



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 21

Public Hearing Date: August 12, 2021

Case No. and Project Name: VAR-21-47-4, Skipper Property

Owners: Gary and Janet Skipper

Applicant: Janet Skipper

Requested Action: Variance to Land Development Regulations (LDR) Section 14.11.01.D(2)(b), to allow the creation of two (2) lots, through the minor lot split process, where the lots will front on an easement that does not connect to a publicly-maintained road; and to LDR Section 14.11.01(D)(2)(c) to allow the creation of two (2) lots, through the minor lot split process, where the parcels will front on a 13-foot easement, in lieu of a 50-foot easement.

Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 20.27 +/- acres

Location: West of Gooden Place, in the Groveland area.

Alternate Key No.: 3817347

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zones: "A" and "X"

Joint Planning Area (JPA) / ISBA: City of Leesburg

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 | Residential | Single-family dwelling unit |
| West | Rural | A | Vacant | Vacant agriculture land |

Summary of Request.

The subject property, identified by Alternate Key Number 3817347, contains 20.27 +/- acres, is zoned Agriculture (A), and is designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject property is located west of Gooden Place, in the unincorporated Groveland area of Lake County. The subject property is currently vacant.

The Owners intend to apply for a Minor Lot Split to create two parcels, each proposed lot would contain approximately 10 +/- acres. In order to facilitate the review of the Minor Lot Split application, the Owners have submitted a variance request to LDR Section 14.11.01.D(2)(b), to allow the creation of two lots, through the minor lot split process, where the lots will front on an easement that does not connect to a publicly-maintained road; and to LDR Section 14.11.01(D)(2)(c), to allow the creation of two (2) lots, through the minor lot split process, where the parcels will front on a 13-foot easement, in lieu of a 50-foot easement.

The subject parcel is located within the City of Leesburg ISBA; therefore, the variance application was sent to the City of Leesburg for a determination of consistency with their regulations. The City of Leesburg had no comments nor 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 14.11.02.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.

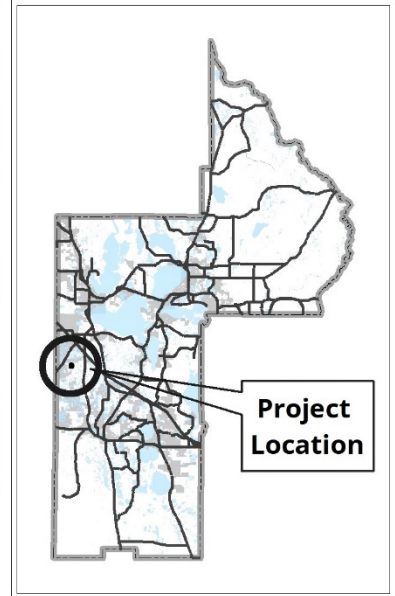
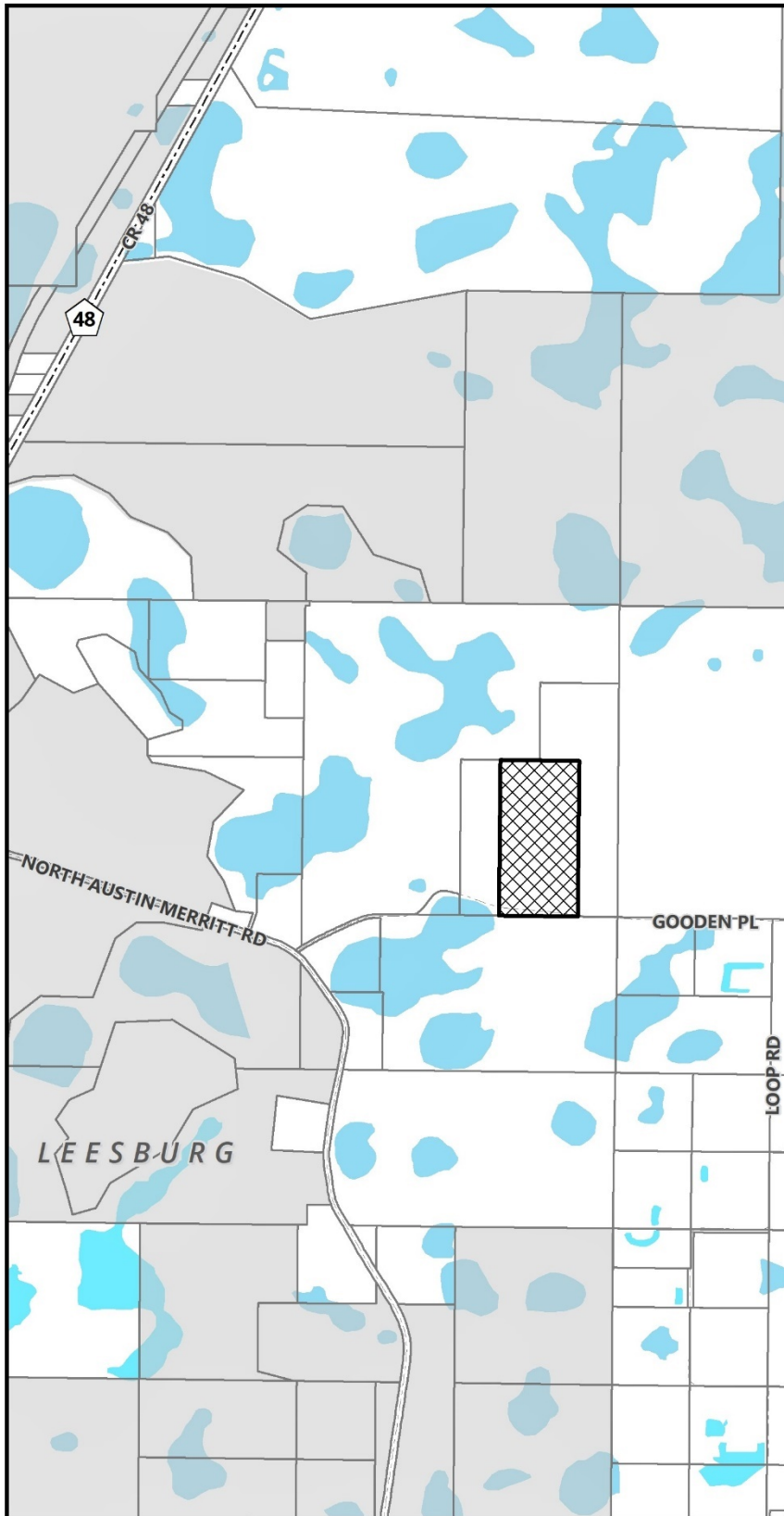
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement: *"See attached [Attachment "B" – Justification Statement]"*

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.

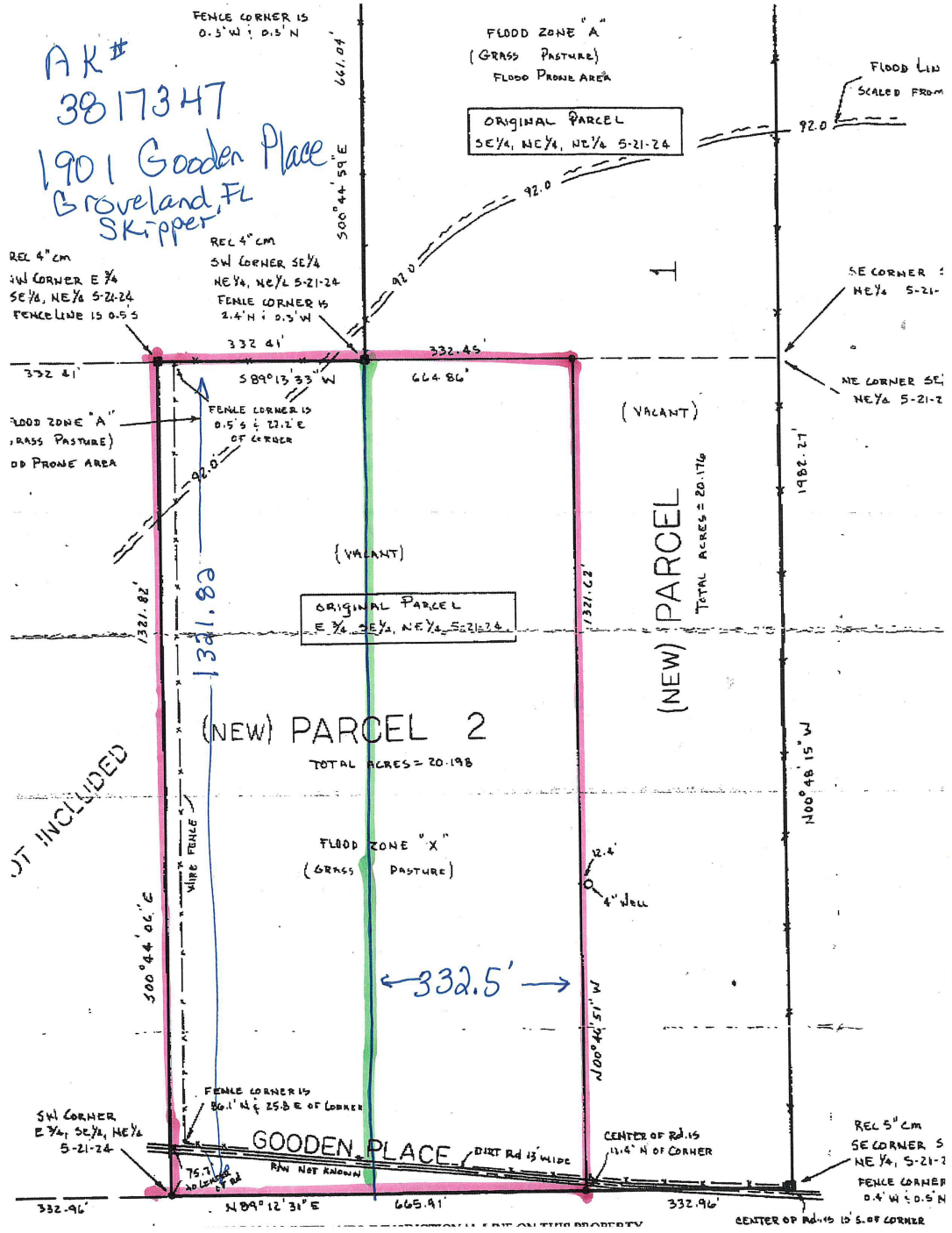
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

As proof of a substantial hardship, the Applicant provided the following statement: *"I have a [sic] incurable eye disease. I will get doctor documentation if requested. My husband and I bought this property for us and our daughter and her family to live on. She is a nurse and will have to help with reading. My daughter and her family need their land in their name to help get financing to build or buy a home (mobile). We need them close to help us as we get older."*

Map of Subject Property



Attachment "A" - Concept Plan



Attachment “B” – Justification Statement

To whom it may concern we are strong proponents of emergency services, our son in law is a Lieutenant firefighter/paramedic for the City of Groveland and has an understanding of the unique challenges and requirements facing emergency personal in Lake County as well as the need for safe driving routes for firefighters and other emergency services. The average height of a fire engine is around 9-13 feet, the average weight is 36,000 to 60,000 lbs, and the average width of a fire engine is around 10 feet. The entrance gate at the property is being increased from a 12 foot gate to a 16 foot gate to ensure ease of access for larger vehicles, the road surface leading to the property is hard pack sand able to hold the weight of emergency vehicles without getting stuck. In addition, the split of our property will not impact the neighboring properties. As stated earlier we are strong proponents of emergency services and do not take their service lightly. We will ensure our property is easily accessible and well maintained if emergency services are needed at a future time.

**Final Development Order
VAR-21-47-4
Skipper Property**

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

WHEREAS, Janet Skipper (the “Applicant”), on behalf of Gary and Janet Skipper (the “Owners”), requested a 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 process, where the lots will front on an easement that does not connect to a publicly-maintained road; and to LDR Section 14.11.01(D)(2)(c), to allow the creation of two (2) lots through the minor lot split process where the parcels will front on a 13-foot easement, in lieu of a 50-foot easement; and

WHEREAS, the subject properties consist of 20.27 +/- acres and is located at West of Gooden Place, in the Groveland area of unincorporated Lake County, Florida, in Section 05, Township 21, Range 24, having an Alternate Key Number 3817347, and more particularly described as:

PARCEL NO. 2: The East 1/2 of the West 1/2 of the SE 1/4 of the NE 1/4; and the West 1/2 of the East 1/2 of the SE 1/4 of the NE 1/4 all in Section 5, Township 21 South, Range 24 East, 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 August 12, 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 August 12, 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-21-47-4, to allow the creation of two lots, through the minor lot split process, where the lots will front on an easement that does not connect to a publicly-maintained road; and to allow the creation of two (2) lots through the minor lot split process, where the parcels will front on a 13-foot easement, in lieu of a 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 12th day of August 2021.
EFFECTIVE August 12, 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 12th day of August 2021, by James Argento, Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**