



506 WEST BERCKMAN STREET  
FRUITLAND PARK, FL 34731

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<b>Board Members:</b> Al Goldberg, Chairman Carlisle Burch Daniel Dicus Fred Collins Walter Birriel	<b>Others:</b> Greg Beliveau, LPG Tracy Kelley, CDD Kelly Turner, Administrative Assistant
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**MINUTES  
PLANNING & ZONING BOARD  
AUGUST 20, 2020  
6:00PM**

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- I. **INVOCATION AND PLEDGE OF ALLEGIANCE:** Meeting called to order at 6:03PM. Administrative Assistant Turner led the invocation and Pledge of Allegiance.
- II. **ROLL CALL:** All Board members present with the exception of Board member Collins. Present LPG Beliveau, CDD Kelley and Administrative Assistant Turner.
- III. **MINUTES FROM PREVIOUS MEETING:** Approve regular Planning and Zoning Board meeting minutes from March 19, 2020. Motion to approve Dicus. Second Birriel. Approved 4-0.
- IV. **OLD BUSINESS:** None
- V. **NEW BUSINESS:**
  - A. Recommend and elect Vice Chair and Chair  
  
Elect Vice Chair to the Planning and Zoning Board for the remainder of fiscal year 2019/2020 and fiscal year 2020/2021. Elect Chair for fiscal year 2020/2021.  
  
Motion to recommend Board member Goldberg as Chair by Board member Dicus. Second Birriel. Approved 4-0.

Motion to recommend Board member Dicus as Vice Chair by Board member Goldberg. Second Birriel. Approved 4-0.

Chairman Goldberg recognized appointment by City Commission Mr. Carlisle Burch to the Planning and Zoning Board. Board member Purlee officially resigned by letter of resignation on June 1, 2020.

#### B. Amendment to City of Fruitland Park Land Development Regulations

The City proposes to adopt Ordinance 2020-008, amending Chapter 161 Section 161.010(b) adopting the Florida Building Code by reference; adding Section 161.010(c) violation provisions and Section 161.010(d) elevation requirements.

LPG Beliveau gave introduction to Ordinance 2020-008, amending Chapter 161 that portion of the Florida Building Code reference.

Board member Dicus referenced pending adoption of revised Land Development Regulations; Section 3 of the current LDR whereas hereby amended section any person in any violation of code provisions who does this pertain to? LPG Beliveau explained the building code has its own code of violations outside of any city code and this just is used as a reference. Board member Dicus also questioned Section 6; foundations. CDD Kelley made reference to errors in to other jurisdictions further assuring foundations are found within the approved plot plan and/or site plan. Board member Dicus believes this will hinder residential construction and recommends adding provision of case by case basis or sites greater than ten (10) units.

Chairman Goldberg commented the Ordinance is respected and past experience having the foundation survey would have prevented requirement of flood hazard insurance.

Motion to recommend approval of Ordinance 2020-008 adding language in Section Six (6) to include requirement be limited to a case by case basis for residential buildings of ten (10) dwelling units or greater by Vice Chairman Dicus. Second Birriel. Approved 4-0.

#### C. Community United Methodist Church (CUMC) Unity of Title (Alt Key 1639409 & 1248329)

Unity of Title application submitted by Curley Elliott, Board Trustee, on behalf of Community United Methodist Church (CUMC). Applicant recently received approval to rezone 404 West Fountain Street to Public Facilities District (PFD), to be used as a food pantry for the church. Main access to the food pantry, located at 404 West Fountain Street, is provided from the existing parking lot, located on 309 College Avenue. Applicant proposes to unify property located at 404 West Fountain Street with 309 College Avenue, as one parcel under single ownership and operation.

LPG Beliveau gave introduction to Unity of Title and reason for application meeting requirements for recent and approved rezoning application.

LPG Beliveau gave introduction to Unity of Title application to make current use of food pantry be a part of the Community United Church properties and make corrections to application reflective of Lake County, and the State of FL.

Motion to approve Unity of Title for Alt Key 1639409 & 1248329 by Board member Burch. Second Dicus. Approved 4-0.

#### D. Community United Methodist Church (CUMC) Site Plan (Alt Key 1639409)

Minor Site Plan application submitted by Curley Elliott, Board Trustee, on behalf of Community United Methodist Church (CUMC). Applicant recently rezoned property located at 404 West Fountain Street from Single Family Medium Density Residential (R-2) to Public Facilities District (PFD) to be used as the church food pantry. Per Section 160.020, Fruitland Park Land Development Regulations, changing the use of a structure requires site plan approval through City Commission.

LPG Beliveau gave introduction to Site Plan application noting notations relating to grade of ADA parking and provide location of fire hydrant.

Motion to approve Minor Site Plan for Alt Key 1639409 with site plan notations by Board member Birriel. Second Dicus. Approved 4-0.

#### E. Samuel Clayton Rector Variance (Alt Key 2908823)

Application submitted by Samuel Clayton Rector requesting a variance from the schedule of setback requirements found in Chapter 154.040 Size and Dimension Criteria. Applicant applied for a residential building permit for an addition to existing single family home. Building plans did not meet required fifteen foot (15') side setback. Applicant requests a variance to allow a proposed five foot (5') setback.

LPG Beliveau gave introduction to Variance application requesting a proposed five foot (5') setback allowing for an addition to existing single family home. LPG Beliveau read from applicant Rector Engineer letter of record and inquired why construction commenced prior to variance application approval allowing for building permit approval. LPG Beliveau recommended CDD Kelley forward Engineer letter of record and photos taken of improvements prior to approvals.

Chairman Goldberg disclosed pre P&Z Board meeting applicant Rector attempted to discuss variance application. Chairman Goldberg also disclosed informed City of Fruitland Park Building Department of improvements completed prior to approvals.

Vice Chairman Dicus disclosed pre P&Z Board meeting applicant Rector attempted to discuss variance application and petitioned for members of P&Z Board.

Applicant Samuel Clayton Rector approached podium for public comments. Applicant Rector stated work commenced prior to variance approval; that he (the variance applicant), building official, and engineer all came together to make decisions under a “gentleman’s agreement.”

Chairman Goldberg inquired if Applicant Rector (a licensed contractor) builds without building permits regularly and an engineer does not have authority to instruct a contractor to build without a building permit. Applicant Rector responded not all work requires a permit.

Vice Chairman Dicus inquired if Board members would grant a variance if the applicant had not commenced improvements.

CDD Kelley clarified a building official does not approve zoning review or approvals.

Board member Birriel commented the improvements should not have been done in this fashion.

Chairman Goldberg inquired if there were any further Board comments. Vice Chair Dicus requested to be excused from comments.

Motion to approve Variance application by Chairman Goldberg. Second Dicus. Birriel yes. Goldberg no. Dicus yes. Burch yes. Approved 3-1.

**BOARD MEMBERS’ COMMENTS:** No further comments.

**PUBLIC COMMENTS:** No comments.

**ADJOURNMENT:** 6:56PM