

**MINUTES
BOARD OF ADJUSTMENTS AND APPEALS MEETING
REGULAR MEETING
February 18, 2021, 10:00 AM**

The City of Lake Wales Board of Adjustments and Appeals held a regular meeting on February 18, 2021 at 10:00 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	Warren Turner	VACANT
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City Staff:

Dept. of Planning and Development
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 10:00 a.m.
2. ROLL CALL - All Board members were present
3. APPROVAL OF MINUTES
Special Meeting – January 20, 2021
Motion by Ms. Baker to approve and Mr. Boterf seconded the motion. The minutes were approved unanimously by voice vote.
4. COMMUNICATIONS AND PETITIONS – no participants

NEW BUSINESS

5. DISCUSS BOARD APPLICATION: CRYSTAL HIGBEE

Ms. Higbee applied to serve on the Board of Adjustment and Appeals and per new City Commission guidelines all applicants must appear before the Board prior to a recommendation for appointment.

Ms. Marino asked Ms. Higbee if there was any particular reason that she was interested in the Board and she responded that she wants to help look into situations for developments that are turned down. Ms. Marino stated that the Board wants what is best for Lake Wales and tries not to turn down many requests. Ms. Higbee stated that she understands there will be a lot to learn and she takes pride in her commitments.

Mr. Boterf made a motion to recommend her application to City Commission for appointment and Ms. Baker seconded the motion. The motion passed unanimously by a vocal vote.

6. DIMENSIONAL VARIANCE 20-0004

Review Staff report by A. Cochella
Begin Report:

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

End Report.

Ms. Cochella reviewed the staff report with the Board. Ms. Marino stated she would say the same thing as the last meeting, which was that the Board had already accepted many similar requests within the same neighborhood and in her opinion could not turn this request down. With no further comments, she asked the Board for a motion. Mr. Boterf made a motion to approve the variance and Ms. Baker seconded the motion. The dimensional variance was approved unanimously.

7. DIMENSIONAL VARIANCE 20-0005

Review Staff report by A. Cochella
Begin Report:

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

End Report.

Ms. Cochella reviewed the staff report with the Board. Matthew Johnson, the project Engineer, was in attendance virtually. Mr. Boterf stated that he takes exception to this item as it would shorten the road with other development coming and asked what would happen if they met the requirement. Ms. Cochella explained the request was for a reduction in front building setback to 35 feet where 50 feet is required and that the Board is charged with reviewing how the variance would affect the community or if its approval would be a detriment. Mr. Boterf stated he used to do similar work and it would be virtually non-costly to move the project back 15 feet towards the pond. Ms. Cochella clarified that it is a protected wetland area not a pond and it does qualify as a hardship, but the Board chooses what action to take on that hardship. Ms. Marino stated that she understands Mr. Boterf's concern may be a more personal as he lives along the same road, but she believes the item should be approved.

Mr. Turner asked if there were any plans to widen the road and Ms. Cochella responded that the County currently does not have plans to expand as there is no proposed development to trigger major improvements but that the City is coordinating closely with the County. Mr. Turner asked if there were plans to widen Thompson Nursery road as it is across Hwy 27 from Chalet Suzanne Road and Mr. Bennett responded that the road currently operates at an acceptable level of

service and has decreased from 2016 to 2019. Ms. Baker stated that this type of business would not cause a high amount of traffic and that approving this variance would be okay with her. Mr. Boterf stated that he understands things are different at Ashton Lake and that any resident of that neighborhood is given a variance. Ms. Baker stated where she lives has no impact on how she votes and that she did not see how a 35-foot front building setback was detrimental particularly when the County believes it may be 20 years until the road may be widened.

Mr. Turner asked if the variance was denied would the applicant push the project back and fill in part of the wetland and Ms. Cochella stated it is not easy to fill in a wetland, but that the engineer was on the line. Mr. Johnson stated that this property's area includes a lot of wetlands that would require an extreme cost and extreme impact to the wetlands to push the project back and that the underlying zoning of this property allows for a 35 foot front building setback, however, the road classification and size requires a larger setback of 50 feet. He stated there would still be 70 feet from the edge of pavement to the site so the reduced setback, which would still present a visual open area. Mr. Turner asked if the variance was denied if the project would be made smaller and Mr. Johnson said he could not answer that for the owner, but they may look at a new location.

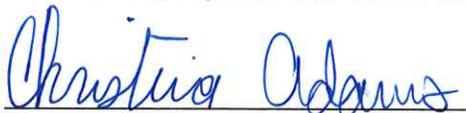
Mr. Boterf stated if the project area was pushed back that 15 feet it would catch the edge of the retention ponds and would not move into the FEMA line if the pond size was decreased. Ms. Baker stated that she recently was involved in an ordeal with the Lake Ashton Community with encroaching wetlands and it is a very complex and expensive process that is most often not approved. She stated the area was not a retention pond but a wetland area and wetlands are to be preserved. Mr. Boterf asked if there was currently water in the pond and Mr. Johnson responded that the wetland area is currently wet.

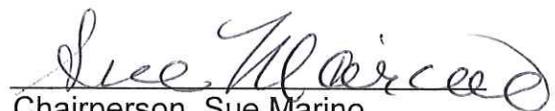
Mr. Boterf made a motion to deny the request and there was no second. Ms. Marino made a motion to approve the dimensional variance of a reduced front building setback and Ms. Baker seconded the motion. Three Board members voted to approved the item and one member declined, but the motion did pass.

OTHER BUSINESS – Discussion of Possible Meeting Day and Time Change

Ms. Cochella stated that staff was proposing the idea of a day and time change as it may be a reason for the participation issue with applicants and members. Ms. Marino made a motion to change the meeting day to the third Monday of every month at 5:30 PM and Ms. Baker seconded the motion. The meeting day and time change was approved unanimously.

The meeting adjourned at 10:35 AM.


Christina Adams, Recording Secretary


Chairperson, Sue Marino

