

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

DRC Date:	May 8, 2025	CASE #:	LDLVAR-2025-24 (E Lake Hartridge Dr Variance)
LUHO Date:	June 26, 2025	LDC Section:	Section 208, Table 2.2

Request: The applicant is requesting a primary side setback reduction for a single-family home from seven (7) feet to four (4) feet and a right-of-way setback from fifteen (15) feet to six (6) feet for a home addition.

Applicant: Jonathan Manning

Property Owner: Jonathan Manning, Christina Manning

Location: 2429 E Lake Hartridge Drive, west of Lake Alfred Rd, north of Havendale Blvd NW, east City of Winter Haven in Section 17, Township 28, Range 26.

Parcel ID#: 262817-542500-000030

Size: ±0.65 acres

Land Use Designation: Residential Low-3 (RL-3)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is requesting a variance to reduce the primary structure side setback from seven (7) feet to four (4) feet and a right-of-way setback from fifteen (15) feet to six (6) feet for a home addition. The owner purchased the property in July 2023. This parcel is part of the Hartridge Manor Plat recorded on October 12th, 1925, prior to the Land Development Code and Comprehensive Plan. The property is located off E. Lake Hartridge Drive, a local road, and is in a Residential Low-3 (RL-3) district. The side setbacks established in RL-3 district are set at seven feet on the side for primary structures. Since E. Lake Hartridge Dr is a local road, the right-of-way setbacks are set at fifteen feet. The applicant wants to use the home addition to take care of their elderly parents.

The applicant applied for a building permit (BR-2025-1780) in March 2025. The applicant was told by permit staff that a variance is required based on the setbacks shown within the site plan. The building permitting is pending as the owner is seeking approval for the home addition to be located four feet off the side property line and six feet from the right of way. Staff find this request will cause no harm to the neighborhood. The home addition will be located in the front yard of the property and will be located at a distance similar to the adjacent neighboring homes.

Staff recommends approval of LDLVAR-2025-24 as it 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 addition will stay out of the County maintained pipe and other homes within this community are closer to the right of way.

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-2025-24 with conditions.**

CONDITIONS OF APPROVAL:

1. Seeking a variance to reduce the primary side setback reduction for a single-family home from seven (7) feet to four (4) feet and a right-of-way setback from fifteen (15) feet to six (6) feet for a home addition. Further additions or structures placed on the property shall be required to meet the setback requirements of Section 208, Table 2.2 of the Polk County Land Development Code or re-apply for another variance approval from the Land Use Hearing Officer.
2. 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.
3. 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.

GENERAL NOTES

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

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 submissions 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.

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

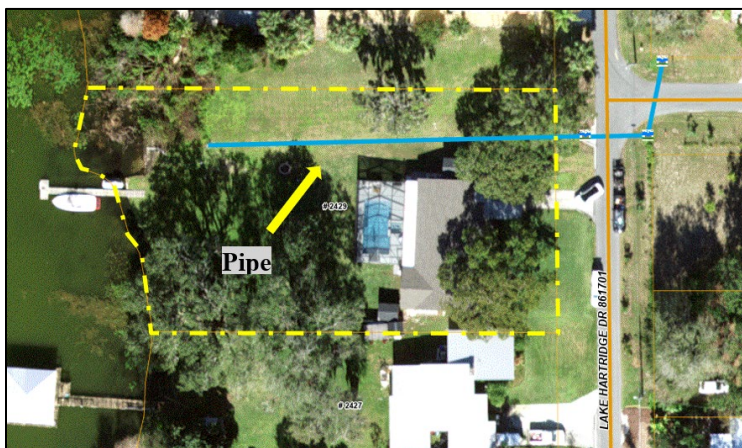
**DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES
SUMMARIZED BELOW:**

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 the subject request will not be injurious to the area as approximately ten of the homes along E. Lake Hartridge Drive are either not meeting setbacks or are located on the right of way. The applicant's new addition will be in line with the neighboring homes. This lot and many of the surrounding homes in this community were developed prior to the Land Development Code, Comprehensive Plan, and first zoning ordinance. The new addition will stay out of the pipe just north of the home that is maintained by the County.

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;*

There are many special conditions peculiar to the land, structure, or building. This property has a pipe maintained by the County just north of the home (see below). The applicant can't place the addition to the rear of the home as there is a pool. The only place to place the addition is the front of the home. The lot was recorded prior to the Land Development Code, Comprehensive Plan, and first zoning ordinance so the home does not meet current setbacks.



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

The owner purchased the property in July 2023, according to the Polk County Property Appraiser. The lot was recorded prior to the Land Development Code, Comprehensive Plan, and first zoning ordinance so the home does not meet current setbacks.

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;*

Every variance approval is a special privilege. The development was created prior to the Land Development Code, Comprehensive Plan, & Zoning. Approximately ten of the homes along E. Lake Hartridge Drive either are not meeting setbacks or are located on the right of way. The addition to this home will be in line with the other neighboring homes.

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

The request is for a 1200 sq ft addition. Without the right of way variance, the applicant will only be able to add a 930 sq ft addition. Without the side setback relief, an 817 sq ft addition.

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 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.*

Granting this variance 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:

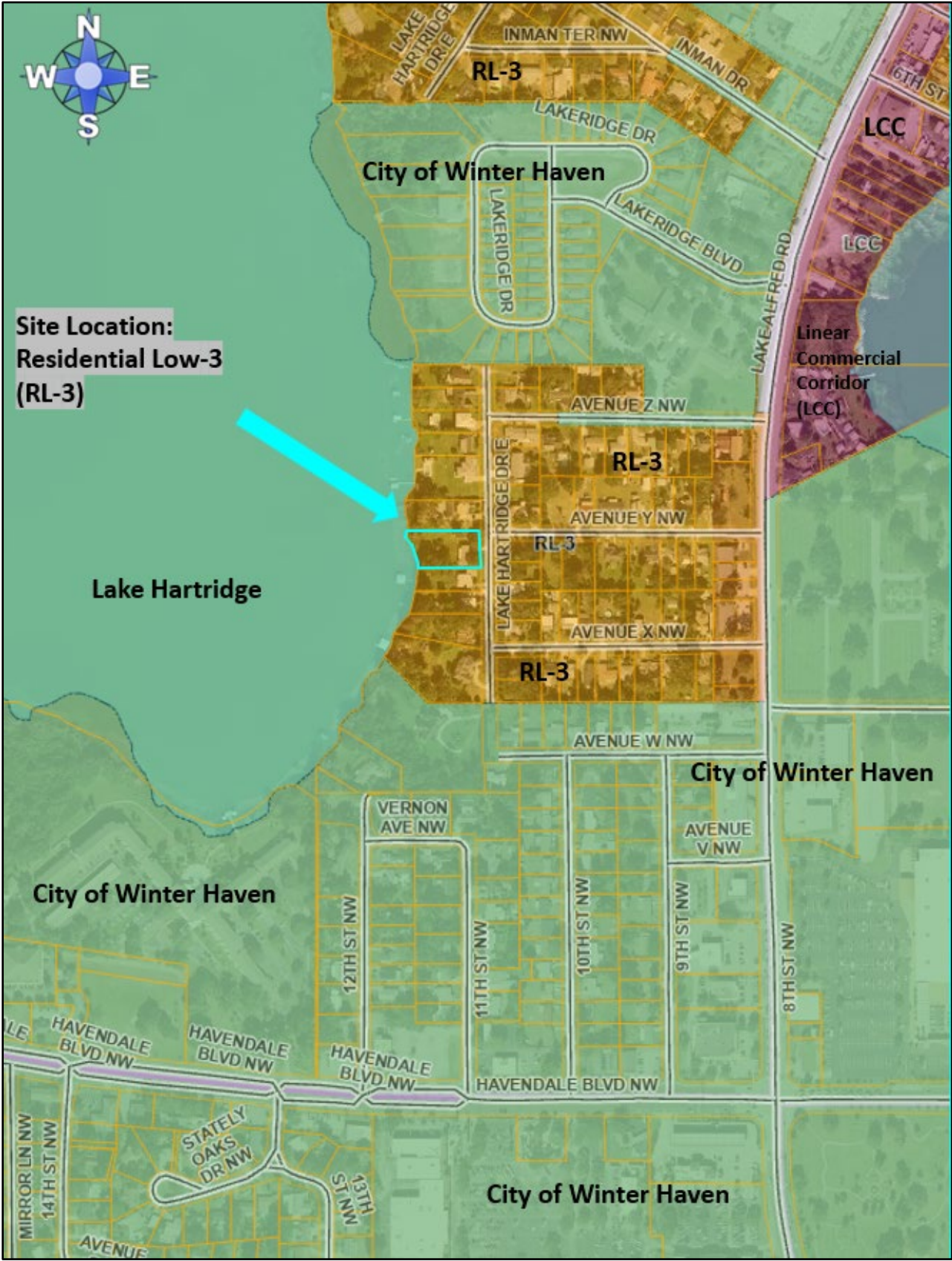
Northwest: Lake Hartridge	North: RL-3 Single family home	Northeast: RL-3 Single family home
West: Lake Hartridge	Subject Property: RL-3 Single family home	East: RL-3 Vacant
Southwest: Lake Hartridge	South: RL-3 Single family home	Southeast: RL-3 Vacant

This property is a single-family home on E Lake Hartridge Drive in Winter Haven, Florida. Staff found no prior variances in this area since the mid-90s. Other homes within this street are located at the same distance the applicant is proposing for the addition.

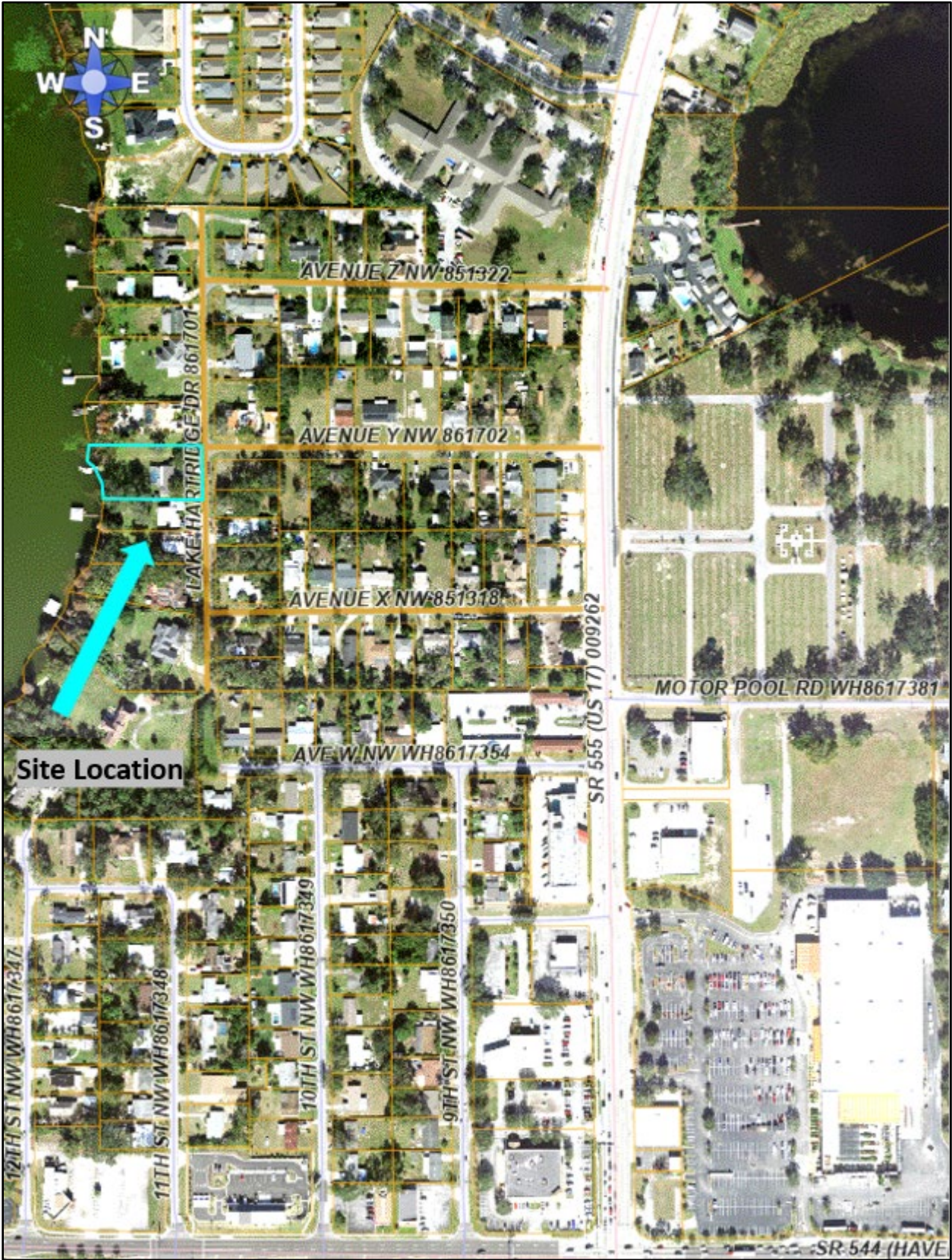
Exhibits:

Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Aerial Imagery (Context)
Exhibit 4	Aerial Imagery (Close)
Exhibit 5	Site Plan
Exhibit 6	Justification

Land Use Hearing Officer
Variance/*ANI*



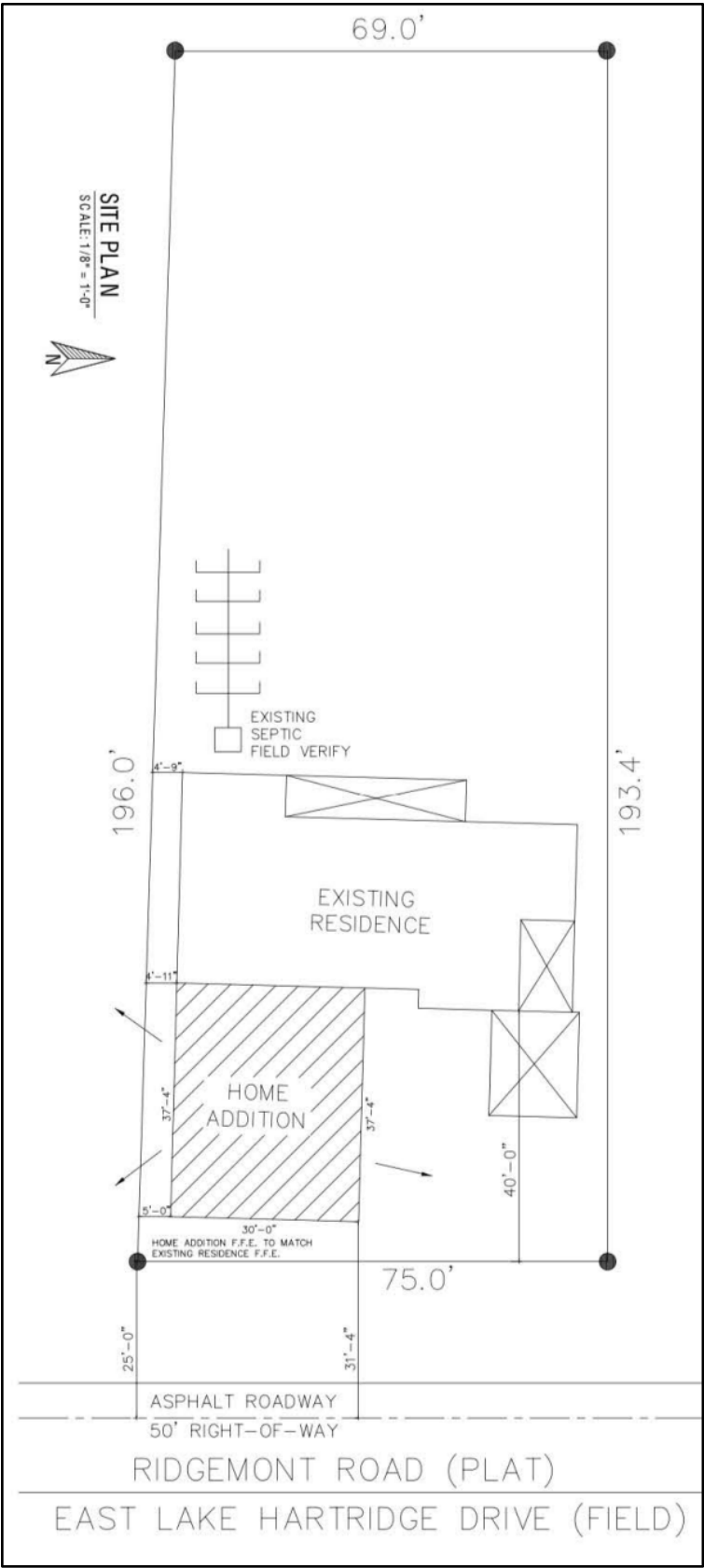
Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)



Site Plan

CRITERIA FOR GRANTING VARIANCE

Will the variance be injurious to the area involved or detrimental to the public welfare?
The proposed addition will not alter the character of the neighborhood since both adjacent properties will remain closer to the road than our addition. We will be accommodating our elderly parents to enhance their quality of life and does not pose any threat to public safety or welfare. The design of the mother-in-law addition will be in harmony with the existing structures in the area, ensuring it blends well with the neighborhood aesthetics. The variance will not cause any adverse effects on the surrounding properties, such as obstructing views, light, or air. We have support from neighbors adjacent to our home.

What special conditions exist that are peculiar to the land, structure, or building involved?
We have no other options to build behind, or beside due to an easement so building toward the road is a necessity to utilize the property affectively.

When did you buy the property and when was the structure built? Permit Number?
We bought the main structure in 05/19/2021. The main structure was built in 1970

What is the hardship if the variance is not approved?
Without the variance, we would be unable to construct the mother-in-law addition, which is essential for providing necessary care and support for our elderly parents. This could lead to challenges in ensuring their well-being and safety.

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

Do you have Homeowners Association approval for this request?
No, we do not have a homeowner's association

Justification