



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 11  
 Public Hearing Date: November 10, 2022  
 Case No. and Project Name: VAR-22-44-4, Taylor Property  
 Owner: Susan Bailes Taylor  
 Applicant: Mary Synan  
 Requested Action: Variance to Land Development Regulations (LDR) Section 14.11.02.D.10 to allow for a property to be sold before the 5-year deed restriction has expired, for a property created via a Family Density Exception (FDE) Lot Split (LS-2018-28-4).  
 Case Manager: James Frye, Planner

### Subject Property Information

Size: 34.31 +/- acres  
 Location: West of Britt Road in the unincorporated Mount Dora area of Lake County, specifically located at 3735 Britt Road.  
 Alternate Key No.: 2598921  
 Future Land Use: Rural Transition  
 Current Zoning District: Agriculture (A)  
 Flood Zone: "X"  
 Joint Planning Area (JPA) / ISBA: Mount Dora JPA  
 Overlay Districts: Wekiva Study Area

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture (A)	Vacant Residential / Agriculture	Vacant residential parcel created by LS 2018-28-4; agriculturally-exempt.
South	Rural Transition	Agriculture (A)	Vacant Residential / Agriculture	Vacant residential parcel created by LS-2018-28-4; agriculturally-exempt.
East	Rural Transition	Agriculture (A)	Residential / Agriculture	Single-Family Residential
West	City of Mount Dora	City of Mount Dora	Residential	Lakes of Mount Dora subdivision located within the City of Mount Dora

### Summary of Request.

The subject property, identified as Alternate Key Number 2598921, contains 34.31 +/- acres, is zoned Agriculture (A), and is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is located west of Britt Road in the unincorporated Mount Dora area of Lake County, specifically at 3735 Britt Road. The subject property is currently vacant and undeveloped, with an Agricultural exemption for tax purposes through the Property Appraiser's Office.

LDR Section 14.11.02(D)(10), requires that parcels created for family members via an FDE lot split must be retained by the family members for a minimum of five (5) years, pursuant to County approved deed restrictions recorded in the public records. This requirement does not apply to institutional lenders who obtain ownership as a result of foreclosure or deed in lieu of foreclosure. The subject property was created via a FDE Lot Split (LS-2018-28-4) from a 102 +/- acre parent parcel, and was approved on February 27, 2019 (Attachment "B" – Survey). The applicant has requested a Variance to LDR Section 14.11.02.D.10 to facilitate sale of the subject property before the mandated 5-year deed restriction has expired. If the variance is not granted, the owner would be required to retain the parcel until February 27, 2024.

A Pre-Submittal Application (Application Request No. 4803) for a proposed residential subdivision containing 196 lots with associated open space was previously submitted on March 22, 2022 for the subject property. A letter with comments pertaining to the Pre-Submittal was issued by staff on June 2, 2022 and the application was subsequently closed out. No further applications have been submitted under the proposed development plan.

The Variance application was provided to the Lake County Public Works Department and Lake County Chief Fire Inspector for review. The Public Works Department did not provide any comments nor opposition to the request. The Lake County Chief Fire Inspector provided one comment: "*Fire has no objection to the variance request.*"

The subject property is located within the Mount Dora Joint Planning Area (JPA). The Variance application was provided to the City of Mount Dora for courtesy review. Mount Dora provided the following response "*The City has no objections or concerns regarding the variance request but comments and/or concerns may be provided when a formal development application is submitted for the subject property.*"

### 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.D.10, is to ensure that parcels created via FDE lot splits, which may not conform to the density and lot standards of the underlying zoning district and/or future land use category, are created for use by ascending/descending family members as a primary residence and not for transactional sale to unrelated parties.

Pursuant to LDR Section 14.11.02.F, *Exceptions to the Five Year Retention Requirement*, upon meeting the requirements of D. and E. of this Section, a Variance may be applied for from the requirement, if the following can be demonstrated by the property owner:

- a. Circumstances beyond the control of the property owner have caused a need for the property owner to sell the property, including but not limited to, death, divorce, employment obtained elsewhere, military service, etc.; and
- b. Without granting such variance, substantial hardship would be placed on the property owner.

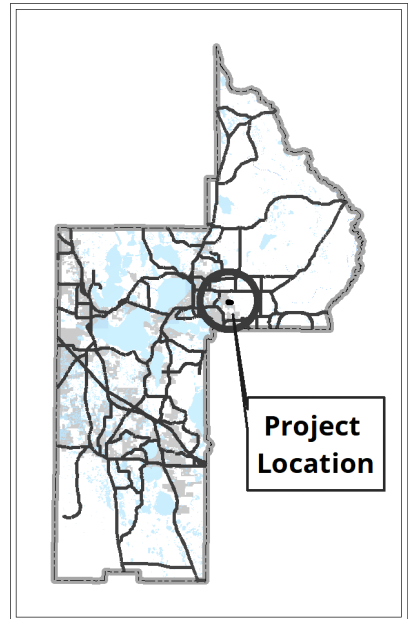
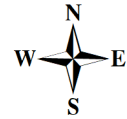
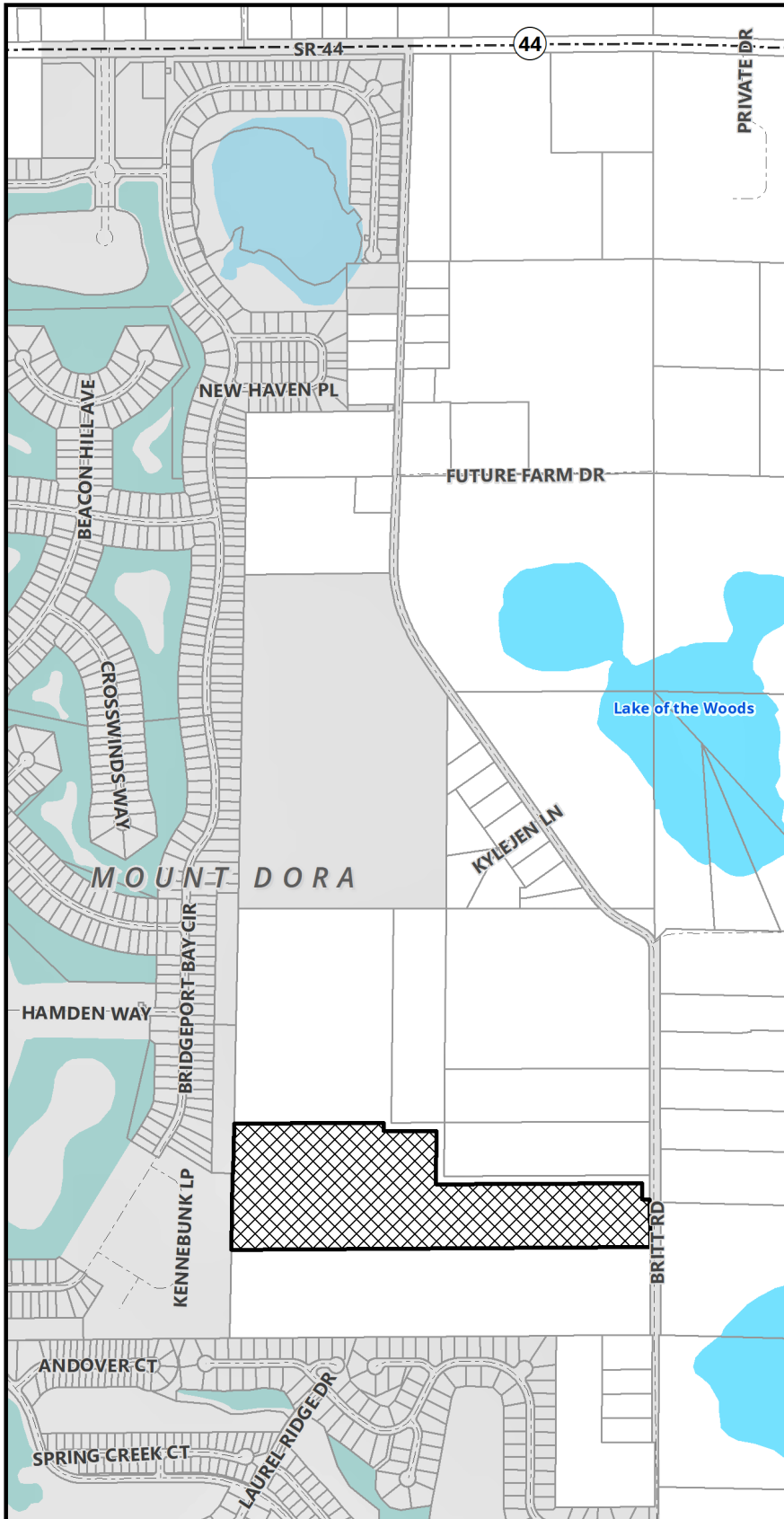
To show that the intent of the Code will be or has been achieved by other means, the Applicant provided the following statement, "*Almost three years of the five-year moratorium on sales after a lot split have already passed. Our family members need to sell the land now due to age/health related issues.*"

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 a statement *"Poor health requires immediate financial need for extensive medical care. Elderly property owner can no longer care for self and has been committed to a facility. Financial limitations do not allow for ability to fund appropriate levels of care as well as property taxes. Economic forecasts report that current opportunities for funding are not guaranteed to be available at the same level in a year and a half."*



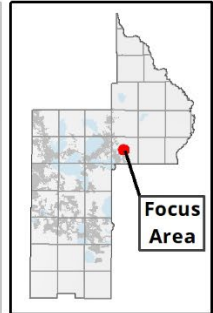
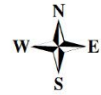
# Map of Subject Property





# Aerial Map

VAR-22-44-4  
Taylor Property



Lot Split With  
Deed Restriction  
Adjustment



**Final Development Order  
VAR-22-44-4  
Taylor Property**

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

**WHEREAS**, Mary Synan (the “Applicant”), on behalf of Susan Bailes Taylor (the “Owner”), requested a variance to Land Development Regulations (LDR) Section 14.11.02.D(10) to allow for a property to be sold before the 5-year deed restriction has expired, for a property created via a Family Density Exception (FDE) Lot Split (LS-2018-28-4); and

**WHEREAS**, the subject property consists of 34.31 +/- acres and is located West of Britt Road in the unincorporated Mount Dora area of Lake County, specifically located at 3735 Britt Road, in Section 16, Township 19, Range 27, having Alternate Key Number 2598921, and more particularly described below; and

FROM SOUTH 1/4 CORNER OF SECTION 16 TOWNSHIP 19 SOUTH RANGE 27 EAST RUN NORTH 01-08-19 EAST ALONG WEST LINE OF SOUTHEAST 1/4 A DISTANCE OF 546.47 FEET FOR POINT OF BEGINNING, CONTINUE NORTH 01-08-19 EAST 786.35 FEET, NORTH 89-49-59 EAST 927.58 FEET, SOUTH 00-36-14 WEST 50 FEET, NORTH 89-49-59 EAST 326.57 FEET, SOUTH 00-25-03 WEST 331.68 FEET, NORTH 89-44-20 EAST 1277.35 FEET, SOUTH 00-02-02 EAST 100 FEET, NORTH 89-44-20 EAST 50 FEET TO WESTERLY RIGHT OF WAY OF BRITT ROAD, THENCE RUN SOUTH 00-02-02 EAST ALONG THE RIGHT OF WAY OF BRITT ROAD A DISTANCE OF 294.11 FEET, RUN SOUTH 89-33-21 WEST 2594.48 FEET TO THE POINT OF BEGINNING ORB 5286 PG 673 ORB 5633 PG 232 ORB 5817 PG 747

**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 November 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 November 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-22-44-4, to allow for a property to be sold before the 5-year deed restriction has expired, for a property created via a Family Density Exception (FDE) Lot Split (LS-2018-28-4).

**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 10<sup>th</sup> day of November 2022.

**EFFECTIVE** November 10, 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 10<sup>th</sup> day of November 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)**