

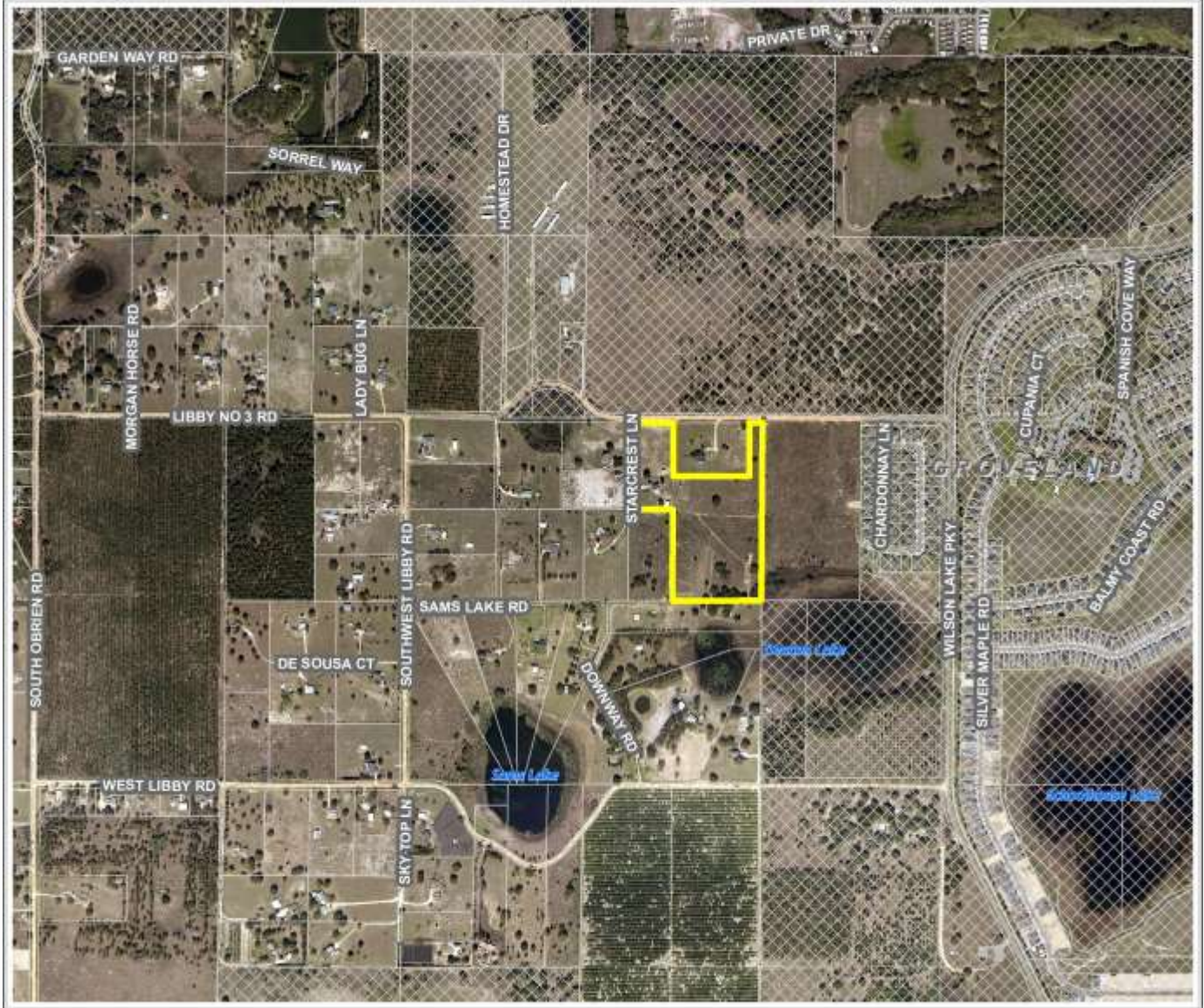
LAKE COUNTY OFFICE OF PLANNING AND ZONING
BOARD OF ADJUSTMENT STAFF REPORT

Board of Adjustment



June 14, 2018

<p>VAR-18-29-1 Lafferty Property</p>	<p>Commissioner District 1</p>	<p>Agenda Item #2</p>
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Applicant Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(2) to allow a parcel created through a minor lot split to be subdivided into two (2) lots and a variance to LDR Section 3.10.00 to allow an Agriculturally zoned parcel to have 95-feet of road frontage in lieu of 150-feet of road frontage.

Owners and Applicants: Jack Lafferty, Jr. and Karla A. Lafferty (the "Applicants")

– Site Location & Information –

Size	19.17 +/- acres
Location	West of Wilson Lake Parkway at the intersection of Starcrest Lane and Libby No. 3 Road in the Groveland area.
Alternate Key #	3703065
Future Land Use	Rural
Existing Zoning District	Agriculture (A)
Overlay Protection Area	None
JPA/ISBA	None
Commission District	1

– Land Use Table –

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	City of Groveland	City of Groveland	Agricultural	Adjacent to Libby No. 3 Road
South	Rural	Agriculture	Residential and Agricultural	Single Family Residence
East	Rural	Agriculture	Agricultural	None
West	Rural	Agriculture	Residential	Adjacent to Starcrest Lane

– Summary of Staff Determination –

STAFF RECOMMENDATION: Staff recommends **Approval** of the variance from Lake County Land Development Regulations (LDR) Section 14.11.01(D)(2) to allow a parcel created through a minor lot split to be subdivided into two (2) lots and a variance to LDR Section 3.10.00 to allow an Agriculturally zoned parcel to have 95-feet of road frontage in lieu of 150-feet of road frontage.

– Background –

The subject property is identified as Alternate Key Number 3703065 and is 19.75 acres in size. It is generally located west of Wilson Lake Parkway at the intersection of Starcrest Lane and Libby No. 3 Road in the Groveland area. The subject property is zoned Agriculture (A) with a Rural Future Land Use Category (FLUC) designation and is currently developed with a single family dwelling unit. The residential use is permitted in both the zoning district and future land use category at a minimum of five (5) net acres for a single family dwelling unit. According to the GIS Map, the property lies partially within a floodplain and there not an indication of wetlands.

In 2011, the subject 19.75 acre parcel was created through the lot line deviation process (LLD #2011-0018) which reconfigured the lot lines of two (2) existing lots, one of which was created through the Large Lot Waiver process (LLW #92-116). The lot line deviation reconfigured the subject parcel to have two sections of road frontage along Libby No. 3 Road. In addition to creating the subject parcel the lot line deviation also created a five acre parcel.

– Reason for Request –

The Applicants' first variance request is to LDR Section 14.11.01(D)(2) which states that only two (2) lots may be created from the original legally created lot. Per LDR Chapter II, an original parcel is a lot legally created, on or before June 1, 1992, pursuant to the Lake County Code. Due to a portion of the subject property having been created through a previous lot split (Large Lot Waiver #92-116), the Applicants are unable to split the subject 19.75 acre parcel without a variance. The Applicants intend to split the subject 19.75 acre parcel into one (1) five acre parcel which will include

the existing single family dwelling unit and (1) one fourteen acre parcel which they intend to sell. Both proposed parcels are consistent with LDR Table 3.02.06 (Agriculture zoning district) and Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category, which require a minimum of five acres. The proposed minor lot split is shown in Attachment #2.

The Applicants' second variance request is to LDR Section 3.10.00 which states that Agriculturally zoned parcels must have 150-feet of road frontage. The Applicants have requested the variance because they desire to split the subject property into two (2) parcels with one parcel having 95-feet of road frontage along Libby No. 3 Road. The previous lot line deviation resulted in the subject property having two sections of road frontage along Libby No. 3 Road, as seen in Attachment #1. The subject parcel's first section of road frontage along Libby No. 3 Road is 325-feet in length and the second section of road frontage along Libby No. 3 Road is 95-feet in length. The Applicants' intend to split the subject parcel so that each new parcel has frontage along Libby No. 3 Road; one parcel will have 325-feet of frontage and one parcel with have 95-feet of frontage.

– 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.

The **intent of the Code**, LDR Section 14.11.00, 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, sewer and water facilities.

The Applicants provided the following explanation for meeting the intent of the code: *"If we can separate the 14+ acres from the 5 acres our home sits out [on] we can hopefully sell the 14+ acres and pay for our daughter's education."*

The proposed minor lot split will result in the creation of one (1) five acre parcel and one (1) fourteen acre parcel. The size of the proposed parcels is consistent with the character of the surrounding area which is comprised of parcels that are similar in size or smaller. Additionally, any structures that are constructed on these parcels must meet all requirements regarding setbacks and single family dwelling unit standards.

Although the one of the proposed new parcels will have 95-feet of road frontage in lieu of 150-feet of road frontage the parcel will not meet the definition of a flag lot (50-feet or less). Additionally, if a future driveway is constructed it can be developed without encroaching into side setbacks. Lastly, the Public Works Department did not identify any issues or concerns regarding the reduced road frontage.

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.

The Applicants provided the following hardship statement: *"We are currently trying to pay off one daughter's college debt while we have another daughter in college we are paying for. Our goal is to be able to sell the 14+ acre parcel to be able to pay for their education. In order for us to be able to sell the acreage we would like to*

request that (1) the 150 foot minimum road frontage requirement be adjusted for us to say 95 feet. Originally we were told by Lake County P & Z that the minimum road frontage had to be 90 feet, that is why we did a little more and made it 95 feet; and (2) once the road frontage minimum is hopefully adjusted, we would also like to be able to do a minor lot split so the property is separate from the 5 acres that our home sits on. Without the 95 foot road frontage being acceptable, we will not be able to do a minor lot split that would allow us to sell the 14+ acreage.”

The Applicants have indicated that they have a financial hardship due to paying for family expenses. The two variance requests will allow the Applicants to complete a proposed lot split which will allow them for the generation of funds as they intend to sell one (1) of the newly created parcels.

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

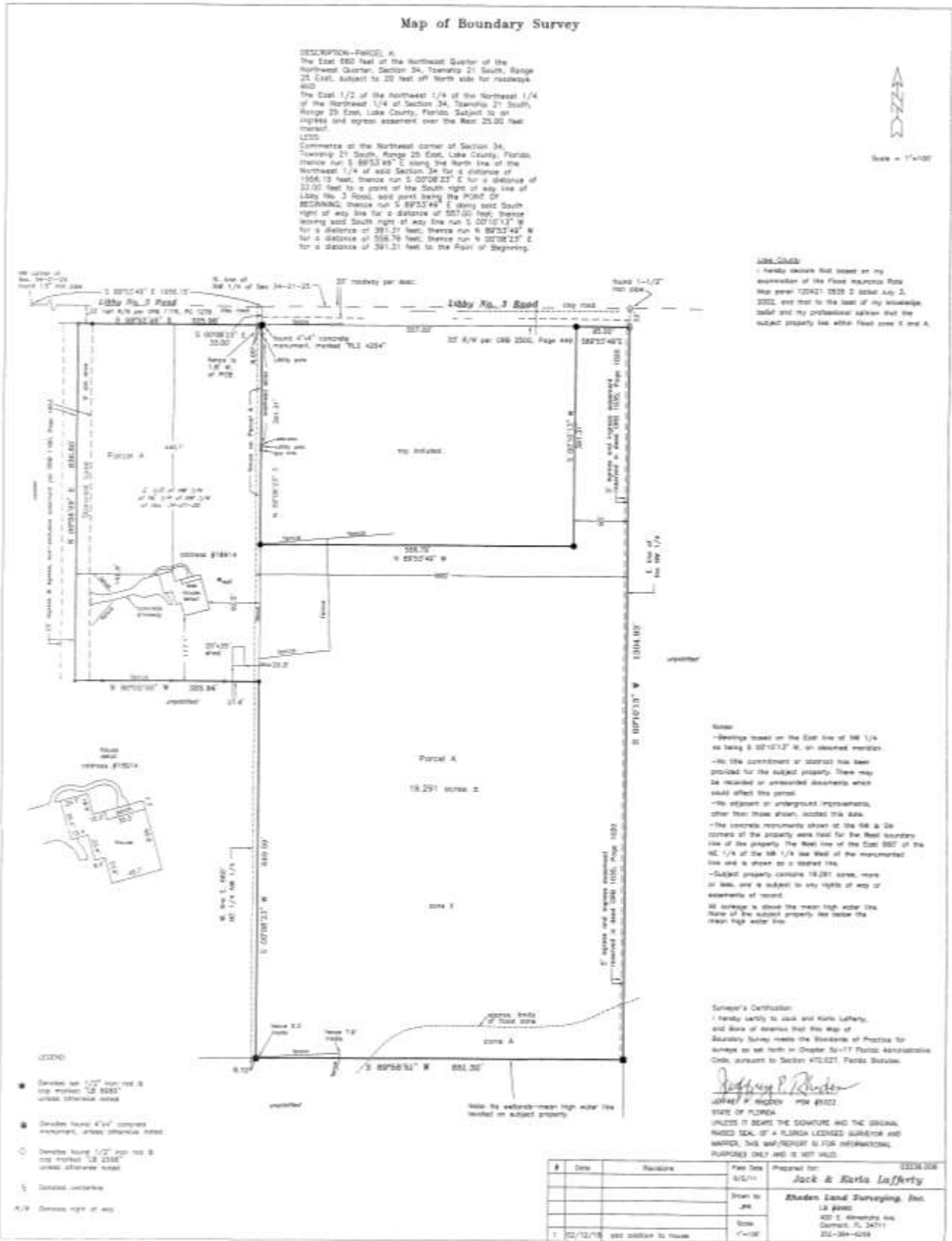
- This request is consistent with Comprehensive Plan Policy I-1.4.4 Rural Future Land Use Category, which requires a minimum density of five (5) acres; and
- This request is consistent with LDR Table 3.02.06, which requires that Agriculturally zoned properties contain at least five (5) acres; and
- This request is consistent with Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, which permits single-family dwelling units and residential accessory structures within the Agriculture (A) Zoning District; and
- Residential structures constructed on the proposed parcels must maintain all required setbacks as found in LDR Table 3.02.02, Setback Requirements.

The Applicants 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** of the variance from Lake County Land Development Regulations (LDR) Section 14.11.01(D)(2) to allow a parcel created through a minor lot split to be subdivided into two (2) lots and a variance to LDR Section 3.10.00 to allow an Agriculturally zoned parcel to have 95-feet of road frontage in lieu of 150-feet of road frontage.

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

Case Manager: Christine Rock, Planner

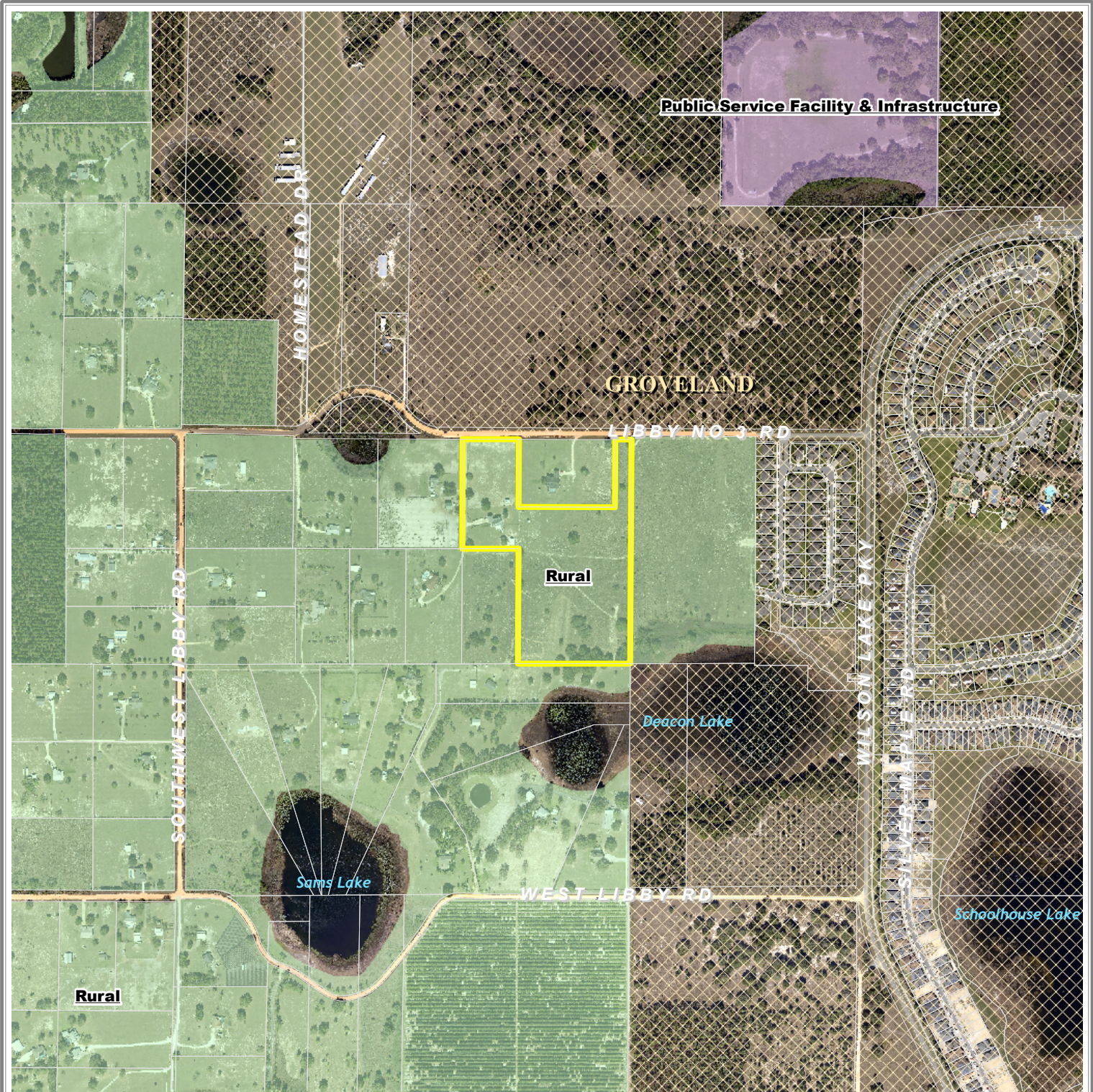
Attachment #1 – Survey



Attachment #2 – Proposed Lot Split with 90-feet of Road Frontage



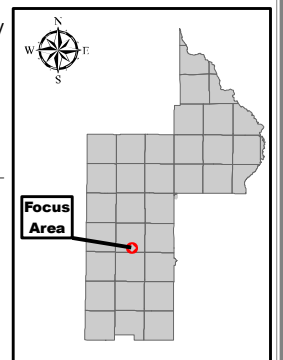
Proposed lot split

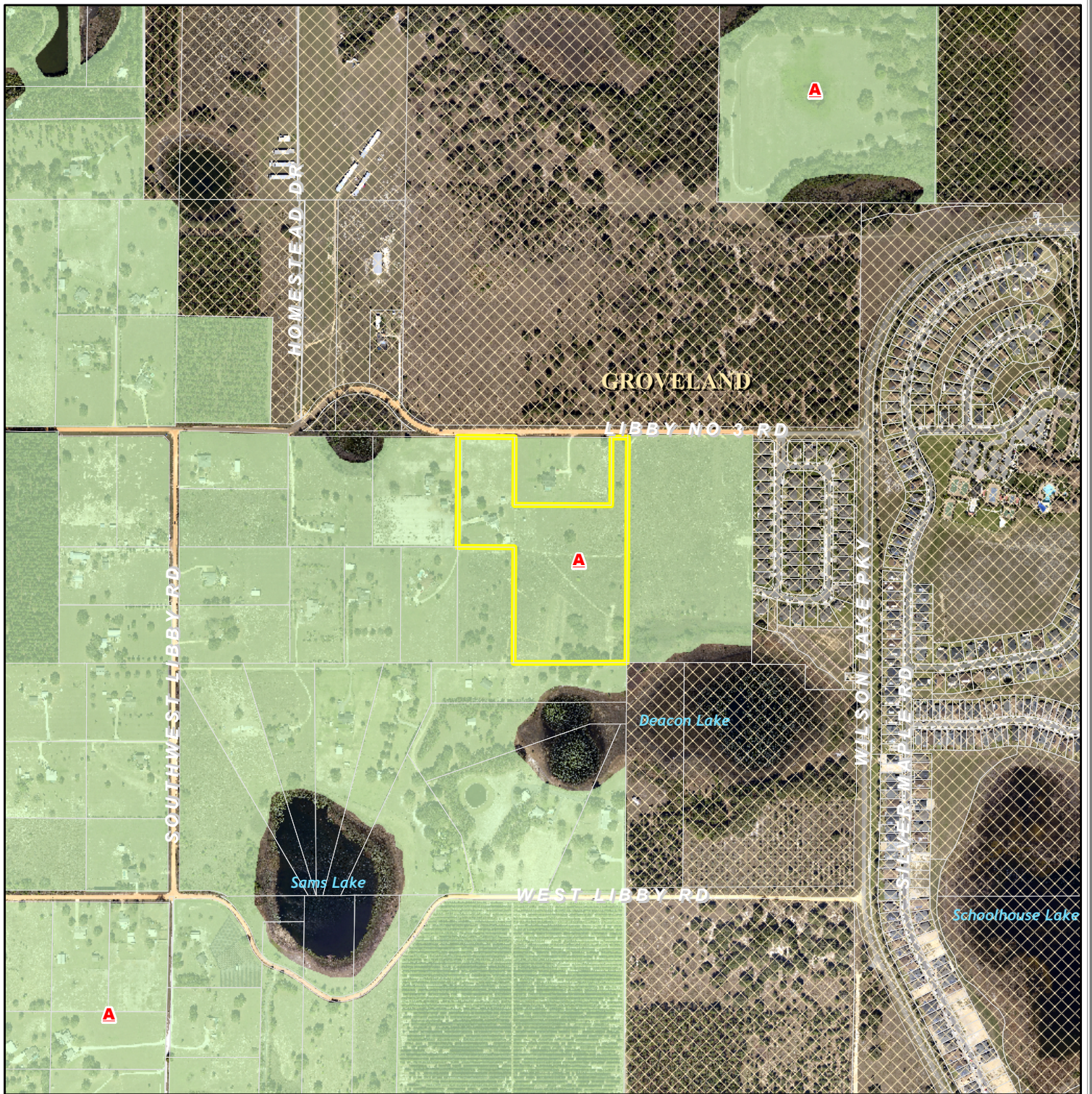


FUTURE LAND USE LEGEND


















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|--------------------------------|--|--------------------------|
| 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 | Receiving Area A-1-20 | South Lake Regional Park |
| Green Swamp Rural | Recreation | 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: LAFFERTY PROPERTY
CASE NUMBER: VAR-18-29-1
LOCATION (S-T-R): 34-21-25
REQUEST: ROAD FRONTAGE 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: LAFFERTY PROPERTY
CASE NUMBER: VAR-18-29-1
LOCATION (S-T-R): 34-21-25
REQUEST: ROAD FRONTAGE ADJUSTMENT



**Final Development Order
Lafferty Property
VAR-18-29-1**

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

WHEREAS, Jack Lafferty, Jr. and Karla A. Lafferty (the "Applicants") submitted an application to request a variance from Land Development Regulations (LDR) Section 14.11.01(D)(2) to allow a parcel created through a minor lot split to be subdivided into two (2) lots and a variance to LDR Section 3.10.00 to allow an Agriculturally zoned parcel to have 95-feet of road frontage in lieu of 150-feet of road frontage; and

WHEREAS, the subject property consists of 19.17 +/- acres and is located west of Wilson Lake Parkway at the intersection of Starcrest Lane and Libby No. 3 Road in the Groveland area, in Section 34, Township 21 South, Range 25 East, Alternate Key Number 3703065 and is more particularly described below (the "Property");

The East 660 feet of the Northeast Quarter of the Northwest Quarter, Section 34, Township 21 South, Range 25 East, subject to 20 feet off North side for roadways.

AND

The East 1/2 of the Northwest 1/4 of the Northeast 1/4, of the Northwest 1/4 of Section 34 Township 21 South, Range 25 East, Lake County, Florida. Subject to an ingress and egress easement over the West 25.00 feet thereof.

LESS:

Commence at the Northwest corner of Section 34, Township 21 South, Range 25 East, Lake County, Florida, thence run S 89°53'49" E along the North line of the Northwest 1/4 of said Section 34 for a distance of 1956.15 feet; thence run S 00°08'23" E for a distance of 33.00 feet to a point of the South right of way line of Libby No. 3 Road, said point being the Point of Beginning; thence run S 89°53'49" E along said South right of way line for a distance of 557.00 feet; thence leaving said South right of way line S 00°10' 13" W for a distance of 391.31 feet; thence run N 89°53'49" W for a distance of 556.79 feet; thence run 00°08'23" E for a distance of 391.31 feet to the Point of Beginning.

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 June 14, 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 June 14, 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-18-29-1 to allow a parcel created through a minor lot split to be subdivided into two (2) lots and to allow an Agriculturally zoned parcel to have 95-feet of road frontage in lieu of 150-feet of road frontage.

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 June, 2018.

EFFECTIVE June 14, 2018.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

_____, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this June 14, 2018 by _____, who is personally known to me.

(SEAL)

Signature of Acknowledger