

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

DRC Date	March 12, 2026	CASE #:	LDLVAR-2026-5 (Byron Variance)
LUHO Date	April 23, 2026	LDC Section:	Chapter 4, Table 401.08.04

Request: The applicant is requesting a front yard setback reduction from thirty-five (35) feet to three (3) feet and an accessory structure interior side reduction from seven (7) feet to three (3) feet for the construction of a detached garage.

Applicant: Joelle Byron

Property Owner: Joelle Byron

Location: The subject property is located at 22 Hillcrest Drive, south and west of State Road 17 (Scenic Highway), north of Seminole Road, east of Catherine Avenue, east of Hillcrest Heights, in Section 33, Township 30, and Range 28.

Parcel ID#: 283033-955800-000014

Size: ±0.31 acres

Land Use Designation: Rural Cluster Center – Residential-X (RCC-RX)
Southeast Village Selected Area Plan (SAP)

Development Area: Rural Development Area (RDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting a right-of-way setback reduction from thirty-five (35) feet to three (3) feet and a side setback reduction from seven (7) feet to three (3) feet for the construction of a detached garage. The structure will be approximately 400 sq. ft. (20' x 20'), according to the applicant. The subject property is located within a Rural Cluster Center-Residential-X (RCC-RX) land use district in the Southeast Village Center Selected Area Plan (SE Polk SAP). Since the subject property is a corner lot, the lot has two front yards on both Hillcrest Drive and State Road 17 (Scenic Highway North). Staff is recommending approval as the applicant's request will not be injurious to the area or detrimental to the public welfare. Approval of this variance would allow for efficient use of the applicant's property.

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 there is sufficient room on the western and southern sides of the subject parcel. Also the requested reductions do not encroach onto the property's water meter owned by Polk County Utilities and allows for maintenance access.
- **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved.** The property is a corner lot with large front setbacks off of Scenic Highway 17, a Rural Major Collector roadway. While the right-of-way (ROW) for this roadway is about 100 feet, the edge of pavement is about 30 feet, and the centerline of Scenic Highway to the property line is about 50 feet. These dimensions are smaller than typical for a roadway of this classification. The applicant purchased the property with these conditions already in place.

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-2026-5**

CONDITIONS OF APPROVAL:

1. The approval of this variance is to reduce the accessory structure front setback from thirty-five (35) feet to three (3) feet and side setback from seven (7) feet to three (3) feet for the construction of a detached garage. Further additions or structures placed on the property shall be required to meet the setback requirements of Chapter 4, Table 401.08.04 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. Prior to building permit application, the property owner or their contractor shall call 811 or (800) 432-4770 to ensure that utility companies are notified about excavation work, allowing them to locate and mark their lines, preventing accidental strikes and damage prior to building permit approval and commencement of construction.
4. 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 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;*

The granting of this request will not be injurious to the area or detrimental to the public welfare. The applicant requests setback reductions for an accessory structure in the front yard from thirty-five (35) feet to three (3) feet and interior side yard from seven (7) feet to three (3) feet. The proposed garage will be located on the southwestern portion of their property and three (3) feet from all property boundaries. The applicant states that the structure will be used to park their personal vehicles.

Since the subject property is a corner lot, the lot has two front yards on Hillcrest Drive and State Road 17 (Scenic Highway North). According to LDC Section 401.04, Table 401.08.04, Rural Major Collectors require at least 35 feet of setback while side and rear setbacks are seven (7) feet and ten (10) feet respectively in the RCC-R district. The distance between the centerline of Scenic Highway and the property line is about 50 feet, of which a large portion is a drainage ditch maintained by FDOT. Setbacks from the centerline are sixty-five (65) feet in RCC-R. Therefore 15' feet setback off the property line would still be required for the structure.

While a Rural Major Collector roadway, Scenic Highway is deficient in dimensional standards today. SR 17 spans two lanes, with a total pavement width approximately 30 feet and each drive lane (lane striping) measuring about 10 feet wide. The small roadway dimensions of this classification, but large 100' of ROW, help give the impression of a wider setback for the garage from passerby traffic. In addition, there is an existing opaque vinyl fence and vegetation surrounding the applicant's yard, further screening the garage from offsite view. According to the site plan (*Exhibit 5*) the garage will be located behind the front building face of the home as required by locational criteria for most accessory structures. However, garages such as this may be permitted in the front yard, in front of the building face of the home, pursuant to LDC Section 209.D.

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;*

A portion of the parcel was taken to widen the ROW of SR 17. However, the pavement and lane widths remained unchanged. The date when the ROW was acquired is unknown. The size of the subject site is a third of an acre, which is not consistent with the two units per acre of the RCC-R land use district. However, the property met prior zoning of Residential-2 (R-2) at the time a single-family residence was built in 1980. The minimum lot size for R-2 was 7,500 sq. ft. which this property exceeds by over 6,000 sq. ft. Other neighboring properties are similar in size. The residence at one time had an attached garage up until 2006. According to building permits the garage was enclosed to provide additional living space, at the expense of vehicle storage.

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

When the home was constructed in 1980, a septic system and associated drain field were installed on the southeastern portion of the property. The previous property owner converted the garage into heated living space according to building records in 2006 (Permit # 78211). The applicant purchased the property in 2025 with these conditions already in place. The now enclosed garage eliminates any option for the applicant to park their personal vehicles indoors. A garage in the rear at this specific location is the best alternative given the existing physical conditions and circumstances.

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 detached garage in the rear is planned to be approximately 400 sq. ft. (20' x 20'), according to the applicant, in order to accommodate their personal vehicles. Due to the lack of an existing garage, the applicant stated this structure size is sufficient to meet their needs so they can shelter any vehicles and store items from the elements. Variances are a development privilege. If not for the existing trees in their backyard, large setback from a state roadway, or the garage conversion twenty years ago, a variance may not have been necessary for a detached garage.

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

The proposed garage is permitted in the front yard of homes, however, the existing building footprint and driveway location limit this option without some setback relief. The requested variance is believed to be the minimal variance necessary to optimize the use of the owner's land. The subject property is 0.31 acres, below the ±20,000 sq. ft. minimum residential lot area in the RCC-R land use district. Providing additional parking spaces with the detached structure reduces the potential risk and possible hazards of vehicles or trailers parked in the public right-of-way of Hillcrest Drive. There is a water meter owned by Polk County Utilities (PCU) that provides service to the property located along the southwest portion of the site. The proposed garage will be setback three feet from the western and southern property lines, which is sufficient access for PCU maintenance or the property owner.

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 property will remain residential with an accessory structure.

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.

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 any conditions of approval. This property was zoned R-2 from the adoption of the original zoning map until the zoning ordinance was repealed in 2000 and replaced by the LDC Sub-district Map. It has never been granted any special use permit or conditional use approval.

Surrounding Future Land Use Designations and Existing Land Use Activity:

<p>Northwest: City of Crooked Lake Lot 12 Single-family home, screen room ±0.33 acres</p>	<p>North: RCC-R Lot 13 Single-family home, screen room ±0.31 acres</p>	<p>Northeast: RCC-R Lot 50 Single-family home ±0.30 acres</p>
<p>West: City of Crooked Lake Lot 4 Single-family home ±0.30 acres</p>	<p>Subject Property: RCC-R Lot 3 Single-family home ±0.32 acres</p>	<p>East: RCC-R Lot 2 Single-family home ±0.43 acres</p>
<p>Southwest: Vacant Pasture ±13.05 acres</p>	<p>South: Vacant Pasture ±13.05 acres</p>	<p>Southeast: Vacant Pasture ±13.05 acres</p>

The subject property is within the Rural Cluster Center-Residential-X (RCC-RX) within the Village Center of the Southeast Selected Area Plan (SE Polk SAP). It is a corner lot at the intersection of Hillcrest Drive and State Road 17 (Scenic Highway North) with access from Hillcrest Drive.

The site is a portion of Lot 1 in the “Highfields A R Addition” recorded in 1920 (PB 04, PG 71). The lot was subsequently subdivided and created the current lot dimensions of ±0.31 acres, or ±13,600 sq. ft. While below the 20,000 square footage requirements for residential lots in RCC-R, the property is considered a lot of record with its size consistent with R-2 zoning at the time. According to the Property Appraiser, a single-family residence was constructed in 1980, and the applicant purchased the property through a general warranty deed in August 2025 (OR Bk 13673, PGS 573-575). Staff has found one setback variance within a one-mile radius of the subject site located at 449 Rainbow Boulevard in Babson Park. The request was similar in nature for front setback reductions on a corner lot for the placement of solar panels. The variance received approval in 2022 (LDLVAR-2022-19).

Comments from other Governmental Agencies: None

Exhibits:

Exhibit 1 – Location Map

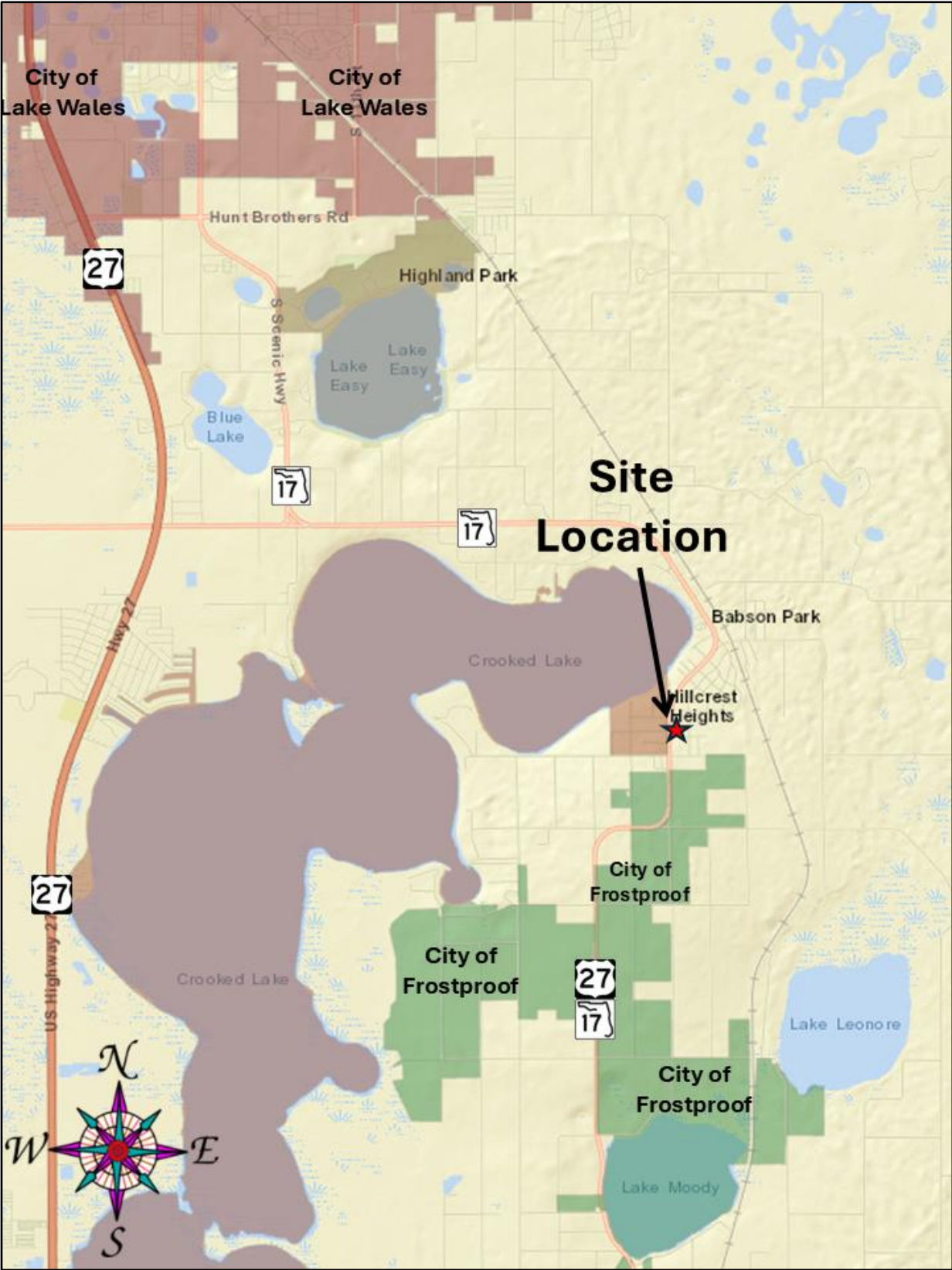
Exhibit 2 – Future Land Use

Exhibit 3 – 2025 Satellite Image (Context)

Exhibit 4 – 2023 Aerial Photo (Close-up)

Exhibit 5 – Site Plan

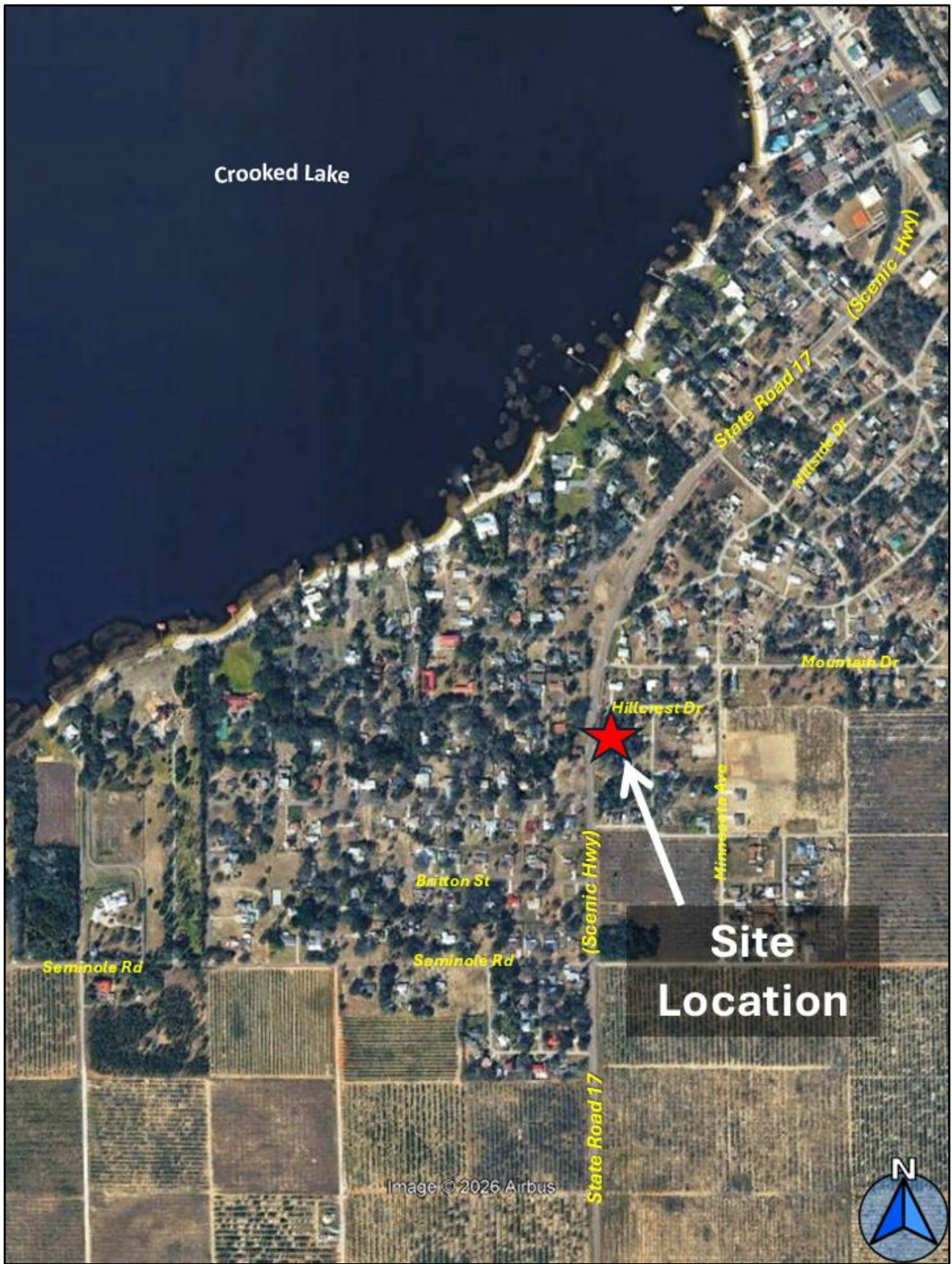
Exhibit 6 – Applicant’s Justification



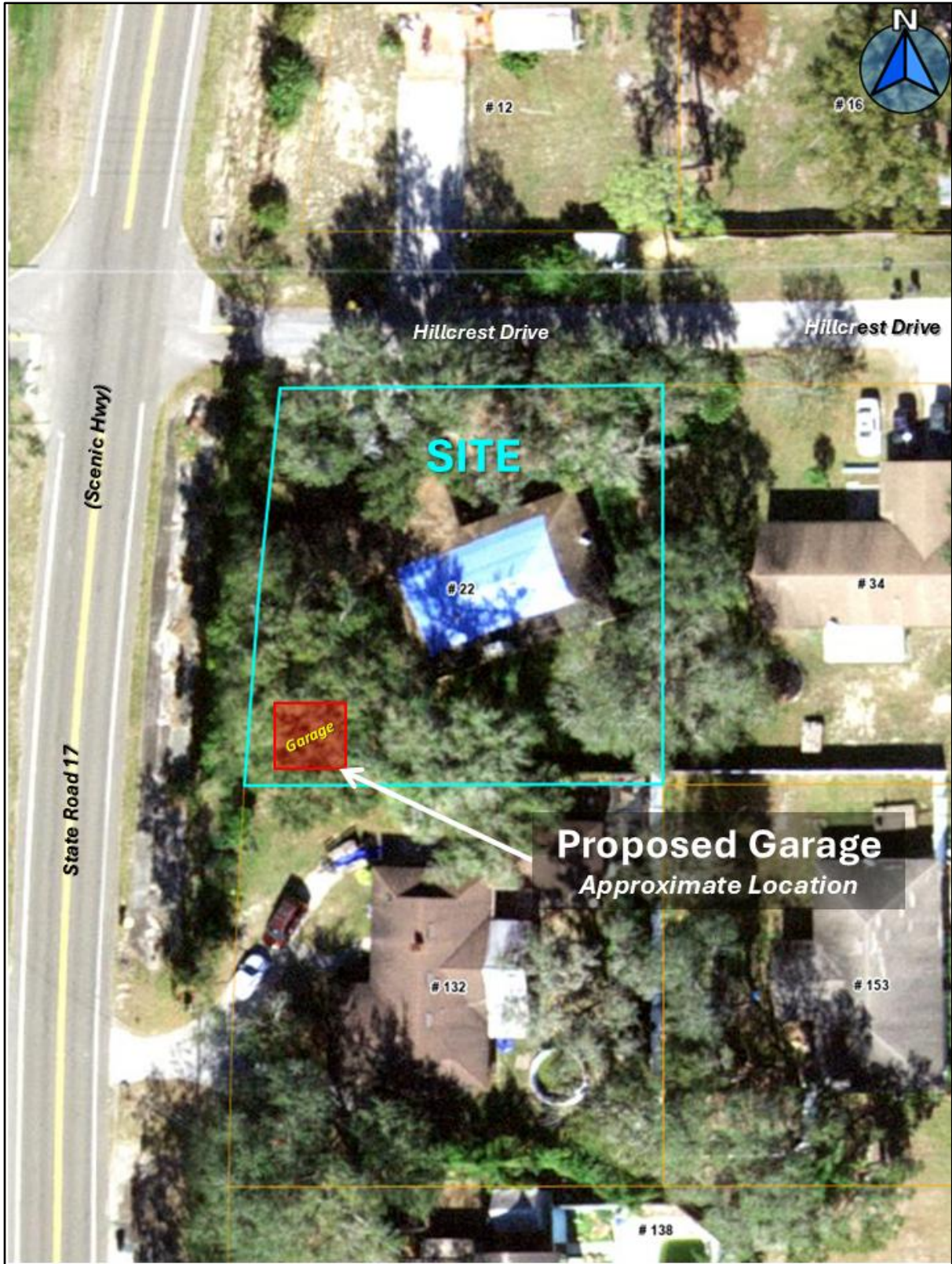
Location Map



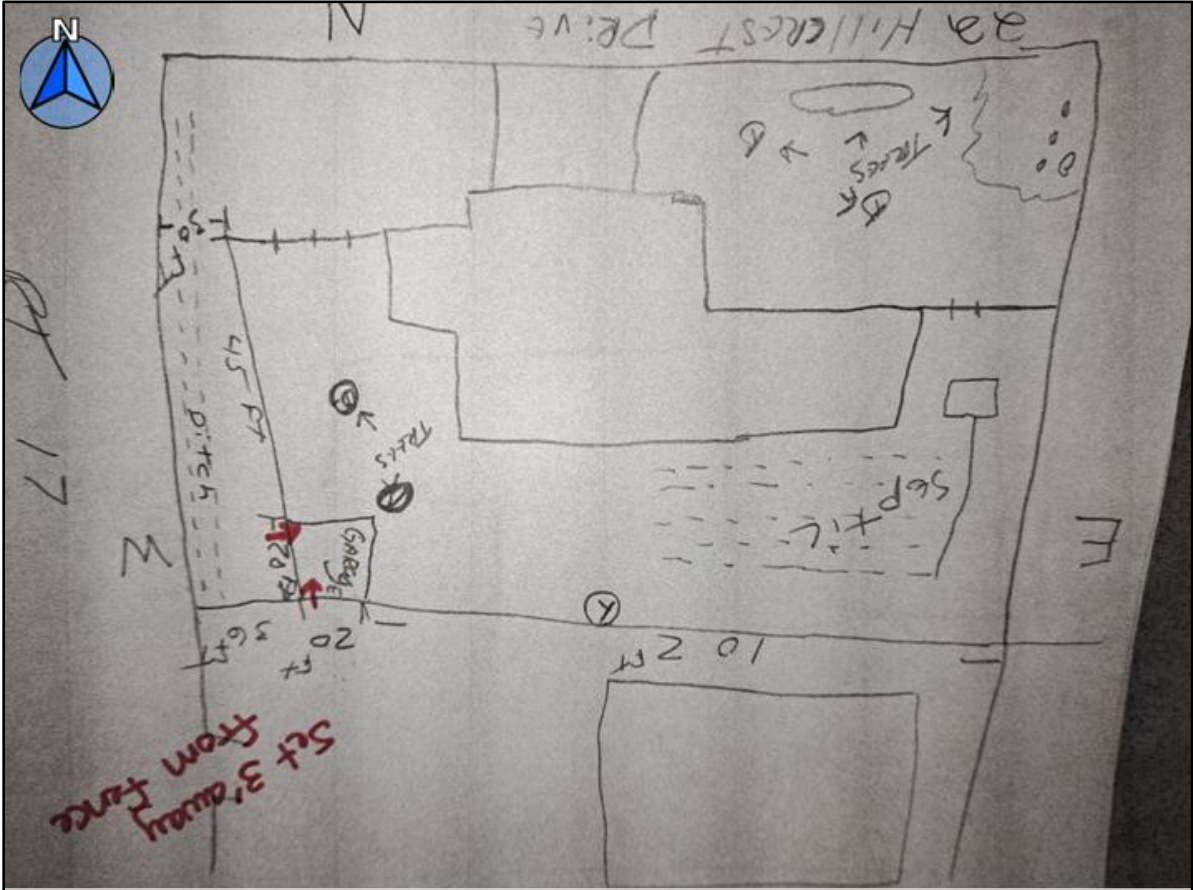
Future Land Use



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**

2. What special conditions exist that are peculiar to the land, structure, or building involved? **7 ft Width**

3. When did you buy the property and when was the structure built? Permit Number? **2021**

4. What is the hardship if the variance is not approved? **I can't put it on the other side of the home**

5. Is this the minimum variance required for the reasonable use of the land?
7 feet width

6. Do you have Homeowners Association approval for this request? **Yes**

Applicant's Justification