



Zoning Board of Adjustments and Appeals Meeting Agenda

**February 4, 2025 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, Kristin Meador, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: ADASpecialist@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.

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: **Lindsay OIj requests** a 20-foot variance, to allow a maximum sign height of 35 feet in lieu of the maximum height of 15 feet for signs in commercial corridors as specified by Section 4.9.4.4.a.1.(e) of the Land Development Code, in order to reconstruct a 35-foot-high sign on property located at 2515 Florida Avenue S. Owner: Southgate Shopping Center Inc. (VAR24-022)

ITEM 6: **Jerry Rodriguez requests** a variance to allow a 4.4' side yard setback, in lieu of the 5' minimum specified by the Hawthorne Mills PUD (Planned Unit Development) zoning (PUD5575), Section II. IV. relating to 40-foot-wide lots, to allow for the construction of a single-family dwelling unit on Lot 508 of the Hawthorne Phase 3A Plat, 4485 Yaupon Holly Way. Owner: Forestar USA Real Estate Group Inc. (VAR25-001)

ITEM 7: Unfinished Business

ITEM 8: New Business

ITEM 9: Adjournment

The Zoning Board of Adjustments and Appeals met in Regular Session on Tuesday, January 7, 2025 in the City Commission Chamber at Lakeland City Hall 228 South Massachusetts Avenue.

Present were Board Members Emily Breheny, Thomas Brawner, Jiwa Farrell, Gregory Kent, Judith Hatfield, Tunesia Mayweather, and Kristen Tessmer. Also present were Ramona Sirianni, Assistant City Attorney; and staff from the Community & Economic Development Department: Todd Vargo, Senior Planner, Phillip Scarce, Executive Planner, and Christelle Burrola, Board Secretary.

The minutes from the previous meeting were approved as submitted, and Ms. Sirianni 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 5: Graham Aluminum & Home Improvement requests a 10' variance to allow a rear yard setback of 10', in lieu of the 20' minimum rear yard setback for principal structures specified by the PUD (Planned Unit Development) zoning for the Sandpiper Golf & Country Club Phase 10 in order to construct a hard-roofed screen room on property located at 1022 Caracara Circle S. Owner: David Hutchinson. (VAR24-014)

David Langohr, 3032 Bonaire Way, representing the applicant was present in support of the request.

Todd Vargo stated the applicant applied for a building permit to construct a 10' x 24' (240 square foot) hard-roofed screen room to the rear of the home. In reviewing the permit, staff noted that the screen room would exceed the rear yard setback for principal structures. When staff went to take pictures of the rear of the home, it was discovered that the screen room had already been constructed, without either the variance or an approved building permit. The penalty issued by the Building Inspection Division for constructing without a permit is to charge double the building permit fees.

Mr. Vargo stated staff received with no opposition from the adjacent neighbor at 1025 Caracara Circle N and read the letter to the Board.

Mr. Vargo pointed to photos on the overhead screen of the subject property.

Mr. Vargo stated within the overall Sandpiper development, lots are relatively shallow in depth, limiting the ability to construct screen rooms/enclosures in rear yards. He stated the hardship suffered by the applicant is related to the placement of the existing home on the lot. Similar variances for screen rooms/enclosures have been granted to other lots within the overall Sandpiper subdivision over the years. He stated staff recommends approval.

Judith Hatfield made a motion to approve staff's recommendation. Daniel Sharrett seconded the motion and it passed 6—0.

Item 6: Lindsay Olj requests a 19-foot variance, to allow a maximum sign height of 34 feet in lieu of the maximum height of 15 feet for signs in commercial corridors as specified by Section 4.9.4.4.a.1.(e) of the Land Development Code, in order to reconstruct a 34-foot-high sign on property located at 2515 Florida Avenue S. Owner: Southgate Shopping Center Inc. (VAR24-022)

Todd Vargo stated staff requests a one-month continuance in order to readvertise the request.

Jiwa Farrell made a motion for a one-month continuance. Kristen Tessmer seconded the motion and it passed 6—0.

Item 7: Andrew Keith Bendall requests a variance from Article 3 Urban Form Standards, Sub-Section 3.5. g. 1. and 2. related to entrance features of the Land Development Code. The variance would allow the construction of an 8,017 sq. ft. single-family dwelling unit on a non-conforming platted flag lot, on property located at 208 Heatherpoint Drive. Owner: Andrew Bendall (VAR24-023)

Graham Bendall, representing the applicant, was present in support of the request. Mr. Bendall made a brief presentation which summarized the proposed request.

Phillip Searce stated the subject parcel is located in the Wedgewood Lake Estates Subdivision. The 0.50-acre parcel is one of two undeveloped single-family lots within the subdivision and is a non-conforming flag lot. The subdivision was platted in 1984 prior to current subdivision standards which prohibits the creation of flag lots. The purpose of this request is to obtain variance relief from the entrance feature standards of Article 3 Sub-Section 3.5.g.1. and 2. Mr. Searce pointed to photos on the overhead screen of the subject property and proposed site plan.

Mr. Searce stated the lot is unusually “arrow” shaped; being wider at the front narrowing down to the rear. Therefore, the applicant’s proposed design orientates the dwelling on a sideways angle with the front of the house, including the primary entrance, facing the southwest.

Mr. Searce stated staff did not receive public comment in response to the request and staff recommends approval.

Kristin Kellin, 202 Heatherpoint Drive, stated she has concerns with how close in proximity the proposed dwelling unit is to her home as well as the size of the proposed dwelling unit. She stated she is also concerned with possible water intrusion with the new construction.

Eric Hisley, 216 Heatherpoint Drive, stated he also has concerns about how close in proximity the proposed dwelling unit is to his home as well as the size of the proposed dwelling unit.

Mr. Bendall stated the proposed dwelling unit design meets all setback requirements.

Discussion ensued.

Judith Hatfield made a motion to approve staff’s recommendation. Kristen Tessmer seconded the motion and it failed 4—2. Jiwa Farell and Daniel Sharrett voted against the motion.

Adjourned

The meeting was adjourned at 9:46 a.m.

Gregory Kent, Chairperson

Christelle Burrola, Secretary



Variance Application

General Information:

Project No:	VAR24-022	Application Date:	11/20/2024
Project Name:	Southgate Plaza		
Subject Property Address:	2515 FLORIDA AVE S		
Parcel ID:	232825000000022020		
Applicant Name:	LINDSAY OLJ		
Applicant Address:	2335 APOLLO BEACH BL	APOLLO BEACH	FL 33572
Owner Name:	SOUTHGATE SHOPPING CENTER INC		
Owner Address:	5858 CENTRAL AVE	SAINT PETERSBURG	FL 33707

Request:

Application Type:	Variance
--------------------------	----------

Current

Zoning:	C-4	Context:	Urban Corridor
Lot Dimensions:	2522 X 190	Square Footage:	53,814

Present Use:

Explanation of Request: A 19-foot variance, to allow a maximum sign height of 34 feet in lieu of the maximum height of 15 feet for signs in commercial corridors as specified by Section 4.9.4.4.a.1.(e) of the Land Development Code, in order to reconstruct a 34-foot-high sign on property located at 2515 Florida Avenue S.

Justification:

- 1) The tree line that was planted on S. Florida Ave have all grown & if the sign were to be limited to 15' in height it would be hidden by the tree line. (See attached supporting photos)
- 2) The design of the sign is the same as it was prior to hurricane Milton. It was originally designed to tie the architecture of the iconic center to the sign. We want to maintain that tie.
- 3) S. Florida Ave is a very heavily traveled road w/ lots of congestion. The taller sign helps motorists to quickly identify and access the correct lanes to enter the center. A shorter 15' sign would be hindered by the landscaping.
- 4) We are fortunate that the sign supports & footers were not disturbed by the hurricane & will allow us to install the new sign back to its original place as approved Under the previous permit.
- 5) Last, given the overall size of the center, this sign looks to appear very proportionate to the center at its original height. The sign square footage will not change from the original sign and will be the same as before the hurricane. In no way do we feel this is not in harmony with the intent of the sign code. Installing this sign does not interfere with the flow of traffic or create any hardships within the center. We feel this is the minimum request we can do to maintain both the intent of the new code and the look for this iconic center. The square footage meets the code requirements, only the height requires the variance for a taller sign. Therefor we respectfully request your approval for this variance in height and allow us to simply duplicate what was here prior to Hurricane Milton.



November 18, 2024

Statement of why Variance is needed

- 1) The tree line that was planted on S. Florida Ave have all grown & if the sign were to be limited to 15' in height it would be hidden by the tree line. (See attached supporting photos)
- 2) The design of the sign is the same as it was prior to hurricane Milton. It was originally designed to tie the architecture of the iconic center to the sign. We want to maintain that tie.
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In no way do we feel this is not in harmony with the intent of the sign code. Installing this sign does not interfere with the flow of traffic or create any hardships within the center. We feel this is the minimum request we can do to maintain both the intent of the new code and the look for this iconic center. The square footage meets the code requirements, only the height requires the variance for a taller sign.

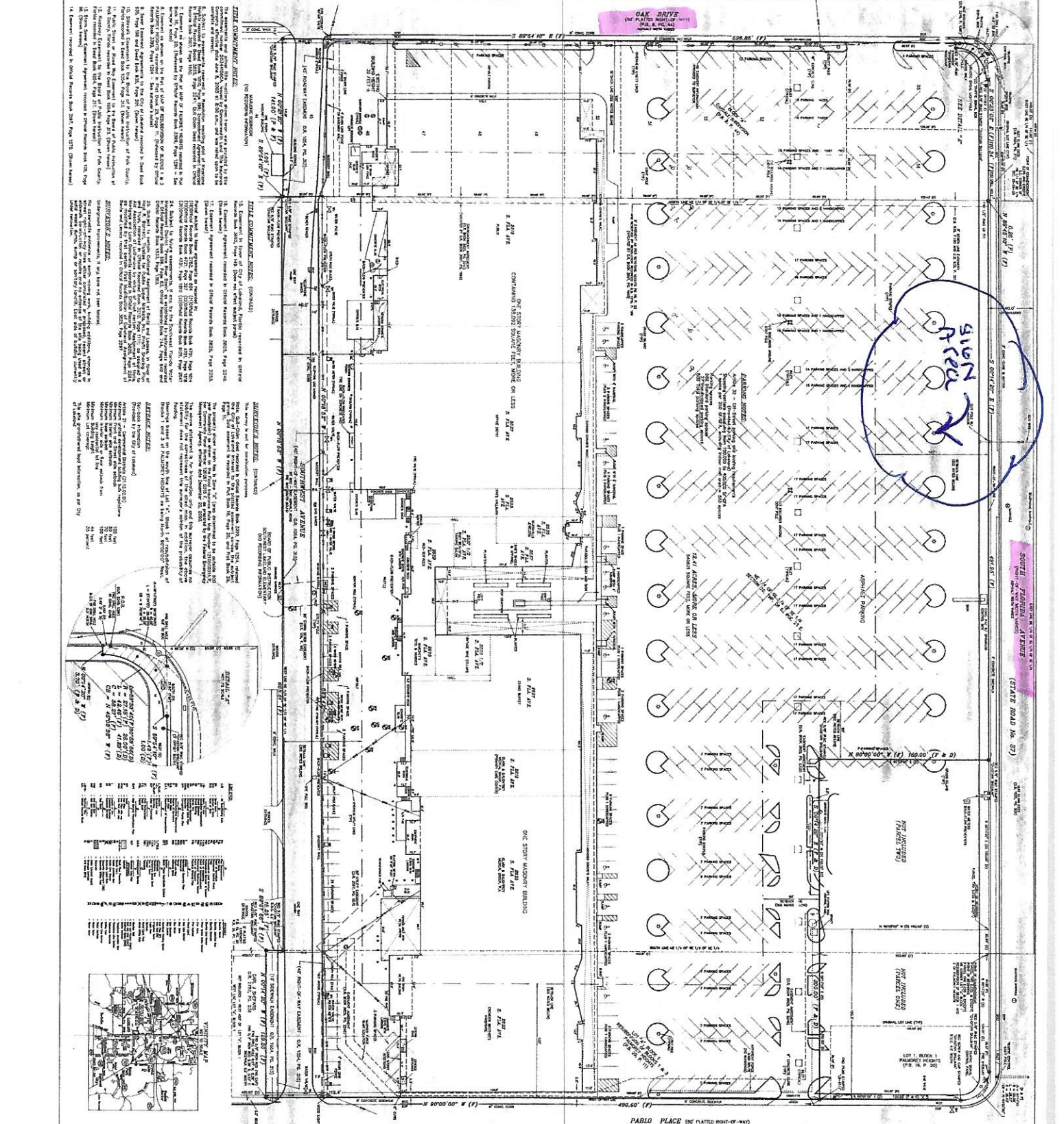
Therefore we respectfully request your approval for this variance in height and allow us to simply duplicate what was here prior to Hurricane Milton.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Clement".

Matt Clement
Owner

Southgate Shopping Center
2515 S Florida Ave
Lakeland FL 33803



ALTA ACUM LAND TITLE SURVEY OF A PORTION OF THE SE 1/4 OF THE SE 1/4 OF SECTION 25, TOWNSHIP 20 NORTH, RANGE 23 EAST AND LOTS 46 TO 58 INCLUSIVE, BLOCK "A", PARANET SUBDIVISION, PLAT BOOK 25, PAGE 44, AND LOT 7, BLOCK 1, PARANET HEIGHTS, PLAT BOOK 16, PAGE 20, AND LOT 4, BLOCK 1, RESUBDIVISION OF BLOCKS 1 AND 3 OF PARANET HEIGHTS, PLAT BOOK 25, PAGE 11, ALL BEING IN POLK COUNTY, FLORIDA.

PREPARED BY: SOUTH J/C, INC.

DATE: 11-20-2023

SCALE: 1" = 30'

FIGURE NO.: 223

PAGE NO.: 41-46

DATE: 11-20-2023

BY: [Signature]

FOR: [Signature]

REVISIONS:

NO.	DATE	DESCRIPTION
1	11-20-2023	ISSUED FOR PERMIT
2	11-20-2023	ISSUED FOR PERMIT
3	11-20-2023	ISSUED FOR PERMIT
4	11-20-2023	ISSUED FOR PERMIT
5	11-20-2023	ISSUED FOR PERMIT
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99	11-20-2023	ISSUED FOR PERMIT
100	11-20-2023	ISSUED FOR PERMIT

ENGINEERS - ARCHITECTS - SURVEYORS - SCIENTISTS

chastain skillman Lakeland, Sebring, Tampa, Altanta

INCORPORATED

18th Fl., 300 East Main Street, Suite 300, Tallahassee, FL 32301-3000 (904) 944-1800

PHOTOS : PYLON MEASUREMENTS

NOTE : ALL DIMENSIONS TO BE FIELD VERIFIED



- SIGNS
- AWNINGS
- GRAPHICS

1767 Lakewood Ranch Blvd. # 256
 Bradenton, FL 34211
 Ph: 941-932-4622 Fax: 941-747-7513

Created For Publix

Address / City / State Southgate Plaza

Lakeland
 FL

Sales Representative Jeff Riggins

Customer Approval _____

Landlord's Approval _____
 Date _____

Filename /3060-R1-Publix-Southgate
 Date _____

Drawing No. 3060

Scale Noted

Date 11/14/24

Sheet 1 of 1

Revisions

① 01/06/25

② _____

③ _____

④ _____

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**SUBJECT
PROPERTY**

**Sign
Site**



VAR24-022 2515 Florida Ave S
Parcel ID: 232825000000022020





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

RE: Variance Request - Project No. VAR24-022

Dear Property Owner:

This notice is to advise you that Lindsay Olij requests a 20-foot variance, to allow a maximum sign height of 35 feet in lieu of the maximum height of 15 feet for signs in commercial corridors as specified by Section 4.9.4.4.a.1.(e) of the Land Development Code, in order to reconstruct a 35-foot-high sign on property located at 2515 Florida Avenue S. The subject property is legally described as:

NE1/4 OF SE1/4 OF SE1/4 LESS HY & LESS W 40 FT & PALMOREY HEIGHTS PB 16 PG 20 BLK 1 LOT 1 & RESUB OF PARTS BLKS 1 3 OF PALMOREY HEIGHTS PB 29 PG 11 BLK 1 LOT A LESS W 500 FT & OAKDALE PB 8 PG 44 BLK A LOTS 45 THRU 56 LESS ADD'L RD R/W ON LOT 55

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 February 4, 2025** 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	2/04/2025	Reviewer:	Todd Vargo	
Project No:	VAR24-022	Subject Property:	2515 Florida Avenue S	
Owner:	Southgate Shopping Center Inc.			
Applicant:	Lindsay Oj			
Current Zoning:	C-4 (Community Center Commercial)	Context District	Urban Corridor (UCO)	
Request:	A 20-foot variance, to allow a maximum sign height of 35 feet in lieu of the maximum height of 15 feet for signs in commercial corridors as specified by Section 4.9.4.4.a.1.(e) of the Land Development Code, in order to reconstruct a 35-foot-high sign on property located at 2515 Florida Avenue S			

1.0 Background

The subject property is the Southgate shopping plaza. The subject property is zoned C-4 (Community Center Commercial) with a Future Land Use designation of Community Activity Center (CAC) and is located within the Urban Corridor (UCO) context sub-district. The subject property is approximately 12.5 acres.

2.0 Discussion

The purpose of this request is to obtain variance relief which will allow for the reconstruction of a 35' tall sign that fell during Hurricane Milton. The sign was located in a landscape island at the end of a parking aisle close to Florida Avenue S, near the Starbucks coffee store. The sign was originally constructed in 2008 when the Southgate Publix was remodeled. At that time, the Land Development Code allowed signs greater than 15 feet in height in the zoning district. However, the current sign regulations are more stringent, and a variance is required to replace the sign.

The reconstructed sign will match the sign prior to Hurricane Milton – no cosmetic or structural changes will be made. The sign is architecturally compatible with the Southgate arch so there are no aesthetic issues. The 35-foot height allows for visibility over the mature trees that buffer the shopping center from Florida Avenue S.

3.0 Recommendation

The requested relief is reasonable and proportionate to the degree of hardship and the minimum amount necessary to address visibility concerns. The sign will be an exact match for the sign that existed prior to Hurricane Milton. The 35-foot height is necessary to see the sign above the mature landscaping lining Florida Avenue S. Provided there are no substantive objections from adjacent property owners, staff recommends that the variance be considered for approval.



Variance Application

General Information:

Project No:	VAR25-001	Application Date:	1/2/2025
Project Name:	Hawthorne Ph 3 - Lot 508		
Subject Property Address:	4485 YAUPON HOLLY WAY		
Parcel ID:	232908000000023010		
Applicant Name:	JERRY RODRIGUEZ		
Applicant Address:	7835 OSCEOLA POLK LINE RD	DAVENPORT	FL 33896
Owner Name:	FORESTAR USA REAL ESTATE GROUP INC		
Owner Address:	2221 E LAMAR BLVD STE 790	ARLINGTON	TX 76006

Request:

Application Type:	Variance		
Current			
Zoning:	PUD 5755	Context:	
Lot Dimensions:	165 x 1325	Square Footage:	n/a
Present Use:			
Explanation of Request:	Need to request a side setback variance of less than one foot (approx. 6 to 8 inches). The developer (Forestar) provided a lot that was narrower than we anticipated and none of our planned 30ft wide product models do not fit without the requested side setback variance.		
Justification:	The developer constructed and platted the subject lot. We just purchased the lot from Forestar.		

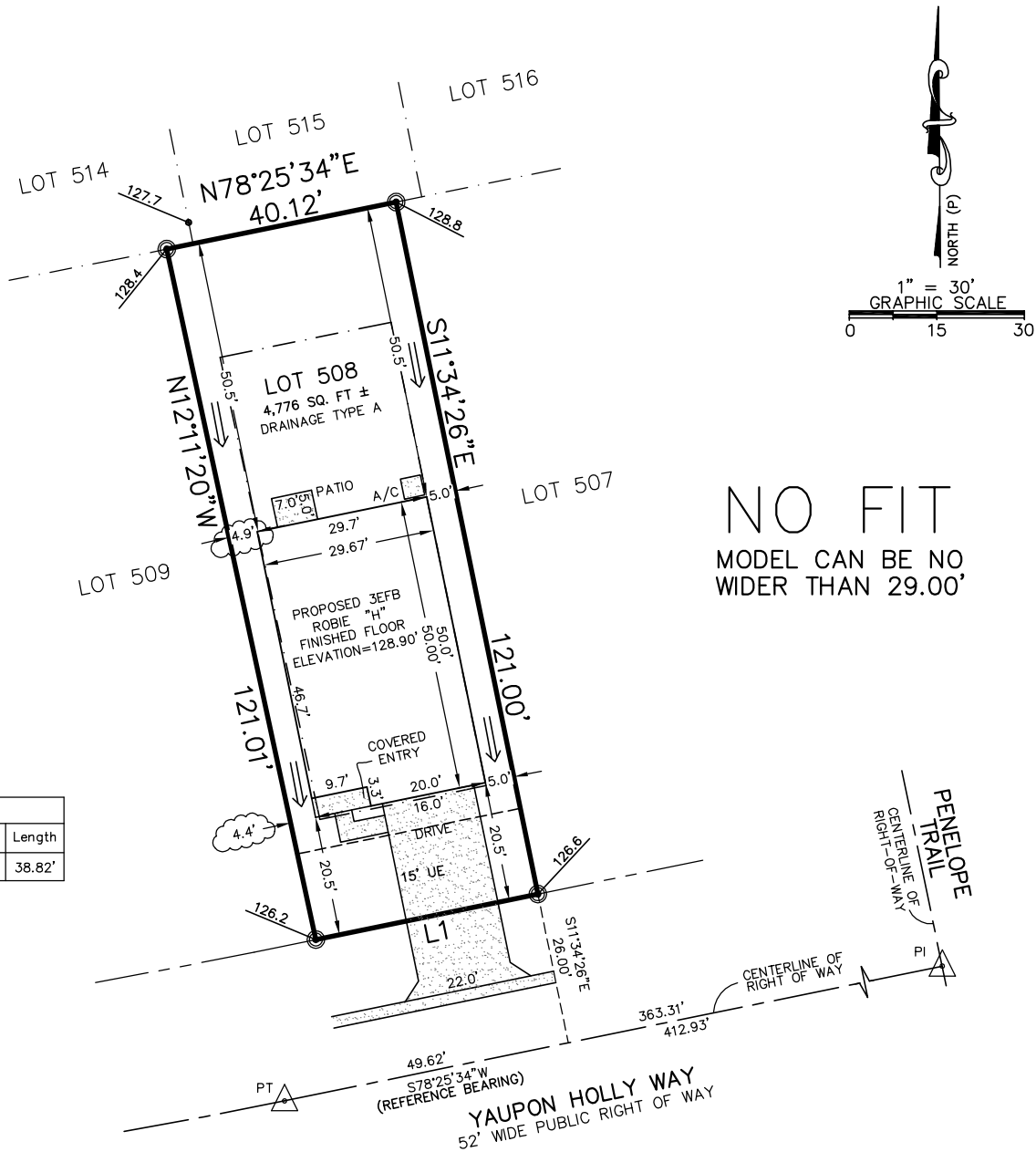
PLOT PLAN

DESCRIPTION:(UNRECORDED)

LOT 508, HAWTHORNE PHASE 3A-3B

AS RECORDED IN PLAT BOOK ---, PAGE(S) ---, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

THIS PLOT PLAN IS BASED ON A PLAT THAT HAS NOT BEEN RECORDED BY POLK COUNTY, FLORIDA.



NO FIT
MODEL CAN BE NO WIDER THAN 29.00'

Line Table		
Line #	Direction	Length
L1	S78°25'34"W	38.82'

PREPARED FOR:



BUILDING SETBACKS

FRONT: 15'
REAR: 15'/20'
SIDE: 5'
SIDE STREET: 15'

NOTES:

- PROPOSED ELEVATIONS SHOWN HEREON ARE BASED ON THE APPROVED ENGINEERING PLANS PREPARED BY DEWBERRY.
- ELEVATIONS ARE BASED ON NAVD 1988 DATUM.

THIS PLOT PLAN IS INTENDED FOR PERMITTING PURPOSES ONLY. THIS IS NOT INTENDED FOR THE CONSTRUCTION OF THE PROPOSED STRUCTURE. THE CONTRACTOR AND/OR OWNER ARE REQUIRED TO VERIFY ALL SETBACKS, BUILDING DIMENSIONS, AND LAYOUT SHOWN HEREON PRIOR TO ANY CONSTRUCTION.

**THIS IS NOT A SURVEY
THIS IS A PLOT PLAN ONLY**

ON LOT CALCULATIONS

LOT	= 4,776	SQ. FT.
LIVING AREA	= 1,048	SQ. FT.
GARAGE	= 403	SQ. FT.
ENTRY	= 32	SQ. FT.
LANAI	= 0	SQ. FT.
PATIO	= 35	SQ. FT.
DRIVEWAY	= 328	SQ. FT.
A/C PAD	= 12	SQ. FT.
WALKWAY	= 31	SQ. FT.
IMPERVIOUS	= 40%	
SOD	= 1889	SQ. FT.
SOD	= 2,887	SQ. FT.

OFF LOT CALCULATIONS

RIGHT OF WAY	= 524	SQ. FT.
DRIVE APRON	= 225	SQ. FT.
PUBLIC S/W	= 0	SQ. FT.
SOD	= 299	SQ. FT.
TOTALS		
AREA	= 5,300	SQ. FT.
DRIVEWAY	= 553	SQ. FT.
SIDEWALK	= 31	SQ. FT.
SOD	= 3,186	SQ. FT.

LEGEND:

- BUILDING SETBACK LINE
- CENTERLINE
- RIGHT OF WAY LINE
- xx.xx PROPOSED ELEVATION
- ⇒ PROPOSED DRAINAGE FLOW
- CONCRETE
- A/C AIR CONDITIONER
- S/W SIDEWALK
- PI POINT OF INTERSECTION
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY
- RP RADIUS POINT
- PRC POINT OF REVERSE CURVATURE
- PCP PERMANENT CONTROL POINT
- PRM PERMANENT REFERENCE MONUMENT
- (P) PER PLAT
- (C) CALCULATED
- SQ. FT. SQUARE FEET
- F.E.M.A. FEDERAL EMERGENCY MANAGEMENT AGENCY
- F.I.R.M. FLOOD INSURANCE RATE MAP
- NAVD NORTH AMERICAN VERTICAL DATUM
- D&UE DRAINAGE & UTILITY EASEMENT
- DE DRAINAGE EASEMENT
- UE UTILITY EASEMENT

FLOOD NOTE:

I HAVE EXAMINED THE F.I.R.M. MAP NO. FM12105C0460G, DATED 12/22/16, AND FOUND THE SUBJECT PROPERTY APPEARS TO LIE IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ABOVE INFORMATION. PLEASE CONTACT THE LOCAL F.E.M.A. AGENT FOR VERIFICATION.

BEARING BASIS:

BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF YAUPON HOLLY WAY BEING S78°25'34"W, PER PLAT.

(FIELD DATE):	REVISD:
SCALE: 1" = 30 FEET	
APPROVED BY: EGT	
JOB NO. 240723 LOT 508	
DRAWN BY: DSB	

PLOT PLAN 12-13-2024 DSB

AMERICAN SURVEYING & MAPPING, INC.
NDDS NATIONAL DUE DILIGENCE SERVICES
 A DIVISION OF AMERICAN SURVEYING & MAPPING, INC.
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SURVEYOR NOTES:

- THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
- NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC SIGNATURE AND THE AUTHENTIC ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PRELIMINARY

E. GLENN TURNER PSM # 5643

DATE



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

RE: Variance Request - Project No. VAR25-001

Dear Property Owner:

This notice is to advise you that Jerry Rodriguez, on behalf of DR Horton, requests a variance to allow a 4.4' side yard setback, in lieu of the 5' minimum specified by the Hawthorne Mills (PUD) Planned Unit Development zoning (PUD5575), Section II. IV. relating to 40-foot-wide lots, to allow for the construction of a single-family dwelling unit on Lot 508 of the Hawthorne Phase 3A Plat, 4485 Yaupon Holly Way. The subject property is legally described as:

THAT PT OF FOLL DESC LYING WITHIN SEC 08 TWP 29 RNG 23: BEG NE COR OF SEC 18 RUN S00-18-05E 2491.06 FT N80-54-38W 779.68 FT N10-10-42E 327.37 FT NELY ALONG CURVE 122.12 FT S90-00-00W 403.12 FT N70-01-01W 76.77 F S54-34-30W 506.41 FT N69-38-59W 872.09 FT S90-00-00W 270.47 FT TO W LINE OF NE1/4 OF SEC N00-14-25W 1889.96 FT TO SW COR OF SE1/4 OF SEC 7 N00-12-21W 1303.41 FT TO S R/W LINE OF W PIPKIN RD PER OR 4374-911 NELY ALG CURVE 244.96 FT N77-21-48E 991.75 FT N80-13-33E 200.25 FT N77-21-48E 300 FT N74-3003E 200.25 FT N77-21-48E 300 FT N88-40-24E 50.99 FT N77-21-48E 600 FT N66-0312E 50.99 FT N77-21-48E 900 FT N82-21-50E 243.58 FT TO E LINE OF W1/2 OF SW1/4 OF SEC 8 S00-15-34E 2168.03 FT TO SE COR OF W1/2 OF SW1/4 OF SEC 8 S89-5139W 1324.84 FT TO POB

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 February 4, 2025** 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, Kristin Meador, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: ADASpecialist@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	2/04/2025	Reviewer:	Phillip Searce	
Project No:	VAR25-001	Subject Property:	4485 Yaupon Holly Way	
Owner:	Forestar USA Real Estate Group Inc.			
Applicant:	Jerry Rodriguez, DR Horton			
Current Zoning:	PUD (Planned Unit Development) 5755	Context District	Suburban Neighborhood (SNH)	
Request:	A variance to allow a 4.4' side yard setback, in lieu of the 5' minimum specified by the Hawthorne Mills Planned Unit Development zoning (PUD5755) Section II. IV. relating to 40-foot-wide-lots, to allow for the construction of a single-family dwelling unit on Lot 508 of the Hawthorne Phase 3A, 4485 Yaupon Holly Way.			

1.0 Background

The subject parcel is located in the recently platted Phase 3A of Hawthorne Subdivision within the Hawthorne Mills (PUD) Planned Unit Development zoning, PUD5755. The vacant 0.10-acre (4,775 sq. ft.) lot was recently platted and recorded on December 6, 2024.

2.0 Discussion

The purpose of this request is to obtain a variance to allow a 4.4' side yard setback, in lieu of the 5' minimum specified by the Hawthorne Mills (PUD) Planned Unit Development zoning (PUD5755) Section II. IV. Phase 3A of the Hawthorne Subdivision contains a mixture of 60'-, 50'- and 40'-wide lots. The minimum lot size for the 40'-wide lots is 4,400 sq. ft. which the subject lot meets. While the applicant's proposed model was designed for a 40'-wide lot, the subject lot tapers slightly to 38.82' at the frontage which causes a setback deficiency of approximately 7 inches. Unfortunately, this deficiency exceeds the 10% allowance that can be approved administratively by staff per Article 12 of the Land Development Code. All other design aspects of the code and PUD including front, rear and opposite side yard (east side) setbacks are satisfied.

The proposed lot was recently platted by the property owner, Forestar USA Real Estate Group Inc. Prior to the recording of the final plat, the 347-lot Phase 3A & 3B went through construction plan review. The construction plan review process addressed the overall lot layout as well as the related infrastructure improvements such as roads, sidewalks, water/sewer lines, electric etc. Depending on the size and complexity of a subdivision, construction plan documents can contain over 100 pages. In the case for Phases 3A and 3B there were 149 construction plan pages. These pages can get very "busy" with construction details. Although the subject lot is consistent with the adopted PUD, it's narrowness at the frontage went unnoticed. Unfortunately, the applicants' model for the 40'-wide lots falls short in meeting the required 5' side yard setback on the narrow lot. The subdivision plat was recorded in December 2024 by the property owner Forestar and the lots sold, including the subject lot, to the applicant for development.

3.0 Recommendation

The particular hardship suffered is not the result of any action taken by the applicant as the applicant was not the initial developer of Phase 3A. The proposed setback deficiency slightly exceeds the amount which would allow a staff administrative waiver. The requested relief is reasonable and proportionate to the degree of hardship resulting from the unusual parcel configuration. Staff finds that the allowing the setback variance is not detrimental to the emerging new subdivision. Therefore, staff recommends that the variance be considered for approval.