



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearing Date: July 11, 2019

Case No. and Project Name: VAR-19-27-1, Williams/Laflamme Property

Owner/Applicant: Jonathan Williams and Lauren Laflamme

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(2) to allow the creation of two (2) lots through the minor lot split process which will front on a fifty (50) foot easement in lieu of a publicly maintained paved road.

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

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 10.18 +/- net acres (no wetlands or water bodies on subject property)

Location: North of Misty Lake Drive, west of South Buckhill Road in the Clermont area.

Alternate Key No.: 1781167

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: Minneola ISBA – City of Minneola did not have any comments

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residential	Large Tract of land with Single-Family Residence
South	N/A	N/A	Street	Misty Lake Drive adjacent to Large Tract of land with Single-Family Residence
East	Rural	Agriculture (A)	Residential	Large Tract of land with Single-Family Residence
West	Rural	Agriculture (A)	Residential	Large Tract of land with Single-Family Residence

Summary of Request.

The subject 10.18 +/- acre parcel is identified by Alternate Key Number 1781167. The parcel is generally located north of Misty Lake Drive, and west of South Buckhill Road in the Clermont area. The subject parcel is developed with a single-family dwelling unit, pole barn, and six (6) sheds (Attachment A).

The Owners desire to split their parcel through the minor lot split process in order to create two (2) individual parcels. The minor lot split process allows for the creation of two (2) lots from the original, legally-created lot, when the parcel conforms to the minimum required density for both the zoning district and future land use category density. Additionally, the proposed parcels shall front on a publicly maintained road. However, a variance is required as the Owners are proposing to create two (2) parcels that will front on a fifty (50) feet easement (Attachment B), instead of 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.

"We comply with the following 1.) minimum lot size 2.) road frontage 3.) land use category 4.) zoning district 5.) only creating one additional lot 6.) write [sic] of way easement"

The intent of the Code, LDR Section 14.11.00, is to 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 proposed lot split request is consistent with LDR Section 14.11.01(D) as the Applicant proposes to create two (2) five (5) acre lots consistent with the density required by the zoning district and future land use category, and each parcel will have a minimum of 150 feet of road frontage as required by the Agriculture (A) zoning district. The proposed lot split will not increase the density beyond the general nature of the surrounding area.

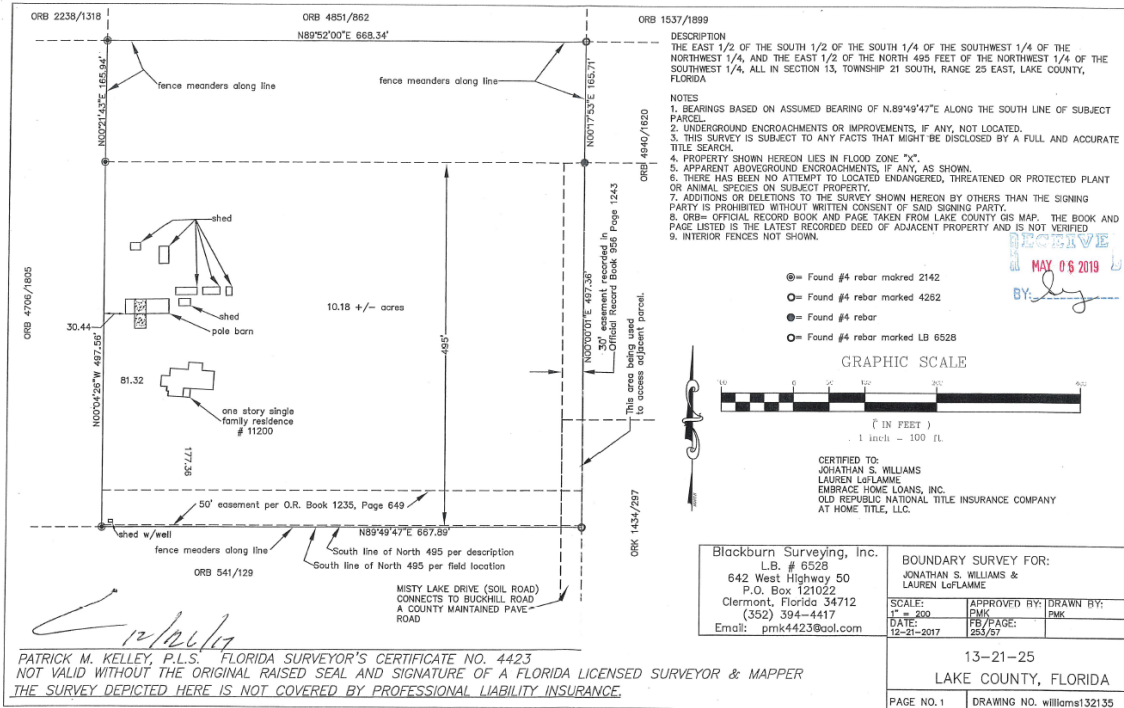
The Lake County Public Works Department reviewed the application and indicated that the Misty Lake Drive is an unmaintained dirt road and that the County will not be responsible for improving or maintaining the easement.

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.

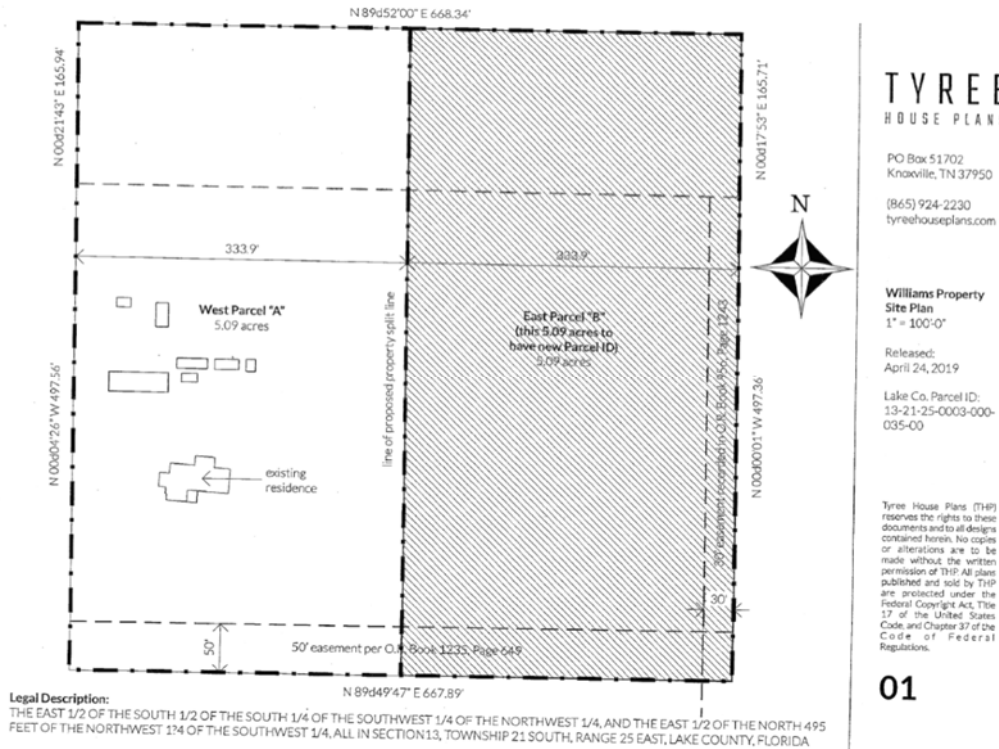
"Our road is currently not maintained by the county and our home is original to 1989 and is in need of costly renovation that we cannot afford. We would like to split the 10.18 into two 5.09 lots so we can afford the renovations for our growing family."

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 create an additional lot for profit, where the monetary value of the sale will be used to renovate their home as the renovation of their home is cost prohibitive. If the 10.18-acres are unable to be split, the Owners will be unable to accommodate their growing family; if the Owners are unable to generate the funds necessary to renovate their home, disrepair and inclement weather could potentially pose a threat to the habitants.

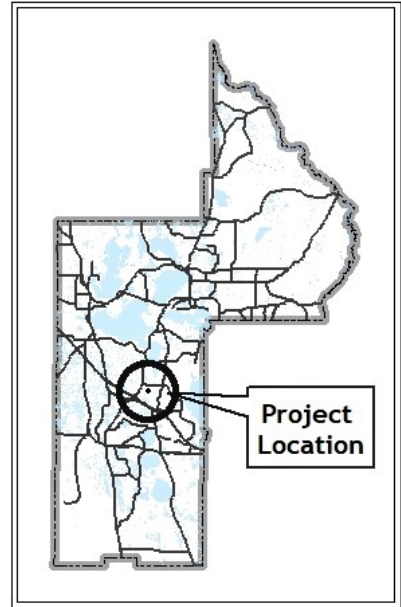
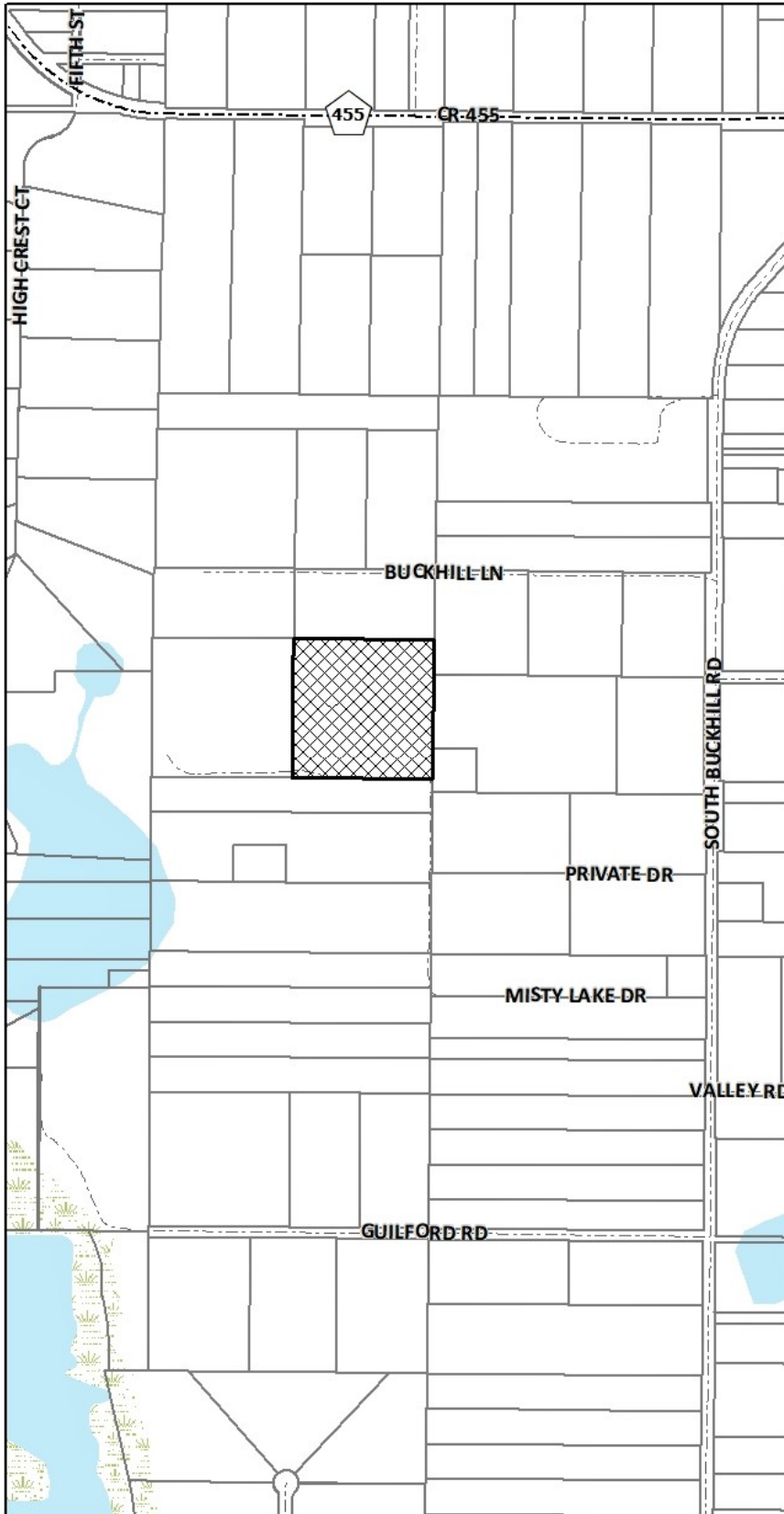
Attachment A – Survey of Subject 10.18 +/- Acres



Attachment B – Proposed Lot Split



Map of Subject Property



**Final Development Order
VAR-19-27-1
Williams/Laflamme Property**

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

WHEREAS, Jonathan Williams and Lauren Laflamme (the “Owners” and “Applicants”) requested a variance to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(2) to allow the creation of two (2) lots through the minor lot split process which will front on a fifty (50) foot easement, in lieu of a publicly maintained paved road; and

WHEREAS, the subject property consists of 10.18 +/- acres and is located at 11200 Misty Lake Drive, in the Clermont area, in Section 13, Township 21 South, Range 25 East, having Alternate Key Number 1781167 and more particularly described below as;

The East 1/2 of the South 1/2 of the South 1/4 of the Southwest 1/4 of the Northwest 1/4 and the East 1/2 of the North 495 feet of the Northwest 1/4 of the Southwest 1/4, all in Section 13, Township 21 South, Range 25 East, Lake County, Florida, Subject to 20 feet for roadways on the North side or such width as required by Lake County.

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 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-19-27-1 to allow the creation of two (2) lots through the minor lot split process which will front on a fifty (50) foot easement, in lieu of a publicly maintained paved road with the following conditions:

1. A minor lot split application must be submitted within six (6) months from the date that this Order is executed.
2. The County shall not be responsible for improving or maintaining the easement. The Owners shall be required to improve and maintain the easement.

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.

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**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)

Notary Public