



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: September 10, 2020

Case No. and Project Name: VAR-20-29-1, Watson Property

Applicant: William Neal and Pamela Suzzanne Watson

Owner: William Neal and Pamela Suzzanne Watson

Requested Action: Variance to Lake County Land Development Regulations (LDR) 14.11.01 D (2) C to allow the property to be split into two (2) five (5)-acre parcels without frontage on a publicly County-maintained road off an easement that is less than fifty (50) feet wide.

Case Manager: Heather N. Croney, Planner

Subject Property Information

Size: 10 +/- acres

Location: Whoopers Run, in the Clermont area

Alternate Key No.: 2946288

Future Land Use: Green Swamp Rural

Current Zoning District: Agriculture

Flood Zone: "AE"

Joint Planning Area/ISBA: None

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)	Residential	Single Family Dwelling Unit
South	Green Swamp Rural	Agriculture (A)	Orange Grove	
East	Green Swamp Rural	Agriculture (A)	Pasture	Whoopers Run
West	Green Swamp Rural	Ranchette (RA)	Pasture	

Summary of Request.

The subject 10 +/- acre parcel is identified by Alternate Key Number 2946288. The parcel is zoned Agriculture (A), is part of the Green Swamp Rural Future Land Use Category (FLUC). The subject parcel is currently vacant.

The Applicant seeks approval to allow the property to be split into two (2) five (5)-acre parcels without frontage on a public County-maintained road off an easement that is less than fifty (5) feet wide.

Lake County Public Works has no objections to this variance, but recommends the roof gutter down spouts be directed to the rear of the lot to minimize the runoff being directed to neighboring properties.

The variance application was provided to the Florida Department of Economic Opportunity (DEO) for comment regarding consistency with the Green Swamp Area of Critical State Concern regulations. DEO did not provide any comment, however, 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 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.

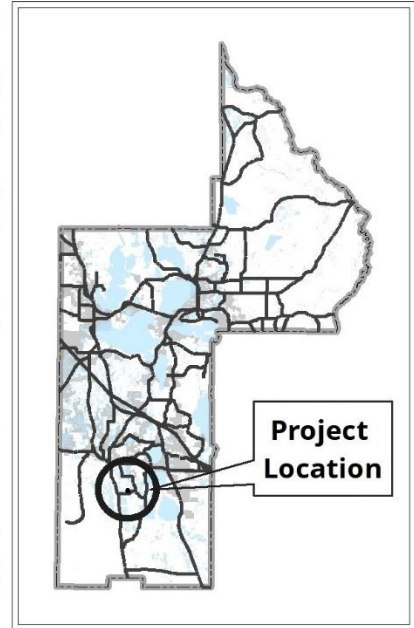
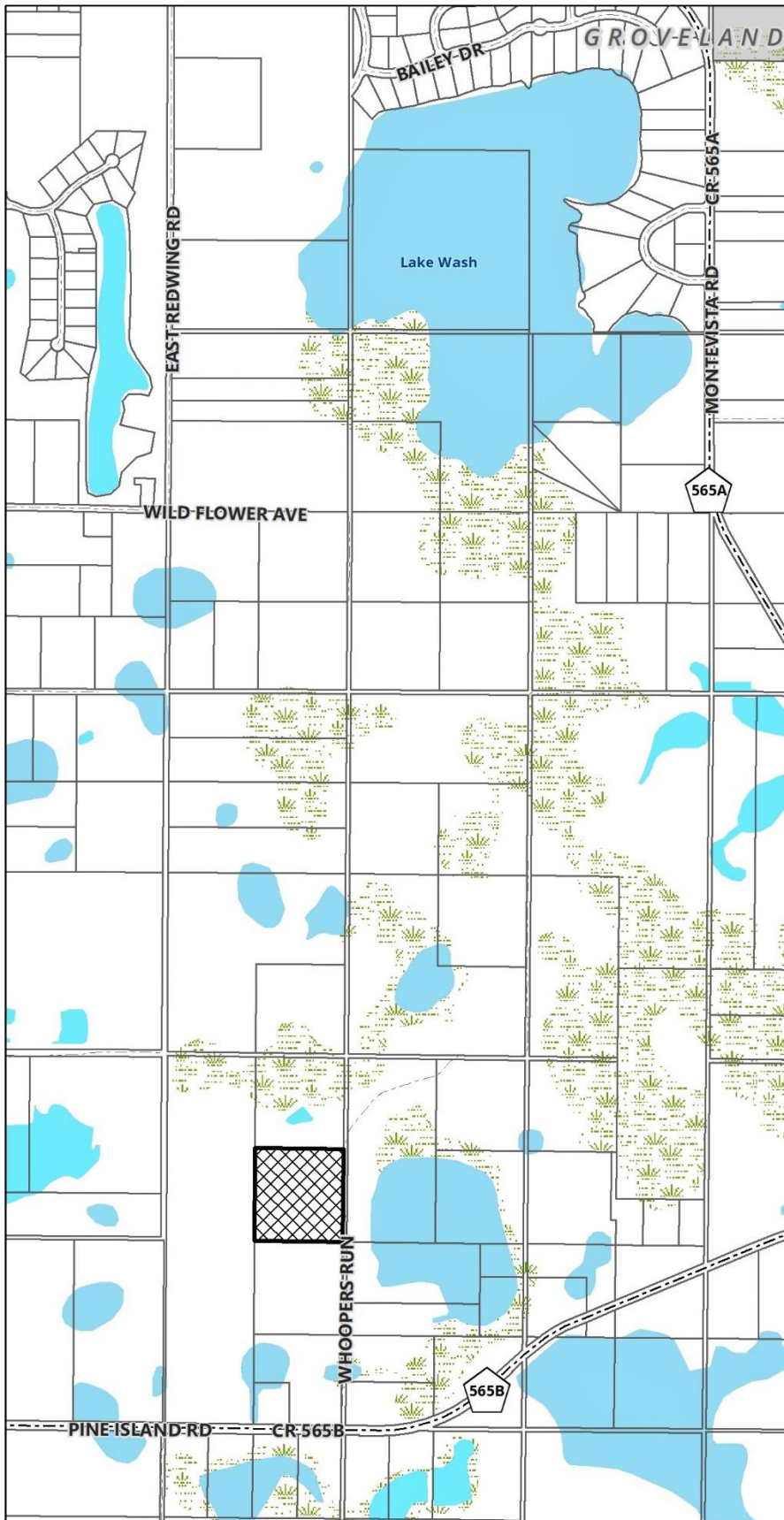
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"I will be meeting the zoning and future land use. We have all our neighbors on both sides of us and down the road who have done lot splits."*

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.

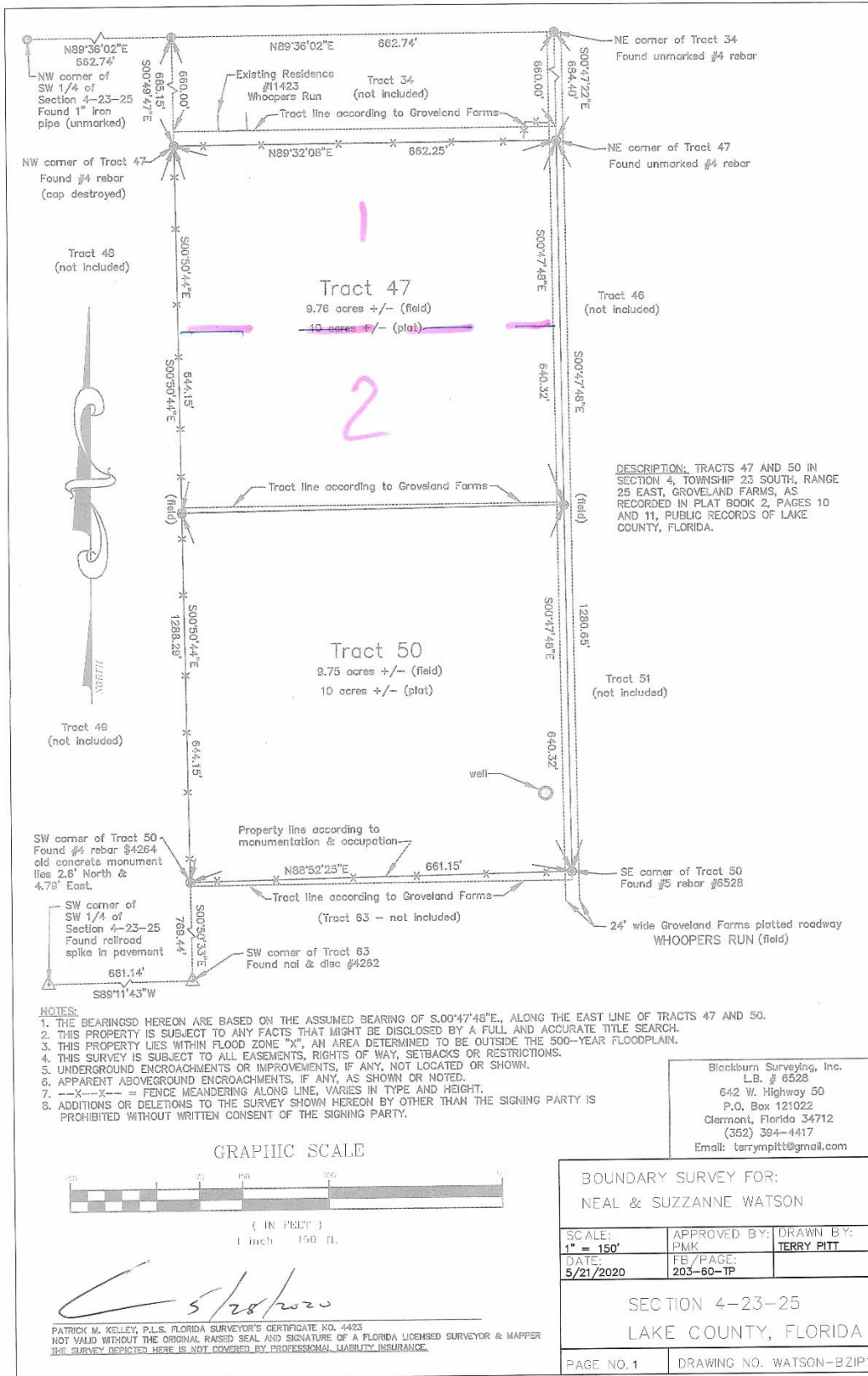
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *"In 2018, my husband lost his job due to citrus greening and he also lost his livelihood because we were in the citrus business. He is 75 and can't get a job and I have tried to get a job and did but with the COVID-19 virus, I got laid off. I was in the catering business."*

Map of Subject Property



Attachment A, Property Survey.



**Final Development Order
VAR-20-29-1
Watson Property**

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

WHEREAS, William Neal and Pamela Suzzanne Watson (the “Applicant” and the “Owner”) requested a variance to Lake County Land Development Regulations (LDR) Section 14.11.01 D(2)C, to allow the property to be split into two (2) five (5)-acre parcels without frontage on a publicly County-maintained road off an easement that is less than fifty (50) feet wide; and

WHEREAS, the subject property consists of 10 +/- acres and is located Whoopers Run, in the unincorporated Clermont area of Lake County, Florida, in Section 04, Township 23 South, Range 25 East, having Alternate Key Number 2946288 and more particularly described as:

Tract 47 in Section 4, Township 23 South, Range 25 East, Groveland Farms, as recorded in Plat Book 2, pages 10 and 11, Public Records of Lake County, Florida.

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 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-20-29-1 to allow the proposed lot split of the property into two (2) five (5)-acre parcels without frontage on a publicly County-maintained road off an easement that is less than fifty (50) feet wide:

1. The County shall not be obligated to maintain this access.

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 or
Bea Meeks, 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 10th day of September, 2020, by _____

_____.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)