



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 11

Public Hearing Date: November 12, 2020

Case No. and Project Name: VAR-20-57-5, Odom Property

Owners: Dennis M. Odom and Mary K. Odom

Applicant: Shipley Law Firm and Title Company

Requested Action: Variance to Lake County Land Code, 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 a publicly maintained clay road, in lieu of a publicly maintained paved road.

Case Manager: Janie Barrón, Senior Planner

### Subject Property Information

Size: 19.99 +/- acres

Location: West of State Road 44 and south of Foxfire Land, in the Deland area.

Alternate Key No.: 3919037

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)	Right-of-Way, Residential	Foxfire Lane, Large Agriculture Tracts with Single-Family Dwelling Units and Wetlands North of the R-O-W
South	Rural	Agriculture (A)	Residential	Large Agriculture Tracts with Single-Family Dwelling Units
East	Rural	Agriculture (A)	Residential	Large Agriculture Tracts with Single-Family Dwelling Units
West	Rural	Agriculture (A)	Residential	Large Agriculture Tracts with Wetlands

### Summary of Request.

The Applicant submitted a variance request to 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 a publicly maintained clay road, in lieu of a publicly maintained paved road.

The subject 19.99 +/- acre parcel is identified by Alternate Key Number 3919037. 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 undeveloped and vacant. The parcel is generally located west of State Road 44 and south of Foxfire Lane, in the Deland area.

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. The Public Works Department had no comments or objections to the request.

### 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.

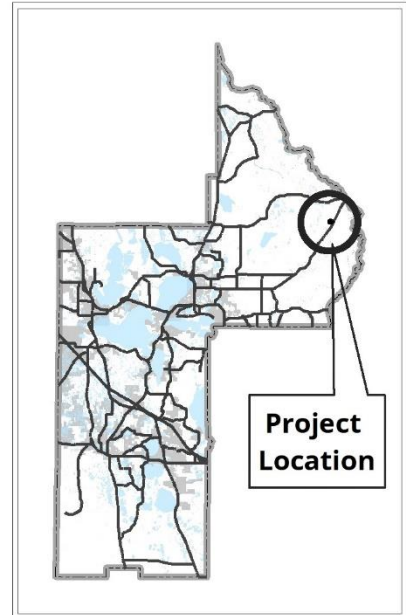
The Owners provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"The subject property is zoned Agriculture (A) with a Rural Future Land Use designation. The requested variance is consistent with Comprehensive Plan Policy I-1.4.1, Elements of Rural Character. The proposed development of the subject property would create two 10-acre single family home sites. The existing clay road is more desirable for, and consistent with, a rural lifestyle."*

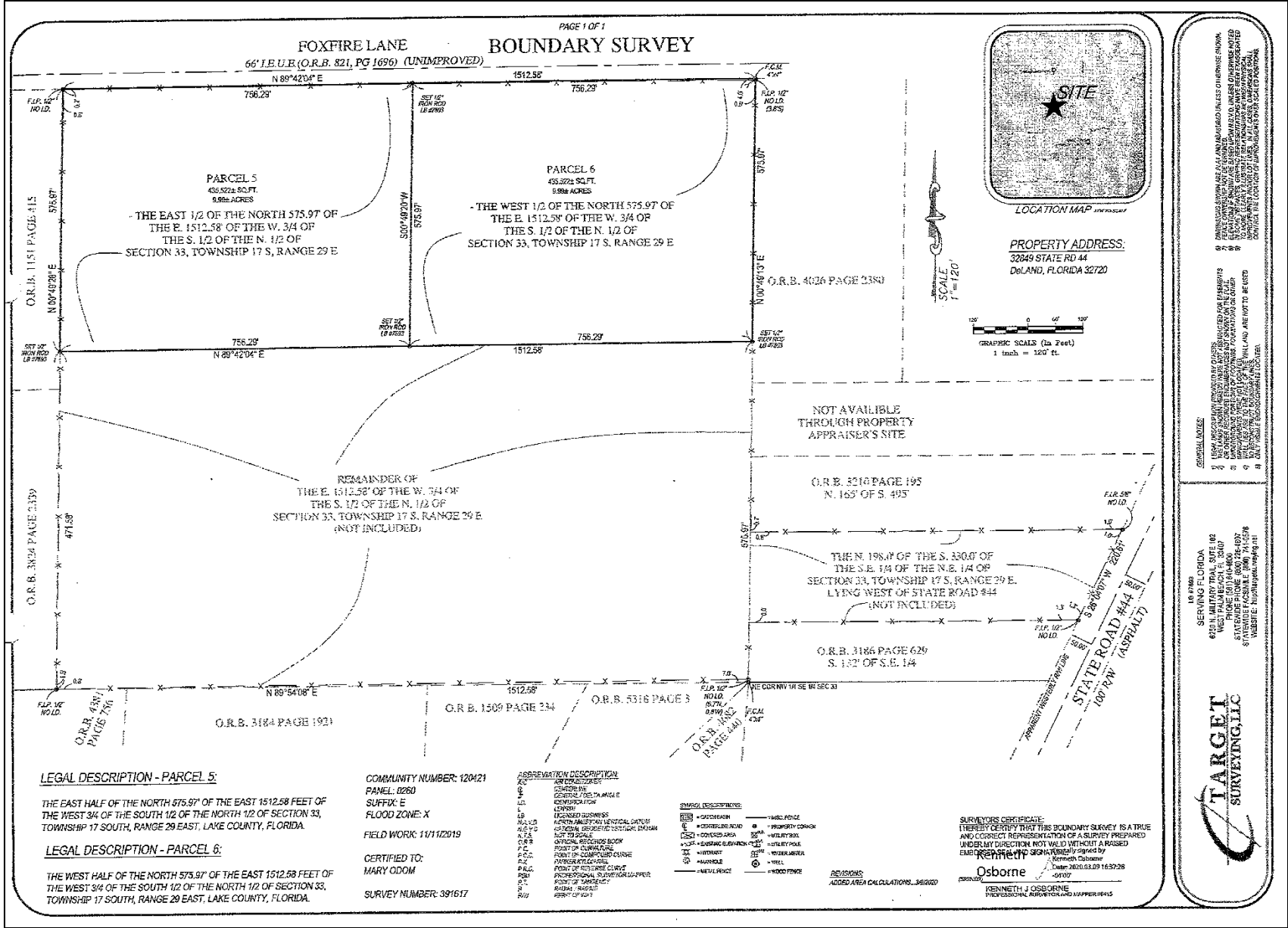
**2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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, *"The subject property fronts on Foxfire Lane, which is a county-maintained clay road. It would be a substantial hardship to require Owners to pave Foxfire Lane before the subject property could be developed. The cost of paving Foxfire Lane would be potentially greater than the current market value of the subject property. Paving Foxfire Lane encourage increased traffic volume and increased traffic speed in a rural areas."*

# Map of Subject Property





**Final Development Order  
VAR-20-57-5  
Odom Property**

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

**WHEREAS**, Shipley Law Firm and Title Company (the “Applicant”) submitted a variance request on behalf of Dennis M. Odom and Mary K. Odom (the “Owners”) requested a variance to Lake County Code, 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 a publicly maintained clay road, in lieu of a publicly maintained paved road; and

**WHEREAS**, the subject property consists of 19.99 +/- acres and generally located west of State Road 44 and south of Foxfire Land, in the Deland area of unincorporated Lake County, Florida, in Section 33, Township 17 South, Range 29 East, having Alternate Key Number 1745489, and more particularly described as below:

The North 575.97 ft. of the East 1512.58 ft. of West 3/4 of South 1/2 of North 1/2 of Section 33, Township 17 South, Range 29 East, 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 November 12, 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 November 12, 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-20-57-5, to allow the creation of two (2) parcels through the minor lot split process where the parcels will front on a publicly maintained clay road, in lieu of a publicly 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;
2. The County shall not be obligated to maintain the easement; and

- 3. 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 12th day of November, 2020.**

**EFFECTIVE November 12, 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 12th day of November, 2020, by James Argento, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

**Type of Identification Produced \_\_\_\_\_**

---

**Notary Signature**

**(SEAL)**