

**MINUTES  
LAKE COUNTY ZONING BOARD  
APRIL 2, 2008**

The Lake County Zoning Board met on Wednesday, April 2, 2008 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, April 22, 2008 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
James Gardner, Secretary	District 3
Phyllis Patten	District 4
Paul Bryan, Chairman	District 5
Larry Metz	School Board Representative

**Members Not Present:**

Scott Blankenship	District 2
Mark Wells	At-Large Representative

**Staff Present:**

Brian Sheahan, AICP, Planning Director, Planning and Community Design Division  
Steve Greene, AICP, 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  
Karen Ginsberg, Senior Planner, Planning and Community Design Division  
Julianne Thomas, Senior Planner, Planning and Community Design Division  
Sherie Ross, Public Hearing Coordinator, Planning and Community Design Division  
Ashley Sneed, Intern Planner, Planning and Community Design Division  
Fred Schneider, Engineering Director/PE, Engineering Division  
Ross Pluta, Engineer III, Engineering Division  
Melanie Marsh, Deputy County Attorney  
LeChea Parson, Assistant County Attorney I

Chairman Bryan called the meeting to order at 9 a.m. He led in the Pledge of Allegiance, and Timothy Morris 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 and that this meeting had been noticed pursuant to the Sunshine Statute.

Chairman Bryan explained the procedures used when hearing cases on the consent and regular agenda. Anyone wishing to speak should complete a speaker card that can be found on the table at the rear of this room.

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**Discussion of Agenda**

Brian Sheahan, AICP, Planning Director, stated that PH#12-08-2 should be removed from the consent agenda and placed on the regular agenda as a letter of opposition has been received. In addition, CUP#08/4/1-5 and CUP#08/4/2-4 should also be removed from the consent agenda and placed on the regular agenda in order to correct an error in the ordinances. He added that the staff-initiated revocation of CUP#00/3/1-4 has been withdrawn. He asked that PH#15-08-4 be moved to the first case on the regular agenda.

**Minutes**

**MOTION by Timothy Morris, SECONDED by James Gardner to approve the March 5, 2008 Lake County Zoning Board Public Hearing minutes, as submitted.**

**FOR: Morris, Gardner, Patten, Bryan, Metz**

**AGAINST: None**

**NOT PRESENT: Blankenship, Wells**

**MOTION CARRIED: 5-0**

Consent Agenda

CASE NO.: PH#13-08-5 AGENDA NO.: 2  
OWNER: William E. Norman  
APPLICANT: James McLay

CASE NO.: PH#16-08-5 AGENDA NO.: 5  
APPLICANTS/OWNERS: Mark & Shelly Weller

CASE NO.: PH#10-08-2 AGENDA NO.: 6  
OWNER: Lake County Board of County Commissioners  
APPLICANT: David Hansen, Lake County Public Lands Manager

CASE NO.: PH#03-08-03 AGENDA NO. 9  
OWNER: Board of Trustees of the Internal Improvement Trust Fund  
APPLICANT: Board of County Commissioners – Robert Bonilla, Lake County Public Works

Staff-Initiated Revocations of Conditional Use Permits 8

CUP#97/9/2-4 Robert & Ottitia Chaney/Ord#1997-66  
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Ronald & Robin Bush (Current Owners)  
CUP#00/1/4-4 Mary Ann Mylott/Ord#2000-2  
Robert S. and Ann N. Shields (Current Owners)

MOTION by Timothy Morris, SECONDED by Phyllis Patten to recommend approval of the above consent agenda.

FOR: Morris, Gardner, Patten, Bryan, Metz

AGAINST: None

NOT PRESENT: Blankenship, Wells

MOTION CARRIED: 5-0

**CASE NO.:** PH#15-08-4 **AGENDA NO.:** 10

**OWNER:** Lake County Board of County Commissioners  
**APPLICANT:** Lake County Board of County Commissioners  
 Bobby Bonilla, Director, Lake County Parks  
 Division

**PROJECT NAME:** East Lake Community Park

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval. He showed the aerial and pictures of the posting from the final package in the book on the monitor. He also showed the East Lake Community Park Master Plan, Exhibits 21 and 22 from the book on the monitor.

Mr. Hartenstein noted that the planning staff had received an e-mail from the Public Works Department requesting that this Board be made aware that the connections being proposed on these two sites coming from CR 437 would not meet access management and would not be approved that way. Public Works would like the site designed for access from Wallick Road, which is south of the project; it is an undeveloped dirt road. During the site plan approval process and the development phase, necessary improvements would need to be made.

Chairman Bryan said no speaker cards had been received for this case.

Sanford A. Minkoff, County Attorney, was present to represent the case.

When Timothy Morris asked if the County was selling the property to the School Board, Mr. Minkoff replied that the County is in the process of negotiating an interlocal agreement with the School Board. The statute was changed several years ago to require cities, counties, and school boards to consider collocation of joint use facilities. The School Board will have title to some portion of the property for financing purposes. They will take the money that the property costs and invest that for additional improvements in the park, over and above what would normally be built for the School Board.

Chairman Bryan commented that this appears to be a “win/win” situation.

**MOTION by Timothy Morris, SECONDED by James Gardner to recommend approval of the text amendment to Ordinance #2006-109 to add the use of a public elementary school to the permitted uses for the property in PH#15-08-4.**

**FOR:** Morris, Gardner, Patten, Bryan, Metz

**AGAINST:** None

**NOT PRESENT:** Blankenship, Wells

**MOTION CARRIED:** 5-0

CASE NO.: PH#11-08-4

AGENDA NO.: 7

OWNER: Lake Swatara Properties, Inc.

APPLICANT: Leslie Campione, P.A.

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of denial for Parts 1 and 2 of the request and approval of Part 3 of the request. He showed on the monitor the aerial and pictures of the sign postings from the final package in the book. He also showed on the monitor a picture of a fire hydrant adjacent to the property. Mr. Hartenstein pointed out a proposed change on Page 5 Section H of the proposed ordinance. On line 2 of that section, "the Development Review Staff or designee" should be replaced with "Lake County." The Development Review Staff does not actually approve the plats and site plans. The approval comes from the County Manager or designee, which would be the Director of Planning. He also noted an addendum to the final package of a letter that was submitted to the Board of County Commissioners (BCC) from Leslie Campione regarding the request for relief.

When Chairman Bryan asked about the status of the moratorium that the City of Eustis has had, Mr. Hartenstein said he has nothing in writing; but in conversations he has had with the City staff, he has learned that it is anticipated that sometime around July is their goal. Chairman Bryan was informed by Mr. Hartenstein that it is necessary to annex into the City in order to be able to connect to their water system.

Chairman Bryan said no speakers cards have been submitted for this case.

Leslie Campione was present to represent this case, noting that this property is her property. She stated that this is a situation where the term "availability" is being drastically affected by the moratorium that the City of Eustis has adopted. She said they have been working on this project for about three years. Initially they had applied for annexation into the City of Eustis and submitted a plan, but the City of Eustis would not process the plan because at that time they had a de facto moratorium, but not an adopted moratorium. Last year the City of Eustis adopted the moratorium. It was supposed to be lifted around October or November, but then it was reinstated. Now the ordinance calls for the moratorium to be lifted in July, provided that they have accomplished what the City has planned to accomplish, which included an amendment to their comprehensive plan and a new draft set of land development regulations. Since she has been ready to proceed for three years, Ms. Campione decided to apply for rezoning in Lake County and went through that process. About a year ago, she acquired an additional five-acre tract to add to the property. At that time, the PUD ordinance was amended to add those five acres, and she continued to go forward with a preliminary plat. She submitted as Applicant Exhibit A the plat that had been submitted to the County's review staff. She did not feel that the moratorium will be lifted in July. A letter in the file indicates that the City of Eustis has agreed to provide water if the property is annexed into the City. However, if the property is annexed into the City of Eustis, she cannot proceed with using the property. Therefore, she is asking for this waiver so she can use individual wells on Phase 1 only, not for any future development. She reiterated that she did not feel water was available because she cannot connect to the water system at this time and proceed with her development plans. The City of Eustis has just reached the point of beginning to hold workshops on the actual language. She spoke of other situations in the past throughout the County that were similar to this situation. She added that it appears the City does not necessarily want to have water lines in this area. She felt this is a reasonable request.

In response to Chairman Bryan, Ms. Campione said Phase 1 would include 15 acres and would consist of ten lots. The plan is to get this request approved and then pursue agricultural use of the property for an indefinite period of time. She submitted two pictures of homes as Applicant Exhibit B. She added that they are in the process of planning a vineyard.

Phyllis Patten was informed by Ms. Campione that there is an existing agricultural well on the property. This property has been in citrus production since the 1920s. Their future plans would allow a significant reduction in water withdrawal.

**CASE NO.: PH#11-08-4**

**AGENDA NO.: 7**

**OWNER: Lake Swatara Properties, Inc.**

**PAGE NO.: 2**

**APPLICANT: Leslie Campione, P.A.**

Chairman Bryan confirmed with Ms. Campione that the outcome of this request would not impact her ability to use the existing agricultural well. Ms. Campione added that she would be agreeable to monitoring the wells.

At the request of Larry Metz, Ms. Campione pointed out the location of the fire hydrant on Applicant Exhibit A. She also pointed out to James Gardener where the one-acre lots are located; the lots are at least 100-feet wide on the cul-de-sac. Chairman Bryan was informed by Ms. Campione that the area between the two sets of lots is a wetland. She noted that the vineyard will use very little water as compared to a citrus grove. In response to Mr. Morris, Ms. Campione said the PUD ordinance allows an additional 30 residential units. At that density, a central water system would be needed. She added that initially there was some commercial development proposed in the corner of the property, but the plan has since been scaled back.

Regarding Ms. Campione's letter to the Board of County Commissioners (BCC), Mr. Metz said that on page 2 it indicates that the City of Eustis responded in a letter that they would consider their central water system to be available to the subject property but with the caveat that annexation must take place now. He asked if she could have an agreement for annexation that would protect her ability to get the water as soon as the annexation is approved. Ms. Campione said she tried that but was told it could not be honored at that time. Regarding the close proximity of the fire hydrant to the subject property, Mr. Metz said he had a concern with city water and individual wells being so close together.

Chairman Bryan noted the other four lots that Ms. Campione had said may or may not be platted and may be used for agriculture. He asked if she would be willing to limit the request to the other six lots only. If she could receive approval of the waiver, Ms. Campione said she would eliminate those four lots. Chairman Bryan said that would allow six residential lots on 15 acres. He could support that as he felt that would be reasonable.

When Mr. Morris asked if the City of Eustis could litigate against Lake County for approving this waiver, Melanie Marsh, Deputy County Attorney, said she did not believe the City could sue the County because there would be no requirement for Ms. Campione to go to the City. Mr. Morris confirmed with Ms. Marsh that the County could require Ms. Campione to connect this property to the City's water system when it extends to the area. If this request is approved, Ms. Marsh said she would suggest including the new plan as part of the ordinance.

Ms. Campione said she has worked on some language and spoken with staff about it; if this waiver is granted, she would be agreeable to language stating that once Phase I is platted, connection to the City of Eustis central water system would be requested. If that request was granted, she would install fire hydrants according to Lake County specifications.

When Mr. Morris asked if fire hydrants could be run off the existing well, Ms. Campione said the pump needed to generate the necessary fire flow pressure would be very expensive. In response to Mr. Morris's question about the closest fire station, Brian Sheahan, AICP, Planning Director, said the Lake County Fire Chief was available.

Mr. Gardner said he could support approval of the six lots that Chairman Bryan had spoken of. He felt any landowner should be able to enhance the value of his or her property.

Ms. Marsh noted that staff has not had the opportunity to review this latest plan. Chairman Bryan asked if that could be done between now and the BCC public hearing on April 22. If that is the Board's direction, Mr. Sheahan said they could do that; but it would be up to the applicant to provide a revised plan and language between now and the agenda due date. Ms. Campione said she could give staff the language now

CASE NO.: PH#11-08-4

AGENDA NO.: 7

OWNER: Lake Swatara Properties, Inc.  
APPLICANT: Leslie Campione, P.A.

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and the plan would be available in a few days.

Mr. Metz said there appears to be a willingness to go forward with the six lots only in Phase 1 and with the requirement that the owner apply for connection to the City of Eustis water system. If granted, the owner would comply with the requirements for fire hydrants for those lots. If not granted, wells would be permitted.

**MOTION by Larry Metz, SECONDED by Timothy Morris, to recommend approval of PH#11-08-4, as amended, to allow individual wells for six lots only, subject to the requirement that the owner apply for connection to the City of Eustis water system. If granted, the owner would comply with the requirements for fire hydrants for those lots. If not granted, wells would be permitted.**

**FOR: Morris, Gardner, Bryan, Metz**

**AGAINST: Patten**

**NOT PRESENT: Blankenship, Wells**

**MOTION CARRIED: 4-1**

**CASE NO.: PH#15-08-4**

**AGENDA NO.: 10**

**OWNER: Lake County Board of County Commissioners**  
**APPLICANT: Lake County Board of County Commissioners**  
**Bobby Bonilla, Director, Lake County Parks**  
**Division/East Lake Community Park**

Chairman Bryan stated that a speaker card had just been submitted for the above case that was heard earlier in the public hearing. The card was submitted by Harry Fix, who supported the request and felt that collocating would have a positive effect.

CASE NO.: PH#12-08-2

AGENDA NO.: 1

**OWNER/APPLICANT: Lake Utility Services, Incorporated**

Stacy Allen, Senior Planner, presented the case and staff recommendation of approval. She showed the aerial and site plan from the staff report on the monitor. She noted that one letter of opposition had been received and showed on the aerial the location of the property owned by the letter writer.

Timothy Morris confirmed with Ms. Allen that the plat has been approved. When Chairman Bryan questioned why this request is before this Board since it has already been approved for some form of a utility at a prior public hearing, Ms. Allen explained that the subdivision is zoned R-2. For a public utility, CFD zoning is required. They are ready to begin construction of the facility so a rezoning is necessary.

Wade Wood with CPH Engineers, project manager, said this will enhance the current use. There are two existing wells located in the Amberhill/Lakeridge Subdivision that this utility company owns the rights to. They will be redirecting those wells to this facility. In response to Chairman Bryan, Mr. Wood said he was not involved with the original rezoning. However, he has seen the plat that granted this to the utility company and was labeled as a water storage area. Mr. Wood stated that there will be no treatment taking place on the site although it is labeled as a water treatment plant by Florida Department of Environmental Protection (FDEP). Phyllis Patten was informed by Mr. Wood that there will be a storage tank and an adjacent building to house their electrical equipment and high-service pumps. He submitted the site plan as Applicant Exhibit A.

Mr. Morris spoke of pressure issues that had been discussed at a prior public hearing. He asked if this request would alleviate those issues. Mr. Wood said it would.

Regarding the letter of opposition, Mr. Wood stated that Lake Utility Services does not own the rights to serve sewer in this area. That is owned by the City of Clermont. Therefore, Lake Utility could not put a wastewater treatment plant on that site. Chairman Bryan confirmed with Mr. Wade that the ordinance reflects that. Ms. Allen added that the ordinance identifies the use specifically as a water treatment facility. Jeff Richardson with CPH Engineers suggested that the language be changed to treatment and storage facility because FDEP is going to issue the permit as a treatment facility, but the intent is for storage and as a booster station. In response to Ms. Patten, Mr. Richardson said that to the best of his knowledge, it is not the intent to make this a treatment facility. There is already treatment at the pumps; there may be a need for chlorination, but that would be due to the storage and storage duration.

Terrence Alexis, homeowner in Timberlane Subdivision, said not all residents received the notification card that the County sent out. There was a concern among residents that the wording on the card indicated a water treatment facility and that it could turn into that. When the residents were purchasing their homes within the community, the builder gave no notification that there would be a treatment facility or a pump facility at this location. The residents have questioned the impact of this facility in regards to noise level, gating, and protection of the pump facility itself. The residents felt more information is needed.

Although he had submitted a speaker card, Limford Bray did not wish to speak.

Jessica Young, a Timberlane Subdivision resident, said she agreed with Mr. Alexis's comments. Her husband had called the builder, and the builder was not aware of this request. She was concerned about property values decreasing due to this facility. There has been no homeowners' association meeting regarding this matter. She had heard a playground may be built at this location; that would not be possible if this treatment facility were constructed here. Her other concerns included noise, odors, truck traffic, and the safety of the children in the area. The residents were present for more information.

CASE NO.: PH#12-08-2 AGENDA NO.: 1

OWNER/APPLICANT: Lake Utility Services, Incorporated PAGE NO.: 2

Lawrence Picconi, also a resident of Timberlane Subdivision, said he commended Mr. Alexis for an excellent job of voicing the residents' concerns. He was concerned that more treatment facilities would come to the area. He agreed that more information is needed for the residents. He also had a concern about hazardous chlorine vapors in the area.

Regarding noise, Mr. Wood said that any equipment that could be noisy would be housed in the equipment building; however, the on-site generator would not be housed. If the facility would lose power, the generator would kick on and it is loud. In addition, there will be routine testing to confirm the generator is in service and operable. There will be a slight impact in traffic as employees will be at the plant to ensure it is working correctly. Liquid bleach would be used for the post-chlorine injection. Other traffic would include the drop off of a 55-gallon drum at the facility. He added that he had spoken to the regional manager of the utility, and he would be amenable to meeting with the residents prior to the Board of County Commissioners (BCC) public hearing to discuss the possibility of adding more aesthetics.

Chairman Bryan confirmed with Mr. Wood that the pumps will not run continuously. When the pressure drops, Mr. Wood said the pumps come on to meet the system pressure. Mr. Wood said they have no further plans to put another facility in this general vicinity.

Chairman Bryan suggested adding language in the ordinance to limit treatment activity to the post-chlorine injection. Mr. Wood felt the applicant would be agreeable to that. In response to Mr. Morris, Mr. Wood said the storage tank is still in preliminary design; but the height restriction in CFD zoning is 50 feet. However, it will probably be 20 to 30 feet. The building will be the same height as a residential house.

Ms. Patten was informed by Mr. Wood that there is currently landscaping on the plan that meets the County Code. Ms. Patten added that the applicant may need to go a step beyond that. Mr. Wood reiterated that the applicant was amenable to meeting with the residents to discuss that. Chairman Bryan agreed that it would be a good idea to meet with the residents prior to the BCC public hearing to give the residents more information on the project and alleviate some of their concerns.

In response to Ms. Patten, Chairman Bryan said this subdivision came before this Board about two years ago.

Lawrence Picconi said 40 or 50 feet would be an eyesore and would decrease property values. If this was approved two years ago, he questioned if a disclosure statement should have been issued for residents who were purchasing property. Melanie Marsh, Deputy County Attorney, said what a builder discloses to his potential buyers is not an issue for this Board. If the residents feel they have misled by the builder, they would need to look at that in the civil arena.

Chairman Bryan encouraged the applicant to know the gallon size and height of the storage tank as that is information the BCC would probably want to know.

**MOTION by Phyllis Patten, SECONDED by Timothy Morris, to recommend approval of PH#12-08-2 to rezone 0.92 acres to CFD for a water storage and treatment facility with the post-chlorine injection as the only treatment permitted on site.**

When Ms. Patten spoke about a requirement in the motion that the applicant meet with the residents before the BCC public hearing, Ms. Allen asked that it be within the next two weeks in light of advertising and scheduling for the BCC public hearing and that staff attend the meeting.

**CASE NO.: PH#12-08-2**

**AGENDA NO.: 1**

**OWNER/APPLICANT: Lake Utility Services, Incorporated**

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Ms. Marsh stated that the applicant cannot be required to hold such a meeting, but it can be encouraged.

**FOR: Morris, Gardner, Patten, Bryan, Metz**

**AGAINST: None**

**NOT PRESENT: Blankenship, Wells**

**MOTION CARRIED: 5-0**

**CASE NO.:** CUP#08/4/1-5 **AGENDA NO.:** 3  
**OWNER:** Richard Slaughter  
**APPLICANT:** Sheryl Denan-VerizonWireless  
**PROJECT NAME:** Ocala National Forest Tower Extension

Steve Greene, AICP, Chief Planner, presented the case and staff recommendation of approval. He showed the aerial from the staff report on the monitor. He added that the primary reason for this case being removed from the consent agenda was to allow Section 3D in the ordinance, Equipment and Operational Supplies Storage, to be deleted as it refers to equipment and operational materials not pertinent to the tower.

**MOTION by Timothy Morris, SECONDED by Phyllis Patten, to recommend approval of CUP#08/4/1-5 to amend an approved conditional use permit (Ordinance No. 2000-5) to increase the height of an existing 250-foot telecommunications tower by seven feet within the Agriculture zoning district with the exclusion of Section 3D in the ordinance.**

Chairman Bryan noted that there was no opposition in the audience.

**FOR:** Morris, Gardner, Patten, Bryan, Metz  
**AGAINST:** None  
**NOT PRESENT:** Blankenship, Wells  
**MOTION CARRIED:** 5-0

CASE NO.: CUP#08/4/2-4

AGENDA NO.: 4

**OWNER/APPLICANT: Shirley Grantham****PROJECT NAME: Grantham C & D**

Melanie Marsh, Deputy County Attorney, left the meeting, and LeChea Parson, Assistant County Attorney sat in as her replacement.

Steve Greene, AICP, Chief Planner, presented the case. He showed the aerial and two pictures of the sign posting from the staff report on the monitor, noting that the pictures show the long access drive to the property. This particular activity has been in existence for some time. He noted that a copy of the documentation to justify the request as well as a copy of the Settlement Agreement was sent to the members. He requested the following change to the ordinance found in the final package of the booklet: "In Section 4 of the ordinance, the slope level should be changed from 145 feet to 140 feet." Staff recommended approval with that change. Mr. Greene pointed out that one letter of opposition had been received after the booklets were prepared.

Chairman Bryan confirmed with Mr. Greene that the slope level of 140 feet was consistent with the Settlement Agreement.

Timothy Morris referred to the letter of opposition where Gene Bebbler said "we feel our agreement terms will not be met if an extension is granted." If this request is granted, Mr. Morris asked if it would affect the terms of the agreement that they had initially. Mr. Greene explained that the time frames are consistent with the Settlement Agreement.

Mr. Greene stated that Scott Catusus from Environmental Services was present to answer any questions the Board may have regarding the existing Conditional Use Permit and Settlement Agreement.

Shirley Grantham said the original Settlement Agreement has a date of December of 2009 to completely fill and a date of June 2010 to complete the reclamation. That is what she is asking to comply with. Those were the FDEP dates, and those are still the dates they are going by. She added that a permit was renewed in 2005. The original Settlement Agreement was done in 2003. The permit for renewal came before the Zoning Board in September of 2005. At that time, the County set the dates back two years to complete the filling and reclamation. Even though the dates were moved back two years, she felt like she could comply with them. In 2006, the economy "went down" and they chose not to accept any more fill in order to deal with her husband's health situation. Therefore, the landfill has been closed for almost two years. When her husband passed away, she had to change the permittee name. She applied to FDEP to change it into the corporation name, Bud's Landwork; she is president of the corporation. That was done in February of 2008. That began a five-year period of monitoring. They have been monitoring through wells and engineering even though the landfill is closed. When FDEP reissued the permit with the corporate name, there was a five-year permit date. However, the specific conditions of the Settlement Agreement still apply.

Ms. Grantham said she received a letter of explanation from FDEP yesterday. When she received the permit renewal, she did not notice the date of 2013 until Mr. Bebbler brought it to her attention.

Mr. Morris confirmed with Ms. Grantham that she just wants to comply with the original Settlement Agreement.

Jim Golden, HSA Golden Engineers in Orlando, stated that the 237,000 cubic yards left to fill is about ten percent of the entire landfill. That space is located on the back side, away from the homeowners. There are many trees in that area to hide that part of the landfill during this final fill operation.

**CASE NO.:** CUP#08/4/2-4

**AGENDA NO.:** 4

**OWNER/APPLICANT:** Shirley Grantham

**PAGE NO.:** 2

**PROJECT NAME:** Grantham C & D

Todd Luce said he supported the extension. He is a former employee of Bud's Landwork, and he said he could assure the Board that during his time of employment, the Grantham's concern had only been to be in compliance with the landfill and follow the guidelines. He knew that would continue even with the loss of Mr. Grantham.

Bernard Yokel, adjacent resident, reiterated that the slop level should be 140 feet rather than 145. Chairman Bryan said that was noted as part of the staff recommendation.

**MOTION by Timothy Morris, SECONDED by James Gardner, to recommend approval of CUP#08/4/2-4 for an ordinance amendment to extend the operating time frames as agreed upon pursuant to the Settlement Agreement and as established by the Florida Department of Environmental Protection with a change in the slope level from 145 feet to 140 feet.**

**FOR:** Morris, Gardner, Patten, Bryan, Metz

**AGAINST:** None

**NOT PRESENT:** Blankenship, Wells

**MOTION CARRIED:** 5-0

**Staff-Initiated Revocation of Conditional Use Permit**

AGENDA NO.: 8

CUP#89/1/1-3

**Dorothy W. Yeager  
Jeffrey C. Yeager (Current Owner)**

Jim Kirby, Senior Code Enforcement Officer, stated that this is a case of violation of terms of this Conditional Use Permit (CUP) in that the property owner is above the allotted number of semi-truck trailers on the property, which is currently ten in the CUP. In addition, the CUP states that all repairs undertaken on the property must be done so in an enclosed structure, which is not being done. He said he has good reason to believe that there is maintenance and/or work being done on vehicles other than what is owned by the property owner. On May 17, 2006, the Code Enforcement Special Master ruled that this property was in violation. Two Orders of Fine were recorded. The first one was on October 16, 2006 and the second one was on March 1, 2007. In that Order of Enforcement, the Special Master found them to be in violation of having more than ten semi-truck trailers, working on vehicles not in an enclosed structure, running another business on the property, placing an office trailer on the property without a permit, running a business without an occupational license, having inoperable vehicles and tires on the property, and allowing general trash and debris on the property.

Chairman Bryan confirmed that the staff recommendation is complete revocation of the CUP because they have not come into compliance. Mr. Kirby said the County feels it has been more than fair in giving time to come into compliance. The Code violations are still open and not in compliance.

In response to Chairman Bryan regarding the next step, Brian Sheahan, AICP, Planning Director, said that Subsection 3A of the CUP ordinance states: "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 violate any of the terms of this Conditional Use Permit, the permit may be revoked after due Public Hearing before the Planning and Zoning Commission and the Board of County Commissioners." Should it go through that process and the Board of County Commissioners (BCC) decides to revoke it, the applicant has every right to come back and apply for another conditional use at that time. The public hearings provide due process to the applicant and the County to hear the case and determine if the CUP is still warranted.

Jeffrey Yeager, current property owner, said the CUP was issued to his grandmother, Dorothy Yeager, in 1989, before he came into possession of the property. He said the back side of this property is swamp. He has had a very hard time getting the trailers, tractors, and other items out of the back of this property. When he went before the Special Master, the biggest concern was to clean the front of the property, which is visible from Highway 48. That has been done. At the time of the Special Master, there were at least 275 vehicles scattered throughout the 20 acres. He has removed at least 175 vehicles. About 75 vehicles remain on the property. His biggest problem is preparing the vehicles for the recycling yard. He had been cleaning the property prior to the Special Master and has continued to do so. He has been notified by his bank that there has been a lien attached to his property concerning these Code violations. The clean-up is taking longer than expected. The storage trailers in the southwest corner of the property have all been removed.

When Chairman Bryan asked the future plans for the property when it is cleaned up, Mr. Yeager said a CUP will still be required as he wants to continue his trucking business. He had spoken to the County about expanding the CUP because his business has grown from ten trucks to thirty. Chairman Bryan felt Mr. Yeager could be better served by revoking the existing CUP and then Mr. Yeager could come back before the Board with a new request after the property is cleaned and future plans are in order. His future intentions would not be within the realm of the existing CUP.

**Staff-Initiated Revocation of Conditional Use Permit**

**AGENDA NO.: 8**

**CUP#89/1/1-3**

**Dorothy W. Yeager  
Jeffrey C. Yeager (Current Owner)**

**PAGE NO.: 2**

In response to Phyllis Patten, Mr. Yeager said he is not operating a junkyard; many of the vehicles were there when he obtained the property. He added that the property was under seizure for several years by the Federal Bureau of Investigation so the property could not be touched. However, in 2004 that was lifted.

Ms. Patten was informed by Mr. Sheahan that there are two liens on the property with a total of \$36,000 in accumulated fines. The hearing officer gave Mr. Yeager 90 days to comply with the Order, which has been exceeded. Based on what Mr. Yeager has indicated, the scale of his operation is probably no longer within the realm of his CUP; if it can be permitted, it would likely require a rezoning.

When Mr. Yeager said he was notified of the two liens by his bank but not otherwise notified, LeChea Parson, Assistant County Attorney, said there should have been notices sent when the Order of Enforcement after each Order of Fine was recorded in the public records. Chairman Bryan recommended that Mr. Yeager obtain some professional help. Ms. Patten suggested staff meet with Mr. Yeager and explain to him the steps he needs to follow. Mr. Sheahan said staff could do that.

**MOTION by Phyllis Patten, SECONDED by Larry Metz, to recommend approval of the staff-initiated revocation of CUP#89/1/1-3 for Dorothy W. Yeager; Jeffrey C. Yeager (Current Owner).**

**FOR: Morris, Gardner, Patten, Bryan, Metz**

**AGAINST: None**

**NOT PRESENT: Blankenship, Wells**

**MOTION CARRIED: 5-0**

**Election of Officers**

Chairman Bryan commented that he has been chairman for many years and has not minded; but he has been training the vice chairman for several years, and the vice chairman is certainly able to take over the chairmanship. Chairman Bryan said he would not be insulted if a Board member would like to make a motion for Mr. Morris to take over. However, he would not mind continuing as Chairman.

Phyllis Patten felt the officers should remain as they are now.

**MOTION by Phyllis Patten, SECONDED by Larry Metz, to elect the current officers (Paul Bryan, Chairman; Timothy Morris, Vice Chairman; James Gardner, Secretary) for the Lake County Zoning Board for the upcoming year, 2008/09.**

**FOR: Morris, Gardner, Patten, Bryan, Metz**

**AGAINST: None**

**NOT PRESENT: Blankenship, Wells**

**MOTION CARRIED: 5-0**

**CASE NO.:** PH#10-08-2

**AGENDA NO.:** 6

**OWNER:** Lake County Board of County Commissioners  
**APPLICANT:** David Hansen, Lake County Public Lands  
Manager

Julian Story, concerned property owner, said he was not familiar with the procedure at this public hearing and had some questions regarding this case.

Chairman Bryan explained that the Zoning Board is a recommending body. This case will go before the Board of County Commissioners on April 22, 2008. A final decision will be made at that time. Mr. Story will have an opportunity to speak at that public hearing. In the meantime, he can contact staff to request additional information and look at the file.

Brian Sheahan, AICP, Planning Director, stated that if there was anyone that needs to speak with staff, he would be happy to stay after the public hearing and answer any questions.

**Adjournment**

There being no further business, the meeting was adjourned at 11:05 a.m.

Respectfully submitted,

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Sherie Ross  
Public Hearing Coordinator

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Paul Bryan  
Chairman