



Zoning Board of Adjustments and Appeals Meeting Agenda

**July 1, 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 March meeting

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

ITEM 5: **Kendra Andrews requests** a 40' variance to allow a front setback of 60', in lieu of the maximum 20' front setback for principal structures specified by Table 3.4-2 in the Land Development Code, to allow for construction of a Firestone Autocare (motor vehicle service, minor) facility on property located at 3645 Lakeland Highlands Road. Owner: 2511 Howell LLC. (VAR25-009)

ITEM 6: **Sandra Fairall requests** a 2' variance to allow a maximum fence height of 6', in lieu of the maximum height of 4' 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 at 613 N. Kentucky Avenue and 311 Myrtle Street E Owner: Lakeland Community Redevelopment Agency. (VAR25-007)

ITEM 7: Unfinished Business

ITEM 8: New Business: Appointment of Board Officers
Current officers: Gregory Kent, Chair
Jiwa Farrell, Vice-Chair

ITEM 9: Adjournment

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

Present were Board Members Thomas Brawner, Jiwa Farrell, Judith Hatfield, 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; Damaris Stull, Senior Planner; Audrey McGuire, Senior 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: 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)

John Smith, 37830 Poncan Circle, Zephyrhills, representing the applicant, was present in support of the request.

Todd Vargo stated 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.

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

Mr. Vargo stated staff recommends approval.

Mr. Vargo stated staff did not receive public comment in response to the request.

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

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)

John Smith, 37830 Poncan Circle, Zephyrhills, representing the applicant, was present in support of the request.

Todd Vargo stated the request is similar to the previous request. (VAR25-002). 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.

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

Mr. Vargo 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 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)

John Smith, 37830 Poncan Circle, Zephyrhills, representing the applicant, was present in support of the request.

Damaris Stull stated the subject property is a platted lot of record and part of a subdivision originally recorded in 1945. The subject property is presently zoned RA-4 (Single-family residential) and located within the Urban Neighborhood (UNH) context sub-district. 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. Although Amos Avenue is recorded on the plat as abutting the property's western boundary, it was never constructed. 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.

Ms. Stull pointed to photos on the overhead screen of the subject property.

Ms. Stull stated 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. As such, there are many examples of homes that are built to a street side setback of less than 15 feet.

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

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

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)

Todd Vargo handed out printed copies of an email received the night before from the applicant to the Board.

Keisha Khan, 6982 Berkley Road, Polk City, made a presentation that provided an overview of the proposed request. Ms. Khan pointed to photos on the overhead screen of the subject property.

Audrey McGuire stated the subject property, approximately 0.34 acres comprised of two platted lots originally recorded as part of Bowyer's Subdivision in 1913. Sometime between 2022-2023, 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 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. As of the date of this writing, the fence has not been relocated or reduced in height to comply with these standards.

Ms. McGuire pointed to photos on the overhead screen of the subject property. 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. 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.

Ms. McGuire stated 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 the Land Development Code. 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.

Ms. McGuire stated 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 within 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.

Ms. McGuire stated staff did not have the additional information provided by the client prior to staff's determination. 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.

Ms. McGuire stated staff did not receive public comment in response to the request.

In response to Jiwa Farrell, Ms. McGuire stated the additional information provided by the applicant does not impact staff's recommendation.

Discussion ensued among the applicant, staff and Board regarding the height of the fence and complaints received from Code Enforcement.

Tunesia Mayweather made a motion to approve #1 of the request. Kristen Tessmer seconded the motion and it failed 3—3. Thomas Brawner, Jiwa Farrell and Daniel Sharrett voted against the motion.

Thomas Brawner made a motion to approve #2 of the request. Kristen Tessmer seconded the motion and it failed 4—2. Jiwa Farrell and Daniel Sharrett voted against the motion.

Thomas Brawner made a motion to deny #3 of the request. Daniel Sharrett seconded the motion and it passed 6—0.

Judith Hatfield made a motion to deny #4 of the request. Daniel Sharrett seconded the motion and it passed 5—1. Tunesia Mayweather voted against the motion.

Adjourned

The meeting was adjourned at 10:20 a.m.

Jiwa Farrell, Vice-Chairperson

Christelle Burrola, Secretary



Variance Application

General Information:				
Project No:	VAR25-009		Application Date:	6/3/2025
Project Name:	2887 - Lakeland Highland Firestone			
Subject Property Address:	3645 LAKELAND HIGHLANDS RD			
Parcel ID:	242832263536000040			
Applicant Name:	KENDRA ANDREWS			
Applicant Address:	150 SOUTH WOODLAWN AVE	BARTOW	FL	33830
Owner Name:	2511 HOWELL LLC			
Owner Address:	8429 LORRAINE RD	LAKEWOOD RANCH	FL	34202

Request:			
Application Type:	Variance		
Current			
Zoning:	(C-5) Regional Center Commercial	Context:	N/A
Lot Dimensions:	311 x 255	Square Footage:	-
Present Use:			
Explanation of Request:	The proposed project is for a Firestone Tire Sales and Automotive Repair store. This store will connect to the existing facilities provided by the master development (Lowes Home Improvement store). These facilities include water, sewer, and storm connections as well as access through the existing parking lot. The proposed east setback is a maximum of 60' from Lakeland Highlands Road.		
Justification:	The subject site cannot be developed with a 0' setback to the east due to various constraints. A large powerline runs along the right of way line which requires greater separation. Also, elevation differences between the east right of way line and the internal drive aisle creates a burden on the site to be constructed without a retaining wall. We have requested a setback variance to the subject site to emulate to adjacent developments to the north. This will allow a more uniform appearance across the frontage of the master development while also providing a more efficient construction process. A Site Plan has been included with this narrative to demonstrate the requested change to allow a maximum 60' setback.		

**SUBJECT
PROPERTY**

LAKELAND HIGHLANDS RD

POLK PKWY

POLK PKWY



VAR25-009 Lakeland Highlands Firestone

Parcel ID:242832263536000040





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

RE: Variance Request – Project No. VAR25-009 – 3645 Lakeland Highlands Road

Dear Property Owner:

This notice is to advise you that Kendra Andrews requests a 40' variance to allow a front setback of 60', in lieu of the maximum 20' front setback for principal structures specified by Table 3.4-2 in the Land Development Code, to allow for construction of a Firestone Autocare (motor vehicle service, minor) facility on property located at 3645 Lakeland Highlands Road. The subject property is legally described as:

LAKELAND MARKET PLACE PB 150 PGS 12-14 LOT 4

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 July 1, 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	7/1/2025	Reviewer:	Damaris Stull
Project No:	VAR25-009	Subject Property:	3645 Lakeland Highlands Road
Owner:	2511 Howell LLC		
Applicant:	Kendra Andrews		
Current Zoning:	C-5 (Regional Center Commercial)	Context District	Urban Corridor (UCO)
Request:	A 40' variance to allow a front setback of 60', in lieu of the maximum 20' front setback for principal structures specified by Table 3.4-2 in the Land Development Code, to allow for construction of a Firestone Autocare (motor vehicle service, minor) facility on property located at 3645 Lakeland Highlands Road.		

1.0 Background

The subject property is an outparcel located on the southeast corner of the Lakeland Marketplace shopping center. The shopping Center is located at the northwest corner of Lakeland Highlands Road and the Polk Parkway. The property is currently vacant and is approximately 1.61 acres in area. The subject property is presently zoned C-5 (Regional Center Commercial) and located within the Urban Corridor (UCO) context sub-district.

2.0 Discussion

The purpose of this request is to obtain variance relief which will allow for the construction of a new 6,200 sq. ft. Firestone auto care facility on the property. As outlined in Table 3.4-2 Urban Corridor Standards, in the C-5 (Regional Center Commercial) zoning district, collector roads require a maximum street setback of 20 feet. The applicant is requesting a 40-foot variance to allow front yard setback of 60 feet from the right-of-way from Lakeland Highlands Road.

The applicants' request for a front setback variance is based on several site constraints and design considerations. Specifically, the presence of an existing utility easement and overhead power lines adjacent to the western right-of-way line for Lakeland Highlands Road limits the developable area adjacent to the property frontage. Additionally, a notable elevation grade difference between the western right-of-way line and the proposed internal drive aisle presents a challenge for developing the site. Without relief from the setback requirement, the applicant would likely be required to construct a retaining wall. The requested setback aligns with the existing building line of the adjacent property to the north (a car wash), promoting visual continuity and a cohesive streetscape.

3.0 Recommendation

Staff finds that the amount of relief requested is reasonable and proportional to the degree of hardship from the existing easement, the grade change, and the aesthetic cohesiveness with the property to the north. Granting of a variance would not be contrary to the public interest, as the requested relief meets the spirit and intent of the Land Development Code and impacts on adjacent properties would be minimal. Due to a lack of viable alternatives, staff recommends that the request be considered for approval provided that there are no substantive objections from adjacent property owners.



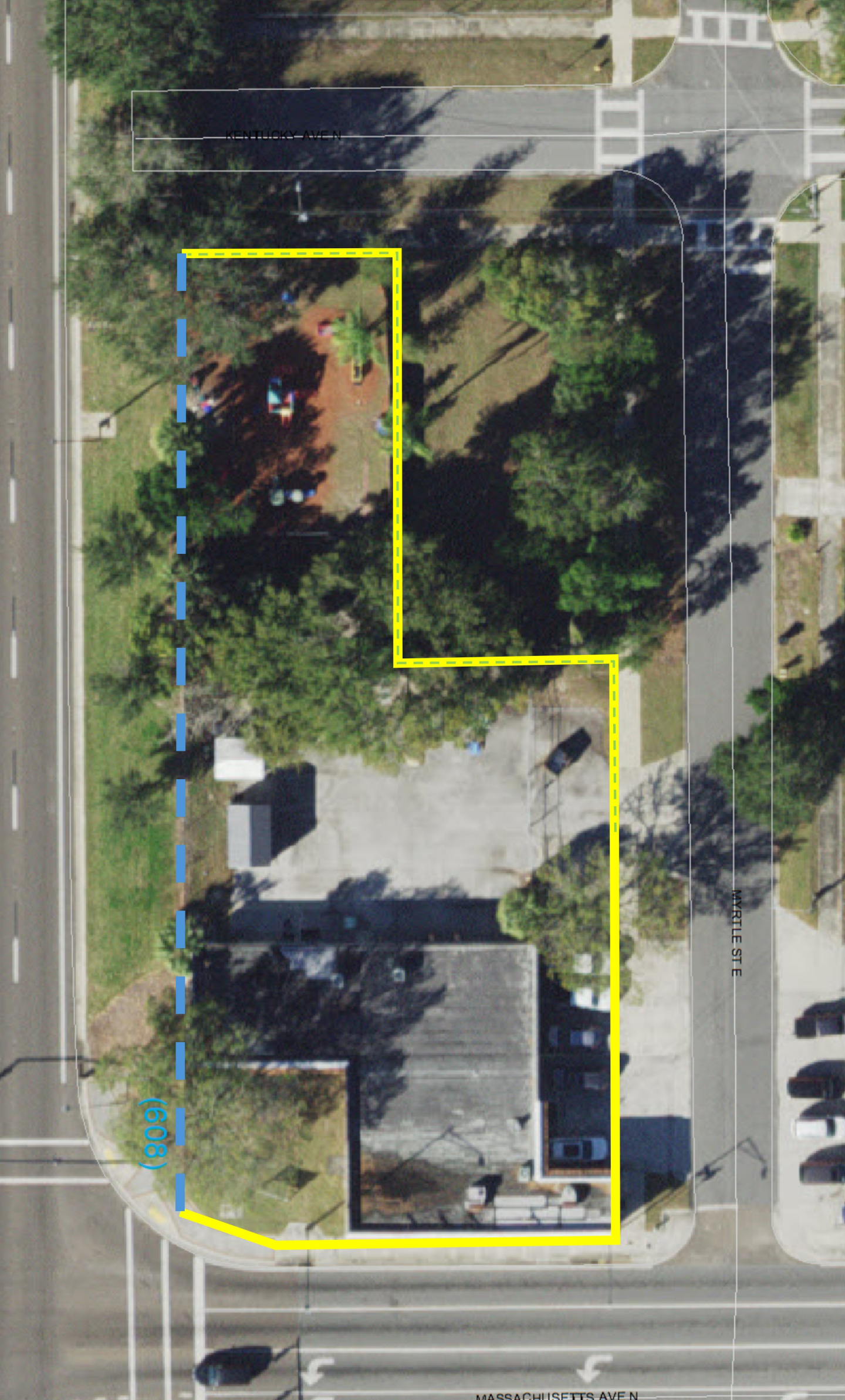
Variance Application

General Information:

Project No:	VAR25-007	Application Date:	5/7/2025
Project Name:	CRA Vacant Property Fencing		
Subject Property Address:	613 N KENTUCKY AVE/ 311 MYRTLE ST E		
Parcel ID:	242818203000011152/ 242818203000011140		
Applicant Name:	Sandra Fairall		
Applicant Address:	228 S Massachusetts Ave	Lakeland	FL 33801
Owner Name:	LAKELAND COMMUNITY REDEVELOPMENT AGENCY		
Owner Address:	228 S MASSACHUSETTS AVE	LAKELAND	FL 33801

Request:

Application Type:	Variance	
Current		
Zoning:	(MF-22) Multi Family	Context: Urban Neighborhood (UNH)
Lot Dimensions:	30 x 55 110 x 30	Square Footage: 30,000 4,965
Present Use:		
Explanation of Request:	613 N KENTUCKY AVE A 2' variance to allow a maximum fence height of 6', in lieu of the maximum height of 4' for residential fences and walls located in front and street side property lines on property located north of George Jenkins Blvd and east of N Kentucky Ave. 311 MYRTLE ST E A 2' variance to allow a maximum fence height of 6', in lieu of the maximum height of 4' for residential fences and walls located in front and street side property lines on property located north of George Jenkins Blvd and east of N Kentucky Ave.	
Justification:	Fencing 5 parcels to prevent unauthorized access. This land will be used in future redevelopment plans.	



KENTUCKY AVE N

MYRTLE ST E

MASSACHUSETTS AVE N

(608)



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

RE: Variance Request – Project No. VAR25-007 – 613 N. Kentucky Avenue and 311 Myrtle Street E

Dear Property Owner:

This notice is to advise you that Sandra Fairall, Lakeland Community Redevelopment Agency, requests a 2' variance to allow a maximum fence height of 6', in lieu of the maximum height of 4' 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 at 613 N. Kentucky Avenue and 311 Myrtle Street E. The subject properties are legally described as:

Property Description for 613 N Kentucky Avenue

SCHIPMANS SURVEY DB G PG 360 361 BLK 11 LOTS 15 W1/2 OF S1/2 & S1/2 OF 16 TO 18

Property Description for 311 Myrtle Street East

SCHIPMANS SURVEY DB G PG 360 361 BLK 11 LOTS 14 & E1/2 OF 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 July 1, 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.

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THIS IS A COURTESY LETTER NOT REQUIRED BY LAW

Community and Economic Development Staff Recommendation for ZBAA

ZBAA Hearing	7/1/2025	Reviewer:	Todd Vargo
Project No:	VAR25-007	Subject Property:	613 Kentucky Avenue N and 311 Myrtle Street E
Owner:	Lakeland Community Redevelopment Agency		
Applicant:	Sandra Fairall, Lakeland Community Redevelopment Agency		
Current Zoning:	MF-22 (Multi-Family) and C-1 (Pedestrian Commercial)	Context District	Urban Neighborhood (UNH) and Urban Corridor (UCO)
Request:	A 2' 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 at 613 Kentucky Avenue N and 311 Myrtle Street E.		

1.0 Background

The subject property, approximately 0.25 square feet in area, consists of two properties owned by 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 that portion of the block owned by the CRA that is zoned MF-22 (Multi-Family residential).

The requested variance relief is necessary to secure the property from vehicles and vagrants and illegal dumping while the CRA markets the property for redevelopment. Additionally, the Lakeland Police Department recently arrested 11 people and issued 39 warnings for trespass on CRA property. The CRA will be issuing a Request for Proposals (RFP) with the goal of redeveloping the property. As such, the fencing will be temporary and removed once redevelopment of the block moves forward.

CRA 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 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 as shown on the site plan as long as plastic slats are not used to increase the opacity of the fence. The CRA has no plans to insert plastic slats into the chain link fence.

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.