

**MINUTES
LAKE COUNTY ZONING BOARD
SEPTEMBER 5, 2007**

The Lake County Zoning Board met on Wednesday, September 5, 2007 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, conditional use permits, and mining site plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, September 25, 2007 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

Members Present:

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Phyllis Patten	District 4
Paul Bryan, Chairman	District 5
Mark Wells	At-Large Representative
Larry Metz	School Board Representative

Staff Present:

Brian Sheahan, AICP, Acting Director, Planning and Community Design Division
Alfredo Massa, Chief Planner, Planning and Community Design Division
Rick Hartenstein, Senior Planner, Planning and Community Design Division
Stacy Allen, Senior Planner, Planning and Community Design Division
Sherie Ross, Public Hearing Coordinator, Planning and Community Design Division
Jimmy Kirby, Code Enforcement Officer, Code Enforcement Division
Ross Pluta, Engineer III, Engineering Division
Melanie Marsh, Deputy County Attorney

Chairman Bryan called the meeting to order at 9:05 a.m. He led in the Pledge of Allegiance and gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor. He noted the new format for the cases booklet; the Board agreed that it was an improvement.

Chairman Bryan explained the procedure used for the consent agenda. He stated that anyone wishing to speak should complete a speaker card that can be found on the table at the rear of this room. He added that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case.

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Consent Agenda Approval:		
CUP#07/9/1-4	John R. and Mary Ann Beatty/Greyhound Ranch Adoptions, Incorporated c/o Richard Ornstein	1
PH#29-07-5	Shelbert J. Payne and Judith A. Conner	2
PH#31-07-5	Akron Meadows, LLC	3
Voluntary Revocations:		4
CUP#87/3/1-1 & CUP#87A/3/1-1	Michael and Linda King	
CUP#01/2/1-2	Clark and Joan Cook	
CUP#87/9/2-4	Linda C. Turner	
CUP#90/5/5-4	Mary E. VanWinkle	
CUP#97/12/1-4	Richard and Gail Kelly	
CUP#97/11/2-2	James and Bristo McGregor	
CUP#92/4/2-4	Cora Kennedy	
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Minutes

MOTION by Timothy Morris, SECONDED by Scott Blankenship to approve the August 1, 2007 Lake County Zoning Board Public Hearing minutes, as submitted.

FOR: Morris, Blankenship, Gardner, Patten, Bryan, Wells, Metz

AGAINST: None

MOTION CARRIED: 7-0

Discussion of Consent Agenda

There were no speaker cards received nor anyone on the Zoning Board who had an objection to the following cases remaining on the consent agenda: CUP#07/9/1-4, PH#29-07-5, PH#31-07-5 or revocations of CUP#87/3/1-1 and CUP#87A/3/1-1, CUP#01/2/1-2, CUP#87/9/2-4, CUP#90/5/5-4, CUP#97/12/1-4, CUP#97/11/2-2, CUP#92/4/2-4, CUP#98/12/1-2, CUP#97/9/3-4 and CUP#89/3/3-4. Therefore, these cases will remain on the consent agenda.

Chairman Bryan noted that three speaker cards had been received regarding the revocation of CUP#89/1/4-2 so it will be removed from the consent agenda and placed on the regular agenda.

Consent Agenda

CUP#07/9/1-4	John R. and Mary Ann Beatty/Greyhound Ranch Adoptions, Incorporated c/o Richard Ornstein	1
PH#29-07-5	Shelbert J. Payne and Judith A. Conner	2
PH#31-07-5	Akron Meadows, LLC	3
Voluntary Revocations:		4
CUP#87/3/1-1 & CUP#87A/3/1-1	Michael and Linda King	
CUP#01/2/1-2	Clark and Joan Cook	
CUP#87/9/2-4	Linda C. Turner	
CUP#90/5/5-4	Mary E. VanWinkle	
CUP#97/12/1-4	Richard and Gail Kelly	
CUP#97/11/2-2	James and Bristo McGregor	
CUP#92/4/2-4	Cora Kennedy	
CUP#98/12/1-2	Daniel Smith and Shirley Whitaker	
CUP#97/9/3-4	Randle and Chris Swim	
CUP#89/3/3-4	Patricia E. Martin	

MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend the following actions on the above consent agenda:

CUP#07/9/1-4	Approval with conditions
PH#29-07-5	Approval
PH#31-07-5	Approval
Voluntary Revocations:	Approval
CUP#87/3/1-1 & CUP#87A/3/1-1	
CUP#01/2/1-2	
CUP#87/9/2-4	
CUP#90/5/5-4	
CUP#97/12/1-4	
CUP#97/11/2-2	
CUP#92/4/2-4	
CUP#98/12/1-2	
CUP#97/9/3-4	
CUP#89/3/3-4	

FOR: Morris, Blankenship, Gardner, Patten, Bryan, Wells, Metz

AGAINST: None

MOTION CARRIED: 7-0

Mr. Morris complimented staff on their excellent staff reports prepared for the consent agenda.

**Voluntary Revocation:
CUP#89/1/4-2****John and Margaret Blizzard****Agenda No. 4**

Brian Sheahan, Acting Director, said staff is recommending that this Conditional Use Permit (CUP) be revoked, basically to clean up the files. This CUP specifically required that upon the death of Mr. and Mrs. Blizzard, upon the sale of the property, or upon termination of maintaining the site as a principal residence, only one structure may remain on the property as a residence. It is staff's understanding that Mr. & Mrs. Blizzard no longer reside on the property. Code Enforcement staff has requested that this CUP be revoked.

In response to Chairman Bryan, Jimmy Kirby, Senior Code Enforcement Officer, said there is a mobile home and a site-built single-family residence on the property. The property was sold in 1991 to Bobby Woodrow.

David Blume said he was against the revocation of this CUP because the building being requested to remove is the primary residence and has been since 1979. The single-family residence was not even livable when this was done. Since then, it has been "fixed up" so that a caretaker could live there. There is a caretaker living there currently. The property owner has owned it since 1991 and has been paying double taxes, double garbage fees, and double fire fees. He felt it was wrong to take it away when it was being used. It is not causing any problems and is being maintained.

Chairman Bryan asked if reapplying for a new CUP has been considered. Mr. Blume said they will do that if this Board denies it. He has lived next to the property for 23 years.

James Gallgh said he agrees with Mr. Blume. He currently lives on the property in the single-family home most of the time and serves as a caretaker for the property. There are also people who live in the mobile home.

Bobby Woodrow, owner of the property since 1991, said he lives in Alabama. There are only a total of three people who live in both residences; all are elderly. They need a place to live, and he does not want them to lose their residences. The Board's decision will not affect him financially in any way. This is the first time this issue has come up.

In response to Chairman Bryan, Mr. Woodrow said the people in the mobile home are not family; but they have lived there for a long time. Mr. Gallgh is not a relative either, but he is on a fixed income. Mr. Woodrow charges him no rent, just an exchange for the work he does around the property. The people in the mobile home do lease it from him. In response to Phyllis Patten, Mr. Woodrow said the property is slightly over five acres.

When Chairman Bryan asked if the minimum lot size in RA zoning was 2-1/2 acres, Brian Sheahan, Acting Director, said he believed it was five acres.

In response to Timothy Morris, Mr. Woodrow said the people in the mobile home could have come to this public hearing; but they did not want to get involved. Mr. Morris said it appears that the easiest way to address this would be to reapply for a CUP.

Mr. Sheahan said the revocation of this CUP would have no bearing on this situation as the CUP expired upon the sale of this property; it is void. This revocation would just clean up the record. It has not been determined at this time whether there is a violation on the property. The CUP gave Mr. & Mrs. Blizzard permission to have two residences on the property. However, the CUP did not continue once the property was sold.

Mr. Sheahan said Mr. Woodrow may be entitled to nonconforming status. However, that determination has not been made. In response to Ms. Patten, Mr. Sheahan said the Director of the Zoning Division would make that decision.

**Voluntary Revocation:
CUP#89/1/4-2**

John and Margaret Blizzard

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Agenda No. 4**

Larry Metz confirmed that Mr. Gallgh does not pay rent to live in the single-family residence. Mr. Woodrow said Mr. Gallgh makes small repairs to the mobile home, cuts the grass, and cares for the fruit trees in exchange for the rent.

Chairman Bryan explained to Mr. Woodrow that the Zoning Board recommendation is only to clean up records. The Zoning Board cannot allow or disallow two residences on the property. He suggested Mr. Woodrow meet with staff to work this out.

In response to Scott Blankenship, Melanie Marsh, Deputy County Manager, said the CUP no longer existed once the property was sold. Even if it is not revoked by this Board and the Board of County Commissioners (BCC), the CUP would still be gone due to the terms of the CUP. The new property owner should see staff to address this. This CUP was personal to the Blizzards for their caretaking needs.

If the CUP is already null and void, Mr. Blume questioned why it was brought to this public hearing. Chairman Bryan reiterated that it is for record keeping purposes.

Mr. Morris pointed out that the owner should have known about the CUP when he purchased the property. The paperwork with the CUP would have listed the condition that the CUP would be revoked when the property was sold.

Ms. Patten said another way to look at this is that Mr. Woodrow got 16 years of use from something he was not legally entitled to.

Chairman Bryan felt Mr. Woodrow had a good case for a new CUP, and he encouraged Mr. Woodrow to apply for one.

MOTION by Timothy Morris, SECONDED by Phyllis Patten to recommend approval of the revocation of CUP#89/1/4-2.

FOR: Morris, Blankenship, Gardner, Patten, Bryan, Wells, Metz

AGAINST: None

MOTION CARRIED: 7-0

Discussion

When Scott Blankenship asked why these revocations need to come before this Board and the Board of County Commissioners (BCC), Melanie Marsh, Deputy County Attorney, said this process allows the revocations to be placed on the record so inspections of the CUPs will not continue.

From a planning prospective, Brian Sheahan, Acting Director, said this process provides an opportunity to ensure that there are no issues with the property owner. This process also allows the property owner to speak to the Zoning Board and BCC and present evidence at an official hearing. It is also an opportunity for the adjacent property owners who may be affected by the revocation to be notified and speak if they wish.

Ms. Marsh pointed out that these CUPs went through the public hearing process to begin with; there was no administration action by staff. Therefore, the County does not want staff to administratively revoke these CUPs.

In response to James Gardner, Jimmy Kirby, Senior Code Enforcement Office, said an additional inspection fee is generally not charged to visit the site due to an alleged complaint on a CUP. However, there is an annual inspection fee. Mr. Blankenship was informed by Mr. Kirby that once a year he does a property records update.

Chairman Bryan confirmed with Ms. Marsh that CUP#89/1/4-2 did not contain language regarding an annual inspection because that was not required at the time the CUP was approved.

Mr. Sheahan reminded the Board that Eagle Dunes will be heard at a special hearing on September 21, 2007 at 9 a.m. It will be heard by the BCC on October 23, 2007. Chairman Bryan confirmed with Mr. Sheahan that the applicant was aware of this time frame.

Adjournment

There being no further business, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman