



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: February 7, 2024

Case No. and Project Name: PZ2023-86, Quigley Family Trust Property

Owners: John Eric Quigley and Rhonda Lee Quigley as Co-Trustees of the Quigley Family Trust

Applicant: John Quigley

Requested Action: Amend VAR-22-47-4 to correct the Section, Township and Range scrivener's error reflected in the legal description in Variance 22-47-4 development order as recorded in ORB 6092 Page 214, Public Records of Lake County, Florida.

Case Manager: Shari Holt, 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.

On December 8, 2022, John Quigley applied for a variance 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 publicly maintained paved road. The Board of Adjustment granted this variance under VAR-22-47-4, and it was recorded in ORB 6092 Page 214, Public Records of Lake County, Florida.

On December 28, 2022, John Quigley submitted a minor lot split application to create two parcels. During the minor lot split final review, staff found a scrivener's error within the legal description in Variance 22-47-4 development order as recorded in ORB 6092 Page 214, Public Records of Lake County, Florida (Attachment "B").

Staff is seeking to amend VAR-22-47-4 to correct the scrivener's error reflected in the legal description.

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.

This is a request to correct a scrivener's error on a previously granted variance. Staff analysis is not required.

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.

This is a request to correct a scrivener's error on a previously granted variance. Staff analysis is not required.

Attachment "B" – VAR-22-47-4 Development Order (Page 1 of 2)

**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 clay 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 Pineau Acres Trail, in the unincorporated Paisley area of Lake County, 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

INSTRUMENT #2023016464
OR BK 0382 PG 214 - 215 (2 PGS)
DATE: 20230223 2:25:35 PM
GARY J. COONEY, CLERK OF THE CIRCUIT COURT
AND COMPTROLLER, LAKE COUNTY, FLORIDA
RECORDING FEES \$16.50

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Attachment "B" – VAR-22-47-4 Development Order (Page 2 of 2)

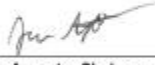
VAR-22-47-4, Quigley Family Trust Property

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.

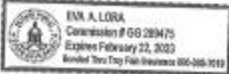
BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA



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.

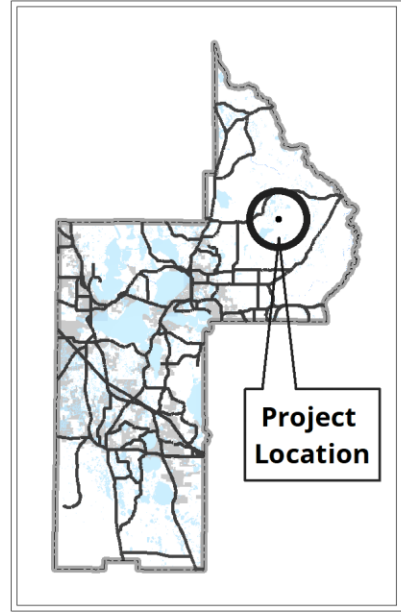
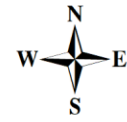
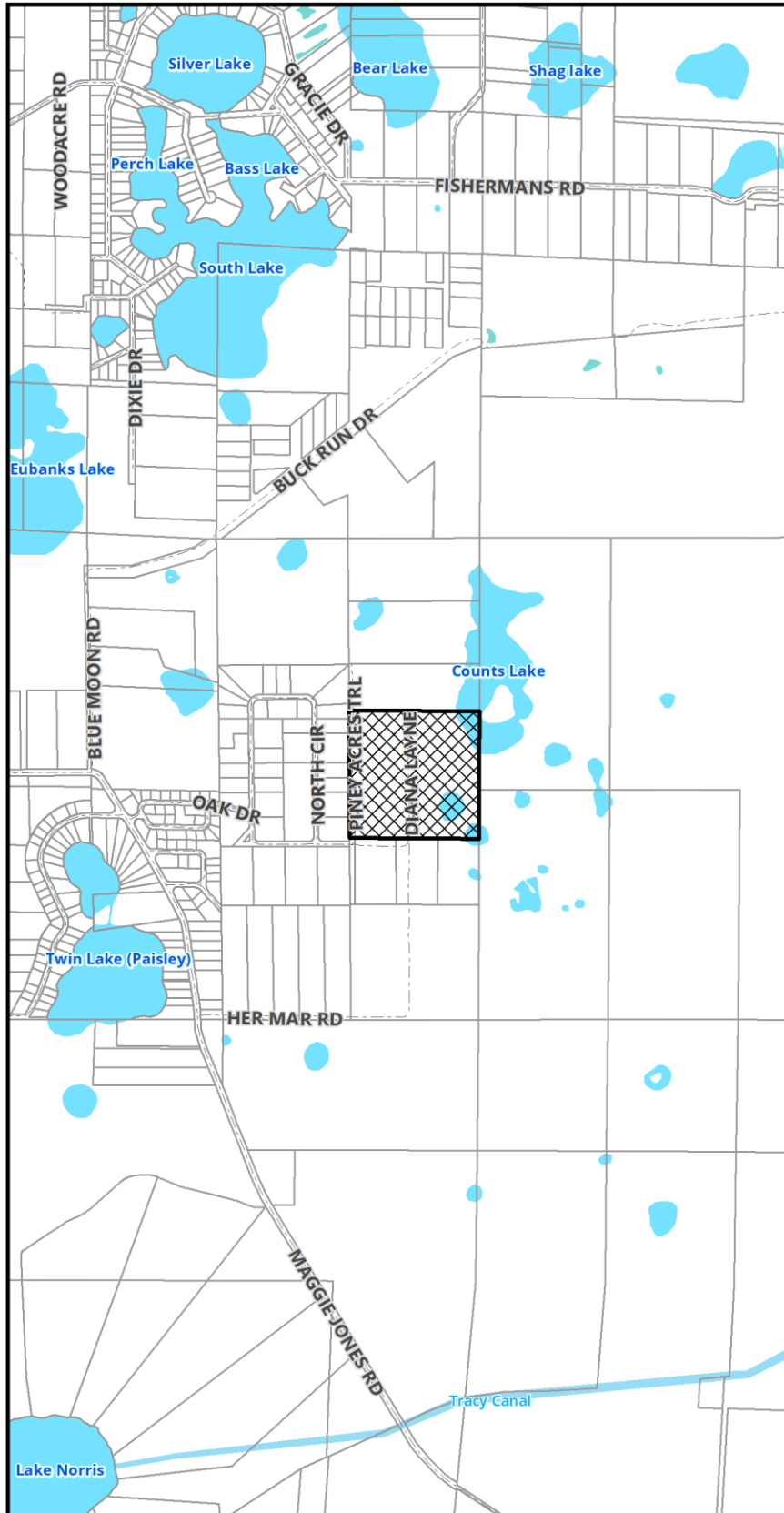
Personally Known OR Produced Identification
Type of Identification Produced cam


EVA A. LORA
Commission # 06289475
Expires February 22, 2023
Bonded Two Thousand Dollars (200,000.00)


Notary Signature
(SEAL)

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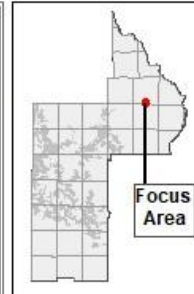
Map of Subject Property



Aerial Map



VAR-22-47-4
Quigley Trust Property



Minor Lot Split
On Easement
Adjustment

Final Development Order

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 clay road or easement in lieu of a publicly maintained paved road; and

WHEREAS, on December 8, 2022, the Board of Adjustment granted the variance under VAR-22-47-4, recorded in ORB 6092 Page 214, Public Records of Lake County, Florida; and

WHEREAS, after recordation of VAR-22-47-4, the Applicant and the County became aware of an error in the legal description which the parties now seek to correct; 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 33, Township 17, Range 28, having Alternate Key Number 3848748 and more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference; and

WHEREAS, after giving notice of a hearing on a petition to correct an error in VAR-22-47-4, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on February 7, 2024, 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.

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

Section 1. Recission. VAR-22-47-4 recorded in ORB 6092 Page 214, Public Records of Lake County, Florida is hereby rescinded and replaced with this corrected Final Order. The purpose of this recission is to correct an error in the legal description, to clear title of the property inadvertently encumbered by the original order, and retroactively impose a corrected variance with conditions upon the Applicant’s property.

Section 2. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of variance PZ2023-86, retroactive to December 8, 2022, 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 3. 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.

**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 7th day of February 2024, by Addie Owens, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

(SEAL)

Notary Signature

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.

EXHIBIT A: LEGAL DESCRIPTION

The Southeast 1/4 of the Northeast 1/4, and the North 501.37 feet of the Northeast 1/4 of the Southeast 1/4, Section 33, Township 17 South, Range 28 East, Lake County, Florida, LESS and EXCEPT: The North 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 33, Township 17 South, Range 28 South, Lake County, Florida, ALSO LESS and EXCEPT: The North 1/2 of the South 1/2 of the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 33, Township 17 South, Range 28 East, Lake County, Florida. Subject to an ingress/egress easement over the West 66 feet, together with an Ingress/easement over the North 50 feet of the following described parcel: The Northeast 1/4 of the Southeast 1/4 of Section 33, Township 17 South, Range 28 East, Lake County, Florida, less the North 501.37 thereof.

Parcel Identification Number: 33-17-28-00100003000