



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearing Date: March 10, 2022

Case No. and Project Name: VAR-22-03-4 Weyers Property

Owner: Lawrence Weyers

Applicant: Christopher J Shipley, Shipley Law Firm

Requested Action: Variance to Land Development Regulations (LDR) Section 14.11.01(D)(2) to allow for the creation of two (2) lots, via the minor lot split process, which will front on a 20-foot-wide easement, in lieu of a publicly-maintained paved road.

Case Manager: Emily W. Johnson, Senior Planner

Subject Property Information

Size: 19.89 +/- acres

Location: South of Lake Seneca Road and west of William Lane in the Eustis area of unincorporated Lake County

Alternate Key No.: 1442486

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: Wekiva – Ocala Rural Protection Area (RPA)
Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	A	Residential	Single-Family Residences
South	Rural	A	Residential	Single-Family Residence
East	Rural	A	Residential and Agricultural	Single-Family Residence on Large Agricultural Tract Adjacent to William Lane
West	Rural	A	Residential and Agricultural	Single-Family Residence on Large Agricultural Tract

Summary of Request.

The subject property, identified as Alternate Key Number 1442486, contains 19.89 +/- acres, is zoned Agriculture (A), and is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject property is located south of Lake Seneca Road and west of William Lane, in the unincorporated Eustis area of Lake County. The subject property is currently vacant and undeveloped.

The Applicant has requested a variance to LDR Section 14.11.01(D)(2) to allow for the creation of two (2) lots, via the minor lot split process, which will front on a 20-foot-wide easement, in lieu of a publicly-maintained paved road. The proposed lot split is depicted on the plot plan (Attachment "A").

The Lake County Department of Public Works reviewed the variance application and provided the following comment, "*A portion of William Lane appears to be within an easement on the Valley Hill Plat. This road is currently a dirt road that is not under the county maintenance and is considered a non-maintained dirt road. The easement does not appear in our record and may not be publicly dedicated as mentioned in the variance application.*"

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.

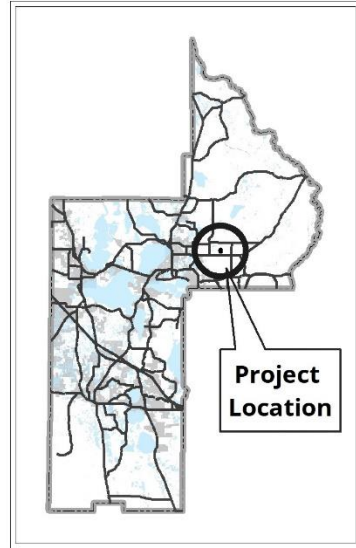
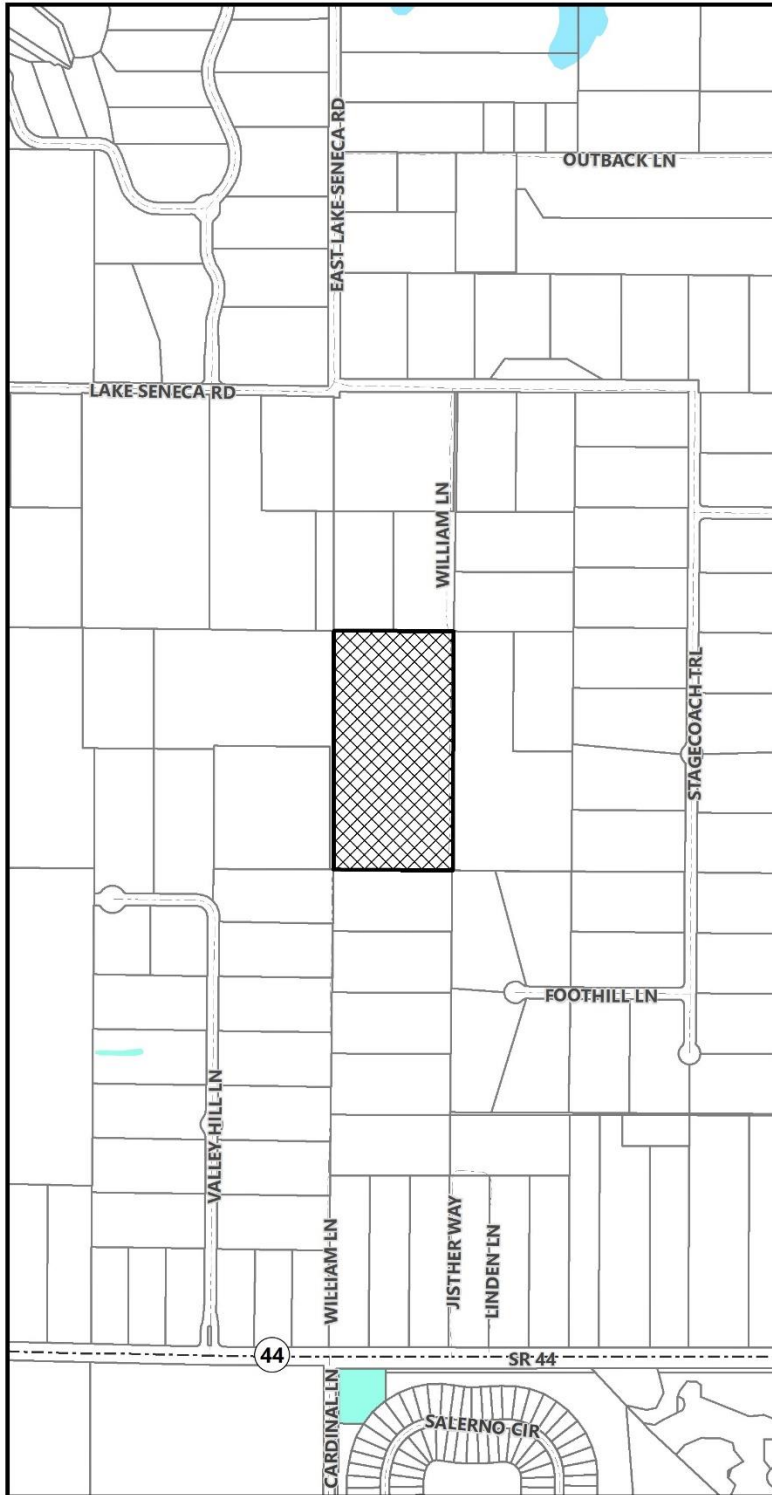
The intent of the code, LDR Section 14.11.01(D)(2), is to ensure that properties being split have the facilities that are required for the development of parcels such as roads and appropriate emergency access.

To show that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, "*The subject property is zoned Agricultural (A) with a Rural Future Land Use designation. The requested variance is consistent with Comprehensive Plan Policy I-1.4.1, Elements of Rural Character. The proposed development of the subject property would create two single family home sites of approximately 10-acres each. The existing unpaved road is more desirable for, and consistent with, a rural lifestyle.*"

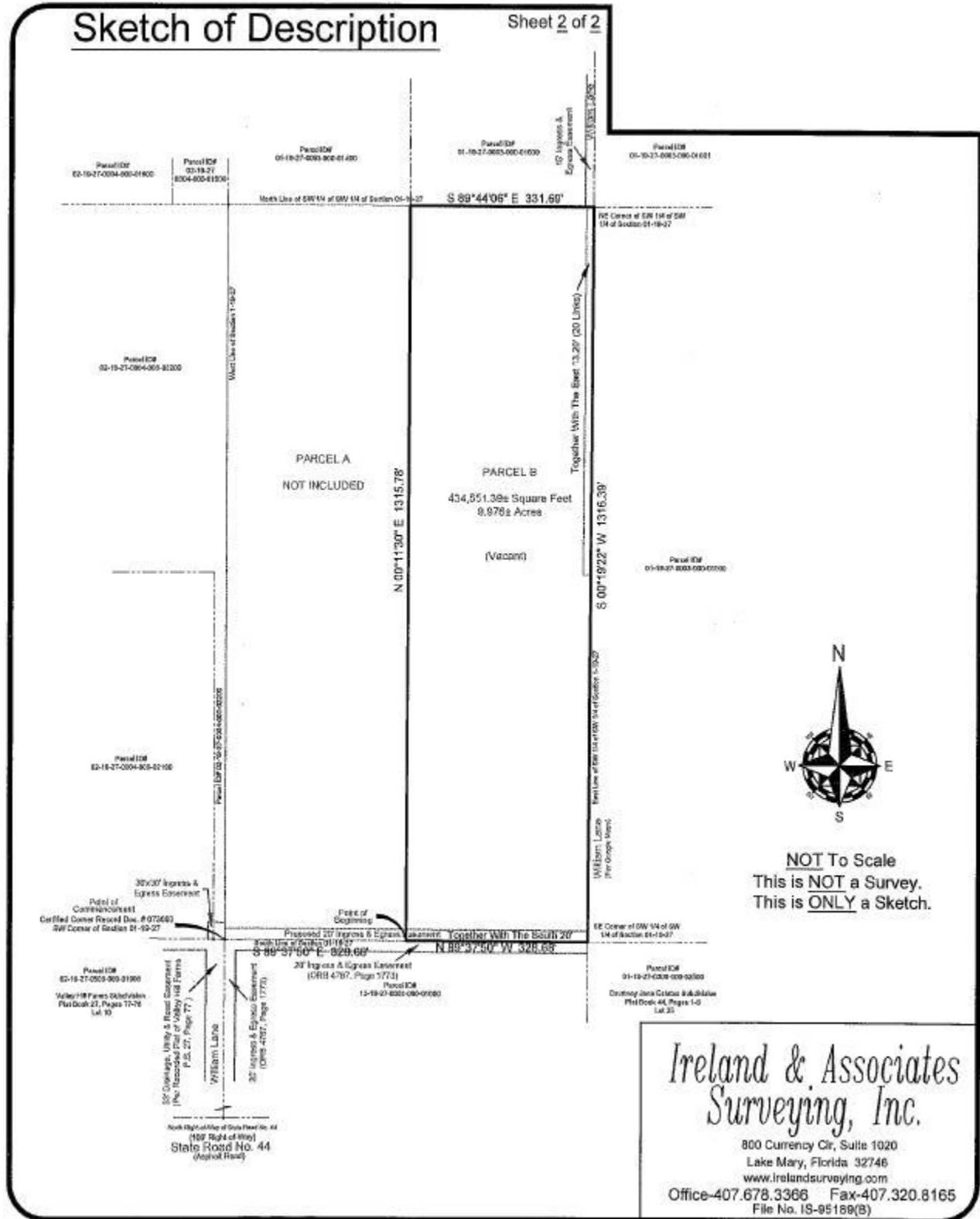
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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 subject property fronts on William Lane, a publicly dedicated road. It would be a substantial hardship to require Owners to pave William Lane before the subject property could be developed. Paving William Lane would encourage increase[d] traffic volume and increase traffic speed in a rural area.*"

Map of Subject Property



Attachment "A" – Plot Plan



**Final Development Order
VAR-22-03-4
Weyers Property**

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

WHEREAS, Christopher J Shipley, Shipley Law Firm (the “Applicant”), on behalf of Lawrence Weyers, (the “Owner”), requested a variance to Land Development Regulations (LDR) Section 14.11.01(D)(2) to allow for the creation of two (2) lots, via the minor lot split process, which will front on a 20-foot-wide easement, in lieu of a publicly-maintained paved road; and

WHEREAS, the subject property consists of 19.89 +/- acres and is located south of Lake Seneca Road and west of William Lane, in the Eustis area of unincorporated Lake County, in Section 01, Township 19, Range 27, having Alternate Key Number 1442486, and more particularly described in Exhibit “A” – Legal Description; and

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on March 10, 2022; 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 March 10, 2022, 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-22-03-4, to allow for the creation of two (2) lots, via the minor lot split process, which will front on a 20-foot-wide easement, in lieu of a publicly-maintained paved road.

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.

[Remainder of Page Left Intentionally Blank]

**Section 3. Effective Date. This Ordinance will become effective as provided by law.
ENACTED this 10th day of March, 2022.
EFFECTIVE March 10, 2022.**

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea Meeks, Vice Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 10th day of March, 2022, by Bea Meeks, as Vice Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**

EXHIBIT "A" – LEGAL DESCRIPTION

THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 IN SECTION 1, TOWNSHIP 19 SOUTH, RANGE 27 EAST, IN LAKE COUNTY, FLORIDA, LESS AND EXCEPT THE WEST 20 FEET AND THE SOUTH 20 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 1, AND ALSO LESS AND EXCEPT THE EAST 20 LINKS OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 1, TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER, ACROSS AND UPON THE EAST 30 FEET OF THE SOUTH 30 FEET OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 19 SOUTH, RANGE 27 EAST, IN LAKE COUNTY, FLORIDA.

TOGETHER WITH:

THE WEST 20 FEET AND THE SOUTH 20 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, AND ALSO THE EAST 20 LINKS OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, ALL IN SECTION 1, TOWNSHIP 19 SOUTH, RANGE 27 EAST, IN LAKE COUNTY, FLORIDA.