



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: February 4, 2026

Case No. and Project Name: PZ2025-286, Capullo Property

Commissioner District: District 3 – Kirby Smith

Applicant(s): Harvey Capullo

Owner(s): Harvey J. Capullo and Kim M. Capullo

Requested Action: A variance to Land Development Regulations (LDR) Section 10.01.01(D) to allow for the construction of a 2,320 square-foot accessory structure (metal building), which will be 116% of the main floor square footage of the enclosed living area of the dwelling unit in lieu of the requirement to not exceed 80% of the main floor square footage of the dwelling unit.

Case Manager: Eddie Montanez, Planner I

Subject Property Information

Size: 0.62 +/- gross acres

Location: 35549 Cedar Lane, in the unincorporated Leesburg area

Alternate Key No: 1526761

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

Current Zoning District: Urban Residential District (R-6) (Attachment “B”)

Flood Zone(s): “AE” / “X”

JPA/ISBA: N/A

Overlay/Rural Protection Area: N/A

Adjacent Property Land Use Table

| Direction | Future Land Use | Zoning | Existing Use | Comments |
|-----------|-------------------|----------------------------------|--------------|---|
| North | Urban Low Density | Urban Residential District (R-6) | Residential | Single-Family Residence |
| South | Urban Low Density | Urban Residential District (R-6) | Residential | Single-Family Residence |
| East | Urban Low Density | Urban Residential District (R-6) | Residential | Cedar Lane (ROW); Single-Family Residence |
| West | Urban Low Density | Urban Residential District (R-6) | Residential | Canal; Single-Family Residence |

Summary of Request

The subject parcel is identified by Alternate Key Number 1526761, contains approximately 0.62 gross acres, is zoned Urban Residential District (R-6), and is designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject parcel is developed with a single-family residence with 1,987 square feet of living area, concrete driveway, sidewalk, screened pool, open deck, and boat dock as depicted on the Plot Plan (Attachment "C"). GIS maps indicate that the subject parcel is located within flood zones "X"/ "AE" and that wetlands (canal) exist on the site.

The Applicant is requesting a variance to the following Land Development Regulations (LDR) Section:

1. Section 10.01.01(D) to allow for the construction of a 2,320 square-foot accessory structure (metal building), which will be 116% of the main floor square footage of the enclosed living area of the dwelling unit in lieu of the requirement to not exceed 80% of the main floor square footage of the dwelling unit.

The proposed structure as shown on the Plot Plan (Attachment "C") is consistent with LDR Table 3.02.05, entitled *Setback Requirements*; and LDR Section 6.01.04, entitled *Development near Wetlands and Waterbodies*, as the property received an Average setback determination (Attachment "D") on January 31, 2007, granting a rear setback of 32.5 feet from the edge of water.

On October 30, 2025, the Applicant provided a response to review comments (Attachment "E") along with elevation drawings for the proposed structure (Attachment "F"). The response letter states that the proposed structure will be 17 feet in height (peak) and 2320 square feet total; the proposed Impervious Surface Ratio (ISR) for the lot will be 0.35. The proposed structure height and ISR are consistent with LDR Table 3.02.06 entitled *Density, Impervious Surface, Floor Area, and Height Requirements*.

The requested action was sent to the Public Works Department and the Office of Fire Rescue for review and determination of consistency with applicable regulations, including flood and stormwater requirements.

The Public Works Department requested the following conditions to be incorporated should the Board of Adjustment (BOA) approve the variance request:

1. An interceptor/ environmental swale that is sized to capture the first 1-inch of stormwater runoff from the impervious area of the parcel shall be provided on site. An engineered design that indicates a plan and calculations must be submitted with the permit application for the improvement/ addition for the site.
2. Lot grading inspection will be required with the site plan.

Fire Rescue did not have any concerns or comments regarding the requested variance.

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 LDR Section 10.01.01 entitled *General Requirements for Accessory Structures*, is to regulate the configuration of accessory structures to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

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, *"The building will match the colors of the house and be well landscaped and will have little pitched roofs for accent. A swale will be in place to satisfy the requirements of public works."*

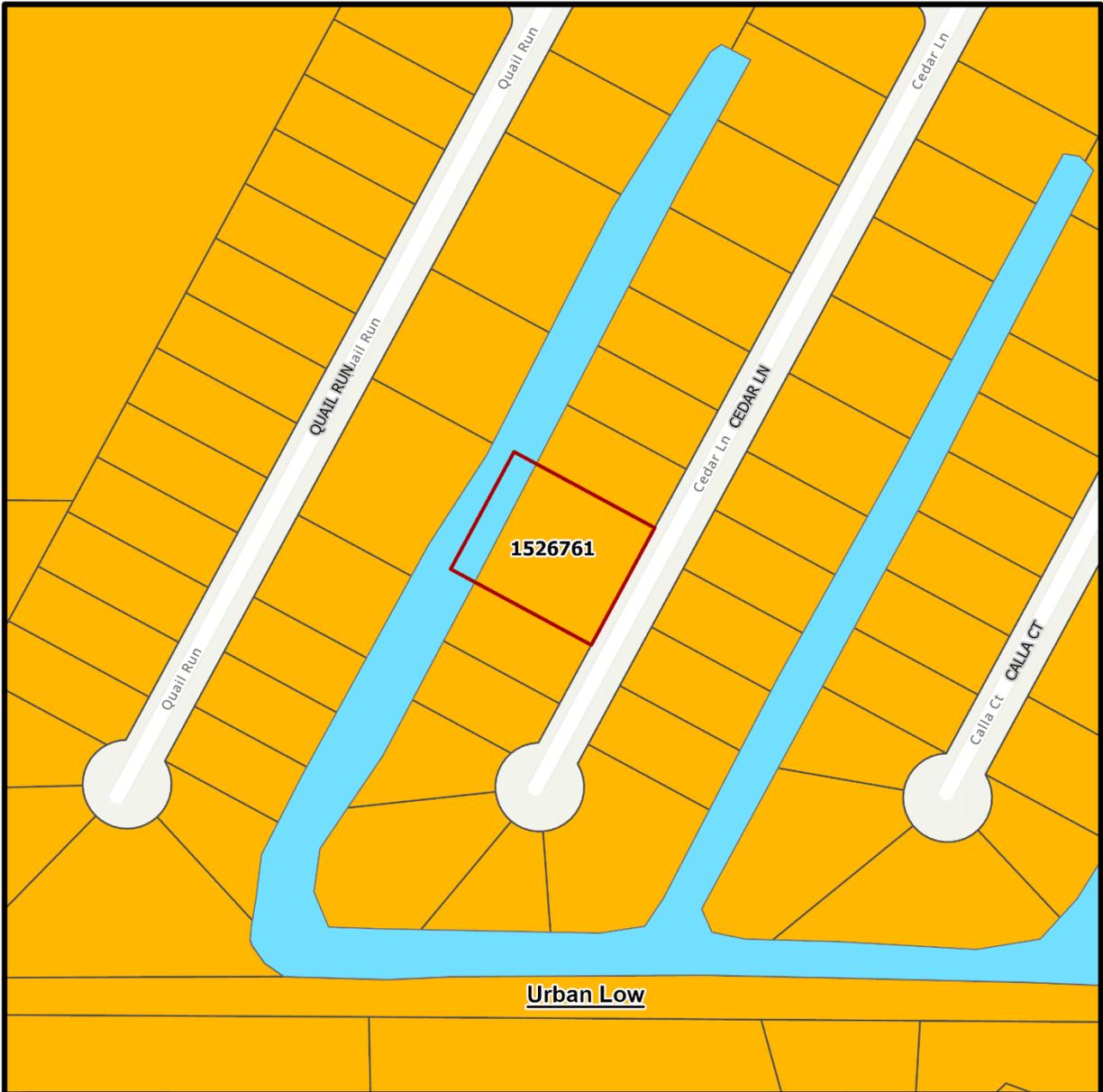
2. **The application of a Land Development Regulation would create substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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 as evidence that the principle of fairness would be violated if the variance isn't approved, *"Need to build larger building than 80% of residence. I have several antique show cars and would like to park them inside where they are safe."*

Analysis: The need for additional storage is not a substantial hardship and the application of LDR Section 10.01.01 (D) would not violate principles of fairness as the literal application of the LDR would not affect the owner of the subject property in a manner that is significantly different than other similarly situated persons subject to the LDR.

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE

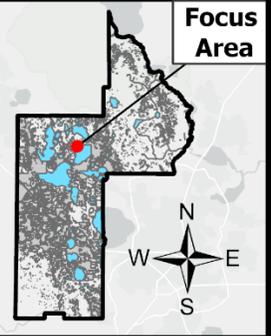


FLU

Urban Low

NAME: CAPULLO PROPERTY
CASE NUMBER: VAR-PZ2025-286
LOCATION (S-T-R): 06-19-26
REQUEST: VARIANCE

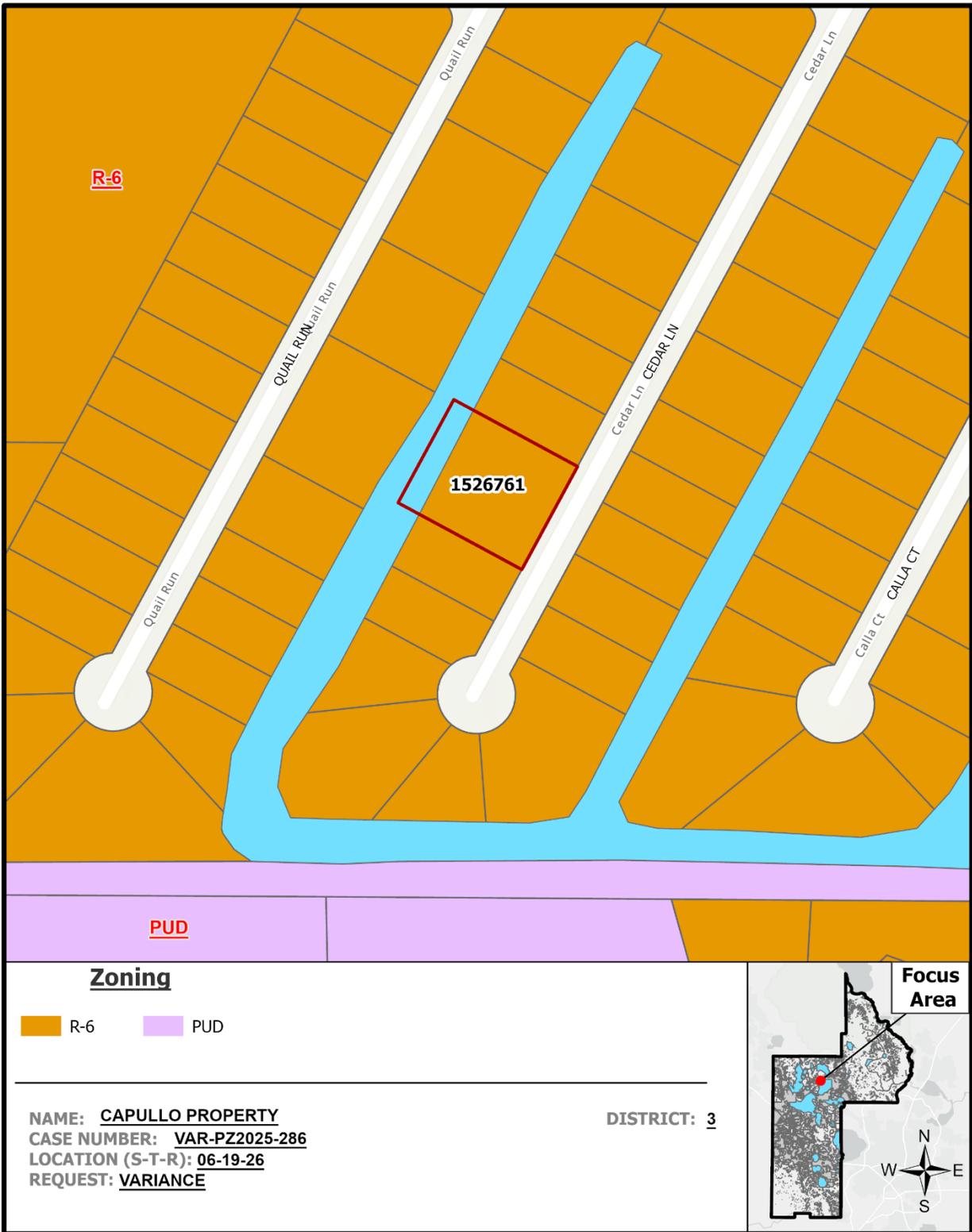
DISTRICT: 3



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11/12/2025

Attachment "B" – Zoning Map

CURRENT ZONING



Attachment "C" – Plot Plan

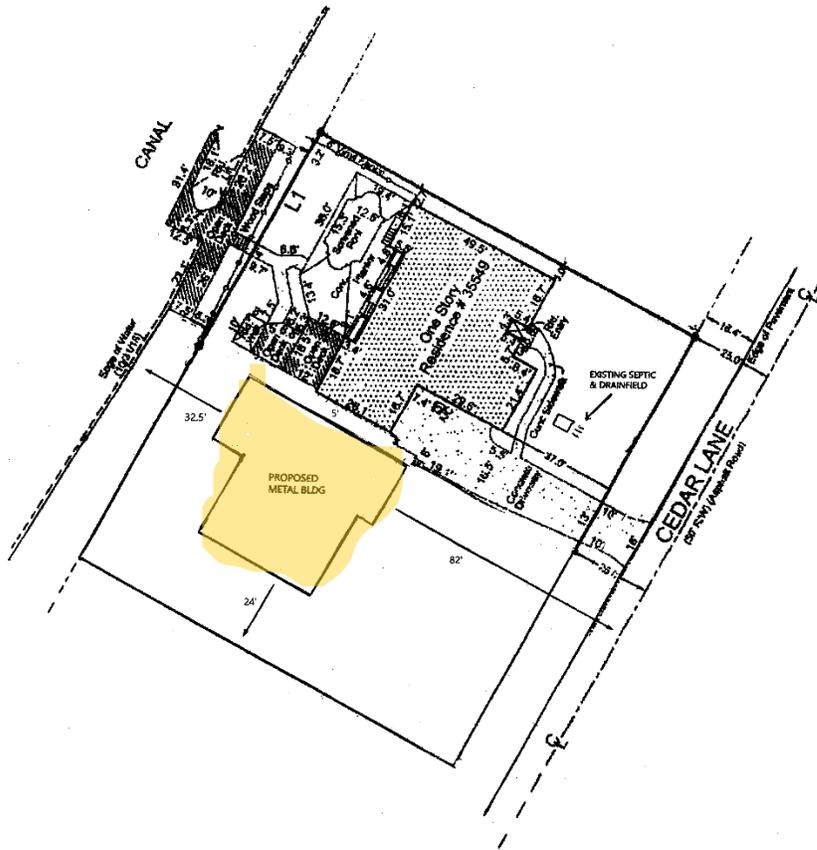


PLOT PLAN

CAPULLO HARVEY J & KIM M LIFE ESTATE
35549 CEDAR LN
LEESBURG, FL 34788

PROJECT INFORMATION
NEW 40X50X12
METAL BUILDING

PARCEL: 06-19-26-0100-003-02000
ALT KEY: 1526761



SCALE: 1" = 30"
(print on 11x17)

Attachment "D" – Average Setback Determination



LAKE COUNTY
FLORIDA



Date: January 31, 2007

To: United Pool Inc.
100 W. Meadow
Leesburg, FL 34788

Ref: Average Setback # **2007-001**
Alternate Key # **1526761**

To Whom It May Concern:

You requested an average rear setback for the property described above. The measurements were completed and resulted in an average rear of 32' 1/2" from the edge of water.

If I can be any further assistance please feel free to contact me at (352) 343-9641.

Sincerely,

Lorena McCarroll,
Associate Planner
Zoning Staff

P.O. BOX 7800 • 315 W. MAIN ST., TAVARES, FL 32778 • P 352.000.0000 • F 352.000.0000
Board of County Commissioners • www.lakecountyfl.gov

JENNIFER HILL
District 1

ELAINE RENICK
District 2

DEBBIE STIVENDER
District 3

LINDA STEWART
District 4

WELTON G. CADWELL
District 5

Attachment “E” – Response to Comments

Project name PZ2025-286, AR No. 6215
Alternate Key No. 1526761

Review Comments

Office of Planning and Zoning

Reviewer: Eddie Montanez, Planner I, Email: Eddie.Montanez@lakecountyfl.gov, Phone No.: (352) 343-9615

1. Please provide a narrative to address the following:
 - a. Confirm the height of the proposed accessory structure. **17' at the peak, 12' at eve**
 - b. Confirm the square footage of the proposed structure. **2320 sf including porch roofs**
 - c. Confirm the main floor square footage of the existing home. **2851sf total, 1987sf under air**
 - d. Confirm the proposed Impervious Surface Ratio (ISR). **35%**
 - e. The hardship statement provided to staff states that a larger building is needed, please explain why.
I have several antique show cars and would like to park them inside where they are safe.
 - f. Describe how the purpose of the Land Development Regulation will be or has been achieved by other means.
The building will match the colors of the house and be well landscaped and will have little porch roofs for accent
 - o The intent of the code has been provided in the informational comments.
A swale will be in place to satisfy the requirements of public works.
2. Please provide an elevation drawing for the proposed accessory structure.

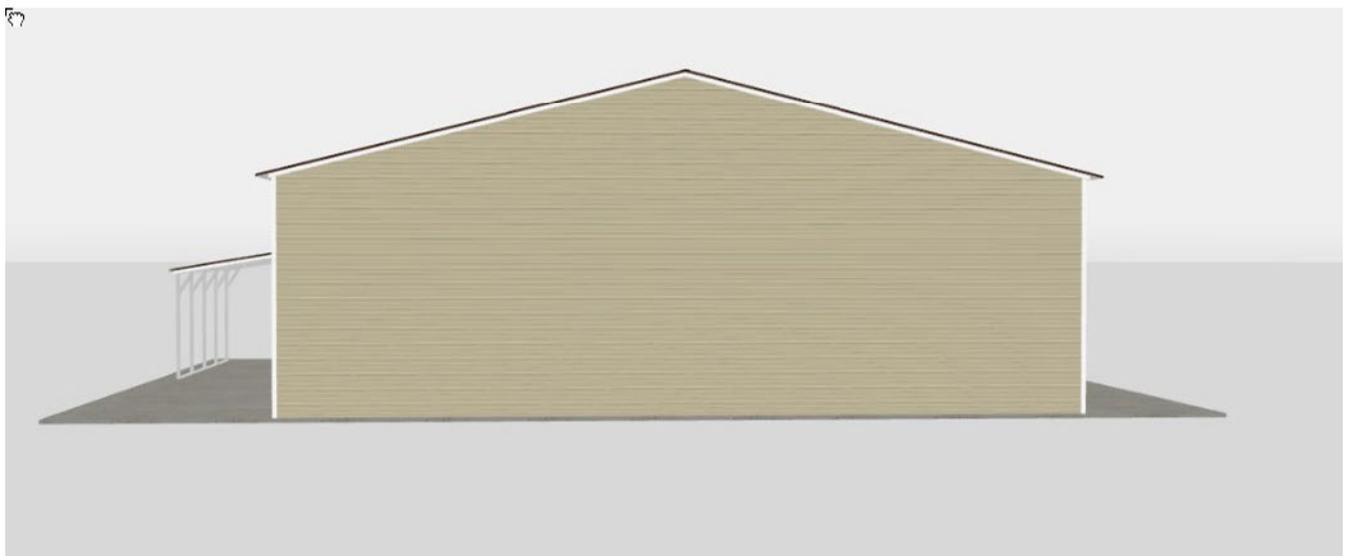
Attachment "F" – Elevation Drawings (1 of 2)



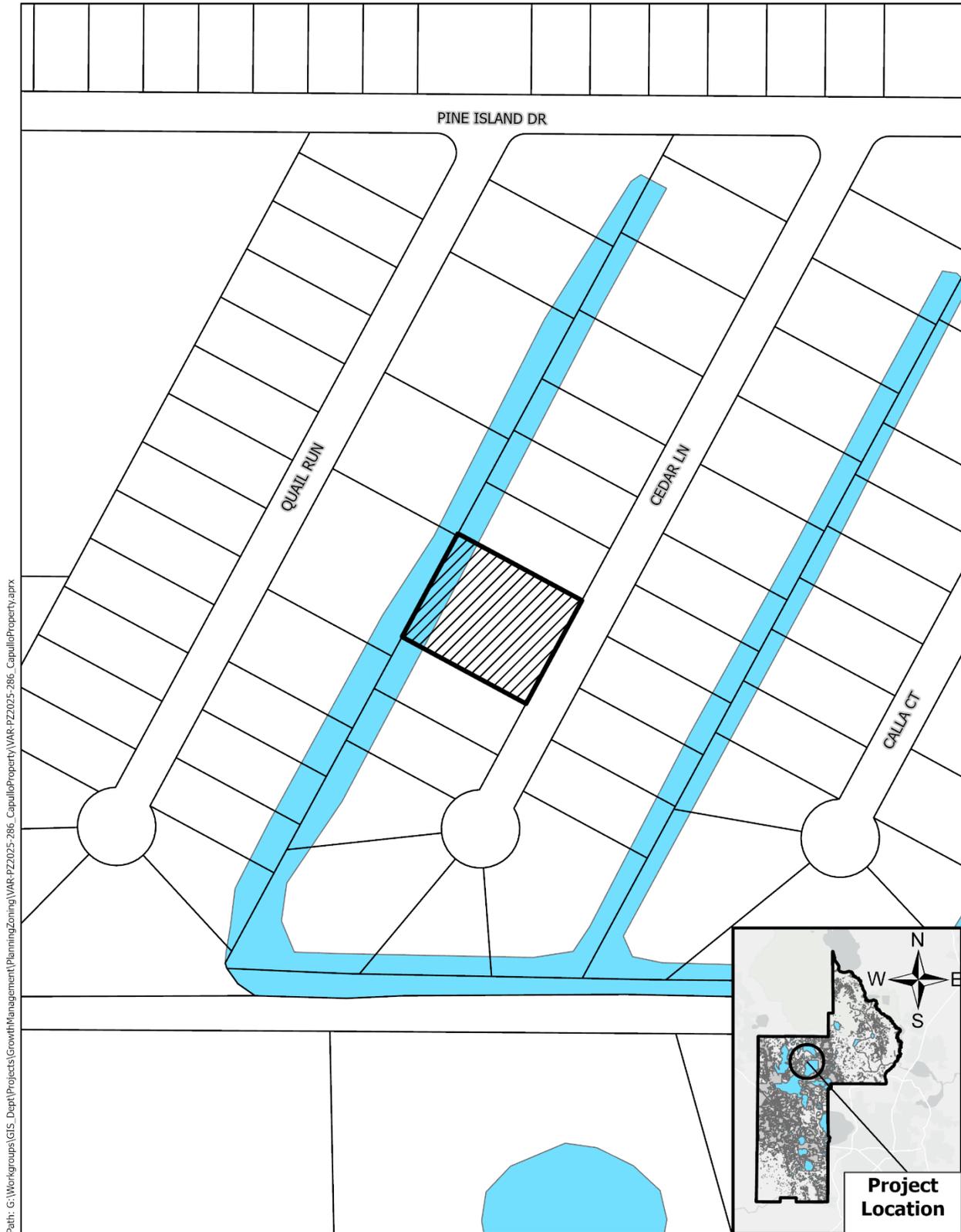
F2



Attachment "F" – Elevation Drawings (2 of 2)



Map of Subject Property

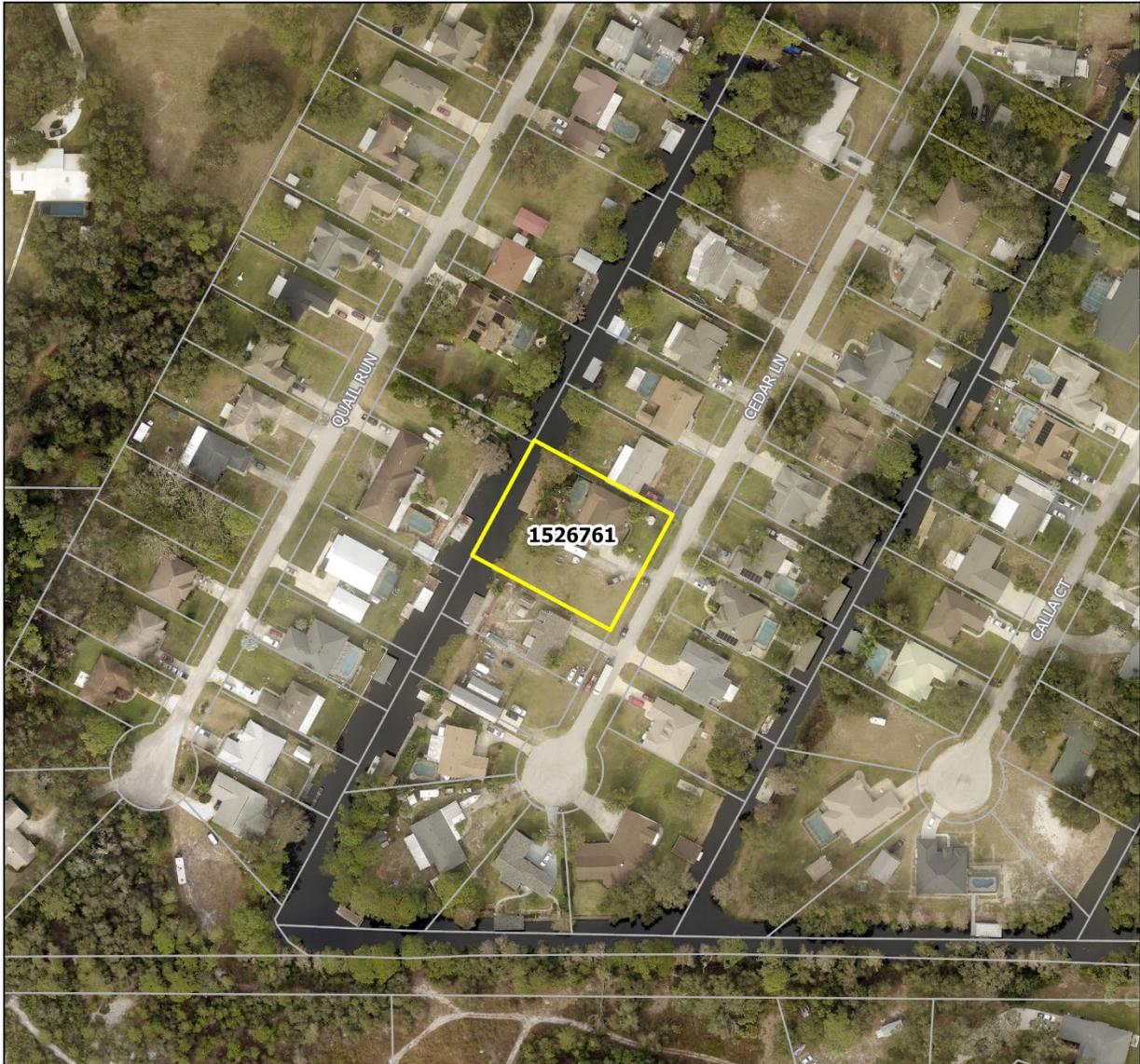


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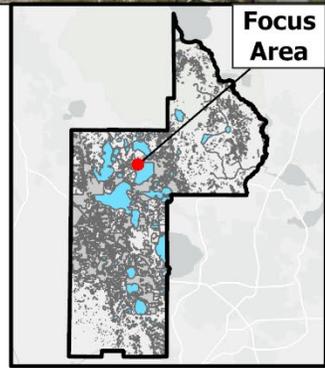
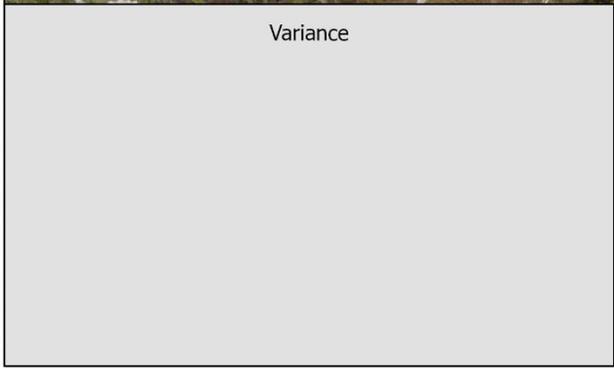
11/12/2025

Aerial Map of Subject Property

VAR-PZ2025-286
Capullo Property



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11/12/2025

FINAL DEVELOPMENT ORDER

(PZ2025-286 / AR 6215)

WHEREAS, Harvey J. Capullo (the “Applicant”) requested a variance on behalf of Harvey J. Capullo and Kim M. Capullo (the “Owner”), to Land Development Regulations (LDR) Section 10.01.01(D) to allow for the construction of a 2,320 square-foot accessory structure (metal building), which will be 116% of the main floor square footage of the enclosed living area of the dwelling unit in lieu of the requirement to not exceed 80% of the main floor square footage of the dwelling unit; and

WHEREAS, the subject property consists of approximately 0.62 +/- acres located at 35549 Cedar Lane in the unincorporated Leesburg area in Section 6, Township 19 South, Range 26 East, identified by Alternate Key Number 1526761, 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 February 4, 2026; 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:** A variance to LDR Section 10.01.01(D) to allow for the construction of a 2,320 square-foot accessory structure (metal building), which will be 116% of the main floor square footage of the enclosed living area of the dwelling unit in lieu of the requirement to not exceed 80% of the main floor square footage of the dwelling unit is hereby granted.
2. **Conditions:** The variance granted above is subject to the following requirements/conditions:
 - a. An interceptor/ environmental swale that is sized to capture the first 1-inch of stormwater runoff from the impervious area of the parcel shall be provided on site. An engineered design that indicates a plan and calculations must be submitted with the permit application for the improvement/ addition for the site.
 - b. Lot grading inspection will be required as part of the building permit.
 - c. Additional accessory structures shall be prohibited.
 - d. The proposed structure is not to be used as an accessory dwelling unit (ADU) nor to conduct any business activities or for animal purposes.
3. **No Estoppel:** 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 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 4th day of February 2026, 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 for an administrative order must comply with all applicable Florida Rules of Appellate Procedure.

Exhibit "A" – Legal Description

Lot 20 Block 3, HARBOR SHORES UNIT ONE, according to the plat thereof as recorded in Plat Book 15, Page 32, Public Records of Lake County, Florida.

