



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 9

Public Hearing Date: December 9, 2021

Case No. and Project Name: VAR-21-75-3, Sanchez Property

Owners: MA. Guadalupe Sanchez and J. Guadalupe Sanchez

Applicant: David Sanchez

Requested Action: Variance to Land Development Regulations (LDR) Section 14.11.02.D(7)(b), to allow the creation of two (2) lots, through the family density exception process (where the lots will front on an easement which does not connect to a publicly-maintained road) and a variance to LDR Section 14.11.02(D)(7)(c), to allow the creation of two (2) lots, through the family density exception process, where the parcels will front on a 30-foot easement, in lieu of a 50-foot easement.

Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 5.62 +/- acres

Location: North of County Road 448 and south of Challenger Drive, in the Tavares area.

Alternate Key No.: 3597541

Future Land Use: Rural Transition

Current Zoning District: Agriculture (A)

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: Tavares ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

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

Summary of Request.

The subject property, identified by Alternate Key Number 3597541, contains 5.62 +/- acres, is zoned Agriculture (A), and is designated as Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is located north of County Road 448 and south of Challenger Drive, within the unincorporated area of Tavares. The subject property is currently vacant. The subject property is the south of lot 37, lots 38, 39, 40, 41 and 42 of the Sunset Groves Unit 1 subdivision and was platted in 1973. The subdivision was platted with 30-foot wide access easements that are not County maintained (Attachment A).

The Owners intend to apply for a Family Density Exception to create two parcels, each proposed lot would contain approximately 2.8 +/- acres (see Attachment B). In order to facilitate the approval of the Family Density Exception application, the Owners have submitted a variance request to LDR Section 14.11.02.D(7)(b), to allow the creation of two lots, through the family density exception 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 14.11.02(D)(7)(c), to allow the creation of two (2) lots, through the family density process, where the parcels will front on a 20-foot easement, in lieu of a 50-foot easement.

The variance application was sent to the Public Works Department for a determination of consistency with their regulations and the Department of Public Works identified the following condition for inclusion in the draft development order:

1. Discovery Trail is an unmaintained dirt road that is an access easement per the Sunset Groves Plat. Any lot split or creation of lots off this road will not obligate Lake County to maintain Discovery Trail.

The subject parcel is located within the City of Tavares ISBA; therefore, the variance application was sent to Tavares for a determination of consistency with their regulations. The City of Tavares 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.

To show that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement: *"The Sunset Groves Subdivision was platted with a 30-foot wide ROW in 1974. The platted ROW has remained unimproved and several lots have developed since, which presents practical difficulties in carrying the LDR requirement of 50-foot wide ROW and having the lots connect to a publicly maintained road."*

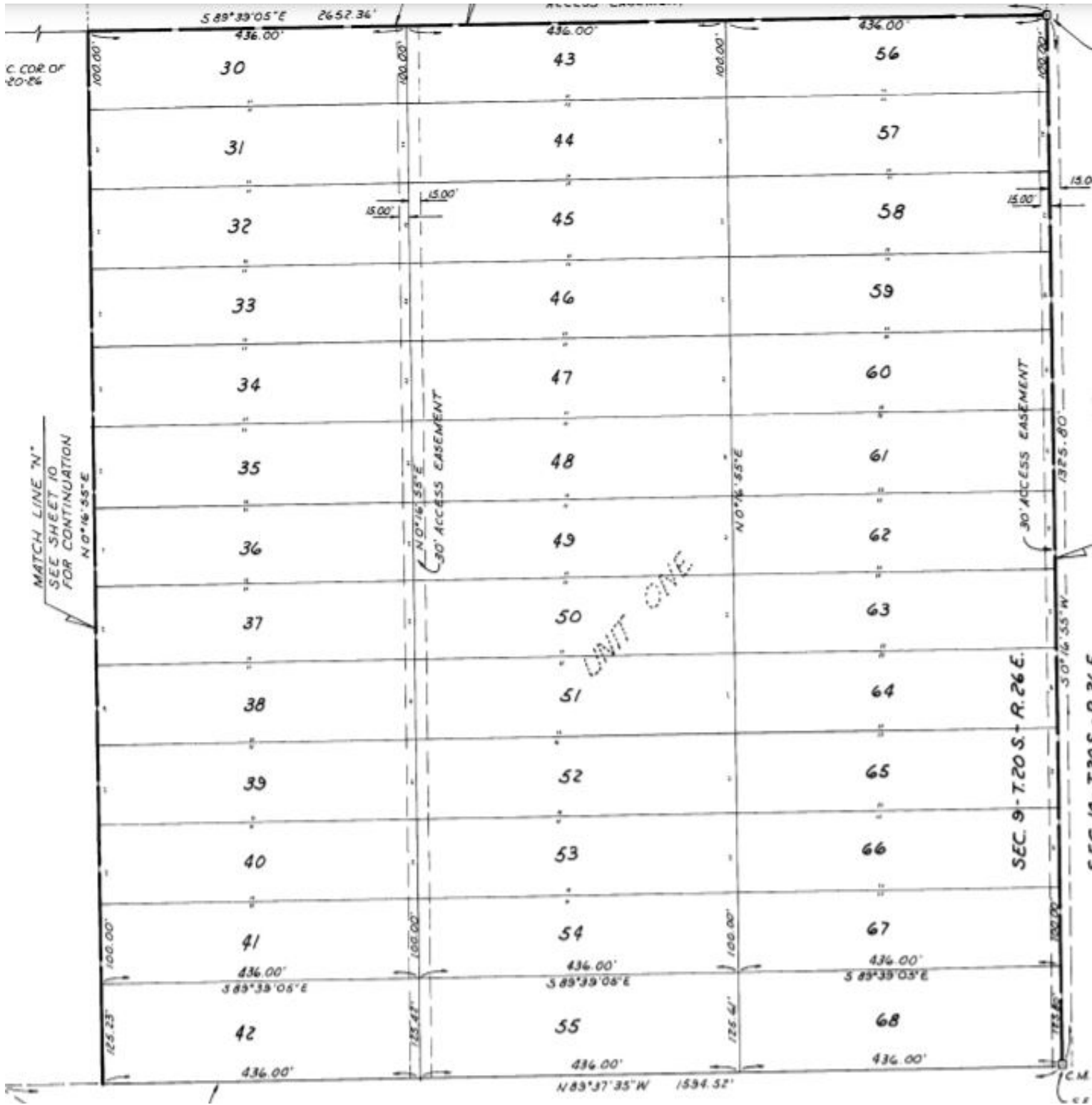
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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.

To show substantial hardship, the Applicant provided the following statement: *"The unimproved 30-foot wide ROW has been and is currently utilized by residents/property owners in the subdivision and continues to provide sufficient access to their lots."*

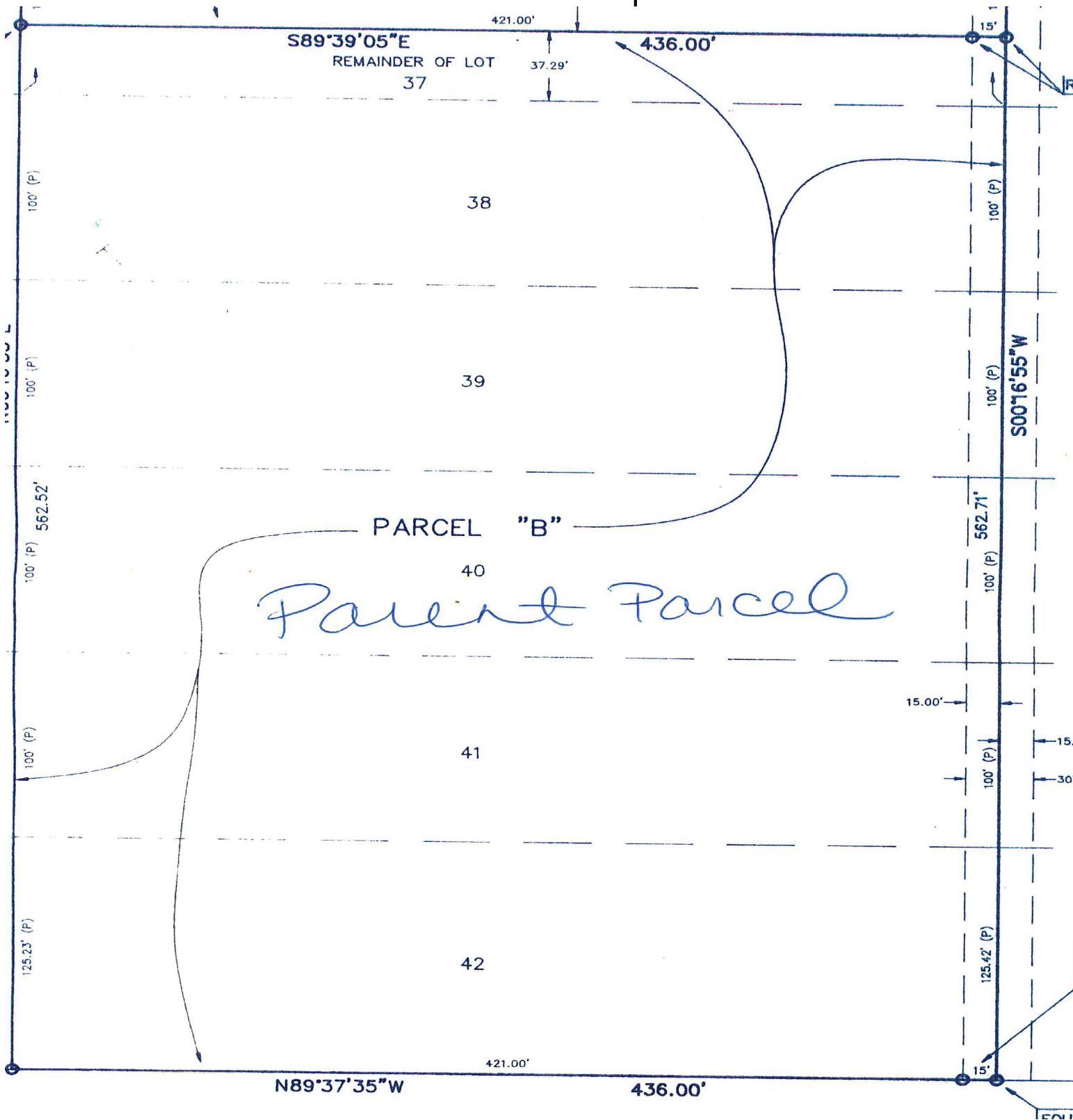
Map of Subject Property



Attachment "A" – Portion of Recorded Plat



Attachment "B" – Concept Plan



**Final Development Order
VAR-21-75-3
Sanchez Property**

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

WHEREAS, David Sanchez (the “Applicant”) applied on behalf of MA. Guadalupe and J. Guadalupe Sanchez (the “Owners”), requested a variance to Lake County Land Development Regulations (LDR) Section 14.11.02.D(7)(b), to allow the creation of two (2) lots, through the family density exception process (where the lots will front on an easement which does not connect to a publicly-maintained road) and a variance to LDR Section 14.11.02(D)(7)(c), to allow the creation of two (2) lots, through the family density exception process, where the parcels will front on a 30-foot easement, in lieu of a 50-foot easement; and

WHEREAS, the subject properties consist of 5.62 +/- acres and is located north of Challenger Drive, in the Tavares area of unincorporated Lake County, Florida, in Section 09, Township 20, Range 26, having an Alternate Key Number 3597541, and more particularly described as:

LOTS 37 through 42 inclusive, LESS the North 62.71 feet of Lot 37, SUNSET GROVES, UNIT ONE, according to the plat thereof recorded in Plat Book 21, Pages 28 through 47, inclusive, 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 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 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-21-75-3, to allow the creation of two (2) lots, through the family density exception 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 family density exception process, where the parcels will front on a 30-foot easement, in lieu of a 50-foot easement with the following conditions:

1. Discovery Trail is an unmaintained dirt road that is an access easement per the Sunset Groves Plat. Any lot split or creation of lots off this road will not obligate Lake County to maintain Discovery Trail.

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**

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, Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**