

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

DRC Date	April 10, 2025	CASE #:	LDLVAR-2025-25 (Webb Barn Variance)
LUHO Date	June 26, 2025	LDC Section:	Section 209.G

Project Number: LDLVAR-2025-25

Request: Request for an accessory structure to be 280 percent larger than the primary structure on approximately ± 9.90 acres.

Applicant: Sarah Case

Property Owner: Stephen Webb
Caitlin Webb

Location: The subject property is located at 3849 Old Dixie Highway, north of US Highway 92, south of Cheri Drive, east of Schalamar Creek Drive, west of Southhampton Boulevard, east of Auburndale in Section 07, Township 28, Range 25.

Parcel ID#: 252807-000000-043060

Size: ± 9.90 acres

Land Use Designation: Residential Suburban (RS)

Development Area: Suburban Development Area (SDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant, on behalf of the property owner, is requesting a variance to Section 209.G of the Land Development Code (LDC) to permit the construction of a 9,180 square foot accessory structure to be larger than the 3,287 square foot existing principal residence on approximately 9.90 acres. The property has a Future Land Use designation of Residential Suburban (RS) and is in the Suburban Development Area (SDA).

The property owner wishes to replace their existing barn located behind their residence that was damaged due to recent storms. According to application, the proposed structure will be constructed in the same general vicinity as the damaged barn once it is demolished. Section 209.G of the LDC allows properties over two (2) acres in the RS land use district to construct accessory structures up to 150% of the size of the primary structure. The adequate size of the property and adherence to setbacks makes this request relatively benign in intensity. Additionally, the owner states that they need a large accessory structure in order to store personal items and cater a large enough space for hockey practice. Since the structure is fully enclosed, potential sound and noise disturbances

should not pose an issue. The structure is sufficiently setback from public right of way view and complies with required accessory structure setbacks.

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 the new structure is replacing a damaged barn that has been in existence for over twenty-five years with the same building footprint. It meets all accessory structure setback requirements in the RS district and is not anticipated to impact the livelihood or safety of the abutting and adjacent property owners.

Development Review Committee

The Development Review Committee, based on the criteria for granting variances, the submitted application, and a recent site visit, finds that the applicant's request as written **IS CONSISTENT** with Section 931 of the Polk County Land Development Code (LDC) and recommends **APPROVAL of LDLVAR-2025-25**.

CONDITIONS OF APPROVAL:

1. This variance approval to Section 209.G of the Land Development Code to allow an accessory barn (9,180 sq. ft.) to be 280% larger than the primary structure (3,287 sq. ft.) as described in the staff report. All further additions or structures placed on the property shall be required to meet the setback requirements of the Land Development Code or re-apply for another variance from the Land Use Hearing Officer.
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 use of the accessory structure approved herein is limited to the private recreation space mentioned in the report and storage of items associated with the residential use of the property. No home-based business or commercial uses shall be permitted to occur within the accessory structure.
4. 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 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 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;*

Staff finds that this request will not be injurious to the surrounding area or detrimental to the public welfare. The proposed structure is approximately 280% larger than the existing primary structure in size. The property has one 3,287 square-foot single family residence. There is already an existing barn for storage on the property which has become unusable due to storm damage. Once demolished, the proposed structure is intended to replace the old barn and be constructed in approximately the same location. The proposed structure is approximately 9,180 square feet and is 280% the size of the primary residence. It will be fully enclosed to ensure it will not pose any sound or noise disturbances in the general vicinity. The site plan indicates the barn will be about 35 feet from the northern property line, meeting all setbacks prescribed in the RS land use district, according to Table 2.2 of the LDC.

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 site is located in the Residential Suburban (RS) land use district and is about 9.90 acres, which is larger than the district standard. According to Table 2.2 in the LDC, the RS district requires a minimum lot size of five acres. Prior to the adoption of the Comprehensive Plan and LDC, the property was recorded in December 1976 and zoned in the Residential-3 (R-3) district. At the time, the lot was 2.5 acres and was considered a lot of record. Sometime between 1997 and 2005, the property was combined with adjacent land to the west to create the existing lot size today. With the lot nearly 10 acres in size, accessory structures such as this are negligible in size. The size of the accessory structure is larger than the one it is replacing because the owner needs enough space for hockey practice. While typical rinks are ice and over 190 feet long, the new barn will have a concrete floor and is 124' in length, which is sufficient space for personal use.

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

The property was purchased by the applicant in March 2022 with an existing barn in place since the late 1990s. According to the application, recent storms last year damaged the structure which now prohibits the functional use of the space for storage and activities. The property owner would like to continue storing personal items as well as have additional room to practice hockey. The accessory structure proposed is about 9,180 square feet which is 280% larger than the principal structure (3,287 sq. ft.) and will stand 23' at its highest point. The old barn is approximately 1,404 square feet and 20' in height. The size of the structure is through the direct action of the applicant on behalf of the property owner and indicates this size best meets their needs for storage.

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;*

The proposed request is not anticipated to confer on the applicant any special privilege that is denied by the provisions of the Code. Section 209.G.2 allows an accessory structure larger than the primary with approval from the Land Use Hearing Officer pursuant to Sections 930 and 931. By right accessory structures are permitted in this land use district, and structures such as this - as long as it has a permanent foundation, a rigid roof, and meets setbacks. The accessory side setback requirements in the RS district are ten feet. This structure exceeds this distance without requiring a variance.

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. Approval of this variance is necessary for the owner to replace their damaged barn in order to store their personal items and to conduct indoor sports activities. While the new barn will be 280% larger than the primary residence, based on conservations, the structure will serve as a hockey practice space for personal use only. The height does not exceed the maximum height of 50 feet for the RS land use district. The owners can no longer use the older barn due to safety and weather concerns. The proposed structure will address these problems and will be fully enclosed so the owners can utilize the building for hockey, regardless of weather conditions, as well as prevent any possible noise from disturbing nearby neighbors. Nonetheless, the proposed building is on a relatively large lot and the adjacent neighbor directly to the north is in support of this request (*Exhibit 7*).

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 will not result in the creation of a lot or parcel that does not meet the requirements of the Code. The 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 a condition or the intent of a condition placed on the development by the Planning Commission or the BoCC.

Surrounding Future Land Use Designations and Existing Land Use Activity:

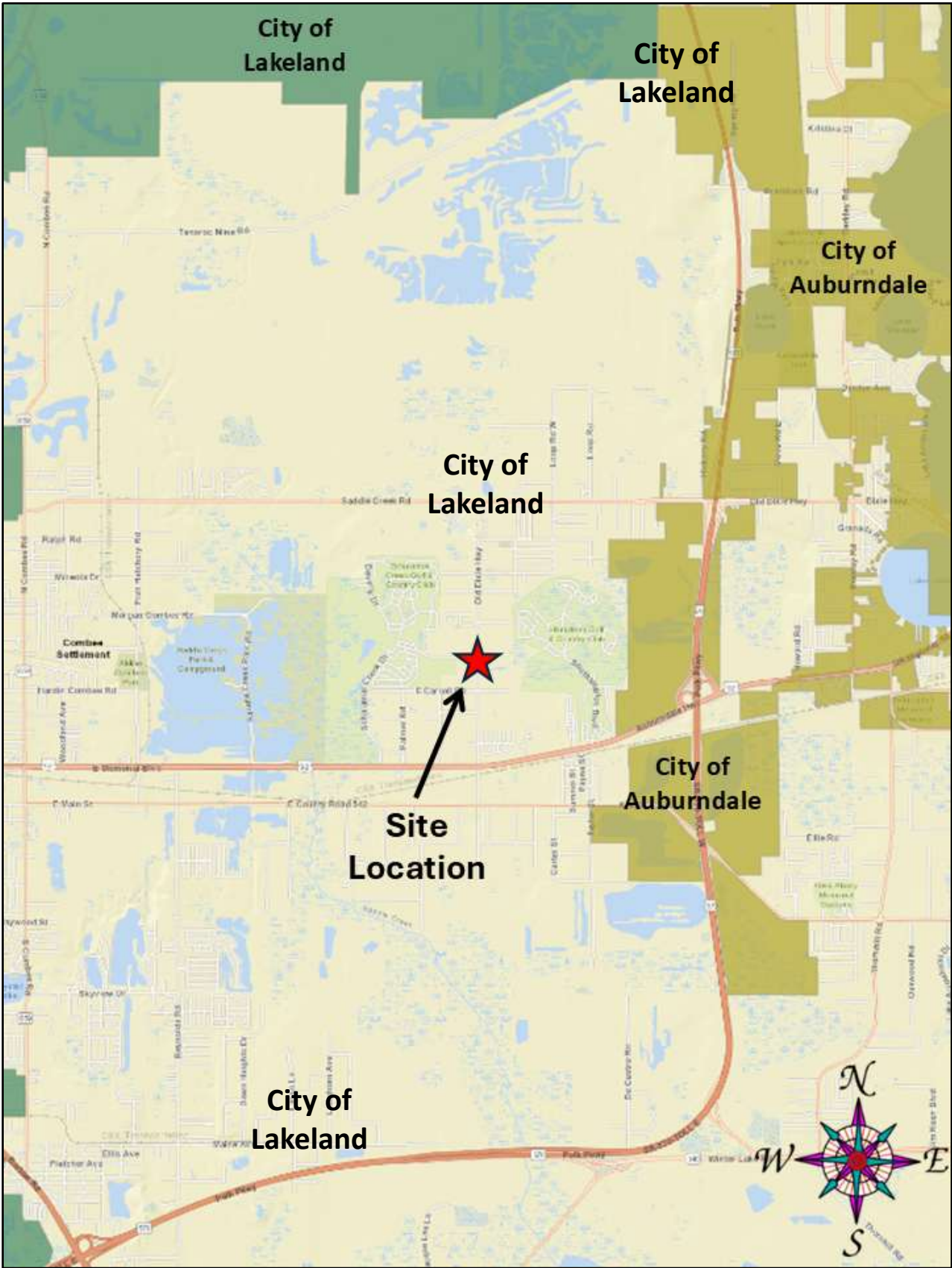
Northwest: RS 3,280 sq. ft. single-family home ±1.00 acre	North: RS 2,346 sq. ft. single-family home ± 4.95 acres	Northeast: RS The Hamptons Mobile Home Park (PUD # 89-01) ± 320.36 acres
West: RS 2,390 sq. ft. single-family home ±4.62 acres	Subject Property: RS 3,287 sq. ft. single-family home ±9.90 acres	East: RS The Hamptons Mobile Home Park (PUD # 89-01) ± 320.36 acres
Southwest: RS Vacant land ±26.22 acres	South: RS Open Space - The Hamptons Mobile Home Park (PUD # 89-01) ± 320.36 acres	Southeast: RS Open Space - The Hamptons Mobile Home Park (PUD # 89-01) ± 320.36 acres

The subject site has frontage on Old Dixie Highway with the property surrounding vicinity designated as Residential Suburban (RS). Multiple properties, and subdivisions branch off of Old Dixie Highway, an Urban Collector Roadway to the north and south. The RS district promotes the proper transition of land from rural to urban uses and permits single-family, dwelling units and community facilities as a few use examples. To the west and south, the subject site backs up to wetlands and dedicated open space owned by the Hamptons Golf and Country Club (PUD # 89-01), an 829-unit adult mobile home park with a golf course. Nearby to the north lies Tenorac High School about 0.75 miles with access off the same collector road. The current owners purchased the property through a warranty deed recorded in March 2022 according to the Property Appraiser's website. No similar variance cases were found in the request's section, township and range. The proposed structure is consistent with the architectural theme of the principal dwelling and provides a rural aesthetic image.

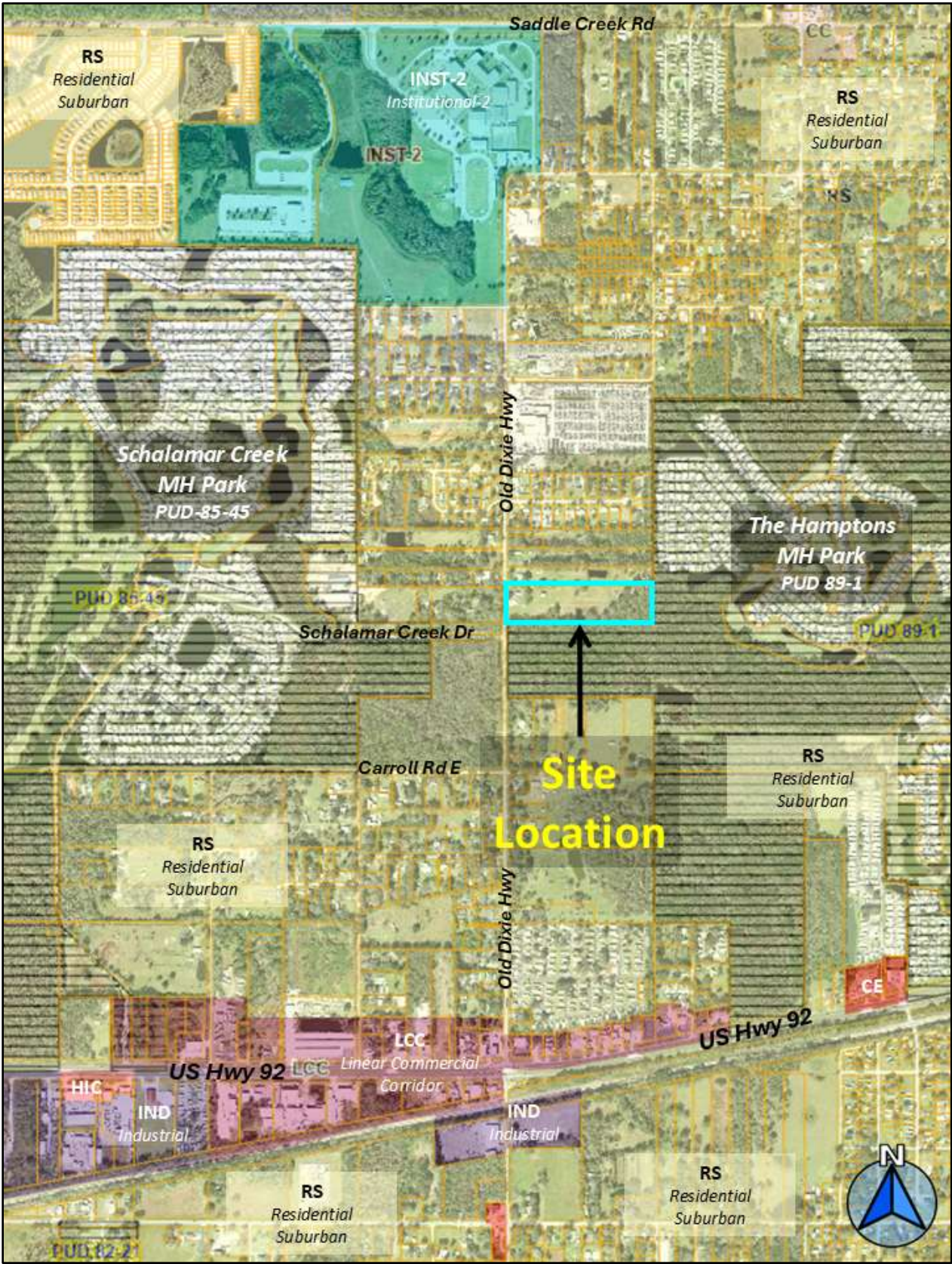
Comments from other Governmental Agencies: None

Exhibits:

- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use Map
- Exhibit 3 – 2023 Satellite Image (Context)
- Exhibit 4 – 2023 Aerial Photo with Site Plan (Close-Up)
- Exhibit 5 – Site Plan
- Exhibit 6 – Justification
- Exhibit 7 – Letter in Support (Neighbor)



Location Map



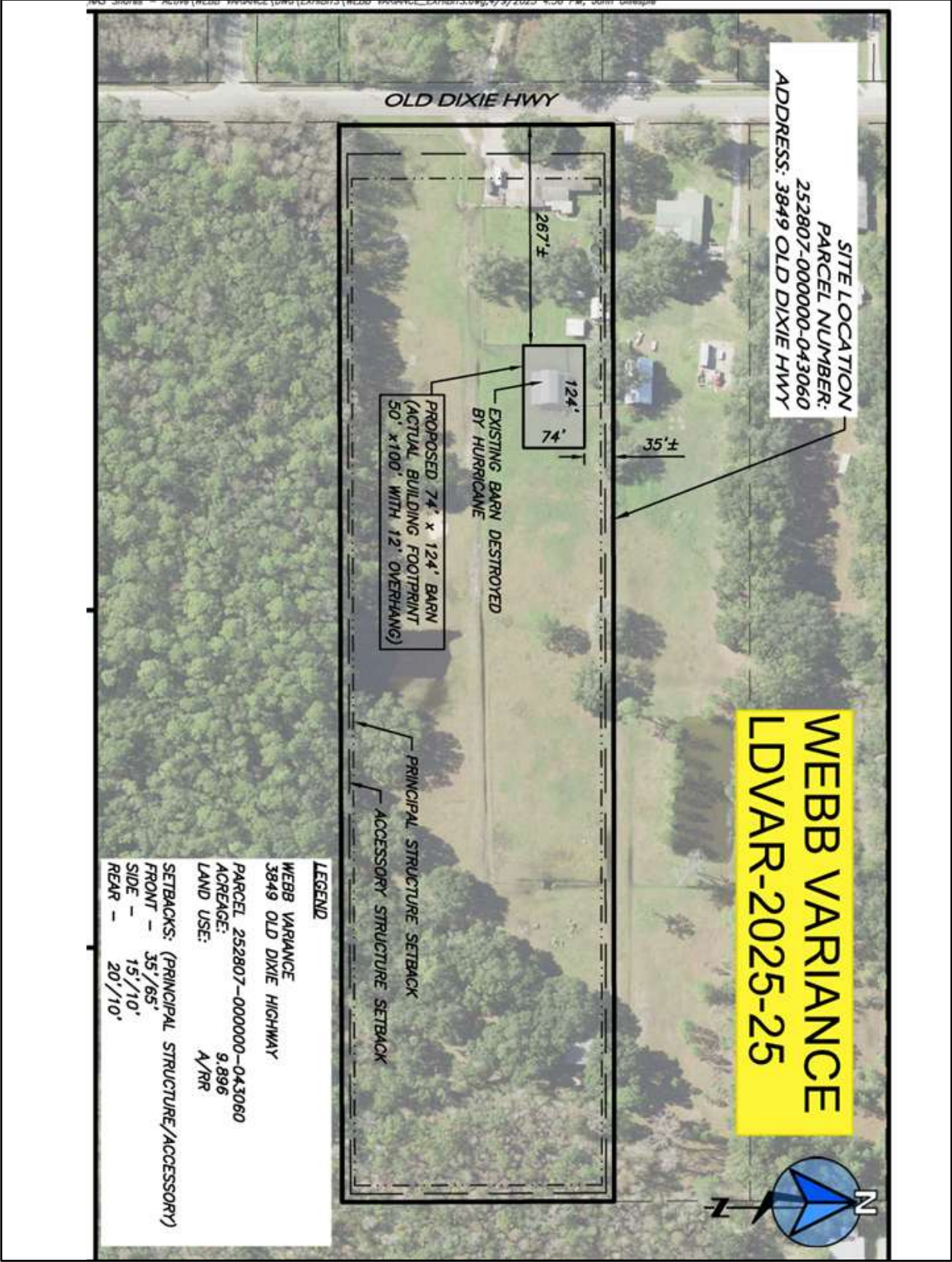
Future Land Use Map



2022 Satellite Image (Context)



2023 Aerial Photo with Site Plan (Close-Up)



Site Plan

CRITERIA FOR GRANTING VARIANCE

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

No; the request is to allow a barn (categorized as Accessory Structure) larger than 150% of the principal structure.

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

Property had an existing barn that was destroyed in the 2024 Hurricane Season. Owner wishes to rebuild a larger barn.

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

Owner purchased in March 2022. The old barn was built in 1999 (according to public records.)

What is the hardship if the variance is not approved?

It would be a lost opportunity to rebuild the barn at a size that meets the family's extracurricular activity needs.

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

This is the minimum variance required.

Do you have Homeowners Association approval for this request?

No HOA; Subject property is 10 acres in size within RS Land Use.

Justification

Polk County Board of County Commissioners 330 W
Church Street
Bartow, FL 33830

RE: LAND USE HEARING OFFICER (LUHO)
CASE#LDLVAR-2025-25 - Webb Barn Variance

Dear LUHO:

I am writing in support of the above-referenced case. I am the neighbor, residing to the North of the subject property. I have spoken with the landowner, Mr. (Stephen) Ryan Webb, regarding the proposed barn, and I have no objections.

Sincerely,

Shirley Croft
3843 Old Dixie Highway Auburndale, FL 33823

Shirley Croft

Letter in Support (Neighbor)