



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: July 8, 2021

Case No. and Project Name: VAR-21-25-5, Sangster, and Wiley Property

Applicant: Logan Wilson and RLW Realty

Owner: Kailey Sangster and Deserae Wiley

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(2), to allow a minor lot split on a publicly maintained clay road or easement in lieu of a paved, publicly maintained road.

Case Manager: Ruth Mitchell, Planner

### Subject Property Information

Size: 5.06 +/- acres for both parcels

Location: 40825 Babb Road, Umatilla

Alternate Key Nos.: 3905785 and 1306485

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zones: "A" and "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Vacant	Vacant Land and Single-Family Dwelling Units
South	Rural	Agriculture (A)	Vacant	Vacant Land
East	Rural	Agriculture (A)	Road, Residential	Babb Road, Single-Family Dwelling Unit
West	Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit

### Summary of Request.

The Applicant has requested a variance to LDR Section 14.11.01(D)(2), to allow a minor lot split on a publicly maintained clay road or easement in lieu of a paved, publicly maintained road. In January of 2021, the Applicant submitted a minor lot split after finding out that she bought a parcel that was not properly split. The parcel was split by a recorded deed in lieu of a minor lot split. Staff contacted the Applicant indicating that each lot did not front on a publicly maintained paved road. LDR Section 14.11.01(D)(2) states that two (2) lots may be created from the original legally created lot or lot of record should each lot shall front on 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 located.

The subject parcels are zoned Agriculture and is a part of the Rural Density Future Land Use Category by the 2030 Comprehensive Plan. The plot plan (Attachment A) shows that the west subject parcel is vacant, and the east subject parcel is developed with a single-family dwelling unit.

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.

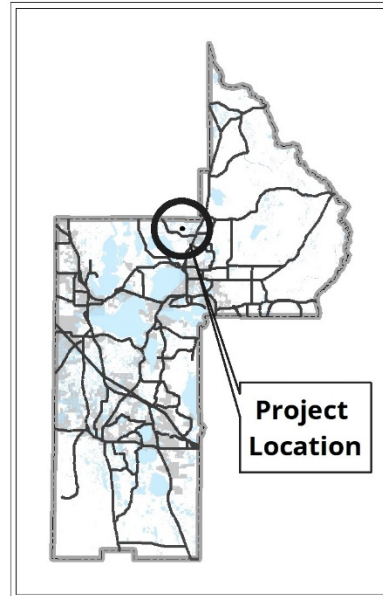
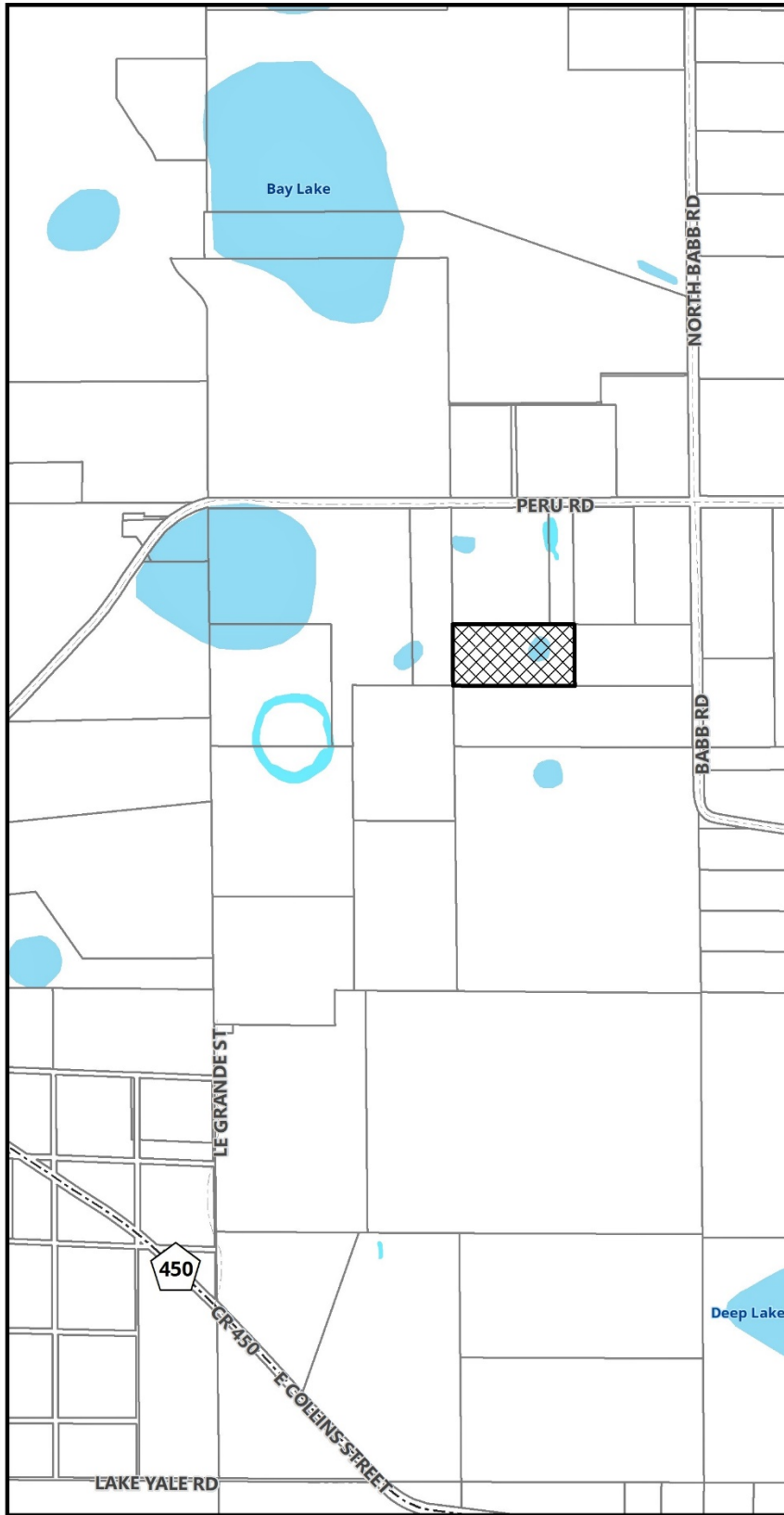
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"This lot split would meet the size requirements and is on a County Maintained unpaved road."*

#### **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, *"The property owner's grandparents split their property into two approximately five-acre parcels and sold the west piece. The split was done without the County's approval and now neither property owner is able to pull a permit."*

# Map of Subject Property





**Final Development Order  
VAR-21-25-5  
Sangster, and Wiley Property**

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

**WHEREAS**, Logan Wilson (the “Applicant”) requested a variance, on behalf of Deserae Wiley and Kailey Sangster (the “Owners”), to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(2), to allow a minor lot split on a publicly maintained clay road or easement in lieu of a paved, publicly maintained road; and

**WHEREAS**, the subject properties consist of 5.06 +/- acres and is located at 40825 Babb Road, in the Umatilla area of unincorporated Lake County, Florida, in Section 10, Township 18 South, Range 26, having Alternate Key Numbers 3905785 and 1306485 and more particularly described and more particularly described below;

Alternate key No. 3905785:

**The West ½ of the North ½ of the South ½ of the Northeast ¼ of the Northeast ¼ of Section 10, Township 18 South, Range 26 East, Lake County, Florida. Together with an ingress and egress easement across the North 50.00 feet of the East ½ of the North ½ of the South ½ of the Northeast ¼ of the Northeast ¼ of Section 10, Township 18 South, Range 26 East, Lake County, Florida.**

Alternate key No. 1306485:

E 1/2 of N 1/2 of S 1/2 of NE 1/4 of NE 1/4 of SEC 10-18-26—Less Babb RD R/W--

**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-21-25-5, to allow a minor lot split on a publicly maintained clay road or easement in lieu of a paved, 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 8th day of July 2021.**  
**EFFECTIVE July 8, 2021.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**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** \_\_\_\_\_

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**Notary Signature  
(SEAL)**