

RESOLUTION 2013-04



A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE TO CHAPTER 10, SECTION 10-52 OF THE MONTVERDE LAND DEVELOPMENT CODE RELATING TO REAR AND SIDE YARD SETBACKS FOR EXISTING IMPROVEMENTS ON THE HEREIN DESCRIBED PROPERTY LOCATED AT 17701 8TH STREET; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Montverde Academy has petitioned for a variance from Section 10-52 of Chapter 10 of the Town of Montverde's Land Development Regulations, for property more particularly described below located in the Town of Montverde, Florida; and

WHEREAS, the subject property consists of .282 +/- acres located at 17701 8th Street, and having Alternate Key Number 2695331, further described in the legal description in Section 1 below; and

WHEREAS, the property is located within the Single-Family Medium Density (R1-M) zoning district; and

WHEREAS, the Applicant recently purchased the property which was in a distressed state, and the pre-existing improvements including a pool and deck located on the property are non-conforming because they do not meet the 7.5' side and rear yard setback requirements for construction of pools including accessory decking; and

WHEREAS, this Resolution was properly advertised once in a newspaper of general circulation in Lake County, Florida no less than 10 days prior to Council's consideration of this Resolution and property owners within 300 feet of the subject site were timely provided written notice delivered by U.S. Mail, Return Receipt Requested; and

WHEREAS, the Planning and Zoning Committee held a public hearing and has submitted its' recommendation to the Town Council; and

WHEREAS, the Town Council has considered the petition in accordance with standards for granting variances contained in Section 10-12, Article I, Chapter 10, Town of Montverde Zoning Regulations;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA as follows:

Section 1.

The petition filed for a variance from Section 10-52, Chapter 10, of the Town of Montverde Land Development Regulations for the property owned by Montverde

Academy located at 17701 8th Street in the Town of Montverde, Florida, more particularly described as follows is **GRANTED** subject to conditions set forth below:

LEGAL DESCRIPTION:

Lot 5, MONTVERDE LANE, according to the plat thereof, as recorded in Plat Book 26, Page 43, Public Records of Lake County, Florida.

Conditions:

- A. The existing pool and accessory decking depicted on Map of Boundary Survey (site plan) prepared by Rhoden Land Surveying, Inc. dated April 15, 2013 attached hereto as **Exhibit A** may remain in their current location.
- B. The Owner agrees in that in the event the pool and/or accessory decking require replacement, the side and rear setbacks then in effect must be met.
- C. The Owner agrees in the event the pool and/or accessory decking is removed, future improvements, if any, must meet the side and rear setbacks then in effect.
- D. The Owner agrees in the event the pool is no longer going to be utilized for its intended purpose, the pool and accessory decking will be removed.
- E. The variance to the side and rear setback requirements is granted only in connection with the above described property as shown in Exhibit A and for no other purpose.

Section 2.

This variance may also be revoked if the above conditions are not followed by the property owner.

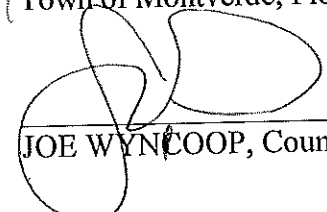
Section 3.

This resolution shall be effective immediately upon adoption.

PASSED and ADOPTED at a regular meeting of the Town Council of the Town of Montverde, Lake County, Florida this 13th day of August, 2013.



TROY BENNETT, MAYOR
Town of Montverde, Florida



JOE WYNCOOP, Council President

ATTEST:

Mary Gillis-Mason

Mary Gillis Mason, Town Clerk

Approved as to Form:

Anita Geraci-Carver

Anita Geraci-Carver
Town Attorney

Passed First Reading August 13, 2013

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

	YEA	NAY
Billy Bates	✓	
Glenn Burns	✓	
Jim Peacock	✓	
Jim Pierce	✓	
Joe Wynkoop	✓	



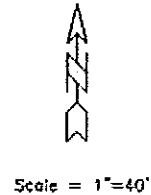
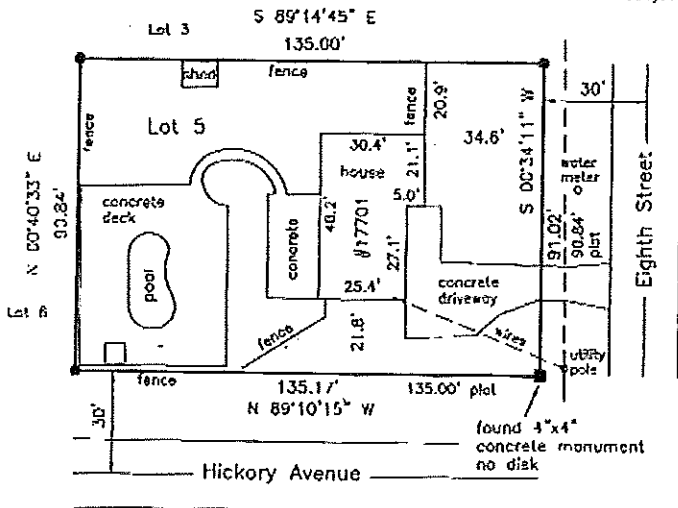
Map of Boundary Survey

DESCRIPTION:

Lot 5, MONIVERDE LANE,
according to the plat thereof,
as recorded in Plat Book 26, Page 43,
Public Records of Lake County, Florida.

Town of Montverde

I hereby declare that based on my
examination of the Flood Insurance Rate
Map Number 12069C 0585 E dated December 18,
2012, and that to the best of my knowledge,
belief and my professional opinion that the
subject property lies within flood zone X



● denotes found 1/2" iron rod

Note: fences shown are inside Lot 5

Notes:

- Bearings based on the East line of Lot 5 as being S 00°34'11" W, an assumed meridian.
- Legal description supplied by client.
- No title commitment or abstract has been provided for the subject property. There may be recorded or unrecorded documents which could affect this parcel.
- No adjacent or underground improvements, other than those shown, located this date.
- Subject property contains 0.282 acres, more or less, and is subject to any rights of way or easements of record.

Surveyor's Certification

I hereby certify to Montverde Academy that this Map of Boundary Survey meets the minimum technical standards for surveys as set forth in Chapter SJ-17 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Jeffrey P. Rhoden
JEFFREY P. RHODEN PSM #5322

STATE OF FLORIDA
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

Field Date 4/15/13	Prepared for: <i>Montverde Academy</i>	01077.025
Drawn by: JPR	Rhoden Land Surveying, Inc.	
Scale: 1"=40'	10 #6980 420 E. Minnetonka Ave. Clermont, FL 34711 352-394-6255	