



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: April 14, 2022

Case No. and Project Name: VAR-22-05-1 Kibbe Property

Owner / Applicant: Christopher M Kibbe

Requested Action: Variance to Land Development Regulations (LDR) Section 14.11.01(D)(2) to allow for the creation of four (4) lots, via the minor lot split process, which will front on an easement in lieu of a publicly-maintained paved road.

Case Manager: Emily W. Johnson, Senior Planner

Subject Property Information

Size: 20.06 +/- acres

Location: North of Pine Island Road in the Clermont area of unincorporated Lake County.

Alternate Key No.: 3929348 and 3929349

Future Land Use: Green Swamp Rural

Current Zoning District: Agriculture (A)

Flood Zones: "AE" and "X"

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

Overlay Districts: Green Swamp Area of Critical State Concern

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural	A	Agriculture	Large Vacant Agriculture Tract
South	Green Swamp Rural	A	Vacant Residential	Vacant Residential
East	Green Swamp Rural	A	Residential	Single-Family Residence on Large Agriculture Tract, and Vacant Residential
West	Green Swamp Rural	A	Residential and Agricultural	Single-Family Residence on Large Agricultural Tract, and Large Vacant Agriculture Tract

Summary of Request.

The subject properties, identified as Alternate Key Numbers 3929348 and 3929349, contain 20.06 +/- acres, are zoned Agriculture (A), and are designated with a Green Swamp Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject properties are located north of Pine Island Road, in the unincorporated Clermont area of Lake County. The subject properties are currently vacant and undeveloped.

The Applicant has requested a variance to LDR Section 14.11.01(D)(2) to allow for the creation of four (4) lots, via the minor lot split process, which will front on an easement, in lieu of a publicly-maintained paved road. The easement is recorded in Official Records Book 5854, Page 1318, and is fifty (50) feet wide. The proposed lot split is depicted on the plot plan (Attachment "A").

The subject properties are located within the Green Swamp Area of Critical State Concern (ACSC). The variance application was provided to the Florida Department of Economic Opportunity (DEO) for courtesy review; DEO did not provide any comments nor opposition to the request.

The variance application was provided to the Lake County Public Works Department and Lake County Chief Fire Inspector for review; neither the Public Works Department nor the Fire Inspector provided any comments nor opposition 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.

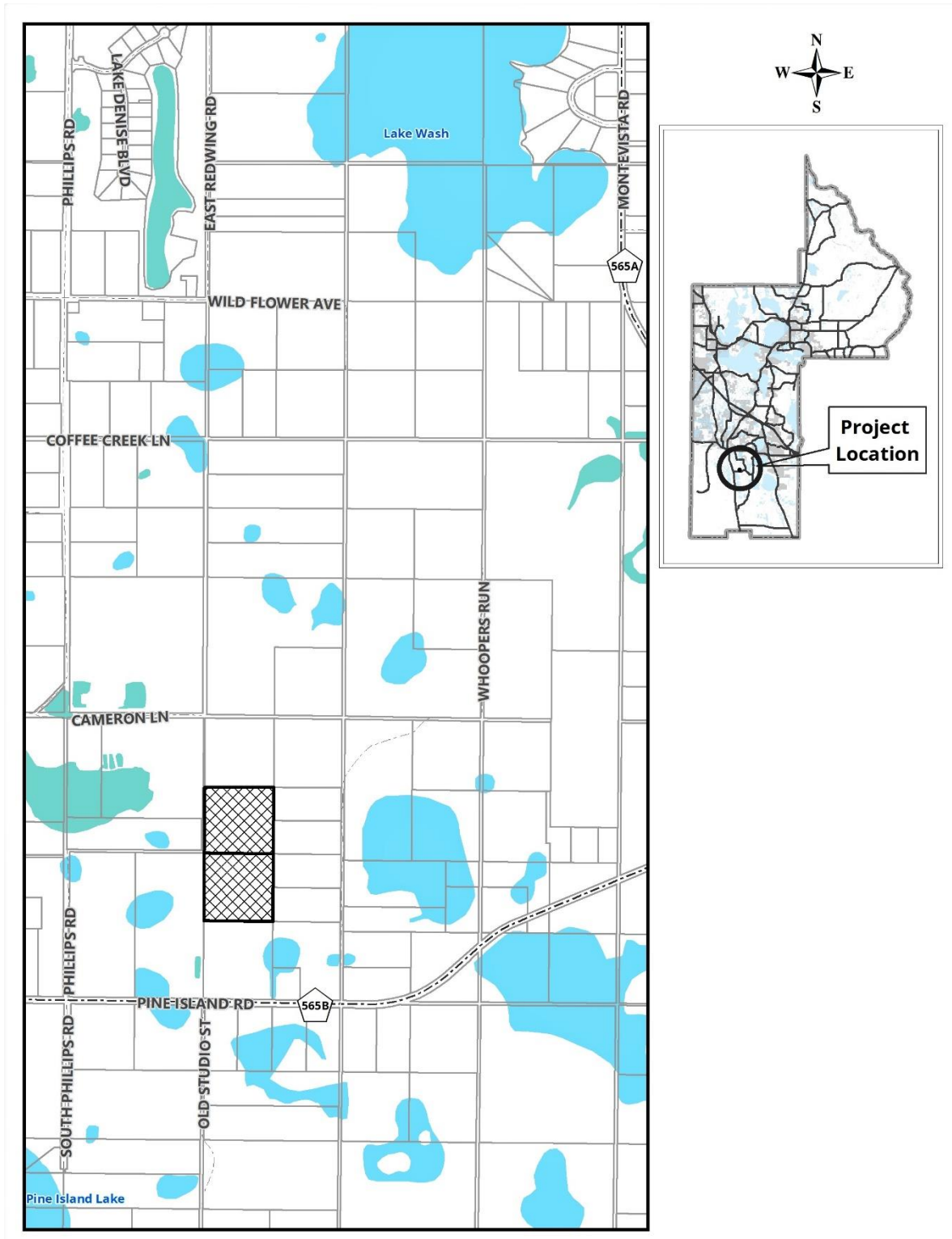
The intent of the code, LDR Section 14.11.01(D)(2), is to ensure that properties being split have the facilities that are required for the development of parcels such as roads and appropriate emergency access.

To show that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, *"Deviation survey ensures LDR is met along with density requirements. Easement has been recorded (ORB 5854 PG 1318). Each new parcel will exceed 5 acres."*

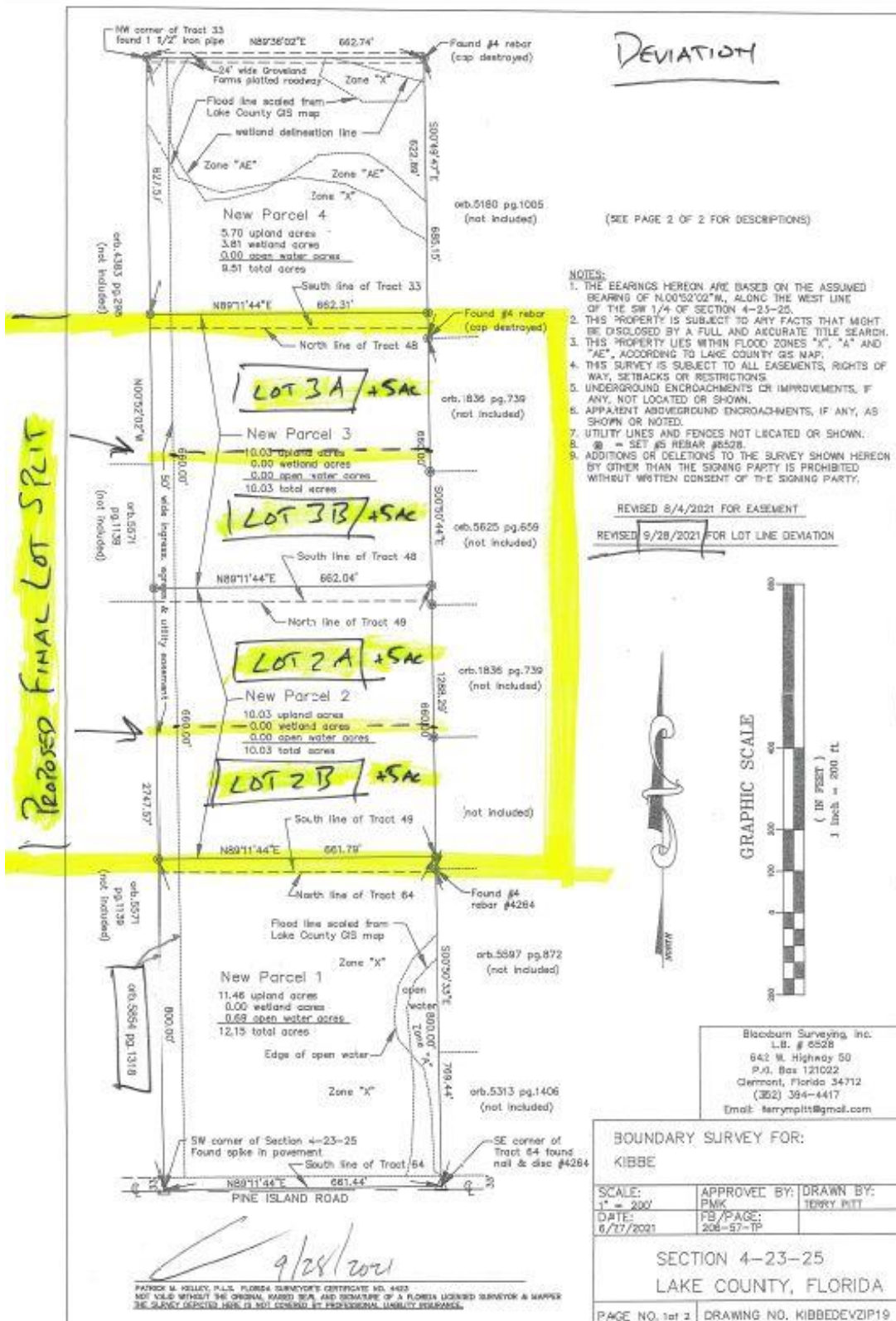
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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, *"Please [reference] recorded easement ORB 5854 PG 1319. Request variance to allow utilization of the minor lot split process to split parcels which does not front a paved publicly maintained road. Please note these parcel[s] meet/exceed density requirements."*

Map of Subject Property



Attachment "A" – Plot Plan



**Final Development Order
VAR-22-05-1
Kibbe Property**

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

WHEREAS, Christopher M Kibbe (the “Owner” and the “Applicant”), requested a variance to Land Development Regulations (LDR) Section 14.11.01(D)(2) to allow for the creation of four (4) lots, via the minor lot split process, which will front on an easement (Official Record Book 5854, Page 1318), in lieu of a publicly-maintained paved road; and

WHEREAS, the subject property consists of 20.06 +/- acres and is located north of Pine Island Road, in the Clermont area of unincorporated Lake County, in Section 04, Township 23, Range 25, having Alternate Key Numbers 3929348 and 3929249, and more particularly described below; and

Tracts 48 and 49, in Section 4, Township 23 South, Range 25 East, GROVELAND FARMS, according to the plat thereof recorded in Plat Book 2, Pages 10 and 11, of the Public Records of Lake County, Florida.

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 April 14, 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 April 14, 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-22-05-1, to allow for the creation of four (4) lots, via the minor lot split process, which will front on an 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.

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Section 3. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this 14th day of April, 2022.

EFFECTIVE April 14, 2022.

**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 14th day of April, 2022, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)