

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
APPLICATION FOR CONDITIONAL USE PERMIT

PLANNING & ZONING BOARD
 September 5, 2012



BOARD OF COUNTY COMMISSIONERS
 September 25, 2012

CUP #12/10/1-1 Horses with a Mission	Case Manager: Jennifer M. Cotch, Environmental Specialist	Agenda Item # 3
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Applicant: Elaine Barton (the "Applicant")

Owner: Roy and Elaine Barton (the "Owner")

Requested Action: The Applicant is requesting a Conditional Use Permit in the Agriculture (A) Zoning District in the Green Swamp Area of Critical State Concern to allow a Riding Stable/Academy for horse riding lessons.

- Site Location & Information -

Approximate site location outlined in **RED**



Size	5 +/- acres	
Location	Groveland area East of SR 33 and South of SR 50	
Alternate Key #'s	1103355	
Future Land Use & Maximum Density	Green Swamp Rural 1 du/5 net ac	
	Existing	Proposed
Zoning District	A	A
Density	1 du/5 ac	1 du/5 ac
Floor Area Ratio (LDR Table 3.02.06)	0.10 max	0.10 max
Impervious Surface Ratio (LDR Table 3.02.06)	0.10 max	0.10 max
Joint Planning Area	N/A	
Utility Area	Groveland	
Site Utilities	Existing well and septic system	
Road Classification	Local	
Flood Zone/ FIRM Panel	Zones X and AE/Panel 540 7/03/02	
Commissioner District	1 (Hill)	

Site Visit July 18, 2012
 Sign Posted August 15, 2012 (2 posted)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural	Agriculture (A)	Rural Residential	Ag Exempt
South	Green Swamp Rural	Agriculture (A)	Rural Residential	
East	Green Swamp Rural		Lake Stewart	Wetlands/waterbody
West	City of Groveland		Vacant	Owned by Church

– Summary of Staff Determination –

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the Conditional Use Permit request for a Riding Stable/Academy subject to the conditions set forth in the attached Ordinance.

PLANNING & ZONING BOARD RECOMMENDATION: The Planning & Zoning Board unanimously recommends **APPROVAL** of the request subject to the conditions set forth in the attached Ordinance.

– Summary of Analysis –

The Applicant is requesting a Conditional Use Permit (CUP) in the Agriculture (A) Zoning District on approximately five (5) acres of property to allow a Riding Stable/Academy for riding lessons. The subject property is located south of Groveland in the Green Swamp Area of Critical State Concern, southeast of the State Road 50 and State Road 33 intersection. The property currently has one existing residence, a mobile home (Granted through CUP 99/7/1-2), a barn, a workshop, and two (2) storage sheds. The existing barn will be used to conduct the proposed activities. The Applicant has been granted a variance (BOA# 17-12-1) to allow the barn to be closer than the required 200-ft from the property lines and to permit a Riding Stable on a property of five (5) acres instead of the minimum ten (10) acres required by the Lake County Land Development Regulations (LDR), Section 3.01.04, Subsection 4.a.

The property is located within the Green Swamp Rural Future Land Use Category (FLUC). The requested use is consistent with the 2030 Comprehensive Plan, which permits equestrian related uses in the Green Swamp Rural FLUC pursuant to Policy I-4.2.3, and Land Development Regulations (LDR), which allows *Riding Stables or Academies* in the Agriculture (A) Zoning District with the issuance of a CUP.

– STANDARDS OF REVIEW & ANALYSIS –

(Per Section 14.05.03 of the Land Development Regulations)

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

The proposed conditional use is consistent with criteria contained in Comprehensive Plan Policy I-4.2.3 for the Green Swamp Rural FLUC which allows equestrian related uses.

Riding Stables and Academies are allowed with a conditional use permit in the Agriculture Zoning District, pursuant to LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*. The proposed use is consistent with LDR Section 3.01.04(4) *Key to Conditions in Table of Permitted and Conditional Uses*, because of the variance referenced above. The Board of Adjustment (BOA) granted two variances (BOA# 17-12-1) to LDR Section 3.01.04(4) on June 14, 2012 with conditions. The variances allowed:

1. A reduction to the minimum acreage for Riding Stables or Academies which are required to be a minimum of 10 acres in size. The property is five (5) acres.
2. A reduction in the setback for Structures housing the animals to be less than 200 feet from the nearest right-of-way or adjacent property line. The variance will allow the barn to be 35 feet from the property lines.

The conditions were specifically added to this variance because there is a single-family home adjacent to the existing barn and that neighbor was not in support of allowing the variance.

The existing barn was constructed as an Agricultural Building and was not intended for public use. The structure did not obtain Building Permits or undergo inspections to determine if the structure met the Florida Building Code. If the CUP request is approved, a condition in the proposed ordinance will require the Applicant to demonstrate compliance of the structure with the Florida Building Code prior to its use by the public, to ensure that there are no public safety concerns.

The Application was forwarded to the Florida Department of Community Affairs (DCA) since the property is located within the Green Swamp Area of Critical State Concern. Staff did receive written concerns and suggestions from DCA and the proposed Ordinance includes conditions that attempt to satisfy the concerns that were raised.

B. Effect on Adjacent Properties.

1. The proposed Conditional Use will not have an undue adverse effect upon nearby property.

The attached CUP ordinance contains provisions to ensure the mitigation of adverse impacts on adjacent properties through the implementation of landscaping, buffering, noise and hours of operation.

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

The area is mostly characterized by agricultural and some rural residential uses. Riding Stables/Academies are allowed in the Agricultural Zoning District with a Conditional Use Permit and a similar use, Horse Breeding Farms is also permitted. The proposed conditional use will be made compatible with the surrounding agricultural and rural residential land uses through the conditions implemented by the proposed ordinance limiting off-site impacts.

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.

Landscape buffers will be required to screen the proposed recreational activities from adjacent rural residential uses. The proposed Ordinance contains conditions addressing setbacks, landscaping, buffering, noise and hours of operation to limit impacts on properties within the immediate vicinity. These conditions are intended to minimize any adverse effects on property in the immediate vicinity of the proposed conditional use. These items will be implemented during the site plan process.

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.

The CUP will not interfere with the development of neighboring properties. The proposed horse stable/academy use will be contained on-site with setbacks, landscaping, buffering, screening, noise and hours of operation addresses and incorporated into the proposed Ordinance to mitigate any impacts to adjacent land uses. See the attached Conceptual Plan for generalized layout.

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.

The proposed rezoning for the proposed use will not result in additional demands on public facilities. The property is being served by an existing well and septic system. The City of Groveland has indicated that there is no central water/sewage available to this property. To ensure development impacts are minimized, the proposed ordinance will require submittal of a site plan application to fully assess the development impact on public facilities.

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 approximately nine (9) miles from Lake County Fire Station 109 (closest fire station), located at 11630 Lakeshore Drive, Clermont.

FINDINGS OF FACT: Staff has reviewed the application for the proposed conditional use permit and found:

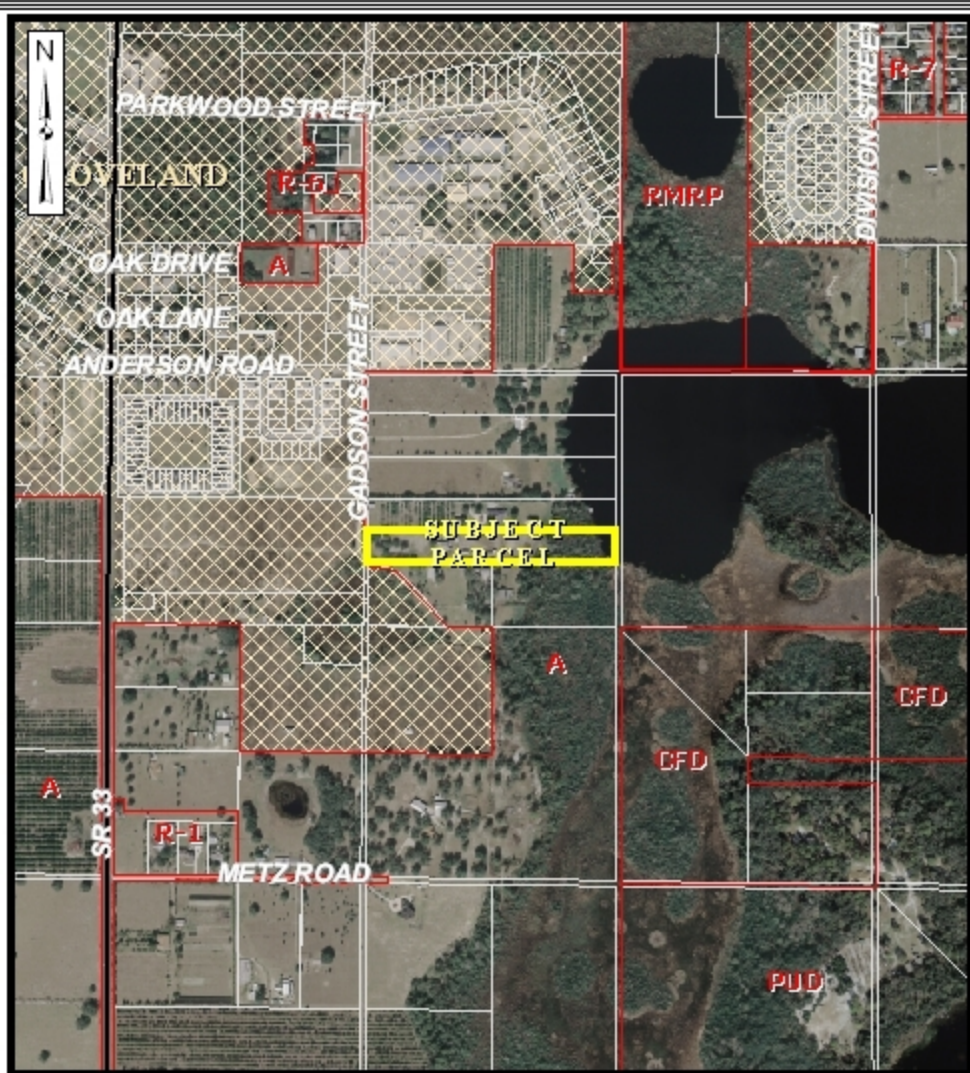
1. The request is consistent with the Comprehensive Plan Policy I-4.2.3 which allows equestrian related uses in the Green Swamp Rural Future Land Use Category.
2. The request is consistent with the Comprehensive Plan Policy I-4.2.3 which permits the Agriculture (A) Zoning District and uses within the Green Swamp Rural Future Land Use Category.
3. The request is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allow riding stables or academies in the Agriculture (A) Zoning District with the issuance of a CUP.
4. The Applicant was granted a variance (approved through BOA# 17-12-1) from the requirements of LDR Section 3.01.04(4) *Key to Conditions in Table of Permitted and Conditional Uses*, which indicates that riding stables or academies, where permitted, shall not be located on a tract of land less than 10 acres in size, and the structures housing the animals shall not be less than 200 feet from the nearest right-of-way or adjacent property line owned by others.

Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, as specified in the proposed ordinance.

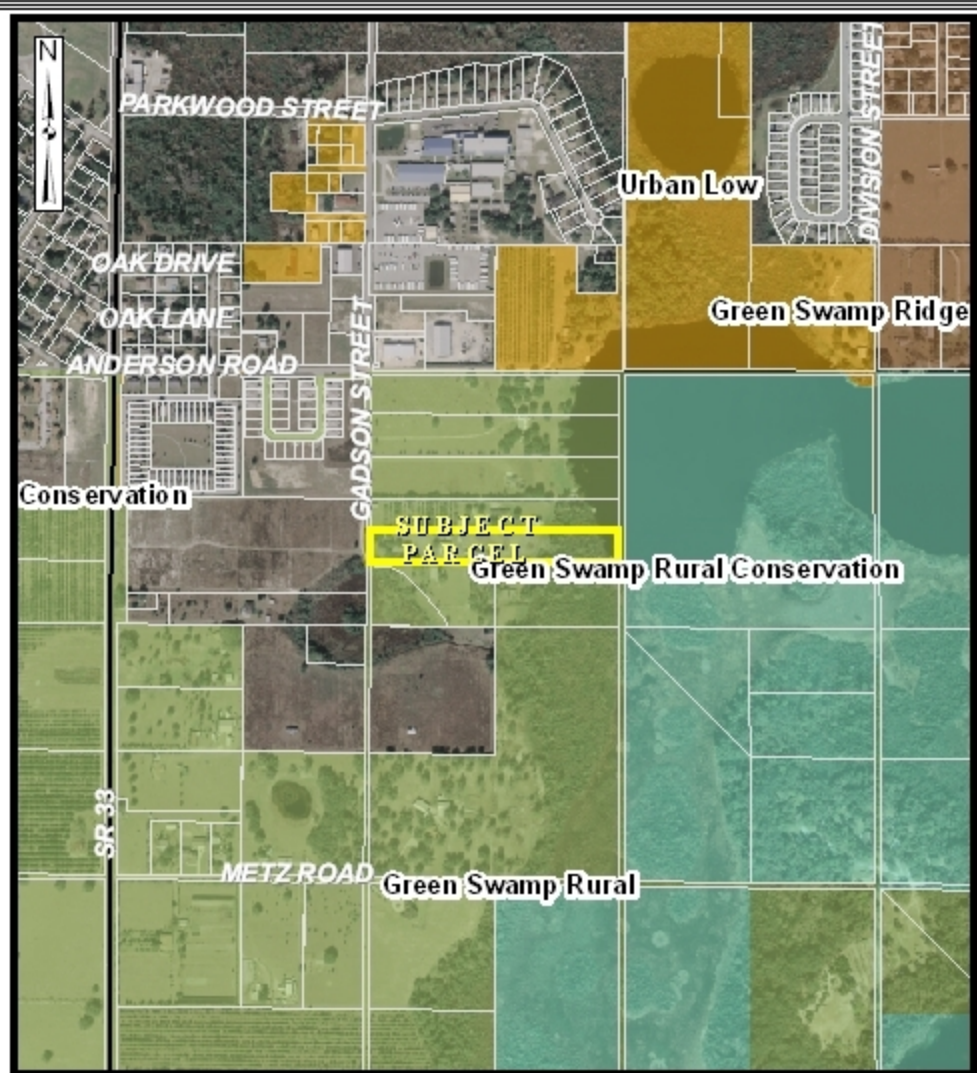
WRITTEN COMMENTS FILED: Supportive: -3-

Concern: -0-

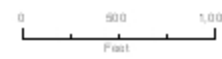
Opposition: -3-



CURRENT ZONING
AGRICULTURE (A)



2030 FUTURE LAND USE
GREEN SWAMP RURAL



HORSES WITH A MISSION

CASE NO.
CUP# 12/10/1-1

CASE LOCATION:
30-22-25

REQUESTING:
CUP to allow horse boarding and riding facility

ZONING (Red outline)

LAND USE (Purple outline)

SUBJECT PARCEL (Yellow outline)

DISCLAIMER:
Lake County GIS Department (December, 2008) Aerial Imagery, Data Completion and Map production compliments of the Growth Management Department, Planning and Community Design.

The map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners. It is intended to be accurate as to labeling, dimensions, contours, property boundaries, or placement or location of any map features. Neither the Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE, EXPRESS OR IMPLIED, WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data presented on this map product should be obtained by the user of this map.

MAP COMPOSITION:
JANUARY, 2008

FOCUS AREA

LAKE COUNTY
PLANNING

- 1 1. Site plan approval is required for the Riding Stable/Academy and associated uses. The
2 Applicant shall submit a site plan application as specified Section "I" below for review and
3 approval within six (6) months of the effective date of this Ordinance.
- 4 2. Existing Structures. The existing barn shall be allowed to remain in its current location, 35
5 feet from the south parcel line, which is less than 200 feet from the property line, and is
6 not centered on the parcel, per BOA #17-12-1, under the following conditions:
 - 7 a. The existing livestock building footprint shall not be expanded beyond
8 what is shown on Exhibit "A", and
 - 9 b. The maximum amount of horses on the parcel shall not exceed four (4)
10 horses and one (1) pony.
- 11 3. Building Permits: The Permittee shall demonstrate that all structures, including the barn to
12 be used as a public stable meets all requirements of the Florida Building Code, including
13 Fire Protection Codes.
- 14 4. Animal Waste:
 - 15 a. There shall be no storage of animal waste within the setback or buffer areas and all
16 waste shall be properly composted if collected onsite.
 - 17 b. No raw animal waste shall be spread on site unless it has been properly composted.
18 Other techniques may be used to break up manure in the pasture and accelerate the
19 natural degradation.
- 20 5. There shall be no storage of materials, equipment or vehicles within setbacks, buffers or
21 easements.
- 22 6. Noise: Public Address Systems or similar amplification devices shall not be installed or
23 used. Compliance shall be in accordance with the LDR, as amended.
- 24 7. Hours of Operation for the riding stable/academy use on the property will be from 9:00
25 a.m. to 8:00 p.m. or sunset, whichever is earlier during daylight savings time, and 9:00
26 a.m. to sunset during winter. Hours of Operation will be from Sunrise to Sunset, with the
27 exception of care and feeding of livestock.
- 28 8. Lighting: Exterior lighting shall not illuminate adjacent properties or public right of way,
29 and shall be in accordance with the LDR, as amended, and consistent with Dark-Sky
30 Principles. Security lighting shall be limited to motion sensor type lighting.
- 31 9. Parking: Parking surfaces may be grass or other pervious material, except as required for
32 disabled access.
- 33 C. Setbacks: Setbacks shall be in accordance with the Comprehensive Plan and LDR, as
34 amended, and in accordance with the variance granted by BOA #17-12-1.
- 35 D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in
36 accordance with the Comprehensive Plan and LDR, as amended.
- 37 E. Landscaping, Buffering and Screening shall comply with the LDR, as amended, and in
38 accordance with the variance granted by BOA #17-12-1, the existing Type "G" landscape
39 buffer established between the existing livestock building and the southern property line shall
40 be maintained.

- 1
- 2 F. Fire Protection and Emergency Services Access:
- 3 1. Access and fire safety requirements of the property shall be provided in accordance with
- 4 the Florida Fire Prevention Code and LDR, as amended, for public safety purposes.
- 5 2. An improved and unobstructed point of ingress and egress shall be provided for all
- 6 emergency vehicles. If improvements are necessary for ingress and egress, the property
- 7 owner shall be responsible for constructing the point of ingress and egress to Lake
- 8 County standards.
- 9 G. Transportation Improvements/Access Management: Shall be in accordance with the LDR, as
- 10 amended. For access off Gatson Street, the Applicant may need to provide an adequate
- 11 stabilized easement from the adjacent property owners. The easement must be wide enough
- 12 to allow two (2) vehicles to pass and be stabilized to support emergency vehicles in all
- 13 weather conditions.
- 14 H. Signage: Signs shall be in accordance with the LDR, as amended.
- 15 I. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall
- 16 submit a site plan generally consistent with EXHIBIT "A" – CONCEPTUAL PLAN, for review
- 17 and approval in accordance with the Comprehensive Plan and LDR, as amended. Any
- 18 deviation that is not generally consistent with the Conceptual Plan may require an amendment
- 19 of the CUP Ordinance as determined by the County Manager or designee.
- 20 J. Other Approvals. The use on the property shall be in conformance with all Federal, State and
- 21 Local Regulations at all times.
- 22 K. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in
- 23 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
- 24 Comprehensive Plan, and Lake County Land Development Regulations shall include any
- 25 future amendments to the Statutes, Code, Plans, and/or Regulations.
- 26 L. After establishment of the facilities as provided herein, the aforementioned property shall only
- 27 be used for the purposes named in this Conditional Use Permit, unless a proposed use meets
- 28 every requirement of the zoning district in which the property is located. Any other proposed
- 29 use must be specifically authorized by the Board of County Commissioners.

30 **Section 3. Additional Conditions:**

- 31 A. In the event of any breach in any of the terms or conditions of this permit or any default or
- 32 failure of the Permittee or his successor to: Fulfill development in substantial accordance with
- 33 the conceptual plan as submitted to the Planning & Zoning Board and the Board of County
- 34 Commissioners; comply with the codes of the governmental agencies having lawful and
- 35 appropriate jurisdiction thereon; or comply with any of the terms of the Conditional Use
- 36 Permit; or if this CUP is found to become a nuisance or safety hazard, the permit may be
- 37 revoked after due Public Hearing before the Planning & Zoning Board and the Board of
- 38 County Commissioners.
- 39 B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant
- 40 running with the land; and the purpose, terms, and conditions contained herein shall be
- 41 binding upon the Permittee or any successor and his interest hereto.

- 1 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code
- 2 Enforcement Special Master shall have authority to enforce the terms and conditions set forth
- 3 in this ordinance and to recommend that the ordinance be revoked.
- 4 D. Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure
- 5 compliance with the conditions of this Conditional Use Permit and the approved site plan. An
- 6 annual inspection fee will be assessed. If an emergency inspection is necessary during non-
- 7 operating hours, a fee shall also be assessed.

8 **Section 4. Effective Date. This Ordinance shall become effective as provided by law.**

9
 10 ENACTED this _____ day of _____, 2012.
 11
 12 FILED with the Secretary of State _____, 2012.
 13
 14 EFFECTIVE _____, 2012.

15
16 **BOARD OF COUNTY COMMISSIONERS**
17 **LAKE COUNTY, FLORIDA**

18
19 _____
LESLIE CAMPIONE, Chairman

20 **ATTEST:**

21
 22 _____
 23 NEIL KELLY, Clerk of the
 24 Board of County Commissioners
 25 Lake County, Florida

26 **APPROVED AS TO FORM AND LEGALITY**

27 _____
 28 SANFORD A. MINKOFF, County Attorney

March 20, 2012

To Whom It May Concern;

I am writing this letter to share our experiences with "Horses with a Mission". I had been searching for a recreational activity for my son, Sammy. Sammy has a neurological malformation that greatly interferes with his learning and overall development. As he reached the age that most children join team sports or group activities, Sammy stayed home with his family playing in the backyard. He longed to join in, but our multiple attempts at outside activities had been futile. Then, we heard about "Horses with a Mission".

In January 2012, we drove to meet Elaine and Commanche. Sammy is usually very shy with strangers, but this time he felt immediately at ease. Within his first lesson, Sammy was learning to ride. The joy on his face let us know that we had found the perfect place for recreation with an added therapeutic benefit. In just two months, Sammy has learned a two point stance and has begun trotting on Commanche. These are amazing feats considering he cannot balance on a bike with training wheels. In fact, we are beginning to see improvements in his overall movement. He falls less often when walking, and we hope to see him riding his bike to school next year. The best part of all, Sammy wakes up every Saturday morning, jumps out of bed, and dresses himself for his date with Commanche.

Sam's improvements alone would make the 45 minute drive worth it, but Elaine's generosity does not end with Sammy. Sammy's older sister, who possesses a mild version of the same impairment, often would come to watch her brother ride. Anna expressed a desire to join in, but we did not possess the resources to pay for another child. Elaine overheard this conversation and has graciously awarded a scholarship to Anna. Now every Saturday morning, I'm awoken by two children ready to go riding. Each Saturday, we linger as long as possible with the horses because this is our happy place. To say that "Horses with a Mission" has had an impact on our lives would be an understatement. I don't know how we lived this long without Elaine and her team of volunteers and horses.

Sincerely,

Kathy Lepore

Grateful mom

To Whom It May Concern,

Hi, my name is Sharon Cruz and I have been volunteering for "Horses with a Mission" for nearly 8 months. I discovered this program by reading an article about it in the newspaper it was about a little girl and how they had helped her and her family and that they needed volunteers. After reading this I knew immediately that this was something I was interested in looking into, as I am a freshman in high school and I was in need of volunteer hours for the Bright Futures Scholarship. After some research and a few emails I found myself at the Circle B Ranch owned by Mr. Bob Brambury. After spending the day with this wonderful group I knew that I would be involved with them for a long time. That is until I learned about 2 months or so later, while talking about the horses with Mrs. Elaine Barton, that the horses were under a lot of stress and that she wasn't sure how much longer they could continue traveling back and forth from her ranch to Circle B. Now when I heard this I was concerned for not only the program and the horses but the families of the children that love this group so much. You may think that they are only children and all kids have to learn sometime that good things must end, but these kids aren't just here for fun. They are essentially, working. They learn to use muscles and parts of their brains that without this program they probably wouldn't have developed in a fun and enjoyable way. So naturally I began to think of ways that we could lighten the stress for the horses and continue on with this wonderful program. I asked Elaine if there was another location maybe closer to her home that she could use instead, and she told me that if she could get a variance and a conditional use permit, then she would be able to have it at her home/ranch. She explained that they were already planning on applying for one and that it would be coming up soon. As you already know we passed our application for a variance and so now we need to get the conditional use permit and then we would be able to get the program at the Barton's home. This would be wonderful for the horses as well as the people involved. If we are able to continue the program at Mrs. Elaine's then we continue our cause and help countless numbers of children, volunteers, instructors, families, friends, and the community. Because this program may be designed to help children with their disabilities but it has also helped us volunteers. We have learned about how to care for the horses and our people skills have grown as well as our leadership skills. We have a greater grasp on responsibility and thanks to this program we have gotten hundreds of volunteer hours and we get to put them towards Bright Futures Scholarships. So Please Help Us, Help The Community!!!

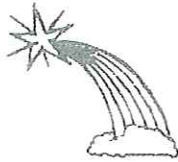
Thank You,

Sharon Cruz

July 8, 2012

Central Florida Pediatric Therapy Associates

where we instill . . .



Homebound
Occupational, Speech
Physical Therapy and
Early Intervention

352/394-0212
352/241-6361 Fax

P.O. Box 120547
Clermont, FL 34712-0547

April 18, 2012

Central Florida Pediatric Therapy Associates has found the benefit of therapeutic riding/hippotherapy to be very positive for our clientele. The rhythmic motion of the horse provides natural relaxation for our children who present with high muscle tone. The motion of the horse affects balance, equilibrium and strength. Our speech therapists find children making sounds of delight as they ride the horses. Fine motor skills are improved as the child holds the reins and reaches for toys hooked on the horses' ears. Transitioning from sit to stand with feet in the stirrups helps with pre-gait activities.

The children who have participated in therapeutic riding/hippotherapy have made significant improvements and goals that have been outlined on the Plan of Care have been met. Intervention that takes place outside, using nature as the tools of therapy, is fun for both the child and the therapist.

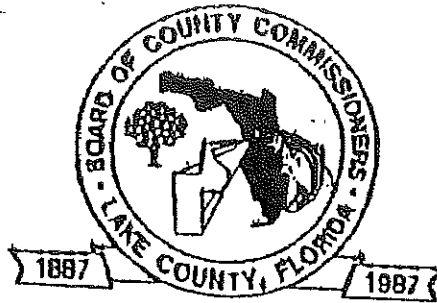
Recreational activities have proven to take therapy in a new direction, away from the traditional clinic-based approach. When children engage in the activity, improvement are made faster and with less tears.

Amy J Gomes, RPT
CFPTA



DIVISION OF PUBLIC WORKS

123 N. SINCLAIR AVE.
TAVARES, FLORIDA 32776



ADMINISTRATION
ENGINEERING
RIGHT-OF-WAY
SOLID WASTE
SUNCOM

(904) 343-8858
(904) 343-8858
(904) 343-8862
(904) 343-8855
858-1855

June 15, 1990

Elaine Vick, Vick Realty
Julia Faye Rogers, Julia Faye Rogers Realty
310 S. Dillard Street, Suite 210
Winter Garden, FL 34787

RE: Groveland Farms Easement

Dear Ms. Vick and Ms. Rogers:

The plat of Groveland Farms is recorded in the Public Records of Lake County, Florida, in Plat Book 2, Pages 10 and 11.

Lake County recognizes the easements shown on this plat as being a total of 24 feet wide, or 12 feet wide along an individual Groveland Farms tract. When two Groveland Farms tracts abut each other, and a platted easement is shown between them, the total width would be 24 feet.

In case of the easement along the East boundary of Tract 57, Section 15, Township 23 South, Range 24 East, Public Records of Lake County, Florida, the total width would be 12 feet since a numbered tract of Groveland Farms is not shown East of said Tract 57.

Although these platted easements are recognized as being Public easements, Lake County does not assume any responsibility for road maintenance unless the road is part of the current County road maintenance system.

In the case of Lake Eire Road #2-0613, Lake County does not possess a deed for right of way in Section 15, Township 23 South, Range 24 East. In those areas where the road leaves the Groveland Farms easements, the right of way is prescriptive, established by long-time maintenance.

If I can be of further help, please let me know.

Sincerely,

Donald H. Roof
Technical Support Supervisor

DIR:bl

DISTRICT ONE
C.W. "CHICK" GREGG

DISTRICT TWO
DON BAILEY

DISTRICT THREE
RICHARD SWARTZ

DISTRICT FOUR
THOMAS J. WINDHRAA

DISTRICT FIVE

RECEIVED
AUG 24 2012

BY: _____

August 24, 2012

TO: STEVE K. GREENE, AICP, CHIEF PLANNER
LAKE COUNTY PLANNING & COMMUNITY DESIGN
DEPARTMENT OF GROWTH MANAGEMENT
LAKE COUNTY BOARD OF COUNTY COMMISSIONERS
P. O. BOX 8900, 315 WEST MAIN ST., TAVARES, FL. 32778

FROM: JULIA FAYE ROGERS, 222 S. MAIN AVE., GROVELAND, FL. 34736
PHONE 352-255-3418

RE: REQUEST FOR CUP (NO. 2001207001)-ROY AND ELAINE BARTON A/K 1103355.

I am the sister of Patricia Judy, who, together with her husband, Dan Judy, have filed an Objection to the CUP referred to above.

I am very much opposed to the CUP being granted for many reasons. If you consider the dirt/clay road, it is a road of many widths and partly accessed on private property. Attached is a picture showing that there is no turn around for large vehicles at the end of this road being used.

I was advised that when Waste Management picks up garbage for the property owners in the County that live on this road, they have to back in from Anderson St. to the end of the road (approx. 950+- feet) where the Barton property is because they have no way to turn around.

I also feel that if this CUP for a Public Stable is granted that it would devalue the other properties in the area.

I am not opposed to what they are trying to do but am opposed to where they are trying to do it. Safety should be considered for a venture of this type.

Thank you for your consideration. Respectfully,


JULIA FAYE ROGERS

Attachment-Picture

A photograph of a golf course green. In the foreground, a tall utility pole stands on the left side. The green is in the middle ground, and the background is filled with lush green trees. The image is oriented vertically on the page.

No Turn Around

VIEW - South

RECEIVED
AUG 24 2012

August 23, 2012

BY: _____

TO: STEVE K. GREENE, AICP, CHIEF PLANNER
LAKE COUNTY PLANNING & COMMUNITY DESIGN
DEPARTMENT OF GROWTH MANAGEMENT
LAKE COUNTY BOARD OF COUNTY COMMISSIONERS
P. O. BOX 7800, 315 WEST MAIN ST., TAVARES, FL. 32778

FROM: DAN JUDY AND PATRICIA JUDY, HIS WIFE, 13842 GADSON ST., GROVELAND,
FLORIDA, 34736, OWNERS OF 5+- ACRES (A/K 3510283), WHICH IS ADJACENT
TO AND CONTIGUOUS TO THE SUBJECT PROPERTY.

RE: REQUEST FOR CUP (NO. 2001207001) - ROY AND ELAINE BARTON A/K 1103355.
Lot Size per copy of survey: $165.95 \times 1325.17 = 5.06+-$ ac., less W 12' for Roadway
Easement (.05+-) = 5.01+- acres, less 1.77+- ac. wetlands and lake bottom within flood
line per Fema Map (per copy of survey attached).. THIS LEAVES 3.24+- USEABLE ACRES.

This letter is to oppose the request for a CUP Public Facility (Public Stable) on this property. The property is too small, as well as, too narrow. At the front of the property is a Mobile Home permitted for a hardship and there is the main residence. The out area for the mobile home, residence, wetlands and lake bottom makes the property even smaller. LAND USE IS GREEN SWAMP RURAL (1 dwelling 5/ Net Acres). Is there a number of hardships a property is allowed?

THE BIGGEST PROBLEM IS THE ROAD ACCESS. Access to the property is by a clay/dirt road. From Anderson Street (where the dirt/clay road begins) should be maintained by the property owners; however, this has been done only by us and one other property owner. What the County should know is that the dirt/clay road in front of my property and the Barton property is owned by HOPE INTERNATIONAL CHURCH, INC. (copy of Property Record Card A/K 1704669, GIS map and survey are attached). This is not dedicated to the public, is private property and is in the City Limits of Groveland. Access to my property and to the Barton property is a 12 ft. Groveland Farms Roadway, which has not been opened.

Is there going to be any setbacks from our property line (which is contiguous to the Bartons) for the horse activities?

Will there be handicapped bathroom facilities (at this time there are two (2) septic tanks. Will there need to be another septic tank?

Will the drinking water be treated for public uses?

What will be done with the horse feces, as well as controlling the odors, which we have already experienced without a public facility.

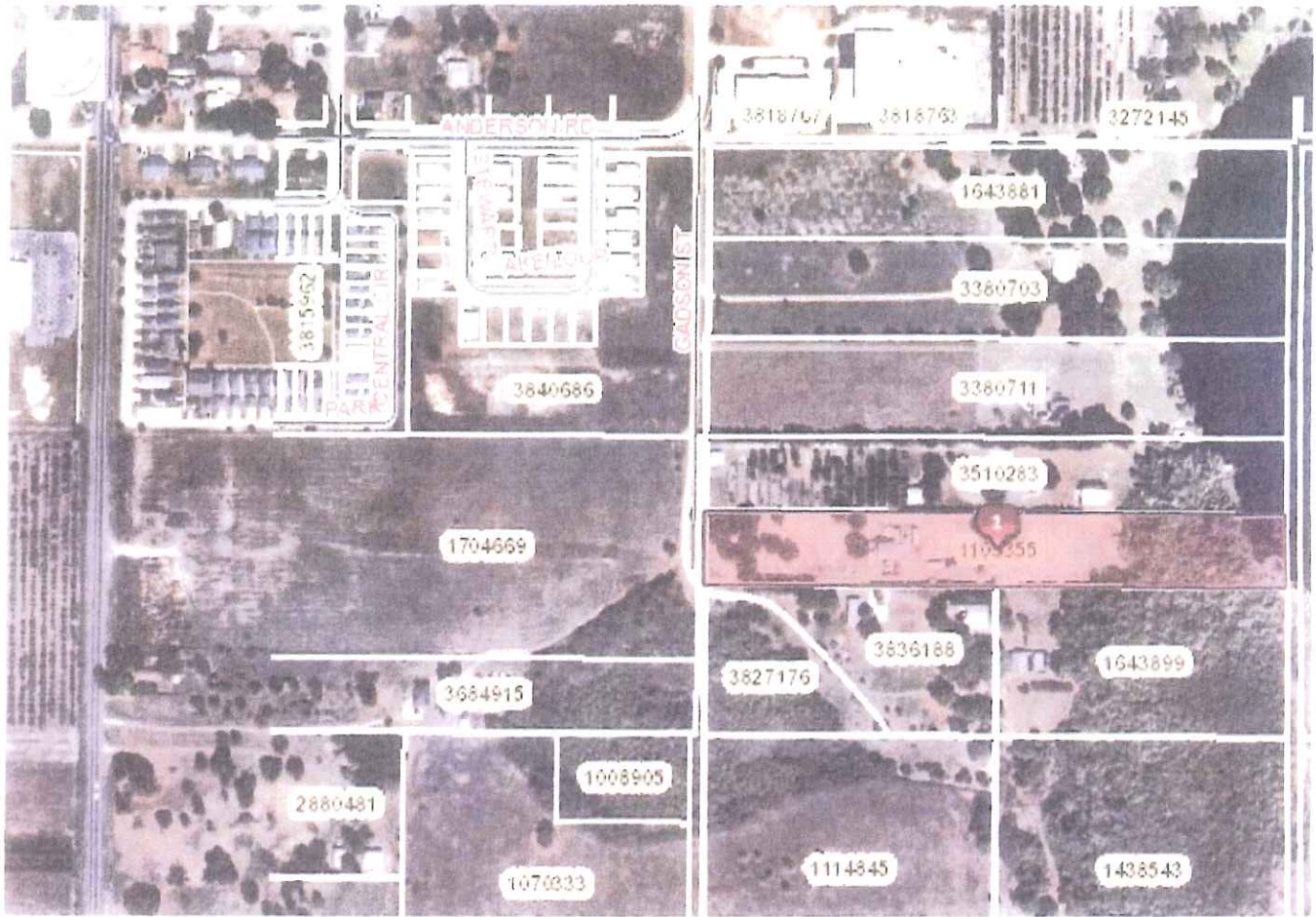
Will the emergency vehicles have room to get to the back of the property in the event of an emergency? 12 feet is not wide enough for an emergency vehicle or fire truck.

AUGUST 23, 2012

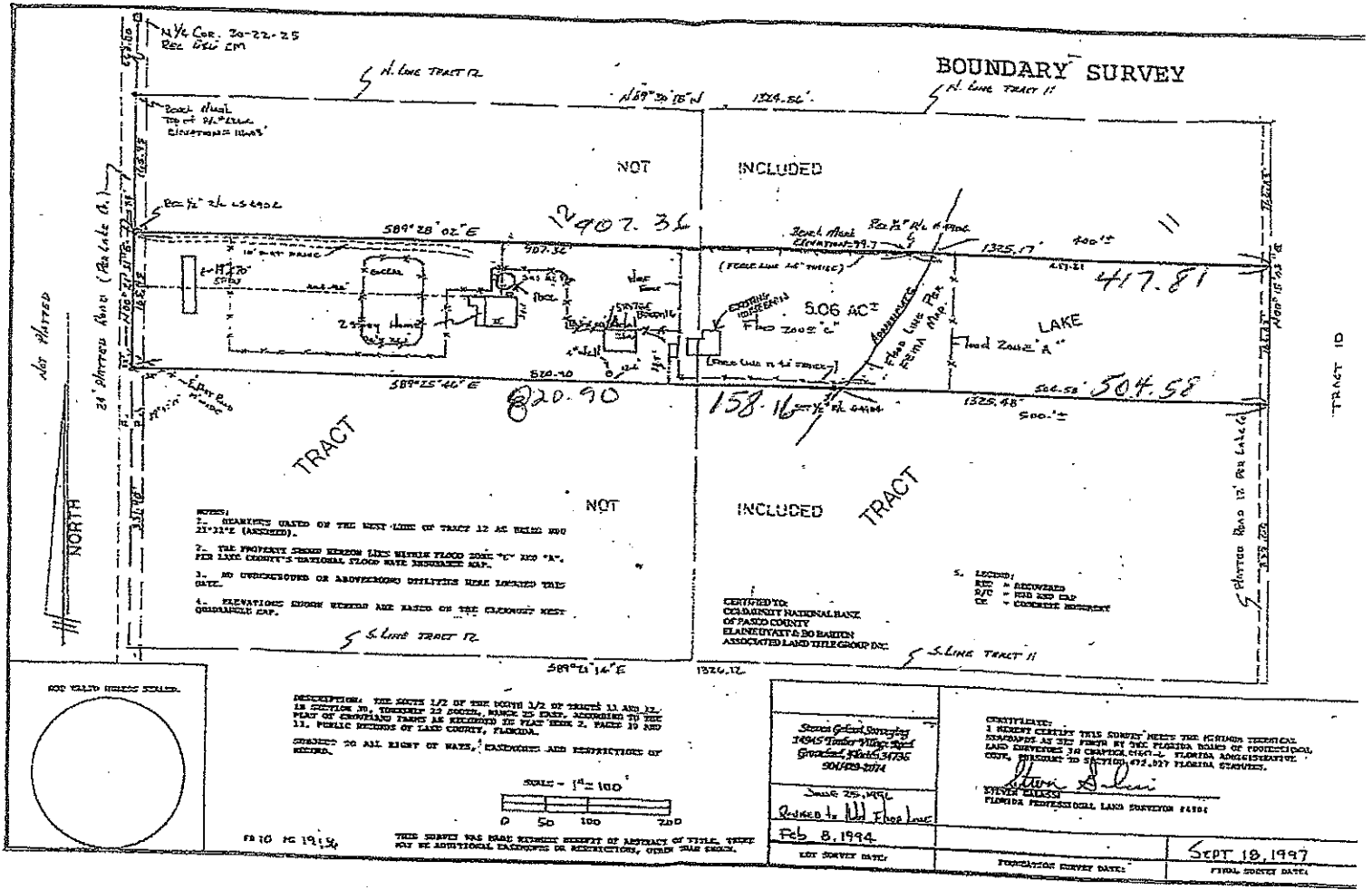
ATTACHMENTS TO LETTER FROM DAN AND PATRICIA JUDY TO STEVE K. GREENE, AICP,
CHIEF PLANNER RE CUP (2001207001)-ROY AND ELAINE BARTON (A/K 1103355)

- 1) COPY OF PROPERTY RECORD CARD, GIS MAP AND SURVEY RE BARTON PROPERTY.
- 2) COPY OF PROPERTY RECORD CARD, GIS MAP AND SURVEY FOR HOPE INTERNATIONAL CHURCH, INC. PROPERTY & COPY OF SURVEY OF PRIOR OWNER OF THIS PROPERTY FOR INFORMATION PURPOSES ONLY.
- 3) THREE(3) PICTURES RE DIRT/CLAY ROADWAY (GADSON ST.) SHOWING MANHOLE AND CONDITION OF ROADWAY.
- 4) BROCHURE FOR "HORSES WITH A MISSION" THAT IS AVAILABLE TO THE PUBLIC.

Click here to change page title



<input type="checkbox"/>	1193355 BARTON ROY B & JUDY E 13820 GADSON ST GROVELAND FL 34736	13820 GADSON ST GROVELAND, FL 34736	Zoom In	



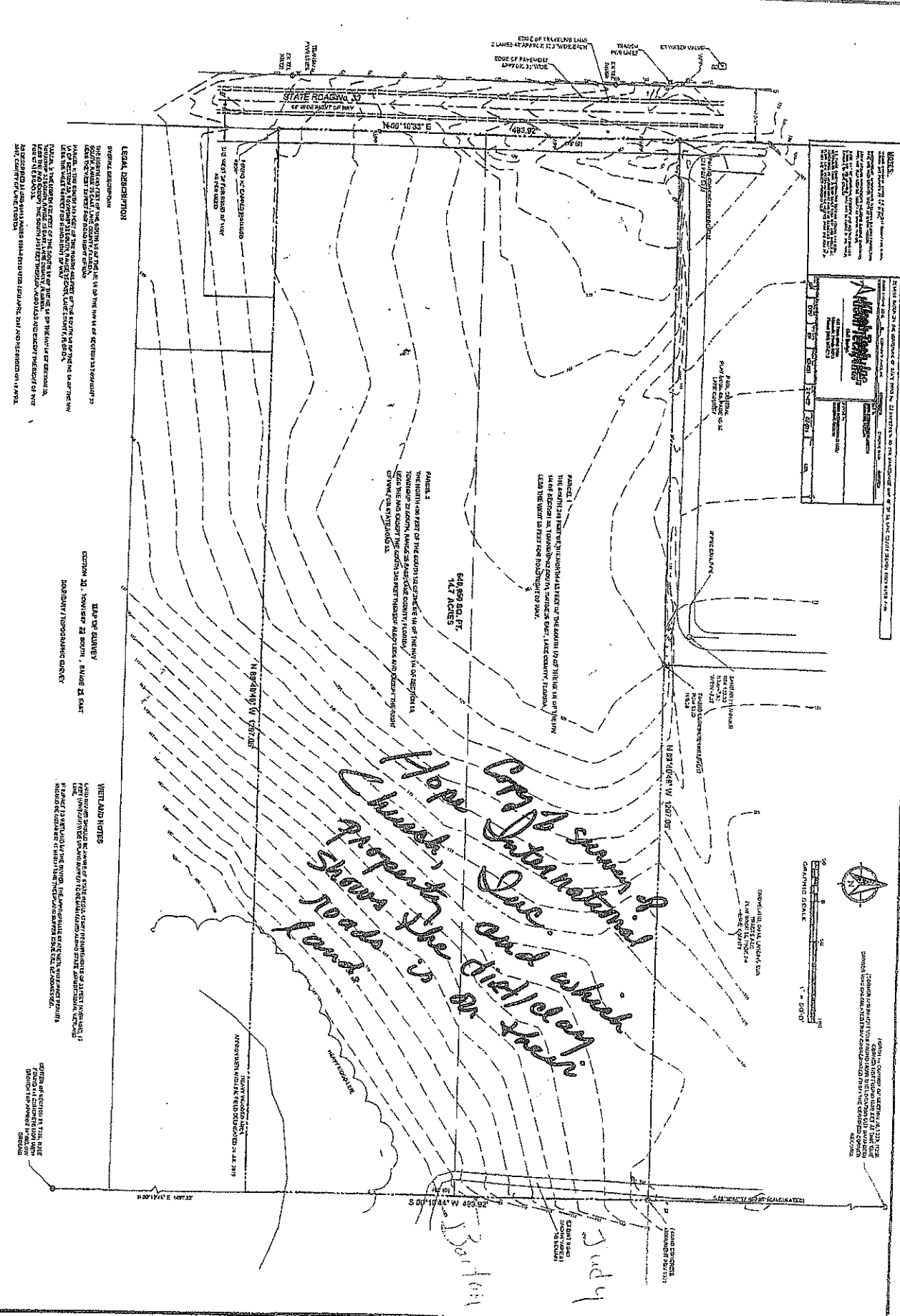
Copy of Barton Survey

[Click here to change page title](#)



#	Alt Key	Owner	Parcel Address	Owner Address	Tools
1	1704669	HOPE INTERNATIONAL CHURCH INC	13806 STATE ROAD 33 GROVELAND FL 34736	7432 HIGHWAY 50 STE 109 GROVELAND, FL 34736	Zoom In

MAP SHOWS HOPE INTERNATIONAL CHURCH, INC. PROPERTY AND JUDY AND BARTON PROPERTY, AS WELL AS THE DIRT/CLAY ROAD PRESENTLY BEING USED. ALL OF THE ROAD THAT ACCESSES THE JUDY AND BARTON PROPERTY IS ON THE CHURCH PROPERTY WHICH IS PRIVATE PROPERTY AND IS NOT DEDICATED FOR A ROADWAY AND IS IN THE CITY LIMITS OF GROVELAND. SURVEY IS ATTACHED THAT WAS PREPARED FOR CHURCH, AS WELL AS SURVEY THAT WAS DONE FOR THE PRIOR OWNER AND WHICH SHOWS THERE IS NO 12' EASEMENT ALONG THE EAST SIDE THEREOF.



LEGAL DESCRIPTION

GENERAL DESCRIPTION

SECTION 21, TOWNSHIP 28 NORTH, RANGE 28 EAST

DADE COUNTY, FLORIDA

SECTION 21, TOWNSHIP 28 NORTH, RANGE 28 EAST

DADE COUNTY, FLORIDA

LEGAL DESCRIPTION

GENERAL DESCRIPTION

SECTION 21, TOWNSHIP 28 NORTH, RANGE 28 EAST

DADE COUNTY, FLORIDA

SECTION 21, TOWNSHIP 28 NORTH, RANGE 28 EAST

DADE COUNTY, FLORIDA

FIELD NOTES

THIS SURVEY WAS MADE BY THE SENATOR INC. IN THE MONTH OF SEPTEMBER, 2011. THE SURVEY WAS MADE BY THE SENATOR INC. IN THE MONTH OF SEPTEMBER, 2011. THE SURVEY WAS MADE BY THE SENATOR INC. IN THE MONTH OF SEPTEMBER, 2011.

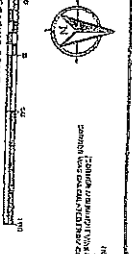
*Hope City of Suncoast
 and which
 shows the dial of
 leads us on
 hands*

NOTES

1. THIS SURVEY WAS MADE BY THE SENATOR INC. IN THE MONTH OF SEPTEMBER, 2011.

2. THE SURVEY WAS MADE BY THE SENATOR INC. IN THE MONTH OF SEPTEMBER, 2011.

3. THE SURVEY WAS MADE BY THE SENATOR INC. IN THE MONTH OF SEPTEMBER, 2011.



<p>HOPE INTERNATIONAL CHURCH 13805 ESTATE ROAD 33 GROVELAND, FLORIDA 34738</p>	<p>SENATOR INC. SURVEYING & ENGINEERING 13805 ESTATE ROAD 33 GROVELAND, FLORIDA 34738 PHONE: 813-941-1111 FAX: 813-941-1112 WWW.SENATORINC.COM</p>	<p>CIVIL DESIGN & PERMITTING, INC. 13805 ESTATE ROAD 33 GROVELAND, FLORIDA 34738 PHONE: 813-941-1111 FAX: 813-941-1112 WWW.CIVILDESIGNPERMITTING.COM</p>	<table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>HOPE INTERNATIONAL CHURCH</td> <td>09/28/11</td> </tr> <tr> <td>2</td> <td>HOPE INTERNATIONAL CHURCH</td> <td>09/28/11</td> </tr> <tr> <td>3</td> <td>HOPE INTERNATIONAL CHURCH</td> <td>09/28/11</td> </tr> </tbody> </table>	NO.	DESCRIPTION	DATE	1	HOPE INTERNATIONAL CHURCH	09/28/11	2	HOPE INTERNATIONAL CHURCH	09/28/11	3	HOPE INTERNATIONAL CHURCH	09/28/11
NO.	DESCRIPTION	DATE													
1	HOPE INTERNATIONAL CHURCH	09/28/11													
2	HOPE INTERNATIONAL CHURCH	09/28/11													
3	HOPE INTERNATIONAL CHURCH	09/28/11													

Manhole at
Anderson &
Gardner at dirt-clay
Road



Dirt-clay roadway
condition in front
of Barton + Judy
property.



Horses With A Mission,

A Licenced SpiritHorse Therapeutic Riding Center
spirithorsetherapy.com

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- [Volunteers](#)
- [Our Horses](#)
- [Applications](#)
- [Prices](#)
- [Guestbook](#)
- [How You Can Help!!](#)
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- [Contact Us!](#)
- [Gift Shop](#)
- [Program News!!](#)
- [Upcoming Estate Sales](#)
- [Summer Camp Registration](#)
- [Thrift Store](#)

{Prices}

Private lessons- \$25.00
per hr.

(All of our therapy lessons are private)

Leisure lessons/Trailrides
= \$25.00 per hr.
(Max 3 people per group)

Group rate-
\$10.00 per person/hr.
(Min. 3 people per group)

Pony/Horse Parties-

Horses With A Mission,

A Licenced SpiritHorse Therapeutic Riding Center
spirithorsetherapy.com

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[Upcoming Estate Sales](#)

[Summer Camp Registration](#)

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{Contact Us}

Please contact us at:

Horseswithamissioninc@yahoo.co

(352) 636-0599

We're located at:

Circle B Ranch

16540 Lake Stewart Drive
Grovelan

Circle B Ran

Registration Packet

Buy Now

Therapeutic
Saturday
Summer Camp
SATURDAY JULY 21, 2012

Between the hours of 10AM-1PM
Please rsvp a time between the given hours that you would
like to attend. We will be doing a craft, riding, and having the
kids picture taken with their favorite horse.

\$10 Per Child

Registration Packet

Buy Now

Please be advised that all future scheduled
(other than the 2 dates listed above) summer
camps have been cancelled.

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JULIA FAYE ROGERS REALTY

P.O. Box 365
222 S. MAIN St.
GROVELAND, FL 34736
(352) 429-0659



HAPPINESS POPS UP WHEN
YOU LEAST EXPECT IT

HOUSES, ACREAGE AND GROVES

Cell phones: Julia Faye Rogers-352-255-3418
Elaine Vick-407-808-0517

FACSIMILE TRANSMITTAL COVER SHEET

DATE: 9-6-12

TOTAL PAGES 2

TO: Jennifer Catch
Planning + Zoning

FAX: 352-343-9558

RE: Horses with a Mission

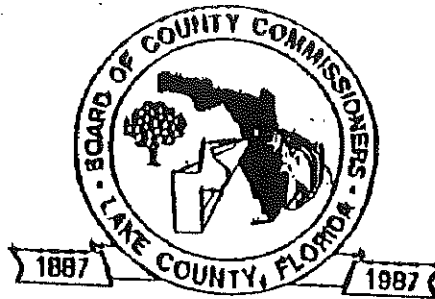
MESSAGE:

Ms Catch-
Information follows re
letter from County regarding
Groveland Farms easements.
Thank you.
Julia Faye Rogers

If there are any problems in receiving this transmittal, please call.

DIVISION OF PUBLIC WORKS

123 N. SINCLAIR AVE.
TAVARES, FLORIDA 32770



ADMINISTRATION	(904) 343-8855
ENGINEERING	(904) 343-8858
RIGHT-OF-WAY	(904) 343-8882
SOLID WASTE	(904) 343-8855
SUNCOM	858-1855

June 15, 1990

Elaine Vick, Vick Realty
Julia Faye Rogers, Julia Faye Rogers Realty
310 S. Dillard Street, Suite 210
Winter Garden, FL 34787

RE: Groveland Farms Easement

Dear Ms. Vick and Ms. Rogers:

The plat of Groveland Farms is recorded in the Public Records of Lake County, Florida, in Plat Book 2, Pages 10 and 11.

Lake County recognizes the easements shown on this plat as being a total of 24 feet wide, or 12 feet wide along an individual Groveland Farms tract. When two Groveland Farms tracts abut each other, and a platted easement is shown between them, the total width would be 24 feet.

In case of the easement along the East boundary of Tract 57, Section 15, Township 23 South, Range 24 East, Public Records of Lake County, Florida, the total width would be 12 feet since a numbered tract of Groveland Farms is not shown East of said Tract 57.

Although these platted easements are recognized as being public easements, Lake County does not assume any responsibility for road maintenance unless the road is part of the current County road maintenance system.

In the case of Lake Elre Road 72-0613, Lake County does not possess a deed for right of way in Section 15, Township 23 South, Range 24 East. In those areas where the road leaves the Groveland Farms easements, the right of way is prescriptive, established by long-time maintenance.

If I can be of further help, please let me know.

Sincerely,

Donald H. Roof
Technical Support Supervisor

DIR:bl

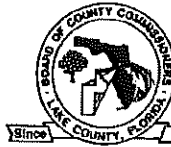
Date/Time: Sep. 6. 2012 4:25PM

File No. Mode	Destination	Pg (s)	Result	Page Not Sent
1088 Memory TX	83834824	P. 10	OK	

Reason for error

- E. 1) Hang up or line fail
- E. 2) Busy
- E. 3) No answer
- E. 4) No facsimile connection
- E. 5) Exceeded max. E-mail size

**Department of
Growth Management**
315 West Main Street
P.O. Box 7800
Tavares, Florida 32778-7800



Senior Director (352) 343-9542
 Building Services Division (352) 343-9552
 Fax (352) 343-9560
 South Lake Annex (Clermont) (370) 394-3962
 Fax (352) 394-0190
 Code Enforcement Services Division (352) 343-9559
 Water Quality Services Division (352) 343-9138
 Fax (352) 343-9195
 Planning and Development Services Division (352) 343-9167
 Fax (352) 343-9532
 Long Range Planning (352) 343-9739
 Civicet Planning/Zoning 659-1642
 SUNCUM

September 18, 1997

Mr. Dale Ladd
 Silverfox Development, Inc.
 1135 East Avenue
 Clermont, FL 34711

**RE: Non-Substantial Amendment Determination and Text Clarification
 to Susan's Landing PUB Ordinance #123-88**

Dear Mr. Ladd:

Enclosed please find an approved non-substantial amendment determination for the above mentioned project.

This amendment was approved on September 15, 1997, by Sue B. Whittle, County Manager.

In addition, a copy of this approved amendment has been sent to Ms. Rebecca Jetton, Planning Manager of the Florida Department of Community Affairs, Green Swamp Area of Critical State Affairs for her review. The Department of Community Affairs has 45 days upon receipt of this letter to review, approve or appeal this project.

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

Sincerely,

Donna L. Bechtel
 Development Coordinator
 Development & Regulations Services Division

DB/

cc: Ms. Rebecca Jetton - DCA
 Sanford A. Minkoff, County Attorney
 Sharon O. Farrell, Sr. Director, Dept. Of Growth Management
 Mary Williams, Public Hearing Coordinator, Planning & Dev.

District One Rhonda H. Gerber	District Two William "Bill" H. Gaud	District Three Richard Swartz	District Four Catherine C. Hanson	District Five William G. Cadwell
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REGULAR AGENDA

CASE NO: CUP# 12/10/1-1 TAB NO. 5

OWNER: Roy and Elaine Barton
APPLICANT: Elaine Barton
PROJECT NAME: Horses with a Mission

Ms. Jennifer Cotch, Environmental Specialist, stated that the applicant was requesting a CUP for a public horse stable on approximately five acres of agriculturally zoned property located in the Green Swamp Area of Critical State Concern south of Groveland at the intersection of SR 50 and SR 33. She noted that the property currently has one existing residence, a mobile home that was granted through a CUP in 1999, a barn, a workshop and two storage sheds and that the existing barn would be used to conduct the proposed activities. She indicated that on June 14, 2012 the Board of Adjustment granted two variances with conditions which allowed a reduction of the minimum acreage for riding stables or academies which are required to be a minimum of 10 acres in size, and a reduction in the setback for structures housing animals to be less than the 200 feet requirement from the nearest right-of-way or adjacent property line. She added that the variance would allow the barn to be in its current location at 35 feet away from the southern property line and that the conditions were specifically added to the variance because there was a single-family home adjacent to the existing barn and the neighbor does not support the CUP. She pointed out that the variance conditions also included that the existing livestock building should not be expanded, there should be no more than four horses and one pony on the parcel, and the existing type of landscape buffer established between the existing livestock building and the southern property line must be maintained. She mentioned that the existing barn was constructed as an agricultural building and was not intended for public use; therefore, the structure did not obtain a building permit or undergo inspections to be determined if the structure met Florida Building Code. She stated that if the CUP request was approved, a condition in the proposed ordinance would require the applicant to demonstrate compliance of the structure with the Florida Building Code prior to its use by the public to ensure that there are no public safety concerns. She added that the application was forwarded to the Florida Department of Community Affairs (DCA) since the property is located within the Green Swamp Area of Critical State Concern, and the proposed ordinance included conditions that attempt to satisfy the concerns staff received back from DCA. She remarked that to date staff had received three letters in support and three letters in opposition to the CUP and that because the request is consistent with the 2030 Comprehensive Plan which permits equestrian related uses in the Green Swamp Rural Future Land Use Category and with the Land Development Regulations which allow riding stables or academies in the Agricultural Zoning District with the issuance of a CUP, staff was recommending approval.

Mr. Bryan asked if the Board should accept the lesser setback and the smaller size parcel that was granted by the Board of Adjustment in the variances as being adequate.

Ms. Erin Hartigan, Assistant County Attorney, replied “yes,” adding that those variances have been granted so they are legally permissible.

Ms. Elaine Barton, the applicant and owner, explained that Horses with a Mission is a non-profit organization to provide therapy for disabled children. She mentioned that they currently had to move the horses to another barn three times a week for the lessons, and they decided to apply for the CUP because that has put a lot of stress on the horses and themselves. She requested that the Board grant the CUP.

Mr. Dan Judy, owner of the property on the northern boundary of the property in question, spoke in

opposition to the CUP request and stated that he was concerned about the number of acres that were available to the horses, because it looked like the fenced in area was a little less than 2.5 acres. He added that his research on the internet indicated that most veterinarians recommend 1.2 to 2 acres per 1,000 pound horse in pastures, and a minimum of 675 square feet of a fenced in area for individual exercise was recommended for each horse if the horses were maintained in stalls. He pointed out that the only access to his property and the Barton property was through a 12 foot easement between both properties, and it was not travelable in its current condition because the easement went down into a drainage swell in front of his property. He noted that in order to mitigate an issue he has had with odors, flies, and ticks on his property, he planted a buffer of cedar trees on the north side of his property and has had to spray his house and yard. He indicated his main concern with spraying the pesticides is the health of his wife, as her oncologist states that it is not good for her health. Also, in response to a question from Mr. Bryan, he indicated that he attended and shared his concerns at the Board of Adjustment meeting.

Ms. Julia Rogers, sister-in-law to Mr. Judy, explained that what the Bartons were doing was a good thing, but certain conditions should be met for the handicapped children. She noted that the property was very small, and there was horse manure on the ground where the children would be riding the horses. She opined that clean dirt should replace the current dirt so that the children were not subjected to pinworms, ringworms, or tetanus, which are all diseases that horses carry. She mentioned that she checked with Freedom Ride in Orlando, and they offer three different kinds of treatments for the handicapped, they have handicapped facilities, and their horses and trainers are certified to deal with handicaps. She opined that the safety of the children and the road needed to be addressed and that the property was too small for what the Bartons planned on doing.

Ms. Elaine Barton, the Applicant, responded that she has not had any problems with ticks on any of her animals. She pointed out that all of her horses have had all of their shots as well as regular veterinary care and that they treat and feed them very well. She also pointed out that she was a certified equine therapist, and she emphasized that she would never endanger a child. She also pointed out that the issue of smell would not be a factor in deciding to approve the program, since she already has approval by the County to keep her horses on the property. She commented that she would be willing to maintain the road if that was a condition of the approval and mentioned that she and some of her neighbors already do help maintain it. She also indicated that she could turn their downstairs bathroom into a handicap bathroom.

Mr. Bryan pointed out that the ordinance requires the ability for two vehicles to pass on the road, although there may only be a 12-foot easement.

Ms. Barton responded that the engineer did not seem to indicate that that would be a problem. In response to a question from Mr. Bryan, she also related that the program is only three days a week, for a limited amount of hours.

Ms. Jennifer Cotch, Environmental Specialist, pointed out that this ordinance would result in more restrictive control of the use of the property than the regular agricultural zoning, including conditions regarding composting, animal waste, and setbacks.

MOTION by Rick Gonzalez, SECONDED by L. G. John Ameri to APPROVE Case No. CUP# 12/10/1-1, Horses with a Mission.

FOR: Morris, DeWitt, Ameri, Gonzalez, Bryan, Kesselring, Miller

MOTION CARRIED: 7-0