

**MINUTES OF THE TOWN OF LADY LAKE
PLANNING AND ZONING BOARD MEETING
LADY LAKE, FLORIDA**

**November 13, 2017
5:30 p.m.**

The Planning and Zoning Board meeting was held in the Town Hall Commission Chambers at 409 Fennell Blvd., Lady Lake, Florida. The meeting convened at 5:30 p.m.

CALL TO ORDER: Chairperson/Member Gauder

PLEDGE OF ALLEGIANCE

ROLL CALL: Carole Rohan, Member
Robert Conlin, Member
John Gauder, Chairperson/Member
Regis LeClerc, Member
William Sigurdson, Vice Chair/Member

STAFF MEMBERS PRESENT: Thad Carroll, Growth Management Director; Wendy Then, Senior Planner; and Carol Osborne, Staff Assistant

Also Present: Town Attorney Derek Schroth, BRS Legal

OPEN FORUM: Chairperson/Member Gauder asked if anyone in the audience wished to speak. There were no comments.

NEW BUSINESS:

1. Approval of Minutes – October 9, 2017 Special Meeting

Upon a motion by Member Sigurdson and a second by Member Conlin, the Planning and Zoning Board approved the minutes of the Planning and Zoning Board meeting of October 9, 2017 as presented by a vote of 5-0.

2. Ordinance No. 2017-46 –Annexation – The Villages of Lake-Sumter, Inc. – Annexing Two Lots Located within Orange Blossom Gardens Units 3 and 3.1b (0.25 +/- Acres Referenced by Alternate Key Numbers 1483948 and 2666714) – Lake County, FL (Wendy Then)

Senior Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk's Office). She stated applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed an application to annex property consisting of two lots located within Orange Blossom Gardens Units 3 and 3.1B. The annexation application involves 0.25 +/- acres of property from unincorporated Lake County into the Town of Lady Lake. Staff recommends approval of this ordinance.

The lots are addressed as follows:

- 816 Truman Avenue
- 1218 Dustin Drive

The subject properties are in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the properties have been included with the submitted application. The lots will be served by the Village Center Community Development District Central Water and Sewer System, as well as the District’s Fire Department.

A map of the properties was shown, as were photos of the postings, and boundary surveys.

In accordance with the provisions of Florida Statute 171.205, and the Interlocal Service Boundary Agreement executed September 4, 2013 between Lake County, Florida and the Town of Lady Lake, Florida, the Town may annex properties into the Town that are non-contiguous to the existing municipal boundary.

The annexation application was received on Monday, October 23, 2017, and has been reviewed and determined to be complete, satisfying the necessary criteria as required for annexation under statutory requirements. The application was found to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Ms. Then reported that notices to inform the surrounding property owners (39) within 150 feet of the property proposed by the annexation request were mailed Monday, October 30, 2017, and the properties were also posted this same date. No objections or letters of support have been received to date.

Ms. Then stated that the Technical Review Committee members individually reviewed the application for Ordinance No. 2017-46, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Town Commission is scheduled to consider Ordinance No. 2017-46 for first reading on Monday, December 4, 2017 at 6:00 p.m. The second and final reading will be held on Monday, December 18, 2017 at 6:00 p.m.

Ms. Then stated a representative of The Villages is present if there are any questions.

Chairperson/Member Gauder asked if there were any questions or comments, and hearing none, asked for a motion.

Upon a motion by Member Rohan and a second by Member Sigurdson, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-46 to the Town Commission for consideration by the following roll call vote:

| | |
|-------------------------|-------------------|
| <i>LeCLERC</i> | <i>YES</i> |
| <i>ROHAN</i> | <i>YES</i> |
| <i>SIGURDSON</i> | <i>YES</i> |
| <i>CONLIN</i> | <i>YES</i> |
| <i>GAUDER</i> | <i>YES</i> |

3. Ordinance No. 2017-47 – Small Scale Future Land Use Comprehensive Plan Amendment – The Villages of Lake-Sumter, Inc., From Lake County Medium Urban Density to Lady Lake Manufactured Home High Density for Two Lots Located within Orange Blossom Gardens Units 3 And 3.1b, (0.25 +/- Acres Referenced by Alternate Key Numbers 1483948, and 2666714), Lake County, FL (Wendy Then)

Senior Planner Wendy Then presented the background summary for this agenda items (on file in the Clerk’s Office). She stated that the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed an application to amend the future land use comprehensive plan designation for properties consisting of two lots located within Orange Blossom Gardens Units 3 and 3.1B, from Lake County Medium Urban Density to Lady Lake Manufactured Home High Density. Staff recommends approval of this ordinance.

The application involves 0.25 +/- acres of property and the lots are addressed as follows:

- 816 Truman Avenue
- 1218 Dustin Drive

Ms. Then presented a map showing the location of the subject property and a future land use map of adjacent properties.

The Small Scale Future Land Use Map Amendment application was received Monday, October 23, 2017, and has been reviewed and determined to be complete, satisfying the necessary criteria as required to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Ms. Then reported that a Concurrency Determination Statement has also been included as part of the Small Scale Comprehensive Plan Amendment application, which the applicant submitted to explain expected impacts on Town services. The Villages proposes to remove the existing manufactured homes on the lots to construct conventional built homes. There will be no increase in utility services, traffic, population, or recreation use.

Ms. Then stated there will be no impact on Town services as shown below:

Potable Water – No impact; the lots are served by the Village Center Community Development District Central Water System.

Sewer – No impact; the lots are served by the Village Center Community Development District Central Sewer System.

Schools – Not factored for project; no foreseen impact of students as the project is located within an active adult retirement community.

Transportation – No impact; the existing homes will be replaced with new homes. There will be no change in average daily trip generation.

Parks & Recreation – The small scale future land use amendment will not cause P&R Level of Service to be exceeded since the project is for the replacement of existing homes. Additionally, The Villages provides its residents with all Park and Recreation Amenities.

Stormwater – Project will be required to adhere to SJRWMD guidelines and to the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

The subject property involves approximately 0.25 ± acres and lies in Section 06, Township 18 South, Range 24 East in Lake County, Florida. The Future Land Use of the adjacent properties is as follows:

Future Land Use

| | |
|---|----------------------------------|
| Subject Properties | Lake County Medium Urban Density |
| Future Land Use of Adjacent Properties | |
| West | Lake County Medium Urban Density |
| East | Lake County Medium Urban Density |
| North | Lake County Medium Urban Density |
| South | Lake County Medium Urban Density |

Comments:

- 1) Annexation and Rezoning applications have been submitted concurrently with this Small Scale Future Land Use Amendment application.
- 2) In accordance to the Interlocal Agreement for Building Permits & Inspections Section 2).A)., executed on June 23, 2015, if The Villages has applied for annexation, then the Town can issue building permits located within the unincorporated area.
- 3) Project will be required to adhere to St. John’s River Water Management District guidelines and the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas.

Ms. Then stated that notices to inform the surrounding property owners (39) within 150 feet of the property proposed by the SSFLUM Amendment request were mailed Monday, October 30, 2017, and the properties were also posted this same date.

Ms. Then reported that the Technical Review Committee members individually reviewed the application for Ordinance No. 2017-47, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Local Planning Agency is scheduled to consider Ordinance No. 2017-47 on Monday, December 4, 2017 at 5:45 p.m. The Town Commission is scheduled to consider Ordinance No. 2017-47 for first reading on Monday, December 4, 2017 at 6:00 p.m. The second and final reading will be held on Monday, December 18, 2017 at 6:00 p.m.

Ms. Then stated this is the 20th wave of The Villages’ annexations, SSFLU amendments and rezoning of properties in The Villages. She stated a representative of The Villages is present if there are any questions.

Chairperson/Member Gauder asked if there were any questions or comments, and hearing none, asked for a motion.

Upon a motion by Member LeClerc and a second by Member Rohan, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-47 to the Town Commission for consideration by the following roll call vote:

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|------------------|------------|
| <i>LeCLERC</i> | <i>YES</i> |
| <i>ROHAN</i> | <i>YES</i> |
| <i>SIGURDSON</i> | <i>YES</i> |
| <i>CONLIN</i> | <i>YES</i> |
| <i>GAUDER</i> | <i>YES</i> |

4. Ordinance No. 2017-48 – Rezoning – The Villages of Lake-Sumter, Inc. – Rezoning from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8) – Two Lots Located within Orange Blossom Gardens Units 3 and 3.1b (0.25 +/- Acres Referenced by Alternate Key Numbers 1483948 and 2666714) Lake County, FL (Wendy Then)

Senior Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated that the applicant, Martin L. Dzuro, on behalf of The Villages of Lake-Sumter, Inc., has filed an application to rezone property consisting of two lots located within Orange Blossom Gardens Units 3 and 3.1b. The application involves rezoning 0.25 +/- acres of property from Lake County Residential Medium (RM) to Lady Lake Mixed Residential Medium Density (MX-8). The MX-8 designation is consistent with the other lots in The Villages that are presently in the Town of Lady Lake’s jurisdiction. Staff recommends approval of this ordinance.

The proposed properties are addressed as follows:

- 816 Truman Avenue
- 1218 Dustin Drive

Ms. Then presented a zoning map showing the location of the subject properties and a zoning map of the adjacent properties.

The Rezoning application was received concurrently on Monday, October 23, 2017, and has been reviewed and determined to be complete, satisfying the necessary criteria as required to meet the requirements of the Land Development Regulations (LDRs) as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

The subject properties lie in Section 06, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions and survey information have been included with the submitted application. The zoning designation of the subject properties and adjacent properties are as follows:

Zoning

| | |
|--------------------------------------|-------------------------------------|
| Subject Property | Lake County Residential Medium (RM) |
| Zoning of Adjacent Properties | |
| West | Lake County Residential Medium (RM) |
| East | Lake County Residential Medium (RM) |
| North | Lake County Residential Medium (RM) |
| South | Lake County Residential Medium (RM) |

Ms. Then reported that notices to inform the surrounding property owners (39) within 150 feet of the property proposed by the rezoning request were mailed Monday, October 30, 2017, and the properties were posted this same date. No objections or letters of support have been received to date.

Ms. Then stated that the Technical Review Committee members individually reviewed the application for Ordinance No. 2017-48, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Town Commission is scheduled to consider Ordinance No. 2017-48 for first reading on Monday, December 4, 2017 at 6:00 p.m. The second and final reading will be held on Monday, December 18, 2017 at 6:00 p.m.

Ms. Then stated a representative is present if there are any questions

Chairperson/Member Gauder asked if there were any questions or comments, and hearing none, asked for a motion.

Upon a motion by Member Conlin and a second by Member Rohan, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-48 to the Town Commission for consideration by the following roll call vote:

| | |
|------------------|------------|
| <i>LeCLERC</i> | <i>YES</i> |
| <i>ROHAN</i> | <i>YES</i> |
| <i>SIGURDSON</i> | <i>YES</i> |
| <i>CONLIN</i> | <i>YES</i> |
| <i>GAUDER</i> | <i>YES</i> |

5. Ordinance No. 2017-49 – An Ordinance of the Town of Lady lake, Lake County, FL; Adopting Corrections, Updates and Modification to the Capital Improvements Schedule of the Town of Lady Lake Comprehensive Plan (Wendy Then)

Senior Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She reported that Ordinance No. 2017-49 is a proposal of the annual update of the Capital Improvements Schedule which is part of the Town’s Comprehensive Plan. The Capital Improvement Plan update process and the corresponding requirements are no longer required to be processed by a Comprehensive Plan Amendment, but may be adopted by local Ordinance. Staff recommends approval of this ordinance.

Ms. Then explained that the Town must annually update the Five-Year Schedule of Capital Improvements pursuant to Florida Statutes. The purpose of the Capital Improvements Element and the Improvement Schedules is to identify the capital improvements that are needed to implement the Comprehensive Plan and ensure that adopted Level of Service (LOS) standards are achieved and maintained for concurrency related facilities. These facilities include: water, water supply, sewer, solid waste, drainage, parks and recreation, public schools, transportation and mass transit. While the Town does not have financial responsibility or accountability regarding some of these public facilities, there is still the requirement to incorporate the five-year capital improvement schedules from other entities.

Ms. Then presented the updated capital improvement schedules noting the changes as follows:

- Water System – Skyline Hills Water System Improvements; moved to the 2017-2018 fiscal year.
- Wastewater and Stormwater System – Collection System Improvements at the north portion of Town limits, 2017-2018 fiscal year.
- Library and Parks and Recreation – A new community building is proposed for fiscal year 2021-2022.
- Transportation –
 - Lady Lake MOA Maintenance/Bridge/Roadway Contract - moved to the 2017/2018 fiscal year.
 - Rolling Acres Road Intersection with US 27/441 Improvements - moved to 2020/2021 fiscal year.
 - SR 25/500 from Avenida Central to Sumter County Line Resurfacing – The majority of this project was completed during 2016/2017 fiscal year; the balance is carried over to the 2017/2018 fiscal year.
 - Public Schools Improvement Schedule – Ms. Then stated the Town does not have control over some of these improvements. However, because it is located in our community, they must be included and adopted accordingly.

Ms. Then reported that the Technical Review Committee members individually reviewed the application for Ordinance No. 2017-49, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Town Commission is scheduled to consider Ordinance No. 2017-49, for first reading on Monday, December 4, 2017 at 6 p.m., and for second/final reading on Monday, December 18, 2017 at 6 p.m.

Chairperson/Member Gauder asked if there were any questions or comments, and hearing none, asked for a motion.

Upon a motion by Member Rohan and a second by Member Sigurdson, the Planning and Zoning Board recommended transmittal and approval of Ordinance No. 2017-49 to the Town Commission for consideration by the following roll call vote:

| | |
|------------------|------------|
| <i>LeCLERC</i> | <i>YES</i> |
| <i>ROHAN</i> | <i>YES</i> |
| <i>SIGURDSON</i> | <i>YES</i> |
| <i>CONLIN</i> | <i>YES</i> |
| <i>GAUDER</i> | <i>YES</i> |

6. Ordinance No. 2017-50 – An Ordinance of the Town of Lady Lake, Florida, Relating to Medical Marijuana; Amending the Land Development Regulations, Chapter V, “Zoning District Regulations”; Amending Chapter VI, “Conditional Uses and Special Exceptions”; Providing that Medical Marijuana Dispensaries, Non-Medical Marijuana Sales, and Cannabis Farms Are Prohibited Uses In All Zoning Districts; Providing that Medical Marijuana Dispensaries are No Longer a Permitted Special Exception Use in the Heavy Commercial Zoning District. (Wendy Then)

Senior Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She summarized that on or about June 23, 2017, Florida Governor Rick Scott signed Senate Bill No. 8-A, which creates a unified regulatory structure for sale, use, distribution,

and consumption of medical marijuana in the State of Florida. The same bill also allows a county or municipality to ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality. Following the signing of Senate Bill No. 8-A, the Town of Lady Lake elected to impose a 180-day moratorium, effective August 7, 2017, through the passage of Ordinance No. 2017-30 by the Town Commission.

The moratorium that was imposed under Ordinance No. 2017-30 is set to expire on February 3, 2018. The adoption of Ordinance No. 2017-50 shall become effective immediately pending its adoption, which is anticipated to occur on Monday, December 18, 2017.

At this time, the Town Commission of the Town of Lady Lake is of the opinion that adequate time has elapsed regarding their efforts to review applicable regulations concerning activities related to or uses of medical marijuana permitted under the legislation, including evaluating whether to ban medical marijuana treatment center dispensing facilities within the Town limits. It has been determined that to protect the public health, safety and welfare of the citizens and residents of the Town of Lady Lake, the Town Commission desires to remove all language from Chapter 5 “Zoning District Uses”, and well as all language within Chapter 6 of the Land Development Regulations, "Conditional Uses and Special Exceptions", that would allow for a medical marijuana dispensary to be established anywhere within the incorporated boundary of the Town of Lady Lake, Florida.

Ms. Then stated the attached draft ordinance for consideration by the Town Commission pertains to the regulation and prohibition of Medical Marijuana Dispensaries, Non-Medical Marijuana Sales, and Cannabis Farms in the Town of Lady Lake. The attached ordinance provides for the following amendments:

- Contains language that amends Chapter 5, Section 5-4 of the Land Development Regulations entitled "Zoning District Uses", by removing “Medical Marijuana Dispensaries” as a use permitted as a Special Exception Use upon approval of the Town Commission, to a use, which is classified as “Uses Strictly Prohibited” in the Heavy Commercial (HC) zoning designation.
- Removes all criteria which must be satisfied to qualify as an appropriate location to establish a medical marijuana dispensary in the Heavy Commercial zoning district as a Special Exception Use (SEU); reflected in Chapter 6 of the Land Development Regulations, "Conditional Uses and Special Exceptions", providing that is no longer a permitted Special Exception Use in any zoning designation within the Town of Lady Lake, Florida.

Ms. Then reported that the Technical Review Committee members individually reviewed Ordinance No. 2017-50, and determined the ordinance ready for transmittal to the Planning and Zoning Board. The Town Commission is scheduled to consider Ordinance No. 2017-50 for first reading on Monday, December 4, 2017 at 6:00 p.m., and for second/final reading on Monday, December 18, 2017 at 6:00 p.m.

Chairperson/Member Gauder asked if there were any questions or comments.

Member LeClerc read a prepared statement (passed out to the other members and on file in the Clerk’s office) in favor of allowing medical marijuana clinics within the Town of Lady Lake; stating it would make it easier for those in need to obtain this medication locally and legally. He commented further how this relates to his past experience working in the drug industry for 27 years, as well as on his own personal health issues. He questioned the wording in the ordinance

that states “It has been determined that to protect the public health, safety and welfare of the citizens and residents of the Town of Lady Lake...”. Member LeClerc stated that alcohol and cigarettes are proven to be killers, causing lung cancer, etc.

Member Sigurdson stated the ordinance includes medical marijuana dispensaries and non-medical marijuana sales and cannabis farms; if these issues were split, the Board could focus on the medical marijuana aspect. He stated he does not want non-medical marijuana sales and cannabis farms within the Town of Lady Lake. He asked if Fruitland Park and The Villages are planning to ban medical marijuana dispensaries.

Growth Management Director Thad Carroll replied the jurisdictions within Lake County that are in favor of medical marijuana dispensaries are Mt. Dora, Minneola and Mascotte. He stated there is a dispensary called Truelieve just to the north of Lady Lake in Sumter County, although has banned the establishment of additional dispensaries.

Town Attorney Derek Schroth confirmed that Lake County has banned dispensaries.

Member Sigurdson stated that he has a problem with combining medical marijuana and non-medical marijuana sales, farms and dispensaries in one ordinance. He stated he has a family member who is able to focus and interact with people when he takes medical marijuana as prescribed, and is non-communicative and non-functioning when he does not, although he lives in another part of the state and is not affected by this ordinance. Member Sigurdson stated that he is against this ordinance because there is not a medical marijuana dispensary in this area and that there are no others close enough to Lady Lake for residents to get the medication without difficulty.

Chairperson/Member Gauder asked if there were any further questions or comments and, hearing none, asked for a motion.

Upon a motion by Member LeClerc and a second by Member Conlin, the Planning and Zoning Board recommended transmittal with the recommendation for denial of Ordinance No. 2017-50 to the Town Commission for consideration by the following roll call vote:

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|------------------|------------|
| <i>LeCLERC</i> | <i>YES</i> |
| <i>ROHAN</i> | <i>YES</i> |
| <i>SIGURDSON</i> | <i>YES</i> |
| <i>CONLIN</i> | <i>NO</i> |
| <i>GAUDER</i> | <i>NO</i> |

7. Resolution No. 2017-121 – The Villages of Lake-Sumter, Inc. – Variance Request Pursuant to Chapter 5, Section 5-4. F). 4). C). 1.a., of the Town of Lady Lake Land Development Regulations - Requesting a Minimum Ten Foot Front Yard Setback within the MX-8 Zoning District – For Property Located at 809 Aloha Way (Alternate Key 2594161) (Wendy Then)

Senior Planner Wendy Then presented the background summary for this agenda item (on file in the Clerk’s Office). She stated the applicant, The Villages of Lake-Sumter, Inc., has submitted an application for a variance from Chapter 5, Section 5-4. f). 4). C). 1.a., of the Town of Lady Lake Land Development Regulations (LDRs) which requires that the front yard setback be a distance of twenty feet minimum within the MX-8 Zoning District. The applicant is proposing to construct a

new single-family residence at 809 Aloha Way (Alternate Key No. 2594161), and the variance request is to allow a minimum ten feet front-yard setback along Aloha Way for the new proposed home.

A location map and photographs of the posting was presented.

Ms. Then reported that on May 15, 2017. the applicant annexed this parcel into the jurisdiction of Town of Lady Lake under Ordinance No. 2017-12 to replace an existing manufactured home with a single family residence. As result of the Town's Land Development Regulations, Chapter 12, Article II, Section 12-52).a).1)., any part of the proposed habitable structure is required to adhere to a 35-foot setback from the Ordinary High Water Line (OHWL) from bodies of water. The home was place approximately 27 feet from the OHWL; which is about +/- eight feet short. With this variance, an additional ten feet on the rear will allow for the minimum 35-foot Ordinary High Water Line setback to meet the Town's Land Development Regulations.

The parcel abuts Lake Paradise on the rear yard and is located within a Special Flood Hazard Area (SFHA) Flood Zone A; which requires that re-development adheres to the National Flood Insurance Program (NFIP) and the Town's Floodplain Management Ordinance.

Ms. Then reminded the Board that in 2016, another applicant whose property abuts Lake Paradise was granted a variance for this same issue.

Ms. Then stated that as part of the variance application, a Justification Statement is required and has been provided. The applicant states that:

- The ten feet encroachment into the front yard setback along Aloha Way will not present an adverse impact to the general safety or well-being of adjacent properties. The requested ten foot front yard setback will still allow for effective sight-lines and safety for automobiles, pedestrians, and residents using other modes of transportation along Aloha Way.
- The property will not suffer diminution of value, but rather enable the property owners to rebuild a new home to a desired square footage, which would be restricted without this variance. By replacing the manufactured home with a modern site-built home, the building would have to meet current Florida Building Code and Life Safety Code standards, including the updated hurricane and wind codes. Also, the new site-built home will provide a renewed, pleasant aesthetic which will enhance the neighborhood and increase the value of surrounding properties.
- Lastly, the applicant stated that in order to accommodate the 35-feet OHWL setback, the new site-built home must be designed with a 20-foot rear-yard setback when ordinarily the rear yard setback for the MX-8 zoning would be 10 feet. That additional 10 feet is what would be needed to meet front-yard setback requirements as the lot only has 45 lineal feet of buildable area.

When reviewing an application for a variance, the Planning and Zoning Board and the Town Commission shall consider the following requirements and criteria according to Chapter 3, Section 14 f) – Review criteria for variances in the Land Development Regulations:

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.

The subject property lies in Section 06, Township 18 South, Range 24 East, in Lady Lake, Florida. The Future Land Use Map designation for the site is MH-HD (Manufactured Home High Density, up to 8 DUs/Acre) and is zoned “MX-8.” The Future Land Use and Zoning Designations of the adjacent properties are as follows:

Future Land Use

| | |
|---|---|
| Subject Properties | Lady Lake- Manufactured Home High Density (MH-HD) |
| Future Land Use of Adjacent Properties | |
| West | Lake County – Medium Urban Density |
| East | Lake County – Medium Urban Density |
| North | Lake County – Medium Urban Density |
| South | Lake County – Medium Urban Density |

Zoning

| | |
|--------------------------------------|--|
| Subject Property | Lady Lake- Mixed Residential Medium Density (MX-8) |
| Zoning of Adjacent Properties | |
| West | Lake County Residential Medium (RM) |
| East | Lake County Residential Medium (RM) |
| North | Lake County Residential Medium (RM) |
| South | Lake County Residential Medium (RM) |

The project will be required to adhere to the Town of Lady Lake Floodplain Management Ordinance for parcels within Special Flood Hazard Areas. Elevation certificates will be required throughout the permitting process to establish compliance.

Ms. Then reported that notices to inform the surrounding property owners (16) within 150 feet of the property of the proposed variance were mailed by on Monday, October 30, 2017, and the property was also posted this same date. No objections or letters of support have been received to date.

Ms. Then stated that the Technical Review Committee individually reviewed the variance application for Resolution No. 2017-121 on Monday, November 06, 2017, provided comments, and determined the application to be complete and ready for transmittal to the Planning and Zoning Board. The Town Commission is scheduled to consider Resolution No. 2017-121 on first and final reading at the regular Meeting on Monday, December 4, 2017, at 6:00 p.m.

Ms. Then stated a representative from The Villages is present if there are any questions.

Chairperson/Member Gauder asked if there were any questions or comments.

Member Conlin read a prepared statement regarding the fact that the Town of Lady Lake's Land Development Regulations were issued in order to keep development uniform, acceptable, safe and pleasant-looking. He stated this variance does not meet those standards, and if granted, may obstruct the views of homes up and down the street.

Member Sigurdson stated he visited this property and observed that the houses on the left side of this property may encounter the same problem. He said this may set a precedent for others down the line. He noted that there are some large, old trees that may have to be taken down in this area if other property owners request this variance in the future.

Ms. Then reiterated that this same type of variance was requested and approved for another property in 2016. She stated that some of these structures were installed during the 1970's and 1980's when the setbacks may have been pursuant to Lake County's codes, and may not have the 20 foot setbacks which they would be required to adhere to now if building a new home.

Member Sigurdson stated that when he looked at the properties in this area that back up to the water line, it did not appear that they are 35 feet from the water line. He asked if the structure or the property line should be 35 feet from the water.

Ms. Then replied that the current code states the rear setback of the habitable structure should be 35 feet from the ordinary high water line so that it is not affected during a 100-year storm event. She also noted that some of the large trees mentioned by Member Sigurdson may be in the public right-of-way, and the applicant may not have the rights to remove the trees; it would be up to the public entities.

Member LeClerc also asked whether granting this variance would be setting a precedent whereby the builders could ask for variances from this 10-foot setback for the other houses.

Ms. Then stated that a precedent has already been set in 2016 for a property located at 1016 Aloha Way. She stated variances are reviewed on a case by case basis by the Planning and Zoning Board and the Town Commission.

Growth Management Director Thad Carroll interjected that a variance cannot be requested for the 35-foot rear setback from the OHWL. The variance request would have to be for the front yard setback as in this instance.

Chairperson/Member Gauder asked if there were any further questions.

- Liz Martin of The Villages thanked the members for their consideration of this variance request application. She emphasized that they are trying to comply with the 35-foot shoreline protection requirement, and without the variance, they would most likely not be able to build a house there that would be more than 45 feet in depth. She stated it would not look like other homes in the neighborhood, and this will help keep appearances consistent with the revitalization of the area.

Upon a motion by Member Conlin and a second by Member LeClerc, the Planning and Zoning Board recommended transmittal with the recommendation for denial of Resolution No. 2017-121 to the Town Commission for consideration by the following roll call vote:

| | |
|-------------------------|-------------------|
| <i>LeCLERC</i> | <i>YES</i> |
| <i>ROHAN</i> | <i>NO</i> |
| <i>SIGURDSON</i> | <i>NO</i> |
| <i>CONLIN</i> | <i>NO</i> |
| <i>GAUDER</i> | <i>NO</i> |

CHAIRPERSON/MEMBERS' REPORT:

Chairperson Gauder commented that he hoped those who are concerned about the medical marijuana issue attend the Town Commission meeting.

ADJOURN: With nothing further to discuss, the meeting was adjourned at 6:24 p.m.

Carol Osborne, Staff Assistant to the Town Clerk John Gauder, Chairperson

Minutes transcribed by Carol Osborne, Staff Assistant to the Town Clerk