



Zoning Board of Adjustments and Appeals Meeting Agenda

**April 4, 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 March meeting
ITEM 4:	City Attorney explains purpose and authority of the Board
ITEM 5:	The Lakeland Community Redevelopment Agency requests a 2' high variance to allow a maximum fence height of 6', in lieu of the maximum height of four feet for residential fences and walls located in front and street side yards, to allow for the placement of a six-foot high chain link fence along the front and street side property lines on property located south of E. Parker Street, north of E. Myrtle Street, east of N. Tennessee Avenue and west of N. Kentucky Avenue. (VAR23-006)
ITEM 6:	Danielle Fence Manufacturing Company, Inc., requests a 2' variance to allow a maximum fence height of 8', 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, to allow for the replacement of an existing 80-foot long, eight-foot-high wood privacy fence located along the south property line of property located at 2608 Coventry Avenue. Owner: Gasper Kovach Jr. (VAR23-008)
ITEM 7:	Dan Fowler requests an 8' 6" variance to allow a rear setback of 6' 6", in lieu of the required 15' minimum setback for principal structures specified by Table 3.4-1 in the Land Development Code, to allow for the construction of an attached carport and utility room addition in the rear yard of property located at 301 Allamanda Drive. Owner: Clayton Gaa and Margaret Gaa. (VAR23-009)
ITEM 8:	Homeowner Mark Melnick requests a 2' variance to allow a maximum fence height of 8', 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 replace an existing eight-foot-high wood privacy fence located in the rear yard area on property located at 425 Hunter Street. (VAR23-010)
ITEM 9:	Unfinished Business
ITEM 10:	Adjournment

The Zoning Board of Adjustments and Appeals met in Regular Session on Tuesday, March 7, 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), Thomas Brawner, 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; Phillip Searce, Principal Planner; Damaris Stull, Senior Planner; Todd Vargo, 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: 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.** 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)

Greg Wilkerson, Fensalir Real Estate Services, stated the request for the variance is to modify the setbacks on the east, west and south sides of the subject property.

Phillip Searce stated 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 subject property is located within the West Downtown Lakeland 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 requested variance relief is necessary to allow for the partial encroachment of elevated entrance features into the front and street side yards.

Mr. Searce stated staff recommends approval.

Gregory Kent made a motion to approve staff's recommendation. Kristen Tessmer seconded the motion and it passed 7—0.

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)

Diane Smith, 6151 Crane Drive, stated the request is to obtain variance relief which will allow for the construction of a hard roof screen room. Jonathan Pike, Conner Exteriors & More, was also present in support of the request.

In response to Eden Konishi, Ms. Smith stated the request has been approved by the Sandpiper Golf & Country Club's Architectural Review Committee.

Mr. Vargo stated staff recommends approval.

Daniel Sharrett made a motion to approve staff's recommendation. Kristen Tessmer seconded the motion and it passed 7—0.

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) (VAR23-002)

Mike Gurr, 135 Van Fleet Ct, Auburndale, was present in support of the request.

Todd Vargo stated 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. The applicant proposes to construct a 2,300 sq ft laundromat and associated parking.

Mr. Vargo stated staff recommends approval.

In response to Eden Konishi, Mr. Vargo stated no objections have been received.

In response to Thomas Brawner, Mr. Gurr stated there is a reciprocal agreement for access with 7-Eleven.

Gregory Kent made a motion to approve staff's recommendation. Daniel Sharrett seconded the motion and it passed 7—0.

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)

Ruben Pierre, 827 N. Lincoln Avenue, stated the request is for approval of a front porch.

Todd Vargo stated the subject property is zoned RA-4 (single-family) and within the Urban Neighborhood (UNH) context district. 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. In November of 2021, Point West Construction applied for a building permit for the construction of a new deck. During the review of the building permit, staff noted that both the original front porch and the new deck did not conform with the minimum front yard setback requirement. Because the removal of the front porch created a nonconformity, staff recommends that the variance be conditioned upon the construction of a covered entrance feature on the front of the home.

Discussion ensued.

Mr. Vargo presented the recommended conditions of approval.

Gregory Kent made a motion to approve staff's recommendation. Jiwa Farrell seconded the motion and it passed 7—0.

Item 10: Homeowner Glenn Folsom, requests: 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. (VAR23-005)

Glenn Folsom, 211 Hibriten Way, stated the request is to obtain variance relief which will allow for the replacement of an existing 8' high fence.

Damaris Stull stated the applicant's 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.

Ms. Stull stated staff recommends approval.

In response to Eden Konishi, Mr. Folsom stated the existing fence is 8' high.

In response to Ms. Konishi, Mr. Folsom stated the variance will only apply to the fencing placed along the rear of the property.

Daniel Sharrett made a motion to approve staff's recommendation. Jiwa Farrell seconded the motion and it passed 7—0.

Adjourned

The meeting was adjourned at 9:52 a.m.

Eden Konishi, Chairperson

Christelle Burrola, Secretary



Variance Application

General Information:

Project No:	VAR23-006	Application Date:	2/16/2023
Project Name:	CRA VACANT PROPERTY FENCE_210 E MYRTLE ST		
Subject Property Address:	210 E MYRTLE ST		
Parcel ID:	242818203000015041		
Applicant Name:	LAKELAND COMMUNITY REDEVELOPMENT AGENCY		
Applicant Address:	228 S MASSACHUSETTS AV	LAKELAND	FL 33811
Owner Name:	COMMUNITY REDEVELOPMENT AGENCY GUISEPPI		
Owner Address:	228 S MASSACHUSETTS AV	LAKELAND	FL 33811

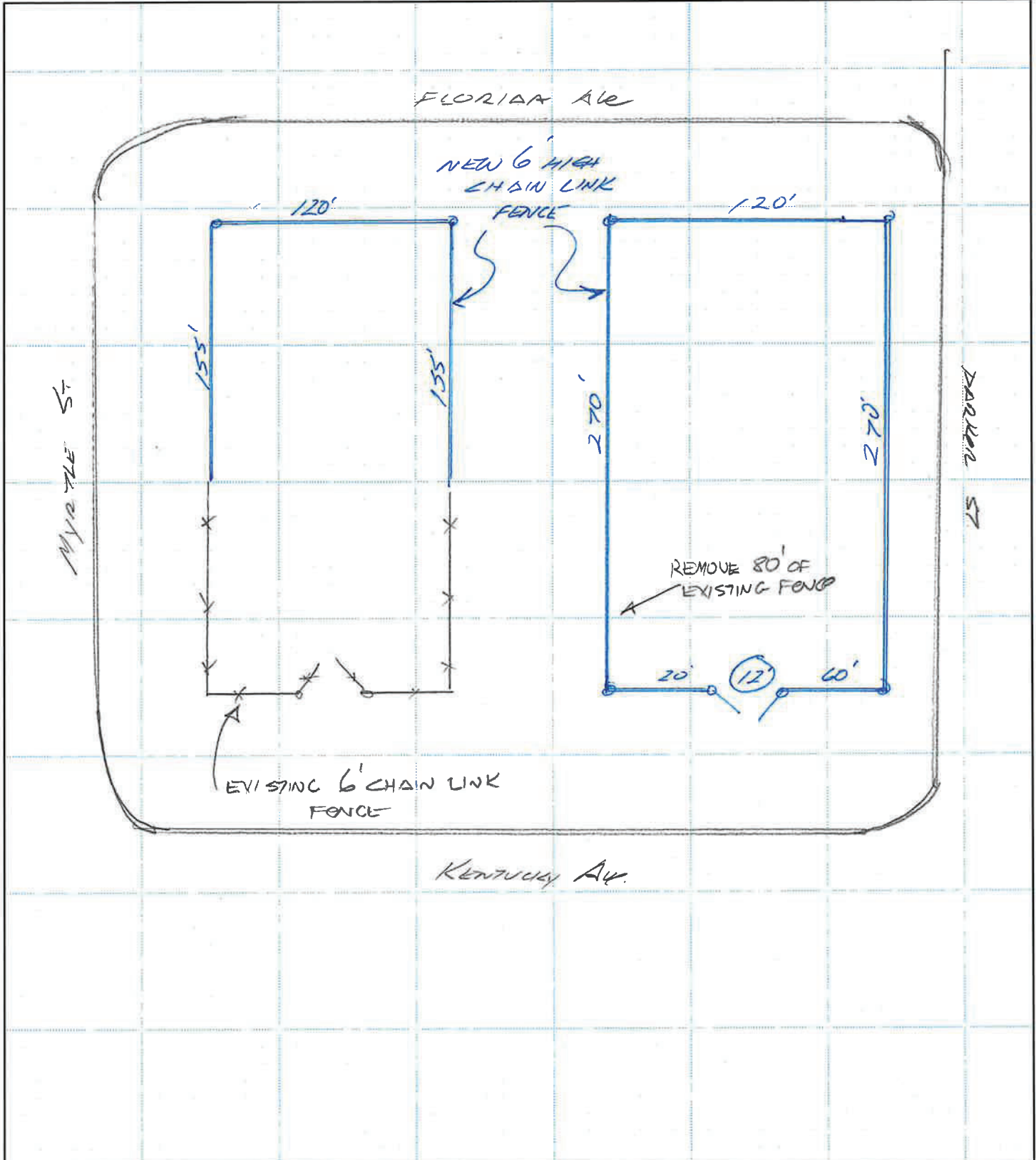
Request:

Application Type:	VARIANCE		
Current			
Zoning:	(MF-22) Multi-Family	Context:	Urban Neighborhood (UNH)
Lot Dimensions:	155x120 & 270X120	Square Footage:	1170
Present Use:	Vacant		
Explanation of Request:	Installing 6" chain link fence multiple parcels		
Justification:	If the entire block is vacant and under the control of the CRA, staff would support a variance to allow a six-foot high chain link fence to secure the perimeter from vehicles, vagrants and illegal dumping until redevelopment moves forward		

JIM WILLIAMS FENCE CO.

934 East Rose Street
Lakeland, Florida 33801
Phone (863) 688-1194

JOB CITY OF LAKELAND / CRA
SHEET NO. _____ OF 1
CALCULATED BY JW DATE 1/22/23
CHECKED BY _____ DATE _____
SCALE NTS





VAR23-006 210 E MYRTLE ST

Multiple Parcels





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

RE: Variance Request - Project No. VAR23-006

Dear Property Owner:

This notice is to advise you that the Lakeland Community Redevelopment Agency requests a 2' high variance to allow a maximum fence height of 6', in lieu of the maximum height of four feet for residential fences and walls located in front and street side yards, to allow for the placement of a six-foot high chain link fence along the front and street side property lines on property located south of W. Parker Street, north of E. Myrtle Street, east of N. Tennessee Avenue and west of N. Kentucky Avenue. The subject property is legally described as:

SCHIPMANS SURVEY DB G PG 360 361 BLK 15 LOTS 1 THRU 7 AND 12 THRU 18. (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 4/4/2023** 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.

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THIS IS A COURTESY LETTER NOT REQUIRED BY LAW

Community and Economic Development Staff Recommendation for ZBAA

ZBAA Hearing	4/4/2023	Reviewer:	Todd Vargo
Project No:	VAR23-006	Subject Property:	Multiple properties bounded by Parker Street W, Myrtle Street E, Kentucky Avenue N and Tennessee Avenue N
Owner:	Lakeland Community Redevelopment Agency		
Applicant:	Lakeland Community Redevelopment Agency		
Current Zoning:	MF-22 (Multi-Family)	Context District	Urban Neighborhood (UNH)
Request:	A 2' high variance to allow a maximum fence height of six-feet, in lieu of the maximum height of four feet for residential fences and walls located in front and street side yards, to allow for the placement of a six-foot high chain link fence along the front and street side property lines on property located south of E. Parker Street, north of E. Myrtle Street, east of N. Tennessee Avenue and west of N. Kentucky Avenue.		

1.0 Background

The subject property, approximately 1.36 acres in area, consists of the entire block bounded by E. Parker Street to the north, E. Myrtle Street to the south, N. Kentucky Avenue to the east, and N. Tennessee Avenue to the west. The entire block is under the ownership of the Lakeland Community Redevelopment Agency (CRA). The subject property is zoned MF-22 (Multi-Family Residential) and located within the Urban Neighborhood (UNH) context sub-district.

2.0 Discussion

The purpose of this request is to obtain variance relief which will allow for the placement of a 6' high chain link fence along the front and street side property lines for the entire block, excluding a platted improved alley which runs east-west through the middle of the block.

The requested variance relief is necessary to secure the property from vehicles, vagrants and illegal dumping while the CRA markets the property for redevelopment. Additionally, since the property has been a source of criminal activity in the area, the Lakeland Police Department is recommending that the property be fenced to deter crime. The CRA will be issuing a Request for Proposals (RFP) later this year with the goal of redeveloping the property for a multi-family residential/mixed-use development within 2 years. As such, the fencing will be temporary and removed once redevelopment of the block moves forward.

Staff contacted the Traffic Operations and Parking Department to determine if locating the chain link fence within the site-visibility triangles would create a hazard for motorists. Since the streets that define the block are low-speed and chain link material provides a high degree of transparency, the Traffic Operations and Parking Department did not have any objections with locating a six-foot high chain link fence within the site visibility triangles as shown on the site plan.

3.0 Recommendation

The particular hardship suffered is not the result of any action taken by the applicant. Staff recognizes that this variance will be for fencing of a temporary nature to restrict access to the property until redevelopment moves forward. The requested relief is reasonable and proportionate to the degree of hardship resulting from the need to secure the premises and prevent unauthorized access to the property. Provided there are no substantive objections from adjoining property owners, staff recommends that the variance be considered for approval.



Variance Application

General Information:

Project No:	VAR23-008	Application Date:	2/21/2023
Project Name:	2608 COVENTRY AV_FENCE		
Subject Property Address:	2608 COVENTRY AV		
Parcel ID:	242830254800001860		
Applicant Name:	DANIELLE FENCE MFG CO INC		
Applicant Address:	4855 STATE ROAD 60 WEST	MULBERRY	FL 33860
Owner Name:	KOVACH GASPER JR		
Owner Address:	2608 COVENTRY AVENUE	LAKELAND	FL 33803

Request:

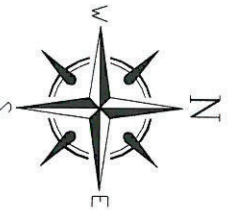
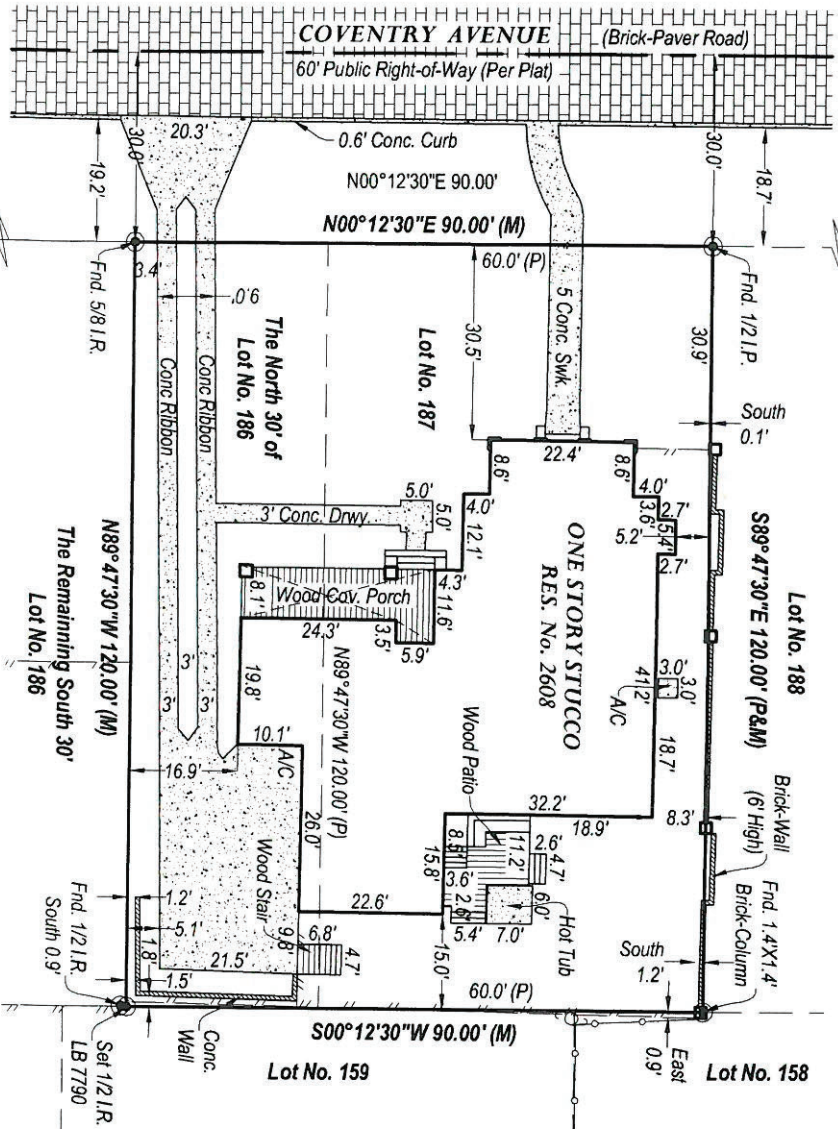
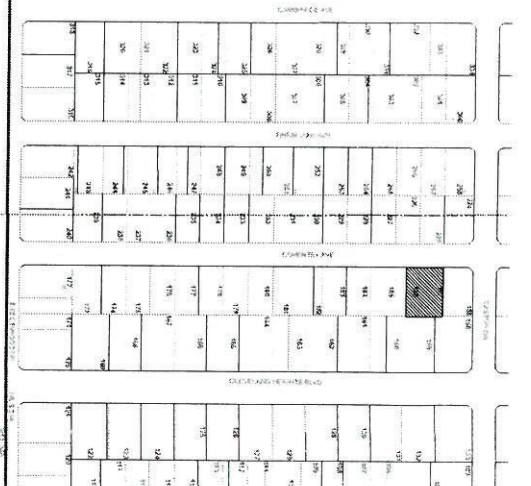
Application Type:	VARIANCE		
Current			
Zoning:	(RA-1) Single Family	Context:	Urban Neighborhood (UNH)
Lot Dimensions:	90x120	Square Footage:	10800
Present Use:	Residential Home		
Explanation of Request:	Replace existing 96" tall wood fence with 96" tall Almond Industrial PVC Fence		
Justification:	8' fence is critical as slope of property is rather pronounced and that due to its grade change from his neighbors side to his side is major drop and 6' tall fence would end up being about 4' in height		

BOUNDARY SURVEY

SCALE: 1" = 30'

LEGAL DESCRIPTION: (Per O.R. Book 06014, Page 0752)
The North 1/2 of Lot 186 and all of Lot 187 of **Cleveland Heights**
Subdivision Unit No. 1, according to the plat thereof as recorded in Plat
Book 8, Pages 26 through 28, of the Public Records of Polk County, Florida.

LOCATION MAP



ELEVATION INFORMATION:

The flood data provided is for informational purposes only based on the Flood Insurance Rate Map of the Federal Emergency Management Agency, under Map Number 12105C0315G, Flood Zone X, Dated or Revised on 12-22-2016.



PROPERTY ADDRESS:
2608 Coventry Avenue
Lakeland, Florida 33803

SURVEYOR'S NOTES:

1. Bearings as shown on the Survey Map refer to a plat of N00°12'30"E, along the Coventry Avenue (Public Road).
2. Examination of abstract of Title will have to be made to recorded instruments, if any, affecting the property.
3. This Survey is subject to Dedications, Limitations, Rest, Reservation or Easements of Records.
4. Legal Descriptions provided by client.
5. Underground Encroachments, if any, are not shown.
6. This Firm has not attempted to locate footing and/or for and/or underground improvements of any nature.
7. If shown Bearings are referred to an assumed meridian.
8. This Survey is not intended for neither Design nor Cont purposes. For those purposes a Topographic Survey is R.
9. Fence ownership not determined.

CERTIFY TO:

-Gasper Kovach Jr. and Karen M. Kovach

CERTIFICATION:

I Certify that this Survey was made in direction and that it meets the Standard of Practice set forth of Professionals Land Surveyors and Mappers in Character Administrative Code, pursuant to Section 47.027, Florida Statutes.

Miguel A. Cortes
MIGUEL A. CORTES
Land Surveyor and Mapper No. 5829
State of Florida

Not valid without the Signature and the Raised Seal of a Florida Licensed Surveyor and Mapper



sales@daniellefence.net

Location & Mailing Address: 4855 S.R. 60 W Mulberry, FL 33860

Phone: 863.425.3182 • 813.681.6181

www.DanielleFence.com

Sales Rep: Todd Weihmeir

Opportunity #: 160997

Date: 2/1/2023 3:00:59 PM

Name: Gasper & Karen Kovach

Jobsite Address: 2608 Coventry Ave

City, State, Zip: Lakeland, FL 33803

Billing Address (City, State, Zip): 2608 Coventry Ave, Lakeland, FL 33803

Primary Email: g.kovach.jr@gmail.com

Secondary Email: g.kovach.jr@gmail.com

Primary Phone: 863-326-0270

Work Phone:

Mobile Phone:

Secondary Mobile Phone:

Subdivision: CLEVELAND HEIGHTS

Cross Street: Easton Dr

Contact:

Phone: 863-326-0270

KEYS & NOTES

	YES	NO
CONCRETE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MULTIPLE FENCE STYLES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPTIC / DRAINFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>
POOL - OPEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
POOL - SCREENED	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CORNER LOT	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TEAR DOWN	<input type="checkbox"/>	<input checked="" type="checkbox"/>

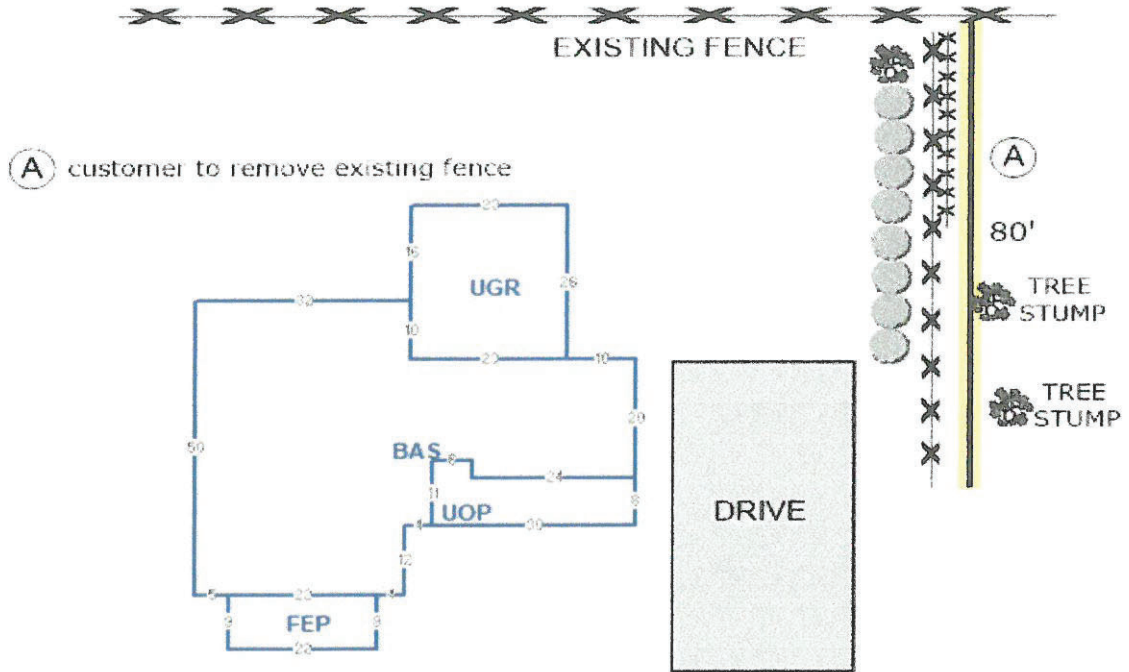
FOOTAGE

PVC ☐ _____
Aluminum ☐ _____
Wood ☐ CUSTOMER TO REMOVE
Chainlink ☐ _____

APPROVALS

	YES	NO
PRIVATE UTILITIES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PERMIT REQUIRED	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NOC REQ'D (OVER \$2,500)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HOA OR POA	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> DANIELLE		
<input checked="" type="checkbox"/> HOMEOWNER		
<input type="checkbox"/> Begin without Approval		
<input checked="" type="checkbox"/> Wait for Approval		

DWG REVISION DATE



Materials: INSTALL:

80' of 96" Lakeland industrial almond .280 posts

Project Options:

Notes: QUOTE GOOD FOR 30 DAYS

I hereby acknowledge that the above layout is approved for installation. Purchaser agrees to uncover and mark all underground lines and piping, including but not limited to property pins, conduit, private electrical, television, or data lines, water piping, septic piping or systems, and sprinkler systems. Purchaser agrees to pay Company the additional sum of Three Hundred and Fifty and no/100 Dollars (\$350.00) for its mobilization costs in the event that Purchaser changes any of the following:

1. Changes to the layout at time of installation where installers would need to leave promises and return.
2. Upon arrival of installation crew, job site is not ready for installation.
3. Upon arrival of installation crew, home owner has not obtained permissions and concessions at address referenced above.
4. Installation is cancelled or postponed due to any of the above mentioned items or the client has not obtained homeowners association approval prior to installation resulting in installation interruption.
5. Fee is in addition to the cancellation terms and conditions.

Customer will be invoiced for additional footage or items requested that were not part of the original contract. Purchaser is not liable for mobilization delays due to Acts of God.

Home Owner or Authorized Representative: _____

Date: 2/14/23

CLEVELAND HTS BLVD

CLEVELAND HTS BLVD

EASTON DR

SUBJECT
PROPERTY

COVENTRY AVE



VAR23-008 2608 Coventry Av
Parcel ID 242830254800001860





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

RE: Variance Request - Project No. VAR23-008

Dear Property Owner:

This notice is to advise you that Danielle Fence Manufacturing Company, Inc. requests a 2' variance to allow a maximum fence height of 8', 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, to allow for the replacement of an existing 80-foot long, eight-foot-high wood privacy fence located along the south property line of property located at 2608 Coventry Avenue. The subject property is legally described as:

CLEVELAND HEIGHTS UNIT NO 1 PB 8 PGS 26 TO 28 LOTS 186 N1/2 & 187. (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 4/4/2023** 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	4/4/2023	Reviewer:	Phillip Searce
Project No:	VAR23-008	Subject Property:	2608 Coventry Avenue
Owner:	Gasper Kovach Jr.		
Applicant:	Danielle Fence Manufacturing Company, Inc.		
Current Zoning:	RA-1 (Single-Family)	Context District	Urban Neighborhood (UNH)
Request:	A 2' variance to allow a maximum fence height of 8', 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, to allow for the replacement of an existing 80-foot long, eight-foot-high wood privacy fence located along the south property line of property located at 2608 Coventry Avenue.		

1.0 Background

The subject property is located within the Cleveland Heights Unit #1 Subdivision and consists of a 90' x 120' interior lot with an existing 3,308 sq. ft. single-family detached home that was built in 1995 according to the Polk County Property Appraiser. The subject property is zoned RA-1 (Single-Family Residential) and located within the Urban Neighborhood (UNH) context sub-district.

2.0 Discussion

The purpose of this request is to obtain variance relief to allow for the replacement of an existing 8' high wood privacy fence with a new 8' high PVC privacy fence along a portion of the south property line. Section 4.4.3 of the Land Development Code specifies a maximum height of six feet for fences and walls located within interior side and rear yards of property zoned for residential uses, so a 2' variance is needed. The PVC fence will replace the existing 8' wood privacy fence which has sustained damage from multiple storms and is at the end of its life. The existing wood fence runs from the southeast corner of the property, along the southern property boundary, for a distance of approximately 80 feet.

When evaluating fence height variances staff determines if there are unique features related to the land itself that would justify granting variance relief. Such features include a change in grade on the property itself or a change in elevation when compared to adjacent properties. The applicant's justification for this request pertains to the lay of the land along Coventry Avenue which naturally slopes northwards and drains towards Lake Hollingsworth. Due to this grade change, the adjacent property to the south sits at a higher elevation than the subject property reducing the effectiveness of a privacy fence located on the shared property boundary. The proposed eight-foot high fence will enhance privacy by minimizing views of the side and rear yard from the adjacent property to the south.

3.0 Recommendation

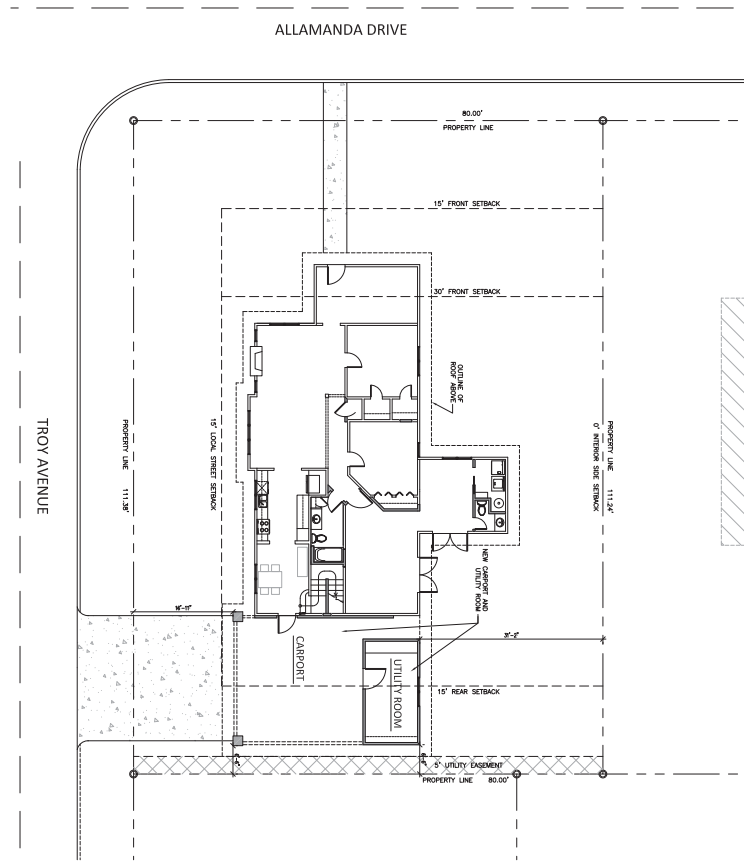
The primary hardship suffered by the applicant is related to the topography of the land which naturally drains to the north towards Lake Hollingsworth. Due to this grade change, a six-foot high privacy fence does not provide adequate privacy when viewed from the side yard of the adjacent property to the south. The requested relief is reasonable and proportionate to the degree of hardship suffered by the applicant and approval would not be contrary to the public interest. Provided there are no substantive objections from adjacent property owners, staff recommends that the request for variance relief be considered for approval.



Variance Application

General Information:				
Project No:	VAR23-009		Application Date:	2/23/2023
Project Name:	GAA RESIDENCE			
Subject Property Address:	301 ALLAMANDA DR			
Parcel ID:	242830254800004010			
Applicant Name:	DAN FOWLER			
Applicant Address:	2621 BERKELEY AVE	LAKELAND	FL	33803
Owner Name:	GAA CLAYTON GARRETT			
Owner Address:	301 ALLAMANDA DR	LAKELAND	FL	33803-2929

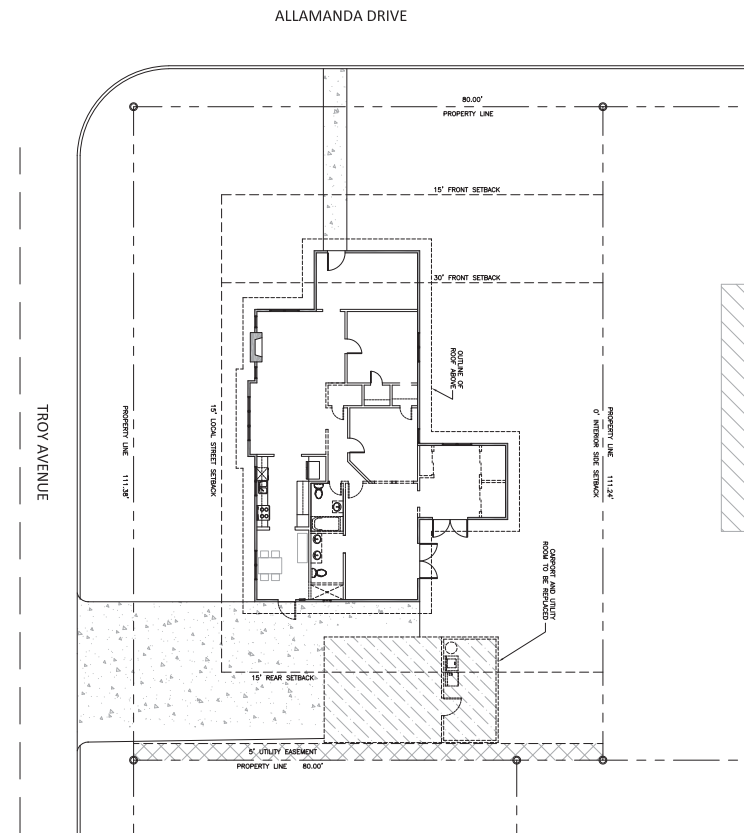
Request:			
Application Type:	VARIANCE		
Current			
Zoning:	(RA-3) Single Family	Context:	Urban Neighborhood (UNH)
Lot Dimensions:	80 X 111.24	Square Footage:	8899
Present Use:	residential		
Explanation of Request:	10 foot rear property setback to demolish an existing carport and replace with a new carport at same location		
Justification:	Carport needs to be replaced due to low ceiling heights and structural deficiency.. Adjacent to back door of home which is primary entrance		



B PROPOSED SITE PLAN
SCALE: 1" = 10'-0"

PROPOSED SQUARE FOOTAGE:

FIRST FLOOR: 1790 SF
SECOND FLOOR ADDITION: 484 SF
NEW UTILITY ROOM: 175 SF
NEW CARPORT: 484 SF
TOTAL UNDER ROOF: 2933 SF



A EXISTING SITE PLAN
SCALE: 1" = 10'-0"

EXISTING SQUARE FOOTAGES

FIRST FLOOR: 1790 SF
UTILITY ROOM: 175 SF
CARPORT: 360 SF
TOTAL UNDER ROOF: 2325 SF



daniel fowler ARCHITECT LLC
2621 Berkeley Avenue Lakeland Florida 33803
fowlerarchitecture@gmail.com 863.670.5133
Lic: AR0010996

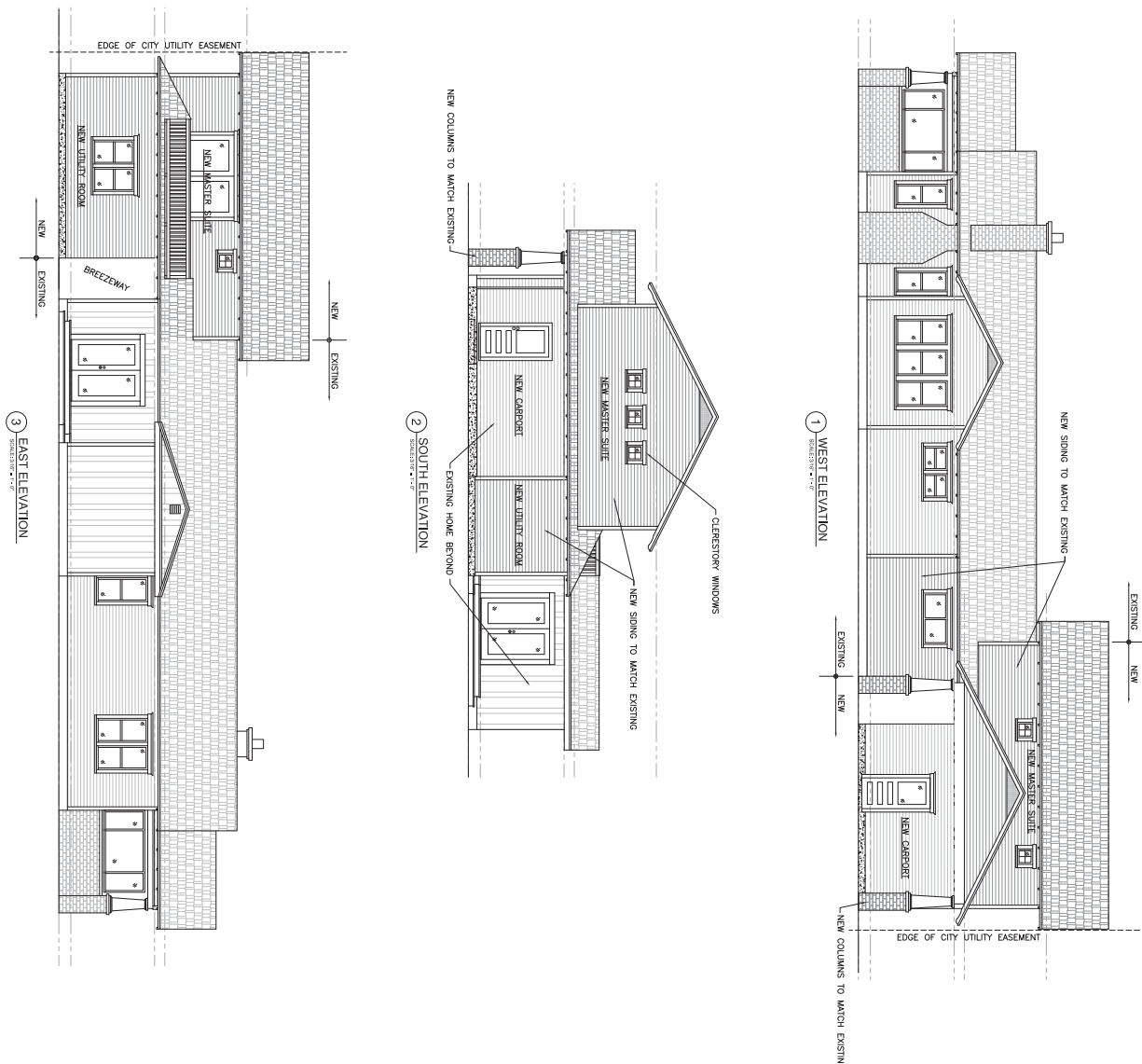
GAA RESIDENCE
301 ALLAMANDA DRIVE
LAKELAND, POLK COUNTY, FLORIDA 33803
EXISTING AND PROPOSED SITE PLANS

RENOVATIONS FOR:

SCALE: AS NOTED
DRAWN BY: T.L.G.
SHEET:

S10

DATE: 2/23/2023



daniel fowler ARCHITECT LLC
 2621 Berkeley Avenue Lakeland Florida 33803
 fowlerarchitecture@gmail.com 863.670.5133
 Lic: AR0010996

REVISIONS
1.
2.
3.
4.

RENOVATIONS FOR:
GAA RESIDENCE
 301 ALLAMANDA DRIVE
 LAKELAND, POLK COUNTY, FLORIDA 33803
PROPOSED ELEVATIONS

A3.0
 SCALE: AS NOTED
 DRAWN BY: T.L.G.
 SHEET
 DATE: 2/23/2023



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

RE: Variance Request - Project No. VAR23-009

Dear Property Owner:

This notice is to advise you that Dan Fowler requests an 8' 6" variance to allow a rear setback of 6' 6", in lieu of the required 15' minimum setback for principal structures specified by Table 3.4-1 in the Land Development Code, to allow for the construction of an attached carport and utility room addition in the rear yard of property located at 301 Allamanda Drive. The subject property is legally described as:

CLEVELAND HEIGHTS UNIT NO 1 PB 8 PGS 26 TO 28 LOT 401 & W 20 FT OF 402. (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 4/4/2023** 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	4/4/2023	Reviewer:	Damaris Stull
Project No:	VAR23-009	Subject Property:	301 Allamanda Drive
Owner:	Clayton Gaa and Margaret Gaa		
Applicant:	Dan Fowler		
Current Zoning:	RA-3 (Single-Family)	Context District	Urban Neighborhood (UNH)
Request:	An 8' 6" variance to allow a rear setback of 6' 6", in lieu of the required 15' minimum setback for principal structures specified by Table 3.4-1 in the Land Development Code, to allow for the construction of an attached carport and utility room addition in the rear yard of property located at 301 Allamanda Drive.		

1.0 Background

The subject property, located in the Cleveland Heights subdivision, consists of 80' x 111' (0.20-acre) corner lot located at the southeast corner of Troy Avenue and Allamanda Drive. According to the Polk County Property Appraiser, existing improvements to the property include a 1,985 sq ft single family home and patio built in 1929 and a detached carport and utility room built in 1977. The subject property is zoned RA-3 (single-family residential) and located within the Urban Neighborhood (UNH) context sub-district.

2.0 Discussion

The purpose of this request is to obtain variance relief to allow for replacement of the detached carport and utility room with an attached carport and utility room setback 6' 6" from the rear (south) property line. The existing detached carport and utility serves as the primary vehicle access point on the property.

The applicant's justification for this request pertains to a lack of space in the rear yard area and the design, layout, and orientation of the existing home as built in 1929. While a new detached carport and utility room could be reconstructed to the east side of the existing home, it would require the installation of a new driveway on Glendale Street and would not be as accessible as the existing carport and utility room.

The proposed carport and utility room addition will be constructed to match the architectural design and finishing materials of the existing home. To account for a five-foot-wide utility easement which runs parallel to the rear property line, the applicant redesigned the structure and reduced the footprint by 18" to ensure there are no encroachments into this easement.

3.0 Recommendation

The hardship suffered is not the result of any action taken by the applicant. The requested relief is reasonable and proportionate to the degree of hardship suffered by the applicant. Approval of this request would not be contrary to the public interest. Provided there are no substantive objections from adjacent property owners, staff recommends that the request for a 8' 6" variance to allow a 6' 6" rear setback in order to construct an attached carport and utility room addition be considered for approval.



Variance Application

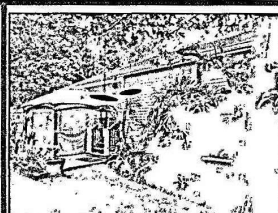
General Information:				
Project No:	VAR23-010		Application Date:	3/4/2023
Project Name:	425 HUNTER ST_FENCE HEIGHT			
Subject Property Address:	425 HUNTER ST			
Parcel ID:	232824122500002052			
Applicant Name:	MARK MELNICK			
Applicant Address:	425 HUNTER STREET	LAKELAND	FL	338031041
Owner Name:	MARK MELNICK			
Owner Address:	425 HUNTER STREET	LAKELAND	FL	338031041

Request:			
Application Type:	VARIANCE		
Current			
Zoning:	(RA-4) Single Family	Context:	Urban Neighborhood (UNH)
Lot Dimensions:	65'X100'	Square Footage:	6499
Present Use:	FENCE		
Explanation of Request:	We respectfully request a variance of the non-conforming height regulations.		
Justification:	(1) Existing fence was built in 2008 at 8' in height. Replacing fence panels damaged due to Hurricane Ian would leave an uneven, unattractive fence line because the new panels would be 6' in height. (2) Neighbors have a large fire ring against our fence. A lower 6' fence would allow even more smoke and ash into our yard. (3) Our neighbors have teenage children who play sports. A Soccer net and a basketball hoop are set in their yard next to the fence line. The balls from these sports end up in our yard destroying our landscape and have landed in our koi pond injuring the fish.		

RUSSELL J. MARTIN, P.S.M.
Land Surveyor

Professional Surveyor & Mapper

801 Lake Cove Pt.
Lakeland, FL 33813
Phone: 863-647-2994
Cellular: 863-698-1685
E-mail: my3martins@msn.com

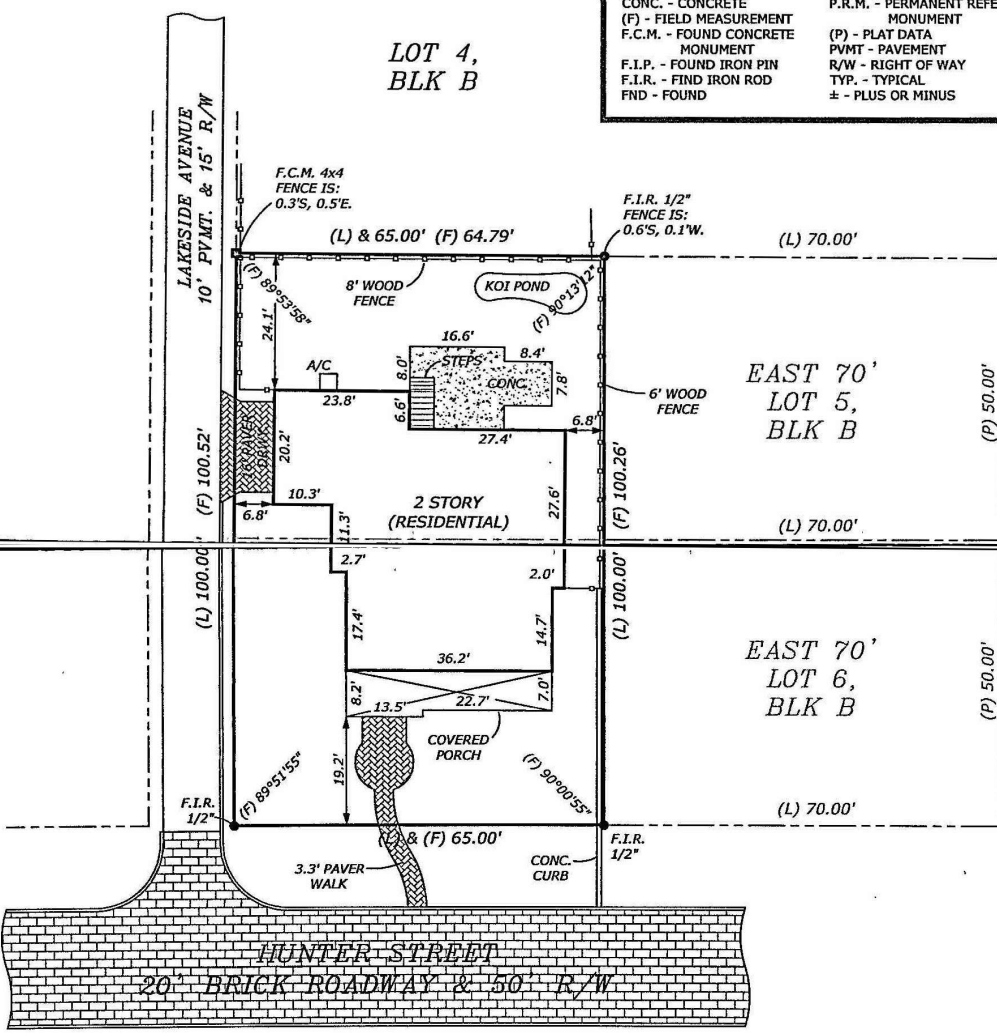


BOUNDARY SURVEY - 425 HUNTER STREET

FOR THE BENEFIT OF:
Mark Melnick

LEGEND:

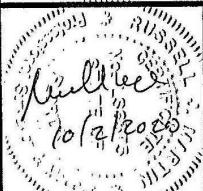
- | | |
|----------------------------------|---------------------------------------|
| ASPH. - ASPHALT | P.C.P. - PERMANENT CONTROL POINT |
| (C) - CALCULATED | P.R.M. - PERMANENT REFERENCE MONUMENT |
| CONC. - CONCRETE | (P) - PLAT DATA |
| (F) - FIELD MEASUREMENT | PVMT - PAVEMENT |
| F.C.M. - FOUND CONCRETE MONUMENT | R/W - RIGHT OF WAY |
| F.I.P. - FOUND IRON PIN | TYP. - TYPICAL |
| F.I.R. - FOUND IRON ROD | ± - PLUS OR MINUS |
| FND - FOUND | |



SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS CERTIFIES THAT THIS SURVEY WAS MADE UNDER MY SUPERVISION AND MEETS MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 5J-17.05 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

LEGAL DESCRIPTION:
LOT 5 AND 6, LAKE HUNTER HEIGHTS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 126, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 70 FEET THEREOF.



RUSSELL J. MARTIN
801 LAKE COVE PT.
LAKELAND, FLORIDA 33813
PHONE: 863-647-3709
EMAIL: my3martins@msn.com

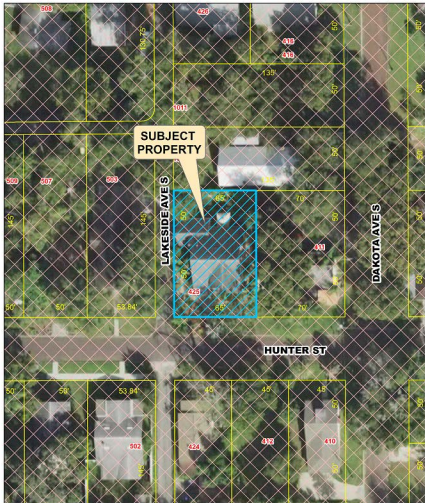
DATE: 10/2/2020

RUSSELL J. MARTIN
PROFESSIONAL SURVEYOR & MAPPER: PSM #6375

- SURVEYOR'S NOTES:**
1. NO UNDERGROUND IMPROVEMENTS (UTILITIES, FOUNDATIONS, STORAGE TANKS, ETC.) HAVE BEEN LOCATED EXCEPT AS SHOWN.
 2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENT, RIGHT OF WAYS AND / OR OWNERSHIP WERE LOCATED EXCEPT AS SHOWN.
 3. THIS SURVEY MAY BE SUBJECT TO FACTS THAT MAY BE REVEALED IN A CURRENT TITLE SEARCH.
 4. THE SURVEY IS ONLY VALID TO THE PARTIES LISTED IN THE CERTIFICATION.
 5. FOR THE PURPOSE OF OBTAINING A MORTGAGE.

FLOOD ZONE NOTE:
THE SURVEYED PROPERTY IS SHOWN IN ZONE "X" PER THE FEMA FLOOD INSURANCE RATE MAP No. 12105C0315G, EFFECTIVE DATE: DECEMBER 22, 2016.

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.



VAR23-010 425 Hunter St



Special Public Interest; Downtown Dixieland

Parcel ID 232824122500002052





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

RE: Variance Request - Project No. VAR23-010

Dear Property Owner:

This notice is to advise you that Mark Melnick requests a 2' variance to allow a maximum fence height of 8', 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 replace an existing eight-foot-high wood privacy fence located in the rear yard area on property located at 425 Hunter Street. The subject property is legally described as:

LAKE HUNTER HEIGHTS PB 2 PG 126 BLK B LOTS 5 & 6 LESS E 70.00 FT THEREOF.
(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 4/4/2023** 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	4/4/2023	Reviewer:	Phillip Searce
Project No:	VAR23-010	Subject Property:	425 Hunter Street
Owner:	Mark Melnick		
Applicant:	Mark Melnick		
Current Zoning:	RA-4 (Single-Family)	Context District	Urban Neighborhood (UNH)
Request:	A 2' variance to allow a maximum fence height of 8', 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 replace an existing eight-foot-high wood privacy fence located in the rear yard area on property located at 425 Hunter Street.		

1.0 Background

The subject property is located within the Lake Hunter Heights Subdivision and consists of a 65' x 100' corner lot with an existing 2,769 sq. ft. single-family detached home that was built in 2008 according to the Polk County Property Appraiser. The subject property is bounded by Hunter Street to the south and a platted alley to the west. Prior to 2008, the subject property functioned as the rear yard of the adjacent property to the east at 411 Hunter Street. The subject property is zoned RA-4 (Single-Family Residential) and located within the Urban Neighborhood (UNH) context sub-district. The subject property is also located within the Dixieland Historic District.

2.0 Discussion

Prior to 2022, the rear yard of the property was enclosed by legal, nonconforming eight-foot high wood privacy fence which abutted the adjacent alley. According to the applicant, the fence was installed in 2008 following the construction of the existing single-family home. Prior to June 2009, the maximum height for fences in interior side and rear yards was eight feet. If located in the rear yard, a fence installed prior to that time would not have required a fence permit. In the Fall of 2022, the fence sustained significant damage from Hurricane Ian and on November 30, 2022 the applicant was cited for replacing more than half of the fence without a permit.

The applicant's primary justification for the variance pertains to the incompatibility of six-foot-high fence panels with the remaining eight-foot-high panels. Because the fence was nonconforming and more than half of the fence were removed and replaced without permit due to storm damage, the entire fence must be brought into compliance with the current Land Development Code. If a variance is not granted, the remaining eight-foot-high fence panels would either need to be cutback or replaced with six-foot-high fence panels. As a secondary justification, the applicant cited the proximity of a large fire ring in the adjacent property to the north and the presence of teenage children which regularly play soccer and basketball in the back yard area. According to the applicant, the additional fence height is necessary to reduce the amount of smoke and ash coming into his backyard and reduce the number of errant balls that have landed in their yard damaging landscaping and a koi pond.

When evaluating fence height variances staff determines if there are unique features related to the land itself that would justify granting variance relief. Such features include a change in grade on the property itself or a change in elevation when compared to adjacent properties. Through a site visit, staff confirmed that the land naturally drains and slopes downwards to the north/northwest and towards Lake Hunter. The subject property also abuts the interior side yard of the property to the north, located at 1013 S. Dakota Avenue, in which the existing home is oriented east-west and setback approximately five feet from the applicant's rear property line.

Due to the proximity of the adjacent single-family home and elevation differences between the two properties, there would be a justification for a variance to allow an eight-foot-high fence due to a corresponding reduction in privacy. The fence that was installed in 2008, however, appears to be nonconforming in respect to the requirement that fences be setback a minimum of three feet from an improved alley to provide adequate storage space and clearance for City solid waste collection services. As such, if the variance is considered for approval, staff would recommend that it be conditioned upon the eight-foot-high fence being setback a minimum of three feet from the west property boundary.

3.0 Recommendation

The hardship suffered by the applicant is related to the lay of the land which naturally slopes and drains to the north/northwest and towards Lake Hunter and the proximity of the existing single-family home to north which is located approximately five feet from the applicant's rear lot line. The requested relief is reasonable and proportionate to the degree of hardship suffered by the applicant and approval would not be contrary to the public interest. Provided there are no substantive objections from adjacent property owners, staff recommends that the request for variance relief be considered for approval with the condition that the replacement fence be setback a minimum of three feet from west property boundary.