



# 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



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### 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



# City of Lake Wales

## 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;



# City of Lake Wales

## Board of Adjustments and Appeals

### 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.



# City of Lake Wales

## Board of Adjustments and Appeals

### 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