



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: September 10, 2020

Case No. and Project Name: VAR-20-30-1, Watson Property

Owners/Applicants: William Neal Watson and Pamela Suzanne Watson

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(2), to allow the creation of two (2) parcels through the minor lot split process where the parcels will front on an easement, in lieu of a publicly maintained paved road; and LDR Section 14.11.01(D)(2)(c), to allow the creation of two (2) parcels through the minor lot split process where the parcels will front on a 24-foot easement, in lieu of 50-feet.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 10 +/- acres

Location: West of Whoopers Run and north of Pine Island Road, in the Groveland area.

Alternate Key No.: 1721415

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)	Residential	Large Agriculture Tracts with Single-Family Dwelling Units
South	Green Swamp Rural	Agriculture (A)	Residential	Large Agriculture Tracts with Single-Family Dwelling Units and Wetlands
East	Green Swamp Rural	Agriculture (A)	Street and Residential	Whoopers Run, Adjoining Large Agriculture Tracts with Single-Family Dwelling Units and Wetlands
West	Green Swamp Rural	Agriculture (A)	Residential	Large Agriculture Tracts with Single-Family Dwelling Units

Summary of Request.

The Owners submitted a variance request to LDR Sections 14.11.01(D)(2) 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) 5-acre tracts, which will not front on a publicly maintained paved road, and the new parcels will front on an easement that is less than 50-feet wide. However, LDR Section 14.11.01(D)(2), requires that parcels being created through the minor lot split process front on a publicly maintained paved road; and LDR Section 14.11.01(D)(2)(c), requires easements to have a minimum width of 50-feet.

The subject 10 +/- acre parcel is identified by Alternate Key Number 1721415. The parcel is zoned Agriculture (A), is part of the Green Swamp Rural Future Land Use Category (FLUC), and located within the Green Swamp Area of Critical State Concern. The subject parcel is currently undeveloped and vacant. The parcel is generally located west of Whoopers Run and north of Pine Island Road, in the Groveland area.

The variance application was sent to the Florida Department of Economic Opportunity (DEO) for a determination of consistency with Green Swamp Area of Critical State Concern regulations. DEO did not provide any comments. DEO withholds the ability to appeal any process, pursuant to Chapter 380, Florida Statutes 380.05.

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.

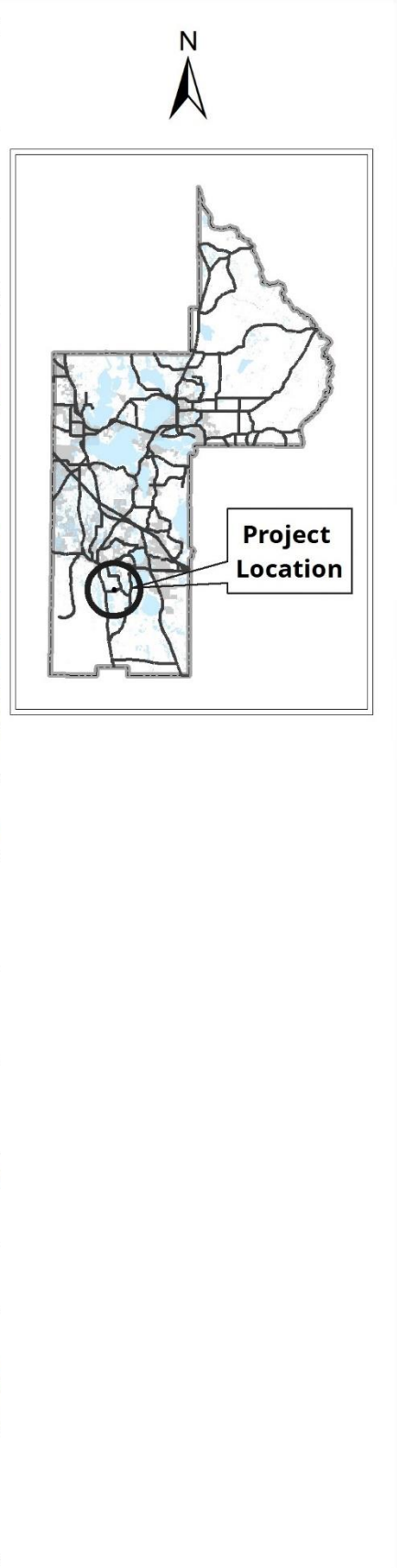
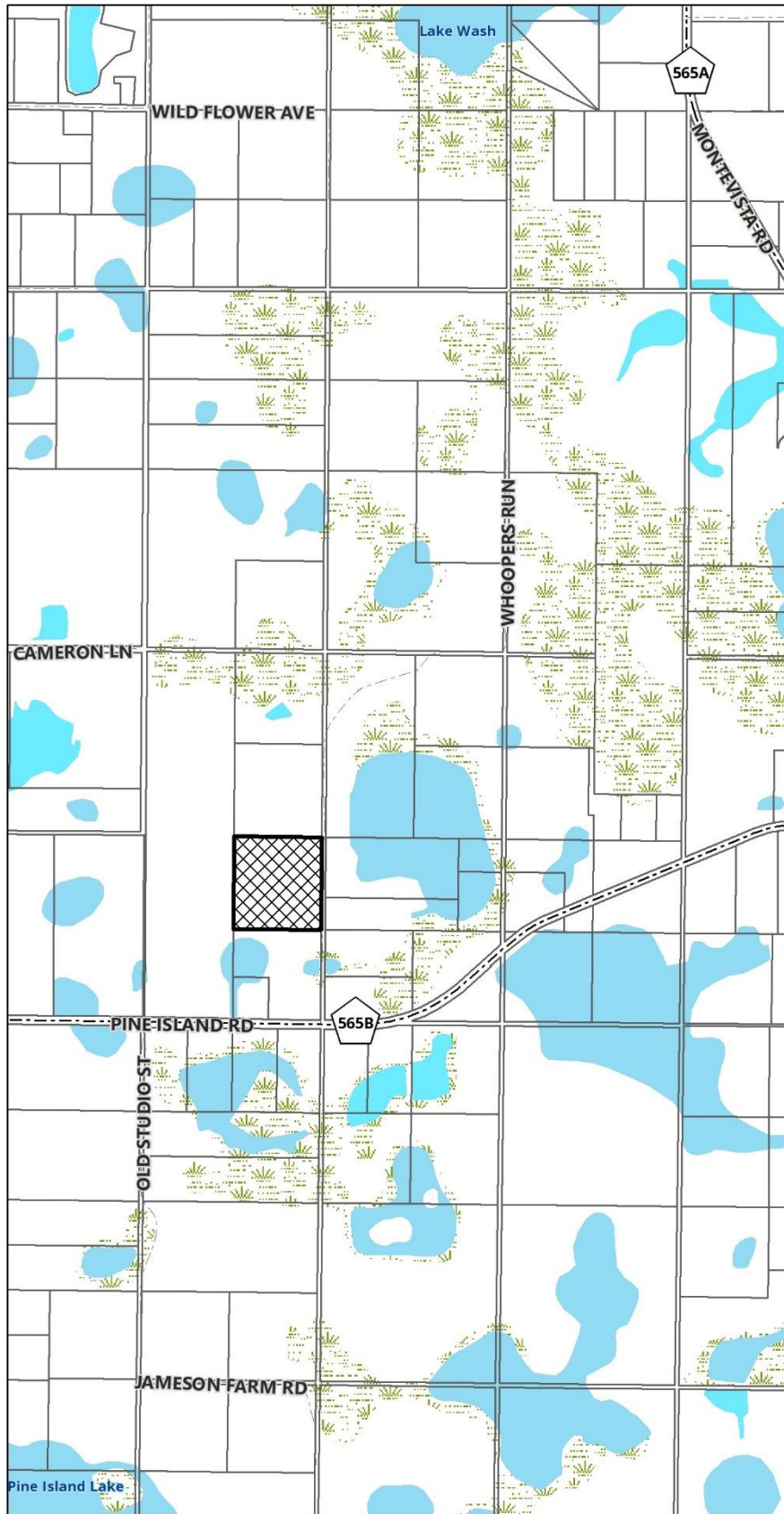
The Owners provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"I will be meeting the zoning and the future land use. We have all our neighbors and other residents that have had lot split – all around us on each sides."*

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.

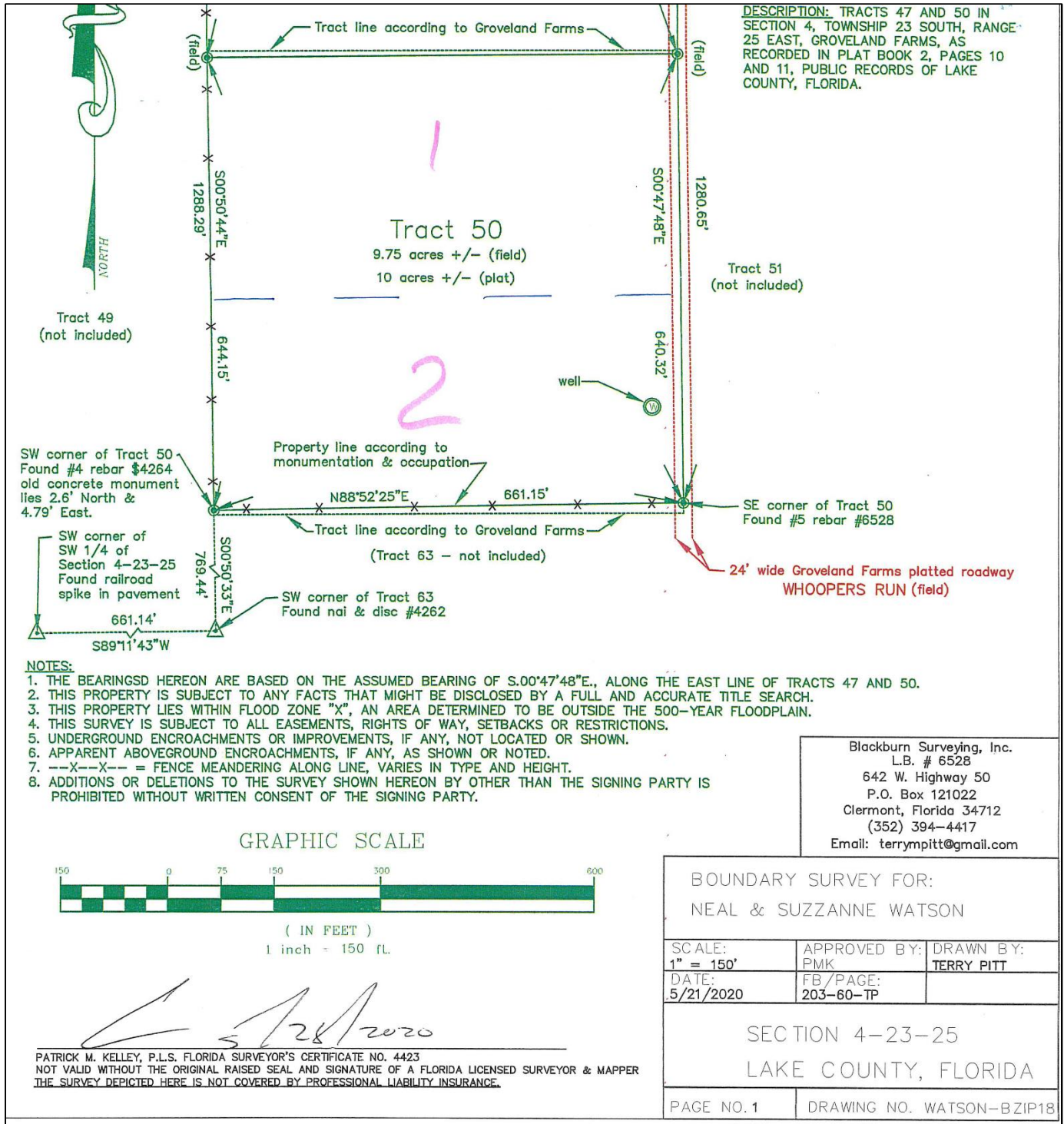
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Owners provided the following statement, *"In 2018 my husband lost his citrus job due to citrus greening. We have only been in the citrus business and we need to sell the land to live on the money. We had to push up the orange grove. I got a job but laid off due to Covid-19."*

Map of Subject Property



Attachment "A" — Concept Plan



**Final Development Order
VAR-20-30-1
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 Watson and Pamela Suzzanne Watson (the “Owners” and the “Applicants”) requested a variance to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(2), to allow the creation of two (2) parcels through the minor lot split process where the parcels will front on an easement, in lieu of a publicly maintained paved road; and LDR Section 14.11.01(D)(2)(c), to allow the creation of two (2) parcels through the minor lot split process where the parcels will front on a 24-foot easement, in lieu of 50-feet; and

WHEREAS, the subject property consists of 10 +/- acres and generally located west of Whoppers Run and north of Pine Island Road, in the Groveland area of unincorporated Lake County, Florida, in Section 04, Township 23 South, Range 25 East, having Alternate Key Number 1721415, and more particularly described as below:

Tract 50 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-20-30-1, to allow the creation of two (2) parcels through the minor lot split process where the parcels will front on an easement in lieu of a publicly maintained paved road, and to allow the creation of two (2) parcels through the minor lot split process where the parcels will front on a 24-foot easement, in lieu of 50-feet 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 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 10th day of September, 2020, by James Argento.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)