

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

<b>DRC Date</b>	<b>October 9, 2025</b>	<b>CASE #:</b>	<b>LDLVAR-2025-57 (Thrasher Variance)</b>
<b>LUHO Date</b>	<b>November 20, 2025</b>	<b>LDC Section:</b>	<b>Chapter 2, Section 209.G</b>

**Request:** The applicant is requesting a variance for a pole barn that has a square footage and height greater than 150% of the primary residence in the RS land use district.

**Applicant:** David Dakota Colt Thrasher

**Property Owner:** Kimberly Kelley & David Dakota Colt Thrasher

**Location:** The subject site is located at 4427 Old Government Road, north of State Road 60, east of County Line Road, south of Pipkin Road and Ewell Road, west of Hatcher Road, north of Spring Lane, southwest of the city of Lakeland in Section 20, Township 29, and Range 23.

**Parcel ID#:** 232920-000000-033140

**Size:** ±3.03 acres

**Land Use Designation:** Residential Suburban (RS)

**Development Area:** Suburban Development Area (SDA)

**Case Planner:** Andrew Grohowski, Planner II

**Summary:**

The applicant, on behalf of the property owner, is requesting a variance to Section 209.G of the Land Development Code (LDC) to allow an accessory structure greater than 150% in square footage and height than the 1,248 sq. ft. primary residence. According to the applicant, the detached building is about 136' x 50' (6,800 sq. ft.) and will receive electrical connections. The height of the pole barn is 22 feet while the residence stands at 12 feet, 8 inches tall. The property is about 3.03 acres and has a Future Land Use designation of Residential Suburban (RS) and is in the Suburban Development Area (SDA).

According to the site plan, the accessory structure is on the northwestern portion of the property. Section 209.G of the LDC allows properties over two (2) acres to construct accessory structures up to 150% of the size of the primary structure. The adequate size of the property and adherence to setbacks makes this request relatively benign in intensity. In 2019, the neighboring property to the west received variance approval for a similar request (LDVAR-2019-16). The accessory storage building was 36' x 84' (3,024 sq. ft.) and about 190% larger than the 1,615 sq. ft. primary residence. It was constructed along the western boundary of the subject site. The pole barn is adequately setback from public right of way view and complies with required accessory structure setbacks.

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** because the new structure meets all accessory structure setback requirements in the RS district. The structure has limited visibility from the public right-of-way and is not anticipated to adversely 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-2025-57**.

### **CONDITIONS OF APPROVAL:**

1. This variance approval to Section 209.G of the Land Development Code to allow one (1) accessory pole barn (6,800 sq. ft.) to be greater than 150% larger than the primary structure (1,248 sq. ft.) and up to 22 feet tall as described in the staff report. All further additions or structures placed on the property shall be required to meet the setback requirements of the Land Development Code or re-apply for another variance from the Land Use Hearing Officer.
2. The applicant must apply for all necessary permits within one (1) year of the date for which the Land Use Hearing Officer's Final Order is rendered.
3. The use of the accessory structure approved herein is limited to the storage of items associated with the residential use of the 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;*

Staff finds that this request will not be injurious to the surrounding area or detrimental to the public welfare. The parcel is in an area with a cluster of lots ranging in size from half an acre to five acres. The current property is over 3 acres of space. The pole barn is open on all sides and is approximately five and a half times larger than the existing primary structure at 6,800 square feet it also stands at about 22 feet tall. There is one 1,248 sq. ft. mobile home that is 12 feet, 8 inches tall on the property built in 1986. The pole barn will be more than 200 feet from the nearest residence, behind the existing home, and about 455 feet from the public right of way. The site plan (*Exhibit 5*) indicates the barn is about 105 feet and 15 feet from the northern and western property lines respectively, meeting all setbacks prescribed in the RS land use district, according to Table 2.2 of the LDC. Given the large backyard and placement of the structure adequately setback from public right of way view, this request is relatively benign. Additionally, the property to the west received variance approval to construct an enclosed storage structure that was greater than 150% of the primary residence in 2019 (LDVAR-2019-16).

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 site is located in the Residential Suburban (RS) land use district and is about 3.03 acres, which is smaller than the district standard, however it is considered a vested lot of record. Prior to the adoption of the Comprehensive Plan and LDC, the property was first recorded in 1984, smaller than 1.5 acres, and zoned in the Rural Conservation (RC) district. Sometime after 1991, the property was combined with a flag lot to the north (old parcel #: 232920-000000-033220) to create the existing lot size today. A 1,248 sq. ft. mobile home was installed on the property due to medical hardship sometime in 1986. Additional improvements subsequently followed with a 420 sq. ft. carport and 288 sq. ft. shed built in the mid-1990s. Given the scale of the subject property at over 3 acres with a depth of over 600 feet from the public right of way, accessory structures such as this are negligible in size and height. Additionally, the entire property is surrounded by a 6-foot-tall fence. According to the applicant, the size of the accessory structure is necessary to store a recreational vehicle, trailer, as well as equipment and machines for agricultural purposes.

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

The current owners purchased the property in December 2024, with the lot at its current dimensions. The applicant began construction of the pole barn and submitted an electric permit in July 2025 without an associated building permit (BT-2025-13272). The property owner would like to store personal items that include a recreational vehicle, farm equipment, and a trailer and has stated this size is necessary to suit their needs. The accessory structure on the property is about 6,800 square feet and 22 feet tall. This is about 545% larger than the principal structure at 3,287 sq. ft. which stands at 12 feet, 8 inches in height.

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;*

The proposed request is not anticipated to confer on the applicant any special privilege that is denied by the provisions of the Code. Section 209.G.2 allows an accessory structure larger than the primary with approval from the Land Use Hearing Officer pursuant to Sections 930 and 931. Staff have received an application for an accessory structure larger than the primary in the immediate vicinity. In 2019, the adjacent neighbor to the west received variance approval to construct a 3,024 sq. ft. accessory storage building, almost 190% larger than the 1,615 sq. ft. primary residence on the site (LDVAR-2019-16). The approved structure is located along the subject site's western property boundary, close to where the applicant's pole barn is located.

Accessory structures are permitted by right in this land use district, and structures such as this - as long as it has a permanent foundation, a rigid roof, and meets setbacks. The accessory side and rear setback requirements in the RS district are five and ten feet respectively. This structure exceeds this distance 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 build the structure as requested. Approval of this variance is necessary for the owner in order to store recreational vehicles and agricultural equipment. Sheltering these items and tools from the elements will extend their useful lifespan. The height does not exceed the maximum height of 50 feet for the RS land use district.

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.

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 will not result in the creation of a lot or parcel that does not meet the requirements of the Code. The variance request will not change the size, shape or use of the property.

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.*

Granting this request will not circumvent a condition or the intent of a condition placed on the development by the Planning Commission or the BoCC.

**Surrounding Future Land Use Designations and Existing Land Use Activity:**

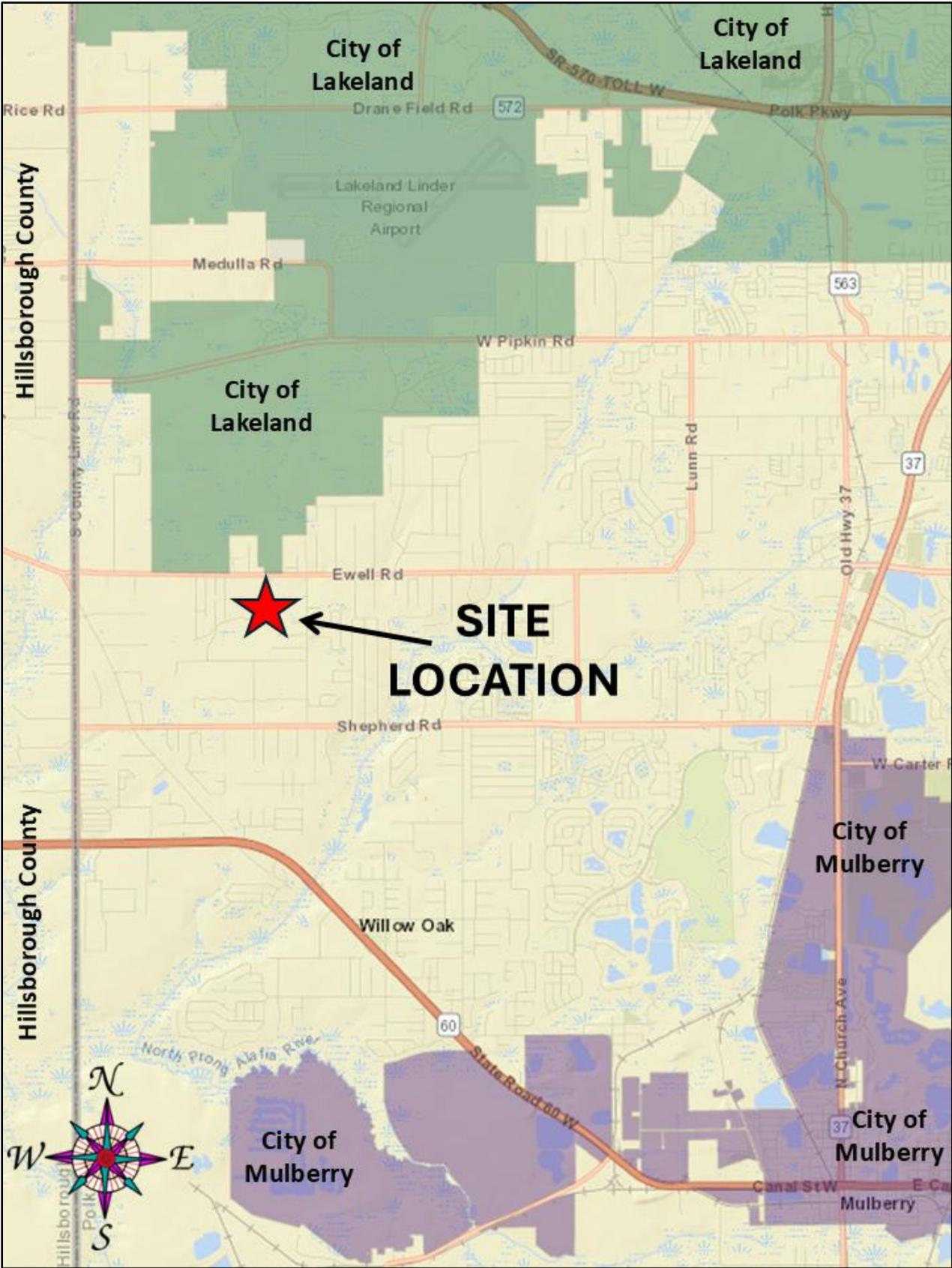
<p><b>Northwest:</b> RS 1,344 sq. ft. mobile home ± 2.50 acres</p>	<p><b>North:</b> RS 1,344 sq. ft. mobile home ± 2.50 acres</p>	<p><b>Northeast:</b> RS 3,656 sq. ft. single-family home ± 1.80 acres</p>
<p><b>West:</b> RS 1,615 sq. ft. single-family home 36' x 84' pole barn (LDLVAR-2019-16) ± 3.48 acres</p>	<p><b>Subject Property:</b> RS 1,248 sq. ft. single-family home ± 3.03 acres</p>	<p><b>East:</b> RS 2,823 single-family home ± 2.50 acres</p>
<p><b>Southwest:</b> RS Vacant land ± 1.21 acres</p>	<p><b>South:</b> RS Open Space - The Hamptons Mobile Home Park (PUD # 89-01) ± 320.36 acres</p>	<p><b>Southeast:</b> RS Open Space - The Hamptons Mobile Home Park (PUD # 89-01) ± 320.36 acres</p>

The subject site has frontage on Old Government Road with the property and surrounding vicinity designated as Residential Suburban (RS). The current owners purchased the property through a quitclaim deed recorded in December 2024 according to the Property Appraiser’s website. A 1,248 sq. ft. mobile home was placed on the property in 1986. A similar variance was approved on the residential property directly adjacent to the subject site. In 2019, the western neighbor received approval to construct a 36’ x 84’ pole barn (3,024 sq. ft.) which was almost 190% larger than the 1,615 sq. ft. primary residence (LDVAR-2019-16). The prior zoning of the site was Rural Conservation (“RC”) which required one (1) dwelling unit per acre. The accessory structure is consistent with the architectural theme of the principal dwelling and provides a rural aesthetic image.

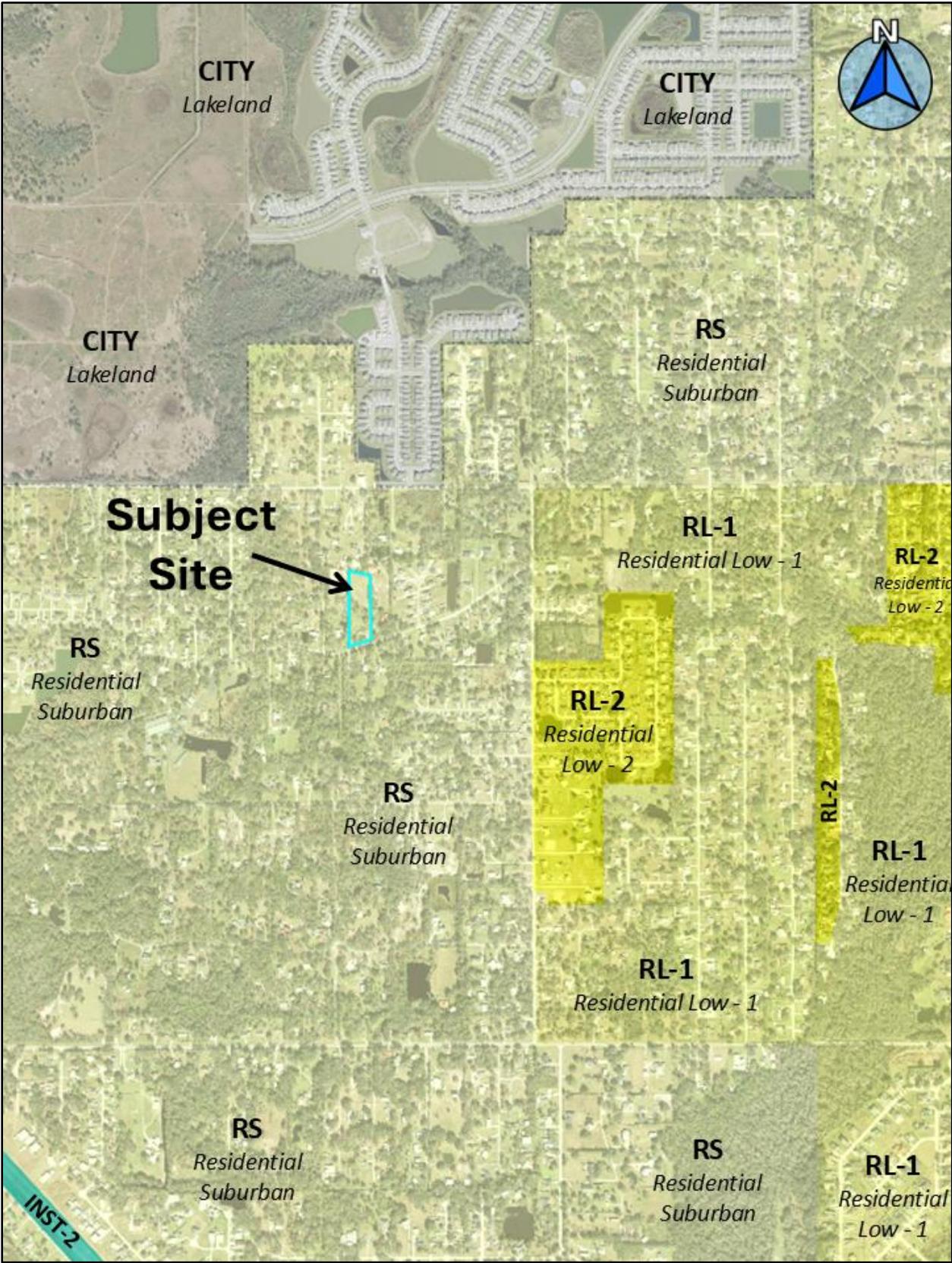
**Comments from other Governmental Agencies:** None

**Exhibits:**

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



Location Map



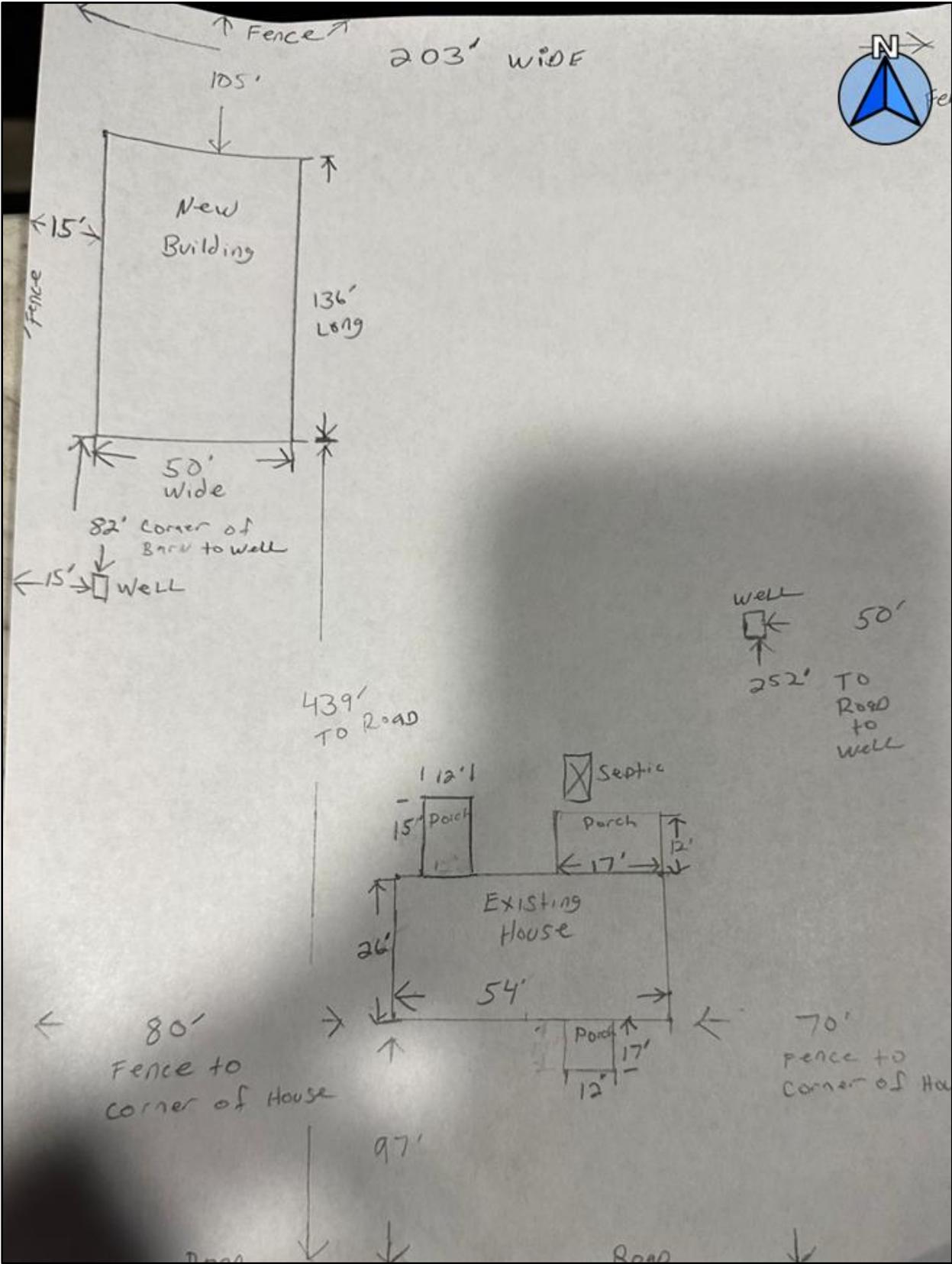
# Future Land Use Map



2023 Aerial Photo (Context)



2025 Satellite Image (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? **N/A**
  
3. When did you buy the property and when was the structure built? Permit Number?  
**6/9/23**  
**6/15/25**
  
4. What is the hardship if the variance is not approved?  
**Wasted resources**
  
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?  
**Not in a HOA**

## Justification