

RESPONSE TO COMMENTS RE:
APPLICATION/REAPPLICATION
FOR VARIANCE

TO: Chanda Bennett
Polk County Land Development Division
Email: ChandaBennett@polk-county.net

FROM: Lee Ali

DATE: December 1, 2023

RE: Response to Chanda Bennett's Comments
Application/Reapplication for a Variance
Case #LDLVAR-2023-65

Property Owner

Lee Ali
6718 S. Broken Arrow Trail
Lakeland, FL 33813
Phone #863-661-4900

Property Owner's Representative

A.Brent Geohagan, Esq.
Geohagan Law
1960 E. Edgewood Drive
Lakeland, Florida 33803
Phone #863-665-6930
Email: abrent@geohaganlaw.com

(below intentionally left blank for use of approving authority)

Applicant's Response to Comments

You submitted comments, dated November 27, 2023, regarding my above-referenced application/reapplication for a variance. As requested, I provide the following responses in order of the "Comment ID" #'s, as follows:

*Response to Comment ID #1: As can be seen from the illustration attached to my application/reapplication, the downspouts that will be incorporated with and as part of the gutter(s) to be installed are away from the fence that borders my property and my neighbor's property, so that any water runoff will be even further redirected away from my neighbor's property, and even more so than with a five (5) feet setback and no accompanying gutter. I expect to introduce this and/or any other evidence/testimony that may be necessary or sufficient to substantiate the foregoing at the hearing before the Honorable Land Use Officer.

-and-

*Response to Comment ID #2: It is at least my understanding that it is typical and usual for the County to require this form to be signed by contractors involved in all similar type permits for such construction as this pole barn and otherwise (I was not asked to sign it; and it is not signed by me); and that such may otherwise be particularly applicable if the criteria for a variance cannot/could not ultimately be satisfied. Nonetheless, and maybe most importantly, the contractor only made the referenced signed acknowledgement to/with the County and did not make the signed acknowledgement to/with me, so that I have no legal standing to even attempt to enforce his signed acknowledgement to/with the County against him for my benefit or in my favor. To that extent and otherwise, the contractor has not provided me an indication that he would even consider doing so. And to be fair, even if he volunteered and were willing, he more than likely would only be willing to cover such to a limited degree, since the work and materials necessary for doing so would much more than likely go materially up and above what was required to put in the existing pole barn. To that extent, as set forth in my application/reapplication: "Moreover, the concrete slab constituting the foundation of the pole barn was already there and in existence as-is at its exact current location when [I] purchased [my] home in 2000, and would need to be materially

deconstructed and/or partially demolished and rebuilt, along with the roof and removal and replacement of the poles supporting the barn to a substantial degree, even though there is no material difference in any impact the pole barn will have on the neighbor's property or otherwise with a one (1) foot setback compared to a five (5) feet setback." Respectfully though, either way, I believe that my application/reapplication for a variance under these circumstances satisfies the applicable criteria for approval whether the pole barn, as it is now, were in existence -or- whether it had not yet been built but was being proposed as it is now and with the same dimensions.

If I can provide you any further information and/or answer any further questions, please do not hesitate contacting me! THANK YOU!