

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

<b>DRC Date:</b> May 14, 2026	<b>CASE #:</b> LDLVAR-2026-18 (Anderson Road Variance)
<b>LUHO Date:</b> June 25, 2026	<b>LDC Section:</b> Section 209.G

**Request:** The applicant is requesting a variance to allow an accessory structure to be larger than the primary structure.

**Applicant:** Timothy Moss

**Property Owner:** Timothy Moss, Sarah Moss

**Location:** 5804 Anderson Road, North of Cow Pen Road, east of 80 Foot Road, south of E Hwy 60, east of the city of Bartow in Section 07, Township 30, Range 26.

**Parcel ID#:** 263007-000000-031250

**Size:** ±1.26 acres

**Land Use Designation:** Agriculture/Residential Rural-X (A/RRX), Gateway SAP

**Development Area:** Rural Development Area (RDA)

**Case Planner:** Aleya Inglima, Planner II

**Summary:**

The applicant is requesting a variance to allow an accessory structure to be larger than the primary structure. The accessory structure is 40 x 36 (1,440 sq. ft.) and will be used as a carport. The primary home is approximately 1,404 sq. ft. The accessory structure in question is larger by 36 sq. ft. It will be located to the side of the home, which is permitted. The property is within an Agriculture/Residential Rural-X (A/RRX) future land use district. Pursuant to Section 209.G of the Land Development Code, an accessory structure may be permitted to be larger than the primary with the approval of a variance from the Land Use Hearing Officer pursuant to Section 930 and 931.

Staff finds this request will cause no harm to the community. The subject parcel is surrounded by a cluster of lots ranging in size from an acre to five acres and in some cases larger. The home does not have a garage. It is common in this area for residential properties to have large accessory structures.

Staff recommends approval of LDLVAR-2026-18 as it meets the following criteria listed in Section 931:

- **Whether the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.** Prior to Hurricane Ian the applicant had a carport, but the hurricane destroyed it. A pole barn was put back in the same place as the carport because it was more cost efficient. The home does not have a garage and many other residential properties in the area have large accessory structures.

### **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-2026-18.**

### **CONDITIONS OF APPROVAL:**

1. The approval of this variance is to Section 209.G of the Land Development Code to allow an accessory structure to be larger than the primary structure as described in the staff report. Further additions or structures placed on the property shall be required to meet the setback requirements of 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;*

The subject parcel is in an area with a cluster of lots ranging in size from an acre to five acres and in some cases larger. The subject site is smaller than 5 acres. The accessory structure is 40 x 36 (1,440 sq ft) and will be used for storage of vehicles. The primary home is approximately 1,404 sq ft. The accessory structure in question is larger by 36 sq ft. The structure will be over 70 feet from the nearest neighboring home. The garage will meet all setbacks for the A/RR land use district. Granting the subject request will not be injurious to the area as the property prior to Hurricane Ian had a carport, but the hurricane destroyed it. A pole barn was put back in the same place as the carport because it was more cost efficient. The home does not have a garage and many other residential properties in the area have large accessory structures. Accessory structures are permitted on residential properties in accordance with Section 209 of the LDC.

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;*

This property is located in the A/RRX land use district and is approximately 1.26 acres. This lot is smaller than the A/RRX minimum lot size of 5 acres. The property is part of the unrecorded Royal Ranches subdivision. If the property met five acres within the A/RR land use, the applicant would not need a variance. This is due to Section 209.G allowing accessory structures administratively to be permitted up to 150 % of the principal structure square footage or height.

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 March 2022, according to the Polk County Property Appraiser. The mobile home was constructed in 2003 at 1,404 square feet. The pole barn exists on the property. The structure was installed without a permit; however, the applicant is now seeking to bring the property into compliance through this variance request and building permit (BR-2025-3624). The owner would like to use the pole barn to park their vehicles and protect them from the elements.

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. This property is approximately 1.26 acres and has sufficient space for the proposed structure. Accessory structures are permitted on residential properties in accordance with Section 209 of the LDC.

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. Prior to Hurricane Ian the applicant had a carport, but the hurricane destroyed it. A pole barn was put back in the same place as the carport because it was more cost efficient. The home was built in 2003 and does not have a garage.

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.

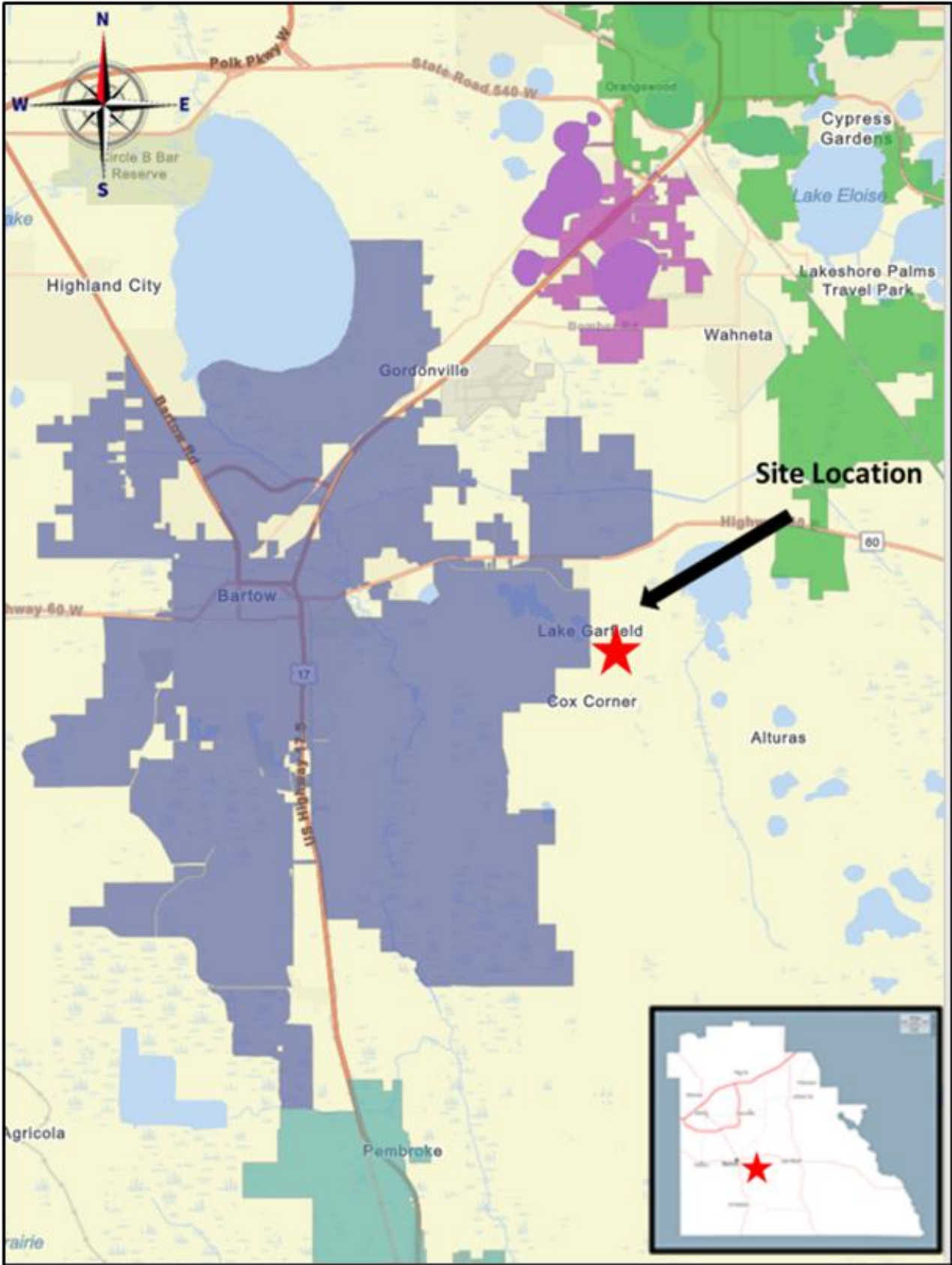
**Surrounding Future Land Use Designations and Existing Land Use Activity:**

<b>Northwest:</b> A/RRX Pasture	<b>North:</b> A/RRX Pasture	<b>Northeast:</b> A/RRX Single family home
<b>West:</b> A/RRX Single family home	<b>Subject Property:</b> A/RRX Single family home	<b>East:</b> A/RRX Single family home
<b>Southwest:</b> A/RRX Pasture	<b>South:</b> A/RRX Pasture	<b>Southeast:</b> A/RRX Pasture

This property is a single-family home along an access easement in Bartow, Florida. Staff found no other prior variances in this area.

**Exhibits:**

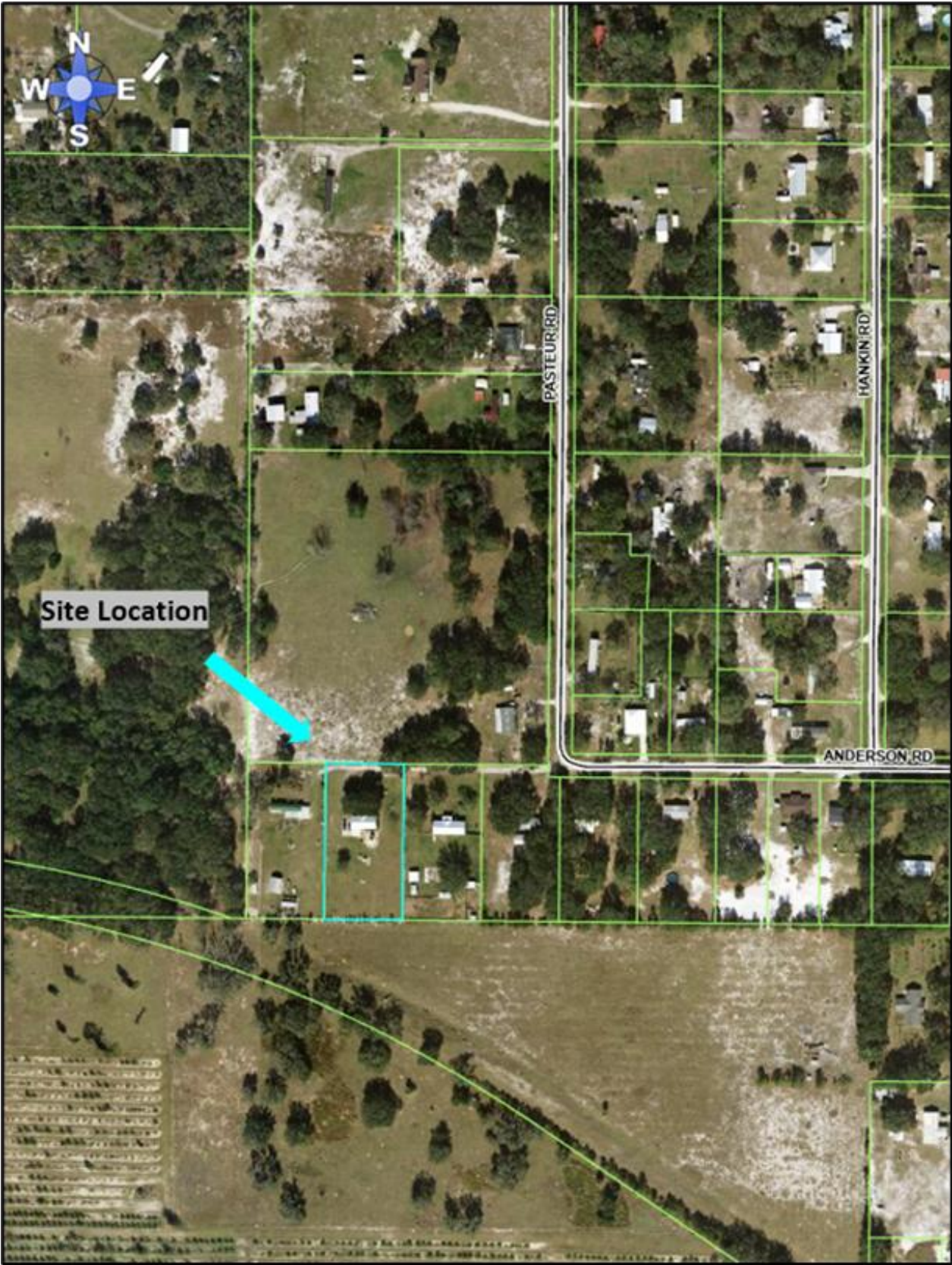
- Exhibit 1      Location Map
- Exhibit 2      Future Land Use Map
- Exhibit 3      Aerial Imagery (Context)
- Exhibit 4      Aerial Imagery (Close)
- Exhibit 5      Site Plan
- Exhibit 6      Applicant’s Justification



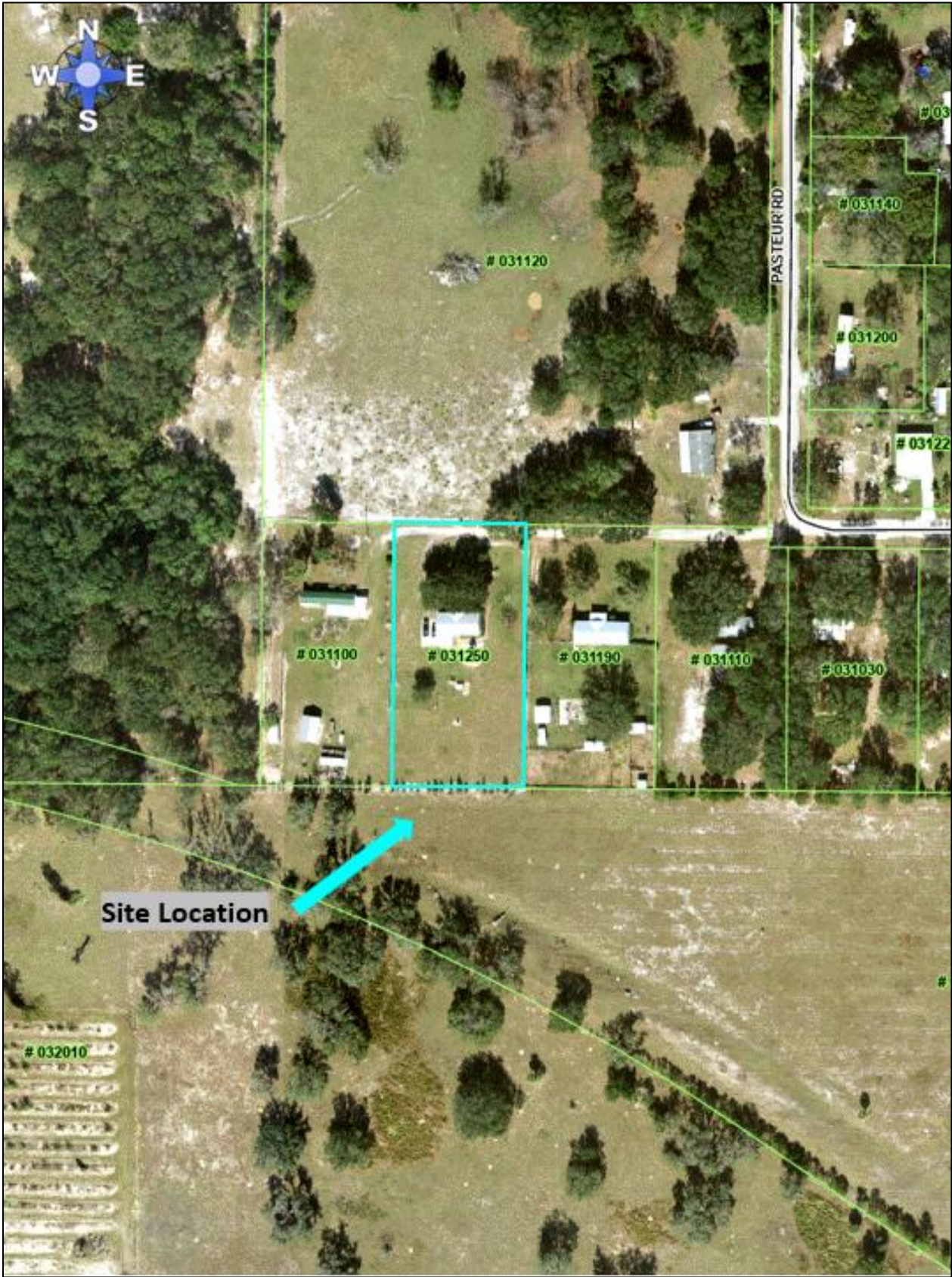
Location Map



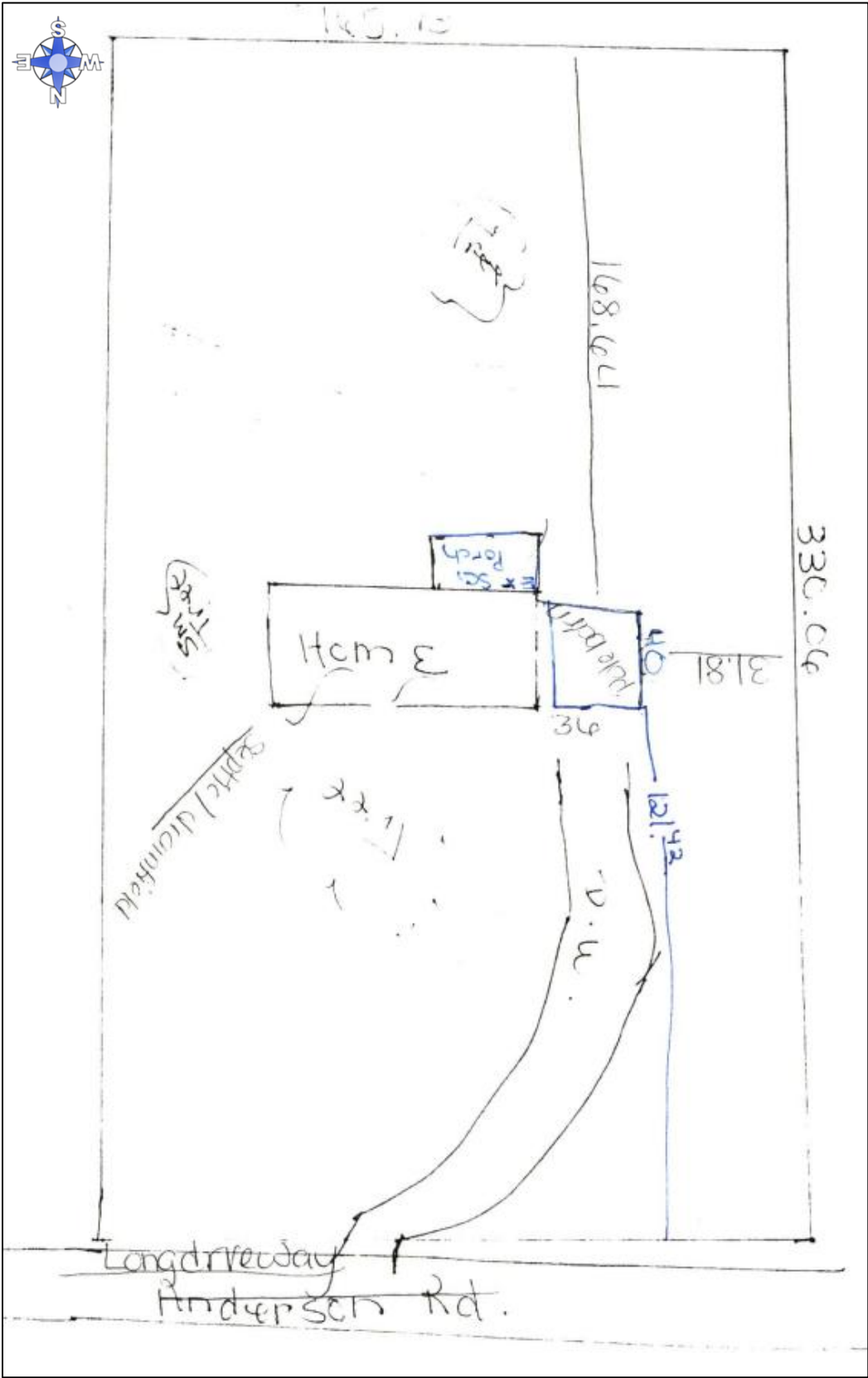
# Future Land Use Map



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?  
 No

What special conditions exist that are peculiar to the land, structure, or building involved?  
 Prior to hurricane Ian we had a carport that was added in 2017. The hurricane destroyed the carport. We had a pole barn put back in the same place as the carport because it was more cost efficient. To replace the carport was going to cost more money then having a pole barn put in the same place as the carport.

When did you buy the property and when was the structure built? Permit Number?  
 Property was bought in 2002 and the carport was done in 2017 after we had our oldest son

What is the hardship if the variance is not approved?  
 We would have to pay to have this removed. We currently park our cars under the pole barn. This would not be cost effective. This would be to expensive.

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

Do you have Homeowners Association approval for this request?  
 No

# Applicant’s Justification