

# CITY OF LAKE WALES

Board of Adjustments and Appeals  
City Commission Chambers  
201 W. Central Ave., Lake Wales, FL 33853  
February 17, 2025 at 5:30pm

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES - Regular Meeting - February 20, 2023

Documents:

[02.20.2023DRAFT.PDF](#)

4. COMMUNICATIONS AND PETITIONS
5. NEW BUSINESS
6. Dimensional Variance 2025-01

Documents:

[BOA STAFF REPORT 104 E ST 2.17.2025.PDF](#)  
[104 E ST. LAYOUT.PDF](#)  
[104 SETBACKS.PDF](#)

This is a public meeting and the public is invited to attend. This agenda is subject to change. Please be advised that one (1) or more members of the City Commission and/or one (1) or more members of any of the City's Citizen Boards (Advisory, Authorities, and Regulatory Boards) may be in attendance and may participate in the discussions at the meeting. The Business Impact Estimate form for Ordinance 2024-01 and 2024-11 can be viewed at <https://www.lakewalesfl.gov/DocumentCenter/Index/433> or obtained from the city clerk's office.

Minutes of the Board of Adjustments and Appeals meetings can be obtained via a public records request filed with the City Clerk's Office. The minutes are recorded but are not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the board secretary to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of the duplication and/or court reporter will be at the expense of the requesting party. Persons who wish to appeal any decision made by the Board of Adjustments and Appeals with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose 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 based. In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 5:00 p.m. on the day prior to the meeting.

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**MINUTES  
BOARD OF ADJUSTMENTS AND APPEALS MEETING  
REGULAR MEETING  
February 20, 2023**

The City of Lake Wales Board of Adjustments and Appeals held a regular meeting on February 20, 2023 at 5:30 p.m. in the Commission Chambers at City Hall, 201 W. Central Ave. Lake Wales Florida.

**ATTENDANCE**

**Board of Adjustments (Shaded area indicates absence):**

Chairperson Sue Marino	James Boterf	Nancy Baker	Crystal Higbee
Patrick Corwith			

**City Staff:**

<b>Dept. of Planning and Development</b>
Autumn Cochella – Development Services Assistant Director
Jasmine Khammany- Senior Planner
Ivo Cardentey– Recording Secretary

1. CALL TO ORDER Chairperson Marino called the meeting to order at 5:30 p.m.
2. ROLL CALL – Mr. Corwith was absent.
3. APPROVAL OF MINUTES  
Regular Meeting – October 17, 2022  
Motion by Mr. Boterf to approve and Ms. Higbee seconded the motion. The minutes were approved unanimously by voice vote.
4. COMMUNICATIONS AND PETITIONS – no participants

**NEW BUSINESS**

5. DIMENSIONAL VARIANCE 22-0022

Review Staff report by Jasmine Khammany  
Begin Report:

**APPLICANT:** Kendall Phillips, P.E. on behalf of Rise Properties LLC

**ADDRESS OR LOCATION:** 1230 Scenic Hwy N  
PID: 272935000000032030

**APPROVAL REQUESTED:** Front Building Setback Dimensional Variance

**FLUM/ZONING:** IND – Industrial/ I1 Industrial Park District

**PUBLIC HEARING:** Required

End Report.

Ms. Cochella presented the staff report and advised the applicant was present for any questions the Board may have.

Mr. Palmowski, owner introduced himself to the Board and gave a presentation on his request. Mr. Boterf clarifies the request that it is a 5ft variance.

Ms. Cochella clarifies that he is encroaching into the principle building set back by 5 ft. The set back requirement for the neighborhood is 30 ft and he is asking for 5 ft relief. He would be creating a 25 ft building set back.

Ms. Baker asks for visual verification on the direction and placement of the carport.

Mr. Palmowski clarifies this for her.

Ms. Higbee asks if additional concrete will be added?

Mr. Palmowski clarifies he will need to extend a bit more so additional concrete is will be added?

Ms. Higbee asks why the carport cannot be put over what is existing?

Mr. Palmowski responds that it has too much of a slope.

Ms. Higbee clarifies his medical condition and the fact that he has fallen.

Mr. Palmowski repsonds this is correct, he has no feeling in his feet so he cannot feel if he is stepping on little rocks or water and this has caused him to fall.

Ms. Higbee then states he will pour the concrete in a way that will not cause the slope.

Mr. Palmowski confirms.

Mr. Boterf asks if he is pouring concrete on top of concrete to alleviate this?

Mr. Jody Franks with Florida Aluminum introduces himself as the contractor and explains the process to the Board of how it will be built. They will not change the elevation of what is existing. They will be expanding.

Mr. Boterf states he did drive by and did observe the issue and he also asks if the Board has further questions.

Ms. Higbee asks if there are any other homes in the area with variances.

Ms. Cochella states there is not.

Ms. Baker states it is a very diverse neighborhood.

Ms. Cochella states what the Board is charged with is making a finding that he is not able to utilize his property to its best use due to a hardship of his own making.

Mr. Boterf then opens the floor to public hearing and in seeing no movement closes the public hearing.

Mr. Bennett asks the Board that as part of the motion they include the finding that a hardship exists.

Ms. Cochella emphasizes that this is a legally recorded variance and that they put in the motion the finding of a hardship due to the cul de sac.

Ms. Baker makes a motion to approve the 5 ft variance based on existing hardships and the shape of the property.

Ms. Higbee seconds the motion.

Mr. Boterf asks for all in favor to say aye. All Board members state aye.

Mr. Boterf then calls on Mr. Corwith who has applied to be a member of the Board of Adjustments.

Mr. Bennet then clarifies to the Board that the new charge is to either make a recommendation to City Commission to either appoint or deny the applicant.

Mr. Patrick Corwith then introduces himself and gives a presentation of his background and knowledge.

Mr. Boterf makes it known that the Board agrees to recommend Mr. Corwith to be appointed to Board of Adjustments by City Commission.

The meeting adjourned at 5:51 PM.

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Ivo Cardentey, Recording Secretary

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Chairperson, Sue Marino



# City of Lake Wales

Board of Adjustments and Appeals

Staff Report

## Meeting Date and Time

Monday, February 17, 2025; 5:30PM

## Meeting Location

City Commission Chambers, City Hall  
201 West Central Avenue, Lake Wales, FL 33853

**Public Hearing:** Required – requirements have been met

**Applicant:** Charif Homes, LLC

**Variance #:** 2025-01  
PID #272935880000003080

**Description:** Side Building Setback Dimensional Variance

**FLUM/Zoning:** DD Downtown District/C-2R Commercial Residential Mix



# City of Lake Wales

## Board of Adjustments and Appeals

Staff Report

### 1. Application Request

Request of Charif Homes LLC to allow a 7-foot side building setback for the construction of a triplex, where 10 feet is required by code.

Additional variance recommended by Staff: A dimensional variance from the requirements of Table 23-422A for R-3 Multi-family (more than 3 units) to allow a triplex to be built on a 6,572 square foot lot, where a minimum of a 12,000 square foot lot is required by code for the construction of 3 or more units.

Additional variance recommended by Staff: A dimensional variance from the requirements of Table 23-422A for R-3 Multi-family (more than 3 units) to allow a 75% maximum lot coverage, where a 60% maximum is required by code.

### 2. Background and Site Information

The subject .15 acre parcel is an infill lot located within the Community Redevelopment Area II.



Aerial of 104 E St

In order to maximize on the permitted density within the Downtown District Future Land Use designation (maximum of 25 units per acre), Charif Homes proposes to build a triplex which will qualify as affordable housing.

The applicant sites that the narrow width of the lot (47.8 feet) creates a hardship which requires side setback relief. Code provides for side setback relief for single-family homes on lots less than 50 feet in width allowing for 5-foot side



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## Board of Adjustments and Appeals

### Staff Report

setbacks; however, this code provision does not apply to duplexes and multi-family structures.

Two additional variances are recommended by Staff

- 1.) Reduce the minimum lot size requirement from 12,000 square feet, to 6,572 square feet for the construction of 3 units.
- 2.) Increase the maximum lot cover from 60% to 75%.

### 3. Code References and Review Criteria

- **Sec. 23-244.2 Variance:** A variance is permission granted by the board of appeals to depart from a dimensional requirement of these land development regulations. Variances are allowed to relieve a property owner, who, because of property characteristics beyond his control, is unable to meet a dimensional requirement of these land development regulations. Waivers granted under various sections of these land development regulations are exempt from the requirements of this section.
- **a. Eligibility.** An application for a variance may be submitted to the administrative official by a property owner or his designated agent if all of the following criteria are met:
  1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
  2. The special conditions and circumstances do not result from the actions of the applicant;
  3. Literal interpretation of the provisions of these regulations would deprive the applicant of a reasonable use of his property, cause him unnecessary hardship, or deprive him of other rights commonly enjoyed by other property owners in the same zoning district;
  4. The granting of the variance would not confer on the applicant any special privileges denied to other property owners in the same zoning district;



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### Staff Report

5. The grant of the request will be harmonious with the general intent and purpose of these regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;
6. The application is for a dimensional variance and would not authorize a use otherwise prohibited by these land development regulations;
7. The variance is the minimum variance that will allow reasonable use of the property;
8. The application does not meet all of the criteria above, but environmentally sensitive areas or trees as defined in section 23-215.1 will be saved by the granting of the variance.

#### 4. Staff Comments

A variance is allowed in order to relieve property owners who are unable to meet a dimensional requirement of the Land Development Regulations due to unique property characteristics beyond their control. Property owners are only eligible for a dimensional variance if it can be demonstrated that a hardship exists which is unique and specific to the property. Staff agrees that the lot is smaller than the minimum code standard and is considered a pre-existing legally non-conforming lot.

#### **Staff findings:**

- 1.) The width and square footage of the subject lot are below the current code standard and the lot is considered pre-existing legal non-conforming.
- 2.) The substandard size of the lot is not a problem of the applicant's own making.
- 3.) A lesser intense structure such as a single-family home would still require relief from Table 23-422A.
- 4.) Approval of the requested variances allows the owner to maximize the allowed density on the parcel per the Future Land Use designation of Downtown District.



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### Staff Report

- 5.) The property is located within the Community Redevelopment Area; the construction of affordable housing is consistent with the City's Community Redevelopment Agency's plan.
- 6.) A triplex is an appropriate housing type within the Downtown District, and within the C-2R Commercial/Residential zoning district.
- 7.) The granting of the variances will allow for the reasonable use of the property.

Staff recommends approval of the following dimensional variances:

A dimensional variance from the requirements of Table 23-422A to allow a 7-foot side building setback for the construction of a triplex, where 10 feet is required by code.

A dimensional variance from the requirements of Table 23-422A for R-3 Multi-family (more than 3 units) to allow a triplex to be built on a 6,572 square foot lot, where a minimum of a 12,000 square foot lot is required by code for the construction of 3 or more units.

A dimensional variance from the requirements of Table 23-422A for R-3 Multi-family (more than 3 units) to allow a 75% maximum lot coverage, where a 60% maximum is required by code.

If the Board of Adjustment finds that the applicant meets the criteria of Section 23-244.2.a, the following conditions of approval shall apply:

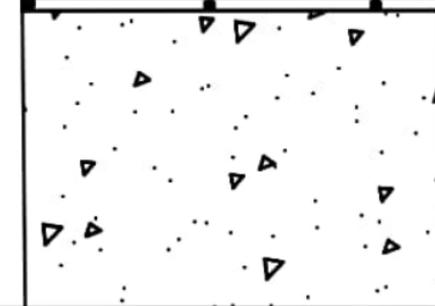
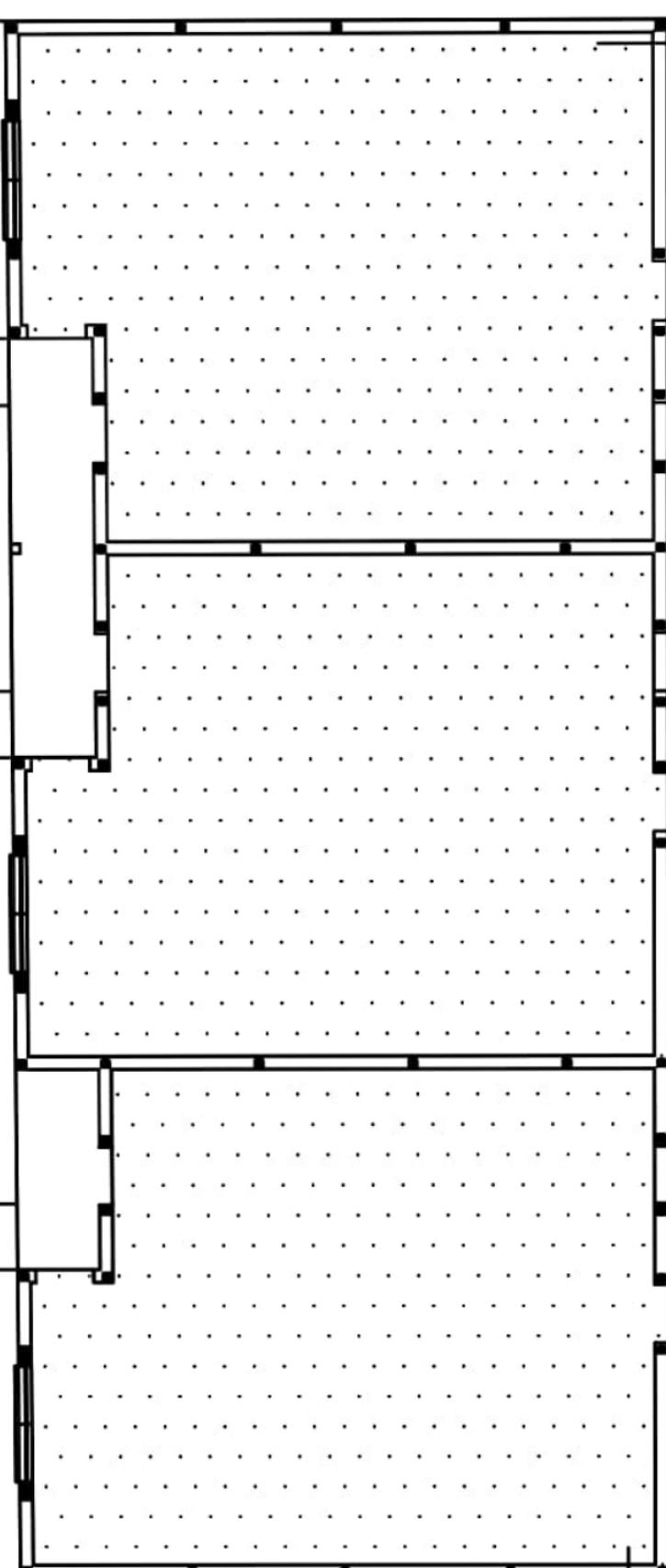
- 1.) Approval of the variances does not grant the applicant site plan approval. A survey of the lot, including a site plan with to-scale illustrations of the building and other improvements shall be submitted with the Building Permit review. Site plan shall demonstrate that all other requirements pursuant to Table 23-422A are met.

Attachment:

Conceptual site plan

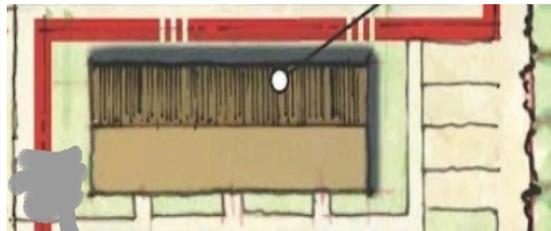
Project Narrative provided by applicant

GRAVEL  
PROPERTY LINE





## VARIANCE APPLICATION



### 1. 104 E ST. LAKE WALES FL 33853

#### A. SIDE SETBACKS ARE REDUCED FROM 10 FT FROM 7 FT.

\*Due to the width of the property (47.8 ft) being less than the normal 50 ft width. (EVEN SINGLE FAMILY HOMES WON'T FIT CURRENT SETBACK)

\*Current rule allows single family and duplex to have setbacks as low as 5 ft. if lot width is less than 50 ft. A triplex will be built.

\*Located in CRA northwest Neighborhood and property will be in the affordable housing program.

\*All other criterias are met

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Idarousse Charif Manager Charif Homes LLC