

**MINUTES  
BOARD OF ADJUSTMENT  
PUBLIC HEARING  
June 14, 2012**

The Lake County Board of Adjustment met on June 14, 2012 in the Commission Chambers on the second floor of the County Administration Building in Tavares, Florida to consider requests for variances and any other petitions that may be submitted in accordance with Chapter XIV of the Lake County Land Development Regulations.

**Board Members Present:**

Donald Schreiner, Chairman  
Christopher Cheshire  
Bob Peraza  
Craig Covington

**Board Members Absent:**

Lloyd M. Atkins, Jr.  
Mary Link Bennett, Vice Chairperson  
Marie Wuenschel

**Staff Present:**

Brian T. Sheahan, Planning Manager, Planning & Community Design Division  
Anita Greiner, Chief Planner, Planning & Community Design Division  
Donald P. Simmons, Planner, Planning & Community Design Division  
Janie Barron, Associate Planner, Planning & Community Design Division  
Melanie Marsh, Deputy County Attorney

Chairman Schreiner called the meeting to order at 1:00 p.m. He noted for the record that there was a quorum present. He confirmed Proof of Publication for the case as shown on the screen. He added that if a variance is approved, the owner/applicant should give staff at least 24 hours before proceeding to the zoning counter to finalize their paperwork.

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Minutes

MOTION by Craig Covington, SECONDED by Christopher Cheshire to APPROVE the May 10, 2012 Board of Adjustment Public Hearing Minutes, as submitted.

FOR: Cheshire, Schreiner, Peraza, Covington

ABSENT: Atkins, Bennett, Wuenschel

AGAINST: None

MOTION CARRIED: 4-0

Opening Remarks

Anita Greiner, Chief Planner, reminded the Board that there is a set of revised minutes for the April 12, 2012 Board of Adjustment Minutes.

Revised Minutes

MOTION by Robert Peraza, SECONDED by Craig Covington to APPROVE the revised April 12, 2012 Board of Adjustment Public Hearing Minutes, as submitted.

FOR: Cheshire, Schreiner, Peraza, Covington

ABSENT: Atkins, Bennett, Wuenschel

AGAINST: None

MOTION CARRIED: 4-0

Consent Agenda

CASE NO.: BOA #16-12-1 AGENDA NO.: 1

OWNER/APPLICANT: Keith Mitnik and Gwendolyn Barrow

There was no one who wished to speak regarding the above consent agenda item.

MOTION by Craig Covington, SECONDED by Christopher Cheshire to APPROVE the Consent Agenda with conditions as submitted by staff.

Regular Agenda

CASE NO.: BOA #17-12-1 AGENDA NO.: 2

OWNER/APPLICANT: Roy B. Barton and Judy E. Barton

Paul Simmons, Planner, presented the case. He noted that the owners are requesting a variance to Land Development Regulations (LDRs) 3.01.04.1.a. and 3.01.04.4.a. & b. to allow a public stable on a parcel of land that is less than 10 acres in size and utilizing an existing livestock building that is closer than 200 feet from the property lines.

The owners are proposing to convert their private livestock building into a public stable. The Code does not allow for a public riding stable or academy to be located on a parcel of land less than 10 acres in size; the subject parcel is five (5) acres in size. Also, the Code does not allow structures used to house animals to be less than 200 feet from right-of-way or property lines that are owned by other people. The existing livestock building is located 35 feet from the southern parcel boundary. The owners are in the process of applying for a conditional use permit; in order to proceed with the CUP application request they need a variance to the Codes listed.

The owners operate a non-profit organization called "Horses on a Mission"; this organization provides therapeutic horse riding lessons to disabled children. The owners maintain the horses on site and transport the horses to a separate location for the riding lessons and training. Mr. Simmons placed Exhibit "1" on the screen and described how the surrounding parcels are developed.

Mr. Simmons explained the intent of the Code and informed the Board that Staff reviewed the application and found that the owners have shown proof of meeting a substantial hardship or the application of the Code would violate principles of fairness, but have not submitted proof that they are meeting the intent of the Code.

Mr. Simmons stated that staff recommends denial of the variance request to allow a public stable on this property. In regards to the existing private livestock building remaining off centered and in its current location, staff recommends approval with the following conditions:

1. The existing type "G" landscape buffer established between the existing livestock building and the southern property line shall be maintained.
2. The existing livestock building footprint shall not be expanded beyond what is shown on Exhibit "1".

Robert Peraza, Board member, asked what the implication of a public stable would be as far as traffic or activity.

Paul Simmons explained that any effects on the site, good or bad, would be addressed at the public hearing for the CUP.

Robert Peraza, Board member, asked if the owners plan to increase the number of horses and ponies

Paul Simmons explained that the Code does not limit the number of horses on a parcel.

Robert Peraza, Board member, questioned why ten acres are required for a public stable.

Paul Simmons explained that the intent of the Code is to force more of the impacts onto a larger piece of property so the noise and activities do not have an effect on the neighboring parcel owners.

Robert Peraza, Board member, noted that the parcel is long and narrow as opposed to being square.

Craig Covington, Board member, questioned if the issue the Board is considering is whether this building can remain as a private stable on this property.

Paul Simmons answered that it is one part of the variance request and explained the complete variance request and staff's split recommendation.

Christopher Cheshire, Board member, questioned if the applicant would still need to go to the Board of County Commissioners for a conditional use permit if this variance request is disapproved.

Paul Simmons responded that the applicant could not proceed to the next step without the variance approval, because the minimum Code requirements would not be met.

Judy Lane Barton, property owner and Director of Horses for a Mission, provided signatures of people that support their program and a program brochure. She explained that Horses for a Mission is a non-profit organization and that they are an all-volunteer organization. She described their program and the other organizations that their program works with, such as Gift of Love Foundation, Hope for the Future Foundation, Stop the Madness Foundation and Life Stream. She provided pictures of the children they work with and read letters from the parents and children. She indicated that this was not their permanent location and expressed that this was a stepping stone for their organization. She explained that this is a program that Lake County needs.

Robert Peraza, Board member, asked if they plan to increase the number of horses on the property.

Ms. Barton indicated that they do not plan to expand until they relocate onto a larger property.

Craig Covington, Board member, asked the property owner if she realized what the increased traffic would do to the road and if this would be a nuisance to the neighbors.

Ms. Barton indicated that it would be a bigger nuisance on the road, but they would maintain the road. She explained that the road was not part of the variance consideration.

Ms. Barton indicated that the school has a greater impact on the roads in the area than her limited hours of operation horse training academy.

Mr. Schreiner reminded the Board that the road is not a matter of consideration for this Board, just the variance request.

Ms. Barton explains that income is being generated by the ranch and they are in the process of obtaining grants for a disabled riding academy.

Dan Judy, citizen who lives to the north, voiced his concerns and noted that there are currently too many horses per acre and the parcel. The entire parcel is devoid of grass and it has created an environmental and health hazard. The negative wetland impacts and the amount of horses on the parcel have negatively affected Mr. Judy and he does not want to live next to an operation that has so many horses.

Mr. Earl Bishop, citizen who lives two parcels to the north, is concerned about the private road and does not want that many people driving on the road due to maintenance cost and an increased risk of crime and theft due to the increased traffic. He also indicated that the quantity of horses does not allow for pastures with grass, but creates a dirt lot with horses.

Ms. Barton reminded the Board that she could have 15 to 20 horses on the parcel, without County approval, regardless of the variance.

**MOTION by Craig Covington, SECONDED by Christopher Cheshire, to APPROVE variance request BOA #17-12-2 to allow an existing private stable to remain with the conditions of staff.**

**FOR: Peraza, Cheshire, Covington, Schreiner**

**ABSENT: Atkins, Bennett, Wuenschel**

**AGAINST: None**

**MOTION CARRIED: 4-0**

**MOTION by Craig Covington, SECONDED by Christopher Cheshire, to APPROVE variance request BOA #17-12-2 to allow a public stable on less than ten acres and closer than 200 feet from the property line with the conditions of staff.**

Christopher Cheshire, Board member, made an amendment to limit the quantity of horses to four horses and one pony. Mr. Covington accepted the amendment.

Melanie Marsh, Deputy County Attorney, stated this motion is not an approval from the Board of County Commissioners for a public stable. This motion only addresses setbacks and parcel size for a public stable.

**FOR: Peraza, Cheshire, Covington, Schreiner**

**ABSENT: Atkins, Bennett, Wuenschel**

**AGAINST: None**

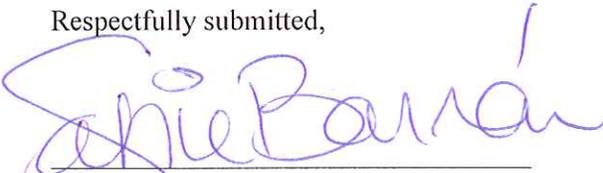
**MOTION CARRIED: 4-0**

**Closing Remarks**

**Adjournment**

There being no further business, the meeting was adjourned at 1:43p.m.

Respectfully submitted,

  
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Janie Barron  
Associate Planner

  
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Donald Schreiner  
Chairman