

City of Lake Alfred
120 E. Pomelo Street
Lake Alfred, FL 33850



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Community Development

Building | Code Enforcement | Planning | Zoning

AGENDA

**BOARD OF ADJUSTMENT MEETING
CITY HALL**

**FEBRUARY 27, 2018
REGULAR MEETING 5:00 P.M.**

CALL TO ORDER: CHAIRMAN IKE FOUNTAIN

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL: MAMIE DRANE, ADMINISTRATIVE ASSISTANT

APPROVAL OF MINUTES: AUGUST 22, 2017

BUSINESS ITEMS

1) PUBLIC HEARING: CONSIDER A SPECIAL EXCEPTION TO ALLOW THE SALE OF ALCOHOL AT A RESTAURANT LOCATED AT 1504 LAKE ALFRED RD.

PUBLIC COMMENTS

BOARD MEMBER COMMENTS

ADJOURN

Any person who decides to appeal any decision of the Board of Adjustment with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities needing special accommodations to participate in this proceeding should contact the City Clerk no later than five days prior to the proceeding at (863) 291-5748.

DRAFT MINUTES
BOARD OF ADJUSTMENT MEETING
AUGUST 22, 2017
REGULAR MEETING 5:00 P.M.

CALL TO ORDER: CHAIRMAN IKE FOUNTAIN

INVOCATION AND PLEDGE OF ALLEGIANCE VICE CHAIR JOYCE SCHMIDT

Those in attendance were Chair Ike Fountain, Vice Chair Joyce Schmidt, Rick Roach, and Irving Spokony. Also in attendance were Community Development Director Ameen Bailey, and Administrative Assistant Mamie Drane.

Board Members absent: Wanda Daley and William Castle

Chair Ike Fountain asked for if there were any discussions.

Board Member Roach made an inquiry about the City being contacted further regarding Mr. Garrett's request from the last meeting.

Director Bailey stated that to date the City hasn't had any correspondence from him. She sent Mr. Garrett a letter and asked the Code Enforcement to visit him to address any concerns he may have. The tent has been removed and nothing else has been done.

Board Member Spokony made a motion to approve the minutes, from the April 25, 2017 meeting, seconded by **Board Member Roach**. The motion was approved by unanimous voice call vote.

BUSINESS ITEMS

- 1) **PUBLIC HEARING: CONSIDER A REQUEST FOR VARIANCE FROM TABLE 2.04.01(B) OF THE LAKE ALFRED UNIFIED LAND DEVELOPMENT CODE RELATING TO SETBACKS, FILED BY RONALD POWELL OWNER OF 605 E. PIERCE ST.**

Community Development Director Bailey stated the variance request presented today is for 605 E Pierce Street. Staff sent thirty one (31) mailers as well as posting a legal add in the paper August 10th 2017. The City did receive one or two phone call but there were no opposition to the variance request.

The address on E Pierce St. has a land use of low density, and the zoning is R1-A, single family residential. The house was built in 1975 and the owner is Ronald Powell. The owner is requesting a setback variance from 2.04.01B for a storage room. The Table of Development Standards lists the setbacks for R1-A as thirty (30) feet from the front, fifteen (15) feet from the back and ten (10) feet from the sides. The requested setbacks are in the front, it is a corner lot that has two fronts. The property is located on the corner of Pierce St. and Tower Ave. within a

developed subdivision near the Lake Alfred Elementary School and the Presbyterian Church. This area is a traditional open subdivision with crisscrossing streets. This setup creates many corner lots. Due to the layout of the streets, houses may face either the north-south street or the east-west street. Therefore there is not a conforming setback in this area. The house faces Pierce St. The owner has requested a reduction in the setbacks along Tower Ave. They have requested a reduction from 30' street (front on Towner Ave. S) setback to 11'. A reduction of 19', however it would be consistent with a typical side-yard setback for this zoning district and neighboring properties. The requested variance is the minimum variance necessary according to the proposed site plan submitted by the applicant. The proposal is compatible with the surrounding area.

The property owner applied for a permit for a pool enclosure, shed, and shed storage room. During the footer inspection the Building Official realized that the new driveway portion would be covered rather than an open driveway. He informed the owner that they would need a variance for the additional work. (Proposed changes and new proposed view map within the application).

Staff Recommendation: Staff recommends approval of the requested variance with the following conditions.

1. Approval of this variance shall only apply to the proposed enclosed storage room attached to the existing home.
2. Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with ULDC. Therefore. Any other additions or structures placed on the property shall be required to meet the setback requirements of the R-1A zoning district or obtain another variance.
3. The applicant shall apply for the necessary building permits for the proposed structure by August 22, 2018.

Chairman Fountain Opened the floor for public comments.

Board member Roach made a motion to grant the variance request as presented, with the staff conditions of approval, after hearing competent substantial evidence that meets all the variance criteria set forth; and hereby authorize the Chairman to sign a Development Order to be recorded in Polk County Public Records. The motion was seconded by **Board Member Spokony**. The motion was approved by unanimous voice call vote.

Chair Fountain asked if there were any other questions and there were none. Therefore, the meeting was adjourned at 5:19.

Respectfully Submitted,

Mamie Drane
Administrative Assistant

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Business Item No. 1 CONSIDER A SPECIAL EXCEPTION TO ALLOW THE SALE OF ALCOHOL AT A RESTAURANT LOCATED AT 1504 LAKE ALFRED RD.

REQUEST:

The applicant is requesting the ability to serve alcohol at a restaurant located at 1504 Lake Alfred Rd. Section 2.03.01 (2) of the ULDC states that the sale of alcohol in a restaurant shall be permitted by Special Exception in C-2, C-3, M-1, I-1, and I-2 districts subject to the following standards:

- (a) More than 50% of the establishment's revenues are derived from the sale of food.
- (b) All public entrances of the establishment are located at least 600 feet from a church, day care center or public school.
- (c) All public entrances of the establishment are located at least 150 feet from any residentially zoned property. This measurement shall be taken from the main entrance of the business to the main entrance of the residence on such property, measured by the path of travel. This distance shall not apply to a vacant residential property.
- (d) Points of ingress/egress to the property connect to a road having a functional classification of "Collector" or higher.

PROPERTY INFORMATION:

Legal Description:	S1/2 OF N1/2 OF U S LOT 3 E OF ST RD 17 & W OF ACL RR LESS S 401PT79 FT AND THAT PART DESC AS BEG INT OF S R/W OF US 17-92 & W R/W OF RR RUN NELY ALONG RD R/W 70 FT SWLY AND PARALLEL TO W R/W OF RR 655 FT W 50 FT TO W R/W OF RR NELY ALONG R/W 610 FT TO POB LESS THAT PART LYING IN N1/4 OF SE1/4
Parcel ID:	26-28-05-000000-023040
Size (acres)	1.4 ac
Existing Land Use/Zoning:	Commercial/Commercial (C3) District
Current Use:	Previous use Restaurant
Last Sale:	August 2017 to L A TREASURES LLC

ANALYSIS:

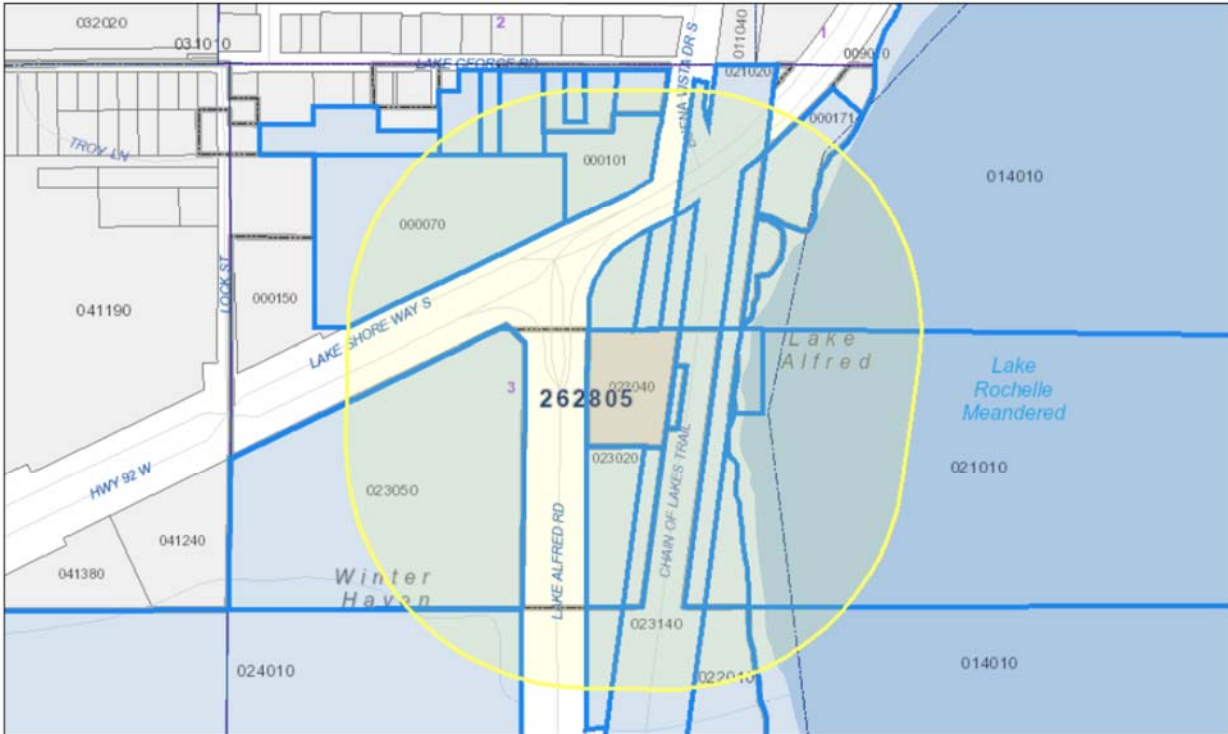
In order to approve the sale of alcohol, a restaurant must derive more than 50% of its revenue from the sale of food. The applicant has stated that Seymore's Crab Shack will serve primarily as a restaurant serving food with the sale of alcohol as a secondary use. The layout of the restaurant shows that the majority of the seating (34 seats) are dedicated to the restaurant and 15 seats are allocated to the bar section of the restaurant. This seating allocation supports the assumption that the establishment can meet this City and State requirement. In addition the State license requires reporting to maintain the revenue distribution in order to maintain the alcohol license.

Secondly, the establishment must meet distance requirements from the entrance of a church, day care center, public school, or residential property. There are no churches, day care centers, or

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public schools within 600' of the site. In addition there are no residentially zoned properties within 150' of the site.

1504 Lake Alfred Rd. - 600' Buffer



Lastly, the Lake Alfred Rd also known as US 17/92 is classified as a collector.

Staff Recommendation: Staff recommends approval of the requested variance with the following conditions.

1. Approval of this special exception shall only apply to the Seymour's Crab Shack and shall not be transferable.
2. Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with ULDC.
3. The applicant shall apply for the necessary State licenses and all requires Business Tax Receipts by February 27, 2019 or this approval shall be void.

ATTACHMENTS:

- A.) Site Photos
- B.) Aerial Photo
- C.) Hearing Notice List
- D.) Site layout

BOARD MOTION OPTIONS:

Approval – "I move to grant the special exception request as presented, with the staff conditions of approval, after hearing competent substantial evidence that meets all the variance criteria set

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forth; and hereby authorize the Chairman to sign a Development Order to be recorded in Polk County Public Records”

Denial – “I move to deny the special exception request presented as the applicant provided insufficient evidence and the request does not meet all the variance criteria set forth and hereby authorize the Chairman to sign a Denial Order to be recorded in Polk County Public Records.”

Table - “I make a motion to table the special exception request presented to allow the applicant an opportunity to provide additional evidence or to modify the request.”

All decisions of the Board of Adjustment are final. Variance requests, once acted upon, may not be reheard unless the applicant can demonstrate that the decision resulted from an error in substantive or procedural law, or provides new evidence or information not discoverable prior to the initial hearing. A different or more effective presentation of the same evidence or information shall not be considered grounds for a rehearing.

ATTACHMENT A – SITE PHOTO:



1504 Lake Alfred Rd – looking east at the site.

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ATTACHMENT B – AERIAL PHOTO:



ATTACHMENT C – HEARING NOTICE LIST:

26-28-05-000000-021010	BELL JAMES E AND AUDREY E BELL TRUST	1024 BILTMORE DR NW		WINTER HAVEN FL 33881-1104
26-28-05-000000-023060	JAMES E BELL & AUDREY E BELL TRUST	1024 BILTMORE DR NW		WINTER HAVEN FL 33881-1104
26-28-05-000000-023090	JAMES E BELL & AUDREY E BELL TRUST	1024 BILTMORE DR NW		WINTER HAVEN FL 33881-1104
26-28-05-000000-023160	JAMES E BELL & AUDREY E BELL TRUST	1024 BILTMORE DR NW		WINTER HAVEN FL 33881-1104
26-28-05-000000-023030	LA TREASURES LLC	1024 BILTMORE DR NW		WINTER HAVEN FL 33881-1104
26-28-05-000000-023040	LA TREASURES LLC	1024 BILTMORE DR NW		WINTER HAVEN FL 33881-1104
26-28-05-526000-000173	LA TREASURES LLC	1024 BILTMORE DR NW		WINTER HAVEN FL 33881-1104
26-28-05-000000-023020	FYOCK SAMUEL R JR	290 E ECHO ST		LAKE ALFRED FL 33850-2816
26-28-05-000000-023150	FYOCK SAMUEL R JR	290 E ECHO ST		LAKE ALFRED FL 33850-2816
26-28-05-526000-000102	WALDMAN EDWARD K	3254 ARCHER AVE		ORLANDO FL 32833-4236
26-28-05-000000-021020	TIITF/DEP - GREENWAYS	3900 COMMONWEALTH BLVD		TALLAHASSEE FL 32399-6575
26-28-05-000000-023140	TIITF/GREENWAYS	3900 COMMONWEALTH BLVD		TALLAHASSEE FL 32399-6575
26-28-04-000000-014010	TIITF/STATE OF FLORIDA SOVEREIGN LANDS	3900 COMMONWEALTH BLVD		TALLAHASSEE FL 32399-6575
26-28-05-000000-023010	MAURICE DAVID J	4108 W WALLACE AVE		TAMPA FL 33611-3546
26-28-05-000000-023100	MAURICE DAVID J	4108 W WALLACE AVE		TAMPA FL 33611-3546
26-28-05-000000-023130	CSX CORPORATION	500 WATER ST		JACKSONVILLE FL 32202-4445
26-28-05-526000-000171	RUBINAS JOSEPHINE	6205 OX BOTTOM MANOR DR		TALLAHASSEE FL 32312-9059
26-28-05-526000-000122	MARKETING ADVANTAGE CONCEPTS INC	707 N FRANKLIN ST	FL 3	TAMPA FL 33602-4430
26-28-05-000000-023050	MARKETING ADVANTAGE CONCEPTS INC	707 N FRANKLIN ST FL 3		TAMPA FL 33602-4430
26-28-05-526000-000070	TAYLOR FAMILY TRUST	PO BOX 1687		BELLFLOWER CA 90707-1687
26-28-05-526000-000101	WILSON FAMILY TRUST	PO BOX 1687		BELLFLOWER CA 90707-1687

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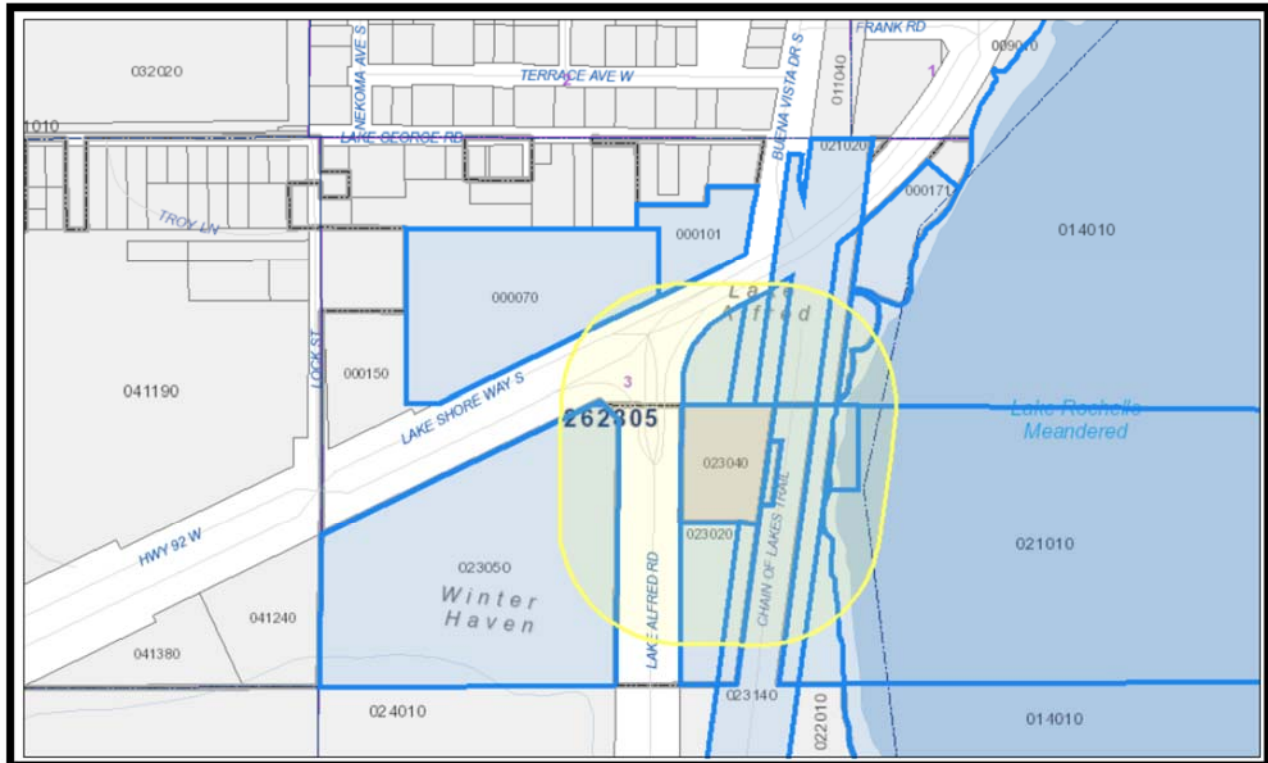
Building | Code Enforcement | Planning | Zoning

PUBLIC HEARING NOTICE LAKE ALFRED BOARD OF ADJUSTMENT

The Lake Alfred Board of Adjustment will hold a public hearing on Tuesday, February 27, 2018 at 5:00 pm in the Lake Alfred City Hall, 120 E. Pomelo St, Lake Alfred, FL 33850 to consider the following variance request.

*You are receiving this notice because you own property within 300 feet of the case described below.
See the parcel maps below.*

Address: 1504 Lake Alfred Rd.
Parcel ID: 26-28-05-000000-023040
Existing Land Use/Zoning: Commercial/Commercial (C3) District
Code Section: Section 2.03.01 (2) Sale of alcohol in a restaurant
General Description: The property owner at 1504 Lake Alfred Rd in Lake Alfred is seeking a special exception for the sale of alcohol at a restaurant.



Documents pertaining to the above referenced items may be reviewed at City Hall, Monday-Friday 8:00 am to 4:30 pm. In accordance with the Sunshine Law of Florida, this meeting is open to the public. Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to

ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability, as defined by the ADA, needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the City Clerk at 863-291-5748.

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ATTACHMENT D – SITE LAYOUT:

