

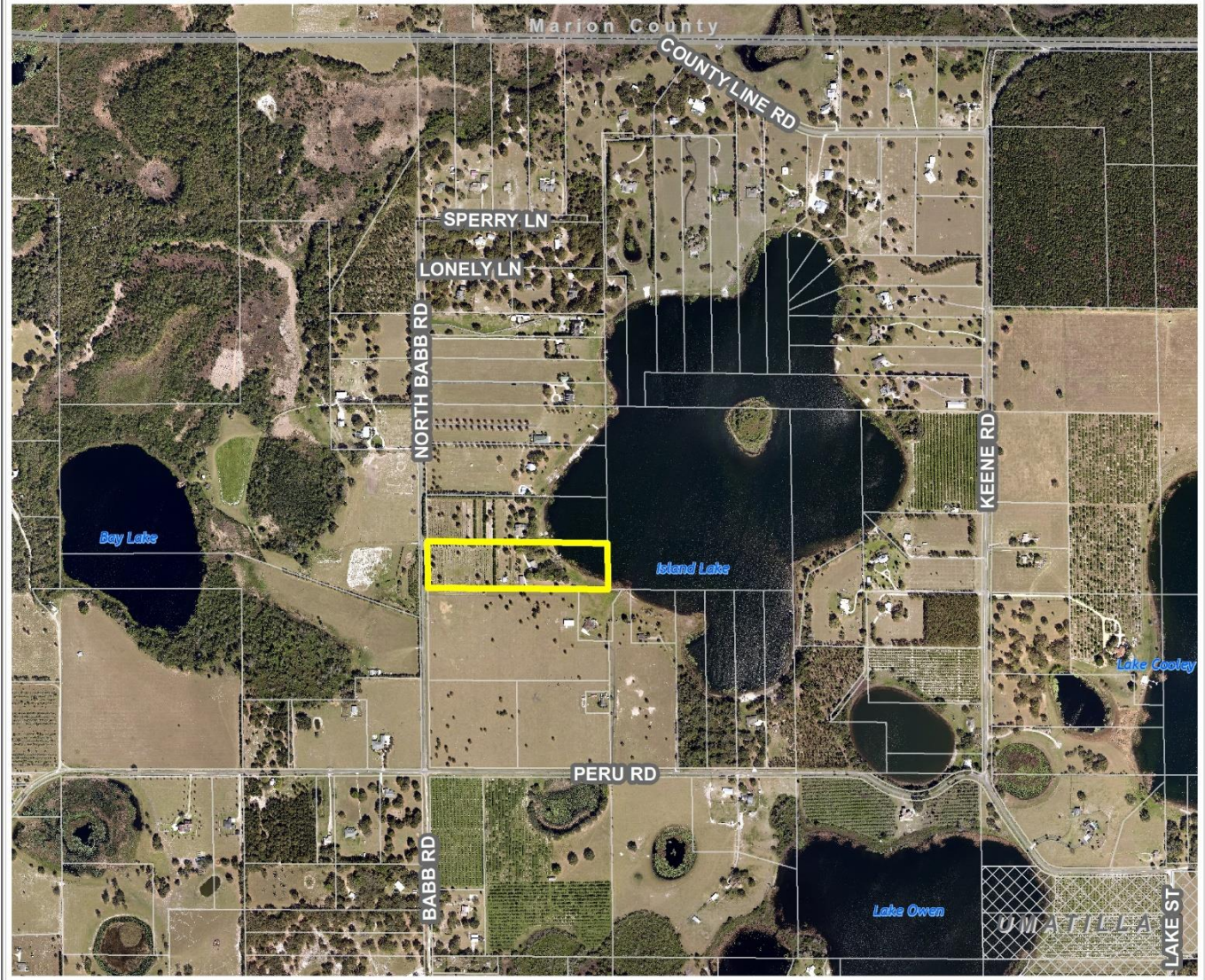
LAKE COUNTY OFFICE OF PLANNING AND ZONING
BOARD OF ZONING ADJUSTMENT STAFF REPORT

Board of Adjustment



March 8, 2018

VAR-18-20-5 Hall Property	Commissioner District 5 Blake	Agenda Item #7
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Requested Action: Variance from Lake County Land Development Regulations (LDR) Section 14.11.02(D)(1) to allow a parcel to be created through the family density exception process for a family member who was listed on the previously approved family density exception, LDR Section 14.11.02(D)(7) to allow a parcel to be created through the family density exception process utilizing an easement, which would create one parcel with access from an easement twenty-five (25) wide in lieu of fifty (50) feet, and LDR Table 3.02.05 to allow the existing pole barn to be setback 7.87 feet from the proposed easement in lieu of twenty-five (25) feet.

Owners: Priscilla G. Hall Sheets and Landon H. Hawkins, as Trustees of the Priscilla G. Hall Revocable Trust Agreement dated August 20, 2015 (the "Owners")

Applicant: Jordan Hawkins (the "Applicant")

- Site Location & Information -

Size	10.31 +/- acres
Location	41300 North Babb Road, Umatilla, FL 32784
Alternate Key #	1406161
Future Land Use	Rural
Existing Zoning District	Agriculture (A)
Overlay Protection Area/ISBA	None
Commission District	5

-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	Single Family Residence with wetlands
South	Rural	Agriculture (A)	Vacant	None
East	None	None	Lake	Island Lake
West	None	None	Street	North Babb Road

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the variance from Lake County Land Development Regulations (LDR) Section 14.11.02(D)(1) to allow a parcel to be created through the family density exception process for a family member who was listed on the previously approved family density exception, LDR Section 14.11.02(D)(7) to allow a parcel to be created through the family density exception process utilizing an easement, which would create one parcel with access from an easement twenty-five (25) wide in lieu of fifty (50) feet, and LDR Table 3.02.05 to allow the existing pole barn to be setback 7.87 feet from the proposed easement in lieu of twenty-five (25) feet.

- Background -

The property is zoned Agriculture (A) with a designated Rural Future Land Use Category by the 2030 Comprehensive Plan. According to the Federal Emergency Management Agency (FEMA) map, the property lies within flood zones "AE" and "X". According to GIS map data and survey, the parcel contains wetlands. The subject parcel was originally created through the family density exception process in 2001 (FDE #2001-045 Parcel A). The property is developed with a single family residence, concrete driveway, pole barn, and wood dock.

-Reason for Request-

The Applicant is requesting a variance from Lake County Land Development Regulations (LDR) Section 14.11.02(D)(1) to allow a parcel to be created through the family density exception process for a family member who was listed on the previously approved family density exception, LDR Section 14.11.02(D)(7) to allow a parcel to be created through the family density exception process utilizing an easement, which would create one parcel with access from an easement twenty-five (25) wide in lieu of fifty (50) feet, and LDR Table 3.02.05 to allow the existing pole barn to be setback 7.87 feet from the proposed easement in lieu of twenty-five (25) feet.

-Staff Analysis-

LDR 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

1. The purpose of the Land Development Regulation will be or has been achieved by other means.

“Next year I will be 80 years old. It is getting harder for me to keep up with the maintenance on the property. Approval of this variance will allow me to split the parcel and have a smaller home built so a family member can help with taking care of the property.”

The intent of the Code, LDR Section 14.11.02.D, is to prevent the subdivision of a parcel when the infrastructure will not support the increased density. The Owners are requesting a variance to allow for the creation of a lot for a family member to help with the care of the property due to her age. The family density exception process was created to allow the creation of parcels for family members, as provided for in the Comprehensive Plan, but requires adherence to the minimum lot dimensions for the land use category or zoning district where the lots are located. The intent of the Code, LDR Section 14.11.02.D.7, is to provide vertical clearance to allow sufficient passage and the passage of emergency vehicles during an emergency. The Owners and Applicant are proposing a twenty-five (25) foot wide easement and the Fire Inspector has provided documentation that indicates that a twenty (20) clear width with a stabilized base would be acceptable and in compliance with the Florida Fire Prevention Codes as long as the proposed access road (easement) extends to within fifty (50) feet of the proposed dwelling/structure (Attachment B). The intent of the Code, LDR Table 3.02.05, is to ensure the adherence of safe distance between structures and right-of-ways. Currently, the existing pole barn is located 32.47 feet from the south property line but the Owners and Applicant are proposing a twenty-five (25) wide private easement to access the proposed lot to be created then the existing pole barn will be setback 7.87 feet from the proposed private easement; the lot will have more than 150 feet of road frontage along the twenty (25) foot wide easement in lieu of a fifty (50) foot wide easement. The above meets the intent of the code.

2. The 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. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.

“We are meeting the requirements of the LDR as we are only creating one (1) lot for me. I am a qualifying descendant (my grandmother is the property owner) and I am over the age of 18. The proposed lot has more than one acre of uplands as reflected in the survey. Additionally, the parcel is not wholly within the 100 year flood zone. The new parcel will be accessed by an easement and will not be a flag lot. Thank you again for your consideration.”

The Family Density Exception Standards, allow the creation of as many lots may be created as are the number of descendants and descendants plus one (1) for the subdividing family member and requires that if an easement is utilized then the easement width must be fifty (50) feet. Per the Code, the existing pole barn must be setback 25 feet from the south property line.

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(B), Purpose and Intent of District, which describes the intent of the Agriculture (A) Zoning District; and
- This request is consistent with Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, which allows single-family dwelling units in the Agriculture (A) Zoning District; and

- This request is consistent with Comprehensive Plan Policy I-1.4.4, Rural Future Land Use Category, which allows residential uses as a permitted use; and
- This request is generally consistent with Land Development Regulations (LDR) Section 14.11.02, Family Density Exception, which allows as many lots may be created as are the number of descendants and descendants plus one (1) for the subdividing family member; and
- This request is consistent with Comprehensive Plan Policy I-1.2.10, Creation of Parcels for Family Members, which permits the development of tracts of land in the rural areas for the use of family members as their primary residences.

The Applicant has submitted evidence of meeting the intent of the Code and has 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 the variance to Lake County Land Development Regulations (LDR) Section 14.11.02(D)(1) to allow a parcel to be created through the family density exception process for a family member who was listed on the previously approved family density exception, LDR Section 14.11.02(D)(7) to allow a parcel to be created through the family density exception process utilizing an easement, which would create one parcel with access from an easement twenty-five (25) wide in lieu of fifty (50) feet, and LDR Table 3.02.05 to allow the existing pole barn to be setback 7.87 feet from the proposed easement in lieu of twenty-five (25) feet, with the following conditions:

1. The property will not be split further through an administrative lot split process.
2. The proposed easement must not encroach into the wetland area.
3. The proposed access road (easement) must extend to within fifty (50) feet of the proposed dwelling/structure for compliance with Florida Fire Prevention Code 1:18.2.3.2.1.
4. Any impervious or semi-impervious surface used for the driveway improvement must be setback five (5) feet from the property line with a swale.

WRITTEN COMMENTS FILED:

Supportive: -0-

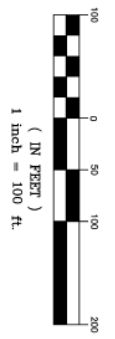
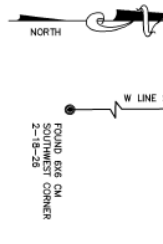
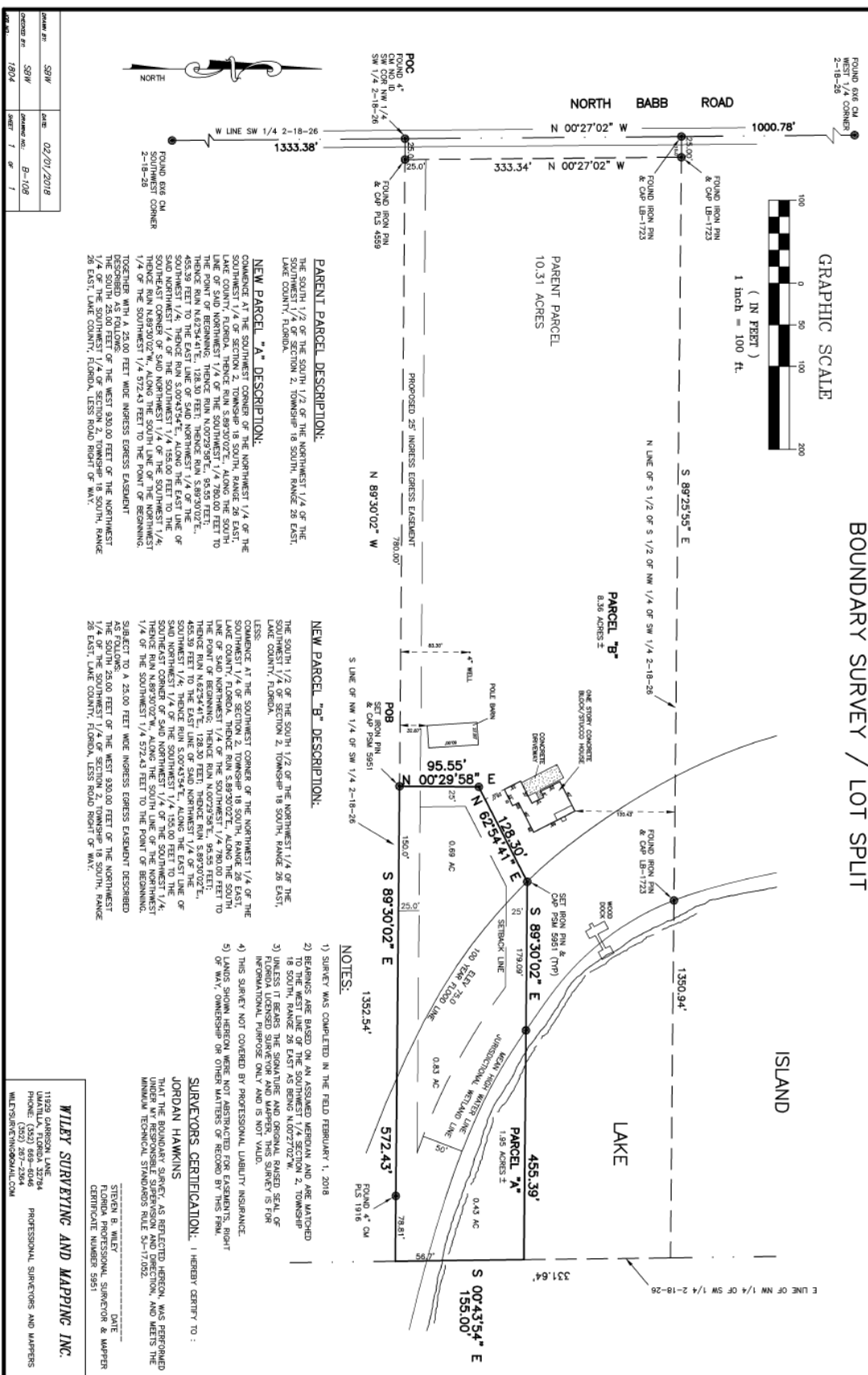
Concern: -0-

Opposition: -0-

Case Manager: Janie Barrón, Senior Planner

Exhibit A

Survey with proposed lot split



GRAPHIC SCALE
 100
 0 50 100 200
 (IN FEET)
 1 inch = 100 ft.

BOUNDARY SURVEY / LOT SPLIT

PARENT PARCEL DESCRIPTION:
 THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE
 SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 18 SOUTH, RANGE 26 EAST,
 LAKE COUNTY, FLORIDA.

NEW PARCEL "A" DESCRIPTION:
 COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE
 SOUTH 1/2 OF SECTION 2, TOWNSHIP 18 SOUTH, RANGE 26 EAST,
 LAKE COUNTY, FLORIDA, THENCE RUN S.89°30'02\"/>

NEW PARCEL "B" DESCRIPTION:
 THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE
 SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 18 SOUTH, RANGE 26 EAST,
 LAKE COUNTY, FLORIDA, LESS:
 LESS:
 COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE
 SOUTH 1/2 OF SECTION 2, TOWNSHIP 18 SOUTH, RANGE 26 EAST,
 LAKE COUNTY, FLORIDA, THENCE RUN S.89°30'02\"/>

- NOTES:**
- 1) SURVEY WAS COMPLETED IN THE FIELD FEBRUARY 1, 2018
 - 2) BEARINGS ARE BASED ON AN ASSUMED MERIDIAN AND ARE MATCHED TO THE WEST LINE OF THE SOUTHWEST 1/4 SECTION 2, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA.
 - 3) THE SURVEY WAS CONDUCTED USING A TRIPLEX TOTAL STATION, AND ALL DISTANCES WERE MEASURED AND CHECKED BY A SECOND LICENSED SURVEYOR AND MAPPER. THIS SURVEY IS FOR INFORMATIONAL PURPOSE ONLY AND IS NOT VALID.
 - 4) THIS SURVEY NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.
 - 5) LAMBS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHT OF WAY, OWNERSHIP OR OTHER MATTERS OF RECORD BY THIS FIRM.

SURVEYORS CERTIFICATION: I HEREBY CERTIFY TO :
JORDAN HAWKINS
 STEVEN B. WILEY
 FLORIDA PROFESSIONAL SURVEYOR & MAPPER
 CERTIFICATE NUMBER 5951
 DATE

WILEY SURVEYING AND MAPPING INC.
 11320 GARRISON LANE
 UMATILLA, FLORIDA 32784
 PHONE: (352) 691-4306
 PROFESSIONAL SURVEYORS AND MAPPERS
 WILEY@WILEYSURVEYING.COM

DATE	02/01/2018
CONTRACT NO.	1804
DRAWN BY	SWW
CHECKED BY	JSW
PROJECT NO.	B-108
SHEET	1 OF 1

Exhibit B

Office of Building Services – Fire Comments

The screenshot shows an Outlook email window titled "Access for residential lot - Message (HTML)". The interface includes a ribbon with "FILE" and "MESSAGE" tabs, and various action buttons like "Delete", "Reply", "Forward", "Move", "Assign Policy", "Follow Up", "Translate", and "Zoom". The email header shows the sender as "Larsen, Danielle" with the subject "Access for residential lot". The recipient list includes "JORDAN HAWKINS" and "Barron, Janie; Krzastek, Loretta".


Mon 1/22/2018 10:55 AM
Larsen, Danielle
Access for residential lot

To JORDAN HAWKINS
Cc Barron, Janie; Krzastek, Loretta

Good morning Jordan,

Janie has forwarded me the lot split aerial and noted the access to the second parcel would be between the pole barn and lot line which is indicated as approx. 32'. This could be acceptable as the Florida Fire Prevention Code requires a minimum 20' clear width with a stabilized base (does not have to be paved but stabilized – not a mud pit/sand hole) to within 50ft of the structure. If you plan on adding fire sprinklers to the home this changes things. Distance are increased. Let me know should you have any questions or need further assistance.

Thanks,

 **DANIELLE LARSEN,**
Fire Inspector

Office of Building Services

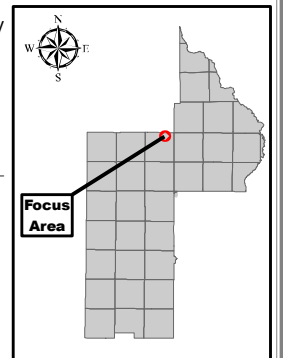
A 315 W. Main St. Tavares, FL 32778
P 352-343-9653 | F 352-343-9771 | C 352-636-5594
E dlarsen@lakecountyfl.gov | W www.lakecountyfl.gov

NOTE: Florida has a very broad public records law.
Your email communications may be subject to public disclosure.

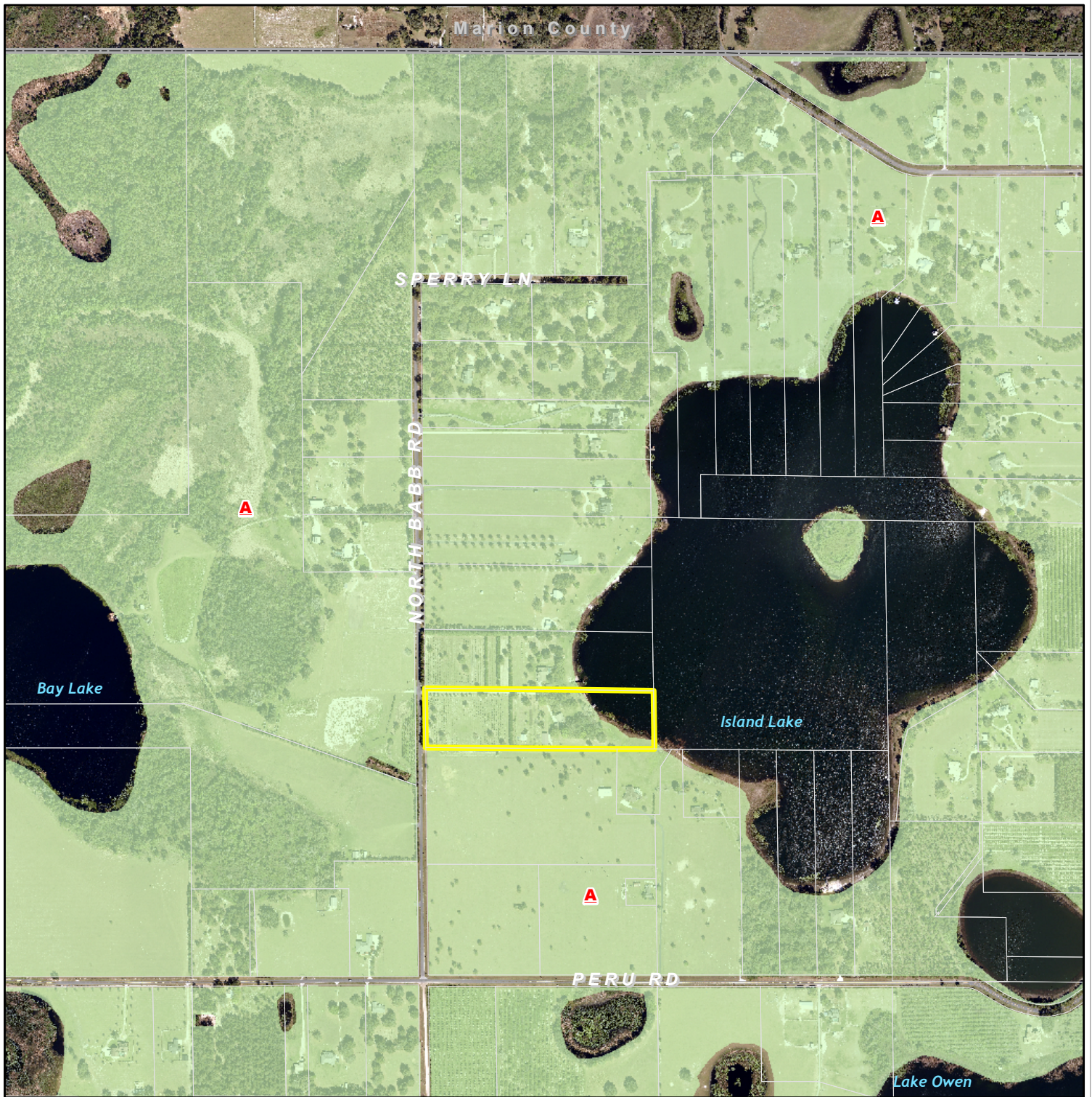


FUTURE LAND USE LEGEND

- | | | |
|--------------------------------|--|--------------------------|
| Bella Collina | Mt Plymouth-Sorrento Main Street District | Regional Commercial |
| Cagan Crossings | Mt Plymouth-Sorrento Neighborhood | Rural |
| Conservation | Mt Plymouth-Sorrento Receiving Area | Rural Transition |
| Green Swamp Core Conservation | Regional Office | Sending Area A-1-20 |
| Green Swamp Interlachen | Public Service Facility and Infrastructure | Sending Area A-1-40 |
| Green Swamp Ridge | Recreation | South Lake Regional Park |
| Green Swamp Rural | Receiving Area A-1-20 | Summer Bay |
| Green Swamp Rural Conservation | | Urban Low Density |
| Heavy Industrial | | Urban Medium Density |
| | | Urban High Density |
| | | Wellness Way 1 |
| | | Wellness Way 2 |
| | | Wellness Way 3 |
| | | Wellness Way 4 |
| | | Towncenter |



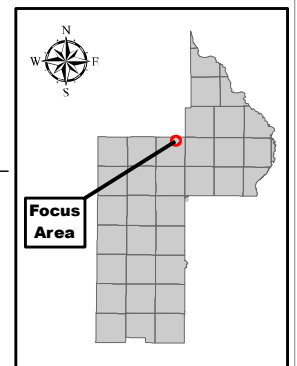
NAME: HALL PROPERTY
CASE NUMBER: VAR-18-20-5
LOCATION (S-T-R): 02-18-26
REQUEST: ROAD FRONTAGE & EASEMENT WIDTH ADJUSTMENT



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: HALL PROPERTY
CASE NUMBER: VAR-18-20-5
LOCATION (S-T-R): 02-18-26
REQUEST: ROAD FRONTAGE & EASEMENT WIDTH ADJUSTMENT



**Final Development Order
VAR-18-20-5
Hall Property**

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

WHEREAS, Jordan Hawkins (the “Applicant”) on behalf of Priscilla G. Hall Sheets and Landon H. Hawkins, as Trustees of the Priscilla G. Hall Revocable Trust Agreement dated August 20, 2015 (the “Owners”) requested a variance to Lake County Land Development Regulations (LDR) Section 14.11.02(D)(1) to allow a parcel to be created through the family density exception process for a family member who was listed on the previously approved family density exception, LDR Section 14.11.02(D)(7) to allow a parcel to be created through the family density exception process utilizing an easement, which would create one parcel with access from an easement twenty-five (25) wide in lieu of fifty (50) feet, and LDR Table 3.02.05 to allow the existing pole barn to be setback 7.87 feet from the proposed easement in lieu of twenty-five (25) feet; and

WHEREAS, the subject property consists of 10.31 +/- acres and are located west of Sunset Drive in the Paisley area, in Section 02, Township 18 South, Range 26 East, having Alternate Key Numbers 2810408 and more particularly described as:

The South 1/2 of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 2, Township 18 South, Range 26 East, Lake County, Florida, Less the West 25.00 feet thereof for road right-of-way.

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 March 8, 2018; 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 March 8, 2018, 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-18-07-5 to allow a parcel to be created through the family density exception process for a family member who was listed on the previously approved family density exception, to allow a parcel to be created through the family density exception process utilizing an easement, which would create one parcel with access from an easement twenty-five (25) wide in lieu of fifty (50) feet, and to allow the existing pole barn to be setback 7.87 feet from the proposed easement in lieu of twenty-five (25) feet, with the following conditions:

1. The property will not be split further through an administrative lot split process.
2. The proposed easement must not encroach into the wetland area.

- 3. The proposed access road (easement) must extend to within fifty (50) feet of the proposed dwelling/structure for compliance with Florida Fire Prevention Code 1:18.2.3.2.1.
- 4. Any impervious or semi-impervious surface used for the driveway improvement must be setback five (5) feet from the property line with a swale.

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 8th day of March, 2018.

EFFECTIVE March 8, 2018.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Catherine Hanson, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 8th day of March, 2018, 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