

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

<b>DRC Date</b>	<b>October 10, 2024</b>	<b>CASE #:</b>	<b>LDLVAR-2024-47</b>
<b>LUHO Date</b>	<b>November 12, 2024</b>	<b>LDC Section:</b>	<b>Section 209.G</b>
			<b>Meadow Oak Circle Storage Building</b>

**Request:** The applicant is requesting an accessory structure larger than the primary structure.

**Applicant:** Abigal Rivera Pacheco

**Property Owner:** Abigail Pacheco

**Location:** 1952 Meadow Oak Circle, south of DeRosa Road, south of Mount Olive Road, east of Marker Road, west of Berkley Road, in Phase 1 of the Meadow Oak Acres Subdivision, west of the City of Auburndale, east of the City of Lakeland in Section 08, Township 27 and Range 25.

**Parcel ID#:** 252708-298375-000340

**Size:** 0.81 +/- acres (35,445 square feet)

**Land Use Designation:** Residential Low-3X (RL-3X)  
I-4 Northeast Parkway Selected Area Plan (SAP)

**Development Area:** Transit Supportive Development Area (TSDA)

**Case Planner:** Erik Peterson, AICP

**Summary:**

The applicant is seeking an accessory building that is larger than the primary residence. Section 209.G, Accessory Structure Size, sets limits on the size of accessory structures. Section 209.H, Accessory Structure Variance, and Section 930, Variances & Special Exceptions, enable the Land Use Hearing Officer the ability to grant approval for accessory structures to exceed the limits of Section 209.G with consideration of the factors listed in Section 931, Criteria for Granting Variances. The primary residence is a 912 square foot mobile home. The applicant seeks to add a 2,000 square foot (40'x50') metal building (detached garage) to the property for the purposes of storing recreation vehicles and other household items.

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 storing the applicant's many recreational vehicles in an enclosed structure rather than out in the open is more aesthetically beneficial to the neighborhood while the lot has a larger useable area than most in the subdivision and the

primary structure is smaller than most the larger building will not be as visually pronounced.

- **Special conditions and circumstances present in the request do not result from the actions of the applicant** because not every family needs a large home. However, with a home as small as the applicant has, even a modest two vehicle detached garage can exceed the boundaries of being subordinate in size to the primary. The applicant needs to store more than two vehicles.

### **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-2024-47**, with the following conditions:

#### **CONDITIONS OF APPROVAL:**

1. A variance to the standards in Section 209.G of the Land Development Code (LDC) shall be granted for an accessory structure larger than the primary structure not to exceed 2,000 square feet or 22 feet in height.
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. 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 LDC Section 930D.*

*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 applicant's property is approximately 0.81 +/- acres (35,445 square feet) and the primary residential structure is a 912 square foot single-wide mobile home. The applicant has applied to build a 2,000 square foot metal building under permit# BR-2024-6309. The building will be approximately 22 high and have three 14-foot-tall bay doors (see Exhibit 6).

The applicant has multiple vehicles for recreation and daily use. Sheltering them from the elements will extend their useful lifespan and be more aesthetically pleasing to neighboring property owners. The proposed building will be approximately six feet higher than the applicant's and neighboring dwellings. This is not a substantial deviation given the amount of distance between dwellings and the proposed structure. There will be over 60 feet of separation from neighboring dwellings and less than 50 feet from the applicant's dwelling.

The proposed garage and storage structure will be over twice the size of the primary structure. However, due to the large size of the lot and distance from the right-of-way, this should not be as noticeable as it would be on some of the smaller lots in the neighborhood. Additionally, there are other properties in the neighborhood where the primary dwelling is large enough to render the applicant's proposed garage subordinate. Given these factors staff finds that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. One larger garage is a more efficient use of space and more aesthetically appealing than multiple smaller ones.

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 some slightly special conditions and circumstances that exist which are peculiar to the land and structures involved. The size of the primary structure relative to the size of the property is significantly different. This enables the larger accessory structure to be less noticeable from offsite. The applicant has several recreational vehicles. Storage of these vehicles within an enclosed structure will be more aesthetically desirable from offsite views. The structure the applicant is seeking to build will be just under 22 feet from grade. The mobile home is approximately 16 feet above grade. The neighboring properties have residences at similar heights. The home of the neighbor directly to the north is approximately 50 feet off their southern property line and the applicant's proposed accessory structure will be 10 feet off that line. Therefore, the separation from the nearest dwelling will be over 60 feet and the separation from the applicant's primary structure will be less than 50 feet from the storage garage.

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

The applicant's home is smaller than many homes in the development, but not so much in the immediate area. The applicant's property has more useable space than most properties in the subdivision. While there are much larger properties in the development, those properties are burdened with wetlands and floodplains that prohibit development activity within them. Not every family needs a large home. However, with a home as small as the applicant has, even a modest two vehicle detached garage can exceed the boundaries of being subordinate in size to the primary. The applicant needs to store more than two vehicles.

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;*

Staff have not received any applications for accessory structures larger than the primary in this subdivision nor any other variance request. This is a first variance request in the neighborhood since the adoption of the LDC in 2000. There is one parcel in the subdivision that has a significantly large accessory structure, but it is not larger than its primary structure. The applicant could choose to build multiple smaller garages for the vehicles, but that would be more costly and less efficient. One larger garage is a more efficient use of space and more aesthetically appealing than multiple smaller ones.

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

The applicant's 912 square foot single-wide mobile home was placed on the property in 1993 by the previous owner. It meets today's setback requirements as well as the standards from land use codes prior to the LDC. The applicant will park a motorhome, Jet-ski, Quad-runner, and utility trailer in the detached garage. The parking the four vehicles with enough distance to maneuver consumes more space than the square footage of the existing residence. While a 2,000 square foot detached garage/storage building will be the largest of its kind in the entire subdivision, it will not be the largest structure as there are double-wide mobile homes and mobile homes with additions in the neighborhood that exceed 2,000 square feet. Also, the applicant's lot is one of the largest in the development. It will not appear to be as large with so much property surrounding it.

The largest accessory structure in the development is 1,008 square feet. Its primary residence is 1,736 square feet and the lot is 1.45 acres, half of which is forested wetlands.

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 home will remain a residential use in a residential district. The larger storage building is needed to protect the owner's recreational vehicles, lawn equipment, and other incidental items that homeowners often accrue such as patio furniture.

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.*

The subdivision developed under the former Rural Conservation (RC) zoning district requirements from its origin in the early 1980s and was fully built out by 2000. Accessory structures have always been required to be incidental to the use of the property and subordinate in size since the 1970 zoning ordinance was adopted. A variance to the size of the structure was not permitted until the LDC was amended in 2010 to enable such requests. Granting this request will not circumvent any conditions of approval. The Board realized in 2010 that there were legitimate reasons for a resident to need an accessory structure that is larger than the primary. These included multiple functions consolidated into one structure and the storage of multiple vehicles.

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

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

**Table 1**

<p><b>Northwest:</b> RL-3X 792 sq.ft. Mobile Home On a ±26,572 sq.ft. lot</p>	<p><b>North:</b> RL-3X 1,248 sq.ft. Mobile Home On a ±31,363 sq.ft. lot</p>	<p><b>Northeast:</b> RL-3X 924 sq.ft. Mobile Home On a ±31,799 sq.ft. lot</p>
<p><b>West:</b> RL-3X Vacant ±26,572 sq.ft. lot</p>	<p><b>Subject Property:</b> RL-3X 912 sq.ft. Mobile Home On a ±35,445 sq.ft. lot</p>	<p><b>East:</b> RL-3X 2,100 sq.ft. Mobile Home On a ±33,977 sq.ft. lot</p>
<p><b>Southwest:</b> RL-3X 1,728 sq.ft. Mobile Home On a ±26,572 sq.ft. lot</p>	<p><b>South:</b> RL-3X 1,064 sq.ft. Mobile Home On a ± 35,018 sq.ft. lot</p>	<p><b>Southeast:</b> RL-3X 1,296 sq.ft. Mobile Home On a ±4.62-acre lot</p>

The size of the surrounding homes varies in size significantly. The applicant’s home is on the small side of the data shown in Table 1 above. The neighboring lot sizes are not as different. Except for one other, the applicant has the largest of all the abutting lots. The applicant’s property is a corner lot on a street with a broad turning radius. It has the most roadway frontage at ±424 feet of all the nearby lots. The applicant has a few recreational vehicles and a boat. With so much roadway exposure, the applicant needs some enclosed space for the recreational vehicles.

**Comments from other Governmental Agencies:**

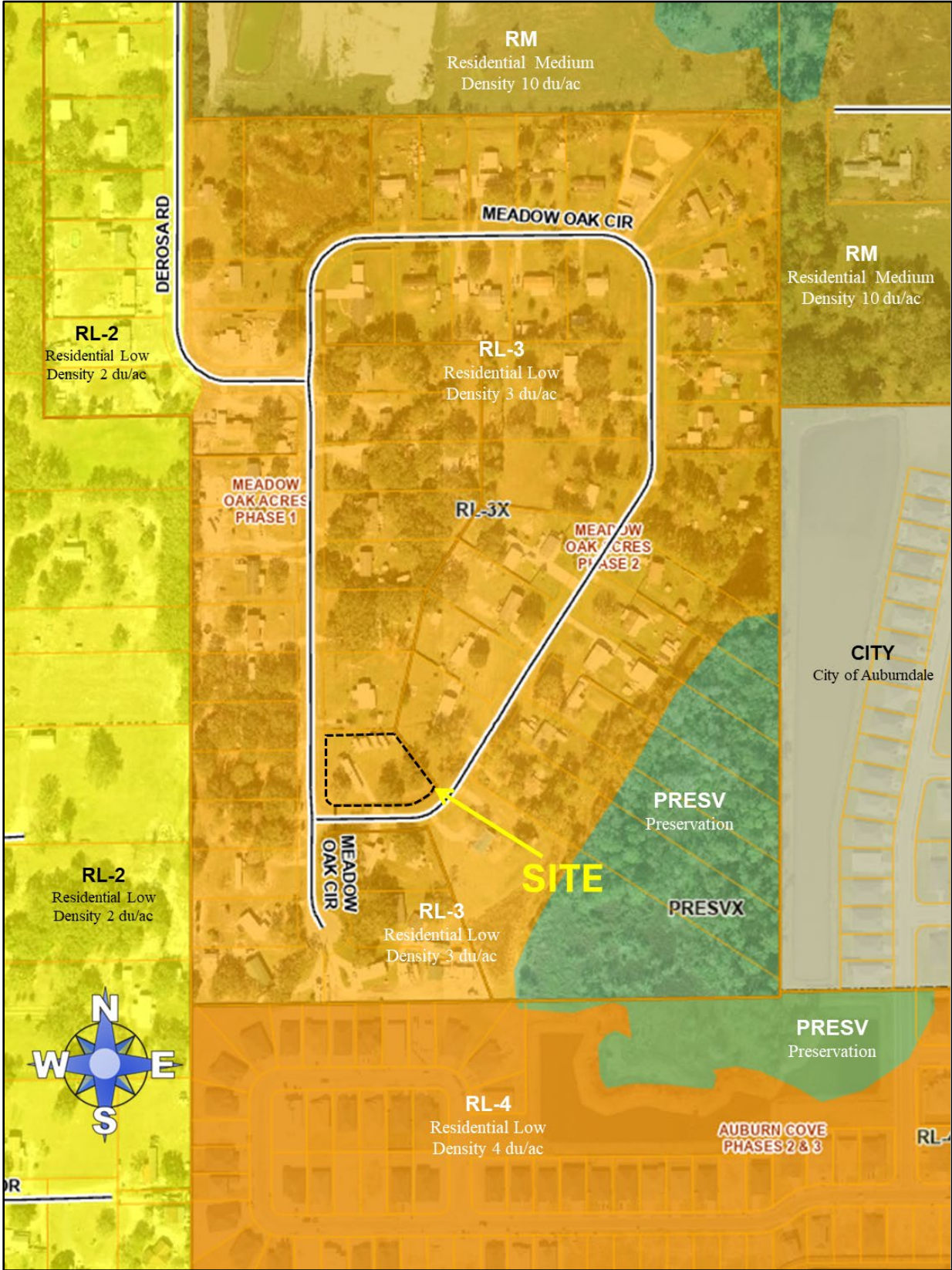
None.

**Exhibits:**

- Exhibit 1 - Location Map
- Exhibit 2 - Future Land Use Map
- Exhibit 3 - 2024 Aerial Photo (context)
- Exhibit 4 - 2024 Aerial Close-up w/ building location
- Exhibit 5 - Applicant's Site Plan
- Exhibit 6 - Building Elevation Drawings
- Exhibit 7 - Applicant's Justification



Location Map



# Future Land Use Map





2024 Aerial Photo (context)

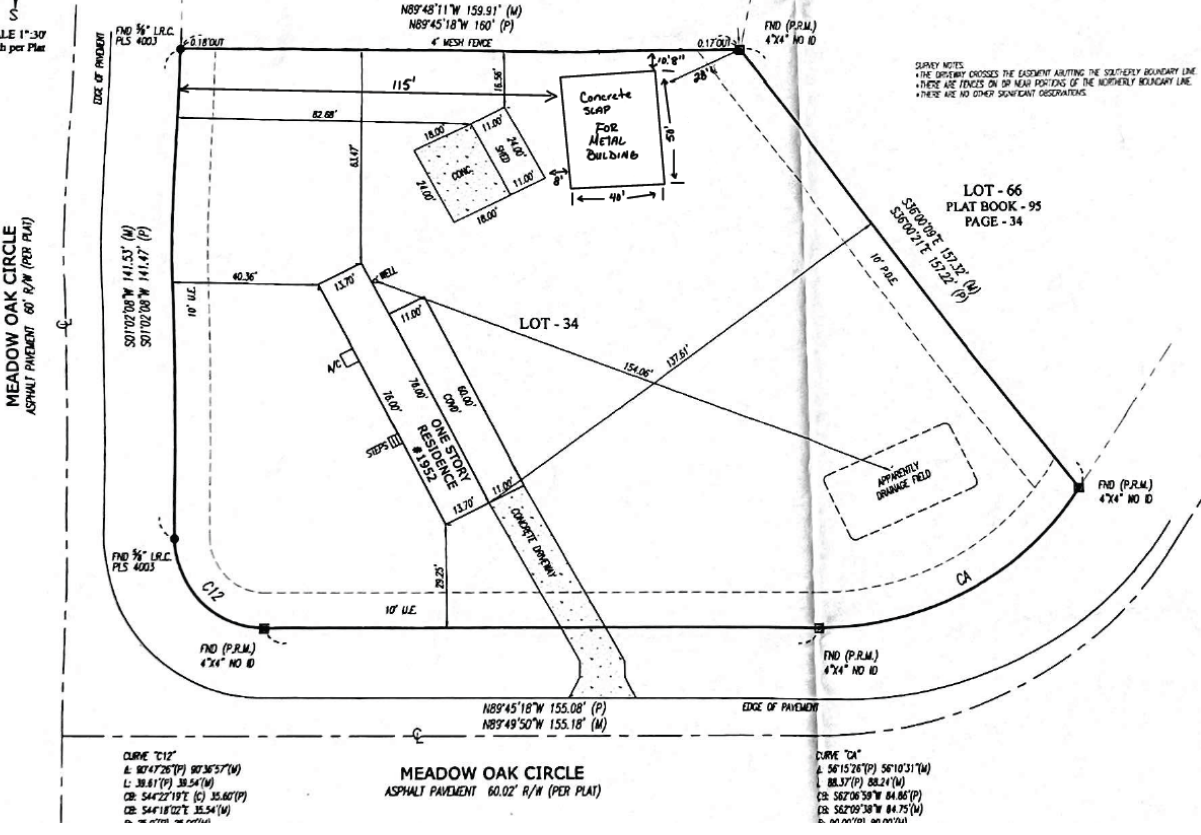


2024 Aerial Close-up w/site plan

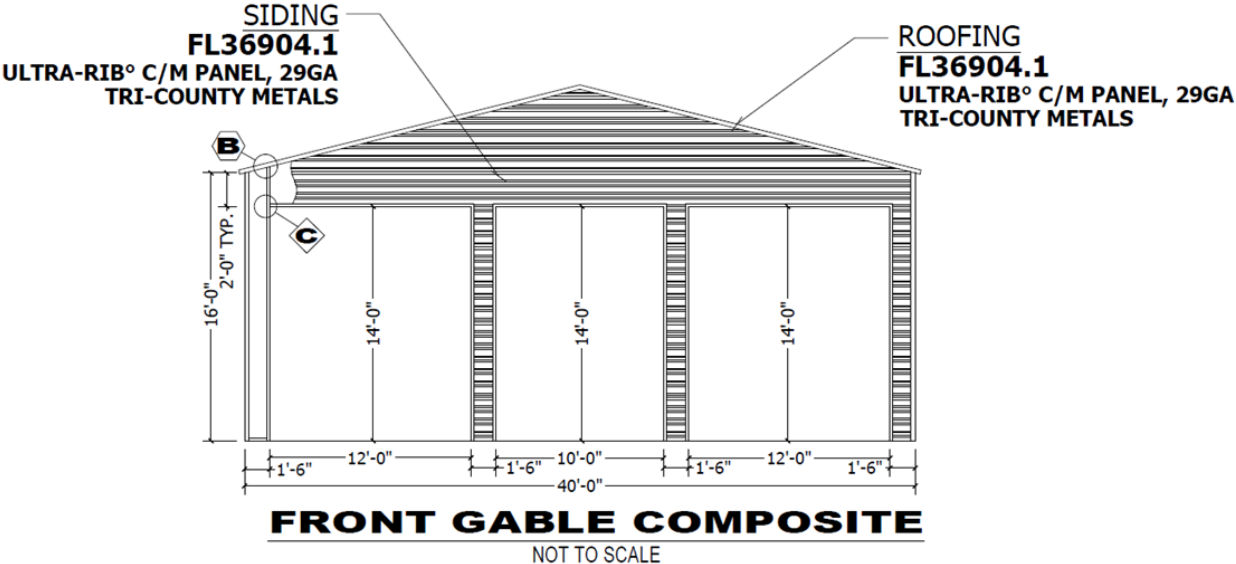


**BOUNDARY SURVEY**

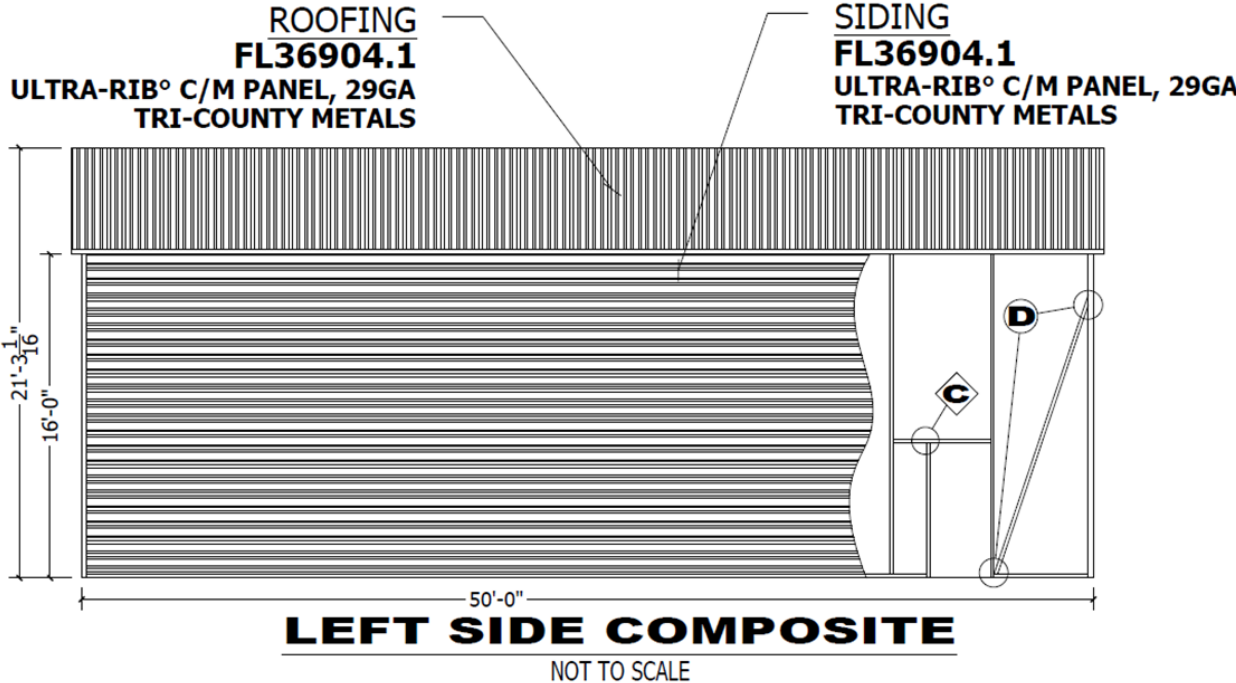
Legal Description:  
 Lot 34, MEADOW OAK ACRES - PHASE ONE, according to the map or plat thereof as recorded in Plat Book 92, Page 36, Public Records of Polk County, Florida.  
 TOGETHER WITH 1993 FLEE Mobile Home, ID# GAFLP07A2678542



Applicant's Site Plan



# Building Elevation Drawings



**CRITERIA FOR GRANTING VARIANCE**

**Will the variance be injurious to the area involved or detrimental to the public welfare?**

No

**What special conditions exist that are peculiar to the land, structure, or building involved?**

No

**When did you buy the property and when was the structure built? Permit Number?**

N/a

**What is the hardship if the variance is not approved?**

I can't store my Rv

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

Yes

**Do you have Homeowners Association approval for this request?**

N/A

## Applicant's Justification