

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

<b>DRC Date</b>	<b>February 12, 2026</b>	<b>CASE #:</b>	<b>LDLVAR-2026-13 (Rural Fire Service Connection)</b>
<b>LUHO Date</b>	<b>March 26, 2026</b>	<b>LDC Section:</b>	<b>208, Table 2.1</b>

**Project Number:** LDLVAR-2026-13

**Request:** The applicant is requesting a right-of-way, side, and rear yard setback reduction from 50, 15, and 20 feet to zero (0) feet for a carport structure.

**Applicant:** Polk County

**Property Owner:** Polk County

**Location:** 17240 Commonwealth Avenue (State Road 33), northwest corner of State Road 33 and Bloomer Road, South of Hacienda Trail, north of Poyner Road, north of Polk City, in Section 17, Township 25, Range 25.

**Parcel ID#:** 252517-000000-034090

**Size:** ±0.009 acres (411 sq.ft.)

**Land Use Designation:** Agricultural/Residential Rural (A/RRX)  
Polk City Special Protection Area  
Green Swamp Area of Critical State Concern

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

**Case Planner:** Erik Peterson, AICP  
Planning Administrator

**Summary:**

Polk County Utilities have installed fire service wells throughout the rural areas of the County to enhance firefighters' ability to contain fires in sparsely populated areas where there are no central water sources and hydrants available. These facilities have electric and mechanical equipment that can be better maintained if protected from the elements. And it is essential that these facilities be located in close proximity to rights-of-way so that fire vehicles can access them quickly and efficiently. This results in the need for a protective structure (carport) located within the right-of-way setbacks, especially on major roads where the setbacks are much higher. Additionally, the sites are small. Typically, 20'x20' which is just enough to contain the equipment. Therefore, the County is requesting a setback of zero feet on all property lines to accommodate the placement of this structure at this location.

This structure is needed for public safety and will be located such that it is not harmful to the general public. The site is at the corner of a driveway serving only four dwellings where it will not affect visibility and a state highway that is more than needed right-of-way. The property is small because the County did not want to take any more property than necessary for the public function. This land is in the Green Swamp Area of Critical State Concern. There are restrictions on property size for residential purposes. Taking more land would have made the parent parcel less conforming to density standards.

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

- The request is **in accordance with the general intent and purpose of this Code and will not be injurious to the area involved or otherwise detrimental to the public welfare** because the location is most effective and efficient for its purposes with minimal threats to public safety.
- **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 site is intentionally small to minimize cost to the taxpayers and not jeopardize the integrity of the parent parcel from which it was taken. This cover is needed to protect equipment which minimizes maintenance and operational costs.
- **Granting the requested variance will not confer on the applicant any special privilege** because no other property in the community provides fire safety functions.

### **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-2026-13**, with the following conditions:

### **CONDITIONS OF APPROVAL:**

1. A variance to the standards in Section 208, Table 2.1 of the Land Development Code (LDC) shall be granted for a right-of-way, side, and rear yard setback reduction from 50, 15, and 20 feet to zero (0) feet for a carport structure.
2. The applicant must apply for all necessary permits within one (1) year of the date for which the Land Use Hearing Officer's Final Order is rendered.
3. The carport structure shall be removed or relocated within the applicable setbacks when this property ceases being used for fire rescue purposes.
4. This variance does not authorize any encroachments into easements, and the applicant shall be responsible for making 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 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 intended purpose of this structure is to promote public safety. This fire service apparatus to be served by this protective cover structure requested consists of a well, high service pump, and electrical equipment that enables the well and pump to be monitored and controlled remotely. The fire service system provides firefighters in rural areas the ability to refill the water tanks in fire protection vehicles a closer location than finding a public fire hydrant or having to return to the station. This property is located deep in the Green Swamp Area of Critical State Concern where development density and intensity are mandated to be low for the purpose of aquifer protection. This area will forever remain rural. This rural area is served by three County fire stations but from the periphery of the Green Swamp.

The proposed canopy is located close to an intersection of a private road and State Road 33 (Commonwealth Avenue). The structure will be located just beyond the Clear Visibility Triangle required by Section 711 of the Land Development Code. The private road serves only four dwellings. Additionally, the right-of-way width for State Road 33 is 200 feet and serves only a two-lane rural section. Such right-of-way is enough for a five-lane rural section and there are no plans for widening in the Transportation Planning Organization (TPO) 2070 Plan. Therefore, it is unlikely that this small structure will pose danger to traffic movement along the corridor. For these reasons, staff are confident that the structure placement *will not be injurious to the area involved or otherwise detrimental to the public welfare.*

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

This request is a result of special conditions and circumstances. There is no other similar structure in the County that would have the same justification for setback relief. Although the County may construct similar facilities in the future in the rural areas, it is unusual that a site so small would be chosen again. The reason for such a small site was to reduce costs to taxpayers and not take any more land than needed for infrastructure purposes. The cover is needed to protect infrastructure equipment to reduce costs of repair and maintenance.

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

The County purchased just enough property to serve the intended purpose for fire protection in 1991 before the adoption of the Comprehensive Plan for two reasons. One, to minimize the cost to taxpayers. At the time, the intended use was a well that a pumper truck could draft from to refill its tanks. It was recently improved with new pumps and incorporated System Control and Data Acquisition (SCADA) equipment so the well and pump apparatus can be managed remotely (See Exhibit 7). This equipment enables fire rescue vehicle water tanks to be refilled quicker. This new equipment is not as tolerant to the weather as the earlier system.

Second, to prevent the parent parcel from becoming smaller. Within a few months of the 1991 purchase, the County would change the development density in this portion of the Green Swamp from one (1) unit per acre to one unit per five (5) acres. Three years later, the County would lower the density to one unit per ten acres as it is today. This is why it would be inappropriate to purchase more property from the abutting owner because it would increase the non-conformity and prevent any further permitting.

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 is a rare and unusual request by the applicant. There are only a few locations in the County for these rural fire service connections. Only governments need a site like this. It is strictly for public safety and protection of public infrastructure.

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

The County purchased just enough property to locate the rural fire service connection. This canopy will cover the equipment and possibly just enough area to protect the firefighter while connecting the intake hose to the hydrant. The property is 20 feet by 20 feet, and the proposed cover is 16 feet by 20 feet.

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 rural fire service is a permitted Class II Utility. The request is for a canopy structure to protect the equipment.

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. The property is small, but it was not created for a residential purpose.

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

The equipment onsite is considered a Class II Utility. These are approved through administrative review. There are no conditions placed on a site by the Planning Commission or the BoCC.

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

The table to follow provides details of abutting structures and lot parameters.

**Table 1**

<p><b>Northwest:</b> A/RRX mobile home on a ±2-acre lot</p>	<p><b>North:</b> A/RRX 2,560 square foot single-family dwelling on a ±5-acre lot</p>	<p><b>Northeast:</b> A/RRX mobile home on a ±4.9-acre lot</p>
<p><b>West:</b> A/RRX Total of 3 mobile homes on north side of Bloomer Road private easement</p>	<p><b>Subject Property:</b> Agricultural/Residential Rural (A/RRX) Well, Pump, remote controlled electrical equipment, fire hydrant on a ±0.009-acre (411 sq.ft.) lot</p>	<p><b>East:</b> A/RRX mobile home on a ±9.8-acre lot</p>
<p><b>Southwest:</b> A/RRX 4,258 square foot single-family dwelling on a ±9-acre lot</p>	<p><b>South:</b> A/RRX mobile home on a ±2-acre lot</p>	<p><b>Southeast:</b> A/RRX 2,531 square foot single-family dwelling on a ±9.8-acre lot</p>

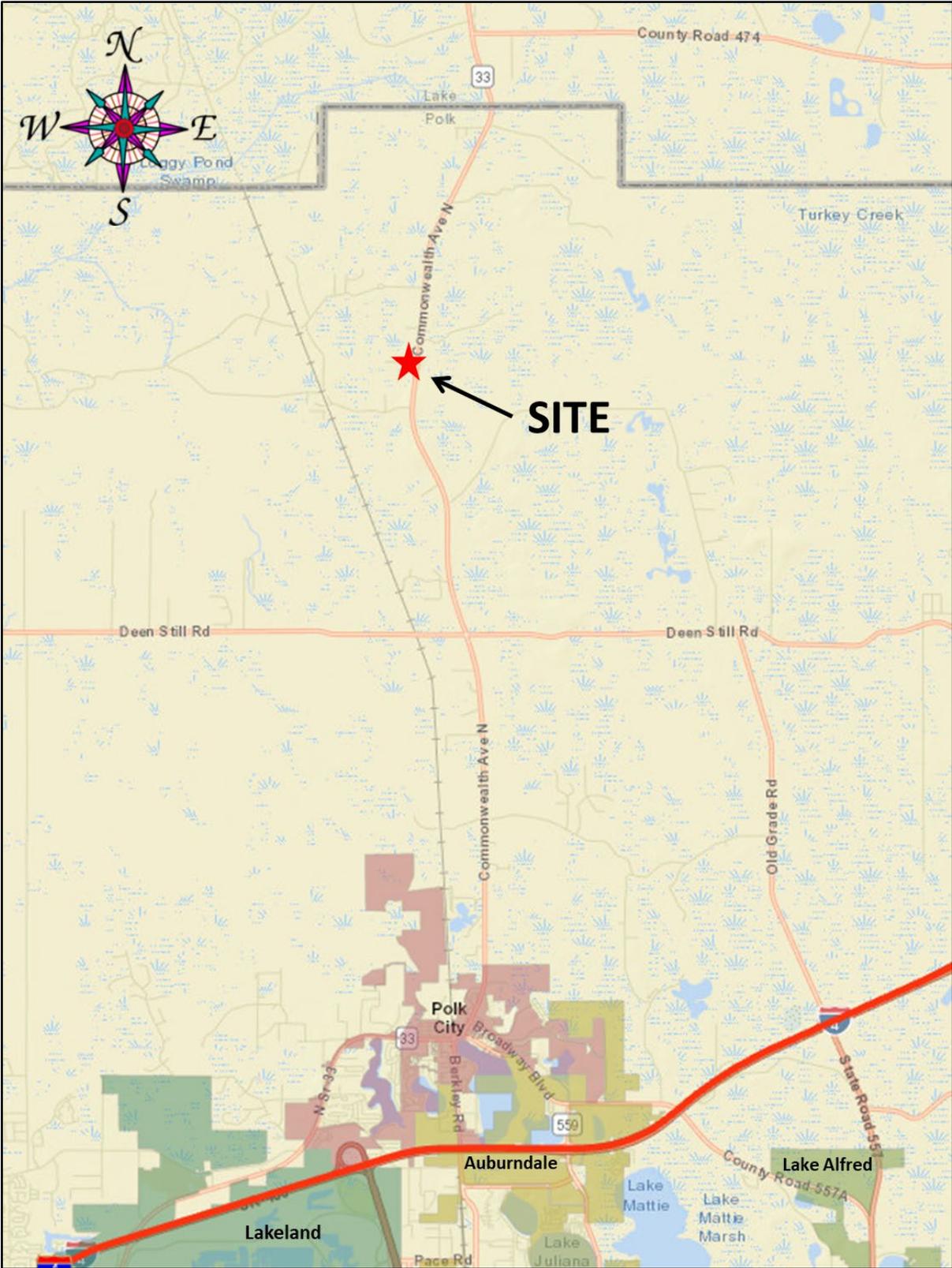
This small site is located at the corner of Commonwealth Avenue and Bloomer Road is uniquely placed relative to the rural area served by Polk County’s Fire Rescue stations. The Green Swamp Area of Critical State Concern is served by three stations: Providence Station 6 in north Lakeland, Station 7 in Polk City, and Station 33 near US 27 north of I-4. The site is just under four miles from the intersection of Dean Still Road (an east-west connection between U.S. 27 and U.S. 98) and Commonwealth Avenue (a north-south minor arterial road) which is the center of the Green Swamp. This facility is one of the only sources of water in the entire area. It provides pumper trucks and water trucks with the ability to refill when fighting fires in this vast rural area. It is especially beneficial in the event of wildfires. It will only be utilized during emergencies. The well system is controlled and monitored remotely by Polk County Utilities through its System Control and Data Acquisition (SCADA) network. This sensitive equipment needs protection from the elements. A carport-like structure is needed to accomplish that.

**Comments from other Governmental Agencies:**

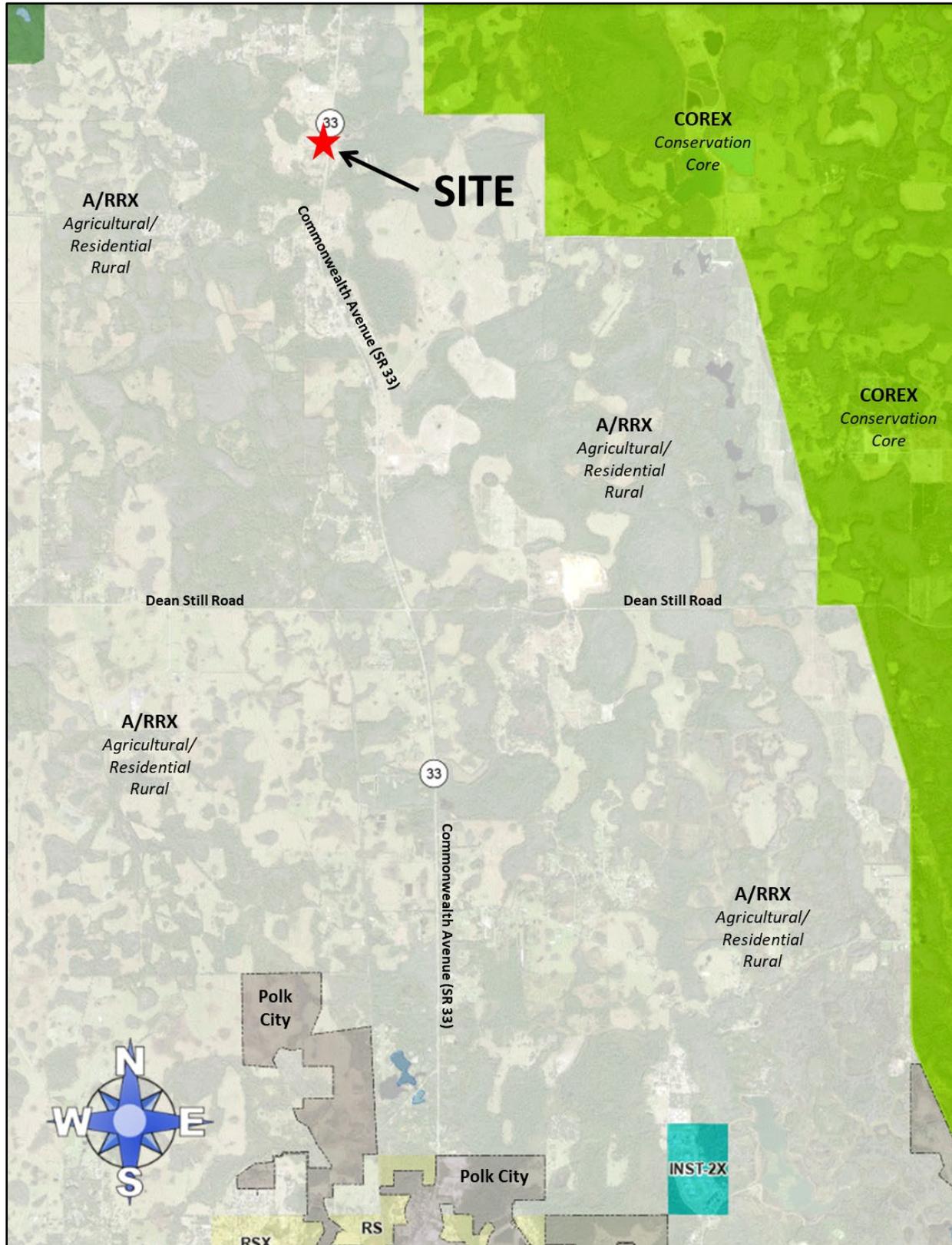
None.

**Exhibits:**

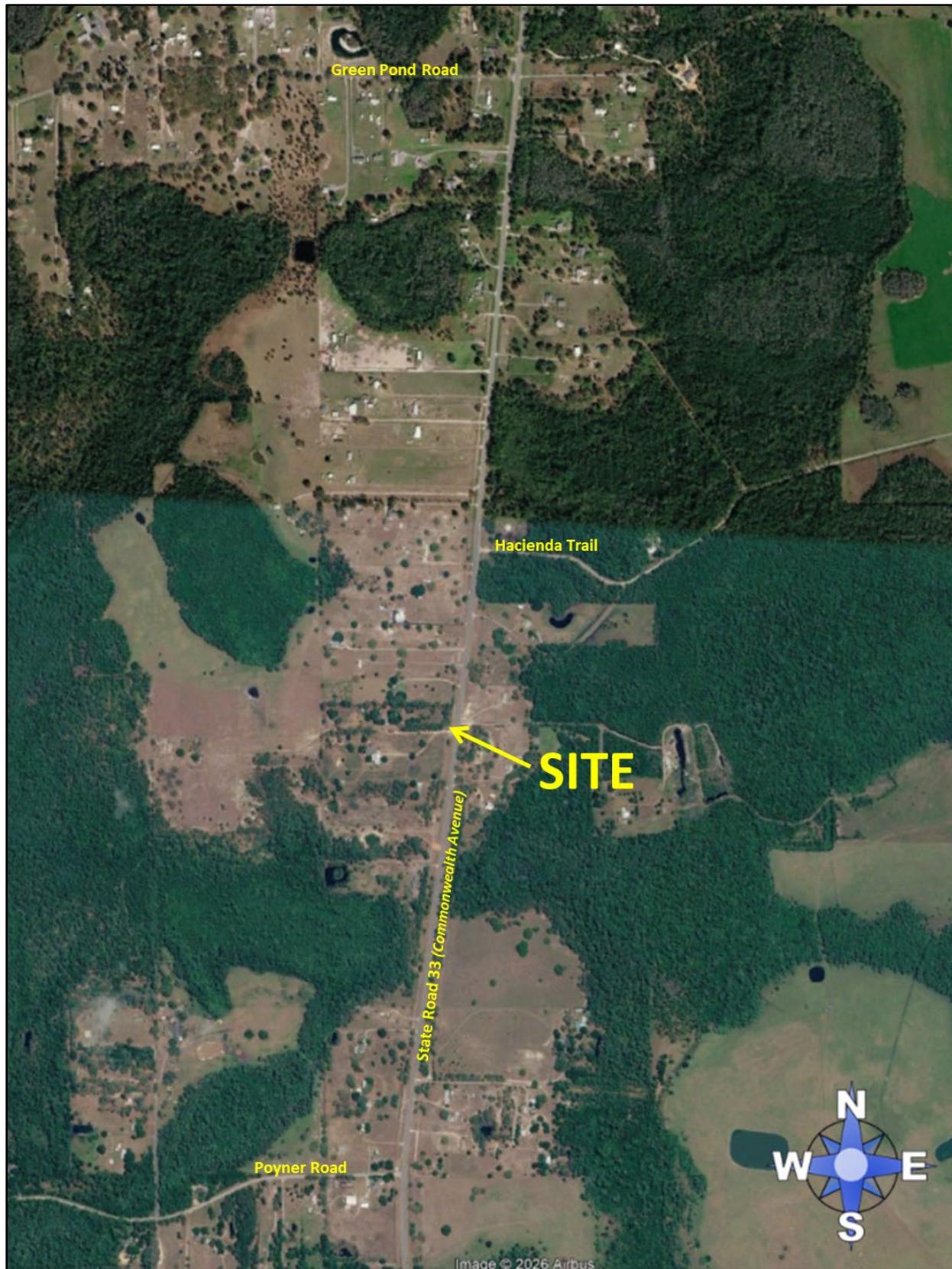
- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use
- Exhibit 3 – 2025 Satellite Context
- Exhibit 4 – 2023 Aerial Close-up
- Exhibit 5 – Site Plan
- Exhibit 6 – Criteria Justification
- Exhibit 7 – Well, Pump, and SCADA Equipment



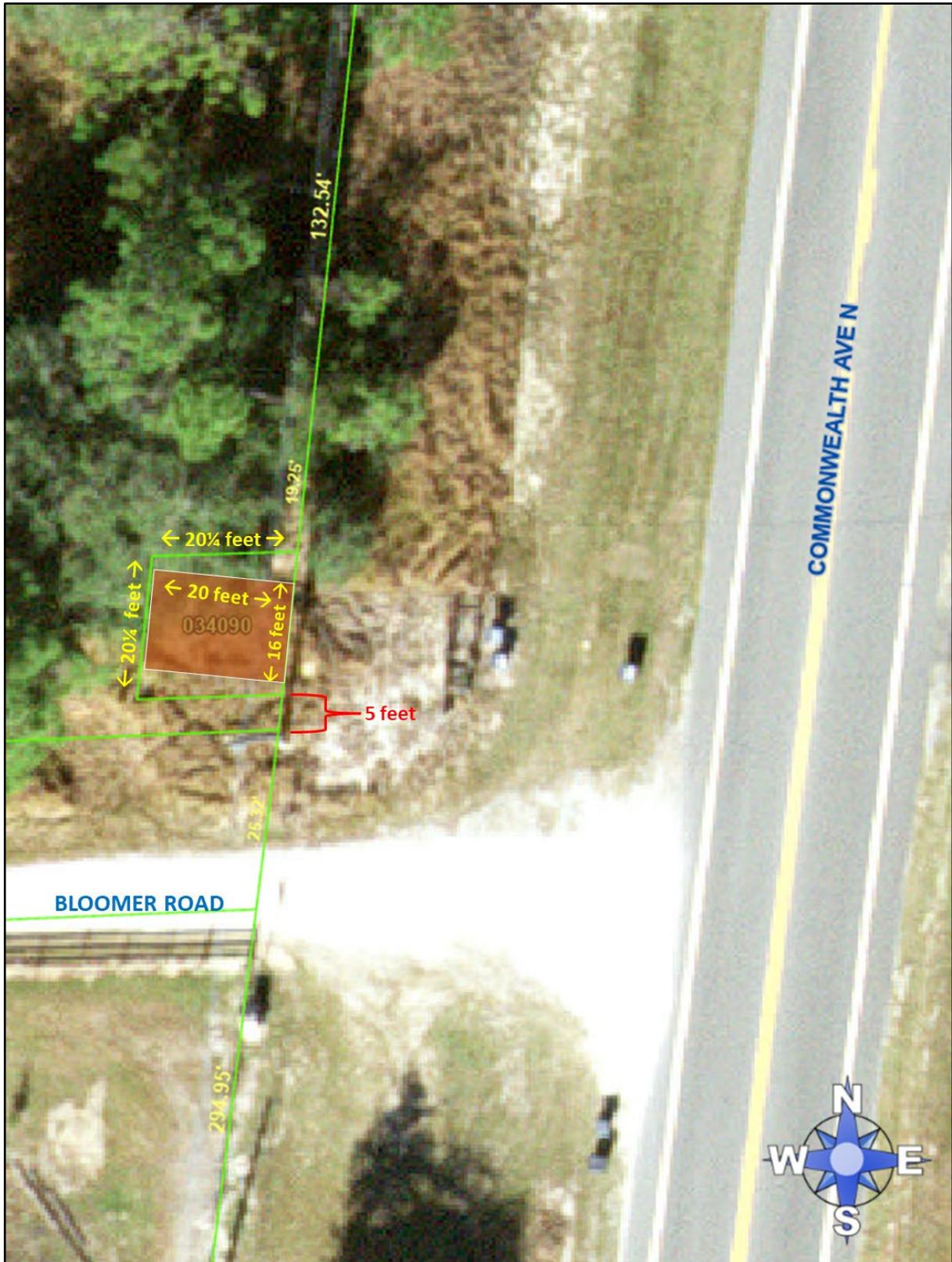
# Location Map



## Future Land Use



## 2025 Satellite Photo Context



2023 Aerial Photo Close-Up



**CRITERIA FOR GRANTING VARIANCE**

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

No, this infrastructure is intended to enhance public safety in the area. Additionally, the right-of-way is very wide (200 feet) for a two-lane facility which typically requires 80 feet.

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

The land is just over 400 square feet because it is just a well, pumps, and hydrant.

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

Property purchased February 20, 1991. Fire service, hydrant, and pumps January 29, 2024, under BT-2024-1544

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

Higher maintenance costs. Increased cost to taxpayers. Greater possibility of system failure if service isn't properly maintained. If it doesn't work when needed, there could be loss of life or property damage.

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

Yes.

**Do you have Homeowners Association approval for this request?**

No.

## Applicant's Justification



## Well, Pump, and SCADA Equipment