



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: December 8, 2022

Case No. and Project Name: VAR-22-47-4, Quigley Family Trust Property

Owner: Quigley Family Trust

Applicant: John Quigley

Requested Action: Variance to Land Development Regulation (LDR) Section 14.11.01.(D).(1.) to allow the creation of two (2) lots, via the Minor Lot Split process, where the subject parcel was created through the Family Density Exemption process (FDE 98-0079) and LDR Section 14.11.01.(D).(2.) to allow for the creation of two (2) lots, via the Minor Lot Split process, which will front on a publicly maintained clay road or easement in lieu of a publicly maintained paved road.

Case Manager: James Frye, Planner

Subject Property Information

Size: 39.43 +/- acres

Location: East of Piney Acres Trail, in the unincorporated Paisley area of Lake County.

Alternate Key No.: 3848748

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zones: "X" and "A"

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

Overlay Districts: Wekiva – Ocala 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
South	Rural	Agriculture (A)	Residential	Single-Family Residences
East	Rural	Agriculture (A) and Rural Residential (R-1)	Vacant	Large Tract of Vacant Ag Exempt Land, Wetlands
West	Rural	Agriculture (A)	Residential	Single-Family Residences, adjacent to Piney Acres Trail

Summary of Request.

The subject property, identified as Alternate Key Number 3848748 contains 39.43 +/- acres, is zoned Agriculture (A), and is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is generally located east of Piney Acres Trail in the unincorporated Paisley area of Lake County. The subject property is currently vacant and undeveloped. The property has an Agricultural exemption for tax purposes through the Property Appraiser's Office.

The Applicant has requested a Variance to LDR Section 14.11.01.(D.)(1.) to allow for a property to be split, via the Minor Lot Split process, where the subject parcel was created via the Family Density Exemption process (FDE 98-0079) and LDR Section 14.11.01.(D.)(2.) to allow for the creation of two (2) lots, via the Minor Lot Split process, which will front on a publicly maintained clay road or easement in lieu of a publicly maintained paved road. The proposed lot split is depicted on the boundary survey (Attachment "A").

The Variance application was provided to the Lake County Public Works Department and Lake County Chief Fire Inspector for review. The Public Works Department recommended approval of the Variance request with the following condition: "Diana Layne is an unmaintained dirt road that is not part of the county road maintenance. Lake County shall not be obligated to maintain the road right-of-way with the approval of this variance and future lot split." The Lake County Chief Fire Inspector provided one comment: "Fire has no objection to the variance request for Lot Split."

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.

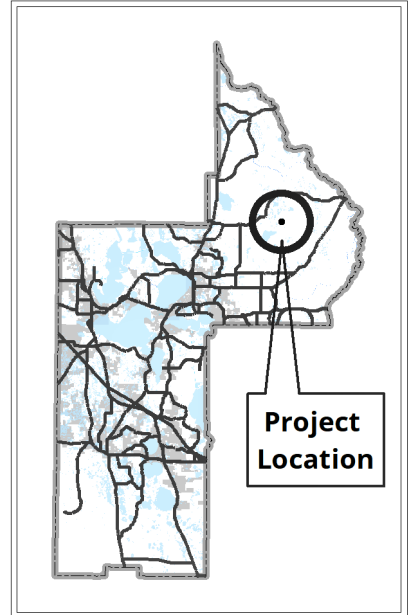
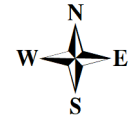
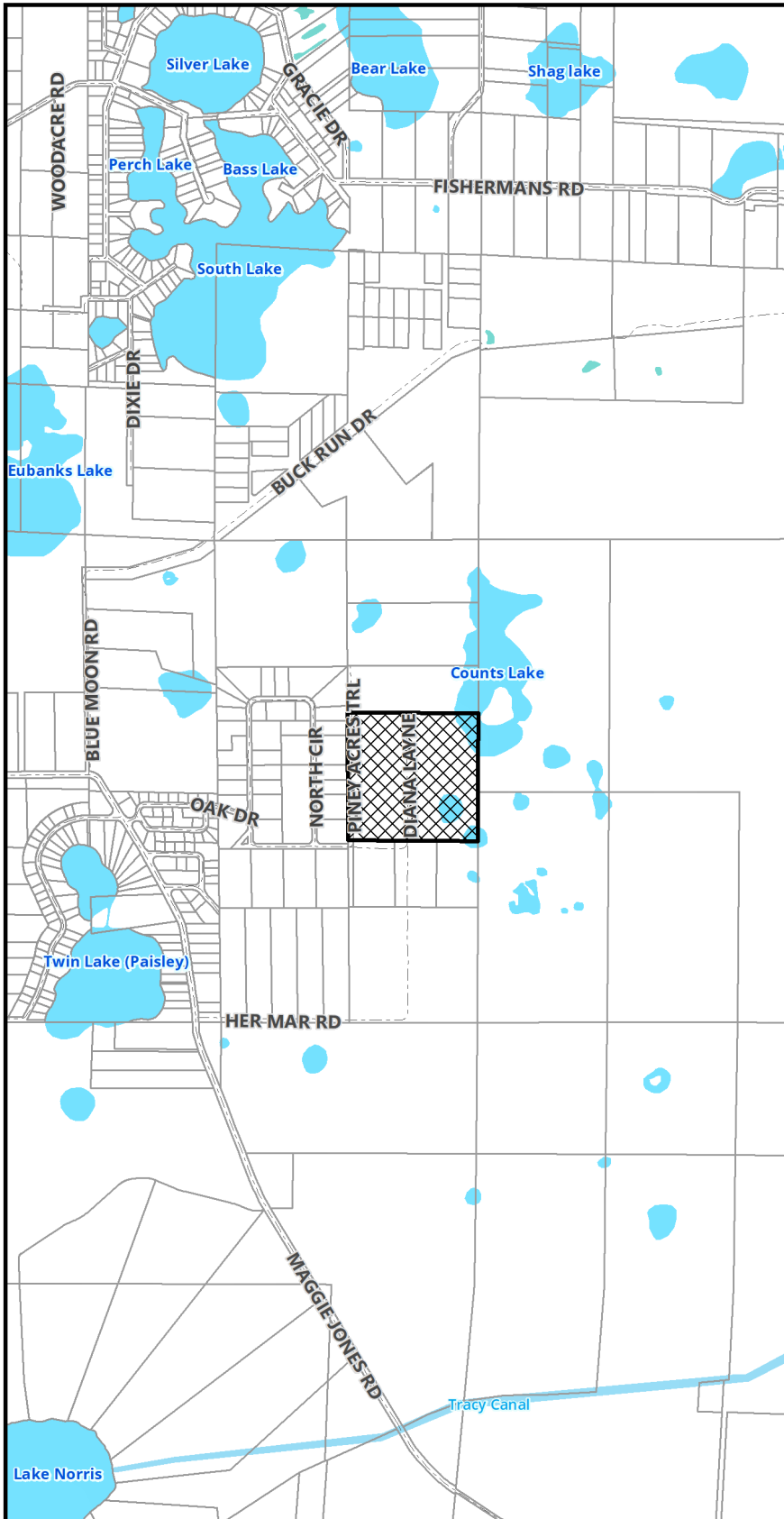
The intent of the Code, LDR Section 14.11.01, is to ensure that properties being split have the facilities that are required for the development of parcels such as roads and appropriate emergency access.

To show that the intent of the Code will be or has been achieved by other means, the Applicant provided the following statement, "Allowing a variance will not negatively affect the traffic or community in any way. Thank you for your consideration."

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, "The cost to pave the public road to the property is cost prohibitive (much higher than the property value). This seems unfair when the easements are being used for multiple properties already."

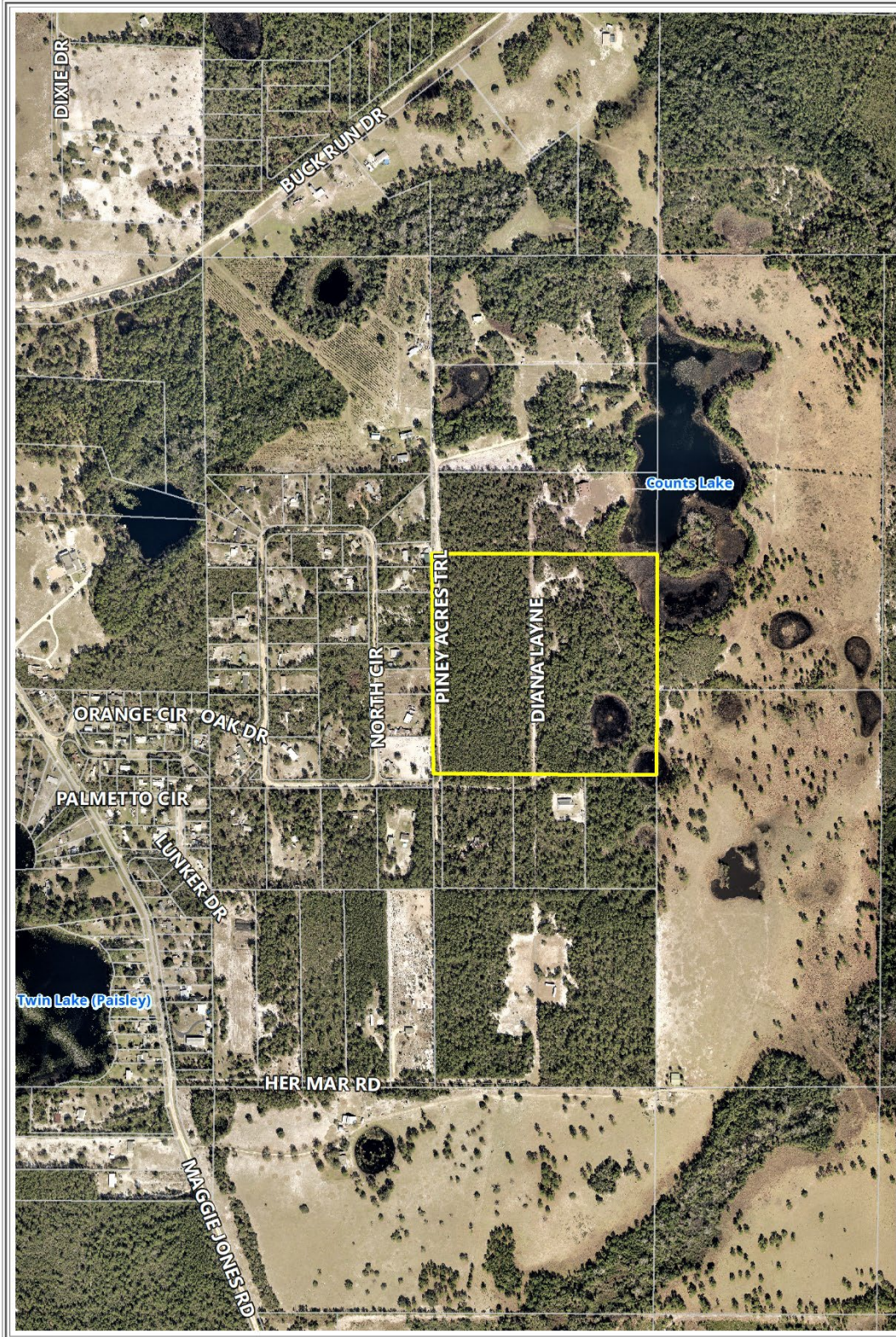
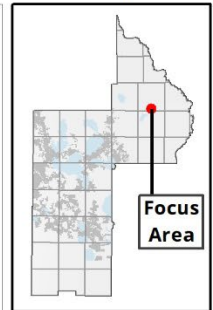
Map of Subject Property



Aerial Map



VAR-22-47-4
Quigley Trust Property



Minor Lot Split
On Easement
Adjustment

**Final Development Order
VAR-22-47-4
Quigley Family Trust Property**

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

WHEREAS, John Quigley (the “Applicant”), on behalf of Quigley Family Trust (the “Owners”), requested a Variance to Land Development Regulations (LDR) Section 14.11.01.D.1 to allow the creation of two (2) parcels via the Minor Lot Split process, where the subject parcel was created through the Family Density Exemption process (FDE 98-0079) and LDR Section 14.11.01.D.2 to allow for the creation of two (2) lots, via the Minor Lot Split process, which will front on a publicly maintained road or easement in lieu of a publicly maintained paved road; and

WHEREAS, the subject property consists of 39.43 +/- acres and is located east of Piney Acres Trail, in the unincorporated Paisley area of Lake County, in Section 27, Township 17, Range 28, having Alternate Key Number 3848748 and more particularly described below;

S 3/4 OF SE 1/4 OF NE 1/4--LESS N 1/2 OF S 1/2 OF N 1/2 OF SE 1/4 OF NE 1/4--N
501.37 FT OF NE 1/4 OF SE 1/4

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 December 8, 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 December 8, 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-22-47-4 to allow the creation of two (2) parcels via the Minor Lot Split process, where the subject parcel was created through the Family Density exemption process (FDE 98-0079) and LDR Section 14.11.01.D.2 to allow for the creation of two (2) lots, via the Minor Lot Split process, which will front on a publicly maintained clay road or easement in lieu of a publicly maintained paved road with the following conditions:

1. The minor lot split application be submitted within twelve (12) months form the Board of Adjustment (BOA) approval; and
2. The County shall not be obligated to maintain the easement; and

3. The proposed parcels being created through the minor lot split process shall not be split any further.

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 8th day of December 2022.

EFFECTIVE December 8, 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 8th day of December 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)**