

**BOARD OF COUNTY COMMISSIONERS, POLK COUNTY FLORIDA**

**FINAL ORDER**

(Level 4 reviews)

**Case Number: LDWA-2022-23 (Smith Access Waiver)**

**Applicant: Tracye Smith**

**Property Owner: Scott Paul & Tracye Smith**

**Hearing Date: September 20, 2022**

**I. Request:**

The Applicant is requesting Waiver to Section 705.B for approval for an additional residential lot with access through a private road easement. (the "Application").

**II. Planning Commission Recommendation:**

On August 3, 2022, the Planning Commission held a public hearing on the Application and voted 7-0 to recommend approval of the Application.

**III. Findings:**

The Board hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

1. Pursuant to section 907D.10 of the Polk County Land Development Code, the Board shall, in the review of the Application, consider the following factors:
  - a. Whether the proposed development is consistent with all relevant requirements of this Code;
  - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
  - c. Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and
  - d. Any other matter which the BoCC may deem appropriate and relevant to the specific development proposal.

2. The Application is consistent with all relevant requirements of the LDC, including without limitation, Sections 907 and 705.B.
3. The Application is consistent with all applicable policies of the Comprehensive Plan.
4. The Application is compatible with surrounding uses and the general character of the area.

**IV. Incorporation of Record**

The record is hereby incorporated by reference into this order and is on file with the County Clerk. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, the Planning Commission's recommendation, and all testimony and evidence presented at the hearing.

**V. Board's Decision:**

Based upon the record and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the staff report. This decision becomes final on the date rendered to the Clerk.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 20<sup>th</sup> day of September, **2022**, by the Polk County Board of County Commissioners.

**Polk County Board of  
County Commissioners**

**ATTEST: Stacy M. Butterfield, Clerk  
and Auditor to the Board**

By: \_\_\_\_\_  
Martha Santiago, Chairman

By: \_\_\_\_\_  
Deputy Clerk

Date rendered to the Clerk: \_\_\_\_\_

**Exhibits to Board's Order**

Exhibit A-Staff Report and Exhibits