



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 8

Public Hearing Date: November 10, 2022

Case No. and Project Name: VAR-22-38-3, Burnham Property

Owner: Kathleen Burnham

Applicant: Corey Maynard

Requested Action: Variance to Land Development Regulations (LDR) Section 14.11.02.D(7)(b) to allow for the creation of two (2) lots, via the family density exception lot split process, which will front on an easement which connects to another easement, in lieu of an easement which connects to a publicly-maintained paved road.

Case Manager: James Frye, Planner

### Subject Property Information

Size: 3.00 +/- acres

Location: 23913 Blue Gem Lane, in the unincorporated Howey-In-The-Hills area of Lake County.

Alternate Key No.: 3853631

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "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	Agriculture (A)	Residential	Single-Family Residence with wetlands, Howey-In-The-Hills Single-Family Residence on large tract with wetlands.
South	Rural	Agriculture (A)	Residential	Single-Family Residences
East	Rural	Agriculture (A)	Residential	Single-Family Residences
West	Rural	Agriculture (A)	Residential	Single-Family Residences

### Summary of Request.

The subject property, identified as Alternate Key Number 3853631, contains 3.00 +/- acres, is zoned Agriculture (A), and is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Specifically, the subject property is located 23913 Blue Gem Lane, in the unincorporated Howey-In-The-Hills area of Lake County. The subject property is currently developed with a single-family dwelling unit and related accessory uses.

The Applicant has requested a variance to LDR Section 14.11.02.D(7)(b) to allow for the creation of two (2) lots, via the family density exception lot split process, which will front on an easement which connects to another easement, in lieu of an easement connecting to a publicly-maintained paved road. The proposed lot split is depicted on the boundary survey (Attachment "A") and depicts the proposed 50-foot-wide easement for access. The applicant has applied for a Family Density Exception lot split, contingent on the approval of this variance request.

The subject properties are located within the Howey-In-The-Hills ISBA. The variance application was provided to the Town Manager of Howey-In-The-Hills for courtesy review, Howey-In-The-Hills 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. 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.*"

### 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.**

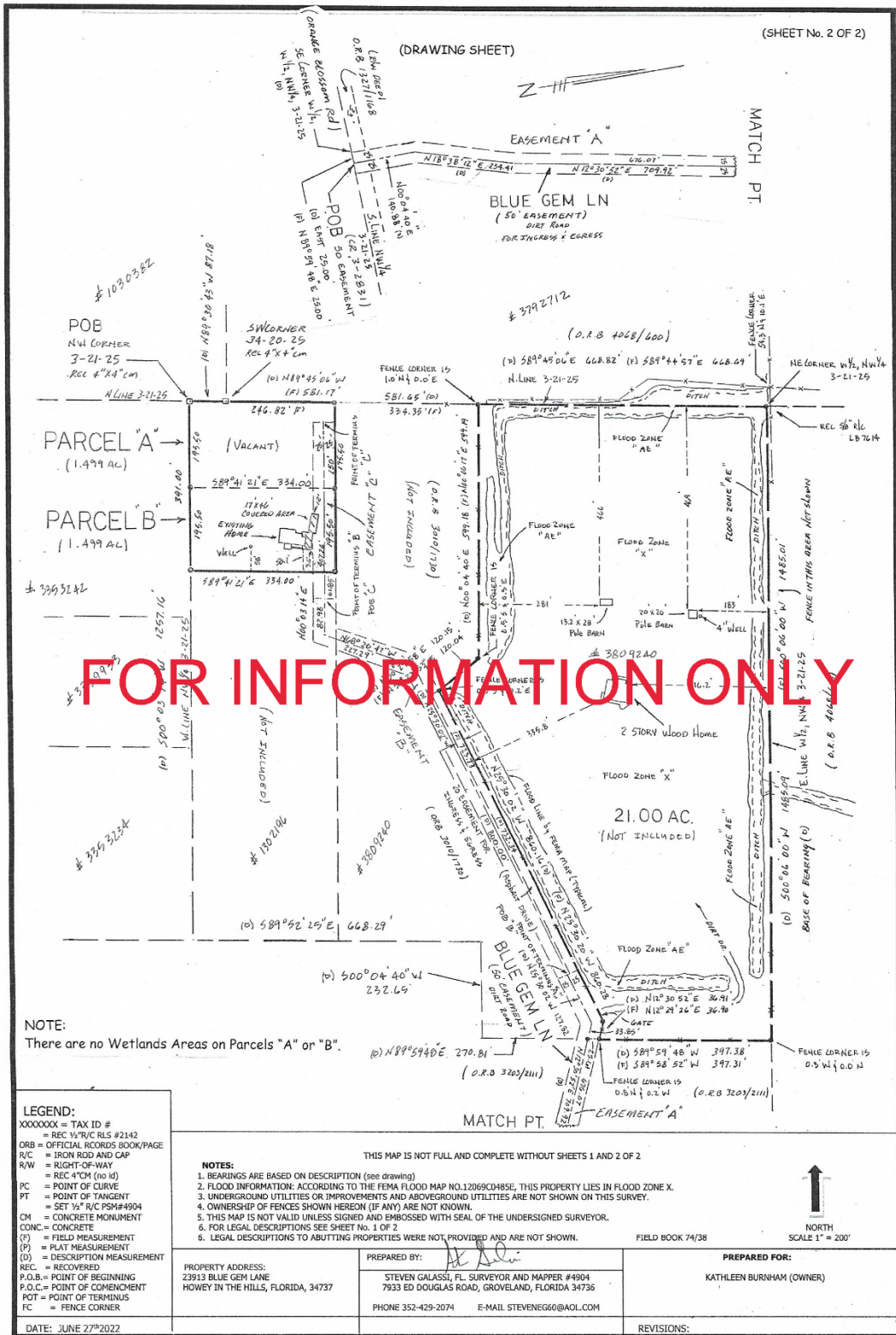
The intent of the Code, LDR Section 14.11.02(D)(7), is to ensure that properties being split have the facilities that are required for the development of parcels such as roads and appropriate emergency access.

To show that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, "*Single family manufactured home to be put on property.*"

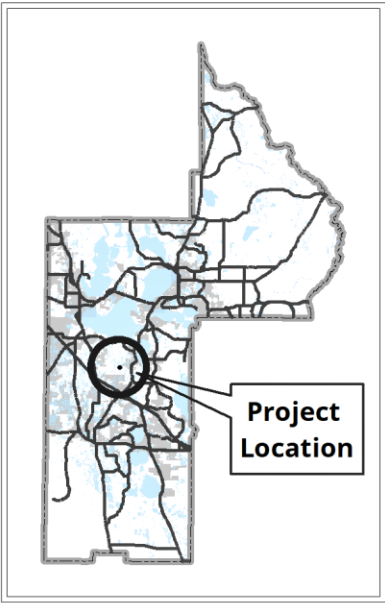
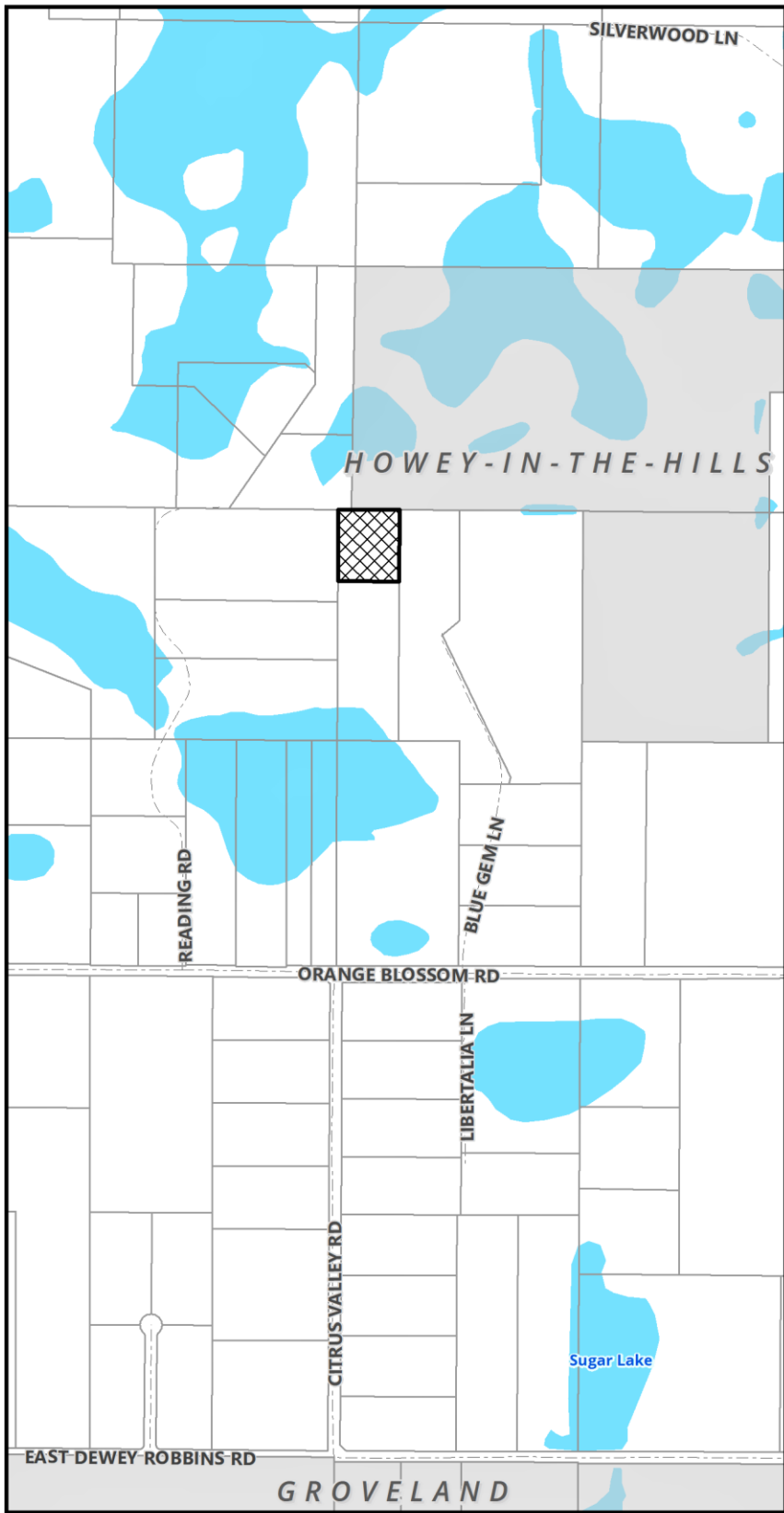
**2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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 a substantial hardship, the Applicant provided the following statement, "*Property easement not connected to a county maintained paved road. Variance is necessary for the family lot split. Split is needed to move on to the property.*"

# Attachment "A" – Boundary Survey



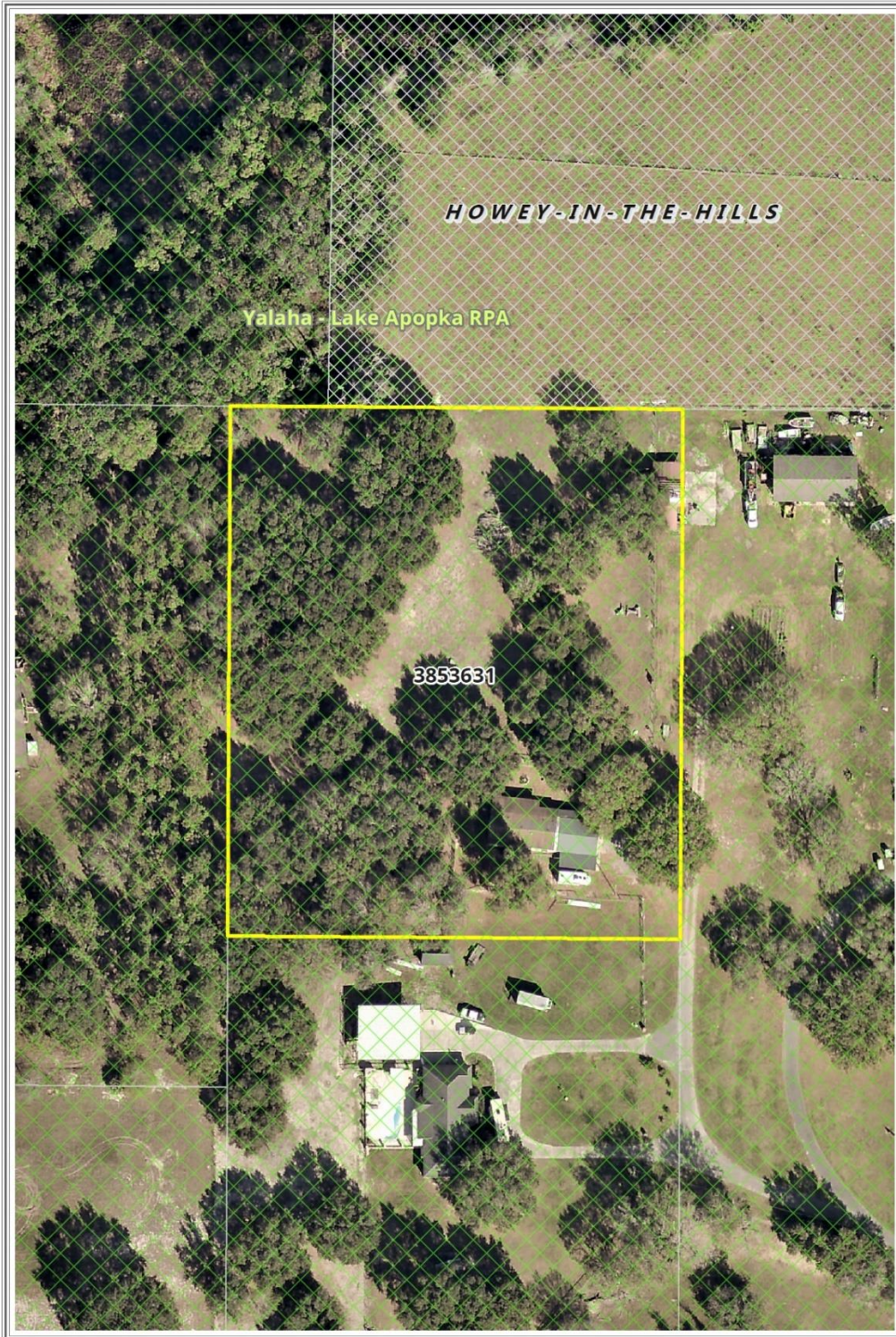
# Map of Subject Property



# Aerial Map



VAR-22-38-3  
Burnham Property



Allow Lot Split  
On Easement

Legend

 Yalaha - Lake Apopka RPA

**Final Development Order  
VAR-22-38-3  
Burnham Property**

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

**WHEREAS**, Corey Maynard (the “Applicant”), on behalf of Kathleen Burnham (the “Owner”), requested a variance to Land Development Regulations (LDR) Section 14.11.02.D(7)(b) to allow for the creation of two (2) lots, via the family density exception lot split process, which will front on an easement which connects to another easement, in lieu of an easement which connects to a publicly-maintained road; and

**WHEREAS**, the subject property consists of 3.00 +/- acres and is located at 23913 Blue Gem Lane in the unincorporated Howey-In-The-Hills area of Lake County, in Section 04, Township 21, Range 25, having Alternate Key Number 3853631, and more particularly described below; and

N 391 FT OF W 334 FT OF THE FOLLOWING DESC PROPERTY: BEG AT NW COR OF SEC, RUN S 0-03-14 W 1257.16 FT, S 89-52-25 E 668.29 FT, S 0-04-40 W 232.65 FT, N 89-59-48 E 270.81 FT, N 12-30-52 E 36.91 FT, N 25-30-02 W 860.16 FT, N 50-29-58 E 120.15 FT, N 0-04-40 E 599.18 FT TO N LINE OF SEC, N 89-45-06 W 581.65 FT, N 89-30-43 W 87.18 FT TO POB ORB 4478 PG 2171

**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-22-38-3, to allow for the creation of two (2) lots, via the family density exception lot split process, which will front on an easement which connects to another easement, in lieu of an easement which connects to a publicly-maintained 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.

**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)**