



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: June 9, 2022

Case No. and Project Name: VAR-22-17-4, Kurly Key Properties

Applicant: Stephen Feccia

Owner: Kurly Key Properties LLC

Requested Action: Variance to Lake County Land Development Regulations (LDR) Section 9.02.10(F)(2) to allow for the removal of eight (8) heritage trees with a cumulative total of 359 caliper inches.

Case Manager: Christopher Boyce, Compliance and Monitoring Associate

Subject Property Information

Size: 20.14 +/- acres

Location: North of Robie Ave, in the Mount Dora area.

Alternate Key No.: 1048419 and 1124786

Future Land Use: Urban Low Density

Current Zoning District: Planned Unit Development (PUD)

Flood Zone: "X"

Joint Planning Area/ ISBA: City of Mount Dora Joint Planning Area (JPA)

Overlay Districts: Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Regional Office/City of Mount Dora	Light Industrial District	Commercial	Commercial Use
South	Regional Office	Agriculture (A) Light Industrial District (LM) Rural Residential District (R-1) Estate Residential District (R-2) Mixed Residential District (R-7)	Agriculture and Residential	Robie Ave ROW and Single-Family Dwelling Units
East	Urban Low	Community Facility District	Residential	Vacant Commercial
West	Urban Low	Mixed Residential District (R-7)	Residential	Single-Family Dwelling Units

Summary of Request.

The Applicant has submitted a variance request to LDR Section 9.02.10(F)(2), to remove eight (8) heritage trees to facilitate approval of a preliminary plat application, which will result in the creation of 80 residential lots. A landscape plan was submitted with the application, and the tree removal survey is included as Attachment "A".

The subject properties, identified as Alternate Key Numbers 1048419 and 1124786, contain 20.14 +/- acres, are zoned Planned Unit Development (PUD), and are designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject properties are located north of Robie Ave, in the unincorporated Mount Dora area of Lake County. The subject properties are currently vacant and undeveloped.

The subject parcel is located within the Mount Dora JPA; therefore, variance application was sent to the City of Mount Dora for a determination of consistency with their regulations. The City of Mount Dora had no comments or objections to the request.

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.

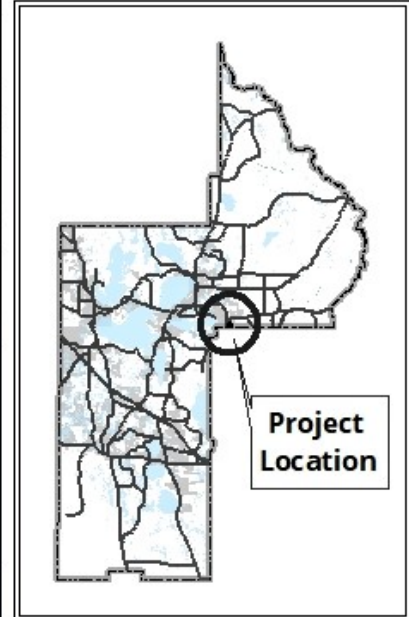
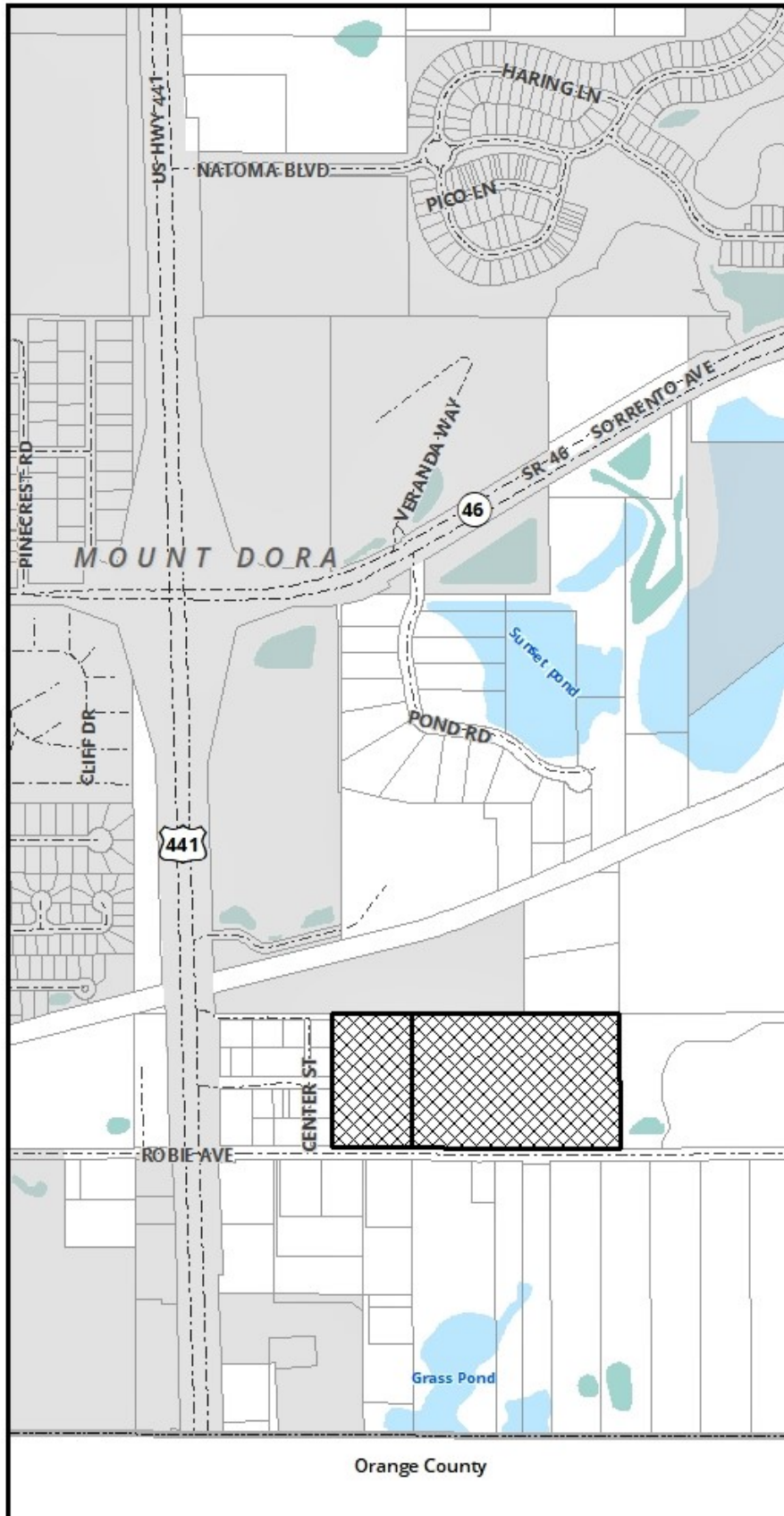
The intent of the Code, LDR Section 9.02.00, is to recognize the importance of trees and palms; and their meaningful contribution to a healthy, beautiful, and safer community attributable to their carbon dioxide absorption, oxygen production, dust filtration, wind and noise reduction, soil erosion prevention, 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 LDR will be or has been achieved by other means, *"Applicant is meeting all landscaping and buffer requirements per the LDR and is proposing a 10' trail with enhanced buffering along the Robie Ave ROW."*

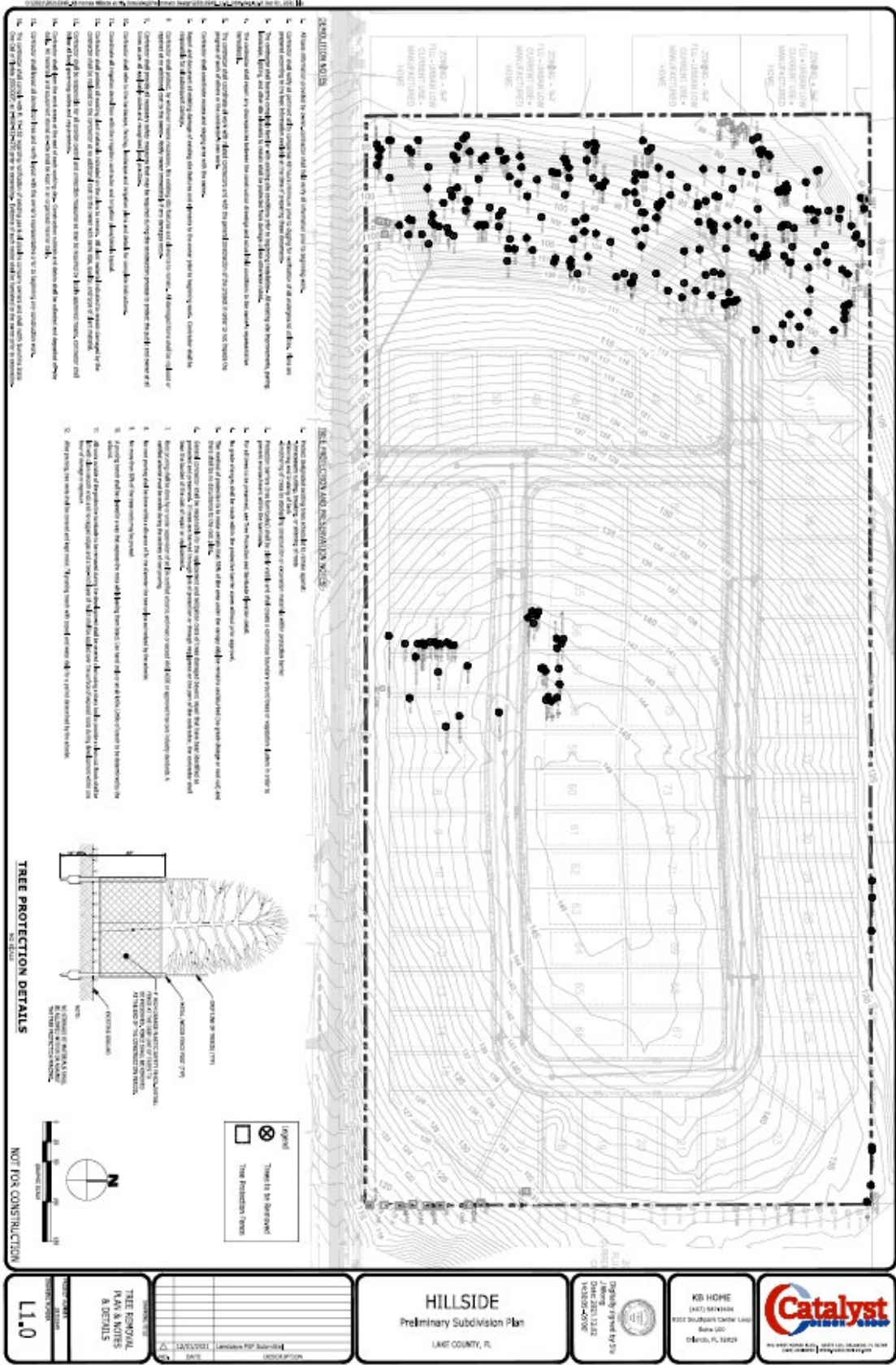
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For 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 provided the following statement, *"Location heritage trees preclude the site from being developed as currently entitled. The trees are clustered at the highest point of the site which will be graded to allow for single family development."*

Map of Subject Property



Attachment "A" – Tree Removal Survey



**Final Development Order
VAR-22-17-4
Kurly Key Properties**

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

WHEREAS, Stephen Feccia (the “Applicant”), requested a variance on behalf of Kurly Key Properties, LLC, (the “Owner”), to Lake County Code, Land Development Regulations (LDR) Section 9.02.10(F)(2) to allow for the removal of eight (8) heritage trees with a cumulative total of three hundred and fifty-nine (359) caliper inches; and

WHEREAS, the subject property consists of 20.14 +/- acres and is generally located north of Robie Ave, in the unincorporated Mount Dora area of Lake County, Florida, in Section 33, Township 19, Range 27, having Alternate Key Numbers 1048419 and 1124786 and more particularly described as:

The East 380 feet of SE 1/4 of NW 1/4 of SW 1/4 and the W 3/4 of S 1/2 of NE 1/4 of SW 1/4, Section 33, Township 19 South, Range 27 East, Lake County, Florida.

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations (LDR), including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on June 9, 2022; 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 June 9, 2022, 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-22-17-4 to allow for the removal of eight (8) heritage trees with a cumulative total of three hundred and fifty-nine (359) caliper inches.

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.

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

ENACTED this 9th day of June, 2022.

EFFECTIVE June 9 2022.

**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 9th day of June 2022, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

**Notary Signature
(SEAL)**