Zoning Board of Adjustments and Appeals
Meeting Agenda

July 02, 2019 9:00 a.m.
in the City Hall Commission Chamber

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: Florida Presbyterian Homes requests a 19'4" variance to allow a minimum setback of 8" from the S. Lakeside Avenue right-of-way, in lieu of the required 20' minimum setback specified by the PUD zoning (Ordinance 5501) and Section 4.10.2 of the Land Development Code, in order to locate a solid waste collection bin (dumpster) on property located at 909 S. Lakeside Avenue. Owner: Florida Presbyterian Homes. (VAR19-011)
ITEM 6: Jack Hall Jr's Quality Aluminum requests a 10' variance to allow a 5' rear yard setback, in lieu of the required 15' minimum setback specified by the PUD zoning (Ordinance 5705), to allow for the construction of a new screen room with a hard roof on property located at 6229 Crane Drive. Owner: Shelton Royce M. (VAR19-014)
ITEM 7: Unfinished Business
ITEM 8: New Business
ITEM 9: Adjournment

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: 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.
The Zoning Board of Adjustments and Appeals met in Regular Session on Tuesday, June 4th, 2019 in the City Commission Chamber at Lakeland City Hall 228 South Massachusetts Avenue.

Present were Board Members Chuck Gore (Chair), Kristen Carlson, Eden Konishi, Kent Culberson, and Steve Martin. Also present were Ramona Sirianni, Assistant City Attorney; and staff from the Community & Economic Development Department Matthew Lyons, Principal Planner; Phillip Scearce, Principal Planner; Todd Vargo, Senior Planner; Joshua Cheney, 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 6: Rodda Construction, Inc. requests 2’ variance to allow a 10’ high vinyl coated chain link fence and 10’ of netting along a portion of the property line abutting Lakeland Hills Boulevard in lieu of the 8’ maximum height for fences, as specified by Section 4.4.3 of the City’s Land Development Code, on property located at 1021 Lakeland Hills Boulevard. Owner: Academy Prep Foundation Inc. (VAR19-007)**

Note: Continued from April meeting.

Mark Wilson, Kimley-Horn, 116 S. Kentucky Ave, stated a portion of Academy Prep is currently under construction. The portion of the subject property that is proposed to have the higher fencing extends approximately 200 feet along the Lakeland Hills Boulevard property line.

Todd Vargo stated the subject property is located at the northeast corner of Lakeland Hills Boulevard and Memorial Boulevard. Academy Prep was approved for a conditional use in 2018 for a private school. The ten-foot high fence would be supplemented by additional ten feet of mesh. While the mesh portion does not require a variance and was not included as part of the request, it was mentioned to the Board for discussion purposes. Matthew Lyons stated the mesh would be retractable in the event of inclement weather. As a condition for approval, the chain-link fence will have to be vinyl coated, either black or green, to blend in with the environment.

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

**Item 7: Rudy Brown Construction requests a 3.8’ variance to allow for the reconstruction of a detached garage to be located 1.2’ from the south side property line in lieu of the 5’ required setback for detached accessory structures, as specified by Table 4.3-4 of the City’s Land Development Code, on property located at 2205 Cambridge Avenue. Owner: George M. Johnson, III. (VAR19-008)**

Note: Continued from April meeting.

Rudy Brown, Rudy Brown Construction, 303 Doris Drive, stated a detached garage currently exists on the property. The grade on the property naturally rises three feet from Cambridge Avenue to a swimming pool in the backyard area. The pool deck and garage are approximately 18 inches above the grade of the house and this has recently caused a water issue. Both the home and garage were built in 1924. The next steps will be to remove the garage, lower the elevation to create drainage that will move water away from home, and then reconstruct in the location the garage is currently in.

Todd Vargo stated the home was built in 1924, and the pool was constructed in 1967. The garage, as originally constructed, is wide enough for one car and aligned with an existing driveway.

In response to Kent Culberson, Mr. Brown stated the footprint of the new garage would match the footprint of the existing garage.

Chuck Gore recused himself from voting for this item. Eden Konishi made a motion to approve the staff recommendation. Kristen Carlson seconded the motion and it passed 6-0.
Item 8: Jack Hall Jr’s Quality Aluminum requests a 10’ variance to allow a 5’ rear yard setback, in lieu of the required 15’ minimum setback specified by PUD 5705, to allow for the construction of a hard roofed screen room on property located at 6003 Seagull Lane. Owner: Kenneth W. Pierce. (VAR19-010)

Dan Johnson, Jack Hall Jr’s Quality Aluminum, 3616 Waterfield Parkway, stated the screened enclosure currently exists on the property and the homeowner would like to add a solid panel roof to the existing structure. The subject property abuts a golf course, and the request has been approved by the Sandpiper Home Owners Association.

Matthew Lyons stated the development was designed with small lots that have minimal backyards.

Todd Vargo stated when the hard roof is added to the screened room, the room must meet the principal structure setbacks.

Kristen Carlson made a motion to approve the staff recommendation. Eden Konishi seconded the motion and it passed 6-0.

Item 9: Sunday Morning Homes, LLC requests a variance to allow an 8’ high wood privacy fence with 90% view blockage along the street side property line, adjacent to Hunter Street, in lieu of the 50% maximum view blockage specified by Section 4.4.3 of the City’s Land Development Code for the portion of a fence or wall that extends above four feet in height, on Property Located at 1023 S. Florida Avenue. Owner: Truly Holding LLC. (VAR19-012)

Alyssa Giampola, 1065 S. Florida Avenue, stated the eight-foot wooden panel fence was constructed behind Union Hall on the street side to block the view of back patio area. The area is too narrow to allow for the required setbacks.

In response to Eden Konishi, Ms. Giampola stated a mural will be added to the fence to help it blend into the neighborhood. Matthew Lyons stated the request for the variance is being presented after the construction of the fence and has been reviewed and approved by the Historic Preservation Planner, Emily Foster.

In response to Kent Culberson, Ms. Giampola stated the fence is 41 feet long on the street side only and does not enclose the patio. The fence only blocks the view and muffles the noise from Hunter Street.

Joshua Cheney stated the site is very narrow and the existing building was constructed in the 1920s. The subject property was recently converted from office space to a live entertainment venue. The fence was primarily constructed to provide privacy to those utilizing the outdoor seating area in the rear of the building. Ms. Giampola stated the property was graded in the rear for ADA compliance.

In response to Mr. Culberson, Mr. Cheney stated no objections were received.

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

Item 10: Jose Sandoval requests a variance from Table 3.4-1, Urban Neighborhood Standards, of the Land Development Code to allow a 10’ street side-yard setback in lieu of the required 15’ setback along Minnehaha Trail on property located at 981 Lake Hollingsworth Drive. Owner: Jose & Laurie Sandoval. (VAR19-013)

Carlos Sandoval, 981 Lake Hollingsworth Drive, stated the request is for a five-foot street side setback variance on the Minnehaha Trail side to allow for the construction of a new home.

In response to Chuck Gore, Mr. Sandoval stated the lot is irregular and the site plan reflects the best site plan possible to utilize the lot.

Phillip Scearce stated the variance is to allow a ten-foot street side setback variance in lieu of the required 15-foot minimum along the Minnehaha Trail frontage. All other setbacks will be met during the construction of the home.
Eden Konishi made a motion to approve the staff recommendation. Kristen Carlson seconded the motion and it passed 6-0.

Adjourned

The meeting was adjourned at 9:31 a.m.

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

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<thead>
<tr>
<th>Project No:</th>
<th>VAR19-011</th>
<th>Application Date:</th>
<th>5/1/2019</th>
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<tbody>
<tr>
<td>Project Name:</td>
<td>909 LAKESIDE AVE_DUMPSTER ENCLOSURE</td>
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<td>Subject Property Address:</td>
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<td>Applicant Name:</td>
<td>FLORIDA PRESBYTERIAN HOMES</td>
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<td>16 LAKE HUNTER DR</td>
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<td>FLORIDA PRESBYTERIAN HOMES</td>
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### Request:

<table>
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<th>Application Type:</th>
<th>VARIANCE</th>
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<tbody>
<tr>
<td>Current</td>
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</tr>
<tr>
<td>Zoning:</td>
<td>PUD 5501 (Planned Unit Development)</td>
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<tr>
<td>Context:</td>
<td>Urban Neighborhood (UNH)</td>
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<tr>
<td>Lot Dimensions:</td>
<td>10'2&quot; x 10'2&quot;</td>
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<td>Square Footage:</td>
<td>100</td>
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<td>Present Use:</td>
<td>Dumpster Enclosure</td>
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<tr>
<td>Explanation of Request:</td>
<td>Due to parking lot and land restrictions, the Enclosure needed has to be smaller in length and possibly depth than what is allowed.</td>
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As-built Survey

Present location.

- 8' from sidewalk to sidewall
- 10' Wide
- 10' Depth
- 4' Side Walls
- 8' Gates

We have:
RE: Variance Request - Project No. VAR19-011

Dear Property Owner:

This notice is to advise you that Florida Presbyterian Homes requests a 19’4” variance to allow a minimum setback of 8” from the S. Lakeside Avenue right-of-way, in lieu of the required 20’ minimum setback specified by the PUD zoning (Ordinance 5501) and Section 4.10.2 of the Land Development Code, in order to locate a solid waste collection bin (dumpster) on property located at 909 S. Lakeside Avenue. The subject property is legally described as:

KIBLER SUB PB 8 PG 16 BLK A LOTS 10 THRU 17 (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 7/2/2019 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

In April of 2015, the City Commission adopted Ordinance 5501 which modified the PUD (Planned Unit Development) zoning for Florida Presbyterian Homes to allow for a 20-bed expansion to an existing skilled nursing facility located at 909 S. Lakeside Avenue. As part of the expansion, a new off-street parking area was constructed at the northwest corner of W. Highland Street and S. Lakeside Avenue. Subsequent to the completion of the addition, a new 10’ x 10’ solid waste collection bin (dumpster) with an enclosure was constructed without a permit in the off-street parking area approximately 8” from the S. Lakeside Avenue property line.

2.0 Discussion

The PUD zoning for this portion of Florida Presbyterian Homes specifies a minimum street side setback of 20’ from S. Lakeside Avenue for principal buildings. Sub-Section 4.10.2 of the Land Development Code prohibits the placement of solid waste collection bins within front or street side yards. As such, a variance of 19’ 4” is requested to allow a setback of 8” from the S. Lakeside Avenue property line for the dumpster and the enclosure.

Solid waste collection bins are required to be screened from view from the right-of-way and from any adjacent residentially zoned property. Due to a significant grade differential between the surface of the parking lot and S. Lakeside Ave, the dumpster and enclosure are entirely screened from view by pedestrian and vehicular traffic. To account for the abrupt change in grade, a 4’ high black wrought-iron style aluminum fence was constructed adjacent to the sidewalk to protect any pedestrians on S. Lakeside Avenue.

3.0 Recommendation

Due to numerous site constraints, there do not appear to be any viable alternatives for relocating the dumpster and enclosure elsewhere on site without impacting ADA access or circulation within the existing parking lot. The grade differential, as previously discussed, is substantial. When combined with the 4’ high fencing, both the dumpster and enclosure are effectively screened and buffered from view by any passing pedestrian or vehicular traffic on S. Lakeside Avenue. As such, staff is not opposed to a variance given that the existing buffering measures meet the spirit and the intent of the LDC setback requirements.

The amount of relief requested is proportional to the degree of hardship and approval of a setback variance would not be contrary to the public interest. In the absence of any substantive objections from adjacent property owners, staff recommends that this request be considered for approval.
# Variance Application

## General Information:

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<th>VAR19-014</th>
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<th>5/24/2019</th>
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<tr>
<td>Project Name:</td>
<td>6229 CRANE DR_SCREEN ROOM</td>
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<td>Subject Property Address:</td>
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<tr>
<td>Applicant Name:</td>
<td>JACK HALL JR'S QUALITY ALUMINUM</td>
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<tr>
<td>Applicant Address:</td>
<td>3616 WATERFIELD PARKWAY LAKELAND FL 33803</td>
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<tr>
<td>Owner Name:</td>
<td>SHELTON ROYCE M</td>
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<td>6229 CRANE DR LAKELAND FL 338035626</td>
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## Request:

| Application Type: | VARIANCE |
| Current |
| Zoning: | PUD 5705 |
| Context: | Suburban Neighborhood |
| Lot Dimensions: | 60' x 90' |
| Square Footage: | 5400 |
| Present Use: | Concrete slab |
| Explanation of Request: | Build 10'x13'x10' screen room with solid panel roof on existing slab in rear |
RE: Variance Request - Project No. VAR19-014

Dear Property Owner:

This notice is to advise you that Jack Hall Jr's Quality Aluminum requests a 10’ variance to allow a 5’ rear yard setback, in lieu of the required 15’ minimum setback specified by the PUD zoning (Ordinance 5705), to allow for the construction of a new screen room with a hard roof on property located at 6229 Crane Drive. The subject property is legally described as:

SANDPIPER GOLF & COUNTRY CLUB PHASE THREE PB 85 PG 7 LOT 89
(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 7/2/2019 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.

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THIS IS A COURTESY LETTER NOT REQUIRED BY LAW
1.0 Background

The subject property, located in Sandpiper Golf and Country Club Phase Three, consists of a 60’ wide x 90’ deep interior lot, with an existing 2,066 sq. ft. single-family detached home that was built in 1988 according to the Polk County Property Appraiser. The subject property is presently zoned PUD (Planned Unit Development) and located within the Suburban Neighborhood (SNH) context sub-district.

2.0 Discussion

The purpose of this request is to obtain variance relief which will allow for the construction of a new screen room with a hard roof on an existing slab along the rear of the house. Screen rooms are common features on homes in Florida and the rear yard area is the logical location for such an improvement. Lots in Sandpiper, however, are relatively shallow in depth and a variance is typically required to perform any sort of addition on homes within the subdivision.

The particular hardship suffered by the applicant is related to the depth of the lots in Sandpiper subdivision. A typical lot is only 90 feet deep, which allows for very little backyard space. As such, a precedent has been established by the Board in which variances for screen rooms have been granted when a property backs up to the golf course. While this property does not abut the golf course; the lot depth is still a constraining feature of the lot.

Measured from the nearest point, the existing single-family home is located approximately 15 feet from the rear property line. When constructed, the screen room will be set back a minimum of five feet from the rear property line. To the rear, the subject property abuts another single family home. According to the applicant, the Sandpiper Golf & Country Club’s Architectural Review Committee voted in support of this request, however, at the time of publication staff does not yet have an approval letter. Staff also received a phone call on June 18th from the property owners to the rear of 6229 Crane Drive stating they have no objection to the proposed variance.

3.0 Recommendation

The hardship suffered is not the result of any action taken by the applicant. The owner has a medical condition where it is best for him to stay out of the sun, creating the need for a hard-roofed screen room. As such, the requested relief is reasonable and proportionate to the degree of hardship suffered by the applicant. The amount of relief requested is the minimal amount necessary to accommodate the proposed screen room enclosure. Due to a lack of viable alternatives, the minimal impact on adjacent properties, and a phone call from the adjoining property owner to the rear stating they have no objection, staff recommends that the request be considered for approval.