



# VARIANCE STAFF REPORT

## OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearing Date: July 2, 2025

Case No. and Project Name: PZ2025-58, Highland Lakes

Applicant(s): Penny Myers

Owner(s): Highland Lakes Property Owners Association, Inc.

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

Case Manager: Eddie Montanez, Planner I

### Subject Property Information

Size: 67.14 +/- gross acres

Location: Southeast of Racquet Circle (roundabout) in the unincorporated Leesburg area

Alternate Key No.: 3883095

Future Land Use: Urban Low Density (Attachment "A")

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

Flood Zone(s): "AE" and "X"

JPA/ISBA: Leesburg ISBA

Overlay/Rural Protection Area: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low & City of Leesburg	Planned Unit Development (PUD) & City of Leesburg	Highland Lakes Subdivision / Eagletail Landing Subdivision	Eagletail Landing is under the jurisdiction of the City of Leesburg
South	City of Leesburg	City of Leesburg	Ag / Cropland	City of Leesburg Jurisdiction, Wetlands present
East	Rural Transition	Agriculture District (A)	Ag / Timber	Wetlands present
West	Urban Low	Planned Unit Development (PUD)	Highland Lakes Subdivision	Single Family Residences

## Summary of Request

The subject parcel identified by Alternate Key Number 3883095, contains approximately 67.14 gross acres; is zoned Planned Unit Development (PUD) and designated with an Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. The subject parcel is developed with a workshop, storage shed, driving range, and used for outdoor storage of boats and RVs. GIS maps indicate that the subject parcel is located within flood zones "AE" and "X"; and that wetlands exist on the site.

The Applicant is requesting a variance to LDR Section 9.02.10(F)(2), which states that removal of a heritage tree is prohibited unless it poses a danger to persons or property. The variance request is to allow for the removal of one (1) heritage tree on the subject parcel.

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

The Concept Plan (Attachment "C") depicts a portion of Tract C (common elements) within the Highland Lakes Phase 4 plat and the location of the heritage tree to be removed.

The subject property is located within the City of Leesburg Interlocal Service Boundary Agreement (ISBA) and the application was provided to the City of Leesburg for review and comment. The City of Leesburg provided comment, "COL Public Works has no issues with this request".

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.

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 "D", as evidence that the intent of the Land Development Regulations will be or has been achieved by other means, *"Tree was evaluated by an arborist, report attached. It cannot be saved, only prolonged with no guaranty, advice from association attorney is to remove tree to mitigate potential liability to the association"*.

The arborist's report states that the tree is in "fair" condition and offers pruning as an option for maintenance of the tree. The Applicant is choosing complete removal, and therefore a variance is required.

**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**

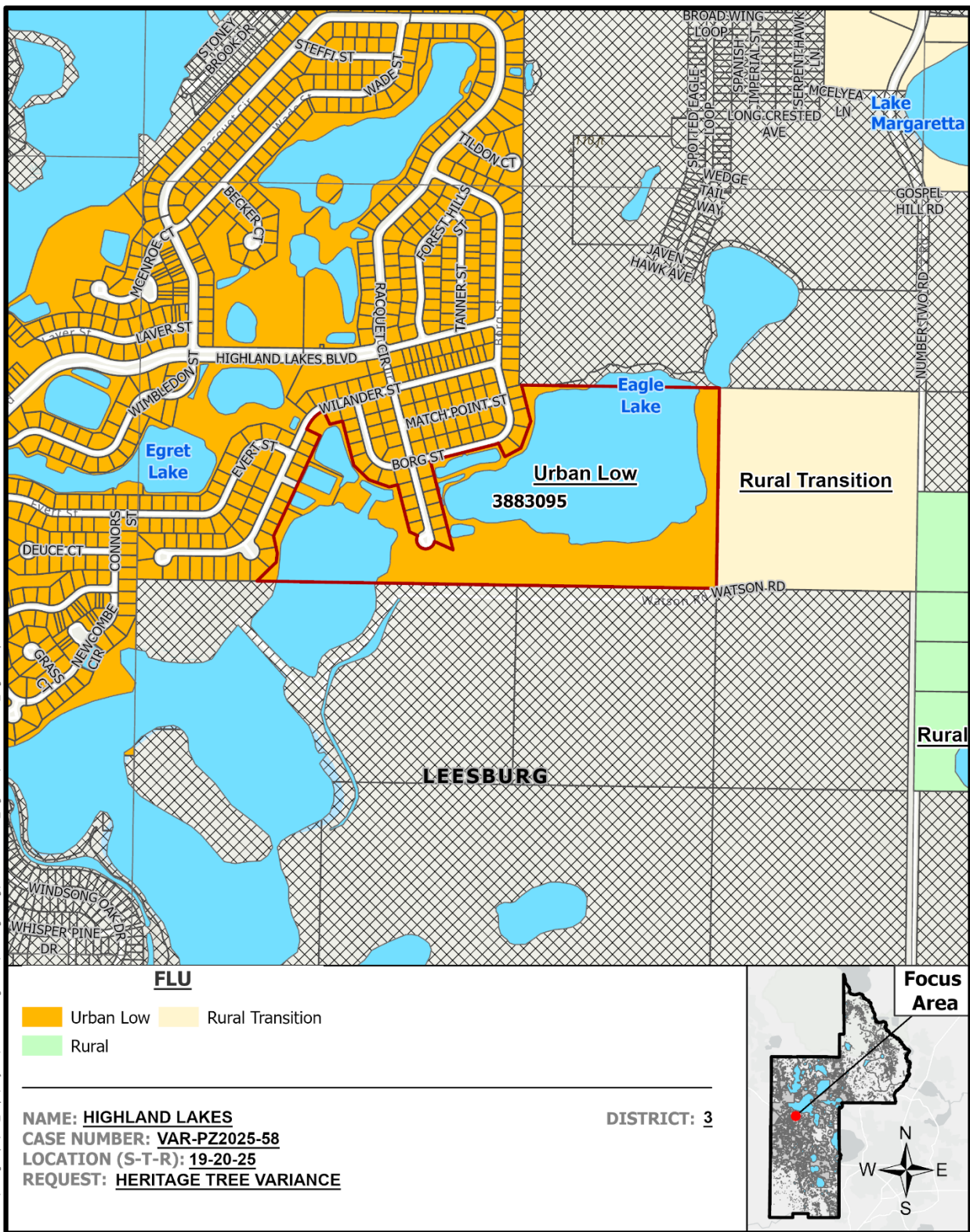
**Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.**

The Applicant provided the following statement, *“The heritage oak is damaged and presents a potential liability to the association and to its members with the potential risk of bodily harm”*.

The arborist’s report recommends “no entry” signs to be placed around the tree as a precaution if the tree is not removed. The report also acknowledges that pruning and cabling options may not be enough to save the tree.

# Attachment "A" – Future Land Use Map

## CURRENT FUTURE LAND USE

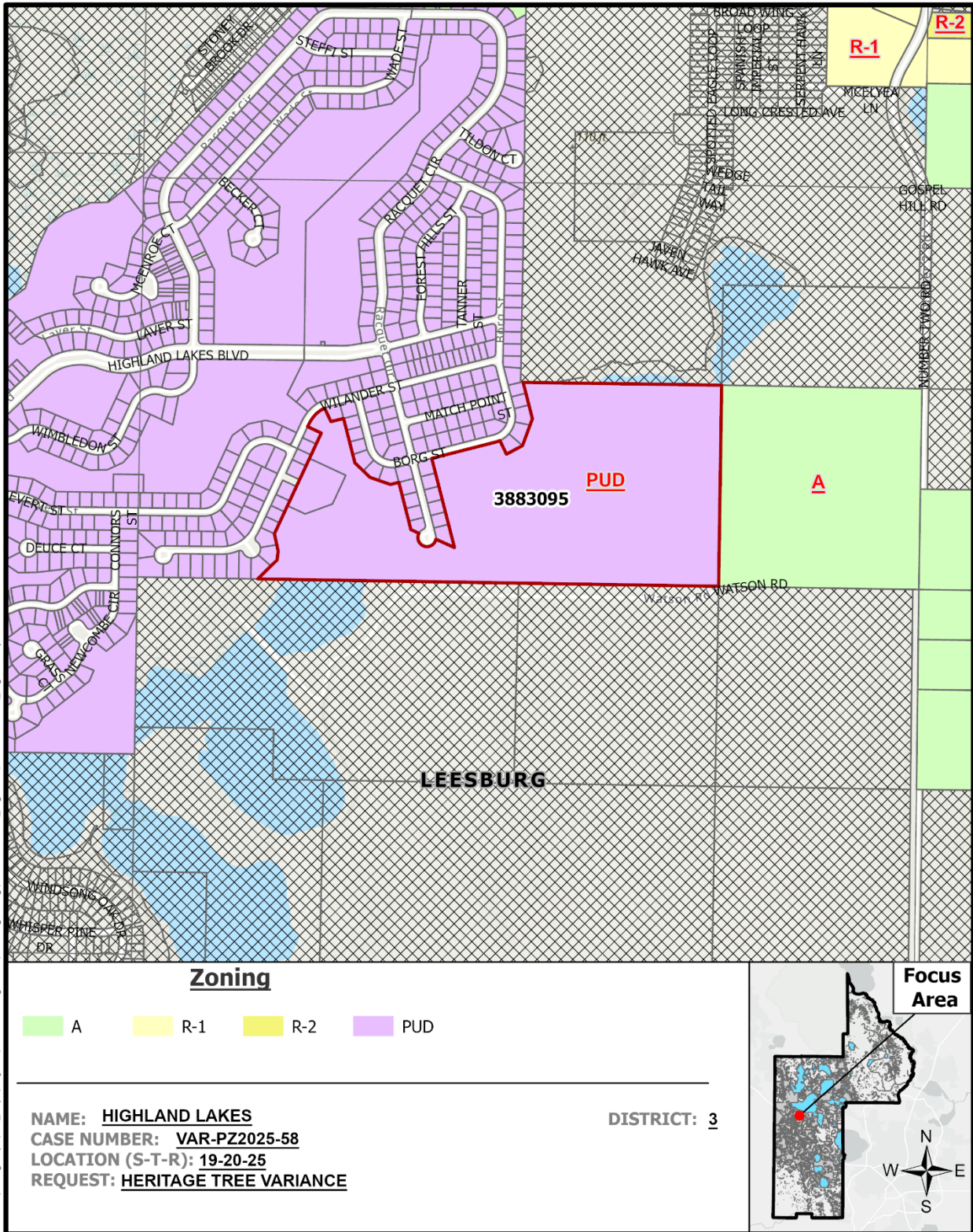


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 4/14/2025



# Attachment "B" – Zoning Map

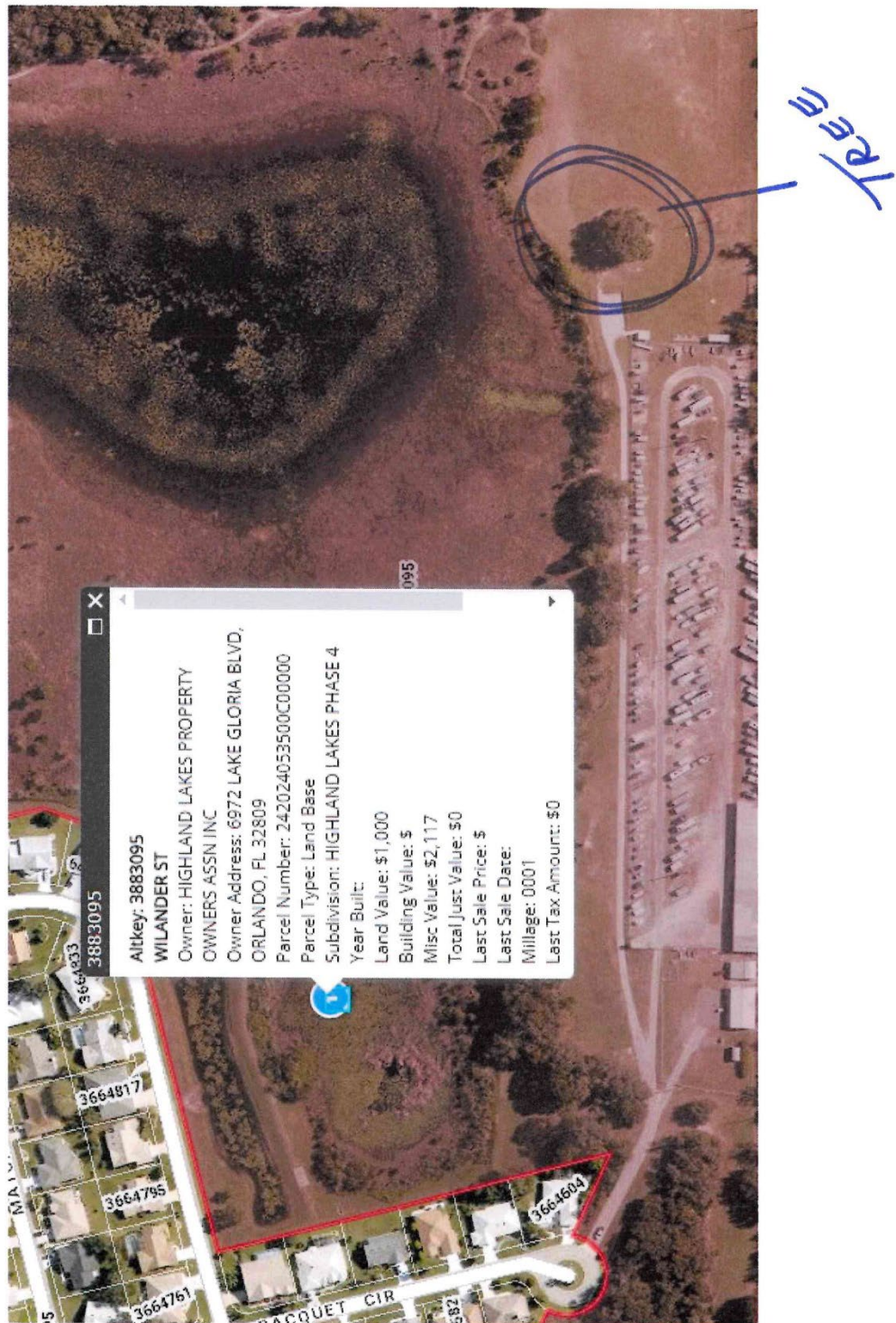
## CURRENT ZONING



4/14/2025



## Attachment "C" – Concept Plan



## Attachment “D” – Arborist Report (1 of 4)



January 12, 2025

Penny Meyers, Community Association Manager  
Highland Lakes  
5500 Clubhouse Drive  
Leesburg, FL 34748

Dear Penny,

Thank you for the opportunity to provide a Consulting Arborist report for the Highland Lakes Community.

### **Assignment**

Provide a visual written assessment only of (1) 62” Live Oak located at the property driving range.

The health assessment ratings will be categorized using the following description below:

**Excellent** – Specimen tree good health

**Good** – Tree that meets available points for good structure, viable canopy and without decay.

**Fair** – Tree that does not meet either good structure, viable canopy or has internal decay present.

**Poor** – Tree that meets multiple stress items and should be considered for removal also includes Invasive Species– Removal Only 30% viability. Not recommended for preservation

**Critical** – 20% viable canopy- Removal only

**Dead Tree** – 0% viability

### **Observations:**

- (1) 62” diameter *Quercus virginiana* - Live Oak is located at the property driving range is in Fair condition. There is a structural defect that has been present on the tree for many years. This defect has separated and formed a crack in the main union or attachment. There was a significant branch bark inclusion located in the attachment area. A branch bark inclusion is an attachment with included bark,

## Attachment “D” – Arborist Report (2 of 4)

included bark is when the tree’s bark forms a tight “V” shaped formation leaving little room for proper growth and expansion. As a result, the branch wood becomes compressed as it grows, reducing its structural integrity making the branch more susceptible to failure.



**Pictures of the active separation crack at the main union**

- The canopy has sufficient foliage and has not been pruned for years. Unfortunately, the excessive weight throughout the canopy has contributed to the separation of the branch bark inclusion. We have also had two significant hurricanes this past summer which produced high winds. This Live Oak is located in an open field area with little to no protection from the wind. There are no buffer trees or structures to diffuse the wind from making a direct impact on the tree canopy. Although branch bark inclusions can fail at any time for no reason, additional stress from high winds and excessive canopy weight can exacerbate failure.





## Attachment “D” – Arborist Report (3 of 4)



**Pictures show excessive lower weight on canopy**

### **Mitigation Options:**

- **Option#1** - Prune canopy to remove a minimum of 25% to 30% of the lower canopy weight to reduce the pull on the union. Employ a professional tree care professional to inspect and approved the installation of rods and cables with the objective to stabilize the union. Remove all tables from the area and fence off the tree to limit access directly under the tree canopy. Post “**no entry**” signs to prohibit access under the canopy of this tree.
- **Option#2** - Prune canopy to remove a minimum of 25% to 30% of the lower canopy weight to reduce the pull on the union. Remove all tables from the area and fence off the tree to limit access directly under the tree canopy. Post “**no entry**” signs to prohibit access under the canopy of this tree.
- **Option #3** - Complete removal of this tree.

### **Additional Remarks:**

- It is important to know that the mitigation options #1 & #2 may not be successful in stopping the union from failure. These are options are an attempt to keep the tree in place as long as possible. However, limiting exposure to damage or personal injury is paramount for reducing liability exposure to the community. Posted signs shall be required to prohibit individuals from entering the canopy dripline area.
- There were no signs of disease, advanced decay, or insect infestation at the time of inspection of the Live Oak. It is possible that secondary stress factors could take place due to the current situation.



## Attachment "D" – Arborist Report (4 of 4)



**Picture of the Live Oak and Surrounding Area**

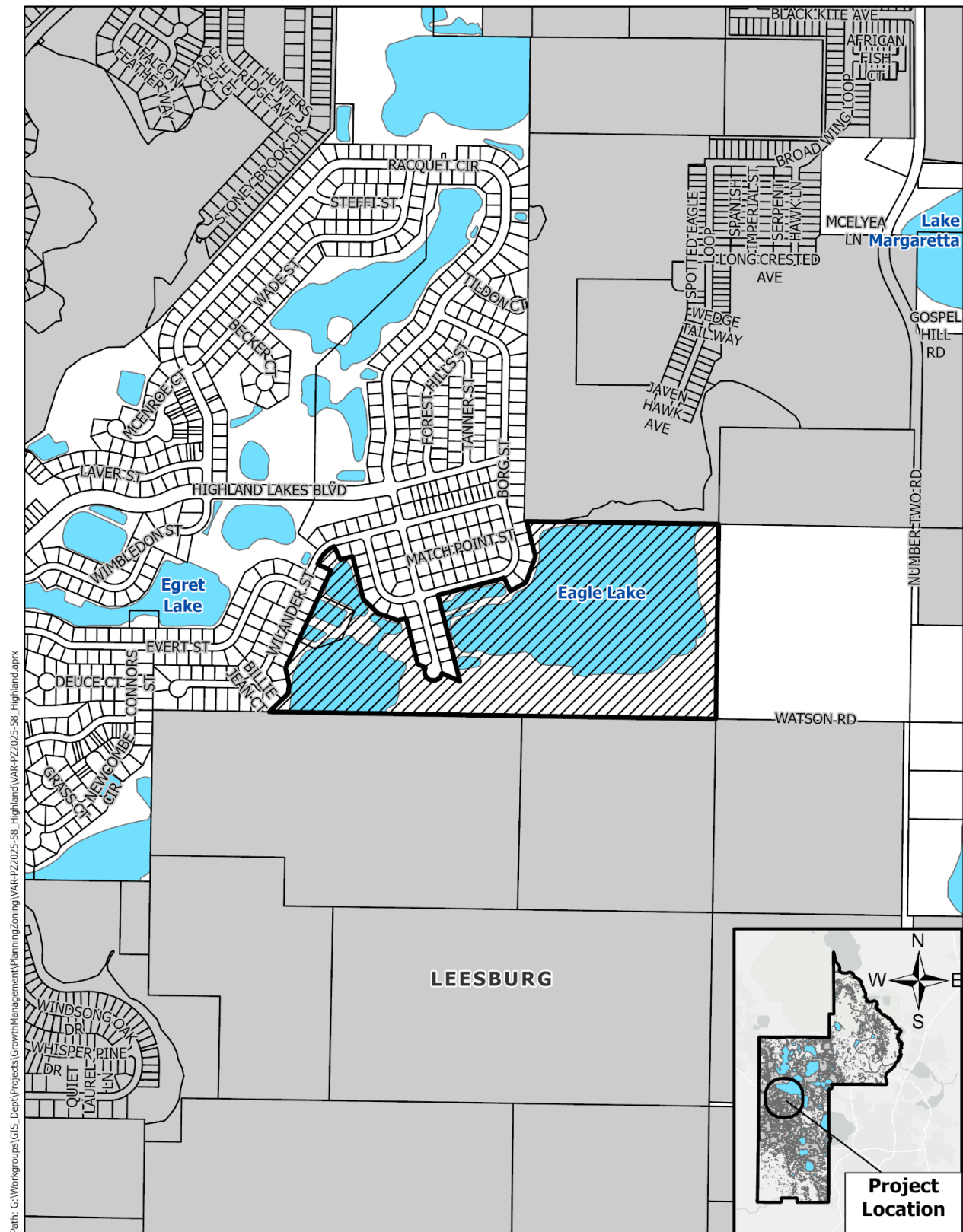
Trees are dynamic, living organisms which change over time. The observations made herein will reflect the opinion of the Arborist at the time of inspection and do not guarantee the condition of the trees anytime in the future. Trees or parts can fail at any time; these failures cannot always be predicted. Inspections of these trees will be based on a ground level visual observation only, I did not perform sound testing, advanced Arboricultural testing or gather any forensic samples for further examination. The assessment did not take into consideration any information unknown, not visible or detectable at the time of the inspection.

Again Penny, thank you for the opportunity to submit this Consulting Arborist report for the Highland Lakes Community. Please let me know if you have any questions regarding this information.

Sincerely,  
Mary

Mary L. Edwards  
Registered Consulting Arborist RCA #451  
ISA Certified Arborist FL-0116  
ISA Qualified Tree Risk Assessor  
321-303-4714  
[mary@maryedwardsarborist.com](mailto:mary@maryedwardsarborist.com)

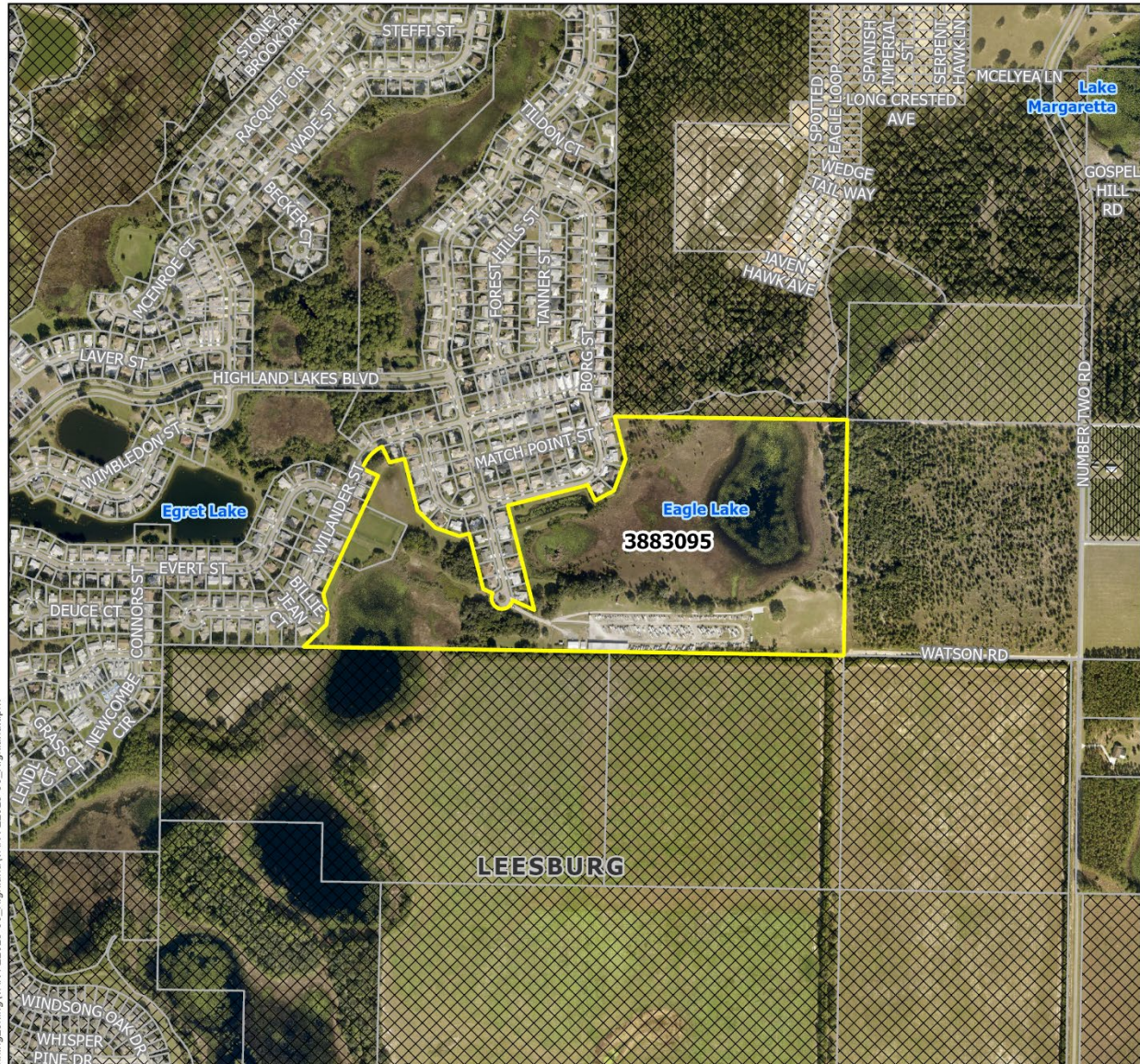
# Map of Subject Property





# Aerial Map of Subject Property

**VAR-PZ2025-58  
Highland Lakes**



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<p>Heritage Tree Variance</p>	<p>N W E S</p>  <p>LAKE COUNTY, FL REAL FLORIDA • REAL CLOSE</p>	<p>Focus Area</p> 
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4/14/2025

# FINAL DEVELOPMENT ORDER

(PZ2025-58 / AR 5944)

**WHEREAS**, Penny Myers (the “Applicant”) requested a variance on behalf of Highland Lakes Property Owners Association, Inc (the “Owner”), to Land Development Regulations (LDR) Section 9.02.10(F)(2) to allow for the removal of one (1) sixty-two (62) inch heritage tree; and

**WHEREAS**, the subject property consists of approximately 67.14 +/- acres located Southeast of Racquet Circle (roundabout) in the unincorporated Leesburg area in Section 24, Township 20 South, Range 24 East, known as Alternate Key Number(s) 3883095, 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 July 2, 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 9.02.01(A)(4) pursuant to LDR Section 9.02.10(F)(2) to allow for the removal of one (1) sixty-two (62) inch heritage tree as shown on the Concept Plan attached as Exhibit “B” is hereby granted. Owners shall comply with any mitigation requirements contained within the LDRs.

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**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 2nd day of July 2025, by Bea Meeks, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

**Type of Identification Produced** \_\_\_\_\_

**(SEAL)**

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**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

HIGHLAND LAKES PHASE 4 SUB 19-20-25 TRACT C PB 36 PG 27-29

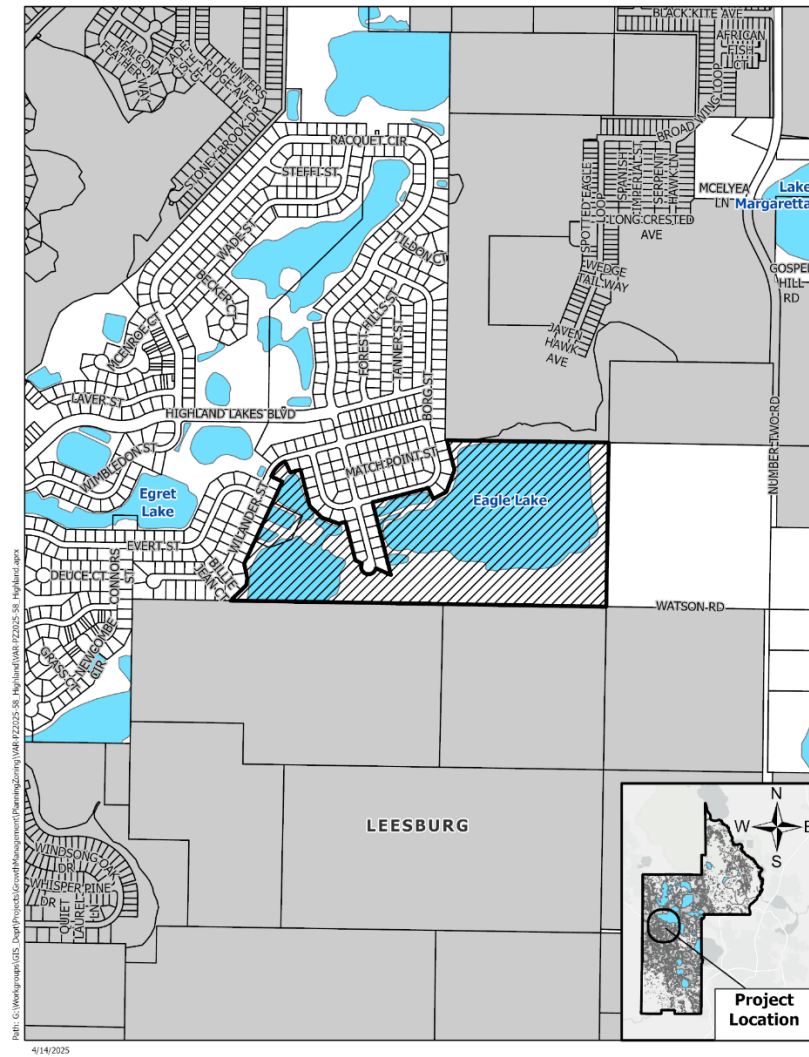


EXHIBIT "B" CONCEPT PLAN

