



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: June 13, 2019

Case No. and Project Name: VAR-19-12-4, Vyborny Property

Applicant: Ronald G. and Eric James Vyborny

Owner: Ronald G. and Rebecca L. Vyborny

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 14.11.02.D.7.b, to allow the creation of two (2) lots through the family density exception process which will front on an easement that does not connect to a publicly maintained road and LDR Section 14.11.02.D.14, to allow the creation of two (2) lots through the family density exception within a platted subdivision when such density exception may change the character of the subdivision.

Staff Determination: Staff recommends approval of the variance request with the conditions contained in the development order.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 4.037 +/- net acres (no wetlands or water bodies on subject property)

Location: At the intersection of Wekiva Trail and Soaring Hawk Lane in the Sorrento area.

Alternate Key No.: 1738431

Future Land Use: Wekiva River Protection Area Sending Area A-1-40

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Wekiva River Protection Area and Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	N/A	N/A	Street	Wekiva Trail
South	Wekiva River Protection Area Sending Area A-1-40	Rural Residential (R-1)	Residential	Single-family dwelling units
East	N/A	N/A	Street	Soaring Hawk Lane
West	Wekiva River Protection Area Sending Area A-1-40	Agriculture (A)	Residential	Single-family dwelling units

Summary of Request.

The Owners desire to split their parcel through the family density exception lot split process in order to create a parcel for their son. The family density exception process allows the creation of lots for family members when the parcel fronts on an easement that connects to a publicly maintained road. However, a variance is required as the Owners are proposing to create two (2) parcels, one of which fronts on an easement that connects to an easement in lieu of connecting to a publicly maintained road. Additionally, the lot is located within a platted subdivision and the creation of the proposed lots may change the character of the subdivision.

The proposed parcel will front on Soaring Hawk Lane, a sixty-six (66) foot easement. Soaring Hawk Lane connects to Wekiva Trail, a sixty-six (66) foot easement that connects to Wekiva River Road, a publicly maintained road.

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 new property lines will be of similar design of other property of 1.3 acres or more. 180 ft. by 300 ft.”

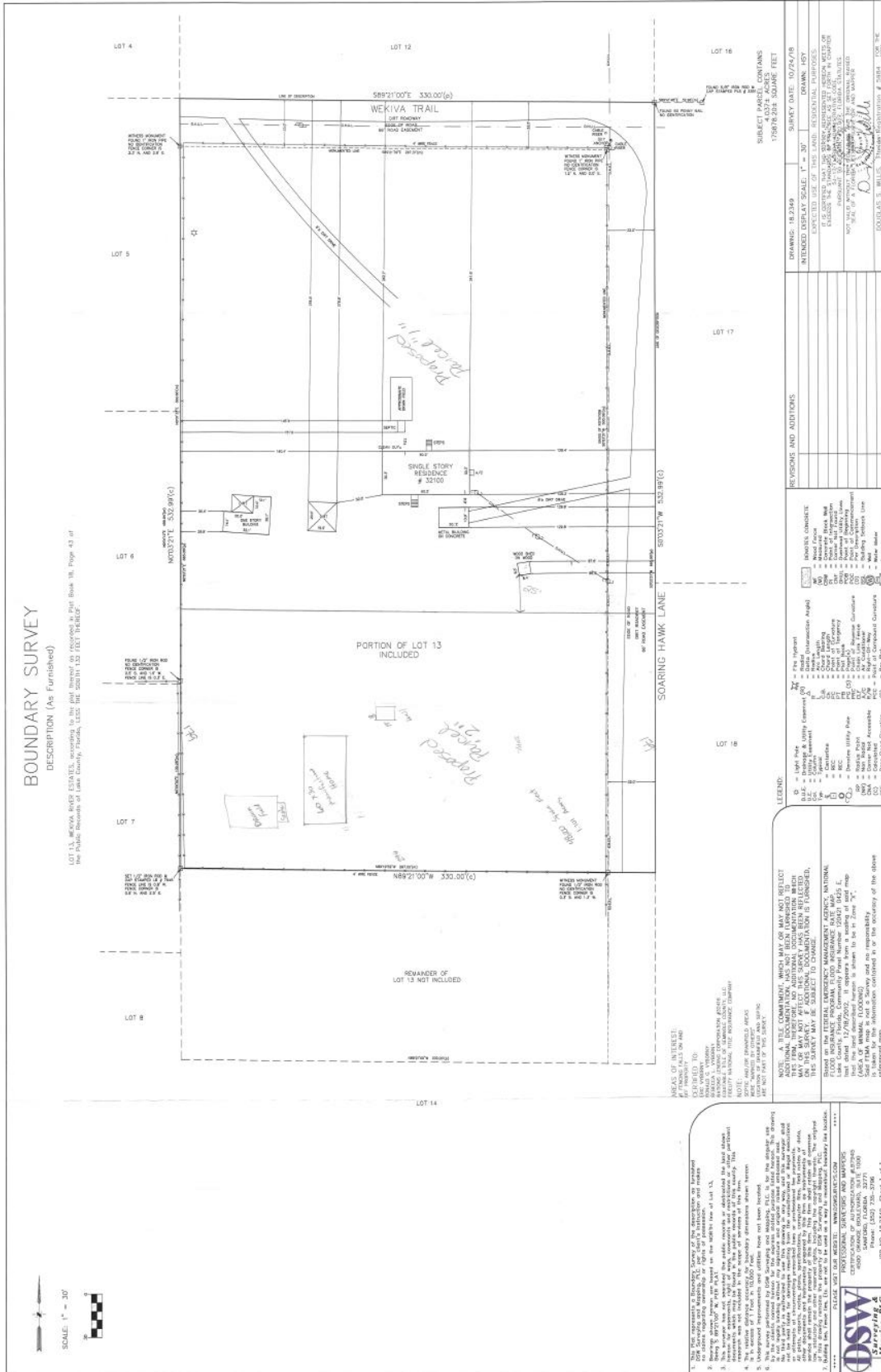
The intent of the Code, LDR Section 14.11.02, is to allow for the creation of parcels for family members without the adherence to the minimum zoning or future land use category densities and to discourage high density on non-County maintained, non-paved roads. Soaring Hawk Lane appears to be in satisfactory conditions and appears to provide adequate access for emergency vehicles. Even though the proposed creation of the lots may change the character of the subdivision, there are lots within the subdivision that are one (1) acre in size. However, these lots front on Wekiva River Road, which is a publicly maintained road.

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.

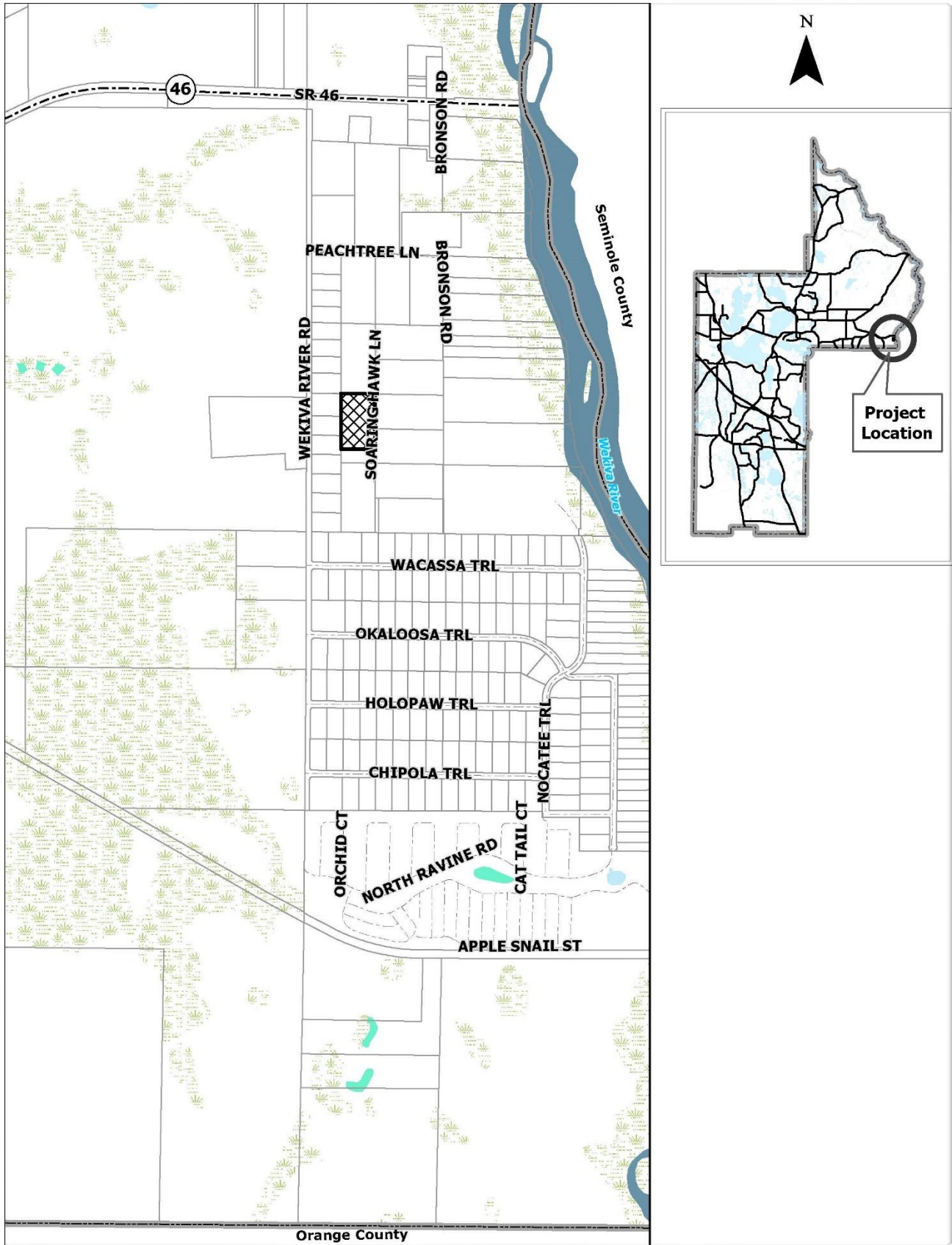
“Son split from girl friend and going to live on property. Has son with his xgirl [sic] friend. She lives 3 blocks away. Plan on building a house on divided ground. They are doing split custody [sic] of their son our grandson.”

LDR Section 14.15.04, states that for the purposes of this section “substantial hardship” means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance. The Owners are proposing to split their parcel to create a lot for their son where he can install a mobile home. The Applicant would incur a considerable financial hardship if they had to purchase a property where they could install a mobile home or construct a single family residence. The intent is to ensure that the best interest and well-being of their grandchild as their son and his ex-girlfriend both have shared custody of their child.

Attachment A – Concept Plan



Map of Subject Property



**Final Development Order
VAR-19-12-4
Vyborny Property**

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

WHEREAS, Ronald G. Vyborny and Eric J. Vyborny (the “Applicants”) requested a variance on behalf of Ronald G. Vyborny and Rebecca L. Vyborny (the “Owners”) to Lake County Land Development Regulations (LDR) Section 14.11.02.D.7.b, to allow the creation of two (2) lots through the family density exception process which will front on an easement that does not connect to a publicly maintained road and LDR Section 14.11.02.D.14, to allow the creation of two (2) lots through the family density exception within a platted subdivision when such density exception may change the character of the subdivision; and

WHEREAS, the subject property consists of 4.037 +/- acres and is generally located at the intersection of Wekiva Trail and Soaring Hawk Lane in the Sorrento area, in Section 28, Township 19 South, Range 29 East, having Alternate Key Number 1738431 and more particularly described below;

LOT 13, LESS THE SOUTH 132 FEET THEREOF, WEKIVA RIVER ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGE(S) 43, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

WHEREAS, after giving notice of the hearing on the 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 June 13, 2019; 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 13, 2019, 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-19-12-4 to allow the creation of two (2) lots through the family density exception process which will front on an easement that does not connect to a publicly maintained road and to allow the creation of two (2) lots through the family density exception within a platted subdivision when such density exception may change the character of the subdivision with the following conditions:

1. The family density exception application must be submitted within six (6) months from the date that this Order is executed.

- 2. Deed restrictions not obligating the County to maintain the easement and requiring the Owners to maintain the easement must be recorded in the public records of Lake County prior to the recordation of the final development order for the family density exception.
- 3. The lots created out of the parent parcel will not be entitled to another lot split through an administrative process.

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 13th day of June, 2019.

EFFECTIVE June 13, 2019.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Lloyd Atkins, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 13th day of June, 2019, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

Notary Public