

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

DRC Date	June 11, 2026	CASE #:	LDLVAR-2026-21 (Sundean Variance)
LUHO Date	July 14, 2026	LDC Section:	Chapter 2, Section 209.G

Request: The applicant is requesting a variance to construct a pole barn that has a square footage greater than 150% of the primary residence in the A/RR land use district.

Applicant: Eric Langston

Property Owner: David R. Sundean & Dawn Sundean

Location: The subject site is located on 5619 Highway 60 East, west of 80 Foot Road, north of Wells Road, west of Hankin Road, south and east of the city of Bartow in Section 06, Township 30, and Range 26.

Parcel ID#: 263006-000000-033120

Size: ±1.18 acres

Land Use Designation: Agricultural/Residential-Rural (A/RR)

Development Area: Rural Development Area (RDA)

Case Planner: Andrew Grohowski, Robert Lisenby

Summary:

The applicant is requesting a variance to Chapter 2, Section 209.G of the Land Development Code (LDC) for the construction of a pole barn larger than the primary residence on site. The site is in the Agricultural/Residential-Rural (A/RR) use district and the County's Rural Development Area (RDA). According to the applicant, the proposed pole barn will be approximately 6,000 square feet, 25 feet high, and store personal belongings. Pursuant to Section 209.G of the Land Development Code, an accessory structure may be permitted to be larger in square footage or in height of the principal structure following approval from the Land Use Hearing Officer (LUHO) pursuant to Sections 930 and 931 of the Land Development Code.

According to the site plan, the proposed accessory structure will sit on the southern portion of the property. The size of the property and adherence to setbacks makes this request relatively benign in intensity. In 2021, a similar property received variance approval for a similar request. The accessory structure building was 30' x 84' (1,230 sq. ft.), about 35% larger than the 924 sq. ft. primary residence. This property is about 0.9 miles from the subject property, and it was surrounded by single-family homes in the same A/RR land use district. It was set back roughly 250 feet from public right of way view and complies with required accessory structure setback in the Agricultural/Residential-Rural land use district.

While this request is much larger (543% larger than the primary structure), the site has different characteristics. 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 A/RR land use 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.
- Special circumstances exist which are peculiar to the land, building, or structure. The neighbor to the east has a 60,894 square foot commercial building on their property, rendering the 6,000 square foot pole barn proposed is benign in comparison.

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-2026-21**.

CONDITIONS OF APPROVAL:

1. This variance approval to Section 209.G of the Land Development Code allows one (1) accessory pole barn of 6,000 sq. ft. and 25 feet tall at its highest point. Further additions or structures placed on the property shall be required to meet the development standards 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 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 public welfare. The parcel is in an area with a cluster of lots ranging in size from 1.22 acres to 2.58 acres. The current property is over one acre in size. Although the proposed structure is 5.5 times the size of the residence, it is open on all sides. There is one 1,104 sq. ft. mobile home that is 14 feet, 8 inches tall on the property set in 1990. The pole barn will be ± 75 feet from the nearest residence, behind the existing home, and roughly 189 feet from the public right of way. The site plan (*Exhibit 5*) indicates the barn will be 60 feet from the southern and 40 feet from the western property lines respectively, meeting all setbacks prescribed in the A/RR land use district, according to Table 2.2 of the LDC. Given the large backyard and placement of the structure compliantly set back from the public right of way, this request is relatively benign. The closest residence to the proposed pole barn is ± 75 feet and separated by a thick line of trees. It will block some of the view of the heavy commercial property on the eastside of the site.

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 property abuts a legally non-conforming heavy commercial land use to the east. Additionally, the property was created in November of 1989, which is prior to the adoption of the Comprehensive Plan and LDC. The proposed pole barn will form a buffer between the commercial use east of the property from the residences to the south and west. Given the scale of the subject property at under ±1.18 acres with a depth of over 80 feet from the arterial roadway, accessory structures such as this are negligible in size and height. According to the applicant, the size of the accessory structure is necessary to store their personal items and belongings in an environment sheltered from the elements.

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 June 2024, with the lot at its current dimensions. The property owner would like to store personal belongings that require a structure of this size. The accessory structure on the property is about 6,000 square feet and 25 feet tall. This is about 5.5 times larger than the principal structure at 1,104 sq. ft. which stands at 14 feet, 8 inches in height. It will provide more visual separation between the residence to the west and the commercial use to the east.

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 neighboring commercial use has a 60,984 sq. ft. building. This pole barn will be 1/10th of that size. Staff have received an application for an accessory structure larger than the primary in the immediate vicinity. In 2021, another property within a one (1) mile radius received variance approval to construct a 1,230 sq. ft. accessory storage building on a site with a 924 sq. ft. primary residence. (LDVAR-2021-131). The approved structure is located along the subject site's southern property boundary.

Accessory structures up to 100% the size of the primary structure or 150%, if the lot is 2 + acres, is permitted by right in this land use district. The accessory side and rear setback requirements in the A/RR 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 according to the applicant. Approval of this variance is necessary for the owner in order to store personal items and belongings to protect them from potentially harmful weather conditions. Sheltering these items and belongings from the elements will extend their useful lifespan. The height does not exceed the maximum height of 50 feet for the A/RR 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:

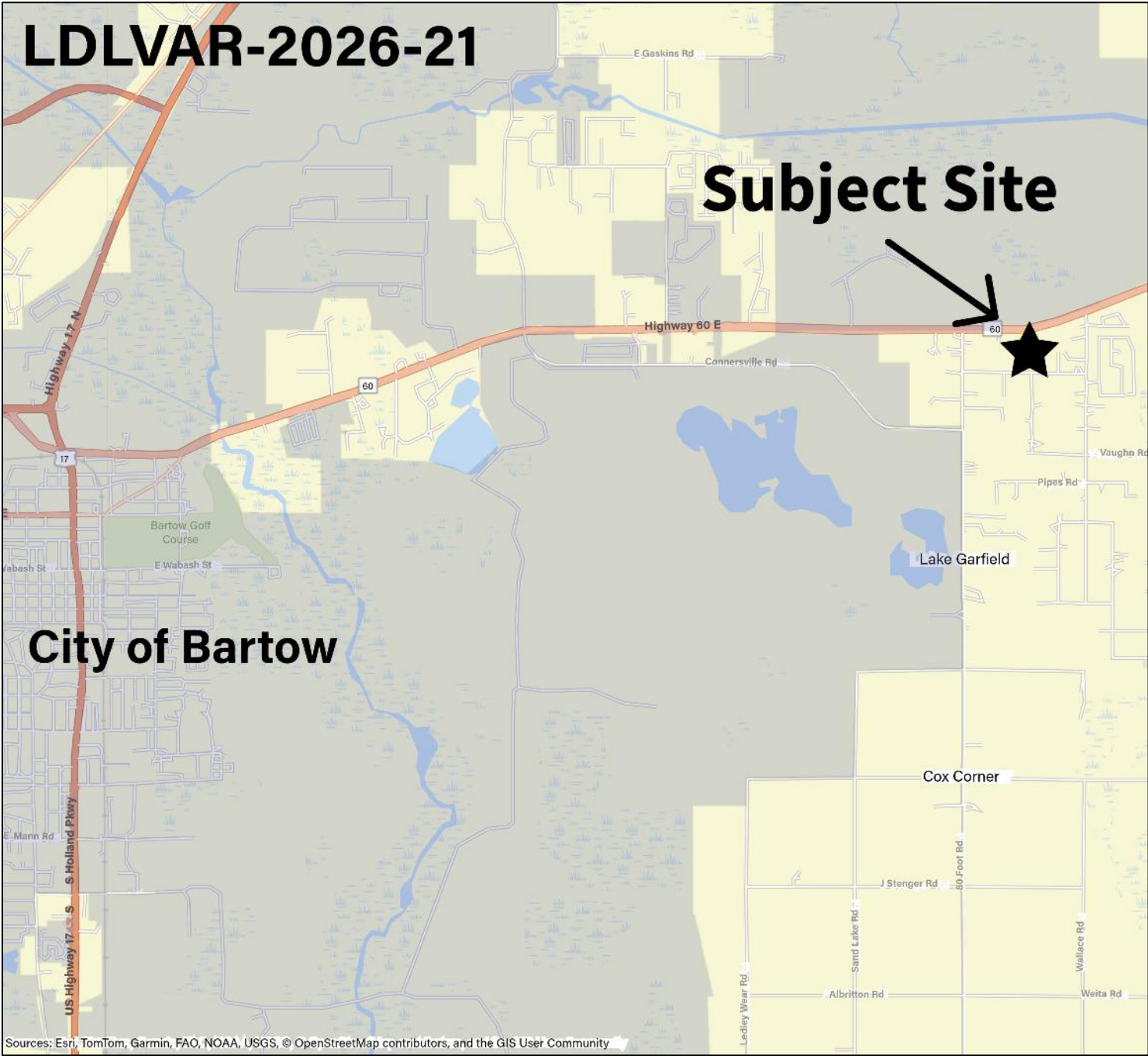
<p>Northwest: Highway 60 E. State Highway City of Bartow Land Use District Mixed Use Planned Development</p>	<p>North: Highway 60 E. State Highway City of Bartow Land Use District Mixed Use Planned Development</p>	<p>Northeast: Highway 60 E. State Highway City of Bartow Land Use District Mixed Use Planned Development</p>
<p>West: A/RR ± 2.12 acres 3,286 sq. ft. Single-Family Dwelling ± 35 ft. from property line</p>	<p>Subject Property: A/RR ± 1.18 acres 1,104 sq. ft. Single-Family Dwelling</p>	<p>East: A/RR ± 1.22 acres Grandfathered Commercial Use 60,984 sq. ft. commercial building and outside storage</p>
<p>Southwest: A/RR ± 2.12 acres 1,000 sq. ft. Residence 465+ ft. from property line</p>	<p>South: A/RR ± 2.58 acres 3,269 sq. ft. Residence 370+ ft. from proposed structure</p>	<p>Southeast: A/RR ± 2.76 acres 1,245 sq. ft. Residence is 94+ ft. from property line</p>

The subject site has frontage on Highway 60 East with the property and surrounding vicinity designated as Agricultural/Residential-Rural (A/RR). The current owners purchased the property in June of 2024 according to the Property Appraiser’s website. A 1,104 sq. ft. mobile home was placed on the property around 1990. A similar variance was approved on the property less than one (1) mile southeast of the subject property. The closest residence is at least 75 feet from the proposed pole barn. There is a legally non-conforming heavy commercial use on the eastern boundary of the site.

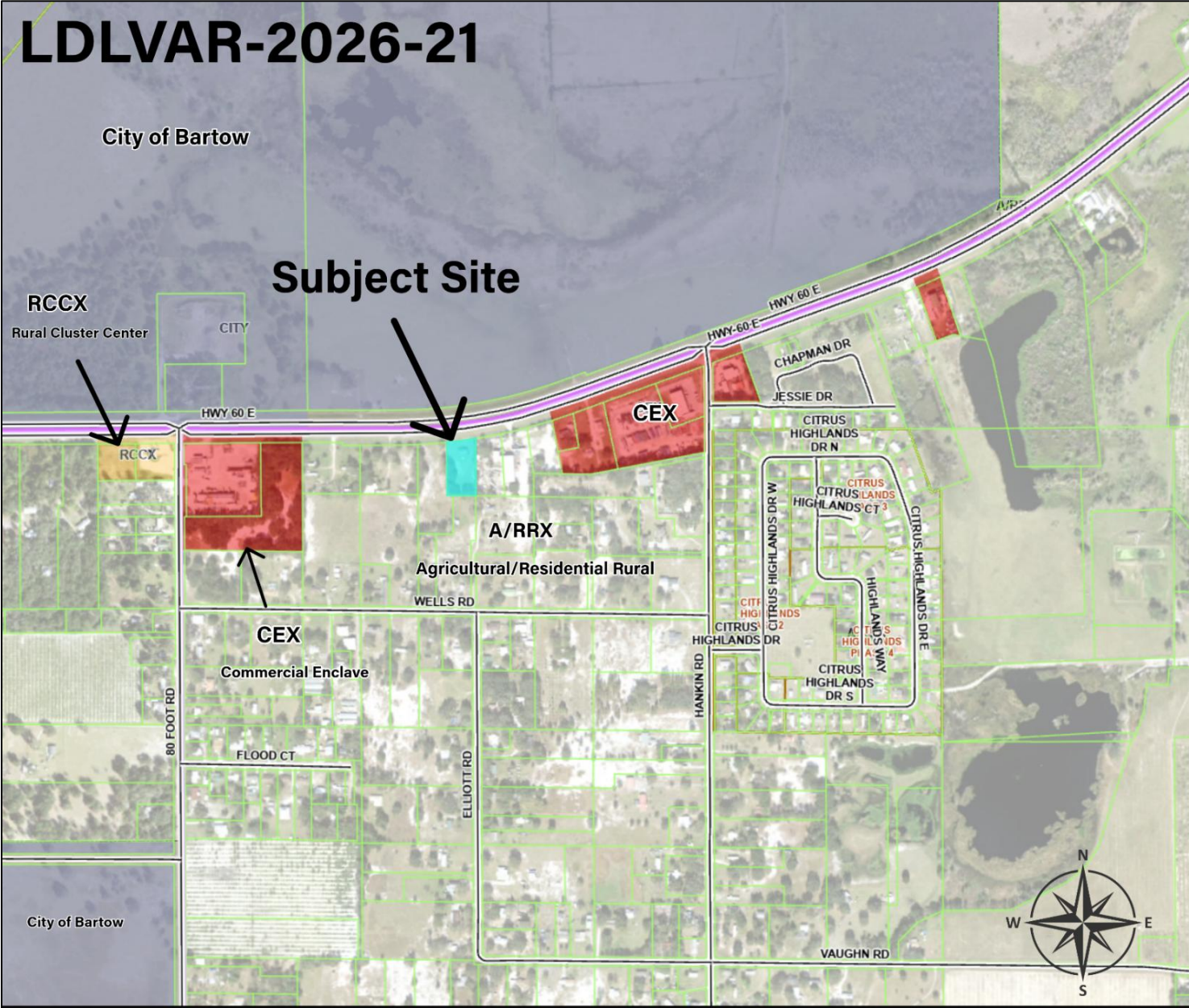
Comments from other Governmental Agencies: None

Exhibits:

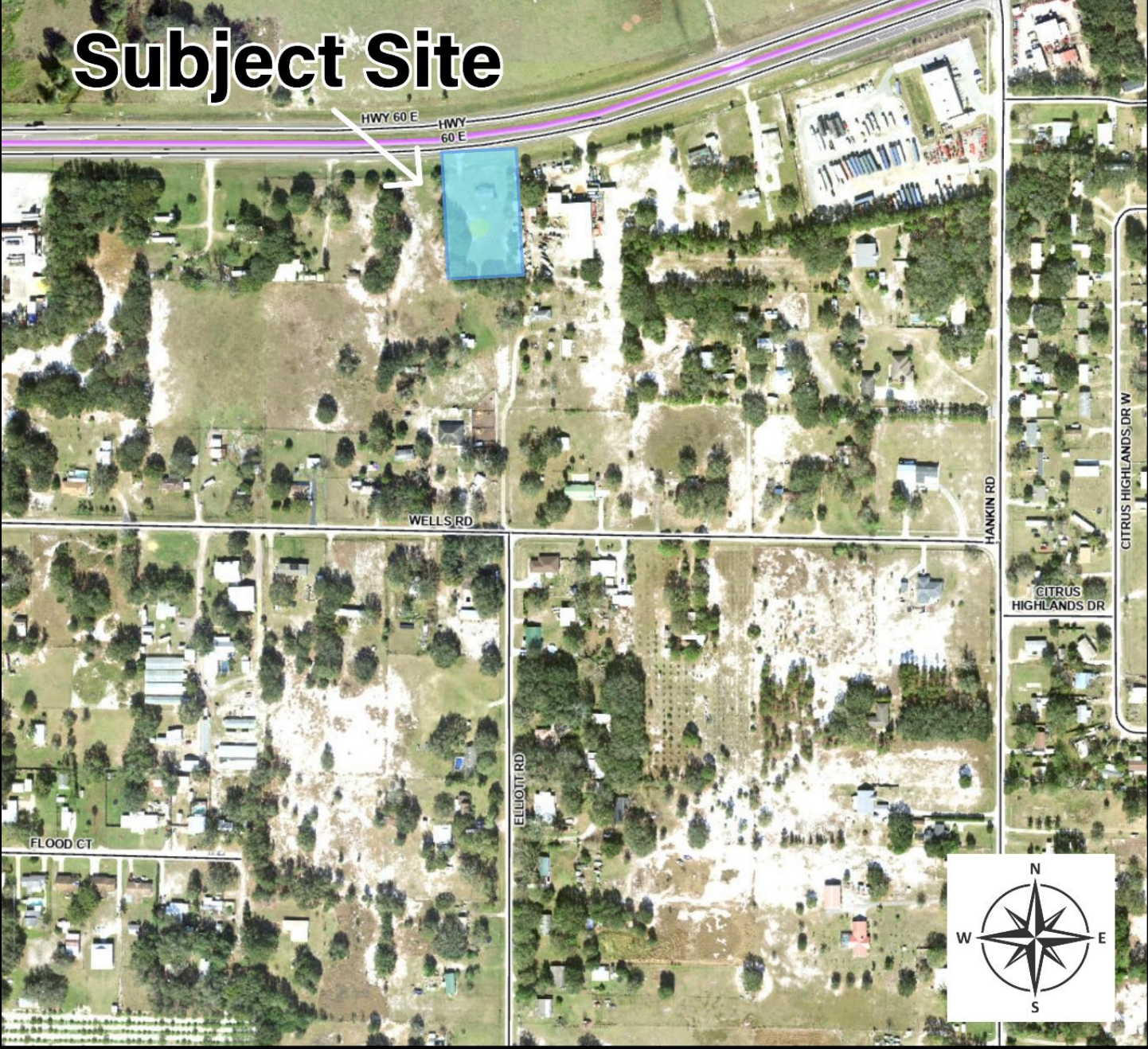
- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use Map
- Exhibit 3 – 2024 Aerial Photo (Context)
- Exhibit 4 – 2025 Satellite Image (Close-up)
- Exhibit 5 – Site Plan
- Exhibit 6 – Justification



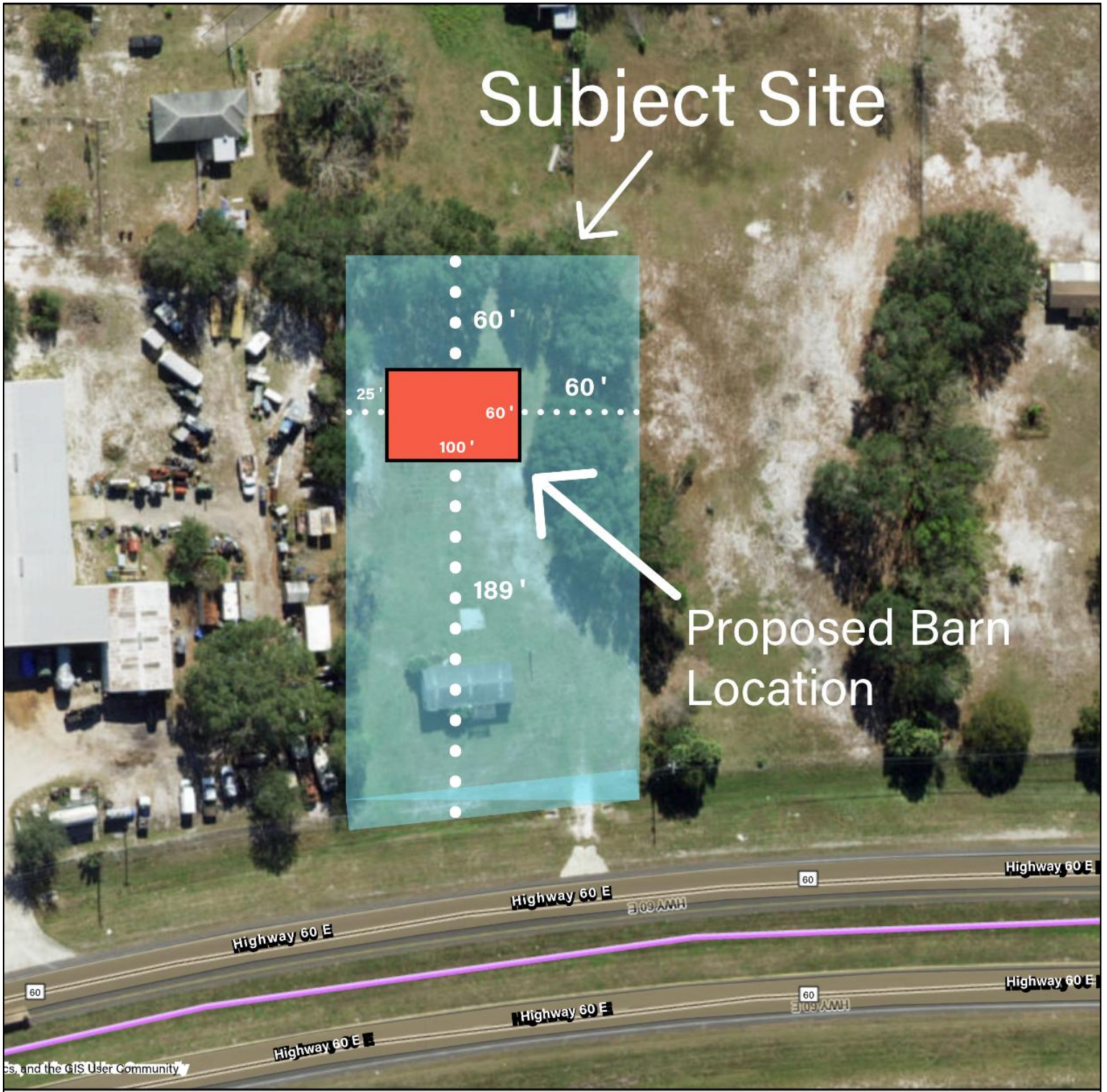
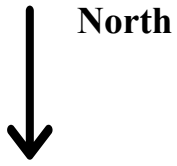
Location Map



Future Land Use Map



2024 Aerial Photo (Context)

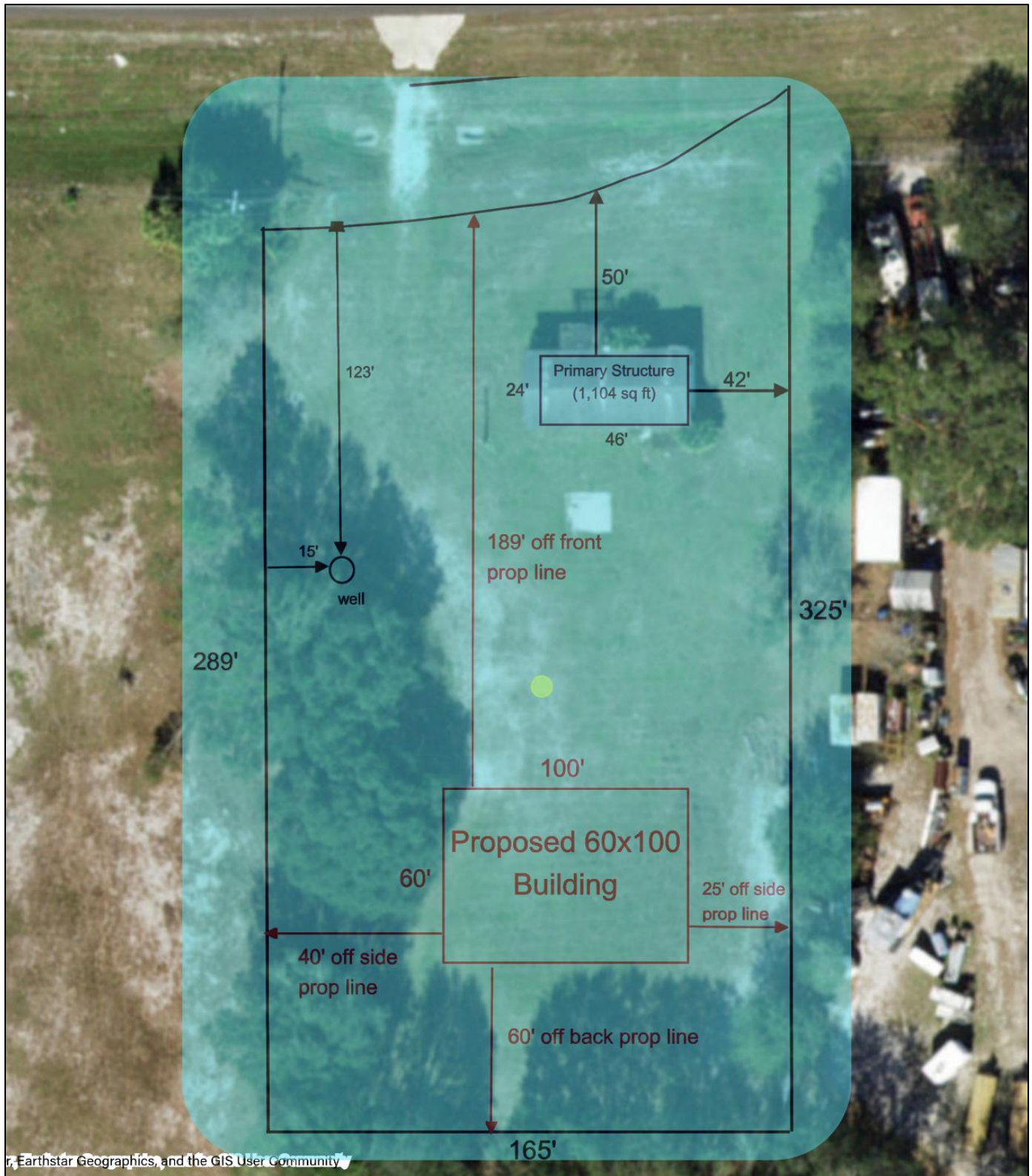


2025 Satellite Image (Close-up)



North

Exhibit 5



Site Plan

Justification

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 was the property purchased and when was the structure built? Permit Number? **Property purchased June 18, 2024 | Proposed accessory structure has yet to be built.**

4. What is the hardship if the variance is not approved? **Personal belongings and items exposed to harmful weather. Wasted resources.**

5. Is the minimum variance required for the reasonable use of the land? **Yes**

6. Is there a Homeowners Association approval for this request? **Property is not in an HOA.**