



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearing Date: June 4, 2025

Case No. and Project Name: PZ2025-37, Highland Overlook

Applicant: Dale J. Ladd

Owner: Lake Minnehaha, Inc

Requested Action: Variance to Land Development Regulations (LDR) Section 14.08.00(C)(2), to allow a Developer's Agreement to delay the construction of sidewalks for an additional five (5) years, for a total extended delay of sixteen (16) years from the recording of the Final Plat, of Highland Overlook Subdivision.

Case Manager: Meagan Bracciale, Planner I

Subject Property Information

Size: 1.39 +/- acres

Location: Matanilla Dr, Clermont

Alternate Key No.: 3891415, 3891417, 3891419, 3891420, & 3891421

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

Current Zoning District: Medium Residential District (R-3) (Attachment "B")

Flood Zone: "X"

Joint Planning Area/ISBA: Clermont JPA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Medium Residential District (R-3)	Residential	Single-Family Residences & Common Area Tract with Wetland
South	Urban Low Density	Medium Residential District (R-3)	Residential	Single-Family Residences
East	Urban Low Density	Medium Residential District (R-3)	Residential	Single-Family Residences & Common Area Tract with Wetland
West	Urban Low Density	Medium Residential District (R-3)	Residential	Matanilla Dr & Single-Family Residences

– Summary of Request –

The subject properties are platted as Lots 16, 18, 20, 21, & 22 of the Highland Overlook subdivision (Attachment “C”). The Final Plat of Highland Overlook subdivision is recorded in Plat Book 65, Page 89-90, Public Records, Lake County, Florida.

On May 6, 2014, the Board of County Commissioners approved a Developer’s Agreement (Attachment “D”) to delay the construction of sidewalks within the Highland Overlook subdivision. The Developer’s Agreement gave the Developer, Lake Minnehaha, Inc., four (4) years from May 23, 2014, the date the Plat was recorded, to install sidewalks across ten (10) of the twenty-eight (28) lots within the subdivision. In conjunction with the Developer’s Agreement, the Developer posted a \$7,141.20 cash surety which was accepted by the Board of County Commissioners on May 6, 2014. The Developer was subsequently granted an extension under Emergency Orders to extend the installation of the sidewalks until February 8, 2020.

On May 14, 2020, the Board of Adjustments granted a variance to Land Development Regulation (LDR) Section 14.08.00(C)(2), to allow a the construction of sidewalks to be delayed for additional time resulting in an eleven (11) year reprieve in lieu of four the (4) years allowed by the LDR. As approved, the Developer currently has until May 23, 2025, to install the sidewalks.

The Applicant has requested an additional variance to LDR Section 14.08.00.C.2, to further delay the construction of sidewalks for an additional five (5) years, for a total extended delay of sixteen (16) years from the recording of the final plat. If approved as proposed, the Developer would have until May 23, 2030, to install the sidewalks.

The Public Works Department **is not supporting** this variance request and provided the following comments:

The sidewalks should be constructed for the residents to use within the neighborhood and provided the connectivity between the sections that have been constructed.

There are 28 lots within the Highland Overlook final plat. Of the 28 lots, only 9 were required to have sidewalk installed (one side of the road). To date 12 homes have been built in the subdivision; only 3 of the developed lots were required on the side of the road that required the installation of sidewalks. There are six lots remaining that require sidewalk installation. The homeowners that are living in the subdivision should be able to use the sidewalk that was required as part of the subdivision approval.

– 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 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. Long-term delay is not contemplated by the LDR.

The Applicant submitted the following statement as proof that the purpose and intent of the Land Development Regulations will be or has been achieved by other means: *“Sidewalks will be installed when homes are constructed on the lots.”*

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 submitted the following statement as proof of a substantial hardship: *"Will have to install sidewalks twice, they will get destroyed during construction of the homes and will be ripped out and discarded in the landfill."*

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE



FLU

Urban Low

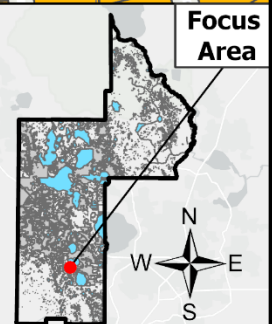
NAME: HIGHLAND OVERLOOK PROPERTY

DISTRICT: 1

CASE NUMBER: VAR-PZ2025-37

LOCATION (S-T-R): 2-23-25

REQUEST: 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 AN ADDITIONAL FIVE (5) YEARS, FOR A TOTAL EXTENDED DELAY OF SIXTEEN (16) YEARS FROM THE RECORDING OF THE FINAL PLAT, IN LIEU OF ELEVEN (11) YEARS, FOR FIVE (5) LOTS WITHIN THE HIGHLAND OVERLOOK SUBDIVISION.



Attachment "B" – Zoning Map

CURRENT ZONING



Zoning

R-1 R-3

NAME: HIGHLAND OVERLOOK PROPERTY

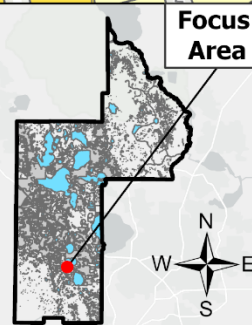
DISTRICT: 1

CASE NUMBER: VAR-PZ2025-37

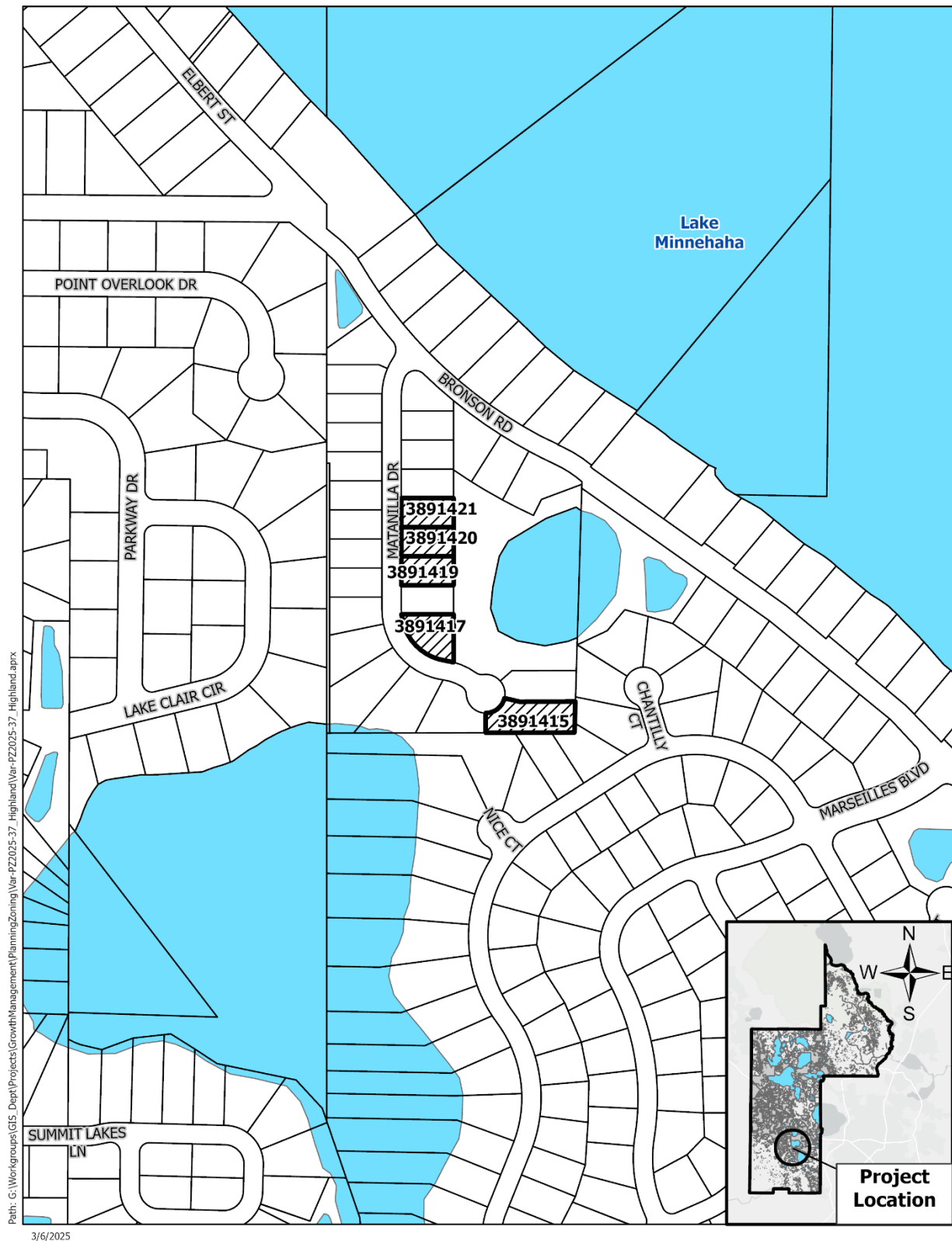
LOCATION (S-T-R): 2-23-25

REQUEST: 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 AN ADDITIONAL FIVE (5) YEARS, FOR A TOTAL EXTENDED DELAY OF SIXTEEN (16) YEARS FROM THE RECORDING OF THE FINAL PLAT, IN LIEU OF ELEVEN (11) YEARS, FOR FIVE (5) LOTS WITHIN THE HIGHLAND OVERLOOK SUBDIVISION.

Focus Area



Attachment “C” – Subject Property Map



Attachment "D" – Amended Developer's Agreement (Page 1 of 3)

FIRST AMENDMENT TO DEVELOPER'S AGREEMENT
FOR
CONSTRUCTION OF SIDEWALK IMPROVEMENTS
BETWEEN LAKE COUNTY
AND
LAKE MINNEHAHA, INC. FOR THE
HIGHLAND OVERLOOK PLAT

This is a First Amendment to Agreement by and between Lake County, a political subdivision of the State of Florida, hereinafter referred to as the "County" and Lake Minnehaha, Inc., hereinafter referred to as "Developer."

WHEREAS, on May 6, 2014, the Highland Overlook Plat was approved by the Board of County Commissioners; and

WHEREAS, on May 6, 2014, the parties did enter into a Developer's Agreement for Construction of Sidewalk Improvements; and

WHEREAS, the Developer's Agreement required the Developer to post a bond and to complete all required sidewalk improvements within four years of recordation of the Plat; and

WHEREAS, on May 14, 2020, the Board of Adjustment of Lake County approved a variance delaying installation of the sidewalk for 11 years from the recording of the final plat; and

WHEREAS, a condition of Variance 20-18-1 is that the Developer's Agreement be amended to reflect this variance request; and

WHEREAS, the parties now desire to amend the Agreement to allow for 11 years from the recording of the final plat to complete the improvements.

NOW, THEREFORE, in consideration of the mutual terms and conditions contained herein, the parties hereby agree as follows:

1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Attachment "D" – Amended Developer's Agreement (Page 2 of 3)

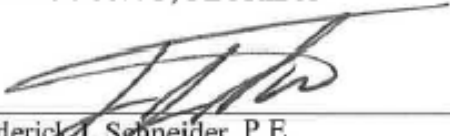
2. **Amendment.** Section 2 of the original Developer's Agreement dated May 6, 2014, is hereby amended to read as follows:

2. **Bond Amount.** The Developer hereby agrees to provide a bond from an insurance company or other surety approved by the County, letter of credit, or cash escrow for the sum of Seven Thousand One Hundred Forty One and 20/100 (\$7,141.20) to guarantee that the Improvements required by Exhibit "A", attached hereto and incorporated herein, for the Highland Overlook Plat shall be installed by May 23, 2025, ~~within four (4) years of recordation of the Highland Overlook Plat~~, after the improvement plans have been reviewed and approved by the County. Said surety bond, letter of credit, or cash escrow shall be herein attached as Exhibit "B."

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: Lake County through its Board of County Commissioners, and by Dale J. Ladd, duly authorized to execute the same.

COUNTY

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA



Frederick J. Schneider, P.E.
Public Works Director

This 16 day of Feb., 2021

Attachment "D" – Amended Developer's Agreement (Page 3 of 3)

First Amendment to Agreement between Lake County and Lake Minnehaha, Inc.

DEVELOPER

LAKE MINNEHAHA, INC.



Dale J. Ladd, President

This 13 day of Jan. 2021

WITNESSES:

(1) Mimi Opler

(2) Shirley King

Or

ATTEST:

[SEAL]

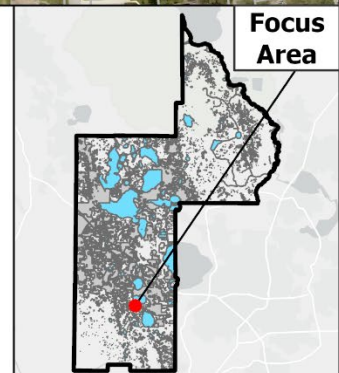
Secretary

Aerial Map of Subject Property

Var-PZ2025-37 Highland Overlook Property



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 an additional five (5) years, for a total extended delay of sixteen (16) years from the recording of the final plat, in lieu of eleven (11) years, for five (5) lots within the Highland Overlook Subdivision.



**Final Development Order
(PZ2025-37/ AR 5918)**

WHEREAS, Dale J. Ladd (the “Applicant”) requested a variance on behalf of Lake Minnehaha, Inc. (the “Owner”), to Land Development Regulations (LDR) Section 14.08.00(C)(2), to allow the construction of sidewalks to be delayed for an additional five (5) years, for a total extended delay of sixteen (16) years from the recording of the Final Plat for Highland Overlook subdivision; and

WHEREAS, the subject property consists of approximately 1.39 +/- acres located on Matanilla Drive in the unincorporated Clermont area in Section 2, Township 23 South, Range 25 East, known as Alternate Key Number(s) 3891415, 3891417, 3891419, 3891420, and 3891421, 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 June 4, 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**: A variance to LDR 14.08.00(C)(2), to allow the delay of the construction of sidewalks for an additional five (5) years, for a total extended delay of sixteen (16) years from the recording of the Final Plat, for Highland Overlook Subdivision is hereby granted with the conditions set forth herein.
2. **Conditions**: The variance granted above is subject to the following requirements/conditions:
 - a. The Developer’s Agreement shall be amended to reflect this variance request.
 - b. All remaining sidewalks shall be installed in the Highland Overlook subdivision no later than May 23, 2030.
 - c. No further extensions shall be granted to meet the sidewalk requirements.

**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 June 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

Lots 16, 18, 20, 21, & 22 of the Highland Overlook Subdivision, recorded in Plat Book 65, Page 89-90, Public Records, Lake County, Florida.

