

**TOWN OF ASTATULA  
PLANNING & ZONING  
BOARD MINUTES**



**SPECIAL MEETING  
MONDAY NOVEMBER 7, 2022  
TOWN HALL**

Having been duly advertised as required by law, Chairman Boyd called the Special Planning & Zoning meeting to order at 6:00 pm and led the Pledge of Allegiance.

**Members Present:**

Marjorie Boyd, Chairman  
Sean Donnelly, Vice-Chair  
Karen Smith  
Leigh Ann Pflugh  
Theresa Ann LaBree

**Town Staff Present:**

Graham Wells, Town Clerk  
Tim Green, Town Planner

Roll Call was performed, and it was determined that a quorum was present. Chairman Boyd welcomed town planner, Tim Green.

**MINUTE APPROVAL**

Approval of Minutes – July 28, 2022 Regular P & Z Meeting.

**MOTION by Member LaBree to approve; SECONDED by Member Smith  
For: Pflugh, Smith, LaBree, Boyd, Donnelly  
MOTION CARRIED 5-0**

**PUBLIC HEARING**

**RESOLUTION 2022-28 VARIANCE APPLICATION – AK #3847973**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ASTATULA, FLORIDA;  
DOCUMENTING THE VARIANCE APPROVED BY THE TOWN COUNCIL FOR LAND  
LOCATED AT TENNESSEE AVENUE IN THE TOWN OF ASTATULA, LAKE COUNTY  
PROPERTY APPRAISER PARCEL NO.: 29-20-26-0100-00G-04402; PROVIDING AN  
EFFECTIVE DATE.**

Mr. Green said that Green Consulting Group, Inc. (GCG) has conducted a review for the requested variance to the minimum lots size requirements for property located north of Tennessee Avenue, west of Jefferson Street in the Town of Astatula. A variance is requested Chapter 4 - Zoning Regulations: 4.9.2 R-1 Single-Family Low Density Residential (5) a) Minimum Lot Size: 21,780 square feet.

The applicant has requested a variance from 4.9.2 to allow for a Lot Split that would result in one or both resulting properties being less than 21,780 square feet. As requested, the western lot would be 21,770.007 square feet (9.993 square feet less than the required minimum) and the eastern lot would be 21,770.084 square feet (9.916 square feet less than the required minimum).

Mr Green went over the provisions in the code for approving a variance as follows along with his opinion whether the application conforms or not.

*The Town Council shall hear and make decisions for variances from the terms of the zoning regulations where, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship upon, and personal to, the applicant therefore, and not surrounding properties. In order to authorize a variance, the Board must find:*

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 the 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 this Code and the Comprehensive Plan, 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.*

Mr. Green stated that there has been a difference of opinion between previous attorney's whether one of the hardships had to be met or all six. He added that the lots would only be 10 square feet short of the code requirement and that many of the surrounding lots were also short of the 21,870 square feet requirement.

The Chairman opened public comment and Mr. Nelson Melendez a neighboring resident at 24681 Jefferson Street and Mr. Jean & Mrs. Gloria Holt, owner of the adjoining lot but residing at 1175 Bay Road, Lot 25, Mt. Dora and voiced their opposition to the granting of the variance allowing the lot split to take place.

The Chairman opened up for comment from the board who questioned Mr. Green and stated their comments and concerns. Following discussion the chairman requested a motion.

**MOTION by Member Pflugh, to recommend to Council, to approve Resolution 2022-28 approving the variance; SECONDED by Member LaBree**

**For: Pflugh, LaBree**

**Against: Donnelly, Smith, Boyd**

**MOTION DEFEATED 2-3**

## **NEW BUSINESS**

### **RESOLUTION 2022-29 LOT SPLIT APPLICATION – AK #3847973**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ASTATULA, FLORIDA; DOCUMENTING THE LOT SPLIT APPROVED BY THE TOWN COUNCIL FOR LAND LOCATED AT TENNESSEE AVENUE IN THE TOWN OF ASTATULA, LAKE COUNTY PROPERTY APPRAISER PARCEL NO.: 29-20-26-0100-00G-04402; PROVIDING AN EFFECTIVE DATE.**

Mr. Green asked the board to forget what they had just done and said that they must view this lot split application as if the variance had passed, should council approve it. He then went over his report and the criteria for the lot split. Green Consulting Group, Inc. (GCG) had conducted a review of the proposed Lot Split for the 1 Acre site (Alternate Key 3847973) Site lying North of Tennessee Avenue and West of Jefferson Street in the Town of Astatula. The existing parcel is zoned R-1. The proposed Lot Split will divide Alternate Key 3847973 into two parcels.

Following some discussion from the board a motion was requested.

**MOTION by Member Donnelly, to recommend to Council, to approve Resolution 2022-29 approving the lot split; SECONDED by Member Smith**

**For: Pflugh, LaBree, Donnelly, Smith**

**Against: Boyd**

**MOTION CARRIED 4-1**

## **ADJOURNMENT**

There being no further business, Chairman Boyd thanked everyone for attending; the meeting was adjourned at 7:13 pm.

Respectfully submitted,

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Marjorie Boyd, Chairman

ATTEST:

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Graham Wells, Town Clerk