



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: December 9, 2021

Case No. and Project Name: VAR-21-53-1, Rodriguez Property

Applicant: Miguel Rodriguez

Owner: Jose A. Rodriguez

Requested Action: Amend Variance (VAR-21-53-1) to clarify legal basis for Applicant's request that the subject parcel was originally created through the minor lot split process.

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)(1), 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 through the minor lot split process where the parcel was originally created through the minor lot split process in 1998, 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 3695119; 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). On March 31, 1998, variance (BOA #3-98-2) was approved to allow the creation of two 10-acre parcels on a private easement, and on August 13, 1998, minor lot split (MLS #98-0030) to create two 10-acre parcels. 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 is seeking to amend Variance (VAR-20-53-1) development order to clarify the Applicant's request to reflect that the subject parcel was originally created through the minor lot split process.

### 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.

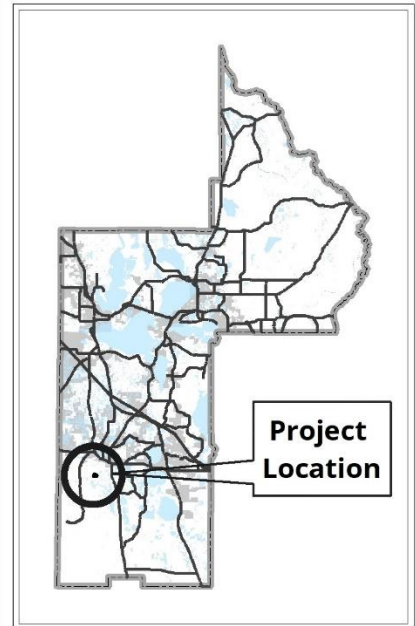
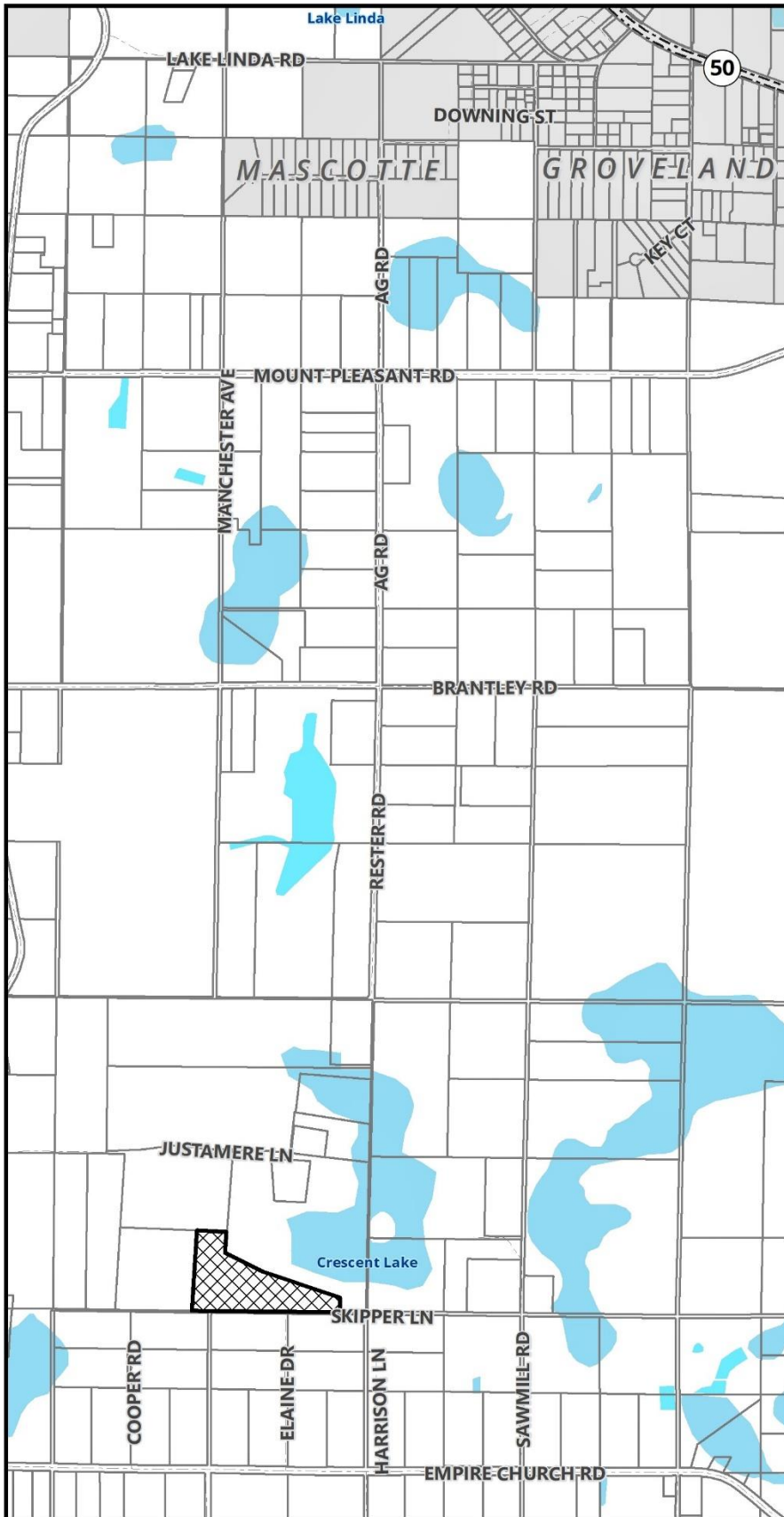
Amend Variance (VAR-21-53-1) development order to clarify the Applicant's request to reflect that the subject parcel was originally created through the minor lot split process granted by the Board of Adjustment (BOA) on August 12, 2021.

**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.**

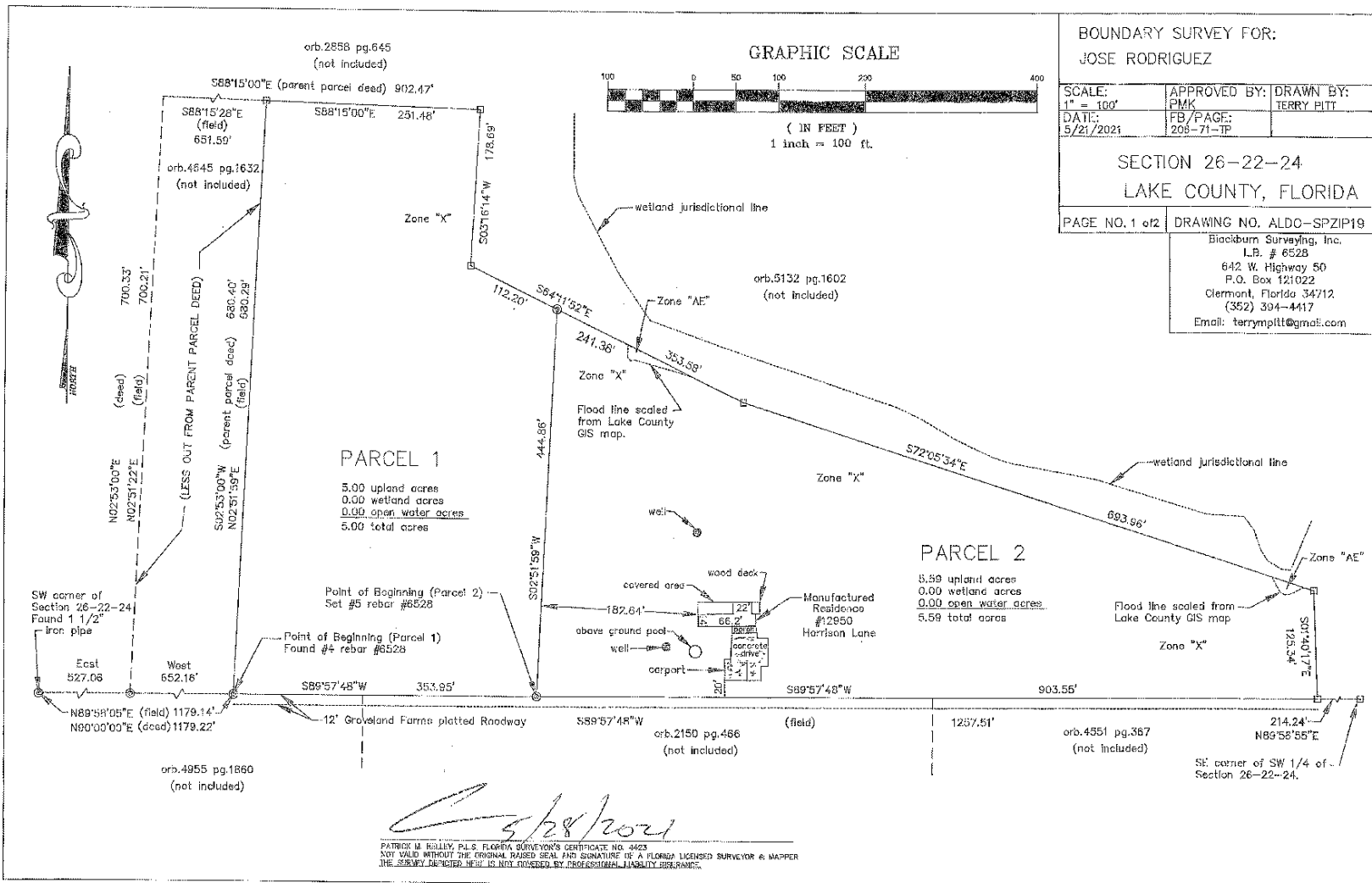
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

Amend Variance (VAR-21-53-1) development order to clarify the Applicant's request to reflect that the subject parcel was originally created through the minor lot split process granted by the Board of Adjustment (BOA) on August 12, 2021.

# Map of Subject Property



Attachment "A" - Concept Plan



**Final Development Order**  
**VAR-21-53-1**  
**Rodriguez Property**  
**Amendment to ORB 5794 PG 2206 - 2208**

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

**WHEREAS**, on June 2, 2021, Miguel Rodriguez (the “Applicant”) requested a variance on behalf of Jose A. Rodriguez (the “Owner”) to allow for the creation of two (2) parcels through the minor lot split process where the subject parcel was originally created through the minor lot split process and 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**, on August 12, 2021, Miguel Rodriguez (the “Applicant”) requested an amended variance 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**, this amendment shall clarify that the variance case number and request is to Lake County Land Development Regulations (LDR) Sections 14.11.01(D)(1), 14.11.01(D)(2)(b), and 14.11.01(D)(2)(c), as the legal basis for allowing the creation of two (2) parcels through the minor lot split process where the subject parcel was originally created through the minor lot split process in 1998, and 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 an amended 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 December 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 December 9, 2021, the Lake County Board of Adjustment approved the amended 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 this amended VAR-20-53-1 to allow for the creation of two (2) parcels through the minor lot split process where the subject parcel was originally created through the minor lot split process and 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 shall 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 9th day of December 2021.**

**EFFECTIVE December 9, 2021.**

**BOARD OF ADJUSTMENT**

**LAKE COUNTY, FLORIDA**

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**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 December 2021, by James Argento, as Chairman of the Lake County Board of Adjustments.**

**Personally Known OR Produced Identification**

**Type of Identification Produced \_\_\_\_\_**

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**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.