



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: November 5, 2025

Case No. and Project Name: PZ2025-197, Stewart Property Building

Commissioner District: District 2 - Parks

Applicant(s): Jason Stewart

Owner(s): Jason A. Stewart and Shelby Stewart

Requested Action: 1. A variance to Land Development Regulations (LDR) Section 10.01.01(D) to allow for the construction of a 2,700 square-foot detached garage to be more than 80% of the enclosed living space of the principle dwelling on a property that is less than 1.0 acre in size.

2. A variance to LDR Table 3.02.05 to allow for a 10-foot side setback in lieu of the required 25 feet.

3. A variance to LDR Section 3.02.06 to allow for a 24% Impervious Surface Ratio (ISR) in lieu of the required 10% for Agriculture "A" zoning.

Case Manager: Corey DeVogel, Planner I

Subject Property Information

Size: 0.94 +/- gross acres

Location: 13316 Rainbow Lane, in the unincorporated Clermont area

Alternate Key No.: 3326610

Future Land Use: Urban Low Density (Attachment "A")

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

Flood Zone(s): "X"

JPA/ISBA: Minneola ISBA

Overlay/Rural Protection Area: Economic Development Overlay District

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low	Agriculture "A"	Single Family	Single Family Residence to the North
South	Urban Low	Agriculture "A"	Vacant Residential	Vacant Lot to the South
East	Urban Low	Agriculture "A"	Single Family	Single Family Residence to the East
West	Urban Low	Agriculture "A"	Vacant Residential	Vacant Lot to the West

Summary of Request

The subject parcel is identified by Alternate Key Number 3326610 and contains approximately 0.94 gross acres. The subject parcel is zoned as Agriculture "A"; is designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan; and located within the Economic Development Overlay District. The subject parcel is developed with a single-family residence (2000), pool (2000), and a utility shed (2020) (Attachment "C").

GIS maps indicate that the subject parcel is located within flood zone "X" and there is no indication that wetlands exist on the site. On August 5, 2025, the requested action was sent to the Public Works Department for review and determination of consistency with applicable regulations, including flood and stormwater requirements. Public Works had no comments. (Attachment "D").

The Applicant is requesting a variance to the following LDR Sections:

1. Section 10.01.01(D) to allow for the construction of a 2,700 square-foot detached garage to be more than 80% of the enclosed living space of the principle dwelling on a property that is less than 1.0 acre in size. The proposed structure will be 150% of the primary structure's enclosed living space of 1,796 square feet.
2. Table 3.02.05 to allow for a 10-foot side setback in lieu of the required 25 feet.
3. Section 3.02.06, to allow for a 24% Impervious Surface Ratio (ISR) in lieu of the required 10% for Agriculture "A" zoning.

The subject property is located within the City of Minneola Interlocal Service Boundary Agreement (ISBA) and the application was provided to the City of Minneola to review for a determination of consistency with their regulations. The City of Minneola provided comments objecting to the variance requests (Attachment "E").

The Applicant provided a Project Narrative as shown on Attachment "F".

The existing Impervious Surface Ratio for the subject property is 17%, and the proposed development will result in a 24% Impervious Surface Ratio.

Should the Board of Adjustment 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 LDR Table 3.02.05, entitled *Setback Requirements*, 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:

Maintaining the neighborhood character, protecting property values, ensuring proper land use and minimizing negative impacts on neighboring properties will still be achieved. The proposed accessory building will comply with all height, setback, and design standards. It will be painted to match the existing residence. Its placement on the property preserves open space visibility and drainage patterning ensuring no adverse effects on adjacent properties. There are other properties with large accessory buildings on the street and the purposed building won't disrupt the neighborhoods character. By adhering to these principles the regulation will be upheld even though the sq footage is over the 80%.

The intent of LDR Section 3.02.06, entitled *Density, Impervious Surface, Floor Area and Height Requirements*, 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 (ISR) 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, lime rock or clay. The impervious surface ratios (ISR) in Table 3.02.06 are applicable to both residential and nonresidential development.

LDR Section 3.02.06 establishes a maximum ISR for the Agriculture "A" zoning district is 10%. The subject property currently has an ISR of 17%. Therefore, a variance to the ISR will be needed for any development on the subject property, even if the Applicant reduced the size of the proposed structure. If the proposed structure is built at 2,700 square feet, the ISR will be approximately 24%, which will not exceed the Urban Low Density Future Land Use Category established maximum ISR of 60%.

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:

PZ2025-197, Stewart Property Building

The net size of my site is approximately 0.94 acre in size and zoned agricultural. The lot is large enough to accommodate the purposed building without impacting neighboring properties or violating setbacks. The property was purchased in its current configuration and meets nearly all the criteria for a more flexible application of the zoning. The building would fit in with existing buildings in the neighborhood and would keep our boat and rv in a covered space vs open in the yard.

Analysis: The statement regarding not violating setbacks is incorrect, as the side setback requirement for the Agriculture "A" zoning is 25', while the proposed shed is 10' from the eastern side property line. This has been added to the Variance request.

The Applicant provided further narrative justification below:

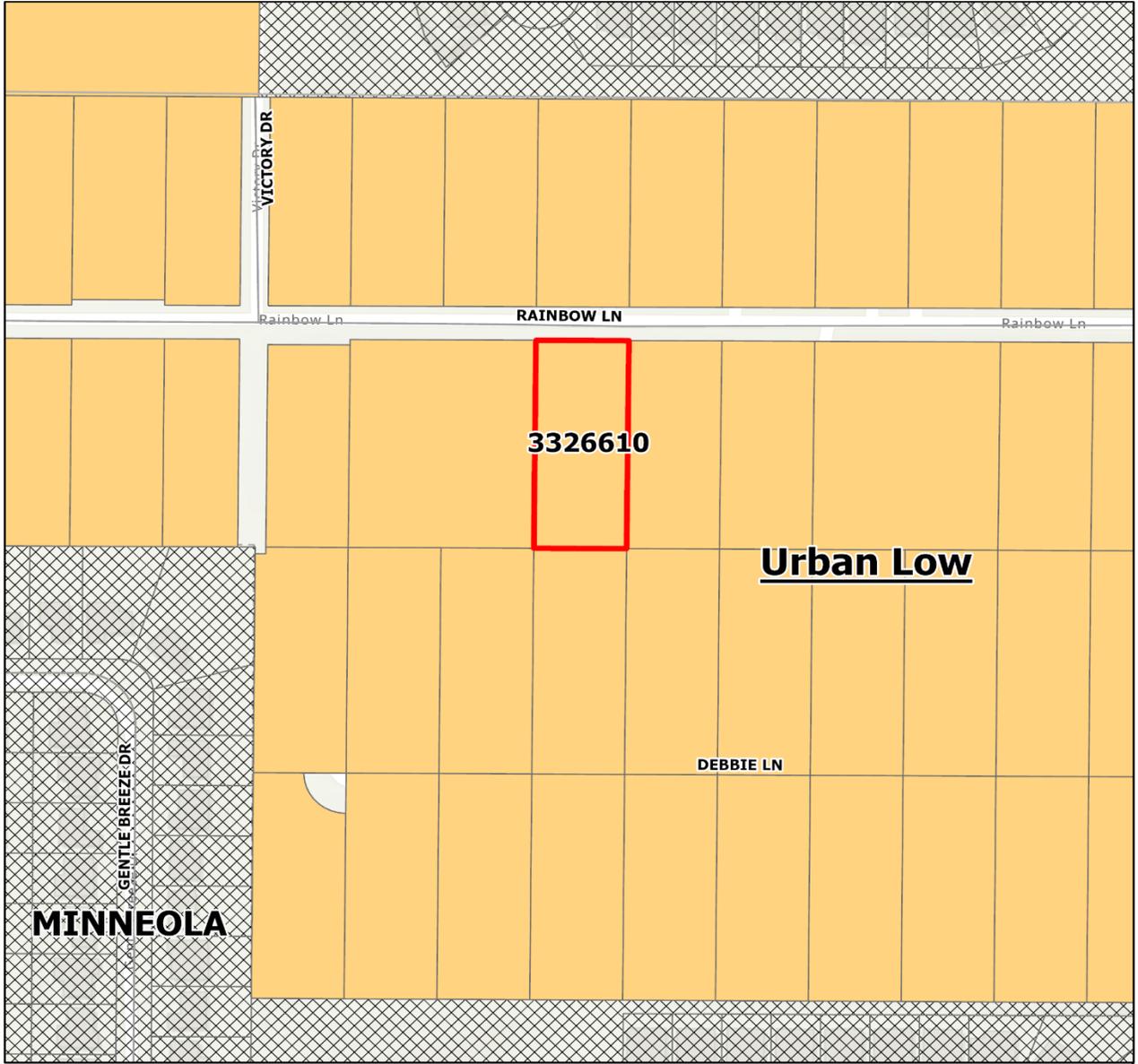
From: Jason Stewart <jasonstewart1989@hotmail.com>
Date: September 18, 2025 at 12:26:17 PM EDT
To: Jason Stewart <jasonstewart1989@hotmail.com>
Subject: Re: Hearing Confirmation | Stewart Property Building

The build has to be 10 ft off property line because of the topography of the property. It sloped east to west and it would take a huge amount of dirt to leave 15 more feet. Also moving the building would place it on top of my drain field and close to my septic tank.

As for financial hardship I'm not sure what they mean? My boat and camper are out in the weather and need to put them under cover. I'm a firefighter I'm often called in for hurricanes and i don't want to worry about them getting damaged . I also already have 2 grand invested in the drawings and another 5 grand in a down payment.
Sent from my iPhone

Attachment "A" – Future Land Use Map

Current Future Land Use

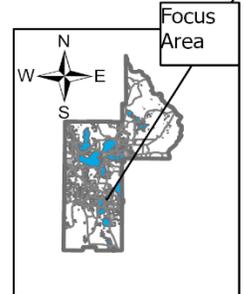


Future Land Use

Urban Low

NAME: Stewart Property
CASE NUMBER: VAR-PZ2025-197
LOCATION (S-T-R): 8-22-26
REQUEST: 80% sq footage to be waived

DISTRICT: 2

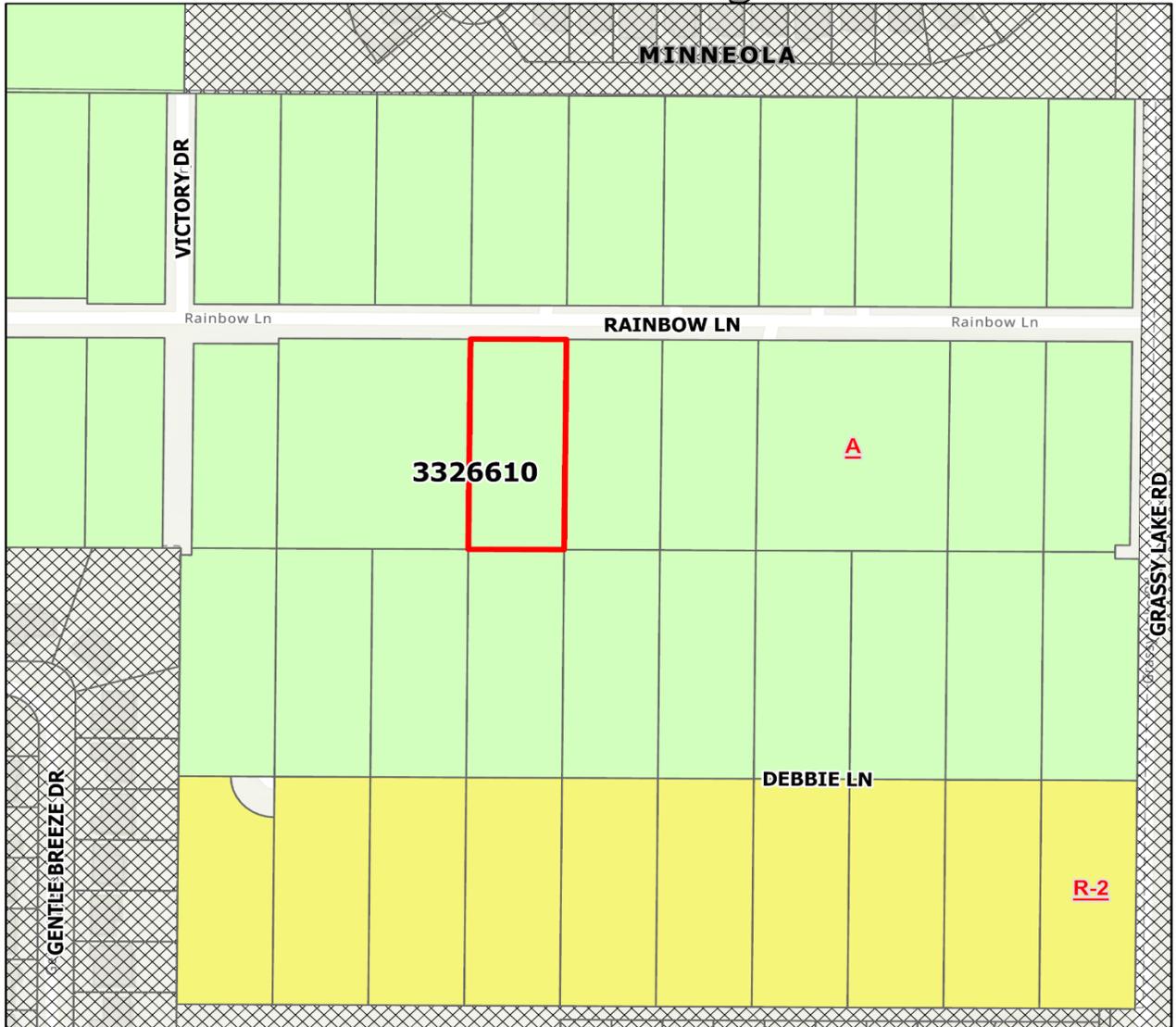


8/11/2025

G:\Workgroups\GIS_Dept\Projects\GrowthManagement\PlanningZoning\var-PZ2025-197_Stewart\var-PZ2025-197 Stewart.aprx

Attachment "B" – Zoning Map

Current Zoning

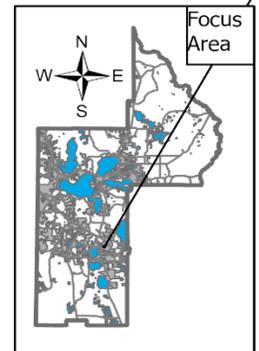


Zoning

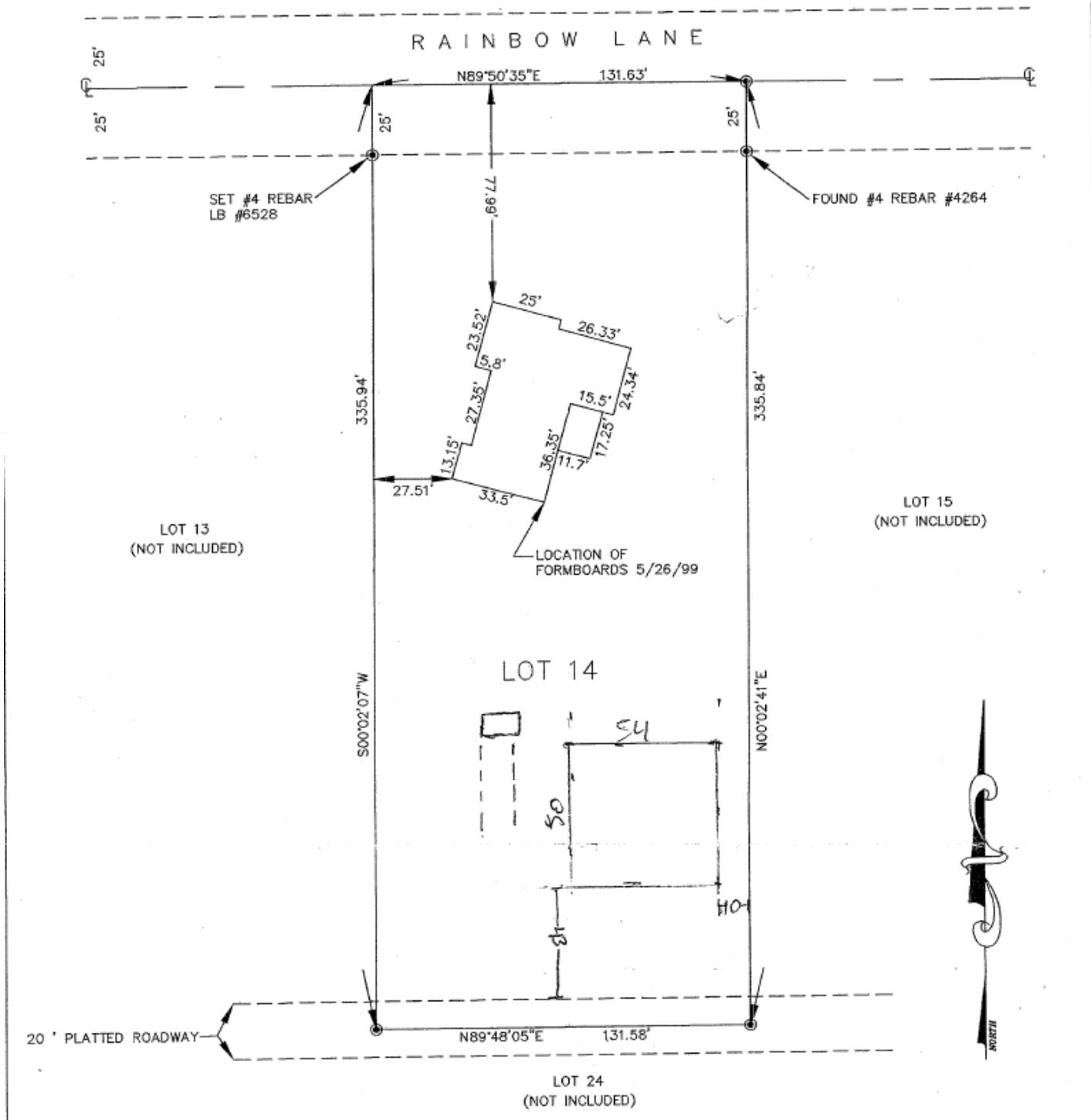


NAME: Stewart Property
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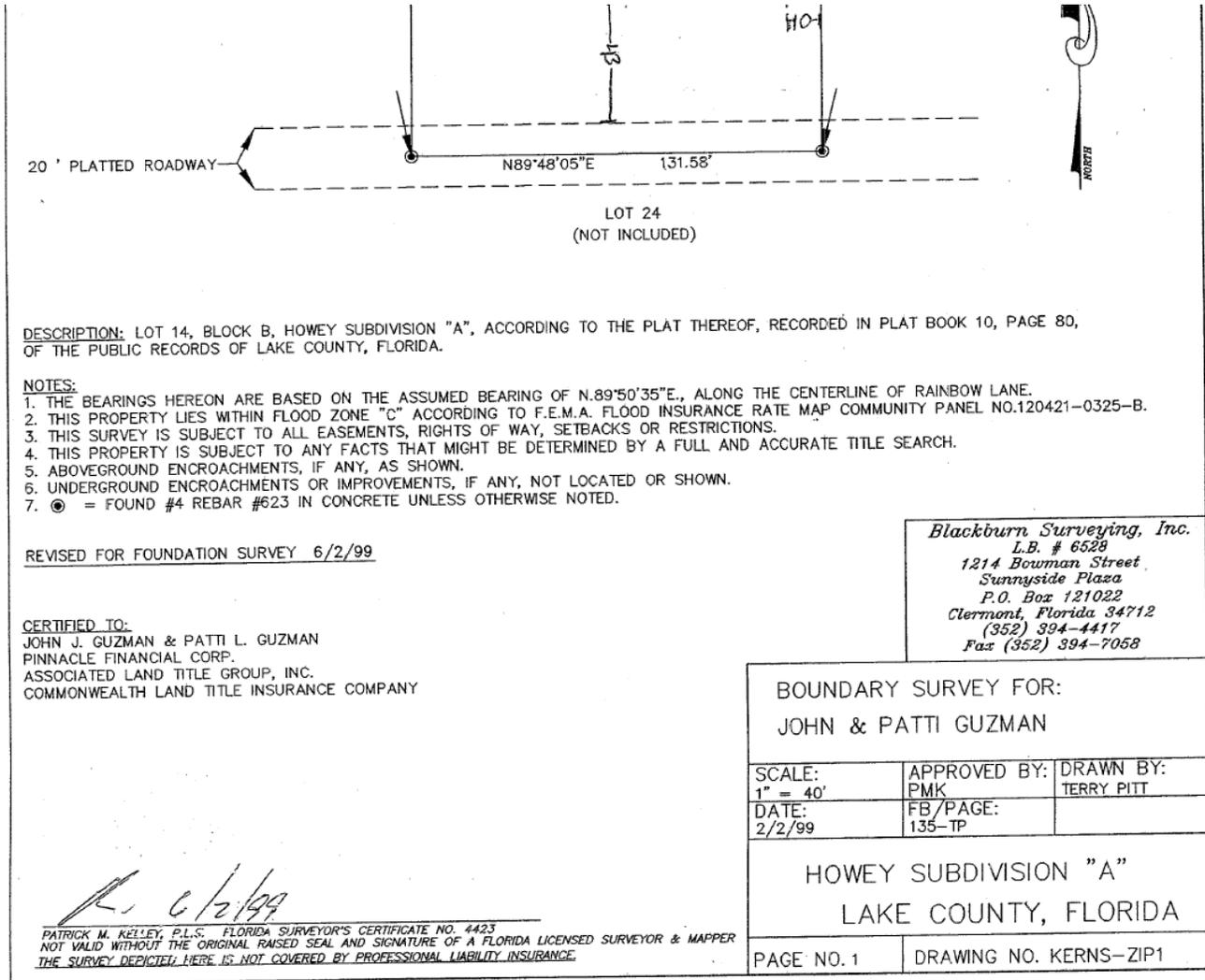
DISTRICT: 2



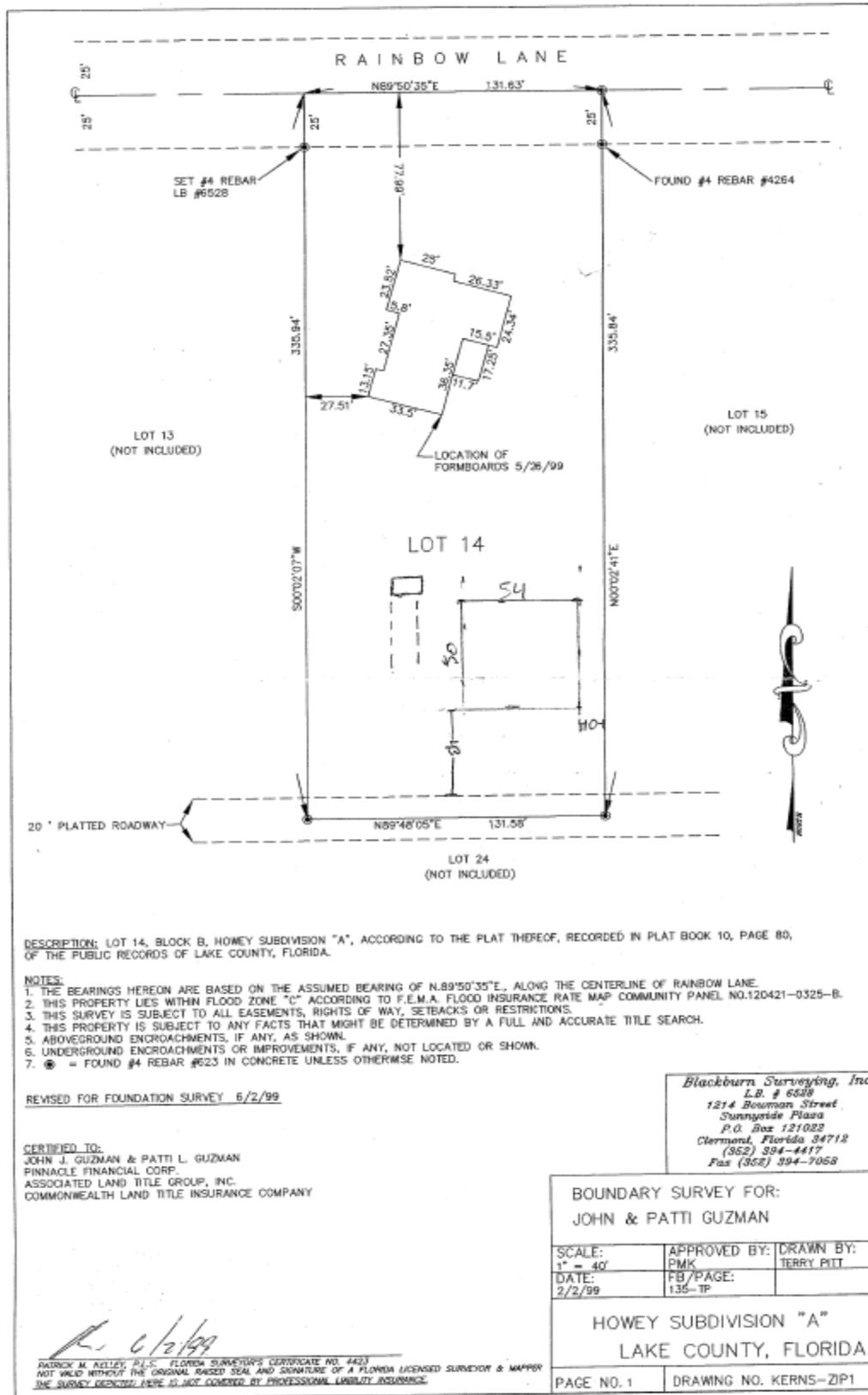
Attachment "C" – Plot Plan (1 of 3)



Attachment "C" – Plot Plan (2 of 3)



Attachment "C" – Plot Plan (3 of 3)



Attachment “D” – Public Works Comment (1 of 2)

From Bursa, Karl <karl.bursa@lakecountyfl.gov>

Date Thu 8/21/2025 10:43 AM

To DeVogel, Corey <corey.devogel@lakecountyfl.gov>

Corey:

Thanks for the opportunity to comment on this Application.

The property in question is located outside the SFHA in an X Flood Zone.

Accordingly, Floodplain Management has no comments on or objections to the issuance of this variance.

Thanks.



KARL W. BURSA, AICP, CFM
Public Works Operations Manager

PUBLIC WORKS

A P.O. Box 7800, 323 N. Sinclair Ave. Tavares, FL 32778

P 352-253-9080 | **F** 352-253-9086

E karl.bursa@lakecountyfl.gov | **W** www.lakecountyfl.gov

NOTE: Florida has a very broad public records law.

Your email communications may be subject to public disclosure.

Attachment “D” – Public Works Comment (2 of 2)

Corey,

I have no comment for the variance but have attached a part of the code the relates to lot size and setbacks. This may apply for this case as the right-of-way was dedicated by dead after the lot was created.

Plast is 1936
ROW Deed is 1990

Thanks,
Seth



SETH LYNCH

Development Engineer/Project Manager

PUBLIC WORKS DEPARTMENT

Engineering Division, Development Section

A P.O. BOX 7800, 350 N. Sinclair Ave, Tavares, FL, 32778

P 352-253-9052

E seth.lynch@lakecountyfl.gov | **W** www.lakecountyfl.gov

NOTE: Florida has a very broad public records law.

Your email communications may be subject to public disclosure.

Attachment “E” – City of Minneola ISBA (1 of 2)

STEWART PROPERTY PROPOSED SHED BUILDING

at 13316 Rainbow, Lane

Current Conditions:

- 13316 Rainbow Lane is located in the county, an enclave surrounded by the City of Minneola properties.
- It is understood that this county enclave is expected to be eventually annexed into the City of Minneola in accordance with the Interlocal Service Boundary Agreement (ISBA) per Ordinance # 2013-29 (adopted June 18, 2013) per the intent of Chapter 171 FS.
- The county enclave is surrounded by City zoning districts RSF-2 (Single Family Medium Density Residential - max. 3 DU/acre) on the south side, PUD-R (Planned Unit Development Residential) on the south and east sides, and PUD (Planned Unit development) on the northside.
- In the City’s RSF-2 Zoning District, sheds are allowed, but have the following limitations:
 - a. Only one shed, storage building or similar structure shall be permitted per lot.
 - b. Any residential shed shall have a maximum size of 160 square feet and shall not exceed 12 feet in height. A detached garage, storage building, or other similar structure must match the architectural style, including color and roofing material, of the principal structure on the lot, and shall *not exceed 35 percent of the footprint of the enclosed principal structure*.
 - c. Such shed, storage building, or similar structure shall be placed at the rear of the dwelling unit on the lot. For purposes of this section, the rear of a dwelling unit is defined as the area from a perceived horizontal line across the back of the dwelling unit to the rear property line subject to setback requirements and easements.
 - d. Such shed, storage building, or similar structure shall be five feet from any side and/or rear property line unless the dwelling unit is on a corner lot in which case such shed, storage building, or similar structure shall have a 25-foot setback from all street side property lines.

Attachment “E” – City of Minneola ISBA (2 of 2)

Per The Proposal:

- Proposed shed is approximately 16 feet high at apex and 2,700 sq ft. The house is 1,796 sq. ft. living area.
- Side setback is 10 feet proposed. Lake County Agricultural Zoning District requires 25 feet side yard setback. Will need a variance from Lake County zoning requirement.
- It appears that the installation of the shed would violate the 10% impervious surface rule. Will need a variance for this.
- The shed is proposed to be located at the southeast corner of the lot, 10 feet from side yard and 43 feet from rear yard.
- There is a row of trees along the side lot line toward the rear, as well as trees located near the rear lot line, which will provide a good screen of the shed for the properties to the south, southwest and southeast on Debbie Lane, which are inside the City of Minneola.
- Nearby sheds in the general vicinity of 13316 Rainbow Lane do not appear (according to aerial view by Google Maps) to be as large as the proposed shed.

Comment / Recommendation

- City of Minneola Planning Dept. staff would recommend to the County Planning Dept. staff to encourage the Stewarts to consider reducing the size of their proposed shed as most of the sheds in the general vicinity appear to be significantly smaller.
- City of Minneola Planning Dept. staff recommends keeping the location of the proposed shed at the southeast corner of the lot as at that location, the trees along the southeast side property line and along the south property line will provide screening for the adjacent lot on the southside inside the city and to the lots at the southeast and southwest.
- City of Minneola Planning Dept. staff does not support a variance to the 25-foot side yard County zoning requirement - to a reduction to 10 feet. There is no hardship. There is no compelling reason to grant the variance. There is no overriding non-self-imposed hardship.
- City of Minneola Planning Dept. staff does not support a variance to the County's 10% impervious surface rule. There is no hardship. There is no compelling reason to grant the variance. There is no overriding non-self-imposed hardship.

Attachment “F” – Narrative Justification (1 of 2)

Provide justification for request.

The proposed structure is larger than the 80% rule due to the fact the net acreage of the site is slightly under one acre - .94 acre. The platted site is 1.01 acre, yet there is a 25' easement for paved Rainbow Lane. The neighborhood is currently zoned A, with the majority of the sites very similar in size.

The primary purpose of the building is to provide safe and secure storage for my rv, boat, chicken feed and other household items one would normally keep in the garage. The boat and rv are currently out in the weather, and I would like to be able to put these items, along with my vehicles, in the garage should the area be impacted by a storm or hurricane.

I would like to note that several other neighboring houses on the street have structures of the same size for the same types of storage. These structures are common for the area and is one of the main reasons for moving to Lake County.

What is the substantial hardship in meeting the specific code requirements?

The net size of my site is approximately 0.94 acre in size and zoned agricultural. The lot is large enough to accommodate the proposed building without impacting neighboring properties or violating setbacks. The property was purchased in its current configuration and meets nearly all the criteria for a more flexible application of the zoning. The building would fit in with existing buildings in the neighborhood and would keep our boat and rv in a covered space vs open in the yard.

Attachment “F” – Project Narrative (2 of 2)

Describe how the purpose of the land development regulation will be or has been achieved by other means.

Maintaining the neighborhood character, protecting property values, ensuring proper land use and minimizing negative impacts on neighboring properties will still be achieved. The proposed accessory building will comply with all height, setback, and design standards. It will be painted to match the existing residence. Its placement on the property preserves open space visibility and drainage patterning ensuring no adverse effects on adjacent properties. There are other properties with large accessory buildings on the street and the purposed building won't disrupt the neighborhoods character. By adhering to these principles the regulation will be upheld even though the sq footage is over the 80%.

Confirmation to proceed with hearing

Re: Staff Comment Letter | Stewart Property Building | Variance | AR 6107 | PZ2025-197 | AK 3326610

From Jason Stewart <Jasonstewart1989@hotmail.com>

Date Thu 8/28/2025 12:57 PM

To DeVogel, Corey <corey.devogel@lakecountyfl.gov>

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes I would like to move forward with the process. And Thank you!

Get [Outlook for iOS](#)

From: DeVogel, Corey <corey.devogel@lakecountyfl.gov>

Sent: Thursday, August 28, 2025 12:43:26 PM

To: Jason Stewart <Jasonstewart1989@hotmail.com>

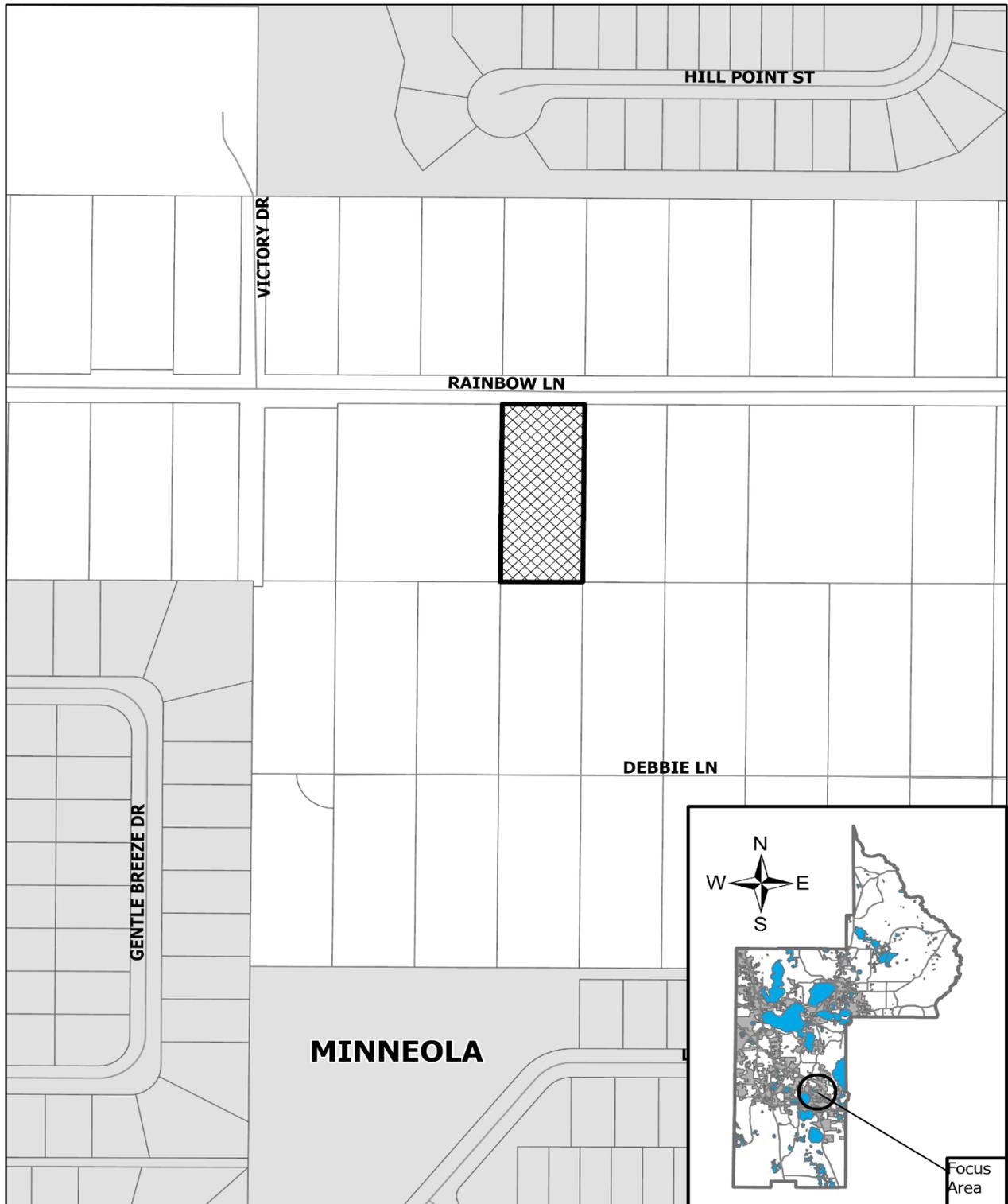
Subject: Re: Staff Comment Letter | Stewart Property Building | Variance | AR 6107 | PZ2025-197 | AK 3326610

Good afternoon Jason,

I just wanted to follow up with you on two things based on our conversation this week.

-Please email to confirm that you want to move forward with the Public Hearing process as is, even with the provided review comments. An email response would suffice.

Map of Subject Property



8/11/2025

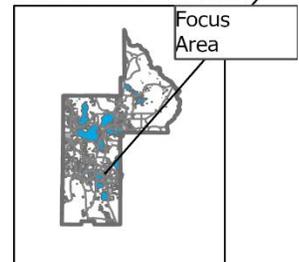
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Aerial Map of Subject Property

VAR-PZ2025-197 Stewart Property



Requesting the 80% sq footage of the ordinance to be waived for accessory structures.

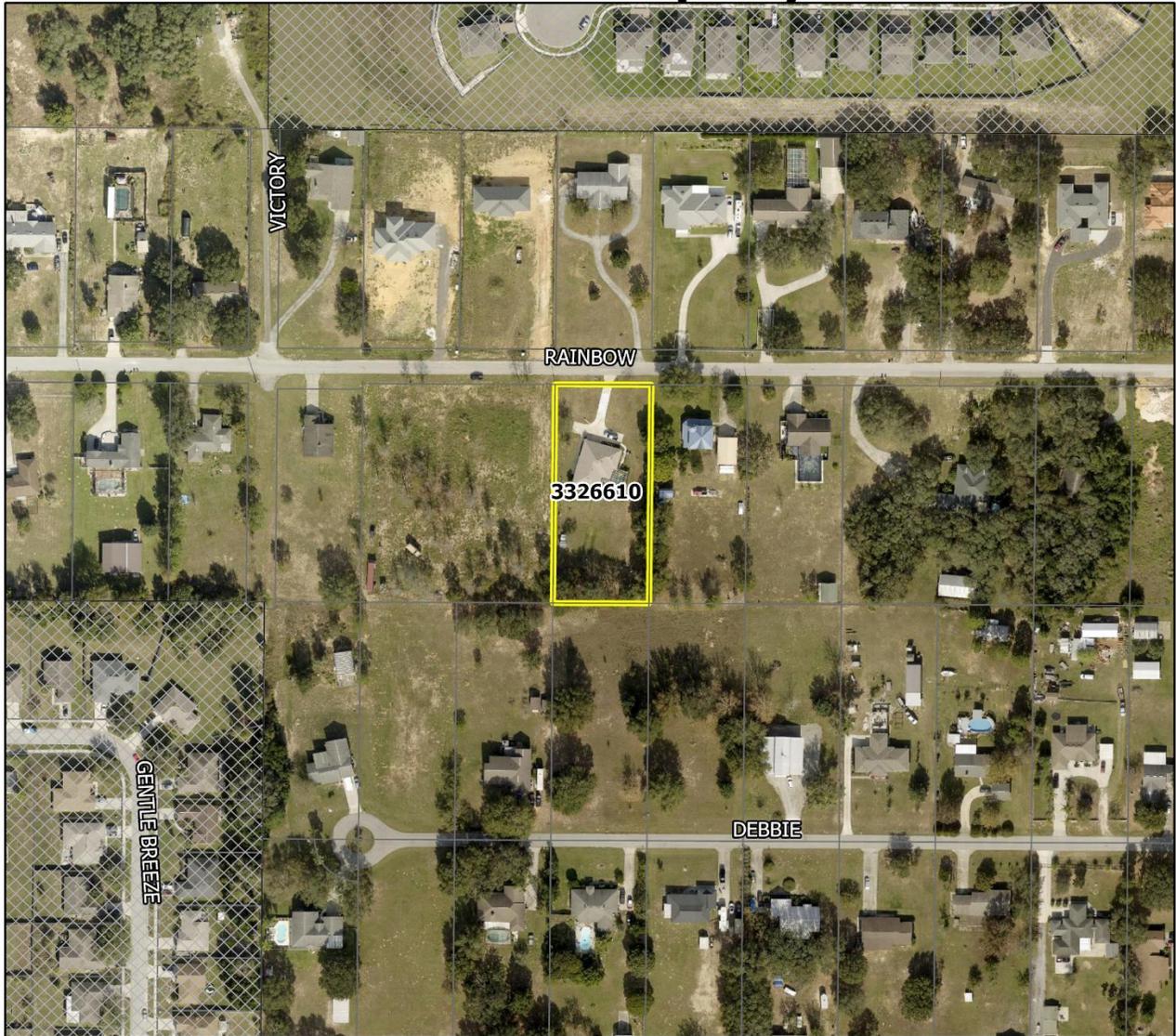


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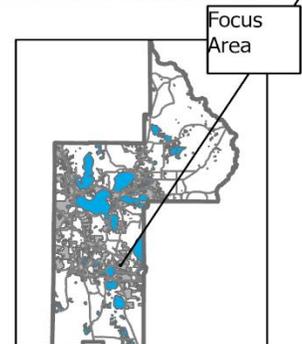
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Overlay District Map

VAR-P2025-197 Stewart Property



Requesting the 80% sq footage of the ordinance to be waived for accessory structures.



8/11/2025

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FINAL DEVELOPMENT ORDER

(PZ2025-197 / AR 6107)

WHEREAS, Jason Stewart (the “Applicant”) requested multiple variances on behalf of Jason A. Stewart and Shelby Stewart (the “Owner”), to Land Development Regulations (LDR) Section 10.01.01(D) to allow for the construction of a 2,700 square-foot detached garage to be more than 80% of the enclosed living space of the principle dwelling on a property that is less than 1.0 acre in size; to Table 3.02.05 to allow for a 10-foot side setback in lieu of the required 25 feet; and to Section 3.02.06, to allow for a 24% Impervious Surface Ratio (ISR) in lieu of the required 10% for Agriculture “A” zoning; and

WHEREAS, the subject property consists of approximately 0.94 +/- acres located in the unincorporated Clermont area in Section 08, Township 22 South, Range 26 East, identified by Alternate Key Number 3326610, and more particularly described in Exhibit “A”; and

Exhibit “A” - Legal Description.

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 5, 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:

1. **Variance Granted**: The following variances to Land Development Regulations (LDR) are hereby granted:
 - a. Section 10.01.01(D) to allow for the construction of a 2,700 square-foot detached garage to be more than 80% of the enclosed living space of the principle dwelling on a property that is less than 1.0 acre in size.
 - b. Table 3.02.05 to allow for a 10-foot side setback in lieu of the required 25 feet.
 - c. Section 3.02.06 to allow for a 24% Impervious Surface Ratio (ISR) in lieu of the required 10% for Agriculture “A” zoning.
2. **Conditions**: The variances granted above are subject to the following requirements/conditions:
 - a. A separate zoning and building permit will be required before construction can begin.
 - b. No further increase in Impervious Surface Ratio beyond what is approved will be allowed.
 - c. A tree removal permit will be required before construction begins if any trees are removed.
 - d. Approval of this variance cannot be relied upon to assert a claim of estoppel against the County if the property identified herein cannot be developed as proposed due to the inability to meet other requirements under the applicable Land Development Regulations. The Owner is solely responsible for performing any necessary due diligence to ensure the property will appropriately support future development.

**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 5th day of November 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 14 in Block "B" of Plat of Howey Subdivision "A", a subdivision located in Lake County, Florida, according to the plat thereof, as recorded in Plat Book 10, Page 80, Public Records of Lake County, Florida. Together with that portion lying South of and contiguous to said Lot 14 in Block "B", being the North 1/2 of the said vacated Road Right of Way. Less the North 25 feet of said Lot 14 in Block "8", for road Right of Way.



8/11/2025

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