



# Polk County Polk County Land Use Hearing Officer

## Meeting Agenda - Final

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March 27, 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:**

Minutes for February 25, 2025

**NEW BUSINESS:**

**AGENDA ITEM:**

LDLSE-2024-12 (Binzha Special Exception)

LDLVAR-2025-1 (Sam's Club Alcohol Variance)

LDLVAR-2025-2 (Trebiatowski - Via Galuppi St)

LDLVAR-2025-4 (Rogers Variance)

**ADJOURNMENT:**



Polk County  
Polk County Land Use Hearing Officer

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Agenda Item

3/27/2025

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**SUBJECT**

Minutes for February 25, 2025

**DESCRIPTION**

Click or tap here to enter text.

**RECOMMENDATION**

Click or tap here to enter text.

**FISCAL IMPACT**

Click or tap here to enter text.

**CONTACT INFORMATION**

Click or tap here to enter text.



## Polk County Polk County Land Use Hearing Officer

### Meeting Minutes - Final

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February 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:**

**Minutes:** CASE FILE # LDLVAR-2024-66

Alan Rayl, Rayl Engineering & Surveying, LLC, applicant, and Maxim Zassypkine, Grandmax, LLC, owner, are requesting a variance for an increase in Impervious Surface Ratio (ISR) from 55% to 59% on approximately 5.6 acres in a Business Park Center (BPC-2) land use district. The property location is 100 Airport Road South, north of Lake Wales Airport, south of Highway 60, west of the city of Lake Wales, in Section 04, Township 30, and Range 27.

Ian Nance, Land Development; presented the case and reported that 21 mailers were sent on 2/4/2025, with no response, 1 board was posted on 2/7/2025, and the legal ad was published in the Polk Sun News on 2/12/2025.

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

Alan Rayl, Rayl Engineering & Surveying, LLC, applicant was available to answer questions and agrees with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

January 23, 2025 Minutes

**NEW BUSINESS:**

**AGENDA ITEM:**

LDLVAR-2024-66 (RoadPro ISR Variance)

LDLVAR-2024-67 (St. Pierre Variance)

**Minutes:** CASE FILE # LDLVAR-2024-67

Gary St. Pierre, owner, is requesting a variance for an accessory structure larger than the primary structure in a Residential Suburban (RS) land use district. The property location is 1967 E Fox Hollow Drive, north of K-Ville Avenue, south of Highway US 92, east of Polk County Parkway, west of Recker Highway, south of the City of Auburndale, in Section 16, Township 28, and Range 25.

Ian Nance, Land Development; presented the case and reported that 13 mailers were sent on 2/4/2025, with no response, 1 board was posted on 2/7/2025, and the legal ad was published in the Polk Sun News on 2/12/2025.

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

Gary St. Pierre, owner, was available to answer questions and agrees with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

**ADJOURNMENT:**



Polk County  
Polk County Land Use Hearing Officer

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Agenda Item

3/27/2025

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**SUBJECT**

LDLSE-2024-12 (Binzha Special Exception)

**DESCRIPTION**

Juan Binzha requests a Special Exception to park a commercial vehicle (2023 S 47 SX Schwing America) at their residence on approximately 8.80 acres within a residential neighborhood in a Residential Suburban district. The subject property is located at 7333 Catherine Drive, north of Deeson Road, south of Raulerson Road, east of Hillsborough County, west of Kathleen Road, northwest of the City of Lakeland in Section 17, Township 27, Range 23.

**RECOMMENDATION**

Approval with conditions.

**FISCAL IMPACT**

No fiscal impact.

**CONTACT INFORMATION**

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

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

<b>DRC Date:</b> February 13, 2025	<b>CASE #:</b> LDLSE-2024-12 (Binzha Special Exception)
<b>LUHO Date:</b> March 27, 2025	<b>LDC Section:</b> Section 216.D

**Request:** The applicant is requesting a Special Exception to park a commercial vehicle (2023 S 47 SX Schwing America) at their residence on approximately 8.80 acres within a residential neighborhood.

**Applicant:** Juan Binzha

**Property Owner:** Juan Binzha

**Location:** The subject property is located at 7333 Catherine Drive, north of Deeson Road, south of Raulerson Road, east of Hillsborough County, west of Kathleen Road, northwest of the City of Lakeland in Section 17, Township 27, Range 23.

**Parcel ID#:** 232717-000000-012170

**Size:** ±8.80 acres

**Land Use Designation:** Residential Suburban (RS)

**Development Area:** Suburban Development Area (SDA)

**Case Planner:** Kyle Rogus, Planner I

**Summary:**

This is a request for a Special Exception to park a truck (2023 S 47 SX Schwing American) on approximately 8.80 acres in a Residential Suburban land use district in the Suburban Development Area. The property has frontage on Catherine Drive. Access is proposed from an existing driveway on Catherine Drive. The applicant is requesting permission to park the commercial vehicle on property to store within, behind or partially enclosed within the barn located north of the single-family residence. The site plan (see Exhibit 6) highlights in yellow the path the commercial vehicle will utilize to access the barn. The barn, is approximately 500 feet from the north residential property line; 346 feet from the south residential property line; 220 feet from the west residential property line; and 115 feet from the east commercial property line. The barn is 90 feet to the north of the single-family residence.

Staff finds this request meets the standards in Section 216.D. Furthermore the parking of this vehicle on site will not have a negative effect on the health and safety. Parking is well buffered from the surrounding properties. The site is large and offers access on an Urban Collector roadway.

Staff recommends approval based on the site plan provided by the applicant and recent visits to the site. The proposed placement of the vehicle will be within, behind or partially enclosed within the barn well outside of 200 feet from any abutting residential properties. It is within 200 feet from abutting commercial property (Publix) to the east, therefore meeting the screening or buffering requirements. A commercial driveway apron is recommended as a condition of approval to protect Catherine Drive from stretching caused by commercial vehicle turning movements on and off the property.

## 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-2024-12**

### **CONDITIONS OF APPROVAL:**

1. This Special Exception shall be limited to parking one truck, a 2023 S 47 SX Schwing America or functional equivalent (see Exhibit 7), as described in the application and staff report. No other commercial vehicles may be parked on the site.
2. Approval of this special exception shall be for the operator Juan Binzha 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. This commercial vehicle parking approval shall be contingent upon the applicant constructing at least one entrance to commercial driveway standards for structural thickness and turning radius in accordance with Section 705.I of the Land Development Code (see Exhibit 8).
5. 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.
6. 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). Noncompliance with any of the conditions of approval will render LDLSE-2024-12 null and void. All conditions of approval, unless otherwise specified, must be met prior to parking the commercial vehicle on the property.
7. The commercial vehicle shall only be parked in the area designated on the site plan (Exhibit 6) and shall continuously meet the screening or buffering requirements listed in Section 216.D, Commercial Vehicle Parking and Storage, of Polk County's Land Development Code.

### **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.*

**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, shall be permitted on any residential lot or parcel;*

The request is for one truck (2023 S 47 SX Schwing America). See Exhibit 7.

2. *Commercial vehicles shall be currently registered or licensed;*

The applicant has provided the current valid registration for the vehicle. Vehicle registration is under Juan Binzha or "Binzha Concrete LLC".

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

The applicant's property is 8.80 acres with ample space for parking. The nearest abutting property to the east is designated commercial within the Neighborhood Activity Center (NAC) land use district. The nearest residentially designated property is located to the east, north of the Neighborhood Activity Center (Kathleen Square). The nearest home from where the proposed vehicle will be parked is the property directly to the west (Parcel ID #232717-000000-012070) approximately 368 feet from the west side of the barn. The proposed vehicle parking is not within 200 feet from any neighboring residential properties and will be within, behind or partially enclosed within an existing barn structure, therefore it will not be required to meet the Type B screening or buffering requirements listed in Section 216.D, Commercial Vehicle Parking and Storage, of Polk County's Land Development Code (LDC).

Catherine Drive site specific characteristics:

The vehicle will access Catherine Drive from Kathleen Road, which is 0.32 miles east of the subject property. The commercial driveway apron is required to protect Catherine Drive from the stretching caused by a heavy vehicle's turning movements on and off the property. The truck will pass 11 residential homes on Duff Road and Catherine Drive. The affected roadway, Catherine Drive, is a paved two lane Urban Collector roadway with no curb or sidewalk with a posted speed limit of 35 mph. Catherine Drive has a width of 18 feet, which does not meet the minimum 24 foot right-of-way width standard.

Kathleen Road site specific characteristics:

The affected roadway Kathleen Road is a paved four lane Urban Collector roadway with curb and gutter with sidewalks. Kathleen Road has a posted speed limits of 40 and 45 mph. Kathleen Road has a width of 44 feet, which does not meet the minimum 48 feet right-of-way width standard. Kathleen Road experiences approximately 16,200 Annual Average Daily vehicle trips combined for both directions between Galloway Road and Duff Road. Kathleen Road connects to Interstate 4 to the south of the subject site, which offers connections to Tampa to the west and Orlando to the east. The surrounding roads near the property have no weight restrictions.

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 Code;*

The applicant did not include any demonstration of need in the application. The applicant will provide their hardship demonstration at the public hearing.



5. *Commercial vehicles must be parked on the same lot occupied by the owner or operator of the vehicle;*

The operator is Juan Binzha or registered "Binzha Concrete LLC". Juan Binzha is 100% owner of the property and the business, according to Polk Property Appraiser and Sunbiz.org.

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

The applicant's site plan (Exhibit 6) indicates the new proposed parking area is not located in the front yard of the property. The truck will access the property on the existing driveway off Catherine Drive be parked within, behind or partially enclosed within the existing barn located on the north side of the single-family residence.

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

The property is 8.80 acres. It is easy to meet this requirement. The site plan (Exhibit 6) illustrates the proposed parking area. The parking area will be within, behind or partially enclosed within the existing barn, which is over 200 feet away from any abutting residential properties and over 100 feet from the commercial designated property to the east.

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 site plan illustrates the truck will be parked on the north side of the property within, behind or partially enclosed within the existing barn. It is important to note that the Property Appraiser website identifies the barn dimensions as 100' x 40', with the length of the commercial vehicle being 42.1 feet in length. There is excess screening from the barn when the vehicle is not parked within or partially enclosed within the barn, therefore the truck will not be visible from the road and neighboring properties.

9. *When the vehicle parking area will be less than 200 feet from a residentially designated or used property, it shall be buffered from the adjacent residential property with a Type B Bufferyard 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;*

#### Residential

The vehicle will be parked within, behind or partially enclosed within the barn, therefore minimizing any visibility from the neighbors to fully meet this requirement. The enclosed barn is approximately 328 feet from the nearest north residential property line, 346 feet from the south residential property line, and 220 feet from the west residential property line. If the applicant were to park the commercial vehicle outside on the east side of the barn, the parking location will remain outside the 200 feet screening and buffering setback meeting the requirements per this section.

#### Commercial

To the east the property abuts Kathleen Square, within a Neighborhood Activity Center (NAC), where there is a Publix Super Market and other small commercial businesses. The property is not a residentially designated or used property, therefore the screening and buffering requirements per this section do not apply. The barn is approximately 115 feet from the designated commercial property.

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

There are no refrigerator units.

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 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 this Section;*

This has been included in the conditions of approval.

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

<p><b>Northwest:</b> Residential Suburban (RS) Single Family Distance from vehicle: 575 feet CMA-2024-935 Complainant 1.70 acres</p>	<p><b>North:</b> Residential Suburban (RS) Single Family Distance from vehicle: 580 feet CMA-2024-935 Complainant 1.82 acres</p>	<p><b>Northeast:</b> Residential Suburban (RS) Single Family Distance from vehicle: 393 feet 2.22 acres</p>
<p><b>West:</b> Residential Suburban (RS) Single Family Distance from vehicle: 580 feet CMA-2023-586 Complainant 0.94 acres</p>	<p><b>Subject Property:</b> Residential Suburban (RS) Single Family 8.80 acres</p>	<p><b>East:</b> Neighborhood Activity Center (NAC) Grocery, Retail, Restaurants Distance from vehicle: 253 feet 9.66 acres</p>
<p><b>Southwest:</b> Residential Suburban (RS) Single Family Distance from vehicle: 557 feet 0.83 acres</p>	<p><b>South:</b> Residential Suburban (RS) Single Family Distance from vehicle: 462 feet 0.92 acres</p>	<p><b>Southeast:</b> Residential Suburban (RS) Single Family Distance from vehicle: 431 feet 0.95 acres</p>

The subject site is located off Catherine Drive, passing approximately 11 residential properties from Kathleen Road when accessing Duff Road and Catherine Drive. The properties in this area are smaller in size. The subject site abuts 10 residential properties, 3 of which have filed complaints against the applicant. While conducting our site visit, no other commercial vehicles were seen.

This property has a history of Code complaints and violations dating back to April of 2023, two months after the applicant purchased the property on February 2, 2023. Below is a listed timeline of Code complaints and violations filed since the applicant purchased the property.

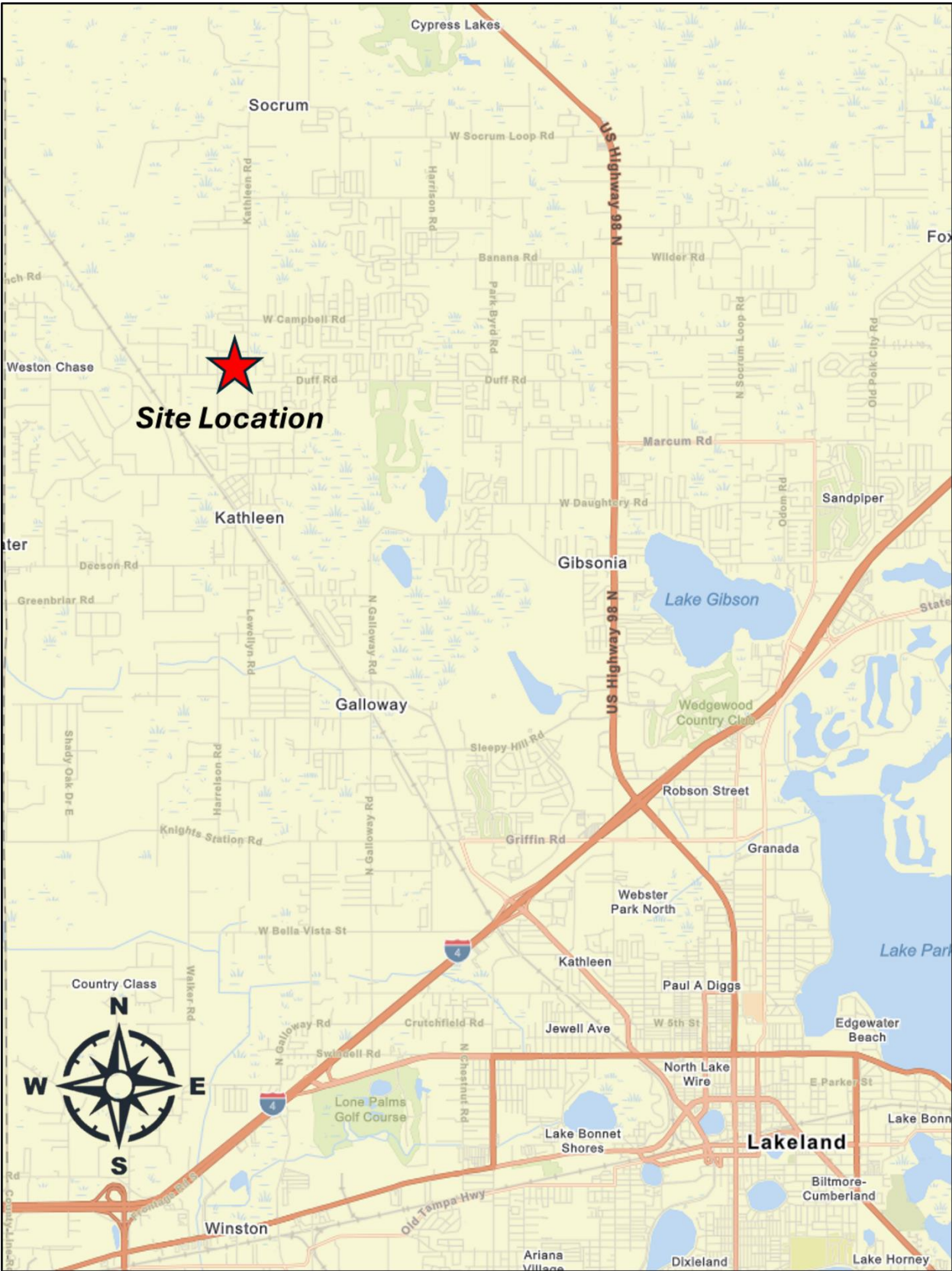
<b>RECORD</b>	<b>STEP OF THE PROCESS</b>	<b>CITED CODE</b>	<b>STATUS</b>	<b>COMPLAINANT</b>	<b>CREATED DATE</b>
CEC-2023-1523	Complaint	_____	Violation Case Generated	Robert Cordes Carmen Rossi	04/04/2023
CMA-2023-586	Magistrate Violation	Section 206 – Accessory Uses Section 216 – Commercial Vehicle Parking and Storage	Closed-Owner Corrected	Robert Cordes Carmen Rossi Scott Frier Gene Beal Elizabeth Bailey Judy Padgett	04/17/2023
CEC-2024-1157	Complaint	_____	Closed-No Violation	Carmen Rossi	03/12/2024
CEC-2024-2845	Complaint	_____	Violated Case Generated	Chad weeks Megan Dye	06/25/2024
CMA-2024-935	Magistrate Violation	Section 227 – Filling and Excavating Land	Closed-Owner Corrected	Chad Weeks Megan Dye Carmen Rossi Blair Clark	07/25/2024
CEC-2024-3563	Complaint	_____	Violation Case Generated	Elizabeth Bailey	08/06/2024
CMA-2024-1007	Magistrate Violation	Section 206 – Accessory Uses Section 216 – Commercial Vehicle Parking and Storage	Closed-Owner Corrected	Elizabeth Bailey Carmen Rossi	08/12/2024

<i>RECORD</i>	<i>STEP OF THE PROCESS</i>	<i>CITED CODE</i>	<i>STATUS</i>	<i>COMPLAINANT</i>	<i>CREATED DATE</i>
CEC-2024-4916	Complaint	_____	Assigned to Investigator	Elizabeth Bailey	11/14/2024

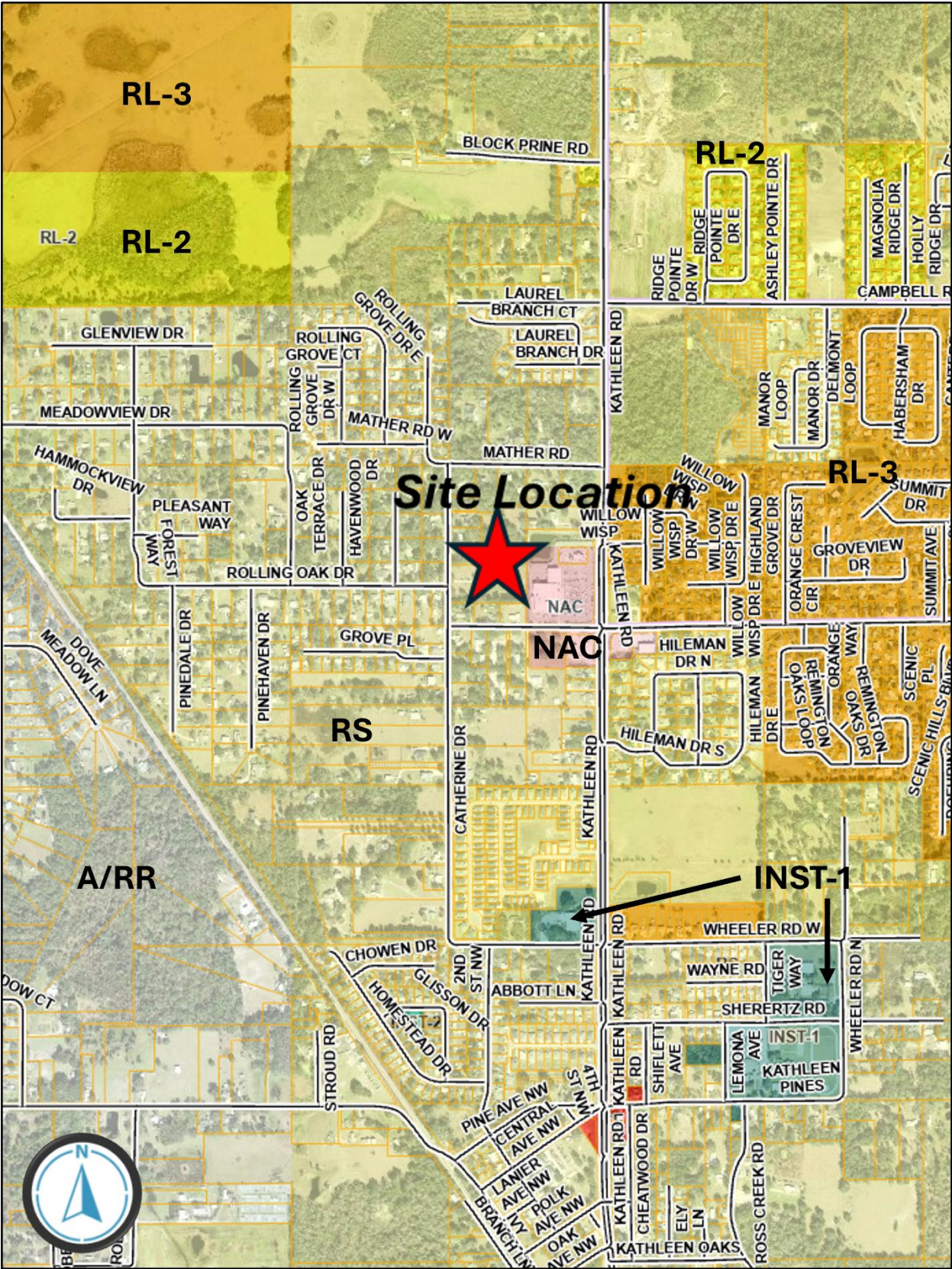
According to Polk Property Appraiser the applicant purchased the property on February 2, 2023. Shortly after the applicant purchased the property, the applicant was cited by Code Enforcement in violation of Chapter 2, Section 216 Commercial Vehicle parking and Storage, for parking the commercial vehicle at this location without a special exception and Chapter 2, Section 206.O Outdoor Storage, for storing concrete business equipment outside on a residential property (CMA-2023-586). The Code Enforcement Special Magistrate Case (CMA-2023-586) is closed as the owner corrected, removing the commercial vehicle and concrete business equipment from the property. The applicant was cited by Code Enforcement for repeated violations from Special Magistrate Case (CMA-2023-586). The second Code Enforcement Special Magistrate Case (CMA-2024-1007) is also closed as the owner corrected, removing the commercial vehicle and concrete business equipment from the property. The owner is now seeking approval for commercial parking on the property. A Special Exception will only approve one commercial vehicle on property. Any additional commercial vehicles on property will be subject to further violation of the Polk County Land Development Code. A Special Exception will not approve of the outdoor storage of any heavy equipment, machinery that may be associated with a concrete business.

**Exhibits:**

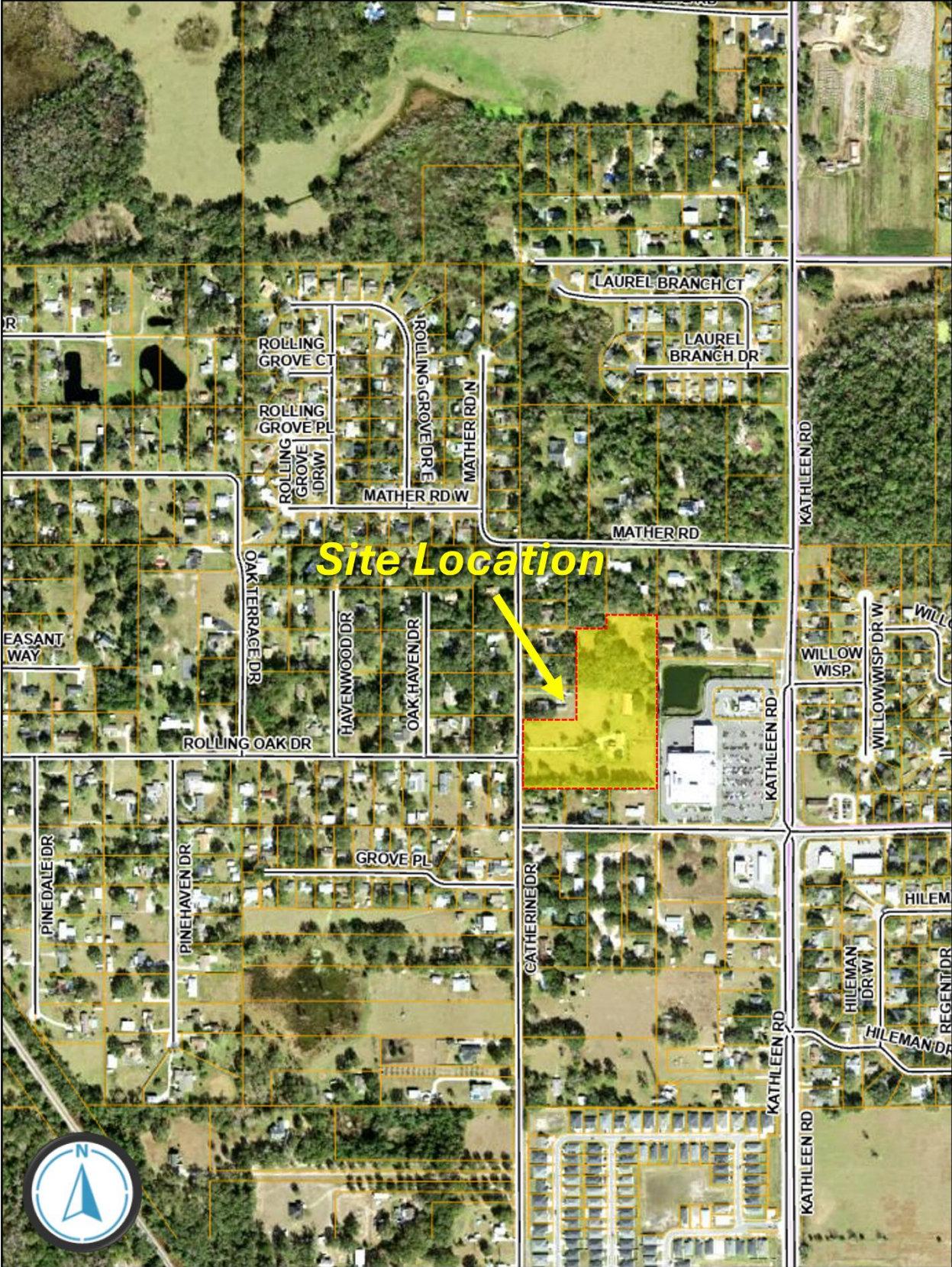
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 2023 Aerial Imagery (Context)
- Exhibit 4 2023 Aerial Imagery (Close)
- Exhibit 5 Commercial Vehicle Parking Dimensions
- Exhibit 6 Site Plan
- Exhibit 7 Commercial Vehicle Pictures
- Exhibit 8 Commercial Driveway Specifications
- Exhibit 9 Buffering and Screening Specifications



Location Map



Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)



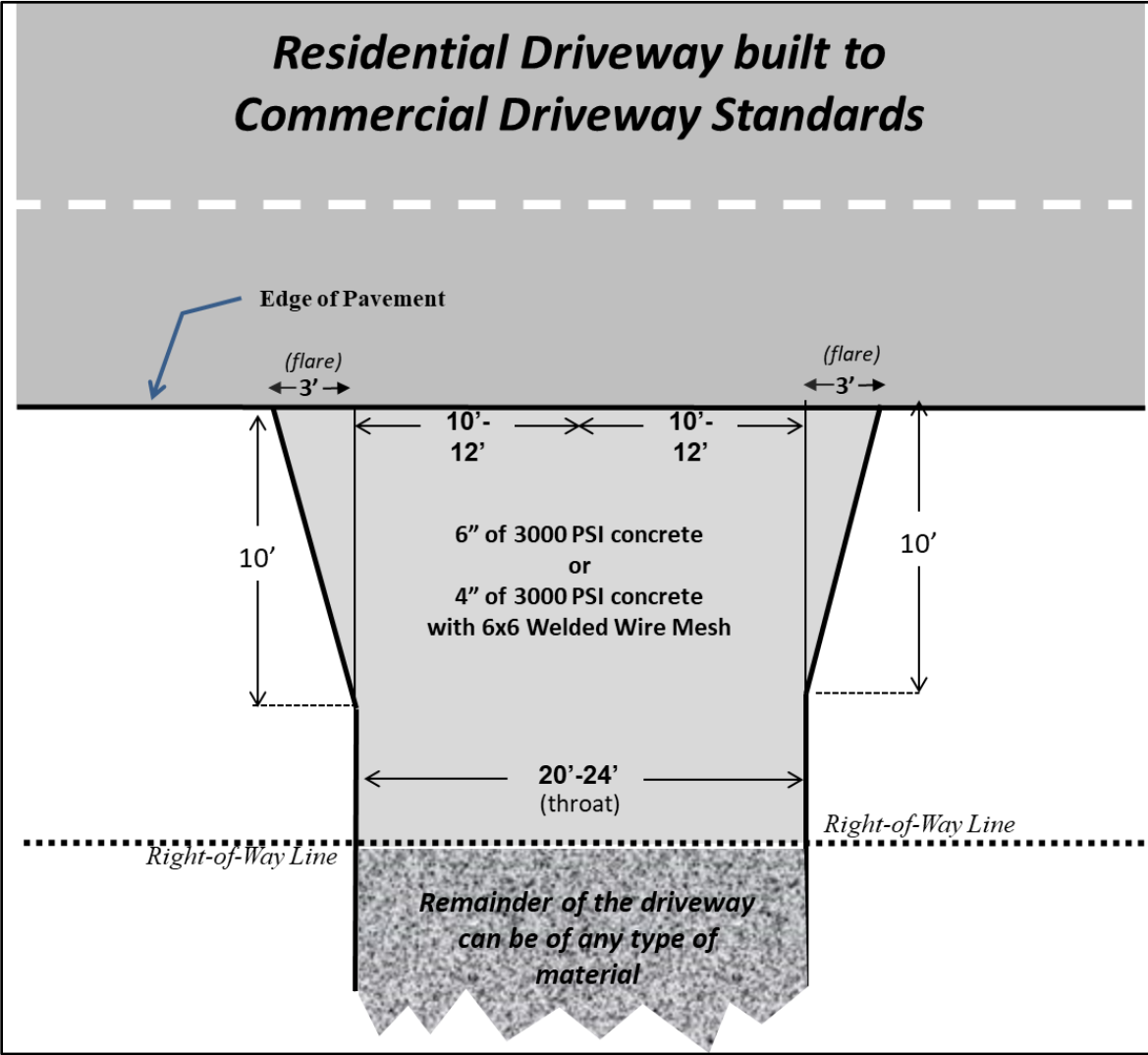
### Commercial Vehicle Parking Dimensions



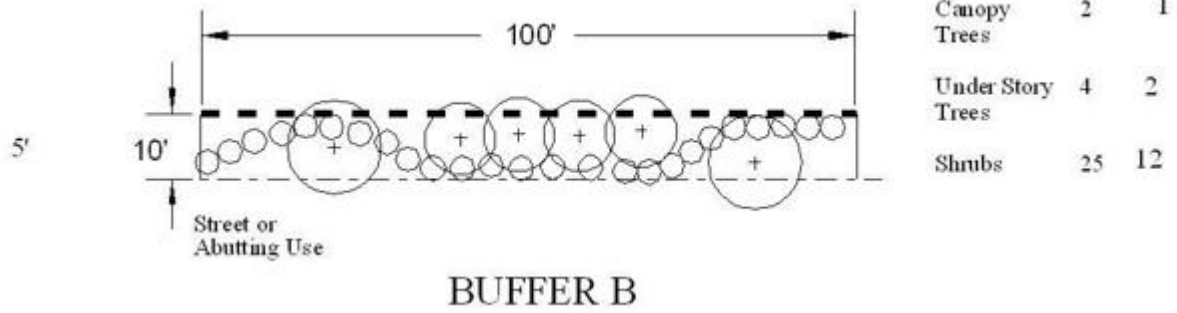




Commercial Vehicle Pictures



**Commercial Driveway Specifications**  
*(Per LDC Section 705.1)*



## Buffering and Screening Specifications *(Per LDC Section 720.L)*

LDLSE-2024-12 - Juan Binzha

Menu Reports Help

Application Name: [Juan Binzha](#)  
 File Date: [12/10/2024](#)  
 Application Type: [LUHO - Special Exception](#)  
 Application Status: [Approved For Hearing](#)

Application Comments:	View ID	Comment	Date
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Description of Work: [Gain permission to park a commercial vehicle on property to store in an enclosed area.](#)

Application Detail: [Detail](#)  
 Address: [7333 CATHERINE DR, LAKELAND, FL 33810](#)  
 Parcel No: [23271700000012170](#)  
 Owner Name: [Juan Alberto Binzha](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	<a href="#">Juan Binzha</a>		Applicant	<a href="#">Mailing, 7333 Catherin...</a>	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\\_BOA\\_SE](#)

GENERAL INFORMATION

Acresage	<a href="#">8.80</a>	
DRC Meeting	<a href="#">02/13/2025</a>	DRC Meeting Time
Rescheduled DRC Meeting	-	Rescheduled DRC Meeting Time
Green Swamp	<a href="#">No</a>	FS 119 Status
		<a href="#">Non-Exempt</a>

Case File Number

SPECIAL EXCEPTION

Make of vehicle	<a href="#">Schwinn America</a>	Model & Year of vehicle	<a href="#">2023 (S 47 SX)</a>
Weight of vehicle	<a href="#">86.000</a>	Gross axle weight of vehicle	<a href="#">22.000</a>
Height & length of vehicle	<a href="#">Height 13' 1" &amp; Length 42' 1"</a>		
Height, length & weight of any additional trailer or equipment	<a href="#">N/A</a>		

PUBLIC HEARING

Development Type	<a href="#">Land Use Hearing</a>	Application Type	<a href="#">Special Exception</a>
Variance Type	<a href="#">Officer</a>	Brownfields Request	-
Affordable Housing			

ADVERTISING

Legal Advertising Date	-	Advertising Board	<a href="#">Land Use Hearing</a>
			<a href="#">Officer</a>

MEETING DATES

LUHO Hearing Date [03/27/2025](#)

HEARING

Hearing Results

[LD\\_BOA\\_SE\\_EDL](#)

[Opening DigEplan List...](#)

[DigEplan Document List](#)

PLAN REVIEW FIELDS

TMPRecordID	<a href="#">POLKCO-24EST-00000-59920</a>	DocumentGroupForDPC	<a href="#">DIGITAL PROJECTS LD</a>	RequiredDocumentTypes	-
RequiredDocumentTypesComplete	<a href="#">Yes</a>	AdditionalDocumentTypes	<a href="#">Applications AutoCAD File Binding Site Plans / PDS, Yes and CUs) CSV Calculations Correspondence Desi on Drawings Flood/Traffic Studies Impact Stateme nt Inspections Miscellaneous Platf Record Drawin gs Response Letter Resubmittal Complete Staff R sport/Approval Letter Survey Title Opinion</a>	Activate DPC	-
Activate FSA	<a href="#">Yes</a>	DigitalSigCheck	<a href="#">Yes</a>		

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
<a href="#">LUHO</a>	1	26	03/06/2025	03/11/2025	

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
<a href="#">Application Submittal</a>	Lisa Simons-Iri...	Application ...	01/15/2025	Lisa Simons-Iri...
<a href="#">Roads and Drainage Review</a>				
<a href="#">Planning Review</a>	Kyle Rogus	Approve	01/24/2025	Kyle Rogus
<a href="#">Review Consolidation</a>	Lisa Simons-Iri...	Approved for...	01/29/2025	Lisa Simons-Iri...
<a href="#">Public Notice</a>				
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 # 2023030042  
BK 12576 Pgs 0370-0371 PG(s)2  
02/08/2023 10:06:18 AM  
STACY M. BUTTERFIELD,  
CLERK OF COURT POLK COUNTY  
RECORDING FEES 18.50  
DEED DOC 7,350.00

Prepared by and return to:

**DENISE BROWN**  
**ADVANTAGE TITLE SERVICES, INC.**  
**44 Lake Morton Drive**  
**Lakeland, Florida 33801**  
File Number: 23-01-1029

\_\_\_\_\_(Space Above This Line For Recording Data)\_\_\_\_\_

## Warranty Deed

**This Warranty Deed** made this February 2, 2023 between **THE 7333 CATHERINE LAND TRUST, DATED MARCH 28, 2022, BLIZZARD ENTERPRISES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AS TRUSTEE**, whose post office address is 5337 North Socrum Loop Road, #401, Lakeland, FL 33809, grantor, and **JUAN ALBERTO BINZHA, AN UNMARRIED MAN**, whose post office address is 7333 Catherine Drive, Lakeland, FL 33810, 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 of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs, successors and assigns forever, the following described land, situate, lying and being in **Polk County, Florida** to-wit:

**The SW 1/4 of SE 1/4 of NE 1/4 of Section 17, Township 27 South, Range 23 East, Less the South 195.98 feet, and Less the North 158.48 feet of the West 274.91 feet, Subject to Right of Way for Catherine Drive along West Boundary, being in Polk County, Florida.**

**AND**

**The South 280.00 feet of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 17, Township 27 South, Range 23 East, Polk County, Florida, Less and Except the West 280.00 feet thereof.**

**AND**

**The East 242.00 feet of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 17, Township 27 South, Range 23 East, Polk County, Florida, Less and Except the North 330.00 feet and the South 280.00 feet thereof.**

Parcel ID No. 232717-000000-012170  
More commonly known as: 7333 Catherine Drive, Lakeland, FL 33810

**SUBJECT TO** easements and restrictions of record, if any, and taxes for the year 2023 and subsequent years.



# FLORIDA VEHICLE REGISTRATION

CO/AGY 5 / 2

T# 2006225159  
B# 3408123

PLATE **MIU14G**      DECAL **14593696**      Expires **Midnight Mon 6/30/2025**

YR/MK	<b>2023/MACK</b>	BODY	<b>PU</b>	COLOR	<b>WHI</b>	Reg. Tax	63.10	Class Code	94
VIN	<b>1M2GR2RC9PM001496</b>			TITLE	<b>150202902</b>	Init. Reg.		Tax Months	12
Plate Type	<b>RSR</b>	NET WT	<b>22380</b>			County Fee	3.00	Back Tax Mos	
						Mail Fee		Credit Class	
DL/FEID	<b>821082235-01</b>					Sales Tax		Credit Months	
Date Issued	<b>8/19/2024</b>	Plate Issued	<b>3/27/2023</b>			Voluntary Fees			
						Grand Total	66.10		

**BINZHA CONCRETE LLC**  
**3652 DUFF RD**  
**LAKELAND, FL 33810-4719**

### 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.

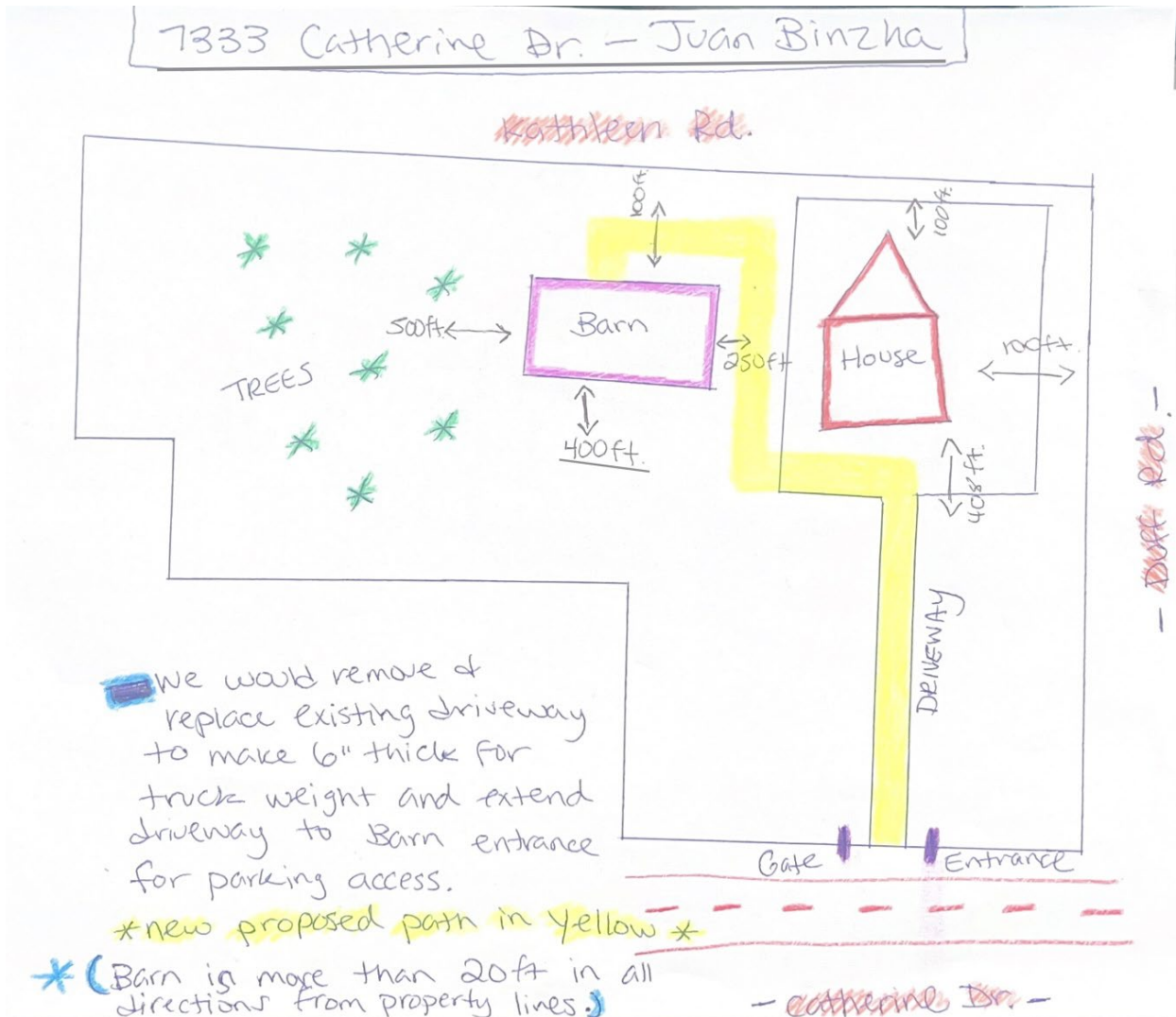
**RSR - RESTRICTED**



From: Elissa Rizzi  
To: Irizarry, Lisa  
Cc: Juan Binzha  
Subject: [EXTERNAL]: Re: [EXTERNAL]: Re: [EXTERNAL]: Re: LDLSE-2024-12 Binzha Special Exception  
Date: Tuesday, January 14, 2025 9:04:29 AM  
Attachments: 7333 catherine drive survey 210mainah.pdf

Good morning,

I have added the measurements to the site plan as requested and also put a clear copy of the survey in the attachments for your reference as well.



Thank you,

Elissa Rizzi  
Business Service Specialist  
EJG Business Services  
Phone: (407) 961-2511

On Jan 14, 2025, at 7:10 AM, Irizarry, Lisa <LisaIrizarry@polk-county.net> wrote:

Good day,

Today starts my review process for my new cases for the March hearing date. Your case cannot proceed without the revised site plan and will be continued to April's hearing date unless it is received by the no later than noon today. If you have any questions on what is required on the site plan, please call me 863-534-7652 and I will gladly walk you through it.

Kind Regards,

Lisa Irizarry  
Development Coordinator II  
Polk County Board of County Commissioners  
Office of Planning & Development | Land Development Division  
330 West Church Street  
Bartow, FL 33830  
863-534-7652  
[LisaIrizarry@polk-county.net](mailto:LisaIrizarry@polk-county.net)  
<image001.jpg>

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

---

**From:** Elissa Rizzi <elissa@ejgbusinessservices.com>  
**Sent:** Friday, January 10, 2025 12:06 AM  
**To:** Irizarry, Lisa <Lisalrizarry@polk-county.net>  
**Cc:** Juan Binzha <binzhajuan@yahoo.com>  
**Subject:** [EXTERNAL]: Re: [EXTERNAL]: Re: LDLSE-2024-12 Binzha Special Exception

You don't often get email from [elissa@ejgbusinessservices.com](mailto:elissa@ejgbusinessservices.com). [Learn why this is important](#)

Lisa,

Here are the signed docs as requested. I will work on getting the dimensions added to the site plan, do you need anything else from us to process the application besides this? Can you explain how the process works a little please, once we provide all the documents you requested then what is the next step?

Thank you,

Elissa Rizzi  
Business Service Specialist  
EJG Business Services  
Phone: (407) 961-2511

On Jan 9, 2025, at 12:18 PM, Elissa Rizzi <elissa@ejgbusinessservices.com> wrote:

Here is a copy of the registration, I will work on adding measurements to the site plan I originally submitted as well.

Thanks

<image0.jpeg>

Elissa Rizzi  
Business Service Specialist  
EJG Business Services  
Phone: (407) 961-2511

On Jan 9, 2025, at 11:49 AM, Irizarry, Lisa <Lisalrizarry@polk-county.net> wrote:

Good day,

The site plan needs to be revised to show dimensions, see attachment. You also need to show where the purposed parking is for the commercial vehicle on the site plan. Should you need further clarification feel free to contact me at 863-534-7652.

Kind Regards,

Lisa Irizarry  
Development Coordinator II  
Polk County Board of County Commissioners  
Office of Planning & Development | Land Development Division  
330 West Church Street  
Bartow, FL 33830  
863-534-7652  
[Lisalrizarry@polk-county.net](mailto:Lisalrizarry@polk-county.net)  
<image001.jpg>

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

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**From:** Juan Binzha <binzhajuan@yahoo.com>  
**Sent:** Thursday, January 9, 2025 12:30 AM  
**To:** Irizarry, Lisa <Lisalrizarry@polk-county.net>  
**Cc:** Elissa Rizzi <elissa@ejgbusinessservices.com>  
**Subject:** [EXTERNAL]: Re: LDLSE-2024-12 Binzha Special Exception

Lisa,

Here is 3 pictures of the pump truck, I will have the signed letters back to you tomorrow and am collecting a copy of the truck registration and will send over soon as well. I already submitted a copy of the site plan when I processed the application, did you receive it?

Please note that if you need to contact me via phone please call my assistant Elissa 407-961-2511 as she is handling this process. Thank you

<image002.jpg>  
<image003.jpg>  
<image004.jpg>

Elissa Rizzi

On Jan 7, 2025, at 1:40 PM, Irizarry, Lisa <Lisalrizarry@polk-county.net> wrote:

Good day,

I am again forwarding the documents needed (see email below and attachments) to process your application for a Special Exception for a commercial vehicle parking. If you no longer want to proceed with the application please respond in writing and I will close out your application and request a refund, otherwise the deadline to submit all the documents is Friday, January 10<sup>th</sup>.

Kind Regards,

Lisa Irizarry  
Development Coordinator II  
Polk County Board of County Commissioners  
Office of Planning & Development | Land Development Division  
330 West Church Street  
Bartow, FL 33830  
863-534-7652  
[Lisalrizarry@polk-county.net](mailto:Lisalrizarry@polk-county.net)

<image001.jpg>

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

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**From:** Irizarry, Lisa  
**Sent:** Tuesday, December 10, 2024 7:37 AM  
**To:** [Binzhajuan@yahoo.com](mailto:Binzhajuan@yahoo.com)  
**Subject:** LDLSE-2024-12 Binzha Special Exception  
**Importance:** High

Good day,

The following documents are needed to process your application.

1. Vehicle registration
2. 3 pictures of commercial vehicle
3. Site plan with dimensions and proposed vehicle parking (see attached example)
4. Notarized letter of authorization – if someone other than the property owner is applying and/or will be present the day of the hearing.
5. Processing time extension waiver

Should you have any questions feel free to contact me via email or at 863-534-7652. Please reference your case number **LDLSE-2024-12** on all communication. The deadline to submit for the next cutoff date is Thursday the 12th.

Kind Regards,

Lisa Irizarry  
Development Coordinator II  
Polk County Board of County Commissioners  
Office of Planning & Development | Land Development Division  
330 West Church Street  
Bartow, FL 33830  
863-534-7652  
[Lisalrizarry@polk-county.net](mailto:Lisalrizarry@polk-county.net)

<image001.jpg>

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

<UPDATED SITE PLAN GUIDELINES.pdf>















[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

## Detail by Entity Name

Florida Limited Liability Company  
BINZHA CONCRETE LLC

### Filing Information

**Document Number** L17000079227  
**FEI/EIN Number** 82-1082235  
**Date Filed** 04/10/2017  
**Effective Date** 04/03/2017  
**State** FL  
**Status** ACTIVE

### Principal Address

7333 Catherine Dr.  
LAKELAND, FL 33810

Changed: 09/22/2023

### Mailing Address

7333 Catherine Dr.  
LAKELAND, FL 33810

Changed: 09/22/2023

### Registered Agent Name & Address

BINZHA MONTERO, JUAN A  
7333 Catherine Dr.  
LAKELAND, FL 33810

Name Changed: 03/09/2018

Address Changed: 02/06/2024

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

BINZHA MONTERO, JUAN A  
7333 Catherine Dr.  
LAKELAND, FL 33810

### Annual Reports

Report Year	Filed Date
2022	03/24/2022
2023	05/03/2023
2024	02/06/2024

### Document Images

<a href="#">02/06/2024 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/03/2023 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/24/2022 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/13/2021 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/02/2020 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/19/2019 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/09/2018 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/10/2017 -- Florida Limited Liability</a>	<a href="#">View image in PDF format</a>



Florida Department of State, Division of Corporations



Polk County  
Polk County Land Use Hearing Officer

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Agenda Item

3/27/2025

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**SUBJECT**

LDLVAR-2025-1 (Sam's Club Alcohol Variance)

**DESCRIPTION**

The applicant is requesting a variance to allow separation reduction for two proposed Alcohol Package Stores (3PS Licenses) within 2,500 feet of two religious institutions. The subject site is located on the west side of U.S. Highway 27, south of Holly Hill Grove Road #2, north of Ridgewood Lakes Boulevard, south of I-4, east and north of Haines City, in Section 30, Township 26, Range 27.

**RECOMMENDATION**

Conditional Approval

**FISCAL IMPACT**

No fiscal impact

**CONTACT INFORMATION**

Andrew Grohowski

Land Development Division

(863)-534-6412

Andrew.Grohowski@polk-county.net

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

<b>DRC Date:</b>	<b>February 13, 2025</b>	<b>CASE #:</b>	<b>LDLVAR-2025-1 Sam's Club Alcohol Variance</b>
<b>LUHO Date:</b>	<b>March 27, 2025</b>	<b>LDC Section:</b>	<b>Section 224 Table 2.4</b>

**Request:** The applicant is requesting a variance to allow separation reduction for two proposed Alcohol Package Stores (3PS Licenses) within 2,500 feet of religious institutions.

**Applicant:** Darrin Taylor

**Property Owner:** Circus Inn, Inc.

**Location:** West side of U.S. Highway 27, south of Holly Hill Grove Road #2, north of Ridgewood Lakes Boulevard, south of I-4, east and north of Haines City, in Section 30, Township 26, Range 27.

**Parcel ID#:** 272630-000000-012010

**Size:** ±56.71 acres

**Land Use Designation:** Employment Center-X (ECX)  
Green Swamp Area of Critical State Concern  
Ridge Special Protection Area (SPA)  
North Ridge Selected Area Plan (SAP)

**Development Area:** Transit Supportive Development Area (TSDA)

**Case Planner:** Andrew Grohowski, Planner II

**Summary:**

The applicant is seeking to develop two liquor stores within a proposed 489,500 square-foot large-scale retail plaza. The applicant is applying for two package liquor sales licenses (3PS) that will be incorporated into the two “big box” retail centers. However, there are two religious institutions within 2,500 feet of the property (see Exhibit 2). Section 224 of the Land Development Code (LDC) prohibits the sale of liquor beverages within 2,500 of a religious institution or a public or private school (K-12). Through LDC Section 930, a property owner (or agent of) may request a variance to the 2,500 feet of separation from the Land Use Hearing Officer. Alcohol separation distance is measured from property line to property line. Therefore, approval of this variance will apply to the entire retail plaza and any future building expansions or additions within the property.

Two religious institutions, Four Corners Baptist Church and Champions Christian Academy, are within the 2,500-foot separation distance requirement. Champions Christian Academy is located about 200 feet from the subject property line, and Four Corners Baptist Church is about 730 feet from the property line.

The site plan for the large-scale retail center received conditional approval through a Level 3 Review (case # LDCU-2024-25) in October 2024. The approved conditional use provided a time extension from the standard three (3) years in Section 906.G of the LDC to five (5) years (October 2, 2029). The development is not seeking immediate development of the site and plans may not be submitted within the next three years. Therefore the applicant is seeking the similar time frame of five (5) years for this variance request.

There are a few locational factors that need to be considered. US 27 separates the two uses with six lanes and 200 feet of right of way. In addition the separation distance is much greater when accounting for pedestrian and vehicular travel. The distance increases to at least 940 feet when accounting for entrances of the proposed liquor stores and one of the religious institution's property boundaries rather than from property line to property line. The two liquor stores are part of a larger retail complex of Wal-Mart and Sam's Club which will already have the ability to sell beer and wine as package sales without distance limitations (2PS). The nine outparcels on the site plan, and the potential retail "Cottonwood Development" (case# LDNON-2023-67) adjacent to Four Corners Baptist Church will create physical buffers and increase the perceptual distance between the two uses.

Other examples in the area, such as Zoey's Pasta & Restaurant, located one mile north and within the same complex as the Montessori School of Davenport, demonstrate that establishments serving alcohol can coexist with religious institutions and schools without being injurious or detrimental to the public welfare. The two restaurants proposed on the site plan are located closer to the religious institutions and will be allowed to serve alcohol without having to go through the variance process (4COP-SRX).

Staff has found that setback reductions from Table 2.4 in Section 224 of the LDC have been approved for five cases last year.

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

- The request **will not be injurious to the area involved or otherwise detrimental to the public welfare** because there are many instances where liquor stores and religious institutions have coexisted in close proximity without any adverse effects. Setback reductions from Table 2.4 in Section 224 of the LDC have been approved for five cases last year alone.
- **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the applicable land use district** because the property is the last remaining available suited for large-scale retail in the entire U.S. Highway 27 corridor from south of Haines City to U.S. Highway 192 (a distance of over 20 miles). Liquor sales within the shopping plaza will accommodate the commercial needs of the rapidly growing corridor.
- **The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure**, because it allows the developer the flexibility of offering the tenants beer, wine and liquor package sales.

Staff recommends approval of a variance to reduce the requirements for separation from religious institutions for this site because commerce is supported at this site by policies in the Comprehensive Plan.

## **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-2025-1**, with the following conditions:

### **CONDITIONS OF APPROVAL:**

1. A variance shall be granted to the shopping plaza on Parcel # 272630-000000-012010 for two package alcohol sales licenses (3PS) within the distance separations of religious institutions listed in Section 224 of the LDC.
2. The applicant shall secure and locate the necessary alcohol license (3PS license) within five (5) years 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 is planning to construct two liquor stores incorporated within the two “big box” stores on the western portion of the site. This application is seeking a variance to the 2,500-foot separation requisite between establishments with a 3PS license (liquor, beer and wine package sales) from two churches as required by LDC Section 224. The two stores require a variance to this distance separation requirement from two religious institutions. Champions Christian Academy is about 200 feet from the subject property line and Four Corners Baptist Church is 730 feet from the property line.

There are few reasons to find this will be injurious to the area. From a pedestrian and vehicular standpoint, access from both religious institutions requires crossing US 27, a major 6-lane highway. The nine (9) outparcels on the site plan (see Exhibit 5) and proposed retail development on the adjacent parcel of Four Corners Baptist Church (case #LDNON-2023-67) will serve as physical barriers between the subject site and religious institutions. In addition, religious institutions typically hold service on Sundays. Meanwhile, the operating hours of the proposed liquor stores are not allowed to sell package sales of liquor on Sundays according to LDC Section 224, Table 2.4.

There are numerous examples throughout the County that demonstrate liquor stores and religious institutions can co-exist without any adverse effects. Deer Creek Crossings Plaza is approximately one mile north of the subject site. Measured from property lines, this plaza is 230 feet north from the Montessori School. Despite this short distance, there are two restaurants within the plaza - The Wheelhouse Bar and Ovation Bistro & Bar. These establishments are permitted to serve alcohol and are exempt from these distance requirements (4COP-SRX). The same exemption can be applied to the Montessori School property itself. Zoeys Pasta & Restaurant is in the same complex as the school and serves beer and wine (2COP) due to the restaurant exemptions set forth in Sec. 3-18 of the Code of Ordinances and Table 2.4 of the LDC. As demonstrated in the preceding examples, these uses can co-exist in close proximity without any extra burden on one another.

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;*

According to the Property Appraiser, Champions Christian Academy, the property which is closest to the applicant’s retail plaza, has been a religious facility since 2000. The church is located within an Institutional (INST) land use. Four Corners Baptist Church has been operating as a church since 1993 under different titles and is in a Residential Medium (RM)

land use. If these two churches opened after the proposed liquor stores, no extra burden of approval would be placed on either entity.

ECX in the North Ridge Selected Area Plan (SAP) allows alcohol sales an administrative type of review (Level 1). However, since the religious institutions were established first, the applicant must go through the variance process.

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 US 27 and entering the buildings themselves. The property boundaries between the subject site and two religious institutions are 200 feet and 735 feet. Meanwhile, if measured between the liquor store entrances and both religious institutions' property boundaries, those distances increase to over 940 feet (see Exhibit 4).

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. Bars and lounges, for instance, require a 4COP license for consumption on premises. The business hours of bars and lounges vary, often with hours that might impact a residential community, school, or religious institution. Furthermore, this case illustrates the uneven nature of alcohol policies in Polk County. The closest liquor store is a Publix Liquors at St. Charles Plaza. There are no religious institutions or schools within 2,500 feet of that store. No additional stores are found within a four-mile radius of the subject site. If granted the variance, the applicant will be the closest liquor store south of exit 55 on the I-4 interchange that can serve the rapidly growing urban residential area in the northeastern corner of the county. There appears to be no special conditions and circumstances present that are not the result of the applicant. Meanwhile two sit-down restaurants designated in the site plan as outparcels 9 & 10 (see Exhibit 5) are located closer to the two religious institutions and will be allowed to serve alcohol without having to go through the variance process (4COP-SRX).

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. The applicant's request will confer this privilege on the entire retail plaza because approval is based on the property boundary. Below is a chart of other establishments offering liquor sales that have been approved within 2,500 feet of a school or religious institution.

<b>Case</b>	<b>BOA/LUHO Date</b>	<b>Schools/Religious Institution</b>
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



Case	BOA/LUHO Date	Schools/Religious Institution
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

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. The development has already received conditional approval of 489,500 square-foot shopping plaza in the ECX district. It consists of two “big box” commercial establishments on the western portion of the site plan and nine outparcels, including two fuel stations, flanking U.S. Highway 27 on the eastern side of the property. It is common to encounter separate entrances to liquor store establishments incorporated into commercial establishments such as a Publix or Walmart. The actual distance between entrance and property lines is much greater, at over 940 feet away, and there are existing and proposed physical barriers between the uses that will greatly increase the perceptual distance (see Exhibit 4).

This variance allows the applicant to develop the large-scale retail project to its full potential buildout while providing many retail opportunities to supplement the needs of surrounding existing, developing and permitted residential growth in the area.

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. Alcohol package sales may be approved in ECX districts without limitations if there are no schools or religious institutions within 2,500 feet. The southern portion of the site was changed from PIX to ECX in September 2024 (case # LDCPAL-2023-11; Ordinance 2024-049) to accommodate the large-scale use.

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

Granting 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 any conditions of approval. The site plan received 6:0 conditional approval by the Planning Commission on October 2, 2024 (case # LDCU-2024-25).

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

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

<p><b>Northwest:</b> Residential High Density (RHX) Large townhome development ECX – small townhome development and large lot single-family</p>	<p><b>North:</b> Employment Center (ECX) Vacant former citrus grove planned for gas station two quick-serve restaurants and a self-storage facility</p>	<p><b>Northeast:</b> Professional/Institutional (PIX) Heavy Equipment Sales and Service (non-conforming) Retail store, vacant former citrus grove</p>
<p><b>West:</b> ECX, PIX, City Vacant, former citrus grove, large lot single-family, and small lot single family</p>	<p><b>Subject Property:</b> ECX Active and former citrus groves.</p>	<p><b>East:</b> PIX, Neighborhood Activity Center (NACX) Religious Institution, vacant forested and former citrus lands</p>
<p><b>Southwest:</b> PIX, City, RMX Self-storage, vehicle storage, large lot single-family</p>	<p><b>South:</b> PIX, Self-storage facility</p>	<p><b>Southeast:</b> NACX, RMX, RHX Ridgewood Lakes 55+ community, townhomes, mobile home, single- family, vacant commercial properties</p>

Compact single-family and multifamily developments are covering what used to be citrus groves. Commercial developments are trying to claim the last available acreage along the U.S. Highway 27 corridor. Land is developing at a rapid pace in this area. The existing residential development on the west side of the site is now residential development settled in this area before the County began making the substantial infrastructure investments to enable dense urban development. As a result of the market factors combined with the County’s investment, this area is one of the fastest growing in the entire state.

**Comments from other Governmental Agencies:** None.

**Exhibits:**

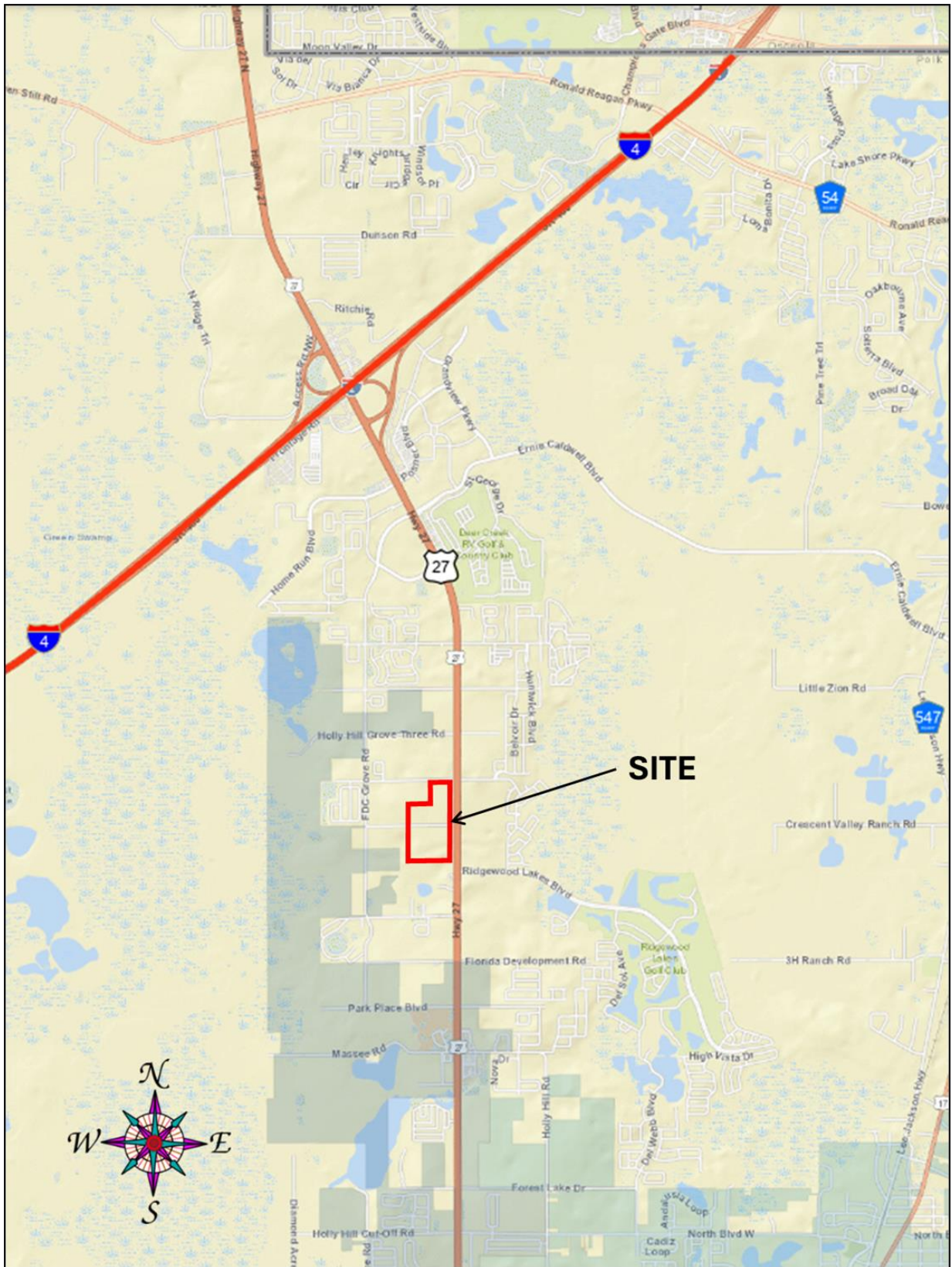
Exhibit 1 – Location Map

Exhibit 2 – 2023 Aerial Photo (Context)

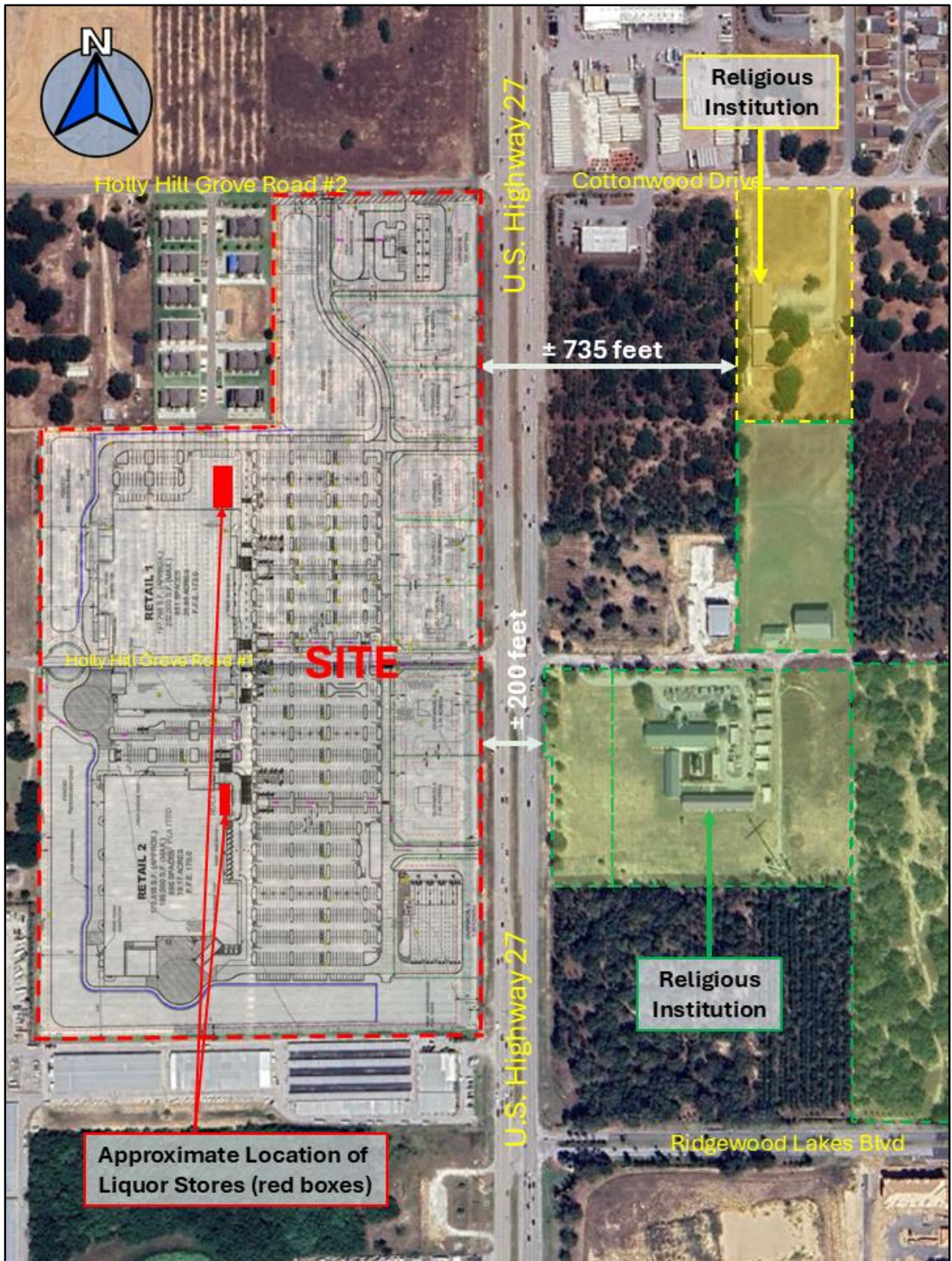
Exhibit 3 – Future Land Use Map

Exhibit 4 – 2024 Aerial Photo Entrances (Close)

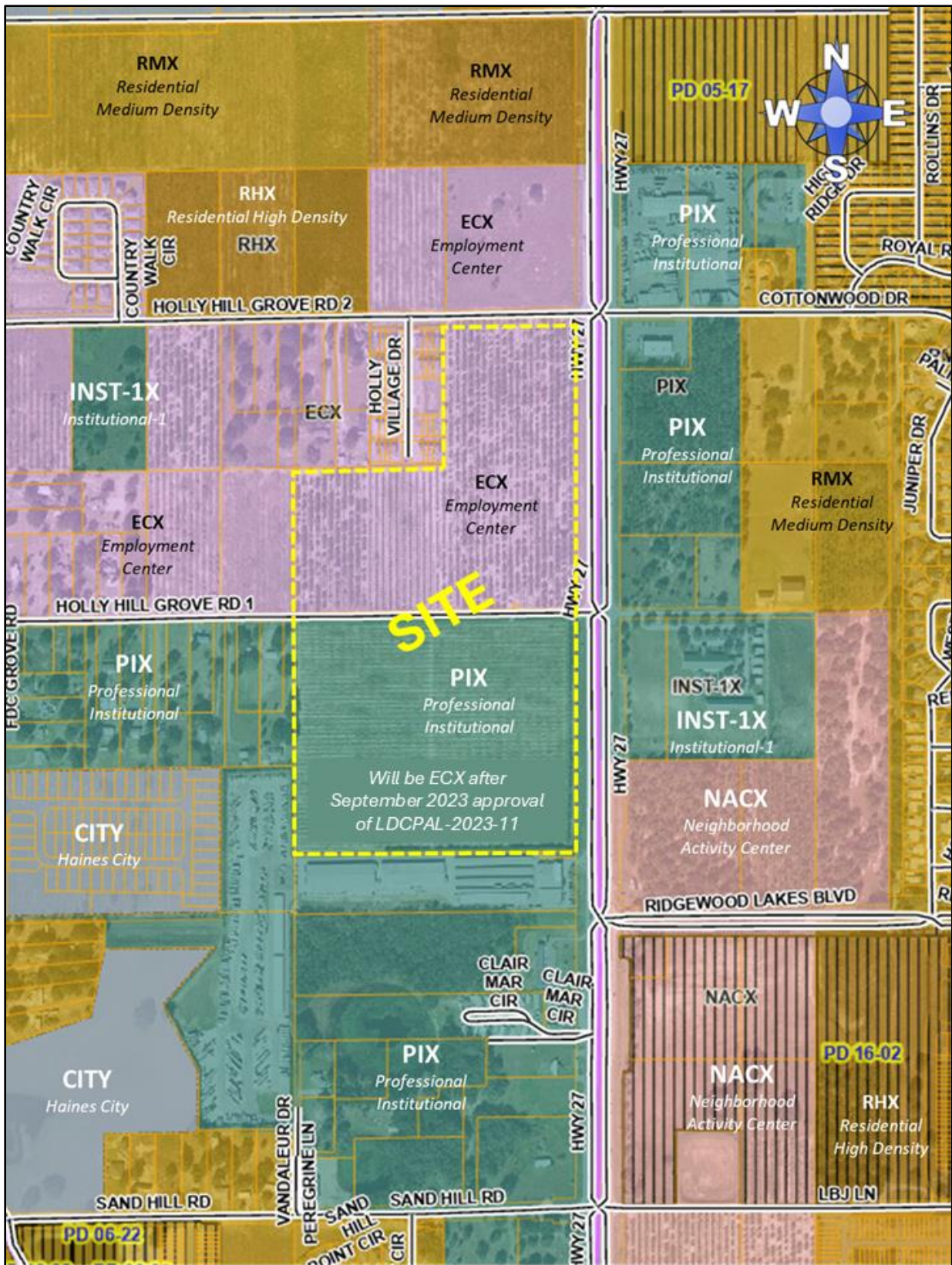
Exhibit 5 – Approved Site Plan



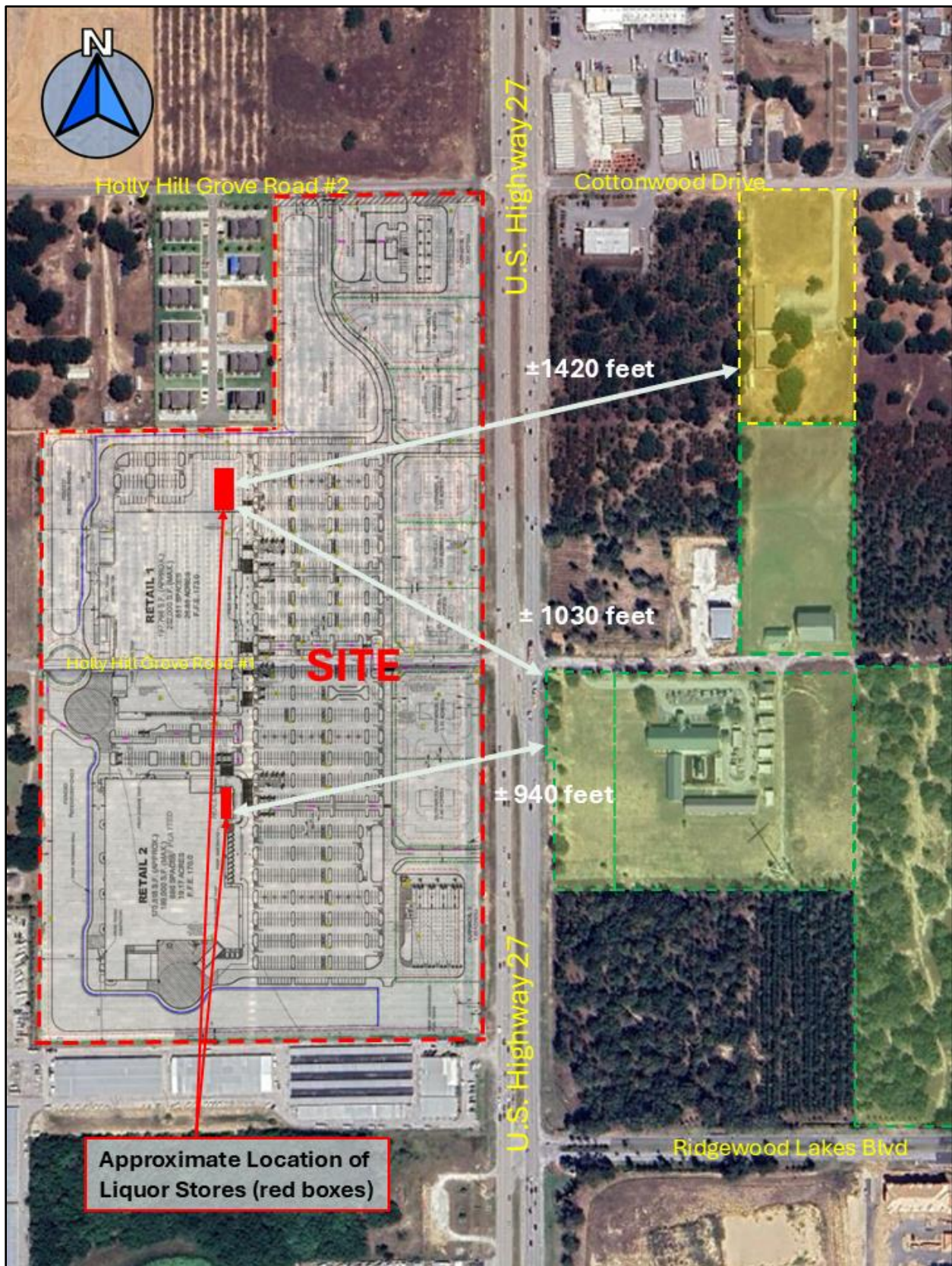
Location Map



## 2023 Aerial Photo (Context)

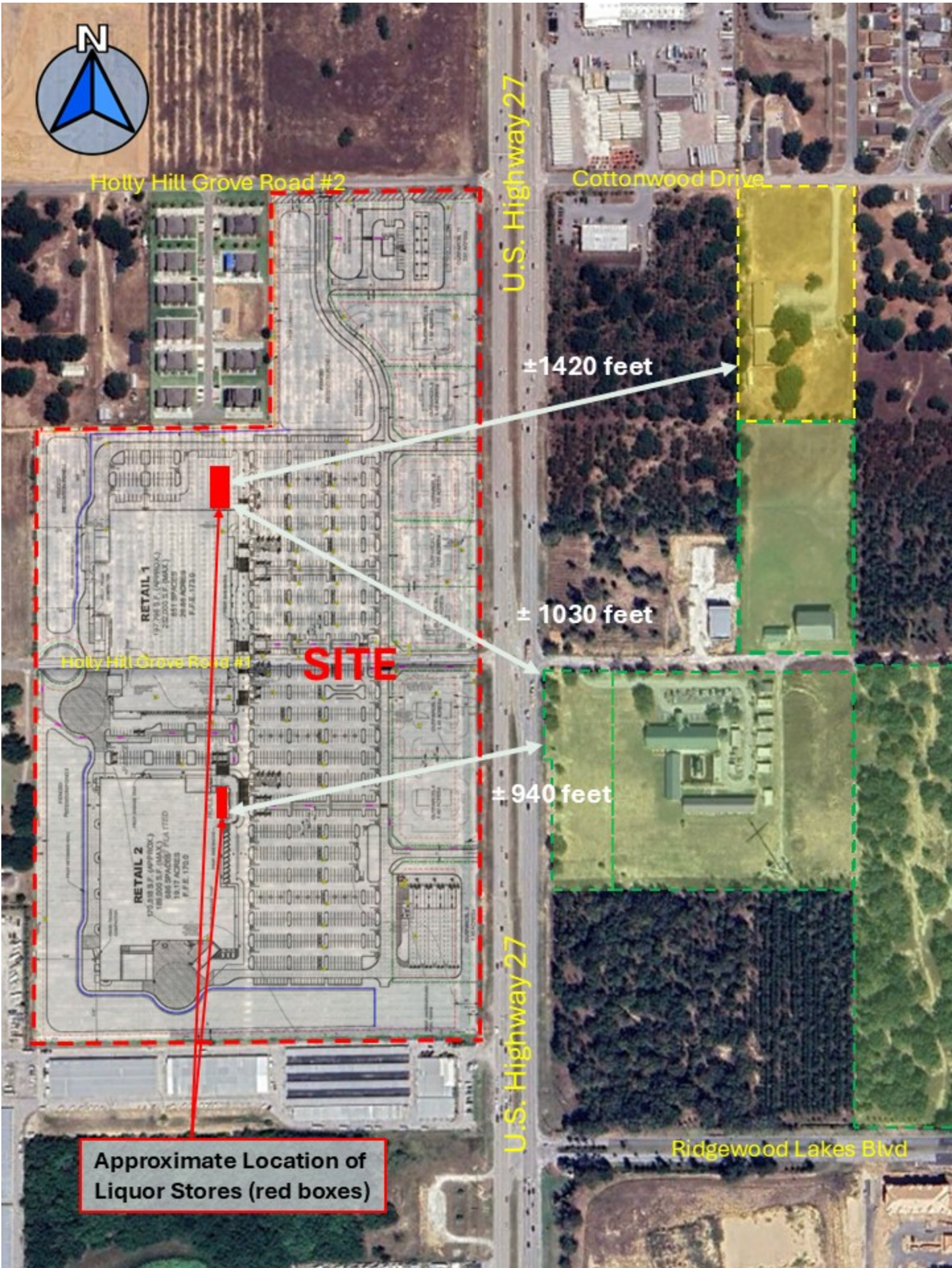


## Future Land Use Map



## 2024 Aerial Photo with Entrances (Close-up)





Approximate Location of Liquor Stores (red boxes)



330 West Church Street  
PO Box 3005 • Drawer GM03  
Bartow, Florida 33831-9005



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

LAND DEVELOPMENT DIVISION

AUTHORIZATION FORM

LAND DEVELOPMENT PROJECTS LOCATED IN POLK COUNTY, FLORIDA

I, L. Warren McKnight (print owner's name), as the owner of the real property described as follows, Parcel ID: 272630000000012010, do hereby authorize to act as my/our agent Jeffrey Satfield, P.E., CPH Consulting, LLC (print agent's name) to execute all applications, petitions and other documents necessary to affect the application approval requested and to appear on my/our behalf before all County boards and committees considering this application and to act in all respects as our agent in matters pertaining to the application.

L. Warren McKnight  
Property Owner Signature

L. Warren McKnight  
Property Owner Printed Name

01-13-25  
Date

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

Parcel ID: 272630000000012010. US Highway 27, Holly Hill Grove Road 1 and Holly Hill Grove Road 2

State of Florida County of Polk

I certify that the forgoing instrument was acknowledged before me this 10th day of January, 2025, by L. Warren McKnight, Jr.

Personally known  Produced identification \_\_\_\_\_ Type of Identification produced and verified: \_\_\_\_\_

Jennifer Beaudua  
Notary Public Signature

Jennifer Beaudua  
Notary Public, State of Florida  
My Comm Expires March 2, 2027  
Commission #HH355362  
Notary Stamp

Jennifer Beaudua  
Notary Public Printed Name

3/2/2021  
My Commission Expires

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



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

**LAND DEVELOPMENT DIVISION**

**AUTHORIZATION FORM**

**LAND DEVELOPMENT PROJECTS LOCATED IN POLK COUNTY, FLORIDA**

I, L Warren McKnight (print owner's name), as the owner of the real property described as follows, 27263000000012010, do hereby authorize to act as my/our agent Darrin Taylor and Robert Volpe/ Holtzman Vogel (print agent's name) to execute all applications, petitions and other documents necessary to affect the application approval requested and to appear on my/our behalf before all County boards and committees considering this application and to act in all respects as our agent in matters pertaining to the application.

*L. Warren McKnight*  
Property Owner Signature

L. Warren McKnight  
Property Owner Printed Name

01-13-25  
Date

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

Parcel ID: 27263000000012010

US HWY 27, Holly Hill Grove Rd and Holly hill grove road 2

State of Florida County of Polk

I certify that the forgoing instrument was acknowledged before me this 10th day of January, 2025, by L. Warren McKnight, Jr.

Personally known  Produced Identification \_\_\_\_\_ Type of Identification produced and verified: \_\_\_\_\_

*Jennifer Beaudua*  
Notary Public Signature

Jennifer Beaudua  
Notary Public Printed Name

Jennifer Beaudua  
Notary Public, State of Florida  
My Comm Expires March 2, 2027  
Commission #HH355362  
Notary Stamp

3/2/2027  
My Commission Expires



Polk County  
Polk County Land Use Hearing Officer

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Agenda Item

3/27/2025

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**SUBJECT**

LDLVAR-2025-2 (Trebiatowski - Via Galuppi St)

**DESCRIPTION**

The applicant is requesting a rear primary setback reduction from ten (10) feet to five (5) feet for the construction of a new screen room with a solid roof. The subject site is located at 1145 Via Galuppi St, north of Village Center Road, south of Cypress Parkway, east of the City of Haines City in Section 14, Township 27, 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**

<b>DRC Date</b>	<b>February 13, 2025</b>	<b>CASE #:</b>	<b>LDLVAR-2025-2 (Trebiatowski - Via Galuppi St)</b>
<b>LUHO Date</b>	<b>March 27, 2025</b>	<b>LDC Section:</b>	<b>209.F &amp; PUD 98-12</b>

**Project Number:** LDLVAR-2025-2

**Request:** The applicant is requesting a rear primary setback reduction from ten (10) feet to five (5) feet for the construction of a new screen room with a solid roof.

**Applicant:** Tess Stansell

**Property Owner:** Linda Ann Trebiatowski

**Location:** 1145 Via Galuppi St, north of Village Center Road, south of Cypress Parkway, east of the City of Haines City in Section 14, Township 27, Range 28

**Parcel ID#:** 282714-933557-001790

**Size:** ±0.09 acres

**Land Use Designation:** Poinciana Pre-Development of Regional Impact (DRI) #1  
Planned Unit Development (PUD) 98-12, Solivita Phase 5D

**Development Area:** Utility Enclave Area (UEA)

**Case Planner:** Aleya Inglima, Planner II

**Summary:**

The applicant is requesting a rear primary setback reduction from ten (10) feet to five (5) feet for the construction of a new screen room with a solid roof. By constructing a screen room with a solid roof, the screen room becomes part of the principal structure and must meet the principal structure rear yard setback of ten (10) feet. The subject property is located in Solivita Phase 5D (PUD 98-12). PUD 98-12 was approved with relatively small lots. Staff finds the request to be compatible and similar to others granted approval in Solivita. However, this proposed expansion of the dwelling also requires permission from the Solivita Community Association. Staff has reviewed the request for the 5-foot rear yard setback and recommends approval since this poses no harm to surrounding properties and no encroachment into easements.

Applicants for variances within Solivita typically seek County approval for relief from setbacks. Therefore, staff finds that the request meets the following criteria listed in Section 931 of the Land Development Code:

- The request **will not be injurious to the area involved or otherwise detrimental to the public welfare** because the expansion is minimal, and the lot backs up to a common area (open space). This expansion will have minimal potential adverse effects on the immediate neighbors or the community as a whole.

### **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-2025-2**, with the following conditions:

### **CONDITIONS OF APPROVAL:**

1. The property is granted a reduction in the rear yard setback from 10 feet to five (5) feet in Phase 5 of PD 98-12 for a screen room with a solid roof attached to a single-family residence.
2. The applicant shall secure permission from the Solivita Community Association prior to seeking building permits for the proposed expansion.
3. All necessary permits must be applied for within one year of the date for which the Land Use Hearing Officer's Final Order is rendered.
4. This variance does not authorize any encroachments into easements and the applicant shall be responsible for making certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.

### **GENERAL NOTES**

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

*NOTE: Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with 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 purchased the home from the builder in August of 2024. But the current 130 square foot lanai is a small area. This lot is bordered by an open space tract. There is a five-foot drainage easement to the rear of the parcel. The lanai will not encroach into that. This expansion is minimal relative to the structure. It will have a slight effect on the two immediate neighbors to the north and south. Many of the neighboring homes received approval to expand. It may limit the neighbor's peripheral view of the open space when sitting on their lanai. If the screen room was surrounded by a pool and did not have a hard roof, it would be permitted at five feet and not need a variance.

Staff recommend the applicant receive permission from the Solivita Community Association prior to seeking building permits for this expansion. Staff have been told by applicants and community representatives that the Solivita Community Association will not grant approval without first seeking a variance to setbacks through the County process. Therefore, this is the applicant's first step in the overall permitting process with further permissions to be obtained prior to any construction.

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 shape of the lot is a perfect rectangle. The home is placed in line with the boundaries. The special circumstance that is peculiar with this land and structure is that the expansion of the screen porch and roof will have little potential adverse impact on any neighboring property owner because it is only a five-foot extension off the rear of the structure. The abutting neighbors to each side of the dwelling are the only ones that could have their view of the pond limited by the expansion. The hard roof is the only significant change.

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

The residence was constructed a little over a year ago. The applicant purchased it in August of 2024. This lot, like most others, abuts a large expanse of open space on the rear lot line. This affords a little encroachment into the rear yard setback with very little adverse impact on any other property owner.

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 homes in this phase of the development are situated on the lots so that the buildable area is almost completely covered by the structure leaving very little area in the rear yard. Many buyers within the development see little value in the private open space that remains. The owner will derive more utility from that space if it is enclosed with screens and covered by a solid roof. While it does confer a special privilege on the applicant, seeking rear yard setback relief when abutting common areas has become commonplace throughout this development. This phase was modified to require only minimal setbacks/spacing between homes but there continue to be requests to build over the private open spaces. Since this property backs up to an open space pond tract, there is no significant harm that it may cause another property owner.

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

Adding a roofed in expansion provides more space in the patio for the applicant's enjoyment of the backyard protected from insects and the elements.

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 home will remain a residential use in a residential district of the Planned Development.

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

Granting this request will not result in the creation of a lot or parcel that does not meet the requirements of the Code. This variance request will not change the size, shape or use of the property.

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

Granting this request will not circumvent any conditions of approval. It was anticipated that some lots may not be able to comply with all the standards set forth in the Planned Unit Development (PUD) approval. As long as the drainage easements are not encroached upon, this request will not circumvent the Board approvals.

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

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

<p><b>Northwest:</b> PRE-DRI#1, PUD 98-12 Solivita Phase 5D Single-family home</p>	<p><b>North:</b> PRE-DRI#1, PUD 98-12 Solivita Phase 5D Single-family home</p>	<p><b>Northeast:</b> PRE-DRI#1, PUD 98-12 Solivita Phase 5D Open Space</p>
<p><b>West:</b> PRE-DRI#1, PUD 98-12 Solivita Phase 5D Single-family home</p>	<p><b>Subject Property:</b> PRE-DRI#1, PUD 98-12 Solivita Phase 5D Single-family home</p>	<p><b>East:</b> PRE-DRI#1, PUD 98-12 Solivita Phase 5D Open Space</p>
<p><b>Southwest:</b> PRE-DRI#1, PUD 98-12 Solivita Phase 5D Single-family home</p>	<p><b>South:</b> PRE-DRI#1, PUD 98-12 Solivita Phase 5D Single-family home</p>	<p><b>Southeast:</b> PRE-DRI#1, PUD 98-12 Solivita Phase 5D Open Space</p>

Phase 5D of the Solivita development is single-family detached units. This proposed screen enclosure will extend five feet (5’) off the lanai and back wall with a solid roof. The rear yard of these units also abuts an open space tract in Phase 5D of the Solivita plat. This screen room expansion will not and is not permitted to extend into any drainage easements according to the plat notes and Section 223 of the Land Development Code.

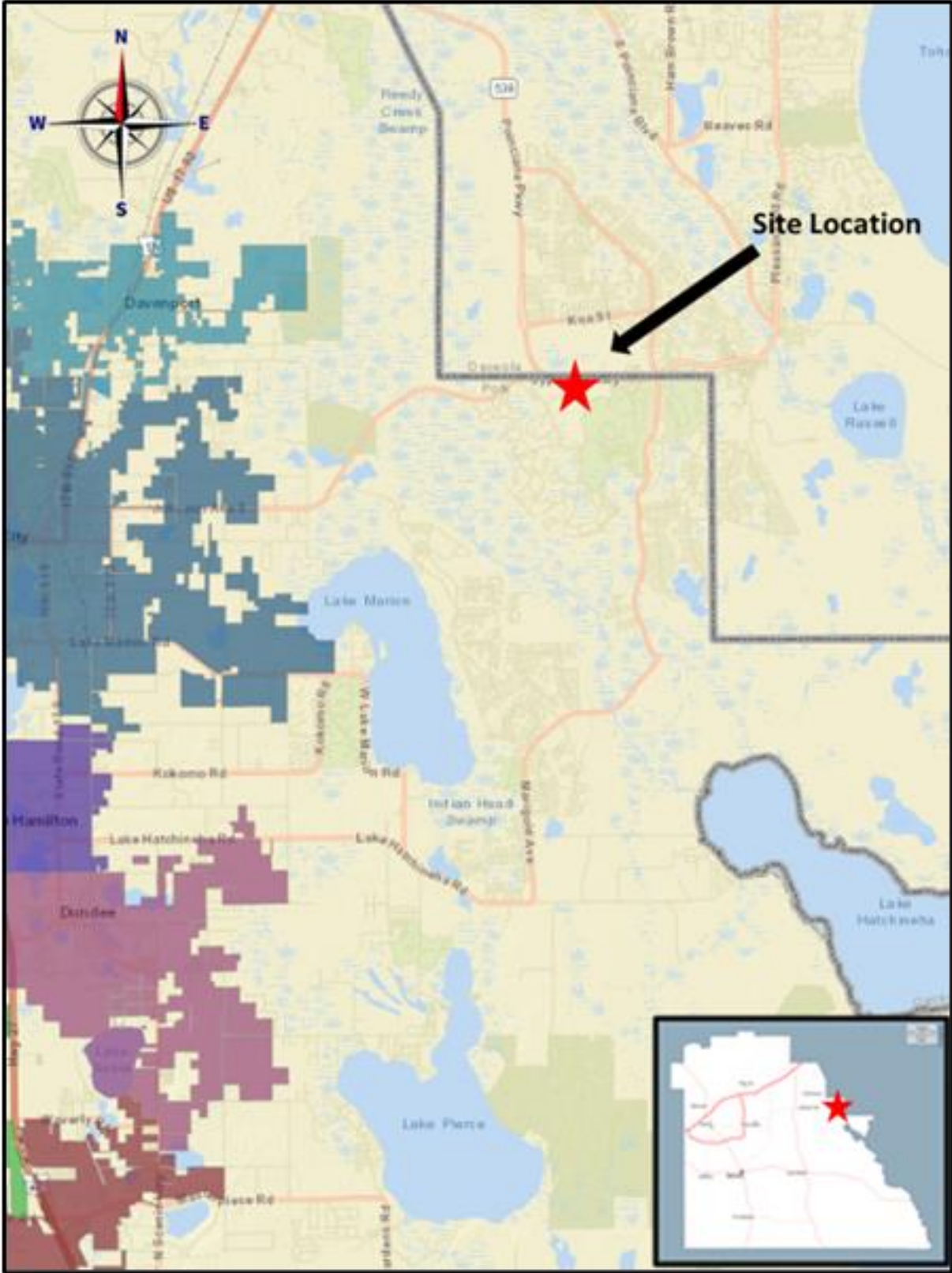
**Comments from other Governmental Agencies:**

None.

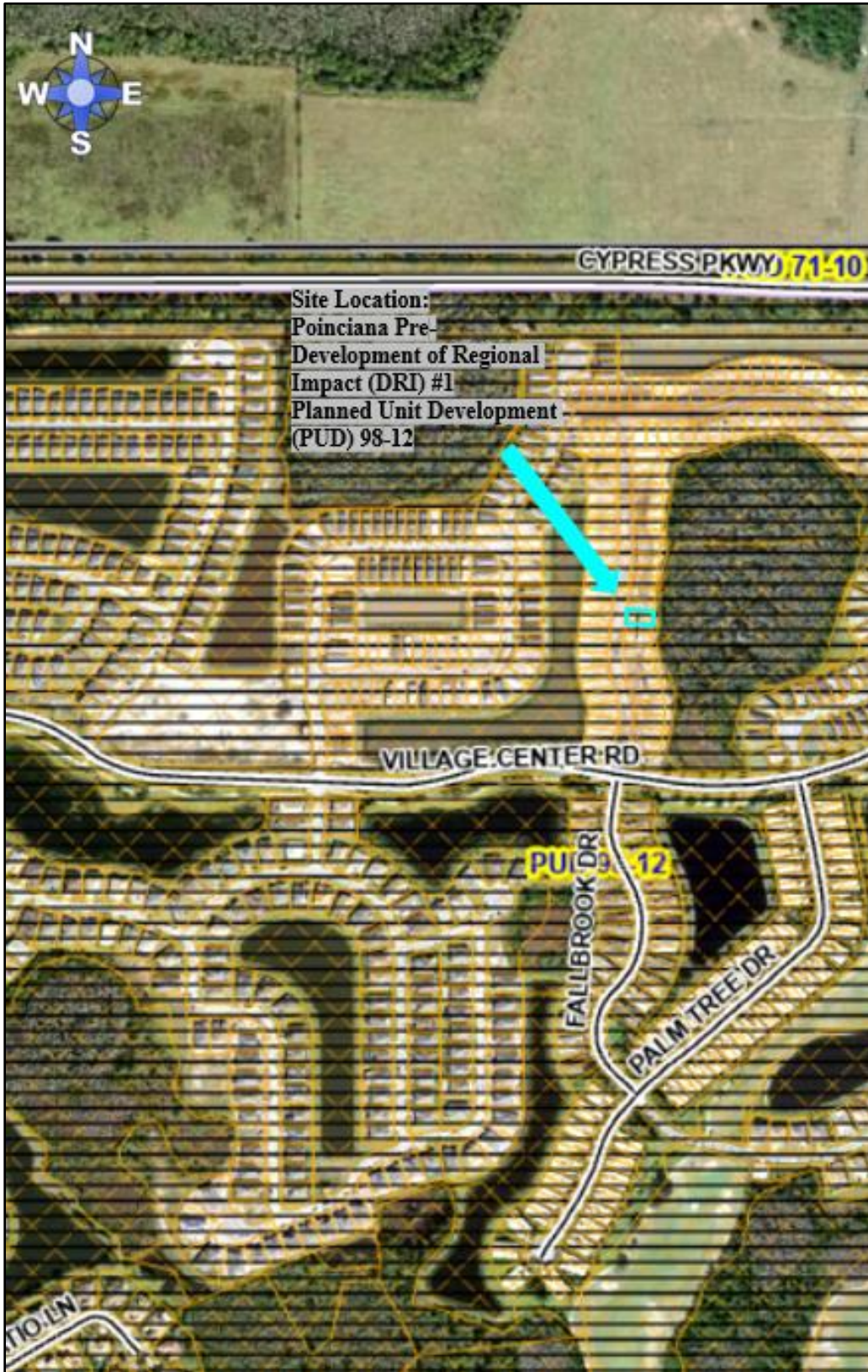
**Exhibits:**

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





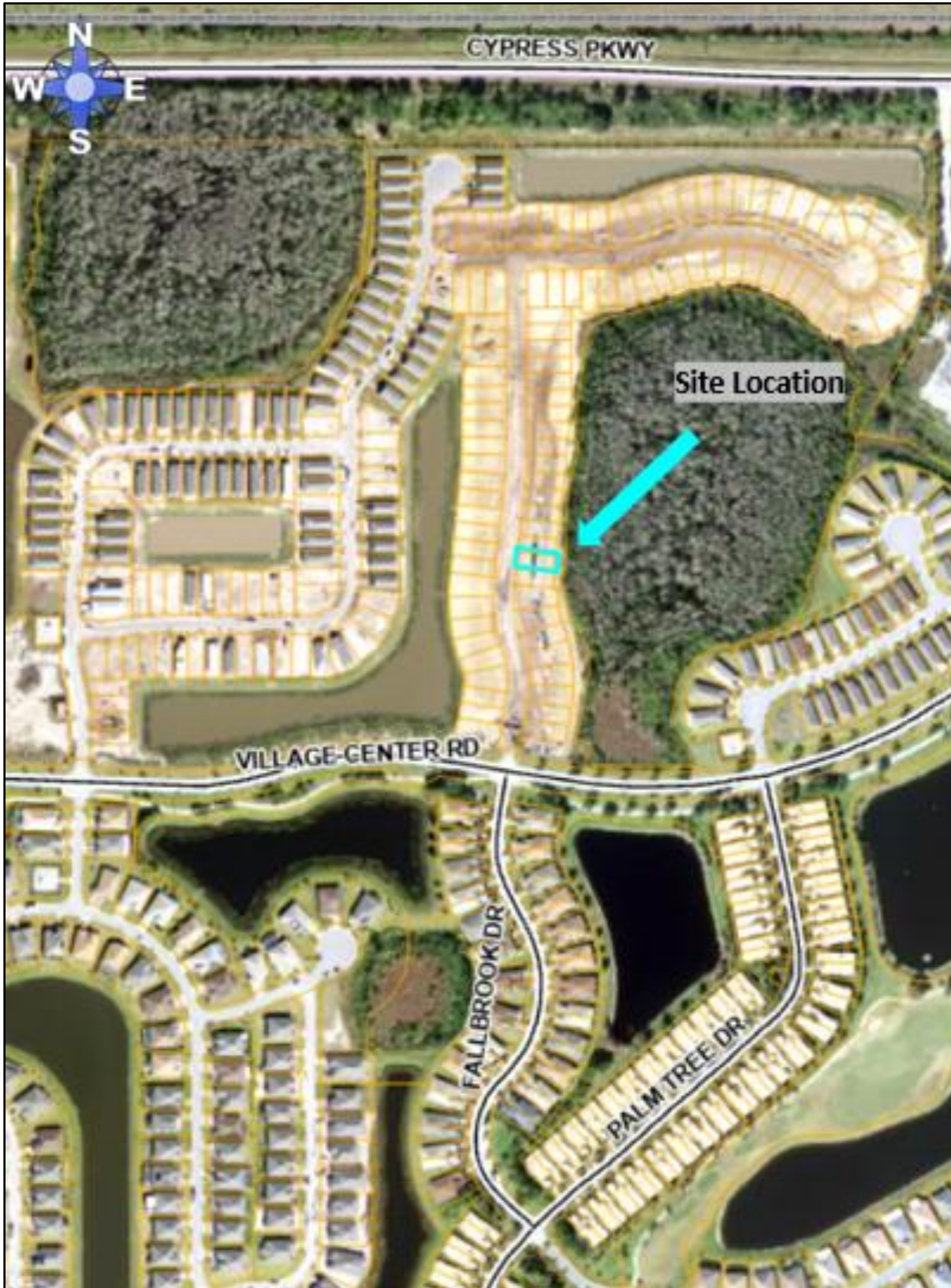
Location Map



## Future Land Use



## 2023 Aerial Context



## 2023 Aerial Close-Up



**CRITERIA FOR GRANTING VARIANCE**

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

No, the variance will not 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?**

The setbacks in the community of Solivita are large. Without reduction of the rear setback the homeowner would not be able to have the screen room built so they can enjoy the Florida weather protected from the elements.

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

8/2024. Permit has not been applied for yet. We are waiting on the approval of the variance.

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

The homeowner would like to use the property that is available to them within reasonable limits. They would like to be able to enjoy their backyard and be protected from the elements. The addition of the screen room will allow them to be able to do so

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

Yes, this is the minimum variance required for the reasonable use of the land

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

No, pending County approval.

## Applicant's Justification



**\*\*Linda Trebiatowski\*\***

**1145 Via Galuppi St, Poinciana, FL, 34759**

**GENERAL VARIANCE INFORMATION**

**The following justification criteria from Section 931 of the Land Development Code must be demonstrated for all requests for variance to setbacks.**

1. That 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 lots in this section of Solivita are small. Without reduction of the rear setback the solid roof screen room could not be built.
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;
  - Yes, other variances have already been issued for the same type of structure in this area.
3. That the special conditions and circumstances do not result from the actions of the applicant;
  - No, the county originally set these setbacks years ago. This way a variance would be required.
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;
  - No special privilege. The homeowner would like to enjoy their property and be protected from the elements.
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; and
  - This reduction of the rear setback will not affect the size of the lot or parcel. The homeowner just wants to be able to use what she has.
6. That the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - Yes, due to the setbacks of this property this reduction will allow the homeowner to be protected from the elements and enjoy their property.



7. Whether that in no case shall a variance be granted which will result in a change in land use that would not be permitted in the applicable land use designation;
  - No, the granting of this variance will in now way result in a change of land use.
  
8. Whether that in no case shall a variance be granted which will result in creation of any residual lot or parcel which does not meet requirements of the code;
  - No, The granting of this variance will in no way result in a creation of any residual lot or parcel.

***\*\*Variance: Reduce rear setback from 10' to 5' to build a solid roof screen room.***

# LDLVAR-2025-2 - Trebiatowski Variance

Menu Reports Help

Application Name: [Trebiatowski Variance](#)

File Date: [01/06/2025](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments: 

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

Description of Work: [Seeking variance to reduce the rear setback requirements from 10' to 5' in order to build a screen room with a solid roof.](#)

Application Detail: [Detail](#)

Address: [1145 VIA GALUPPI ST, POINCIANA, FL 34759](#)

Parcel No: [282714933557001790](#)

Owner Name: [TREBIATOWSKI LINDA ANN](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	<a href="#">Tess Stansell</a>	<a href="#">White Aluminum ...</a>	Applicant	<a href="#">Mailing, 6005 US HWY 1...</a>	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
Job Value:		<a href="#">\$0.00</a>				
Total Fee Assessed:		<a href="#">\$541.00</a>				
Total Fee Invoiced:		<a href="#">\$541.00</a>				
Balance:		<a href="#">\$0.00</a>				

Custom Fields: LD\_GEN\_BOA

GENERAL INFORMATION

Expedited Review

Number of Lots

-

Will This Project Be Phased

Acreage

[0.09](#)

DRC Meeting Time

-

DRC Meeting

[02/13/2025](#)

Rescheduled DRC Meeting

-

Rescheduled DRC Meeting Time

Green Swamp

[No](#)

Number of Units

-

Case File Number

-

Is this Polk County Utilities

One Year Extension

-

FS 119 Status

[Non-Exempt](#)

PUBLIC HEARINGS

Development Type

[Land Use Hearing,](#)

[Officer](#)

Variance Type

[Dimensions](#)

[Table](#)

[Affordable Housing](#)

Application Type

[Variance](#)

Brownfields Request

-

ADVERTISING

Advertising Board

[Land Use Hearing,](#)

[Officer](#)

Legal Advertising Date

-

MEETING DATES

LUHO Hearing Date

[03/27/2025](#)

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, the variance will not 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?  
[The setbacks in the community of Solivita are large. Without reduction of the rear setback the homeowner would not be able to have the screen room built so they can enjoy the Florida weather protected from the elements.](#)

When did you buy the property and when was the structure built? Permit Number?  
[8/2024. Permit has not been applied for yet. We are waiting on the approval of the variance.](#)

What is the hardship if the variance is not approved?  
[The homeowner would like to use the property that is available to them within reasonable limits. They would like to be able to enjoy their backyard and be protected from the elements. The addition of the screen room will allow them to be able to do so](#)

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

Do you have Homeowners Association approval for this request?  
[No, pending County approval.](#)

LD\_GEN\_BOA\_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID  
[POLKCO-25EST-00000-00728](#)  
 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, Plans, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion](#)  
 DigitalSigCheck  
[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
<a href="#">LUHQ</a>	1	28	03/06/2025	03/11/2025	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	<a href="#">Application Submittal</a>	Lisa Simons-Iri...	Application ...	01/14/2025	Lisa Simons-Iri...
	<a href="#">Roads and Drainage Review</a>	Phil Irven	Approve	01/14/2025	Phil Irven
	<a href="#">Planning Review</a>	Aleya Inglima	Approve	01/27/2025	Aleya Inglima
	<a href="#">Review Consolidation</a>	Lisa Simons-Iri...	Approved for...	01/30/2025	Lisa Simons-Iri...
	<a href="#">Public Notice</a>				
	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	

Dear B.O.C.C. ,

My name is Linda Trebiatowski. I reside at 1145 Via Galluppi St, Poinciana, FL, 34759. I am requesting a reduction of my rear setback from 10' to 5' in order to build a solid roof screen room. I would like to be able to sit outside my home, enjoy the FL weather and be protected from the elements. The screen room on the back of my home will allow me to do so. Several of my neighbors in Solivita have the same screen room attached to their home that I am requesting be built. I authorize Arturo Mendez of White Aluminum and Windows, LLC of Haines City to represent me at the upcoming variance meeting. Thank you for your help and consideration in this matter.

Sincerely,



Linda Trebiatowski

Date: 1.7.2025



Polk County  
Polk County Land Use Hearing Officer

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Agenda Item

3/27/2025

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**SUBJECT**

LDLVAR-2025-4 (Rogers Variance)

**DESCRIPTION**

The applicant is requesting a 5,532 square-foot accessory structure to be 370 percent larger than the primary structure in a Residential Suburban (RS) land use district on approximately +/- 4.02 acres.

**RECOMMENDATION**

Conditional Approval

**FISCAL IMPACT**

No fiscal impact

**CONTACT INFORMATION**

Andrew Grohowski

Land Development Division

(863)-534-6412

Andrew.Grohowski@polk-county.net

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

<b>DRC Date</b>	<b>February 13, 2025</b>	<b>CASE #:</b>	<b>LDLVAR-2025-4 (Rogers Variance)</b>
<b>LUHO Date</b>	<b>March 27, 2025</b>	<b>LDC Section:</b>	<b>Section 209.G</b>

**Project Number:** LDLVAR-2025-4

**Request:** The applicant is requesting a 5,540 square-foot accessory structure to be 370 percent larger than the primary structure in a Residential Suburban (RS) land use district on approximately +/- 4.02 acres.

**Applicant:** Thomas Rogers

**Property Owner:** Thomas W. Rogers Jr.

**Location:** The subject property is located at 2710 Saddle Creek Road, south of Wilson Boulevard, north of Ralph Road, east of Combee Road North, west of Dell Rose Drive West, east of the City of Lakeland in Section 03, Township 28, Range 24.

**Parcel ID#:** 242803-000000-043120

**Size:** ±4.02 acres

**Land Use Designation:** Residential Suburban (RS)  
Residential Low-1 (RL-1)

**Development Area:** Suburban Development Area (SDA)  
Transit Supportive Development Area (TSDA)

**Case Planner:** Andrew Grohowski, Planner II

**Summary:**

The applicant is requesting a variance to allow an accessory structure to be larger than the primary structure in the Residential Suburban (RS) land use district. Specifically, the applicant is requesting a variance for a 5,540-square foot structure that is larger than the 1,496-square foot primary structure on site. The proposed two-story garage is replacing an old barn intended to be demolished (permit # BT-2025-1791). Per Section 209.G of the Polk County Land Development Code (LDC), accessory structures are customarily associated with, subordinate in size, and incidental in use to the principal structure located on the same site. However, an accessory structure may be permitted up to 150% of the height of the principal structure and up to 2,000 sq. ft. or 150% of the principal structure square footage, whichever is greater on properties larger than 2 acres. The proposed two-story structure is 370% of the primary house square footage, therefore requiring an approval of a variance from the Land Use Hearing Officer pursuant to Sections 930 and 931 of the LDC.

The proposed garage is 30 feet above grade including the foundation while the residence is 14' high. This new garage is 214% of the primary structure's height and will be setback about 75' from the Wilson Acres subdivision to the north and over 400' from the single-family residences to the east. The property is in both the Residential Suburban (RS) and Residential Low (RL-1) land use districts due to portions of the site being situated in different development areas. The proposed garage will be located in the RS land use district.

Staff recommends approval as the significant amount of acreage owned by the applicant, substantial accessory setbacks, and the 8-foot concrete wall reduce offsite visibility and potential intensity concerns of the 5,540 square-foot two-story garage.

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 location of the property and the manner in which the building will be placed minimizes the aesthetic appearance of the larger accessory structure. The storage of the applicant's agricultural equipment rather than out in the open is more aesthetically beneficial to the neighborhood.
- **Special conditions and circumstances exist which are peculiar to the land and structure** because the applicant is replacing a demolished barn from the 1970s which was also larger than 150% of the primary structure to house all equipment. The applicant must store these items somewhere indoors for security and longevity purposes. Unlike the former barn, the new storage will adhere to the LDC and all new building code requirements.

### **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-2025-4**, with the following conditions:

### **CONDITIONS OF APPROVAL:**

1. The approval of this variance to Section 209.G of the Land Development Code to allow an accessory structure (5,540 square-foot garage) 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 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.
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 parties at a public hearing.*

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

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

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

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

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

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

The subject parcel is slightly over four acres. The applicant recently demolished an old barn under permit # BT-2025-1791. The applicant intends to replace the old barn with a new garage in the same location. The proposed garage will be approximately 30 feet high and will be setback 75' from the rear and 179.5' and 401' from the sides. The RS district accessory setbacks are 5' side and 10' rear. The primary structure is 14' high.

The applicant owns twelve additional parcels in the general vicinity of the subject site which are divided among State Road 659 (Combee Road) and Saddle Creek Road. The thirteen parcels owned by the applicant consist of vacant land and multiple single-family residences with a combined total acreage of over 33 acres (See Exhibit 5). The garage is proposed to have two stories with windows on the second story. It will be setback about 75' from the Wilson Acres subdivision to the north according to the site plan (See Exhibit 7). The applicant constructed an 8-foot-high opaque concrete wall around three parcels north of Saddle Creek Road, including the subject site. The substantial setbacks as well as the concrete barrier minimizes the visual impacts of the larger garage as well as any privacy concerns with the abutting subdivision.

The now demolished barn existed since 1971 and had expansions in the early 1980s and late 1990s. It was 24' high and exceeded 150% of the principal structure's square footage and height. It was constructed prior to the adoption of the LDC. The proposed garage will be over three times the size of the primary structure. However, due to the large size of the lot, combined acreage of all properties, setback distances, and the concrete wall, this garage should not be as noticeable as it would be on much smaller lots in a regular subdivision. Granting the subject request will not be injurious to the area as the new garage replacing the old barn has been in the same location for over 50 years.

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 some special conditions and circumstances that exist which are peculiar to the land and structures involved. The property is in both the Residential Suburban (RS) and Residential Low (RL-1) land use districts due to portions of the site being situated in different development areas. Most of the site is located in the Suburban Development Area (SDA) while the southern portion is in the Transit Supportive Development Area (TSDA) (see Exhibit 2). The proposed garage will be in the SDA and the RS land use district.

Considering all thirteen properties owned by the applicant, the size of the primary structure relative to the total acreage of the properties is significantly different. The three contiguous properties owned by the applicant to the north of Saddle Creek Road, including the subject site, are over 11 combined acres and surrounded by an 8-foot-high opaque concrete wall. The garage will be setback more than 75 feet from the Wilson Acres subdivision to the north. These factors enable the larger accessory structure to be less noticeable from offsite.

The proposed structure will be approximately 30 feet above grade including the foundation. The original home on site is approximately 14 feet above grade. The closest neighbor to the proposed garage, located at 2737 Wilson Boulevard, is approximately 56 feet off their southern property line. The applicant's proposed accessory structure will be about 75 feet off that line. Therefore, separation from the nearest dwelling will be over 130 feet in addition to the 8-foot-high opaque concrete wall.

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

The property has been in the family for more than 75 years. The special conditions and circumstances present in the request are a result of the applicant's choice to rebuild a storage structure on almost an identical building footprint. The applicant would like the garage to be located within the contiguous 8' concrete wall surrounding the three parcels north of Saddle Creek Road (see Exhibit 5). If they chose to relocate on another parcel within that wall, they would still have to request a variance due to the square footage exceeding 150% of the primary structure. Notwithstanding, the owner wants the new garage to be located within their 8-foot-high opaque concrete wall for security purposes and ease of access. The old barn that is being replaced was also 150% larger than the 14' high, 1,496-square foot primary structure on the subject site.

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;*

Staff has not received any applications for accessory structures larger than the primary in the immediate vicinity nor any other variance request within a one-mile radius of the site. The request is to construct a storage garage that will become 370% larger than the primary residence. While approval of this variance will grant the applicant a special privilege, there are other mitigating factors with regard to the location of the property. The total acreage of the owner's 13 properties, setbacks, and 8-foot concrete wall need to be considered. This is not a request to place a 5,540 square foot two-story garage on a small piece of property. The garage would exist on over 11 contiguous acres and be large enough to accommodate the owner's equipment to maintain the ±33-acre homestead.

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

The applicant oversees thirteen properties in the surrounding area totaling over 33 acres which is no small task. Three workers are employed to aid with the upkeep and ongoing maintenance of these properties. The new garage is replacing an old barn which has been essential for storing various agricultural equipment including but not limited to tractors, various lawn mowers, and a wheel loader. Sheltering these tools from the elements will extend their useful lifespan, protect from possible theft and be more aesthetically desirable to neighboring property owners and public rights of way. The storage building is also proposed at this location due to the enhanced security of the concrete wall and to closely monitor its contents. The proposal is 5,540 square-feet which is not dissimilar to the former barn located in almost the same footprint (see Exhibit 6). If they chose to relocate on another owned parcel within the wall (on either 2710 Saddle Creek Road or 2301 N Combee Road) they will still need a variance pursuant to Section 209.G of the LDC.

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 the Land Use Hearing Officer or the Planning Commission grant a variance which would result in creation of any residual lot or parcel which does not meet the requirements of this Code; and*

Granting this request will not result in the creation of a lot or parcel that does not meet the requirements of the Code. This variance request will not change the size, shape or use of the property.

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

Granting this request will not circumvent any conditions of approval. This property was zoned Rural Estates (RE-1) from the adoption of the original zoning map until the zoning ordinance was repealed in 2000 and replaced by the LDC Sub-district Map. It has never been granted any special use permit or conditional use approval.

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

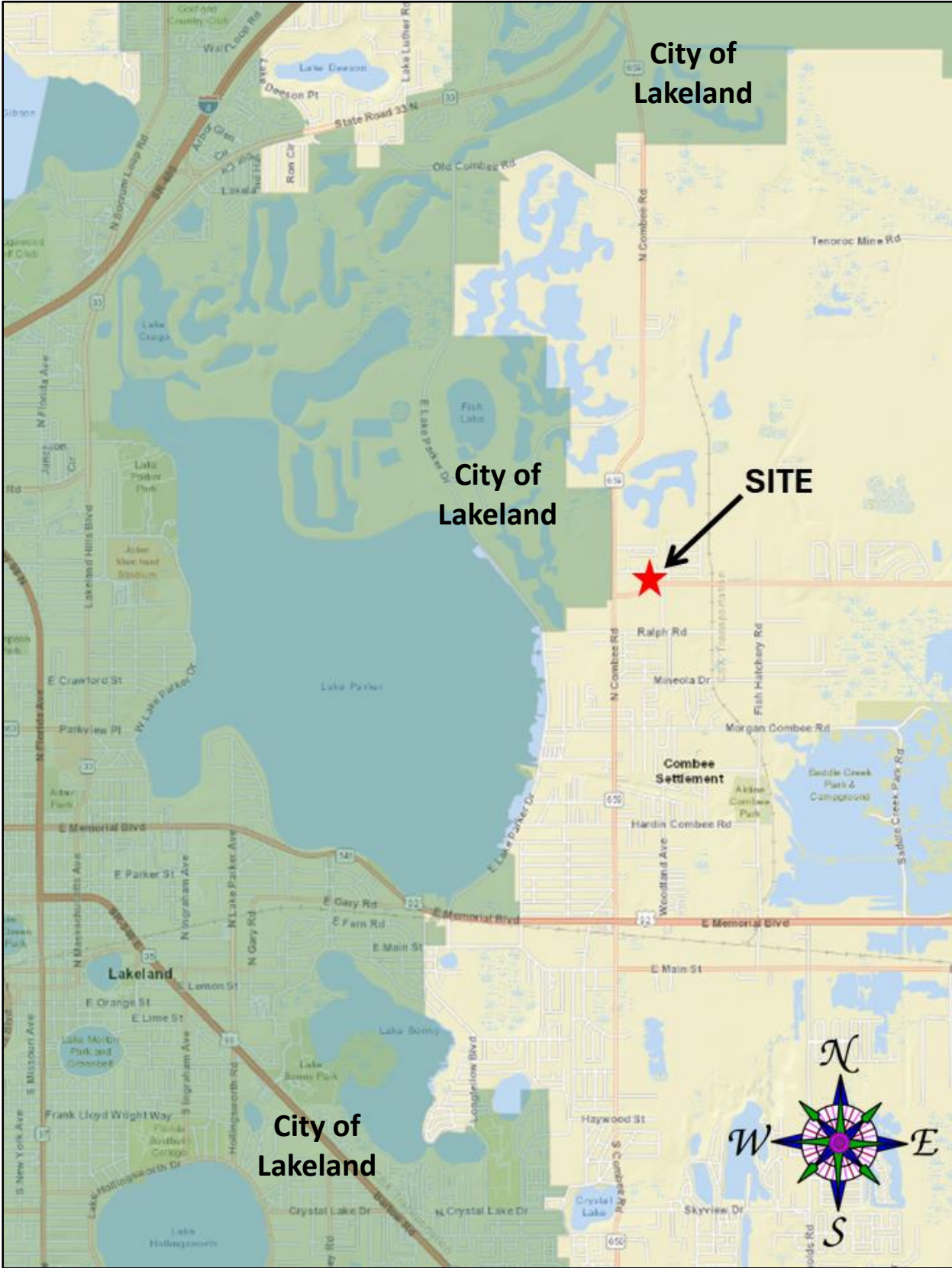
The table to follow provides details of abutting uses and their lot parameters.

<p><b>Northwest:</b> RS Wilson Acres subdivision 2,141 sq. ft. single-family home ±11,325 sq. ft. lot</p>	<p><b>North:</b> RS Wilson Acres subdivision 6 SFRs &amp; one vacant lot ±11,400 sq. ft. lots and one ±22,800 sq. ft lot</p>	<p><b>Northeast:</b> RS Wilson Acres subdivision 2 single-family homes ±11,000 sq. ft. lots</p>
<p><b>West:</b> RS &amp; RL-1 5,632 sq. ft. single-family home Owned by the applicant On ±3.74 acres</p>	<p><b>Subject Property:</b> RS &amp; RL-1 1,496 sq. ft. single-family home Owned by the applicant On ±4.03 acres</p>	<p><b>East:</b> RS Wilson Acres subdivision 3 single-family homes On ±26</p>
<p><b>Southwest:</b> RL-1 1,168 sq. ft. single-family home Owned by the applicant On ± 10.03 acres</p>	<p><b>South:</b> RL-1 1,168 sq. ft SFR &amp; 2 vacant lots Owned by the applicant On ±0.34 acres, ±675 sq. ft lot., &amp; 1 acre</p>	<p><b>Southeast:</b> RL-1 &amp; BPC-1 Single family homes, mobile homes &amp; vacant land</p>

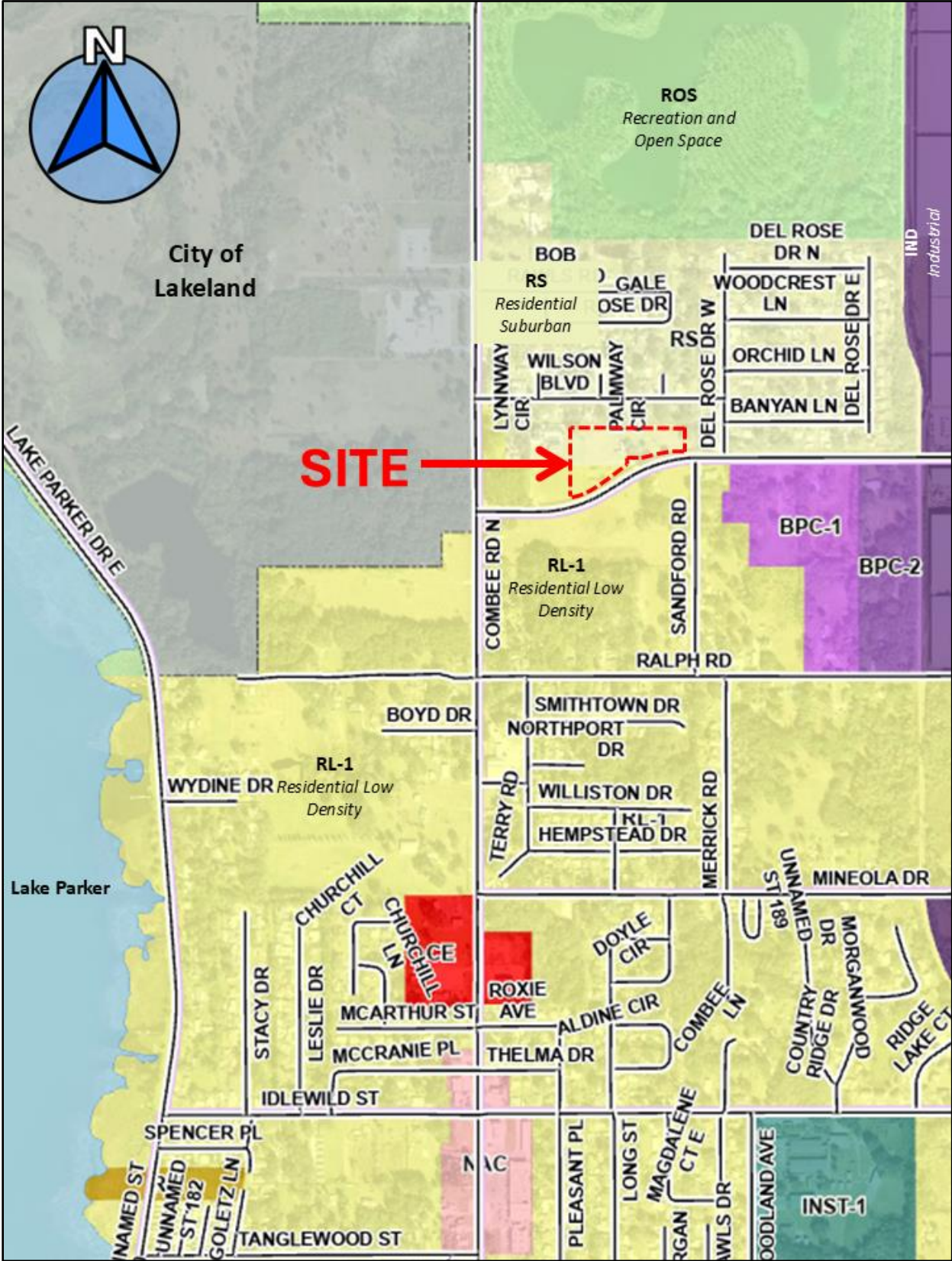
The surrounding properties consist of single-family residences. The western and southern properties are owned by the applicant. The home is bordered to the north and east by the Wilson Acres subdivision. Staff found no prior variances within one-mile radius of the site. The applicant owns a total of ±33 acres in the vicinity which require ongoing maintenance. That is why so much enclosed space is needed by the applicant for lawn maintenance supplies and vehicles.

**Exhibits:**

- Exhibit 1 - Location Map
- Exhibit 2 - Future Land Use Map
- Exhibit 3 - 2020 Aerial Photo (Context)
- Exhibit 4 - 2023 Aerial Photo (Close-up)
- Exhibit 5 - 2022 Oblique Aerial of Applicant’s Properties
- Exhibit 6 - 2024 Aerial with Site Plan
- Exhibit 7 - Site Plan
- Exhibit 8 - Applicant’s Justification



Location Map



# Future Land Use Map



2020 Aerial Photo (Context)



2023 Aerial Photo (Close-Up)

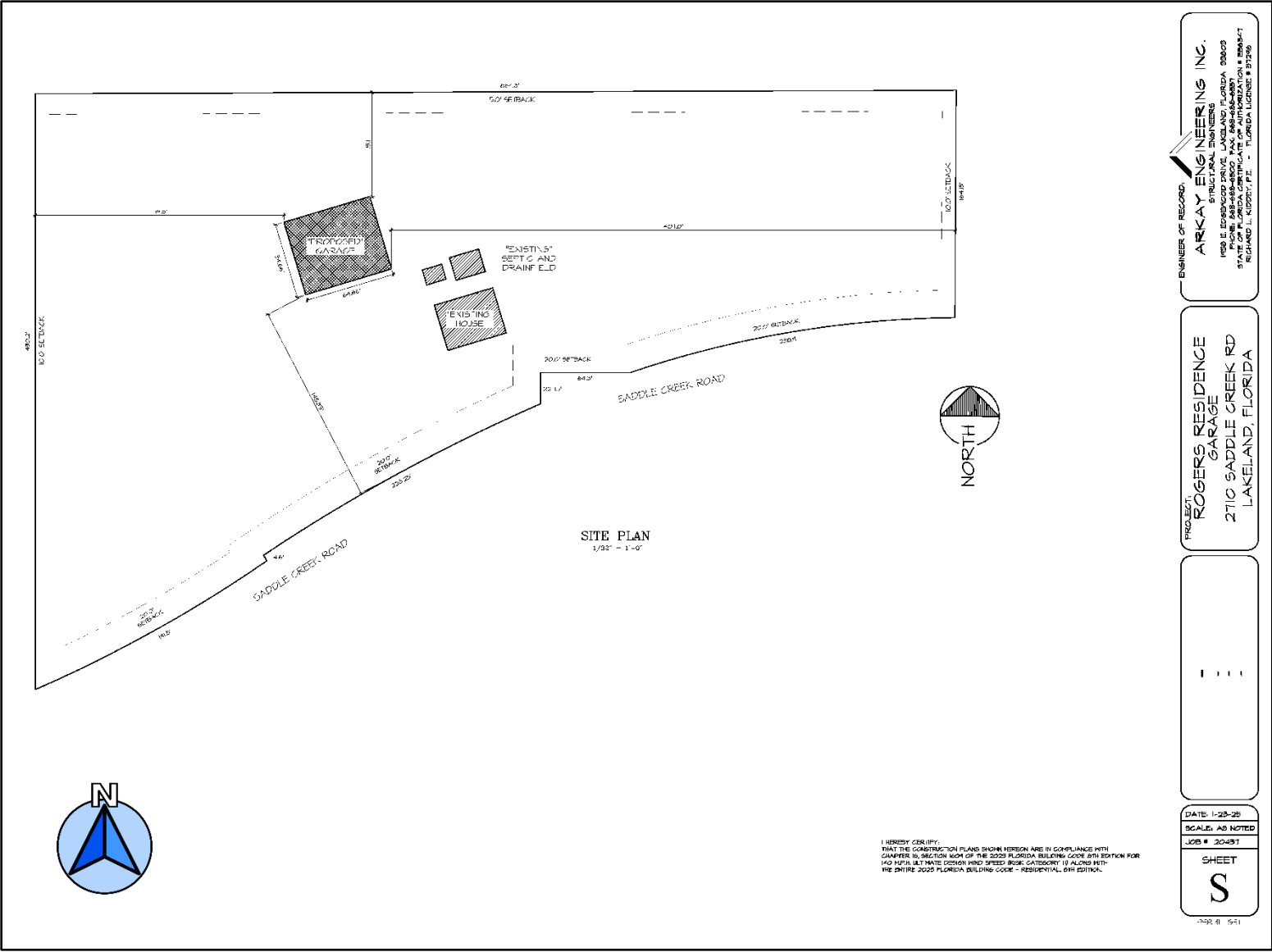




# 2022 Oblique Aerial of Applicant's Properties



# 2024 Aerial with Site Plan



# Applicant's Site Plan

ENGINEER OF RECORD:  
**ARKAY ENGINEERING INC.**  
 STRUCTURAL ENGINEERS  
 1830 E. EDWARDS DRIVE, LAKELAND, FLORIDA 33809  
 STATE OF FLORIDA CERTIFICATE OF AUTHORIZATION # 22943-7  
 RICHARD L. KUDRY, P.E. - FLORIDA LICENSE # 97129

PROJECT:  
**ROGERS RESIDENCE GARAGE**  
 2710 SADDLE CREEK RD  
 LAKELAND, FLORIDA

DATE: 1-28-25  
 SCALE: AS NOTED  
 JOB #: 20437

SHEET  
**S**

I HEREBY CERTIFY THAT THE CONSTRUCTION PLANS SHOWN HEREON ARE IN COMPLIANCE WITH CHAPTER 16, SECTION 906 OF THE 2020 FLORIDA BUILDING CODE WITH SECTION FOR I&O HAZARDOUS ULTIMATE DESIGN WIND SPEED RISK CATEGORY 13 ALONG WITH THE ENTIRE 2020 FLORIDA BUILDING CODE - RESIDENTIAL, 6TH EDITION.

**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 has been in the family my whole. It was passed down to me.  
Built in the 1970s (unsure of exact date)

What is the hardship if the variance is not approved?

The equipment will be left outside in the open where weather will deteriorate. This building is needed to maintain the property.

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

Yes

Do you have Homeowners Association approval for this request?

Not needed

## Applicant's Justification