

EAGLE LAKE PLANNING COMMISSION
REGULAR MEETING
MONDAY, AUGUST 2, 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., City of Eagle Lake, Florida.

VII. OLD BUSINESS

VIII. NEW BUSINESS

IX. CONSENT AGENDA

- A. Approval of the Planning Commission Minutes -----06/07/2021

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
MONDAY, JULY 19, 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 5 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 Alyis Michelle Baker Signature Alyis Michelle Baker
Mailing Address 133 S. Bingham St. Eagle Lake, FL 33839
Phone 863-412-4663 E-Mail Address ammstrayner@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 wetland 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
July 7, 2020

Existing Structures on the Site

One-story concrete block house with swimming pool shell.

- Note: The house is presently being remodeled and will eventually include a finished pool with screen enclosure and concrete block garage.

On March 1, 2021, the City of Eagle Lake Planning Commission acting as the "Board of Adjustment" voted 4-0 to approve a rear yard dimensional variance of 5', to allow 5' in lieu of 10' as required in Table 2.5.1.10 (a) of the Land Development Regulations, and side yard dimensional variance of 3', to allow 2' in lieu of 5' as required in Table 2.5.1.10 (a) of the Land Development Regulations for the City of Eagle Lake. This action has enabled us to proceed with our residential remodel plan.

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 a 6' variance setback of the front yard dimensional requirement to allow for the construction of a gabled front porch, which will replace a flat, nominal sized overhang and serve as a more functional and aesthetically pleasing entry to our remodeled home. The gabled front porch will be lesser in size than that which is reflected on the attached Site Plan. It will measure 10' deep and 14'3" wide. Moreover, if the herein requested variance is approved, a 19' front yard setback will be maintained.

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 as is evidenced by the attached survey prepared by Cypress Land Survey's Inc. and certified on December 17, 2020. Albeit an expansive lot frontage is evident, such is highly restrictive in that it contains a 60' right-of-way and a 25' front yard setback established for houses zoned RS-2.
 - o 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 pending final execution of the prior identified property purchase. It is anticipated the property purchase will be fully executed late July or August 2021.

2. *Special Conditions and Circumstances Attributed to the Actions of the Applicant* - The Applicant acknowledges the need and importance for rights of way, to allow for access to public utilities and roadways, as well as the intent for establishing setbacks in order to sustain an element of continuity in residential and commercial construction.

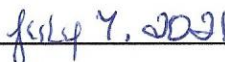
At this time, the Applicant is endeavoring to enact major improvements in the quality and integrity of the residential property in total and respectfully requests the opportunity to be granted favorable consideration of the described front yard variance setback, which will allow us to attain the highest and best use of our property without compromising or in any way encroaching upon public entity access or the properties of 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, and the Applicant merely seeks to do the same. The sole objective in pursuing a front yard setback variance is to be granted permission to proceed with the long planned and much desired total remodel of our 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 front yard variance setback is reasonable and non-detrimental to public entities and 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* - The requested front yard variance setback will be favorable and harmonious to the neighborhood and fellow property owners, and it will not in any way be detrimental to public welfare.

Signature of Preparer: _____


Alvis Michele Baker

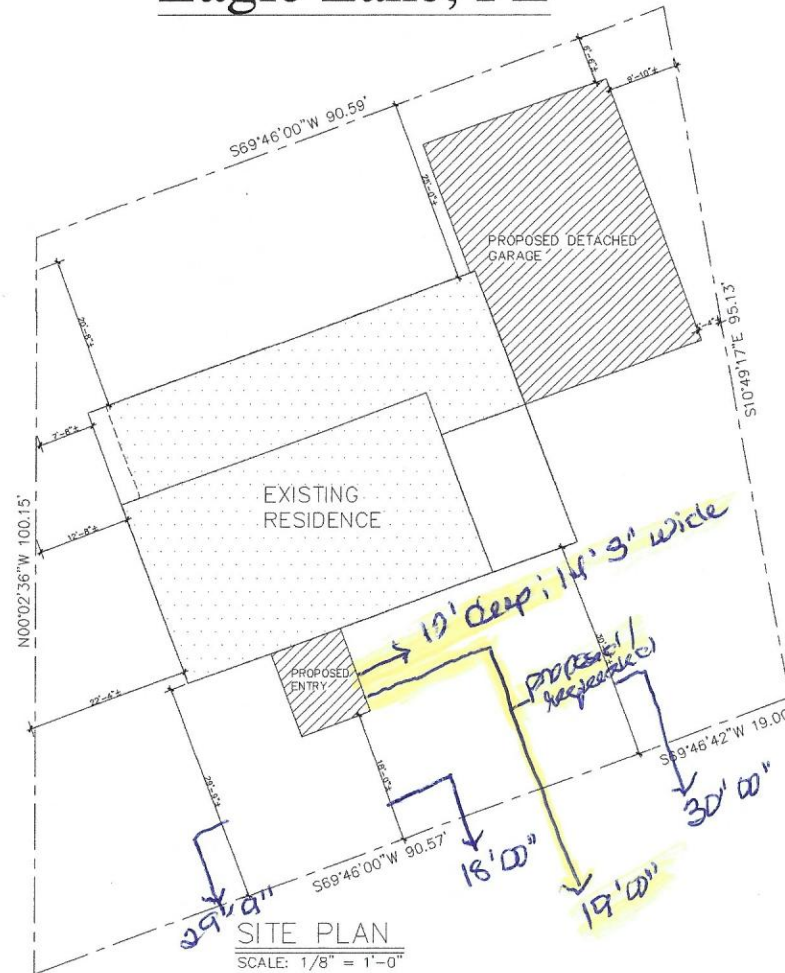
Date Prepared: _____



:amb

Attachments - March 2021 Variance Approval
Site Plan
Survey

A HOME ADDITION FOR: Baker Residence 133 S. Bingham St Eagle Lake, FL



CODE CRITERIA	
FLORIDA BUILDING & RESIDENTIAL CODE 7TH EDITION (2020)	
NFPA 70-17, NATIONAL ELECTRICAL CODE (NEC) & 7TH FBRC Ch. 34-43	
BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE - (ACI 318-11)	
SPECIFICATIONS FOR STRUCTURAL CONCRETE - (ACI 309-10)	
BUILDING CODE REQUIREMENTS FOR MASONRY STRUCTURES - (ACI 530-13)	
WIND LOAD CRITERIA	
WIND SPEED (ULTIMATE)	140 MPH
WIND SPEED (ALTERNATE)	105.0 MPH
EXPOSURE CATEGORY	B
BUILDING RISK CATEGORY	B
BUILDING TYPE	V
ENCLOSURE CLASSIFICATION	ENCLOSED
INTERNAL PRESSURE COEFFICIENT	0.18

FL PE Name: Kent M. Blos
FL PE # 50421
FL COA # 30468



05/18/21
CONTRACTOR TO VERIFY ALL AREA
CALCULATIONS AND DIMENSIONS BEFORE
STARTING CONSTRUCTION.

3045 Cypress Gardens Rd
Winter Haven, FL 33884
(888) 324-4657
Draftingdesignservice.com
Since 1978
Drafting Design Service, Inc.

NOTES:

Baker Residence
133 S Bingham St
Eagle Lake, FL 33839
CLIENT



DRAWING NO. **221096**
DATE: April, 2021
Cover Sheet
SHEET
1 OF 9

SECTION 12, TOWNSHIP 29 SOUTH, RANGE 25 EAST EAGLE LAKE, POLK COUNTY, FLORIDA

FROEMKES REPLAT
PLAT BOOK 30,
PAGE 26

LOT 13
PARCEL I.D.# 252912
359010 001130
DEAN A HROBAR
160 SOUTH
SHORE DRIVE

ONE STORY
CONCRETE
BLOCK (160)

LOT 3
PARCEL I.D.# 252912
357710 001040
LAMONA A RIVERA
215 S BINGHAM ST

ONE STORY
CONCRETE
BLOCK WITH
STUCCO (215)

LOT 12
PARCEL I.D.# 252912
359010 001120
PAUL J MCCRUM
LAVONNE MCCRUM
130 SOUTH
SHORE DRIVE

ONE STORY
CONCRETE
BLOCK (130)

LOT 2
ONE STORY
CONCRETE
BLOCK (133)

PARCEL I.D.# 252912
357710 001030
133 S BINGHAM ST

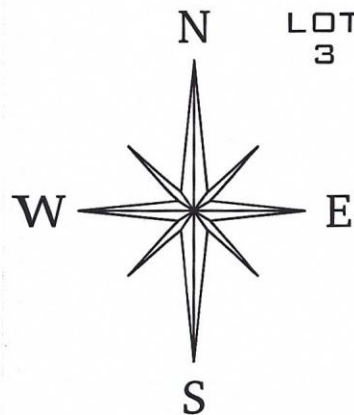
Point of
Commencement

Northeast corner of Section 12,
Township 29 South, Range 25 East
No Corner Found or Set

ONE STORY
CONCRETE
BLOCK (115)

PARCEL I.D.# 252912
357710 001020
JOANNE SMITH MCLEOD
CHRISTINE MCLEOD CASHMAN
SAMUEL H MCLEOD
115 S BINGHAM ST

LOT 1



SCALE IN FEET

1 Inch = 30 Feet

SURVEYOR'S NOTE'S :

- Boundary Survey with limited improvements - field work completed 12 - 14 - 2020.
- Bearings based on the North Right-of-Way of Bingham Street South, having a bearing of S69°46'42"W, as assumed.

(133) BINGHAM STREET SOUTH

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

Sales Receipt

DATE	SALE NO.
7/7/2021	4050

SOLD TO
ALVIS MICHELLE BAKER

CHECK NO.	PAYMENT METH...	PROJECT
4356	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



CITY OF EAGLE LAKE

"Growing With People In Mind"

75 N. 7th Street, P.O. Box 129, Eagle Lake, FL 33839

Phone (863) 293-4141

Fax: (863) 294-3590

City of Eagle Lake
Planning Commission/Board of Adjustment
Variance Approval

March 2, 2021

Subject: Variance Approval Letter

Ms. Alvis Michele Baker
133 S. Bingham St.
Eagle Lake, FL 33839

Dear Ms. Baker:

As follow-up to the meeting on March 1, 2021, the City of Eagle Lake Planning Commission acting as the "Board of Adjustment" voted 4-0 to approve variance request for property located at 133 S. Bingham St., Eagle Lake, FL 33839. The specific variance approved is as follows:

A variance from the City of Eagle Lake to allow the variance request made by Alvis Michele Baker, owner of the property located at 133 S. Bingham St., Eagle Lake, Florida and to grant a variance to allow a rear yard dimensional variance of 5' (five feet) to allow 5' (five feet) in lieu of 10' (ten feet) as required in Table 2.5.1.10 (a) of the Land Development Regulations for the City of Eagle Lake and approve a side yard dimensional variance of 3' (three feet) to allow 2' (two feet) in lieu of the 5' (five feet) as required in Table 2.5.1.10 (a) of the Land Development Regulations for the City of Eagle Lake.

The City of Eagle Lake Planning Commission acting as the "Board of Adjustment" found the above request to be consistent with the criteria put forth in Section 6.3.1.20 of the City of Eagle Lake Land Development Code and made a finding that the granting of the variance will be in harmony with the general purpose and intent of the applicable provisions of the Land Development Regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare nor in conflict with the purpose and intent of the Comprehensive Plan.

All construction/building plans shall be in accordance with the plan submitted with the zoning variance application as presented to the Board. Please submit a copy of this letter with any future building permit applications.

Best regards,

Michelle Metosh
Planning Commission Chairman

EAGLE LAKE PLANNING COMMISSION
REGULAR MEETING
MONDAY, JUNE 7, 2021 at 6:30 P.M.
COMMISSION CHAMBERS,
675 E EAGLE AVE
EAGLE LAKE, FLORIDA 33839

I. CALL TO ORDER

Vice Chair Eriksen 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: Aleman, Spofford, Roe, Eriksen

ABSENT: Metosh

City Clerk Wright advised the Commission that Chairwoman Metosh notified her she was unable to attend the meeting tonight.

V. STAFF REPORTS

There were no Staff Reports.

VI. PUBLIC HEARING

A. Consideration of a variance request made by Tina Grace, owner of the property located at 626 Squires Grove Drive, City of Eagle Lake, Florida.

Angel and Tina Grace of 626 Squires Grove Dr, requested a variance for their property.

MOTION was made by Commissioner Spofford and seconded by Commissioner Roe to approve a front side street dimensional variance of 2' (two feet) to allow 6' (six feet) in lieu of 4' (four feet) in height to construct a fence as regulated in Sec. 2.1.2.90 of the LDR's for the City of Eagle Lake, Florida and to approve a variance for a utility shed to be located in the front side street yard as regulated in Sec. 2.1.2.20 of the LDR's for the City of Eagle Lake, Florida. All other setbacks for accessory uses will be required. (Example: 5' front P.L. and 5' from house)

Vice Chairman Eriksen asked for Commission and audience discussion; there was none.

The roll call vote was as follows:

AYES: Aleman, Spofford, Roe, Eriksen

NAYS: None

VII. OLD BUSINESS

There was no Old Business.

VIII. NEW BUSINESS

There was no New Business.

IX. CONSENT AGENDA

A. Approval of the Planning Commission Minutes -----05/03/2021

MOTION was made by Commissioner Spofford and seconded by Commissioner Roe to approve the Planning Commission Meeting Minutes of 05/03/2021.

Vice Chairman Eriksen asked for audience and Commission discussion; there was none.

The vote was as follows:

AYES: 4

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 Roe and seconded by Commissioner Spofford to adjourn at 6:34 p.m.

The vote was as follows:

AYES: 4

NAYS: 0

VICE CHAIRMAN ERIKSEN

ATTEST:

CITY CLERK DAWN WRIGHT