



Zoning Board of Adjustments and Appeals Meeting Agenda

**March 7, 2023 9:00 a.m.
in the City Hall Commission Chamber**

Anyone deciding to appeal a decision by the Board on any matter considered at this or any subsequent meeting will need a record of the proceedings, and for purposes of that appeal, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Lakeland ADA Specialist, Jenny Sykes, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email:

Jennifer.Sykes@lakelandgov.net. If hearing impaired, please contact the TDD numbers: Local – (863) 834-8333 or 1-800-9558771 (TDD-Telecommunications Device for the Deaf) or the Florida Relay Service Number 1-800-955-8770 (VOICE), for assistance.

The Zoning Board of Adjustments and Appeals will convene for its regular meeting for the purpose of hearing and acting upon the following:

ITEM 1:	Call to Order
ITEM 2:	Roll Call
ITEM 3:	Approval of minutes from the January meeting
ITEM 4:	City Attorney explains purpose and authority of the Board
ITEM 5:	New Business: New Board Member Thomas Brawner
ITEM 6:	Charlan Brock Architects requests: <ol style="list-style-type: none">1. A 6.2' variance to allow a street side setback of 3.8' from Virginia Ave, in lieu of the 10' minimum setback specified by Table 3.4-1 of the Land Development Code;2. A 4.3' variance to allow a front setback of 5.7' from W. Peachtree Street, in lieu of the 10' minimum setback specified by Table 3.4-1 of the Land Development Code; and3. A 4.3' variance to allow a street side setback of 5.7' from New York Ave, in lieu of 10' minimum setback specified by Table 3.4-1 of the Land Development Code in order to construct a new four-story, 84-unit multi-family residential development on property located at 321 W. Peachtree Street. Owner: Lonnie Bertsch. (VAR22-038)
ITEM 7:	Homeowner Diane Smith, requests a 3.5' variance to allow an 11.5' rear yard setback, in lieu of the 15' minimum rear yard setback specified by the PUD zoning for Sandpiper Golf & Country Club, and a 3.4% variance to allow a maximum lot coverage of 38.4% in lieu of the 35% maximum specified by Table 3.4-5 of the Land Development Code, to allow for the conversion of an existing patio screen enclosure to a sunroom with a hard roof on property located at 6151 Crane Drive. (VAR23-001)
ITEM 8:	T.M. Gurr requests a 10' variance to allow a street side setback of 40' from Edgewood Drive S, in lieu of the 50' minimum setback specified by PUD 3470 F in order to construct a laundromat on property located at 2006 Edgewood Drive S. Owner: Arthur N Rupe Foundation. (VAR23-002)
ITEM 9:	Point West Construction requests a 6' variance to allow a front yard setback of 9', in lieu of the 15' minimum setback specified by Table 4.3-1 of the Land Development Code, in order to replace an existing non-conforming porch with a deck on property located at 827 N. Lincoln Avenue. Owner: Ruben Pierre. (VAR23-004)
ITEM 10:	Homeowner Glenn Folsom, requests 2' variance to allow an 8' high privacy fence, in lieu of the maximum height of six feet for residential fences and walls specified by Figure 4.4-1 of the Land Development Code, in order to construct an eight-foot-high fence along the south (rear) property boundary on property located at 211 Hibriten Way. (VAR23-005)
ITEM 11:	Unfinished Business
ITEM 12:	Adjournment

The Zoning Board of Adjustments and Appeals met in Regular Session on Wednesday, January 4, 2023 in the City Commission Chamber at Lakeland City Hall 228 South Massachusetts Avenue.

Present were Board Members Eden Konishi (Chair), Gregory Kent (Vice Chair), Jiwa Farrell, Tunesia Mayweather, Daniel Sharrett and Kristen Tessmer. Also present were Ramona Sirianni, Assistant City Attorney; and staff from the Community & Economic Development Department Matthew Lyons, Chief Planner; Damaris Stull, Senior Planner and Christelle Burrola, Board Secretary.

The minutes from the previous meeting were approved as submitted, and Ramona explained the purpose and authority of the Board and the necessity of providing a hardship or uniqueness for the Board to consider and/or grant a variance. Anyone planning to present testimony was sworn in and everyone gave affirmative responses.

Item 6: Joseph Mele, Mele Custom Home Builders, requests a 5.5' variance to allow a 9.5' rear yard setback, in lieu of the 15' minimum rear yard setback specified for PUD zoning for Sandpiper Golf & Country Club, to allow for the construction of a new screen room with a hard roof on property located at 6202 Raven Run. Owner: Lonnie Bertsch. (VAR22-037)

Joseph Mele, 5805 Floy Drive, stated the request is to obtain variance relief which will allow for the demolition of an existing patio screen enclosure and subsequent construction of a hard roofed screen room.

Damaris Stull stated according to documentation provided by the applicant, the Sandpiper Golf & Country Club's Architectural Review Committee voted in support of this request on November 22, 2022.

In response to Matthew Lyons, Ms. Stull stated no phone calls or emails have been received in response to the request.

Kristen Tessmer made a motion to approve staff's recommendation. Jiwa Farrell seconded the motion and it passed 6—0.

Adjourned

The meeting was adjourned at 9:15 a.m.

Eden Konishi, Chairperson

Christelle Burrola, Secretary



Variance Application

General Information:

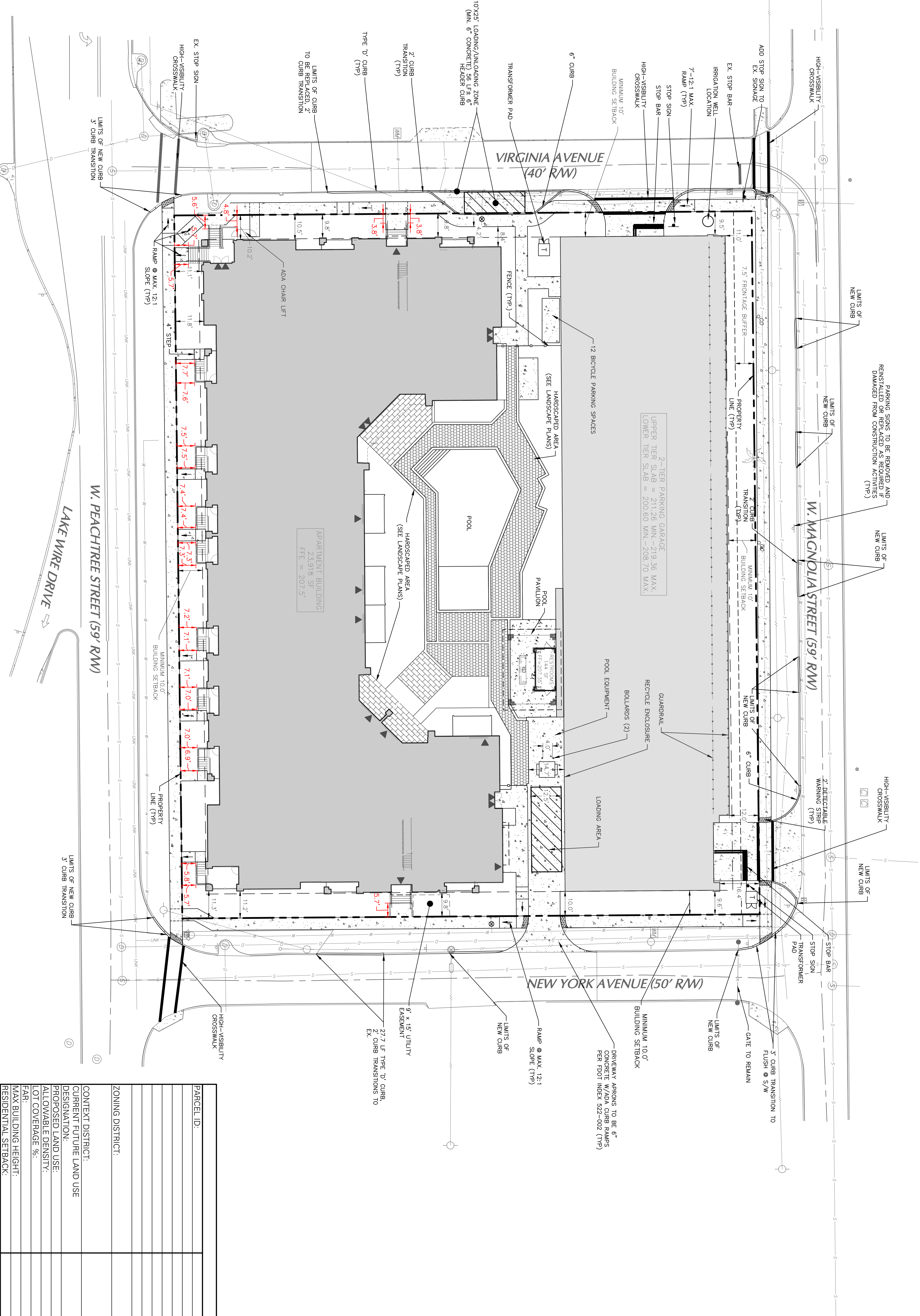
Project No:	VAR22-038	Application Date:	12/14/2022
Project Name:	321 W PEACHTREE ST_PEACHTREE FLATS		
Subject Property Address:	321 W PEACHTREE ST		
Parcel ID:	232813063000014090		
Applicant Name:	CHARLAN BROCK ARCHITECTS		
Applicant Address:	1770 FENNELL ST	MAITLAND	FL 32751
Owner Name:	LAKE WIRE APARTMENTS LLC		
Owner Address:	217 S CEDAR AVE	TAMPA	FL 336062217

Request:

Application Type:	VARIANCE		
Current			
Zoning:	(O-1) Low Impact Office	Context:	Urban Corridor (UCO)
Lot Dimensions:	Various lots - see Site Plan	Square Footage:	98295
Present Use:	Vacant		
Explanation of Request:	1. 6.2' variance on Virginia Ave 2. 4.3' variance on W. Peachtree Street, and 3. 4.3' variance on New York Avenue		
Justification:	Street Frontage		



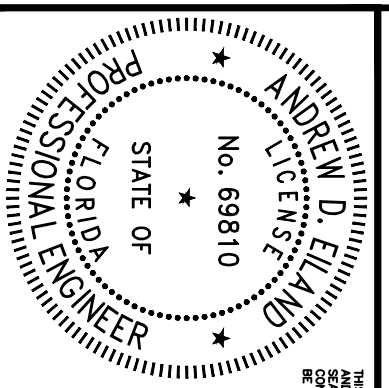
Project No. 350057201



PARCEL ID:	
ZONING DISTRICT:	
CONTEXT DISTRICT:	
CURRENT FUTURE LAND USE	
DESIGNATION:	
PROPOSED LAND USE:	
ALLOWABLE DENSITY:	
LOT COVERAGE %:	
FAR:	
MAX BUILDING HEIGHT:	
RESIDENTIAL SETBACK:	

PARKING CALCULATIONS	
REQUIRED (MULTI-FAMILY IN URBAN CONTEXT DISTRICT)	
1-BEDROOM = 1 SPACE PER DWELLING UNIT	
2-BEDROOM OR MORE = 1.5 SPACES PER DWELLING UNIT	
1-BEDROOM UNITS: 57 x 1 = 57 SPACES	
2-BEDROOM UNITS: 27 x 1.5 = 41 SPACES	
TOTAL REQUIRED = 98 SPACES	

10/28/22	REV. PER CITY COMMENTS	1
Date	Description	No.
Revisions		



LANGGAN

PEACHTREE FLATS

LAKELAND

FLORIDA

SITE PLAN

Project No.	Drawing No.
350057201	
Date	
JUNE 2022	
Drawn By	
JM	
Checked By	



4 NORTH-ELEVATION

SCALE: 3/32" = 1'-0"



WEST ELEVATION

SCALE: 3/32" = 1'-0"



EAST ELEVATION

SCALE: 3/32" = 1'-0"



SOUTH ELEVATION

SCALE: 3/32" = 1'-0"



Digitally signed by
Cristian O Oquendo:
Date: 2023.01.03
15:01:24-05'00'

Peachtree Flats Apartments

FENSALIR REAL ESTATE SERVICES, INC
217 S. CEDAR AVE. , TAMPA, FL 33606
813-235-5685
GWILKERSON@FRESREALESTATE.COM
WWW.FRESREALESTATE.COM



charlan • brock
associates

architects • planners
177D fernell street
maitland florida 32751-7208
407 660 8900 f:407 875 9948
www.cbocarchitects.com

job no: 4467.21
drawn by: JCR
reviewed by: CE
issue history:
Δ Date

Sheet 1 of 1
BUILDING TYPE
ONE ELEVATIONS

A2.1.0



VAR22-038

Parcel IDs 232813063000014090 and 232813063000014100



Lakeland Downtown Development Authority SPI





228 S MASSACHUSETTS AVE
LAKELAND, FLORIDA 33801
PLANNING@LAKELANDGOV.NET

RE: Variance Request - Project No. VAR22-038

Dear Property Owner:

This notice is to advise you that Charlan Brock Architects requests:

1. A 6.2' variance to allow a street side setback of 3.8' from Virginia Ave, in lieu of the 10' minimum setback specified by Table 3.4-1 of the Land Development Code;
2. A 4.3' variance to allow a front setback of 5.7' from W. Peachtree Street, in lieu of the 10' minimum setback specified by Table 3.4-1 of the Land Development Code; and
3. A 4.3' variance to allow a street side setback of 5.7' from New York Ave, in lieu of 10' minimum setback specified by Table 3.4-1 of the Land Development Code in order to construct a new four-story, 84-unit multi-family residential development on property located at 321 W. Peachtree Street.

The subject property is legally described as:

TRAMMELLS RESUB PB 5 PG 4 BLK 14 LOT 9. (A COMPLETE LEGAL DESCRIPTION IS AVAILABLE IN THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT.)

The public hearing to consider this request will be held before the Lakeland Zoning Board of Adjustments and Appeals at **9:00 a.m. on 3/7/2023** in the City Commission Room, City Hall, 228 S. Massachusetts Avenue. As an owner of property located in proximity to the subject property, as indicated on the attached map, you will be given an opportunity to express your opinion at the public hearing. You may also submit your views to the Community & Economic Development Department by including your name, address, and the project number via email to planning@lakelandgov.net, prior to the meeting date.

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THIS IS A COURTESY LETTER NOT REQUIRED BY LAW

Community and Economic Development Staff Recommendation for ZBAA

ZBAA Hearing	3/7/2023	Reviewer:	Phillip Searce
Project No:	VAR22-038	Subject Property:	321 W. Peachtree Street
Owner:	Lake Wire Apartments LLC.		
Applicant:	Charlan Brock Architects		
Current Zoning:	O-1 (Low Impact Office)	Context District	Urban Corridor (UCO)
Request:	1. A 6.2' variance to allow a street side setback of 3.8' from Virginia Ave, in lieu of the 10' minimum setback specified by Table 3.4-1 of the Land Development Code; 2. A 4.3' variance to allow a front setback of 5.7' from W. Peachtree Street, in lieu of the 10' minimum setback specified by Table 3.4-1 of the Land Development Code; and 3. A 4.3' variance to allow a street side setback of 5.7' from New York Ave, in lieu of 10' minimum setback specified by Table 3.4-1 of the Land Development Code in order to construct a new four-story, 84-unit multi-family residential development on property located at 321 W. Peachtree Street.		

1.0 Background

The subject property is located north of Lake Wire, east of Martin Luther King Jr. Ave, south of the Intown Bypass and west of Lawton Chiles Middle Academy. The subject property is approximately 1.46 acres in area and consists of lots 5 thru 12 within Block 14 of the Trammells Re-Subdivision. The majority of the subject property is zoned MF-22 (Multi-Family) with the exception of Lot 9 which is located at the southwest corner of W. Peachtree Street and N. Virginia Avenue and is zoned O-1 (Low Impact Office). Lots 10, 11 and 12 were previously used as an assisted living facility (Lake Wire Retirement Center) which closed in 2021. The remainder of the property is presently vacant. The subject property has a future land use designation of Residential High (RH) and is located within the boundaries of both the Downtown Community Redevelopment Agency (CRA) and the Lakeland Downtown Development Authority (LDDA). The applicant proposes to construct a four-story, 84-unit multi-family apartment building with an accessory two-story parking garage. An existing 6,160 sq. ft. building which was used as part of the assisted living facility will be demolished prior to development of the new multi-family project.

2.0 Discussion

The applicant requests a total of three (3) separate variances pertaining to the development of the proposed four-story multi-family project. The three variances requested are related to the primary street frontage on W. Peachtree Street, and the secondary street frontages located on N. Virginia Avenue and N. New York Avenue. The design of the building contains numerous entrance features which are elevated above grade and have stairways which encroach into the required front-yard setback. To allow for these encroachments, adjacent to N. Virginia and W. Peachtree Street, the applicant requests a 4.3' variance to allow a front setback of 5.7' in lieu of the 10' minimum setback specified by Table 3.4-1 of the Land Development Code. Along the eastern parcel boundary, adjacent to N. Virginia Ave, the applicant requests a 6.2' variance to allow a street side setback of 3.8' in lieu of the 10' minimum setback specified by Table 3.4-1 of the Land Development Code.

W. Peachtree Street, N. New York Avenue and N. Virginia Avenue are all classified as local streets which require a minimum setback of 10 feet. The subject property, however, is located within the West Lakeland Downtown redevelopment area. Within this area, an emphasis is placed on urban design and locating buildings closer to the street in order to create attractive, pedestrian oriented street frontages. The particular hardship suffered is related to the slope of the land and the proximity of ground floor residential units to the adjacent

streets. The elevated entrances are necessary to address the natural change in grade and a need for privacy for residents of ground floor units from passing vehicle and pedestrian traffic. Public Works has reviewed the proposed plans and does not have any objections to granting a variance to allow for the encroachment of the stairways as proposed.

3.0 Recommendation

The amount of relief requested is proportionate to the degree of hardship resulting from the natural grade change and proximity to adjacent streets and the minimum amount necessary to accommodate the stairways. Approval of a variance would not be contrary to the public interest, as granting the requested relief would not impact adjacent streets and pedestrian facilities. Provided that there are no substantive objections from adjacent property owners, staff recommends that the request be considered for approval.



Variance Application

General Information:

Project No:	VAR23-001	Application Date:	1/5/2023
Project Name:	6151 CRANE DR_GLASSROOM		
Subject Property Address:	6151 CRANE DR		
Parcel ID:	242719161356000040		
Applicant Name:	DIANE SMITH		
Applicant Address:	6151 CRANE DR	LAKELAND	FL 33809
Owner Name:	DIANE SMITH		
Owner Address:	6151 CRANE DR	LAKELAND	FL 33809

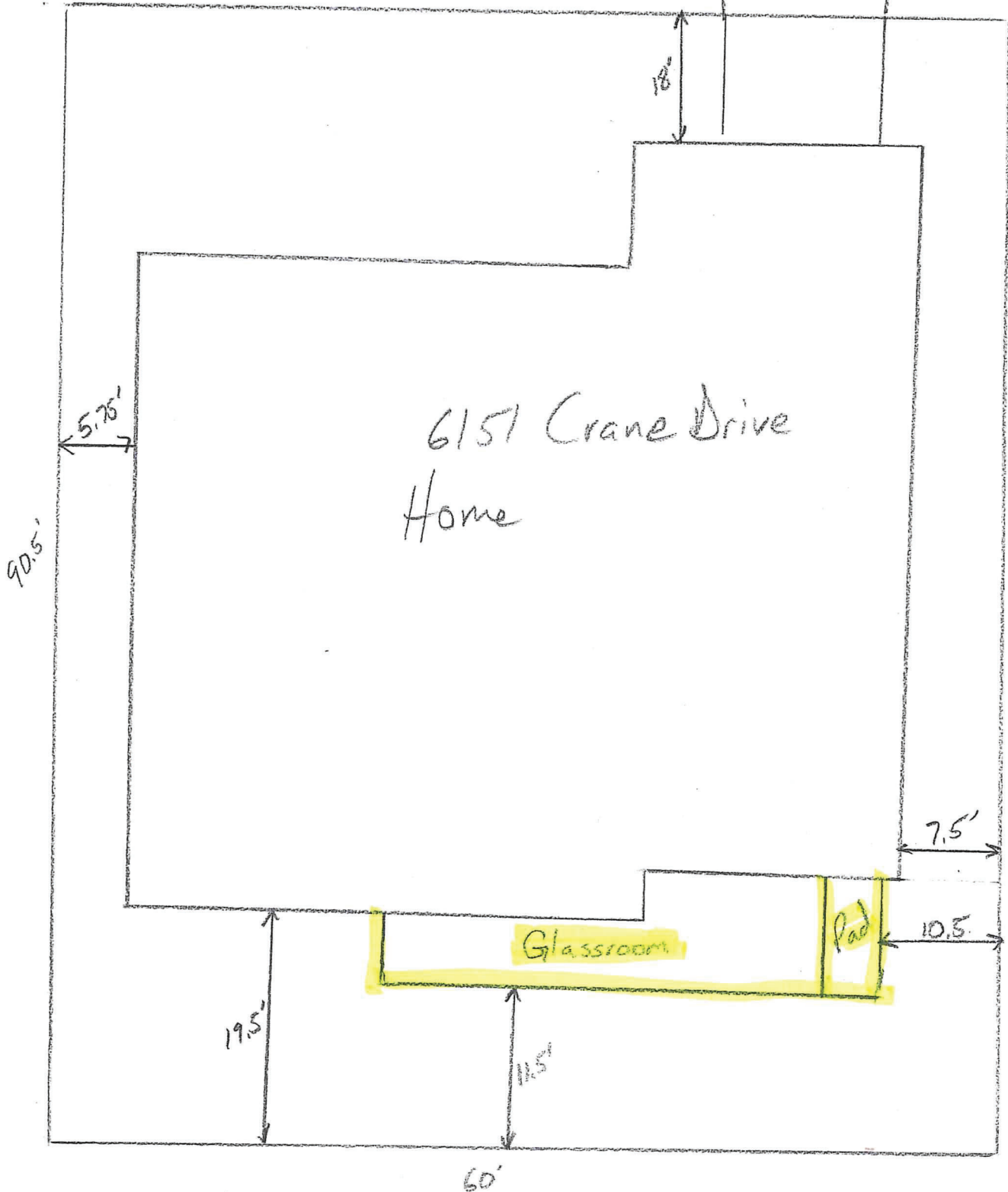
Request:

Application Type:	VARIANCE		
Current			
Zoning:	(PUD) 5705 Planned Unit Development	Context:	Suburban Neighborhood (SNH)
Lot Dimensions:	90' x 53'	Square Footage:	1485
Present Use:	Screen Lanai		
Explanation of Request:	I have a screen lanai with a painted screen roof, that I am wanting to change to a hard roof with glass walls.		
Justification:	I want to be use this room year round. When they mow it creates dust and dirt on everything. When it rains, everything get muddy and wet. Plus in the summer it is too hot to use.		

Crane Drive



Site Plan for
6151 Crane Drive
Lakeland, FL 33810





VAR23-001 6151 Crane Dr

Parcel ID 242719161356000040





228 S MASSACHUSETTS AVE
LAKELAND, FLORIDA 33801
PLANNING@LAKELANDGOV.NET

RE: Variance Request - Project No. VAR23-001

Dear Property Owner:

This notice is to advise you that Diane Smith requests a 3.5' variance to allow an 11.5' rear yard setback, in lieu of the 15' minimum rear yard setback specified by the PUD zoning for Sandpiper Golf & Country Club, and a 3.4% variance to allow a maximum lot coverage of 38.4% in lieu of the 35% maximum specified by Table 3.4-5 of the Land Development Code, to allow for the conversion of an existing patio screen enclosure to a sunroom with a hard roof on property located at 6151 Crane Drive. The subject property is legally described as:

SANDPIPER GOLF & COUNTRY CLUB PHASE SEVEN PB 87 PG 35 LOT 4. (A COMPLETE LEGAL DESCRIPTION IS AVAILABLE IN THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT.)

The public hearing to consider this request will be held before the Lakeland Zoning Board of Adjustments and Appeals at **9:00 a.m. on 3/7/2023** in the City Commission Room, City Hall, 228 S. Massachusetts Avenue. As an owner of property located in proximity to the subject property, as indicated on the attached map, you will be given an opportunity to express your opinion at the public hearing. You may also submit your views to the Community & Economic Development Department by including your name, address, and the project number via email to planning@lakelandgov.net, prior to the meeting date.

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THIS IS A COURTESY LETTER NOT REQUIRED BY LAW

Community and Economic Development Staff Recommendation for ZBAA

ZBAA Hearing	3/7/2023	Reviewer:	Todd Vargo
Project No:	VAR23-001	Subject Property:	6151 Crane Drive
Owner:	Diane Smith		
Applicant:	Diane Smith		
Current Zoning:	PUD (Planned Unit Development) 5705	Context District	Suburban Neighborhood (SNH)
Request:	A 3.5' variance to allow an 11.5' rear yard setback, in lieu of the 15' minimum rear yard setback specified by the PUD zoning for Sandpiper Golf & Country Club, and a 3.4% variance to allow a maximum lot coverage of 38.4% in lieu of the 35% maximum specified by Table 3.4-5 of the Land Development Code, to allow for the conversion of an existing patio screen enclosure to a sunroom with a hard roof on property located at 6151 Crane Drive.		

1.0 Background

The subject property consists of an 0.13-acre lot, approximately 53' wide by 90' deep, with an existing 1,925 sq. ft. single-family detached home that was built in 1991 according to the Polk County Property Appraiser. The subject property is zoned PUD (Planned Unit Development) and located within the Suburban Neighborhood (SNH) context sub-district.

2.0 Discussion

The purpose of this request is to obtain variance relief to allow for the conversion of an existing patio screen enclosure to a sunroom with a hard roof. Patio screen enclosures are subject to less stringent setback requirements than sunrooms which are considered to be an addition to the principal structure and subject to more stringent setback requirements.

Within Sandpiper, the Board has previously granted variances for screen rooms with a hard roof when a property is adjacent to either the golf course, a drainage feature or a perimeter boundary. A sunroom is similar to a screen room, except that it is enclosed with windows and could be potentially converted to living area through the extension of the HVAC system. The rear yard of the subject property abuts a retention pond, which means impacts of adjacent properties would be minimal. The particular hardship suffered by the applicant is related to the relatively small size of lots within the Sandpiper development and the location of the existing house on the lot.

The existing patio screen enclosure is located approximately 11.5 feet from the rear property line. According to documentation provided by the applicant, the Sandpiper Golf & Country Club's Architectural Review Committee voted in support of this request on October 21, 2022, and a copy of the approval letter has been attached to the application for this request.

3.0 Recommendation

The hardship suffered is not the result of any action taken by the applicant and due to the relatively small size of lots within Sandpiper. The amount of relief requested is reasonable and the minimal amount necessary to accommodate the proposed sunroom. Due to the minimal impact on adjacent properties, staff recommends that the request be considered for approval.



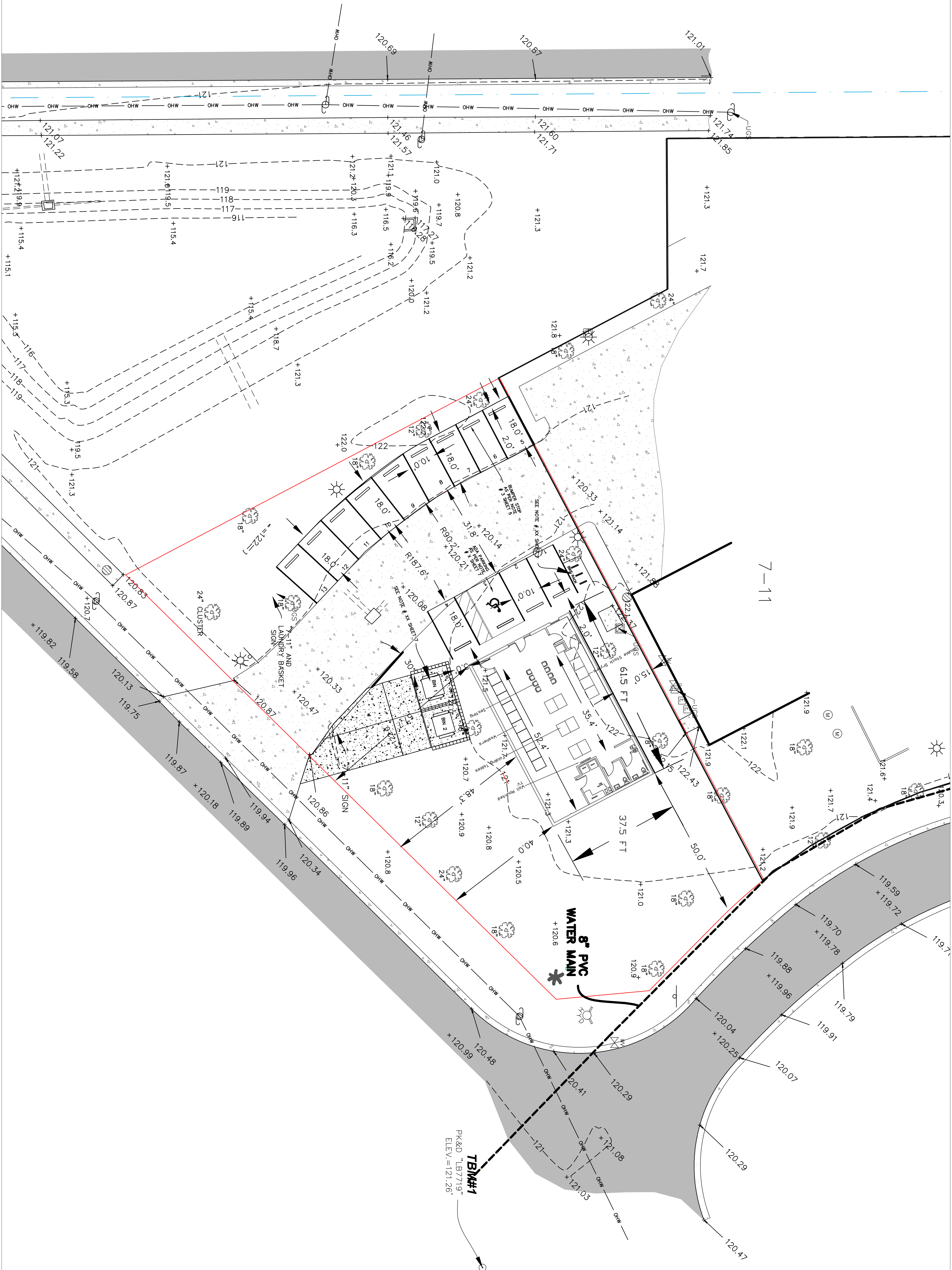
Variance Application

General Information:

Project No:	VAR23-002	Application Date:	1/9/2023
Project Name:	2006 EDGEWOOD DR_Coin Laundry		
Subject Property Address:	2006 EDGEWOOD DR S		
Parcel ID:	242833000000033070		
Applicant Name:	T.M "MIKE" GURR, P.G		
Applicant Address:	135 VAN FLEET COURT	AUBURNDALE	FL 33823
Owner Name:			
Owner Address:			

Request:

Application Type:	VARIANCE	
Current		
Zoning:	(PUD) 3470 F Planned Unit Development	Context: Urban Corridor (UCO)
Lot Dimensions:		Square Footage: 2300
Present Use:		
Explanation of Request:	Proposing a 2300 sq ft coin laundry. Squaring up the building with the 15 ft back lot line setback and the other setbacks reduces the building size to only 1660.50 sq ft. If the SE corner of the building setback is reduced to 40 ft from the property line this allows for approx. 2306.25 sq ft building. The SW corner of the building will be 20 ft from the N-S access rd and 59.3 ft from Edgewood Dr S.	
Justification:		



Always call 811 two full business days before you dig to have underground utilities located and marked.

Sunshine811.com

LAUNDRY BASKET

2006 EDGEWOOD DR SOUTH

PROPOSED SITE PLAN

CITY OF LAKE LAND

Gurr Professional Services, Inc.
Engineers, Geologists, and Scientists
202 Howard Street, Suite 1
Auburndale, Florida 33823
(863) 965-2200 office
Engineering Business No 28481
Geology Business No. GB686



DATE:

Timothy C. Gurr, P.E. # 42150

REVISIONS			
NO.	DATE	APPROVED	ACTION

Drawing No
LAUNDRY BASKET
1.dwg

Date 2/7/23

SHEET 4 OF 7



228 S MASSACHUSETTS AVE
LAKELAND, FLORIDA 33801
PLANNING@LAKELANDGOV.NET

RE: Variance Request - Project No. VAR23-002

Dear Property Owner:

This notice is to advise you that T.M "Mike" Gurr, P.G. requests a 10' variance to allow a street side setback of 40' from Edgewood Drive S, in lieu of the 50' minimum setback specified by PUD 3470 F in order to construct a laundromat on property located at 2006 Edgewood Drive S. The subject property is legally described as:

AN AREA OF LAND BOUND BY LAKELAND HIGHLANDS ROAD TO THE WEST, SOUTH EDGEWOOD DR TO THE SOUTH, TAFT AVENUE TO THE EAST, AND 7-11 STORE TO THE NORTH, POLK COUNTY FL. (A COMPLETE LEGAL DESCRIPTION IS AVAILABLE IN THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT.)

The public hearing to consider this request will be held before the Lakeland Zoning Board of Adjustments and Appeals at **9:00 a.m. on 3/7/2023** in the City Commission Room, City Hall, 228 S. Massachusetts Avenue. As an owner of property located in proximity to the subject property, as indicated on the attached map, you will be given an opportunity to express your opinion at the public hearing. You may also submit your views to the Community & Economic Development Department by including your name, address, and the project number via email to planning@lakelandgov.net, prior to the meeting date.

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THIS IS A COURTESY LETTER NOT REQUIRED BY LAW

Community and Economic Development Staff Recommendation for ZBAA

ZBAA Hearing	3/7/2023	Reviewer:	Todd Vargo
Project No:	VAR23-002	Subject Property:	2006 Edgewood Drive S
Owner:	Arthur N Rupe Foundation		
Applicant:	T.M. Gurr		
Current Zoning:	PUD (Planned Unit Development) 3470F	Context District	Urban Corridor (UCO)
Request:	A 10' variance to allow a street side setback of 40' from Edgewood Drive S, in lieu of the 50' minimum setback specified by PUD 3470 F in order to construct a laundromat on property located at 2006 Edgewood Drive S.		

1.0 Background

The subject property is located at the northeast corner of the intersection of Edgewood Drive South and Lakeland Highlands Road and zoned as part of the Lakeland Highlands Plaza shopping center located to the south. The subject property, approximately 0.5 acres in area, is located on Outparcel 3 within the shopping center and located immediately to the south of an existing 7-Eleven convenience store with motor vehicle fuel sales (Outparcel 4). The subject property is presently vacant and has a future land use designation of Neighborhood Activity Center (NAC). The applicant proposes to construct a 2,300 sq ft laundromat and associated parking.

2.0 Discussion

The applicant requests a 10-foot variance to allow a 40-foot setback from Edgewood Drive South in lieu of the 50-foot minimum setback specified by the PUD zoning. The subject property is constrained by the relatively small lot size and an existing north-south driveway which provides a vehicle connection from 7-Eleven to Edgewood Drive South. The location of the driveway and adjacent improvements on Outparcel 4 suggests that both parcels were developed as part of single development tract when the 7-Eleven was built in 1999. Following construction of the 7-Eleven, it appears that the parcel boundaries for Outparcel 3 were adjusted without amending the PUD.

The depth of Outparcel 3 ranges from approximately 140 feet on the west side of the parcel where the driveway is located, to 50 feet along the east side of the parcel, adjacent to Taft Avenue, where the bulk of the buildable area is located. Due to the irregular parcel geometry, a setback variance is necessary to allow for the construction of the proposed laundromat.

3.0 Recommendation

The amount of relief requested is proportionate to the degree of hardship resulting from the relatively small parcel size, existing driveway and irregular lot geometry associated with the development of the adjacent 7-Eleven on Outparcel 4 in 1999. Approval of a variance would not be contrary to the public interest. The requested relief is reasonable and proportionate to the degree of hardship and the minimum amount necessary to allow for development of the property. Provided that there are no substantive objections from adjacent property owners, staff recommends that the request be considered for approval.



Variance Application

General Information:				
Project No:	VAR23-004		Application Date:	1/19/2023
Project Name:	827 N LINCOLN AV			
Subject Property Address:	827 N LINCOLN AV			
Parcel ID:	232813074500009074			
Applicant Name:	POINT WEST CONSTRUCTION			
Applicant Address:	2718 N 40TH STREET	TAMPA	FL	33605
Owner Name:	RUBEN PIERRE			
Owner Address:	827 N LINCOLN AV	LAKELAND	FL	33815-1192

Request:			
Application Type:	VARIANCE		
Current			
Zoning:	Single Family (RA-4)	Context:	Urban Neighborhood (UNH)
Lot Dimensions:		Square Footage:	0
Present Use:			
Explanation of Request:	A 6' variance to allow a 9' street side setback		
Justification:	In lieu of the 15' minimum setback specified by Table 4.3-1 of the Land Development Code, in order to replace an existing non-conforming porch on property located at 827 N Lincoln Avenue.		

CITY OF LAKELAND, FLORIDA

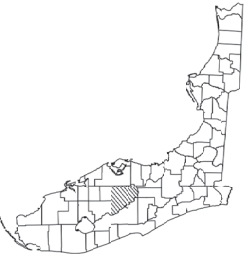
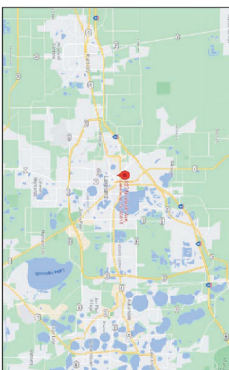
CONSTRUCTION PLANS

SECTION 23, TOWNSHIP 28, RANGE 13

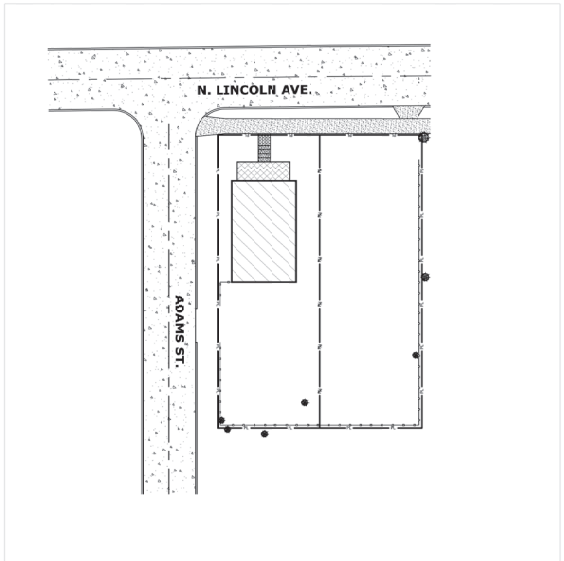
INDEX OF SHEETS

NO.	DESCRIPTION
SHEET-1	COVER SHEET
SHEET-2	PRE-DEVELOPMENT & MAP OF SURVEY
SHEET-3	POST-DEVELOPMENT SITE PLAN

LOCATION MAP



ALL CONSTRUCTION SHALL CONFORM TO CITY OF LAKELAND STANDARD INDEXES AND REGULATIONS OF THE LAND DEVELOPMENT CODE.



SITE DATA SUMMARY

EXISTING / REQUIRED	PROPOSED / REVISED
ZONING DISTRICT: RESIDENTIAL	ZONING DISTRICT: RESIDENTIAL
LAND USE: SINGLE-FAMILY RESIDENTIAL	LAND USE: SINGLE-FAMILY RESIDENTIAL
DESCRIPTION: 10,000 S.F. / 0.23 AC	DESCRIPTION: 10,000 S.F. / 0.23 AC
STANDARD SITE: STANDARD SITE	STANDARD SITE: STANDARD SITE
ELEVATION DATUM: NAVD 88	ELEVATION DATUM: NAVD 88
AREAS OF IMPROVEMENT: 3,500 S.F. / 0.0806 ACRES	AREAS OF IMPROVEMENT: 3,500 S.F. / 0.0806 ACRES
PROPOSED IMPROVEMENT AREA: N/A (EXISTING 126 SF PORCH)	PROPOSED IMPROVEMENT AREA: 134 S.F. / 0.00335 ACRES
TOTAL PREVIOUS AREA: 2,590 S.F. / 0.0596 ACRES / 74.000%	TOTAL PREVIOUS AREA: 2,598 S.F. / 0.0596 ACRES / 74.229%
PRN: 23-28-3-074510-009074	

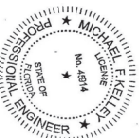
PERMITTING AGENCY	PERMIT TYPE	APPROVAL DATE	REVISION
CITY OF LAKELAND			

ENGINEER:

MICHAEL F. KELLEY, P.E. 45914
POINT WEST ENGINEERING
P.O. BOX 360035
TAMPA, FL 33673-0035
Ph. (813) 630-1001

CLIENT:

RUBEN PIERRE
827 N LINCOLN AVE.
LAKE AND, FL. 33815



MICHAEL F. KELLEY
PROFESSIONAL ENGINEER NO. 45914

DATE	REVISION	BY
11/10/23	1	AMS
01/02/22	2	AMS



P.O. BOX 360035
TAMPA, FLORIDA 33573-0035
PHONE (813) 232-1597
CA 27663

PROJECT:

PIERRE PORCH IMPROVEMENTS

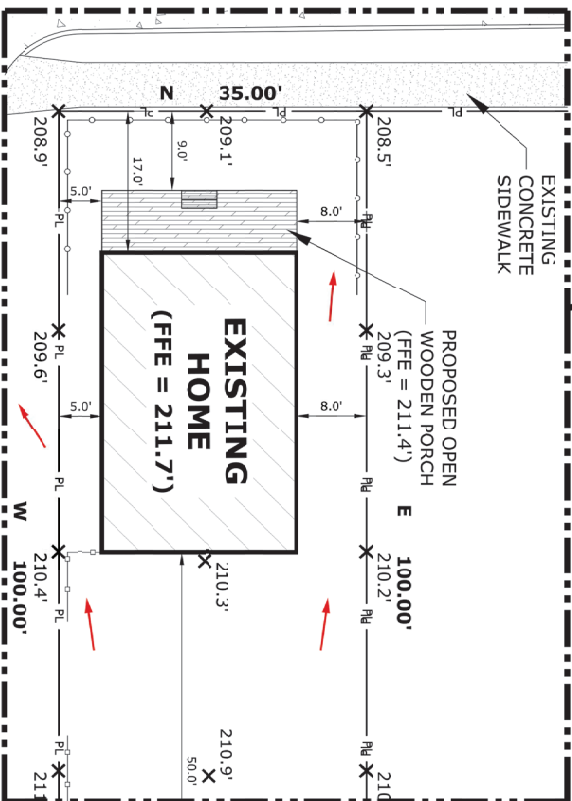
827 N LINCOLN AVE.
LAKELAND, FL. 33815

CLIENT:

RUBEN PIERRE

827 N LINCOLN AVE.
LAKELAND, FL. 33815

DRAWN BY: AMS
CHECKED BY: MK
DATE 02-11-22
SCALE: AS SHOWN
PROJECT NO.: T-335
CAD FILE NO.: T-335
CAD FILE NAME: T-335 RUBEN PIERRE
CAD FILE PATH: \\server\projects\T-335 RUBEN PIERRE\T-335 RUBEN PIERRE.dwg
SHEET NAME/ DESCRIPTION
COVER
SHEET NUMBER
1 OF 3



1. EXISTING HOME LIES WITHIN THE CITY OF LAKELAND CONSTRUCTION.
2. FIELD ACCESS EXISTING CONDITIONS PRIOR TO CONSTRUCTION.
3. PROPOSED ONSITE STORMWATER DRAINAGE CONVEYS TO EXISTING ROADS.
4. ALL UTILITIES ARE EXISTING.
5. EXISTING ELEVATIONS ARE BASED ON ELEVATION DATUM NAVD 88. PROPERTY FLOOD ZONE IS "X" AS PER FLOOD PANEL 12105C03156, 12/22/16.
6. ALL PROPOSED CONSTRUCTION SHALL ADHERE TO CITY OF LAKELAND LAND DEVELOPMENT CODES.
7. INSTALL PROPOSED SILT FENCING IF NECESSARY.
8. DIAL 811 PRIOR TO CONSTRUCTION.
9. CONSTRUCT PROPOSED OPEN PORCH AS SHOWN.
10. INSTALL SILT FENCING PRIOR TO CONSTRUCTION.



SHEET NUMBER
3 OF 3



VAR23-004 827 N Lincoln Ave
Parcel ID 232813074500009074





228 S MASSACHUSETTS AVE
LAKELAND, FLORIDA 33801
PLANNING@LAKELANDGOV.NET

RE: Variance Request - Project No. VAR23-004

Dear Property Owner:

This notice is to advise you that Point West Construction requests a 6' variance to allow a front yard setback of 9', in lieu of the 15' minimum setback specified by Table 4.3-1 of the Land Development Code, in order to replace an existing non-conforming porch with a deck on property located at 827 N. Lincoln Avenue. The subject property is legally described as:

AN AREA OF LAND DEFINED AS THE SOUTH QUARTER OF LOT 7 BLOCK 9 HAMPTON & FRANKLIN SUBDIVISION, AND, THE SOUTH 35 FEET OF THE WEST 35 FEET OF LOT 8 BLOCK 9 HAMPTON & FRANKLIN SUBDIVISION, POLK COUNTY FL. (A COMPLETE LEGAL DESCRIPTION IS AVAILABLE IN THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT.)

The public hearing to consider this request will be held before the Lakeland Zoning Board of Adjustments and Appeals at **9:00 a.m. on 3/7/2023** in the City Commission Room, City Hall, 228 S. Massachusetts Avenue. As an owner of property located in proximity to the subject property, as indicated on the attached map, you will be given an opportunity to express your opinion at the public hearing. You may also submit your views to the Community & Economic Development Department by including your name, address, and the project number via email to planning@lakelandgov.net, prior to the meeting date.

Anyone deciding to appeal a decision by the Board on any matter considered at this or any subsequent meeting will need a record of the proceedings, and for purposes of that appeal, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Lakeland ADA Specialist, Jenny Sykes, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: Jennifer.Sykes@lakelandgov.net. If hearing impaired, please contact the TDD numbers: Local - (863) 834-8333 or 1-800-955-8771 (TDD-Telecommunications Device for the Deaf) or the Florida Relay Service Number 1-800-955-8770 (VOICE), for assistance.

THIS IS A COURTESY LETTER NOT REQUIRED BY LAW

Community and Economic Development Staff Recommendation for ZBAA

ZBAA Hearing	3/7/2023	Reviewer:	Todd Vargo
Project No:	VAR23-004	Subject Property:	827 N Lincoln Ave
Owner:	Ruben Pierre		
Applicant:	Point West Construction		
Current Zoning:	RA-4 (Single-Family)	Context District	Urban Neighborhood (UNH)
Request:	A 6' variance to allow a front yard setback of 9', in lieu of the 15' minimum setback specified by Table 4.3-1 of the Land Development Code, in order to replace an existing non-conforming porch with a deck on property located at 827 N. Lincoln Avenue.		

1.0 Background

The subject property, located at the northeast corner of N. Lincoln Avenue and Adams Street, consists of 35' wide x 100' deep corner lot. The subject property is currently improved with a one-story, 830 sq. ft. single-family detached home which was originally built in 1930 according to the Polk County Property Appraiser. The lot is considered to be legal, nonconforming as it does not meet the 50' minimum lot width and 5,000 sq. ft. minimum lot area specified by the RA-4/UNH zoning classification.

2.0 Discussion

The subject property is zoned RA-4 (single-family) with the Urban Neighborhood (UNH) context district. In accordance with Table 3.4-1 of the Land Development Code, the minimum front setback for this zoning district is 15'. The subject property was cited by Code Enforcement Department in November of 2020 for demolishing an existing covered porch and constructing a new deck without a building permit (PER20-05713). In November of 2021, Point West Construction applied for a building permit (BLD21-09167) for the construction of a new deck the same distance from the Lincoln Avenue right-of-way as the original porch (the new deck is approximately 4' wider than the original porch). During the review of the building permit, Planning staff noted that both the original front porch and the new deck did not conform to the current setbacks from a local road, which is 15' for the RA-4/UNH zoning district.

Subsection 13.5.2.6 of the City's Land Development Code states: "Whenever a nonconforming structure is destroyed, the nonconforming structure shall not be rebuilt except in conformance with all the requirements of this Code. For the purposes of this section, "destroyed" shall constitute damage by any means to such an extent that the cost of repair or replacement would exceed 50 percent of the replacement cost of the structure before it was destroyed." When the original front porch was demolished, the deck should not have been reconstructed at the same distance from Lincoln Avenue without variance approval.

The existing home sits 17' from the right-of-way for N Lincoln Avenue. The deck, as built, extends eight feet from the west side of the existing single-family home and is setback approximately nine feet from the right-of-way along N Lincoln Avenue.

The current owner purchased the property in September of 2020 unaware of the structure's nonconformity with the current setbacks. The particular hardship suffered is related to the setbacks and footprint of the existing house, which was originally constructed 9' from the front property line. If the requested variance relief is denied, the deck would have to be cutback to meet the 15-foot setback requirement which would make the front deck only 2' deep, severely limiting the functionality of the uncovered deck.

Table 3.4-1 of the Land Development Code requires principal building to have a covered entrance feature, either a porch or stoop. The porch that was previously located on the front of the house satisfied this requirement. As such, removal of the covered porch resulted in the creation of a nonconformity as an uncovered deck would not meet the minimum requirements for an either a porch or stoop as specified in Subsection 3.4.5.g of the Land Development Code.

A porch is defined as an elevated, roofed, open area at the building entrance with steps or stairs leading to grade. A walkway extends from the bottom of the steps or stairs to the sidewalk or street. A porch may be screened but not enclosed by walls or windows on the primary street side. Porches must be a minimum of 10 feet wide, or 30% of the building width at the front façade, whichever is less, and a minimum depth of eight feet with a minimum finished floor height of 21" above grade.

A stoop is defined an elevated, roofed landing at the building entrance with steps or stairs leading to grade. A walkway extends from the bottom of the steps or stairs to the sidewalk or street. A stoop may be screened but not enclosed by walls or windows on the primary street side. Stoops must be a minimum five feet wide, or 20% of the building width at the front façade, whichever is less, and a minimum depth five feet with a minimum finished floor height of 4" above grade.

3.0 Recommendation

The hardship suffered is not the result of any action taken by the applicant as it related to the setbacks of the home as original built. The requested relief is reasonable and proportionate to the degree of hardship and the minimum amount necessary to allow for the construction of the deck and replacement of the entrance feature. Staff recommends that this request for a six-foot setback variance to allow for the new front deck receive consideration for approval provided there are no substantive objections from adjacent property owners. However, staff recommends that replacement of the entrance feature be required as a condition for approval as follows:

1. To satisfy zoning requirements for an entrance feature, a covered roof shall be constructed and maintained above the front entrance to the existing home.
2. The roof surface for the entrance feature shall be a minimum of five feet wide by five feet deep and provide a minimum clear height of 7' 6".



Variance Application

General Information:

Project No:	VAR23-005	Application Date:	1/31/2023
Project Name:	211 HIBRITEN_8 FT FENCE		
Subject Property Address:	211 HIBRITEN WY		
Parcel ID:	242830259500002080		
Applicant Name:	GLENN FOLSOM		
Applicant Address:	211 HIBRITEN WAY	LAKELAND	FL 33803
Owner Name:	GLENN FOLSOM		
Owner Address:	211 HIBRITEN WAY	LAKELAND	FL 33803

Request:

Application Type:	VARIANCE	
Current		
Zoning:	(RA-1) Single Family	Context: Urban Neighborhood (UNH)
Lot Dimensions:	189x131.5	Square Footage: 24854
Present Use:	my home	
Explanation of Request:	8 foot fence	
Justification:	lan damaged existing 8 foot beyond repair	

**SUBJECT
PROPERTY**

HIBRITEN WAY

PATTEN HEIGHTS ST



VAR23-005 211 Hibriten Way

Parcel ID 242830259500002080





228 S MASSACHUSETTS AVE
LAKELAND, FLORIDA 33801
PLANNING@LAKELANDGOV.NET

RE: Variance Request - Project No. VAR23-005

Dear Property Owner:

This notice is to advise you that Glenn Folsom requests a two-foot variance to allow an eight-foot-high fence, in lieu of the maximum height of six feet for residential fences and walls specified by Figure 4.4-1 of the Land Development Code, in order to construct an eight-foot-high fence along the south (rear) property boundary on property located at 211 Hibriten Way. The subject property is legally described as:

VILLA HOLLINGSWORTH SUB PB 6 PG 34 BLK B LOTS 8 & 9 & E 30 FT OF 10. (A COMPLETE LEGAL DESCRIPTION IS AVAILABLE IN THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT.)

The public hearing to consider this request will be held before the Lakeland Zoning Board of Adjustments and Appeals at **9:00 a.m. on 3/7/2023** in the City Commission Room, City Hall, 228 S. Massachusetts Avenue. As an owner of property located in proximity to the subject property, as indicated on the attached map, you will be given an opportunity to express your opinion at the public hearing. You may also submit your views to the Community & Economic Development Department by including your name, address, and the project number via email to planning@lakelandgov.net, prior to the meeting date.

Anyone deciding to appeal a decision by the Board on any matter considered at this or any subsequent meeting will need a record of the proceedings, and for purposes of that appeal, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Lakeland ADA Specialist, Jenny Sykes, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: Jennifer.Sykes@lakelandgov.net. If hearing impaired, please contact the TDD numbers: Local - (863) 834-8333 or 1-800-955-8771 (TDD-Telecommunications Device for the Deaf) or the Florida Relay Service Number 1-800-955-8770 (VOICE), for assistance.

THIS IS A COURTESY LETTER NOT REQUIRED BY LAW

Community and Economic Development Staff Recommendation for ZBAA

ZBAA Hearing	3/7/2023	Reviewer:	Damaris Stull
Project No:	VAR23-005	Subject Property:	211 Hibriten Way
Owner:	Glenn Folsom		
Applicant:	Glenn Folsom		
Current Zoning:	RA-1 (Single-Family)	Context District	Urban Neighborhood (UNH)
Request:	A 2' variance to allow an 8' high privacy fence, in lieu of the maximum height of six feet for residential fences and walls specified by Figure 4.4-1 of the Land Development Code, in order to construct an eight-foot-high fence along the south (rear) property boundary on property located at 211 Hibriten Way.		

1.0 Background

The subject property is approximately 0.57 acres in area and located south of Hibriten Way, north of Patten Heights St, east of Lake Hollingsworth, and west of Florida Av. The subject property contains an existing single-family detached home which was originally built in 1937 according to the Polk County Property Appraiser.

2.0 Discussion

The purpose of this request is to obtain variance relief which will allow for an 8' high privacy fence along the rear property line. The applicant justification for this request is related to both a need for privacy due the existence of a pool as well as a significant change in grade in the backyard which slopes to the east. The pool deck is approximately four feet above grade from the primary residence. The additional height request to provide privacy from the rear neighbors. If approved, the variance will only apply to the fencing placed along the rear property line for the additional privacy.

3.0 Recommendation

The particular hardship suffered is not the result of any action taken by the applicant. Staff recognizes that there is a fairly significant change in grade of the property from east to west. The requested relief is reasonable and proportionate to the degree of hardship resulting from the natural grade change. Provided there are no substantive objections from adjoining property owners, staff recommends that the variance be considered for approval.