



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: August 13, 2020

Case No. and Project Name: VAR-20-25-1, Clay Property

Applicant: Julie A. Clay

Owner: Jeffery D. Clay and Julie A. Clay

Requested Action: Variance to Lake County Land Development Regulations (LDR) Sections 14.11.01(D)(2)(a), 14.11.01(D)(2)(b), and 14.11.01(D)(2)(c), to allow for the creation of two (2) parcels through the minor lot split process, which will front on an easement, which is less than 50-feet wide, and does not connect to a publicly-maintained road, in lieu of a publicly-maintained paved road.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 10 +/- acres

Location: South of Florida Boys Ranch Road, and southwesterly of Lake Glona Court, in the Clermont area.

Alternate Key No.: 1405629

Future Land Use: Green Swamp Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: City of Clermont Joint Planning Area (JPA)

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	Urban Residential (R-6)	Residential	Single-Family Dwelling Units
South	Green Swamp Rural	Agriculture (A)	Agriculture and Residential	Horse Stable/Equestrian Stable and Single-Family Dwelling Units
East	Green Swamp Rural	Agriculture (A)	Residential	Single-Family Dwelling Units
West	Green Swamp Rural	Agriculture (A)	Residential	Single-Family Dwelling Units

Summary of Request.

The Applicant has submitted a variance request to LDR Sections 14.11.01(D)(2)(a), 14.11.01(D)(2)(b), and 14.11.01(D)(2)(c), 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. The Applicant desires to create two (2) lots through the minor lot split process, which will front on an easement that is less than 50-feet wide; the easement will not connect to a publicly-maintained road.

The subject 10 +/- acre parcel is identified by Alternate Key Number 1405629; the parcel is zoned Agriculture (A), is part of the Green Swamp Rural Future Land Use Category (FLUC), and is located within the Green Swamp Area of Critical State Concern. Currently, the parcel is developed with a pole barn.

The subject parcel is located within the City of Clermont JPA; therefore, variance application was sent to the City of Clermont for a determination of consistency with their regulations. The City of Clermont had no comments or objections to the request.

The variance application was sent to the Florida Department of Economic Opportunity (DEO) for a courtesy review of consistency with Green Swamp Area of Critical State Concern regulations. DEO did not provide any comments. DEO retains the ability to appeal any development permit, pursuant to Section 380.05, Florida Statutes.

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.

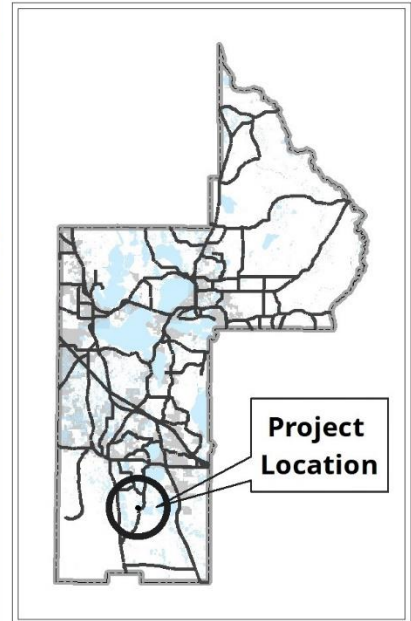
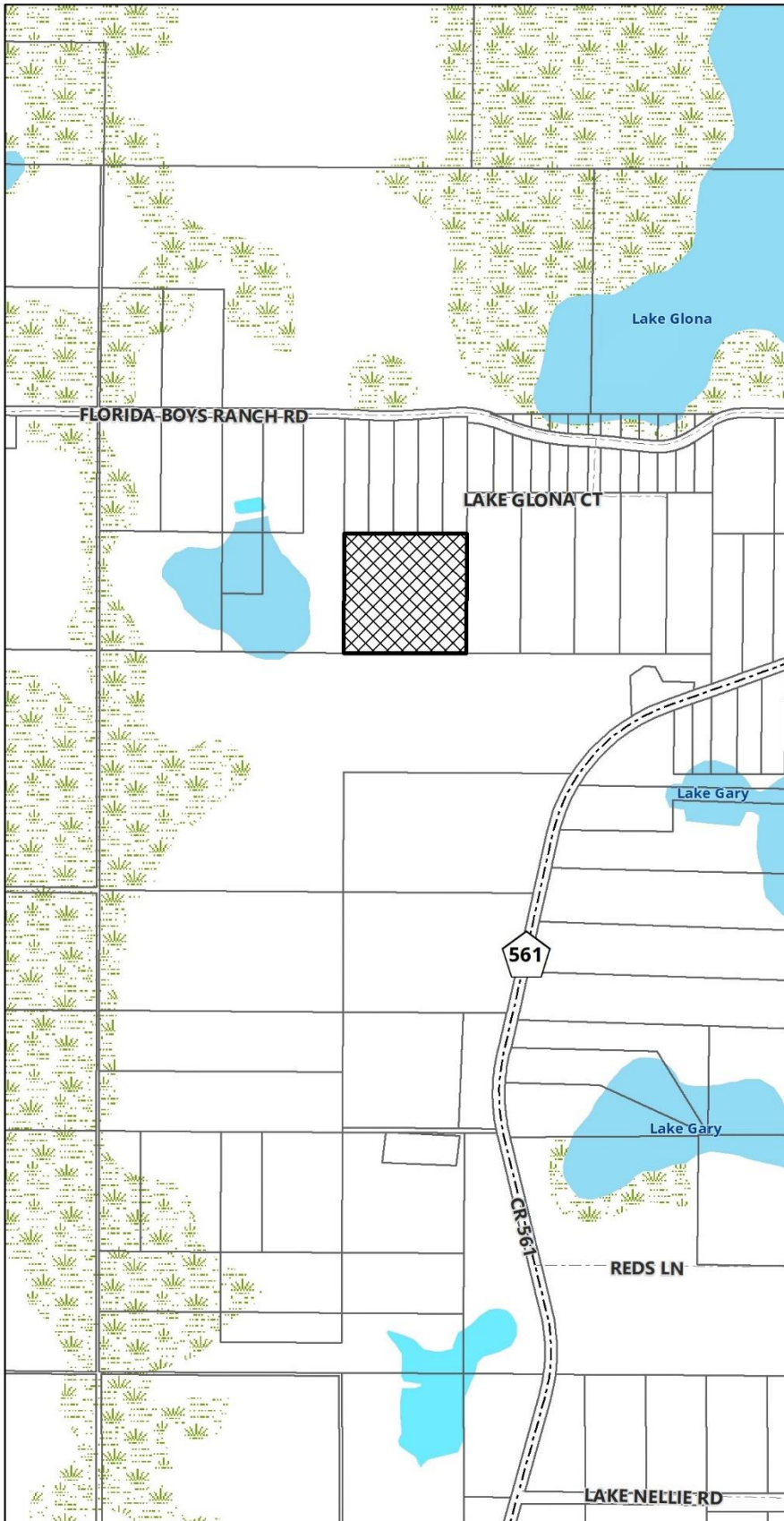
The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *“Need to split 10 acres to two 5 acres. The surrounding neighbors are less than 5 acres parcels. We have two easement for the property. We would like to split out 10 acres parcel (Alternate Key 1405629) into 5 acres parcels. We will give easement for ingress and egress, dedicated to the public for road, utility, and drainage purposes, if satisfying the criteria set forth in Section 14.00.08, Land Development Regulations, and accepted by the Board of County Commissioners. However, a private easement may be permitted if it is determined that there is no need for a future road corridor. County is not obligated to maintain the easement. We will have road name signs installed in accordance with applicable County regulations. We will record deed restrictions which require the property owners to maintain the paved private road or easement. Such restrictions must be recorded prior to the recordation of the approved lot split.”*

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.

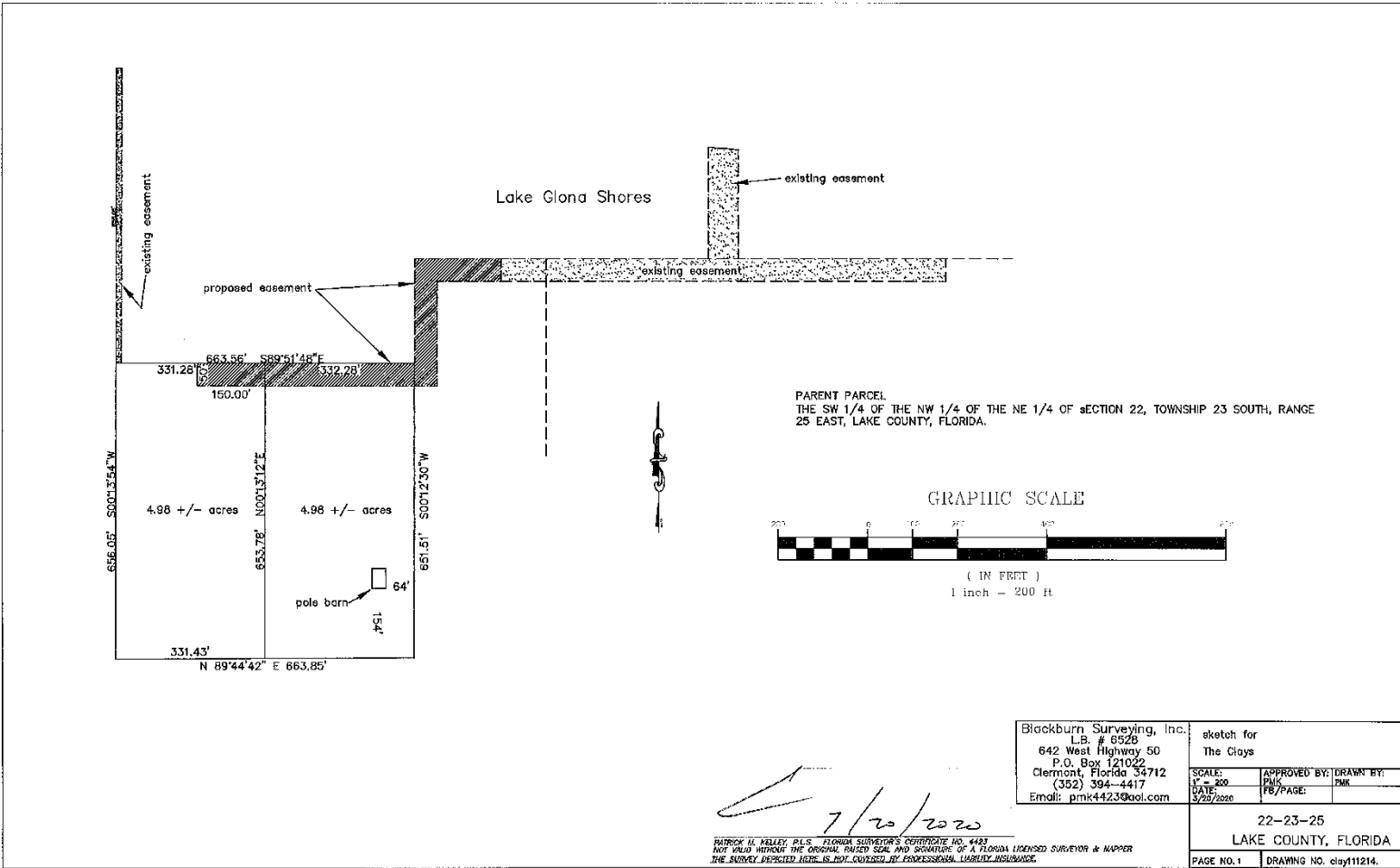
LDR Section 14.15.04 states that for the purposes of this section “substantial hardship” means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *“We need to split property into two five acre parcels due to financial reasons. We have come upon hardships with our jobs and our upkeep, taxes and mortgage are overwhelming. We need to sell so we do not lose our parcel. Our hopes [sic] is to see one parcel so, we may build on the other.”*

Map of Subject Property



Attachment "A" – Concept Plan



**Final Development Order
VAR-20-25-1
Clay Property**

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

WHEREAS, Jeffery D. Clay and Julie A. Clay (the “Owners”) requested a variance to Lake County Land Development Regulations (LDR) Sections 14.11.01(D)(2)(a), 14.11.01(D)(2)(b), and 14.11.01(D)(2)(c), to allow for the creation of two (2) parcels through the minor lot split process, which will front on an easement, which is less than 50-feet wide, and does not connect to a publicly-maintained road, in lieu of a publicly-maintained paved road; and

WHEREAS, the subject property consists of 10 +/- acres and is generally located south of Florida Boys Ranch Road and southwesterly of Lake Glona Court, in the unincorporated Clermont area of Lake County, Florida, in Section 22, Township 23 South, Range 25 East, having Alternate Key Number 1405629 and more particularly described as:

Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4, lying in Section 22, Township 23 South, Range 25 East, Lake County, Florida.

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations (LDR), including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on August 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 August 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-20-25-1, to allow for the creation of two (2) parcels through the minor lot split process, which will front on an easement, which is less than 50-feet wide, and does not connect to a publicly-maintained road, in lieu of a publicly-maintained paved road, with the following condition:

1. The lot split application be submitted within six (6) months from the Board of Adjustment (BOA) approval; and
2. The new 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 13th day of August, 2020.

EFFECTIVE August 13, 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 13th day of August, 2020, by _____.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)