



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7
Public Hearing Date: November 6, 2024
Case No. and Project Name: PZ2023-07, Zayas Property
Owners: Maria Zayas and Christian Zayas
Applicant: Christian Zayas
Requested Action: Variance to Ordinance #74-87 to allow an after-the-fact accessory structure (storage shed) to remain within the 5-foot drainage and utility easement and 4-feet from the rear property line in lieu of the required 25-feet.
Case Manager: Shari Holt, Planner II

Subject Property Information

Size: 0.35 +/- acres
Location: 15835 Watermill Court, in the unincorporated Clermont area
Alternate Key No.: 3498976
Future Land Use: Urban Low (Attachment "A")
Current Zoning District: Planned Unit Development (PUD) by Ordinance #74-87 (Attachment "B")
Flood Zones: N/A
Joint Planning Area (JPA) / ISBA: Clermont Interlocal Service Boundary Agreement (ISBA) (Attachment "C") and Clermont Joint Planning Area (JPA) (Attachment "D")
Overlay Districts: Lake Apopka Basin Overlay District (Attachment "E")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Planned Unit Development (PUD)	Residential	Single-Family Residence
South	Urban Low	Planned Unit Development (PUD)	Right-of-Way and Residential	Single-Family Residence south of Watermill Court
East	Urban Low	Planned Unit Development (PUD)	Right-of-Way and Residential	Single-Family Residences north and east of Watermill Court
West	Urban Low	Planned Unit Development (PUD)	Residential	Single-Family Residence

Summary of Request.

The subject property, identified as Alternate Key Number 3498976, contains 0.35 +/- acres, is zoned Planned Unit Development (PUD), and is designated with an Urban Low Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject property is located at 15835 Watermill Court in the unincorporated Clermont area. The subject parcel is described as Greater Hills Phase 5 Sub Lot 572, according to the plat thereof recorded in Plat Book 34, Page(s) 76 through 77, inclusive of the Public Records of Lake County, Florida. The Plot Plan (Attachment "G") indicates that the subject parcel is developed with single-family residence, walkway, a/c pad, driveway, and ancillary residential structures. GIS maps indicate that the subject parcel is not located within a flood zone.

On March 27, 2023, The Office of Building Services provided a Notice of Violation to the owner (Attachment "F") for construction of a storage shed without a permit. On July 25, 2023, the applicant, Christian Zayas, submitted a variance to Ordinance #1987-74 (Attachment "H") to allow for an after-the-fact storage shed within the 5-foot drainage and utility easement and 4-feet from the rear property line in lieu of the 25-foot required rear setback as shown in the Plot Plan (Attachment "G").

Pursuant to LDR Section 3.02.05(l)(3) the accessory structure (storage shed) shall be prohibited from encroaching into a drainage easement unless specifically required as a condition of a government issued permit; and pursuant to LDR Section 3.02.05(l)(4) the accessory structure (storage shed) may remain in the utility easement with the understanding that the temporary removal and replacement may be necessary during servicing of the utility located within said easement.

The variance application was sent to the Public Works Department and the Chief Fire Plans Examiner for review for a determination of consistency with their regulations. The Chief Fire Plans Examiner did not provide any comments.

PZ2023-07, Zayas Property

On November 7, 2023, the Public Works Department provided the following information, “The structure is within the 5-ft drainage easement along the property line. No structure shall be placed within the 5-ft drainage easement. The drainage easement is for the lot grading and without more information, determination of support cannot be done. Public Works cannot support the allowance of structures within drainage easement.”

The variance application was provided to the City of Clermont on June 28, 2024, for review and determination of consistency with their regulations. The City of Clermont did not provide any comments.

On July 30, 2024, the Office of Planning and Zoning informed the applicant that pursuant to LDR Section 14.15.00 – *Variances and Appeals*, the variance was not the proper process in which to permit the existing after-the-fact storage shed in the proposed location, and that an approved partial vacation of the drainage and utility easement pursuant to Article VII entitled *Vacation of Platted Easements*, would be required to allow development within the drainage and utility easement. Therefore, it is staff’s recommendation that the variance request be **denied**.

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 adopted ordinance #1987-74, is to promote a logical development pattern, provide for safe setbacks between structures and encourage a visually pleasing environment.

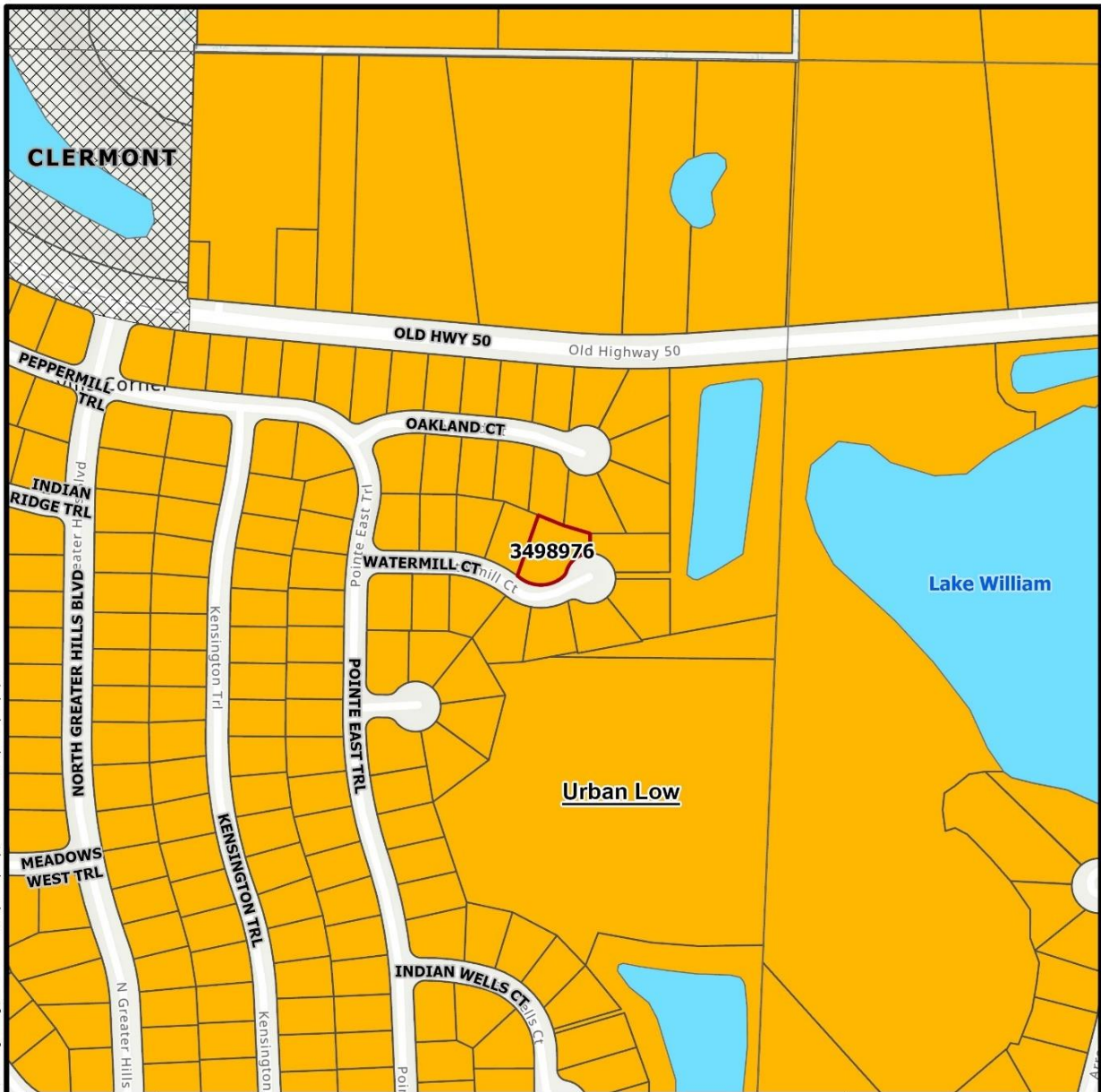
The Applicant provided the following statement as evidence that the intent of the adopted ordinance will be or has been achieved by other means, “*Aesthetically pleasing and provides additional storage and workplace.*”

2. The application of PUD adopted ordinance #1987-74 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 an adopted ordinance affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the adopted ordinance.

The Applicant provided the following statement, “*Unable to afford the cost or time to dismantle and move structure within the permitted setback requirements.*”

Attachment "A" – Future Land Use Map

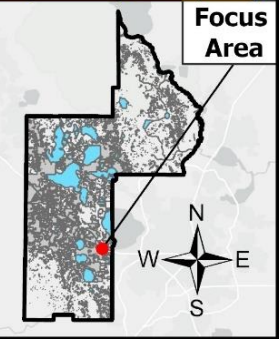
CURRENT FUTURE LAND USE



FLU

Urban Low

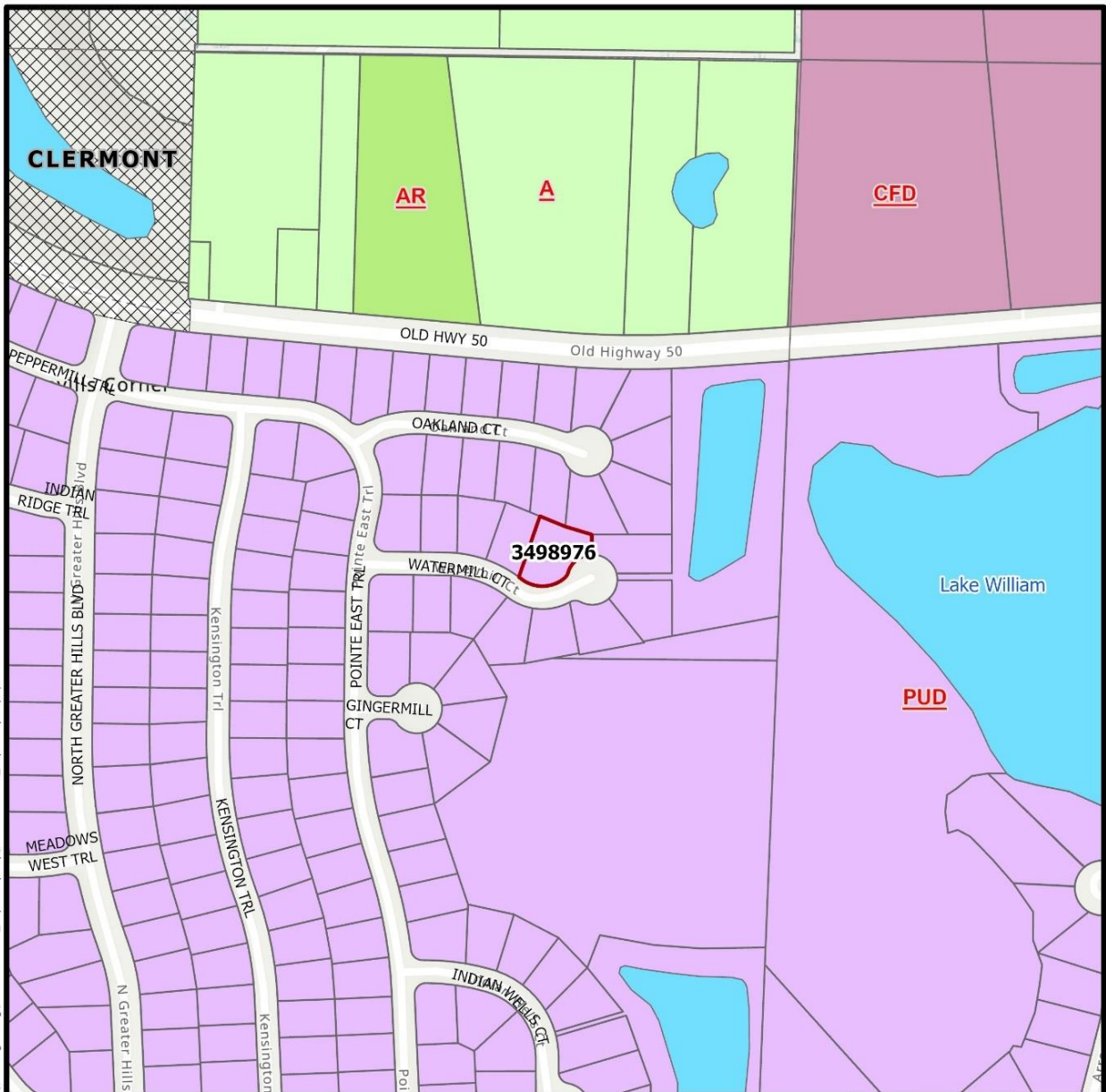
NAME: ZAYAS PROPERTY **DISTRICT:** 2
CASE NUMBER: VAR-PZ2023-07
LOCATION (S-T-R): 22-22-26
REQUEST: ALLOW 4 FT REAR SETBACK INSTEAD OF THE REQUIRED 25 FT SETBACK



Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\Var-PZ2023-07_ZayasProperty\Var-PZ2023-07_ZayasProperty.aprx
7/25/2024

Attachment "B" – Zoning Map

CURRENT ZONING



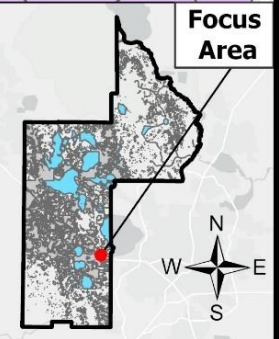
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7/25/2024

Zoning

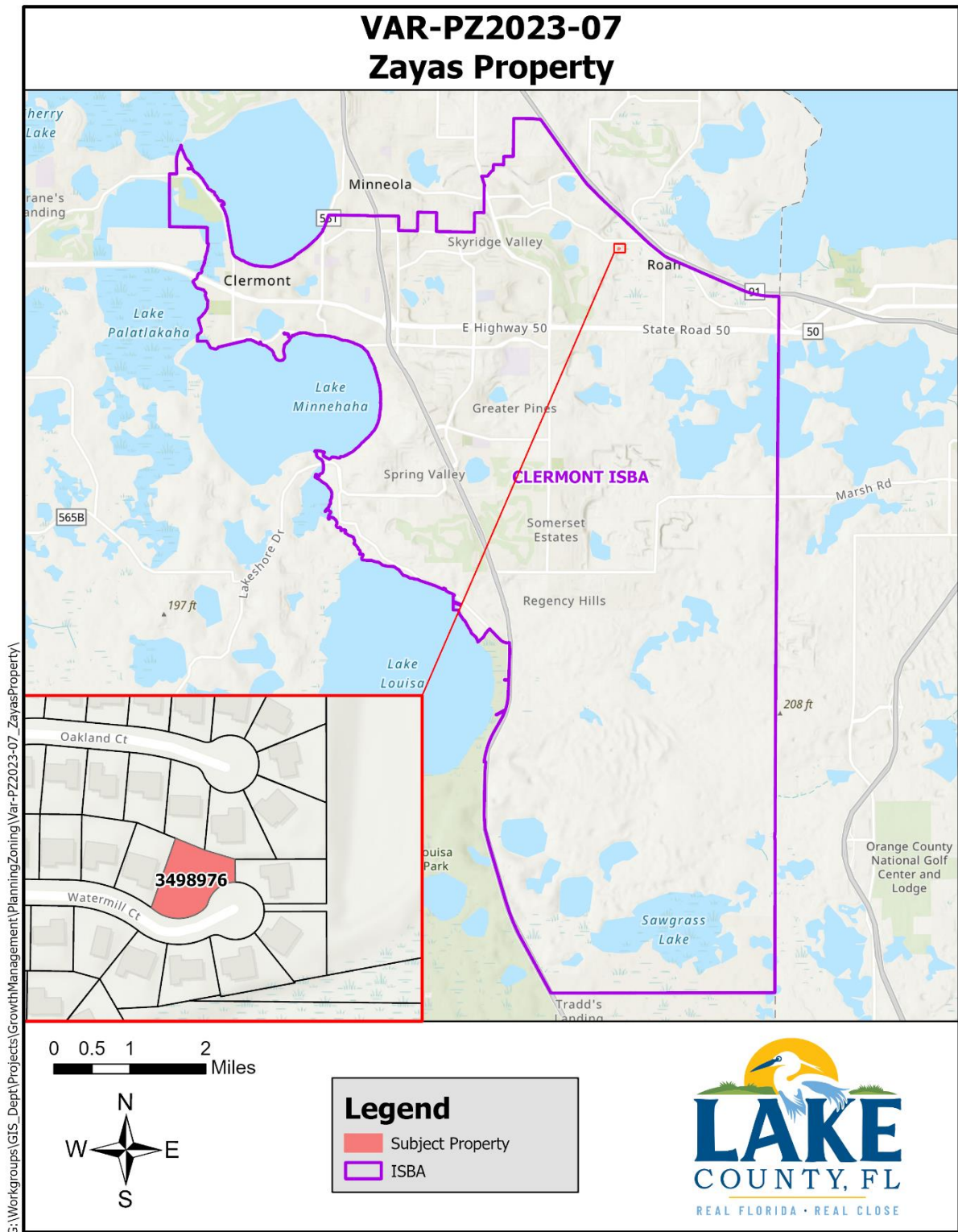
- A
- AR
- CFD
- PUD

NAME: ZAYAS PROPERTY
CASE NUMBER: VAR-PZ2023-07
LOCATION (S-T-R): 22-22-26
REQUEST: ALLOW 4 FT REAR SETBACK INSTEAD OF THE REQUIRED 25 FT SETBACK

DISTRICT: 2

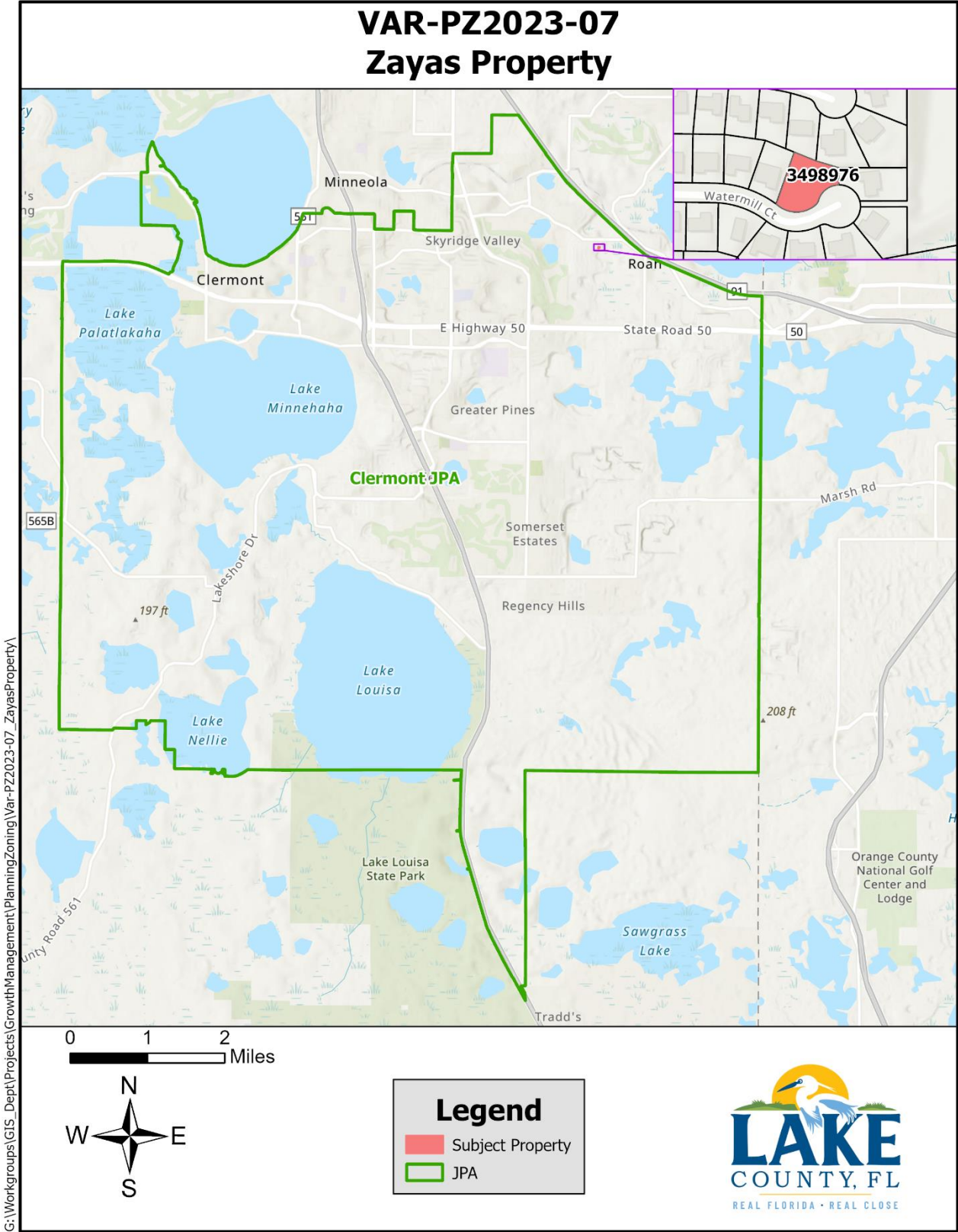


Attachment "C" – Interlocal Service Boundary Agreement Area Map



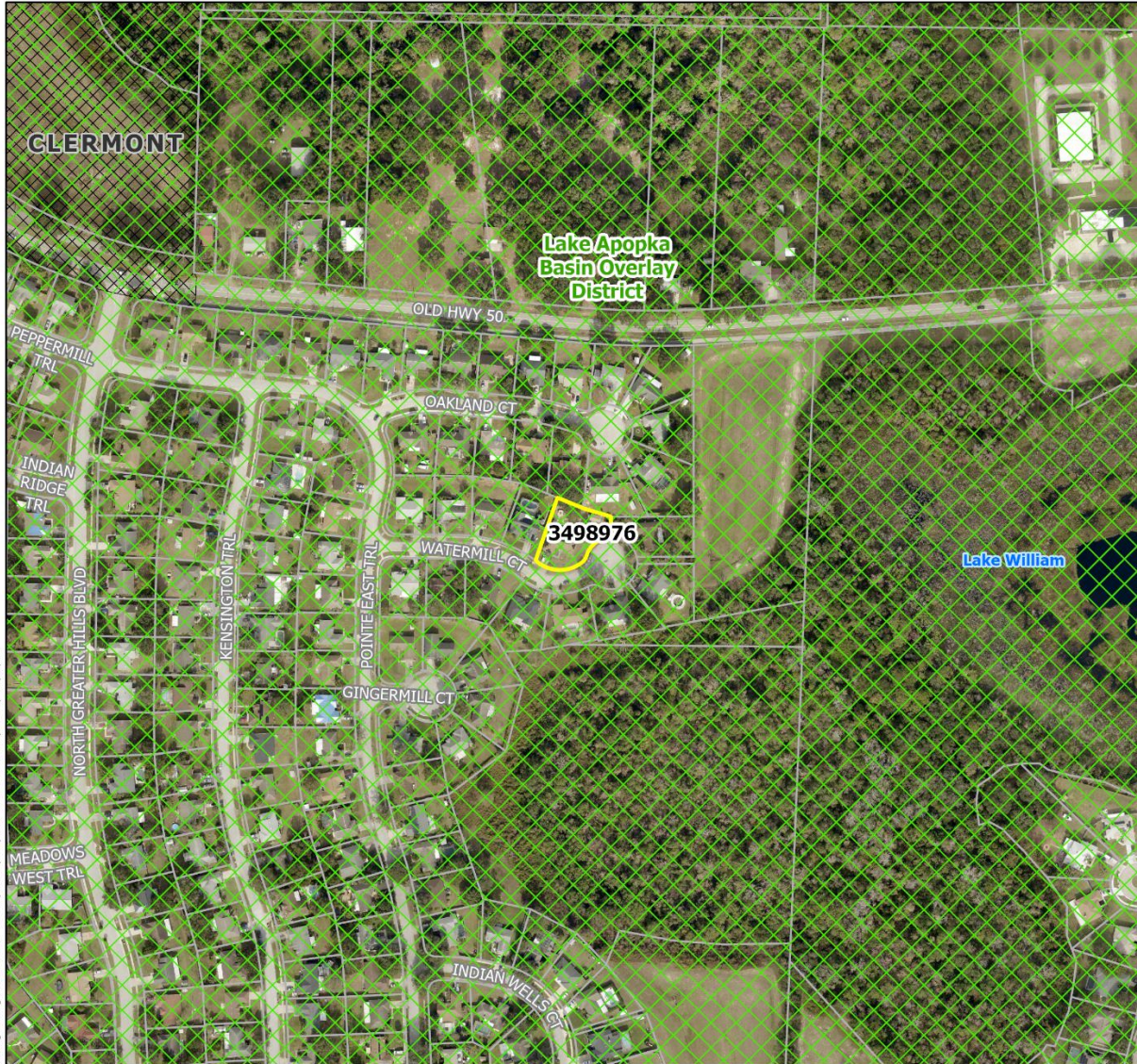
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Attachment "D" – Joint Planning Area Map



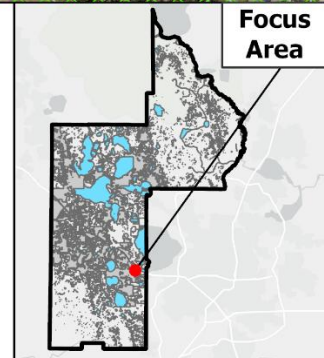
Attachment "E" – Overlay District Map

Var-PZ2023-07 Zayas Property



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Allow 4 ft rear setback instead of the required 25 ft setback



7/25/2024

Attachment "F" – Notice of Violation



OFFICE OF BUILDING SERVICES NOTICE OF CODE VIOLATION

DATE: 3/27/2023

LOCATION OF VIOLATION: 15835 WATERMILL CT

MARIA & CHRISTIAN ZAYAS
15835 WATERMILL CT
CLERMONT, FL 34711

IN ACCORDANCE WITH LAKE COUNTY CODE AND/OR LAND DEVELOPMENT REGULATIONS YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF SECTION(S):

Lake County Code Chapter 6, Section 6-22(2)(g) PERMITS
No Building Permit for construction of a storage shed.

IN ORDER TO PREVENT ANY FURTHER ACTION, THE FOLLOWING CORRECTIVE MEASURES MUST BE TAKEN:

A buiding permit will need to be issued within 10 days. A final inspection will need to be obtained within the required time frame of the building permit.

DAYS TO COMPLY 10

Michael W. Roden
LICENSING INVESTIGATOR

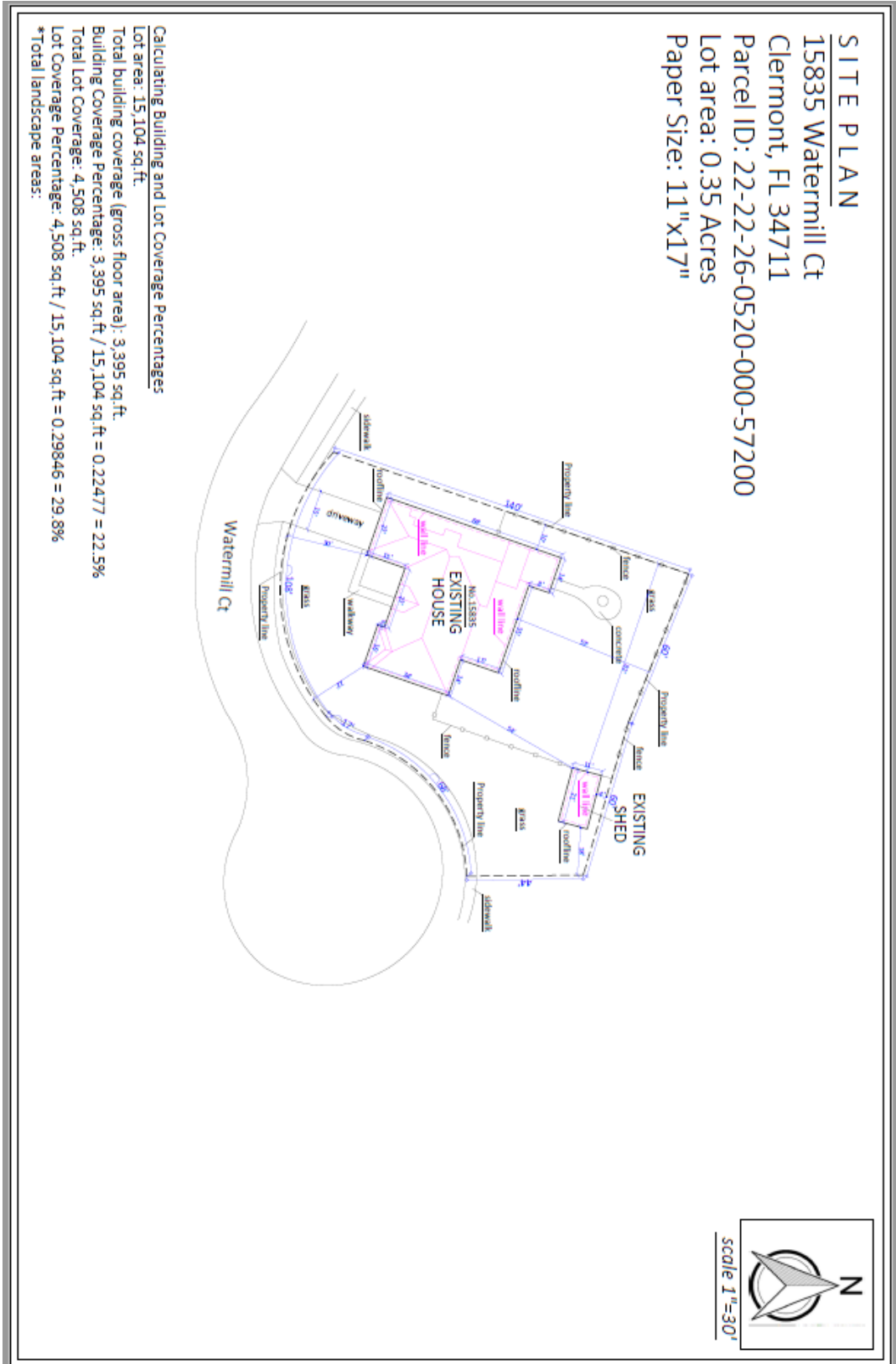
2023030259
CASE NUMBER

Please feel free to contact me at (352) 396-3379 to discuss your case.

All Lake County Codes can be viewed online at www.municode.com
If a permit is required, please provide copy of this letter to the building department.

OFFICE OF BUILDING SERVICES
P.O. BOX 7800 • 315 WEST MAIN STREET, TAVARES, FL 32778 • P 352.343.9653 • F 352.343.9771
Board of County Commissioners • www.lakecountyfla.gov

Attachment "G" – Plot Plan



Attachment "H" Ordinance 1987-74 (1 of 7)

Greater Hills

Ordinance #74-87

FILED
JAN 13 1988
LAKELAND, FLORIDA
COUNTY CLERK

WHEREAS, the Lake County Planning and Zoning Commission did, on the 28th day of October, 1987, review petition #177-87-3, a request to approve the preliminary development plan to PUD (Planned Unit Development) zoning district on property generally located in the Reavill's Corner/Clermont area: Property lying S of Old Hwy. 50 and approximately 2 mile E of intersection with Blackstill Lake Rd. (DR3-1757). The property is more particularly described as:

LEGAL DESCRIPTION: SE 1/4 of the NE 1/4 and the N 1/2 of the SE 1/4 of Sec. 22, Twp. 22S, Rge. 26E, Lake County, Florida. TRACT II: SW 1/4 of the NE 1/4 of Sec. 22, Twp. 22S, Rge. 26E, Lake County, Florida, TRACT III: All that part of the SW 1/4 of the SW 1/4 of the SE 1/4 of Sec. 15, Twp. 22S, Rge. 26E; and all that part of the N 1/2 of the NE 1/4 of Sec. 22, Twp. 22S, Rge. 26E, lying S of the r/w of existing highway being also described as East Clermont Subdivision, according to plat thereof recorded in Plat Bk. 8, pg. 73, Public Records of Lake County, Florida. TRACT IV: SW 1/4 of SE 1/4 lying E of the existing railroad r/w and the SE 1/4 of SE 1/4, all in Sec. 22, Twp. 22S, Rge. 26E, Lake County, Florida; TRACT V: A tract of land being a portion of Sec. 27, Twp. 22S, Rge. 26E, Lake County, Florida, being more particularly described as follows: Commence at the NE corner of Sec. 27; thence N 88 deg. 48' 21" W along the N line of Sec. 27 for a distance of 1272.09 ft. to the P.O.B.; thence S 00 deg. 34' 10" W along a line 34.15 ft. W of and parallel to the W line of the NE 1/4 of the NE 1/4 of Section 27 a distance of 1158 ft., more or less to a point on the N r/w of SR 50; thence W along the N r/w of SR 50 for a distance of 600.03 ft.; thence N 00 deg. 34' 10" E along a line 565.85 ft. W of and parallel to the W line of the NE 1/4 of the NE 1/4 of Sec. 27 for a distance of 1158 ft., more or less to a point on the N line of the NE 1/4 of Sec. 27; thence S 88 deg. 48' 21" E along the N line of the NE 1/4 of Sec. 27 for a distance of 600.00 ft. more or less to the P.O.B. Contains: 16 acres more less.

AND, after giving Notice of Hearing on petition for development plan approval, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 10th day of November, and

Attachment "H" Ordinance 1987-74 (2 of 7)

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Commission, and any comments, favorable or unfavorable from the Public and surrounding property owners at a Public Hearing duly advertised, and

WHEREAS, upon review, certain terms and conditions pertaining to the development of the above described property have been duly approved, and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Florida, that the Zoning Rules and Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land subject to the following terms and conditions:

1. Terms: The PUD facility shall mean and include the total of the following:

I. Land Use

A. Residential

1. Number & Type of Residential Units

A total of 667 single-family units shall be permitted at a gross residential density of 2.13 units per acre. The residential portion of the PUD shall be developed in seven (7) phases, each containing between 85 to 117 lots.

2. Setback Requirements

For the residential portion of the PUD, the following setbacks shall be in effect:

Front: 25 ft. from the property line.
Rear: 25 ft. from the property line.
Side: 5 ft. from the property line.

Attachment "H" Ordinance 1987-74 (3 of 7)

On all corner lots, the property shall have the option of designating the street used for the street address for the front setback and maintain a fifteen (15') ft. setback from the property line on the adjoining side street.

B. Commercial

1. Acreage, Type of Commercial Uses

Commercial activities shall be permitted on the nine (9) acre parcel identified as Phase 8 on the Preliminary Development Plan. Gross leasable area within the commercial area shall not exceed 100,000 sq. ft.

All C-1 (Rural or Tourist Commercial) and C-2 (Community Commercial) uses shall be permitted on the commercial site.

2. Setbacks

The following setbacks shall apply to the commercial area:

Front setbacks: Fifty (50') ft. from street rights-of-way.

Side and Rear: Ten (10') ft. from side and rear property lines; twenty-five (25') ft. when adjacent to a residential use.

3. Parking

Parking shall be provided according to Lake County Zoning Ordinance requirements.

4. A site plan will be required prior to the issuance of any building permits.

C. Recreational Facilities

As part of Phase I of the PUD, the applicant shall provide a community recreation center as indicated on the preliminary development plan.

The community recreational facility shall meet the commercial area setback requirements and provide parking areas which meet Lake County Zoning Ordinance Requirements. A site plan will be required prior to the issuance of any building permits.

Attachment "H" Ordinance 1987-74 (4 of 7)

II. Public Facilities

A. Water & Sewer Facilities

1. A central water plant shall be provided, as indicated on the preliminary development plan, during Phase I of the PUD.

Individual Septic Tanks shall be permitted for sewage disposal. All lot sizes shall be in conformity with Chapter 10D-6 for permitted septic tanks.

2. Drainage/Stormwater Management

The applicant shall submit drainage calculations and a stormwater management plan when filing for plat approval.

3. Fire Protection

Each property owner shall pay a \$120 fee when obtaining building permits, which shall be allocated for the acquisition of capital improvements for fire protection.

III. Open Space/Buffer Requirements

1. Residential

Twenty-five (25%) percent of the gross land area utilized for residential purposes shall be provided as open space.

2. Commercial

Twenty (20%) percent of the net land area utilized for commercial purposes shall be allocated for open space. Parking areas may not be included in the open space requirements.

3. Buffers

A ten (10') ft. wide vegetative buffer shall be provided between residential and commercial areas. The buffer shall be adequately sodded and maintained at all times.

4. Wetlands

Conservation and open space area which contain wetland soils shall be dedicated as an environmental easement, which shall permit passive recreational uses only.

Attachment "H" Ordinance 1987-74 (5 of 7)

IV. Transportation Improvements

1. Decel and left hand turn lanes at the entrance to SR 50 shall be required. A DOT permit shall be obtained for these improvements.
2. The minimum pavement width on each side of the boulevard into the site shall be eighteen (18') ft. The minimum right-of-way width to the first intersecting street shall be 80 ft.
3. Improvements required at the entrance of County Rd. 50 shall be determined by the Departments of Development and Public Works during the plat review process.

V. Variances

The following variances to the Zoning Ordinance and Subdivision Regulations are permitted as part of this PUD ordinance.

1. Section 83.10 of the Subdivision Regulations to permit block lengths up to 2,400 ft. instead of the required 1200 ft. length.
2. A variance of Section 70.2B1 of the Lake County Zoning Ordinance to permit a septic tank on a lot containing less than 12,500 sq. ft., but meeting the requirements of Chapter 10D-6, FAC.

VI. Creation of an MTU

Prior to filing a preliminary plat, the applicant shall meet with Lake County to discuss the formation of a Municipal Services Taxing Unit or other entity to manage the operation and maintenance of common areas, community recreation facilities, street lighting and other common facilities.

2. Conditions as altered and amended which pertain to the above tract of land shall mean:
 - A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this ordinance. Any other proposed use must be specifically authorized by the Planning and Zoning Commission and the Board of County Commissioners.
 - B. This permit shall be reviewed at the end of one (1) year by the Director of Development and may be recommended for Public Hearing before the Planning and Zoning Commission and the Board of County Commissioners should this review reveal that the facility is not in compliance with this P.U.D. (Planned Unit Development).

Attachment "H" Ordinance 1987-74 (6 of 7)

- C. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner within the boundaries of the above described land without first submitting the necessary plans in accordance with Section 70.31 of the Zoning Ordinance of Lake County, and obtaining approval from the Director of Development upon obtaining the permits required from the other appropriate governmental agencies.
- D. This amendment shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- E. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.
- F. The transfer of ownership or lease of any or all of the property described in Ordinance #74-87 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the PUD (Plan Unit Development) established by Ordinance #74-87, and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in Section 691, Paragraph 691.13, Lake County Zoning Regulations, as amended.

Attachment "H" Ordinance 1987-74 (7 of 7)

DONE AND RESOLVED by the Lake County Board of County Commissioners on
the 10th day of November, 1987, A.D.

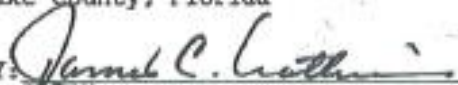
STATE OF FLORIDA)

COUNTY OF LAKE)


THOMAS J. WINPENNY, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

I HEREBY CERTIFY that the above and foregoing is a true copy of an
Ordinance adopted by the Board of County Commissioners in regular
session on November 10, 1987 as the same appears on record of
County Commissioners Minute Book 35 Page 679.

JAMES C. WATKINS
Clerk of the Circuit Court
and Ex-Official Clerk of the
Board of County Commissioners,
Lake County, Florida

BY: 
CLERK

Variance Application (1 of 2)



Office of Planning and Zoning

Variance Application

Date: _____

Owner's Name: Maria Zayas and Christian Zayas

Mailing Address: 15835 Watermill Ct

City Clermont State FL Zip Code 34711

Telephone Number: 352 874 8843 E-Mail Address: chrisalloy89@yahoo.com

Applicant's Name: Christian Zayas

Mailing Address: 15835 Watermill Ct

City Clermont State FL Zip Code 34711

Telephone Number: 352 874 8843 E-Mail Address: chrisalloy89@yahoo.com

What is your variance request?: building a structure closer to property line than normally permitted 4ft rear setback instead of the required 25ft setback

Site address: 15835 Watermill Ct. Alternate Key # _____

Please attach or affix a copy of a warranty deed and tax receipt or current property record card describing the property for which this variance is being applied.

What is the substantial hardship in meeting the specific code requirement? Unable to afford the cost or time to dismantle and move structure within the permitted setback requirements.

Describe how the purpose of the Land Development Regulation will be or has been achieved by other means: Aesthetically pleasing and provides additional storage and workplace

Please attach any additional information you believe would assist staff in their research.

Variance Application (2 of 2)

Variance Application

TO BE COMPLETED BY STAFF

Application # VAR- _____ Address Screen # _____ Alternate Key#: 3488976

Project No: PZ2023 07 Application Request No.: 5365

Section: 22 Township: 22 Range: 26 Comm. District: 2 Size of Parcel: 35

Existing Zoning: PUD Future Land Use Designation: Urban Low

Utility Area: _____ Public Utilities: _____

Overlay District: Lake Apopka Basin

Joint Planning Area/SBA: Clematis

Has any application been filed within the last year in connection with this property? Yes No

Code Enforcement Case 2023030259

If yes, please explain briefly: _____

Applicant is requesting a variance to the following sections of the Lake County Development Regulations:

Ord. 1987 74

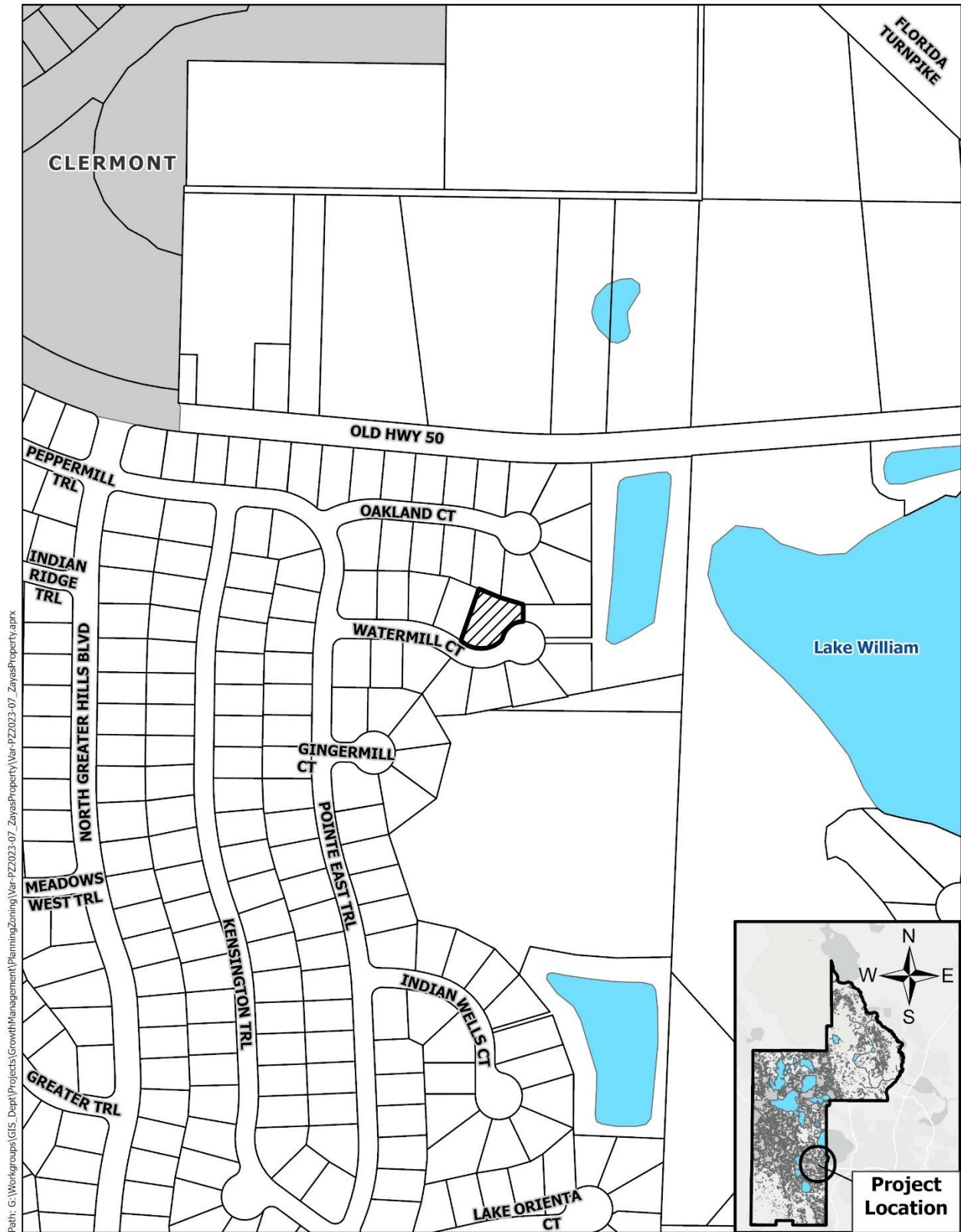
Affordable Housing Projects: Estimated value of structure(s) and land for each lot.

Structure(s): \$ _____ + land \$ _____ = \$ _____. If the combined value is equal to or less than 80% of the median price of a home in the Orlando MSA and/or at least 30% of the dwellings in each phase are affordable, the project qualifies for expedited review.

Staff Planner Assigned: Shari Holt Fees Collected: _____

Date Assigned Planner: 11/7/2023

Map of Subject Property

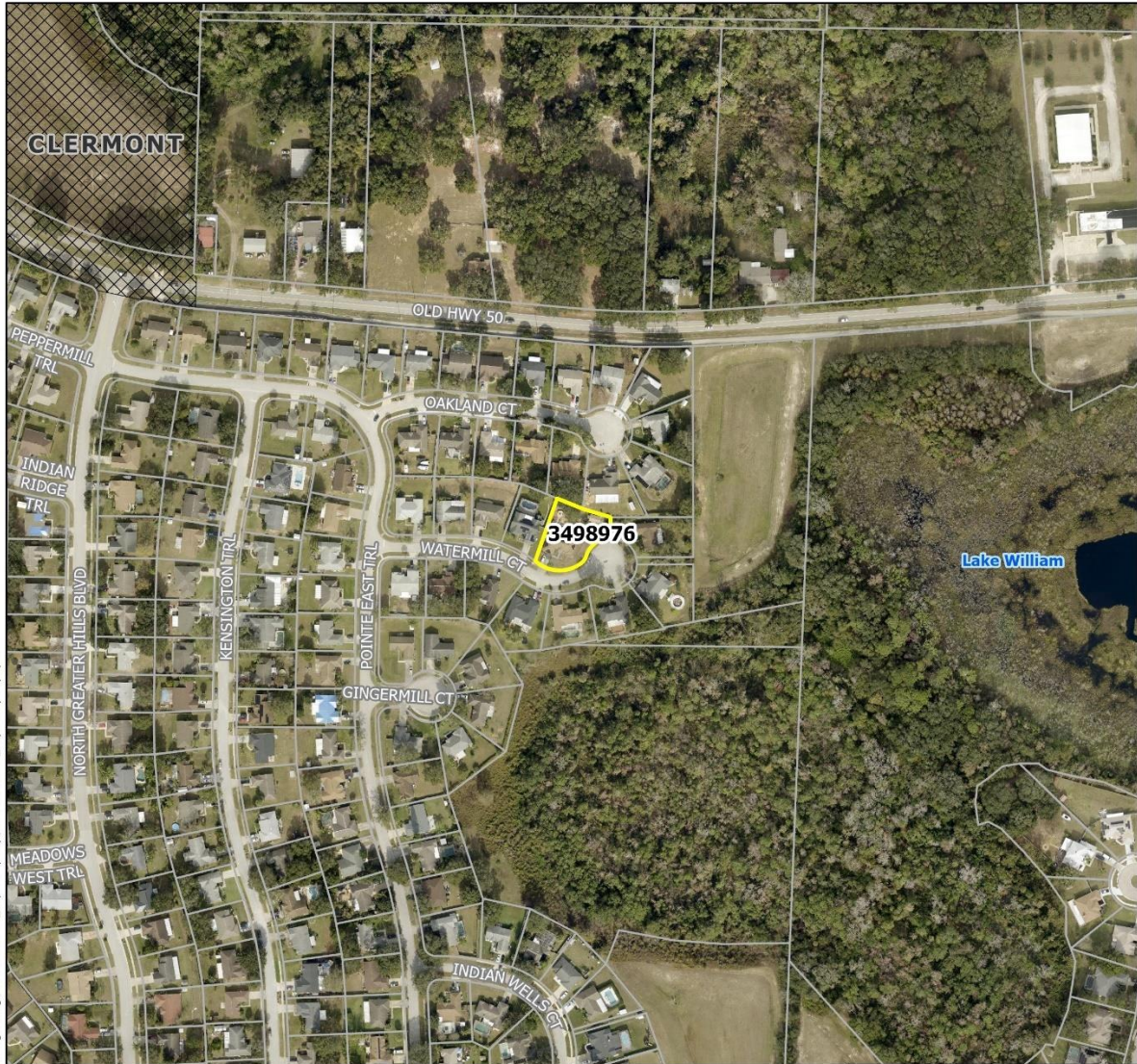


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7/25/2024

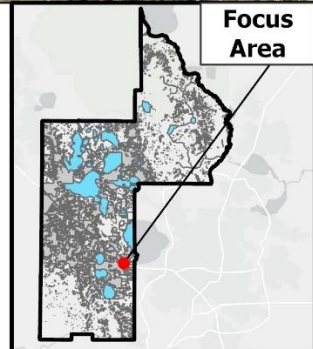
Aerial Map of Subject Property

**Var-PZ2023-07
Zayas Property**



Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\Var-PZ2023-07_ZayasProperty\Var-PZ2023-07_ZayasProperty.aprx

Allow 4 ft rear setback instead of the required 25 ft setback



7/25/2024

Final Development Order

WHEREAS, Maria Zayas and Christian Zayas (the “Applicants” and “Owners”), requested a variance to Ordinance #1987-74 to allow an after-the-fact storage shed to remain within the 5-foot drainage and utility easement and 4-feet from the rear property line in lieu of the required 25-feet; and

WHEREAS, the subject property consists of 0.35 +/- acres and is located at 15835 Watermill Court, in the unincorporated Clermont area of Lake County, in Section 22, Township 22, Range 26, having Alternate Key Number 3498976 and more particularly described as;

Greater Hills Phase 5 Sub Lot 572, according to the plat thereof recorded in Plat Book 34, Page(s) 76 through 77, inclusive 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 November 6, 2024; 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 November 6 ,2024 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:

1. **Variance Granted:** A variance to Ordinance #1987-74 to allow an after-the-fact accessory structure (storage shed) to remain within the 5-foot drainage and utility easement and 4-feet from the rear property line in lieu of the required 25-feet is hereby granted:
2. The variance granted above is conditioned in accordance with Article VII entitled Vacation of Platted Easement, which states that the purpose is to provide an administrative process whereby property owners may request county approval of their applications to vacate certain platted utility and drainage easements. The Applicant shall submit a vacation petition application to vacate the drainage easement for review and approval prior to the issuance of the zoning permit.
3. The variance granted above is in accordance with LDR Section 3.02.05(1)(4), which states that the accessory structure (storage shed) may remain in the utility easement with the understanding that the temporary removal and replacement may be necessary during servicing of the utility located within said easement.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea Meeks, 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 November 2024, by Bea Meeks, 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.