



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearing Date: July 11, 2019

Case No. and Project Name: VAR-19-26-1, Caswell Property

Applicant: Jeffery Caswell

Owner: James P. Caswell Jr. and Herma White

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 14.11.02(D)(7)(c), to allow a parcel to be created through the Family Density Exception process, and front on a 20-foot wide easement in lieu of 50-foot wide easement.

Staff Determination: Staff recommends approval of the variance request subject to the conditions contained in the draft development order.

Case Manager: Christine Rock, AICP, Senior Planner

Subject Property Information

Size: 5.05+/- acres

Location: Adjacent to Green Valley Road in the Leesburg area.

Alternate Key No.: 1172187

Future Land Use: Urban Medium

Current Zoning District: Agriculture (A)

Flood Zone: "AE" and "X"

Joint Planning Area/ ISBA: Leesburg ISBA

Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	City of Leesburg	City of Leesburg	Agricultural and Residential	City of Leesburg
South	Urban Medium	Agriculture (A)	Residential	Single-Family Dwelling Unit and adjacent to Green Valley Road
East	Urban Medium	Agriculture (A)	Residential	Single-Family Dwelling Unit
West	Urban Medium	Agriculture (A)	Residential	Single-Family Dwelling Unit

Summary of Request.

The subject property, identified as Alternate Key Number 1172187, contains approximately 5.05 acres and is zoned Agriculture (A) with an Urban Medium Future Land Use designation. The GIS Aerial Map indicates that the subject property lies partially within the flood zone, and contains wetlands. It is generally located adjacent to Green Valley Road in the Leesburg area of unincorporated Lake County, and is bordered to the south by a 20-foot wide, unpaved easement. The easement is recorded in Official Record Book 1326, Page 1923 and identified by the Concept Plan (Attachment A) as Green Valley Road.

The Applicant has requested a variance from Lake County Land Development Regulations (LDR) Section 14.11.02(D)(7)(c), to facilitate approval of a lot split through the Family Density Exception process. The Applicant seeks to create a parcel which fronts a 20-foot wide easement, in lieu of 50-foot wide easement.

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 14.11.02, is to permit the development of tracts of land in rural areas for the use of a family member as their primary residences, maintain the character of subdivisions, and ensure that properties being split have the facilities that are required for development of parcels such as roads, schools, parks, fire, sewer and water facilities.

The property owner provided the following statement as proof of meeting the intention of the code, *"Vacant land my son want to put a home on 1 acre."* It is the Applicant's intent to split the subject five (5) acre property into two separate parcels; one parcel will contain approximately four (4) acres for personal use, and the other parcel will contain at least one (1) acre to be granted to his son.

In order to obtain a zoning permit for the proposed single-family dwelling unit, a survey must be provided which demonstrates that the proposed location of the SFDU meets all required setbacks. Secondly, the existing 20-foot wide easement is sufficient for emergency vehicle access, which requires a minimum width of 20-feet per the Florida Fire Prevention Code. Additionally, the location of the proposed family density lot split meets the criteria contained in LDR Section 14.11.02(D)(7)(b), which requires that an easement must connect to a county maintained road (Pruitt Street).

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 Applicant provided the following statement, *"I don't [want] to go 50' feet just stay like it is. All my neighbor [sic] on my 20' easement."*

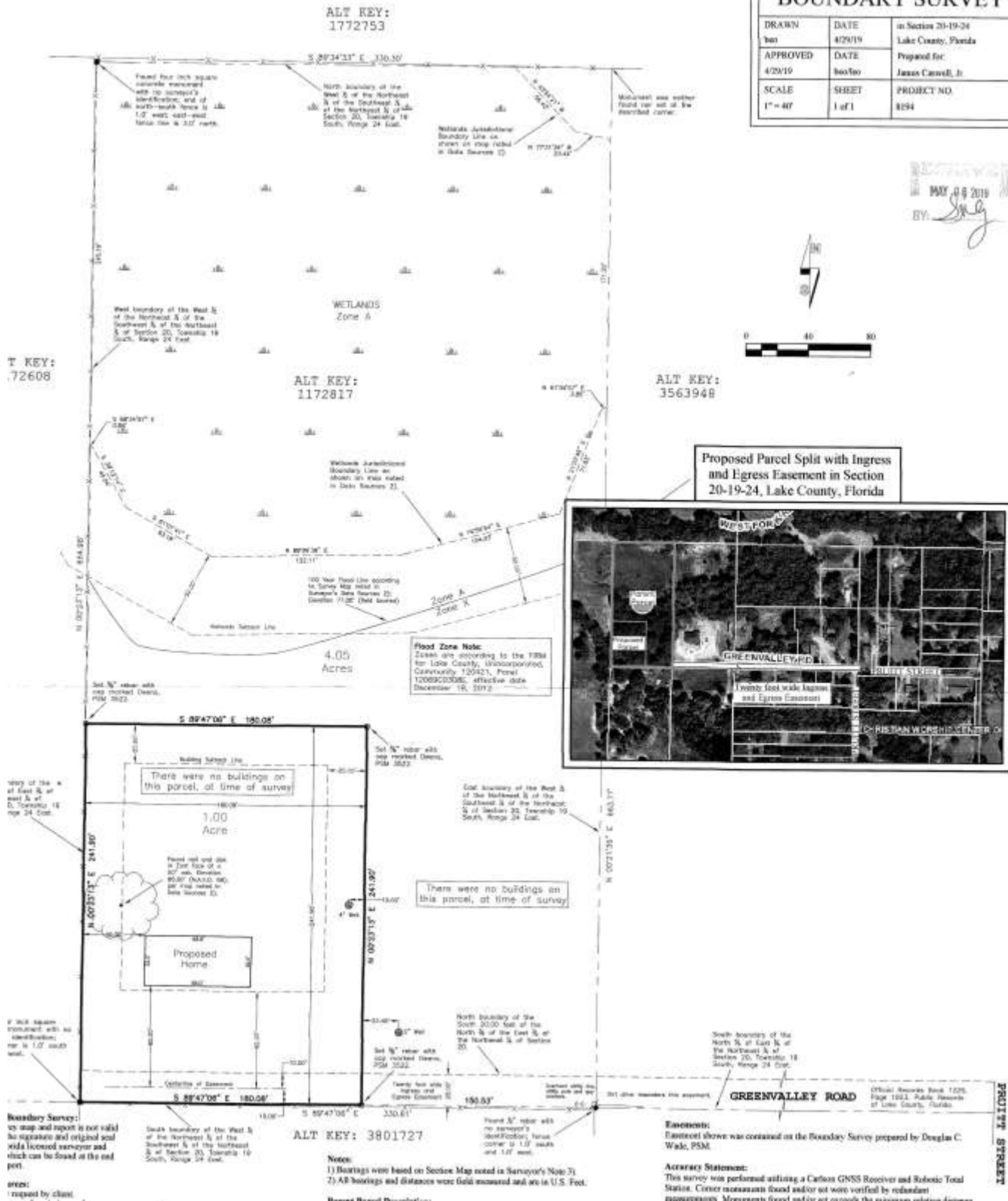
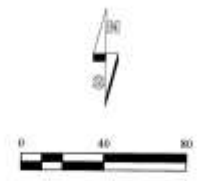
LDR Section 14.15.04 states that for the purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. The Applicant has indicated that there are other single-family dwelling units located on the existing 20-foot wide easement (Green Valley Road). There is a parcel containing approximately 1.01+/- acres which was created through the administrative lot split process in 1997, and a parcel containing 1.5+/- acres located to the east of the subject property on Green Valley Road. To prevent the Applicant from creating a lot of a similar size on the same easement would violate principles of fairness.

Attachment A – Concept Plan

BOUNDARY SURVEY

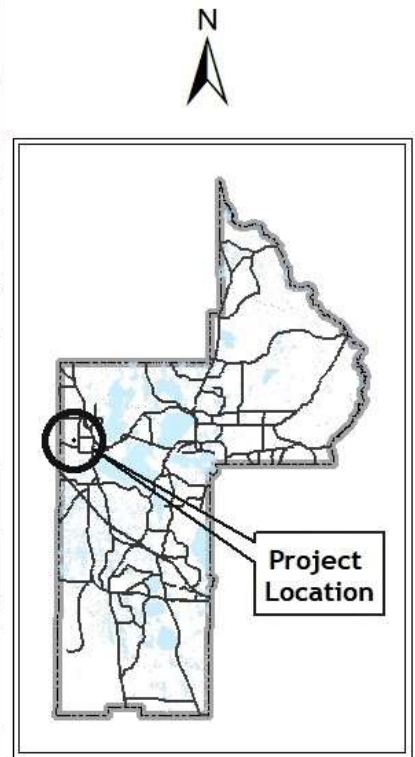
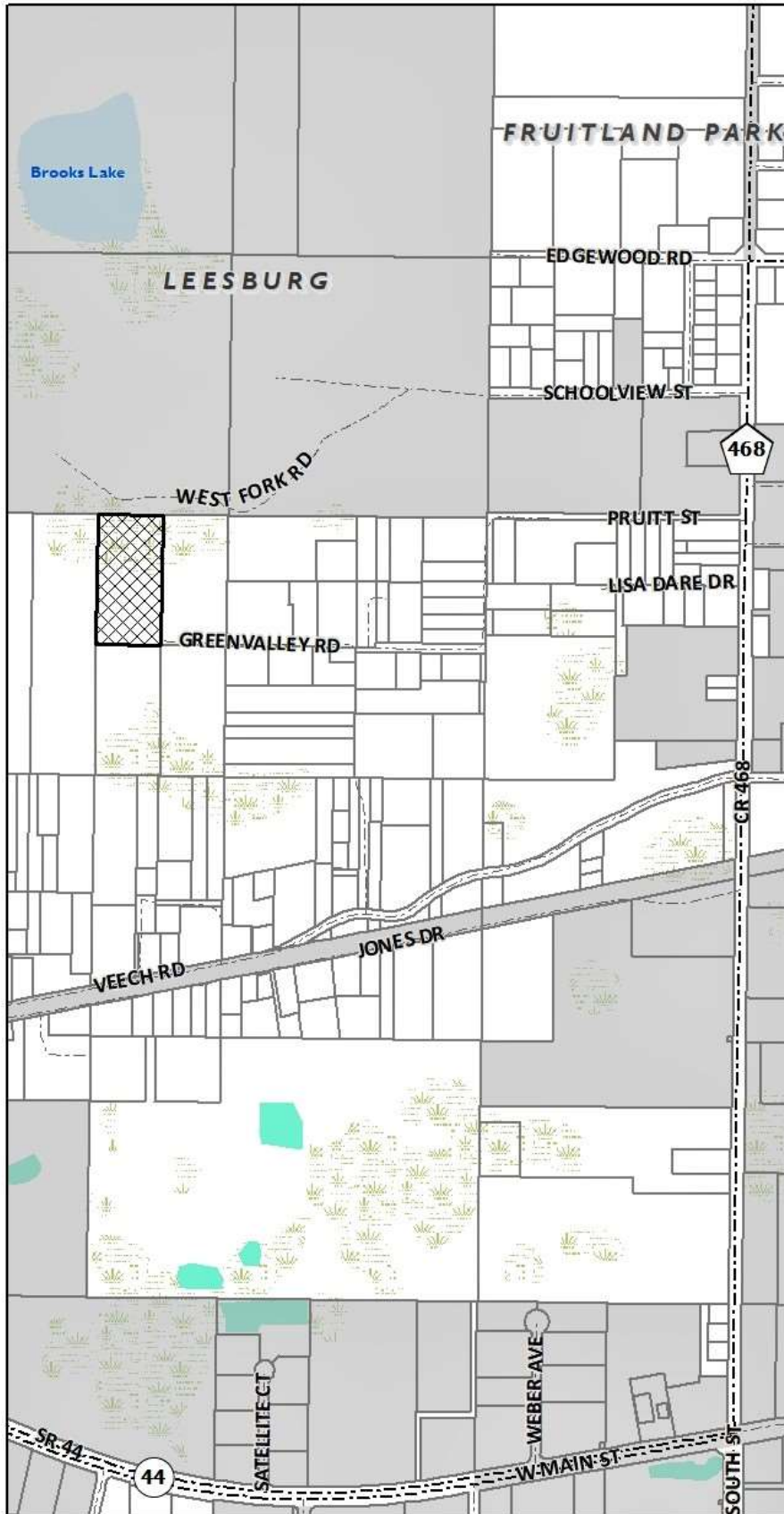
DRAWN Wmk	DATE 4/29/19	in Section 20-19-24 Lake County, Florida
APPROVED 4/29/19	DATE 6/6/19	Prepared for James Cannell, Jr.
SCALE 1" = 40'	SHEET 1 of 1	PROJECT NO. 8194

RECEIVED
MAY 16 2019
BY: *[Signature]*



PROPERTY STREET

Map of Subject Property



Final Development Order
VAR-19-26-1
Caswell Property

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

WHEREAS, Jeffery Caswell (the "Applicant") submitted an application on behalf of James P. Caswell Jr. and Herma White (the "Owners") to request a variance from Land Development Regulations (LDR) Section 14.11.02(D)(7)(c), to allow a parcel to be created through the Family Density Exception process, and front on a 20-foot wide easement in lieu of 50-foot wide easement; and

WHEREAS, the subject property consists of 5.05 +/- acres and is located adjacent to Green Valley Road in the Leesburg area of unincorporated Lake County, in Section 20, Township 19 South, Range 24 East, Alternate Key Number 1172187 and is more particularly described below (the "Property");

The West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 20, Township 19 South, Range 24 East, Lake County, Florida.

Together with and subject to the following described easement:

A 20 foot wide easement for ingress and egress lying over, upon and through the following described parcel of land: The South 20 feet of the North 3/4 of the East 3/4 of the Northeast 1/4 of Section 20, Township 19 South, Range 24 East, in Lake County, Florida, lying West of Pruitt Street.

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 July 11, 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 July 11, 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-19-26-1 to allow a parcel to be created through the Family Density Exception process, and front on a 20-foot wide easement in lieu of 50-foot wide easement with the following conditions:

1. The Owners shall not require the County to maintain the easement; and
2. The Owners shall maintain the easement as required within the Family Density Exception deed restrictions; and
3. The Owners shall have proper road names installed in accordance with applicable County regulations.

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 11th day of July, 2019.

EFFECTIVE July 11, 2019.

BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA

Lloyd Atkins, Chairman

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 11th day of July, 2019, 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