



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: March 11, 2021

Case No. and Project Name: VAR-20-78-3, Sanchez Property

Owners: Emilio and Amelia Sanchez

Applicant: Hilda Alvarez

Requested Action: Variance to Lake County Land Code, Development Regulations (LDR) Sections 14.11.02(D)(7)(b) and 14.11.02(D)(7)(c), to allow the creation of two (2) lots through the family density exception process that will front on a 30-foot platted right-of-way (Discovery Road), in lieu of fifty (50) feet; and where the platted right-of-way will not connect to a publicly maintained road.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 5.63 +/- acres

Location: 28419 Discovery Road, Tavares

Alternate Key No.: 2535245

Future Land Use: Rural Transition

Current Zoning District: Agriculture (A)

Flood Zones: "A" and "X"

Joint Planning Area/ ISBA: City of Tavares ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture (A)	Agriculture and Residential	Large Agriculture Tracts with Single-Family Dwelling Units
South	Rural Transition	Agriculture (A)	Right-of-Way, Residential and Agriculture	Large Agriculture Tracts with Single-Family Dwelling Units
East	Rural Transition	Agriculture (A)	Residential and Agriculture	Large Agriculture Tracts with Single-Family Dwelling Units East of R-O-W
West	Rural Transition	Agriculture (A)	Residential and Agriculture	Large Agriculture Tracts with Single-Family Dwelling Units

Summary of Request.

The Applicant submitted a variance request to LDR Sections 14.11.02(D)(7)(b) and 14.11.02(D)(7)(c), to allow the creation of two (2) lots through the family density exception process that will front on a 30-foot platted right-of-way (Discovery Road), in lieu of fifty (50) feet; and where the platted right-of-way will not connect to a publicly maintained road (Attachment "A").

The subject 5.63 +/- acre parcel is identified by Alternate Key Number 2535245. The parcel is zoned Agriculture (A), is part of the Rural Future Land Use Category (FLUC). Based on the aerial, the subject parcel is currently developed with a single-family dwelling unit, and two accessory structures. The parcel is generally located north of Discovery Road and west of Challenger Drive, in the Tavares area.

The subject parcel is located within the City of Tavares ISBA; therefore, variance application was sent to the City of Tavares for a determination of consistency with their regulations. The City of Tavares had no objection to the request.

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. The Public Works Department had no objections to the request and provided the following comments: "Discovery Road is an unmaintained dirt road that is an access easement per the Sunset Groves plat. Any lot split or creation of lots off this road will not obligate to maintain Discovery Road."

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.

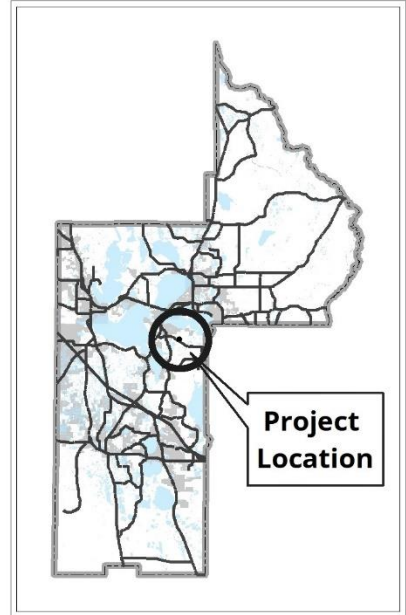
The Owners provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"Property was bought in 1995 as one lot. We are trying to create two lots. I will be putting a home there to help my parents out with paying there [sic] taxes."*

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.

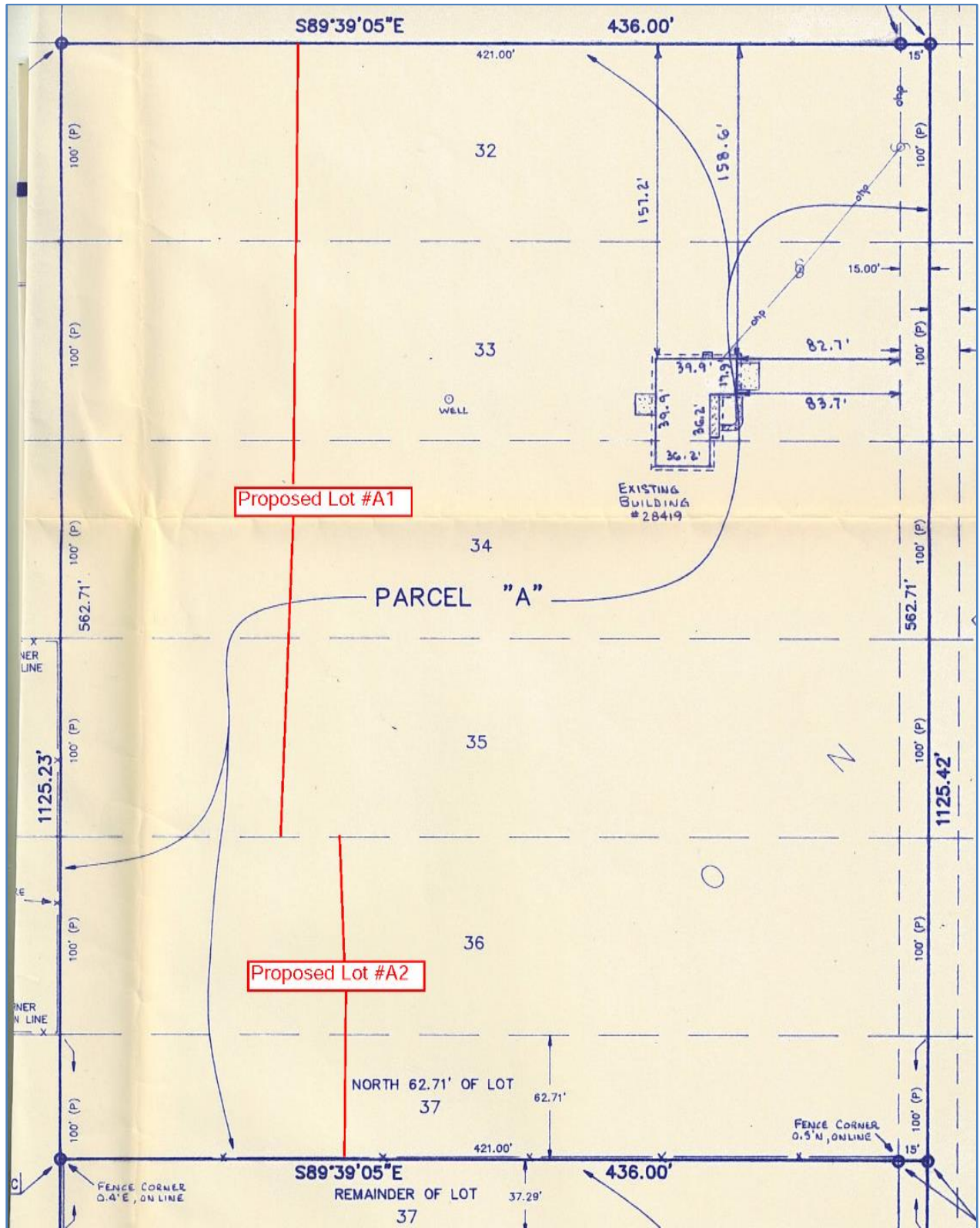
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Owners provided the following statement, *"I'm a mother of 4. I been at my job for 9 years. My parents help me with my kids. It would make it easier if I lived next to them. My parent [sic] are also getting older and I would love to be near them to help them out. I will also be helping them out by paying their taxes. My parent don't make much income."*

Map of Subject Property



Attachment "A" — Proposed Family Density Exception



**Final Development Order
VAR-20-78-3
Sanchez Property**

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

WHEREAS, Hilda Alvarez (the “Applicant”) submitted a variance request on behalf of Emilio and Amelia Sanchez (the “Owners”) to the Lake County Code, Land Development Regulations (LDR) Sections 14.11.02(D)(7)(b) and 14.11.02(D)(7)(c), to allow the creation of two (2) lots through the family density exception process that will front on a 30-foot platted right-of-way (Discovery Road), in lieu of fifty (50) feet; and where the platted right-of-way will not connect to a publicly maintained road; and

WHEREAS, the subject property consists of 5.63 +/- acres, located at 28419 Discovery Road, in the Tavares area of unincorporated Lake County, Florida, in Section 09, Township 20 South, Range 26 East, having Alternate Key Number 2535245, and more particularly described as below:

Lots 32 through 36, inclusive, and the North 62.71 feet of Lot 37, Sunset Groves, Unit One, according to the plat thereof in Plat Book 21, Pages 28 through 47, inclusive, 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 March 11, 2021; 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 March 11, 2021, 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-20-78-3, to allow the creation of two (2) lots through the family density exception process that will front on a 30-foot platted right-of-way (Discovery Road), in lieu of fifty (50) feet; and where the platted right-of-way will not connect to a publicly maintained road with the following conditions:

1. The family density exception application be submitted within six (6) months from the Board of Adjustment (BOA) approval;
2. The County shall not be obligated to maintain the 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 11th day of March, 2021.

EFFECTIVE March 11, 2021.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea L. 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 11th day of March, 2021, by Bea L. Meeks, as Vice-Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)