



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 18

Public Hearing Date: July 8, 2021

Case No. and Project Name: VAR-21-44-1, Rogers Property

Owners: John G. and Valarie L. Rogers

Applicant: John G. Rogers

Requested Action: Variance to Land Development Regulations (LDR) Section 14.11.01.D(1) and Section 14.11.01.D(2) to allow a minor lot split on a property which is not an original parcel (original parcel being a lot created prior to June 1, 1992) and to allow a minor lot split on a property that fronts on a private, paved road in lieu of a publicly maintained, paved road.

Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 10.23 +/- acres

Location: South of Water Crest Court, in the Groveland area.

Alternate Key No.: 3811813

Future Land Use: Rural Transition

Current Zoning District: Agriculture (A)

Flood Zones: "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 | Road | Water Crest Ct, Vacant Residential north of road |
| South | Rural | A | Vacant | City of Groveland and Lake Lucy |
| East | Rural | A | Vacant | Vacant Residential |
| West | Rural | A | Vacant | Parcel in the City of Groveland |

Summary of Request.

The subject property, identified as Alternate Key Number 3811813, contains 10.23 +/- acres, is zoned Agriculture (A), and is designated with a Rural Transition Future Land Use Category by the 2030 Comprehensive Plan. Generally, the subject property is located south of the Water Crest Court, in the unincorporated Groveland area of Lake County. The subject property is currently vacant.

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 in 2002, via the plat of Lakes of Lu-Emma Subdivision (PB Book 47, Page 41), 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.

Section 14.11.01.D.2 states that each lot front a publicly maintained paved road and conform to the required minimum lot dimensions for the land use category and zoning district where the lots are created. The current road, Water Crest Court, is paved but not county maintained.

The Owners inquired about a Minor Lot Split process (see Attachment A), to create two parcels, approximately 5.25 +/- acres and 5.04 +/- acres. To facilitate the review of the Minor Lot Split application, the Applicant submitted a variance request to LDR Section 14.11.01.D(1) and LDR Section 14.11.01.D(2). because the parcel is not the "original" parcel as it was platted in 2002 and it does not front on a publicly maintained road. As such, a variance is needed.

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 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 the properties will have proper and adequate facilities that are required for development, including roads, schools, parks, fire, sewer, and water."*

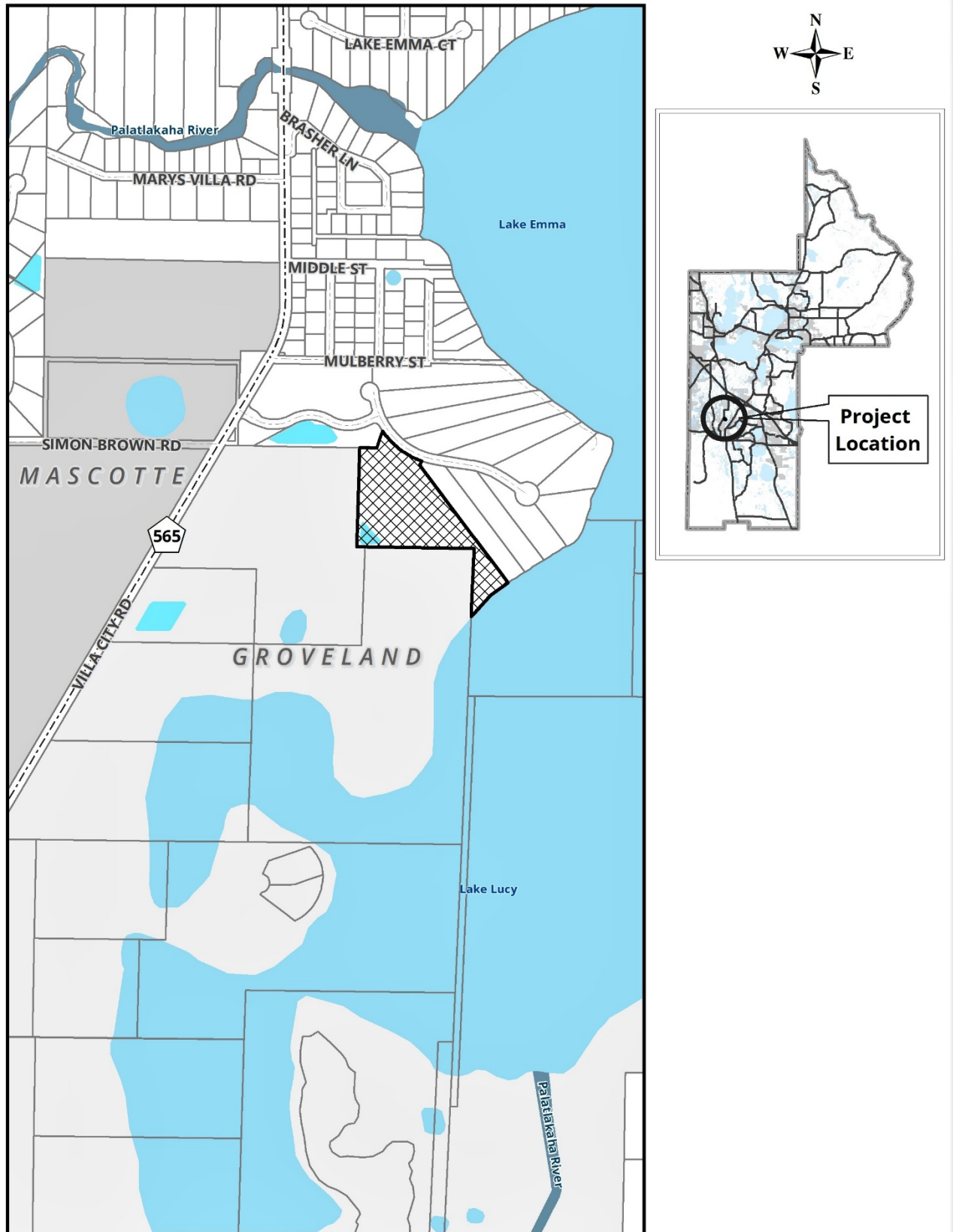
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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.

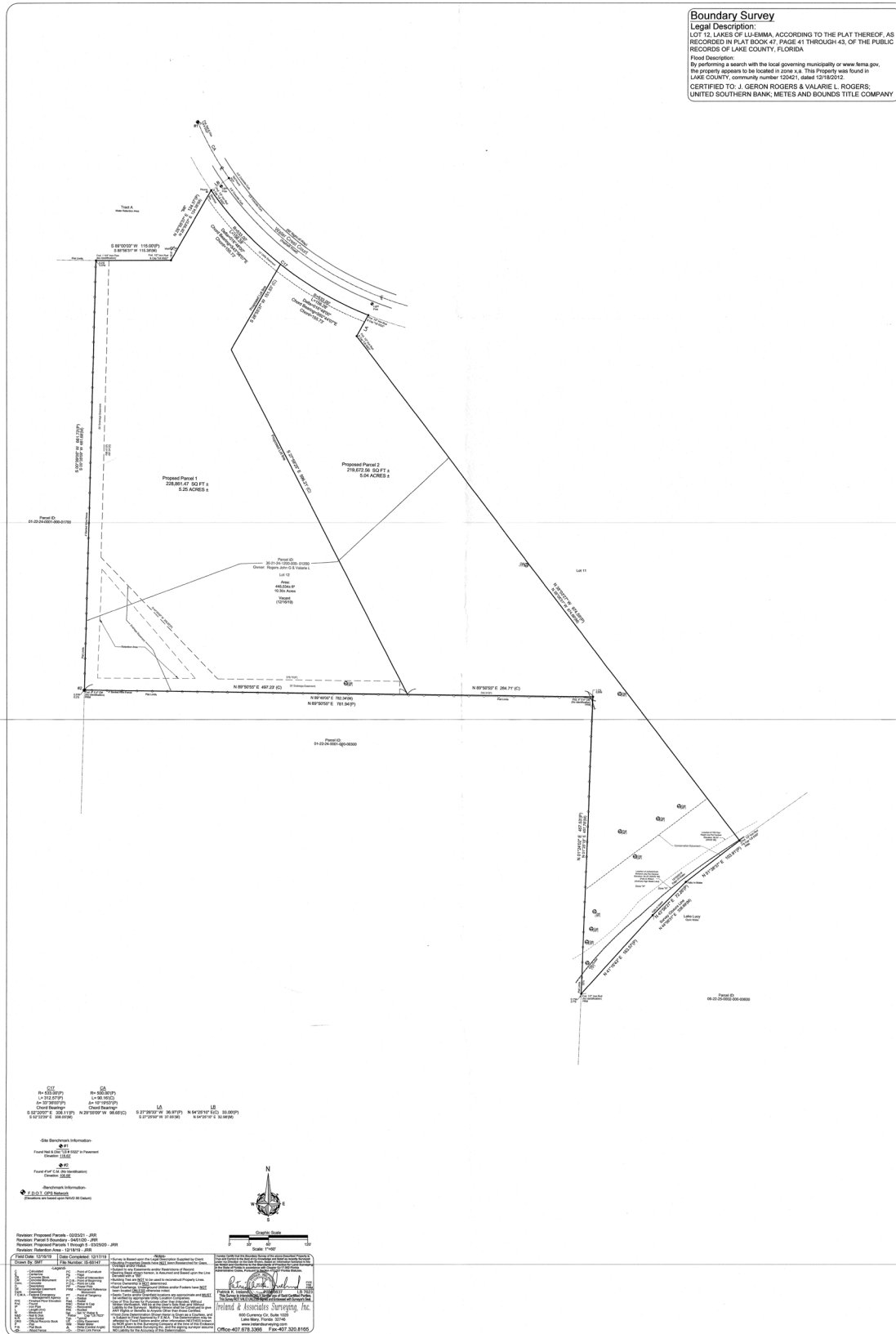
As proof of a substantial hardship, the Applicant provided the following statement:

"Please see Attachment B for response."

Map of Subject Property



Attachment "A" – Proposed Lot Split



Attachment "B" – Hardship

What is the substantial hardship in meeting the specific code requirement?

The property that I would like to divide is within a gated community and the paved roadway serving that community is privately maintained. I am requesting the variance so that the lot split can be accomplished on a non-public maintained road. This variance would be beneficial for three entities: One, selling the lot would be financially advantageous to the owners allowing us to build our home on the property sooner. Two, having an extra lot would benefit the Lakes of Lu-Emma community by adding much needed HOA association fees for upkeep of common areas. Three, Lake County would benefit by adding another taxable property to its' revenue stream.

**Final Development Order
VAR-21-44-1
Rogers Property**

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

WHEREAS, John G. and Valarie L. Rogers (the "Owners") requested a variance, to Lake County Land Development Regulations (LDR) Section 14.11.01.D(1) and Section 14.11.01.D(2) to allow a minor lot split on a property which is not an original parcel (original parcel being a lot created prior to June 1, 1992) and to allow a minor lot split on a property that fronts on a private, paved road in lieu of a publicly maintained, paved road; and

WHEREAS, the subject properties consist of 10.23 +/- acres and is located at South of Water Crest Court, in the Groveland area of unincorporated Lake County, Florida, in Section 01, Township 22, Range 24, having Alternate Key No. 3811813 and more particularly described and more particularly described as:

Lot 12, Lakes of Lu-Emma, according to the Plat thereof, as recorded in Plat Book 47, Pages 41 through 43, 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 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-21-44-1, to allow a minor lot split on a property which is not an original parcel (original parcel being a lot created prior to June 1, 1992) and to allow a minor lot split on a property that fronts on a private, paved 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; 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 8th day of July 2021.
EFFECTIVE July 8, 2021.**

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea 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 8th day of July, 2021, by Bea Meeks, as Vice Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**