

**MINUTES  
BOARD OF ADJUSTMENT MEETING  
March 06, 2018  
MEETING 5:00 P.M.**

**CALL TO ORDER: CHAIRMAN IKE FOUNTAIN**

**INVOCATION AND PLEDGE OF ALLEGIANCE** Vice Chair Joyce Schmidt

Those in attendance were Chair Ike Fountain, Vice Chair Joyce Schmidt, Rick Roach, Luis Diaz, and Irving Spokony. Also in attendance were Community Development Director Ameen Bailey, and Administrative Assistant Mamie Drane.

**Board Members** absent: William Castle

With a quorum present; the meeting was called to order.

**OLD BUSINESS ITEMS**

**1) PUBLIC HEARING: CONSIDER A SPECIAL EXCEPTION TO ALLOW THE SALE OF ALCOHOL AT A RESTAURANT LOCATED AT 1504 LAKE ALFRED RD.**

**PUBLIC COMMENTS**

**Community Development Director Ameen Bailey** read the request, and since Board Member Spokony was absent at the last Board of Adjustment Meeting, she refreshed the article. Initially the City sent out a mailing including everyone within 600 feet, the list the City is required to use comes from the Polk County Property Appraisers' office. According to the listing we received there were no Churches or Schools within the 600 foot area. There is only one residential home in the area but it doesn't exceed the limit for the license. Staff also checked the City's sales tax receipt files; any business operating within the City Limits of Lake Alfred is required to obtain a sales tax receipt. We also checked with Utility Billing, there were no accounts listed that would require further investigation or being prohibitive toward a liquor license. During the February 27 Board of Adjustment meeting Board Member Diaz informed the board of two Churches located in back buildings on the property. Staff researched further and found one of the Churches had moved in around December of last year. Staff later found that the owner pays the utilities for all tenants and to date the City does not require Churches to obtain a sales tax receipt. At the request of the Church Pastor, we engaged a Spanish interpreter; through the interpreter, the Pastor told the City that the Church meets on Wednesdays and Fridays at 7:00 P.M. and Sundays at 2:00 P.M.

**Director Bailey** also reached out to the owner of the property about the possible conflict between their tenants. The property is owned by Audrey Bell, her son, Mr. Stillman, is the property manager, the Seymoers have been dealing mostly with the property manager. The owner was aware of the rules of the distance required between Churches and establishments selling alcohol, however, the property manager was not knowledgeable of this stipulation.

**Board Member Roach** stated he believes this issue is more than a variance; this seems more to be in the jurisdiction of the City Commission versus other the Variance Board. The Board of Adjustments is more of a technical group, looking at the City Codes and determining what is best for both residents and the City. The board is familiar with variances of a setback or the variance of subtitled property. He conveyed his disappointment that neither Church took the time to attend the meeting to voice their concerns. He went on to say he finds it hard to decide in favor of the restaurant since the Church has voiced negative opinions of the sale of alcohol so close to them. He suggested a meeting in the future, if something changes, we may want to come back and re-visit the issue.

**Nancy Seymore** stated she has been working in and on the restaurant for a while and the only people, she has seen from the Church are the ones selling food on Saturday. The owner has told her the only people attending the Church are within the Pastors family. In addition, one of the days the Church was selling food the owner approached her to tell her it was at her discretion to allow them to serve food at that location. At which time she was open and was ready to share the property with the food vendors. This is hurtful, that the Church is not willing to support the restaurant when they have been trying to support the Church.

**Board Member Roach** replied that he acknowledged the effort the Seymores has put forth to be part of the community. He did recommend that the Seymores establish some type of communication with the Church Staff and express your point of view to resurrect this. If you can get their support, we can review this again.

**Chairman Ike Fountain** suggested the Board table the issue tonight. Let the restaurant open without the alcohol license and in the meantime maybe establish a rapport with the Church. This will give the Church another chance to come before the Board.

Discussion ensued about parking and location of the Church; there are several buildings on the property. In addition, they discussed the responsibilities and jurisdictions of the Board of Adjustment, and what the Board Members wanted to see going forward.

**Board Member Diaz** stated his business was in that location for two years and he rarely saw anyone at the Church in the back other than the three people from the family of the tenant. He also agrees with the Chairman that instead of making a decision at this meeting, allow the Seymores to roll out their restaurant and give the Church staff another opportunity to present to the Board.

**Director Bailey** stated she would prefer to move the meeting to April, to allow Community Development to send out notices and to try to contact the Church.

**Board Member Diaz** asked the Seymors if they would be able to operate without a liquor license, and if the street vendor had permission or a license.

**Director Bailey** stated the street vendor has not obtained a business license or peddlers license from the City.

Board Member Diaz stated it's really not fair for the vendor to set-up without the license or

**Board Member Roach** made a motion that the item be tabled until the next meeting, motion was seconded by **Board Member Spokony**. Motioned was passed by unanimous voice call vote.

<b>Chair Ike Fountain</b>	<b>Yea</b>
<b>Vice Chair Joyce Schmidt</b>	<b>Yea</b>
<b>Board Member Rick Roach</b>	<b>Yea</b>
<b>Board Member Luis Diaz</b>	<b>Yea</b>
<b>Board Member Irving Spokony</b>	<b>Yea</b>

**Chair Ike Fountain** asked if there were any more questions.

There was discussion on the method of Code Enforcement in regards to street vendors, Business License, Sales Tax Receipts and the regulations regarding all.

**Board Member Spokony** made a motion to adjourn; **Board Member Schmidt** seconded motion. Motioned was passed by unanimous voice call vote.

Respectfully Submitted,



Mamie Drane  
Deputy City Clerk