

**POLK COUNTY
LAND USE HEARING OFFICER
STAFF REPORT**

DRC Date	June 12, 2025	CASE #:	LDLVAR-2025-54 (Wabash Storage Variance)
LUHO Date	October 23, 2025	LDC Section:	Chapter 2, Section 209.G

Request: The applicant is requesting a variance to construct a storage building that has a square footage and height greater than the primary residence in the RL-4 land use district.

Applicant: No Flo Inc

Property Owners: No Flo Inc

Location: The subject site is located at 703 Wabash Avenue South, south of US Highway 92 and George Jenkins Boulevard, north of Highland Street West, west of Plateau Ave, east of Nashville Road, west of the city of Lakeland in Section 23, Township 28, and Range 22.

Parcel ID#: 232822-000000-012060

Size: ±0.88 acres

Land Use Designation: Residential Low - 4 (RL-4)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting a variance to Chapter 2, Section 209.G of the Land Development Code (LDC) for the construction of an accessory structure larger and taller than the primary residence. According to the applicant, the detached building will be about 90' x 60' (5,400 sq. ft.) on a slab foundation and approximately 20 feet high. This accessory structure is almost five times larger than the primary residence, however, the proposal meets setbacks and the storage is necessary to accommodate and secure construction materials, appliances, personal and recreational vehicles, a boat, as well as lawn equipment. They have determined these structural dimensions suit their storage needs. Pursuant to Section 209.G of the LDC, an accessory structure may be permitted to be larger in square footage and in height of the principal structure following approval from the Land Use Hearing Officer (LUHO) pursuant to Sections 930 and 931.

Staff finds that the request meets the following criteria listed in Section 931:

- The request **will not be injurious to the area involved or otherwise detrimental to the public welfare** as the building is located to the rear of the property while meeting all

accessory setback requirements. Additionally, it is not anticipated to impact the livelihood or safety of the abutting and adjacent property owners.

Development Review Committee

The Development Review Committee, based on the criteria for granting variances, the submitted application, and a recent site visit, finds that the applicant's request as written **IS CONSISTENT** with Section 931 of the Polk County Land Development Code (LDC) and recommends **APPROVAL of LDLVAR-2025-54**

CONDITIONS OF APPROVAL:

1. Approval of this variance is to allow an accessory structure (5,400 sq. ft., 20 feet high) that is larger and taller than the primary structure (1,092 sq. ft., 14 feet high) as described in the staff report. Further additions or structures placed on the property shall be required to meet the requirements of Chapter 2 of the Polk County Land Development Code or re-apply for another variance approval from the Land Use Hearing Officer.
2. The applicant shall have one (1) year from the date the Land Use Hearing Officer's Final Order is rendered to apply for all necessary building permits and pay all associated fees for the proposed addition.
3. The use of the accessory structure approved herein is limited to the storage of items associated with the residential use of this property. No home-based business or commercial uses shall be permitted to occur within the accessory structure.
4. This variance does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.

GENERAL NOTES

NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.

NOTE: 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 the LDC.

NOTE: All conditions of approval, unless otherwise specified, shall be met prior to the effectiveness and validity of the variance approval.

NOTE: All written commitments made in the application and subsequent submission of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such commitments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES SUMMARIZED BELOW:

1. *Whether granting the variance will be in accordance with the general intent and purpose of this Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;*

Granting this variance will not be injurious to the area or otherwise detrimental to the public welfare. The applicant requests a 90' x 60' accessory structure which is greater in size and height than the primary home. According to the applicant's site plan, the structure will be approximately ten (10) feet from the rear yard and seven (7) feet from the side yard. The proposed accessory structure is anticipated to be twenty (20) feet tall, which is approximately six (6) feet taller than the single-family home.

The primary residence is a 1,092 sq. ft. single-family home constructed in 1962. While the accessory structure is much larger than the existing residence, it will be over 100 feet behind the home and adhere to the 5-foot setback requirements in the RL-4 district. Additionally, eleven (11) multifamily units to the west as well as the potential uses on the vacant properties designated Business Park Center-2 (BPC-2) to the north are more intense in form and function. Aerials indicate the closest neighboring structure is a 700 sq. ft. non-residential structure (permit #: 92093) approximately 32 feet, to the north. An accessory structure for storage is not uncommon, and this proposal will be allowed for residential purposes only. The subject property is large enough to support the structure and maintain an ample distance from property lines.

2. *Whether 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 applicable land use district;*

The subject property is more than six times larger than the typical district standard. Minimum lot sizes are 6,000 square feet in the RL-4 land use district, which this site exceeds by over 32,000 square feet. Up until 2009, the property was known as the Oak Breeze Mobile Home Park with eleven (11) mobile home spaces as well as a single-family dwelling. The mobile home park was a legal non-conforming use that existed prior to any zoning regulations (LIC-H-1628). The mobile homes were removed sometime in 2009. Currently, the property consists of a 1962 1,092 sq. ft. single-family residence.

To the west, ten (10) multifamily buildings, each consisting of two (2) units, are owned by the City of Lakeland and have provided affordable housing since 1981. Existing vegetation flanks the sides and rear boundaries of the subject property. The applicant's home is set back approximately 40 feet from the roadway, and any accessory structure would be required to be placed behind the front of the home, limiting the placement of the structure.

3. *Whether provided the special conditions and circumstances present in the request do not result from the actions of the applicant;*

Per conversations with the applicant, the enclosed structure is to store construction materials, appliances, personal and recreational vehicles, a boat, as well as lawn equipment. They have determined these dimensions suit their storage needs. The proposed metal building, at 5,400 sq. ft., will be almost five times larger than the primary home, however the storage provides an orderly means of keeping belongings inside. As part of the conditions, no home-based

business or commercial uses shall be permitted to occur within the accessory structure. The site plan shows that it is set well off from any roads and is screened from adjacent properties.

4. *Whether granting the requested variance will not confer on the applicant any special privilege that is denied by the provisions of this Code and will constitute unnecessary and undue hardship on the applicant;*

Accessory structures are permitted in residential land use districts, and structures such as this - as long as it has a permanent foundation, a rigid roof, meets setbacks and building standards, and is in the rear or side yard. The request provides the ability to shelter construction materials, equipment, and personal vehicles within one building. Otherwise, the applicant will have to resort to offsite storage which will incur further financial costs. A list of potential items stored in this accessory structure are provided in the applicant's justification (*Exhibit 6*).

Per Chapter 2, Table 2.2, of the LDC, the RL-4 land use district requires accessory structure setbacks of 35 feet off Urban Collector roadways and side and rear yard setbacks of 5 feet. Rear and side yard setbacks for the accessory storage structure are 10 feet and 7 feet respectively. This structure meets these setbacks without requiring a variance.

5. *Whether the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;*

The requested variance is believed to be the minimal variance necessary to optimize the use of the owner's land and the applicant has taken care to provide the right space for the accessory structure to the side of the home. Per the Land Development Code, accessory structures are incidental to the principal structure. While greater than the principal structure, the structure will be used for storage of work materials and equipment.

This variance should not be construed as approving any home occupation or short-term rental at this location. Home occupations are subject to Section 559.955 Florida Statutes and LDC Section 206.E while short-term rentals are subject to Chapter 509 Florida Statutes and LDC Section 303. Home occupations and short-term rentals are not permitted to be operated from accessory structures.

6. *Whether that in no case shall a variance be granted which will result in a change of land use that would not be permitted in the applicable land use designation;*

Granting this variance will not result in a change of land use. The single-family home will remain a residential use in a residential district.

7. *Whether that in no case shall a variance be granted which would result in creation of any residual lot or parcel which does not meet the requirements of this Code; and*

Granting this request is not anticipated to result in the creation of a lot or parcel that does not meet the requirements of the Code.

8. *Whether that the granting of the variance does not circumvent a condition or the intent of a condition placed on a development by the Planning Commission or the BoCC.*

There was no evidence found that suggests the proposed request will circumvent the intent of a condition placed on a development by the Planning Commission or the Board of County Commissioners.

Surrounding Future Land Use Designations and Existing Land Use Activity:

<p>Northwest: Business Park Center-2 (BPC-2) Lots 6-8 Highway Heights Subdivision (PB 7, PG 23) Commercial building ±0.61 acres</p>	<p>North: Business Park Center-2 (BPC-2) Lot 5 Highway Heights Subdivision (PB 07, PG 23) Single-family home ±0.21 acres</p>	<p>Northeast: City of Lakeland Lots 1-4 Highway Heights Subdivision (PB 7, PG 23) Vacant land ±0.58 acres</p>
<p>West: Residential Low-4 (RL-4) Affordable Housing 10 Multifamily Units ±4.97 acres</p>	<p>Subject Property: Residential Low-4 (RL-4) 1,092 sq. ft. single-family home ±0.88 acres</p>	<p>East: Residential Low-4 (RL-4) Single-family home ±1.13 acre</p>
<p>Southwest: Residential Low-4 (RL-4) Affordable Housing 10 Multifamily Units ±4.97 acres</p>	<p>South: Residential Low-4 (RL-4) Commercial vehicle storage ±3.72 acres</p>	<p>Southeast: Residential Low-4 (RL-4) Lot 1, vacant Wabash Estates subdivision ±0.32 acres</p>

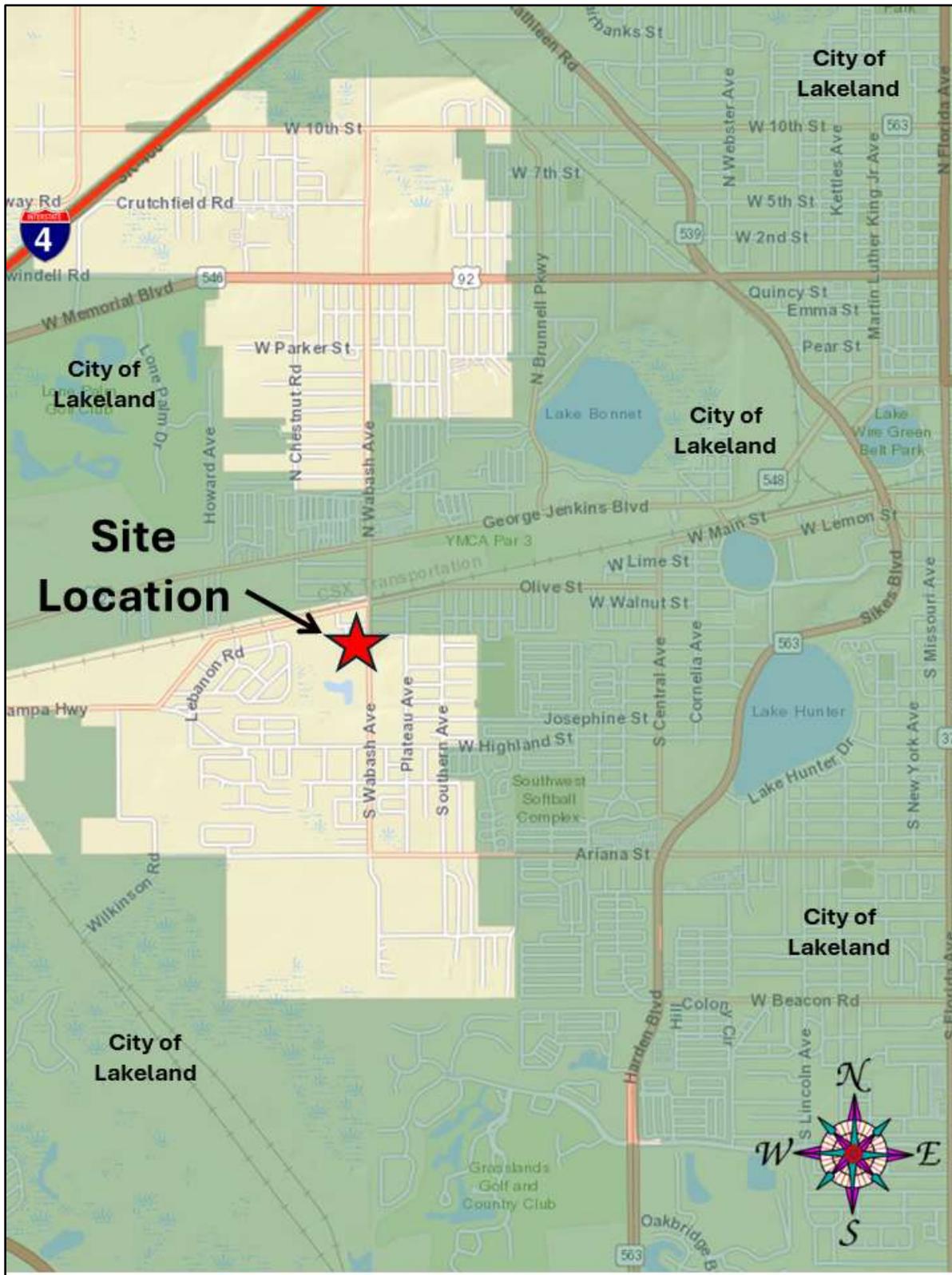
The property is about 0.88 acres and located in a RL-4 land use district. The site was previously known as the Oak Breeze Mobile Home Park (MHP), established sometime prior to 1971 according to historical aerial imagery. The single-family home was constructed in 1962 with 11 mobile home spaces following shortly thereafter. The mobile home park was a legal non-conforming use, predating the first zoning ordinance in 1970 (*Ord 70-3*), and had Commercial-4 (C-4) zoning. After the Comprehensive Plan was adopted in 1991, the property was designated as a non-commercial use of Residential Low-4 (RL-4).

In 2009, the eleven mobile homes were demolished and the MHP license was officially nullified in 2018 (LIC-H-1628). The single-family home remained on the site, and the current owners purchased the property in 2013. According to Table 2.2 of the LDC, the site requires minimum lot sizes of 6,000 square feet, which this property exceeds by more than six times that requirement. The residence backs up to an affordable housing complex consisting of 10 multifamily units constructed in 1981. Abutting the north are properties part of the Highway Heights Subdivision plat (PB 8, PG 23) and are within the Business Park Center-2 (BPC-2) land use designation. These tracts consist of one (1) single-family home, vacant lands, and about a 700 sq. ft. commercial structure (permit #992093) constructed in 2007. Staff found one accessory structure variance found within a one-mile radius of the site which is to the north off of Dille Street. The variance was approved to allow an ADU to exceed the height of the primary dwelling on site (LDLVAR-2025-30).

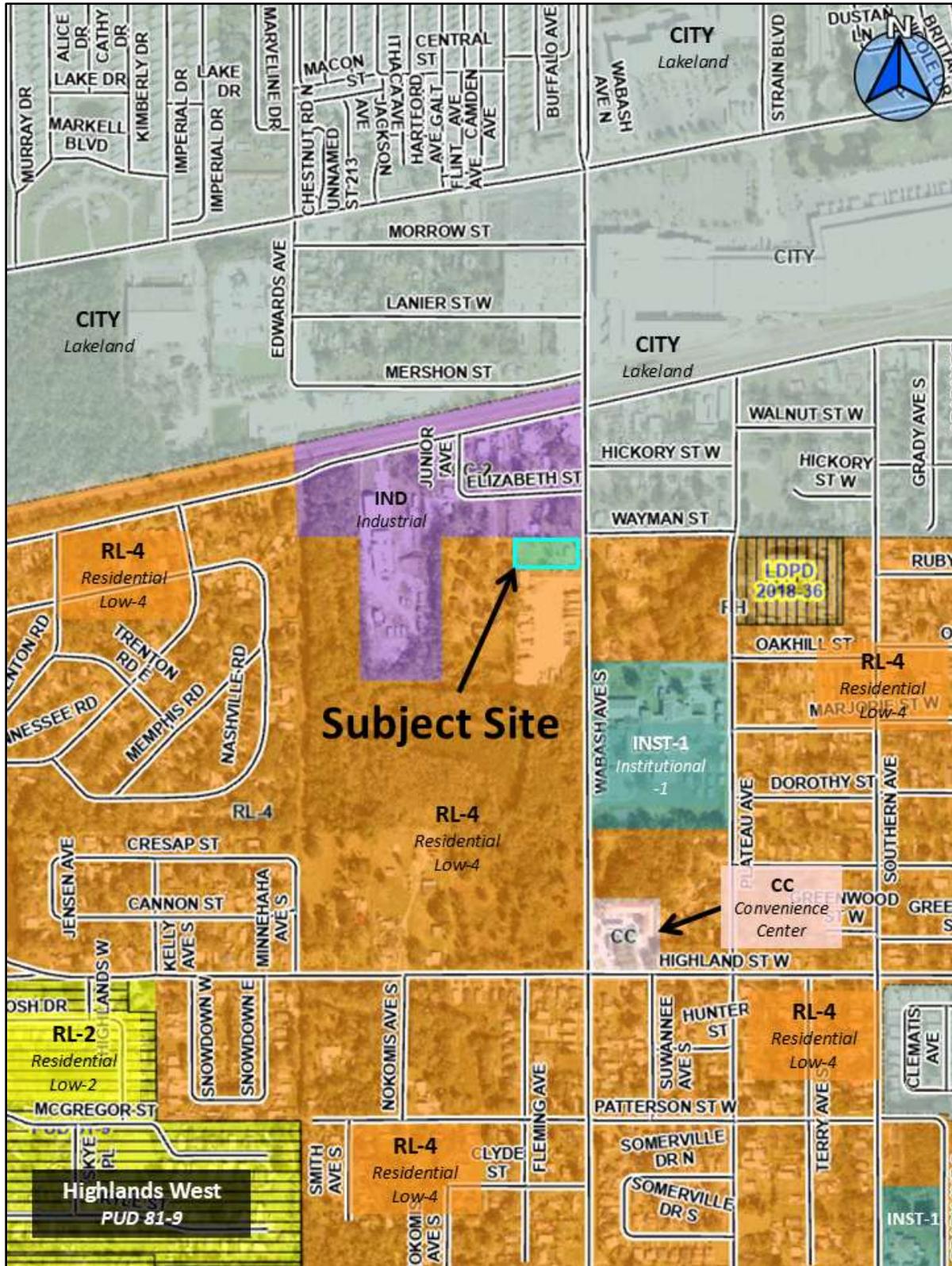
Comments from other Governmental Agencies: None.

Exhibits:

- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use Map
- Exhibit 3 – 2025 Satellite Image (Context)
- Exhibit 4 – 2023 Aerial Photo (Close-up)
- Exhibit 5 – Site Plan
- Exhibit 6 – Applicant’s Justification



Location Map



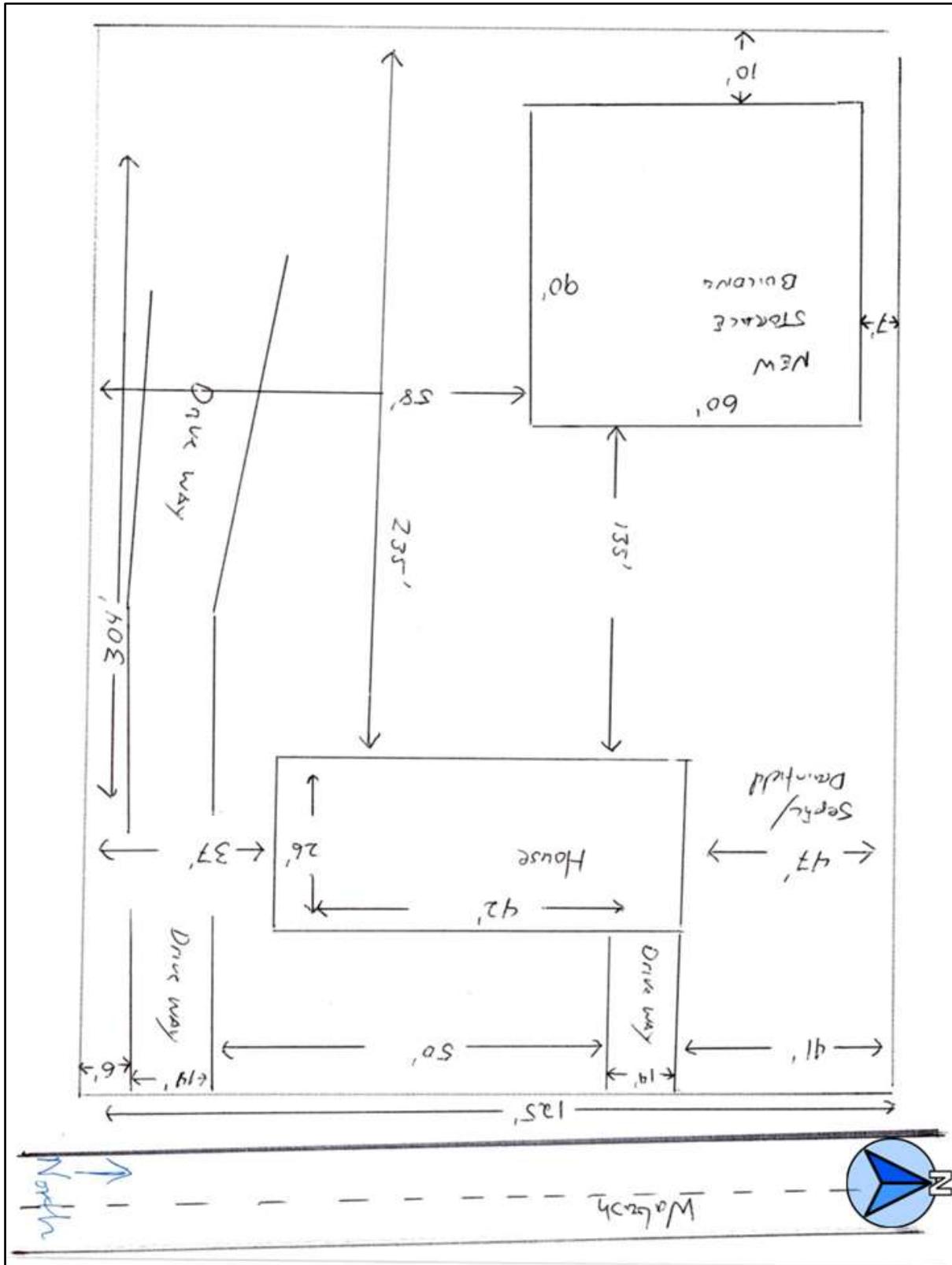
Future Land Use Map



2025 Satellite Image (Context)



2023 Aerial Photo (Close-up)



Site Plan

CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare? **No**

2. What special conditions exist that are peculiar to the land, structure, or building involved? **None**

3. When did you buy the property and when was the structure built? Permit Number? **Property purchased in 2013**

4. What is the hardship if the variance is not approved?
We currently own and manage/maintain over 25 residential and commercial rentals. Additionally we have 2 trailers, 2 work vehicles (used for rental repairs/maintenance), 2 classic cars, 2 lawn mowers, an atv, and 3 daily driver cars, which are all currently located at our home residence. Several of these items would be stored at Wabash. Additionally, we have spare appliances, toilets, shingles, tiles, building materials, lumber, pressure washer, plumbing items, electrical items, tools, all types of paint, etc needed for repairing and maintaining our rental property. Building also may hold a personal RV and/or boat in the future.

The hardship would be that we would incur on-going costs to rent additional storage for these items mentioned above, probably in different locations. We would like to store the items in 1 building, built on our own property since it is such a large lot size, and there are similar buildings already located on neighboring properties. Plus the property at Wabash is already entirely fenced with 8 foot fencing.

5. Is this the minimum variance required for the reasonable use of the land?
Yes

6. Do you have Homeowners Association approval for this request? **N/A**

Applicant's Justification