



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: November 14, 2019

Case No. and Project Name: VAR-19-34-3, Diocese of Orlando Property (a/k/a “Tyree Estates”)

Applicant: KBC Radio Road LLC

Owner: Thomas J. Grady, Bishop, Diocese of Orlando

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 9.02.10.F.2, to allow for the removal of three (3) heritage trees with a cumulative total of one-hundred forty (140) caliper inches.

Case Manager: Emily W. Johnson, Planner

Subject Property Information

Size: 19.87+/- acres

Location: East of Radio Road in the unincorporated Leesburg area.

Alternate Key No.: 1274061 and 1182361

Future Land Use: Urban Medium Density

Current Zoning District: Urban Residential District (R-6)

Flood Zone: “AE” and “X”

Joint Planning Area/ ISBA: Leesburg ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

| Direction | Future Land Use | Zoning | Existing Use | Comments |
|-----------|----------------------|-----------------------------|--------------|--|
| North | Urban Medium Density | Urban Residential (R-6) | Residential | Single-Family Dwelling Units |
| South | Urban Medium Density | Urban Residential (R-6) | Residential | Single-Family Dwelling Units |
| East | Urban Medium Density | Mixed Home Residential (RM) | Residential | Single-Family Dwelling Units and Cook Lake |
| West | N/A | N/A | Street | Radio Road |

Summary of Request.

The subject properties, identified as Alternate Key Numbers 1274061 and 1182361, contain a cumulative 19.87 +/- acres, and are generally located east of Radio Road in the unincorporated Leesburg area. The parcels are zoned Urban Residential District (R-6), and are designated as Urban Medium Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The land title survey (Attachment A) depicts the "AE" and "X" floodplain areas, and wetland area.

The Applicant is requesting a variance to Lake County Land Development Regulations (LDR) Section 9.02.10.F.2 *Heritage Trees*, to allow for the removal of three (3) heritage trees with a cumulative total of one-hundred forty (140) caliper inches for development of a 50-lot subdivision (a/k/a "Tyree Estates"). A preliminary plat for Tyree Estates is currently under review by county staff; a tree survey indicating the location of three (3) heritage trees (Attachment B) and landscape plan (Attachment C) were included with the development application.

Pursuant to Land Development Regulations (LDR) Section 9.02.10.B, a tree is designated a heritage tree if it is greater than 40 caliper inches in size. The Applicant has requested to remove one (1) camphor tree measuring forty-eight (48) caliper inches in size, and two (2) oak trees that each measure forty-six (46) caliper inches in size, for a total of one-hundred forty (140) caliper inches to be removed.

The variance application was sent to the City of Leesburg for review. City of Leesburg did not provide any comments of support or objection.

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 Applicant has provided the following statement as proof that the purpose of the Land Development Regulations will be or has been achieved by other means, *"A mixture of proposed plantings and tree saves are provided on the landscape plan."*

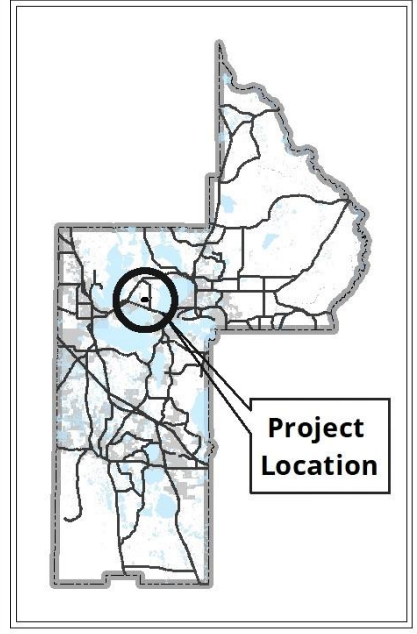
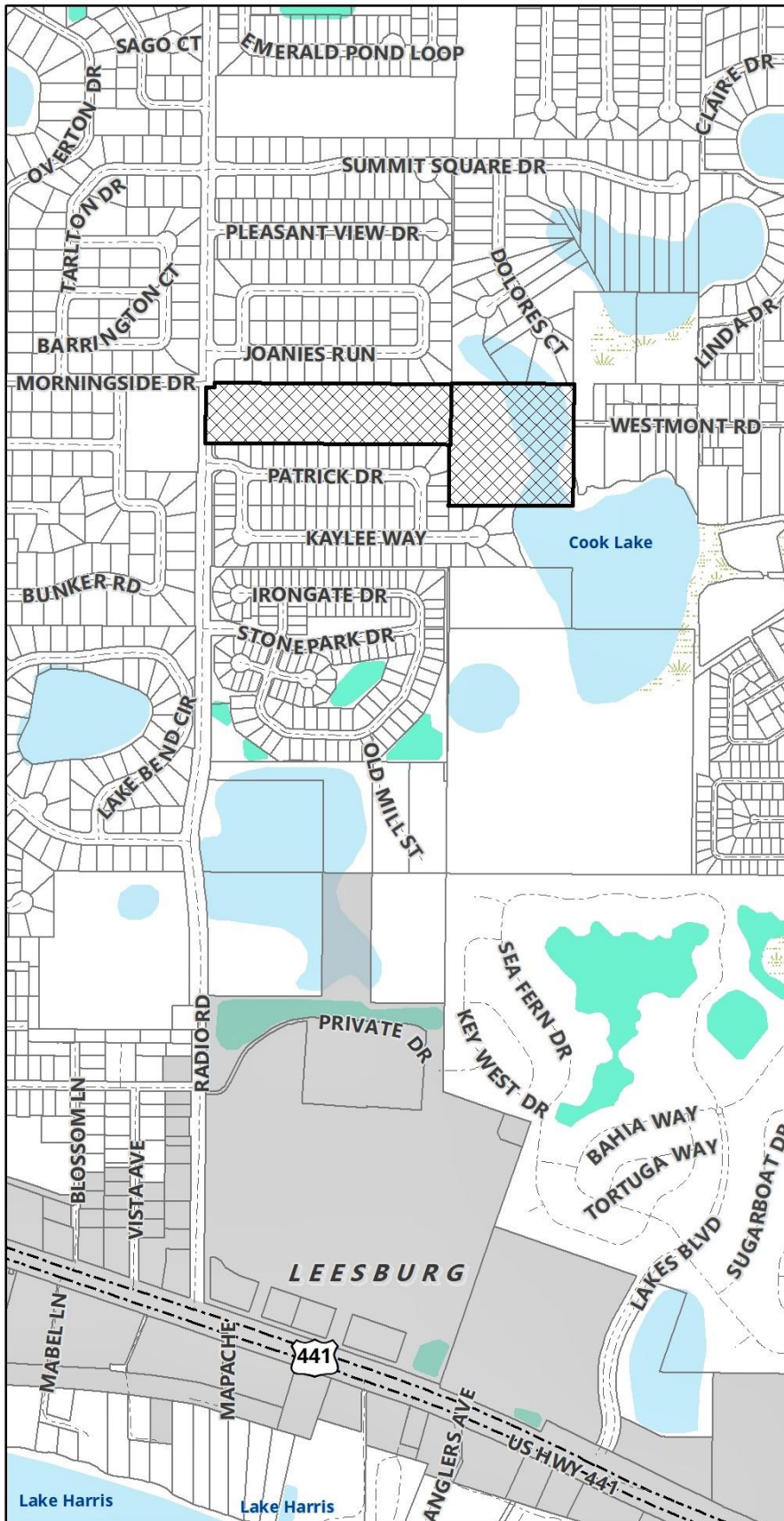
The intent of the code, Land Development Regulations (LDR) Section 9.02.00, is to recognize the importance of trees and palms and their meaningful contribution to a healthy, beautiful, and safer community. Pursuant to Land Development Regulations (LDR) Section 9.02.06.B, one hundred (100) percent of total caliper inches of removed heritage trees must be replaced; the landscape plan (Attachment B) addresses tree replacement and mitigation.

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.

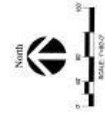
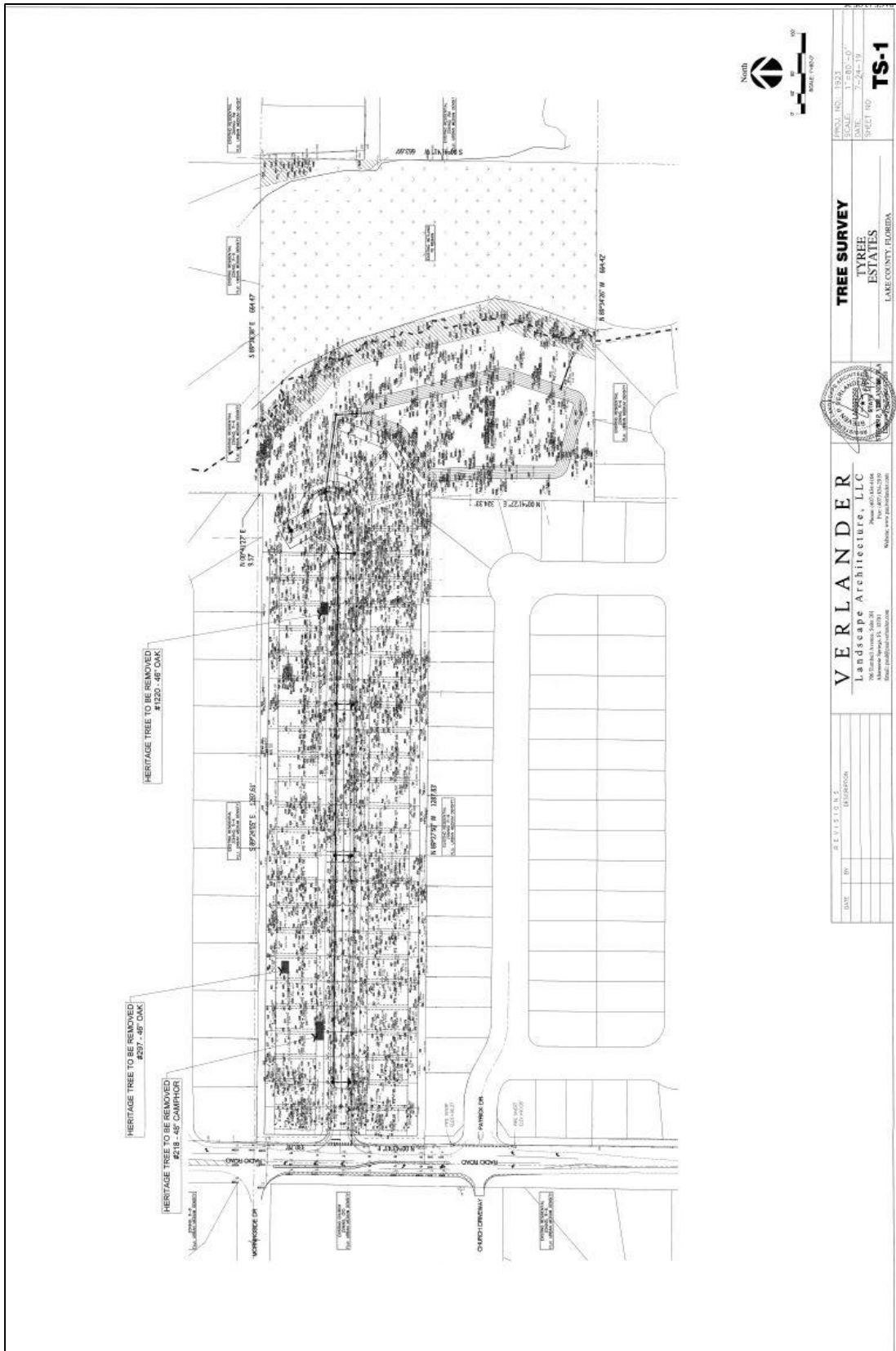
The Applicant has provided the following statement of hardship, *"The trees are located on a proposed lot. The distance to the building pad from the base of the trees would cause long term damage to the property."*

LDR Section 14.15.04 states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance.

Map of Subject Property



Attachment B. Tree Survey

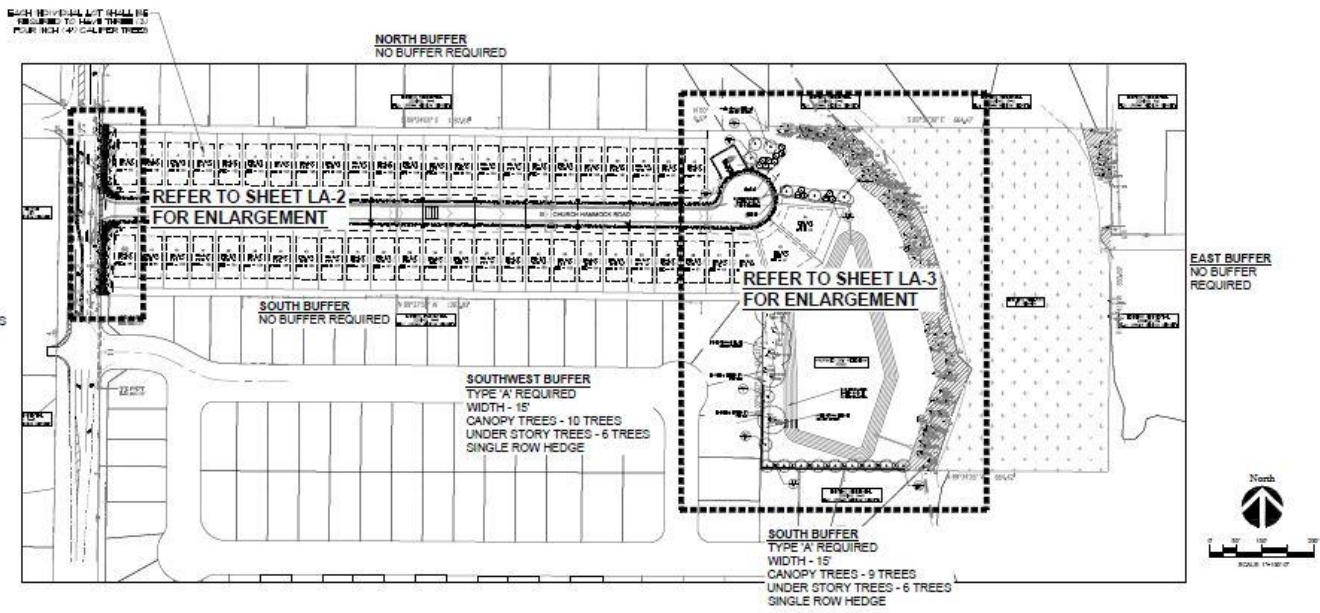


| | | |
|-------------|-------------|--|
| PROJECT NO. | 1923 | TREE SURVEY TYREE ESTATES LAKE COUNTY, FLORIDA |
| SCALE | 1" = 30'-0" | |
| SHEET NO. | 25-4-19 | |
| DATE | | VERLANDER Landscape Architecture, LLC 10000 US Highway 19, Suite 101 Orlando, Florida 32835 Phone: 407.642.2700 Email: info@verlander.com Website: www.verlander.com |
| BY | | |
| DATE | | REVISIONS DESCRIPTION |
| | | |
| | | |



TS-1

Attachment C. Landscape Plan (Page 1 of 3)



PLANT SCHEDULE

| TREES | QTY | BOTANICAL NAME | COMMON NAME | COULT | DBH | HT | REMARKS |
|--------------|-----|-----------------------------------|---------------------------|----------------------|---------------------|-----------|--|
| LI | 6 | Ligustrum japonicum | Japanese Privet | 0.4" DB | | 6'-6" HT | SLEEK TRUNKS, LEVIGATED FORM, 3' CLEAR TRUNK |
| ML | 10 | Mulberry grandifolia 'Little Gem' | Dwarf Southern Mulberry | 0.45" DB | 4" | 16'-18" | WELL DEVELOPED PYRAMIDAL FORM, SPEED QUALITY |
| PE | 14 | Pinus allari | Slash Pine | 0.5" DB | | 2.5' | SINGLE LEADER TREE, UPRIGHT PINE MAY BE SUBSTITUTED |
| OV | 17 | Quercus virginiana | Southern Live Oak | 1.00" DB at 4.5' DBH | 3" | 14'-16" | SINGLE STRAIGHT TRUNK, WELL DEVELOPED CANOPY |
| SHRUBS | QTY | BOTANICAL NAME | COMMON NAME | COULT | HT | REMARKS | |
| SHRUB AREAS | 410 | Bumelia aegyptiaca | Bumelia | 3" DB | 100" DB at 1.5' DBH | | |
| MU | 225 | Muhlenbergia capillaris | Blue Muhly | 1" DB | | 24" max. | |
| VDM | 101 | Viola blanda 'Miss Shiloh Dangle' | Miss Shiloh Dangle Violum | 3" DB | | 2'-2" | |
| VDM | 75 | Viola blanda | Walker's Violum | 3" DB | | 24" x 24" | |
| GROUP COVERS | QTY | BOTANICAL NAME | COMMON NAME | COULT | HT | REMARKS | |
| GROUP COVERS | | | Tree Group | | | | REMARKS: 3" DEEP COVER IN SHRUB AREAS, 1" DEEP ON TREES. |

| | Trees Retained | | Trees Saved | | Neutral Trees | |
|-----------|----------------|--------------|-------------|--------------|---------------|--------------|
| | Quantity | Total Inches | Quantity | Total Inches | Quantity | Total Inches |
| Protected | 427 | 3433 | 221 | 1878 | 4 | 1814 |
| Specimen | 2 | 67 | 0 | 0 | 4 | 125 |
| Remove | 1 | 46 | 0 | 0 | 1 | 46 |

| Trees Removed | Inches Required |
|-----------------------|-----------------|
| Protected (50%) | 1716.5 |
| Specimen (50%) | 62.5 |
| Remove (100%) | 46 |
| Total | 1785 |
| Total Inches Provided | 500 |
| Total Inches Saved | 308 |
| Deficit | (500.0) |
| Mitigation Req. | 5 |

| Tree | Qty | Total Inches |
|-------------------------|-----|--------------|
| Dwarf Southern Mulberry | 30 | 45 |
| Slash Pine | 14 | 35 |
| Southern Live Oak | 17 | 51 |
| Live Oaks (3 & 5") | 156 | 375 |
| Total | 197 | 506 |

REFER TO SHEET LA-4 FOR PLANT NOTES AND DETAILS

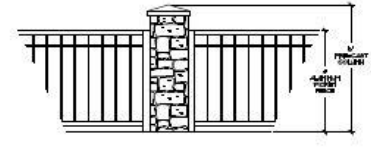
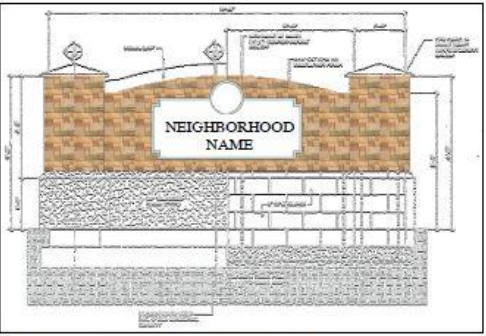
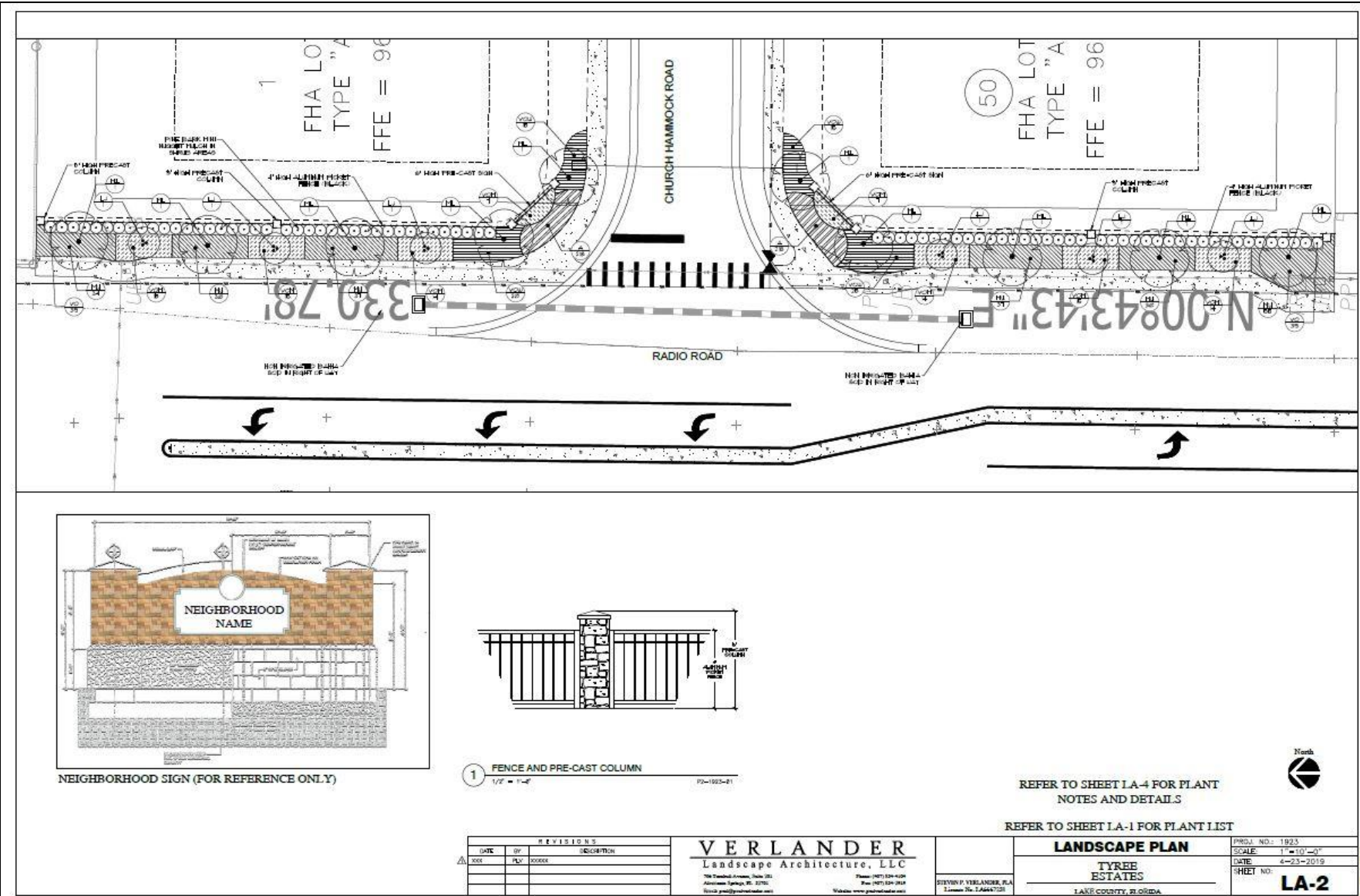
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VERLANDER
 Landscape Architecture, LLC
 706 Townsend Avenue, Suite 201
 Altamonte Springs, FL 32714
 Florida Professional Seal No. 12014
 Website: www.verlander.com

LANDSCAPE PLAN
TYREE
ESTATES
 LAKE COUNTY, FLORIDA

| | |
|------------|--------------|
| PROJ. NO.: | 1923 |
| SCALE: | 1" = 100'-0" |
| DATE: | 6-23-2019 |
| SHEET NO.: | LA-1 |

Attachment C. Landscape Plan (Page 2 of 3)



REFER TO SHEET LA-4 FOR PLANT NOTES AND DETAILS

REFER TO SHEET LA-1 FOR PLANT LIST

| REVISIONS | | | |
|-----------|----|-----|-------------|
| DATE | BY | NO. | DESCRIPTION |
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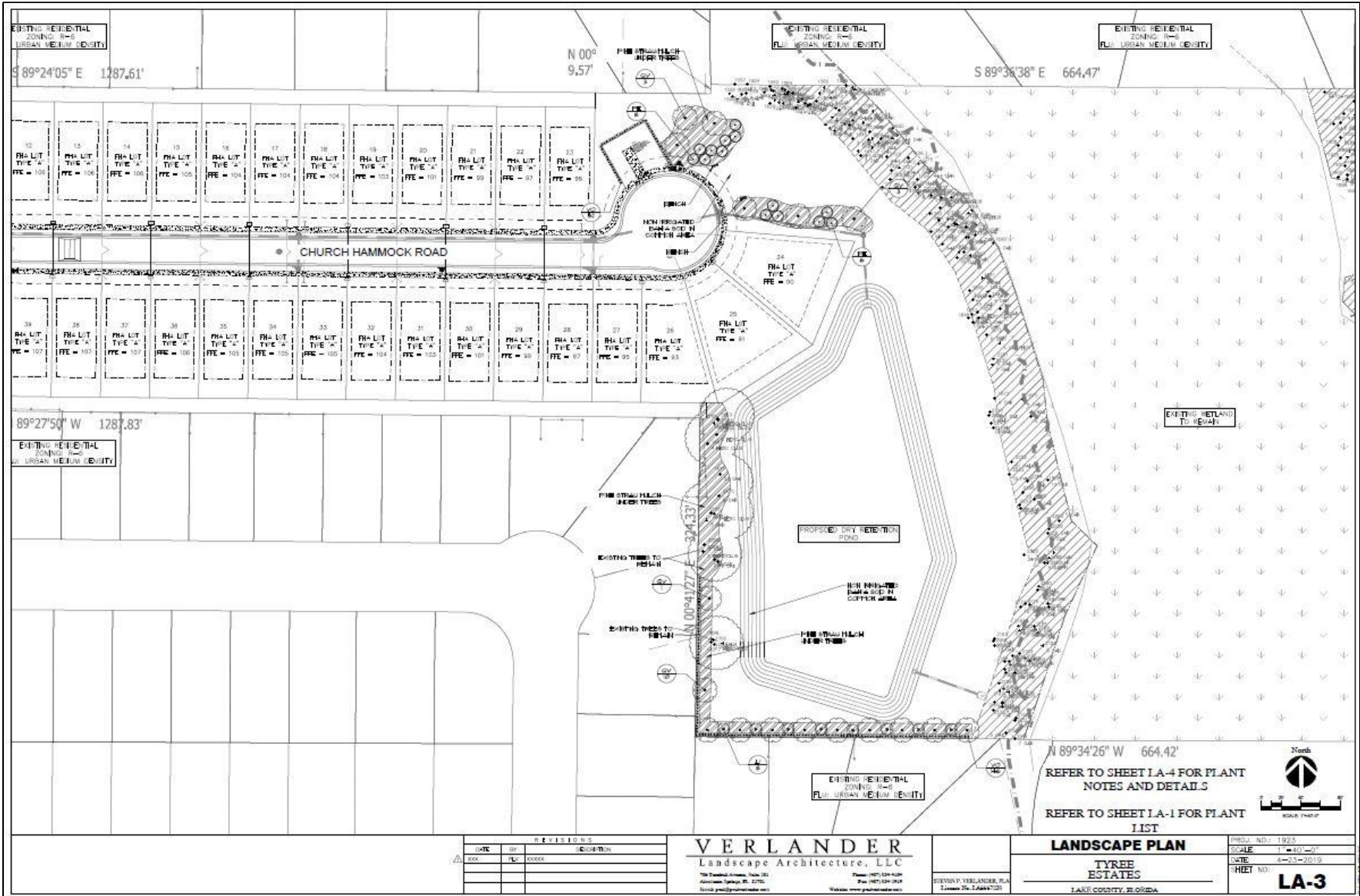
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 Fax: (407) 524-2848
 Website: www.verlander.com

STEVEN P. VERLANDER, P.A.
 License No. LA6647238

LANDSCAPE PLAN
 TYREE
 ESTATES
 LAKE COUNTY, FLORIDA

PROJ. NO.: 1923
 SCALE: 1" = 10'-0"
 DATE: 4-23-2019
 SHEET NO.: **LA-2**

Attachment C. Landscape Plan (Page 3 of 3)



| REVISIONS | | |
|-----------|----|-------------|
| DATE | BY | DESCRIPTION |
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LANDSCAPE PLAN
 TYREE
 ESTATES
 LAKE COUNTY, FLORIDA

PROJ. NO.: 1925
 SCALE: 1" = 40'-0"
 DATE: 4-23-2019
 SHEET NO.: **LA-3**

REFER TO SHEET I.A-4 FOR PLANT NOTES AND DETAILS
 REFER TO SHEET I.A-1 FOR PLANT LIST

Final Development Order
VAR-19-34-3
Diocese of Orlando Property
(a/k/a “Tyree Estates”)

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, KBC Radio Road, LLC (the “Applicant”), on behalf of Thomas J. Grady, Bishop, The Diocese of Orlando (the “Owner”), requested a variance from the Lake County Land Development Regulations (LDR) Section 9.02.10.F.2 for the removal of three (3) heritage trees with a cumulative total of one-hundred forty (140) caliper inches; and

WHEREAS, the subject properties identified as Alternate Key Numbers 1274061 and 1182361, contain 19.87+/- acres, are generally located east of Radio Road in the unincorporated Leesburg area, and are situated in Section 14, Township 19, Range 25, and more particularly described in Exhibit “A”; and

WHEREAS, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on November 14, 2019; 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; and

WHEREAS, on November 14, 2019, the Lake County Board of Adjustment approved the variance for the above property.

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-19-34-3 to Lake County Land Development Regulations (LDR) Section 9.02.10.F.2 for the removal of three (3) heritage trees with a cumulative total of one-hundred forty (140) caliper inches, with the following condition:

1. One hundred (100) percent of the total caliper inches of the removed heritage trees must be replaced, or the number of caliper inches to be preserved trees must exceed the amount to be removed.

Section 2. Severability: If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

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Section 3. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this 14th day of November, 2019.

EFFECTIVE November 14, 2019.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Lloyd Atkins, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 14th day of November, 2019, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

Signature of Acknowledger

EXHIBIT "A"
Legal Description

DESCRIPTION AS FURNISHED:

PARCEL 1:

N 1/2 Lots 1,2,3 and 4, Block 36 of REVISED AND CORRECTED PLAT OF RE-SUBDIVISION OF SILVER LAKE ESTATES, according to the Plat thereof as recorded in Plat Book 10, Page(s) 66-69, of the Public Records of Lake County, Florida.

TOGETHER WITH

PARCEL 2:

The Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 14, Township 19 South, Range 25 East, Lake County, Florida.

Parcels 1 and 2 above being more particularly described as follows:

Beginning at the Northwest corner of Tract "A", CHELSEA PARK, as recorded in Plat Book 38, Pages 37-39, Public Records of Lake County, Florida; thence N.00°43'43"E., along the East right-of-way line of Radio Road, a distance of 330.78 feet to the South line of QUAIL POINTE AT SILVER LAKE, as recorded in Plat Book 31, Page 63, Public Records of Lake County, Florida; thence S.89°24'05"E., along said South line, a distance of 1,287.61 feet to the West line of the Southeast 1/4 of Section 14, Township 19 South, Range 25 East; thence N.00°41'27"E., along said West line, a distance of 9.57 feet to the South line of SUMMIT LANDINGS, as recorded in Plat Book 30, Pages 62 and 63, Public Records of Lake County, Florida; thence S.89°36'38"E., along the South line of said SUMMIT LANDINGS, a distance of 664.47 feet; thence S.00°41'41"W., a distance of 663.69 feet to the North line of said CHELSEA PARK; thence N.89°34'26"W., along said North line, a distance of 664.42 feet to the West line of said Southeast 1/4; thence N.00°41'27"E., along said West line, a distance of 324.33 feet; thence N.89°27'50"W., a distance of 1,287.83 feet to the POINT OF BEGINNING. Containing 865,872 square feet or 19.8777 acres, more or less.