



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearing Date: September 9, 2021

Case No. and Project Name: VAR-21-59-1, Unrein, Becky Property

Owners/Applicants: Mellisa Unrein & Becky Hitchcock

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 connects to an easement in lieu of 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 20-foot easement, in lieu of a 50-foot easement.

Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 10.06 +/- acres

Location: West of South Dewey Robbins Road, in the Howey-in-the-Hills area.

Alternate Key No.: 1210208

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: Howey-in-the-Hills ISBA

Overlay Districts: Yalaha – Lake Apopka RPA

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	A	Residential	Single-family dwelling unit
South	Rural	A	Residential	Single-family dwelling unit
East	Rural	A	Residential	Single-family dwelling unit
West	Rural	A	Residential	Single-family dwelling unit

Summary of Request.

The subject property, identified by Alternate Key Number 1210208, contains 10.06 +/- 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 South Dewey Robbins Road, in the unincorporated Howey-in-the-Hills 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 5 +/- 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 connects to another easement in lieu of connecting 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 20-foot easement, in lieu of a 50-foot easement.

The subject parcel is located within the Town of Howey-in-the-Hills ISBA; therefore, the variance application was sent to Howey-in-the-Hills for a determination of consistency with their regulations. The Town of Howey-in-the-Hills 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.

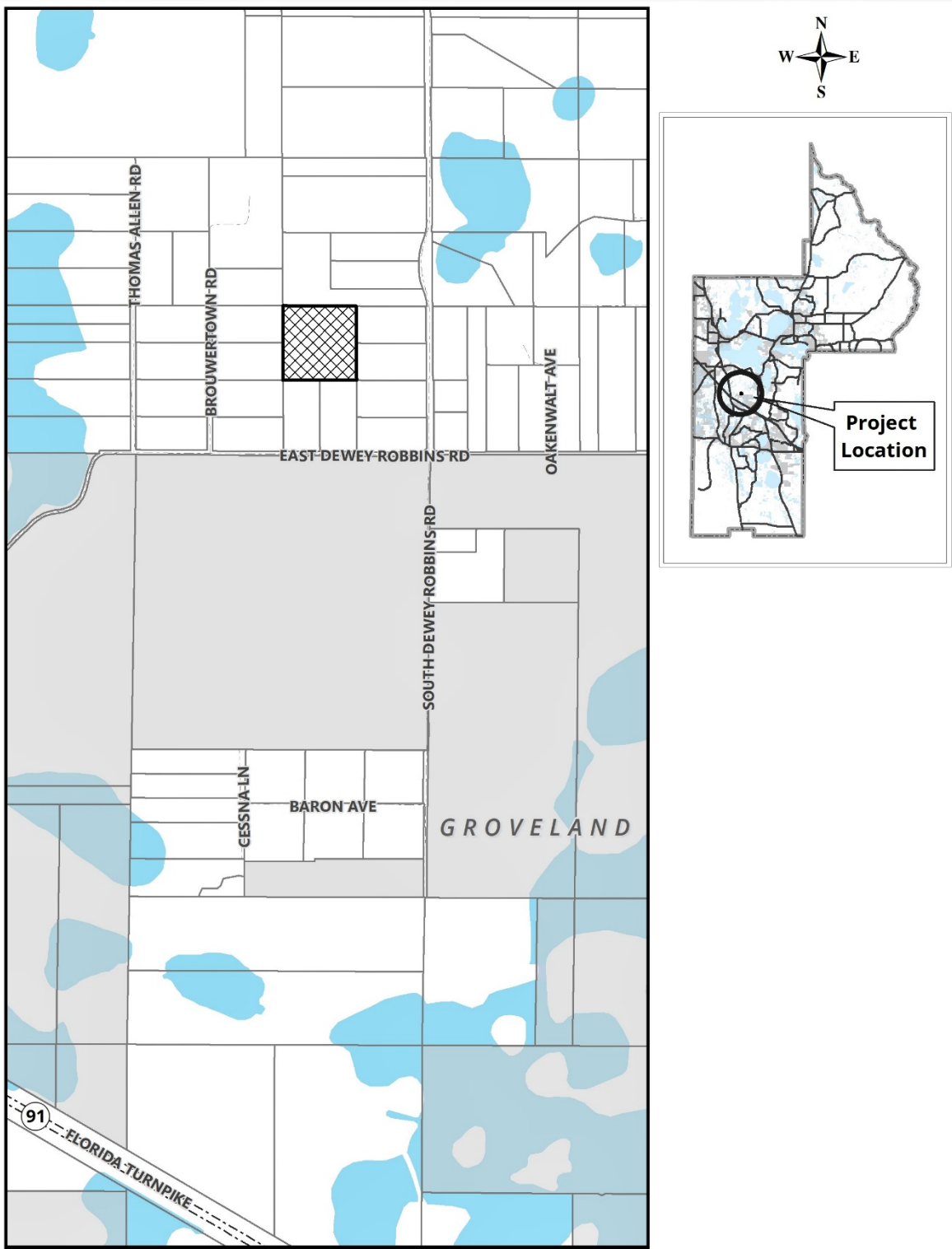
As proof that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement: *"Has a previously approved 20' easement acting as a driveway to the property that was approved in 2006."*

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: *"No other access to property. If variance is denied we cannot build. Lot is land locked."*

Map of Subject Property



Attachment "A" – Concept Plan

- If variance approved.
 - Propose 50' easement across to connect to current 20' easement.
 - Propose lot split of 5 acres to each family member



Current easement

**Final Development Order
VAR-21-59-1
Unrein, Hitchcock Property**

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

WHEREAS, Mellisa Unrein and Beck Hitchcock (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 connects to an easement in lieu of 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 20-foot easement, in lieu of a 50-foot easement; and

WHEREAS, the subject properties consist of 10.06 +/- acres and is located at West of South Dewey Robbins Road, in the Howey-in-the-Hills area of unincorporated Lake County, Florida, in Section 05, Township 21, Range 25, having an Alternate Key Number 1210208, and more particularly described as:

The NW 1/4 of the SE 1/4 of the SE 1/4 of Section 5, Township 21 South, Range 25 East, Lake County, Florida.

TOGETHER WITH a perpetual easement for ingress and egress over the North 20 feet of the North 1/2 of the NE 1/4 of the SE 1/4 of the SE 1/4 of Section 5, Township 21 South, Range 25 East, Lake County, Florida as recorded in Official Records Book 3330 page 179 of the 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 September 9, 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 September 9, 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-21-59-1, to allow the creation of two lots, through the minor lot split process, where the lots will front on an easement that connects to an easement in lieu of a paved, 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 20-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 9th day of September 2021.

EFFECTIVE September 9, 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 9th day of September 2021, by James Argento, Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**