



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 11

Public Hearing Date: May 14, 2020

Case No. and Project Name: VAR-20-11-1, Barbosa Property

Applicant: John Barbosa

Owner: John Barbosa

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.01.02(A)1.b., to allow a home with roof pitch of one half (1/2) foot of rise for each twelve (12) feet of horizontal run in lieu of a minimum roof pitch of one (1) foot of rise for each four (4) feet of horizontal run.

Case Manager: Heather N. Croney, Planner

### Subject Property Information

Size: 6.51 +/- acres

Location: 11031 Arrowtree Boulevard, in the Groveland area.

Alternate Key No.: 3820565

Future Land Use: Rural

Current Zoning District: Planned Unit Development (PUD) – Ordinance #1998-106

Flood Zone: "A"

Joint Planning Area/ISBA: Groveland ISBA (Interlocal Service Boundary Agreement)

Overlay Districts: Yalaha – Lake Apopka RPA (Rural Protection Area)

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	PUD	Single Family Residence	Single-Family Dwelling Unit
South	Rural	PUD	Single Family Residence	Single-Family Dwelling Unit
East			Public Roadway	Arrowtree Boulevard
West	Conservation	PUD	Vacant Government	St. Johns River Water Management District

### Summary of Request.

The subject 6.51 +/- acre parcel is identified by Alternate Key Number 3820565. The parcel is zoned Planned Unit Development (PUD) (Ordinance #1998-106) and is part of the Rural Future Land Use Category (FLUC), and located within the Groveland ISBA (Interlocal Service Boundary Agreement) and the Yalaha – Lake Apopka RPA (Rural Protection Area) overlay district. The subject parcel is currently vacant.

The Applicant seeks approval to allow a home with roof pitch of one half (1/2) foot of rise for each twelve (12) feet of horizontal run in lieu of one (1) foot of rise for each four (4) feet of horizontal run. Attachment A illustrates a concept plan of the proposed roof pitch and location of the proposed single family dwelling unit on the subject property. The proposed dwelling unit is not located in a setback buffer or wetland area. The Applicant and Property Owner has received zoning approval and the building permit is currently under review.

### 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.**

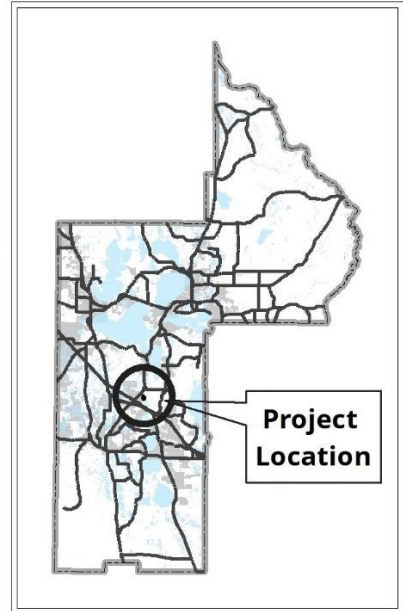
The **intent of the Code**, LDR Section 3.01.00 *Zoning District Use Regulations*, is to allow Development and use of property only in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan, in order to preserve the community and property values and protection the community character.

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, *"This is a new modern, energy efficient, Green Environmental and smart home. It is designed by a trusted engineer company and DADE hurricane specifications and designs. The roof is in compliance with Florida Building Code 2017."*

**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, *"This is a new modern, energy efficient, Green Environmental and smart home. It is designed by a trusted engineer company and DADE hurricane specifications and designs. The roof is in compliance with Florida Building Code 2017."*

# Map of Subject Property



# Attachment A, Concept Plan.

**DESCRIPTION:**  
 LOT 130, ARROWTREE RESERVE PHASE II, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 50, PAGES 48 THROUGH 55, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

**NOTES:**

1. BEARINGS BASED ON THE PLAT BEARING OF N.28°25'33"E. ALONG THE CENTER LINE OF ARROWTREE BOULEVARD.
2. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MIGHT BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
3. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHT OF WAY, SETBACKS OR RESTRICTIONS.
4. FEMA FLOOD MAP SHOWS ALL OF LOT 130 IN FLOOD ZONE "A". A LETTER OF MAP AMENDMENT CAN BE FILED DURING CONSTRUCTION TO REMOVE THE STRUCTURE FROM THE "A" ZONE.
7. ADDITIONS OR DELETIONS TO THE SURVEY SHOWN HEREON BY OTHERS THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF SAID SIGNING PARTY.

**NOTICE TO OWNER AND CONTRACTOR**

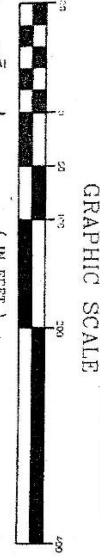
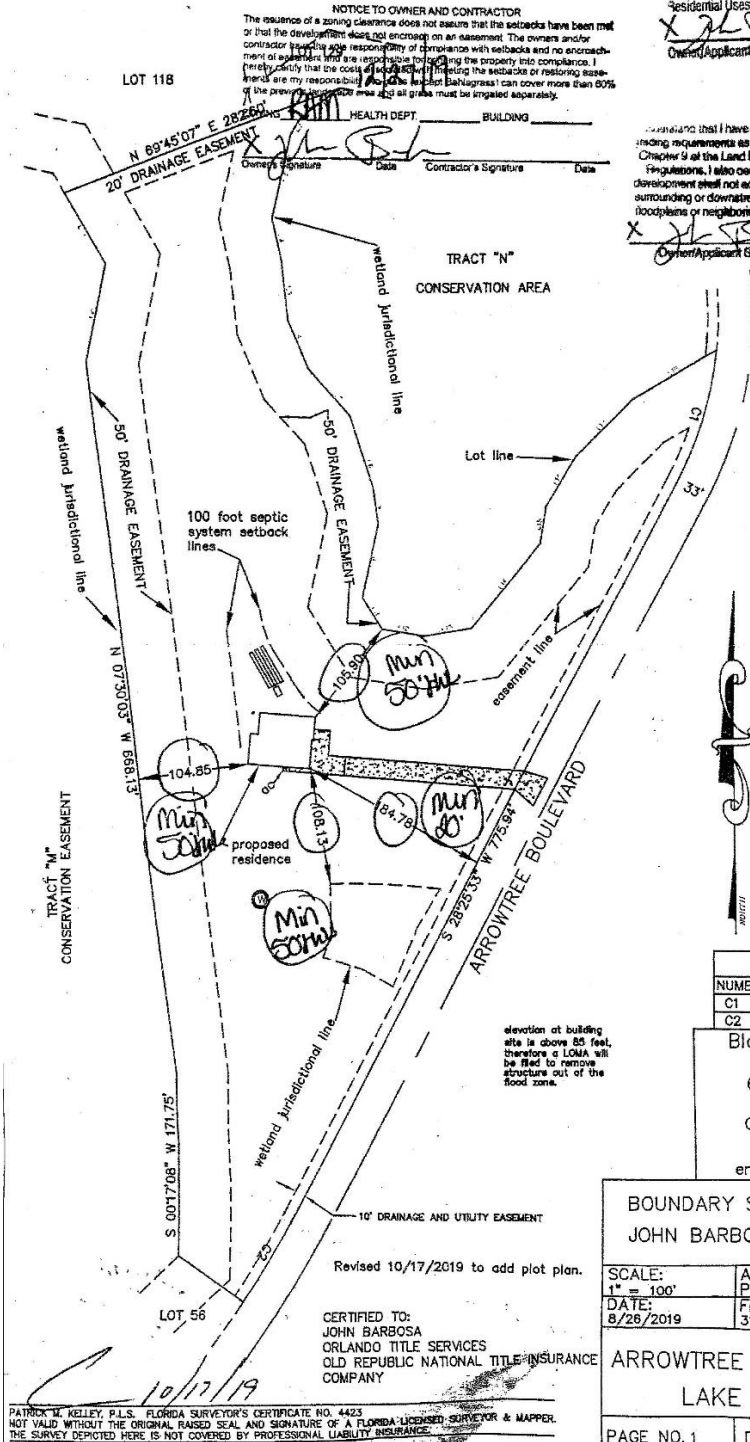
The issuance of a zoning clearance does not assure that the setbacks have been met or that the development does not encroach on an easement. The owners and/or contractor bear the sole responsibility of compliance with setbacks and no encroachments of easements and are responsible for bringing the property into compliance. I hereby certify that the costs of a professional engineer or architect to verify the setbacks or restoring easements are my responsibility. The cost of a professional engineer or architect to verify the setbacks or restoring easements of all plots must be signed separately.

I understand that I shall meet all single-family requirements as established in LDR 3.01.02(A) Residential Uses Classification of Uses.

Owner/Applicant Signature

I understand that I have to meet all zoning requirements as established in Chapter 9 of the Land Development Regulations. I also certify that my development shall not adversely affect surrounding or downstream wetlands, floodplains or neighboring properties.

Owner/Applicant Signature



LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S53°18'46"W	47.41
L2	S30°40'13"W	17.77
L3	S13°12'10"W	79.56
L4	N12°59'57"W	39.86
L5	N06°22'49"W	56.99
L6	N23°24'04"W	48.34
L7	N43°16'18"W	57.96
L8	N18°29'04"W	71.09
L9	N08°01'44"W	32.70
L10	N12°32'52"E	71.62
L11	N32°16'04"W	35.95
L12	N80°59'59"W	40.82
L13	S80°57'51"W	47.00
L14	S39°49'51"W	105.13
L15	S09°26'56"W	34.37
L16	S31°41'01"W	54.52
L17	S45°47'22"W	76.11
L18	S61°07'41"W	90.40
L19	S31°04'20"E	76.11
L20	S11°19'11"W	94.03

CURVE TABLE			
NUMBER	RADIUS	CHORD BEARING	CHORD
C1	317.00	N16°45'47"E	128.17
C2	967.00	N31°17'32"E	96.71

Blackburn Surveying, Inc.  
 L.B. # 6528  
 642 WEST HIGHWAY 50  
 P.O. Box 121022  
 Clermont, Florida 34712  
 (352) 394-4417  
 email: pmk 4423@aol.com

BOUNDARY SURVEY FOR:  
 JOHN BARBOSA

SCALE: 1" = 100'	APPROVED BY: PMK	DRAWN BY: pmk
DATE: 8/26/2019	FB/PAGE: 315/16	

ARROWTREE RESERVE PHASE II  
 LAKE COUNTY, FLORIDA

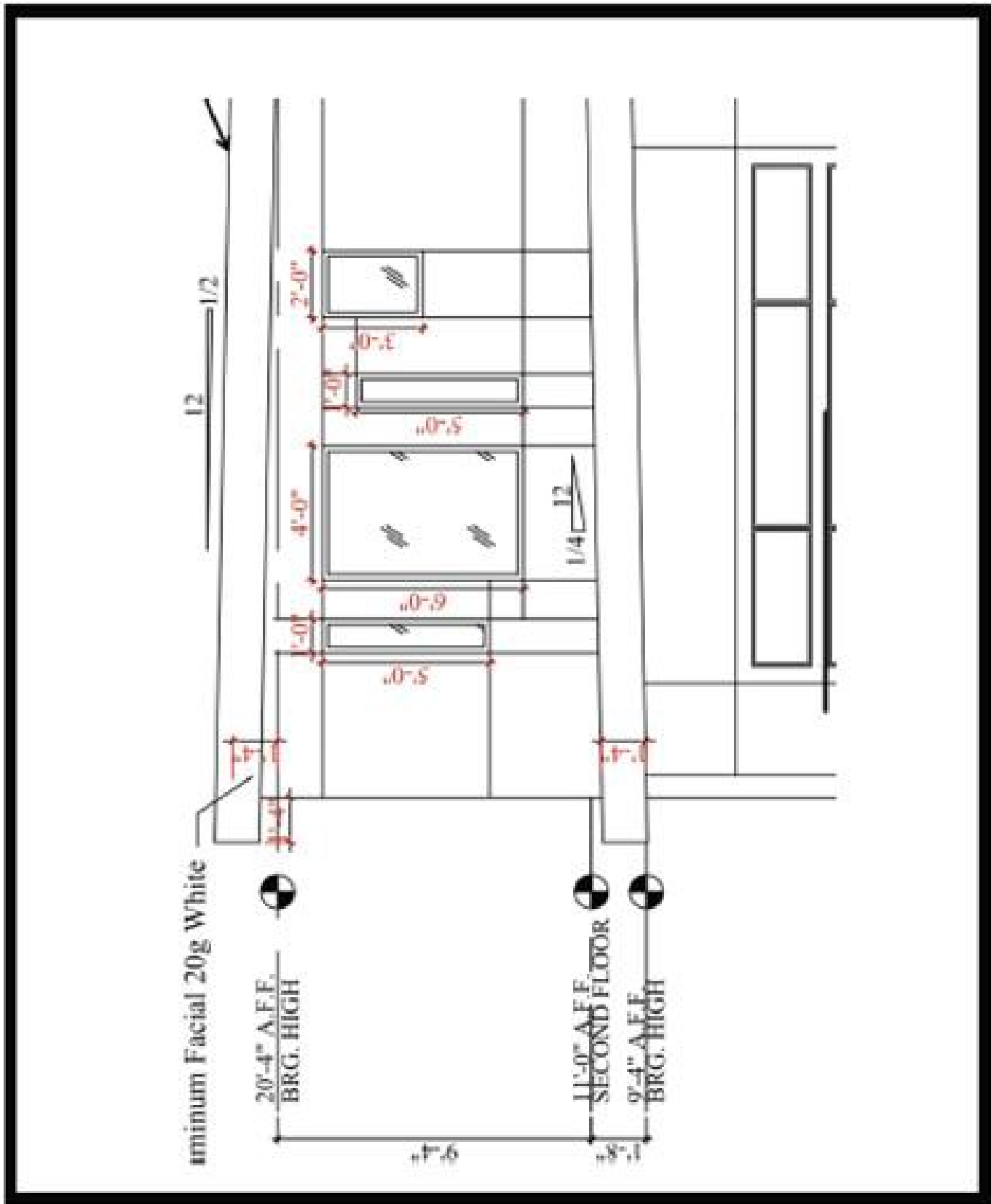
PAGE NO. 1 | DRAWING NO. arrowtree2-130

CERTIFIED TO:  
 JOHN BARBOSA  
 ORLANDO TITLE SERVICES  
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

10/17/19

PATRICK W. KELLEY, P.L.S. FLORIDA SURVEYOR'S CERTIFICATE NO. 4423  
 NOT VALID WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF A FLORIDA LICENSED SURVEYOR & MAPPER.  
 THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.





Overhang roof 1'-4"

**Final Development Order  
VAR-20-11-1  
Barbosa Property**

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

**WHEREAS**, John Barbosa (the "Applicant" and the "Owner") made a variance request to Lake County Land Development Regulations (LDR) Section 3.01.02(A)1.b. to allow for a roof pitch of one half (1/2) foot of rise for each twelve (12) feet of horizontal run in lieu of a minimum roof pitch of one (1) foot rise for four (4) foot run; and

**WHEREAS**, the subject property consists of approximately 6.51 +/- acres and is located at 11031 Arrowtree Boulevard, which is west of Arrowtree Boulevard, east of FL-19, and north of Florida's Turnpike, in the unincorporated Clermont area of Lake County, Florida, in Section 9, Township 23, Range 25, having an Alternate Key Number 3918428, and is more particularly described below:

Lot 130, Arrowtree Reserve Phase II, according to the plat thereof, as recorded in plat book 50, pages 48 through 55, Public Records of Lake County, Florida.

**WHEREAS**, after giving notice of a hearing on a 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 May 14, 2020; 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 May 14, 2020, 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-20-11-1 to Lake County Land Development Regulations (LDR) Section 3.01.02(A)1.b to allow for a roof pitch of one half (1/2) foot of rise for each twelve (12) feet of horizontal run.

**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.

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Section 3. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this 14<sup>th</sup> day of May, 2020.

EFFECTIVE May 14<sup>th</sup>, 2020.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
Lloyd Atkins, Chairman or  
James Argento, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_

\_\_\_\_\_.

Personally Known OR Produced Identification

Type of Identification Produced \_\_\_\_\_

\_\_\_\_\_  
Notary Signature  
(SEAL)