



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: December 4, 2024

Case No. and Project Name: PZ2024-153, Ramos Velazquez Property

Owner/Applicant: Janice Ramos and Gustavo Velazquez

Requested Action: Variance to Land Development Regulations (LDR) Section 3.02.05 to allow an existing accessory structure (barn) to remain 23.32-feet from the northern property line, and 24.41-feet from the rear property line, in lieu of the required 25-feet.

Case Manager: Shari Holt, Planner II

Subject Property Information

Size: 2.51 +/- acres

Location: 16740 Appaloosa Trail, in the unincorporated Montverde area

Alternate Key No.: 2934891

Future Land Use: Rural Transition (Attachment "A")

Current Zoning District: Agriculture Residential District (AR) (Attachment "B")

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: Town of Montverde ISBA (Attachment "C")

Overlay Districts: Lake Apopka Basin Overlay District (Attachment "D")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture Residential (AR)	Residential	Single-Family Residence
South	Rural Transition	Agriculture Residential (AR)	Residential	Single-Family Residence
East	Rural Transition	Agriculture Residential (AR)	Residential	Single-Family Residence
West	Rural Transition	Agriculture Residential (AR)	Residential	Single-Family Residence west of Appaloosa Trail

Summary of Request

The subject property, identified as Alternate Key Number 2934891, contains 2.51 +/- acres, is zoned Agriculture Residential District (AR), is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and located within the Lake Apopka Basin Overlay District. The subject property is located at 16740 Appaloosa Trail, in the unincorporated Montverde area. The subject parcel is described as Trails of Montverde Sub Lot 115, according to the plat thereof recorded in Plat Book 28, Pages 6 through 11, Public Records of Lake County, Florida. The Plot Plan (Attachment "E") indicates that the subject parcel is developed with a single-family residence and associated accessory structures. GIS maps indicate that the subject parcel is not located within a flood prone area.

The Applicant has requested a variance to LDR Section 3.02.05 to allow the existing accessory structure (barn) to remain 23.32-feet from the northern property line, and 24.41-feet from the rear property line, in lieu of the required 25-foot setback as depicted in the Plot Plan. The Applicant desires to convert the existing accessory structure into an accessory dwelling unit to accommodate housing for family members. LDR Section 3.02.05 indicates that new development and existing development with conforming lots shall maintain, for any structure, a setback of 25-feet from the side and rear of the property line.

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 and Public Works Department did not identify any comments or objections to the request.

The subject property is located within the Montverde Interlocal Service Boundary Agreement (ISBA). The variance request was provided to the Town of Montverde on August 15, 2024, for review, and the Town of Montverde had no comments.

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 3.02.05, 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 Land Development Regulations will be or has been achieved by other means, *"We are still allowing the community to use part of our land as part of their horse trails. None of the horses using the trails can reach our future ADU in its current location."*

The Trails of Montverde Plat (Attachment "F") indicates a 20-foot platted Horse Trail is located on the north and east side of the subject property. The platted trail encroaches 10-feet onto the northern and eastern portion of the subject property.

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 barn was built in 1989 before zoning regulations were in place. Therefore, we purchased our property thinking that it was "grandfathered in." It does not meet regulations by 1-foot on one side and less than a foot on another side. It would cost too much money for us to redo walls and roofing for a mere foot before converting it into an ADU for my retired parents."*

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE



Attachment "B" – Zoning Map

CURRENT ZONING



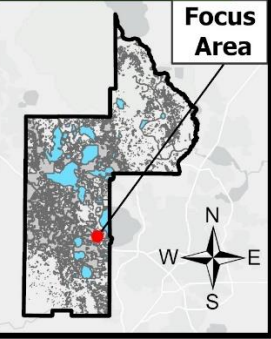
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9/30/2024

Zoning

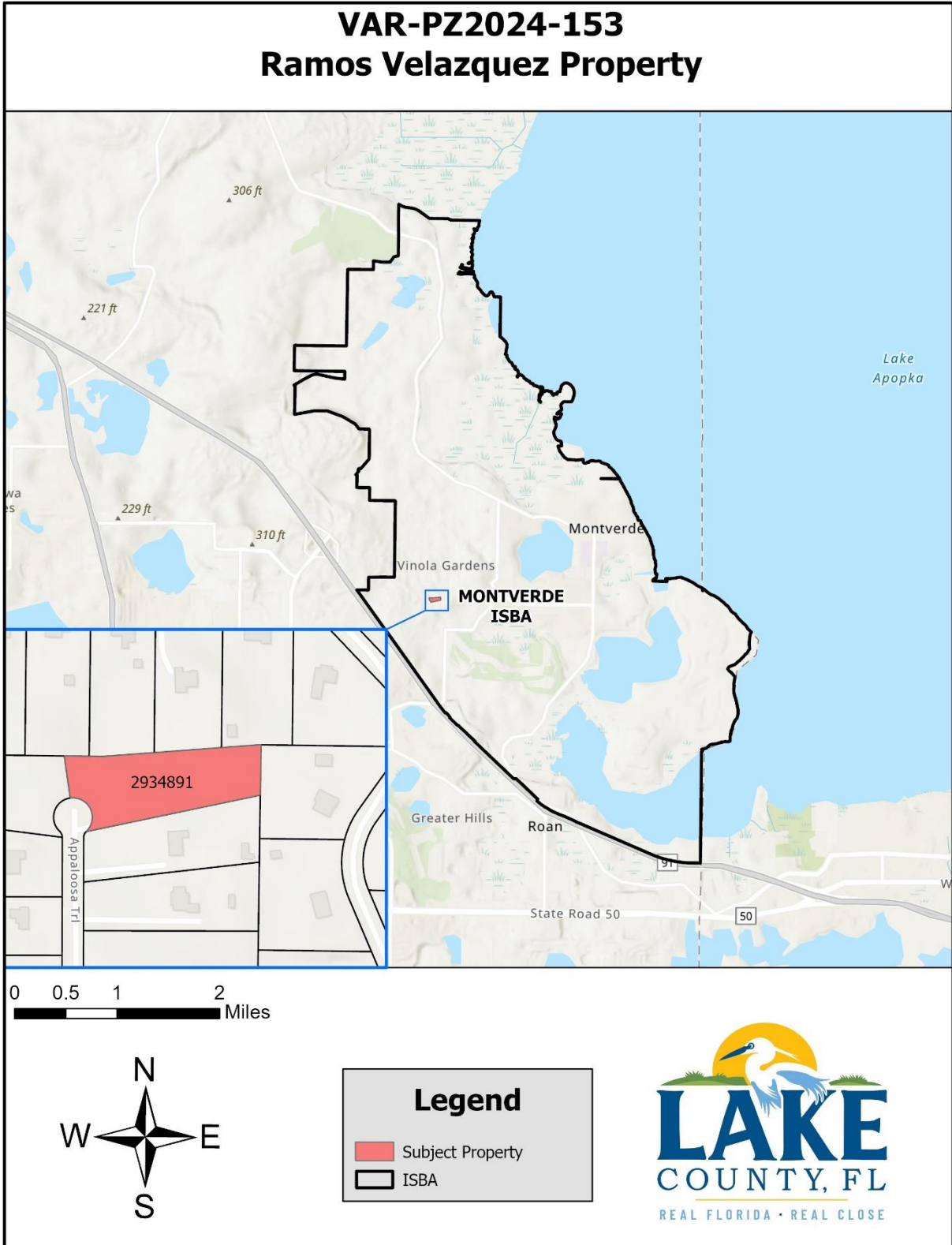
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NAME: RAMOS VALAZQUEZ PROPERTY
CASE NUMBER: VAR-PZ2024-153
LOCATION (S-T-R): 10-22-26
REQUEST: REAR AND SIDE SETBACK VARIANCE

DISTRICT: 2

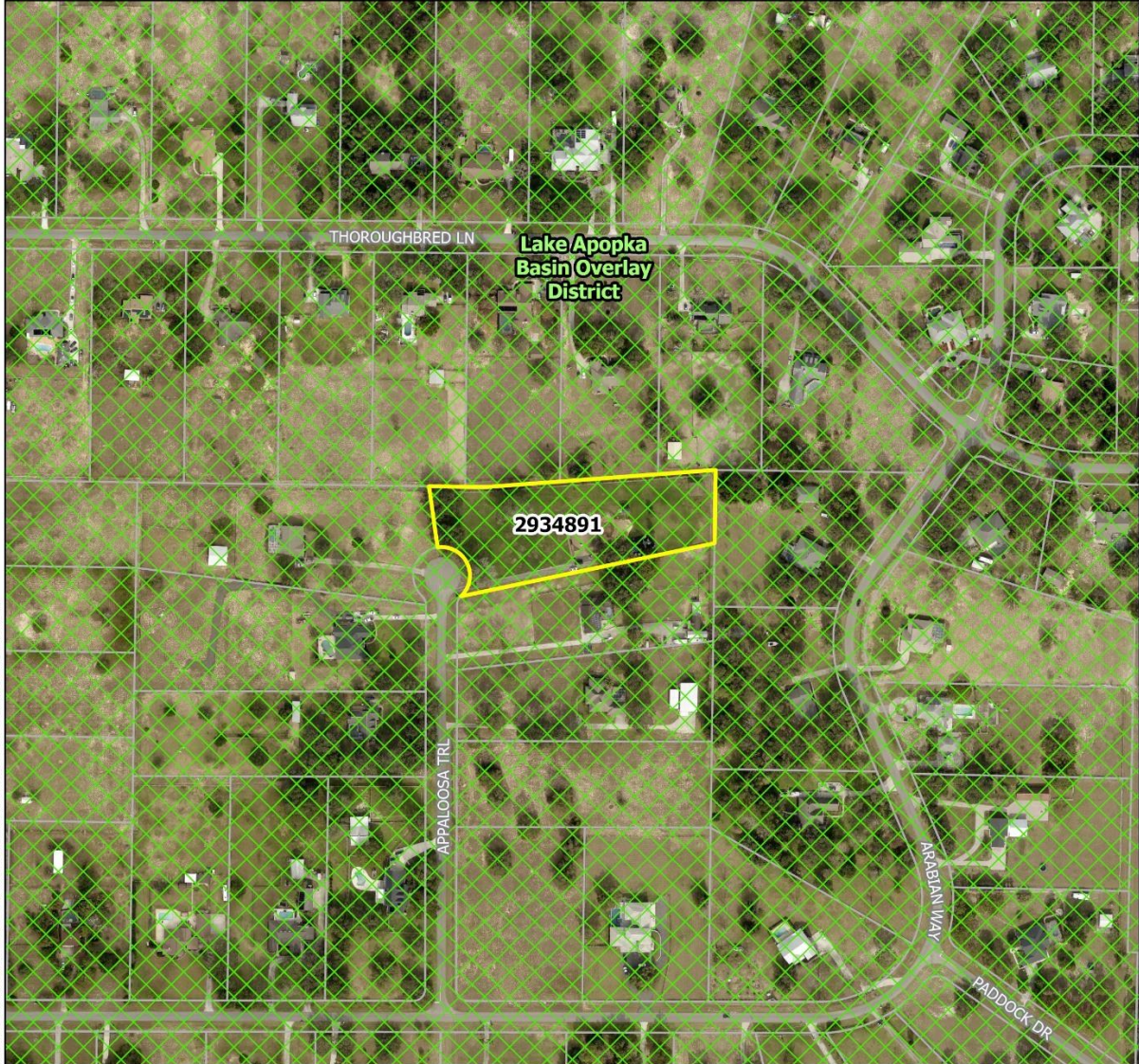


Attachment "C" – Interlocal Service Boundary Area Map



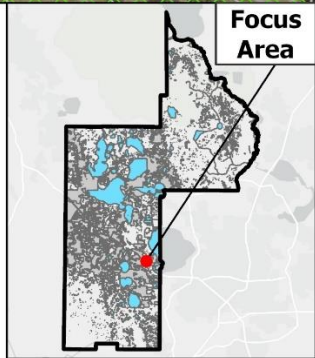
Attachment "D" – Lake Apopka Basin Overlay District

VAR-PZ2024-153
Ramos Velazquez Property



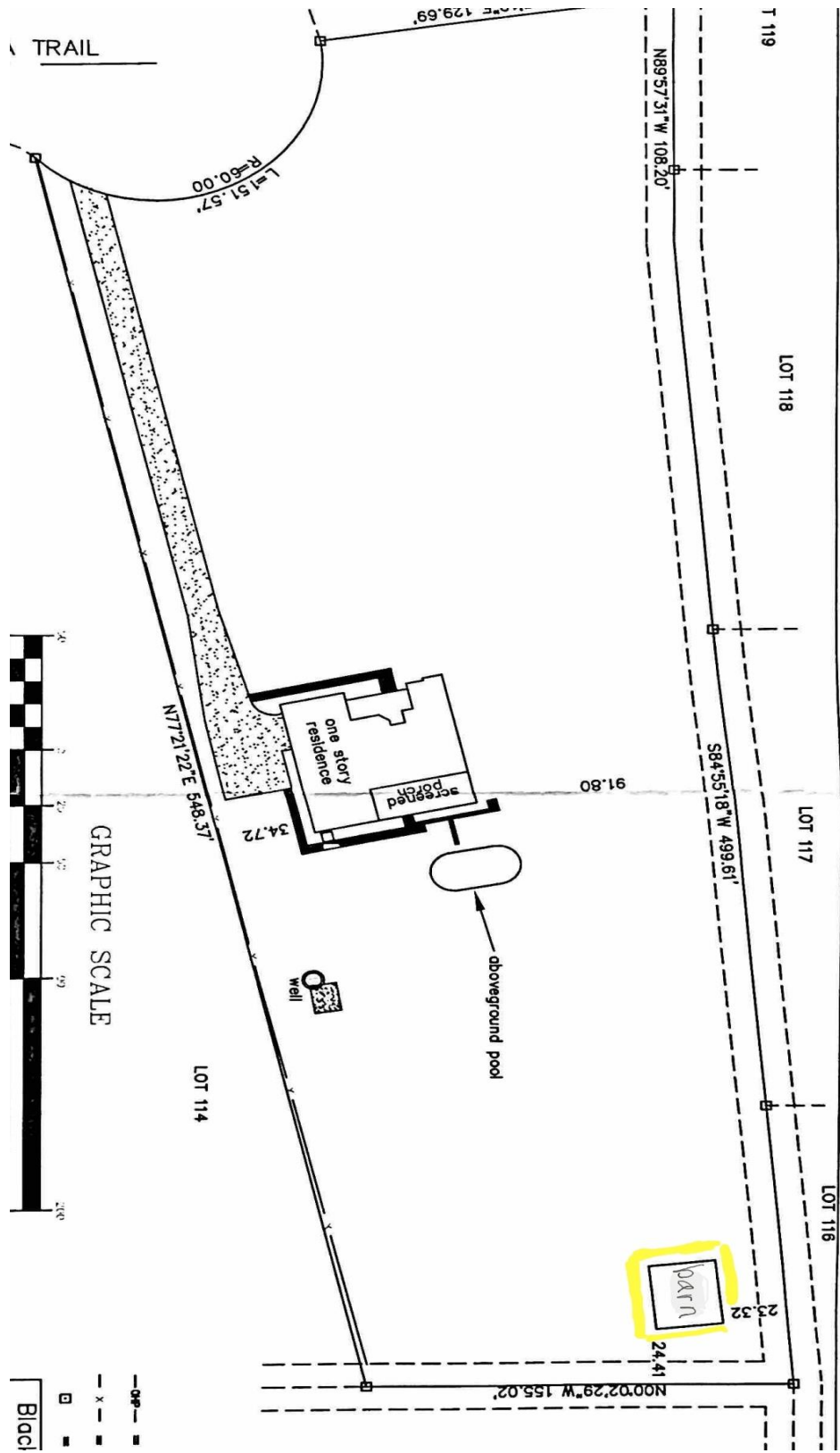
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Rear and Side Setback Variance



9/30/2024

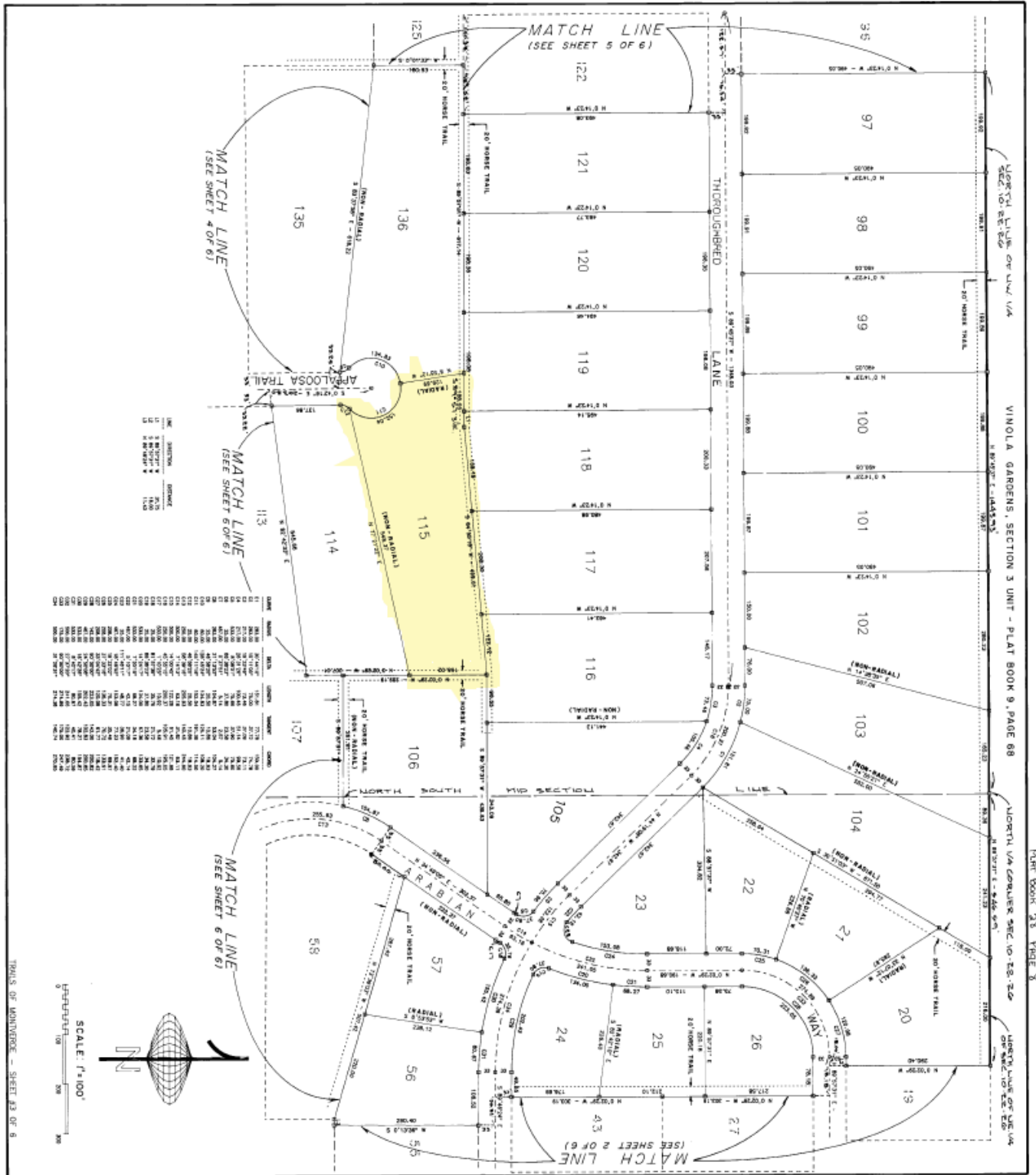
Attachment "E" – Plot Plan (1 of 2)



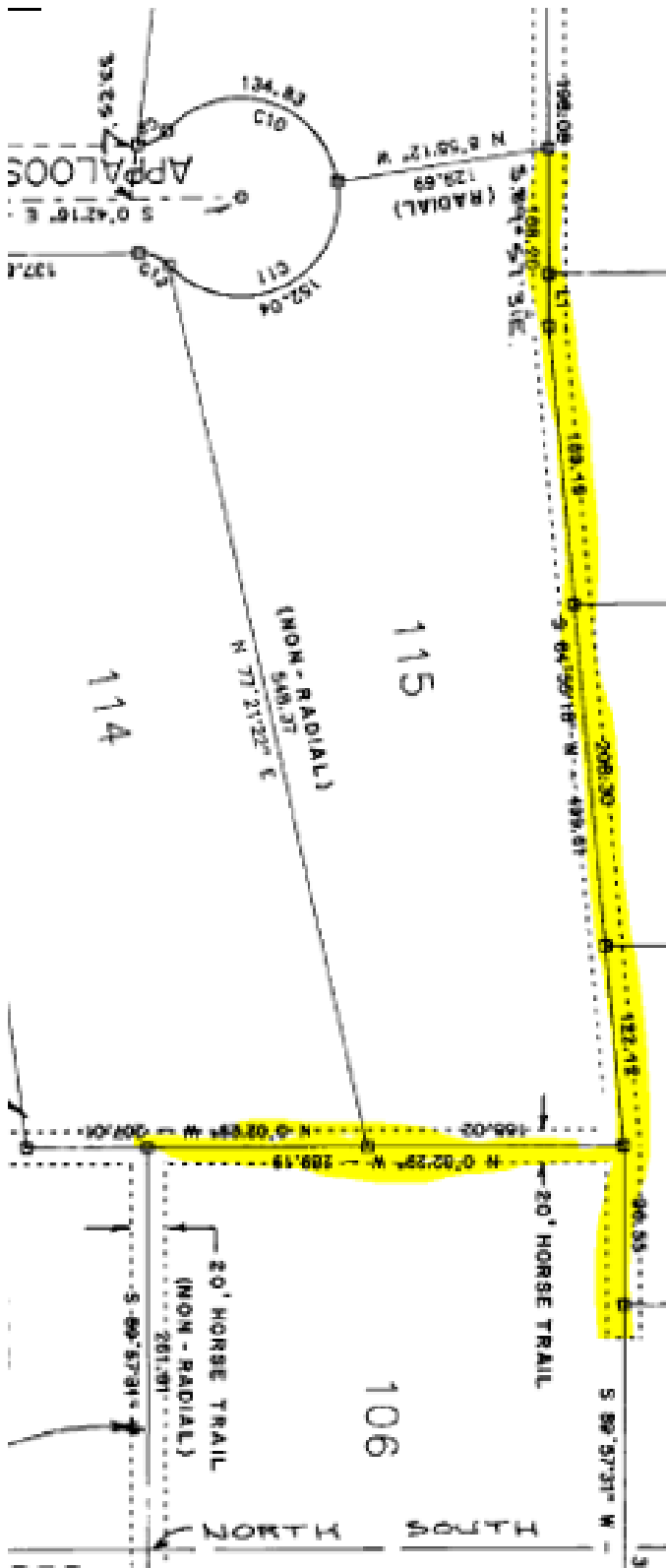
Attachment "E" – Plot Plan (2 of 2)



Attachment "F" – Trails of Montverde Plat (1 of 2)



Attachment "F" – Trails of Montverde Plat (2 of 2)



Map of Subject Property



Path: C:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\WAR-PZ2024-153_RamosVelazquez\WAR-PZ2024-153_RamosVelazquez.aprx

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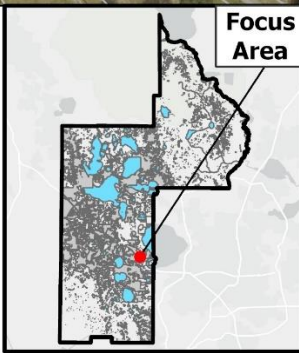
Aerial Map of Subject Property

VAR-PZ2024-153
Ramos Velazquez Property



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Rear and Side Setback Variance



9/30/2024

Final Development Order

WHEREAS, Janice Ramos and Gustavo Velazquez (the “Owners” and “Applicants”) requested a variance to Land Development Regulations (LDR) Section 3.02.05 to allow an existing accessory structure (barn) to remain 23.32-feet from the northern property line, and 24.41-feet from the rear property line, in lieu of the required 25-foot setback; and

WHEREAS, the subject property consists of 2.51 +/- acres, is located at 16740 Appaloosa Trail, in the unincorporated Montverde area of Lake County, in Section 9, Township 22 South, Range 26 East, having Alternate Key Number 2934891, and more particularly described as:

Lot 115, The Trails of Montverde, according to the map or plat thereof, as recorded in Plat Book 28, Pages 6 through 11, 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 December 4, 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.

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

Variance Granted: A variance to Section 3.02.05 to allow an existing accessory structure (barn) to remain 23.32-feet from the northern property line, and 24.41-feet from the rear property line, in lieu of the required 25-feet is hereby granted.

**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 4th day of December 2024, by Bea Meeks, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

(SEAL)

Notary Signature

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.