

**EAGLE LAKE PLANNING COMMISSION
REGULAR MEETING
MONDAY, MARCH 01, 2021 at 6:30 P.M.
TO BE HELD IN THE COMMISSION CHAMBERS,
LOCATED AT 675 E EAGLE AVE
EAGLE LAKE, FLORIDA 33839**

AGENDA

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. ROLL CALL

V. STAFF REPORTS

VI. PUBLIC HEARING

- A. Consideration of a variance request made by Alvis Michele Baker, owner of the property located at 133 S. Bingham St., Eagle Lake, FL.

VII. OLD BUSINESS

VIII. NEW BUSINESS

IX. CONSENT AGENDA

- A. Approval of the Planning Commission Minutes -----02/01/2021

X. AUDIENCE

XI. PLANNING COMMISSION

XII. ADJOURNMENT

Please be advised that if you desire to appeal any decisions made as a result of the above hearing or meeting, you will need a record of the proceedings and in some cases a verbatim record is required. You must make your own arrangements to produce this record. (Florida Statutes 286.0105)

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact City Clerk Dawn Wright at 75 North Seventh Street, P.O. Box 129, Eagle Lake, Florida 33839 or phone (863) 293-4141 within 2 working days of your receipt of this notification; if you are hearing or voice impaired, call 1-800-955-8771.

POSTED AT CITY HALL AND THE EAGLE LAKE POST OFFICE ON
TUESDAY, FEBRUARY 23, 2021 BY CITY CLERK DAWN WRIGHT, MMC, FCRM, PHRP

VARIANCE APPLICATION
City of Eagle Lake
75 North 7th Street, Eagle Lake, FL 33839
Phone: (863) 293-4141

Fee Amount \$ 300.00 Date Received _____
Received By _____ Receipt # _____

FEE IS NON-REFUNDABLE

The following information is required for submission of a variance application. It is important that all information be complete and accurate when submitted to the City. Please print or type the requested information below.

Property Identification

Property Address or General Location: 133 S. Bingham St. Eagle Lake, FL 33839
Present Use of the Property: Single Family Residence
Existing Structures Located on the Site: See attached detail
Parcel ID 25-29-12-357710-001030 Total Acreage 0.19
Legal Description of Property See Attached Detail

Describe the variance you are requesting: See Attached detail

Variance from Code Section Chapter Dimensional Requirements Article 1 Sec 2.5.1.10. general

Applicant must address the criteria listed on page 3 of this application, to support the request.
(Use sheet that is provided, or use other sheets if necessary)

I hereby depose and say that all the above statements and information contained in all of the exhibits transmitted are true.

Applicant Name Alvin Michael Baker Signature: Alvin Michael Baker
Mailing Address 133 S. Bingham St. Eagle Lake, FL 33839
Phone 863-412-4663 E-Mail Address ammstrong@gmail.com
(If applicant is not the owner, a notarized letter of authorization is required)
Name of Representative, if applicable _____
Mailing Address _____
Phone _____ E-Mail Address _____

A SURVEY COPY MUST BE ATTACHED, TOGETHER WITH A SKETCH OF THE REQUEST.

SPEAKING LIMITATIONS: All speakers shall be limited to no more than five (5) minutes, unless the speaker requests planning staff for additional time, no less than 48 hours prior to the public hearing. In the event speaker(s) request additional time, the determination of the amount of time to be allowed shall be at the discretion of the Chair, but in no event shall speaker be allowed to speak longer than 15 minutes. This time limitation shall not apply to presentations made by the city staff and/or their consultants.

VERBATIM TRANSCRIPT MAY BE REQUIRED TO APPEAL: Any person deciding to appeal any decision made by the Planning Commission, with respect to any matter considered at such meeting, will need a record of that proceeding, and for such purpose, may need to ensure that a verbatim record be made which record includes the testimony and evidence upon which the appeal is to be made.

SPECIAL ACCOMMODATIONS: In accordance with the American with Disabilities Act (ADA), any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the City Clerk at 863-293-4141 at least four days prior to the meeting.

APPEALS OF DECISIONS: Should the Planning Commission deny the request, it is up to the applicant to apply to the circuit court within 30 days.

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OFFICE USE ONLY:

ZONING DISTRICT: _____

CODE SECTION: _____

DATE OF HEARING: _____

DATE HEARING ADVERTISED: _____

VARIANCE REQUEST: _____

*City of Eagle Lake
Land Development Regulations*

Sec. 6.3.1.20. - Evaluations.

1. The planning commission shall render a decision based on the following criteria:
 - A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - B. Special conditions and circumstances do not result from the actions of the applicant.
 - C. Granting the variance will not confer any special privilege on the applicant that is denied by this section to other lands, buildings, or structures in the same zoning district.
 - D. The literal interpretation of the provisions of this section would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
 - E. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - F. Granting the variance will be in harmony with the general intent and purpose of this section and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
2. The planning commission may impose reasonable conditions or restrictions on any variance it grants.

Please explain how your request satisfies these criteria:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. (Example: There is a sinkhole on part of the property; or the lot is irregularly shaped)

See Attached detail.

2. Special conditions and circumstances do not result from the actions of the applicant. (Example: The property or structure was nonconforming when the applicant purchased it.)

See Attached detail.

3. Granting the variance will not confer any special privilege on the applicant that is denied by this section to other lands, buildings, or structures in the same zoning district. (Example: Allowing a three-story structure in a zone that only allows for two-story structures would confer a special privilege on the applicant)

See Attached detail.

4. The literal interpretation of the provisions of this section would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant. (Example: Forcing setbacks on a parcel with a welland so that the applicant cannot build their house)

See Attached detail.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure. (Example: If a 5-foot variance to a setback will allow the homeowner to build, then a 10 foot variance will not be granted)

See Attached detail.

6. Granting the variance will be in harmony with the general intent and purpose of this section and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. (Example: Allowing a 5 foot variance to the front setback is in harmony with the general intent of setbacks and will not cause injury to the area or be detrimental to the public welfare.)

See attached detail.

**ALVIS MICHELE BAKER
VARIANCE APPLICATION
DETAIL**

Existing Structures on the Site

One-story concrete block house; screened porch; privacy fence, and a wood storage shed.

Legal Description of Property (Current)

Starting at the Northeast corner of Section 12, Township 29, South, Range 25 East, Polk County Florida, run thence South along the East boundary of Section 12, 922.10 feet; then South 69° 46' West 154.53 feet for the Point of Beginning, thence North 134.40 feet; thence South 69° 46' West 90.59 feet; thence South 134.40 feet; North 69° 46' East 90.59 feet to the Point of Beginning, LESS AND Except right-of-way of Bingham Street.

Legal Description of Property (Pending Transaction of Land Purchase from Joanne Smith Mcleod, 892 square feet, more or less)

Starting at the Northeast corner of Section 12, Township 29, South, Range 25 East, Polk County Florida, run thence South along the East boundary of Section 12, 922.10 feet; then South 69° 46' West 154.53 feet for the Point of Beginning, thence North 134.40 feet; thence South 69° 46' West 90.59 feet; thence South 134.40 feet; North 69° 46' East 90.59 feet to the Point of Beginning, LESS AND Except right-of-way of Bingham Street

and

Commencing at the Northeast corner of Section 12, Township 29, South, Range 25 East, Polk County, Florida, run thence South 00°00'00" along the East boundary of said Section 12, 922.10 feet; Thence run South 69°46'00" West a distance of 108.05 feet to the Point of Beginning; continue South 69°46' West, 154.43 feet; Thence run North 00°00'00" East, 34.40 feet being a concrete monument found at the North right of way line of Bingham Street South also being the POINT OF BEGINNING; Thence continue to run North 00°00'00" East, 99.99 feet to a concrete monument found at the Northeast corner of the unrecorded Lot 2 as part of FROEMKES Replat a subdivision as recorded in Plat Book 30, Page 26 of the Public Records of Polk County, Florida; Thence run South 10°49'17" East, a distance of 95.13 feet to the said North Right of Way line; Thence run South 69°49'00" West a distance of 19.00 feet to the Point of Beginning.

Description of the Variance Requested

The Applicant requests the following:

- A 5' variance setback of the southern side yard to extend the existing exterior concrete block wall 13.25' to support new roof trusses, as the Applicant aspires to replace the existing, troublesome, and deteriorating flat roof and screened porch in their entirety;

- A 2' variance setback of the southern side yard, from the point of the planned concrete wall extension to within five feet of the western rear yard, to accommodate a straight versus slanted installation of a screen pool enclosure;
- A 5' variance setback of the western rear yard to accommodate installation of an in-ground swimming pool with accompanying screen enclosure, and
- A 5' variance setback of the northern side yard to accommodate replacing the existing wood shed with a metal building of sufficient size to house and secure from the view of others a trailer, two ATVs, a boat with trailer, and other personal property. The replacement shed is not presently designed; however, it is envisioned it will be 17' wide, 25' long, and include a 12' foot header with metal roll-up doors.
 - Note: To accommodate construction of the metal building, the Applicant intends to purchase a triangular shaped piece of property from the neighbor to the north Joanne Smith McLeod, who resides at 115 S. Bingham Street. Although the purchase transaction remains pending, the Applicant is hopeful same will soon come to fruition.

Explanation of How Applicant's Request Satisfies Criteria

1. *Special Conditions and Circumstances Peculiar to the Land, Structure, or Building* - The Applicant's lot is irregularly shaped with an expansive frontage and narrowing, highly restrictive southern side and western rear yard, which is evidenced by the attached Survey prepared by Cypress Land Survey's Inc. certified December 17, 2020.
 - Note: The December 17, 2020 certified survey depicts the property as it exists today, as well as denotes the amended property line and parcel description that is contingent upon execution of the property purchase described above.
2. *Special Conditions and Circumstances Attributed to the Actions of the Applicant* – The Applicant opines the property in question was likely non-confirming with RS-2 zoning when purchased in 2005. The referenced survey attached likewise confirms the existing fence is well within the property boundary on the southern side yard. Moreover, it appears there is an encroachment of the Applicant's property to the south.

At this time the Applicant respectfully requests the opportunity to be granted favorable consideration of the described variance setbacks to allow for the attainment of the highest and best use of our property absent encroachment on others.

3. *Granting the Variance Will not Confer Any Special Privilege on the Applicant* – A cursory review of neighboring properties suggests the Applicant will not confer any special privilege by way of the described variance request being graciously obliged.
4. *Literal Interpretation of the Provisions Would Deprive the Applicant of Rights Commonly Enjoyed by Other Properties in the Same Zoning District Under the Terms of this Chapter and Would Work Unnecessary and Undue Hardship on the Applicant* – Other property owners in the area and same zoning district have remodeled their homes, as well as added ancillary structures, such as a swimming pool with screen enclosure and metal sheds; the Applicant merely seeks to do the same.

The Applicant's desire in requesting this setback variance is to provide for an upgrade of the quality of the resident structure, which will serve as a forever-retirement home; extend the southern exterior wall to support roof trusses, as well as establish a greater degree of privacy; install a pool with screen enclosure friends, family, and four grand-children can enjoy for years to come, and install a metal shed that will negate the need to park equipment in the yard, thereby improving area aesthetics.

Planning for this initiative began in 2019, with the Applicant and spouse making a conscious decision to remain in Eagle Lake and remodel the home the Applicant's spouse was raised in, rather than relocating to another area. Unfortunately, the Applicant and spouse functioned under the premise the setbacks were 5' and learned of the error late 2020, after in excess of \$8,700 in planning costs were incurred.

The sole objective in pursuing a setback variance is to be granted the same consideration as others, i.e. permission to proceed with garnering the highest and best use of personal property owned. Needless to say, anything less than a favorable determination in this instance would adversely impact the Applicant financially and emotionally, because this is home!

5. *The Variance Granted is the Minimum Variance that will Make the Reasonable Use of the Land, Building or Structure* – The Applicant is of the opinion the requested side and rear yard variance setback are reasonable and non-detrimental to neighboring properties.
6. *Granting the Variance will be in Harmony with the General Intent and Purpose of this Section and that such Variance will not be Injurious to the Area Involved or Otherwise Detrimental to the Public Welfare* – Given the requested variance is applicable to the side and rear yards, the majority of which would be contained within a privacy fenced area, that which is requested and proposed is envisioned to be favorable and harmonious to the neighborhood and fellow property owners.

Signature of Preparer: Alvis Michele Baker
Alvis Michele Baker

Date Prepared: January 16, 2021

:amb

CITY OF EAGLE LAKE
75 N 7TH STREET
EAGLE LAKE, FL 33839

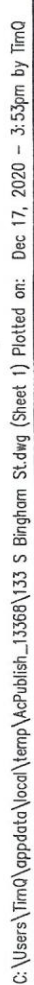
Sales Receipt

| DATE | SALE NO. |
|----------|----------|
| 1/6/2021 | 3558 |

| |
|----------------------|
| SOLD TO |
| ALVIS MICHELLE BAKER |

| CHECK NO. | PAYMENT METH... | PROJECT |
|-----------|-----------------|---------|
| 4283 | Check | |

| DESCRIPTION | QTY | RATE | AMOUNT |
|---|-----|--------------|----------|
| VARIANCE APPLICATION - 133 S BINGHAM ST | | 300.00 | 300.00 |
| Sales Tax - Polk County | | 7.00% | 0.00 |
| | | Total | \$300.00 |



Prepared by: CYPRESS LAND SURVEY'S, INC. * 702 Avenue "A", N.W.
Winter Haven, Florida 33881-3139 Phone (863) 299-8165 Fax (863) 294-4301
Stephen E. Whitaker, P.L.S. - Florida License & Reg. # L.S. 3053 & L.B. 4980
CYPRESSLAND@MSN.COM WWW.CYPRESSLAND-SURVEYS.COM

EAGLE LAKE PLANNING COMMISSION
REGULAR MEETING
MONDAY, FEBRUARY 01, 2021 at 6:30 P.M.
COMMISSION CHAMBERS,
LOCATED AT 675 E EAGLE AVE
EAGLE LAKE, FLORIDA 33839

I. CALL TO ORDER

Chairwoman Metosh called the meeting to order at 6:30 p.m.

II. INVOCATION

Commissioner Eriksen gave the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG

The Commission and audience said the Pledge of Allegiance to the Flag.

IV. ROLL CALL

PRESENT: Spofford, Eriksen, Metosh

ABSENT: Roe

V. STAFF REPORTS

There were no Staff Reports.

VI. PUBLIC HEARING

- A. Consideration of a variance request made by Alvis Michele Baker, owner of the property located at 133 S. Bingham St., Eagle Lake, FL.

The variance is unable to be heard as we do not have the necessary quorum to proceed. This will be added to the March Planning Commission Agenda.

VII. OLD BUSINESS

There was no Old Business.

VIII. NEW BUSINESS

- A. Election of Chairperson

MOTION was made by Commissioner Eriksen and seconded by Commissioner Spofford to nominate Commissioner Metosh as Chairperson.

Chairwoman Metosh asked for discussion; there was none.

The vote was as follows:

AYES: 3

NAYS: 0

B. Election of Vice-Chairperson

MOTION was made by Chairwoman Metosh and seconded by Commissioner Spofford to nominate Commissioner Eriksen as Vice Chairperson.

Chairwoman Metosh asked for discussion; there was none.

The vote was as follows:

AYES: 3

NAYS: 0

C. Consideration of The Ranches at Lake McLeod Phase 2(Central Ranches) Plan Review

MOTION was made by Commissioner Eriksen and seconded by Commissioner Spofford to recommend approval of The Ranches at Lake McLeod Phase 2 (Central Ranches) Plan Review to include the City Engineers comments and forward to the City Commission for approval.

Chairwoman Metosh asked for audience and Commission discussion there was none.

The roll call vote was as follows:

AYES: Spofford, Eriksen, Metosh

NAYS: None

IX. CONSENT AGENDA

A. Approval of the Planning Commission Minutes -----12/07/2020

MOTION was made by Commissioner Spofford and seconded by Commissioner Eriksen to approve the Planning Commission Meeting Minutes of 12/07/2020.

Chairwoman Metosh asked for audience and Commission discussion; there was none.

The vote was as follows:

AYES: 3

NAYS: 0

X. AUDIENCE

There were no comments from the audience.

XI. PLANNING COMMISSION

There were no comments from the Planning Commission.

XII. ADJOURNMENT

MOTION was made by Commissioner Eriksen and seconded by Commissioner Spofford to adjourn at 6:33 p.m.

The vote was as follows:

AYES: 3

NAYS: 0

CHAIRWOMAN MICHELLE METOSH

ATTEST:

CITY CLERK DAWN WRIGHT