

LAKE COUNTY PLANNING AND ZONING DIVISION
CUP REVOCATION STAFF REPORT

PLANNING AND ZONING BOARD
March 29, 2017



BOARD OF COUNTY COMMISSIONERS
April 18, 2017

CUP#01/1/1-5 Evans Family Cemetery	District 5	Agenda Item #1
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Requested Action: Voluntary Revocation of the CUP to operate a private family cemetery on .04-acres of Agriculture zoned property on CR 42 in the Leesburg area. The current property owner provided communication of their desire to not continue the conditional use.

Former Owner: Kenneth and Rosann Evans

Current Owner: Cindy Carissimi & Jennifer Hatch

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:

CUP#01/1/1-5 - (Evans/Hatch Family Cemetery) – Revocation of the CUP to operate a private family cemetery on .04-acres of Agriculture zoned property. The current property owners (Hatch) provided communication of their desire to not continue the conditional use.

WRITTEN COMMENTS FILED: Supportive: -0-

Concern: -0-

Opposition: -0-

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**ORDINANCE #2017-XX
Voluntary Revocation
CONDITIONAL USE PERMITS**

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

7 **WHEREAS**, on March 29, 2017, the Lake County Planning and Zoning Board reviewed Conditional
8 Use Permits, as referenced herein, for voluntary revocation; and

9 **AND**, after giving Notice of Hearing on the aforesaid petitions, including a notice that said would be
10 presented to the Lake County Board of County Commissioners on April 18, 2017, and

11 **WHEREAS**, the Lake County Board of County Commissioners reviewed said petition(s), the
12 recommendation of Lake County Planning and Zoning Board, and any comments, favorable or unfavorable
13 from the public and surrounding property owners at a Public Hearing duly advertises, and

14 **WHEREAS**, upon review of the voluntary revocations for those certain properties contained herein
15 have been dully approved, and

16 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County,
17 Florida that the Land Development Regulations of Lake County, Florida, be altered and amended as they
18 pertain to the aforesaid track of land, described herein.

19 **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map in
20 accordance with this Ordinance to reflect a revocation of Conditional Use Permits contained
21 herein, which are now null and void upon execution of this ordinance.

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23 **CUP#01/1/1-5 - (Evans/Hatch Family Cemetery)** – Revocation of the CUP to operate a private family
24 cemetery on .04-acres of Agriculture zoned property on CR 42 in the Leesburg area. The current property
25 owners (Hatch) provided communication of their desire to not continue the conditional use.
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Section 2. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this _____ day of _____, 2017.

FILED with the Secretary of State _____, 2017.

EFFECTIVE _____, 2017.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

TIMOTHY I. SULLIVAN, CHAIRMAN

ATTEST:

NEIL KELLY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

APPROVED AS TO FORM AND LEGALITY

MELANIE MARSH, COUNTY ATTORNEY

RECEIVED

DEC 28 2016

CODE ENFORCEMENT SERVICES

11-16-16
Date

CINDY L CARISSIMI & JENNIFER L HATCH
Owner's Name

1731 CASTEEN Rd
Owner's Address

LEESBURG, FL 34748
City, State, Zip Code

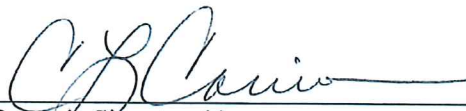
Re: Voluntary Revocation of Conditional Use Permit # 01/1/1-5

Dear County Staff:

Effective the date of this letter, I wish to revoke the referenced Conditional Use Permit for the following reason(s): CONDITIONAL USE PERMIT
cemetery was in place prior to my purchase
of said & unbeknownst to me.
(Property)

The physical address for the subject conditional use permit is ALT KEY 3335376
EMERALDA ISLAND Rd.

Sincerely,


Owner's Signature(s)

ORDINANCE NO. #2001-4
CUP#01/1/1-5
Tracking No. #10-01-CUP
Kenneth & Rosann Evans

Doc# 2001012012
Book: 1908 - 156
Pages: 153
Filed & Recorded
02/09/2001 02:25:36 PM
JAMES C. WATKINS
CLERK OF CIRCUIT COURT
LAKE COUNTY
RECORDING \$ 17.00
TRUST FUND \$ 2.50

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE. Book 1908 Page 153

This Conditional Use Permit (CUP) is granted by the Board of County Commissioners of Lake County, Florida, this 23rd day of January, 2001 to **Kenneth & Rosann Evans** "Permittee", 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 A (Agriculture) for a private family cemetery. (0.4 +/- acres)

1. Permission is hereby granted to Kenneth and Rosann Evans to operate and maintain a private family cemetery in and on real property in Lake County. The property is located in the Emerald Island area - Intersection of CR 452 and Emerald Island Road; W on Emerald Island Road approximately 1-1/4 miles to intersect Bridle Path Lane to property lying SW of the road. (Sec 9 Twp. 18S Rge. 25E)

LEGAL DESCRIPTION: [EXHIBIT "A" - ATTACHED]

2. Terms: This Ordinance shall mean and include the total of the following land uses. The County Manager or designee shall amend the Lake County Zoning Maps to reflect a CUP in Agriculture, in accordance with this Ordinance.
 - A. Land Use: private family cemetery. The development shall substantively comply with the submitted conceptual plan. An "A" type landscape buffer shall be provided, but the width shall be five (5) feet.
 - B. Permitting: Submittal of a Site Plan as defined by Chapter 14 shall be required at the discretion of the County Manager or designee.
 - C. Additional right-of-way dedication may be required, if warranted, by development impact.
 - D. Future Development Orders: Any requested development order must comply with the Lake County Land Development Regulations, as amended, and the Lake County Comprehensive Plan, as amended.
 - E. Future Amendments to States, 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, include any future amendments to the Statutes, Code, Plan, and/or Regulations, as amended. The applicant must comply with site plan approval requirements for fire suppression and fire protection.

R. SANDY - BOARD SUPPORT

ORDINANCE NO. #2001-4
(Tracking No. #10-01-CUP) (CUP#01/1/1-5) (Kenneth & Rosann Evans)

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 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. Provided the operation has begun with the period specified, this permit shall be inspected by the Code Compliance Department at the end of the TWELVE (12) month period to ensure compliance with the conditions of this CUP.

ORDINANCE NO. #2001-4
(Tracking No. #10-01-CUP) (CUP#01/1/1-5) (Kenneth & Rosann Evans)

SECTION 5. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 23 day of January, 2001.

FILED with the Secretary of State February 2, 2001.

EFFECTIVE February 2, 2001.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

Catherine C. Hanson
CATHERINE HANSON, CHAIRMAN

ATTEST:

James C. Watkins
for JAMES C. WATKINS, Clerk of the
Board of County Commissioners
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY:

Sanford A. Minkoff
SANFORD A. MINKOFF, County Attorney

EXHIBIT "A" - LEGAL DESCRIPTION

ORDINANCE NO. #2001-4
CUP#01/1/1-5
Tracking No. #10-01-CUP
Kenneth & Rosann Evans

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

LEGAL DESCRIPTION: FROM NE COR OF NW 1/4 OF NE 1/4 RUN S 0DEG 14MIN 25SEC W ALONG E LINE OF NW 1/4 OF NE 1/4 A DIST OF 999 FT, N 89DEG 50MIN 37SEC W 608.56 FT FOR POB, CONT N 89DEG 50MIN 37SEC W 718.11 FT, N 0DEG 07MIN 50SEC E ALONG W LINE OF NE 1/4 A DIST OF 597.88 FT TO CENTERLINE OF CR NO 5-8037, N 83DEG 44MIN 56SEC E ALONG SAID CENTERLINE 723.91 FT, S 0DEG 14MIN 25SEC W 678.66 FT TO POB--LESS W 354.74 FT & LESS RD R/W-- ORB 1122 PGS 2154, 2156