

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

DRC Date:	December 11, 2025	CASE #:	LDLSE-2025-14 (Bass Lane SE)
Hearing Date:	May 28, 2026	LDC Section:	216.D

Request: The applicant is requesting a special exception to park a commercial vehicle (no trailer) on residential property.

Applicant: Edouard Sylvain

Property Owner: Kairty Sylvain and Edouard Sylvain

Location: 312 Bass Lane, north of Bowfin Drive, east of Chinook Road, east of Haines City, in Section 34, Township 27, Range 28.

Parcel ID#: 282734-934510-089803

Size: ±0.37 acres

Land Use Designation: Development of Regional Impact (DRI)

Development Area: Utility Enclave Area (UEA)

Case Planner: Ian Nance

Summary:

The applicant is requesting a special exception to park a commercial vehicle on residential property within a neighborhood of the Poinciana DRI. The commercial vehicle is a Freightliner Cascadia semi-truck without a trailer.

Staff recommends denial based on the standards required by LDC Section 216:

- The applicant has not supplied a current registration.
- This request has the potential to have a negative impact upon the health, safety, and/or welfare of adjacent properties because of the size of the vehicle relative to the lot; the limited access in which the vehicle can reach the designated parking area; the potential for damaging the drainage assets; and the operation of the vehicle in a neighborhood setting with direct access only to a Local Residential roadway.
- The applicant has not demonstrated a hardship on the property.

Development Review Committee

The Development Review Committee, based on the criteria for granting Special Exceptions, finds that LDLSE-2025-14 **IS NOT CONSISTENT** with Section 216.D 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 **DENIAL of LDLSE-2025-14.**

If the Land Use Hearing Officer approves this application, staff recommends the following conditions:

CONDITIONS OF APPROVAL:

1. This Special Exception shall be limited to parking the subject commercial vehicle, or its functional equivalent, as described in the application and staff report. No other commercial vehicles, heavy machinery equipment, or tractor/trailer rigs shall be parked on the site.
2. Approval shall not be transferable to any other owner/occupant of the property. In the event the property is sold, or the operator ceases to reside on the property, the Special Exception approval shall not “run with the land” and shall be null and void.
3. No commercial vehicle maintenance shall be performed on the site, and no outside storage of any commercial vehicle parts or equipment is allowed.
4. Parking the commercial vehicle on the operator’s lot shall be limited to empty weight only (no load or cargo).
5. This special exception 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.
6. The commercial vehicle shall only be parked in the area in the side yard as generally designated on the site plan (*Exhibit 5*) and shall continuously meet the screening and buffering requirements listed in Section 216.D, Commercial Vehicle Parking and Storage, of Polk County’s Land Development Code.
7. Utilization of LDLSE-2025-14 is contingent upon the Applicant either: (i) obtaining a driveway permit and installing a driveway that meets commercial driveway standards per LDC Section 705.J and Table 7.8 with final approval from the Polk County Building Division Driveway Inspector (the “Driveway Inspector”); or (ii) demonstrating to the Driveway Inspector that the existing driveway meets County commercial driveway

standards. Final written approval from the Driveway Inspector, whether based on satisfaction of condition (i) or (ii) immediately above, is required prior to parking the commercial vehicle on site.

8. The applicant shall meet all conditions of approval within six (6) months from the date the Land Use Hearing Officer's Final Order is rendered. All conditions of approval, unless otherwise specified, must be met prior to parking the commercial vehicle on the property. Noncompliance with any of the conditions of approval will render LDLSE-2025-14 null and void.
9. Approval of the Special Exception shall be valid for one year. An approval may be renewed by the Land Development Division with a proper application submitted by the applicant 30 days prior to the expiration date (to be determined by the Land Use Hearing Officer) and evidence is provided to demonstrate that the conditions of approval have been met.

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: Approval of this special exception 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 special exception 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.

APPLICATIONS FOR COMMERCIAL VEHICLE PARKING AND STORAGE SHALL DEMONSTRATE COMPLIANCE WITH SECTION 216 OF THE LAND DEVELOPMENT CODE. DEMONSTRATION OF THE CRITERIA FOR GRANTING SPECIAL EXCEPTIONS FOR COMMERCIAL VEHICLES IS SUMMARIZED BELOW:

1. *Only one commercial vehicle, as regulated by this Section 216, shall be permitted on any residential lot;*

According to the application, this commercial vehicle is a Freightliner Cascadia. Information provided by the applicant states it is 13.5 feet high and weighs approximately 18,000 pounds. The length of the vehicle was not provided, but a Google search shows that the cab is approximately 28.33 feet long and 8.5 feet wide. This is the only proposed vehicle onsite and does not include a trailer.

2. *Commercial vehicle shall be currently registered and licensed;*

The applicant has not supplied a current registration.

3. *The parking of said vehicle does not have a negative impact to the health, safety, or welfare of adjacent properties;*

Staff finds this request has the potential to have a negative impact upon the health, safety, and/or welfare of adjacent properties for the following reasons:

1. Size of the Vehicle – Not all commercial vehicles are the same. According to LDC Section 216, the minimum standards to be defined as a commercial vehicle are, 1.) More than two tons load capacity; 2.) More than nine feet in height, including the load, bed, or box; and/or 3.) More than 26 feet in length.

In effect, any vehicle over 9 feet in height is classified as a commercial vehicle. Box trucks, are one such example that are relatively benign in a residential setting, with a shorter wheelbase than a semi-truck and are easily screened. Smaller units use gasoline, while larger ones utilize louder diesel engines.

The subject vehicle surpasses all the above standards. While the parking area shown on the site plan has the potential to meet requisite setbacks, this is a large, diesel-engined commercial vehicle for that space. Though the property next door is currently vacant, a Type “B” landscaping buffer or 6-foot opaque fence will be required around the entirety of the parking area if this application is approved to screen the vehicle from offsite.

To note, too, if the lot to the east of the parking area is developed, it will have minimum side setbacks of 7.5 feet, potentially placing a future home within 28 feet of the parking area, or a distance nearly equivalent to the length of the commercial vehicle in question. Furthermore, the property tapers towards the road (Exhibits 4 & 6). To reach the parking area shown on the site plan, the truck will pass within the required 20-foot buffer area from

the eastern property line, which is only 19.32 feet at its nearest point from the subject home.

In summary, the vehicle is too large for the property (+/-0.37 acres) and parking area, and the layout of the home is ill-suited to accommodate this request. Recent cases to allow similar size vehicles that were approved by LUHO (LDLSE-2025-7; LDLSE-2025-9; and LDLSE-2024-8) were on properties exceeding an acre.

2. Access to Parking Area – According to LDC Section 216, commercial vehicles shall not be parked in the front yard of the principal residence. The site plan shows a parking area to the east of the home. The home is set back 26 feet from the right-of-way, and the 16-foot-wide driveway is at a 90-degree angle relative to the road. To park this vehicle within the proposed parking area will require either entering/exiting the driveway from Bass Lane and driving across the eastern front yard to make a 90-degree turn into the parking area or driving in directly from Bass Lane at an angle, again driving through the front yard. This will destroy the front yard and require the removal of small trees.

If this is approved, a commercial vehicle driveway will be required per the conditions of approval; however, LDC Section 705.G limits lots to one, two-way driveway or a pair of one-way driveways. Another driveway to access the parking area will not be permitted.

3. Drainage – The movement described above risks drainage assets onsite. If the vehicle were to access the parking area directly from Bass Lane this would bring the truck through a drainage swale along the front of the property. Either option will lead it through a platted 7.5-foot drainage and utility easement along the eastern property line.

4. Location within Neighborhood - Staff reviews the impacts of commercial vehicle travel on the local roadway system. In this case, the vehicle access Bass Lane, a Local Residential roadway. No sidewalks are located along Bass Lane, but they are not required by LDC regulations along Local Residential roadways. St. Cloud Road is an Urban Collector (UC) roadway approximately 0.15 miles from the site. This leads to Lake Marion Creek Road (UC), the major thoroughfare in the area (+/- 1.04 miles from the subject site.) This entire path is through residential neighborhoods.

4. *The applicant can demonstrate that denial of said request would place an unnecessary hardship on the property prohibiting the use of land in a manner otherwise allowed under this Land Development Code;*

The applicant has not demonstrated a hardship on the property. It is intended for residential use. The Association of Poinciana Villages has a dedicated outside storage facility for boats, campers, tractor trailers, and commercial vehicles, located at 2190 Marigold Avenue, approximately seven miles from the subject site. This facility is provided to help residents stay within the deed of restrictions, which prohibits any of the above-mentioned vehicles to be parked at a residence.

On January 4, 2022, the BoCC approved LDCT-2021-15 (Ordinance No. 22-002) which

incorporated language into Section 216.C of the LDC that exempted a Special Exception approval for any vehicle or heavy equipment parked or stored within an enclosed structure. In the event this vehicle could be stored in such a manner, the applicant would not be required to have a Special Exception approval.

5. *Commercial vehicles must park on the same lot occupied by the owner/operator of the vehicle.*

The vehicle will be parked on the same lot occupied by the operator of the vehicle.

6. *The vehicle shall not be parked in the front yard of the principal residence.*

The applicant's site plan (*Exhibit 5*) indicates the proposed parking area is not located in the front yard of the property.

7. *The parking area shall be at least 20 feet from all property boundaries.*

The site plan (*Exhibit 5*) calls out the parking area in the side yard with at least 20 feet of separation from the property lines. However, the path of the vehicle to reach this area will encroach within this setback.

8. *The vehicle shall park in a manner so that the minimum amount of vehicle surface is facing the road adjacent to the property unless the vehicle is screened or buffered as provided.*

The vehicle will be parked in a manner which exposes minimal view of the truck from the road.

9. *When the vehicle parking area is less than 200 feet from a residentially designated or used property, it shall be buffered from the adjacent residential property with a Type B Buffer as outlined in Section 720. A fence with a minimum height of six feet may be used in lieu of, or in conjunction with, a vegetative buffer yard.*

The proposed parking area shall meet the buffer and screening requirements of LDC Section 216.D. Existing structures, fencing, and landscaping will help screen the parking area from offsite, but a Type "B" buffer or six-foot opaque fence will still be required along the eastern and southern boundaries of the parking area.

10. *Refrigerator units on vehicles shall not be operated on the site.*

The subject commercial vehicle does not include a refrigerator unit.

11. *Approvals shall be valid for one year, or for a shorter period as specified by the Land Use Hearing Officer. Approvals may be renewed, with proper application following notice provided by the Land Development Division Director 30 days prior to the expiration date, if the commercial vehicle location is consistent with the Land Development Code. The*

applicant shall bear the burden in demonstrating that the vehicle parking still meets the criteria of the approved Special Exception and Section 216.

This has been included in the conditions of approval.

Surrounding Future Land Use Designations and Existing Land Use Activity:

The table below lists the Future Land Use designation and the existing uses surrounding the site. The information in the table is based on a site visit by the case planner and observation of the Future Land Use map to note the surrounding uses.

Northwest: DRI SFR Lot 3 Blk 899 +/- 0.40 Acres	North: DRI Vacant Lot 4 Blk 899 +/- 0.51 Acres	Northeast: DRI Vacant Lot 1 Blk 898 +/- 0.54 Acres
West: DRI SFR Lot 4 Blk 898 +/- 0.39 Acres	Subject Property: DRI SFR Lot 3 Blk 898 +/- 0.37 Acres	East: DRI Vacant Lot 2 Blk 898 +/- 0.53 Acres
Southwest: DRI SFR Lot 10 Blk 898 +/- 0.42 Acres	South: DRI Vacant Lot 11 Blk 898 +/- 0.43 Acres	Southeast: DRI Vacant Lot 12 Blk 898 +/- 0.63 Acres

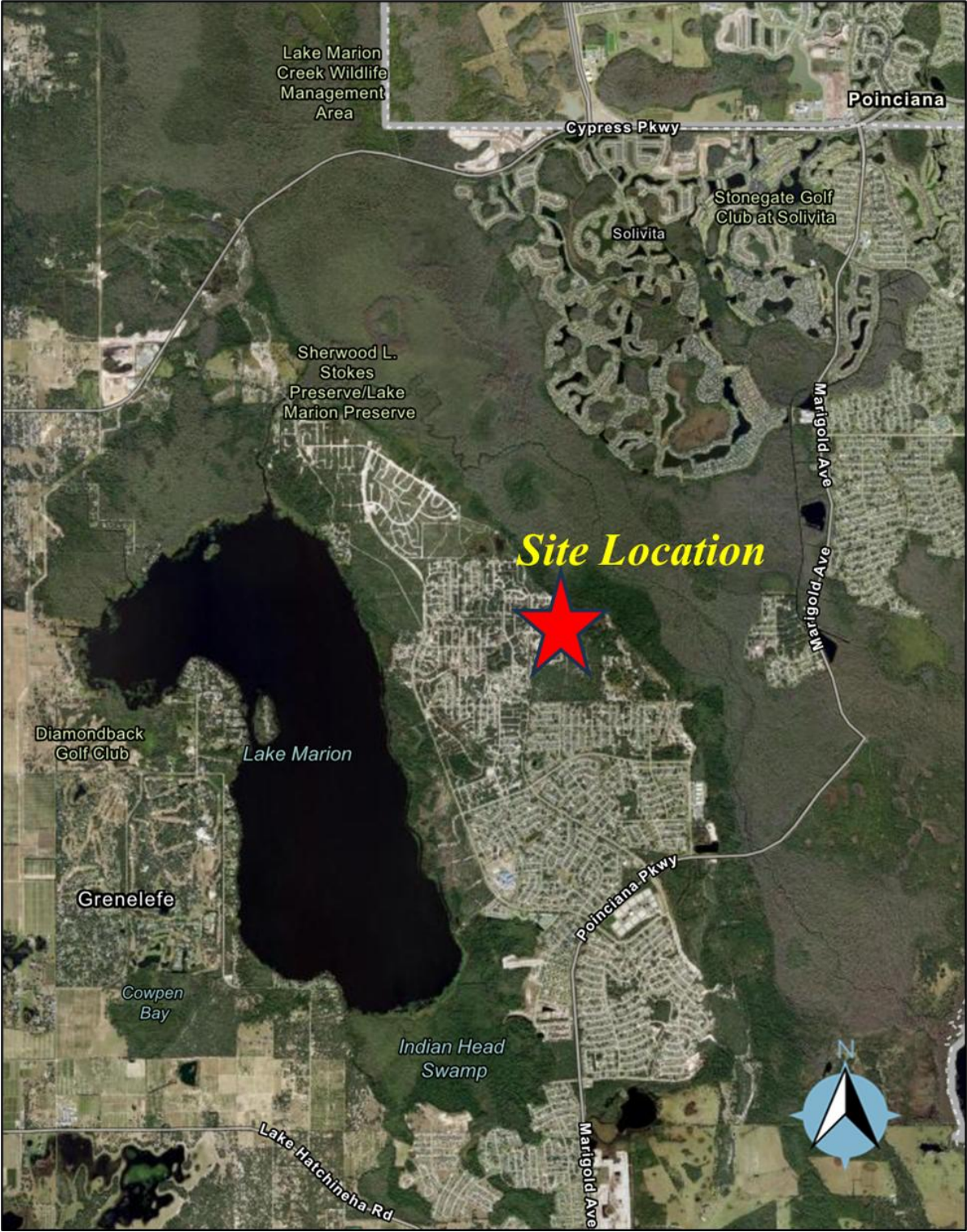
This site is described as Lot 3, Block 898 in the Poinciana Neighborhood 2 East, Village 7 subdivision (PB 53 PGS 1-3). This is in an area of Poinciana restricted to single-family homes (SFRs), as shown in the table above. Staff has not found other SE approvals within this subdivision. The Association of Poinciana Villages has an outside storage facility for boats, campers, tractor trailers, and commercial vehicles, located at 2190 Marigold Avenue, approximately seven miles from the subject site. This facility is provided to help residents stay within the deed of restrictions, which prohibits any of the above-mentioned vehicles from being parked at a residence.

The owner has owned the property since December 2024. The home was also built in 2024 and is approximately 2,474 sq. ft. under roof, according to the Property Appraiser (BR-2023-12699).

Comments from other Governmental Agencies: None

Exhibits:

- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Image (Context)
- Exhibit 4 Aerial Image (Close)
- Exhibit 5 Applicant's Site Plan
- Exhibit 6 BR-2023-12699 Site Plan
- Exhibit 7 Commercial Vehicle
- Exhibit 8 Landscaping Buffer
- Exhibit 9 Commercial Driveway



Site Location



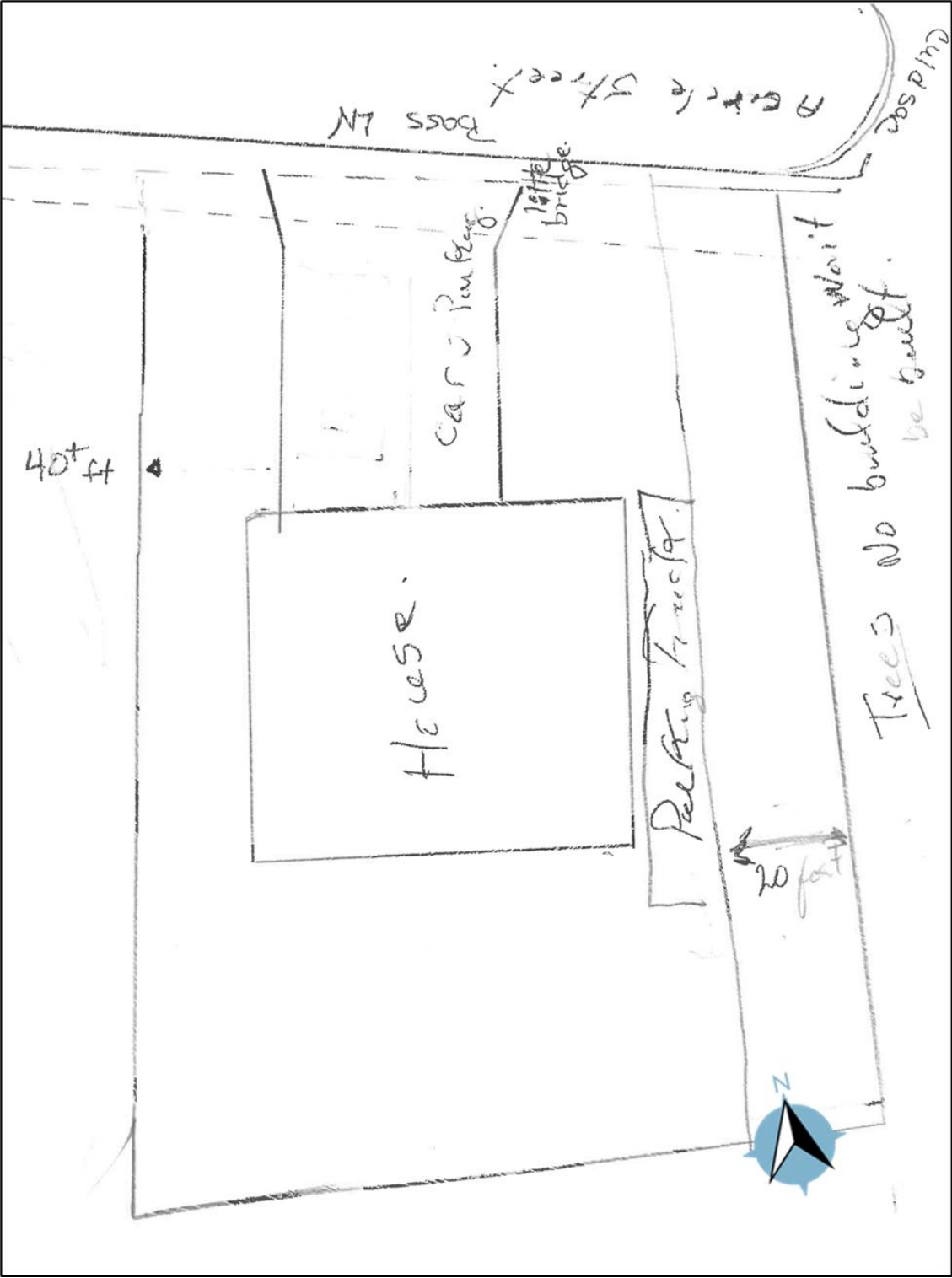
Future Land Use Map



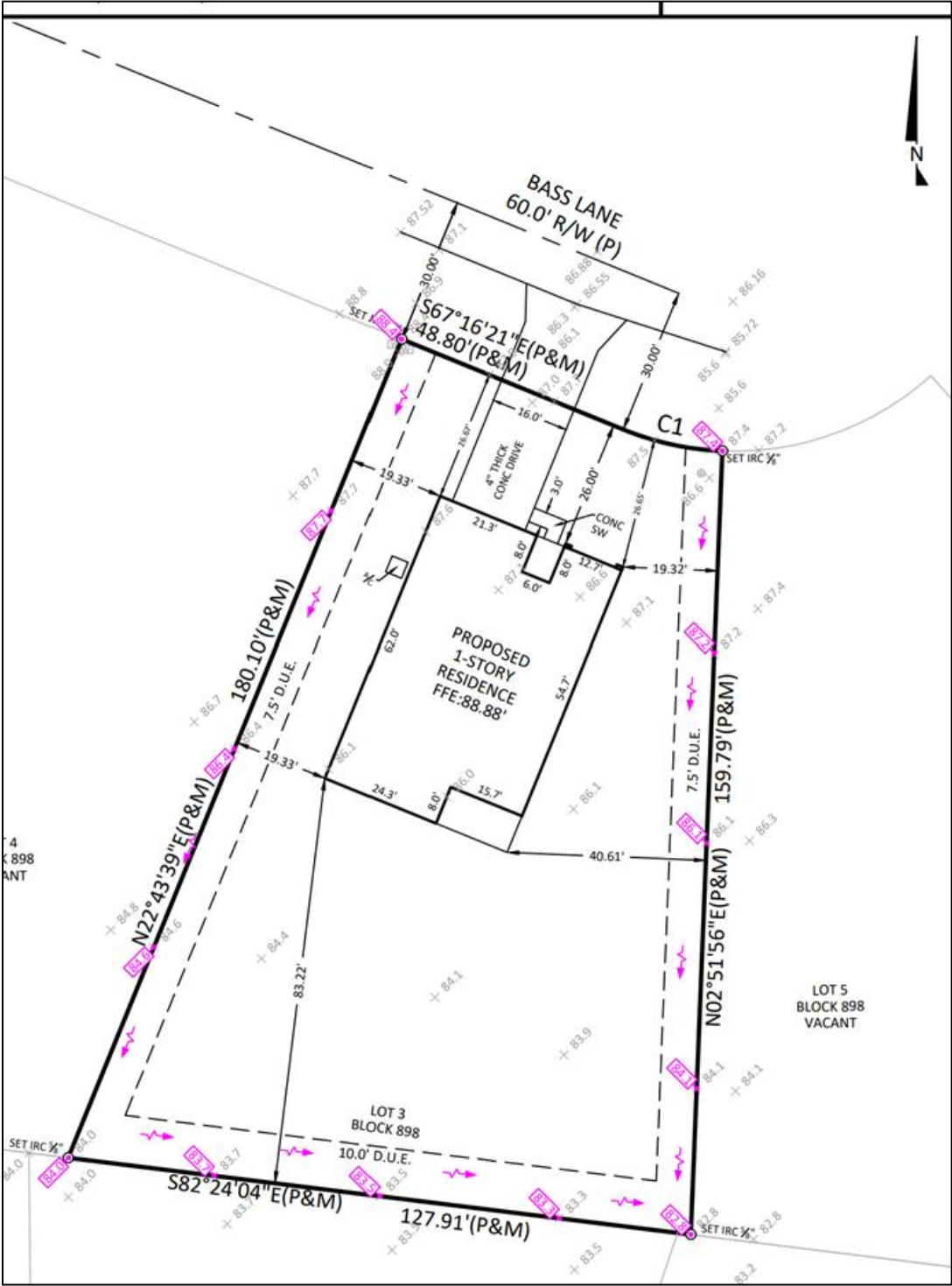
Aerial Image – Context



Aerial Image – Close



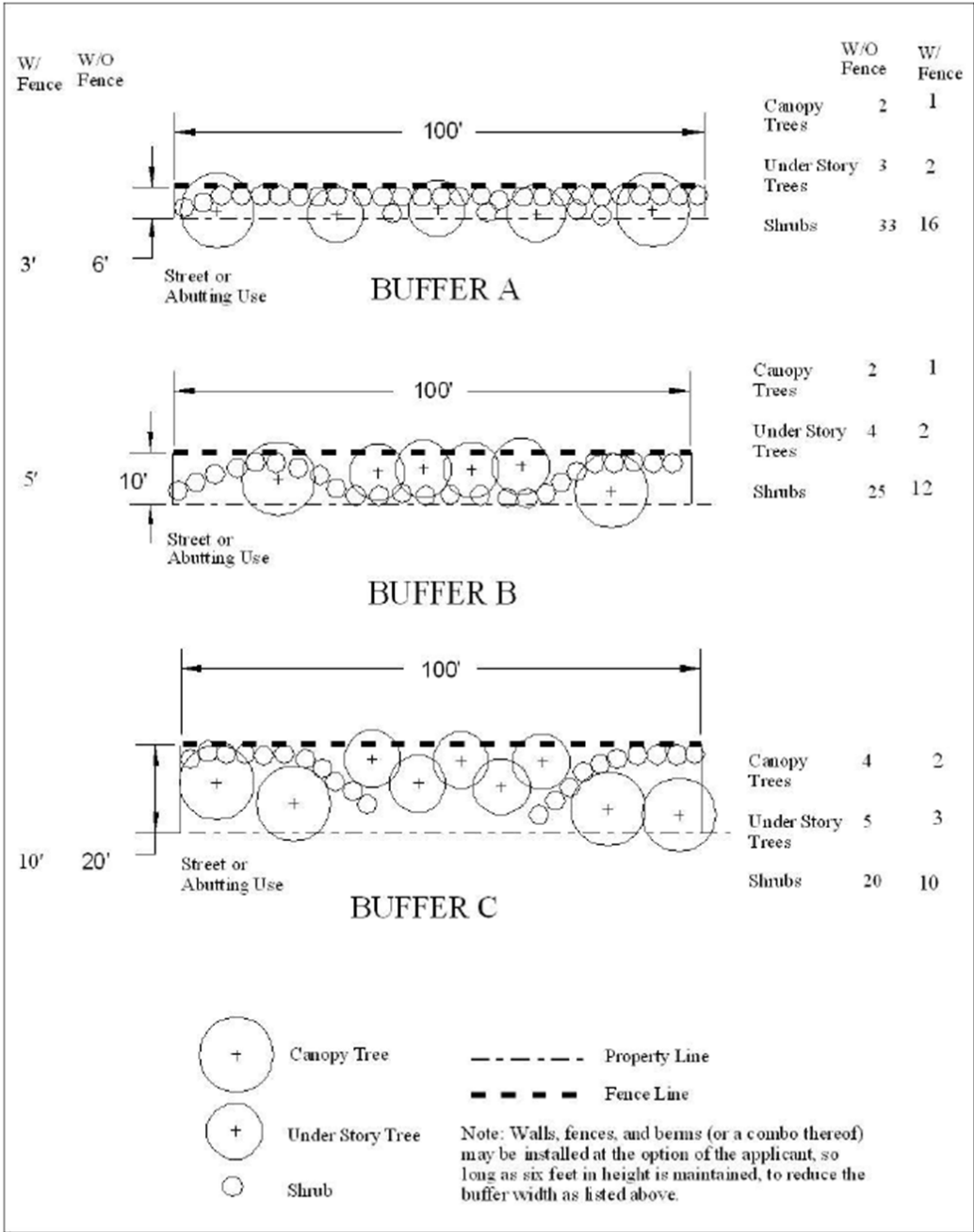
Site Plan



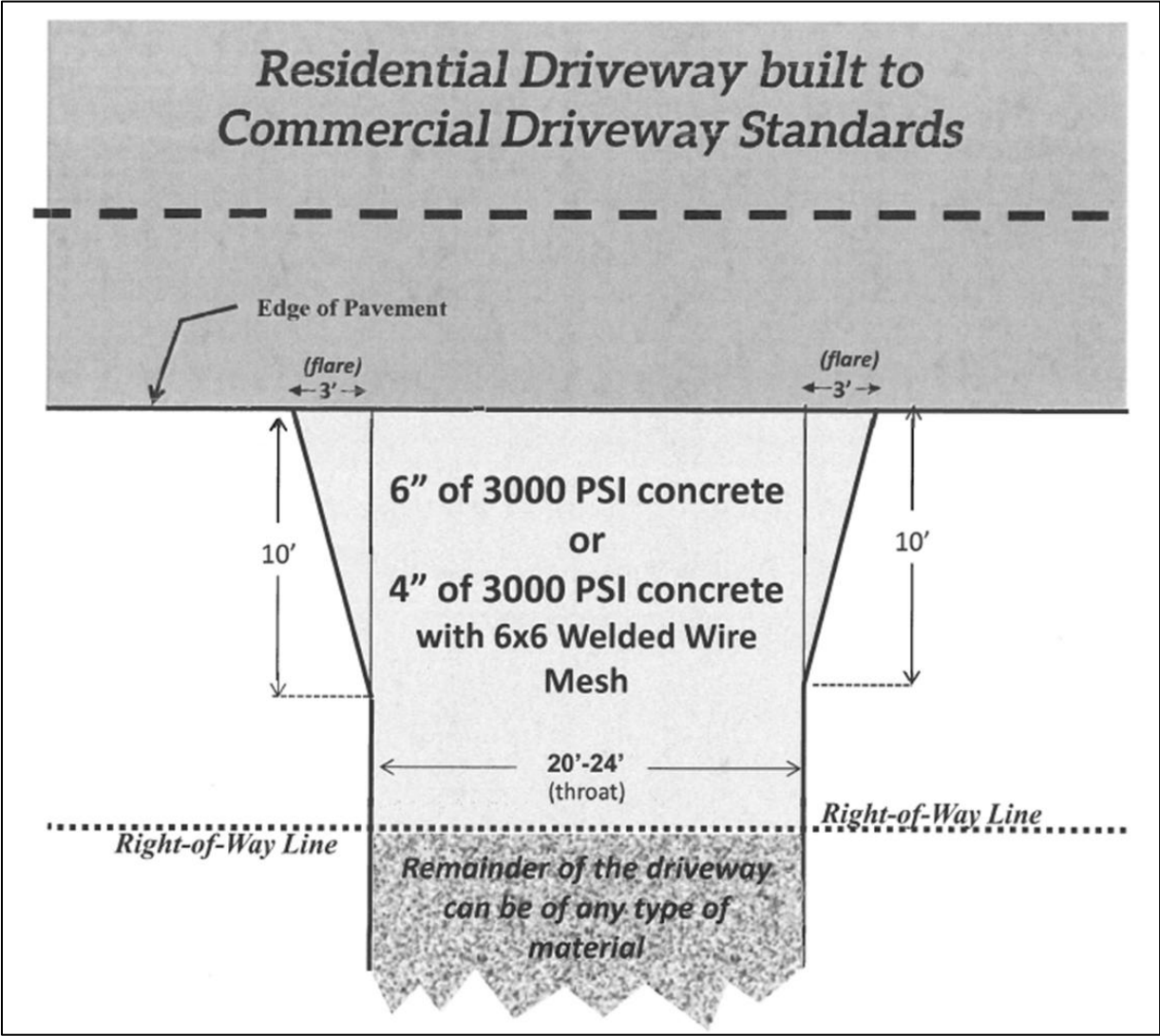
BR-2023-12699 Site Plan



Commercial Vehicle



Landscaping Buffers



Commercial Driveway