

**MINUTES
BOARD OF ADJUSTMENTS AND APPEALS MEETING
REGULAR MEETING
June 18, 2020, 9:00 AM**

The City of Lake Wales Board of Adjustments and Appeals held a meeting on June 18, 2020 at 9:00 a.m. virtually through the GoToWebinar platform.

ATTENDANCE

Planning Board Members (Shaded area indicates absence):

Chairperson Sue Marino	James Boterf	Warren Turner	Deb Solow	VACANT
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City Staff:

Dept. of Planning and Development
Autumn Cochella – Development Services Manager
Christina Adams – Recording Secretary

1. CALL TO ORDER Chairperson Marino called the meeting to order at 9:11 a.m., but due to technical difficulties the meeting officially re-started at 9:27 a.m.
2. ROLL CALL - All Board members were present virtually
3. APPROVAL OF MINUTES
Regular Meeting with a Special Time – March 21, 2019
Motion by Mr. Turner to approve and Mr. Boterf seconded the motion. The minutes were approved unanimously by voice vote.
4. COMMUNICATIONS AND PETITIONS

NEW BUSINESS

5. DIMENSIONAL VARIANCE 20-0001

Review Staff report by A. Cochella

Begin Report:

APPLICANT: Hallmark Orangemont 1, LLC, Owner
ADDRESS OR LOCATION: 401 Winston Avenue, Building I
 PID: 273011000000012030
APPROVAL REQUESTED: Front Building Setback Dimensional Variance
FLUM/ZONING: MDR – Medium Density Residential
 R-3 – Residential
PUBLIC HEARING: Required – notice requirements have been met

Application Request:

Request of Hallmark Orangemont, LLC, owner, to allow an 8-foot front setback in the rear yard of the building along the roadway for the construction of an ADA accessible addition to a portion of a building, where 30 feet is required by code.

Background Information:

Orangemont Village Apartments is an existing multi-family complex positioned between Russel Avenue to the north, Scenic Highway to the east, Winston Avenue to the South, and 4th Street to the west. The building contractor submitted plans to the Building Division which include renovations to multiple buildings, and other site improvements. During the review process, Planning recognized a proposed increase in the footprint for Building I.

According to the project manager, the building addition is necessary in order to meet the Florida Accessibility Code and USDA RD criteria to provide a two-bedroom accessible unit. Funding for the renovation of is dependent upon the complex being able to provide the availability of a two-bedroom accessible unit. Due to the layout of the existing buildings and the location of utilities on site, the project manager determined the only feasible option would be to create the addition to Building I.

Code References:

Please refer to the eligibility criteria for variances in Section 23.244.2.a.1, Section 23.244.2.a.3 and 23.244.2.b.2, which allow a variance for special conditions and circumstances that are peculiar to the land, structure or building. The Board may decide to grant a lesser variance, if the magnitude of the variance is found to be excessive.

Staff Comments:

Variances are allowed in order to relieve property owners who are unable to meet a dimensional requirement of the Land Development Regulations due to property characteristics beyond their control. Because this development has "frontage" on four roadways, all buildings external to the complex are subject to front building setbacks which can be identified as a hardship.

Staff brings this request with a positive recommendation of approval, taking into consideration that it is only a portion of the building that needs relief. The signed and sealed site plan illustrates that a 12-foot building setback will be established after the proposed addition is constructed; however, the applicant has asked for an 8-foot new established building setback. Staff recommends approval of the 12-foot established setback as shown on the site plan.

Attachments:

Reduced Overall Site Plan.

End Report.

Ms. Cochella reviewed the staff report with the Board. She stated that the property has frontage on all sides which creates a hardship and that the plans show a 12 feet setback and the applicant asked for 8 feet, but staff recommends the approval of an 11 foot established setback as shown on the site plan. Ms. Marino opened the floor to the public and after no movement she closed the public hearing and asked the Board for a motion. Mr. Boterf motioned to accept the 11 foot established setback and Mr. Turner seconded the motion. The motion was passed unanimously.

6. DIMENSIONAL VARIANCE 20-0002

Review Staff report by A. Cochella
Begin Report:

APPLICANT:	MidFlorida Credit Union, Owner Steve Semonich, RDG, Inc, Agent
ADDRESS OR LOCATION:	237 West State Road 60 PID: 273002903500012301
APPROVAL REQUESTED:	Front Building Setback Dimensional Variance
FLUM/ZONING:	RO – Residential Office PF – Professional
PUBLIC HEARING:	Required – notice requirements have been met

Application Request:

Request of MidFlorida Credit Union, owner, to allow a 55-foot front building setback where 60 feet is required by code along an arterial road with a 120-foot right-of-way width.

Background Information:

The applicant is requesting a reduction in the required front building setback for a portion of the building along State Road 60, due to the reduced lot depth recently created from the Florida Department of Transportation's (FDOT) acquisition of property along their frontage. Because setbacks are measured from the property line, the adjustment of the line inward has created a non-conforming structure.

The additional right-of-way needed by FDOT to commence the State Road 60/US Highway 27 Interchange Project created nonconforming conditions for this site. Approval of this request will prevent the removal of a portion of the drive thru canopy and the elimination of four (4) drive thru lanes, in order to create a cure for the property.

The following plans have been provided as attachments to this report for the Board to review this site in three different conditions:

- 1.) Conditions of site prior to right-of-way taking
- 2.) Conditions of site before a cure
- 3.) Future conditions after proposed cure

Additional hardships that have been created will be addressed in the Site Plan approval process when the improvements for this site move forward. These items include landscape buffer, impervious area, drive aisle width, and curb cut requirements. Relief from requirements for those items listed will be heard by the Planning and Zoning Board as Waivers of Strict Compliance and do not require Variance consideration.

Code References:

Please refer to the eligibility criteria for variances in Section 23.244.2.a.1, Section 23.244.2.a.3 and 23.244.2.b.2, which allow a variance for special conditions and circumstances that are peculiar to the land, structure or building. The Board may decide to grant a lesser variance, if the magnitude of the variance is found to be excessive.

Staff Comments:

Variances are allowed in order to relieve property owners who are unable to meet a dimensional requirement of the Land Development Regulations due to property characteristics beyond their control. Staff brings this request with a positive recommendation of approval, as it has been demonstrated that this hardship is a result of imminent domain and is not one of the applicant's own making.

Suggested Motion/Finding of Fact:

I find that this hardship is unique to this property and was not created by the applicant, and that authorizing this variance will not be contrary to the public interest, and I move to approve a reduction in the front building setback to 55-feet where 60 feet is required by code.

End Report.

Ms. Cochella reviewed the staff report with the Board. Mr. Boterf asked if MidFlorida had no choice in changing their layout due to FDOT needing additional land and Ms. Cochella confirmed that was correct as the changed would not be necessary if the front property line wasn't changing. Ms. Marino opened the floor to the public and after no movement she closed the public hearing and asked the Board for a motion. Mr. Turner motioned to approve the 55-foot setback where 60 feet was requested due to FDOT needing the additional land and Mr. Boterf seconded the motion. The motion was passed unanimously.

OTHER BUSINESS

Ms. Cochella informed the Board that there were no new items that would require a meeting in July and that the meeting may be held virtually again or may be a hybrid meeting.

The meeting was adjourned at 9:46 AM.


Attest: Christina Adams


Chairperson – Sue Marino

