



Polk County Polk County Land Use Hearing Officer

Meeting Minutes - Final-revised

April 25, 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: March 28, 2024

CONTINUED:

LDLVAR-2024-6 (Buggy Rd Variance) Continued

OLD BUSINESS:

LDLVAR-2023-65 (Ali Variance)

Minutes: CASE FILE # LDLVAR-2023-65

Lee Feizul Ali, owner, requests a variance for an accessory structure side setback reduction, in a Residential Low-1 (RL-1) land use district. The property location is 6718 Broken Arrow Trail S., south of Red Fox Run, east of Tomahawk Trail, west of Lakeland Highlands Road, Lakeland, in Section 20, Township 29, and Range 24.

Erik Peterson, Land Development, presented the case and reported that 16 mailers were sent on 4/10/2024 with 1 response in opposition 25 letters in support, 1 board was posted on 4/1/2024, and the legal ad was published in the Lakeland Ledger on 4/12/2024.

Chanda Bennett, Comprehensive Planning, showed a power point presentation; has a recommendation of denial and stood for questions.

The owner, Lee Ali and his wife Lindsey Ali, was available to answer questions and does not agree with staff's recommendation. She stated that the granting of the variance will not be injurious to the area involved or detrimental to the public welfare. Mrs. Ali gave a thorough presentation on all areas of criteria of granting the variance. Mrs. Ali, referenced discrepancies on building permit BR-2021-2693 on the setbacks portion of the application. She also referenced approved variance LDLVAR-2023-3 and LDLVAR-2023-57 which is similar to her variance application.

The LUHO had questions on the exhibits presented and on each section of the criteria.

Chanda redirected the LUHO stated that she is not Ian Nance's supervisor and has no conflict of interest.

The LUHO opened the public hearing.

Fred Nance, 6714 Broken Arrow Trail S., next door neighbor is in opposition of granting of the variance. He showed a photo showing water coming down from the adjacent property. He stated that damage was made from the contractors when the pole barn was built and he had to fix the damage. He stated that the gutters will not help with the rain runoff as it is greater than before the building of the pole barn. He stated that his well can be submersed and loose water.

The LUHO had questions for staff.

The LUHO closed the hearing.

NEW BUSINESS:

AGENDA ITEM:

LDLVAR-2023-43 (River Ranch Height Variance)

Minutes: CASE FILE # LDLVAR-2023-43

Andrew McCown, applicant, requests a height variance in a Leisure/Recreation (L/R) land use district. The property location is 3200 River Ranch Boulevard, south of State Road 60, west of the Kissimmee River, east of River Ranch Boulevard, River Ranch, In Section 23, Township 31, and Range 31.

Erik Peterson, Land Development, presented the case and reported that 323 mailers were sent on 4/10/2024 with no response, 1 board was posted on 4/9/2024, and the legal ad was published in the Lakeland Ledger on 4/12/2024.

Mark Bennett, Land Development, proceeded to show a power point presentation; has a recommendation for approval and stood for questions.

The applicant, Andrew McCown from GAI Consultant, showed a power point presentation, was available to answer questions and agrees with staff recommendations.

The LUHO added the applicant's presentation as applicant's exhibit 1.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

LDLVAR-2024-4(Grand Canal Drive) Variance

Minutes: CASE FILE # LDLVAR-2024-4

Marjorie Delores Morand, owner, requests a variance for a rear primary setback reduction in a Pre-Development of Regional Impact (DRI) land use district and in Planned Development 98-12 (PD 98-12). The property location is 417 Grand Canal Drive, lot 382 of Solivita Subdivision Phase IIIA, south of Walnut Street, east of Marigold Avenue, north of Via Veneto Court, west of Grand Canal Drive, Poinciana, in Section 24, Township 27, and Range 28.

Erik Peterson, Land Development, presented the case and reported that 35 mailers were sent on 4/10/2024 with no response, 1 board was posted on 4/9/2024, and the legal ad was published in the Lakeland Ledger on 4/12/2024.

Malissa Celestine, Land Development, proceeded to show a power point presentation; has a recommendation of approval and stood for questions .

The owner, Marjorie Morand, 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.

LDLVAR-2024-9 (Lake Millsite Dr. W) Variance

Minutes: CASE FILE # LDLVAR-2024-9

Nancy Oliva, owner, requests a variance for a side setback reduction for an accessory structure in a Residential Low-3 (RL-3) land use district. The property location is 1310 W. Lake Millsite Drive, south of Crystal Beach Road, north of Sheffield Road, east of Old Bartow Eagle Lake, west of Highway 17 North, Lakeland, in Section 11, Township 29, and Range 25.

Erik Peterson, Land Development, presented the case and reported that 14 mailers were sent on 4/10/2024 with no response, 1 board was posted on 4/5/2024, and the legal ad was published in the Lakeland Ledger on 4/12/2024.

Malissa Celestine, Land Development, proceeded to show a power point presentation; has a recommendation of approval and stood for questions.

The owner, Nancy Oliva, was available to answer questions and agrees with staff recommendations. She stated that if variance is not granted she would have a great financial loss and will be homeless because she has nowhere else to go.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO close the public hearing.

LDLVAR-2024-10 (ABC Fine Wine and Spirits Variance)

Minutes: CASE FILE # LDLVAR-2024-10

Allyson Williams, applicant, requests a variance for alcohol distance requirements in a Linear Commercial Corridor (LCC) land use district. The property location is S Florida Avenue, north of Shepherd Road, west of S Florida Avenue, east of Old Highway 37, Lakeland, in Section 23, Township 29, and Range 23.

Erik Peterson, Land Development, presented the case and reported that 20 mailers were sent on 4/10/2024, with no response, 1 board posted on 4/5/2024, and the legal ad was published in the Lakeland Ledger on 4/12/2024.

Aleya Inglima, Land Development, proceeded to show a power point presentation; has a recommendation of approval and stood for questions.

The applicant, Allyson Williams, 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.

LDLVAR-2024-12 (Berkley Corner 3PS)

Minutes: CASE FILE # LDLVAR-2024-12

Asmaa Nor, applicant, requests a variance to for alcohol distance requirements in a Neighborhood Activity Center (NAC) land use district. The property location is 1115 Berkley Road, northwest corner of State Road 559 (Berkley Road) and County Road 546 (Old Dixie Highway), North of U.S. Highway 92, east of the Polk Parkway (SR 570), Auburndale, in Section 22, Township 27, and Range 25.

Erik Peterson, Land Development, presented the case and reported that 37 mailers were sent on 4/10/2024, with no response, 2 boards were posted on 4/9/2024, and the legal ad was published in the Lakeland Ledger on 4/12/2024. He proceeded to show a power point presentation; has a recommendation of approval and stood for questions .

The applicant Asmaa Nor, was available to answer questions and agrees with staff recommendations.

The LUHO opened the public hearing.

Michael Newbern, 2140 Kirkland Lake Dr., Auburndale, and surrounding property owner is in opposition to the granting of the variance .

Dale Strickland, 116 Area Shores Dr., Auburndale is in opposition to the granting of the variance.

The LUHO closed the public hearing.

ADJOURNMENT:

Minutes: Adjourned @ 5:22 PM