



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1
 Public Hearing Date: March 4, 2026
 Case No. and Project Name: PZ2025-163, Baca Arvizu Property
 Commissioner District: District 4- Leslie Campione
 Applicant(s): Maria Villanueva
 Owner(s): Antonio Baca and Maria Arvizu
 Requested Action: A variance to Land Development Regulations (LDR) Table 3.02.05, to allow an unpermitted accessory structure to remain six (6) feet from the rear property line, in lieu of the required twenty-five (25) foot setback.
 Case Manager: Meagan Bracciale, Planner II

Subject Property Information

Size: 5.38 +/- acres
 Location: 38207 Yale Circle, in the unincorporated Leesburg area
 Alternate Key No.: 1439566
 Future Land Use: Rural Transition (Attachment "A")
 Current Zoning District: Agriculture District (A) (Attachment "B")
 Flood Zone(s): "X"
 JPA/ISBA: N/A
 Overlay/Rural Protection Area: N/A
 (BMAP) Location: Upper Ocklawaha

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Agriculture District (A)	Right-of-Way; Agriculture	Agricultural Land North of Yale Circle
South	Rural Transition	Agriculture District (A)	Residential	Single-Family Residence
East	Rural Transition	Agriculture District (A)	Right-of-Way; Agriculture	Agricultural Groves East of Yale Circle

Direction	Future Land Use	Zoning	Existing Use	Comments
West	Rural Transition	Agriculture District (A)	Residential	Single-Family Residence

Summary of Request

The subject parcel is identified by Alternate Key Number 1439566 and contains approximately 5.38 +/- acres. The subject parcel is zoned as Agriculture District (A) and is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject parcel is developed with a single-family residence, pool, chicken coop, three (3) agricultural structures, two (2) agriculture fields under pervious shade structures, and the unpermitted accessory structure as shown on the Plot Plan (Attachment “C”). For background purposes, on April 2, 2025, Code Case #2025030280 was opened due to a two-story accessory structure being built without permits. The Owners acknowledge that the structure was built without permits in the Project Narrative (Attachment “D”). The Owners are currently unable to acquire zoning clearance due to the structure’s proximity to the West property line. If approved, the requested variance would allow for zoning clearance to be granted and will resolve Code Case #2025030280.

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 June 18, 2025, the requested action was sent to the Public Works Department for review for a determination of consistency with applicable regulations, including flood and stormwater requirements. The subject property has no Special Flood Hazard Areas on it. Floodplain Management Staff had no objections or comments on this application. The Public Works Department had no objections or comments on this application.

On June 18, 2025, the requested action was sent to the Fire Safety Chief Plans Examiner for review for a determination of consistency with applicable regulations. The Chief Plans Examiner did not have any concerns or comments about the proposed variance.

The Applicant is requesting a variance to LDR Table 3.02.05, to allow an unpermitted accessory structure to remain six (6) feet from the property line, in lieu of the required twenty-five (25) foot setback.

The Applicant provided a Project Narrative as shown on Attachment “D”.

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 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. Setbacks help minimize visual and auditory intrusion, protect sightlines, and preserve the sense of space and tranquility in residential areas.

Pursuant to LDR Table 3.02.06, entitled *Density, Impervious Surface, Floor Area, and Height Requirements*, the maximum Impervious Surface Ratio (ISR) for the 5.38 +/- acre subject parcel is 0.10. The total development,

including the unpermitted subject structure, accounts for an ISR of approximately 0.04. Therefore, the proposed structure is consistent with LDR Table 3.02.06.

Pursuant to LDR Section 10.01.01(E), entitled *General Requirements for Accessory Structures*, an accessory structure shall not exceed the height of the dwelling unit or twenty-five (25) feet, whichever is greater. The proposed peak height of the subject structure is 24' 8" on the gable. Therefore, the proposed structure is consistent with LDR Section 10.01.01(E).

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, *"We have spoken with the affected neighbors, Dennis and Alice Floyd. We came to an agreement that we will create a natural visual barrier, such as podocarpus plants. They have written a letter indicating they agree to the variance."*

Analysis: To meet the intent of LDR 3.02.05, should the variance be granted, the Owners will agree to create a natural visual barrier using plants. The Owners will be required to submit a landscape plan during the permitting process. At that time the required three (3) foot wide natural visual barrier will be reviewed for compliance with the intent of the development order. Installation and inspection will be required within three (3) months of the variance approval date.

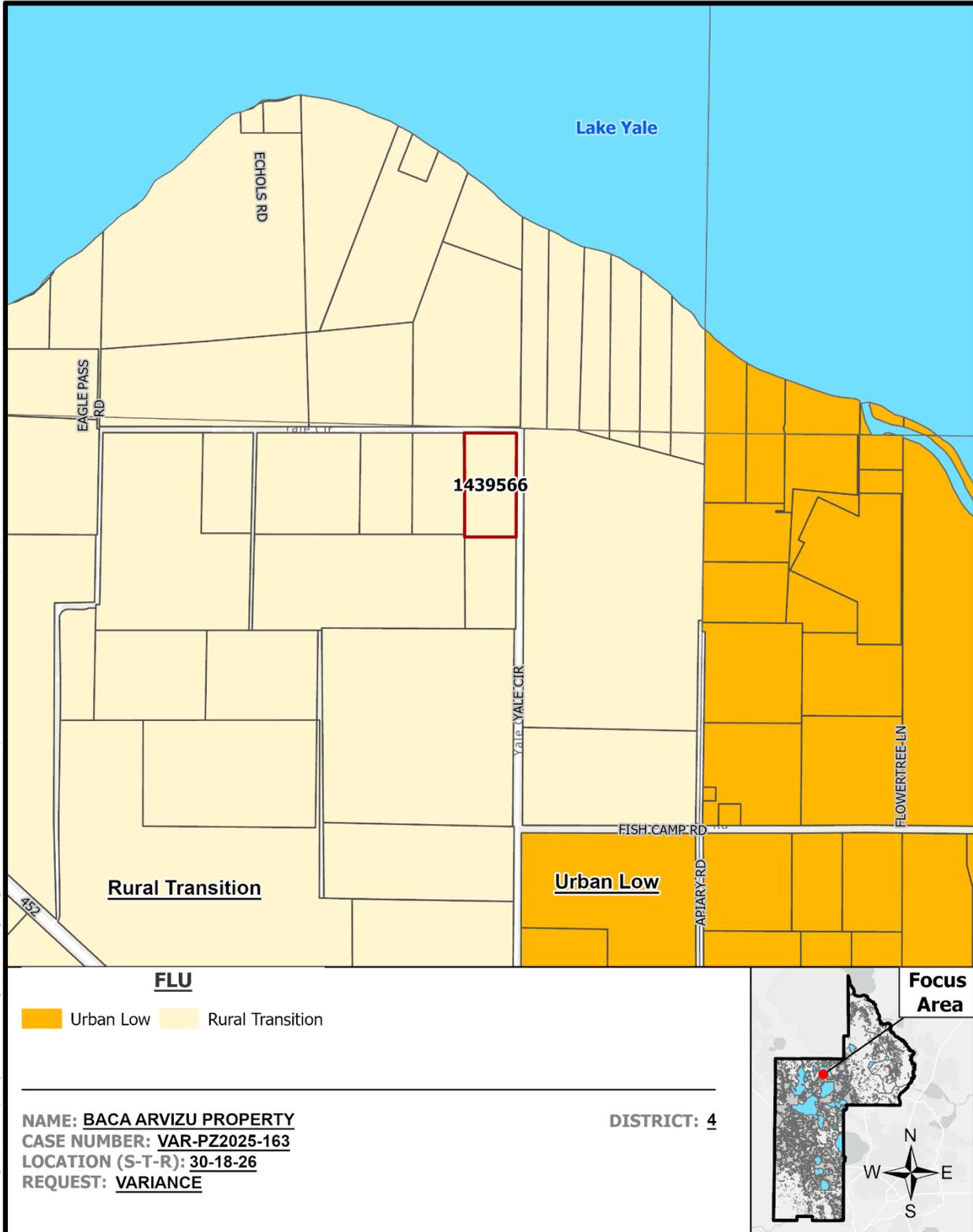
2. **The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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 originally built the storage building in 2010 or 2011. It was the best spot for it since we had farm animals. We did not know we needed a building permit since it is not living area. We also didn't realize it needed to be certain amount of feet away from property line for a farm/agriculture building."*

Analysis: The Applicants have not demonstrated a substantial hardship nor demonstrated an economic, technological, legal or other type of hardship other than a self-created hardship of constructing a building with obtaining the proper permits.

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE

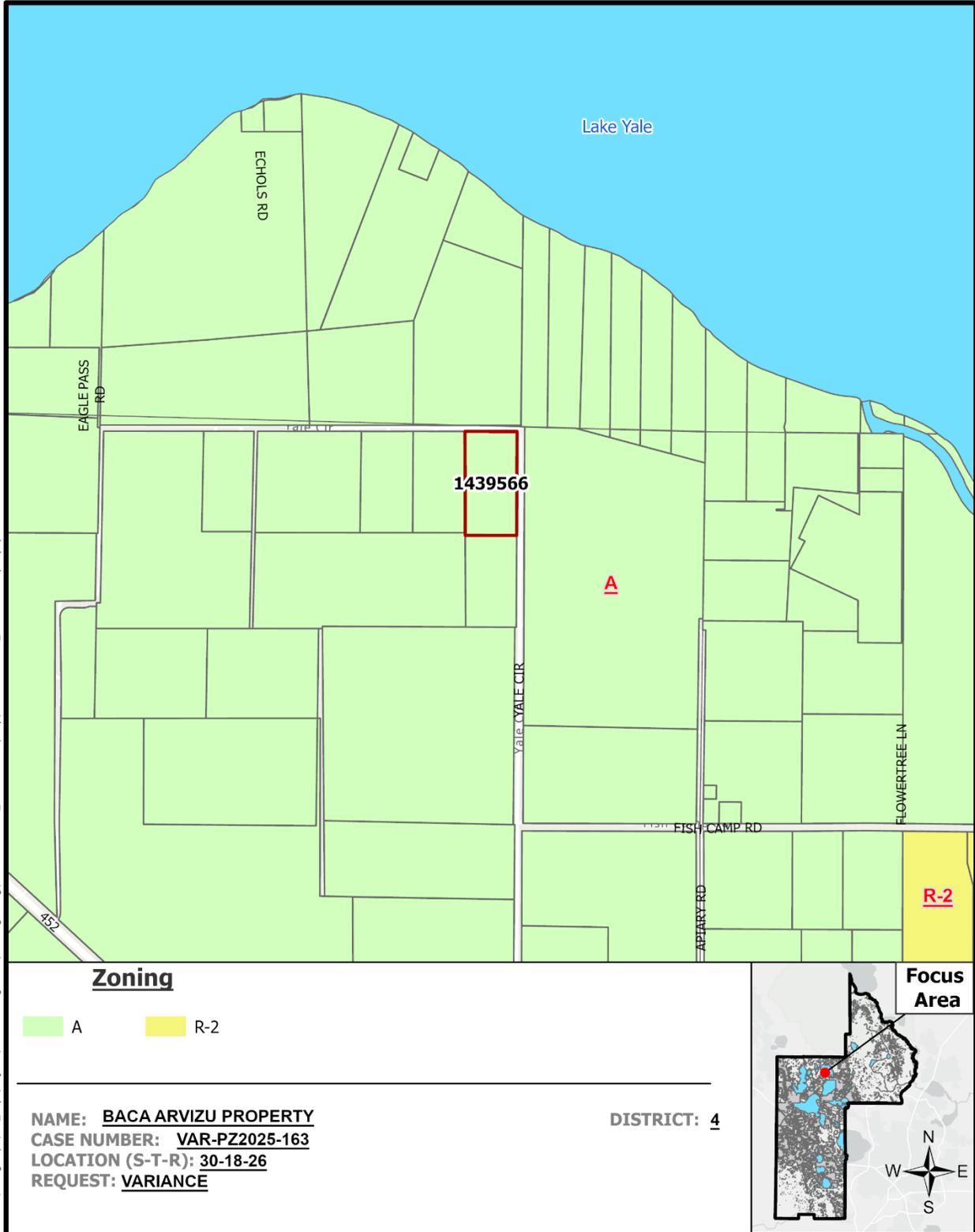


Path: C:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\VAR-PZ2025-163_BacaArvizuProperty\VAR-PZ2025-163_BacaArvizuProperty.aprx

1/8/2025

Attachment "B" – Zoning Map

CURRENT ZONING



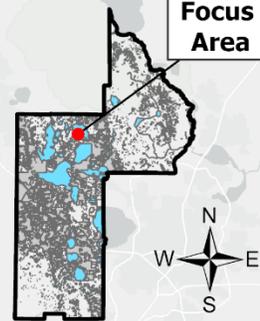
Zoning

Green A Yellow R-2

NAME: BACA ARVIZU PROPERTY
CASE NUMBER: VAR-PZ2025-163
LOCATION (S-T-R): 30-18-26
REQUEST: VARIANCE

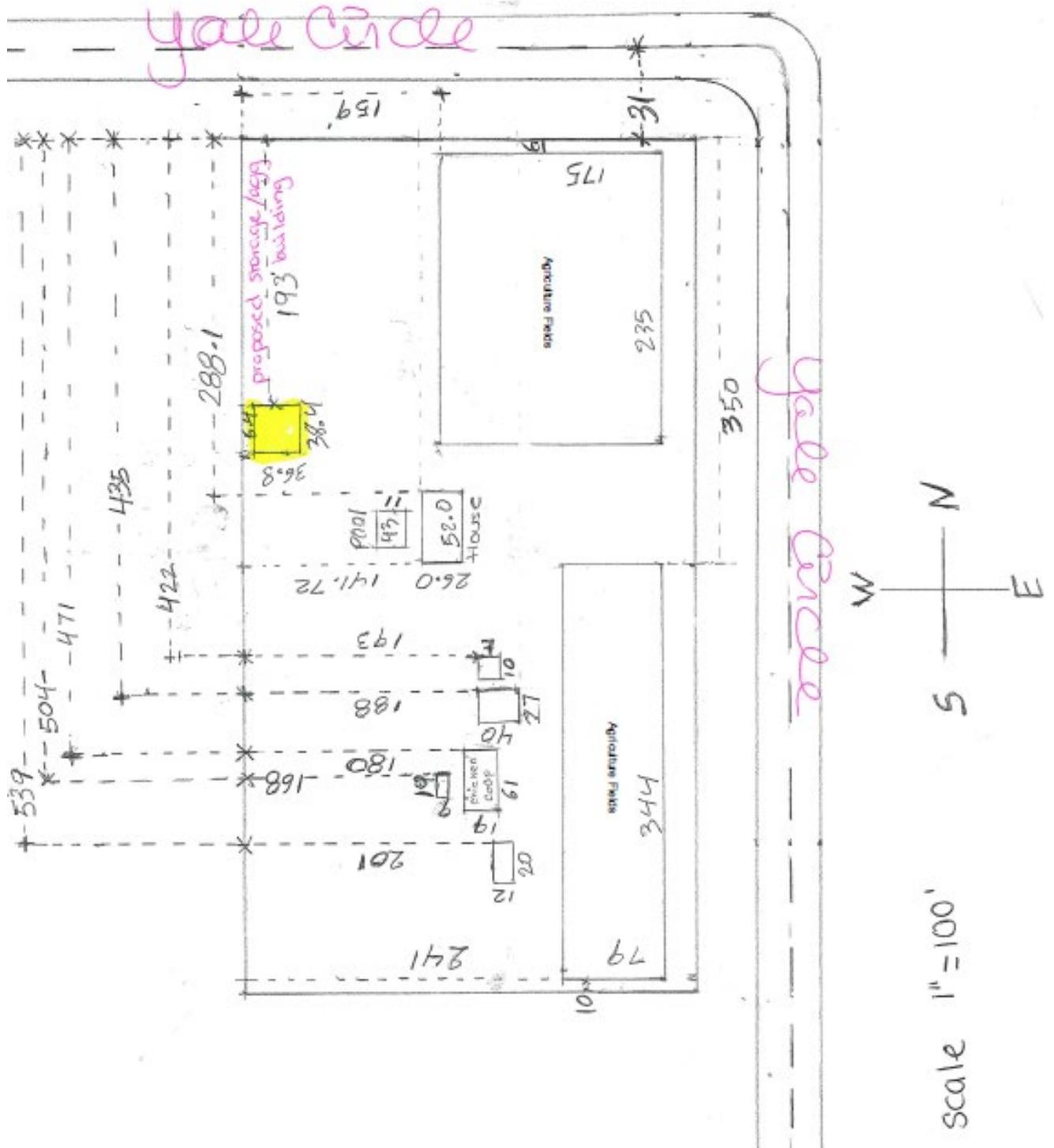
DISTRICT: 4

Focus Area



Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\VAR-PZ2025-163_BacaArvizuProperty\VAR-PZ2025-163_BacaArvizuProperty.aprx
1/8/2026

Attachment "C" – Plot Plan



Attachment "D" – Project Narrative



Office of Planning and Zoning

Project Narrative Variance

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

We originally built the storage building in 2010 or 2011. It was the best spot for it since we had farm animals. We did not know we needed a building permit since it is not living area. We also didn't realize it needed to be certain amount of feet away from property line for a farm/agriculture building.

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

We have spoken with the affected neighbors, Dennis and Alice Floyd. We came to an agreement that we will create a natural visual barrier, such as podocarpus plants. They have written a letter indicating they agree to the variance.

Attachment "E" – Letter From Neighbors

June 4, 2025

To Whom It May Concern,

This is notification that we as adjacent home owners agree to a variance for the structure being constructed at 38207 Yale Circle, Leesburg FL 34788, owned by Antonio Baca and Maria Arvizu.

Thank You,

A handwritten signature in black ink, appearing to read "Dennis and Alice Floyd", written over a horizontal line. The signature is stylized and cursive.

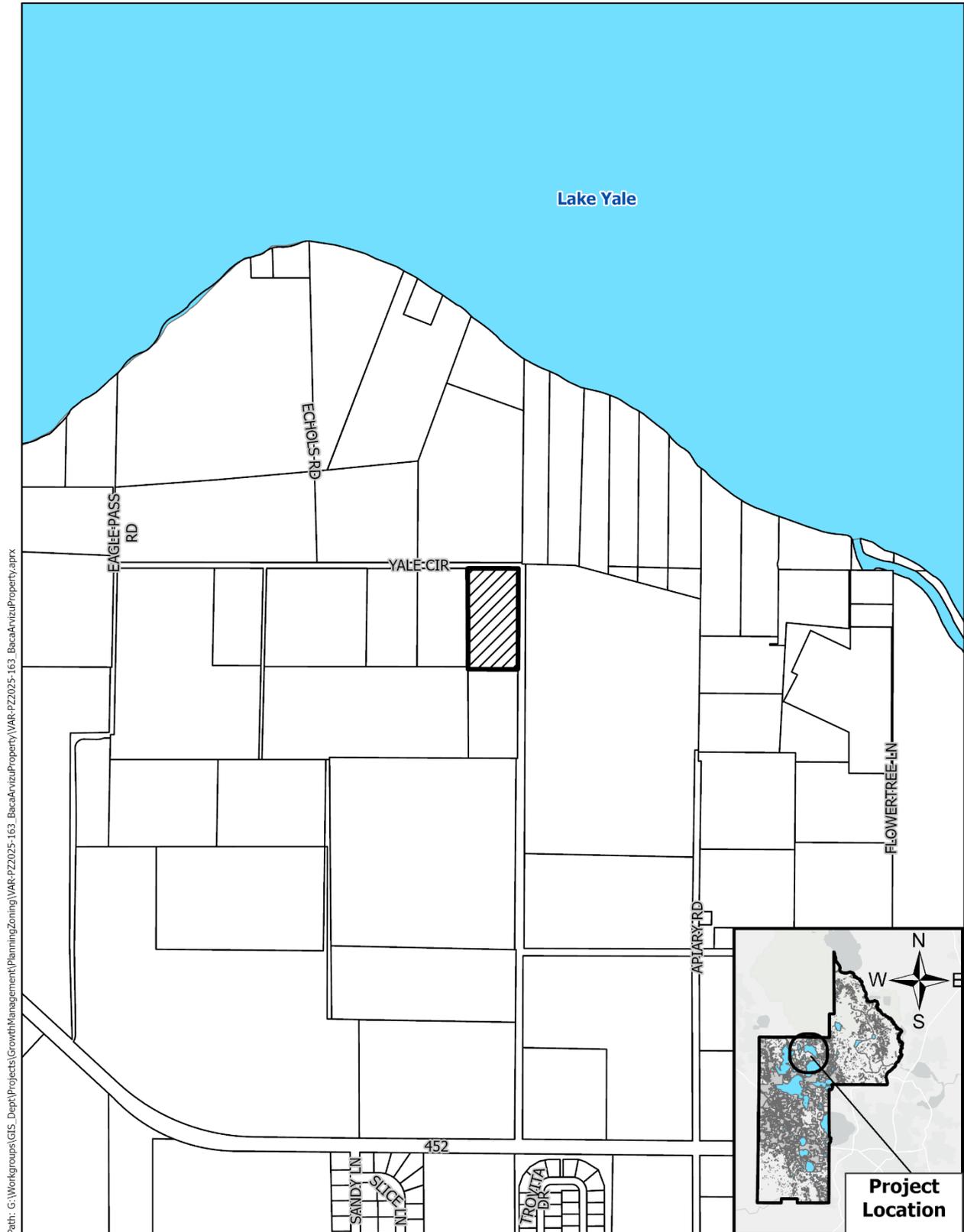
Dennis and Alice Floyd

38143 Yale Circle

Leesburg, FL 34788

(352) 408-9852

Map of Subject Property



Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\Planning\Zoning\VAR-PZ2025-163_BacaArvizuProperty\VAR-PZ2025-163_BacaArvizuProperty.aprx

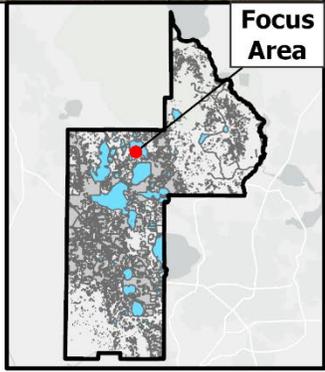
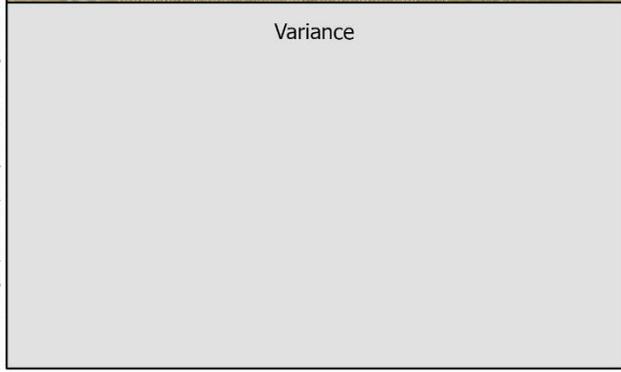
1/8/2026

Aerial Map of Subject Property

VAR-PZ2025-163
Baca Arvizu Property



Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\PlanningZoning\VAR-PZ2025-163_BacaArvizuProperty\VAR-PZ2025-163_BacaArvizuProperty.aprx



1/8/2026

FINAL DEVELOPMENT ORDER

(PZ2025-163 / AR 6065)

WHEREAS, Maria Villanueva (the “Applicant”) requested a variance on behalf of Antonio Baca and Maria Arvizu (the “Owners”), to Land Development Regulations (LDR) Table 3.02.05, to allow an unpermitted accessory structure to remain six (6) feet from the rear property line, in lieu of the required twenty-five (25) foot setback; and

WHEREAS, the subject property consists of approximately 5.38 +/- acres located at 38207 Yale Circle, in the unincorporated Leesburg area in Section 19, Township 18 South, Range 26 East, identified by Alternate Key Number 1439566, 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 March 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 Table 3.02.05, to allow an unpermitted accessory structure to remain six (6) feet from the rear property line, in lieu of the required twenty-five (25) foot setback is hereby granted.
2. **Conditions:** The variance granted above is subject to the following conditions:
 - a. A separate zoning and building permit will be required for the accessory structure.
 - b. Landscaping buffer using Florida Friendly and Florida Native plant material installed and maintained on west side of property behind accessory structure. A landscape plan depicting a three (3) foot wide natural visual barrier shall be submitted during the permitting process. Installation and inspection will be required within three (3) months of this variance approval date. The buffer must be maintained in perpetuity. Dead or diseased plants must be replaced with similar plant material in perpetuity.
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.
4. **Termination:** Failure of the Owner to satisfy the conditions identified above within the time stated, including maintaining the landscaping buffer and plant material, shall result in the automatic termination of this variance.

**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 March 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.

The East 1/2 of Lot 1 in Section 30, Township 18 South, Range 26 East, according to the plat of the property of the Johnson Heirs, a subdivision in Lake County, Florida, recorded in Plat Book 1, Page 8, Public Records of Lake County, Florida, less and except that part thereof, deeded to Lake County by deed recorded in Official Records Book 1041, Page 854, Public Records of Lake County, Florida. Subject to a Boundary Line Agreement recorded in Official Records Book 1422, Page 1213 through 1218, Public Records of Lake County, Florida.

