



Polk County Polk County Land Use Hearing Officer

Meeting Minutes - Final

October 24, 2024 Land Use Hearing Officer meeting

**CALL TO ORDER: 1:30 P.M. OR AS SOON THEREAFTER AS THE PARTICULAR CASE
MAY BE HEARD**

MINUTES APPROVAL:

August 29, 2024 Meeting Minutes

NEW BUSINESS:

AGENDA ITEM:

LDLSE-2024-7 (Barnhorst SE)

Minutes: CASE FILE # LDLSE-2024-7

Pedro Cati, owner, requests a special exception for a commercial vehicle parking in an Agricultural/Residential Rural-X (A/RRX) land use district. The property location is 1371 Barnhorst Road, north of Anderson Road, east of Hankin Road, south of State Road 60, east of the city of Bartow, in Section 07, Township 30, and Range 26.

Erik Peterson, Land Development, presented the case and reported that 32 mailers were sent on 10/1/2024 with 7 opposition received. 2 boards were posted on 9/24/2024, and the legal ad was published in the Polk Sun on 10/9/2024.

Aleya Inglima presenting for Ian Nance, Land Development, showed a power point presentation; has a recommendation of approval and stood for questions.

The owner Pedro Cati, along with Juana Bustos, interpreter, were available to answer the LUHO questions and agree with staff recommendations and the conditions set forth if approved.

The LUHO opened the public hearing.

James Altman, 1554 Barnhorst Road, Bartow, Florida. Is in opposition of the granting of the special exception. He stated that Mr. Cati burns the trees that he cuts constantly and the smoke is very heavy.

Dough Johnson, 5979 Susan Drive, Bartow, Florida. Is in opposition because of the constant burning but is not opposed to the truck parking.

Lisa Mascagni, 1526 Barnhorst Road, Bartow, Florida. Is not in opposition to the special exception but opposed to the continues burning of trees.

The LUHO on recorded stated that she received the 7 emails/phone call in opposition.

The LUHO and Staff commented on the commercial grade driveway that will need to be completed before the vehicle is parked on the property. They also addressed the alleged second commercial vehicle on the property in which staff stated it was a code enforcement issue.

Mr. Cati, apologized for the excessive burning and stated that he will stop and comply with the rules.

The LUHO closed the public hearing.

LDLVAR-2024-38 Classic Controls Expansion

Minutes: CASE FILE # LDLVAR-2024-38

Steven Godfrey, Stitzel Engineering, applicant, requests a side and rear setback reduction in a Linear Commercial Corridor (LCC) land use district. The property location is 5095 South Lakeland Drive, south of West Pipkin Road, west of South Florida Avenue (SR37), east of Shady Lake Lane, south of the City of Lakeland, in Section 12, Township 29, and Range 23.

Erik Peterson, Land Development, presented the case and reported that 28 mailers were sent on 10/1/2024 with no response. 1 board was posted on 10/7/2024, and the legal ad was published in the Polk Sun on 10/9/2024. He proceeded to show a power point presentation; has a recommendation of approval and stood for questions.

The applicant, Steven Godfrey of Stitzel Engineering, was available to answer questions and agrees with staff recommendations. He stated that the owner needs to stay competitive in his line of business and this expansion will help him do so. He stated that by doing the work inhouse and not having to send it out elsewhere it will save him time and money.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

LDLVAR-2024-39 (Catfish St Variance)

Minutes: CASE FILE # LDLVAR-2024-39 - Continued to 11/12/24

David Cochran, applicant, requests a side setback reduction in a Rural Cluster Center-Residential (RCC-R) land use district. The property location is 172 Catfish Street, north of Buoy Street, east of Bass Street, south of Lakeview Drive North, east of the city of Dundee, in Section 19, Township 28, and Range 29.

LDLVAR-2024-41 Hirsch Variance (PUD 73-28)

Minutes: CASE FILE # LDLVAR-2024-41

Theodore Hirsch, owner, requests a primary structure Right of Way (ROW) setback reduction in a Residential Low-1X (RL-1X) land use district. The property location is north of Interstate 4, south of Commonwealth Avenue SW, east of Highway 33 North, west of Bailey Road, enclosed by the city of Polk City in Section 06, Township 27, and Range 25.

Erik Peterson, Land Development, presented the case and reported that 26 mailers were sent on 10/1/2024 with no response. 1 board was posted on 9/27/2024, and the legal ad was published in the Polk Sun on 10/9/2024.

Kyle Rogus, Land Development, showed a power point presentation; has a recommendation of approval and stood for questions.

The owner, Theodore Hirsch, was available to answer questions and agrees with staff recommendations. He stated that he spoke to both neighbors on either side and they don't have an issue as it will not impact their view. He also stated that when it rains it floods and that addition would help the water flow, also said that it will protect them from the rain when getting out of the car.

The LUHO opened the public hearing.

Rollie Hill, HOA Director, 5005 Northshore Drive, Polk City, stated that (he) is against the granting of the variance due to the deed restriction that the homeowner agreed to when he purchased the property. He also stated that there is a 10 foot private utility easement on the property that he would be encroaching.

Staff stated that the easement is in the Right of Way (ROW) and won't be encroached by this request.

Lynn Newman, 5045 Mt. Olive Shores, Polk City is also in opposition to the granting of the variance.

Mr. Hirsh stated that there were other variances approved in the past and if they don't approve this one, it will be discrimination.

The LUHO closed the public hearing.

LDLVAR-2024-42 (Patterson Road - Nickerson Variance)

Minutes: CASE FILE # LDLVAR-2024-42

Sallie Nickerson, owner, requests a rear accessory setback reduction in a Residential Low-4X (RL-4X) land use district. The property location is Lot C20 of West View Ridge Resorts, Inc., east of Highway 27, west of Orchid Drive, north of Bates Road, south of Patterson Road, east of Haines City, in Section 17, Township 27, and Range 27.

Erik Peterson, Land Development, presented the case and reported that 90 mailers were sent on 10/1/2024 with no response. 1 board was posted on 10/7/2024, and the legal ad was published in the Polk Sun on 10/9/2024. He proceeded to show a power point presentation; has a recommendation of approval and stood for questions.

The owner's brother Craig Zink was available to answer questions and agrees with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

ADJOURNMENT:

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Minutes: 2:47 PM