



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: 4/2/2025

Case No. and Project Name: PZ2024-317, Smith Property

Applicant(s): Konkol Custom Homes & Remodeling, LLC

Owner(s): Michael L. Smith & Karen E. Smith

Requested Action: A variance to Lake County Ordinance No. #2014-78 Section 1.A.5 to allow for a 7-foot, 5-inch side yard setback in lieu of the required 10-foot for a garage addition.

Case Manager: Corey DeVogel / Planner I

Subject Property Information

Size: 0.78 +/- gross acres

Location: 25525 High Hampton Circle, in the unincorporated Sorrento area.

Alternate Key No.: 3827188

Future Land Use: Wekiva River Protection Area A-1-20 Receiving Area (Attachment "A")

Current Zoning District: Planned Unit Development (PUD) (Attachment "B")

Flood Zone(s): "X"

JPA/ISBA: None

Overlay/Rural Protection Area: Mount Plymouth-Sorrento Special Community (Attachment "C")
 Wekiva River Protection Area (Attachment "C")
 Wekiva Study Area (Attachment "C")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Wekiva River Protection Area A-1-20 Receiving Area	Planned Unit Development "PUD"	Residential	Single-Family Residence
South	Wekiva River Protection Area A-1-20 Receiving Area	Planned Unit Development "PUD"	Residential	Single-Family Residence
East	Wekiva River Protection Area A-1-20 Receiving Area	Planned Unit Development "PUD"	Residential and Right-of-Way	Single-Family Residence East of High Hampton Circle

Direction	Future Land Use	Zoning	Existing Use	Comments
West	Wekiva River Protection Area A-1-20 Receiving Area	Agriculture "A"	Agriculture	Large Tract of Land with Pasture Improved Hay Production

Summary of Request

The subject parcel is identified by Alternate Key Number 3827188 and contains approximately 0.78 +/- gross acres. The subject parcel is zoned Planned Unit Development (PUD) by Ordinance #2014-78; is designated with a Wekiva River Protection Area A-1-20 Receiving Area Future Land Use Category (FLUC) by the 2030 Comprehensive Plan; is located within the Mount Plymouth-Sorrento Special Community, Wekiva River Protection Area, and Wekiva Study Area. The subject parcel is developed with a single-family residence (2005), swimming pool (2005), pool screen enclosure (2006), and attached garage (2022)(Attachment "F"), which followed the established 10' side setback requirements. The garage was demolished following a demolition permit which was obtained in 2024. GIS maps indicate that the subject parcel is located within flood zone "X" and there is no indication that wetlands exist on the site.

The Applicant is requesting a variance to Lake County Ordinance No. #2014-78 Section 1.A.5 to allow an accessory structure (garage) to be set back 7-foot, 5-inches from the side yard in lieu of the required 10-feet.

The Concept Plan (Attachment "D") depicts a 1,253 square foot proposed accessory structure (attached garage) that is 22 feet in height at the proposed 7-foot, 5-inch side yard setback.

The proposed Impervious Surface Ratio (ISR) for the proposed project will result in 29%. The maximum allowable ISR within the Receiving Area A-1-20 is 30%.

The Public Works Department provided the following comments and conditions if the application is approved:

- a. A lot grading plan will be required with building permit application and lot grading inspections would be required during construction of the addition
- b. A separate building permit and zoning permit will be required prior to construction of the garage.

The Applicant provided a Project Narrative and Justification for the conditional use permit request as shown on Attachment "E".

– 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 for Setbacks is to promote a logical development pattern, provide for safe setbacks between structures and encourage a visually pleasing environment.

Pursuant to LDR 14.15.01, Strict application of uniformly applicable Land Development Regulations can lead to unreasonable, unfair, and unintended results in particular instances. The Board of County Commissioners finds that it is appropriate in such cases to adopt a procedure to provide relief to persons and entities subject to the Land Development Regulations. The Board of Adjustment is authorized to grant variances to requirements of the Land Development Regulations and adopted ordinances concerning Planned Unit Development (PUD) zoning districts consistent with the rules contained in these regulations. Pursuant to F.S. § 553.73(5)

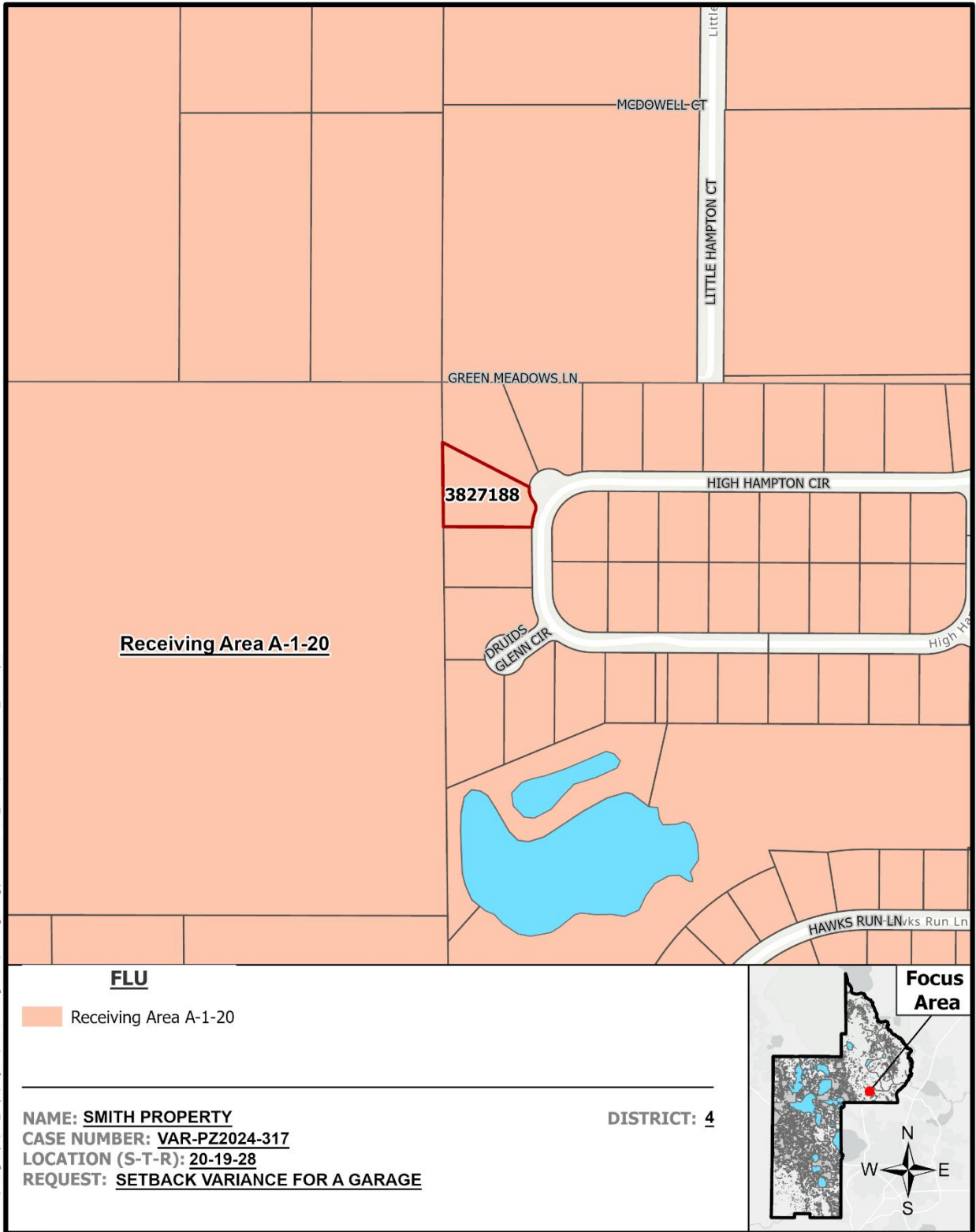
The Applicant provided the following statement as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *“Land development regulation has been achieved as we are well under the allowed developed area for this lot.”*

- 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, *“Based on the original PUD setback requirements that this plan meets what was originally approved, but based on new setback requirements put into place it does not. There are multiple addition projects throughout the community that have done additions that follow the original 7.5’ setback requirement and our intentions are to do the same.”*

Attachment "A" – Future Land Use Map

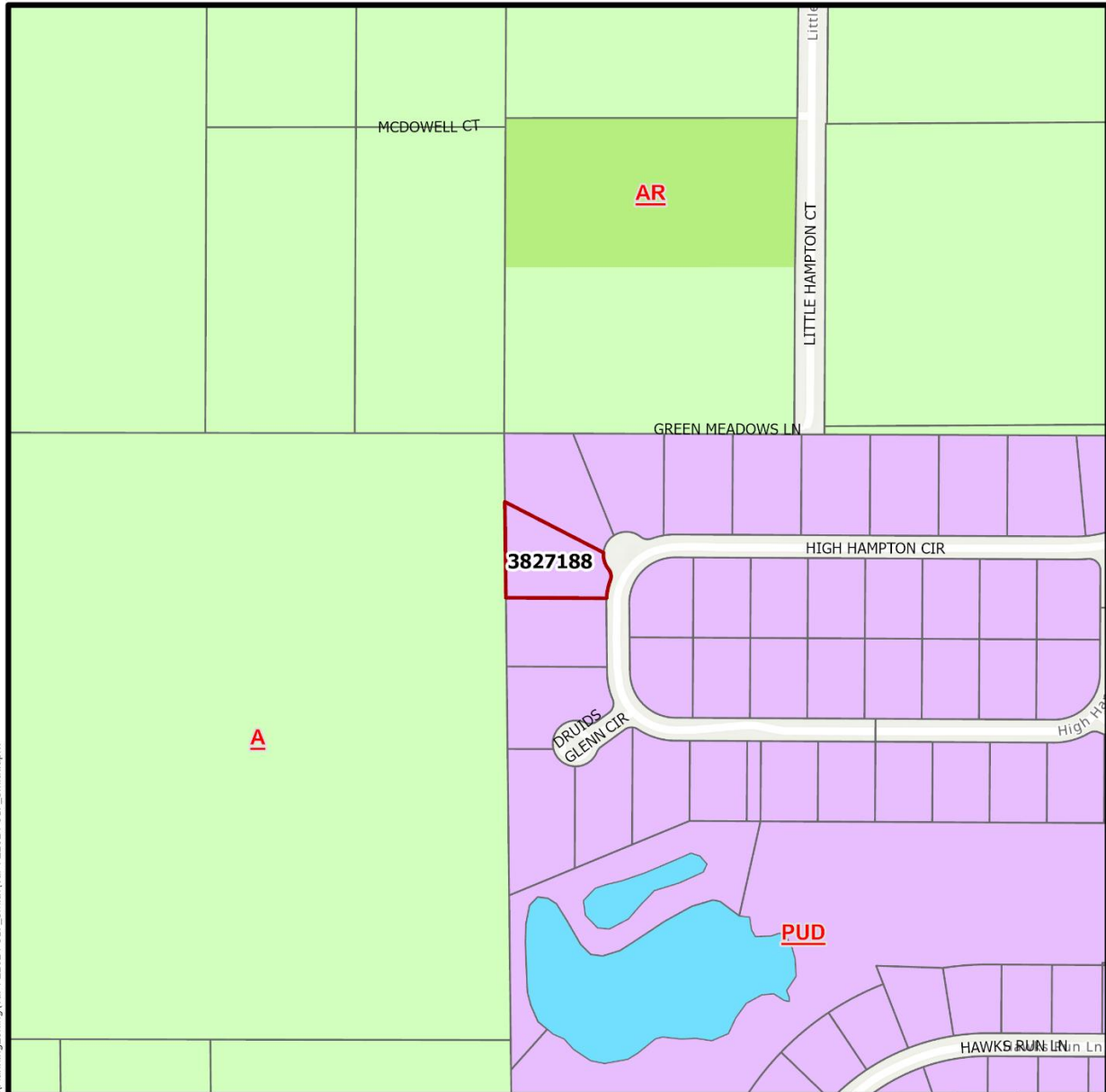
CURRENT FUTURE LAND USE



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1/10/2025

Attachment "B" – Zoning Map

CURRENT ZONING

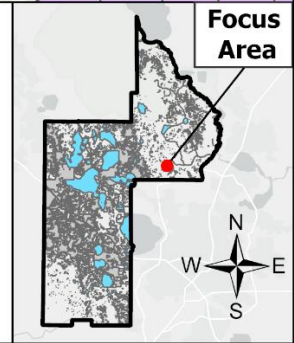


Zoning

A AR PUD

NAME: SMITH PROPERTY
CASE NUMBER: VAR-PZ2024-317
LOCATION (S-T-R): 20-19-28
REQUEST: SETBACK VARIANCE FOR A GARAGE

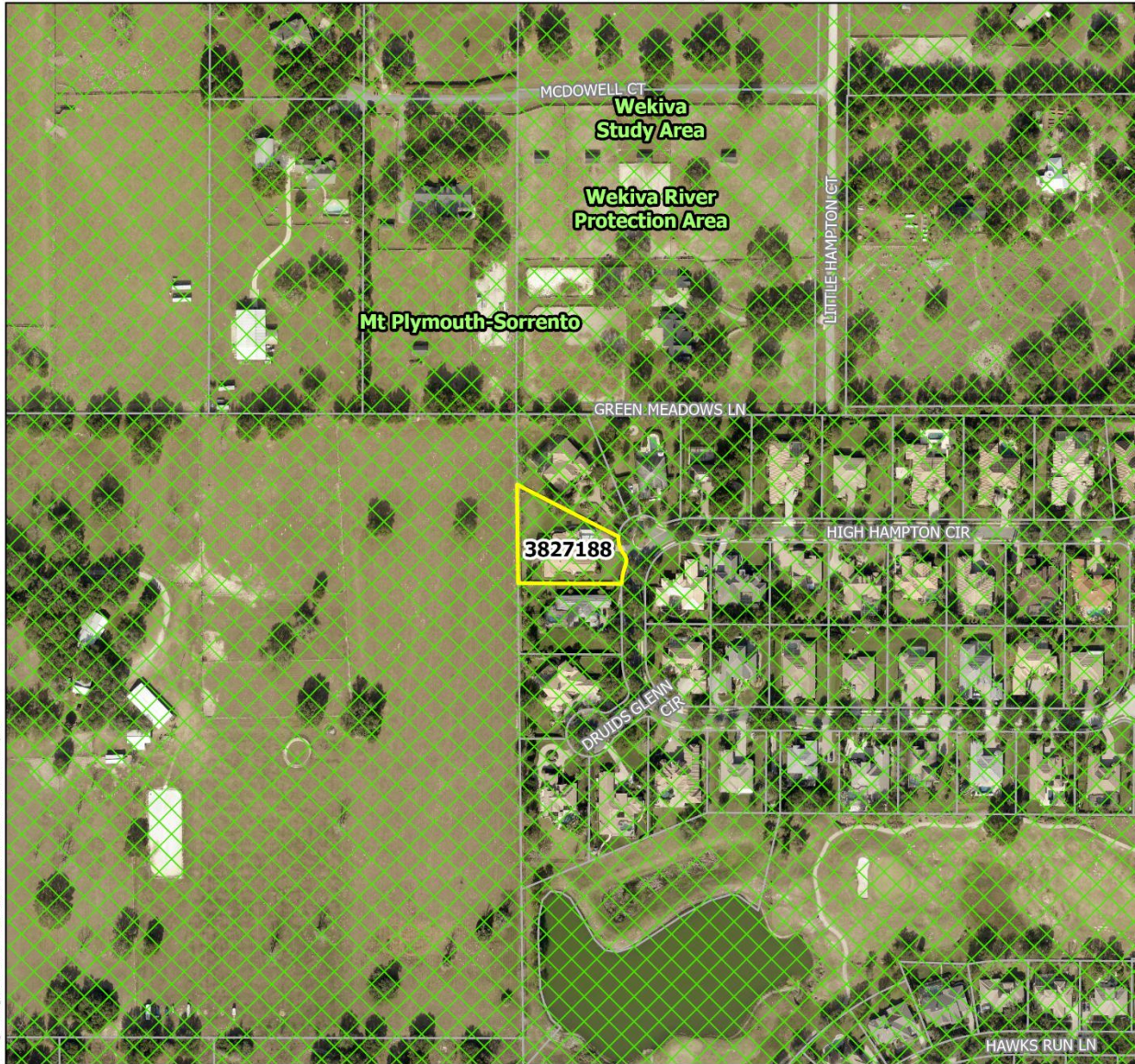
DISTRICT: 4



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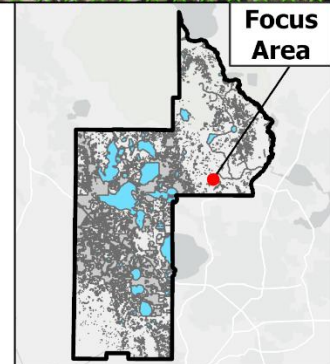
Attachment "C" - Overlay Districts

Var-PZ2024-317 Smith Property



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Setback variance for a garage



1/10/2025

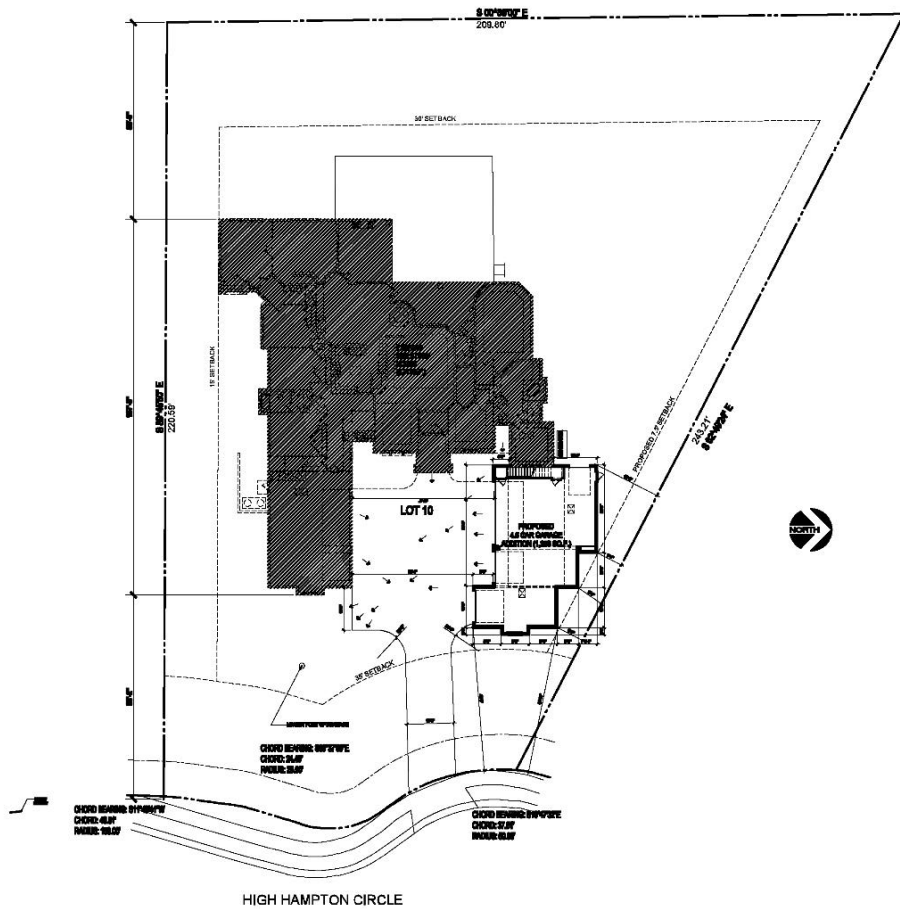
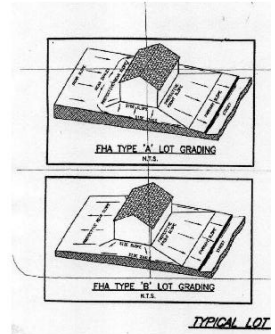
Attachment "D" – Concept Plan (1 of 4)

LEGAL DESCRIPTION:

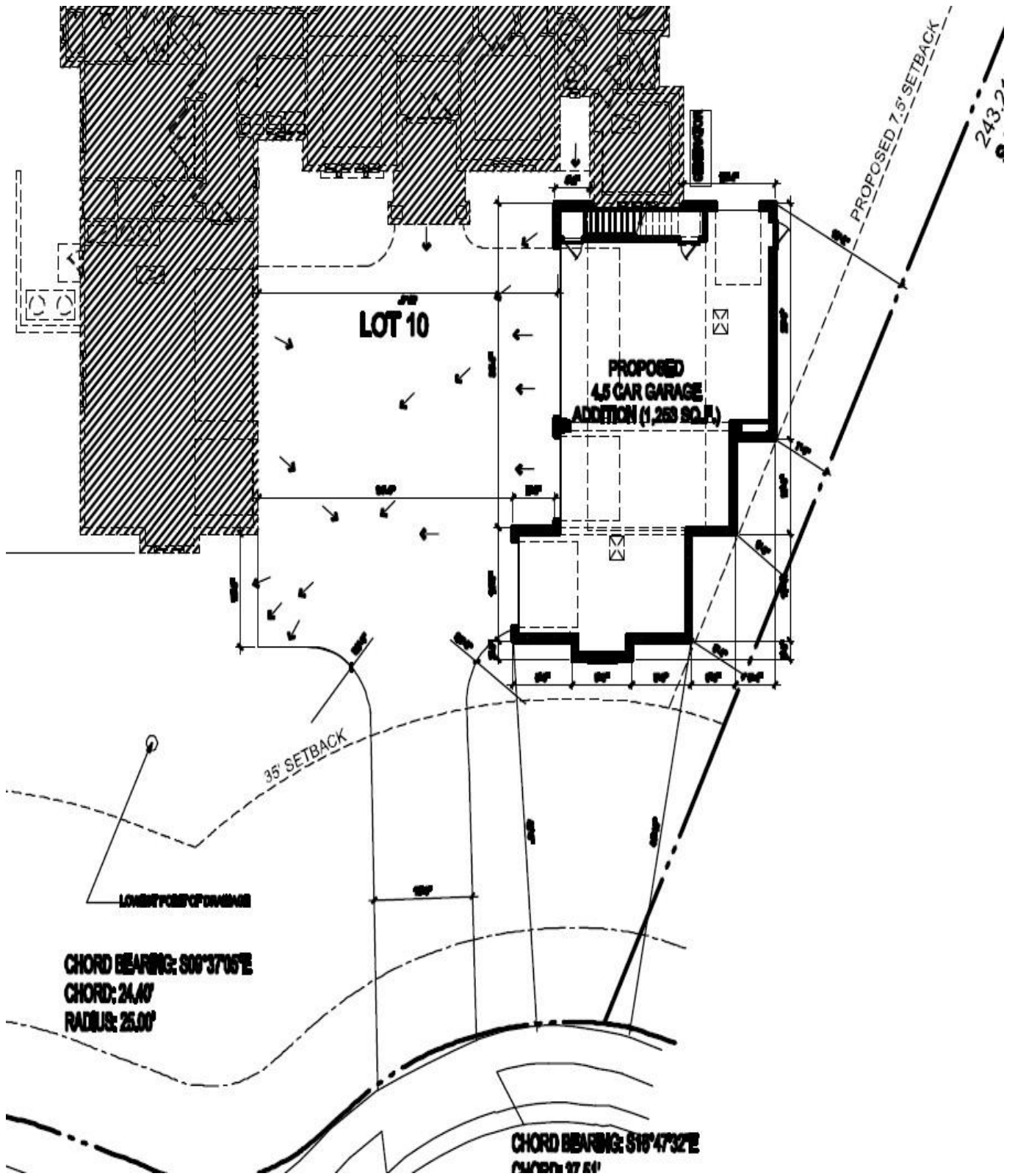
Lot 10, 25525 HIGH HAMPTON CIRCLE, HEATHROW COUNTRY ESTATE
HOMES PHASE ONE

PB:

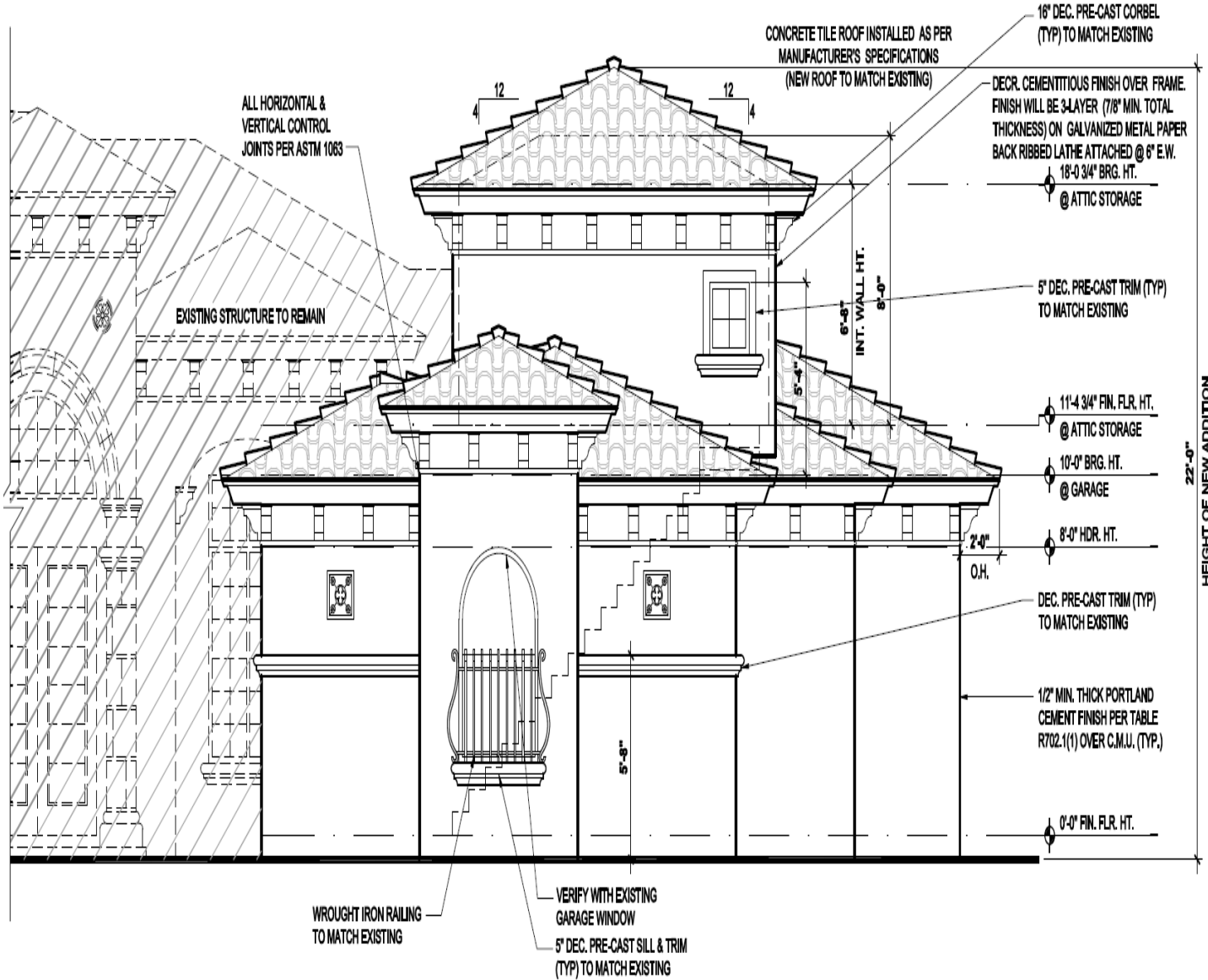
52PG6-11 LOT#10 ORB 2924 PG 1887



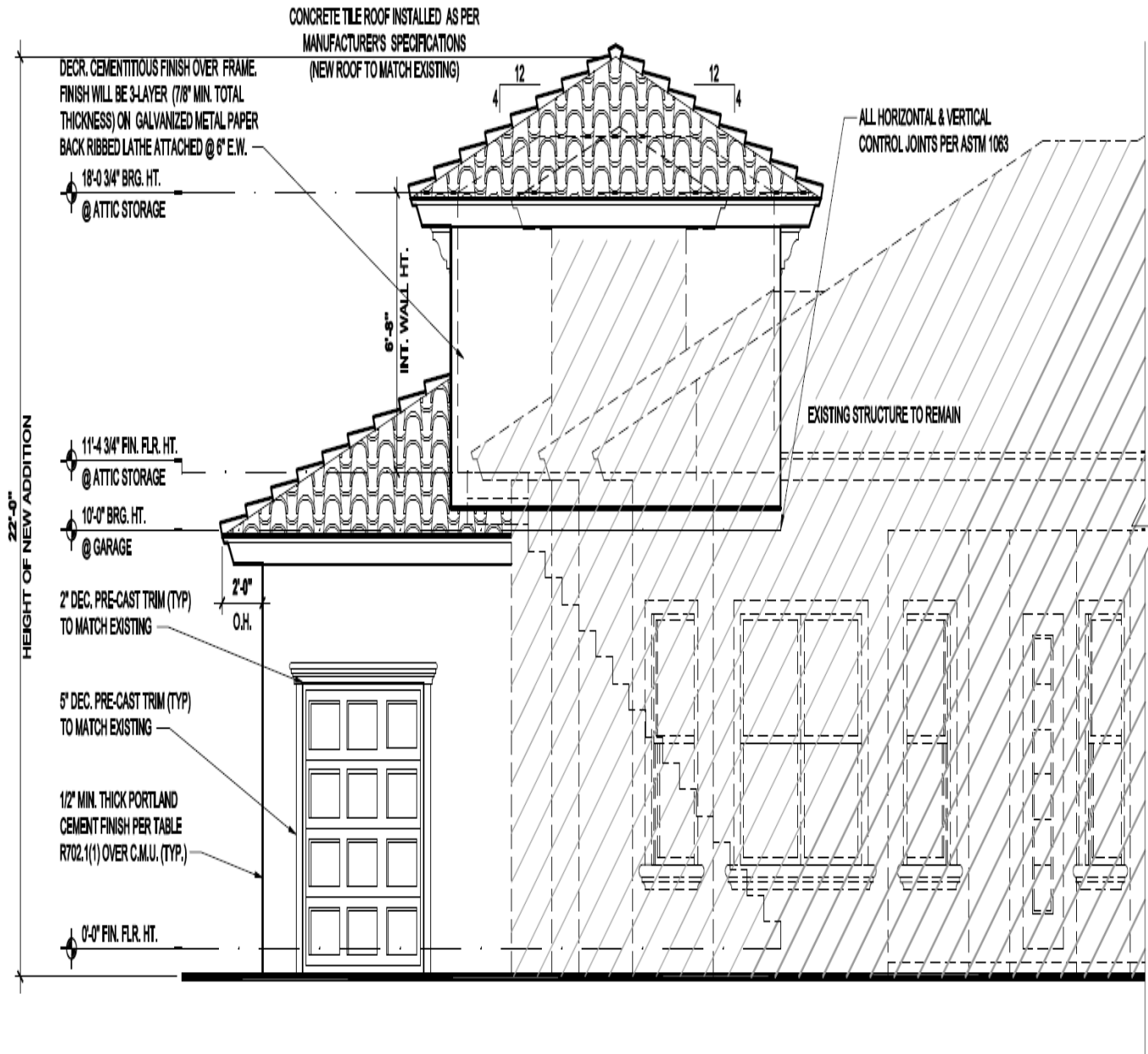
Attachment "D" – Concept Plan (2 of 4)



Attachment "D" – Concept Plan (3 of 4)



Attachment "D" – Concept Plan (4 of 4)



Rear Elevation

Attachment "E" – Narrative and Justification

Describe the development request:

Request for 7.5' side setbacks versus 10ft for a garage addition as outlined on page 2 in the PUD document. This lot is 100' wide at the roadway which according to the PUD is 20' front, 7.5' sides & 20' rear

2

Provide Justification for the request:

*Please also fill out the additional corresponding Project Narrative if included in the application packet.

The lot is a pie-shape and does not conform to the typical 100x107 or 132x250 shape options outlined in the PUD agreement.

Has any other application been filed within the last year in connection with this property?

Yes No

If yes, briefly describe the nature of the request:

Previous building permit was submitted and approved for a garage addition. The addition was not built to the homeowner's standards and recently demolished to be rebuilt by Konkol Custom Homes & Remodeling.

Attachment "F" - Original Zoning Permit



OFFICE OF PLANNING AND ZONING
Zoning Permit
Valid for 30 days to Submit a Complete Application
to the Office of Building Services

Zoning Permit #45047

Approval Date: July 21, 2022

Address Screen #156326

Type of proposed development: 07/21/2022 - GARAGE ON NEW CONCRETE. ISSUED BY AWH

Job Address: 25525 HIGH HAMPTON CR City:SORRENTO State:FL Zip:32776-
Alt. Key: 3827188 Section: 20 Township: 19 Range: 28 Found in Section 19 Lot: 01000 Block: 000

Legal Description: HEATHROW COUNTRY ESTATE HOMES PHASE ONE PB 52 PG 6-11 LOT 10 ORB 2924 PG 1887

Owner Information:
SMITH MICHAEL LEE & KAREN ELAINE

AWH

07/21/2022

25525 HIGH HAMPTON CIR
SORRENTO, FL 32776-7740

Site Plan # ___ Project # ___ Application #

Joint Planning Area: Interlocal Service Boundary Agreement: Lot of Record #

Average Setback: Accessory Dwelling Unit ORB PG Unity of Title ORB PG Lot Split ORB PG Lot Line Deviation ORB
PG Variance #_ Ordinance #

Districts:
Commissioner- 4 Road- NEWWEKIVA School- S Parks- N Zoning- SPD-3 Land Use Designation- WKSA20 St. Johns- N
Green Swamp- N Wekiva- Y JPA- N Flood Map Page- 0385E Zone- X Elevation: Hazard- Permit # _____
Wetland Affidavit- N County Road # _____ Maximum ISR: PUD Meets Impervious Surface- N # of Trees required- Lot
size- 33891 SF Min. sf of dwelling- PUD Water/Well- EUSTIS Sewer/Septic- CENTRAL

Setbacks:
Primary Structure- Front- 25' ROW Left- 10' PL Right- 10' PL Rear- 30' PL/DE
Accessory Structure #1- GARAGE Front- NC Left- NC Right- 10' PL Rear- NC
Accessory Structure #2- Front- Left- Right- Rear-

Health Department Use Only
Staff _____
No. of Bedrooms _____ Height above natural grade _____ Septic Permit # _____
Date _____
Comments _____

Notice to Owner and Contractor

This issuance of a zoning permit does not assure that setbacks have been met or that the development does not encroach on an easement. The owner and/or contractor have the sole responsibility of bringing the property into compliance. I hereby certify

Neighbor Letter of Support



MJS Designers Group
815 Orienta Avenue Suite 1040
Altamonte Spring, FL 32701
407-629-6711 Fax 407-629-6776

Luis F & Myrian Londono
25529 High Hampton Circle
Sorrento, FL 32776-7747

December 3, 2024

To Whom It May Concern,


Re: Neighbor Approval of Setback Adjustment for 25525 High Hamilton Circle, Sorrento, FL 32776-7747

We, Luis F & Myrian Londono, the owners of the property located at 25529 High Hampton Circle Sorrento, FL 32776-7747 confirm that we have been informed of the proposed setback adjustment for the property at 25525 High Hamilton Circle, Sorrento, FL 32776-7747. The adjustment involves a 2-foot-5-inch encroachment into the setback on this nonconforming lot.

We fully understand the details of the request and have no objections to this variance. We believe this adjustment will not negatively impact the neighboring properties, including ours, and will comply with the character and spirit of the community.

We are providing this letter to indicate my consent to the proposed variance for submission to the Red Tail, Homeowner Association, as well as the Lake County Building Department. Should any further clarification or documentation be required, we are happy to assist.

Sincerely,



Luis F & Myrian Londono
December 3, 2024

ARC Letter



RedTail Community Association, Inc
c/o Castle Group Management
32932 Red Tail Blvd
Sorrento, FL 32776
352-383-2859 | annette.pinero@castlegroup.com

December 9, 2024

Lake County Planning and Zoning Department

Project Ref: [82226781] 25525 High Hampton Circle.

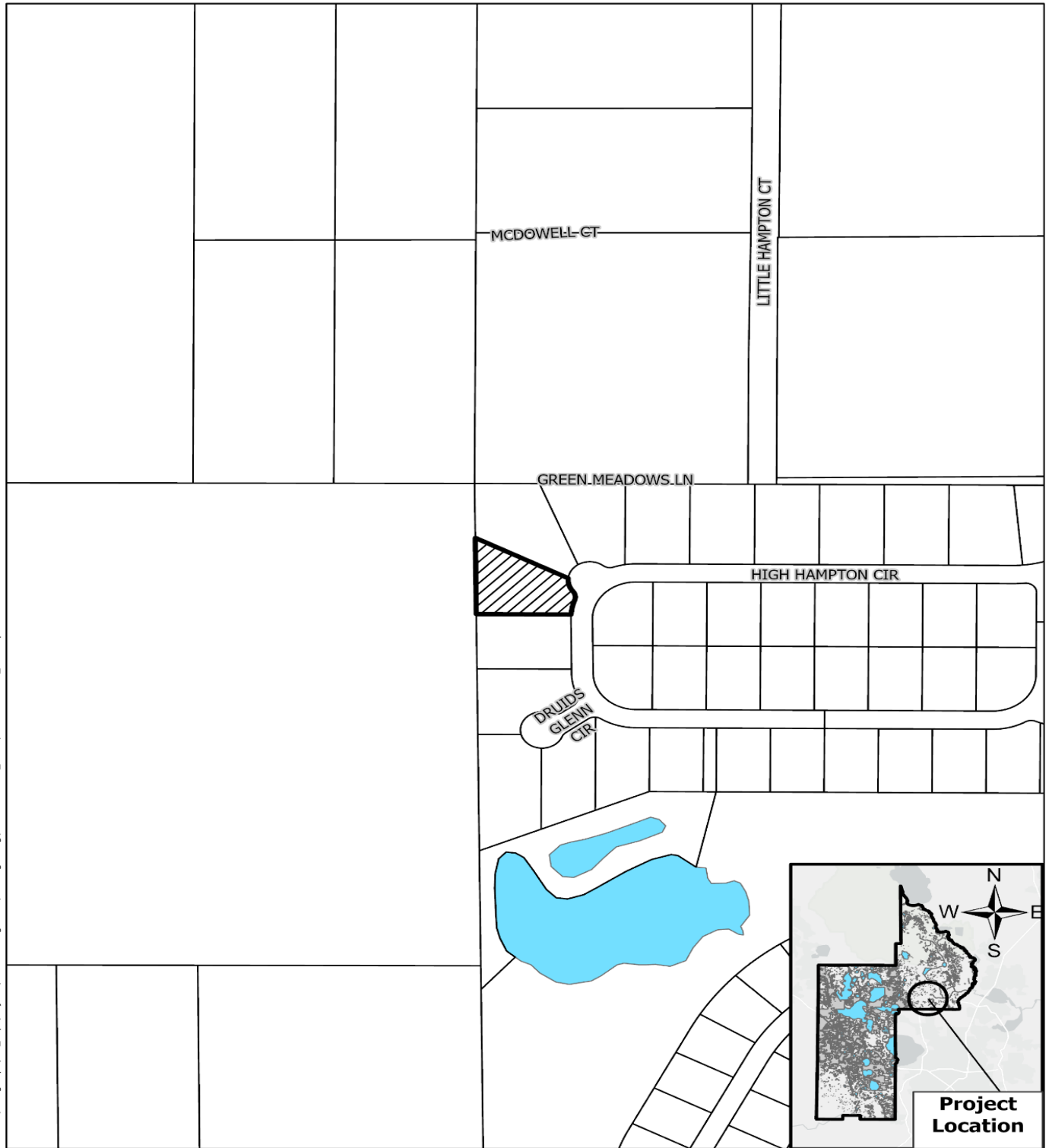
Regarding the garage addition at 25525 High Hampton Circle, Sorrento. The Redtail Architectural Committee approved the application which included the approval of the three setbacks, 7'9", 7'-71/2" and 8'-1". If you should need additional information please feel free to contact me.

Sincerely,



Barry Nelson, Architectural Committee Chair
RedTail Community Association

Map of Subject Property

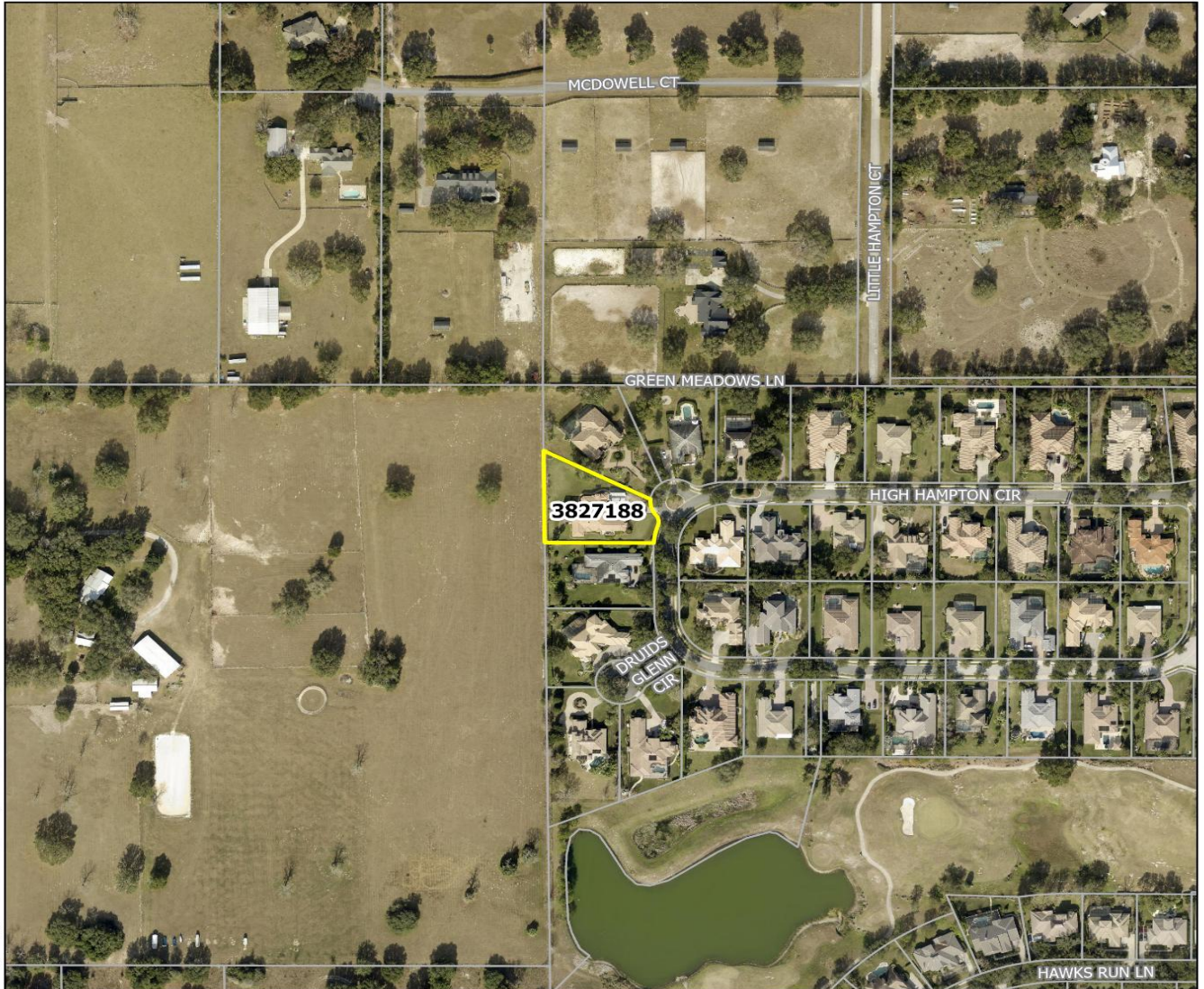


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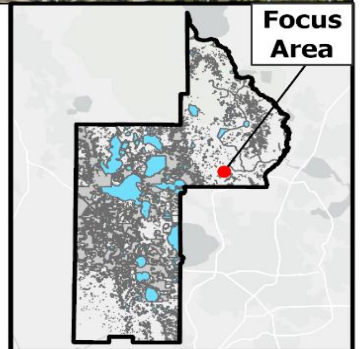
1/10/2025

Aerial Map of Subject Property

Var-PZ2024-317 Smith Property



Setback variance for a garage



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1/10/2025

Final Development Order

(PZ2024-317 / AR 5873)

WHEREAS, Konkol Custom Homes & Remodeling, LLC (the “Applicant”) requested a variance on behalf of Michael Smith & Karen Smith (the “Owner”), to Lake County Ordinance No. #2014-78 Section 1A.A.5 to allow for a 7-foot, 5-inch side yard setback in lieu of the required 10 feet; and

WHEREAS, the subject property consists of approximately .78 +/- acres, located 25525 High Hampton Circle, in the unincorporated Sorrento area, in Section 20, Township 19 South, Range 28 East, having Alternate Key Number 3827188, and more particularly described as:

Lot 10, Phase 1, of Heathrow Country Estate Homes, according to the plat thereof, as recorded in Plat Book 52, at Page 6-11 of the Public Records of Lake County, Florida.

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 April 2nd, 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 Lake County Ordinance No. #2014-78 Section 1.A.5 to allow for a 7-foot, 5-inch side yard setback in lieu of the required 10-foot for a garage addition.

Condition: A lot grading plan will be required with building permit application and lot grading inspections will be required during construction of the addition and a separate building permit and zoning permit will be required prior to construction of the garage.

**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 2nd day of April 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.