



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearing Date: April 2, 2025

Case No. and Project Name: PZ2024-160 Lopez Radical Movement Inc.

Applicant(s): Jose Manuel Lopez / Jimmy Crawford, Esquire

Owner(s): Radical Movement, Inc, a Florida profit corporation and Jose M. Lopez Jr., as President

Requested Action: Variance to Land Development Regulations (LDR) Table 3.02.05 and Table 3.02.06 to allow (1) the construction of two (2) ground mounted solar modules 12-feet from the western property line in lieu of the required 25 feet and (2) to allow for a maximum Impervious Surface Ratio (ISR) of 13%, in lieu of the maximum 10%.

Case Manager: James Frye, Planner II

Subject Property Information

Size: 4.46 +/- gross acres

Location: 15630 Johns Lake Road, in the unincorporated Clermont area

Alternate Key No.: 1110971

Future Land Use: Rural (Attachment "A")

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

Flood Zone(s): X

JPA/ISBA: City of Clermont JPA and ISBA

Overlay/Rural Protection Area: Lake Apopka Basin Overlay District (Attachment "C")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Agriculture (A)	Residential and Right-of-Way	Single Family Dwelling and Johns Lake Road (ROW)
South	Regional Office	Medium Residential (R-3)	Sand Mine	Cemex-Tulley Dura Rock Sand Mine; CUP 385-3
East	Rural	Agriculture (A)	Residential	Single Family Dwelling
West	Rural	Agriculture (A)	Residential	Manufactured Home

Summary of Request

The subject parcel identified by Alternate Key Number 1110971 contains approximately 4.46 gross acres, is zoned Agriculture District (A), is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan and is located within the Lake Apopka Basin Overlay District. The subject property is located at 15630 Johns Lake Road, in the unincorporated Clermont area. GIS maps indicate that the subject parcel is located within flood zones "X" and there is no indication that wetlands exist on the site. The Plot Plan (Attachment "C") indicates that the subject parcel is developed with a single-family residence, detached garage, and additional accessory structures.

The Applicant is requesting a variance to LDR Table 3.02.05 to allow two (2) ground mounted solar modules to be constructed 12 feet from the western property line in lieu of the required 25-feet, and Table 3.02.06 to allow for a maximum impervious surface ratio (ISR) of 13% in lieu of the maximum 10%.

The Concept Plan depicts the proposed two (2) ground mounted solar modules to be constructed 12-feet from the western property line, along with a third ground mounted solar module that meets the requirements of the setbacks within LDR Table 3.02.05. The Concept Plan also contains an existing asphalt driveway that provides access to the solar modules.

The variance application was sent to the Public Works Department for review for a determination of consistency with their regulations. The Public Works Department had no comments.

The variance application was sent to the Chief Fire Plans Examiner for review for a determination of consistency with their regulations. The Chief Fire Plans Examiner provided the following informational comment: "Per NFPA 1: 11.12.4.2 A vegetation management plan or noncombustible base required under and around the installation."

The subject property is located within the Clermont Joint Planning Area (JPA) and Interlocal Service Boundary Agreement (ISBA), and the application was provided to the City of Clermont for review and comment. The City of Clermont 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 intent of the Code, LDR Section 3.02.06, is to protect the public health, safety and welfare by limiting the amount of impervious surface to reduce flooding and increase water quality. An impervious surface ratio is a measurement of the amount of the base site area that is covered by any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surfaces include, but are not limited to roofs and roads, sidewalks and parking lots paved with asphalt, concrete, compacted sand, limerock or clay. The impervious surface ratios (ISR) in Table 3.02.06 are applicable to both residential and nonresidential development.

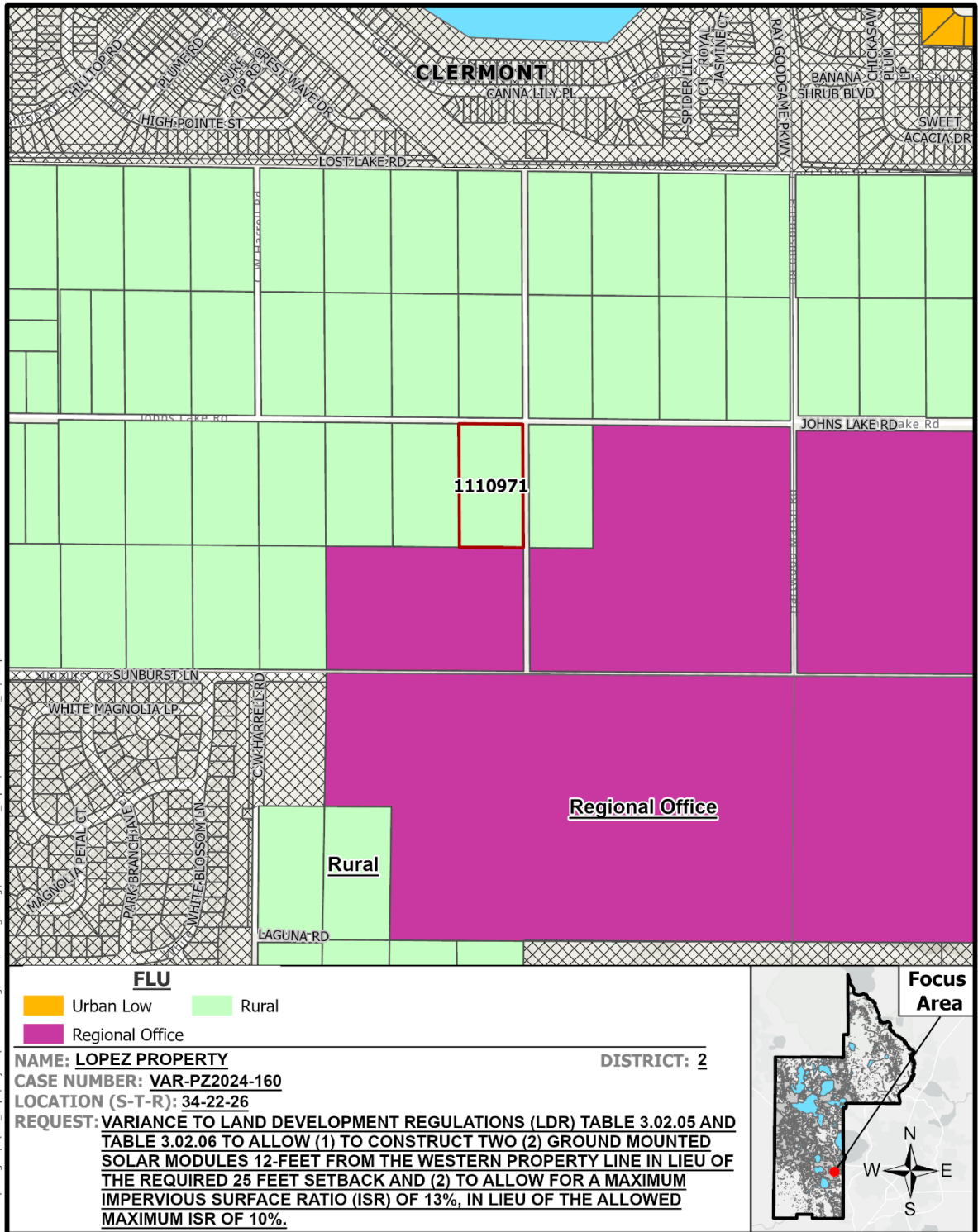
The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"By allowing homeowners to install solar panel rack within a reasonably safe distance from property line. Also allowing the ISR to be 13%."*

- 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 hardship is physical limitation. We want to contribute to Green Energy solution in LAKE county and the planet however the available space we have that is safe and far from the property line is 11 – 12 ft without obstructing any other structures or space. The request has 'no harm to public interest' The area for solar although affects the ISR, is needed because we are paying over \$1000 every month."

Attachment "A" – Future Land Use Map

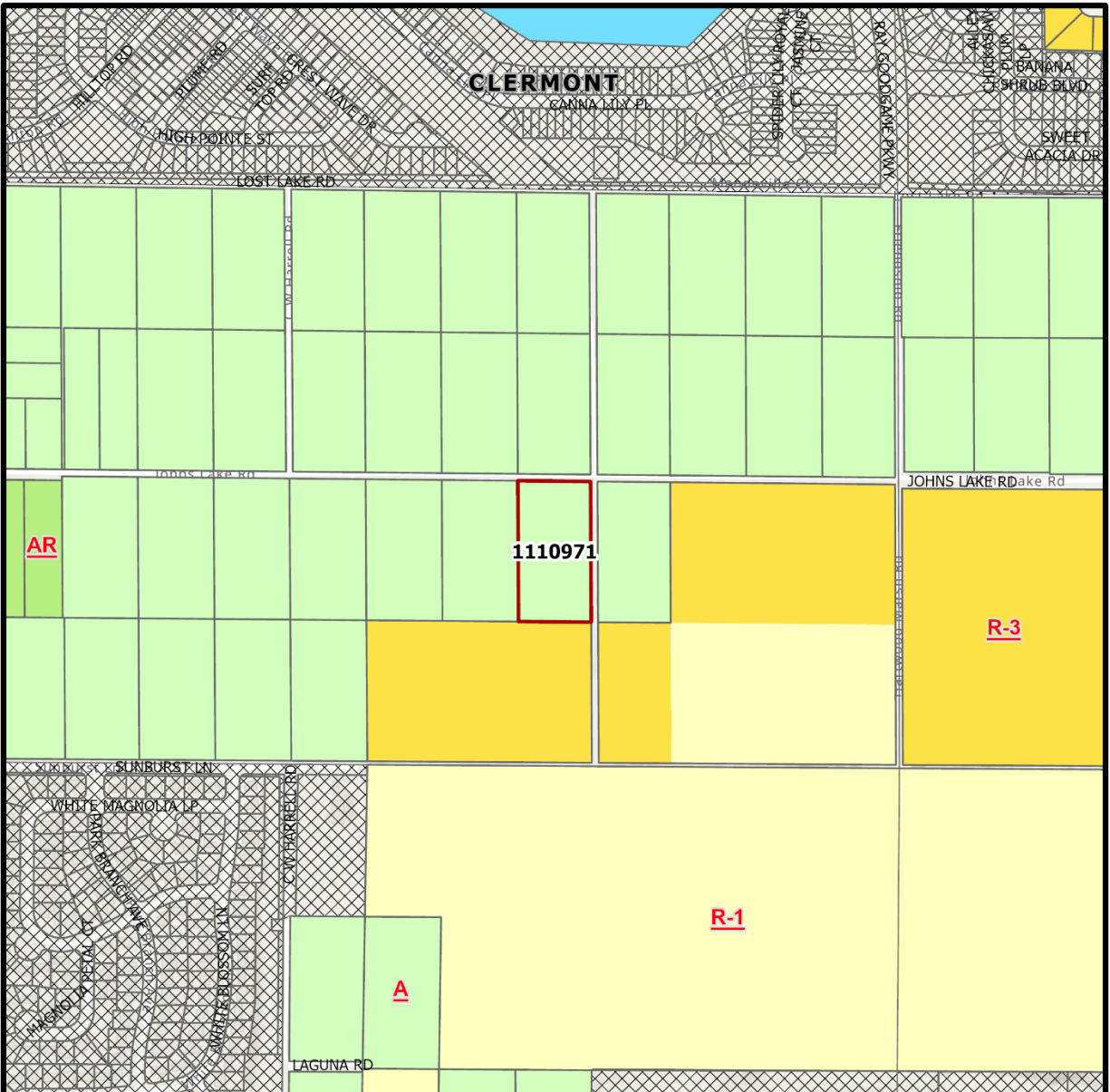
CURRENT FUTURE LAND USE



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Attachment "B" – Zoning Map

CURRENT ZONING



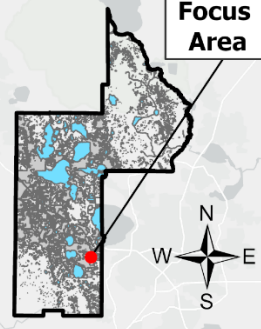
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Zoning

- A
- AR
- R-1
- R-3

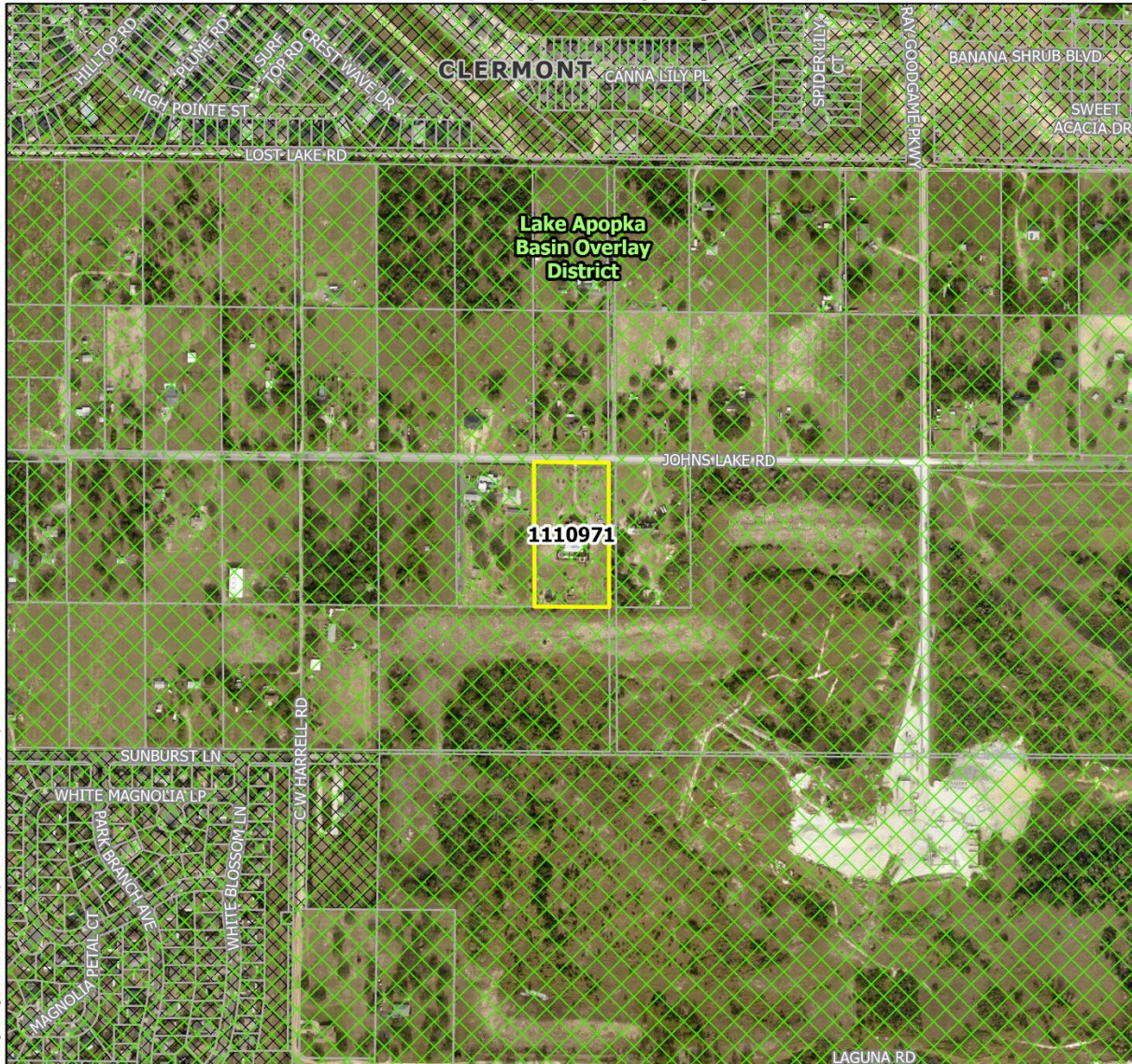
NAME: LOPEZ PROPERTY **DISTRICT:** 2
CASE NUMBER: VAR-PZ2024-160
LOCATION (S-T-R): 34-22-26

REQUEST: VARIANCE TO LAND DEVELOPMENT REGULATIONS (LDR) TABLE 3.02.05 AND TABLE 3.02.06 TO ALLOW (1) TO CONSTRUCT TWO (2) GROUND MOUNTED SOLAR MODULES 12-FEET FROM THE WESTERN PROPERTY LINE IN LIEU OF THE REQUIRED 25 FEET SETBACK AND (2) TO ALLOW FOR A MAXIMUM IMPERVIOUS SURFACE RATIO (ISR) OF 13%, IN LIEU OF THE ALLOWED MAXIMUM ISR OF 10%.

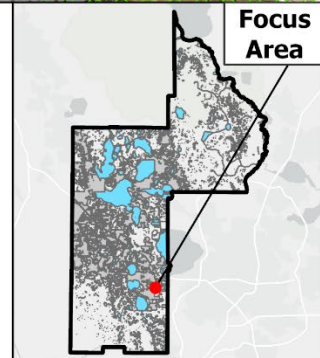


Attachment "C" – Overlay District Map

VAR-PZ2024-160 Lopez Property



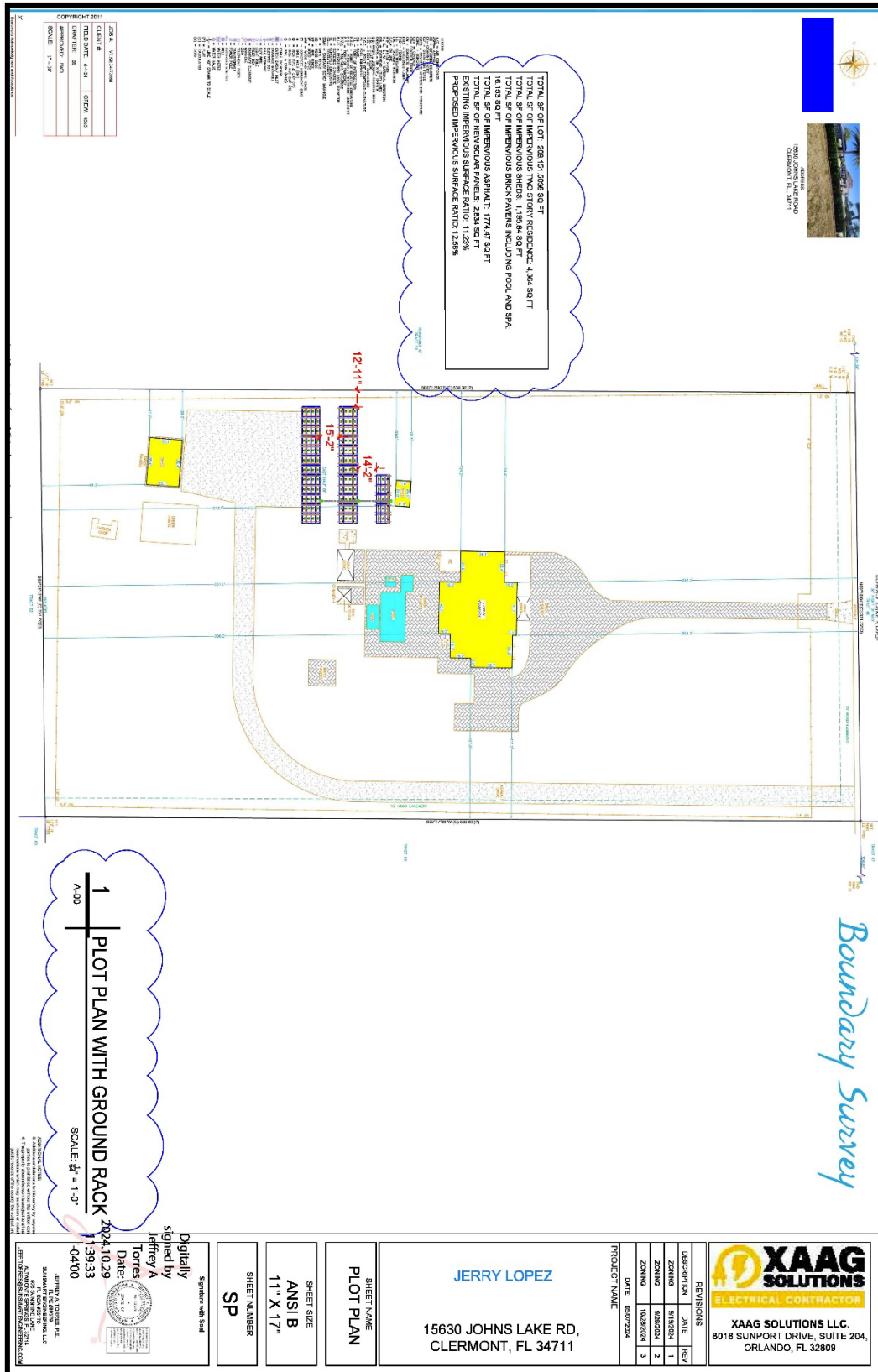
Variance to Land Development Regulations (LDR) Table 3.02.05 and Table 3.02.06 to allow (1) to construct two (2) ground mounted solar modules 12-feet from the western property line in lieu of the required 25 feet setback and (2) to allow for a maximum Impervious Surface Ratio (ISR) of 13%, in lieu of the allowed maximum ISR of 10%.



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Attachment "D" – Plot Plan



Boundary Survey



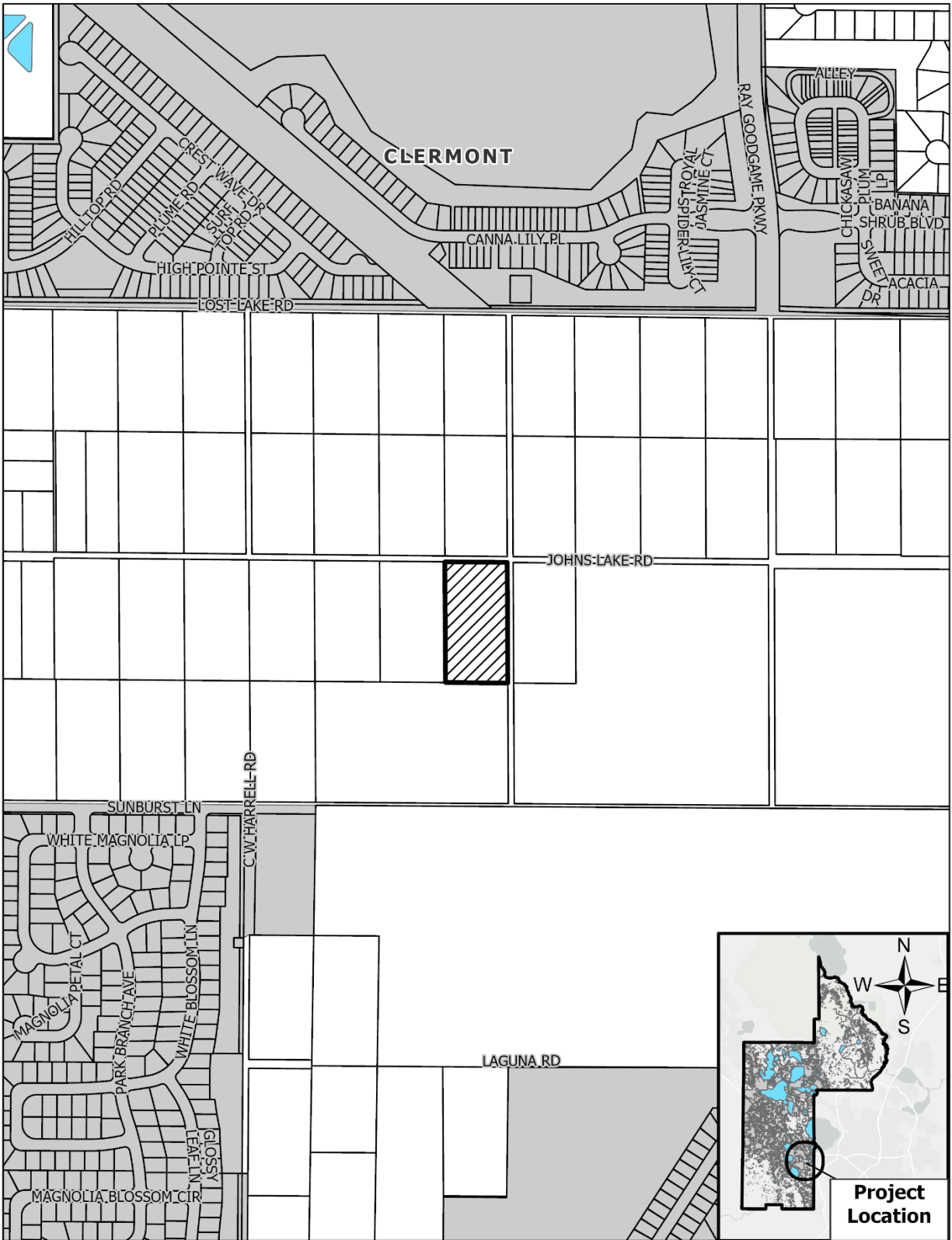
5830 Johns Lake Road
Clermont, FL 34711

CONTRACT 2024

DATE	10/24/2024
CLIENT	JERRY LOPEZ
PROJECT	15630 JOHN'S LAKE ROAD
DATE	10/24/2024

<p>XAAG SOLUTIONS ELECTRICAL CONTRACTOR</p> <p>XAAG SOLUTIONS LLC. 8018 SUNPORT DRIVE, SUITE 204, ORLANDO, FL 32809</p>	<p>JERRY LOPEZ</p> <p>15630 JOHN'S LAKE RD, CLERMONT, FL 34711</p>	<p>SHEET NAME PLOT PLAN</p> <p>SHEET SIZE ANSI/B 11" X 17"</p> <p>SHEET NUMBER SP</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>DESCRIPTION</th> <th>DATE</th> <th>REV</th> </tr> </thead> <tbody> <tr> <td>ZONING</td> <td>SR2024</td> <td>1</td> </tr> <tr> <td>ZONING</td> <td>SR2024</td> <td>2</td> </tr> <tr> <td>ZONING</td> <td>SR2024</td> <td>3</td> </tr> </tbody> </table> <p>PROJECT NAME 15630 JOHN'S LAKE ROAD</p>	DESCRIPTION	DATE	REV	ZONING	SR2024	1	ZONING	SR2024	2	ZONING	SR2024	3
DESCRIPTION	DATE	REV													
ZONING	SR2024	1													
ZONING	SR2024	2													
ZONING	SR2024	3													
<p>Digitally signed by Jeffrey A. Torres on 2024.10.29 11:39:33 -0400</p> <p>Signature with Seal</p>															

Map of Subject Property

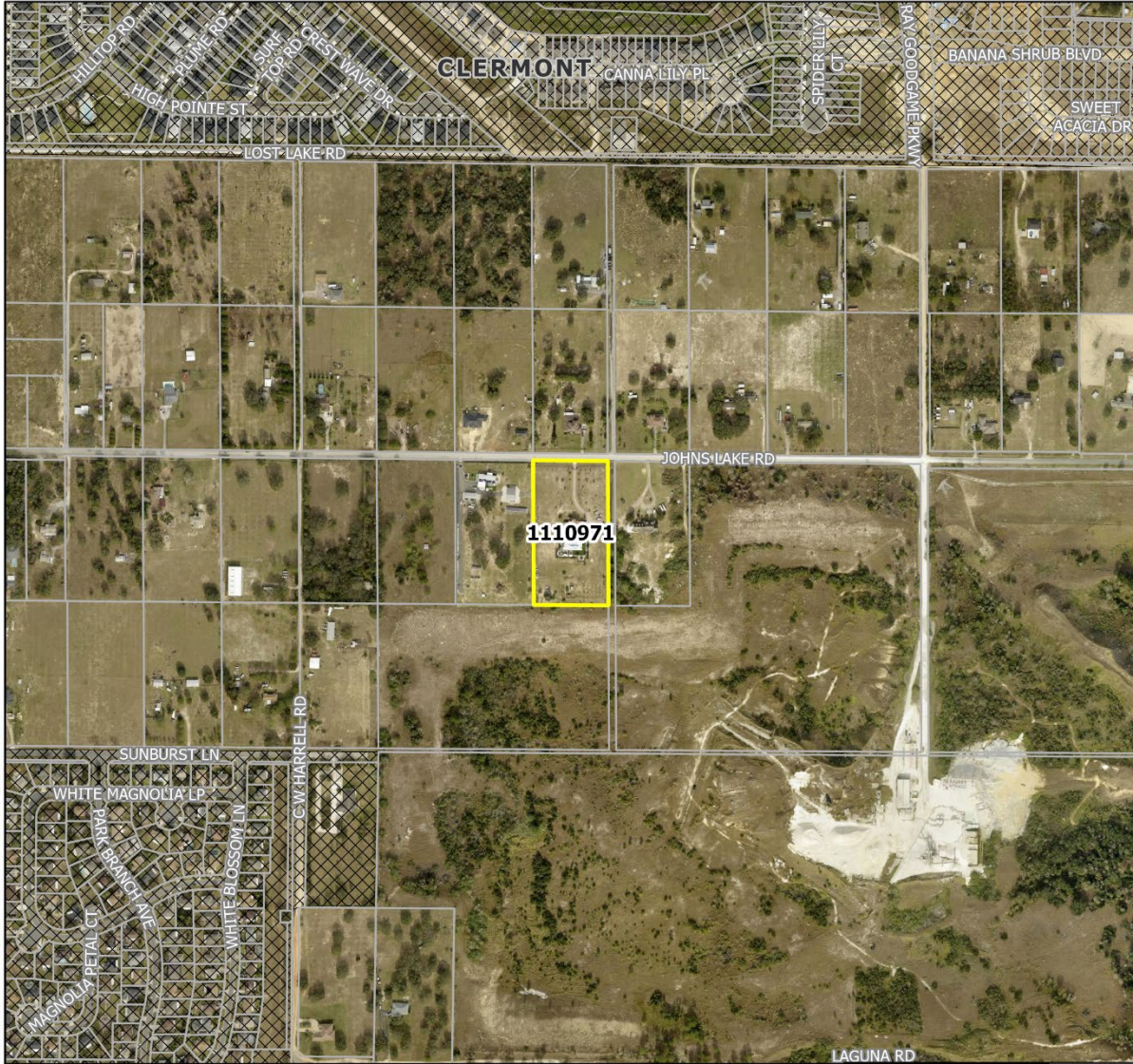


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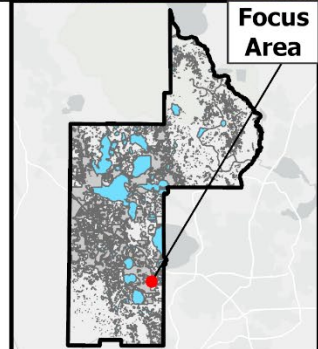
Aerial Map of Subject Property

VAR-PZ2024-160 Lopez Property



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12/31/2024

Variance to Land Development Regulations (LDR) Table 3.02.05 and Table 3.02.06 to allow (1) to construct two (2) ground mounted solar modules 12-feet from the western property line in lieu of the required 25 feet setback and (2) to allow for a maximum Impervious Surface Ratio (ISR) of 13%, in lieu of the allowed maximum ISR of 10%.



Final Development Order

(PZ2024-160 / AR5689)

WHEREAS, Jose M. Lopez Jr., President of Radical Movement, Inc. (the “Applicant” and the “Owner”) requested a variance to Land Development Regulations (LDR) Table 3.02.05 and Table 3.02.06 to allow (1) the construction of two (2) ground mounted solar modules 12-feet from the western property line in lieu of the required 25 feet and (2) to allow for a maximum Impervious Surface Ratio (ISR) of 13%, in lieu of the allowed maximum 10%; and

WHEREAS, the subject property consists of approximately 4.46 +/- acres located at 15630 Johns Lake Road in the unincorporated Clermont area in Section 34, Township 22 South, Range 26 East, known as Alternate Key Number(s) 1110971, and more particularly described below; and

The East One Half of Tract 51, in Section 34, Township 22 South, Range 26 East, Postal Colony Company, according to the map or plat thereof, as recorded in Book 9, Page(s) 65, 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 April 2, 2025; 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 Land Development Regulations (LDR) Table 3.02.05 and Table 3.02.06 to allow (1) the construction of two (2) ground mounted solar modules 12-feet from the western property line in lieu of the required 25 feet and (2) to allow for a maximum Impervious Surface Ratio (ISR) of 13% in lieu of the required 10%.

**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 2nd day of April 2025, 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.