



Zoning Board of Adjustments and Appeals Meeting Agenda

**July 5, 2023 9:00 a.m.
in the Lakeland Electric Building Rooms 1A/B**

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, Jenny Sykes, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: Jennifer.Sykes@lakelandgov.net. If hearing impaired, please contact the TDD numbers: Local – (863) 834-8333 or 1-800-9558771 (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 June meeting

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

ITEM 5: **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 in order to construct a screen room with a hard roof on property located at 813 Meadowlark Drive. (VAR23-022)

ITEM 6: Unfinished Business

ITEM 7: New Business

ITEM 8: Adjournment

The Zoning Board of Adjustments and Appeals met in Regular Session on Tuesday, June 6, 2023 in the Lakeland Electric Building Rooms 1A/B at 501 E. Lemon Street.

Present were Board Members Gregory Kent (Chair), Tunesia Mayweather (Vice Chair), Jiwa Farrell, 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; Damaris Stull, Senior Planner; Todd Vargo, 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 6: Lakeland Moonwalk of Polk County requests a 30' variance to allow a rear yard setback of 35', in lieu of the required 65' minimum setback for principal structures specified by Table 3.4-1 in the Land Development Code, to allow for the construction of an office/warehouse building on property located at 2705 New Tampa Highway. (VAR23-007)

Guy LaLonde, 640 Howard Avenue, stated the request is to obtain variance relief to allow a rear yard setback of 35', in lieu of the required 65' minimum setback. Guy LaLonde III, 6036 Cherry Road, stated the request is intended to account for future plans by the Florida Department of Transportation (FDOT) to widen New Tampa Highway.

Todd Vargo stated according to the applicant, without a variance, the proposed office/warehouse building would sit uncomfortably close to New Tampa Highway once the widening work is completed. The PD&E study conducted by FDOT District One suggests that approximately 20 feet of right-of-way will need to be acquired from the subject property as part of the road widening project. Mr. Vargo stated the applicant's justification for the variance is related to the buffer located along the south property boundary of the Lone Palm subdivision. The buffer, which consists of a 30-foot-wide drainage easement, functions as a natural vegetative buffer between the single-family residential uses to the north and the commercial properties along New Tampa Highway. Because no structures can be built within the buffer/drainage easement, granting a variance for a 35' building setback would still provide a minimum distance of 65 feet between the new building and the rear lot line of single-family homes located along the south side of the Lone Palm subdivision.

Mr. Vargo stated staff recommends approval.

Michelle Boles, 303 Howard Avenue, stated she is concerned about the impacts on the natural preserve and the views from the back of her home.

Mr. Vargo stated staff received one email in opposition.

Mr. Vargo handed out printed copies of the email that was received in opposition to the request to the board members in attendance.

Discussion ensued.

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

Item 7: Cole Springer, Springer Construction, Inc. requests a 2' variance to allow a maximum fence height of 8', in lieu of the maximum height of 6' for residential fences and walls in rear yards specified by Figure 4.4-1 of the Land Development Code, in order to construct an eight-foot-high wood privacy fence, running parallel to the rear lot line for a distance of approximately 84 feet, on property located at 400 Palmola Street. Owner: Springer Construction. (VAR23-015)

Cole Springer, 400 Palmola Street, stated the request is to obtain variance relief to allow for the continued existence of an eight-foot-high privacy fence.

Todd Vargo stated the rear property line abuts an improved alleyway so the fence is set back at least three feet from the alleyway to ensure waste and recycling collection trucks can navigate the alley. The fence, which was installed without a permit, runs for approximately 84 feet along the full length of the rear property line. Mr. Vargo stated based on the site visit, the eight-foot-high fence appears to be well constructed and aesthetically pleasing. While there was no evidence of a significant grade change, the alleyway is used frequently by both vehicles and pedestrians and an eight-foot-high fence clearly provides a greater degree of privacy and security than a six-foot-high fence from any nuisances generated by adjacent uses to the north.

Mr. Vargo stated staff recommends approval.

Kristen Tessmer made a motion to approve staff's recommendation. Jiwa Farrell seconded the motion and it passed 5—0.

Item 8: Gadd & Associates, LLC., requests:

1. A 55' variance to allow a minimum setback of 95' from the right-of-way from Lone Palm Drive, in lieu of the 150' minimum setback specified by the PUD (Planned Unit Development) zoning for Lone Palm Golf Club; and
 2. A 125' variance to allow a minimum setback of 75' from the adjacent residential property to the south, in lieu of the 200' minimum setback specified by PUD (Planned Unit Development) zoning for Lone Palm Golf Club, to allow for the construction of a new golf clubhouse for Florida Southern College on property located at 660 Lone Palm Drive. Owner: Lone Palm Golf Club LLC. (VAR23-016)
-

Rodney Gadd, 4685 E. Country Road 540A, stated the request is to obtain variance relief to allow for the development of a new clubhouse for Florida Southern College's golf program. The clubhouse will be constructed on top of an existing asphalt off-street parking area.

Damaris Stull stated the applicant is requesting a 55' variance to allow a front yard setback of 95 feet from the right-of-way from Lone Palm Drive and a 125' variance to allow a 75' setback from the closest single-family development parcel to the south. Impacts on adjacent properties would appear to be minimal as the closest residential parcel is presently vacant. The building will be approximately 5,100 square feet.

Monty Erfourth, 651 Lone Palm Drive, stated he is concerned about the possible impacts to the right-of-way adjacent to his property. Mr. Erfourth's stated he was also concerned about losing a view of the golf course and the impact on the value of his property.

Matthew Lyons stated there would be no impacts to the right-of-way adjacent to Mr. Erfourth's property.

Case Gard, 734 Scott Lake Village S, was present in support of the request.

In response to Gregory Kent, Mr. Gard stated the clubhouse will be one-story.

In response to Mr. Lyons, Mr. Gard stated the clubhouse will only be utilized during the school year.

Lee White, 4141 Bayshore Boulevard, Tampa, stated the clubhouse will be primarily used between 1:00PM to 5:30PM.

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

Item 9: Homeowner Brent Elliott 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 4.4.1 of the Land Development Code, to allow for the construction of an eight-foot-tall fence, running from the southeast corner of the property along the interior side (south) lot line for a distance of approximately 70 feet, on property located at 2214 Coventry Avenue. (VAR23-018)

Brent Elliott, 2214 Coventry Avenue, stated the request is to obtain variance relief to allow for the replacement of an existing, rotten, 6' high wood privacy fence with a new 8' high PVC privacy fence along a portion of the south property line.

Phillip Searce stated the applicant's justification for this request pertains to the lay of the land along Coventry Avenue which naturally slopes northwards and drains towards Lake Hollingsworth. The existing wood fence runs from the southeast corner of the property, along the southern property boundary, for a distance of approximately 70 feet. Due to this grade change, the adjacent property to the south sits at a higher elevation than the subject property reducing the effectiveness of a privacy fence located on the shared property boundary. The proposed eight-foot-high fence will enhance privacy by minimizing views of the side and rear yard from the adjacent property to the south.

Mr. Searce stated staff recommends approval.

In response to Matthew Lyons, Mr. Searce stated staff did not receive any public comment in regard to the request.

Jiwa Farrell made a motion to approve staff's recommendation. Kristen Tessmer seconded the motion and it passed 5—0.

Item 10: Homeowner Tej Karki requests a 12' variance to allow an 8' rear yard setback, in lieu of the 20' minimum rear yard setback specified by the PUD (Planned Unit Development) zoning for Morgan Creek Preserve, to allow for a new screen room with a hard roof on property located at 4693 Lathloa Loop. (VAR23-019)

Tej Karki, 4693 Lathloa Loop, stated the request is to allow for construction of a screen room.

Damaris Stull stated the request the request is for a 12' variance to allow an 8' rear yard setback, in lieu of the 20' minimum rear yard setback. The subject property consists of an irregularly shaped 0.13 acre interior lot. The proposed screen room with a hard roof will be approximately 14' x 40'. Due to the variation in distance from the rear lot line, the proposed addition will be set back 8' from the rear property line when measured from the nearest point.

Ms. Stull stated staff recommends approval.

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

Adjourned

The meeting was adjourned at 10:17 a.m.

Gregory Kent, Chairperson

Christelle Burrola, Secretary



Variance Application

General Information:

Project No:	VAR23-022	Application Date:	6/5/2023		
Project Name:	813 MEADOWLARK DR_REAR PORCH WITH ALUMINUM ROOF				
Subject Property Address:	813 MEADOWLARK DR				
Parcel ID:	242719161368000360				
Applicant Name:	CROSSROADS CONST OF CENT FL				
Applicant Address:	6001 SANDPIPERS DR	LAKELAND	FL	33809	
Owner Name:	JEFFREY THOR				
Owner Address:	1831 ALTA VISTA CIRCLE	LAKELAND	FL	33810	

Request:

Application Type:	VARIANCE			
Current				
Zoning:	(PUD) 5705 Planned Unit Development	Context:	Suburban Neighborhood (SNH)	
Lot Dimensions:	67.41 x 85	Square Footage:	490	
Present Use:	single family home			
Explanation of Request:	a 10 foot variance to allow a 5 foot setback in lieu of the 15 foot rear yard setback specified in the PUD zoning for Sandpiper Golf and Country Club to allow the construction of a screen room with an aluminum roof on property at 813 meadowlark drive			
Justification:	home is in close proximity to the first green and the structure would better protect from errant golf balls			



SCALE: 1" = 20'



PLOT PLAN

(THIS IS NOT A SURVEY)

Description:

Lot 36, SANDPIPER GOLF & COUNTRY CLUB
2019, as recorded in Plat Book 181, Page 46,
Public Records of Polk County, Florida.

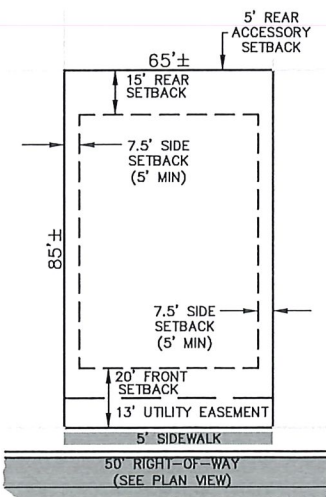
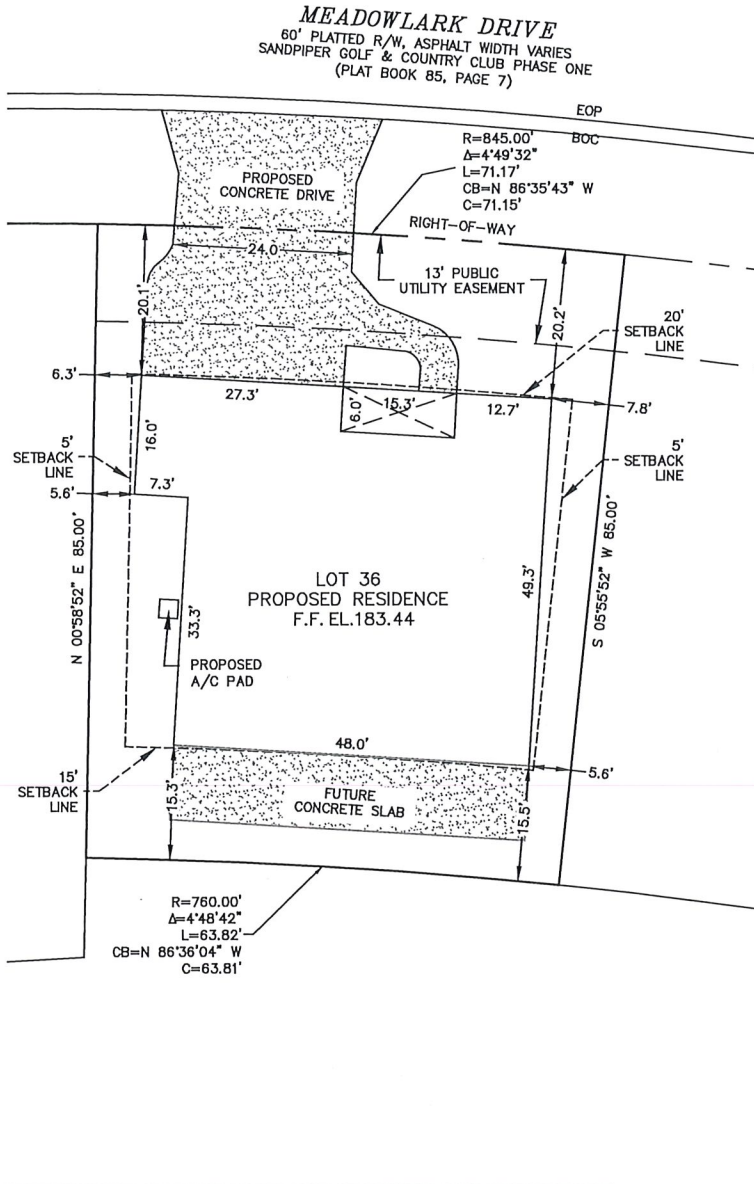
Owner: D Course Development LLC
Address: 813 Meadowlark Drive

Survey Legend:

P.S.M.	PROFESSIONAL SURVEYOR & MAPPER
LB	LICENSED BUSINESS
CONC	CONCRETE
BOC	BACK OF CURB
EOP	EDGE OF PAVEMENT
R	RADIUS
Δ	DELTA
L	ARC LENGTH
CB	CHORD BEARING
C	CHORD DISTANCE

Notes:

1. This is not a boundary survey as defined in Florida Administrative Code 5J-17.052.
2. Not valid without the original signature and seal of a Florida licensed Surveyor and Mapper unless affixed with a digital signature and seal. If digitally sealed, the seal appearing on this document was authorized by Danny R. Gann, P.S.M. on the date depicted on the accompanying digital signature.
3. The purpose of this plot plan is to show setback lines and proposed house in relation to platted lot lines. This plot plan is intended for permitting purposes only.
4. Any coordinates obtained from this plot plan or the associated AutoCAD drawing files are assumed unless otherwise noted.
5. Property shown hereon appears to be located in Flood Zone "X", per Flood Insurance Rate Map No. 12105C0302 G, dated 12/22/2016. There may be map amendments or revisions that were filed after the effective date of the map that were not found or provided. This Surveyor makes no guarantees as to the accuracy of the above information. Local Federal Emergency Management Agency should be contacted for verification.
6. Foundation Models shown hereon were provided by email form Crossroads Construction, dated 12/12/2022, Thor.
7. Setback lines as shown hereon were provided on sheet C200 (Lot Layout) of the construction plans prepared by Kimley-Horn, dated 02/18/2020. (SEE RIGHT)
8. Finished Floor elevation as shown hereon was provided on sheet C300 (Paving Grading and Drainage Plan) of the construction plans prepared by Kimley-Horn, dated 02/18/2020
9. Vertical information shown hereon is referenced to NAVD 88 (North American Vertical Datum of 1988) and was based on National Geodetic Survey benchmark "G 743" being a standard 4"x4" concrete monument with survey disk stamped "G 743 2010", having a published elevation of 171.01.



Sandpiper Golf & Country Club 2019
Plot Plan - Lot 36

SHEET 1 of 1 JOB NO. 3750 DATE 12/27/2022

CREW CHIEF _____ FIELD DATE _____ DRAWN BY LPB

I, THE UNDERSIGNED AS REPRESENTATIVE OF RAPID SURVEYING, INC., HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS OR EXCEEDS THE STANDARDS OF PRACTICE FOR SURVEYS SET FORTH BY CHAPTER 5J-17, OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Danny R Gann
Digitally signed by
Danny R Gann
Date: 2022.12.28 02:00:35
-05'00'

DANNY R. GANN, P.S.M. NO. 6188 STATE OF FLORIDA DATE

RSI
Rapid Surveying, Inc.
214 Lake Harris Drive
Lakeland, Florida 33813
PROFESSIONAL SURVEYORS & MAPPERS
LICENSED BUSINESS L.B. #7568
EMAIL: RSI@RAPIDSURVEYING.NET
PHONE (863)668-9124 FAX (863) 668-9091

DANNY R GANN
REGISTERED SURVEYOR & MAPPER
STATE OF FLORIDA
No. 6188



VAR23-022 813 Meadowlark Dr
 Parcel ID 242719161368000360





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

RE: Variance Request - Project No. VAR23-022

Dear Property Owner:

This notice is to advise you that 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 in order to construct a screen room with a hard roof on property located at 813 Meadowlark Drive. The subject property is legally described as:

SANDPIPER GOLF & COUNTRY CLUB 2019 PB 181 PG 46-48 LOT 36. (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 7/5/2023** in the Lakeland Electric Building rooms 1A/B, 501 E. Lemon Street. As an owner of property located in proximity to the subject property, as indicated on the attached map, you will be given an opportunity to express your opinion at the public hearing. You may also submit your views to the Community & Economic Development Department by including your name, address, and the project number via email to planning@lakelandgov.net, prior to the meeting date.

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

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Lakeland ADA Specialist, Jenny Sykes, no later than 48 hours prior to the proceeding, at (863) 834-8444, Email: Jennifer.Sykes@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	7/5/2023	Reviewer:	Phillip Searce
Project No:	VAR23-022	Subject Property:	813 Meadowlark Drive
Owner:	Jeffrey Thor		
Applicant:	David Tavlin, Crossroads Construction of Central Florida		
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 PUD (Planned Unit Development) zoning for Sandpiper Golf & Country Club in order to construct a screen room with a hard roof on property located at 813 Meadowlark Drive		

1.0 Background

The subject property consists of an 0.13-acre lot, 71' wide and 85' deep. The subject property is presently zoned PUD (Planned Unit Development) and located within the Suburban Neighborhood (SNH) context sub-district.

2.0 Discussion

The applicant is requesting relief from the rear setback requirements to construct a hard-roofed screen room to the rear of a new single-family home which abuts the Sandpiper golf course. The lot on which the house will be built is adjacent to the green for the 1st hole on the golf course and the screen room will provide protection from errant golf balls.

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 either the golf course, a drainage feature, or a perimeter boundary. The particular hardship suffered by the applicant is related to the proximity of the lot to the green on the 1st hole. It is also important to note that the applicant/builder is also the owner of the adjacent golf course.

3.0 Recommendation

The specific hardship suffered is related to the proximity of the home to the golf course. The requested relief would not be contrary to the public interest as variance relief has been granted for similar circumstances through the Sandpiper development. The requested relief is reasonable and proportionate to the degree of hardship suffered by the applicant and the minimal amount necessary to allow for maintenance of the home adjacent to the golf course. Due to the minimal impact on adjacent properties, staff recommends that the request be considered for approval.