BOARD OF ADJUSTMENT

MINUTES	THURSDAY February 11, 2010	1:00 PM	COMMISSIONER CHAMBERS, ADMINISTRATION BUILDING

CALLED TO ORDER BY	Donald Schreiner, Chairman, noted for the record that there was a quorum present. He confirmed Proof of Publication for each case and noted that the meeting had been advertised pursuant to the Sunshine Statute.		
RECORDING SECRETARY	Anna Ely		
BOARD ATTENDEES	Donald Schreiner Lloyd Atkins, Jr.	Mary Link Bennett Marie Wuenschel	
NOT PRESENT	Steve Berk	Ruth Gray	
DEPARTMENT OF GROWTH MANAGEMENT REPRESENTATIVES	Terrie Diesbourg, Director, Zoning Division Sheila Short, Senior Planner, Zoning Division Paul Simmons, Planner, Zoning Division Anna Ely, Public Hearing Coordinator, Zoning Division Brian Sheahan, Director, Planning and Community Design Jennifer Cotch, Environmental Specialist, Planning and Community Design		
BOARD ATTORNEY	Melanie Marsh, Acting County Attorney		
MINUTE APPROVAL	APPROVAL OF MINUTES OF JANUARY 14, 2010 MEETING		
MOTION READS:	Motion to approve the minutes of the January 14, 2010 Board of Adjustment hearing.		
MOTION BY:	**MARY BENNETT**	**SECONDED BY:**	**LLOYD ATKINS**
MOTION APPROVED 4-0	**FOR:** Donald Schreiner Mary Link Bennett Lloyd Atkins, Jr. Marie Wuenschel		**AGAINST:** None

BOA #2-10-2	BOA#2-10-2 OWNER: Ash Shoeibi APPLICANT: Merideth C. Nagel, PA
DISCUSSION	Sheila Short, Senior Planner presented the staff report and showed the aerial. She stated that a letter of opposition had been received. Ms. Short showed a site plan (County Exhibit #1) showing the proposed split. She stated that staff believes the owner has shown a substantial hardship and proof of meeting the intent of the code. She stated that staff is recommending approval with conditions, and read the conditions into the record.

	Lloyd Atkins, Board Member, asked for clarification regarding the right-of-way. Merideth Nagel P.A. was present to represent the owner. She clarified that it is a 35-foot wide platted and deeded easement. She stated that over the years the road has become a 15-foot meandering roadway. Ms. Nagel spoke regarding the zoning of the area surrounding the subject property. She stated that the owners are in agreement with the conditions requested by staff. Mary Bennett, Board Member, stated that she felt that if the road has a lot of pot holes, some provision should be added to the conditions regarding maintenance of the road. Ms. Nagel stated that the road is in better than average condition and that several neighbors use the road and that to ask the owner to be the sole party to maintain the road would be unfair. Don Schreiner, Board Chairman, asked about the ingress/egress to the subdivision behind the subject property. Ms. Nagel stated that she didn't believe that the people that live in the subdivision are using the easement to access their property. Mary Ann Kalish, neighboring property owner, stated that she lives on John's Lake Road. She questioned as to why she was not allowed to do a Family Lot Split in the same area and yet Mr. Shoeibi is allowed to request a lot split. Ms. Short explained that Ms. Kalish's property is located in a Future Land Use area that does not allow for Family Lot Splits. Mr. Atkins stated that his only stipulation is that he wants to be sure it is a 35-foot easement and Ms. Short verified that it is.		
MOTION READS:	To approve BOA#2-10-2 with conditions of staff.		
MOTION BY:	**LLOYD ATKINS**	**SECONDED BY:**	**MARY LINK BENNETT**
MOTION APPROVED 3-1	**FOR:** Donald Schreiner Mary Link Bennett Lloyd Atkins, Jr.		**AGAINST:** Marie Wuenschel

BOA #4-10-2	BOA#4-10-2 OWNER/APPLICANT: Gabriela S. Lobe
DISCUSSION	Paul Simmons, Planner, showed the aerial. He stated the owners request and presented the staff report. He showed a copy of the site plan (County Exhibit #1) and gave a timeline of the requests that have been ongoing with regards to this property. He spoke of the Non Residential Waiver

	(NRW) that was issued and the requirements of the waiver. He stated that the applicant did not build the barn in the original proposed location; instead the setback was decreased to approximately 100-feet instead of the required 200-foot setback. He explained that approval of the variance request would not be approval of the property as a public stable; that will be addressed at the upcoming Conditional Use Permit (CUP) request. He showed a site plan (County Exhibit #1) of the location of the barn and paddocks. Mr. Simmons stated that staff is recommending approval and requesting to place several conditions upon that approval. He read the conditions into the record. He showed the location of the recommended landscape buffer on the site plan (County Exhibit #2). Lloyd Atkins, Board Member, asked who would be responsible for policing the conditions put on the variance approval and Mr. Simmons explained that Code Enforcement would be the department responsible for enforcing any conditions and that they would also conduct a yearly inspection which is a requirement of all approved CUPs, should their CUP request be approved. Mr. Schreiner asked whether orienting the barn in a different direction on the property would make a difference in the variance request and Mr. Simmons stated; no, a variance would still be required because the acreage is less than 10-acres. He stated that there are two conditions that require a variance, the 10-acre requirement and the 200-foot setback requirement. Mr. Simmons stated besides the letters in objection included in the staff report that a letter with approximately 19 separate addresses and signatures from owners within the surrounding mile had been received. He showed an aerial (County Exhibit “3”), read the letter into record (County Exhibit “4”) and pointed out the neighbors in objection on Lookout Hill Road. Gabriela Lobe, Applicant, was present to speak regarding her variance request. She provided Board members with a folder containing pictures of the site (Applicant Exhibit “1”) and additional supporting documents. She explained her past history of working with horses. She stated that she had previously leased property and was given 30 days to vacate the property. She explained that she is facing foreclosure if she isn’t able to obtain this variance for the property on Terra Vista Court. Ms. Lobe stated that she has had Terra Vista Court grated recently and that she wants to make everyone happy. She explained that the horses are valued at $50,000 to $100,000 each and that there will be no trail riding. She stated that there are 16 stalls in the barn and that she has ordered mosquito control and a Baxter container for manure that will be picked up regularly. She stated that the paddocks are seeded with Winter Pasture Rye at this time and will be planted with Summer Rye and Bahia in the summer. She explained that the horses are European warm bloods. Each horse will get three hours of turnout time daily.

Lloyd Atkins, Board Member, verified with Ms. Lobe that she is combining two separate businesses, breeding and boarding.

Ms. Lobe stated that she doesn't advertise and doesn't store horse trailers. She also explained that she rents three acres from a neighbor for additional pasture and turnout. She stated that she keeps her personal horse trailer on the left side of her house and she only utilizes her own property and the property she is leasing for the horses.

Mary Bennett, Board Member, asked about the manure and how it would be handled and verified with Ms. Lobe the use of lime.

Ms. Lobe explained how they dug a trench and retention area for the water runoff. She pointed out the berm on page 6 of the pictures contained in her exhibit folder and pointed out the road and where trees will go on page 3.

Garland Story, neighboring property owner, was present to speak in opposition. He stated that a horse has gotten loose a couple of times in the last two weeks and that a letter from the applicant was put in his mailbox about ten days ago without proper postage and addressed to "Our Neighbors". He spoke about the road conditions and asked who is going to maintain it as it is the only way in and out to their properties. He pointed out his property on the aerial from the staff report.

Mike Herman, neighboring property owner, was present in opposition. He stated that he had some additional information that wasn't in his original letter of objection. He stated that Ms. Lobe has a website advertising the business and that she advertises camps, lessons, birthday parties and corporate parties. He stated that he does not feel that this is appropriate for a residential area and that this is more of a commercial endeavor.
He stated that he is concerned that what has been portrayed is only a part of what they plan to do. He stated that the neighbors have been maintaining the road and they are afraid that putting the burden of road maintenance on the applicant will mean that the road will end up in disrepair. He explained that there is a lot of Disney cut through traffic through the area as well. He stated that he has seen horses being ridden on the road and there are no dedicated trails on the applicant's property. Mr. Herman stated that it is very difficult to grow grass out there and that he doesn't see it being grassy. He also stated that he has issues with her dogs running loose in the neighborhood and onto his property. He spoke of the petition that Mr. Simmons had showed earlier (County Exhibit "4"). He also presented additional pictures into the record (Opposition Exhibit "1").

Melanie Marsh, Acting County Attorney, reminded the board that they are only here to hear the variance request and that most of the issues will be covered at the CUP hearing. She explained that they need to look at intent and hardship on Ms. Lobe's request and whether she has met them.

Mr. Atkins clarified with staff that the acreage of the subject property is five acres and that the requirement is ten acres.

	Mr. Schreiner explained to the Board that the applicant needs a variance to both setbacks and acreage. In response to questions from the Board, Mr. Simmons stated the barn could not be positioned in any manner to meet the setback requirements. Sophie Sacugiu, neighboring property owner, stated that she's been there 15 years and was the original owner of Ms. Lobe's house. She stated that her neighbor has put a lot of effort to make a beautiful barn and that she doesn't think it is bad for the neighborhood. She stated that she is really upset with her neighbors. She stated that she has been the only one for the last ten years to maintain the road and that when the pickers are there to pick the neighbors orange groves that they don't come and pick up the trash behind them. She stated the deed restrictions requiring homes to be built with 1700 square-foot of living space. She stated that Mr. Herman didn't adhere to that and that the neighbors like to control others and complain about other's dogs when they can't control their own. She stated that she doesn't have any problem with the requested variance. June Thompson, neighboring property owner, who lives beside Mr. Herman (County Exhibit "5"), was present to speak. She also stated that the applicant has a commercial website and stated that she felt camps and parties would bring noise and the commercial uses would impinge on the rural neighborhood. She stated that she felt it would set precedence in the neighborhood. Carol Johnson, neighboring property owner, stated that she is representing the neighbors in the area of Lookout Hill. She stated that looking at the applicant's website has her concerned and that it is a single lane road and that two cars cannot pass each other. She stated that she went by the property that morning and that the barn is built and the driveway is right on the property line. She stated that she doesn't understand where the berm can be placed or where they are going to park. She stated that deliveries of feed, hay and shavings would generate traffic. Ms. Johnson stated that she thinks that the land is too small for this many horses. Mr. Schreiner reminded everyone of what the Board can actually address in this request, explaining that approval of the variance request would not be approval of the property as a stable. That will be addressed at the upcoming CUP request. There was a five minute recess. Hugo Cantellops, horse trainer for Ms. Lobe, was present to speak in support. He explained that they will have a hot walker and they will not be turning out 15 horses at one time. He stated that they created the stable with their hearts. He explained that the website is an old website regarding their business at the prior location and they just shut down that business on February 1st. He stated that turnout for the horses is all about exercise. He stated that they are on top of horse care. Marie Wuenschel, Board Member, asked Mr. Cantellops if they were going to be able to do all that they are intending to do on just five acres. He

	stated that there are 14 horses in the stable and seven paddocks He explained that seven horses go out to the paddocks at a time for about two hours at a time to exercise. He stated that they make sure that they get exercise and are getting ridden. Maurice White, neighboring property owner, on Terra Vista Court stated that he has horses himself but is worried about whether the land is big enough for that many horses. Javier Cantellops, stated that he designed the barn. He explained the placement and design of the stable was for the number of horses they have as well as tack rooms and wash rooms. He stated that the land is sloped that so that the barn couldn't be placed where they originally planned. He stated that it is as centered as well as possible due to the slope and the triangular shape of the property. He explained that he designed all the drainage to go into the retention pond and that they have done everything possible to add value to the property. He stated that the entire property is fenced. Richard Holland, a neighboring property owner on Lookout Hill Road, pointed out on the aerial (County Exhibit "6") where his property and easement are located. He stated that he was concerned that there would be trail riding. Linda Bagwell, neighboring property owner on Lookout Hill Road, stated that they have horses and sometimes trail ride. She stated that they don't have any problem with what Ms. Lobe is requesting and that if they maintain the property in the manner that they have been, that there will be plenty of room and there will not be a smell. She stated that everyone out there has a barn of some size and that she doesn't see a problem. She stated that there are 18 wheelers hauling trees out of the nursery and that she doesn't think that there will be that much more traffic than there already is. Ms. Lobe clarified that the website is an old website and that she doesn't want to have that level of business any more. She stated that not all the horses they see out there are from to her stable and that several people in the area have horses. Mr. Schreiner asked whether there will be any trail riding and Ms. Lobe replied no. Mr. Schreiner returned it to the Board. Ms. Wuenschel made a motion to approve with conditions of staff and Ms Bennett seconded. Mr. Schreiner placed a limitation of 20 horses including foals and no trail riding off the property. Mr. Atkins stated that he thought if it was an eight acre tract that he would be more approving than with five acres. He clarified that the leased acreage could not be used to figure the setback. Mr. Schreiner talked about the difference between show horses and

	pasture horses and stated his concerns were smell, odor and flies. He stated that he understood it was a county condition that they haul away the waste from the stalls, but that he would personally turn it over in the pasture. He stated that show horses are not turned out long term and that they are not trail ridden. There was discussion of what will come up in the CUP request. It was explained that the commercial aspect is not within the Board's authority.		
MOTION READS:	To approve BOA#4-10-2 with conditions of staff and with the added condition that the stable is to be limited to a maximum number of horses, not to exceed 20 horses including foals. They are to be kept confined within the boundaries of the owner's owned and leased properties.		
MOTION BY:	**MARIE WUENSCHEL**	**SECONDED BY:**	**MARY LINK BENNETT**
MOTION APPROVED 3-1	**FOR:** Donald Schreiner Mary Link Bennett Marie Wuenschel		**AGAINST:** Lloyd Atkins, Jr.

The meeting was adjourned at 3:08 p.m.

Respectfully submitted,

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Anna Ely, Recording Secretary

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Donald Schreiner, Chairman