



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6
 Public Hearing Date: May 13, 2021
 Case No. and Project Name: VAR-21-15-3, Waldmann Property
 Owners: Michael Waldmann et al.
 Applicant: Jonathan Waldmann
 Requested Action: Variance to Land Development Regulations (LDR) Section 14.11.01.D(1) to allow for the creation of two (2) lots, via the minor lot split process, from a parent parcel which has previously been subject to a minor lot split.
 Case Manager: Emily W. Johnson, Senior Planner

Subject Property Information

Size: 22.27 +/- acres
 Location: 17119 County Road 48, Mount Dora.
 Alternate Key No.: 3782810
 Future Land Use: Rural
 Current Zoning District: Agriculture (A)
 Flood Zones: "A" and "X"
 Joint Planning Area (JPA) / ISBA: N/A
 Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	A	Agriculture and Mine	Hurley Peat Mine (MCUP #05/1/1-3)
South	Rural	A and MP	Vacant Residential	Vacant Residential, Single-Family Residences adjacent to CR 48
East	Rural and Industrial	A and MP	Agriculture and Industrial	Agriculture and Industrial adjacent to CR 448A
West	Rural	A	Residential, Agriculture, and Mine	Single-Family Residences, Hurley Peat Mine (MCUP #05/1/1-3)

Summary of Request.

The subject property, identified as Alternate Key Number 3782810, contains 22.27 +/- 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 northwest of the County Road 48 and County Road 448A intersection, in the unincorporated Mount Dora area of Lake County. The subject property was created through a minor lot split (95-76) approved on March 19, 1996. The subject property is currently developed with a single-family dwelling unit and related accessory and agricultural uses.

Section 14.11.01.D.1 states that, "only two (2) lots may be created from the original legally created lot or lot of record. The total number of lots created Shall include the original parcel. The original parcel Shall be known as the parent parcel and those lots created out of the parent parcel Shall not be entitled to another minor lot split." Chapter II of the LDR defines 'original parcel' as "a Lot legally created, on or before June 1, 1992, pursuant to the Lake County Code." Since the subject property was created through a lot split approved on March 19, 1996, the subject property is not able to be further subdivided pursuant to LDR Section 14.11.01.D(1) because it does not meet the definition of an original parcel.

The Owners applied for a Minor Lot Split to create two parcels, approximately 6.5 +/- acres and 15.74 +/- acres. In order to facilitate review of the Minor Lot Split application, the Applicant submitted a variance request to LDR Section 14.11.01.D(1) because the parent parcel was previously subject to a minor lot split application.

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.

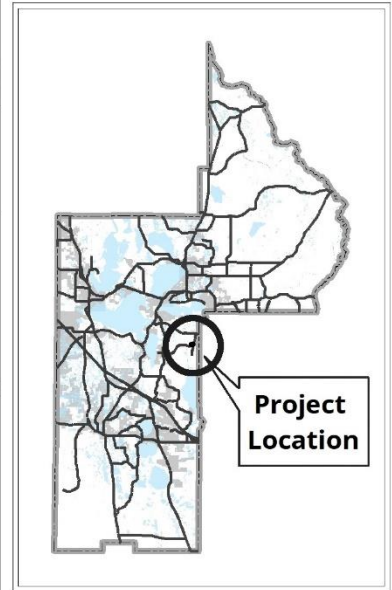
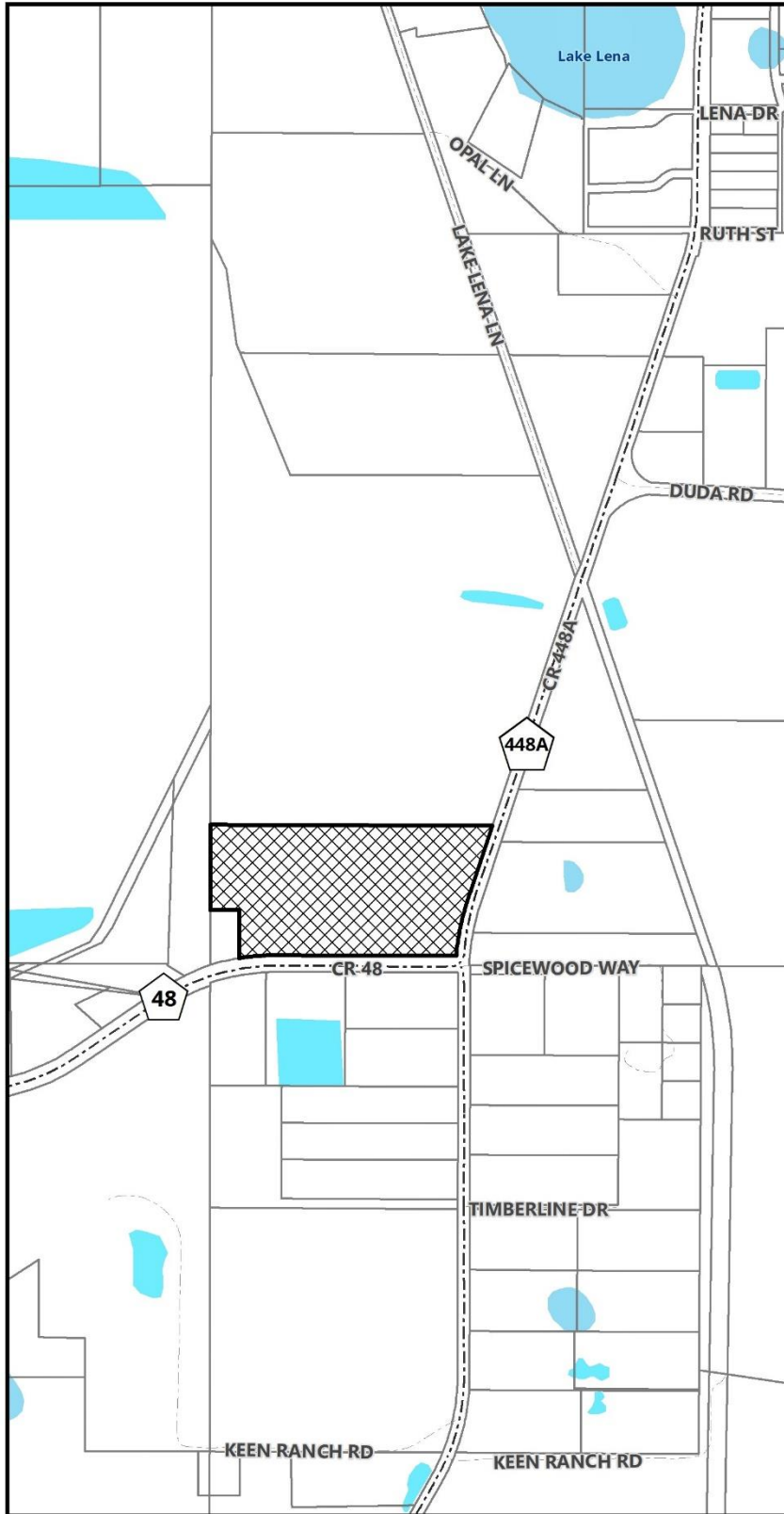
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement: *"All other LDR regulations are fulfilled other than being previously split. Wetlands and elevations have been professionally surveyed and LOMA completed. Net acres and setbacks for both lots are acceptable. The split will maintain current RURAL/AG land use and comply with 2030 future land use plan."*

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: *"Lot has been previously split and therefore MLS application was denied by P&Z dept."*

Map of Subject Property



**Final Development Order
VAR-21-15-3
Waldmann Property**

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

WHEREAS, Jonathan Waldmann (the “Applicant”), on behalf of Michael Waldmann et al. (the “Owners”), requested a variance to Land Development Regulations (LDR) Section 14.11.01.D(1) to allow for the creation of two (2) lots, via the minor lot split process, from a parent parcel which has previously been subject to a minor lot split; and

WHEREAS, the subject property consists of 22.27 +/- acres and is located at 17119 County Road 48, in the Mount Dora area of unincorporated Lake County, in Section 24, Township 20, Range 26, having Alternate Key Number 3782810, 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 May 13, 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 May 13, 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-21-15-3, to allow for the creation of two (2) parcels, via the minor lot split process, from a parent parcel which has previously been subject to a minor lot split.
- 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 13th day of May 2021.

EFFECTIVE May 13, 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

The land hereinafter referred to is situated in the City of Mount Dora, County of Lake, State of FL, and is described as follows: The following Real Property situate in County of Lake and State of Florida, described as follows: The South 758.79 feet of the West 1/2 of Section 24, Township 20 South, Range 26 East, Lake County, Florida, lying Westerly of the Westerly right-of-way line of C-448-A and Northerly of the Northerly right-of-way line of County Road 48; less that part thereof lying within the right-of-way of a 30.00 foot wide drainage ditch as shown on the State of Florida Department of Transportation right-of-way Map (Section Number 1168-150) dated November, 1957; also less the South 293.00 feet of the West 157.88 Feet of the Southwest 1/4 of the Southwest 1/4 of Section 24, Township 20 South, Range 26 East, Lake County, Florida.