



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: July 9, 2020

Case No. and Project Name: VAR-20-32-5, McGlon Property

Applicant: Brandon Hartzog

Owner: Walter L. McGlon and Sharon D. McGlon

Requested Action: Replace Variance #19-70-5 to clarify the stipulated LDR sections of the code which require variance approval.

Case Manager: Tim McClendon, AICP, Planning Director

Subject Property Information

Size: 11.47 +/- acres

Location: 19645 East Altoona Road, Altoona, FL 32702

Alternate Key No.: 2824174

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Wekiva – Ocala Rural Protection Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residential	Single-Family Dwelling Units
South	Rural	Agriculture (A)	Street, Residential	East Altoona Road, Adjoining Single-Family Dwelling Units
East	Rural	Agriculture (A)	Residential	Single-Family Dwelling Units
West	Rural	Agriculture (A)	Residential	Single-Family Dwelling Units

Summary of Request.

The subject 11 +/- acre parcel is identified by Alternate Key Number 2824174. The parcel is zoned Agriculture (A), is part of the Rural Future Land Use Category (FLUC), and located within the Wekiva Ocala Rural Protection Area. The subject parcel is currently developed with a metal building with attached covered area, and pole barn. The parcel is generally located north of East Altoona Road in the Altoona area.

The subject property was created through a minor lot split in 1999 (MLS 1999-056) which subdivided twenty-four (24) acres into two (2) properties. The Applicant seeks to split the subject 11 +/- acre parcel into two (2) lots (Attachment A). Lake County Land Development Regulations (LDR) Section 14.11.01(D)(1), Standards, state that only two (2) lots may be created from the original legally created lot or lot of record. The total number of lots created shall include the original parcel. Original parcel is defined as the lot legally created on or before June 1, 1992. The subject property does not meet the definition of original lot because it was created through an administrative lot split which was approved on August 13, 1999. As such, the Owner has seeks a variance to Land Development Regulations (LDR) Section 14.11.01(D)(1), to allow the creation of two (2) parcels through the minor lot split process, where the subject parcel was created through the minor lot split process.

On December 30, 2019, the Applicant requested a variance, on behalf of Walter L. McGlon and Sharon D. McGlon (the "Owners"), to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(1), to allow the creation of two (2) parcels through the minor lot split process, where the subject parcel was created through the minor lot split process.

On May 14, 2020, the Board of Adjustment approved Variance #19-70-5 for the above.

On May 28, 2020, a minor lot split inquiry was submitted. It was brought to staff's attention that there was an error within the stipulated LDR Sections of Code.

Staff is seeking to replace Variance #19-70-5 development order to clarify the LDR Sections of the Code that are stipulated. The variance request is to Land Development Regulations (LDR) Section 14.11.01(D)(1) and (2), to allow the creation of two (2) parcels through the minor lot split process where the subject parcel was created through the minor lot split process and the new parcels will be front on a County-maintained clay road in lieu of a County-maintained paved 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.

Staff seeks to replace Variance #19-70-5 to clarify the LDR sections of the code which require variance approval.

The intent of the Code, LDR Section 14.10.01, is to ensure that properties being split have the facilities that are required for the development of parcels such as roads, schools, parks, fire, sewer, and water facilities.

The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"The variance request conforms with the surrounding properties density and meets the density requirement for the subjects property's current "A" Agriculture Zoning and Rural Future Land Use. Parcel located on East Altoona Road, which is a County maintained clay road."*

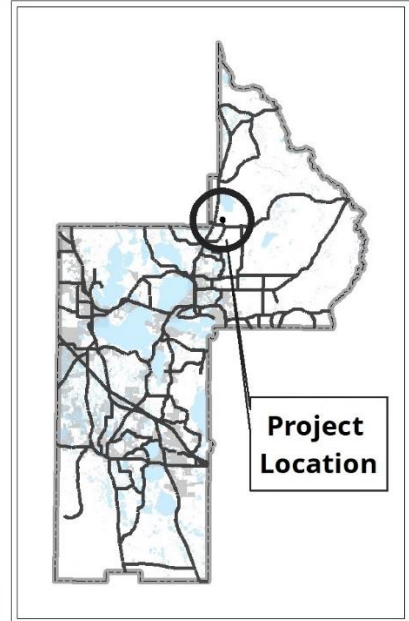
- 2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.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

Staff seeks to replace Variance #19-70-5 to clarify the LDR sections of the code which require variance approval.

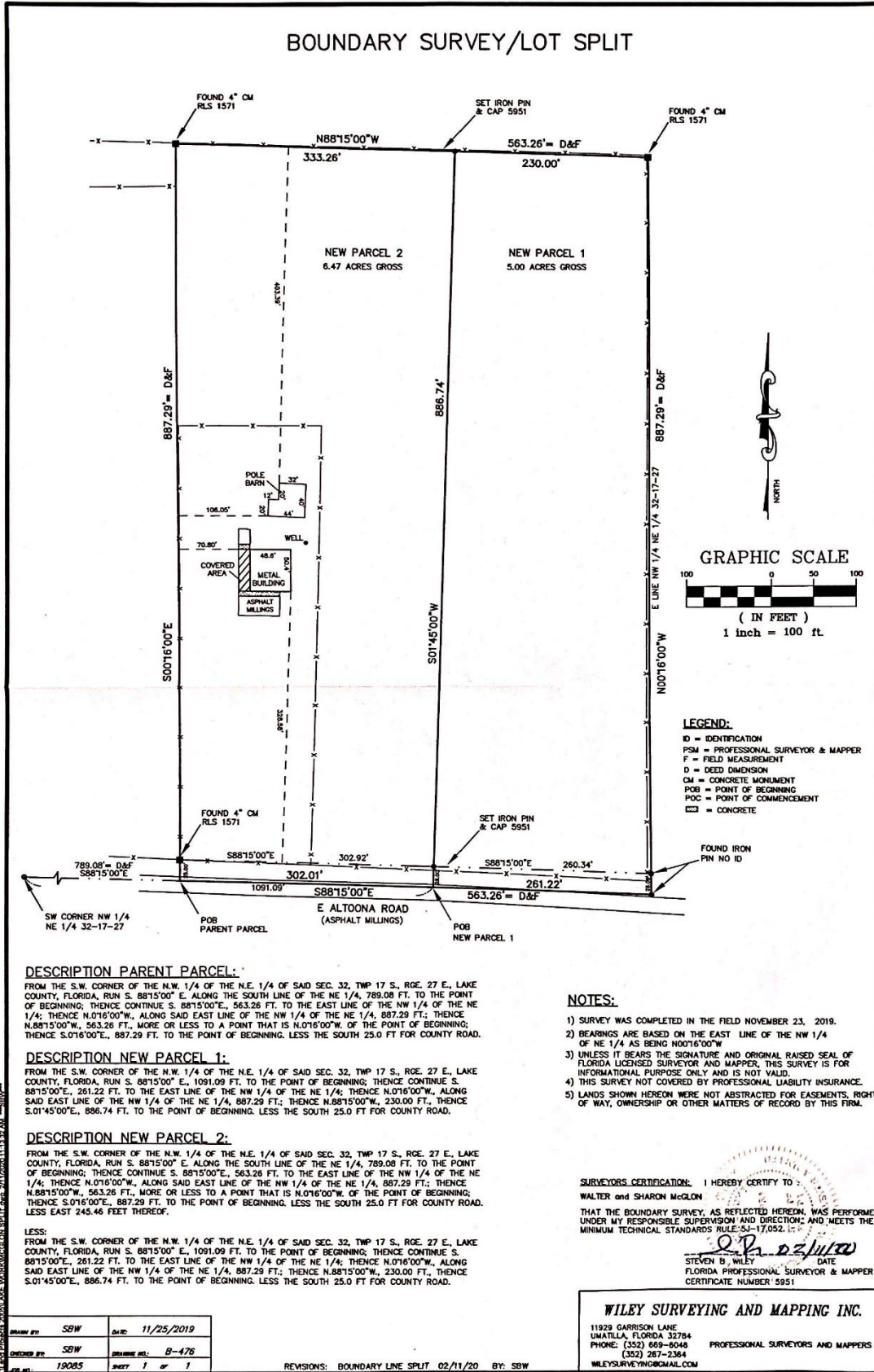
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *"Mr. McGlon wanted to split this lot in the future for his daughters if they wanted to live on East Altoona Road. Mr. McGlon inquired about splitting it back in 1999. His daughters have no interest in the land, so he would like to split and put the money in his trust for them. One parcel will be sold to his nephew and other to a family friend with the intent of both building homes to raise their families."*

Map of Subject Property



Attachment A, Concept Plan.



**Final Development Order
VAR-20-32-5
McGlou Property**

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

WHEREAS, on December 30, 2019, Brandon Hartzog (the "Applicant") requested a variance, on behalf of Walter L. McGlou and Sharon D. McGlou (the "Owners"), to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(1), to allow the creation of two (2) parcels through the minor lot split process, where the subject parcel was created through the minor lot split process where the subject parcel was created through the minor lot split process; and

WHEREAS, on May 14, 2020, the Board of Adjustment approved Variance #19-70-5 which only considered LDR Section 14.11.01(D)(1); and

WHEREAS, on May 28, 2020, a minor lot split inquiry was submitted and it was brought to staff's attention that there was an error in the stipulated LDR Sections of Code and that it was also necessary to obtain a variance to subsection 14.11.01(D)(2); and

WHEREAS, staff seeks to clarify the LDR Sections of the Code that were stipulated in the development order recorded in Official Records Book 5472 Pages 1567 and 1568, Public Records of Lake County, Florida; and

WHEREAS, the Applicant requests a variance, on behalf of the Owners, to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(1) and (2), to allow the creation of two (2) parcels through the minor lot split process where the subject parcel was created through the minor lot split process and the new parcels will be front on a County-maintained clay road in lieu of a County-maintained paved road; and

WHEREAS, the subject property consists of 11.47 +/- acres and is located at 19645 East Altoona Road, in the Altoona area of unincorporated Lake County, Florida, in Section 32, Township 17 South, Range 27 East, having Alternate Key Number 2824174 and more particularly described as below:

From the S.W. corner of the N.W. 1/4 of the N.E. 1/4 of Sec 32, Twp. 17 S., Rge. 27 E., Lake County, Florida, run S. 88°15'00"E. along the South line of the NE 1/4, 789.08 ft. to the Point of Beginning; thence continue S. 88°15'00"E., 563.26 ft. to the East line of the NW 1/4 of the NE 1/4; thence N. 0°16'00" W., along said East line of the NW 1/4 of the NE 1/4, 887.29 ft.; thence N. 88°15'00" W., 563.26 ft., more or less to a point that is N. 0°16'00" W. of the Point of Beginning; thence S. 0°16'00" E., 887.29 ft. to the Point of Beginning. Less the South 25.0 ft. for County Road.

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 9, 2020; and

WHEREAS, the approval of this development order shall supersede and replace any and all previous development orders on the property, including VAR-19-70-5; 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 July 9, 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-20-34-5, to allow the creation of two (2) parcels through the minor lot split process where the subject parcel was created through the minor lot split process and the new parcels will be front on a County-maintained clay road in lieu of a County-maintained paved road with the following conditions:

1. The minor lot split application be submitted within six (6) months from the Board of Adjustment (BOA) approval; and
2. The proposed parcels being created through the minor lot split process shall not be split any further.

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 9th day of July, 2020.

EFFECTIVE July 9, 2020.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

James Argento, Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 9th day of July, 2020, by _____.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)