



Polk County Polk County Land Use Hearing Officer

Meeting Agenda - Final

July 25, 2024 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:

June 27, 2024 Minutes

NEW BUSINESS:

AGENDA ITEM:

LDLVAR-2023-54 (Tiny Terrace Variance)

LDLVAR-2024-25 (International Bass Lake Resort - Foley Variance)

LDLVAR-2024-27 (Lunn Road Liquor Store)

LDLVAR-2024-28 (Citrus Ridge - Moore Variance)

LDLVAR-2024-32 (K-Ville Garage Variance)

ADJOURNMENT:



Polk County
Polk County Land Use Hearing Officer

Agenda Item

7/25/2024

SUBJECT

June 27, 2024 Minutes

DESCRIPTION

Click or tap here to enter text.

RECOMMENDATION

Click or tap here to enter text.

FISCAL IMPACT

Click or tap here to enter text.

CONTACT INFORMATION

Click or tap here to enter text.



Polk County Polk County Land Use Hearing Officer

Meeting Minutes - Final

June 27, 2024 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:

May 23, 2024, Approved Minutes

OLD BUSINESS:

LDLVAR-2024-6 (Buggy Rd Variance)

Minutes: CASE FILE # LDLVAR-2024-6

Ines Maria Escobar Dominguez, owner, requests a primary structure setback reduction in an Agricultural Rural Residential (A/RR) land use district and within the Green Swamp of Critical State Concern (GSACSC). The property location is 4453 Buggy Road, west of Roundup Drive, east of Hereford Lane, north of Deen Still Road West, Polk City, in Section 35, Township 25, and Range 24.

Erik Peterson, Land Development, presented the case and reported that 16 mailers were sent on 6/11/2024 with no response. 1 board was posted on 6/6/2024, and the legal ad was published in the Lakeland Ledger on 6/14/2024.

Aleya Inglima, Land Development, showed a power point presentation; has a recommendation of approval and stood for questions.

The owner, Ines Maria Escobar Dominguez, was available to answer questions.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

NEW BUSINESS:

AGENDA ITEM:

LDLVAR-2024-20 (Citrus Ridge - Milano Variance)

Minutes: CASE FILE # LDLVAR-2024-20

Dominic J. Milano and Deborah A. Milano, applicants, request a side yard setback reduction in a Residential Medium -X (RMX) land use district and Planned Unit Development 81-22 (PUD 81-22). The property location is 97 Citrus Ridge Drive, east of Citrus Ridge Drive, south of Valencia Drive, North, north of Valencia Circle, Davenport, In Section 20, Township 26, and Range 27.

Erik Peterson, Land Development, presented the case and reported that 73 mailers were sent on 6/11/2024 with no response. 1 board was posted on 6/6/2024, and the legal ad was published in the Lakeland Ledger on 6/14/2024.

Aleya Inglima, Land Development, showed a power point presentation; has a recommendation of approval and stood for questions.

The owners, Dominic and Deborah Milano, 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 hearing.

LDLVAR-2024-21 (Adriel Avenue Chicken Coop)

Minutes: CASE FILE # LDLVAR-2024-21

Donald B. Buchanan and Janet C. Buchanan, owners, request a variance for a side setback reduction for a chicken coop in a Residential Suburban (RS) land use district. The property location is 460 Adriel Avenue in the Ridge Acres subdivision, east of Rifle Range Road, west of Logistics Parkway, north of State Road 60, west of the city of Winter Haven, in Section 28, Township 29, and Range 26.

Erik Peterson, Land Development, presented the case and reported that 22 mailers were sent on 6/11/2024 with no response. 1 board was posted on 6/7/2024, and the legal ad published in the Lakeland Ledger on 6/14/2024.

Ian Nance, Land Development, showed a power point presentation; has a recommendation of denial and stood for questions.

The owner, Donald Buchanan, was available to answer questions.

The LUHO opened the public hearing.

Richard Kosan, Boohoff Law Office, 330 Pauls Dr., Brandon, FL 33511 is in opposition of the granting of the variance. He submitted Exhibit #1 Notice of Determination of no cause and Exhibit #2 Correspondence in opposition from Michael Setser, 480 Adriel Ave. and Valerie Blake-Jones, Homeowner and HOA President.

Valerie Blake Jones 464 Ariel Ave., is in opposition to the granting of this variance.

The LUHO closed the public hearing.

LDLVAR-2024-22 (Violet Court Rear Yard)

Minutes: CASE FILE # LDLVAR-2024-22

Rebekkah A. Trombly and Daniel Perez, owners, request a variance for a rear primary setback reduction in a Pre-Development of Regional Impact (DRI) land use district and in Planned Unit Development 71-10 (PUD 71-10). The property location is 114 Violet Court, north and south of Violet Court, west of Dogwood Road, south of Tulip Lane, north of Bayberry Street, east of Marigold Avenue, southeast of Haines City, Davenport, in Section 10, Township 28, and Range 28.

Erik Peterson, Land Development, presented the case and reported that 36 mailers were sent on 6/11/2024 with no response. 1 board was posted on 6/7/2024, and the legal ad was published in the Lakeland Ledger on 6/14/2024. He proceeded to show a power point presentation; has recommendation of approval and stood for questions.

The owner, Rebekkah Trombly, was available to answer question and agrees with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

LDLVAR-2024-24 (Meadow Grove Trl Variance)

Minutes: CASE FILE # LDLVAR-2024-24

Jacob L. Rowe, owner, requests a variance for an accessory structure setback reduction in an Agricultural Rural Residential (A/RR) land use district. The property location is 5142 Meadow Grove Trail, south of Meadow Grove Trail, west of Dove Meadow Trail, east of Hillsborough County, Lakeland, in Section 18, Township 27, and Range 23.

Erik Peterson, Land Development, presented the case and reported that 19 mailers were sent on 6/11/2024 with no response. 1 board was posted on 6/6/2024, and the legal ad was published in the Lakeland Ledger on 6/14/2024.

Aleya Inglema, Land Development, showed a power point presentation; has a recommendation of approval and stood for questions.

The owner, Jacob Rowe, was available to answer questions and agrees with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

ADJOURNMENT:

Minutes: 3:13 pm



Polk County
Polk County Land Use Hearing Officer

Agenda Item

7/25/2024

SUBJECT

LDLVAR-2023-54 (Tiny Terrace Variance)

DESCRIPTION

The applicant is requesting a variance to reduce the right-of-way setback from a Local Road from 20 feet to one (1) foot for an attached screen room and patio cover. The subject site is located at 2416 Tiny Terrace, east of Thompson Street, south of Plum Avenue, north of Cherry Avenue, west of Garden Street, east of Auburndale in Section 21, Township 28, Range 25.

RECOMMENDATION

Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Ian Nance
Land Development
(863) 534-7621
ivannance@polk-county.net

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

DRC Date	June 13, 2024	CASE #:	LDLVAR-2023-54 (Tiny Terrace Variance)
LUHO Date	July 25, 2024	LDC Section:	Table 2.2

Request: The applicant is requesting a variance to reduce the right-of-way setback from a Local Road from 20 feet to one (1) foot for an attached screen room and patio cover.

Applicant: Russell Dunn

Property Owner: Russell Dunn

Location: 2416 Tiny Terrace, east of Thompson Street, south of Plum Avenue, north of Cherry Avenue, west of Garden Street, east of Auburndale in Section 21, Township 28, Range 25.

Parcel ID#: 252821-000000-031152

Size: 0.29 +/- acres

Land Use Designation: Residential Suburban (RS)

Development Area: Suburban Development Area (SDA)

Case Planners: Ian Nance

Summary:

The applicant is requesting a variance to reduce the right-of-way setback from a Local Road from 20 feet to one (1) foot for a proposed, attached 18 x 10' screen room and patio cover. The subject site is developed with a mobile home that is set well to the east of the parcel to accommodate a large, mounded septic drain field which causes a hardship when attaching accessory structures.

Staff recommends approval of this request, finding that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. Though the patio will be up to one foot from the property line, the home is located on a local residential roadway that does not have significant traffic. There is ample room between the property line and edge of pavement to not create any visual impairment for drivers or for vehicles to be a threat to the patio.

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-2023-54**.

CONDITIONS OF APPROVAL:

1. Approval of this variance is to reduce the right-of-way setback from a Local Road from 20 feet to one (1) foot for an attached screen room and patio cover. Further additions or structures placed on the property shall be required to meet the requirements 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. There shall be no overhang from the structures into the public rights-of-way.
4. The applicant shall have three (3) years 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 structure.

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 applicant is requesting a variance to reduce the right-of-way setback from a Local Road from 20 feet to one (1) foot for a proposed, attached 18 x 10' screen room and patio cover. The proposed structure will be at the front of the home where the applicant has an existing concrete slab. The purpose is to provide cover for the entrance to the home in the event of foul weather and for a shaded gathering place outside of the home.

Though the applicant is requesting what appears to be a drastic reduction from 20 feet to one foot to accomplish this, staff finds no reason why this would be harmful to the surrounding area. The home is located off Tiny Terrace, a Local Residential roadway in the northwest corner of the subdivision that does not garner much traffic. Eight properties rely on Tiny Terrace for their sole access. As described further below, there is ample room between the property line and edge of pavement (+/- 16 feet) to not create any visual impairment for drivers or for vehicles to be a threat to the patio. This poses no fire danger to other homes. There are no easements, drainage swales, or utilities along the property which would be compromised by this structure.

Finally, carports and patios are found throughout the neighborhood, as is normal with mobile and manufactured homes that do not have built-in garages or gathering areas.

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;*

Though the home (2,128 sq. ft.) appears to have a large rear yard, the placement of the mobile home is set well to the east to accommodate the large, mounded drain field of a septic system. Aerial measurements show this drain field is approximately 3,000 sq. ft., or nearly 25% of the parcel. Trees to the rear of the home also forced the placement to the home to the east. Furthermore, the home was placed at an angle on the property for reasons that are unclear. The previous mobile home was "squared-up" with the rights-of-way lines. This mobile home is one of the largest on this block between Thompson Street, Plum Avenue, and Tiny Terrace (564 – 1,080 sq. ft.).

This parcel was also created prior to the adoption of the Comprehensive Plan and Land Development Code as part of an unrecorded subdivision known as Mobile Home Village. The parcel is comprised of five 25 x 100' lots (lots 352-356) which were never vested. Ultimately, the parcel size was determined by the former R-3 zoning which permitted minimum lot sizes of 6,000 sq. ft.

Finally, the right-of-way of Tiny Terrace is 50 feet, substandard for a local road with no curbs, according to LDC Table 8.2 (60 ft.). The paved surface width is 15 feet, again below current standards (20 ft.). There is approximately 16 feet of County right-of-way between the property line and paved road, creating an exaggeration that the privately-owned front yard is bigger than what it is. This may explain issues with the permitting below, especially if a survey was not used. It is highly unlikely that this road will be improved to County

standards in the near future, given the relative lack of use.

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

On April 13, 2004, a Certificate of Occupancy was issued by the County to the applicant for Mobile Home Setup Permit #8805 that allowed the placement of the current 28 x 76' 2004 Fleetwood doublewide mobile home. Within the application, the stated setbacks were 15 feet from the front and 7.5 from side and rear property lines, which reflected the old R-3 zoning but was incorrect for the RS land use district effective at the time. A recent Sketch of Encroachment (Exhibit 6) shows the mobile home was set at 10 feet at its closest point to the right-of-way, on the northern side of the home, and 14 feet towards the southern side. So, it was placed improperly for either setback standard.

The site plan submitted to the State of Florida Department of Health measured the setbacks from the home to the edge of pavement, rather than the property lines, which further confused the placement of this mobile home. So, in effect, the driveway was permitted incorrectly as it does not reach the property boundary, and the Sketch of Encroachment shows a 4.7' x 0.3' x 4.7' intrusion into the right-of-way by the concrete patio. The width of the depth of the concrete patio is 12 feet.

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;*

Moving this mobile home to comply with the setbacks would be impractical at this point. Attached covered patios are permitted accessory structures for residential uses if they meet setbacks or are granted a variance.

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

As noted above, the area in which to add structures to this property is hindered by the placement of the mobile home relative to the mounded septic drain field. This variance is the minimum that would allow a functional patio area. With the one-foot setback at the closest point to the property line, this will allow 10-foot-wide structure.

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.*

This unrecorded subdivision was created through prior zoning ordinances and did not require Planning Commission or BoCC approval.

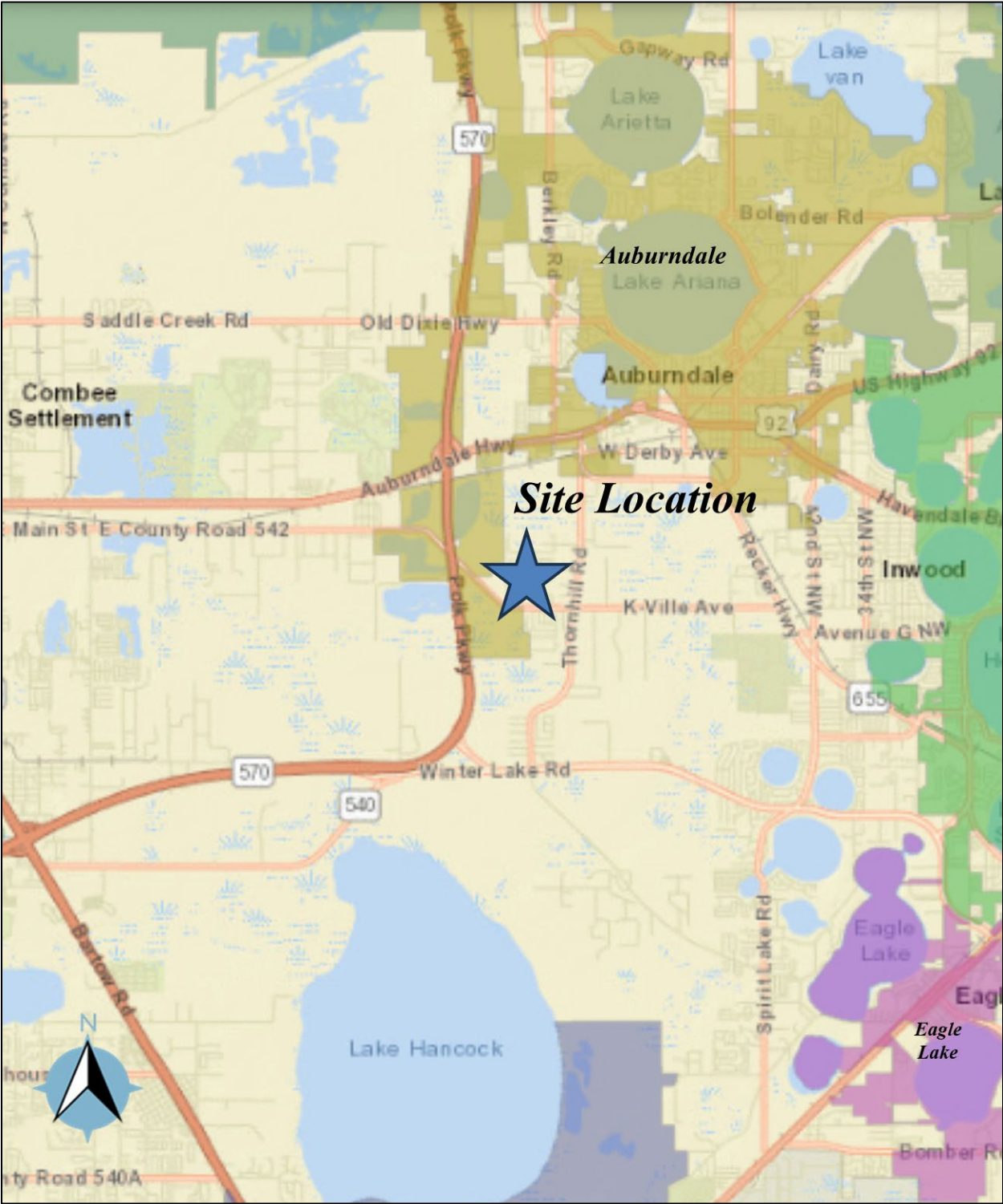
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: RS Mobile Home	North: RS Mobile Home	Northeast: RS Tiny Terrace/Mobile Home
West: RS Mobile Home	Subject Property: RS Mobile Home	East: RS Tiny Terrace/Mobile Home
Southwest: RS Tiny Terrace/Mobile Home	South: RS Tiny Terrace/Mobile Home	Southeast: RS Tiny Terrace/Mobile Home

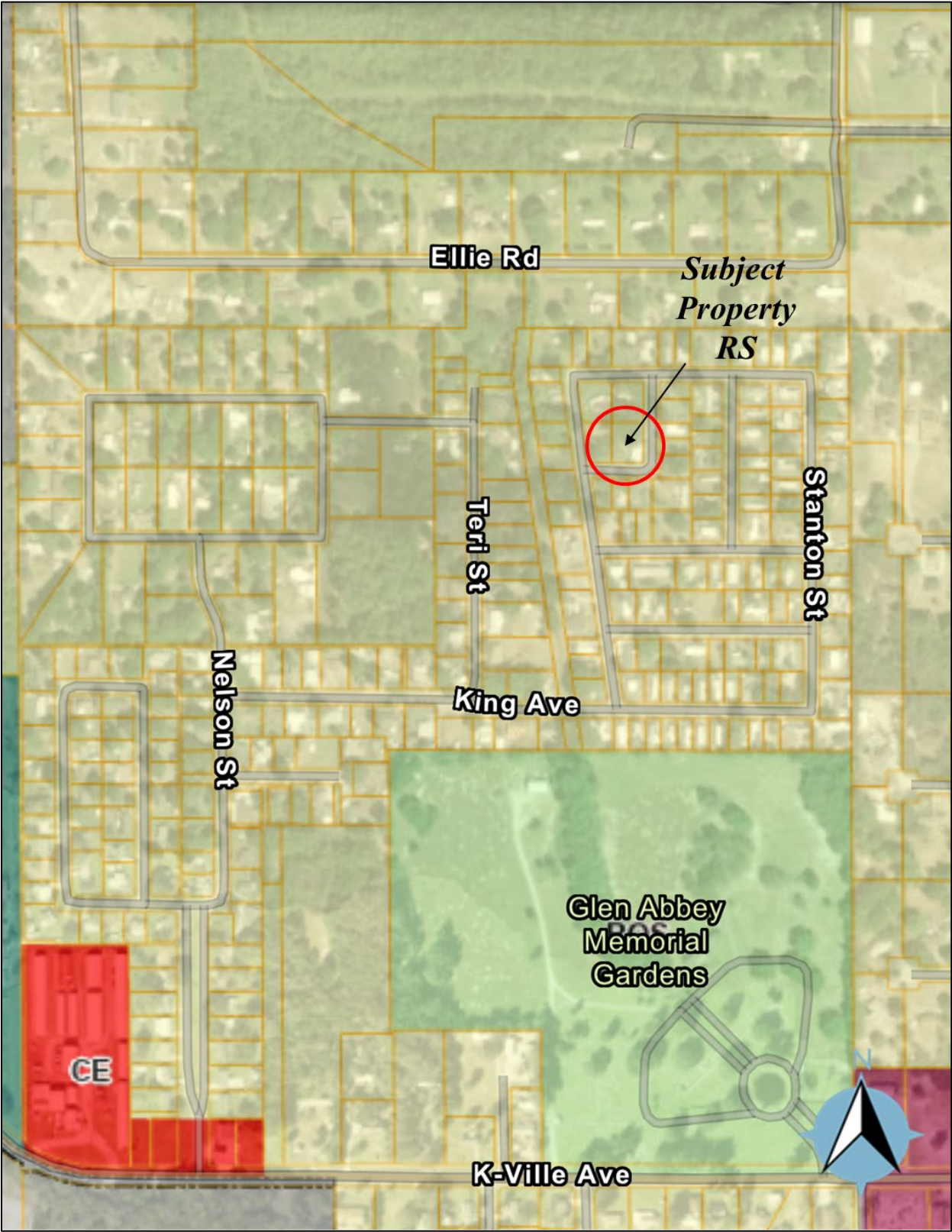
The surrounding residential units are all mobile homes, as originally intended when the subdivision was created. Many parcels within this development have accessory carports and patios. No right-of-way variances have been located within this neighborhood.

Exhibits:

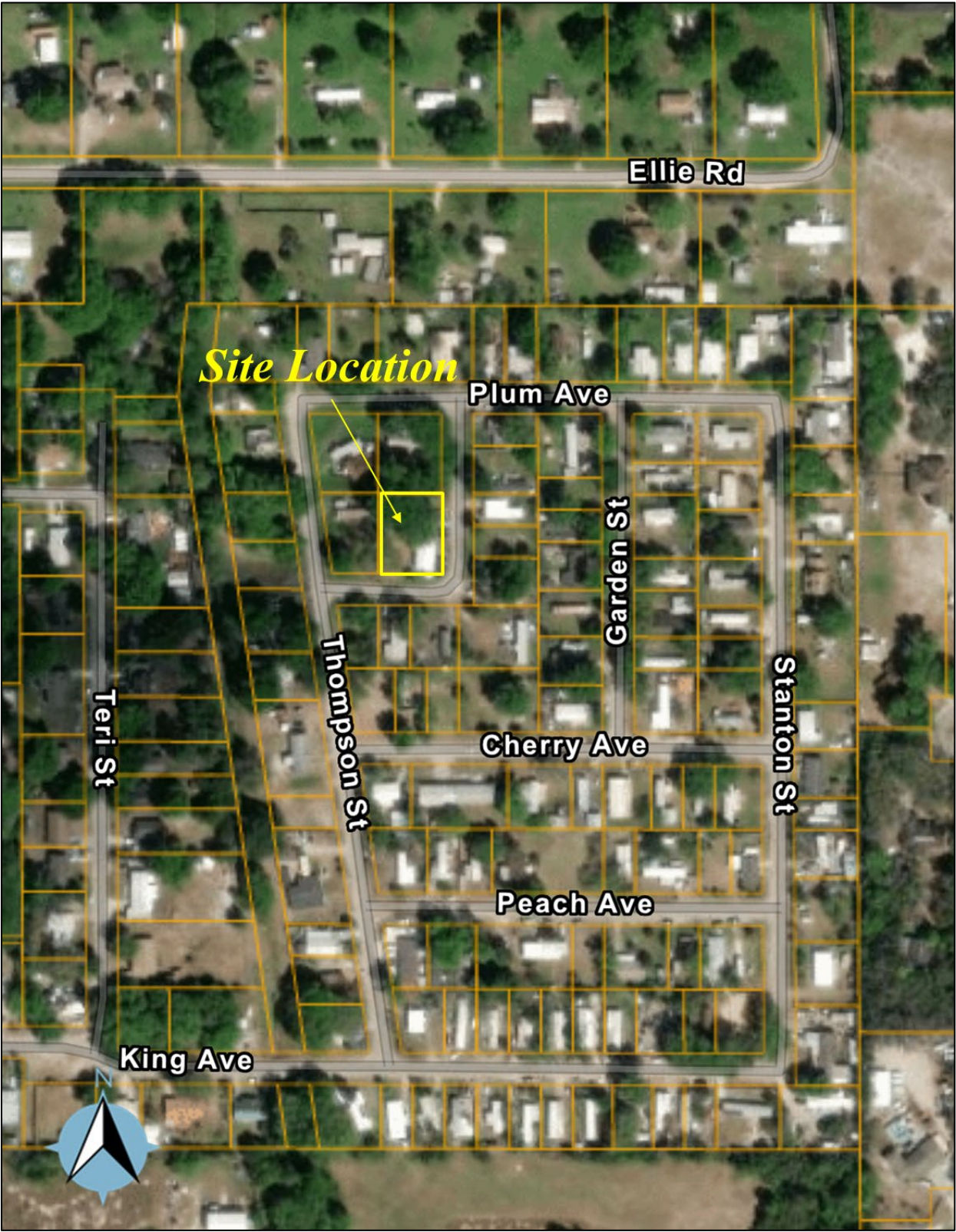
Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Aerial Image – Context
Exhibit 4	Aerial Image – Close-up
Exhibit 5	Site Plan
Exhibit 6	Sketch of Encroachment



Location Map



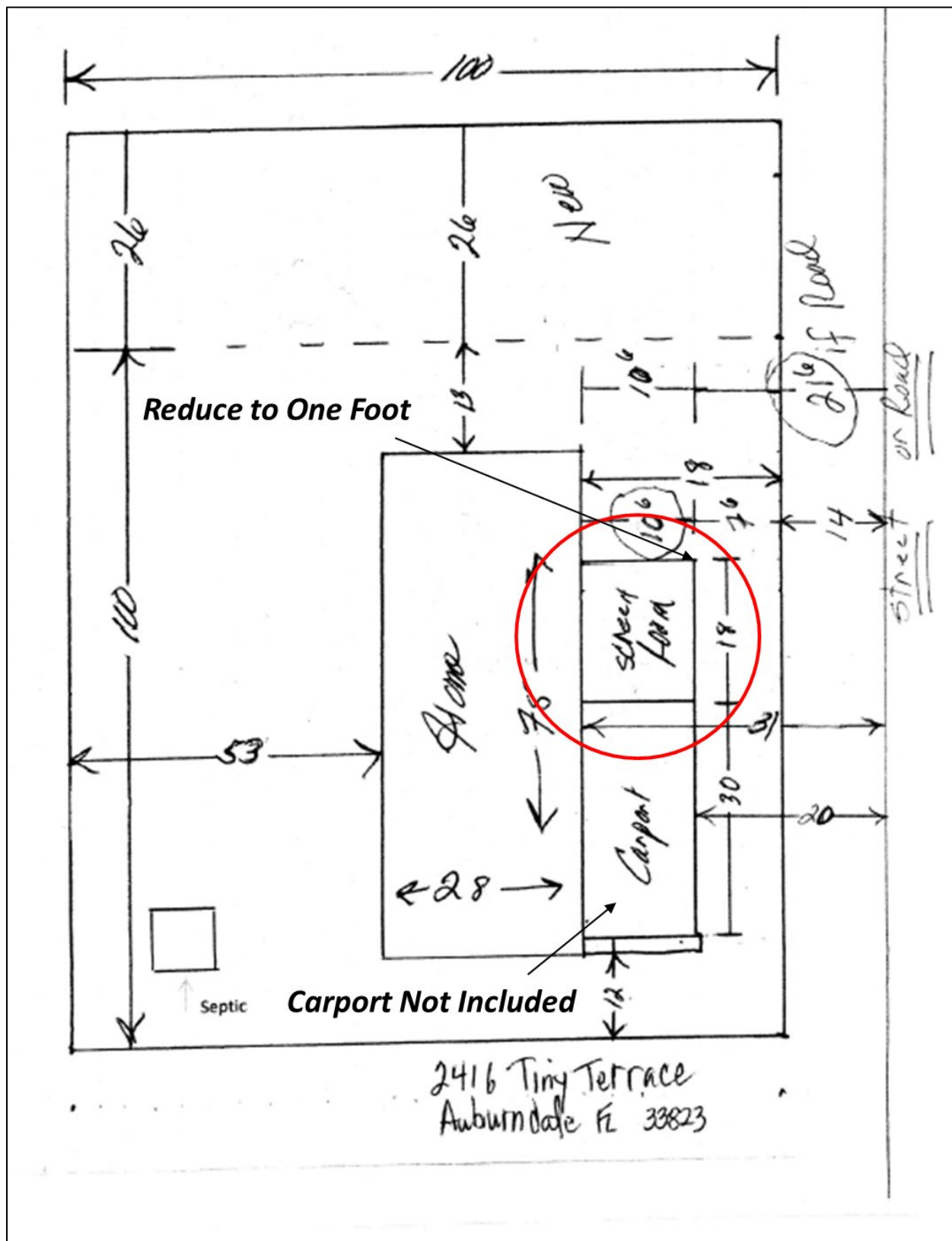
Future Land Use Map



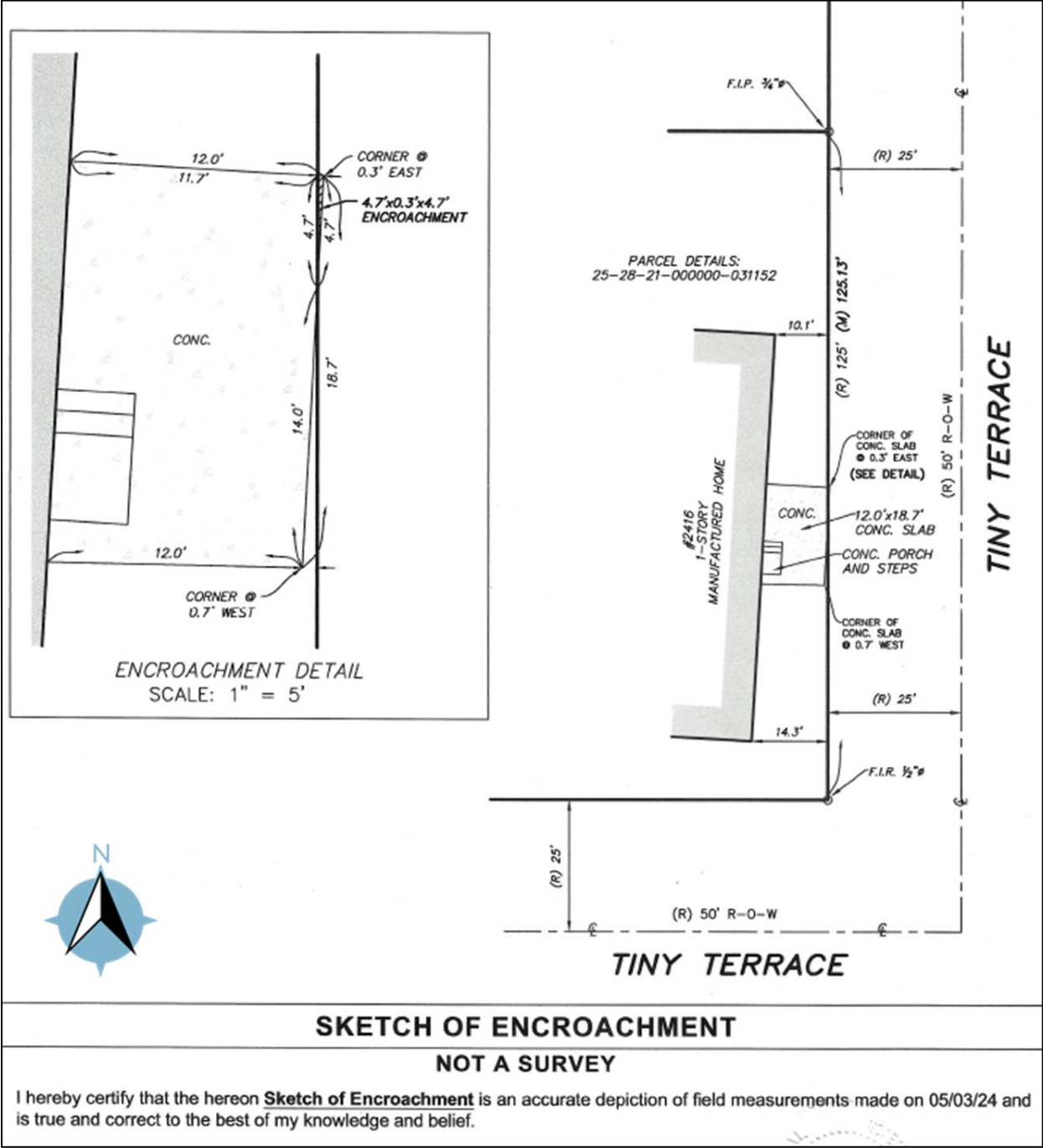
Aerial Image – Context



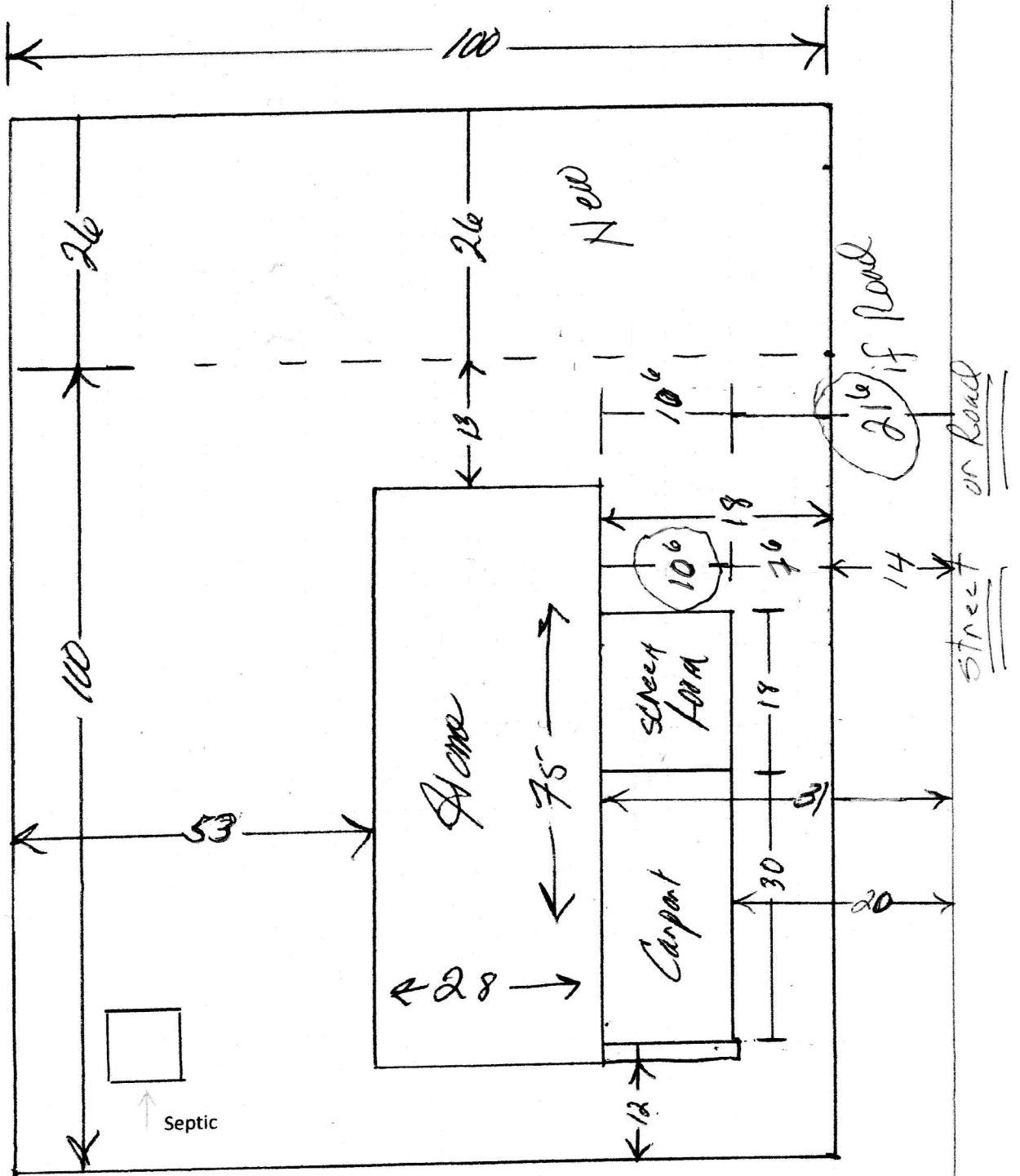
Aerial Image – Close



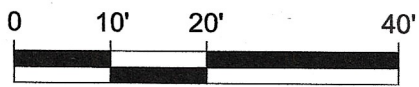
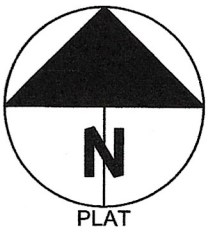
Site Plan



Sketch of Encroachment



2416 Tiny Terrace
Auburndale FL 33823

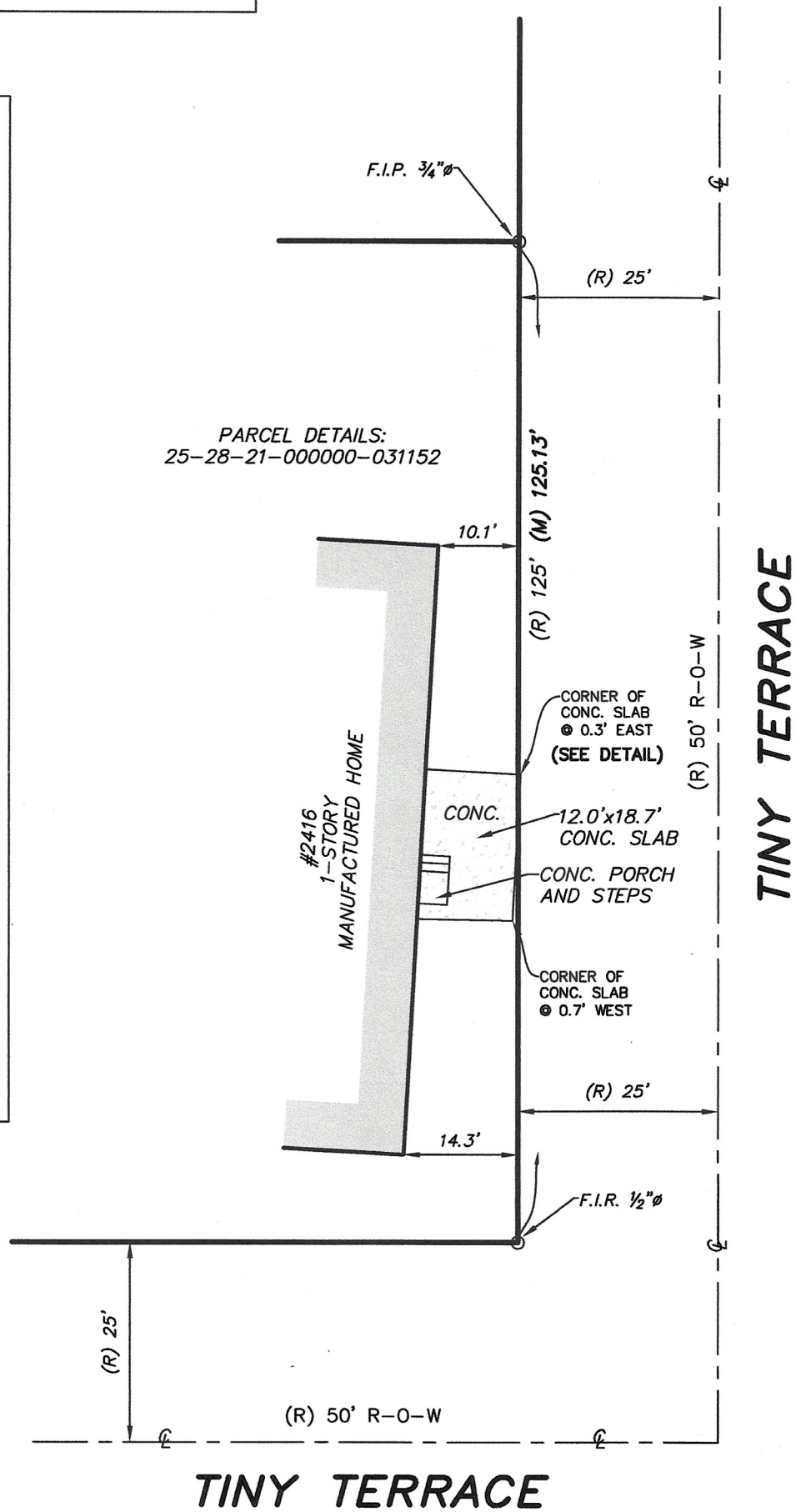
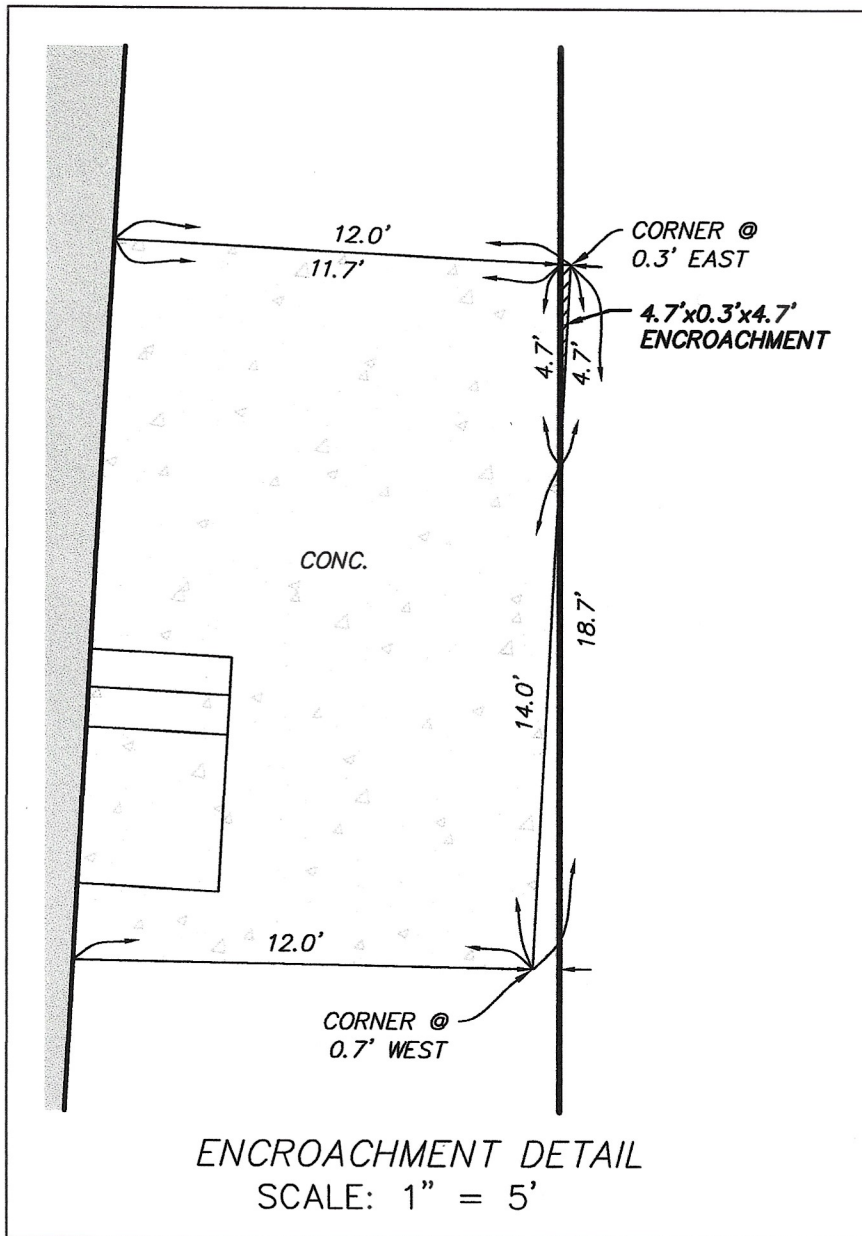


SCALE: 1" = 20'

Legend

- O = F.I.R. - FOUND IRON ROD, AS NOTED
- O = F.I.P. - FOUND IRON PIPE, AS NOTED
- (M) = FIELD MEASUREMENT
- (R) = RECORDED OR PLAT MEASUREMENT
- (P) = PLAT
- ' = FEET
- " = INCHES
- CL = CENTER LINE
- CONC. = CONCRETE
- R-O-W = RIGHT OF WAY

NOT A SURVEY



SKETCH OF ENCROACHMENT

NOT A SURVEY

I hereby certify that the hereon **Sketch of Encroachment** is an accurate depiction of field measurements made on 05/03/24 and is true and correct to the best of my knowledge and belief.

05/08/2024

Date of Signature

T. Alan Neal, P.L.S.
Professional Land Surveyor
State of Florida Reg. # LS4656

Job Number:	545-001-01
Scale:	1" = 20'
Date of Field Survey:	-
Field Book/Pages:	-
Drawing File:	545-001-01
Drawn By:	CTM

T. Alan Neal, P.L.S.
Professional Land Surveyor
State of Florida Reg. No. LS4656
4919 Stonecrest Drive Lakeland, FL 33813
phone: (863) 868-7733 (239) 248-5120
email: aneal@fl-surveyors.com

Sketch of Encroachment

Russell Dunn
#2416 Tiny Terrace
Auburndale, FL 33823

Sheet
1
of
1

COMMUNICATION TOWER

Are there other sites beyond the one mile radius that are available to accomodate the proposed 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?

None

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

2004

carport and screen room not built yet

What is the hardship if the variance is not approved?

Not having a carport and getting wet when getting out of car in storms

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

Yes

Do you have Homeowners Association approval for this request?

NA

LD_GEN_BOA_EDL

Opening DigEplan List...

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID

POLKCO-23EST-00000-50913

RequiredDocumentTypesComplete

No

DocumentGroupforDPC

DIGITAL PROJECTS LD

AdditionalDocumentTypes

Applications, AutoCad File, Binding, Site Plans (PDs and CUs), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion

DigitalSigCheck

Yes

RequiredDocumentTypes

-

Activate DPC

Activate FSA

Yes

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

LUHQ 2 34 10/27/2023 10/30/2023

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	09/18/2023	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irven	Approve	09/25/2023	Phil Irven
	Planning Review	Ivan Nance	Approve	10/06/2023	Ivan Nance
	Review Consolidation	Lisa Simons-Iri...	Approved for...	10/10/2023	Lisa Simons-Iri...
	Public Notice				
	Hearing Officer				
	Final Order				
	Archive				

Condition Status: Name		Short Comments		Status	Apply Date	Severity	Action By
Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments		
	Inspection Type	Inspection Date	Inspector	Status	Comments		



CERTIFICATE OF OCCUPANCY

OWNER: RUSSELL DUNN
2416 TINY TERR.
WINTER HAVEN, FL 33880

PERMIT #: 8805

BUILDING ADDRESS: 2416 TINY TER WINTER HAVEN, FL 33880-

DATE OF ISSUE: 04/13/2004

This Certificate is issued pursuant to the requirements of the Florida Building Code and certifies that, at the time of issuance, this structure was in compliance with that code and the various ordinances of Polk County regulating building construction and use.

JOB DESCRIPTION: Mobile Home Replacement 2004 DW 28x76 Fleetwood

PARCEL NUMBER: 252821-000000-031152

SUBDIVISION:

BUILDING USE: MOBILE HOME

LAND USE CODE: RS: RESIDENTIAL SUBURBAN

**BUILDING CODE
OCCUPANCY CLASS:**

Note: A new certificate is required if the building occupancy classification changed.

office use only P-Type		P-CODE	MOBILE HOME SETUP PERMIT APPLICATION				office use only				
1. DATE:		2. MOBILE HOME OWNER'S LAST NAME:		3. FIRST NAME:		4. MIDDLE INITIAL:		5. TELEPHONE NO.:			
		Dunn		Russell				8805			
4. MOBILE HOME OWNER'S MAILING ADDRESS:				5. CITY:		6. STATE:		7. ZIP CODE:			
2416 Tiny Terrace				Auburndale		Fl.		33823			
☐ SETUP IN A REGISTERED PARK (Go To Blank 13):				8. PROPERTY OWNER'S NAME:							
☐ SETUP OUTSIDE OF A REGISTERED PARK (Go To Blank 8):				Russell Dunn							
9. PROPERTY OWNER'S MAILING ADDRESS:				10. CITY:		11. STATE:		12. ZIP CODE:			
2416 Tiny Terrace				Auburndale		Fl.		33823			
13. PROPERTY ADDRESS:				14. PARK/SUBDIVISION NAME:		15. CITY:		16. ZIP CODE:			
2416 Tiny Terrace				m.h. Village		Auburndale		33823			
17. LEGAL DESCRIPTION:		Section	Township	Range	Lot No.	Block	Plat Book	Page No.	Subdivision Number	Parcel Number	☒ Legal Attached
01 28 25 352										031152	
18. M.H. INSTALLER/DEALER:						County/State License #		Telephone No.:			
JR Griceith						8012		667-2636			
19. ELECTRICAL CONTRACTOR:											
Ed Degel						2905		644-0496			
20. A/C MECH. CONTRACTOR:											
Lilley Air cond						175		644-0496			
21. PLUMBING CONTRACTOR:											
JR Griceith						8012		667-2636			
GAS CONTRACTOR:											
22. UTILITIES:		Water: ☐ Well ☒ Public (name)		Sewer: ☒ Septic Tank ☐ Public (name)		Electric Company (name):					
		City				Teco					
23. LOT SIZE (width X length)		TOTAL AREA (Sq. Ft.):		Is any portion of this property located within a water body?		☐ Yes ☒ No		☐ New Service ☒ Existing Service			
X								200 AMPS			
24. MOBILE HOME DATA:				25. DIRECTIONS TO PROPERTY FROM BARTOW:							
Manufacturer: Fleetwood Year: 2004				Hwy 98 to Corbett rd go(R) to							
Single Wide:				Main St go(R) go into Auburndale							
Double Wide: 28x76				to Sun Acres Blvd go(L) to King							
Duplex:				go(R) to Thompson go(L) to Tiny							
Decal No.:											
Mobile Home Tag No.:											
DRAW A PLOT PLAN SHOWING:				I CERTIFY, TOGETHER WITH PLANS AND SPECIFICATIONS, THIS APPLICATION SHOWS A TRUE REPRESENTATION OF CONSTRUCTION TO BE ACCOMPLISHED UNDER THIS PERMIT. IT IS UNDERSTOOD THAT ANY FALSE INFORMATION OR DEVIATIONS FROM THE ORIGINAL DOCUMENTS WILL RENDER THE PERMIT ISSUED UNDER THIS APPLICATION NULL AND VOID, UNLESS APPROVED BY THE BUILDING DIRECTOR. THE PERMIT ISSUED UNDER THIS APPLICATION IS INVALID AFTER 180 DAYS. IF THE PROJECT IS NOT STARTED FOR WHICH THE PERMIT IS ISSUED, I AGREE TO CONFORM TO ALL BUILDING DIVISION REGULATIONS AND POLK COUNTY ORDINANCES REGULATING BUILDING AND ZONING.							
1. County Approved Road.				TERRACE go(R) Lot will be on your (L) See Attached.							
2. Setback Distances from all Property Lines.											
3. All Existing and Proposed Structures.											
4. North arrow Indicating Which Way is North.											
				ALSO, I HEREBY CERTIFY THAT IN THE EVENT ANY OF THE WORK CONTEMPLATED BY THIS PERMIT APPLICATION INVOLVES EXCAVATION AS DEFINED IN SECTION 553.851, FLORIDA STATUTES; THAT THE APPLICANT HAS COMPLIED WITH THE PROVISIONS OF SECTION 553.851 E.G., PARAGRAPHS (2) (A) AND (C). (SEE REVERSE SIDE FOR MORE INFORMATION.)							
				SIGNATURE OF CONTRACTOR AUTHORIZED AGENT OR OWNER							
				DATE							
				SWORN TO and subscribed before me							
				this _____ date of _____							
				Notary Public, State of Florida							
				My Commission Expires:							
ZONE CHECK		REQUIRED	RECEIVED	ZONE	C.T.	TAZ	Minimum Required Setbacks from Property Line		Side		
Zoned for M/H				R-3					15' / 7'		
Sewage Disposal LTR				LAND USE	C.B.	LINK			Rear		
County Approved Road				RS					7'		
Driveway				INSP. AREA	IMPACT DIST.				Front		
BASE FLOOD ELEVATION									15'		
CERTIFIED FLOOR ELEVATION											
PERMIT FEES											
ZONING	SETUP	ADD ELECT	MECH.	PLBG	GAS	FPA	DRIVEWAY	FIRE ASSESS	SOLID WASTE		
1300	7200	2000	1900	2500			6000				
COUNTY ROAD	COLLECTOR	EMS	CORRECTIONS	VESTED RIGHTS	PPD	OTHER	OTHER	TOTAL PAID			
						1000		21400			

PS's check 19700



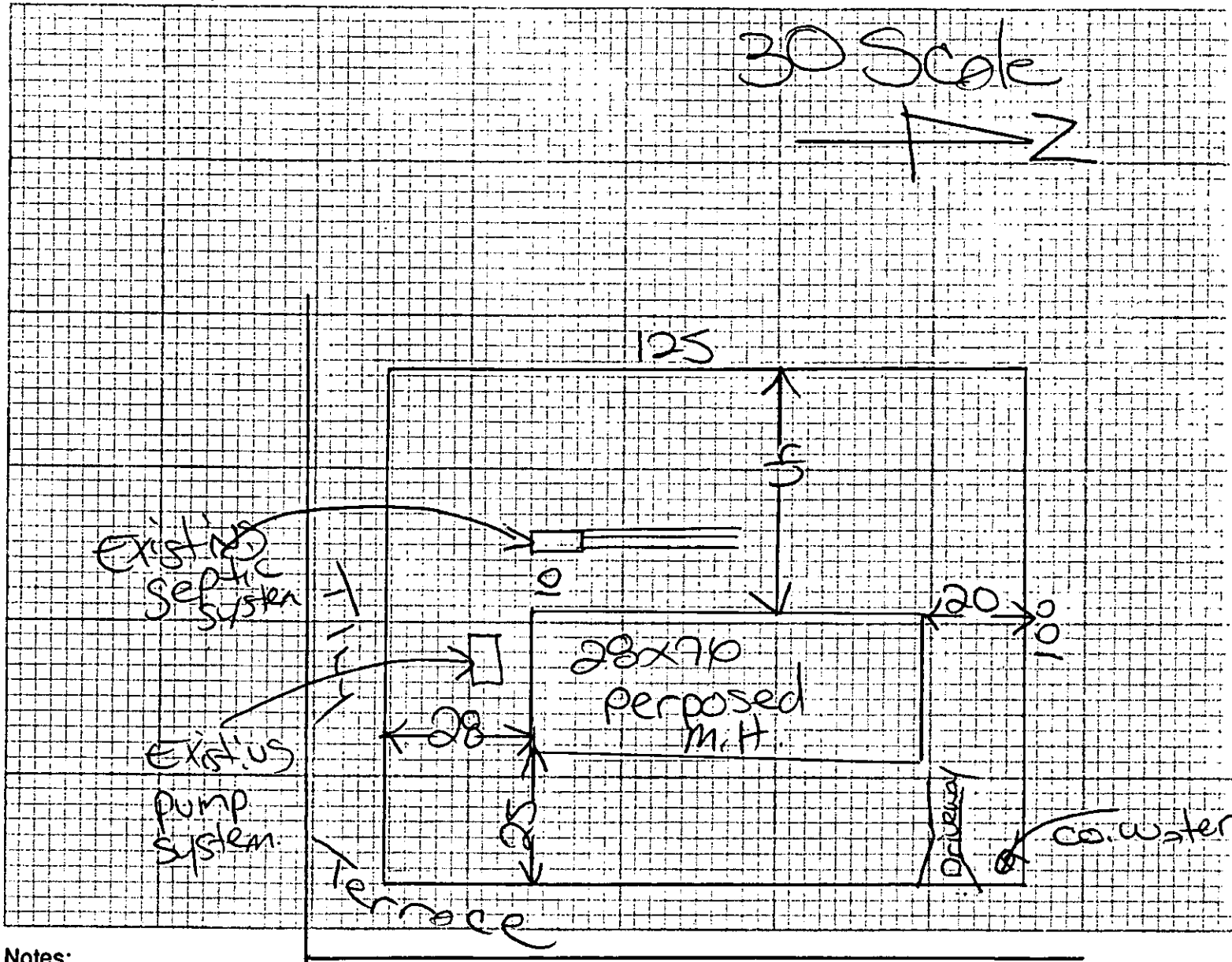
STATE OF FLORIDA
DEPARTMENT OF HEALTH

APPLICATION FOR ONSITE SEWAGE DISPOSAL SYSTEM CONSTRUCTION PERMIT

Permit Application Number _____

PART II - SITE PLAN -

Scale: Each block represents 5 feet and 1 inch = 50 feet.



Notes: _____

Site Plan submitted by: _____

Signature

Agent: _____

Title

Plan Approved _____

Not Approved _____

Date _____

By _____

County Health Department

ALL CHANGES MUST BE APPROVED BY THE COUNTY HEALTH DEPARTMENT

INSTR # 2004045915
BK 05697 PG 1651 PG(s) 1
RECORDED 03/09/2004 10:25:50 AM
RICHARD M WEISS, CLERK OF COURT
POLK COUNTY
RECORDING FEES 6.00
RECORDED BY B Morris

This Instrument Prepared By:

Name: JS's of Lakeland, Inc
Address: 250 US Hwy 92E Lakeland, FL
Permit No: 9805 33801

NOTICE OF COMMENCEMENT

STATE OF FLORIDA
COUNTY OF POLK

THE UNDERSIGNED hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. DESCRIPTION OF PROPERTY: (legal description of property, and street address if available) 212825000000031152
2416 Tiny Terrace Auburndale FL 33823
2. GENERAL DESCRIPTION OF IMPROVEMENT:
mobile home set up.
3. OWNER INFORMATION
A. Name and address: Russell Dunn
B. Interest in property: 2416 Tiny Terrace Auburndale, FL 33823
C. Name and address of fee simple title holder (if other than owner):
4. CONTRACTOR
A. Name and address: JR Griffith, P.O. Box 170
B. Phone number: 667-2636 Nichols, FL 33863
5. SURETY
A. Name and address: Poppel Insurance Inc
B. Amount of bond \$ 5000.00 P.O. Drawer 22 Plant City
C. Phone number: 33562
6. LENDER
A. Name and address:
B. Phone number:
7. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided in Section 713.13 (1) (a)7., Florida Statutes:
A. Name and address: N/A
B. Phone number:
8. In addition to himself, Owner designates the following person(s) to receive a copy of the Lienor's Notice as provided in Section 713.13 (1) (b), Florida Statutes:
A. Name and address: NTA
B. Phone number:
9. Expiration date of Notice of Commencement (the expiration date is 1 year from the date of recording unless a different date is specified):

Signature of Owner: Russell Dunn

Printed Name/Address: Russell Dunn
2416 Tiny Terrace Auburndale, FL 33823

Sworn to and subscribed before me by Russell Dunn who is
Personally known to me or produced FLDC as
identification, this 1 day of March 2004

SEAL:



TERESA LEAMON
NOTARY PUBLIC
COMMISSION # 00107702
EXPIRES May 28, 2006
Serving You Better Every Service

NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires

STATE OF FLORIDA, COUNTY OF POLK
This is to certify that the foregoing is a true
and correct copy of the document now
on record in this office. Witness my hand
and official seal on this day of

RICHARD M. WEISS, CLERK OF COURT

D.C.



Building Division



Board of County Commissioners

P.O. Box 9005
Drawer CS02
330 W. Church St.
Bartow, FL 33831

(863) 534-6080
SUNCOM 569-6080
FAX (863) 534-6016

OWNER AFFIDAVIT

TO OBTAIN POWER RELEASE PRIOR TO SKIRTING INSTALLATION

8805
PERMIT NUMBER

2416 Tiny Terrace
ADDRESS Auburndale FL 33823

I am the owner of a mobile home or park trailer which is being permitted for set up in Polk County, and I wish to personally assume responsibility for providing the skirting required by the County Land Development Code (LDC).

I understand that the LDC requires that mobile homes and park trailers be skirted, and that my unit will be checked, not sooner than sixty days after set up inspection approval, to assure that this requirement has been met. If skirting in conformance with County code has not been provided at this time, enforcement action may be taken.

Signed: _____

Russell Dunn

Owner

Russell Dunn

Print or Type Name

State of Florida, County of _____

Polk

The foregoing instrument was acknowledged before me this 1 day of March

2004, by Russell Dunn who is personally known to me or who has

produced FLDC (Type of ID) as identification

[Signature]
Signature of Notary Public
State of Florida

Teresa Leamon
Print, type or stamp name of Notary

My Commission Expires: _____

Notary Seal



TERESA LEAMON
MY COMMISSION # DD 107702
EXPIRES: May 28, 2008
Bonded Thru Budget Notary Service

k:\owneraffidavit.frm

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
DIVISION OF MOTOR VEHICLES

LICENSE YEAR

2003 - 2004

LICENSE NUMBER

DH 554 M

License

PJS DREAM HOME CENTER
2150 HWY 92 E
LAKELAND

FL 33801 - 0000

PJS OF LAKELAND INC
PJS DREAM HOME CENTER
2150 HWY 92 E
LAKELAND

FL 33801 - 0000

IMPORTANT NOTICE

FOR SECURITY REASONS, THE DEALER LICENSE CHECK DIGIT WILL NOT APPEAR ON YOUR DEALER LICENSE.

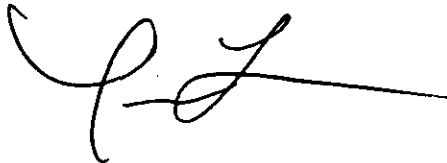
THE FOLLOWING CHECK DIGIT MUST BE USED WITH YOUR CURRENT LICENSE NUMBER IN ORDER TO PROCESS TITLE WORK, OR TO PURCHASE TEMPORARY TAGS AND DEALER PLATES AT THE TAG AGENCY.

THIS CHECK DIGIT IS A SECURITY FEATURE OF YOUR LICENSE. YOU ARE RESPONSIBLE FOR HOW AND WHEN IT IS USED.

YOUR CHECK DIGIT IS Z . THIS CHECK DIGIT IS VALID FOR THE PERIOD OF OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004 .

THIS CHECK DIGIT CAN ONLY BE REPLACED WITH AN APPLICATION FOR A NEW LICENSE AND APPROPRIATE FEES.

YOUR LICENSE NUMBER IS DH 554 M



TERESA LEAMON
MY COMMISSION # DD 107702
EXPIRES: May 28, 2006
Bonded Thru Budget Notary Services

Building Division



8805
P.O. Box 9005
Drawer CS02
330 W. Church St.
Bartow, FL 33831

(863) 534-6080
SUNCOM 569-6080
FAX (863) 534-6016

Board of County Commissioners

APPLICATION FOR EXEMPTION OF IMPACT FEES
() SCHOOL () COUNTY RD, EMS, CORRECTIONS

1. OWNER: Russell Dunn
2. ADDRESS: 2416 TIMY TERRACE AUBURNDALE FL 33823
3. PHONE NUMBER: (863) 667-2636
4. PROPERTY LOCATION: Same
5. SEC 01 TWN 28 RAN 25 SUB 000000 PARCELS 031152
6. DATE ORIGINAL ☒ MOBILE HOME () SFR REMOVED: 2-1-04
7. AUTHORIZED AGENT: PJ'S OF LAKE LAD, INC
8. AGENT'S MAILING ADDRESS: 2150 U.S. Hwy 92 E Lake Lad FL 33801
9. AGENT'S PHONE NUMBER: (863) 667-2636
10. DATE NEW MOBILE HOME/SFR PERMIT ISSUED: _____

CERTIFICATION FORM OWNER/AUTHORIZED AGENT

I hereby affirm that the above information is correct and complete to the best of my knowledge.

3-9-04
DATE

[Signature]
SIGNATURE OF OWNER/AGENT
Tevesa Leamon

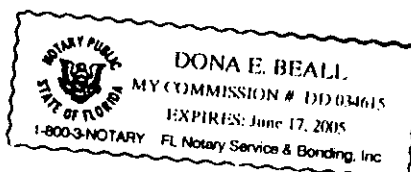
Subscribed and sworn to before me this 9th day of
March, 20 04.

[Signature: Dona E. Beall]
NOTARY PUBLIC, STATE OF FLORIDA

My Commission Exp: 6-17-05

(☒) IS () IS NOT PERSONALLY KNOW TO ME
IDENTIFIED BY: _____

Rev 01/06/04



Polk	CHD Date: 1-30-04
Polk	CHD Date: 1-30-04

CONSTRUCTION [~~APPROVE~~ DISAPPROVE]

EXPLANATION OF VIOLATIONS:

TANK INSTALLATION	[01]	TANK SIZE [1]	960
	[02]	TANK MATERIAL	
	[03]	OUTLET DEVICE	
	[04]	MULTI-CHAMBERS	
	[05]	LEGEND	EX
	[06]	WATERTIGHT	
	[07]	LEVEL	
	[08]	DEPTH OF LID	
DRAINFIELD INSTALLATION	[09]	AREA [1] 365 [2]	
	[10]	DISTRIBUTION BOX/HEADER	3
	[11]	NUMBER OF DRAINFINES	
	[12]	DRAINLINE SEPARATION	
	[13]	DRAINLINE SLOPE	
	[14]	DEPTH OF COVER	
	[15]	SYSTEM ELEVATION	08 Above
	[16]	SYSTEM LOCATION	
	[17]	DOSING PUMPS	
	[18]	AGGREGATE SIZE	
	[19]	AGGREGATE SOURCE	
	[20]	AGGREGATE WASHED	
	[21]	AGGREGATE DEPTH	
FILL/EXCAVATION MATERIAL	[22]	FILL AMOUNT	
	[23]	FILL TEXTURE	
	[24]	EXCAVATION DEPTH	
	[25]	EXCAVATION AREA	
	[26]	REPLACEMENT MATERIAL	
SETBACKS	[27]	SURFACE WATER	
	[28]	DITCHES	
	[29]	PRIVATE WELLS	
	[30]	PUBLIC WELLS	
	[31]	IRRIGATION WELLS	
	[32]	POTABLE WATER LINES	
	[33]	BUILDING FOUNDATION	
	[34]	PROPERTY LINES	
	[35]	OTHER	
FILLED/MOUND SYSTEM	[36]	DRAINFIELD COVER	
	[37]	SHOULDERS	
	[38]	SLOPES	
	[39]	STABILIZATION MATERIAL	
ADDITIONAL INFORMATION	[40]	UNOBSERVED AREA	
	[41]	STORMWATER RUNOFF	
	[42]	ALARMS	
	[43]	MAINTENANCE AGREEMENT	
	[44]	BUILDING AREA	
	[45]	PLUMBING FIXTURES	
	[46]	FINAL SITE GRADING	
	[47]	CONTRACTOR	
	[48]	OTHER	
ABANDONMENT	[49]	TANK PUMPED	
	[50]	TANK CRUSHED AND FILLED	

965-5500

CHECKED (X) ITEMS ARE NOT IN COMPLIANCE WITH CHAPTER 64E-6, FLORIDA ADMINISTRATIVE CODE.

PROPERTY ID #: 21-28-25000000031152 [OR TAX ID NUMBER]

[Section/Township/Range/Parcel No.]

LOT: 352 BLOCK: N/A SUBDIVISION: N/A

PROPERTY STREET ADDRESS: 2416 TINY TERRACE Auburndale FL 33823 4838

APPLICANT: DUNN, RUSSELL
AGENT: LEAMON, LEAMON TERESA

CENTRAX #: 53-SL-18861
DATE PAID: 1-29-04
FEE PAID: \$ 25.00
OSTDSNBR: 04-0281-E

STATE OF FLORIDA
DEPARTMENT OF HEALTH
ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
CONSTRUCTION INSPECTION AND FINAL APPROVAL





STATE OF FLORIDA
DEPARTMENT OF HEALTH
ONSITE SEWAGE DISPOSAL SYSTEM
APPLICATION FOR CONSTRUCTION PERMIT

18861

PERMIT NO. 04-0281-E
DATE PAID: 1-29-04
FEE PAID: 25.00
RECEIPT #: 22301
CR 19715

APPLICATION FOR:

[] New System [X] Existing System [] Holding Tank [] Innovative
[] Repair [] Abandonment [] Temporary []

APPLICANT: Russell Duin

AGENT: Tereso Leana

TELEPHONE: 559-8124

MAILING ADDRESS: 2150 U.S. Hwy 92 E Lakeland, FL 33801

TO BE COMPLETED BY APPLICANT OR APPLICANT'S AUTHORIZED AGENT. SYSTEMS MUST BE CONSTRUCTED BY A PERSON LICENSED PURSUANT TO 489.105(3)(m) OR 489.552, FLORIDA STATUTES.

PROPERTY INFORMATION

352 thru 356 LOT: BLOCK: SUBDIVISION: Unrecorded mobile Home Village PLATTED: —

PROPERTY ID #: 212825000000031152 ZONING: Res I/M OR EQUIVALENT: [Y / N]

PROPERTY SIZE: 0.28 ACRES WATER SUPPLY: [] PRIVATE PUBLIC [X] <=2000GPD [] >2000GPD

IS SEWER AVAILABLE AS PER 381.0065, FS? [Y] [X] N DISTANCE TO SEWER: — FT

PROPERTY ADDRESS: 2416 Tiny Terrace Auburndale FL 33823-4828

DIRECTIONS TO PROPERTY: Hwy 92 to Reynolds Rd go(L) to Main St go(L) to Sun Acres Blvd go(L) to King go(R) to Thompson go(L) to Tiny Terrace go(R) to lot 15 on the (L)

BUILDING INFORMATION

[X] RESIDENTIAL [] COMMERCIAL

Unit No	Type of Establishment	No. of Bedrooms	Building Area Sqft	Commercial/Institutional System Design Table 1, Chapter 64E-6, FAC
1	mobile Home	Replacing		
2		28x76 = 2128		
3		4626		
4		with A 28x76 = 2128	4626	

[X] Floor/Equipment Drains [] Other (Specify) Normal

SIGNATURE: DATE: 1-29-04



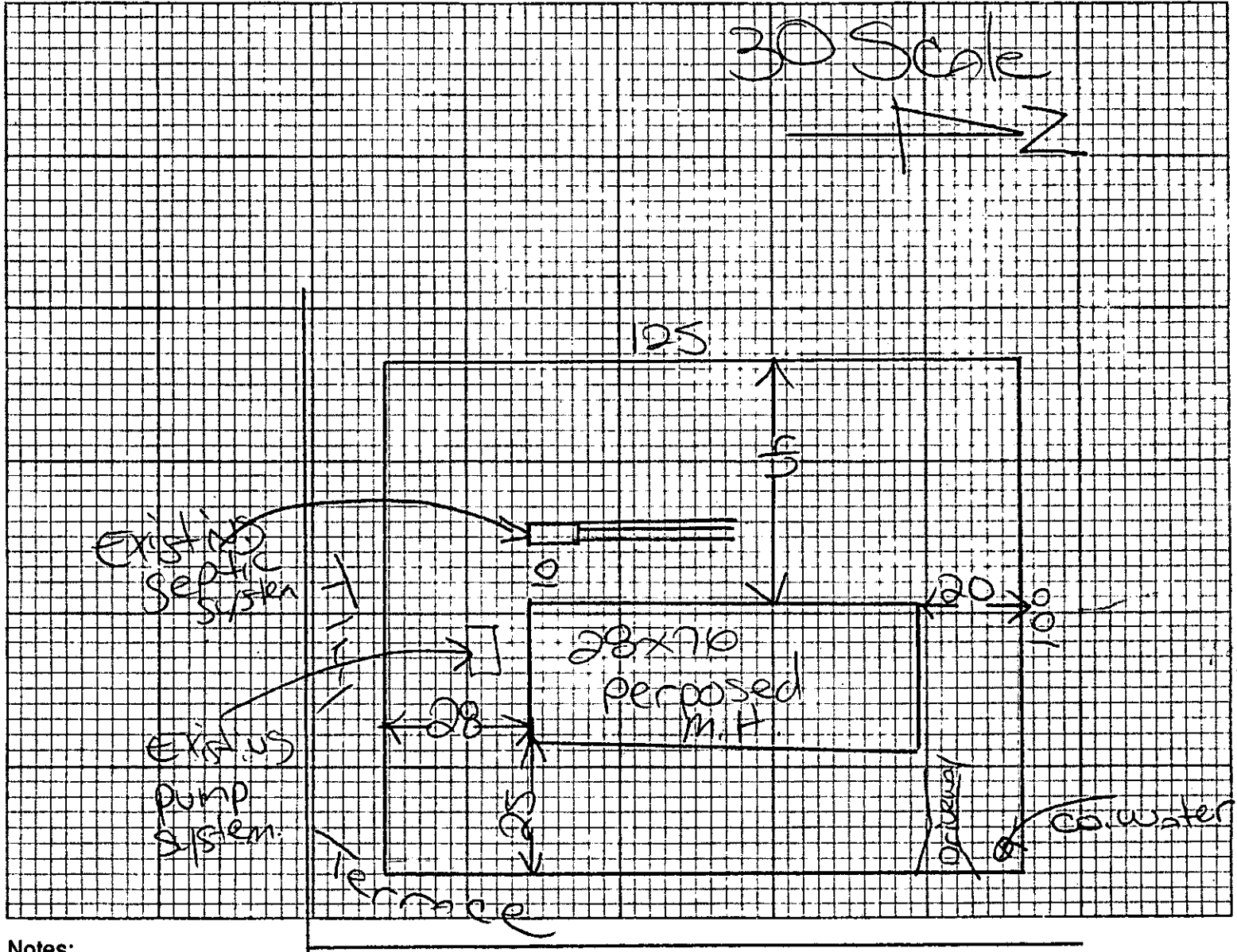
STATE OF FLORIDA
DEPARTMENT OF HEALTH

APPLICATION FOR ONSITE SEWAGE DISPOSAL SYSTEM CONSTRUCTION PERMIT

Permit Application Number 04/2016

PART II - SITE PLAN

Scale: Each block represents 5 feet and 1 inch = 50 feet.



Notes:

Site Plan submitted by: [Signature]

Signature

[Signature]
Title

Plan Approved [Checkmark]

Not Approved _____

Date 1/30/01

By [Signature]

P. J. C.

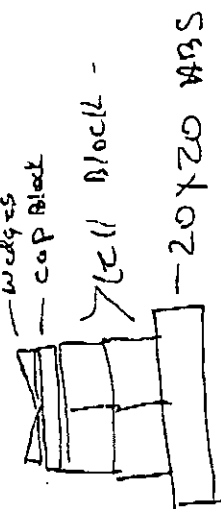
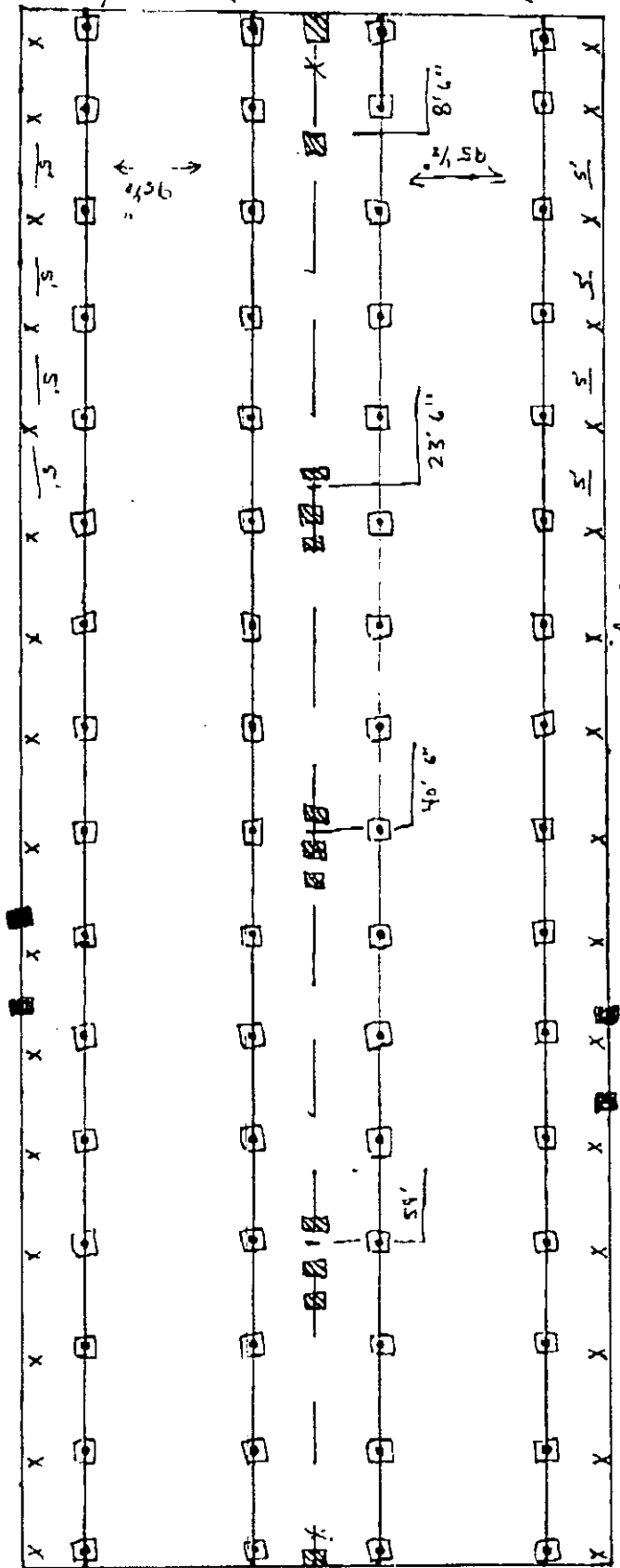
County Health Department

ALL CHANGES MUST BE APPROVED BY THE COUNTY HEALTH DEPARTMENT

8805.

8805

17521011



- X - Anchor
- - Longitudinal Anchor
- - Frame Piece
- - Door Piece
- ▨ - Centerline Piece

2004 Fleetwood
28470

3-9-04
not review
DB

Assumed	1500	5 ft on center	20 x 20 WBS	Per Manual
---------	------	----------------	-------------	------------

12.35

POCKET PENETROMETER TEST RESULTS

PROPERTY LOCATION:

2416 Tiny Terrace
Auburndale FL 33823

Test Location #1

1500 psf

X

Test Location #2

1500 psf

X

Test Location #3

1500 psf

X

- Test the perimeter of the home at six (6) locations
- Take the reading at the depth of the footer
- Using 500 LB increment, take the lowest reading and round down to that increment.

X

Test Location #4

1500 psf

X

Test Location #5

1500 psf

X

Test Location #6

1500 psf

Soil bearing capacity used to determine pier layout: 1500 psf

I hereby certify that the above is a true and accurate representation of pocket penetrometer test results taken by me at the above referenced location on

3 1 04
Month / Day / Year

JR Grice

Name (Please Print)

JR's mobile home set up.

Employer

[Signature]

Signature

IMPERIAL POLK COUNTY
P O BOX 9005
BARTOW, FL 33831-9005
BUILDING DIVISION
BUILDING DEPARTMENT
PERMIT

4/2/04

PERMIT #:	8805	AP TYPE: MH	ISSUE DATE: 03/09/2004
INSPECTION AREA:	10		APPLIED DATE: 03/09/2004
JOB LOCATION:	2416 TINY TER WINTER HAVEN, FL 33880-		
SUBDIVISION:			
PARCEL #:	252821-000000-031152		
WORK TYPE:	MOBILE HOME/B_MH		
JOB DESCRIPTION:	Mobile Home Replacement 2004 DW 28x76 Fleetwood		
PRIMARY APPLICANT:	GRIFFITH MOBILE HOME SERVICE		
DOING BUSINESS AS:	GRIFFITH MOBILE HOME SERVICE		
PHONE:	863-640-9208 x		
CELL PHONE:			
LOCATION/ADD INFO:	NORTH ON HWY 98 TO COMBEE RD, GO RIGHT TO MAIN ST, RIGHT INTO AUBURNDALE TO SUN ACRES BLVD, LEFT TO KING, GO RIGHT TO THOMPSON, LEFT TO TINY TERRACE TO 2416 TINY TERRACE..		

SUB-PERMIT

<u>PT</u>	<u>CONTR ID</u>	<u>DBA</u>
MHOME	8012	GRIFFITH MOBILE HOME SERVICE
ELEC	2905	LILLEY AIR CONDITIONING(ELECT)
AC_B	175	LILLEY AIR CONDITIONING (CA/C)

INSPECTIONS

<u>INSP TYPE</u>	<u>CODE AND DESCRIPTION</u>	<u>STATUS</u>	<u>INSP BY</u>	<u>SCHEDULE DATE</u>
988: MOBILE HOME SKIRTING	99NC NCD3764			04/02/2004
988: MOBILE HOME SKIRTING	0000: NOTE TO INSPECTOR SKIRTING NOT COMPLETE.			
501: DRIVEWAY PREPOUR		PASSED 3/30/04	ADAMS	03/30/2004
988: MOBILE HOME SKIRTING	80: VIOLATION/YELLOW TAG/NO FEE	FAILED 3/29/04	DENMARK	03/29/2004
988: MOBILE HOME SKIRTING	0000: NOTE TO INSPECTOR SKIRTING NOT COMPLETE.	FAILED 3/29/04	DENMARK	
987: MOBILE HOME SETUP		PASSED 3/25/04	HERWOOD	03/25/2004
987: MOBILE HOME SETUP	85: INSPECTOR RESET	CANCELLED 3/24/04	HERWOOD	03/24/2004



Polk County
Polk County Land Use Hearing Officer

Agenda Item

7/25/2024

SUBJECT

LDLVAR-2024-25 (International Bass Lake Resort - Foley Variance)

DESCRIPTION

The applicant is seeking a reduction to the right of way setback from fifteen (15) feet to six (6) feet for a deck and a reduction from fifteen (15) feet to four (4) feet for carport. The subject site is located 50989 Hwy 27 Lot 219, south of Sunfish Ct, west of Lake Trout Ct, north of International Bass Blvd, Davenport, in Section 12, Township 25, and Range 26.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Aleya Inglima

Planner II

Land Development Division

(863) 534-6764

aleyainglima@polk-county.net

POLK COUNTY LAND USE HEARING OFFICER STAFF REPORT

DRC Date:	June 15, 2024	CASE #:	LDLVAR-2024-25 (International Bass Lake Resort - Foley Variance)
LUHO Date:	July 25, 2024	LDC Section:	PUD 86-19

Request: The applicant is seeking a reduction to the right of way setback from fifteen (15) feet to six (6) feet for a deck and a reduction from fifteen (15) feet to four (4) feet for carport.

Applicant: Michael Foley

Property Owner: Michael P Foley, Kathleen M Foley

Location: 50989 Hwy 27 Lot 219, south of Sunfish Ct, west of Lake Trout Ct, north of International Bass Blvd, Davenport, in Section 12, Township 25, and Range 26.

Parcel ID#: 262512-488053-002190

Size: ±0.09 acres

Land Use Designation: Residential Low-1X (RL-1X) within PUD 86-19 (International Bass Lake Resort) and North US 27 Selected Area Plan (SAP)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is seeking a reduction to the right of way setback from fifteen (15) feet to six (6) feet for a deck and a reduction from fifteen (15) feet to four (4) feet for carport. By constructing a deck, the structure becomes a part of the primary residence and must adhere to the fifteen (15) foot right of way setback. The proposed request necessitates public hearing and approval from the Land Use Hearing Officer (LUHO), in accordance with Chapter 9, Section 931 of the Land Development Code (LDC).

Located within the Residential Low-1X (RL-1X)) land use district and the North US 27 Selected Area Plan (SAP), the subject property is Lot 219 within Phase 1 of International Bass Lake Resort (PUD 86-19). While the RL-1X requires a minimum lot size of 40,000 square feet, the development was established with significantly smaller lots through an approved Planned Unit Development (PUD) intended for recreational vehicles (RVs) in phase 1. On May 3, 1994, the Board granted approval for a Major Modification of Final and Tentative Approval of Phase I & II to allow a change from RV's to conventionally constructed homes and mobile homes for Phase I

and increase minimum lot size to 5,000 square feet and conventional construction only for Phase II. The modification to the PUD was later approved to permit the placement of mobile homes but did not reduce setbacks.

Since the modification of the PUD, the development has seen an increase in mobile homes being placed on lots within the International Bass Lake Resort PUD. As a result, many property owners desiring to construct additions to their homes within PUD 86-19 realize the need to request a variance because of the limited space, setback requirements, and easements relative to the small lot sizes. The applicant's request for six (6) feet for a deck and four (4) feet for carport will leave enough room to ensure adequate maintenance in the future and no encroachments into the neighbor's property.

Staff recommends approval of LDLVAR-2024-25 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** as many homes in this community have carports and structures the same distance as the new owner is proposing. The six (6) feet for a deck and a reduction to four (4) feet for the carport will leave adequate space for property maintenance and will also ensure no encroachments into the neighbor's property. Building and fire code separations will still be met as the proposed structure is not for habitable purposes.
- The **special conditions and circumstances present in the request do not result from the actions of the applicant** because phase 1 was originally intended for RVs but later evolved into mobile homes. The unique shape of the lot makes it difficult to meet the PUD setbacks.

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-2024-25.**

CONDITIONS OF APPROVAL:

1. A variance to the standards established within PUD 86-19 shall be granted to reduce he right of way setback from fifteen (15) feet to six (6) feet for a deck and a reduction from fifteen (15) feet to four (4) feet for carport All further additions or structures placed on the property shall be required to meet the requirements PUD-86-19 or be granted approval via another variance from the Land Use Hearing Officer.
2. 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.
3. 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;*

According to the subdivision plat (Plat Book 87, Page 16), there is a five-foot utility easement along the rear and side lot line of each lot. Granting this variance, as conditioned, is in accordance with the general intent and purpose of the Code. The request will not be injurious to the area or detrimental to the public welfare because it is similar to other mobile homes in the development and it does not encroach on any easement or utility line. There will also be adequate space to allow for maintenance between the property lines and the proposed addition.

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;*

Although the subject lot size is typical for the approved PUD, Phase 1 of the development began as an RV park and later evolved into a mobile home subdivision. However, the developable space did not change and as a result, area for additional structures on the lots are limited. The subject property is Lot 219 of International Bass Lake Resort Phase 1 and is approximately (± 0.09 acres). As previously noted, the minimum lot size within the RL-1X requires a minimum lot size of 40,000 square feet (± 0.92 acres), much larger than the subject development. This phase of International Bass Lake Resort also requires a ten (10) foot rear setback and a five (5) foot side setback. The property was acquired by the applicant in September of 2016 via a warranty deed. Many property owners within PUD 86-19 desiring to construct additions to their residences may also realize the need to request

a variance for their proposed structure because of the limited space, setback requirements, and easements within the development.

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

The relatively large setbacks and easements on small lots established within this development were not actions of the individual property owners. The approved modification to the PUD on May 3, 1994, allowed placement of mobile homes with no relief to the setbacks. The property was acquired by the applicant in September of 2016 via a warranty deed.

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;*

Screen rooms, carports, and open covered patios are common in this development and variances are typically needed for their construction.

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

Phase 1 of the development was originally intended for recreational vehicles only. The addition of permanent dwellings such as double-wide mobile homes severely limit the amount of space for any additions. If approved, the applicant will remain six (6) feet for a deck and four (4) feet for carport from the 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 proposed structure is considered a part of the primary residence. Therefore, the request will remain residential and does not result in a change of land use.

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 that does not meet the requirements of the Code. This variance request will not change the size, shape, or use of the property.

8. *Whether that the granting of the variance does not circumvent a condition or the intent of a condition placed on a development by the Planning Commission or the BoCC.*

Chapter 9, Section 930.B.13 of the LDC allows relief to requirements within approved Planned Unit Developments via an approved variance, specifically linear distances, and height.

Surrounding Future Land Use Designations and Existing Land Use Activity:

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

Northwest: Subject Property: PUD 86-19 RL-1X International Bass Lake Resort Phase 1, Lot 226 Mobile Home	North: Subject Property: PUD 86-19 RL-1X International Bass Lake Resort Phase 1, Lot 227 Mobile Home	Northeast: Subject Property: PUD 86-19 RL-1X International Bass Lake Resort Phase 1, Lot 252 Mobile Home
West: Subject Property: PUD 86-19 RL-1X International Bass Lake Resort Phase 1, Lot 220 Mobile Home	Subject Property: PUD 86-19 RL-1X International Bass Lake Resort Phase 1, Lot 219 Mobile Home	East: Subject Property: PUD 86-19 RL-1X International Bass Lake Resort Phase 1, Lot 253 Mobile Home
Southwest: Subject Property: PUD 86-19 RL-1X International Bass Lake Resort Phase 1, Lot 220 Mobile Home	South: Subject Property: PUD 86-19 RL-1X International Bass Lake Resort Phase 1, Lot 218 Mobile Home	Southeast: Subject Property: PUD 86-19 RL-1X International Bass Lake Resort Phase 1, Lot 254 Mobile Home

The subject property has a Future Land Use district of Residential Low-1X (RL-1X) within the Transit Supportive Development Area (TSDA) and the North US 27 Selected Area Plan (SAP). The subject site is surrounded by mobile homes. However, the International Bass Lake Resort PUD (86-19) is comprised of RVs and mobile homes, some with covered carports, canopies, and other additions. There have been other variance approvals in this subdivision but specific record information is not available. Based on the surrounding neighborhood, a recent site visit, and the variance application provided by the applicant, staff believes that the proposed variance is compatible with the surrounding development.

Comments from other Governmental Agencies:

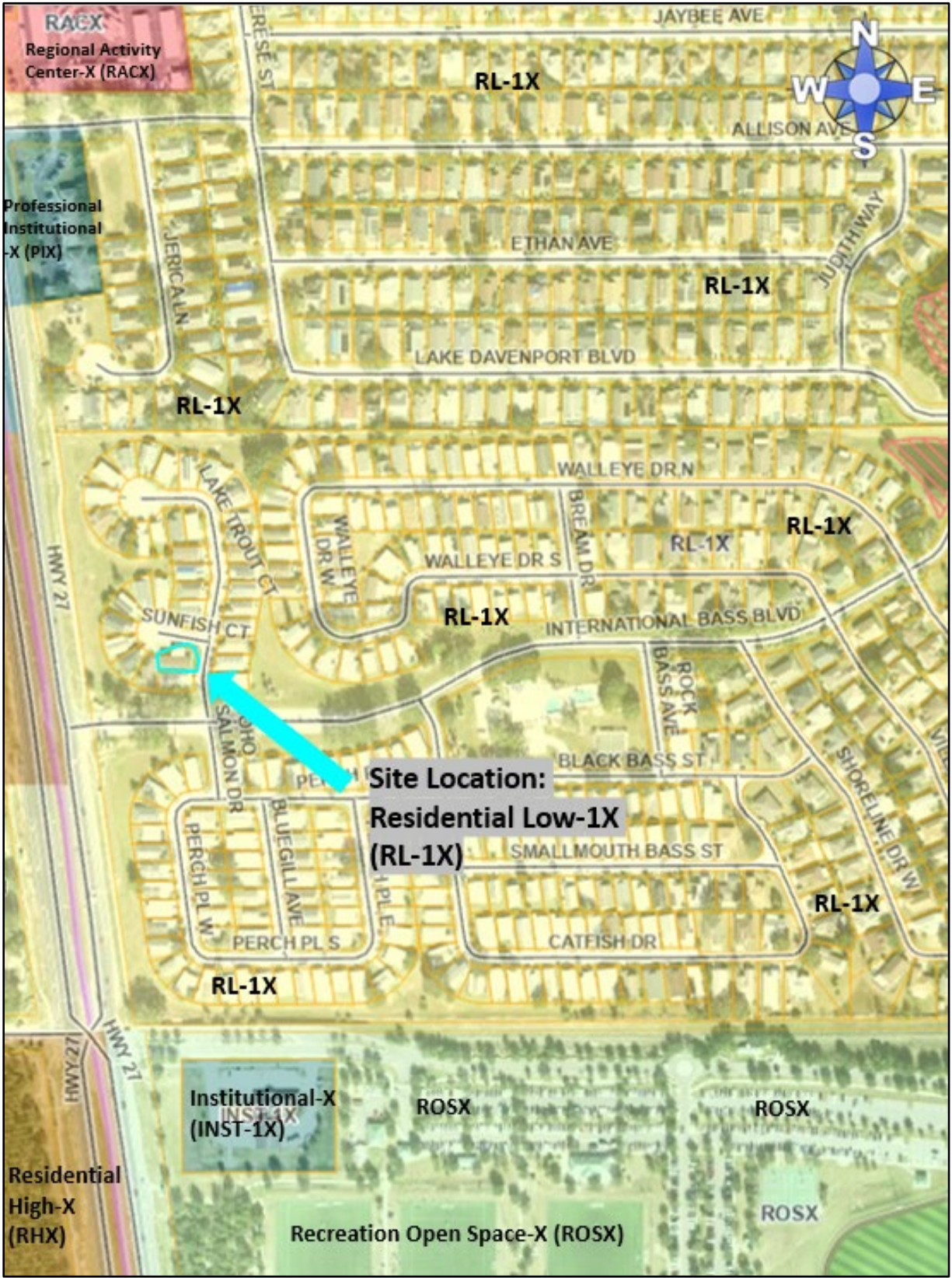
None.

Exhibits:

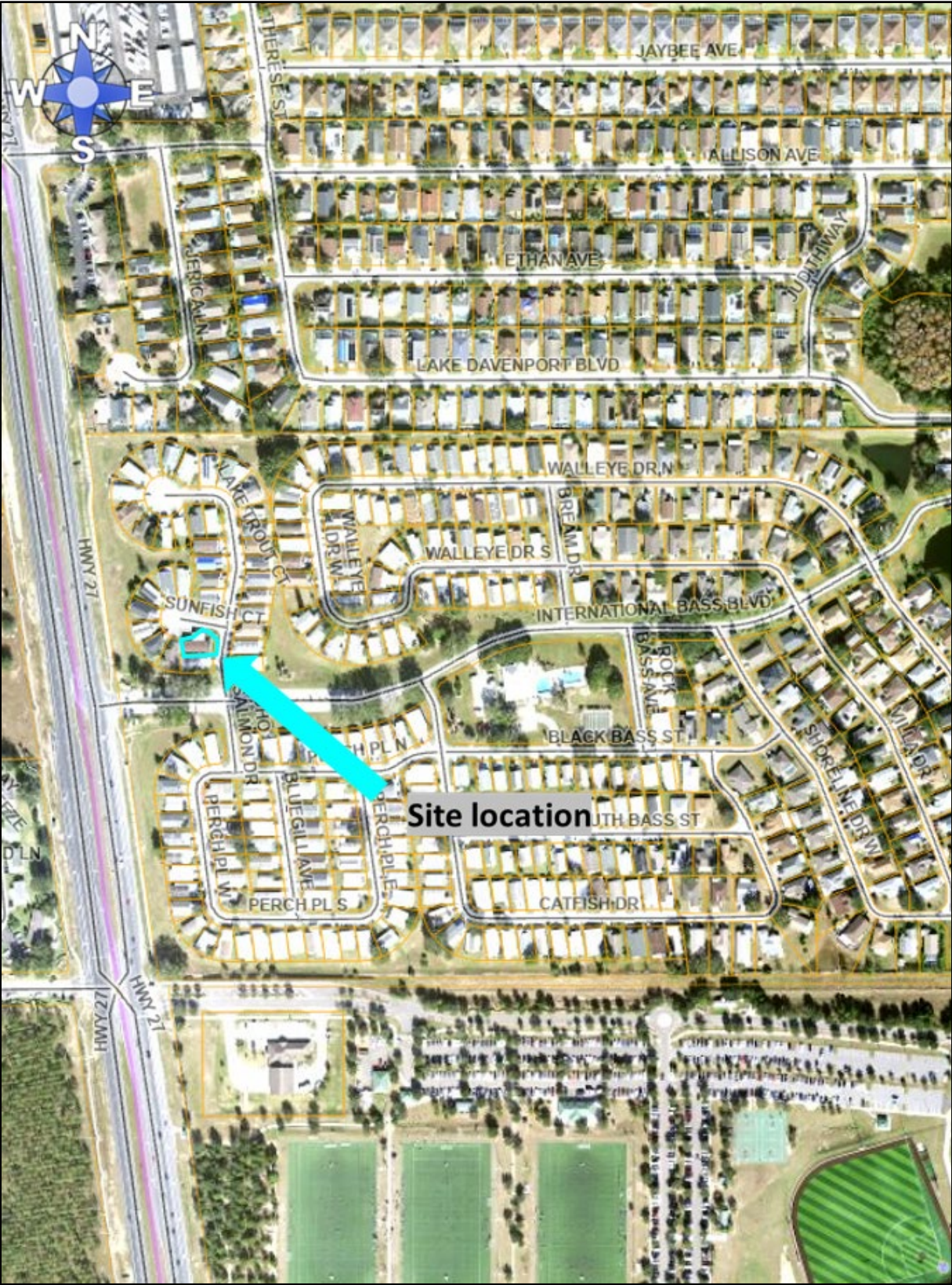
Exhibit 1 –Location Map
Exhibit 2 – Future Land Use
Exhibit 3 – Aerial Context
Exhibit 4 – Aerial Close-up
Exhibit 5 – Applicant Site Plan
Exhibit 6 – Applicant’s Justification
Exhibit 7 – International Bass Lake Resort Phase 1



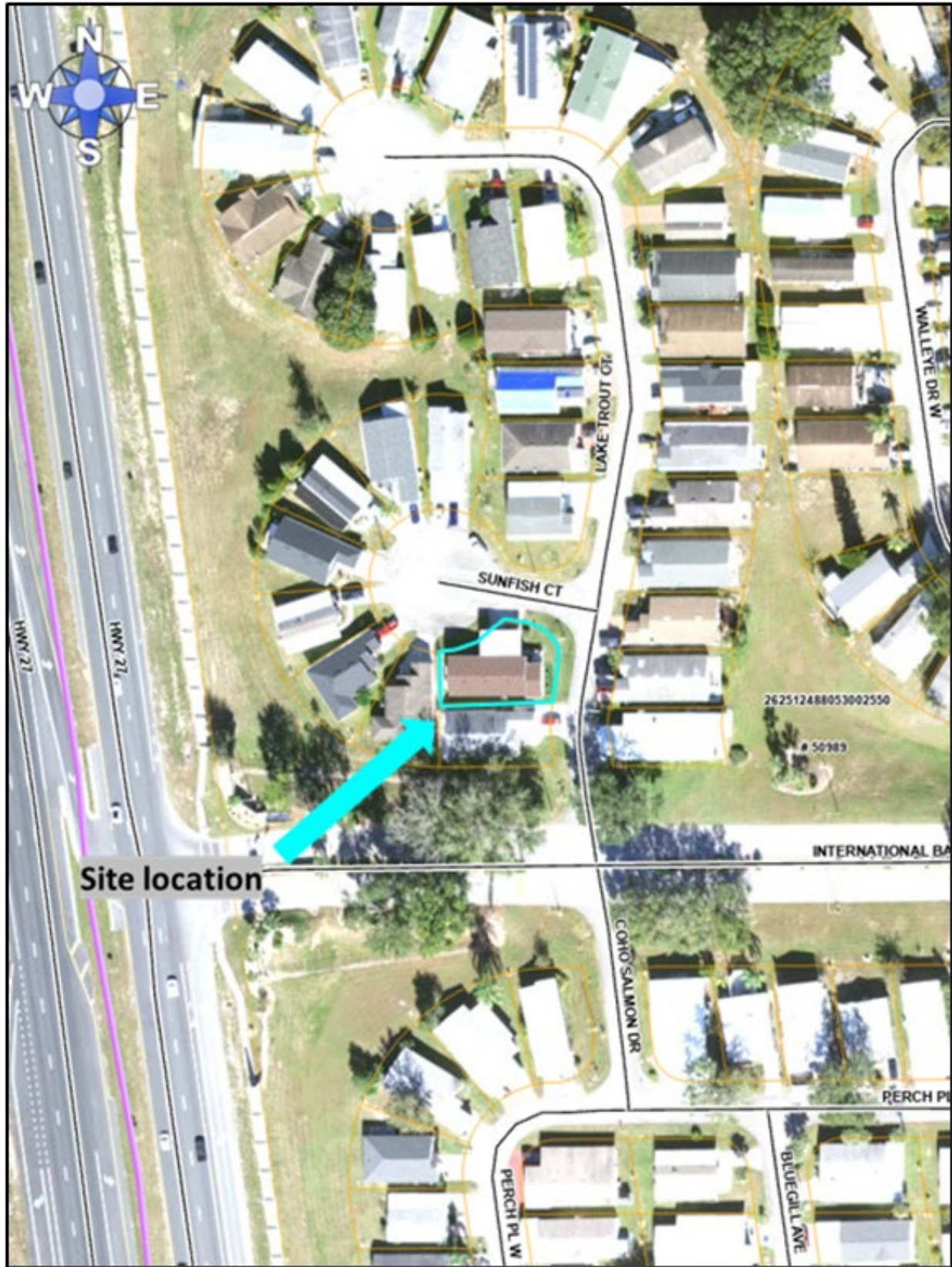
Location Map



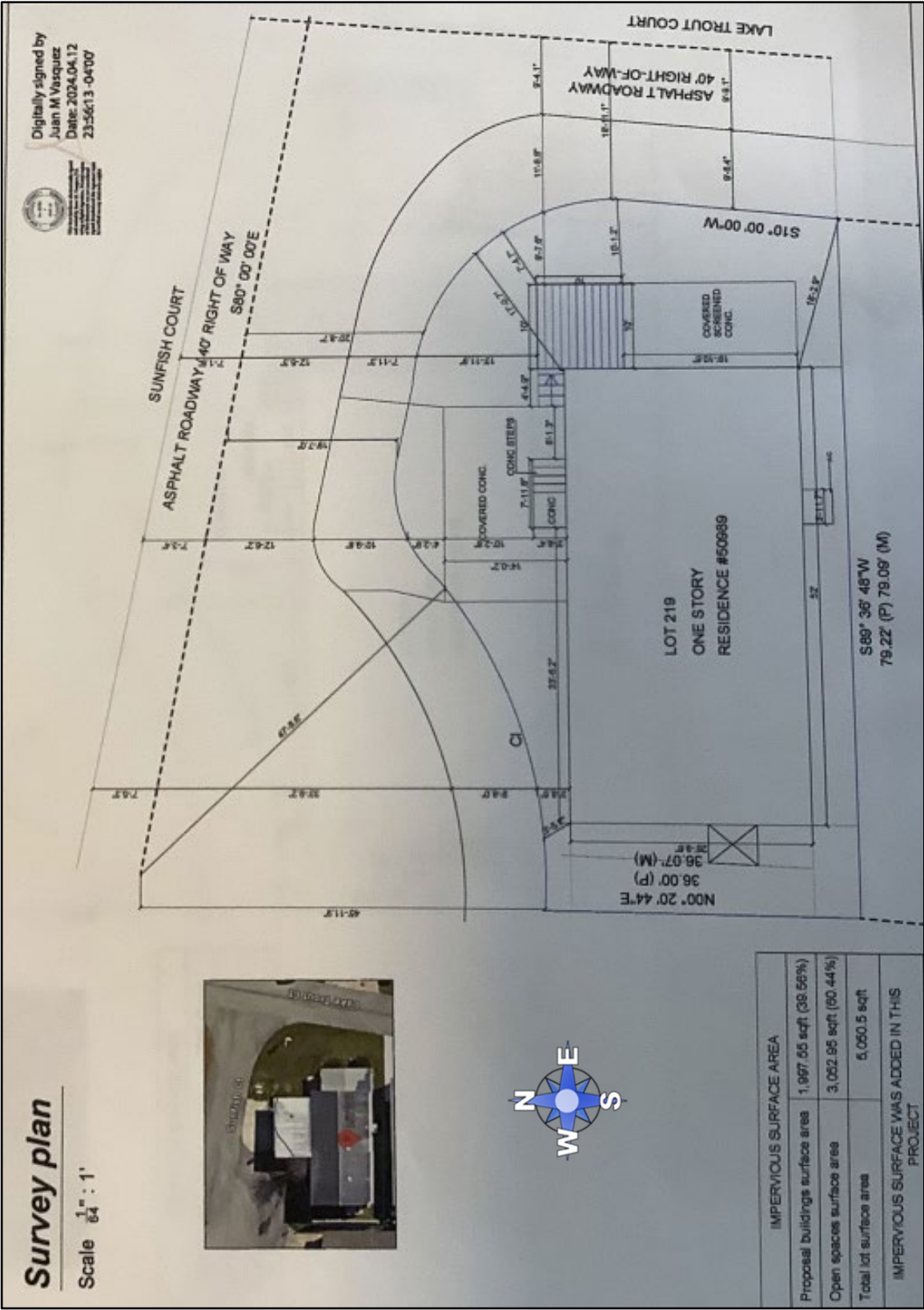
Future Land Use Map



Aerial Context



Aerial Close-Up



Site Plan

**CRITERIA FOR GRANTING
VARIANCE**

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

No

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

The shape of the lot is circular.

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

2016

What is the hardship if the variance is not approved?

Financial loss of investment.

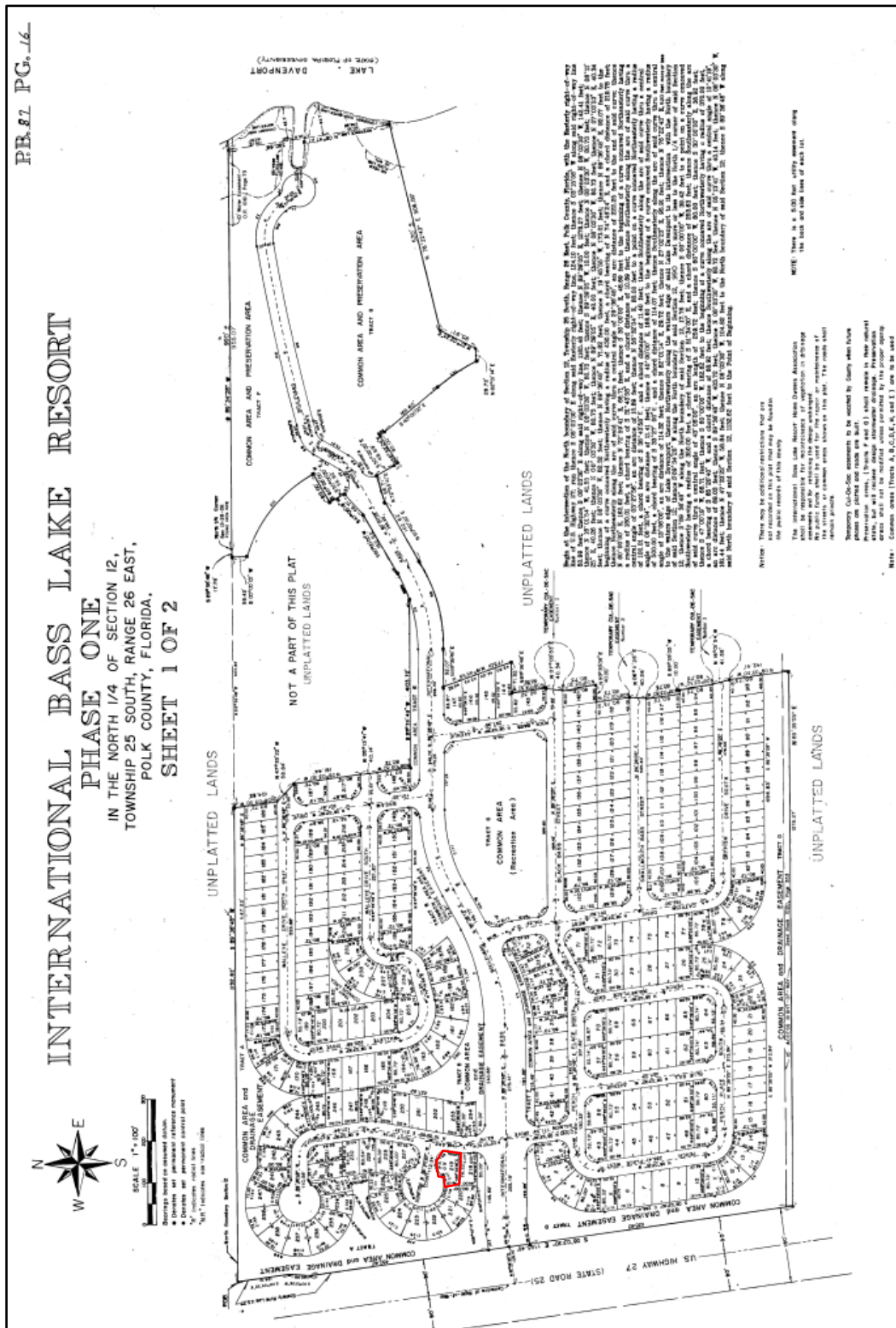
Is this the minimum variance required for the reasonable use of the land?

Yes,

Do you have Homeowners Association approval for this request?

Yes. Approval uploaded into case file.

Applicant's Justification



International Bass Lake Resort Phase 1 Plat

LDLVAR-2024-25 - Foley Variance

Menu Reports Help

Application Name: [Foley Variance](#)
File Date: [04/18/2024](#)
Application Type: [LUHO - Variance](#)
Application Status: [Approved For Hearing](#)

Application Comments:	View ID	Comment	Date
-----------------------	---------	---------	------

Description of Work: [setback variance](#)
Application Detail: [Detail](#)

Address: [50989 HWY 27, #219 DAVENPORT, FL 33897](#)
Parcel No: [262512488053002190](#)
Owner Name: [FOLEY MICHAEL P](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Michael Foley		Applicant	Mailing, 50989 US High...	Active
	Michael Foley		Contact		Active

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

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
—
Acreage
[0.09](#)
DRC Meeting
[06/15/2024](#)
Rescheduled DRC Meeting Time
—
Number of Units
—
Is this Polk County Utilities
—
FS 119 Status
[Non-Exempt](#)

PUBLIC HEARINGS
Development Type
[Land Use Hearing](#)
[Officer](#)
Variance Type
[Dimensions](#)
[Table](#)
Affordable Housing
Application Type
[Variance](#)
Brownfields Request
—

ADVERTISING
Advertising Board
[Land Use Hearing](#)
[Officer](#)
Legal Advertising Date
—

MEETING DATES
LUHO Hearing Date
[07/25/2024](#)

ALCOHOL BEVERAGE DIST REQ

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?
[The shape of the lot is circular.](#)

When did you buy the property and when was the structure built? Permit Number?
[2016](#)

What is the hardship if the variance is not approved?
[Financial loss of investment.](#)

Is this the minimum variance required for the reasonable use of the land?
[Yes.](#)

Do you have Homeowners Association approval for this request?
[Yes. Approval uploaded into case file.](#)

LD_GEN_BOA_EDL
[Opening DigEplan List...](#)
DigEplan Document List
[Open](#)

PLAN REVIEW FIELDS
TMPRecordID
[POLKCO-REC24-00000-00E1R](#)
RequiredDocumentTypesComplete
[Yes](#)

DocumentGroupforDPC
[DIGITAL PROJECTS LD](#)
RequiredDocumentTypes
- Activate DPC
AdditionalDocumentTypes
[Applications, AutoCad File, Binding, Site Plans, \(PDs, Yes and CUs\), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion](#)
DigitalSigCheck
[Yes](#)

Activate FSA
[Yes](#)

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
LUHO	2	40	07/08/2024	07/09/2024	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	05/10/2024	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irvén	Approve	05/10/2024	Phil Irvén
	Planning Review	Aleya Inglima	Approve	05/17/2024	Aleya Inglima
	Review Consolidation	Lisa Simons-Iri...	Approved for...	05/20/2024	Lisa Simons-Iri...
	Public Notice				
	Hearing Officer				
	Final Order				
	Archive				

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments	

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
-----------------------	-----------------	-----------------	-----------	--------	----------

From: [Joseph R](#)
To: [Irizarry, Lisa](#)
Subject: [EXTERNAL]: Re: FW: LDLVAR-2024-25 Foley Variance
Date: Monday, July 15, 2024 12:16:52 PM

OK BY ME
JOSEPH RYZAK
218 LAKE TROUT CT OR
50989 HIGHWAY 27 LOT 218

DAVENPORT FL 34897

On Mon, Jul 15, 2024 at 11:53 AM Irizarry, Lisa <LisaIrizarry@polk-county.net> wrote:

See email below

Lisa Irizarry

Development Coordinator II

Polk County Board of County Commissioners

Office of Planning & Development | Land Development Division

330 West Church Street

Bartow, FL 33830

863-534-7652

LisaIrizarry@polk-county.net



"Individual commitment to a group effort, that is what makes a team work, a company work, a society work, a civilization work." - Vince Lombardi

From: Irizarry, Lisa
Sent: Monday, July 15, 2024 11:42 AM

To: joseph.ryzak@mgc.com

Subject: LDLVAR-2024-25 Foley Variance

Good day,

Per our phone conversation, I have attached the documents submitted for the Foley Variance. I have also included staff's case overview for this case. Should you need more information on this case you can contact the Planner assigned to this case Aleya Inglima at 863-534-6764. If you have any objection or support, you can email me and I will attach it as part of the record for the hearing.

Kind Regards,

Lisa Irizarry

Development Coordinator II

Polk County Board of County Commissioners

Office of Planning & Development | Land Development Division

330 West Church Street

Bartow, FL 33830

863-534-7652

Lisalrizarry@polk-county.net



"Individual commitment to a group effort, that is what makes a team work, a company work, a society work, a civilization work." - Vince Lombardi



Polk County
Polk County Land Use Hearing Officer

Agenda Item

7/25/2024

SUBJECT

LDLVAR-2024-27 (Lunn Road Liquor Store)

DESCRIPTION

Prem Luitel, with the permission of Saskatchewan Georgia LP, requests a variance to allow separation reduction for an Alcohol Package Store (3PS License) within 2,500 feet of Religious Institutions for the Compass Point shopping plaza located at 5044 Lunn Road, Compass Point Plaza, southeast corner of Lunn Road and West Pipkin Road, west of Old Highway 37, east of Waring Road, south of the city of Lakeland in Section 11, Township 29, Range 23.

RECOMMENDATION

Approval.

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

Erik Peterson, AICP
Planning Administrator
(863) 534-6470
Land Development Division
erikpeterson@polk-county.net

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

DRC Date:	June 13, 2024	CASE #:	LDLVAR-2024-27 (Lunn Road Liquor Store)
LUHO Date:	July 25, 2024	LDC Section:	Section 224 Table 2.4

Request: The applicant is requesting a variance to allow separation reduction for an Alcohol Package Store (3PS License) within 2,500 feet of Religious Institutions.

Applicant: Prem Luitel

Property Owner: Saskatchewan Georgia LP

Location: 5044 Lunn Road, Compass Point Plaza, southeast corner of Lunn Road and West Pipkin Road, west of Old Highway 37, east of Waring Road, south of the city of Lakeland in Section 11, Township 29, Range 23.

Parcel ID#: 232911-000000-043120 & 043010

Size: ±1.3 acres

Land Use Designation: Convenience Center (CC)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Erik Peterson, AICP

Summary:

The applicant established Everest Food & Beverage, a retail store specializing in beer, wine, and tobacco products sales in the Compass Pointe shopping plaza in January of 2021. The applicant is applying for a package liquor sales license (3PS) to broaden their market share. However, there are three religious institutions within 2,500 feet of the property (See Exhibit 2). Section 224 of the Land Development Code (LDC) prohibits the sale of liquor beverages within 2,500 of a religious institution or Kindergarten through 12th Grade public or private School. Through LDC Section 930, a property owner (or agent of) may request a variance to the 2,500 feet of separation from the Land Use Hearing Officer. Alcohol separation distance is measured from property line to property line. Therefore, approval of this variance will apply to the entire shopping plaza and any future building expansions or additions within the property.

The area is undergoing some significant changes. The roadway abutting the shopping plaza is in the process of being widened from 2 to four-lanes and a median. This traffic facility improvement is due to the amount of residential and industrial growth in the area west of Lunn Road. This 13,600 square foot shopping plaza was constructed in 2007 and has been a very successful business

location for small scale retail, food, professional, and personal service businesses ever since. It is comprised of 10 suites that can be individually occupied or combined for larger businesses.

Staff finds that the request meets the following criteria listed in Section 931:

- The request **will not be injurious to the area involved or otherwise detrimental to the public welfare** because there are many instances where liquor stores and religious institutions have coexisted in close proximity without any adverse effects.
- **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** because the area is underserved by many forms of commerce including liquor stores and the widening of the roadway in front of the shopping plaza provides an economic opportunity for this location.
- **The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure**, because the current business in the plaza is limited to beer, wine, and tobacco products. Liquor sales can be added without any structural changes or site development requirements.

Staff recommends approval of a variance to reduce the requirements for separation from religious institutions from 2,500 feet to 150 feet for this site because commerce is supported at this site by policies in the Comprehensive Plan. This approval will be a benefit to nearby consumers and is unlikely to be a detriment to any nearby religious institution or their congregation. Staff recommends that the variance, if approved, be permanent to the shopping plaza.

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-2024-27**, with the following conditions:

CONDITIONS OF APPROVAL:

1. A variance shall be granted to the shopping plaza for the package alcohol sales distance separation from Religious Institutions listed in Section 224 of the LDC from 2,500 feet to 150 feet.
2. The property owner(s) is responsible for compliance with any further restrictions of record pertaining to the property and this approval shall not be used to supersede authority over those restrictions.

GENERAL NOTES

NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.

NOTE: Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with LDC Section 930D.

NOTE: All conditions of approval, unless otherwise specified, shall be met prior to the effectiveness and validity of the variance approval.

NOTE: All written commitments made in the application and subsequent submission of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such commitments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES SUMMARIZED BELOW:

- 1. Whether granting the variance will be in accordance with the general intent and purpose of this Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;*

The relationship between liquor stores and religious institutions has proven to be of little or no conflict as a land use in close proximity. All throughout Polk County, there are many instances where liquor stores and religious institutions coexist near each other with no signs of detriment to either. In the unincorporated area, liquor stores are not allowed to be open on Sunday which is the primary day for religious institution operations. In April of this year, a new liquor store was approved amongst three churches and two other liquor stores (case# LDLVAR-2024-10).

This shopping plaza is on the opposite corner of the intersection from a religious institution. The intersection is expanding as a result of the widening of one of the roads. This increases the perceptual distance between the two uses. If there is any concern for a liquor store being across the street from a religious institution, then this change in roadway dynamic should lessen those concerns.

There are no liquor stores within 2½ miles of this intersection. But the developable land in the area is almost entirely built out. Residential development has grown so much that it has prompted a significant roadway improvement. Staff have inventoried the liquor store locations in the south Lakeland area and found that all of them are located along four-lane transportation corridors. The widening of Pipkin Road in front of this shopping plaza is another indicator that the time is right for a liquor store in this area.

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 religious institution whose property is closest to the applicant's shopping plaza has been a religious facility since 1988. It is the same year that the shopping plaza property was rezoned from Rural Conservation (RC) to Multi-Neighborhood Commercial (C-2). The shopping plaza was not constructed until 2007. The property lost its commercial designation with the adoption of the Comprehensive Plan in 1991, but was later reapproved for commercial in October of 2004.

The shopping plaza is typical of many throughout Polk County and the Convenience Center (CC) districts. The CC district is intended to serve a market of 2,500 to 5,000 people living in a one-mile radius, according to POLICY 2.110-C1 of the Comprehensive Plan. There are three religious institutions within 2,500 feet of the shopping plaza. There are no liquor stores for over 2½ miles. But there are five liquor stores within five miles of the intersection that are mostly clustered on the major highway (SR 37). All of the liquor stores between Lakeland, Mulberry, and Bartow are located along a four-lane roadway corridor. The road in front of the shopping plaza is currently being widened from two lanes to four lanes.

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

The applicant began business at this location selling Beer, Wine, and Tobacco products in January of 2021. There are at least three competitors in a one-mile radius that sell beer, wine, and tobacco. The closest liquor store is over 2½ miles away to the east and no liquor stores for at least five miles to the west. If granted the variance, the applicant will be the closest liquor store in the southwest urbanized area of Lakeland that hosts multiple mid to large residential developments, and the businesses on the south end of the Lakeland Airport such as the GEICO regional headquarters, NOAA Hurricane Center, and various flight schools. There are five liquor stores within a five-mile radius. Four of them are located on South Florida Avenue (SR 37) with a new one that is soon to open after receiving Land Use Hearing Officer approval after the hearing on April 25th.

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;*

This request will enable package liquor to be sold on the 1.3-acre Compass Poite property. This covers the entire district. The applicant's request will confer this privilege on all the suites within the plaza because approval is based on the property boundary. A liquor store request was recently approved in this southwest Lakeland market area after the last hearing on April 25th under case number LDLVAR-2024-10.

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

This approval is the minimum needed to accommodate the use. There are no structural changes or additional parking spaces needed on this site to accommodate the sale of liquor in addition to the sale of other products. Retail sales land uses require one space per 300 square feet and so do liquor stores, according to Section 709, Table 7.10 of the LDC. The applicant represents one suite in a shopping plaza. The total square footage of the plaza is

13,600 square feet requiring a minimum of 46 spaces. There are 55 paved spaces plus an overflow area in the plaza currently. The plaza was designed for expansion, but that is not likely to occur until after the road widening is complete.

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;*

Alcohol package sales may be approved in CC districts without limitations if there are no schools or religious institutions within 2,500 feet. This approval will not change the use of the land.

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 that does not meet the requirements of the Code. This variance request will not change the size, shape, or use of the property.

8. *Whether that the granting of the variance does not circumvent a condition or the intent of a condition placed on a development by the Planning Commission or the BoCC.*

Granting this request will not circumvent any conditions of approval. This property was rezoned to C-2 (Multi-Neighborhood Commercial) in January of 1988. Liquor stores were permitted if they could meet the 2,500 feet from religious institutions and schools. The Board has never placed additional conditions upon the property. The religious institution across the street was built in 1988. The property lost its commercial designation with the adoption of the Comprehensive Plan in April of 1991, but regained it in October of 2004.

Surrounding Future Land Use Designations and Existing Land Use Activity:

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

Northwest: RS The Vineyards Church	North: RL-1, PUD 81-12 Colonnades Single-Family Subdivision	Northeast: RL-1, PUD 81-12 Colonnades Single-Family Subdivision
West: OC, RL-3, PD 15-05, PD 03-07 Single-family dwellings	Subject Property: Convenience Center (CC) Multitenant Retail Shopping Plaza	East: RL-3 Duplexes
Southwest: RL-1, PD 06-21 Multifamily Summer Brooke Townhomes	South: RL-3 Single-family Residence	Southeast: RL-3 Duplexes

There are significant changes underway to the intersection of Lunn and Pipkin Roads. Pipkin Road is under construction to be widened from two lanes to four lanes with a divided median. As a result, the intersection is undergoing changes to accommodate. There will be greater separation

between the Compass Pointe Plaza and the land uses to the north and west. The closest religious institution is opposite Pipkin Road immediately to the northwest corner of the intersections.

Comments from other Governmental Agencies:

None.

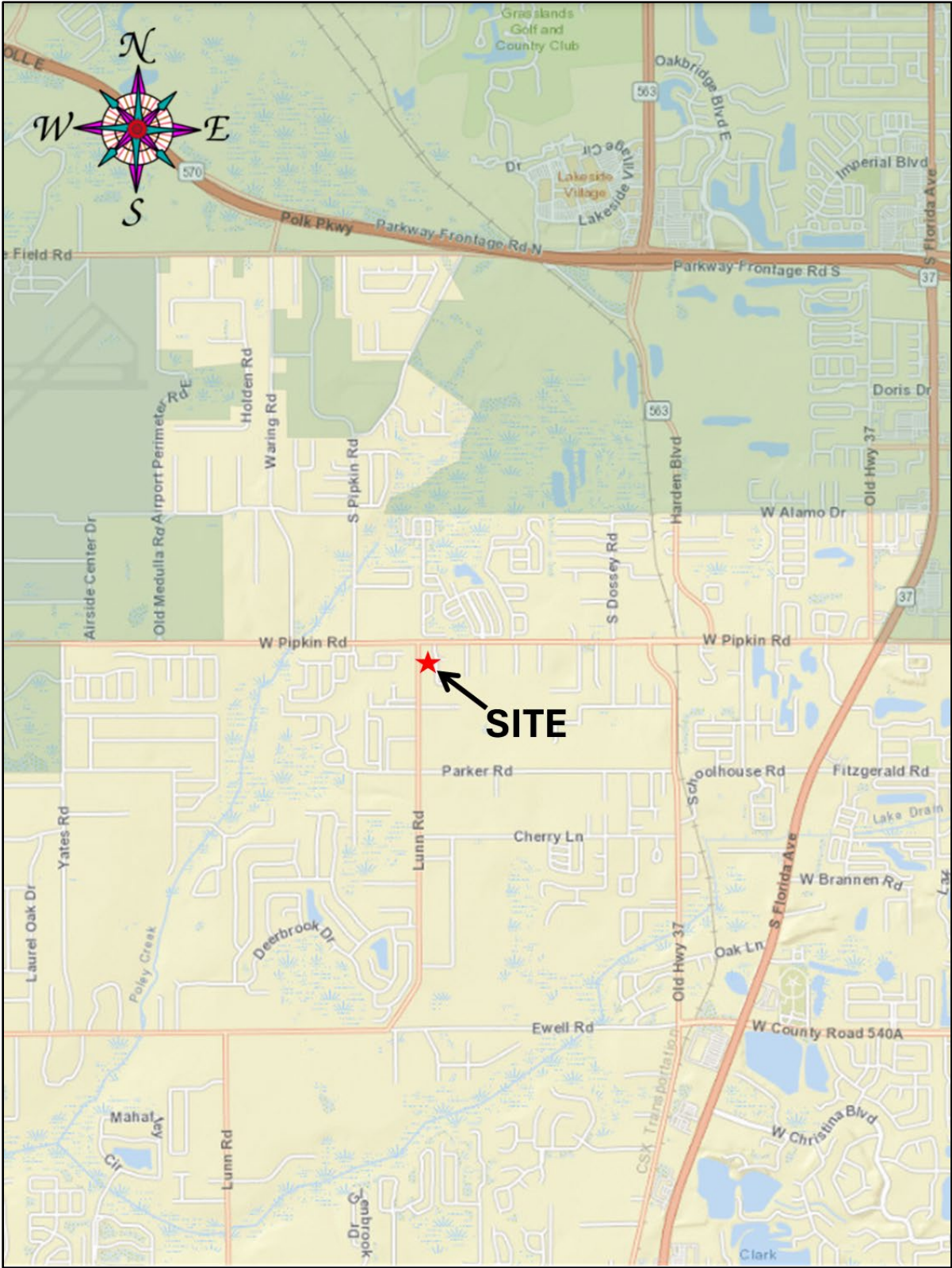
Exhibits:

Exhibit 1 – Location Map

Exhibit 2 – 2023 Aerial Context

Exhibit 3 – Future Land Use Map

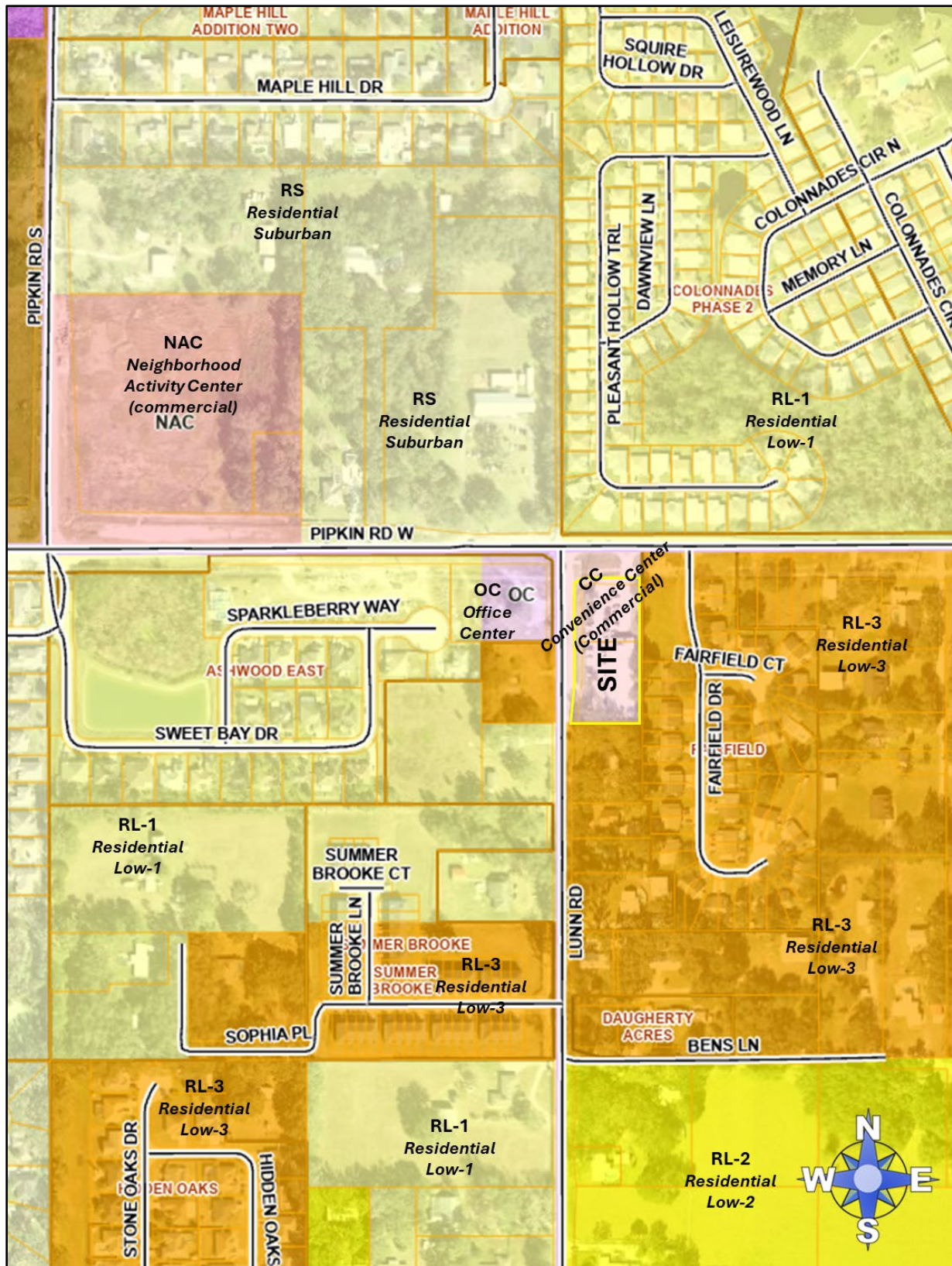
Exhibit 4 – Aerial Close-up



LOCATION MAP



2023 AERIAL CONTEXT



Future Land Use Map



2023 Aerial Photo (Close-up)

LDLVAR-2024-27 - Luitel Variance

Menu

Reports

Help

Application Name: [Luitel Variance](#)

File Date: [04/22/2024](#)

Application Type: [LUHO - Variance](#)

Application Status: [In Review](#)

Application Comments: View ID

Comment

Date

Description of Work: [Alcohol distance](#)

Application Detail: [Detail](#)

Address: [5044 LUNN RD, LAKELAND, FL 33811](#)

Parcel No: [232911000000043120](#)

Owner Name: [SASKATCHEWAN GEORGIA LP](#)

Contact Info: Name

Organization Name

Contact Type

Contact Primary Address

Status

[Prem Luitel](#)

Applicant

[Mailing_5044 Lunn Rd...](#)

Active

Licensed Professionals Info: Primary

License Number

License Type

Name

Business Name

Business License #

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

[0.77](#)

DRC Meeting Time

DRC Meeting

[06/13/2024](#)

Rescheduled DRC Meeting

Rescheduled DRC Meeting Time

—

Green Swamp

Number of Units

[No](#)

—

Case File Number

Is this Polk County Utilities

—

One Year Extension

FS 119 Status

[Non-Exempt](#)

—

PUBLIC HEARINGS

Development Type

[Land Use Hearing.](#)

Application Type

[Variance](#)

Officer

Variance Type

Brownfields Request

[Alcohol](#)

—

[Beverage](#)

[Setbacks](#)

Affordable Housing

ADVERTISING

Advertising Board

[Land Use Hearing.](#)

Legal Advertising Date

[Officer](#)

—

MEETING DATES

LUHO Hearing Date

[07/25/2024](#)

ALCOHOL BEVERAGE DIST REQ

Type of Business

[Convenience Store](#)

Type of License

[Beer & Wine 2COP](#)

Hours of Operation

[6am - 10pm](#)

Give Name & address of any school(s)/Church(s) within 2500 ft to the requesting property boundary

[Redeemer Presbyterian Church](#)

[1520 W Pipkin Rd](#)

[788+/- ft](#)

[Fellowship of Vineyard Christian](#)

[2023 Pipkin Rd W](#)
[167 +/- ft](#)

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?
[Commercial building with parking](#)

When did you buy the property and when was the structure built? Permit Number?
[Owner bought the property in 2018. I am renting.](#)

What is the hardship if the variance is not approved?
[Will loose all monies already invested in the business.](#)

Is this the minimum variance required for the reasonable use of the land?
[Yes](#)

Do you have Homeowners Association approval for this request?
[There is no HOA](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List
[Open](#)

PLAN REVIEW FIELDS

TMPRecordID
[POLKCO-REC24-00000-00EFR](#)
RequiredDocumentTypesComplete
[No](#)

DocumentGroupforDPC
[DIGITAL PROJECTS LD](#)
AdditionalDocumentTypes
[Activate DPC](#)
[Applications, AutoCad File, Binding, Site Plans \(PDs Yes and CUs\), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion](#)
DigitalSigCheck
[Yes](#)

Activate FSA
[Yes](#)

LAND USE

[Selected Area Plan LU Code](#)

NOR

[Neighborhood Organization Registry \(NOR\)](#)

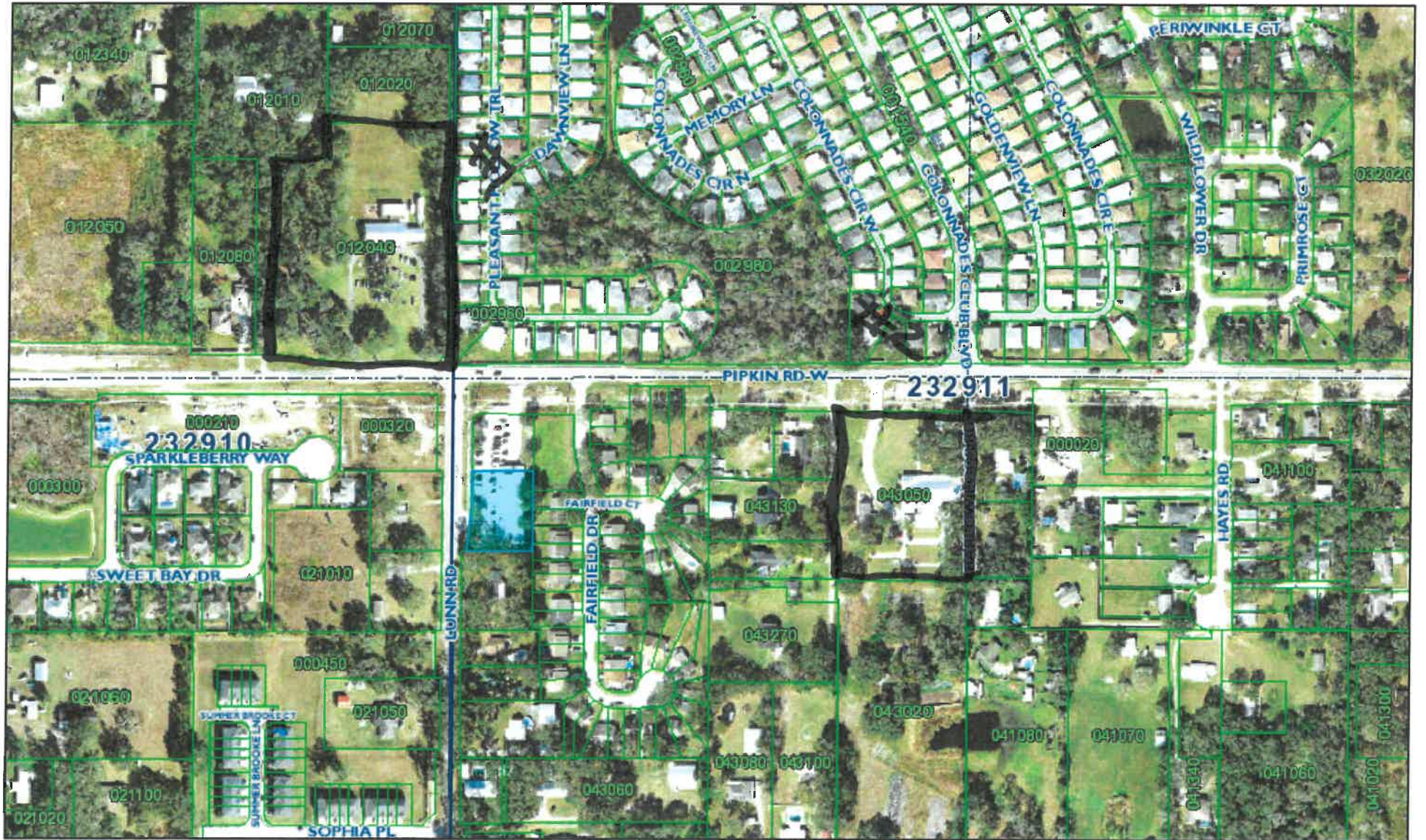
PUBLIC MAILERS

[Posting Board](#) [Number of Boards \(Number\)](#) [Number of Mailers \(Number\)](#) [Date Mailed](#) [Date Posted](#) [NOR](#)

Workflow Status:	Task	Assigned To	Status	Status Date	Action By	
	Application Submittal	Lisa Simons-Iri...	Application ...	05/10/2024	Lisa Simons-Iri...	
	Roads and Drainage Review	Phil Irven	Approve	05/10/2024	Phil Irven	
	Planning Review	Erik Peterson				
	Review Consolidation					
	Public Notice					
	Hearing Officer					
	Final Order					
	Archive					
Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
	Section 224	Application is for Pac...	Condition...	05/10/2024		

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

Luitel Variance



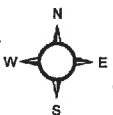
- | | | |
|-------------------------|----------------------|---------------|
| Roads | Parcels | HALFFOOT2023 |
| Waterbodies | Surrounding Counties | Red: Band_1 |
| Municipal Boundaries | PLSS Townships | Green: Band_2 |
| Lot and Block Text | PLSS Sections | Blue: Band_3 |
| Dimensions_ParcelFabric | PLSS Boundaries | |
| → Railroads | Gov't Lots | |

0 195 390 780 Feet

All maps are worksheets used for illustrative purposes only, they are not surveys. The Polk County Property Appraiser assumes no responsibility for errors in the information and does not guarantee the data is free from error or inaccuracy. The information is provided "as is".



Marsha M. Faux, CFA, ASA
Property Appraiser
Polk County, Florida
April 26, 2024





LAND DEVELOPMENT DIVISION

AUTHORIZATION FORM

LAND DEVELOPMENT PROJECTS LOCATED IN POLK COUNTY, FLORIDA

I, SASKATCHEWAN GEORGIA LP (print owner's name), as the owner of the real property described as follows, 5024 LYNN RD, do hereby authorize to act as my/our agent PREM PRASAD LUTTEL (print agent's name) to execute all applications, petitions and other documents necessary to affect the application approval requested and to appear on my/our behalf before all

County boards and committees considering this application and to act in all respects as our agent in matters pertaining to the application, FOR LIQUOR LICENCE PACKAGE STORE AT COMPASS POINTE ONLY AND FOR NO OTHER PURPOSE OR APPLICATION. SEE ATTACHED
MADE A PART OF THIS AUTHORIZATION JA

Property Owner Signature

Property Owner Printed Name

Date

Parcel Identification Numbers and Addresses (use additional sheet if needed):

2329-11-000000-043120

State of Florida County of Polk

I certify that the forgoing instrument was acknowledged before me this 24 day of April, 2024, by Joseph P. Lorio

Personally known X Produced Identification _____ Type of Identification produced and verified: _____

Heather Nichole Evans
Notary Public Signature



Heather Nichole Evans
Notary Public Printed Name

Sept. 19, 2026
My Commission Expires



Polk County
Polk County Land Use Hearing Officer

Agenda Item

7/25/2024

SUBJECT

LDLVAR-2024-28 (Citrus Ridge - Moore Variance)

DESCRIPTION

The applicant is requesting a reduction to the primary side structure setback from five (5) feet to one (1) foot for the construction of a carport. The subject site is located 138 Citrus Ridge Dr, east of Citrus Ridge Dr, south of Tangerine Loop, north of Tangelo Dr, Davenport, in Section 20, Township 26, and Range 27.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Aleya Inglima

Planner II

Land Development Division

(863) 534-6764

aleyainglima@polk-county.net

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

DRC Date:	June 15, 2024	CASE #:	LDLVAR-2024-28 (Citrus Ridge - Moore Variance)
LUHO Date:	July 25, 2024	LDC Section:	PUD 81-22

Request: The applicant is requesting a reduction to the primary side structure setback from five (5) feet to one (1) foot for the construction of an carport.

Applicant: Connie Moore

Property Owner: Connie Moore

Location: 138 Citrus Ridge Dr, east of Citrus Ridge Dr, south of Tangerine Loop, north of Tangelo Dr, Davenport, in Section 20, Township 26, and Range 27.

Parcel ID#: 272620-706001-001380

Size: ±0.05 acres

Land Use Designation: Residential Medium-X (RMX) within PUD 81-22 (Citrus Ridge) and North Ridge Selected Area Plan (SAP)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is requesting a variance to reduce the primary structure side yard setback from five (5) feet to one (1) foot to accommodate a carport. By constructing an attached carport, the structure becomes a part of the primary residence and must adhere to the five (5) foot principal side setback. The proposed request necessitates public hearing and approval from the Land Use Hearing Officer (LUHO), in accordance with Chapter 9, Section 931 of the Land Development Code (LDC).

Located within the Residential Medium-X (RMX) land use district and the North Ridge Selected Area Plan (SAP), the subject property is Lot 138 within Phase 1 of Citrus Ridge (PUD 81-22). While the RMX requires a minimum lot size of 6,000 square feet, the development was established with significantly smaller lots through an approved Planned Unit Development (PUD) intended for recreational vehicles (RVs). A modification to the PUD was later approved to permit the placement of mobile homes and reduced side setbacks from seven and a half (7.5) feet to five (5) feet but did not increase the lot sizes.

Since the modification of the PUD, the development has seen an increase in mobile homes being placed on lots within the Citrus Ridge development. Additionally, many property owners desiring to construct additions to their homes within PUD 81-22 realize the need to request a variance because of the limited space, setback requirements, and easements relative to the small lot sizes. The applicant's request for one (1) foot off the property line to the west will leave enough room along the side property line to ensure adequate maintenance in the future and no encroachments into the neighbor's property.

Staff recommends approval of LDLVAR-2024-28 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** as the previous carport was the same distance as the new owner is proposing. The one (1) foot side setback will leave adequate space for property maintenance and will also ensure no encroachments into the neighbor's property. Building and fire code separations will still be met as the proposed structure is not for habitable purposes.
- The **special conditions and circumstances present in the request do not result from the actions of the applicant** because the development was originally intended for RVs but later evolved into a mobile home subdivision.

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-2024-28.**

CONDITIONS OF APPROVAL:

1. A variance to the standards established within PUD 81-22 shall be granted to reduce primary structure side yard setback from five (5) feet to one (1) foot for the proposed carport. All further additions or structures placed on the property shall be required to meet the requirements PUD-81-22 or be granted approval via another variance from the Land Use Hearing Officer.
2. The structure shall include gutters designed and constructed to channel or capture storm water runoff and prevent it from draining onto neighboring residential properties.
3. The applicant shall have one (1) year from the date the Land Use Hearing Officer's Final Order is rendered to apply for all necessary building permits and pay all associated fees for the proposed addition.
4. The structure shall not block access to any utility equipment on the easement.
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;*

According to the subdivision plat (Plat Book 78, Page 40), there is a five-foot utility easement along the rear lot line of each lot. Granting this variance, as conditioned, is in accordance with the general intent and purpose of the Code. The request will be injurious to the area or detrimental to the public welfare because it is similar to others granted in the development and it does not encroach on any easement or utility line. There will also be adequate space to allow for maintenance between the property lines and the proposed addition.

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;*

Although the subject lot size is typical for the approved PUD, the development began as an RV park and later evolved into a mobile home subdivision. However, the developable space did not change and as a result, area for additional structures on the lots are limited. The subject property is Lot 138 of Citrus Ridge Phase 1 and is approximately (2,178 square feet). As previously noted, the minimum lot size within the RMX district is 6,000 square feet, much larger than the subject development. This phase of Citrus Ridge also requires a ten (10) foot right of way setback and a five (5) foot rear and interior side setback.

The property was acquired by the applicant in March of 2006 via a warranty deed. Many property owners within PUD 81-22 desiring to construct additions to their residences may

also realize the need to request a variance for their proposed structure because of the limited space, setback requirements, and easements within the development.

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

The relatively large setbacks and easements on small lots established within this development were not actions of the individual property owners. Consequently, several lots within the subdivision have had similar reduction in setbacks approved for carports and patio covers as the development was originally approved for RV lots. However, an approved modification to the PUD on April 12, 1988 allowed placement of mobile homes.

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;*

Screen rooms, carports, and open covered patios are common in this development and variances are typically needed for their construction.

Please refer to the table below as there have been several other approved variances for setback reductions within this phase and others within PUD 81-22.

Case	Hearing Date	Approved Variance Request
LDLVAR-2023-47	October 26, 2023	The applicant is requesting a variance to reduce the western right-of-way setback from fifteen (15) feet, as per PUD 97-05, to eleven (11) feet for a 35' x 20' addition to the existing screened pool and patio enclosure.
LDLVAR-2023-18	June 22, 2023	The applicant is requesting a variance to reduce the north side yard setback from five (5) feet, as per PUD 81-22, to two (2) feet to construct a 9' x 22' open patio cover.
LDLVAR-2023-16	June 22, 2023	The applicant is requesting a variance to reduce the side yard setback from five (5) feet, as per PUD 81-22, to two (2) feet to accommodate a 6' x 32' open patio cover at the northern property line.
LDLVAR-2023-1	March 23, 2023	The applicant is requesting a variance to reduce the side primary structure setback requirement from five (5) feet to three (3) feet for a screen room and covered walkway with a hard roof.
LDLVAR-2022-85	November 15, 2022	The applicant is requesting a variance to reduce the west side setback requirement from five (5) feet to two (2) feet for a new awning on the west side of the home.
LDLVAR-2022-83	November 15, 2022	The applicant is requesting a variance to reduce the rear primary structure setback requirement from five (5) feet to one (1) foot for an awning.
LDLVAR-2022-76	October 27, 2022	The applicant is requesting a variance to reduce the west side setback requirement from five (5) feet to two (2) feet for a new awning over an existing wheelchair ramp.

In the past, approvals have been granted to one (1) foot. The applicant's site plan indicates the structure will be built one (1) foot from the property line.

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

The development was originally intended for recreational vehicles only. The addition of permanent dwellings such as double-wide mobile homes severely limit the amount of space for any additions. According to the applicant's justification, the request is to prevent the sun, rain, and debris from entering their sitting area. If approved, the applicant will remain one (1) foot from the property line, ensuring adequate spacing from the neighbor to the west.

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 proposed structure is considered a part of the primary residence. Therefore, the request will remain residential and does not result in a change of land use.

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 that does not meet the requirements of the Code. This variance request will not change the size, shape, or use of the property.

8. *Whether that the granting of the variance does not circumvent a condition or the intent of a condition placed on a development by the Planning Commission or the BoCC.*

Chapter 9, Section 930.B.13 of the LDC allows relief to requirements within approved Planned Unit Developments via an approved variance, specifically linear distances, and height.

Surrounding Future Land Use Designations and Existing Land Use Activity:

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

Northwest: PUD 81-22 RMX Citrus Ridge Phase 1 Common Element Lot	North: PUD 81-22 RMX Citrus Ridge Phase 1, Common Element Lot	Northeast: PUD 81-22 RMX Citrus Ridge Phase 1 Common Element Lot
West: PUD 81-22 RMX Citrus Ridge Phase 1 Lot 137 Mobile Home	Subject Property: PUD 81-22 RMX Citrus Ridge Phase 1, Lot 138 Mobile Home	East: PUD 81-22 RMX Citrus Ridge Phase 1, Lot 139 Mobile Home
Southwest: PUD 81-22 RMX Citrus Ridge Phase 1 Lot 172 Mobile Home	South: PUD 81-22 RMX Citrus Ridge Phase 1 Lot 171 Mobile Home	Southeast: PUD 81-22 RMX Citrus Ridge Phase 1 Lot 170 Mobile Home

The subject property has a Future Land Use district of Residential Medium-X (RMX) within the Transit Supportive Development Area (TSDA) and the North Ridge Selected Area Plan (SAP). The subject site is surrounded by mobile homes. However, the Citrus Ridge PUD (81-22) is comprised of RVs and mobile homes, some with covered carports, canopies, and other additions. Staff found twenty other variance approvals in this subdivision since 2020. Based on the surrounding neighborhood, a recent site visit, and the variance application provided by the applicant, staff believes that the proposed variance is compatible with the surrounding development.

Comments from other Governmental Agencies:

None.

Exhibits:

Exhibit 1 –Location Map

Exhibit 2 – Future Land Use

Exhibit 3 – Aerial Context

Exhibit 4 – Aerial Close-up

Exhibit 5 – Applicant Site Plan

Exhibit 6 – Applicant’s Justification

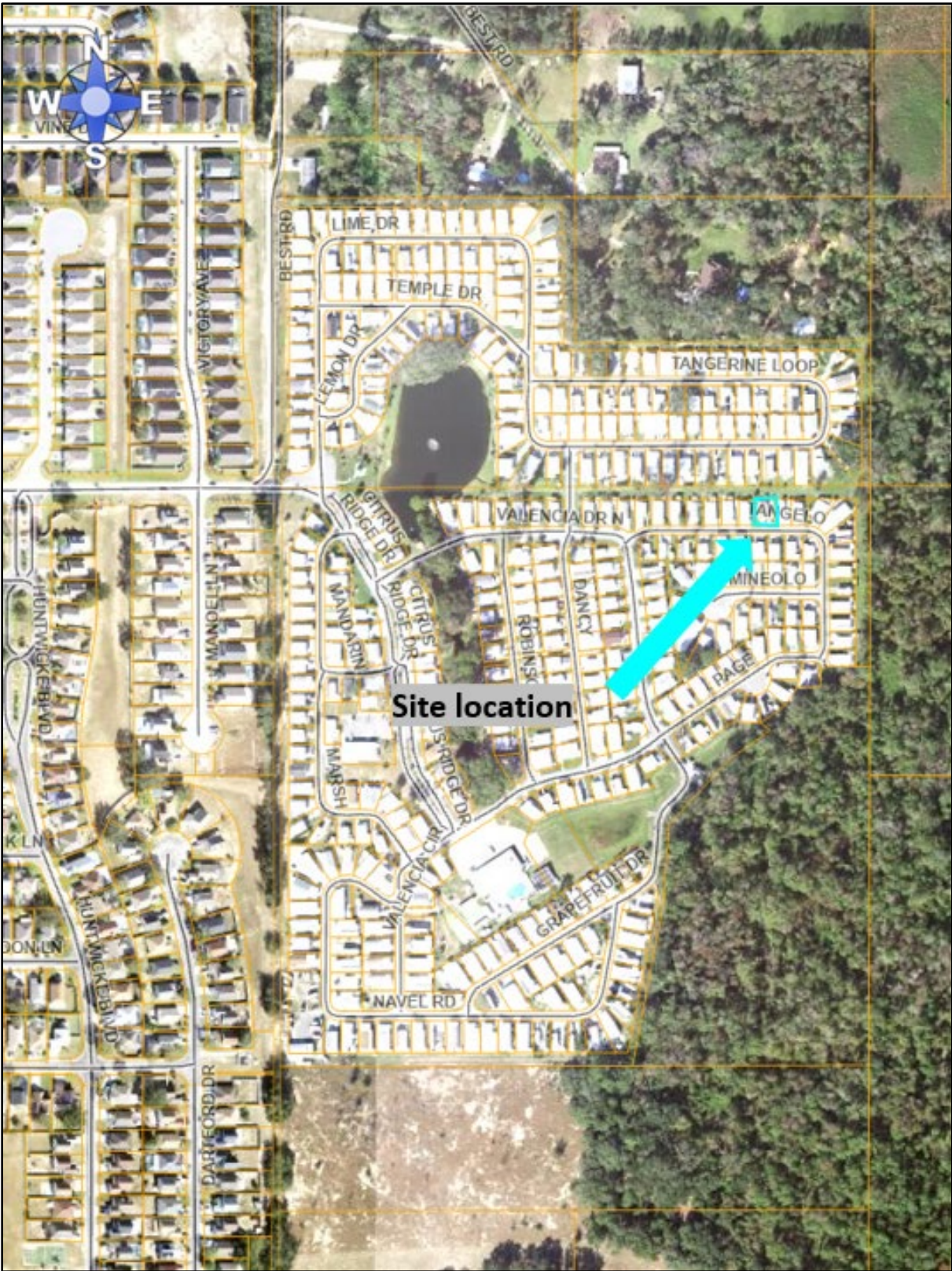
Exhibit 7 – Citrus Ridge Phase 1 Plat



Location Map



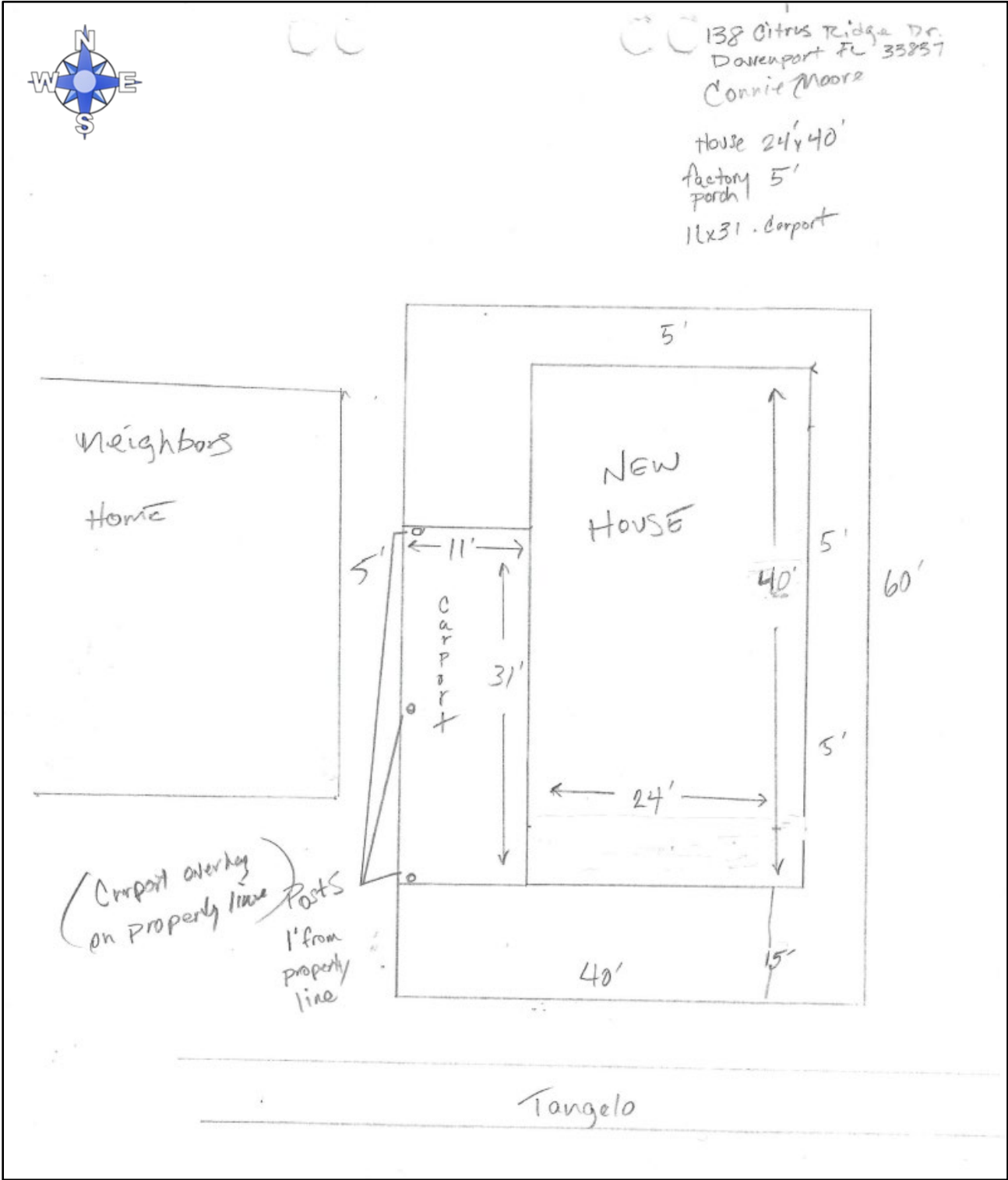
Future Land Use Map



Aerial Context



Aerial Close-Up



Site Plan

CRITERIA FOR GRANTING VARIANCE

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

No

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

None

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

2006

New Mobile Home being installed now.
BR-2023-11558

What is the hardship if the variance is not approved?

Homeowner will not be able to park her vehicle under carport.

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

Yes

Do you have Homeowners Association approval for this request?

Yes

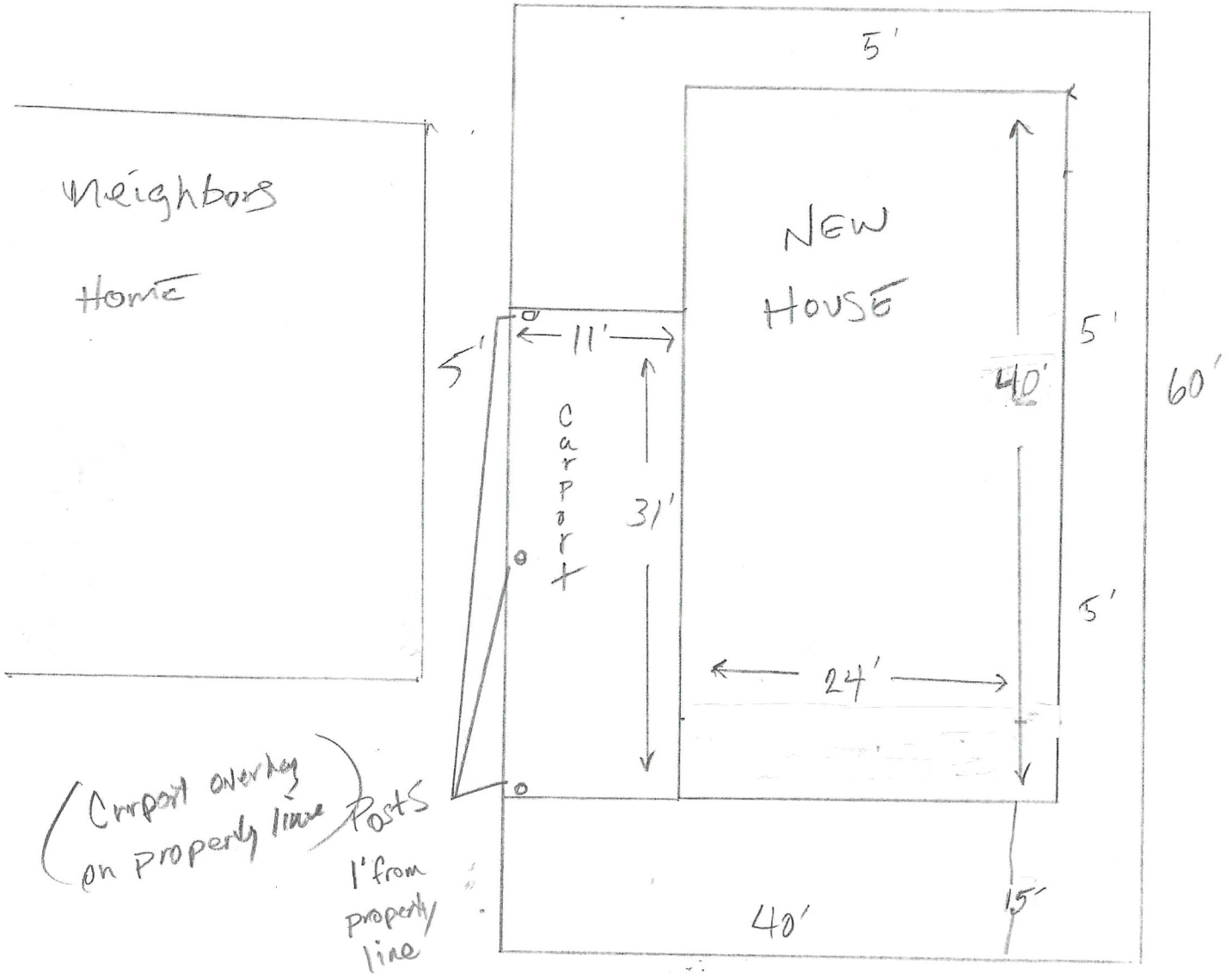
Applicant's Justification

Land Use Hearing Officer
Variance/ANI

Page 13 of 13
July 25, 2024

Connie Moore

11x31 - Carport



Tangelo

LDLVAR-2024-28 - Connie Moore

Menu Reports Help

Application Name: [Connie Moore](#)
File Date: [05/01/2024](#)
Application Type: [LUHO - Variance](#)
Application Status: [Approved For Hearing](#)

Application Comments:	View ID	Comment	Date
-----------------------	---------	---------	------

Description of Work: [Install carport posts in the setback 1' front the property line](#)
Application Detail: [Detail](#)
Address: [138 CITRUS RIDGE DR, DAVENPORT, FL 33837](#)
Parcel No: [272620706001001380](#)
Owner Name: [MOORE CONNIE S](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Kerri Futrell	Big Daddy's Mob...	Applicant	Mailing_34299 US High...	Active

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

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
[0.05](#)

DRC Meeting Time
-
Rescheduled DRC Meeting
-
Green Swamp
[No](#)

DRC Meeting
[06/15/2024](#)
Rescheduled DRC Meeting Time
-
Number of Units
-
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
[Dimensions](#)
[Table](#)
Affordable Housing

Application Type
[Variance](#)

Brownfields Request
[N/A](#)

ADVERTISING
Advertising Board
[Land Use Hearing](#)
[Officer](#)

Legal Advertising Date
-

MEETING DATES
LUHO Hearing Date
[07/25/2024](#)

ALCOHOL BEVERAGE DIST REQ

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?
[None](#)

When did you buy the property and when was the structure built? Permit Number?
[2006](#)
[New Mobile Home being installed now.](#)
[BR-2023-11558](#)

What is the hardship if the variance is not approved?
[Homeowner will not be able to park her vehicle under carport.](#)

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-24EST-00000-21341](#)
RequiredDocumentTypesComplete
[Yes](#)

DocumentGroupforDPC
[DIGITAL PROJECTS LD](#)
RequiredDocumentTypes
-
AdditionalDocumentTypes
Activate DPC
[Applications.AutoCad File.Binding.Site Plans.\(PDs Yes and CUs\).CSV.Calculations.Correspondence.Desi gn Drawings.Flood/Traffic Studies.Impact Stateme nt,Inspections.Miscellaneous.Plats,Record Drawin gs,Response Letter Resubmittal Complete,Staff R eport/Approval Letter,Survey,Title Opinion](#)
DigitalSigCheck
[Yes](#)

Activate FSA
[Yes](#)

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement
[y](#)

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
LUHQ	1	84	07/08/2024	07/09/2024	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	05/10/2024	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irlen	Approve	05/13/2024	Phil Irlen
	Planning Review	Aleya Inglima	Approve	05/23/2024	Aleya Inglima
	Review Consolidation	Lisa Simons-Iri...	Approved for...	05/28/2024	Lisa Simons-Iri...
	Public Notice	Lisa Simons-Iri...			
	Hearing Officer				
	Final Order				
	Archive				

Condition Status:		Name	Short Comments		Status	Apply Date	Severity	Action By
Scheduled/Pending Inspections:		Inspection Type	Scheduled Date	Inspector	Status		Comments	
Resulted Inspections:		Inspection Type	Inspection Date	Inspector	Status		Comments	



LAND DEVELOPMENT DIVISION

AUTHORIZATION FORM

LAND DEVELOPMENT PROJECTS LOCATED IN POLK COUNTY, FLORIDA

I, Connie Moore (print owner's name), as the owner of the real property described as follows, 138 Citrus Ridge, do hereby authorize to act as my/our agent Kerri Futrell (print agent's name) to execute all applications, petitions and other documents necessary to affect the application approval requested and to appear on my/our behalf before all County boards and committees considering this application and to act in all respects as our agent in matters pertaining to the application.

Connie S. Moore
Property Owner Signature

Connie Moore
Property Owner Printed Name

05/02/24
Date

Parcel Identification Numbers and Addresses (use additional sheet if needed):

138 Citrus Ridge Dr Davenport, Florida 33837
PID 27-26-20-706001-001380

State of Florida County of Polk

I certify that the forgoing instrument was acknowledged before me this 2nd day of May, 20 24, by Conni Moore

Personally known X Produced Identification _____ Type of Identification produced and verified: _____

Kerri Ann Futrell
Notary Public Signature



Kerri Ann Futrell
Notary Public Printed Name

HH389107
My Commission Expires



Polk County
Polk County Land Use Hearing Officer

Agenda Item

7/25/2024

SUBJECT

LDLVAR-2024-32 (K-Ville Garage Variance)

DESCRIPTION

The applicant is requesting to reduce the western side setback from 15 feet to eight (8) feet for an existing concrete building and a proposed accessory metal building. 2111 K-Ville Avenue, west of Kimberly Lane, east of Hurst Road, west of Thornhill Road, east of Auburndale in Section 21, Township 28, Range 25.

RECOMMENDATION

Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Ian Nance
Land Development
(863) 534-7621
ivannance@polk-county.net

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

DRC Date	June 13, 2024	CASE #:	LDLVAR-2024-32
LUHO Date	July 25, 2024	LDC Section:	(KVille Garage Variance) Table 2.2

Request: The applicant is requesting to reduce the western side setback from 15 feet to eight (8) feet for an existing concrete building and a proposed accessory metal building.

Applicant: Theodore Head

Property Owner: Eddy Dean Sanders III

Location: 2111 K-Ville Avenue, west of Kimberly Lane, east of Hurst Road, west of Thornhill Road, east of Auburndale in Section 21, Township 28, Range 25.

Parcel ID#: 252821-000000-023390

Size: 0.50 +/- acres

Land Use Designation: Linear Commercial Corridor (LCC)

Development Area: Suburban Development Area (SDA)

Case Planners: Ian Nance

Summary:

The applicant is requesting to reduce the western side setback from 15 feet to eight (8) feet for an existing concrete building and a proposed accessory metal building. The property is in a Linear Commercial Corridor (LCC) land use district east of Auburndale. A vehicle repair facility has been onsite since 1986 with the primary structure in its original location. An accessory structure was once sited where the proposed building will go, but it was destroyed by a hurricane in 2017. The applicant wants to replace it in its original footprint and in alignment with the primary building.

Staff recommends approval of this request, finding that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The proposed structure will meet all other setbacks onsite, including residential compatibility standards in LDC Section 220. This request includes a setback reduction for the primary structure which was built during a previous zoning ordinance with different setback requirements than today, and which is no fault of the applicant. The proposed building will be used for storing equipment and material that are otherwise sitting in the open.

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-2024-32**.

CONDITIONS OF APPROVAL:

1. Approval of this variance is to reduce the western side setback from 15 feet to eight (8) feet for an existing concrete building and a proposed accessory metal building. Further additions or structures placed on the property shall be required to meet the requirements 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 three (3) years 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 structure.

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 applicant is requesting a variance to reduce the western side setback from 15 feet to eight (8) feet to build a 1,200 sq. ft. metal building over an existing concrete slab as an accessory to an existing 2,400 sq. ft. autobody shop. In addition, this request will include a variance from 15 feet to eight feet for the existing structure onsite. A similar accessory structure was once located here, but it was destroyed by Hurricane Irma in 2017. LDC Section 120 allows for non-conforming structures to be re-built in their original footprint, but there is a two-year timeframe before this grandfathering expires. This new structure will be constructed in alignment with the existing primary building at eight feet from the western side property line.

Staff finds no reason why this request would be injurious to the surrounding area. The existing building was constructed in 1986 and has been used as a vehicle repair facility since this time. To the west is vacant property. The proposed accessory structure will be placed a minimum of 50 feet from the residential property from the south, in accordance with compatibility standards found in LDC Section 220. The buildings will meet all other setbacks. The purpose of the proposed accessory building is to store equipment and material that are otherwise kept in the open. Organizing these items within an enclosed space will help improve the aesthetics of the site.

2. *Whether special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the applicable land use district;*

The existing building was constructed in 1986 when the property was under Commercial (C-3) District Regional zoning designation prior to the Comprehensive Plan and LDC. Under the C-3 category, Automotive Repair stations were conditional uses. They remain conditional uses in the LCC today. According to Section 5.6A of the previous zoning ordinance (Ordinance 83-2) in effect at the time, side setbacks were not required when commercial properties adjoined other commercial properties, whereas the LCC now requires 15-foot side and rear setbacks. Why the original building was permitted at eight feet is unknown, but this is the reason for its inclusion in the variance.

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

The property has been under the current ownership since 2024, but deeds found on the Property Appraiser indicate it has been in the family since 1986. Prior to this, it was a part of the vacant parcel to the west, once owned by J.C. and Lois Helms. It is possible that the building was permitted/constructed prior to the parcel split/sale, which would explain the eight-foot setback.

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;*

Aside from this reduction in the side setbacks, granting this variance will not allow anything else that would otherwise violate LCC standards. Vehicle service and repair facilities are allowable uses in LCC land use districts. Table 2.2 allows a Floor Area Ratio of 0.60 in the Suburban Development Area. With both structures onsite, the FAR is 0.17. The site plan shows adherence to compatibility setbacks in LDC Section 220, which are not eligible for a variance or waiver. Granting this variance will allow the business to utilize the property in a manner that is consistent with the LDC and compatible with surrounding uses.

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

The requested variance is believed to be the minimal variance necessary to optimize the use of the owner's land and build the structure as requested. The existing building is not going to be moved, and permitting the accessory structure at the same setback and over the existing slab makes sense for the property owner. Making the accessory structure adhere to the 15-foot setback could force the structure in areas used for the internal circulation of vehicles and create an inefficient use of the site.

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. Vehicle repair/service are allowable uses in LCC land use districts

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 going 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.*

This site is not subject to any Planning Commission or BoCC conditions. It is not within a Planned Unit Development or Planned Development.

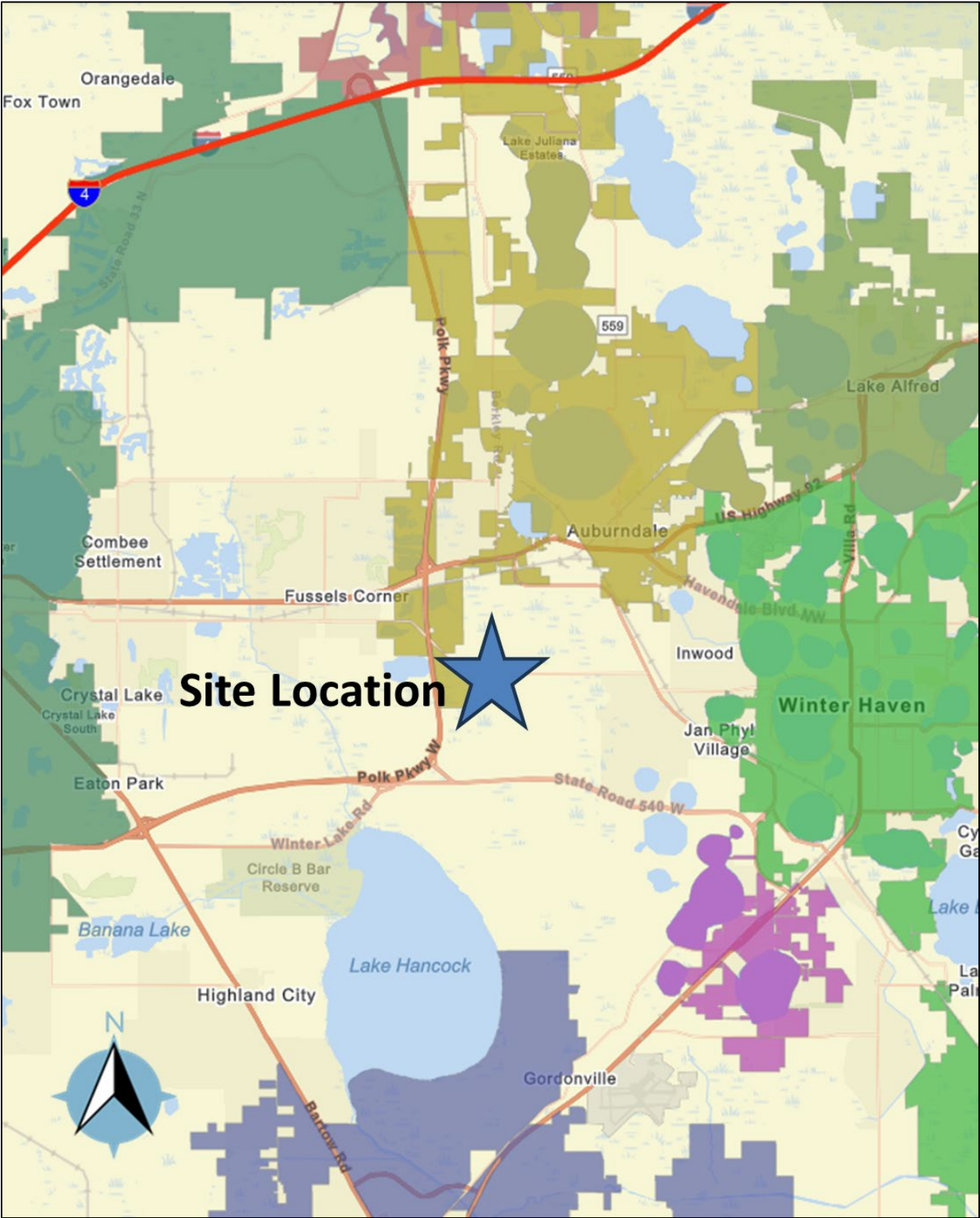
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: LCC K-Ville Avenue Funeral Home	North: LCC K-Ville Avenue Vacant	Northeast: LCC K-Ville Avenue Vacant
West: LCC Vacant	Subject Property: LCC Auto Repair	East: LCC Kimberly Lane Office
Southwest: RS Single-Family Residence	South: RS Single-Family Residence	Southeast: RS Kimberly Lane Single-Family Residence

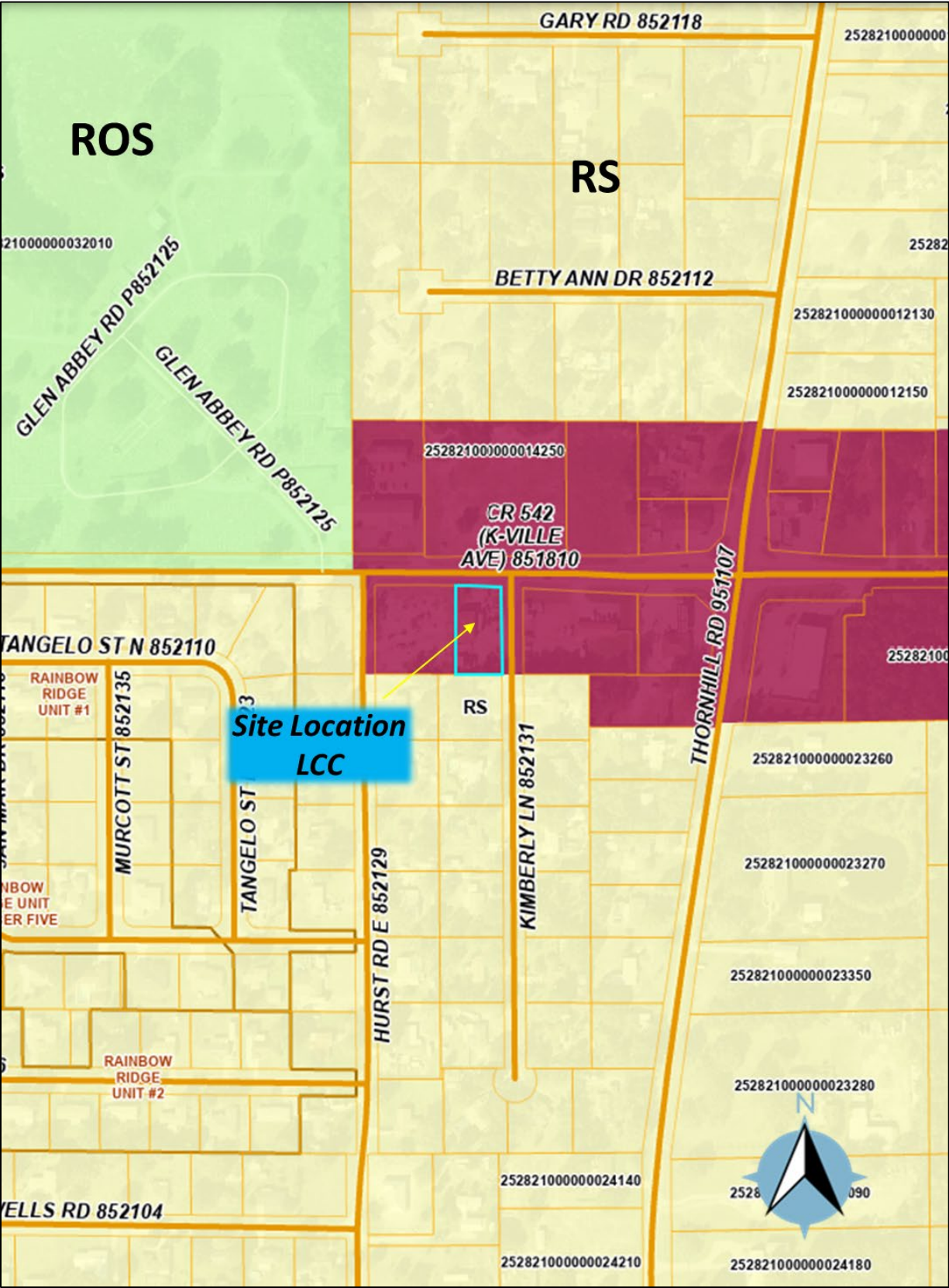
This site is located along CR-542 (K-Ville Avenue) within a Linear Commercial Corridor district east of Auburndale that runs from approximately Thornhill Road east to Jimmy Lee Road. The purpose of the LCC district is to recognize existing linear concentrations of commercial, office, institutional, and industrial uses along roadways.

Exhibits:

Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Aerial Image – Context
Exhibit 4	Aerial Image – Close
Exhibit 5	Site Plan
Exhibit 6	2002 Aerial Image



Location Map



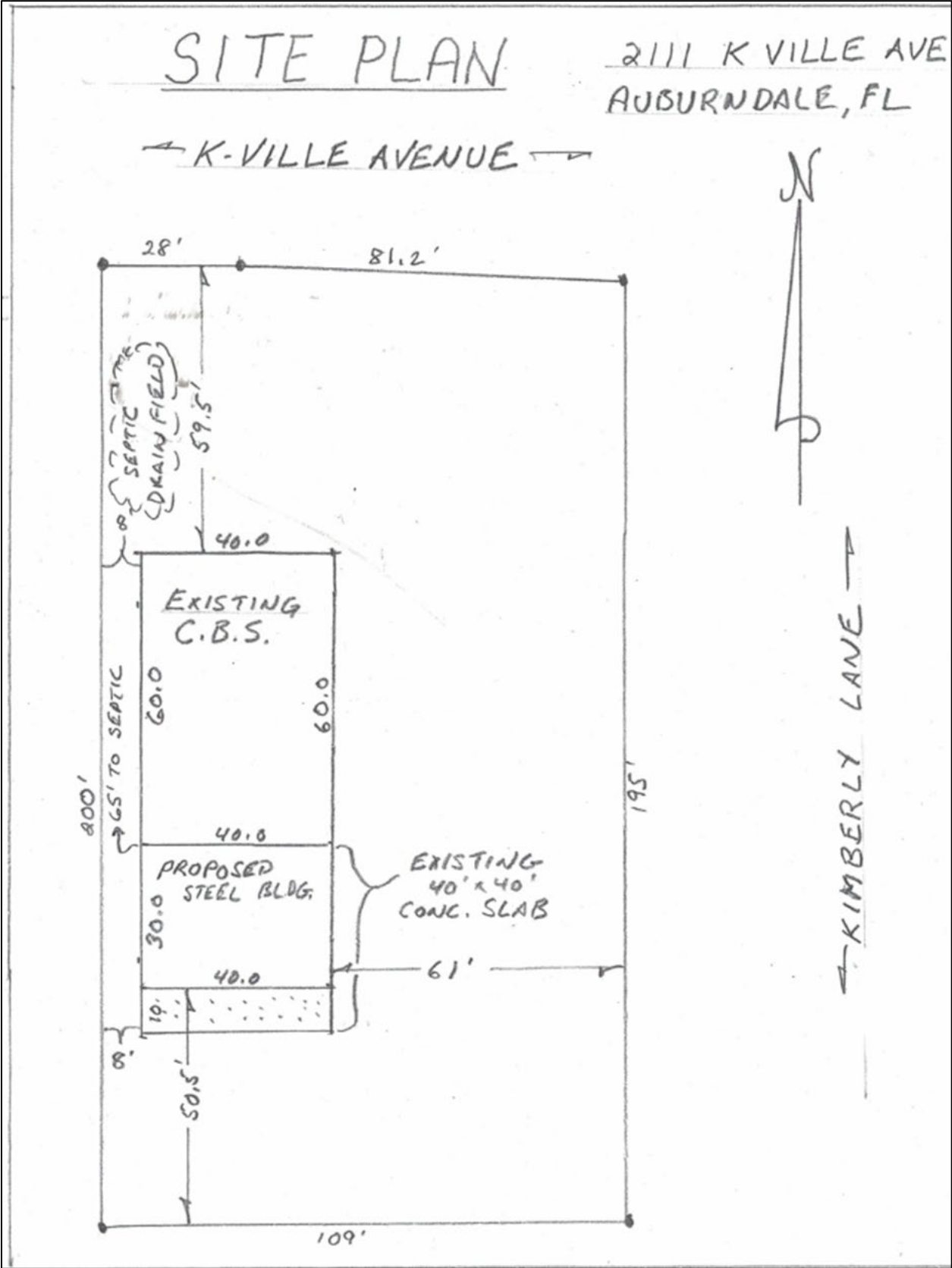
Future Land Use Map



Aerial Image – Context



Aerial Image - Close



Site-Plan



2002 Aerial Image

1. That special conditions and circumstances exist which are unique to the land, structure, building, or property involved and which are not applicable to other lands, structures, or buildings in the applicable zoning district.

The original slab where we want to erect the steel building was built in 1986. This slab cannot be moved as half of it is covered with the existing concrete block building.

2. That the special conditions and circumstances do not result from the actions of the applicant and are not purely economic in nature.

We did not pour a slab; we are using the existing foundation. It is not feasible to tear down the existing structure to erect a supplemental building.

3. That granting the requested variance will not confer on the applicant any special privilege that is otherwise denied by the provisions of the Ordinance, and not granting the request will constitute necessary and undue hardship on the applicant.

There is no special privilege because we are replacing an aluminum enclosure that was blown away by the hurricane. Not granting the variance would cause undue hardship because the space is wasted without an enclosure. We are erecting a building that is secure and will be up to new hurricane codes.

4. That the variance granted is the minimum variance that will make possible reasonable use of the land, building, or structure.

The new steel building will require the minimum variance as we are not changing or enlarging anything, just using the concrete slab that is already there.

5. That granting the variance will be in accordance with the general intent and purpose of the ordinance, and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The building we want to erect will not have any adverse effect on any surrounding property. This building will line up on the property line exactly to the existing structure, on the existing slab. The building will in fact make the property better as it is a necessary use of space and will increase the value.

Variance Questionnaire:

1. That the 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 existing structure was built in 1986 and shares a concrete slab with the area we want to put the new steel building on. This slab is unique to this piece of property.
2. That the literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code; The provisions of this code deprives me of being able to use the property in the same manner that the existing building and other buildings in the area were built upon.
3. That the special conditions and circumstances do not result from the actions of the applicant; The circumstances of our situation do not result from any actions of myself. I am just trying to add/replace a structure on an existing foundation to make the available space useable to be able to conduct my business accordingly.
4. That the granting of the variance will not confer on the applicant any special privilege that is denied by this code to other lands, structures, or buildings in the same district; We are not asking for any special privilege, just to be able to utilize the existing foundation in the intent of which it was originally poured for.
5. That granting the variance will not circumvent a condition or the intent of a condition placed on the development by the Planning Commission or the BoCC; The variance will not affect any of the surrounding properties because they have been developed to their final intent and the probability of change is highly unlikely.
6. That the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure. This is the absolute minimum variance necessary to erect our building. We are not increasing or changing the footprint at all of what is already there.

LDLVAR-2024-32 - Head Variance

Menu Reports Help

Application Name: [Head Variance](#)
File Date: [05/09/2024](#)
Application Type: [LUHO - Variance](#)
Application Status: [Revisions Required](#)

Application Comments:	View ID	Comment	Date
-----------------------	---------	---------	------

Description of Work: [Requesting set back variance of 7 feet to erect a metal building on existing foundation.](#)
Application Detail: [Detail](#)
Address: [2111 K VILLE AVE, AUBURNDALE, FL 33823](#)
Parcel No: [252821000000023390](#)
Owner Name: [SANDERS EDDY DEAN II](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Theodore Head	Teds Repair Ser...	Applicant	Mailing, 2111 K-Ville ...	Active

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

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
-
Acreage
[0.50](#)
DRC Meeting
[06/15/2024](#)
Rescheduled DRC Meeting Time
-
Number of Units
-
Is this Polk County Utilities
-
FS 119 Status
[Non-Exempt](#)

PUBLIC HEARINGS
Development Type
[Land Use Hearing](#)
[Officer](#)
Variance Type
[Dimensions](#)
[Table](#)
Affordable Housing
Application Type
[Variance](#)
Brownfields Request
-

ADVERTISING
Advertising Board
[Land Use Hearing](#)
[Officer](#)
Legal Advertising Date
-

MEETING DATES
LUHO Hearing Date
[07/25/2024](#)

ALCOHOL BEVERAGE DIST REQ
Type of Business
-
Hours of Operation
-
Give Name & address of any school(s)/Church(s) within 2500 ft to the requesting property boundary
-

COMMUNICATION TOWER
Are there other sites beyond the one mile radius that are available to accomodate the proposed tower

CRITERIA FOR GRANTING VARIANCE
Will the variance be injurious to the area involved or detrimental to the public welfare?
[This will not be injurious to the area involved as we are not hurting anyone or encroaching on anyone's property.](#)

What special conditions exist that are peculiar to the land, structure, or building involved?
[There is an existing slab that is unique to this property that we want to use for the metal building that is shared with the existing building.](#)

When did you buy the property and when was the structure built? Permit Number?
[We are leasing the property with intent to buy. The existing was built in 1986.](#)

What is the hardship if the variance is not approved?
[We will not be able to conduct the amount of business we currently do without the additional structure.](#)

Is this the minimum variance required for the reasonable use of the land?
[Yes](#)

Do you have Homeowners Association approval for this request?
[No HOA](#)

LD_GEN_BOA_EDL
[Opening DigEplan List...](#)
DigEplan Document List

PLAN REVIEW FIELDS		
TMPRecordID	DocumentGroupforDPC	RequiredDocumentTypes
POLKCO-24EST-00000-22837	DIGITAL PROJECTS LD	-
RequiredDocumentTypesComplete	AdditionalDocumentTypes	Activate DPC
No	Applications, AutoCad File, Binding, Site Plans, (PDs Yes and CUs), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion	
Activate FSA	DigitalSigCheck	
Yes	Yes	

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
LUHQ	2	16	07/08/2024	07/09/2024	

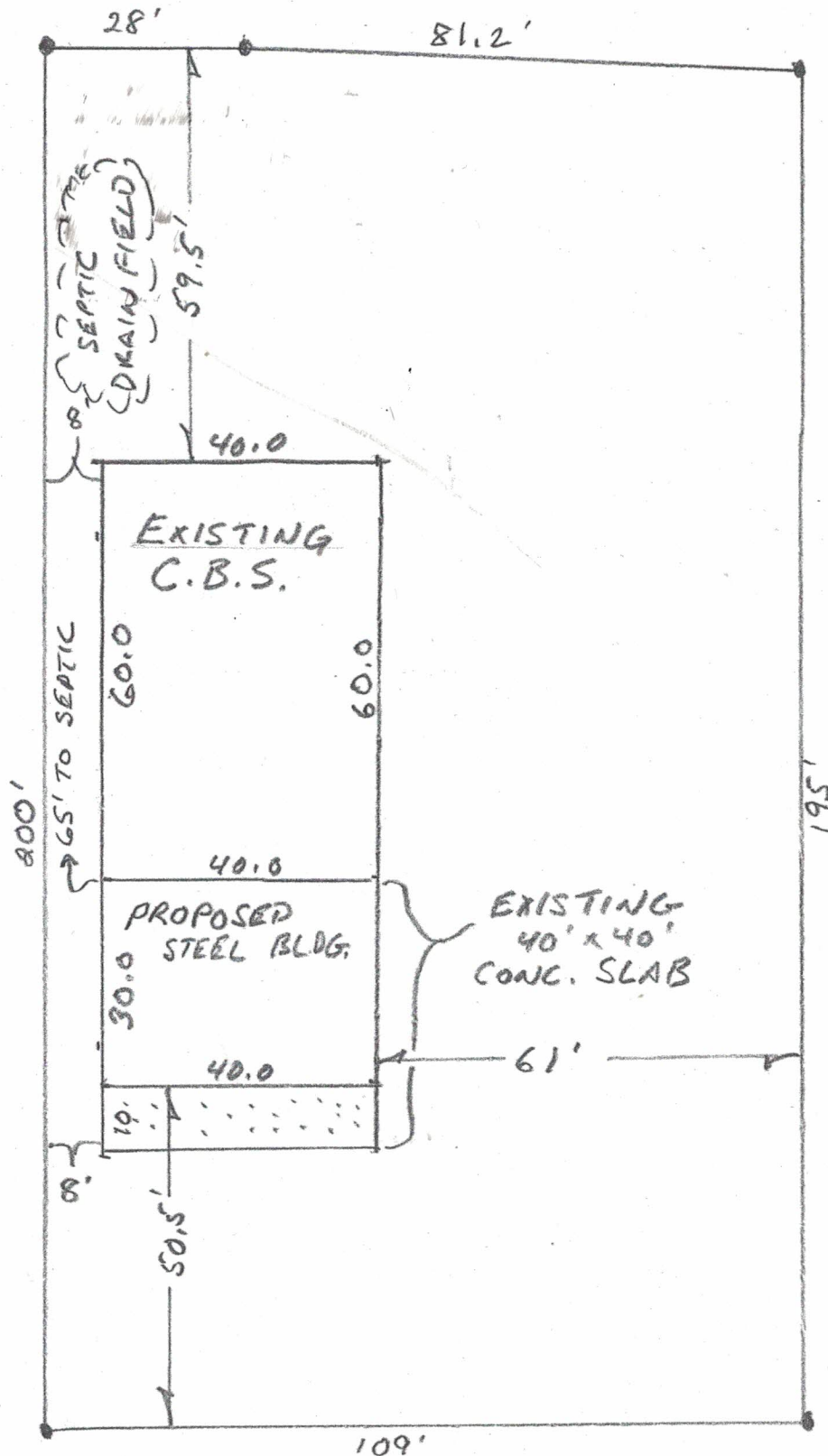
Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	05/10/2024	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irven	Approve	05/10/2024	Phil Irven
	Planning Review	Ivan Nance	Resubmittal ...	05/21/2024	Ivan Nance
	Review Consolidation	Lisa Simons-Iri...	Resubmittal ...	05/22/2024	Lisa Simons-Iri...
	Public Notice				
	Hearing Officer				
	Final Order				
	Archive				

Condition Status:		Name	Short Comments		Status	Apply Date	Severity	Action By
Scheduled/Pending Inspections:		Inspection Type	Scheduled Date	Inspector	Status		Comments	
Resulted Inspections:		Inspection Type	Inspection Date	Inspector	Status		Comments	

SITE PLAN

2111 K VILLE AVE
AUBURNDALE, FL

→ K-VILLE AVENUE →



→ KIMBERLY LANE →

330 West Church Street
PO Box 9005 • Drawer GM03
Bartow, Florida 33831-9005



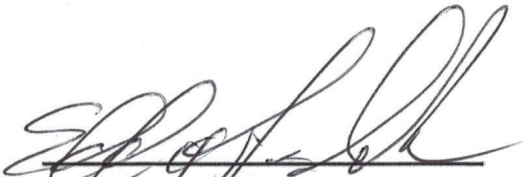
PHONE: 863-534-6792
FAX: 863-534-6407
www.polk-county.net

LAND DEVELOPMENT DIVISION

AUTHORIZATION FORM

LAND DEVELOPMENT PROJECTS LOCATED IN POLK COUNTY, FLORIDA

I, Eddy Dean Sanders (print owner's name), as the owner of the real property described as follows, 2111 N.ville Ave, Auburndale, FL, do hereby authorize to act as my/our agent Theodore Head (print agent's name) to execute all applications, petitions and other documents necessary to affect the application approval requested and to appear on my/our behalf before all County boards and committees considering this application and to act in all respects as our agent in matters pertaining to the application.


Property Owner Signature

Eddy Dean Sanders
Property Owner Printed Name

5.9.24
Date

Parcel Identification Numbers and Addresses (use additional sheet if needed):

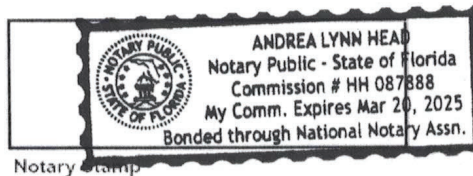
25.28-21-000000-023390

State of Florida County of Polk

I certify that the forgoing instrument was acknowledged before me this 9 day of May, 2024, by Eddy Dean Sanders.

Personally known ☒ Produced Identification _____ Type of Identification produced and verified: _____

Andrea Lynn Head
Notary Public Signature



Andrea Lynn Head
Notary Public Printed Name

March 20, 2025
My Commission Expires