



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearing Date: February 7, 2024

Case No. and Project Name: PZ2023-157 Crane Property

Owners/Applicants: Carlos A. Crane and Jose L. Crane

Requested Action: Variance to Land Development Regulation (LDR) Section 14.11.02(D)(7)(c) to allow the creation of two (2) lots through the family density exception process where the southern proposed lot will front on an ingress / egress easement recorded in Official Records Book 3440, Page 452 of the Public Records of Lake County, Florida that is 15-feet wide in lieu of the required 50-feet.

Case Manager: Janie Barrón, Planning Manager

Subject Property Information

Size: 5.25 +/- acres, each proposed lot 2.626 acres

Location: South of Knoll Top Lane and east of North Thrill Hill Road, in the Eustis area

Alternate Key No.: 3659961

Future Land Use: Rural (Attachment "A")

Current Zoning District: Agriculture (A) (Attachment "B")

Flood Zone: "X"

Joint Planning Area/ ISBA: N/A

Overlay Districts: Wekiva Study Area and Wekiva – Ocala Rural Protection Area (Attachment "C")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Rural Residential (R-1)	Right-of-Way and Residential	Single Family Dwelling Unit, Agriculture Exempt Parcel north of Knoll Top Lane
South	Rural	Rural Residential (R-1)	Residential	Single Family Dwelling Units
East	Rural	Community Facility District (CFD)	Community Facility Use	Arching Oaks Arts & Culture Center and Single-Family Dwelling Unit
West	Rual	Rural Residential (R-1)	Residential	Single-Family Dwelling Unit

Summary of Request.

The subject 5.25 +/- acre parent parcel is identified by Alternate Key Number 3659961. The parcel is zoned Agriculture (A) and is part of the Wekiva Study Area and Wekiva-Ocala Rural Protection Area and has a Rural Future Land Use Category (FLUC). Based on the aerial, the subject parcel is currently undeveloped. The parcel is generally located south of Knoll Top Lane and east of North Thrill Hill Road, in the Eustis area.

The Applicant submitted a variance request to LDR Section 14.11.02(D)(7)(c) to allow the creation of two (2) lots through the family density exception process where the southern proposed 2.626 +/- acre lot (Proposed Parcel 2 – Attachment “D”) will front on an ingress / egress easement recorded in Official Records Book 3440, Page 452 of the Public Records of Lake County, Florida that is 15-feet wide in lieu of the required 50-feet (Attachment “D”). The northern proposed 2.626 +/- acre lot (Proposed Parcel 1 – Attachment “D”) will have access from a 50-foot ingress / egress easement recorded in Official Records Book 4132, Page 1578 of the Public Records of Lake County, Florida known as Knoll Top Lane and will comply with regulations.

On April 12, 2022, the Applicant submitted a Family Density Application (LS #2021-12-45) to the Office of Planning and Zoning. On February 23, 2023, after the initial review, staff provided a staff comment letter and informed the Applicant that a variance would be required to utilize the 15-foot easement. At that time the Applicant requested that the Lot Split be placed on hold until the variance is approved.

The variance application was sent to the Chief Fire Inspector for determination of consistency with fire regulations and provided the following condition, *“The 15 foot easement proposed to be used for the south lot may be hindered by trees and as such request use of the same easement of the northern property for emergency access.”*

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.

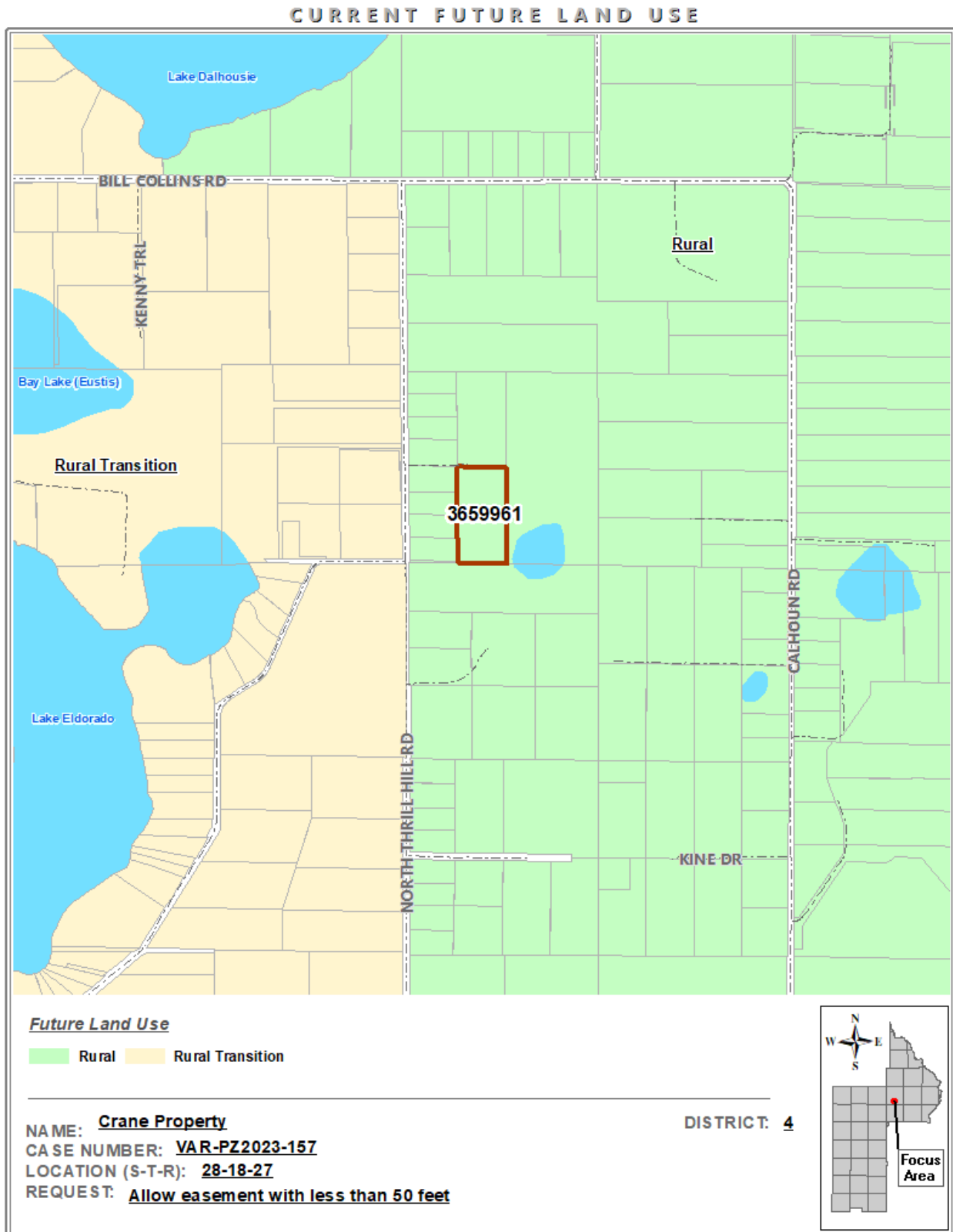
The intent of the Code, LDR Section 14.11.02, is to ensure that properties being split have the facilities that are required for the development of parcels such as roads, schools, parks, fire, sewer, and water facilities.

The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means, *“The proposed split under the Family Density Exception lot split LS-2022-12-4 would created 2 single family homes, One in the north side and one on the south side. This last one connects to an easement that belongs to us with AK 33318307. This variance application intends to split this property and use this easement to access the south lot. This property is located in a rural zone, and our intention is to preserve this concept of living by keeping the privacy for each of these lots.”*

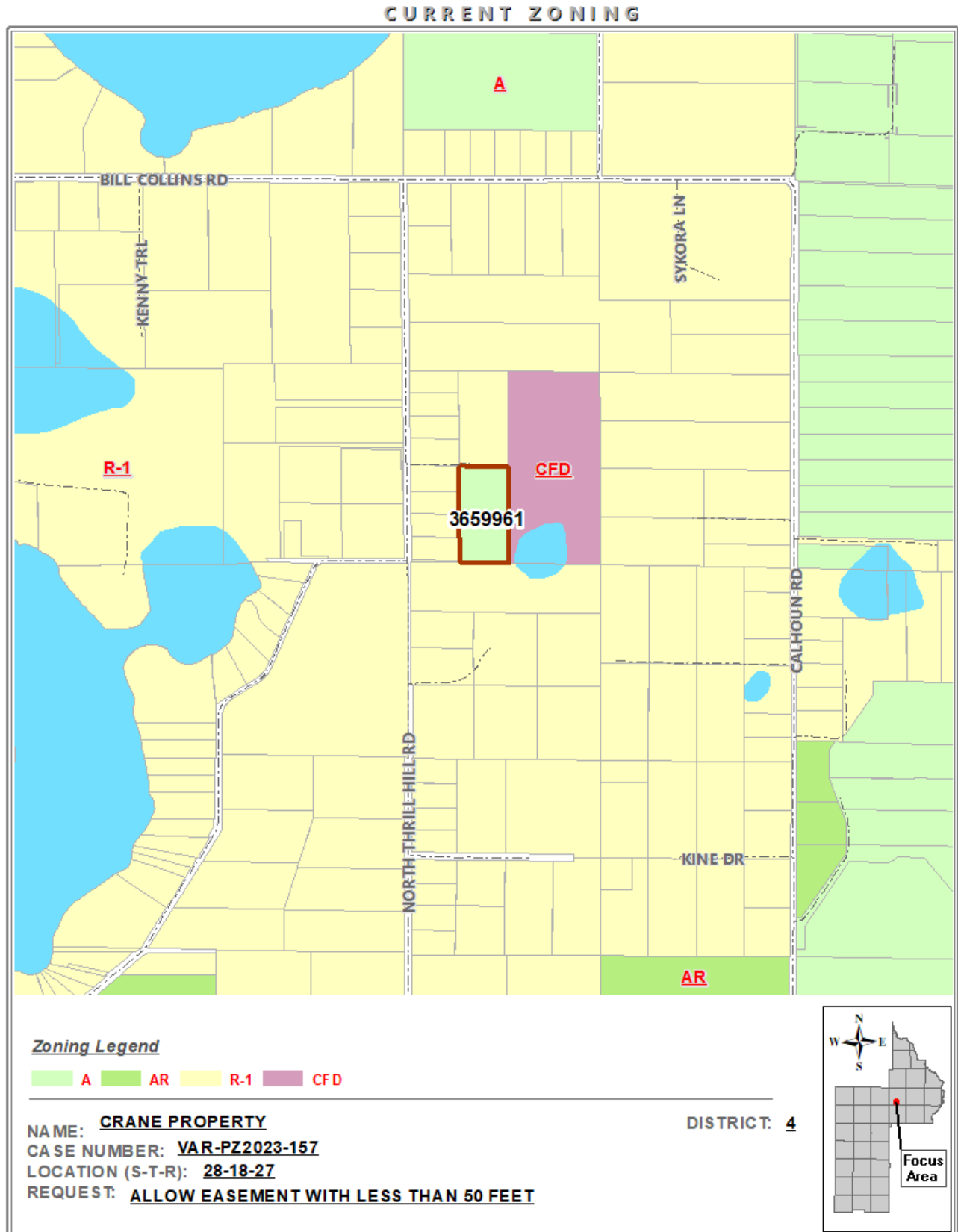
- 2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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.**

The Applicant provided the following statement, *"The easement for our proposed south lot is only 15 feet wide and does not meet the requirement of 14.11.02(D)(7). Please note the property behind ours is using easement for the same purpose that we intent."*

Attachment "A" – Future Land Use Map of Subject Property



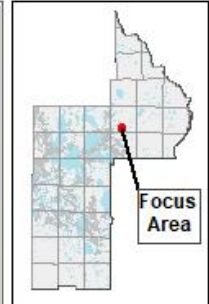
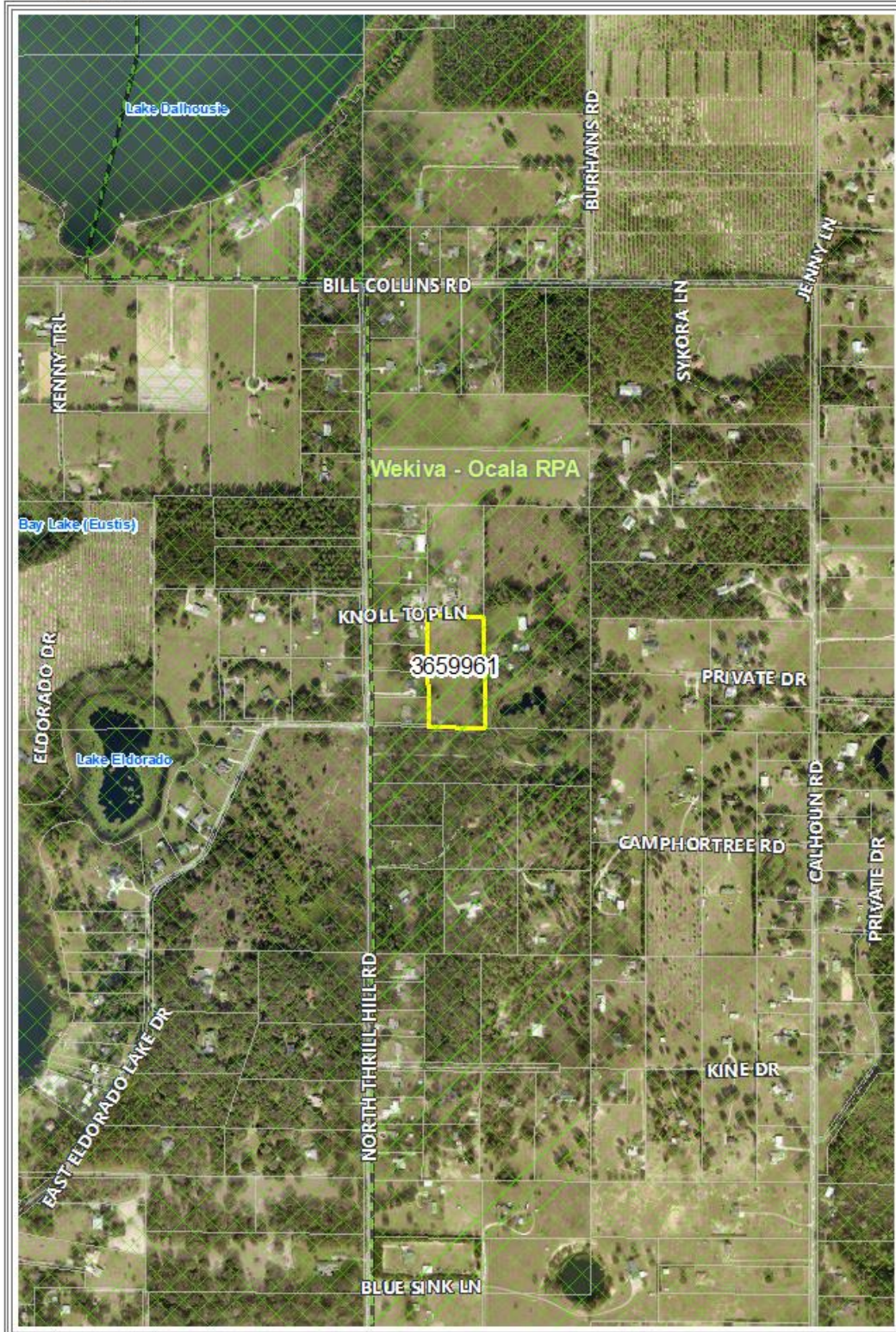
Attachment "B" – Zoning Map of Subject Property



Attachment "C" – Overlay Districts of Subject Property

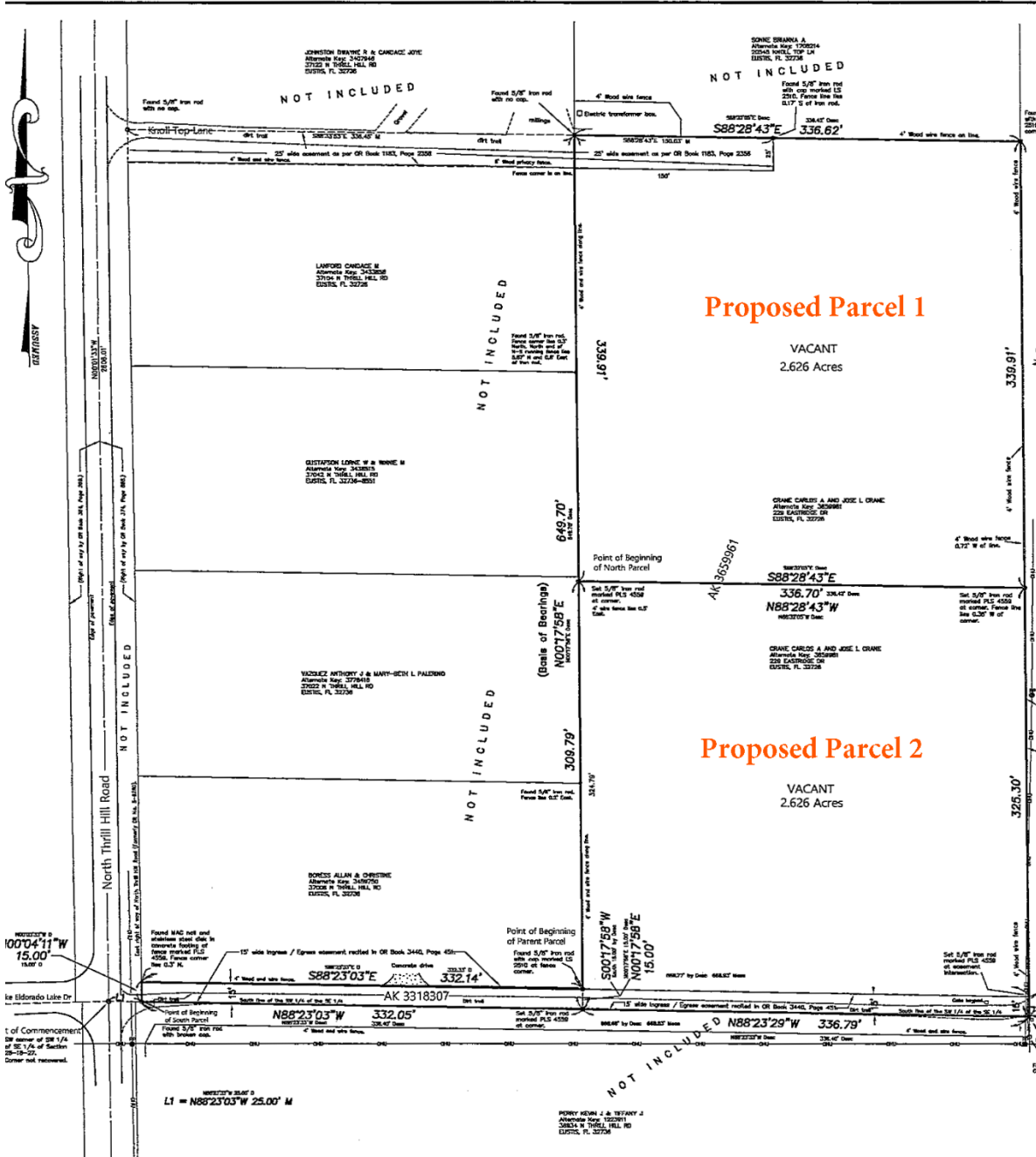


VAR-23-02-4
Vieira Property

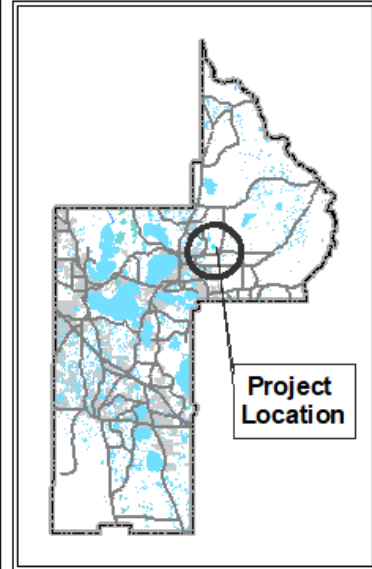
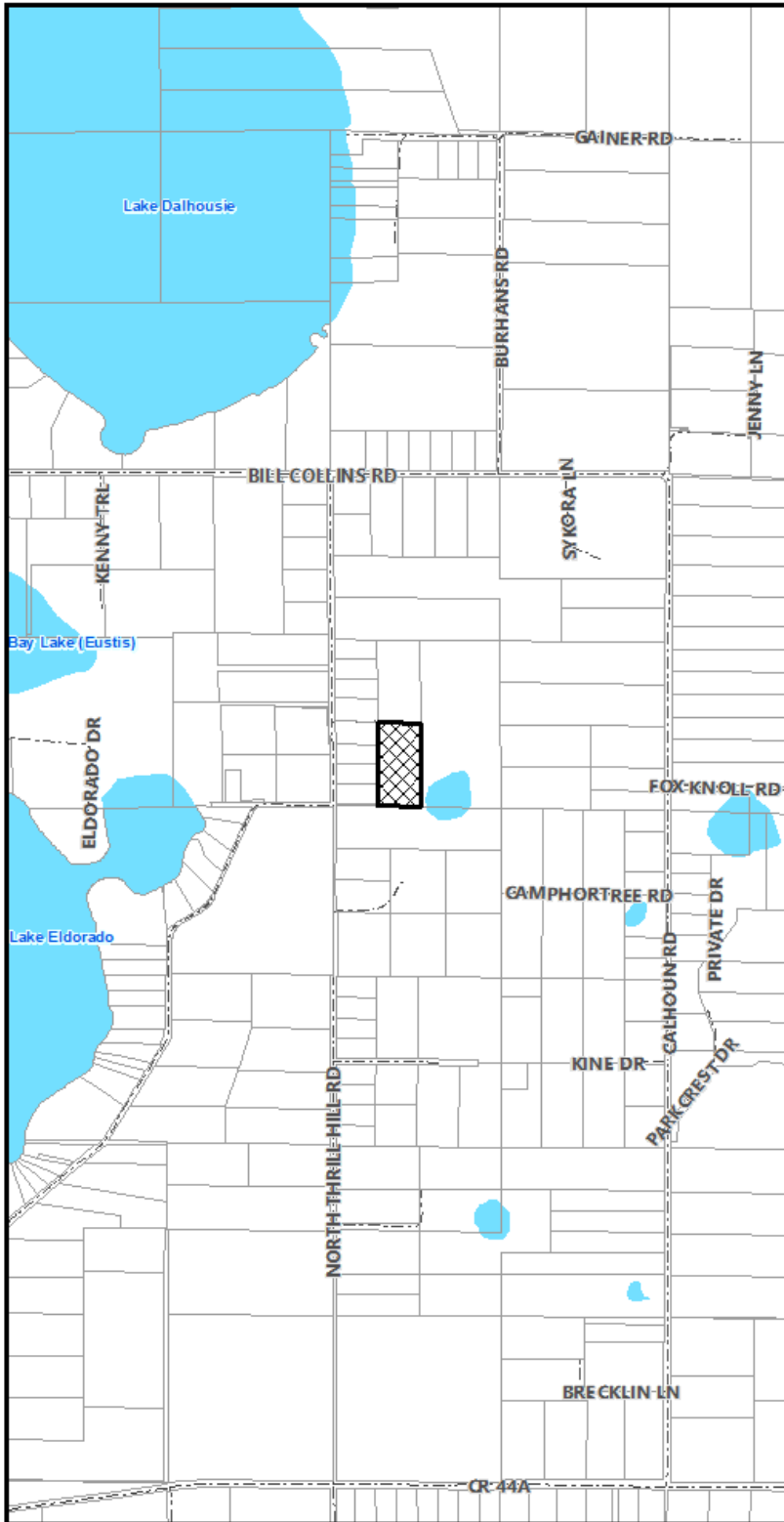


Allow Easement with
less than 50 feet

Attachment "D" — Proposed Family Density Exception



Map of Subject Property



Final Development Order

WHEREAS, Carlos A. Crane and Jose L. Crane (the “Applicants” and “Owners”) requested a variance to the Lake County Code, Land Development Regulation (LDR) Section 14.11.02(D)(7)(c) to allow the creation of two (2) lots through the family density exception process where the southern proposed lot will front on an ingress / egress easement recorded in Official Records Book 3440, Page 452 of the Public Records of Lake County, Florida that is 15-feet wide in lieu of the required 50-feet; and

WHEREAS, the subject property consists of 5.25 +/- acres, generally located south of Knoll Top Lane and east of North Thrill Hill Road, in the Eustis area of unincorporated Lake County, Florida, in Section 28, Township 18 South, Range 27 East, having Alternate Key Number 3659961, and more particularly described in **Exhibit “A” – Legal Description**; and

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 February 7, 2024; 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.

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

Variance Granted: A variance to Section 14.11.02(D)(7)(c) to allow the creation of two (2) lots through the family density exception process where the proposed southern lot will front on an ingress / egress easement recorded in Official Records Book 3440, Page 452 of the Public Records of Lake County, Florida that is 15-feet wide in lieu of the required 50-feet with conditions as set forth in the Conditions section.

Condition: The 15 foot easement proposed to be used for the south lot may be hindered by trees and as such request use of the same easement of the northern property for emergency access.

**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, Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**

Exhibit "A" – Legal Description

Commence at the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 28, Township 18 South, Range 27 East, Lake County, Florida, run South 88 degrees 23 minutes 33 seconds East along the South line of said Southwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$, 25.00 feet to the East right-of-way of County Road No. 5-6280; thence North 0 degrees 03 minutes 33 seconds West along said right-of-way 15.00 feet; thence South 88 degrees 23 minutes 33 seconds East 332.33 feet to the POINT OF BEGINNING; thence run North 00 degrees 17 minutes 58 seconds East 649.70 FEET; thence South 88 degrees 32 minutes 05 seconds East 336.42 feet; thence South 0 degrees 17 minutes 58 seconds West 665.53 feet, more or less, to the South line of aforementioned Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and a point that is 627 feet West of the East line of said Southwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$; thence North 88 degrees 23 minutes 33 seconds West 336.40 feet, more or less, to a point that is South 0 degrees 17 minutes 58 seconds West 15.00 feet of the POINT OF BEGINNING; thence North 0 degrees 17 minutes 58 seconds East 15.00 feet to the POINT OF BEGINNING.

SUBJECT TO and together with an easement for ingress and egress, over the North 25.00 feet of the West 150.00 feet thereof.

SUBJECT TO and together with an easement for ingress and egress over, upon and across the following described property: Commence at the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 28, Township 18 South, Range 27 East, Lake County, Florida, run South 88 degrees 23 minutes 33 seconds East along the South line of said Southwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$, 25.00 feet to the East right-of-way of County Road No. 5-6280; thence North 0 degrees 03 minutes 33 seconds West along said right-of-way 15.00 feet to the POINT OF BEGINNING; thence South 88 degrees 23 minutes 33 seconds East 668.77 feet; thence run South 0 degrees 17 minutes 58 seconds West 15.00 feet to the South line of aforementioned Southwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$ and a point that is 627 feet West of the East line of said Southwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$; thence North 88 degrees 23 minutes 33 seconds West 668.68 feet, more or less, to a point that is South 0 degrees 03 minutes 33 seconds East 15.00 feet of the POINT OF BEGINNING; thence North 0 degrees 03 minutes 33 seconds West 15.00 feet to the POINT OF BEGINNING.