



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: August 25, 2022

Case No. and Project Name: VAR-22-31-3 Poole & Oxford Property

Owners: Charles D. and Rose M. Poole, Tony and Tonya Oxford

Applicants: Rose M. Poole & Tony Oxford

Requested Action: Variance to Land Development Regulations (LDR) Section 3.10.00, Road Frontage, to allow for the creation of a parcel, via the minor lot split process, which will have 30 +/- feet of road frontage, in lieu of 150-feet; and to LDR Section 14.11.01(D)(6) to allow for creation of a flag lot parcel.

Case Manager: Emily W. Johnson, Chief Planner

Subject Property Information

Size: 121.78 +/- acres (New Parcel "A" – 83.28 +/- acres; New Parcel "D" – 30.92 +/- acres)

Location: East of the North Buckhill Road / Palm Avenue intersection in the Howey-in-the-Hills area of unincorporated Lake County.

Alternate Key No's.: 1301971 (owned by Charles D. and Rose M. Poole) and 3926594 (owned by Tony and Tonya Oxford)

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zones: "AE" and "X"

Joint Planning Area (JPA) / ISBA: Howey-In-The-Hills ISBA

Overlay Districts: Yalaha – Lake Apopka Rural Protection Area (RPA)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	A	Residential	Single-Family Residence on Large Agriculture Tract
South	Rural	A	Agricultural	Large Vacant Agriculture Tracts
East	Conservation	A	Vacant	Vacant Wetland / Conservation Area

Direction	Future Land Use	Zoning	Existing Use	Comments
West	Rural	A	Residential	Single-Family Residences, adjacent to North Buckhill Road

Summary of Request.

The subject properties, identified as Alternate Key Numbers 1301971 and 3926594, contain a cumulative 121.78 +/- acres, are zoned Agriculture (A), and are designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject properties are located east of the North Buckhill Road / Palm Avenue intersection in the Howey-in-the-Hills area of unincorporated Lake County. Alternate Key Number 3926594 is currently developed with an existing single-family residence and related accessory uses; Alternate Key Number 1301971 is currently vacant.

The subject properties are currently recognized as one parcel, created via a Family Density Exception Lot Split (LS-2005-062). On February 9, 2021, the portion of the recognized parcel, identified by Alternate Key Number 3926594, was sold to separate ownership, making the subject properties unrecognized by the Office of Planning and Zoning. While Alternate Key Number 1301971 has approximately 292.53-feet of road frontage and meets all other standards for a lot split; Alternate Key Number 3926594 only has 30-feet of road frontage, making it a flag lot. As defined by LDR Chapter II, a flag lot is “a lot with access provided to the bulk of the lot by means of a narrow corridor. (A narrow corridor is less than 50 feet in width.)”. It appears that Alternate Key Number 3926594 may have additional access through a shared driveway, however, easement details were not provided.

The Applicant has requested a variance to Land Development Regulations (LDR) Section 3.10.00, Road Frontage, to allow for the creation of a parcel (AK #3926594), via the minor lot split process, which will have 30 +/- feet of road frontage, in lieu of 150-feet; and to LDR Section 14.11.01(D)(6) to allow for creation of a flag lot parcel. The proposed lot split, road frontage dimensions, and acreage totals are depicted on the boundary survey (Attachment “A”), which identifies Alternate Key Number 3926594 as Parcel “D”.

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.

The subject property is located within the Town of Howey-In-The-Hills Interlocal Service Boundary Agreement (ISBA) Area; the variance application was provided to the Town of Howey-In-The-Hills for review. The Town did not provide any comments nor objections to the variance 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 3.10.00, is to ensure that all lots created pursuant to Subsections 14.11.01 (Minor Lot Splits) and 14.11.02 (Family Density Exception Lot Splits) shall have the minimum frontage at the road and building setback line.

The intent of the code, LDR Section 14.11.01(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.

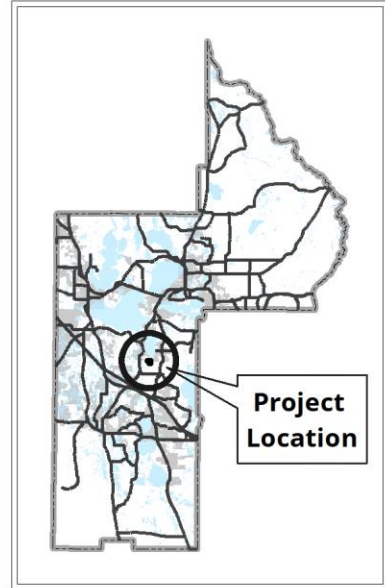
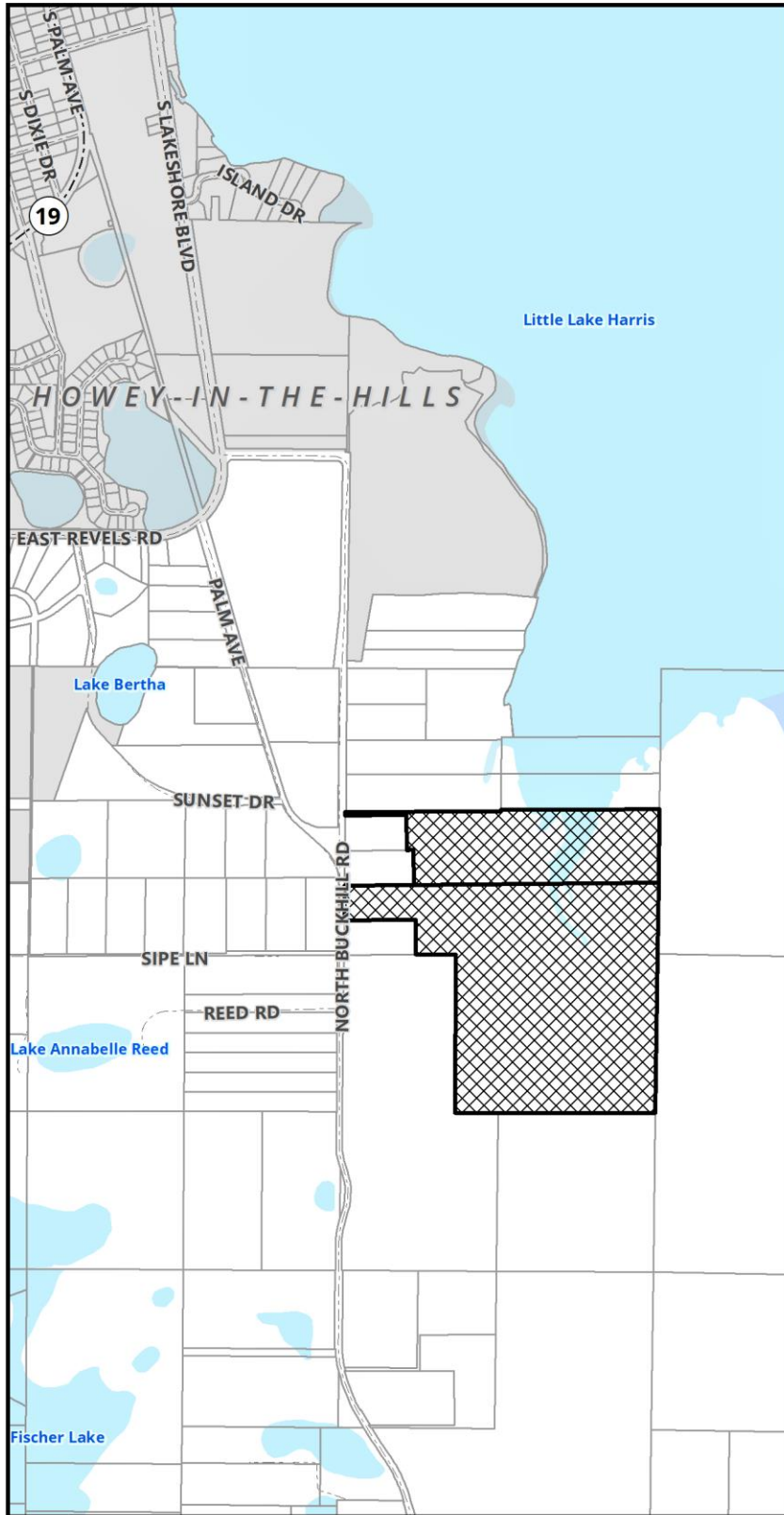
To show that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, “*Even though the parcel does not have 150’ road frontage it does have 50’ and will not be a flag lot.*”

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,

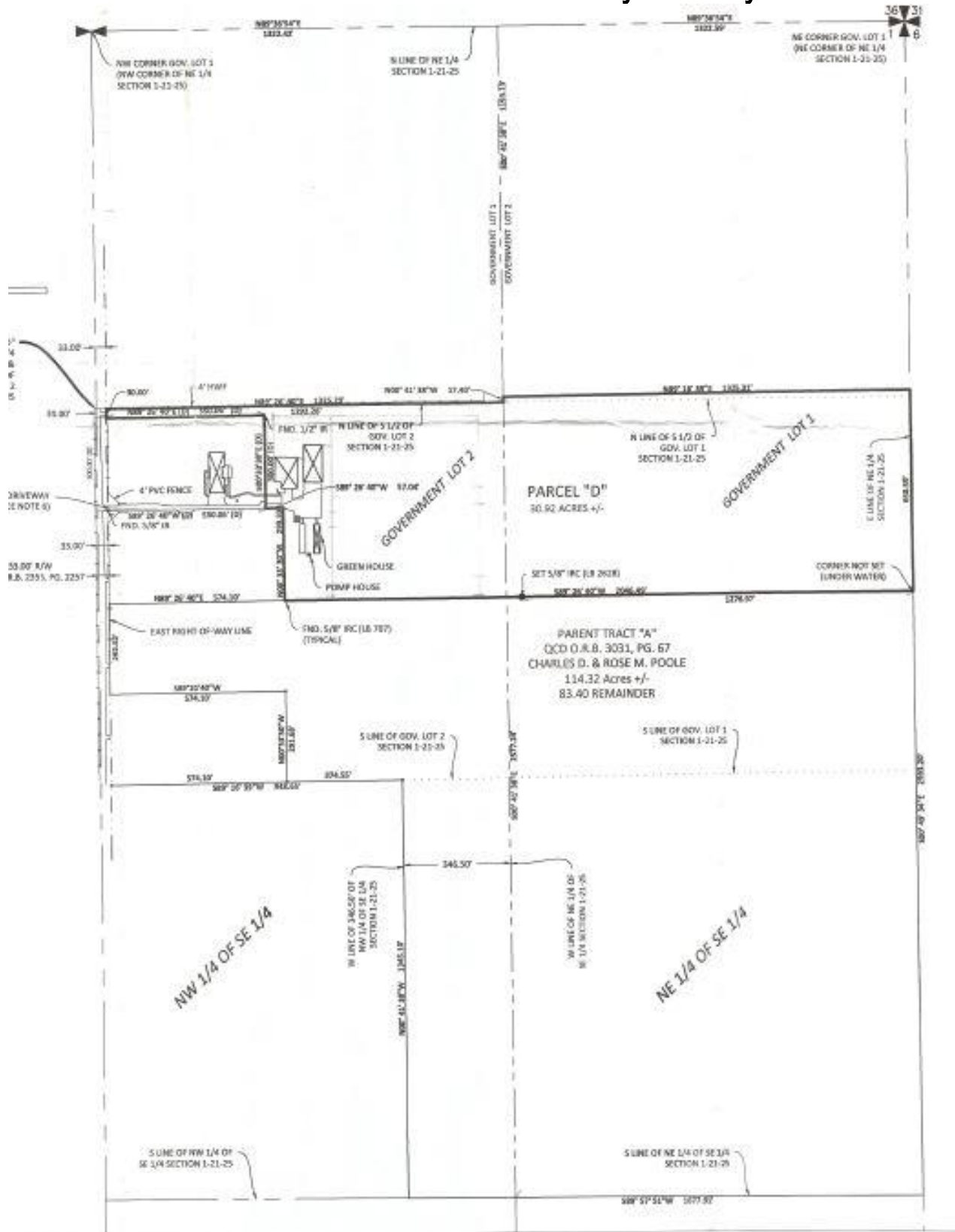
technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.

To show substantial hardship, the Applicant provided the following statement, *"We went through an attorney's [sic] & title co. We were not informed that we were required to do this process. I am 81 year [sic] old, we sold the property because we needed to downsize. My husband passed away & he did the sale, now I need to solve the process. I need a home and need to have this problem solved."*

Map of Subject Property



Attachment "A" – Boundary Survey



**Final Development Order
VAR-22-31-3
Poole & Oxford Property**

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

WHEREAS, Rose M. Poole and Tony Oxford (the “Applicants”), on behalf of Rose M. Poole, Tony Oxford and Tonya Oxford (the “Owners”), requested a variance to Land Development Regulations (LDR) Section 3.10.00, Road Frontage, to allow for the creation of a parcel, via the minor lot split process, which will have 30 +/- feet of road frontage, in lieu of 150-feet; and to LDR Section 14.11.01(D)(6) to allow for creation of a flag lot parcel; and

WHEREAS, the subject property consists of 121.78 +/- acres and is located east of the North Buckhill Road / Palm Avenue intersection in the Howey-in-the-Hills area of unincorporated Lake County, in Section 01, Township 21, Range 25, having Alternate Key Numbers 1301971 and 3926594, 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 August 25, 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 August 25, 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-22-31-3, to allow for the creation of a parcel, via the minor lot split process, which will have 30 +/- feet of road frontage, in lieu of 150-feet; and to allow for the creation of a flag lot.
- 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 25th day of August, 2022.
EFFECTIVE August 25, 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 25th day of August 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)**

EXHIBIT "A" – LEGAL DESCRIPTION

PARCEL "A"

THAT PART OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 1, TOWNSHIP 21 SOUTH, RANGE 25 EAST AND RUN S.00°33'30"E., ALONG THE WEST LINE OF THE NORTHEAST 1/4, A DISTANCE OF 629.32 FEET; THENCE N.89°26'40"E., 33.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF BUCKHILL ROAD AND THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING RUN N.89°26'40"E., 2620.58 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION; THENCE S.00°49'34"E., 2593.20 FEET ALONG SAID LINE TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE S.89°57'51"W., 1677.91 FEET ALONG SAID LINE TO THE WEST LINE OF THE 346.50 FEET OF THE NORTHWEST 1/4 OF SOUTHWEST 1/4 OF SAID SECTION; THENCE N.00°41'38"W., 1345.10 FEET ALONG SAID LINE TO THE SOUTH LINE OF GOVERNMENT LOT 2 OF SAID SECTION; THENCE S.89°16'39"W., 374.55 FEET ALONG SAID LINE; THENCE N.00°33'30"W., 291.68 FEET; THENCE S.89°21'40"W., 574.10 FEET TO THE SAID EAST RIGHT-OF-WAY LINE OF BUCKHILL ROAD; THENCE N.00°33'30"W., 292.52 FEET ALONG SAID LINE TO THE POINT OF BEGINNING.

CONTAINING 83.28 ACRES, MORE OR LESS.

And

PARCEL "D"

THAT PART OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 1 TOWNSHIP 21 SOUTH, RANGE 25 EAST; THENCE N.89°26'40"E., 1325.29 FEET TO THE EAST LINE OF GOVERNMENT LOT 1 OF SAID SECTION 1; THENCE N.00°41'38"W., 17.40 FEET, ALONG SAID EAST GOVERNMENT LOT LINE; THENCE N.89°16'39"E., 1325.31 FEET, DEPARTING SAID LINE TO THE EAST LINE OF THE NORTHEAST ONE QUARTER OF SAID SECTION 1; THENCE S.00°49'34"E., 650.59 FEET, ALONG SAID EAST LINE OF SECTION 1; THENCE S.89°26'40"W., 2046.49 FEET, DEPARTING SAID LINE TO THE SOUTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 3981, PAGE 2289, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE N.00°33'30"W., 299.33 FEET, ALONG THE EAST LINE OF SAID PARCEL; THENCE S.89°26'40"W., 57.04 FEET, ALONG THE NORTH LINE OF SAID PARCEL; THENCE N.00°33'30"W., 300.00 FEET DEPARTING SAID LINE; THENCE S.89°26'40"W., 550.06 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1; THENCE N.00°33'30"W., ALONG SAID WEST LINE OF THE NORTHEAST 1/4, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, LESS RIGHT-OF-WAY FOR BUCKHILL ROAD.