



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: June 9, 2022

Case No. and Project Name: VAR-22-11-1 King Property

Applicant: Danny M. King

Owner: Jack F. and Darla King

Requested Action: Variance to Lake County Land Development Regulations (LDR) Sections 14.11.03(D).(6.) and 14.11.03(D).(7).(b.) to allow the creation of four (4) parcels through the agriculture lot split process where two (2) of the parcels will front on a 40-foot-wide easement which will connect to a 50-foot-wide easement, in lieu of a publicly-maintained paved road.

Case Manager: Ryan Winkler, Planner

Subject Property Information

Size: 200 +/- acres

Location: East of Montevista and north of Pine Island Road, in the Clermont area.

Alternate Key No.: 3539923

Future Land Use: Green Swamp Rural Conservation

Current Zoning District: Agriculture (A)

Flood Zone: "X" and "A"

Joint Planning Area/ ISBA: City of Clermont Joint Planning Area (JPA)

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 Conservation	Planned Unit Development (PUD)	Residential	Single-Family Dwelling Units
South	Green Swamp Rural	Agriculture (A)	Agriculture	Single-Family Dwelling Units
East	Green Swamp Rural	Planned Unit Development (PUD)	Residential	Single-Family Dwelling Units
West	Green Swamp Rural	Agriculture (A)	Residential	Single-Family Dwelling Units

Summary of Request.

The Applicant has submitted a variance request to LDR Sections 14.11.03(D)(6.) and 14.11.03(D)(7)(b.), to facilitate approval of a forthcoming agriculture lot split application, which will result in the creation of four (4) lots, which will not front on a publicly-maintained paved road. The Applicant desires to create four (4) lots through the agriculture lot split process, which will front on an easement that is 40-feet-wide and connects to another easement which is 50-feet-wide, in lieu of a publicly-maintained paved road.

The subject 200 +/- acre parcel is identified by Alternate Key Number 3539923; the parcel is zoned Agriculture (A), is part of the Green Swamp Rural Conservation Future Land Use Category (FLUC) and is located within the Green Swamp Area of Critical State Concern. Currently, the parcel is developed with a homesite.

The subject parcel is located within the City of Clermont JPA; therefore, the variance application was sent to the City of Clermont for a determination of consistency with their regulations. The City of Clermont 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 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 14.11.03.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.

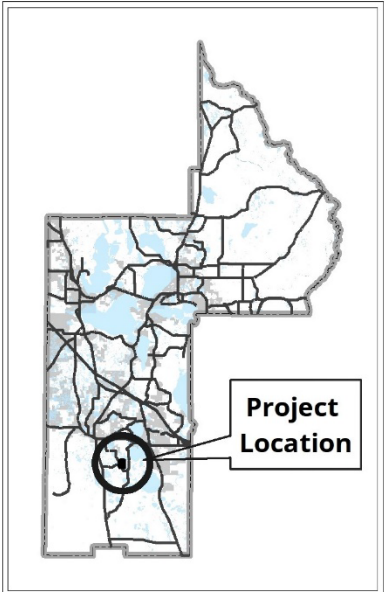
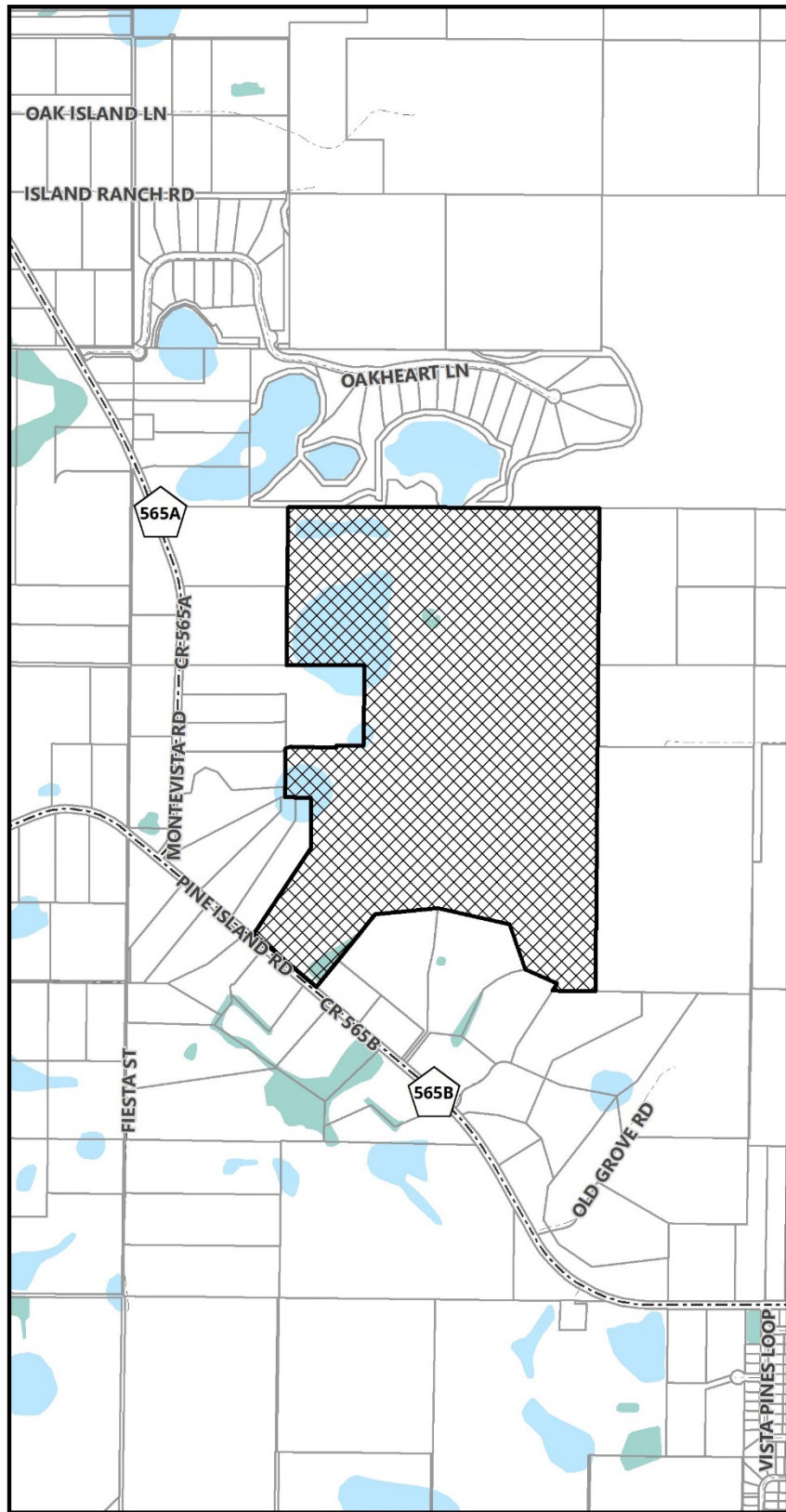
The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"The purpose of LDR 14.11.03, D(6-7) will be achieved by allowing the proposed lots to front on an easement that will connect to an existing easement that itself fronts on 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.

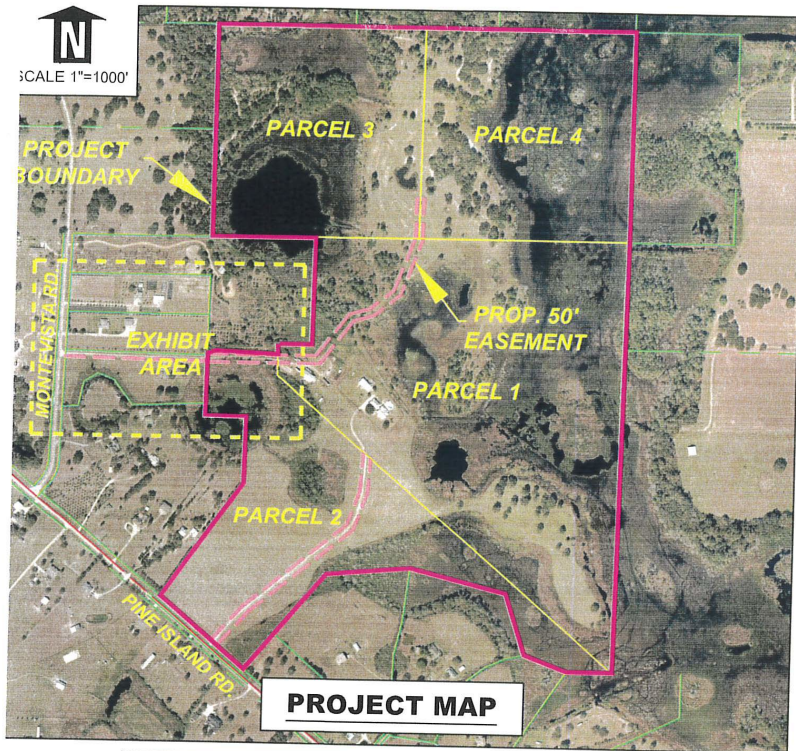
LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

The Applicant provided the following statement, *"Lots proposed as part of the agriculture lot split will not front on an easement connecting directly to a "publicly maintained road as per the requirement in LDR 14.11.03 D(6-7)."*

Map of Subject Property



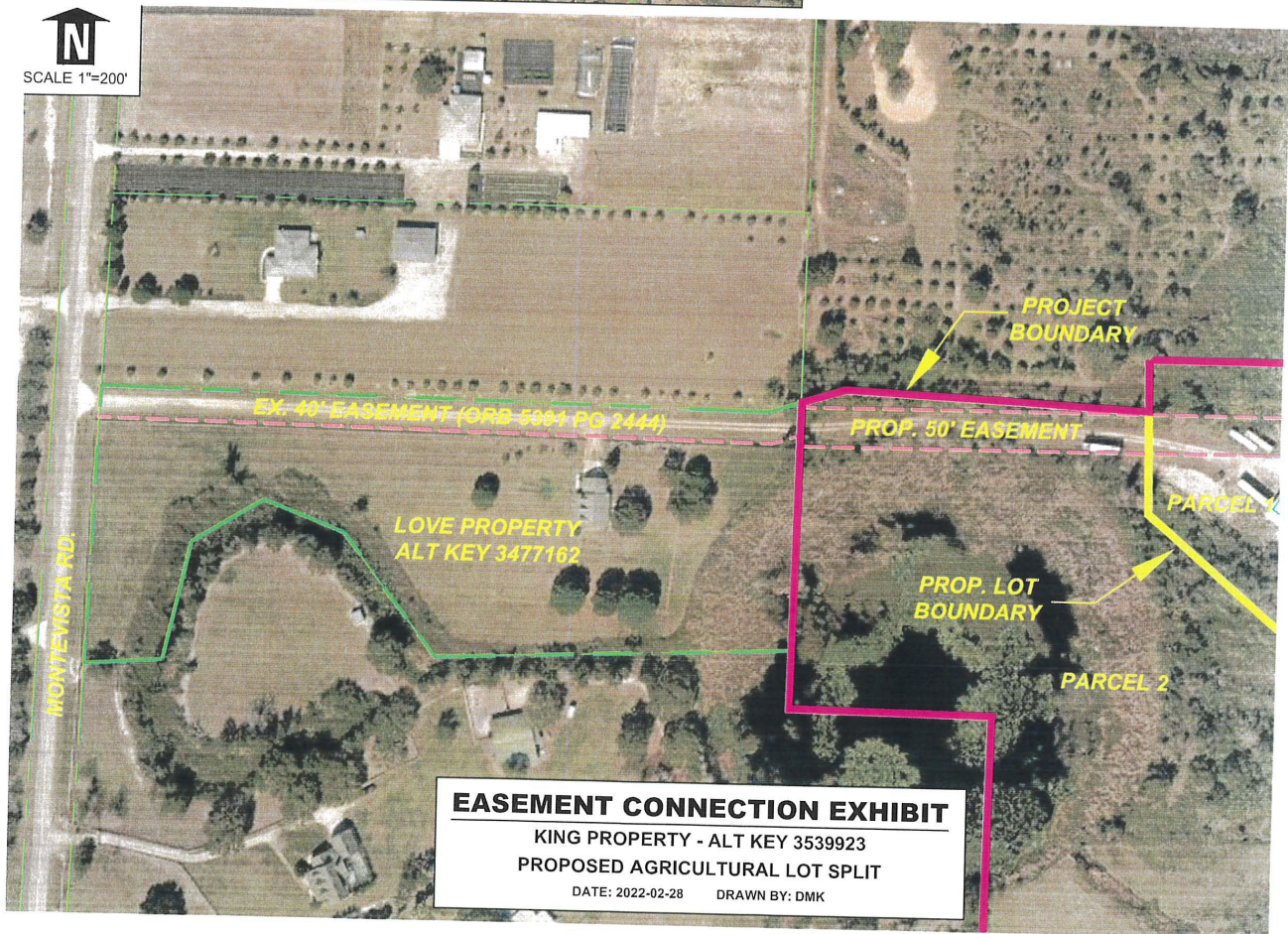
Attachment "A" – Concept Plan



PROJECT DATA

PROJECT #: 2022010012 APP REQUEST #: 4734
 S03 T23S R25E - ALT KEY: 3539923
 TOTAL AREA: 213.70 AC
 86.21 UPLAND 127.49 WETLAND
 FUTURE LAND USE: GREEN SWAMP RURAL
 CONS. (AREA OF CRITICAL CONCERN)
 ZONING: A
 UTILITIES: WELL & SEPTIC

- NOTES:**
1. VARIANCE IS REQUESTED FOR LAND DEVELOPMENT REGULATION 14.11.03D(6-7).
 2. VARIANCE REQUEST SEEKS TO ALLOW THE PROPOSED 50' INGRESS/EGRESS, UTILITY, AND DRAINAGE EASEMENT SERVICING PROPOSED PARCELS 3 AND 4 TO CONNECT TO EXISTING 40' INGRESS/EGRESS EASEMENT LOCATED ON ADJOINING PROPERTY (ALT KEY 3477162).
 3. VARIANCE WILL ENABLE PROPOSED PARCELS 3 AND 4 ACCESS TO THE PUBLICLY MAINTAINED MONTEVISTA ROAD.



**Final Development Order
VAR 22-11-1
King Property**

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

WHEREAS, Danny M. King (the “Applicant”), on behalf of Jack F. & Darla J. King (the “Owners”), requested a variance to Lake County Land Development Regulations (LDR) Sections 14.11.03(D).(6.) and 14.11.03(D).(7.) (b), to allow for the creation of four (4) parcels through the agriculture lot split process where two (2) of the parcels will front on a 40-foot-wide easement which will connect to a 50-foot-wide easement, in lieu of a publicly-maintained paved road; and

WHEREAS, the subject property consists of 200 +/- acres and is generally located north of Pine Island Road and east of Montevista Road, in the unincorporated Clermont area of Lake County, Florida, in Section 03, Township 23 South, Range 25 East, having Alternate Key Number 3539923, and more particularly described in Exhibit “A” - Legal Description; and

WHEREAS, after giving notice of the hearing on the petition for a 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 June 9, 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 June 9, 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-22-11-1, Sections 14.11.03(D)(6) and 14.11.03(D)(7.) (b), to allow for the creation of four (4) parcels through the agriculture lot split process where two (2) of the parcels will front on a 40-foot-wide easement which will connect to a 50-foot-wide easement, in lieu of a publicly-maintained paved road, with the following condition:

1. The lot split application be submitted within six (6) months from the Board of Adjustment (BOA) approval; and
2. The new parcels being created through the agriculture lot split process shall not be split any further.
3. The parcel contains a special flood hazard area that will require flood determination at time of permitting. Additional flood requirements may be required and will be further evaluated with each building permit. Proposed structures shall be placed outside the flood hazard area.

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 June 2022.

EFFECTIVE June 9, 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 9th day of June 2022, by James Argento, as Chairmain of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)

EXHIBIT "A" – LEGAL DESCRIPTION

THAT PORTION OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 3, AND RUN N.00° 20' 29" E ALONG THE WEST BOUNDARY OF SAID SECTION 3, A DISTANCE OF 1274.28 FEET TO THE CENTERLINE OF PINE ISLAND ROAD (COUNTY ROAD NO 565-B); THENCE S. 50° 48' 47" E ALONG SAID CENTERLINE , 359.02 FEET; THENCE N. 39° 11' 13" E, 40.00 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID PINE ISLAND ROAD; THENCE S. 50° 48' 47" E ALONG SAID RIGHT-OF-WAY LINE, 1002.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S. 50° 48' 47" E ALONG SAID RIGHT-OF-WAY LINE, 700.82 FEET; THENCE N. 39° 11' 13" E 795.93 FEET; THENCE N. 84° 09' 36" E, 136.50 FEET; THENCE N 05° 53' 01" W., 240.34; THENCE N. 84° 06' 59" E., 185.86 FEET; THENCE N. 59° 15' 00" E, 267.81 FEET TO A POINT OF CURVE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 85° 24' 38", AN ARC DISTANCE OF 149.07 FEET; THENCE N. 41° 29' 26" E, 709.45 FEET; THENCE S. 71° 53' 37" W, 1247.02 FEET; THENCE N. 00° 00' 47" E, 298.99 FEET; THENCE N. 89° 59' 13" W, 399.26; FEET THENCE S. 00° 00' 47" W, 420.54 FEET; THENCE S. 34° 00' 55" W, 887.32 FEET TO THE POINT OF BEGINNING.

And

THAT PORTION OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 3 AND RUN N. 00° 20' 29" E. ALONG THE WEST BOUNDARY OF SAID SECTION 3, A DISTANCE OF 1274.28 FEET TO THE CENTERLINE OF PINE ISLAND ROAD (COUNTY ROAD NO. 565-B): THENCE S. 50° 48' 47" E. ALONG SAID CENTERLINE, 359.02 FEET; THENCE N. 39° 11' 13" E, 40.00 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID PINE ISLAND ROAD; THENCE S. 50° 48' 47" E, ALONG SAID RIGHT-OF-WAY LINE, 1703.11 FEET; THENCE N. 39° 11' 13" E. 795.93 FEET; THENCE N. 84° 09' 36" E, 136.50 FEET TO THE POINT OF BEGINNING; THENCE N. 05° 53' 01" W., 240.34; THENCE N. 84° 06' 59" E, 185.86 FEET; THENCE N. 59° 15' 00" E, 267.81 FEET TO A POINT OF CURVE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 85° 24' 38", AN ARC DISTANCE OF 149.07 FEET; THENCE N. 41° 29' 26" E, 709.45 FEET; THENCE S. 71° 53' 37" W., 1247.02 FEET; THENCE N. 00° 00' 47" E, 298.99 FEET; THENCE N. 89° 59' 13" W., 658.11 FEET; THENCE N. 00° 07' 21" E., 391.22; N. 72° 05' 52" E., 59.58 FEET; THENCE S. 88° 01' 19" E, 387.78 FEET; THENCE N. 01° 54' 55" W., 66.46 FEET TO THE SOUTH LINE OF THE NW 1/4 OF THE NE 1/4 OF THE AFORESAID SECTION 3; THENCE N. 89° 01' 34" E. ALONG SAID SOUTH LINE, 215.39 FEET TO THE EAST LINE OF THE NW 1/4 OF THE NE 1/4 OF THE SW 1/4 OF SAID SECTION 3; THENCE N. 00° 00' 47" E., ALONG THE SAID EAST LINE, 679.12 FEET TO THE NORTH LINE OF THE SAID NW 1/4 OF THE NE 1/4 OF THE SW 1/4; THENCE S. 88° 59' 28" W. ALONG SAID NORTH LINE, 656.05 FEET TO THE WEST LINE OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 3; THENCE N. 00° 24' 12" W. ALONG SAID WEST LINE, 1347.35 FEET TO THE SOUTH LINE OF THE NORTH 1/4 OF SAID SECTION 3; THENCE N. 89° 11' 29" E. ALONG THE SAID SOUTH LINE, 3318.71 FEET TO THE EAST LINE OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4; THENCE S. 00° 30' 52" E. ALONG THE SAID EAST LINE, 1335.67 FEET TO THE SOUTH LINE OF THE NE 1/4 OF SAID SECTION 3; THENCE S. 88° 59' 28" W. ALONG THE SAID SOUTH LINE 669.77 FEET TO THE EAST LINE OF THE WEST 1/2 OF THE SE 1/4 OF SAID SECTION 3; THENCE S. 00° 03' 08" W. ALONG SAID EAST LINE, 2722.82 FEET TO THE SOUTH BOUNDARY OF SAID SECTION 3; THENCE S. 89° 11' 32" W. ALONG SAID SOUTH

EXHIBIT "A" – LEGAL DESCRIPTION (continued)

LINE, 288.16 FEET; THENCE N. 70°47'14" W., 291.95 FEET; THENCE N. 19°15'12" W., 404.89 FEET; N. 77°06'13" W., 629.37 FEET; THENCE S. 84°09'36" W., 398.14 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 25 EAST.

ALSO A 40' EASEMENT FOR INGRESS, EGRESS, UTILITY AND DRAINAGE OVER THE NORTH 40' OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BOOK 1245 PAGE 0313

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 3, THENCE N. 00° 20' 29" E, ALONG THE WEST BOUNDARY OF SAID SECTION 3, A DISTANCE OF 1274.28 FEET TO THE CENTERLINE OF PINE ISLAND ROAD (CR NO. 565-B), THENCE S. 50° 48' 47" E, ALONG SAID CENTERLINE, 359.02 FEET, THENCE N. 39° 11' 13" E, 40.00 FEET TO AN INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID PINE ISLAND ROAD AND THE EASTERLY RIGHT-OF-WAY LINE OF MONTE VISTA ROAD (C.R. ROAD NO. 565-A), THENCE N. 40° 04' 06" E, ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE OF MONTE VISTA ROAD, 52.47 FEET TO A POINT OF CURVE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 283.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38° 40' 26", AN ARC DISTANCE OF 191.02' TO THE POINT OF TANGENCY OF SAID CURVE, THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, N. 01° 23' 40" E, 331.63 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE N. 01° 23' 40" E ALONG SAID RIGHT-OF-WAY LINE, 355.45 FEET TO A CONCRETE MONUMENT, THENCE S. 89° 51' 53" E. 856.03 FEET TO A CONCRETE MONUMENT, THENCE N. 72° 05' 52" E., 44.62 FEET, THENCE S. 00° 07' 21" W, 317.08 FEET, THENCE S. 86° 50' 42" W., 457.39 FEET, THENCE N. 38° 17' 44" W., 197.42 FEET, THENCE N. 70° 07' 56" W, 111.22 FEET, THENCE S. 58° 00' 58" W., 107.33 FEET, THENCE S. 11° 38' 42" W., 155.08 FEET, THENCE S. 86° 50' 42" W., 102.68 FEET TO THE POINT OF BEGINNING.