



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: April 8, 2021

Case No. and Project Name: VAR-21-05-5, Pederson Property

Owners: Charles O. and Mary Kay Pederson

Applicant: Christopher Pederson

Requested Action: Variance to Land Development Regulations (LDR) Section 14.11.02.D(7)(c) to allow for the creation of two (2) parcels, via the family density exception lot split process, which will front an easement 20-feet in width, in lieu of 50-feet.

Case Manager: Emily W. Johnson, Senior Planner

Subject Property Information

Size: 10.27 +/- acres

Location: 18700 Pederson Road, in the unincorporated Altoona area.

Alternate Key No.: 1308500

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zones: "AE" and "X"

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: Wekiva – Ocala Rural Protection Area (RPA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	A	Residential	Single-Family Residence and Vacant Residential
South	Rural	A	Vacant Residential	Vacant Residential with Wetlands
East	Rural	A	Vacant Residential	Vacant Residential
West	Rural	A	Residential	Single-Family Residences and Vacant Residential

Summary of Request.

The subject property, identified as Alternate Key Number 1308500, contains 10.27 +/- acres, is zoned Agriculture (A), and is designated with a Rural Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject property is located south of West Lake Dorr Road, in the unincorporated Altoona area of Lake County. The subject property was created through a lot split (92-52) approved on March 31, 1992. The subject property is currently developed with a single-family dwelling unit and related accessory uses.

The Owners intend to submit a future application for a Family Density Exception Lot Split, in order to create a parcel for their grandson. The existing easement created for the parent parcel is only 20-feet in width, whereas LDR Section 14.11.02.D(7)(c) requires that any easement utilized for the creation of lots via a Family Density Exception Lot Split have a minimum width of 50-feet. Therefore, the Applicant has submitted a variance request to Land Development Regulations (LDR) Section 14.11.02.D(7)(c) to allow for the creation of two (2) parcels, via the family density exception lot split process, which will front an easement 20-feet in width, in lieu of 50-feet.

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 14.11.02.D, 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.

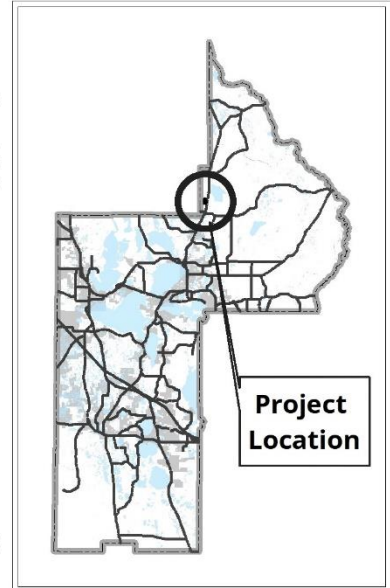
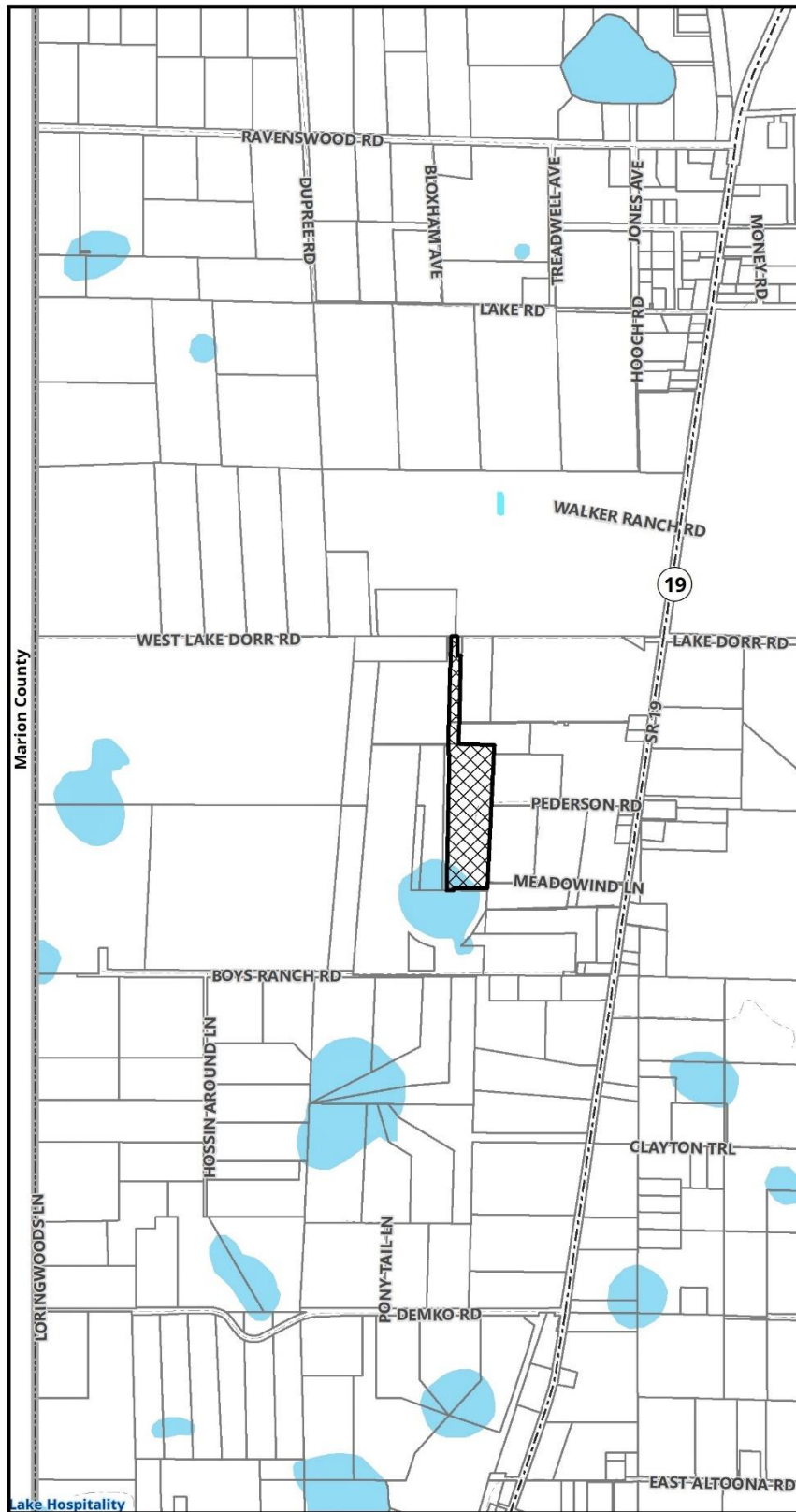
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement: *"We would like Collin Pederson to be grandfathered in the 20 ft easement as his father Chris Pederson was in 1989 for him to gain access [to] his new home on family property."* Additionally, the Owner has indicated that the *"current property has been accessed by deeded easement [for] the last 40 years."*

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.

As proof of a substantial hardship, the Applicant provided the following statement: *"It would involve removal of a substantial number of trees, secondly [the neighboring] landowner denied offers we made to purchase land to widen our easement. We are keeping this road within the Pederson family, inquiring about this for my grandson."*

Map of Subject Property



**Final Development Order
VAR-21-05-5
Pederson Property**

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

WHEREAS, Christopher Pederson (the “Applicant”), on behalf of Charles O. and Mary Kay Pederson (the “Owners”), requested a variance to Land Development Regulations (LDR) Section 14.11.02.D(7)(c) to allow for the creation of two (2) parcels, via the family density exception lot split process, which will front an easement 20-feet in width, in lieu of 50-feet; and

WHEREAS, the subject property consists of 10.27 +/- acres and is located at 18700 Pederson Road, in the Altoona area of unincorporated Lake County, in Section 30, Township 17, Range 27, having Alternate Key Number 1308500, and more particularly described in EXHIBIT “A” – Legal Description; and

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 April 8, 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 April 8, 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-21-05-5, to allow for the creation of two (2) parcels, via the family density exception lot split process, which will front an easement 20-feet in width, in lieu of 50-feet.
- 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.

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**Section 3. Effective Date. This Ordinance will become effective as provided by law.
ENACTED this 8th day of April, 2021.
EFFECTIVE April 8, 2021.**

**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 _____, 2021, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**

EXHIBIT "A" – Legal Description

From the Northeast corner of the NW 1/4 of the NE 1/4 of Section 30, Township 17 South, Range 27 East, Lake County, Florida, run South 01°31'54" West along the East line of said NW 1/4 of the NE 1/4 a distance of 851.75 feet to the point of beginning of the description, from said point of beginning continue South 01°31'54" West to a point that is 29.92 chains South of the North line of said NW 1/4 of the NE 1/4, run thence West parallel to the North line of said NW 1/4 of the NE 1/4 265.65 feet; thence S01°05'56"W 6.00 feet to South line of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 to a point that is 363.00 feet East of the Southwest corner of the said Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 30; thence S89°51'41"W 80.02 along said South line to a point hereby designated as Point "A"; Return to the Point of Beginning and run North 88°28'06" West 4.25 chains to a concrete monument; thence N01°32'55"E 694.09 feet; thence S89°55'52"W 30.11 feet; thence N00°48'36"E 150.00 feet to the Northeast corner of said parent tract; thence S89°54'32"W 48.11 feet along the North line of the NE 1/4 the NW 1/4 of the NE 1/4 of said Section 30; thence S01°31'07"W 230.02 feet; thence S01°31'07"W 691.80 feet; thence S88°28'06"E 7.06 feet; thence S01°05'56"W 1059.36 feet, more or less, to the South line of the NE 1/4 of the SW 1/4 of the NE 1/4 and the aforementioned Point "A".