Zoning Board of Adjustments and Appeals Meeting Agenda

December 03, 2019 9:00 a.m.
in the City Hall Commission Chamber

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: Jenny.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.

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.

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 November meeting |
| ITEM 4: | City Attorney explains purpose and authority of the Board |
| ITEM 5: | Dale Golden requests A 6.5’ variance to allow an 8.5’ rear yard setback, in lieu of the required 15’ minimum setback to allow for the construction of a new screen room with a hard roof on property located at 4331 Watkins Lane. Owner: Dale Golden. (VAR19-024) |
| ITEM 6: | Unfinished Business |
| ITEM 7: | New Business: New Board Member |
| ITEM 8: | Adjournment |
The Zoning Board of Adjustments and Appeals met in Regular Session on Tuesday, November 5th, 2019 in the City Commission Chamber at Lakeland City Hall 228 South Massachusetts Avenue.

Present were Board Members Chuck Gore (Chair), Eden Konishi (Vice Chair), Kent Culberson, Steve Martin, Aaron Bates, and Leonard Raschke. Also present were Ramona Sirianni, Assistant City Attorney; and staff from the Community & Economic Development Department Matthew Lyons, Principal Planner; Phillip Scearce, Principal Planner; Joshua Cheney, Senior Planner; Todd Vargo, Senior Planner; Brandy Gillenwater, Planning Assistant; and Christelle Burrola, Office Associate. 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:** Dale Golden requests a 6.5’ variance to allow a 8.5’ rear yard setback, in lieu of the required 15’ minimum setback to allow for the construction of a new screen room with a hard roof on property located at 4331 Watkins Lane. Owner: Dale Golden. (VAR19-024)

Dale Golden did not appear before the Board to represent the request.

**Eden Konishi made a motion to continue the request to the hearing scheduled for the next month. Kent Culberson seconded the motion and it passed 6-0.**

**Item 6:** Tyler Davis and Gary Ralston request a 14’ variance to allow a 6’ rear setback in lieu of the required 20’ minimum setback in order to expand the existing office building on property located at 1723 US Hwy 98 S. Owner: 1723 US HWY 98 S, LLC. (VAR19-025)

Gary Ralston, Saunders Ralston Dantzler Real Estate, 114 N. Tennessee Avenue, stated the subject property at 1723 S. Road 98 has been vacant for some time. The building will be used as a real estate office, and the request is for the construction of a storage room on the rear of the building that will not be visible from the road or parking area.

Todd Vargo stated there are two easements on the property to the southwest that will leave 25 feet between the buildings. The property that would be most impacted by the variance is owned by the applicant.

In response to Kent Culberson, Mr. Ralston stated there will not be a raised dock door attached to the storage building, the room will mostly be used to house signs and will likely have a roll up door.

In response to Matthew Lyons, Mr. Vargo stated staff has not received any communication from the neighbors that would be directly affected by the request.

**Aaron Bates made a motion to approve the staff recommendation. Stephen Martin seconded the motion and it passed 6-0.**

**Item 7:** Martha Hawkinson requests a variance of 5’ for a zero (0) rear-setback for a screen pool enclosure, and an 8’ variance to allow a pool to be constructed 2’ from the rear property line on property located at 3964 Sunset Lake Drive. Owner: Martha and Damon Hawkinson. (VAR19-026)

Martha Hawkinson, 3964 Sunset Lake Drive, stated she would like to build a pool with a cage on her property. No other homes would be affected as the neighbors on the property to the right do not face the subject property and there is a pool in the rear yard of the property to her left.
Phillip Scearce stated the request is for two variances; a five-foot variance for 0-line setback for the pool cage and variance of eight feet for a two-foot rear yard setback. Ms. Hawkinson stated the retention pond is approximately 25 feet from the house.

In response to Eden Konishi, Ms. Hawkinson stated she has not received any objections from the property owner's association.

**Eden Konishi made a motion to approve the staff recommendation. Kent Culberson seconded the motion and it passed 6-0.**

**Item 10:**

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**Adjourned**

The meeting was adjourned at 9:20 a.m.

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Chuck Gore, Chairman

Brandy Gillenwater, Secretary
**General Information:**

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<tr>
<th>Project No:</th>
<th>VAR19-024</th>
<th>Application Date:</th>
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<tr>
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<td>Applicant Name:</td>
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**Request:**

<table>
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<th>Application Type:</th>
<th>VARIANCE</th>
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**Current**

<table>
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<tr>
<th>Zoning:</th>
<th>MF-12 (Multi-Family)</th>
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<td>Lot Dimensions:</td>
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<td>Context:</td>
<td>Suburban Neighborhood (SNH)</td>
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<td>Square Footage:</td>
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**Present Use:**

| Patio |

**Explanation of Request:**

Request a variance to expand the cement patio for the express purpose of constructing an outdoor screened room.

**Justification:**

Because our units were built so close together we need a variance for 6.5 feet.
RE: Variance Request - Project No. VAR19-024

Dear Property Owner:

This notice is to advise you that Dale Golden requests a 6.5' variance to allow an 8.5' rear yard setback, in lieu of the required 15' minimum setback to allow for the construction of a new screen room with a hard roof on property located at 4331 Watkins Lane. The subject property is legally described as:

    VILLAGE AT LAKE HIGHLAND PHASE TWO PB 119 PGS 50 & 51 LOT 68

    (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 12/3/2019 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.

    THIS IS A COURTESY LETTER NOT REQUIRED BY LAW
1.0 Background

The subject property, located in Phase Two of the Village at Lake Highland subdivision, consists of a 0.07 acre corner lot, approximately 40' wide by 78.57' deep, with an existing 1,679 sq. ft. single-family attached dwelling that was built in 2004 according to the Polk County Property Appraiser. The subject property is presently zoned MF-12 (Multi-Family) and located within the Suburban Neighborhood (SNH) context sub-district. Because the property was developed for single-family attached (townhome) dwelling units, the developed standards for the Single-Family Attached (SFA) special building type specified by Table 3.4-11 of the Land Development Code are being applied.

2.0 Discussion

The purpose of this request is to obtain variance relief which will allow for the construction of a new 8' x 27.5' screen room with a hard roof on an existing slab which will be expanded along the rear of the dwelling. Screen rooms are common features on homes in Florida and the rear yard area is the logical location for such an improvement.

Measured from the nearest point, the existing townhome is located approximately 16.4 feet from the rear property line. On the northeast, interior side, the townhome is attached through a firewall to an adjacent townhome located at 4333 Watkins Lane. When constructed, the screen room will be a minimum of 8.5 feet from the rear property line. The particular hardship suffered by the applicant is related to the depth of the lots for the single-family attached dwellings which allow very little room for additions or expansion. Within the development, a precedent has been established in which screen rooms have been permitted within rear yards as an accessory structure.

3.0 Recommendation

The requested relief is reasonable and proportionate to the degree of hardship suffered by the applicant and the minimal amount necessary to accommodate the proposed screen room enclosure. Due to a lack of viable alternatives and minimal impacts on adjacent properties, staff finds that approval of this variance will not be injurious to adjacent property owners or contrary to the public interest. Therefore, staff recommends that the request be considered for approval.
To: Mayor Mutz
Commissioner McCarley

From: Commissioner Troller, Chairman

Date: October 16, 2019

Subject: Municipal Boards Committee Meeting Notice & Agenda

A meeting of the Municipal Boards Committee is scheduled for **Friday, October 18, 2019, at 8:00 a.m., in the City Commission Conference Room.** The purpose of the meeting is to receive and act upon the following recommendation(s):

1. **Code Enforcement Board**
   *Recommendation from Jim Dehne to appoint Lolita Berrien to a three-year term, as an alternate, beginning October 21, 2019 and ending October 20, 2022.*

2. **CRA Advisory Board**
   *Recommendation from Alis Drumgo to reappoint Frank Lansford to an additional term beginning November 7, 2019 and ending November 6, 2022. Mr. Lansford is a Midtown Representative.*

3. **Zoning Board of Adjustments & Appeals**
   *Recommendation from Matt Lyons to appoint Leo Raschke, to fulfill the unexpired term of Mary Lewis, beginning October 21, 2019 and ending June 30, 2022. Mr. Raschke was an alternate.*

xc: Commissioners Franklin, Madden, Read and Walker
Palmer Davis
Tony Delgado
Shawn Sherrouse
Emily Colon
Kelly Koos
Nicole Travis
Matt Lyons
Jim Dehne