



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: November 14, 2019

Case No. and Project Name: VAR-19-43-1, Moore Property

Applicant: Frederick W. Moore & Melissa Moore

Owner: Frederick W. Moore & Melissa Moore

Requested Action: Variance to Lake County Land Development Regulations (LDR) Sections 14.11.01.D (1) and 14.11.01.D(2) to allow a minor lot split on a parcel that was previously split through an administrative process and to allow a lot to be created on a unpaved publicly-maintained road. The application has requested a new development to be split again and for the allowance to do a minor lot split without a paved publicly maintained road.

Case Manager: M. Sandy Michel, Planner

### Subject Property Information

Size: 13.34 +/- acres

Location: West of Indigo Road in the Groveland Area

Alternate Key No.: 3760085 and 3760093

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X" and "A"

Joint Planning Area/ ISBA: Mascotte ISBA

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit
South	Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit
East	N/A	N/A	Road	Indigo Road
West	N/A	N/A	N/A	City of Mascotte

### Summary of Request.

The subject 13.34 +/- acres parcel is identified by Alternate Key Numbers 3760085 and 3760093. The parcel is zoned Agriculture (A) and is designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject parcel is currently developed with a single-family dwelling unit, pole barn, and boat dock. The Applicant seeks approval of a variance request to Land Development Regulations (LDR) Section 14.11.01.D(1) to facilitate a minor lot split on a parcel which was already split through an administrative process in 1996 (Lot Line Deviation #96-0005). Additionally, the Applicant has requested a variance to LDR Section 14.11.01.D(2) to allow a lot to be created on an unpaved, publicly maintained road. However, pursuant to Lake County LDR Section 14.11.01.D (1) & (2), only two (2) lots may be created from the original legally created lot or lot of record and each lot shall either (1) front on a publicly maintained paved road OR (2) contain a minimum of twenty (20) acres with at least one (1) acre of uplands AND front either on a publicly maintained clay road. Therefore, the application seeks a variance to Lake County LDR Section 14.11.01.D (1) & (2), to allow a new development to be split again and for the allowance to do a minor lot split without having access to a paved 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 Applicant has submitted the following statement as proof that the purpose of the Land Development Regulations will be or has been achieved by other means, *"The lot split, per the proposed survey, will comply with the minimum of five (5) net acres each."*

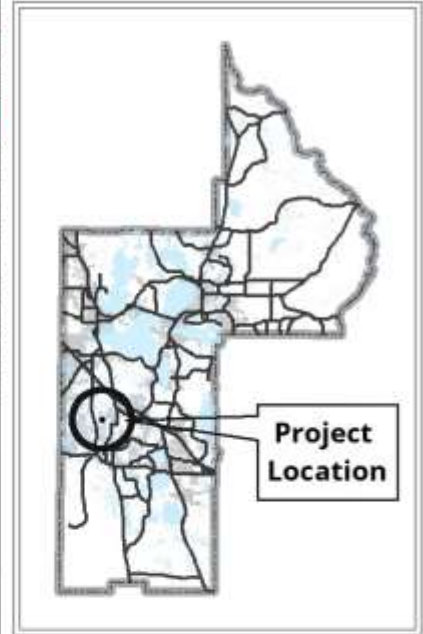
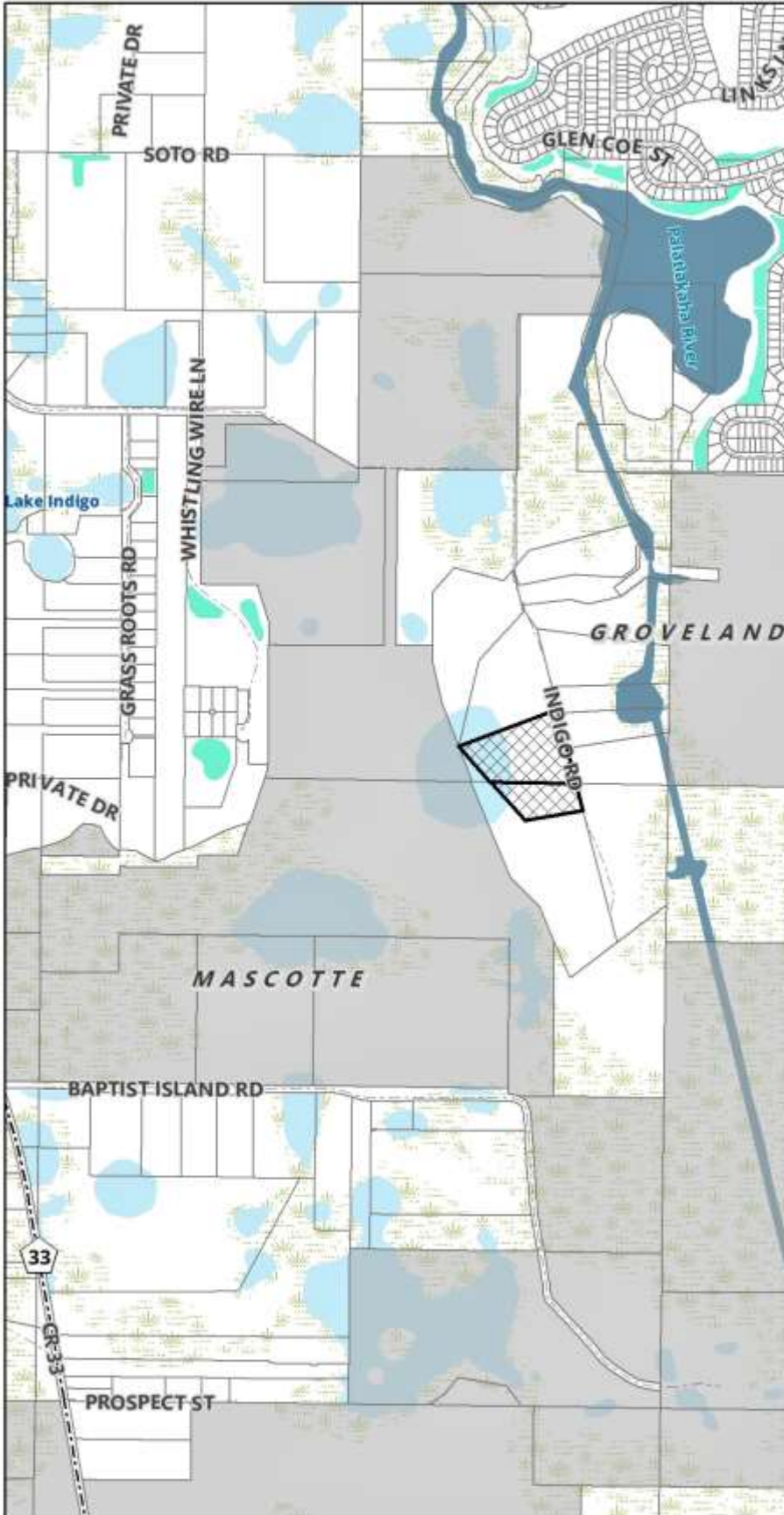
The intent of the Code, LDR Sections 14.11.01.D(1) and 14.11.01.D(2), is to promote a logical development pattern and to prevent a rapid increase of density in unincorporated areas of Lake County. Since the Lot Line Deviation was approved after 1991, the subject property has not been granted vested rights and is considered a new development. The Lot Line Deviation (LLD #96-0005, Recorded in Official Records Book 1471, Page 85) was approved in 1996, therefore, the parcel is considered new development. Existing development, as defined in LDR Chapter 2, is "A Plat which was recorded prior to July 16, 1991; A Plat which has been granted vested rights pursuant to a Vested Rights Certificate; An unrecorded Plat which Lake County has recognized; An Agricultural Lot Split, a Large Lot Split or Minor Lot Split approved by Lake County prior to July 16, 1991."

The applicant has provided an updated survey (Attachment A) showing the proposed lot split to ensure that there will be enough high and dry land to apply for a minor lot split application. Pursuant to LDR Table 3.02.06, Density, Impervious Surface, Floor Area, and Height Requirements, the density of the Agriculture (A) zoning district is one (1) dwelling per five (5) net acres. The variance request will not impede the purpose of the code, as the proposed lot split would not result in a density higher than what is allowed, and would still result in a logical development pattern for the area.

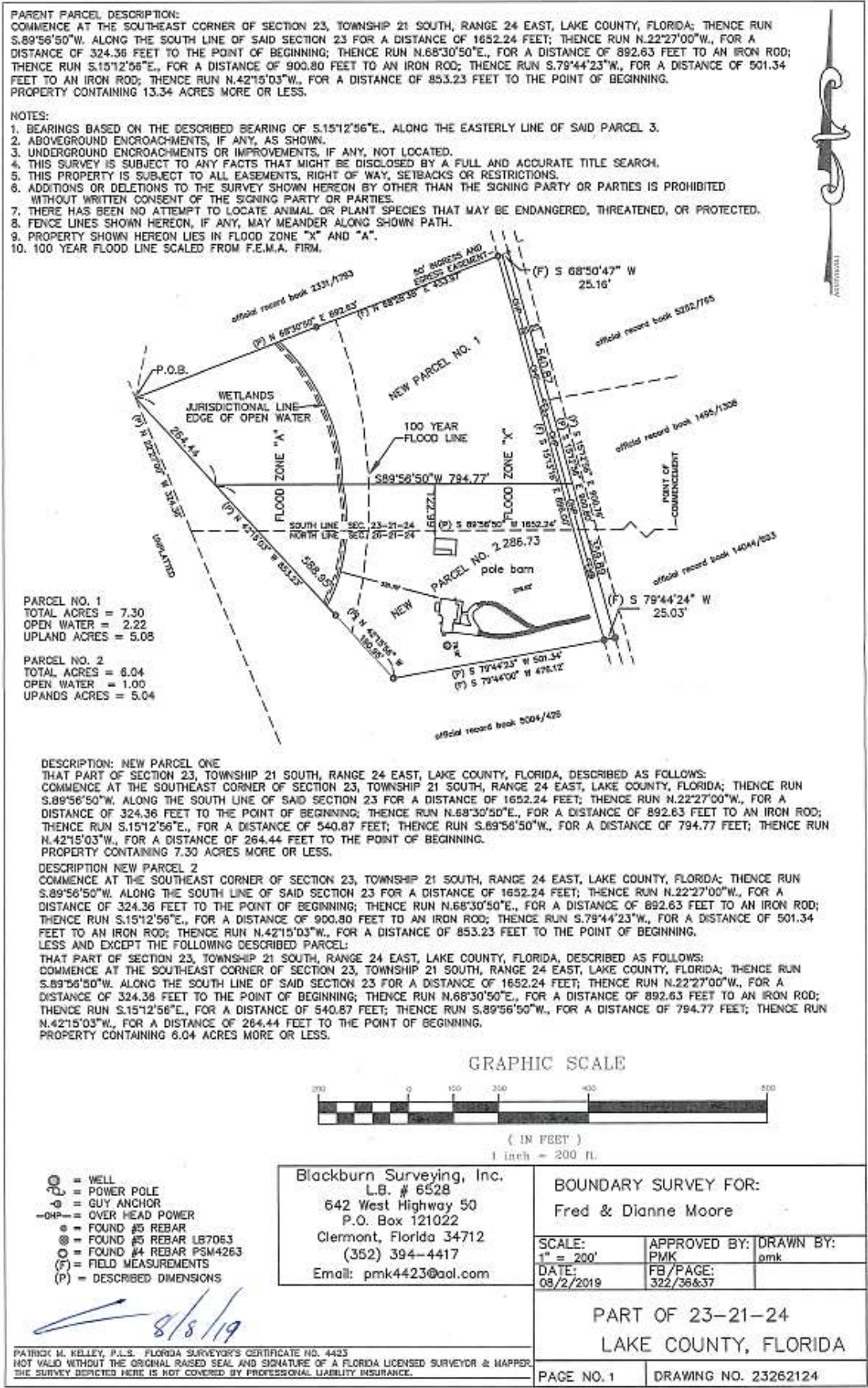
**2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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 has submitted the following statement as proof of a substantial hardship, *"The subject property (parcel #3) contains 10 + acres located at 4933 Indigo Rd. Groveland, FL 34736 which is 1.5 miles of non county maintained dirt road. We the owners wish to split the property into two separate parcels that will contain the minimum 5 net acres (excluding open water bodies and wetlands) \*see attached survey (new) by Blackburn surveying inc. drawing number z3262124. We the owners, recently retired and significantly reduced income, with physical hardships can not maintain the property as a whole. The property has been invaded by an aggressive Australian Lake grass which will take heavy equipment to control which we can't afford."*

# Map of Subject Property



# Attachment A – Survey of Proposed Lot Split



**Final Development Order  
VAR-19-43-1  
Moore Property**

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

**WHEREAS**, Frederick W. Moore & Melissa Moore (the "Applicants" and the "Owners") requested a variance to Lake County Land Development Regulations (LDR) Sections 14.11.01.D(1) and 14.11.01.D(2), to a minor lot split on a parcel that was previously split through an administrative process, and to allow a lot to be created on a publicly-maintained unpaved road; and

**WHEREAS**, the subject property consists of 13.34 +/- acres and is located at 4933 Indigo Road, in the unincorporated Groveland area of Lake County, Florida, in Section 26, Township 21, Range 24, having Alternate Key Numbers 3760093 and 3760085, and more particularly described below:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 21 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; THENCE RUN S 89°56'50" W ALONG THE SOUTH LINE OF SAID SECTION 23 FOR A DISTANCE OF 1652.24 FEET; THENCE RUN N 22°27'00" W FOR A DISTANCE OF 324.36 FEET TO THE POINT OF BEGINNING; THENCE RUN N 68°30'50" E FOR A DISTANCE OF 892.63 FEET TO AN IRON ROD; THENCE RUN S 15°12'56" E FOR A DISTANCE OF 900.80 FEET TO AN IRON ROD; THENCE RUN S 79°44'23" W FOR A DISTANCE OF 501.34 FEET TO AN IRON ROD; THENCE RUN N 42°15'03" W FOR A DISTANCE OF 853.23 FEET TO THE POINT OF BEGINNING.

**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 November 14, 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 November 14, 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-19-43-1 to allow a minor lot split on a parcel that was previously split through an administrative process, and to allow a lot to be created on a publicly-maintained unpaved road, with the following condition:

1. No other lot split shall be administratively granted for this parcel.

**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 14<sup>th</sup> day of November, 2019.

EFFECTIVE November 14, 2019.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Lloyd Atkins, Chairman

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of November, 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