



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 26
 Public Hearing Date: August 12, 2020
 Case No. and Project Name: VAR-20-53-1, Rodriguez Property
 Applicant: Miguel Rodriguez
 Owner: Jose A. Rodriguez
 Requested Action: Variance to Lake County Land Development Regulations (LDR) Sections 14.11.01(D)(2)(b), and 14.11.01(D)(2)(c) to allow for the creation of two (2) parcels through the minor lot split process, where the new parcels will front on an easement that is less than 50-feet in width and does not connect directly to a publicly maintained road.
 Case Manager: Janie Barrón, Senior Planner

Subject Property Information

Size: 10.97 +/- acres
 Location: 12950 Harrison Lane, Groveland
 Alternate Key No.: 3695119
 Future Land Use: Green Swamp Rural
 Current Zoning District: Agriculture (A)
 Flood Zone: "X"
 Joint Planning Area/ ISBA: City of Groveland Interlocal Service Boundary Agreement (ISBA)
 Overlay Districts: Green Swamp Area of Critical State Concern (GSACSC)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural	Urban Residential (R-6)	Lake, Residential	Crescent Lake, Single-Family Dwelling Units
South	Green Swamp Rural	Agriculture (A)	Right-of-Way, Residential	Skipper Lane, Single-Family Dwelling Units South of R-O-W
East	Green Swamp Rural	Agriculture (A)	Residential	Single-Family Dwelling Units
West	Green Swamp Rural	Agriculture (A)	Lake	Crescent Lake

Summary of Request.

The Applicant has submitted a variance request to LDR Sections 14.11.01(D)(2)(b), and 14.11.01(D)(2)(c) to facilitate approval of a forthcoming minor lot split application, which will result in the creation of two (2) lots, where the new parcels will front on an easement that is less than 50-feet in width and does not connect directly to a publicly maintained road.

The subject 10.97 +/- acre parcel is identified by Alternate Key Number 1405629; the parcel is zoned Agriculture (A), is designated with Green Swamp Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan and is located within the Green Swamp Area of Critical State Concern (GSACSC). Currently, the parcel is developed with a pole barn.

The subject parcel is located within the City of Groveland ISBA; therefore, variance application was sent to the City of Groveland for a determination of consistency with their regulations. The City of Groveland had no comments or objections to the request.

The variance application was sent to the Florida Department of Economic Opportunity (DEO) for a courtesy review of consistency with Green Swamp Area of Critical State Concern regulations. DEO did not provide any comments. DEO retains the ability to appeal any development permit, pursuant to Section 380.05, Florida Statutes.

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 LDR Section 14.11.01.D.2 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.

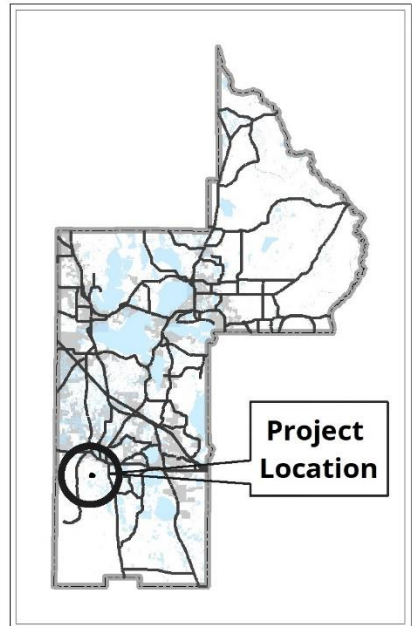
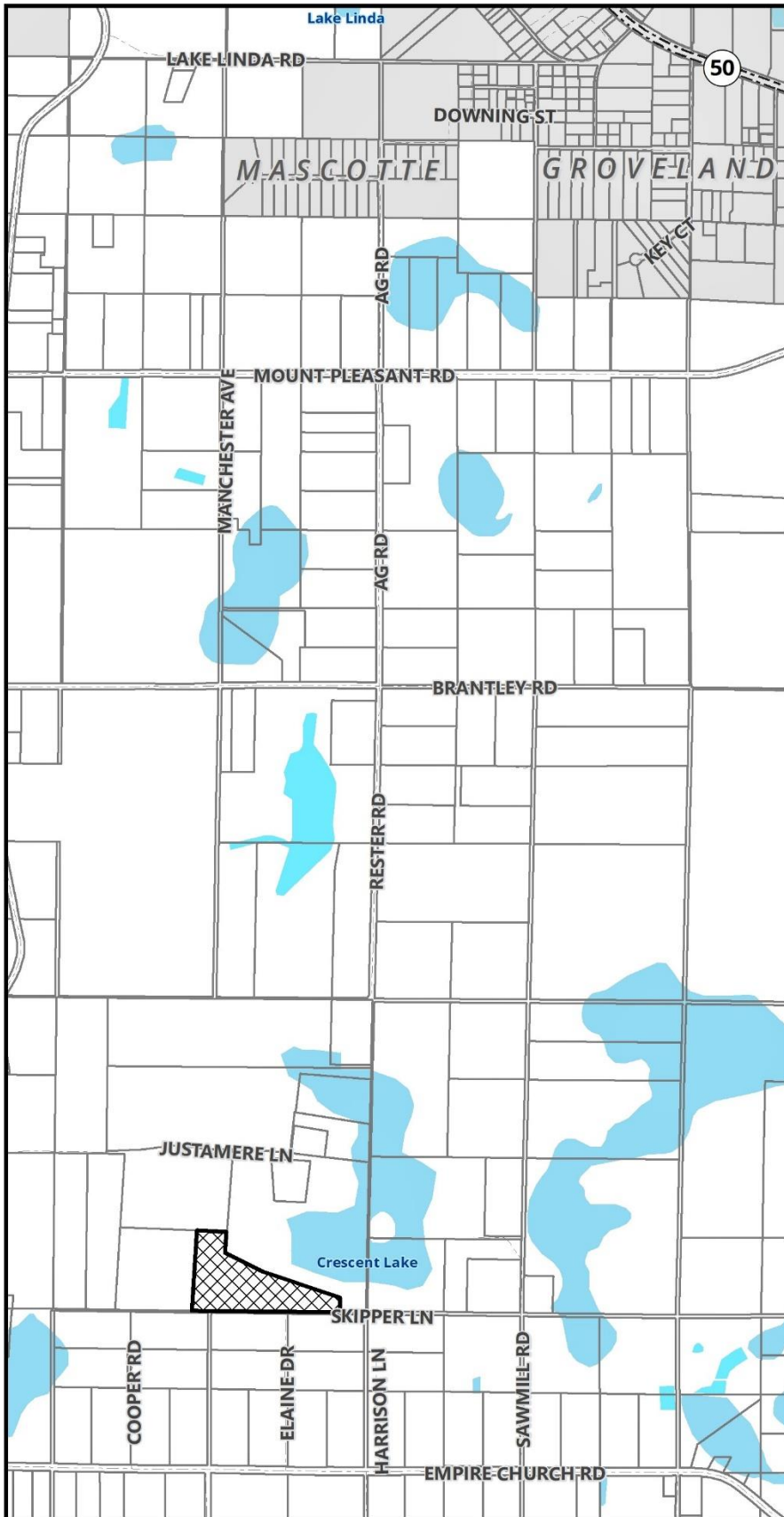
The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"Applicant is already living at 12950 Harrison Ln, Groveland FL. There will be no effect to infrastructure in the area."*

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.

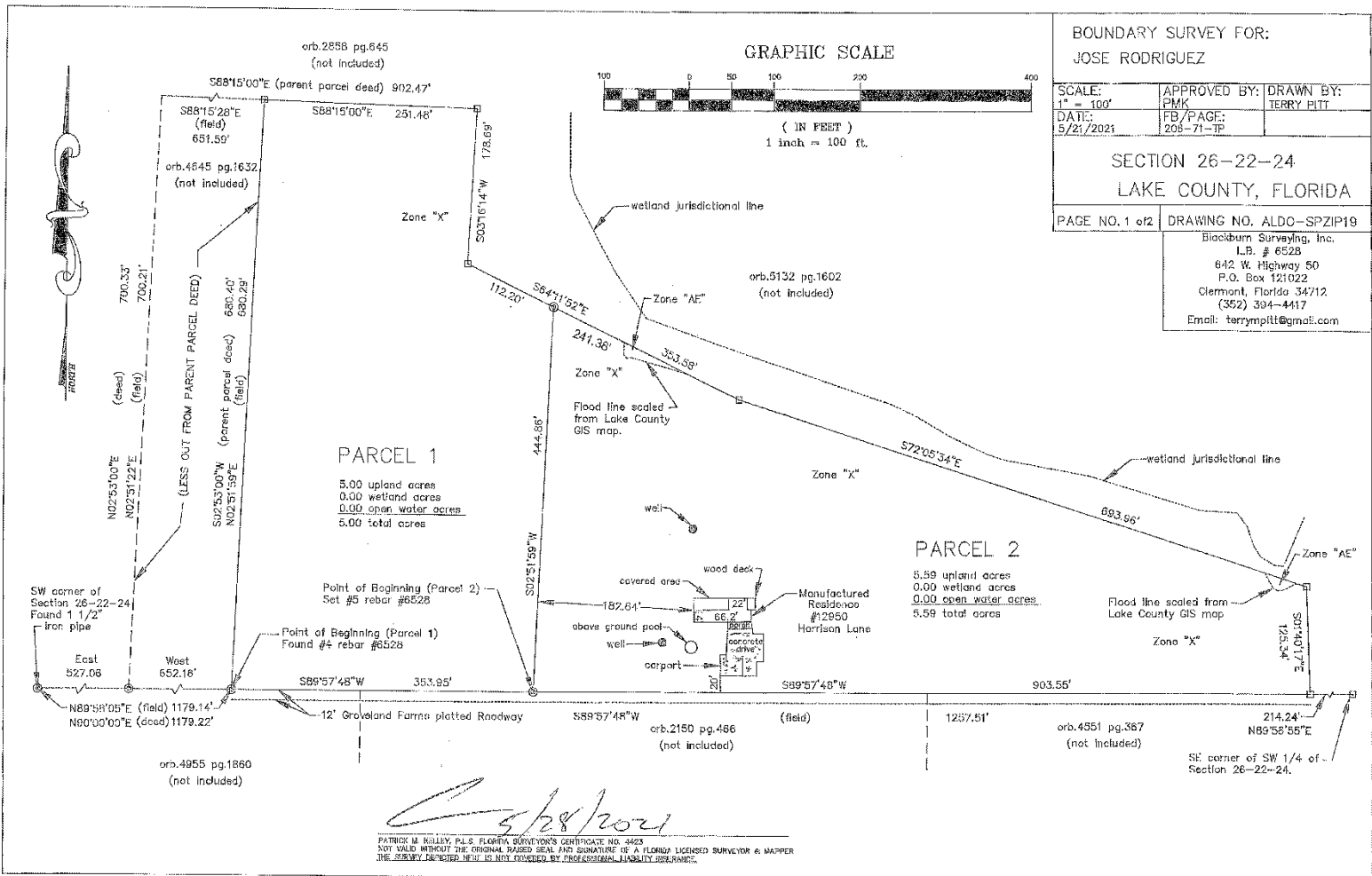
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *"Code requirements can be met. The only opportunity is dividing current parcel into two 5 acre tracts."*

Map of Subject Property



Attachment "A" - Concept Plan



**Final Development Order
VAR-20-53-1
Rodriguez Property**

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

WHEREAS, Miguel Rodriguez (the “Applicant”) requested a variance request on behalf of Jose A. Rodriguez (the “Owner”) to Lake County Land Development Regulations (LDR) Sections 14.11.01(D)(2)(b), and 14.11.01(D)(2)(c) to allow for the creation of two (2) parcels through the minor lot split process, where the new parcels will front on an easement that is less than 50-feet in width and does not connect directly to a publicly maintained road; and

WHEREAS, the subject property consists of 10.58 +/- acres, located at 12950 Harrison Lane, in the unincorporated Groveland area of Lake County, Florida, in Section 26, Township 22 South, Range 24 East, having Alternate Key Number 3695119 and more particularly described in Exhibit “A” – Legal Description; and

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations (LDR), 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-20-53-1 to allow for the creation of two (2) parcels through the minor lot split process, where the new parcels will front on an easement that is less than 50-feet in width and does not connect directly to a publicly maintained road with the following condition:

1. The lot split application be submitted within six (6) months from the Board of Adjustment (BOA) approval; and
2. The new 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, as Chairman of the Lake County Board of Adjustments.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)

EXHIBIT "A" – Legal Description.

From the Southwest corner of Section 26, Township 22 South, Range 24 East, Lake County, Florida, run East along the South Line of said Section 26, a distance of 527.06 feet to the Point of Beginning, said point lying 135.9 feet West of the Southeast corner of the West 1/2 of the SW 1/4 of the SW 1/4 of said Section 26, run thence North 2° 53' East 700.33 feet, thence South 88°15' East 902.47 feet, thence South 3°21' West 179 feet, thence South 64°13' East 354, feet, thence South 72°03' East 694 feet, thence South 1°27' East 125.35 feet, more or less, to a point on the South line of said Section 26, 214.65 feet West of the Southeast corner of the SW 1/4 of said Section 26, thence West along Section line 1909.5, more or less, to the Point of Beginning, LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL, TO WIT: From the Southwest corner of Section 26, Township 22 South, Range 24 East, Lake County, Florida, run East along the South line of said Section 26, a distance of 527.06 feet to the Point of Beginning, said point lying 135.9 feet West of the Southeast corner of the West 1/2 of the SW 1/4 of the SW1/4 of said Section 26, run thence North 2°53' East, 700.33 feet, run thence South 88°15' East 651.8 feet, run thence South 2°53' West 680.4 feet to a point on the South line of said Section 26, run thence West along the South line of said Section 26 to the Point of Beginning.