



PLANNING AND ZONING BOARD AGENDA

DECEMBER 10, 2025, AT 6:30 PM
AT TOWN HALL
17404 SIXTH STREET
MONTVERDE, FLORIDA 34756

The Montverde Staff and Council invite you to join the meeting in person or on your computer; you can watch and listen to the meeting from home by clicking the link below.

<https://southlake.tv/player/44150/44150>

BOARD MEMBERS

Karin Arellano
Josie Weiss
Holly Broecker
Aaron Wadsworth
Michael Whidden

STAFF

Paul Larino, Town Manager
Anita Geraci-Carver, Town Attorney
Sean Parks, Town Planner
Lisa Busto, Associate Town Planner
Caroline Trepanier, Town Clerk

Call to Order and Opening Ceremonies

- Call to Order
- Pledge of Allegiance
- Roll Call

I. Discussion Items

II. **Public Hearings, Ordinance and Resolutions**

RESOLUTION No. 2025-198 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM SECTION 10-81 IN CHAPTER 10 OF THE MONTVERDE LAND DEVELOPMENT CODE FROM THE SIDE YARD SETBACK FOR REPLACEMENT OF AN EXISTING RETAINING WALL FOR THE REAL PROPERTY LOCATED AT 16319 MAGNOLIA BLUFF DRIVE, MONTVERDE, FLORIDA, OWNED BY JAMES P. MONAHAN AND DANAY C. ORDONEZ; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION No. 2025-199 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING MINOR SITE PLAN APPROVAL TO MONTVERDE ACADEMY FOR CONSTRUCTION OF PARKING IMPROVEMENTS ON ACADEMY LANE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE

III. **Adjournment**

The Town reserves the right to move any Agenda item to an earlier time during the meeting as its schedule permits, except for items and appointments that have been advertised in a newspaper for a specific time.

According to the provisions of Chapter 286 Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by the Town Council with respect to any matter considered at this Council meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance to participate in any of these proceedings should contact Town Hall at (407) 469-2681 48 business hours before the scheduled meeting.

Notice is hereby given, that one or more Members of the Montverde Town Council may be present at this meeting.

Public Hearings, Ordinances and Resolution

RESOLUTION 2025-199

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING MINOR SITE PLAN APPROVAL TO MONTVERDE ACADEMY FOR CONSTRUCTION OF PARKING IMPROVEMENTS ON ACADEMY LANE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Brad Long on behalf of Montverde Academy, Inc. filed an application for Minor Site Plan approval to construct 20 parking spaces with landscaping improvements within the right of way of Academy Lane and within a portion of land owned by Montverde Academy north of the existing batting cages; and

WHEREAS, the Planning and Zoning Committee and the Town Council of the Town of Montverde have considered the application in accordance with the procedures for granting Minor Site Plan Approval in Section 6-24 of the Land Development Code, subject to conditions.

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

Section 1. Granting Minor Site Plan Approval.

The site plan prepared by Germana Engineering and Associates, LLC, attached hereto as Exhibit A, pursuant to an application filed by Brad Long on behalf of Montverde Academy, Inc. (hereafter referred to as "Applicant"), is granted, with conditions, for the following described property:

Academy Lane right of way owned by the Town of Montverde,

and

Alt. Key No. 1064139

Parcel No: 02-22-26-0004-000-05400

Property owned by Montverde Academy Inc. lying south of Academy Lane, north of Highland Avenue, and east of CR 455/7th Street, Montverde Lake County, Florida.

Section 2. Conditions of Approval.

- (a) Prior to the start of any construction activities, the Applicant shall resolve, to the satisfaction of the town manager or designee, the following Planning and Administrative Matters:
 - i. The owner/applicant must comply with all other Town land development regulations and provide any and all other items requested by the Town reviewers that have not been provided, if any.

(b) Such Minor Site Plan Approval may be revoked if a permit for construction has not been issued within 12 months of approval. Where a permit for construction has not been issued within 12 months of approval, the site plan must be re-evaluated by the town council, and any newly adopted standards will be utilized. The applicant may request an extension in writing prior to expiration of the 12-month period; however, cause for the extension must be shown. Approval may also be revoked if owner fails to use or develop the Property in full compliance with the terms and conditions of the permit.

Section 3. Effective Date.

This resolution shall become effective immediately upon its passage.

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

____ day of _____, 2025.

Joe Wynkoop, Mayor

Attest:

Caroline Trepanier, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

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

	YEA	NAY
Councilmember Bryan Rubio		
Councilmember Grant Roberts		
Councilmember Joe Morganelli		
Vice Mayor Carol Womack		
Mayor Joe Wynkoop		



STAFF REPORT

MINOR SITE PLAN FOR ACADEMY LANE PARKING

Public Hearings: Planning & Zoning: December 10, 2025
Town Council: January 13, 2026

Resolution No.: 2025-199

Applicant: Brad Long
Montverde Academy (MVA)
17235 Seventh Street, Montverde, FL 34756

Application No.: B25-000296

Requested Action: The applicant has submitted a Minor Site Plan Application to add 20 parking spaces on Academy Lane.

Staff Determination: Staff recommends approval of this Minor Site Plan. The project is very similar to the one approved by the Town for the new parking spaces along Porter near Town Hall.

Subject Property Information

Location: Academy Lane (aka Park Lane)

Alternate Key: 1531811

Zoning: Public Facilities

Future Land Use: Institutional



Adjacent Property Land Use

Direction	Zoning	Existing Use
North	Public Facilities	School
East	Public Facilities	School
South	Public Facilities	School
West	Public Facilities	School

Project Description

The proposed project is the addition of 20 parking spaces along Academy Lane.

Staff Analysis

LDC Sec 6-26 – Determination of minor site plan review

Table 6-26 outlines what is required with a minor site plan submittal.

The applicant has submitted the items required for a thorough review.

LDC Sec 6-27 – Minor site plan review

Minor site plan review shall be required for changes in use without addition to existing structures which require other site improvements and for conditional uses on currently developed land so long as the conditional use does not require additions to the structure in excess of 50 percent of the total square footage of the existing structure. A change in use that does not necessitate other site improvements does not require a change.

A minor site plan is required for the proposed parking area as it is a change in use of the property which requires site improvements.

LDC Sec 4-121 – Construction specifications

The parking area will be constructed to code requirements.



LDC Sec 4-177 & 4-180(f) Landscaping and buffers

Landscaping areas and buffers are required between certain land uses, along certain corridors, in certain areas, and in paved parking areas to preserve the value of land and buildings on surrounding properties and neighborhoods; to eliminate or minimize potential nuisances such as noise, lights, signs, dirt, litter, unsightly buildings, or parking areas; and to encourage the proliferation of trees and vegetation.

Internal landscaping regulations. For off-street parking areas all parking areas and other paved ground surface areas used for vehicular use shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation. Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of 80 feet. A maximum of eight parking spaces in a row will be permitted, although adjustments may be made to save specimen trees. Each landscape break and ends of parking rows shall contain a minimum of one canopy tree. The breaks shall be a minimum of ten-foot wide.

Landscaping is proposed for the parking area. In addition to shrubs, there will be a canopy tree in each landscape break and at the ends of the parking row.

Planning & Zoning Board Motion Considerations

Quasi-Judicial Actions

1. **Recommend approval** of Resolution 2025-199.
2. **Recommend denial** of Resolution 2025-199. [Provide specific reasons for recommendation of denial.]
3. **Continue action** of Resolution 2025-199 pending additional information requested by the Planning & Zoning Board. [Provide specific additional information requested.]

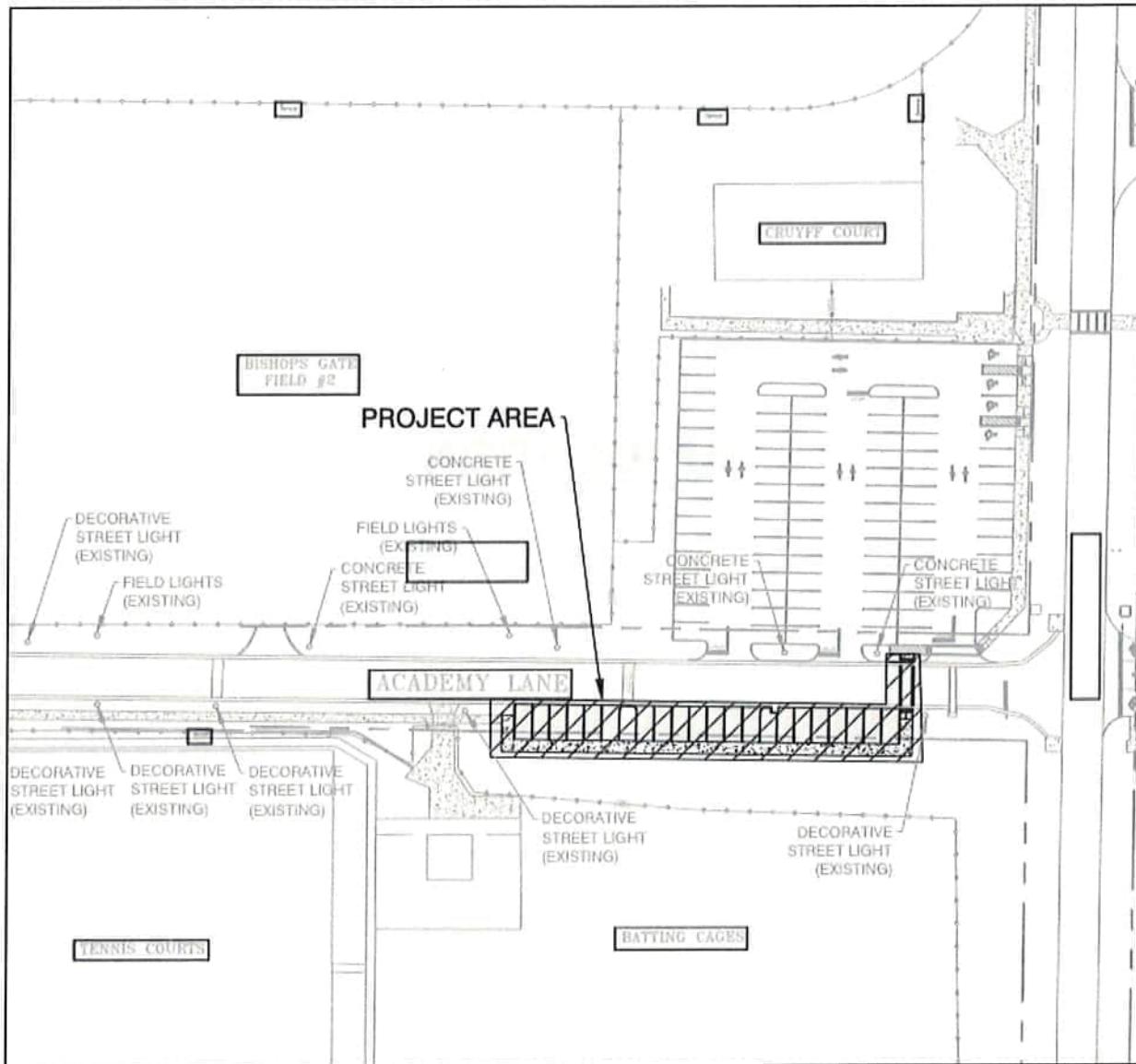


Location Map





Site Plan





APPLICATION

[Home](#) [Services](#) [Search](#) [My Account](#) [Contact](#)

[VIEW PERMIT](#)

[Home](#) / [Services](#) / [Permits](#) / [View Permit](#)

Permit #: B25-000296
Project #: 25-000371
Status: Application being Review
Address: 17235 SEVENTH ST U 9

Description: Adding 20 parking spots to Academy Lane



Permit	Reviews	Documents	Inspections
Permit #:	B25-000296		
Permit Type:	Building		
Sub Type:	Other		
Issue Date:	04/16/2026		
Expiration Date:	04/16/2026		
CONTACTS			
Is the property owner different from what is listed above?:	No		
Are you the owner of the property and constructing the project yourself? (If you are hiring a contractor, select No):	Yes		
Construction Contractor:	MONTVERDE ACADEMY - BRAD LONG		
Electrical Contractor:			
Plumbing Contractor:			
HVAC Contractor:			
Roofing Contractor:			
Architect (If Applicable):			
PROPERTY INFORMATION			
Type of Project:	Commercial		
Type of Property:			
Total Estimated:	0.00		
Construction Cost (comm):			
Number of Bedrooms:			
Total Square Footage of Property:			
New Added Square Footage			
Living:			
Garage:			
Porch(s):			
Other:			
Total:	0.0		
Electrical			
Service Size:			
Documents: (Click on blue text below to download document)			
Example of a Site Plan			
Limited Power of Attorney			
Notice of Commencement			
(Required for Jobs Over \$2500)			
Owner Builder Affidavit			
Property Records:			
Site Plan:	MVA Academy Lane Parking Addition (S&S) 09-16-2026.pdf		
Building Plan:			
HOA Approval (If Applicable):			
Signature:	signature.png		



MONTVERDE ACADEMY ACADEMY LANE PARKING ADDITION CIVIL ENGINEERING PLANS

PROJECT TEAM

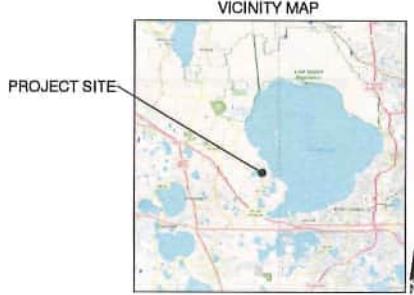
CIVIL ENGINEER:
GERMANA ENGINEERING AND ASSOCIATES, LLC.
CONTACT: CHRISTOPHER M. GERMANA, PE
1125 WEST MINNEOLA AVENUE
CLERMONT, FLORIDA 34711
(321) 243-8129

DEVELOPER:
MONTVERDE ACADEMY
CONTACT: BRAD LONG
1733 7TH STREET
CLERMONT, FLORIDA 34711
(407) 439-3361

SURVEYOR:
RINDGEN LAND SURVEYING, INC.
CONTACT: JEFFREY P. RINDGEN
430 EAST MINNEOLA AVENUE
CLERMONT, FLORIDA 34711
(407) 244-4224

GENERAL NOTE:
THE PLANS WERE PREPARED ACCORDING TO AVAILABLE INFORMATION BASED ON THE CONDITIONS AS THEY EXISTED AT THE TIME OF PLAN PREPARATION. THE CONDITIONS OF THE PROPERTY MAY HAVE CHANGED SINCE PROJECT DESIGN. THE CONTRACTOR SHALL VERIFY AND CONFIRM THE EXISTING CONDITIONS AND CONTACT THE PROJECT ENGINEER IMMEDIATELY IF CONDITIONS HAVE CHANGED FROM WHICH THE PLANS WERE PREPARED.

ACCESSIBILITY NOTE:
THE SITE SHALL COMPLY WITH THE FLORIDA BUILDING CODE 4TH EDITION (2015) ACCESSIBILITY CODE.



ACADEMY CAMPUS
MONTVERDE, FLORIDA 34756
SECTION 01, TOWNSHIP 22 SOUTH, RANGE 28 EAST

SHEET LIST

- C1 CONSTRUCTION NOTES
- C2 CONSTRUCTION DETAILS
- C3 MASTER PLAN
- C4 EXISTING CONDITION PLAN
- C5 SITE PLAN
- C6 GRADING AND DRAINAGE PLAN
- C7 CONSTRUCTION POLLUTION PREVENTION PLAN
- C8 CONSTRUCTION DETAILS
- L1 LANDSCAPE PLAN
- L2 LANDSCAPE NOTES AND DETAILS

DATUM NOTE

ELEVATIONS SHOWN ON THE PLAN SETS ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988.

PERMIT NOTE

SEPARATE PERMITS ARE REQUIRED FOR THE FOLLOWING (IF APPLICABLE):

• CONSTRUCTION TRAILERS	• DUMPSTER ENCLOSURES
• LIFT STATIONS	• SIGN
• PORTABLE TOILETS	• SITE WALL FEATURES
• ACCESS GATES	• SITE LIGHTING
• GENERATORS	• FENCES
• ANTI-SLIDE	• WHIPLASH CLOSERS
• ETC.	

FIRE NOTE

NOTE TO CONFORM TO FLORIDA FIRE PREVENTION CODE 4TH EDITION (2015). SEPARATE PERMITS ARE REQUIRED FOR THE FOLLOWING (IF APPLICABLE):

• FIRE ENCLOSURES	• FIRE ALARMS
• FIRE PLANT ENCLOSURES	• FIRE UNDERGROUND
• COMPUTER ENCLOSURE	



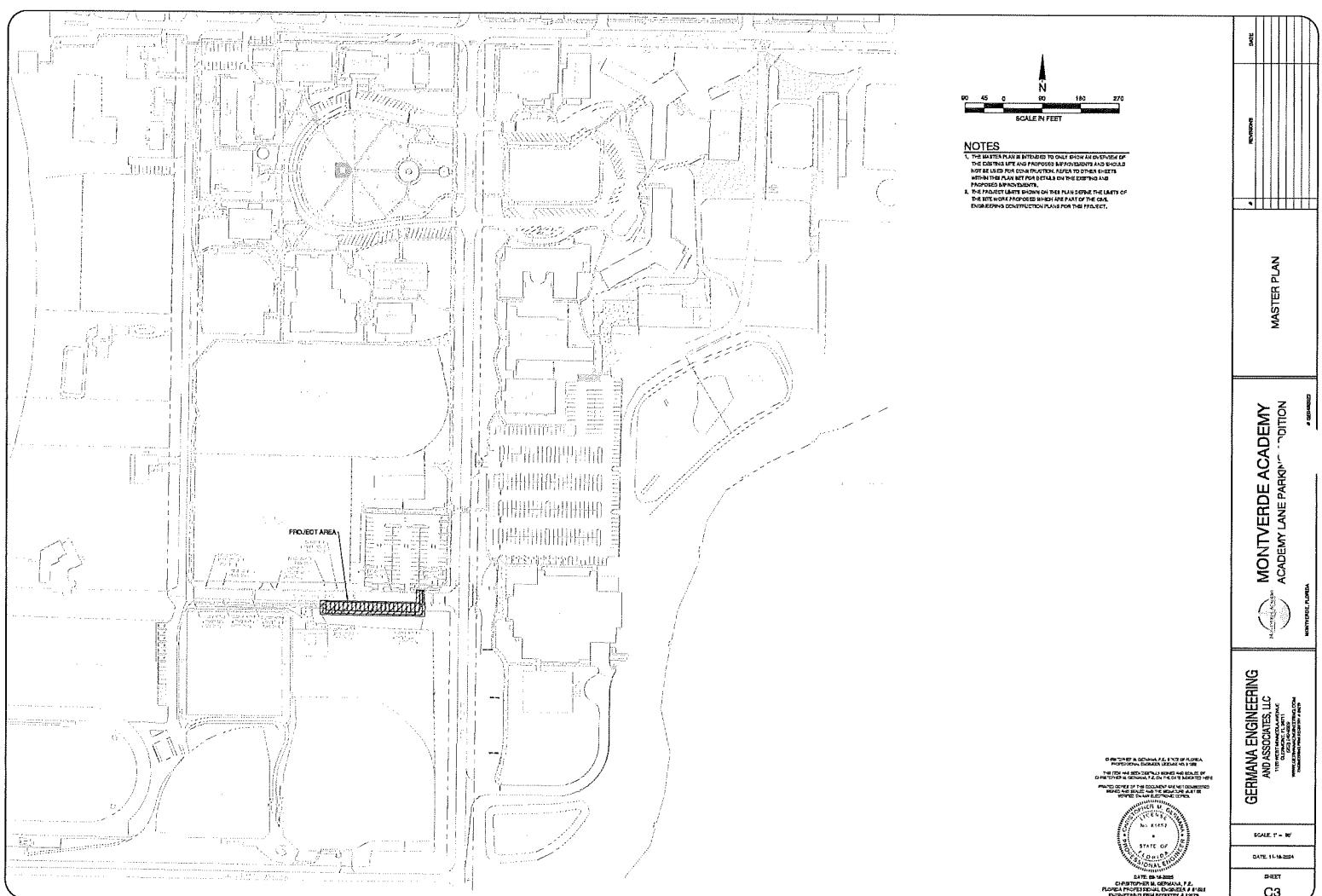
Call 855-247-5700 to report a traffic hazard.
Business days before digging for tree
buried utilities located and marked.
Please provide reference information for your job.

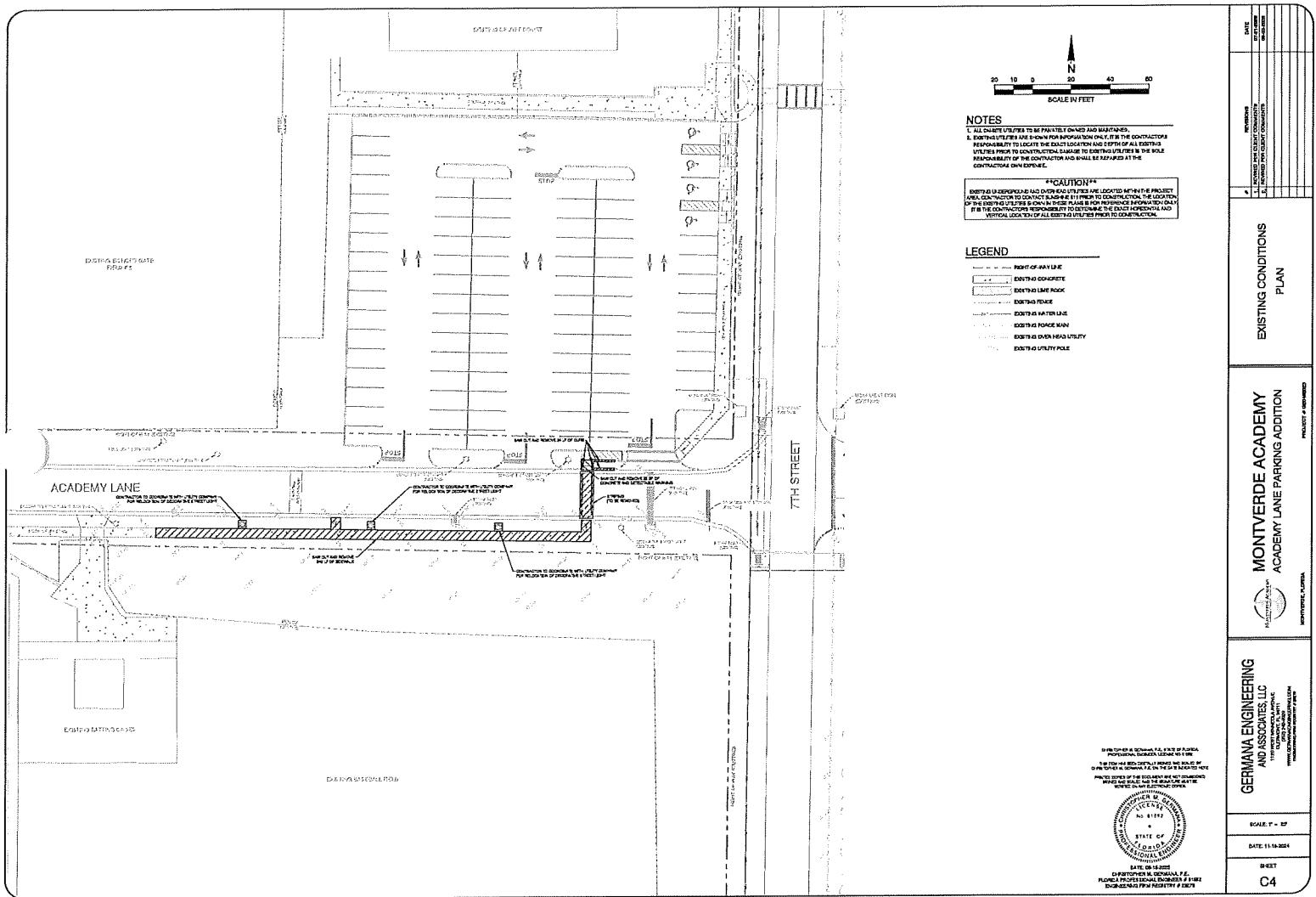
GERMANA ENGINEERING AND ASSOCIATES, LLC.
1125 WEST MINNEOLA AVENUE, SUITE 100
CLERMONT, FLORIDA 34711
(321) 243-8129
GERMANA@GERMANA.ORG

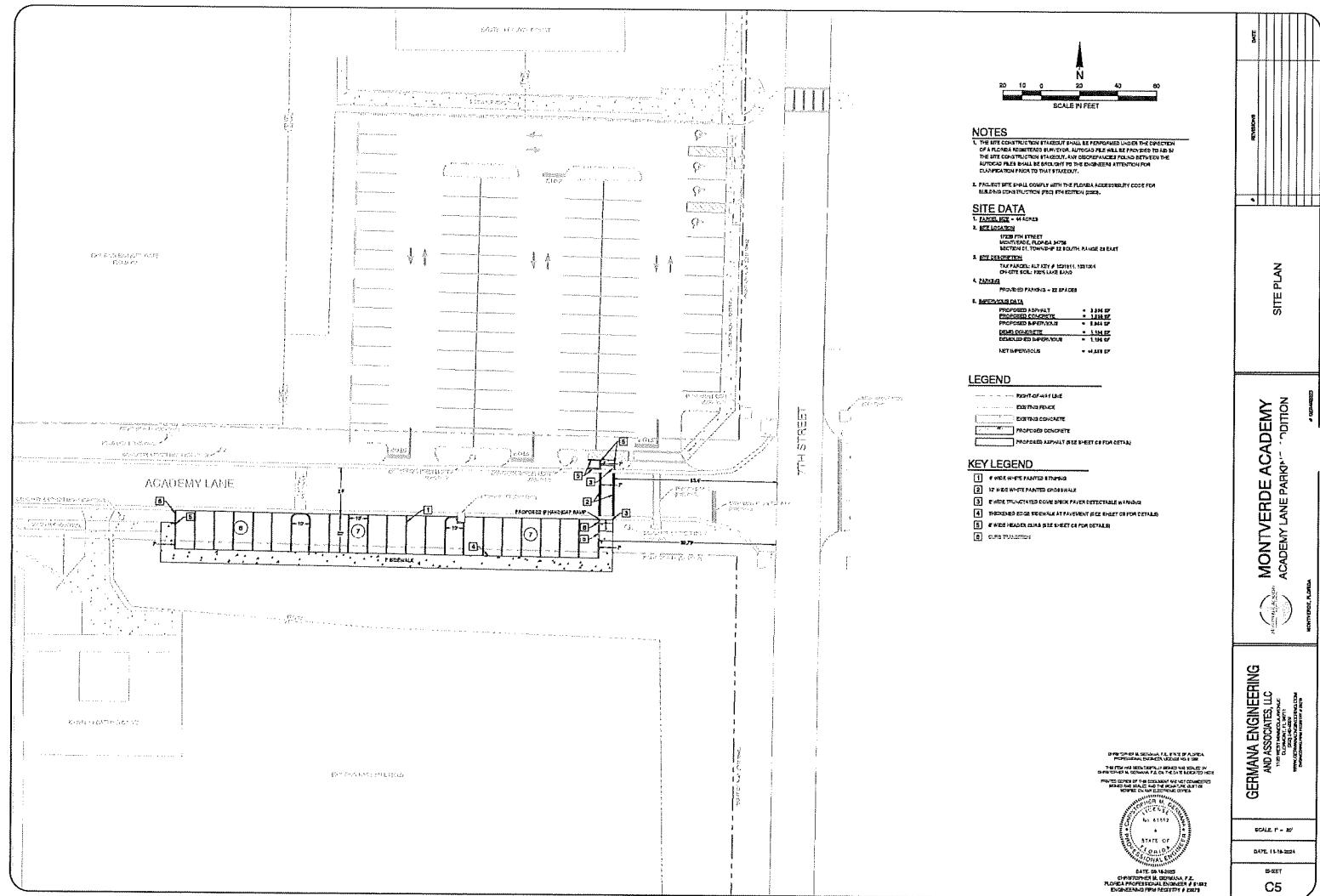


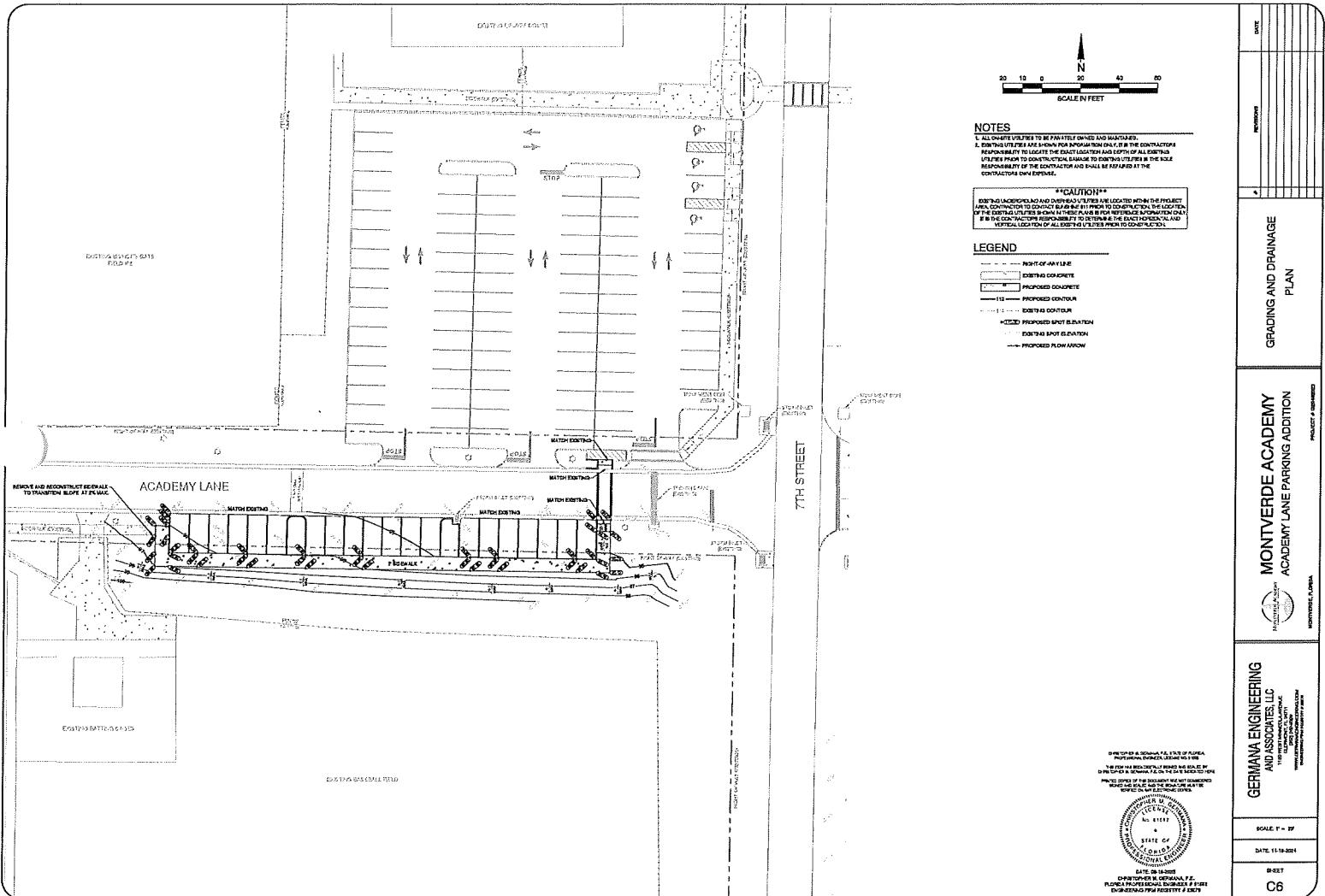
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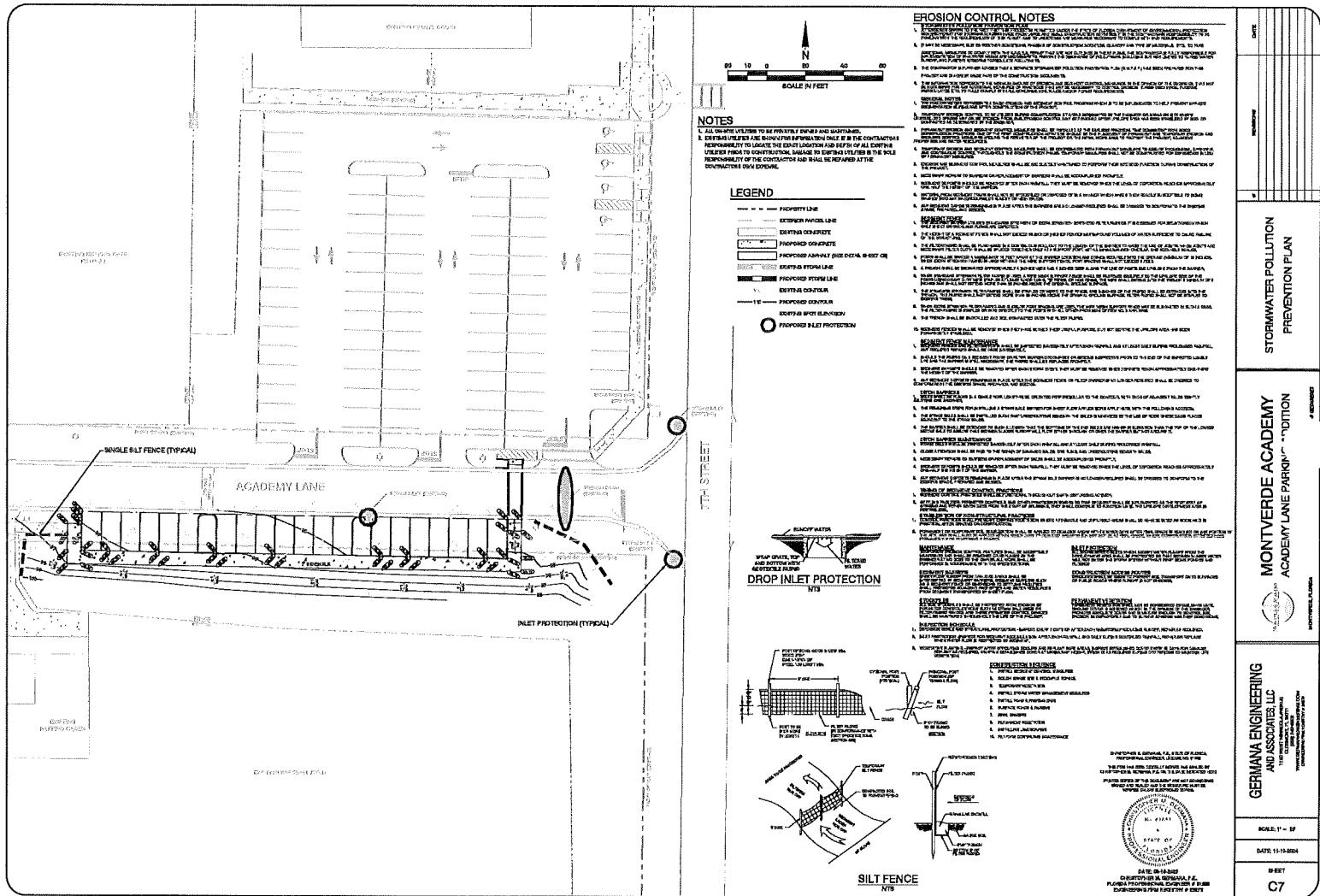
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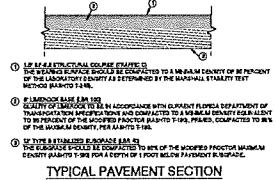
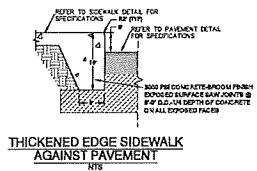
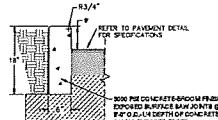
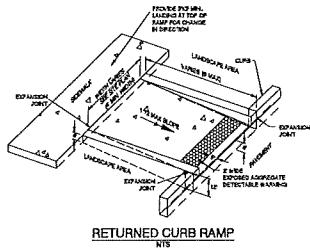
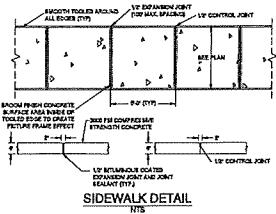








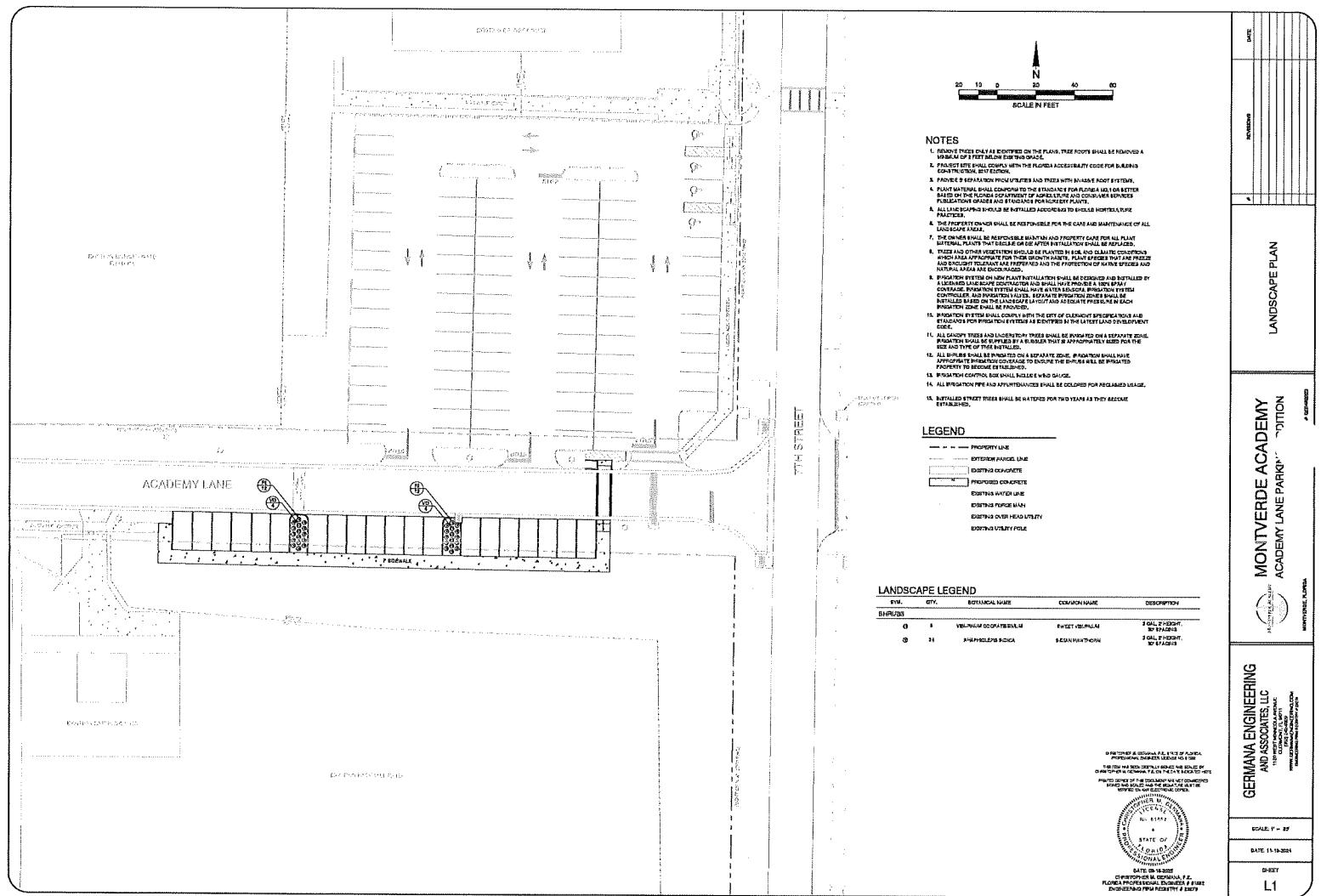
CONSTRUCTION DETAILS	MONTEVERDE ACADEMY ACADEMY LANE PARKING ADDITION PROJECT NUMBER	DRAWING NUMBER	SHEET NUMBER



GERMANA ENGINEERING
AND ASSOCIATES, LLC
10101 N.W. 100th Street
Miami, Florida 33174
(305) 467-1000
(305) 467-1010

SCALE: NTS
DATE: 11-19-2011
SHEET
C8







ADVERTISING INFORMATION



NOTICE OF PUBLIC HEARINGS

The Town of Montverde Planning and Zoning Board will hold a public hearing on **Wednesday, December 10, 2025, at 6:30 p.m.**, and the Town Council will hold a public hearing on **Tuesday, January 13, 2026, at 7:00 p.m.**, at the Town Hall Auditorium located at 17404 Sixth Street, Montverde, Florida to deliberate on the following:

RESOLUTION 2025-199

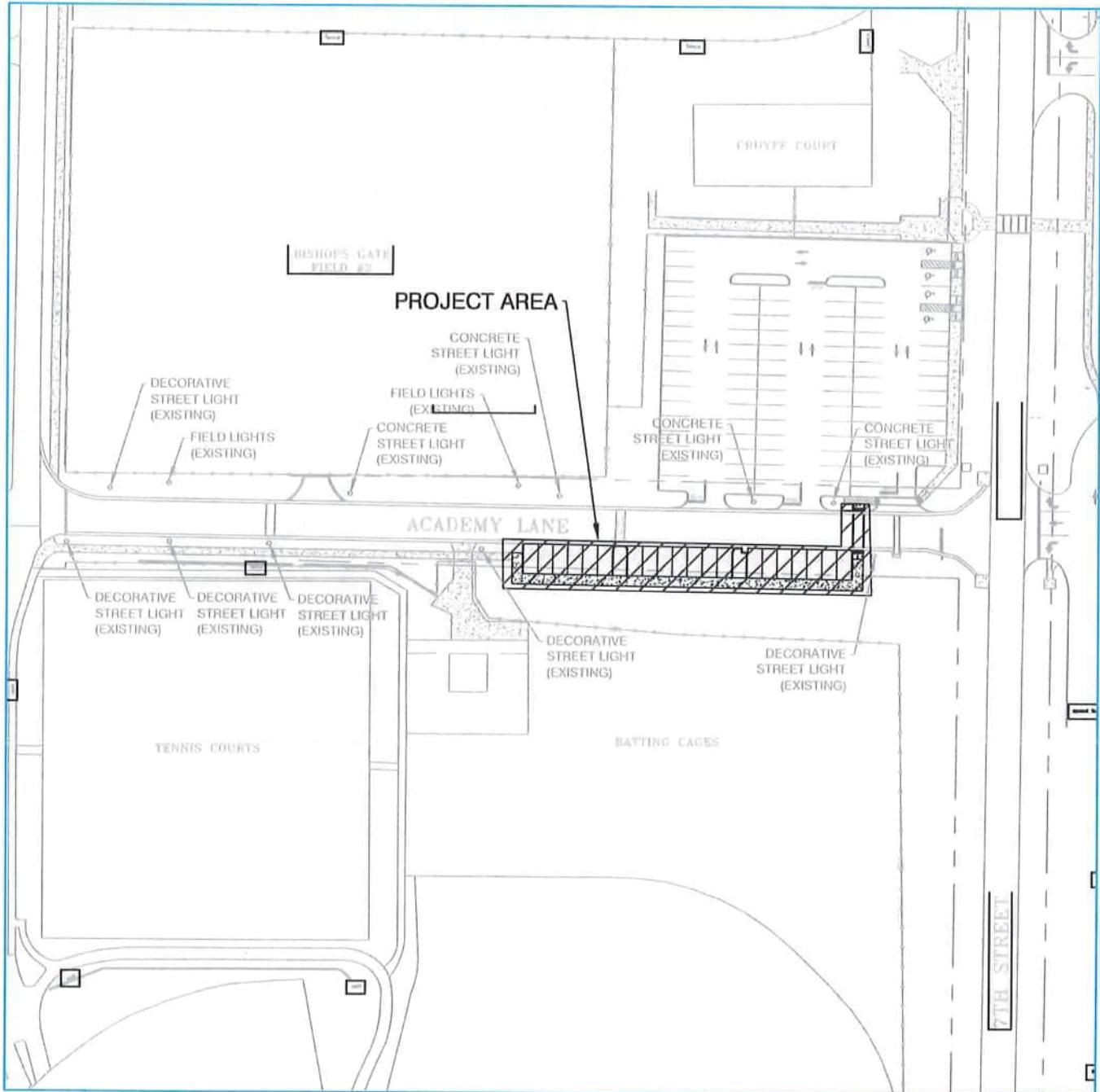
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING MINOR SITE PLAN APPROVAL TO MONTVERDE ACADEMY FOR CONSTRUCTION OF PARKING IMPROVEMENTS ON ACADEMY LANE; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE

Interested parties may appear at the public hearings and be heard with respect to the proposed resolution. Persons with disabilities needing assistance to participate in this proceeding should contact the Town Clerk at least 48 hours before the meetings at 407-469-2681.

This resolution is available at the Town Clerk's Office, at Town Hall located at 17404 Sixth Street, Montverde, Florida, for inspection on Monday through Thursday, from 8:00 a.m. to 5:00 p.m.

Persons are advised that if they decide to appeal any decision made at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made which includes the testimony and evidence upon which the appeal is based, per Section 286.0105, Florida Statutes.

Paul Larino, Town Manager
Town of Montverde



17235 Seventh Street
Montverde, FL 34756

ADAMS JOHN D III & MICHELLE A
16724 HIGHLAND AVE
MONTVERDE, FL 34756

COLEMAN CRAIG L ET AL
PO BOX 783997
WINTER GARDEN, FL 34778-3997

CRAWFORD RAYMOND JR TRUSTEE
ET AL
17124 LIVE OAK CT
WINTER GARDEN, FL 34787

ELLMAN RANDY LEE & GALE D LIFE
ESTATE
16603 LOWRY RD
MONTVERDE, FL 34756

HUNT FREDDIE W & JANIE W
1630 PINE RIDGE DAIRY RD
FRUITLAND PARK, FL 34731

KASER GARY F & KELLY S CARTER
LIFE ESTATE
16143 HARBAR OAKS DR
MONTVERDE, FL 34756-3007

LAKE COUNTY WATER AUTHORITY
27351 STATE ROAD 19
TAVARES, FL 32778-3119

LOVELL SHAYNE & VIVIAN R A
16551 HIGHLAND AVE
MONTVERDE, FL 34756

M & M OF ORLANDO INC
1711 35TH ST # 105
ORLANDO, FL 32839

MC QUAIG DANIEL S
16836 HIGHLAND AVE
MONTVERDE, FL 34756

MC QUAIG SUSAN J
16817 9TH ST
MONTVERDE, FL 34756

MONTVERDE ACADEMY INC
17235 SEVENTH ST
MONTVERDE, FL 34756-3210

MORGANELLI JOSEPH & MICHELLE
16535 HIGHLAND AVE
MONTVERDE, FL 34756

PATTERSON ROY E & KATHLEEN G
16939 7TH ST
MONTVERDE, FL 34756

PEACOCK JIMMY E & ROBIN L
16549 LOWRY RD
MONTVERDE, FL 34756

STATE OF FLORIDA
3900 COMMONWEALTH BLVD
TALLAHASSEE, FL 32399-3000

TILEY SALLY A MC QUAIG
16702 HIGHLAND AVE
MONTVERDE, FL 34756

TILEY TERRANCE G & SALLY M
16702 HIGHLAND AVE
MONTVERDE, FL 34756

TOWN OF MONTVERDE
PO BOX 560008
MONTVERDE, FL 34756-0008

RESOLUTION 2025-198

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM SECTION 10-81 IN CHAPTER 10 OF THE MONTVERDE LAND DEVELOPMENT CODE FROM THE SIDE YARD SETBACK FOR REPLACEMENT OF AN EXISTING RETAINING WALL FOR THE REAL PROPERTY LOCATED AT 16319 MAGNOLIA BLUFF DRIVE, MONTVERDE, FLORIDA, OWNED BY JAMES P. MONAHAN AND DANEY C. ORDONEZ; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, James Monahan, as one of the owners of the property, has petitioned for a variance from the minimum 5-ft. side yard setback for a retaining wall as set forth in the Montverde Land Development Code, for property assigned Alt. Key No. 3794934 located at 16319 Magnolia Bluff Dr. in the Town of Montverde, Florida; and

WHEREAS, applicant asserts a variance to reduce the 5-ft. minimum side yard setback to 1-ft. for a retaining wall is necessary due to the existing site conditions: topography is such that the structural integrity of the home would be compromised without a retaining wall in that location; and

WHEREAS, the applicant constructed the retaining wall in the location of a previously existing retaining wall constructed of less durable materials that failed during Hurricane Milton; and

WHEREAS, the variance being granted is the minimum available that will allow reasonable use of the land because an alternative would not protect the structural integrity of the home; and

WHEREAS, a public hearing on this Resolution was held by the Planning and Zoning Board and property owners within 300 feet of the subject site were provided written notice no less than fourteen prior the public hearing delivered by U.S. Mail containing the name of the applicant, the nature of the requested variance and the date and time of the public hearing; and

WHEREAS, a public hearing on this Resolution was held by the Town Council after public notice advertising this resolution no less than 14 days prior to Town Council holding the public hearing; and

WHEREAS, the Planning and Zoning Board and Town Council of the Town of Montverde have considered the petition in accordance with the standards for granting variances contained in Section 10-12 of the Montverde Land Development Code and there is competent substantial evidence in support of the requested variance.

NOW THEREFORE, be it resolved by the Town Council of the Town of Montverde, Florida, as follows:

Section 1. The petition for variance filed by James P. Monahan, for real property located 16319 Magnolia Bluff Dr., Montverde, Florida, more particularly described as:

Lot 48, Magnolia Terrace Phase I, according to plat thereof as recorded in Plat Book 43, Page 45 through 47, in the Public Records of Lake County, Florida; Parcel ID No. 11-22-26-1300-000-04800; Alt. Key 3794934

is **GRANTED** with the following conditions:

1. The existing retaining wall may encroach into the 5-ft side yard setback; however, it must maintain a minimum side yard setback of 1-ft., and must otherwise comply with Town Code.
2. Issuance of a Variance Permit shall not constitute zoning clearance or permit approval from the Town of Montverde.
3. Such Variance shall expire sixty (60) days from the effective date of this Resolution if owner does not obtain any required permit and/or zoning clearance.

Section 2. This resolution shall be effective after adoption in accordance with law.

Passed and adopted by the TOWN COUNCIL of the TOWN OF MONTVERDE, Florida this _____ day of _____, 2025.

Joe Wynkoop, Mayor

Attest:

Caroline Trepanier, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

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

	YEA	NAY
Councilmember Bryan Rubio		
Councilmember Grant Roberts		
Councilmember Joe Morganelli		
Vice Mayor Carol Womack		
Mayor Joe Wynkoop		



STAFF REPORT

VARIANCE REQUEST FOR RETAINING WALL

Public Hearings: Planning & Zoning: December 10, 2025
Town Council: January 13, 2026

Resolution No.: 2025-198

Applicant: Mr. James Monahan, Property Owner

Application No.: Z25-000003

Requested Actions: The applicant is seeking a variance to allow a retaining wall to be located one foot from the property boundary line.

Staff Determination: Staff recommends approval of this variance request. The retaining wall was an emergency replacement of the previous wall that was in the same location that was damaged and failed during Hurricane Milton in 2024.

Subject Property Information

Location: 16319 Magnolia Bluff Dr., Montverde, FL 34756

Alternate Key: 3794934

Zoning: Single Family Low Density (R1L)

Adjacent Property Land Use

Direction	Zoning	Existing Use
North	R1L – Magnolia Terrace	Residential
East	R1L – Magnolia Terrace	Residential
South	R1L – Magnolia Terrace	Residential
West	R1L – Magnolia Terrace	Residential



Background Information

The applicant rebuilt the retaining wall to avoid major damage to the home due to the previous wall's failure during Hurricane Milton on October 10, 2024.

An after-the-fact permit application was submitted in March of 2025. Upon staff review it was determined that the wall did not meet current setback requirements, and a variance would be necessary to allow the wall to be located one foot from the property line.

Staff Analysis

LDC Sec 10-81(b) Measurement and determination of setbacks

Retaining walls constructed in accordance with Chapter 4, LDC, must adhere to a minimum five-foot side-yard, rear-yard and front-yard setback from the property line.

This code requires retaining walls to be located a minimum distance of 5-feet from the property line; however, the new retaining wall was built only 1-foot from the property line. The new retaining wall was installed in the same location as the previous failing wall, which also did not meet current setback requirements. Replacing it in the same location was necessary to maintain the structural integrity of the wall and the home, as well as to preserve the existing lot grading.

LDC Sec 10-12 Variance procedures

The variance criteria as outlined in the Town of Montverde Land Development Code states a variance can be granted if all the following are true:

- 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 on-site conditions may include, but are not limited to, topography, preservation of vegetation, access, vehicular and pedestrian safety and preservation of scenic views.



The topography of the applicant's property is such that the structural integrity of the home would be compromised without a retaining wall in that location.

- 2) That the special conditions and circumstances do not result from the actions of the applicant.

The applicant replaced a failing retaining wall that was constructed of less durable materials that failed during Hurricane Milton.

- 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 the chapter and would work unnecessary and undue hardship on the applicant.

The topography of the applicant's property is such that the structural integrity of the home would be compromised without a retaining wall in that location.

- 4) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The retaining wall installation was necessary for the property owner to enjoy reasonable use of the land and structure.

- 5) That the granting of the variance will be in harmony with the general intent and purpose of this Code and the Comprehensive Plan, will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The replacement retaining wall will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

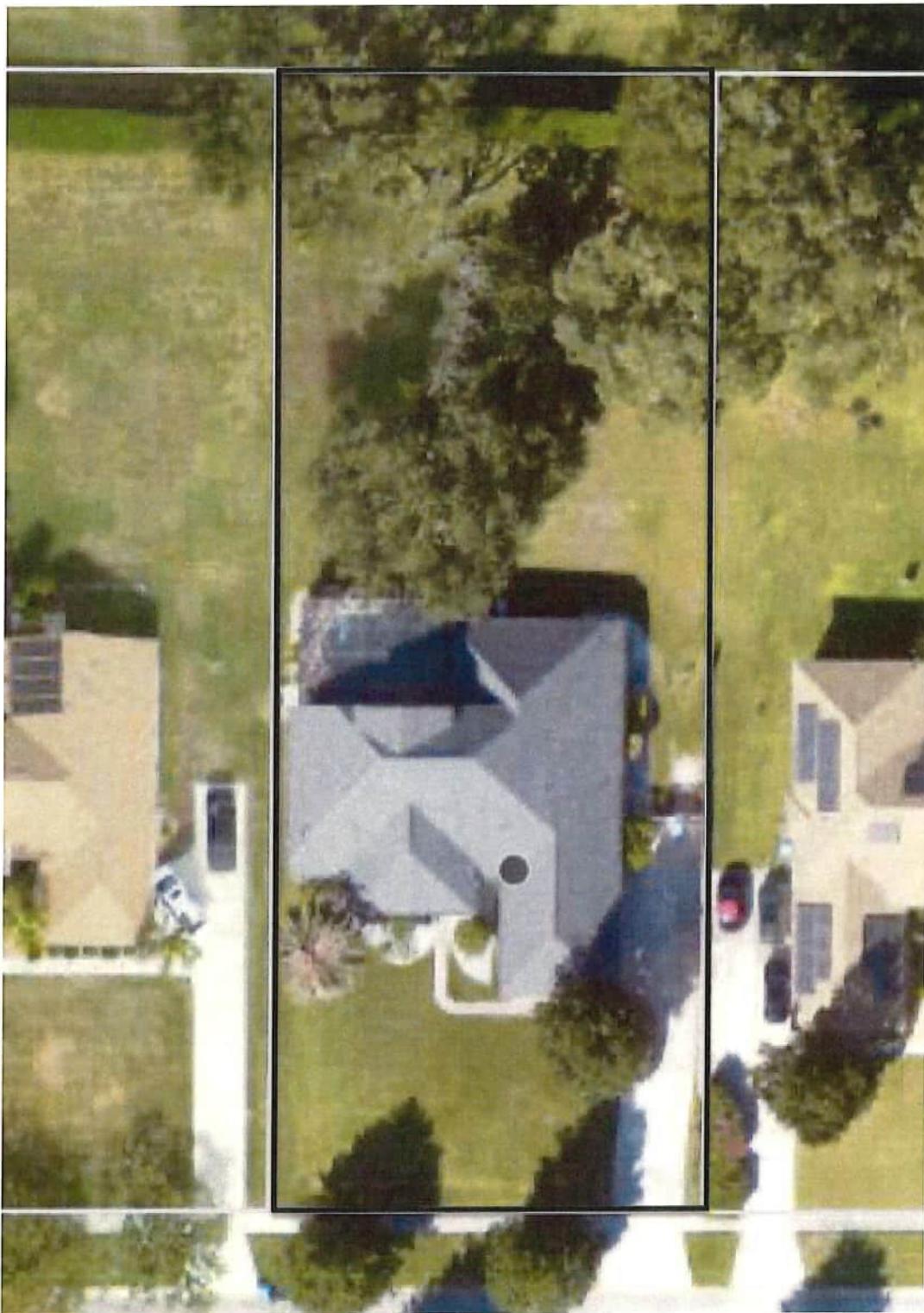
- 6) The granting of the variance will not be detrimental to the property or improvements in the area in which the property is located.

The retaining wall is not detrimental to the property or improvements in the area in which the property is located.



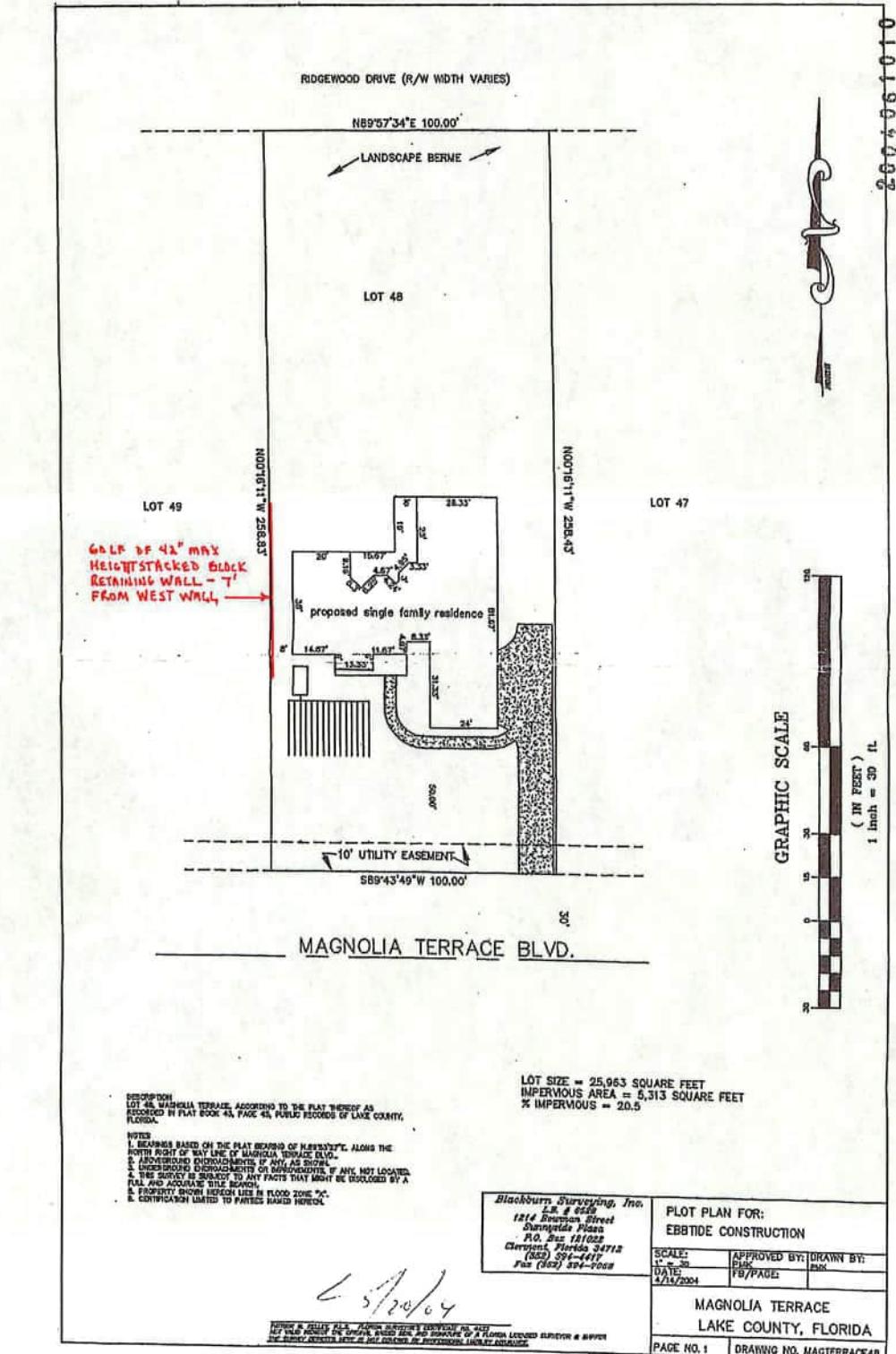
Planning & Zoning Board Motion Considerations
Quasi-Judicial Actions

1. **Recommend approval** of Resolution 2025-198.
2. **Recommend denial** of Resolution 2025-198. [Provide specific reasons for recommendation of denial.]
3. **Continue action** of Resolution 2025-198 pending additional information requested by the Planning & Zoning Board. [Provide specific additional information requested.]

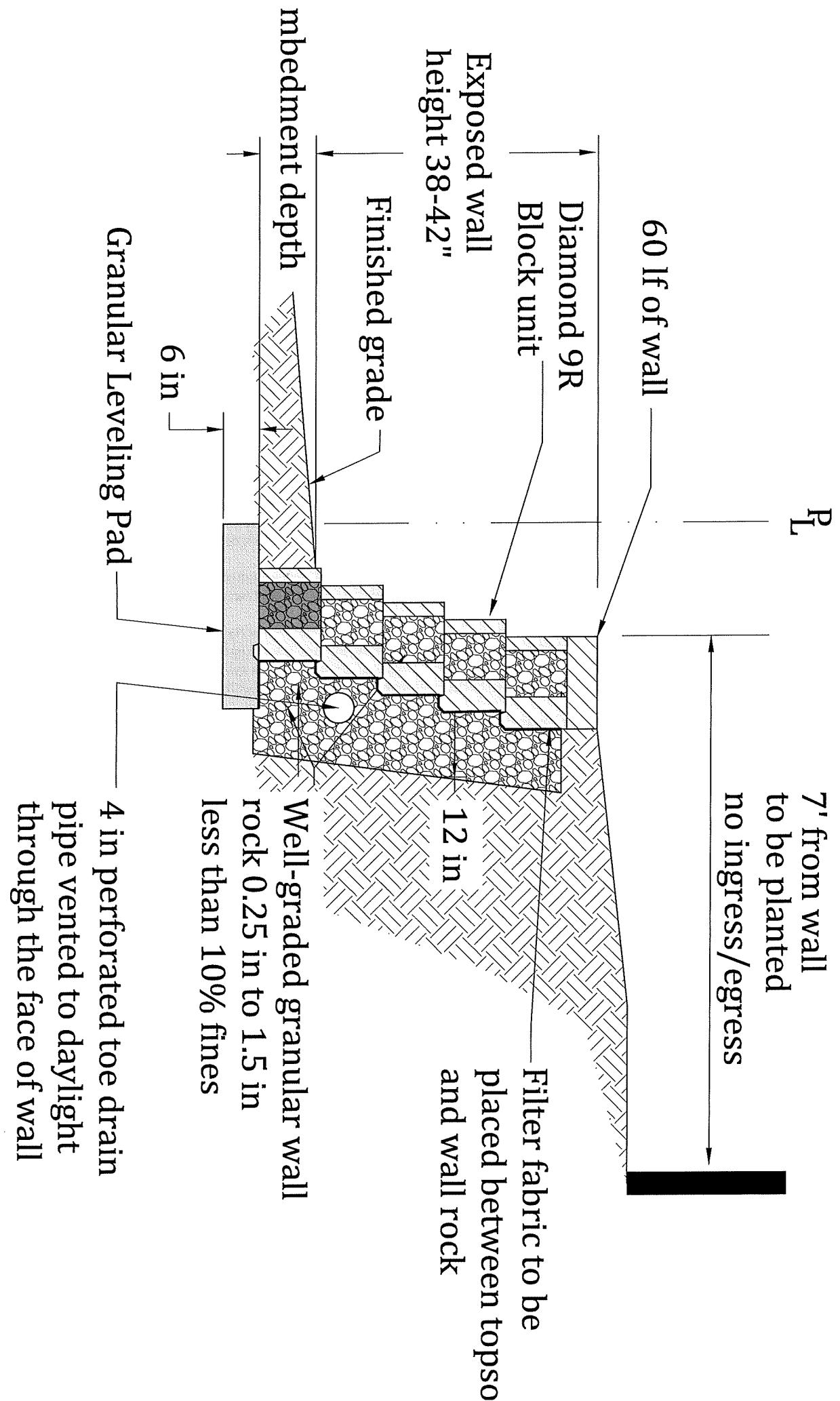




APPLICATION







16319 MAGNOLIA BLUFF DRIVE RETAINING WALL

NTS

OWNER BUILDER STATEMENT/AFFIDAVIT

**Astatula, Clermont, Eustis, Fruitland Park, Howey in the Hills,
Groveland, Lady Lake, Lake County, Leesburg, Mascotte,
Minneola, Montverde, Mount Dora, Tavares, Umatilla**

AS REQUIRED BY F.S. 489.103(7)

Florida Statutes are quoted in part for your information to indicate the authority for exemptions for homeowners from qualifying as contractors and to express any applicable restrictions and responsibilities.

**OWNERS MUST PERSONALLY APPEAR AT THE BUILDING DEPARTMENT TO
SIGN THIS DOCUMENT.**

BY SIGNING THIS STATEMENT/AFFIDAVIT, I ATTEST THAT: (Initial to the left of each statement)

John I understand that state law requires construction to be done by a licensed contractor and have applied for an owner-builder permit under an exemption from the law. The exemption specifies that I, as the owner of the property listed, may act as my own contractor with certain restrictions even though I do not have a license.

John I understand that building permits are not required to be signed by a property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.

John I understand that, as an owner-builder, I am the responsible party of record on a permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name instead of my name. I also understand that a contractor is required by law to be licensed in Florida, and to list his or her license numbers on all permit applications and contracts.

John I understand that I may build or improve a one or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed \$75,000. The building or residence must be for my own use or occupancy. It may not be built or improved for sale or lease. If a building or residence that I have built or improved myself is sold or leased within 1 year after the construction is complete, the law will presume that I built or improved it for sale or lease, which is a violation of this exemption.

John I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.

John I understand that I may not hire an unlicensed individual to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the persons whom I employ have the licenses required by law.

John I understand that it is a frequent practice of unlicensed persons to have the property owner obtain an owner-builder permit that erroneously implies that the property owner is providing his or her own labor and materials. I, as an owner-builder, may be held liable and subjected to serious financial risk for any injuries sustained by an unlicensed person or his or her employees while working on the property. My homeowners insurance may not provide coverage for those injuries. I am willfully acting as an owner-builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

John I understand that I may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being permitted. Any person working on my building who is not licensed must work under my direct supervision and must be employed by me, which means I must comply with laws requiring the withholding of federal income tax and social security contributions under the Federal Insurance Contributions Act (FICA), and must provide workers' compensation for the employee. I understand that my failure to follow these laws may subject me to serious financial risk.

John I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

John I am aware of construction practices and I have access to the Florida Building Codes.

[Signature] I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service, the United States Small Business Administration, the Florida Department of Financial Services, and the Florida Department of Revenue. I also understand that I may contact the Florida Construction Industry Licensing Board at 1-850-487-1395, or at www.myflorida.com/dbpr/pro/cilib for more information about licensed contractors.

[Signature] I am aware of, and consent to, an owner-builder building permit applied for in my name and understand that I am the party legally and financially responsible for the proposed construction activity at the address listed below.

[Signature] I agree to notify the Building Department immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure or in the permit application package.

[Signature] Licensed contractors are regulated by laws designed to protect the public. If I contract with a person who does not have a license, the Construction Industry Licensing Board, the Department of Business and Professional Regulation and the Building Department may be unable to assist me with any financial loss that I sustain as a result of a complaint. My only remedy against an unlicensed contractor may be in civil court. It is also important for me to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on my property, I may be held liable for damages. If I obtain an owner-builder permit and wish to hire a licensed contractor, I will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.

Property Address: 16319 RHONOLIA BLUFF DR., MONTVERDE

I, do hereby state that I am qualified and capable of performing the requested construction involved with the permit application filed and agree to the conditions specified above.

[Signature]
Signature

JAMES P. MONAHAN

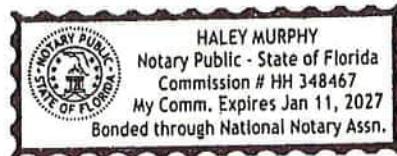
Print Name

STATE OF Florida
COUNTY OF Orange

[Signature] The foregoing instrument was acknowledged before me on this 28th day of January, 2011, by James P. Monahan, who is personally known to me or who has produced N/A as identification and who did not take an oath.

Notary Public Haley Murphy SEAL:

Type/print name Haley Murphy



A violation of this exemption is a misdemeanor of the 1st degree punishable by a term of imprisonment not exceeding 1 year, and a \$1,000 fine in addition to any civil penalties. In addition, the local permitting jurisdiction shall withhold final approval, revoke the permit, or pursue any action or remedy for unlicensed activity against the owner and any person performing work that requires licensure under the permit issued.



ADVERTISING INFORMATION



NOTICE OF PUBLIC HEARINGS

The Town of Montverde Planning and Zoning Board will hold a public hearing on **Wednesday, December 10, 2025, at 6:30 p.m.**, and the Town Council will hold a public hearing on **Tuesday, January 13, 2026, at 7:00 p.m.**, at the Town Hall Auditorium located at 17404 Sixth Street, Montverde, Florida to deliberate on the following:

RESOLUTION 2025-198

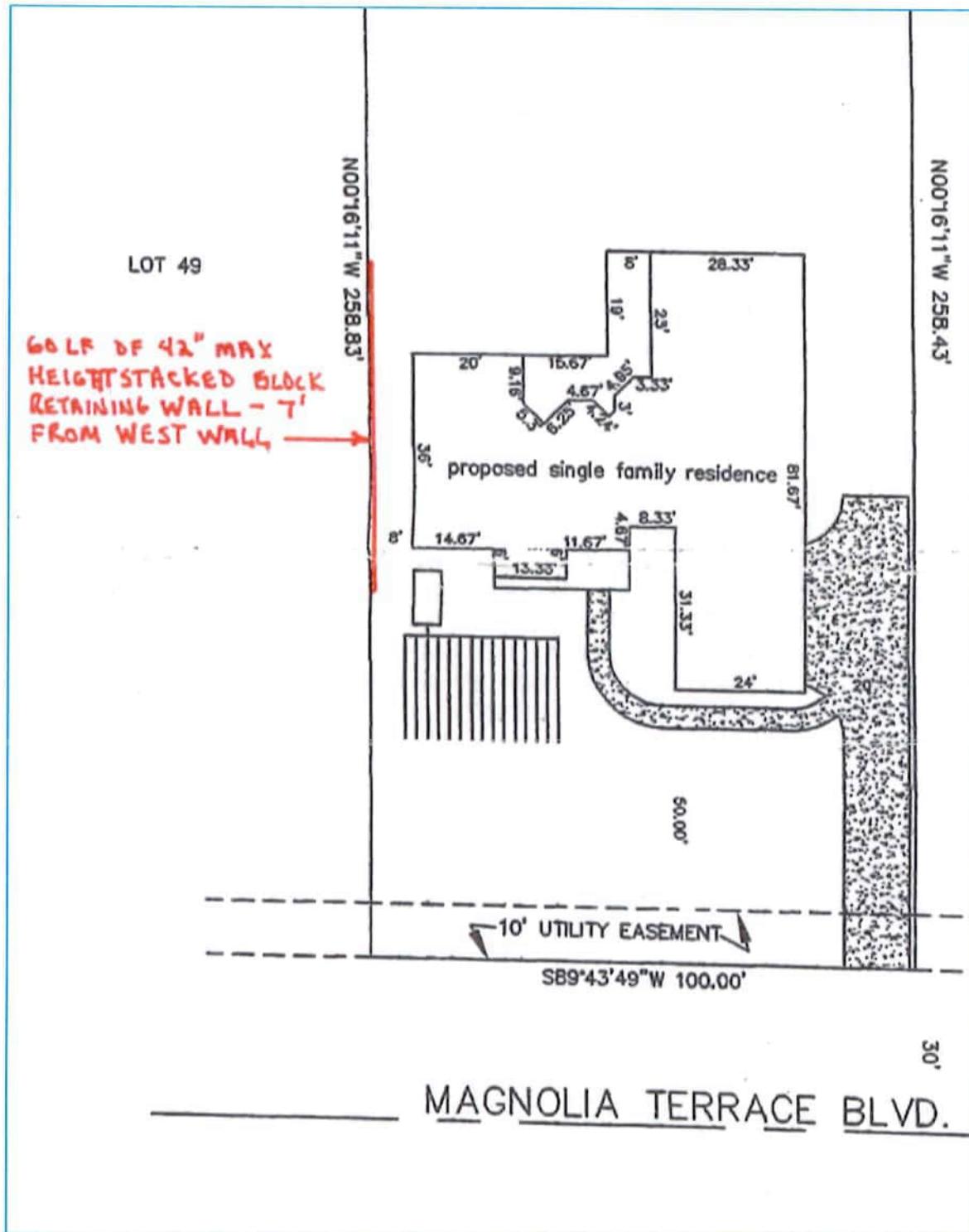
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM SECTION 10-81 IN CHAPTER 10 OF THE MONTVERDE LAND DEVELOPMENT CODE FROM THE SIDE YARD SETBACK FOR REPLACEMENT OF AN EXISTING RETAINING WALL FOR THE REAL PROPERTY LOCATED AT 16319 MAGNOLIA BLUFF DRIVE, MONTVERDE, FLORIDA, OWNED BY JAMES P. MANAHAN AND DANAY C. ORDONEZ; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at the public hearings and be heard with respect to the proposed resolution. Persons with disabilities needing assistance to participate in this proceeding should contact the Town Clerk at least 48 hours before the meetings at 407-469-2681.

This resolution is available at the Town Clerk's Office, at Town Hall located at 17404 Sixth Street, Montverde, Florida, for inspection on Monday through Thursday, from 8:00 a.m. to 5:00 p.m.

Persons are advised that if they decide to appeal any decision made at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made which includes the testimony and evidence upon which the appeal is based, per Section 286.0105, Florida Statutes.

Paul Larino, Town Manager
Town of Montverde



16319 Magnolia Bluff Drive
Montverde, FL 34756

AMARANTE RAFAEL A & ELVIRA
16808 FLORENCE VIEW DR
MONTVERDE, FL 34756

AYMAT OLQUITA AND SERGIO
GONZALEZ
16800 FLORENCE VIEW DR
MONTVERDE, FL 34756

CHEEK ALBERT E & SUSANNA C
16325 MAGNOLIA BLUFF DR
MONTVERDE, FL 34756

CONDRON MATTHEW B & KELLY R
16602 MAGNOLIA TERRACE BLVD
MONTVERDE, FL 34756

CONKLING NATHAN D
16307 FLORENCE OAK CT
MONTVERDE, FL 34756

DOWLING KEVIN M & GLORIA D
16338 MAGNOLIA BLUFF DR
MONTVERDE, FL 34756

ECHEVARRIA VICTOR V & GILDA M
ARIAS
16243 RIDGEWOOD AVE
MONTVERDE, FL 34756

FLORIDA EDUCATOURS LLC
16525 MAGNOLIA TERRACE BLVD
MONTVERDE, FL 34756

JOHNSON LYNDON E & HEATHER D
M FALLOON
16301 FLORENCE OAK CT
MONTVERDE, FL 34756-3417

JURSKI KRISTOFER F & ZARINA
16306 FLORENCE OAK CT
MONTVERDE, FL 34756

LICARI JACK S & SUSAN M
16331 MAGNOLIA BLUFF DR
MONTVERDE, FL 34756-3511

LINDSEY HOWARD K & DENISE M
LIFE ESTATE
16349 MAGNOLIA BLUFF DR
MONTVERDE, FL 34756

MAGNOLIA TERRACE HOA INC
PO BOX 560252
MONTVERDE, FL 34756-0252

MONAHAN JAMES P &
16319 MAGNOLIA BLUFF DR
MONTVERDE, FL 34756-3511

NESHEIWAT KRISTINE & ZAID
16344 MAGNOLIA BLUFF DR
MONTVERDE, FL 34756

PEARSON CHRISTOPHER & THERESA
16313 MAGNOLIA BLUFF DR
MONTVERDE, FL 34756-3511

PILCHER HEATHER W & FRANKLIN M
16337 MAGNOLIA BLUFF DR
MONTVERDE, FL 34756

RODRIGUEZ PEDRO A & YESENIA
DEL CARMEN RODRIGUEZ
16320 MAGNOLIA BLUFF DR
MONTVERDE, FL 34756

ROOT FLORENCE J &
16255 RIDGEWOOD AVE
MONTVERDE, FL 34756-3326

ROOT RANDALL D & SCARLETT L
16313 FLORENCE OAK CT
MONTVERDE, FL 34756

THOMPSON JOHN & ELIZABETH
16332 MAGNOLIA BLUFF DR
MONTVERDE, FL 34756

TIDO CLAUDE
1609 PRESIDIO DR
CLERMONT, FL 34711

TINNY ANDREW T & PADGET N
16326 MAGNOLIA BLUFF DR
MONTVERDE, FL 34756

TREWEEK BRIAN
16307 MAGNOLIA BLUFF DR
MONTVERDE, FL 34756

Adjournment