



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: April 5, 2023

Case No. and Project Name: VAR-23-08-4, 5150 Holdings LLC Property

Owner: 5150 Holdings LLC

Applicant: Logan Wilson

Requested Action: Variance to Land Development Regulation (LDR) Section 14.11.01.D(2) to allow for the creation of two (2) lots that are under the required minimum of twenty (20) acres, via the minor lot split process, and 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: Emily W. Johnson, AICP, Chief Planner
Janie Barrón, Chief Planner

Subject Property Information

Size: 24.5 +/- acres

Location: 19115 Bransons Way, in the unincorporated Umatilla area of Lake County.

Alternate Key No.: 1222729

Future Land Use: Rural Transition

Current Zoning District: Rural Residential (R-1)

Flood Zone: "X" and "A"

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

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture (A)	Agricultural and Vacant Residential	Large Vacant Residential and Agriculturally-Exempt Tracts
South	Rural Transition	Rural Residential (R-1) and Agriculture (A)	Residential	Single-Family Residences and Large Vacant Residential Tract
East	Rural Transition	Rural Residential (R-1) and Agriculture (A)	Residential	Single-Family Residences, adjacent to Lake Burns Road
West	Rural Transition	Rural Residential (R-1)	Residential and Agricultural	Single-Family Residence on Large Agriculturally-Exempt Tract

Summary of Request.

The subject property, identified as Alternate Key Number 1222729, contains 24.5 +/- acres, is zoned Rural Residential (R-1), 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 Lake Burns Road and north of Bransons Way at 19115 Bransons Way, in the unincorporated Umatilla area of Lake County. The subject property is currently vacant and undeveloped. There is an Agricultural-Exemption for tax purposes through the Property Appraiser's Office.

The Applicant has requested a Variance to LDR Section 14.11.01.D(2) to allow for the creation of two (2) lots that are under the required minimum of twenty (20) acres, via the minor 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 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: *"Looks like they could easily have both parcels front Lake Burns without an easement. I recommend they re-evaluate what they are requesting."* The subject property has approximately 486-feet of road frontage along Lake Burns Road, a paved county-maintained road; however, the applicant has requested the variance in order to split the parcel(s) from an easement which connects to an easement (Bransons Way).

The Lake County Chief Fire Inspector reviewed the application and did not provide any comments or objections to the 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 14.11.01(D)(2), is to ensure that properties being split have a minimum amount of acreage and 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 property is currently designated as Rural Transition on the Future Land Use Map and zoned R-1. The owner has created an easement providing for 150 feet of road frontage. All other aspects of the land use designation and zoning designation will be met."*

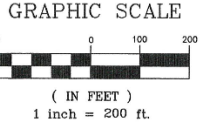
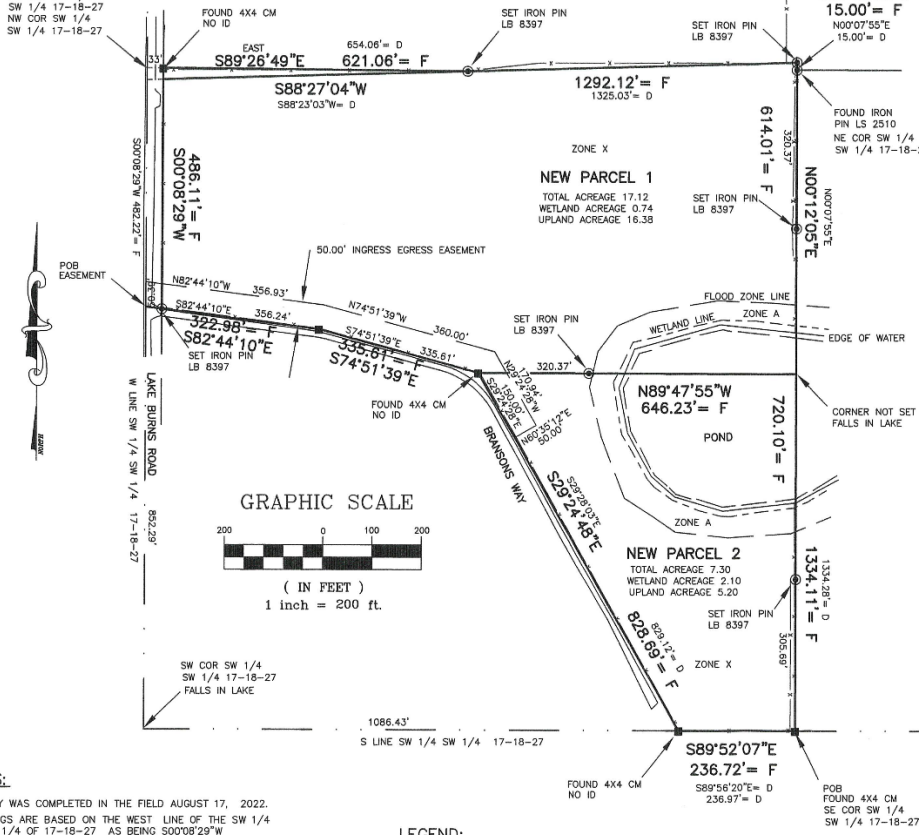
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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 only way to allow the second parcel to front a publicly maintained ROW would be to split the parcel at a point more North than proposed and therefore we would create irregular shaped parcels to give each of the parcels the enjoyment of being water front on the pond. Doing that would make the [parcels] less marketable and less desirable. Creating the easement solves this issue."*

Attachment "A" - Boundary Survey

EASEMENT SKETCH

POB POC
SW COR NW 1/4
SW 1/4 17-18-27
NW COR SW 1/4
SW 1/4 17-18-27



DESCRIPTION NEW PARCEL 2:
BEGIN AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 18 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, RUN SOUTH 0°04'50" WEST ALONG THE WEST LINE OF THE SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17 A DISTANCE OF 720.10 FEET; THENCE NORTH 89°47'58" WEST A DISTANCE OF 646.23 FEET; THENCE SOUTH 29°24'48" EAST A DISTANCE OF 828.69 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 17; THENCE SOUTH 89°52'07" EAST ALONG SAID SOUTH LINE A DISTANCE OF 236.72 FEET TO THE POINT OF BEGINNING.

DESCRIPTION NEW PARCEL 1:
FROM THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 18 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, RUN SOUTH 0°04'50" WEST ALONG THE WEST LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 17 A DISTANCE OF 24.00 FEET FOR A POINT OF BEGINNING; CONTINUE THENCE SOUTH 0°04'50" WEST ALONG SAID WEST LINE OF SAID SOUTHWEST 1/4 OF SECTION 17 A DISTANCE OF 458.34 FEET; THENCE SOUTH 82°49'32" EAST A DISTANCE OF 356.09 FEET; THENCE SOUTH 74°53'25" EAST A DISTANCE OF 335.70 FEET; THENCE SOUTH 29°28'03" EAST A DISTANCE OF 829.12 FEET, TO A POINT ON THE SOUTH LINE OF THE SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17; THENCE SOUTH 89°58'20" EAST A DISTANCE OF 236.97 FEET TO THE SOUTHEAST CORNER OF THE SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17, THENCE NORTH 0°07'55" EAST A DISTANCE OF 1334.28 FEET TO THE NORTHEAST CORNER OF THE AFORESAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17; CONTINUE THENCE NORTH 0°07'55" EAST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 17 A DISTANCE OF 15.00 FEET; THENCE SOUTH 88°23'03" WEST 1325.03 FEET TO THE POINT OF BEGINNING AND POINT OF TERMINUS. LESS RIGHT OF WAY FOR LAKE BURNS ROAD # 5-7575.

AND BEGIN AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 17, TOWNSHIP 18 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, AND RUN EAST 654.06 FEET, THENCE SOUTH 88°23'03" WEST TO THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, THAT IS 24.00 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, THENCE NORTH 24.00 FEET TO THE POINT OF BEGINNING. LESS

BEGIN AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 18 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, RUN NORTH 0°02'05" EAST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 17 A DISTANCE OF 720.10 FEET; THENCE NORTH 89°47'58" WEST A DISTANCE OF 646.23 FEET; THENCE SOUTH 29°24'48" EAST A DISTANCE OF 828.69 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 17; THENCE SOUTH 89°52'07" EAST ALONG SAID SOUTH LINE A DISTANCE OF 236.72 FEET TO THE POINT OF BEGINNING.

EASEMENT DESCRIPTION:
COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 18 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, RUN SOUTH 0°07'55" WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 17 A DISTANCE OF 482.22 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 82°44'10" EAST A DISTANCE OF 356.24 FEET; THENCE SOUTH 74°51'39" EAST A DISTANCE OF 335.61 FEET; THENCE SOUTH 29°24'28" EAST 150.00 FEET; THENCE NORTH 60°35'12" EAST A DISTANCE OF 50.00 FEET; THENCE NORTH 29°24'28" WEST A DISTANCE OF 70.94 FEET; THENCE NORTH 74°51'39" WEST A DISTANCE OF 360.00 FEET; THENCE NORTH 82°44'10" WEST A DISTANCE OF 356.93 FEET TO THE AFORESAID WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 17; THENCE S 0° 08' 29" WEST ALONG SAID WEST LINE 50.39 FEET TO THE POINT OF BEGINNING. LESS ROAD RIGHT OF WAY.

SURVEYORS CERTIFICATION: I HEREBY CERTIFY TO:
5150 HOLDINGS, LLC
THAT THE BOUNDARY SURVEY, AS REFLECTED HEREON, WAS PERFORMED UNDER MY RESPONSIBLE SUPERVISION AND DIRECTION, AND MEETS THE MINIMUM TECHNICAL STANDARDS RULE 5J-17.052.
Stevie B. Wiley
STEVEN B. WILEY DATE
FLORIDA PROFESSIONAL SURVEYOR & MAPPER
CERTIFICATE NUMBER 5951

- NOTES:**
- 1) SURVEY WAS COMPLETED IN THE FIELD AUGUST 17, 2022.
 - 2) BEARINGS ARE BASED ON THE WEST LINE OF THE SW 1/4 OF SW 1/4 OF 17-18-27 AS BEING S00°09'29"W
 - 3) UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER, THIS SURVEY IS FOR INFORMATIONAL PURPOSE ONLY AND IS NOT VALID.
 - 4) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHT OF WAY, OWNERSHIP OR OTHER MATTERS OF RECORD BY THIS FIRM.

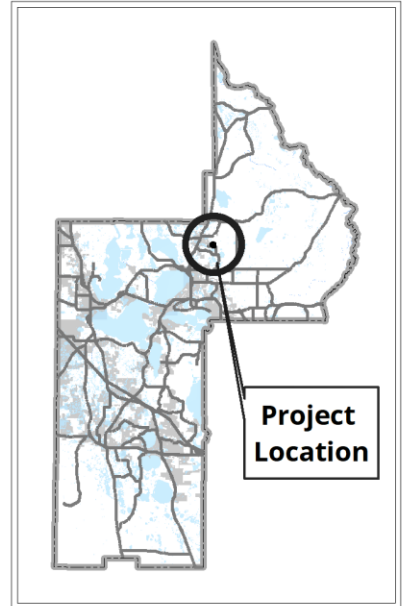
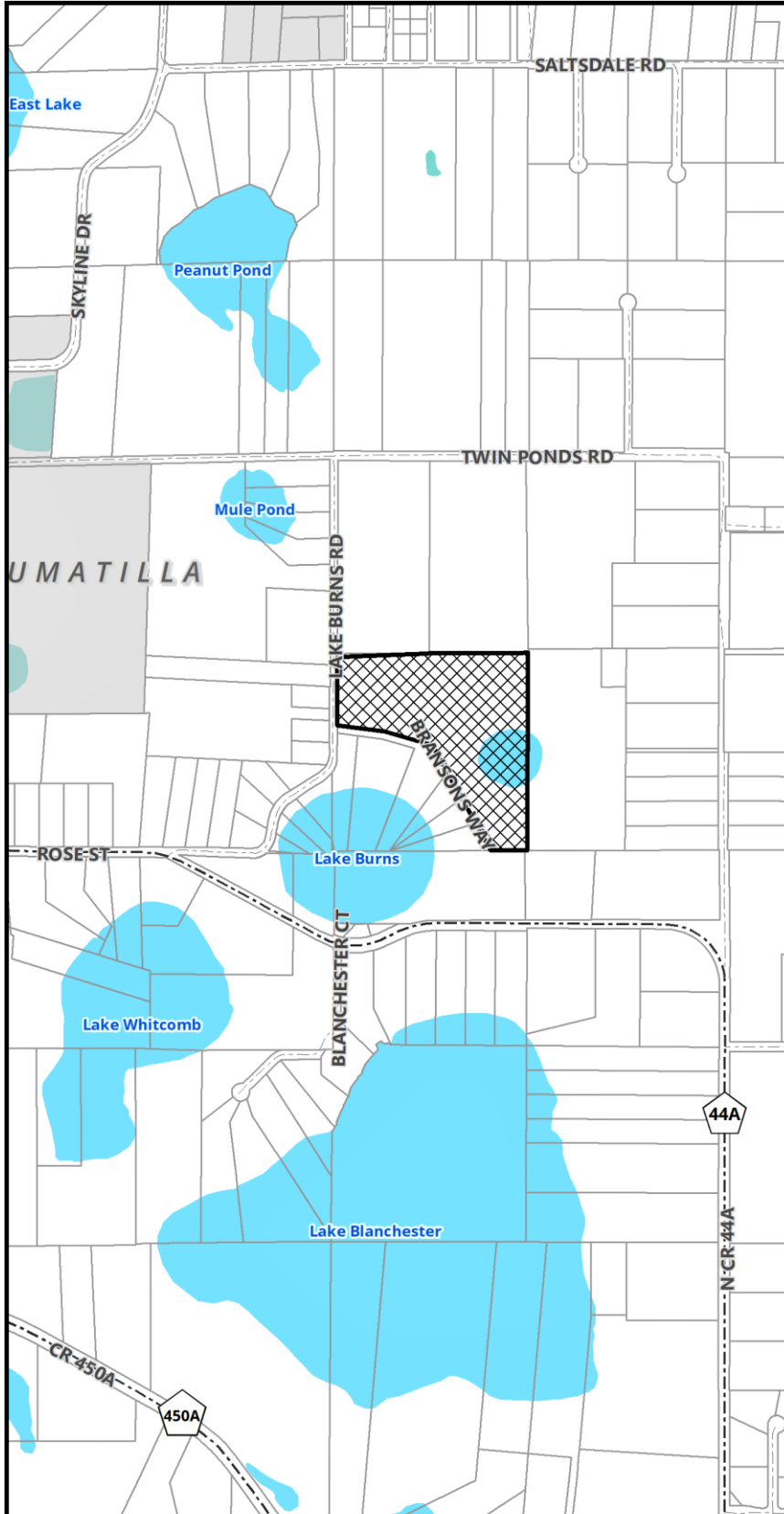
LEGEND:
ID = IDENTIFICATION
PSM = PROFESSIONAL SURVEYOR & MAPPER
F = FIELD MEASUREMENT
D = DEED DIMENSION
CM = CONCRETE MONUMENT
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT

REVISIONS: ADD EASEMENT 01/05/23 BY SBW
DRAWN: 04/28/22 BY: SBW FILED 220152



18400 BAKER ROAD
UMATILLA, FLORIDA 32784
PHONE: (352) 355-9827
EASTLAKESURVEY@GMAIL.COM
PROFESSIONAL SURVEYORS AND MAPPERS
LB 8397

Map of Subject Property

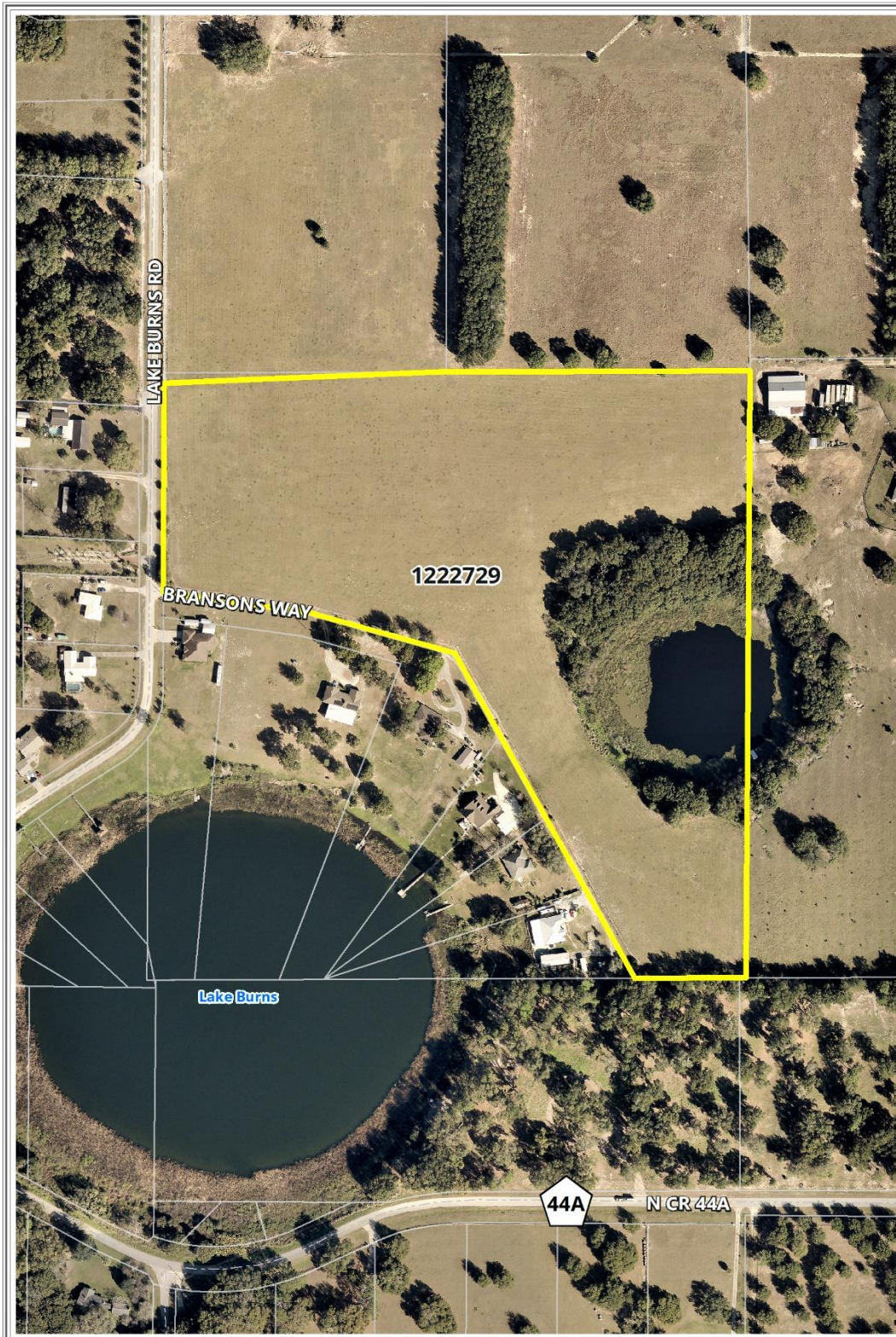


Aerial Map

VAR-23-08-4
5150 Holdings LLC Property



Lot Creation with
Minor Lot Split
Process on Easement



Final Development Order
VAR-23-08-4
5150 Holdings LLC Property

WHEREAS, Logan Wilson (the "Applicant"), on behalf of 5150 Holdings LLC (the "Owner"), requested a Variance to Land Development Regulations (LDR) Section 14.11.01.D(2) to allow for the creation of two (2) lots that are under the required minimum twenty (20) acres, via the minor lot split process, and 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 24.5 +/- acres and is located at 19115 Bransons Way in the unincorporated Umatilla area of Lake County, in Section 17, Township 18, Range 27, having Alternate Key Number 1222729, and more particularly described below; and

From the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 17, Township 18 South, Range 27 East, Lake County, Florida; run South 0° 04' 50" West along the West line of the said Southwest 1/4 of the Southwest 1/4 of Section 17 a distance of 24.00 feet for a point of beginning; continue thence South 0° 04' 50" West along said West line of the said Southwest 1/4 of the Southwest 1/4 of Section 17 a distance of 458.34 feet; thence South 82° 49' 32" East a distance of 356.09 feet; thence South 74° 53' 25" East a distance of 335.70 feet; thence South 29° 28' 03" East a distance of 829.12 feet, to a point on the South line of the said Southwest 1/4 of the Southwest 1/4 of Section 17; thence South 89° 56' 20" East a distance of 236.97 feet to the Southeast corner of the said Southwest 1/4 of the Southwest 1/4 of Section 17; thence North 0° 07' 55" East a distance of 1334.28 feet to the Northeast corner of the aforesaid Southwest 1/4 of the Southwest 1/4 of Section 17; continue thence North 0° 07' 55" East along the East line of the Northwest 1/4 of the Southwest 1/4 of said Section 17 a distance of 15.00 feet; thence South 88° 23' 03" West 1325.03 feet to the point of beginning and point of terminus. Less right of way for Lake Burns Road #5-7575.

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 April 5, 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 April 5, 2023, the Lake County Board of Adjustment approved the Variance for the above property.

DONE AND ORDERED by the Board of Adjustment of Lake County, Florida, that:

Variance Granted: A variance to Section 14.11.01.D(2), Land Development Regulations, under application VAR-23-08-4, is hereby granted to allow for the creation of two (2) lots under the required minimum of twenty (20) acres, via the minor lot split process, and which will front on an easement which connects to another private easement, in lieu of an easement which connects to a publicly-maintained paved road. The minor lot split application must be submitted within 12-months of the date this variance was granted. If not submitted in a timely manner, this variance will be null and void.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Addie Owens, Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 5th day of April 2023, by Addie Owens, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**

Pursuant to Section 286.0105, Florida Statutes, if any person desires to appeal any decision with respect to a matter considered at a public meeting or hearing of the Board of Adjustment, such person will need a record of the proceedings, and such person may need to ensure that a verbatim record for such purpose is made, which record includes the testimony and evidence upon which the appeal is based.

A final administrative order of the Board of Adjustment may be appealed to the Circuit Court in Lake County, Florida. Such an appeal shall be filed within thirty (30) days of the execution of this Order. Those filing an appeal of an administrative order must comply with all applicable Florida Rules of Appellate Procedure.