



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearing Date: July 8, 2021

Case No. and Project Name: VAR-21-23-4, Todd Property

Applicant: Jimmy D. Crawford, Esquire

Owner: Mark Wayne Todd and Pamela Todd

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(2)(b), to allow the creation of two (2) lots through the minor lot split where the parcels will front on a 66-foot easement that does not connect to a publicly maintained road.

Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 49.7 +/- acres

Location: 31211 Lynchs Lane, Sorrento

Alternate Key No.: 2515856

Future Land Use: Wekiva River Protection Area (WRPA) A-1-20 Sending Area

Current Zoning District: Agriculture (A)

Flood Zones: "A" and "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Wekiva River Protection Area (WRPA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	WRPA A-1-20 Sending Area	Agriculture (A)	Residential	Large Tract of Agriculture Land with Single-Family Dwelling Units
South	WRPA A-1-20 Sending Area	Ranchette (RA)	Street, Residential	Lynchs Lane, Wekiva Pines Country Estates Residential Subdivision South of R-O-W
East	WRPA A-1-20 Sending Area	Ranchette (RA)	Vacant	Undeveloped Large Tract of Land
West	WRPA A-1-20 Sending Area	Agriculture (A)	Street, Residential	Webbs Way, Large Tracts of Agriculture Lands with Single-Family Dwelling Units West of R-O-W

Summary of Request.

The Applicant has requested a variance to LDR Section 14.11.01(D)(2)(b), to allow the creation of two (2) lots through the minor lot split where the parcels will front on a 50-foot easement that does not connect to a publicly maintained road. On February 24, 2020, the Applicant submitted a minor lot split. On May 9, 2020, a staff comment letter was sent to the Applicant indicating that the 66-foot easement does not connect to a County-maintained paved road. LDR Section 14.11.01(D)(2)(c) states that two (2) lots may be created from the original legally created lot or lot of record should each lot contain 20 acres with one acre of uplands and front on an easement that connects to a publicly maintained road.

The subject parcel is zoned Agriculture, is part of the WRPA A-1-20 Sending Area and located within the Wekiva River Protection Area. The subject parcel is developed with a single-family dwelling unit, block and frame building, pool, tennis court, wood shed, wood barn and driveway.

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 14.11.01, 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.

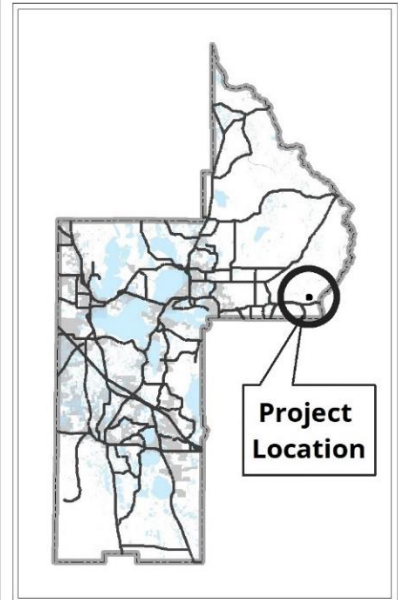
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"Please see attached statement of justification (Attachment "B")."*

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.

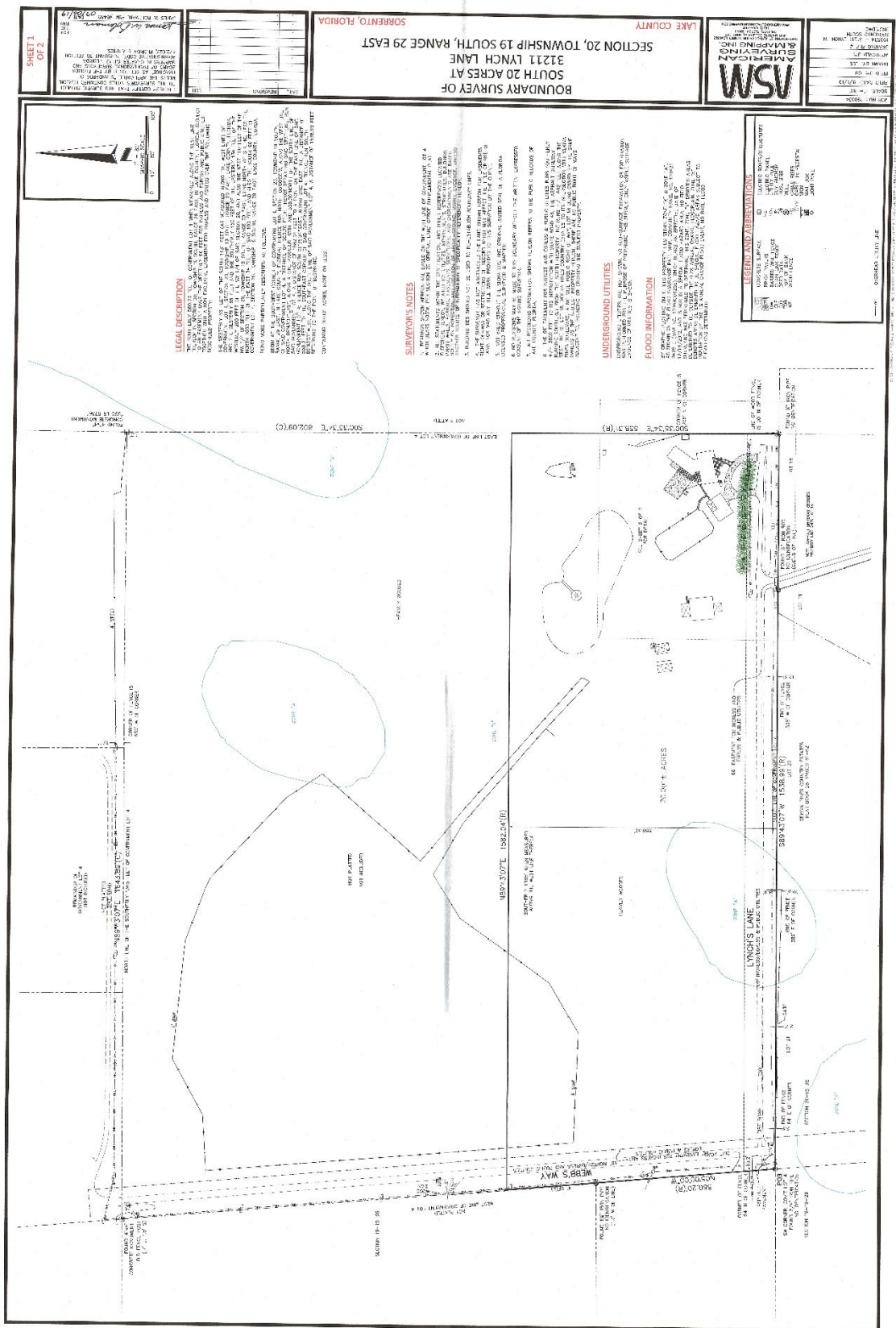
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *"Please see attached statement of justification (Attachment "B")."*

Map of Subject Property



Attachment "A" - Concept Plan.



Attachment "B" – Justification Statement (Page 1 of 2).

STATEMENT OF JUSTIFICATION AND SUPPORT

Mark and Pamela Todd live on and own property at 31211 Lynch's Lane, Sorrento (the "Property"). The Property consists of 50+/- acres and is improved with a single-family home, swimming pool, tennis court, and barn. The Todds, along with the previous owners of the Property, own and control the adjacent five acres to the south, Wekiva Pines Country Estates platted Lot 18 ("Lot 18"). To access the Property, the Todds utilize a paved driveway that runs along the western edge of Lot 18 to Wekiva Pines Boulevard.

The Todds intend to sell the northern 30+/- acres of the Property to an adjacent neighbor. To obtain a Minor Lot Split and conduct the sale, a Variance to Land Development Regulation (LDR) 14.11.01D.2 is required because the Property does not front a county-maintained road nor can it meet the private easement requirements.

The Applicant therefore requests a Variance to LDR 14.11.01 D.2 and offers the following statements for the County's review.

(1) What is the substantial hardship in meeting the specific code requirement?

The nearest county-maintained road, Bear Pond Drive, is roughly 4,000-feet from the Property. Wekiva Pines Boulevard, while a public road, is not county-maintained. There is a recorded private easement document related to the Property that pre-dates the Wekiva Pines Country Estates Plat, however the legal description for that recorded easement is not utilized to access the Property. If the Applicant is forced to utilize the recorded easement, new roadways will need to be constructed and would result in wetland impacts, which is strongly discouraged by the County's Comprehensive Plan.

(2) Describe how the purpose of the Land Development Regulation will be or has been achieved by other means.

The regulation is intended to limit the construction of new roadways and/or any improvements required due to the increased density from the minor lot split process. The

Attachment "B" – Justification Statement (Page 2 of 2).

Applicant has submitted a sketch and description of the existing, utilized access that runs along the western side of Lot 18. This sketch and description will be recorded along with the Minor Lot Split as the access point for the newly created 30+/- acre lot. As a result, there will be no new roadways or improvements required because of the lot split. Furthermore, the adjacent neighbor who intends to purchase the 30+/- acres from the Todd's intends to access the Property from its current property.

Thank you for your consideration. Of course, should you have any questions, or we can provide any further information, please do not hesitate to contact our office. We look forward to presenting our case the hearing before the Board of Adjustments.

**Final Development Order
VAR-21-23-4
Todd Property**

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

WHEREAS, Jimmy D. Crawford (the “Applicant”) requested a variance, on behalf of Mark Wayne Todd and Pamela Todd (the “Owners”), to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(2)(b), to allow the creation of two (2) parcels through the minor lot split process, where the parcels will front on a 66-foot easement that does not connect to a publicly maintained road; and

WHEREAS, the subject property consists of 49.7 +/- acres and is located at 31211 Lynchs Lane, in the Sorrento area of unincorporated Lake County, Florida, in Section 20, Township 19 South, Range 29 East, having Alternate Key Number 2515856 and more particularly described in Exhibit “A” – Legal Description:

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 July 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 July 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-21-23-4, to allow the creation of two (2) parcels through the minor lot split process, where the parcels will front on a 66-foot easement that does not connect to a publicly maintained road 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 June 2021.
EFFECTIVE June 10, 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 8th day of July, 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 Southerly 1365 feet of Government Lot 4 when measured along the West line thereof in Section 20, Township 19 South, Range 29 East, in Lake County, Florida. Subject to an easement over the Westerly 66 feet for ingress and egress and Public Utilities.

Together with and subject to a non exclusive easement for ingress and egress over the following described property:

The Westerly 66 feet of the South 1431 feet (as measured along the West line) of Government Lot 4, Section 20, Township 19 South, Range 29 East, Lake County, Florida, and the Westerly 66 feet and the Southerly 450 feet of the Easterly 134 feet of the Westerly 200 feet of the SW 1/4 of said Section 20, and also the West 100 feet of the NW 1/4 of Section 29, Township 19 South, Range 29 East, lying North of S.R. 46, LESS the North 1050 feet of the East 34 feet of said 100 feet, and also the South 66 feet of Government Lot 4, Section 20, Township 19 South, Range 29 East, Lake County, Florida.