

APPLICATION FOR HISTORIC TREE VARIANCE REQUIREMENTS
Growth Management Department

Requests for variances from the requirements of the Development Code shall generally be considered for those provisions that regulate site development and the requirements applicable to existing development. Requests for variances to permit a use that is not allowed as a permitted use or by special exception within the specific zoning district shall not be considered. In addition, request for variances to permit the nonconforming use of any land or structure, or the continuance of any nonconforming use shall not be considered.

When reviewing an application for a variance, the Planning and Zoning Board and Town Commission shall consider the following requirements and criteria:

- 1) No diminution in value of surrounding properties would be suffered.
- 2) Granting the permit would be of benefit to the public interest.
- 3) Denial of the permit would result in unnecessary hardship to the owner seeking it.
- 4) The use must not be contrary to the spirit of this Code.
- 5) Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
- 6) Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Town Commission.

Application for a historic tree variance shall be made on the appropriate form provided by the Town and shall be accompanied by the appropriate review fee. The review process for the application is as follows:

- 1) Forty-two (42) copies of the completed historic tree variance application shall be submitted to the Growth Management Department no later thirty (30) days in advance of regularly scheduled Technical Review Committee (TRC) meeting in order to be considered at that meeting. The staff may request the assistance of the Town engineering consultant and the Town attorney if needed. The TRC meetings are posted, public meetings. The applicant will be informed of the date and time of the TRC meeting.

- 2) The variance application must include the legal description of the property, sketch or survey of the property, proof of ownership, and authorization from the owner if represented by an agent or contract purchaser.
- 3) The applicant shall provide a written statement which explains the conditions and circumstances of the alleged hardship, the proposed action by the applicant should the variance be granted, and the necessity of the action. The written statement shall clearly justify the granting of relief from requirements of the Development Code, and satisfactorily address the review criteria below in this section.
- 4) The applicant shall provide a tree survey that delineates all trees greater than 6" DBH by location and size on the survey and by size and species in tabular form. The survey shall also clearly highlight the historic trees, 36" DBH or greater in size, that are to be preserved and those historic trees, 36" DBH or greater in size, that are proposed to be removed.
- 5) The applicant shall also tag the historic trees with color coded tape, red for those proposed to be removed, green for those that will be preserved. Photographs of all the tagged historic trees on the site shall be provided with the application.
- 6) The applicant shall provide a list of all property owners within one hundred fifty (150) feet of the subject property.
- 7) Following are the requirements for notification of public hearing of the variance request:
 - a) The Town shall send notice of the request for variance to the owners of all properties within one hundred fifty (150) feet of the subject property at least one (1) week prior to the Planning and Zoning board hearing.
 - b) At least one (1) week prior to the Planning and Zoning Board hearing, the Town shall post the property that is the subject of a variance with sign, notifying the public of the proposed variance, date of public hearings and the department and person to contact for further information. The signs shall be spaced, at a minimum, along all public road frontages, with a minimum, along all public road frontages, with a minimum of one (1) sign per five hundred (500) feet along any one (1) frontage.
 - c) The Town shall have the notice of public hearing published in a newspaper of general circulation within the Town at least (1) week prior to the Planning and Zoning Board hearing. Notice shall also

be posted in a conspicuous location at the Town Hall, and may be posted at other public locations at the discretion of the Town.

- 8) Following is the Review Process for Variance Requests:
- a) All submittals shall be reviewed by the TRC and recommendations shall be made to the Planning and Zoning Board.
 - b) The Planning and Zoning Board shall consider every variance request at a public hearing and make recommendations to the Town Commission. The variance shall specify in what manner the modification is to be made, the conditions upon which it is to be made and the reasons therefore.

If the variance is granted, the Commission may impose appropriate conditions and safeguards to ensure compliance with the requirements of the variance section and the Code in general. These conditions may include time limits for initiation of the variance, specific minimum or maximum limits to regular Code requirements or any other conditions reasonably related to the requirements and criteria of the variance section of the Code. Variances run with the property and the use of a variance may be transferred to another party for use on the same property. If a variance is not utilized within one (1) year of being granted, it shall not be utilized without a new public hearing in accordance with the variance procedure.

Variance shall be considered for those provisions that regulate site development and the requirements applicable to existing development.

The above requirements are intended to provide a general overview of the variance application process. Variance requirements are specified in Lady Lake Ordinance 94-08 Land Development Regulations, adopted August 15, 1994, and are available at Town Hall.

For further information, contact the Growth Management Department at 751-1582.

**TOWN OF LADY LAKE
HISTORIC TREE VARIANCE APPLICATION**

Tax Identification # _____

1. Owner's name: _____

Mailing Address: _____

Telephone/Email: _____

2. Applicant's Name: _____

Mailing Address: _____

Telephone/Email: _____

3. Contact Person for Posting: _____

Mailing Address: _____

Telephone/Email: _____

4. Applicant is: Owner: Agent Purchaser Lessee Optionee

5. Property Address/Location: _____

6. Legal Description: _____

7. The variance requested is as follows: _____

8. The variance is necessary for the following reasons: _____

9. Is your situation due to unique circumstances not created by you or your predecessor in title? Explain such circumstances:

10. Do special conditions and circumstances exist which are peculiar to your land or structure and which are not applicable to other lands or structures in the same district? Explain such conditions or circumstances:

11. Would literal interpretation of the provisions of the Code deprive you of rights commonly enjoyed by other property owners in the same district? Explain such rights:

12. A variance, as requested, will not permit, establish or enlarge any use or structure that is not permitted in the district. Does your request meet this criterion?

13. Have any land use applications been filed within the last year in connection with this property? ___Yes ___No. If yes, briefly describe the nature of the request:

This application must be accompanied by proof of ownership and authorization from the owner if represented by an agent or contract purchaser. It must also include a drawing showing the exact locations and dimensions of all existing and proposed buildings and additions, required setbacks, existing easements and clearly delineate the specific variance requested.

I certify that the statements in this application are true to the best of my knowledge.

Signature of Applicant

PLEASE SUBMIT THE APPLICATION, ACCOMPANIED BY THE APPROPRIATE REVIEW FEES AND FORTY-TWO (42) COPIES OF ALL APPLICABLE INFORMATION DOCUMENTATION AS REQUIRED BY THE LADY LAKE LAND DEVELOPMENT REGULATION, ADOPTED AUGUST 15, 1994 TO THE GROWTH MANAGEMENT DEPARTMENT. ADDITIONAL COPIES OF APPLICATION AND PLANS WILL BE REQUIRED PRIOR TO CONSIDERATION AT THE PLANNING AND ZONING BOARD AND TOWN COMMISSION MEETINGS.

Office Use:
Date Application Received: _____ Received by: _____