

PLANNING AND ZONING BOARD MEETING AGENDA ITEM TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Resolution 2021-104 — A Resolution of the Town of Lady Lake, Florida, Granting a Variance to Authorize the Removal of a Historic Tree in Accordance with the Provisions of Chapter 10, Section 10-5. C). 3). A)., of the Town of Lady Lake Land Development Regulations, on Property Owned by M & L Lady Lake, LLC, Located at 401 Us Highway 441 (Alternate Key 1237998)

AGENDA ITEM ID

2021090

DEPARTMENT

Growth Management

STAFF RECOMMENDED MOTIONS

1. Motion to forward Resolution 2021-104 to the Town Commission with the recommendation of approval.
2. Motion to forward Resolution 2021-104 to the Town Commission with the recommendation of denial.

Staff recommends approval of Motion Number 1.

SUMMARY

The variance application is in accordance with the provisions of Chapter 10, Section 10-5). c).3). A), of the Town of Lady Lake Land Development Regulations which requires the submittal of a Historic Tree Removal variance application for any property owner who desires to remove a healthy historic tree in a commercial property. The variance request is to allow the removal of a 40-inch historic Live Oak tree located within the proposed Villages RV Storage development, addressed as 650 S. U.S. Hwy 27/441 (Alternate Key No. 1015049); owned by Discount Mini Storage of Lady Lake, LLC, within the town limits of the Town of Lady Lake, Florida.

BACKGROUND

On Wednesday, March 31, 2021, applicant 30AIP Lady Lake, LLC, filed a historic tree removal variance application on behalf of property owner M & L Lady Lake, LLC for property located at 401 S. U.S. Highway 27/441, within the town limits of the Town of Lady Lake, Florida.

As part of the review process of the concurrent major site plan application, it was identified that one historic tree needed to be removed to accommodate the site plan layout. The variance is required due to the size and location of this existing oak tree. The applicant states that the required setbacks from the tree in order to save it would be significant and would impact the full right of the applicant to maximize best use of the land to the fullest extent possible pursuant to the Land Development Regulations.

The applicant is required to provide 206 caliper inches of tree cover for the 1.29-acre parcel. They are proposing to remove 305 inches of tree cover and preserve 191 inches of existing trees on the property, equaling 39% of the existing tree coverage on the property. The trees to remain when combined with the new plantings proposed for the site will provide planting in the amount of 319 caliper inches.

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:

- No diminution in value of surrounding properties would be suffered.
- Granting the permit would be of benefit to the public interest.
- Denial of the permit would result in unnecessary hardship to the owner seeking it.
- The use must not be contrary to the spirit of this Code.
- 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.
- 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 is in Section 7, Township 18 South, Range 24 East, in Lake County, Florida. Appropriate legal descriptions, a location map, and a sketch of the property have been included with the submitted application. The variance application has been reviewed and determined to be complete. The application meets the requirements of the Land Development Regulations (LDRs), as well as the adopted Comprehensive Plan, and is ready for transmittal to the Town Commission.

Staff mailed notices to inform the surrounding property owners within 150 feet of the property proposed by the variance request on Monday, April 26, 2021. The property was also posted on Monday, April 26, 2021.

To date, no objection or support has been received by Town Staff either by phone, mail or in person regarding this variance request.

PAST ACTIONS

The Technical Review Committee found that Resolution 2021-104 was ready for transmittal to the Planning and Zoning Board.

PUBLIC HEARINGS

The Town Commission is scheduled to consider Ordinance 2021-05 for first and final reading on Monday, June 7, 2021 at 6 p.m.

FISCAL IMPACT

Not applicable

FUNDING SOURCE

Not applicable

FUNDING ACCOUNT

Not applicable

TC/ns