



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: September 10, 2020

Case No. and Project Name: VAR-20-26-1, Jelsma Property

Applicant: Philip Monroe

Owners: Franklin R. Jelsma and Lisa Jelsma Priola, Trustees

Requested Action: Variance from Lake County Land Development Regulations (LDR) Section 14.11.01.D.1, to allow for the creation of two (2) parcels through the minor lot split process from a parcel which was previously subject to a lot approval; and LDR Section 14.11.01.D.2, to allow for the creation of two (2) parcels through the minor lot split process, which will front on a privately-maintained easement, in lieu of a publicly-maintained paved road; and LDR Section 3.10.00, Road Frontage, to allow for the creation of two (2) parcels through the minor lot split process, which will be zoned Agricultural Residential (AR) and have less than one-hundred fifty (150) feet of frontage.

Case Manager: Emily W. Johnson, Planner

Subject Property Information

Size: 28.83 +/- acres

Location: East of County Road 561, and west of Hidden Ridge Lane, in the Clermont area.

Alternate Key No.: 1048079

Future Land Use: Rural

Current Zoning District: Agricultural Residential (AR)

Flood Zone: "X"

Joint Planning Area / ISBA: Minneola ISBA

Overlay Districts: Lake Apopka Basin, Yalaha – Lake Apopka RPA

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residential and Agricultural	Single-Family Residences on large agricultural tracts; Vacant Residential
South	Rural	Agriculture (A)	Residential and Agricultural	Single-Family Residences on large agricultural tracts; Vacant Residential
East	Rural	Agriculture (A)	Residential	Single-Family Residences on large agricultural tracts
West	Rural	Agricultural Residential (AR)	Vacant	Vacant Residential

Summary of Request.

The subject property, identified as Alternate Key Number 1048079, contains 28.83 +/- acres, is zoned Agricultural Residential (AR) and designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The GIS Aerial Map does not indicate a presence of wetlands or flood zone. The property is generally located east of County Road 561, and west of Hidden Ridge Lane, in the unincorporated Clermont area. The subject property is located within the Minneola Interlocal Service Boundary Agreement (ISBA); the City of Minneola was provided with the variance application and did not provide any comments or objections to the request. The subject property is currently undeveloped, and was created by Lot Approval (LA #0063-1987) which approved four (4) lots.

The Applicant intends to submit an application for a minor lot split, in order to separate the subject property into two (2) parcels. The Applicant provided a survey (Attachment "A") which depicts the proposed split, and an easement for access to County Road 561. The Applicant has requested a variance from LDR Sections 14.11.01.D.1, 14.11.01.D.2, and 3.10.00, in order to facilitate approval of the future minor lot split application.

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, Minor Lot Splits – Standards, 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 intent of LDR Section 3.10.00, Road Frontage, is to preclude the creation of flag lots, and to ensure that the creation of new parcels is consistent with the development standards and overall character of Lake County.

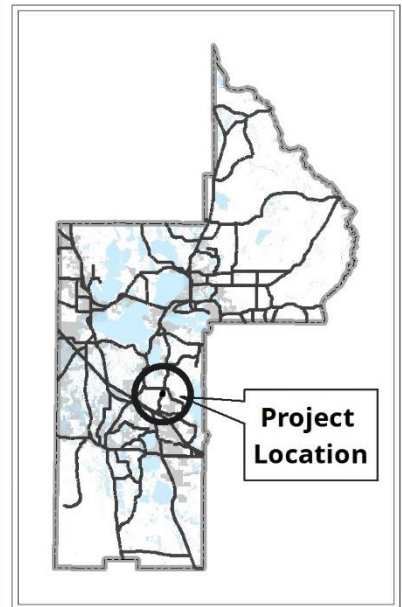
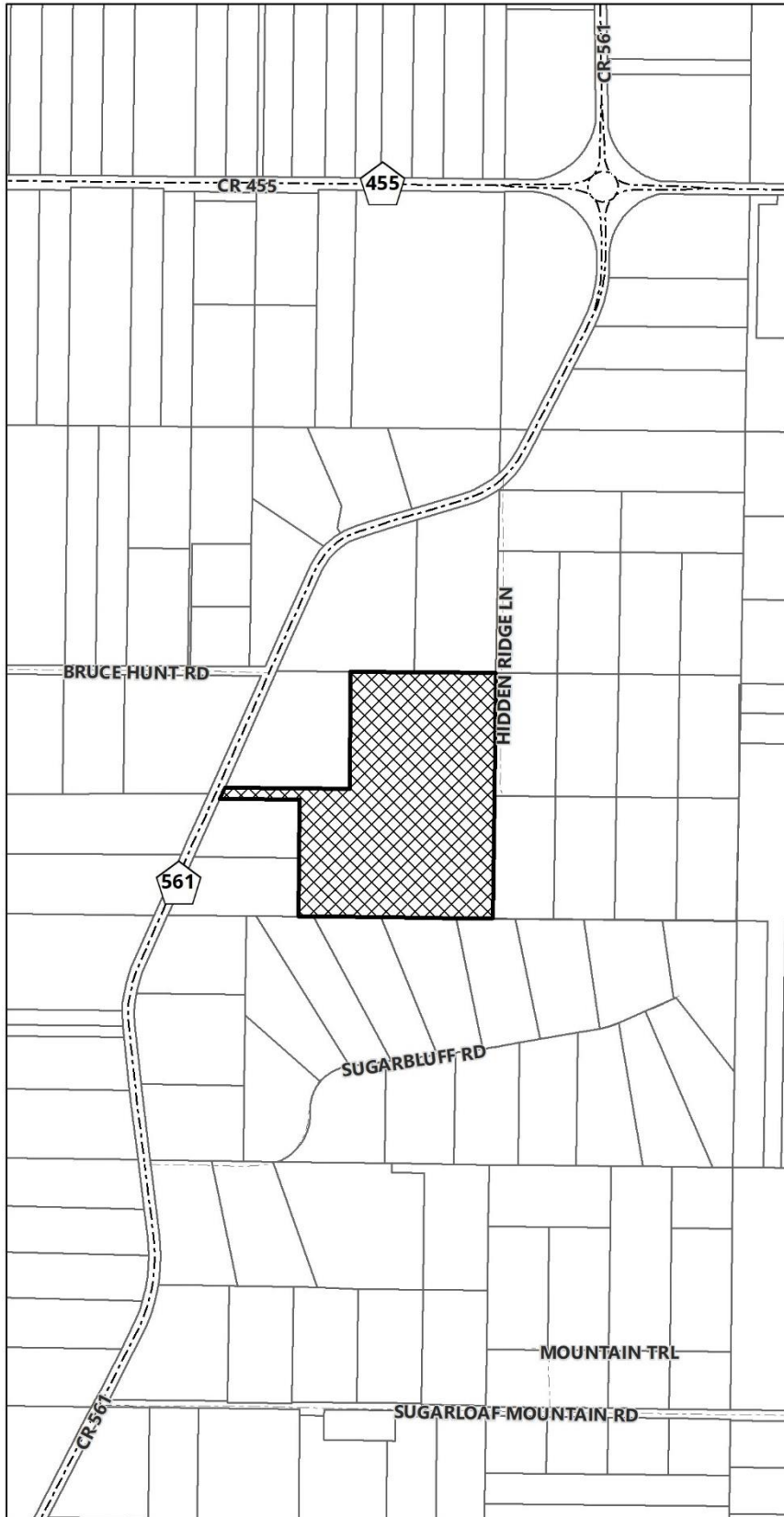
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"All other Land Development Regulations will not be changed and will be complied with. This included: Zoning remains AR for both the 12+ and 16+ acre parcels (same as current on the 28 acre parcel). Future Land Use requirement for minimum 5 acres per residential dwelling will be applicable on the 12+ and 16+ acre parcels."*

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.

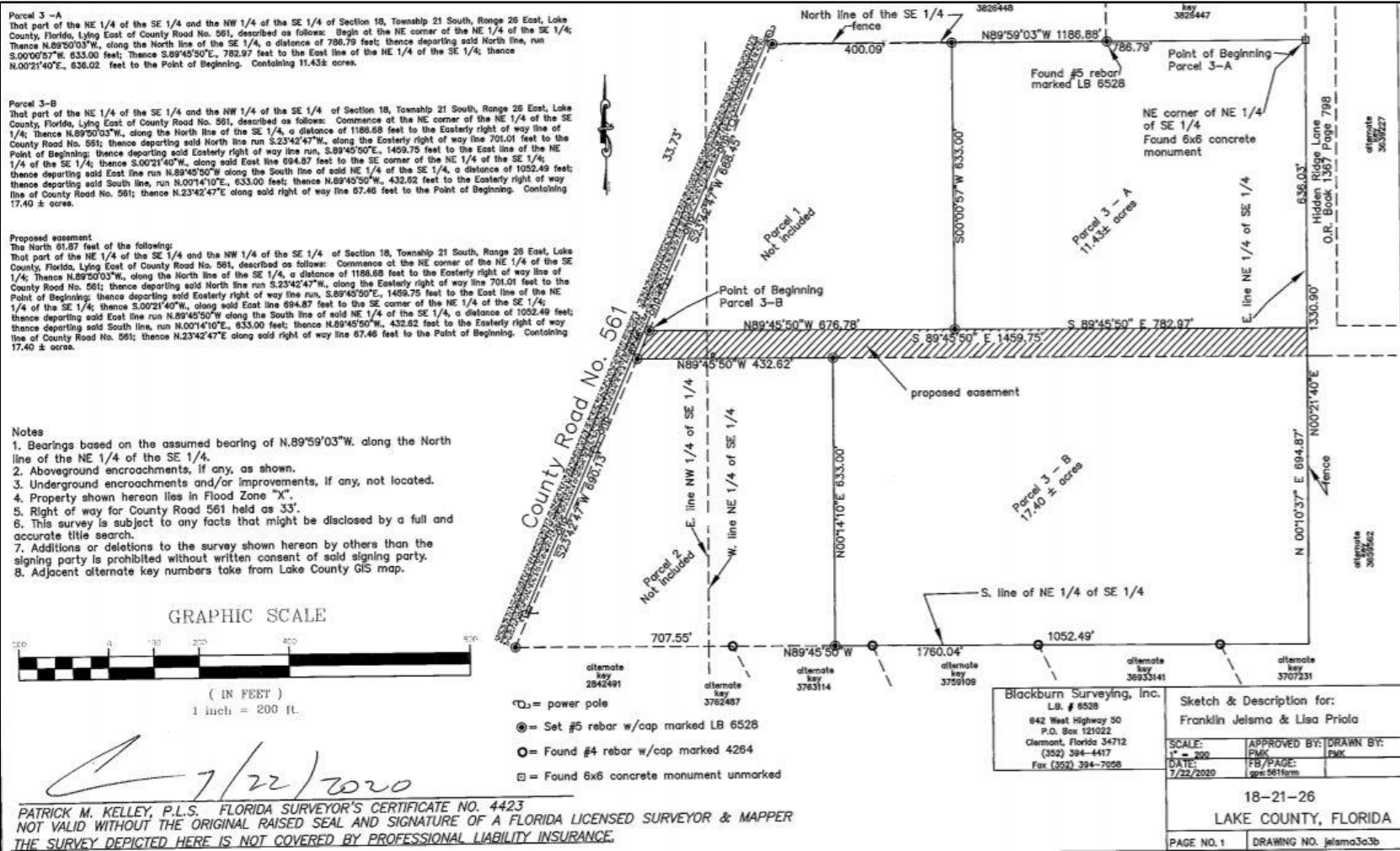
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

The Applicant provided the following statement, *"When our Father obtained a lot split approval on a 44+/- acre parcel from Lake County in 1987, he left a large 28+ acre parcel to build his new home but passed away before starting it. Neither of us plan to build on this property so we have agreed to sell it. The hardship is that the 28 acres is much larger than most 5 to 15 acre parcels in the immediate area and much larger than the 3 to 4.5 acre parcels our Father got approved for the balance of the 44 acres. This variance would assist in our hardship by allowing a more marketable 12 and 16 acre lot."*

Map of Subject Property



Attachment "A" - Survey



**Final Development Order
VAR-20-26-1
Jelsma Property**

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

WHEREAS, Philip Monroe (the “Applicant”), on behalf of Franklin R. Jelsma and Lisa Jelsma Priola, Trustees (the “Owners”), requested a variance from Land Development Regulations (LDR) Section 14.11.01.D.1, to allow for the creation of two (2) parcels through the minor lot split process from a parcel which was previously subject to a lot approval; and LDR Section 14.11.01.D.2, to allow for the creation of two (2) parcels through the minor lot split process, which will front on a privately-maintained easement, in lieu of a publicly-maintained paved road; and LDR Section 3.10.00, Road Frontage, to allow for the creation of two (2) parcels through the minor lot split process, which will be zoned Agricultural Residential (AR) and have less than one-hundred fifty (150) feet of frontage; and

WHEREAS, the subject property consists of 28.83 +/- acres, and is generally located east of County Road 561, and west of Hidden Ridge Lane, in the Clermont area of unincorporated Lake County, in Section 18, Township 21S, Range 26E, having Alternate Key Number 1048079, and more particularly described below; and

Attachment “A” – Legal Description

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on September 10, 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 September 10, 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-20-26-1, to allow for the creation of two (2) parcels through the minor lot split process from a parcel which was previously subject to a lot approval; and to allow for the creation of two (2) parcels through the minor lot split process, which will front on a privately-maintained easement, in lieu of a publicly-maintained paved road; and to allow for the creation of two (2) parcels through the minor lot split process, which will be zoned Agricultural Residential (AR) and have less than one-hundred fifty (150) feet of frontage 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 10th day of September, 2020.

EFFECTIVE September 10, 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 _____ day of _____, 2020, by _____.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**

Attachment "A" – Legal Description

THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING EAST OF COUNTY ROAD 561, AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 LYING EAST OF COUNTY ROAD 561 OF SECTION 18 TOWNSHIP 21 SOUTH RANGE 26 EAST-- LESS FROM EAST 1/4 CORNER OF SAID SECTION 18 RUN NORTH 89-50-03 WEST ALONG NORTH LINE OF SOUTHEAST 1/4 A DISTANCE OF 786.79 FEET FOR POINT OF BEGINNING, CONTINUE NORTH 89-59-03 WEST 400.09 FEET TO EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO 561, THENCE SOUTH 23-42-47 WEST ALONG EASTERLY RIGHT OF WAY LINE 688.45 FEET, SOUTH 89-45-50 EAST 676.78 FEET, NORTH 00-00-57 EAST 633.14 FEET TO THE POINT OF BEGINNING AND LESS FROM NORTHEAST CORNER OF NORTHEAST 1/4 OF SOUTHEAST 1/4 OF SECTION 12 TOWNSHIP 21 SOUTH RANGE 26 EAST RUN NORTH 89-50-03 WEST ALONG NORTH LINE OF SOUTHEAST 1/4 A DISTANCE OF 1186.68 FEET TO EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO 561, THENCE RUN SOUTH 23-42-47 WEST ALONG EASTERLY RIGHT OF WAY LINE 755.90 FEET FOR POINT OF BEGINNING, THENCE CONTINUE SOUTH 23-42-47 WEST ALONG SAID EASTERLY RIGHT OF WAY 690.13 FEET TO SOUTH LINE OF NORTHEAST 1/4 OF SOUTHEAST 1/4 AND NORTHWEST 1/4 OF SOUTHEAST 1/4 OF SAID SECTION 18, SOUTH 89-45-50 EAST ALONG SOUTH LINE 707.55 FEET, NORTH 00-14-10 EAST 633 FEET, NORTH 89-45-50 WEST 432.62 FEET TO THE POINT OF BEGINNING.