



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearing Date: October 4, 2023

Case No. and Project Name: VAR-23-38-3

Owners/Applicants: Russell Paul Ferry and Susan Ann Siegel, now known as Susan Ann Ferry, as Trustees of The RPF Joint Trust, dated January 10, 2023 and restated on June 14, 2023.

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

Case Manager: Shari Holt, Planner

Subject Property Information

Size: 1.53 +/- acres

Location: Splendid Oaks Lane, Beauclair Ranch Club Lot 79, in the unincorporated Tavares area

Alternate Key No.: 3838717

Future Land Use: Rural (Attachment "A")

Current Zoning District: Planned Unit Development (PUD) (Attachment "B")

Flood Zone: "X" and "AE"

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

Overlay Districts: Yalaha–Lake Apopka Rural Protection Overlay District

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture (A)	Residential	Single-Family Residence
South	Rural	Planned Unit Development (PUD)	Residential Common Area / Canal	Apopka Beauclair Canal
East	Rural	Planned Unit Development (PUD)	Vacant	Vacant Residential
West	Rural	Planned Unit Development (PUD)	Vacant	Vacant Residential

Summary of Request.

The subject parcel, identified as Alternate Key Number 3838717 contains 1.53 +/- acres (Attachment "C"), is zoned Planned Unit Development (PUD), is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and is located within the Yalaha–Lake Apopka Rural Protection Overlay District. The subject parcel is described as Lot 79, Beauclair Ranch Club, according to the plat thereof as recorded in Plat Book 55, Pages 3 through 8, inclusive of the public records of Lake County, Florida. The subject parcel generally located east of Grand Oak Lane and south of Splendid Oaks Lane, in the unincorporated Tavares area of Lake County. The subject property is currently vacant and undeveloped. GIS maps indicate that the subject parcel is located within flood areas "X" and "AE".

The Applicant has requested a variance to Lake County Land Development Regulations (LDR) Section 3.01.02.A.1.a 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 requested to allow the SFDU with a roof pitch of one quarter inch (.25) for each foot of horizontal run as depicted on the construction plans (Attachment "D"). 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 SFDU meets all the criteria listed above except for the roof pitch minimum requirement. However, at the time that the zoning approval was issued for the single-family dwelling unit, the owner signed the zoning permit letter (Attachment "E") indicating that the above criteria would be met.

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 3.01.02 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.

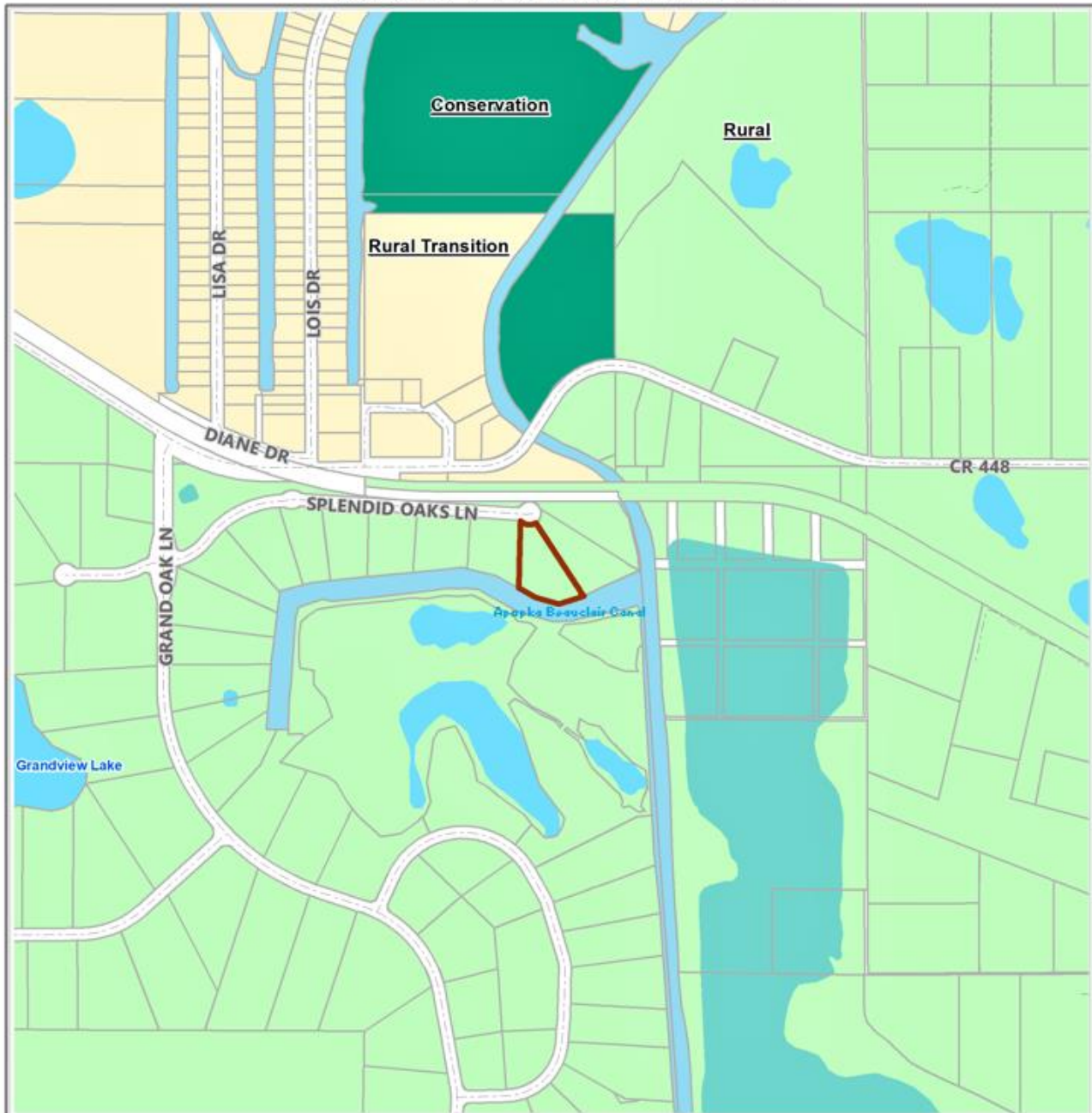
To show that the intent of the Code will be or has been achieved by other means, the Applicant provided the following statement, *"In Beauclair Ranch Club, Tavares, other variance has been granted for contemporary home with low pitched roof (Gil and Lillian Cruz – Lot 64 Grand Oaks Lane)."*

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, *"Already designed and paid engineer for plans of a contemporary home. Ordered materials which are on site. Without variance, we would lose significant monies and not be able to build."*

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE



Future Land Use

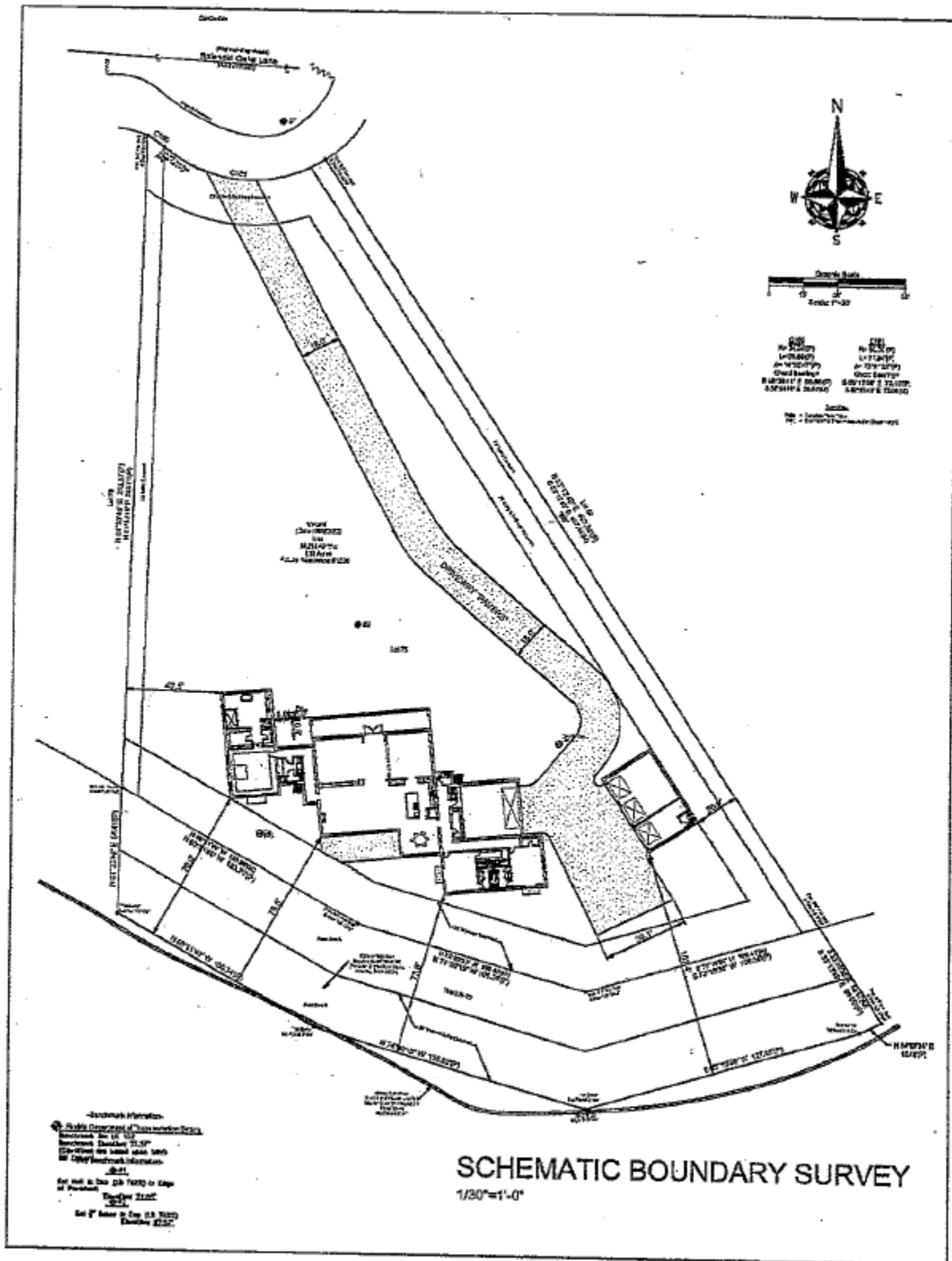
■ Rural ■ Rural Transition ■ Conservation

NAME: **FERRY PROPERTY**
CASE NUMBER: **VAR-23-38-3**
LOCATION (S-T-R): **14-20-26**
REQUEST: **ROOF PITCH ADJUSTMENT**

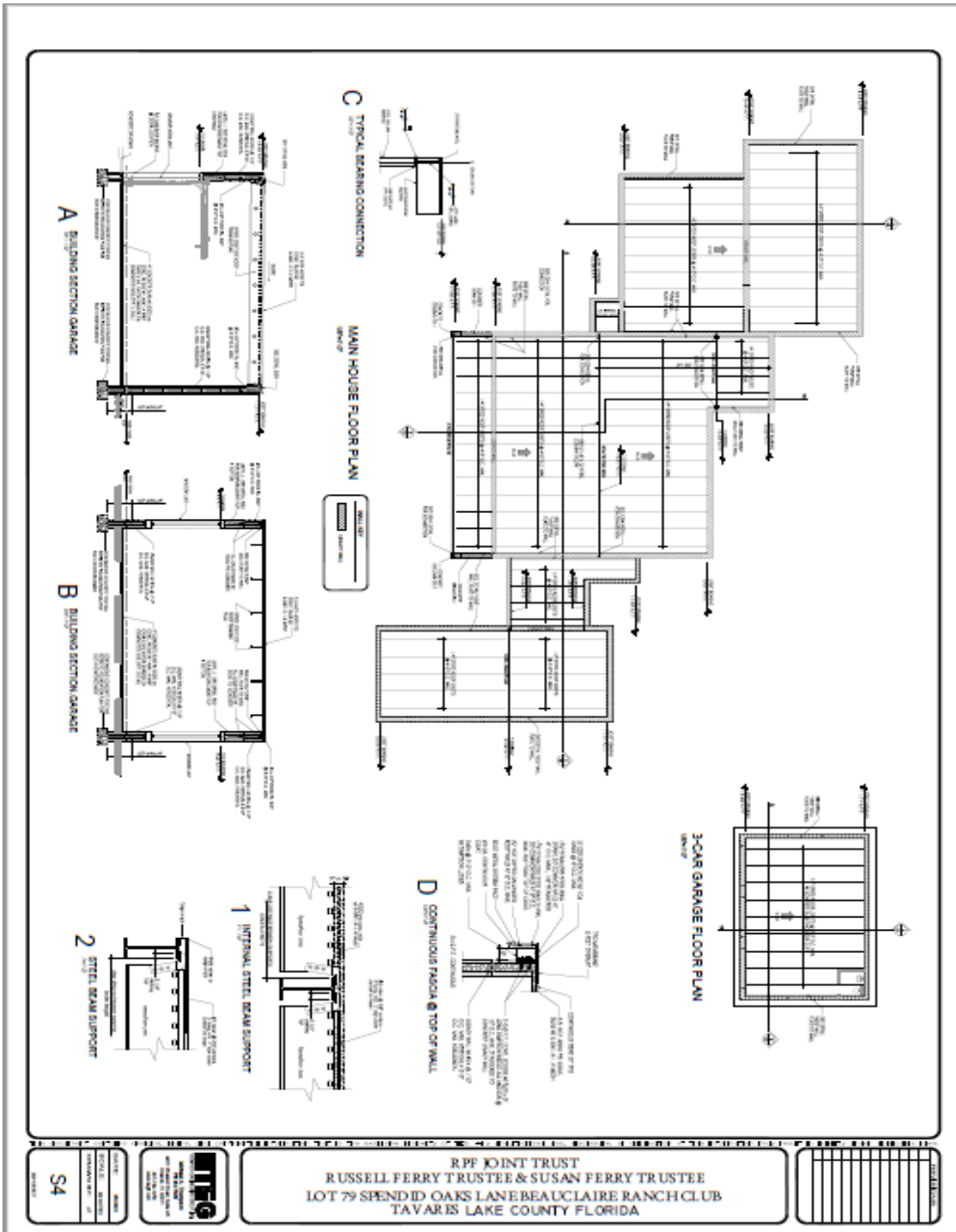
DISTRICT: **3**



Attachment "C" – Boundary Survey



Attachment "D" – Roof Framing Construction Plan Sheet



Attachment "E" – SFDU Zoning Permit Letter (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

Zoning Permit #50314

Approval Date: July 06, 2023

Address Screen #169724

Type of proposed development: 7/6/2023 SFDU, TOTAL AREA 7557 SF, TOTAL LIVING 5345 SF, DRIVEWAY, FLOOD AE:X, 8 CANOPY TREES REQUIRED TO MEET LANDSCAPING REQUIREMENTS, ISSUED BY RB.

Job Address: SPLENDID OAKS LN, City:TAVARES State:FL Zip:32778-

Alt. Key: 3838717 Section: 14 Township: 20 Range: 26 Found in Section 14 Lot: 07900 Block: 000

Legal Description: BEAUCLAIR RANCH CLUB PB 56 PG 3-8 LOT 79, TRACT N-79 ORB 6079 PG 2421

Owner Information:
RPF JOINT TRUST

3608 MEADOW GREEN DR
TAVARES, FL 32778

RB 7/6/23

Site Plan # Project # Application #

Joint Planning Area: Interlocal Service Boundary Agreement: Lot of Record #

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- 3 Road- NCB School- S Parks- NBD Zoning- SPD-3 Land Use Designation- R St. Johns- N Green Swamp- N Wekiva- N JPA- N Flood Map Page- 0505E Zone- X/A Elevation: 65' Hazard- Y Permit #
Wetland Affidavit- Y County Road # PRIVATE Maximum ISR: PUD Meets Impervious Surface- N # of Trees required- 8
Lot size- 1.93 A Min. sf of dwelling- PUD Water/Well- WELL Sewer/Septic- SEPTIC

Setbacks:

Primary Structure- SFDU Front- 25' RW Left- 20' DE Right- 25' PL Rear- 50' CANAL
Accessory Structure #1- Front- Left- Right- Rear-
Accessory Structure #2- Front- Left- Right- Rear-

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


Attachment "E" – SFDU Zoning Permit Letter (Page 2 of 2)

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 Bahia grass) can cover more than 60% of the pervious landscape area and all grass must be irrigated separately. Any new irrigation system shall be installed in accordance with LDR Sections 9.01.04 and 9.01.05.E.2. The system shall be designed to provide the minimum irrigation necessary to ensure the survival of the plant material, and shall be designed to avoid runoff and promote optimal percolation.



Signature & Date



Printed Name

50314

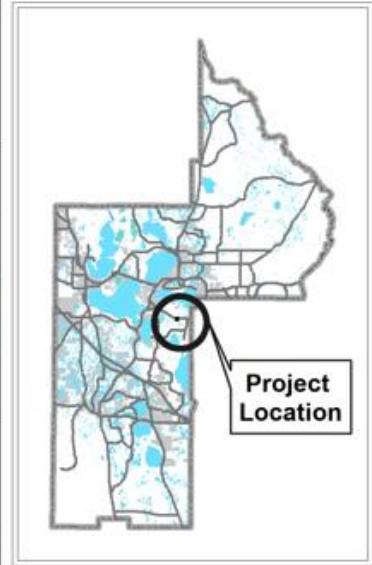
Zoning Permit No.

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

Rendering of Proposed Residence



Map of Subject Property



Aerial Map of Subject Property



VAR-23-38-3
Ferry Property



Roof Pitch Adjustment



Final Development Order

WHEREAS, Russell Paul Ferry and Susan Ann Siegel, now known as Susan Ann Ferry, as Trustees of The RPF Joint Trust, dated January 10, 2023 and restated on June 14, 2023. (the “Applicants” and “Owners”), 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 rise for each four (4) feet of horizontal run; and

WHEREAS, the subject property consists of 1.53 +/- acres and is located east of Grand Oak Lane and south of Splendid Oaks Lane, in the unincorporated Tavares area of Lake County, in Section 14, Township 20, Range 26, having Alternate Key Number 3838717 and more particularly described below;

Lot 79, and Tract N-79, Beauclair Ranch Club, according to the plat thereof as recorded in Plat Book 55, Pages 3 through 8 of the 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 request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on October 4, 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 October 4, 2023, the Lake County Board of Adjustment approved the variance for the above property.

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

Variance Granted: A variance to Land Development Regulations (LDR) Section 3.01.02 A.1.a to allow a single-family dwelling unit with a roof pitch of less than one (1) foot rise for each four (4) feet of horizontal run 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 4th day of October 2023, by Addie Owens, as Chairman of the Lake County Board of Adjustment.

**Personally Known OR Produced Identification
Type of Identification Produced _____**

Notary Signature

(SEAL)

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.