

**GADSDEN COUNTY
CODE ENFORCEMENT DIVISION
HEARING MINUTES**

May 26, 2016

9:00 a.m.

Stewart Parsons, Judge Magistrate
Anthony Powell, Code Enforcement Officer
Roosevelt Morris, Deputy Building Official
Debbie Joyner, Building Inspection
Beryl Wood, Deputy Clerk

Meeting Called to Order

The meeting was called to order by Judge Parsons.

Approval of the April 28, 2016 Minutes

The minutes from April 28, 2016 were approved by the Judge.

New Business

Case 10-2016

Ronald Higdon

449 Tharpe Circle, Quincy

4 35 1N 4W 1241 00000 0170

Violation: Mr. Higdon is living in a storage shed on this property which is a violation of the Gadsden County Land Development Code. Mr. Higdon was noticed by certified mail on April 5th. In addition to the storage shed violation, there is trash/junk that needs to be removed. I have talked with Mr. Higdon, but to date no progress has been made to clean the property or to comply with the storage shed violation.

Mr. Powell read the violation and asked for direction from the courts.

Mr. Higdon said he has been in assisted living and built the shed to protect his belongings.

Mr. Powell said he needs to make sure it has proper setbacks and that the property is cleaned.

Judge Parsons said he would continue case to last Thursday in next month, so he can get everything together concerning mobile home and debris around the home.

Case 11-2016

Daryl A. and Kathryn Morris, Jr.

232 Tharpe Circle, Quincy

4 35 1N 4W 0000 00133 2000

Violation: Daryl and Kathryn Morris has an RV (travel trailer) located on this lot which is a violation of the Gadsden County Land Development Code. Property owners were noticed by certified mail on April 5th. I have talked with Mr. Morris, but to date, he has not complied.

Mr. Powell read violation. He commented it's a gooseneck on the property and violation of the Land Development Code. He said it needs to be removed or come up with a plan on how it would be removed.

Mr. Morris said he is the owner of the property and had previous issues in 2009 from Mr. Oliver concerning same issues. He said he asked Mr. Powell about the past file and was informed that they could not locate it. He referenced the County Ordinance and said it was not clear. He stated that he also spoke with Mrs. Gutcher on this issue.

Allara Mills – Gutcher, Planning & Community Development Director, commented that she implements the Comprehensive Plan and the Land Development Regulations. She said she had spoken to Mr. Morris. She referenced a couple of things that they have to apply such as: The County Code of Ordinances, Land Development Regulations, Comprehensive Plan (required by Florida Statute 163), Comprehensive Plan Future Land Use Categories, we're required by Florida Statue to describe the land uses, the specific types, such as residential, commercial, industrial and recreational, conservation, etc. She said in the Future Land Use Element, which talks about land use categories, a rural residential, which this parcel is located within. The Comp Plan Rural Residential states that the purpose and intent of the categories to provide areas for residential development consisting of primarily single family dwellings on individual lots. It talks about allowable uses which are residential single and multi family public and private schools grades k-12, etc.

She said it couldn't be a permanent structure on a rural residential lot. It becomes a permanent structure when it is not being moved.

Judge Parsons inquired about the fact that it is not being moved does that keep it from being a permitted use.

Mrs. Gutcher commented the Code that he is referring to 4202 also speaks on it having a 6 month capacity. In 4202, a primary use with a RV is not used for residential purposes. 4202 Part a Part, this does not preclude the parcels of RV on parcels of land providing that the RV is owned by the person who owns the parcel of land. It is associated and accessory to primary peregrinated use and the RV is not used for residential purposes.

Mrs. Gutcher asked Mr. Morris did he have primary use on the property.

Mr. Morris said he had septic, water and electric that is permitted.

Mrs. Gutcher said that a primary use would be the actual structure that is intended for the use that lies within it. A primary use would be a mobile home or a single family structure that is a stick built home. A primary use wouldn't be the RV, because that is a recreational vehicle.

Judge Parsons asked Mrs. Gutcher had she referred to the County Attorney and what was his recommendation or opinion.

Mrs. Gutcher stated she had and he concurs.

Judge Parsons asked did she have his opinion in writing.

Mrs. Gutcher said she did not; it was only a verbal conversation.

Judge Parsons said he would like to continue case until next month and he would like for Mrs. Gutcher to provide him with the necessary documents to make sound judgment. He would like the County Attorney present or a written statement from him as well.

Case 12-2016

Janice Taylor Tyus

84 Tharpe Circle, Quincy

4 35 1N 4W 1241 00000 0250

Violation: Ms. Tyus has an RV (travel trailer) located on this property which is a violation of the Gadsden County Land Development Code. Ms. Tyus was noticed

by certified mail on April 5th. I have talked with Ms. Tyus on numerous occasions, but to date she has not complied.

Mr. Powell read violation commented he has two RV's hooked together and it doesn't meet the standard of a mobile or site built home.

Ms. Tyus said she needs clarification. She stated she has a permanent residence in Gadsden County. She said this property is used as a weekend retreat, it's a trailer. She pointed out others have campers there and why are they allowed and she is not.

Mr. Powell said if it's an RV, it's in violation. He said the ones of Tharpe Circle are the ones they started with; they will get to them all.

Mr. Roosevelt said a parked model is a mobile home they both fall up under the Department of Motor Vehicles. The parked model has the HUD approval. He said they don't permit RV camps. If it is parked on the lot it must have a primary structure. You have to have a home there. "If there is no primary residence there, then you are in violation."

Judge Parsons temporarily passed case until next month.

Case 13-2016

Matthew Austin

66 Tharpe Circle, Quincy

4 35 1N 4W 1241 00000 0260

Violation: Mr. Austin has an RV (travel trailer) located on this property which is a violation of the Gadsden County Land Development Code. Mr. Austin was noticed on April 5th. I have talked with Mr. Austin, but to date he has not complied. Also, there is trash and junk to be removed from property.

Mr. Powell said Mr. Austin was properly notified of the violation.

Judge Parsons said the County needs to look into this further. He said there needs to be some clarification. He asked for ordinances, land use amendments, etc. anything that would be helpful with the cases related to this.

Officer Hosey, GCSO, said the properties looked great compared to what it used to look like. He said as a homeowner he welcomes them.

**Recreation vehicles shall not be permitted as a residential unit in any land use category or use other than in a bona fide Recreational Vehicle park and shall require a special exception use permit. The length of stay in a permitted RV Park shall not exceed six (6) months. (Ord. #2006-020, 8-29-06) (Ord. #1996-005, 7-2-96)

Old Business

Case 14-07

Homer Hostetter

Rising Sons & Company, Inc.

5414 Sycamore Road, Quincy

3 12 2N 6W 0000 00330 0100

Violation: This is an old case from 2007 in which Homer Hostetter was cited for operating a vehicle towing and repair business at a location zoned for rural residential land use.

Judge Parsons said they are using the property, so he will allow them to start with the Planning Department. He said he would continue case for 30 days to comply with Planning and what they are doing to comply with permitting. They are required to attend the next meeting.

Mr. Collins said he personally was ok, but he is in violation of the Code. He said the lady next to the business complained that's why they are here. He is recommending they keep working as long as they are trying to comply.

Judge Parsons said he would give the benefit of the doubt. He said the process needs to begin and asked the Planning Department to be present at the next meeting. He can operate in the meantime.

Mr. Hostetter asked about the classification and Judge Parsons repeated what would need to happen at this point.

Mrs. Hostetter said her understanding it is industrial not commercial they need to apply for, so it's a change in the application.

*This case went before The Planning Commission on June 16, 2016 and was recommended that BOCC not approve it by 7- 0 vote.

- Next meeting - June 30, 2016 - 9:00am

Adjournment

**THERE BEING NO OTHER BUSINESS BEFORE THE JUDGE, THE HEARINGS WERE
ADJOURNED AT 9:38 A.M.**

GADSDEN COUNTY, FL

**JUDGE STEWART PARSON,
JUDGE MAGISTRATE**

ATTEST:

BERYL H. WOOD, DEPUTY CLERK