



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: April 1, 2026

Case No. and Project Name: PZ2025-374, Bella Vista Lot 81 Phase 6B

Commissioner District: District 5 – Timothy Morris

Applicant: Kim Smith

Owner: Carl T. Martin Revocable Trust U/T/A

Requested Action: A variance to Lake County Ordinance #2011-57 Section 1(I)(A)(1)(g) to allow for a side setback of 9.7 feet for an existing single-family residence in lieu of the required 10 feet.

Case Manager: Eddie Montanez, Planner I

### Subject Property Information

Size: 0.42 +/-gross acres

Location: 5126 Greens Drive, in the unincorporated Lady Lake area

Alternate Key No.: 3907209

Future Land Use: Rural Transition (Attachment “A”)

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

Flood Zone: “X”

JPA/ISBA: Lady Lake ISBA

Overlay/Rural Protection Area: N/A

BMAP Location: Ocklawaha

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	Planned Unit Development (PUD)	Residential Common Element	Harbor Hills Phase 6B Tract F (Open Space)
South	Rural Transition	Planned Unit Development (PUD)	Right-of-way; Residential	Greens Drive; Single-Family Residence
East	Rural Transition	Planned Unit Development (PUD)	Vacant	Residential Golf Frontage

Direction	Future Land Use	Zoning	Existing Use	Comments
West	Rural Transition	Planned Unit Development (PUD)	Residential	Single-Family Golf Frontage

**Summary of Request**

The subject parcel is identified by Alternate Key Number 3907209 and contains approximately 0.42 gross acres. The subject parcel is zoned Planned Unit Development (PUD) per ordinance #2011-57 (Attachment “C”); 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, screened pool, and paver driveway as shown on the Plot Plan (Attachment “D”). 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 #2011-57 Section 1(I)(A)(1)(g) to allow for a side setback of 9.7 feet for an existing single-family residence in lieu of the required 10 feet.

On December 15, 2025, the requested action was sent to the Public Works Department and the Chief Fire Safety Plans Examiner for a review of consistency with applicable regulations. Neither the Public Works Department nor the Chief Fire Safety Plans Examiner had any objections or comments on this application.

The subject property is located within the Lady Lake Interlocal Service Boundary Agreement (ISBA), and the application was provided to the Town of Lady Lake to review for a determination of consistency with their regulations; no response was received.

For background purposes, on June 5, 2024, the Office of Planning and Zoning approved Zoning Permit Number 55320 to allow for the construction of a single-family dwelling unit on the subject property that met all setback requirements of the PUD. However, an error during the construction of the home resulted in the side setback to be 9.7 feet from the property line. The permit and approved Plot Plan have been included as Attachment “E”.

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

Should the Board of Adjustment deny this variance request, the Applicant shall be required to initiate an alternative solution to comply with Lake County Land Development Regulations and obtain necessary zoning and building permits associated with that alternative solution.

**– 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 Ordinance #2011-57 Section I entitled *General Information*, is to outline the development plan for residential uses within the PUD and to provide for safe setbacks between structures and encourage a visually pleasing environment.

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 small encroachment does not tangibly diminish the quality or privacy of a neighbor and does not diminish the integrity of the PUD plan. It is a very small deviation in a small portion of the home as can be seen on the plot plan provided. The property is fully landscaped, ensuring that the de minimis deviation is not visible to the naked eye. This preservation of visual character aligns with the core aesthetic intent and design standards established by the PUD.”*

**Analysis:** Demolition and reconstruction of the front of the home would be required to meet the intent of the code and would pose a hardship upon the property Owner.

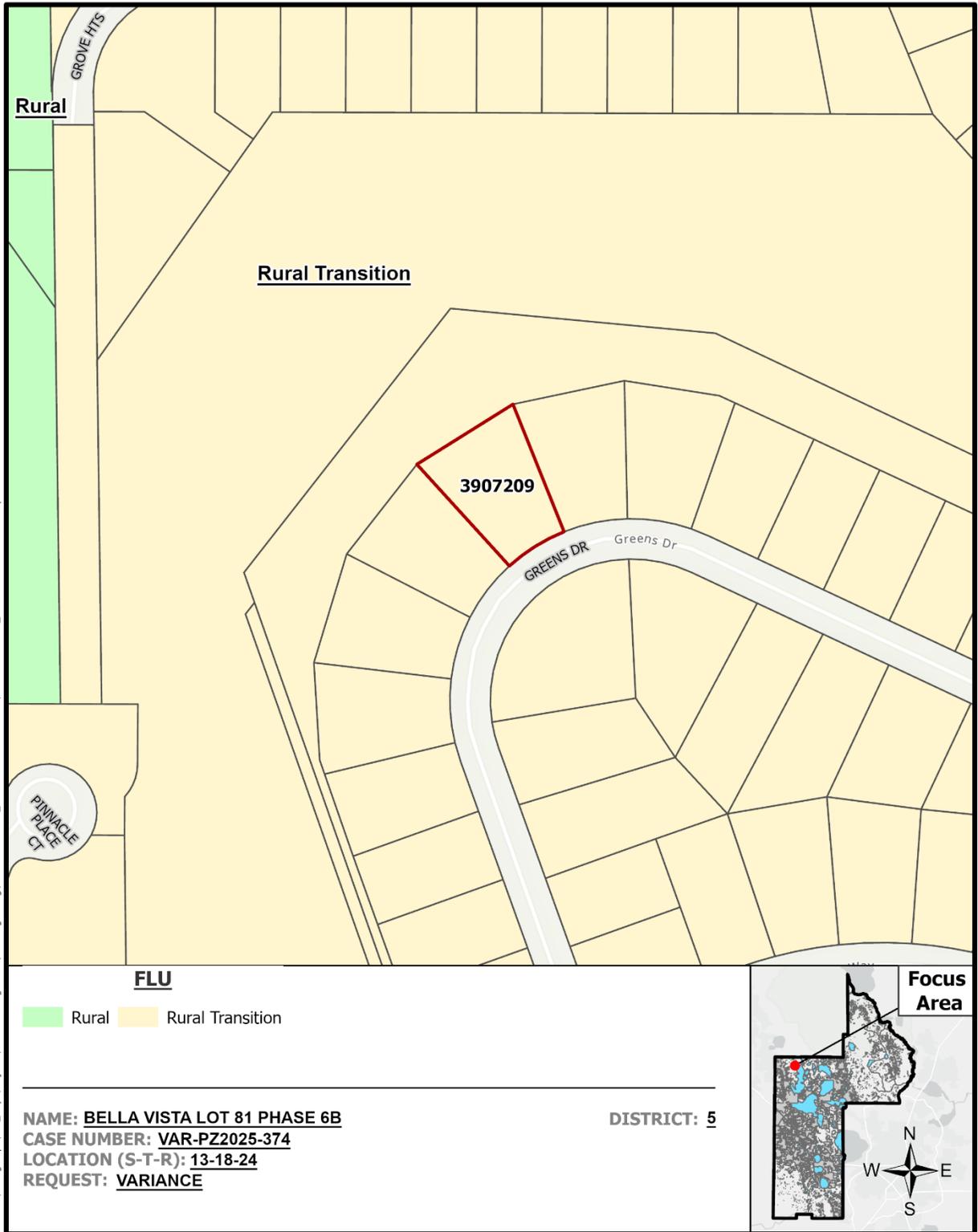
- 2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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 as evidence that the principle of fairness would be violated if the variance isn't approved, *“Meeting the current PUD requirement would necessitate the demolition and reconstruction of a portion of the existing home at a substantial and unnecessary cost. As the home is already complete, the required reconstruction would result in avoidable waste, negative environmental impact, and significant disturbance to the neighborhood. A deviation is a more sustainable and less disruptive solution. The current encroachment of only a few inches does not interfere with neighbor privacy, emergency access, or utility easements. This request represents the minimum relief necessary to address the situation.”*

**Analysis:** The location of the home relative to the side property line is the result of a construction error and is not considered a self-imposed hardship as the Owner did not oversee construction activity.

# Attachment "A" – Future Land Use Map

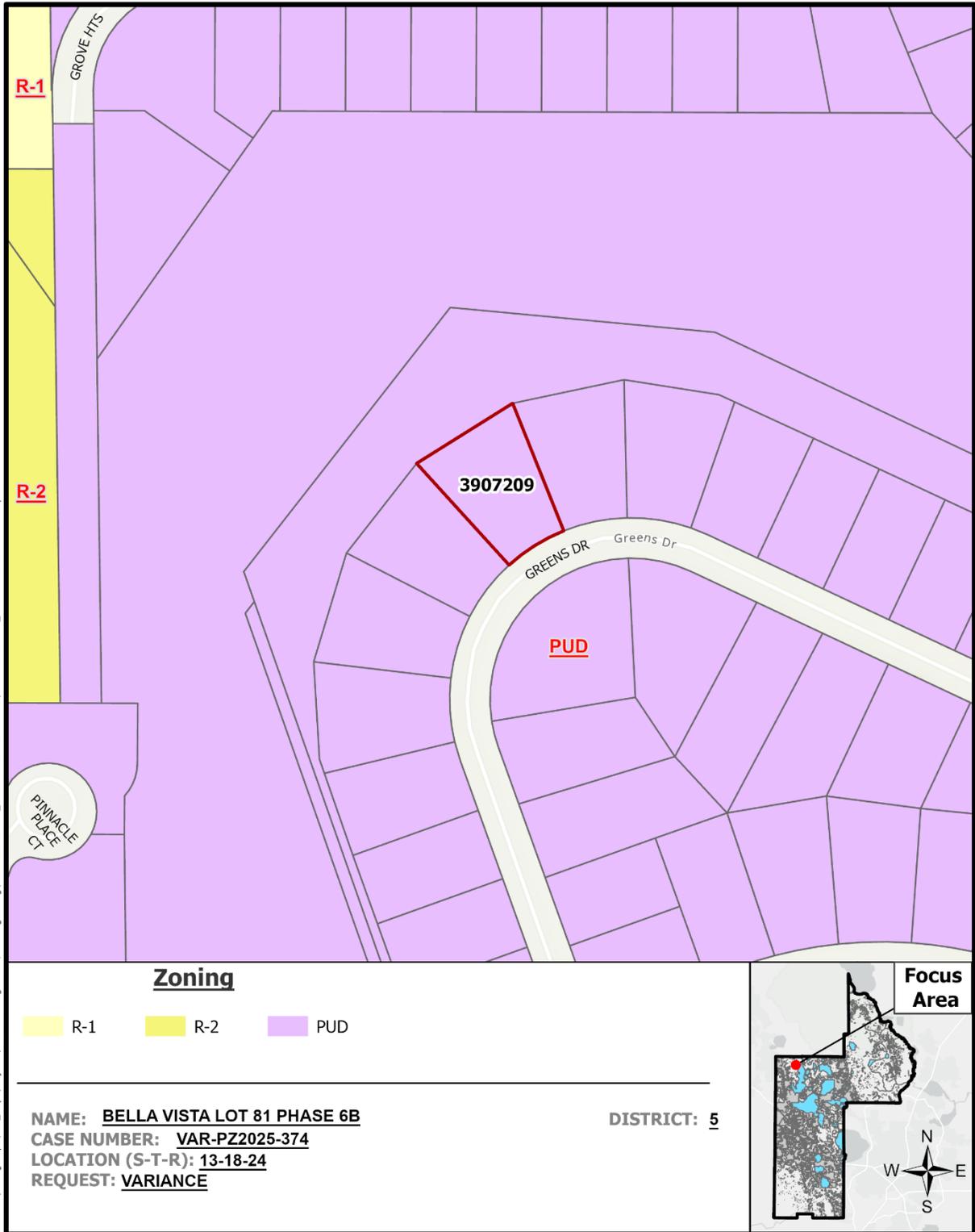
## CURRENT FUTURE LAND USE



Path: G:\Workgroups\GIS\_Dept\Projects\GrowthManagement\Planning\Zoning\VAR-PZ2025-374\_BellaVistaLot81Phase6B\VAR-PZ2025-374\_BellaVistaLot81Phase6B.aprx  
1/30/2026

# Attachment "B" – Zoning Map

## CURRENT ZONING



# Attachment "C" – Ordinance #2011-57 (1 of 10)

INSTRUMENT#: 2012022149 OR BK 4131 PG 1460 PAGES: 10 3/2/2012 10:56:51 AM  
NEIL KELLY, LAKE COUNTY CLERK OF THE CIRCUIT COURT  
REC FEES: \$86.50



PLANNING AND COMMUNITY DESIGN  
315 WEST MAIN STREET  
ANN CORSON  
TAVARES FL 32778

FILED  
2011 NOV -3 09:11:00  
TALLAHASSEE COUNTY FLORIDA

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**ORDINANCE #2011-57**  
**Harbor Hills Development LP**  
**PH# 18-11-5**

**AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Charles C. Hiott, BESH (the "Applicant") on behalf of Harbor Hills Development, LP (the "Owner") requested an amendment to Planned Unit Development (PUD) Ordinance #2010-45 to allow two-family (duplex) uses to the approved uses of single and multi-family residential, and commercial uses on approximately 866 acres as shown on Exhibits "B" and "C" (duplex use); and

**WHEREAS**, on December 8, 1987, the Board of County Commissioners approved Ordinance #80-87 granting a rezoning to PUD for property consisting of 866 +/- acres referred to as the Harbor Hills PUD; and

**WHEREAS**, on September 18, 1990, the Board of County Commissioners approved Ordinance #44-90 amending Ordinance #80-87 for the Harbor Hills PUD; and

**WHEREAS**, July 26, 2005, the Board of County Commissioners approved Ordinance #2005-63 amending Ordinance #44-90, finding the application consistent with the Comprehensive Plan and Land Development Regulations; and

**WHEREAS**, on August 24, 2010, The Board of County Commissioners approved Ordinance # 2010-45 that rescinded and replaced Ordinance #'s 80-87, 44-90, and 2005-63; and

**WHEREAS**, this ordinance will rescinded and replaced Ordinance # 2010-45; and

**WHEREAS**, the subject property consists of approximately 866 +/- acres and is located in the Lady Lake area, east of Gray's Airport Road, south of Lake Griffin Road, and north of Griffinview Drive in Section 13 & 24, Township 18S, Range 24E and Section 7 & 18, Township 18S, Range 25E, Lake County, Florida, further described as:

LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]

**WHEREAS**, the property is located within the Rural Transition Future Land Use Category; and

**WHEREAS**, the Lake County Zoning Board did, on the 5<sup>th</sup> day of October, 2011, review Petition PH #18-11-5;

**AND**, after giving Notice of Hearing on petition for a change in the use of land, including notice that said Ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 25<sup>th</sup> day of October, 2011; and

**WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Zoning Board, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised, and

# Attachment “C” – Ordinance #2011-57 (2 of 10)

INSTRUMENT# 2012022149 OR BOOK 4131/PAGE 1461 PAGE 2 of 10

ORDINANCE NO. #2011-57  
(PH#18-11-5) (Harbor Hills Development LP)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
  
19  
20  
21  
22  
  
23  
24  
25  
26

**WHEREAS**, upon review, certain terms pertaining to the development of the above described property have been duly approved, and

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land, as described in EXHIBIT “A”, subject to the following terms:

**Section 1. Terms:** Terms and conditions of this Ordinance shall mean and include the total of the following land uses as incorporated herein and shall rescind and replace PUD Ordinance #2010-45. The County Manager or designee shall amend the Lake County Zoning Maps in accordance with this Ordinance.

I. General Information:

A. The total area of the PUD shown on Exhibit B shall be developed as follows in accordance with the Preliminary Development Plan:

Total Area	866 acres
Total Developable Area Outside Floodplain (100 yr)	714 acres
Floodplain (100 yr) outside Wetlands	27 acres
Altered Wetlands	12 acres
Total Developed Acres	753 acres
Wetlands in Conservation Easements	113 acres

1. Residential Uses:

Single-family (SF) units	885
Two-Family Dwelling (Duplex)and/or Multifamily (MF) units	*64
*50 of these MF units can be converted to SF	
<b>TOTAL UNITS/LOTS:</b>	949
Net Density shall not exceed	1.29 units/acre
Gross Density shall not exceed	1.09 units/acre
Residential Area	554 +/-acres

a. Setbacks from street rights-of-way shall be sixty-two (62) feet from the centerline of the roadway or twenty-five (25) feet from the property line, whichever is greater.

# Attachment “C” – Ordinance #2011-57 (3 of 10)

INSTRUMENT# 2012022149 OR BOOK 4131/PAGE 1462 PAGE 3 of 10

ORDINANCE NO. #2011-57  
(PH#18-11-5) (Harbor Hills Development LP)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

- b. Setbacks from water bodies for any building shall be twenty-five (25) feet from the normal high water elevation for the principal structure and fifteen (15) feet for pool/screen enclosures and accessory structures.
- c. Single-family lots with frontage on two streets shall front on the boulevard, with driveway access from the rear street. Rear setbacks shall be 25 feet from the property line.
- d. On corner lots, one street may be designated for front setbacks, with a side setback a minimum of 20 feet from the side street. For double corner lots, setbacks shall be 20 feet from the side street and 25 feet from the rear street for double front lots.
- e. Duplex lots shall have a minimum rear setback of 20 feet, minimum side setback of 10 feet and no setback along the shared property line of the common or shared walls.
- f. Duplex lots shall be limited to Phase 6 A lots 48 through 60, as illustrated on Exhibit “C”
- g. Any setback not specified above shall be 25 feet rear and 10 feet side.

2. Commercial Uses:

Commercial Area	3.2 +/-acres
Commercial area may be platted with any phase	
Convenience Store	2,500 sq. ft.
Specialty Shops	10,000 sq. ft.
Club House Area	36 +/-acres
Golf Course Area	153 +/-acres
Marina Area	1 +/-acre
Park Area	2 +/-acres

23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

- a. Commercial areas shall be limited to Neighborhood Commercial (C-1) & Community Commercial (C-2) uses, the following uses are specifically excluded:
  - i. Non-clubhouse tavern, bar & lounge
  - ii. Sales center;
  - iii. Automotive Repair and Automotive Service Station;
  - iv. Kennels;
  - v. Theaters;
  - vi. Vehicle Sales;
- b. Setbacks shall be as follows:
  - i. Front: Fifty (50) feet from street rights-of-way;
  - ii. Side/Rear: Ten (10) feet from property lines;

# Attachment “C” – Ordinance #2011-57 (4 of 10)

INSTRUMENT# 2012022149 OR BOOK 4131/PAGE 1463 PAGE 4 of 10

ORDINANCE NO. #2011-57  
(PH#18-11-5) (Harbor Hills Development LP)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

- iii. Where commercial lots are adjacent to residential uses: Twenty-five (25) feet
  - 3. Parking shall be provided in accordance with the Land Development Regulations.
  - 4. A site plan shall be required prior to the issuance of any building permits.
  - 5. Pedestrian and bicycle access shall be provided between all commercial uses and the residential areas.
- E. Recreational Facilities:
- 1. The recreational facilities as shown on the Conceptual Master Plan shall be developed during Phase I and shall include the golf course, clubhouse, tennis complex and swimming pool.
  - 2. Parking requirements shall be in accordance with the Land Development Regulations, as amended. A site plan shall be approved by the County Manager or designee prior to the issuance of any building permits for the facilities.
- II Public Facilities:
- A. Potable Water
    - A community potable water well/plant shall be provided to serve the entire development.
  - B. Sewer Facilities:
    - 1. All multifamily, duplexes, clubhouse, and commercial areas shall be served by a Central Wastewater System.
    - 2. Single-family lots may utilize septic tanks meeting the requirements of the Department of Health until such time as a Central Wastewater System is available.
    - 3. On waterfront lots, septic tanks shall be located in front of the structure.
    - 4. No septic tank shall be closer than 100 feet from any wetland or water body.
  - C. Drainage/Stormwater Management:
    - Drainage and stormwater management plans shall be required for any final development order. All applicable federal, state and local regulations shall be met.
  - D. Fire Protection:

# Attachment “C” – Ordinance #2011-57 (5 of 10)

INSTRUMENT# 2012022149 OR BOOK 4131/PAGE 1464 PAGE 5 of 10

ORDINANCE NO. #2011-57  
(PH#18-11-5) (Harbor Hills Development LP)

- 1 Fire flow standards shall be a minimum of 750 gpm for commercial, clubhouse, and multi-
- 2 family uses and 500 gpm for single-family uses.
- 3
- 4 III Open Space Requirements:
- 5
- 6 A. Residential:
- 7
- 8 Twenty-five (25%) percent of the gross land area utilized for residential purposes shall be
- 9 provided as open space.
- 10
- 11 B. Commercial:
- 12
- 13 Twenty (20%) percent of the net land area utilized for commercial purposes shall be allocated
- 14 for open space. Parking areas shall not be included in the open space requirement.
- 15
- 16 C. Buffers:
- 17
- 18 1. A minimum 10-foot wide Type “A” Landscape Buffer shall be provided between
- 19 residential and commercial areas, and included within setbacks. The buffer shall be
- 20 adequately sodded with drought tolerant grasses and maintained at all times.
- 21
- 22 2. Buffers along development property lines and streets to the rear of single-family lots
- 23 shall be in accordance with the Land Development Regulations, as amended.
- 24
- 25 D. Wetlands:
- 26
- 27 1. A jurisdictional survey of wetlands shall be required for all site plans and plats.
- 28
- 29 2. Wetland setbacks shall be in accordance with the Comprehensive Plan and the Land
- 30 Development Regulations, as amended.
- 31
- 32 IV Transportation Improvements
- 33
- 34 A. Internal Standards
- 35
- 36 1. Boulevard pavement widths shall be eighteen (18) feet on each side of the median
- 37 from the entrances to the first intersecting street and twenty-four (24) feet wide
- 38 thereafter. Local streets will have a 20-foot pavement width.
- 39
- 40 2. All streets will be curbed.
- 41
- 42 3. Standards for the golf cart crossings and tunnel under the golf course shall be
- 43 determined at the time of plat approval.
- 44
- 45 4. Right-of-way for the boulevard will be 100 feet and 50 feet for local streets.
- 46

# Attachment “C” – Ordinance #2011-57 (6 of 10)

INSTRUMENT# 2012022149 OR BOOK 4131/PAGE 1465 PAGE 6 of 10

ORDINANCE NO. #2011-57  
(PH#18-11-5) (Harbor Hills Development LP)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

- 5. All internal streets will be privately maintained and constructed to County standards.
- 6. Final road development standards will be in accordance with the Land Development Regulations, as amended.

V Special Requirements:

- 1. The development shall be permitted 36 parking spaces for 36 boat slips for the sole use of residents of Harbor Hills, as required by the Department of Community Affairs under the threshold for Development of Regional Impact.
- 2. A Best Management Plan, as defined in the Land Development Regulations, as amended, shall be prepared for the existing golf course and submitted to Lake County for review and approval.

**Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:

- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by the Lake County Zoning Board and the Board of County Commissioners.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, removed, improve, move, convert, or demolish any building structure, or alter the land in any manner within the boundaries of the above described land without first submitting the necessary plans in accordance with the Lake County Land Development Regulations, as amended, and obtaining approval from the County Manager or designee upon obtaining the permits required from the other appropriate governmental agencies.
- C. This amendment shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.
- E. The transfer of ownership or lease of any or all of the property described in this Ordinance shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to this PUD (Planned Unit Development), and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in the Lake County Land Development Regulations, as amended.
- F. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and to recommend that the ordinance be revoked.

# Attachment "C" – Ordinance #2011-57 (7 of 10)

INSTRUMENT# 2012022149 OR BOOK 4131/PAGE 1466 PAGE 7 of 10

ORDINANCE NO. #2011-57  
(PH#18-11-5) (Harbor Hills Development LP)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

**SECTION 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 4. Effective Date:** This Ordinance shall become effective as provided by law.

ENACTED this 25 day of Oct, 2011.

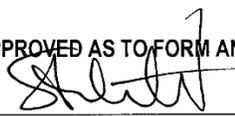
FILED with the Secretary of State November 3, 2011.

EFFECTIVE November 3, 2011.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

  
JENNIFER HILL, CHAIRMAN

ATTEST:  
  
NEIL KELLY, Clerk of the  
Board of County Commissioners  
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY  
  
SANFORD MINKOFF, County Attorney

# Attachment “C” – Ordinance #2011-57 (8 of 10)

INSTRUMENT# 2012022149 OR BOOK 4131/PAGE 1467 PAGE 8 of 10

ORDINANCE NO. #2011-57  
(PH#18-11-5) (Harbor Hills Development LP)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

## EXHIBIT “A”

### LEGAL DESCRIPTION

Section 13, Township 18 South, Range 24 East, Lake County, Florida; The East ½; The East ½ of the Northwest ¼; The East ½ of the Northwest ¼ of the Northwest ¼; The East 30 acres of the Southwest ¼ of the Northwest ¼ and the East ½ of the Southwest ¼ less the South 210 feet of the West 210 feet; Section 24, Township 18 South, Range 24 East, Lake County, Florida, all of Government Lot 3; All of Government Lot 6, less the Southeast ¼; The West 660 feet of the North 660 feet of Government Lot 7, and the West 660 feet of Government Lot 2; Section 18, Township 18 South, Range 25 East, Lake County, Florida, all of Government Lots 3 & 4; That portion of Government Lot 2 lying South of Lake Griffin Road (DRI-7611); and the following described portion of Government Lot 1; Begin at the Northwest corner of Government Lot 1 and run thence East along the North line of said Government Lot 1 a distance of 1528.25 feet; Thence S08 degrees 56'00" West, 1000.00 feet; Thence East to the Waters of Lake Griffin; Thence Southwesterly along said waters edge to the West line of said Government Lot 1; Thence North along said West line to the Point of Beginning; Section 7, Township 18 South, Range 25 East, Lake County, Florida, That part of Government Lot 4 and that portion of the Southwest ¼ of the Southeast ¼ lying South of Lake Griffin Road (DRI-7611), Lake County, Florida.

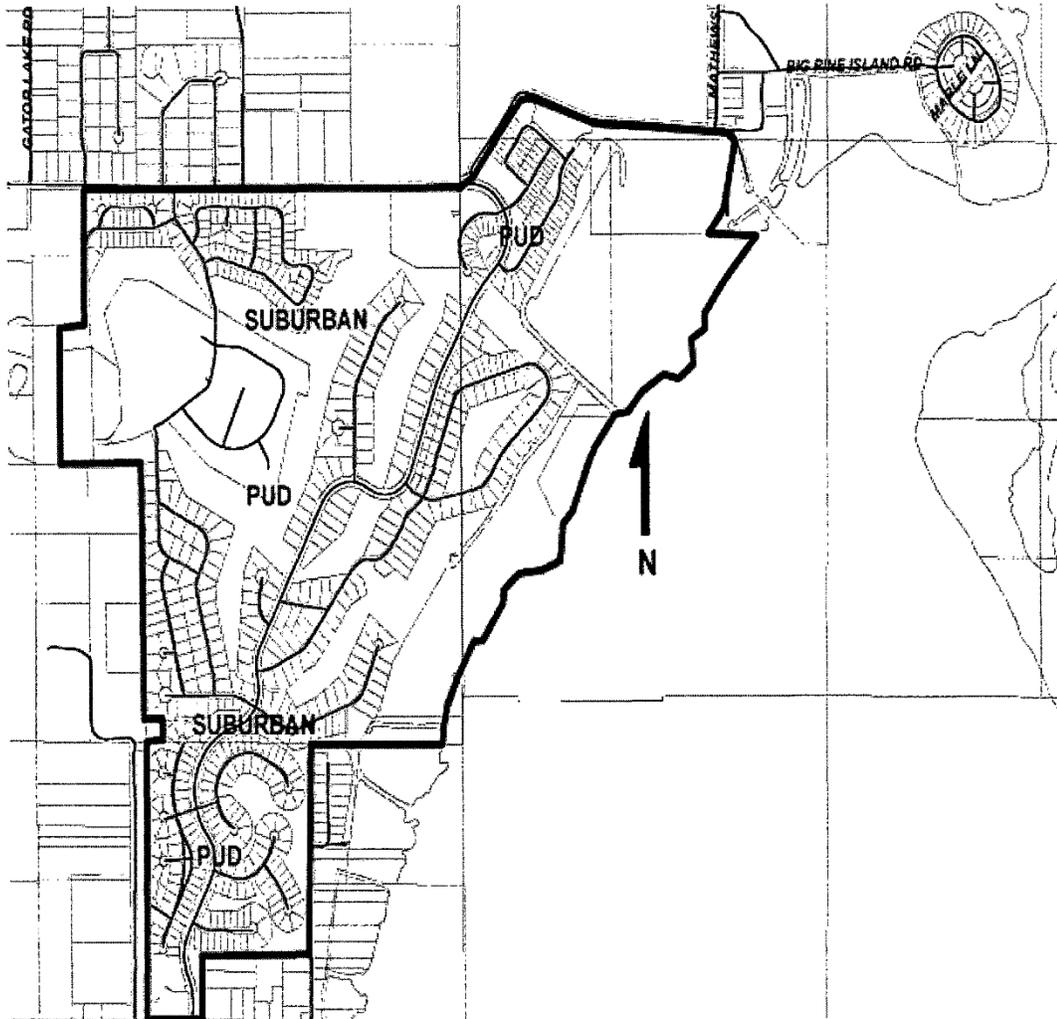
# Attachment "C" – Ordinance #2011-57 (9 of 10)

INSTRUMENT# 2012022149 OR BOOK 4131/PAGE 1468 PAGE 9 of 10

ORDINANCE NO. #2011-57  
(PH#18-11-5) (Harbor Hills Development LP)

## EXHIBIT "B"

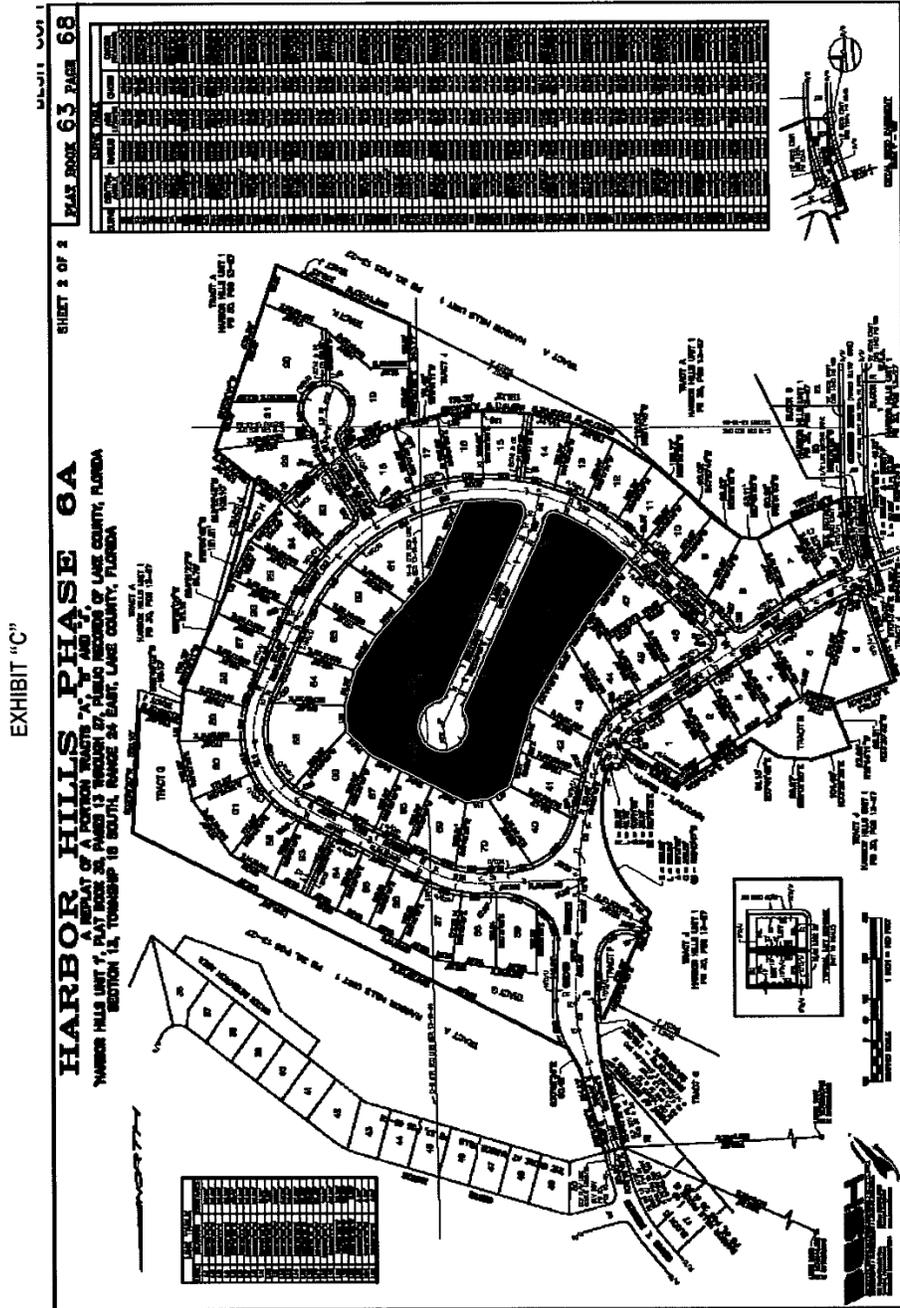
1  
2  
3  
4



5  
6  
7  
8

# Attachment "C" – Ordinance #2011-57 (10 of 10)

INSTRUMENT# 2012022149 OR BOOK 4131/PAGE 1469 PAGE 10 of 10

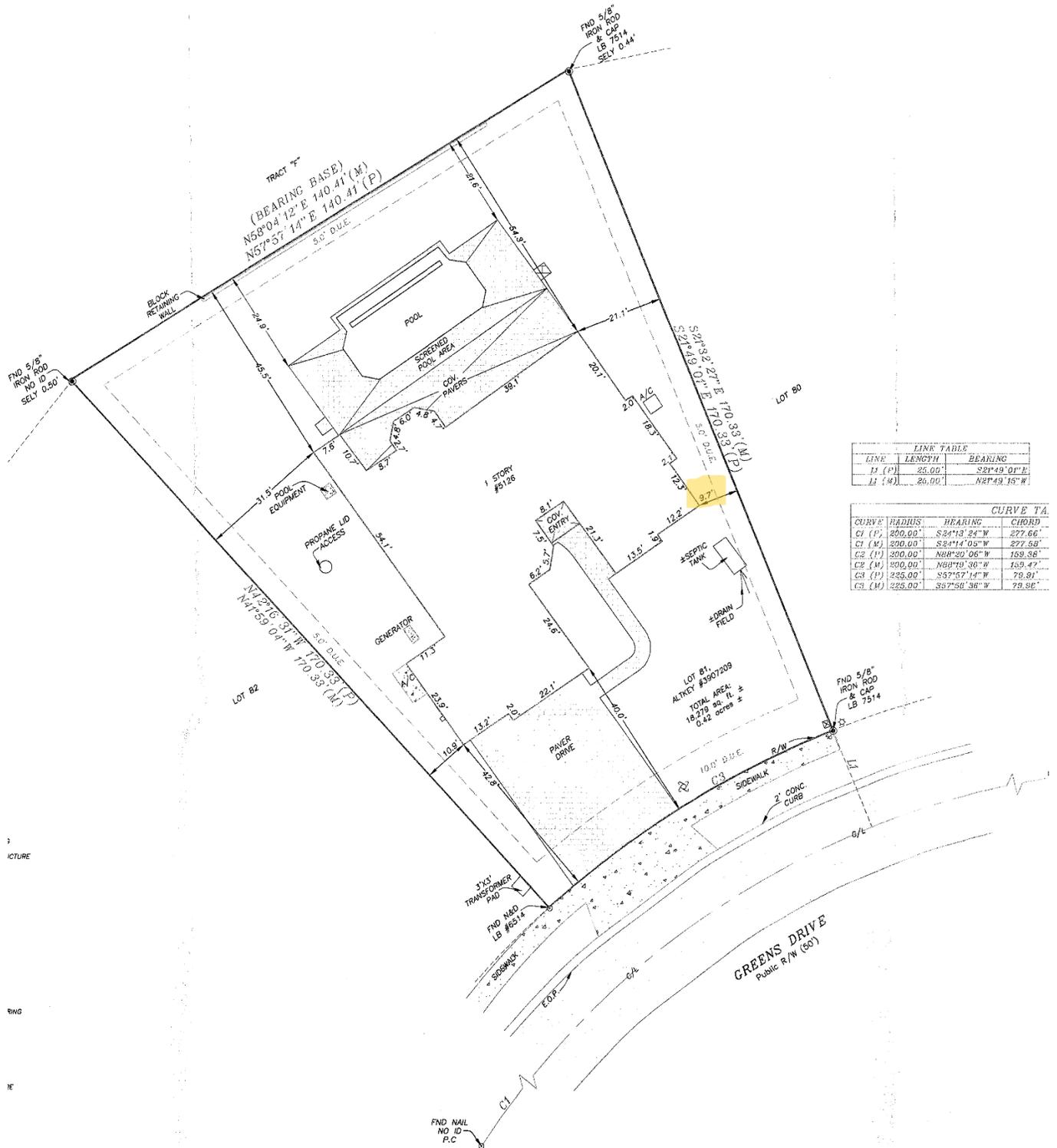


1

2

10

# Attachment "D" – Plot Plan



# Attachment "E" – Zoning Clearance and Plot Plan (1 of 3)



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

JUN 05 2024

Zoning Permit #\_55320

Approval Date: June 05, 2024

2024060224

Address Screen #193407

Type of proposed development: 6/5/24 - Single-Family Dwelling Unit, 1 story, covered entry, covered lanai, a/c pad, sidewalk, and driveway. SFDU 40' max height, per pud impervious surface ratio, Living Area 3250-SF, and Total Area 4839-SF. Minimum per pud canopy trees required to meet the landscaping required pursuant to LDR Section 9.01.08. Issued by AW

Job Address: 5132 GREENS DR City:LADY LAKE State:FL Zip:32159

Alt. Key: 3907209 Section: 13 Township: 18 Range: 24 Found in Section 13 Lot: 08100 Block: 000

Legal Description: HARBOR HILLS PHASE 6B PB 69 PG 1-2 LOT 81 ORB 5519 PG 2337 ORB 5834 PG 1275 ORB 5887 PG 2391

Owner Information:  
HARBOR HILLS DEVELOPMENT LP

AW 6/5/24

5126 GREENS DR  
LADY LAKE, FL 32159

Site Plan # \_\_\_ Project # \_\_\_ Application #

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

Average Setback: [[ADDRESS AVG SETBACK NBR]] Accessory Dwelling Unit ORB PG Unity of Title ORB PG Lot Split ORB PG Lot Line Deviation ORB PG Variance #\_ Ordinance #

Districts:

Commissioner- 5 Road- C School -S Parks-C Zoning-SPD-3 Land Use Designation-RT St. Johns-N Green Swamp-N Wekiva- N JPA- Y Flood Map Page-0190E Zone-X Elevation: Hazard- N Permit # \_\_\_\_\_  
Wetland Affidavit-N County Road # \_\_\_\_\_ Maximum ISR:PER PUD Meets Impervious Surface-N # of Trees required-5 Lot size-.42 AC Min. sf of dwelling-PER PUD Water/Well-CENTRAL Sewer/Septic-SEPTIC

Setbacks:

Primary Structure-SFDU Front-62' CL Left- 10' PL Right- 10' PL Rear- 25' PL

Accessory Structure #1- Front- Left- Right- Rear-

Accessory Structure #2- Front- Left- Right- Rear-

\*\*\*\*\*  
**Health Department Use Only**

Staff \_\_\_\_\_ Septic Permit # \_\_\_\_\_  
No. of Bedrooms \_\_\_\_\_ Height above natural grade \_\_\_\_\_ 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 that the costs associated with meeting the setbacks or restoring easements are my responsibility.

I understand that I have to meet all lot grading requirements as established in Chapter 9 of the Land Development

# Attachment "E" – Zoning Clearance and Plot Plan (2 of 3)

2024060224

JUN 05 2024

Regulations (LDR). I also certify that my development shall not adversely affect surrounding or downstream wetlands, floodplains or neighboring properties.

I understand that I shall meet all Single-Family Dwelling Unit requirements as established by Land Development Regulations, Section 3.01.02 Residential Uses which defines a single-family dwelling unit as:

- a) A solid foundation or Permanent skirting Shall be required around the perimeter of the unit.
- b) Any wheels, tongue or any transportation apparatus must be removed or enclosed.

Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

No grass (except Bahia grass) can cover more than 60% of the pervious landscape area and all grass must be irrigated separately. Any new irrigation system shall be installed in accordance with LDR Sections 9.01.04 and 9.01.05.E.2. The system shall be designed to provide the minimum irrigation necessary to ensure the survival of the plant material, and shall be designed to avoid runoff and promote optimal percolation.

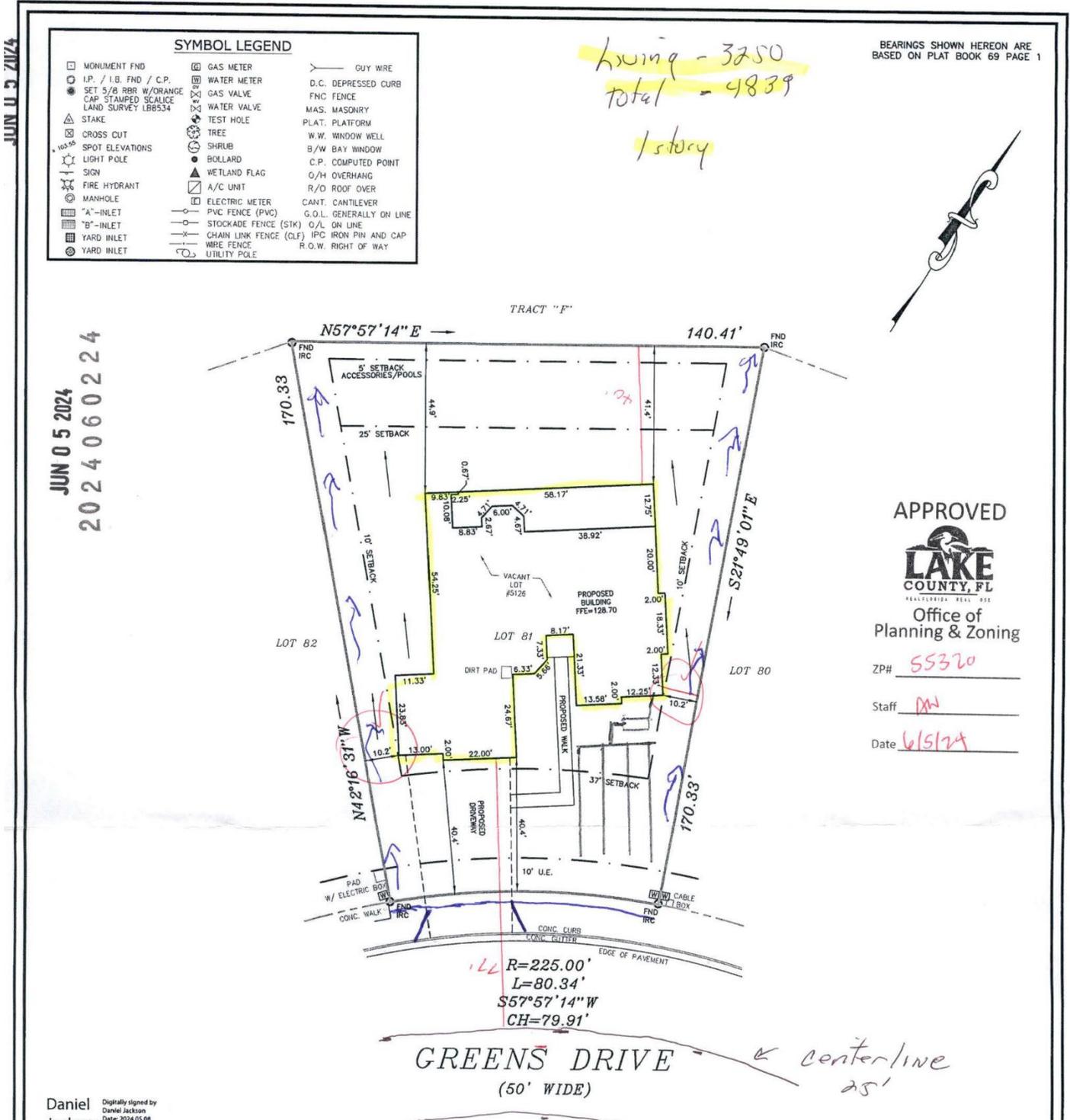
 6-5-24  
 \_\_\_\_\_  
 Signature & Date

*Kyle A. Snyder*  
 \_\_\_\_\_  
 Printed Name

55320  
 \_\_\_\_\_  
 Zoning Permit No.

**THIS ZONING PERMIT IS NOT VALID UNTIL IT IS SIGNED BY THE APPLICANT**

# Attachment "E" – Zoning Clearance and Plot Plan (3 of 3)



# Attachment “F” – Project Narrative

**Bella Vista Lot 81 Phase 6B**

**Alternate Key No. 3907209**

**Development Application – Bella Vista Lot 81 Phase 6B (PZ2025-374)**

**Application Request No.: 6295**

1. Please provide an updated project narrative and address the following:

a. What is the substantial hardship in meeting the side setback requirement?

**Meeting the current PUD requirement would necessitate the demolition and reconstruction of a portion of the existing home at a substantial and unnecessary cost. As the home is already complete, the required reconstruction would result in avoidable waste, negative environmental impact, and significant disturbance to the neighborhood. A deviation is a more sustainable and less disruptive solution. The current encroachment of only a few inches does not interfere with neighbor privacy, emergency access, or utility easements. This request represents the minimum relief necessary to address the situation.**

b. Describe how the purpose of the Land Development Regulation will be achieved by other means.

**A minor administrative adjustment (minor deviation allowance) approved for the minor PUD setback error. The small encroachment does not tangibly diminish the quality or privacy of a neighbor and does not diminish the integrity of the PUD plan. It is a very small deviation in a small portion of the home as can be seen on the plot plan provided. The property is fully landscaped, ensuring that the de minimis deviation is not visible to the naked eye. This preservation of visual character aligns with the core aesthetic intent and design standards established by the PUD.**

o Note that the responses to these questions will be a part of the staff report and that the Board of Adjustment

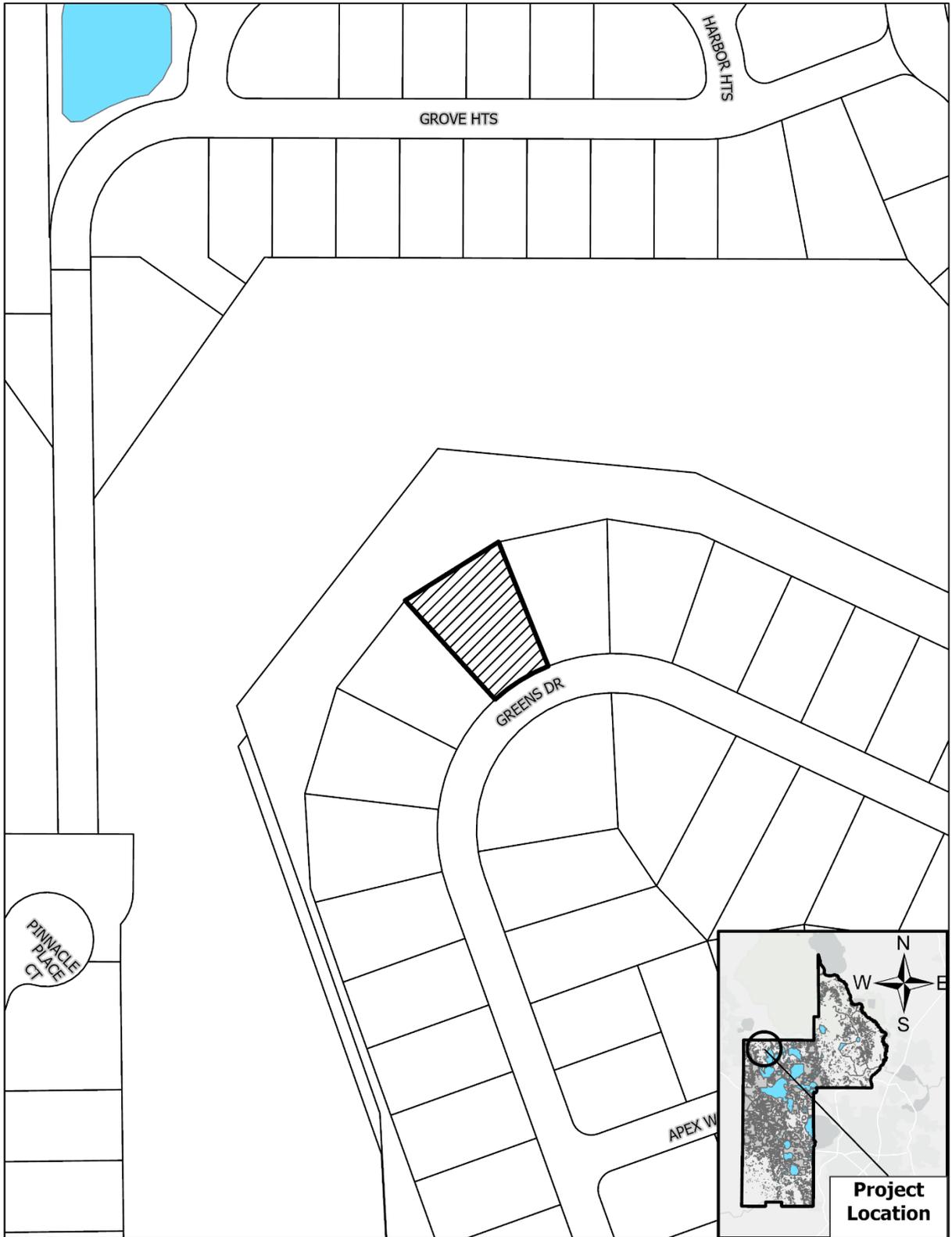
will consider them when making the decision to either grant or deny the request.

2. Please clarify why the setback variance is being requested.

**This variance is requested to account for a construction error on the existing single-family home. This was a de minimis error resulting from a minor staking oversight that was not discovered until the final survey was completed. Please note that the project was planned and initiated with the full intent of complying with all PUD setbacks.**

**While a 10-foot setback is required on the side of the property, one front corner of the home was built 9.7 feet from the property line. This represents less than a 1% error of the total setback. We are requesting a variance to establish 9.7 feet as an acceptable setback for the portion of the property encroaching on the recorded PUD for Alternate Key No. 3907209.**

# Map of Subject Property

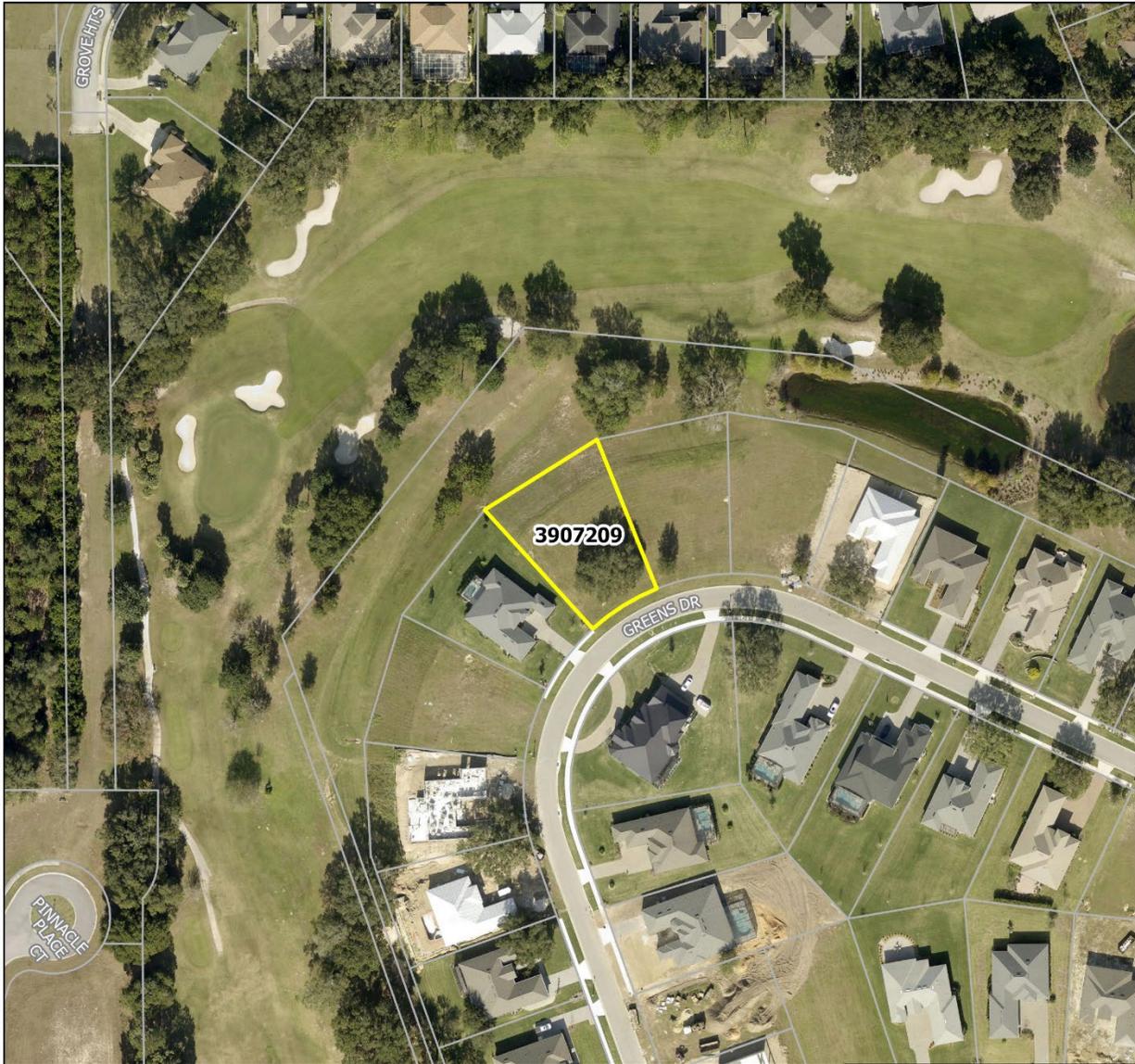


Path: G:\Workgroups\GIS\_Dept\Projects\GrowthManagement\Planning\Zoning\VAR-PZ2025-374\_BellaVistaLot81Phase6B.aprx

1/30/2026

# Aerial Map of Subject Property

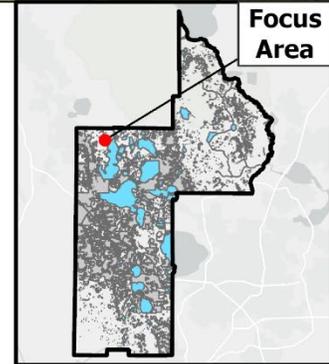
**VAR-PZ2025-374**  
**Bella Vista Lot 81 Phase 6B**



Path: G:\Workgroups\GIS\_Dept\Projects\GrowthManagement\Planning\Zoning\VAR-PZ2025-374\_BellaVistaLot81Phase6B\VAR-PZ2025-374\_BellaVistaLot81Phase6B.aprx



Variance



1/30/2026

# FINAL DEVELOPMENT ORDER

(PZ2025-374 / AR 6295)

**WHEREAS**, Kim Smith (the “Applicant”) requested a variance on behalf of Carol T. Martin Revocable Trust U/T/A (the “Owner”), to Lake County Ordinance #2011-57 Section 1(I)(A)(1)(g) to allow for a side setback of 9.7 feet for an existing single-family residence in lieu of the required 10 feet; and

**WHEREAS**, the subject property consists of approximately 0.42 +/- acres located at 5126 Greens Drive in the unincorporated Lady Lake area in Section 13, Township 18 South, Range 24 East, identified by Alternate Key Number 3907209, 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 April 1, 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 Lake County Ordinance #2011-57 Section 1(I)(A)(1)(g) to allow for a side setback of 9.7 feet for an existing single-family residence in lieu of the required 10 feet is hereby granted.
2. **Conditions:** No additional encroachment to required setbacks pursuant to Ordinance #2011-57 is permitted other than that which was presented to and approved by the Board of Adjustment as part of this variance application.
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 1st day of April 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 81, HARBOR HILLS PHASE 6B, according to the plat thereof as recorded in Plat Book 69, Pages 1 and 2, Public Records of Lake County, Florida**

**Parcel Identification Number: 13-18-24-0525-000-08100**

