



Polk County Polk County Land Use Hearing Officer

Meeting Agenda - Final

October 23, 2025 Land Use Hearing Officer meeting

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

MINUTES APPROVAL:

Draft Minutes for September 25, 2025

NEW BUSINESS:

AGENDA ITEM:

1. LDLVAR-2025-54 (Wabash Storage Variance) - Withdrawn Application
2. LDLSE-2025-9 (Tiger Creek Road SE)
3. LDLSE-2025-10 (Alberto Aguiar Martinez SE)
4. LDLVAR-2025-33 (Bowling Green Right-of-way)
5. LDLVAR-2025-36 (Wyngate Lane Variance)
6. LDLVAR-2025-49 (Outdoor Resorts at Orlando)
7. LDLVAR-2025-50 (Sitar Indian American Buffet Alcohol Variance)
8. LDLVAR-2025-51 (James Hustead Dr Variance)
9. LDLVAR-2025-52 (Hudson ADU)
10. LDLVAR-2025-53 (Colman Road Quadplex ROW)
11. LDLVAR-2025-59 (Old Medulla Road ROW)

ADJOURNMENT:



Polk County
Polk County Land Use Hearing Officer

Agenda Item

10/23/2025

SUBJECT

Draft Minutes for September 25, 2025

DESCRIPTION

September LUHO minutes approved by Barrie Buenaventura

RECOMMENDATION

Acceptance of minutes

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Lisa Irizarry, Development Coordinator II

863.534.7652

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



Polk County Polk County Land Use Hearing Officer

Meeting Minutes - Final

September 25, 2025 Land Use Hearing Officer meeting

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

MINUTES APPROVAL:

August 26, 2025 - Minutes

OLD BUSINESS:

1 LDLVAR-2025-39 Prestwood Variance

Minutes: CASE FILE # LDLVAR-2025-39

Bobby and Mary Prestwood, property owners, request a Right of Way setback reduction for a previously constructed carport in an Agricultural/Residential Rural (A/RR) land use district. The property location is 1001 Lake Lowery Road, west and south of County Road 17 (Polk City Road), north of Old Haines City Lake Alfred Road, east of Oakdale Road, North of Haines City, in Section 12, Township 27, and Range 26.

Erik Peterson, Land Development; presented the case and reported that 22 mailers were sent on 8/7/25, with no response, 1 board was posted on 8/5/25 and the legal ad was published in the Polk Sun News on 8/13/25.

Johnathan Sims, Case Planner, showed a power point presentation, has a recommendation of approval, and stood for questions. Case has a code violation CMA-2024-24.

Bobby and Mary Prestwood, Property Owners/Applicants, were not present.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public portion of the hearing.

NEW BUSINESS:

AGENDA ITEM:

2 LDLVAR-2025-42 (Old Winter Haven Road ADU)

Minutes: CASE FILE # LDLSE-2025-42 - (Winter Haven Road Variance)

David Span, applicant, Sandra Fashbaugh & Rickey N. Welch, property owners, are requesting a variance to allow an accessory structure to be larger than the primary structure in a Residential Suburban (RS) land use district. The property location is 801 Old Winter Haven Road, south of US Highway 92, north of Havendale Boulevard, west of Jersey Road, east of Charlotte Road, southeast of the city of Auburndale, in Section 25, Township 28, Range 12.

Erik Peterson, Land Development; presented the case and reported that 19 mailers were sent 9/4/25, with no response, 1 board was posted on 8/29/25 and the legal ad was published in the Polk Sun News on 9/10/25.

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

David Spain, need address applicant, and Ricky Welch, owner, were available to answer questions and agreed with staff recommendations. Owner had a question regarding the size of the home.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public portion of the hearing.

3 LDLVAR-2025-44 (1404 Wyngate Lane Variance)

Minutes: CASE FILE # LDLVAR-2025-44 - (Ruggiero Variance)

Marcus and Kendra Ruggiero, property owner, are requesting a variance to reduce the rear side setback for an accessory structure in a Residential Suburban (RS) land use district. The property location is 1404 Wyngate Lane, north of Interstate 4, south of Old Polk City Road, east of US Highway 98, west of Polk Parkway, north of city of Lakeland, in Section 17, Township 27, Range 24.

Erik Peterson, Land Development; presented the case and reported that 26 mailers were sent on 9/4/25, with no response, 1 board was posted on 9/2/25 and the legal ad was published in the Polk Sun News on 9/10/25.

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

Marcus Ruggiero, owner, was available to answer questions and agree with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public portion of the hearing.

4 LDLVAR-2025-47 Deer Creek - St George Drive Variance

Minutes: CASE FILE #LDLVAR-2025- 47 - (Teegarden Variance)

Daniel & Cynthia Herbert, property owners, are requesting a variance to reduce the rear and side setback for an existing structure in a Leisure/Recreation-X(LRX), PUD 86-24, North Ridge Selected Area Plan (SAP) land use district. The property location is 2403 St. George Drive within the Deer Creek Golf & Tennis RV Resort Phase 3 subdivision, south of Ernie Caldwell Boulevard, east of US Highway 27, north of Citrus Ridge Drive, south of I-4, north of Haines City in Section 17, Township 26, Range 27.

Erik Peterson, Land Development; Presented the case and reported that 31 mailers were sent on 9/4/25 with no response, 1 board was posted on 8/29/25 and the legal ad was published in the Polk Sun News on 9/10/25.

Aleya Inglema, Case Planner, showed a power point presentation, has a recommendation for approval, and stood for questions. Luho has question regarding every structure having a 0-foot setbacks. Planner stated that this lot began as an RV park that is why the lots are small.

Daniel and Cynthia Herbert, owner/applicant, were available to answer questions and agree with staff recommendations. Said that they bought property with all the structures there. Owner wants to make the patio usable by screen it in.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public portion of the hearing.

5 LDLVAR-2025-48 (Publix Alcohol Variance)

Minutes: CASE FILE #LDLVAR-2025-48 - (Publix Liquor Variance)

David Smith, Applicant and Publix Super Markets, INC, Owner, are requesting an alcohol-distance variance in an Employment Center-X (ECX), North Ridge Selected Area Plan, Ridge Special Protection Area (SPA) Land Use District. The property location is 42660 Minute Maid Ramp Road, north of Polk City Road, south of Ernie Calwell Boulevard, east of Interstate 4, west of US Highway 17/92, north of Haines City, in Section 19, Township 26, Range 27.

Erik Peterson, Land Development; presented the case and reported that 84 mailers were sent on 9/4/25, with no response, 2 board was posted on 9/2/25 and the legal ad was published on 9/10/25.

Kyle Rogus, Case Planner, showed a power point presentation, has a recommendation of approval, and stood for questions. LUHO officer asked if the Montessori schools had any objection to the Liquor Variance, planner said didn't receive any.

David Smith, applicant , was available to answer questions and agree with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience .

The LUHO closed the public portion of the hearing.

ADJOURNMENT:

Minutes: 2:40

From: [Barrie Buenaventura](#)
To: [Wons, Saralis](#)
Cc: [Simons-Irizarry, Lisa](#)
Subject: [EXTERNAL]: RE: September 25, 2025 LUHO meeting minutes
Date: Monday, October 13, 2025 7:55:40 AM
Attachments: [image001.png](#)

The minutes look fine. Thank you.

Barrie S. Buenaventura
Buenaventura Law, PLLC
barrie@buenaventuralaw.com
813-471-7427

From: Wons, Saralis <saraliswons@polk-county.net>
Sent: Friday, October 10, 2025 12:22 PM
To: Barrie Buenaventura <barrie@buenaventuralaw.com>
Cc: Simons-Irizarry, Lisa <LisaIrizarry@polk-county.net>
Subject: September 25, 2025 LUHO meeting minutes

Hi,

Attached are the minutes from the September 25th LUHO hearing, please review and approve in writing so we can submit to the new hearing officer.

Thank you,

Saralis Wons

Development Coordinator II
Polk County Board of County Commissioners
Office of Planning & Development | Land Development Division
330 West Church Street
Bartow, FL 33830
863.534.6479
saraliswons@polk-county.net





Polk County
Polk County Land Use Hearing Officer

Agenda Item 1.

10/23/2025

SUBJECT

LDLVAR-2025-54 (Wabash Storage Variance) - Withdrawn Application

DESCRIPTION

The applicant is requesting a variance to construct a storage building that has a square footage and height greater than the primary residence in the RL-4 land use district.

RECOMMENDATION

Click or tap here to enter text.

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Andrew Grohowski

Land Development Division

(863) 534-6412

andrewgrohowski@polk-county.net

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

DRC Date	June 12, 2025	CASE #:	LDLVAR-2025-54 (Wabash Storage Variance)
LUHO Date	October 23, 2025	LDC Section:	Chapter 2, Section 209.G

Request: The applicant is requesting a variance to construct a storage building that has a square footage and height greater than the primary residence in the RL-4 land use district.

Applicant: No Flo Inc

Property Owners: No Flo Inc

Location: The subject site is located at 703 Wabash Avenue South, south of US Highway 92 and George Jenkins Boulevard, north of Highland Street West, west of Plateau Ave, east of Nashville Road, west of the city of Lakeland in Section 23, Township 28, and Range 22.

Parcel ID#: 232822-000000-012060

Size: ±0.88 acres

Land Use Designation: Residential Low - 4 (RL-4)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting a variance to Chapter 2, Section 209.G of the Land Development Code (LDC) for the construction of an accessory structure larger and taller than the primary residence. According to the applicant, the detached building will be about 90' x 60' (5,400 sq. ft.) on a slab foundation and approximately 20 feet high. This accessory structure is almost five times larger than the primary residence, however, the proposal meets setbacks and the storage is necessary to accommodate and secure construction materials, appliances, personal and recreational vehicles, a boat, as well as lawn equipment. They have determined these structural dimensions suit their storage needs. Pursuant to Section 209.G of the LDC, an accessory structure may be permitted to be larger in square footage and in height of the principal structure following approval from the Land Use Hearing Officer (LUHO) pursuant to Sections 930 and 931.

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** as the building is located to the rear of the property while meeting all

accessory setback requirements. Additionally, it 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-2025-54**

CONDITIONS OF APPROVAL:

1. Approval of this variance is to allow an accessory structure (5,400 sq. ft., 20 feet high) that is larger and taller than the primary structure (1,092 sq. ft., 14 feet high) as described in the staff report. Further additions or structures placed on the property shall be required to meet the requirements of Chapter 2 of the Polk County Land Development Code or re-apply for another variance approval 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. The use of the accessory structure approved herein is limited to the storage of items associated with the residential use of this 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 the 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;*

Granting this variance will not be injurious to the area or otherwise detrimental to the public welfare. The applicant requests a 90' x 60' accessory structure which is greater in size and height than the primary home. According to the applicant's site plan, the structure will be approximately ten (10) feet from the rear yard and seven (7) feet from the side yard. The proposed accessory structure is anticipated to be twenty (20) feet tall, which is approximately six (6) feet taller than the single-family home.

The primary residence is a 1,092 sq. ft. single-family home constructed in 1962. While the accessory structure is much larger than the existing residence, it will be over 100 feet behind the home and adhere to the 5-foot setback requirements in the RL-4 district. Additionally, eleven (11) multifamily units to the west as well as the potential uses on the vacant properties designated Business Park Center-2 (BPC-2) to the north are more intense in form and function. Aerials indicate the closest neighboring structure is a 700 sq. ft. non-residential structure (permit #: 92093) approximately 32 feet, to the north. An accessory structure for storage is not uncommon, and this proposal will be allowed for residential purposes only. The subject property is large enough to support the structure and maintain an ample distance from property lines.

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 more than six times larger than the typical district standard. Minimum lot sizes are 6,000 square feet in the RL-4 land use district, which this site exceeds by over 32,000 square feet. Up until 2009, the property was known as the Oak Breeze Mobile Home Park with eleven (11) mobile home spaces as well as a single-family dwelling. The mobile home park was a legal non-conforming use that existed prior to any zoning regulations (LIC-H-1628). The mobile homes were removed sometime in 2009. Currently, the property consists of a 1962 1,092 sq. ft. single-family residence.

To the west, ten (10) multifamily buildings, each consisting of two (2) units, are owned by the City of Lakeland and have provided affordable housing since 1981. Existing vegetation flanks the sides and rear boundaries of the subject property. The applicant's home is set back approximately 40 feet from the roadway, and any accessory structure would be required to be placed behind the front of the home, limiting the placement of the structure.

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

Per conversations with the applicant, the enclosed structure is to store construction materials, appliances, personal and recreational vehicles, a boat, as well as lawn equipment. They have determined these dimensions suit their storage needs. The proposed metal building, at 5,400 sq. ft., will be almost five times larger than the primary home, however the storage provides an orderly means of keeping belongings inside. As part of the conditions, no home-based

business or commercial uses shall be permitted to occur within the accessory structure. The site plan shows that it is set well off from any roads and is screened from adjacent properties.

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;*

Accessory structures are permitted in residential land use districts, and structures such as this - as long as it has a permanent foundation, a rigid roof, meets setbacks and building standards, and is in the rear or side yard. The request provides the ability to shelter construction materials, equipment, and personal vehicles within one building. Otherwise, the applicant will have to resort to offsite storage which will incur further financial costs. A list of potential items stored in this accessory structure are provided in the applicant's justification (*Exhibit 6*).

Per Chapter 2, Table 2.2, of the LDC, the RL-4 land use district requires accessory structure setbacks of 35 feet off Urban Collector roadways and side and rear yard setbacks of 5 feet. Rear and side yard setbacks for the accessory storage structure are 10 feet and 7 feet respectively. This structure meets these setbacks 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 and the applicant has taken care to provide the right space for the accessory structure to the side of the home. Per the Land Development Code, accessory structures are incidental to the principal structure. While greater than the principal structure, the structure will be used for storage of work materials and equipment.

This variance should not be construed as approving any home occupation or short-term rental at this location. Home occupations are subject to Section 559.955 Florida Statutes and LDC Section 206.E while short-term rentals are subject to Chapter 509 Florida Statutes and LDC Section 303. Home occupations and short-term rentals are not permitted to be operated from accessory structures.

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 single-family home will remain a residential use in a residential district.

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.*

There was no evidence found that suggests the proposed request will circumvent the intent of a condition placed on a development by the Planning Commission or the Board of County Commissioners.

Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: Business Park Center-2 (BPC-2) Lots 6-8 Highway Heights Subdivision (PB 7, PG 23) Commercial building ±0.61 acres	North: Business Park Center-2 (BPC-2) Lot 5 Highway Heights Subdivision (PB 07, PG 23) Single-family home ±0.21 acres	Northeast: City of Lakeland Lots 1-4 Highway Heights Subdivision (PB 7, PG 23) Vacant land ±0.58 acres
West: Residential Low-4 (RL-4) Affordable Housing 10 Multifamily Units ±4.97 acres	Subject Property: Residential Low-4 (RL-4) 1,092 sq. ft. single-family home ±0.88 acres	East: Residential Low-4 (RL-4) Single-family home ±1.13 acre
Southwest: Residential Low-4 (RL-4) Affordable Housing 10 Multifamily Units ±4.97 acres	South: Residential Low-4 (RL-4) Commercial vehicle storage ±3.72 acres	Southeast: Residential Low-4 (RL-4) Lot 1, vacant Wabash Estates subdivision ±0.32 acres

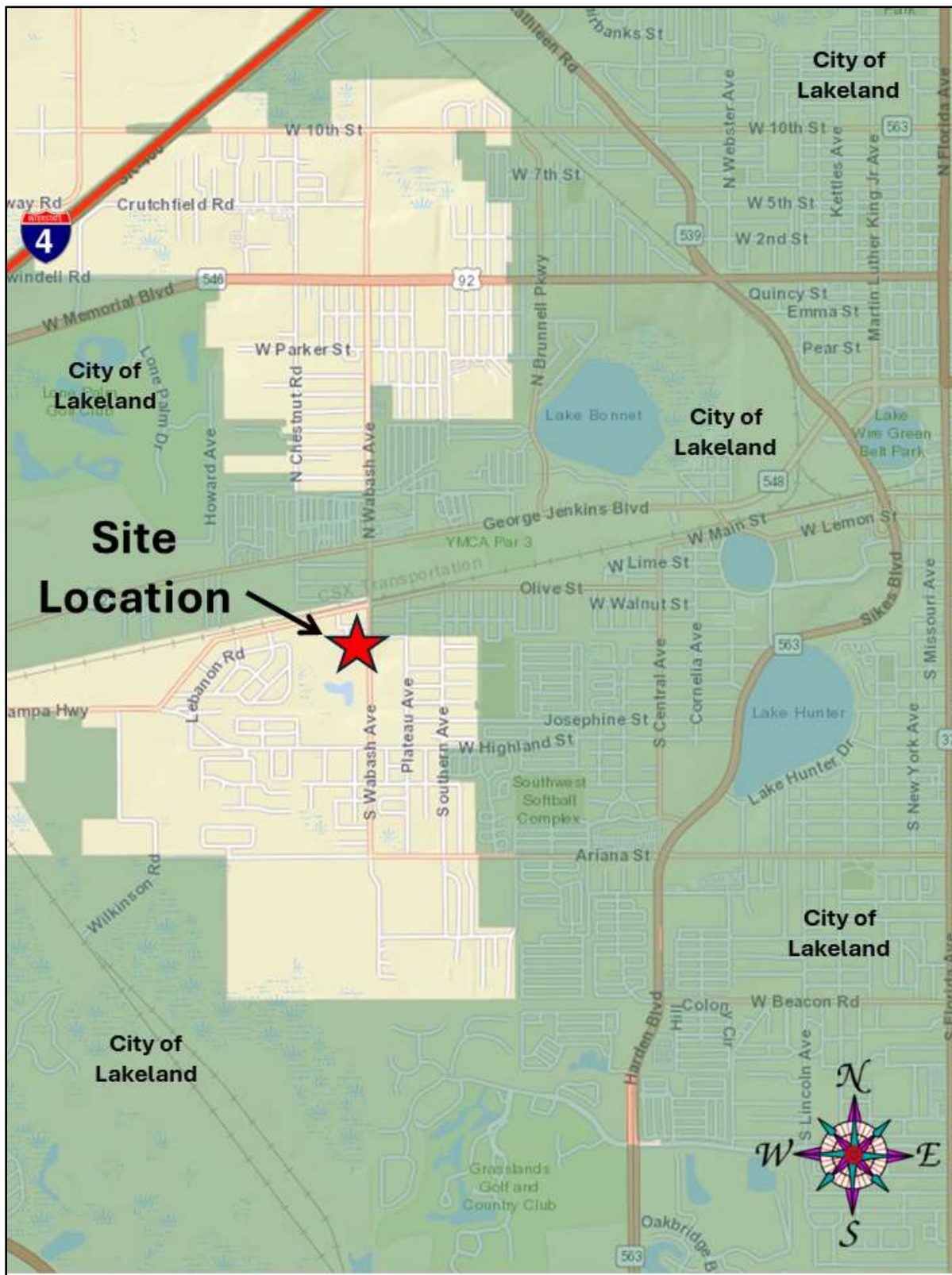
The property is about 0.88 acres and located in a RL-4 land use district. The site was previously known as the Oak Breeze Mobile Home Park (MHP), established sometime prior to 1971 according to historical aerial imagery. The single-family home was constructed in 1962 with 11 mobile home spaces following shortly thereafter. The mobile home park was a legal non-conforming use, predating the first zoning ordinance in 1970 (*Ord 70-3*), and had Commercial-4 (C-4) zoning. After the Comprehensive Plan was adopted in 1991, the property was designated as a non-commercial use of Residential Low-4 (RL-4).

In 2009, the eleven mobile homes were demolished and the MHP license was officially nullified in 2018 (LIC-H-1628). The single-family home remained on the site, and the current owners purchased the property in 2013. According to Table 2.2 of the LDC, the site requires minimum lot sizes of 6,000 square feet, which this property exceeds by more than six times that requirement. The residence backs up to an affordable housing complex consisting of 10 multifamily units constructed in 1981. Abutting the north are properties part of the Highway Heights Subdivision plat (PB 8, PG 23) and are within the Business Park Center-2 (BPC-2) land use designation. These tracts consist of one (1) single-family home, vacant lands, and about a 700 sq. ft. commercial structure (permit #992093) constructed in 2007. Staff found one accessory structure variance found within a one-mile radius of the site which is to the north off of Dille Street. The variance was approved to allow an ADU to exceed the height of the primary dwelling on site (LDLVAR-2025-30).

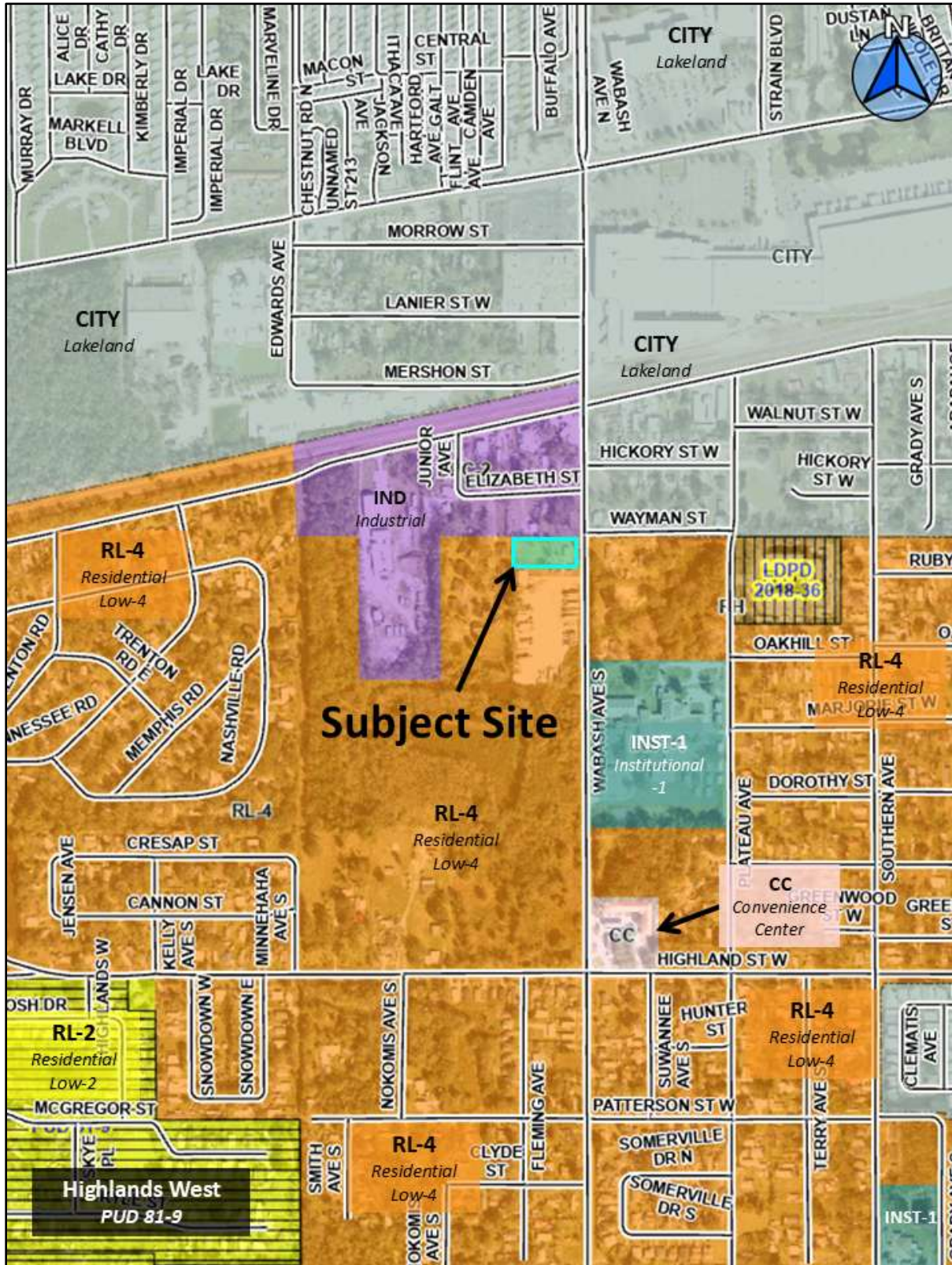
Comments from other Governmental Agencies: None.

Exhibits:

- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use Map
- Exhibit 3 – 2025 Satellite Image (Context)
- Exhibit 4 – 2023 Aerial Photo (Close-up)
- Exhibit 5 – Site Plan
- Exhibit 6 – Applicant’s Justification



Location Map



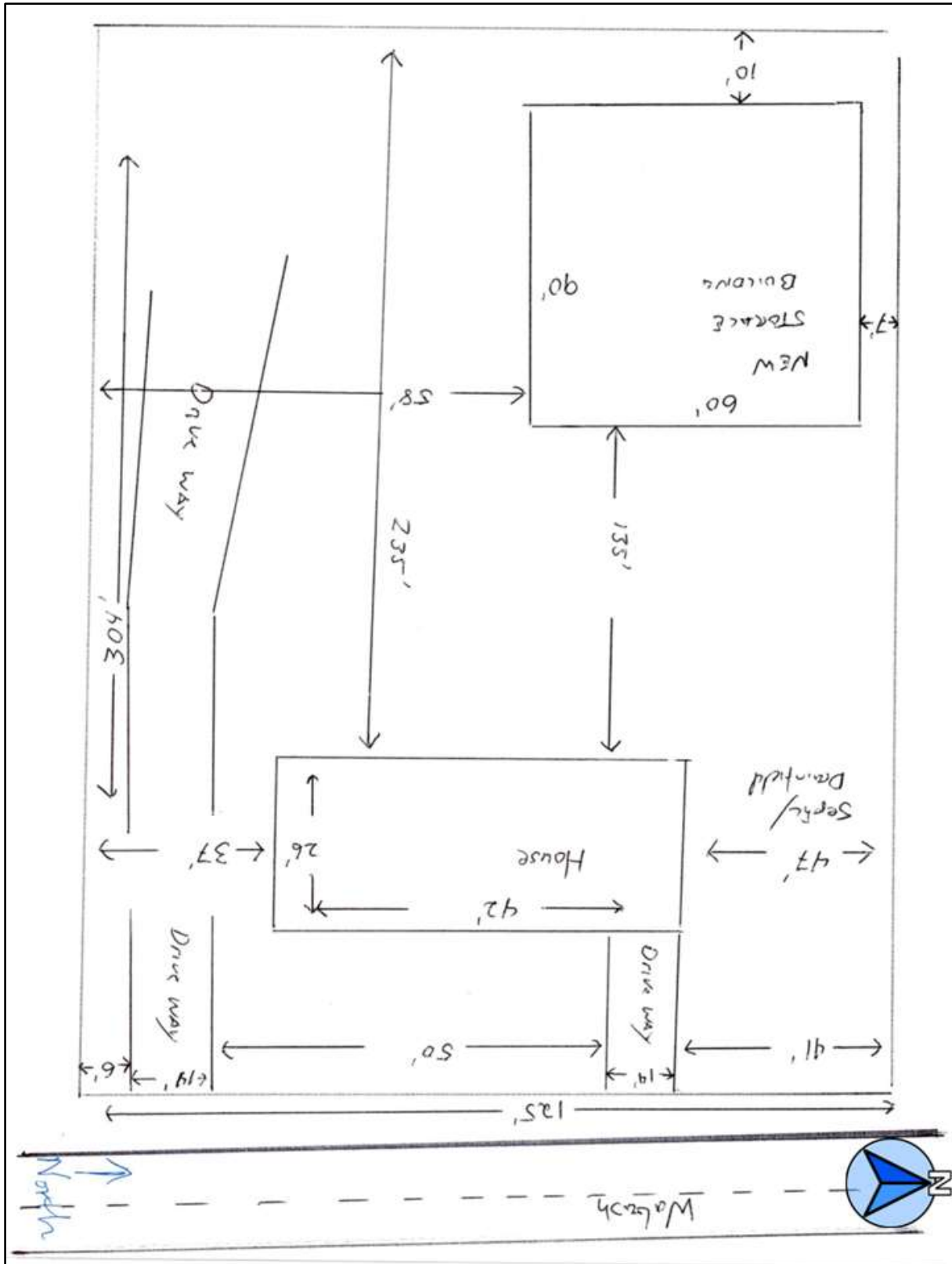
Future Land Use Map



2025 Satellite Image (Context)



2023 Aerial Photo (Close-up)



Site Plan

CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare? **No**

2. What special conditions exist that are peculiar to the land, structure, or building involved? **None**

3. When did you buy the property and when was the structure built? Permit Number? **Property purchased in 2013**

4. What is the hardship if the variance is not approved?
We currently own and manage/maintain over 25 residential and commercial rentals. Additionally we have 2 trailers, 2 work vehicles (used for rental repairs/maintenance), 2 classic cars, 2 lawn mowers, an atv, and 3 daily driver cars, which are all currently located at our home residence. Several of these items would be stored at Wabash. Additionally, we have spare appliances, toilets, shingles, tiles, building materials, lumber, pressure washer, plumbing items, electrical items, tools, all types of paint, etc needed for repairing and maintaining our rental property. Building also may hold a personal RV and/or boat in the future.

The hardship would be that we would incur on-going costs to rent additional storage for these items mentioned above, probably in different locations. We would like to store the items in 1 building, built on our own property since it is such a large lot size, and there are similar buildings already located on neighboring properties. Plus the property at Wabash is already entirely fenced with 8 foot fencing.

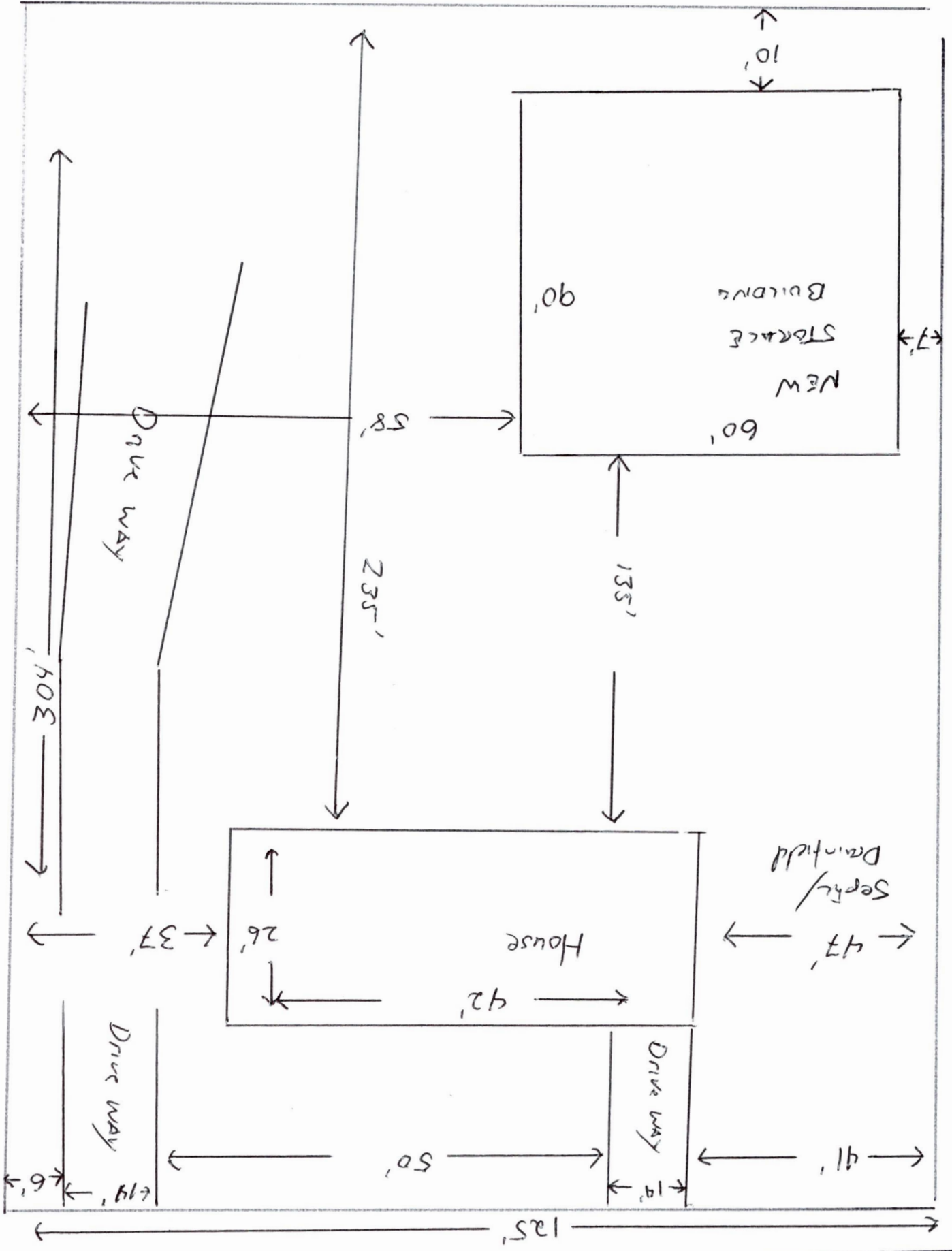
5. Is this the minimum variance required for the reasonable use of the land?
Yes

6. Do you have Homeowners Association approval for this request? **N/A**

Applicant's Justification

North

Walrusch



LDLVAR-2025-54 - 703 S Wabash Storage building

Menu Reports Help

Application Name: [703 S Wabash Storage building](#)

File Date: [08/07/2025](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments: View ID Comment Date

Description of Work: [We wish to construct a detached 90' x 60' storage building on a slab foundation for personal use on the back portion of the property. Building would be no higher than 2 s with electric and water service. Building will have 1-2 roll-up type garage doors as well as 1-2 entrance doors.](#)

Application Detail: [Detail](#)

Address: [703 S WABASH AVE, #4 LAKELAND, FL 33815](#)

Parcel No: [23282200000012060](#)

Owner Name: [NO FLO INC](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	NO FLO INC	NO FLO INC	Engineer	Mailing, P.O. Box 8793...	Active

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

[0.88](#)

DRC Meeting Time

DRC Meeting

[09/11/2025](#)

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

Application Type

[Land Use Hearing](#)

[Variance](#)

[Officer](#)

Variance Type

Brownfields Request

[Accessory](#)

[N/A](#)

[Larger than](#)

[Principle](#)

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

[Land Use Hearing](#)

-

[Officer](#)

MEETING DATES

LUHO Hearing Date

[10/23/2025](#)

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?

[Property purchased in 2013](#)

What is the hardship if the variance is not approved?

[None](#)

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

[Yes](#)

Do you have Homeowners Association approval for this request?

[N/A](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-25EST-00000-46095](#)

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

[N](#)

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	16	10/08/2025	10/08/2025	
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Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal		Application ...	08/18/2025	Saralis Wons
	Roads and Drainage Review	Phil Irven	Approve	08/21/2025	Phil Irven
	Planning Review	Andrew Grohowski	Approve	09/09/2025	Andrew Grohowski
	Review Consolidation	Lisa Simons-Iri...	Approved for...	10/07/2025	Lisa Simons-Iri...
	Public Notice				
	Hearing Officer				

	Task	Assigned To	Status	Status Date	Action By	
	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	

CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare? **No**

2. What special conditions exist that are peculiar to the land, structure, or building involved? **None**

3. When did you buy the property and when was the structure built? Permit Number? **Property purchased in 2013**

4. What is the hardship if the variance is not approved?

We currently own and manage/maintain over 25 residential and commercial rentals. Additionally we have 2 trailers, 2 work vehicles (used for rental repairs/maintenance), 2 classic cars, 2 lawn mowers, an atv, and 3 daily driver cars, which are all currently located at our home residence. Several of these items would be stored at Wabash. Additionally, we have spare appliances, toilets, shingles, tiles, building materials, lumber, pressure washer, plumbing items, electrical items, tools, all types of paint, etc needed for repairing and maintaining our rental property. Building also may hold a personal RV and/or boat in the future.

The hardship would be that we would incur on-going costs to rent additional storage for these items mentioned above, probably in different locations. We would like to store the items in 1 building, built on our own property since it is such a large lot size, and there are similar buildings already located on neighboring properties. Plus the property at Wabash is already entirely fenced with 8 foot fencing.

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

6. Do you have Homeowners Association approval for this request? **N/A**



Polk County
Polk County Land Use Hearing Officer

Agenda Item 2.

10/23/2025

SUBJECT

LDLSE-2025-9 (Tiger Creek Road SE)

DESCRIPTION

The applicant is requesting a special exception to park a commercial vehicle on residential property located at 1402 Tiger Lake Road, north of State Road 60, south of Rawls Road, east of Lake Wales in Section 11, Township 30, Range 29.

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:	September 11, 2025	CASE #:	LDLSE-2025-9 (Tiger Lake Road SE)
Hearing Date:	October 23, 2025	LDC Section:	216.D

Request: The applicant is requesting a special exception to park a commercial vehicle on residential property.

Applicant: Adalberto Ruiz

Property Owner: Adalberto Ruiz and Maria Rolon

Location: 1402 Tiger Lake Road, north of State Road 60, south of Rawls Road, east of Lake Wales in Section 11, Township 30, Range 29.

Parcel ID#: 293011-000000-012190

Size: ±0.94 acres

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

Development Area: Rural Development Area (RDA)

Case Planner: Ian Nance

Summary:

The applicant is requesting a special exception to park a commercial vehicle on residential property within an Agricultural/Residential Rural (A/RR) land use district east of Lake Wales (Exhibit 2). This commercial vehicle is a 2006 Ford Sterling dump truck. The truck is 10' high and 34' long. No trailer is included in this request. Section 216.D of the Land Development Code (LDC) allows Commercial Vehicle Parking on residential properties pursuant to the rules detailed in this section and approval from the Land Use Hearing Officer following an advertised public hearing.

The subject property is approximately 0.94 acres in a rural area with ample room to park the vehicle in the rear yard, between the home and the eastern property line, as presented on the site plan (*Exhibits 4 & 5*). The depicted parking area will exceed 20 feet from all property lines. To meet LDC requirements, a Type "B" landscaping buffer or six-foot opaque fence will be required along the rear and portions of the side property lines. Amid an overall low rural density and offsite vegetation, however, few visual impacts on neighbors are anticipated. The site is approximately 1.25 miles from SR-60, a major thoroughfare. Few alternatives to commercial vehicle parking are in the area. With the proposed conditions, staff recommends approval of this application.

Development Review Committee

The Development Review Committee, based on the criteria for granting Special Exceptions, finds that LDLSE-2025-9 **IS CONSISTENT** with Section 216.D 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 LDLSE-2025-9.**

CONDITIONS OF APPROVAL:

1. This Special Exception shall be limited to parking the subject commercial vehicle, or its functional equivalent, as described in the application and staff report. No other commercial vehicles, heavy machinery equipment, or tractor/trailer rigs shall be parked on the site.
2. Approval shall not be transferable to any other owner/occupant of the property. In the event the property is sold, or the operator ceases to reside on the property, the Special Exception approval shall not “run with the land” and shall be null and void.
3. No commercial vehicle maintenance shall be performed on the site, and no outside storage of any commercial vehicle parts or equipment is allowed.
4. Parking the commercial vehicle on the operator’s lot shall be limited to empty weight only (no load or cargo).
5. This special exception does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
6. The commercial vehicle shall only be parked in the area in the side yard as generally designated on the site plan (*Exhibit 5*) and shall continuously meet the screening and buffering requirements listed in Section 216.D, Commercial Vehicle Parking and Storage, of Polk County’s Land Development Code.
7. Utilization of LDLSE-2025-9 is contingent upon the Applicant either: (i) obtaining a driveway permit and installing a driveway that meets commercial driveway standards per LDC Section 705.J and Table 7.8 with final approval from the Polk County Building Division Driveway Inspector (the “Driveway Inspector”); or (ii) demonstrating to the Driveway Inspector that the existing driveway meets County commercial driveway standards. Final written approval from the Driveway Inspector, whether based on satisfaction of condition (i) or (ii) immediately above, is required prior to parking the commercial vehicle on site.

8. Approval of the Special Exception shall be valid for one year. Approvals may be renewed by the Land Development Division with a proper application submitted by the applicant 30 days prior to the expiration date (TBD by LUHO). Noncompliance with any of the conditions of approval will render LDLSE-2025-9 null and void. All conditions of approval, unless otherwise specified, must be met prior to parking the commercial vehicle on the property.

GENERAL NOTES

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

NOTE: Approval of this special exception 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.

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

APPLICATIONS FOR COMMERCIAL VEHICLE PARKING AND STORAGE SHALL DEMONSTRATE COMPLIANCE WITH SECTION 216 OF THE LAND DEVELOPMENT CODE. DEMONSTRATION OF THE CRITERIA FOR GRANTING SPECIAL EXCEPTIONS FOR COMMERCIAL VEHICLES IS SUMMARIZED BELOW:

1. *Only one commercial vehicle, as regulated by this Section 216, shall be permitted on any residential lot;*

According to the application, this commercial vehicle is a 2006 Ford Sterling dump truck (10' high and 34' long) that the driver wishes to park at this residence in an A/RR land use district. No trailer is included in this request. LDC Section 216 defines a Commercial Vehicle as one that exceeds 26 feet in length and/or is taller than nine feet. No other commercial vehicles shall be parked onsite.

2. *Commercial vehicle shall be currently registered and licensed;*

The applicant has supplied a current registration.

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

Staff finds this request will not have a negative impact upon the health, safety, or welfare of adjacent properties. The subject property is approximately 0.94 acres with access to Tiger Lake Road, a Rural Minor Collector roadway. Due to the standards in Section 216 of the LDC, the applicant is not able to park the vehicle in the front of the home, but there is ample acreage on which to locate the subject vehicle in the rear yard while maintaining a minimum 20-foot setback from the property lines.

According to the site plan, the parking area will be to the east of the existing home. The home will screen the parking area from the public roadway, but since the vehicle parking area will be less than 200 feet from a residentially designated or used property, it needs to be screened from the adjacent residential property with a Type "B" buffer, as outlined in Section 720 (Exhibit 7), or a six-foot opaque fence. Large trees and vegetation on surrounding properties will further screen the parking area. Parked in the manner proposed, very little of the vehicle will be visible from off-site.

This area is rural. Adjacent properties to the east and south are vacant. The only home on adjoining property is to the north and will be a minimum of 135 feet from the parking area. Most properties in the area are close to or exceed an acre, and most homes are set at 80-100 feet from the centerlines of the Tiger Creek Road. It is not anticipated that the operation of this vehicle leaving and arriving at the subject site will have a negative impact on the neighbors.

The paved surface width on Tiger Creek Road is approximately 22 feet, which meets LDC requirements. The nearest arterial road is State Road 60, approximately 1.25 miles to the

south. No commercial vehicle restrictions are noted on this road. No sidewalks are found along the surrounding roadway network, but none would be expected in a rural area such as this. A commercial driveway permit will be required in the Tiger Creek Road right-of-way to protect the integrity of the County's pavement at entrance to the site. No Code Enforcement cases are active on this site.

In summary, staff finds this request will not have a negative impact upon the health, safety, or welfare of adjacent properties if maintained and screened in accordance with the site plan and LDC standards. As of 9/22/25, no Code Enforcement cases are open for this property.

4. *The applicant can demonstrate that denial of said request would place an unnecessary hardship on the property prohibiting the use of land in a manner otherwise allowed under this Land Development Code;*

The applicant uses the commercial vehicle as a source of income. This truck will be parked here on an as-needed basis. This neighborhood is in an area of the County where other options to park commercial vehicles are limited away from an urbanized area.

On January 4, 2022, the BoCC approved LDCT-2021-15 (Ordinance No. 22-002) which incorporated language into Section 216.C of the LDC that exempted a Special Exception approval for any vehicle or heavy equipment parked or stored within an enclosed structure. In the event this vehicle could be stored in such a manner, the applicant would not be required to provide the landscaping/screen or a commercial driveway.

5. *Commercial vehicles must park on the same lot occupied by the owner/operator of the vehicle.*

The vehicle will be parked on the same lot occupied by the operator of the vehicle.

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

The applicant's site plan (*Exhibit 5*) indicates the proposed parking area is not located in the front yard of the property.

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

The site plan (*Exhibit 5*) calls out the parking area in the rear yard with at least 20 feet of separation from the property lines.

8. *The vehicle shall park in a manner so that the minimum amount of vehicle surface is facing the road adjacent to the property unless the vehicle is screened or buffered as provided.*

The vehicle will be parked in a manner which exposes minimal view of the truck from the road. The parking area will be at least 290 feet from the centerline of Tiger Creek Road.

The truck will be mostly screened from offsite view by existing vegetation, structures, fencing, and buffered by distance from neighbors.

9. *When the vehicle parking area is less than 200 feet from a residentially designated or used property, it shall be buffered from the adjacent residential property with a Type B Buffer as outlined in Section 720. A fence with a minimum height of six feet may be used in lieu of, or in conjunction with, a vegetative buffer yard.*

The proposed parking area shall meet the buffer and screening requirements of LDC Section 216.D. Existing structures, fencing, and landscaping will help screen the parking area from offsite, but a Type “B” buffer or six-foot opaque fence will still be required, as noted above.

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

The subject commercial vehicle does not include a refrigerator unit.

11. *Approvals shall be valid for one year, or for a shorter period as specified by the Land Use Hearing Officer. Approvals may be renewed, with proper application following notice provided by the Land Development Division Director 30 days prior to the expiration date, if the commercial vehicle location is consistent with the Land Development Code. The applicant shall bear the burden in demonstrating that the vehicle parking still meets the criteria of the approved Special Exception and Section 216.*

This has been included in the conditions of approval.

Surrounding Future Land Use Designations and Existing Land Use Activity:

The table below lists the Future Land Use designation and the existing uses surrounding the site. The information in the table is based on a site visit by the case planner and observation of the Future Land Use map to note the surrounding uses.

Northwest: A/RR Tiger Creek Road +/- 0.92 Acres (Vacant)	North: A/RR Mobile Home +/- 1.88 Acres	Northeast: A/RR Inaccessible Vacant Land +/- 54.22 Acres***
West: A/RR Tiger Creek Road +/- 0.92 Acres (Site-Built Home)	Subject Property: A/RR Mobile Home +/- 0.94 Acres	East: A/RR Inaccessible Vacant Land +/- 54.22 Acres***
Southwest: A/RR Tiger Creek Road +/- 0.92 Acres (Vacant)	South: A/RR Vacant +/- 0.94 Acres***	Southeast: A/RR Inaccessible Vacant Land +/- 54.22 Acres***

*** *Same Property*

This site is approximately +/- 0.94 acres and located within an Agricultural/Residential Rural (A/RR) land use district (*Exhibit 2*). Though this is substandard to the modern A/RR minimum lot

size requirement of five acres, it is a lot of record, having been legally created during a prior zoning ordinance under the Rural Conservation (RC) designation with one-acre minimum lot sizes.

According to the Property Appraiser, the home onsite is a 2,052 sq. ft. Mobile Home built in 2000. The applicant has owned the property since March 2017. The size of the property is important in evaluating this case. If the property was 5-acres or larger, the minimum lot size in A/RR, it would be permitted to have one commercial vehicle without having to apply for a Special Exception. However, this property was created prior to the adoption of the LDC and these standards. On August 26, 2025, LDLSE-2025-7 was approved to allow a 2015 Kenworth T880 semi-truck (10' high and 22' long) at 1452 Tiger Lake Road, approximately 0.10 miles to the north.

Comments from other Governmental Agencies: None

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	Commercial Vehicle
Exhibit 7	Landscaping Buffer
Exhibit 8	Commercial Driveway



Site Location



Future Land Use Map



Aerial Image – Context



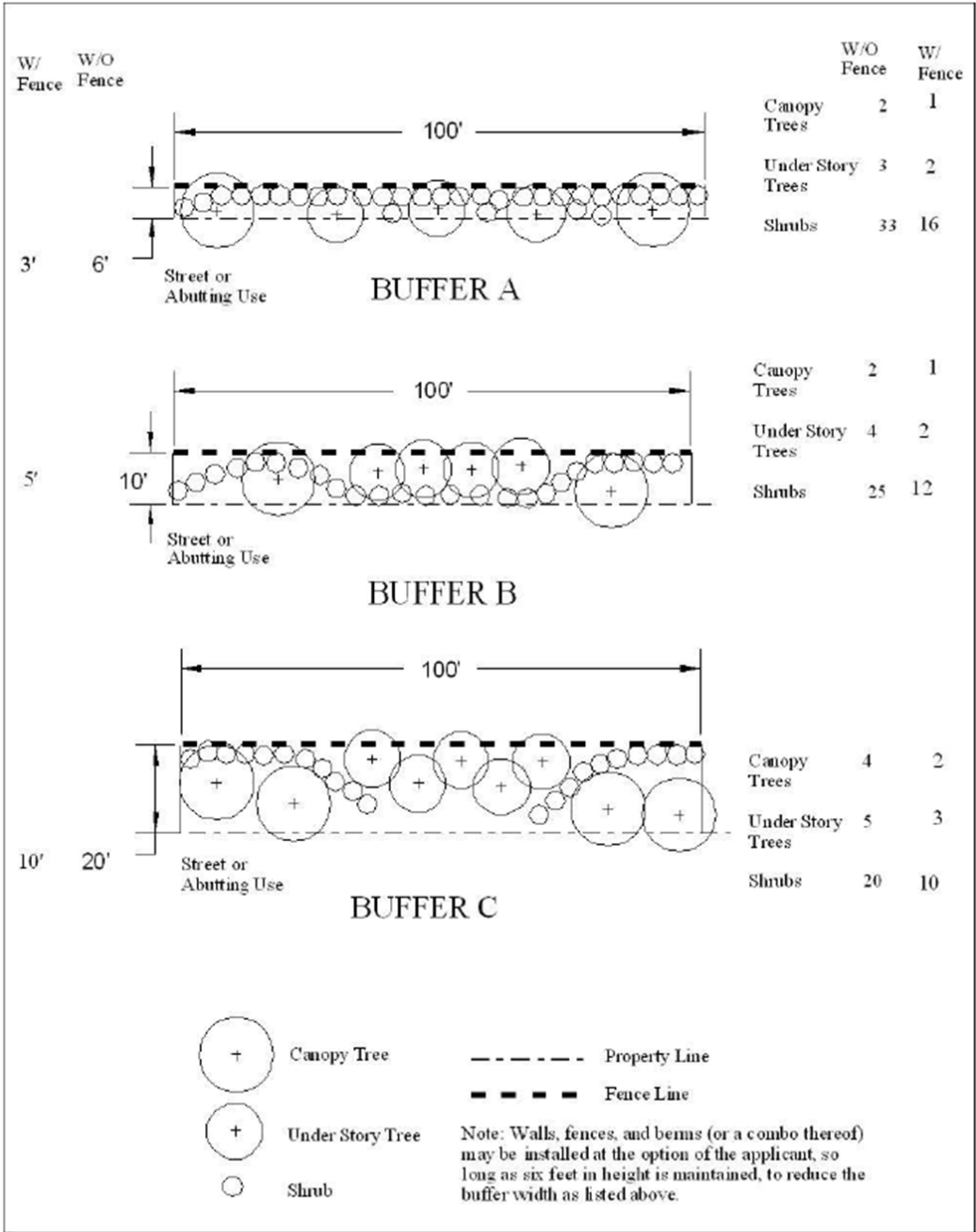
Aerial Image – Close



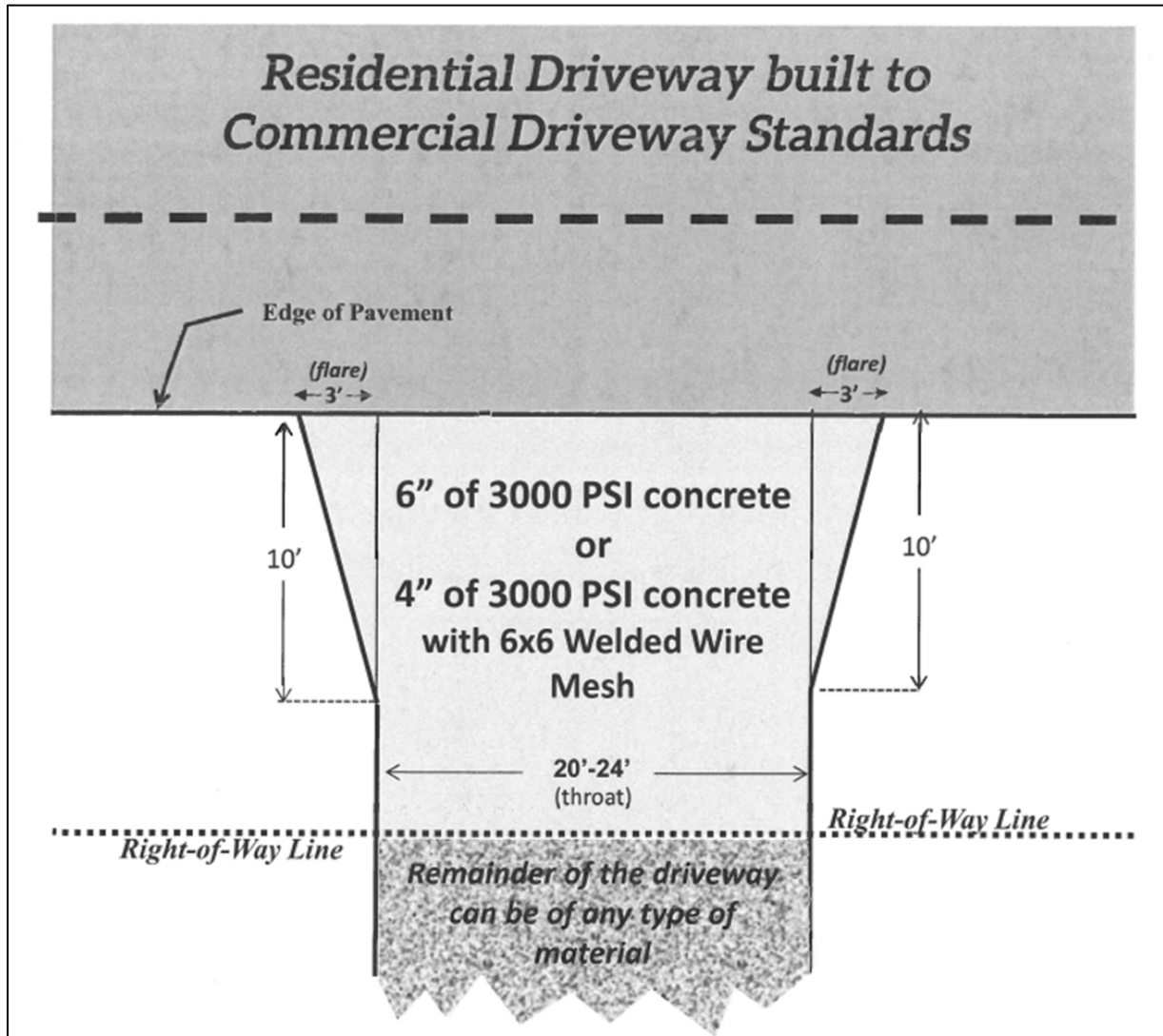
Site Plan



Commercial Vehicle



Landscaping Buffers



Commercial Driveway



INSTRUCTIONS FOR ATTACHING DECAL

1. Clean area where new annual decal is to be affixed.
2. Peel decal from this document.
3. Affix decal in the upper right corner of license plate.



Mail To:

KACHARRO EXPRESS LLC
1402 TIGER LAKE RD
LAKE WALES, FL 33898-9451

IMPORTANT INFORMATION

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

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

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

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

FLORIDA VEHICLE REGISTRATION

CO/AGY 1 / 19 T# 2054059835
 B# 3677674

PLATE **P5107F** DECAL **19541652** Expires **Midnight Wed 12/31/2025**

YR/MK	2006/STRG	BODY	TK	COLOR	WHI	Reg. Tax	1,099.10	Class Code	41
VIN	2FWBA2CG76AW41024			TITLE	128297815	Init. Reg.		Tax Months	12
Plate Type	TUR	NET WT	12500	GVW	70000	County Fee	3.00	Back Tax Mos	
DL/FEID	-					Mail Fee		Credit Class	
Date Issued	12/7/2024	Plate Issued	12/27/2021			Sales Tax		Credit Months	
						Voluntary Fees			
						Grand Total	1102.10		

KACHARRO EXPRESS LLC
1402 TIGER LAKE RD
LAKE WALES, FL 33898-9451

IMPORTANT INFORMATION

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

TUR - TRUCKS WITH TWO PLATES



LDLSE-2025-9 - Ruiz

Menu Reports Help

Application Name: [Ruiz](#)
File Date: [07/18/2025](#)
Application Type: [LUHO - Special Exception](#)
Application Status: [In Review](#)

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

Description of Work: [SE Request for Commercial Vehicle Parking](#)

Application Detail: [Detail](#)

Address: [1402 TIGER LAKE RD, LAKE WALES, FL 33898](#)

Parcel No: [293011000000012190](#)

Owner Name: [RUIZ ADALBERTO](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Maria Ruiz		Engineer	Mailing_1402 Tiger La...	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_BOA_SE**

GENERAL INFORMATION

Acreage

[.94](#)

DRC Meeting

[09/11/2025](#)

Rescheduled DRC Meeting

-

Green Swamp

[No](#)

Case File Number

-

SPECIAL EXCEPTION

Make of vehicle

[Ford](#)

Weight of vehicle

[40000](#)

Height & length of vehicle

[10' and 34'](#)

Height, length & weight of any additional trailer or equipment

[n/a](#)

PUBLIC HEARING

Development Type

[Land Use Hearing](#)

[Officer](#)

Variance Type

DRC Meeting Time

-

Rescheduled DRC Meeting Time

-

FS 119 Status

[Non-Exempt](#)

Model & Year of vehicle

[Sterling 2006](#)

Gross axle weight of vehicle

[34000](#)

Application Type

[Special Exception](#)

Brownfields Request

Affordable Housing

ADVERTISING

Legal Advertising Date

Advertising Board

[Land Use Hearing](#)

[Officer](#)

MEETING DATES

LUHO Hearing Date

[10/23/2025](#)

HEARING

Hearing Results

LD_BOA_SE_EDL

Opening DigEplan List...

DigEplan Document List

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-25EST-00000-43003](#)

RequiredDocumentTypesComplete

[No](#)

DocumentGroupforDPC

[DIGITAL PROJECTS LD](#)

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](#)

RequiredDocumentTypes

[-](#)

Activate DPC

[Yes](#)

Activate FSA

[Yes](#)

DigitalSigCheck

[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

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Saralis Wons	Application ...	08/18/2025	Saralis Wons
	Roads and Drainage Review				
	Planning Review	Ivan Nance	Approve	08/21/2025	Ivan Nance
	Review Consolidation				
	Public Notice				
	Hearing Officer				
	Final Order				

3/3

	Task	Assigned To	Status	Status Date	Action By	
	Archive					
	Condition Status: Name	Short Comments	Status	Apply Date	Severity	Action By
	Disclaimer	Note: The applicant/ow...	Informati...	08/21/2025		
Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments	
Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments	



Polk County
Polk County Land Use Hearing Officer

Agenda Item 3.

10/23/2025

SUBJECT

LDLSE-2025-10 (Alberto Aguiar Martinez SE)

DESCRIPTION

The applicant is requesting a Special Exception to park a commercial vehicle (2005 Peterbilt 379) and associated trailer at their residence on approximately ± 0.38 acres.

RECOMMENDATION

Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Andrew Grohowski

Land Development Division

(863) 534-6412

andrewgrohowski@polk-county.net

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

DRC Date:	September 11, 2025	CASE #:	LDLSE-2025-10 (Alberto Aguiar Martinez SE)
Hearing Date:	October 23, 2025	LDC Section:	Section 216.D

Request: The applicant is requesting a Special Exception to park a commercial vehicle (2005 Peterbilt 379) and associated trailer at their residence on approximately 0.38 acres.

Applicant: Alberto Aguiar Martinez

Property Owner: Alberto Aguiar Martinez

Location: The subject property is located at 2507 Lake Lure Loop North, west of Combee Road South, south of Haywood Street, west of Mount Airy Avenue, north of Black Mountain Way, northeast of the city of Lakeland in Section 24, Township 28, and Range 21.

Parcel ID#: 242821-239510-016140

Size: ±0.38 acres

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

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

This is a request for a Special Exception to allow parking for one commercial vehicle (2005 Peterbilt Model 379) on approximately 0.38 acres of residential property. Section 216.D of the Land Development Code (LDC) allows Commercial Vehicle Parking on residential properties pursuant to the rules detailed in this section and approval from the Land Use Hearing Officer following an advertised public hearing.

According to the application, the vehicle in question is a 2005 Peterbilt. The tractor and trailer are 12.6 feet high with a combined length of 83 feet. The subject property is approximately 0.38 acres with room to park the vehicle while providing adequate buffering from neighboring properties. Since the parking area will be within 200 feet of adjacent residential properties, the property requires a six-foot opaque fence or Type B landscaping bufferyard along portions of the southern and western boundaries or along the immediate parking area in accordance with Section 216 of the LDC. Staff's recent site visit found the eastern and southern property lines have at least a six (6) foot tall opaque fence. The commercial vehicle parking is proposed to be within this space (*Exhibit*

5). A commercial driveway apron onto Lake Lure Loop West, a Local Residential roadway, will be necessary to protect the County roadway from damage. The site has easy access to an arterial roadway, SR 659 (Combee Road North) which is about 800 feet away. Staff recommends approval of this application.

Development Review Committee

The Development Review Committee, based on the criteria for granting variances, the submitted application, and a recent site visit, finds that the applicant's request as written **IS CONSISTENT** with Section 931 of the Polk County Land Development Code (LDC) and recommends **APPROVAL** of **LDLSE-2025-10**

CONDITIONS OF APPROVAL:

1. This Special Exception shall be limited to parking one (1) semi-truck and trailer (*Exhibit 8*), or its functional equivalent as described in the application and staff report. No other commercial vehicles, heavy machinery equipment, or tractor/trailer rigs shall be parked on the site.
2. Approval of this special exception shall be for the operator (Alberto Aguiar Martinez) of record only. Approval shall not be transferable to any other owner/occupant of the property. In the event the property is sold, or the operator ceases to reside on the property, the Special Exception approval shall not "run with the land" and shall be null and void.
3. No commercial vehicle maintenance shall be performed on the site, and no outside storage of any commercial vehicle parts or equipment is allowed.
4. Parking the commercial vehicle on the operator's lot shall be limited to empty weight only (no load or cargo).
5. This special exception does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
6. The commercial vehicle shall only be parked in the area designated on the site plan (*Exhibit 5*) and shall continuously meet the screening and buffering requirements listed in Section 216.D, Commercial Vehicle Parking and Storage, of Polk County's Land Development Code.
7. This commercial vehicle parking approval shall be contingent upon the applicant constructing a driveway to commercial standards for structural thickness and turning radius in accordance with Section 705 of the Land Development Code.

8. The property owner(s) is responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
9. Approval of the Special Exception shall be valid for one year. Approvals may be renewed by the Land Development Division with a proper application submitted by the applicant 30 days prior to the expiration date (to be determined by the Land Use Hearing Officer) and evidence is provided to demonstrate that the conditions of approval have been met.
10. Noncompliance with any of the conditions of approval will render LDLSE-2025-3 null and void. All conditions of approval, unless otherwise specified, must be met prior to parking the commercial vehicle on the property.

GENERAL NOTES

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

APPLICATIONS FOR COMMERCIAL VEHICLE PARKING AND STORAGE SHALL DEMONSTRATE COMPLIANCE WITH SECTION 216 OF THE LAND DEVELOPMENT CODE. DEMONSTRATION OF THE CRITERIA FOR GRANTING SPECIAL EXCEPTIONS FOR COMMERCIAL VEHICLES IS SUMMARIZED BELOW:

1. *Only one commercial vehicle, as regulated by this Section 216, shall be permitted on any residential lot;*

The request is to park a 2005 Peterbilt Model 379 commercial vehicle with associated trailer on the applicant's residential property in a Residential Low-1 land use district (*Exhibit 2 & 6*). The subject vehicle is 12.6 feet high and 35 feet long. Meanwhile the trailer is 5 feet high and 48 feet long. These dimensions categorize the truck as a commercial vehicle per LDC Section 216. The vehicle will be parked on the property overnight and in the designated parking area as shown on the site plan (*Exhibit 5*) when present. The parking location is approximately 20 feet from the nearest property line to the south.

2. *Commercial vehicle shall be currently registered and licensed;*

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

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

Staff finds this request will not have a negative impact to the health, safety, or welfare of adjacent properties.

The site has an existing driveway providing direct ingress/egress access to Lake Lure Loop West, a Local Residential roadway (Road No. 842133). The Conditions of Approval will require a commercial driveway apron, constructed in accordance with LDC Section 705, to protect the edge of the County's pavement along Lake Lure Loop West from the stretching caused by such a heavy vehicle's turning movements on and off the property.

The designated commercial vehicle parking area depicted on the site plan meets the required 20-foot separation from all property lines. Buffering and screening from neighboring properties is required and listed as a condition of approval in accordance with the requirements of the LDC Section 216.D. A six-foot opaque fence or Type B landscaping buffer will be needed to screen the parking area from the west and south. The applicant has demonstrated that this criterion will be met. According to the site plan and recent site visit, the property currently has an existing opaque fence surrounding the backyard, including the proposed commercial vehicle parking location (*Exhibit 5*). The parcel to the east does have an established residence, but the existing home and accessory structure blocks the parking from view. The applicant also has the option to install a landscape buffer in conjunction with the fence along the property line or in the immediate vicinity of the parking area if they so wish.

With large commercial vehicles such as this semi-truck, staff often examines the route the applicant must take to reach a collector or arterial roadway to gauge the impact it will have on neighbors. The vehicle travels approximately 800 feet north and passes about ten (10) homes before reaching State Road 659 (Combee Road) a state-maintained arterial roadway. While collector roads provide traffic circulation within residential, commercial, and industrial areas, principal arterial roadways have much higher average daily trips and interconnect large activity centers within an urban area. Urban collector roads are intended to connect to arterial roadways. In this instance, the truck's path is preferable since the vehicle can reach a major arterial roadway (SR 659) with a short travel path, limiting the number of residentially developed properties the vehicle will pass.

The roadway width on the traveled road is also important to consider. Lake Lure Loop West and Haywood Street are listed in Polk County's Roadway Inventory as a paved surface with a width of 20 feet. Per LDC Section 821, these local residential roadways meet County standards. A substandard width or unpaved roadway would cause more concern for passing traffic.

4. *The applicant can demonstrate that denial of said request would place an unnecessary hardship on the property prohibiting the use of land in a manner otherwise allowed under this Land Development Code;*

The applicant did not include a demonstration of need in the application. Phone conversations determined that the applicant uses the commercial vehicle as a source of income and needs to have the ability to park their vehicle during non-working hours. The applicant can further demonstrate their hardship at the public hearing.

5. *Commercial vehicles must park on the same lot occupied by the owner/operator of the vehicle.*

The vehicle will be parked on the same lot occupied by the operator of the vehicle.

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

The applicant's site plan (*Exhibit 5*) indicates the proposed parking area is not located in the front yard of the property. The applicant must make certain that the truck does not extend beyond the front of the home.

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

The site plan (*Exhibit 5*) calls out the parking area in the side yard with at least 20 feet of separation from all property boundaries as required in Section 216.D.

8. *The vehicle shall park in a manner so that the minimum amount of vehicle surface is facing the road adjacent to the property unless the vehicle is screened or buffered as provided.*

The vehicle will be parked in a manner which exposes minimal view of the truck from the road. The proposed parking location will be about 35 feet from the ROW. During the site visit, a fence enclosing the property's backyard was present. This will not only ensure privacy and security, but block potential ROW views.

9. *When the vehicle parking area is less than 200 feet from a residentially designated or used property, it shall be buffered from the adjacent residential property with a Type B Buffer as outlined in Section 720. A fence with a minimum height of six feet may be used in lieu of, or in conjunction with, a vegetative bufferyard.*

If approved, the commercial vehicle parking location shall be confined to the area depicted on the site plan on the southern portion, or rear, of the property (*Exhibit 5*). The property directly to the south is currently utilized as a Religious Institution. The only abutting property utilized as a residence is to the east, with the parking area approximately 60 feet from the structure. The northern and western sides of the property are flanked by local roadways with ROW dedicated to the County. The lot to the south is currently buffered with adequate vegetation along that property line.

The site was subject to a Codes Violation (CMA-2025-1684). The applicant has subsequently filed for this Special Exception and will demonstrate compliance with LDC

Section 216. Based on staff's recent site visit, the back and side yards of the property are currently enclosed by at least a six (6) foot tall opaque fence.

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

The subject commercial vehicle does not include a refrigerator unit.

11. *Approvals shall be valid for one year, or for a shorter period as specified by the Land Use Hearing Officer. Approvals may be renewed, with proper application following notice provided by the Land Development Division Director 30 days prior to the expiration date, if the commercial vehicle location is consistent with the Land Development Code. The applicant shall bear the burden in demonstrating that the vehicle parking still meets the criteria of the approved Special Exception and Section 216.*

This has been included in the conditions of approval.

Surrounding Future Land Use Designations and Existing Land Use Activity:

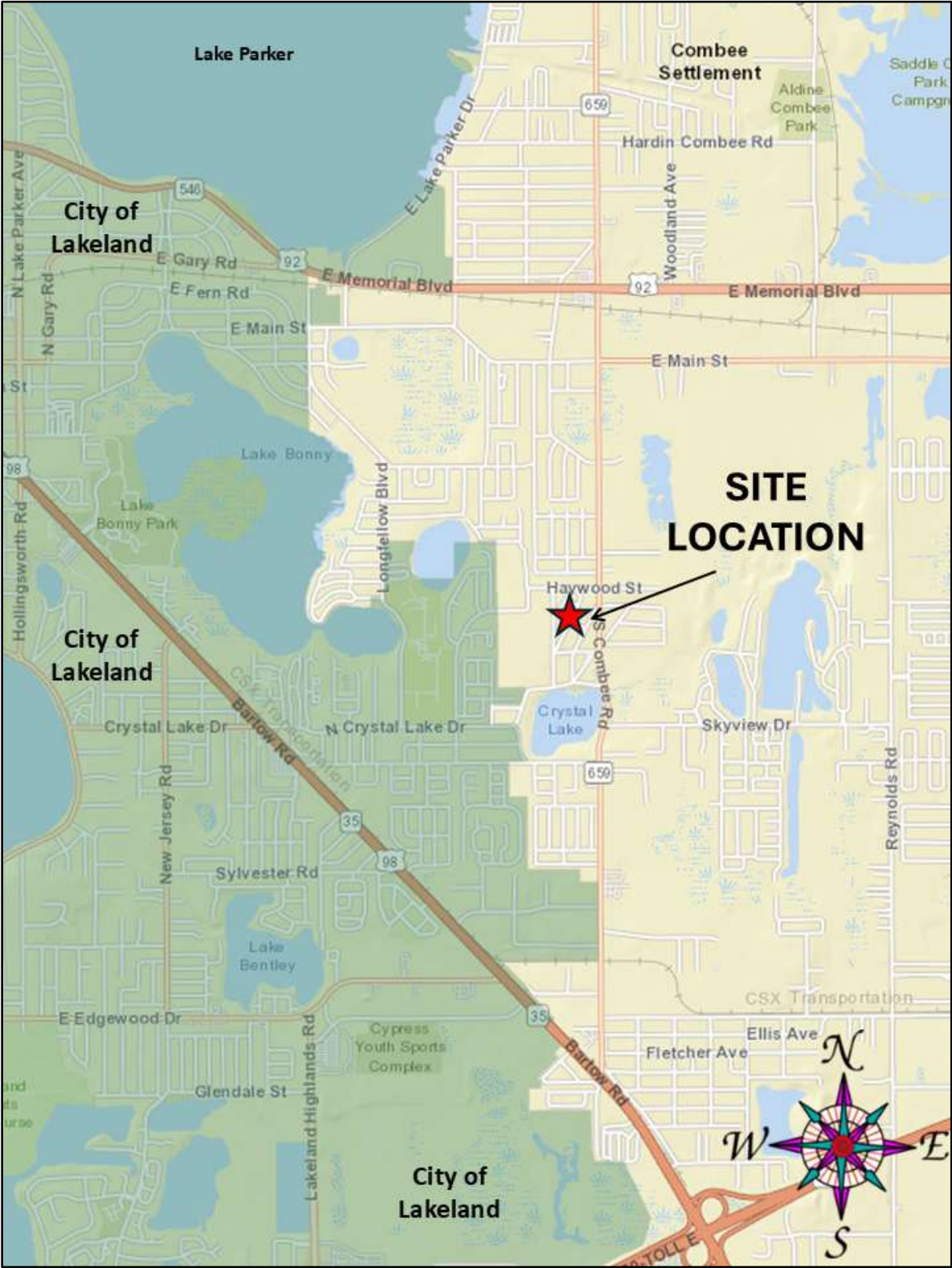
Northwest: Residential Low-1 (RL-1) Single-family home ±0.12 acres	North: Residential Suburban (RL-1) Single-family home ±0.13 acres	Northeast: Residential Suburban (RL-1) Lake Lure ±1.04 acres
West: Residential Low-1 (RL-1) SFR and mobile home ±0.2 acres	Subject Property: Residential Suburban (RL-1) Single-family home ±0.38 acres	East: Residential Low-1 (RL-1) Single-family home ±0.17 acres
Southwest: Residential Low-1 (RL-1) Single-family home ±0.18 acres	South: Residential Low-1 (RL-1) Religious Institution ±2.68 acres	Southeast: Residential Low-1 (RL-1) Religious Institution ±2.68 acres

The subject site is a 0.38 acre corner lot on the southern end of Lake Lure. The surrounding area consists predominantly of site built single-family homes part of the recorded plat known as "Howenoca Hills 1st Addition". The property is considered Lots 13 and 14 of the plat recorded in 1925 (PB 15, PG 29) and met the minimum lot size requirement of 7,500 square feet in the prior Residential-2 (R-2) zoning district (*Ord. 83-02*). A single-family residence was constructed on Lot 14 in 1976. Both lots were subsequently combined around 2015, and the applicant purchased the property through a Warranty Deed in March 2022 according to the Property Appraiser.

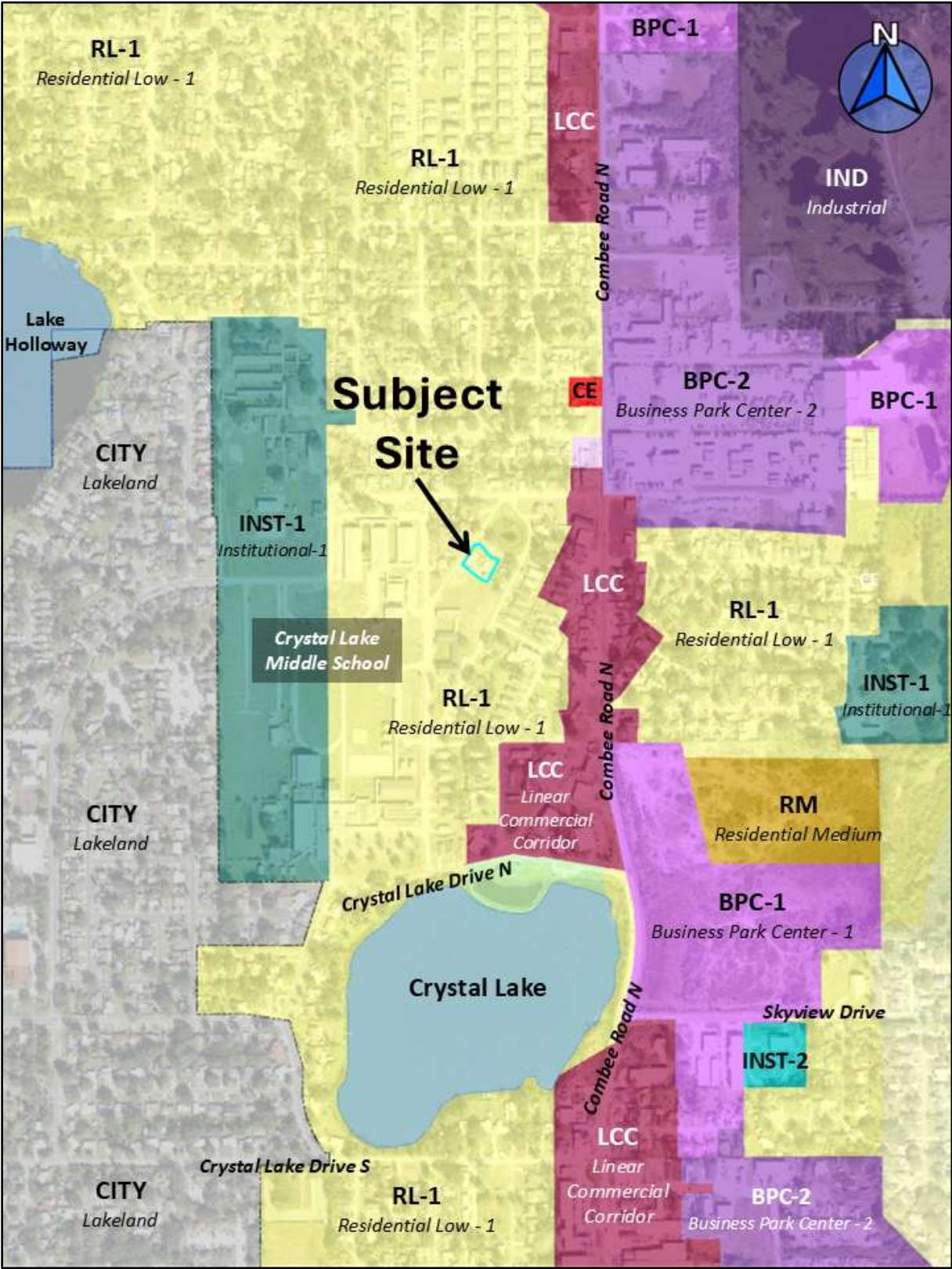
Comments from other Governmental Agencies: None

Exhibits:

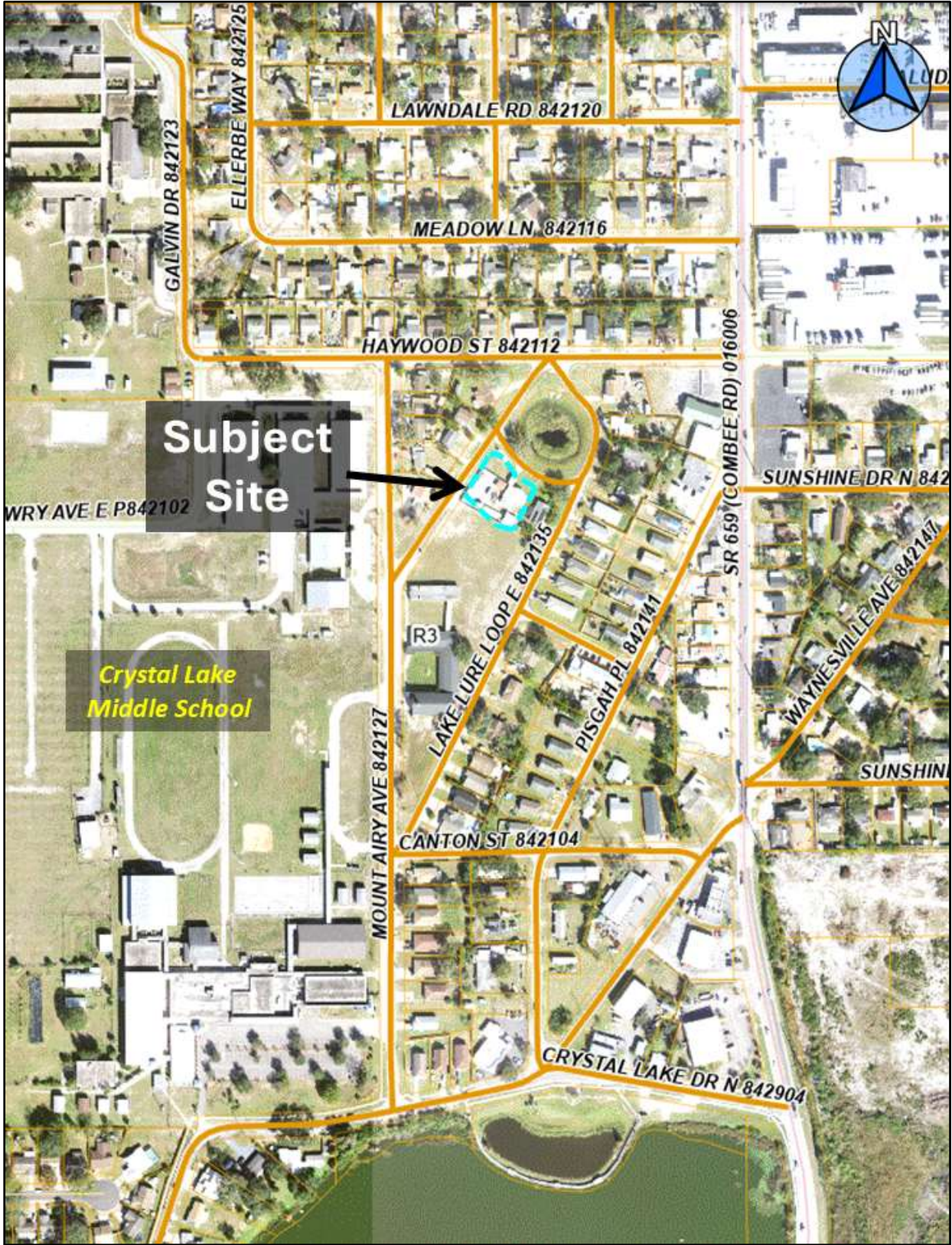
- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use Map
- Exhibit 3 – 2023 Aerial Photo (Context)
- Exhibit 4 – 2023 Aerial Photo (Close-up)
- Exhibit 5 – Site Plan
- Exhibit 6 – Commercial Vehicle Pictures



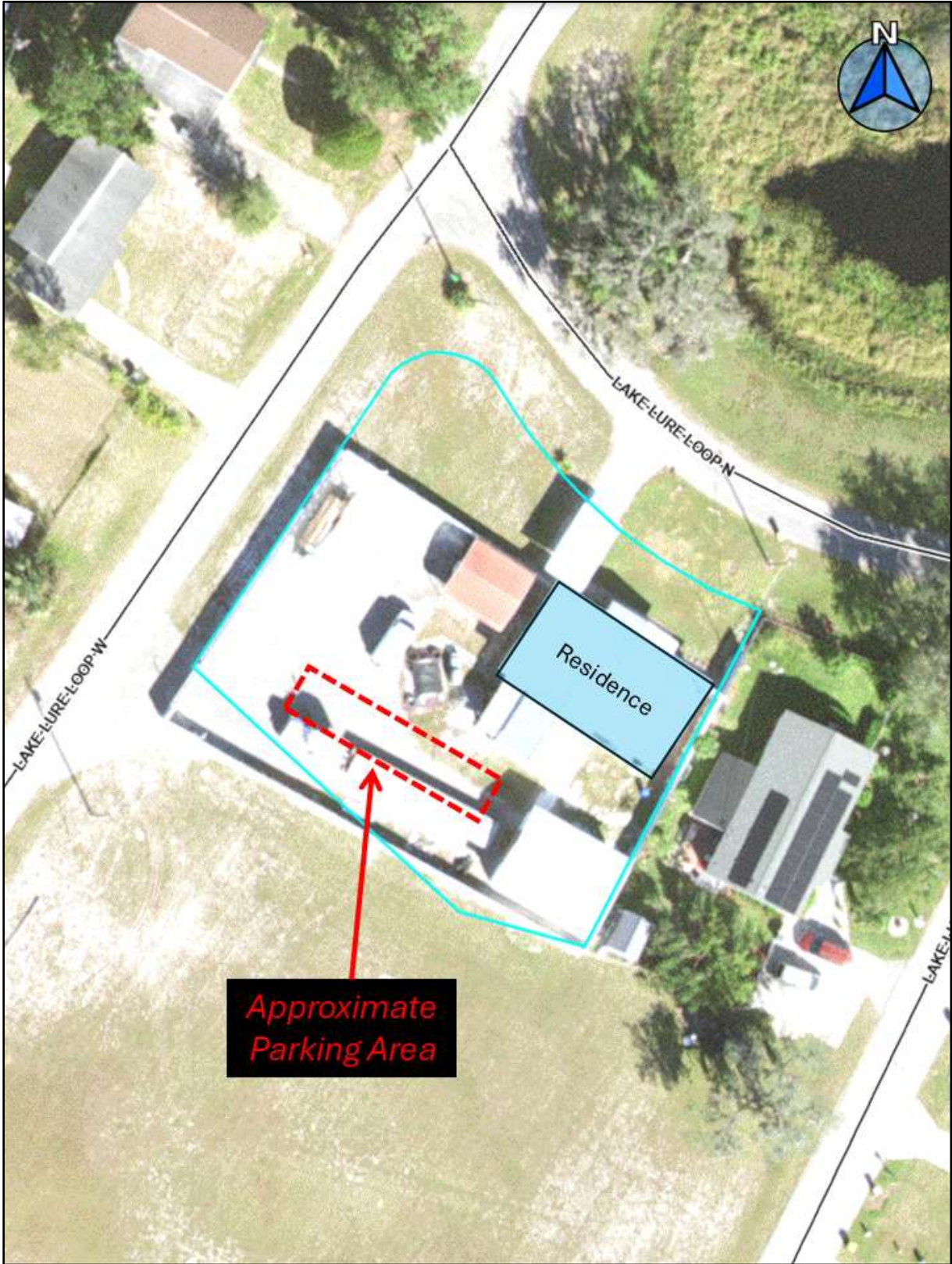
Location Map



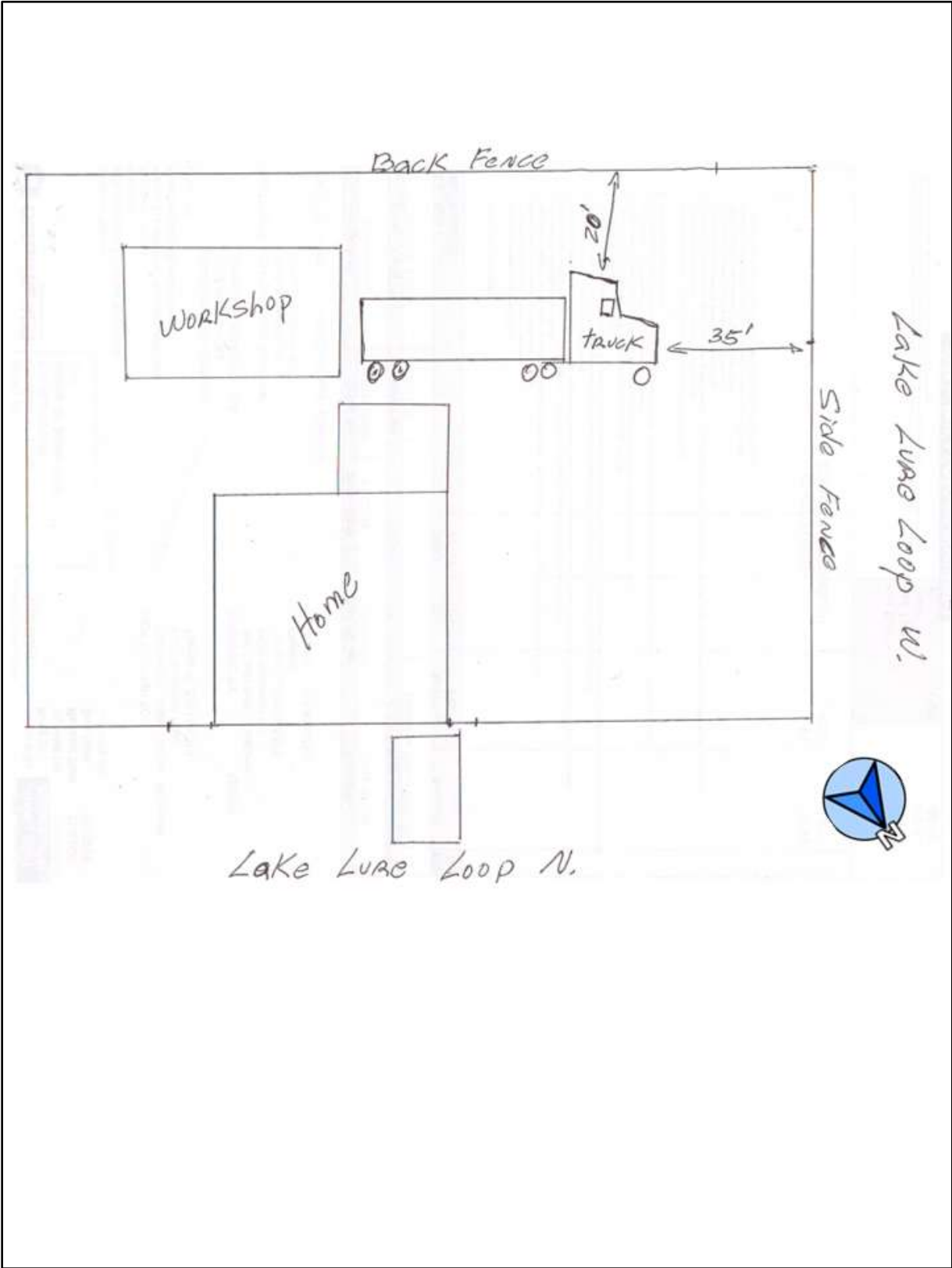
Future Land Use Map



2023 Aerial Photo (Context)



2023 Aerial Photo (Close-up)

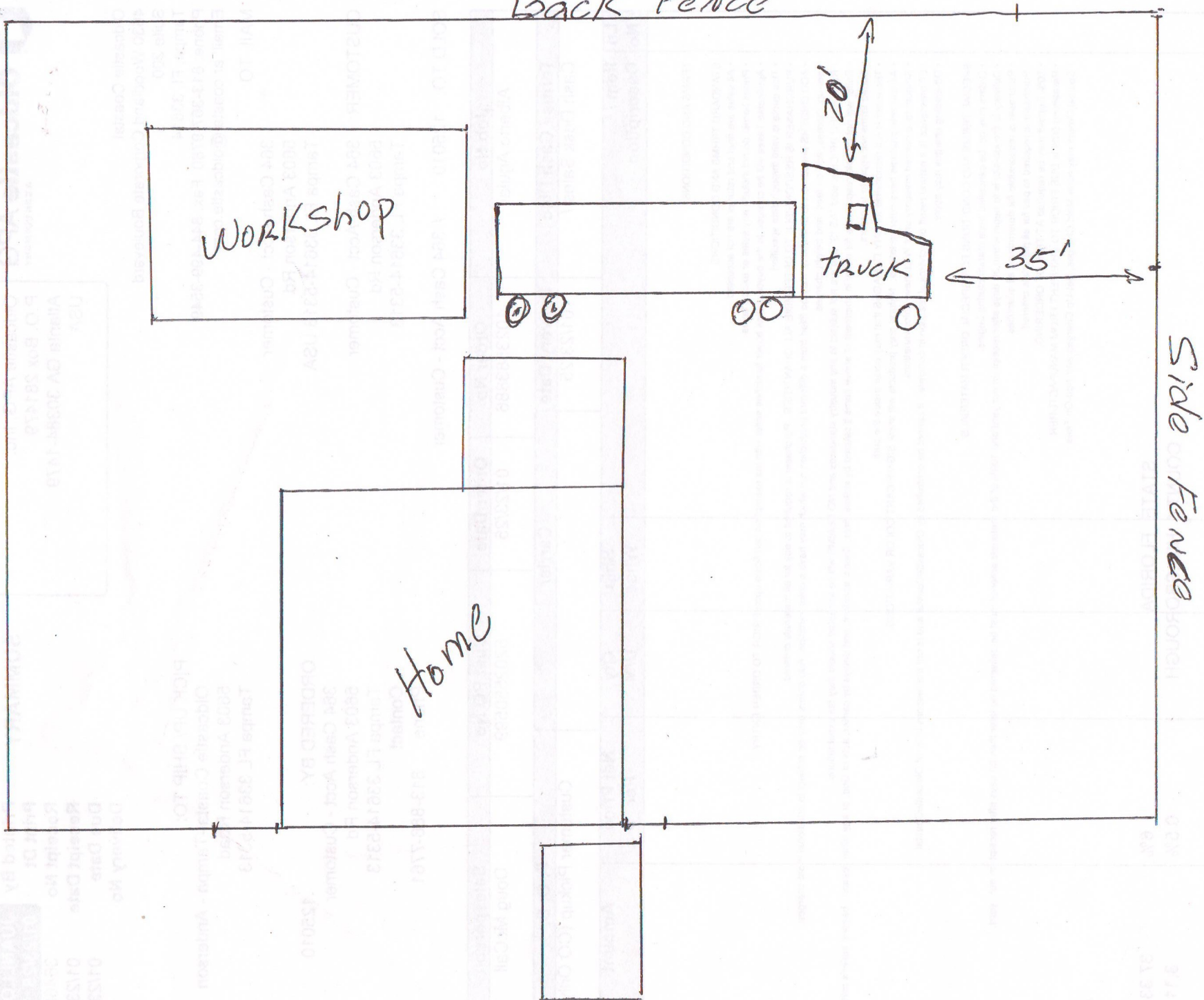


Site Plan



Commercial Vehicle Pictures

Back Fence



Side Fence

Lake Lure Loop N.

Lake Lure Loop N.

LDLSE-2025-10 - Alberto Aguiar Martinez

Menu

Reports

Help

Application Name:

Alberto Aguiar Martinez

File Date:

07/18/2025

Application Type:

LUHO - Special Exception

Application Status:

Approved For Hearing

Application Comments:

View ID	Comment	Date
---------	---------	------

Description of Work:

Special Exception Commercial Vehicle Parking

Application Detail:

Detail

Address:

2507 N LAKE LURE LOOP, LAKELAND, FL 33801

Parcel No:

242821239510016140

Owner Name:

AGUIAR MARTINEZ ALBERTO

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
AGUIAR MARTINEZ ALBERTO		Engineer	Mailing, 2507 Lake Lur...	Active

Licensed Professionals Info:

Primary	License Number	License Type	Name	Business Name	Business License #
---------	----------------	--------------	------	---------------	--------------------

Job Value:

\$0.00

Total Fee Assessed:

\$1,057.00

Total Fee Invoiced:

\$1,057.00

Balance:

\$0.00

Custom Fields:

LD_BOA_SE

GENERAL INFORMATION

Acreage	
.38	
DRC Meeting	DRC Meeting Time
09/11/2025	-
Rescheduled DRC Meeting	Rescheduled DRC Meeting Time
-	-
Green Swamp	FS 119 Status
No	Non-Exempt
Case File Number	
-	

SPECIAL EXCEPTION

Make of vehicle	Model & Year of vehicle
Peterbilt	379 year 2005
Weight of vehicle	Gross axle weight of vehicle
18000	18000
Height & length of vehicle	
12' 6" and 35'	
Height, length & weight of any additional trailer or equipment	
5', 48' and 10000	

PUBLIC HEARING

Development Type	Application Type
Land Use Hearing.	Special Exception
Officer	
Variance Type	Brownfields Request
-	-
Affordable Housing	

ADVERTISING

Legal Advertising Date	Advertising Board
-	Land Use Hearing.
	Officer

MEETING DATES

LUHO Hearing Date
10/23/2025

HEARING

Hearing Results
-
LD_BOA_SE_EDL
Opening DigEplan List...

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID
POLKCO-25EST-00000-44539
RequiredDocumentTypesComplete
No

DocumentGroupforDPC
DIGITAL PROJECTS LD
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

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement
N

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	26	10/08/2025	10/08/2025	

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Saralis Wons	Application ...	08/18/2025	Saralis Wons
Roads and Drainage Review				
Planning Review	Andrew Grohowski	Approve	09/05/2025	Andrew Grohowski
Review Consolidation	Lisa Simons-Iri...	Approved for...	09/12/2025	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
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Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments
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Kansas Department of Revenue INTERNATIONAL REGISTRATION PLAN

PO BOX 12003
Topeka, KS 66601
Phone: (785) 296-6541
www.truckingks.org

KANSAS APPORTIONED REGISTRATION CAB CARD

REGISTRATION INFORMATION

Account : 901507 Expiration Date : 12/31/2025 Enforcement : 03/01/2026 Supplement # : 0 KS Gross Weight : 85500
Effective : 01/01/2025

REGISTRANT INFORMATION

ASTRO LLC

1002 1/2 AVE A
DODGE CITY KS 67801

Carrier Type : For Hire

Plate No: 200731

Fleet : 001

Unit : 9

Vehicle Information

VIN : 1XP5DB9X15D845489
Fuel : Diesel Fuel
Empty Weight : 18160

Year : 2005
Type : TT
Seats : 0

Make : PTRB
Color : WH
Axles : 3

JURISDICTION INFORMATION

Vehicle may operate in the jurisdictions listed below at the weights listed.

Jur	RWG/Axles	Jur	RWG/Axles	Jur	RWG/Axles	Jur	RWG/Axles	Jur	RWG/Axles	Jur	RWG/Axles	Jur	RWG/Axles
KS	085500lb	AL	QUAL	AR	080000lb	AZ	080000lb	CA	080000lb	CO	080000lb	CT	085500lb
DC	080000lb	DE	080000lb	FL	080000lb	GA	080000lb	IA	085500lb	ID	085500lb	IL	080000lb
IN	080000lb	KY	080000lb	LA	085500lb	MA	085500lb	MD	080000lb	ME	085500lb	MI	085500lb
MN	085500lb	MO	080000lb	MS	080000lb	MT	085500lb	NC	080000lb	ND	085500lb	NE	085500lb
NH	085500lb	NJ	080000lb	NM	085500lb	NV	080000lb	NY	085500lb	OH	080000lb	OK	085500lb
OR	085500lb	PA	080000lb	RI	080000lb	SC	080000lb	SD	085500lb	TN	080000lb	TX	080000lb
UT	085500lb	VA	080000lb	VT	080000lb	WA	085500lb	WI	080000lb	WV	080000lb	WY	085500lb
AB	038782kg	BC	038782kg	MB	038782kg	NB	038782kg	NL	038782kg	NS	038782kg	ON	038782kg
PE	038782kg	QC	005 axles	SK	038782kg	**	*****	**	*****	**	*****	**	*****
**	*****	**	*****										

MOTOR CARRIER RESPONSIBLE FOR

SAFETY USDOT Number 002292595

ASTRO LLC
PO BOX 103
LAKELAND FL 33802







Polk County
Polk County Land Use Hearing Officer

Agenda Item 4.

10/23/2025

SUBJECT

LDLVAR-2025-33 (Bowling Green Right-of-way)

DESCRIPTION

Nicolas Colorado is requesting a right-of-way setback reduction from 65 feet to 20 feet for a retail plaza on ± 1.02 acres in a Rural Cluster Center (RCC). The property is located west of U.S. Highway 17, north of Dixie Boulevard, south of Hillcrest Drive, east of Miner Avenue, north of the city of Bowling Green and Hardee County line in Section 33, Township 32, Range 25.

RECOMMENDATION

Approval

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

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

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

DRC Date	October 9, 2025	CASE #:	LDLVAR-2025-33 (Bowling Green Right-of-way)
LUHO Date	October 23, 2025	LDC Section:	208, Table 2.1

Project Number: LDLVAR-2025-33

Request: The applicant is requesting a right-of-way setback reduction from 65 feet to 20 feet for a retail plaza.

Applicant: Nicolas Colorado

Property Owner: Nicolas Colorado and Lucia Cedeno

Location: West of U.S. Highway 17, north of Dixie Boulevard, south of Hillcrest Drive, east of Miner Avenue, north of the city of Bowling Green and Hardee County line in Section 33, Township 32, Range 25.

Parcel ID#: 253233-488000-003010

Size: ±1.02 acres

Land Use Designation: Rural Cluster Center (RCC)

Development Area: Rural Development Area (RDA)

Case Planner: Erik Peterson, AICP
Planning Administrator

Summary:

The applicant is seeking to build a 9,557 square foot retail plaza on a property with limited depth. In order to maintain a required 50 feet of separation from abutting residential properties and enable the required parking for the plaza, the building must be located closer to U.S. Highway 17.

Structures to the north, and opposite U.S. Highway 17 are located within 20 feet of the right-of-way. The majority of the roadway drainage is diverted to the west side of the U.S. Highway 17 right-of-way through drainage inlets to a subtle drainage structure that lies between the edge of pavement and the right-of-way line along the west side of the road. This separates the applicant's property line from the edge of pavement between 55 feet to 85 feet. The distance between the right-of-way and the edge of pavement on the east side is as low as 20 feet. The roadway is equipped with a 90-degree curb and sidewalks two feet from the edge of pavement on both sides. The posted speed of U.S. Highway 17 is 45 mph on the north side and drops to 40 mph just south of the intersection of Dixie Boulevard on the south side of the property.

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 65-foot setback from arterial road rights-of-way is not needed for public safety but rather intended for aesthetic purposes. Deeper roadway setbacks also encourage higher speeds of travel, and this portion of US Highway 17 is posted for lower speeds.
- **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 this property has an irregular V-shape to it due to the angle in which Dixie Boulevard was platted back in the mid-1920s.
- **Granting the requested variance will not confer on the applicant any special privilege** because other buildings on adjacent lots are within 20 feet of the right-of-way.

Staff recommends additional time to apply for permits for this request to allow for securing financing, finalizing architectural plans, well and septic tank permitting, site and structural engineering.

Development Review Committee

The Development Review Committee, based on the criteria for granting Variances, finds that the applicant's request as written **IS CONSISTENT** with **Section 931** of the Polk County Land Development Code.

Development Review Committee Recommendation: Based upon the application, and a recent site visit, the Development Review Committee recommends **APPROVAL of LDLVAR-2025-33**, 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 setback reduction from 65 feet to 20 feet for a commercial building or buildings.
2. The applicant must apply for all necessary permits within five (5) years of the date for which the Land Use Hearing Officer's Final Order is rendered.
3. 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 65-foot setback from arterial road rights-of-way is not needed for public safety. It is intended for aesthetic purposes. Deeper roadway setbacks also encourage higher speeds of travel, according to the Institute of Transportation Engineers (ITE). This area is an approach to the urbanized area of Bowling Green, so the posted speed is reduced from 60 mph to 45 mph and 40 mph just to the south. If there were any development standards that could be reduced without harm to the public, the 65-foot right-of-way setback would be at the top of the list. Therefore, granting a variance in this case will not be injurious to the area involved or otherwise detrimental to the public welfare. Additionally, buildings on adjacent lots are within 20 feet of the right-of-way. So, adherence to the setback will provide very little aesthetic value.

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 property has an irregular V-shape to it due to the angle in which Dixie Boulevard was platted back in the mid-1920s. Section 220 of the Land Development Code (LDC) prohibits commercial buildings, dumpsters, and a number of other accessory uses within 50 feet of residential property. The addition of the 65-foot right-of-way setback eliminates a number of other options for building placement and property use. Access must also be setback significantly from the intersection of U. S. Highway 17 and Dixie Boulevard or Hillcrest Drive. A parking space is required for every 300 square feet of office or commercial building space and more if there are medical or restaurant occupants, according to LDC Section 709. LDC Section 740 requires stormwater management for all impervious surfaces for a 25-year, 24-hour storm event onsite for both rate and volume. There is no just cause for reductions from the residential compatibility standards or stormwater requirements, and a reduction in available parking could either be a detriment to the

businesses onsite or result in parking on the right-of-way which can threaten public safety and cause harm to neighboring residents.

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

The applicant purchased the property in 2019. It had been changed to residential in 2000. The Board of County Commissioners recently granted the applicant's request to change it back to commercial.

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;*

There are other structures along US Highway 17 that are within the 65-foot right-of-way setback. At least three are within 20 feet of the right-of-way. However, the home to the south and the commercial buildings opposite US Highway 17 were built before the first zoning ordinance with setbacks in 1971.

Applying the full 65 feet of setback from the right-of-way and a 50-foot setback from residential for the building, will leave only 35 feet of developable area on the north side (40%) of the property. The available space to place a building on the property is approximately 11,800 square feet in an irregular shape. This would force drainage to one side and parking to another leaving for a very inefficient design. In reality, it would result in a very small building. The other commercial properties along this corridor do not have as irregular of a shape, and the ones on the east side of U.S. Highway 17 do not abut residential property.

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

The applicant is proposing a ±9,557 square foot retail plaza on the one-acre property (see Exhibit 5). This is estimated to be the maximum amount of commercial space that can fit on the site while meeting other development standards and infrastructure needs. While it may not be that large in the end, the building will need to have a depth as proposed at 43 feet to serve retail, office, and personal services establishments that might inhabit the building suites. More depth would be better, but there is also parking and drainage that must be accommodated on the site as well. Commercial services are needed in this area according to the applicant and they are seeking to provide as much commercial space for them as possible on this site.

The applicant is also seeking this variance so that the building can be setback the farthest possible from abutting residential properties. The applicant is not asking for more setback relief than abutting structures along the corridor. Additionally, the 20 feet proposed will enable better drainage control on 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. The property was recently approved for a change of from Rural Cluster Center-Residential (RCC-R) to Rural Cluster Center Commercial (RCC) on October 7, 2025. The proposed retail plaza is a permitted use in the RCC district.

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.*

The property was zoned Regional Commercial (C-3) under the original 1971 zoning map. The setbacks from arterial roads have been 65 feet from right-of-way since November 30, 1971, with the adoption of Ordinance 1971-08. There was a variance process in that ordinance similar to the one in the LDC today. Granting this variance will not circumvent any condition or the intent of a condition placed on a development by the Planning Commission or the BoCC.

Surrounding Future Land Use Designations and Existing Land Use Activity:

The following table provides a reference point for notable and pertinent Future Land Use Map districts and existing land uses upon them.

Table 1		
Northwest: RCC-R Single-family Residence	North: Rural Cluster Center – Residential (RCC-R) Rural Cluster Center – Commercial (RCC) Vacant lot, mobile home, and 1,628 sq.ft. single-family residence ±19 feet from US 17 right-of-way	Northeast: Rural Cluster Center – Commercial (RCC) Bar, Tavern, Lounge (County Line Club) 3,060 sq. ft. ±18 feet from US 17 right-of-way
West: RCC-R Mobile home	Subject Property: ±1.02 acres RCC Vacant lot Proposed Retail Plaza 9,557 sq. ft. ±20 feet from US 17 right-of-way	East: RCC Agricultural equipment and fertilizer sales & services (Pro Plus Products Inc.) 3,600 sq. ft. ±33 feet from US 17 right-of-way
Southwest: RCC-R Single-family Residence	South: RCC-R Single-family Residence 1,098 sq. ft. ±5 feet from US 17 right-of-way	Southeast: RCC Agricultural equipment and fertilizer sales & services (Pro Plus Products Inc.) All buildings south of Pinecrest Drive meet or exceed setback

Immediately to the west and north are single-family homes and mobile homes. These are the closest structures to the site. Across U.S. Highway 17 is the County Line Club Bar and

ProPlusProducts Inc., an agricultural support use that provides custom blends of fertilizers for various industries, but primarily agriculture and golf courses. There is RCC commercial north of the site on Hilton Road that has a single-family residence but is used for the storage of agricultural use vehicles.

Structures to the north, and opposite U.S. Highway 17 are located within 20 feet of the right-of-way. The majority of the roadway drainage is diverted to the west side of the U.S. Highway 17 right-of-way through drainage inlets to a subtle drainage structure that lies between the edge of pavement and the right-of-way line along that side of the road. This separates the applicant's property line from the edge of pavement between 55 feet to 85 feet. The distance between the right-of-way and the edge of pavement on the east side is as low as 20 feet. The roadway is equipped with a 90-degree curb and sidewalks within two feet of the edge of pavement on both sides. The posted speed of U.S. Highway 17 is 45 mph on the north side and drops to 40 mph just south of the intersection of Dixie Boulevard on the south side of the property.

The applicant's property is part of the Dixie Highway Homesites Unit No. 2 plat that was approved by the Board of County Commissioners on December 14, 1925. During the late 1930s, Dixie Highway became U.S. Highway 17 and was relocated from the west side of the plat to just off the center which was a 50-foot-wide right-of-way named Alma Avenue. An additional row of lots were taken to the east as the roadway widened from two to four lanes in the late 1990s.

Comments from other Governmental Agencies:

None.

Exhibits:

Exhibit 1 – Location Map

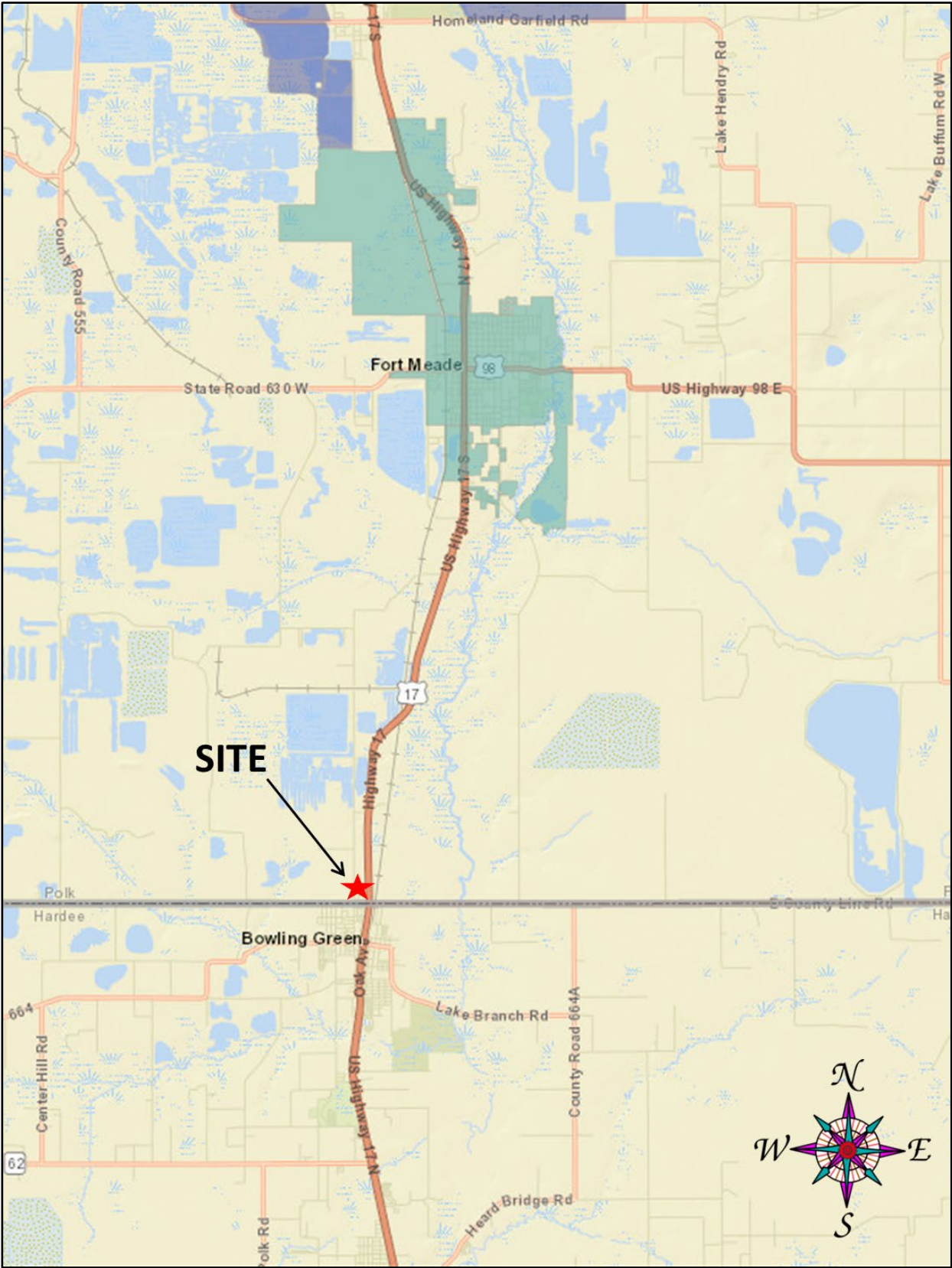
Exhibit 2 – Future Land Use

Exhibit 3 – 2023 Aerial Context

Exhibit 4 – 2023 Aerial Close-up

Exhibit 5 – Site Plan

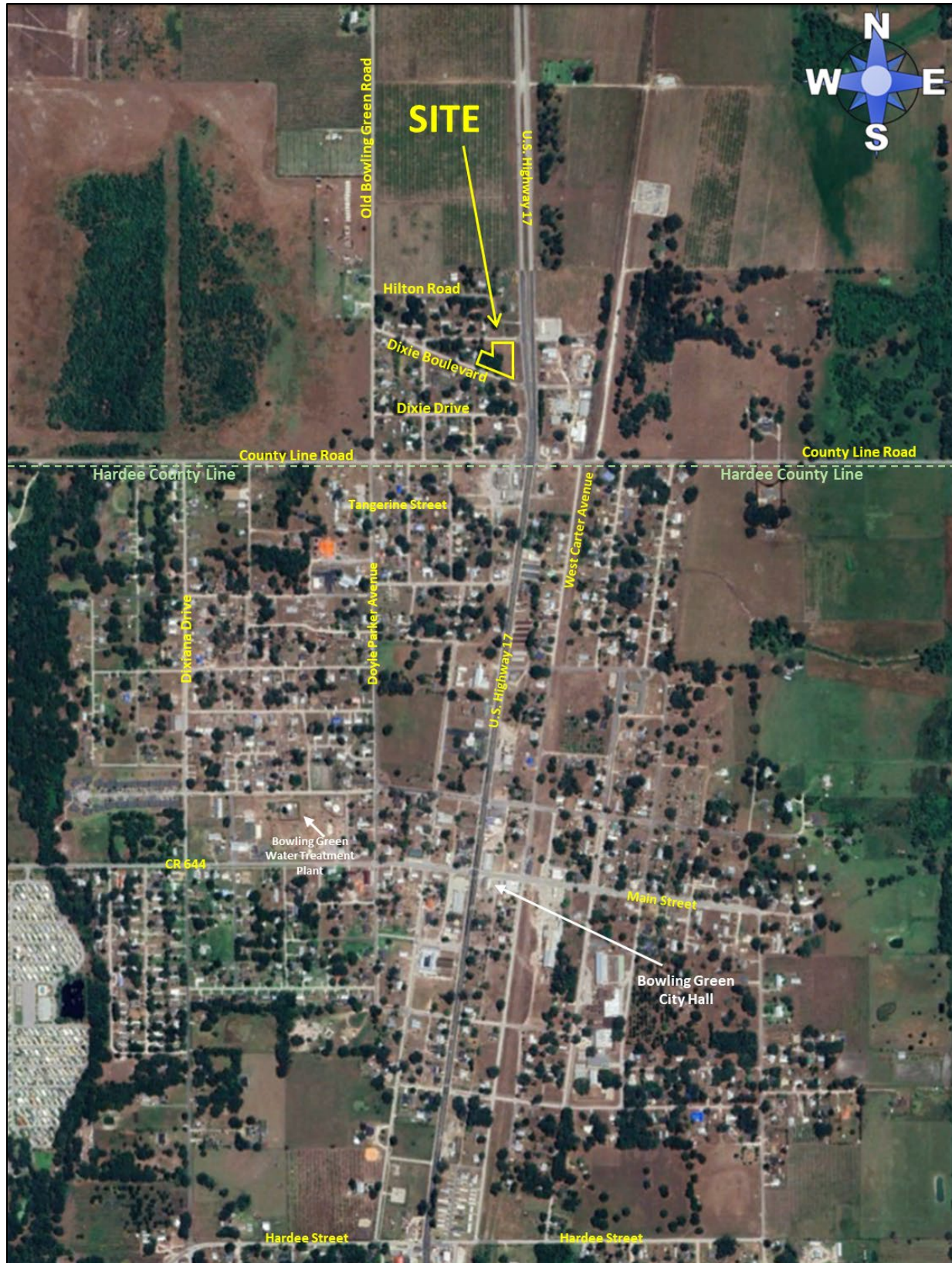
Exhibit 6 – Criteria Justification



Location Map



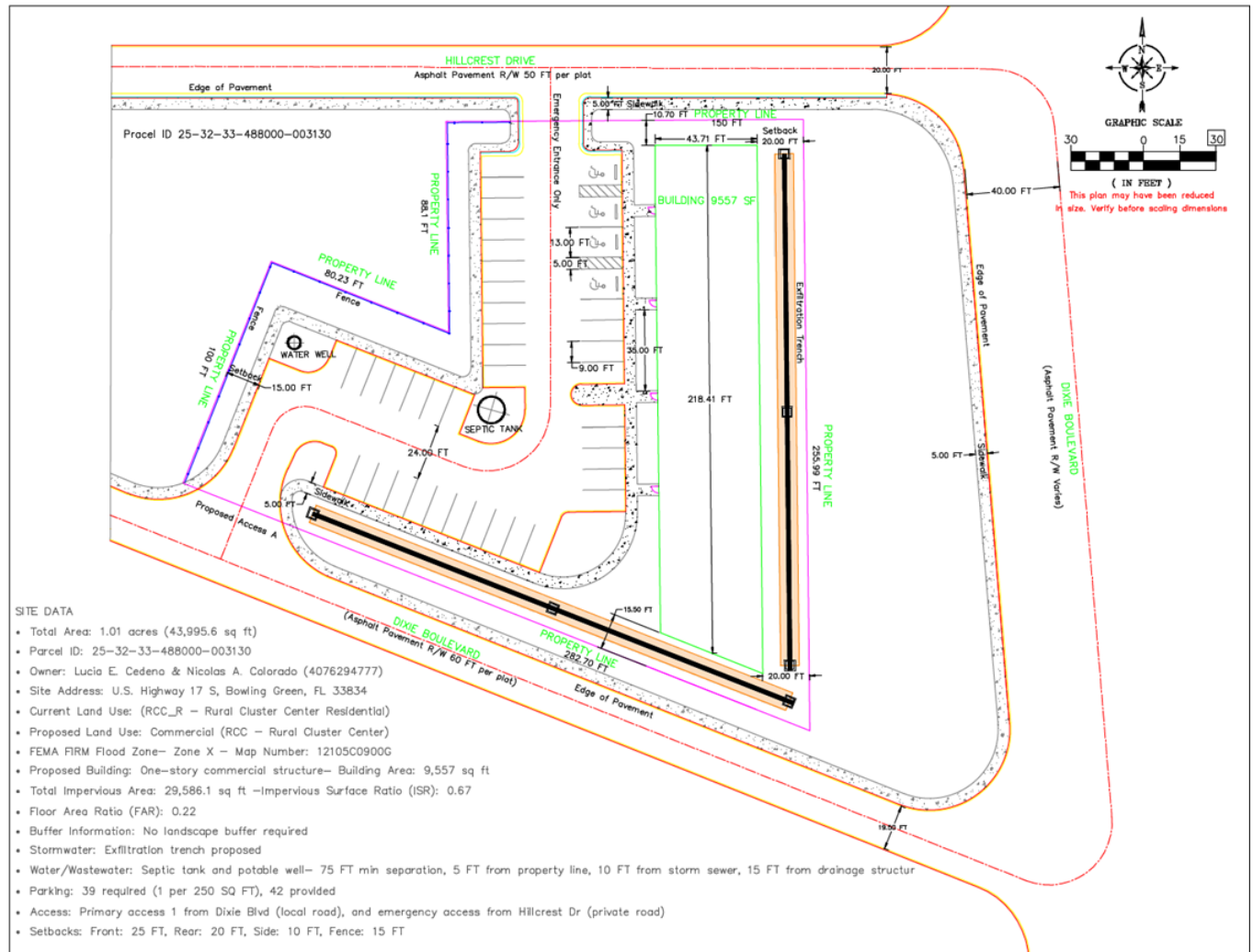
Future Land Use



2023 Satellite Photo Context



2023 Aerial Photo Close-Up



Applicants' Site Plan

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

Response: No. The variance reduces buffer requirements, thereby increasing the efficiency of site utilization and expanding usable space for parking, drainage, and utilities, while still maintaining appropriate setbacks from nearby residential properties.

The building will not be too close to the edge of the pavement; there's a hard curb, sidewalk, and drainage provides clear separation.

The design also maintains safe and efficient site circulation, and the adjacent highway's speed limit (40–45 mph) aligns with the proposed layout.

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

Response: No special conditions exist. The client's objective is to maximize the building area within the code requirements, and our proposal reflects that. We have ensured that the allowable building size has not been exceeded.

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

Response:

- Parcel Purchase Date: 2019
- Structure: No structures have been built on the parcel
- Permit Number: N/A

4. What is the hardship if the variance is not approved?

Response: This could impact the ability to accommodate essential infrastructure such as parking, drainage, and onsite water/wastewater systems, which require substantial space. If it is not approved, it would reduce site efficiency and restrict the intended commercial use that is expected to benefit the region.

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

Response: Yes, the minimum variance necessary is requested to support a functional and efficient layout for the proposed RCC (Rural Cluster Center – Commercial) use.

Consider the following factors:

- Enhance zoning compatibility by placing the building closer to the highway, improving visibility and customer access.
- Parking and drainage are strategically placed between the commercial building and residential areas, with additional separation provided by a hard curb, sidewalk, and drainage swale. This ensures the building is not too close to the edge of the pavement and maintains a safe and functional site design
- Accommodate essential infrastructure, including a private portable well and septic system, which requires substantial space. The proposed layout allows for optimal placement of these systems.

6. Do you have Homeowners Association approval for this request?

Response: No HOA needed for this since the site is not part of an HOA.

Applicant's Justification

LDLVAR-2025-33 - Dixie Blvd Rezoning

Menu

Reports

Help

Application Name:

Dixie Blvd Rezoning

File Date:

05/23/2025

Application Type:

LUHO - Variance

Application Status:

In Review

Application Comments:

View ID	Comment	Date
---------	---------	------

Description of Work:

Setback variance application for a rezoning process. Variance requirement would be related to the residential property at the left side of the parcel.

Application Detail:

Detail

Address:

0 S US HIGHWAY 17, BOWLING GREEN, FL 33834

Parcel No:

25323348800003010

Owner Name:

COLORADO NICOLAS A

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
COLORADO NICOLAS A	COLORADO NICOLAS A	Applicant	Mailing, 2480 Pine Nee...	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
	1.02
DRC Meeting Time	DRC Meeting
	10/09/2025
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	Application Type
Land Use Hearing	Variance
Officer	
Variance Type	Brownfields Request
Dimensions	
Table	
Affordable Housing	

ADVERTISING

Advertising Board	Legal Advertising Date
Land Use Hearing	
Officer	

MEETING DATES

LUHO Hearing Date
11/20/2025

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?

[N/A](#)

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

[Parcel was bought in 2019](#)

[There are no structures built on it](#)

What is the hardship if the variance is not approved?

[Rezoning project would need to be revised](#)

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

[Yes](#)

Do you have Homeowners Association approval for this request?

[N/A](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-25EST-00000-31768](#)

RequiredDocumentTypesComplete

[Yes](#)

DocumentGroupforDPC

[DIGITAL PROJECTS LD](#)

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

RequiredDocumentTypes

-

Activate DPC

Activate FSA

[Yes](#)

[Yes](#)

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement

[v](#)

LAND USE

Selected Area Plan LU Code

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

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

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Lisa Simons-Iri...	Application ...	06/13/2025	Lisa Simons-Iri...
Roads and Drainage Review	Phil Irven	Approve	06/16/2025	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
Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments	
Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments	



1200 Hillcrest Street, Suite 200
Orlando, Florida 32803
407.629.4777

September 9, 2025

Erik Peterson, AICP

Polk County Land Development Division
330 W. Church Street
Bartow, FL 33830

Dear Mr. Peterson:

This letter is written in response to your questions for the Setback Variance Application, LDLVAR-2025-23. We have formatted this letter in a way that shows your questions in ***bold italic*** and our response below.

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

Response: No. The variance reduces buffer requirements, thereby increasing the efficiency of site utilization and expanding usable space for parking, drainage, and utilities, while still maintaining appropriate setbacks from nearby residential properties.

The building will not be too close to the edge of the pavement; there's a hard curb, sidewalk, and drainage provides clear separation.

The design also maintains safe and efficient site circulation, and the adjacent highway's speed limit (40–45 mph) aligns with the proposed layout.

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

Response: No special conditions exist. The client's objective is to maximize the building area within the code requirements, and our proposal reflects that. We have ensured that the allowable building size has not been exceeded.

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

Response:

- Parcel Purchase Date: 2019
- Structure: No structures have been built on the parcel
- Permit Number: N/A

4. What is the hardship if the variance is not approved?

Response: This could impact the ability to accommodate essential infrastructure such as parking, drainage, and onsite water/wastewater systems, which require substantial space. If it is not

approved, it would reduce site efficiency and restrict the intended commercial use that is expected to benefit the region.

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

Response: Yes, the minimum variance necessary is requested to support a functional and efficient layout for the proposed RCC (Rural Cluster Center – Commercial) use.

Consider the following factors:

- Enhance zoning compatibility by placing the building closer to the highway, improving visibility and customer access.
- Parking and drainage are strategically placed between the commercial building and residential areas, with additional separation provided by a hard curb, sidewalk, and drainage swale. This ensures the building is not too close to the edge of the pavement and maintains a safe and functional site design
- Accommodate essential infrastructure, including a private portable well and septic system, which requires substantial space. The proposed layout allows for optimal placement of these systems.

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

Response: No HOA needed for this since the site is not part of an HOA.

Should you have any additional questions or concerns, please do not hesitate to contact us at (407) 629-4777.

Sincerely,

HARRIS CIVIL ENGINEERS, LLC



Abdul Alkadry, P.E.
President/Project Manager

REVISIONS		
#	Date	Description

[illegible]

ENGINEER SEAL

Project Title:

Dixie Blvd Rezoning

Project Address:

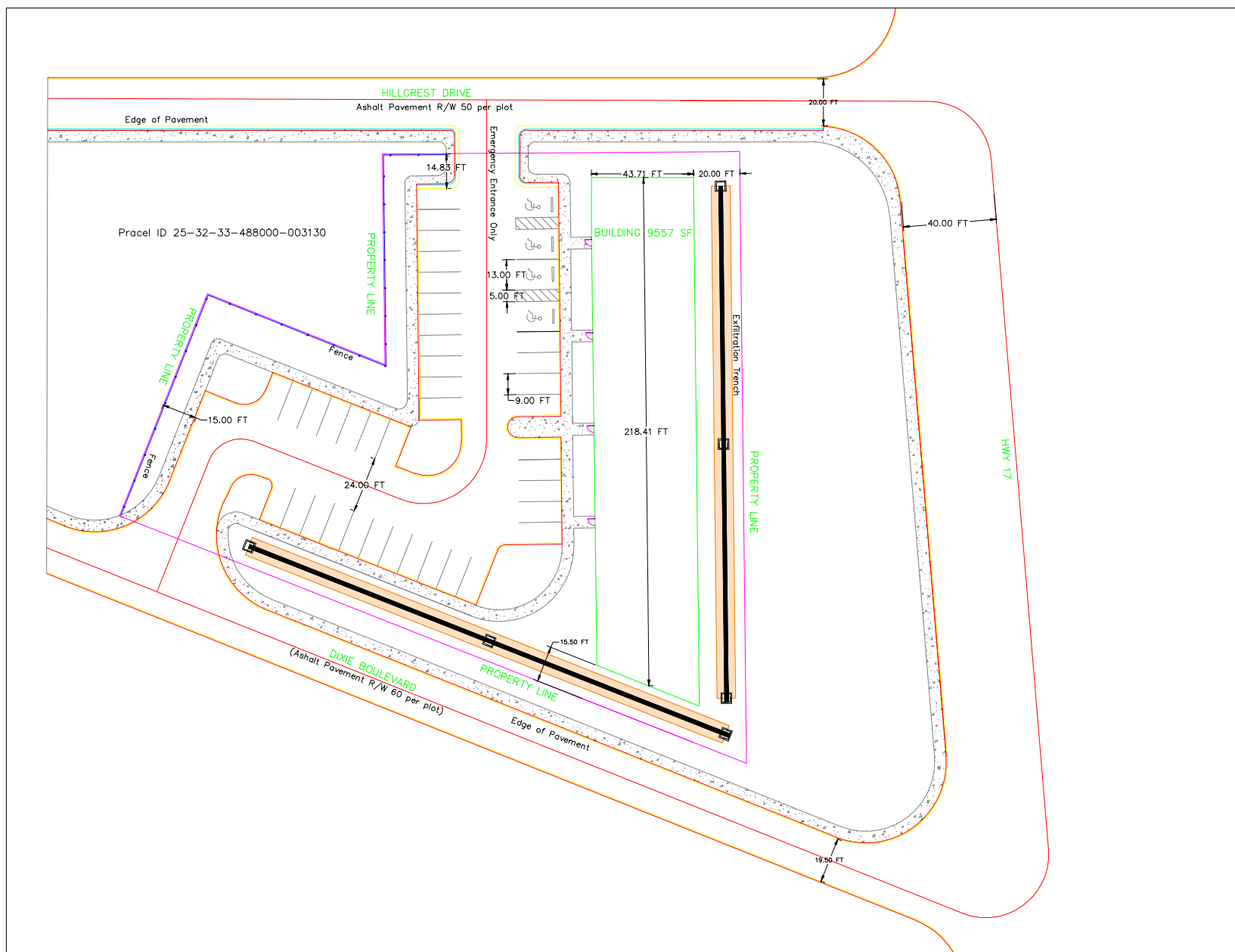
Dixie Blvd Rezoning

Design By: Sally Yousef
Drawn By: Sally Yousef
Checked By: Abdul Alkadry
Plot Date:

HCE Project: 7808001

Release: 05/20/25

Sheet Number:





Polk County
Polk County Land Use Hearing Officer

Agenda Item 5.

10/23/2025

SUBJECT

LDLVAR-2025-36 (Wyngate Lane Variance)

DESCRIPTION

The applicant is requesting a side accessory setback reduction from seven (7) feet to zero (0) feet for the construction of an 18 by 25-foot open air carport on approximately 0.32 acres.

RECOMMENDATION

Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Andrew Grohowski

Land Development Division

(863) 534-6412

andrewgrohowski@polk-county.net

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

DRC Date	July 10, 2025	CASE #:	LDLVAR-2025-36 (Wyngate Lane Variance)
LUHO Date	October 23, 2025	LDC Section:	PUD 88-14

Request: The applicant is requesting a side accessory setback reduction from seven (7) feet to zero (0) feet for the construction of an 18 by 25-foot open air carport on approximately 0.32 acres.

Applicant: Orlando D. Gunn Sr.

Property Owner: Orlando D. Gunn Sr.

Location: The subject property is located at 1441 Wyngate Lane, east of Kathleen Road, north of Interstate 4, east and south of Old Polk City Road, west of Sherwood Lakes Boulevard, north of the City of Lakeland, in Section 17, Township 27, and Range 23.

Parcel ID#: 242717-161105-000030

Size: ±0.32 acres

Land Use Designation: Residential Suburban (RS)
Planned Unit Development (PUD 88-14), Wellington Green Subdivision

Development Area: Suburban Development Area (SDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting a side accessory side setback reduction from seven (7) feet to zero (0) feet for the construction of a carport on the southern end of their property. The carport will be approximately 450 sq. ft., and open at both ends according to the applicant. The subject property is located within a Residential Suburban (RS) land use district and is identified as Lot 3 within the Wellington Green Subdivision (PUD 88-14). The PUD established accessory structure setback requirements as seven (7) feet for the interior sides and seven (7) feet for the interior rear. According to submitted documents, the applicant received approval from the Homeowners Association (HOA). Staff is recommending approval as the applicant's request will not be injurious to the area or detrimental to the public welfare. Approval of this variance would allow for efficient use of the applicant's property.

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 carport will not be within the existing drainage and utility easement and is located 20 feet from the closest neighboring structure. The carport will be open at the front and back, providing accessible access should the need arise.
- **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved.** The improvements made to the property over time, including a shed, screen room, and pool, as well as the physical limitations of the site (septic system) restrict the placement of the proposed carport without setback relief. The applicant purchased the property with these conditions already in place.

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-2025-36**

CONDITIONS OF APPROVAL:

1. The approval of this variance is to reduce the accessory structure rear setback from seven (7) feet to zero (0) feet for the construction of an eighteen (18) by twenty-five (25) foot carport (approximately 450 sq. ft.). Further additions or structures placed on the property shall be required to meet the setback requirements of the Wellington Green Subdivision (PUD 88-14) or re-apply for another variance approval from the Land Use Hearing Officer.
2. This variance does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
3. The applicant shall have one (1) year from the date the Land Use Hearing Officer's Final Order is rendered to apply for all necessary building permits and pay all associated fees for the proposed addition.

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 the 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;*

The granting of this request will not be injurious to the area or detrimental to the public welfare. The subject property is platted as Lot 3 within the Wellington Green Subdivision (PB 88, PG 28) recorded in November 1989. The subdivision was part of an approved Planned Unit Development (PUD 88-14), which established 7-foot side and rear yard setbacks for accessory structures. The applicant is proposing an eighteen (18) foot by twenty-five (25) foot carport (approximately 450 sq. ft.) that is twelve (12) feet high. The variance request is to reduce the side setback from seven (7) feet to zero (0) feet. It will not reduce the rear yard setback requirement. The carport will be located to the rear of the home along the western portion of the property boundary. The closest neighboring structure is about 20 feet to the west, above any fire separation requirements.

The plat identifies a ten-foot County utility and drainage easement along the front property line of all lots. The proposed carport is behind the residence on the side yard of the property, which is not anticipated to impact this easement. Additionally, the applicant has received HOA approval for this request. Lastly, the carport will be open on both ends, allowing structural maintenance should the need occur.

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 located within the Residential Suburban (RS) land use district on approximately 0.32 acres. Pursuant to the Wellington Green Subdivision (PUD 88-14), accessory structures have a right-of-way setback of 15 feet off local roadways and seven (7) feet for both side and rear setbacks. The lot is 0.32 acres, which is below the 5-acre minimum residential lot area in the RS land use district. However, this property is Lot 3, part of the Wellington Green Subdivision platted in 1989, which has a typical lot size of 96.3' x 135' (12,960 square feet). The lot is larger than the typical lot size of the Wellington Green Subdivision. According to Property Appraiser, the site was developed in 1990 with a 2,933 sq. ft. single family residence and associated septic system. Since then, improvements have been made to the site, including the addition of a screen enclosure, pool, and shed. Given the lot size, improvements to the site and septic drain field, the PUD setbacks restrict further site improvements without impeding side and rear yard accessory structure setbacks. The eighteen

(18) by twenty-five (25) foot carport will along the property line, outside of the septic drain field, and approximately 20 feet away from the nearest structure to the west.

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

The lot is a part of an approved Planned Unit Development (PUD 88-14) which regulates lot sizes and other development criteria. When the home was constructed in 1990, a septic system and associated drain field were installed on the southeastern portion of the property. A shed was later constructed in 1999 according to building records. The applicant purchased the property in 2021 with these conditions already in place. The physical limitations of the property dictate the placement of accessory structures, as shown on the site plan (*Exhibit 5*). PUD 88-14 setback requirements, lot sizes, and site improvements over the years significantly limit the amount of usable space without some relief from the PUD setbacks.

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;*

A majority of homes within this subdivision have accessory structures of some kind. The small lot sizes and septic tanks for each home limit accessory structure placement. More recently, a property in the same subdivision received variance approval to reduce the 7-foot side and rear yard setbacks to 2 and 3 feet respectively to accommodate a shed (LDLVAR-2025-44).

The carport is 18' by 25' in order to accommodate a personal vehicle. While the home has a garage, the applicant stated this carport size is sufficient to meet their needs so they can shelter their vehicle from the elements. Variances are a development privilege. If not for the septic system and existing shed, the carport could locate on the southern or eastern portion of the site, and setback requirements could be met, negating the need for 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. The subject property is 0.32 acres, below the 5-acre minimum residential lot area in the RS land use district. Improvements to the site and septic drain field limit the development of the property, restricting any accessory structures to be placed on or within close proximity to the setbacks boundaries, while still maintaining a functional rear yard.

6. *Whether that in no case shall a variance be granted which will result in a change of land use that would not be permitted in the applicable land use designation;*

Granting this variance will not result in a change of land use. The property will remain residential with an accessory structure.

7. *Whether that in no case shall the Land Use Hearing Officer or the Planning Commission grant a variance which would result in creation of any residual lot or parcel which does not meet the requirements of this Code; and*

Granting this request will not result in the creation of a lot or parcel.

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

There was no evidence found that suggests the proposed request will circumvent the intent of a condition placed on the Wellington Green Subdivision (PUD 88-14) by the Planning Commission or the Board of County Commissioners.

Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: PUD 88-14 Lot 12 Single-family home, screen room ±0.33 acres	North: PUD 88-14 Lot 13 Single-family home, screen room ±0.31 acres	Northeast: PUD 88-14 Lot 50 Single-family home ±0.30 acres
West: PUD 88-14 Lot 4 Single-family home ±0.30 acres	Subject Property: PUD 88-14 Lot 3 Single-family home ±0.32 acres	East: PUD 83-02 Lot 2 Single-family home ±0.43 acres
Southwest: Vacant Pasture ±13.05 acres	South: Vacant Pasture ±13.05 acres	Southeast: Vacant Pasture ±13.05 acres

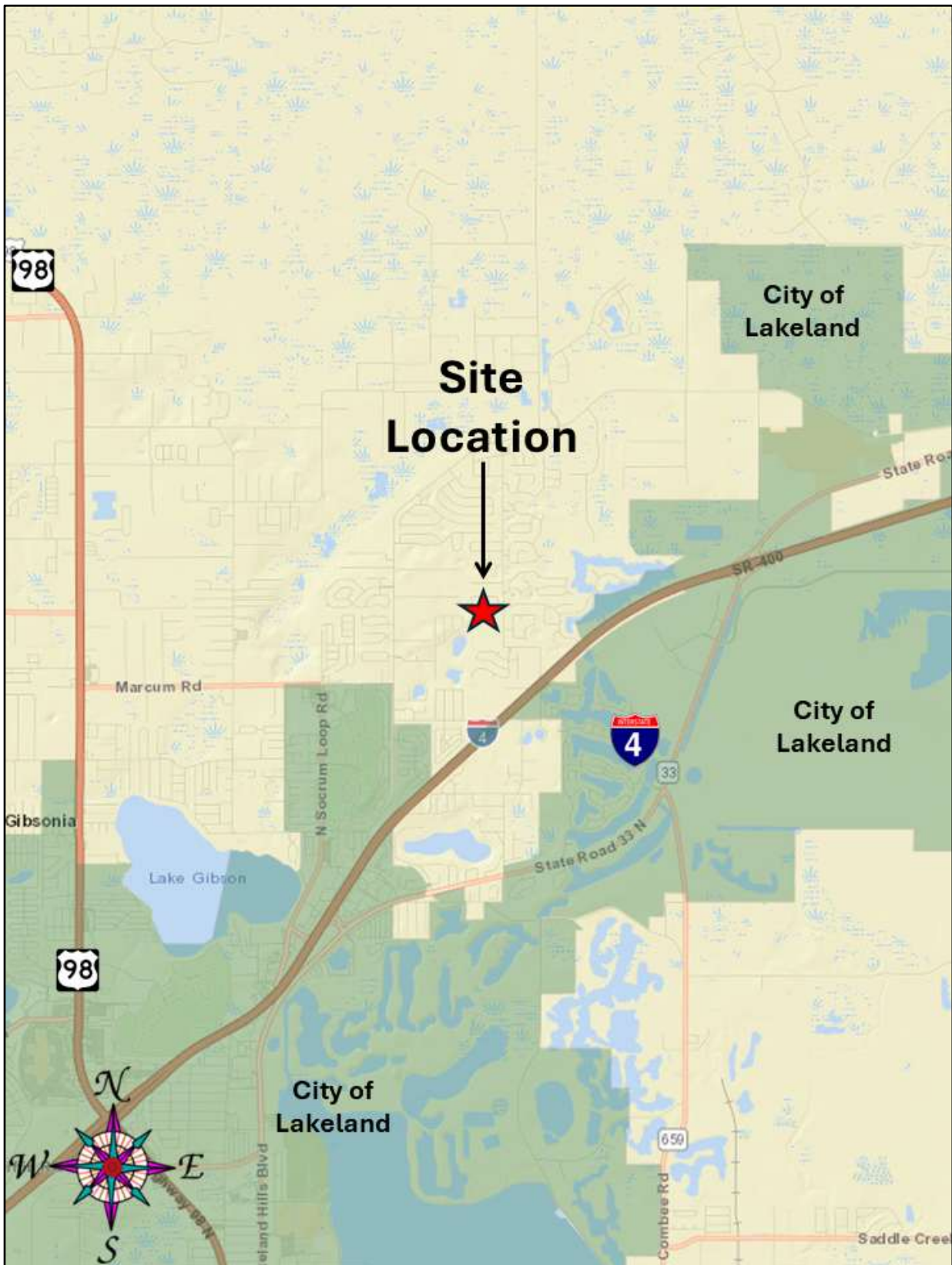
The subject property and surrounding area is Residential Suburban (RS) and considered Lot 3 of the Planned Unit Development 88-14, also known as the Wellington Green Subdivision (PB 88, PG 28) platted and recorded in November 1989. The size of the residential lots within the Wellington Green Subdivision are consistent with surrounding subdivisions platted the late 80s and early 90s. With a lot size of about 0.32 acres (13,878 sq. ft.), this area is in line with the Residential Low-3 (10,000 sq. ft.) minimum lot size requirement. A 10' utility and drainage easement lies along the front of the property. Large vacant pastureland directly abuts the southern property boundary. According to GIS Data Viewer, multiple lots within the surrounding area have added an additional accessory structure (shed) to the property providing examples of how these lot configurations impact future development and the need for setback relief.

Comments from other Governmental Agencies: None

Exhibits:

- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use
- Exhibit 3 – 2025 Satellite Image (Context)
- Exhibit 4 – 2023 Aerial Photo (Close-up)
- Exhibit 5 – Site Plan
- Exhibit 6 – Applicant's Justification

Exhibit 1



Location Map



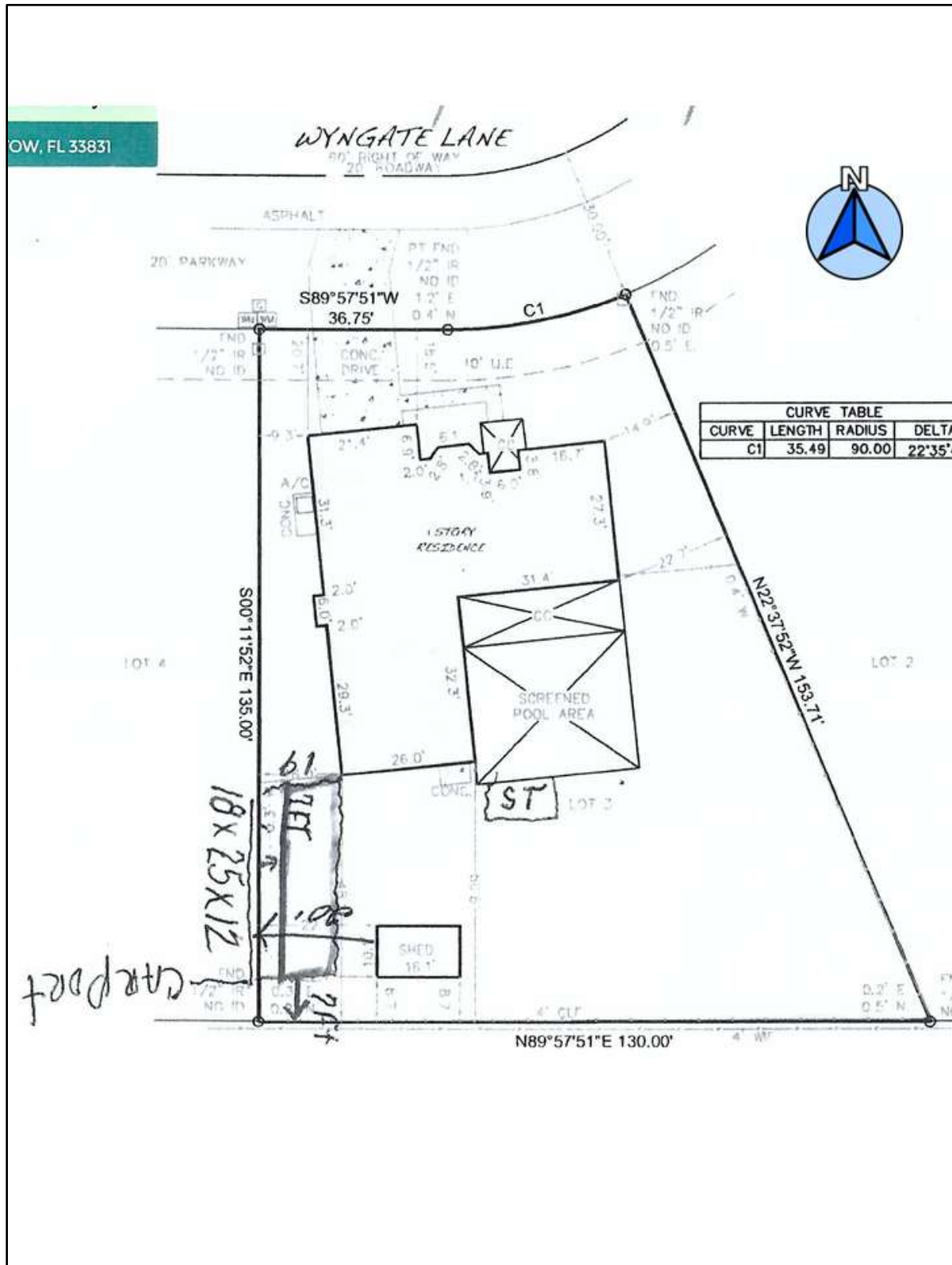
Future Land Use



2025 Satellite Image (Context)



2023 Aerial Photo (Close-up)



Land Use Hearing Officer
Variance/AMG

CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare? **No**
2. What special conditions exist that are peculiar to the land, structure, or building involved? **7 ft Width**
3. When did you buy the property and when was the structure built? Permit Number? **2021**
4. What is the hardship if the variance is not approved? **I can't put it on the other side of the home**
5. Is this the minimum variance required for the reasonable use of the land?
7 feet width
6. Do you have Homeowners Association approval for this request? **Yes**

Applicant's Justification

Kathy Laford
Permit Technician
863-534-6419

Side Accessory
near Accessory
76t

POLK COUNTY BUILDING

PHONE: 863-534-6080

buildingdivision@polk-county.net

www.polk-county.net

330 W. CHURCH STREET • PO BOX 9005 • DRAWER CM02 • BARTOW, FL 33831

Boundary Survey

WYNGATE LANE

CERTIFIED TO: (AS FURNISHED)
 ORLANDO D GUNN SENIOR
 TITLE GROUP OF LAKE LAND, LLC
 COMMONWEALTH LAND TITLE INSURANCE COMPANY

FLOOD ZONE:
 SUBJECT PROPERTY SHOWN HEREON APPLAINS TO BE LOCATED IN FLOOD ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN (PER FLOOD INSURANCE RATE MAPS) ARE SHOWN WITH A LIGHTER SHADING. THE ACCURACY OF THE ABOVE INFORMATION, THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:
 FENCES CROSS PROPERTY LINES
 OWNERSHIP OF FENCES NOT DETERMINED

NOTES:
 1. Underpinning (if any), installation, underground improvements, foundations and other structures shown hereon are based on the information furnished by the owner.
 2. The purpose of this survey is for use in obtaining title insurance and financing and should not be used for construction purposes.
 3. Additional or deletions to this survey by anyone other than the signing party or parties or persons authorized by the signing party or parties.
 4. The property owner is advised that this survey is for informational purposes only and that the public records of the county the subject property is located. This survey only reflects the information furnished to the surveyor and does not constitute a warranty of accuracy or that the information has been furnished by the owner.
 5. Allowing for any, additional factors may be assigned for liability.
 6. If errors, if any, are indicated herein may be assigned for liability.



ADDRESS
 1441 WYNGATE LANE
 LAKE LAND, FL. 33809

- LEGEND:
- A/C = AIR CONDITIONER
 - CLF = COVERED CONCRETE
 - CONC = CONCRETE
 - CW = CONCRETE WALKWAY
 - LD = FOUNDATION
 - LD = FOUNDATION
 - P.F. = POINT OF BEGINNING
 - WF = WIRE FENCE
 - WF = WIRE FENCE AND CAP (R)
 - ED = ELECTRIC DISK
 - ED = ELECTRIC DISK
 - ED = TELEPHONE RISER

JOB #: VLSR23-9995

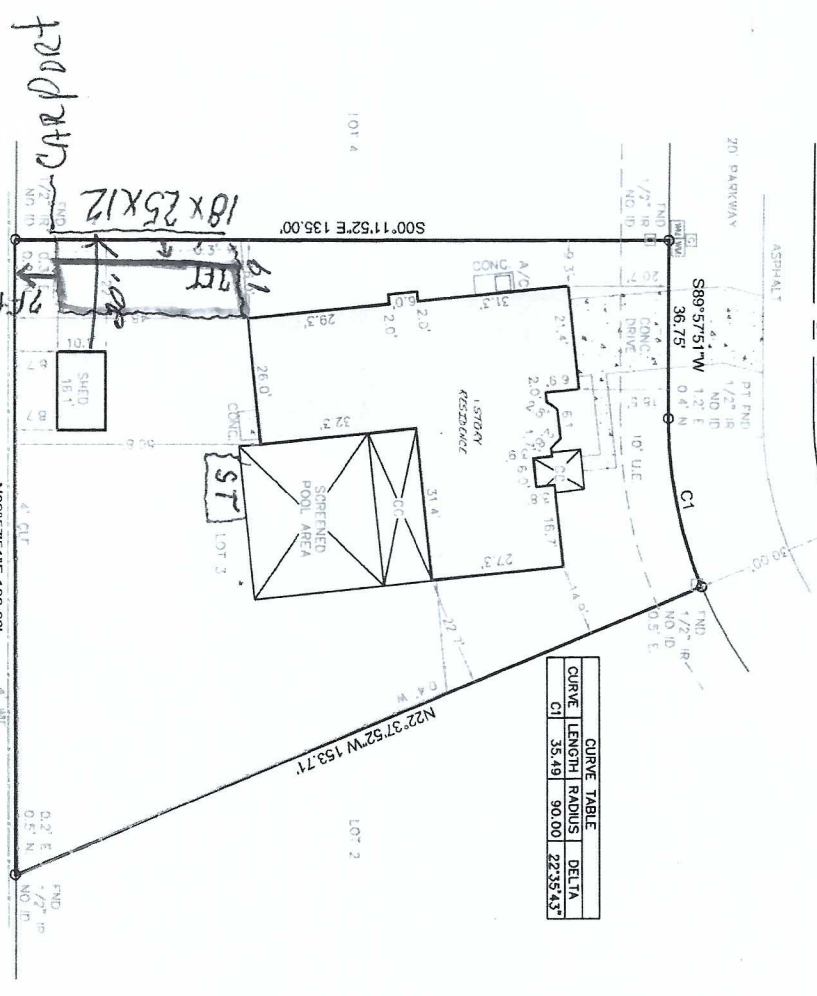
CLIENT #:

FIELD DATE: 3-22-22 CREW: 2300

DRAFTER: BS

APPROVED: END

SCALE: 1" = 30'



Legal Description (per OR Book 8510, Page 278)
Lot 3, WELLINGTON GREEN, according to the map or plat thereof as recorded in Plat
Book 88, Page 28, Public Records of POLK County, Florida.

VISION LAND

9415 Pennsylvania Ave Winter Park, FL 32789 | (888) 399-8474

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.

ERNEST W. DUNCAN
 LICENSE NO. 5182
 DATED: 3-22-22

DATE **REVISION** **DATE** **REVISION**



Outlook

[EXTERNAL]: Re: LDLVAR-2025-36 - Wyngate Lane Variance

From Orlando D. Gunn Sr. <orlando.d.gunn@gmail.com>
Date Wed 7/2/2025 3:14 AM
To Grohowski, Andrew <andrewgrohowski@polk-county.net>

In our discussion, here is the email I received from our HOA here in Wellington Green. If you need anything else please don't hesitate to contact me.

Wellington Green

to John, Jack, Jennifer, me, WellingtonGreenHOA ☐

Hi Orlando,

Apologies as I missed this email on its arrival, I've got too much going on.

In discussing, we are approving based upon the fact that it will be constructed in the rear of the home. Further please note that the color of the structure needs to match to the house or be neutral in color.

Please let us know if there are any other questions.

Many thanks,
Whitney Woehrle
Secretary/Treasurer

CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare? **No**
2. What special conditions exist that are peculiar to the land, structure, or building involved? **7 ft Width**
3. When did you buy the property and when was the structure built? Permit Number? **2021**
4. What is the hardship if the variance is not approved? **I can't put it on the other side of the home**
5. Is this the minimum variance required for the reasonable use of the land?
7 feet width
6. Do you have Homeowners Association approval for this request? **Yes**

LDLVAR-2025-36 - Gunn Variance

Menu

Reports

Help

Application Name:

Gunn Variance

File Date:

06/06/2025

Application Type:

LUHO - Variance

Application Status:

Approved For Hearing

Application Comments:

View ID

Comment

Date

Description of Work:

Putting in a Carport in the Backyard 19 x 29 x 12 ft

Application Detail:

Detail

Address:

1441 WYNGATE LN, LAKELAND, FL 33809

Parcel No:

242717161105000030

Owner Name:

GUNN ORLANDO D SR

Contact Info:

Name

Organization Name

Contact Type

Contact Primary Address

Status

GUNN ORLANDO D SR

GUNN ORLANDO D SR

Engineer

Mailing

Active

Orlando Gunn

Applicant

Mailing, 1441 Wyngate ...

Active

Licensed Professionals Info:

Primary

License Number

License Type

Name

Business Name

Business License #

Job Value:

\$0.00

Total Fee Assessed:

\$695.00

Total Fee Invoiced:

\$695.00

Balance:

\$0.00

Custom Fields:

LD_GEN_BOA

GENERAL INFORMATION

Expedited Review

Number of Lots

-

Will This Project Be Phased

Acreage

0.32

DRC Meeting Time

DRC Meeting

09/11/2025

-

Rescheduled DRC Meeting Time

-

Green Swamp

Number of Units

No

-

Is this Polk County Utilities

-

Case File Number

FS 119 Status

-

One Year Extension

Non-Exempt

-

PUBLIC HEARINGS

Development Type

Application Type

Land Use Hearing

Variance

Officer

Variance Type

Brownfields Request

Dimensions

N/A

Table

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

Land Use Hearing

-

Officer

MEETING DATES

LUHO Hearing Date

10/23/2025

ALCOHOL BEVERAGE DIST REQ

Type of Business

Type of License

-

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?

[No](#)

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

[7 ft Width](#)

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

[2021](#)

What is the hardship if the variance is not approved?

[I can't put it on the other side of the home](#)

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

[7 feet width](#)

Do you have Homeowners Association approval for this request?

[Yes](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-25EST-00000-35662](#)

RequiredDocumentTypesComplete

[No](#)

DocumentGroupforDPC

[DIGITAL PROJECTS LD](#)

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](#)

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	1	44	10/08/2025	10/08/2025	
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Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	06/13/2025	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irven	Approve	06/16/2025	Phil Irven
	Planning Review	Andrew Grohowski	Approve	09/11/2025	Andrew Grohowski
	Review Consolidation		Approved for...	09/24/2025	Lisa Simons-Iri...
	Public Notice	Lisa Simons-Iri...	Complete	08/19/2025	Lisa Simons-Iri...
	Hearing Officer		Withdrawn	08/19/2025	Lisa Simons-Iri...
	Final Order				

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



Polk County
Polk County Land Use Hearing Officer

Agenda Item 6.

10/23/2025

SUBJECT

LDLVAR-2025-49 (Outdoor Resorts at Orlando)

DESCRIPTION

Daniel Miller requests a primary structure side setback reduction from five (5) feet to two (2) feet for the installation of a new doublewide mobile home in the Outdoor Resorts at Orlando Subdivision on ±0.07 acres in the Leisure/Recreation (L/R) land use district. The subject property is located at 9000 Highway 192, north of Interstate 4, south of Irlo Bronson Memorial Highway, east of US Highway 27, west of Daniel Webster Western Beltway, north of Haines City in Section 01, Township 25, Range 26.

RECOMMENDATION

Approval with conditions.

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

Kyle Rogus, Planner II
Land Development Division
863-534-7553
kylerogus@polk-county.net

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

DRC Date:	September 11, 2025	CASE #:	LDLVAR-2025-49 (Outdoor Resorts at Orlando)
LUHO Date:	October 23, 2025	LDC Section:	Section 303, Table 3.4.1

Request: The applicant is requesting a primary structure side setback reduction from five (5) feet to two (2) feet for the installation of a new doublewide mobile home in the Outdoor Resorts at Orlando Subdivision.

Applicant: Daniel Miller

Property Owner: Daniel Miller

Location: The subject property is located at 9000 Highway 192, north of Interstate 4, south of Irlo Bronson Memorial Highway, east of US Highway 27, west of Daniel Webster Western Beltway, north of Haines City in Section 01, Township 25, Range 26.

Parcel ID#: 262501-488040-009070

Size: ±0.07 acres

Land Use Designation: Leisure/Recreation-X (L/RX)

Development Area: Transit Supportive Development Area (TSDA)
SAP: North US 27 Selected Area Plan

Case Planner: Kyle Rogus, Planner II

Summary:

Request:

The applicant is requesting a reduction in the primary structure side yard setback from five (5) feet to two (2) feet for the installation of a new 770 square foot (22' x 35') Skyline Keaton doublewide mobile home. According to Section 303, Table 3.4.1, the Outdoor Resorts at Orlando Subdivision has a minimum five (5) foot setback for all structures from interior lot lines. The site was once developed with a smaller mobile home that the applicant is replacing.

History:

Outdoor Resorts at Orlando (ORO) was originally established as an RV Park. At the time, the only units permitted were RVs and park models. The ORO was never approved for mobile homes. The allowance of ANSI and HUD standard park models blurred the line of approval as HUD homes might have been above 500 square feet, or they were 500 square feet when they were permitted and then later expanded.

The reasoning behind only permitting RVs and park models is because one of the challenges with parks is that setbacks cannot be enforced because there is no real property or definitive property boundaries. All structures need to meet adequate separation for adequate fire protection, therefore a 2,500 square foot minimum area exclusive for the location of each recreational vehicle outside of structural setbacks, easements, and landscape buffers was established.

As a solution, the ORO was platted in June 1971, allowing permanent structures and creating small and unusual lots. Permanent structures were limited in size due to the shape and configuration of small lots. In March 1993, an administrative determination was approved to allow the placement of 770 square feet (22' x 35') mobile homes on a RV lot located within the ORO. Prior to the administrative determination, the park was allowing the placement of 22' x 35' RV size units.

Recommendation:

Outdoor Resorts at Orlando Subdivision is identified in the Land Development Code (LDC) in Section 303, Table 3.4.1 as a vested RV Development with a minimum setback of five (5) feet from interior lot lines with no habitable structures placed within 10 feet of another from habitable structure or occupied vehicle on an adjacent space.

The proposed mobile home will abut common ground to the side. Similar to Case VAR 09-41, which was a variance request approved in October 2019, to reduce the rear setbacks from five (5) feet to zero (0) feet on lots abutting common ground with owner authorization. Since next to common ground, the request will not be a concern for a neighbor sharing that property line nor will there be a problem with it meeting building separation for Fire Code. No harm is anticipated. There are many similar placements of mobile homes within the setbacks in the area, so it is not believed to be out of character with the surrounding neighborhood.

This request will cause no direct or indirect harm to the community and recommends approval and is consistent with the surrounding properties, maintaining the integrity of the neighborhood.

Staff recommends approval of LDLVAR-2025-49 as it meets the following criteria listed in Section 931:

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 doublewide mobile home will be located 10 to 15 feet from the closest neighboring structure to the east. The side property line from which the variance is needed abuts common ground, so this will not be a concern for a neighbor sharing that property line nor will there be a problem with it meeting building separation for Fire Code.

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

The property is located in the Leisure/Recreation-X (L/RX) land use district on approximately 0.07 acres. This was an RV park that was latter approved for permanent structures. Prior to Ord. No. 19-069, the L/RX land use district did not permit mobile homes, mobile home parks, and mobile home subdivisions. Ord. No. 19-069 allows mobile home parks in (L/R) districts through Planning Commission approval (Level 3 Review).

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-2025-49**

CONDITIONS OF APPROVAL:

1. The approval of this variance is to reduce the primary structure side setback from five (5) feet to two (2) feet for the installation of a new 22 by 35 Skyline Keaton doublewide mobile home on approximately 0.07 acres in the Outdoor Resorts at Orlando Subdivision within a Leisure/Recreation-X (L/RX) land use district. Further additions or structures placed on the property shall be required to meet the setback requirements of the Outdoor Resorts at Orlando Subdivision or re-apply for another variance approval from the Land Use Hearing Officer.
2. This variance does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
3. The applicant shall have one (1) year from the date the Land Use Hearing Officer's Final Order is rendered to apply for all necessary building permits and pay all associated fees for the proposed addition.

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 Outdoor Resorts at Orlando Subdivision was platted in 1971. Outdoor Resorts at Orlando Subdivision is identified in the Land Development Code (LDC) in Section 303, Table 3.4.1 as a vested RV Development.

Unless a different vested standard applies, new structures, expansions to existing structures, replacements and additional structures are permitted within Vested RV developments under the following conditions:

- a. There shall be no habitable structure built within 10 feet of another habitable structure measured from leading edge of structure.
- b. There shall be no structures built within 20 feet from the centerline of a drive aisle or right-of-way.
- c. All Park Trailer expansions or additions shall be built to the standards of the Florida Building Code.
- d. All accessory structures shall be built to the standards of the Florida Building Code and setback three (3) feet from the interior lot/space lines or six (6) feet from any other structure outside the space or lot measured from leading edge of the structures (whichever is more restrictive).
- e. Platted lots - minimum five (5) feet setback for all structures from interior lot lines.

Pursuant to Chapter 9, Section 930, setbacks from lot lines for vested RV Developments with platted lots are eligible for a variance. The dimensions of the Skyline Keaton doublewide mobile home will be approximately 22 feet across, and 35 feet in length. The variance request is to reduce the side setback from five (5) feet to two (2) feet. The side property line in question abuts common ground, so this will not be a concern for a neighbor sharing that property line nor will there be a problem with it meeting building separation for Fire Code. The closest neighboring structure to the mobile home will be between 10 to 15 feet to the east. The granting of this request will not be injurious to the 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;*

This property is located in the Leisure/Recreation-X (L/RX) land use district on approximately 0.07 acres. According to Section 303, Table 3.4.1, the Outdoor Resorts at Orlando Subdivision has a minimum setback of five (5) feet from interior lot lines. The L/RX land use district does not have a minimum residential lot size, nor does it have a minimum residential gross density. The maximum residential gross density in the L/RX land use district is 10 dwelling units per acre. The request is for one dwelling unit on 0.07 acres.

On October 22, 2009 VAR 09-41, a variance request to reduce the rear setbacks from five (5) feet to zero (0) feet on lots abutting common ground with owner authorization, was granted. The subject property is abutting common ground to the western property line, where the applicant requests the side setback reduction. Since next to common ground, the

request will not be a concern for a neighbor sharing that property line nor will there be a problem with it meeting building separation for Fire Code. There are many similar placements of mobile homes within the setbacks in the area, so it is not believed to be out of character with the surrounding neighborhood. area.

Because of the shape and size of the lots within the Outdoor Resorts at Orlando Subdivision, the setbacks restrict further development without impeding on the side and rear setbacks. This request for relief follows suit with VAR 09-41, allowing owners to replace the existing mobile homes in their current locations or intended locations due to the small lots by reducing the rear setbacks from five (5) feet to zero (0) feet on lots abutting common ground.

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

The owner purchased the property in February 2020, according to the Polk County Property Appraiser. The pre-existing single-wide mobile home was built in 1980 at 376 square feet meeting all setback requirements. However, with safer development standards and improved standards of living since 1980, the applicant filed for a demolition permit (BT-2025-11185) as a result of building permit BR-2025-3930 for the installation of a new doublewide mobile home.

The subject site is located at the end of residential development along the south side of the internal roadway. Outdoor Resorts at Orlando Subdivision requires a side setback of five (5) feet with a 10-foot separation between structures. According to VAR 09-41, lots abutting common ground to the rear have a reduced setback of zero (0) feet. Because the subject property abuts common ground on the western side property line, not the rear, a 5-foot setback is required. There is no concern for a neighbor sharing that property line. The mobile home is 22 by 35 feet. This request is asking for a 3-foot reduction to the side. This is a very minimal and discrete request. The owner may not have been aware of the accessory structure side setbacks.

4. *Whether granting the requested variance will not confer on the applicant any special privilege that is denied by the provisions of this Code and will constitute unnecessary and undue hardship on the applicant;*

Every variance approval is a special privilege to some degree. The home is the last lot on the south side of the internal roadway. Mobile homes are permitted in this development. Ord. No. 19-069 was adopted providing vested RV developments and standards.

Abutting the property to the east is residential development and to the west is common ground. This size of the property along with the 5-foot side setback with a 10-foot separation between structures limits future development. Because VAR 09-41 was a request for the reduction of rear setbacks from five (5) feet to zero (0) feet on lots abutting common ground, not side setbacks, the applicant is still required to maintain a 5-foot setback.

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

The requested variance is believed to be the minimal variance necessary to optimize the use of the owner's land. The subject property is 0.07 acres. BR-2025-3930 is for the installation of a new doublewide mobile home. The mobile home will be 22 feet wide, meeting the 5-foot side setback with a 10-foot separation between structures on the eastern property line. The closest neighboring structure to the mobile home will be between 10 to 15 feet to the east. The side property line abuts common ground, so this will not be a concern for a neighbor sharing that property line nor will there be a problem with it meeting building separation for Fire Code.

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.*

There was no evidence found that suggests the proposed request will circumvent the intent of a condition placed on a development by the Planning Commission or the Board of County Commissioners. Section 303, Vested RV Developments and Standards and Section 930 state platted lots may be eligible for a variance to the minimum five (5) feet setback for all structures from interior lot lines.

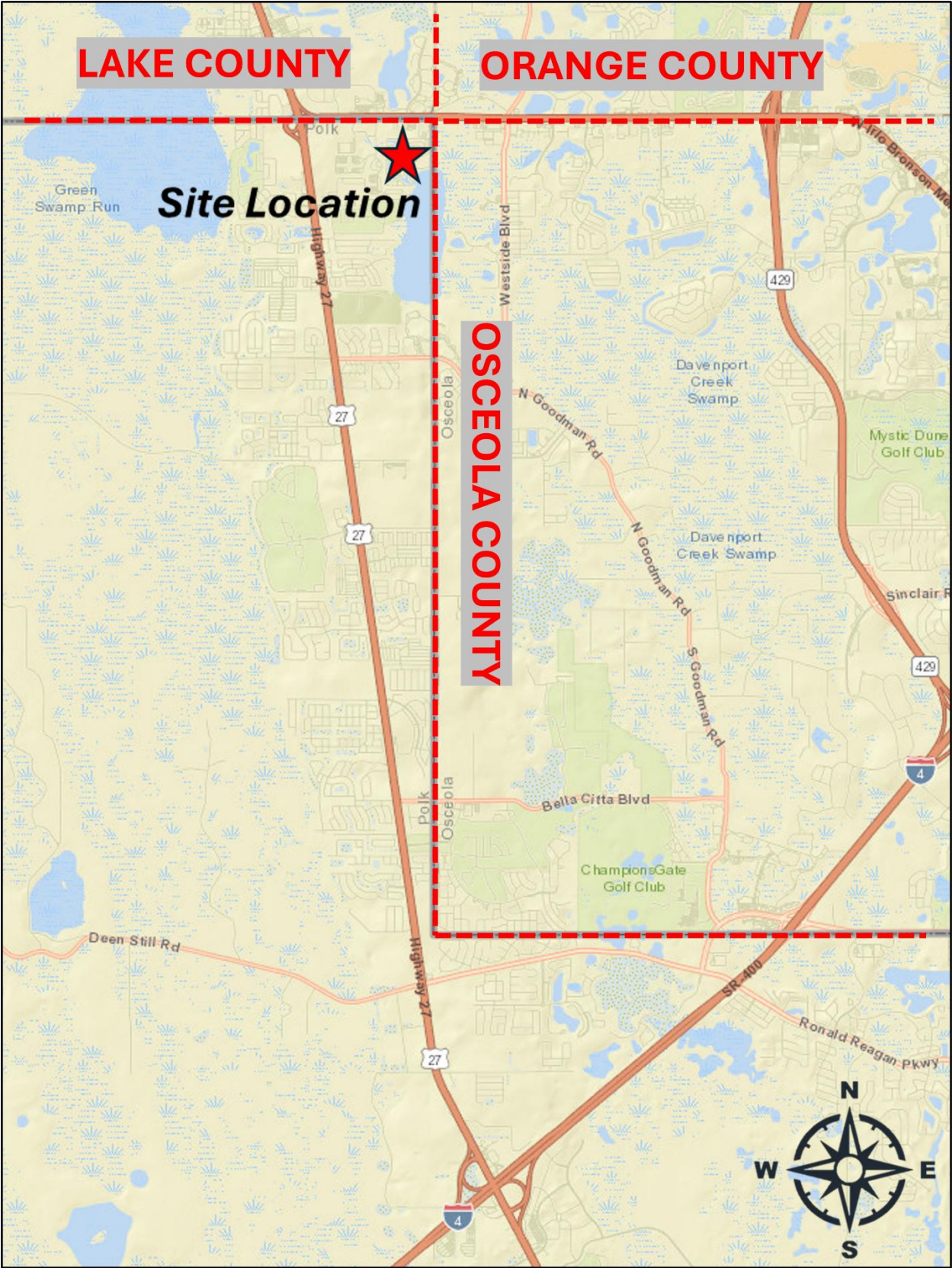
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: L/RX Common Ground	North: L/RX Common Ground	Northeast: L/RX Common Ground
West: L/RX Common Ground	Subject Property: L/RX Residential 0.07 acres	East: L/RX Residential 0.07 acres
Southwest: LAKES Environmental +200 acres	South: LAKES Environmental +200 acres	Southeast: LAKES Environmental +200 acres

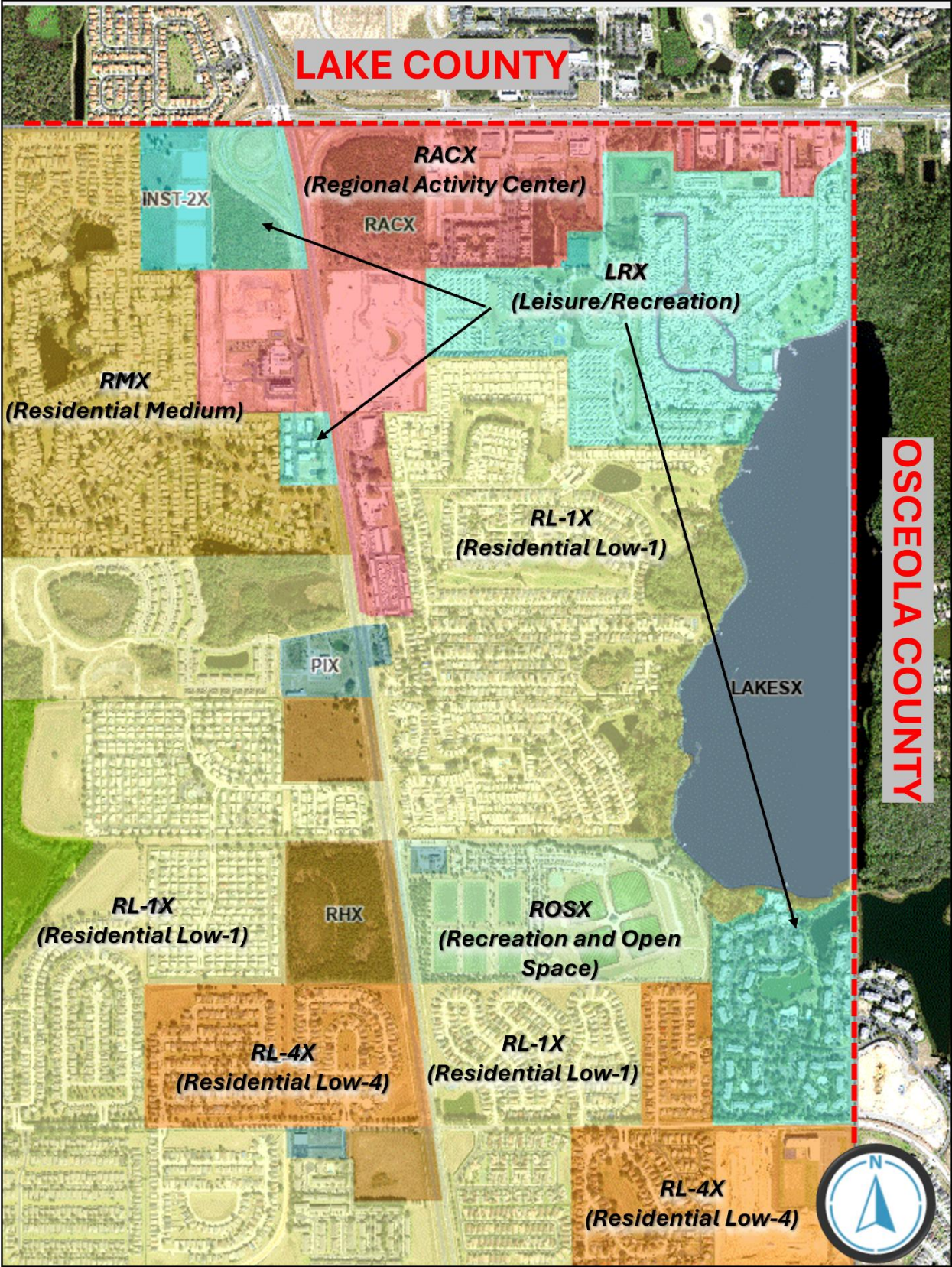
The size of the residential lots within the Outdoor Resorts at Orlando Subdivision are similar in size to the subject property. According to Property Appraiser, many of the surrounding mobile homes are similar in size (22' x 35') and were built in 1993 after the administrative determination without the need for a variance.

Exhibits:

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



Location Map



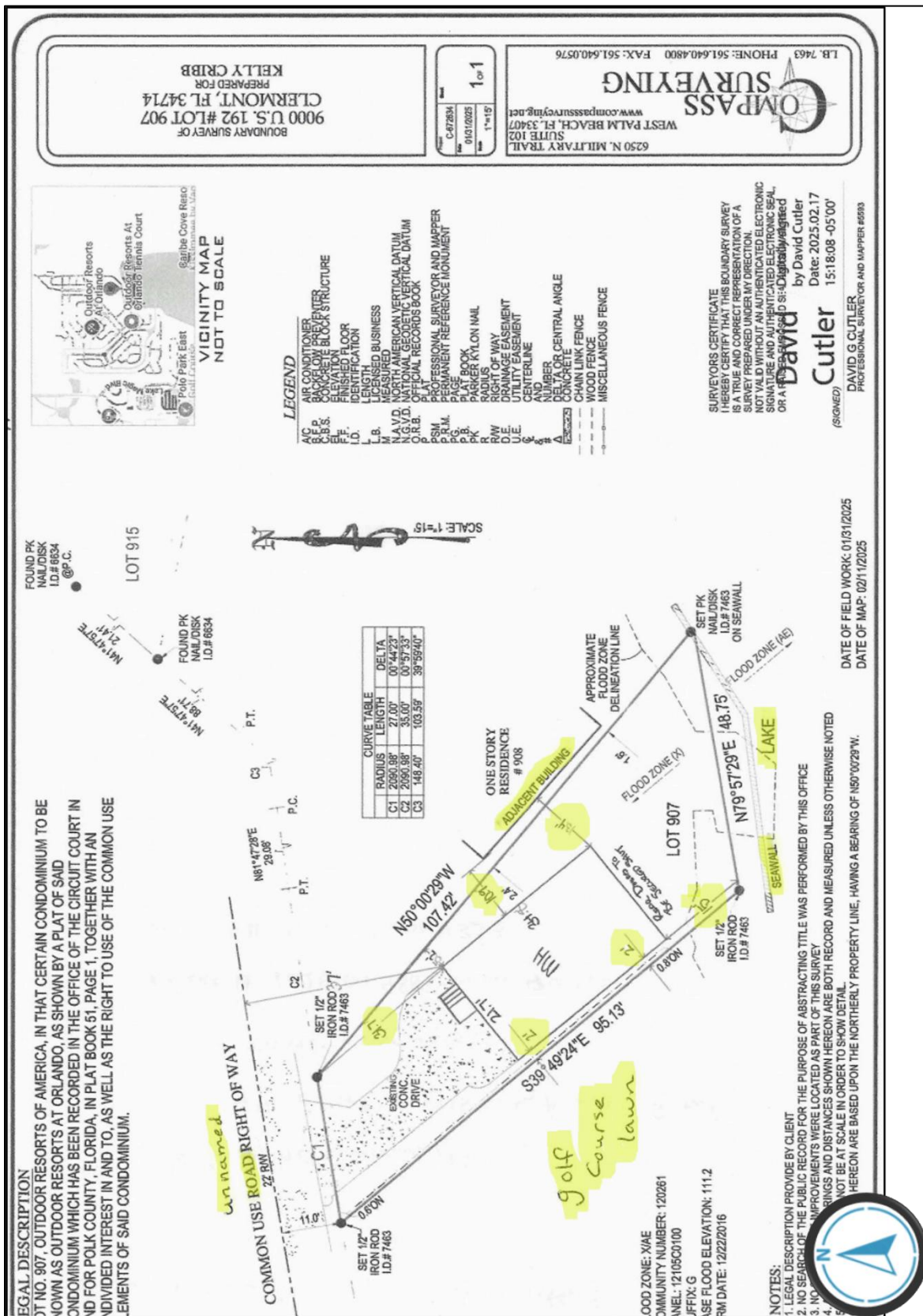
Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)



General Variance Information Needed Prior to Submittal

Prior to applying for a variance, please be aware that the following justification criteria from Section 931 of the Polk County Land Development Code must be demonstrated for all requests for variances. Please answer these questions to the best of your ability and upload them as an attachment to your application.

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;

Lot 907 is unique, in that the right property line adjoins the golf course lawn, with no structures nearby on that side of the property. Additionally, the rear property line has no common ground, as it adjoins the lake. The new manufactured home will be outside of the floodplain also.

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;

ORO used to be a 'zero lot' community. More recently, the side-yard setbacks changed to 5', to allow more open space between structures. My request is to allow 2' off the right lot line and provide my new home's left side-yard setback to be 10.9' from the adjacent building. This would be the closest corner to Lot 908's building, as the rear widens to 13.4' from their building. The 2' setback would also result in the new home being placed on the existing concrete, which avoids disrupting the existing ground base.

3. That the special conditions and circumstances do not result from the actions of the applicant;

The old 1979 trailer & Florida Room were removed in June 2025. This new unit would have almost the same side setbacks as the original structure. This would result in a much safer property, being all up to current codes, and aesthetically more appealing to the community.

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;

I don't feel this gives me any special privilege, as others that had sufficient room were granted variances also.

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 ORO management, and Board of Directors approves and are in favor of my new home, as it will be a much safer and appealing property. As our existing units get older and deteriorated, it is prudent to replace them with new units that meet current standards for hurricanes, general code compliance, etc.

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

My request is the minimum variance possible, to maintain a minimum of 10' from the left neighbor's adjacent building. An important objective is to stay as far as possible from the adjacent building.

Justification

LDLVAR-2025-49 - Daniel Miller

Menu

Reports

Help

Application Name:

Daniel Miller

File Date:

07/21/2025

Application Type:

LUHO - Variance

Application Status:

Approved For Hearing

Application Comments:

View ID

Comment

Date

Description of Work:

Requesting a variance to the side-yard setback, from 5' to 2'.

Application Detail:

Detail

Address:

9000 HWY 192, #907 CLERMONT, FL 34714

Parcel No:

262501488040009070

Owner Name:

MILLER DANIEL J AND REBECCA A REVOCABLE TRUST

Contact Info:

Name

Organization Name

Contact Type

Contact Primary Address

Status

MILLER DANIEL J AND RE...

MILLER DANIEL J...

Engineer

Mailing, 9000 Us Highw...

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

Acreeage

0.00

DRC Meeting Time

DRC Meeting

09/11/2025

—

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

Application Type

Land Use Hearing, Officer

Variance

Variance Type

Brownfields Request

Dimensions, Table

—

Affordable Housing

—

ADVERTISING

Advertising Board

Legal Advertising Date

Land Use Hearing, Officer

—

MEETING DATES

LUHO Hearing Date

10/23/2025

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?

Lot 907 is unique in that the right property line adjoins the golf course lawn, with no structures nearby on that side of the property. Additionally, the rear property line has no common ground, as it adjoins the lake. The new manufactured home will be outside of the floodplain also.

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

I bought the property on 3/24/20, with the existing 1979 trailer. My current permit number is BR-2025-3930.

What is the hardship if the variance is not approved?

I will not be able to place my new home on this lot.

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

Yes

Do you have Homeowners Association approval for this request?

Yes, tentative to Polk County approval.

LD_GEN_BOA EDL

Opening DigEplan List...

DigEplan Document List

—

PLAN REVIEW FIELDS

DocumentGroupforDPC

RequiredDocumentTypes

TMPrecordID

DIGITAL PROJECTS LD

—

AdditionalDocumentTypes

Activate DPC

RequiredDocumentTypesComplete

No

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

n Drawings Flood/Traffic Studies Impact Statement

Inspections Miscellaneous Plats Record Drawings

Response Letter Resubmittal Complete Staff Repor

t/Approval Letter Survey Title Opinion

DigitalSigCheck

Activate FSA

Yes

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

15

10/08/2025

10/08/2025

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Saralis Wons	Application ...	08/18/2025	Saralis Wons
Roads and Drainage Review	Phil Irven	Approve	08/21/2025	Phil Irven
Planning Review	Kyle Rogus	Approve	08/29/2025	Kyle Rogus
Review Consolidation	Lisa Simons-Irl...	Approved for...	09/04/2025	Lisa Simons-Irl...
Public Notice				
Hearing Officer				
Final Order				
Archive				

Condition Status:

Name	Short Comments	Status	Apply Date	Severity	Action By
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Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status	Comments
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Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments
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INSTR # 2020066489
BK 11186 Pg 1998 PG(s)1
03/25/2020 07:29:19 AM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES 10.00
DEED DOC 525.00

After Recording Return to:
Jessica Lind
Stewart Title Company
1428 Sunrise Plaza Drive, Suite 1
Clermont, FL 34714

This Instrument Prepared by:
Jessica Lind
Stewart Title Company
1428 Sunrise Plaza Drive, Suite 1
Clermont, FL 34714
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
262501-488040-009070
File No.: 648625

WARRANTY DEED

This Warranty Deed, Made the 18th day of February, 2020, by

James LaRose and Elaine LaRose, husband and wife,

whose post office address is: 108 Highland Ave., Emerson, NJ 07630,

hereinafter called the "Grantor", to

Daniel J. Miller and Rebecca A. Miller, as Trustees of the DANIEL J. MILLER AND REBECCA A. MILLER
REVOCABLE TRUST dated August 16, 2019,

whose post office address is: 13015 Plantation Park Cir Apt 10212 Orlando, FL 32821

hereinafter called the "Grantee".

WITNESSETH: That said Grantor, for and in consideration of the sum of Ten Dollars and No Cents (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Polk County, Florida, to wit:

Lot No. 907, Outdoor Resorts of America, in that certain Condominium to be known as Outdoor Resorts at Orlando, as shown by a Plat of said Condominium which as been recorded in the office of the Circuit Court in and for Polk County, Florida, in Plat Book 51, Page 1, together with an undivided interest in and to, as well as the right of use of the common use elements of said Condominium.
Together with all improvements thereof inclusive of one 1979 Royals International Manufactured Home ID #3871.

Conferring unto the Trustee herein the power and authority to protect, conserve, sell, lease, encumber or otherwise manage and dispose of said property pursuant to Florida Statute 689.071

The property is not the homestead of the Grantor(s) under the laws and constitution of the state of Florida in that neither Grantor(s) or any member of the household of Grantor(s) reside thereon.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2019, reservations, restrictions and easements of record, if any.

(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
TWO SEPARATE DISINTERESTED WITNESSES REQUIRED

#1 Witness Signature: [Signature]
Printed Name: James LaRose

✓ [Signature]
James LaRose

W2 Witness Signature: [Signature]
Printed Name: Elaine LaRose

✓ [Signature]
Elaine LaRose

State of New Jersey
County of Bergen

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18th day of February, 2020 by James LaRose and Elaine LaRose, who has produced W-2 as identification.

NOTARY
[Signature]
Notary Public Signature
Printed Name: JUDITH A. TOURSO

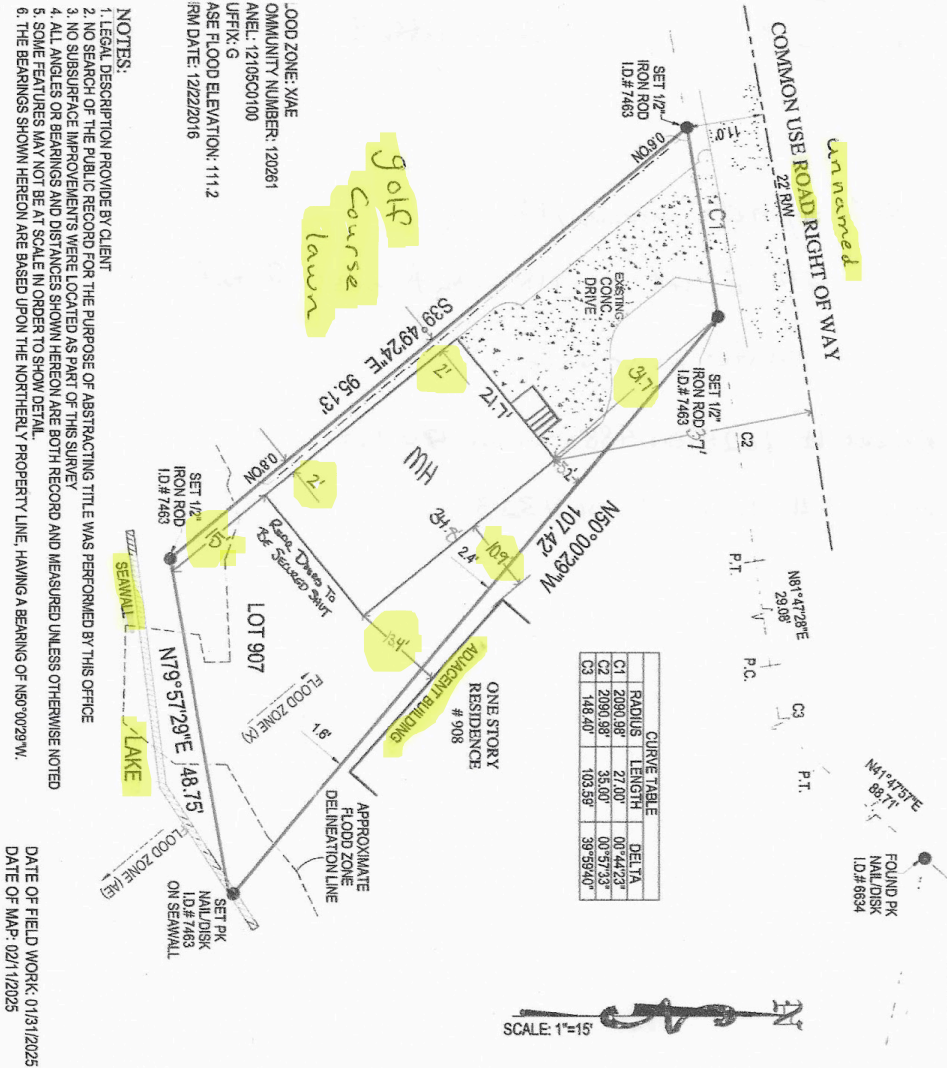
My Commission Expires: 3/18/21
(SEAL)

☐ Online Notary (Check Box if acknowledgment done by Online Notarization)

JUDITH A. TOURSO
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MARCH 18, 2021

Application BR-2025-3930

EQUAL DESCRIPTION
LOT NO. 907 OUTDOOR RESORTS OF AMERICA, IN THAT CERTAIN CONDOMINIUM TO BE KNOWN AS OUTDOOR RESORTS AT ORLANDO, AS SHOWN BY A PLAT OF SAID CONDOMINIUM WHICH HAS BEEN RECORDED IN THE OFFICE OF THE CIRCUIT COURT IN AND FOR POLK COUNTY, FLORIDA, IN PLAT BOOK 51, PAGE 1, TOGETHER WITH AN UNDIVIDED INTEREST IN AND TO, AS WELL AS THE RIGHT TO USE OF THE COMMON USE ELEMENTS OF SAID CONDOMINIUM.



- NOTES:**
1. LEGAL DESCRIPTION PROVIDED BY CLIENT
 2. NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
 3. NO SURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
 4. ALL ANGLES OR BEARINGS AND DISTANCES SHOWN HEREON ARE BOTH RECORDED AND MEASURED UNLESS OTHERWISE NOTED
 5. SOME FEATURES MAY NOT BE AT SCALE IN ORDER TO SHOW DETAIL
 6. THE BEARINGS SHOWN HEREON ARE BASED UPON THE NORTHERLY PROPERTY LINE, HAVING A BEARING OF N80°00'29"W.

DATE OF FIELD WORK: 01/31/2025
DATE OF MAP: 02/11/2025

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL.
ON A PLAT OF SAID SURVEY, I HAVE SIGNED
by David Cutler
Date: 2025.02.17
David Cutler
15:18:08 -05:00'

COMPASS SURVEYING
6250 N. MILITARY TRAIL SUITE 102
WEST PALM BEACH, FL 33407
www.compasssurveying.net
LB. 7463 PHONE: 561.640.4800 FAX: 561.640.0576

C-7254
01/12/2025
1"=15'

BOUNDARY SURVEY OF
9000 U.S. 192 #LOT 907
CLERMONT, FL 34714
PREPARED FOR
KELLY CRIBB

OUTDOOR RESORTS AT ORLANDO, INC.

RECEIVED

DEC 03 2024

LOT # 907

APPLICATION FOR CONSTRUCTION PERMIT

****OWNER MUST ADVISE GATE PRIOR TO VENDORS ARRIVAL @ 863-424-0211****

Owner Name(S): Dan & Becky Miller Phone # 920.360.5609

Proposed Project Start Date: 2/1/25 Proposed Project End Date: 8/1/25

Description of work to be done: Remove existing trailer & Florida Room.
Install new 22X35 Skyline Keaton Doublewide, per
attached site plan & verbal/texted approval from Polk County.
(See placement of yellow highlighted double wide for this

Office Use Only: Date of Inspection: 12-10-2024 APPROVED DENIED phase.)

WITH CONDITIONS? Yes No (If yes, see below)

Conditions/Notes: TENTATIVE APPROVAL PENDING
A SURVEY, POLK CO. VARIANCE FOR Polk County Permit
A ZERO LINE SETTING, HARVEYS, ETC WILL BE
ALL WITHIN INCHES
BY: Adh Denise Conn Required

ATTENTION ALL RESIDENTS AND BUILDERS/CONTRACTORS:

It is the owner's responsibility to obtain a county permit when one is required, and to comply with all building regulations and safety requirements. This park permit and your county permit (if required) is to be posted on your unit so as to be visible from the roadway.

Approval of this permit indicates only that the work to be performed is within the rules and regulations of Outdoor Resorts at Orlando, Inc.

All work must be done according to this permit.

At the time of final inspection, the unit owner will be required to correct any work that does not comply with this permit.

PLEASE NOTE:

Effective immediately, neither Outdoor Resorts at Orlando nor its staff or any other representative will be involved in the measuring of a lot, the placement of a new or replacement unit, or in determining setbacks as may be determined by Polk County at the time of the placement. While it shall remain the responsibility of ORO to review architectural review submittals for advance, written approval of exterior modifications, it shall be the responsibility of all owners to ensure that the proposed location of units be within the lot lines and not encroach upon adjacent lots. Owners shall not request nor rely upon ORO to ensure that units are within lot lines or to take measurements in advance to avoid encroachments. This shall be and always remain the responsibility of the owner seeking architectural review approval.

General Variance Information Needed Prior to Submittal

Prior to applying for a variance, please be aware that the following justification criteria from Section 931 of the Polk County Land Development Code must be demonstrated for all requests for variances. Please answer these questions to the best of your ability and upload them as an attachment to your application.

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;

Lot 907 is unique, in that the right property line adjoins the golf course lawn, with no structures nearby on that side of the property. Additionally, the rear property line has no common ground, as it adjoins the lake. The new manufactured home will be outside of the floodplain also.

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;

ORO used to be a 'zero lot' community. More recently, the side-yard setbacks changed to 5', to allow more open space between structures. My request is to allow 2' off the right lot line and provide my new home's left side-yard setback to be 10.9' from the adjacent building. This would be the closest corner to Lot 908's building, as the rear widens to 13.4' from their building. The 2' setback would also result in the new home being placed on the existing concrete, which avoids disrupting the existing ground base.

3. That the special conditions and circumstances do not result from the actions of the applicant;

The old 1979 trailer & Florida Room were removed in June 2025. This new unit would have almost the same side setbacks as the original structure. This would result in a much safer property, being all up to current codes, and aesthetically more appealing to the community.

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;

I don't feel this gives me any special privilege, as others that had sufficient room were granted variances also.

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 ORO management, and Board of Directors approves and are in favor of my new home, as it will be a much safer and appealing property. As our existing units get older and deteriorated, it is prudent to replace them with new units that meet current standards for hurricanes, general code compliance, etc.

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

My request is the minimum variance possible, to maintain a minimum of 10' from the left neighbor's adjacent building. An important objective is to stay as far as possible from the adjacent building.



Polk County
Polk County Land Use Hearing Officer

Agenda Item 7.

10/23/2025

SUBJECT

LDLVAR-2025-50 (Sitar Indian American Buffet Alcohol Variance)

DESCRIPTION

This is a request for a 2COP License (Beer and Wine consumption on premises) within the separation distance (1,000 feet) of two religious institutions. The subject site is located at 2020 Shepherd Rd, north of Imperial Lakes Blvd, west of Imperial Pkwy, west of City of Mulberry in Section 26, Township 29, Range 23

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Aleya Inglima

Land Development Division

(863) 534-6764

aleyainglima@polk-county.net

POLK COUNTY LAND USE HEARING OFFICER STAFF REPORT

DRC Date:	September 11, 2025	CASE #:	LDLVAR-2025-50 (Sitar Indian American Buffet Alcohol Variance)
LUHO Date:	October 23, 2025	LDC Section:	Section 224 Table 2.4

Request: This is a request for a 2COP License (Beer and Wine consumption on premises) within the separation distance (1,000 feet) of two religious institutions.

Applicant: Antony Cheriya Kadavil

Property Owner: Publix Super Markets Inc

Location: 2020 Shepherd Rd, north of Imperial Lakes Blvd, west of Imperial Pkwy, west of City of Mulberry in Section 26, Township 29, Range 23

Parcel ID#: 232926-141964-000010

Size: ±8.65 acres

Land Use Designation: Community Activity Center (CAC)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant owns an existing Indian American Buffet restaurant within the Publix Imperial Lakes Plaza. The owners are requesting a variance to the separation requirements for a 2COP alcohol license (Beer and Wine consumption on premises). However, there are two religious institutions within 1,000 feet of property (see Exhibit 5). Section 224 of the Land Development Code (LDC) prohibits beer and wine consumption on premises within 1,000 of a religious institution or a public or private school (K-12). Through LDC Section 930, a property owner (or agent of) may request a variance to the 1,000 feet of separation from the Land Use Hearing Officer. Alcohol separation distance is measured from property line to property line.

In 2002, a 2COP Variance (VAR 02-27) was granted, as well as a 4COP Variance (VAR 04-20) in 2004 to the previous Cherry's Restaurant that occupied the building. The 2COP license was Null and Void on March 31, 2020, when Cherry's went out of business.

First Baptist Church Imperial Lakes is within the 1,000-foot distance requirement. First Baptist Church Imperial Lakes is located about 170 feet from the subject property line. Shepherd's Community United Methodist Church is located about 890 feet from the subject property line. There are a few locational factors that need to be considered. Shepherd Road separates the two

uses with four lanes and 170 feet of right of way. In addition, the separation distance is much greater when accounting for pedestrian and vehicular travel. The distance increases to over 1,500 feet when accounting for vehicle and pedestrian travel from the entrance of the proposed restaurant and the religious institutions rather than from property line to property line.

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

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:*

There are many instances where alcohol sales and religious institutions have coexisted in close proximity without any adverse effects. Publix Imperial Lakes Plaza already has a Publix liquor that sells alcohol to close distance of these churches.

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*

In 2002, a 2COP Variance (VAR 02-27) was granted, as well as a 4COP Variance (VAR 04-20) in 2004, to the previous Cherry's Restaurant that occupied the building. The 2COP license was Null and Void on March 31, 2020. Cherry's went out of business so the variance expired.

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

This request allows the owner the flexibility of offering the customers beer and wine. A Publix Liquors within the plaza sells alcohol package.

Staff recommends approval of a variance to reduce the requirements for separation from schools and religious institutions for this site.

Development Review Committee

The Development Review Committee, based on the criteria for granting Variances, finds that the applicant's request as written **IS CONSISTENT** with **Section 931** of the Polk County Land Development Code.

Development Review Committee Recommendation: Based upon the application, and a recent site visit, the Development Review Committee recommends **APPROVAL of LDLVAR-2025-50**, with the following conditions:

CONDITIONS OF APPROVAL:

1. The variance to Section 224 is approved for one 2COP Alcohol Beverage License (Beer and Wine consumption on premises) on Parcel #232926-141964-000010, as shown and described in the staff report.
2. The applicant shall secure and locate the necessary alcohol license (2COP license) within one (1) year from the date the Land Use Hearing Officer's Final Order is

rendered. The variance will be valid as long as the beverage license is current and the establishment does not close for a period of greater than twenty-four (24) months, otherwise the variance will become null and void.

3. 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 the 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;*

The applicant, Antony Cheriya Kadavil, representing Sitar Indian American Buffet is requesting a variance to the 1,000-foot separation requirement between alcohol sales with a 2COP license (Beer and Wine consumption on premises) and religious institution, as required by LDC Section 224. The proposed store requires a variance to this distance separation requirement from the First Baptist Church Imperial Lakes and Shepherd's Community United Methodist Church.

There are few reasons to find this will be injurious to the area. From a pedestrian and vehicular standpoint, access from the First Baptist Church Imperial Lakes and Shepherd's Community United Methodist Church requires crossing Shepherd Road, a 4-lane roadway. The outparcels on the site plan along with landscaping (see Exhibit 6) serve as physical barriers between the subject site and religious institution. In addition, the operating hours of the religious institution are majority on Sundays. Meanwhile, the operating hours of the

proposed restaurant are Monday through Sunday, 10:00 a.m. to 11:00 p.m., according to the applicant.

There are numerous examples throughout the County that demonstrate restaurants selling alcohol and religious institutions can co-exist without any adverse effects, as shown in the chart on page 4. Also, the site has been approved for a 4-COP (Cherry's) in the past.

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;*

Sitar Indian American Buffet is seeking to add 2COP license to their restaurant in the Publix Imperial Lakes Plaza located in the Community Activity Center (CAC) future land use district. The restaurant is within the plaza at the Publix supermarket. The alcohol sales will serve the local residents and visitors in the area. There are other liquor stores in the immediate vicinity of the restaurant, and this area is experiencing high residential growth. Therefore, the requested variance 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 public welfare. The operational characteristics of a restaurant are not any more impactful than other commercial uses permitted by the property's zoning and therefore will not be injurious to the area or detrimental to public welfare.

The standard method of measuring by property lines is not always the most accurate depiction of real-world phenomenon. Pedestrians and vehicles must travel much further than the property line measurements including crossing Shepherd Road and entering the buildings themselves. The property boundaries between the subject site and religious institutions vary from 170-890 feet. Meanwhile, if measured between the restaurant entrance through vehicle and pedestrian travel to the religious institutions, those distances increase to over 1,500 feet (see Exhibit 6).

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

It is important to realize that the separation requirements of Section 224 apply to a wide variety of uses that have disparate intensities and effects upon the surrounding area. Furthermore, this case illustrates the uneven nature of alcohol policies in Polk County. The applicant would not be seeking a variance to sell alcohol at this location if it was not for the market phenomenon that are present. There appears to be no special conditions and circumstances present that are not the result of the applicant.

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;*

Several alcohol-distance variances for alcohol sales have been approved since the adoption of the LDC. Therefore, this request is a privilege that has been enjoyed by others under similar circumstances. Below is a chart of other establishments offering liquor sales that have been approved within the distance separation requirement of a school or religious institution.

Case	BOA/LUHO Date	Schools/Religious Institution
VAR 12-56	7/26/12	Seven Churches & One High School
VAR 12-73	8/23/12	Two Churches & One High School
LDVAR-2019-55	8/22/19	One Church
LDVAR-2019-72	9/26/19	Two Churches & One Middle School
LDVAR-2020-57	6/26/20	One Church
LDLVAR-2021-107	11/15/21	Two Schools & One Church
LDLVAR-2021-122	1/27/22	Two Churches
LDLVAR-2022-36	7/28/22	One Church
LDLVAR-2022-54	8/25/22	One School & One Church
LDLVAR-2023-67	2/22/24	One Church & One School
LDLVAR-2024-10	4/25/24	Four Churches
LDLVAR-2024-12	4/25/24	Four Churches & One Elementary School
LDLVAR-2024-27	7/25/24	Three Churches
LDLVAR-2024-55	11/12/24	Two Churches & One Elementary School
LDLVAR-2025-1	3/27/25	Two Churches
LDLVAR-2025-26	7/24/25	Two Churches
LDLVAR-2025-35	8/26/25	Four Churches

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. This request allows the owner the flexibility of offering the customers beer and wine. A Publix Liquors within the plaza sells alcohol. If measured between the restaurant and religious institutions through vehicle and pedestrian travel, those distances increase to over 1,500 feet (see Exhibit 6).

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. Beer and wine consumption on premises may be approved in CAC districts without limitations if there are no schools or religious institutions within 1,000 feet.

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 the variance will not result in the creation of a lot or parcel that does not meet the requirements of the Code. This variance 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 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:

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

Northwest: CAC Vacant Commercial 2.4 acres	North: CAC First Baptist Church of Imperial Lakes 8.96 acres	Northeast: CAC Commercial 1.5 acres
West: RH Vacant Residential 16.6 acres	Subject Property: CAC Publix Imperial Lakes Plaza 8.64 acres	East: CAC Commercial 4.7 acres
Southwest: RH Vacant Residential 16.6 acres	South: RL-1 Vacant Golf Course 74 acres	Southeast: CAC 4.7 acres

Land is developing at a rapid pace in this area. The existing residential development on the south within Imperial Lakes is the intended market for such a proposed use.

Comments from other Governmental Agencies: None.

Exhibits:

Exhibit 1 – Location Map

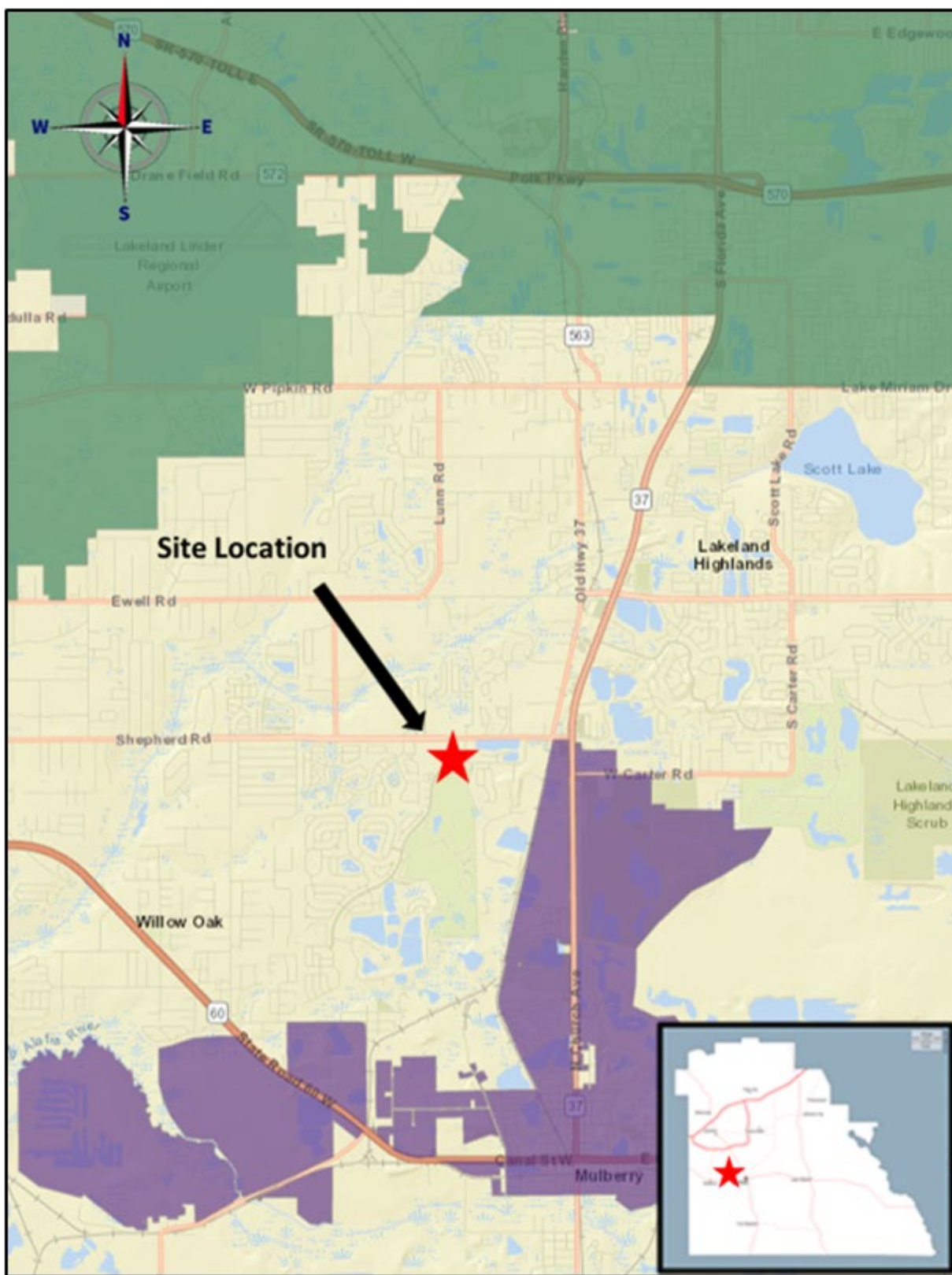
Exhibit 2 – 2023 Aerial Photo (Context)

Exhibit 5 – Site Plan

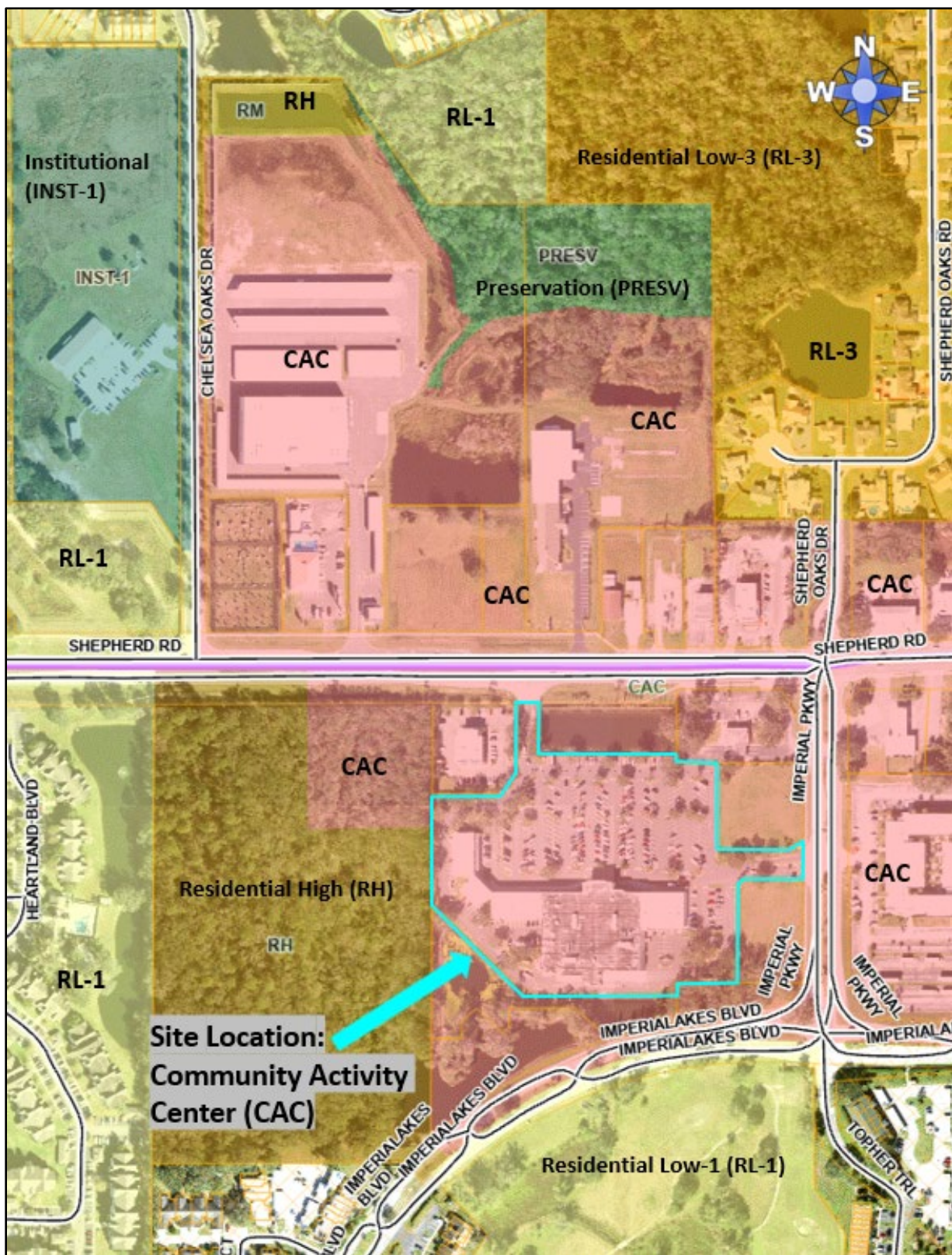
Exhibit 3 – Future Land Use Map

Exhibit 4 – 2023 Aerial Photo (Close)

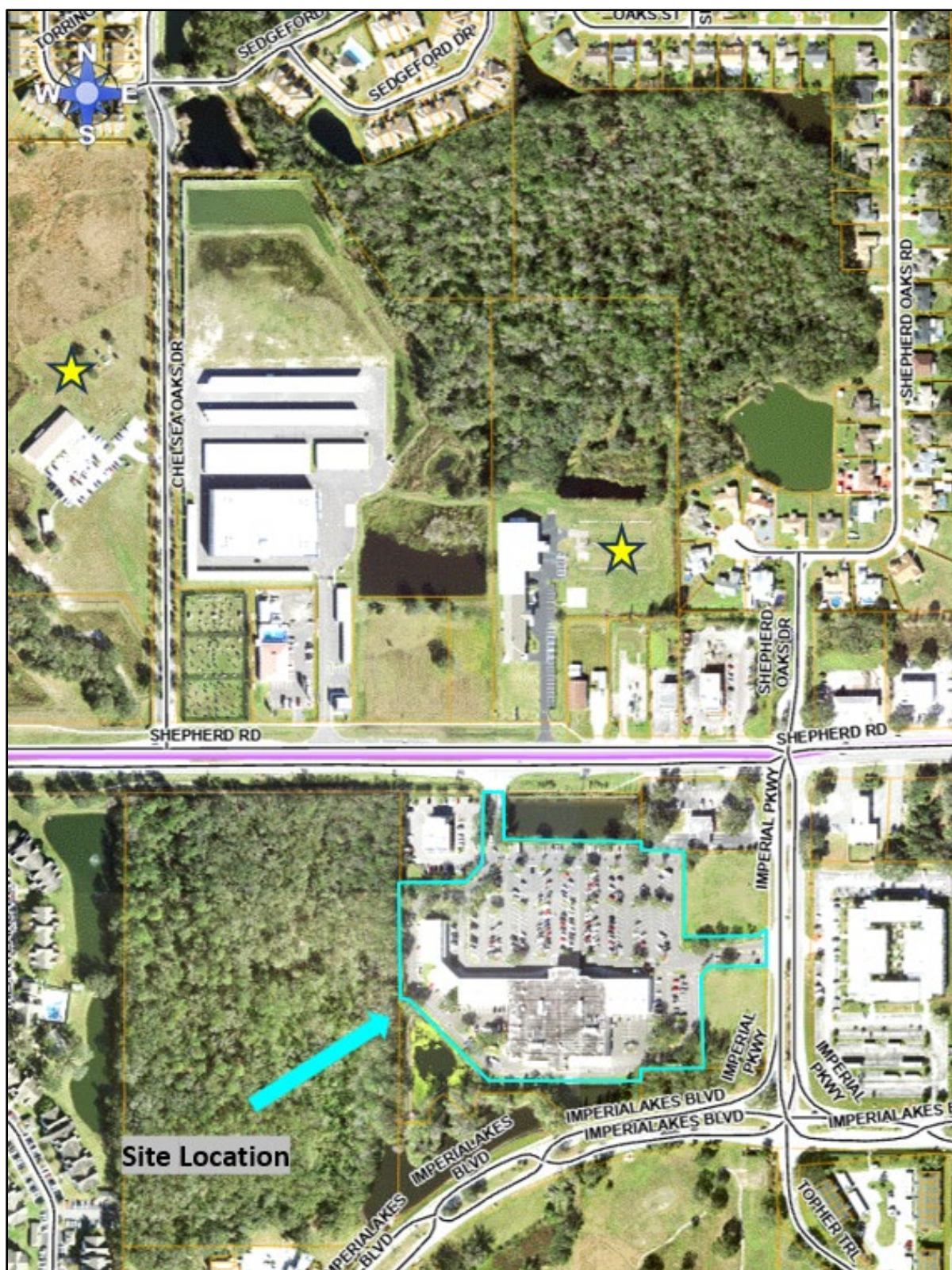
Exhibit 6 – Distance



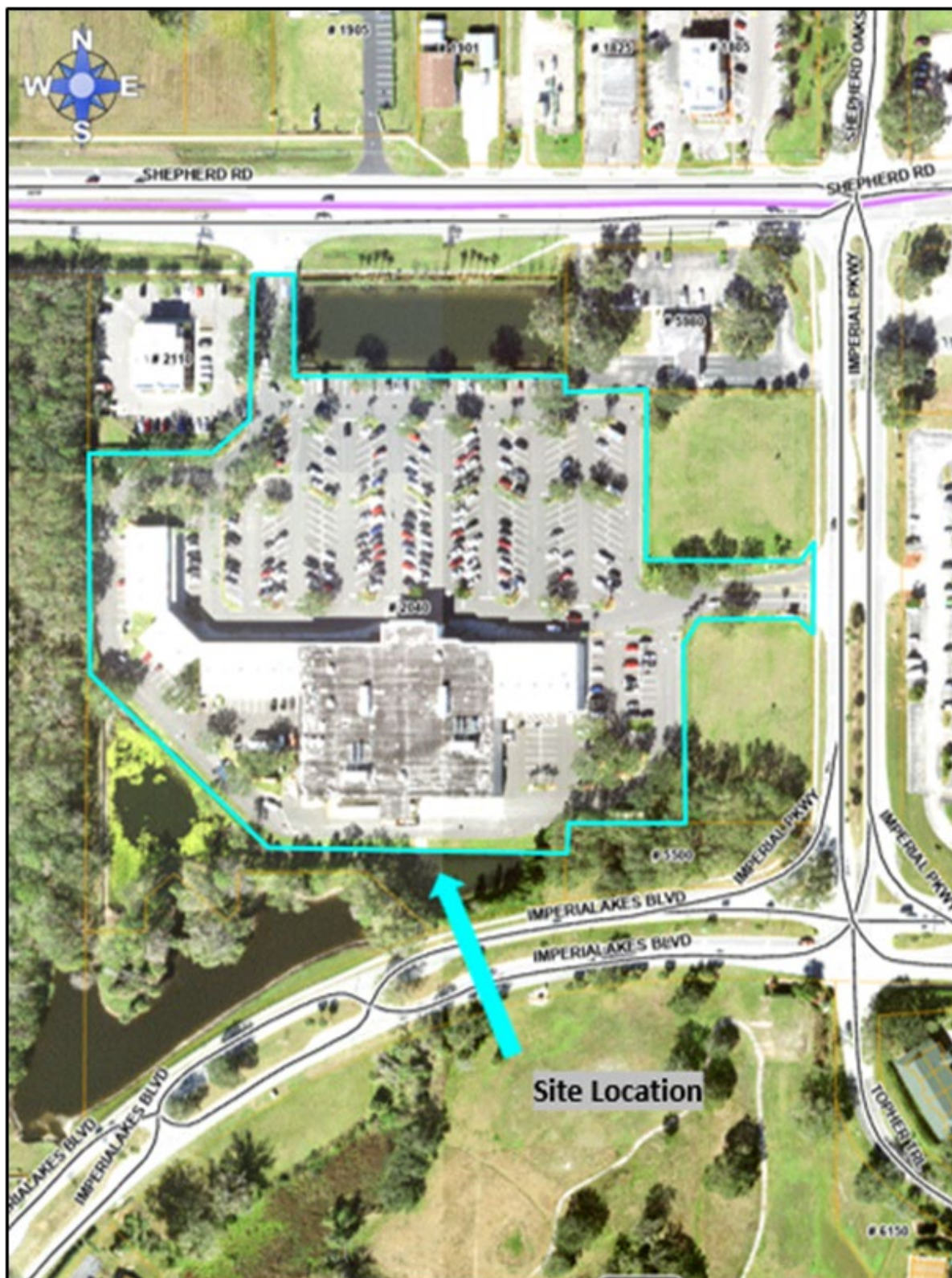
Location Map



Future Land Use Map



2023 Aerial Photo (Context)



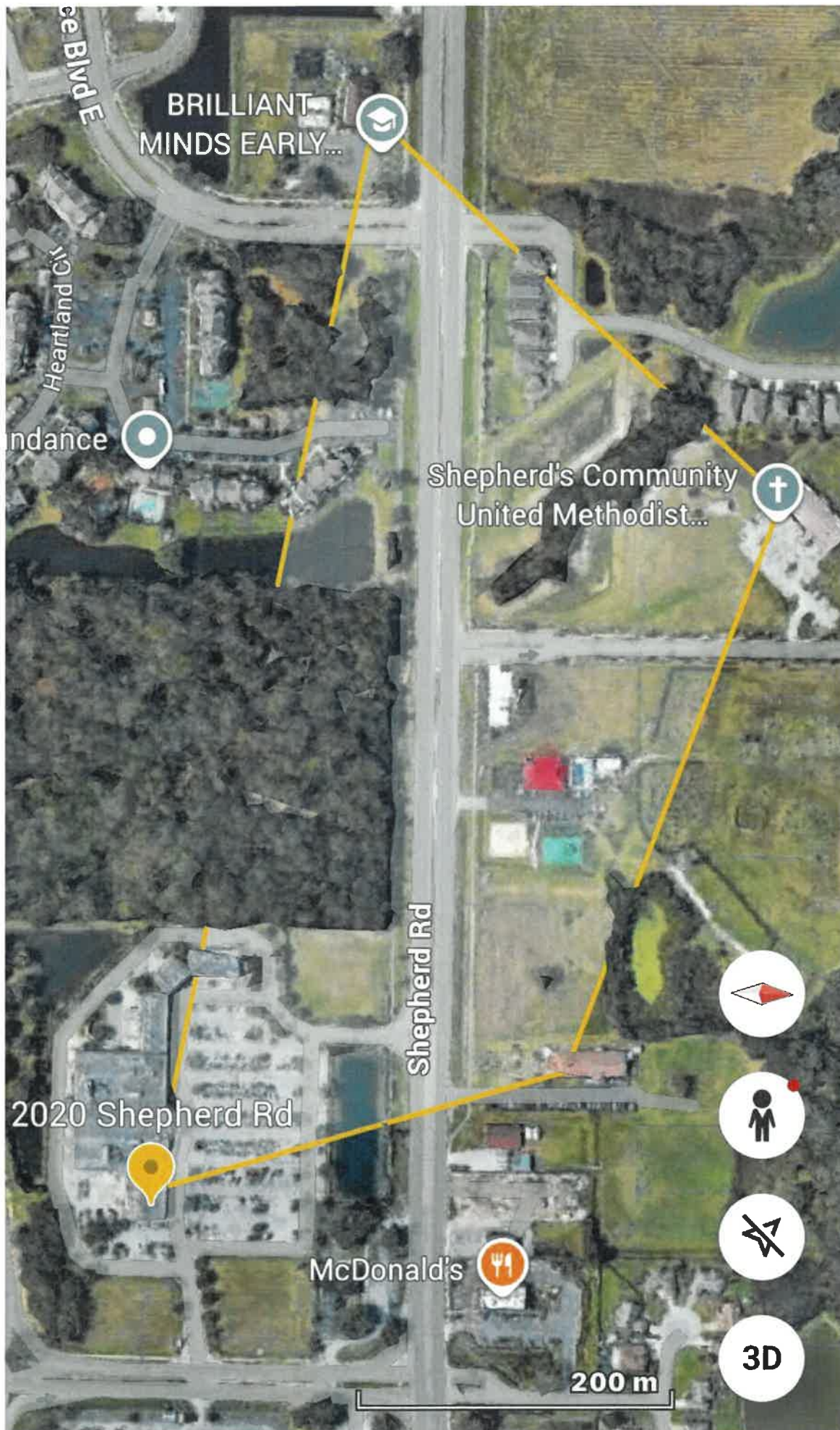
2023 Aerial Photo (Close-up)



Site Plan



Distance



2020 Shepherd

LDLVAR-2025-50 - Antony's variance application

Menu Reports Help

Application Name: [Antony's variance application](#)

File Date: [07/21/2025](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

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

Description of Work: [Variance for setback from church to open bar at Sitar Indian American Buffet.](#)

Application Detail: [Detail](#)

Address: [2020 SHEPHERD RD, MULBERRY, FL 33860](#)

Parcel No: [232926141964000010](#)

Owner Name: [PUBLIX SUPER MARKETS INC](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Antony Cheriyaakadavil	sitar indian am...	Engineer	Mailing, 2020 Shepherd...	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

[8.65](#)

DRC Meeting Time

DRC Meeting

[09/11/2025](#)

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

Application Type

[Land Use Hearing](#)

[Variance](#)

[Officer](#)

Variance Type

Brownfields Request

[Alcohol](#)

-

[Beverage](#)

[Setbacks](#)

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

[Land Use Hearing](#)

-

[Officer](#)

MEETING DATES

LUHO Hearing Date

[10/23/2025](#)

ALCOHOL BEVERAGE DIST REQ

Type of Business

Type of License

[Restaurant/Bar](#)

[2COP](#)

Hours of Operation

[10am - 11pm](#)

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

[First Baptist Church Imperial Lake - 1905 Shepherd Rd, Lakeland 33811 \(841 ft\)](#)

[Brilliant Minds Early Learning - 5900 Sundance Blvd, East, Mulberry 33860 \(2177 ft\)](#)

[Shepherd's Community Methodist - 2165 Shepherds Rd., Lakeland 33811 \(1890\)](#)

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?
[does not meet the 2500' distance requirement from religious establishment.](#)

When did you buy the property and when was the structure built? Permit Number?
[we rented this property from November 2024 for a new business. Previous 2COP was null and void 313112020 which exceeds the 5 year time frame for a new license to be approved without variance.](#)

What is the hardship if the variance is not approved?
[It may affect our new business badly.](#)

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

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

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

PLAN REVIEW FIELDS
TMPRecordID
[POLKCO-25EST-00000-44728](#)
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
[Yes](#)

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	31	10/08/2025	10/08/2025	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Saralis Wons	Application ...	08/18/2025	Saralis Wons
	Roads and Drainage Review				
	Planning Review	Aleya Inglima	Approve	09/03/2025	Aleya Inglima
	Review Consolidation	Lisa Simons-Iri...	Approved for...	09/04/2025	Lisa Simons-Iri...
	Public Notice	Lisa Simons-Iri...			
	Hearing Officer				
	Final Order				

Record Details

	Task	Assigned To	Status	Status Date	Action By	
	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	



Polk County
Polk County Land Use Hearing Officer

Agenda Item 8.

10/23/2025

SUBJECT

LDLVAR-2025-51 (James Hustead Dr Variance)

DESCRIPTION

The applicant is requesting a variance to allow an accessory structure to be larger than the primary structure. The subject site is located at 74 James Hustead Drive, south of Crooked Lake, north of Seminole Road, south of the Town of Hillcrest Heights in Section 31, Township 30, Range 28.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Aleya Inglima

Land Development Division

(863) 534-6764

aleyainglima@polk-county.net

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

DRC Date:	September 11, 2025	CASE #:	LDLVAR-2025-51 (James Hustead Dr Variance)
LUHO Date:	October 23, 2025	LDC Section:	Section 209.G

Request: The applicant is requesting a variance to allow an accessory structure to be larger than the primary structure.

Applicant: Kathryn Findley

Property Owner: Kathryn Findley

Location: 74 James Hustead Drive, south of Crooked Lake, north of Seminole Road, south of the Town of Hillcrest Heights in Section 31, Township 30, Range 28.

Parcel ID#: 283031-000000-022170, 283031-000000-022140

Size: ±3.5 acres

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

Development Area: Rural Development Area (RDA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is requesting a variance to allow an accessory structure to be larger than the primary structure. The accessory structure is 50 x 60 (3,000 sq ft) and will be used for storage of vehicles and other household items. The primary home is approximately 1,360 sq ft. The accessory structure in question is larger by 1,640 sq ft. It will be located to the front yard of the property, which is permitted with a concrete foundation. The property is within an Agriculture/Residential Rural-X (A/RRX) future land use district. Pursuant to Section 209.G, of the Land Development Code, an accessory structure may be permitted to be larger than the primary with the approval of a variance from the Land Use Hearing Officer pursuant to Section 930 and 931.

Staff finds this request will cause no harm to the community. The subject parcel is surrounded by a cluster of lots ranging in size from an acre to five acres and in some cases larger. Section 209.D.3 of the Land Development Code states that 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. The accessory structure will be surrounded by large trees which will screen it from surrounding properties.

Staff recommends approval of LDLVAR-2025-51 as it meets the following criteria listed in Section 931:

- **Whether the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure** as the home was built in 1968 and does not have a garage, and the applicant will use the structure for storage of vehicles and other household items.

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-2025-51**.

CONDITIONS OF APPROVAL:

1. The approval of this variance to Section 209.G of the Land Development Code to allow an accessory structure to be larger than the primary structure as described in the staff report. Further additions or structures placed on the property shall be required to meet the setback requirements of Table 2.2 of the Polk County Land Development Code or re-apply for another variance approval from the Land Use Hearing Officer.
2. This variance does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
3. The applicant shall have one (1) year from the date the Land Use Hearing Officer's Final Order is rendered to apply for all necessary building permits and pay all associated fees for the proposed addition.
4. The use of the accessory structure approved herein is limited to the 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.

GENERAL NOTES

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

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

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

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

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

**DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES
SUMMARIZED BELOW:**

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

The subject parcel is in an area with a cluster of lots ranging in size from an acre to five acres and in some cases larger. The subject site is smaller than 5 acres and created prior to the adoption of the LDC documented by a 1985 deed (BK 2358, PG 0950). The accessory structure is 50 x 60 (3,000 sq ft) and will be used for storage of vehicles and other household items. The primary home is approximately 1,360 sq ft. The accessory structure in question is larger by 1,640 sq ft. The structure will be over 300 feet from the nearest neighboring home. The garage will meet all setbacks for the A/RR land use district. Granting the subject request will not be injurious to the area as the structure will be screened by surrounding trees and accessory structures are permitted on residential properties in accordance with Section 209 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;*

This property is located in the A/RRX land use district and is approximately 3.5 acres. This lot is smaller than the A/RRX minimum lot size of 5 acres. This property was recorded by warranty deed on May 1985, prior to the adoption of the LDC.

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

The owner purchased the property in July 2009, according to the Polk County Property Appraiser. The home was constructed in 1968 at 1,360 square feet. The owner already has a shed on the property but does not have a garage. The owner would like to use the garage for storage of vehicles and other household items.

4. *Whether granting the requested variance will not confer on the applicant any special privilege that is denied by the provisions of this Code and will constitute unnecessary and undue hardship on the applicant;*

Every variance approval is a special privilege. This property is approximately 3.5 acres and has sufficient buffering for the proposed structure. Accessory structures are permitted on residential properties in accordance with Section 209 of the LDC. While not normally allowed in the front, these structures with concrete foundations are.

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

The requested variance is believed to be the minimal variance necessary to optimize the use of the owner's land. The applicant will use the structure for storage of vehicles and other household items. The home was built in 1968 and does not have a garage.

6. *Whether that in no case shall a variance be granted which will result in a change of land use that would not be permitted in the applicable land use designation;*

Granting this variance will not result in a change of land use.

7. *Whether that in no case shall a variance be granted which would result in creation of any residual lot or parcel which does not meet the requirements of this Code; and*

Granting this request is not anticipated to result in the creation of a lot or parcel that does not meet the requirements of the Code.

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

Granting this variance will not circumvent a condition or the intent of a condition placed on the development by the Planning Commission or the BoCC.

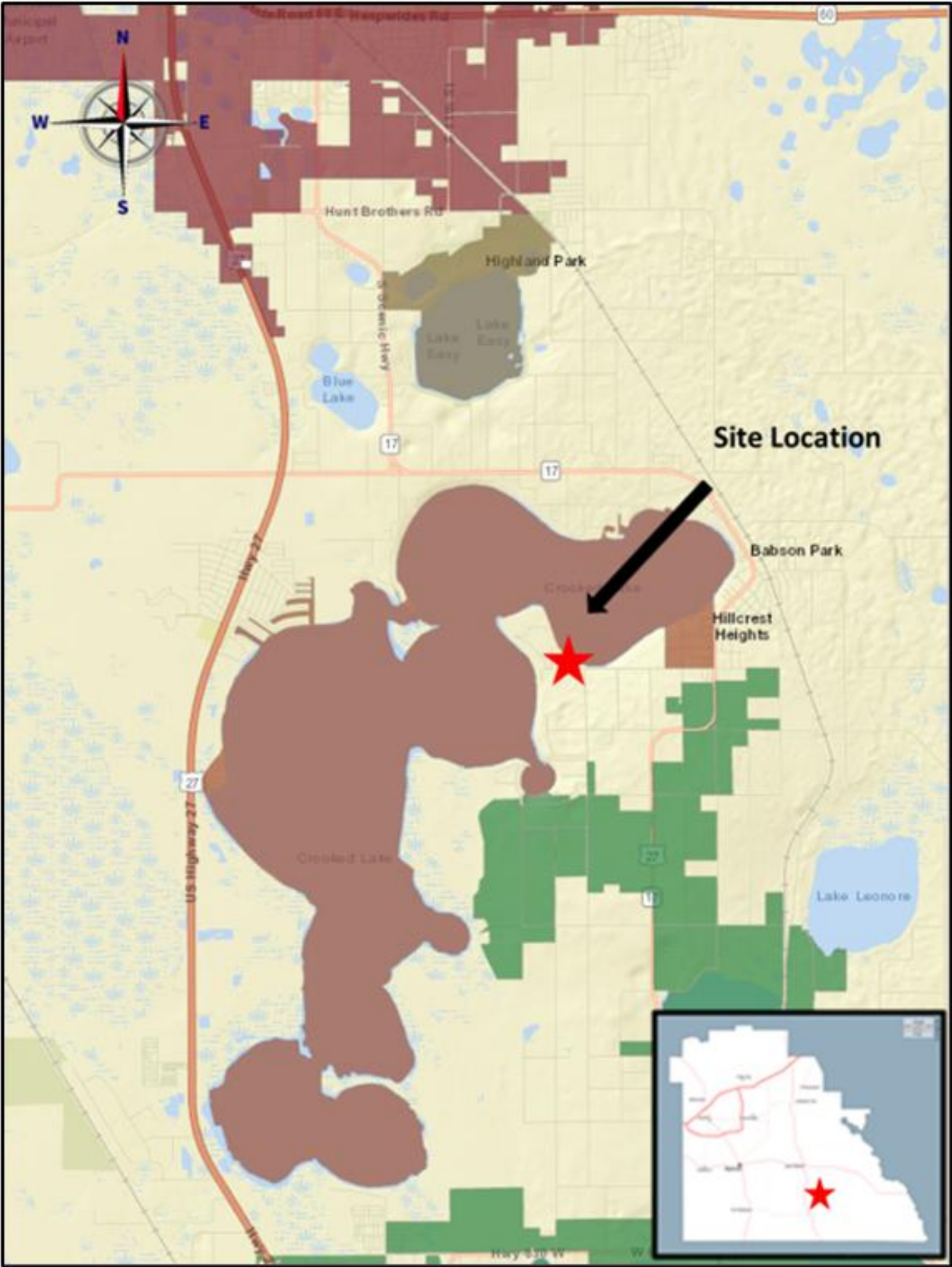
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: A/RRX Single family home	North: Crooked Lake	Northeast: Crooked Lake
West: A/RRX Vacant	Subject Property: A/RRX Single family home	East: A/RRX Single family home
Southwest: A/RRX Citrus	South: A/RRX Citrus	Southeast: A/RRX Citrus

This property is a single-family home on Seminole Road in Babson Park, Florida. Staff found no other prior variances in this area.

Exhibits:

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



Location Map



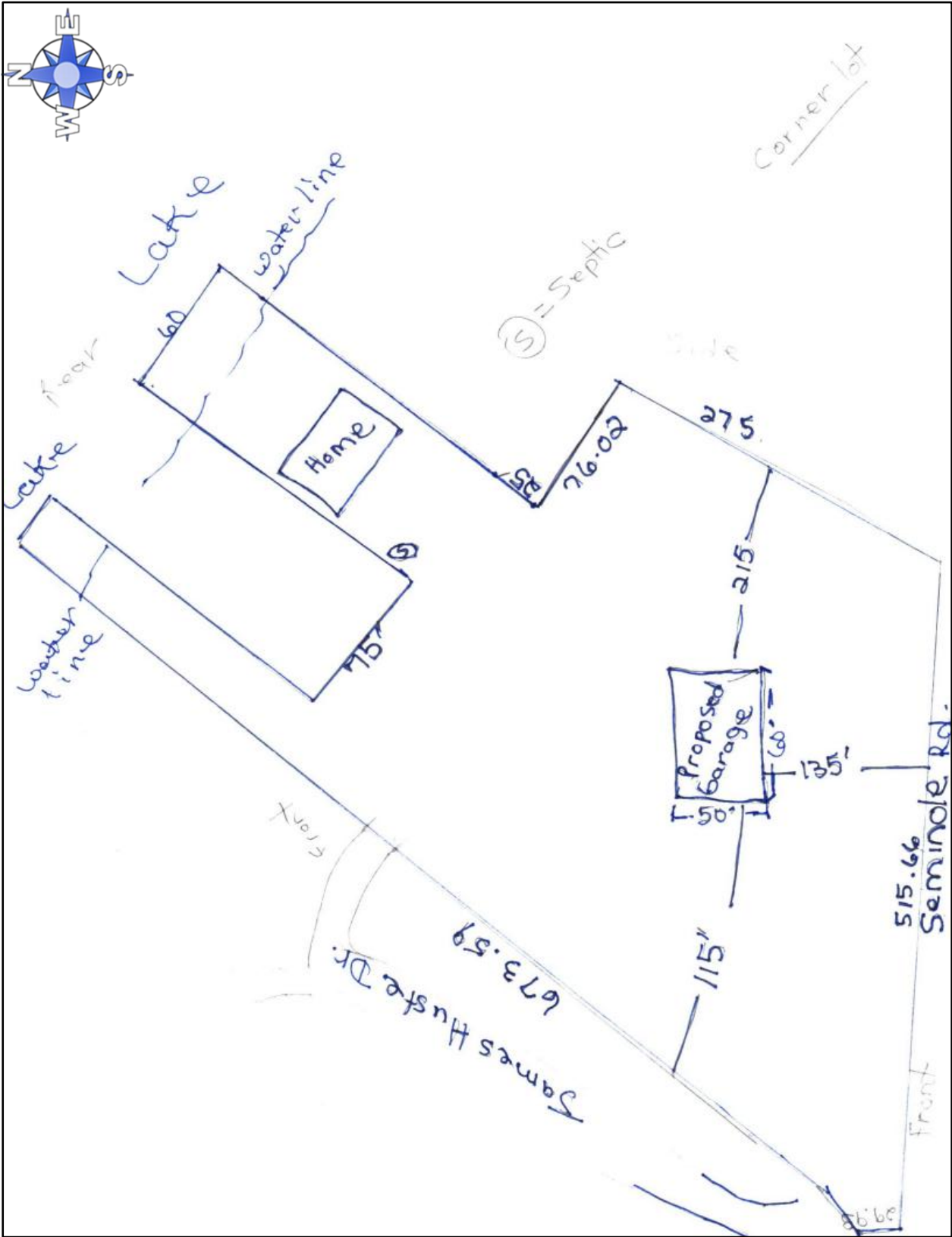
Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)



Site Plan

CRITERIA FOR GRANTING VARIANCE

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?
Garage is needed to store property from the elements (lawn mower, RV, etc)

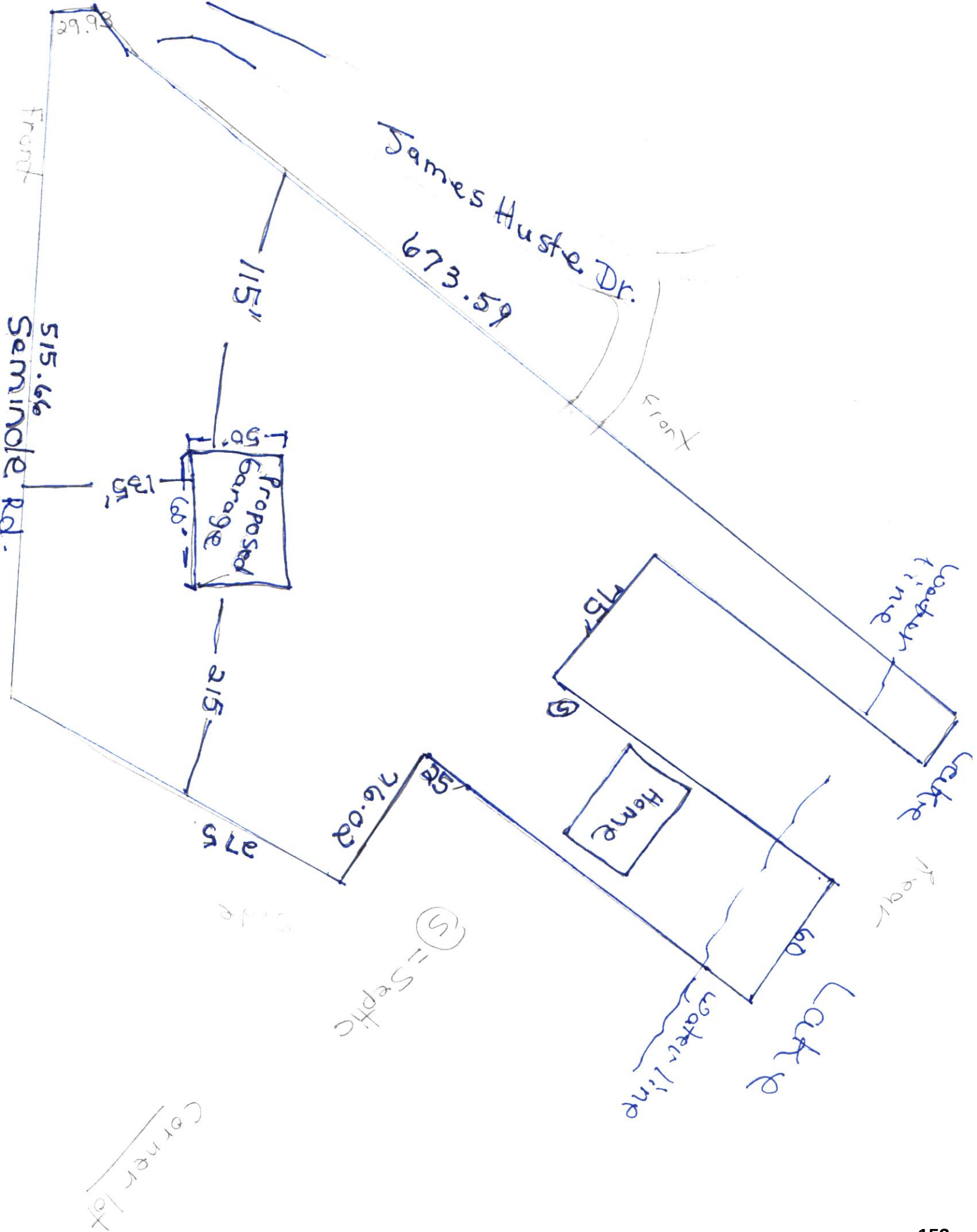
When did you buy the property and when was the structure built? Permit Number?
Property where house is built is owned for over 25 years, property next door was purchased in 2024.

What is the hardship if the variance is not approved?
Financial and depreciation of property.

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

Applicant's Justification



LDLVAR-2025-51 - Findley Variance

Menu Reports Help

Application Name: [Findley Variance](#)

File Date: [08/01/2025](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments:	View ID	Comment	Date
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Description of Work: [Accessory structure larger than the primary](#)

Application Detail: [Detail](#)

Address: [74 JAMES HUSTEAD DR, BABSON PARK, FL 33827](#)

Parcel No: [28303100000022140](#)

Owner Name: [FINDLEY KATHRYN B](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Kathryn Findley		Engineer	Mailing, 74 James Hust...	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
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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
[3.9](#)

DRC Meeting Time

DRC Meeting
[09/11/2025](#)

Rescheduled DRC Meeting

Rescheduled DRC Meeting Time

Green Swamp

Number of Units

[No](#)

Is this Polk County Utilities

Case File Number

-

One Year Extension

FS 119 Status
[Non-Exempt](#)

PUBLIC HEARINGS

Development Type

[Land Use Hearing](#)

Application Type
[Variance](#)

[Officer](#)

Variance Type

[Accessory](#)

Brownfields Request

[Larger than](#)

[Principle](#)

Affordable Housing

ADVERTISING

Advertising Board

[Land Use Hearing](#)

Legal Advertising Date

[Officer](#)

MEETING DATES

LUHO Hearing Date

[10/23/2025](#)

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?
[Garage is needed to store property from the elements \(lawn mower, RV, etc\)](#)

When did you buy the property and when was the structure built? Permit Number?
[Property where house is built is owned for over 25 years, property next door was purchased in 2024.](#)

What is the hardship if the variance is not approved?
[Financial and depreciation of property.](#)

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
[Open](#)

PLAN REVIEW FIELDS
TMPRecordID
[POLKCO-REC25-00000-00WJW](#)
RequiredDocumentTypesComplete
[No](#)

DocumentGroupforDPC	RequiredDocumentTypes
DIGITAL PROJECTS LD	-
AdditionalDocumentTypes	Activate DPC
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

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
LUHQ	2	14	10/08/2025	10/08/2025	

Workflow Status:		Task	Assigned To	Status	Status Date	Action By	
		Application Submittal		Application ...	08/18/2025	Saralis Wons	
		Roads and Drainage Review	Phil Irven	Approve	08/26/2025	Phil Irven	
		Planning Review	Aleya Inglima	Approve	09/03/2025	Aleya Inglima	
		Review Consolidation	Lisa Simons-Iri...	Approved for...	09/04/2025	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



Polk County
Polk County Land Use Hearing Officer

Agenda Item 9.

10/23/2025

SUBJECT

LDLVAR-2025-52 (Hudson ADU)

DESCRIPTION

Joseph Hudson requests a variance to allow a 1,510 square foot accessory dwelling unit (ADU) to exceed the 1,000 square foot cap on approximately 15.03 acres in the Agriculture/Residential Rural-X (A/RRX) land use district. The subject property is located at 6850 AVT Ranch Road, north of Interstate 4, south of Deen Still Road, east of Moore Road, west of Commonwealth Avenue, north of Polk City in Section 05, Township 26, Range 25.

RECOMMENDATION

Approval with conditions.

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

Kyle Rogus, Planner II
Land Development Division
863-534-7553
kylerogus@polk-county.net

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

DRC Date:	September 11, 2025	CASE #:	LDLVAR-2025-52 (Hudson ADU)
LUHO Date:	October 23, 2025	LDC Section:	Section 206.A

Request: The applicant is requesting a variance to allow a 1,510 square foot accessory dwelling unit (ADU) to exceed the 1,000 square foot cap on approximately 15.03 acres in the Agriculture/Residential Rural-X (A/RRX) land use district.

Applicant: Joseph Hudson

Property Owner: Joseph Hudson

Location: The subject property is located at 6850 AVT Ranch Road, north of Interstate 4, south of Deen Still Road, east of Moore Road, west of Commonwealth Avenue, north of Polk City in Section 05, Township 26, Range 25.

Parcel ID#: 252605-000000-021010

Size: ±15.03 acres

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

Development Area: Rural Development Area (RDA)

GSACSC: Green Swamp Area of Critical State Concern

SPA: Rural Special Protection Area

Case Planner: Kyle Rogus, Planner II

Summary:

The applicant is seeking a variance to the maximum size limit of 1,000 square feet for an accessory dwelling unit (ADU). Section 206.A.2 of the Land Development Code (LDC) limits ADUs to less than the size of the primary residence and not to exceed 1,000 square feet of heated floor space. The owners would like to construct a new home that will be between 2,000 to 2,500 square feet under roof. Meanwhile the existing dwelling unit is 1,510 square-foot under roof, or 1,350 square feet of heated floor space, and would serve as an ADU.

The owners seek this ADU size approval for the property to comfortably house their elder parents onsite and from a separate residence. Considering the max ADU size considers only heated floor space, the existing home intended to become an ADU is only 35% larger than the County's ADU standards permitted by right.

Staff finds this request will cause no direct or indirect harm to the community and recommends approval. Staff recommends approval of LDLVAR-2025-52 as it meets the following criteria listed in Section 931:

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 location of the new home will meet primary structure setbacks. The existing home met the primary structure setbacks when it was constructed at the time. Also the impervious surface of the site will not exceed the 60% threshold established in Section 206.A.3.b 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 owners stated in the application the ADU will provide the ability to comfortably house their elder parents and provide caretaking services for them at a distance. By right, they could demolish and build an ADU just 350 square feet smaller than what's currently on site, but the owners want the home to remain as it stands.

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-2025-52**

CONDITIONS OF APPROVAL:

1. A variance to the standards in Section 206.A.2, of the Land Development Code (LDC) shall be granted to adjust the maximum allowable square footage of an accessory dwelling unit (ADU) from 1,000 square feet to 1,510 square feet to allow the existing residence to remain on site.
2. This variance shall be valid as long as the new primary residence is constructed at 2,000 square feet under roof or greater.
3. 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 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;*

Under Ordinance 25-018 enacted by the BoCC on March 18, 2025, ADU sizes on residential properties are permitted up to 1,000 square feet of heated floor space. This standard is to ensure accessory uses remained subordinate in size to the principal structure on the same property. The Board understood that there would be exceptional situations, so this variance option was added to the duties of the Land Use Hearing Officer to review. The one stipulation is that the total impervious surface ratio (ISR) of a property with a larger than 1,000 square foot ADU does not result in more than 60%. The applicant's property is approximately 15.03 acres, and the current home and its accessory structures cover less than 1% of the property. The addition of the new 2,000 to 2,500 square foot primary residence will increase the ISR to 0.95%, well below the 60% maximum ISR of the property.

The applicant and property owner Joseph Hudson, is seeking to build a new 2,000 to 2,500 square foot single-family residence while retaining the old home as an ADU. The existing home is 35%, or 350 square feet of heated floor space, larger than the maximum size permitted in under Section 206.A.2 of the LDC. Under roof, the ADU is also subordinate in size to the proposed primary dwelling unit by about 34%. The subject site is a legal lot of record, and the new principal structure will meet all the required setbacks in the A/RRX land use district. Additionally, the existing 1958 home met all principal structure setbacks at the time. For these reasons, approval 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;*

The subject site is within the Agriculture/Residential Rural-X (A/RRX) land use district in the Green Swamp Area of Critical State Concern (GSACSC), surrounded by developed and vacant land similar in size. The property is approximately 15.03 acres, which met the 40,000 acre minimum lot area in the Rural Conservation (RC) zoning district when the property was recorded, and the current 10 acre minimum lot area in the A/RRX. The lot is unplatted and gains access off an unpaved County-maintained local roadway directly to the south (AVT Ranch Road).

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

The existing home on the subject site was constructed in 1958 and met the principal side and rear setbacks of 15' and 40' under the prior zoning district respectively. According to the request, rather than demolishing the home altogether, the owner instead would use the home as an accessory dwelling unit to comfortably house their elder parents and provide caretaking services. The size of the dwelling is 35% larger than the County's ADU standards permit by right.

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 will not confer on the applicant any special privilege that is denied by the provisions of this Code. ADUs are permitted as accessory uses to single-family detached homes and mobile homes in all residential districts and lots of record, so long as they meet setback, dimensional, and locational requirements. According to Section 206.A.3.c of the LDC, the "new" ADU must meet primary structure setbacks when it exceeds 1,000 square feet. The residence was originally zoned Rural Conservation (RC) at the time it was constructed in 1958. Minimum principal structure setbacks in RC district are 25' front, 15' side, and 40' rear. The residence is ±15.03 acres, well over the 40,000 square feet minimum lot area per RC zoning district making it easy to meet these requirements. In addition to this, the ADU will not be located in the front yard once the new residence is built.

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

The owners are seeking to designate their existing home as an accessory dwelling unit (ADU) that is approximately 35% larger than the County's current ADU maximum standard. In terms of total under roof, the ADU will be approximately 34% the size of the minimum new primary dwelling proposed. This still falls into the confines of the definition of accessory (incidental and subordinate). According to the applicant's justification, the request aims to house their older parents in the ADU while providing caretaking services.

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. A larger than standard accessory dwelling unit (AD) will not alter the residential use of this property

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. This variance 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.*

The evidence found suggests the proposed request will not circumvent the intent of a condition placed on a development by the Planning Commission or the Board of County Commissioners.

Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: Agriculture/Residential Rural Pasture 122.44 acres	North: Agriculture/Residential Rural 1,248 sq. ft. single-family home Built 2020 15.02 acres	Northeast: Agriculture/Residential Rural 1,344 sq. ft. mobile home Built 2005 5.01 acres
West: Agriculture/Residential Rural Pasture 122.44 acres	Subject Property: Agriculture/Residential Rural 1,510 sq.ft. single-family home Built in 1958 15.03 acres	East: Agriculture/Residential Rural 2,544 sq. ft. single-family home Built 1959 7.62 acres
Southwest: Agriculture/Residential Rural Pasture 122.44 acres	South: Agriculture/Residential Rural Pasture 122.44 acres	Southeast: Agriculture/Residential Rural Pasture 122.44 acres

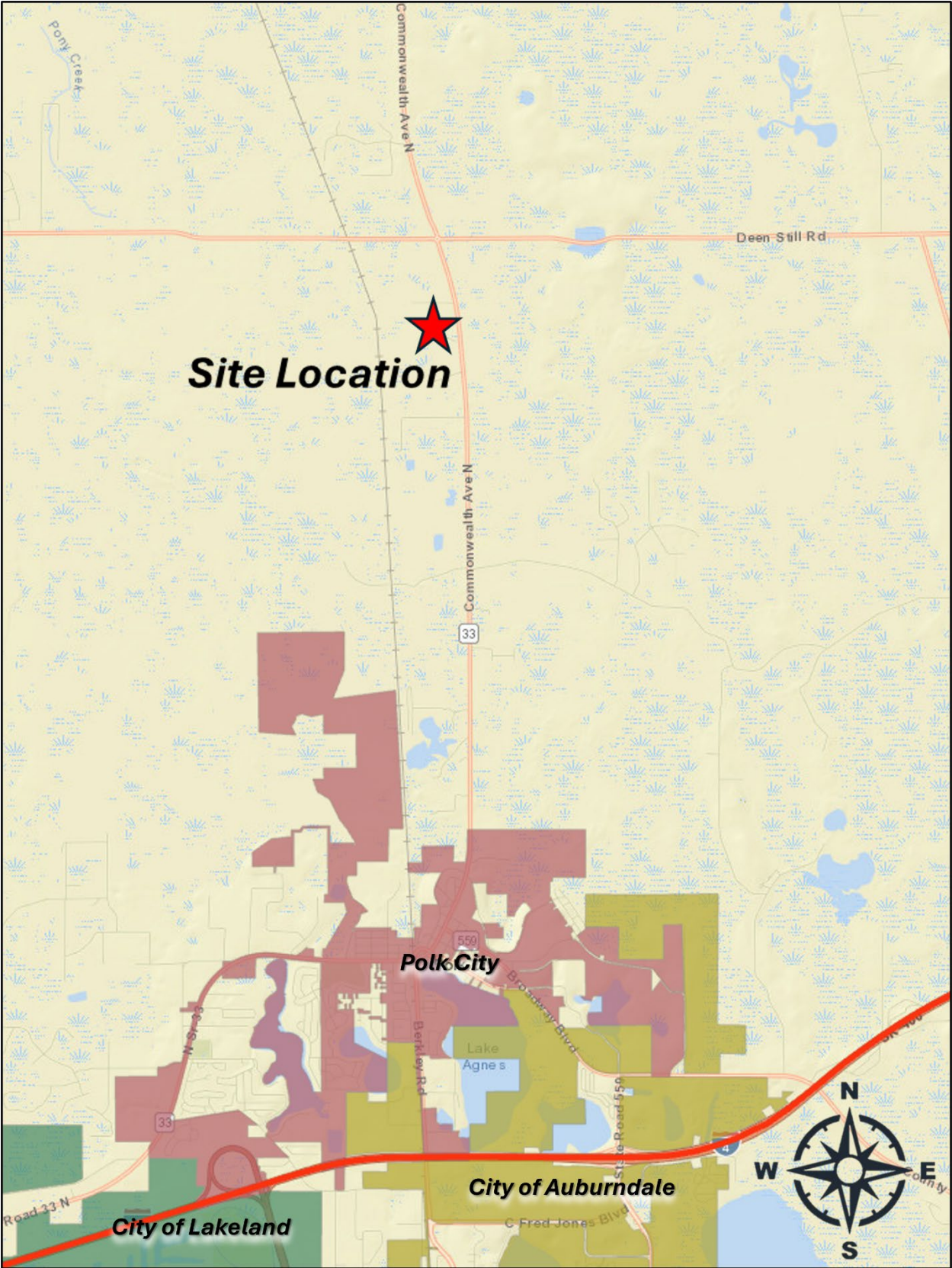
The property is unplatted and is surrounded by large developed and vacant lots. The property is approximately 15.03 acres in the Green Swamp Area of Critical State Concern (GSACSC), which meets the 40,000 acre minimum lot area in the Rural Conservation (RC) zoning district when the property was recorded, and the current 10 acre minimum lot area in the Agricultural/Residential Rural-X (A/RRX) land use district.

A one-story 1,510 square foot single-family home was constructed on the subject site in 1958. In June 2022, the property owner purchased the subject site through a Trustee's deed according to the Property Appraiser (O.R. BK 12304 PGs 607-608). The applicant and property owner Joseph

Hudson, is seeking to build a new 2,000 to 2,500 square foot single-family residence while retaining the old home as an accessory dwelling unit (ADU). Approval from the Land Use Hearing Officer to accompany this 2,000 to 2,500 square foot home and 1,510 square-foot ADU is required.

Exhibits:

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



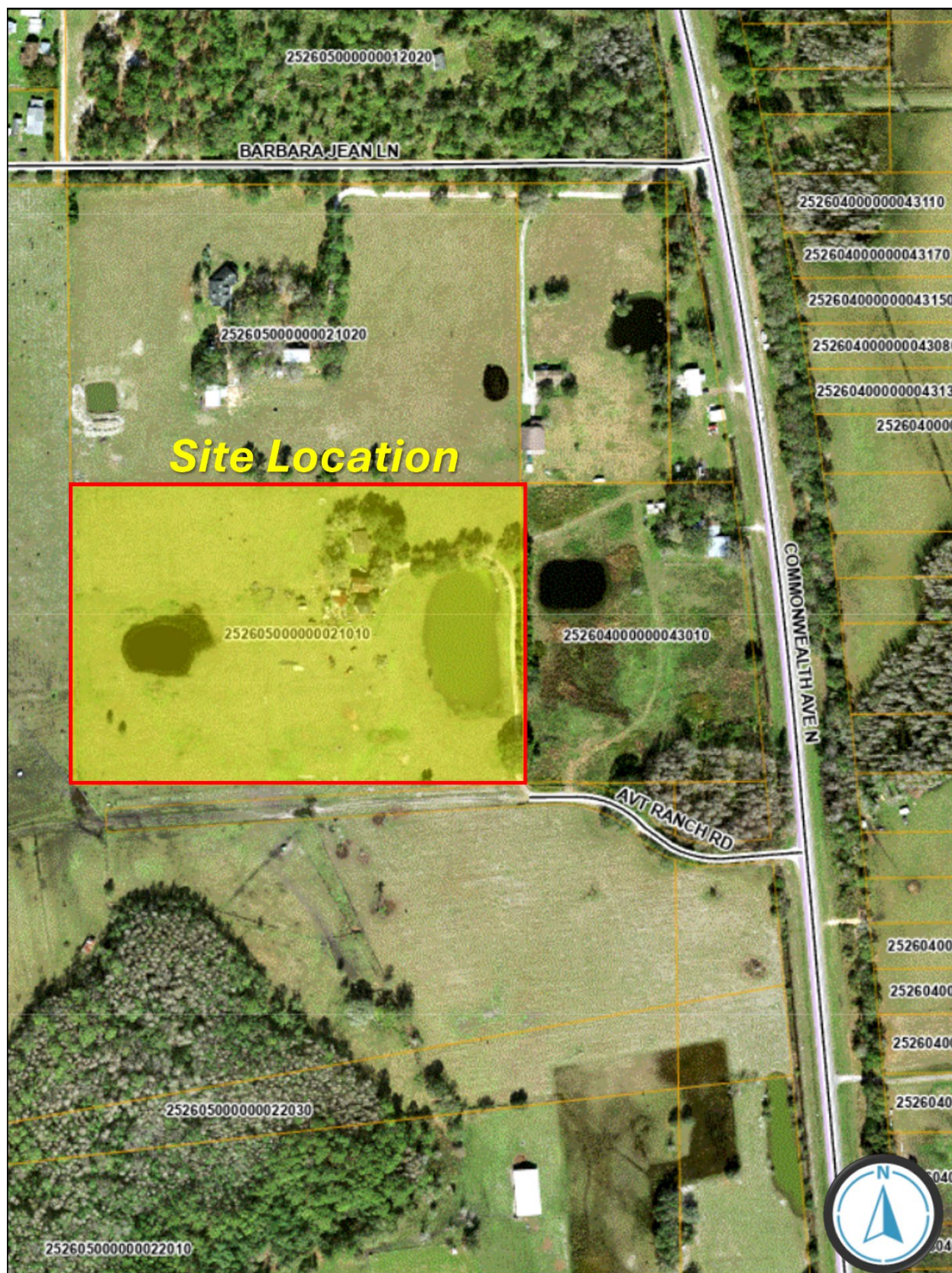
Location Map



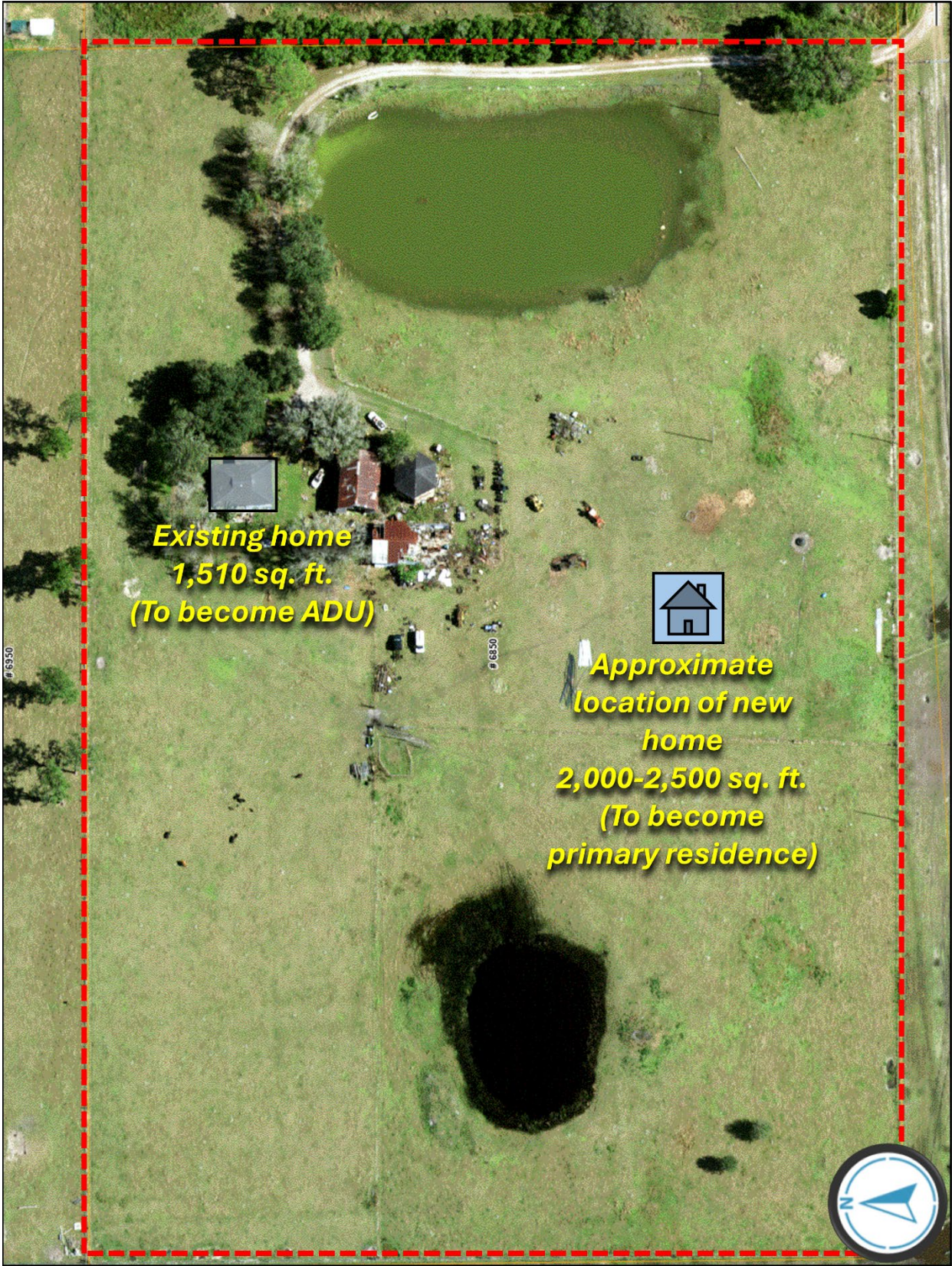
Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)



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?

na

What is the hardship if the variance is not approved?

Assisting Older parents, taking proper care of the homestead.

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

na

Do you have Homeowners Association approval for this request?

na

Justification

LDLVAR-2025-52 - Hudson Variance

Menu

Reports

Help

Application Name:

Hudson Variance

File Date:

08/01/2025

Application Type:

LUHO - Variance

Application Status:

Approved For Hearing

Application Comments:

View ID

Comment

Date

Description of Work:

We are wanting to build our home next to where my father is staying to help assist . This property is where I grew up and would like to reside. My father is staying in the old home which is 1300 sq ft. We would like to build the new home to be the new Primary residence. We have not started looking at plans yet but we would like to build around 2000-2500 sq ft home. The variance we are seeking would place the home center property, south of old homestead/close to south property line. My father is the only person to stay in the ranch home.

Application Detail:

Detail

Address:

6850 A V T RANCH RD, POLK CITY, FL 33868

Parcel No:

252805000000021010

Owner Name:

HUDSON, JOSEPH DAVID

Contact Info:

Name

Organization Name

Contact Type

Contact Primary Address

Status

HUDSON, JOSEPH DAVID

HUDSON, JOSEPH D...

Engineer

Mailing, 13826 Commonw...

Active

Licensed Professionals Info:

Primary

License Number

License Type

Name

Business Name

Business License #

Job Value:

\$0.00

Total Fee Assessed:

\$1,057.00

Total Fee Invoiced:

\$1,057.00

Balance:

\$0.00

Custom Fields:

LD, GEN, BOA

GENERAL INFORMATION

Expedited Review

Number of Lots

Will This Project Be Phased

Acreeage

DRC Meeting Time

DRC Meeting

Rescheduled DRC Meeting

Rescheduled DRC Meeting Time

Green Swamp

Number of Units

Case File Number

Is this Polk County Utilities

One Year Extension

FS 119 Status

PUBLIC HEARINGS

Development Type

Application Type

Variance Type

Brownfields Request

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

MEETING DATES

LUHO Hearing Date

ALCOHOL BEVERAGE DIST REQ

Type of Business

Type of License

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?

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

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

What is the hardship if the variance is not approved?

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

Do you have Homeowners Association approval for this request?

LD, GEN, BOA, EDL

Opening DigEplan List...

DigEplan Document List

PLAN REVIEW FIELDS

TMPRecordID

DocumentGroupforDPC

RequiredDocumentTypesComplete

RequiredDocumentTypes

[Inspections](#) [Miscellaneous](#) [Plate Record Drawings](#)
[Response Letter Resubmittal Complete Staff Report](#)
[U/Approval Letter Survey Title Opinion](#)
[Digital/SigCheck](#)

Activate FSA
[Yes](#)

PLAN UPLOAD ACKNOWLEDGEMENT
Upload Plans Acknowledgement
[X](#)

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	1	22	10/08/2025	10/08/2025	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Saralis Wons	Application ...	08/18/2025	Saralis Wons
	Roads and Drainage Review	Phil Iven	Approve	08/21/2025	Phil Iven
	Planning Review	Kyle Rogus	Approve	09/03/2025	Kyle Rogus
	Review Consolidation	Lisa Simons-Iri...	Approved for...	09/04/2025	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	

Prepared by and return to:
Julie Landrigan Ball, Esquire
Hardin & Ball, P.A.
1905 Bartow Road
Lakeland, Florida 33801
863-688-5200
Parcel Identification Number: 25-26-05-000000-021010

INSTR # 2022168062
BK 12304 Pgs 0607-0608 PG(s)2
06/20/2022 01:26:26 PM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES 18.50
DEED DOC 0.70

_____[Space Above This Line For Recording Data]

Trustee's Deed

This Trustee's Deed made this 16th day of June, 2022, between Carl Lee Hudson, a married man, Successor Trustee of the Revocable Living Trust of Carl S. Hudson dated the 8th day of November 2004, as Amended and Restated, whose post office address is 5255 SW 69th Dr., Jasper, FL 32052, grantor, and Joseph David Hudson, whose post office address is 13826 Commonwealth Ave N., Polk City, FL 33868, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

WITNESSETH, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations to said grantor, in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Polk County, Florida**, to-wit:

The West 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 5, Township 26 South, Range 25 East, Polk County, Florida.

AND

The Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 5, Township 26 South, Range 25 East, Polk County, Florida.

Subject to taxes for 2022 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

N.B. Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is: 5255 SW 69th Dr., Jasper, FL 32052.

THE NAMES OF THE GRANTOR AND GRANTEE AND THE LEGAL DESCRIPTION OF THE PROPERTY WERE FURNISHED BY THE GRANTOR/GRANTEE AND NO OPINION BY THE PREPARER WAS RENDERED WITH REFERENCE TO THE CONDITION OF THE TITLE OR ANY OTHER MATTERS CONTAINED HEREIN.

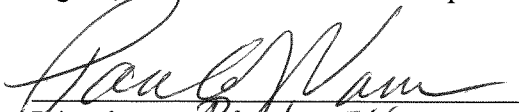
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

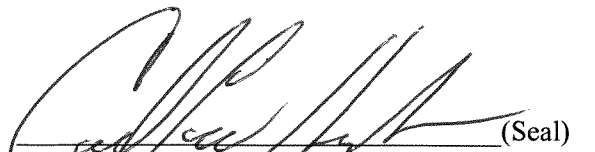
TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

IN WITNESS WHEREOF, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Printed name: Paula J. Vary

 (Seal)
Carl Lee Hudson, Successor Trustee of the
Revocable Living Trust of Carl S. Hudson dated
the 8th day of November 2004, as Amended and
Restated

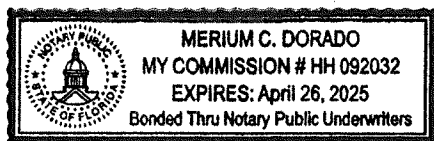

Printed name: Merium C. Dorado

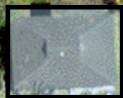
State of Florida
County of Polk

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 16th day of June, 2022 by Carl Lee Hudson, Successor Trustee of the Revocable Living Trust of Carl S. Hudson dated the 8th day of November 2004, as Amended and Restated. He is ☒ personally known to me or ☐ has produced a driver's license as identification.

(Notary Seal)


Notary Public
Printed Name: _____
My commission Expires: _____





Existing home
1,510 sq. ft.
(To become ADU)



Approximate
location of new
home
2,000-2,500 sq. ft.
(To become
primary residence)



Polk County
Polk County Land Use Hearing Officer

Agenda Item 10.

10/23/2025

SUBJECT

LDLVAR-2025-53 (Colman Road Quadplex ROW)

DESCRIPTION

David Norris, P.E., on behalf of Jean Quetely, requests a right-of-way setback reduction from 35 feet to 32 feet and side yard setback reductions from 15 feet to 10 feet for a four (4) dwelling unit building (quadraplex) on ± 0.22 acres (9,699 square feet) in a Community Activity Center (CAC) district. The property is located on the northeast corner on the intersection of Coleman Road and Carla Court, east of Deena Way, west of King Road, west of Recker Highway, east of Spirit Lake Road, west of the city of Winter Haven in Section 25, Township 28, Range 25.

RECOMMENDATION

Approval

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

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

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

DRC Date	October 9, 2025	CASE #:	LDLVAR-2025-53 (Colman Road Quadplex ROW)
LUHO Date	October 23, 2025	LDC Section:	208, Table 2.1

Project Number: LDLVAR-2025-53

Request: The applicant is requesting a right-of-way setback reduction from 35 feet to 32 feet and side yard setback reductions from 15 feet to 10 feet for a four (4) dwelling unit building (quadraplex).

Applicant: David Norris P.E.

Property Owner: Jean Quetely

Location: Northeast corner on the intersection of Coleman Road and Carla Court, east of Deena Way, west of King Road, west of Recker Highway, east of Spirit Lake Road, west of the city of Winter Haven in Section 25, Township 28, Range 25.

Parcel ID#: 252825-354600-000150

Size: ±0.22 acres (9,699 square feet)

Land Use Designation: Community Activity Center (CAC)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Erik Peterson, AICP
Planning Administrator

Summary:

The applicant is seeking to build a four-unit apartment building on a corner lot in an existing quadraplex subdivision. Shape of the lot and proximity to the roadway make it difficult to meet all setbacks in the CAC district which are typically for commercial land uses rather than small scale multifamily.

The Village East subdivision plat was designed and approved for quadruplex units on each of the 17 platted lots within the subdivision. At the time of development in the 1980s, the zoning district did not require side yard setbacks as long as there was at least 10 feet of building separation and rear yard setbacks were 10 feet rather than 15 feet as they are today. Additionally, the parking requirements for multifamily dwellings have increased from 1½ spaces per unit to two (2). The setback relief the applicant is seeking is relatively modest for the circumstances.

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 posted speed on Coleman Road is 35 miles per hour and the applicant is requesting less than a 7% reduction on one corner of the proposed building.
- **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 development standards such as setbacks and parking requirements have changed since the original quadruplex development was designed over 45 years ago.
- **Granting the requested variance will not confer on the applicant any special privilege** because all but one of the lots within the development meet today's setback standards.

Staff recommends additional time to apply for permits for this request to allow for securing financing, finalizing architectural plans, site and structural engineering.

Development Review Committee

The Development Review Committee, based on the criteria for granting Variances, finds that the applicant's request as written **IS CONSISTENT** with **Section 931** of the Polk County Land Development Code.

Development Review Committee Recommendation: Based upon the application, and a recent site visit, the Development Review Committee recommends **APPROVAL of LDLVAR-2025-53**, 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 setback reduction from 35 feet to 32 feet and side yard setback reductions (both sides) from 15 feet to 10 feet for a four (4) dwelling unit building (quadruplex).
2. The applicant must apply for all necessary permits within three (3) years of the date for which the Land Use Hearing Officer's Final Order is rendered.
3. 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 applicant's setback relief is relatively minimal compared to some others in the plat/neighborhood. The setbacks in the Community Activity Center (CAC) district are also intended more for retail businesses, commercial plazas, and large multifamily developments. They do not serve the same purpose on an individual, lot by lot basis. Some flexibility will not be injurious to the area involved or otherwise detrimental to the public welfare. The posted speed on Coleman Road is 35 miles per hour and the applicant is requesting less than a 7% reduction on one corner of the proposed building. At a reduction from 15 to 10 feet on the side lot lines, the building will be over 25 feet from the nearest offsite building which is more separation between buildings than most of the other properties in the development/plat.

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;*

Special conditions and circumstances exist which are peculiar to the land. The lot is not as uniform in shape as most of the quadruplex lots are within the development, and it is also a corner lot. All but four of the 17 have a full 90 feet of width and 105 feet of depth. The applicant's lot is only 70 feet wide on the north end and the right-of-way setback is greater than 11 of the 17 lots. Staff insists upon holding the building to the required number of spaces because rental tenants today possess more vehicles than they did over 40 years ago.

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

The property owner purchased the parcel in February of 2004. The plat was recorded in 1981. The plat was designed for multifamily quadruplexes on each lot under the zoning ordinance in existence at the time. Development regulations changed in September of

2000. Setback standards increased from zero (0) on the sides to 15 feet and 10 feet on the rear to 15 feet. The applicant is proposing the first new buildings in the development since the 1980s. It is reasonable that the owner was not aware that the development standards had changed since the other units were built or that the same standards that the previous units were built under no longer applied. The parking standards were also lower at 1½ spaces per unit in the 1980s whereas they are two (2) spaces per unit today. Although, some of the buildings proved eight spaces where most only provide six spaces.

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;*

There is only one structure out of a total of 15 buildings in the development that meets the current setback requirements of the CAC district. While all 15 were established when the zoning was C-3 and setbacks were not required on side lot lines as long as building separations were met, approximately seven (7) are not meeting the 10 feet that was required from rear lot lines and two (2) of them are not meeting the right-of-way setbacks from Coleman Road. Therefore, approval does not confer on the applicant a special privilege. Additionally, the applicant's property is a corner parcel and lacks the same depth as other parcels in the subdivision which further complicates the placement of the quadruplex.

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

The applicant is proposing a ±3,916 square foot quadruplex which is similar in size to all the other existing quadruplexes in the development (see Table 1). This requires a minimum of eight (8) paved parking spaces per LDC Section 709. There is a 10-foot-wide utility easement on the north side of the lot. To provide for the building, required parking with entrance turning radius, and avoid the utility easement, this is the minimum variance needed to exercise the vested development rights enjoyed by the other quadruplex buildings in the subdivision. The largest amount of relief is five feet on each of the side lot lines which leaves more of a separation than many of the quadruplexes in the development. The relief from the Coleman Road right-of-way is less than 7% compared to the building on Lot 17 which is at a 25% reduction from the standard length.

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. While all multifamily development requires Planning Commission approval in CAC, the plat is considered a vested development per LDC Section 111 Vested Rights and a quadruplex on this property would also meet the requirements of Residential Infill in Section 303 for administrative approval.

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.*

The entire Village East plat was zoned Regional Commercial (C-3) under the original 1971 zoning map. Multifamily dwellings were permitted by right in C-3 up to 16 dwelling units per acre. It did not require Board approval for quadruplexes on each of the 17 lots. The subdivision was intended for 68 total units on ± 5.31 acres for a density of 12.8 dwelling units per acre. The Board approved the plat on January 27, 1981. There are no conditions or specific plat notes on the plat.

Surrounding Future Land Use Designations and Existing Land Use Activity:

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

Table 1

Northwest: CAC Carla Court (local road) Lot 21 3,888 sq.ft. Quadruplex On a $\pm 9,449$ sq.ft. lot <15 feet from both side and rear	North: CAC Lot 14 3,828 sq.ft. Quadruplex On a $\pm 12,497$ sq.ft. lot ± 0 feet from side and rear lot line	Northeast: CAC Lot 17 3,600 sq.ft. Quadruplex On a $\pm 10,202$ sq.ft. lot ± 26 feet from right-of-way
West: Community Activity Center (CAC) Carla Court (local road) Lot 10 vacant $\pm 9,090$ sq.ft. lot	Subject Property: Community Activity Center (CAC) Lot 15 vacant $\pm 9,699$ sq.ft. lot	East: CAC Lot 16 3,828 sq.ft. Quadruplex On a $\pm 9,643$ sq.ft. lot ± 52 feet from right-of-way ± 12 feet from rear and ± 5 feet from east side lot line
Southwest: Residential Medium (RM) Coleman Road (urban collector) 1,500 sq.ft. single-family dwelling 15 feet from right-of-way $\pm 8,520$ sq.ft. lot	South: Residential Medium (RM) Coleman Road (urban collector) 5,838 sq.ft. office building fronting King Road ± 10.11 acre tract	Southeast: Community Activity Center (CAC) Coleman Road (urban collector) vacant ± 1.83 acre lot

Carla Court is part of the Village East plat approved by the Board of County Commissioners in 1981 (Plat Book 71, Page 6) and was intended for quadruplexes to be placed on each lot in the subdivision. The property was zoned Regional Commercial (C-3) in which multiple family dwellings were a permitted use. Setbacks were 35 feet from the right-of-way, not required on the side, and 10 feet in the rear. Building separation was 10 feet plus 1/3 of a foot for each foot of building over 15 feet. That is why many of the existing quadruplexes in the subdivision are on or near side lot lines. However, the quadruplex on lot 17 is within less than the 35-foot right-of-way setback of Coleman Road which is more than the applicant is requesting in relief. It was built in 1984. The County does not have complete records of variance approvals prior to 1990.

In the plat, there is a 10-foot drainage easement abutting the right-of-way of Coleman Road and there is a 10-foot utility easement that separates the applicant's property and Lot 16 from Lot 14 to the north. There is an 8-inch gravity wastewater line that extends to a manhole that provides sanitary sewer connection to lots 14-17 in it. There is a six-inch water line in the right-of-way on

Coleman Road and a 4-inch water line in the right-of-way of Carla Court along the western side of the property.

Comments from other Governmental Agencies:

None.

Exhibits:

Exhibit 1 – Location Map

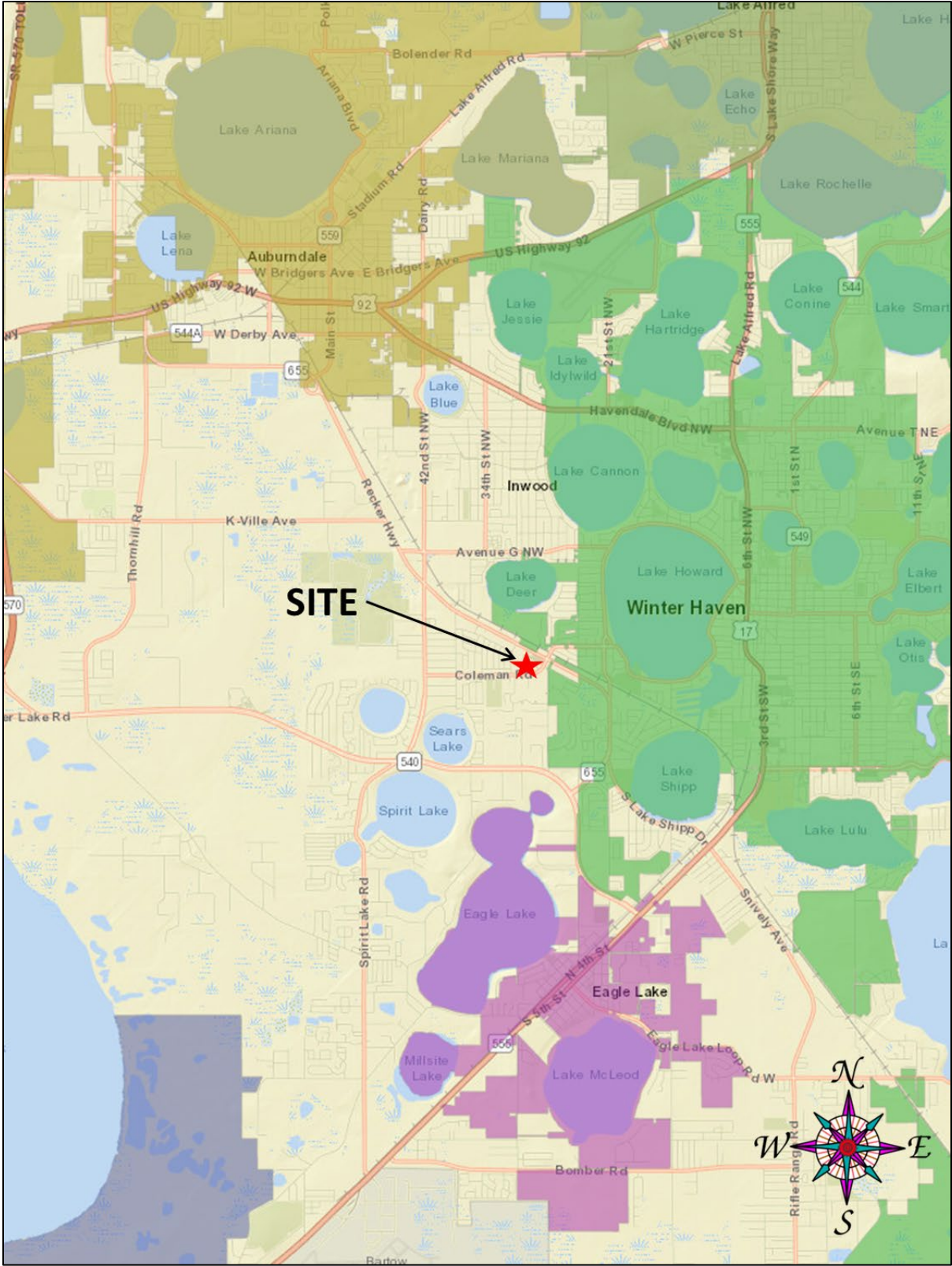
Exhibit 2 – Future Land Use

Exhibit 3 – 2023 Aerial Context

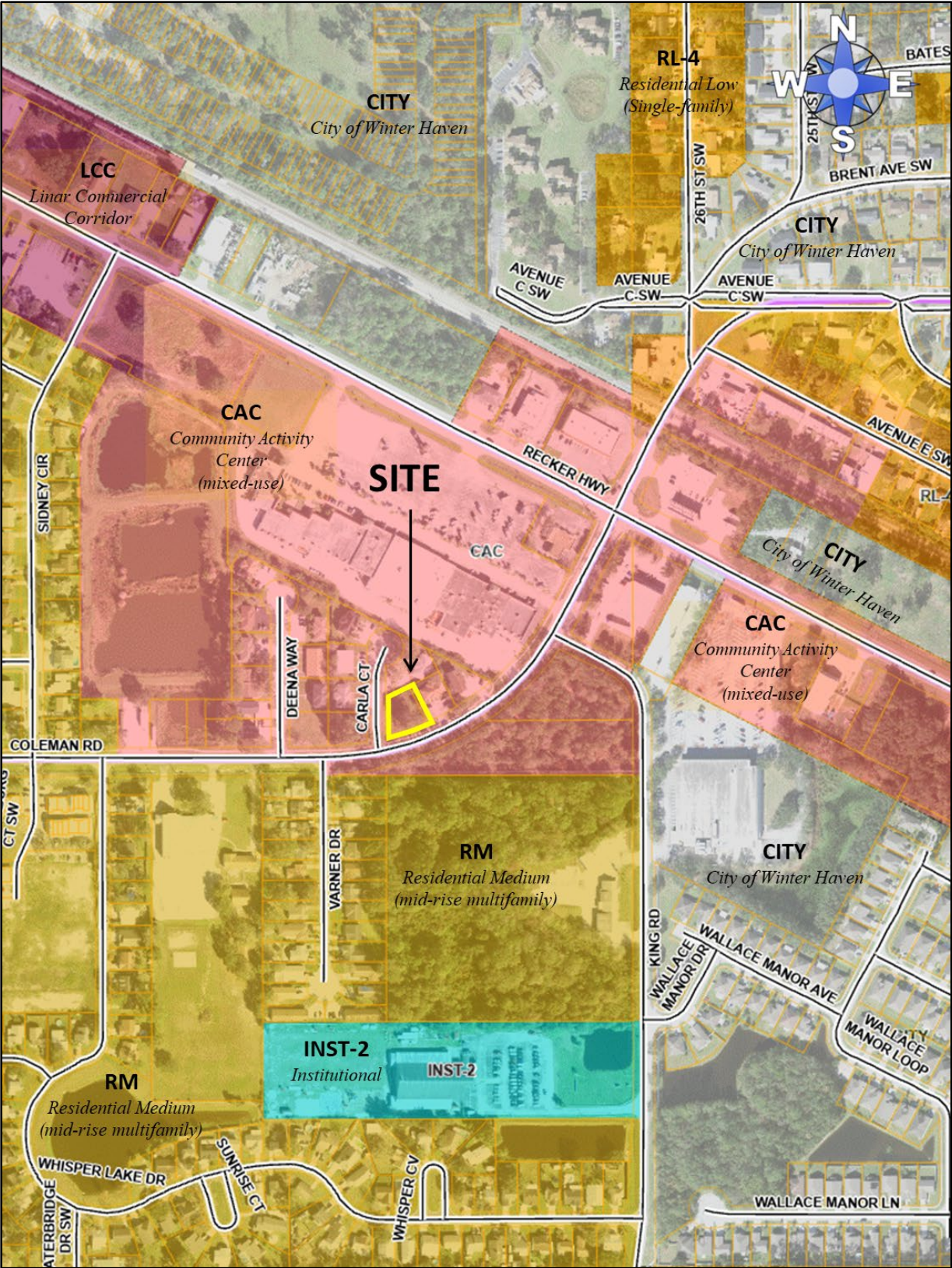
Exhibit 4 – 2023 Aerial Close-up

Exhibit 5 – Site Plan

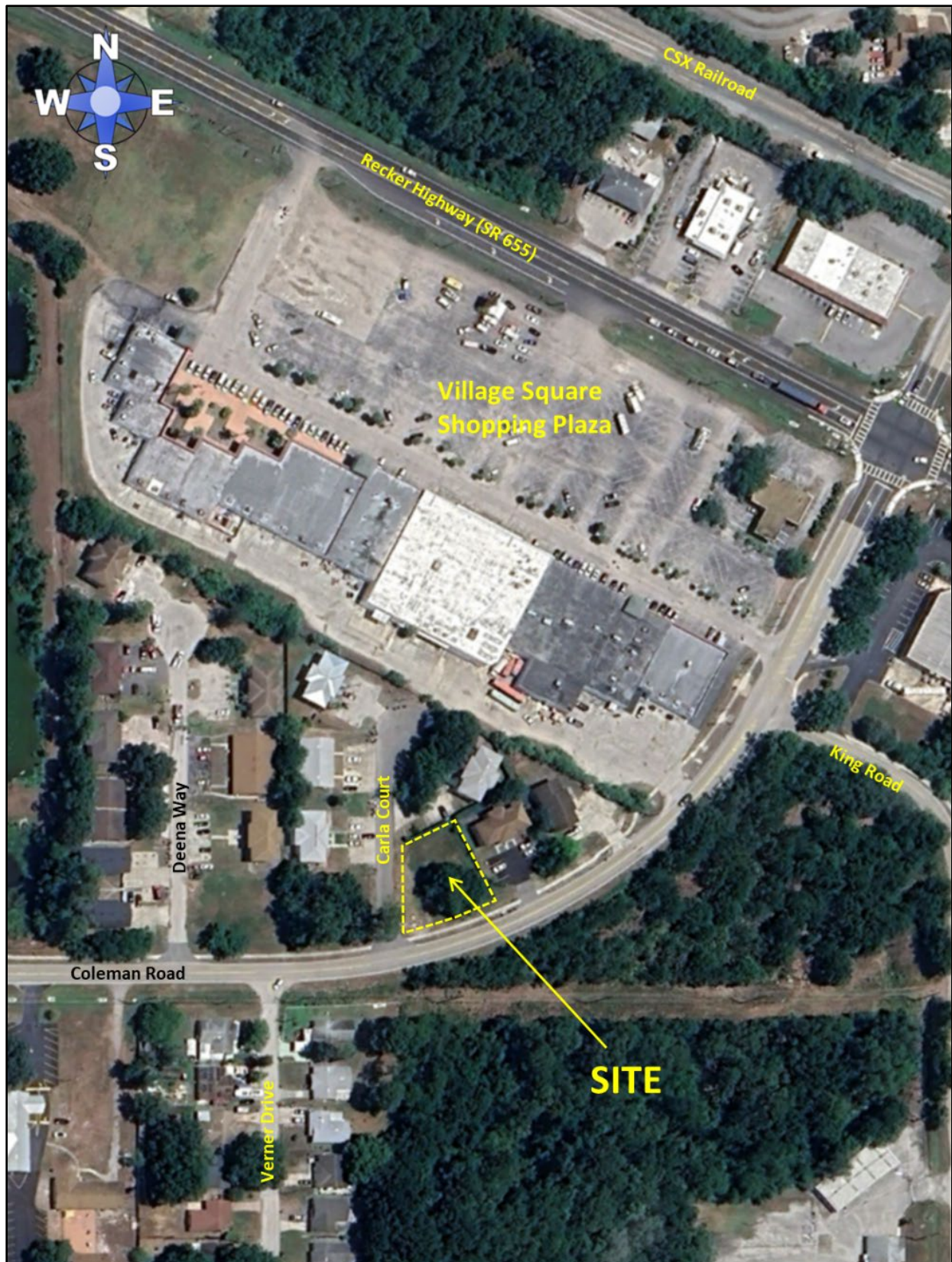
Exhibit 6 – Criteria Justification



Location Map



Future Land Use



2024 Satellite Photo Context



2023 Aerial Photo Close-Up

186

CRITERIA FOR GRANTING VARIANCE

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

Granting this variance will have no adverse affects on the neighboring properties. But will keep with the existing quadplexes.

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

The lot is irregularly shped.

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

February 6, 2004.

What is the hardship if the variance is not approved?

The reason for this variance is to make available 2 BR's / family size instead of single.

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

Yes.

Do you have Homeowners Association approval for this request?

N/A

Applicant's Justification

LDLVAR-2025-53 - Quetely Variance

Menu

Reports

Help

Application Name:

Quetely Variance

File Date:

08/01/2025

Application Type:

LUHO - Variance

Application Status:

In Review

Application Comments:

View ID	Comment	Date
---------	---------	------

Description of Work:

New two-story quadruplex building with paved parking area. Need setback variance for N, E, & S property lines.

Application Detail:

Detail

Address:

COLEMAN RD, WINTER HAVEN, FL 33880

Parcel No:

252825354600000150

Owner Name:

JEAN QUETELY M

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
DAVID NORRIS		Applicant	Mailing, 112 Coleman R...	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
	.22
DRC Meeting Time	DRC Meeting
	9/11/2025
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	Application Type
Land Use Hearing	Variance
Officer	
Variance Type	Brownfields Request
Distance	N/A
Between	
Buildings	
Affordable Housing	

ADVERTISING

Advertising Board	Legal Advertising Date
Land Use Hearing	
Officer	

MEETING DATES

LUHO Hearing Date
10/23/2025

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?
[Granting this variance will have no adverse affects on the neighboring properties. But will keep with the existing quadplexes.](#)

What special conditions exist that are peculiar to the land, structure, or building involved?
[The lot is irregularly shped.](#)

When did you buy the property and when was the structure built? Permit Number?
[February 6, 2004.](#)

What is the hardship if the variance is not approved?
[The reason for this variance is to make available 2 BR's / family size instead of single.](#)

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

Do you have Homeowners Association approval for this request?
[N/A](#)

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

PLAN REVIEW FIELDS
TMPRecordID
[POLKCO-REC25-00000-00X8E](#)
RequiredDocumentTypesComplete
[No](#)

DocumentGroupforDPC
[DIGITAL PROJECTS LD](#)
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](#)
RequiredDocumentTypes
-
Activate DPC
Activate FSA
[Yes](#)
DigitalSigCheck
[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 ...	09/04/2025	Lisa Simons-Iri...
	Roads and Drainage Review	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
Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments	

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
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VILLAGE EAST

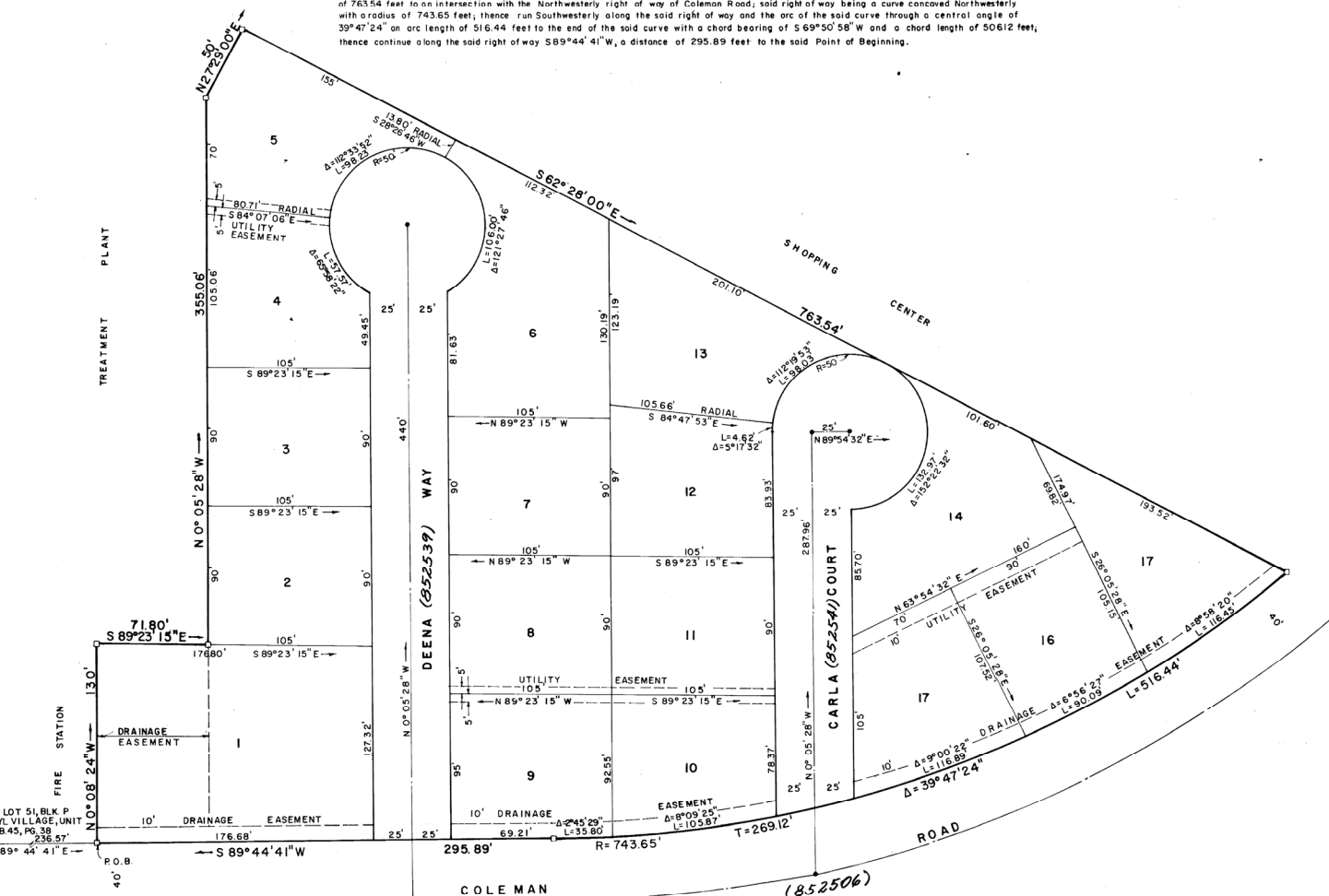
A SUBDIVISION OF A PORTION OF SECTION 25, TOWNSHIP 28 SOUTH,
RANGE 25 EAST, POLK COUNTY, FLORIDA

DESCRIPTION

Commence at the Southeast corner of Lot 51, Block P, of Jan Phyl Village Unit 10 as recorded in plot book 45, page 38 of the Public Records of Polk County, Florida, for a point of reference, from the said point of reference run N 89° 44' 41" E along the North right of way of Coleman Road, a distance of 236.57 feet to the Eastern boundary of the Fire Station property and the Point of Beginning, from the said Point of Beginning run N 0° 08' 24" W along the said Eastern boundary of the Fire Station property, a distance of 130 feet to the Northeast corner of the said Fire Station and a point on the Southerly boundary of the Sewage Treatment Plant property; thence run S 89° 23' 15" E along the said Southerly boundary, a distance of 71.80 feet to the Southeast corner of the said Sewage Treatment Plant property; thence run N 0° 05' 28" W along the Eastern boundary of the said Sewage Treatment Plant property, a distance of 355.06 feet; thence continue along the said Eastern boundary N 27° 29' 00" E, a distance of 50 feet to the Southwesterly corner of the Shopping Center property; thence run S 62° 28' 00" E along the Southwesterly boundary of the said Shopping Center property, a distance of 763.54 feet to an intersection with the Northwesterly right of way of Coleman Road, said right of way being a curve concave Northwesterly with radius of 743.65 feet; thence run Southwesterly along the said right of way and the arc of the said curve through a central angle of 39° 47' 24" on an arc length of 516.44 feet to the end of the said curve with a chord bearing of S 69° 50' 58" W and a chord length of 506.12 feet; thence continue along the said right of way S 89° 44' 41" W, a distance of 295.89 feet to the said Point of Beginning.

SURVEYORS NOTES
 INDICATES 4" X 4" X 30" CONCRETE MARKER WITH DISC STAMPED P.M. 2260.

INDICATES DISC IN PAVEMENT OR 4" X 4" X 30" CONCRETE MARKER STAMPED P.C. 2260.



LOT 51, BLK P
VILLAGE, UNIT
10, PG 38
236.57'
89° 44' 41" E

APPROVAL: COUNTY ENGINEER
STATE OF FLORIDA
COUNTY OF POLK

PB 77 PG 6

This plot is hereby approved by the Polk County Engineering Department this 27th day of January, A.D. 1981.

Harold E. Towner
County Engineer

APPROVAL: COUNTY COMMISSION
STATE OF FLORIDA
COUNTY OF POLK

This Plot, approved this 27th day of January, A.D. 1981, by the Board of County Commissioners of Polk County, Florida.

BOARD OF COUNTY COMMISSIONERS

Attest: *E.D. Bud Dixon*
Clerk

By: *Frank B. Smith Jr.*
Chairman

APPROVAL: PLANNING DEPARTMENT
STATE OF FLORIDA
COUNTY OF POLK

This plot is hereby approved by the Polk County Planning Department this 28th day of January, A.D. 1981.

George B. Williams
Director

CLERK OF CIRCUIT COURT
STATE OF FLORIDA
COUNTY OF POLK

I, E.D. Bud Dixon, Clerk of Circuit Court of Polk County, Florida, do hereby certify that this plot has been accepted for recording this 27th day of January, A.D. 1981.

E.D. Bud Dixon
Clerk of Circuit Court

SURVEYOR'S CERTIFICATE
STATE OF FLORIDA
COUNTY OF POLK

I hereby certify that this plot is a true and correct representation of the heron described land which was recently surveyed and plotted under my direction and supervision, and that permanent reference monuments and permanent control points have been set in accordance with Chapter 177, Florida Statutes. Survey data complies with all the requirements of Chapter 177 Florida Statutes.

ALPHA Engineering & Surveying, Inc.

Date: Jan. 27, 1981

Robert E. Longmire
Florida Land Surveyor
Florida Registration Number 2260

DEDICATION

STATE OF FLORIDA
COUNTY OF POLK

Known all men by these presents that Paul C. Varner, individual owner of the land shown hereon has caused this plot of Village East to be made and hereby dedicates to the use of the public forever, all streets, alleys, rights of way, and easements shown on this plot for the purposes indicated.

Witness: *Paul C. Varner*
By: *Paul C. Varner*
Paul C. Varner, individual

ACKNOWLEDGEMENT
STATE OF FLORIDA
COUNTY OF POLK

I hereby certify that on this day before me, personally appeared Paul C. Varner, individual to me known to be the person who executed the foregoing dedication and he acknowledged same before me this 27th day of January, A.D. 1981.

My commission expires: *Notary Public, State of Florida at Large*
My Commission Expires Aug. 16, 1983

Robert Wil
Notary Public

CONSENT TO DEDICATION
STATE OF FLORIDA
COUNTY OF POLK

Known all men by these presents that Emerald Equities, Inc., a corporation organized and existing under the laws of the State of Florida, mortgagee of the land described hereon does hereby consent to the dedication to the use of the public forever, all streets, alleys, rights of way, and easements shown on this plot for the purposes indicated.

Emerald Equities, Inc.

By: *Ned F. Sinder*
Ned F. Sinder, President

ACKNOWLEDGEMENT
STATE OF FLORIDA
COUNTY OF POLK

I hereby certify that on this day before me, personally appeared Ned F. Sinder to me known to be the person who executed the foregoing Dedication on behalf of said corporation and he acknowledged same before me this 27th day of January, A.D. 1981.

My commission expires: *Notary Public, State of Florida at Large*
My Commission Expires Aug. 16, 1983

Robert Wil
Notary Public

NOTE:
LOT OWNERS SHALL BE RESPONSIBLE FOR MAINTENANCE
OF VEGETATION IN DRAINAGE EASEMENTS AND FOR RETAINING
DESIGN UNCHANGED.

NO RECORDING ERROR
See U. R. Book 2001 page 1047

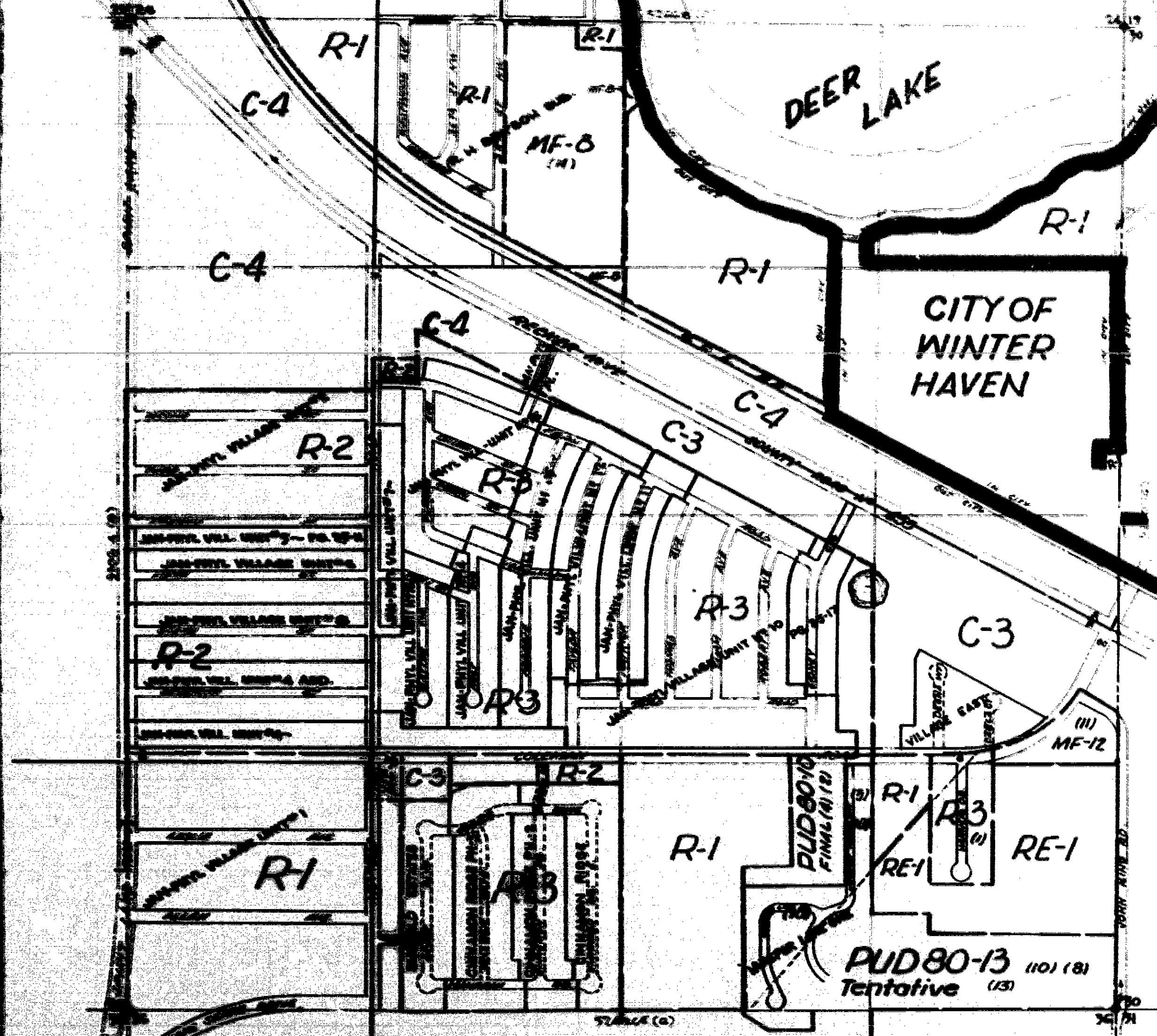
Sec. 25 Twp. 28 R. 25

630.36 ±
 300 ±
 100 ±
 WINTER HAVEN

Scale: 1"=400'

Zoning Map

ZONING ACTION INDEX		
No.	Case	Date
(1)	ZCR 84-14	6-17-79
(3)	PUD 80-1 CON.	7-24-81
(8)	PUD 80-13	4-24-84
(10)	PUD 80-13	9-25-84
(12)	PUD 80-10 CON.	10-21-80
(4)	PUD 80-10 FINAL	2-24-84
(11)	ZCR 84-109	10-23-84
14	ZCR 85-90	8-27-85
12	ZCR 84-110	11-27-84
13	PUD 80-13 Fm	12-18-84





Polk County
Polk County Land Use Hearing Officer

Agenda Item 11.

10/23/2025

SUBJECT

LDLVAR-2025-59 (Old Medulla Road ROW)

DESCRIPTION

Mark McDonald, PSM, on behalf of Tower Homes LLC, requests a right-of-way setback reduction from 35 feet to 29 feet for a single-family dwelling on ± 0.25 acres (10,890 square feet) in a Residential Low-4 (RL-4) district. The property is located on the northeast corner on the intersection of Old Medulla Road and Windee Avenue, east of Airport Perimeter East, west of Clements Road, west of Waring Road, east of the Lakeland-Linder International Airport, north, east, and south of the city of Lakeland in Section 03, Township 29, Range 23.

RECOMMENDATION

Approval

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

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

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

DRC Date	October 9, 2025	CASE #:	LDLVAR-2025-59 (Old Medulla Road ROW)
LUHO Date	October 23, 2025	LDC Section:	208, Table 2.1

Request: The applicant is requesting a right-of-way setback reduction from 35 feet to 29 feet for a single-family dwelling.

Applicant: Mark McDonald, PSM

Property Owner: Tower Homes LLC

Location: Northeast corner on the intersection of Old Medulla Road and Windee Avenue, east of Airport Perimeter East, west of Clements Road, west of Waring Road, east of the Lakeland-Linder International Airport, north, east, and south of the city of Lakeland in Section 03, Township 29, Range 23.

Parcel ID#: 232903-139567-000010

Size: ±0.25 acres (10,890 square feet)

Land Use Designation: Residential Low-4 (RL-4)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Erik Peterson, AICP
Planning Administrator

Summary:

The applicant is seeking setback relief to account for the misplacement of the building slab in relation to a collector roadway. Construction of the home had begun and passed the first level of inspection before it was realized that the right-of-way line was closer than other properties along the roadway. The variance requested is to reduce the setback standard from 35 feet to 28 feet, a 17% total reduction. The property is one parcel in a four-lot plat that fronts Windee Avenue named Windee Tower Estates. All four homesites in the plat are under construction. Construction was halted on the subject property after the concrete slab foundation was completed. The lots immediately to the east and west are much larger because they were established before the city of Lakeland extended potable water to this portion of Old Medulla Road. The extension of urban services to the area has enabled an increase in development density and a decrease in lot sizes.

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 request is modest and the 35-foot setback from urban collector road rights-of-way is not needed for public safety. It is intended for aesthetic purposes. Deeper roadway setbacks also encourage higher speeds of travel.
- Denial of the variance **will constitute unnecessary and undue hardship on the applicant** relative to the amount of public benefit derived from strict adherence to the standard. The setback encroachment is relatively small compared to the enormous cost of demolition and reconstruction.

Development Review Committee

The Development Review Committee, based on the criteria for granting Variances, finds that the applicant's request as written **IS CONSISTENT** with **Section 931** of the Polk County Land Development Code.

Development Review Committee Recommendation: Based upon the application, and a recent site visit, the Development Review Committee recommends **APPROVAL of LDLVAR-2025-59**, 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 setback reduction from 35 feet to 28 feet for a single-family dwelling.
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. 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 applicant's request for setback relief is relatively minimal (approximately a 17% reduction). The 35-foot setback from urban collector road rights-of-way is not needed for public safety. It is intended for aesthetic purposes. Deeper roadway setbacks also encourage higher speeds of travel, according to the Institute of Transportation Engineers (ITE). Much of the roadway is lined with trees and vegetation, so there is not an intrinsic aesthetic that is noticeable in the building line along this corridor. This portion of Old Medulla is close to the intersection with the entrance to the south side of Lakeland-Linder International Airport. The posted speed is 35 mph. In the past, this entrance was restricted and gated. Granting this variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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

There are special conditions and circumstances that exist which are peculiar to the land. This property has different setback regulations than the other three lots in the Windee Tower Estates plat because it is a corner lot at the intersection of a local road and an urban collector road. As a result, it is the largest of the four lots in the plat by 739 square feet (7.3% larger). This provides enough space to place the 30'x 66' (1,980 sq.ft.) dwelling at the interior side setback line and meet the 35-foot right-of-way distance from Old Medulla Road. Unfortunately, that placement was misinterpreted at some point during the site development. As a result, the 30-foot-wide foundation was placed five (5) feet three (3) and 3/8 inches too far to the south. The applicant is requesting this setback relief to reduce the added cost of construction that will result from having to physically correct the mistake.

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

The placement of the concrete slab foundation was the result of a miscommunication in the construction process that was not realized until after a substantial amount of work had been accomplished. The setback encroachment is relatively small (17% reduction) compared to the enormous cost of demolition and reconstruction.

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 only structures on Old Medulla Road that are within the 35-foot right-of-way setback are the results of right-of-way taking after the structures were built. A residence at 2711 Old Medulla Road is within 32 feet and a religious institution at 4543 Waring Road is abutting both rights-of-way on the northwest corner of Old Medulla and Waring Roads. The right-of-way was taken for turn lane expansions at the intersection. While the applicant's request can be perceived as a special privilege, it was never intentional. The setback relief is not a significant benefit to the homeowner. It is more of a benefit to the neighboring lot to the north. The granting of the variance will alleviate the substantial cost burden of demolishing the foundation and starting construction all over again. The setback encroachment is relatively small (17% reduction) compared to the enormous cost of demolition and reconstruction.

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

The applicant's request for setback relief is relatively minimal (approximately a 15% reduction). This request is just enough to render the recently constructed concrete slab foundation permissible for a single-family residence. There is no further request for encroachment into any other property line setback requirements.

6. *Whether that in no case shall a variance be granted which will result in a change of land use that would not be permitted in the applicable land use designation;*

Granting this variance will not result in a change of land use. The property has been mapped RL since 1991 and RL-4 since September 1, 2000. A single-family, site-built residence is proposed on the subject property.

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.*

The property was zoned General Industrial (GI) under the original 1971 zoning map. This area was intended to be an industrial park but during an economic downturn in the mid-1970s, lots were sold, and residences were developed on them. When the Board of County Commissioners adopted the Comprehensive Plan in 1991, the roads running north off of Old Medulla Road (Windee Avenue, Clements Road and Freedom Lane) were designated Residential Low (RL) on the Future Land Use Map. With the adoption of the LDC in 2000, RL-4 was mapped here because of the past GI zoning and the Transitional Ordinance (ORD. 2000-010). No further development restrictions are approved. Granting this

variance will not circumvent a condition or the intent of a condition placed on a development by the Planning Commission or the BoCC.

Surrounding Future Land Use Designations and Existing Land Use Activity:

The following table provides a reference point for notable and pertinent Future Land Use Map districts and existing land uses upon them.

Table 1

Northwest: RL-4 Vacant with structures belonging to lot to the south	North: ±0.25 acres RL-4 Single-family home under construction 1,980 sq. ft.	Northeast: RL-4 Mobile Home 2,108 sq. ft On ±1.17-acre lot ±56 feet from Medulla Road right-of-way
West: RL-4 0.54 acre lot Mobile Home 2,108 sq. ft ±36 feet from Medulla Road right-of-way	Subject Property: ±0.25 acres RL-4 Single-family home under construction 1,980 sq. ft. ±20 feet from Medulla Road right-of-way	East: RL-4 Mobile Home 2,108 sq. ft On ±1.17-acre lot ±56 feet from Medulla Road right-of-way
Southwest: City of Lakeland Industrial PUD 6068	South: City of Lakeland Industrial PUD 6068	Southeast: City of Lakeland Industrial PUD 6068

The subject property is one parcel in a four-lot plat that fronts Windee Avenue named Windee Tower Estates. All four homesites in the plat are under construction. Construction was halted on the subject property after the concrete slab foundation was completed. The lots immediately to the east and west are much larger because they were established before the city of Lakeland extended potable water to this portion of Old Medulla Road. The other properties outside of the plat on Windee Avenue are served by well and onsite septic systems which require larger land area to support. The property opposite Old Medulla Road to the south is approved for a ±62-acre light industrial park within the City of Lakeland under a Planned Unit Development.

Medulla Road comes to a 90-degree turn just after passing Windee Avenue heading west. At the intersection is the entrance to the south side of Lakeland-Linder International Airport. At one time, this entrance was gated which is why Old Medulla Road turns abruptly. The Florida Department of Transportation (FDOT) estimates that Old Medulla sees 1,550 vehicles traversing it daily. The Polk Transportation Planning Organization (TPO) estimates 900 of them occur during the peak hour which is likely when workers are leaving from the many businesses and industries on the south side of the airport such as the GEICO Insurance Regional Office Building, Champion Interior & Exterior Painters - Corporate office, several flight schools including Polk State College - Airside Center, and the National Oceanic and Atmospheric Administration (NOAA) Aircraft Operations Center. During the off-peak times of the day, traffic is relatively mild for an urban collector road. Windee Avenue is just under a quarter mile long. It terminates into private property 1,306 feet from the center of the intersection with Old Medulla Road.

Comments from other Governmental Agencies:

None.

Exhibits:

Exhibit 1 – Location Map

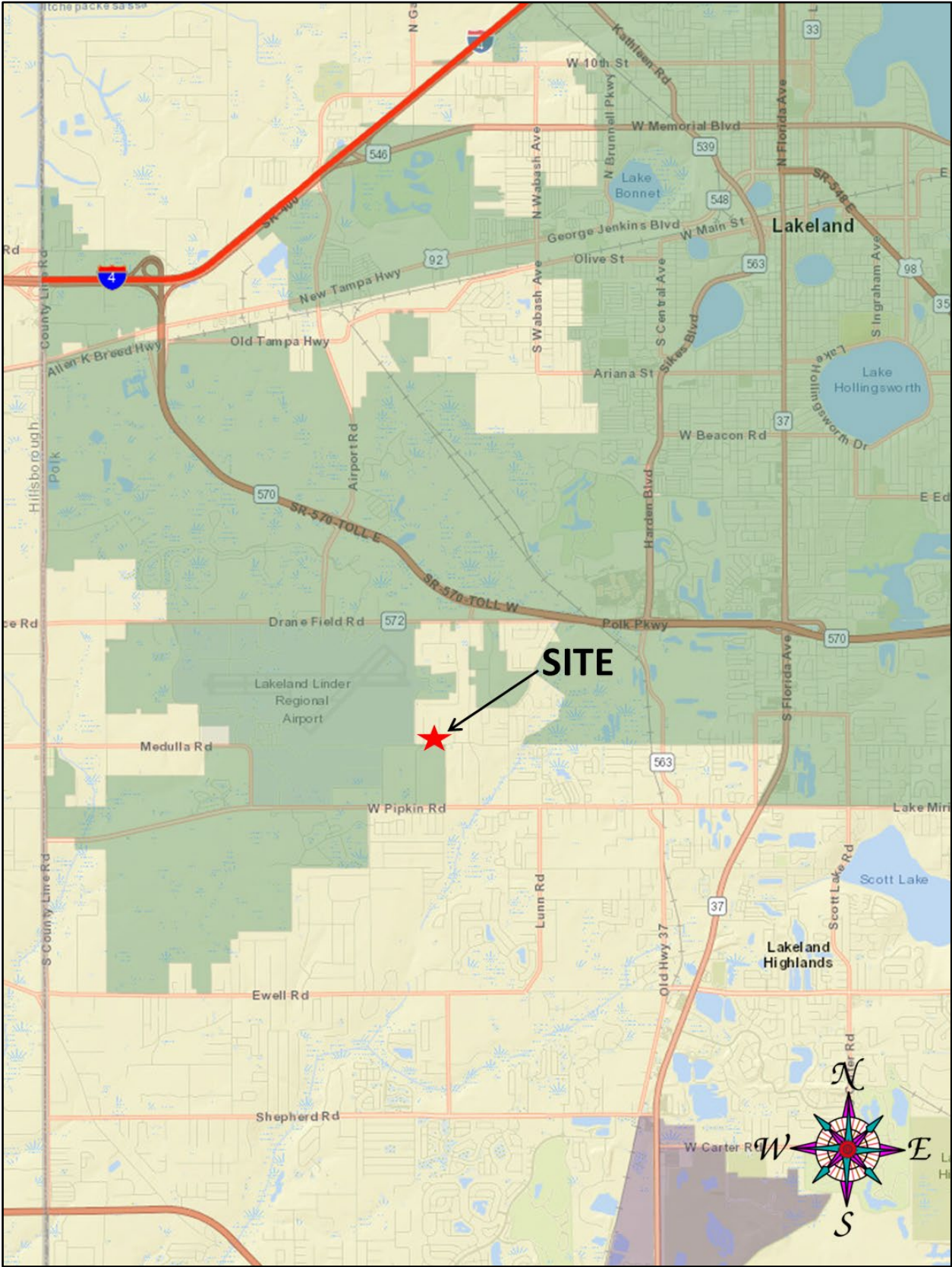
Exhibit 2 – Future Land Use

Exhibit 3 – 2023 Aerial Context

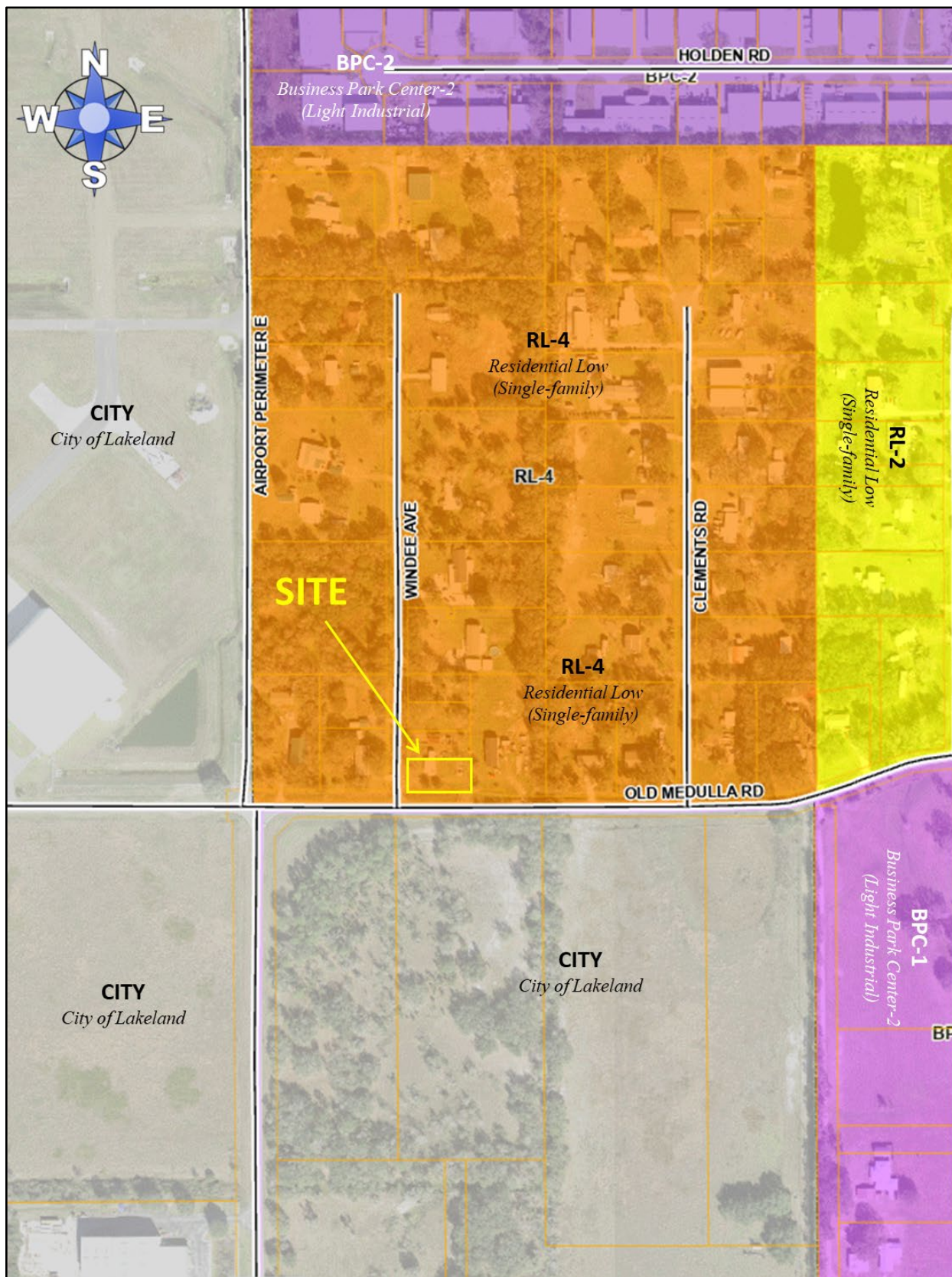
Exhibit 4 – 2023 Aerial Close-up

Exhibit 5 – Site Plan

Exhibit 6 – Criteria Justification



Location Map



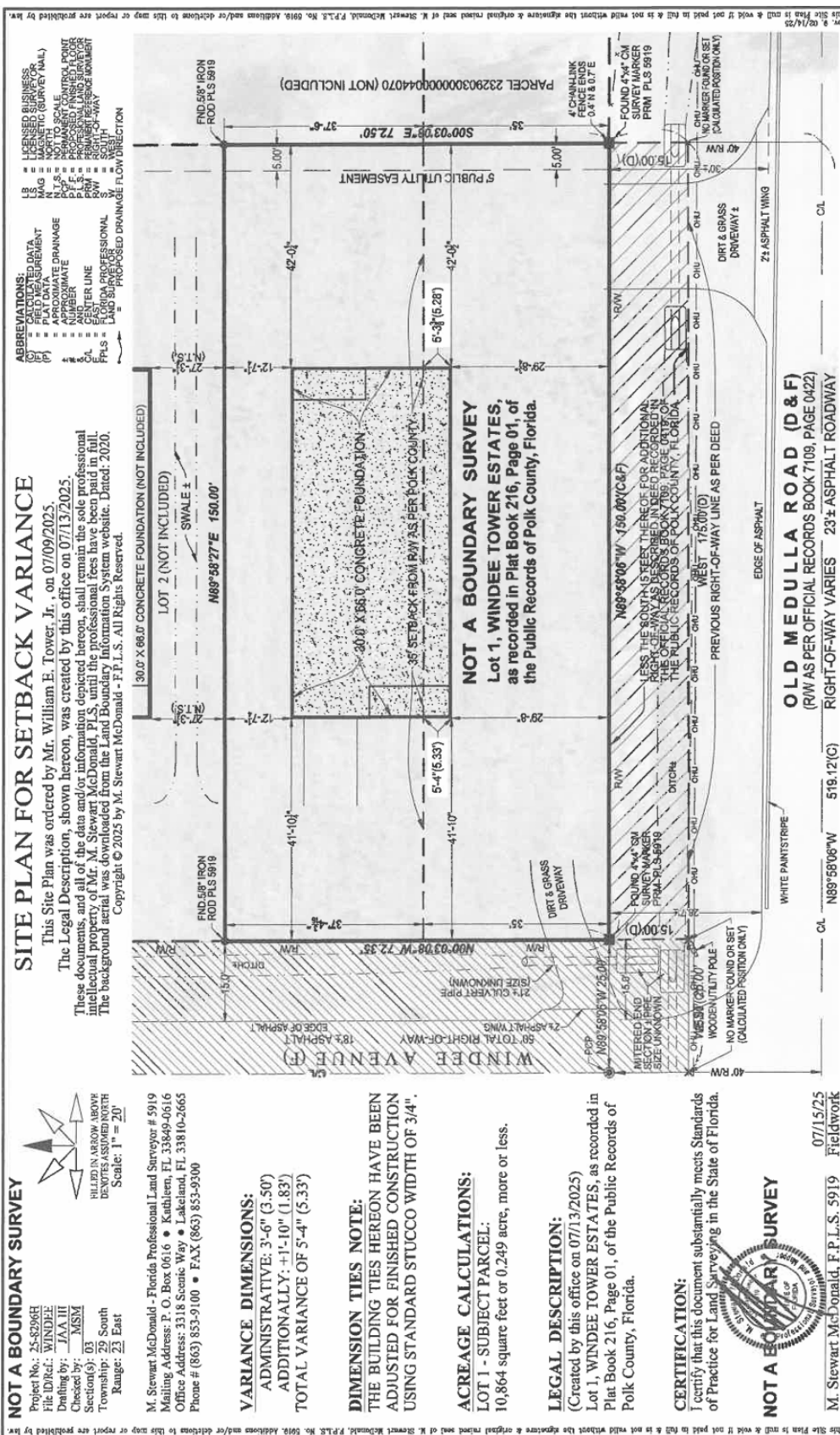
Future Land Use



2024 Satellite Photo Context

Land Use Hearing Officer
Variance/EEP

Page 10 of 12
October 23, 2025



Applicants' 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?

Purchased 05/22/24

Structure had not been built.

What is the hardship if the variance is not approved?

Fully built concrete foundation with plumbing, etc. will have to be destroyed.

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

Yes

Do you have Homeowners Association approval for this request?

N/A

Applicant's Justification

LDLVAR-2025-59 - Tower Variance

Menu

Reports

Help

Application Name:

Tower Variance

File Date:

08/28/2025

Application Type:

LUHO - Variance

Application Status:

In Review

Application Comments:

View ID	Comment	Date
---------	---------	------

Description of Work:

A Setback Variance Request of 5'-4" (5.33') from Old Medulla Road

Application Detail:

Detail

Address:

4586 WINDEE AVE, LAKE LAND, FL 33811

Parcel No:

232903139567000010

Owner Name:

TOWER HOMES LLC

Contact Info:

Name	Organization Name	Contact Type	Contact Primary Address	Status
MARK MC DONALD		Applicant	Mailing, 1425 SOUTH CO...	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
	.25
DRC Meeting Time	DRC Meeting
	9/11/2025
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	Application Type
Land Use Hearing, Officer	Variance
Variance Type	Brownfields Request
Setbacks from Private Road	N/A
Affordable Housing	

ADVERTISING

Advertising Board	Legal Advertising Date
Land Use Hearing, Officer	-

MEETING DATES

LUHO Hearing Date
10/23/2025

ALCOHOL BEVERAGE DIST REQ

Type of Business	Type of License
	-
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?

[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?

[Purchased 05/22/24](#)

[Structure had not been built.](#)

What is the hardship if the variance is not approved?

[Fully built concrete foundation with plumbing, etc. will have to be destroyed.](#)

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

[Yes](#)

Do you have Homeowners Association approval for this request?

[N/A](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-25EST-00000-44597](#)

AdditionalDocumentTypes

[Applications,AutoCad File,Binding Site Plans \(PDs, Yes
and CUs\),CSV,Calculations,Correspondence,Desig
n Drawings,Flood/Traffic Studies,Impact Statement,I
nspections,Miscellaneous,Plats,Record Drawings,R
esponse Letter Resubmittal Complete,Staff Report/
Approval Letter,Survey,Title Opinion
DigitalSigCheck](#)

[Yes](#)

DocumentGroupforDPC

[DIGITAL PROJECTS LD](#)

Activate DPC

RequiredDocumentTypesComplete

[No](#)

Activate FSA

[Yes](#)

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement

[√](#)

LAND USE

Selected Area Plan LU Code

NOR

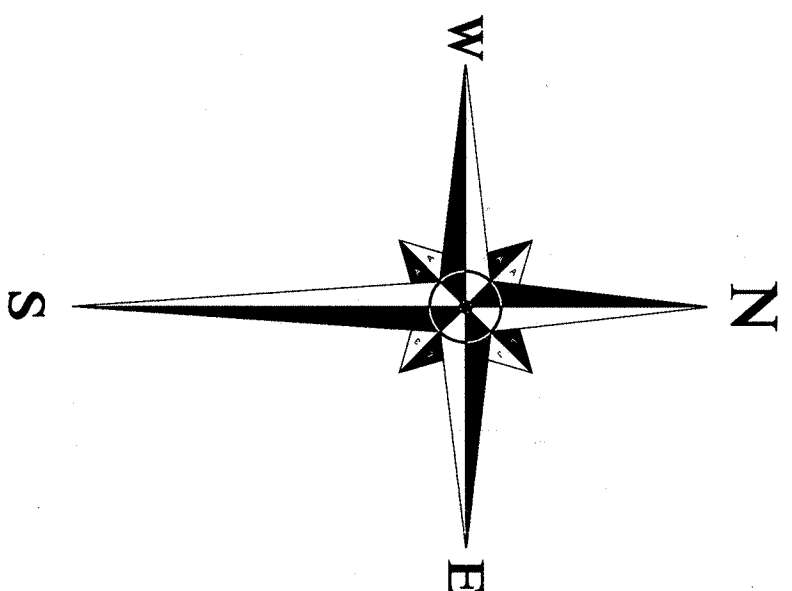
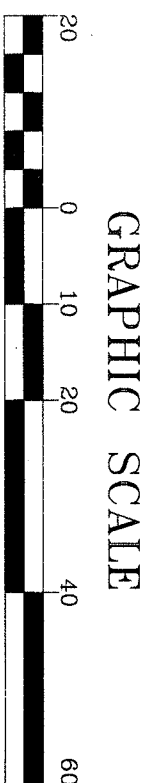
Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

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

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Saralis Wons	Application ...	09/02/2025	Saralis Wons
	Roads and Drainage Review	Phil Irvén	Approve	09/10/2025	Phil Irvén
	Planning Review	Erik Peterson	Approve	09/05/2025	Erik Peterson
	Review Consolidation				
	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	



LEGEND OF SYMBOLS:

- SET PRM - PERMANENT REFERENCE MONUMENT
- SET P-K MASONRY NAIL & DISC - PRM / PCP LS 5919
- SET 5/8" IRON ROD & CAP SURVEY MARKER LS 9919
- FOUND RAILROAD SPIKE - NO IDENTIFICATION
- FOUND 1/2" IRON ROD - NO IDENTIFICATION
- FOUND 3" IRON PIPE - NO IDENTIFICATION
- X CALCULATED POSITION - NO MARKER FOUND OR SET

ABBREVIATIONS:

- | | | |
|---|----------------------------------|--------------------------------------|
| A = BROKEN EXISTING ROAD | D = DEDICATION | P.O.B. = POINT OF BEGINNING |
| B.M. = BENCHMARK | IRB = IRON ROD AND CAP | PCP = PERMANENT CONTROL POINT |
| (D) = DESCRIBED DESCRIPTION MEASUREMENT | LB = LICENSED BUSINESS | PRM = PERMANENT REFERENCE MONUMENT |
| (F) = FIELD MEASUREMENT | LIC = LICENSED SURVEYOR | RLS = REGISTERED LAND SURVEYOR |
| B.M. = BENCHMARK (VERTICAL CONTROL POINT) | LS = LICENSED SURVEYOR | PSL = PROFESSIONAL LAND SURVEYOR |
| CL = CENTERLINE OF RIGHT-OF-WAY | MD = MEASURED DISTANCE | PSM = PROFESSIONAL SURVEYOR & MAPPER |
| CL = CENTERLINE OF RIGHT-OF-WAY | N = NORTH | RNG = RANGE |
| C.M. = CONCRETE MONUMENT | NSG = NATIONAL GEODETIC SURVEY | S = SOUTH |
| E = ELEVATION | NSG = NATIONAL GEODETIC SURVEY | SEC = SECTION |
| FOOT = FEDERAL BUREAU OF INVESTIGATION | ORR = OFFICIAL RECORDS BOOK | WP = TOWNSHIP |
| GPS = GLOBAL POSITIONING SYSTEM | P-K = PAPER-KALAMAZOO WAGON NAIL | |
| I.A.C. = INTERNATIONAL AGRICULTURAL CORPORATION | ± = PLUS OR MINUS APPROXIMATE | |

LEGAL DESCRIPTION:

(AS RECORDED IN O.R.B. 13134, PAGES 0072 - 0073, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.)
A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 03, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SECTION 03, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, THENCE NORTH 0°02'30" WEST 314.48 FEET; THENCE NORTH 89°58'27" EAST 344.06 FEET FOR A POINT OF BEGINNING, THENCE CONTINUE NORTH 89°58'27" EAST 175.0 FEET; THENCE SOUTH 0°03'08" EAST 280.0 FEET TO THE NORTH RIGHT-OF-WAY LINE OF OLD MEDULLA ROAD, THENCE WEST WITH SAID RIGHT-OF-WAY LINE 175.0 FEET; THENCE NORTH 0°03'08" WEST 288.83 FEET TO THE POINT OF BEGINNING, LESS THE WEST 280 FEET THEREOF FOR ROAD RIGHT-OF-WAY, AND LESS THE SOUTH 15 FEET THEREOF FOR PUBLIC UTILITY EASEMENT, BEING 10,125+ SQUARE FEET, OR 0.232+ ACRES, BEING PART OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING PART OF TRACT K OF UNRECORDED GREEN ACRES, SAID PARCEL CONTAINING 41,239 SQUARE FEET, MORE OR LESS, OR 0.947 ACRE, MORE OR LESS.

SURVEYOR'S NOTES:

- THIS PLAT IS BASED ON A SURVEY MADE UNDER MY DIRECT SUPERVISION IN COMPLIANCE WITH CHAPTER 117, FLORIDA STATUTES, 2. BEARINGS ARE REFERENCED TO THE WESTERLY BOUNDARY OF SECTION 3, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, HAVING AN ASSIGNED BEARING OF NORTH 0°02'30" EAST, AS PER FIRST BEARING CALL OF THE LEGAL DESCRIPTION. 3. ELEVATIONS ARE BASED ON CITY OF LAKELAND BENCHMARK 140267, HAVING A PUBLISHED ELEVATION OF 131.706', REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1885 (N.A.D. 83). 4. COORDINATES SHOWN HEREON ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (N.A.D. 83), BASED ON THE 2011 AND 2011 BASED NATIONAL GEODETIC SURVEY CONTROL POINT 959 889.424 M (POINT IDENTIFICATION NUMBER 49100). 5. THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD ZONE "X" AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 121050480G AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP REVISED DATE DECEMBER 22, 2016. 6. UNLESS OTHERWISE NOTED, ALL LOT CORNERS, POINTS OF INTERSECTION, AND CHANGES IN DIRECTION OF LINES WITHIN THE SUBDIVISION THAT DO NOT REQUIRE A PRM OR PCP HAVE BEEN MARKED WITH A 5/8" IRON ROD & CAP MARKED SURVEY MARKER PLS 9919. 7. PROPERTY OWNERS ARE RESPONSIBLE FOR THE MAINTENANCE OF VEGETATION (MOWING) IN THE PLATTED 5' PUBLIC UTILITY EASEMENT AREAS LYING WITHIN THEIR RESPECTIVE LOT. 8. CONSIDERATION MUST BE MADE WHEN SCALING DATA FROM THIS PLAT, AS ANY REPRODUCTION IS LIKELY TO ALTER THE SCALE.

SURVEYOR'S NOTES PERTAINING TO TITLE SEARCH:

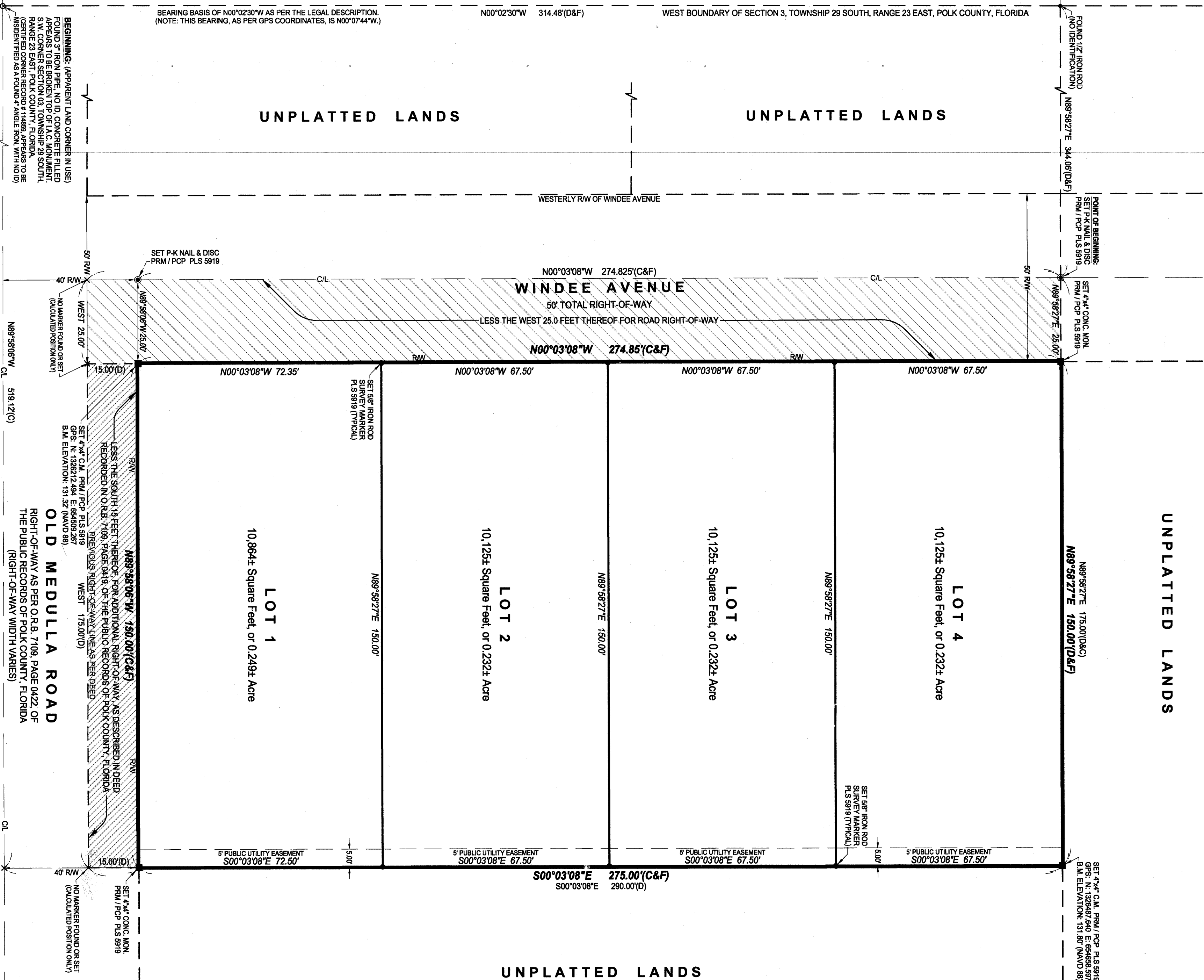
- THIS PLAT WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN TITLE OPINION PREPARED BY JONATHAN B. CRENSHAW, P.A., DATED MAY 06, 2025, WHICH WAS RELIED UPON AS BEING CORRECT AND COMPLETE, BASED UPON A SEARCH OF TITLE TO THE PROPERTY FROM MARCH 01, 1987, THROUGH MAY 07, 2025, AT 8:00 A.M., TITLE TO THE PROPERTY IS VESTED IN TOWER HOMES, LLC, A FLORIDA LIMITED LIABILITY COMPANY.
- THE PROPERTY IS SUBJECT TO THE FOLLOWING:
1. POSSIBLE UNRECORDED MATTERS AND ZONING AND OTHER GOVERNMENTAL REGULATIONS OF LAND USE:
 - A. POSSIBLE UNRECORDED RIGHTS OF TENANTS OR ADVERSE CLAIMANTS IN POSSESSION.
 - B. POSSIBLE UNRECORDED EASEMENTS.
 - C. POSSIBLE UNRECORDED RIGHTS, WALLS, FENCES, AND PLANTINGS.
 - D. POSSIBLE UNRECORDED EASEMENTS.
 - E. MATTERS WHICH WOULD BE REVEALED BY AN ACCURATE SURVEY AND PERSONAL INSPECTION OF THE LAND.
 - F. ZONING AND OTHER RESTRICTIONS, PROHIBITIONS, AND REGULATIONS IMPOSED BY GOVERNMENTAL AUTHORITIES AND RELATED TO THE LAND USE.
 2. EASEMENTS OR CLAIMS OF EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS.
 3. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR, OR MATERIAL, HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
 4. TAXES FOR THE YEAR 2025 AND ALL SUBSEQUENT YEARS.
 5. DECLARATION OF RESTRICTIONS RECORDED IN O.R.B. 01115, PAGE 0889, AS AMENDED BY INSTRUMENT RECORDED IN O.R.B. 01281, PAGE 0130, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.
 6. NO DETERMINATION HAS BEEN MADE BY THIS OFFICE REGARDING SAID DECLARATION OF RESTRICTIONS.
 7. NO DETERMINATION HAS BEEN MADE BY THIS OFFICE REGARDING SAID EASEMENT FALLS WITHIN UNDEVELOPED RIGHT-OF-WAY, RULES AND REGULATIONS OF, AND FUTURE ASSESSMENTS, IF ANY, BY SAID DISTRICT.
 8. EXCEPT AS INDICATED ABOVE, OUR TITLE SEARCH OF THIS PROPERTY REVEALS NO OTHER INSTRUMENTS AFFECTING THE SUBJECT PROPERTY THROUGH MAY 07, 2025, AT 8:00 A.M. OUR OPINION OF TITLE IS BASED ON A TITLE SEARCH REPORT OBTAINED FROM OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, ISSUED UNDER ITS FILE NUMBER 24113896.

5 FOOT UTILITY EASEMENT NOTE:

(3.00' WEST OF AND PARALLEL TO THE EAST PLATTED BOUNDARY HEREON)
THIS PLATTED 5 FOOT UTILITY EASEMENT SHALL PROVIDE THAT SAID EASEMENT SHALL ALSO BE AN EASEMENT FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES PROVIDED, HOWEVER, NO CABLE TELEVISION SERVICES SHALL BE PROVIDED TO THE PROPERTY BY ANY CABLE TELEVISION COMPANY, NOR SHALL ANY CABLE TELEVISION COMPANY, NOR ANY SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY, IN THE EVENT OF CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY, SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

WINDIEE TOWER ESTATES

A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 03, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA.



NOTICE:

THIS PROPERTY MAY BE SUBJECT TO FLOODING. YOU SHOULD CONTACT POLK COUNTY AND OBTAIN THE LATEST INFORMATION ON FLOOD ELEVATIONS AND RESTRICTIONS BEFORE MAKING PLANS FOR THIS PROPERTY. EVEN MEETING THE POLK COUNTY STANDARDS DOES NOT ENSURE THAT ANY IMPROVEMENTS, SUCH AS STRUCTURES, DRAINWAYS, YARDS, SANITARY SEWAGE SYSTEMS, AND WATER WELL SYSTEMS, WILL NOT BE FLOODED IN CERTAIN RAIN EVENTS.

FLOOD HAZARD WARNING:

THIS PROPERTY MAY BE SUBJECT TO FLOODING. YOU SHOULD CONTACT POLK COUNTY AND OBTAIN THE LATEST INFORMATION ON FLOOD ELEVATIONS AND RESTRICTIONS BEFORE MAKING PLANS FOR THIS PROPERTY. EVEN MEETING THE POLK COUNTY STANDARDS DOES NOT ENSURE THAT ANY IMPROVEMENTS, SUCH AS STRUCTURES, DRAINWAYS, YARDS, SANITARY SEWAGE SYSTEMS, AND WATER WELL SYSTEMS, WILL NOT BE FLOODED IN CERTAIN RAIN EVENTS.

COUNTY SURVEYOR'S APPROVAL:

STATE OF FLORIDA, COUNTY OF POLK
THIS PLAT HAS BEEN REVIEWED AND FOUND TO BE IN SUBSTANTIAL COMPLIANCE WITH THE PROVISIONS OF CHAPTER 117, OF THE FLORIDA STATUTES, RELATING TO MAKING MAPS AND PLATS. THIS
DATE 6-6-2025 DAY OF JUNE, A.D. 2025.
RICHARD J. BENTON, J.S.M.
FLORIDA REGISTRATION NO. 6447

COUNTY COMMISSIONERS' CONDITIONAL APPROVAL:

STATE OF FLORIDA, COUNTY OF POLK
THIS PLAT IS CONDITIONALLY APPROVED THIS 9th DAY OF JUNE, A.D. 2025, IN OPEN MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA. THE PLAT WILL NOT RECEIVE FINAL APPROVAL, NOR CAN IT BE RECORDED UNTIL ALL CONDITIONS HAVE BEEN SATISFIED.

BOARD OF COUNTY COMMISSIONERS

BY: [Signature] ATTEST: Stacy M. Butterfield
CHAIRPERSON CLERK

COUNTY COMMISSIONERS' APPROVAL:

STATE OF FLORIDA, COUNTY OF POLK
THIS PLAT HAS RECEIVED FINAL APPROVAL, THIS 9th DAY OF JUNE, A.D. 2025, BY THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, IN ACCORDANCE WITH THE PROCEDURES ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS.

BOARD OF COUNTY COMMISSIONERS

BY: [Signature] ATTEST: Stacy M. Butterfield
CHAIRPERSON CLERK

CERTIFICATION:

STATE OF FLORIDA, COUNTY OF POLK
I, STACY M. BUTTERFIELD, CLERK OF THE CIRCUIT COURT, POLK COUNTY, FLORIDA, DO HEREBY CERTIFY THAT THIS PLAT OF "WINDIEE TOWER ESTATES" HAS BEEN APPROVED FOR RECORDING THIS 9th DAY OF JUNE, A.D. 2025.
Stacy M. Butterfield
CLERK OF THE CIRCUIT COURT

DEDICATION:

STATE OF FLORIDA, COUNTY OF POLK
KNOW ALL MEN BY THESE PRESENTS THAT TOWER HOMES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF FLORIDA, OWNER OF THE LAND SHOWN HEREON, HAS CAUSED THIS PLAT OF "WINDIEE TOWER ESTATES" TO BE MADE AND HEREBY DEDICATES THIS PLAT FOR RECORDING, A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 03, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, HAVING AN ASSIGNED BEARING OF NORTH 0°02'30" EAST, AS PER FIRST BEARING CALL OF THE LEGAL DESCRIPTION. THIS PLAT IS HEREBY DEDICATED TO (i) THE PROVIDERS OF PUBLIC UTILITIES, (ii) THE CITY OF LAKELAND, FLORIDA, AND POLK COUNTY, FLORIDA AND ALL OTHER APPLICABLE AUTHORITIES FOR THE BENEFIT OF UTILITY SERVICES AND UTILITIES; AND (iii) THE PRESENT AND FUTURE OWNERS OF LOTS 1, 2, 3 AND 4, AS WELL AS THEIR GUESTS AND INVITES, FOR PURPOSES OF CONSTRUCTION, INSTALLATION, AND MAINTENANCE OF SAID UTILITIES.

BY: William E. Tower, Jr.

WILLIAM E. TOWER, JR.
PRINTED NAME William E. Tower, Jr.
TITLE Owner
WITNESS: Daniela Ruano
PRINTED NAME Daniela Ruano

ACKNOWLEDGEMENT:

STATE OF FLORIDA, COUNTY OF POLK
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF 1 PHYSICAL PRESENCE, OR () ONLINE NOTARIZATION, THIS 5 DAY OF JUNE, A.D. 2025, BY William Tower, Jr. owner/manager of Tower Homes LLC, ON BEHALF OF THE COMPANY, WHO () IS PERSONALLY KNOWN TO ME OR () HAS PRODUCED FIDC AS IDENTIFICATION.
WITNESS: Krishna Parker
PRINTED NAME Krishna Parker
DATE: May 31, 2029
MY COMMISSION EXPIRES

SURVEYOR'S STATEMENT:

STATE OF FLORIDA, COUNTY OF POLK
I, HERBERT STACY, BEING THE PLAT OF "WINDIEE TOWER ESTATES" WAS PREPARED UNDER MY DIRECTION AND SUPERVISION, AND I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA, AND I HAVE READ AND UNDERSTAND THE CONTENTS OF THIS PLAT, AND I CERTIFY THAT IT IS IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 117, PART 1, OF THE FLORIDA STATUTES, AND THAT THE PERMANENT REFERENCE MARKERS (PRM'S), PERMANENT CONTROL POINTS (PCP'S), BENCHMARKS (B.M'S) AND LOT CORNERS WILL BE SET.

M. STEWART McDONALD
DATE JUNE 04, 2025
M. Stewart McDonald - Florida Professional Land Surveyor #5919
Address: 1425 S Combee Rd Ste 2 • Lakeland, FL 33801-7101
Phone: (863) 853-9100 • Fax: (863) 853-9300
Email: landsurveyor29@gmail.com