

LAKE COUNTY PLANNING AND ZONING DIVISION
VARIANCE STAFF REPORT

Board of Adjustment



March 9, 2017

VAR-17-03-4	District 4 Commissioner Campione	Agenda Item # 3
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Requested Action: Variance from Lake County Land Development Regulations (LDR) Section 3.01.02.A.1.b, to allow a single family residence to have a roof pitch of ¼" rise for each twelve (12) feet of horizontal run in lieu of the one (1) foot of rise for each four (4) feet of horizontal run.

Owner and Applicant: Maria & Jorge Castillo

- Site Location & Information -

Size	2.49 +/- acres
Property Address	34500 Tree Frog Lane, Eustis, FL 32736
Location	North of SR 44 and East of CR 439
Alternate Key No.	3865894
Future Land Use	Rural
Zoning District	A (Agriculture)
Overlay Districts	Wekiva Study Area
Joint Planning Area/ISBA Area	N/A

- Land Use Table -

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Rural	A (Agriculture)	Residential	Vacant
South	Rural Transition	A (Agriculture)	Residential	Single Family Residence
East	Rural	A (Agriculture)	Residential	Vacant
West	Rural	A (Agriculture)	Residential	Vacant

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the variance from Lake County Land Development Regulations (LDR) Section 3.01.02.A.1.b, to allow a single family residence to have a roof pitch of ¼” rise for each twelve (12) feet of horizontal run in lieu of the one (1) foot of rise for each four (4) feet of horizontal run.

- Staff Analysis -

The subject property is 2.49 +/- acres in size and is generally located North of State Road 44 and East of County Road 439 in the Eustis area. According to the 2012 Federal Emergency Management Agency (FEMA) map, the property lies fully within flood zone “AE”. The property is zoned (A) Agriculture and is part of the Rural Future Land Use Category. The property is currently vacant.

The owner/applicant is applying for a variance to Land Development Regulations (LDR) Section 3.01.02.A.1.b, which requires the pitch of the main roof to have a minimum of one (1) foot of rise for each four (4) feet of horizontal run (3/12 roof pitch). The applicant wishes to construct a single-family dwelling unit on the subject property with the pitch of the main roof being ¼” rise for each (12) twelve feet of horizontal run (¼ /12 roof pitch) which is considered a flat roof.

The applicant wishes to construct a custom built residence with a modern design. Modern design dwellings often have low roof pitches, less than Lake County’s required minimum of one (1) foot of rise for each (4) four feet of horizontal run. The applicant is proposing to construct a single family residence with a roof pitch of ¼” rise for each (12) twelve feet of horizontal run. The applicant stated that they had trusses fabricated to accommodate the lower pitched roof. They wish to use these materials and they cannot be reimbursed for the supplies. There is nothing contained in the Florida Building Code which would prevent the construction of a single family residence with a ¼” / 12 roof pitch. The roof would need to be engineered to provide adequate drainage, constructed of durable materials, and in compliance with other applicable Florida Building Codes.

The **intent of the Code**, 3.01.02.A.1.b, is to provide a minimum architectural standard for single-family dwelling units to ensure compatibility with the surrounding neighborhood, while allowing a mixture of architectural styles. The proposed single family residence is consistent with the other provisions contained in LDR Section 3.01.02.A.1 which contains the other design standards for single family residences including the minimum width of the structure, a solid foundation or permanent skirting, and enclosed or removed transportation apparatuses.

The proposed single family residence is 4,560 square feet and is consistent with Table 3.02.09 which requires the minimum structure size to be 850 square feet in the Agriculture zoning district. The proposed single family residence will meet all setback requirements within Table 3.02.05. The proposed single family residence will encompass 2.37% Impervious Surface Area (ISR) and is consistent with Table 3.02.06 which has a maximum ISR of 0.10% for structures within the Agricultural zoning district.

Although the roof pitch would be different from the surrounding residences, the proposed residence is consistent with all other applicable regulations and a reduced roof pitch would not negatively impact the subject residence or the surrounding neighborhood.

The applicants submitted the following reasons as proof of **meeting the intent of the Code** and proof that the application of the Land Development Regulation would create a **substantial hardship or would violate principles of fairness**:

See Exhibit A

FINDINGS OF FACT: Staff has reviewed the application for this variance request and found:

1. The request is consistent with the other provisions contained in LDR Section 3.01.02.A.1 which contains the other design standards for single family residences including the minimum width of the structure, a solid foundation or permanent skirting, and enclosed or removed transportation apparatuses; and
2. The proposed residence is consistent with all other applicable LDR Sections including LDR Table 3.01.03, which allows residential uses within the Agriculture zoning district; LDR Table 3.02.06, which allows a maximum ISR of 0.10% within the Agriculture zoning district; and LDR Table 3.02.09 which requires the minimum structure size to be 850 square feet in the Agriculture zoning district; and
3. The Florida Building Code does not prohibit flat or low roof pitches on single family residences; and
4. The intent of the Code is to provide a minimum architectural standard for single-family dwelling units to ensure compatibility with the surrounding neighborhood, while allowing a mixture of architectural styles; and
5. The proposed residence is consistent with all other applicable regulations and a reduced roof pitch would not negatively impact the subject residence or the surrounding neighborhood.

The owner and applicant have submitted proof of meeting the intent of the Code and have shown proof of a substantial hardship or that the application of the Code would violate principles of fairness. Based on the Findings of Fact and Analysis stated above, Staff recommends **Approval with conditions** of the variance to Land Development Regulations (LDR) Section 3.01.02.A.1.b, to allow a single family residence to have a roof pitch of ¼" rise for each twelve (12) feet of horizontal run in lieu of the required minimum pitch of one (1) foot of rise for each four (4) feet of horizontal run.

WRITTEN COMMENTS FILED:

Support: -8-

Questions: -0-

Opposition: -0-

Case Manager: Kimberly Haskins, Associate Planner

Exhibit A

The style of home we have designed and wish to build is Modern. This style requires a roof pitch of $\frac{1}{4}$:12 to $\frac{1}{2}$:12.

If we are required by Lake County to have a minimum roof pitch of 3:12 we feel this will drastically change the look of our home and make it feel too top heavy.

We have had the trusses fabricated as well. If we are to change them we will be out of thousands of dollars to have to rebuild all the trusses again.

This will also force the upper level window sills to be raised in height which will affect an egress window and will no longer be in compliance with FBC 2014 5th edition and will require a complete re-design of the upper level floor plan.

Since low slope roof pitches are allowed in commercial and are not a life safety issue we feel it could be allowed in residential.

February 1, 2017

To whom it may concern:

Our company owns lots 4, 7 and 8 in Wandering Ponds subdivision. We are neighbors of Lot 1 - Wandering Ponds subdivision.

It is my understanding that a variance is required to approve a non-traditional roof for the owners of Lot 1.

I support the granting of this variance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Campbell, Manager".

Ryan Campbell
Manager

C. Jonathan Champion

January 12, 2017

To whom it may concern:

I am the owner of approximately 60 acres near Wandering Ponds subdivision.

It is my understanding that a variance is required to approve a non-traditional roof for my neighbors who own Lot 1.

I support the granting of this variance.

Sincerely,



C. Jonathan Champion

Ben Champion

January 12, 2017

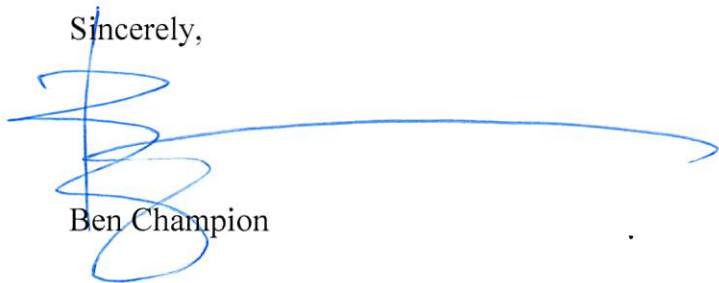
To whom it may concern:

I live in the vicinity of Wandering Ponds subdivision on Britt Rd.

It is my understanding that a variance is required to approve a non-traditional roof for my neighbors who own Lot 1.

I support the granting of this variance.

Sincerely,

A handwritten signature in blue ink, consisting of a vertical line with several loops and a long horizontal stroke extending to the right.

Ben Champion

Susan Fetter

January 13, 2017

To whom it may concern:

I am a resident of Lake County, FL.

It is my understanding that a variance is required to approve a non-traditional roof for the owners of Lot 1 of Wandering Ponds.

I support the granting of this variance.

Sincerely,

A handwritten signature in cursive script that reads "Susan Fetter".

Susan Fetter

Rob Krentel

January 13, 2017

To whom it may concern:

I live near Wandering Ponds Subdivision.

It is my understanding that a variance is required to approve a non-traditional roof for my neighbors who own Lot 1.

I support the granting of this variance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rob Krentel', with a long horizontal line extending to the right.

Rob Krentel

Cynthia Morgan

January 12, 2017

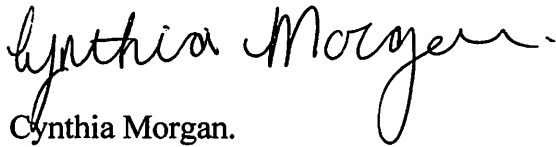
To whom it may concern:

I am a Lake County resident and I am familiar with Wandering Ponds subdivision.

It is my understanding that a variance is required to approve a non-traditional roof for the owners of Lot 1.

I support the granting of this variance.

Sincerely,

A handwritten signature in black ink that reads "Cynthia Morgan". The signature is written in a cursive style with a long, sweeping underline.

Cynthia Morgan.

Sally Kuhn & Nancy White

January 19, 2017


To whom it may concern:

We are the owners of Trophy Knot, LLC which owns Lot 1 of Lakewood Ranches just down the street from Wandering Ponds subdivision.

It is my understanding that a variance is required to approve a non-traditional roof for the owners of Lot 1.

I support the granting of this variance.

Sincerely,

Two handwritten signatures in blue ink. The first signature is more complex and cursive, while the second is a simpler, more horizontal signature.

Sally Kuhn & Nancy White.

Marc Lajeunesse

January 12, 2017

To whom it may concern:

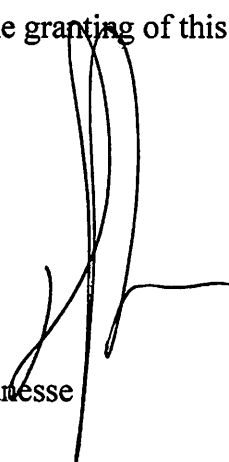
I am the owner of Lot 6 Wandering Ponds subdivision.

It is my understanding that a variance is required to approve a non-traditional roof for my neighbors who own Lot 1.

I support the granting of this variance.

Sincerely,

Marc Lajeunesse

A handwritten signature in black ink, appearing to read 'Marc Lajeunesse', is written over the printed name. The signature is stylized with a large, vertical loop and a horizontal stroke at the end.

**Final Development Order
Maria & Jorge Castillo
VAR-17-03-4**

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

WHEREAS, Maria & Jorge Castillo (the “Applicant”), the registered agent (the “Owner”), requested a variance to Land Development Regulation (LDR) Section 3.01.02.A.1.b, to allow a single family residence to have a roof pitch of ¼” rise for each twelve (12) feet of horizontal run in lieu of the one (1) foot of rise for each four (4) feet of horizontal run; and

WHEREAS, the subject properties consist of 2.49+/- acres North of State Road 44, in the Eustis area, Alternate Key Number 3865894, and are more particularly described below (hereinafter referred to as the “Property”):

Lot 1, Wandering Ponds Subdivision, according to the Plat recorded in Plat Book 62, Pages 56-61, Public Records of Lake County, Florida.

WHEREAS, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on August 11, 2016; and

WHEREAS, the Board of Adjustment reviewed said 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, 2017, 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 the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

Section 1. Recitals: The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-17-03-4 to allow a single family residence to have a roof pitch of ¼” rise for each twelve (12) feet of horizontal run in lieu of the one (1) foot of rise for each four (4) feet of horizontal run with the following conditions:

1. Shall be compliant with all Florida Building Codes and;
2. Shall be compliant with all other Land Development Regulations as amended

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, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 9th day of March, 2017.

EFFECTIVE March 9, 2017.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

**The foregoing instrument was acknowledged before me this February 9, 2017, by _____,
who is personally known to me.**

(SEAL)

Signature of Acknowledger