



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: March 9, 2023

Case No. and Project Name: VAR-22-24-1, Caronna-Davis Property

Applicant/Owner: Bernadette K. Caronna-Davis

Requested Action: Variance to Lake County 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, through the minor lot split process, fronting on a 50-foot-wide easement, in lieu of a publicly-maintained paved road.

Case Manager: Janie Barrón, Chief Planner

Subject Property Information

Size: 23.90 +/- gross acres (17.07 +/- net acres)

Location: 4930 Indigo Road, Groveland

Alternate Key No.: 3751922 and 1701686

Future Land Use: Rural

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Joint Planning Area/ ISBA: City of Mascotte Interlocal Service Boundary Agreement (ISBA)

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residential	Single-Family Dwelling Unit
South	Rural	Agriculture (A)	Agriculture and Residential	Wetland Tract
East	Conservation and Municipal	Agriculture (A) and Municipal	Agriculture and Conservation	Agriculture and Wetland Tract
West	Rural	Agriculture (A)	Agriculture	Agriculture and Wetland Tract

Summary of Request.

The subject 23.90 +/- acre parcel identified by Alternate Key Numbers 3751922 and 1701686, is zoned Agriculture (A), and is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The property is located at 4930 Indigo Road, in the Groveland area of unincorporated Lake County. The subject property is currently developed with a single-family dwelling unit and barn with open covers as depicted on the survey (Attachment "A").

The Applicant has submitted a variance request 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 through the minor lot split process fronting on a 50-foot-wide easement, in lieu of a publicly-maintained paved road.

The subject parcel is located within the City of Mascotte ISBA. The variance application was sent to the City of Mascotte for a determination of consistency with their regulations. The City of Clermont had no 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 LDR Section 14.11.01.D.2 is to ensure that properties being split have a minimum amount of acreage and have the facilities necessary for the development of parcels such as roads and appropriate emergency access.

The Applicant provided the following statement as proof that the intent of the LDR will be or has been achieved by other means, *"Achieved by a private road, which is maintained by all residents. The lot split between the 2 Alt. Keys will show a minimum of 6.52 acres high & dry & will comply with the minimum County requirement of at least 5 acres. Each parcel being created will meet the zoning & future land use density, as shown on the survey."*

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 and hardship statement (Attachment "B"), *"I am disabled & my husband is 73 years old. We can no longer maintain the entire property."*

Attachment "B" – Hardship Statement

Caronna-Davis Property Project No 20220500027
Application request No. 4903
ATL Key No. 3751922 and 1701686

Bernadette K. Caronna-Davis
4930 Indigo Road, Groveland FL 34736

Board of Adjustments:

The Parent parcel #5 contains 23 acres+- that I have owned for many years. This includes two alt key numbers that are a part of the whole parcel. We are located on a NON county-maintained road. We as the owners have the documentation that indicates that. Also, we have attached photos of the end of county maintenance sign.

As I am now under social security disability, and my husband is 74 years old, we wish to split the property into two (2) parcels. Our physical hardship limitations makes the whole property very difficult to maintain and we cannot keep affording the expense. We request to split the ALT KEY 3751922 as it is over the 5 acres high and dry needed to comply with the county standards. Our remaining ALT KEY 1701686 is where our home is located, and we wish to keep this as our primary domicile.

The existing survey (attached) to split the property was completed in August 2022 by:

Kicoh Tech. LLC
Suriel (Sergio) Perez, MS, PSM
Surveying & Environmental Operations
352-989-1601
s.perez@kicohtech.com
kt-env@kicohtech.com

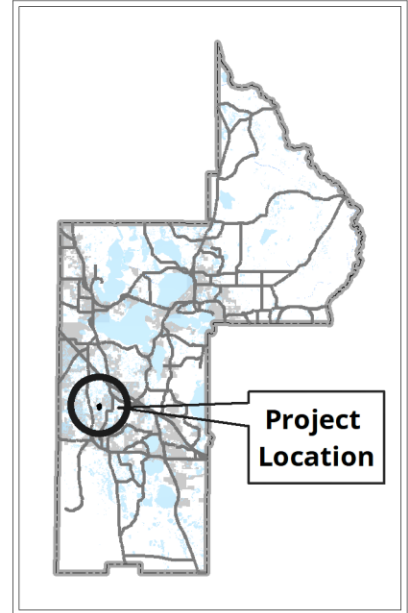
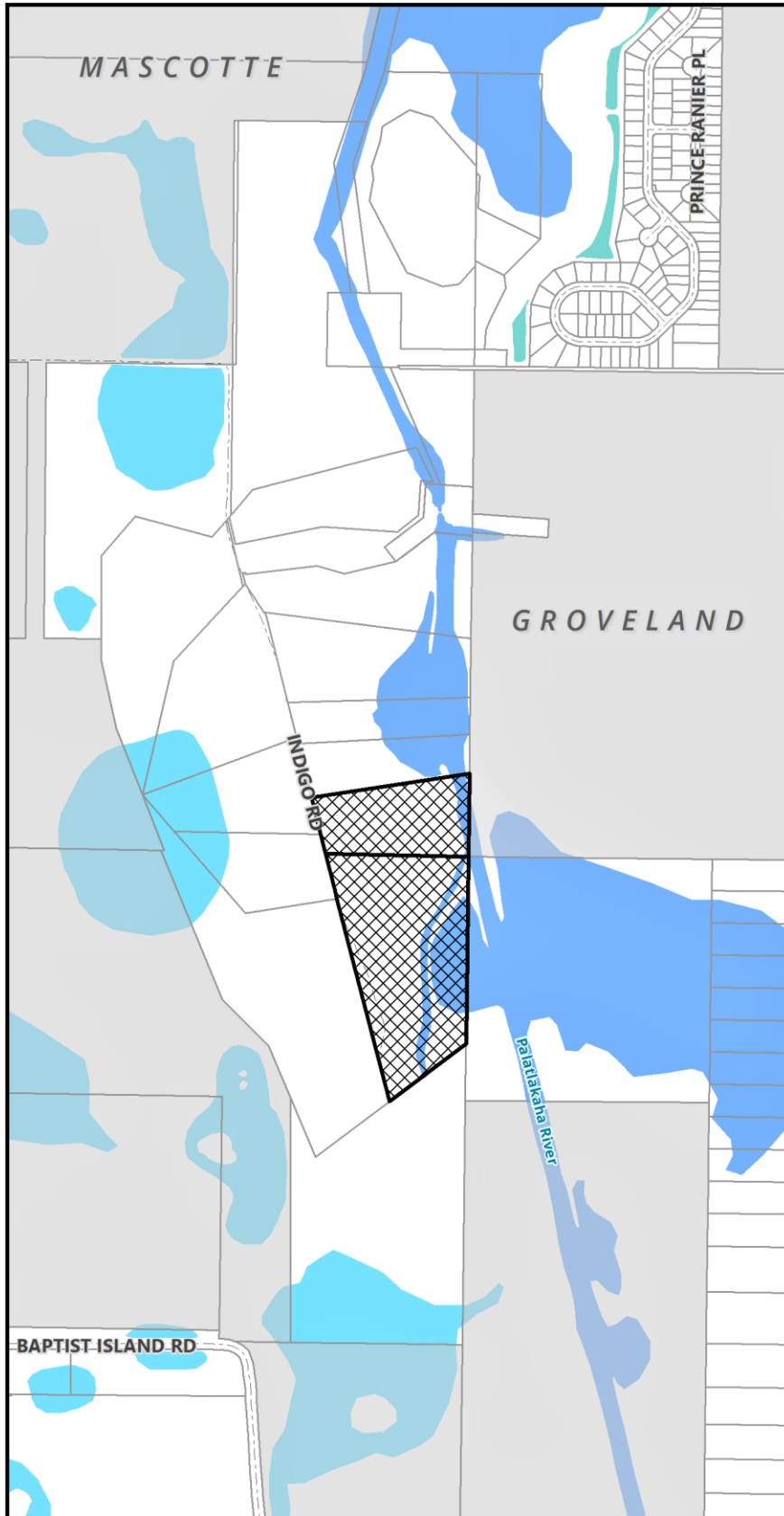
We sincerely request that the BOA will approve the variance so we may move forward with the lot split

Sincerely

Bernadette K Caronna-Davis
4930 Indigo Rd
Groveland, FL 34736

Attachments: Survey

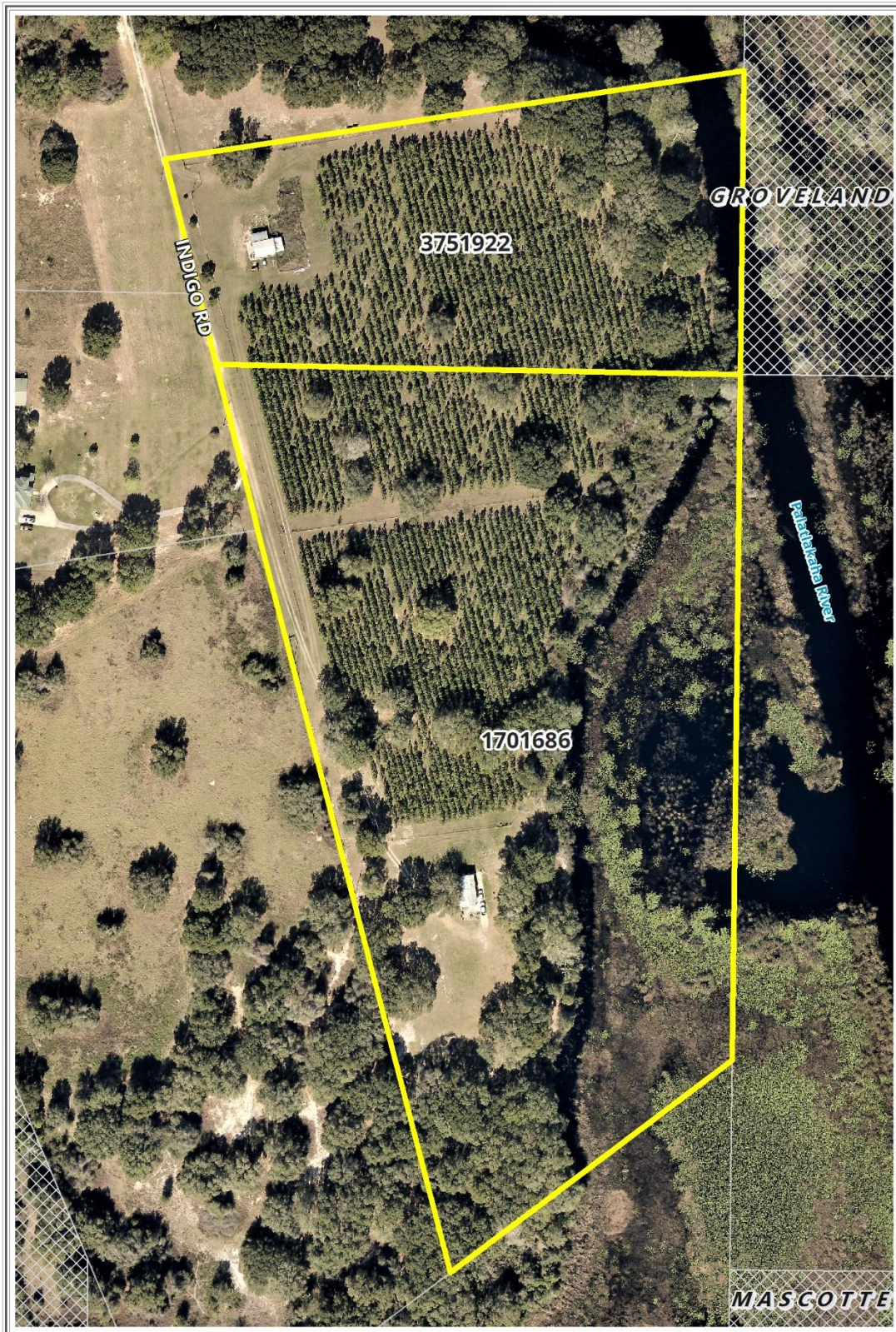
Map of Subject Property



Aerial of Subject Property



VAR-22-24-1
Caronna-Davis Property



Allow Minor Lot Split
on Non-County
Maintained Road

Final Development Order
VAR-22-24-1
Caronna-Davis Property

WHEREAS, Bernadette K. Caronna-Davis (the “Owner”) requested a variance to Lake County Land Development Regulations (LDR) Sections 14.11.01(D)(2) to allow for the creation of two (2) lots that are under the required minimum twenty (20) acres, through the minor lot split process, fronting on a 50-foot-wide easement, in lieu of a publicly-maintained paved road; and

WHEREAS, the subject property consists of 23.90 +/- gross acres (17.07 +/- net acres) and is located at 4390 Indigo Road, in the unincorporated Groveland area of Lake County, Florida, in Section 23, Township 21 South, Range 24 East, having Alternate Key Numbers 3751922 and 1701686 and more particularly described in Exhibit “A” – Legal Description; and

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations (LDR), including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on March 9, 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 March 9, 2023, 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-22-24-1 to allow for the creation of two (2) lots that are under the required minimum twenty (20) acres, through the minor lot split process, fronting on a 50-foot-wide easement, in lieu of a publicly-maintained paved road, with the following condition:

1. The lot split application be submitted within twelve (12) months from the Board of Adjustment (BOA) approval.

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 9th day of March, 2023.

EFFECTIVE March 9, 2023.

BOARD OF ADJUSTMENT

LAKE COUNTY, FLORIDA

Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 9th day of March, 2023, by _____, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)

EXHIBIT "A" – LEGAL DESCRIPTION

LEGAL DESCRIPTION

PARCEL 5A:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 21 SOUTH, RANGE 24 EAST, LAKE COUNTY FLORIDA; THENCE RUN N01°07'42"E ALONG THE EAST LINE OF SAID SECTION 23 FOR A DISTANCE OF 449.15 FEET; THENCE LEAVING SAID EAST LINE RUN S80°15'47"W FOR A DISTANCE OF 868.72 FEET TO AN IRON ROD; THENCE RUN S14°29'25"E FOR A DISTANCE OF 303.42 FEET TO AN IRON ROD AND BEING THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 23; THENCE RUN S89°23'00"E ALONG THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 23 TO THE AN AXLE ALSO BEING THE POINT OF BEGINNING. ALL BEING IN SECTION 23, TWP 21S, RNG 24E LAKE COUNTY, FLORIDA.

CONTAINING 6.98 ACRES AND BEING SUBJECT TO ROAD EASEMENT AND ANY EASEMENTS OR RIGHTS OF WAY OF RECORD.

PARCEL 5B:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 21 SOUTH, RANGE 24 EAST, LAKE COUNTY FLORIDA; RUN N89°23'00"W ALONG THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 23 A DISTANCE OF 771.83 FEET TO AN IRON ROD; THENCE RUN S14°29'24"E A DISTANCE OF 1404.48 FEET TO AN IRON ROD; THENCE RUN N53°31'46"E A DISTANCE OF 510.30 FEET; THENCE RUN N00°32'49"E A DISTANCE OF 1048.22 TO AN AXLE ALSO BEING THE POINT OF BEGINNING.

CONTAINING 16.92 ACRES, AND BEING SUBJECT TO ROAD EASEMENT AND ANY EASEMENTS OR RIGHTS OF WAY OF RECORD.

TOGETHER WITH AND SUBJECT TO: A ROAD EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

ROADWAY EASEMENT:

A 50.00 FOOT INGRESS AND EGRESS EASEMENT LYING 25.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 21 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; THENCE RUN S89°23'00"W ALONG THE SOUTH LINE OF SAID SECTION 23 FOR DISTANCE OF 1,852.24 FEET; THENCE RUN N21°46'50"W FOR A DISTANCE OF 710.34 FEET TO A CONCRETE MONUMENT; THENCE RUN N13°07'20"W FOR A DISTANCE OF 377.01 FEET TO A CONCRETE MONUMENT; THENCE RUN N00°22'36"W FOR A DISTANCE OF 568.84 FEET TO AN IRON PIPE; THENCE RUN N40°08'27"E FOR A DISTANCE OF 281.22 FEET TO AN IRON PIPE; THENCE RUN S75°41'58"E FOR A DISTANCE OF 430.45 FEET TO AN IRON ROD; THENCE RUN N41°01'51"E FOR A DISTANCE OF 140.59 FEET TO AN IRON ROD AND THE POINT OF BEGINNING. THENCE RUN S14°03'57"E FOR A DISTANCE OF 372.10 FEET TO AN IRON ROD; THENCE RUN S34°16'46"E FOR A DISTANCE OF 214.73 FEET TO AN IRON ROD; THENCE RUN S14°29'25"E FOR A DISTANCE OF 1729.74 FEET TO AN IRON ROD AND THE POINT OF TERMINATION.

ALSO SUBJECT TO THOSE EASEMENTS FOR INGRESS AND EGRESS GRANTED IN OFFICIAL RECORDS BOOKS AND PAGES 147111798; 147111801; AND 1483/1613, ALL OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.