



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: March 9, 2023

Case No. and Project Name: VAR-22-51-3, Pena and Baron Property

Owners / Applicants: Guillermo Cruz Pena and Liliana Baron

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 3.01.02.A.1.b to allow a Single-Family Dwelling Unit to be constructed with a roof pitch of less than one (1) foot rise for each four (4) feet of horizontal run.

Case Manager: Jacob Geisler, Planner

Subject Property Information

Size: 3.08 +/- gross acres

Location: North of the Grand Oak Lane / Silent Ridge Drive intersection, in the unincorporated Tavares area

Alternate Key No.: 3838689

Future Land Use: Rural

Current Zoning District: Planned Unit Development (PUD)

Flood Zone: "A"

Joint Planning Area/ ISBA: N/A

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

Adjacent Property Land Use Table

| Direction | Future Land Use | Zoning | Existing Use | Comments |
|-----------|-----------------|--------------------------------|--------------|---|
| North | Rural | Planned Unit Development (PUD) | Residential | Residential Common Elements Area |
| South | Rural | Planned Unit Development (PUD) | Residential | Vacant Residential Lot, adjacent to Grand Oak Lane |
| East | Rural | Planned Unit Development (PUD) | Residential | Single-Family Dwelling Unit, adjacent to Silent Ridge Drive |
| West | Rural | Planned Unit Development (PUD) | Residential | Single-Family Dwelling Unit |

Summary of Request

The subject property, identified by Alternate Key Number 3838689, contains approximately 3.08 +/- gross acres. According to the Property Appraiser's database there is a wetland area along the rear of the property and adjacent to Silent Ridge Loop and is partially within Flood Zone "A". The subject property is zoned Planned Unit Development (PUD) in accordance with Ordinance #2019-50 and is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject property is generally located north of the intersection of Grand Oak Lane and Silent Ridge Drive in the Beauclair Ranch Club subdivision, in the unincorporated area of Tavares. The subject property is currently vacant.

The Applicant has requested a Variance to Lake County Land Development Regulations (LDR) Section 3.01.02.A.1.b to allow a single-family dwelling unit (SFDU) to be constructed with a roof pitch of less than one (1) foot rise for each four (4) feet of horizontal run. The Applicant is requesting to allow the SFDU with a pitch of one (1) inch for each one (1) foot of horizontal run as depicted on the Site Plan (Attachment "A"), Boundary Survey (Attachment "B"), and Architectural Plans (Attachment "C"). LDR Section 3.01.02.A.1 requires that single-family dwelling units (SFDU) comply with the following regulations:

- a) SFDU shall have a minimum width of twenty-three (23) feet four (4) inches at the narrowest point, excluding any attached screened room, architectural design features, garages, Carports or utility area. Prior to the issuance of any Building or use Permits, site plans set forth under the general provision section Shall be submitted to the County Manager or designee for his approval;
- b) The pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run and a minimal overhang of six (6) inches. Installed gutter may be counted as part of the six (6) inch overhang;
- c) A solid foundation or permanent skirting be required around the perimeter of the unit; and
- d) Any wheels, tongue or any transportation apparatus must be removed or enclosed.

The SFDU meets all the criteria listed above except for the roof pitch minimum requirement, which the applicant is requesting a variance to.

The application was provided to the Department of Public Works and the Chief Fire Plans Examiner for review. The Department of Public Works provided the following condition: *"Flood permitting will be required at time of building permit application. A flood determination, additional information on the structure and finished floor elevation, and elevation certificates will be required at time of permitting and during the construction of the structure. Any fill within the floodplain will require compensating storage onsite."* The Chief Fire Plans Examiner did not identify any 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 the Code, LDR Section 3.01.00, is to describe the specific uses and restrictions that apply to the zoning districts established in these regulations. These regulations are intended 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.

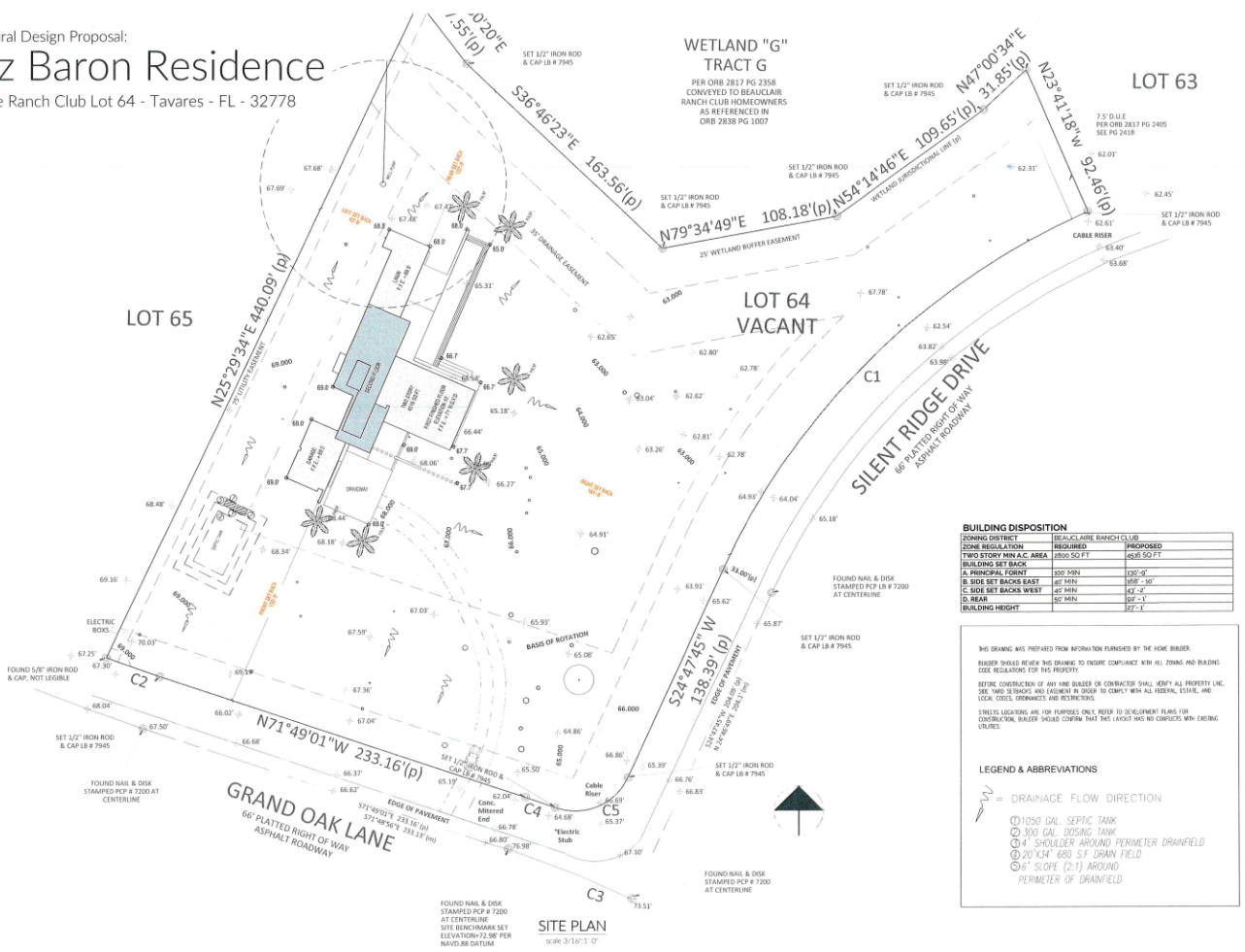
To show that the intent of the Code will be or has been achieved by other means, the Applicant provided the following statement, *“This house meets all safety regulations. It is category 5 hurricane resistant, energy efficient, and green eco-friendly with rainwater recycling, hidden solar panels, seamless roof and gutters in compliance with Florida Building Code.*

- 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, *“The proposed design is for safe, green eco-friendly, energy efficient and smart home with roof in compliance with the Florida Building Code 2020.”*

Attachment "A" - Site Plan

Architectural Design Proposal:
Cruz Baron Residence
 Beaulaire Ranch Club Lot 64 - Tavares - FL - 32778



BUILDING DISPOSITION

| ZONING DISTRICT | BEAULAIRES RANCH CLUB |
|--------------------------|-------------------------|
| ZONE REGULATION | REGULATED / PROPOSED |
| TWO STORY MIN. A.C. AREA | 2000 SQ FT / 4000 SQ FT |
| BUILDING SET BACK | |
| A. PRINCIPAL FRONT | 100 MIN / 130'-0" |
| B. SIDE SET BACKS EAST | 40' MIN / 30'-0" |
| C. SIDE SET BACKS WEST | 40' MIN / 45'-0" |
| D. REAR | 40' MIN / 0'-0" |
| BUILDING HEIGHT | 8'-0" / 8'-0" |

THIS DRAWING WAS PREPARED FROM INFORMATION FURNISHED BY THE HOME BUILDER. BUILDER SHOULD VERIFY THIS DRAWING TO ENSURE COMPLIANCE WITH ALL ZONING AND BUILDING CODES REGARDLESS FOR THIS PROJECT. BEFORE CONSTRUCTION OF ANY HOME BUILDER OR CONTRACTOR SHALL VERIFY ALL PROPERTY LINE, SET, WIND BREAKERS AND LAYOUTS TO COMPLY WITH ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES AND REGULATIONS. STREET LOCATIONS ARE FOR PURPOSES ONLY REFER TO DEVELOPMENT PLANS FOR CONSTRUCTION. BUILDER SHOULD CONFIRM THAT THIS LAYOUT HAS NO CONFLICTS WITH EXISTING UTILITIES.

- LEGEND & ABBREVIATIONS**
- = DRAINAGE FLOW DIRECTION
 - ⊙ 1050 GAL. SEPTIC TANK
 - ⊙ 300 GAL. DOSING TANK
 - ⊙ 4" SHOULDER AROUND PERIMETER DRAINFIELD
 - ⊙ 20"x4" @ 20' S.P. DRAIN FIELD
 - ⊙ 6" SLOPE (2:1) AROUND PERIMETER OF DRAINFIELD

Project Name:
Cruz Baron Residence
 Beaulaire Ranch Club Lot 64
 Tavares, FL
 NEW CONSTRUCTION

Design by:
 Leonardo Calixto
 8619 Highway 110, Apt. 1100
 Cape Canaveral, FL 32913
 305.933.5287

Prepared for:
 HOME SOLUTIONS PROJECTS
 862.412.7811

Site:
 NAGARA

Engineering by:
 MEP Engineer

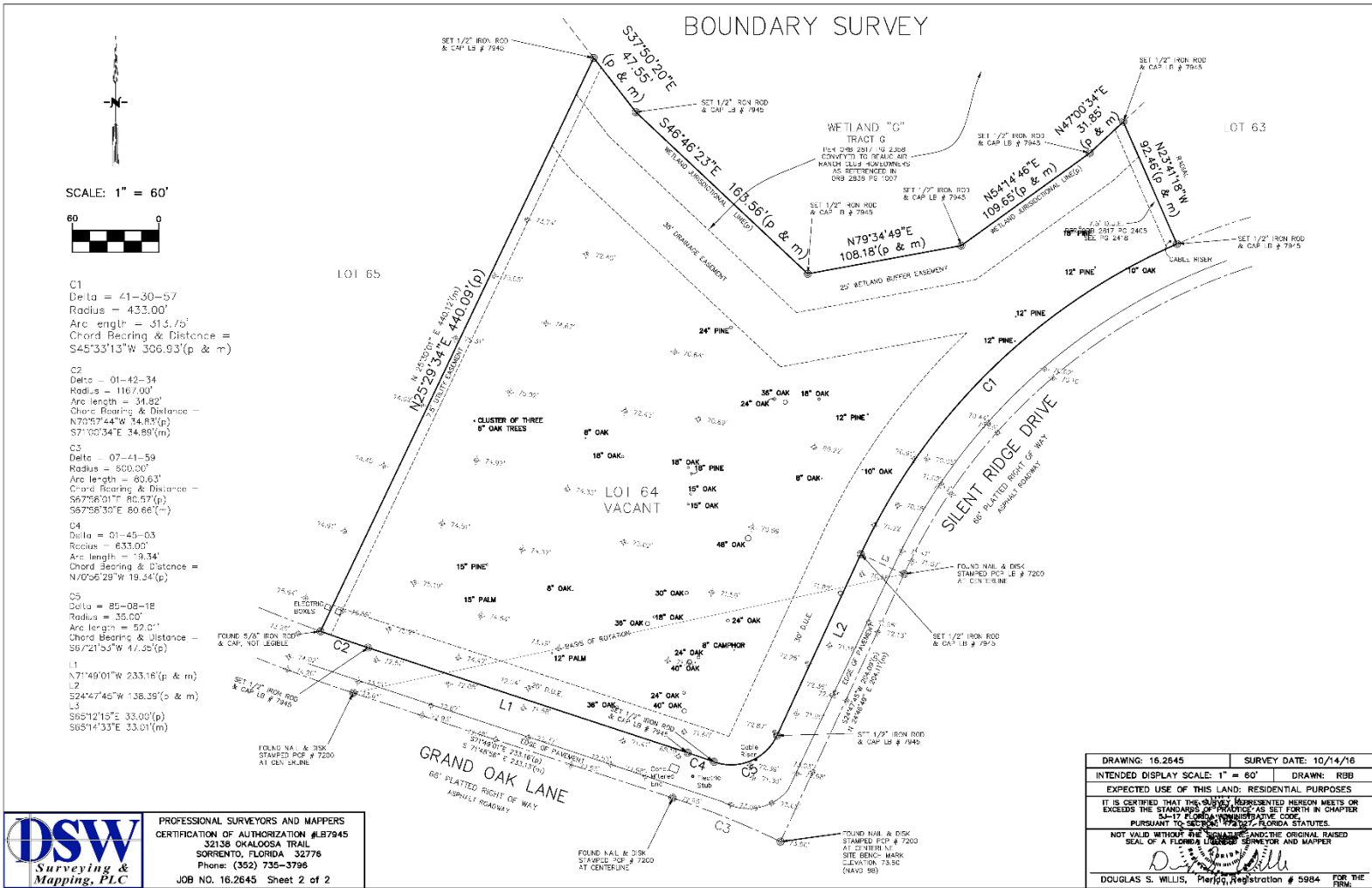
Scale:

Drawing Log:
 ISSUED FOR HSA APPROVAL
 2/15/2022

Contents:
 SITE PLAN

5/19/2022
A-o

Attachment "B" - Boundary Survey



Attachment "C" – Architectural Plans

Project Name:
**Cruz Baron
Residence**
Boulder Ranch Club Lot 64
Tampa, FL
NEW CONSTRUCTION

Owner:
Leonardo Calikto
10 Lakewood Park, #1120
Coral Gables, FL 33134

Prepared by:
**HOME SOLUTIONS
PROJECTS**
06/14/2022

Site:
NAGARA

Engineer by:

Check by:

Scale:



THIS PLAN IS THE PROPERTY OF HOME SOLUTIONS PROJECTS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HOME SOLUTIONS PROJECTS.

Sheet No.:

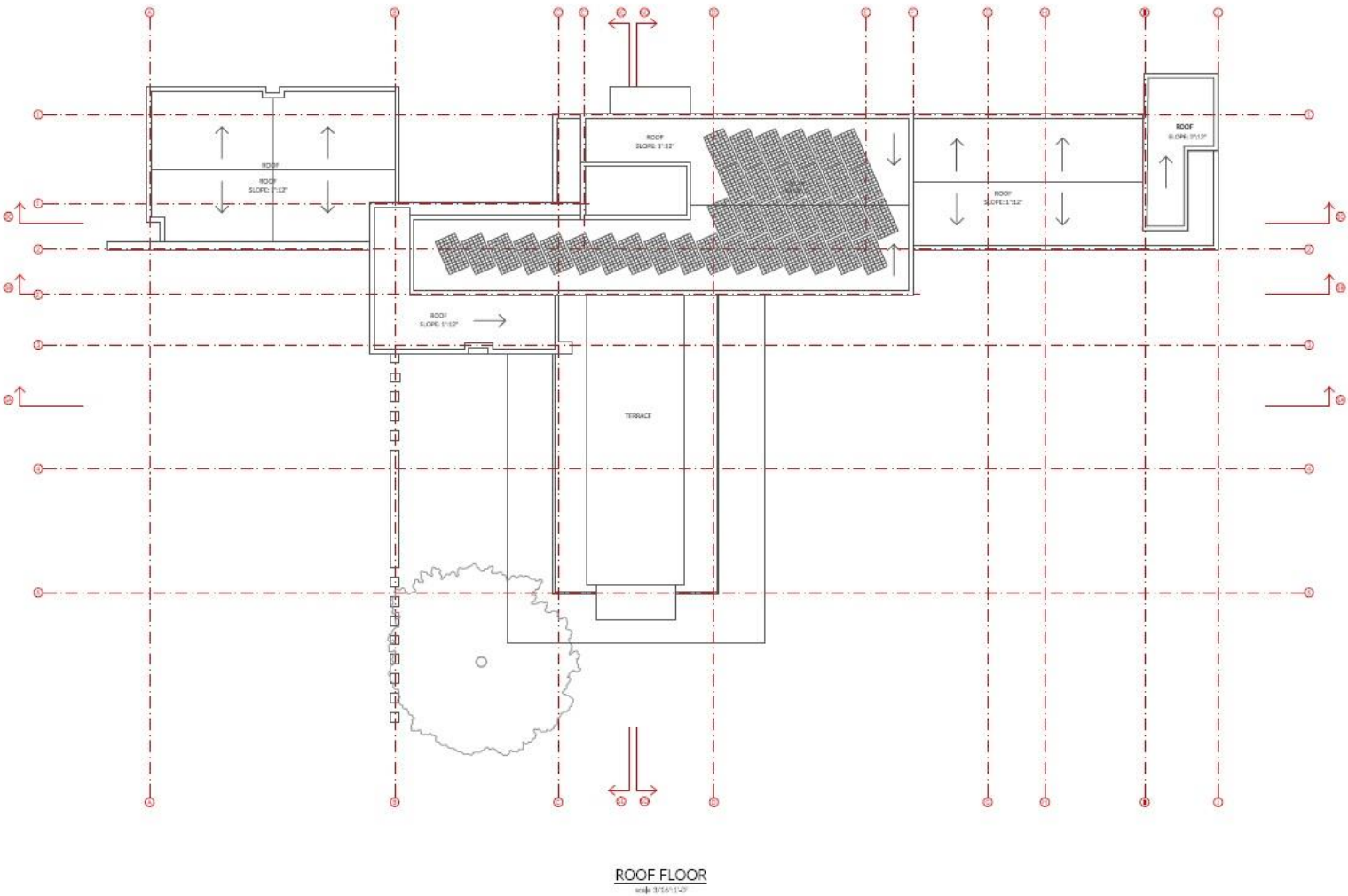
PROJECT FOR HOME APPROVAL: 12/7/2022
12/7/2022

Contains:

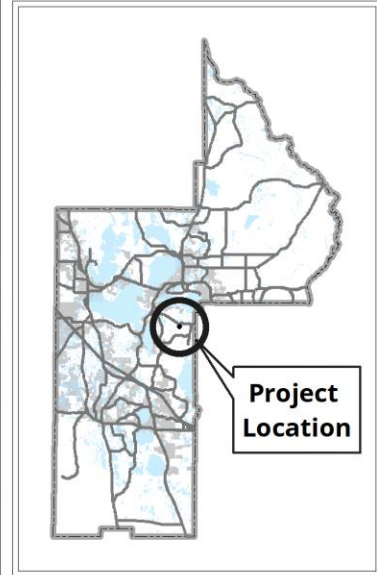
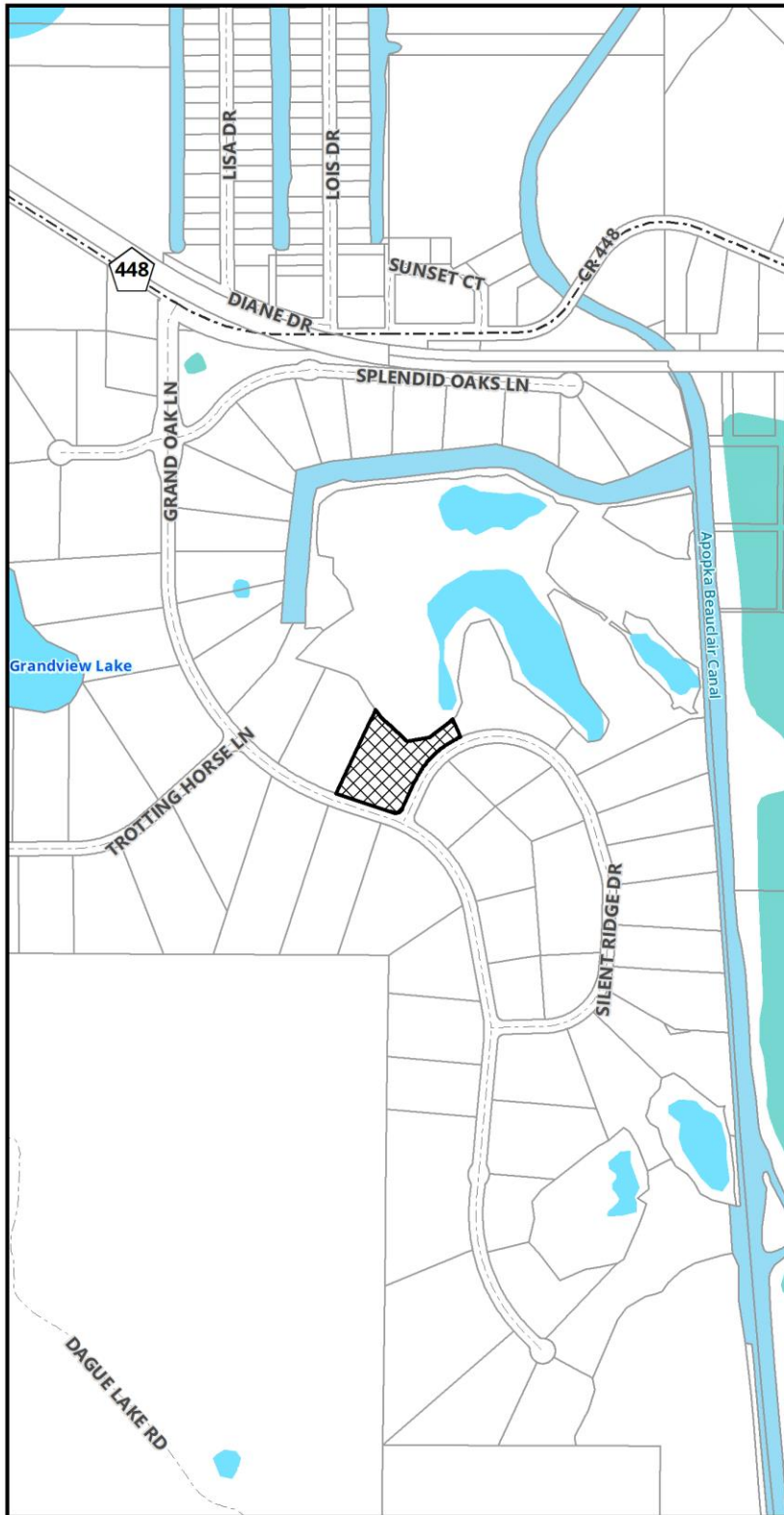
**ROOF FLOOR
PLAN**

12/7/2022

A-1.3



Map of Subject Property




Aerial Map



VAR-22-51-3
Pena - Baron Property



Roof Pitch
Adjustment

Legend
 Yalaha - Lake Apopka RPA

**Final Development Order
VAR-22-51-3
Pena and Baron Property**

WHEREAS, Guillermo Cruz Pena and Liliana Baron (the “Owners” and the “Applicants”) requested a Variance to Lake County Land Development Regulations (LDR) Section 3.01.02.A.1.b to allow a Single-Family Dwelling Unit to be constructed with a roof pitch of less than one (1) foot rise for each four (4) feet of horizontal run; and

WHEREAS, the subject property consists of 3.08 +/- acres and is located north of the Grand Oaks Lane / Silent Ridge Drive intersection, in the unincorporated Tavares area, in Section 15, Township 20, Range 26, having Alternate Key Number 3838689 and more particularly described as:

Lot 64, Beauclair Ranch Club, according to the plat thereof as recorded in Plat Book 55, Page 3 through 8, Public Records of Lake County, Florida.

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 the 9th of March 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-22-51-3 to allow a Single-Family Dwelling Unit to be constructed with a roof pitch of less than one (1) foot rise for each four (4) feet of horizontal run, specifically with a pitch of one (1) inch for each one (1) foot of horizontal run, with the following condition:

1. Flood permitting will be required with the building permit application. A flood determination, additional info on the structure and finished floor, and elevation certificates would be required at time of permitting and during the construction of the structure. Any fill within the floodplain will require compensating storage onsite.

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)**