

BOONE COUNTY PLANNING & ZONING COMMISSION
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS
801 E. WALNUT, COLUMBIA, MISSOURI
(573) 886-4330

Minutes

7:00 P.M.

Thursday, June 21, 2012

I. Chairperson Harris called the meeting to order at 7:00 p.m., with a quorum present.

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Mike Morrison, Secretary	Columbia Township
Gregory Martin	Katy Township
Kevin Murphy	Perche Township
Michael Poehlman	Rock Bridge Township
Paul Prevo	Rocky Fork Township
Larry Oetting	Three Creeks Township
Eric Kurzejeski	Missouri Township
Brian Dollar	Bourbon Township

b. Members Absent:

Carl Freiling, Vice-Chairperson	Cedar Township
Derin Campbell	County Engineer

c. Staff Present:

Stan Shawver, Director	Uriah Mach, Planner
Bill Florea, Senior Planner	Paula Evans, Staff

III. Approval of Minutes:

Minutes from the May 17, 2012 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris entered the following statement into the record:

The Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes one rezoning request.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its own by-laws. The by-laws provide that all members of the commission, including the chairperson, enjoy full privileges of the floor. The chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

The agenda item will be announced, followed by a report from the planning department staff. At that time, the applicant or the applicant's representative may make a presentation to the commission. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing to allow anyone wishing to speak in support of the request. We ask that any presentation made to the commission be to the point.

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. We ask that you please not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

There may be individuals that neither support nor oppose a particular request. Those individuals are welcome to address the commission at any time during the public hearing portion of the request.

Please give your name and mailing address when you address the commission. We also request that you sign the sheet on the table after you testify. Also, we ask that you please turn off your cell phones.

Any materials that are presented to the commission, such as photographs, written statements or other materials will become a part of the record for these proceedings. In that regard, if you would like to recover original material, please see the staff during regular business hours after they have had an opportunity to make a copy of your submission.

After those opposed to the request have had a chance to speak, the applicant will have an opportunity to respond to the concerns of those opposed to the request. Next the staff will be given an opportunity for any additional comments, as appropriate. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the commission. The commission will then discuss the matter and may ask questions of anyone present during the discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the County Commission. Please note that the Boone County zoning regulations and subdivision regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Monday, July 2nd. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Monday, July 2nd, will begin at 9:30 a.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by Joel F. Schnarre to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 8.78, more or less, located at 9651 E Hwy CC, Centralia.

Planner, Bill Florea gave the following staff report:

The property is located on the north side of State Route CC 1.5 miles west of Centralia. The tract is 8.78 acres in area; it is occupied by a single family dwelling and several outbuildings. The zoning for the property is A-1 Agriculture. Adjacent property is zoned as follows:

- North - A-1
- South – A-1
- East – A-1
- West – A-1

The Master Plan identifies this site as being suitable for agriculture and rural residential land uses. No previous requests have been made on behalf of this property.

The subject tract is currently non-compliant with the existing zoning. It was created out of an approximate 255-acre parent tract in 1986 by deed transfer from the owner, Opal Walker Lorton to Jack A. Hargis and Caroline Hargis. The 1986 division was a violation of the Zoning Regulations minimum lot size requirement of 10-acres and the use regulations, which allow a single family dwelling on a minimum 10-acre tract. Violations of the Zoning Regulations constitute a misdemeanor.

The applicant and current owner purchased the subject property in May 2003. He seeks rezoning to allow platting of the property which would resolve both violations and enable closing of a pending sale of the property.

The Master Plan identifies a sufficiency of resources test for determining whether there are sufficient resources available for the needs of the proposed rezoning. The sufficiency of resource test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis. The resources used in the test can generally be broken down into three categories: utilities, transportation and public safety services.

Utilities:

- Water: The property is in Public Water Supply District 10. Water is available to the property through a six inch waterline. It has not been determined whether the flow and volume is adequate to provide fire protection.
- Sewer: There is no sewer available to the property.
- Electricity is provided by Boone Electric.

Transportation

The property has frontage on and direct access to State Route CC. The rezoning could result in two additional residential driveways onto Route CC, which would require permits from Missouri Department of Transportation.

Public Safety Services

The property is within 1.5 miles of the nearest fire station. Public safety services to this location should be adequate for the needs of the development.

Stormwater

Future development on the property is subject to the Boone County Stormwater Regulations.

Zoning Analysis

The Master Plan identifies this property as suitable for agriculture and rural residential use. The original A-1 zoning designation for this area has been in effect since 1973. There are only two tracts within a 1.3 square mile area around this property that do not meet the minimum 10-acre lot size. Therefore, it can be concluded that development and land use within the vicinity is in conformity with the A-1 zoning. Approval of the rezoning, as proposed, is out of character with the existing zoning and land use.

In addition, approval of an open A-2 for this property will enable that tract to be divided into 3 rural residential lots. This could be construed as a material change in fact that could be used to justify additional requests for A-2 in this area.

There are alternatives available to the applicant other than an open A-2 rezoning:

- Acquire 1.22 acres from the neighboring property owner to net ten acres, and then subdivide by administrative survey.
- A1-P: Work with the neighboring property owner to encumber an additional 1.22 acres then plat the 8.78 acre tract and 1.22 acre not for development tract. In this case, ownership and use of the neighboring land does not need to change.
- A2-P: This option could limit the number of tracts that could be created from the parcel to one. In this case, there would be no practical change in land use but would allow the 8.78 acre parcel to be platted.

The property scored 38 points on the rating system. Staff notified 3 property owners about this request.

Staff recommends denial of the rezoning, but notes that any of the three alternatives listed above would achieve the results desired by the applicant but not lead to further subdivision of the property, provide justification for other rezoning requests in the vicinity or disrupt the A-1 character of development.

Present:

Joel "Fritz" Schnarre, address not given.

Barbi Schnarre, address not given.

Fritz Schnarre: We came upon this problem because we are trying to sell our property the lender doesn't want to loan the money because the way the rules are written in the county. Specifically, the rule that says

that if the building is more than 75% destroyed it is no longer conforming and cannot be built back because it is not on 10 acres. I am upset that no one has brought this up before when I bought the property; I never thought this would be an issue. We have extended our contract hoping to rezone the property; we are trying to figure out what we can do. I am not trying to build a house now but want to know it can be an option in the future. I have been told that the potential buyer has a USDA loan and they have said that since the banks have gone through trouble in the past they are going to crack down and have the title company look in to all the problems that the property may have. We want to rezone to A-2, I have been speaking to people that are aware of the costs involved in A-1P and A-2P and it can be pretty expensive.

Barbi Schnarre: We are just trying to get it into compliance.

Fritz Schnarre: We are looking for a way to do this so we can sell the property. We found a buyer pretty quickly but there comes a point when we are just trying to find a way to make it work.

Open to public hearing.

No one spoke in favor or opposition.

Closed to public hearing.

Commissioner Murphy: My understanding with a non-conforming use is that if it is 75% destroyed it can still be rebuilt as long as it doesn't increase in area.

Bill Florea: This is a use violation of the zoning district; it is not non-conforming because it wasn't legally established as a legal use. In the A-1 the uses stipulate a single family dwelling on 10 acres; this is not 10 acres so it is not a compliant use. It actually doesn't qualify for the 75%; it doesn't qualify at all for a building permit if the building is damaged. If any building permit is necessary we can't issue it until it is brought in to compliance.

Commissioner Murphy: There are other options here, the applicants can try to purchase additional property from the neighbors and there is the option of planned zoning. There are reasons behind the planned zoning. A-2P would fit.

Chairperson Harris: This is in my district and I am confident that I would be in the same mindset regardless. I understand this Commission's track record on openly zoned requests and I share that. I think we have to be very careful regardless of who the owner is that this commission be perceived as punishing a landowner for something that was not their fault. Systems that should have been in place to prevent this situation fell through the cracks. Regardless of who it is, and I realize making exceptions is a dangerous thing to do, this got through title companies and the Recorder of Deed's Office. I know where this got split and it is people who were contentious of county government, they didn't care if they did it right or wrong. It got through a real estate agent that should have known that when he sold the 8.7 acres in an A-1 zoning, the deal should have stopped there. They were harmed by someone that should have been protecting them. We as a Commission don't want to punish someone because they are caught in a mess that they didn't create.

Commissioner Prevo: How long have the applicants owned the property?

Fritz Schnarre: I purchased it in 2003.

Commissioner Prevo: Did your title company find any fault?

Fritz Schnarre: It was not brought up to me. After I applied for the rezoning I was told by some people that the likelihood was slim and I was kind of upset that it was mentioned to me to even try this first and spend a month and the money to do this. After I heard that I've been trying to get a hold of the title company and they are trying to research records.

Commissioner Poehlman: Did you have a warranty deed?

Fritz Schnarre: Yes.

Commissioner Poehlman: Wouldn't that cover it?

Fritz Schnarre: I've been speaking with a lawyer about it. I am not all that familiar with the process. They were trying to go back and see if there was some paperwork that would make it a legal lot. My lawyer's previous partner was involved at the same time. We have to go through all this hassle when it should be fixed because it was something that someone else did; the county kind of dropped the ball back then. If it takes much longer the buyers are going to have to move on.

Commissioner Oetting: Was there a survey done back then?

Bill Florea: No, there was no survey.

Commissioner Oetting: Weren't they required to have a survey?

Bill Florea: No, the division was greater than five acres and at that point in time the subdivision regulations threshold for applicability was five acres so anything over five acres could be done by legal description.

Commissioner Prevo: How many times has ownership transferred?

Fritz Schnarre: The previous owners bought it in 1986 and I purchased it from them in 2003.

Commissioner Oetting: Have you talked to your neighbors about purchasing additional property?

Fritz Schnarre: No, the owner lives in Texas and I was told I should contact them however when I spoke with surveyor Don Bormann and he informed me that the planned zoning process was a several month process and it would be expensive. Purchasing the additional acreage would cost money and then doing the planned zoning would be a few thousand dollars.

Commissioner Prevo: Have you been in contact with the title company?

Fritz Schnarre: Yes, I talked to them and after several days I tried to get them to contact me. I finally got a call back on the way here and was told the title company that did the original transfer sold out to another title company and that company that holds the policy sold out to another company so they are going back to the policy holder and trying to draw the paperwork.

Bill Florea: I just want to remind the Commission and the applicants that if the rezoning is granted the property still needs to be platted so that surveying does have to occur regardless of what type of zoning is approved.

Fritz Schnarre: That is more information that should have been presented to me when I tried for the rezoning.

Bill Florea: I spoke to you several times on the phone and invited you to speak more and I hadn't heard any more questions from you. Mr. Thornhill has called our office several times and he has been invited to the office as well. We are always available to meet with you and discuss these things at your request.

Commissioner Oetting: Do the applicants still live in the house?

Fritz Schnarre: No, that is another concern; the longer it sits the more chance there is for vandalism.

Commissioner Oetting: Are you afraid the buyers are going to move on?

Fritz Schnarre: Yes, we've had one extension and it concerns me.

Commissioner Oetting: Has anyone talked with you about a lease purchase?

Fritz Schnarre: We discussed it a little bit.

Commissioner Martin: My problem is that if we give it to these applicants then how do we tell the next applicants no? We will end up with A-2 lots everywhere.

Fritz Schnarre: This is something that happened before I purchased the property and it backed up on me.

Commissioner Martin: The applicants aren't the only ones who have suffered through this type of problem.

Chairperson Harris: They are in a situation at the moment with the lender and buyer; it is now on the radar so it has to be dealt with. If we don't find an agreeable resolution we don't want to be perceived as part of county government telling the taxpayer that they can't sell their property and that is the concern I have whether it is the Schnarre's or anyone else. Two months ago we had an issue with this same sort of question out by Midway and I was 100% in favor of it not happening; that was a situation that was created by the applicant. If we were to make a planned resolution can we take action to assure them that the rezoning would be appropriate and accepted subject to the plat? We don't want to send the applicant out saying we've denied their request, come back with a plan and if everything goes well and you are lucky we will approve the plan; I don't think that's fair or right. Can we take action to say this planned zoning would be appropriate and accepted subject to the submitted documents?

Bill Florea: The Commission can't take any formal action to that affect because an application has not been submitted. There is nothing before the Commission regarding a planned request. You can make statements amongst yourselves that you would look favorably upon a planned request should one come in that is compliant with the regulations. You can't make a formal resolution, you can't grant that because it hasn't been applied for.

Commissioner Prevo: I know time is of the essence; have the applicants thought about having the Commission table the request so the applicants can have time to work with the title company to see if they will help pay for the services?

Barbi Schnarre: Our problem with that is we keep finding that we're being told and encouraged to do one thing and then find out when we do that there are three or four more things to do that was unforeseen to us that cost money and time.

Bill Florea: Our office works with people like the applicants all the time. We will take whatever time we need to in order to walk you through those steps but the applicants need to make the overture.

Fritz Schnarre: We spoke with someone in the Planning office who said to go with planned because it is quick and easy. Then I spoke with a surveyor and that is when I found out about the cost and the time table; I am upset with the fact that I was told it was quick and easy.

Chairperson Harris: Is 8.26 acres acceptable in A-2P?

Bill Florea: Yes.

Commissioner Murphy: That would also require a plan.

Bill Florea: It would be an 8.7 acre rezoning to A-2P, the minimum lot size would be 2.5 acres and they would show one lot and the plan would be binding; if that is approved it would be a one lot final plat.

Commissioner Murphy: If it is zoned to A-2 can we put restrictions on the plat to say that it is one lot subdivision not to be further subdivided?

Bill Florea: No. There are no regulations that allow you to use a plat to amend the zoning regulations. The ability to subdivide that property after it is rezoned in to more than one lot is a function of the zoning. Once it goes to A-2 you can't use a plat to further restrict that option under the zoning.

Chairperson Harris: So even if we grant the request as it is presented we can't grant it with the stipulation that there not be any further subdivision.

Bill Florea: That is correct; you can't place any restrictions on an open zoning. Once it is approved it carries with it all the rights of having A-2 zoned property.

Commissioner Murphy: I've seen plats in the city and other counties that have notes on the plat that a lot is not for development.

Bill Florea: There has to be regulatory basis for those; I can't speak to those because I haven't seen them. In order to put a restriction on a lot there has to be a regulation that has been adopted by the legislative authority for that jurisdiction that gives you the authority to do that.

Commissioner Dollar: You just have to follow the rules for platting it; you could plat it into 2.5 acre tracts.

Fritz Schnarre: My dad has been the president of Farm Bureau and they were the ones who pushed in the 1970's for zoning to help slow down some urban sprawl. He was talking to some of the older members and said that the rules were such a small stack of papers compared to what they are now. How do rules ever change? There are a lot of farmers who don't agree with the 10 acre requirement. If something didn't conform in 1986 there needs to be an expiration to allow some of these lots to grandfather in; that is why I thought it was a grandfathered lot.

Commissioner Murphy: I understand what you are saying but the rules we have now are the rules we have. I suggest asking this request to be tabled and that will give the applicants some time to work with the title company. With an A-2P you wouldn't have to purchase any additional acreage, it is a bit time consuming. I understand the contracts don't last forever. What is the status of this? Is the loan approved?

Barbi Schnarre: We had a closing date set for June 1st and all of this got dredged up.

Fritz Schnarre: At that point it was too late to try to get on the agenda for anything before the extension. We were busy in the field and were unable to talk to people about how to resolve this.

Commissioner Prevo: It sounds like the applicants might benefit from having the chance to talk to the title insurance company; I'm sure the buyers understand that it is going to be a couple of months at least before they can buy the next property so hopefully they can work with this. Otherwise we are probably going to have our hands tied in denying this.

Chairperson Harris: In light of the staff recommendation is there any scenario or any reason if they were to come back with an appropriately applied A-2P application is there any scenario in which it should not be granted?

Bill Florea: I can't say that I can make a recommendation on something that I haven't seen. The fact that we put that in the staff report as a workable option indicates that they would get some staff support. Another thing that might be worth considering is knowing that the property has to be platted regardless of what type of rezoning it may receive, the applicants should talk to Mr. Bormann again and get a cost comparison of platting with the straight rezoning request versus platting and doing a planned rezoning because a lot of that work is probably redundant. When you do a planned request it requires you to submit a series of drawn plans, there is a lot of cost in developing those, he is going to do that anyway with a plat.

Fritz Schnarre: That is the reason we were encouraged to go this route. I understand what you are saying but I didn't have a chance to come in and talk to anyone because we've been pretty busy. My real estate agent was trying to help us out by coming and applying for that. We found out the cut off date to get on the agenda was the day we came in.

Bill Florea: We don't like to push ourselves on people; when we have talked to someone we tell them to come in when they are ready, we don't know what is going on in your life or how busy you are. We are willing to meet with the applicants anytime.

Commissioner Poehlman: You have a number of options you can pursue and find out not only what it will cost to get it surveyed and platted but find out what it will cost to buy the additional acreage. Find the cost of each one of those options.

Commissioner Murphy: The neighbor may be willing to sell some acreage and it could end up being cheaper.

Bill Florea: The next submittal date is June 25th, the following deadline is July 23rd; a concept review would be required as well. Time-wise there are two cycles of the Planning and Zoning Commission in order to get both the plan and plat completed. The review plan comes in on the first submittal, that is the conceptual drawing of the property and it contains all the restrictions such as how many dwelling units could potentially be on the property. That goes through a staff review and then it goes to the Planning and Zoning Commission and they make a recommendation. If the review plan is approved by the Planning and Zoning Commission it goes to the County Commission and if it is approved the same way in exactly

the same form then it goes to the second step is the final plan. The final development plan is administrative; we just bring it to the Chairperson and Secretary of the Planning and Zoning Commission to sign. It then goes through the platting process and that is an administrative process through the Planning and Zoning Commission, the surveyor submits a plat, we review it and send it out to agencies that provide service to the area and get comments from them. We send all of those comments back to the surveyor; he makes changes and resubmits to staff and it goes to the Planning and Zoning Commission, two weeks later it goes to the County Commission. Once they have approved it can be recorded and done. With an A-2P you are looking at approximately eight weeks to get through the process after you submit.

Commissioner Martin: If the Planning and Zoning Commission recommends denial the applicants can appeal to the County Commission. If they deny it then what is the next step?

Bill Florea: The applicants could go with one of the three options that were suggested in the staff report.

Commissioner Martin: So they could immediately go with that option.

Bill Florea: They would have to reapply. The option of purchasing additional property from the neighbor would never come back to the Planning and Zoning Commission because all they would have to do is buy the additional property and do an administrative survey of the 10 acres. That is an administrative subdivision with a 10 day review period that is approved in office. That would be the fastest way to go pending cooperation from the neighboring landowner.

Fritz Schnarre: He is a land investor so he would have to make money off of it.

Commissioner Oetting: How many feet of property would he have to buy?

Bill Florea: If the applicants acquired roughly a 30 foot strip around the perimeter of their property that should make up the additional acreage.

Chairperson Harris: With the A-1P there would be no change of ownership. The only thing would be that he would agree to let that 1.2 acres be zoned; it may be just as reasonable to go with the A-2P and be done. It is an illegal lot, the bottom line is that in order to get it sold it has to be surveyed which is the bulk of the cost in the plan; that has to be done anyway regardless of how it gets resolved even if we approve the request tonight. The difference really boils down to the extra cost to draw the review plan and final plat.

Fritz Schnarre: The county let it go through, how can it be an illegal lot?

Bill Florea: The county didn't let anything go through. The document was recorded; the Recorder's office did what they were required to do by law and record a document that was presented to them; they don't have the ability to turn it down.

Commissioner Murphy: I would recommend denial at this point; this gives the applicants a chance to keep checking on things and go to the County Commission after gathering more information. If the Commission denies it as well the applicants are right back where they started.

Barbi Schnarre: When is that meeting?

Chairperson Harris: July 2, 2012 at 9:30 am. If we deny it and it goes to County Commission and if they approve it; by their action they would have approved the open A-2 zoning but it still has to be surveyed and platted to comply with the A-2 zoning.

Bill Florea: That is correct because we have a lot that was illegally established. It doesn't have non-conforming rights because it never was a legal lot.

Stan Shawver: The zoning regulations are very specific in the definition of a legal non-conforming lot and that is a lot that was created before zoning came in to effect in 1973.

Chairperson Harris: So even if the Commission approves the rezoning, the applicants will still have to have a survey.

Commissioner Murphy made and Commissioner Poehlman seconded a motion to **deny** the request by Joel F. Schnarre to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 8.78, more or less, located at 9651 E Hwy CC, Centralia.

Boyd Harris – NO

Michael Morrison – Yes

Gregory Martin – Yes

Larry Oetting – NO

Brian Dollar – NO

Michael Poehlman – Yes

Paul Prevo – NO

Kevin Murphy – Yes

Eric Kurzejeski – Yes

Motion to deny the request passes: 5 YES 4 NO

Chairperson Harris informed the applicants that if they wished to appeal to the County Commission an appeal form would need to be submitted to Resource Management within three working days.

Commissioner Poehlman: If the applicants do decide to appeal to the County Commission they should try to get cost estimates for each alternative option and present it to the Commission.

Commissioner Murphy: I would also pursue the title company.

Chairperson Harris: If in the course of researching this and the attorney or title company someone finds a drawing that a surveyor did what happens then?

Bill Florea: It still didn't meet the zoning regulations at that time so it is still an illegal lot. The subdivision regulations at the time may not have even required a survey but whatever subdivision regulations there were said you had to comply with the zoning so that wouldn't help. I've searched in our office for documentation that would indicate something that this was a legally done but I was unable to find anything.

Chairperson Harris: I think I see what happened; there was a conversation and someone said the previous owner may have said they didn't need to get a survey, they got a tape measure and the title company let it through and here we are tonight.

Commissioner Poehlman: Could the same thing happen today?

Bill Florea: Yes, it could. There are thousands of deeds that are recorded in the Recorder's Office every few months; there is no way to check every one to make sure it is a legal lot. That is not a level of service that the county can provide, it is too time consuming.

Stan Shawver: Several times a year we have a property owner try to obtain a building permit on their land that they have a deed for; it doesn't meet the zoning or hasn't been platted and wasn't created by family transfer and we can't issue a building permit. Generally that is the first property owner after the sale so they can go back to the person that sold it to them and get it corrected through their title insurance. I don't remember a situation where we've had one that's been 25 years since it was created and that is unusual but I'm sure there are others out there; but until it comes to our attention there is nothing we can do.

Commissioner Poehlman: So the possibility is out there that if we start accepting these that there could be a long line of them that might come through here expecting the same thing.

Stan Shawver: It is similar to the land uses that are non-conforming. When zoning came in to effect in 1973 any legal land uses that existed before that was permitted to continue. The idea over time is that the land use comes into compliance with the zoning. At that point in time the regulations basically put a sunset on it; if you haven't established your certificate of occupancy for a non-conforming use then you don't have it anymore because the proof that you have a non-conforming use is by public testimony and evidence. The farther you get from 1973 the more difficult it is to present valid evidence; you are starting to rely on peoples memories which can be faulty.

VII. Planned Developments

None

VIII. Plats

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The plat for Ambrose Point was approved as recommended.

Regarding the conditional use permit request by Debra Diller: The County Commission had another work session with her and Ms. Diller has given up on the riding school and is just going to use the stable so she won't have to widen the driveway. Ms. Diller asked to put down magnesium chloride on the first 510 feet of the road and the Commission seems willing to accept that; she will do that annually and she will have to pay the cost of that. Ms. Diller decided she wanted more than the 10 horses that are currently allowed and asked to raise the number of horses she can board. However, that wasn't a part of any presentation

and was not listed on her application the Commission may require a new application and hearing. A final decision has not been made on the Diller request

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Secretary
Michael Morrison

Minutes approved on this 19th day of July, 2012