



Zoning Board of Adjustments and Appeals Meeting Agenda

**October 3, 2023 9:00 a.m.
in the City Hall Commission Chamber**

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

PLEASE BE ADVISED in accordance with the Americans with Disabilities Act and Section 286.26, Florida Statute, 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, Greg James. Because providing a reasonable accommodation may require outside assistance, organizations, or resources, the City asks that any request be made with as much notice as possible, preferably 72 hours, but no later than 48 hours in advance of the event, at: (863) 834-6040, 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 August meeting

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

ITEM 5: **Marlon Lynn Architect, PA requests** a 5' 1" variance to allow a maximum roof height of 17' 7", in lieu of the maximum height of 12' 6" for accessory structures specified by Table 4.3-1 of the Land Development Code, in order to construct a 2,874 sq. ft. addition to an existing outdoor pool pavilion on property located at 1421 Seville Place. Owner: Dean Saunders. (VAR23-031)

ITEM 6: **Homeowner Bill Schichtel requests** a 2' variance to allow a maximum fence height of 8', in lieu of the maximum height of six feet for residential fences and walls specified by Figure 4.4-1 of the Land Development Code, to allow for the replacement of an existing eight-foot-high privacy fence within the rear yard of property located at 2310 Cambridge Avenue. (VAR23-032)

ITEM 7: **Homeowner Raquel DeWitt Conley requests:**

1. Relief from Article 5, Sub-Section 5.17.3.5 of the Land Development Code to allow for the parking/storage of a motor home within the street side yard visible from Palencia Place; and
 2. A 2' variance to allow a maximum fence height of 6', in lieu of the maximum height of four feet for residential fences and walls in front and street side yards specified by Figure 4.4.1 of the Land Development Code, in order to construct a new six-foot high privacy fence along the street side property line on property located at 636 Prado Place. (VAR23-034)
-

ITEM 8: Unfinished Business

ITEM 9: New Business

ITEM 10: Adjournment

The Zoning Board of Adjustments and Appeals met in Regular Session on Tuesday, August 1, 2023 in the Lakeland Electric Building, Room 1A/B, located at 501 E. Lemon Street.

Present were Board Members Thomas Brawner, Emily Breheny, Jiwa Farrell, Judith Hatfield, Daniel Sharrett and Kristen Tessmer. Also present were Ramona Sirianni, Assistant City Attorney; and staff from the Community & Economic Development Department Matthew Lyons, Chief Planner; Phillip Searce, Principal Planner; Audrey McGuire, Senior Planner and Christelle Burrola, Board Secretary.

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

Item 5: Homeowner Ryan Bodolay requests a 2' variance to allow a maximum fence height of 8', in lieu of the maximum height of six feet for residential fences and walls in rear yards specified by Figure 4.1-1 of the Land Development Code, to allow an eight-foot-high fence in the rear yard area approximately 13' from the north (street-side) property boundary, on property located at 905 Clearview Avenue. (VAR23-011)

Ryan Bodolay, 905 Clearview Avenue, stated the request is for a 2-foot variance to allow for an eight-foot high fence to retain privacy from neighboring residential lots to the north.

Audrey McGuire stated the purpose of this request is to address an existing nonconforming fence located in the street side yard which was installed without a permit. The evidence that is available suggests the fence was installed without a permit sometime between 2011 and 2019; however, staff is unable to determine whether the fence was in place prior to the applicant's purchase of the property in 2016. Ms. McGuire stated the hardship suffered by the applicant is related to the topography of the land. The subject property naturally slopes to the west towards Lake Horney, with a grade differential of approximately 5 feet between the front (east) and rear (west) property lines.

Ms. McGuire stated staff recommends approval with the condition that the applicant modify the fence by either cutting backboards or adding new boards such that the fence is uniformly eight feet in height.

In response to Jiwa Farrell, Ms. McGuire stated no public comment was received regarding the request.

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

Item 6: The Lunz Group requests a 3' variance to allow a rear setback of 2', in lieu of the 5' minimum setback specified by Table 4.3-4 of the Land Development Code, and a 4' variance to allow a maximum height of 16.5', in lieu of the maximum height of 12.5' for accessory structures specified by Table 4.3-4 of the Land Development Code, in order to construct a new detached garage on property located at 200 Lake Morton Drive. Owner: Lake Morton Place LLC. (VAR23-024)

Emily Breheny recused herself from the vote for this item.

Courtney Schichtel, 58 Lake Morton Drive, stated the request is for a 3' variance to allow a rear setback of 2', in lieu of the 5' minimum setback specified by Table 4.3-4 of the Land Development Code, and a 4' variance to allow a maximum height of 16.5', in lieu of the maximum height of 12.5' for accessory structures specified by Table 4.3-4 of the Land Development Code, in order to construct a new detached garage on property.

Todd Vargo stated the applicant proposes to convert the structure from professional office uses to multi-family residential as allowed by the O-1 zoning. As part of the conversion, the developer is requesting variance approval to construct a new 48' x 24' (1,152 sq. ft.) detached garage in the rear yard area to provide secure parking for the residents.

Mr. Vargo stated staff recommends approval.

Daniel Sharrett made a motion to approve staff's recommendation. Judith Hatfield seconded the motion and it passed 5—0.

Item 7: Spencer Bartram, Dorvidor Management, requests a 2' variance to allow a maximum wall height of 8', in lieu of the maximum height of six feet for residential fences and walls in street side yards specified by Figure 4.4.1 of the Land Development Code, to allow for the construction of an eight-foot-high privacy wall in the northeast corner of property located at the southwest corner of U.S. Highway 98 North and Griffin Road (3000 Pyramid Parkway). Owner: Dorvidor Management. (VAR23-025)

Misty Wileman, 6119 W. Horizon Drive, Port Richey, representing the applicant, was present in support of the request.

Phillip Searce stated the purpose of this request is to obtain variance relief to allow for the construction of an eight-foot-high precast wall along the street side property boundary adjacent to the U.S. Highway 98 North/Griffin Rd intersection. The proposed wall will run for a total distance of approximately 490 feet. To soften the visual appearance of the proposed wall, the applicant has agreed incorporate four 20-foot-long sections of decorative aluminum fencing at regularly spaced intervals.

Mr. Searce stated staff recommends approval.

In response to Jiwa Farrell, Mr. Searce stated no public comment was received regarding the request.

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

Item 8: Preston Chatmon requests a 190' variance to allow a front yard setback of 225 feet, in lieu of the maximum front yard setback of 35 feet specified by Table 3.4-1 of the Land Development Code, to allow for the construction of a new single-family home on property located at 1825 Providence Road. Owner: Kary W. Dickens Jr. (VAR23-026)

Preston Chatmon, 3969 Spruce Creek Drive, stated the applicant requests a 190' variance to allow for the construction of a single-family home with a front yard setback of 225' from Providence Road. The setback relief request will provide a greater degree of privacy and reduce noise from vehicle traffic along the roadway.

Damaris Stull stated the subject property is approximately 4.85 acres in area. In June 2023, a demolition permit was issued to raze an existing 2,060 sq. ft. single-family dwelling located on the subject property. The applicant's justification for the request pertains to a need for privacy and the large lot, rural development pattern associated with the subject property and adjacent parcels located along Providence Road. In the immediate vicinity of Providence Road there are a series of large single-family lots with variable front setbacks. The requested front setback relief mirrors that of an existing home located on the opposite of Providence Road. As a secondary justification, the applicant is employed in law enforcement and the setback relief being requested would provide for a greater degree of protection and security.

Ms. Stull stated no public comment was received regarding the request and staff recommends approval.

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

Item 9: David Tavlin, Crossroads Construction of Central Florida, requests a 10' variance to allow a 5' rear yard setback, in lieu of the 15' minimum rear yard setback specified by the PUD (Planned Unit Development) zoning for Sandpiper Golf and Country Club in order to construct a screen room with a hard roof on property located at 837 Meadowlark Drive. (VAR23-027)

David Tavlin, 10509 Sherrouse Road, stated he is requesting relief from the rear setback requirements to construct a hard-roofed screen room which will provide protection from errant golf balls. Mr. Tavlin is the builder of the home and the developer of the subdivision phase in which the home will be located.

Audrey McGuire stated that within Sandpiper a precedent has been established by the Board in which variances for screen rooms have been granted when a property is adjacent to the golf course. The lot on which the house will be built is adjacent to the green for Hole no. 1 and the screen room will provide protection from stray golf balls.

Ms. McGuire stated no public comment was received regarding the request and staff recommends approval.

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

Item 10: Homeowner Frederick Koehler requests a 2' variance to allow a 3' interior side yard setback, in lieu of the 5' minimum setback specified for swimming pools in Table 4.3-3 of the Land Development Code, to allow for the construction of a 13' x 50' in-ground swimming pool in the interior side (south) yard of property located at 519 N. Stella Avenue. (VAR23-028)

Sarah Koehler, 504 E. Bay Street, stated she requests relief from the minimum five-foot setback requirement for pools to construct an in-ground swimming pool located in the interior side yard. She stated the neighboring property owner to the south, who would most be affected, does not object to the request.

Audrey McGuire stated the applicant's primary justification for the request is related to the floor plan layout of the residence and preferred placement of the pool. She stated that it appears to be adequate space in the rear yard to accommodate a swimming pool.

Ms. McGuire stated the request appears to relate to personal circumstances of the applicant rather than the land itself. Should the Board approve this request it would establish a precedent for similar variances in the future. Therefore, due to the self-imposed nature of the hardship and available alternatives for locating a pool elsewhere on the property, staff is unable to recommend approval of the variance.

Discussion ensued.

Daniel Sharrett made a motion to deny the request. Judith Hatfield seconded the motion and it passed 6—0.

Item 10: Homeowner Enmanuel Baez Rosario requests a 2' variance to allow a maximum fence height of 6', in lieu of the maximum height of four feet for residential fences and walls in front yards as specified by Figure 4.4.1 of the Land Development Code, to allow a six-foot-high wall with horizontal wood panels and a decorative metal gate adjacent to the front property line on property located at 1805 Providence Road. (VAR23-029)

Jefferson Valencia, 9212 Spyglass Court, Tampa, representing the applicant, was present in support of the request.

Phillip Searce stated the request is to obtain variance relief to allow for the retention of an existing six-foot high wall with horizontal wood panels and a decorative metal gate along the front property line. The wall was installed without a building permit. The wall runs parallel to the front property line for an approximate distance of 166 feet. The applicant did not provide a justification for the request. The request, however, appears to be justified by the proximity of the single-family home located on the property to Providence Road and the large lot, rural development pattern associated with the subject property and adjacent parcels. Providence Road, which has a posted speed limit of 35 MPH, is classified by Polk County's Roadway Network Database as a two-lane Urban Collector roadway with an average daily trip count of 7,700 trips. Therefore, the proposed wall also acts as a buffer from the traffic and noise generated by the roadway.

Mr. Searce stated staff recommends approval.

Discussion ensued.

Daniel Sharrett made a motion to approve staff's recommendation. Kristen Tessmer seconded the motion and it passed 5—1. Jiwa Farrell voted against the motion.

Adjourned

The meeting was adjourned at 10:08 a.m.

Jiwa Farrell, Acting Chairperson

Christelle Burrola, Secretary



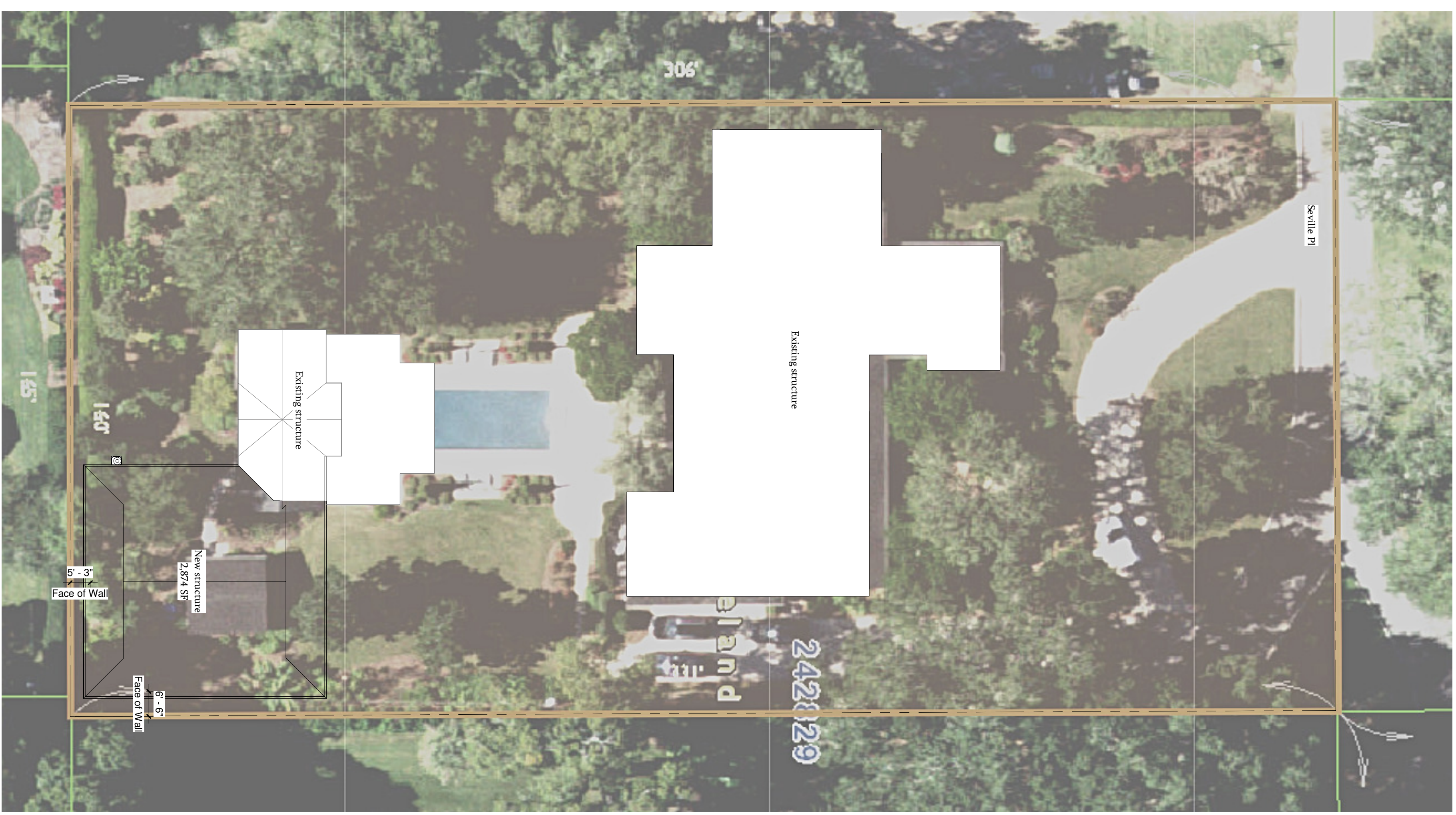
Variance Application

General Information:

Project No:	VAR23-031	Application Date:	8/14/2023		
Project Name:	ADDITION TO EXISTING PAVILION_1421 SEVILLE PL				
Subject Property Address:	1421 SEVILLE PL				
Parcel ID:	242829000000041120				
Applicant Name:	MARLON LYNN ARCHITECT PA				
Applicant Address:	212 E PINE	LAKELAND	FL	33801	
Owner Name:	SAUNDERS DEAN P				
Owner Address:	1421 SEVILLE PL	LAKELAND	FL	338032314	

Request:

Application Type:	VARIANCE			
Current				
Zoning:	RA-1 (Single Family)	Context:	Urban Neighborhood (UNH)	
Lot Dimensions:	1.2 Acres	Square Footage:	2874	
Present Use:	Open pavilion			
Explanation of Request:	A required ceiling height of 16 feet for Mr. Saunders to display his personal collection of exotic animal specimens.			
Justification:	<p>Over the course of his lifetime, Mr. Saunders has invested significant time and resources into the pursuit of a unique passion. As a result, he has assembled a remarkable personal collection of exotic animal specimens which he is currently unable to display. The express purpose of the auxiliary building for which Mr. Saunders seeks a variance is to construct a space that will accommodate the display of these specimens. This will require a ceiling height of 16 feet – an auxiliary building ceiling height which is not accommodated within the current code.</p> <p>The building site for the proposed auxiliary building that is the subject of this Variance Application is on Mr. Saunders' 1.2-acre lot where his existing home is located. This lot is on a private street and is set among other homes that have been constructed under similar variances. After careful analysis of the structure and floorplan of Mr. Saunders' existing home, it became apparent to the architect and Mr. Saunders that the space required to accommodate his collection could not be added to his existing home. Finally, Mr. Saunders has discussed this proposed auxiliary building with all of his immediate neighbors. All are supportive of his application for a variance and none have any objections to the proposed auxiliary building.</p>			



Saunders Residence
 1421 Seville Pl
 Lakeland, FL 33803



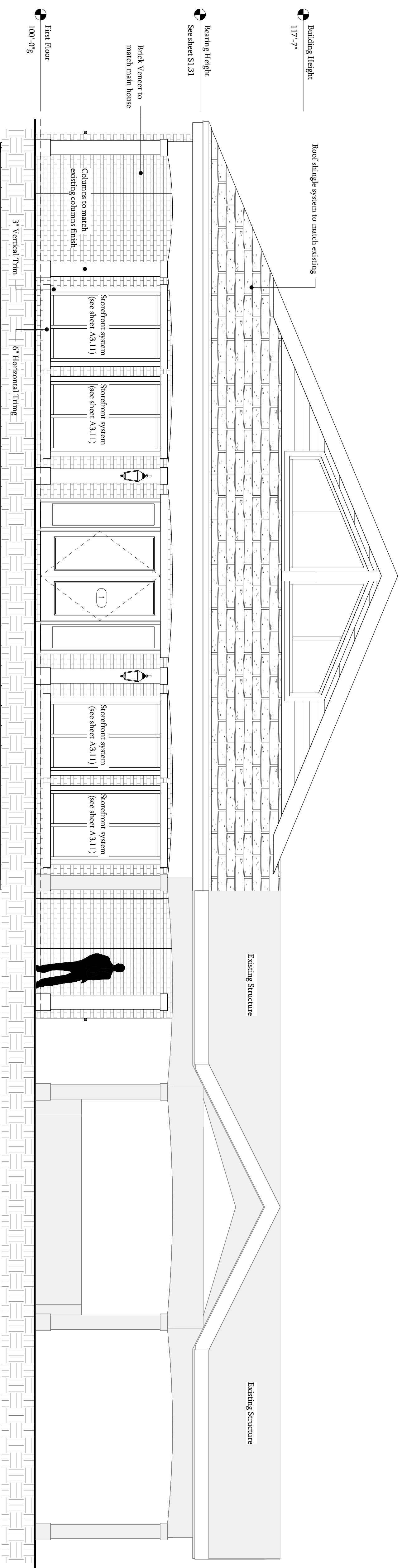
Marlon Lynn
 Architects, P.A.
 A 2 0 0 1 4 7 7
 212 East Pine Street
 Lakeland, FL 33801
 P: 863.802.5966
 marlon@marlonlynn.com
 https://marlonlynn.com/



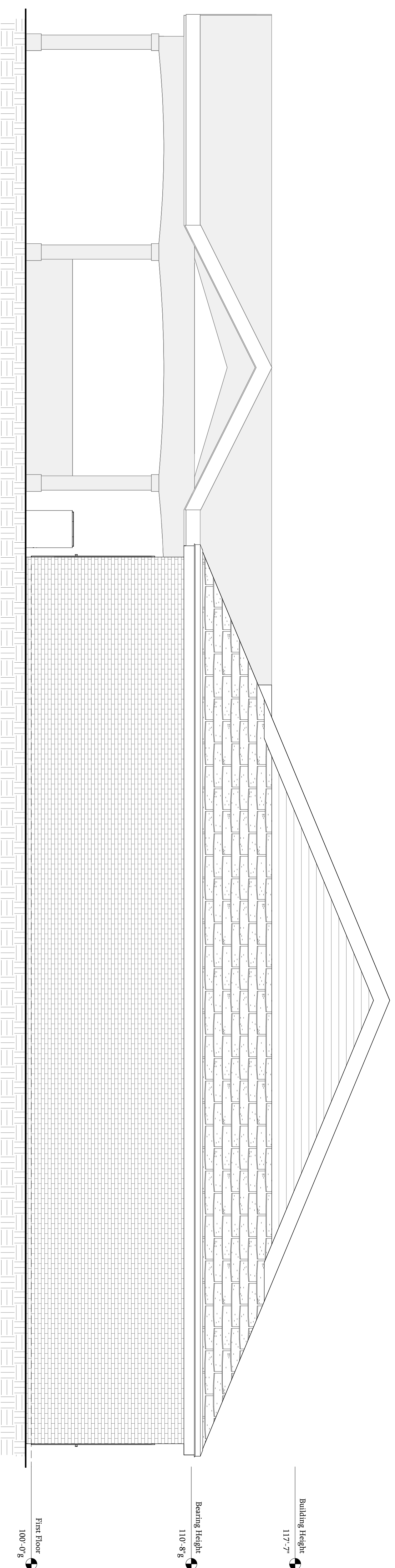
This item has been electronically signed and sealed by Marlon D. Lynn, P.A. on the Date and/or Time Stamp shown using a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

No.	Description	Date

PROPOSED SITE
SCH1.11

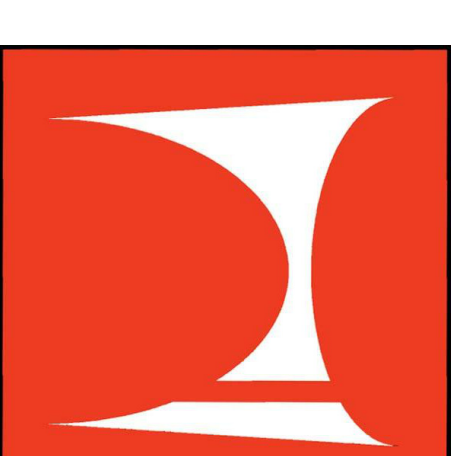


North Elevation
scale: 1/4" = 1'-0"



South Elevation
scale: 1/4" = 1'-0"

Saunders Residence
1421 Seville Pl
Lakeland, FL 33803



Marlon Lynn
Architect, P.A.
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Lakeland, FL 33801
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marlon@marlonlynn.com
https://marlonlynn.com/

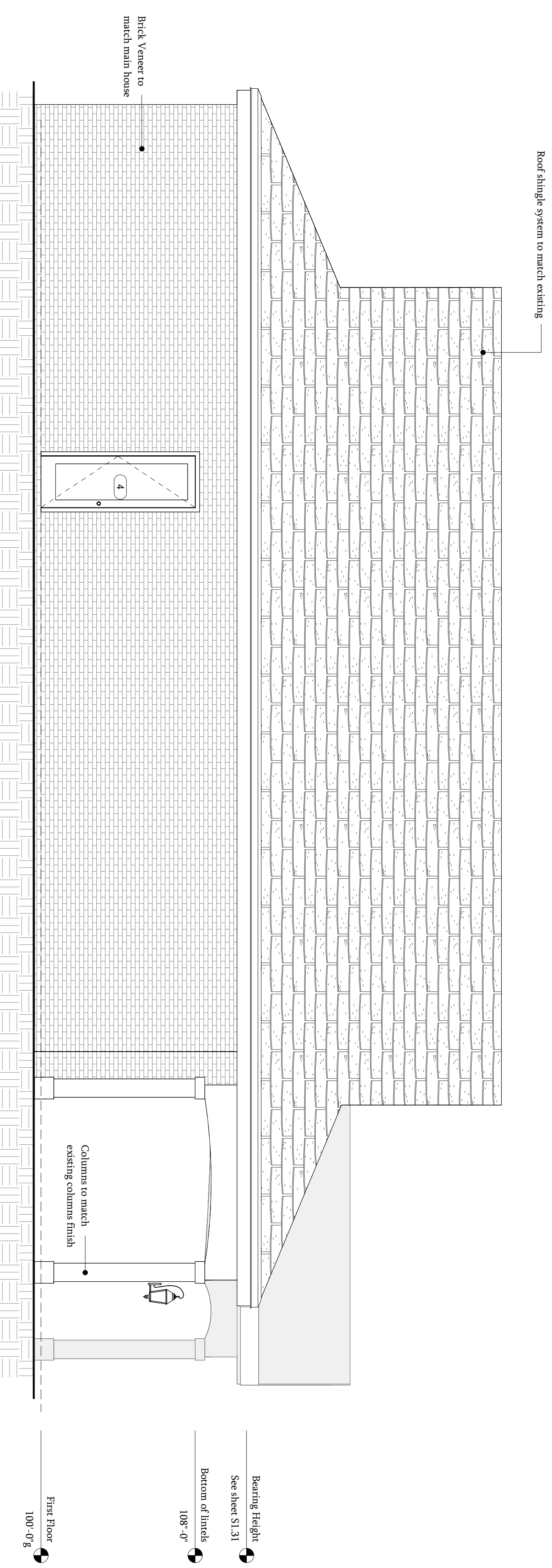


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No.	Description	Date

Building Elevations

A2.11

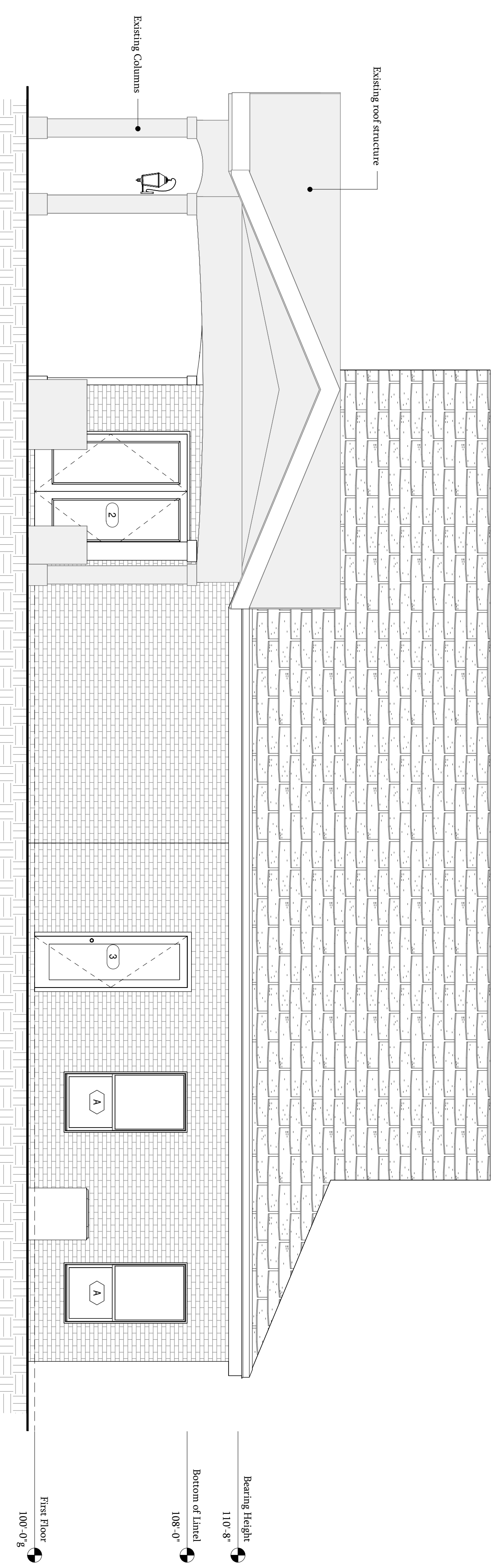


East Elevation
scale: 1/4" = 1'-0"

Bearing Height
See sheet S1.31

Bottom of Inset
108'-0"

First Floor
100'-0"



West Elevation
scale: 1/4" = 1'-0"

Bearing Height
110'-8"

Bottom of Inset
108'-0"

First Floor
100'-0"

Saunders Residence
1421 Seville Pl
Lakeland, FL 33803



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No.	Description	Date

Building Elevations

A2.12



VAR23-031 1421 Seville Pl
Parcel ID: 242829000000041120





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

RE: Variance Request - Project No. VAR23-031

Dear Property Owner:

This notice is to advise you that Marlon Lynn Architect, PA, on behalf of Dean Saunders, request a 5' 1" variance to allow a maximum roof height of 17' 7", in lieu of the maximum height of 12' 6" for accessory structures specified by Table 4.3-1 of the Land Development Code, in order to construct a 2,874 sq. ft. addition to an existing outdoor pool pavilion on property located at 1421 Seville Place. The subject property is legally described as:

S 331 FT OF E 160 FT OF W 500 FT OF NW1/4 OF NE1/4 OF SW1/4. (A COMPLETE LEGAL DESCRIPTION IS AVAILABLE IN THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT.)

The public hearing to consider this request will be held before the Lakeland Zoning Board of Adjustments and Appeals at **9:00 a.m. on 10/3/2023** in the City Commission Room, City Hall, 228 S. Massachusetts Avenue. As an owner of property located in proximity to the subject property, as indicated on the attached map, you will be given an opportunity to express your opinion at the public hearing. You may also submit your views to the Community & Economic Development Department by including your name, address, and the project number via email to planning@lakelandgov.net, prior to the meeting date.

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

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THIS IS A COURTESY LETTER NOT REQUIRED BY LAW



Community and Economic Development Staff Recommendation for ZBAA

ZBAA Hearing	10/3/2023	Reviewer:	Damaris Stull	
Project No:	VAR23-031	Subject Property:	1421 Seville Place	
Owner:	Dean Saunders			
Applicant:	Marlon Lynn Architect PA			
Current Zoning:	RA-1 (Single-Family)	Context District	Urban Neighborhood (UNH)	
Request:	A 5' 1" variance to allow a maximum roof height of 17' 7", in lieu of the maximum height of 12' 6" for accessory structures specified by Table 4.3-1 of the Land Development Code, in order to construct a 2,874 sq. ft. addition to an existing outdoor pool pavilion on property located at 1421 Seville Place.			

1.0 Background

The subject property consists of 160' x 331' (1.22-acre) lot located in the Lake Hollingsworth neighborhood with a 6,696 sq. ft. single-family home that was constructed in 1965 according to the Polk County Property Appraiser. Additional improvements to the property include a 448 sq. ft. detached garage constructed in 1982 and an outdoor kitchen/covered pool pavilion which was constructed in 2011. The subject property is zoned RA-1 (Single-Family) and located within the Urban Neighborhood (UNH) context sub-district.

2.0 Discussion

The purpose of this request is to obtain variance relief to allow for the construction of a 2,874 sq. ft. addition with a mean roof height of 17' 7" to the existing covered pool pavilion. According to the applicant, the addition will be used to display the homeowner's collection of exotic animal specimens.

The subject property consists of a large, estate sized lot and is surrounded by properties with similar dimensions. The proposed building will be located in the southeast corner of the property with a 6' 6" setback from the east (interior side) property boundary and 5' 3" from the south (rear) property boundary. If the variance is approved, the existing detached garage located in this area will be demolished.

The applicant's justification for the request pertains to the large lot size and character of the surrounding neighborhood which consists of similar estate sized lots which are only accessible by privately maintained streets. According to the applicant, the homeowner has discussed the project with his immediate neighbors and all are supportive of the application for a variance. Under the Land Development Code, the homeowner could potentially build an 800 sq. ft. second story, garage apartment by right in this same area without the need for a variance.

3.0 Recommendation

The subject project is somewhat unique given the large lot size and character of the surrounding neighborhood. The proposed addition appears to be consistent in scale with the character of adjacent properties. Under the Land Development Code, a smaller, two-story structure could be built in this same area without a variance. Provided that there are no substantive objections from adjacent property owners, staff recommends that this request receive consideration for approval.



Variance Application

General Information:

Project No:	VAR23-032	Application Date:	8/15/2023		
Project Name:	2310 CAMBRIDGE AV_VINYL FENCE				
Subject Property Address:	2310 CAMBRIDGE AV				
Parcel ID:	242830254800003420				
Applicant Name:	BILL SCHICHTEL				
Applicant Address:	2310 CAMBRIDGE AVENUE	LAKELAND	FL	33803	
Owner Name:	BILL SCHICHTEL				
Owner Address:	2310 CAMBRIDGE AVENUE	LAKELAND	FL	33803	

Request:

Application Type:	VARIANCE			
Current				
Zoning:	RA-1 (Single Family)	Context:	Urban Neighborhood (UNH)	
Lot Dimensions:	150 foot of fence	Square Footage:	150	
Present Use:	8 foot woods (rotten)			
Explanation of Request:	would like to replace 8 foot wood fence with a 8 foot vinyl fence.			
Justification:	none			

JIM WILLIAMS FENCE CO.

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

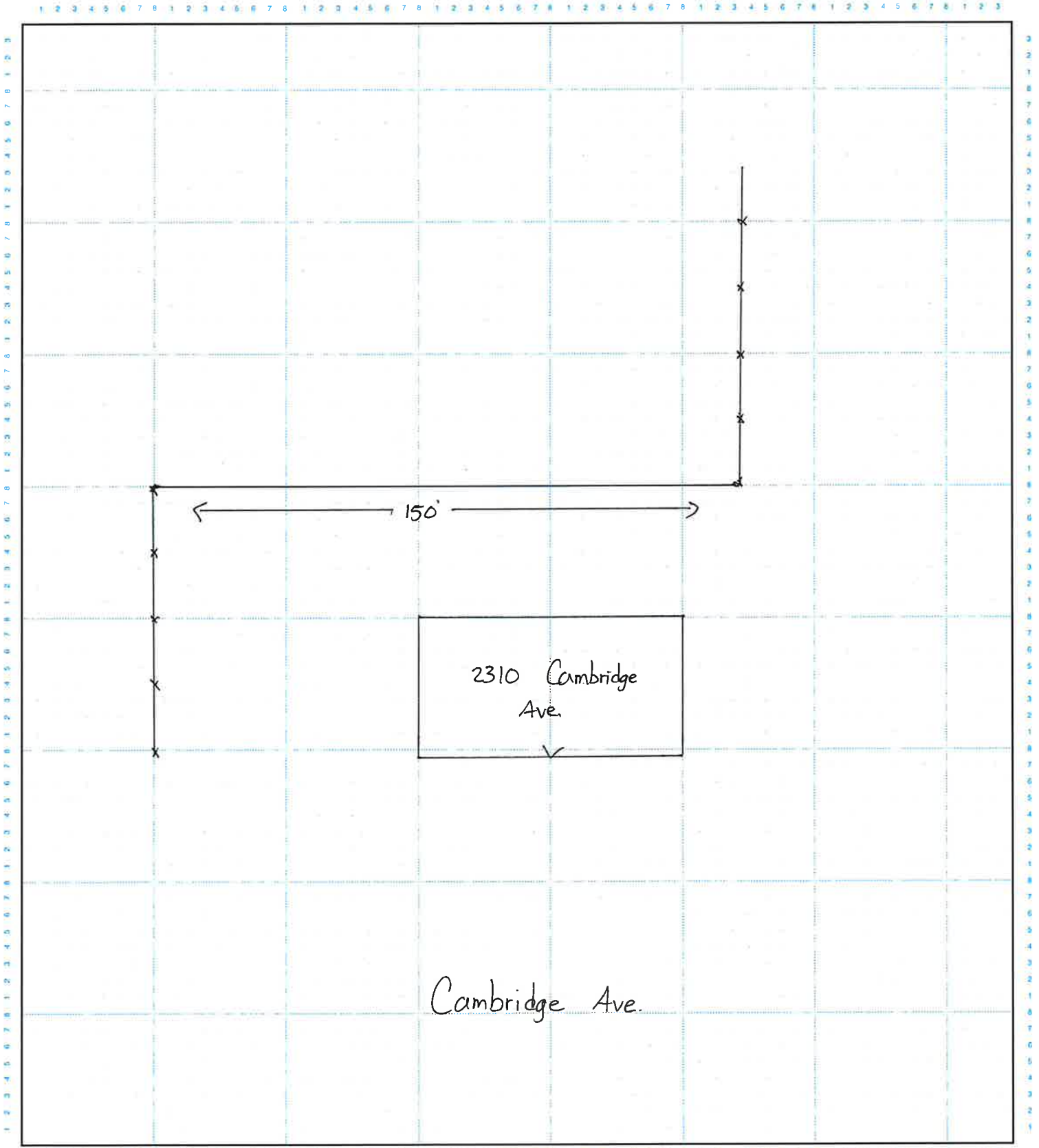
JOB 2310 Cambridge Ave.

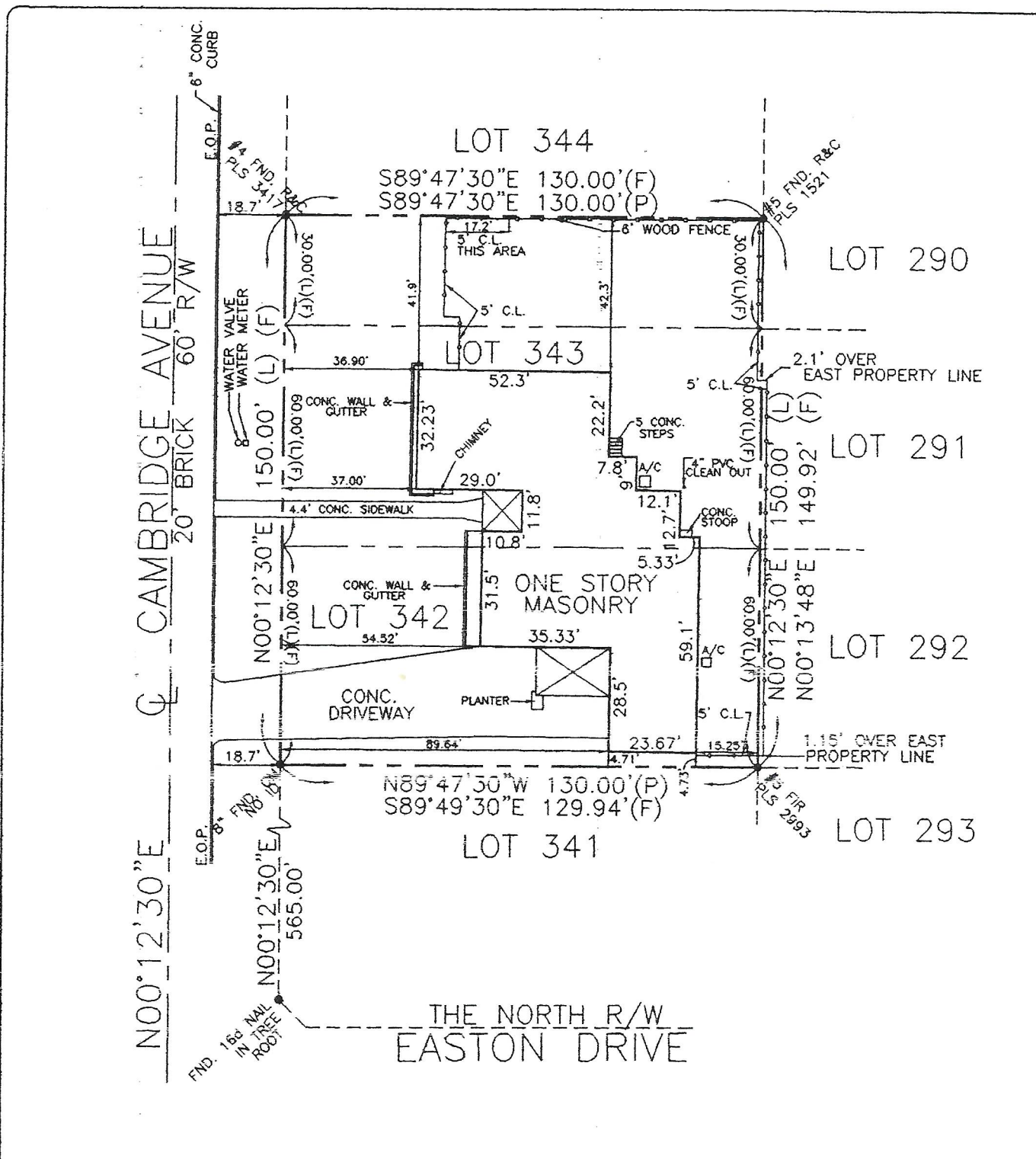
SHEET NO. _____ OF _____

CALCULATED BY _____ DATE _____

CHECKED BY _____ DATE _____

SCALE _____

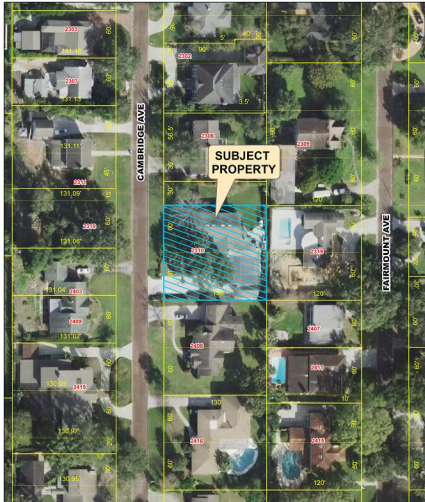




THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSUR

LEGEND:		R&C=Rod & Cap	
C/L	= CENTERLINE	S.P.K.	= SET PARKER-KALON NAIL
C.M.	= CONCRETE MONUMENT	CONC.	= CONCRETE
I.R.	= IRON ROD	E.O.P.	= EDGE OF PAVEMENT
D.H.	= DRILL HOLE	ASP.	= ASPHALT
L.B.	= LAND BOARD	BLK.	= BLOCK
P.L.S.	= PROFESSIONAL LAND SURVEYOR	P.V.M.T.	= PAVEMENT
R/W	= RIGHT OF WAY	D/W	= DRIVE WAY
S/W	= SIDEWALK	(P)	= PLAT
A/C	= AIR CONDITIONER PAD	(L)	= LEGAL
C.L.	= CHAIN LINK FENCE	(F)	= FIELD
R.R.S.	= RAILROAD SPIKE	(D)	= DEED
D.B.	= DEED BOOK	(C)	= CALCULATED
B.M.	= BENCH MARK	R	= RADIUS
O/H	= OVERHEAD UTILITY	L	= ARC LENGTH
A	= ARC LENGTH	CH	= CHORD LENGTH
O.D.	= OUTSIDE DIAMETER	C.B.	= CHORD BEARING
S.I.P.	= SET IRON PIPE	LP.	= IRON PIPE
S.P.R.M.	= SET PERMANENT REFERENCE MARK		
F.I.P.	= FOUND IRON PIPE		
F.I.R.	= FOUND IRON ROD		
S.I.R.	= SET IRON ROD		
S.D.H.	= SET DRILL HOLE		
P.C.P.	= PERMANENT CONTROL POINT		
P.R.M.	= PERMANENT REFERENCE MONUMENT		
N&D	= NAIL AND DISC		
F.P.K.	= FOUND PARKER-KALON NAIL		
W.C.	= WITNESS CORNER		
P.R.C.	= POINT OF REVERSE CURVE		
P.O.C.	= POINT OF COMMENCEMENT		
P.C.	= POINT OF CURVE		
P.T.	= POINT OF TANGENCY		
P.O.B.	= POINT OF BEGINNING		
T.B.M.	= TEMPORARY BENCH MARK		
FND.	= FOUND		
		MANUF.	= MANUFACTURED
		MTG.	= MORTGAGE
		P.B.	= PLAT BOOK
		PC.	= PAGE
		O.R.	= OFFICIAL RECORD
		TYP.	= TYPICAL
		D or Δ	= CENTRAL ANGLE/Delta
		ESM/T	= EASEMENT
		ELEV.	= ELEVATION
		EL.	= ELEVATION
		ENC.	= ENCROACHMENT
		F.F.	= FINISH FLOOR
		FIN. FLR.	= FINISH FLOOR
		P.P.	= POWER POLE
		L.P.	= LIGHT POLE
		F.H.	= FIRE HYDRANT
		G.V.	= GATE VALVE
		E	= ELECTRICAL LINE
		BOU	= BOUNDARY
		FOU	= FOUND
		U.S.	= U.S.
		N.G.	= N.G.
		F.C.	= F.C.
		F.E.	= F.E.
		F.I.F.	= F.I.F.
		S.C.	= S.C.
		SEC.	= SEC.
		TWF	= TWF
		RCE	= RCE
		COF	= COF
		U.P.	= U.P.
		1C	= 1C
		10	= 10
		10	= 10

William J. ...
Surveyor



VAR23-032 2310 Cambridge Ave
Parcel ID: 242830254800003420





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

RE: Variance Request - Project No. VAR23-032

Dear Property Owner:

This notice is to advise you that Bill Schichtel requests a 2' variance to allow a maximum fence height of 8', in lieu of the maximum height of six feet for residential fences and walls specified by Figure 4.4-1 of the Land Development Code, to allow for the replacement of an existing eight-foot-high privacy fence within the rear yard of property located at 2310 Cambridge Avenue. The subject property is legally described as follows:

CLEVELAND HEIGHTS UNIT NO 1 PB 8 PGS 26 TO 28 LOTS 342 & 343. (A COMPLETE LEGAL DESCRIPTION IS AVAILABLE IN THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT.)

The public hearing to consider this request will be held before the Lakeland Zoning Board of Adjustments and Appeals at **9:00 a.m. on 10/3/2023** in the City Commission Room, City Hall, 228 S. Massachusetts Avenue. As an owner of property located in proximity to the subject property, as indicated on the attached map, you will be given an opportunity to express your opinion at the public hearing. You may also submit your views to the Community & Economic Development Department by including your name, address, and the project number via email to planning@lakelandgov.net, prior to the meeting date.

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

PLEASE BE ADVISED in accordance with the Americans with Disabilities Act and Section 286.26, Florida Statute, 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, Greg James. Because providing a reasonable accommodation may require outside assistance, organizations, or resources, the City asks that any request be made with as much notice as possible, preferably 72 hours, but no later than 48 hours in advance of the event, at: (863) 834-6040, 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	10/3/2023	Reviewer:	Audrey McGuire	
Project No:	VAR23-032	Subject Property:	2310 Cambridge Avenue	
Owner:	Bill Schichtel			
Applicant:	Bill Schichtel			
Current Zoning:	RA-1 (Single-Family)	Context District	Urban Neighborhood (UNH)	
Request:	A 2' variance to allow a maximum fence height of 8', in lieu of the maximum height of six feet for residential fences and walls specified by Figure 4.4-1 of the Land Development Code, to allow for the replacement of an existing eight-foot-high privacy fence within the rear yard of property located at 2310 Cambridge Avenue.			

1.0 Background

The subject property, approximately 0.45 acres in area, is comprised of Lots 342 and 343, and the south 30 feet of lot 344, within the Cleveland Heights Unit #1 Subdivision. According to the Polk County Property Appraiser, the subject property contains a 5,191 square foot, one-story single-family residence which was constructed in 1950. The subject property is zoned RA-1 (Single-Family Residential) and is located within the Urban Neighborhood (UNH) context sub-district.

2.0 Discussion

The applicant is requesting a 2-foot variance to allow a maximum fence height of 8 feet, in lieu of the maximum height of six feet for residential fences, as specified in Figure 4.4-1 of the Land Development Code. The purpose of this request is to replace approximately 150 linear feet of an existing eight-foot-high wood fence with an eight-foot high PVC fence along the rear (east) property line. The proposed PVC fence will replace an existing wood fence which is deteriorated and at the end of its useful life.

The hardship suffered by the applicant is related to the topography of the land, rather than personal circumstances. The subject property naturally slopes downward and north toward Lake Hollingsworth and has a grade differential of approximately six feet between the front (west) and rear (south) property lines, putting the residence at the subject property at a significantly higher elevation than neighboring properties to the east. The requested variance relief will allow for the replacement of the existing eight-foot-high fence to retain privacy from neighboring residential lots to the east.

3.0 Recommendation

The hardship is related to the topography of the land and is not the result of the applicant's own actions. The requested relief is reasonable and proportionate to the degree of hardship and approval of a variance would not be contrary to the public interest. Provided there are no substantive objections from adjoining property owners, staff recommends the variance be considered for approval.



Variance Application

General Information:

Project No:	VAR23-034	Application Date:	9/5/2023		
Project Name:	PARKING & MOVING EXISTING FENCE_636 PRADO PL				
Subject Property Address:	636 PRADO PL				
Parcel ID:	232836138500003240				
Applicant Name:	RAQUEL DEWITT CONLEY				
Applicant Address:	636 PRADO PLACE	LAKELAND	FL	33803	
Owner Name:	RAQUEL DEWITT CONLEY				
Owner Address:	636 PRADO PLACE	LAKELAND	FL	33803	

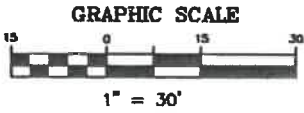
Request:

Application Type:	VARIANCE			
Current				
Zoning:	RA-3 (Single Family)	Context:	Urban Neighborhood (UNH)	
Lot Dimensions:	116x80x100.26	Square Footage:	11710	
Present Use:	Parking on side yard for 5 th wheel RV			
Explanation of Request:	We live on a corner lot, code enforcement states we cannot park on a street side even though we have the RV on a concrete slab in our side lot and would put up a fence. Looking for variance to allow the RV to be infrequently stored at the home and for a fence to be moved to our property line, which would encompass our pool. Thus by putting it behind the house and fence per city codes.			
Justification:	Our RV is parked on a concrete slab, between our detached garage and house. Because of the angle of the corner lot, we cannot back the 5th wheel up on the opposite side of the lot without going on to the two opposite neighbor's property. We had all municipalities come to evaluate property lines and would be willing to put up a fence,. Code enforcement states the fence is insufficient due to setbacks required on the corner lot. The RV is not in use while it is parked at the home. It will infrequently be at the residence as it is used for work and leaves for 6 months + at a time. We just want to abide by the requirements by putting our existing fence closer to the property line and removing the RV from site of the street.			

BOUNDARY SURVEY

NOTES:

- 1.) UNDERGROUND IMPROVEMENTS, IF ANY, HAVE NOT BEEN LOCATED.
- 2.) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OR A TITLE OPINION, THEREFORE, EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST THAT ARE NOT SHOWN HEREON.
- 3.) BEARINGS BASED ON THE SOUTH RIGHT OF WAY LINE OF PRADO PLACE BEING S89°53'25"E (ASSUMED)



LEGEND:

- - Concrete Monument (CM)
- - Iron Pipe (F)
- - Iron Rod and Cap (R&C)
- ⊙ - Railroad Spike (RRS)
- ⊙ - Nail and Flasher (N&F)
- ⊙ - Nail and Disk (N&D or PCP)
- ⊙ - Drill Hole (DH)
- Fnd. - Found
- Rec. - Recovered
- (S) - Set
- (F) - Field Measurement
- (P) - Plotted or Platted Measurement
- (D) - Described(Dead) Measurement
- R/W - Right-of-way
- EOP - Edge of Pavement
- BOC - Back of Curb
- Conc. - Concrete
- O.R. - Official Records
- TYP - Typical
- (P&F) - Plat and Field
- WV - Water Valve
- WM - Water Meter
- TV BOX - Television Box
- PCP - Permanent Control Point
- LB - Licensure Board
- I.R.&C. - Iron Rod and Cap
- P.L.S. - Professional Land Surveyor
- I.R. - Iron Rod
- C.O. - Chop-Out
- ⊕ - POWER POLE
- CMP - Corrugated Metal Pipe
- DOT - Florida Department of Transportation
- G.P.S. - Global Positioning System
- C/L - Center Line
- OE - Overhead Electric Lines

CURVE

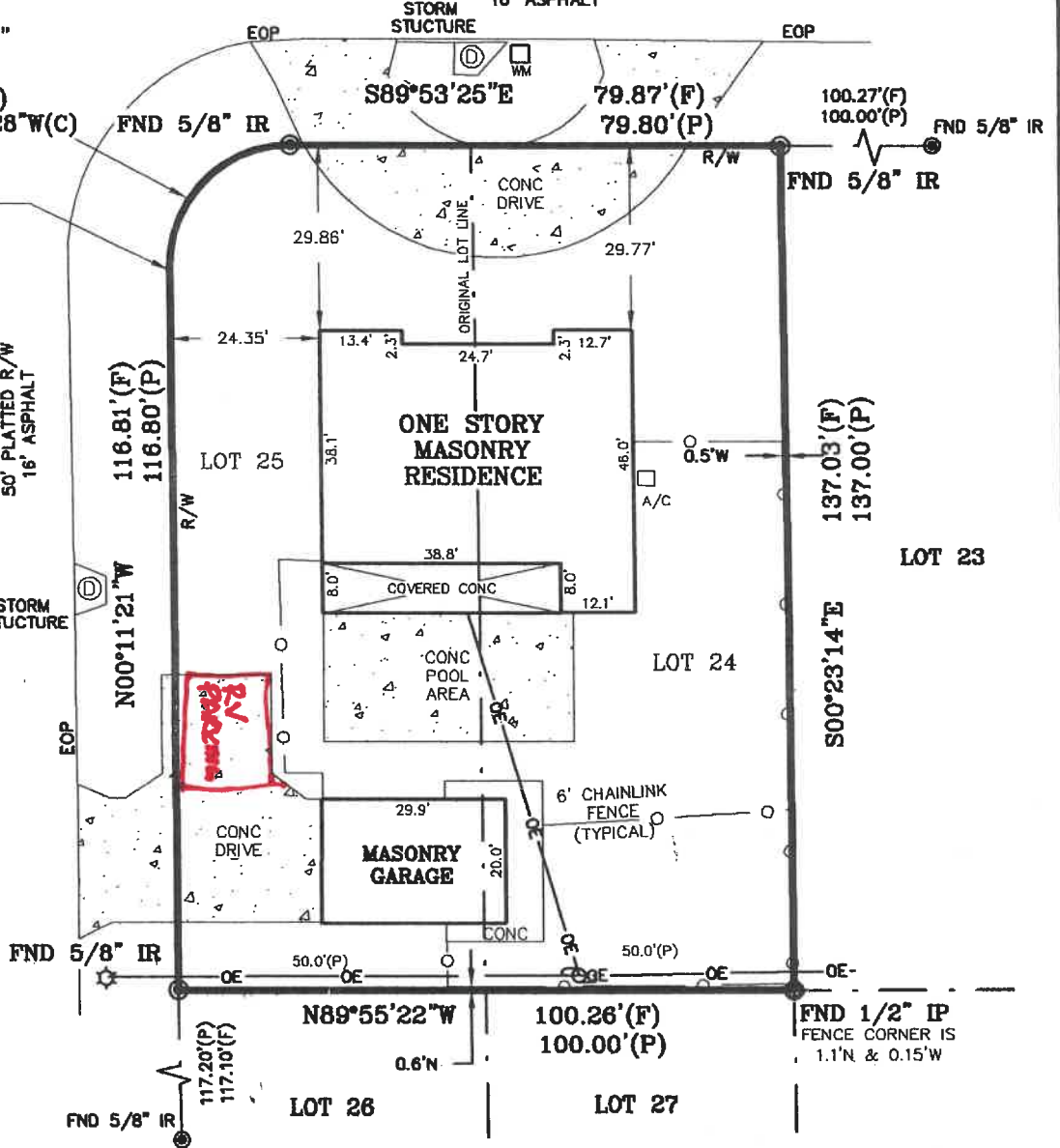
- Δ = 90°14'27"
- R = 20.00'
- L = 31.50'
- C = 28.34'(C)
- CB = S44°27'28"W(C)

CORNER FALLS IN OBSTRUCTION (NOT SETTABLE)

PALENCIA PLACE
50' PLATTED R/W
16' ASPHALT

PRADO PLACE

50' PLATTED R/W
16' ASPHALT



CERTIFIED TO:
Raquel Dewitt

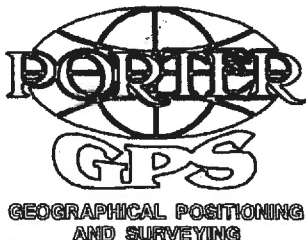
DESCRIPTION: (Provided)

Lots 24 & 25, Block C, PALMOREY, as recorded in Plat Book 8, Page 47, of the public records of Polk County, Florida.

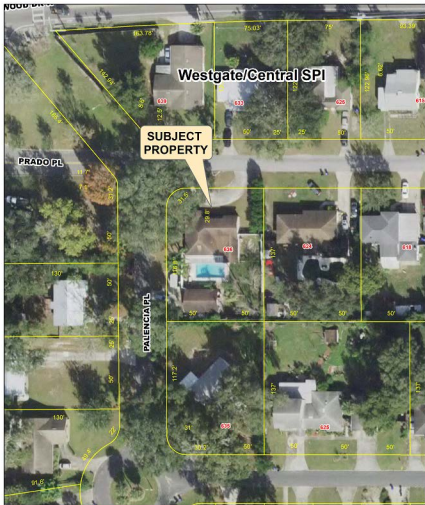
CERTIFICATION:

I hereby certify that this drawing correctly reflects the result of a recent survey made under my direction and this survey was made in accordance with minimum technical standards adopted by the State of Florida Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, Chapter 61G17-6 of the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. I hereby certify that the property shown herein lies in Zone X as shown on the Florida Insurance Rate Map per Community Panel Number 120267 0315 F as prepared by the Federal Emergency Management Agency.

DATE OF SURVEY:
AUGUST 11, 2005



Mark D. Porter
Mark D. Porter Florida Registration #3340
PORTER GEOGRAPHICAL POSITIONING & SURVEYING, INC.
5338 US Highway 98 North Lakeland, Florida 33809
(863) 853-1496 FAX: (863) 853-2308
LB # 6765



VAR23-034 636 Prado Pl

Parcel ID: 232836138500003240





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

RE: Variance Request - Project No. VAR23-034

Dear Property Owner:

This notice is to advise you that Raquel DeWitt Conley requests:

1. Relief from Article 5, Sub-Section 5.17.3.5 of the Land Development Code to allow for the parking/storage of a motor home within the street side yard visible from Palencia Place; and
2. A 2' variance to allow a maximum fence height of 6', in lieu of the maximum height of four feet for residential fences and walls in front and street side yards specified by Figure 4.4.1 of the Land Development, in order to construct a new six-foot high privacy fence along the street side property line on property located at 636 Prado Place. The subject property is legally described as:

PALMOREY SUB PB 8 PG 47 BLK C LOTS 24 & 25. (A COMPLETE LEGAL DESCRIPTION IS AVAILABLE IN THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT.)

The public hearing to consider this request will be held before the Lakeland Zoning Board of Adjustments and Appeals at **9:00 a.m. on 10/3/2023** in the City Commission Room, City Hall, 228 S. Massachusetts Avenue. As an owner of property located in proximity to the subject property, as indicated on the attached map, you will be given an opportunity to express your opinion at the public hearing. You may also submit your views to the Community & Economic Development Department by including your name, address, and the project number via email to planning@lakelandgov.net, prior to the meeting date.

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Community and Economic Development Staff Recommendation for ZBAA

ZBAA Hearing	10/3/2023	Reviewer:	Damaris Stull	
Project No:	VAR23-034	Subject Property:	636 Prado Place	
Owner:	Raquel DeWitt Conley			
Applicant:	Raquel DeWitt Conley			
Current Zoning:	RA-3 (Single-Family)	Context District	Urban Neighborhood (UNH)	
Request:	<p>1. Relief from Article 5, Sub-Section 5.17.3.5 of the Land Development Code to allow for the parking/storage of a motor home within the street side yard visible from Palencia Place; and</p> <p>2. A 2' variance to allow a maximum fence height of 6', in lieu of the maximum height of four feet for residential fences and walls in front and street side yards specified by Figure 4.4.1 of the Land Development Code, in order to construct a new six-foot high privacy fence along the street side property line on property located at 636 Prado Place.</p>			

1.0 Background

The subject property, located at the southeast corner of Prado Place and Palencia Place, consists of 0.31-acre corner lot. The subject property is currently improved with a 1,623 sq. ft. single-family detached home that was built in 1950 according to the Polk County Property Appraiser. The subject property is zoned RA-3 (Single-Family) and within the Urban Neighborhood (UNH) context district.

2.0 Discussion

The primary purpose of this request is to obtain relief from Sub-Section 5.17.3.5 of the City's Land Development Code which prohibits parking boats, motor homes or trailers within any front or street-side yard. The applicant requests to allow for parking/storage within the street side yard. As a secondary request, the applicant is requesting a variance to construct a six-foot-high privacy along the street side property line to partially screen the motor home from public view should the variance be approved.

According to the survey provided by the applicant, the existing single-family detached home is setback approximately 24 feet from the east (interior side) property line. Within this side yard, behind an existing PVC privacy fence, there is approximately 90 feet of yard depth in which to store a motor home. The applicant's justification for the requested variance is that they are unable to back the Fifth Wheel RV motor home into the interior side yard without going on to the adjacent property to the east. If approved by the Board, the requested variance would allow for the motor home to instead be stored in the street side yard on Palencia Place on an existing concrete pad.

The second request is for a 2' variance to allow a maximum fence height of 6' in the street side yard to partially screen the motor home from view. The average height of a Fifth Wheel RV, according to the website RVliving.com is 13 feet, with the tallest being 13' 6" and the shortest 12' 3". According to the survey provided by the applicant, the concrete pad where the motor home would be stored encroaches approximately three feet into the right-of-way for Palencia Place. As such, it would not be possible to install a fence to screen the motor home from view without cutting back the concrete pad to the property line. In the absence of a variance, a six-foot-high fence in this area would have to be setback a minimum of five feet from the property line on Palencia Place.

3.0 Recommendation

The requested variances appear to be related to the personal circumstances of the applicant rather than any sort of unique hardship associated with the land itself. The applicant has also not demonstrated that alternatives are not available, as there are multiple examples of properties throughout the City in which boats, trailers and motor homes are parked within side yards much smaller than the 24-foot-wide side yard of the subject property. In respect to the requested fence variance, a six-foot high fence along the street side property would not sufficiently buffer and screen the motor home from public view as a typical Fifth Wheel RV is 13 feet tall. Lastly, should the Board approve this request it would establish a precedent for similar variances in the future. Therefore, due to the self-imposed nature of the hardship, ample space available for parking the motor home elsewhere on the property, and the precedent that it would establish for similar variances in the future, staff is unable to recommend approval for either variance.