



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: March 9, 2023

Case No. and Project Name: VAR-22-56-4, Small Property

Owner: Jeffrey Small and Sarah Small

Applicant: Jeffrey Small

Requested Action: Variance to Land Development Regulation (LDR) Section 3.01.02(A)(1)(b) to allow for the roof pitch of a proposed Single-Family Dwelling Unit to be one-quarter (¼) inch of rise for each one (1) foot of horizontal run, lieu of one (1) foot of rise for each four (4) feet of horizontal run.

Case Manager: Emily W. Johnson, AICP, Chief Planner

### Subject Property Information

Size: 0.32 +/- acres

Location: 56108 Sawgrass Road, in the unincorporated Astor area of Lake County.

Alternate Key No.: 1514321

Future Land Use: Urban Low Density

Current Zoning District: Mixed Residential District (R-7)

Flood Zone: "AE"

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: Pinecastle Range Complex and Wekiva-Ocala Rural Protection Area (RPA)

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	R-7	Residential	Single-Family Residence
South	Urban Low Density	R-7	Residential	Single-Family Residence adjacent to canal
East	N/A	N/A	River	St. Johns River
West	Urban Low Density	R-7	Residential	Single-Family Residence adjacent to Sawgrass Road

### Summary of Request.

The subject property, identified by Alternate Key Number 1514321 contains 0.32 +/- acres, is zoned Mixed Residential District (R-7), and is designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject property is located southeast of the Snail Road / Sawgrass Road intersection and west of the St. Johns River, in the Astor area of unincorporated Lake County. Specifically, the property is located at 56108 Sawgrass Road. The subject property is located within the Pinecastle Range Complex and the Wekiva-Ocala RPA. GIS aerial maps indicate that the subject property is located fully within the "AE" Flood Zone.

The subject property was previously developed with a mobile home and related accessory uses; a demolition permit (Permit No. 2020120051) on the mobile home was finalized and received a Certificate of Occupancy on December 28, 2021.

On September 12, 2022, the Office of Planning and Zoning issued a zoning clearance renewing the approval of a replacement Single-Family Dwelling Unit (SFDU). The applicant signed the zoning clearance (Attachment "A") in agreement with the understanding that the proposed replacement dwelling would meet the requirements for a Single-Family Dwelling Unit as established by LDR Section 3.01.02(A)(1). On September 12, 2022, the applicant applied for a building permit for the proposed replacement SFDU (Permit No. 2022090432). Upon review of the construction plans, the Office of Building Services identified that the proposed roof design is not consistent with LDR Section 3.01.02(A)(1)(b), which requires that the pitch of the main roof of a SFDU shall not be less than one (1) foot of rise for each four (4) feet of horizontal run. The applicant has requested a Variance to LDR Section 3.01.02(A)(1)(b) to allow for the roof pitch of the proposed SFDU to be one-quarter ( $\frac{1}{4}$ ) inch of rise for each one (1) foot of horizontal run, lieu of one (1) foot of rise for each four (4) feet of horizontal run. The proposed roof design was provided by the applicant, and is depicted in Attachment "B".

The Variance application was provided to the Lake County Public Works Department and Lake County Chief Fire Inspector for review. Public Works Department approved the Variance request without comment. The Lake County Chief Fire Inspector provided one comment: *"Fire has no objection to the variance 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 3.01.01, 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, *"The  $\frac{1}{4}$ :12 pitched roof will provide proper drainage. My home is located directly on the St. Johns River in a high visibility location. The container home is architecturally designed for a  $\frac{1}{4}$ :12 pitched roof and will be so much more pleasing to the public and less intrusive to the neighborhood."*

#### **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.**

To show substantial hardship, the applicant provided the following statement, *"Cost will be substantially higher if I am required to comply to a 3:12 pitch. My intensions are to build a structure that will exceed the current building codes and easily withstand high winds (hurricanes) and flooding. My property did not flood as a result of hurricanes Ian and Nicole. However, I believe the*

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*storms of the future may be more intense and I am preparing for this by elevating my home to 50 inches above the current ground level which exceeds the building code and by installing the ¼:12 pitch roof it would be less likely to get wind damage over the 3:12 pitched roof.”*

# Attachment "A" – Approved Zoning Clearance (Page 1 of 2)



OFFICE OF PLANNING AND ZONING  
Zoning Permit  
Valid for 30 days to Submit a Complete Application  
to the Office of Building Services

2022090432  
SEP 12 2022

Zoning Permit #45934

Approval Date: September 12, 2022

Address Screen #180229

Type of proposed development: 9/12/22 \*RENEWAL\* - RELOCATED HOME CORRECTED TOTAL AREA 1,514 SF. TOTAL LIVING 853 SF. REPLACEMENT SFDU, DECK & COVERED DECK. FLOOD ZONE AE. MINIMUM OF (4) CANOPY TREES TO MEET LANDSCAPING REQUIREMENTS. ISSUED BY EAL/REVISION BY RB. RENEWED BY KAB.

Job Address: 56108 SAWGRASS RD. City:ASTOR State:FL Zip:32102-  
Alt. Key: 1514321 Section: 24 Township: 16 Range: 27 Found in Section 19, Lot: 00100 Block: 045

Legal Description: ASTOR FOREST CAMPSITES LOT 1, BLK 46 \*UNRECORDED PLAT SEE DEED FOR FULL PROPERTY DESCRIPTION ORB 5793 PG 450

Owner Information:  
SMALL JEFFREY & SARAH

KAB  
9/12/22

210 CRYSTAL VW S  
SANFORD, FL 32773

Site Plan # \_\_\_ Project # \_\_\_ Application #  
Joint Planning Area: Interlocal Service Boundary Agreement: Lot of Record #LOR 2021-086-5  
Average Setback: [[ADDRESS\_AVG\_SETBACK\_NBR]] Accessory Dwelling Unit ORB PG Unity of Title ORB PG Lot Split ORB PG Lot Line Deviation ORB PG Variance #, Ordinance #

Districts:  
Commissioner-4 Road-NEW School-S Parks-N Zoning-R-7 Land Use Designation-ULOW St. Johns-N Green Swamp-N Wekiva-N JPA-N Flood Map Page-0070E Zone-AE/FLOODWA Elevation-6.3' Hazard-Y Permit #  
Wetland Affidavit-N County Road #PRIVATE Maximum ISR:65% Meets Impervious Surface-N # of Trees required-4  
Lot size-14,133 SF Min. sf of dwelling-850 Water/Well-CENTRAL, Sewer/Septic-CENTRAL

Setbacks:  
Primary Structure-SFDU Front-62 CL Left- 5' PL Right- 18.84'SWT Rear- 50' SW  
Accessory Structure #1-SEAWALL Front-NC Left-NC Right-NC Rear-NC  
Accessory Structure #2-DOCK Front-NC Left-5' PL Right-18.84'SWT Rear-NC

Health Department Use Only

Staff \_\_\_\_\_ Septic Permit # \_\_\_\_\_  
No. of Bedrooms \_\_\_\_\_ Height above natural grade \_\_\_\_\_ Date \_\_\_\_\_  
Comments \_\_\_\_\_

Notice to Owner and Contractor

This issuance of a zoning permit does not assure that setbacks have been met or that the development does not encroach on an easement, The owner and/or contractor have the sole responsibility of bringing the property into compliance. I hereby certify that the costs associated with meeting the setbacks or restoring easements are my responsibility.

I understand that I have to meet all lot grading requirements as established in Chapter 9 of the Land Development

## Attachment "A" – Approved Zoning Clearance (Page 2 of 2)

Regulations (LDR). I also certify that my development shall not adversely affect surrounding or downstream wetlands, floodplains or neighboring properties.

I understand that I shall meet all Single-Family Dwelling Unit requirements as established by Land Development Regulations, Section 3.01.02 Residential Uses which defines a single-family dwelling unit as:

- a) Single-Family Dwelling Units 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 Shall be required around the perimeter of the unit.
- d) Any wheels, tongue or any transportation apparatus must be removed or enclosed.

Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

No grass (except Bahagrass) can cover more than 80% of the pervious landscape area and all grass must be irrigated separately. Any new irrigation system shall be installed in accordance with LDR Section 9.01.05.E.2. The system has be designed to provide the minimum irrigation necessary to ensure the survival of the plan material and shall be designed to avoid runoff and promote optimal percolation.

  
Signature/Date

JEFFREY SMALL  
Printed Name

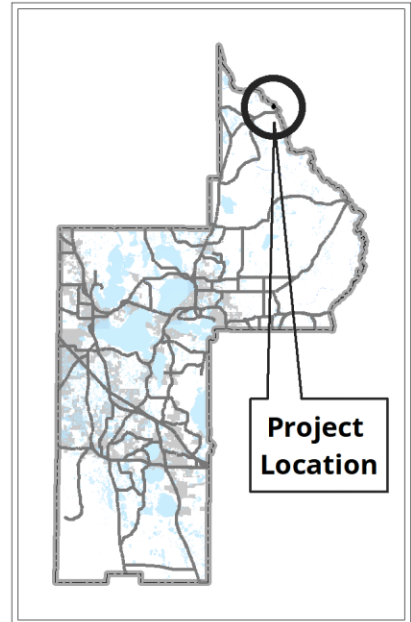
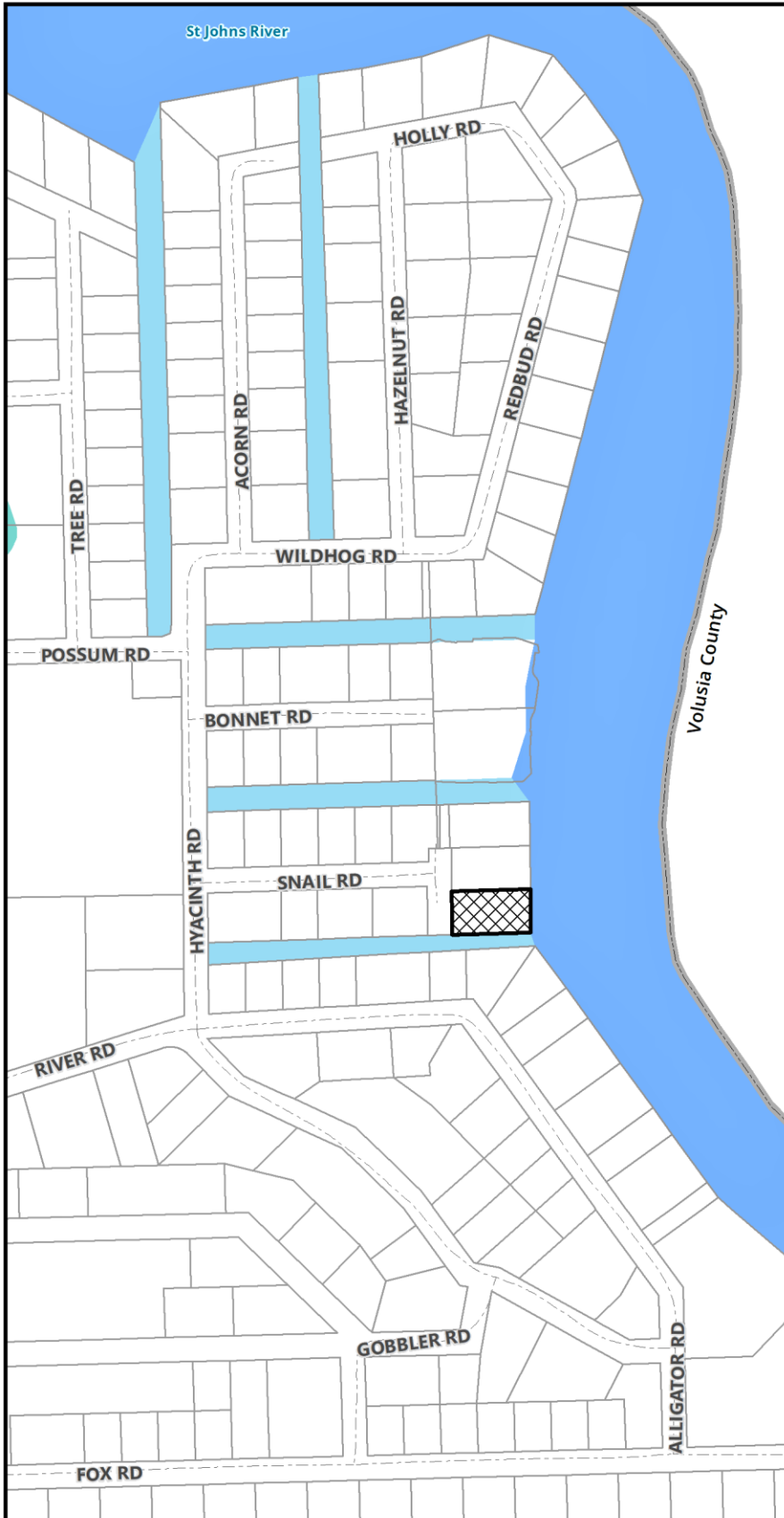
45934

Zoning Permit No.

**THIS ZONING PERMIT IS NOT VALID UNTIL IT IS SIGNED BY THE APPLICANT**



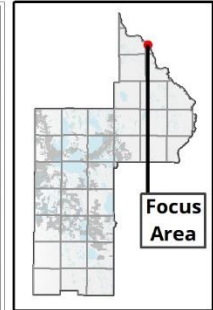
# Map of Subject Property



# Aerial Map




VAR-22-56-4  
Small Property



Roof Pitch  
Adjustment

Legend

 Wekiva - Ocala RPA



**Final Development Order  
VAR-22-56-4  
Small Property**

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

**WHEREAS**, Jeffrey Small (the “Applicant”), on behalf of Jeffrey Small and Sarah Small (the “Owners”), requested a Variance to Land Development Regulations (LDR) Section 3.01.02(A)(1)(b) to allow for the roof pitch of a proposed Single-Family Dwelling Unit to be one-quarter ( $\frac{1}{4}$ ) inch of rise for each one (1) foot of horizontal run, lieu of one (1) foot of rise for each four (4) feet of horizontal run; and

**WHEREAS**, the subject property consists of 0.32 +/- acres and is located at 56108 Sawgass Road in the Astor area of unincorporated Lake County, in Section 19, Township 15, Range 28, having Alternate Key Number 1514321, and more particularly described below; and

*COMMENCING AT THE SOUTHWEST CORNER OF SECTION 2, ACCORDING TO THE PLAT OF MANHATTAN, RECORDED IN PLAT BOOK 2, PAGE 2, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, RUN THENCE SOUTH 89 DEGREES 29' 34" EAST, ALONG THE SOUTH BOUNDARY OF SAID SECTION A DISTANCE OF 5280.30 FEET TO THE SOUTHEAST CORNER THEREOF, THENCE NORTH 3564.92 FEET, THENCE EAST 5897.06 FEET TO THE POINT OF BEGINNING; RUN THENCE SOUTH 88.33 FEET, THENCE EAST 165 FEET, MORE OR LESS, TO THE WATERS EDGE OF THE ST. JOHNS RIVER, THENCE NORTHERLY ALONG AND WITH SAID WATERS EDGE TO A POINT THAT IS EAST OF THE POINT OF BEGINNING, THENCE WEST 150 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALSO DESCRIBED AS LOT 1, BLOCK 45, UNIT 3, ACCORDING TO AN UNRECORDED PLAT OF ASTOR FOREST CAMPSITES.*

**WHEREAS**, after giving notice of a hearing on a petition for a Variance to the Lake County Land Development Regulations, including notice that the request for a 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-22-56-4, to allow for the roof pitch of a proposed Single-Family Dwelling Unit to be one-quarter ( $\frac{1}{4}$ ) inch of rise for each one (1) foot of horizontal run, lieu of one (1) foot of rise for each four (4) 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.

**Section 3. Effective Date. This Ordinance will become effective as provided by law.  
ENACTED this 9<sup>th</sup> 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 9<sup>th</sup> 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)**