

**MINUTES**  
**BOARD OF ADJUSTMENTS AND APPEALS MEETING**  
**SPECIAL MEETING**  
**January 20, 2021, 9:00 AM**

The City of Lake Wales Board of Adjustments and Appeals held a special meeting on January 20, 2021 at 9:00 a.m. via hybrid in the Commission Chambers at City Hall, 201 W. Central Ave. Lake Wales Florida and through the GoToWebinar platform

**ATTENDANCE**

**Planning Board Members (Shaded area indicates absence):**

Chairperson Sue Marino	James Boterf	Nancy Baker	VACANT	VACANT
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**City Staff:**

<b>Dept. of Planning and Development</b>
Mark J. Bennett – Development Services Director
Autumn Cochella – Development Services Manager
Christina Adams – Recording Secretary

1. CALL TO ORDER Chairperson Marino called the meeting to order at 8:59 a.m.
2. ROLL CALL - All Board members were present
3. APPROVAL OF MINUTES  
Regular Meeting – September 17, 2020  
 Motion by Mr. Boterf to approve and Ms. Baker seconded the motion. The minutes were approved unanimously by voice vote.
4. COMMUNICATIONS AND PETITIONS

**NEW BUSINESS**

5. RE-CONFIRMATION OF DIMENSIONAL VARIANCE 20-0003

Review Staff report by A. Cochella  
 Begin Report:

**APPLICANT:** Maria Del Carmen Revelo, Owner  
**ADDRESS OR LOCATION:** 802 Osceola Ave  
 PID: 273001898001001010  
**APPROVAL REQUESTED:** Front Building Setback Dimensional Variance  
**FLUM/ZONING:** MDR – Medium Density Residential  
 R-1B – Residential  
**PUBLIC HEARING:** Required – notice requirements have been met

End Report.

Ms. Cochella reviewed the staff report with the Board. This item was previously heard and approved at the September 2020 meeting, but unknown to staff, one of the voting members' term had expired. Ms. Marino asked the Board if they had any questions or comments and

hearing none, she asked the Board for a motion. Mr. Boterf made a motion to approve this item and Ms. Baker seconded the motion. The item was approved unanimously by a vocal vote.

#### 6. DIMENSIONAL VARIANCE 20-0004

Review Staff report by A. Cochella

Begin Report:

<b>APPLICANT:</b>	John Castelli, Owner
<b>ADDRESS OR LOCATION:</b>	4131 Muirfield Loop PID: 272918865152000080
<b>APPROVAL REQUESTED:</b>	Rear Building Setback Dimensional Variance
<b>FLUM/ZONING:</b>	LDR – Low Density Residential R-1B – Residential
<b>PUBLIC HEARING:</b>	Not Required

End Report.

Ms. Cochella reviewed the staff report with the Board. Mr. Boterf stated that he visited the property and spoke with the owner and that the porch is existing and the owner is wanting to cover with a hard roof. He stated this Board has approved many of these requests and that he moves for the Board to accept this variance request. Ms. Marino stated this was her first case and that she usually does not vote against staff recommendation, but this time she will. Ms. Baker stated that she is a member of the Lake Ashton Homeowners Association and liaison to their ARC committee and the Lake Ashton HOA attorney has stated this would be a conflict of interest for her so she would be unable to vote.

Ms. Cochella stated this should have been discussed prior as a vote without Ms. Baker would not make a voting quorum. Per City rules if there is a conflict of interest the Board member would need to submit a recusal form and leave the room for that item. She stated this item would need to be tabled for lack of quorum. Ms. Baker asked if staff could reach out to the City Attorney for his judgment on if this would be a conflict of interest. Ms. Cochella stated this Board is charged with finding a hardship and that presented and approved items wouldn't be a detriment to the community. Ms. Marino asked when the City Commission meeting would be held where Mr. Turner may be re-appointed to the Board and if a meeting could be held after. Mr. Boterf asked if there could be a special meeting for this item and staff informed the Board that due to legal advertising deadlines and Board member availability, it would be discussed.

#### 7. DIMENSIONAL VARIANCE 20-0005

Review Staff report by A. Cochella

Begin Report:

<b>APPLICANT:</b>	JSK Consulting, Agent
<b>ADDRESS OR LOCATION:</b>	0 Chalet Suzanne Rd PID: 272915000000043050
<b>APPROVAL REQUESTED:</b>	Front Building Setback Dimensional Variance
<b>FLUM/ZONING:</b>	RAC – Residential Activity Center C-2 – Commercial
<b>PUBLIC HEARING:</b>	Required – notice requirements have been met

End Report.

Ms. Cochella reviewed the staff report with the Board. Matt Johnson was in attendance virtually. Mr. Johnson stated that due to this being a County road the right of way is very wide. He stated they were requesting the variance as there is wetlands along the backside of the property. Mr. Boterf asked what would change if the variance was denied and the project did have to move back 15 feet and Mr. Johnson stated they would have to impact the wetlands or flood plain area to accommodate the site plan and that they have contacted the wetland district and are trying to preserve as much as possible. Mr. Boterf asked if the site plan included showed the reduced setback and Mr. Johnson stated yes as the reduced setback is in keeping with the zoning district, however, the setback requirements change based on the size of the right of way along Chalet Suzanne Road.

Mr. Boterf stated that there was a large amount of development going on along this roadway and as a main road it would need all the space possible to carry future traffic. He stated he was not in favor of granting his variance and Ms. Baker stated she agreed with Mr. Boterf's assessment. Ms. Marino disagreed saying it was a business that our town needs. She stated the business wouldn't be right on the road and this setback would be acceptable anywhere else. She stated the pond and wetlands area would cause an elimination of the business and the Board should be positive going forward. Ms. Baker asked if other variance had been approved along this road for other business and Ms. Cochella stated not within this specific area and that there would still be a 100-foot setback and the Board would need to state a finding of fact that this would be a detriment.

Mr. Boterf made a motion to deny this item and there was no second. Ms. Marino made a motion to accept and approve this variance and Ms. Baker seconded the motion. The item did not pass as there was not a quorum vote in either direction.

#### OTHER BUSINESS – Discussion of Recommendation of Warren Turner's Re-Appointment

Ms. Marino stated that Mr. Turner had been a valuable member to this Board and doesn't recall a meeting that he was unable to attend. She stated he does his research and would like to make a recommendation to City Commission for approval of his re-appointment and Mr. Boterf seconded the motion.

The meeting was adjourned at 9:26 AM.



Christina Adams, Recording Secretary



Chairperson, Sue Marino

