



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 18

Public Hearing Date: May 14, 2020

Case No. and Project Name: VAR-20-20-1, Pine Island Stables II LLC Property

Applicant: Tony Hubbard

Owner: Pine Island Stables II LLC

Requested Action: Amend Variance 19-64-1 to include a variance request to Land Development Regulations (LDR) Section 14.11.01.D.2.c, to allow for two lots to be created via the minor lot split process, off an easement that is 12-feet in width.

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 and Residential	Large Agriculture Tracts of Lands with Single-Family Residences
South	Green Swamp Rural	Agriculture (A)	Vacant	Large Vacant Agricultural Lots
East	Green Swamp Rural	Agriculture (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 subject 10.1 +/- acre parcel is identified by Alternate Key Number 3918428. The parcel is zoned Agriculture (A) and is designated as Green Swamp Rural Future Land Use Category (FLUC). The subject parcel is currently vacant and undeveloped. 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.

On November 29, 2019, the Applicant submitted a variance request to Land Development Regulations (LDR) Section 14.11.01.D.2 to facilitate approval of a Minor Lot Split application, which will result in the creation of two (2) lots which will not front on a publicly maintained paved road. The Applicant provided a concept plan indicating that the lot configuration would front on First Street (a private, unmaintained right-of-way, 24-feet in width), 12-feet (one-half) of First Street lies on the subject property; upon resubmittal, the Applicant provided written comments indicating that the lot configuration would instead front on Fiesta Lane (a private, unpaved road, 50-feet in width. As such, the Applicant did not include a request to Land Development Regulations (LDR) Section 14.11.01.D.2.c for the width requirement.

On February 13, 2020, the Board of Adjustment approved Variance 19-64-1 to allow for the creation of two (2) lots, through the minor lot split process, which will front on an unpaved road or easement, with the condition that Lake County shall not be obligated to maintain the road right-of-way. The condition was made based off of comments received by the Department of Public Works.

On March 13, 2020, it was brought to the attention of staff that the property owner had changed the lot configuration to front on First Street instead of Fiesta Lane, consistent with the original concept plan submitted with the application. The Owner contributes the decision to comments made by neighbors at the hearing, that they opposed the proposed lots fronting on Fiesta Lane.

Staff is seeking to amend the development order of Variance 19-64-1 to include a variance request to Land Development Regulations (LDR) Section 14.11.01.D.2.c, to allow for two lots to be created via the minor lot split process, off an easement that is 12-feet in width in lieu of 50-feet. Staff recommends that the original condition that Lake County shall not be obligated to maintain the road right-of-way be carried forward. The purpose of this amendment is to allow the lot configuration to front on First Street consistent with the concept plan originally submitted by the Applicant (Attachment "A").

### 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.**

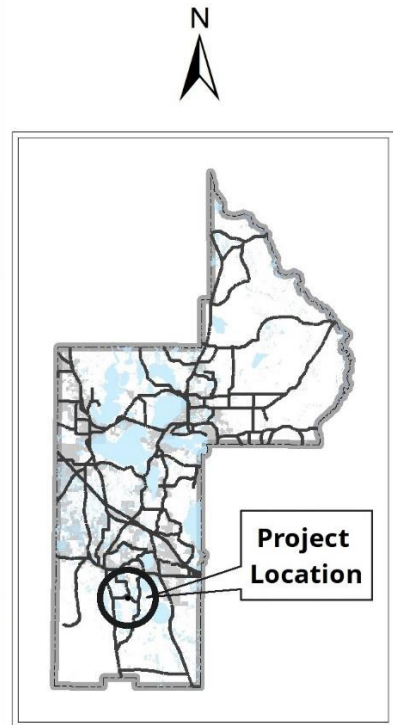
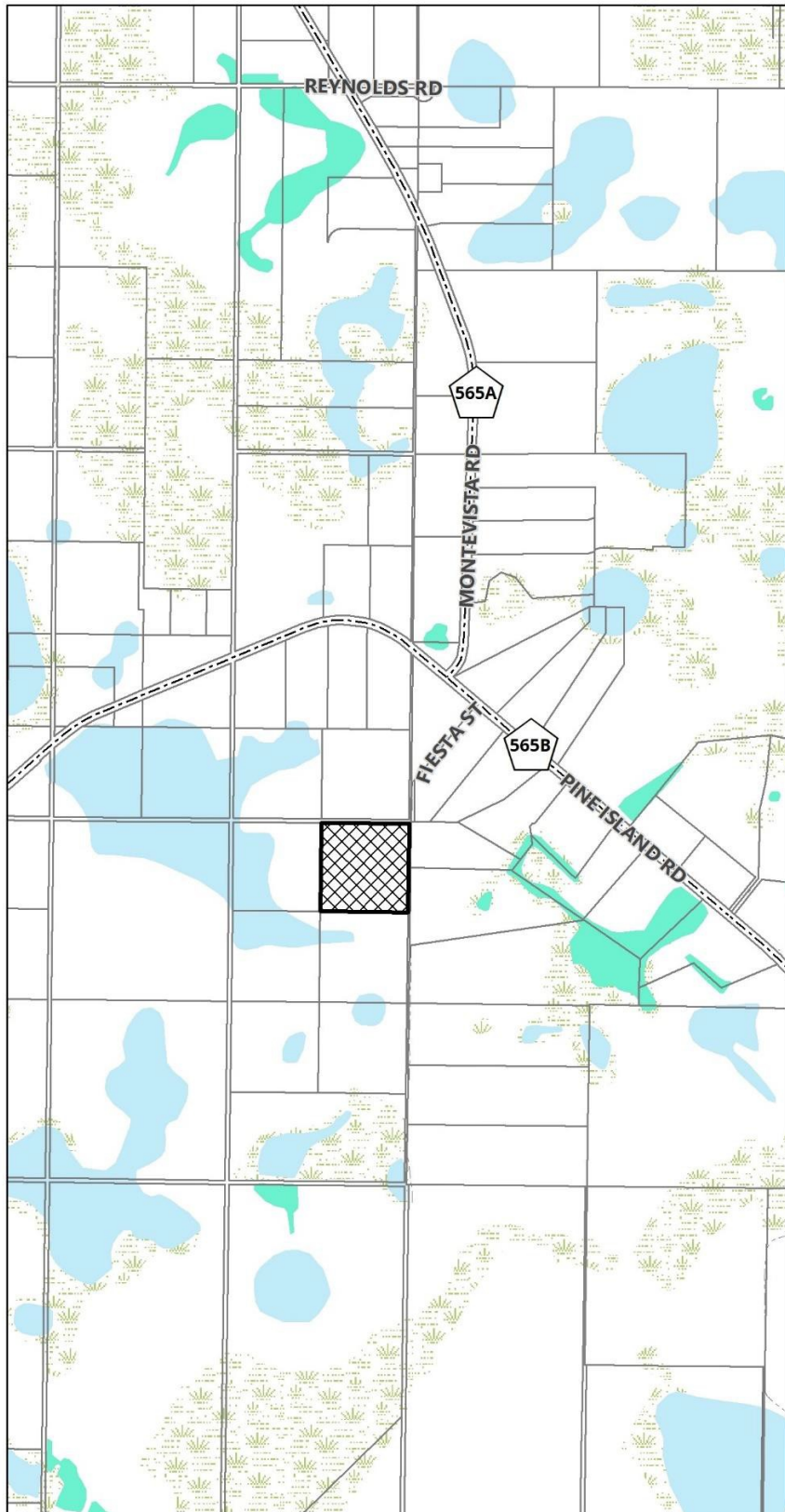
The intent of LDR Section 14.11.01.D.2 is to ensure that properties being split have the facilities that are required for the development of parcels such as roads and appropriate emergency access.

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; *"the neighbors had a problem with both lots fronting on Fiesta Lane."*

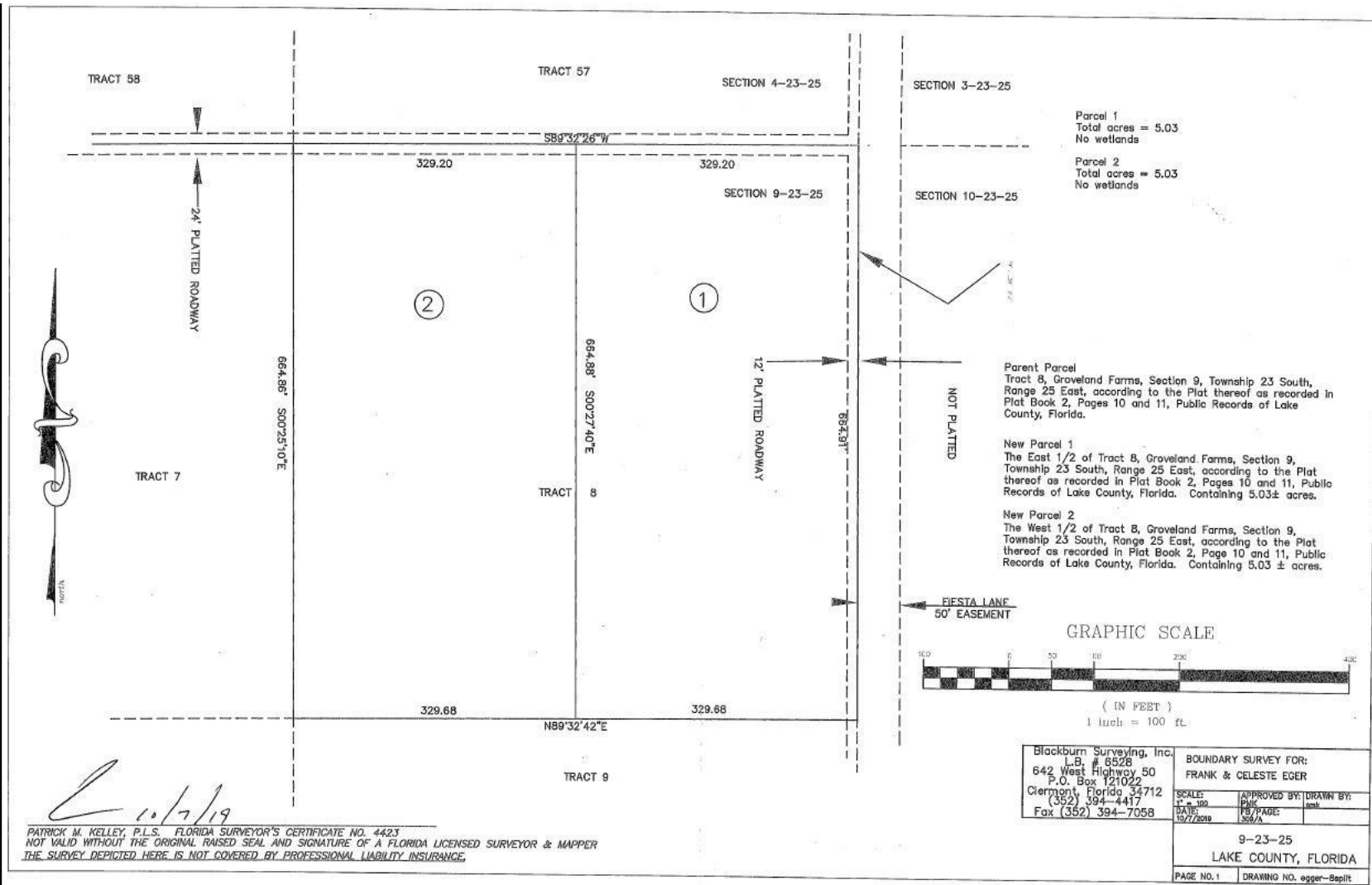
**2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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.**

Requiring the applicant to submit a new application with an additional variance request would impose an additional financial obligation and hardship. Amending Variance 19-64-1 to include an additional variance request with a reduce road width is consistent with the approval granted by the Board of Adjustment (BOA) on February 13, 2020.

# MAP OF SUBJECT PROPERTY



# Attachment "A" - Proposed Lot Configuration



**Final Development Order  
VAR-20-20-1  
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**, on November 29, 2019, Tony Hubbard (the "Applicant"), on behalf of Pine Island Stables II LLC (the "Owner"), requested a variance to Lake County Land Development Regulations (LDR) Section 14.11.01.D.2 to facilitate approval of a Minor Lot Split application, which will result in the creation of two (2) lots which will not front on a publicly maintained paved road; and

**WHEREAS**, on February 13, 2020, the Board of Adjustment approved Variance 19-64-1, to allow for the creation of two (2) lots, through the minor lot split process, which will front on an unpaved road or easement, with the condition that Lake County shall not be obligated to maintain the road right-of-way as stipulated in the development order and recorded in ORB 5422, Pages 859 through 560, Public Records of Lake County, Florida; and

**WHEREAS**, on March 13, 2020, it was brought to the attention of staff that the property owner had changed the lot configuration to front on First Street instead of Fiesta Lane; and

**WHEREAS**, staff is seeking to amend the development order of Variance 19-64-1 to include a variance request to Land Development Regulations (LDR) Section 14.11.01.D.2.c, to allow for two lots to be created via the minor lot split process, off an easement that is 12-feet in width, in lieu of 50-feet; 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 May 14, 2020; and

**WHEREAS**, the approval of this development order shall supersede and replace any and all previous development orders on the property, including VAR-19-64-5; 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 May 14, 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-20-20-1 to allow for two lots to be created, via the minor lot split

process, off an easement that is 12-feet in width, in lieu of 50-feet; 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.

**Section 3. Effective Date.** This Ordinance will become effective as provided by law.

ENACTED this 14<sup>th</sup> day of May, 2020.

EFFECTIVE May 14, 2020.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Lloyd Atkins, Chairman or  
James Argento, Vice-Chairman

State of Florida

County of Lake

The foregoing instrument was acknowledged 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)