

RESOLUTION 2008-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM MINIMUM BUILDING REAR YARD SETBACK REQUIREMENTS IN A R1M SINGLE FAMILY MEDIUM ZONING DISTRICT TO ALLOW A REDUCTION FROM A TWENTY-FIVE FOOT REAR SETBACK TO A TWENTY-TWO FOOT REAR SETBACK FOR THE REAL PROPERTY LOCATED AT 17625 NEAL DRIVE, TOWN OF MONTVERDE, FLORIDA OWNED BY JUDY S. SMITH; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Judy S. Smith has filed an application for a Variance to construct a screen enclosure on an existing concrete slab lying 22 feet from the rear property line of Lot 1, Franklin Pond Subdivision, according to the Plat thereof as recorded in Plat Book 29, Pages 47 – 48, Public Records of Lake County, Florida within a R1M Zoning District located 17625 Neal Drive, Town of Montverde (the "Property");

WHEREAS, construction of the above described screen enclosure will result in a rear setback of 22 feet, however, Section 4.6.4.4(e) of the Town of Montverde Land Development Regulations requires a 25 foot rear setback;

WHEREAS, Ms. Smith has requested a variance from Section 4.6.4.4(e) of the Town of Montverde Land Development Regulations to allow a decrease in the rear setback required;

WHEREAS, the Planning and Zoning Committee and the Town Council have considered the application in accordance with the criteria for granting a variance contained in Section 4.5, Town of Montverde Land Development Regulations; and

WHEREAS, this Resolution was properly advertised twice in a newspaper of general circulation in Lake County, Florida and property owners within 300 feet of the Property were timely provided written notice delivered by U.S. Mail, Return Receipt Requested;

NOW THEREFORE,

BE IT RESOLVED by the Town Council of the Town of Montverde, Florida, as follows:

1. The Town Council of Montverde has determined that construction of a screen enclosure on the existing concrete pad lying 22 feet from the rear property line of the Property rather than the required 25 foot rear setback is not detrimental to the character of the area or inconsistent with the trends of development in the area.
2. The Town Council of Montverde has determined that a reduction of the rear setback from twenty-five feet to twenty-two feet does not and will not have an unduly adverse effect on surrounding property.
3. Special conditions and circumstances exist which are peculiar to the Property which are not applicable to other land and structures in that the Property is a corner lot and the adjacent residence facing the proposed screen enclosure does not have any windows on the wall closest to the proposed screen enclosure, therefore the adjoining property owner will not view the screen enclosure from the interior of its residence.
4. The existing concrete slab upon which the screen enclosure will be constructed was built by the contractor when the residence was originally constructed and the plans were approved by the Town of Montverde.
5. Forty-five percent of the residences in the Franklin Pond subdivision currently have screen enclosures.
6. A variance of 3 feet from the existing code is the minimum variance to accommodate the Applicant's request.
7. The Town Council of Montverde has further determined that the variance is consistent with the Comprehensive Plan for the Town of Montverde and Code, and will not adversely affect the public interest.
8. The variances will not adversely affect the public health, safety and general welfare of the citizens of the Town of Montverde.
9. The application for a variance from Section 4.6.4.4(e) of the Town of Montverde Land Development Regulations filed by for the property Judy S. Smith more particularly described as follows is **GRANTED** subject to conditions set forth below:

LOT 1, FRANKLIN POND SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 29, PAGES 47 AND 48, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

TAX ID 01-22-26-0050-00100

10. The rear setback may be decreased from 25 feet to 22 feet for the sole purpose of constructing a screen enclosure on an existing concrete slab.

11. Such Variance shall expire one year from the effective date of this Resolution if construction of the screen enclosure is not commenced and completed, unless otherwise extended by the Town Council.

12. This resolution shall be effective immediately upon adoption.

Passed and adopted by the TOWN COUNCIL of the TOWN OF MONTVERDE, Florida this 10th day of June, 2008.


Troy A. Bennett, Mayor


Bill Bates, Council President

Attest:


Wendy Wickwire, Town Clerk

Approved as to form and legality:


Anita Geraci, Town Attorney

Council Member Wynkoop moved the passage and adoption of the above and foregoing Resolution. Motion was seconded by Council Member Bates and upon roll call on the motion the vote was as follows:

| | YEA | NAY |
|-------------|-----|-----|
| Bill Bates | ✓ | |
| Mike Davis | ✓ | |
| Jim Pierce | ✓ | |
| Joe Wynkoop | ✓ | |
| Glenn Burns | ✓ | |