

BOARD OF ADJUSTMENT PUBLIC HEARING OF LAKE BUTLER, FLORIDA

October 15, 2024  
6:00PM  
City Hall Lake Butler  
200SW 1<sup>st</sup> Street  
Lake Butler, Florida 32054

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AGENDA

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1. **Call to order – Roll Call.**
  - a. Admin Content  
*If a person decides to appeal a decision made with respect to any matter at this meeting or hearing, he or she will need a record of the proceedings and may need to ensure that a verbatim record is made.*
  
2. **Approval of The Agenda Format.**
  - A. Motion to approve the agenda format.
  
3. **Public Hearing for V 24-01 (Concerning a Variance as Provided for in the City of Lake Butler Land Development Regulations) (ground storage tank replacement)**
  - A. Motion to open the public hearing for V 24-01
  - B. Motion to close the public hearing for V 24-01
  
4. **Public Hearing for SE 24-01 (Concerning a Special Exception as Provided for in the City of Lake Butler Land Development Regulations) (ground storage tank replacement)**
  - A. Motion to open the public hearing for SE 24-01
  - B. Motion to close the public hearing for SE 24-01
  
5. **Resolution No. BA V 24-01 (Concerning a Variance as Provided for in the City of Lake Butler Land Development Regulations)**
  - A. Motion to adopt Resolution BA V 24-01 (Concerning a Variance as Provided for in the City of Lake Butler Land Development Regulations) and for the resolution to be **read by title only.**
  
6. **Resolution No. BA SE 24-01 (Concerning a Special Exception as Provided for in the City of Lake Butler Land Development Regulations)**
  - A. Motion to adopt Resolution BA SE 24-01 (Concerning a Special Exception as Provided for in the City of Lake Butler Land Development Regulations) and for the resolution to be **read by title only.**
  
7. **Adjournment**

AGENDA ITEM INFORMATION SHEET

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**DATE:** October 15, 2024

**AGENDA ITEM:** Motion to open and discussion Concerning a Variance as Provided for in the City of Lake Butler Land Development Regulations – for the ground storage tank replacement. V 24-01. (#3)

**DEPARTMENT:** City of Lake Butler

**MOTION/ACTION:** Motion to open and discussion for V 24-01, a petition by the City Commission, requesting a variance be granted as provided for in Section 3.2.5 of the Land Development Regulations to reduce the rear yard setback from 35.00 feet to 15.00 feet and to reduce the North side yard setback from 25.00 feet to 15.00 feet within a Residential, Single Family – 2 (RSF-2) zoning district, in accordance with a petition dated September 30, 2024, and a site plan dated September 12, 2024, to be located on property described.

**ASSOCIATED COST(S):** N/A

NOTICE OF PUBLIC HEARING  
CONCERNING A VARIANCE AS PROVIDED FOR IN THE  
CITY OF LAKE BUTLER LAND DEVELOPMENT REGULATIONS

BY THE CITY COMMISSION OF CITY OF LAKE BUTLER, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF CITY OF LAKE BUTLER, FLORIDA, NOTICE IS HEREBY GIVEN that, pursuant to the City of Lake Butler Land Development Regulations, hereinafter referred to as the Land Development Regulations, as amended, objections, recommendations and comments concerning the variance, as described below, will be heard by the City Commission of City of Lake Butler, Florida, serving as the Board of Adjustment of City of Lake Butler, Florida, at a public hearing on October 15, 2024 at 6:00 p.m., or as soon thereafter as the matter can be heard in the City Commission Meeting Room, City Hall at 200 Southwest First Street, Lake Butler, Florida.

V 24-01, a petition by the City Commission, to request a variance be granted as provided for in Section 3.2.5 of the Land Development Regulations to reduce the rear yard setback from 35.00 feet to 15.00 feet and to reduce the North side yard setback from 25.00 feet to 15.00 feet within a RESIDENTIAL, SINGLE FAMILY-2 (RSF-2) zoning district, in accordance with a petition dated September 30, 2024 and site plan dated September 12, 2024 to be located on property described, as follows:

A parcel of land lying in Section 31, Township 5 South, Range 20 East, Union County, Florida. Being more particularly described as follows: All of Lot 14 of T. E. Dekles Addition, as recorded in the Public Records of Union County, Florida, and the 40.00 feet North and South by 33.00 feet East and West in the Northwest corner of Lot 17 of T. E. Dekles Addition, as recorded in the Public Records of Union County, Florida.

Containing 1.03 acre, more or less.

At the aforementioned public hearing, all interested parties may appear to be heard with respect to the variance.

Copies of the variance are available for public inspection at the Office of the City Manager, City Hall located at 200 Southwest First Street, Lake Butler, Florida, during regular business hours.

All persons are advised that if they decide to appeal any decision made at the above referenced public hearing, they will need a record of the proceedings, and that, for such purpose, they 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.

Any person requiring auxiliary aids and services at this meeting may contact the Office of the City Manager at 386.496.3401 at least 24 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1.800.955.8770 (voice) or 1.800.955.8771 (TTY).

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**Publish in the legal section of the Union County Times on October 3, 2024.**

BOARD OF ADJUSTMENT MEETING OF LAKE BUTLER, FLORIDA

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AGENDA ITEM INFORMATION SHEET

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**DATE:** October 15, 2024

**AGENDA ITEM:** Motion to open and discussion Concerning a Special Exception as Provided for in the City of Lake Butler Land Development Regulations – for the ground storage tank replacement. SE 24-01. (#4)

**DEPARTMENT:** City of Lake Butler

**MOTION/ACTION:** Motion to open and discussion for SE 24-01, a petition by the City Commission, requesting a special exception be granted as provided for in Section 4.5.5 of the Land Development Regulations to permit a water storage facility as a public building and facility within a Residential, Single Family – 2 (RSF-2) zoning district, in accordance with a site plan dated September 12, 2024, and submitted as part of a petition dated September 11, 2024, to be located on property described.

**ASSOCIATED COST(S):** N/A

NOTICE OF PUBLIC HEARING  
CONCERNING A SPECIAL EXCEPTION AS PROVIDED FOR  
IN THE CITY OF LAKE BUTLER LAND DEVELOPMENT REGULATIONS

BY THE CITY COMMISSION OF THE CITY OF LAKE BUTLER, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF THE CITY OF LAKE BUTLER, FLORIDA, NOTICE IS HEREBY GIVEN that, pursuant to the City of Lake Butler Land Development Regulations, as amended, comments, objections and recommendations concerning the special exception, as described below, will be heard by the City Commission of the City of Lake Butler, Florida, serving as the Board of Adjustment of the City of Lake Butler, Florida, at a public hearing on October 15, 2024 at 6:00 p.m., or as soon thereafter as the matter can be heard, in the City Commission Meeting Room, City Hall, located at 200 Southwest First Street, Lake Butler, Florida.

SE 24-01, a petition by the City Commission, requesting a special exception be granted as provided for in Section 4.5.5 of the Land Development Regulations to permit a water storage facility as a public building and facility within a RESIDENTIAL, SINGLE FAMILY-2 (RSF-2) zoning district, in accordance with a site plan dated September 12, 2024, and submitted as part of a petition dated September 11, 2024, to be located on property described, as follows:

A parcel of land lying in Section 31, Township 5 South, Range 20 East, Union County, Florida. Being more particularly described as follows: All of Lot 14 of T. E. Dekles Addition, as recorded in the Public Records of Union County, Florida, and the 40.00 feet North and South by 33.00 feet East and West in the Northwest corner of Lot 17 of T. E. Dekles Addition, as recorded in the Public Records of Union County, Florida.

Containing 1.03 acre, more or less.

At the aforementioned public hearing, all interested parties may appear to be heard with respect to the special exception.

Copies of the special exception are available for public inspection at the Office of the City Manager, City Hall located at 200 Southwest First Street, Lake Butler, Florida, during regular business hours.

All persons are advised that if they decide to appeal any decision made at the above referenced public hearing, they will need a record of the proceedings, and that, for such purpose, they 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.

Any person requiring auxiliary aids and services at this meeting may contact the Office of the City Manager at 386.496.3401 at least 24 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1.800.955.8770 (voice) or 1.800.955.8771 (TTY).

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**Publish in the legal section of the Union County Times on October 3, 2024.**

BOARD OF ADJUSTMENT MEETING OF LAKE BUTLER, FLORIDA

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AGENDA ITEM INFORMATION SHEET

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**DATE: October 15, 2024**

**AGENDA ITEM: Motion to adopt Resolution BA V 24-01 (Concerning a Variance as Provided for in the City of Lake Butler Land Development Regulations – for the ground storage tank replacement) and for the resolution to be read by title only. (#5)**

**DEPARTMENT: City of Lake Butler**

**MOTION/ACTION: Motion to adopt Resolution BA V 24-01 (Concerning a Variance as Provided for in the City of Lake Butler Land Development Regulations – for the ground storage tank replacement) and for the resolution to be read by title only.**

**ASSOCIATED COST(S): N/A**

RESOLUTION NO. BA V 24-01

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE BUTLER, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF THE CITY OF LAKE BUTLER, FLORIDA, GRANTING A VARIANCE AS AUTHORIZED UNDER SECTION 3.2 OF THE CITY OF LAKE BUTLER LAND DEVELOPMENT REGULATIONS, AS AMENDED; PROVIDING FOR A VARIANCE AS PROVIDED FOR IN SECTION 12.3 OF THE LAND DEVELOPMENT REGULATIONS TO REDUCE THE NORTH FRONT YARD SETBACK FROM 35.00 FEET TO 15.00 FEET AND TO REDUCE THE WEST SIDE YARD SETBACK FROM 25.00 FEET TO 15.00 FEET WITHIN A RESIDENTIAL, SINGLE FAMILY-2 (RSF-2) ZONING DISTRICT ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF LAKE BUTLER, FLORIDA; REPEALING RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Lake Butler Land Development Regulations, as amended, hereinafter referred to as the Land Development Regulations, empowers the City Commission of the City of Lake Butler, Florida, serving as the Board of Adjustment of the City of Lake Butler, Florida, hereinafter referred to as the City Commission, serving as the Board of Adjustment, to grant or deny variances as authorized under Section 3.2 of the Land Development Regulations;

WHEREAS, a petition for a variance, as described below, has been filed with the City;

WHEREAS, pursuant to the Land Development Regulations, the City Commission, serving as the Board of Adjustment, held the required public hearing, with public notice having been provided, on said petition for a variance, as described below, and reviewed and considered all comments received during said public hearing, concerning said petition for a variance, as described below;

WHEREAS, the City Commission, serving as the Board of Adjustment, has found that they are empowered under Section 3.2 of the Land Development Regulations to grant or to deny said petition for a variance, as described below;

WHEREAS, the City Commission, serving as the Board of Adjustment has determined and found that the granting of said petition for a variance, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare; and

WHEREAS, the City Commission, serving as the Board of Adjustment, has determined and found that:

- (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) Such special conditions and circumstances do not result from the actions of the applicant;
- (c) Granting the variance requested will not confer on the applicant a special privilege that is denied by the Land Development Regulations to other lands, buildings or structures in the same zoning district;
- (d) Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these land development regulations would result in unnecessary and undue hardship;
- (e) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

- (f) Granting of the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these land development regulations would result in unnecessary and undue hardship.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE BUTLER, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF THE CITY OF LAKE BUTLER, FLORIDA, THAT:

Section 1. Pursuant to a petition, V 24-01, by the City Commission, requesting a variance be granted to the requirements of Section 4.5.7 of the Land Development Regulations, the City Commission, serving as the Board of Adjustment hereby grants a variance to reduce the North front yard setback from 35.00 feet to 15.00 feet and to reduce the West side yard setback from 25.00 feet to 15.00 feet within a RESIDENTIAL, SINGLE FAMILY-2 (RSF-2) zoning district, in accordance with a petition dated September 30, 2024 and site plan dated September 12, 2024, to be located on property described, as follows:

A parcel of land lying in Section 31, Township 5 South, Range 20 East, Union County, Florida. Being more particularly described as follows: Lot 14 of T. E. Dekles Addition, as recorded in the Public Records of Union County, Florida.

Containing 1.03 acre, more or less.

Section 2. All resolutions or parts of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 3. This resolution shall become effective upon adoption.

PASSED AND DULY ADOPTED in regular session with a quorum present and voting, by the City Commission, serving as the Board of Adjustment, this 15th day of October 2024.

CITY COMMISSION OF THE  
CITY OF LAKE BUTLER, FLORIDA,  
SERVING AS THE  
BOARD OF ADJUSTMENT OF THE  
CITY OF LAKE BUTLER, FLORIDA

Attest:

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Kimberly Hayes, City Manager

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Melissa Hendrix, Chair



BOARD OF ADJUSTMENT MEETING OF LAKE BUTLER, FLORIDA

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AGENDA ITEM INFORMATION SHEET

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**DATE: October 15, 2024**

**AGENDA ITEM: Motion to adopt Resolution BA SE 24-01 (Concerning a Special Exception as Provided for in the City of Lake Butler Land Development Regulations – for the ground storage tank replacement) and for the resolution to be read by title only. (#6)**

**DEPARTMENT: City of Lake Butler**

**MOTION/ACTION: Motion to adopt Resolution BA SE 24-01 (Concerning a Special Exception as Provided for in the City of Lake Butler Land Development Regulations – for the ground storage tank replacement) and for the resolution to be read by title only.**

**ASSOCIATED COST(S): N/A**

RESOLUTION NO. BA SE 24-01

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE BUTLER, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF THE CITY OF LAKE BUTLER, FLORIDA, GRANTING WITH APPROPRIATE CONDITIONS AND SAFEGUARDS A SPECIAL EXCEPTION AS AUTHORIZED UNDER SECTION 12.2 OF THE CITY OF LAKE BUTLER LAND DEVELOPMENT REGULATIONS, AS AMENDED; PROVIDING FOR A SPECIAL EXCEPTION TO THE PERMITTED USES WITHIN A RESIDENTIAL, SINGLE FAMILY-2 (RSF-2) ZONING DISTRICT AS PROVIDED WITHIN SECTION 4.5.5 OF THE CITY OF LAKE BUTLER LAND DEVELOPMENT REGULATIONS, AS AMENDED, TO PERMIT A WATER STORAGE FACILITY AS A PUBLIC BUILDING AND FACILITY ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF LAKE BUTLER, FLORIDA; PROVIDING FOR REVOCATION OF THE SPECIAL EXCEPTION; REPEALING RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Lake Butler Land Development Regulations, as amended, hereinafter referred to as the Land Development Regulations, empowers the City Commission of the City of Lake Butler, Florida, serving as the Board of Adjustment of the City of Lake Butler, Florida, hereinafter referred to as the City Commission, serving as the Board of Adjustment, to grant, to grant with appropriate conditions and safeguards or deny special exceptions as authorized under Section 12.2 of the Land Development Regulations;

WHEREAS, a petition for a special exception, as described below, has been filed with the City;

WHEREAS, pursuant to the Land Development Regulations, the City Commission, serving as the Board of Adjustment, held the required public hearing, with public notice having been provided, on said petition for a special exception, as described below, and considered all comments received during said public hearing and the Concurrency Management Assessment concerning said petition for a special exception, as described below;

WHEREAS, the City Commission, serving as the Board of Adjustment, has found that they are empowered under Section 12.2 of the Land Development Regulations to grant, to grant with appropriate conditions and safeguards or deny a special exception, as described below:

WHEREAS, the City Commission, serving as the Board of Adjustment, has determined and found that the granting with appropriate conditions and safeguards of said petition for a special exception, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare;

WHEREAS, the City Commission, serving as the Board of Adjustment, has determined and found that the petitioner has proposed ingress and egress to the property and proposed structures thereon for automotive and pedestrian safety and convenience, in a manner that will not have an undue adverse impact on traffic flow and control, and access in case of fire or catastrophe;

WHEREAS, the City Commission, serving as the Board of Adjustment, has determined and found that the special exception is generally compatible with adjacent properties, other property in the district and natural resources; and

WHEREAS, the City Commission, serving as the Board of Adjustment, has determined and found that:

- a. the proposed use would be in conformance with the Comprehensive Plan and would not have an undue adverse effect on the Comprehensive Plan;
- b. the proposed use is compatible with the established land use pattern;
- c. the proposed use will not materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, and streets;
- d. the proposed use will not have an undue adverse influence on living conditions in the neighborhood;

- e. the proposed use will not create or excessively increase traffic congestion or otherwise affect public safety;
- f. the proposed use will not create a drainage problem;
- g. the proposed use will not seriously reduce light and air to adjacent areas;
- h. the proposed use will not adversely affect property values in the adjacent areas;
- i. the proposed use will not be a deterrent to the improvement or development of adjacent property in accord with existing regulations; and
- j. the proposed use is not out of scale with the needs of the neighborhood or the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE BUTLER, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF THE CITY OF LAKE BUTLER, FLORIDA, THAT:

Section 1. Pursuant to a petition, SE 24-01, by the City Commission, requesting a special exception be granted as provided for in Section 4.5.5 of the Land Development Regulations to permit a water storage facility as a public building and facility within a RESIDENTIAL, SINGLE FAMILY-2 (RSF-2) zoning district, in accordance with a site plan dated September 12, 2024, and submitted as part of a petition dated September 11, 2024, the City Commission, serving as the Board of Adjustment, hereby grants a special exception, as described above, subject to the appropriate conditions and safeguards hereinafter specified, to be located on property described, as follows:

A parcel of land lying in Section 31, Township 5 South, Range 20 East, Union County, Florida. Being more particularly described as follows: Lot 14 of T. E. Dekles Addition, as recorded in the Public Records of Union County, Florida.

Containing 1.03 acre, more or less.

Section 2. A site plan, as described above, is herewith made a part of this resolution by reference, shall govern the development and use of the above described property. Any deviation from the site plan shall be deemed a violation of the Land Development Regulations.

Section 3. The use of land approved by this special exception shall be in place, or a valid permit shall be in force for the construction of such land use within twelve (12) months of the effective date of this resolution. If such land use is not in place or if a valid permit for the construction of such land use is not in effect, within twelve (12) months of the effective date of this resolution, this resolution granting with appropriate conditions and safeguards such special exception is thereby revoked and of no force and effect.

Section 4. All resolutions or parts of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 5. This resolution shall become effective upon adoption.

PASSED AND DULY ADOPTED in regular session with a quorum present and voting, by the City Commission, serving as the Board of Adjustment, this 15th day of October 2024.

CITY COMMISSION OF THE  
CITY OF LAKE BUTLER, FLORIDA,  
SERVING AS THE  
BOARD OF ADJUSTMENT OF THE  
CITY OF LAKE BUTLER, FLORIDA

Attest:

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Kimberly Hayes, City Manager

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Melissa Hendrix, Chair