

LAKE COUNTY PLANNING AND ZONING DIVISION
CUP REVOCATION STAFF REPORT

PLANNING AND ZONING BOARD
February 24, 2016



BOARD OF COUNTY COMMISSIONERS
March 15, 2016



Requested Action: Voluntary revocation of CUP#87/10/2-2 which authorized operation of a home occupation for agriculture equipment repair. The current property owner desires to discontinue the CUP for the agriculture equipment repair operation.

Former Owner: Kevin Stiefel
Current Owner: Doris M. Clay

- Summary of Staff Determination -

STAFF RECOMMENDATION:

The following Conditional Use Permits have been reviewed by the Lake County Code Enforcement Division by a physical site inspection pursuant to the Annual Inspection review of the conditions as set forth in the Conditional Use Permits.

From these inspections and letters sent from the owners, it has been noted that these Conditional Use Permits are no longer required, have ceased operation, or are no longer wanted by the original applicant or current land owner. Based on these inspections, Staff recommends Approval of the revocation of the Conditional Use Permits as described below.

PLANNING AND ZONING BOARD RECOMMENDATION:

To be determined.

- Summary of Analysis -

The CUP was to operate a home occupation for agriculture equipment repair 4915 Mt. Pleasant Road, in the Groveland area. The current property owner provided written correspondence requesting termination of the CUP for the agriculture equipment repair operation.

WRITTEN COMMENTS FILED: Supportive: -0- Concern: -0- Opposition: -0-

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Section 2. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this _____ day of _____, 2016.

FILED with the Secretary of State _____, 2016.

EFFECTIVE _____, 2016.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

SEAN M. PARKS, Chairman

ATTEST:

NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY

MELANIE MARSH, County Attorney

ATTACHMENT - 1

From: DORIS M. CLAY
P.O. Box 195 Groveland FL. 34736
352-429-2457

The property in question at
4915 Mt. Pleasant Rd.
Groveland FL. 34736

Has never been used for anything
other than Ag. use since it was
purchased, we do not need a
conditional use permit

Thank you
Doris Clay

RECEIVED
NOV 12 2015

BY:

ATTACHMENT - 2

CONDITIONAL USE PERMIT

CUP#87/10/2-2

This Conditional Use Permit is granted by the Board of County Commissioners of Lake County, Florida, to Kevin Stiefel "Permittee", for the purpose and the terms, and the conditions as set out herein pursuant to authority contained in Article VIII, Section 80, Paragraph 80.11, of the Lake County Zoning Regulations, Ordinance 1971-6, as amended.

Background: The applicant is requesting a CUP in A (Agricultural) for home occupation for repair of agricultural equipment. (10 +/- acres)

1. Permission is hereby granted to Kevin Stiefel to construct, operate and maintain an agricultural equipment repair facility in and on real property in Lake County. The property is located in the Mascotte area: Property lying on N side of Mt. Pleasant Rd. (DR2-1412) approximately 1/2 mile S of intersection of SR 50 & C-565. The property is more particularly described as:

LEGAL DESCRIPTION: Tracts 25 of Groveland Farms, Sec. 23, Twp. 22S, Rge. 24E.

2. Terms: The agricultural equipment repair facility shall mean and include the total of the following:

A. Land Uses

Permitted uses shall be a residence, a structure to utilized to repair agricultural equipment only and other structures normally associated with the repair of agricultural equipment as determined by the Director of Development Coordination. All other uses permitted by the A (Agricultural) district shall also be permitted.

B. Setbacks

All structures used for the repair of agricultural equipment shall maintain a two-hundred (200') ft. setback from all boundaries of the CUP. Structures used to store the owners agricultural equipment may maintain a twenty-five (25') foot setback.

C. Fencing

A fence shall be constructed around the area used for the repair facility as indicated on the preliminary development plan.

FILED
JUN 17 0 37 AM '08
LAKELAND COUNTY CLERK
LAKELAND COUNTY FLORIDA

D. Operation

1. Hours of operation shall be from 7 A.M. to 6 P.M. Monday through Saturday.
2. Only three employees shall be permitted as part of the operation.
3. Any lighting shall be directed so that it falls primarily on the site covered by the CUP.
4. No loudspeakers shall be permitted.

E. Permitting

Prior to the issuance of permits, the applicant must file a site plan for approval by the Site Plan Advisory Committee. The site plan shall meet all submittal requirements and comply with all County codes and ordinances.

- F. After establishment of the facilities as provided herein the aforementioned property shall only be used for the purposes named in this Conditional Use Permit 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 Director of Development Coordination and 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 violate 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 upon any successor and his interest hereto.

- 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 or his successor in interest, shall be deemed a material breach hereof and this Conditional Use Permit may be cancelled or revoked. Cancellation or revocation of this Permit may be instituted by the County or Planning and Zoning Commission. The Director of Development Coordination shall set this matter for Public Hearing before the Planning and Zoning Commission giving the same notice as provided in Section 40 of the Lake County Zoning Regulations, as amended.
- D. Construction and/or operation shall have begun within SIX (6) 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 Department at the end of the SIX (6) months period to ensure compliance with the conditions of the CUP.
- E. The effectiveness of the Conditional Use Permit is expressly conditioned upon, and said Conditional Use Permit shall not become effective for any reason unless and until the following events have occurred:
1. Permittees shall have agreed to each and every condition by properly executing and signing the Conditional Use Permit.
- F. Unless this Conditional Use Permit, properly executed, has been returned to the Director of Development Coordination within THREE (3) MONTHS from the date of approval by the Board of County Commissioners as indicated herein, it shall become null and void and the Permittee must apply to the Planning and Zoning Commission and the Board of County Commissioners for rehearing of the request.

PASSED AND ADOPTED by the Board of County Commissioners of Lake County, Florida, on the 10th day of November, 1987, A.D.

ACKNOWLEDGED:

The undersigned Permittee by execution hereof agrees to each and every condition and obligation of this Conditional Use Permit and promises to perform each and every obligation and condition of the Permittee hereunder.

Kevin Stiefel
Kevin Stiefel
"Permittee"

STATE OF FLORIDA)
 :
COUNTY OF LAKE)

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements,...

Kevin Stiefel

to me well known and known to me to be the individual described in and who executed the foregoing instrument, and he/she acknowledged before me that he/she executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Lake County of
Lake, State of Florida, this 12th day of January,
1988, A.D.

MY COMMISSION EXPIRES: 10/05/89

(SEAL)

Eloise E John
Notary Public

Conditional Use Permit CUP#87/10/2-2

AUTHENTICATED BY:

Michael Szunyog
MICHAEL SZUNYOG
Director of Development Coordination

STATE OF FLORIDA)
 :
COUNTY OF LAKE)

James C. Watkins
JAMES C. WATKINS
Clerk of the Circuit Court

I HEREBY CERTIFY that on this day personally appeared before me, an officer, duly authorized to administer oaths and take acknowledgements,

MICHAEL SZUNYOG and JAMES C. WATKINS

to me well known and known to me to be the individuals described in and who executed the foregoing instrument, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Lavae, County of Lake, State of Florida, this 19th day of Jan, 1988, A.D.

MY COMMISSION EXPIRES:
(SEAL)

NOTARY PUBLIC, STATE OF FLORIDA
COMMISSION EXPIRES AUG. 24, 1990
JAMES C. WATKINS, NOTARY PUBLIC UNDERWRITER

James C. Watkins
NOTARY PUBLIC