



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearing Date: July 8, 2021

Case No. and Project Name: VAR-21-31-5, Lambert Properties Group, LLC and Sangster Property

Owners: Lambert Properties Group, LLC, Robert Sangster and Melissa Erin Sangster as Co-Trustees

Applicant: William Grant Watson, Esquire

Requested Action: Variance to Land Development Regulations (LDR) Section 14.11.01.D(2)(a) to allow a minor lot split on a publicly maintained clay road or easement that is less than fifty (50) feet in width.

Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 40.04 +/- acres

Location: North of Maggie Jones Road and east of Kilker Road, in the Eustis area.

Alternate Key No.: 1511020

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	Vacant	Vacant large tract of land
South	Rural	A	Vacant	Vacant large tract of land
East	Rural	A	Road	Kilker Road
West	Rural	A	Vacant	Vacant large tract of land

Summary of Request.

The Owners applied for a Minor Lot Split to create two parcels, approximately 20.68 +/- acres and 20.68 +/- acres. In order to facilitate the review of the Minor Lot Split application, the Applicant had to submit a variance request to LDR Section 14.11.01.D(2)(a) to allow the creation of two lots fronting a fifteen (15) foot county maintained easement in lieu of a fifty (50) foot easement. Section 14.11.01(D)(2)(a) states that the publicly maintained clay road or easement must have a minimum width of fifty (50) feet.

The subject property, identified as Alternate Key Number 1511020, contains 40 +/- 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 north of the Maggie Jones Road and west of Kilker Road, in the unincorporated Eustis area of Lake County. The subject property is currently vacant.

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.

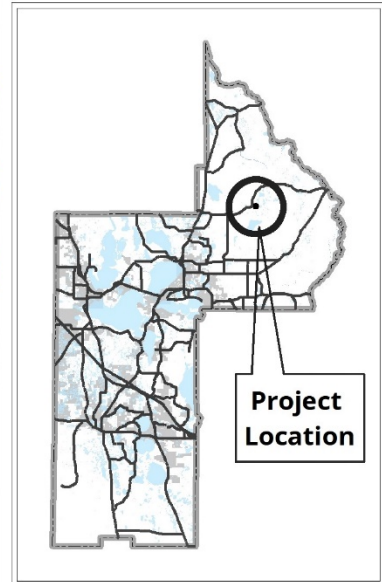
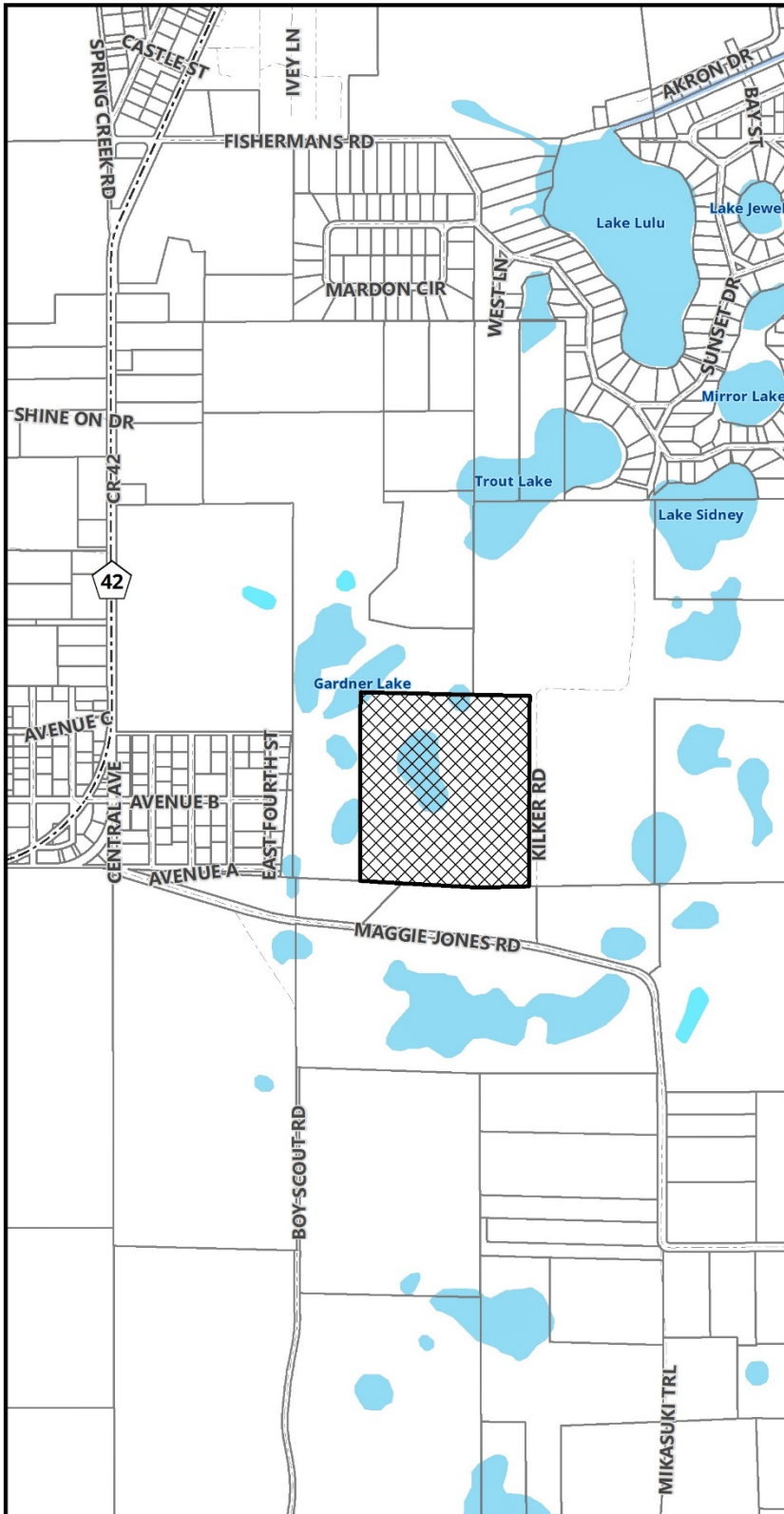
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement: *"The property is currently designated as Rural on the Future Land Use Map and zoned Agriculture. All other aspects of the land use designation and zoning designation will be met."*

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.

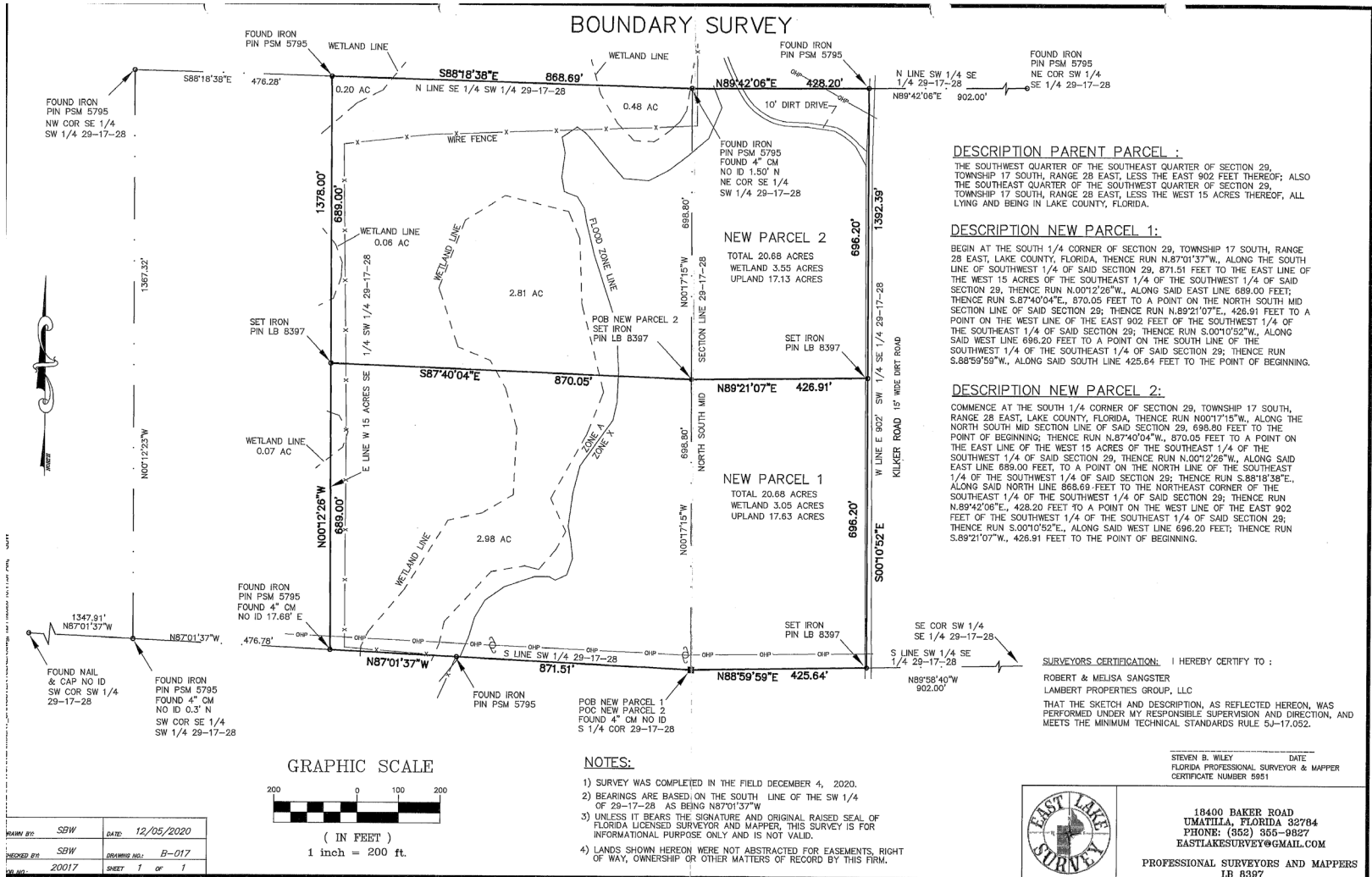
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

As proof of a substantial hardship, the Applicant provided the following statement: *"Kilker Road is located off of Maggie Jones Road which is a county maintained paved road. The current width of Kilker Road is thirty feet (30'). In order to meet the 50' requirement, the owner would need to secure the additional right-of-way from the abutting owners. Thus making this cost prohibitive."*

Map of Subject Property



Attachment "A" - Proposed Lot Split



**Final Development Order
VAR-21-31-5
Lambert Properties Group, LLC and Sangster Property**

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

WHEREAS, William Grant Watson, Esquire (the “Applicant”) requested a variance, on behalf of Lambert Properties Group, LLC, Robert Taylor Sangster, as Co-Trustee and Melissa Erin Sangster, as Co-Trustee (the “Owners”), to Lake County Land Development Regulations (LDR) Section 14.11.01.D(2)(a) to allow the creation of two lots fronting a fifteen (15) foot county maintained easement in lieu of a fifty (50) foot easement; and

WHEREAS, the subject properties consist of 40.04 +/- acres and is located at North of Maggie Jones Road and east of Kilker Road, in the Eustis area of unincorporated Lake County, Florida, in Section 29, Township 17, Range 28, having Alternate Key No. 1511020 and more particularly described and more particularly described as:

The Southwest Quarter of the Southeast Quarter of Section 29, Township 17 South, Range 28 East, Less the East 902 feet thereof; Also the Southeast Quarter of the Southwest Quarter of Section 29, Township 17 South, Range 28 East, Less the West 15 acres thereof, all lying and being in 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-21-31-1, to allow the creation of two lots fronting a fifteen (15) foot county maintained easement in lieu of a fifty (50) foot easement 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)**