



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 1

Public Hearing Date: May 7, 2025

Case No. and Project Name: PZ2025-17, Thrift Property

Applicant(s): Phil Fern, Kevco Builders, Inc.

Owner(s): Thomas Thrift and Sandra Thrift

Requested Action: Variance to Land Development Regulations (LDR) Section 9.02.10.F.2 to allow for removal of one (1) heritage tree.

Case Manager: Eddie Montanez, Planner I

Subject Property Information

Size: 4.04 +/- gross acres; 1.31 +/- net acres

Location: West of Silent Ridge Drive, in the unincorporated Tavares area

Alternate Key No.: 3838671

Future Land Use: Rural (Attachment "A")

Current Zoning District: Planned Unit Development (PUD) (Attachment "B")

Flood Zones: "A" and "X"

JPA/ISBA: N/A

Overlay/Rural Protection Area: Yalaha – Lake Apopka Rural Protection Area (RPA) (Attachment "C")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Planned Unit Development (PUD)	Residential	Vacant; Wetland
South	Rural	Planned Unit Development (PUD)	Residential	Vacant
East	Rural	Planned Unit Development (PUD)	Residential	Single-Family Residence east of Silent Ridge Drive
West	Rural	Planned Unit Development (PUD)	Open Space	Beauclair Ranch Club Subdivision Tract F, Wetland Conservation Area

– Summary of Request –

The subject parcel identified by Alternate Key Number 3838671, contains approximately 4.04 gross acres. The subject parcel is zoned Planned Unit Development (PUD); is designated with a Rural Future Land Use Category (FLUC) by the 2030 Comprehensive (Comp) Plan; and located within the Yalaha – Lake Apopka Rural Protection Area (RPA). The subject parcel is undeveloped. GIS maps indicate that wetlands exist on the site and that the subject parcel is located within flood zones “A” and “X”.

The Applicant is requesting a variance to LDR Section 9.02.10.F.2 to allow for the removal of one (1) heritage tree on the subject parcel to allow for placement of a single-family dwelling.

LDR Section 9.02.10.F.2 states that a variance may be granted by the BOA for this purpose.

The Plot Plan (Attachment “D”) depicts the proposed home placement and the location of trees to be removed. The 41-inch heritage oak tree is shown in orange.

Staff reviewed the request and found that the proposed home placement is consistent with Ordinance #2019-50 and LDR Section 6.01.04, Development Near Wetlands and Waterbodies.

The subject property is located within the Yalaha – Lake Apopka RPA and the request is consistent with Comp Plan Policy I-5.4.2.

The variance application was provided to the Lake County Public Works Department and the Lake County Chief Fire Inspector for review; neither department had any comments.

For background purposes, Letter of Map Amendment (LOMA 25-04-1723A) was issued to this property removing areas above 69.1 from the special flood hazard.

Should the Board of Adjustments approve this variance request, the Applicant will be required to obtain zoning and building permits to comply with Lake County Land Development Regulations.

– 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 the health, safety, welfare and well-being of the community.

The Applicant provided the following statement and an Arborist report, Attachment “E”, as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *“Removing the subject tree from the footprint of the proposed home will result in the preservation of other large trees including a 27,35 and 47” Heritage oak trees located further to the south of the current proposed location.”*

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, *“Due to the various setback requirements with respect to zoning, wetlands, septic and HOA combined with the overall topography of the optimal location for the new proposed residence is limited”.*

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE

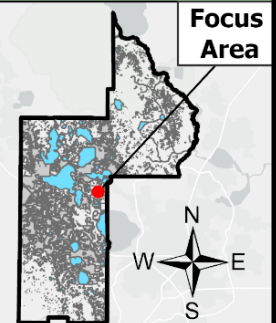


FLU

Rural

NAME: THRIFT PROPERTY
CASE NUMBER: VAR-PZ2025-17
LOCATION (S-T-R): 14-20-26
REQUEST: HERITAGE TREE VARIANCE

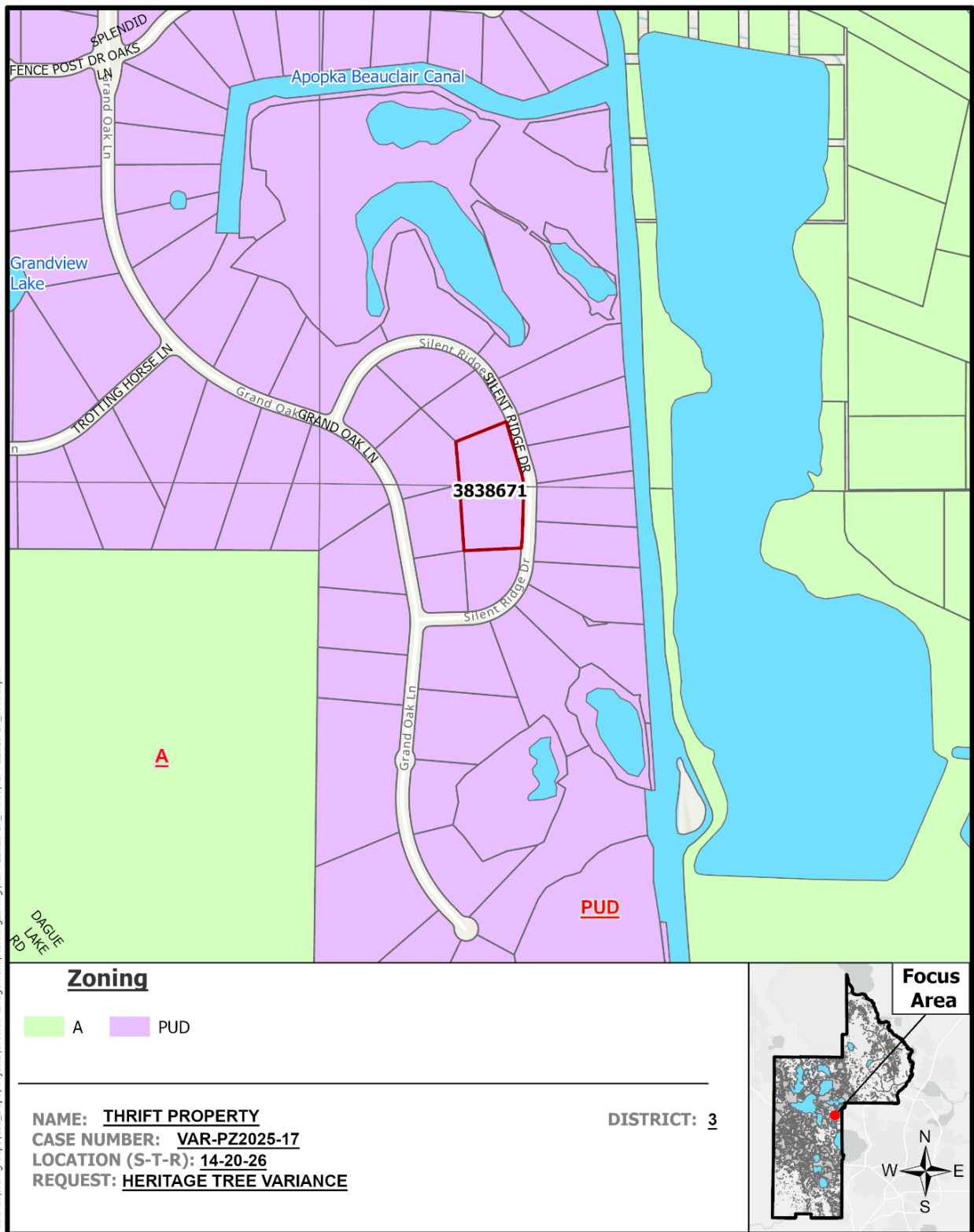
DISTRICT: 3



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Attachment "B" – Zoning Map

CURRENT ZONING



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Attachment "C" – Overlay District Map

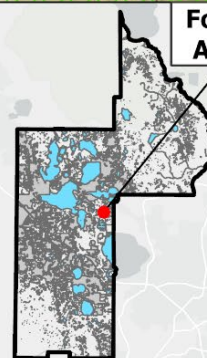
Var-PZ2025-17
Thrift Property



Heritage Tree Variance

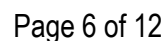


Focus Area

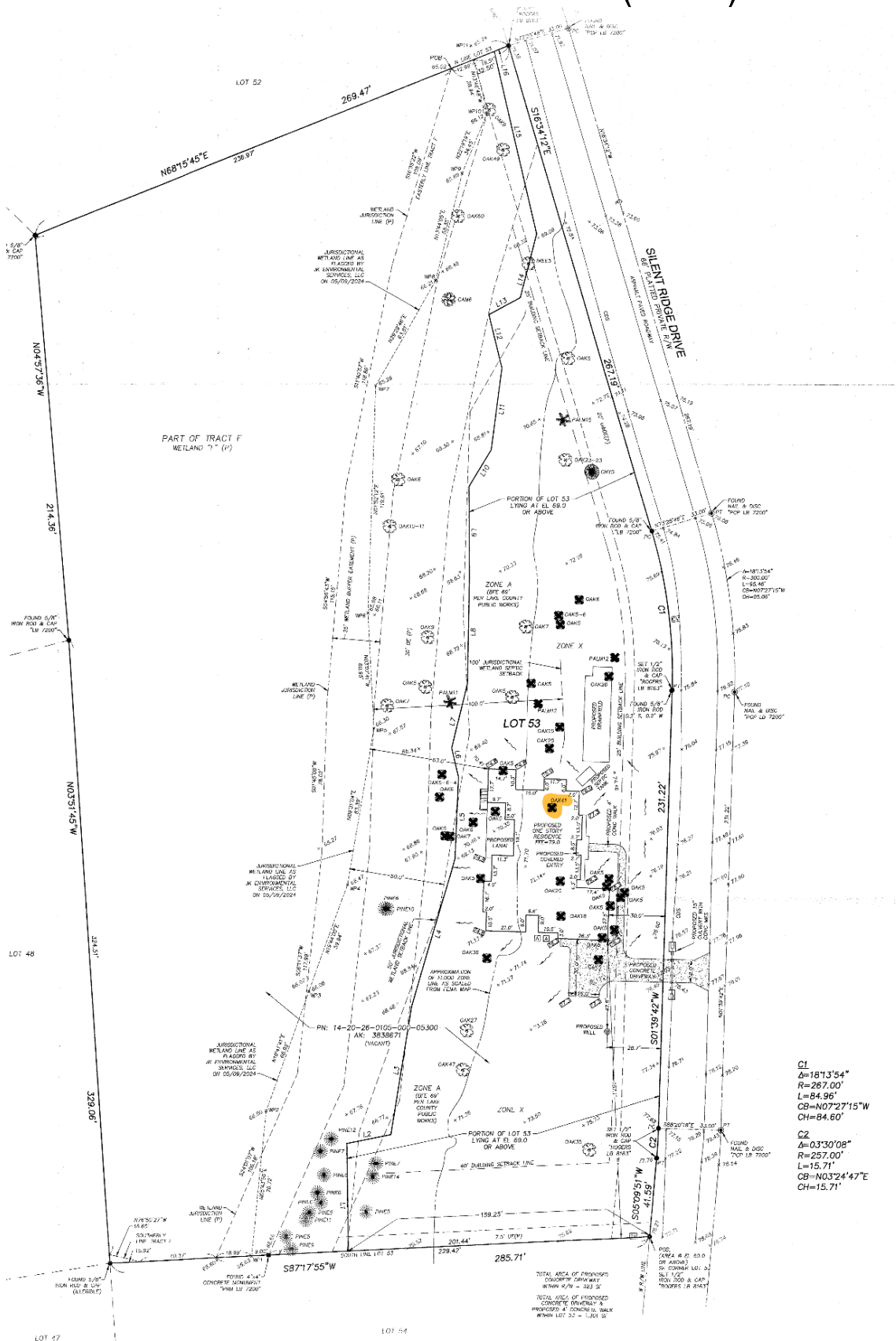


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Attachment "D" – Plot Plan (2 of 2)



Attachment "E" – Arborist Report (1 of 3)



ARBORIST REPORT

Client Name - Kevco Builders, Inc (Phil Fern)

Jobsite Address - Silent Ridge Drive - Lot 53, Tavares FL 32778

Client Email Address - phil@kevcobuilders.com

Client Phone Number - (352) 801-1114

Subject tree(s) - 41 inch dbh Live Oak inside footprint of proposed home construction

Overview

The Client contacted Tree Work Now, Inc to hire a Certified Arborist to help resolve an issue which was causing delay in obtaining the necessary permitting to build a home at the subject address. The Client had been informed that due to the location of a Heritage tree within the footprint of the proposed home site, a Certified Arborist would be required to submit a letter stating reasons why the removal of the tree should be permitted. In the meantime, Hurricane Milton caused considerable widespread tree damages in Lake County which necessitated the Arborist's attention elsewhere. During that time, the Client informed the Arborist that the County's Flood Review department had rejected the placement of the home due to its proposed encroachment on an identified flood zone area. The Arborist was asked to address the impact to heritage and specimen trees of relocating the proposed home within the lot.

Report

Johnny Turvin, ISA Certified Arborist FI-9415A, visited the property to visually evaluate the tree originally identified as being within the proposed home location in the lot. It should be noted that designations such as "Specimen Tree" and "Heritage Tree" are applied to trees in the landscape as an indicator of their size only. These are not designations related in any way to the health, structure, or fitness of the trees for preservation in a proposed occupied area. Trees in undisturbed natural locations can be found in any condition since there has been no attention given to such trees with a view toward maintaining them in a healthy condition fit for an occupied area.

The tree in question is an appropriate case in point. While the tree as a whole is not necessarily unhealthy, work necessary to make it fit for an occupied area would likely drastically reduce its prospects of becoming what could reasonably be considered a true Heritage tree, which it presently is not due to its structure.

Attachment “E” – Arborist Report (2 of 3)



The tree has numerous low limbs extending horizontally from its trunk at a height less than 16 feet, which is generally considered the standard for canopy to ground clearance. To remove these limbs would inflict large wounds to the trunk lower to the ground than is advisable considering the extended amount of time the tree would need to compartmentalize the wounds and form closure over them. During this time the tree is susceptible to invasion by wood boring insects attacking the wound sites, fungal diseases attacking the exposed xylem, phloem, and sapwood having unimpeded entry into the living tissues of the tree, and an unbalanced demand for energy to respond to this wounding which becomes a priority over tree growth during the process.

Most of the lower limbs in question display a scarcity of foliage due to the understory growth of other trees which are competing (and winning) the race for available light in which to photosynthesize energy. The actual normally foliage-populated limbs and branches are only in the upper third of the tree's canopy. These lower limbs also conflict with the machinery required to clear the area beneath the tree of the younger understory trees, shrubs, vines, and other undesirable vegetation surrounding the tree. To do such clearing by hand is prohibitively costly.

The Client chose the proposed location for the home considering the desire to preserve other trees in the lot which are much closer to being actual Specimen or Heritage trees. While it is true that a small portion of the footprint of the proposed home location is within an identified flood area, moving the home as designed further to the south as has been suggested will not completely alleviate that problem, and will necessitate the removal of two other Specimen Oaks 27 and 35 inches dbh, and a 47 inch dbh Heritage Oak that are currently able to be preserved with the current plan. These trees are in much better condition than the 41 inch dbh Oak currently being proposed to remove. Moving the proposed footprint of the home as designed will also not save the 41 inch dbh Oak, as its roots will have to be cut to install the proposed septic and drain field to prevent future conflict damage to the septic system. This will almost certainly result in mortality and eventual removal of the tree by the property owners in the next few years. So instead of losing one tree which is Heritage only in size, four trees will be lost including two Specimens (one of which will be Heritage size in just a few years) and two Heritage trees (one of which is a true Heritage tree in both size and condition.)

Conclusion

It is beyond the scope of the Arborist's profession to contradict the Flood Review Department regarding the location of the home due to flood considerations. Nonetheless, there are home construction techniques available to mitigate those concerns. All things considered, it is the professional opinion of the reporting Arborist that the 41" dbh Oak tree within the currently proposed home footprint should be removed to facilitate construction of the home as planned. This will result in the

Attachment “E” – Arborist Report (3 of 3)

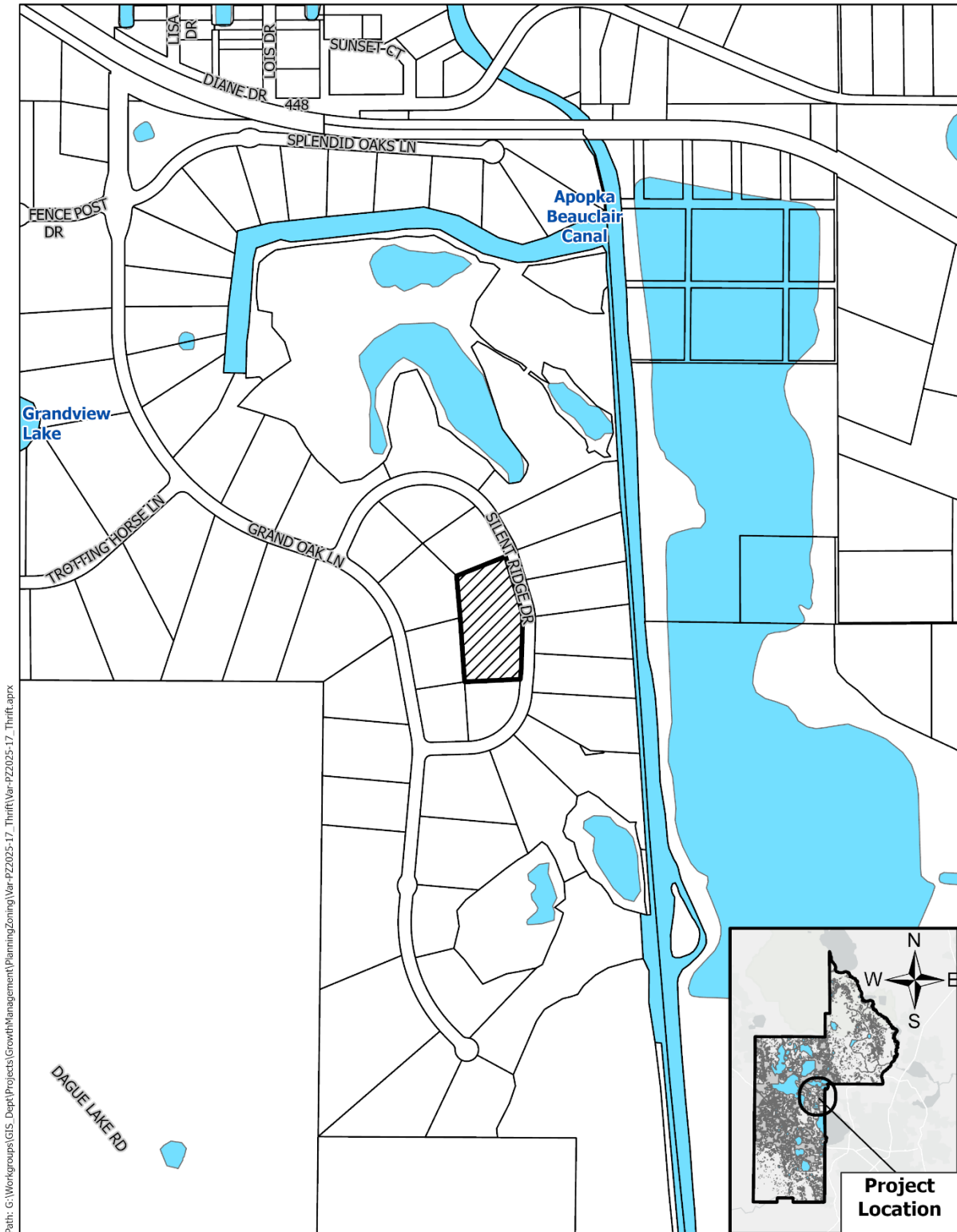


preservation of more Specimen and Heritage canopy trees than moving the location of the home to the south. There are provisions in the County Ordinances to permit protected canopy tree removal with mitigation of the canopy loss by re-planting other trees as part of the landscape plan, or to pay into the County's tree fund so that canopy trees can be planted elsewhere on County public property to offset the canopy loss of this project.

Report Written and Submitted by

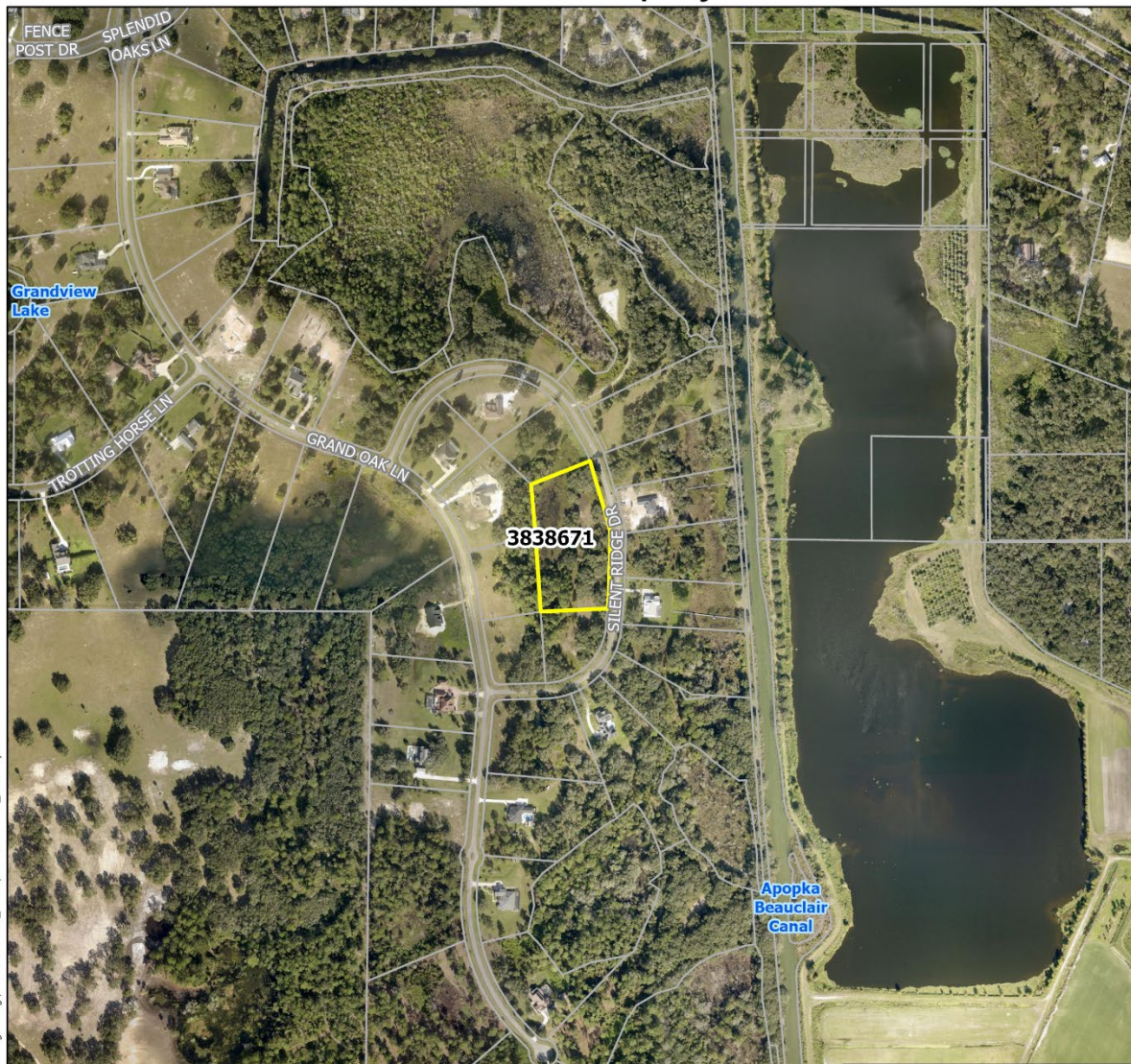
Johnny Turvin
ISA Certified Arborist FL-9415A
ISA Tree Risk Assessment Qualified
Tree Work Now, Inc.

Map of Subject Property

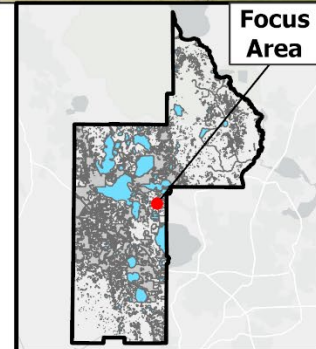
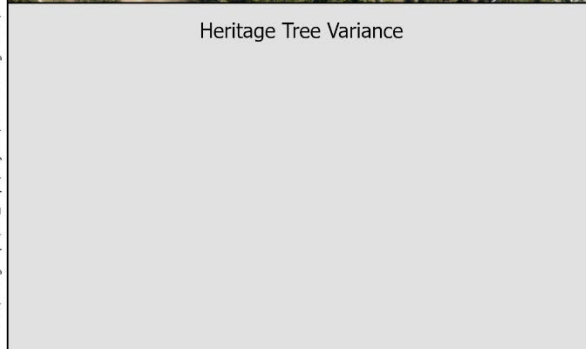


Aerial Map of Subject Property

**Var-PZ2025-17
Thrift Property**



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3/4/2025

Final Development Order

(PZ2025-17/ AR 5904)

WHEREAS, Phil Fern (the "Applicant") requested a variance on behalf of Thomas Thrift and Sandra Thrift, husband and wife, (the "Owner"), to Land Development Regulations (LDR) Section 9.02.10.F.2 to allow for removal of one (1) heritage tree; and

WHEREAS, the subject property consists of approximately 4.04 +/- acres, is located west of Silent Ridge Drive in the unincorporated Tavares area in Section 14, Township 20 South, Range 26 East, known as Alternate Key Number(s) 3838671, and more particularly described in **Exhibit "A"**; and

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 May 7, 2025; 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.

DONE AND ORDERED by the Board of Adjustment of Lake County, Florida, that:

Variance Granted: A variance to LDR Section 9.02.10.F.2 to allow for removal of one (1) forty-one (41) inch heritage tree is granted. The subject tree is located within the proposed building footprint as shown in **Exhibit "B"**, attached hereto and incorporated herein by reference. Owners shall comply with any mitigation requirements contained within the LDRs.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea Meeks, Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this 7th day of May 2025, by Bea Meeks, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

(SEAL)

Notary Signature

Pursuant to Section 286.0105, Florida Statutes, if any person desires to appeal any decision with respect to a matter considered at a public meeting or hearing of the Board of Adjustment, such person will need a record of the proceedings, and such person may need to ensure that a verbatim record for such purpose is made, which record includes the testimony and evidence upon which the appeal is based.

A final administrative order of the Board of Adjustment may be appealed to the Circuit Court in Lake County, Florida. Such an appeal shall be filed within thirty (30) days of the execution of this Order. Those filing an appeal of an administrative order must comply with all applicable Florida Rules of Appellate Procedure.

Exhibit "A" – Legal Description

Lot 53, Beauclair Ranch Club, according to the plat thereof, as recorded in Plat Book 55, Pages 3 through 8, Public Records of Lake County, Florida:

Also

That portion of Tract F, Beauclair Ranch Club, according to the plat thereof, as recorded in Plat Book 55, Pages 3 through 8, Public Records of Lake County, Florida, as follows:

Commence at the Northeast corner of Lot 53, of said Beauclair Ranch Club, thence run South 68 degrees 15 minutes 45 seconds West along the Northerly line of said Lot 53 a distance of 32.50 feet to the Easterly line of Tract "F" of said Beauclair Ranch Club for the Point of Beginning; thence run along said Easterly line for the following Six Courses: South 16 degrees 35 minutes 22 seconds West a distance of 108.09 feet; thence South 11 degrees 40 minutes 57 seconds West a distance of 118.86 feet; thence South 04 degrees 56 minutes 43 seconds West a distance of 115.15 feet; thence South 01 degrees 45 minutes 08 seconds West a distance of 78.02 feet; thence South 06 degrees 11 minutes 37 seconds West a distance of 117.99 feet; thence South 24 degrees 01 minutes 07 seconds West a distance of 106.18 feet to the South line of said Lot 53; thence run South 87 degrees 17 minutes 55 seconds West along said South line a distance of 40.37 feet to the intersection with the Southerly line of aforesaid Tract "F"; thence run North 76 degrees 50 minutes 27 seconds West along said Southerly line a distance of 16.65 feet; thence departing said Southerly line run North 03 degrees 51 minutes 45 seconds West a distance of 324.51 feet; thence run North 04 degrees 57 minutes 36 seconds West a distance of 214.36 feet; thence run North 68 degrees 15 minutes 45 seconds East a distance of 236.97 feet to the Point of Beginning.

Parcel Identification Number: **14-20-26-0105-000-05300**

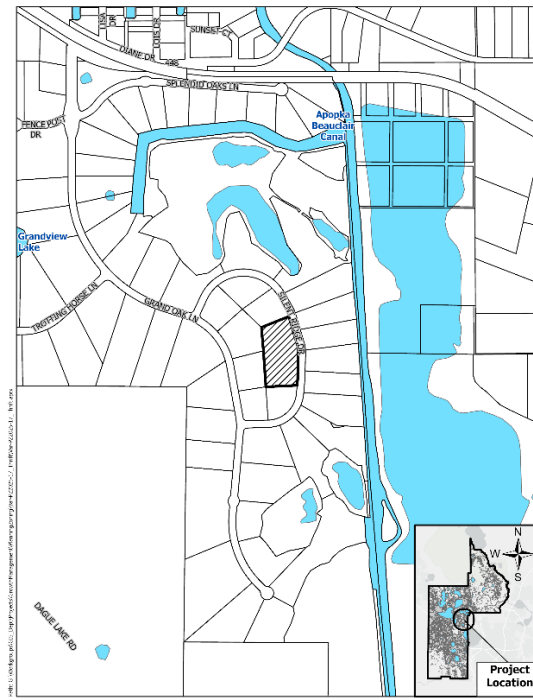


EXHIBIT B: LOCATION MAP OF HERITAGE TREE

