



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: September 6, 2023

Case No. and Project Name: VAR-23-29-1 Bayer Property

Owner/Applicant: Claus Bayer

Requested Action: Variance to Land Development Regulations (LDR) Section 3.01.02(A)(1)(a) to allow a single-family dwelling unit to be constructed with a roof pitch of less than one (1) foot of rise for each four (4) feet of horizontal run.

Case Manager: James Frye, Public Safety PIO

Subject Property Information

Size: 29.66 +/- acres

Location: South of Glenwood Street and north of Laws Road, in the unincorporated Clermont area

Alternate Key No.: 1114888

Future Land Use: Green Swamp Rural Conservation (Attachment "A")

Current Zoning District: Agriculture (A) (Attachment "B")

Flood Zone: "A" and "X"

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

Overlay Districts: Green Swamp Area of Critical State Concern

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural Conservation	Agriculture	Residential	Large Tract of Agriculture Land with wetlands and agricultural exemption
South	Green Swamp Rural Conservation	Agriculture	Vacant	Large Tract of Agriculture Land with wetlands
East	Green Swamp Rural Conservation	Agriculture	Vacant	Large Tract of Agriculture Land with wetlands and granted agricultural exemption
West	Green Swamp Rural Conservation	Agriculture	Residential	Single-Family Residence

Summary of Request.

The subject 29.66 +/- acres, identified as Alternate Key Number 1114888, is zoned Agriculture (A), is designated with a Green Swamp Rural Conservation Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and located within the Green Swamp Area of Critical State Concern. The subject parcel is generally located east of State Road 33, south of Glenwood Street, and north of Laws Road, in the unincorporated Clermont area of Lake County. Based on the Survey (Attachment "C"), the subject parcel is undeveloped and vacant. GIS aerial maps indicate that the subject parcel lies within a flood-prone area and wetlands exist on site.

The Applicant has requested a variance to Land Development Regulations (LDR) Section 3.01.02(A)(1)(a) to allow a single-family dwelling unit to be constructed with a roof pitch of less than one (1) foot of rise for each four (4) feet of horizontal run. It is the intention of the Applicant to construct the single-family dwelling unit with a flat roof, as depicted on the Survey (Attachment "D"). The proposed roof design was provided by the applicant and depicted in Attachment "B". LDR Section 3.01.02.A.1 requires that single-family dwelling units (SFDU) comply with the following regulations:

- a) 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;
- b) A solid foundation or permanent skirting be required around the perimeter of the unit; and
- c) Any wheels, tongue or any transportation apparatus must be removed or enclosed.

The subject parcel is located within the Green Swamp Area of Critical State Concern. The variance application was provided to the Department of Economic Opportunity (DEO) and the DEO had no comments. DEO withholds the ability to appeal any process, pursuant to Chapter 380, Florida Statutes.

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.

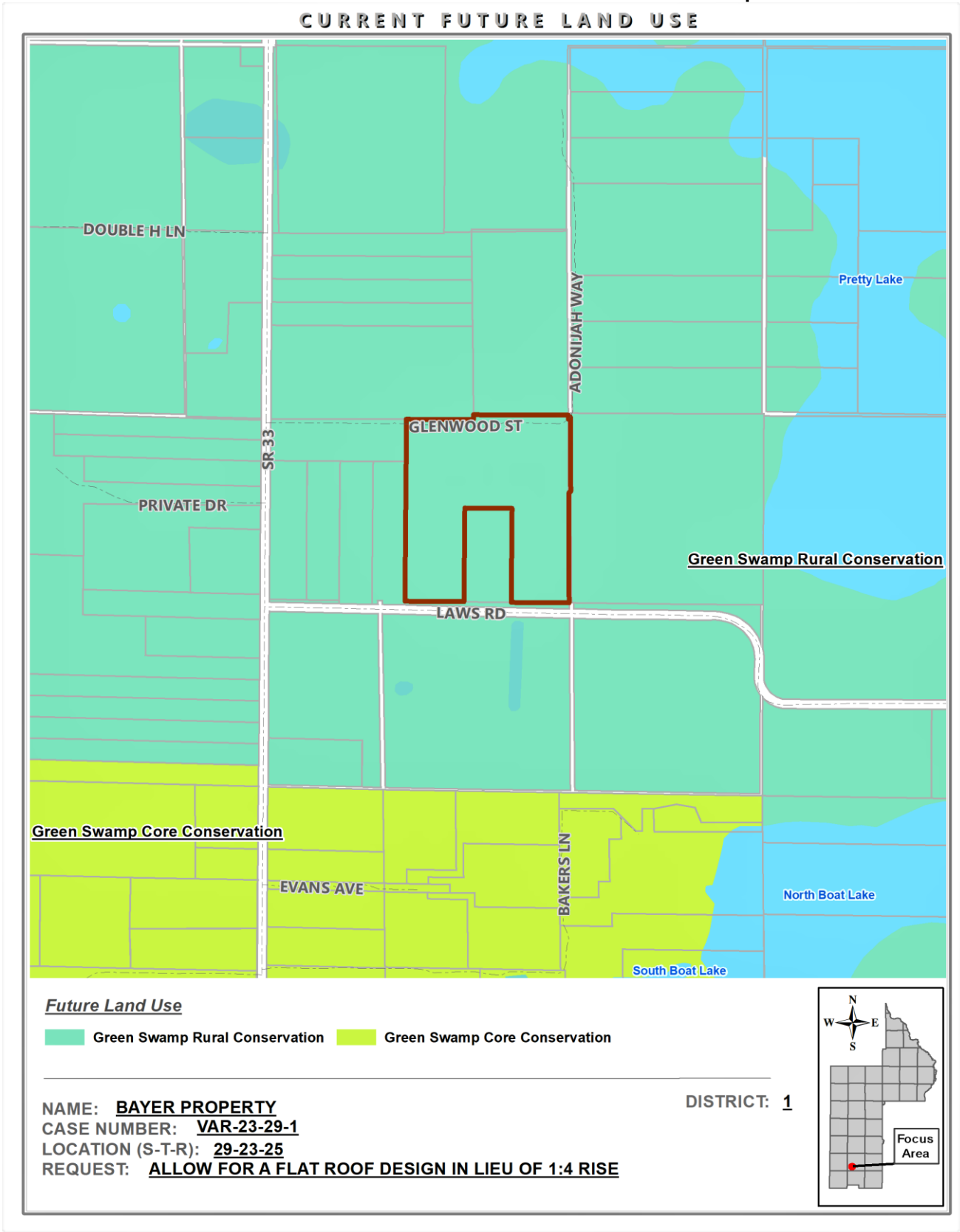
The intent of the Code, LDR Section 3.01.01, is to describe the specific uses and restrictions that apply to the zoning districts established in these regulations. These regulations are intended to allow development and use of property only in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan.

The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"The roof is designed and pitched to lead the water to designated scuppers and downspouts that lead away from the building. Our property has 30 acres and not in a community."*

- 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.**

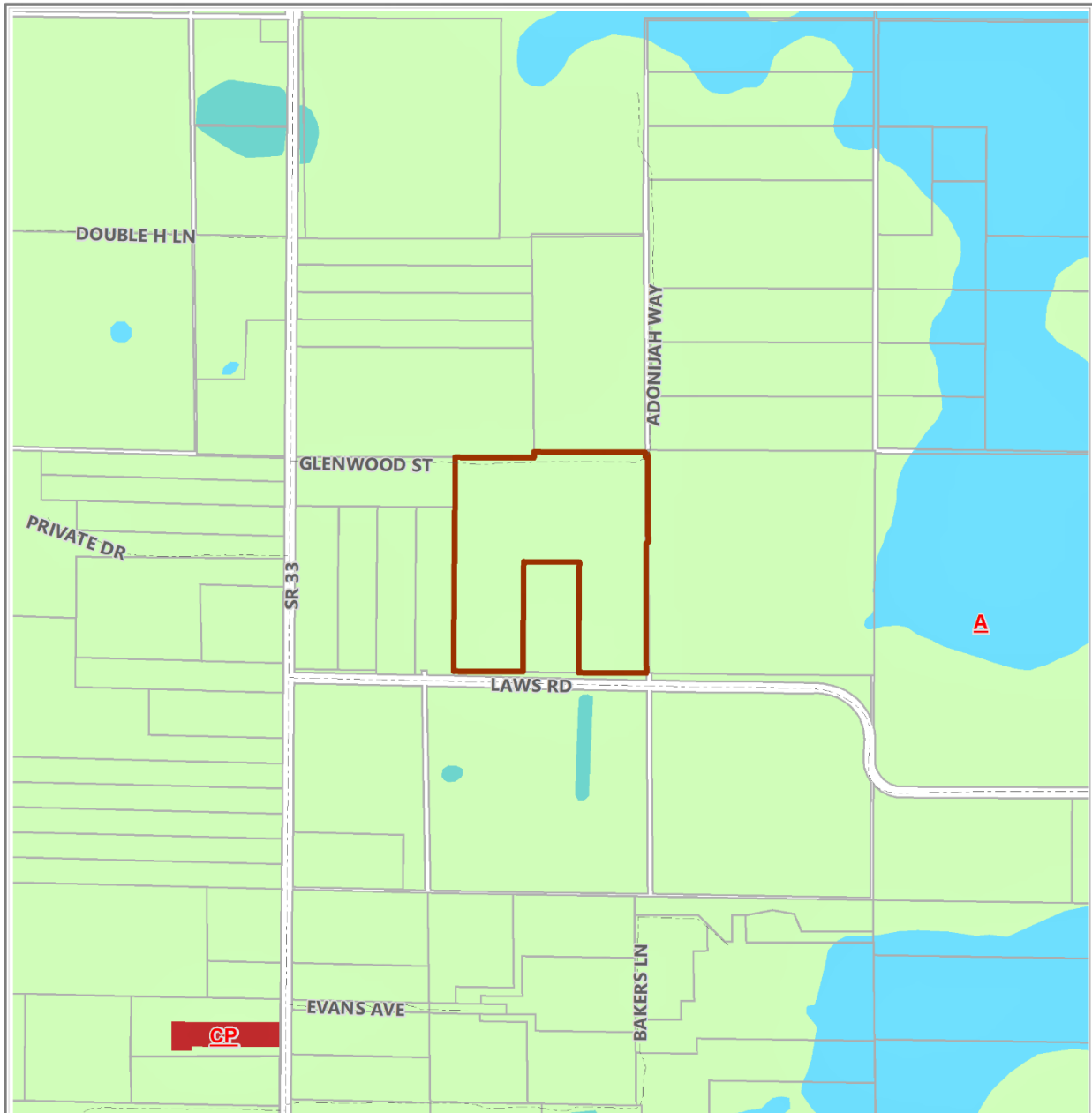
The Applicant provided the following statement, *"I have already paid an architect over \$50,000. I would lose that or need to pay all over again."*

Attachment "A" - Future Land Use Map



Attachment "B" – Zoning Map

CURRENT ZONING



Zoning Legend

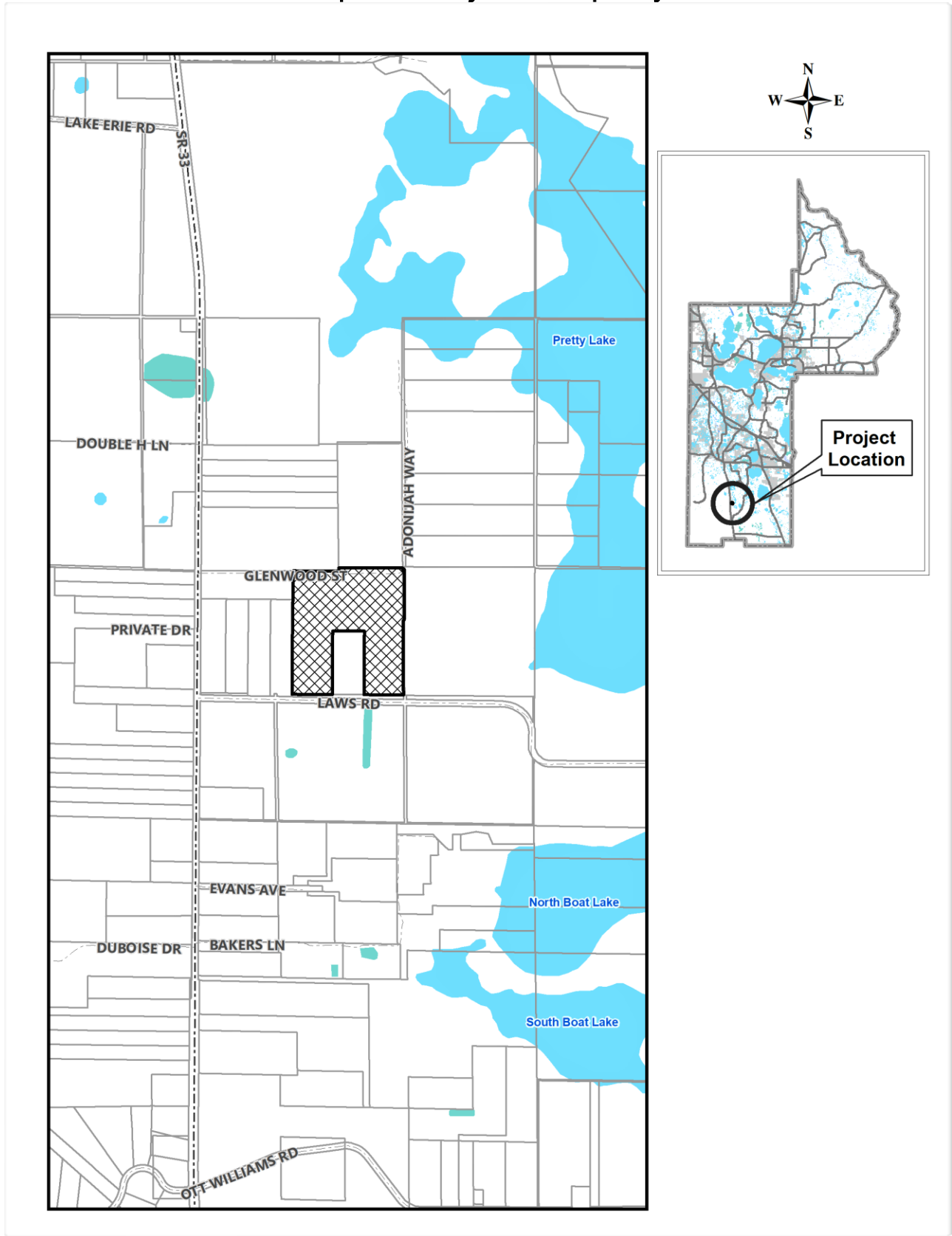
 A  CP

NAME: **BAYER PROPERTY**
CASE NUMBER: **VAR-23-29-1**
LOCATION (S-T-R): **29-23-25**
REQUEST: **ALLOW FOR A FLAT ROOF DESIGN IN LIEU OF 1:4 RISE**

DISTRICT: **1**



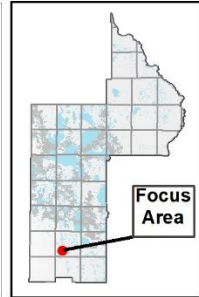
Map of Subject Property



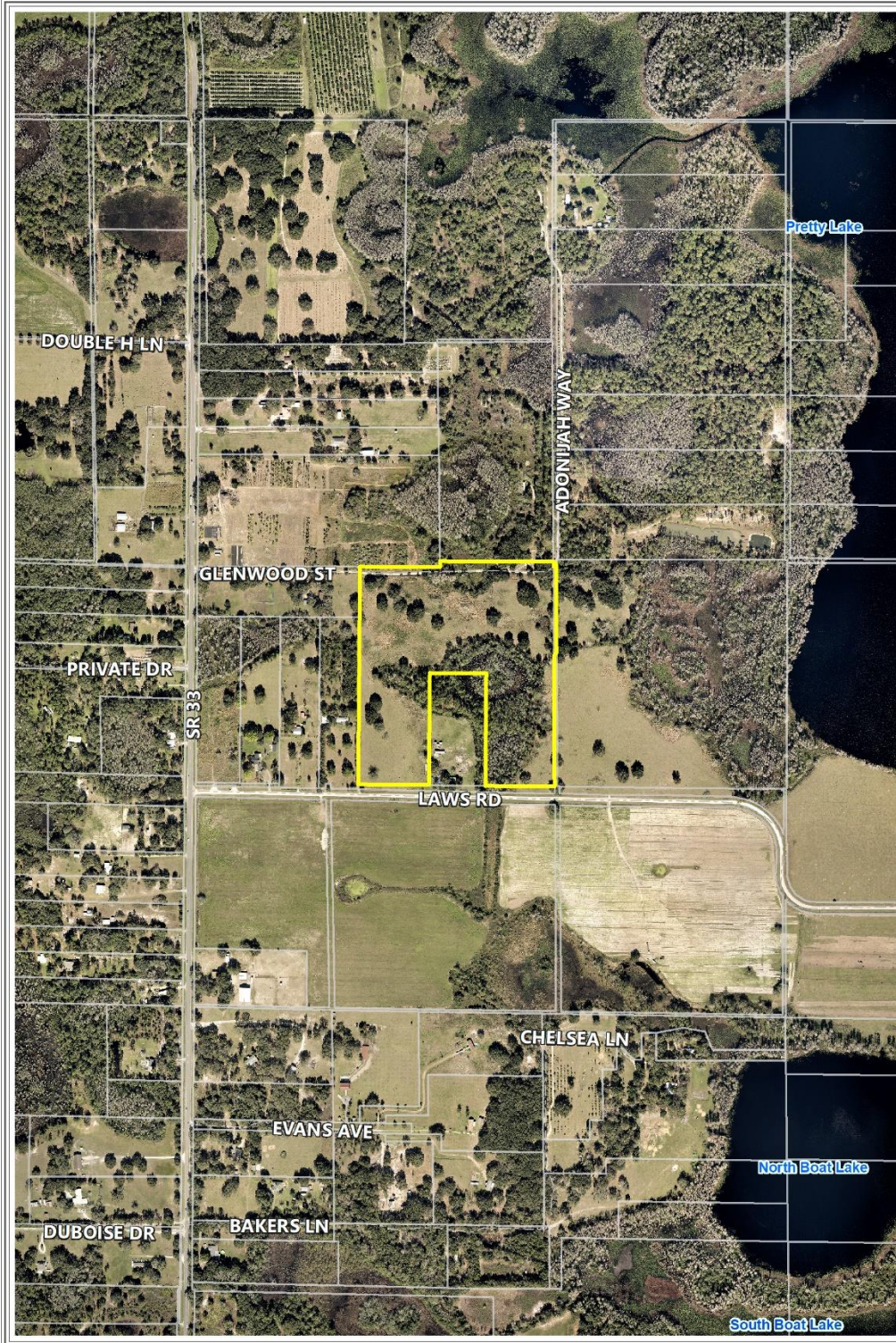
Aerial Map of Subject Property



VAR-23-29-1
Bayer Property



Allow for a Flat Roof
design in lieu of 1:4 rise



Final Development Order

VAR-23-29-1

Bayer Property

WHEREAS, Claus Bayer (the “Owner” and “Applicant”) requested a variance to Land Development Regulations (LDR) Section 3.01.02(A)(1)(a) to allow a single-family dwelling unit to be constructed with a roof pitch of less than one (1) foot of rise for each four (4) feet of horizontal run; and

WHEREAS, the subject property consists of 29.66 +/- acres, located south of Glenwood Street and north of Laws Road, in the unincorporated Clermont area, in Section 01, Township 22, Range 24, having Alternate Key Number 1114888, and more particularly described in Exhibit “A” – Legal Description; and

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 September 6, 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.

DONE AND ORDERED by the Board of Adjustment of Lake County, Florida, that:

Variance Granted: A variance to Section 3.01.04(A)(1)(a), Land Development Regulations, to allow a single-family dwelling unit to have a flat roof, is hereby granted.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Addie Owens, Chairman

**State of Florida
County of Lake**

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 6th day of September 2023, by Addie Owens, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

(SEAL)

Notary Signature

EXHIBIT "A" – LEGAL DESCRIPTION

DESCRIPTION (BY THIS SURVEYOR):

A portion of Tract 37, 38, 43 and 44, Groveland Farms (29-23S-25E), according to the plat thereof, as recorded in Plat Book 2, Pages 10 and 11 in the Public Records of Lake County, Florida, being more particularly described as follows:

Commence at East Quarter (1/4) of Section 29, Township 23 South, Range 25 East, Lake County, Florida; thence North 89°45'29" West, a distance of 1358.18 feet along the Northeast 1/4 of the Southeast 1/4 to the Northwest corner of the Northwest of the Southeast 1/4 of said Section 29; thence continue along the North line of the Southwest 1/4 of the Northeast 1/4 of said Section 29 Westerly, a distance of 15.00 feet; thence South 00°22'37" East, a distance of 15.00 feet along the Northerly extension of the East line of Tract 38, Groveland Farms (29-23S-25E), according to the plat thereof, as recorded in Plat Book 2, Pages 10 and 11, in the Public Records of Lake County, Florida to the POINT OF BEGINNING; thence continue along said line Southerly, a distance of 1357.57 feet to the North right of way of Laws Road per Official Records Book 1536, Page 2305, in the Public Records of Lake County, Florida; thence North 88°53'06" West, a distance of 406.74 feet along said North right of way line; thence departing said North right of way line the following three (3) courses and distance run thence North 01°06'54" East, a distance of 657.41 feet; thence North 88°53'06" West, a distance of 331.30 feet; thence South 01°06'54" West, a distance of 657.41 feet to the said North right of way line; thence North 88°53'06" West, a distance of 414.01 feet along said North right of way line; thence North 00°24'48" East, a distance of 1339.94 feet to a point 15.00 feet South line of the Southwest 1/4 of the Northeast 1/4 of said Section 29; thence South 89°45'29" East, a distance of 1133.24 feet parallel to and 15.00 feet South of the South line of the Southwest 1/4 of the Northeast 1/4 of said Section 29 to the POINT OF BEGINNING.

Pursuant to Section 286.0105, Florida Statutes, if any person desires to appeal any decision with respect to a matter considered at a public meeting or hearing of the Board of Adjustment, such person will need a record of the proceedings, and such person may need to ensure that a verbatim record for such purpose is made, which record includes the testimony and evidence upon which the appeal is based.

A final administrative order of the Board of Adjustment may be appealed to the Circuit Court in Lake County, Florida. Such an appeal shall be filed within thirty (30) days of the execution of this Order. Those filing an appeal of an administrative order must comply with all applicable Florida Rules of Appellate Procedure.