



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 30
 Public Hearing Date: August 12, 2021
 Case No. and Project Name: VAR-21-58-4, Huebner Property
 Owner/Applicant: Zachary Huebner
 Requested Action: Variance to Land Development Regulations (LDR) Section 9.02.10.F(2) to allow for the removal of a 52-caliper inch heritage oak tree and a 45-caliper inch heritage oak tree.
 Case Manager: Ruth Mitchell, Planner

Subject Property Information

Size: 0.55 +/- acres
 Location: East of Hawks Run Lane, in the unincorporated Sorrento area of Lake County.
 Alternate Key No.: 3887542
 Future Land Use: Wekiva River Protection Area A-1-20 Receiving Area
 Current Zoning District: Planned Unit Development (PUD)
 Flood Zones: "X"
 Joint Planning Area (JPA) / ISBA: N/A
 Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	WRPA A-1-20 Receiving Area	PUD	Golf Course	Red Tail Golf Course
South	WRPA A-1-20 Receiving Area	PUD	Right-of-Way	Hawks Run Lane, Single-Family Residence
East	WRPA A-1-20 Receiving Area	PUD	Vacant	Vacant Residential
West	WRPA A-1-20 Receiving Area	PUD	Vacant	Vacant Residential

Summary of Request.

The subject property, identified as Alternate Key Number 3887542, contains 0.55 +/- acres, is zoned Planned Unit Development (PUD), and is designated with an Wekiva River Protection Area A-1-20 Receiving Area Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject property is located east of Hawks Run Lane, in the unincorporated Sorrento area of Lake County. The subject property is currently vacant and undeveloped.

The owner would like to build a single-family dwelling unit on the residential lot. To build the single-family dwelling unit, a 52-caliper inch heritage oak tree and a 45-caliper inch heritage oak tree would need to be removed. The concept plan (Attachment "A") indicates the existing trees, the trees proposed to be removed, and their location in proximity to the footprint of the proposed single-family dwelling unit. Pursuant to LDR Section 9.02.10.B(1), trees with a 40-inch or greater trunk are considered heritage trees; removal of a heritage tree is prohibited under LDR Section 9.02.10.F(2), unless a variance to this section is granted by the Board of Adjustments.

The Applicant has requested a variance to LDR Section 9.02.10.F(2), to allow for the removal of a 52-caliper inch heritage oak tree and a 45-caliper inch heritage tree.

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 the Code, 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 attributable to their carbon dioxide absorption, oxygen production, dust filtration, wind and noise reduction, soil erosion prevention, lakeshore erosion protection, wildlife habitat, surface drainage improvement, beautification and aesthetic enhancement of improved and vacant lands, and the general promotion of health, safety, welfare, and well-being of the community.

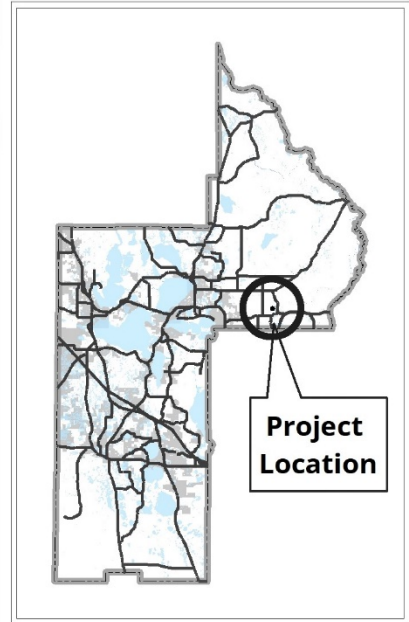
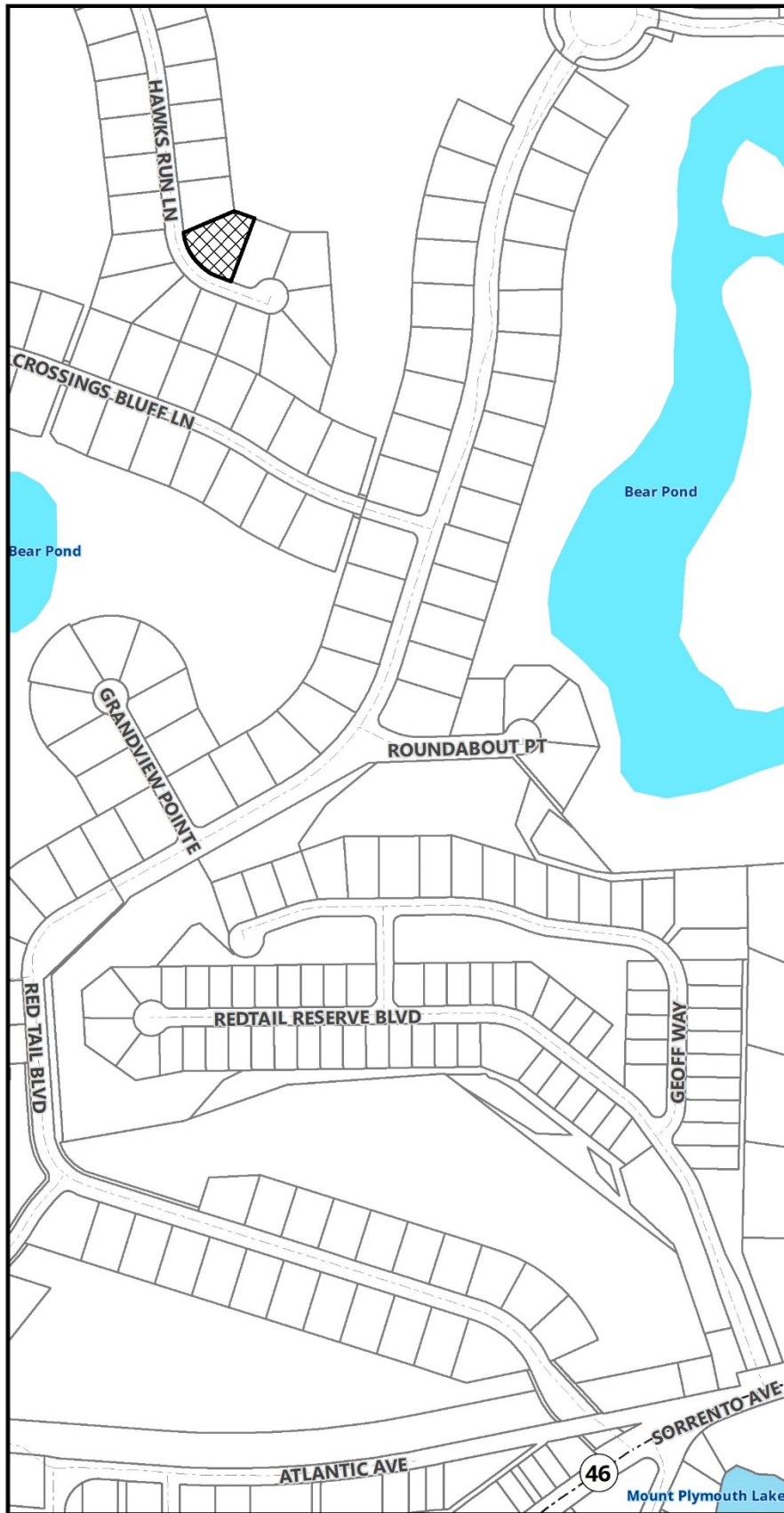
The Applicant provided the following statement as proof that the intent of the code will be or has been achieved by other means: *"The intent of the Land Dev. Reg is assumed to be preservation of trees. This lot has many other mature trees that are not of size to be labeled as heritage tree but can be saved and still have a house pad. If additional trees are needed beyond the ones I can save then we can plant additional trees as required."*

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.

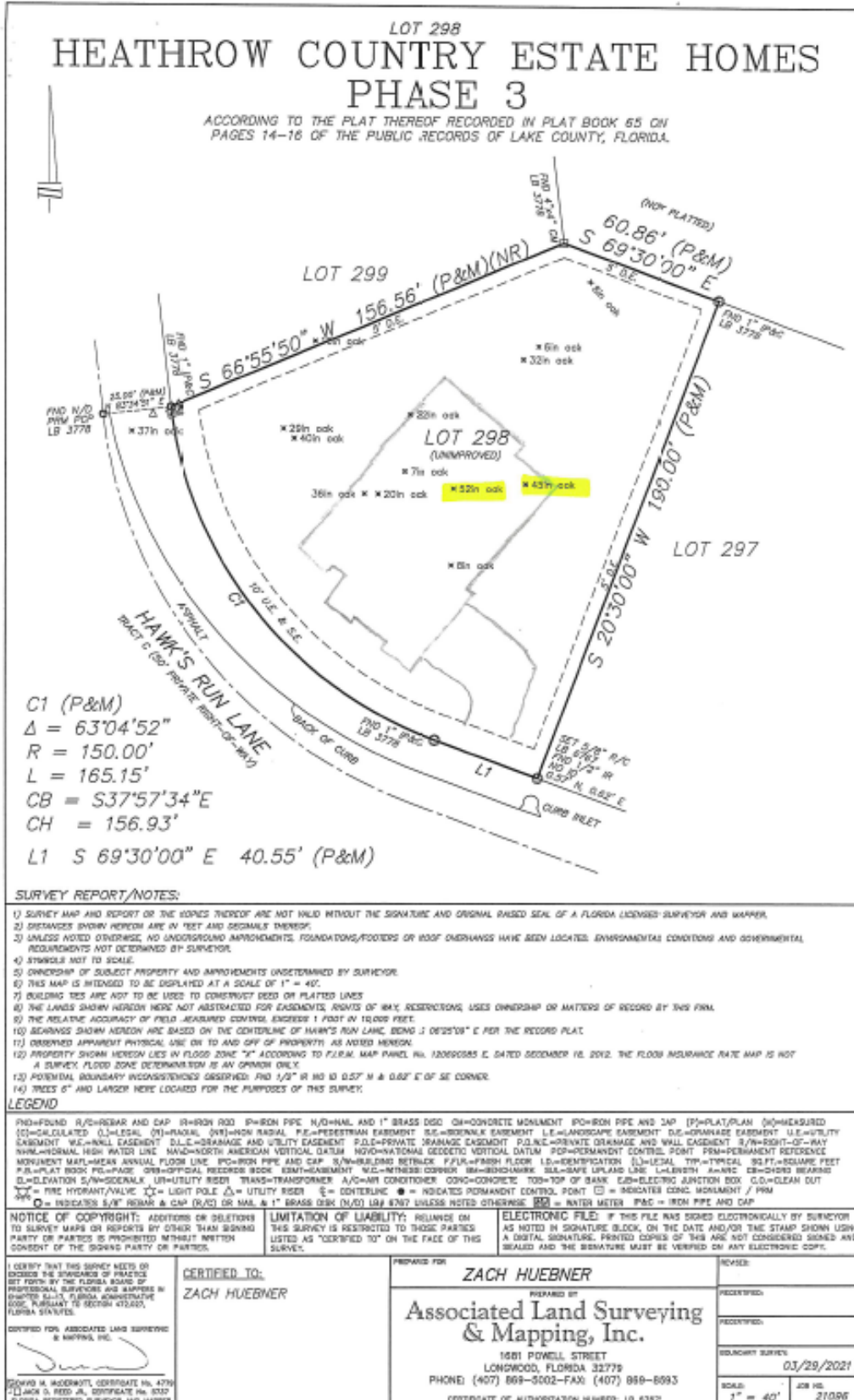
LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance.

The Applicant provided the following statement, *"This specific lot has (3) multiple heritage trees that make it impossible to simply shift the house side to side or back to front to avoid removing. If no heritage trees are removed then no building pad area is available with enough size to meet minimum requirements, essentially unbuildable lot."*

Map of Subject Property



Attachment "A" – Concept Plan



**Final Development Order
VAR-21-58-4
Huebner Property**

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

WHEREAS, Zachary Huebner (the “Owner”), requested a variance to Land Development Regulations (LDR) Section 9.02.10.F(2) to allow for the removal of a 52-caliper inch heritage oak tree and a 45-caliper inch heritage oak tree; and

WHEREAS, the subject property consists of 0.55 +/- acres and is located east of Hawks Run Lane, in the Sorrento area of unincorporated Lake County, in Section 20, Township 19, Range 28, having Alternate Key Number 3887542, and more particularly described below; and

Lot 298 of Redtail as shown on the final plat, Heathrow Country Estate Homes – Phase 3, a subdivision according to the plat thereof recorded in Plat Book 65, Page 14, of the Public Records of Lake County, Florida.

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 August 12, 2021; 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 August 12, 2021, 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:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-21-58-4, to allow for the removal of a 52-caliper inch heritage oak tree and a 45-caliper inch heritage oak tree.

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 12th day of August 2021.
EFFECTIVE August 12, 2021.**

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

James Argento, Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 12th day of August 2021, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**