Zoning Board of Adjustments and Appeals Meeting Agenda

January 07, 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 December meeting

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

**ITEM 5:** **Jason Hagerman requests** a 2’ variance to allow an 8’ high wood privacy fence in the interior side yard, in lieu of the 6’ maximum height for fences specified by Section 4.4.3 of the City’s Land Development Code on property located at 630 W. Patterson Street. Owner: Jason Hagerman. (VAR19-028)

**ITEM 6:** **Steven Boggs requests** a 19’ variance to allow a maximum building height of 55’, in lieu of the maximum height of 36’ specified by Table 3.4-6 of the Land Development Code, in order to construct a new four-story hotel with a maximum roof height of 55’ on property located at 4225 New Tampa Highway. Owner: Sai Mataji, LLC. (VAR19-029)

**ITEM 7:** Unfinished Business

**ITEM 8:** New Business

**ITEM 9:** Adjournment
Zoning Board of Adjustments and Appeals Meeting Minutes

The Zoning Board of Adjustments and Appeals met in Regular Session on Tuesday, December 3rd, 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, Kristen Carlson, Steve Martin, Aaron Bates, Leonard Raschke, and Ellis Hirsch. Also present were Ramona Sirianni, Assistant City Attorney; and staff from the Community & Economic Development Department Matthew Lyons, Chief Planner; Phillip Scearce, Principal Planner; Joshua Cheney, Senior Planner; Todd Vargo, Senior Planner; and Brandy Gillenwater, Planning Assistant. 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 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)

Dale Golden, 4331 Watkins Lane, stated he would like to construct a screen room on the rear of his home to be able to enjoy the outdoors and be protected against the elements.

Joshua Cheney stated the property is located in the Village at Lake Highlands subdivision and is a .07-acre corner lot. The lot is 40 feet wide by 70 feet deep, with an existing 1,679 single family dwelling unit built in 2004. Because the property was developed for single-family attached townhomes, the standards applied would be for a single family attached special building type. The purpose of the request is for relief from the rear setback requirements to allow for the construction of a screen room with a hard roof on an existing slab that will be expanded on the rear of the home. Screen rooms are a common feature within the subdivision. The hardship is related to the depth of the lot allowing for little room for additions.

**Kent Culberson made a motion to approve the staff recommendation. Eden Konishi seconded the motion and it passed 7-0.**

**Item 7:**

Leonard Raschke was introduced as a new full time Board member.

**Item 8:**

**Adjourned**

The meeting was adjourned at 9:08 a.m.

Chuck Gore, Chairman  Brandy Gillenwater, Secretary
### General Information:

<table>
<thead>
<tr>
<th>Project No:</th>
<th>VAR19-028</th>
<th>Application Date:</th>
<th>11/16/2019</th>
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<tbody>
<tr>
<td>Project Name:</td>
<td>630 W PATTERSON ST_FENCE</td>
<td></td>
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<tr>
<td>Subject Property Address:</td>
<td>630 W PATTERSON ST</td>
<td></td>
<td></td>
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<tr>
<td>Parcel ID:</td>
<td>232824117500033080</td>
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<tr>
<td>Applicant Name:</td>
<td>JASON HAGERMAN</td>
<td></td>
<td></td>
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<tr>
<td>Applicant Address:</td>
<td>630 WEST PATTERSON ST</td>
<td>LAKELAND</td>
<td>FL</td>
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<tr>
<td>Owner Name:</td>
<td>JASON HAGERMAN</td>
<td></td>
<td></td>
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<tr>
<td>Owner Address:</td>
<td>630 WEST PATTERSON ST</td>
<td>LAKELAND</td>
<td>FL</td>
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### Request:

<table>
<thead>
<tr>
<th>Application Type:</th>
<th>VARIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Zoning:</td>
<td>RA-4 (Single-Family)</td>
</tr>
<tr>
<td>Context:</td>
<td>Urban Neighborhood (UNH)</td>
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<tr>
<td>Lot Dimensions:</td>
<td>50'X130'</td>
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<td>Square Footage:</td>
<td>6499</td>
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<td>Present Use:</td>
<td>Fence</td>
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</table>

**Explanation of Request:** Request for variance to install a section of 8 foot wooden privacy fence. The section is approximately 23'8" in length on or about the property line and extending 5’10” from the property line to the rear corner of the home where there was an existing 6 foot fence. Only the 5’10” section is visible from West Patterson Street.

**Justification:**

1. A deck was built in the rear yard at 630 West Patterson BEFORE the current owner purchased the property, this deck would be difficult and costly to relocate.
2. The neighboring home at 626 West Patterson Street is built in close proximity to the property line (5 feet) and sits back further than the home at 630 West Patterson. The apartment at 626 West Patterson has several windows that have a direct view of a private section of the property at 630 West Patterson. The previous 6 foot fence did not obstruct the view from those windows because the house is built with a crawl space under the home making the home sit significantly higher than the home at 630 West Patterson Street.
3. The property at 626 West Patterson has an open patio in the rear of the home that both provides a plain view of the deck space at 630 West Patterson and is within view of 630 West Patterson. This space is unsightly with a washer and dryer and multiple water heaters.
4. The back open patio at 626 West Patterson is equipped with a motion sensing flood light. This light is activated by someone walking in the backyard of 630 West Patterson Street and when initiated is an obtrusive light source onto 630 West Patterson. For this reason the small section of 8 foot fence needs to be just long enough to prevent this obtrusive light. It is not the intention of the owner of 630 West Patterson to prevent the current occupant of 626 West Patterson from having a security device such as this at their rear entrance.
5. A row of hedges or other plant is not a feasible solution in this case because of the close proximity of the main sewer line at 630 West Patterson and the gas line at 626 West Patterson.
6. 626 West Patterson is a rental property in frequent disrepair. By building this small section of 8 foot fence, the view of this eyesore and future renters is eliminated. It is evident the property at 626 West Patterson is in frequent disrepair when looking at code enforcement violations in the last two years, there has been at least 5 citations issued. (Note, 626 and 624 West Patterson are the same property.)
7. There are a number of factors UNIQUE and NOT SELF IMPOSED in this case. -placement of gas/ sewer lines, -position of buildings, -adjacent rental property, -adjacent property consistently in disrepair, -obtrusive light issue in rear, -outdoor space built prior to owners purchase
RE: Variance Request - Project No. VAR19-028

Dear Property Owner:

This notice is to advise you that Jason Hagerman requests a 2' variance to allow an 8' high wood privacy fence in the interior side yard, in lieu of the 6' maximum height for fences specified by Section 4.4.3 of the City’s Land Development Code on property located at 630 W. Patterson Street. The subject property is legally described as:

DIXIELAND PB 1 PG 67 BLK F LOT 8

(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 1/7/2020 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

<table>
<thead>
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<th>ZBAA Hearing</th>
<th>1/7/2020</th>
<th>Reviewer:</th>
<th>TODD VARGO</th>
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<tbody>
<tr>
<td>Project No:</td>
<td>VAR19-028</td>
<td>Subject Property:</td>
<td>630 W. PATTERSON ST</td>
</tr>
<tr>
<td>Owner:</td>
<td>Jason Hagerman and Elizabeth Grasa</td>
<td>Applicant:</td>
<td>Jason Hagerman</td>
</tr>
<tr>
<td>Request:</td>
<td>A 2' variance to allow an 8' high wood privacy fence in the interior side yard, in lieu of the 6’ maximum height for fences specified by Section 4.4.3 of the City’s Land Development Code on property located at 630 W. Patterson Street.</td>
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### 1.0 Background

The subject property, located at 630 W. Patterson Street, consists of a 0.15-acre interior lot, approximately 50’-wide x 130’ deep, with an existing 1,302 sq. ft. single-family detached home that was built in 1920 according to the Polk County Property Appraiser. The subject property is presently zoned RA-4 (Single-Family) and located within the Urban Neighborhood (UNH) context sub-district. The property is also within the Dixieland Historic Preservation District.

### 2.0 Discussion

The purpose of this request is to obtain variance relief which will allow for the retention of an 8’ high wooden privacy fence that was installed without a permit. The fence is located in the interior side yard, on the east side of the home, extending approximately 5 feet from the house and running approximately 20 feet along the interior side property line. The applicant’s stated hardship is related to the house next door at 626 W. Patterson Street. The neighboring house is a rental unit and is in frequent disrepair, according to the applicant.

The applicant’s property has an existing deck in the rear yard area. According to the applicant, use of the deck is hindered by an automatic security light and windows on the neighboring house which overlook the deck area. The eight-foot high fence is necessary to screen the deck from the nuisances associated with the neighboring property. According to the applicant, planting trees or hedges to block the view of the adjoining property is not a viable option due to a gas line and a sewer line which run along the east side of the property.

### 3.0 Recommendation

The particular hardship suffered by the applicant is not related to the land itself and is not unique. Because most homes within the historic district are built on elevated foundations with a crawlspace, it is not uncommon to have a lateral view into the backyard of adjacent properties when viewed from an elevated structure such as a deck. Approval of this request would establish a precedent in which variances could be considered based on code enforcement violations on adjacent properties in the absence of any hardship related to the land itself. Due to the precedent that it would establish and lack of any sort of unique hardship associated with the land itself, staff recommends that the request for a variance be denied.
**General Information:**

- **Project No:** VAR19-029
- **Application Date:** 11/26/2019
- **Project Name:** BEST WESTERN US 92
- **Subject Property Address:** 4225 NEW TAMPA HY
- **Parcel ID:** 232821000000032020
- **Applicant Name:** STEVEN BOGGS
- **Applicant Address:** 607 S ALEXANDER ST #101, PLANT CITY, FL 33563
- **Owner Name:** SAI MATAJI LLC
- **Owner Address:** 18129 PALM BREEZE DR, TAMPA, FL 33564

**Request:**

- **Application Type:** VARIANCE

<table>
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<tr>
<th>Current</th>
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<tbody>
<tr>
<td><strong>Zoning:</strong></td>
<td>O-1 (Low Impact Office) C-2 (Highway Commercial)</td>
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<td><strong>Context:</strong></td>
<td>Suburban Corridor (SCO) Suburban Special Purpose (SSP)</td>
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<td><strong>Lot Dimensions:</strong></td>
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<td><strong>Square Footage:</strong></td>
<td>478,047</td>
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<td><strong>Present Use:</strong></td>
<td>vacant</td>
</tr>
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**Explanation of Request:**

We are requesting a variance in the maximum height from 36' to 55'. The proposed building is to be 50' in height and we do not want any minor variances to hold up this development. Our site sub-districts of C-2 and O-1. There are other areas in the City where these sub-districts allow for structures up to 70' in height (in urban settings) however this area is transitioning to a more industrial use. We believe that this request follows the requirements for variances and does not hinder the area nor provide special circumstances to the applicant. We are respectfully requesting the Zoning Board of Adjustments and Appeals to approve a variance for the height from 36' to 55'.

**Justification:**

This project is for the development of a 4-story hotel along US 92. The site is approximately 2.75 acres in size. The site was previously permitted for a hotel with 50 rooms but the Best Western Corporation denied the hotel due to the limited number of rooms. In order to meet the corporate requirements, the hotel was required to expand to 70 rooms which is below the industry standard of 85-100 rooms but more than originally planned. If the requested variance is not approved the owner will not be able to construct a hotel of the size required by the corporate offices and therefore be left with land that is unsuitable for the purposed purchased.

Based upon the soil conditions, the stormwater pond is larger than normal and therefore covering more than normally required for a development of this size. This limits the size of the footprint of the building. The architect has diligently worked to limit the amount of height to keep the building as short as possible. This area has not experienced any significant development in some time. Most of the area has mobile home parks on both sides of US 92. Approximately ½ mile (2,600 LF) east of our site just past the railroad tracks is the Publix Distribution facility (a PD) on both sides of the road.

Approximately 1,800 LF east of the site on the south side of the road, before the railroad tracks, is an industrial zoned area (I-2) This area is a mix between warehousing/manufacturing and residential. There are small commercial units in the area. US 92 is an arterial collector with a posted speed limit of 45 miles per hour. This area is generally in a flux state of development with most of the improvements from the 1960s thru the 1980s.
RE: Variance Request - Project No. VAR19-029

Dear Property Owner:

This notice is to advise you that Steven Boggs requests a 19' variance to allow a maximum building height of 55', in lieu of the maximum height of 36' specified by Table 3.4-6 of the Land Development Code, in order to construct a new four-story hotel with a maximum roof height of 55' on property located at 4225 New Tampa Highway. The subject property is legally described as:

UNREC TRACTS A & B MORE PART DESC AS: SE1/4 OF NW1/4 N OF SR 600 LESS E 880 FT & LESS BEG NW COR OF SE1/4 OF NW1/4 RUN E 196.75 FT S 03 DEG 07 MIN 05 SEC E 512.56 FT S 73 DEG 32 MIN 05 SEC W 225 FT N 575.64 FT TO POB

(A COMPLETE LEGAL DESCRIPTION IS AVAILABLE IN THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT.)

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THIS IS A COURTESY LETTER NOT REQUIRED BY LAW
**1.0 Background**

The subject property, located at 4225 New Tampa Highway, is a vacant 2.76-acre lot with split C-2 (Highway Commercial) zoning and Suburban Corridor (SCO) context district, and O-1 (Low-Impact Office) zoning and Suburban Neighborhood (SNH) context district with a future land use designation of Business Park (BP). There is currently a mobile home on the property, and three accessory structures that previously stood on the property have been demolished. The property owner received a front setback variance in 2017 for a proposed hotel, which was not constructed. The applicant has submitted for site plan approval for a new 4-story hotel with 70 guest rooms at a proposed height of approximately 55’ which exceeds the 36’ maximum height required by the Suburban Corridor (SCO) standards of Table 3.4-6 of the Land Development Code (LDC).

**2.0 Discussion**

The purpose of this request is to obtain a 19’ variance for the construction of a 55’-tall 4-story hotel. The subject property is located at near the northeast corner of New Tampa Highway and Airport Road/N. Galloway Road. New Tampa Highway is an arterial corridor connecting downtown to Hillsborough County, County Line Road, and Interstate 4. While the corridor is technically within the Suburban context districts, it functions more like an urban corridor as the corridor contains a mix of industrial, commercial, and residential uses and there are large employment generators (such as Publix, Rooms To Go, and Amazon) nearby. Generally, the Urban context districts allow more intense uses.

To the north and east of the parcel is an existing mobile home park (Holiday Park) under single-ownership. To the west is a convenience store with fuel sales and a kitchen contractor showroom, and to the south (across New Tampa Highway) are commercial uses. With respect to the proposed height of the hotel and impacts to adjacent uses, the orientation of the hotel is such that guest room windows face north and south. The east elevation adjacent to Holiday Park does not contain guestroom windows. As previously mentioned, the north elevation features guest room windows; however, the hotel placement is approximately 90’ from the northern property line. In addition, there are landscaped buffers as well as a retention pond to mitigate the impacts of the proposed hotel. Therefore, staff finds the additional 19’ of building height will not be detrimental to the adjacent mobile home park.

The upper portion of the hotel consists of the parapet (approximately 6’), the fourth floor (approximately 10’) and the third floor (approximately 3’). Without the requested variance, the hotel plans would have to be amended to eliminate the entire third and fourth floors.

**3.0 Recommendation**

The amount of relief requested is the minimal amount necessary to accommodate the construction of the proposed hotel. Staff finds that an additional 19’ in building height will not be injurious to adjacent property owners or contrary to the public interest. Therefore, staff recommends that the request be considered for approval.