

**RESOLUTION 2009-45**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM THE MINIMUM LOT SIZE AND MINIMUM LOT WIDTH AT THE BUILDING LINE REQUIREMENT IN A R1L SINGLE-FAMILY LOW DENSITY ZONING DISTRICT TO ALLOW A REDUCTION FROM A 21,780 SQUARE FEET LOT SIZE TO A +/- 16,200 SQUARE FEET LOT SIZE AND A REDUCTION FROM 100 FEET MINIMUM LOT WIDTH AT THE BUILDING LINE TO A 90 FEET MINIMUM LOT WIDTH AT THE BUILDING LINE FOR THE REAL PROPERTY DESCRIBED AS LOTS 113, 114 & 115, IN LAKE FLORENCE ESTATES, TOWN OF MONTVERDE, FLORIDA OWNED BY WILLIAM BROECKER; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, William Broecker has filed an application for a Variance to construct a single family dwelling on Lots 113, 114 & 115, Lake Florence Estates, according to the Plat thereof as recorded in Plat Book 6, Page 72, Public Records of Lake County, Florida within a R1L Single-Family Low Density Zoning District located in the Town of Montverde (the "Property");

**WHEREAS**, the Property consists of a total lot size of +/- 16,200 square feet, however, Section 10-51(e) of the Town of Montverde Land Development Code requires a minimum lot size of 21,780 square feet;

**WHEREAS**, the width of the Property at the building line is 90 feet, however, Section 10-51(e) of the Town of Montverde Land Development Code requires a minimum width of 100 feet at the building line;

**WHEREAS**, Mr. Broecker has requested a variance from Section 10-51(e) of the Town of Montverde Land Development Code to allow a decrease in the minimum lot size requirement and a decrease in the minimum lot width at the building line in the Property's zoning district;

**WHEREAS**, the Planning and Zoning Board and the Town Council have considered the application in accordance with the criteria for granting a variance contained in Section 2-5(f) and Section 10-12 of the Town of Montverde Land Development Code; 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 single family dwelling on the Property despite the Property having a total lot size of +/- 16,200 square feet rather than the required 21,780 square feet and a lot width at the building line of 90 feet rather than the required 100 feet 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 minimum lot size requirement from 21,780 square feet to +/- 16,200 square feet and a reduction of the minimum lot width requirement at the building line from 100 feet to 90 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.

4. Other residences in the Lake Florence Estates subdivision are constructed on property containing less than 21,780 square feet and on properties less than 100 feet in width at the building line.

5. A variance of +/- 5,580 feet in lot area and 10 feet in lot width at the building line from the existing code is the minimum variance to accommodate the Applicant's request.

6. The Town Council of Montverde has further determined that the variance is consistent with the Comprehensive Plan for the Town of Montverde and Land Development Code, and will not adversely affect the public interest.

7. The variances will not adversely affect the public health, safety and general welfare of the citizens of the Town of Montverde.

8. The application for a variance from Section 10-51(e) of the Town of Montverde Land Development Code filed by for the property William Broecker more particularly described as follows is **GRANTED** subject to conditions set forth below:

**LOTS 113, 114 & 115, LAKE FLORENCE ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 72, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.**

9. The minimum lot size may be decreased from 21,780 square feet to +/-16,200 square feet and the minimum lot width at the building line may be decreased from 100 feet to 90 feet for the sole purpose of constructing a single-family dwelling.

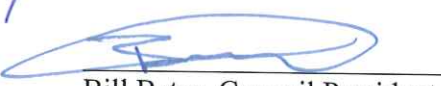
10. Such Variance shall expire one year from the effective date of this Resolution if construction of the single-family residence is not commenced and completed, unless otherwise extended by the Town Council.

11. This resolution shall be effective immediately upon adoption.

Passed and adopted by the TOWN COUNCIL of the TOWN OF MONTVERDE, Florida this 13 day of October, 2009.



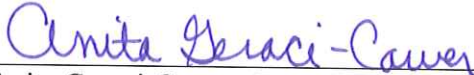
  
Troy A. Bennett, Mayor

  
Bill Bates, Council President

Attest:

  
Mary Mason, Interim Town Clerk

Approved as to form and legality:

  
Anita Geraci-Carver, Town Attorney

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

	YEA	NAY
Bill Bates	✓	
Helen Pearce	✓	
Jim Pierce	✓	
Joe Wynkoop	✓	
Glenn Burns	✓	