

RESOLUTION 2011-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM SIDE YARD SETBACK REQUIREMENT FOR A CORNER LOT IN A PUBLIC FACILITIES DISTRICT TO ALLOW FOR THE CONSTRUCTION OF A BUILDING ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SEVENTH STREET (COUNTY ROAD 455) AND PORTER AVENUE, MONTVERDE, FLORIDA, OWNED BY MONTVERDE ACADEMY, INC.; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Montverde Academy, Inc., has filed an application for a Variance to allow for the construction of a Fine Arts Building at the southeast corner of Porter Avenue and Seventh Street (County Road 455); and

WHEREAS, the construction of said building, as proposed, will result in a Front Yard Setback of 21.84 feet; however, Section 10-59 of the Montverde Land Development Code specifies a required Front Yard Setback of 25 feet in a PF zoning district; and

WHEREAS, Montverde Academy, Inc., has requested a four-foot variance from the Front Yard Setback specified in Section 10-59 from 25 feet to 21 feet; and

WHEREAS, the Planning and Zoning Committee and the Town Council of the Town of Montverde have considered the application and have found it in accordance with the criteria for granting a variance in Section 10-12 of the Land Development Code; and

WHEREAS, this Resolution was properly advertised and notices were sent to property owners within 300 feet of the subject property;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, LAKE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Criteria for Granting the Variance.

- (1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Such onsite conditions may include, but are not limited to, topography, preservation of vegetation, access, vehicular and pedestrian safety and preservation of scenic views;
- (2) That the special conditions and circumstances do not result from the actions of the applicant;

- (3) That literal interpretation of the provisions would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant;
- (4) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- (5) That the grant of the variance will be in harmony with the general intent and purpose of the Land Development Code and the comprehensive plan, will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- (6) The granting of the variance will not be detrimental to the property or improvements in the area in which the property is located.

Section 2. Granting of the Variance.

The application filed by Montverde Academy, Inc., for a four foot Variance from Section 10-59 of the Land Development Code, allowing a 21 foot Front Yard Setback along Porter Avenue rather than the required 25 foot setback, is hereby granted, with conditions, for the following described property:

Lots 2 through 11, inclusive, as said lots are known and designated on the recorded plat of "School Division of Montverde", said plat being recorded in Plat Book 4, Page 43, of the records of Lake County, Florida.

Section 3. Conditions of Approval.

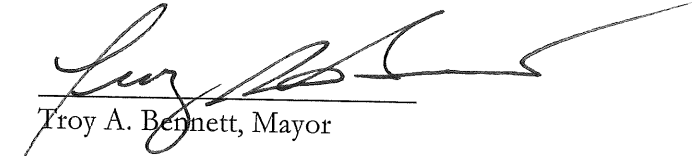
- (1) This variance shall expire if construction of the proposed Fine Arts Building is not commenced within one year of the effective date of this Resolution, unless otherwise extended by the Town Council.
- (2) Prior to removing any trees during construction, a Tree Removal Permit must be granted by the Town Clerk in accordance with the Tree Protection Standards contained in the Land Development Code.

Section 4. Effective Date.

This resolution shall become effective immediately upon its passage.

RESOLVED in regular session by the Town of Montverde, Lake County, Florida this

12 day of April, 2011.



Troy A. Bennett, Mayor



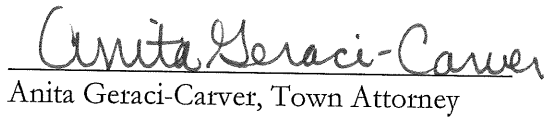
Billy Bates, Council President

Attest:



Juli D'Agostino, Town Clerk

Approved as to form and legality:



Anita Geraci-Carver, Town Attorney