



Zoning Board of Adjustments and Appeals Meeting Agenda

**January 3, 2024 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 December meeting

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

ITEM 5: **Butler Aluminum Inc. requests** an 8' variance to allow a rear setback of 7', in lieu of the required 15' minimum setback for principal structures specified by the PUD zoning for Sandpiper Golf & Country Club; and a 4.3% variance to allow a maximum lot coverage of 39.3% in lieu of the maximum 35% specified by Table 3.4-5 of the Land Development Code, to allow for the construction of a hard-roofed screen room in the rear yard of property located at 5993 Teal Trail. Owner: Guadalupe Ayala. (VAR23-039)

ITEM 6: **Homeowner Yenilay Padron requests** an 8' variance to allow a minimum lot frontage of 67 feet, in lieu of the 75-foot minimum specified by Sub-Section 4.11.4.6 b.3. of the Land Development Code, in order to allow a new circular driveway addition on property located at 2118 Cordova Circle W. (VAR23-041)

ITEM 7: **Warren Construction Management requests** a 10' variance to allow a 0-foot street setback from the right-of-way for E. Memorial Boulevard in lieu of the 10' minimum setback specified by Table 3.4-2 of the Land Development Code in order to construct a hard-roofed screen room on property located at 1845 E. Memorial Boulevard. Owner: Dorsch Inc. (VAR23-045)

ITEM 8: **Homeowner Carol Marsh requests** a 10' variance to allow a 5' rear yard setback, in lieu of the 15' minimum rear yard setback specified by the PUD zoning for Sandpiper Golf & Country Club; and an 8.7% variance to allow a maximum lot coverage of 43.7% in lieu of the 35% maximum specified by Table 3.4-5 of the Land Development Code, to allow for the construction of a hard-roofed screen enclosure on property located at 5716 Sandpiper's Drive (VAR23-046)

ITEM 9: **Homeowner Harold Martin requests** a 10' variance to allow a 5' rear yard setback in lieu of the 15' minimum rear yard setback specified by the PUD zoning for Sandpiper Golf & Country Club, and a 5.4% variance to allow a maximum lot coverage of 40.4% in lieu of the 35% maximum specified by Table 3.4-5 of the Land Development Code, to allow for the construction of a screen enclosure with a hard roof on property located at 5802 Mallard Drive. (VAR23-047)

ITEM 10: **Victor Prebor requests** a 3' variance to allow a 2' foot interior side setback, in lieu of the 5-foot minimum interior side setback for principal structures specified by Table 3.4-6 of the Land Development Code, to allow for a 9.25' x 30' building addition on property located at 4318 N. Road 98 (4318 U.S. Highway 98 North). Owner: John LaSpina. (VAR23-049)

ITEM 11: Unfinished Business

ITEM 12: New Business

ITEM 13: Adjournment

The Zoning Board of Adjustments and Appeals met in Regular Session on Tuesday, December 5, 2023 in the City Commission Chamber at Lakeland City Hall 228 South Massachusetts Avenue.

Present were Board Members Thomas Brawner, Emily Breheny, Jiwa Farrell, Judith Hatfield, 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: Audrey McGuire, Urban Planner, Damaris Stull, Urban Planner, Todd Vargo, Urban Planner and Christelle Burrola, Board Secretary.

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

Item 5: Graham Aluminum and Home Improvement requests a 3' variance to allow a rear setback of 17', in lieu of the required 20' minimum setback for principle structures specified by PUD (Planned Unit Development) 3551C, to allow for the construction of a hard-roofed screen room in the rear yard of property located at 6051 Kittiwake Drive. Owner: Michael D. Weinburg. (VAR23-040)

Mike Weinburg, 6051 Kittiwake Drive, stated the request is to allow for the construction of a hard-roofed screen room. David Langohr, Graham Aluminum and Home Improvement, was also present in support of the request.

Audrey McGuire stated the request the request is for a 3' variance to allow a rear setback of 17', in lieu of the required 20' minimum setback. The subject property consists of an approximate 0.18-acre (66' wide by 95' deep) lot within the Sandpiper Golf and Country Club subdivision. Within the Sandpiper development, lots are relatively shallow in depth, limiting the ability to construct screen rooms/enclosures in rear yards. The hardship suffered by the applicant is related to shallow lot depth. Several similar variances for screen rooms/enclosures have been granted to other lots within Sandpiper over the years.

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

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

Item 6: Homeowner Laura Gough requests a 10' variance to allow a 5' rear yard setback, in lieu of the 15' minimum rear yard setback specified by the PUD zoning for Sandpiper Golf & Country Club, and a 10.7% variance to allow a maximum lot coverage of 45.7% in lieu of the 35% maximum specified by Table 3.4-5 of the Land Development Code, to allow for the construction of a screen enclosure with a hard roof on property located at 6263 Egret Drive. (VAR23-042)

Kevin Jones, representing the applicant, was present in support of the request.

Todd Vargo stated the purpose of this request is to obtain variance relief to allow for the construction of a screen enclosure with a hard roof at the rear of the home. The rear yard of the subject property abuts a retention pond, which means impacts to adjacent properties would be minimal.

Mr. Vargo stated the request was approved by the Sandpiper Golf & Country Club Homeowners Association.

Mr. Vargo stated staff received a letter in support of the request from the adjacent neighbor at 6265 Egret Drive.

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

Item 7: 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 PUD (Planned Unit Development) zoning for Sandpiper Golf & Country Club to allow for the construction of a new screen room with a hard roof on property located at 648 Avocet Avenue. Owner: Crossroads Construction of Central Florida. (VAR23-043)

David Tavlin, 10509 Sherrouse Road, stated the request is to obtain variance relief which will allow for the construction of a new screen room with a hard roof on the rear of the new home which will provide protection from errant golf balls.

Damaris Stull stated the request is for a 10' variance to allow a 5' rear yard setback, in lieu of the 15' minimum rear yard setback specified by PUD (Planned Unit Development) zoning for Sandpiper Golf & Country Club. The subject property consists of an 0.13-acre corner lot, 70' wide and 85' deep. The new screen room with a hard roof will be 28' x 10'. Lots in the Sandpiper Golf and Country Club subdivision are relatively shallow in depth.

Ms. Stull stated staff received two letters in opposition to the request from the adjacent neighbors to the rear and north of the subject property. Ms. Stull presented the letters on the overhead screen and summarized the letters.

Debra Thompson, 5981 Teal Trail, stated she is the neighbor to the rear of the subject property. She stated she wrote one of the letters of objection to the request. She stated she objected to the size and length of the proposed screen room. She is concerned with drainage from the lot. She also stated that she objected to the screen room having a hard roof.

Discussion ensued.

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

Adjourned

The meeting was adjourned at 9:41 a.m.

Gregory Kent, Chairperson

Christelle Burrola, Secretary



Variance Application

General Information:

Project No:	VAR23-039	Application Date:	10/16/2023		
Project Name:	5993 TEAL TRAIL_SETBACK				
Subject Property Address:	5993 TEAL TR				
Parcel ID:	242719161368000300				
Applicant Name:	BUTLER ALUMINUM INC				
Applicant Address:	5775 FASSON HILL LN	LAKELAND	FL	33810	
Owner Name:	GUADALUPE AYALA				
Owner Address:	5993 TEAL TR	LAKELAND	FL	33809	

Request:

Application Type:	VARIANCE			
Current				
Zoning:	(PUD) 5705 Planned Unit Development	Context:	Suburban Neighborhood (SNH)	
Lot Dimensions:	74' x 85'	Square Footage:	6286	
Present Use:	Home			
Explanation of Request:	Screen room with insulated roof			
Justification:	Need 15' changed to 5' for screen room			



VAR23-039 5993 Teal Trail

Parcel ID: 242719161368000300

2021 Aerial Image





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

RE: Variance Request - Project No. VAR23-039

Dear Property Owner:

This notice is to advise you that Butler Aluminum Inc., on behalf of Guadalupe Ayala, requests a 8' variance to allow a rear setback of 7', in lieu of the required 15' minimum setback for principal structures specified by the PUD zoning for Sandpiper Golf & Country Club; and a 4.3% variance to allow a maximum lot coverage of 39.3% in lieu of the maximum 35% specified by Table 3.4-5 of the Land Development Code, to allow for the construction of a hard-roofed screen room in the rear yard of property located at 5993 Teal Trail. The subject property is legally described as:

SANDPIPER GOLF & COUNTRY CLUB 2019 PB 181 PG 46-48 LOT 30. (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 1/3/2024** 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	1/3/2024	Reviewer:	Audrey McGuire	
Project No:	VAR23-039	Subject Property:	5993 Teal Trail	
Owner:	Guadalupe Ayala			
Applicant:	Butler Aluminum Inc.			
Current Zoning:	PUD (Planned Unit Development) 5705	Context District	Suburban Neighborhood (SNH)	
Request:	An 8' variance to allow a rear setback of 7', in lieu of the required 15' minimum setback for principal structures specified by the PUD zoning for Sandpiper Golf & Country Club; and a 4.3% variance to allow a maximum lot coverage of 39.3% in lieu of the maximum 35% specified by Table 3.4-5 of the Land Development Code, to allow for the construction of a hard-roofed screen room in the rear yard of property located at 5993 Teal Trail.			

1.0 Background

The subject property consists of an approximate 0.14-acre (65' wide by 85' deep) lot within the Sandpiper Golf and Country Club subdivision. According to information obtained from the Polk County Property Appraiser, the subject property contains a 2,049 square foot single-family residence constructed in 2023. The property is zoned PUD (Planned Unit Development) and is located within the Suburban Neighborhood (SNH) context district.

2.0 Discussion

The purpose of this request is to obtain relief from the rear yard setback requirements to allow for the construction of a 10' x 29' (290 square foot) hard-roofed screen room addition at the rear of the home. Screen rooms are common features on homes in Florida and are generally located within the rear yard area. Screen rooms with hard roofs, such as composite panels, are considered additions rather than accessory structures and are subject to the setback requirements for principal structures.

Within the Sandpiper development, lots are relatively shallow in depth, limiting the ability to construct screen rooms/enclosures in rear yards. Measured from the nearest point, the existing single-family home is approximately 17.1 feet from the rear property line and the proposed screen room will be set back 7.1 feet. The hardship suffered by the applicant is related to shallow lot depth. Several similar variances for screen rooms/enclosures have been granted to other lots within Sandpiper over the years.

3.0 Recommendation

The primary hardship suffered by the applicant is related to size of the lot and is not the result of any action taken by the applicant. The requested relief is the minimum amount necessary to accommodate the proposed screen room and approval would not be contrary to public interest. Provided there are no substantive objections from adjacent property owners, staff recommends the requested variance be considered for approval.



Variance Application

General Information:

Project No:	VAR23-041	Application Date:	10/23/2023		
Project Name:	2118 CORDOVA CR W_DRIVEWAY EXPANSION				
Subject Property Address:	2118 CORDOVA CR W				
Parcel ID:	242828246700005210				
Applicant Name:	YENILAY PADRON				
Applicant Address:	2118 CORDOVA CIR W	LAKELAND	FL	33801	
Owner Name:	YENILAY PADRON				
Owner Address:	2118 CORDOVA CIR W	LAKELAND	FL	33801	

Request:

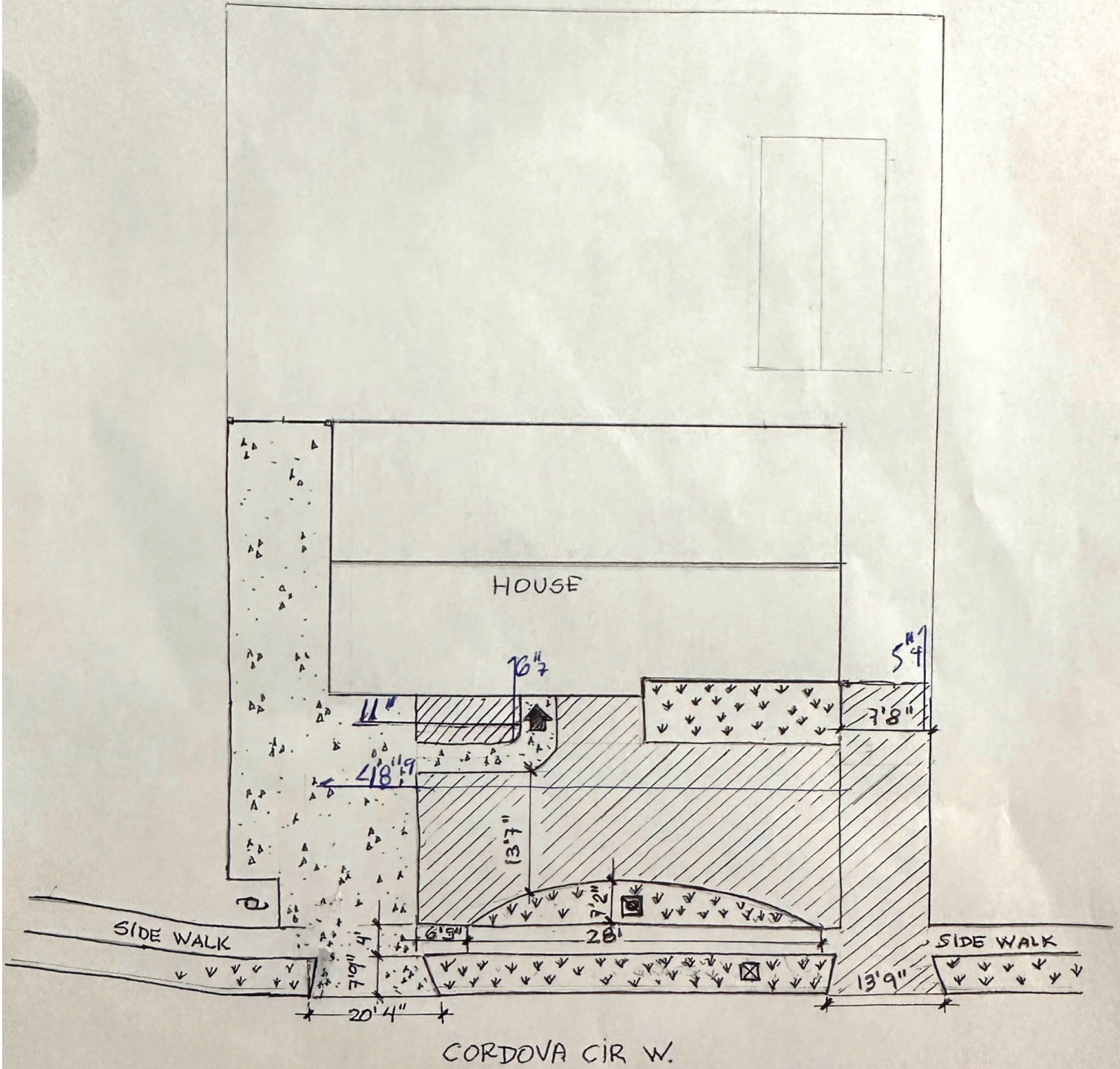
Application Type:	VARIANCE	
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
Current


Zoning:	RA-3 (Single Family)	Context:	Urban Neighborhood (UNH)
Lot Dimensions:	7231	Square Footage:	1493
Present Use:	House Parking		
Explanation of Request:	I need permission to keep the driveway the way it is.		


Justification:	<p>There are many reasons why we decided and needed to expand our driveway. The first reason is that my father-in-law has both feet amputated so he cannot walk and is in a wheelchair all the time. He is also a cancer patient and is receiving treatment as well as therapies. Moving a wheelchair on the grass is very uncomfortable and becomes very painful for him. It is much easier and more comfortable for him, us and the people who need to pick him up when it is his appointment with the therapist.</p> <p>Originally, the permit was obtained to do the driveway but it took a while and I didn't know that it had an expiration date.</p> <p>The other reason as far as health is concerned is that unfortunately my youngest daughter is allergic to grass and many other things including most antibiotics so it is very difficult to treat her when she gets sick and actually having little or almost no grass in the house and around it has been of great help and improved her health</p> <p>I also needed more space in our parking area because five people live in our house and we have four cars. Lakeland is a city whose population has increased a lot and the lack of parking space in the houses is becoming a problem, for example my neighbors on the front and side have decided to park their cars on the street which is an inconvenience for us and a safety problem for the children's who play in the neighborhood</p> <p>It has become a constant complaint that they do not want to solve</p> <p>Aesthetically, our house looks better and is kept cleaner. We never thought that making the driveway circular would be a problem for the city because many other houses in the neighborhood also have it that way or extended.</p>
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2118 CORDOVA CIRCLE W. LAKELAND, FL 33801





 EXISTING CONCRETE

 NEW CONCRETE

 GRASS

 SEWER

 POWER POLE

 WATER METER

• NEW CONCRETE 3000 PSI
W/FIBER. DRIVEWAY 4" THICK
& 6" THICK ON RAMP ACCESS



**SUBJECT
PROPERTY**

DANA PL

CORDOVA CIR W



VAR23-041 2118 Cordova Cr
Parcel ID: 242828246700005210





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

RE: Variance Request - Project No. VAR23-041

Dear Property Owner:

This notice is to advise you that Yenilay Padron requests an 8' variance to allow a minimum lot frontage of 67 feet, in lieu of the 75-foot minimum specified by Sub-Section 4.11.4.6 b.3. of the Land Development Code, in order to allow a new circular driveway addition on property located at 2118 Cordova Circle W. The subject property is legally described as:

TRADEWINDS SECOND ADD PB 46 PG 32 BLK 5 LOT 21. (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 1/3/2024** 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	1/3/2024	Reviewer:	Todd Vargo	
Project No:	VAR23-041	Subject Property:	2118 Cordova Circle West	
Owner:	Yenilay Padron			
Applicant:	Yenilay Padron			
Current Zoning:	RA-3 (Single-Family)	Context District	Urban Neighborhood (UNH)	
Request:	An 8' variance to allow a minimum lot frontage of 67 feet, in lieu of the 75-foot minimum specified by Sub-Section 4.11.4.6 b.3. of the Land Development Code, in order to allow a new circular driveway addition on property located at 2118 Cordova Circle W.			

1.0 Background

The subject property is located within the Tradewinds Second Addition Subdivision and consists of a 67' x 108' interior lot with an existing 1,493 sq. ft. single-family detached home that was built in 1963 according to the Polk County Property Appraiser. The subject property is zoned RA-3 (Single-Family Residential) and located within the Urban Neighborhood (UNH) context sub-district.

2.0 Discussion

The purpose of the request is to obtain variance relief to allow for the retention of a nonconforming circular driveway which was constructed without a permit and cited by Code Enforcement (PER23-02185) on May 12, 2023. On August 7, 2023, the applicant applied for a building permit to construct a circular driveway (BLD23-05973) within the front yard of the property. The permit, however, could not be approved as the subject property does not meet the minimum lot width of 75-feet specified by Section 4.11.4.b.6.b.3 of the Land Development Code for circular driveways. As an alternative, staff suggested constructing an accessory parking pad (not to exceed 10' in width) off the existing driveway as an alternative.

In 2019 the City Commission approved an amendment to Article 4 (General Site Development Standards) of the Land Development Code which adopted design standards for driveways for residential uses. The approved amendment established minimum design standards for the design and construction of vehicle use areas for single-family and two-family uses. The standards only apply to parking and driveways within front and street side yards. Existing improved driveways and off-street parking areas are deemed legal, nonconforming structures if noncompliant with the standards. Any construction of a new driveway or expansion of an existing driveway, however, is subject to conformance with the design standards.

In accordance with Sub-Section 4.11.4.6.b.3 of the Land Development, a minimum lot frontage of 75 feet is required in order to construct a circular driveway. The applicant seeks a variance to allow a circular driveway on the subject property which only has 67 feet of frontage. The homeowner's justification for the request relates primarily to mobility for a resident who is confined to a wheelchair and health reasons for a resident who is allergic to grass. According to the applicant, there are several examples of circular driveways in the neighborhood, however, after driving the neighborhood, this could not be confirmed by staff as only one additional lot with an existing circular driveway was identified.

Cordova Circle W is a paved, local street (20'-wide) which circles the Tradewinds Second addition neighborhood. The neighborhood is comprised of single-family homes with lot widths that vary between 65 to 75 feet on rectangular shaped lots or 58 to 100 feet for lots with curved front property lines. The subject property is located adjacent to the inside of a curve in Cordova Circle W. Having a circular drive may provide a

measure of safety so that the owners would not have to back out onto the local road near the bend in the roadway.

According to the Polk County Property Appraiser, the applicant has owned the property since January 2012. At the time the applicant purchased the property, parking for the existing single-family home consisted of a one-car garage and a single-car-wide driveway with a parking pad on the side. Subsequent to the applicant's acquisition of the property, the garage was enclosed and converted to living area. The City does not have records of any building permits which would indicate that this conversion was performed legally. In 2014, the applicant did receive approval for a driveway permit to widen the existing single-car-driveway apron to accommodate two vehicles. No inspections, however, were scheduled and the permit was closed out by Building Inspection on May 30, 2023.

The hand-drawn site plan provided by the applicant does not show parcel boundaries for the property and the applicant has not provided a survey which would confirm driveway dimensions and setbacks in relation to the front and street side property lines. Based on the photos that were included with the application, the new driveway it does not appear to meet the side yard setbacks as it appears to encroach onto the adjacent property to the east located 2124 Cordova Circle West through the construction of a second parking pad on the east side of the property which would not be permitted under the Land Development Code. With the construction of the new driveway, approximately 80% of the front yard now consists of a concrete impervious surface material.

3.0 Recommendation

The performance of work on the driveway without a permit, while an economic hardship, is not sufficient justification for granting a variance. The requested relief would be contrary to the public interest as the amount of paved surface area for parking is inconsistent with the single-family character of the neighborhood. Circular driveways are uncommon in the neighborhood with most homes having a single driveway wide enough for only one or two vehicles, not a massive concrete pad with enough pavement to park seven or eight vehicles. While the applicant does have need for additional parking, the existing driveway can be widened to 24 feet with an accessory parking pad on the side. Staff does not recommend approval of the requested relief to the circular driveway due to the self-imposed nature of the hardship, the nonconforming design of the driveway in respect to setbacks and parking surface area, incompatibility with the single-family character of the surrounding neighborhood and the precedent that would be established should a variance be approved.



Variance Application

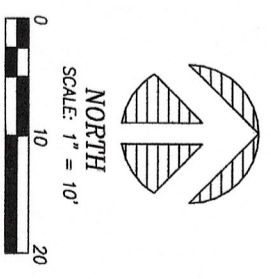
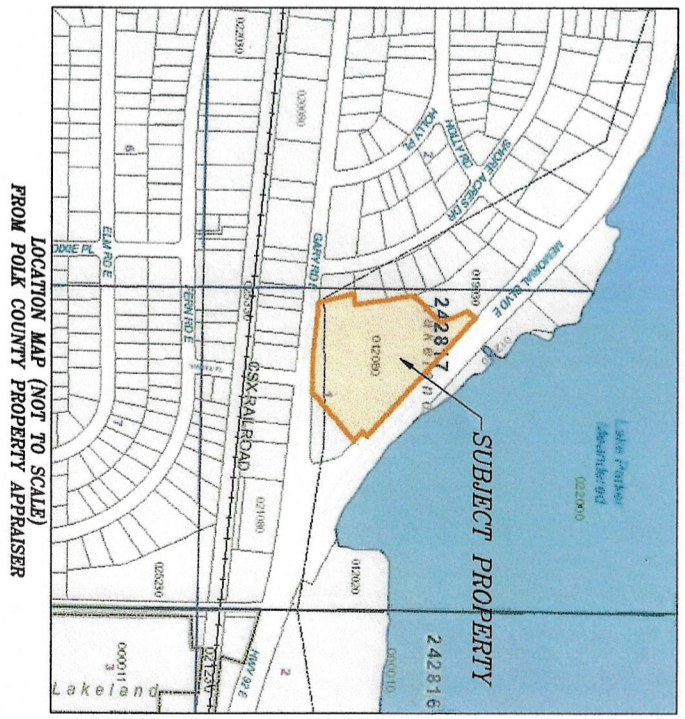
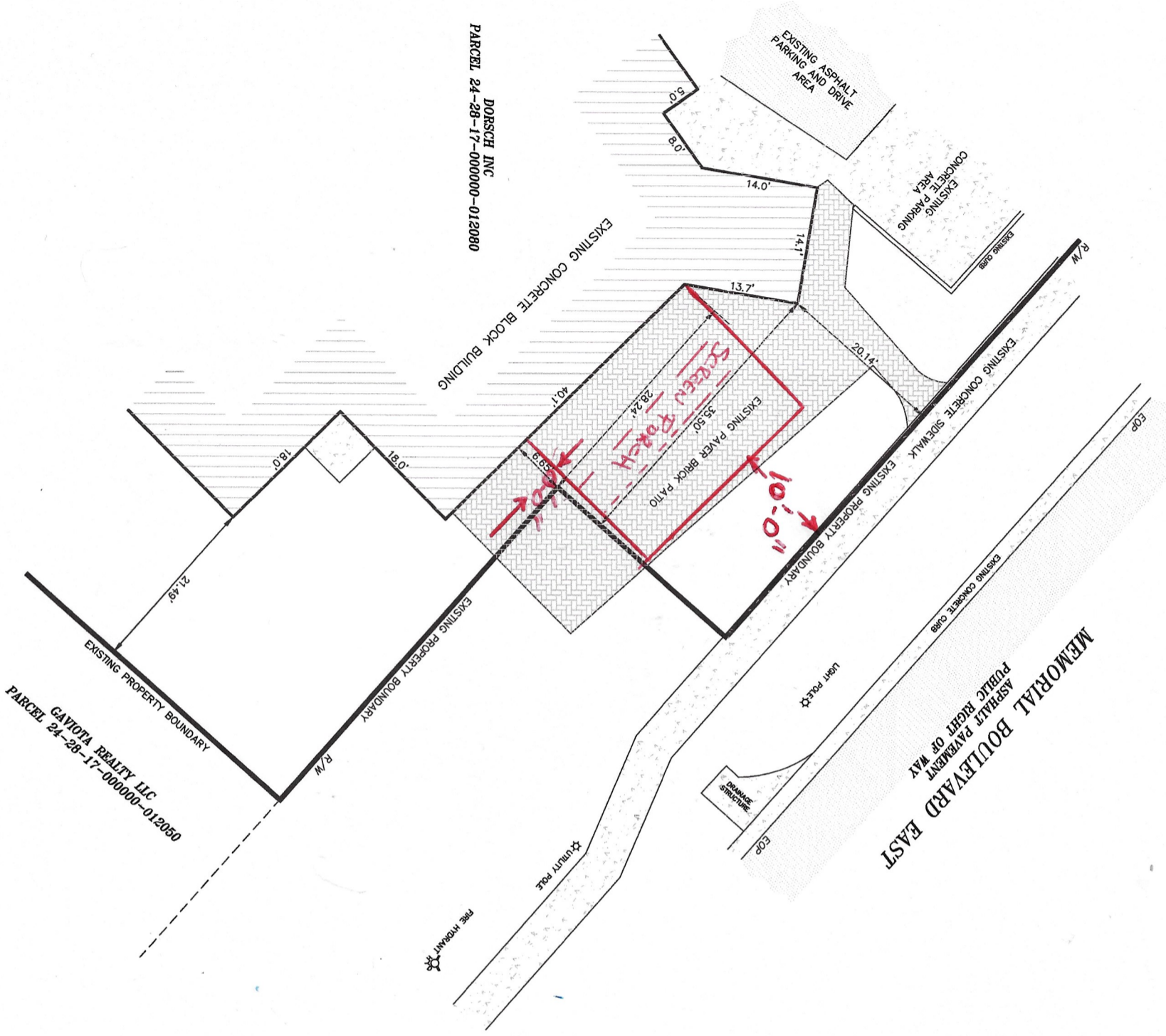
General Information:

Project No:	VAR23-045	Application Date:	11/9/2023		
Project Name:	1845 E MEMORIAL BL_SETBACK				
Subject Property Address:	1845 E MEMORIAL BL				
Parcel ID:	242817000000012080				
Applicant Name:	WARREN CONSTRUCTION MANAGEM				
Applicant Address:	PO BOX 1214	EAGLE LAKE	FL	33839	
Owner Name:	DORSCH INC				
Owner Address:	P.O. BOX 1214	EAGLE LAKE, FL	FL	338392226	

Request:

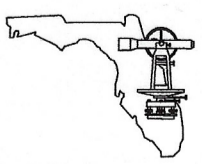
Application Type:	VARIANCE			
Current				
Zoning:	O-1 (Low Impact Office), C-2 (Highway Commercial)	Context:	Urban Corridor (UCO)	
Lot Dimensions:	260' x 100'	Square Footage:	500	
Present Use:	Restaurant			
Explanation of Request:	Variance to build screen porch to property line. Am asking for a setback of 10 feet as we want to build to the property line			
Justification:	Restaurant is located on a multi use property and situated in corner of of the lot. Property line goes through the existing structure.			

SITE PLAN NOT A SURVEY



LEGEND:
 R/W RIGHT OF WAY
 EOP EDGE OF PAVEMENT
 OH OVERHEAD UTILITY LINES
 ☆ UTILITY POLE
 ☆ LOW AND SLOW B90 LAKELAND.DWG

REVISIONS	
No.	DATE APPROVED



3411 Fox Ridge Street
 Winter Haven, Florida 33884
 Phone: (863)216-4002
 Email: jtksurveyor@hotmail.com

John Todd Deliman, P.S.M.

DRAWN BY
 JTD.
 CHECKED BY
 T.D.
 SCALE
 1" = 10'
 SHEET
 1 OF 1
 DRAWING NUMBER
 111023



VAR23-045 1845 E Memorial Blvd
Parcel ID: 242817000000012080





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

RE: Variance Request - Project No. VAR23-045

Dear Property Owner:

This notice is to advise you that Warren Construction Management requests a 10' variance to allow a 0-foot street setback from the right-of-way for E. Memorial Boulevard in lieu of the 10' minimum setback specified by Table 3.4-2 of the Land Development Code in order to construct a hard-roofed screen room on property located at 1845 E. Memorial Boulevard. The subject property is legally described as:

BEG SE COR OF NE1/4 RUN N 117 FT N48-06W 917.5 FT S41-54W 50 FT TO SR R/W LINE FOR POB CONT S41-54W ALONG R/W 27 FT S48-06E ALONG R/W 50 FT S48-56-37W 260.5 FT S05-27-10W ALONG R/W 6.9 FT ALONG CURVE TO RT 111.47 FT NWLY 278.65 FT ALONG CURVE TO RT 322.69 FT TO INTER S R/W SR 600 S48-06E ALONG R/W 604.94 FT TO POB & THAT PT CLOSED RD LYING WLY OF ABOVE DESC PARCEL AS DESC IN OR 5724 PG 1013 & SHORE ACRES PB 7 PG 15 BLK 19 LOTS 10 THRU 18. (A COMPLETE LEGAL DESCRIPTION IS AVAILABLE IN THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT.)

The public hearing to consider this request will be held before the Lakeland Zoning Board of Adjustments and Appeals at **9:00 a.m. on 1/3/2024** 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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In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Lakeland ADA Specialist, Kristin Meador, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: ADASpecialist@lakelandgov.net. If hearing impaired, please contact the TDD numbers: Local – (863) 834-8333 or 1-800-955- 8771 (TDD-Telecommunications Device for the Deaf) or the Florida Relay Service Number 1-800-955-8770 (VOICE), for assistance.

THIS IS A COURTESY LETTER NOT REQUIRED BY LAW



Community and Economic Development Staff Recommendation for ZBAA

ZBAA Hearing	1/3/2024	Reviewer:	Todd Vargo	
Project No:	VAR23-045	Subject Property:	1845 E Memorial Blvd	
Owner:	Dorsch Inc.			
Applicant:	Warren Construction Management			
Current Zoning:	C-2 (Highway Commercial)	Context District	Urban Corridor (UCO)	
Request:	A 10' variance to allow a 0' setback from the right-of-way for E. Memorial Boulevard, in lieu of the 10' minimum setback specified by Table 3.4-2 of the Land Development Code, in order to construct a hard-roofed screen room on property located at 1845 E Memorial Boulevard.			

1.0 Background

The subject property consists of a commercial storefront space within a retail strip center located at the northwest corner of E Memorial Boulevard and E Gary Road. The subject property is zoned C-2 (Highway Commercial) and located within the Urban Corridor (UCO) context sub-district. The subject property, previously Mojo’s Wings, Burgers, & Beer, consists of a restaurant space located at the north end of the strip center adjacent to E Memorial Boulevard.

2.0 Discussion

The purpose of this request is to obtain variance relief to allow for the construction of a new hard-roofed screen room adjacent to the E. Memorial Blvd. A new tenant, Low and Slow Smokehouse, recently moved into the storefront space and needs an outdoor, covered area in which to place a BBQ smoker. While the proposed screen room meets the 10-foot minimum front setback for E. Memorial Blvd, there is a 10-foot jog in the right-of-way which will abut the southeast side of the structure.

The proposed 28' x 19' screen room will be located between a covered outdoor seating area and a 10' public utility easement which runs parallel E Memorial Boulevard. Due to a 15-foot drainage easement, which runs east of the right-of-way jog and behind the strip center, it would not be possible to place the smoker behind the building. The requested 10-foot variance to allow a 0-foot setback will only apply to the portion of the structure adjacent to the jog in the right-of-way which is currently unutilized aside from the drainage easement.

3.0 Recommendation

The specific hardship suffered by the applicant is related to the variable width of the right-of-way along E. Memorial Boulevard adjacent to the subject property. The requested relief is reasonable and proportionate to the degree of hardship which is unique to the applicant’s business. Approval of a 10-foot variance to allow a 0-foot right-of-way setback would not be contrary to the public interest as it would not impact pedestrian or vehicle travel within the adjacent right-of-way. Staff, therefore, 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:	VAR23-046	Application Date:	11/10/2023		
Project Name:	5716 SANDPIPER'S DR_SCREEN ENCLOSURE				
Subject Property Address:	5716 SANDPIPER'S DR				
Parcel ID:	242719161363000010				
Applicant Name:	CAROL MARSH				
Applicant Address:	5716 SANDPIPERS DRIVE	LAKELAND	FL	33809	
Owner Name:	CAROL MARSH				
Owner Address:	5716 SANDPIPERS DRIVE	LAKELAND	FL	33809	

Request:

Application Type:	VARIANCE			
Current				
Zoning:	PUD 5705 (Planned Unit Development)	Context:	Suburban Neighborhood (SNH)	
Lot Dimensions:	90' x 60'	Square Footage:	5400	
Present Use:	back patio			
Explanation of Request:	I need a 10 foot variance to build a screen enclosure with a hard roof on the rear of my home.			
Justification:	I use a walker and would like to use my back patio without being in the rain or deal with bugs.			



PICKETT & ASSOCIATES, INC.

Engineers * Surveyors * Planners
475 South First Avenue Bartow, Florida 33830
Phone: (813) 533-9095



SURVEY FOR SAM RODGERS ENTERPRISES
REQUESTED BY P.O. # 12001K

031794
JOB NO. 8156001



NORTH

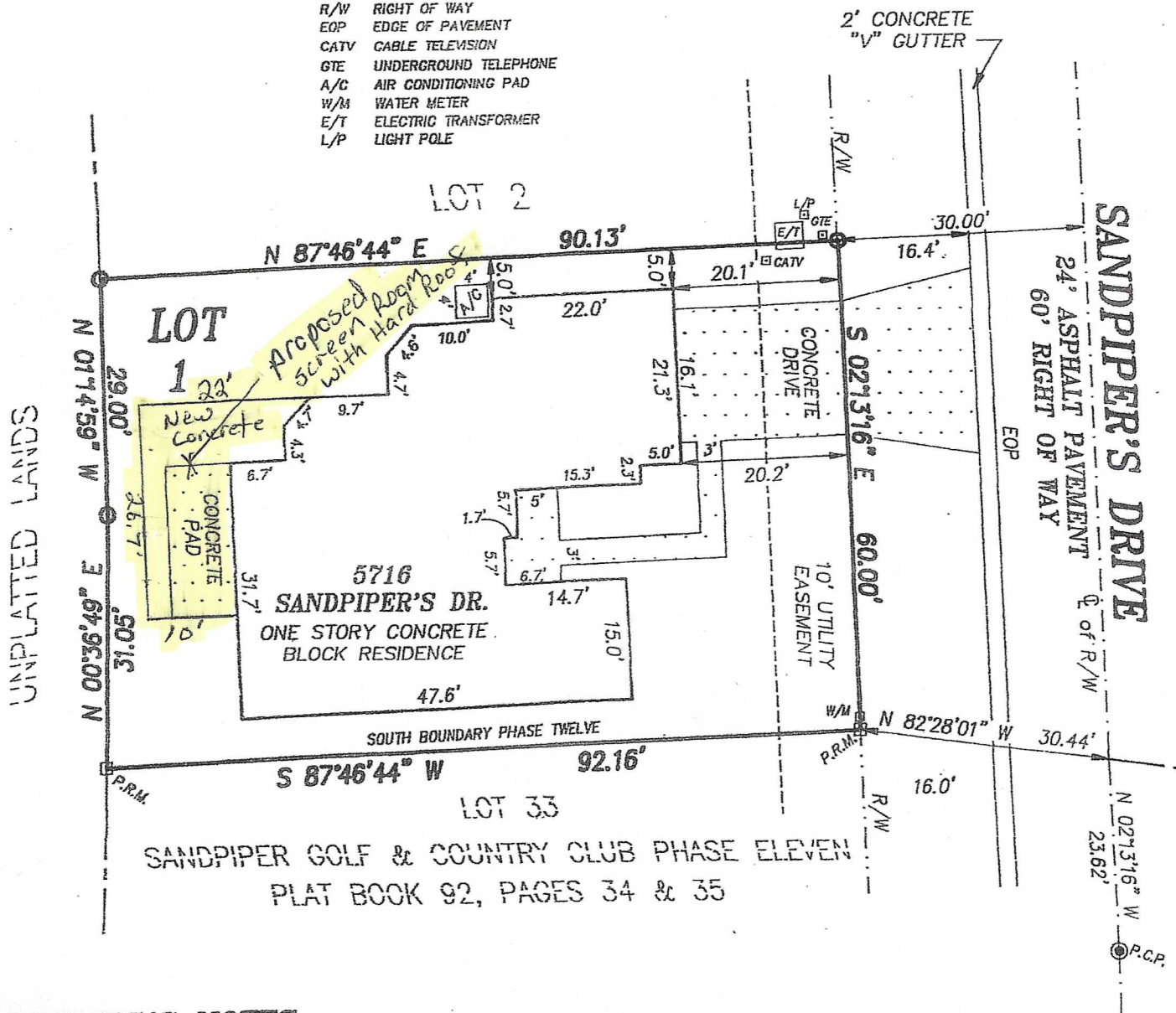
SCALE: 1" = 20'

NOTE: COPIES MAY SHOW
SOME VARIATION IN SCALE

LEGEND:

- FOUND 5/8" STEEL ROD WITH CAP STAMPED "CORNER LB 364" (UNLESS NOTED OTHERWISE)
- ⊙ FOUND NAIL & DISK STAMPED "PICKETT & ASSOC. LB 364 LS 4092"
- ⊠ FOUND 4"x4" CONCRETE MONUMENT WITH DISK STAMPED "PICKETT & ASSOC. LB 364 LS 4092"
- P.R.M. PERMANENT REFERENCE MONUMENT
- P.C.P. PERMANENT CONTROL POINT
- ⊙ CENTERLINE
- R/W RIGHT OF WAY
- EOP EDGE OF PAVEMENT
- CATV CABLE TELEVISION
- GTE UNDERGROUND TELEPHONE
- A/C AIR CONDITIONING PAD
- W/M WATER METER
- E/T ELECTRIC TRANSFORMER
- L/P LIGHT POLE

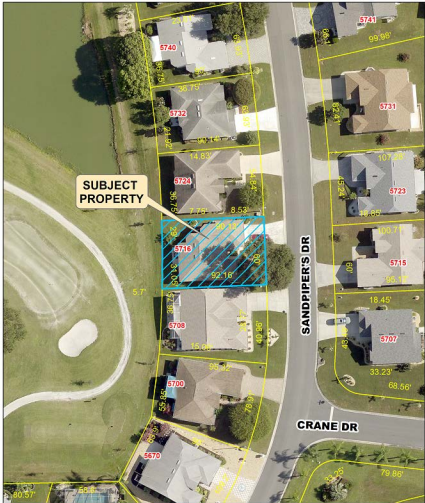
BOUNDARY SURVEY



SURVEYOR'S NOTES:

1. North and the bearings shown hereon are based on the plat bearing of South 87°46'44" West along the South boundary of Sandpiper Golf & Country Club Phase Twelve.
2. Property is located in Flood Zone "C" according to Flood Insurance Rate Map for Polk County, Community

CERTIFIED TO:



VAR23-046 5716 Sandpiper Dr
 Parcel ID: 242719161363000010





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

RE: Variance Request - Project No. VAR23-046

Dear Property Owner:

This notice is to advise you that Carol Marsh requests a 10' variance to allow a 5' rear yard setback, in lieu of the 15' minimum rear yard setback specified by the PUD zoning for Sandpiper Golf & Country Club; and an 8.7% variance to allow a maximum lot coverage of 43.7% in lieu of the 35% maximum specified by Table 3.4-5 of the Land Development Code, to allow for the construction of a hard-roofed screen enclosure on property located at 5716 Sandpiper's Drive. The subject property is legally described as:

SANDPIPER GOLF & COUNTRY CLUB PHASE TWELVE PB 93 PG 41 LOT 1. (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 1/3/2024** 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	1/3/2024	Reviewer:	Audrey McGuire	
Project No:	VAR23-046	Subject Property:	5716 Sandpiper's Drive	
Owner:	Carol Marsh			
Applicant:	Carol Marsh			
Current Zoning:	PUD (Planned Unit Development) 5705	Context District	Suburban Neighborhood (SNH)	
Request:	A 10' variance to allow a 5' rear yard setback, in lieu of the 15' minimum rear yard setback specified by the PUD zoning for Sandpiper Golf & Country Club, and an 8.7% variance to allow a maximum lot coverage of 43.7% in lieu of the 35% maximum specified by Table 3.4-5 of the Land Development Code, to allow for the construction of a screen enclosure with a hard roof on property located at 5716 Sandpiper's Drive.			

1.0 Background

The subject property consists of an approximate 0.13-acre (60' wide by 92' deep) lot within the Sandpiper Golf and Country Club subdivision. According to information obtained from the Polk County Property Appraiser, the subject property contains a 2,150 square foot single-family home constructed in 1994. The property is zoned PUD (Planned Unit Development) and located within the Suburban Neighborhood (SNH) context district.

2.0 Discussion

The purpose of this request is to obtain relief from the rear yard setback requirements to allow for the construction of a hard-roofed screen room addition to the rear of the home, adjacent to the golf course. Screen rooms are common features on homes in Florida and are generally located within the rear yard area. Screen rooms with hard roofs are considered an addition rather than an accessory structure and are subject to the setback requirements for principal structures.

In accordance with Planned Unit Development (PUD) 5705, the required rear yard setback for principal structure is 15 feet. The existing home is setback approximately 15.4 feet from the rear property line. If approved, the proposed screen room will be set back approximately 5 feet from the rear property line.

Within Sandpiper, variances have previously been granted for hard-roofed screen rooms when a property is adjacent to a golf course, drainage feature or perimeter boundary. The subject property is adjacent to the 14th hole of the Sandpiper Golf Course and the proposed hard-roofed screen room will provide protection from stray golf balls. The particular hardship suffered by the applicant is related to the proximity of the property to the green of the 14th hole, the relatively small lot size of properties within the sandpiper development, and the location of the existing home on the lot.

3.0 Recommendation

The primary hardship suffered by the applicant is related to the size of the lot and its proximity to the Sandpiper Golf Course, and is not the result of any action taken by the applicant. The requested relief is the minimum amount necessary to accommodate the proposed screen room and approval would not be contrary to public interest. Provided there are no substantive objections from adjacent property owners, staff recommends the requested variance be considered for approval.



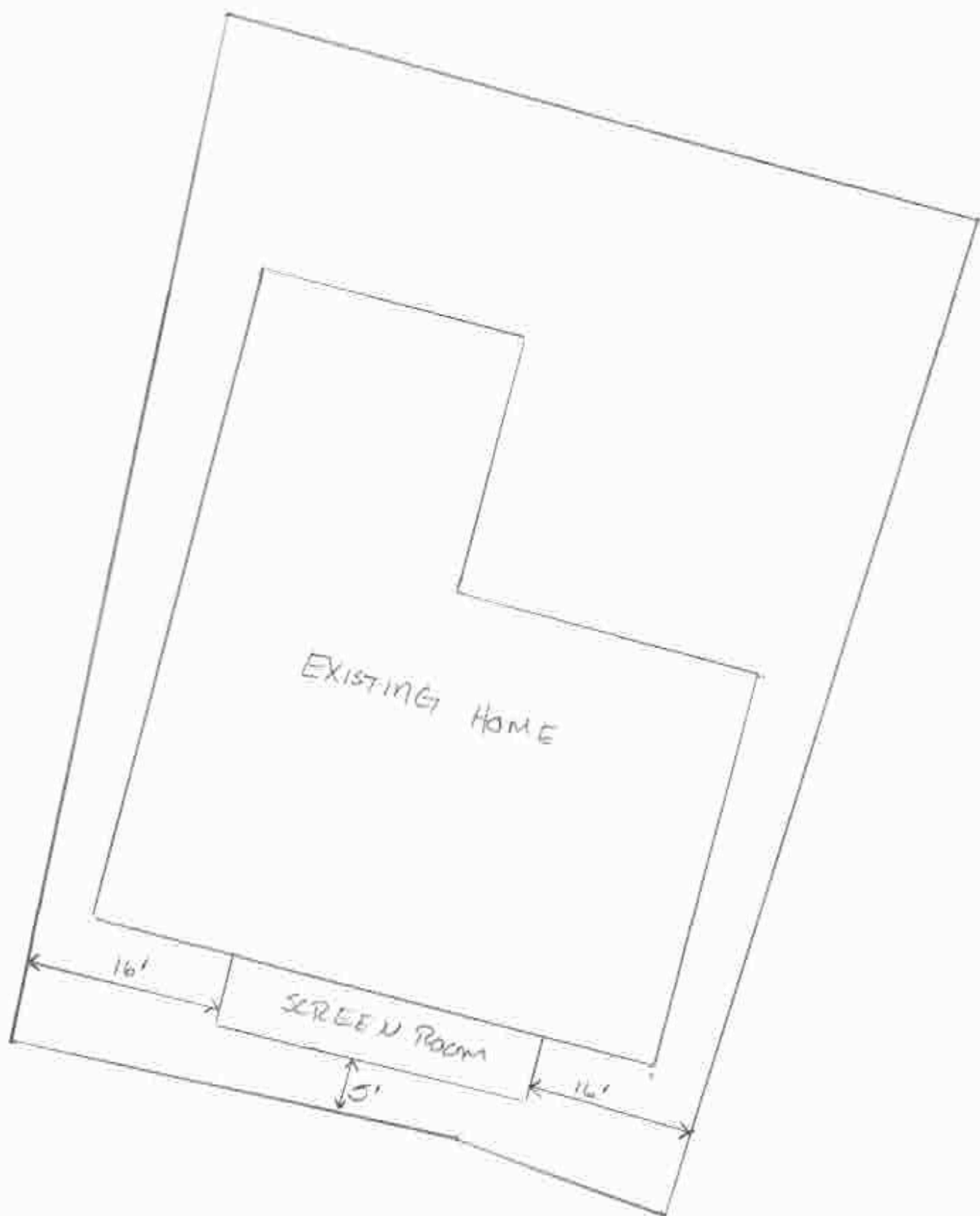
Variance Application

General Information:

Project No:	VAR23-047	Application Date:	11/17/2023		
Project Name:	5802 MALLARD DR_SCREEN ROOM				
Subject Property Address:	5802 MALLARD DR				
Parcel ID:	242719161365000330				
Applicant Name:	HAROLD MARTIN				
Applicant Address:	5802 MALLARD DR	LAKELAND	FL	33809	
Owner Name:	HAROLD MARTIN				
Owner Address:	5802 MALLARD DR	LAKELAND	FL	33809	

Request:

Application Type:	VARIANCE			
Current				
Zoning:	PUD 5705 (Planned Unit Development)	Context:	Suburban Neighborhood (SNH)	
Lot Dimensions:	N 91.2' E 68.46' S 90.89' W 39.88	Square Footage:	192	
Present Use:	Currently the backyard			
Explanation of Request:	We are requesting a variance to add a small screened in patio to our backyard. The current zoning guidelines do not allow us to do so.			
Justification:	The community that we live in has many activities for us to participate in, however, due to our age and very limited abilities, we are unable to participate or really enjoy the outside. This small screened in patio would really give us the opportunity to spend more time outside in a setting that is conducive to our needs.			



5802 Mullard Dr



VAR23-047 5802 Mallard Dr

Parcel ID: 242719161365000330





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

RE: Variance Request - Project No. VAR23-047

Dear Property Owner:

This notice is to advise you that Harold Martin requests a 10' variance to allow a 5' rear yard setback in lieu of the 15' minimum rear yard setback specified by the PUD zoning for Sandpiper Golf & Country Club, and a 5.4% variance to allow a maximum lot coverage of 40.4% in lieu of the 35% maximum specified by Table 3.4-5 of the Land Development Code, to allow for the construction of a screen enclosure with a hard roof on property located at 5802 Mallard Drive. The subject property is legally described as:

SANDPIPER GOLF & COUNTRY CLUB PHASE SIXTEEN PB 97 PG 12 LOT 33. (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 1/3/2024** 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	1/3/2024	Reviewer:	Audrey McGuire	
Project No:	VAR23-047	Subject Property:	5802 Mallard Drive	
Owner:	Harold Martin			
Applicant:	Harold Martin			
Current Zoning:	PUD (Planned Unit Development) 5705	Context District	Suburban Neighborhood (SNH)	
Request:	A 10' variance to allow a 5' rear yard setback, in lieu of the 15' minimum rear yard setback specified by the PUD zoning for Sandpiper Golf & Country Club, and a 5.4% variance to allow a maximum lot coverage of 40.4% in lieu of the 35% maximum specified by Table 3.4-5 of the Land Development Code, to allow for the construction of a screen enclosure with a hard roof on property located at 5802 Mallard Drive.			

1.0 Background

The subject property consists of an approximate 0.13-acre (68' wide by 90' deep) lot within the Sandpiper Golf and Country Club subdivision. According to information obtained from the Polk County Property Appraiser, the subject property contains a 2,114 square foot single-family home constructed in 1995. The property is zoned PUD (Planned Unit Development) and is located within the Suburban Neighborhood (SNH) context district.

2.0 Discussion

The purpose of this request is to obtain relief from the rear yard setback requirements to allow for the construction of an 8' x 22' (176 square foot) hard-roofed screen room addition at the rear of the home. Screen rooms are a common feature on homes in Florida and are generally located within the rear yard area. Screen rooms with hard roofs, such as composite panels, are considered additions rather than accessory structures and are subject to the setback requirements for principal structures.

Within the Sandpiper development, lots are relatively shallow in depth, limiting the ability to construct screen rooms/enclosures in rear yards. In accordance with the standards for Planned Unit Development (PUD) 5705, the minimum rear yard setback for principal structures is 15 feet. The proposed screen room will be set back a minimum of 5 feet from the rear property line. The hardship suffered by the applicant is related to shallow lot depth and placement of the existing home on the lot. Several similar variances for screen rooms/enclosures have been granted to other lots within Sandpiper over the years.

3.0 Recommendation

The primary hardship suffered by the applicant is related to size of the lot and is not the result of any action taken by the applicant. The requested relief is the minimum amount necessary to accommodate the proposed screen room and approval would not be contrary to public interest. Provided there are no substantive objections from adjacent property owners, staff recommends the requested variance be considered for approval.



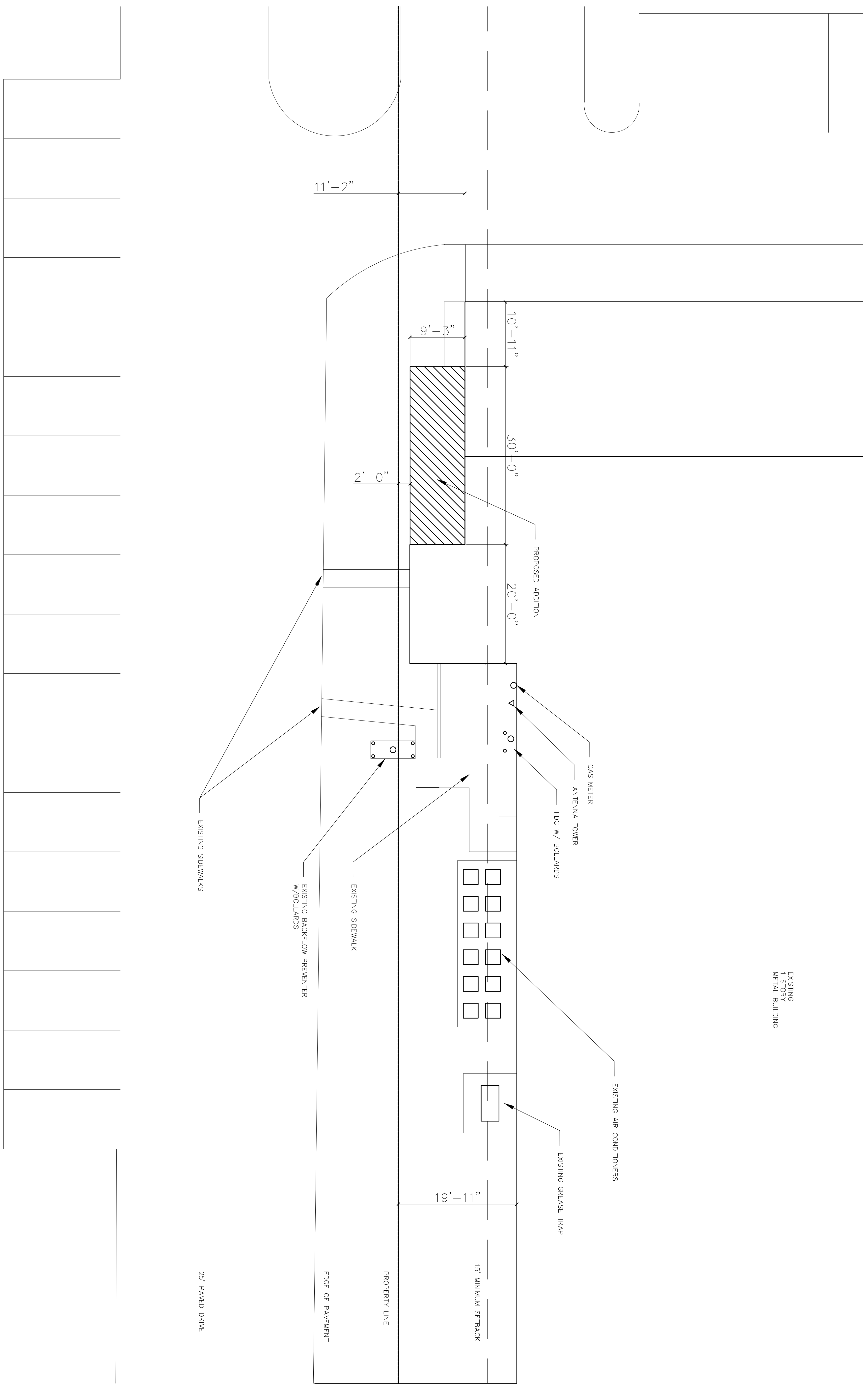
Variance Application

General Information:

Project No:	VAR23-049	Application Date:	11/21/2023		
Project Name:	4318 N RD 98_SETBACK				
Subject Property Address:	4318 N RD 98				
Parcel ID:	232735000000011010				
Applicant Name:	VICTOR PREBOR				
Applicant Address:	4013 DERBY DRIVE	LAKELAND	FL	33809	
Owner Name:	JOHN LASPINA				
Owner Address:	4318 US HWY 98 NORTH	LAKELAND	FL	33809	

Request:

Application Type:	VARIANCE			
Current				
Zoning:	C-2 (Highway Commercial)	Context:	Suburban Corridor (SCO)	
Lot Dimensions:	556' x 398'	Square Footage:	216058	
Present Use:	Indoor Recreation, Bowling Alley, Restaurant, Arcade			
Explanation of Request:	Requesting a variance to the side yard setback to accommodate access to side delivery doors drop zone for the restaurant. This side faces the bowling alley/restaurant access drive and a retention pond at the back of Village Plaza shopping center. This variance will have no effect on neighboring properties.			
Justification:	<p>The existing cooler location is determined by existing restaurant flow patterns. To maintain an efficient restaurant layout, the cooler must be located as close as possible to the restaurant kitchen, as well as near a building exit to streamline delivery of refrigerated goods. This project provides access to the new side delivery door and drop zone. Currently all Tiki bar deliveries are made through the main entry doors.</p> <p>The restaurant is located within the southwest corner of the building, the remainder of the building to the north and east contains a bowling alley. The west edge is limited by an entry drive and a tiki bar. The north and east exterior edges are too far from the restaurant. The south edge of the restaurant is the only viable location for a walk-in cooler to be located to avoid blocking the entry drive, encroaching into a tiki bar located to the west, and a gas meter and Fire Department Connection to the east. This is an expansion of a previously approved variance. This portion replaces the current frame lean-to on the west side with construction materials and details that are compatible with the new renovation.</p>			



SITE PLAN DETAIL
 1/8" = 1'-0"
 1:0 2'-4"

EXISTING
 1-STORY
 METAL BUILDING

EXISTING AIR CONDITIONERS

EXISTING GREASE TRAP

FDC W/ BOLLARDS

ANTENNA TOWER

GAS METER

PROPOSED ADDITION

15' MINIMUM SETBACK

PROPERTY LINE

EDGE OF PAVEMENT

25' PAVED DRIVE

EXISTING SIDEWALK
 W/BOLLARDS

EXISTING SIDEWALK

EXISTING SIDEWALKS

MAPLE FAMILY CENTERS
 OVERALL ORANGE BOWL LANES
 4318 US Hwy 98 N, Lakeland, FL 33809

SITE PLAN DETAIL

21C022

review
 bid
 permit
 07-24-2022
 12-29-2021
 revision

THESE PLANS ARE AN INSTRUMENT OF SERVICE AND PROPERTY OF VICTOR PREBOR 3 ARCHITECTURE LLC (VP3 LLC) COPYRIGHT 2022.
 THESE PLANS MAY NOT BE DUPLICATED, DISCLOSED OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF VP3 LLC.

This item has been electronically signed and sealed by Victor M. Prebor AIA using a Digital Signature and date. Printed copies of this document are not considered valid. All signatures must be verified on any electronic copies.

VICTOR PREBOR 3 ARCHITECTURE, LLC Victor M. Prebor AIA
 130 S MASSACHUSETTS AVENUE SUITE 212, LAKELAND, FL 33801
 863.450.4514 M:863.255.7033 victor@vprebor.com www.prebor3.com
 FLORIDA AA26003300

A-100D

**SUBJECT
PROPERTY**

WILLIAMSTOWN BLVD

MARK LN
KENNEDY BLVD



VAR23-049 4318 N Rd 98

Parcel ID: 232735000000011010





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

RE: Variance Request - Project No. VAR23-049

Dear Property Owner:

This notice is to advise you that Victor Prebor requests for a 3' variance to allow a 2' foot interior side setback, in lieu of the 5-foot minimum interior side setback for principal structures specified by Table 3.4-6 of the Land Development Code, to allow for a 9.25' x 30' building addition on property located at 4318 N. Road 98 (4318 U.S. Highway 98 North). The subject property is legally described as:

BEG 597.8 FT S & 518.49 FT W OF NE COR SEC CONT W 556.39 FT NWLY ALONG CURVE 39.43 FT N 325.04 FT NELY ALONG CURVE 39.81 FT E 362.46 FT NELY ALONG CURVE 84.08 FT N 76 DEG 58 MIN 45 SEC E 110.65 FT S 397.99 FT TO POB. (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 1/3/2024** 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	1/3/2024	Reviewer:	Phillip Scearce	
Project No:	VAR23-049	Subject Property:	4381 U.S. Highway 98 North	
Owner:	Johl LaSpina			
Applicant:	Victor Prebor			
Current Zoning:	C-2 (Highway Commercial)	Context District	Suburban Corridor (SCO)	
Request:	A 3' variance to allow a 2' foot interior side setback, in lieu of the 5-foot minimum interior side setback for principal structures specified by Table 3.4-6 of the Land Development Code, to allow for the construction of a new 9.25' x 30' addition on property located at 4318 N. Road 98 (4381 U.S. Highway 98 North).			

1.0 Background

Victor Prebor requests a 3' variance to allow a 2' foot interior side setback, in lieu of the 5-foot minimum interior side setback for principal structures specified by Table 3.4-6 of the Land Development Code, to allow for the construction of an 9.25' x 30' building addition on property located at 4318 N. Road 98. The subject property is approximately 4.96-acres in area and currently improved as a bowling alley with a restaurant/bar (Orange Bowl Lanes/Lucky's Sports, Oyster and Tiki Bar). According to the Polk County Property Appraiser the 44,156 sq. ft. building was constructed in 1982. The property is zoned C-2 (Highway Commercial) with a Mixed Commercial Corridor (MCC) Comprehensive Plan Future Land Use designation.

While the subject property has U.S. Highway 98 North address, it is located at the southeast corner of Kennedy Boulevard and Williamstown Boulevard, approximately 425 feet west of U.S. 98 North. The bowling alley sits behind several businesses fronting US 98 North including a Wawa convenience store with motor vehicle fuel sales, a restaurant (First Watch), and a medical clinic. To the south, the subject property abuts the rear property line of the Village Plaza Shopping Center which is oriented to the south towards Sleepy Hilly Road.

2.0 Discussion

The purpose of this request is to obtain variance relief which will allow for the construction of a 9.25'x 30' building addition on the south side of the bowling alley. The applicant states the addition is to accommodate access to the delivery drop zone servicing the existing restaurant. The proposed addition is located next to a walk-cooler addition which was approved through a 2' setback variance granted by the Board in September 2022 (VAR22-023). The proposed addition is in-line and consistent with the setbacks of the walk-in cooler.

The restaurant is located within the southwest corner of the building. The remainder of the building to the north and east contains the bowling alley. Currently all deliveries are made through the bowling alleys' main entry doors. The proposed addition will provide an alternate drop off location and provide access to the side delivery door and drop zone. The southern side of the building where the restaurant and tike bar are located provides the only viable location for the delivery drop zone and walk-in cooler. This design alternative avoids blocking the entry drive, encroaching into the tiki bar located to the west, and a gas meter and Fire Department Connection to the east. The southern side of the building is adjacent to the backside of the Village Plaza retail strip center and will not have any adverse impact to adjacent property owners or uses.

3.0 Recommendation

Staff finds that the amount of relief requested is reasonable and proportional to the degree of hardship. 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.