



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: February 13, 2020

Case No. and Project Name: VAR-19-64-1, Pine Island Stables II LLC Property

Applicant: Tony Hubbard (the "Applicant")

Owner: Pine Island Stables II LLC (the "Owner")

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 14.11.01.D.2, to allow for the creation of two (2) lots, through the minor lot split process, which will front on an unpaved private road or easement.

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

Case Manager: Emily W. Johnson, Planner

Subject Property Information

Size: 10.1 +/- net acres (no wetlands or water bodies on subject property)

Location: West of Fiesta Street, and east of Lake Arlene, in the Clermont area.

Alternate Key No.: 3918428

Future Land Use: Green Swamp Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area / ISBA: N/A

Overlay Districts: Green Swamp Area of Critical State Concern

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural	Agriculture (A)	Agricultural, Residential	Single-Family Residences on large agricultural lots
South	Green Swamp Rural	Agriculture (A)	Vacant	Large vacant agricultural lots
East	N/A	N/A	Street	Fiesta Street (Private Road)
West	Green Swamp Rural	Agriculture (A)	Vacant	Large vacant agricultural lot with wetlands, Lake Arlene

Summary of Request.

The Applicant has submitted a variance request to Land Development Regulations (LDR) Section 14.11.01.D.2 to facilitate approval of a forthcoming Minor Lot Split application, which will result in the creation of two (2) lots which will not front on a publicly maintained paved road. Fiesta Street is privately maintained, unpaved, fifty (50) feet in width, and connects to Pine Island Road; Pine Island Road is county-maintained.

The Department of Public Works reviewed the application and provided the following condition to be included in the development order: *Lake County shall not be obligated to maintain the road right-of-way with the approval of this variance and the creation of the lot split.*

The property is located within the Green Swamp Area of Critical State Concern. The application was sent to Florida Department of Economic Opportunity (DEO) for courtesy review, no comments were received. DEO withholds the ability to appeal any process, pursuant to Chapter 380, Florida Statutes 380.05.

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 LDR Section 14.11.01.D.2 is to ensure that properties being split have the facilities that are required for the development of parcels such as roads and appropriate emergency access.

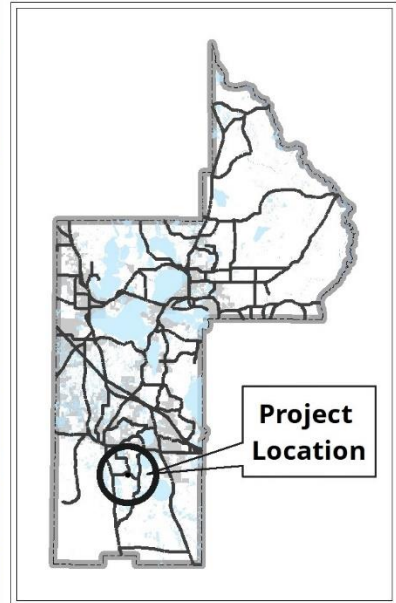
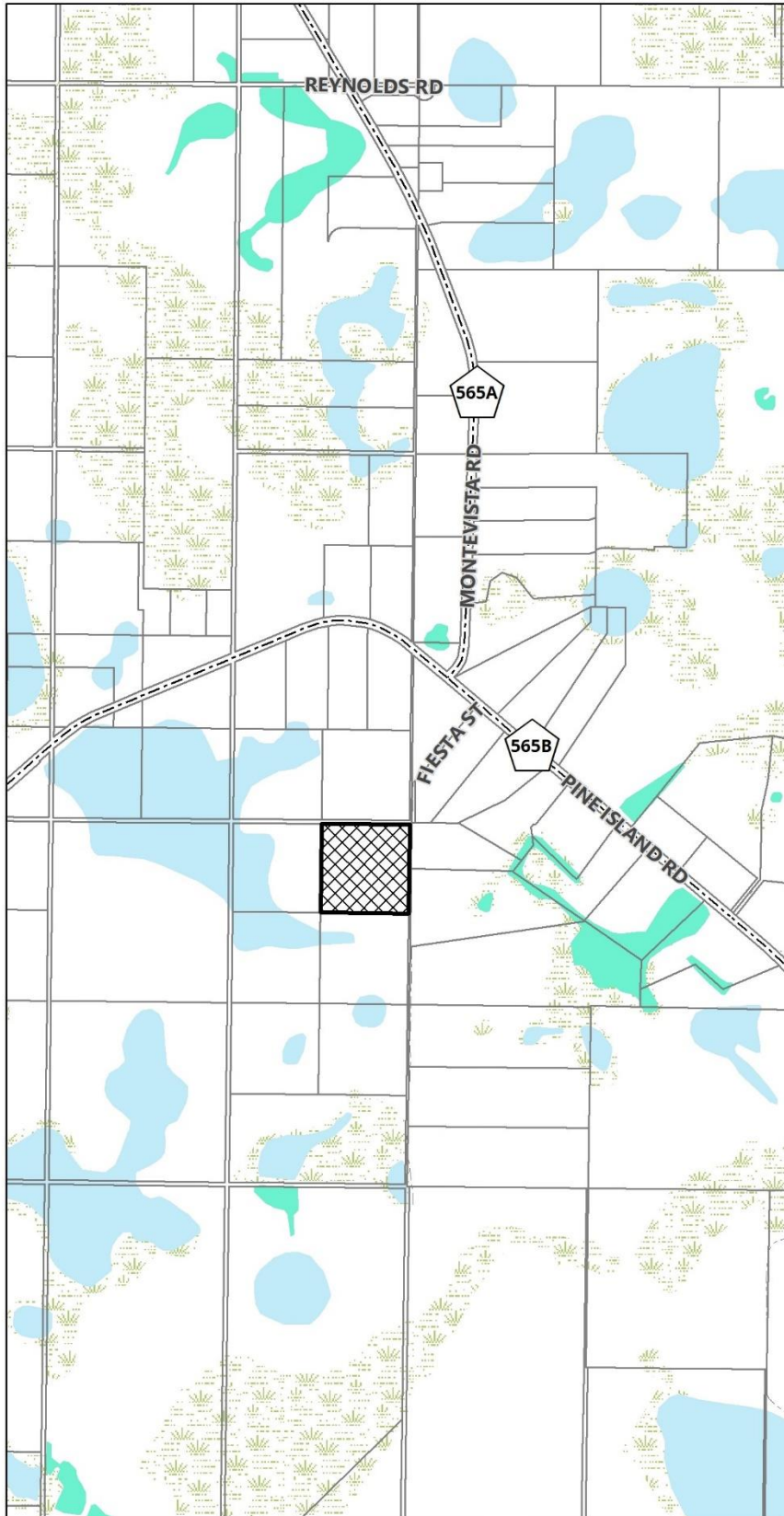
The Applicant submitted the following statement as proof that the purpose of the Land Development Regulations will be or has been achieved by other means; *“There is currently a 50’ easement that services additional residents that is named Fiesta [Street] that is connected of a County Paved Road. This is not required to be maintained by the county for legal access. Fiesta Street provides legal easement; however, it is just not paved. The costs of paving a road just for these two parcels would not be feasible. There are many parcels in the county that are located on the unpaved 50’ easements. Each lot contains 5+ acres all dry land, NO wetlands. Parcel 2 of proposed lot split has a Groveland Farms 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.

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 that requested the variance.

The Applicant submitted the following statement as proof of a hardship; *“The code calls for the parcel to have paved road frontage.”*

MAP OF SUBJECT PROPERTY



Final Development Order
VAR-19-64-1
Pine Island Stables II LLC Property

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

WHEREAS, Tony Hubbard (the “Applicant”), on behalf of Pine Island Stables II LLC (the “Owner”), made a variance request to Lake County Land Development Regulations (LDR) Section 14.11.01.D.2 to allow for creation of two (2) lots, through the minor lot split process, which will front on an unpaved private road or easement; and

WHEREAS, the subject property consists of approximately 10.1 +/- acres and is located west of Fiesta Street, and east of Lake Arlene, in the unincorporated Clermont area of Lake County, Florida, in Section 9, Township 23, Range 25, having an Alternate Key Number 3918428, and is more particularly described below:

Groveland Farms 9-23-25 Tract 8, according to the plat thereof recorded in Plat Book 2, Pages 10-11, Public Records of Lake County, Florida.

WHEREAS, after giving notice of a hearing on a 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 February 13, 2020; 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 February 13, 2020, 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-19-64-1 to Lake County Land Development Regulations (LDR) Section 14.11.01.D.2 to allow for creation of two lots, through the minor lot split process, which will front on an unpaved private road or easement; with the following condition:
1. Lake County shall not be obligated to maintain the road right-of-way.

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 13th day of February, 2020.

EFFECTIVE February 13, 2020.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

**Lloyd Atkins, Chairman or
James Argento, Vice-Chairman**

State of Florida

County of Lake

**Sworn to (or affirmed) and subscribed before me by means of physical presence or online
notarization, this _____ day of _____, 2020, by ____**

_____.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**