



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 7

Public Hearing Date: April 8, 2021

Case No. and Project Name: VAR-21-10-4, Redtail Property

Owner: SLV Redtail, LLC

Applicant: John Brian

Requested Action: Variance to Land Development Regulation (LDR) Section 14.08.00.C.2, to allow a Developer's Agreement to delay the construction of sidewalks for 13 lots within the Heathrow Country Estates Phase 4 (Redtail) subdivision until April 26, 2023.

Case Manager: Heather N. Croney, Planner

### Subject Property Information

Size: 4.21 +/- acres

Location: Heathrow County Estates Subdivision Phase 4, in the Sorrento area

Alternate Key Nos.: 3907282, 3907283, 3907284, 3907285, 3907286, 3907287, 3907288, 3907289, 3907290, 3907291, 3907292, 3907293 and 3907294

Future Land Use: Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category (FLUC)

Current Zoning District: Planned Unit Development (PUD) by Ordinance 2014-78

Flood Zone: "X"

Joint Planning Area/ ISBA: None

Overlay Districts: Mt. Plymouth-Sorrento Special Community,  
Wekiva Study Area & Wekiva River Protection Area

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Sending Area A-1-20	Planned Unit Development (PUD)	Roadway, Residential	Redtail Blvd, Vacant Residential
South	Sending Area A-1-20	Planned Unit Development (PUD)	Undeveloped	Vacant Residential
East	Sending Area A-1-20	Planned Unit Development (PUD)	Recreation Area	Tennis Courts, Covered Bridge Lane
West	Receiving Area A-1-20	Planned Unit Development (PUD)	Roadway, Vacant Residential	High Hampton Circle, Vacant Residential

### Summary of Request.

The subject 4.21 +/- acre property is identified by Alternate Key Numbers 3907282, 3907283, 3907284, 3907285, 3907286, 3907287, 3907288, 3907289, 3907290, 3907291, 3907292, 3907293 and 3907294. The subject property is located in the unincorporated area of Sorrento. The parcel is zoned Planned Unit Development (PUD) by Ordinance 2014-78, is part of the Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category (FLUC) and is located within the Mt. Plymouth-Sorrento Special Community, Wekiva River Protection Area, and the Wekiva Study Area. Lot 319 (Alternate Key Number 3907292) currently has a single-family dwelling unit constructed on it as well as a pool with screen enclosure. The garage is permitted to be used as a sales office for the sale of lots within this subdivision. The other lots for consideration in this variance request are vacant and undeveloped. The parcels are located on High Hampton Circle in Heathrow Country Estate Homes, Phase 4, in the Sorrento area.

The applicant is seeking a variance to Land Development Regulation (LDR) Section 14.08.00.C.2, to allow a Developer's Agreement to delay the construction of sidewalks for 13 lots within the Heathrow Country Estate Homes Phase 4 (Redtail) subdivision until April 26, 2023, which is a two-year extension from the Developer's Agreement date currently of April 26, 2021. LDR Section 14.08.00.C.2 states that the term of the Developer's Agreement indicating that all sidewalks shall be satisfactorily constructed within the period stipulated shall not exceed four (4) years from the recording of the final plat, with the condition that no single-family dwelling shall be given a certificate of occupancy until and unless the required sidewalk is constructed along the entire frontage of such single-family lot.

The variance application was sent to the Public Works Department for review. The Public Works Department stated that the Developer will have to execute an amendment to the Developer's Agreement and keep the bond in place until such time as all the sidewalks has been installed.

### 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 14.08.00.C, is to provide a process to allow Developers to delay the construction of sidewalks which would be in front of the single-family residences to ensure sidewalks are constructed prior to the dwelling units receiving a certificate of occupancy.

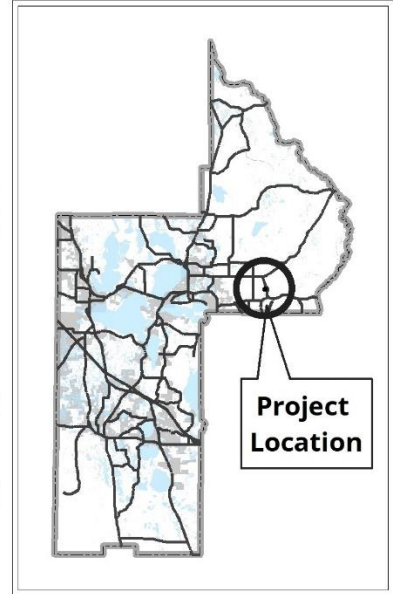
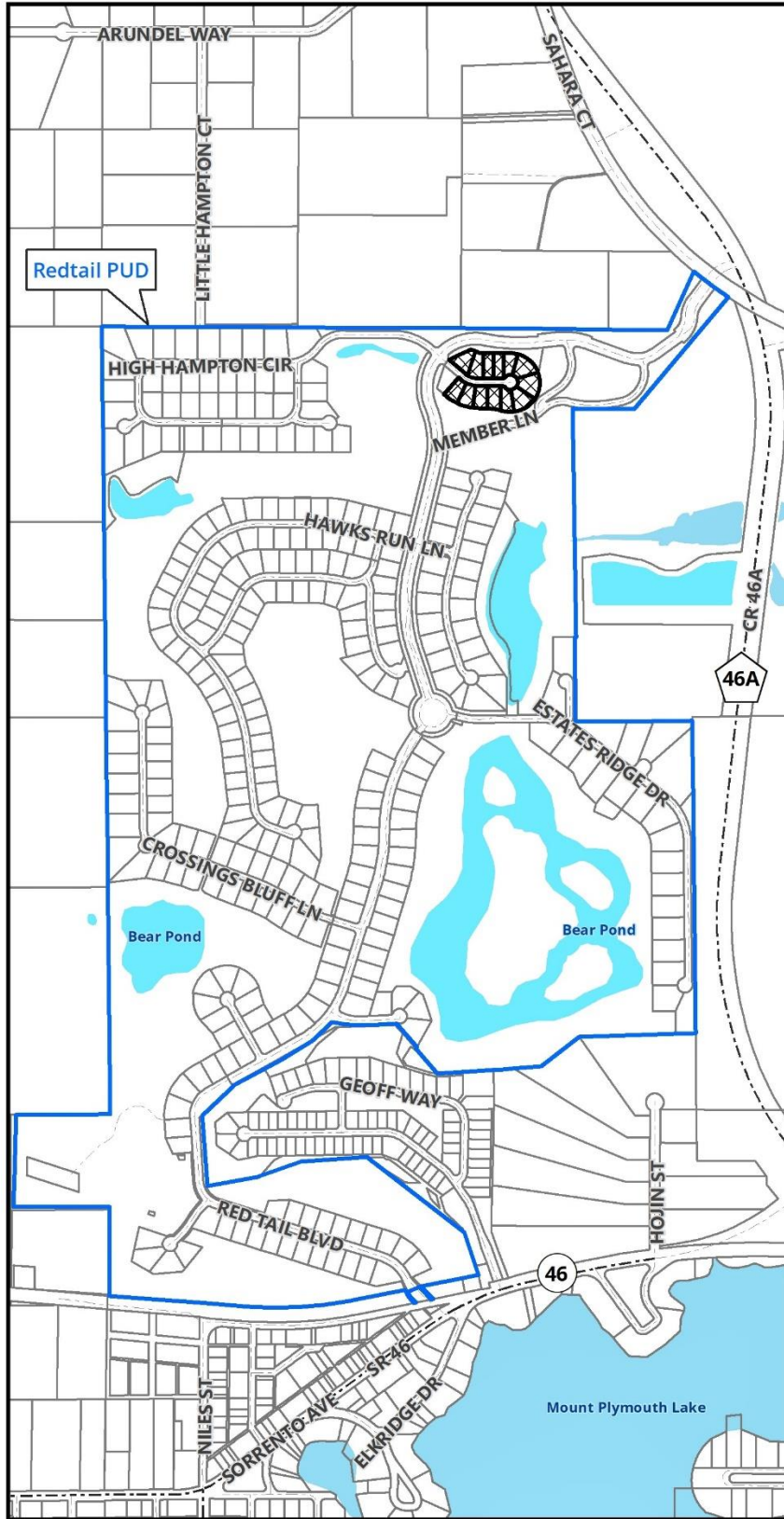
*"Performance Guarantee 9156885 is in place to ensure completion of the Land Development requirements. Bond can remain in place until such time as the improvements are completed."*

**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.**

LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

*"Construction has been consistent in Redtail since the community was purchased out of bankruptcy in 2011. Phase 4 was the last phase constructed with over 200 lots vacant from prior phases. Phase 4 is now under contract with a builder so we expect completion in the near future."*

# Map of Subject Property



**Final Development Order**  
**VAR-21-10-4**  
**Redtail Property**

**A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, John Brian (the "Applicant"), on behalf of SLV Redtail, LLC (the "Owner"), requested a variance to Land Development Regulation (LDR) Section 14.08.00.C.2 to allow a Developer's Agreement to delay the construction of sidewalks for 13 lots within the Heathrow Country Estates Phase 4 (Redtail) subdivision until April 26, 2023; and

**WHEREAS**, the subject property consists of 4.21 +/- acres, is located on High Hampton Circle in Heathrow Country Estate Homes Phase 4, in the unincorporated Sorrento area of Lake County, Florida, in Section 20, Township 19, Range 28, having Alternate Key Numbers 3907282, 3907283, 3907284, 3907285, 3907286, 3907287, 3907288, 3907289, 3907290, 3907291, 3907292, 3907293 and 3907294, and more particularly described below:

LOTS 309-321, HEATHROW COUNTRY ESTATE HOMES PHASE 4, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 29, PAGES 3-4, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

**WHEREAS**, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on April 8, 2021; 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; and

**WHEREAS**, on April 8, 2021, the Lake County Board of Adjustment approved the variance for the above property.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that:

**Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-21-10-4 to allow a Developer's Agreement to delay the construction of sidewalks for 13 lots within the Heathrow Country Estates Phase 4 (Redtail) subdivision until April 26, 2023, with the following conditions:

1. The Developer shall execute an amendment to the Developer's Agreement and keep the bond in place until such time as all the sidewalk has been installed;

**Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

**Section 3. Effective Date. This Ordinance will become effective as provided by law.  
ENACTED this 8th day of April, 2021.  
EFFECTIVE April 8, 2021.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**James Argento, Chairman**

**State of Florida  
County of Lake**

**Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 8th day of April, 2021, by James Argento, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

**Type of Identification Produced \_\_\_\_\_**

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**Notary Signature  
(SEAL)**