

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

DRC Date:	December 11, 2025	CASE #:	LDLVAR-2025-71 (Crystal Beach Road Variance)
LUHO Date:	January 22, 2026	LDC Section:	Section 208, Table 2.2

Request: The applicant is requesting a variance to reduce the accessory structure side setback from five (5) feet to two (2) feet for a carport.

Applicant: Wesley Holley

Property Owner: Wesley Zane Holley, Kelly Sue Holley

Location: 5726 Crystal Beach Road, south of Crystal Beach Road, east of Spirit Lake Road, north of Old Bartow Eagle Lake Road, west of the city of Eagle Lake in Section 11, Township 29, Range 25.

Parcel ID#: 252911-000000-011050

Size: ±0.55 acres

Land Use Designation: Residential Low-2 (RL-2)

Development Area: Urban Growth Area (UGA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is requesting a variance to reduce the accessory structure side setback from five (5) feet to two (2) feet for a carport. The home was built in 1928 and is within a Residential Low-2 (RL-2) land use district, where the required interior side setback for detached accessory structures is five (5) feet. The applicant purchased the subject property on September 2025 and wishes to add a carport. The proposed structure will be in front of the residence.

A variance to setbacks requires a public hearing and approval by the Land Use Hearing Officer (LUHO), in accordance with Section 931 of the LDC for the reduction of the side setback. Staff finds this request will cause no harm to the community or neighbor. The subject parcel is surrounded by lots of similar size. The adjacent neighbor to the south is in favor of the reduction in setback and has signed an affidavit acknowledging such.

Staff recommends approval of LDLVAR-2025-71 as it meets the following criteria listed in Section 931:

- **The request will not be injurious to the area involved or otherwise detrimental to the public welfare** as the adjacent neighbor is in favor of the reduction in setback and has signed an affidavit acknowledging such. The request is not anticipated to negatively affect

the surrounding property owners, or the neighborhood as adequate space remains for maintenance purposes

Development Review Committee

The Development Review Committee, based on the criteria for granting variances, the submitted application, and a recent site visit, finds that the applicant's request as written **IS CONSISTENT** with Section 931 of the Polk County Land Development Code (LDC) and recommends **APPROVAL of LDLVAR-2025-71 with conditions.**

CONDITIONS OF APPROVAL:

1. Seeking a variance to reduce the accessory structure side setback from five (5) feet to two (2) feet for a carport. Further additions or structures placed on the property shall be required to meet the setback requirements of Section 208, Table 2.2 of the Polk County Land Development Code or re-apply for another variance approval from the Land Use Hearing Officer.
2. This variance does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
3. The applicant shall have one (1) year from the date the Land Use Hearing Officer's Final Order is rendered to apply for all necessary building permits and pay all associated fees for the proposed addition.

GENERAL NOTES

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

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

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

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

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

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

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

Granting the requested variance will not be injurious to the surrounding area or detrimental to the public welfare as the one accessory shed will still be able to be maintained at two feet from property lines. The requested variance is consistent with the general intent of the Land Development Code to allow reasonable use of residential property. The proposed carport will be approximately 60 feet from the nearest neighboring structure. Other carports can be found throughout the neighborhood.

The applicant is requesting a variance to reduce the interior side setback from five (5) feet to two (2) feet for a carport.

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 Polk County Property Appraiser's website, the parcel has been developed with a site-built residence since 1928. The lot is narrow in width which significantly limits the buildable area and constrains the placement of accessory structures. As a result, the property has a physical limitation that makes strict compliance with the setback requirements difficult.

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

The property was established prior to current setback standards, and its narrow size restricts available space for accessory structures. The limited buildable area caused by the lot being narrow restricts options for locating accessory structures. Additionally, many other residential properties in the area have carports at the front of their properties.

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

Every variance approval is a special privilege. The request represents a reasonable accommodation for the property being narrow. According to Chapter 2, Section 209 of the LDC, a carport is permitted to be in front of the primary residence. The carport is located to the front of the house, but it is in the side yard and meets all right of way setbacks. If this variance is approved, staff does not foresee the desired structure impacting public welfare or safety. In accordance with Chapter 2, Section 209 of the LDC, "accessory structures shall be located in the side or rear yard meeting the required setbacks. Carports, garages, and any other structures intended for the storage of vehicles which have both a rigid roof and a permanent foundation may be permitted in the front yard, provided the front yard setbacks are met.

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

The applicant is requesting a variance to reduce the interior side setback from five (5) feet to two (2) feet for a carport represents the minimum variance necessary to allow reasonable use of the property. Given the parcel is narrow, adherence to setback requirements would prevent placement of accessory structures.

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

Approval of this variance will not result in a change of land use. The property will remain designated as Residential Low-2 (RL-2) land use district.

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

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

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

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

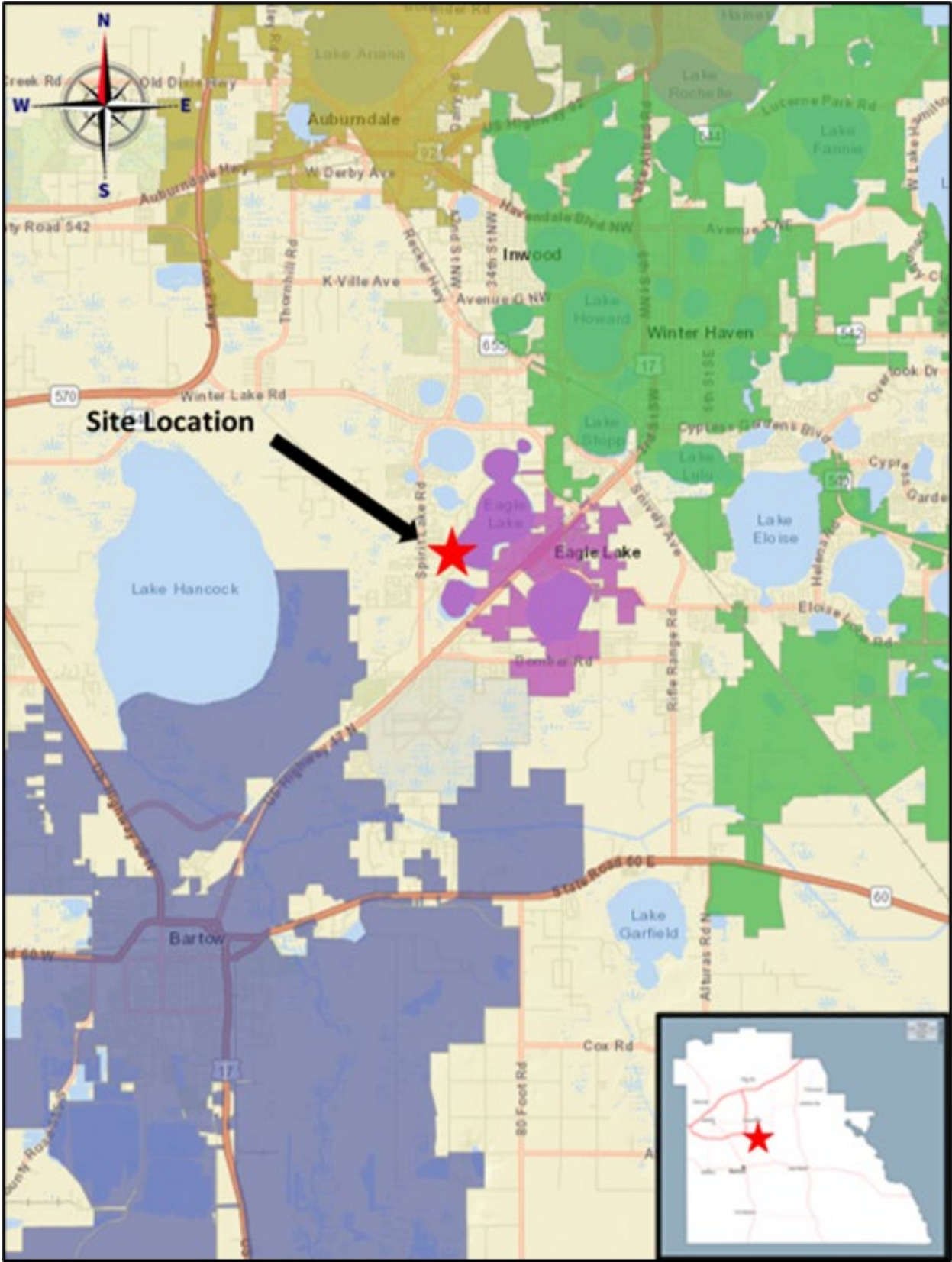
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: Residential Low-2 (RL-2) ±2.2 acres Site-Built Residence	North: Residential Low-2 (RL-2) ±0.58 acres Site-Built Residence	Northeast: Lake
West: Residential Low-2 (RL-2) ±0.32 acres Site-Built Residence	Subject Property: Residential Low-2 (RL-2) ±0.55 acres Site-Built Residence	East: Lake
Southwest: Residential Low-2 (RL-2) ±0.40 acres Site-Built Residence	South: Residential Low-2 (RL-2) ±1.07 acres Site-Built Residence	Southeast: Lake

The carport is located at the front of the home. Staff found one prior variance in this neighborhood.

Exhibits:

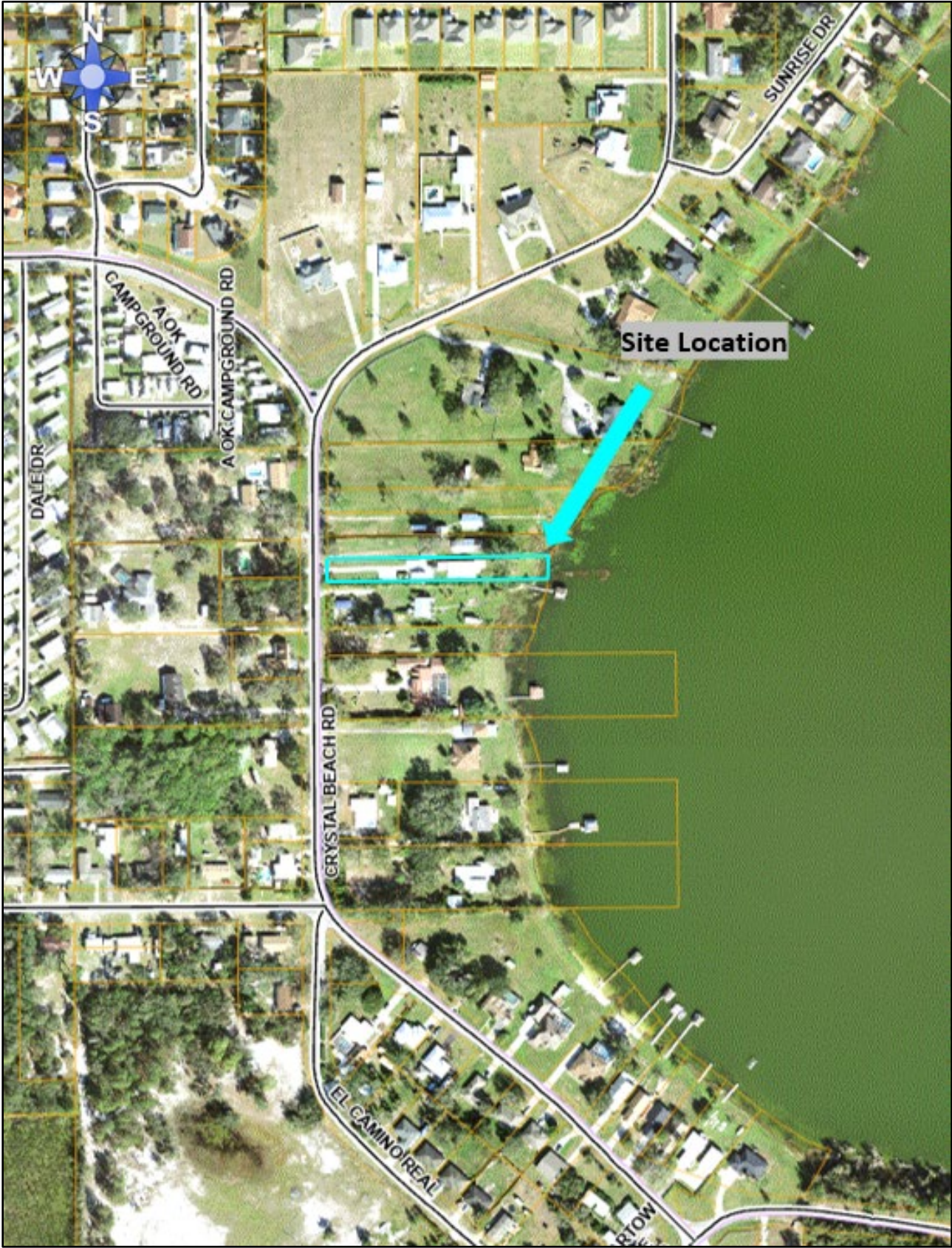
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Imagery (Context)
- Exhibit 4 Aerial Imagery (Close)
- Exhibit 5 Site Plan
- Exhibit 6 Justification



Location Map



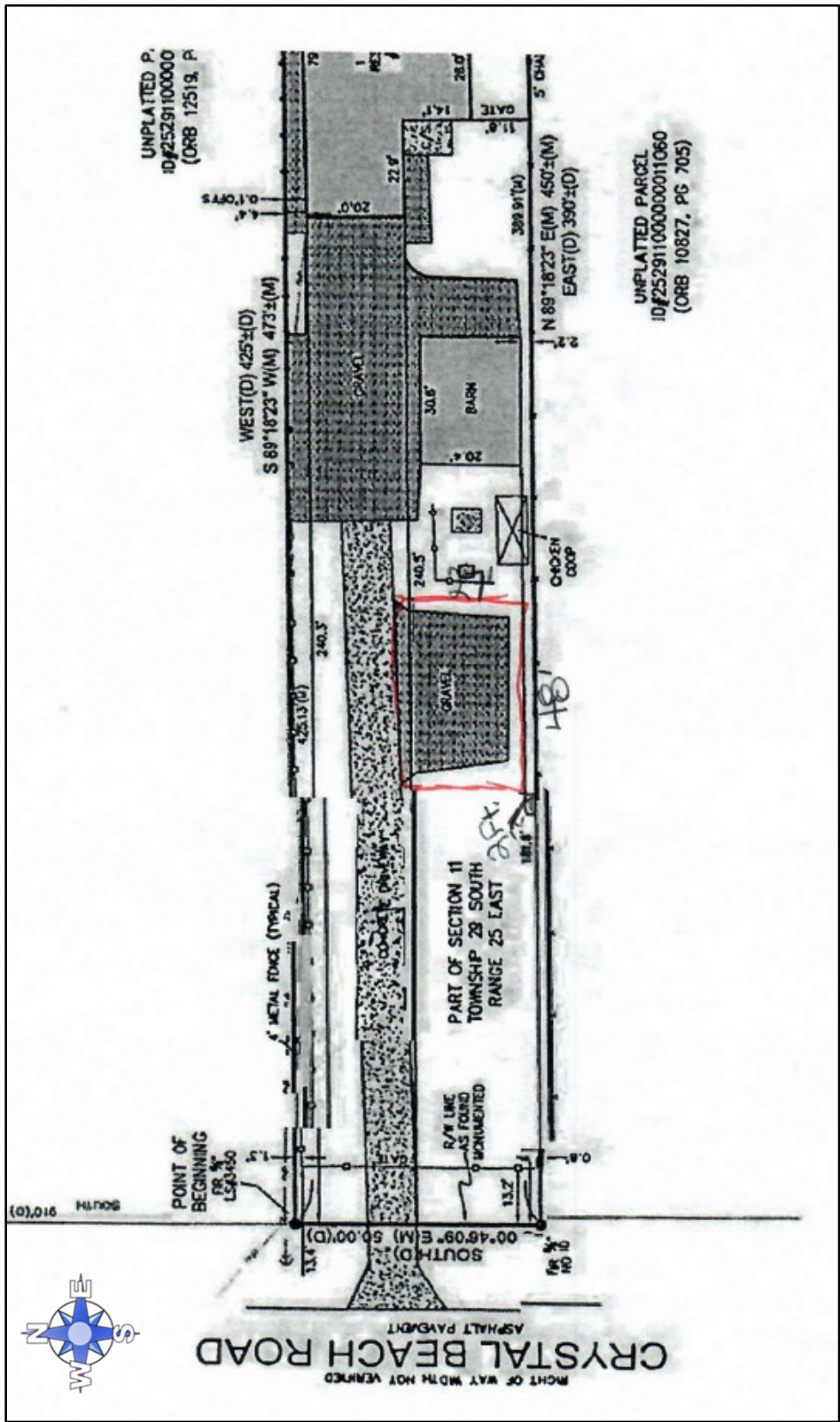
Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)



Site Plan

CRITERIA FOR GRANTING VARIANCE

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

No. Several other residences have the same request set-backs or smaller. Adjacent neighbor is in favor of the reduction in set-back and has signed an affidavit acknowledging such.

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

Lot is very narrow

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

Property was purchased on 12/5/2024. Structure has not yet been built.

What is the hardship if the variance is not approved?

We would not be able to construct a much needed carport on our property, disallowing the right to private enjoyment of our property.

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

Yes

Do you have Homeowners Association approval for this request?

No

Justification