

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

DRC Date	March 12, 2026	CASE #:	LDLVAR-2026-7 (Chambers Street Variance)
LUHO Date	April 23, 2026	LDC Section:	209.G

Request: The applicant is requesting a variance to LDC Section 209.G to allow a detached accessory structure to be larger than the primary.

Applicant: Lisa Wilson, The Permit Tech, Inc.

Property Owner: Kyle Mocabee

Location: 3943 Chambers Street, south of Lake Point Boulevard, east of Walk in Water, north of Dixie Street, east of Frostproof in Section 32, Township 30, Range 29.

Parcel ID#: 293032-993000-000460 (±0.78 acres)

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

Development Area: Rural Development Area (RDA)

Case Planners: Ian Nance

Summary:

The applicant is requesting a variance to allow the square-footage of an accessory storage building to exceed that of the primary structure. The accessory building is expected to be 1,800 sq. ft. with a height of 14 feet. It will be placed in the front yard near the existing driveway and meet all setbacks. The primary home is 1,679 sq. ft., is two stories.

Staff recommends approval of this variance. This area difference is minimal relative to the size of the property; size and height of the home; size and height of surrounding homes; and the maximum height allowed in the A/RR Future Land Use designation (50'). The enclosed structure will be used to house vehicles and equipment. Staff finds that this request will not be injurious to surrounding neighborhoods or to the character of the area.

Development Review Committee

The Development Review Committee, based on the criteria for granting variances, the submitted application, and a recent site visit, finds that the applicant's request as written **IS CONSISTENT** with Section 931 of the Polk County Land Development Code (LDC) and recommends **APPROVAL of LDLVAR-2026-7.**

CONDITIONS OF APPROVAL:

1. Approval of this variance is to allow the subject storage structure on Parcel ID #293032-993000-000460, as shown on the site plan (Exhibit 5) and described in this staff report, with an additional 10% tolerance.
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.

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 allow the square-footage of an accessory storage building to exceed that of the primary structure. The accessory building is expected to be 1,800 sq. ft. with a height of 14 feet. It will be placed in the front yard on a concrete foundation near the existing driveway. The primary home is 1,679 sq. ft. and is two stories. LDC Section 209.G requires accessory structures to be subordinate in square-footage and height of the primary home.

The accessory building will be enclosed and can meet the A/RR accessory rear and side setbacks (10 feet), as well as the right-of-way setback (25 feet).

Staff finds that the additional square-footage of this storage structure will not be injurious to the area or detrimental to public welfare. Given the site location along Lake Walk in Water, storage structures and garages such as these are popular for housing recreational vehicles, boats, and outdoor equipment. The nearest home to the north is approximately

140 feet from the proposed structure. This exceeds Fire Code standards for distances between enclosed structures. The setbacks will provide space to prevent stormwater from running onto neighboring property from the proposed structure. No drainage or utility easements are noted onsite.

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 subject property is in an A/RR land use district (*Exhibit 2*) which requires five-acre lots. This is a lot of record created prior to any County zoning ordinances. If this was a five-acre lot, a variance would not be required as LDC Section 209.G allows accessory structures up to 2,000 sq. ft. or 150% of the principal structure square footage, whichever is greater, with a minimum lot size of two acres.

Still, this has little regard to the request for increased square-footage, though the size of this property, though non-conforming, does allow for a larger accessory structure without impacting neighbors by providing more space to distance one from adjacent properties. The maximum height for structures in A/RR is 50 feet, according to LDC Table 2.2., but this is balanced by the provisions in LDC Section 209.G.

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

The owner purchased this property in June 2025. The home onsite was built in 1969 without a garage. The Property Appraiser notes a 168 sq. ft. detached garage built in 1985, and a 384 sq. ft. detached carport placed in 2001. The Land Development Code does not limit the number of accessory structures permitted onsite. These structures do not provide space for additional vehicles and equipment.

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;*

Approval of this variance will not allow a structure or use that would not otherwise be allowed. Storage garages such as these are permitted on residential properties as accessory structures once a primary residential structure has been built. Carports, garages and any other structures intended for the storage of vehicles which have both a rigid roof and a permanent foundation may be permitted in the front yard, provided the front yard setbacks are met.

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 difference in square-footage is needed to accommodate the storage of vehicles and equipment and represents an approximately 7% increase in size over the primary 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. The accessory structure is for residential purposes.

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, Planned Development, or other Conditional Use.

Surrounding Future Land Use Designations and Existing Land Use Activity:

Table 1

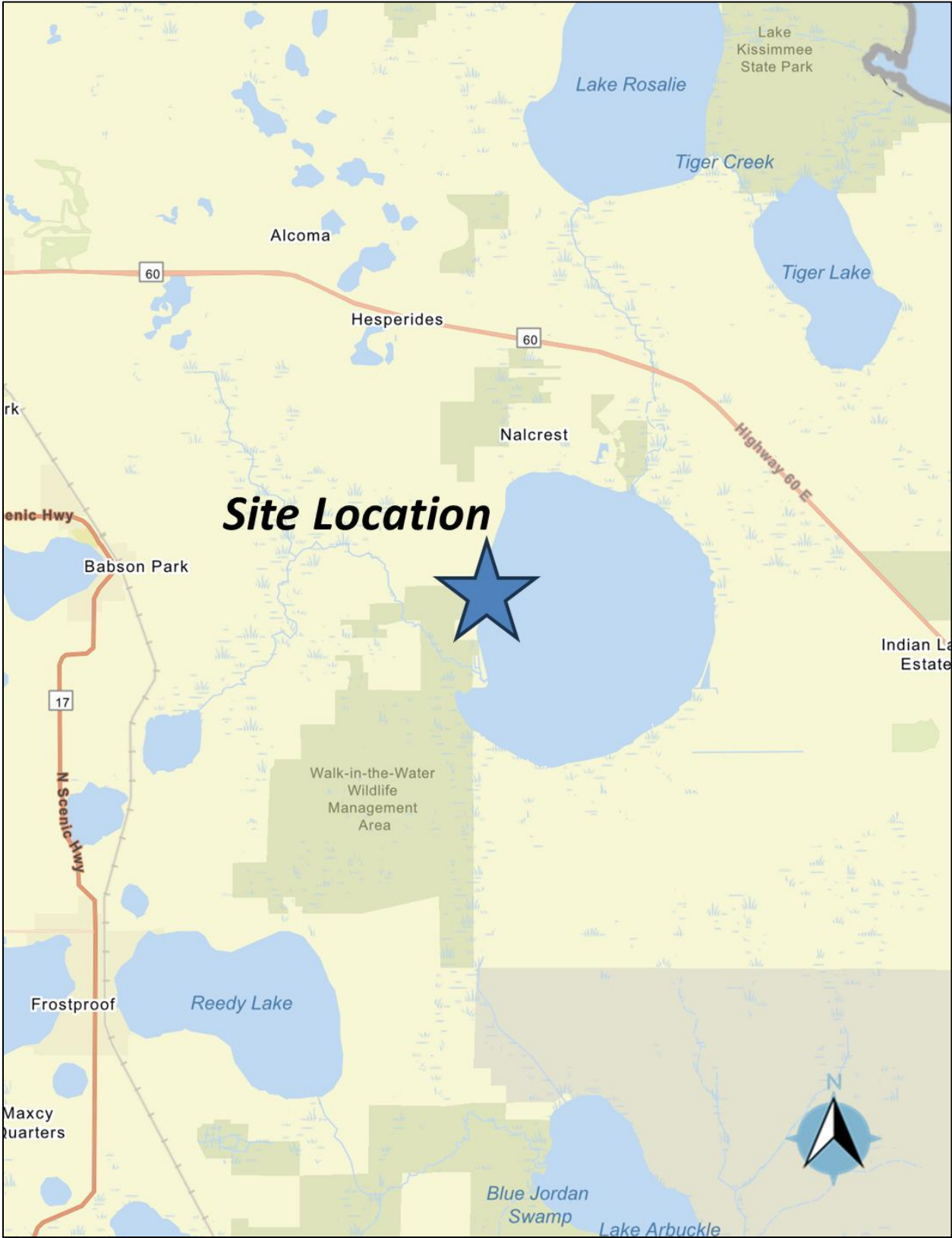
<p>Northwest: A/RR Chambers Street Single-Family Home (+/- 1.15 Acres)</p>	<p>North: A/RR Single-Family Home (+/- 0.76 Acres)</p>	<p>Northeast: Lake Walk-in-Water</p>
<p>West: A/RR Chambers Street Vacant (+/- 1.11 Acres)</p>	<p>Subject Property: A/RR Single-Family Home (+/-0.78 Acres)</p>	<p>East: Lake Walk-in-Water</p>
<p>Southwest: A/RR Vacant (+/- 1.08 Acres)</p>	<p>South: A/RR Single-Family Home (+/-0.84 Acres)</p>	<p>Southeast: Lake Walk-in-Water</p>

The subject property is Lot 46 within the Lake Walk-in-the-Water Heights subdivision (PB 40 PG 24) recorded on July 11, 1956. Surrounding land uses are site-built residential homes on platted lots within this subdivision. Home sizes vary within this development. The property directly to the south, Parcel #293032-993000-000450, is developed with a two-story 4,236 sq. ft. home built in 1988. It has a 1,276 sq. ft. detached garage.

Since this development was platted prior to the Comprehensive Plan, Land Development Code, and prior Zoning Ordinances, the lot sizes are smaller than the current A/RR standards (five acres).

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



Location Map



Future Land Use Map



Aerial Image – Context



Aerial Image – Close

