



LAKE COUNTY

DEPARTMENT OF
GROWTH MANAGEMENT

Planning & Community Design Division

11/20/2007

EISNOR E DUANE & MARY O
39145 FOREST DR
EUSTIS, FL 32726

Re: Conditional Use 1010

Dear EISNOR E DUANE & MARY O,

Here are the staff comments for your Conditional Use case. I do request that you print and review these comments prior to the DRS meeting on **November 29, 2007 at 9:00am**. We will have thirty (30) minutes to discuss your project in the Hunter Building, 312 W. Main St. Tavares, FL 32778. The meeting agenda and location information can be found by clicking the following link:

http://www.lakecountyfl.gov/pdfs/drs_agendas/072607.pdf

If you have any further questions concerning this matter, please contact me at 352/343-9739 ext5567, or through my e-mail krosick@lakecountyfl.gov.

Thank you
Karen Rosick

Planner
Planning and Community Design
Lake County

P.O. BOX 7800 • 315 W. MAIN ST., TAVARES, FL 32778 • P 352.343-9739 • F 352.343-9595
Board of County Commissioners • www.lakecountyfl.gov

JENNIFER HILL
District 1

ELAINE RENICK
District 2

DEBBIE STIVENDER
District 3

LINDA STEWART
District 4

WELTON G. CADWELL
District 5

11/19/2007

EISNOR E DUANE & MARY O
39145 FOREST DR
EUSTIS, FL 32726-

Re: Project No. 2007100005, Application No. 1010

Description: ELLIS EISNOR
CUP FOR AUTO REPAIR SERVICES

Dear EISNOR E DUANE & MARY O:

Your **Conditional Use Permit** application has been reviewed by the Development Review Staff. Review comments are attached.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,



Development Review
Division of Planning and Community Design
(352) 343-9640 or (352) 343-9739
Project No. 2007100005, Application Request No. 1010

PLANNING & COMMUNITY DESIGN-KAREN ROSICK-352-343-9739 EXT 5567
PLEASE SEE ATTACHED STAFF REPORT

Review Status: COMPLETE

PUBLIC WORKS DEPT. - ROSS PLUTA (352) 483-9041
Rejection Comments

Informational Comments

Item: TRANSPORTATION

Remarks: Transportation concerns can not be determined at this time.

Item: STORMWATER

Remarks: Stormwater concerns can not be determined at this time.

Review Status: COMPLETE

FIRE - BRIAN HAWTHORNE (352) 343-9653 EXT. 5788

Rejection Comments

Informational Comments

Item: REVIEW IS COMPLETE.

Remarks: Informational Comment 10-31-07

We have no comments for the project as long as the existing use continues as is.

Review Status: COMPLETE

HEALTH DEPT. - MARCELO BLANCO (352) 253-6130

Rejection Comments

Informational Comments

Item: REZONING ONLY

Remarks: 11/14/07 - No objection to CUP for continuation of existing use. Any changes to use or structures may require further comments and permitting. -MJB-

Review Status: COMPLETE

ENV. PROGRAMS - SCOTT CATASUS (352) 343-3776

Rejection Comments

Informational Comments

Item: REVIEW IS COMPLETE - ITEMS SUBMITTED ARE SUFFICIENT.

Remarks: 11/07/2007 SC

Once the site has received the CUP and goes through the DRS process then an Environmental Survey may be required and possibly a industrial waste permit or

exemption letter depending on what is proposed for the storing, collection and disposal of waste products from this type of proposed business (oil, fluids, etc.)

Review Status: COMPLETE

LAKE COUNTY PLANNING AND DEVELOPMENT SERVICES ANALYSIS APPLICATION FOR CONDITIONAL USE PERMIT

LAKE COUNTY ZONING BOARD
January 3, 2008



LAKE COUNTY
FLORIDA

BOARD OF COUNTY COMMISSIONERS
January 22, 2008

Case: CUP #2008-	Case Manager: Karen Rosick	Agenda Item #
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- Application Request -

Owner:	Ellis Duane Eisnor (the "Owner")	Applicant:	Ellis Duane Eisnor (the "Applicant")
Future Land Use:	Wekiva River Protection Area, Wekiva Receiving Area A-1-20, Overlay District #2	Zoning District:	Agriculture Residential
Land Use Density:	1 dwelling unit / 20 acres	Zoning Density:	1 dwelling unit / 2 acres

Requested Action: The Applicant is requesting the renewal of a Conditional Use Permit in the Agriculture Residential Zoning District to allow for the continuance of a minor automotive repair shop (i.e. oil change, brakes and tune-ups).

- Site Information -

Size of Parcel: 3.8 acres

Map Location: Section 17 - Township 18S - Range 29E

Location: South Pine Lakes area - East Lake County - N on SR44-E to Overlook Drive; E&S on Lake Overlook Drive to Forest Drive; Continue S on Forest Drive approximately 1 mile to property lying SW of Laurel Court and Forest Drive. (Sec 17 Twp.18S Rge. 29E), AK # 2517387

Joint Planning Area: N/A

Utility Area: N/A

Site Utilities: Individual wells and septic systems

Road Classification: Forest Drive - Local

Site Visit: November 8, 2007 **Sign(s) Posted:** (1) November 30, 2007

Commissioner's District: 4 (Stewart)

Flood Zone: A and X

SURROUNDING LAND USE		SURROUNDING ZONING	
NORTH	Low density single-family residential	NORTH	Agriculture
SOUTH	Low density single-family residential	SOUTH	Agriculture
EAST	Low density single-family residential	EAST	Agriculture
WEST	Low density single-family residential	WEST	Agriculture

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the request for the continuance of a Conditional Use Permit in the Agriculture Residential Zoning District to allow for the operation of a minor automotive repair shop (i.e. oil change, brakes and tune-ups).

ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting a renewal of a Conditional Use Permit allowing an existing nonconforming use of a minor automotive repair shop (i.e. oil change, brakes and tune-ups).

The subject parcel is approximately 3.8 acres in size, zoned Agriculture Residential and is located in the Wekiva River Protection Area (WRPA), Wekiva Receiving Area A-1-20, and Overlay District #2 Future Land Use Category (FLUC). The subject parcel is currently developed with a single-family residence and a workshop /storage building within which the proposed repair operation has been taking place since 1987 as indicated by the 2000 staff report.

As a result of a June 14, 2000 code enforcement case the applicant applied for a CUP to allow the continuance of his minor auto repair shop. The subject parcel was granted a CUP approval with conditions, allowing the operation of a minor auto repair shop on January 23rd 2001 with a limitation of (5) years, with an option to request an extension if needed. Please see attached exhibit B (staff report dated 2000). The applicant has made no changes to his operation since the approval of the CUP in 2001.

Upon review of the CUP renewal application staff discovered that one of the conditions of the approved CUP had not been met specifically condition section 2B (1g) that states "The "Permittee" must receive formal site plan approval for the operation or this permit shall be revoked." Staff informed the applicant, on October 16, 2007, that a site plan approval had never been completed for the CUP.

If this CUP is approved for renewal, staff recommends applying section 14.05.02 (B) "If the specific conditional use does not require site plan approval, the applicant Shall submit a written statement of proposed use including, but not limited to, the nature of the use, proposed improvements to the property, and include a sketch of the location of the proposed improvements to the property", in lieu of an approved site plan due to the financial hardship that the site plan approval process would have upon the applicant.

Based on these findings, staff supports this request for a minor automotive repair shop and offers a recommendation of **APPROVAL** for renewal of the Conditional Use Permit .

- Findings of Fact -

According to the Lake County Land Development Regulations, Section 14.05.03, Standards for Review, in reviewing the application for a Conditional Use Permit, the Lake County Zoning Board and the Board of County Commissioner's shall consider:

A. Consistency with the Comprehensive Plan and Local Code (Land Development Regulations).

The application is inconsistent with Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, does not allow automotive repair in the Agriculture Residential Zoning District as a permitted use.

The application is consistent with Section 3.11.03 Continuation of Nonconforming Uses and Development. Subject to the provisions below (Section 3.11.04) for terminating Nonconforming Uses and Development, such uses and Development may, if otherwise lawful, remain in use in their nonconforming state.

B. Effect on Adjacent Properties.

1. The proposed conditional use will not have an undue adverse effect upon nearby property.

No evidence has been submitted that would deem this request as having an adverse effect on adjacent properties.

2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

The previous CUP approval has deemed the minor automotive repair shop as compatible with the surrounding rural area, which is characterized by low-density single-family residential development.

Most of the surrounding residential activity is comprised of (5) to (10) acre lots with single family residential homes. The auto garage itself is a residential (3) car garage which is very well maintained and is buffered by natural vegetation and a fence making it compatible with the existing and planned character of the area in which it is located.

3. **All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.**

Mr. Eisnor has placed a fence which provides a screen eliminating the view of the garage from the west side of the property. No automobiles being repaired can be viewed from the street as the garage doors are located on the south side of the garage. Automobiles can not be viewed from the south side of the property because of the lake located directly behind Mr. Eisnors' garage. Automobiles can only be viewed from the east side of the garage from Mr. Eisnors' residence.

4. **The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of the neighboring property, in accordance with applicable district regulations.**

As previously stated, the property was recognized as a nonconforming single-family residence with a (3) car garage and does not interfere with the development of the neighboring property. The placement of the fence has further reduced the impacts to the surrounding property owners.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.

A higher demand on public facilities is not anticipated since this is an existing use.

D. Adequacy of Fire Protection.

The applicant shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

The subject parcel is located within one-half (.5) mile of Fire Station #15, a 24-hour manned station. Response time for this station is estimated at five (5) to ten (10) minutes.

FINDINGS OF FACT:

Staff has reviewed the application for the proposed conditional use and found:

1. The application is inconsistent with Section 3.01.03, Schedule of Permitted and Conditional Uses which does not allow automotive repair in the Agriculture Residential Zoning District.
2. The application is consistent with Section 3.11.03 Continuation of Nonconforming Uses and Development. Subject to the provisions below (Section 3.11.04) for terminating Nonconforming Uses and Development, such uses and Development may, if otherwise lawful, remain in use in their nonconforming state.

Therefore, based on these Findings of Fact, staff recommends **Approval** of the requested conditional use.

WRITTEN COMMENTS FILED: Supportive: --

Opposition: -0-

ZONING BOARD RECOMMENDATION:

FINAL ACTION BCC:

**ORDINANCE #2008-
Ellis Duane Eisnor**

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.

This Conditional Use Permit is granted this 23rd day of January, 2001, by the Board of County Commissioners of Lake County, Florida, to **Ellis Duane Eisnor** "Permittee(s)", for the purpose, terms, and the conditions as set out herein pursuant to authority contained in Chapter XIV of the Lake County Land Development Regulations, Ordinance #1992-6, as amended.

Background: The applicant is requesting a CUP in AR (Agriculture Residential) for a continued operation of a minor auto repair shop (i.e., brakes, oil change, and tune-up). (4.6+/-acres)

1. Permission is hereby granted to **Ellis Duane Eisnor** for the operation of minor automotive repair shop (i.e., brakes, oil change, and tune-ups) in and on real property in Lake County. The property is located in the South Pine Lakes are/ East Lake County-N on SR 44-E to Lake Drive; E & S on Overlook Drive to Forest Drive; Continue S on Forest Drive approximately 1 mile to property lying SW of Laurel Court and Forest Drive.(Sec 17 Twp. 18S Rge. 29E) (AK#2517387)

LEGAL DESCRIPTION OF PARENT TRACT & LEASE PARCEL: [EXHIBIT "A" - ATTACHED]

2. Terms: This Ordinance shall mean and include the total of the following land uses as included herein. The County Manager or designee shall amend the Lake County Zoning Map to reflect a CUP in AR, in accordance with this ordinance.

A. Land Uses:

1. Use of the site shall be limited to the following:
 - a. The existing residence and storage building.
 - b. Minor automotive repair shop.
 - c. All repairs shall be conducted within an enclosed building.
 - d. Storage and/or keeping of more than (4) vehicles other than licensed privately-owned on said premises is prohibited.
 - e. All petroleum and or automotive fluids shall be collected and disposed of at a recycling facility or waste handling facility on a weekly basis.
 - f. All oil change and fluid change operations shall be conducted over a concrete/cement area.

ORDINANCE NO. #2001-

(Tracking No. #146-01-CUP)(CUP#01/11/5-4) (Doris Daugharty / Jeff Young, Sprint PCS)

- g. This CUP for the minor automotive repair shop shall be limited to five (5) years. Continuance of the activity beyond 5-years is contingent upon approval by the Lake County BCC.
2. There shall be no signs permitted on the site.
3. Normal accessory uses related thereto may be approved by the County Manager or designee. Any other use of the site shall require approval of an amendment by the Board of County Commissioners.

B. Buffering:

1. The current vegetation within 50 feet of the property's perimeter shall be preserved for screening purposes.

C. Additional accessory structures: No additional; accessory structures or expansions of the current accessory structures shall be permitted for the use of auto repair operation.

D. Inspection:

An inspection will be conducted annually by Code Enforcement Division. An annual inspection Fee will be assessed. If an inspection is necessary during non-working hours an emergency inspection fee shall also be assessed.

E. Future Development Orders

Any requested development order must comply with the Lake County Land Development Regulations, as amended, and Lake County Comprehensive Plan, as amended.

F. Future Amendments to Statutes, Code, Plan and/or Regulations:

The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations shall include any future amendments to the Statutes, Code, Plan, and/or Regulations.

ORDINANCE NO. #2001-

(Tracking No. #146-01-CUP)(CUP#01/11/5-4) (Doris Daugharty / Jeff Young, Sprint PCS)

- G. The "Permittee" Shall submit a written statement of proposed use including, but not limited to, the nature of the use, proposed improvements to the property, and include a sketch of the location of the proposed improvements to the property.
 - J. After establishment of the facilities, as provided herein, the aforementioned property shall be used only for the purposes named in this Ordinance, unless a proposed use meets every requirement of the zoning district in which the property is located. Any other proposed use must be specifically authorized by the Board of County Commissioners.
3. Conditions of this permit shall mean:
- A. In the event of failure of the Permittee to: fulfill development in substantial accordance with the plans as submitted to the Planning and Zoning Commission and the Board of County Commissioners; comply with the codes of the governmental agencies having lawful and appropriate jurisdiction thereon; or comply with any of the terms of the Conditional Use Permit, the permit may be revoked after due Public Hearing before the Planning and Zoning Commission and the Board of County Commissioners.
 - B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with the land; and the purpose, terms, and conditions contained herein shall be binding only upon the person(s) listed herein.
 - C. In addition to any other remedy by law, any breach in any of the terms or conditions of this permit or any default in the part of the Permittee shall be deemed a material breach hereof, and this Ordinance for a Conditional Use Permit may be canceled or revoked. Cancellation or revocation of this Permit may be instituted by the County or Planning and Zoning Commission. The County Manager or designee shall set this matter for Public Hearing before the Planning and Zoning Commission giving the same notice as provided in Chapter XIV of the Lake County Land Development Regulations, as amended.
 - D. Construction and/or operation shall have begun within twelve (12) months. Otherwise, this permit shall be null and void and the Permittee shall reapply for Public Hearing before the Planning and Zoning Commission and the Board of County Commissioners. Provided the operation has begun within the period specified, this permit shall be inspected by the Code Enforcement Division at the end of the twelve (12) month period to ensure compliance with the conditions of thisCUP.

ORDINANCE NO. #2001-
(Tracking No. #146-01-CUP)(CUP#01/11/5-4) (Doris Daugharty / Jeff Young, Sprint PCS)

Section 4. Effective Date

This Ordinance shall become effective as provided by law.

ENACTED this _____ day of _____, 2008.

FILED with the Secretary of State _____, 2008

EFFECTIVE _____, 2008

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

WELTON G. CADWELL, CHAIRMAN

ATTEST:

**Neil Kelly, Interim Clerk of the
Board of County Commissioners
Lake County, Florida**

APPROVED AS TO FORM AND LEGALITY:

SANFORD A. MINKOFF, County Attorney

EXHIBIT "A" - LEGAL DESCRIPTION

AN ORDINANCE BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

LEGAL DESCRIPTION: FOREST LAKES & HILLS REPLAT LOT 30--LESS BEG AT A PERMANENT REFERENCE MONUMENT LOCATED AT THE POINT OF TANGENCY OF A CURVE ON THE E LINE OF LOT 28, RUN N 00DEG 38MIN 43SEC E ALONG W R/W LINE OF FOREST DR 465.00 FT TO SE COR OF LOT 30 & POB, RUN N 86DEG 48MIN 01SEC W ALONG S LINE OF LOT 30 755.09 FT TO SW COR OF LOT 30, N 15DEG 52MIN 45SEC E ALONG W LINE OF LOT 30 337.06 FT, S 52DEG 46MIN 23SEC E 387.62 FT, N 57DEG 27MIN 47SEC E 424.44 FT TO W R/W LINE OF FOREST DR, S 00DEG 38MIN 43SEC W ALONG R/W LINE 333.82 FT TO POB ORB 684 PG 268, ORG 685 PG 1675, ORB 686 PG 669, ORB 759 PG 552, ORB 1015 PG 1996 (Sec 17 Twp. 18S Rge 29E)