

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

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

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

Applicant: Kathryn Findley

Property Owner: Kathryn Findley

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

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

Size: ±3.5 acres

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

Development Area: Rural Development Area (RDA)

Case Planner: Aleya Inglima, Planner II

Summary:

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

Staff finds this request will cause no harm to the community. The subject parcel is surrounded by a cluster of lots ranging in size from an acre to five acres and in some cases larger. Section 209.D.3 of the Land Development Code states that carports, garages and any other structures intended for the storage of vehicles which have both a rigid roof and a permanent foundation may be permitted in the front yard, provided the front yard setbacks are met. The accessory structure will be surrounded by large trees which will screen it from surrounding properties.

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

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

Development Review Committee

The Development Review Committee, based on the criteria for granting variances, the submitted application, and a recent site visit, finds that the applicant's request as written **IS CONSISTENT** with Section 931 of the Polk County Land Development Code (LDC) and recommends **APPROVAL of LDLVAR-2025-51**.

CONDITIONS OF APPROVAL:

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

GENERAL NOTES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

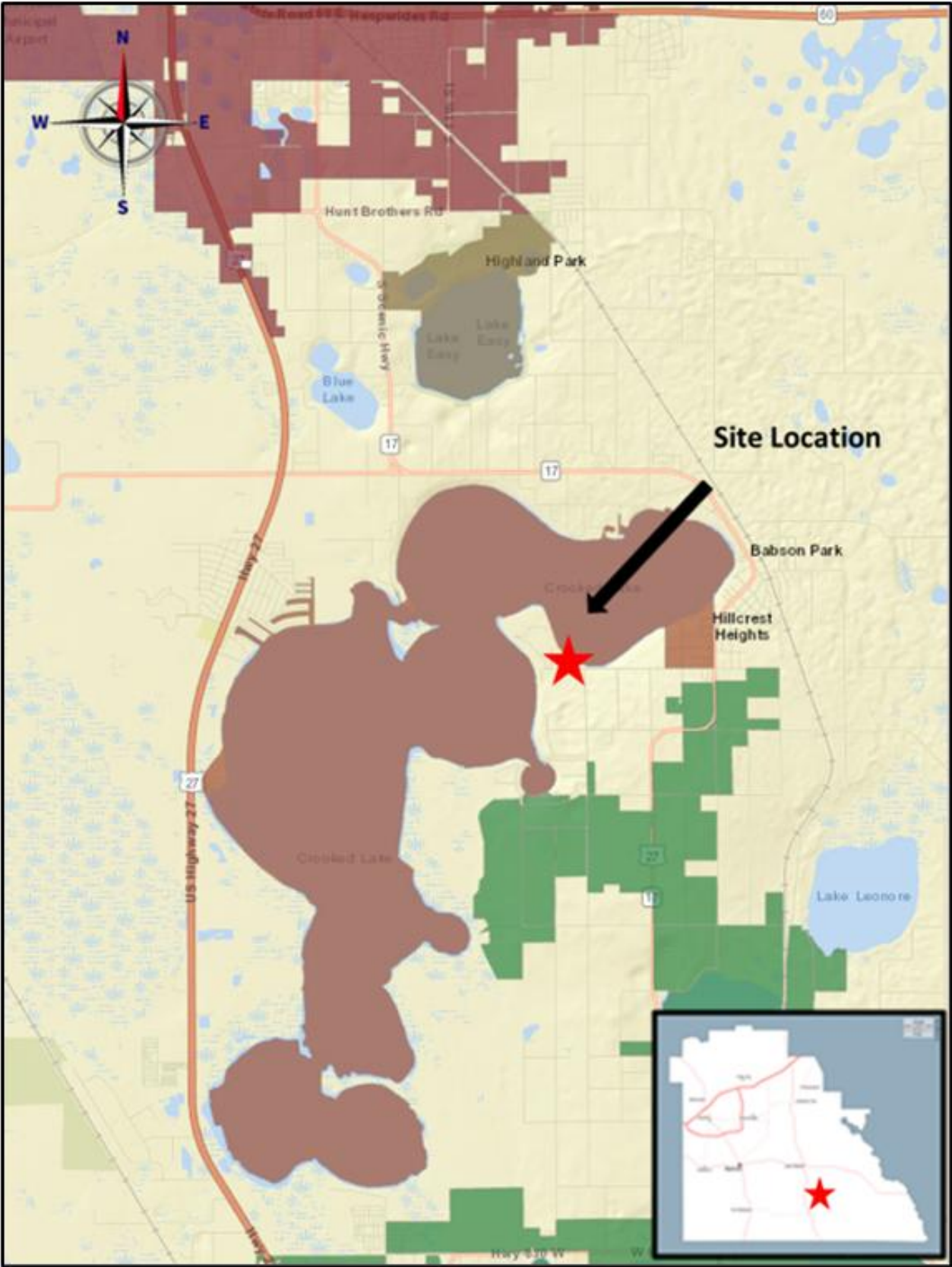
Surrounding Future Land Use Designations and Existing Land Use Activity:

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

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

Exhibits:

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



Location Map



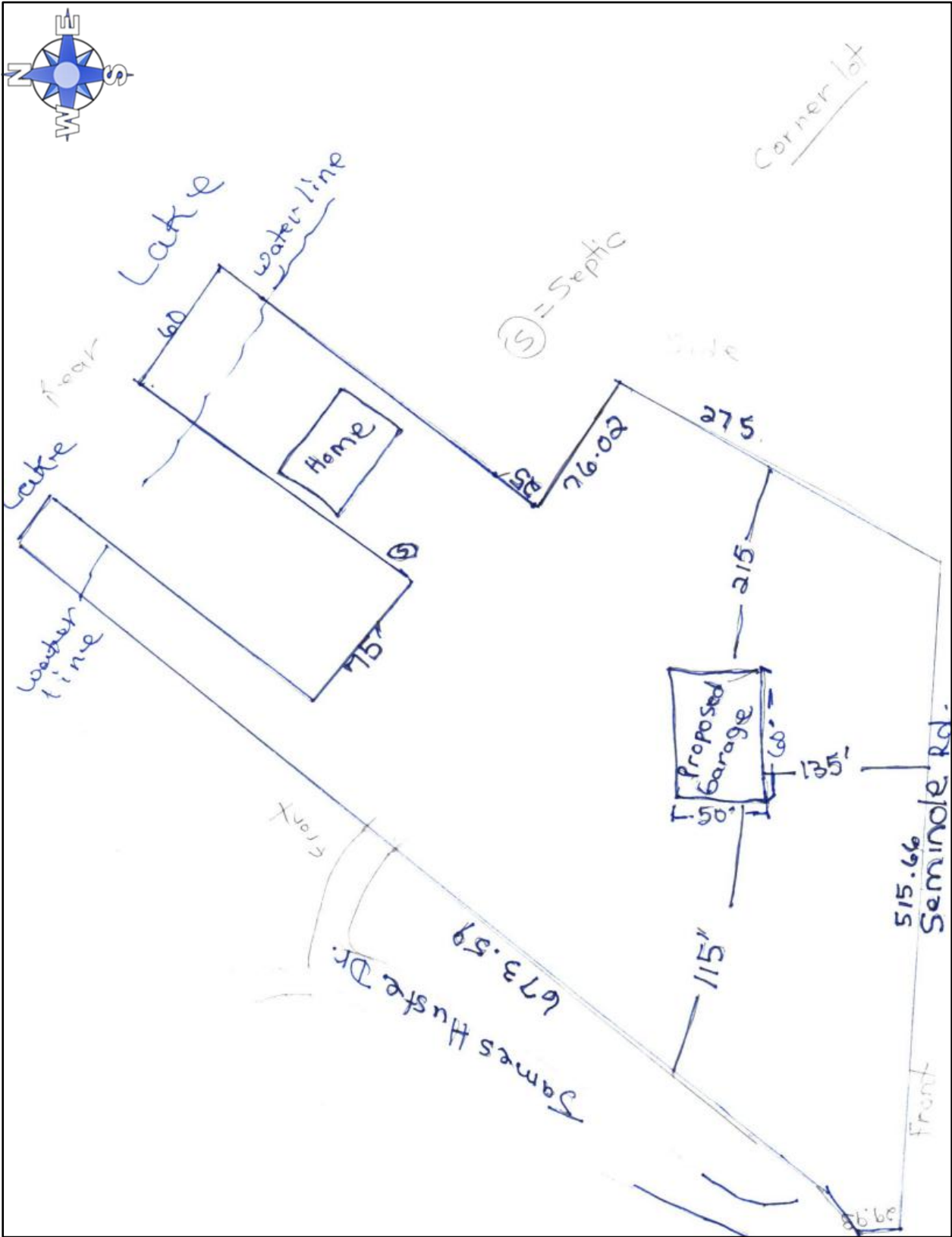
Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)



Site Plan

CRITERIA FOR GRANTING VARIANCE

Will the variance be injurious to the area involved or detrimental to the public welfare?
no

What special conditions exist that are peculiar to the land, structure, or building involved?
Garage is needed to store property from the elements (lawn mower, RV, etc)

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

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

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

Do you have Homeowners Association approval for this request?
No HOA

Applicant's Justification