



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3
 Public Hearing Date: March 11, 2021
 Case No. and Project Name: VAR-20-77-1, Whitcomb Property
 Owner/Applicant: Lydia Whitcomb
 Requested Action: Variance to Land Development Regulation (LDR) Section 14.11.02.D.7.C to allow a Family Density Exception lot split to occur with an easement of thirty (30) feet in lieu of an easement of fifty (50) feet in width.
 Case Manager: Heather N. Croney, Planner

Subject Property Information

Size: 5.57 +/- acres
 Location: 3806 Soto Road, in the Groveland area
 Alternate Key No.: 1297753
 Future Land Use: Rural Future Land Use Category (FLUC)
 Current Zoning District: Agriculture
 Flood Zone: "X"
 Joint Planning Area/ ISBA: Mascotte Interlocal Service Boundary Area (ISBA)
 Overlay Districts: None

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Roadway, Residential	Soto Road, Single Family Dwelling Units North of Road
South	Rural	Agriculture Residential (AR)	Undeveloped	Undeveloped
East	Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit
West	Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit

Summary of Request.

The subject 5.57 +/- acre parcel is identified by Alternate Key Number 1297753 and is located in the unincorporated area of Groveland. The parcel is zoned Agriculture, is part of the Rural Future Land Use Category (FLUC), is located within the Mascotte Interlocal Service Boundary Area (ISBA). The subject parcel is currently developed with a single-family dwelling unit, open porch, garage, carport, and a dock. The parcel is generally located along the South side of Soto Road, in the Groveland area.

The applicant is seeking to complete a family lot split on the subject property to give one acre to their daughter for her to build a home. To do so, they are requesting the allowance to have an easement for the lot split that is less than the required fifty (50) feet. The applicant states in their application that the adjacent property owner will not agree to allow a portion of their property to be used to accommodate an easement between the two properties, so the applicant states that they cannot meet the required fifty (50) foot easement pursuant to Land Development Regulation (LDR) Section 14.11.02.D.7.C. Attachment B shows the proposed Family Density Exception lot split.

The variance application was sent to the Public Works Department for review. The Public Works Department has no objections to the request, but advised that there may be concerns for floodplain compliance with future development.

The variance application request was provided to the City of Mascotte, and they did not provide any comments.

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.

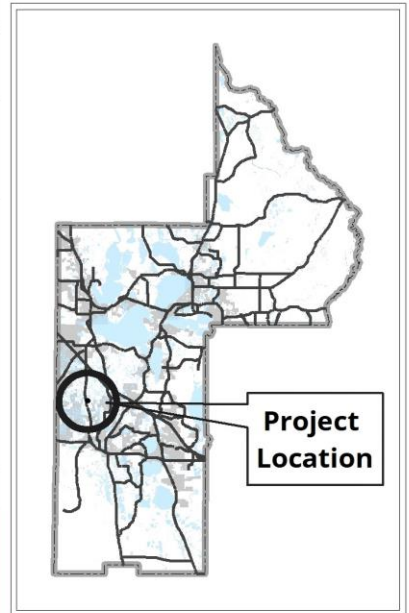
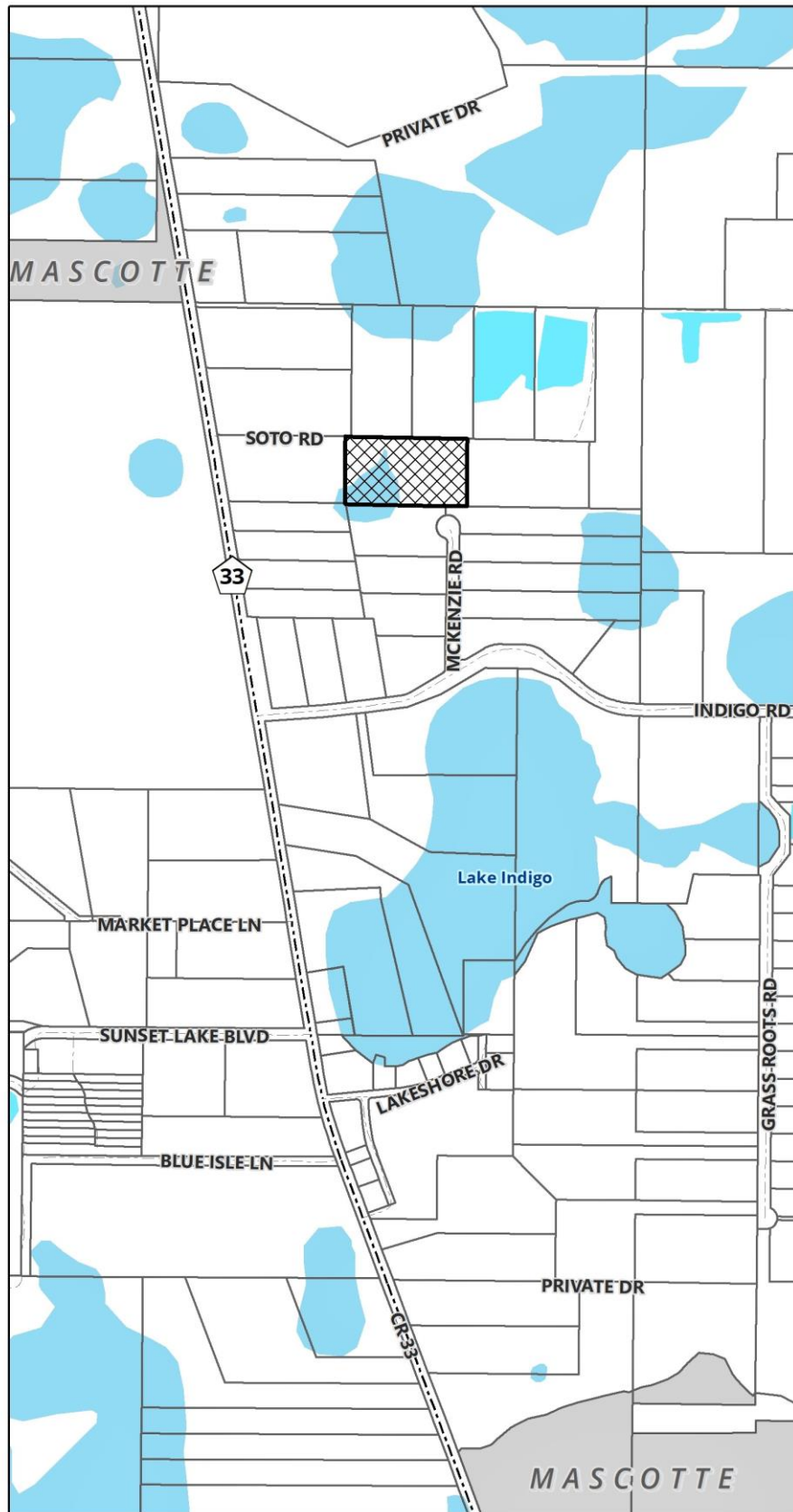
"After parcel 5 easement returns to 50 ft in front of our land Parcel 2"

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.

LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

"Need to split to put another home for myself. Parcel 5 will not agree to the easement."

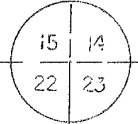
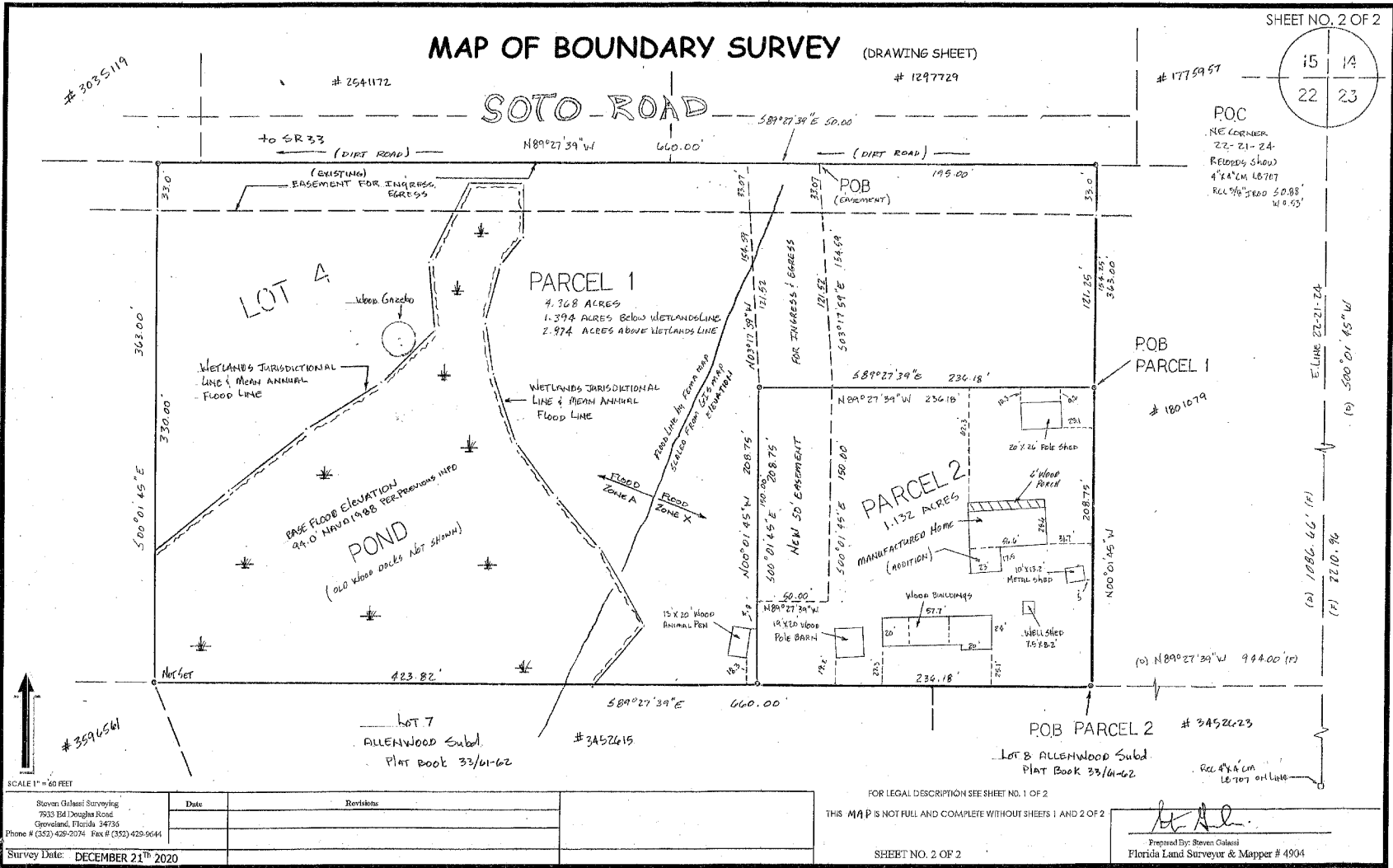
Map of Subject Property



Attachment A. Concept Plan.

SHEET NO. 2 OF 2

MAP OF BOUNDARY SURVEY (DRAWING SHEET)



POC
NE CORNER
22-21-24
RECORD SHOW
4'x4'xM 18767
REL 9/8/2000 50.98'
W 0.95'

POB PARCEL 1
1801679

POB PARCEL 2
3452623

LOT 8 ALLENWOOD Subd.
PLAT BOOK 33/61-62

Prepared By: Steven Galassi
Florida Land Surveyor & Mapper # 4904

SCALE 1" = 60 FEET

Steven Galassi Surveying
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Groveland, Florida 34736
Phone # (352) 429-2074 Fax # (352) 429-9644

Date	Revisions

Survey Date: DECEMBER 21st 2020

FOR LEGAL DESCRIPTION SEE SHEET NO. 1 OF 2
THIS MAP IS NOT FULL AND COMPLETE WITHOUT SHEETS 1 AND 2 OF 2

SHEET NO. 2 OF 2

**Final Development Order
VAR-20-77-1
Whitcomb Property**

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

WHEREAS, Lydia Whitcomb (the “Applicant” and the “Owner”), requested a variance to Land Development Regulation (LDR) Section 14.11.02.D.7.C to allow a Family Density Exception lot split to occur with an easement of thirty (30) feet in lieu of an easement of fifty (50) feet in width; and

WHEREAS, the subject property consists of 5.57 +/- acres, is located at 3806 Soto Road, in the unincorporated Groveland area of Lake County, Florida, in Section 22, Township 21, Range 24, having Alternate Key Number 1297753, and more particularly described in “**Exhibit A – Legal Description**”.

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on March 11, 2021; 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 March 11, 2021, 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-20-77-1 to allow a Family Density Exception lot split to occur with an easement of thirty (30) feet in lieu of an easement of fifty (50) feet in width with the following conditions:

1. The Family Density Exception lot split application shall be submitted within six (6) months from the Board of Adjustment (BOA) approval;
2. The County shall not be obligated to maintain the easement

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 11th day of March, 2021.
EFFECTIVE March 11, 2021.**

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea L. Meeks, Vice Chairman

**State of Florida
County of Lake**

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 11th day of March, 2021, by Bea L. Meeks, as Vice Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**

Exhibit "A" – Legal Description

Lot 4 described as follows: from the Northeast corner of Section 22, Township 21 South, Range 24 East, Lake County, Florida, run S 00°01'45"W along the East line of Section 22 a distance of 1086.66 feet; thence N89°27'39"W 944.0 feet to the POINT OF BEGINNING; run thence N00°01'45"W 363.00 feet; thence N89°27'39"W 660.00 feet; thence S00°01'45"E 363.00 feet to a point that is N89°27'39"W of the point of beginning; run thence S89°27'39"E 660.00 feet to the POINT OF BEGINNING. The North 33.0 feet thereof subject to an easement for ingress and egress. ORB 4734/614