



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: August 6, 2025

Case No. and Project Name: PZ2025-158, Pagano Pool

Commissioner District: District 3 – Kirby Smith

Applicant(s): Lori Pagano

Owner(s): Scott J. Pagano and Lori M. Pagano

Requested Action: Variance to Planned Unit Development (PUD) Ordinance #1995-62(1)(I)(A)(2)(a), to allow a pool with deck to be constructed fifteen (15) feet from the conservation easement, in lieu of the required twenty (20) foot setback.

Case Manager: Meagan Bracciale, Planner I

Subject Property Information

Size: 1.55 +/- gross acres

Location: 18643 Blue Heron Circle, in the unincorporated Tavares area

Alternate Key No.: 3776778

Future Land Use: Rural (Attachment “A”)

Current Zoning District: Planned Unit Development (PUD) by Ordinance #1995-62 (Attachment “B”)

Flood Zone(s): “X” and “AE”

JPA/ISBA: Tavares Interlocal Service Boundary Agreement (ISBA) area

Overlay/Rural Protection Area: Wekiva Study Area (Attachment “C”)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Planned Unit Development (PUD)	Right-of-Way; Residential	Single-Family Residences North of Blue Heron Circle
South	N/A	N/A	Lake	Lake Beauclair
East	Rural	Planned Unit Development (PUD)	Residential	Vacant Residential
West	Rural	Planned Unit Development (PUD)	Residential	Vacant Residential

Summary of Request

The subject parcel is identified by Alternate Key Number 3776778 and contains approximately 1.55 +/- gross acres. The subject parcel is zoned Planned Unit Development (PUD) pursuant to Ordinance #1995-62 and is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The attached plot plan illustrates that the subject parcel is developed with a single-family residence (Attachment "D"). The plot plan also illustrates the requested placement of the proposed pool and deck.

The subject parcel is situated within the Wekiva Study Area (WSA). All development shall be in compliance with Comprehensive Plan Policy I-3.4.5, *Development Design Standards*. The proposed development is consistent with the development requirements of the Wekiva Study Area by not encroaching on the platted conservation easement and will be required by the Public Works Department, as a condition of the final development order, to incorporate an environmental swale and stem wall so to protect native vegetation and minimize earth movement.

Pursuant to Comprehensive Plan Policy I-3.4.1, *Surveys and Studies*, due to the proposed development being on a parcel less than forty (40) acres in size and no rezoning being requested, this project is exempt from the required soil analysis and site specific hydrogeologic and geotechnical reports.

The Applicant is requesting a variance to Planned Unit Development (PUD) Ordinance #1995-62(1)(I)(A)(2)(a), to allow a pool with deck to be constructed fifteen (15) feet from the platted conservation easement (Plat Book 39, Page 9-20), in lieu of the required twenty (20) foot setback.

GIS maps indicate that the subject parcel is located within flood zones "X" and "AE" and there is indication that wetlands exist on the site. On June 9, 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. The Flood and Stormwater Department did not have any comments. The Public Works Department provided the following informational comments to the Applicant:

1. The Deer Island Club requires an environmental swale along the back portion of the property within the 15-ft drainage easement. The environmental swale must be depicted on a to-scale plot plan with an engineered design that includes a plan and calculations; must be submitted with the zoning permit application for the improvement/addition for the site; installed prior to any final inspection, inspected, and approved by the Lake County Public Works Department staff.
2. The design of the pool and pool deck shall include a stem wall construction to reduce slope grading into the drainage easement.

On June 9, 2025, the requested action was sent to the Chief Fire Plans Reviewer to review for a determination of consistency with their regulations. The Chief Fire Plans Reviewer did not have any comments or concerns for the proposed variance.

The subject parcel is located within the City of Tavares Interlocal Service Boundary Agreement (ISBA) and the application was provided to City of Tavares to review for a determination of consistency with their regulations. The City of Tavares stated that "the City is not opposed" to this request.

The Applicant provided a Project Narrative as a justification for the variance request as shown on Attachment "E".

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 Applicant has indicated that the side and rear setbacks referenced in Ordinance #1995-62 will not be affected, and that the pool will not be constructed in the drainage easement. The Applicant has provided a Plot Plan with the final layout of the proposed pool and deck, which indicates that the pool deck will be twenty (20) feet in depth and fifteen (15) feet from the conservation easement to ensure that they will not encroach into the existing drainage easement that is located upland of the conservation easement (Attachment “D”). This variance request is consistent with Land Development Regulations, Section 6.01.04(A)(c)(4), and Comprehensive Plan Policy III-2.2.7, both which state that principal structures, structures, buildings, and impervious surface, excluding water dependent structures, shall be located at least (50) feet from the ordinary high water line, mean high water line, or jurisdictional wetland line, whichever is further landward.

Pursuant to Comprehensive Plan Policy I-1.4.4, *Rural Future Land Use Category*, the maximum Impervious Surface Ratio (ISR) within this category shall be twenty (20%) percent. The parcel is currently developed with an ISR of approximately five (8%) percent. The proposed development will result in total approximate ISR of six (9%) percent. The approximate resulting ISR is below the maximum ISR of twenty (20%) percent and therefore complies with Comprehensive Plan Policy I-1.4.4.

Pursuant to Land Development Regulations Section 3.02.05(I)(3), *Setbacks*, fences, walls, landscaping, agricultural crops, silvicultural crops, building appurtenances shall be prohibited from encroaching into a Right-of-Way or Easement for Roads, or drainage, unless specifically required as a condition of a government-issued Permit. The proposed development does not encroach into the adjacent drainage easement at the rear of the property and therefore complies with LDR Section 3.02.05(I)(3),

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, *“There will be no construction in drainage easement or conservation easement. The pool is approx. 2,900 gallons of water. There will be no material drainage on to the property. In addition, our property is approx. 1.6 acres of which approx. 1 acre is conservation. A variance to the setback does not materially affect the wetlands.”*

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, *“ We would not be able to build a pool which is very small in size as proposed, without a variance to the setback requirement.”*

Attachment "A" – Future Land Use Map

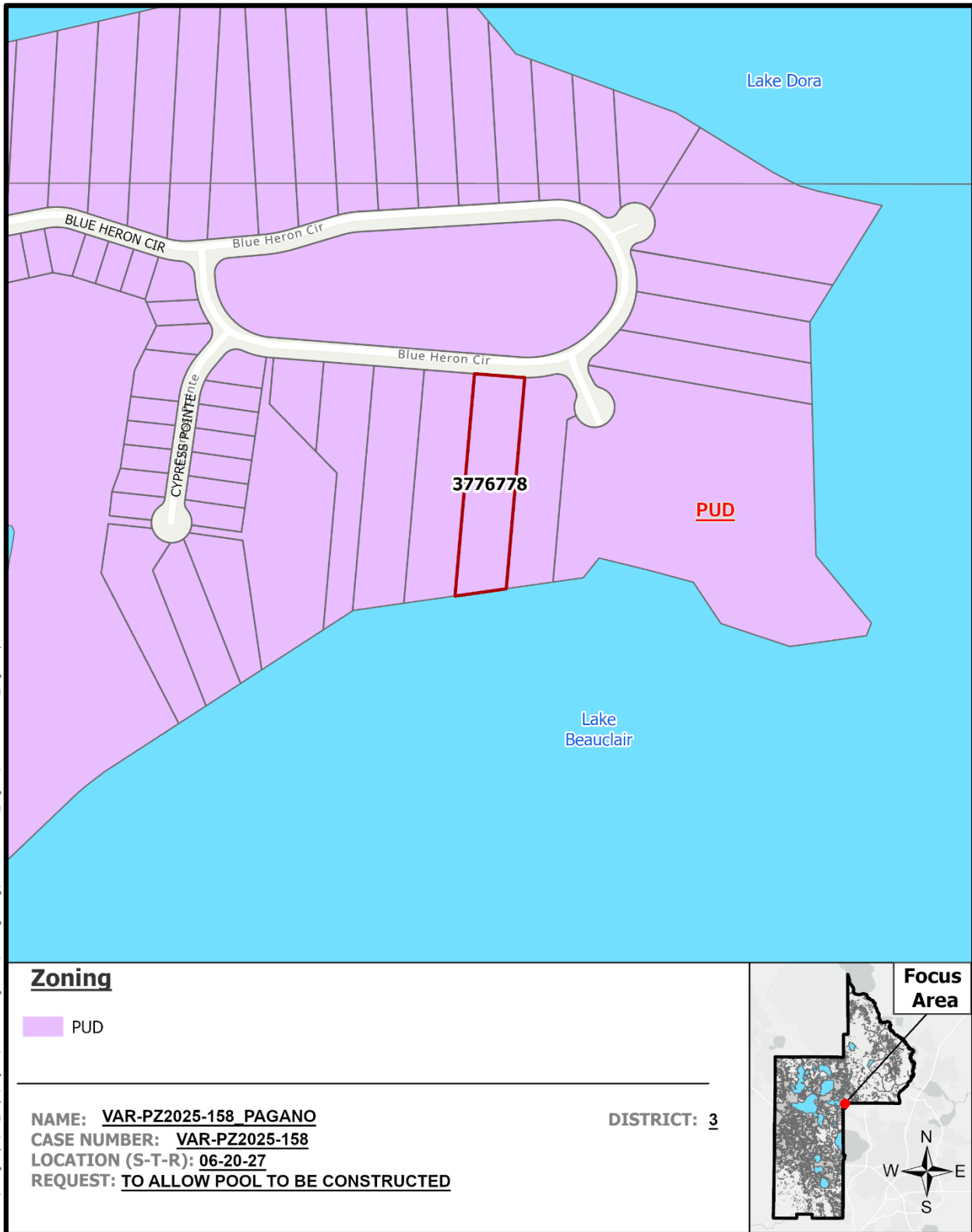
CURRENT FUTURE LAND USE



Path: G:\Workgroups\GIS Dept\Projects\GrowthManagement\Planning\Zoning\VAR-PZ2025-158_Pagano\VAR-PZ2025-158_Pagano.aprx
6/12/2025

Attachment "B" – Zoning Map

CURRENT ZONING



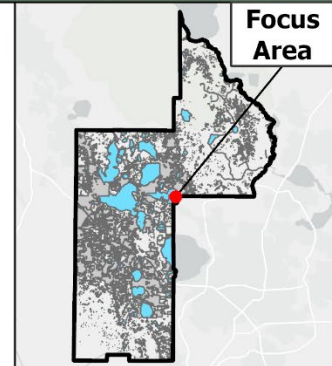
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6/12/2025

Attachment "C" – Overlay District Map

VAR-PZ2025-158
Blue Heron Circle



To allow pool to be constructed

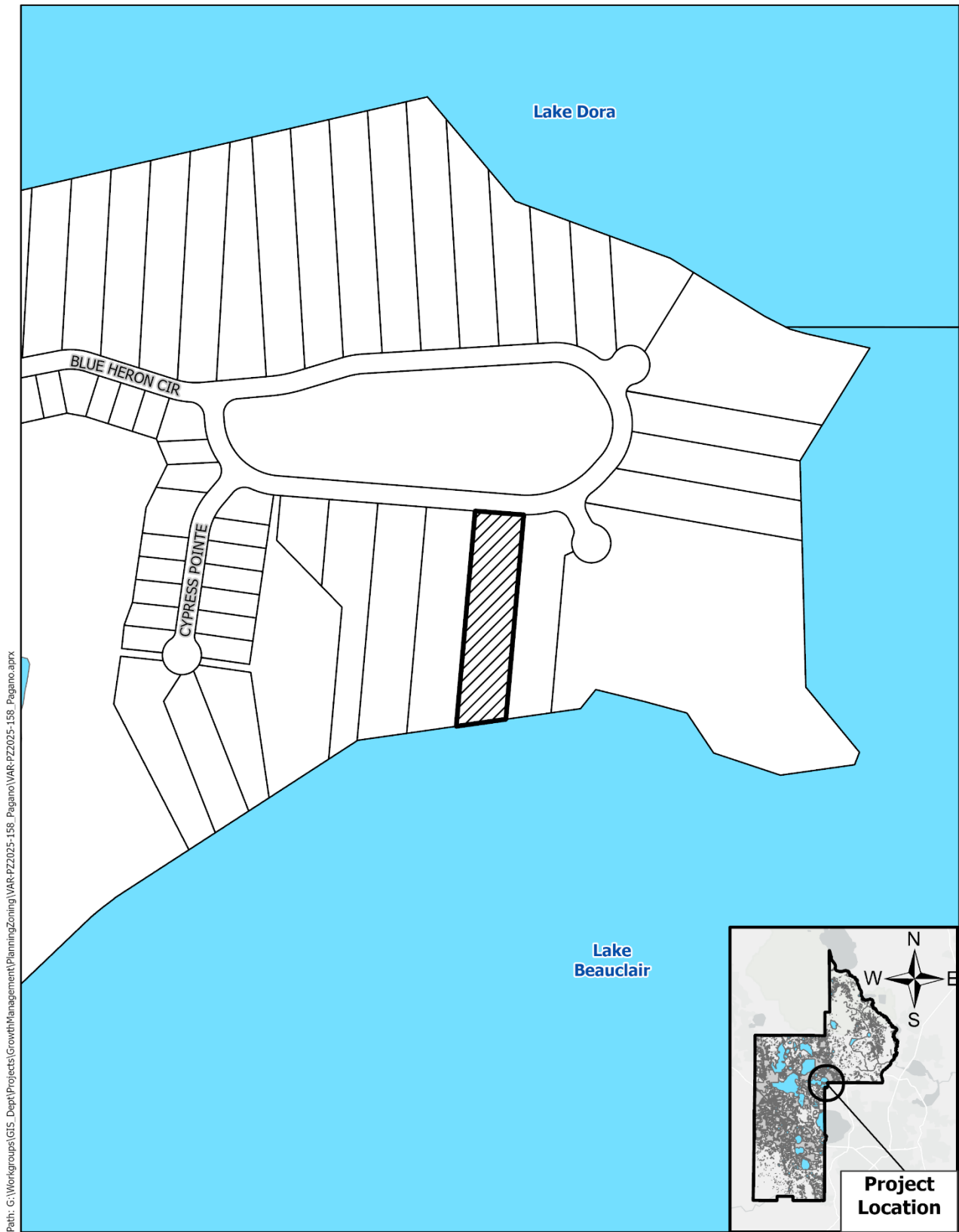


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6/12/2025



Map of Subject Property



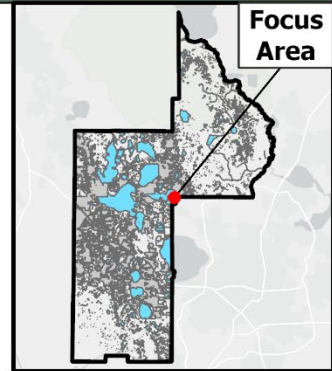
Aerial Map of Subject Property

VAR-PZ2025-158
Blue Heron Circle



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To allow pool to be constructed



6/12/2025

FINAL DEVELOPMENT ORDER

(PZ2025-158/ AR 6062)

WHEREAS, Scott J. Pagano and Lori M. Pagano (the "Owners"), requested a variance to Planned Unit Development (PUD) Ordinance #1995-62(1)(I)(A)(2)(a), to allow a pool with deck to be constructed fifteen (15) feet from the platted conservation easement (Plat Book 39, Page 9-20), in lieu of the required twenty (20) foot setback; and

WHEREAS, the subject property consists of approximately 1.55 +/- acres located at 18643 Blue Heron Circle in the unincorporated Tavares area in Section 36, Township 19 South, Range 26 East, identified by Alternate Key Number 3776778, 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 Planned Unit Development (PUD) Ordinance #1995-62(1)(I)(A)(2)(a), to allow a pool with deck to be constructed fifteen (15) feet from the conservation easement, in lieu of the required twenty (20) foot setback is hereby granted.

Conditions: Prior to the issuance of the zoning permit for the improvement/addition:

1. The proposed pool is not to be constructed within any utility, drainage, or conservation easement.
2. The design of the pool and pool deck shall include a stem wall construction to reduce slope grading into the drainage easement.
3. The Deer Island Club requires an environmental swale along the back portion of the property within the 15-ft drainage easement. The environmental swale must be depicted on a to-scale plot plan with an engineered design that includes a plan and calculations; must be submitted with the zoning permit application for the improvement/addition for the site; installed prior to any final inspection, inspected, and approved by the Lake County Public Works Department staff.

Inspection: Prior to the issuance of the Final Inspection for the improvement/addition the storm water abatement system must be installed prior to any final inspection, inspected and approved by the Lake County Public Works Department.

Notice to Owner(s): The property owners, their successors and assigns, are hereby placed on notice that placing structures closer to the Ordinary High-Water Line, Mean High Water Line, or Jurisdictional Wetland Line, may increase the likelihood of flooding on the property subject to this variance, or to adjacent properties. Approval of this variance does not relieve property owners, their successors, or assignees, from responsibility or liability for flooding or other damage that may be incurred from altering the required setbacks.

**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" – Legal Description

Lot 26, Parcel K, The Deer Island Club-Second Replat, according to the plat thereof as recorded in Plat Book 39, Pages 9 through 19, Public Records of Lake County, Florida.

