



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: December 4, 2024

Case No. and Project Name: PZ2024-127, Gamboa Property

Owner/Applicant: Javier and Kirsten Gamboa

Requested Action: Variance to Land Development Regulations (LDR) Sections 14.11.01(D)(1) and 14.11.01(G) to allow the creation of two (2) lots from a lot that is not the original legally created lot or lot of record and to allow the creation of two (2) lots through the minor lot split process, with the condition that further subdivision proposed in the future must be accomplished through the platting process and the parcel may not be granted further variances to LDR Section 14.11.01(D)(1) and 14.11.01(G).

Case Manager: Meagan Bracciale, Planner I

Subject Property Information

Size: 21.54 +/- gross acres

Location: 34250 Grand Champion Lane, in the unincorporated Eustis area of Lake County

Alternate Key No.: 3921466

Future Land Use: Rural Transition (Attachment "A")

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

Flood Zones: "AE" and "X"

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

Overlay Districts: Wekiva Study Area (WSA) (Attachment "C")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agricultural Residential (AR)	Right-of-Way and Residential	State Road 44 and Vacant Residential Lot
South	Rural Transition	Agriculture (A)	Residential	Single-Family Residence
East	Rural Transition	Agriculture (A)	Residential	Single-Family Residence
West	Rural Transition	Agriculture (A)	Residential (multiple)	Multiple Single-Family Residences

- Summary of Request -

The subject property, identified as Alternate Key Number 3921466, contains 21.54 +/- acres, is zoned Agriculture (A), and is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is located at 34250 Grand Champion Lane, in the unincorporated Eustis area of Lake County. The subject property is developed with a barn and equestrian center.

The Applicant is requesting a variance to Land Development Regulations (LDR) Sections 14.11.01(D)(1) and 14.11.01(G) to allow the creation of two (2) lots from a lot that is not the original legally created lot or lot of record and to allow the creation of two (2) lots through the minor lot split process on a parcel that was originally created through the minor lot split process, in lieu of the platting process (Attachment "D"). The subject parcel is located within the WSA, the request is consistent with the 2030 Lake County Comprehensive Plan Policy I-3.4.5, Development Design Standards and does not impede on any protected karst features pursuant to Comp Plan Policy I-3.4.7-8.

The variance application was provided to the Lake County Public Works Department and Lake County Chief Fire Inspector for review; neither department identified any comments to the request.

For background purposes:

- On November 15, 1994, Lake County granted an approval of subdivision of property (LLS94-17) to create two (2) parcels. The first parcel consisted of 22 acres and the second parcel consisted of 16.9 acres.
- On February 10, 2005, the Board of Adjustments granted a variance to LDR Section 14.11.01(D)(1), Minor Lot Splits, to allow the owners to apply for a minor lot split on a parcel that was created through the minor lot split process (+/- 28 acres). The Applicant stated their hardship was related to the inability to insure the home on the same property as a horse farm commercial activity. (BOA #7-05-4; Attachment "F")
- On June 9, 2020, Lake County granted a subdivision approval for Minor Lot Split (LS 2020-03-4; BOA #7-05-4) to create two (2) parcels.

On August 13, 2024, the Board of County Commissioners (BCC) adopted Ordinance 2024-30 for purposes of repealing and replacing Section 14.11.00, LDR, regarding Minor Lot Splits and Family Density Exceptions. As part of that Ordinance, a prohibition was imposed on further splitting any property that was created from a lot split after January 1, 2020. The intent behind this prohibition was to prevent the de facto creation of subdivisions.

The justification for the current application is the same as given for the February 10, 2005, variance request in that the Applicant states they cannot get insurance if they build a house on the same property as the horse farm.

Should the Board of Adjustments approve this variance request, the Applicant will be required to obtain zoning and building permits to comply with Lake County Land Development Regulations.

- 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.

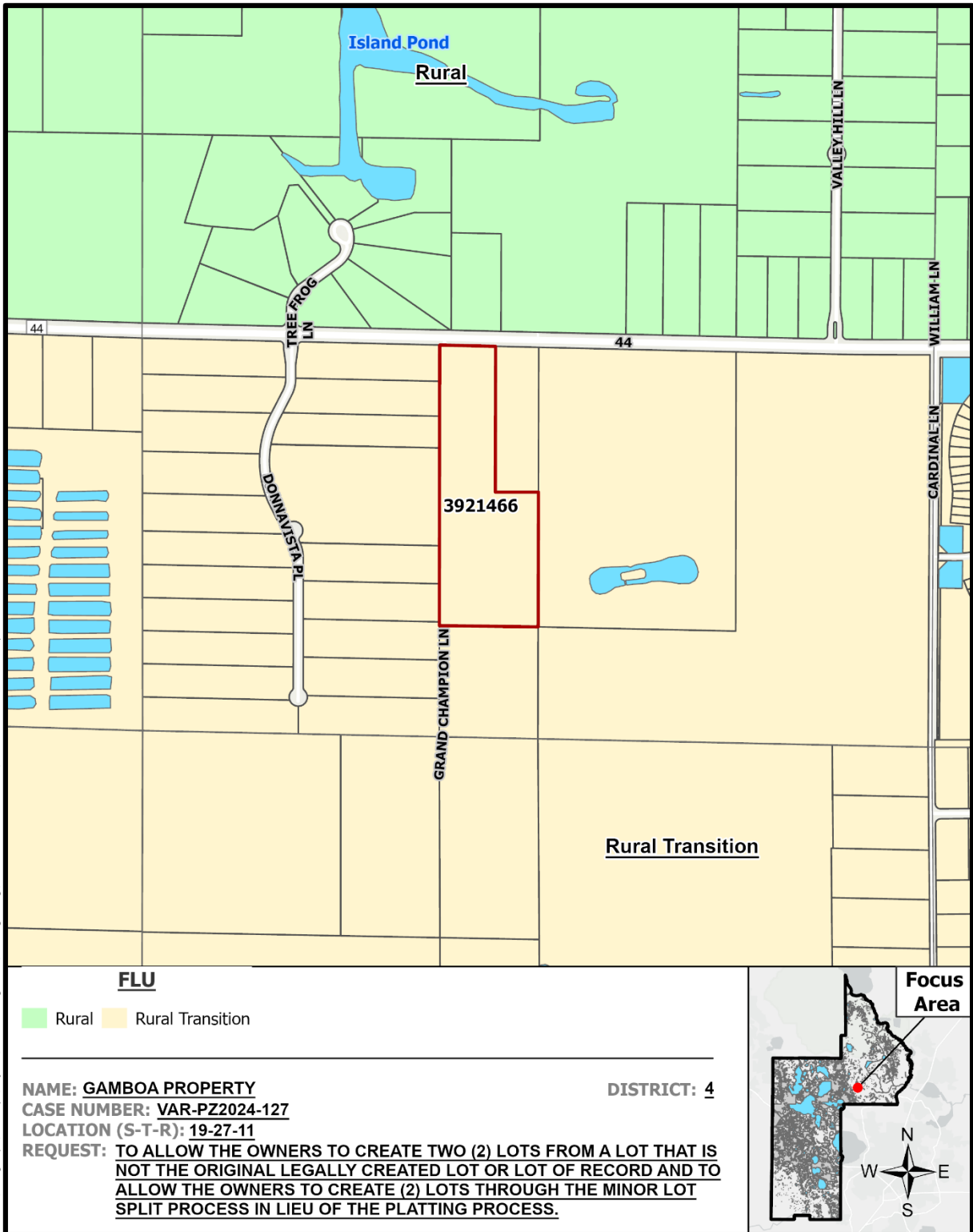
The intent of the Code, LDR Sections 14.11.01, is to ensure that properties being split have the facilities that are required for the development of parcels such as roads, schools, parks, fire, sewer, and water facilities. The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"After the lot split, the properties will still be consistent with both the surrounding properties current use and the future land use (Rural Transition – 1 house per 5 acres). The properties to the North, South and West are residential lots of similar sizes to the 5-acre lot we will be creating with the lot split."*

- 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 proposes to eventually construct a site-built home and provided the following statement, *"We own and run an equestrian facility specializing in boarding, lessons and training. There is no home on this property, only stables. We are ready to build out home, but our insurance agent told us we would not be able to obtain homeowners insurance with the liability of our equestrian business being on the same property as our residence, he said they need to be on separate pieces of property (Attachment "E")."*

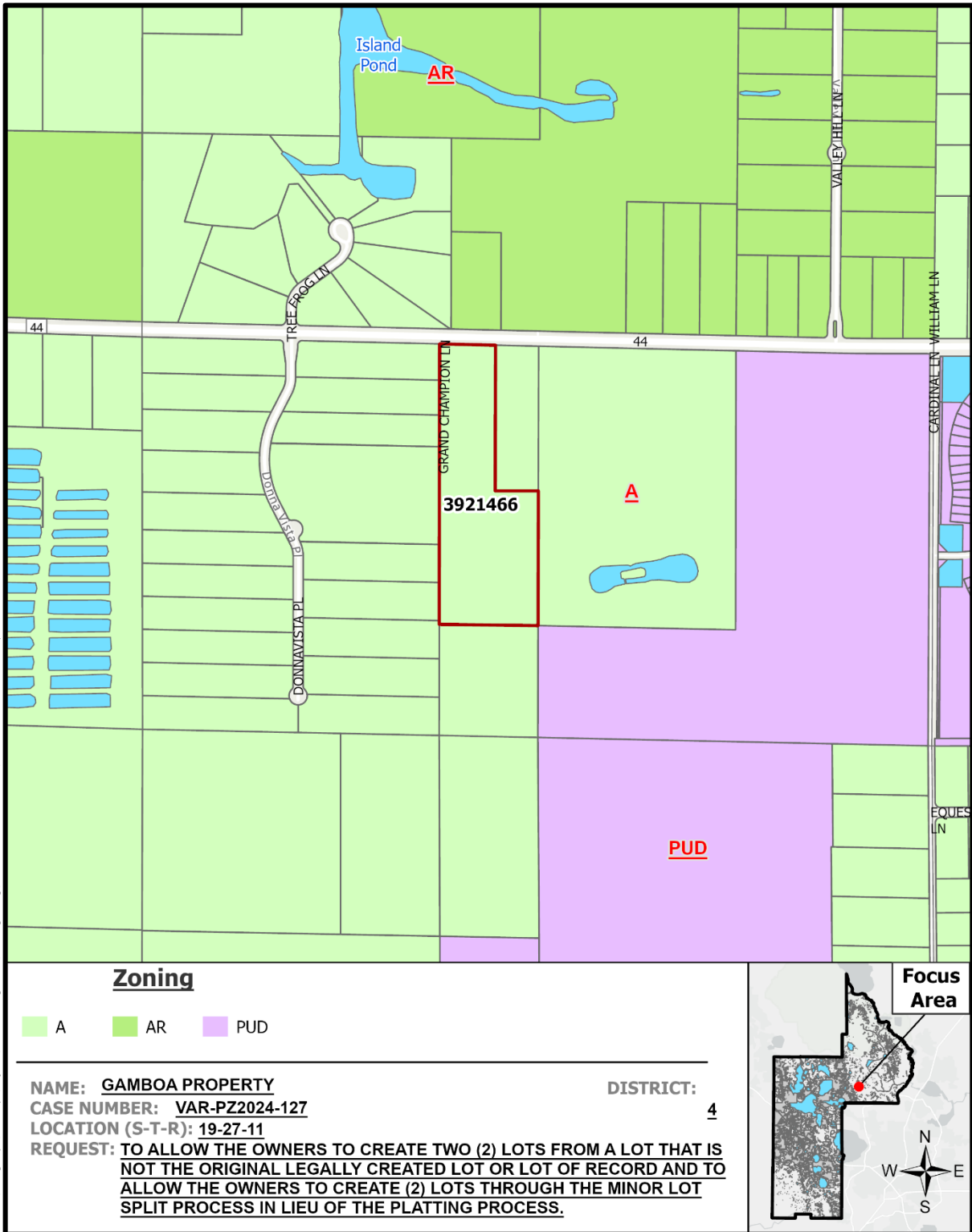
Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE



Attachment "B" – Zoning Map

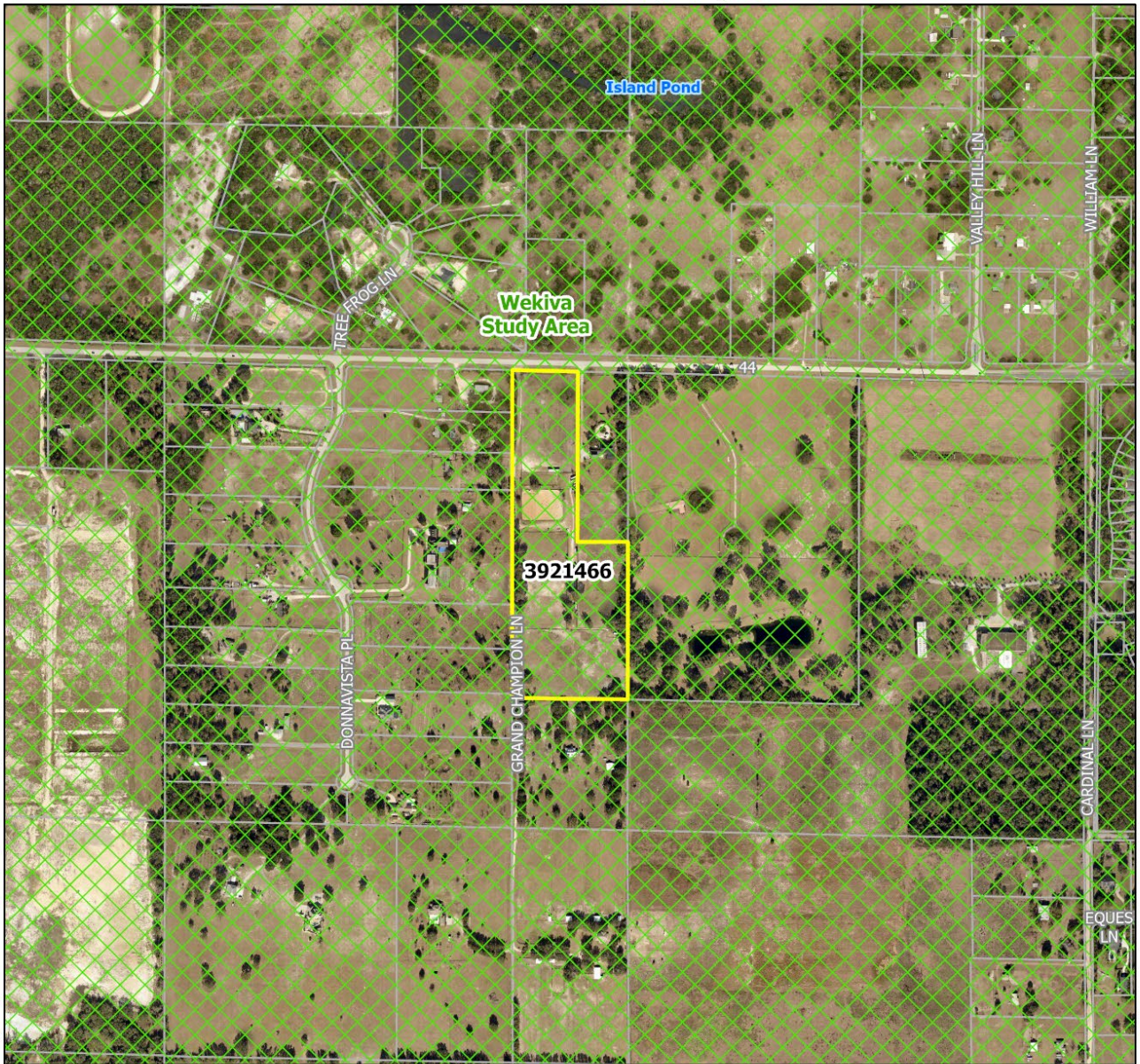
CURRENT ZONING



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8/22/2024

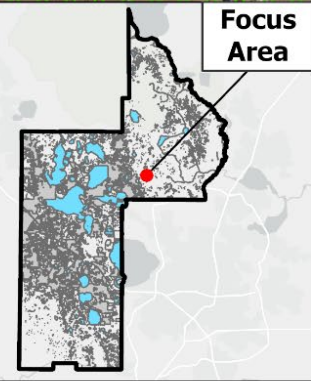
Attachment "C" – Overlay District Map

VAR-PZ2024-127
Gamboa Property



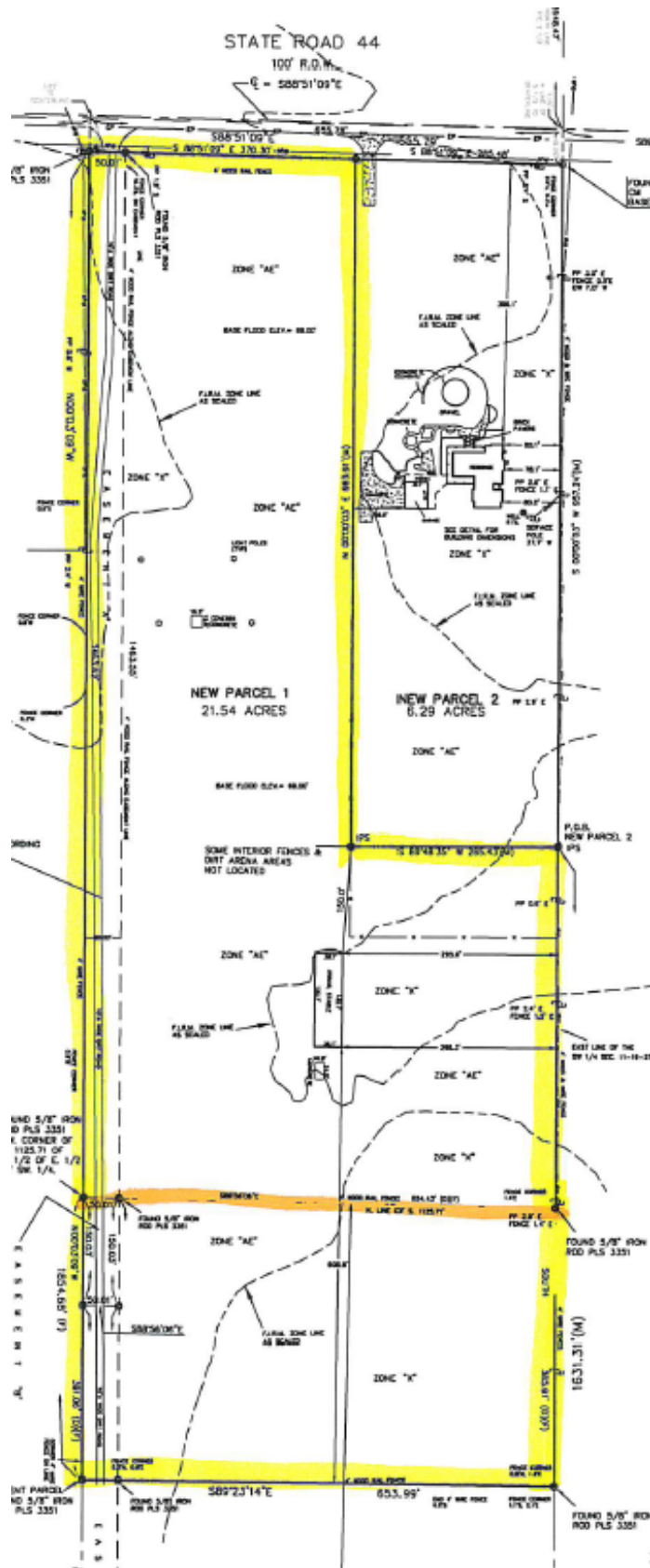
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To allow the owners to create two (2) lots from a lot that is not the original legally created lot or lot of record and to allow the owners to create (2) lots through the minor lot split process in lieu of the platting process.



8/22/2024

Attachment "D" – Plot Plan



Attachment "E" – Homeowners Insurance Statement

Gmail - Home Owner's Insurance

<https://mail.google.com/mail/u/0/?ik=c28f590af4&view=pt&search=al...>



Kirsten Gamboa <[REDACTED]>

Home Owner's Insurance

1 message

Rob Pelton <[REDACTED]>

Tue, Aug 13, 2024 at 1:06 PM

To: Kirsten Gamboa <[REDACTED]>

Good Afternoon Kirsten,

Per our conversation, I wanted to reduce it in to writing so you would have a better understanding why you will be denied home owners insurance.

Currently your property is considered commercial use to an insurance carrier, and as such you have policies in place to cover those exposures. You have advised me you are now wanting to build a residence on this same property. Unfortunately, you will be denied the ability to obtain home owners insurance as there will not be an insurance carrier willing to write the policy with the commercial exposure and equestrian usage.

Home owner's policies extend liability protection to the property they are insuring as part of the policy coverages. However, they will not be willing to extend such coverage or write a policy due to the above exposure. I wish I had better news to tell you. Your only option at this point would be to divide the parcels of land you are currently using as a commercial exposure and what you are wanting to add as residential. Without this separation of parcels, any residence you build and put your money into building will be virtually uninsurable.

Please feel free to reach out to me should you have any other questions.

Rob

Robert C. Pelton

Commercial Agent

Pontell Insurance and Financial Group, Inc.

Phone 407.696.1393

Cell [REDACTED]

Fax 407.696.1380

www.pontellinsurance.com



Attachment "F" – BOA Staff Report #7-05-4 (Page 1)



LAKE COUNTY
Customer Services Division Analysis of a
Variance Request
Presented to
LAKE COUNTY BOARD OF ADJUSTMENT
February 10, 2005

CASE NO.: BOA# 7-05-4

AGENDA NO. # 1

OWNERS & APPLICANTS: Anthony R. and Linda Landry

REQUESTED ACTION: A variance from the Lake County Land Development Regulations, Section 14.11.01.D.1 Minor Lot Splits to allow the owners to apply for a minor lot split on a parcel that was created through the minor lot split process (+/- 28 acres).

GENERAL LOCATION: US Hwy 441 South, turn left on CR 44B, turn right on SR 44 to site on right #22440 (Sec. 11, Twp. 19, Rng. 27).

FUTURE LAND USE DESIGNATION: Rural

EXISTING ZONING: A (Agriculture District)

SURROUNDING LAND USE:

SURROUNDING ZONING:

NORTH: Vacant Wooded Lots

NORTH: AR (Agricultural Residential District)

SOUTH: Single-Family Dwelling Unit

SOUTH: A (Agriculture District)

EAST: Single-Family Dwelling Unit
and Agriculture Business

EAST: A (Agriculture District)

WEST: Single-Family Dwelling Units
and Agriculture Business

WEST: A (Agriculture District)

DATE POSTED: January 3, 2005

LOCATION: SR 44, Eustis

14.15.02 Granting Variances and Appeals

Variances shall be granted when the person subject to the 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. 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

Attachment “F” – BOA Staff Report #7-05-4 (Page 2)

affects other similarly situated persons who are subject to the Land Development Regulation. Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, the variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

Based on review of the required findings as outlined in Chapter XIV of the Lake County Land Development Regulations, as amended, staff recommends approval of the requested variance for the following recitations, analysis, and findings of fact:

ANALYSIS: The subject parcel is approximately twenty-eight (28) acres and has approximately 660 feet of road frontage on State Road 44.

The property is zoned Agriculture, and the future land use is Rural. The density allowance on this parcel with the zoning and future land use is one dwelling unit per five acres. The proposed lot split will meet or exceed the requirements of the zoning and future land use.

The Code allows two lots to be created from the original parent parcel, utilizing the minor lot split process. The parent parcel, which was approximately 40 acres, was split through the minor lot split process in 1994 creating two lots, a twenty-two (22)-acre parcel (subject parcel) and an eighteen (18)-acre parcel. In February 2000 a Lot Line Deviation was completed, changing the parcels into a twenty-eight (28)-acre parcel (subject parcel) and a twelve (12)- acre parcel.

There is a single-family dwelling unit and barns located on the parcel. The owners are proposing to split their twenty-eight (28)-acre parcel into two parcels, a five (5)-acre parcel, which will include the single-family dwelling unit, and a twenty-three (23)-acre parcel, which will include the barns and will remain pasture land for grazing and breeding horses. Each lot will have more than the required amount of road frontage for the zoning district and will front on SR 44.

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

The owners can go through the subdivision process to split the subject parcel into the proposed two (2) parcels. This will allow staff to ensure the facilities needed to support the added density are available.

The owners submitted the following reasons as substantial hardship: “Recent hurricane activity in Florida has made attaining insurance for our home impractical as part of such a large parcel of land.”

The owners submitted the following as proof of meeting the intent of the Code: “Remain pastureland for grazing horses for breeding purposes.”

Staff believes the owners have shown proof of a substantial hardship and that with the creation of only one additional lot, the intent of the Code will be met. Based on the findings of facts, staff recommends approval of the requested variance.

Attachment “F” – BOA Staff Report #7-05-4 (Page 3)

LAND DEVELOPMENT REGULATION:

14.11.01. Minor Lot Splits.

D. Standards. All minor lot splits shall conform to the following standards:

1. Only two (2) lots may be created from the original legally created lot or lot of record. The total number of lots created shall include the original parcel. The original parcel shall be known as the parent parcel and those lots created out of the parent parcel shall not be entitled to another minor lot split.

COMPREHENSIVE PLAN POLICY: N/A

ENVIRONMENTAL ISSUE: N/A

TRANSPORTATION IMPROVEMENTS:

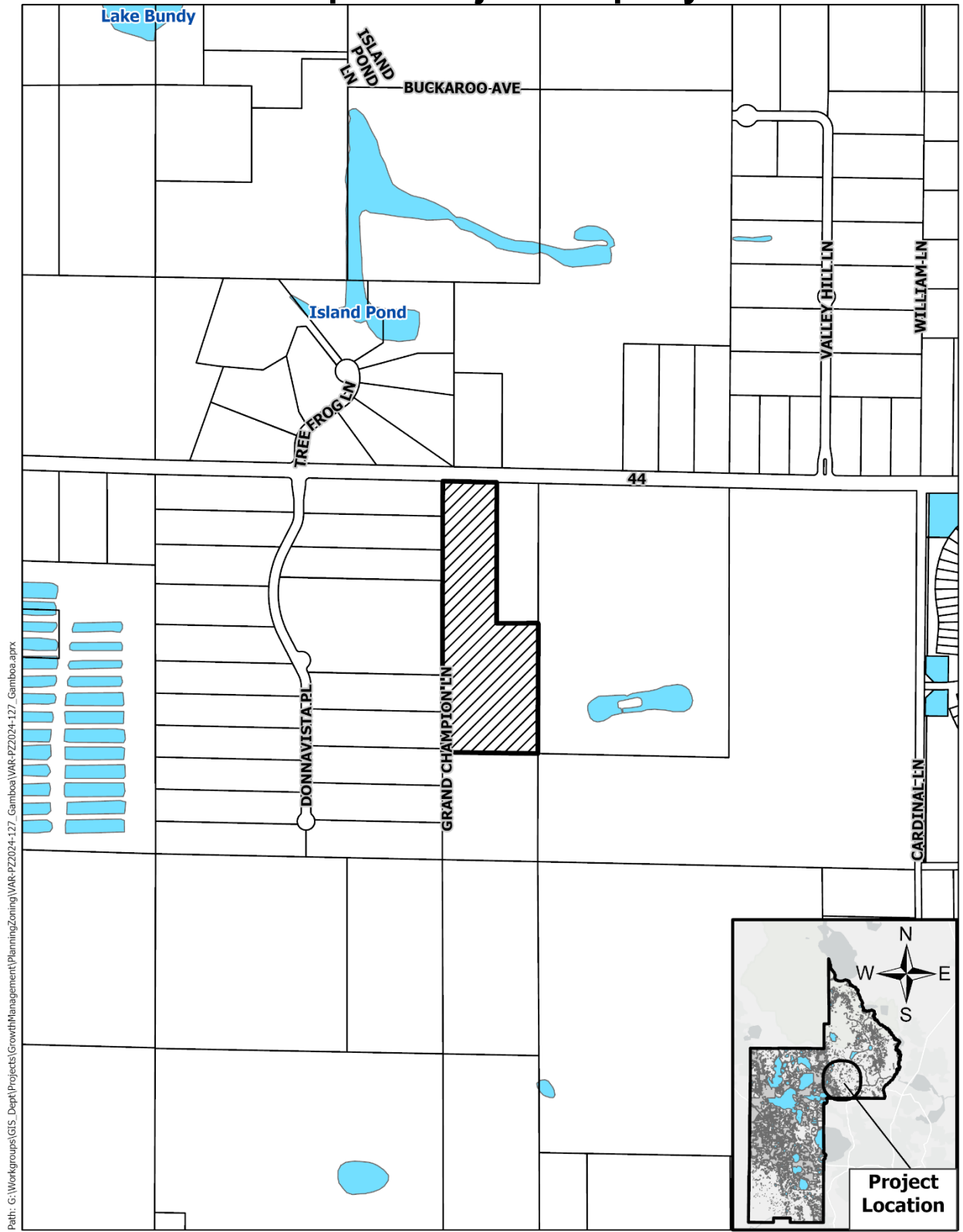
FLOODPLAIN: N/A

WRITTEN COMMENTS FILED: SUPPORT: -0-

OPPOSITION: - 1-

BOARD ACTION:

Map of Subject Property

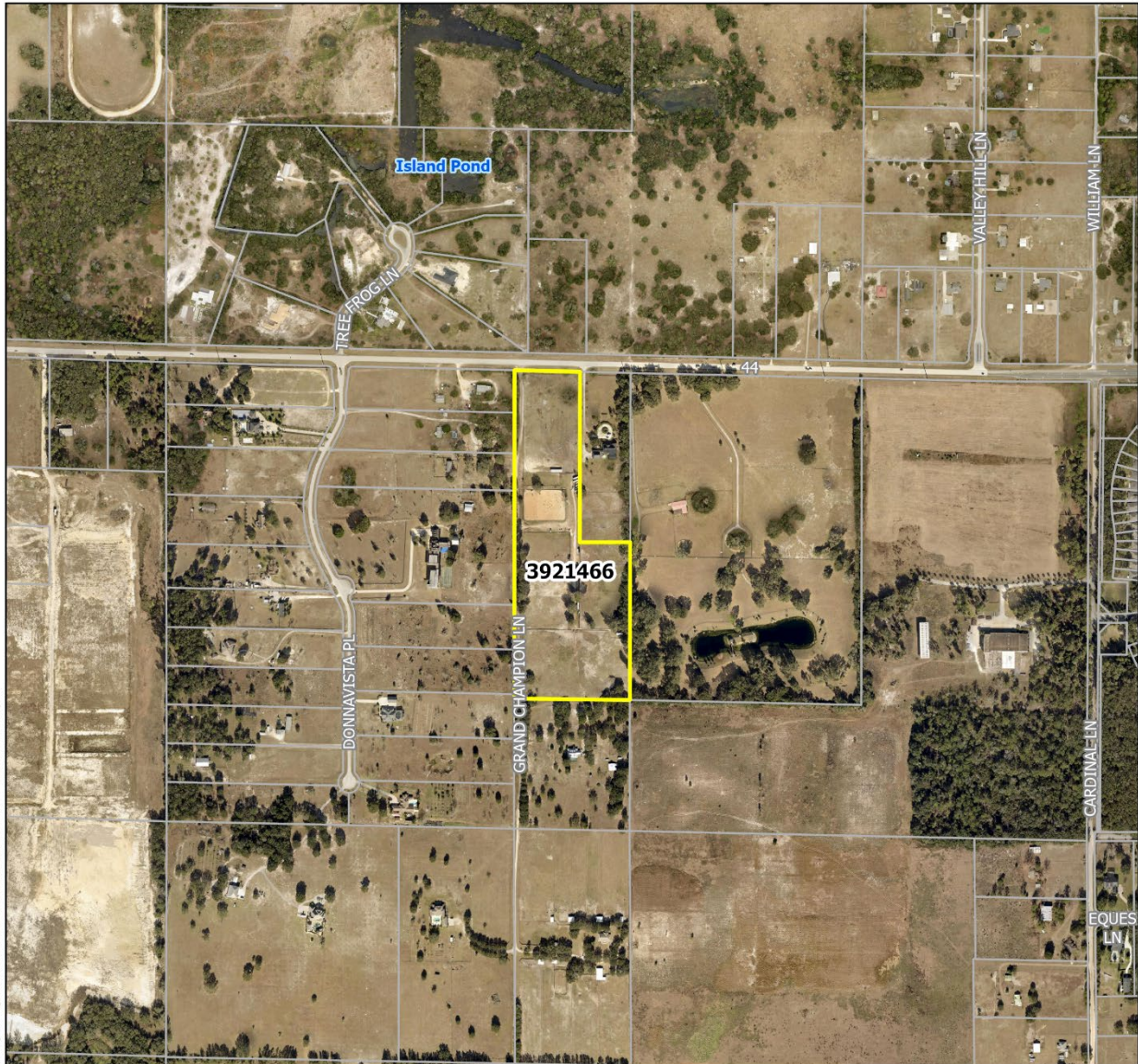


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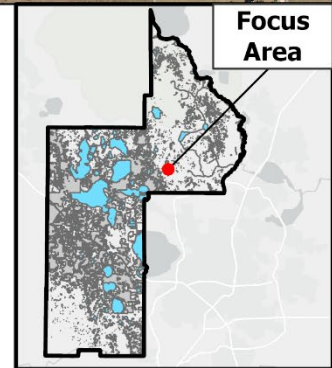
Aerial Map of Subject Property

VAR-PZ2024-127
Gamboa Property



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To allow the owners to create two (2) lots from a lot that is not the original legally created lot or lot of record and to allow the owners to create (2) lots through the minor lot split process in lieu of the platting process.



8/22/2024

Final Development Order

WHEREAS, Javier Gamboa and Kirsten Gamboa (the "Applicants" and "Owners") requested a variance to Land Development Regulations (LDR) Sections 14.11.01(D)(1) and 14.11.01(G) to allow the creation of two (2) lots from a lot that is not the originally legally created lot or lot of record and to allow the creation of two (2) lots through the minor lot split process that was originally created through the minor lot split process, in lieu of the required platting process, with the condition that further subdivision proposed in the future must be accomplished through the platting process and the parcel may not be granted further variances to LDR Sections 14.11.01(D)(1) and 14.11.01(G); and

WHEREAS, the subject property consists of 21.54 +/- gross acres, located at 34250 Grand Champion Lane, in the unincorporated Eustis area of Lake County, in Section 11, Township 19 South, Range 27 East, having Alternate Key Number 3921466 and more particularly described in Exhibit A, attached hereto and incorporated by reference; 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 December 4, 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 Land Development Regulations (LDR) Sections 14.11.01 (D)(1) and 14.11.01(G) is hereby granted to allow the owners the creation of two (2) lots from a lot that is not the originally legally created lot or lot of record and to apply the creation of two (2) lots through the for a minor lot split process that was originally on a parcel that was created through the minor lot split process, in lieu of the required platting process, with the condition that further subdivision proposed in the future must be accomplished through the platting process and the parcel may not be granted further variances to LDR Sections 14.11.01(D)(1) and 14.11.01(G).

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea L. Meeks, Chairman

**State of Florida
County of Lake**

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 4th day of December 2024, by Bea L. Meeks, 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.

Exhibit "A" – Legal Description

The East 1/2 of the East 1/2 of the Southwest 1/4 of Section 11, Township 19 South, Range 27 East, Lake County, Florida: LESS the South 1125.71 feet thereof, also LESS road right of way for State Road No. 44. AND That part of the South 1125.71 feet of the East 1/2 of the East 1/2 of the Southwest 1/4 of Section 11, Township 19 South, Range 27 East, Lake County, Florida, being described as follows: Commencing at the South 1/4 corner of said Section 11, thence N 88°56'06" W along the South line of said Section 11, a distance of 653.40 feet to the Southwest corner of said East 1/2 of the East 1/2 of the Southwest 1/4; thence N 00°03'09" W, along the West line of said East 1/2 of the East 1/2 of the Southwest 1/4, 734.84 feet to the Point of Beginning; thence continue N 00°03'09" W, along the West line of said East 1/2 of the East 1/2 of the Southwest 1/4, 391.06 feet to the Northwest corner of the South 1125.71 feet of the East 1/2 of the East 1/2 of the Southwest 1/4; thence S 88°56'06" E, 654.43 feet along the North line of said South 1125.71 feet of the East 1/2 of the East 1/2 of the Southwest 1/4 to a point on the East line of the Southwest 1/4 of said Section 11; thence South along said East line of the Southwest 1/4, a distance of 385.91 feet; thence N 89°23'15" W, 653.99 feet to the Point of Beginning. Subject to and together with easement(s) located in Section 11, Township 19 South, Range 27 East, Lake County, Florida, for road, utility and drainage purposes, as described in Official Records Book 1329, Page 1326. Less and Except the following:

Commence at the South 1/4 corner of Section 11, Township 19 South, Range 27 East, Lake County, Florida; thence run N 00°00'03" E along the East line of the Southwest quarter of Section 11 for a distance of 1631.31 feet to the point of beginning; thence S 89°48'35" W, 285.43 feet; thence N 00°00'03" E, 963.91 feet to a point on the South right-of-way of State Road 44; thence S 88°51'09" E along the South right-of-way of State Road 44 for a distance of 285.48 feet to a point on the East line of the Southwest quarter of Section 11; thence S 00°00'03" W, 957.24 feet to the point of beginning.