

POLK COUNTY
LAND USE HEARING OFFICER
STAFF REPORT

DRC Date	December 11, 2025	CASE #:	LDLVAR-2025-64
LUHO Date	January 22, 2026	LDC Section:	Section 206.A

Request: The applicant is requesting a variance to construct a new 1,500 square foot accessory dwelling unit (ADU) which will exceed the 1,000 square foot cap on about 2.13 acres.

Applicant: Patricia L. Cordero

Property Owner: Patricia L. Cordero & Jose A. Rodriguez

Location: The subject property is located at 905 Haymarket Drive, north of Interstate-4 and Walt Williams Road, west of O'Daniel Loop West, east of Old Polk City Road, south of Meadowood Drive, north of the City of Lakeland, in Section 17, Township 27, and Range 24.

Parcel ID#: 242717-000000-034050

Size: ±2.13 acres

Land Use Designation: Residential Suburban (RS)

Development Area: Suburban Development Area (SDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is seeking a variance to the maximum size limit of 1,000 square feet for an accessory dwelling unit (ADU). Section 206.A.2 of the Land Development Code (LDC) limits ADUs to less than the size of the primary residence and not to exceed 1,000 square feet of heated floor space. The owners would like to construct an ADU that will be 1,500 square feet under roof. Meanwhile the existing dwelling is 2,838 square-foot under roof. The proposed ADU is almost half this size, or 47% smaller, thereby adhering to the subordinate and incidental characteristics required for accessory uses. Additionally, the request meets all standards outlined for ADUs in LDC Section 206.A, which includes less than 0.60 total ISR and being setback behind the forward building line of the principal dwelling unit.

The owners seek this ADU size approval for the property to comfortably house additional family members onsite at a separate residence. Considering the max ADU size considers only heated floor space, the home will remain subordinate in size to the primary residence and smaller by about 47%. Staff find 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 ADU will meet primary structure setbacks and not located forward of the principal residence's building line. Also the impervious surface of the site will not exceed the 60% threshold established in Section 206.A.3.b of the LDC.
- 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** because the owners state the ADU will provide the ability for sufficient and adequate space for long-term family living. Many of the surrounding homes to the west and south have similar if not larger sized primary homes on lots less than half the size of the subject site.

Development Review Committee

The Development Review Committee, based on the criteria for granting Variances, finds that the applicant's request as written **IS CONSISTENT** with **Section 931** of the Polk County Land Development Code.

Development Review Committee Recommendation: Based upon the application, and a recent site visit, the Development Review Committee recommends **APPROVAL of LDLVAR-2025-64**, with the following conditions:

CONDITIONS OF APPROVAL:

1. A variance to the standards in Section 206.A.2, of the Land Development Code (LDC) shall be granted to adjust the maximum allowable square footage of an accessory dwelling unit (ADU) from 1,000 square feet to 1,500 square feet.
2. This variance shall be valid as long as the existing primary residence is 2,838 square feet under roof or greater.
3. Access will come from the existing driveway off Haymarket Drive. Access for the ADU is not permitted off of Old Polk City Road.
4. The ADU shall not be located forward of the building line of the principal dwelling unit.
5. This variance does not authorize any encroachments into easements and the applicant shall be responsible for making 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 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;*

The variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The applicant, on behalf of the property owner, requests to build a new 1,500 square foot ADU which is 500 square feet, or 50% larger than the maximum size permitted under Section 206.A.2 of the LDC. The existing home is approximately 2,838 square feet. Under roof, the ADU will remain subordinate in size to the primary residence and smaller by about 47%. The applicant's property is approximately 93,000 square feet, and the current home, garage, and porch cover less than 5% of the property. The addition of the new 1,500 ADU will increase the ISR to about 6%, but it will not exceed 60% maximum permitted on the property. The large 2.13-acre lot size is sufficient to accommodate an ADU of this square footage, with many surrounding residential properties only $\frac{1}{4}$ to $\frac{1}{2}$ acre in size. This ample space makes the ADU easily satisfy all principal structure setbacks required in the RS land use district. The subject site is a legal lot of record, where the primary home was built in 1977 and met principal structure setbacks at the time. The ADU will be setback behind the primary residential building line as required in LDC Section 206.A.4. For these reasons, approval will not be injurious to the area involved or otherwise detrimental to the public welfare.

- 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 within an enclave of RS. The site is at the boundary of where the Urban Growth Area and Polk City Special Protection Area (SPA) for the Green Swamp Area of Critical State Concern (GSACSC) begin to the west. While 2.13 acres are smaller than the minimum lot size requirements today, the subject lot size exceeded the 40,000 square foot requirement under the RC (RC) zoning designation at the time it was created. The corner lot is part of an unplatte neighborhood consisting of 26 single-family parcels similar in acreage that share access off of Haymarket Drive.

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

The existing home on the subject site was constructed in 1977 and met the principal side and front setbacks under the prior RC zoning district. Additional improvements, including a pool

and detached garage, were constructed in 1980 and 2023 respectively. The property is a corner lot with frontage on Haymarket Drive and Old Polk City Road with existing driveway access off of Haymarket. According to the request and site plan, the ADU will take existing driveway access from the primary home and cross the existing home's front yard (*Exhibit 5*). According to the applicant, the ADU is planned to provide flexible accommodation for future family planning. The property is large enough to construct an ADU such as this. Meanwhile many of the surrounding homes to the west and south have similar if not larger sized primary homes on lots less than half the site's size.

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;*

This will not confer on the applicant any special privilege that is denied by the provisions of this Code. ADUs are permitted as accessory uses to single-family detached homes and mobile homes in all residential districts and lots of record, so long as they meet setback, dimensional, and locational requirements. According to Section 206.A.3.c of the LDC, the ADU must meet primary structure setbacks when it exceeds 1,000 square feet. Since the property is a corner lot and pursuant to LDC Section 208.B, front setbacks are considered on both Old Polk City Road and Haymarket. The 1,500 square foot ADU will exceed the 30' setback from Old Polk City Road, an Urban Collector Roadway. The proposed structure will also exceed 10' side setbacks. In addition to this, the primary residence will remain forward of the building line of the proposed ADU.

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

The owners are seeking to designate their existing home as an accessory dwelling unit (ADU) that is approximately 50% larger than the County's current ADU maximum standard. In terms of total under roof, the proposed ADU will be almost half the size of the existing primary residence. This still falls into the confines of the definition of accessory (incidental and subordinate). The 2.13 acre-lot size is well above the majority of subdivisions in the area which range from about 0.2 to 0.4 acres. According to the applicant's justification, the request aims to provide sufficient and adequate space for long-term family living (*Exhibit 6*).

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. A slightly larger than standard accessory dwelling unit (ADU) will not alter the residential use of this property.

7. *Whether that in no case shall the Land Use Hearing Officer or the Planning Commission grant a variance 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. This 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:

The table to follow provides details of abutting structures and lot parameters.

Table 1

Northwest: RL-3X 206 single-family homes ±2.76 acres	North: RS 4,361 sq. ft. single-family home Built in 2000 ±2.13 acres	Northeast: RS 3,891 sq. ft. single-family home Built in 1982 ±2.13 acres
West: RL-3X Hunters Run Subdivision 206 single-family homes ±2.76 acres	Subject Property: RS 2,838 sq. ft. single-family home Built in 1977 ±2.13 acres	East: RS 5,652 sq. ft. single-family home Built in 1984 ±2.13 acres
Southwest: RL-3X Hunters Ridge Subdivision 49 single-family homes ±2.44 acres	South: RS Hunters Meadow (LDSPD-2018-3) 24 single-family homes ±9.77-acres	Southeast: RS Hunters Meadow (LDSPD-2018-3) 24 single-family homes ±9.77 acres

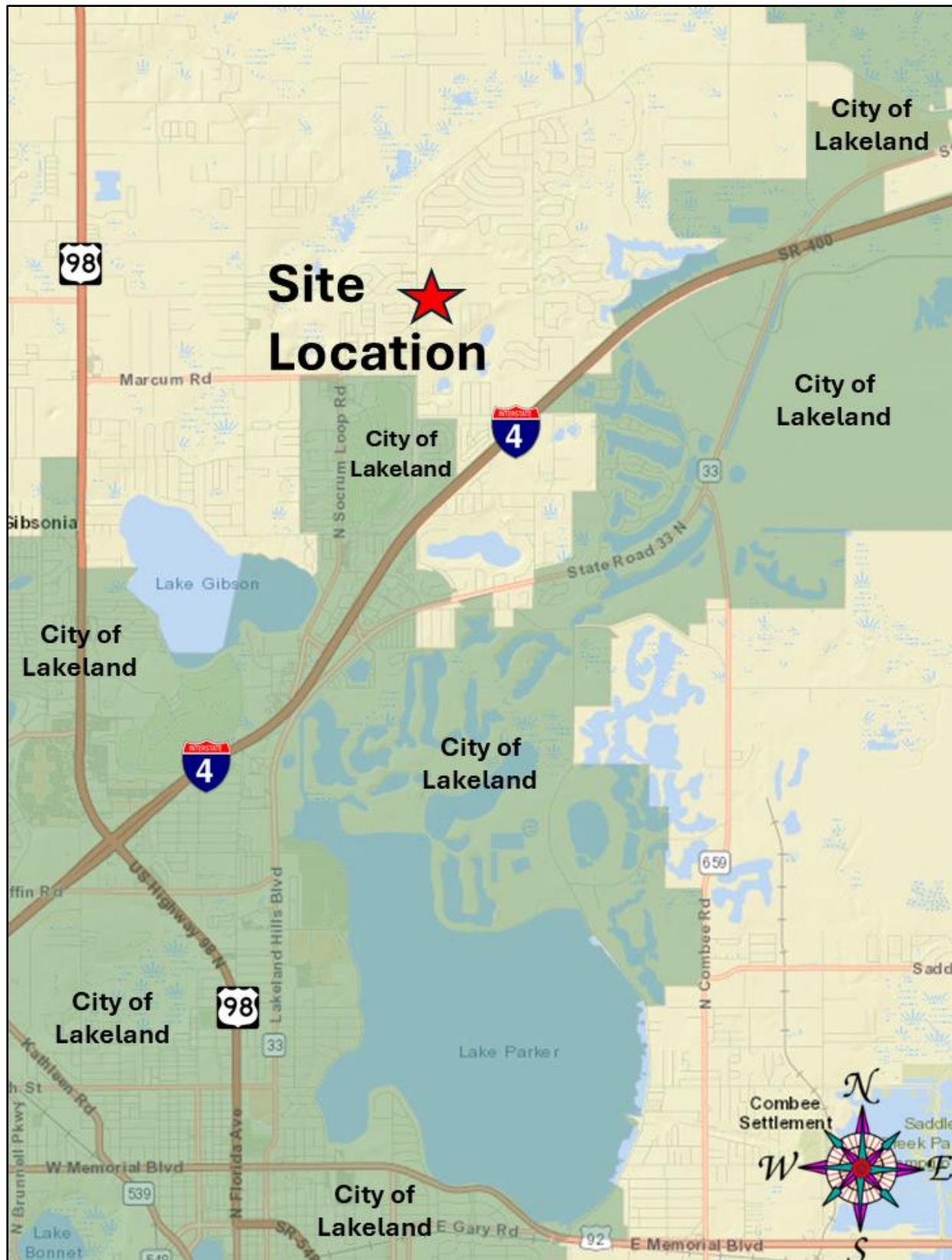
The subject property is unplatted and is surrounded by predominantly single-family residential subdivisions. This includes the Hunters Run subdivision to the west which consists of 206 homes and began phase one construction in 1989. Hunters Meadow abuts the subject site to the south and was approved for 24 single-family homes in 2018 (LDSPD-2018-3). The Rural Special Protection Area (SPA) of the GSACSC is directly across Old Polk City Road to the west of the site. The property is approximately 2.13 acres in the RS land use district. While the subject site does not meet the minimum 5-acre requirement today, it met the 40,000-acre minimum lot size in the Rural Conservation (RC) zoning district when the property was recorded. It is therefore considered a legal non-conforming lot of record.

A 2,838 square foot single-family residence was constructed on the property in 1977. According to the Property Appraiser, the applicant purchased the property through a warranty deed in July 2022 (O.R. BK 12352, PG 703). The applicant later constructed a detached garage in 2023. They are seeking to build a new 1,500 square foot ADU while retaining the old primary home on site. Approval from the Land Use Hearing Officer to exceed the 1,000 square foot threshold for ADUs is required.

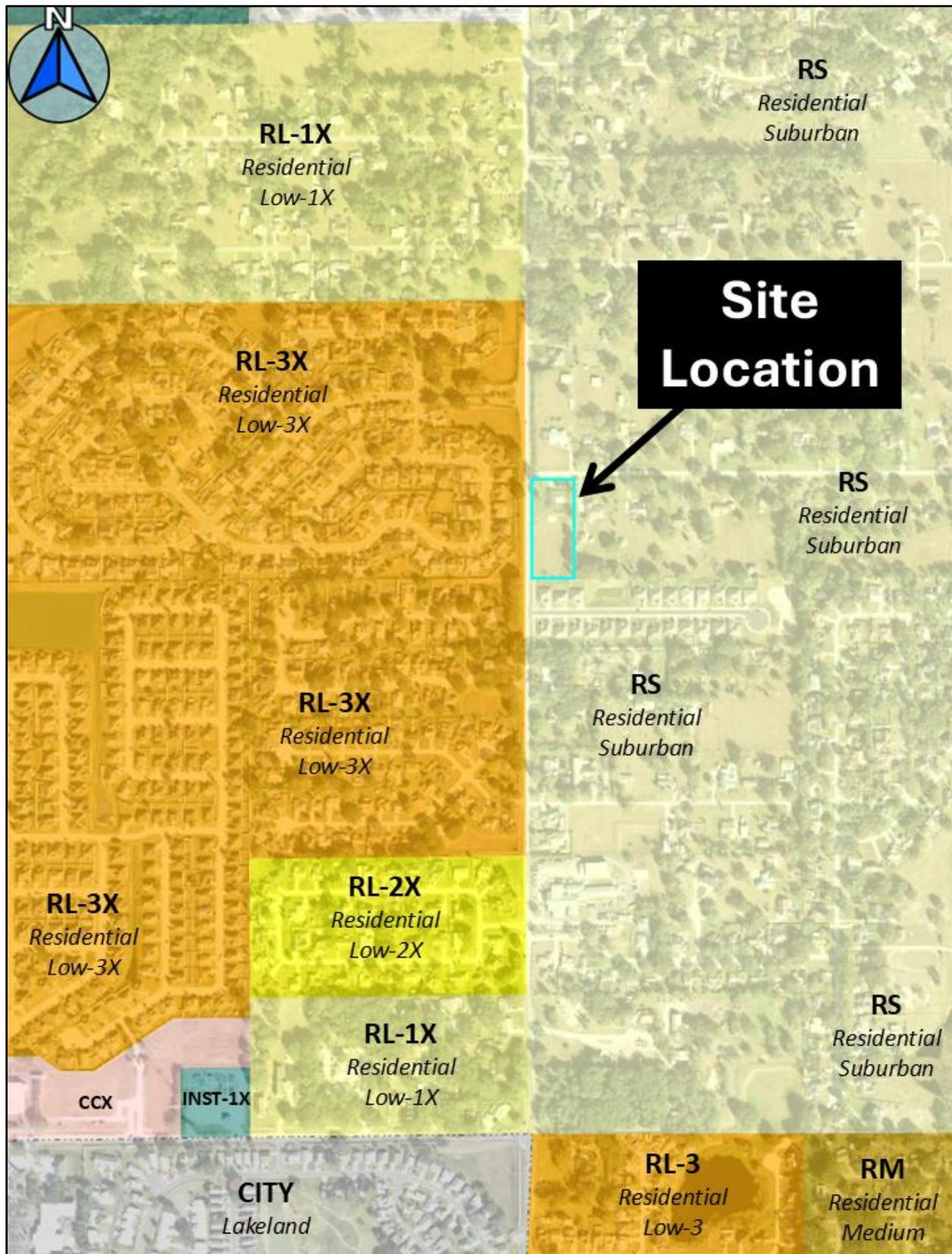
Comments from other Governmental Agencies: None.

Exhibits:

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



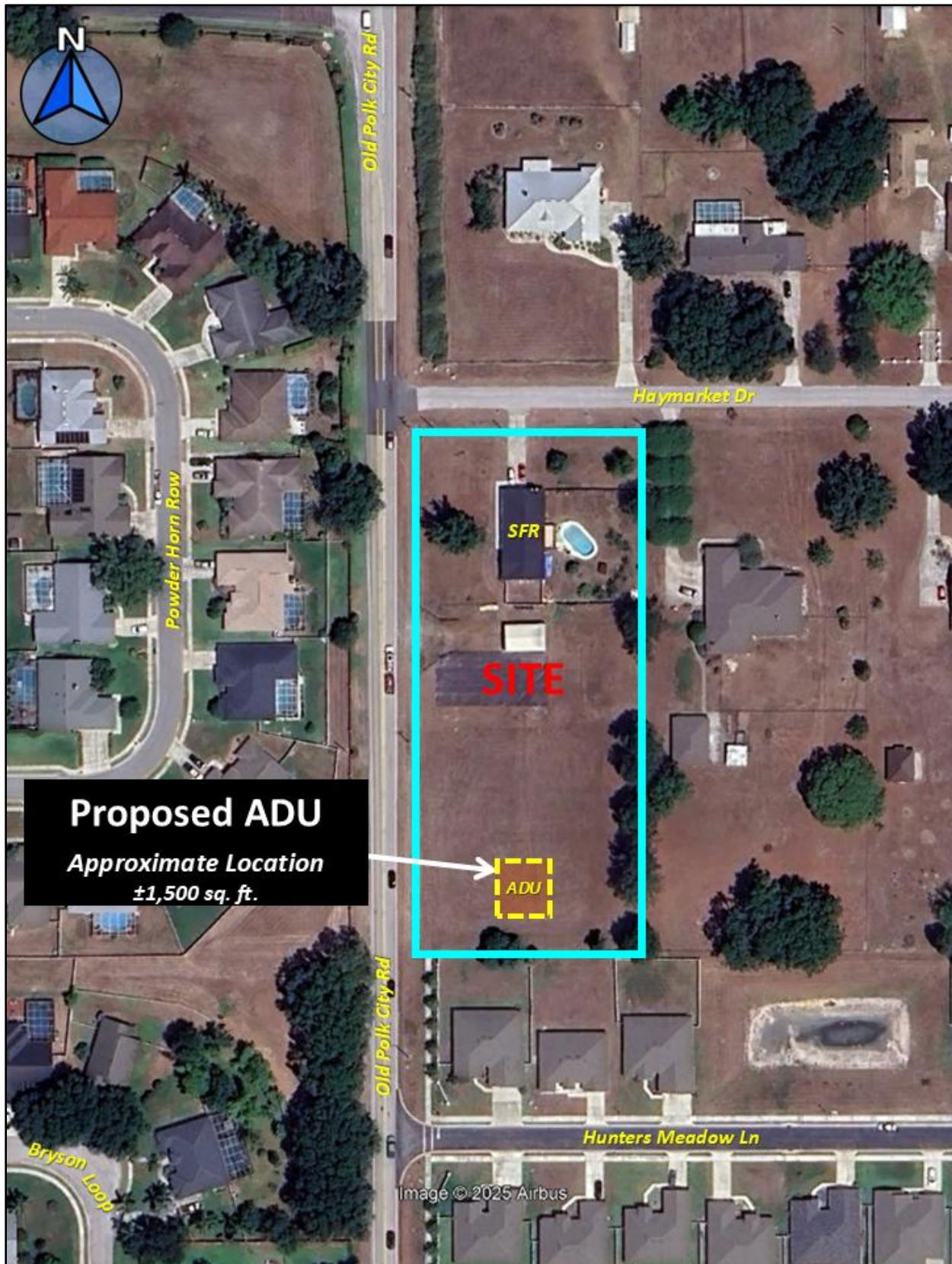
Location Map



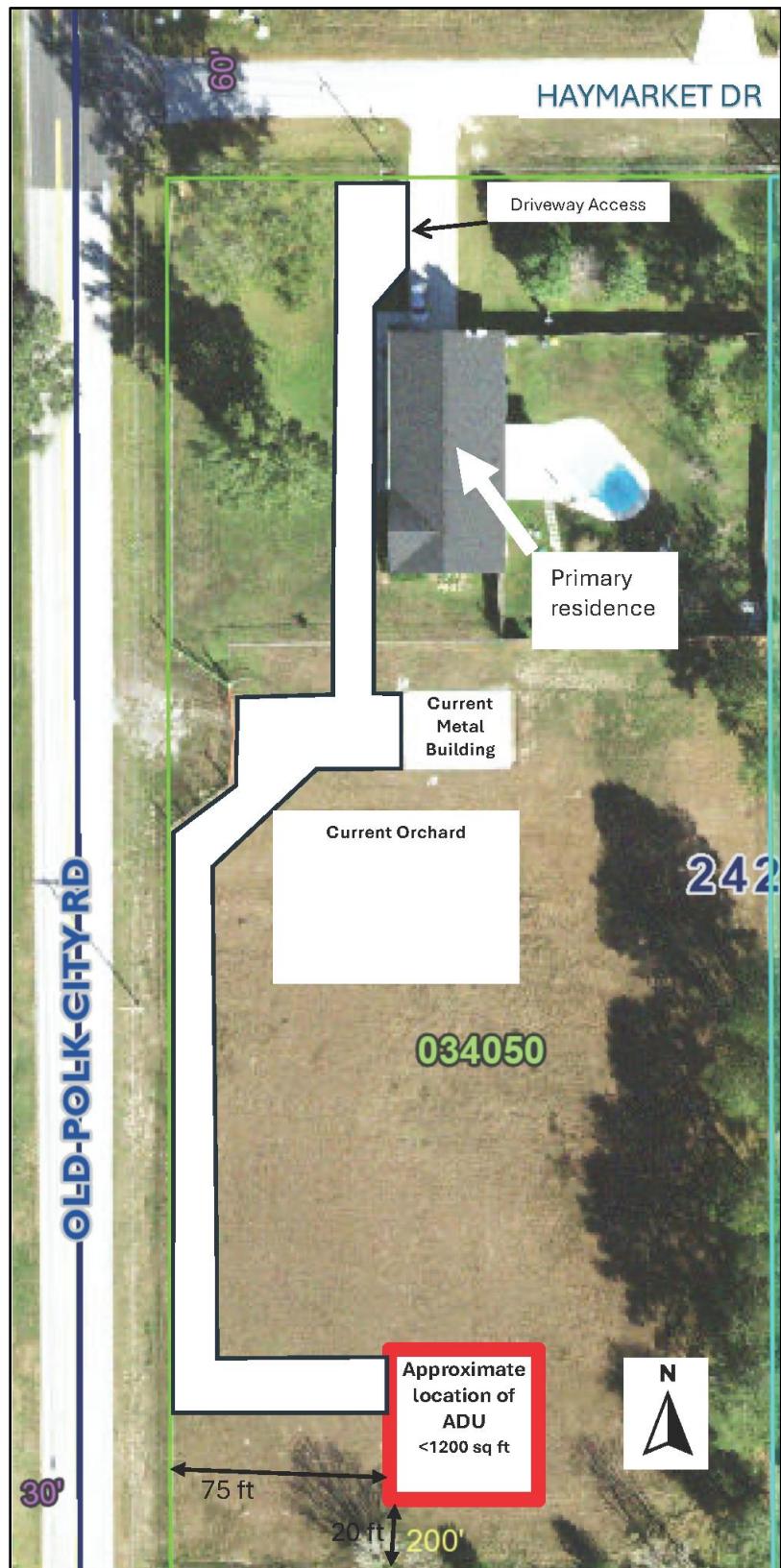
Future Land Use Map



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, the proposed variance will not be injurious to the area or detrimental to public welfare. The ADU will comply with all applicable codes, including building standards, setbacks, and impervious surface ratio requirements. It will be the only ADU on the lot and will be smaller than the existing primary residence. The 2.13-acre lot can easily accommodate the proposed structure without overcrowding or negatively impacting neighbors. In fact, the project supports public welfare by contributing to the supply of attainable housing and enabling multi-generational living within the existing footprint of the property—without increasing neighborhood density or requiring additional infrastructure.**
2. What special conditions exist that are peculiar to the land, structure, or building involved? **The property in question is a 2.13-acre lot that, despite its size, is classified as non-conforming and is not eligible for subdivision under current zoning regulations. This creates a unique limitation on how the property can be developed, unlike many nearby parcels that are significantly smaller yet able to support larger primary residences or multiple structures through legal lot splits. Additionally, the lot has ample space to accommodate an ADU that exceeds the standard size limit without exceeding setback requirements, impervious surface ratios, or impacting neighboring properties. These special conditions—size, configuration, and subdivision restrictions—make a larger ADU the most practical and contextually appropriate way to utilize the land for housing, while remaining fully compliant with other zoning and building standards.**
3. When did you buy the property and when was the structure built? Permit Number? **I bought this property in July 2022. The house was built in 1977.**
4. What is the hardship if the variance is not approved? **If the variance is not approved, we face a unique hardship due to the non-conforming nature of the lot, which cannot be subdivided despite its size. As a result, the only feasible way to accommodate family housing needs is through an ADU. The current 1,000 sq ft limit is insufficient for a functional multi-generational living space and restricts the reasonable and practical use of the property in a way that similar neighboring lots—many with smaller size and larger homes—are already able to achieve. Denying the variance limits the ability to support family needs and future housing flexibility, despite the lot having the space and infrastructure to support the proposed use.**

Applicant's Justification

5. Is this the minimum variance required for the reasonable use of the land? **Yes, this request represents the minimum variance needed to make reasonable and appropriate use of the property for its intended purpose—supporting extended family living while remaining compatible with the surrounding neighborhood. The requested 1,500 sq ft ADU remains secondary to the primary 2,100 sq ft residence, and the overall site plan respects all zoning and design standards aside from the size cap. This modest increase beyond the standard limit allows for a livable and functional space that supports long-term family stability without overdeveloping or changing the character of the area.**
6. Do you have Homeowners Association approval for this request? **Homeowners' Association is not applicable.**

Applicant's Justification