



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: August 6, 2025

Case No. and Project Name: PZ2025-135, Navas Property

Commissioner District: District 2 – Sean M. Parks

Applicant(s): Sandra Navas

Owner(s): Antonio Velazquez Cortes and Sandra Diomelis Navas Santos

Requested Action: Variance to Ordinance #74-87, and to LDR Section 10.01.01.C, to allow an unpermitted accessory structure to remain 7-feet from the secondary front right-of-way, in lieu of the required fifteen (15) foot setback.

Case Manager: Meagan Bracciale, Planner I

Subject Property Information

Size: 0.26 +/- gross acres

Location: 15824 Bay Lakes Trail, in the unincorporated Clermont area

Alternate Key No.: 3324196

Future Land Use: Urban Low Density (Attachment “A”)

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

Flood Zone(s): “X”

JPA/ISBA: City of Clermont Interlocal Service Boundary Agreement (ISBA)
City of Clermont Joint Planning Area (JPA)

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	Urban Low Density	Planned Unit Development	Residential	Single-Family Residence North of Bay Lakes Trail
South	Urban Low Density	Planned Unit Development	Residential	Single-Family Residence
East	Urban Low Density	Planned Unit Development	Residential	Single-Family Residence
West	Urban Low Density	Planned Unit Development	Residential	Single-Family Residence West of South Greater Hills Boulevard

Summary of Request

The subject parcel is identified by Alternate Key Number 3324196 and contains approximately 0.26+/- gross acres. The subject parcel is zoned as Planned Unit Development (PUD) by Ordinance #74-87; is designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan; and located within Lake Apopka Basin Overlay District. The subject parcel is developed with a Single-Family Residence and attached accessory structure (shed) (Attachment "D" & "E").

GIS maps indicate that the subject parcel is located within flood zones "X" and there is no indication that wetlands exist on the site. On May 15, 2025, the requested action was sent to the Public Works and Flood and Stormwater Departments for review for a determination of consistency with their regulations. Neither the Public Works Department or the Flood and Stormwater Department, had any objections or comments on the proposed variance.

The Applicant is requesting a variance to Ordinance #74-87 to allow an unpermitted accessory structure to remain 7-feet from the secondary front right-of-way, in lieu of the required fifteen (15) foot setback.

The subject parcel is located within the City of Clermont Joint Planning Area (JPA) and Interlocal Service Boundary Agreement (ISBA) area. On May 15, 2025, the application was provided to the City of Clermont to review for a determination of consistency with their regulations. The City of Clermont provided no comments or objections to the proposed variance.

For background purposes, Code Case #2024060164 was opened on June 18, 2024, because of an "addition to the home without a building permit." The Owner applied for a building permit through the Online Plan Review System (OPRS) on November 18, 2024. The Owner applied for a zoning permit through the online OPRS system on November 26, 2024. Once reviewed, staff was unable to provide a zoning permit due to the shed structure having already been built within the required fifteen (15) foot secondary right of way setback. Zoning clearances shall not be granted unless the Owner obtains an approved variance from the secondary right of way setback as defined in PUD Ordinance #74-87.

On May 12, 2025, the Owner submitted an application for a Variance.

If approved, this variance will bring the property into compliance and will resolve Code Case #2024060164.

The Applicant provided a Project Narrative as a justification for the variance request as shown on Attachment "F". Photos of the subject structure from the Code Case are included in Attachment "G" for reference.

Should the Board of Adjustments approve this variance request, the Applicant will be required to obtain zoning and building permits to comply with Lake County Land Development Regulations.

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 setbacks set forth in PUD Ordinance #74-87, is to promote a logical development pattern, provide for safe setbacks between structures and rights-of-way, and encourage a visually pleasing environment.

Pursuant to Comprehensive Plan Policy I-1.3.2 Urban Low Future Land Use Category, the maximum allowed impervious surface ratio (ISR) within the Urban Low FLUC is sixty (60%) percent. At approximately thirty-two (32%) percent ISR, the subject parcel complies with the maximum allowed impervious surface area.

Per LDR Section 10.01.01(D), for lots less than one (1) acre in size, the square footage of an Accessory Structure(s) shall not exceed eighty (80) percent of the main floor square footage of the enclosed living area of the dwelling unit, which excludes features such as garages, patios, and porches. If there is more than one (1) Accessory Structure, the combined square footage shall apply. The subject accessory structure is 200-SF and complies with LDR 10.01.01(D).

Per LDR Section 10.01.01(E), an Accessory Structure(s) shall not exceed the height of the dwelling unit or twenty-five (25) feet, whichever is greater. The subject accessory structure is approximately eight (8) feet at it's highest point and does not exceed the height of the dwelling and therefore complies with LDR 10.01.01(E).

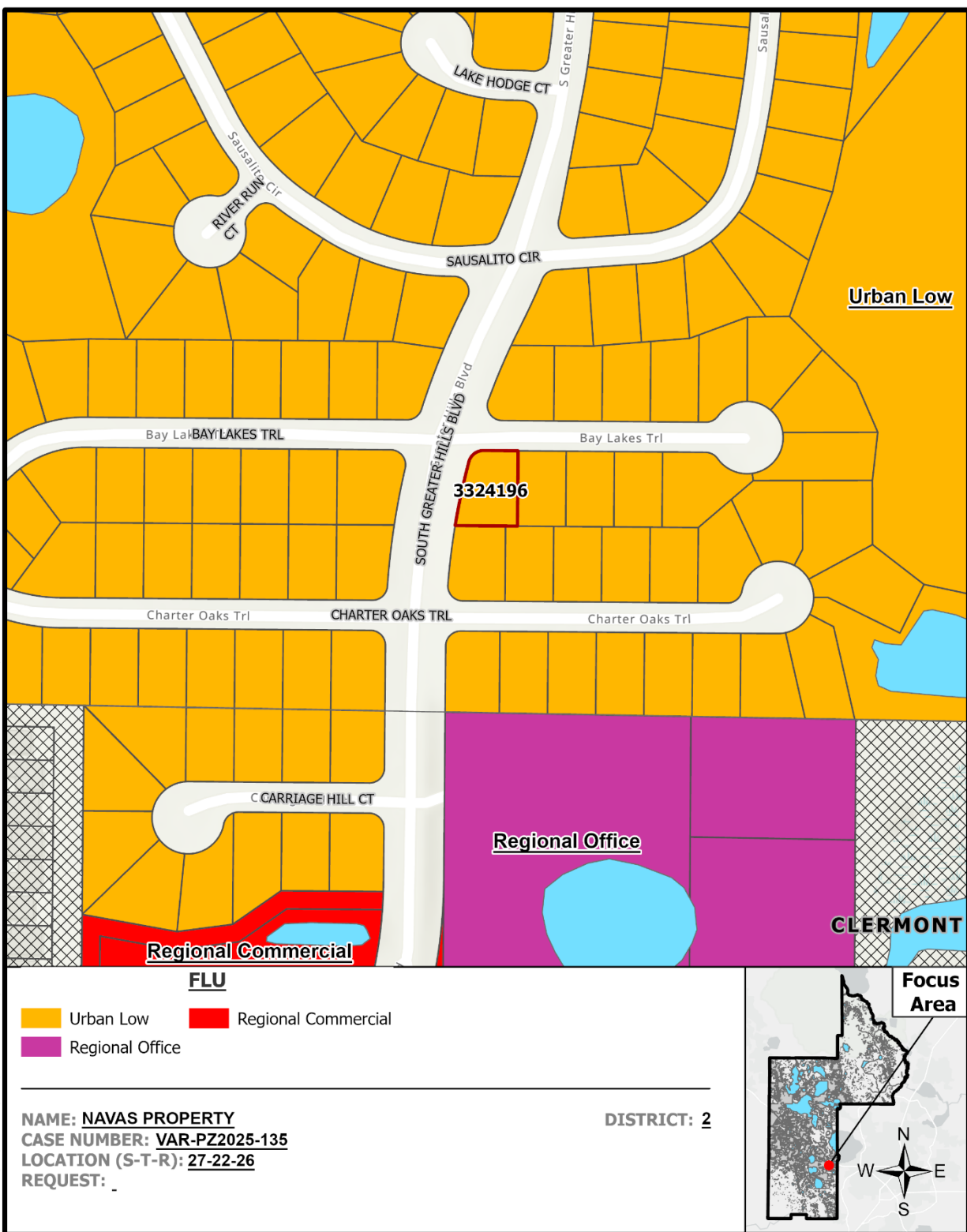
2. **The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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.**

All property Owners within the Greater Hills Planned Unit Development are subject to the setback requirements established by Ordinance #74-87. Accordingly, the application of these setbacks requirements to the subject parcel does not constitute a violation of the principles of fairness.

The Applicant provided the following statement, *"The shed was built assuming that being less than 200-SF the permits for it would not be necessary."*

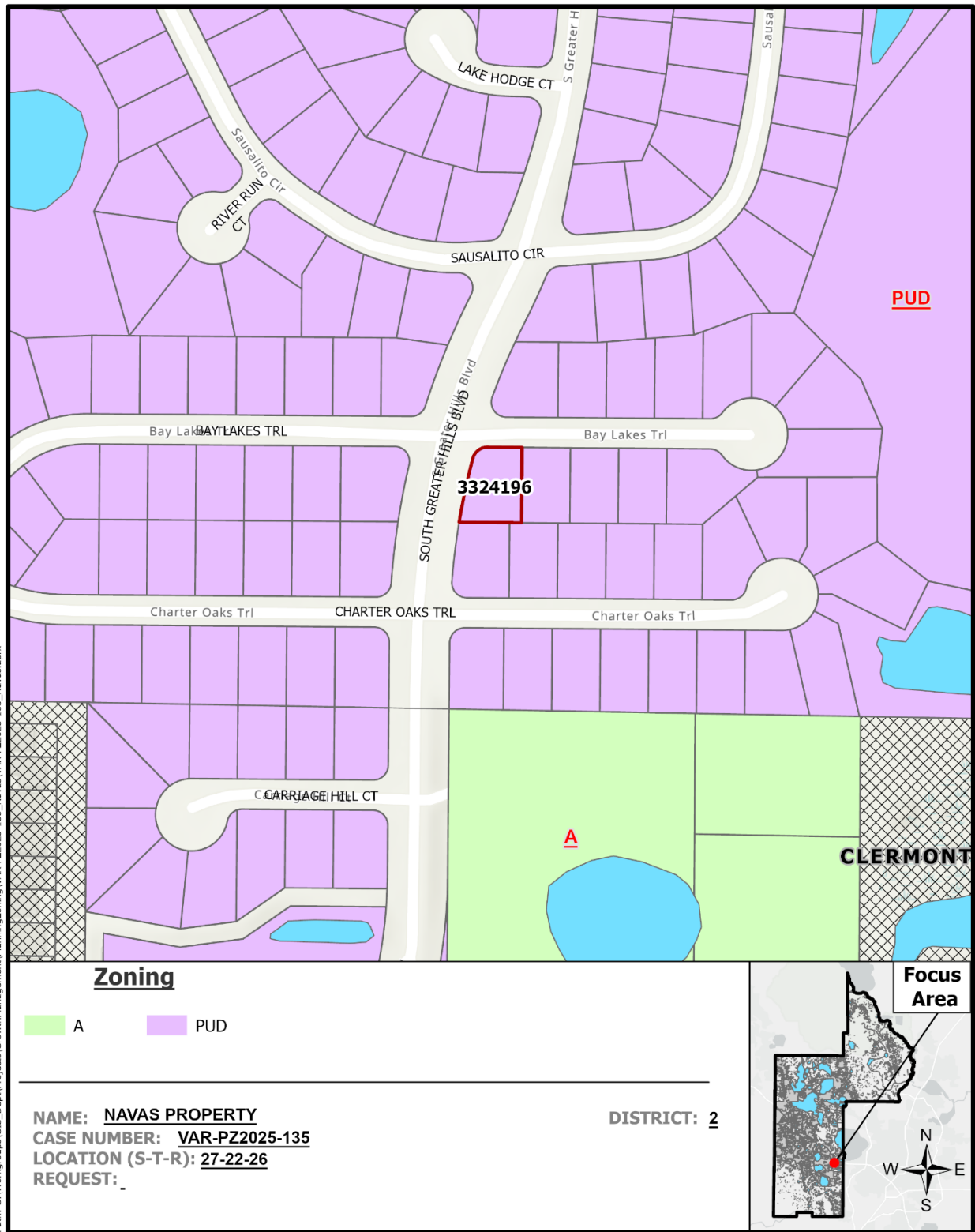
Attachment “A” – Future Land Use Map

CURRENT FUTURE LAND USE



Attachment "B" – Zoning Map

CURRENT ZONING



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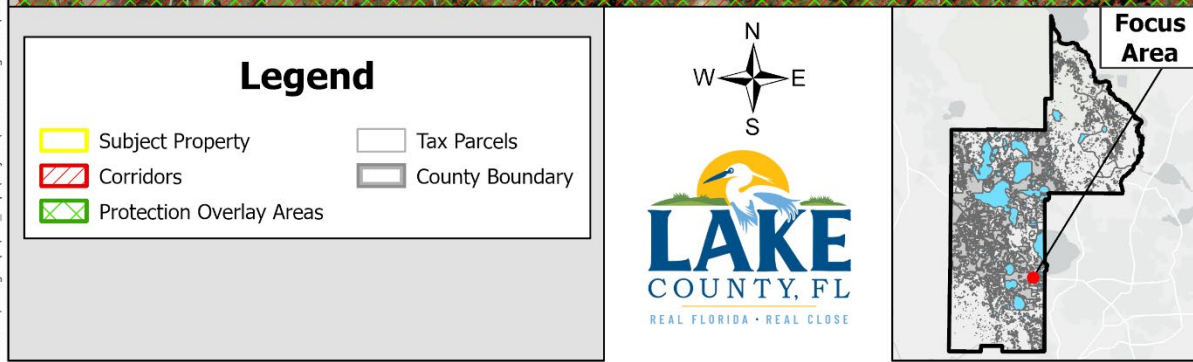
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Attachment "C" – Overlay District Map

VAR-PZ2025-135 Navas Property

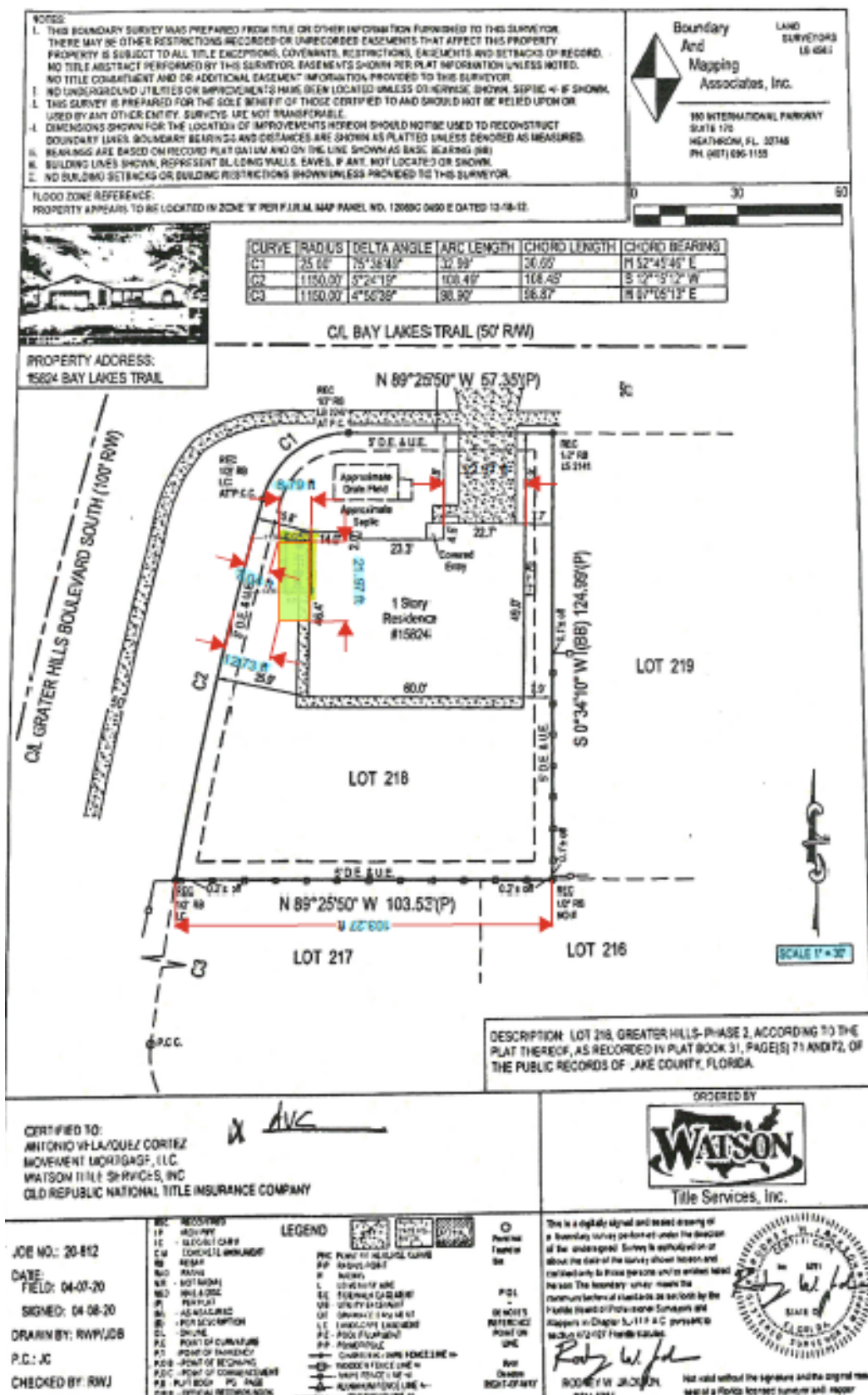


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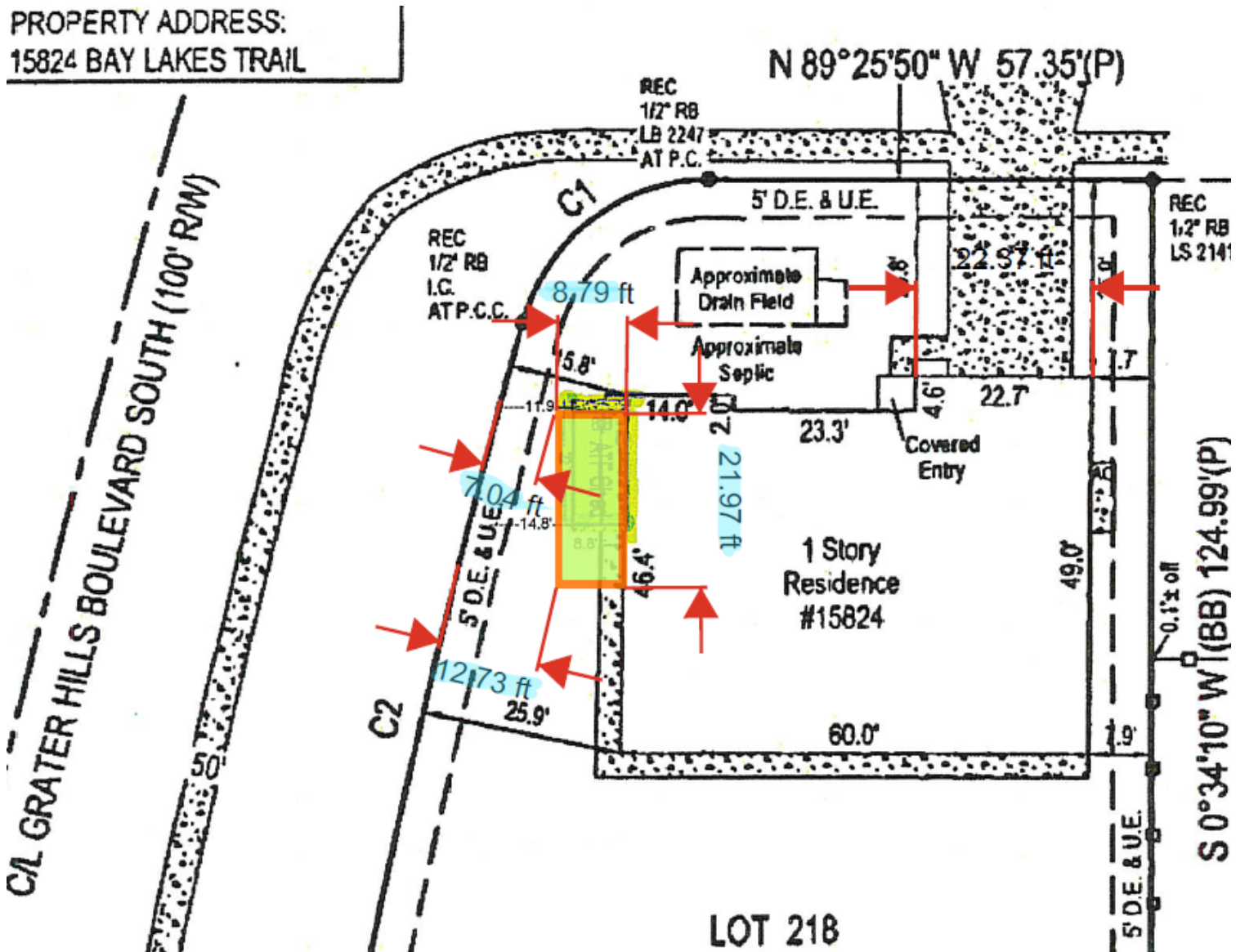


6/3/2025

Attachment "D" – Plot Plan



Attachment "E" – Zoomed Plot Plan



Attachment “F” – Project Narrative



Office of Planning and Zoning

Project Narrative Variance

1. What is the substantial hardship in meeting the specific code requirement?

This shed was built three years ago assuming that a building permit wouldn't be required. Due to misinformation or a misunderstanding, we assumed that because it was less than 200 square feet, a building permit wasn't required, as the structure was primarily used to store tools and machinery. We saw that many neighbors had sheds and, according to them, had never had to do anything else with them. Therefore, considering the side wall of our house with available space to build this structure, we would only need to build three walls and the roof. However, although we tried to take care of the details, we did not know that even though it was within the limits of our property, said construction, according to the building department, states that it cannot process the requirements to process the permits because according to the survey and the location of the shed, I understood that they determined that it does not comply with the required distance of 15.8 ft with respect to the house to the limit of the fence, then they told me that I needed to apply for a variance for the zoning clearance otherwise I could not proceed with the permit application.

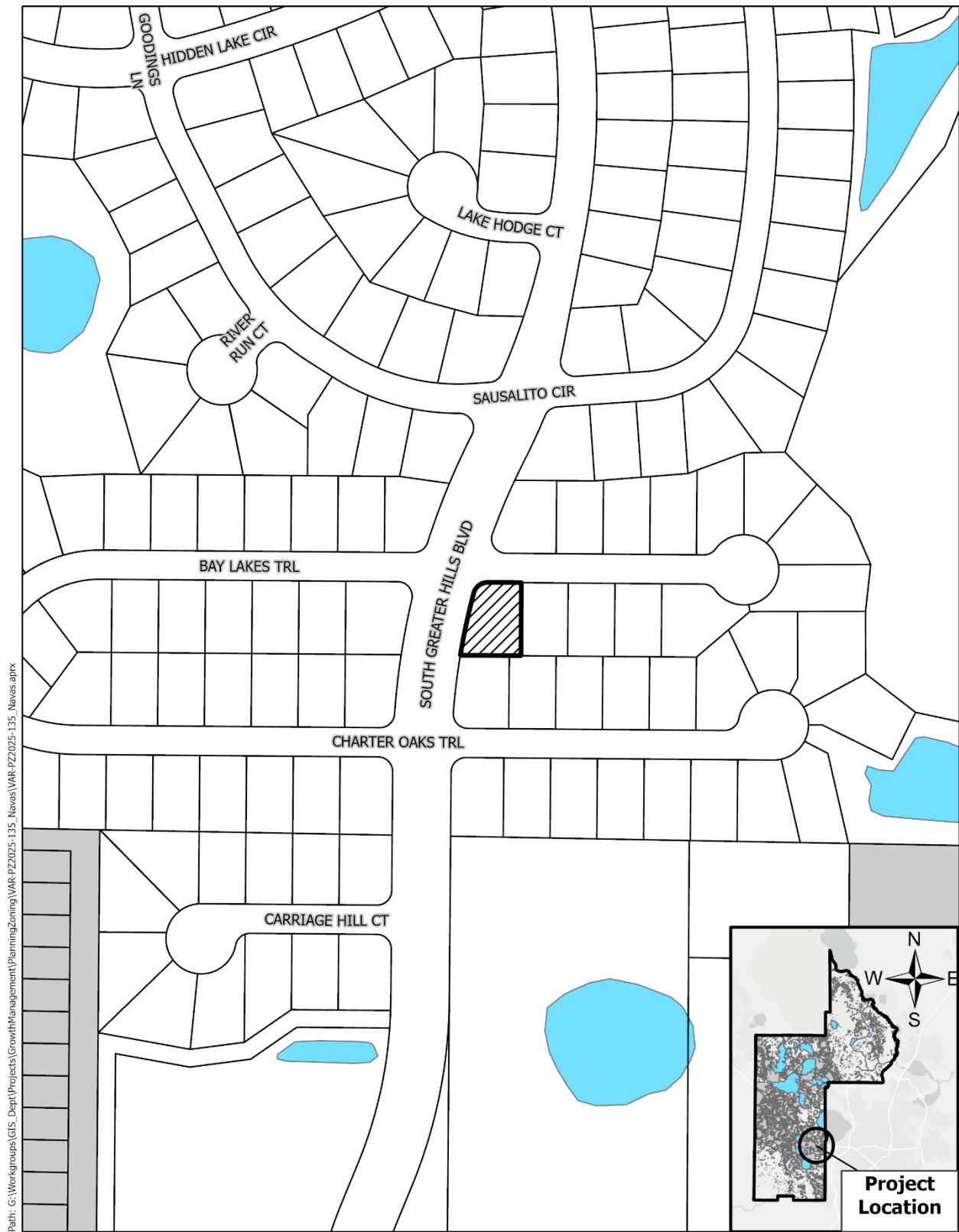
2. Describe how the purpose of the Land Development Regulation will be or has been achieved by other means:

The structure abides by are the ISR and height limits with the Land Development Regulations.

Attachment "G" – Code Case Photos

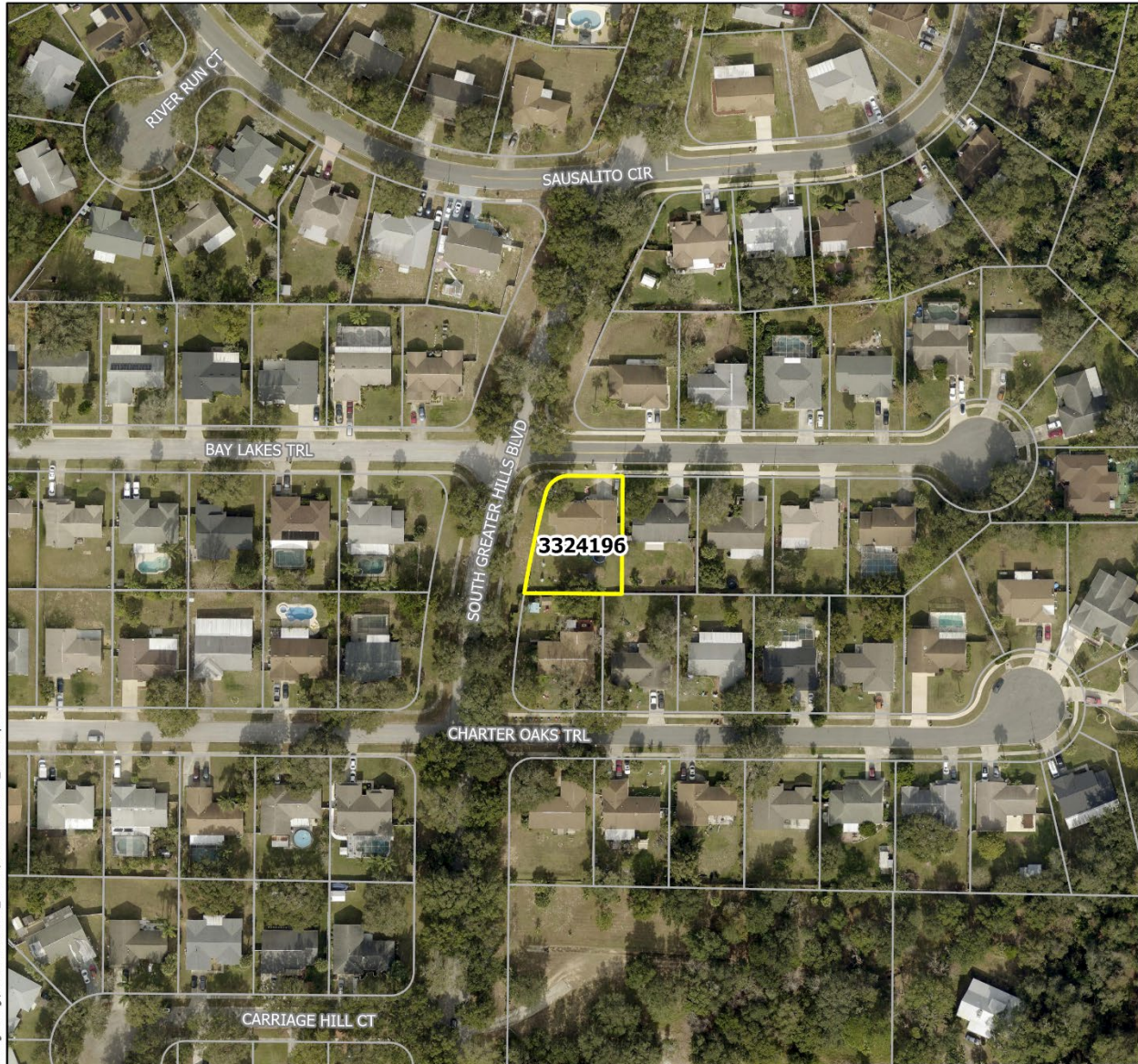


Map of Subject Property



Aerial Map of Subject Property



VAR-PZ2025-135
Navas Property

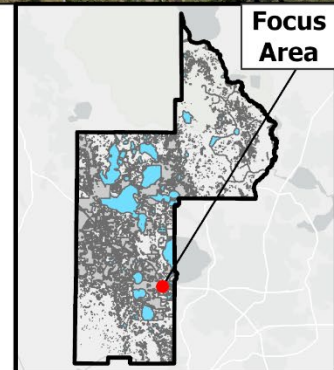


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6/3/2025

Legend

-  Subject Property
-  Tax Parcels



FINAL DEVELOPMENT ORDER

(PZ2025-135 / AR 6034)

WHEREAS, Antonio Velazquez Cortes and Sandra Diomelis Navas Santos (the “Owners”), requested a variance from Ordinance #74-87, and LDR Section 10.01.01.C, to allow an unpermitted accessory structure to remain 7-feet from the secondary front right-of-way, in lieu of the required fifteen (15) foot setback; and

WHEREAS, the subject property consists of approximately 0.26 +/- acres located at 15824 Bay Lakes Trail, in the unincorporated Clermont area in Section 22, Township 22 South, Range 26 East, known as Alternate Key Number 3324196, and more particularly described in Exhibit “A”; 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 August 6, 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 Ordinance #74-87, and LDR Section 10.01.01.C, to allow an unpermitted accessory structure to remain 7-feet from the secondary front right-of-way, in lieu of the required fifteen (15) foot setback.

**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 August 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.

Exhibit "A"

LOT 218, GREATER HILLS – PHASE 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGES 71 AND 72, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

