

## Polk County Polk County Land Use Hearing Officer Meeting Agenda - Final

December 09, 2025 Land Use Hearing Officer meeting

CALL TO ORDER: 1:30 P.M. OR AS SOON THEREAFTER AS THE PARTICULAR CASE MAY BE HEARD

#### **MINUTES APPROVAL:**

Minutes for November 20, 2025, LUHO Hearing Date

#### **OLD BUSINESS:**

1. LDLVAR-2025-58 (Saturn St Variance) - Continue to January 22, 2026 hearing date.

#### **NEW BUSINESS:**

#### **AGENDA ITEM:**

- 2. LDLSE-2025-11 (Lola Urbain SE)
- 3. LDLSE-2025-12 (Tillman Road SE)
- 4. LDLVAR-2025-62 (3rd Ave Variance)
- 5. LDLVAR-2025-63 (McCartney Citrus Ridge)

#### **ADJOURNMENT:**



### Polk County Polk County Land Use Hearing Officer

Agenda Item 12/9/2025

#### **SUBJECT**

Minutes for November 20, 2025, LUHO Hearing Date

#### **DESCRIPTION**

Minutes for November 20,2025, LUHO Hearing Date

#### **RECOMMENDATION**

**Approval of Minutes** 

#### **FISCAL IMPACT**

Click or tap here to enter text.

#### **CONTACT INFORMATION**

Saralis Wons saraliswons@polkfl.gov <mailto:saraliswons@polkfl.gov> 863-534-6479



# Polk County Polk County Land Use Hearing Officer Meeting Minutes - Final

November 20, 2025 Land Use Hearing Officer meeting

CALL TO ORDER: 1:30 P.M. OR AS SOON TI	HEREAFTER AS THE PARTICULAR CAS	Ε
MAY BE HEARD		

**MINUTES APPROVAL:** 

**NEW BUSINESS:** 

October 23, 2025, Meeting Minutes

**AGENDA ITEM:** 

#### LDLVAR-2025-56 Silva Solivita Phase 5C Variance

Minutes: CASE FILE # LDLVAR-2025-26 – (Silva Solivita Phase 5c Variance) Marcos Davila, Applicant, Michele Silva and Mohamed Habibulah, property owners, are requesting a variance to reduce the rear side setback for an accessory structure in a Poinciana Pre-Development of Regional Impact (DRI) 1 Planned Unit Development (PUD) 98-12, Solvita Phase 5C, land use district. The property location is 795 Via Como Street, north of Village Center Road, south of Cypress Parkway, east of Poinciana Parkway, west of Marigold Avenue, east of Haines City in Section 14, Township 27, Range 28.

Erik Peterson, Land Development; presented the case and reported that 102 mailers were sent 11/4/25, with no response, 1 board was posted on 10/29/25 and the legal ad was published in the Polk Sun News on 11/5/25.

Kyle Rogus, Case Planner, showed a power point presentation, has a recommendation of approval, and stood for questions. Staff recommends approval.

Marcos Davila and Michelle, 795 Via Como Street applicant, was available to answer questions and agreed with staff recommendations. needs this cause the lanai gets wet when it rains

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public portion of the hearing.

#### 2. LDLVAR-2025-57 (Thrasher Variance)

Minutes: CASE FILE # LDLVAR-2025-57 – (Thrasher Variance)
Kimberly Kelley & David Dakoda Colt Thrasher, owners, are requesting a variance to construct an accessory structure that has square footage greater than 150% of the primary residence in a Residential Suburban (RS) land use district. The property is located at 4427 Old Government Road, north of State Road 60, east of County Line Road, south of Pipkin Road and Ewell Road, west of Hatcher Road, north of Spring Lane, southwest of the city of Lakeland, in Section 20, Township 29, Range 23

Erik Peterson, Land Development; presented the case and reported that 41 mailers were sent on 10/1/25, with no response, 1 board was posted on 10/31/25 and the legal ad was published in the Polk Sun News on 11/5/25.

Andrew Grohowski, Case Planner, showed a power point presentation, has a recommendation of approval, and stood for questions. Staff is recommending approval.

David Dakoda Colt Thrasher, 4427 Old Government Rd owners, were available to answer questions and agree with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public portion of the hearing.

Continue to December 9th

3. LDLVAR-2025-58 (Saturn St Variance) - Continue to December 9, 2025 hearing date.

#### 4. LDLVAR-2025-60 Fuquay Solivita Phase 7G Variance

Minutes: CASE FILE #LDLVAR-2025-60 – (Fuquay Solivita Phase 7D Variance) Shirley Fuquay, property owner, is requesting a primary structure rear setback reduction from Ten (10) feet to four (4) feet for the installation of a new 28' by 15' solid aluminum roof in a Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D land use district. The property is located at 622 San Joaquin Road, north of Barcelona Drive, south of Cypress Parkway, east of San Clemente Avenue, west of Marigold Avenue, East of Haines City in Section 15, Township 27, Range 28.

Erik Peterson, Land Development; presented the case and reported that 63 mailers were sent on 10/1/25, with no response, 1 board was posted on 10/29/25 and the legal ad was published on 11/5/25.

Kyle Rogus, Case Planner, showed a power point presentation, has a recommendation of approval, and stood for questions. Staff recommends approval.

Shirley Fuquay, 622 San Joaquin Road, applicant, was available to answer questions and agree with staff recommendations. Said having solid roof

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public portion of the hearing.

#### **ADJOURNMENT:**

Minutes: 1:57

**ADJOURNMENT:** 



### Polk County Polk County Land Use Hearing Officer

Agenda Item 1. 12/9/2025

#### **SUBJECT**

LDLVAR-2025-58 (Saturn St Variance) - Continue to January 22, 2026 hearing date.

#### **DESCRIPTION**

The applicant is requesting a variance to reduce the rear accessory structure setback from ten (10) feet to two (2) feet for one shed and the side accessory structure setback from five (5) feet to two (2) feet for a second shed. The subject site is located at 1910 Saturn St, south of Skyview Dr, north of Maine Ave, east of the city of Lakeland in Section 27, Township 28, Range 24.

#### RECOMMENDATION

**Conditional Approval** 

#### **FISCAL IMPACT**

No Fiscal Impact

#### **CONTACT INFORMATION**

Aleya Perreira

Land Development Division
(863) 534-6764

aleyaperreira@polkfl.gov

LDLVAR-2025-58 Continued to January 22, 2026 hearing date



### Polk County Polk County Land Use Hearing Officer

Agenda Item 2. 12/9/2025

#### SUBJECT

LDLSE-2025-11 (Lola Urbain SE)

#### **DESCRIPTION**

The applicant is requesting a Special Exception to park a commercial vehicle (1998 Terex Telescopic Crane) at their residence on approximately 0.95 acres.

#### RECOMMENDATION

**Conditional Approval** 

#### **FISCAL IMPACT**

No fiscal impact

#### CONTACT INFORMATION

Andrew Grohowski

Land Development Division

(863) 534-6412

andrewgrohowski@polkfl.gov

## POLK COUNTY LAND USE HEARING OFFICER STAFF REPORT

DRC Date: October 10, 2025 CASE #: LDLSE-2025-11
(Lola Urbain SE)
Hearing Date: December 9, 2025 LDC Section: Section 216.D

**Request:** The applicant is requesting a Special Exception to park a commercial vehicle

(1998 Terex Telescopic Crane) at their residence on approximately 0.95 acres.

**Applicant:** Lola M. Urbain

**Property Owner:** Lola M. Urbain & Tyler Jay Travis

**Location:** The subject property is located at 11252 Country Haven Drive, east of US

Highway 98, north of Interstate 4 and Creekwood Run, south of Rockridge Road, west of Country View Drive, north of the City of Lakeland in Section 23,

Township 26, and Range 23.

**Parcel ID#:** 232623-000551-000260

Size:  $\pm 0.95$  acres

Land Use Designation: Agriculture/Residential Rural-X (A/RRX)

Rural Special Protection Area (SPA)

Green Swamp Area of Critical State Concern (GSACSC)

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

Case Planner: Andrew Grohowski, Planner II

#### **Summary:**

The applicant is requesting a Special Exception to park a commercial vehicle (1998 Terex Telescopic Crane) on residential property within an Agriculture/Residential Rural-X (A/RRX) land use district in the Green Swamp Area of Critical State Concern (*Exhibit 2*). The telescopic crane is 35 feet long and 10 feet, 9 inches tall when not in operation. It weighs approximately 48 tons. No trailer is included in this request. Chapter 2, Section 216.D of the Land Development Code (LDC) allows one (1) commercial vehicle on residential properties pursuant to the guidelines detailed in this section and approval from the Land Use Hearing Officer.

The vested property is almost one (1) acre, with a mobile home on premises and room to park the vehicle in the side yard, between a shed and chick coop as presented on the site plan (*Exhibit 5*). The parking area meets the 20 feet separation distance from all property lines. The corner lot has direct ingress and egress onto Country Haven Drive, a Local Roadway, and travels less than 1,000 feet to Rockridge Road, a Major Collector roadway. Screening and buffering standards of a Type "B" landscaping buffer or six-foot opaque fence will be required along the side and rear portions of the property lines. A similar request to park a commercial vehicle at a residence was approved in 2021 approximately 0.20 miles south of the subject site (LDLSE-2021-6). Staff finds the approximate parking location to be sufficient to accommodate a vehicle such as this while meeting the standards required in Section 216.D. With the proposed conditions, staff recommends approval of this application.

#### **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 **LDLSE-2025-11** 

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

- 1. This Special Exception shall be limited to parking one (1) 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 of this special exception shall be for the operator (Lola M. Urbain) of record only. 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 commercial vehicle parking approval shall be contingent upon the applicant constructing a driveway to commercial standards for structural thickness and turning radius in accordance with Section 705.I of the Land Development Code.
- 6. The commercial vehicle shall only be parked in the area to the rear of the home 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. The property owner(s) is 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.
- 8. Approval of the Special Exception shall be valid for one year. Approvals 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.
- 9. 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.

December 9, 2025

10. Noncompliance with any of the conditions of approval will render LDLSE-2025-11 null and void. All conditions of approval, unless otherwise specified, must be met prior to parking the commercial vehicle on the property.

#### **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.

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, the driver wishes to park one (1) 1998 Terex Telescopic Crane at their residence in the A/RRX land use district. While not a typical vehicle encountered by staff, the crane measures approximately 35 feet long and 10 feet, 9 inches tall when not extended. The weight of the vehicle is about 48 tons. LDC Section 216 defines a commercial vehicle as those that exceed 26 feet in length and/or are taller than nine feet. No trailer is included in this request. As indicated by the submitted site plan (Exhibit 5), the truck will be parked to the side of the principal structure between a shed and chicken cop. The parking location is approximately 20 feet from the nearest property line to the northeast. Staff finds the  $\pm 1$ -acre property is sufficient to accommodate a vehicle such as this while meeting the standards required in Section 216. Nonetheless, no other commercial vehicles will be parked onsite.

2. Commercial vehicle shall be currently registered and licensed;

The applicant has provided a current and valid registration for the vehicle.

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

Staff finds the request will have no negative impact on the health, safety, or welfare of adjacent property owners. The parking location on the site plan meets the minimum twenty (20) foot setback requirement from all property lines. If approved, the vehicle will be parked approximately 85 feet from the nearest residential structure located to the north. Due to the standards in Section 216 of the LDC, the applicant is not able to park the vehicle in the front of the home, but there is ample acreage on which to locate the subject vehicle in the side and rear yard while maintaining a minimum 20-foot setback from the property lines. Existing landscaping screens the parking area from the public roadways, but since the vehicle parking area will be less than 200 feet from a residentially designated or used property, it needs to be screened from the adjacent residential property with a Type "B" buffer, as outlined in Section 720 (Exhibit 7), or a six-foot opaque fence. Large trees and vegetation on surrounding properties will further screen the parking area.

When the lots were initially platted in 1983, the roadways within the subdivision were private and owned fee-simple by the lot owners. Each tract owner was responsible and obligated for payment of a pro rata share per lot of the costs of maintaining the private roadway. However, in May 2004, the County assumed responsibility for the internal roadways and drainage structures. The subject site has direct access to 20-foot-wide Country Haven Drive (Road No. 632607), through a driveway culvert that has a 18' stormwater pipe. The roadway is paved and meets current LDC standards for Local Roadway classification. The vehicle passes seven (7) homes along Ridge Meadow Drive (Road No. 632301) before reaching a collector roadway. Rockridge Road is less than 1,000 feet away and is a County-maintained Rural Minor Collector roadway. It has a paved surface width of 30 feet and right-of-way width of 80 feet, which meets County standards and is sufficient for the passage of this vehicle.

In 2021, a similar request to park a commercial vehicle and trailer was approved approximately 0.20 miles south of the subject site on about two (2) acres of residential property (LDLSE-2021-6). As noted in the Conditions of Approval, a commercial driveway will be required to protect the edge of the County's pavement along Country Haven Drive from the stretching caused by such a heavy vehicle's turning movements on and off the property. Staff finds this request will not have a negative impact upon the health, safety, or welfare of adjacent properties if maintained and screened in accordance with the site plan.

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 did not include a demonstration of need in the application. Phone conversations determined that the applicant uses the commercial vehicle as a source of income and needs to have the ability to park their vehicle during non-working hours. Typically, these types of trucks have a telescopic crane or "boom" that extends multiple feet into the air which aides in complex lifting operations. The applicant can further demonstrate their hardship at the public hearing. This property is subject to a Code violation (CMA-2025-1158) that has since been closed as of 11/21/25. While the owner has corrected this case, they wish to park their vehicle on their property. The Special Exception application was submitted to Land Development on 09/24/25.

This area of the County is rural where other options to park commercial vehicles away from an urbanized area are limited. This request would allow for the elimination of offsite storage expenses. According to the site plan, the vehicle will be parked between an existing shed and chicken coop. Per Section 216.C of the LDC, if the shed were large enough and fully enclosed to house the vehicle, a Special Exception and additional landscaping and/or screening would not be required by the applicant.

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 and is behind the primary resident's building line.

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

The submitted site plan indicates the proposed parking area for the commercial vehicle meets the minimum twenty (20) feet from property lines, which is consistent with Section 216.D of the Land Development Code (*Exhibit 5*).

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 truck will be parked behind, or directly northeast, of the house and is setback at least 116 feet from the centerline of Country Haven Drive. The primary structure blocks the public view off Ridge Meadow Drive. Screening and buffering with a six-foot opaque fence used in conjunction with or in lieu of a Type "B" landscape buffer will be required either on the along the northeastern property line or in the immediate parking area. This will aid in screening the vehicle residential properties and the public right-of-way.

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 bufferyard.

If approved, the commercial vehicle parking location shall be confined to the area depicted on the site plan (*Exhibit 5*). While the parking area will be over 20 feet away from property boundaries, the proposed parking area is less than 200 feet from neighboring residential properties. Existing structures and landscaping will help screen the parking area from offsite, but a Type "B" buffer or six-foot opaque fence will still be required, as noted above.

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

The requested vehicle has no refrigerator units.

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:**

Northwest:	North:	Northeast:
Agriculture/Residential Rural-X	Agriculture/Residential Rural-X	Agriculture/Residential Rural-X
(A/RRX)	(A/RRX)	(A/RRX)
Lot 1, Mobile home	Lot 2, Mobile home	Lot 25, Mobile home
±0.92 acres	$\pm 0.94$ acres	$\pm 0.94$ acres
West:	Subject Property:	East:
Agriculture/Residential Rural-X	Agriculture/Residential Rural-X	Agriculture/Residential Rural-X
(A/RRX)	(A/RRX)	(A/RRX)
Lot 36, Mobile home	Mobile home	Lot 23, Mobile home
$\pm 0.93$ acres	$\pm 0.95$ acres	$\pm 0.92$ acres
Southwest:	South:	Southeast:
Agriculture/Residential Rural-X	Agriculture/Residential Rural-X	Agriculture/Residential Rural-X
(A/RRX)	(A/RRX)	(A/RRX)
Lot 24, Mobile home	Lot 27, Mobile home	Lot 27, Mobile home
$\pm 1.02$ acres	$\pm 0.93$ acres	$\pm 0.93$ acres

The subject property is almost one (1) acre within the Agricultural/Residential Rural (A/RRX) future land use district in the Rural Special Protection Area (SPA) of the Green Swamp Area of Critical State Concern (GSASC). It is considered Lot 26 of the Ridge Meadows Subdivision first recorded in November 1983 (PB 75, PG 32). Chapter 2, Table 2.2 of the LDC requires a minimum lot size of five (5) acres in the A/RR district. While the subject parcel is beneath the required acreage, the parcel is considered vested and a lot of record. The applicant first purchased the property through a warranty deed in May 2025 and a 1,296 sq. ft. mobile home was constructed in 1995 according to the Property Appraiser.

#### Comments from other Governmental Agencies: None

#### **Exhibits:**

Exhibit 1 – Location Map

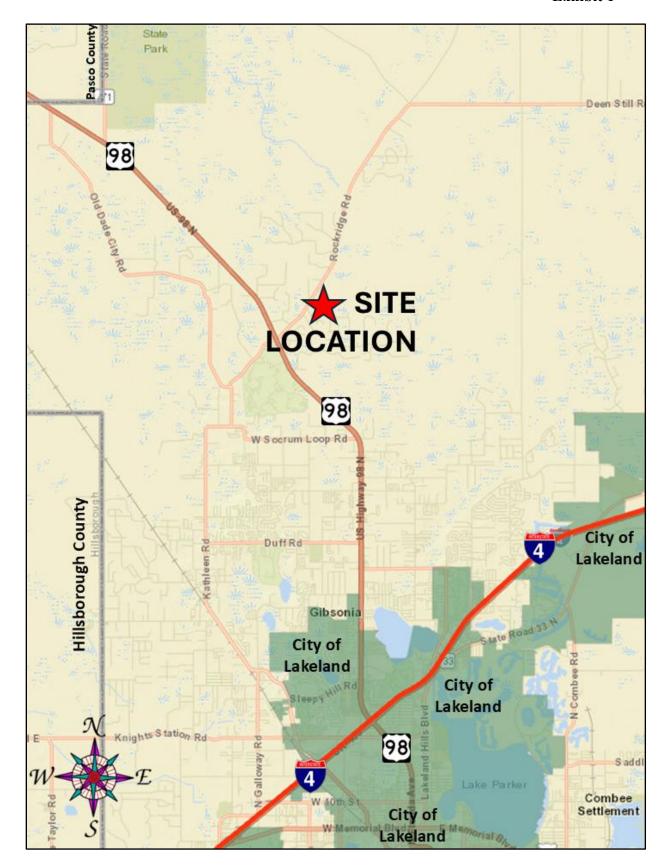
Exhibit 2 – Future Land Use Map

Exhibit 3 – 2023 Aerial Photo (Context)

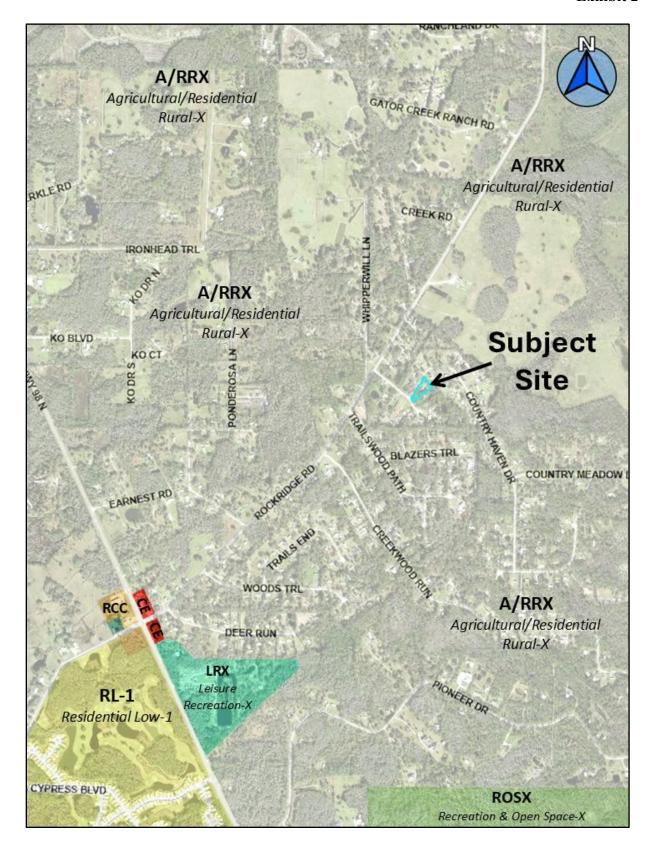
Exhibit 4 – 2025 Satellite Image (Close-Up)

Exhibit 5 – Site Plan

Exhibit 6 – Commercial Vehicle Pictures



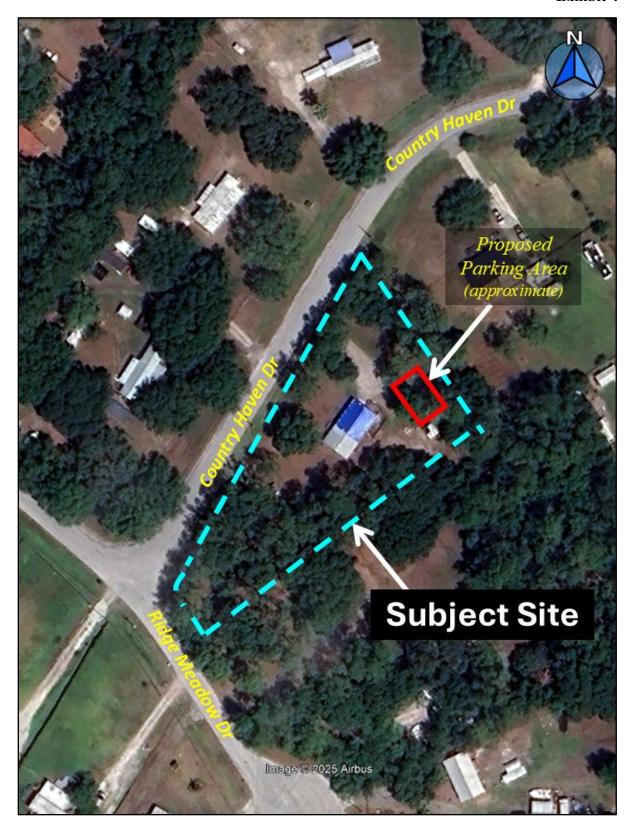
Location Map



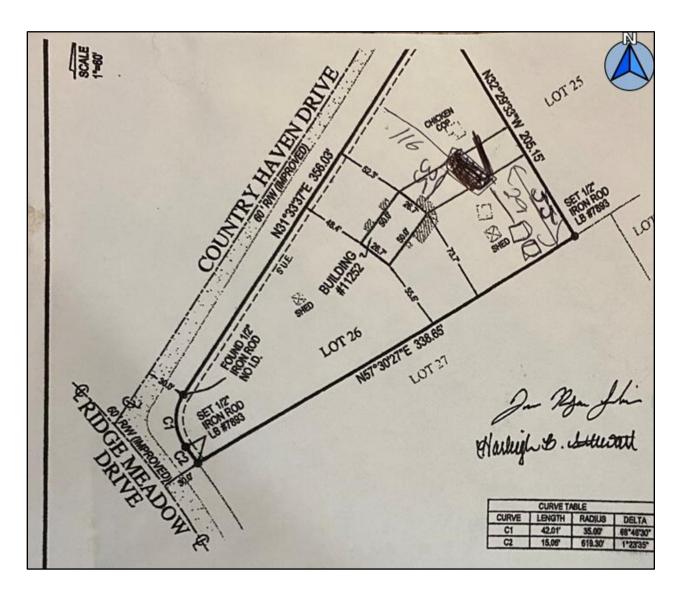
Future Land Use Map



2023 Aerial Image (Context)



2025 Satellite Photo (Close-Up)



Site Plan



Commercial Vehicle Pictures

### FLORIDA VEHICLE REGISTRATION Expires

MIW491 YR/MK VIN Plate Type DL/FEID 933585238-01 Date Issued 6/10/2025

BODY 58000

NET WT

Plate Issued 7/12/2024

ECONOMY CRANE AND RIGGING LLC 14229 N WOOTEN RD DOVER, FL 33527-5647

RSR - RESTRICTED

Midnight Tue 6/30/2026

COLOR TITLE WHI 155484020

Reg. Tax Init. Reg. County Fee Mail Fee Sales Tax Voluntary Fees **Grand Total** 

53.10 Class Code Tax Months 3.00 Back Tax Mos Credit Class Credit Months

- IMPORTANT INFORMATION

  The Florida license plate must remain with the registrant upon sale of vehicle. The registration must be delivered to a Tax Collector or Tag Agent for transfer to Your registration must be updated to your new address within 30 days of moving Registration renewals are the responsibility of the registrant and shall occur during the 30-day period prior to the expiration date shown on this registration. Renewal notices are provided as a courtesy and are not required for renewal purposes. I understand that my driver license and registrations will be suspended 5. I understand that my driver license and registrations will be suspended
- I understand that my driver heerise the insurance information submitted immediately if the insurer denies the insurance information submitted for this registration.





#### LDLSE-2025-11 - Lola Urbain

Menu Help Reports

Application Name: Lola Urbain

File Date: 09/24/2025

Application Type: <u>LUHO - Special Exception</u> Application Status: Approved For Hearing

Application Comments: View ID Comment Date

Description of Work: I need a permit for my commercial vehicle

Application Detail: Detail

Address: 11252 COUNTRY HAVEN DR, LAKELAND, FL 33809

Parcel No: 232623000551000260 Owner Name: URBAIN LOLA M

Contact Info: Name Organization Name **Contact Type Contact Primary Address** Status

URBAIN LOLA M URBAIN LOLA M Property Owner Active

Licensed Professionals Info: Primary License Type Business License # License Number Name **Business Name** 

Job Value: \$0.00 Total Fee Assessed: \$1,057.00

Total Fee Invoiced: \$1,057.00

Balance: \$0.00 Custom Fields: LD\_BOA\_SE

GENERAL INFORMATION

Acreage

0.95

**DRC** Meeting **DRC Meeting Time** 

10/10/2025

Rescheduled DRC Meeting Rescheduled DRC Meeting Time

Green Swamp FS 119 Status No Non-Exempt

Case File Number

SPECIAL EXCEPTION

Make of vehicle Model & Year of vehicle 1998 terex

Weight of vehicle Gross axle weight of vehicle 48,000 58

Height & length of vehicle

Height, length & weight of any additional trailer or equipment

PUBLIC HEARING

**Development Type Application Type** Land Use Hearing Special Exception

Officer

**Brownfields Request** 

Individual

Affordable Housing

ADVERTISING

Legal Advertising Date Advertising Board Land Use Hearing

Officer

MEETING DATES **LUHO Hearing Date** 

12/09/2025

HEARING

**Hearing Results** 

LD\_BOA\_SE\_EDL

Opening DigEplan List...

DigEplan Document List

**PLAN REVIEW FIELDS** 

TMPRecordID POLKCO-25EST-00000-58063

RequiredDocumentTypesComplete

No

DocumentGroupforDPC DIGITAL PROJECTS LD AdditionalDocumentTypes RequiredDocumentTypes

Activate DPC Applications, AutoCad File, Binding Site Plans (PDs Yes

Lisa Simons-Iri...

Andrew Grohowski

Action By

Lisa Simons-Iri...

and CUs), CSV, Calculations, Correspondence, Desig n Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Repor

t/Approval Letter, Survey, Title Opinion

Application ...

Approved for...

Approve

10/13/2025

10/30/2025

11/17/2025

DigitalSigCheck Activate FSA <u>Yes</u>

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement

LAND USE

Selected Area Plan LU Code

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board Number of Boards (Number) Number of Mailers (Number) Date Mailed Date Posted NOR

<u>LUHO</u> 21 11/21/2025 11/24/2025

Action By Assigned To Status Status Date Workflow Status: Task Lisa Simons-Iri...

Andrew Grohowski

Lisa Simons-Iri...

Application Submittal

Roads and Drainage Review

Planning Review

Review Consolidation

Public Notice Hearing Officer

Final Order Archive

Condition Status: Name **Short Comments** Status **Apply Date** Severity

Scheduled Date Inspector Status Comments Scheduled/Pending Inspections: Inspection Type Resulted Inspections: Inspection Type Inspection Date Status Comments

Inspector



#### **Polk County**

### Polk County Land Use Hearing Officer

Agenda Item 3. 12/9/2025

#### **SUBJECT**

LDLSE-2025-12 (Tillman Road SE)

#### **DESCRIPTION**

Sander La Rosa Gonzalez requests a Special Exception to park a commercial vehicle (2012 International Prostar Class 8 Sleeper Truck and trailer) at their residence on approximately 0.99 acres within a residential neighborhood. The subject property is located at 5525 Tillman Road, north of Knights Station Road, south of Duff Road, east of Cherry Road, west of Kathleen Road, east of Hillsborough County and west of the City of Lakeland in Section 19, Township 27, Range 23.

#### RECOMMENDATION

Approval with conditions.

#### **FISCAL IMPACT**

No fiscal impact.

#### **CONTACT INFORMATION**

Kyle Rogus, Planner II Land Development Division 863-534-7553 kylerogus@polkfl.gov

### POLK COUNTY LAND USE HEARING OFFICER STAFF REPORT

(Tillman Rd Special Exception)

27

LUHO December 9, 2025 LDC Section 216.D

Date: Section: Section 210.D

Request: The applicant is requesting a Special Exception to park a

commercial vehicle (2012 International Prostar Class 8 Sleeper Truck and trailer) at their residence on approximately 0.99 acres

within a residential neighborhood.

**Applicant:** Sander La Rosa Gonzalez

**Property Owner:** Sander La Rosa Gonzalez

Location: The subject property is located at 5525 Tillman Road, north of

Knights Station Road, south of Duff Road, east of Cherry Road, west of Kathleen Road, east of Hillsborough County and west of the

City of Lakeland in Section 19, Township 27, Range 23.

**Parcel ID#:** 232719-000000-024140

Size:  $\pm 0.99$  acres

**Land Use Designation:** Agriculture/Residential Rural (A/RR)

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

Case Planner: Kyle Rogus, Planner II

#### **Summary:**

This is a request for a Special Exception to park a commercial truck (2012 International Prostar Truck and trailer) on approximately 0.99 acres in the Agriculture/Residential Rural land use district in the Rural Development Area. The property has frontage on Tillman Road. Access is proposed from an existing driveway on Tillman Road and is required to meet commercial driveway standards. The vehicle will be parked on the south side of the principal residence screened from view from the north. A vegetative Type "B" Landscape buffer or a fence with a minimum height of six feet may be used in lieu of, or in conjunction with, the vegetative bufferyard shall extend the length of the south property line, continuing north along the eastern most property line to screen the commercial vehicle from the neighboring residences to the east. The commercial vehicle will be more than 60 feet from the east property line and more than 40 feet from the south property line.

This is your typical commercial vehicle you see for a Special Exception. Commercial vehicles that come in for Special Exceptions are usually for either semi-trucks or freightliners, which have an average weight of 17 tons with a trailer, exceeding over 70 feet in length and 13 feet in height. The

weight of the proposed commercial vehicle is 23,000 lbs, equivalent to 11.5 tons, below any weight restrictions on the surrounding roadways. The dimensions of the truck are a height of 13'6" and length of 28 feet. The length of the additional trailer is 53 feet, bringing the total length to approximately 81 feet.

The application request is not a result from any Code violation for parking a commercial vehicle at this location without a special exception. The trailer was seen on property during staffs site visit. No commercial vehicle was seen on site. Any additional commercial vehicles on property will be subject to future violation of the Polk County Land Development Code.

Staff recommends approval based on the site plan provided by the applicant and recent visits to the site. The proposed placement of the vehicle will be alongside the primary structure within 200 feet from abutting residential property and shall meet the screening or buffering requirements. A commercial driveway apron is recommended as a condition of approval to protect Tillman Road from stretching caused by commercial vehicle turning movements on and off the property.

#### **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 LDLSE-2025-12** 

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

- 1. This Special Exception shall be limited to parking one truck, a 2012 International Prostar Class 8 Sleeper Truck and trailer or functional equivalent (see Exhibit 6), as described in the application and staff report. No other commercial vehicles may be parked on the site.
- 2. Approval of this special exception shall be for the operator (Sander La Rosa Gonzalez) of record only. 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. This commercial vehicle parking approval shall be contingent upon the applicant constructing at least one entrance to commercial driveway standards for structural thickness and turning radius in accordance with Section 705.I of the Land Development Code (see Exhibit 7).
- 5. The property owner(s) is 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. Approval of the Special Exception shall be valid for one year. Approvals 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). Noncompliance with any of the conditions of approval will render LDLSE-2025-12 null

and void. All conditions of approval, unless otherwise specified, must be met prior to parking the commercial vehicle on the property.

7. The commercial vehicle shall only be parked in the area designated on the site plan (Exhibit 5) and shall continuously meet the screening or buffering requirements listed in Section 216.D, Commercial Vehicle Parking and Storage, of Polk County's Land Development Code.

#### **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.

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, shall be permitted on any residential lot or parcel;

The request is for one truck (2012 International Prostar Class 8 Sleeper Truck and trailer). See Exhibit 6.

2. Commercial vehicles shall be currently registered or licensed;

The applicant has provided the current valid registration for the vehicle.

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

The applicant's property is 0.99 acres with ample space for parking. The neighboring property to the south is within 200 feet of the parking area. The view of the commercial vehicle parking area from the neighboring property to the south will be required to provide proper screening and buffering through a vegetative Type "B" Landscape buffer (see Exhibit 8) or a fence with a minimum height of six (6) feet may be used in lieu of, or in conjunction with, the vegetative bufferyard. Screening shall extend the length of the southern property line, continuing north along the eastern most property line, minimizing any visibility from the neighbors to the east of the property to meet the screening or buffering requirements listed in Section 216.D, Commercial Vehicle Parking and Storage, of the Polk County Land Development Code (LDC). The closest residential structure to the designated commercial vehicle parking location is more than 100 feet to the east and 117 feet to the south. The commercial vehicle will be parked over 80 feet from the edge of pavement.

#### Tillman Road site specific characteristics:

The vehicle will access Tillman Road from Deeson Road, which is 0.07 miles south of the subject property. The truck will pass two (2) homes on Tillman Road, the neighboring property to the west and the south. The affected roadway, Tillman Road, is an asphault local road with no curb or sidewalk with a posted speed limit of 25 mph that deadends 0.29 miles north of the subject property. Tillman Road has a surface width of 20 feet, which does meet the minimum 20 foot right-of-way width standard and a rights-of-way width of 50 feet.

#### **Deeson Road site specific characteristics:**

Deeson Road is a paved two lane Urban Collector road with no curb or sidewalk with posted speed limit of 45 mph. Deeson Road has a width of 20 feet, which does not meet the minimum 24 feet right-of-way width standard. Deeson Road experiences approximately 4,200 Annual Average Daily Traffic (AADT) between Hillsborough Conty Line and Kathleen Road (CR 35A). Deeson Road extends approximately 1.7 miles to the east providing connection to Kathleen Road. Kathleen Road continues south until it intersects Interstate 4, which offers connections to Tampa to the west and Orlando to the east. Approximately 1.06 miles east down Deeson Road is a small bridge providing an overpass over the regulatory floodway that extends north and south. The weight capacity for this bridge is 29 tons. According to the applicant, the truck and trailer is expected to weight approximately 23,000 lbs, equivalent to 11.5 tons, within the weight restriction of Deeson Road. The remaining surrounding road network (Kathleen Road) has no weight restrictions and provides direct connection to Insterstate 4.

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 Code;

The applicant did not include any demonstration of need in the application. The applicant will provide their hardship demonstration at the public hearing.

5. Commercial vehicles must be parked on the same lot occupied by the owner or operator of the vehicle:

The operator is Sander La Rosa Gonzalez, who is 100% owner of the property.

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

The applicant's site plan (Exhibit 5) indicates the new proposed parking area is not located in the front yard of the property. The truck and trailer will be parked in the side yard on the southern portion of the property utilizing the principal residence as screening from offsite view to the north. The commercial vehicle will be more than 40 feet from principal residence and southern property line, while just over 60 feet the front (west) and rear (east) property lines. The truck and trailer parking will be consistent with the set 62.81-foot primary structure setback from the rights-of-way. The truck and trailer will be more than 100 feet from the nearest residence to the east (Parcel ID # 232719-000000-024170).

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

The property is just shy of one (1) acre. It is easy to meet this requirement. The site plan (Exhibit 5) illustrates the proposed parking area. The parking area is approximately 42.5 feet from both the principal residence and southern most property line and 62.8 feet from the east and west property lines. This is the ideal location for parking the commercial vehicle, as it utilizes the existing single-family residence as screening from offsite view to the north and the landscaping to the rear of the property. The nearest neighboring residential structures are 100 feet to the east and 117 feet to the south, within 200 feet, requiring additional screening buffer.

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 site plan illustrates the truck will be parked to the south of the single-family residence in the side yard facing west towards Tillman Road. The commercial truck will be parked facing west so that the minimum amount of vehicle surface (approximately 9 feet in width) is facing Tillman Road. The nearest neighboring residential structures are over 100 feet to the east and 117 feet to the south of the proposed parking location.

9. When the vehicle parking area will be less than 200 feet from a residentially designated or used property, it shall be buffered from the adjacent residential property with a Type B Bufferyard 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 bufferyard;

The truck will be parked approximately 42.5 feet from the neighboring property to the south and 62.81 feet from the neighboring property to the east. This falls within 200 feet from the neighboring residentially designated properties requiring a Type "B" landscape buffer consistent with the width and planting requirements outlines in Section 720 (see Exhibit 8). During staff's site visit, the neighboring property to the south has a six (6) foot opague wooden fence. There is minimal existing foliage along the property line allowing sight lines to extend from Tillman Road, where staff took site photos (see Exhibit 9), into the neighbors backyard. Additional plantings or a fence with a minimum height of six (6) feet shall be installed to provide adequate screening and buffering, meeting the requirements of the Land Development Code. The single-family residence will minimize

visibility from offsite view to the north of the subject site. The nearest neighboring residential structures are over 100 feet to the east and 117 feet to the south of the proposed parking location.

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

There are no refrigerator units.

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 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 this Section;

This has been included in the conditions of approval.

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

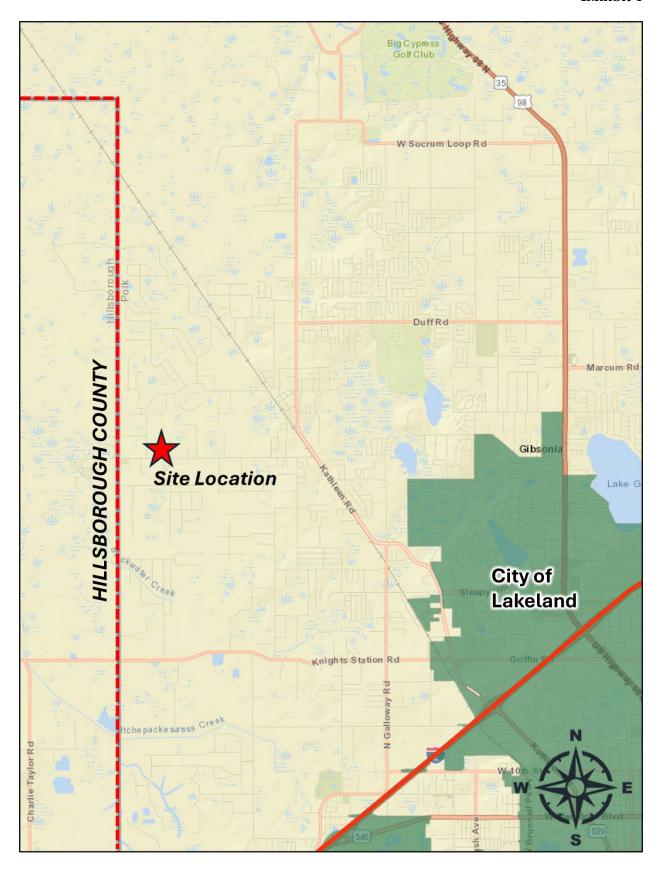
Northwest: Agriculture/Residential Rural (A/RR) Pasture w/ Single-Family home 4.69 acres	North: Agriculture/Residential Rural (A/RR) Vacant 00.96 acres	Northeast: Agriculture/Residential Rural (A/RR) Vacant 0.90 acres
West: Agriculture/Residential Rural (A/RR) Pasture w/ Single-Family home 4.69 acres	Subject Property: Agriculture/Residential Rural (A/RR) Single-Family home 0.99 acres	East: Agriculture/Residential Rural (A/RR) Mobile home 0.45 acres
Southwest: Agriculture/Residential Rural (A/RR) Pasture w/ Single-Family home 4.69 acres	South: Agriculture/Residential Rural (A/RR) Single-Family home 0.88 acres	Southeast: Agriculture/Residential Rural (A/RR) Multiple Mobile home residences 0.45 acres

The subject site is located off Tillman Road, passing approximately two (2) residential properties (one to the east and one to the west). The properties in this area range in size from under half an acre to slightly below the 5-acre minimum lot size alotted for Agriculture/Residential Rural. The properties directly to the north and northeast of the subject property are vacant land. While conducting our site visit, commercial vehicles, including but not limited to a bus (see Exhibit 10) and semi truck cab were seen. While leaving the site, turning south off Deeson Road at the intersection of Kathleen Road (CR 35A), a commercial vehicle can be seen turning west off Kathleen down Deeson Road toward the subject site (see Exhibit 11). Subject property is approximately 1.75 miles west of Kathleen Road.

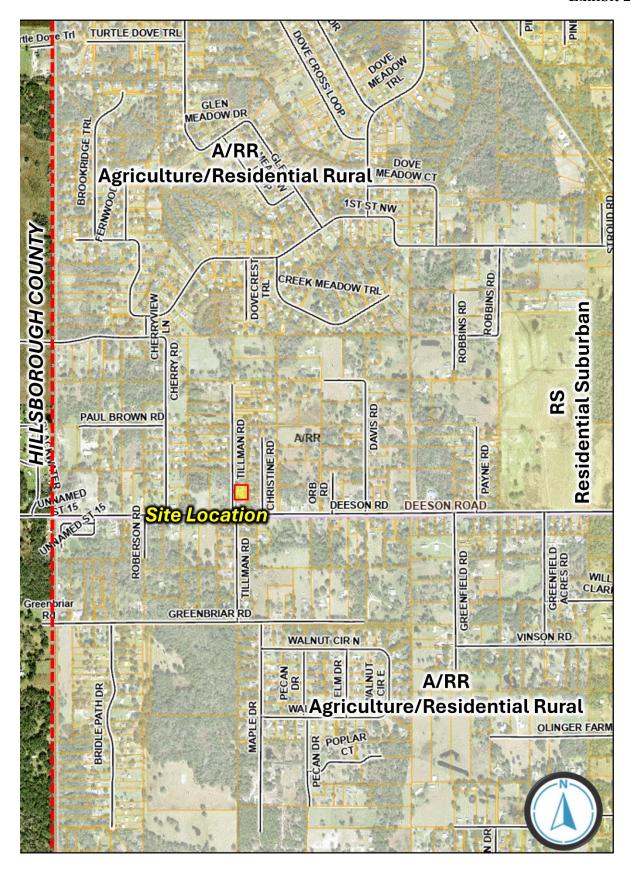
#### **Exhibits:** Location Map Exhibit 1 Future Land Use Map Exhibit 2 Exhibit 3 2023 Aerial Imagery (Context) 2023 Aerial Imagery (Close) Exhibit 4 Site Plan Exhibit 5 Exhibit 6 Commercial Vehicle Pictures Commercial Driveway Standards Exhibit 7 Buffering and Screening Specifications Exhibit 8 **Existing Screening** Exhibit 9 Surrounding Commercial Vehicle Exhibit 10 Kathleen Road Intersection Exhibit 11

Page 7 of 18

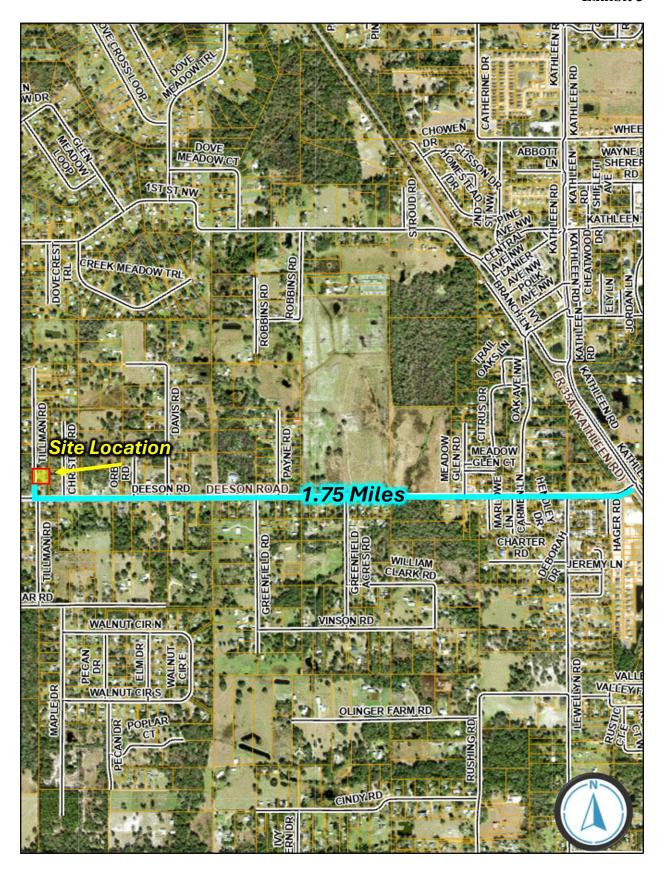
December 9, 2025



### Location Map



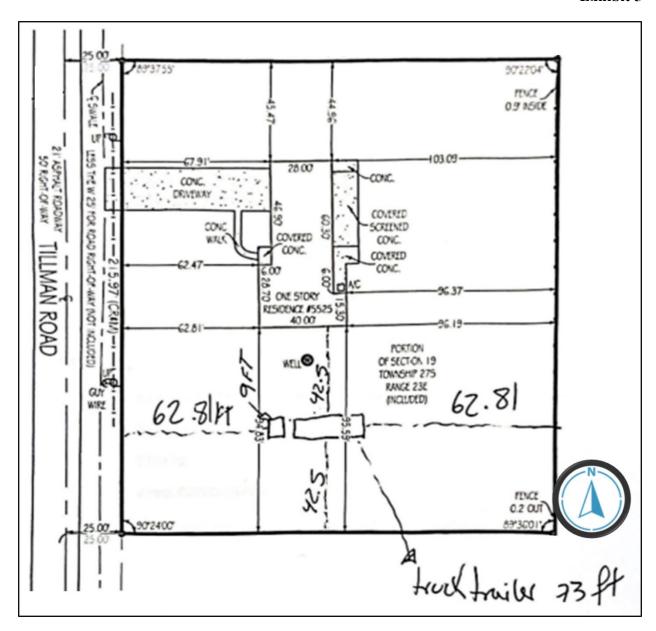
Future Land Use Map



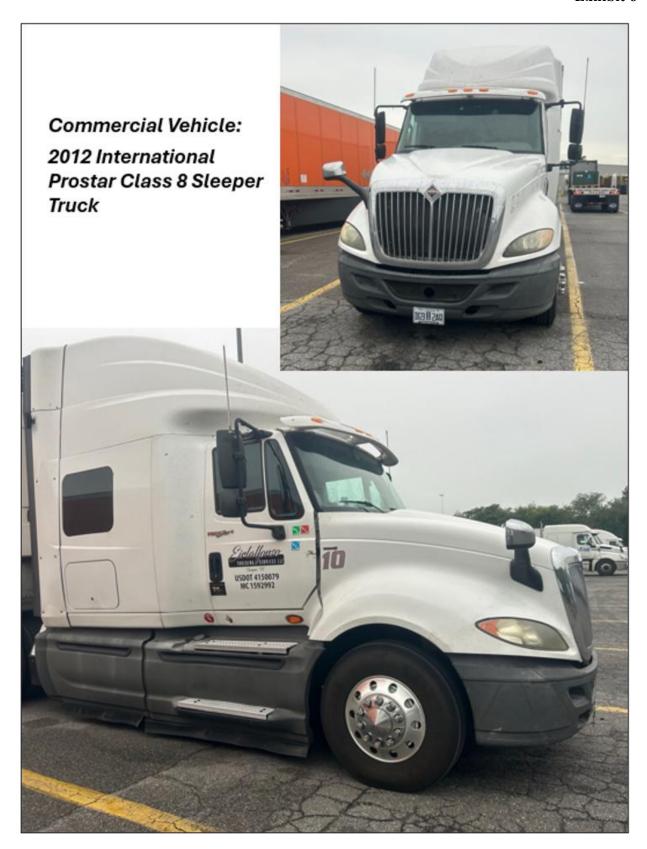
Aerial Imagery (Context)



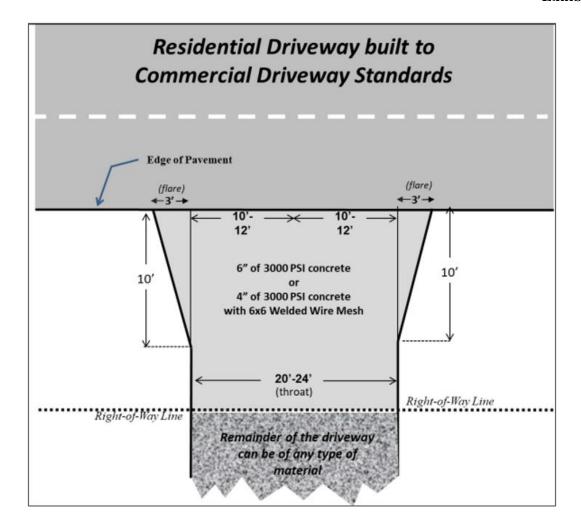
Aerial Imagery (Close)



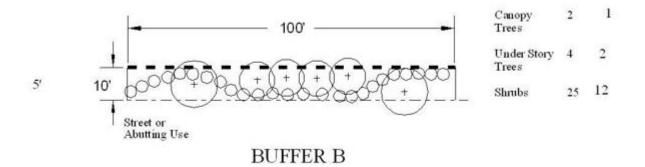
Site Plan



Commercial Vehicle Pictures



Commercial Driveway Standards



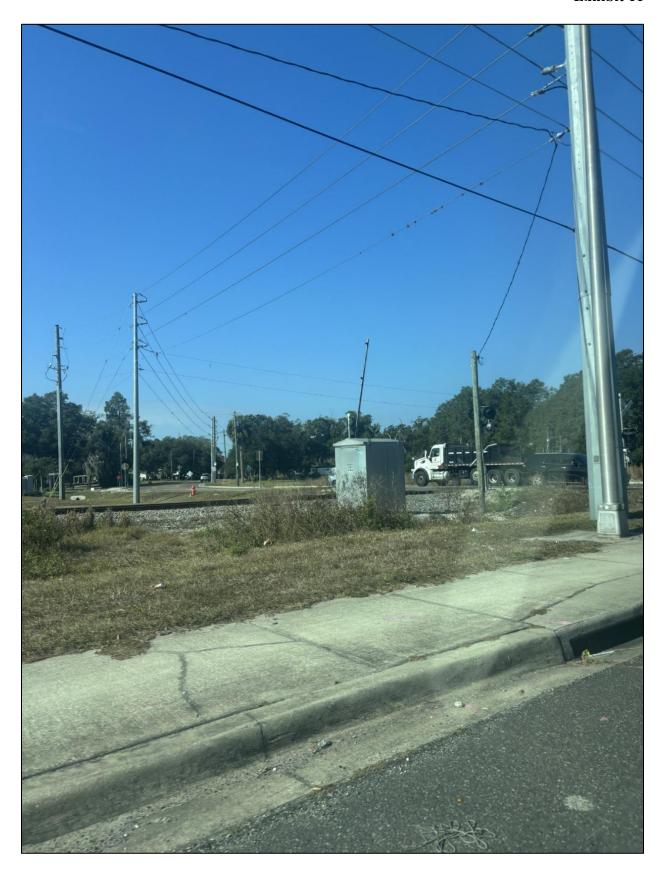
# Buffering and Screening Specifications (Per LDC Section 720.L)



**Existing Screening** 



Surrounding Commercial Vehicle



Kathleen Road Intersection

# LDLSE-2025-12 - La Rosa request for comercial vehicle parking

Menu Reports Help

Application Name: La Rosa request for comercial vehicle parking

File Date: 09/26/2025

Application Type: <u>LUHO - Special Exception</u>

Application Status: <u>Approved For Hearing</u>

Application Comments: View ID Comment Date

Description of Work: Good morning, through this request I am requesting permission to park my commercial truck and trailer on my property. This property has 1 acre of land where I can park

I'm not working. I am a CDL truck driver who works in all states. I spend most of my time on the road, but when I return, my wife and young daughter have to come pick m late at night from a yard. I am requesting this permit because it would save me from paying a yard fee. The property has a large space where I can park it when I'm not or

schedules, and this way my wife and young daughter wouldn't have to come pick me up late at night. Thank you.

Application Detail: Detail

Address: 5525 TILLMAN RD, LAKELAND, FL 33809

Parcel No: 232719000000024140

Owner Name: GONZALEZ SANDER LA ROSA

Contact Info: Name Organization Name Contact Type Contact Primary Address Status

GONZALEZ SANDER LA ROSA Applicant Mailing, 5525 TILLMAN ... Active

Licensed Professionals Info: Primary License Number License Type Name Business Name Business License #

Job Value: \$0.00

Total Fee Invoiced: \$541.00

\$541.00

Balance: \$0.00

Custom Fields: LD\_BOA\_SE

**GENERAL INFORMATION** 

Acreage 0.99

DRC Meeting DRC Meeting Time

10/10/2025

Rescheduled DRC Meeting Rescheduled DRC Meeting Time

\_

 Green Swamp
 FS 119 Status

 No
 Non-Exempt

Case File Number

\_

SPECIAL EXCEPTION

Make of vehicle Model & Year of vehicle

2

Weight of vehicle Gross axle weight of vehicle  $\frac{23000}{6000}$ 

Height & length of vehicle

13,6 HEIGHT 28 LENGTH

Height, length & weight of any additional trailer or equipment

53 FLATBED TRAILER

PUBLIC HEARING

Development Type

Land Use Hearing

Officer Variance Type Application Type
Special Exception

Brownfields Request

-

Officer

Affordable Housing

ADVERTISING

Legal Advertising Date Advertising Board

\_ Land Use Hearing

MEETING DATES LUHO Hearing Date 12/09/2025

HEARING Hearing Results LD\_BOA\_SE\_EDL

Opening DigEplan List... DigEplan Document List

**PLAN REVIEW FIELDS** 

TMPRecordID

POLKCO-25EST-00000-58295 Required Document Types Complete

Yes

DocumentGroupforDPC DIGITAL PROJECTS LD AdditionalDocumentTypes RequiredDocumentTypes

Activate DPC

Action By

Lisa Simons-Iri...

Applications, AutoCad File, Binding Site Plans (PDs Yes and CUs), CSV, Calculations, Correspondence, Desig n Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Repor

t/Approval Letter, Survey, Title Opinion

DigitalSigCheck

Yes

Yes

Activate FSA

PLAN UPLOAD ACKNOWLEDGEMENT **Upload Plans Acknowledgement** 

LAND USE

Selected Area Plan LU Code

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board Number of Boards (Number) Number of Mailers (Number) Date Mailed Date Posted NOR

11/21/2025 11/24/2025 **LUHO** 15

Workflow Status: Task Assigned To Status Status Date Lisa Simons-Iri... Application ... 10/13/2025 Application Submittal

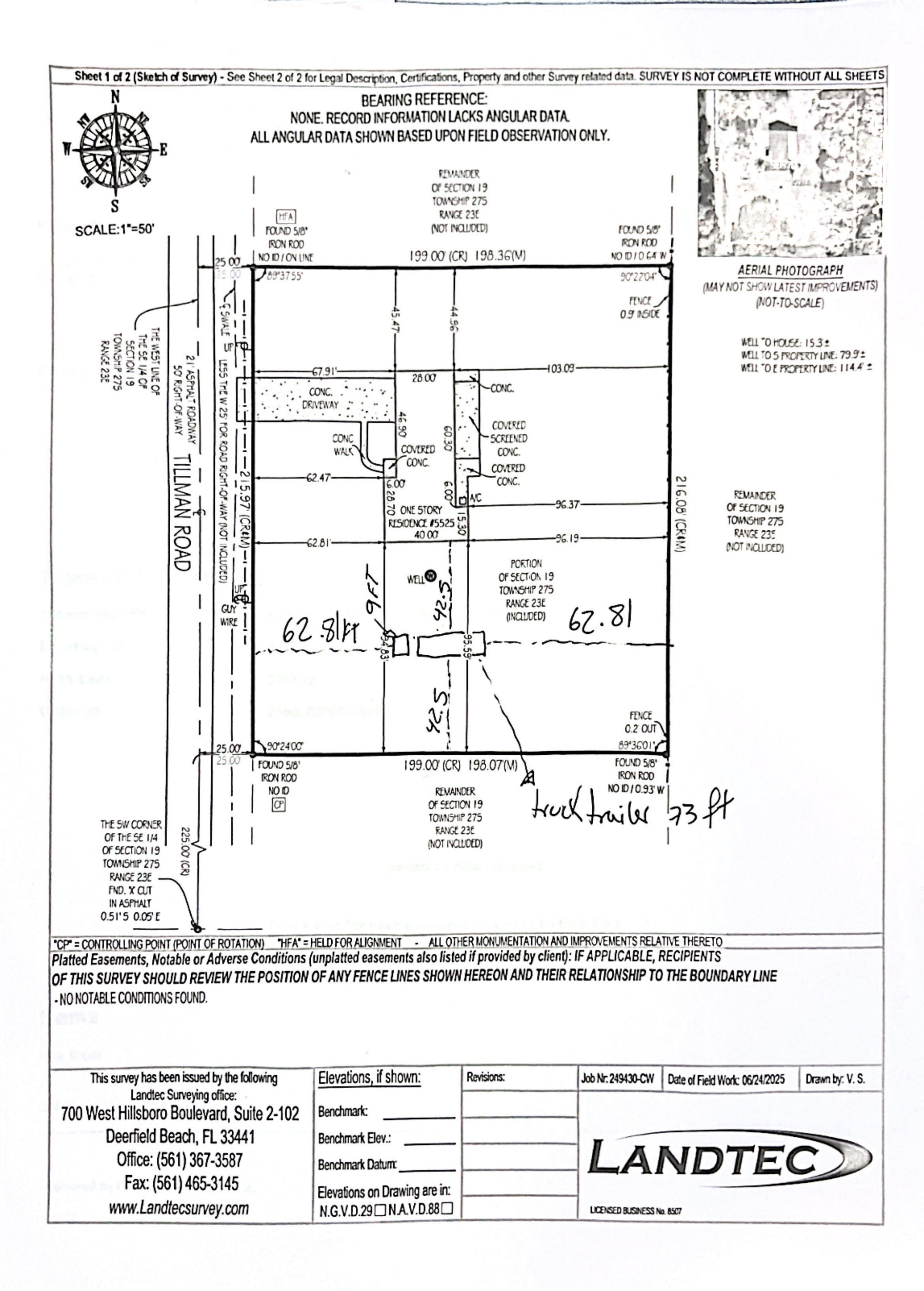
Roads and Drainage Review

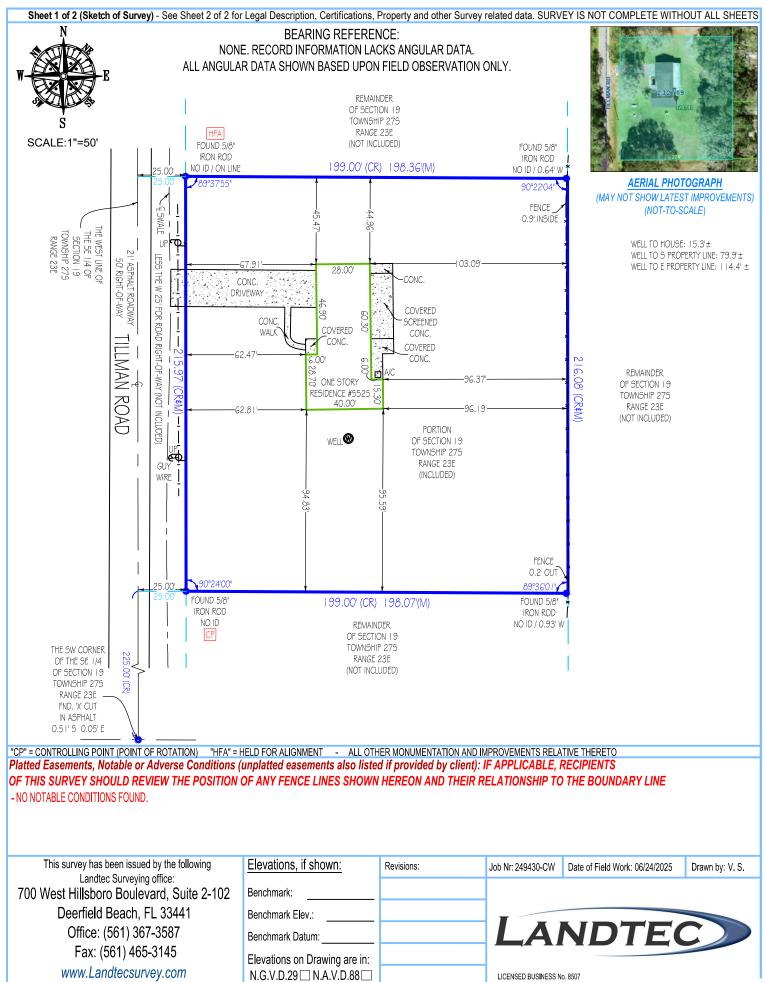
Kyle Rogus Approve 10/27/2025 Kyle Rogus Planning Review **Review Consolidation** Lisa Simons-Iri... Approved for... 11/17/2025 Lisa Simons-Iri...

Public Notice Hearing Officer Final Order Archive

**Short Comments** Severity Condition Status: Name Status **Apply Date** Action By

Scheduled/Pending Inspections: Inspection Type **Scheduled Date** Inspector Status Comments Resulted Inspections: Inspection Type Inspection Date Inspector Status Comments













# Florida Highway Safety and Motor Vehicles Bureau of Commercial Vehicle and Driver Services

2900 Apalachee Parkway MS62 Tallahassee, Florida 32399-0626 850-617-3711 | www.flhsmv.gov



# APPORTIONED CAB CARD

THIS REGISTRATION CAB CARD MUST BE CARRIED IN THE VEHICLE DESCRIBED HEREIN

REGISTRANT:

LA ROSA GONZALEZ, SANDER

CARRIER TYPE: FOR HIRE (FH)

ISSUE DATE: 08/19/2025

PLATE: DG92AQ

GROSS WGT: 80,000

EFFECTIVE DATE: 09/01/2025

EXPIRATION DATE: 08/31/2028

LAKELAND, FL 33810-0128

2713 HUDSON ST

ACCT 467976		FLEET 01	SUPP 0000	BA	SE JUR FL	R	IRP
AXLES 3	SEATS	OPERATI	ION TYPE		YEAR 26	UNIT NUMBE	
ENFORCEMENT CONTROL 305162210		UNLADEN WGT 23,000			PLATE TYPE		
VIN 3HSDJSJR9CN063009		VEH VE 2012			FUEL		
OWNER/LESSOR SANDER LA ROSA GONZALI			EZ	123048658		VEH	
Carrier Responsible for Safety B&A HERNANDEZ CORP							60652

Mailing Address Of Carrier Responsible for Safety

2793 HUDSON ST LAKELAND, FL 33810

The described vehicle has been proportionally registered between the STATE OF FLORIDA and the jurisdictions listed below.

AL ROLOGO AR ROLOGO AZ ROLOGO CA ROLOGO

AL 80,000	AR 80,000	AZ 80,000	CA 80,000
CO 80,000	CT 80,000	DC 80,000	DE 80,000
GA 80,000	IA 80,000	ID 80,000	IL 80,000
IN 80,000	KS 80,000	KY 80,000	LA 80,000
MA 80,000	MD 80,000	ME 80,000	MI 80,000
MN 80,000	MO 80,000	MS 80,000	MT 80,000
NC 80,000	ND 80,000	NE 80,000	NH 80,000
N3 80,000	NM 80,000	NV 80,000	NY 80,000
OH 80,000	OK 80,000	OR 80,000	PA 80,000
RI 80,000	SC 80,000	SD 80,000	TN 80,000
TX 80,000	UT 80,000	VA 80,000	VT 80,000
WA 80,000	WI 80,000	WV 80,000	WY 80,000
AB 36,287	BC 36,287	MB 36,287	NB 36,287
NL 36,287	NS 36,287	ON 36,287	PE 36,287
QC 5 axles	SK 36,287	** *****	** *****
			the second secon



THIS APPORTIONED CAB CARD MUST BE CARRIED AT ALL TIMES IN THE VEHICLE FOR WHICH IT WAS ISSUED.
THIS REQUIREMENT IS SATISFIED BY THE PRESENCE OF THE PAPER ORIGINAL, A LEGIBLE PAPER COPY, OR THE
LEGIBLE DISPLAY OF AN ELECTRONIC IMAGE.

ALTERED COPIES OR IMAGES OF THIS CAB CARD ARE NOT VALID. ELECTRONIC IMAGES MUST BE ACCESSIBLE.

This cab card lists those jurisdictions in which the vehicle described is proportionally registered together with the registered gross weight.

An enforcement control number has been imprinted above on this cab card as a security feature. If you have any questions or concerns about the validity of any information on this form, you may call the Florida IRP office at (850) 617-3711, Monday through Friday from 8:00 am to 4:30 pm, EST or may visit our website for verification at:

https://services.fihsmv.gov/IRPInquiry/

#### **IMPORTANT INFORMATION**

Section 316.613, Florida Statutes, requires every operator of a motor vehicle transporting a child in a passenger car, van, autocycle or pickup truck registered in this state and operated on the highways of this state, shall, if the child is 5 years of age or younger, provide the protection of the child by properly using a crash-tested, federally approved child restraint device. For children aged through 3 years, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 5 years, a separate carrier, an integrated child seat, or a child booster seat may be used. For limited exceptions, see s. 316.613, F.S.

S. 320.0605, F.S., requires the registration certificate, or true copy of a rental or lease agreement, issued for any motor vehicle to be in the possession of the operator or carried in the vehicle while the vehicle is being used or operated on roads of this state.

S. 320.02 and 627.733, F.S., requires personal injury protection and property damage liability to be continuously maintained throughout the registration period. Failure to maintain the mandatory coverage may result in the suspension of your driver license and registration.

Mail To: SANDER LA ROSA GONZALEZ 2713 HUDSON ST LAKELAND, FL 33810

Important note: If you cancel the insurance for this vehicle, immediately return the license plate from this registration to a Florida driver license or tax collector office or mail to: DHSMV, Return Tags, 2900 Apalachee Parkway, Tallahassee, FL 32399. Surrendering the plate will prevent your driving privilege from being suspended.

CO/AGY 5 / 11 T# 1981124453 B# 42722

## FLORIDA TRAILER REGISTRATION

DECAL

LLAIL	QD00LL	DECIL							
YR/MK		BODY	TL	TITLE	138142333	Reg. Tax Init. Reg.	101.30	Class Code Tax Months	103 12
VIN Plate Type	1UYFS2489DA8 PSR	NET WT	16000	IIILE	130142333	County Fee Mail Fee	3.00	Back Tax Mos Credit Class	
DL/FEID Date Issued	L622780982230 6/22/2024	Plate Issued	6/22/2024			Sales Tax Voluntary Fees Grand Total	104.30	Credit Months	

Expires NO EXPIRATION

#### SANDER LA ROSA GONZALEZ 2713 HUDSON ST LAKELAND, FL 33810

PLATE ORSSEL

# IMPORTANT INFORMATION 1. The Florida license plate must remain with the registrant upon sale of vehicle.

- The Florida license plate must remain with the registrant upon sale of venicle.
   The registration must be delivered to a Tax Collector or Tag Agent for transfer to
- a replacement vehicle.

  3. Your registration must be updated to your new address within 30 days of moving.
- Registration renewals are the responsibility of the registrant and shall occur during
  the 30-day period prior to the expiration date shown on this registration. Renewal
- notices are provided as a courtesy and are not required for renewal purposes.

  5. I understand that my driver license and registrations will be suspended immediately if the insurer denies the insurance information submitted for this registration.

PSR - PERMANENT SEMITRAILERS PLATE ISSUED X



# Polk County

# Polk County Land Use Hearing Officer

Agenda Item 4. 12/9/2025

# **SUBJECT**

LDLVAR-2025-62 (3rd Ave Variance)

# **DESCRIPTION**

The applicant is requesting a variance to reduce the north side primary structure setback from ten (10) feet to three (3) feet and reduce the south side primary structure setback from ten (10) feet to four (4) feet for a single-family home. The subject site is located 3472 3rd Ave, south of Hwy 17 N, north of Ninety-One Mine Road, north of the city of Bartow in Section 22, Township 29, Range 25.

# RECOMMENDATION

Conditional Approval

# **FISCAL IMPACT**

No Fiscal Impact

# **CONTACT INFORMATION**

Aleya Perreira

Land Development Division
(863) 534-6764

aleyaperreira@polkfl.gov

# POLK COUNTY LAND USE HEARING OFFICER STAFF REPORT

DRC Date: November 13, 2025 CASE #: LDLVAR-2025-62 (3rd Ave Variance)

LUHO
Date:

December 9, 2025

LDC
Section:

Section 208, Table 2.2

**Request:** The applicant is requesting a variance to reduce the north side

primary structure setback from ten (10) feet to three (3) feet and reduce the south side primary structure setback from ten (10) feet to

four (4) feet for a single-family home.

**Applicant:** Sarah Maier

**Property Owner:** Willie Hill, Kenneth Hill

**Location:** 3472 3rd Ave, south of Hwy 17 N, north of Ninety-One Mine Road,

north of the city of Bartow in Section 22, Township 29, Range 25.

**Parcel ID#:** 252922-361700-000382

Size:  $\pm 0.13$  acres

**Land Use Designation:** Residential Low-1(RL-1)

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

Case Planner: Aleya Inglima, Planner II

**Summary:** 

The applicant is requesting a variance to reduce the north side primary structure setback from ten (10) feet to three (3) feet and reduce the south side primary structure setback from ten (10) feet to four (4) feet for a single-family home. The previous home was 1,078 sq ft and the new home will be approximately 1,410 sq ft. The existing house, which was constructed in 1999, was damaged beyond repair by the devasting effects of Hurricane Ian, and a replacement home is being provided by the Rebuild Florida Program. The program operates with a set portfolio of home models, in order to be as cost effective as possible and provide new homes to participants as quickly as possible. The proposed house is the most appropriate house for the participant and the property. The property is within a Residential Low-1 (RL-1) future land use district.

Staff finds this request will cause no harm to the community. The subject parcel is surrounded by a cluster of lots under an acre. Staff recommends approval of LDLVAR-2025-62 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 as the lot cannot reasonably accommodate any of the standard home models required by the Rebuild Florida Program

without the requested reduction in setbacks. Without this variance, the applicant would be unable to rebuild a residence on the property.

# **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-2025-62**.

## **CONDITIONS OF APPROVAL:**

- 1. The property is granted a reduction to reduce the north side primary structure setback from ten (10) feet to three (3) feet and reduce the south side primary structure setback from ten (10) feet to four (4) feet for a single-family home. Further additions or structures placed on the property shall be required to meet the setback requirements of Section 208, 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 home.

# **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 under an acre. The subject site is approximately 0.13 acres and created prior to the adoption of the LDC documented by a 1961 deed (BK 0538, PG 0358). The property has been in the Hill family since 1961. The old home is approximately 1,078 sq ft. The new single-family home will be 1,410 sq ft. The request involves only a modest reduction in side-yard setbacks to allow construction of a replacement single-family home. The previous home was destroyed by Hurricane Ian, and the proposed structure will restore residential use without introducing any negative effects on adjacent properties or the community. The variance does not create safety concerns or incompatibility with surrounding land uses. The nearest structure is approximately 27 feet to the south. Therefore, approval of the variance will not be injurious to the area or detrimental to public welfare.

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 is an older lot of record within the McNeill Addition Plat that is smaller than the current minimum lot-size requirements of the RL-1 zoning district. Because the lot was created prior to the adoption of modern zoning standards, it cannot conform to current setback requirements without relief. Additionally, the lot is 40 feet in width and the original home was destroyed by a natural disaster, creating further conditions unique to this parcel.

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

The need for a variance is not due to any action taken by the applicant. The destruction of the previous home occurred during Hurricane Ian, an event completely outside the applicant's control. The applicant did not create the hardship or alter the property in a way that would necessitate a variance. The conditions requiring relief are a direct result of the parcels pre-existing dimensions and the impacts of a natural disaster.

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. The lot cannot reasonably accommodate any of the standard home models required by the Rebuild Florida Program without the requested reduction in setbacks. Without this variance, the applicant would be unable to rebuild a residence on the property.

- 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. The requested setback reduction is necessary to allow for the placement of a single-family home on the lot. The lot is about 40 feet in width. Without these minimal reductions, the property cannot be reasonably developed.
- 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.

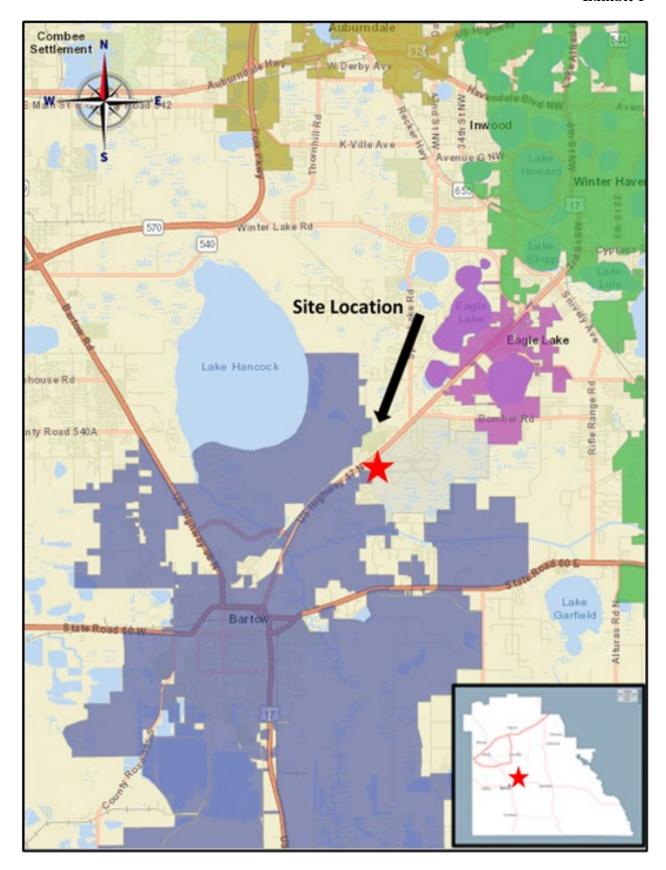
# Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: RL-1 Single family home	North: RL-1 Single family home	Northeast: BPC-2 Bartow Executive Airport		
West: RL-1 Single family home	Subject Property: RL-1 Single family home	East: BPC-2 Single family home Bartow Executive Airport		
Southwest:	South:	Southeast:		
RL-1	RL-1	BPC-2		
Single family home	Single family home	Bartow Executive Airport		

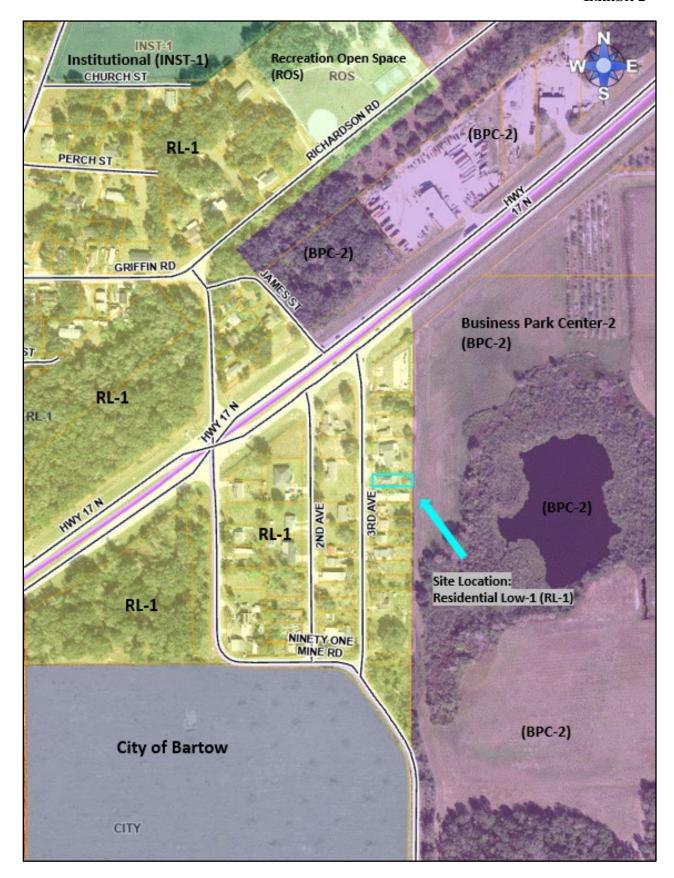
This property is a single-family home on 3<sup>rd</sup> Avenue in Bartow, Florida. Staff found no other prior variances in this area.

## **Exhibits:**

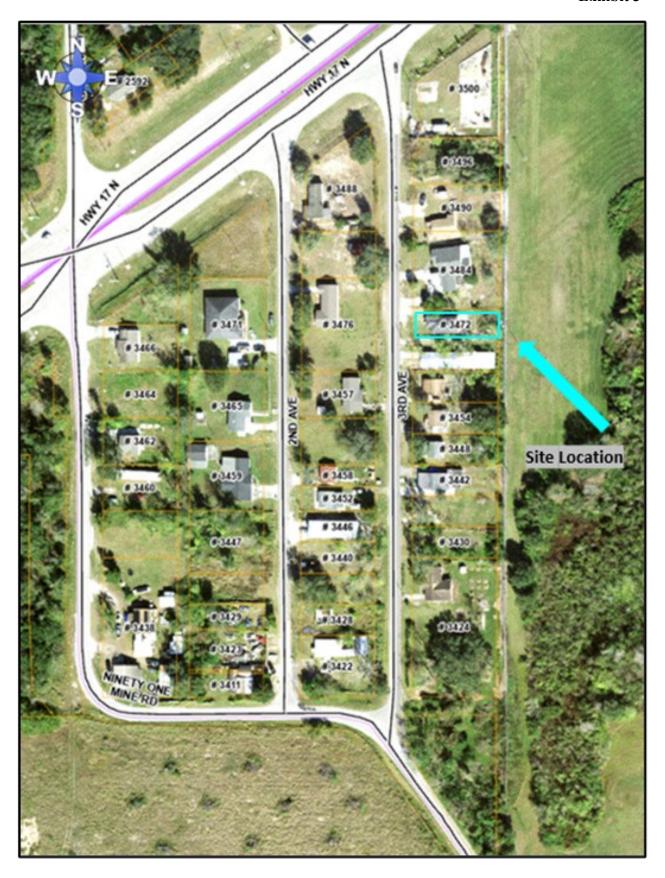
Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Aerial Imagery (Context)
Exhibit 4	Aerial Imagery (Close)
Exhibit 5	Site Plan
Exhibit 6	Applicant's Justification



Location Map



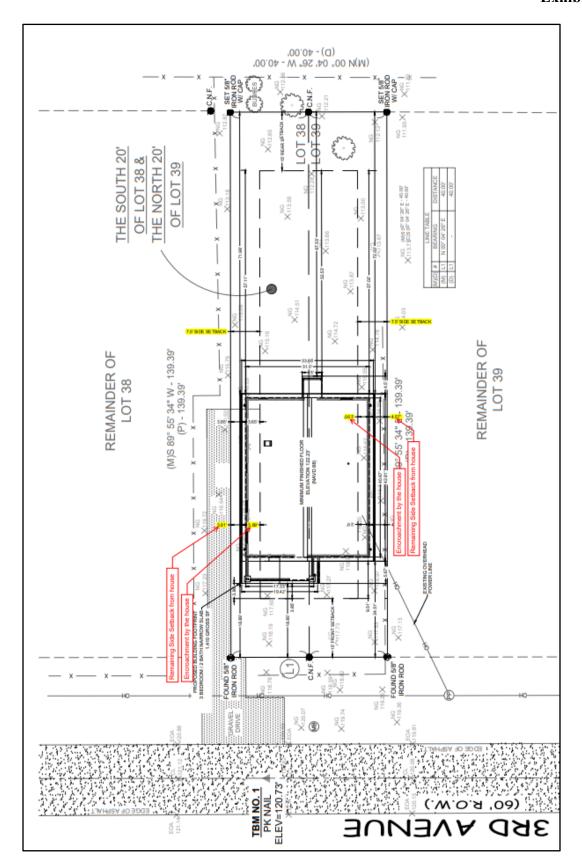
Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)



Site Plan

# CRITERIA FOR GRANTING VARIANCE

The variance will not be injurious to the area or detrimental to the public welfare. The variance request is for a reduction in the side yard setbacks to allow construction of a new home. The existing structure was damaged by Hurrican lan. The construction of a new single family home is not injurious or detrimental to the area. Will the variance be injurious to the area involved or detrimental to the public welfare?

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

The property is part of a platted subdivision and is considered a lot of record, but it does not meet lot size requirements of current RL-1 zoning standards. Due to the size of the property, it is unable to meet the side yard setbacks.

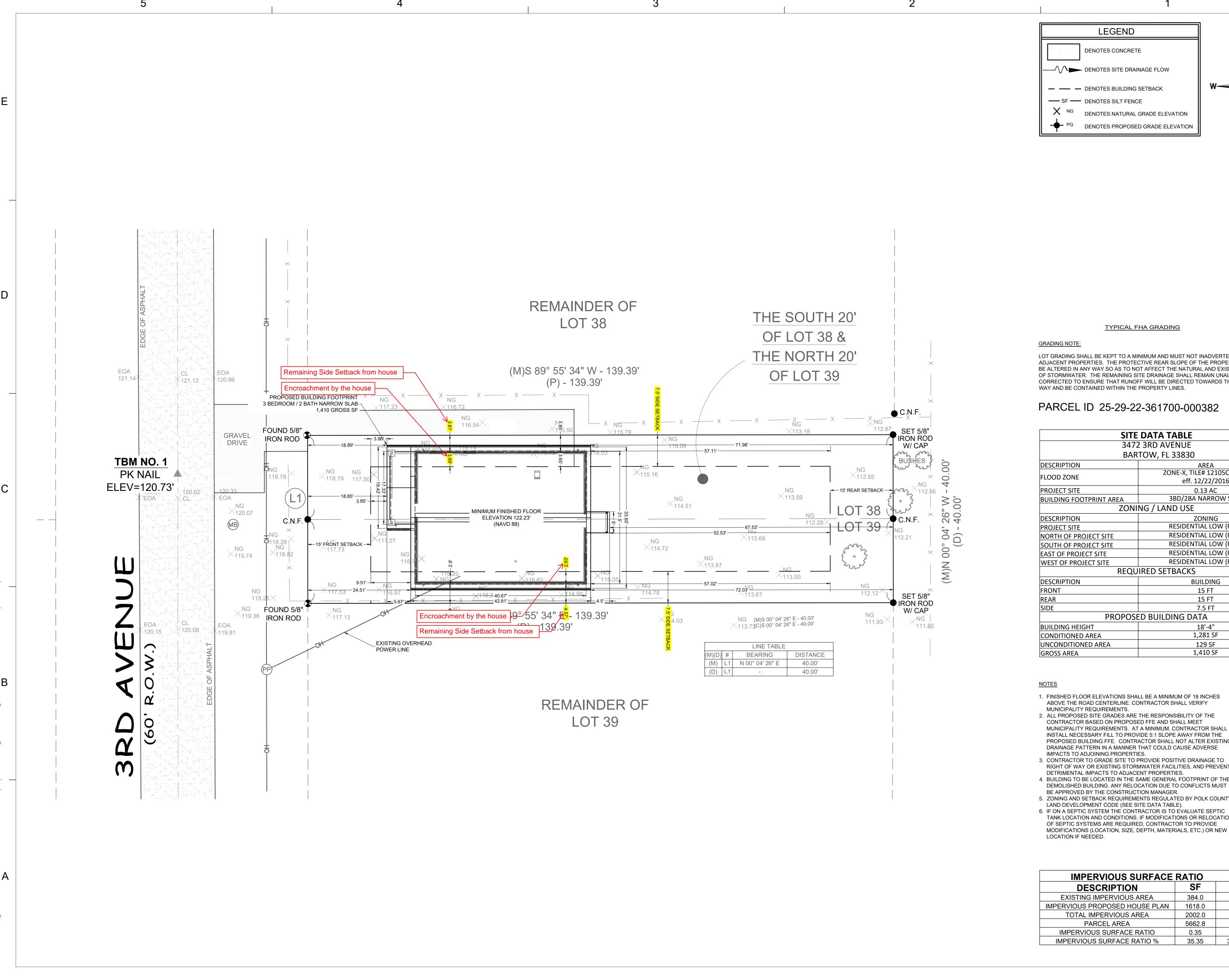
The property has been in the Hill family since 1961; the existing house which was constructed in 1999, was damaged beyond repair by the devasting effects of Hurric ane Ian and a replacement home is being provided by the Rebuild Florida Program. When did you buy the property and when was the structure built? Permit Number?

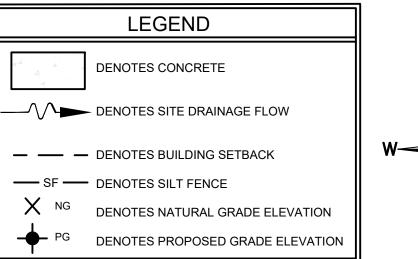
What is the hardship if the variance is not approved? If the variance is not approved? If the variance is not granted, the owner may not be able to receive assistance from the Rebuild Florida Program. The Program operates with a set portfolio of home models, in order to be as cost effective as possible and provide new homes to Program participants as quickly as possible. The proposed house is the most appropria te house for the participant and the property.

Yes, this is the minimum variance required. A variance of 4 feet on the north side yard and a variance of 3 feet on the south side yard. Is this the minimum variance required for the reasonable use of the land?

Do you have Homeowners Association approval for this request? No.

# Applicant's Justification





TYPICAL FHA GRADING

LOT GRADING SHALL BE KEPT TO A MINIMUM AND MUST NOT INADVERTENTLY AFFECT BE ALTERED IN ANY WAY SO AS TO NOT AFFECT THE NATURAL AND EXISTING RUNOFF OF STORMWATER. THE REMAINING SITE DRAINAGE SHALL REMAIN UNALTERED AND/OR CORRECTED TO ENSURE THAT RUNOFF WILL BE DIRECTED TOWARDS THE RIGHT OF WAY AND BE CONTAINED WITHIN THE PROPERTY LINES.

# PARCEL ID 25-29-22-361700-000382

3472	2 3RD AVENUE		
BAR	TOW, FL 33830		
DESCRIPTION	AREA		
FLOOD ZONE	ZONE-X, TILE# 12105C0510G eff. 12/22/2016		
PROJECT SITE	0.13 AC		
BUILDING FOOTPRINT AREA	3BD/2BA NARROW SLAB		
ZONII	NG / LAND USE		
DESCRIPTION	ZONING		
PROJECT SITE	RESIDENTIAL LOW (RL-1) RESIDENTIAL LOW (RL-1) RESIDENTIAL LOW (RL-1) RESIDENTIAL LOW (RL-1)		
NORTH OF PROJECT SITE			
SOUTH OF PROJECT SITE			
EAST OF PROJECT SITE			
WEST OF PROJECT SITE	RESIDENTIAL LOW (RL-1)		
REQU	IRED SETBACKS		
DESCRIPTION	BUILDING		
FRONT	15 FT		
REAR	15 FT		
SIDE	7.5 FT		
PROPOSE	D BUILDING DATA		
BUILDING HEIGHT	18'-4"		
CONDITIONED AREA	1,281 SF		
UNCONDITIONED AREA	129 SF		
GROSS AREA	1,410 SF		

- 1. FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 18 INCHES ABOVE THE ROAD CENTERLINE. CONTRACTOR SHALL VERIFY MUNICIPALITY REQUIREMENTS.
- 2. ALL PROPOSED SITE GRADES ARE THE RESPONSIBILITY OF THE CONTRACTOR BASED ON PROPOSED FFE AND SHALL MEET MUNICIPALITY REQUIREMENTS. AT A MINIMUM, CONTRACTOR SHALL INSTALL NECESSARY FILL TO PROVIDE 5:1 SLOPE AWAY FROM THE PROPOSED BUILDING FFE. CONTRACTOR SHALL NOT ALTER EXISTING DRAINAGE PATTERN IN A MANNER THAT COULD CAUSE ADVERSE IMPACTS TO ADJOINING PROPERTIES.
- 3. CONTRACTOR TO GRADE SITE TO PROVIDE POSITIVE DRAINAGE TO RIGHT OF WAY OR EXISTING STORMWATER FACILITIES, AND PREVENT DETRIMENTAL IMPACTS TO ADJACENT PROPERTIES. 4. BUILDING TO BE LOCATED IN THE SAME GENERAL FOOTPRINT OF THE
- DEMOLISHED BUILDING. ANY RELOCATION DUE TO CONFLICTS MUST BE APPROVED BY THE CONSTRUCTION MANAGER. 5. ZONING AND SETBACK REQUIREMENTS REGULATED BY POLK COUNTY
- LAND DEVELOPMENT CODE (SEE SITE DATA TABLE). 6. IF ON A SEPTIC SYSTEM THE CONTRACTOR IS TO EVALUATE SEPTIC TANK LOCATION AND CONDITIONS. IF MODIFICATIONS OR RELOCATION OF SEPTIC SYSTEMS ARE REQUIRED, CONTRACTOR TO PROVIDE

IMPERVIOUS SURFACE RATIO						
SF	AC					
384.0	0.01					
1618.0	0.04					
2002.0	0.05					
<u> </u>	<b>SF</b> 384.0 1618.0					

PARCEL AREA

5662.8 0.13

35.35 35.35

0.35

0.35



Dewberry Engineers Inc. 877 North County Hwy 393 Santa Rosa Beach, FL 32459 850.267.0759 Phone 850.557.0076 Fax www.dewberry.com

3 BEDROOM / 2 E
REBUILE
HURRICANE
REPAIR AND

SEAL

SCALE

Description **REVISIONS** DRAWN BY APPROVED B CHECKED BY OCTOBER 2, 2025

TITLE PROPOSED SITE AND DRAINAGE

**PLAN** PROJECT NO.

SHEET NO.

12/1/25, 2:29 PM **Record Details** 

## LDLVAR-2025-62 - Side Setback Variance

Menu Reports Help

Application Name: Side Setback Variance

File Date: 10/09/2025 Application Type: <u>LUHO - Variance</u> Application Status: Approved For Hearing

Application Comments: View ID Comment Date

Description of Work: Requesting a variance of 4 feet to allow a 3.5-foot side yard setback in lieu of the required 7.5 feet, for the north side yard. Requesting a variance of 3 feet to allow a 4.5-f

yard setback in lieu of the required 7.5 feet, for the south side yard.

Application Detail: Detail

Address: 3472 3RD AVE, BARTOW, FL 33830

Parcel No: 252922361700000382

Owner Name: HILL WILLIE

Contact Info: Name **Organization Name Contact Type Contact Primary Address** Status

> Engineer Active Mailing, 800 North Mag... Sarah Maier <u>Dewberry</u>

Business License # Licensed Professionals Info: Primary License Number License Type Name **Business Name** 

Job Value: \$0.00

Total Fee Assessed: \$541.00 Total Fee Invoiced: \$541.00 Balance: \$0.00

Custom Fields: LD\_GEN\_BOA

GENERAL INFORMATION

**Expedited Review** Number of Lots

Will This Project Be Phased Acreage

0.13

**Number of Units** 

Variance

Is this Polk County Utilities

**DRC Meeting Time DRC Meeting** 11/13/2025

Rescheduled DRC Meeting Rescheduled DRC Meeting Time

Green Swamp

No

One Year Extension FS 119 Status Non-Exempt

Case File Number

PUBLIC HEARINGS **Development Type Application Type** 

Officer

Variance Type **Brownfields Request** 

**Dimensions** 

Table Affordable Housing

Land Use Hearing

ADVERTISING **Advertising Board** Legal Advertising Date

Land Use Hearing Officer

MEETING DATES **LUHO Hearing Date** 12/09/2025

ALCOHOL BEVERAGE DIST REQ

12/1/25, 2:29 PM Record Details

#### COMMUNICATION TOWER

#### CRITERIA FOR GRANTING VARIANCE

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

The variance will not be injurious to the area or detrimental to the public welfare. The variance request is for a reduction in the side yard setbacks to allow construction of a new home. The existing structure was damaged by Hurrican lan. The construction of a new single family home is not injurious or detrimental to the area.

What special conditions exist that are peculiar to the land, structure, or building involved? The property is part of a platted subdivision and is considered a lot of record, but it does not meet lot size requirements of current RL-1 zoning standards. Due to the small size of the property, it is unable to meet the side yard setbacks.

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

The property has been in the Hill family since 1961; the existing house which was constructed in 1999, was damaged beyond repair by the devasting effects of Hurricane Ian and a replacement home is being provided by the Rebuild Florida Program.

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

If the variance is not granted, the owner may not be able to receive assistance from the Rebuild Florida Program. The Program operates with a set portfolio of home models, in order to be as cost effective as possible and provide new homes to Program participants as quickly as possible. The proposed house is the most appropriate house for the participant and the property. Is this the minimum variance required for the reasonable use of the land? Yes, this is the minimum variance required. A variance of 4 feet on the north side yard and a variance of 3 feet on the south side yard.

Do you have Homeowners Association approval for this request?

#### LD GEN BOA EDL

Opening DigEplan List...
DigEplan Document List

-

## **PLAN REVIEW FIELDS**

RequiredDocumentTypesComplete AdditionalDocumentTypes Activate DPC

Applications, AutoCad File, Binding Site Plans (PDs. Yes and CUs), CSV, Calculations, Correspondence, Desig n Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings,

Response Letter Resubmittal Complete, Staff Report

<u>t/Approval Letter,Survey,Title Opinion</u> DigitalSigCheck

Activate FSA Digitives Yes

## PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement

V

LAND USE

Selected Area Plan LU Code

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board Number of Boards (Number) Number of Mailers (Number) Date Mailed Date Posted NOR

<u>LUHO</u> 1 18 11/21/2025 11/24/2025

Workflow Status:

s:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri	Application	10/16/2025	Lisa Simons-Iri
	Roads and Drainage Review	Phil Irven	Approve	10/21/2025	Phil Irven
	Planning Review	Aleya Inglima	Approve	10/24/2025	Aleya Inglima
	Review Consolidation	Lisa Simons-Iri	Approved for	10/27/2025	Lisa Simons-Iri
	Public Notice				

Hearing Officer Final Order 12/1/25, 2:29 PM Record Details

	Task		Status	Status Date	Action By	
	Archive					
Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
Scheduled/Pending Inspections	s: Inspection Type	Scheduled Date In	nspector	Status	Comment	es
Resulted Inspections:	Inspection Type	Inspection Date Insp	ector	Status	Comments	



# **Polk County**

# Polk County Land Use Hearing Officer

Agenda Item 5. 12/9/2025

# **SUBJECT**

LDLVAR-2025-63 (McCartney Citrus Ridge)

# **DESCRIPTION**

Monica McCartney is requesting a side primary structure setback reduction from five (5) to zero (0) feet for an open patio cover on 0.055 acres in a Residential Medium (RMX) district and PUD 81-22. The property is located at 76 Citrus Ridge Drive, located on Lot 76, on the east side of Robinson south of the intersection with North Valencia Drive, east of Citrus Ridge Drive, west of Dancy within the Citrus Ridge subdivision, northwest of the City of Davenport, in Section 20, Township 26, Range 27.

# **RECOMMENDATION**

Approval

# **FISCAL IMPACT**

No fiscal impact.

# **CONTACT INFORMATION**

Erik Peterson, AICP Planning Administrator Land Development Division (863) 534-6470

erikpeterson@polk-county.net <mailto:erikpeterson@polk-county.net>

# POLK COUNTY LAND USE HEARING OFFICER STAFF REPORT

DRC Date November 13, 2025 CASE #: LDLVAR-2025-63

(McCartney Citrus Ridge)

70

LUHO Date December 9, 2025 LDC Section: 209.F & PD 81-22

**Project Number:** LDLVAR-2025-63

**Request:** The applicant is requesting a side primary structure setback reduction

from five (5) to zero (0) feet for an open patio cover.

**Applicant:** Monica McCartney

**Property Owner:** Monica McCartney

**Location:** 76 Citrus Ridge Drive, located on Lot 76, on the east side of Robinson

south of the intersection with North Valencia Drive, east of Citrus Ridge Drive, west of Dancy within the Citrus Ridge subdivision, northwest of

the City of Davenport, in Section 20, Township 26, Range 27.

**Parcel ID#:** 272620-706001-000760

**Size:**  $\pm 0.055$  acres (2,400 sq.ft.)

Land Use Designation: PUD 81-22

Residential Medium (RMX)

North Ridge Selected Area Plan (SAP)

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

Case Planner: Erik Peterson, AICP

Planning Administrator

## **Summary:**

The applicant is requesting a reduction to the side yard setbacks from five (5) feet to one (1) foot for a covered patio. This property is located within Phase one of the Citrus Ridge subdivision, a three phased Planned Development (PD 81-22). This development was originally approved for recreational vehicle (RV) lots; however, a modification to the PD took place on February 14, 2006, which allowed placement of larger mobile homes and to reduce the side setback from seven (7) feet to five (5) feet. The same modification enabled accessory structures to be placed zero feet from the side and rear lot lines. The decision and approval of the PD modification to allow mobile homes with setback reductions was not enough to fully accommodate them because the lots were sized for recreational vehicles. The addition of larger mobile homes has resulted in the need for many variance requests by residents since 2006. As lot owners placed mobile homes on the property, they quickly discovered that there was not enough room for the other niceties of Floridian

habitation such as patio covers. In this case, the applicant has recently replaced a park trailer and enclosed porch with a double-wide mobile home. The applicant would like a covered patio, but there is only 11½ feet of space between the new home and the property line. The applicant needs 10 feet for a covered patio. The LDC considers the extension of the building roofline to be part of the primary structure. While the applicant has permission from the HOA to cover the patio, it is beyond what was allowed under the conditions of approval because only accessory structures are allowed to be placed at a zero-side yard setback.

This will cover most of the property with structures. The double-wide mobile home reduced some of the space for parking leaving only 12½ feet to the right-of-way line and 17½ feet from the edge of pavement. The average length of most sedans, minivans, and crossovers is 16 feet. Larger SUVs and trucks can be up to 25 feet in length. An open patio area will enable larger vehicles to pull in farther than is available in front of the mobile home.

Staff recommends approval of LDLVAR-2025-63 as 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 a portion of the covered patio will not be occupied by any structure and allow at least one larger vehicle to pull in far enough to not extend into the drive aisle.
- 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. Asking for a variance to one of the standards is not uncommon for residents wanting to add to their home given the small lot sizes and widths in the development. There have been 34 variances to setback standards granted in the Citrus Ridge Planned Development (PD 81-22) since 2019. In Phase One, 14 have been approved.

# **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-2025-63**, with the following conditions:

# **CONDITIONS OF APPROVAL:**

- 1. Approval of this variance is for a side primary structure setback reduction from five (5) to one (1) foot for an open patio cover. All further additions or structures placed on the property shall be required to meet the requirements PD 81-22 or be granted approval via another variance from the Land Use Hearing Officer.
- 2. No portion of the patio cover shall be enclosed. The interior may be screened up to 25 feet of the right-of-way line (30 feet from edge of pavement).
- 3. Rain gutters and downspouts shall be installed to prevent stormwater runoff from the patio cover into the neighboring properties. Downspouts shall direct flow onto the right-of-way.

- 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.
- 5. 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 interested 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.
- 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.

# 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 Citrus Ridge Planned Development (PD 81-22) was modified in 2006 to reduce the side and rear setbacks to five feet for dwellings and reduce the setbacks to zero on the side and rear for accessory structures less than 8 feet wide, 12 feet long, and 10 feet high. From then on, almost every unit in the development sits approximately five feet from the rear lot line and has at least one shed on the side and rear property lines. Citrus Ridge began as an RV park and evolved into a mobile home subdivision. Most properties are under 2,500 square feet, so it does not take many accessory structures to run out of buildable space.

This patio cover addition will cover most of the property with structures. The double-wide mobile home reduced some of the space for parking leaving only 12½ feet to the property line which is 17½ feet from the edge of pavement. The average length of most sedans, minivans, and crossovers is 16 feet. Larger SUVs and trucks can be up to 25 feet in length. The drive aisle is one way, and the right-of-way width is only 20 feet. Travel speeds are

low in the area. Posted speed is 15 miles per hour. However, vehicles parked in this limited space can be hazardous to pedestrians even at low speeds.

There is limited potential harm to come from approval of this variance request. Although the new mobile home has significantly reduced the amount of space for off-street parking, the request will be an open patio cover which will enable vehicles to be parked under it to prevent them from blocking the 10-foot drive aisle/street. By remaining open, it does not jeopardize the fire standards in relation to the neighboring property. A condition of approval is included to address this and stormwater runoff onto neighboring properties. Therefore, the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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;

Citrus Ridge is a community where homeowners seek to occupy every square inch of buildable space on their property because the lots are small and narrow. It was originally intended for recreational vehicles but later evolved into a mobile home development. The lot meets the minimum size approvable in the development under the original RV park development of 2,400 square feet. It has the same identical dimensions as 18 others in the block. The new home of 980 square feet is the largest on the block by 20 square feet. The previous park trailer and add-on room extension was 656 square feet. The previous home had no covered patio.

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

The applicant/owner purchased the property with her former husband in 2017. The previous park trailer and vinyl room extension had been on the property since 1985. It was recently replaced with a double-wide mobile home. The shed has been on the property since 2010. The 2006 modification of PD 81-22 reduced the primary dwelling setback to five feet of the side and rear property line. The new home of 980 square feet is the largest on the block by 20 square feet. The previous park trailer and add-on room extension was 656 square feet. The previous home had no covered patio.

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;

Citrus Ridge (PD 81-22) was originally approved as an RV park but has evolved into a mobile home subdivision since the early 1990s. For the residents, it appears to be the norm to cover much of the property with the dwelling and attachments in this development. There have been 14 setback variances approved in this phase alone of Citrus Ridge since 2019. While visiting the site, staff observed many other properties beyond the known 14 that have extended covered patios and porches beyond the setback limits. Another 20 variances have been approved in the other two phases of the development.

- 5. Whether the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
  - Although it fills most of the remaining space on the property, a  $10\frac{1}{2}$ 'x 30' patio is not large relative to many of the properties within the development. The new home that was recently placed on the property has eliminated much of the space for off-street parking leaving only  $17\frac{1}{2}$  feet between the home and the 10-foot-wide drive aisle/street, according to the survey submitted with the application (see Exhibit 5). This patio cover will not be enclosed or screened so that a common size vehicle can pull forward enough to not occupy a portion of the drive aisle/right-of-way.
- 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 additional patio cover.
- 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.
  - The Citrus Ridge Planned Development (PD 81-22) was modified on February 14, 2006, to allow mobile homes up to 1,008 square feet and reduce the rear setbacks from 10 feet to five (5) feet. The applicant's home is 864 square feet. There are no conditions prohibiting seeking a variance to setbacks consistent with LDC Section 931 for the expansion of a primary dwelling. Section 209.F of the LDC states, "Roofed accessory structures physically attached or connected to the principal structure shall be considered a part of the principal structure and shall be subject to the same standards as the principal structure unless exempted or superseded elsewhere in this Code."

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

The table to follow provides details of abutting uses and their regulatory parameters.

Table 1

Northwest:	North:	Northeast:	
RMX	RMX - PD 81-22	RMX - PD 81-22	
RMX - PD 81-22	Citrus Ridge Subdivision	Citrus Ridge Subdivision	
Citrus Ridge Subdivision	Lot 75 (2,884 SF)	Lot 98 (2,627 SF)	
Lot 73 (2,400 SF)	864 sq.ft. Mobile Home	835 sq.ft. Mobile Home	
480 sq.ft. Mobile Home	and 36 sq.ft. shed	Shed, Carport and Porch	
Shed, 36 SF Porch	Carport and Porch		
Carport, 420 SF Cabana	_		
West:	Subject Property:	East:	
RMX - PD 81-22	Residential Medium (RMX)	RMX - PD 81-22	
Citrus Ridge Subdivision	PD 81-22	Citrus Ridge Subdivision	
Lot 72 (2,396 SF)	Citrus Ridge Subdivision	Lot 97 (2,400 SF)	
960 sq.ft. Mobile Home	Lot 76 (2,400 SF)	480 sq.ft. Mobile Home	
Shed, patio	980 sq.ft. Mobile Home	Shed, 108 SF Porch	
	and 98 sq.ft. shed	384 SF Cabana <sup>1</sup>	
Southwest:	South:	Southeast:	
RMX - PD 81-22	RMX - PD 81-22	RMX - PD 81-22	
Citrus Ridge Subdivision	Citrus Ridge Subdivision	Citrus Ridge Subdivision	
Lot 71 (2,396 SF)	Lot 77 (2,400 SF)	Lot 96 (2,400 SF)	
414 sq.ft. Mobile Home	468 sq.ft. Mobile Home	490 sq.ft. Mobile Home	
80 SF Shed, Porch	Shed, 60 SF Porch	16 SF Shed, 150 SF Porch,	
Carport, 220 SF Cabana <sup>1</sup>	Screened patio, 384 SF Cabana <sup>1</sup>	Carport, 408 SF Cabana <sup>1</sup>	

<sup>&</sup>lt;sup>1</sup>Cabana is a term the Property Appraiser' Office uses for mobile home addition.

The Citrus Ridge Planned Unit Development (PUD) originated as an RV park in the early 1980's and soon after was platted as a residential subdivision so the RV spaces could be sold fee simple. RV's gave way to Park Model Trailers in the 1990s, which over the years evolved into expanded park model trailers before the PD was eventually modified to allow mobile homes. Vehicle RVs had ample room to come and go. Park Trailers with accessory structure and additions occupy more space. Once full mobile homes arrived in both single-wide and double-wide form, these 2,400 square feet lots became filled with structures.

Robinson Road is a 10-foot-wide one-way drive with 20 feet of right-of-way. The posted speed throughout the development is 15 miles per hour. There are limited drainage structures and no curb. Most of the lots are completely covered with impervious surfaces. The soil is comprised of very well drained Candler Sand.

There are few differences between the applicant's home and accessory structures and the surrounding homes. They are either double-wide homes or single-wide homes with additions. Every property has some form of covered porch. All of the lots are either identical or similar in size. Many of the accessory and primary structures encroach into setbacks within the development. In this phase of Citrus Ridge, 14 setback variances have been approved since 2019.

# **Comments from other Governmental Agencies:** None

# **Exhibits:**

Exhibit 1 – Location Map

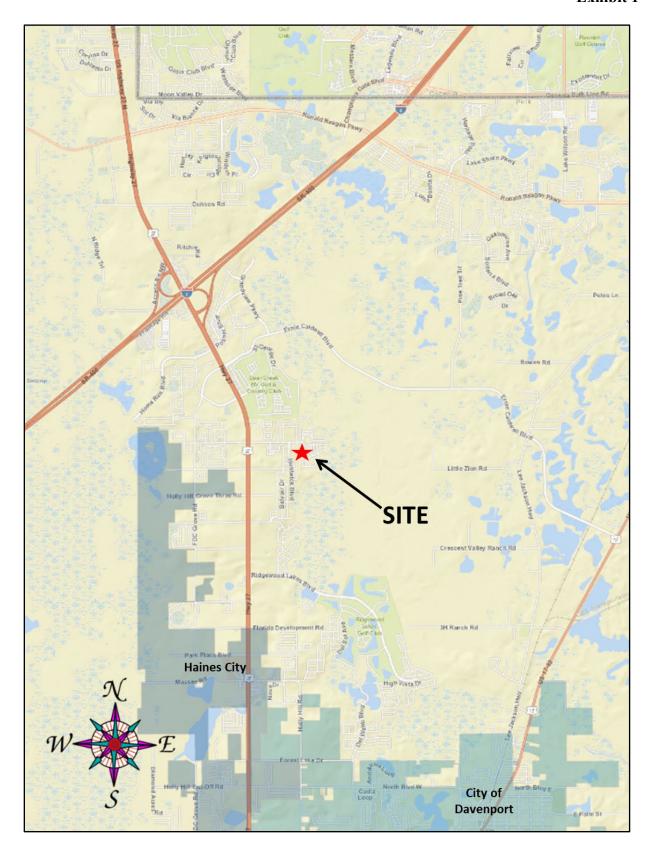
Exhibit 2 – Future Land Use

Exhibit 3 – 2025 Satellite Context

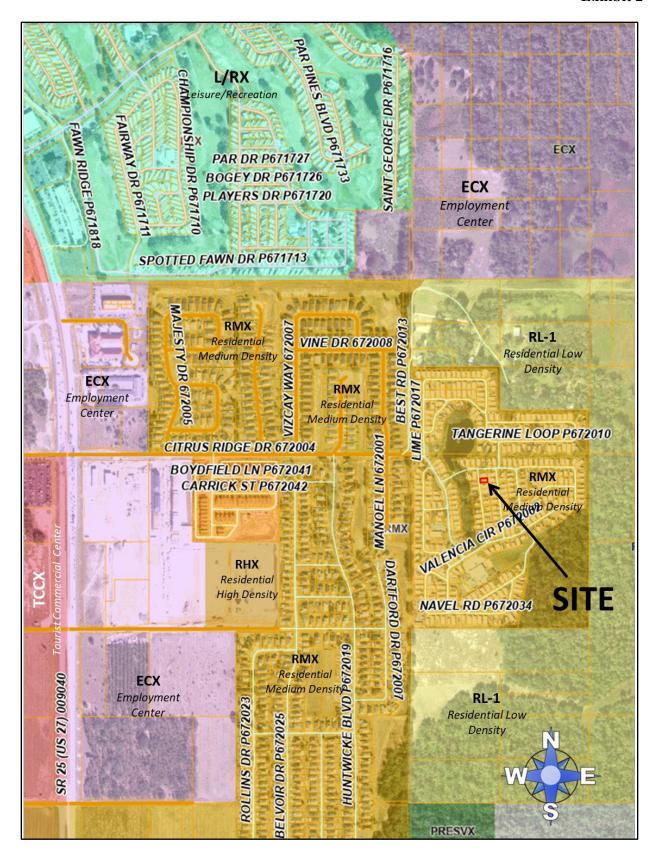
Exhibit 4 – 2025 Satellite Close-up

Exhibit 5 – Applicant Site Plan

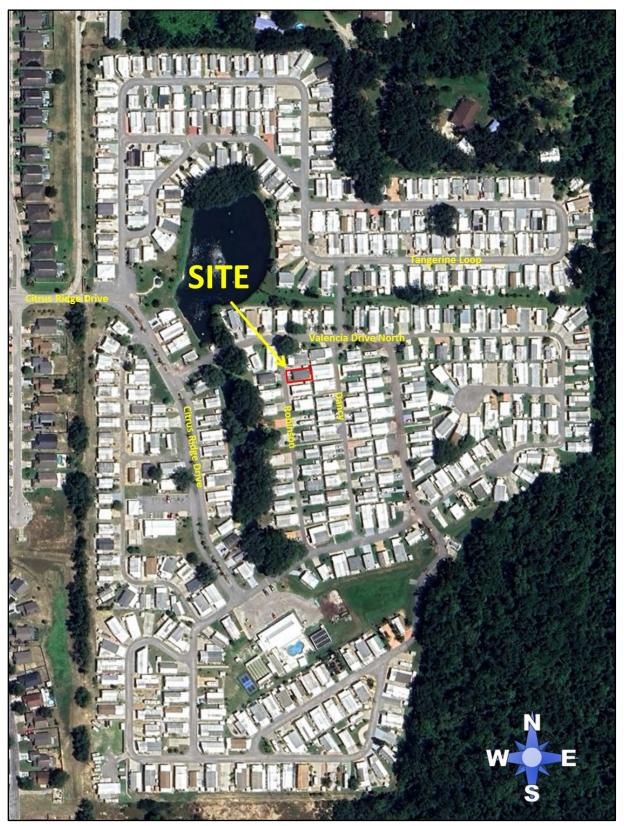
Exhibit 6 – Applicant's Justification



Location Map



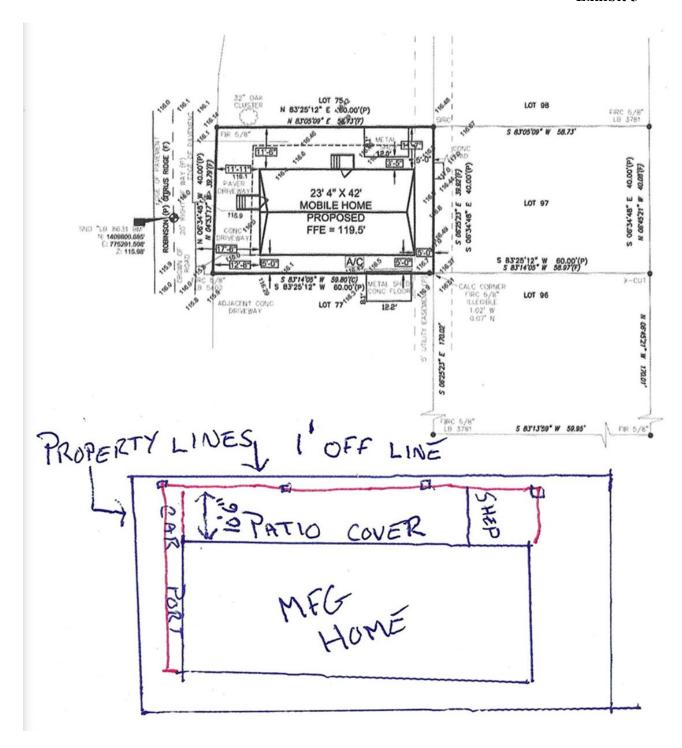
Future Land Use



2025 Satellite Photo Context



2025 Satellite Photo Close-Up



Applicants' Site Plan

#### CRITERIA FOR GRANTING VARIANCE

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

What special conditions exist that are peculiar to the land, structure, or building involved? no special conditions exist

When did you buy the property and when was the structure built? Permit Number? property bought 2016 structure was built 2025

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

<u>I enjoy being outside but have had 2 instances of skin cancer. This will provide shade so I will be</u> able to sit outside. The lots are small and limit the size of structures allowed.

Is this the minimum variance required for the reasonable use of the land? <u>yes</u>

Do you have Homeowners Association approval for this request? <u>yes</u>

# Applicant's Justification

10/25/25, 9:39 AM Record Details

### LDLVAR-2025-63 - McCartney variance application

Menu Reports

Application Name: McCartney variance application

File Date: <u>10/16/2025</u> Application Type: <u>LUHO - Variance</u>

Application Status: In Review

Application Comments: View ID Comment Date

Description of Work: Lam seeking a variance to the north set back requirement for a patio cover. I would like to place the patio covering 1 foot from the property line.

Application Detail: Detail

Address: 76 CITRUS RIDGE DR, DAVENPORT, FL 33837

Parcel No: 272620706001000760 Owner Name: MCCARTNEY MONICA ROSE

Contact Info: Name **Organization Name Contact Type Contact Primary Address** Status

Applicant Mailing, 76 CITRUS RID... Active Monica McCartney

Business License # Licensed Professionals Info: Primary License Number License Type Name **Business Name** 

Job Value: <u>\$0.00</u>

Total Fee Assessed: \$541.00 Total Fee Invoiced: \$541.00 Balance: \$0.00

Custom Fields: LD\_GEN\_BOA

GENERAL INFORMATION

**Expedited Review** Number of Lots

Will This Project Be Phased Acreage

0.06

**DRC Meeting Time DRC Meeting** 

11/13/2025

**Application Type** 

Rescheduled DRC Meeting Rescheduled DRC Meeting Time

Green Swamp **Number of Units** 

No

Is this Polk County Utilities

Case File Number

One Year Extension FS 119 Status Non-Exempt

PUBLIC HEARINGS

**Development Type** 

Land Use Hearing

Officer

Variance Type **Brownfields Request Dimensions** N/A

<u>Table</u> Affordable Housing

**ADVERTISING** Legal Advertising Date

**Advertising Board** Land Use Hearing

**MEETING DATES LUHO Hearing Date** 

12/09/2025

Officer

ALCOHOL BEVERAGE DIST REQ

Record Details 10/25/25, 9:39 AM

COMMUNICATION TOWER

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 special conditions exist

When did you buy the property and when was the structure built? Permit Number? property bought 2016

structure was built 2025

What is the hardship if the variance is not approved?

 $\underline{\text{I enjoy being outside but have had 2 instances of skin cancer. This will provide shade so I will be}$ able to sit outside. The lots are small and limit the size of structures allowed.

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

yes

Do you have Homeowners Association approval for this request?

yes

#### LD\_GEN\_BOA\_EDL

Opening DigEplan List... DigEplan Document List

**PLAN REVIEW FIELDS** TMPRecordID

POLKCO-25EST-00000-62237

RequiredDocumentTypesComplete No

DocumentGroupforDPC DIGITAL PROJECTS LD AdditionalDocumentTypes

Activate DPC

RequiredDocumentTypes

Applications, AutoCad File, Binding Site Plans (PDs Yes and CUs), CSV, Calculations, Correspondence, Desig

n Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Repor t/Approval Letter, Survey, Title Opinion

DigitalSigCheck

Activate FSA Yes <u>Yes</u>

PLAN UPLOAD ACKNOWLEDGEMENT Upload Plans Acknowledgement

LAND USE

Selected Area Plan LU Code

NOR

Neighborhood Organization Registry (NOR)

**PUBLIC MAILERS** 

Posting Board Number of Boards (Number) Number of Mailers (Number) Date Mailed Date Posted NOR

Frik Peterson

Workflow Status: Task

Assigned To Status Status Date Action By Lisa Simons-Iri... Application ... 10/16/2025 Lisa Simons-Iri... Application Submittal Phil Irven Approve 10/16/2025 Phil Irven Roads and Drainage Review

Planning Review Review Consolidation Public Notice

Hearing Officer

Final Order

Archive

10/25/25, 9:39 AM Record Details

Condition Status: Name	s	hort Comments	Status	Apply Date	Severity	Action By
Scheduled/Pending Inspections: Insp	pection Type	Scheduled Date	Inspector	Status	Comment	es
Resulted Inspections: Inspec	tion Type In	spection Date	nspector	Status	Comments	

