



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 8

Public Hearing Date: March 10, 2022

Case No. and Project Name: VAR-22-06-4, Hughes Property

Owners: Steve H & Betty J Hughes

Applicant: Brian A. Richards

Requested Action: Variance to Land Development Regulation (LDR) Section 14.11.02(D.)(7.)(b.) to allow the creation of two (2) lots through the family density exception process that will front on an easement not connected to a publicly maintained road.

Case Manager: Ryan Winkler, Planner

### Subject Property Information

Size: 15.46 +/- acres

Location: North of Jack Lake Road, in the Pine Lakes area

Alternate Key No.: 1603749

Future Land Use: Wekiva River Protection Sending Area A-1-20

Current Zoning District: Agriculture (A)

Flood Zones: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Wekiva River Protection Area

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	WRPA Sending Area A-1-20	Agriculture (A)	Vacant, Residential	Single Family Dwelling Unit, vacant tracts of Agriculture land
South	WRPA Sending Area A-1-20	Agriculture (A)	Right-of-Way, Residential	Jack Lake ROW, Single-family dwelling units
East	WRPA Sending Area A-1-20	Agriculture (A)	Residential and Agriculture	Single Family Dwelling Unit
West	WRPA Sending Area A-1-20	Agriculture (A)	Residential	Single Family Dwelling Unit

### Summary of Request.

The Applicant submitted a variance request to LDR Section 14.11.02(D)(7)(b.) to allow the creation of two (2) lots through the family density exception process that will front on an easement not connected to a publicly maintained road.

The subject 15.56 +/- acre parcel is identified by Alternate Key Number 1603749. The parcel is zoned Agriculture (A), is part of the Wekiva River Protection Sending Area A-1-20 Future Land Use Category (FLUC). Based on the aerial, the subject parcel is currently undeveloped. The parcel is generally located north of Jack Lake Road and west of Swift Road, in the Pine Lakes area.

The Applicant submitted a Family Density Application (LS #2021-29-5) to the Office of Planning and Zoning on October 25, 2021. After initial review of the lot split application, it was revealed the proposed lot split (Attachment "A") would create two lots that front on an easement (Jack Lake Drive), of which the easement does not connect to a publicly maintained road.

The variance application was sent to the Public Works Department for a determination of consistency with their regulations. The Public Works Department had no objections to the request and provided the following comments: "Jack Lake Dr. is an unmaintained dirt road that is not county maintained. Lake County shall not be obligated to maintain the road right-of-way with the approval of this variance and future lot split."

### 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, is to ensure that properties being split have the facilities that are required for the development of parcels such as roads, schools, parks, fire, sewer, and water facilities.

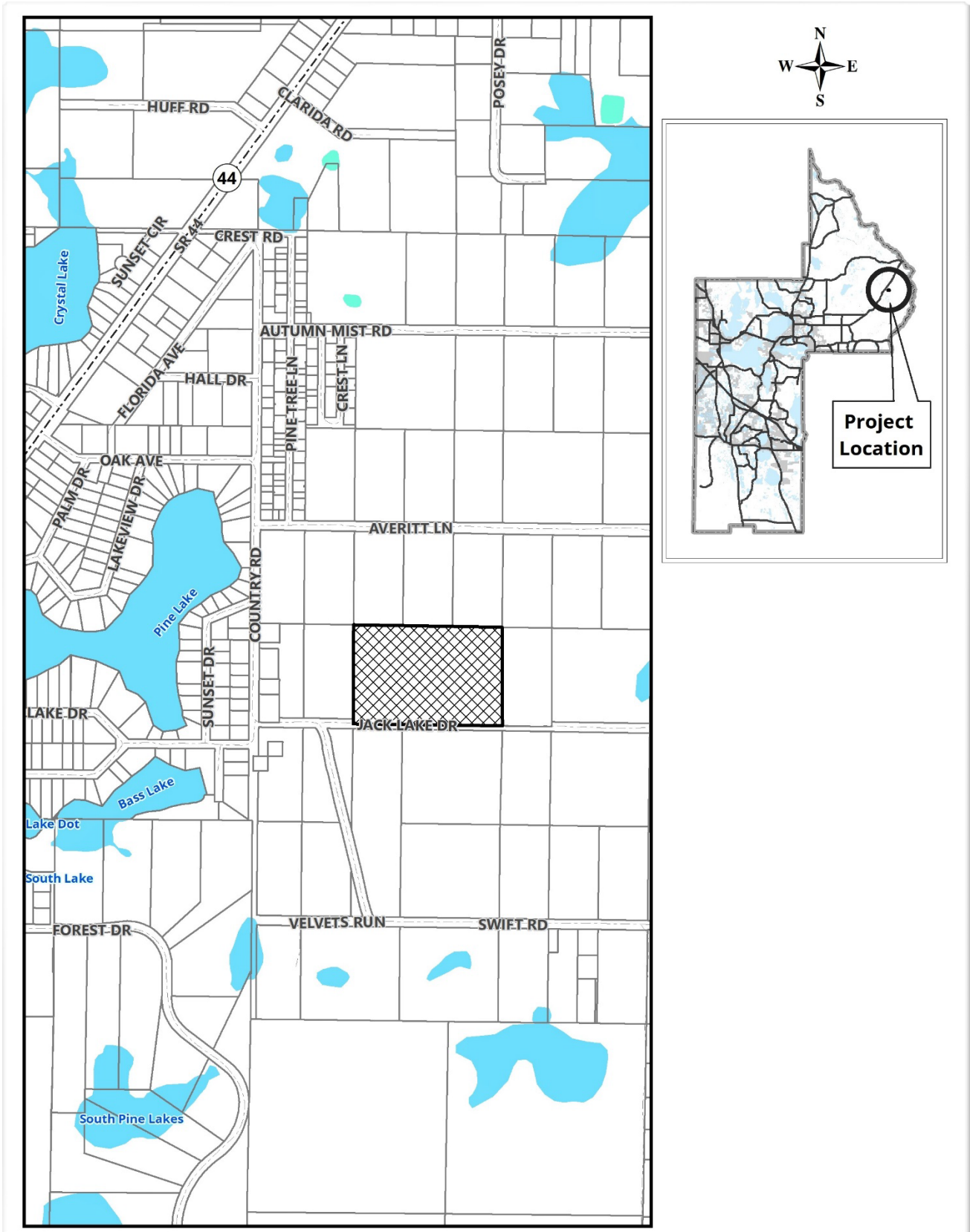
The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *"I am not sure as to the purpose of Section 14.11.02(D)(7)(b) in this instance, but this variance would not change in any way the use of the properties or easements along Jack Lake Drive. I believe the proposed lot split and property use are consistent with the Land Development Regulations as they are presented today."*

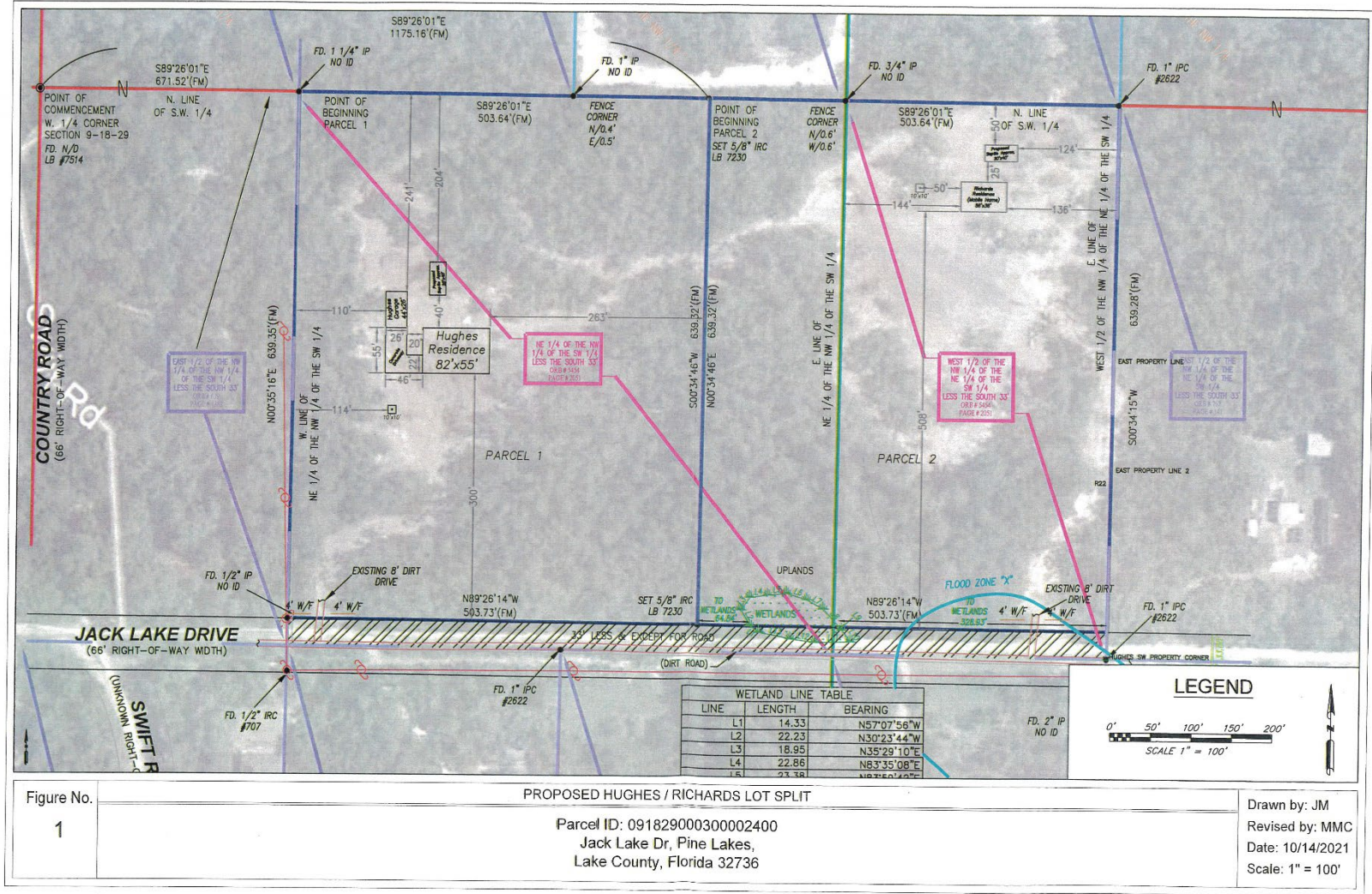
#### **2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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, *"The substantial hardship is both economical and legal. My property and most others on Jack Lake Drive do not directly abut a county maintained paved road (Swift Road). All have access through common recorded easements which make up Jack Lake Drive (66-ft wide – 33 feet of each property). See attached recorded deeds for all properties on Jack Lake Drive between the subject property and Swift Road. I would have to purchase land from my neighbor and deed a second easement to make my property extend to Swift Road when it already has a recorded easement which makes up Jack Lake Drive. The legal and purchasing costs (if the land would be available) is not viable. I believe my "principles of fairness" are being violated and that the uniformly applicable LDRS have lead to unreasonable, unfair, and unintended results in this particular instance."*

# Map of Subject Property







**Final Development Order  
VAR-22-06-4  
Hughes Property**

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

**WHEREAS**, Brian A Richards (the “Applicant”) submitted a variance request on behalf of Steve H and Betty J Hughes (the “Owners”) to the Lake County Code, Land Development Regulation (LDR) Section 14.11.02(D.)(7.)(b.) to allow the creation of two (2) lots through the family density exception process that will front on an easement not connected to a publicly maintained road; and

**WHEREAS**, the subject property consists of 15.56 +/- acres, generally located north of Jack Lake Road and west of Swift Road, in the Pine Lakes area of unincorporated Lake County, Florida, in Section 09, Township 20 South, Range 26 East, having Alternate Key Number 1603749, and more particularly described as below:

The NE ¼ of the NW ¼ of the SW ¼, Less the South 33 feet for road of Section 9, Township 18 South, Range 29 East;

Also:

The West ½ of the NW ¼ of the NE ¼, Less the South 33 feet for road, of Section 9, Township 18 South, Range 29 East.

**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 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-22-06-4, Land Development Regulation (LDR) Section 14.11.02(D.)(7.)(b.) to allow the creation of two (2) lots through the family density exception process that will front on an easement not connected to a publicly maintained road and the following conditions shall apply:

1. The family density exception application be submitted within six (6) months from the Board of Adjustment (BOA) approval.
2. The County shall not be obligated to pave or maintain the easement commonly known as Jack Lake Drive.

**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 10th day of March, 2022.**

**EFFECTIVE March 10 2022.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**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, Vice Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

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

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**Notary Signature**

**(SEAL)**