has a very broad public records law. Most written communication to or from government officials regarding government/public business is public record available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

From: Allen [<mailto:amiamifirefighter@yahoo.com>]
Sent: Wednesday, January 25, 2017 12:17 PM
To: Mitchell, Ruth <rmitchell@lakecountyfl.gov>
Subject: Re: Variance VAR-17-06-1

Ok

Are you in tomorrow morning
What would be a good time to stop by

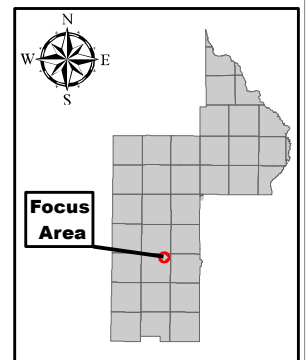
Sent from my iPhone

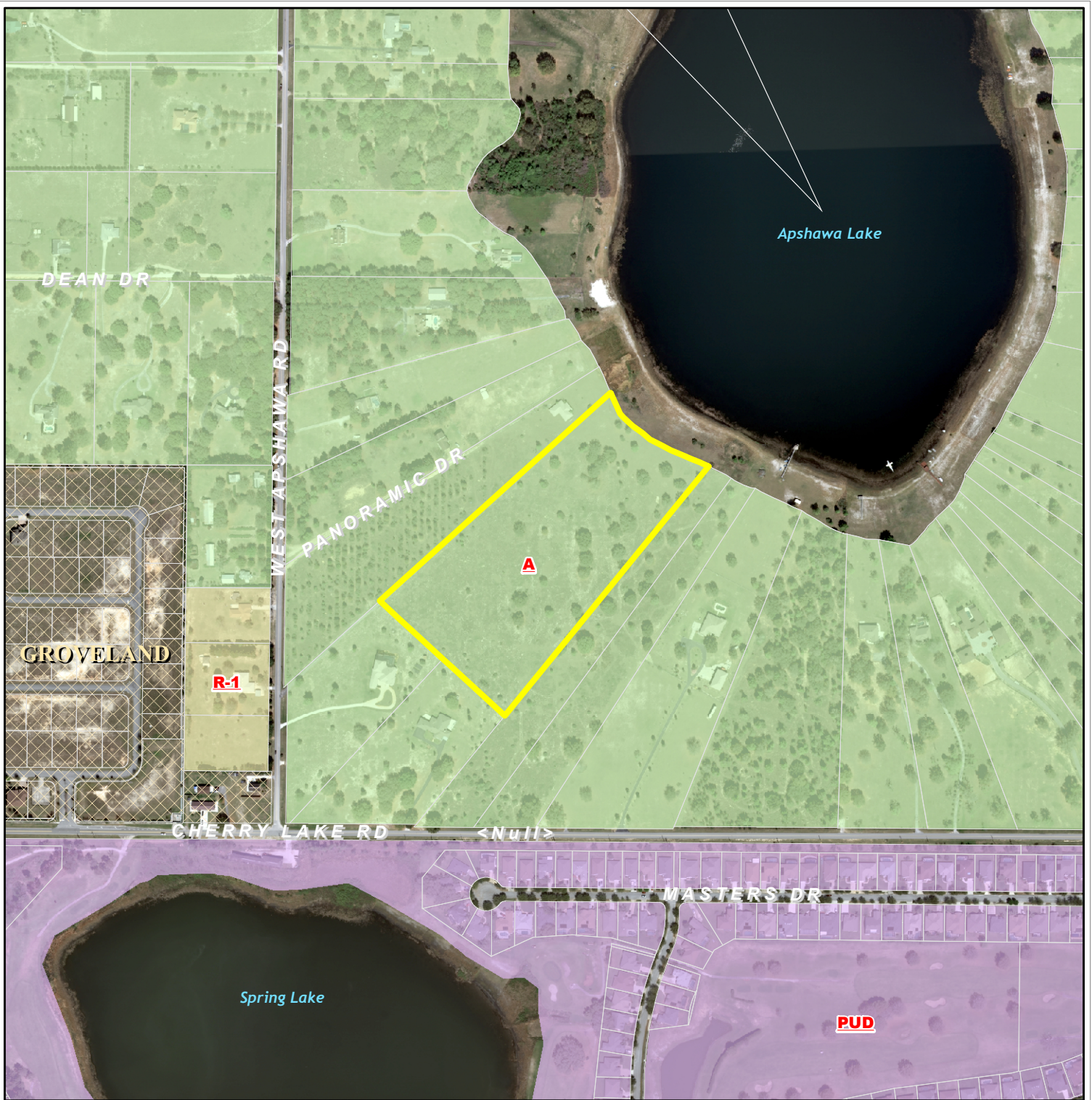


FUTURE LAND USE LEGEND

- | | | | |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina | Heavy Industrial | Recreation | Urban High Density |
| 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 | |
| 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 | Summer Bay | |

NAME: JOYCE
CASE NUMBER: VAR-17-06-1
LOCATION (S-T-R): 02-22-25
REQUEST: LOT SIZE ADJUSTMENT

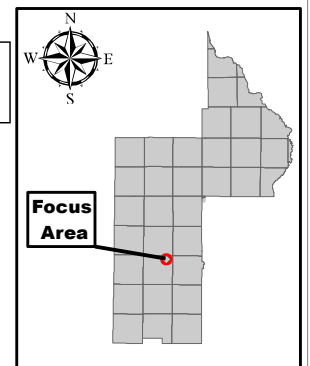




ZONING LEGEND

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: JOYCE
CASE NUMBER: VAR-17-06-1
LOCATION (S-T-R): 02-22-25
REQUEST: LOT SIZE ADJUSTMENT



Final Development Order
Allen and Lisa Joyce
VAR-17-06-1

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 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 13.29+/- acres East of West Apshawa Road, in the Groveland area, described as Alternate Key Number 1786657, and are more particularly described in below (hereinafter referred to as the “Property”):

APSHAWA GROVES THAT PART OF PLOTS 22, 23 & 24 DESCRIBED AS FOLLOWS: FROM SW COR OF PLOT 23 RUN N 00DEG 18MIN 14SEC E ALONG W LINE OF SAID PLOTS 23 & 24 A DIST OF 503.91 FT TO N LINE OF S 79.47 FT OF SAID PLOT 24, N 47DEG 33MIN 00SEC E 491.40 FT FOR POB, CONT N 47DEG 33MIN 00SEC E 1235.16 FT TO SHORELINE OF LAKE APSHAWA & PT A, RETURN TO POB, RUN S 47DEG 49MIN 00SEC E 609.27 FT TO S LINE OF PLOT 22, N 38DEG 50MIN 00SEC E ALONG SAID S LINE OF PLOT 22 A DIST OF 1209.08 FT TO SHORELINE OF LAKE APSHAWA, NWLY ALONG SAID SHORELINE OF LAKE APSHAWA TO PT A PB 10 PG 47 ORB 4798 PG 831

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 February 9, 2017; 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 February 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. Recitals: The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-17-06-1 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:

An easement must be created through the minor lot split process to provide access to the created lots.

1. The easement will have a minimum width of fifty (50) feet.
2. The property owners shall not obligate the County to maintain the easement.
3. Have road name signs installed in accordance with applicable County regulations.
4. The driveway apron should 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.

Section 3. 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 4. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 9th day of February, 2017.

EFFECTIVE February 9, 2017.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Donald Schreiner, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this February 9, 2017, by DONALD SCHREINER, who is personally known to me.

(SEAL)

Signature of Acknowledger