



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: January 12, 2023

Case No. and Project Name: VAR-22-39-4, Mather Property

Owner: Glen Ashley Mather and Loida Lynette Mather

Applicant: Christopher J. Shipley

Requested Action: Variance to Land Development Regulation (LDR) Section 14.11.02.D(7)(b) to allow for the creation of four (4) 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: 40.86 +/- acres

Location: 21046 Future Farm Drive, in the unincorporated Mount Dora area of Lake County.

Alternate Key No.: 2598883

Future Land Use: Rural Transition

Current Zoning District: Agriculture (A)

Flood Zone: "X" and "A"

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

Overlay Districts: Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture (A)	Residential	Ornamental Nursery, agriculturally-exempt
South	Rural Transition	Agriculture (A)	Residential	Single-Family Residences, Wetlands
East	Rural Transition	Agriculture (A)	Residential	Single-Family Residences, agriculturally-exempt
West	Rural Transition	Agriculture (A)	Residential	Large vacant tract, agriculturally-exempt, Wetlands

Summary of Request.

The subject property, identified as Alternate Key Number 2598883, contains 40.86 +/- acres, is zoned Agriculture (A), and is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Specifically, the subject property is located east of Britt Road and south of Future Farm Drive at 21046 Future Farm Drive, in the unincorporated Mount Dora area of Lake County. The subject property is currently developed with a single-family dwelling unit and related accessory uses. There is an Agricultural-Exemption for tax purposes through the Property Appraiser's Office.

The Applicant has requested a Variance to LDR Section 14.11.02.D(7)(b) to allow for the creation of four (4) lots, via the family density exception lot split process. The lots will front on an easement which connects to another easement, in lieu of an easement which connects to a publicly-maintained paved road. The proposed lot split is depicted on the boundary survey (Attachment "A").

The subject property is located within the Wekiva Study Area.

The Variance application was provided to the Lake County Public Works Department and Lake County Chief Fire Inspector for review. Public Works Department provided one comment: "*Future Farm Drive is an unmaintained dirt road that is not part of the county road maintenance. Lake County shall not be obligated to maintain the private road and easement 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 provided the access road is stabilized for emergency access. Any future lot split for parcels less than one (1) acre will require single family sprinkler systems.*" Pursuant to LDR Section 14.11.02.D(2), each proposed lot shall be a minimum of one (1) acre of uplands.

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.

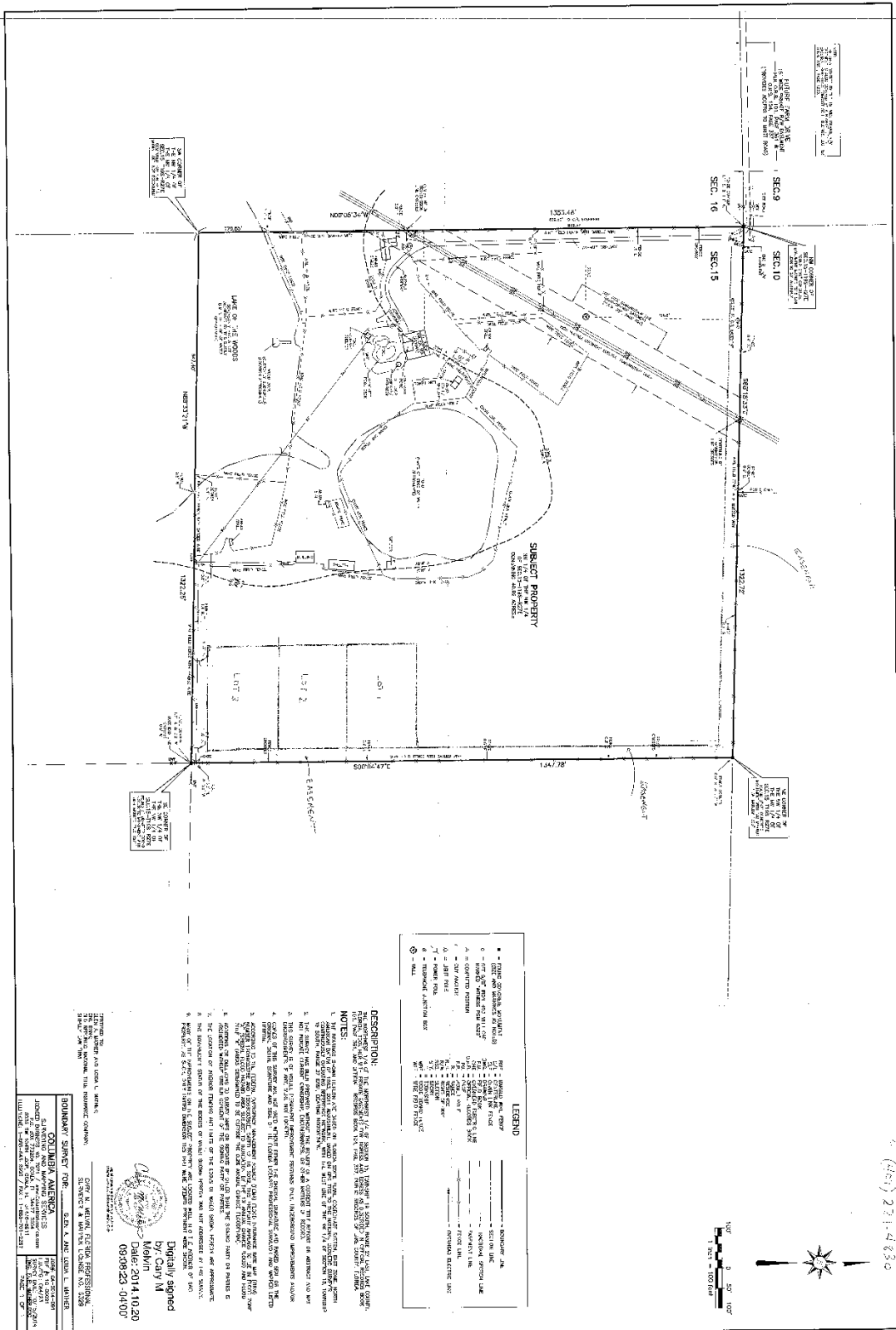
The intent of the Code, LDR Section 14.11.02(D)(7), is to ensure that properties being split have the facilities that are required for the development of parcels such as roads and appropriate emergency access.

To show that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, "*The subject property is zoned Agricultural (A) with a Rural [Transition] Future Land Use designation. The requested variance is consistent with Comprehensive Plan Policy I-1.4.1, Elements of Rural Character. The proposed development of the subject property would create three single family home sites of at least one acre each through a Family Density Exception. The existing unpaved road is more desirable for, and consistent with, a rural lifestyle.*"

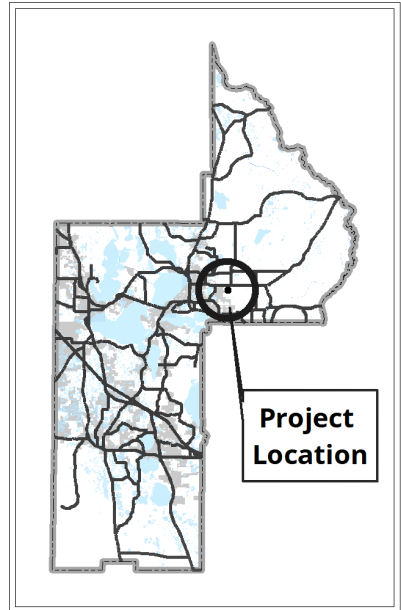
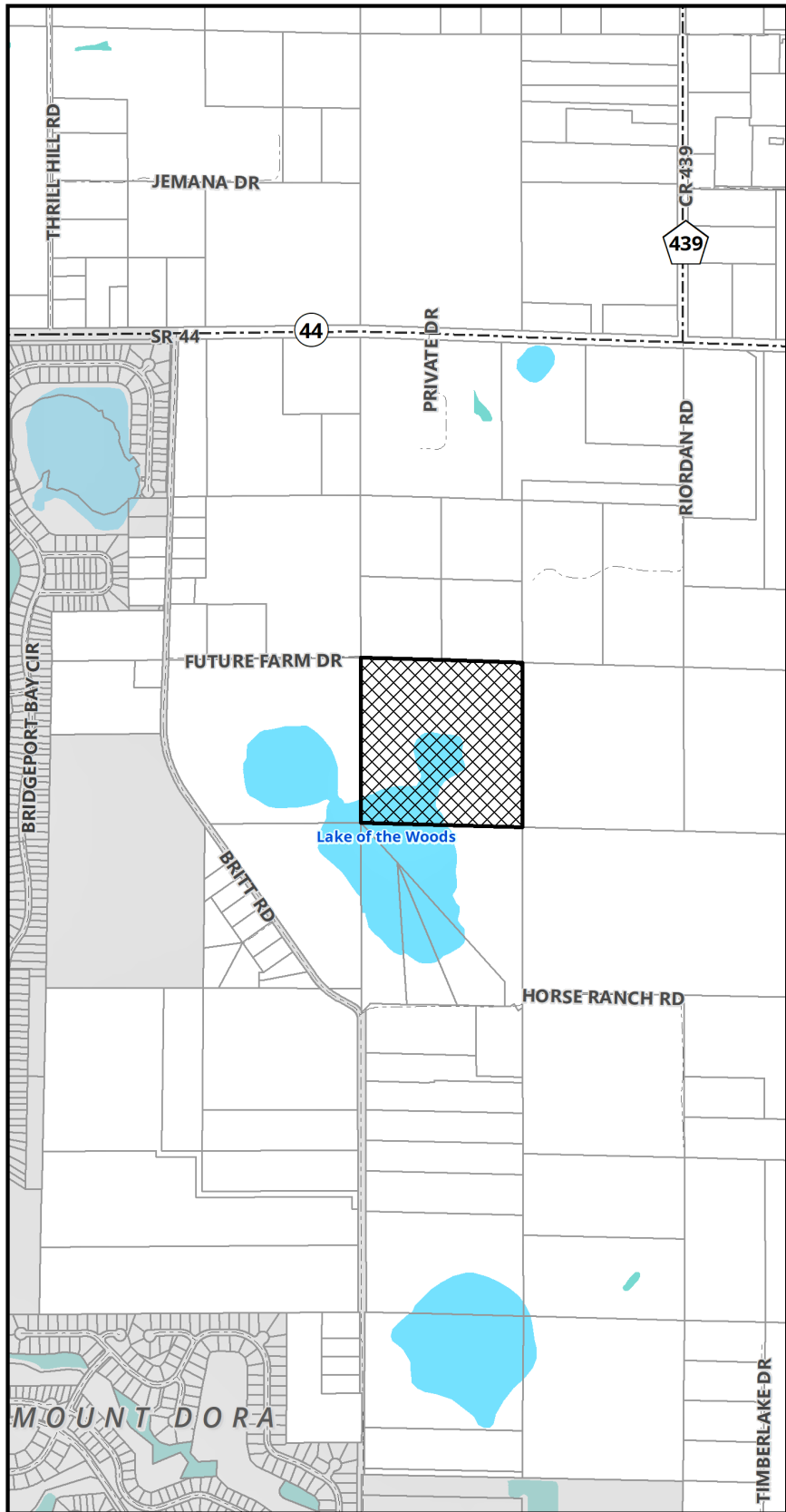
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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 subject property fronts on a private easement known as Future Farm Drive, a publicly dedicated road. It would be a substantial hardship to require owners to pave Future Farm Drive before the subject property can be developed. Paving Future Farm Drive would encourage increased traffic volume and increased traffic speed in a rural area.*"

Attachment "A" – Boundary Survey



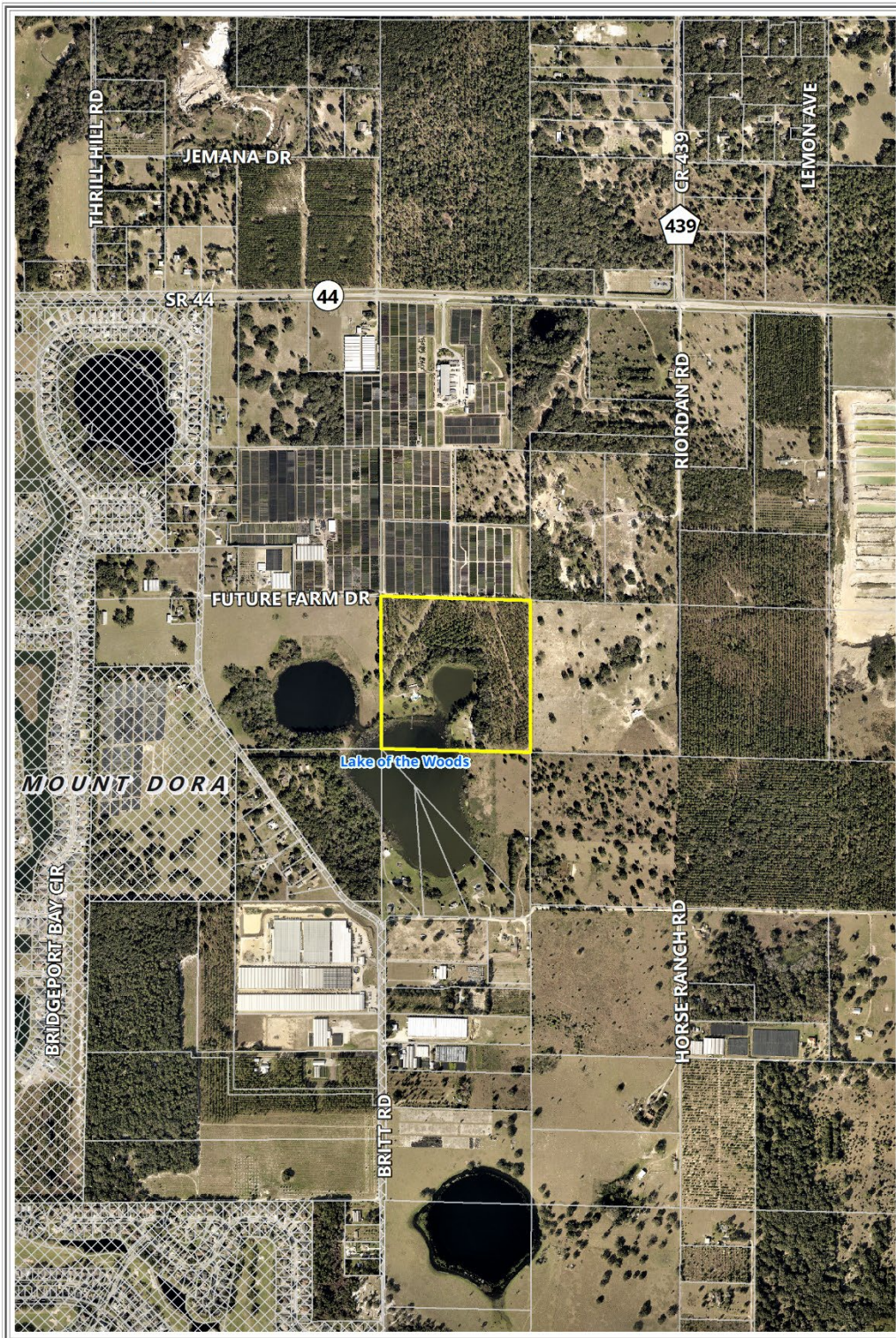
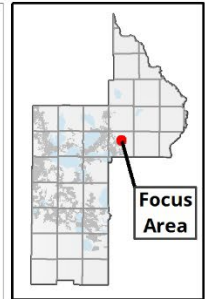
Map of Subject Property



Aerial Map



VAR-22-39-4
Mather Property



Family Density
Exception (FDE)
Lot Creation
Not On County
Maintained Road
Adjustment

**Final Development Order
VAR-22-39-4
Mather Property**

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

WHEREAS, Christopher J. Shipley (the “Applicant”), on behalf of Glen Ashley Mather and Loida Lynette Mather (the “Owners”), requested a Variance to Land Development Regulations (LDR) Section 14.11.02.D(7)(b) to allow for the creation of four (4) 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; and

WHEREAS, the subject property consists of 40.86 +/- acres and is located at 21046 Future Farm Drive in the unincorporated Mount Dora area of Lake County, in Section 15, Township 19, Range 27, having Alternate Key Number 2598883, and more particularly described below; and

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, TOGETHER WITH PRIVATE EASEMENTS FOR INGRESS AND EGRESS AS DESCRIBED IN OFFICIAL RECORDS BOOK 101, PAGE 361, AND OFFICIAL RECORDS BOOK 104, PAGE 337, ALL IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

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 January 12, 2023; 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 January 12, 2023, 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-22-39-4, to allow for the creation of four (4) 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.

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 12th day of January 2023.
EFFECTIVE January 12, 2023.**

**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 12th day of January 2023, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)