



# Zoning Board of Adjustments and Appeals Meeting Agenda

**March 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

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**ITEM 2:** Roll Call

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**ITEM 3:** Approval of minutes from the February meeting

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**ITEM 4:** City Attorney explains purpose and authority of the Board

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**ITEM 5:** **Circle A Enterprises requests** a 5' variance to allow a 10' rear yard setback, in lieu of the 15' minimum specified by Table 3.4-1 of the Land Development Code to allow for the construction of a single-family dwelling unit on property located at 708 Thomas Street W. Owner: John Martini. (VAR25-002)

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**ITEM 6:** **Circle A Enterprises requests** a 5' variance to allow a 10' rear yard setback, in lieu of the 15' minimum specified by Table 3.4-1 of the Land Development Code, to allow for the construction of a single-family dwelling unit on property located at 1610 Lincoln Avenue N. Owner: John Martini. (VAR25-003)

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**ITEM 7:** **Circle A Enterprises requests** a 10' variance to allow 5' street side yard setback, in lieu of the 15' minimum specified by Table 3.4-1 of the Land Development Code, to allow for the construction of a single-family dwelling unit on property located at 837 Crawford Street W. Owner: John Martini. (VAR25-005)

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**ITEM 8:** **Keisha Khan requests:**

1. A 5' variance to allow a zero-foot setback for a six-foot high chain link fence along the street side property line in lieu of the minimum setback of five feet for residential fences and walls greater than four feet in height when located in street side yards as specified by Figure 4.4-1 of the Land Development Code; and
2. A 3' variance to allow a zero-foot setback for a six-foot high chain link fence along an alley in lieu of the minimum setback of three feet for residential fences and walls when located adjacent to an improved alley as specified by Figure 4.4-1 of the Land Development Code; and
3. A 4' variance to allow a six-foot high chain link fence within the 45-foot visibility triangle located at the intersection of Texas Avenue and Pear Street, and the 30-foot visibility triangle located at the intersection of Texas Avenue and an improved alley, in lieu of the maximum height of two feet for fences and walls when located within the visibility triangle of the non-signalized intersection of two streets or the intersection of a street and an alley, as specified in by Figures 4.4-1 and 4.12-1 of the Land Development Code; and
4. A 2' variance to allow a four-foot high wood privacy fence within the 45-foot visibility triangle located at the intersection of Texas Avenue and Pear Street, and the 30-foot visibility triangle located at the intersection of Texas Avenue and an improved alley, in lieu of the maximum height of two feet for fences and walls when located within the visibility triangle of the non-signalized intersection of two streets or the intersection of a street and an alley, as specified by Figures 4.4-1 and 4.12-1 of the Land Development Code on property located at 714 Texas Avenue. Owner: TRINIVEST, LLC. (VAR25-004)

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**ITEM 9:** Unfinished Business

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**ITEM 10:** New Business

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**ITEM 11:** Adjournment

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**The Zoning Board of Adjustments and Appeals met in Regular Session on Tuesday, February 4, 2025 in the City Commission Chamber at Lakeland City Hall 228 South Massachusetts Avenue.**

Present were Board Members Emily Breheny, Thomas Brawner, Gregory Kent, Tunesia Mayweather, Daniel Sharrett 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: Lindsay Olj 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)

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Matt Clement, 2515 S. Florida Avenue, representing the applicant was present in support of the request. Mr. Clement stated 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.

Todd Vargo stated 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 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. The reconstructed sign will match the sign prior to Hurricane Milton.

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

Mr. Vargo stated staff received a letter in support of the request from a property owner across Florida Avenue from the subject property at 2600 S. Florida Avenue. Mr. Vargo stated staff also received one letter in opposition from a resident to the west of the subject property. Mr. Vargo summarized the letter and handed out printed copies of the letter to the Board.

Mr. Vargo stated staff recommends approval.

**Thomas Brawner made a motion to approve staff's recommendation. Daniel Sharrett seconded the motion and it passed 5—1. Gregory Kent voted against the motion.**

**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)

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Jerry Rodriguez, 7835 Osceola Polk Line Road, Davenport, was present in support of the request.

Phillip Scarce stated 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. 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. 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.

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

Mr. Searce stated staff recommends approval.

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

**Adjourned**

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The meeting was adjourned at 9:21 a.m.

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**Gregory Kent, Chairperson**

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**Christelle Burrola, Secretary**



# Variance Application

## General Information:

<b>Project No:</b>	VAR25-002	<b>Application Date:</b>	1/8/2025
<b>Project Name:</b>	Thomas		
<b>Subject Property Address:</b>	708 THOMAS ST W		
<b>Parcel ID:</b>	232812040000005110		
<b>Applicant Name:</b>	CIRCLE A ENTERPRISES		
<b>Applicant Address:</b>	1668 WILL LANE	THE VILLAGES	FL 34762
<b>Owner Name:</b>	MARTINI JOHN		
<b>Owner Address:</b>	7204 COLONIAL LAKE DR	RIVERVIEW	FL 33578

## Request:

<b>Application Type:</b>	Variance		
<b>Current</b>			
<b>Zoning:</b>	(RA-4) Single Family	<b>Context:</b>	Urban Neighborhood (UNH)
<b>Lot Dimensions:</b>	41 X 72	<b>Square Footage:</b>	-
<b>Present Use:</b>			
<b>Explanation of Request:</b>	To build new 3 bedroom 2 bath concrete home.		
<b>Justification:</b>	Requesting a variance in backyard so that a required 20' driveway will fit in front. Would like backyard setback be 10' since lot is only 72' in length.		



**ENGINEER'S NOTES:**

- DESIGN WIND SPEED: 140 MPH/44 ft / 110 MPH/34 m, 3 sec gust PER AIC HAZARDS BY LOCATION
  - RISK CATEGORY PER FBC 2023 8TH EDITION Table 1604.5 : II
  - EXPOSURE CATEGORY = "B"
  - INTERNAL PRESSURE COEFFICIENT = +/- 0.18 (ENCLOSED BLDG)
  - COMPONENTS & CLADDING DESIGN PRESSURES PER ASCE 7-22: FIGURE 30.4-1 WITH LAMDA FACTOR = 0.92
- ROOF ZONE 1 (203SF): +12/-21 psf  
 ROOF ZONE 2 (103SF): +13/-32 psf  
 ROOF ZONE 3 (103SF): +13/-32 psf  
 WALL ZONE 4 (203SF): +18/-20 psf  
 WALL ZONE 5 (203SF): +18/-24 psf
- DECKS AND STAIRS: LIVE LOAD: 40 psf  
 2nd FL LOADS: LIVE LOAD-40 psf/DEAD LOAD-10 psf  
 ROOF LOADS: LIVE LOAD-20 psf/DEAD LOAD-10 psf

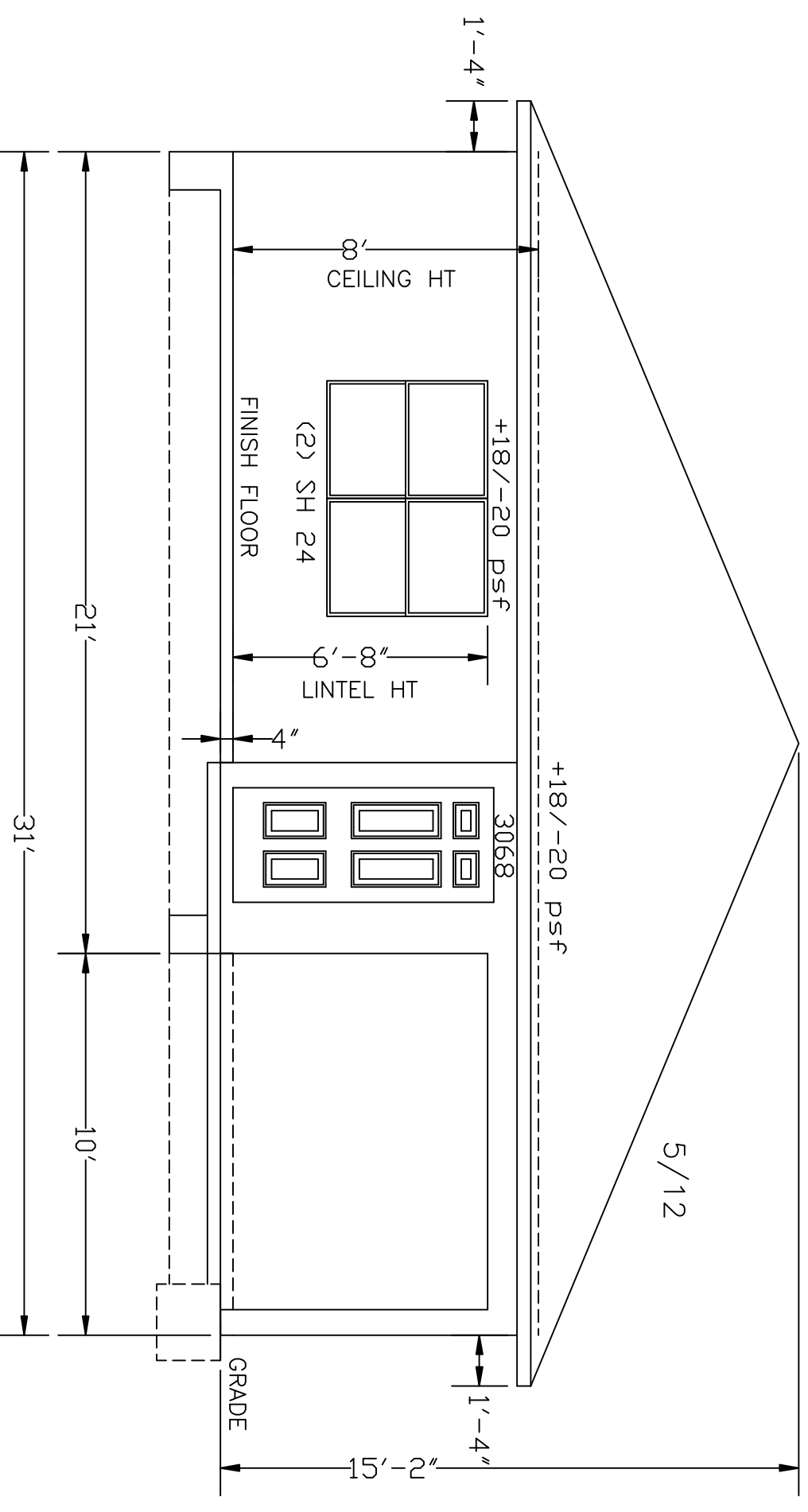
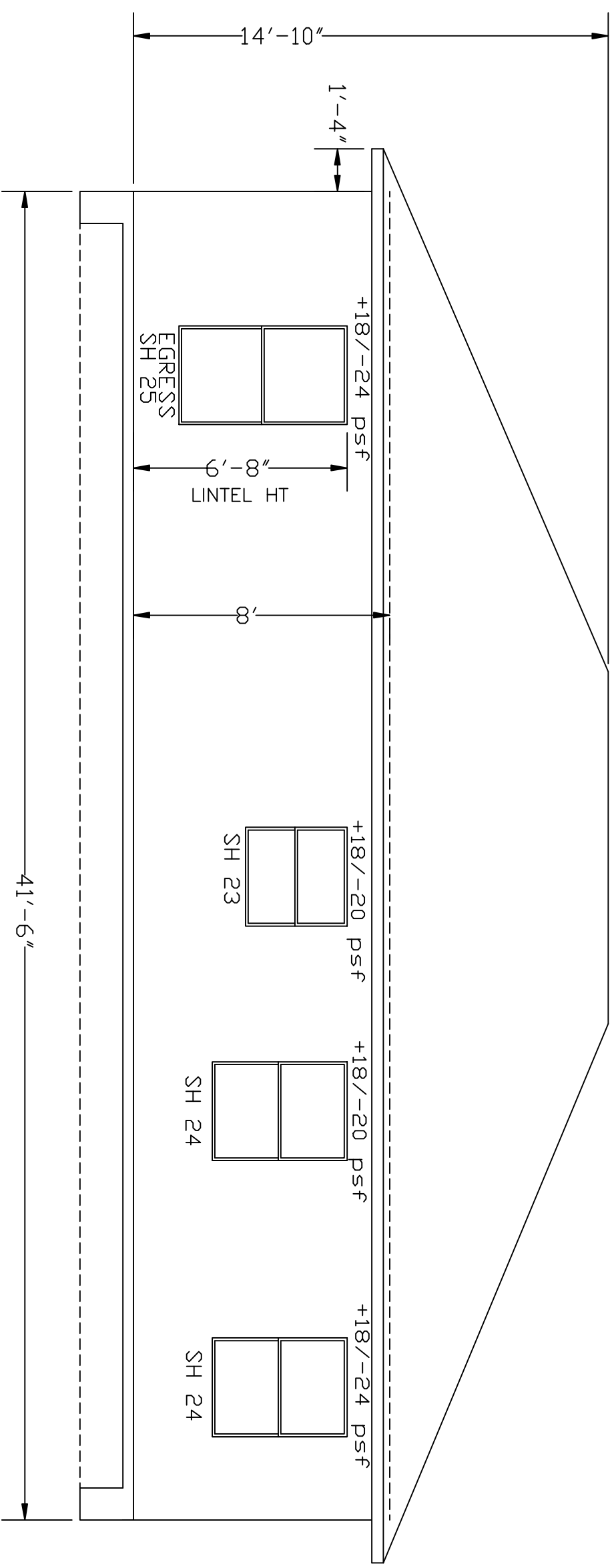
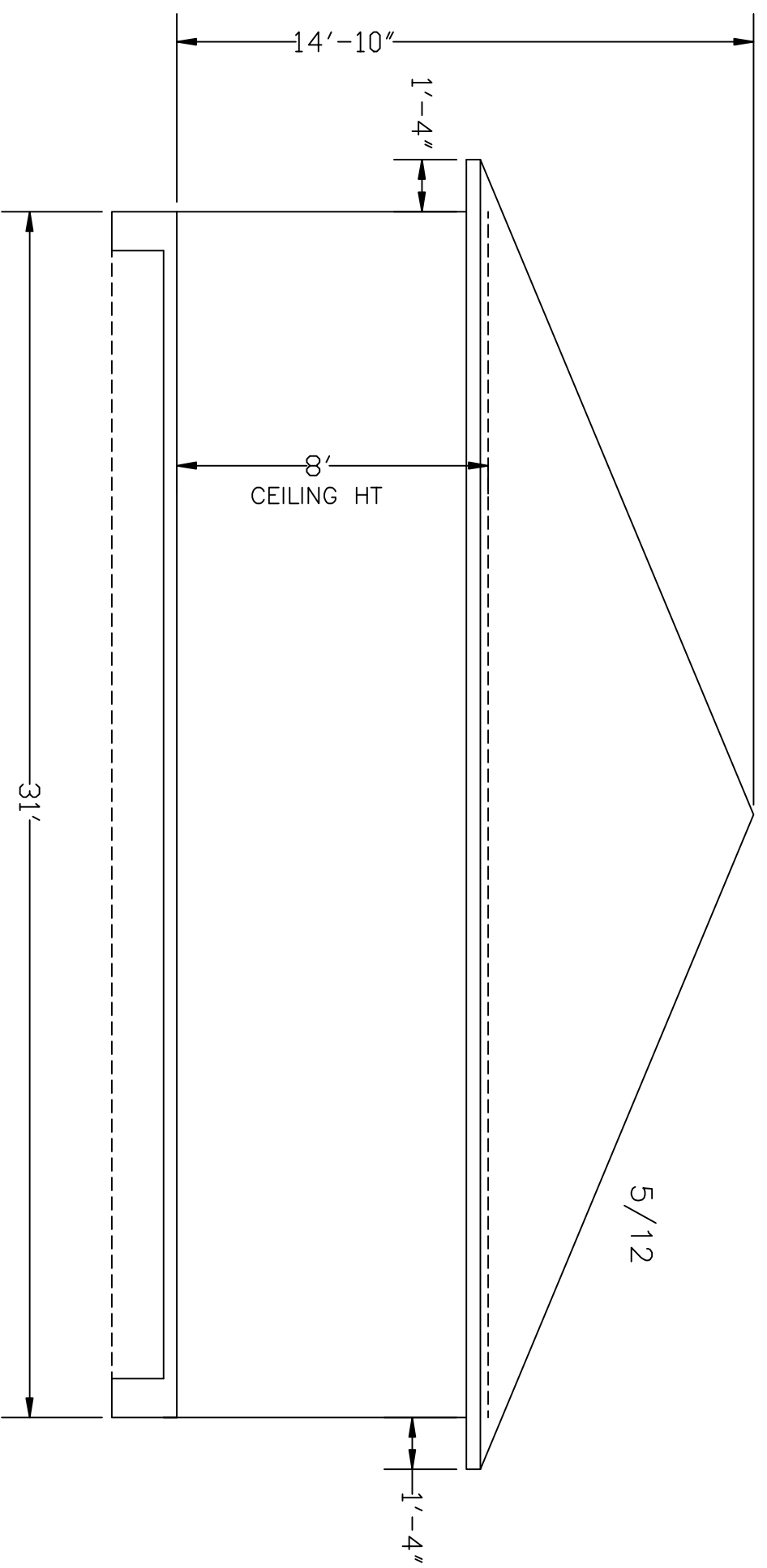
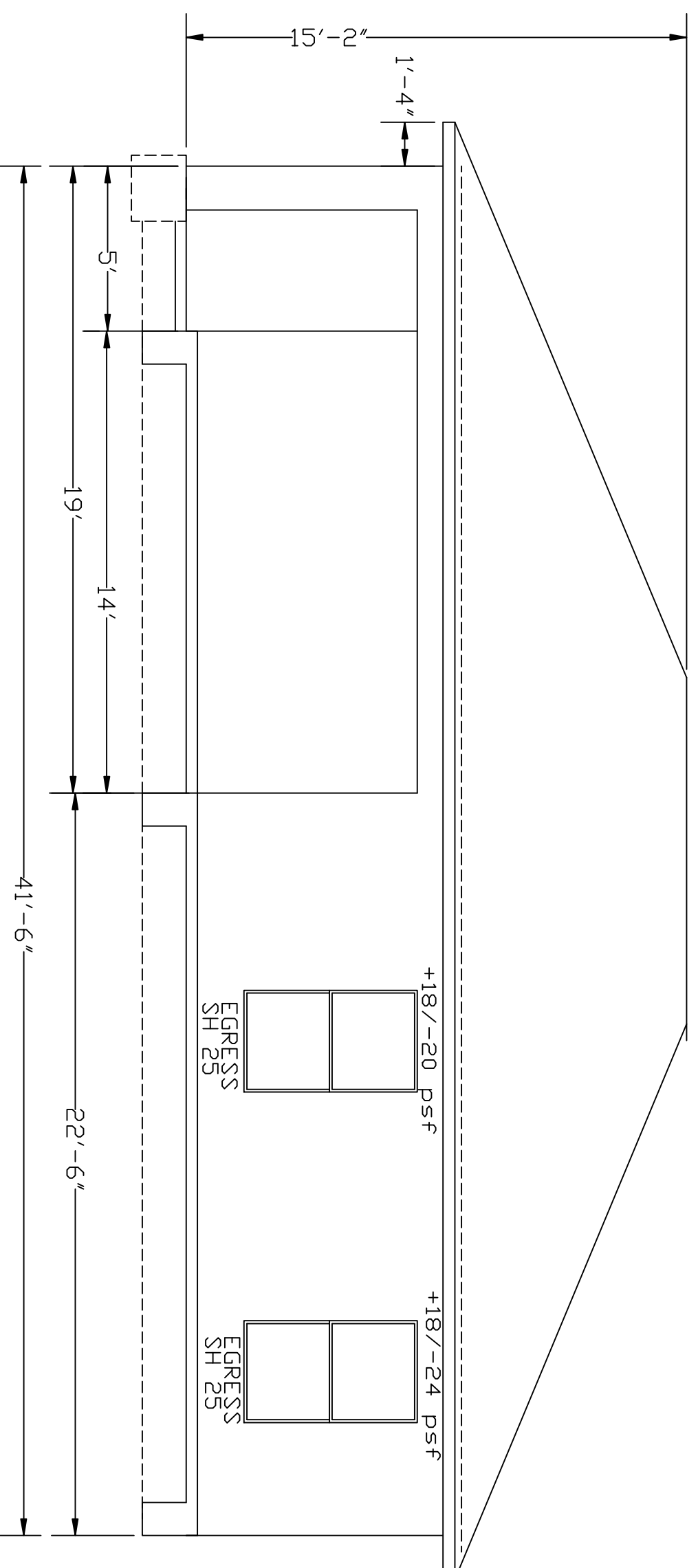
CONSTRUCTION TYPE: V-B

FLORIDA BUILDING CODE 8TH EDITION (2023) RESIDENTIAL  
 FLORIDA FIRE PREVENTION CODE 8TH EDITION (2023)  
 FLORIDA BUILDING CODE ACCESSIBILITY 8TH EDITION (2023)  
 NFPA 70-20 NATIONAL ELECTRICAL CODES (NEC 2020)  
 BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE (ACI 318-19)  
 SPECIFICATIONS FOR STRUCTURAL CONCRETE (ACI 301-20)  
 BUILDING REQUIREMENTS FOR MASONRY STRUCTURES (ACI 530-13)  
 NATIONAL SPECIFICATION FOR WOOD CONSTRUCTION-2018 EDITION  
 2009 FPM 55 DESIGN SPECIFICATIONS E018, 5th EDITION  
 AMERICAN SOCIETY OF CIVIL ENGINEERS: ASCE/SEI 7-22  
 ALUMINUM DESIGN MANUAL-2019 (ADA AND-2020)  
 1. CODE REQUIREMENTS: IT IS THE INTENT THAT ALL WORK SHALL CONFORM TO THE APPROVED STANDARDS AND RULES OF THE ADMINISTRATIVE AUTHORITY (A) EXCEPT WHERE SHOWN OTHERWISE FOR ADOPTORY AGENCIES

**NOTE:**  
 STRUCTURAL DESIGN REQUIRES ALL DOORS AND WINDOWS TO BE FLORIDA APPROVED AND RATED FOR INDICATED DESIGN PRESSURES AND SPECIFIC BRANDS TO BE DETERMINED BY OWNER/CONTRACTOR.

DOOR AND WINDOW MANUFACTURER TO PROVIDE RATING CERTIFICATION FOR THEIR PRODUCTS INDICATING DOORS WILL WITHSTAND THE PRESSURES RESULTING FROM INDICATED WIND SPEED (3 SEC GUST) DOOR AND WINDOW MANUFACTURER TO PROVIDE INSTALLATION INSTRUCTIONS FOR THEIR PRODUCT SUCH THAT WHEN INSTALLED PER THEIR INSTRUCTIONS THE RATED PERFORMANCE WILL BE ATTAINED.

NOTE: CONTRACTOR TO INSTALL DOORS AND WINDOWS ACCORDING TO MANUFACTURER'S INSTRUCTIONS.



*RIGHT ELEVATION*

*REAR ELEVATION*

*LEFT ELEVATION*

*FRONT ELEVATION*

PARCEL: 23-28-12-040000-005110

I hereby certify that I have reviewed this plan and found it to be in compliance with ASCE 7-22 and the Florida Building Code 2023 8th Edition  
 David W. Smith, P.E. #533608

<p><b>D.W. SMITH, M.S., P.E. #533608</b>                  FLORIDA PROFESSIONAL ENGINEER LICENSE NUMBER 53608  <b>PROJECTS ENGINEERING CONSULTANT</b>                  9909 WALLASTON DRIVE - DADE CITY, FLORIDA 33525                  PHONE: (813) 813-469-2899 E-MAIL: dwsf@peersolutions.com</p>		<p>OPTIMUM EQUITY PARTNERS, LLC                  708 W THOMAS STREET                  LAKELAND, FLORIDA</p>	
<p><b>RICK GOLHARDT - DRAFTSMAN</b>                  PHONE: (813) 781-3651 E-MAIL: rgo@thorntonsupply.com</p>		<p>ELEVATIONS</p>	
SCALE	DATE	SHEET	OF
DO NOT SCALE	2 AUG 2024	1 OF	11
DESIGN/BY/CHK	CHECKED	JOB NO.	
R. GOLHARDT	D.W.S., P.E.	2024-0610	

CRAWFORD ST W



SUBJECT  
PROPERTY

THOMAS ST W



14TH ST W



VAR25-002 708 W Thomas St

Parcel ID: 232812040000005110







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

RE: Variance Request - Project No. VAR25-002 - 708 Thomas St W

Dear Property Owner:

This notice is to advise you that Circle A Enterprises requests a 5' variance to allow a 10' rear yard setback, in lieu of the 15' minimum specified by Table 3.4-1 of the Land Development Code to allow for the construction of a single-family dwelling unit on property located at 708 Thomas Street W. The subject property is legally described as:

PALMA CEIA COURT PB 10 PG 29 BLK E LOT 11

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 March 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](mailto: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](mailto: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	3/04/2025	Reviewer:	Todd Vargo	
Project No:	VAR25-002	Subject Property:	708 Thomas Street W	
Owner:	John Martini			
Applicant:	Circle A Enterprises			
Current Zoning:	RA-4 (Single-Family Residential)	Context District	Urban Neighborhood (UNH)	
Request:	A 5' variance to allow a 10' rear yard setback, in lieu of the 15' minimum specified by Table 3.4-1 of the Land Development Code to allow for the construction of a single-family dwelling unit on property located at 708 Thomas Street W.			

## 1.0 Background

The subject parcel is located in the Palma-Ceia Court plat (recorded in 1925) and has a zoning district of RA-4 (Single-family residential) and a context district of Urban Neighborhood (UNH). The lot is vacant and is approximately 41' wide by 72' deep (0.068 acres or 2,952 sq. ft.) as platted. If this lot were created today, it would have to be at least 50' wide and have 5,000 square feet of lot area.

## 2.0 Discussion

The purpose of this request is to obtain a variance to allow a 10' rear yard setback, in lieu of the 15' minimum specified by Table 3.4-1 of the City's Land Development Code. At 72' in depth, the lot is more shallow than most platted lots in the city. With the requirement of a 20' deep driveway to keep cars from overhanging into the right-of-way and a 15' rear setback in the RA-4/UNH zoning district, that leaves room for a house that is only 37' deep. The owner wishes to construct a house that is 41.5 feet deep, thus resulting in the need for a variance to reduce the rear setback from 15 feet to 10 feet, providing an extra 5' of building space for the house. In total the house will have a footprint of 1206 square feet. Even though the lot is substandard to the current criteria of the Land Development Code, all other design aspects of the code including front and interior side yard setbacks, as well as driveway requirements and entry features are satisfied.

The lot to the south is occupied with a single-family house that appears to have been constructed approximately 10 feet from the rear property line, as has the house on the lot to the southwest. It appears that at least three other houses on this block were constructed with rear setbacks less than 15'.

## 3.0 Recommendation

The particular hardship suffered is not the result of any action taken by the applicant as the current setback and driveway requirements limit buildable area on a small lot. Furthermore, the lot was platted as a 41' x 72' lot in 1925. The requested relief is reasonable and proportionate to the degree of hardship resulting from the unusually small lot. Staff finds that the allowing the setback variance would not be detrimental to the public. Provided there are no substantive objections from adjoining property owners, staff recommends that the variance be considered for approval.



# Variance Application

## General Information:

<b>Project No:</b>	VAR25-003	<b>Application Date:</b>	1/8/2025
<b>Project Name:</b>	Lincoln		
<b>Subject Property Address:</b>	1610 LINCOLN AVE N		
<b>Parcel ID:</b>	232812038000004030		
<b>Applicant Name:</b>	CIRCLE A ENTERPRISES		
<b>Applicant Address:</b>	1668 WILL LANE	THE VILLAGES	FL 34762
<b>Owner Name:</b>	MARTINI JOHN		
<b>Owner Address:</b>	7204 COLONIAL LAKE DR	RIVERVIEW	FL 33578

## Request:

<b>Application Type:</b>	Variance		
<b>Current</b>			
<b>Zoning:</b>	(RA-4) Single Family	<b>Context:</b>	Urban Neighborhood (UNH)
<b>Lot Dimensions:</b>	64 X 131	<b>Square Footage:</b>	1,032
<b>Present Use:</b>			
<b>Explanation of Request:</b>	Build new 3 bedroom 2 bath home 1422 sf concrete block home.		
<b>Justification:</b>	Requesting a variance on backyard setback. A 20' driveway is required in front, so we would like to reduce backyard setback to 10' so that house will fit on property.		

**DESCRIPTION:** (Instrument #2022035145)

LOT 3, BLOCK 4 GOODMAN AND WHIPPERS ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 32, PAGE 18, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

**FLOOD ZONE:**

The property described herein is located in Flood Zone "X" per Flood Insurance Rate Map No. 12105C0304G, Effective Date 12/22/2016, Community No. 120267 Panel 0304 G.

**LEGEND:**

SYMBOLS	SYMBOLS
■ = ELECTRIC HAND HOLE (EHH)	□ = FLOOD ZONE LINE
○ = RAINWAGE MANHOLE	--- = OVERHEAD UTILITY LINES
○ = BARBED WIRE FENCE	
C = CURVE	
(O) = CALCULATED	
□ = CABLE UTILITY RISER	
○ = CLEANOUT	
○ = CONIC LIGHT POLE	
○ = CONCRETE	
○ = COVERED METAL PIPE	
○ = COVERED	
○ = OPEN	
○ = DRAINAGE EASEMENT	
○ = ELEC. BREAKER	
○ = GAS VALVE	
○ = GATE VALVE	
○ = GATE VALVE	
○ = HUB & STAKE SET	
○ = LAMP SET	
○ = MAILBOX	
○ = LIGHT POLE	
○ = UTILITY POLE	
○ = WATER METER	
○ = WATER METER (T&I)	
○ = WATER VALVE (WV)	
○ = SIGN	
○ = RECLAIMED WATER METER	
○ = RECLAIMED WATER VALVE	
○ = SAMPLING MANHOLE	
○ = SETBACK VALVE	
○ = CABLE HAND HOLE	
○ = TELEPHONE RISER	
○ = WATER METER (T&I)	
○ = WATER VALVE (WV)	
○ = SIGN	

**ELEVATIONS:**

▲ 13.0'	= EXISTING GROUND SHOTS
▲ 12.9'	= GROUND SHOT AT TREE

**VERTICAL DATUM NOTE:**

The elevations shown herein are referenced to NAVD 1988.

**Elevation Notes:**

Elevations shown herein are based upon National Geodetic Survey Benchmark 4918 B (PD D03544), EBM - 171.35'

**TREES:**

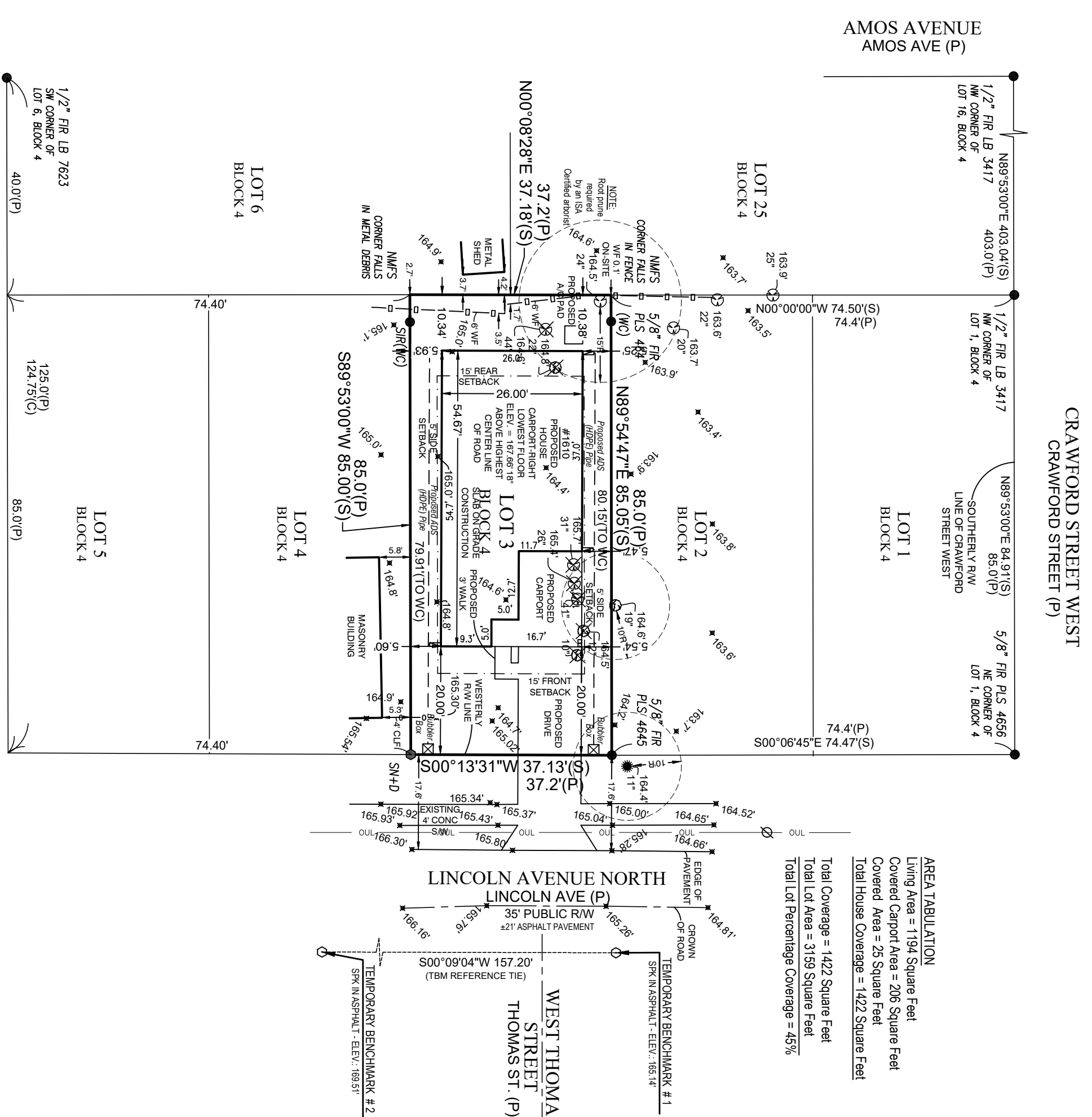
20" = TREE SYMBOL WITH MEASURED DIAMETER AT BREAST HEIGHT

**SYMBOLS:**

☀ = ELM  
 ☪ = GUM  
 ○ = OAK  
 ○ = TO BE REMOVED

**NOTES:**

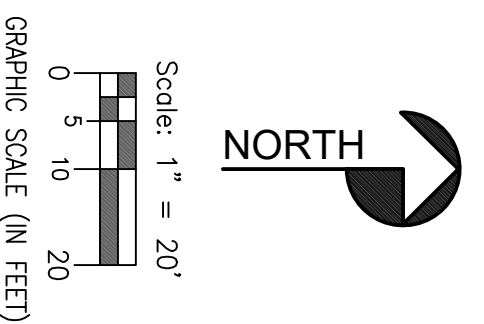
- No underground installation or improvements have been located except those shown herein.
- LANDMARK ENGINEERING & SURVEYING CORPORATION'S Certificate of Authorization Number to provide surveying is LB3913.
- This drawing not valid without the original signature and seal of a Florida Registered Surveyor & Mapper.
- As used on this drawing, certify means to state or declare a professional opinion of conditions regarding those facts or findings which are the subject of the certification and Does Not constitute a warranty or guarantee, either expressed or implied. This certification is only for the lands as described. It is Not a Certificate of Title, Zoning, Easements or Freedom of Encumbrances.
- No instruments of record reflecting easements, rights-of-way and/or ownership were furnished to this surveyor except as shown herein.
- LANDMARK ENGINEERING AND SURVEYING CORPORATION accepts no responsibility for identification of tree species shown herein. Every effort has been made to properly identify the trees shown herein; however, tree identification is outside the area of expertise of a Professional Land Surveyor. The tree types shown herein are for informational purposes only and should only be used after confirmation by a Certified Arborist or other such professional.



**AREA TABULATION**

Living Area = 1194 Square Feet
Covered Carport Area = 206 Square Feet
Covered Area = 25 Square Feet
Total House Coverage = 1422 Square Feet
Total Coverage = 1422 Square Feet
Total Lot Area = 3159 Square Feet
Total Lot Percentage Coverage = 45%

**BASIS OF BEARINGS:**  
 THE SOUTHERLY RAY LINE OF CRAWFORD STREET WEST BEARS S89°53'00"W. (PLAT)



**SOD AND CONCRETE CALCCS**

Total Sod Area in Square Feet ± (Include right-of-way area between property line and back of curb)	1816
Total Conc. Area in Square Feet ± (Include Walks and Driveway ONLY)	574

**REVISIONS**

Description	Date	Dwn.	CK'd	Order No.
Site Plan	10-01-24	DS	CJA	22421636
Revised House Plan	12/18/24	TJW	CJA	22426866

**SURVEYORS CERTIFICATE**

The survey registered herein conforms to the requirements of Chapter 547.11, Florida Administrative Code in effect on the Survey Date shown.

Original No.: 22421636    Current No.: 22426866

Drawn: DS    9-24-24    Client No.: 4470

Checked: JWH

SCOTT R. FOWLER, SURVEYOR NO. 5185    DATE OF SIGNATURE 09-09-24

**BOUNDARY & TOPOGRAPHIC SURVEY**  
 (WITH TREE LOCATIONS) (SHOWING PROPOSED HOUSE)

**LANDMARK** Engineering & Surveying Corporation

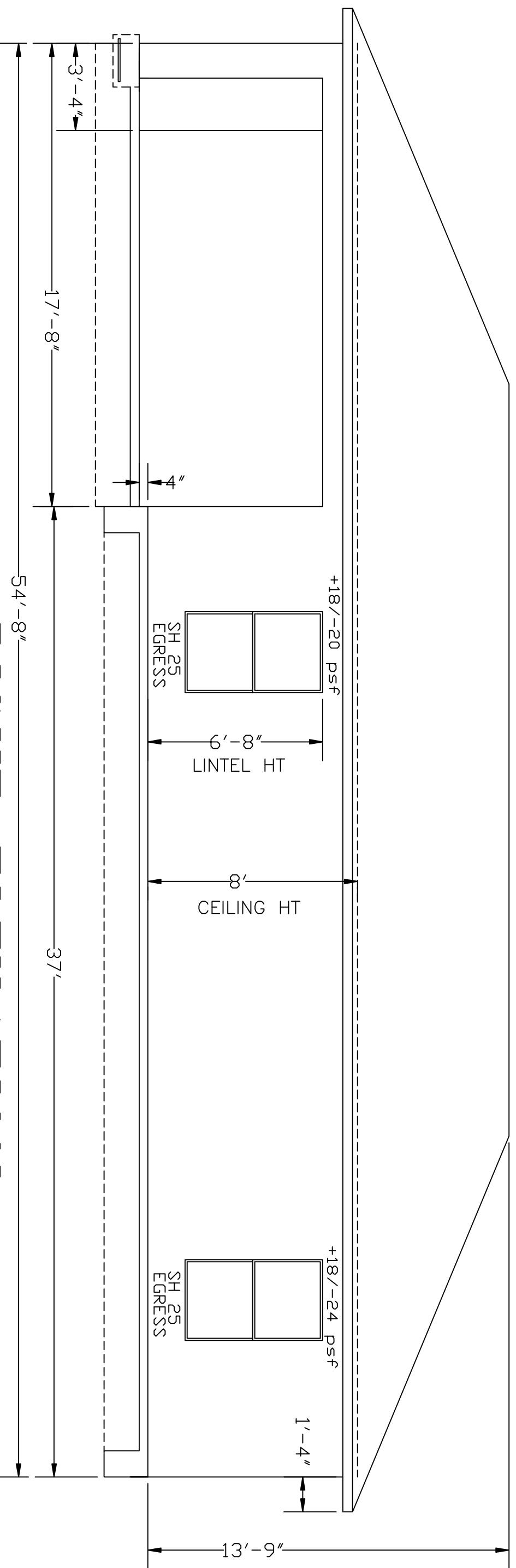
8515 Palm River Road | Tampa, Florida 33619  
 (813) 621-7841 | (813) 664-1832 (fax)  
 www.landmark.com | LB # 5913

**ENGINEER'S NOTES:**

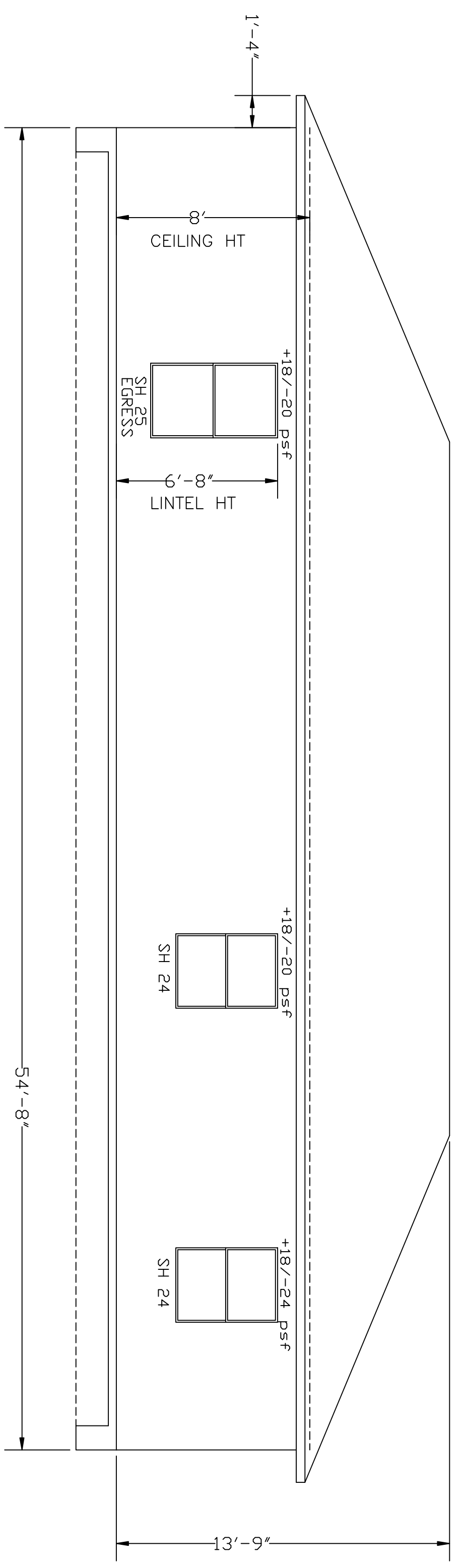
- DESIGN WIND SPEED: 140 MPH/44' / 110 MPH/44' / 3 sec gust
  - PER AIC HAZARDS BY LOCATION
  - EXPOSURE CATEGORY: 3 (2023 8TH EDITION Table 1604.5 - II)
  - INTERNAL PRESSURE COEFFICIENT = +/- 0.18 (ENCLOSED BLDG)
  - COMPONENTS & CLADDING DESIGN PRESSURES PER ASCE 7-22  
FIGURE 30.4-1 WITH LAMDA FACTOR = 0.82
- RIDE ZONE 1 (20)SFI: +12/-21 psf  
RIDE ZONE 2 (20)SFI: +13/-32 psf  
RIDE ZONE 3 (20)SFI: +13/-32 psf  
WALL ZONE 4 (20)SFI: +18/-24 psf  
WALL ZONE 5 (20)SFI: +18/-24 psf
- DECKS AND STAIRS: LIVE LOAD: 40 PSF  
2ND FL. LOADS: LIVE LOAD: 40 PSF/DEAD LOAD: 10 PSF  
ROOF LOADS: LIVE LOAD: 20 PSF/DEAD LOAD: 10 PSF

CONSTRUCTION TYPE: V-B  
FLORIDA BUILDING CODE, 8TH EDITION (2023) RESIDENTIAL  
FLORIDA BUILDING CODE ACCESSIBILITY WITH EDITION (2023) RESIDENTIAL  
FLORIDA BUILDING CODE ELECTRICAL WITH EDITION (2023) RESIDENTIAL  
NFPA 70-20 NATIONAL ELECTRICAL CODES (NEC 2017) (A-CI 318-19)  
BUILDING CODE REQUIREMENTS FOR MASONRY STRUCTURES (ACI 530-13)  
NATIONAL DESIGN SPECIFICATION FOR MASONRY STRUCTURES (ACI 530-13) EDITION  
MASONRY DESIGN SPECIFICATION FOR WOOD CONSTRUCTION-2018 EDITION  
ADA 211 WOOD DESIGN SPECIFICATIONS E30-18 EDITION  
AMERICAN SOCIETY OF CIVIL ENGINEERS, ASCE 2020 22  
1. CODE REQUIREMENTS: IT IS THE INTENT THAT ALL WORK SHALL CONFORM TO THE  
APPROVED, GOVERNING STANDARDS AND RULES OF THE ADMINISTRATIVE AUTHORITY  
2. ALL WORK SHALL CONFORM WITH DRAWINGS AND SPECIFICATIONS IN ACCORDANCE  
WITH THE REQUIREMENTS OF ALL THE FOLLOWING WHERE APPLICABLE:  
(a) LOCAL STATE AND FEDERAL CODES  
(b) LOCAL STATE AND FEDERAL AGENCIES

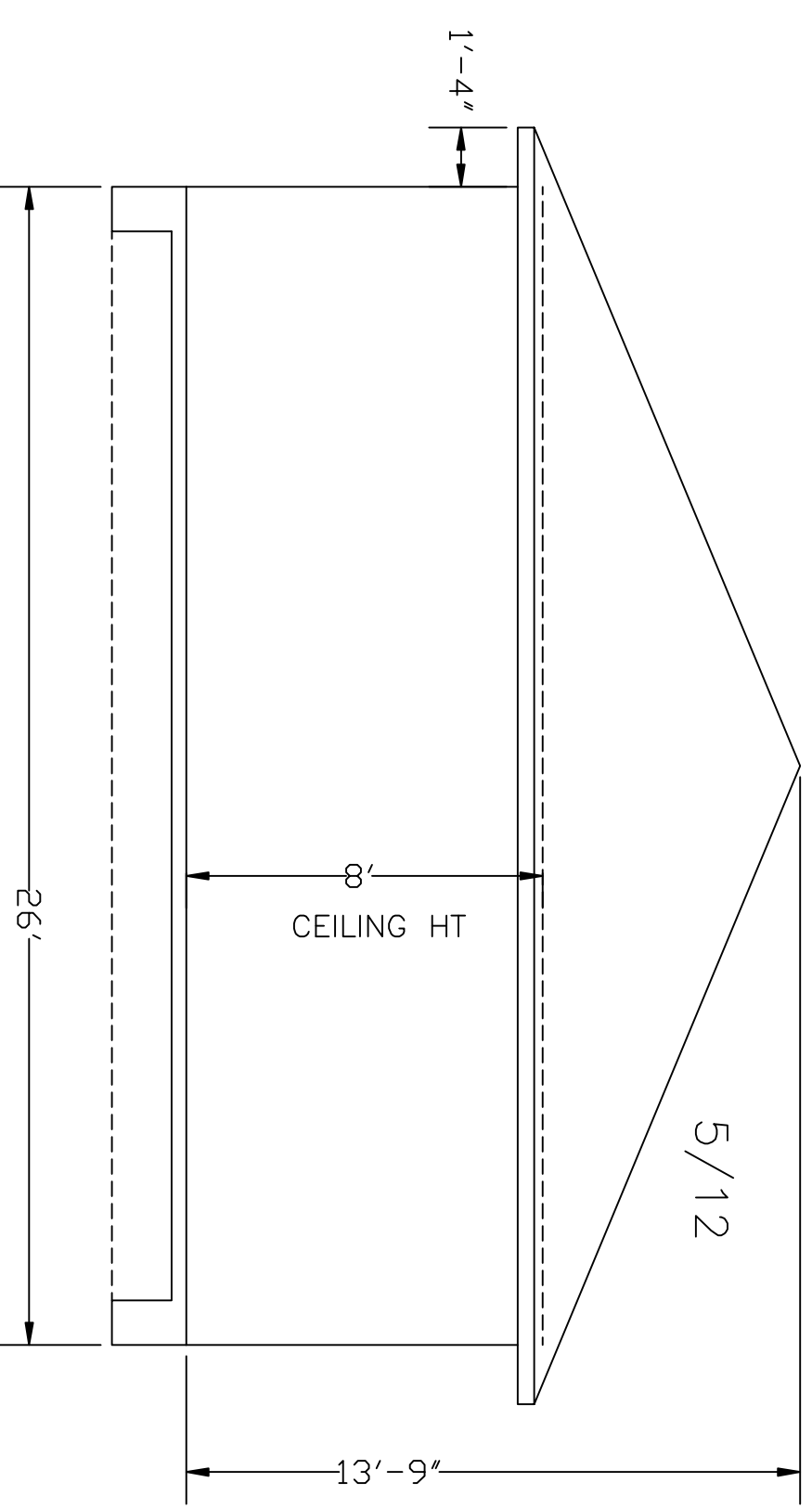
**NOTE:**  
STRUCTURAL DESIGN REQUIRES ALL DOORS AND WINDOWS TO BE  
FLORIDA APPROVED AND RATED FOR INDICATED DESIGN PRESSURES  
AND SPECIFIC BRANDS TO BE DETERMINED BY OWNER/CONTRACTOR.  
DOOR AND WINDOW MANUFACTURER TO PROVIDE RATING  
CERTIFICATION FOR THEIR PRODUCTS INDICATING  
DOORS WILL WITHSTAND THE PRESSURES  
RESULTING FROM INDICATED WIND SPEED (3 SEC GUST)  
DOOR AND WINDOW MANUFACTURER TO PROVIDE  
INSTALLATION INSTRUCTIONS FOR THEIR PRODUCT  
SUCH THAT WHEN INSTALLED PER THEIR  
INSTRUCTIONS THE RATED PERFORMANCE WILL  
BE ATTAINED.  
NOTE: CONTRACTOR TO INSTALL DOORS AND WINDOWS ACCORDING  
TO MANUFACTURER'S INSTRUCTIONS.



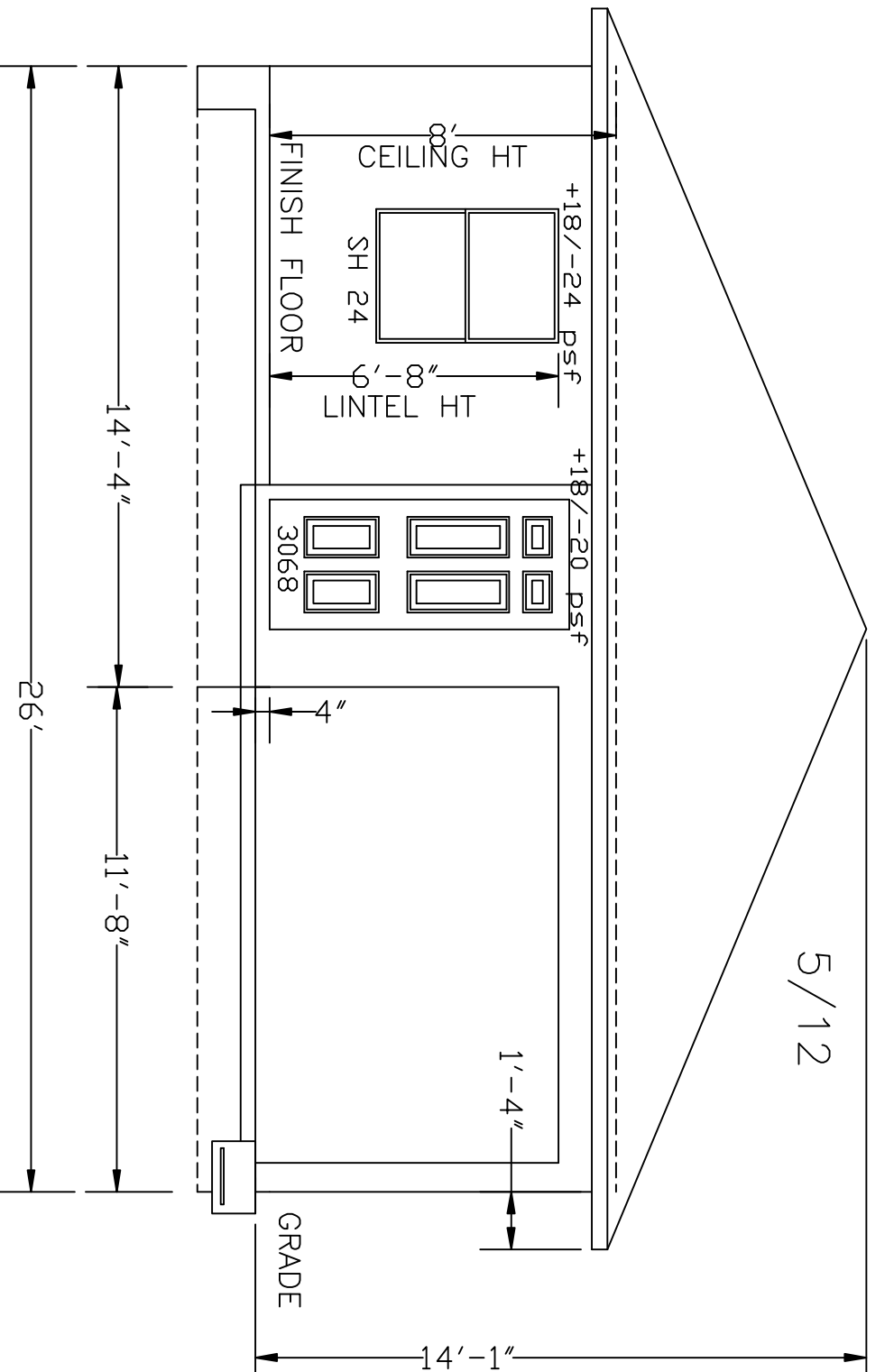
*RIGHT ELEVATION*



*LEFT ELEVATION*



*REAR ELEVATION*



*FRONT ELEVATION*

PARCEL: 23-28-12-038000-004030

<p><b>D. W. SMITH, M.S., P.E. #533608</b> FLORIDA PROFESSIONAL ENGINEER LICENSE NUMBER 533608 <b>PROJECTS ENGINEERING CONSULTANT</b> 9909 WALLASTON DRIVE - DADE CITY, FLORIDA 33525 PHONE: (813) 813-469-2289 E-MAIL: dwsf@peetorlink.net</p>		<p><b>JOHN MARTINI</b> OO LINCOLN AVE N LAKELAND, FLORIDA</p>	
<p><b>RICK GOLHARDT - DRAFTSMAN</b> E-MAIL: rgo@thorntonsupply.com</p>		<p>SCALE: DO NOT SCALE</p>	
<p>PHONE: (813) 813-781-3651</p>		<p>DATE: 21 MAY 2024</p>	
<p>ELEVATIONS</p>		<p>CHECKED: D.W.S., P.E.</p>	
<p>DATE: 21 MAY 2024</p>		<p>JOB NO: 2024-0508</p>	
<p>SCALE: DO NOT SCALE</p>		<p>SHEET OF: 1 OF 11</p>	

I hereby certify that I have reviewed this plan and found it to be in compliance with ASCE 7-22 and the Florida Building Code 2023 8th Edition  
David W. Smith, P.E. #533608

CRAWFORD ST W

LINCOLN AVEN

THOMAS ST W

14TH ST W

SUBJECT  
PROPERTY



VAR25-003 1610 N Lincoln Ave

Parcel ID: 232812038000004030





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

RE: Variance Request - Project No. VAR25-003 – 1610 Lincoln Ave N

Dear Property Owner:

This notice is to advise you that Circle A Enterprises requests a 5' variance to allow a 10' rear yard setback, in lieu of the 15' minimum specified by Table 3.4-1 of the Land Development Code, to allow for the construction of a single-family dwelling unit on property located at 1610 Lincoln Avenue N. The subject property is legally described as:

GOODMAN & WHIPPERS ADD PB 32 PG 18 BLK 4 LOT 3

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 March 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](mailto:planning@lakelandgov.net), prior to the meeting date.

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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](mailto: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	3/04/2025	Reviewer:	Todd Vargo	
Project No:	VAR25-003	Subject Property:	1610 Lincoln Avenue N	
Owner:	John Martini			
Applicant:	Circle A Enterprises			
Current Zoning:	RA-4 (Single-Family Residential)	Context District	Urban Neighborhood (UNH)	
Request:	A 5' variance to allow a 10' rear yard setback, in lieu of the 15' minimum specified by Table 3.4-1 of the Land Development Code, to allow for the construction of a single-family dwelling unit on property located at 1610 Lincoln Avenue N.			

## 1.0 Background

---

The subject parcel is located in the Goodman & Whippers Addition plat (recorded in 1945) and has a zoning district of RA-4 (Single-family residential) and a context district of Urban Neighborhood (UNH). The lot is vacant and is approximately 37' wide by 85' deep (0.07 acres or 3,158 sq. ft.) as platted. If this lot were created today, it would have to be at least 50' wide and have 5,000 square feet of lot area.

## 2.0 Discussion

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The purpose of this request is to obtain a variance to allow a 10' rear yard setback, in lieu of the 15' minimum specified by Table 3.4-1 of the City's Land Development Code. At 85' in depth, the lot is more shallow than most platted lots in the city. With the requirement of a 20' deep driveway to keep cars from overhanging into the right-of-way and a 15' rear setback in the RA-4/UNH zoning district, that leaves room for a house that is only 50' deep. The owner wishes to construct a house that is 54.7 feet deep, thus resulting in the need for a variance to reduce the rear setback from 15 feet to 10 feet, providing an extra 5' of building space for the house. In total the house will have a footprint of 1422 square feet. Even though the lot is substandard to the current criteria of the Land Development Code, all other design aspects of the code including front and interior side yard setbacks, as well as driveway requirements and entry features are satisfied.

## 3.0 Recommendation

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The particular hardship suffered is not the result of any action taken by the applicant as the current setback and driveway requirements limit buildable area on a small lot. Furthermore, the lot was platted as a 37' x 85' lot in 1945. The requested relief is reasonable and proportionate to the degree of hardship resulting from the unusually small lot. Staff finds that the allowing the setback variance would not be detrimental to the public. Provided there are no substantive objections from adjoining property owners, staff recommends that the variance be considered for approval.





# Variance Application

## General Information:

<b>Project No:</b>	VAR25-005	<b>Application Date:</b>	1/30/2025
<b>Project Name:</b>	Crawford		
<b>Subject Property Address:</b>	837 CRAWFORD ST W		
<b>Parcel ID:</b>	232812038000005150		
<b>Applicant Name:</b>	CIRCLE A ENTERPRISES		
<b>Applicant Address:</b>	1668 WILL LANE	THE VILLAGES	FL 33578
<b>Owner Name:</b>	MARTINI JOHN		
<b>Owner Address:</b>	7204 COLONIAL LAKE DR	RIVERVIEW	FL 33578

## Request:

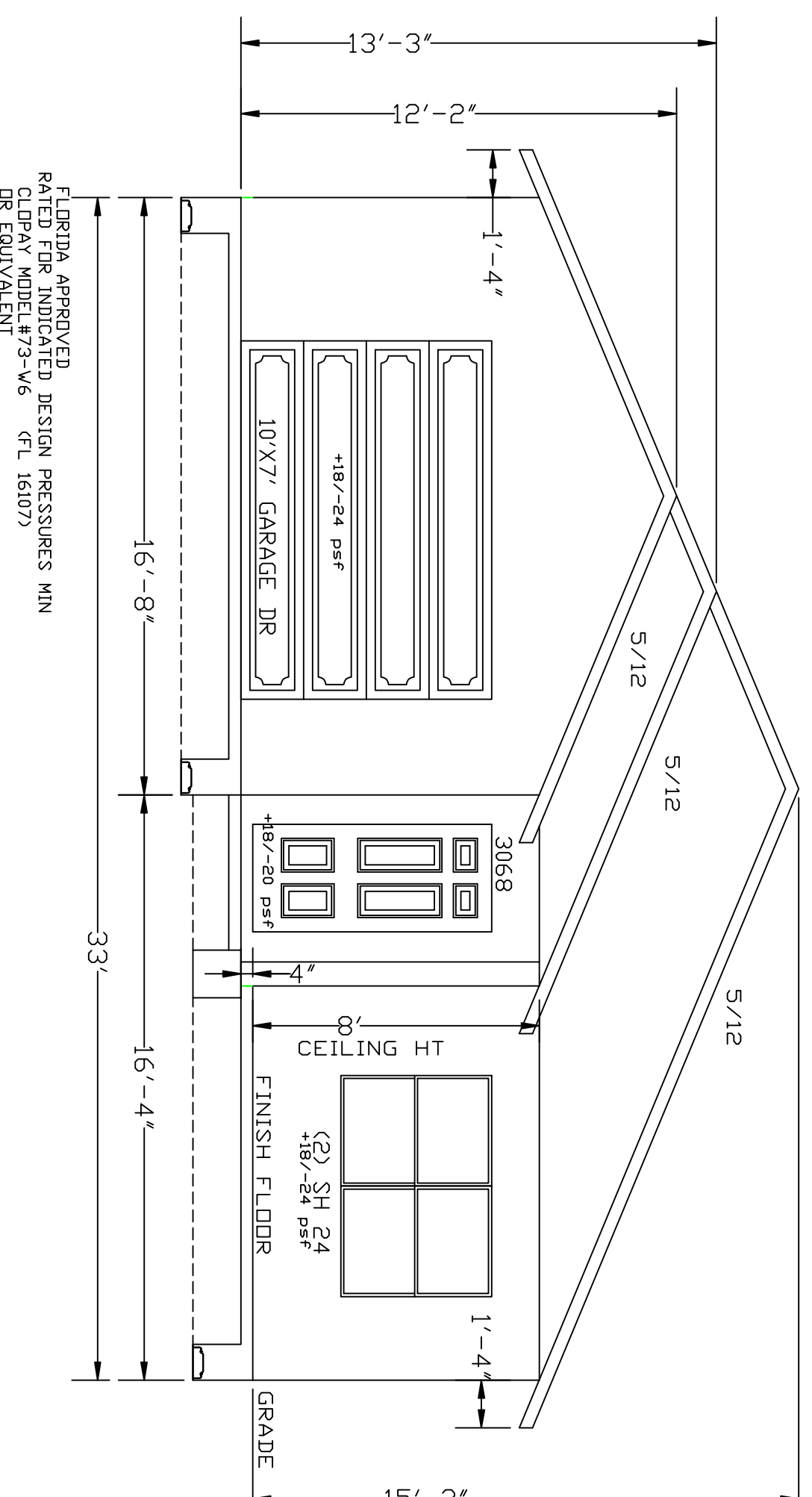
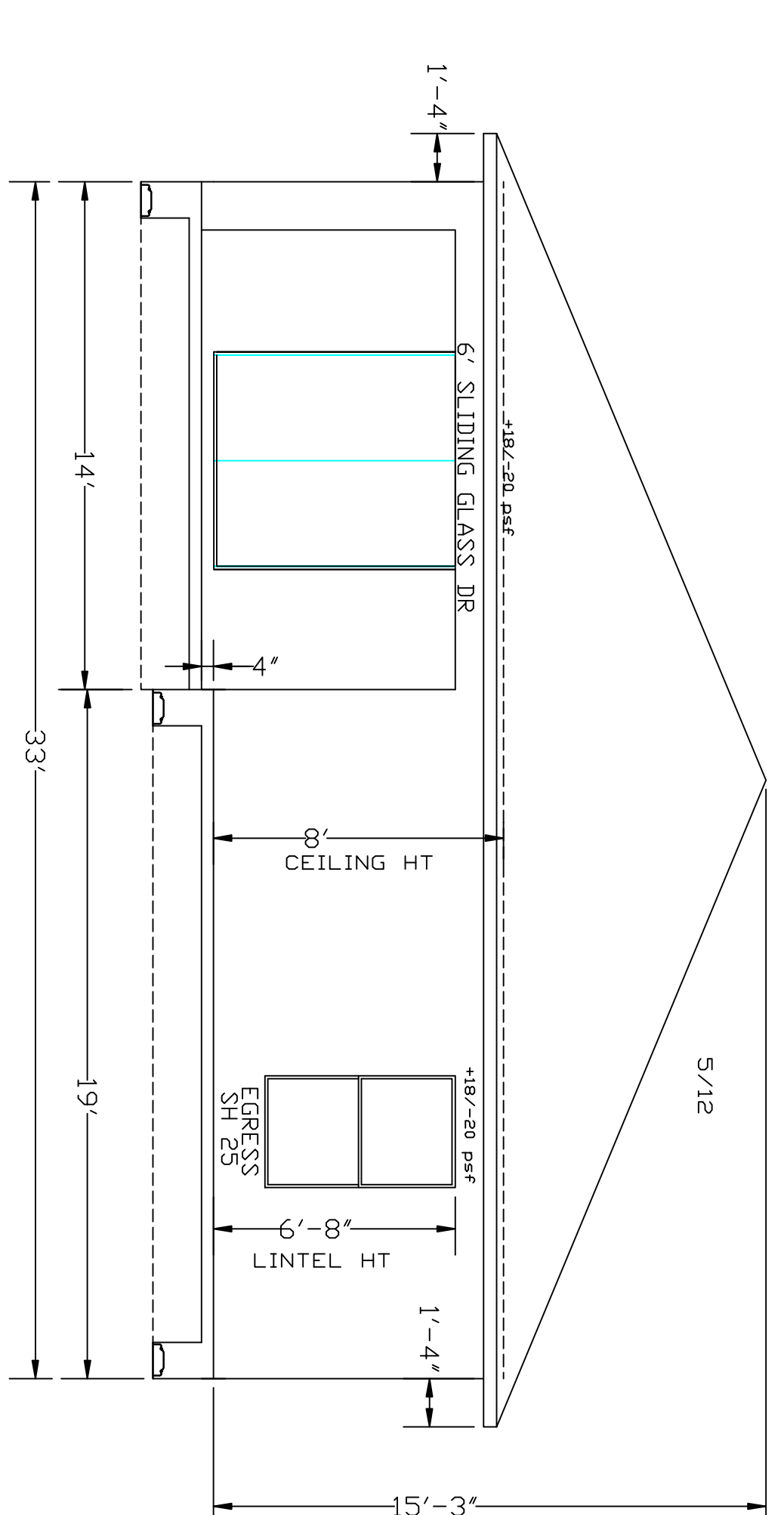
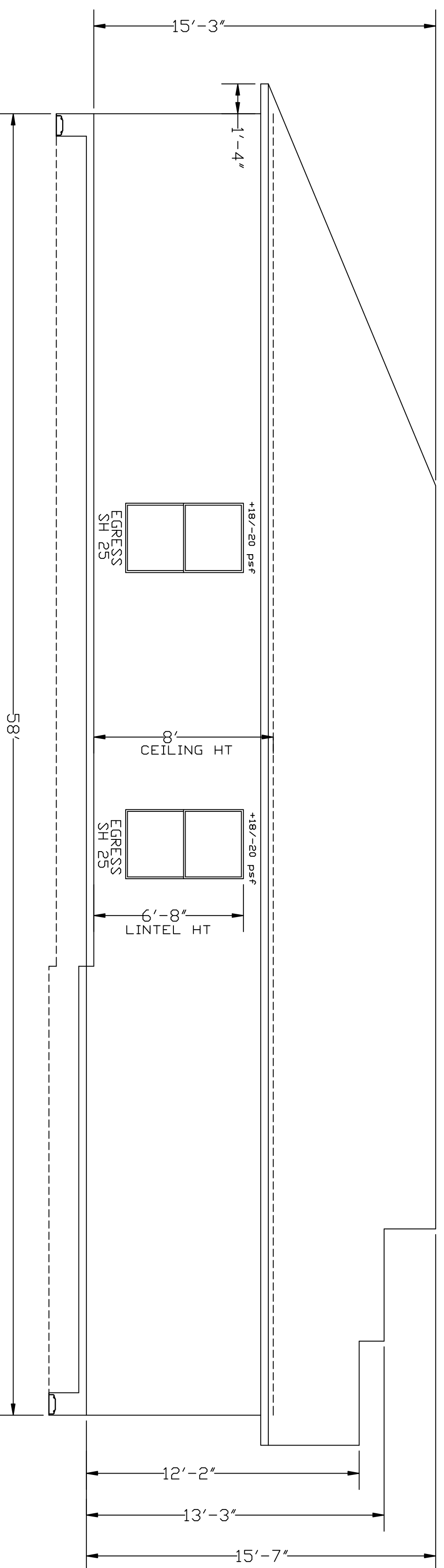
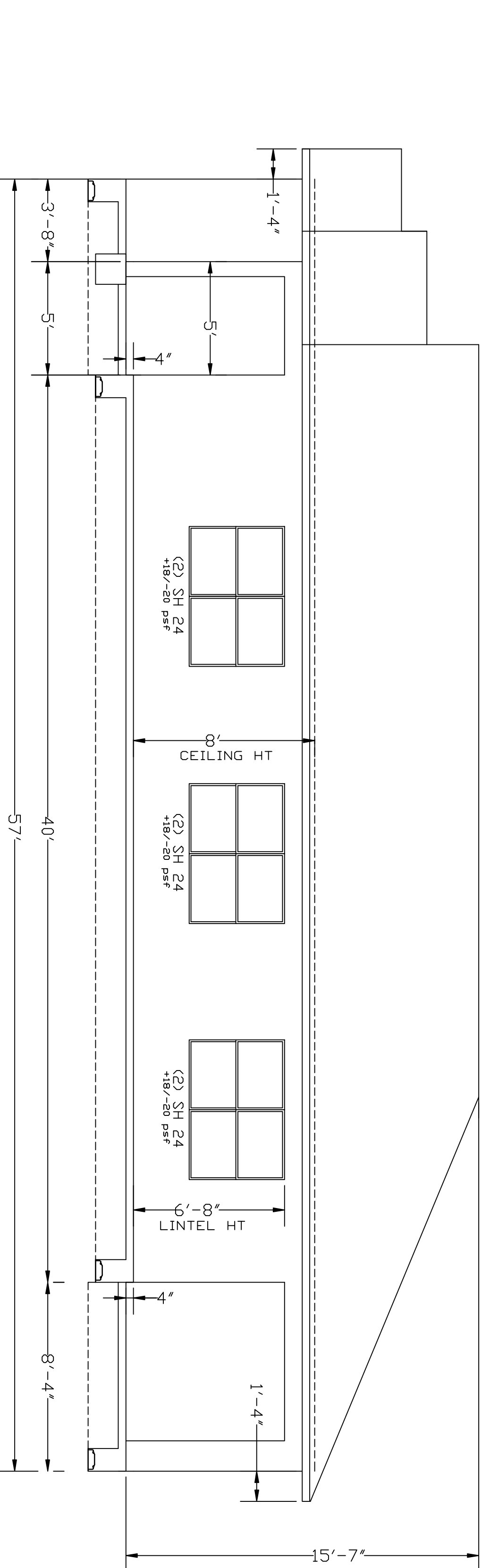
<b>Application Type:</b>	Variance		
<b>Current</b>			
<b>Zoning:</b>	RA-4	<b>Context:</b>	Urban Neighborhood
<b>Lot Dimensions:</b>	93 x 43	<b>Square Footage:</b>	N/A
<b>Present Use:</b>			
<b>Explanation of Request:</b>	Requesting a variance on setback for left (west) side of home. Would like to reduce setup from 15' to 5' so that home will fit on lot. We are within the max footprint for this lot.		
<b>Justification:</b>	We had to downsize the footprint of house to meet setback requirements. We would like to get a variance for left (west) side of home or lose approx 110 sq of living area.		



**ENGINEER'S NOTES:**

- DESIGN WIND SPEED: 140 MPH @ 110 MPH @ 4 / 3 sec gust
- PER AIC HAZARDS BY LOCATION
- EXPOSURE CATEGORY = B, 2023 8TH EDITION TABLE 1604.5 II
- INTERNAL PRESSURE COEFFICIENT = +/- 0.18 (ENCLOSED BLDG)
- COMPONENTS & CLADDING DESIGN PRESSURES PER ASCE 7-22  
FIGURE 30.4-1 WITH LAMDA FACTOR = 0.82
- DECKS AND STAIRS: LIVE LOAD = 40 PSF  
2ND FL. LOADS: LIVE LOAD = 40 PSF / DEAD LOAD = 10 PSF  
ROOF LOADS: LIVE LOAD = 20 PSF / DEAD LOAD = 10 PSF

CONSTRUCTION TYPE: V-8  
 FLORIDA BUILDING CODE 8TH EDITION (2023) RESIDENTIAL  
 FLORIDA FIRE PREVENTION CODE 8TH EDITION (2023) RESIDENTIAL  
 FLORIDA BUILDING CODE ACCESSIBILITY CODE (2023) RESIDENTIAL  
 INTERNATIONAL BUILDING CODE (2021) (2023) RESIDENTIAL  
 BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE - (ACI 318-19)  
 BUILDING CODE REQUIREMENTS FOR STRUCTURAL STEEL - (AISC 360-16)  
 NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION - 2018 EDITION  
 WOOD FRAMED CONSTRUCTION MANUAL - 2018 EDITION  
 AMERICAN SOCIETY OF CIVIL ENGINEERS - ASCE/SEI 7-22  
 ALL DIMENSIONS ARE IN FEET AND INCHES. WORK SHALL CONFORM TO THE  
 LATEST EDITIONS OF THE AIAA AND THE ADMINISTRATIVE AUTHORITY  
 ADOPTED JURISDICTION CODES, STANDARDS AND RULES OF PRACTICE  
 WITH THE REQUIREMENTS OF ALL THE FOLLOWING WHERE APPLICABLE:  
 (A) LOCAL STATE AND FEDERAL AGENCIES



**NOTE:**  
 STANDARD DESIGN REQUIRES ALL DOORS AND WINDOWS TO BE  
 FLORIDA APPROVED AND RATED FOR INDICATED DESIGN PRESSURES  
 AND SPECIFIC BRANDS TO BE DETERMINED BY OWNER/CONTRACTOR.

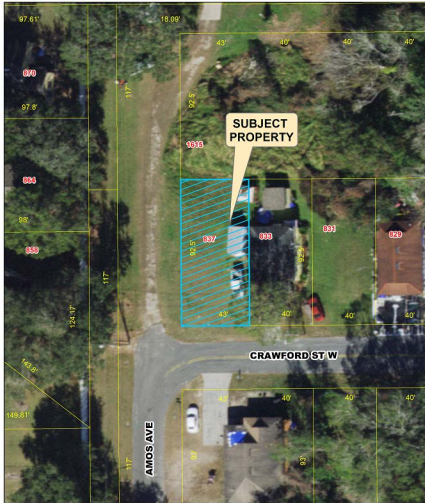
DOOR AND WINDOW MANUFACTURER TO PROVIDE RATING  
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 INSTALLATION INSTRUCTIONS FOR THEIR PRODUCT  
 SUCH THAT WHEN INSTALLED PER THEIR  
 INSTRUCTIONS THE RATED PERFORMANCE WILL  
 BE ATTAINED.

NOTE: CONTRACTOR TO INSTALL DOORS AND WINDOWS ACCORDING  
 TO MANUFACTURER'S INSTRUCTIONS.

I hereby certify that I have reviewed this plan and found it to be in  
 compliance with ASCE 7-22 and the Florida Building Code 2023 8th Edition  
 David W. Smith, P.E. #53608

<p><b>D. W. SMITH, M.S., P.E. #53608</b>                  FLORIDA PROFESSIONAL ENGINEER LICENSE NUMBER 53608  <b>PROJECTS ENGINEERING CONSULTANT</b>                  9909 WALLASTON DRIVE - DADE CITY, FLORIDA 33525                  PHONE: (813) 813-469-2899 E-MAIL: dwsf@projectseng.com</p>		<p>OPTIMUM EQUITY PARTNERS, LLC                  837 CRAWFORD ST W                  LAKELAND, FLORIDA</p>	
<p><b>RICK GOLHARDT - DRAFTSMAN</b>                  PHONE: (813) 813-781-3651 E-MAIL: rgo@optimumequity.com</p>		<p>SCALE                  DO NOT SCALE</p>	<p>DATE                  9 JUL 2024</p>
<p>ELEVATIONS</p>		<p>CHECKED                  D.W.S., P.E.</p>	<p>SHEET OF                  1 OF 11</p>
<p>DATE                  9 JUL 2024</p>		<p>JOB NO.                  2024-0529</p>	

PARCEL: 23-28-12-038000-005150



VAR25-005 837 W Crawford St

Parcel ID:232812038000005150





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

RE: Variance Request - Project No. VAR25-005 – 837 Crawford St W

Dear Property Owner:

This notice is to advise you that Circle A Enterprises requests a 10' variance to allow 5' street side yard setback, in lieu of the 15' minimum specified by Table 3.4-1 of the Land Development Code, to allow for the construction of a single-family dwelling unit on property located at 837 W Crawford St. The subject property is legally described as:

GOODMAN & WHIPPERS ADD PB 32 PG 18 BLK 5 LOT 15

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 March 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](mailto: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](mailto: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	3/04/2025	Reviewer:	Damaris Stull	
Project No:	VAR25-005	Subject Property:	837 Crawford Street W	
Owner:	John Martini			
Applicant:	Circle A Enterprises			
Current Zoning:	RA-4 (Single-Family Residential)	Context District	Urban Neighborhood (UNH)	
Request:	A 10' variance to allow 5' street side yard setback, in lieu of the 15' minimum specified by Table 3.4-1 of the Land Development Code, to allow for the construction of a single-family dwelling unit on property located at 837 Crawford Street W.			

## 1.0 Background

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The subject property consists of a vacant corner lot approximately 43' by 92.5' located at the northeast corner of Amos Avenue and Crawford Street W. The subject property is a platted lot of record and part of a subdivision originally recorded in 1945 (Goodman & Whippers Addition). The subject property is presently zoned RA-4 (Single-family residential) and located within the Urban Neighborhood (UNH) context sub-district.

## 2.0 Discussion

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The purpose of this request is to obtain a variance to allow for the construction of a new single-family home with a 5-foot street side yard setback along the western property boundary. Table 3.4-1 of the Land Development Code specifies a minimum street side setback of 15 feet for principal structures. The proposed home meets the minimum front setback from Crawford Street W.

The applicant's justification for this request pertains to the challenges of constructing a small single-family home on the lot due to the street side setback requirement and the lots substandard size. Although Amos Avenue is recorded on the plat as abutting the property's western boundary, it was never developed. Presently, Amos Avenue terminates at Crawford St W, with a private dirt driveway occupying its intended path.

Due to the era in which the neighborhood was platted, many of the homes in the neighborhood were constructed prior to the adoption of the City's first zoning code on July 18, 1950. As such, there are many examples of homes that are built to a street side setback of less than 15 feet. For new subdivisions, corner lots are generally wider than interior lots to account for the street side setback requirement.

## 3.0 Recommendation

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The particular hardship suffered is not the result of any action taken by the applicant as the current street is not developed. The requested relief is reasonable and proportionate to the degree of hardship resulting from the incomplete street. Staff finds that the allowing the setback variance would not be detrimental to the public. Provided there are no substantive objections from adjoining property owners, staff recommends that the variance be considered for approval.



# Variance Application

## General Information:

<b>Project No:</b>	VAR25-004	<b>Application Date:</b>	1/29/2025
<b>Project Name:</b>	Fence relocation		
<b>Subject Property Address:</b>	714 TEXAS AVE		
<b>Parcel ID:</b>	232813067500002010		
<b>Applicant Name:</b>	KEISHA KHAN		
<b>Applicant Address:</b>	1317 EDGEWATER DRIVE SUITE 6018	ORLANDO	FL 32804
<b>Owner Name:</b>	TRINIVEST LLC		
<b>Owner Address:</b>	3225 MCLEOD DR STE 100	LAS VEGAS	NV 89121

## Request:

<b>Application Type:</b>	Variance		
<b>Current</b>			
<b>Zoning:</b>	(RA-4) Single Family	<b>Context:</b>	Urban Neighborhood (UNH)
<b>Lot Dimensions:</b>	130 x 58	<b>Square Footage:</b>	1,291
<b>Present Use:</b>			
<b>Explanation of Request:</b>	Relocation of the fence on the alley way by 3 ft and the Pear street side by 5ft		
<b>Justification:</b>	<p>The fence was put up 2 1/2 years ago. The buildings department was contacted prior to erecting the fence. We were told a permit was not required and now they are asking us to move the fence per building code and zoning requirements. There was an issue with the line of sight which we have taken the privacy screens to allow sufficient line of sight to be in compliance. In addition to the cost of moving the fence there are trees in the direct path of where the fence needs to be moved to. There is also a clean out that will be now on the outside of the fence in the alleyway which will also make it susceptible to damage and tampering.</p>		







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

RE: Variance Request - Project No. VAR25-004 - 714 Texas Avenue

Dear Property Owner:

This notice is to advise you that Keisha Khan, on behalf of TRINIVEST, LLC, requests:

1. A 5' variance to allow a zero-foot setback for a six-foot high chain link fence along the street side property line in lieu of the minimum setback of five feet for residential fences and walls greater than four feet in height when located in street side yards as specified by Figure 4.4-1 of the Land Development Code; and
2. A 3' variance to allow a zero-foot setback for a six-foot high chain link fence along an alley in lieu of the minimum setback of three feet for residential fences and walls when located adjacent to an improved alley as specified by Figure 4.4-1 of the Land Development Code; and
3. A 4' variance to allow a six-foot high chain link fence within the 45-foot visibility triangle located at the intersection of Texas Avenue and Pear Street, and the 30-foot visibility triangle located at the intersection of Texas Avenue and an improved alley, in lieu of the maximum height of two feet for fences and walls when located within the visibility triangle of the non-signalized intersection of two streets or the intersection of a street and an alley, as specified in by Figures 4.4-1 and 4.12-1 of the Land Development Code; and
4. A 2' variance to allow a four-foot high wood privacy fence within the 45-foot visibility triangle located at the intersection of Texas Avenue and Pear Street, and the 30-foot visibility triangle located at the intersection of Texas Avenue and an improved alley, in lieu of the maximum height of two feet for fences and walls when located within the visibility triangle of the non-signalized intersection of two streets or the intersection of a street and an alley, as specified by Figures 4.4-1 and 4.12-1 of the Land Development Code on property located at 714 Texas Avenue.

The subject property is legally described as:

BOWYERS SUB PB 3 PG 19 BLK B LOTS 1 & 2

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 March 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](mailto: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	3/4/2025	Reviewer:	Audrey McGuire	
Project No:	VAR25-004	Subject Property:	714 Texas Avenue	
Owner:	Trinvest LLC			
Applicant:	Keisha Khan			
Current Zoning:	RA-4 (Single-Family Residential)	Context District	Urban Neighborhood (UNH)	
Request:	<p>1. A 5' variance to allow a zero-foot setback for a six-foot high chain link fence along the street side property line in lieu of the minimum setback of five feet for residential fences and walls greater than four feet in height when located in street side yards as specified by Figure 4.4-1 of the Land Development Code; and</p> <p>2. A 3' variance to allow a zero-foot setback for a six-foot high chain link fence along an alley in lieu of the minimum setback of three feet for residential fences and walls when located adjacent to an improved alley as specified by Figure 4.4-1 of the Land Development Code; and</p> <p>3. A 4' variance to allow a six-foot high chain link fence within the 45-foot visibility triangle located at the intersection of Texas Avenue and Pear Street, and the 30-foot visibility triangle located at the intersection of Texas Avenue and an improved alley, in lieu of the maximum height of two feet for fences and walls when located within the visibility triangle of the non-signalized intersection of two streets or the intersection of a street and an alley, as specified in by Figures 4.4-1 and 4.12-1 of the Land Development Code; and</p> <p>4. A 2' variance to allow a four-foot high wood privacy fence within the 45-foot visibility triangle located at the intersection of Texas Avenue and Pear Street, and the 30-foot visibility triangle located at the intersection of Texas Avenue and an improved alley, in lieu of the maximum height of two feet for fences and walls when located within the visibility triangle of the non-signalized intersection of two streets or the intersection of a street and an alley, as specified by Figures 4.4-1 and 4.12-1 of the Land Development Code on property located at 714 Texas Avenue.</p>			

## 1.0 Background

The subject property, approximately 0.34 acres, is a corner parcel located at the northeast southwest corner of Texas Avenue and Pear Street and comprised of two platted lots originally recorded as part of Bowyer's Subdivision in 1913. The subject property is zoned RA-4 (Single-Family) and located within the Urban Neighborhood (UNH) context district.

## 2.0 Discussion

The applicant is requesting variance relief from several of the standards for residential fences and walls specified in Figure 4.4-1 of the Land Development Code to address an existing non-conforming six-foot chain link and four-foot wood privacy fence at 714 Texas Avenue.

The applicant's primary justifications for the requests are that a permit was not required by the Building Inspection Division at the time the fence was installed, the cost to replace or relocate the fence, and potential conflicts with a utility pole adjacent to alley and trees located in the street-side yard.

In 2023, a four-foot high chain link fence which ran the perimeter of the subject property was replaced by the applicants with a six-foot high chain link fence along the north, west and south property lines, and a four-foot

wood privacy fence with gates along the east (front) property line, without consideration for required setbacks or visibility triangle height limitations specified by the Land Development Code.

In April 2024, after receipt of a complaint regarding visibility, the property owner was cited by Code Enforcement for the height and location of the fence. Following citation, the applicant contacted the Community and Economic Development Department about the next steps to correct the fence. The applicant was informed that: 1) the fences would need to be removed from the visibility triangles; 2) the six-foot chain link fence along the south property line would need to be relocated to provide a three-foot setback from the property line adjacent to the alley; and 3) the six-foot chain link fence located within the street-side yard would need to either be reduced in height to four feet or be relocated to provide a minimum five-foot setback from the street-side property line. As of the date of this writing, the fence has not been relocated or reduced in height to comply with these standards.

Within the street-side yard adjacent to Pear Street, the six-foot high chain link fence was installed on the north property line without consideration for the required five-foot setback. The applicants are requesting relief from five-foot setback for residential fences and walls greater than four feet in height when located in street side yards, as specified by Figure 4.4-1 of the Land Development Code. Trees located in the street side yard indicated by the applicant may be in conflict should be fence be moved five feet back from its current location. However, the applicants have the option to reduce the height of the fence to four feet, consistent with the height of the fence along the east (front) property line or provide a setback greater than five feet. The placement of a fence at a height greater than four feet along the street-side property line creates additional safety concerns for motorists approaching the intersection and potential conflict with pedestrians or bicyclists along the sidewalk.

Along the south property line adjacent to the alley, the six-foot high chain link fence was installed on the property line without consideration for the required three-foot setback for fences adjacent to improved alleys specified by Figure 4.4-1 of the Land Development Code. The three-foot setback requirement is to ensure adequate access and maneuverability of City solid waste and recycling collection vehicles. The existing utility pole and palm tree adjacent to the alley would not prohibit a three-foot or greater setback; however, an unpaved ribbon driveway terminating in a concrete parking pad installed by the applicant in 2023 and location of the sewer clean-out valve in the side yard may be in conflict. Consideration of a reduced setback could be made to address only the area adjacent to the concrete pad and clean-out valve, with the remainder of the fence being relocated to provide the required setback. However, both the ribbon driveway and parking pad were installed without a driveway permit and appear to be designed to support a second dwelling unit (Unit B) within the single-family home located at 714 Texas Avenue that was created without any Building or Planning approvals.

The six-foot chain link fence along the south property line and a four-foot wood privacy fence along the east (front) property line are located within the required 30-foot visibility triangle at the intersection of Texas Avenue and the alley. Additionally, the six-foot chain link fence along the north property line and four-foot wood privacy and chain link fences along the east (front) property line are located within the required 45-foot visibility triangle at the intersection of Texas Avenue and Pear Street. The placement of any object, structure (including fences) and vegetation with a visibility triangle which obstructs motorist visibility between the heights of two feet and eight-and-one-half feet above grade creates a safety concern for motorists approaching the intersection and conflict with pedestrians / bicyclists.

### **3.0 Recommendation**

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With respect to the criteria for variance approval, the hardship indicated by the applicant is not unique to the land itself. Approval of these requests would establish a precedent in which variances could be considered based on Code Enforcement violations on adjacent properties in the absence of a hardship related to the land itself. Due to the precedent it would establish, staff is unable to recommend approval of the variances as requested.