



Polk County Polk County Land Use Hearing Officer

Meeting Agenda - Final

April 23, 2026 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:

February 26, 2026, Land Use Hearing Officer Meeting Minutes

OLD BUSINESS:

LDLVAR-2025-78 - 2787 Recker HWY - Withdrawn

NEW BUSINESS:

AGENDA ITEM:

LDLSE-2026-3 (Country Club Road SE)

LDLVAR-2026-1 (Shinabarker Variance)

LDLVAR-2026-2 (Public Storage Davenport)

LDLVAR-2026-5 (Byron Variance)

LDLVAR-2026-6 (Slenk Variance)

LDLVAR-2026-7 (Chambers Street Variance)

LDLVAR-2026-8 (Salmeron Variance)

LDLVAR-2026-11 (Willow Drive ADU)

ADJOURNMENT:



Polk County
Polk County Land Use Hearing Officer

Agenda Item

4/23/2026

SUBJECT

February 26, 2026, Land Use Hearing Officer Meeting Minutes

DESCRIPTION

Draft Meeting Minutes

RECOMMENDATION

Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Lisa Irizarry - lisairizarry@polkfl.gov <mailto:lisairizarry@polkfl.gov>
863-534-7652



Polk County Polk County Land Use Hearing Officer

Meeting Minutes - Final

February 26, 2026 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:

NEW BUSINESS:

AGENDA ITEM:

1 LDLSE-2025-15 (Heatherwood Blvd SE)

Minutes: CASE FILE # LDLSE-2025-15

Armando Garza, applicant, and Armando and Isabel Garza, property owners, are requesting a special exception for a commercial vehicle parking on an Agricultural/Residential Rural-X (A/RRX) land use district. The property is located at 104 Heatherwood Boulevard, north of First Avenue, south of Alturas Babson Park Cutoff Road, east of Lake Buffum Road, west of US Highway 27, south of the City of Lake Wales, Florida, in Section 26, Township 30, Range 27.

Erik Peterson, Land Development; presented the case and reported that 20 mailers were sent on 2/9/2025 with no response, 1 board was posted on 2/2/2025, and the legal ad was published in the Polk Sun News on 2/11/2026.

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

Armando and Isabel Garza, owners were available to answer questions and agree with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

2 LDLVAR-2025-73 (Lakeview Drive Variance)

Minutes: CASE FILE # LDLVAR-2025-73

Andrew Pierce, property owner, is requesting a variance for a north and south primary structure setback reduction for a single-family home in a Residential Low-1 (RL-1) land use district. The property is located at 3472 3rd Avenue, south of Highway 17 North, north of Ninety-One Mine Road, north of the City of Bartow, Florida, in Section 22, Township 29, Range 25.

Erik Peterson, Land Development; presented the case and reported that 23 mailers were sent on 2/9/2026 with no response, 2 boards were posed on 2/6/2026, and the legal ad was published in the Polk Sun News on 2/11/2026.

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

Andrew Pierce, property owner, was available to answer questions and agree with staff recommendations. He stated that he needed more storage for his boats.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

3 LDLVAR-2025-74 (Doerr Variance)

Minutes: CASE FILE # LDLVAR-2025-74

Quinton Joseph Doerr and Marie Gayle Kelly, property owners, are requesting a variance to construct an accessory structure greater in height than the primary residence in a Residential Low-2 (RL-2) land use district. The property is located at 5908 Lunn Road, south of Pipkin Road West and Cherry Lane, west of South Florida Avenue, east of Yates Road, north of Ewell Road, south of the City of Lakeland, in Section 14, Township 29, Range 23.

Erik Peterson, Land Development; presented the case and reported that 19 mailers were sent on 2/9/2026 with no response, 1 board was posted on 2/2/2026, and the legal ad was published in the Polk Sun News on 2/11/2026.

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

Quinton Doerr, owner, was available to answer questions and agrees with staff recommendations. He stated that he needed the space for additional car storage.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

4 LDLVAR-2025-76 (Via Monte Napoleone Dr Variance)

Minutes: CASE FILE # LDLVAR-2025-76

Donny Daugherty, applicant, Jan William Gripp and Ulrika Sahlgren Gripp, property owners, are requesting a variance for 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 in the Poinciana Pre-Development of Regional Impact (DRI)#1 and Planned Unit Development (PUD) 98-12, Solivita Phase 5E-W land use district. The property is located at 3685 Via Monte Napoleone Drive, north of Treviso Drive, south of Village Center Road, east of the City of Haines City, Florida, in Section 14, Township 27, Range 28.

Erik Peterson, Land Development; presented the case and reported that 21 mailers were sent on 2/9/2026, with 2 letters in support received, 1 board was posted on 2/2/2026, and the legal ad was published in the Polk Sun News on 2/11/2026.

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

Donny Daugherty, 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.

5 LDLVAR-2025-79 (Eastlake Drive)

Minutes: CASE FILE # LDLVAR-2025-79

Leroy and Carol Lefeber, property owners, are requesting a variance for a rear yard setback reduction from ten (10) feet to five (5) feet for a covered porch in a Residential Suburban (RS) land use district. The property is located at 530 Eastlake Drive, north of Lake Henry, south and west of Haines City, Florida, in Section 36, Township 27, Range 26.

Erik Peterson, Land Development; presented the case and reported that 39 mailers were sent on 2/9/2026, with no response, 1 board was posted on 2/10/2026, and the legal ad was published in the Polk Sun News on 2/11/2026. He continued to show a power point presentation, has a recommendation of approval, and stood for questions.

Leroy and Carol Lefeber, owners, were available to answer questions and agree with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

ADJOURNMENT:

Minutes: Adjourned 2:04 pm



Polk County
Polk County Land Use Hearing Officer

Agenda Item

4/23/2026

SUBJECT

LDLVAR-2025-78 - 2787 Recker HWY - Withdrawn

DESCRIPTION

Withdrawn Application

RECOMMENDATION

No Action

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Kyle Rogus - Planner II

Kylerogus@polkfl.gov <mailto:Kylerogus@polkfl.gov>

Land Development

863-534-7553



Polk County
Polk County Land Use Hearing Officer

Agenda Item

4/23/2026

SUBJECT

LDLSE-2026-3 (Country Club Road SE)

DESCRIPTION

The applicant is requesting a Special Exception to park a commercial vehicle (2014 Freightliner) at their residence on approximately 1.49 acres within a residential neighborhood. The subject site is located at 2840 North Country Club Road, east of Rankin Road, west of Kendall Lane, southwest of Winter Haven in Section 14, Township 28, Range 26.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Aleya Inglima

Land Development Division

(863) 534-6764

aleyainglima@polkfl.gov

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

DRC Date:	March 12, 2026	CASE #:	LDLSE-2026-3 (Country Club Road SE)
LUHO Date:	April 23, 2026	LDC Section:	Section 216.D

Request: The applicant is requesting a Special Exception to park a commercial vehicle (2014 Freightliner) at their residence on approximately 1.49 acres within a residential neighborhood.

Applicant: Johnathan Gonzalez

Property Owner: Johnathan Gonzalez

Location: 2840 North Country Club Road, east of Rankin Road, west of Kendall Lane, southwest of Winter Haven in Section 14, Township 28, Range 26.

Parcel ID#: 262814-532500-000760

Size: ±1.49 acres

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

Development Area: Urban Growth Area (UGA)

Case Planner: Aleya Inghima, Planner II

Summary:

This is a request for a Special Exception to park a commercial truck (2014 Freightliner) on approximately 1.49 acres in the Residential Low-1 (RL-1) land use district in the Urban Growth Area. The applicant was previously cited by Code Enforcement for parking a commercial vehicle on property without approval under case CMA-2026-9. The case status is closed and owner corrected as a result of this application. The property has access off North Country Club Road via an existing residential driveway. The commercial vehicle accesses north of the property through a gated fence and drives to the rear yard. The vehicle will be parked on the south side of the principal residence screened from view from the north. A vegetative Type “B” Landscape buffer or a fence with a minimum height of six feet may be used in lieu of, or in conjunction along all the property lines to meet the screening or buffering requirements listed in Section 216.D. The commercial vehicle will be 42 feet from the south property line and more than 62 feet from the east property line. The weight of the proposed commercial vehicle is 19,000 lbs. The dimensions of the truck are a height of 13 feet and length of 26 feet.

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 to the rear of the primary structure within 200 feet from abutting residential property and shall meet the screening or buffering requirements.

A commercial driveway apron is recommended as a condition of approval to protect Country Club Road from stretching caused by commercial vehicle turning movements on and off the property. The size of the property allows for safe parking of the vehicle and meets applicable setbacks.

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-2026-3**

CONDITIONS OF APPROVAL:

1. This Special Exception shall be limited to parking one truck, a 2014 Freightliner or functional equivalent (see Exhibit 6), 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 (Johnathan Gonzalez) 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 7).
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-2026-3 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 5) 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 (2014 Freightliner truck). (See Exhibit 6.)

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

The applicant has provided the current valid registration for the vehicle.

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

The applicant's property is 1.49 acres with space for parking. The neighboring property to the south and west is within 200 feet of the parking area. A Type "B" buffer is required along these boundaries. A fence with a minimum height of six (6) feet may be used in lieu of, or in conjunction with, the vegetative bufferyard. An existing fence lines the subject property but it will need to be opaque to meet the buffer and screening requirements of the Land Development Code (LDC). The closest residential structure to the designated commercial vehicle parking location is approximately 112 feet to the east and 160 feet to the south. The commercial vehicle will be parked over 62 feet from the eastern property line and 42 feet from the south property line. The applicant's property is also located off a urban collector roadway that leads into SR 542.

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 Johnathan Gonzalez, who is the owner of the property.

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

The applicant's site plan (Exhibit 5) indicates the proposed parking area is not located in the front yard of the property. The commercial vehicle will be parked in the rear yard. The parking location utilizes an existing tree buffer along the southern property line as screening from the neighboring property. The commercial vehicle will be parked over 62 feet from the eastern property line and 42 feet from the south property line. The truck will be approximately 112 feet from the nearest residence to the east.

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

The property is more than an acre. The site plan (Exhibit 5) illustrates the proposed parking area. The parking area is 62 feet from both the eastern property line and over 42 feet from the south property line. This is the ideal location for parking the commercial vehicle, as it utilizes the existing single-family residence as a buffer to the north and utilizes existing vegetation to screening from offsite view to the south. Additional buffering will be required to screening to the east and west. The nearest neighboring residential structure is approximately 112 feet to the east.

The access to the rear property along the fenceline is on the east side of the site just east of the single-family residence. A condition is placed to protect North Country Club Road from the stretching caused by a heavy vehicle's turning movements on and off the property while ensuring the safety and integrity of the existing residential driveway.

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 south just behind the single-family residence in the rear yard. Since the vehicle is parked behind the primary home, the vehicle is screened from North Country Club Road. The access to the rear property is along the fenceline on the east side. This access point to the rear property has been utilized in the past, prior to code enforcement actions for parking a commercial vehicle on site without approval. Utilizing the existing access point minimizes any perpetual damage to the property elsewhere.

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;*

The commercial vehicle will be parked over 62 feet from the eastern property line and 42 feet from the south property line. All distances fall within 200 feet from the neighboring residentially designated properties requiring a Type "B" landscape buffer consistent with the width and planting requirements outlined in Section 720 (see Exhibit 8). During staff's site visit, we saw that the subject property is enclosed by a chain link fence on all sides; south, north, east, and west. The abutting property to the south offers a dense vegetative buffer. The property will be required to meet the intent of the screening and buffering requirements of the Land Development Code (LDC).

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.

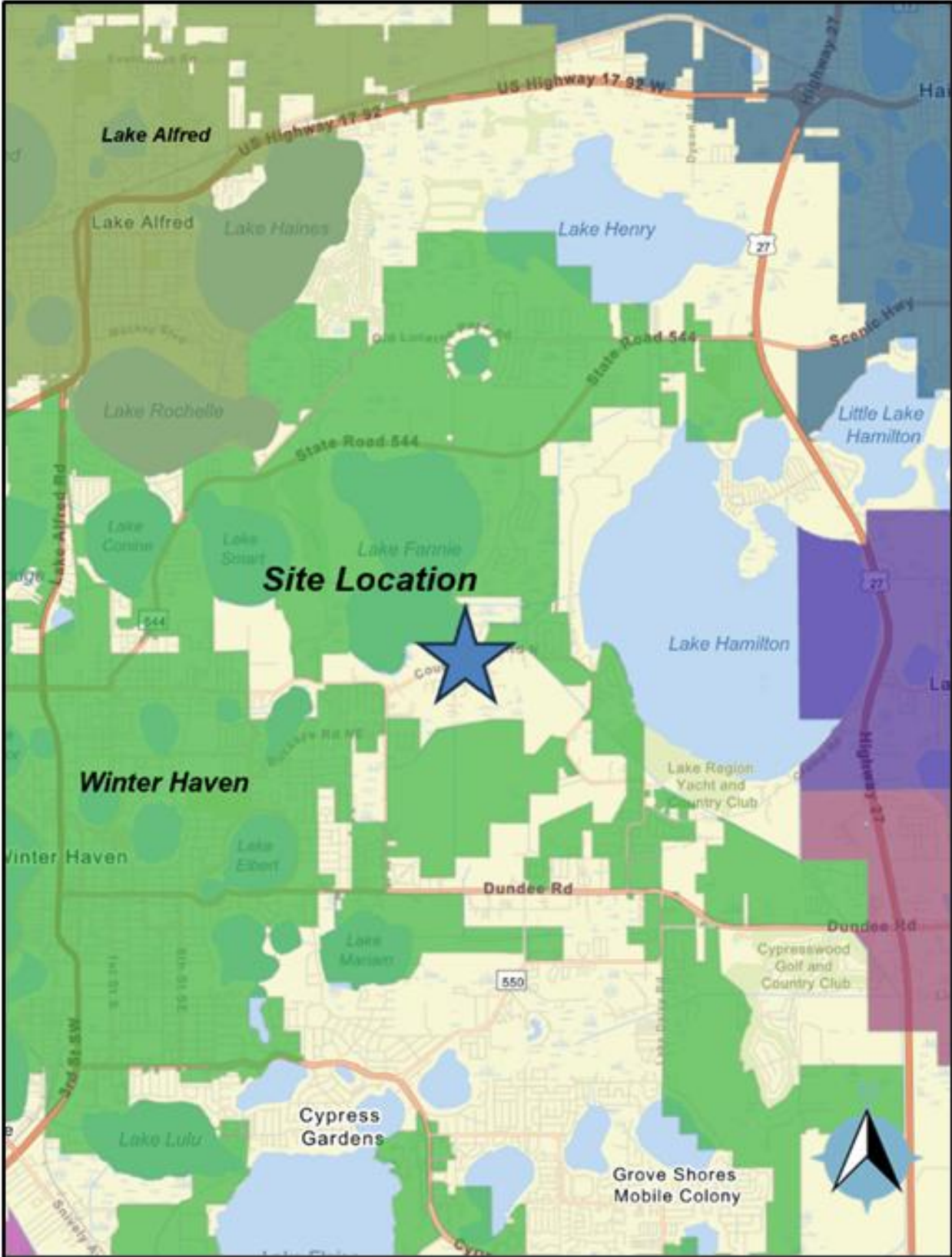
Surrounding Future Land Use Designations and Existing Land Use Activity:

<p>Northwest: Residential Low-1 (RL-1) Single-Family home 1.57 acres</p>	<p>North: Residential Low-1 (RL-1) Single-Family home 1.46 acres</p>	<p>Northeast: Residential Low-1 (RL-1) Single-Family home 1.41 acres</p>
<p>West: Residential Low-1 (RL-1) Vacant 0.75 acres</p>	<p>Subject Property: Residential Low-1 (RL-1) Single-Family home 1.49 acres</p>	<p>East: Residential Low-1 (RL-1) Single-Family home 0.74 acres</p>
<p>Southwest: Residential Low-2 (RL-2) Single-Family home 1.01 acres</p>	<p>South: Residential Low-2 (RL-2) Single-Family home 0.90 acres</p>	<p>Southeast: Residential Low-2 (RL-2) Single-Family home 0.90 acres</p>

The subject site is located off North Country Club Road, passing multiple residential properties. The properties in the area range in similar size, all around approximately 1-acre. The properties directly to the north, east, and west of the subject property are single family residences.

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 Site Plan
- Exhibit 6 Commercial Vehicle Pictures
- Exhibit 7 Commercial Driveway Standards
- Exhibit 8 Buffering and Screening Specifications



Location Map



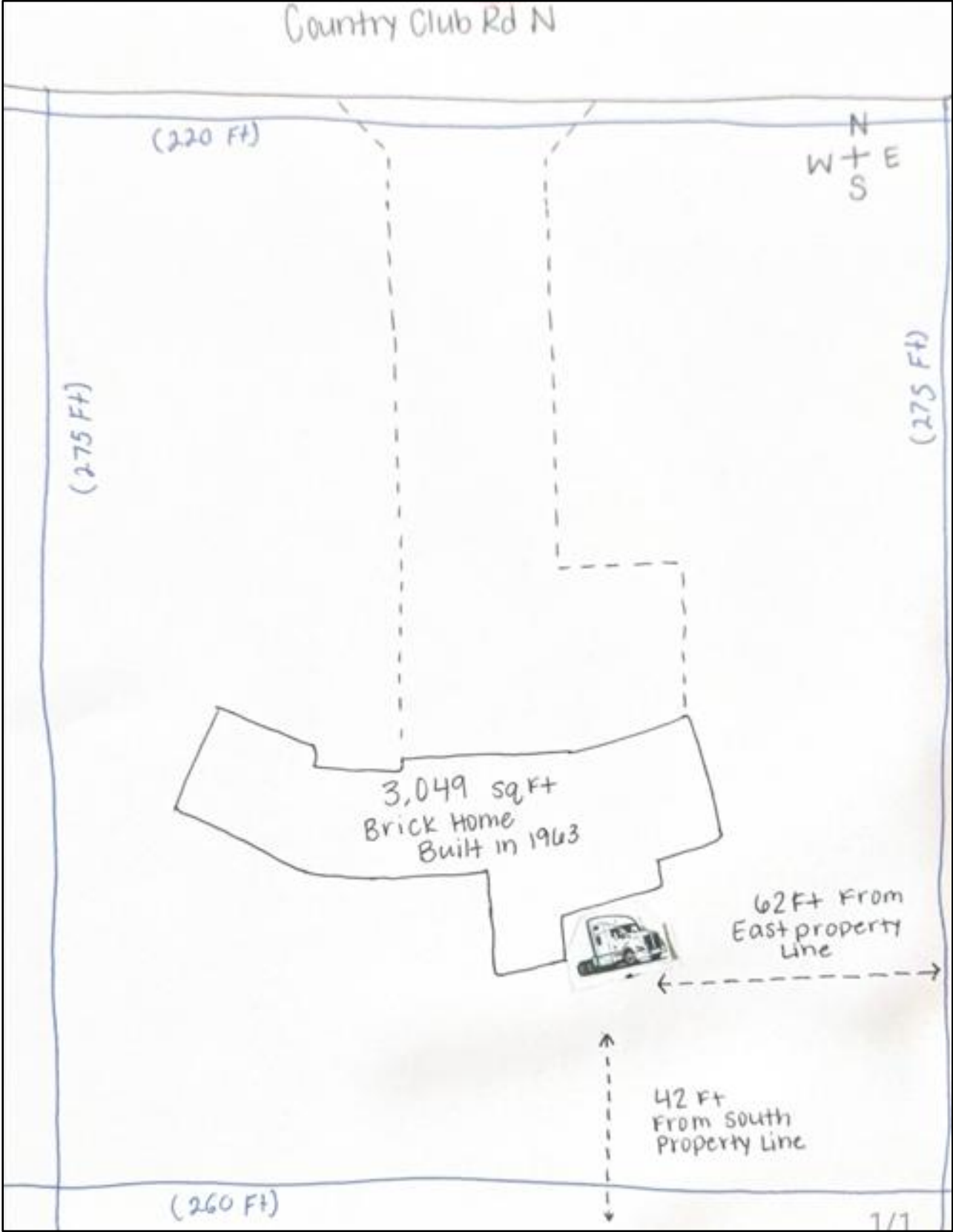
Future Land Use Map



Aerial Imagery (Context)



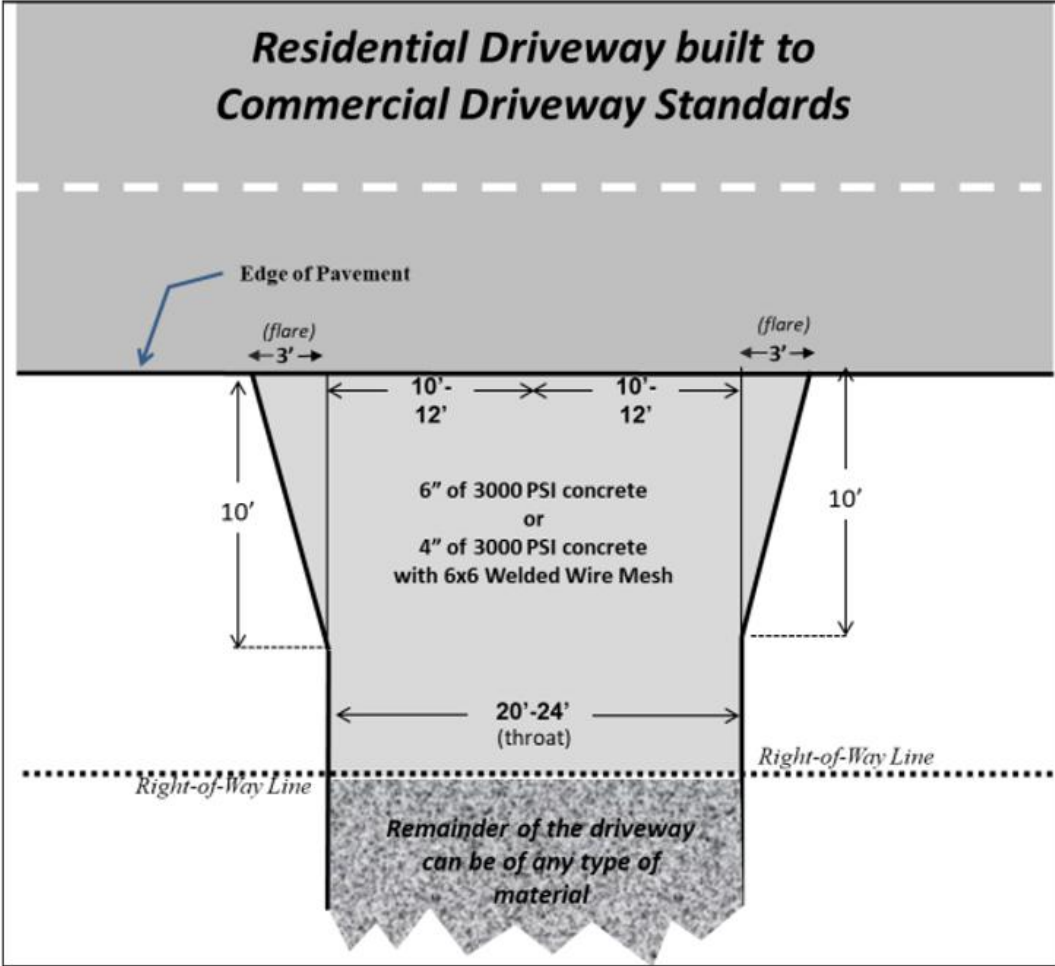
Aerial Imagery (Close)



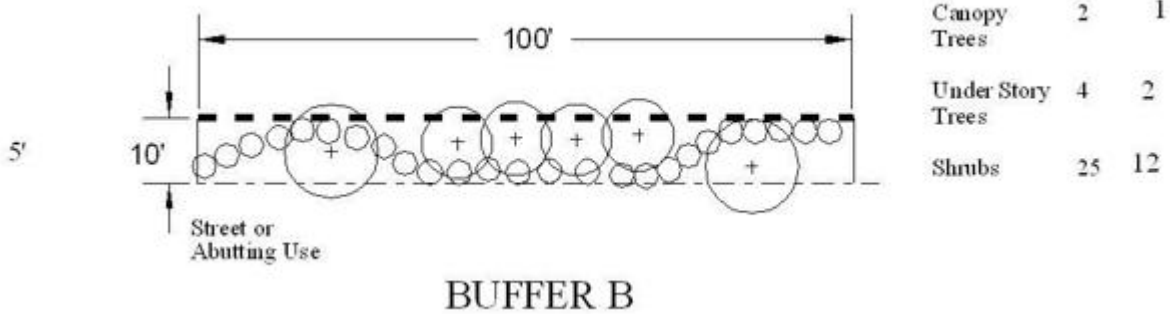
Site Plan



Commercial Vehicle Pictures



Commercial Driveway Standards



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

Country Club Rd N

(220 Ft)

N
W + E
S

(275 Ft)

(275 Ft)

3,049 sq ft
Brick Home
Built in 1963

62 Ft From
East property
Line

42 Ft
From South
Property Line

(260 Ft)







LDLSE-2026-3 - González request for commercial vehicle parking

Menu Reports Help

Application Name: [González request for commercial vehicle parking](#)

File Date: [02/06/2026](#)

Application Type: [LUHO - Special Exception](#)

Application Status: [Approved For Hearing](#)

Application Comments:	View ID	Comment	Date
Description of Work:	Requesting commercial parking for my semi truck to be parked at my residence of 1.4 acres. Not located within Green swamp Area of Critical State Concern.		
Application Detail:	Detail		
Address:	2840 N COUNTRY CLUB RD, WINTER HAVEN, FL 33881		
Parcel No:	26281453250000760		
Owner Name:	GONZALEZ JOHNATHAN		
Contact Info:	Name	Organization Name	Contact Type
	GONZALEZ JOHNATHAN	GONZALEZ JOHNATHAN	Engineer
			Contact Primary Address
			Mailing, 2840 country...
			Status
			Active
Licensed Professionals Info:	Primary	License Number	License Type
			Name
			Business Name
			Business License #
Job Value:	\$0.00		
Total Fee Assessed:	\$1,057.00		
Total Fee Invoiced:	\$1,057.00		
Balance:	\$0.00		
Custom Fields:	LD_BOA_SE		
	GENERAL INFORMATION		
	Acreage		
	1.49		
	DRC Meeting		
	03/12/2026		
	Rescheduled DRC Meeting		
	-		
	Green Swamp		
	No		
	Case File Number		
	-		
	SPECIAL EXCEPTION		
	Make of vehicle		
	Freightliner		
	Weight of vehicle		
	19,000 lbs		
	Height & length of vehicle		
	13'1 ft tall & 26 ft long		
	Height, length & weight of any additional trailer or equipment		
	No additional trailer		
	PUBLIC HEARING		
	Development Type		
	Land Use Hearing		
	Officer		
	Variance Type		
	-		
	Affordable Housing		
	ADVERTISING		
	Legal Advertising Date		
	04/08/2026		
	Advertising Board		
	Land Use Hearing		
	Officer		
	MEETING DATES		
	LUHO Hearing Date		
	04/23/2026		
	HEARING		
	Hearing Results		
	-		
	LD_BOA_SE_EDL		
	Opening DigEplan List...		

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID
[POLKCO-26EST-00000-06882](#)
 RequiredDocumentTypesComplete
[Yes](#)

DocumentGroupforDPC
[DIGITAL PROJECTS LD](#)
 AdditionalDocumentTypes
[Applications, AutoCad File, Binding, Site Plans \(PDs, Yes and CUs\), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion](#)
 DigitalSigCheck
[Yes](#)

RequiredDocumentTypes
 -
 Activate DPC

Activate FSA
[Yes](#)

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement
[√](#)

LAND USE

Selected Area Plan LU Code

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
LUHO	1	18	04/07/2026	04/07/2026	

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal Roads and Drainage Review	Lisa Simons-Iri...	Application ...	02/13/2026	Lisa Simons-Iri...
Planning Review	Aleya Inglima	Approve	02/20/2026	Aleya Inglima
Review Consolidation Public Notice Hearing Officer Final Order Archive	Lisa Simons-Iri...	Approved for...	03/19/2026	Lisa Simons-Iri...

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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Polk County
Polk County Land Use Hearing Officer

Agenda Item

4/23/2026

SUBJECT

LDLVAR-2026-1 (Shinabarker Variance)

DESCRIPTION

The applicant is requesting a side yard accessory setback reduction from five (5) feet to two (2) feet for the installation of a shed.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Andrew Grohowski

Land Development Division

(863) 534-6412

andrewgrohowski@polkfl.gov

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

DRC Date	March 12, 2026	CASE #:	LDLVAR-2026-1 (Shinabarker Variance)
LUHO Date	April 23, 2026	LDC Section:	PUD 73-05

Request: The applicant is requesting a side yard accessory setback reduction from five (5) feet to two (2) feet for the installation of a shed.

Applicant: Kevin Shinabarker

Property Owner: Kevin Shinabarker

Location: The subject property is located at 3822 Marquise Lane, north of State Road 60, west of Imperial Lakes Boulevard, east of Laurel Crest Drive, south of Garnet Drive, northwest of the City of Mulberry in Section 34, Township 29, and Range 23.

Parcel ID#: 232934-142460-001280

Size: ±0.23 acres

Land Use Designation: Imperial Lakes DRI #4
Planned Unit Development (PUD 73-05)

Development Area: Urban Growth Area (UGA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting an accessory side setback reduction from five (5) feet to two (2) feet for the installation of an accessory structure on the eastern portion of their property. The subject property has a Future Land Use of Development of Regional Impact (DRI) under Imperial Lakes DRI #4 and was developed under Planned Unit Development (PUD) 73-05 within the Urban Growth Area.

The subject property is about 0.23 acres and considered Lot 128 within Phase II of the Imperial Lakes PUD. The PUD received tentative approval in April 1973 with “Phase II” receiving final approval on January 27, 1976 by the Board of County Commissioners. The PUD established accessory structure setback requirements as five (5) feet for the sides and ten (10) feet for the rear. The site was platted in 1980 and remained vacant until 2000 when a 2,709 square foot single-family residence was constructed according to the Property Appraiser.

The applicant purchased the site in June 2025 and wants to install a new shed in the side yard to accommodate the personal storage of items and to ensure they are sheltered from the elements. The request is the result of a Codes case where the eastern neighbor claimed the shed was placed without

permits and was within their property boundaries (CMA-2026-6). The applicant is taking the appropriate steps to address these concerns and installed an 8-foot vinyl fence within their property boundaries following the initial Codes inspection. The proposed request will be no cause for concern in the surrounding area. Adequate screening, building separation, and placement outside of a drainage and utility easement makes this request relatively benign in nature. Staff is recommending approval.

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 accessory structure will not be within the existing drainage and utility easement. There is sufficient separation between the structure and nearest neighboring home and meets applicable building separation requirements. The tall eight (8) foot opaque fence almost completely screens the shed from neighboring view (*Exhibit 7*).
- **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved.** The lot remained vacant for almost two decades after it was platted in 1980. The improvements made to the property over time, including a screen room, and pool, as well as PUD requirements affect the placement of accessory structures.

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-2026-1**

CONDITIONS OF APPROVAL:

1. The approval of this variance is to reduce the accessory structure rear setback from five (5) feet to two (2) feet for the installation of an accessory structure (approximately 120 sq. ft.). Further additions or structures placed on the property shall be required to meet the setback requirements of the Imperial Lakes DRI (PUD 73-05) or re-apply for another variance approval from the Land Use Hearing Officer.
2. This variance does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
3. The applicant shall have one (1) year from the date the Land Use Hearing Officer’s Final Order is rendered to apply for all necessary building permits and pay all associated fees for the proposed addition.

GENERAL NOTES

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

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

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

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

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

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES SUMMARIZED BELOW:

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

The granting of this request will not be injurious to the area or detrimental to the public welfare. The subject property is recorded as Lot 128 within the “Imperial Lakes Phase Two Section One B” plat (PB 69, PGS 21/26) recorded in February 1980. The subdivision was part of an approved PUD 73-05, which established 5-foot side and 10-foot rear yard setbacks for accessory structures. The applicant is proposing a ten (10) foot by twelve (12) foot shed (approximately 120 sq. ft.) to be located two (2) feet from the eastern property line. The request will not reduce the rear yard setback requirement. The structure will be located to the rear of the home and behind an approximately eight (8) foot- tall vinyl fence. According to building permits, the structure is approximately eight (8) feet tall, excluding the pitched roofline (BR-2025-9614). The fence is significantly tall, and blocks visibility of the shed’s wall and doorway from offsite view (*Exhibit 7*). The closest neighboring structure is about 25 feet to the east, greater than fire separation requirements. The applicant intends to utilize the shed for extra space to store personal items. This is a very benign accessory use, commonly found throughout Imperial Lakes and other residential subdivisions.

The plat identifies a twenty-foot County utility and drainage and utility easement along the rear property line of all lots within this phase of Imperial Lakes. The proposed shed is behind the residence on the side yard of the property, which is not anticipated to impact this easement. Given these circumstances, granting this request will not pose harmful or detrimental effects to the area nor public wellbeing.

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;*

Pursuant to the Imperial Lakes development requirements (PUD 73-05), accessory structures have five (5) foot and ten (10) foot side and rear setbacks respectively. The request is a result of a Codes case filed by the neighbor directly to the east earlier this year (CMA-2026-6) where

the shed was built without necessary permits. The ten (10) by twelve (12) foot storage structure was placed in the side yard within the five (5) foot side setback (*Exhibit 7*).

Measured from the property line to the one-story residence, the eastern side of the property is approximately 14.4 feet according to the site plan (*Exhibit 5*). In order to maintain the side yard setback, an accessory structure cannot be greater than ± 9.4 feet in width. In reality, however, the width would likely be smaller to provide exterior maintenance and access to the backyard. This limitation severely limits the applicant's ability to place a sufficiently sized structure for storage purposes, unless a variance is requested. The shed will be about two (2) feet from the eastern property line, outside of the drainage and utility easement, and approximately twenty-five (25) feet away from the nearest residential home to the east.

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

The lot is within what is considered "Phase II" of the larger Imperial Lakes DRI and associated PUD 73-05. Both development orders regulate the type and number of units, lot sizes, setbacks, and other development standards. While this phase was approved and platted in the early 1980s, it took almost two decades for this area to be completely built out. A residential structure was constructed on the subject site in 2000. A pool and associated screen enclosure was later constructed in 2002, according to building records. The physical limitations of the property dictate the placement and size of accessory structures, as shown on the site plan (*Exhibit 5*). The accessory setback requirements, lot sizes, and site improvements over the years significantly limit the amount of usable space without some relief from the PUD setbacks.

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

The proposed request is not anticipated to confer on the applicant any special privilege that is denied by the provisions of the Code. It is not uncommon within this subdivision to have accessory structures of some kind. Accessory structures are permitted in this land use district, and structures such as this - as long as it has a permanent foundation, a rigid roof, and meets setbacks and building standards - can be permitted in the rear, or side yard.

According to the applicant, the 10 by 12 foot shed is sufficient size to meet their needs so they can shelter and store personal items from the elements. If the shed was just over 9 feet in width and connected to the residence, a variance would not be necessary. However, the proposed location on the site plan provides a functional layout, space for maintenance, and access to the rear yard.

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. Improvements to the site such as the inclusion of a screen room and pool in 2002 (Permit # 22051957) and a ten (10) foot public easement limit the development of the property. These existing conditions restrict any accessory structures to be placed on or within

close proximity to the setbacks boundaries, while still maintaining a functional rear yard. If approved, this request will allow the homeowner to make reasonable use of land to provide extra storage space where they would not be able to otherwise.

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

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

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

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

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

The proposed request will not circumvent the intent of a condition placed on Imperial Lakes (DRI #4/PUD 73-05) by the Planning Commission or the Board of County Commissioners. There is no prohibitive setback to variances in the conditions of approval. The variance is subject to approval by the Imperial Lakes Homeowner’s Association.

Surrounding Future Land Use Designations and Existing Land Use Activity:

<p>Northwest: Lot 104, PUD 73-05 Single-family residence ±0.23 acres</p>	<p>North: Lot 103, PUD 73-05 Single-family residence ±0.23 acres</p>	<p>Northeast: Lot 102, PUD 73-05 Single-family residence ±0.23 acres</p>
<p>West: Lot 129, PUD 73-05 Single-family residence ±0.23 acres</p>	<p>Subject Property: Lot 128, PUD 73-05 Single-family home ±0.23 acres</p>	<p>East: Lot 127, PUD 73-05 Single-family residence ±0.23 acres</p>
<p>Southwest: Lot 113, PUD 73-05 Single-family residence ±0.23 acres</p>	<p>South: Lot 114, PUD 73-05 Single-family residence ±0.23 acres</p>	<p>Southeast: Lot 115, PUD 73-05 Single-family residence ±0.23 acres</p>

The subject property and surrounding area is part of the Imperial Lakes DRI (DRI #4) and does not have a land use designation. Imperial Lakes is a primarily residential DRI, but also contains commercial property and a former golf course and encompasses 1,700 acres. The area is also known as “PUD 73-05” and the project first received a development order for a three phased development of 1,400 acres in April 1973. Each of the three original phases of the DRI and PUD have seen multiple modifications over the years and an expansion to include an additional 300 acres have occurred since then.

More specifically, the site is within “Phase II” of Imperial Lakes DRI which received final approval on January 27, 1976. The property is considered Lot 128 of “Imperial Lakes Phase Two Section One B” plat recorded in February 1980 (PB 69, PGS 21/26). A single-family residence was constructed over two decades later in April 2000 (Permit # 20041051) . The applicant purchased the property in

June 2025 (OR Bk , PG). Ten (10) feet of a twenty (20) foot wide drainage and utility easement travels along the rear yard for every lot in this phase. With a lot size of about 0.23 acres (10,000 sq. ft.), this area is in line with the Residential Low-3 (10,000 sq. ft.) minimum lot size requirement. According to recent aeriels, lots within the surrounding area have an accessory structures (shed), some of which are close to their respective property boundaries. Staff has found no additional variances within a one (1) mile radius of the subject property.

Comments from other Governmental Agencies:

Building Division:

Given the numerous modifications over the years for Imperial Lakes, the Building Division has confirmed that the side setbacks for accessory structures in this phase are five (5) feet.

Exhibits:

- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use
- Exhibit 3 – 2025 Satellite Image (Context)
- Exhibit 4 – 2023 Aerial Photo (Close-up)
- Exhibit 5 – Site Plan
- Exhibit 6 – Applicant’s Justification
- Exhibit 7 – Codes Inspection Photo (CMA-2026-6)



Location Map



Future Land Use



2025 Satellite Image (Context)



2023 Aerial Photo (Close-up)

CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare?
no
2. What special conditions exist that are peculiar to the land, structure, or building involved?
our yard is small with the pool and we would like a shed for storage
3. When did you buy the property and when was the structure built? Permit Number?
Bought 6/2025
Built 6/2003
Permit # BR-2025-9614
4. What is the hardship if the variance is not approved?
not extra storage space and we would have to spend more money on storage unit
5. Is this the minimum variance required for the reasonable use of the land?
yes
6. Do you have Homeowners Association approval for this request?
no

Applicant's Justification



Staff’s Site Visit (04.02.26)

BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 128, IMPERIAL LAKES PHASE TWO SECTION ONE B, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 69, PAGES 21 THROUGH 26, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

FLOOD INFORMATION:

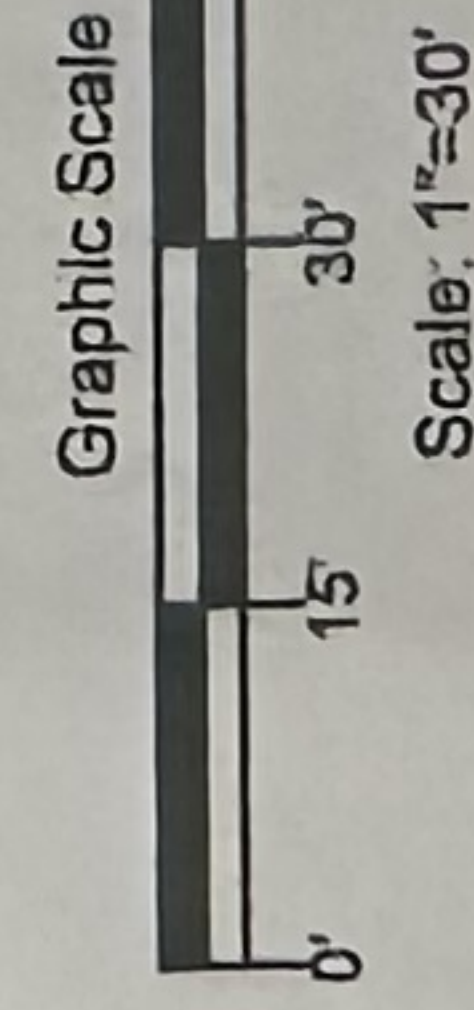
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN POLK COUNTY, COMMUNITY NUMBER 120261, DATED 12/22/2016.

CERTIFIED TO:

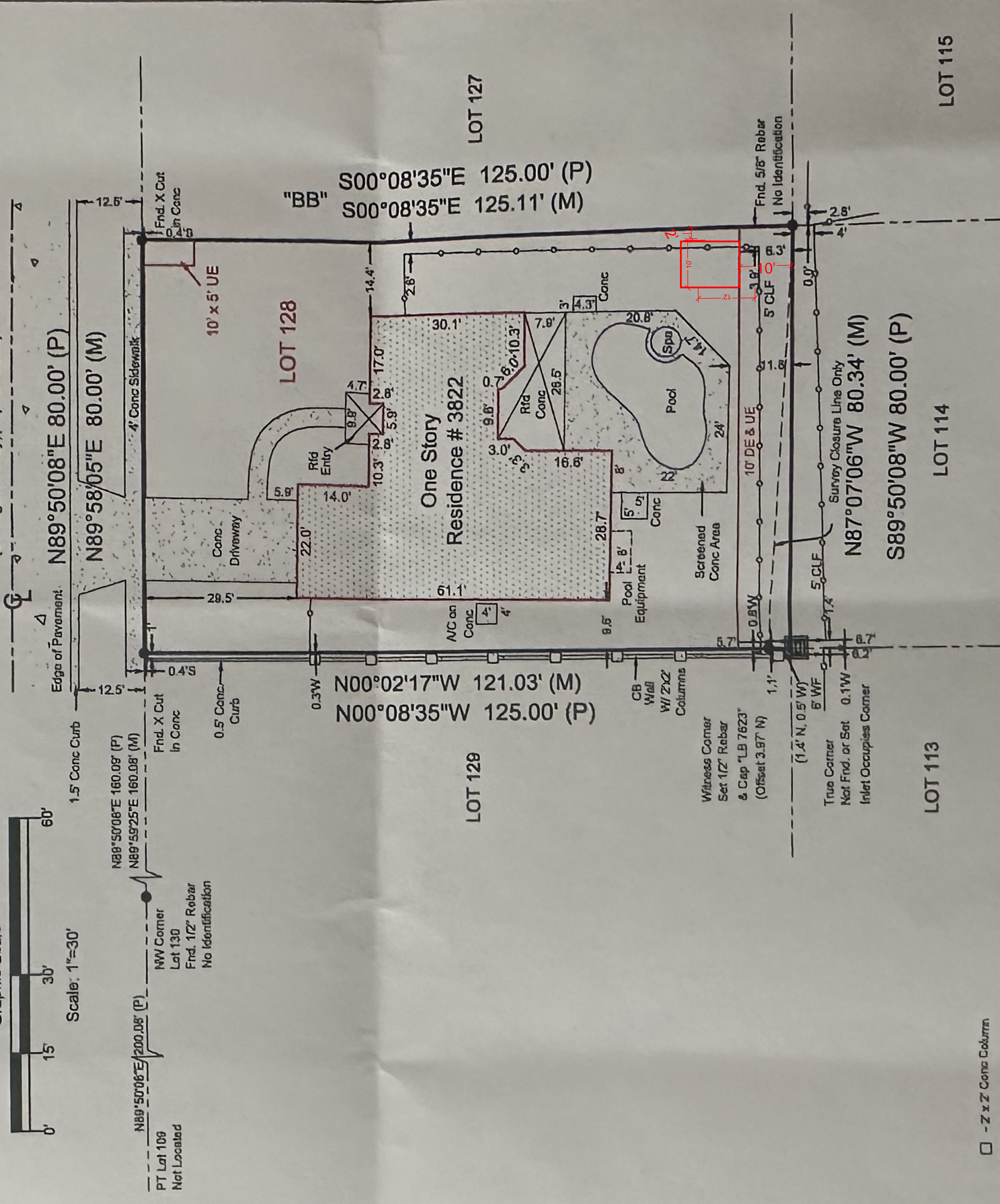
RACHAEL DUNN AND THOMAS DUNN; RIDGE SECURITY TITLE INC; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; PLAINS COMMERCIAL BANK; ITS SUCCESSORS AND/OR ASSIGNS; AS THEIR INTERESTS MAY APPEAR



3822 MARQUISE LANE, MULBERRY, FLORIDA 33860



MARQUISE LANE
(50' Right of Way)(Asphalt Road)



- - Z x Z Conc Column
- ▣ - Storm Inlet

Field Date: 9/29/2021
Date Completed: 09/30/21
Drawn By: D.C.
File Number: JS-95380

Legend:

C	Calculated	PC	Point of Curvature
CD	Centerline	PI	Point of Intersection
CM	Concrete Block	P.O.B.	Point of Beginning
Conc.	Concrete	P.P.	Point of Possession
D	Description	PRM	Permanent Reference Monument
DE	Drainage Easement	PT	Point of Tangency
ENR	Encasement	R	Radius
F.E.M.A.	Federal Emergency Management Agency	RAC	Radius & Cap
FFE	Finished Floor Elevation	Rec.	Recovered
Fr	Fence	Riz.	Revised
J	Iron Pipe	Sig.	Sign
L	Light Pole	Sig. Inlet	Sign Inlet
M	Manhole	Typ.	Typical
NAD	NAD & D&A	UF	Utility Easement
NIR	Non-Florida	W	Well
ORB	Official Records Book	WM	Well (Chain Angle)
P.B.	Plat Book	Δ	Delta (Chain Angle)
○	Wood Fence	○	Chain Link Fence

NOTES:

- > Survey is based upon the legal description supplied by client.
- > All existing property deeds have been NOT been researched for gaps, overlaps and/or inclusions.
- > Subject to any easements and/or restrictions of record.
- > Bearings shown hereon, is assumed and based upon the line described with a 'tip'.
- > Building ties are NOT to be used to reconstruct property lines.
- > Fence ownership is NOT determined.
- > Pole ownership, underground utilities, and/or easements are NOT shown hereon UNLESS otherwise noted.
- > Spot levels and/or disassembled locations are approximate and MUST be verified by appropriate utility location companies.
- > Use of this survey for purposes other than intended, without written verification, will be as the user's sole risk and without liability to the surveyor. Nothing hereon shall be construed to give ANY rights or benefits to anyone other than those certified.

NONE VISIBLE

POINTS OF INTEREST

I hereby certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as a duly Licensed Surveyor under my Direction on the Date Shown. Based on information furnished to me as a Noted and Conforms to the State Statute of Florida for Land Surveying in the State of Florida in accordance with Chapter 48-17, 052 Florida Administrative Code, Pursuant to Section 471.07 Florida Statutes.

Patrick K. Ireland
Professional Seal
Patrick K. Ireland
Professional Seal
No. PS 6637
LB 7623
This Survey is Intended ONLY for the use of Said Certified Parties.
This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.

Ireland & Associates Surveying, Inc.
800 Currency Circle | Suite 1020
Lake Mary, Florida 32746
www.IrelandSurveying.com
Office-407.678.3366 Fax-407.320.8165

LDLVAR-2026-1 - Kevin Shinabarker

Menu Reports Help

Application Name: [Kevin Shinabarker](#)

File Date: [01/08/2026](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments: View ID Comment Date

Description of Work: [Putting shed in back yard with limited space](#)

Application Detail: [Detail](#)

Address: [3822 MARQUISE LN, MULBERRY, FL 33860](#)

Parcel No: [232934142460001280](#)

Owner Name: [SHINABARKER KEVIN](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	SHINABARKER KEVIN	SHINABARKER KEVIN	Engineer	Mailing, 3822 Marquise...	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
Job Value:	\$0.00					
Total Fee Assessed:	\$541.00					
Total Fee Invoiced:	\$541.00					
Balance:	\$0.00					

Custom Fields: **LD_GEN_BOA**

GENERAL INFORMATION

Expedited Review Number of Lots
-

Will This Project Be Phased Acreage
[0.23](#)

DRC Meeting Time DRC Meeting
[03/12/2026](#)
Rescheduled DRC Meeting Time Rescheduled DRC Meeting Time

Green Swamp Number of Units
[No](#)
Is this Polk County Utilities

Case File Number
-
One Year Extension FS 119 Status
[Non-Exempt](#)

PUBLIC HEARINGS

Development Type Application Type
[Land Use Hearing](#) [Variance](#)
[Officer](#)
Variance Type Brownfields Request
[Dimensions](#) -
[Table](#)
Affordable Housing

ADVERTISING

Advertising Board Legal Advertising Date
[Land Use Hearing](#) -
[Officer](#)

MEETING DATES

LUHO Hearing Date
[04/23/2026](#)

ALCOHOL BEVERAGE DIST REQ

Type of Business Type of License
-
Hours of Operation
-
Give Name & address of any school(s)/Church(s) within 2500 ft to the requesting property boundary
-

COMMUNICATION TOWER

Are there other sites beyond the one mile radius that are available to accomodate the proposed tower

CRITERIA FOR GRANTING VARIANCE

Will the variance be injurious to the area involved or detrimental to the public welfare?
[no](#)

What special conditions exist that are peculiar to the land, structure, or building involved?
[our yard is small with the pool and we would like a shed for storage](#)

When did you buy the property and when was the structure built? Permit Number?
[bought 6/2025](#)
[Built 6/2003](#)
[permit # BR-2025-9614](#)

What is the hardship if the variance is not approved?
[not extra storage space and we would have to spend more money on storage unit](#)

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

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

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID	DocumentGroupforDPC	RequiredDocumentTypes
POLKCO-26EST-00000-01086	DIGITAL PROJECTS LD	-
RequiredDocumentTypesComplete Yes	AdditionalDocumentTypes Applications,AutoCad File,Binding,Site Plans,(PDs, Yes and CUs),CSV,Calculations,Correspondence,Design Drawings,Flood/Traffic Studies,Impact Statement, Inspections,Miscellaneous,Plats,Record Drawings, Response Letter Resubmittal Complete,Staff Report/Approval Letter Survey,Title Opinion	Activate DPC
Activate FSA Yes	DigitalSigCheck Yes	

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement
[y](#)

LAND USE

Selected Area Plan LU Code

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
LUHO	1	36	04/07/2026	04/07/2026	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	02/13/2026	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irven	Approve	02/16/2026	Phil Irven
	Planning Review	Andrew Grohowski	Approve	03/04/2026	Andrew Grohowski
	Review Consolidation	Lisa Simons-Iri...	Approved for...	03/04/2026	Lisa Simons-Iri...
	Public Notice	Lisa Simons-Iri...			
	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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CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare?
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Built 6/2003
Permit # BR-2025-9614
4. What is the hardship if the variance is not approved?
not extra storage space and we would have to spend more money on storage unit
5. Is this the minimum variance required for the reasonable use of the land?
yes
6. Do you have Homeowners Association approval for this request?
no

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, KEVIN SHINABARKER (print owner's name), as the owner of the real property described as follows, 3222 MARQUISE LN MULBERRY FL, do hereby authorize to act as my/our agent PAIGE SHINABARKER (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. This authorization expires one year from today.


Property Owner Signature

KEVIN SHINABARKER
Property Owner Printed Name

2/4/26
Date

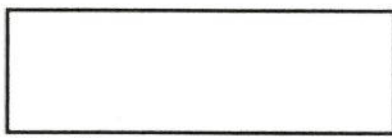
Parcel Identification Numbers and Addresses (use additional sheet if needed):

State of Florida County of POLK

I certify that the forgoing instrument was acknowledged before me this 2nd day of February, 20 26, by Kevin Shinabarker

Personally known Produced Identification N/A Type of Identification produced and verified: N/A

Leigh A. Messer
Notary Public Signature


Notary Stamp



Leigh A. Messer
Notary Public Printed Name

05/06/2027
My Commission Expires



Polk County
Polk County Land Use Hearing Officer

Agenda Item

4/23/2026

SUBJECT

LDLVAR-2026-2 (Public Storage Davenport)

DESCRIPTION

Reduce front setbacks for commercial structures at 2375 Sand Hill Road, west of US 27, north of Holly Hill Tank Road, east of FDC Grove Road, north and east of Haines City in Section 30, Township 26, Range 27

RECOMMENDATION

Continue to May 28, 2026.

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Aleya Inglima
Land Development
863-534-6764
AleyaInglima@polkfl.gov

LDLVAR-2026-2

Continued to 5/28/26



Polk County
Polk County Land Use Hearing Officer

Agenda Item

4/23/2026

SUBJECT

LDLVAR-2026-5 (Byron Variance)

DESCRIPTION

The applicant is requesting a front yard setback reduction from sixty-five (65) feet to three (3) feet and an accessory structure interior side reduction from seven (7) feet to three (3) feet for the construction of a detached garage.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Andrew Grohowski

Land Development Division

(863) 534-6412

andrewgrohowski@polkfl.gov

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

DRC Date	March 12, 2026	CASE #:	LDLVAR-2026-5 (Byron Variance)
LUHO Date	April 23, 2026	LDC Section:	Chapter 4, Table 401.08.04

Request: The applicant is requesting a front yard setback reduction from thirty-five (35) feet to three (3) feet and an accessory structure interior side reduction from seven (7) feet to three (3) feet for the construction of a detached garage.

Applicant: Joelle Byron

Property Owner: Joelle Byron

Location: The subject property is located at 22 Hillcrest Drive, south and west of State Road 17 (Scenic Highway), north of Seminole Road, east of Catherine Avenue, east of Hillcrest Heights, in Section 33, Township 30, and Range 28.

Parcel ID#: 283033-955800-000014

Size: ±0.31 acres

Land Use Designation: Rural Cluster Center – Residential-X (RCC-RX)
Southeast Village Selected Area Plan (SAP)

Development Area: Rural Development Area (RDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting a right-of-way setback reduction from thirty-five (35) feet to three (3) feet and a side setback reduction from seven (7) feet to three (3) feet for the construction of a detached garage. The structure will be approximately 400 sq. ft. (20' x 20'), according to the applicant. The subject property is located within a Rural Cluster Center-Residential-X (RCC-RX) land use district in the Southeast Village Center Selected Area Plan (SE Polk SAP). Since the subject property is a corner lot, the lot has two front yards on both Hillcrest Drive and State Road 17 (Scenic Highway North). Staff is recommending approval as the applicant's request will not be injurious to the area or detrimental to the public welfare. Approval of this variance would allow for efficient use of the applicant's property.

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

- The request **will not be injurious to the area involved or otherwise detrimental to the public welfare** because there is sufficient room on the western and southern sides of the subject parcel. Also the requested reductions do not encroach onto the property's water meter owned by Polk County Utilities and allows for maintenance access.
- **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved.** The property is a corner lot with large front setbacks off of Scenic Highway 17, a Rural Major Collector roadway. While the right-of-way (ROW) for this roadway is about 100 feet, the edge of pavement is about 30 feet, and the centerline of Scenic Highway to the property line is about 50 feet. These dimensions are smaller than typical for a roadway of this classification. The applicant purchased the property with these conditions already in place.

Development Review Committee

The Development Review Committee, based on the criteria for granting variances, the submitted application, and a recent site visit, finds that the applicant's request as written **IS CONSISTENT** with Section 931 of the Polk County Land Development Code (LDC) and recommends **APPROVAL of LDLVAR-2026-5**

CONDITIONS OF APPROVAL:

1. The approval of this variance is to reduce the accessory structure front setback from thirty-five (35) feet to three (3) feet and side setback from seven (7) feet to three (3) feet for the construction of a detached garage. Further additions or structures placed on the property shall be required to meet the setback requirements of Chapter 4, Table 401.08.04 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. Prior to building permit application, the property owner or their contractor shall call 811 or (800) 432-4770 to ensure that utility companies are notified about excavation work, allowing them to locate and mark their lines, preventing accidental strikes and damage prior to building permit approval and commencement of construction.
4. The applicant shall have one (1) year from the date the Land Use Hearing Officer's Final Order is rendered to apply for all necessary building permits and pay all associated fees for the proposed addition.

GENERAL NOTES

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

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

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

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

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

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES SUMMARIZED BELOW:

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

The granting of this request will not be injurious to the area or detrimental to the public welfare. The applicant requests setback reductions for an accessory structure in the front yard from thirty-five (35) feet to three (3) feet and interior side yard from seven (7) feet to three (3) feet. The proposed garage will be located on the southwestern portion of their property and three (3) feet from all property boundaries. The applicant states that the structure will be used to park their personal vehicles.

Since the subject property is a corner lot, the lot has two front yards on Hillcrest Drive and State Road 17 (Scenic Highway North). According to LDC Section 401.04, Table 401.08.04, Rural Major Collectors require at least 35 feet of setback while side and rear setbacks are seven (7) feet and ten (10) feet respectively in the RCC-R district. The distance between the centerline of Scenic Highway and the property line is about 50 feet, of which a large portion is a drainage ditch maintained by FDOT. Setbacks from the centerline are sixty-five (65) feet in RCC-R. Therefore 15' feet setback off the property line would still be required for the structure.

While a Rural Major Collector roadway, Scenic Highway is deficient in dimensional standards today. SR 17 spans two lanes, with a total pavement width approximately 30 feet and each drive lane (lane striping) measuring about 10 feet wide. The small roadway dimensions of this classification, but large 100' of ROW, help give the impression of a wider setback for the garage from passerby traffic. In addition, there is an existing opaque vinyl fence and vegetation surrounding the applicant's yard, further screening the garage from offsite view. According to the site plan (*Exhibit 5*) the garage will be located behind the front building face of the home as required by locational criteria for most accessory structures. However, garages such as this may be permitted in the front yard, in front of the building face of the home, pursuant to LDC Section 209.D.

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;*

A portion of the parcel was taken to widen the ROW of SR 17. However, the pavement and lane widths remained unchanged. The date when the ROW was acquired is unknown. The size of the subject site is a third of an acre, which is not consistent with the two units per acre of the RCC-R land use district. However, the property met prior zoning of Residential-2 (R-2) at the time a single-family residence was built in 1980. The minimum lot size for R-2 was 7,500 sq. ft. which this property exceeds by over 6,000 sq. ft. Other neighboring properties are similar in size. The residence at one time had an attached garage up until 2006. According to building permits the garage was enclosed to provide additional living space, at the expense of vehicle storage.

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

When the home was constructed in 1980, a septic system and associated drain field were installed on the southeastern portion of the property. The previous property owner converted the garage into heated living space according to building records in 2006 (Permit # 78211). The applicant purchased the property in 2025 with these conditions already in place. The now enclosed garage eliminates any option for the applicant to park their personal vehicles indoors. A garage in the rear at this specific location is the best alternative given the existing physical conditions and circumstances.

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 detached garage in the rear is planned to be approximately 400 sq. ft. (20' x 20'), according to the applicant, in order to accommodate their personal vehicles. Due to the lack of an existing garage, the applicant stated this structure size is sufficient to meet their needs so they can shelter any vehicles and store items from the elements. Variances are a development privilege. If not for the existing trees in their backyard, large setback from a state roadway, or the garage conversion twenty years ago, a variance may not have been necessary for a detached garage.

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

The proposed garage is permitted in the front yard of homes, however, the existing building footprint and driveway location limit this option without some setback relief. The requested variance is believed to be the minimal variance necessary to optimize the use of the owner's land. The subject property is 0.31 acres, below the ±20,000 sq. ft. minimum residential lot area in the RCC-R land use district. Providing additional parking spaces with the detached structure reduces the potential risk and possible hazards of vehicles or trailers parked in the public right-of-way of Hillcrest Drive. There is a water meter owned by Polk County Utilities (PCU) that provides service to the property located along the southwest portion of the site. The proposed garage will be setback three feet from the western and southern property lines, which is sufficient access for PCU maintenance or the property owner.

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

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

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

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

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

Granting this request will not circumvent any conditions of approval. This property was zoned R-2 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:

<p>Northwest: City of Crooked Lake Lot 12 Single-family home, screen room ±0.33 acres</p>	<p>North: RCC-R Lot 13 Single-family home, screen room ±0.31 acres</p>	<p>Northeast: RCC-R Lot 50 Single-family home ±0.30 acres</p>
<p>West: City of Crooked Lake Lot 4 Single-family home ±0.30 acres</p>	<p>Subject Property: RCC-R Lot 3 Single-family home ±0.32 acres</p>	<p>East: RCC-R Lot 2 Single-family home ±0.43 acres</p>
<p>Southwest: Vacant Pasture ±13.05 acres</p>	<p>South: Vacant Pasture ±13.05 acres</p>	<p>Southeast: Vacant Pasture ±13.05 acres</p>

The subject property is within the Rural Cluster Center-Residential-X (RCC-RX) within the Village Center of the Southeast Selected Area Plan (SE Polk SAP). It is a corner lot at the intersection of Hillcrest Drive and State Road 17 (Scenic Highway North) with access from Hillcrest Drive.

The site is a portion of Lot 1 in the “Highfields A R Addition” recorded in 1920 (PB 04, PG 71). The lot was subsequently subdivided and created the current lot dimensions of ±0.31 acres, or ±13,600 sq. ft. While below the 20,000 square footage requirements for residential lots in RCC-R, the property is considered a lot of record with its size consistent with R-2 zoning at the time. According to the Property Appraiser, a single-family residence was constructed in 1980, and the applicant purchased the property through a general warranty deed in August 2025 (OR Bk 13673, PGS 573-575). Staff has found one setback variance within a one-mile radius of the subject site located at 449 Rainbow Boulevard in Babson Park. The request was similar in nature for front setback reductions on a corner lot for the placement of solar panels. The variance received approval in 2022 (LDLVAR-2022-19).

Comments from other Governmental Agencies: None

Exhibits:

Exhibit 1 – Location Map

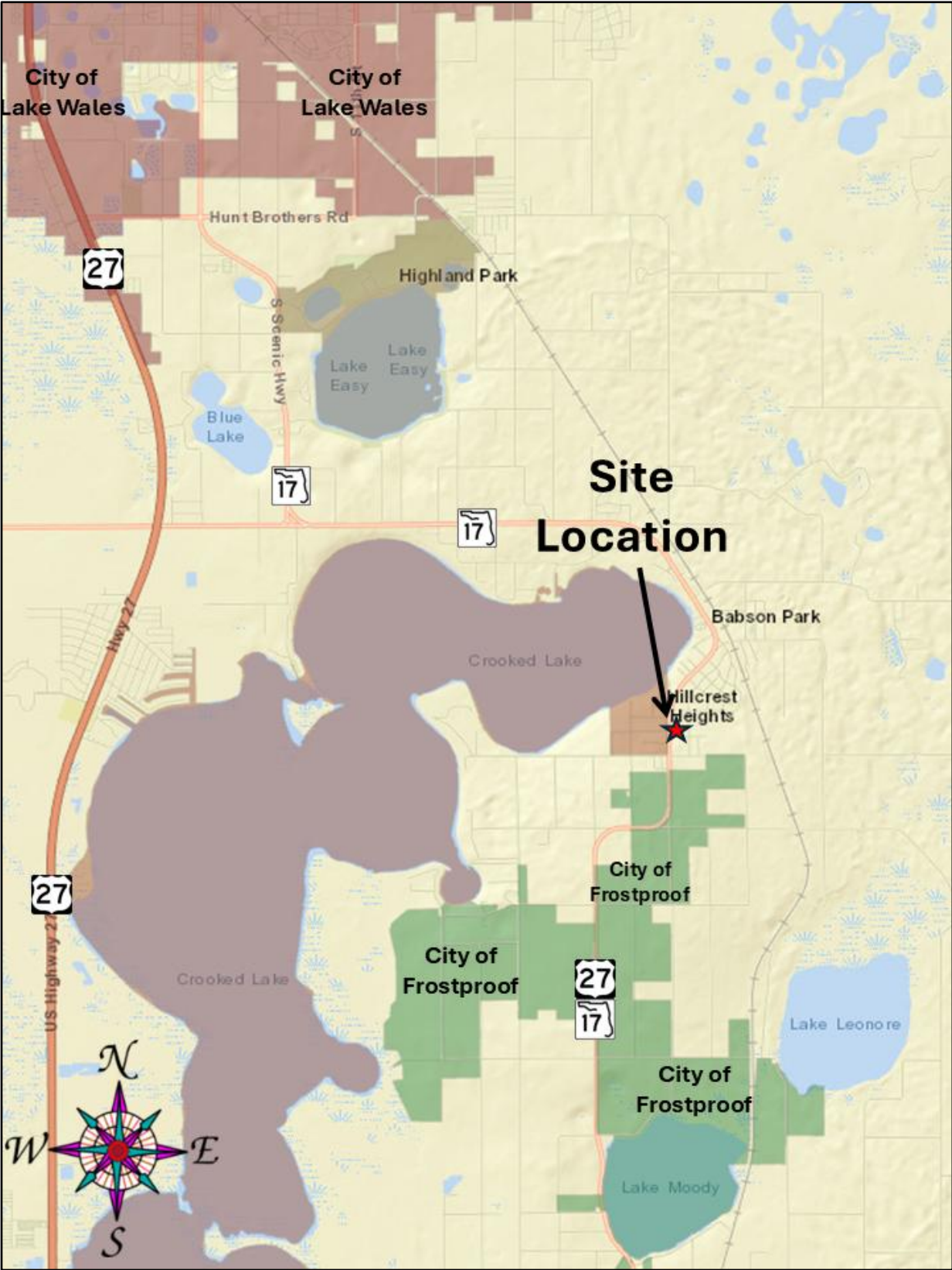
Exhibit 2 – Future Land Use

Exhibit 3 – 2025 Satellite Image (Context)

Exhibit 4 – 2023 Aerial Photo (Close-up)

Exhibit 5 – Site Plan

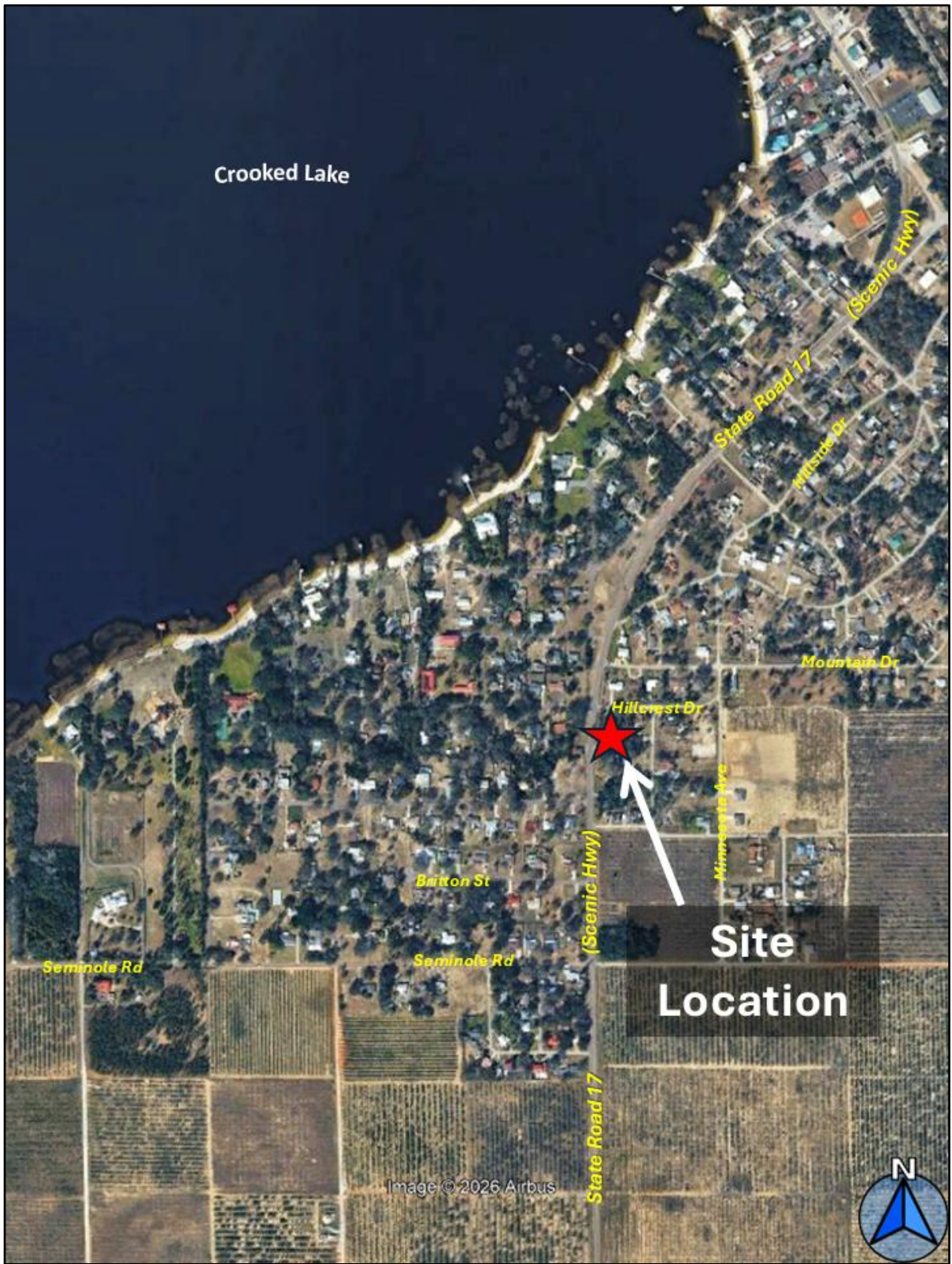
Exhibit 6 – Applicant’s Justification



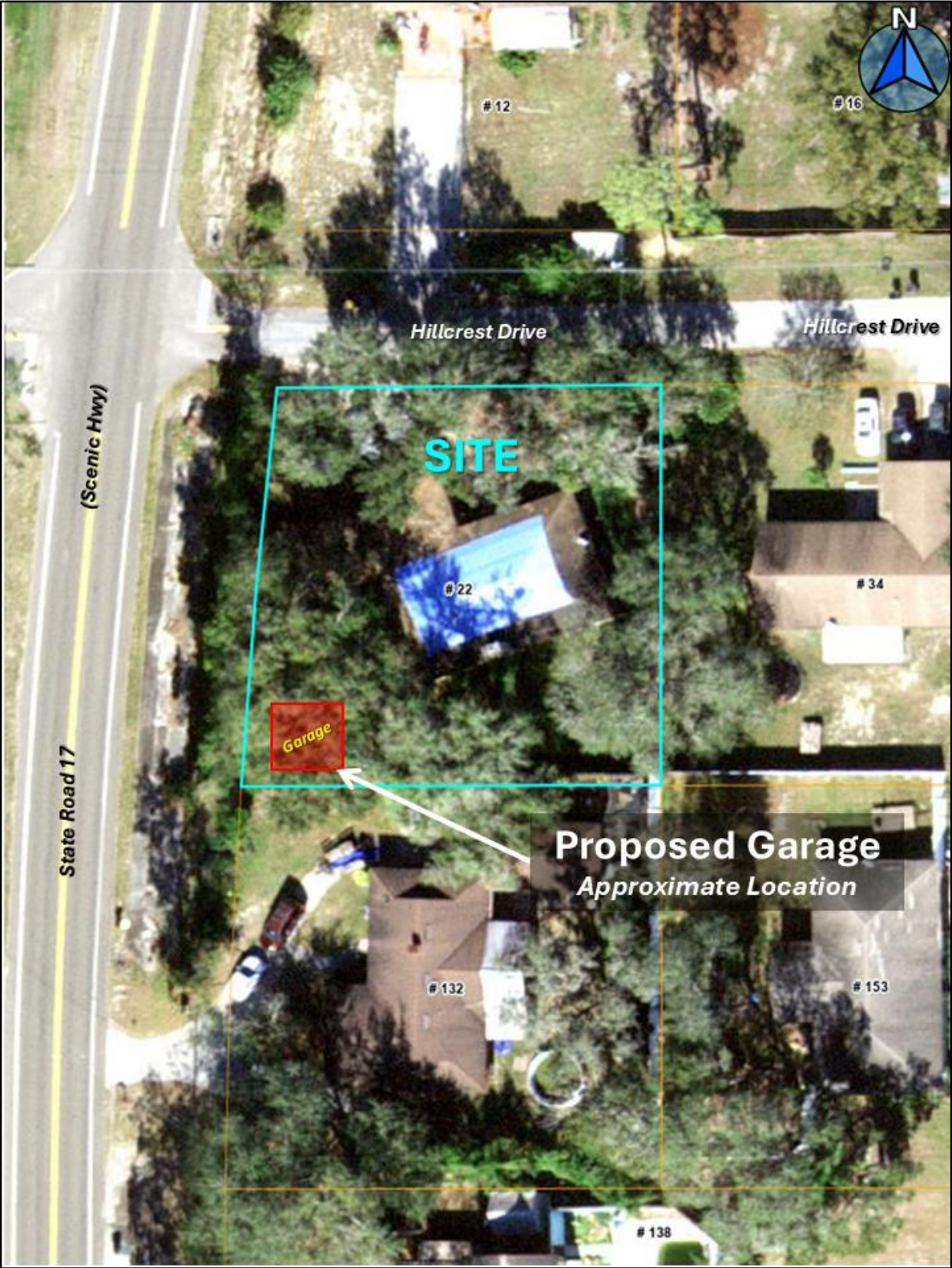
Location Map



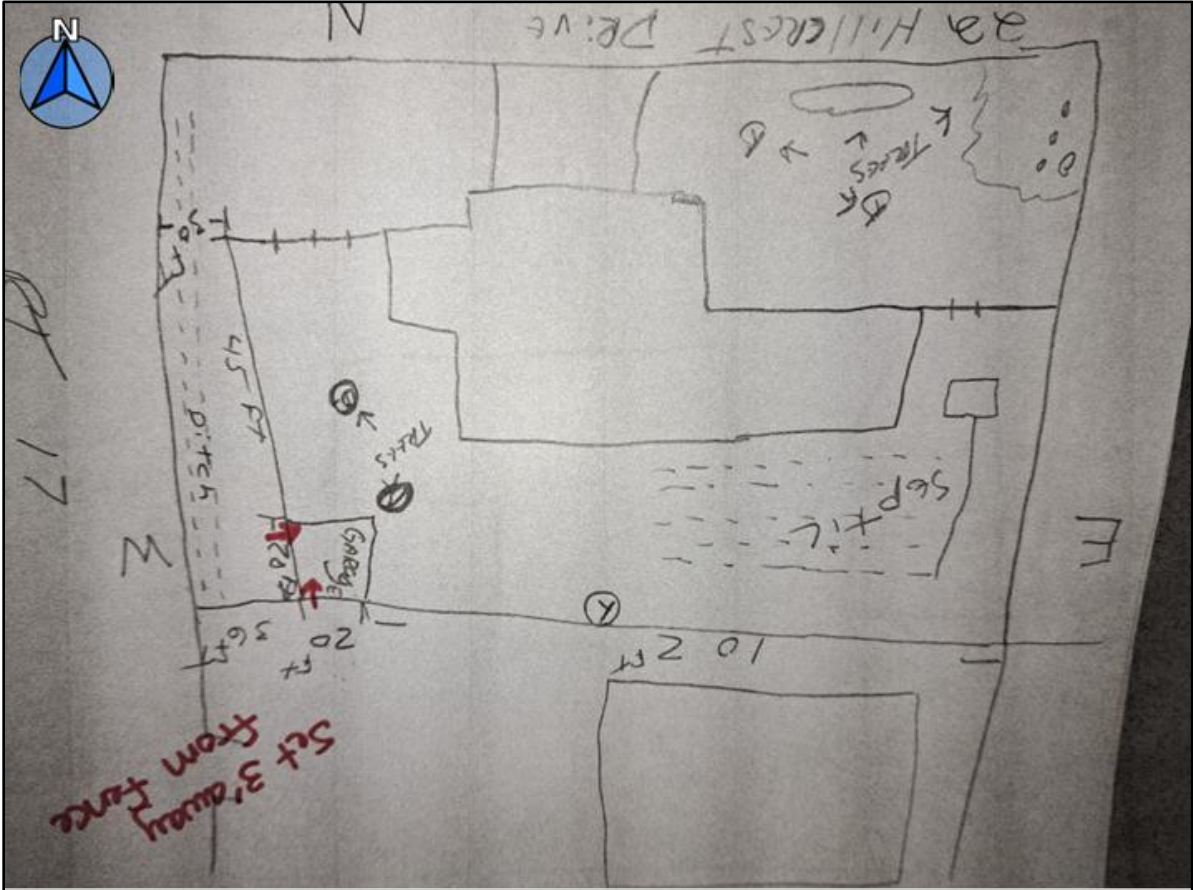
Future Land Use



2025 Satellite Image (Context)



2023 Aerial Photo (Close-up)



Site Plan

CRITERIA FOR GRANTING A VARIANCE

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

2. What special conditions exist that are peculiar to the land, structure, or building involved? **7 ft Width**

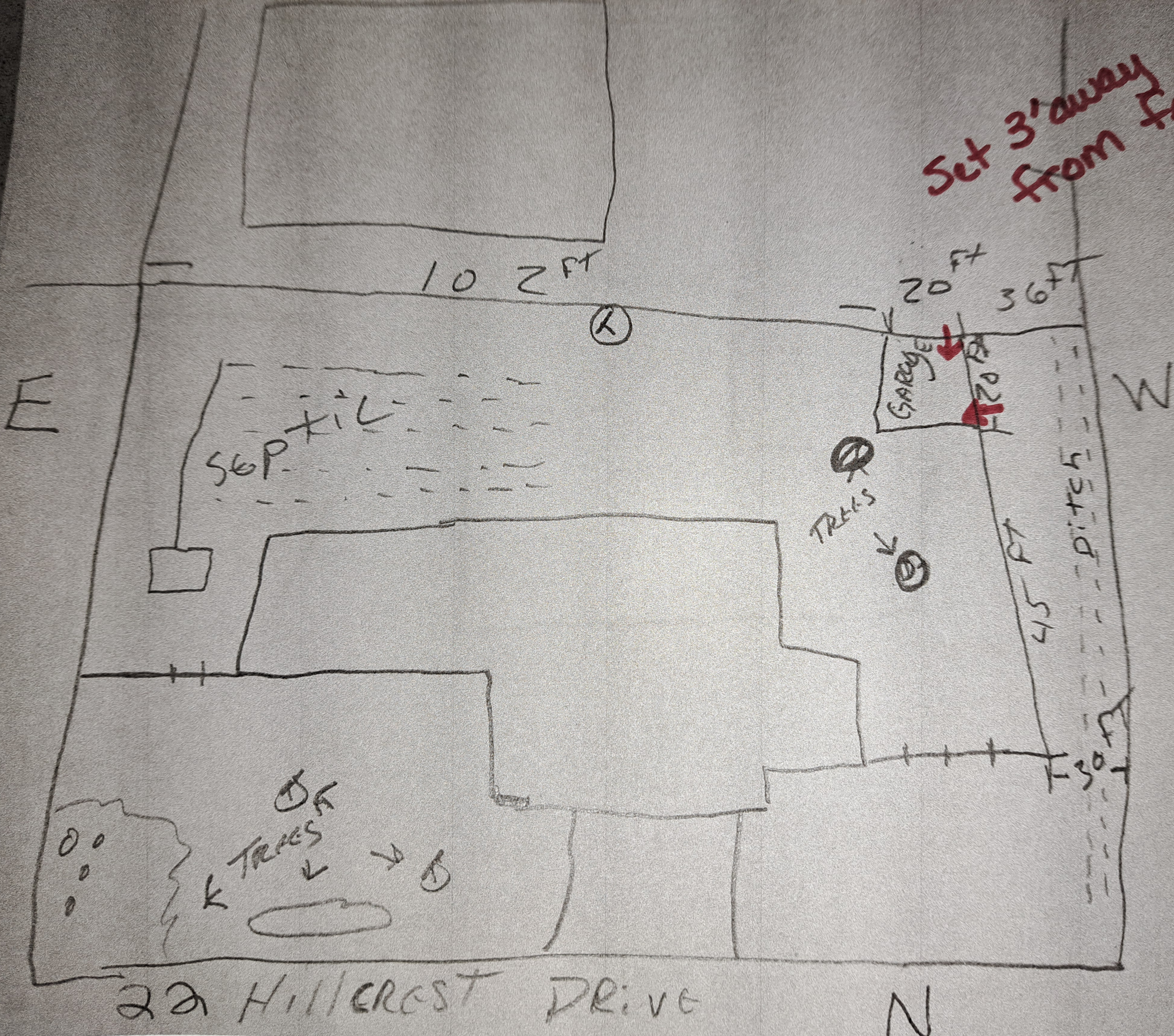
3. When did you buy the property and when was the structure built? Permit Number? **2021**

4. What is the hardship if the variance is not approved? **I can't put it on the other side of the home**

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

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

Applicant's Justification



Set 3' away from fence

10 Z FT

20 FT

36 FT

GARAGE

TREES

45 FT

DITCH

30 FT

22 HILLCREST DRIVE

117

LDLVAR-2026-5 - Byron Backyard Garage

Menu Reports Help

Application Name: [Byron Backyard Garage](#)

File Date: [01/15/2026](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments: View ID Comment Date

Description of Work: [Remove existing fence panels in back SW corner of lot, and add a 20x20 garage, using the walls of the garage to replace that portion of the fence line.](#)

Application Detail: [Detail](#)

Address: [22 HILLCREST DR, BABSON PARK, FL 33827](#)

Parcel No: [28303395580000014](#)

Owner Name: [BYRON JOELLE](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	BYRON JOELLE	BYRON JOELLE	Engineer	Mailing, 22 Hillcrest ...	Active

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

Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$541.00](#)

Total Fee Invoiced: [\\$541.00](#)

Balance: [\\$0.00](#)

Custom Fields: **LD_GEN_BOA**

GENERAL INFORMATION

Expedited Review Number of Lots
-

Will This Project Be Phased Acreage
[0.31](#)

DRC Meeting Time DRC Meeting
[03/12/2026](#)
Rescheduled DRC Meeting Time

Green Swamp Number of Units
[No](#)

Case File Number Is this Polk County Utilities

One Year Extension FS 119 Status
[Non-Exempt](#)

PUBLIC HEARINGS

Development Type Application Type
[Land Use Hearing](#) [Variance](#)
[Officer](#)

Variance Type Brownfields Request
[Dimensions](#) -
[Table](#)

Affordable Housing

ADVERTISING

Advertising Board Legal Advertising Date
[Land Use Hearing](#) -
[Officer](#)

MEETING DATES

LUHO Hearing Date
[04/23/2026](#)

ALCOHOL BEVERAGE DIST REQ

Type of Business Type of License
-

Hours of Operation

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

COMMUNICATION TOWER

Are there other sites beyond the one mile radius that are available to accommodate the proposed tower

CRITERIA FOR GRANTING VARIANCE

Will the variance be injurious to the area involved or detrimental to the public welfare?
[No](#)

What special conditions exist that are peculiar to the land, structure, or building involved?
[Unable to place a garage in the front of home, as it is too close to the road. It can't be on the W side, as there is the road and the E side is the septic tank. It can't go on the SE side of the backyard because of the leech lines.](#)

When did you buy the property and when was the structure built? Permit Number?
[Purchased 8/20/25](#)
[Built in 1980](#)

What is the hardship if the variance is not approved?
[There is no storage on the property for car, golf cart, lawn mower, tools, etc. The property looks like a storage facility with everything out.](#)

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

Do you have Homeowners Association approval for this request?
[N/A - No Homeowners Association](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID
[POLKCO-26EST-00000-02607](#)
 RequiredDocumentTypesComplete
[Yes](#)

DocumentGroupforDPC
[DIGITAL PROJECTS LD](#)
 AdditionalDocumentTypes
[Applications, AutoCad File, Binding, Site Plans \(PDs, Yes and CUs\), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter Survey, Title Opinion](#)
 DigitalSigCheck
[Yes](#)

Activate FSA
[Yes](#)

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement
[y](#)

LAND USE

Selected Area Plan LU Code

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
LUHO	2	17	04/07/2026	04/07/2026	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	02/13/2026	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irven	Approve	02/16/2026	Phil Irven
	Planning Review	Andrew Grohowski	Approve	03/04/2026	Andrew Grohowski
	Review Consolidation	Lisa Simons-Iri...	Approved for...	03/04/2026	Lisa Simons-Iri...
	Public Notice	Lisa Simons-Iri...			
	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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CRITERIA FOR GRANTING A VARIANCE

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

No

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

Unable to place a garage in the front of home, as it is too close to the road. It can't be on the W side, as there is the road and the E side is the septic tank. It can't go on the SE side of the backyard because of the leech lines.

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

Purchased 8/20/25

Built in 1980

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

There is no storage on the property for car, golf cart, lawn mower, tools, etc. The property looks like a storage facility with everything out.

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

Yes

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

N/A – No Homeowners Association



Polk County
Polk County Land Use Hearing Officer

Agenda Item

4/23/2026

SUBJECT

LDLVAR-2026-6 (Slenk Variance)

DESCRIPTION

Timothy Slenk requests a primary structure right-of-way setback reduction from 10 feet to eight (8) feet and side setback reduction from five (5) feet to zero (0) feet for the expansion of an existing carport on approximately 0.11 acres within a residential neighborhood. The subject property is located at 4093 Rolling Oaks Drive, north of Thornhill Road, south of Highway 540, east of Thornhill Estates Road, west of Spirit Lake Road, west of the City of Eagle Lake in Section 02, Township 29, Range 25.

RECOMMENDATION

Approval with conditions.

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

Kyle Rogus, Planner II
Land Development Division
863-534-7553
kylerogus@polkfl.gov

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

DRC Date: March 13, 2026	CASE #: LDLVAR-2026-6 (Slenk Variance)
LUHO Date: April 23, 2026	LDC Section: VAR 76-2

Request: The applicant is requesting a primary structure right-of-way setback reduction from 10 feet to eight (8) feet and side setback reduction from five (5) feet to zero (0) feet for the expansion of an existing carport on approximately 0.11 acres within a residential neighborhood.

Applicant: Timothy Slenk

Property Owner: Timothy and Ellen Slenk

Location: The subject property is located at 4093 Rolling Oaks Drive, north of Thornhill Road, south of Highway 540, east of Thornhill Estates Road, west of Spirit Lake Road, west of the City of Eagle Lake in Section 02, Township 29, Range 25.

Parcel ID#: 252902-356710-000460

Size: ±0.11 acres

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

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Kyle Rogus, Planner II

Summary:

The applicant is requesting a primary structure right-of-way setback reduction from 10 feet to eight (8) feet and side setback reduction from five (5) feet to zero (0) feet for the expansion of an existing carport on approximately 0.11 acres within a residential neighborhood. Per Section 209 of the Land Development Code (LDC), 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. Therefore the intent of the request is to expand the carport to allow for additional covered vehicle parking and additional coverage over the existing patio.

The carport will be 10 feet wide and extend the length of the existing residence. The carport will be two (2) feet within the 10-foot right-of-way setback, 12 feet from the edge of pavement, and the support structure will be located on the property line. Because the support structure will be located on the property line there will be a 13-inch overhang onto the neighboring lot. The

overhang will be consistent with the existing home and carport. The applicant provided a notarized letter from the neighbor acknowledging and approving the encroachment onto their property.

The property is located off Rolling Oaks Drive, a local road, in the Oakwood Estates Subdivision. Existing structures to the east of the site extend further towards the right-of-way, therefore the request is the minimum required and will not be injurious to the area involved or otherwise detrimental to the public welfare. Staff finds this request will cause no direct or indirect harm to the community.

Staff recommends approval of LDLVAR-2026-6 as it meets the following criteria listed in Section 931:

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

The request will not block or limit the view of traffic, and there are no easements on the front or east side of the property. The garage will be located 12 feet from the edge of pavement making it uniform with the neighboring structure to the east. The existing residence encroaches on the neighboring property to the east requiring a setback reduction from five (5) feet zero (0) feet and notarized letter in approval.

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

The property is located in the Residential Low-4 (RL-4) land use district. The average lot size in RL-4 land use district is 6,000 sq. ft. The subject property is 0.11 acres or 4,792 sq.ft., smaller than the average lot size. The small lot size, placement of the home, and existing use of the garage affects the use of the lot without the relief from setbacks.

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-2026-6**

CONDITIONS OF APPROVAL:

1. The approval of this variance is to reduce the primary structure right-of-way setback from 10 feet to eight (8) feet and side setback reduction from five (5) feet to zero (0) feet for the construction of a carport extension. Further additions or structures placed on the property shall be required to meet the setback requirements of the Oakwood Estates Subdivision or re-apply for another variance approval from the Land Use Hearing Officer.
2. This variance does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.

3. The applicant shall have one (1) year from the date the Land Use Hearing Officer's Final Order is rendered to apply for all necessary building permits and pay all associated fees for the proposed addition.

GENERAL NOTES

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

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

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

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

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

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES SUMMARIZED BELOW:

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

Per Chapter 2, Section 209, "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 approved setbacks for the Oakwood Estates subdivision are: 10 feet right-of-way setback; 10 feet rear lot setback; and 5 feet side yard setback. The dimensions of the attached carport extension will be approximately 10 feet wide and extend the length of the existing residence. The extension will be two (2) feet within the approved 10-foot right-of-way setback and 12 feet from the edge of pavement. The support structure will be on the eastern property line requiring a setback reduction to zero (0) feet. The carport extension will run flush with the existing attached carport structure on the east side, creating a 13-inch overhang encroachment onto the neighboring property. The neighbor to the east has acknowledge there is an encroachment onto their property and has provided notarized written approval for the applicants request for a carport expansion. The size and orientation of the lots create an encroachment for most, if not all properties on at least one side. Information provided by the applicant states that the Homeowners Association (HOA) uses

the center line between houses to determine their approval. The granting of this request will not be injurious to the area as the carport extension will not block the view of traffic. Existing residences and carports further to the east extend into the right-of-way setback. There are no easements on the front or east side of the property according to the plat (see Exhibit 6).

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 Residential Low-4 (RL-4) land use district in the Transit Supportive Development Area on approximately 0.11 acres. The average lot size in Residential Low-4 land use district is 6,000 sq. ft. or approximately 0.14 acres. Prior to the adoption of the Land Development Code (LDC), Oakwood Estates was zoned Residence (R-4) Open Density District. R-4 had unrestricted density and minimum lot sizes as it was designed and intended to provide areas for maximum density and design flexibility for all types of residential construction. Oakwood Estates was originally a mobile home park that was converted into a mobile home subdivision in June 1976. During the transition, a variance to the setback standards was approved for the development under VAR 76-02.

According to VAR 76-2, the Oakwood Estates Subdivision Plat (PB 64, PGs 25-28), was approved for a reduction of five (5) feet from the required 15-foot setback and a reduction of 10 feet from the required 20-foot setback in a Residential (R-4) zoning district. The approved setbacks for the Oakwood Estates subdivision are: 10 feet right-of-way setback; 10 feet rear lot setback; and 5 feet side yard setback. The attached carport extension will be two (2) feet within the 10-foot right-of-way setback and zero feet from the east side property line.

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

The extensive history of this development and site presents challenges. The Oakwood Estates was originally a mobile home park that was converted into a mobile home subdivision in 1976. Prior to the approval of the Oakwood Estates Mobile Home Subdivision the development was approved for a variance (VAR 76-2) to reduce the 15-foot right-of-way setback by five (5) feet and the reduce the 20-foot rear yard setback by 10 feet. This variance allowed for more relief for larger mobile home developments.

Based on Polk County GIS viewers, past aeriels show Oakwood Estates started developed between 1971 and 1980. By 1988 the Oakwood Estates Subdivision was built out in its entirety. During the this timeframe lot boundaries and setbacks become conflicting, resulting in encroachments based on today's current property boundaries. It can be inferred that because Polk County did not require surveys at the time of construction, the development of one (1) lot that did not meet the setback boundaries set a precedent for the rest of the development, hence the subject site's encroachment onto the neighboring property to the east.

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

Every variance approval is a special privilege to some degree. Many, if not all the homes within the Oakwood Estates Subdivision encroach upon neighboring properties. This makes any future add on structures such as carports impractical to construct without relief from setbacks.

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 neighboring properties to the east of the subject site that gain access off Rolling Oaks Drive have similar homes or carports that extend within 10 feet of the right-of-way boundary. The request will also provide full coverage for the front patio, providing protection from weather conditions.

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.*

The proposed request will not circumvent the intent of a condition placed on a development by the Planning Commission or the Board of County Commissioners. Oakwood Estates was originally a mobile home park that was later converted into a mobile home subdivision in Plat Book 64, Pages 25-28 on June 15, 1976. During the transition, a variance to the subdivision setback standards was approved by the Board of County Commissioners for the development under VAR 76-2. Per VAR 76-2 setbacks for the Oakwood Estates Subdivision are: 10 feet right-of-way setback; 10 feet rear lot setback; and 5 feet side yard setback. The accessory setbacks are 5 feet from side and rear lot lines. There are no conditions that prohibit a variance request.

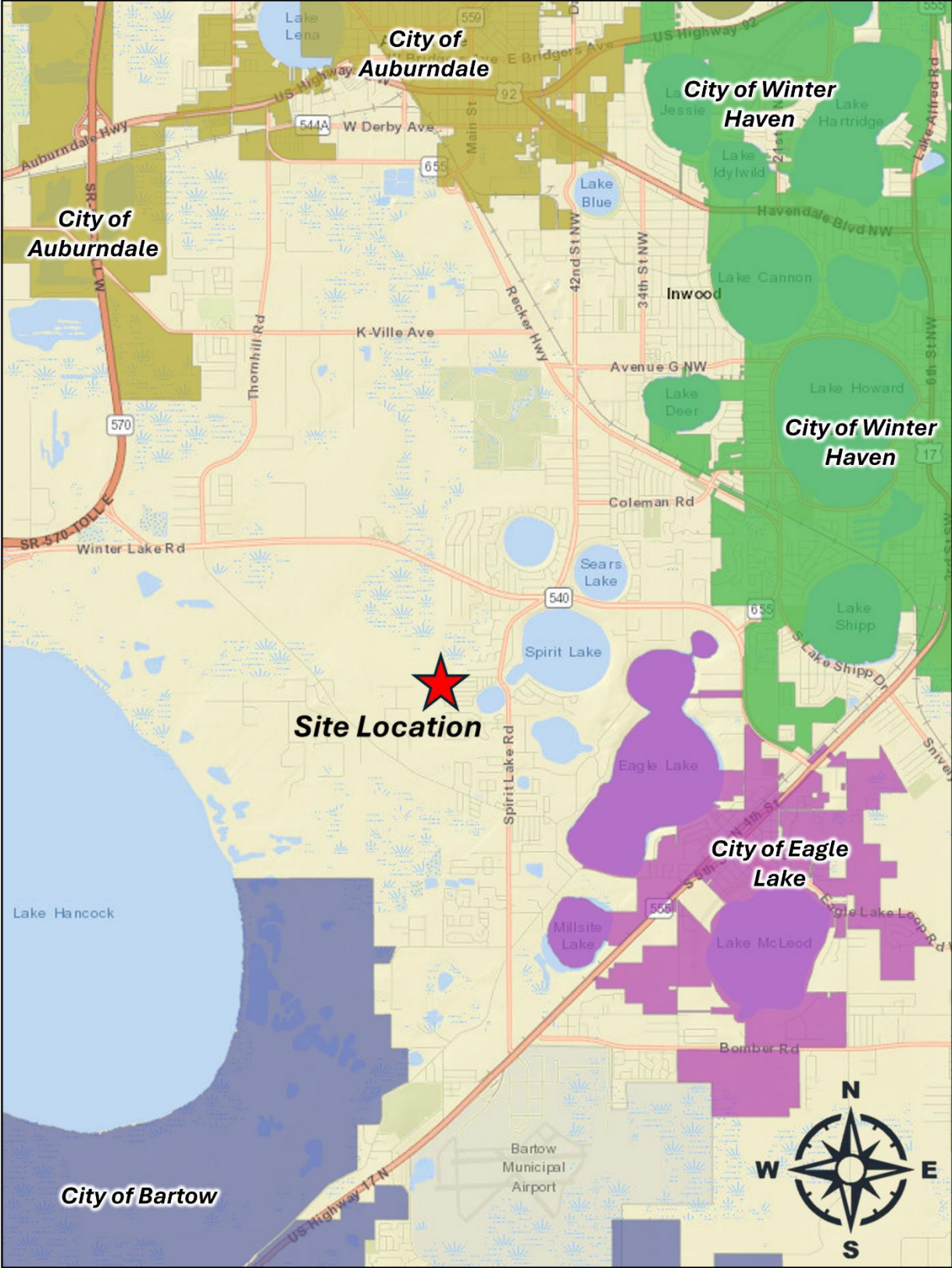
Surrounding Future Land Use Designations and Existing Land Use Activity:

<p>Northwest: Residential Low-4 (RL-4) Polk County Utilities Storage and Booster Pump Station 10.00 acres</p>	<p>North: Residential Low-4 (RL-4) Polk County Utilities Storage and Booster Pump Station 10.00 acres</p>	<p>Northeast: Residential Low-4 (RL-4) Polk County Utilities Storage and Booster Pump Station 10.00 acres</p>
<p>West: Residential Low-4 (RL-4) Oakwood Estates Subdivision PB 64 PG 28 Mobile Home (MH) 1.7 acres</p>	<p>Subject Property: Residential Low-4 (RL-4) Oakwood Estates Subdivision PB 64 PG 28 Mobile Home (MH) 0.11 acres</p>	<p>East: Residential Low-4 (RL-4) Oakwood Estates Subdivision PB 64 PG 28 Mobile Home (MH) 0.08 acres</p>
<p>Southwest: Residential Low-4 (RL-4) Oakwood Estates Subdivision PB 64 PG 28 Mobile Home (MH) 0.08 acres</p>	<p>South: Residential Low-4 (RL-4) Oakwood Estates Subdivision PB 64 PG 28 Mobile Home (MH) 0.08 acres</p>	<p>Southeast: Residential Low-4 (RL-4) Oakwood Estates Subdivision PB 64 PG 28 Mobile Home (MH) 0.08 acres</p>

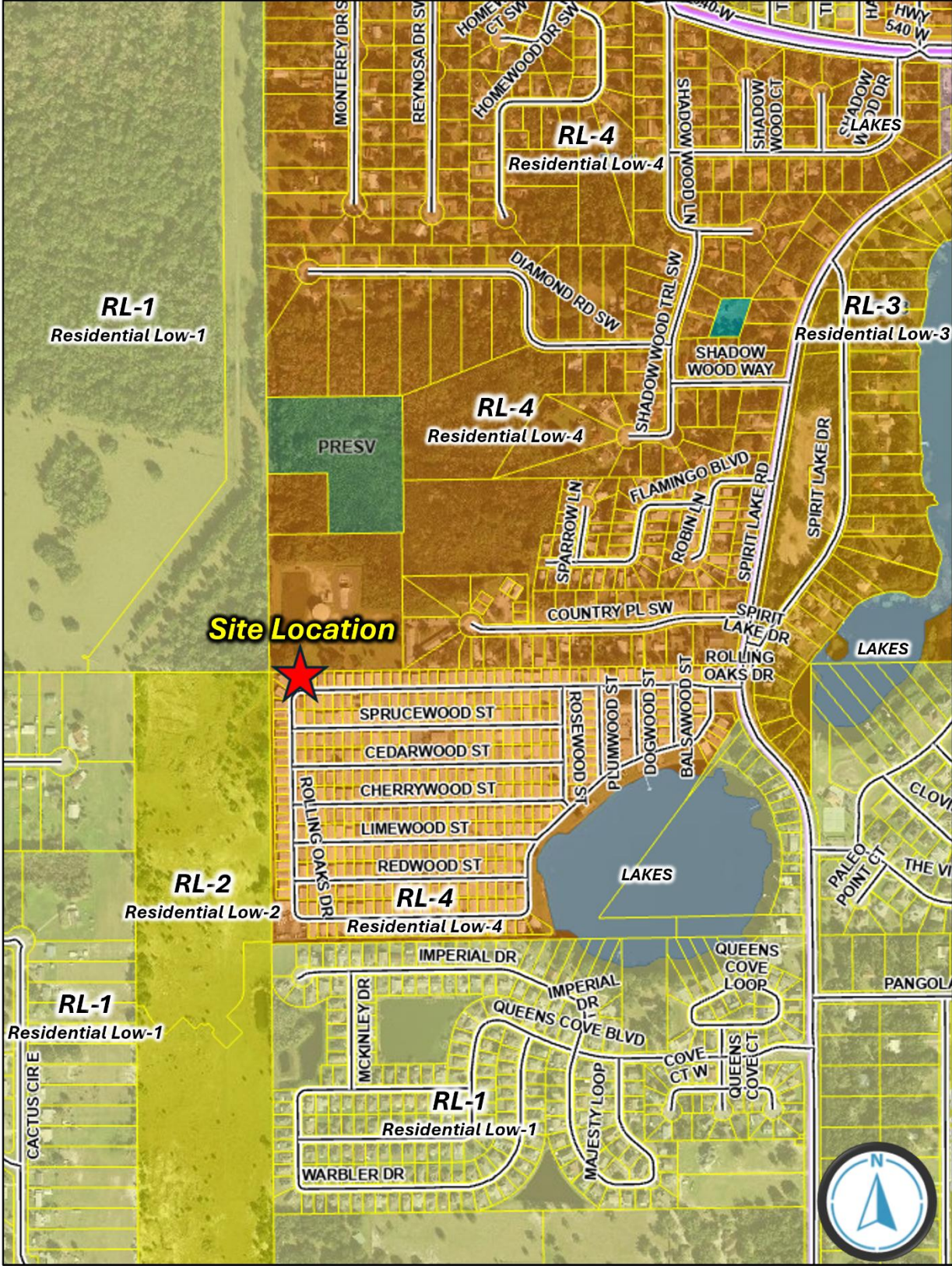
The size of the residential lots within the development are compatible to one another. The surrounding homes are single family in nature and are similar in size and orientation on the lots. Many of the properties to the east of the subject site, north of Rolling Oak Drive have carports that extend further towards the right-of-way making this request comparable to what is existing.

Exhibits:

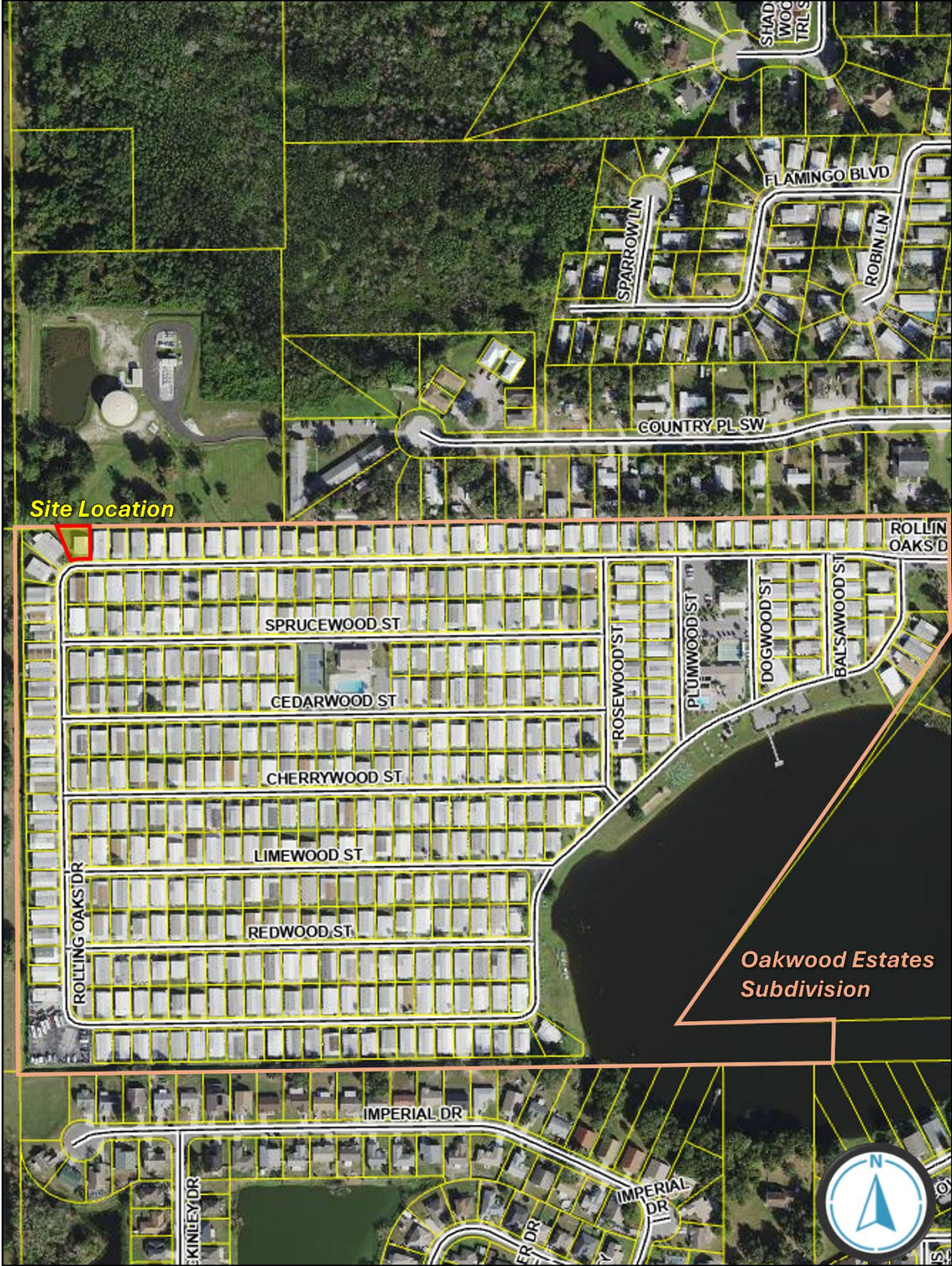
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Imagery (Context)
- Exhibit 4 Aerial Imagery (Close)
- Exhibit 5 Site Plan
- Exhibit 6 Oakwood Estates Plat
- Exhibit 7 Justification



Location Map



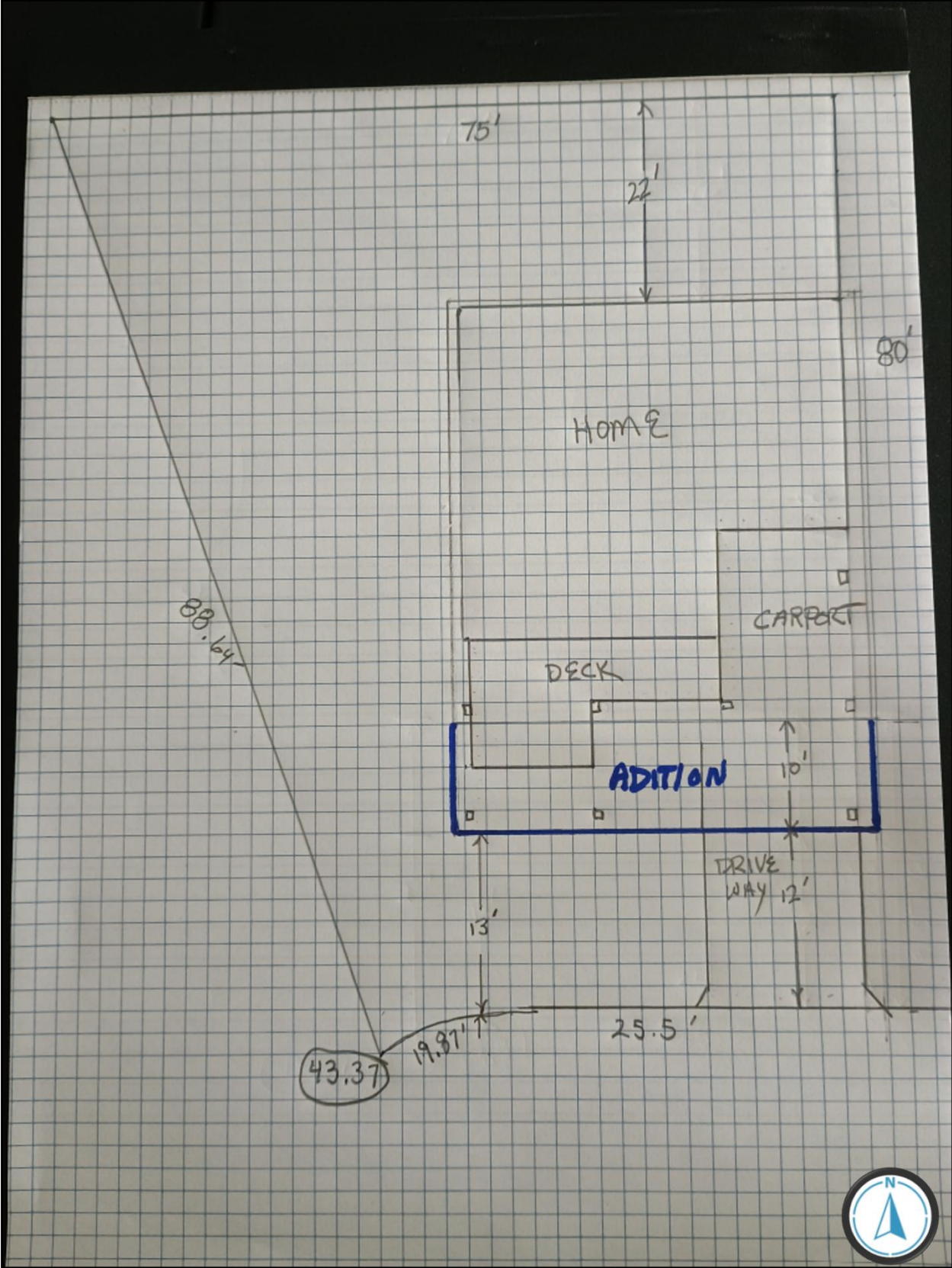
Future Land Use Map



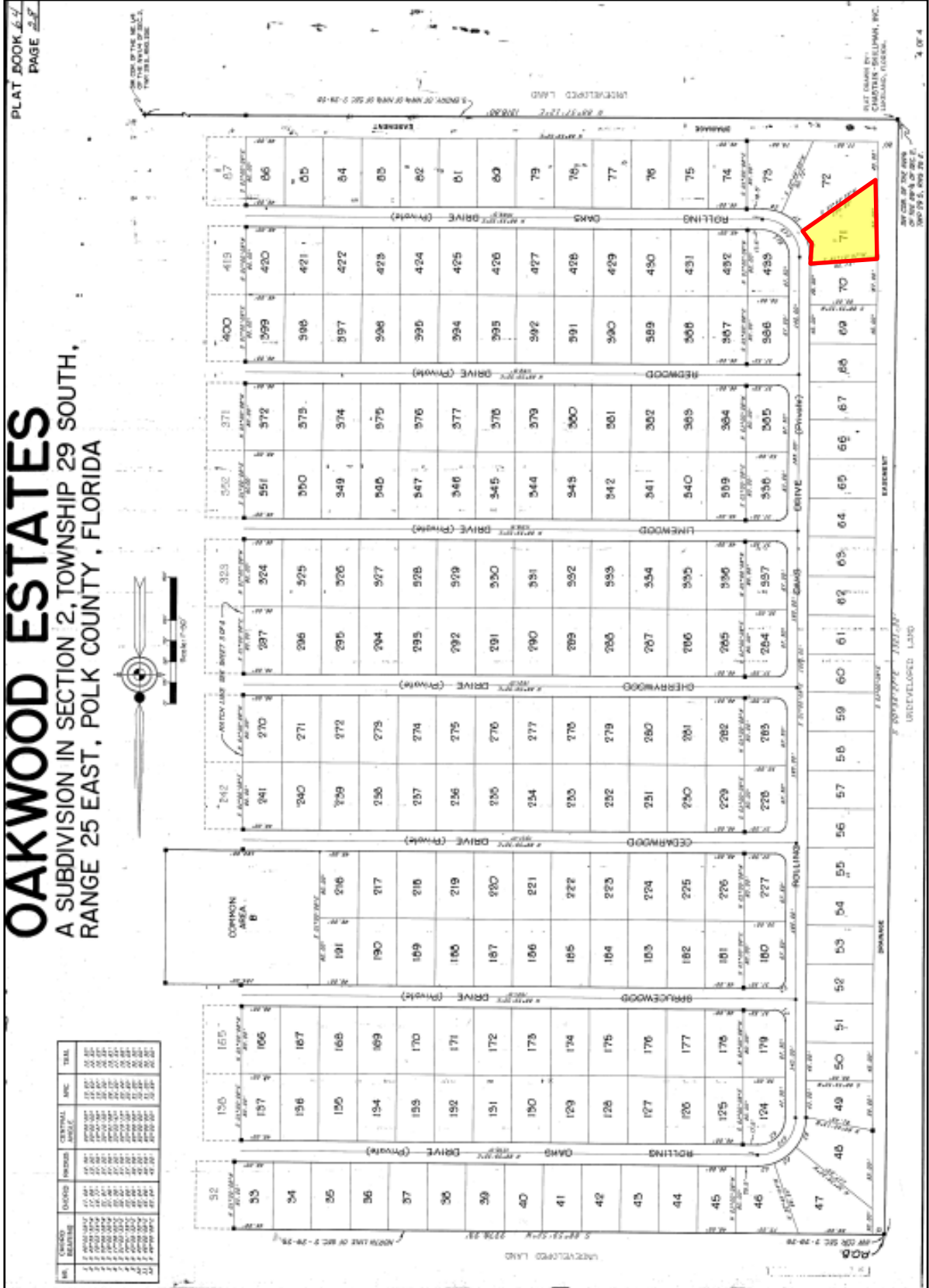
Aerial Imagery (Context)



Aerial Imagery (Close)



Site Plan



Oakwood Estates Plat

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?

The park was done under a lease and it's like we don't own a lot we own one vote.

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

Feb 11, 2022

Built in 1984

What is the hardship if the variance is not approved?

The additional car port would help shade our deck and vehicle's. It will also help do the same for our neighbor's. If noy granted, we both lose out on the protection from the sun and ellements.

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

The one supporting pole would require being on the lit line. This would be consistent with the rest of the car port and home.

Do you have Homeowners Association approval for this request?

Yes

Justification

LDLVAR-2026-6 - Tim Slenk

Menu Reports Help

Application Name: [Tim Slenk](#)

File Date: [01/19/2026](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments: View ID Comment Date

Description of Work: [We are wanting to add 10 feet out towards the street to our existing carport. The existing home and carport were installed in 1984 and was done as a mobile home park. The park was converted to a subdivision under a lease agreement. The lot lines in here have just about every property's home showing as an encroachment on one lot line asking for a variance on my East side to add to the existing carport. The one pole will be right on the lot line, and the overhang will be 13 inches over the lot line consist of the existing home and carport. I have approval from the Board of Directors. They used the center line between houses to determine their approval. The neighbor to the West as disappointed as I was when he found out I had hit a wall in my plans to add on to the carport as it will also provide him additional shade for his car and porch area.](#)

Application Detail: [Detail](#)

Address: [4093 ROLLING OAKS DR, WINTER HAVEN, FL 33880](#)

Parcel No: [252902356710000460](#)

Owner Name: [SLENK TIMOTHY J](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Timothy Slenk		Engineer	Mailing, 4290 52nd ST ...	Active

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

Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$541.00](#)

Total Fee Invoiced: [\\$541.00](#)

Balance: [\\$0.00](#)

Custom Fields: **LD_GEN_BOA**

GENERAL INFORMATION

Expedited Review

Number of Lots

-

Will This Project Be Phased

Acreage

[0.11](#)

DRC Meeting Time

DRC Meeting

[03/12/2026](#)

Rescheduled DRC Meeting

Rescheduled DRC Meeting Time

-

Green Swamp

Number of Units

-

Case File Number

Is this Polk County Utilities

-

One Year Extension

FS 119 Status

[Non-Exempt](#)

-

PUBLIC HEARINGS

Development Type

Application Type

[Land Use Hearing](#)

[Variance](#)

[Officer](#)

Variance Type

Brownfields Request

[Dimensions](#)

-

[Table](#)

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

[Land Use Hearing](#)

-

[Officer](#)

MEETING DATES

LUHO Hearing Date

[04/23/2026](#)

ALCOHOL BEVERAGE DIST REQ

Type of Business

Type of License

-

Hours of Operation

-

-

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

COMMUNICATION TOWER

Are there other sites beyond the one mile radius that are available to accomodate the proposed tower

CRITERIA FOR GRANTING VARIANCE

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

No

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

The park was done under a lease and it's like we don't own a lot we own one vote.

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

Feb 11, 2022

Built in 1984

What is the hardship if the variance is not approved?

The additional car port would help shade our deck and vehicle's. It will also help do the same for our neighbor's. If not granted, we both lose out on the protection from the sun and elements.

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

The one supporting pole would require being on the lit line. This would be consistent with the rest of the car port and home.

Do you have Homeowners Association approval for this request?

Yes

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-26EST-00000-02888](#)

RequiredDocumentTypesComplete

Yes

DocumentGroupforDPC

[DIGITAL PROJECTS LD](#)

AdditionalDocumentTypes

[Applications, AutoCad File, Binding, Site Plans \(PDs, and CUs\), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion](#)

DigitalSigCheck

Yes

RequiredDocumentTypes

- Activate DPC

Activate FSA

Yes

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement

y

LAND USE

Selected Area Plan LU Code

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

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

[LUHQ](#) 1 35 04/07/2026 04/07/2026

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	02/13/2026	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irven	Approve	02/16/2026	Phil Irven
	Planning Review	Kyle Rogus	Approve	03/05/2026	Kyle Rogus
	Review Consolidation	Lisa Simons-Iri...	Approved for...	03/10/2026	Lisa Simons-Iri...

Task	Assigned To	Status	Status Date	Action By
Public Notice				
Hearing Officer				
Final Order				
Archive				

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
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Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments
---------------------------------------	-----------------	----------------	-----------	--------	----------

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
------------------------------	-----------------	-----------------	-----------	--------	----------

Prepared by and return to:
Chanda Danis
Edwards & Edwards, P.A.
6620 Southpoint Drive South
Suite 200
Jacksonville, FL 32216
(904) 222-0829
File No 22-1378

[Space Above This Line For Recording Data]

Assignment of Proprietary Lease

Know that Mark S. Tylec and Gail L. Tylec, a married couple, assignors, whose post office address is 1305 Blue Stream Road, DeLand, FL 32720 of the County of Volusia, State of Florida, in consideration of the sum of Ten Dollars (\$10.00) paid by Timothy J. Slenk and Ellen M. Slenk, husband and wife, assignees, whose post office address is 4290 52nd Street, Holland, MI 49423, of the County of Allegan, State of Michigan, and for other valuable consideration, does hereby assign unto the assignees all of the assignor's rights, title, and interest in and to the master form proprietary lease as recorded in official records book 2433, Pages 2001-2019, public records of POLK county Florida.

The right of use and enjoyment of:

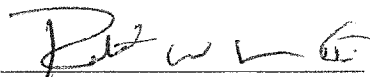
Lot 46, Oakwood Estates, according to the map or plat thereof, as recorded in Plat Book 64, Page(s) 25 through 28, of the Public Records of Polk County, Florida.

TOGETHER WITH IMPROVEMENTS LOCATED THEREON, INCLUDING THE VIN NUMBER FLFL2BD363204912, MAKE/MODEL BROO, TITLE 41179706 YEAR 1984 AND VIN NUMBER FLFL2AD363204912, MAKE/MODEL BROO, TITLE 41179702 YEAR 1984 OF THE MOBILE HOME.

Parcel Identification No 25-29-02-356710-000460

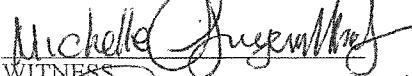
In Witness Whereof, the assignors have executed this agreement this 11 day of February, 2022.

Signed, sealed and delivered in our presence:



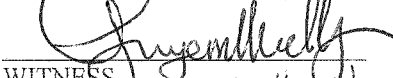
WITNESS

PRINT NAME: Robert W. Hairs III



WITNESS

PRINT NAME: Michelle Nguyen



WITNESS

PRINT NAME: Michelle Nguyen



WITNESS

PRINT NAME: Robert Hairs


Mark S. Tylec


Gail L. Tylec

STATE OF FLORIDA
COUNTY OF Volusia

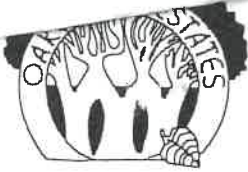
The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 11 day of February, 2022, by Mark S Tylec and Gail L Tylec.

Michelle I. Nguyen

Signature of Notary Public
Print, Type/Stamp Name of Notary



Personally Known: _____ OR Produced Identification: Florida Driver License
Type of Identification
Produced: FL/DL



Exterior Property Improvement Request

Allow for up to seven (7) working days for Board Approval. If not approved within 7 day, contact the Office. Fines will be levied if projects are begun before Approval is given. Approved Requests are good for one (1) year from the approval date.

This Request is Not Approved unless signed by the President or Authorized Officer.

Date: 12-31-2025

Name: Tim SLENK Phone: 646-566-2222

Address: 4093 ROLLING OAKS Lot #: 46

I would like to request permission to improve the exterior of my Home and/or Lot: (circle all that apply)

- Replace and/or Repair to Skirting, list which type of material to be used and indicate color choice
- Painting Exterior and/or Trim of Home (Paint sample(s) attached)
- Painting of Driveway/Cement (Paint sample(s) attached)
- Siding home or replacement of Siding (Indicate Color Choice)
- Enclosing front, screened room, or under carport of home (attach drawing/sketch)
- Designing new or changing size of landscaping beds (attach drawing/sketch)
- Adding concrete and/or blocks to driveway for Golf Cart; no larger than 5'x10' (attach drawing/sketch)
- Removing resident owned trees and/or shrubs (attach drawing/sketch)
- Planting new trees and/or shrubs, not allowed in easement (show location/attach drawing/sketch)
- Landscaping w/Pavers, Lava Rock, River Rock and/or Artificial Turf using only a permeable barrier material:
Containment Edging required at Lot lines (Subject to Ground Cover Policy)
- Installing Mulch for use around trees and in flower beds; Containment edging required
- Storage shed (One w/maximum nominal dimensions, 4' deep x 8' wide x 8' tall) No wood or metal shed, no wood bases and must be installed behind home. (Back of Shed to back of House/attach drawing/sketch)
- Adding Additional Underground Electric Lines to home or shed
- Other EXTEND CARPORT 10' AND INSTALL FLAG POLE

****Polk County permits are the resident's obligation to obtain when remodeling home****

Two Directors needed: On-Site Review Date: 1-7-2026

Print Name: D. Johnson Print Name: R FOOTF

Recommend: Not Recommend: Recommend: Not Recommend:

Board Decision: Date: 01-03-26 Approved: Denied:

Signed By: [Signature]

COPY

COPY

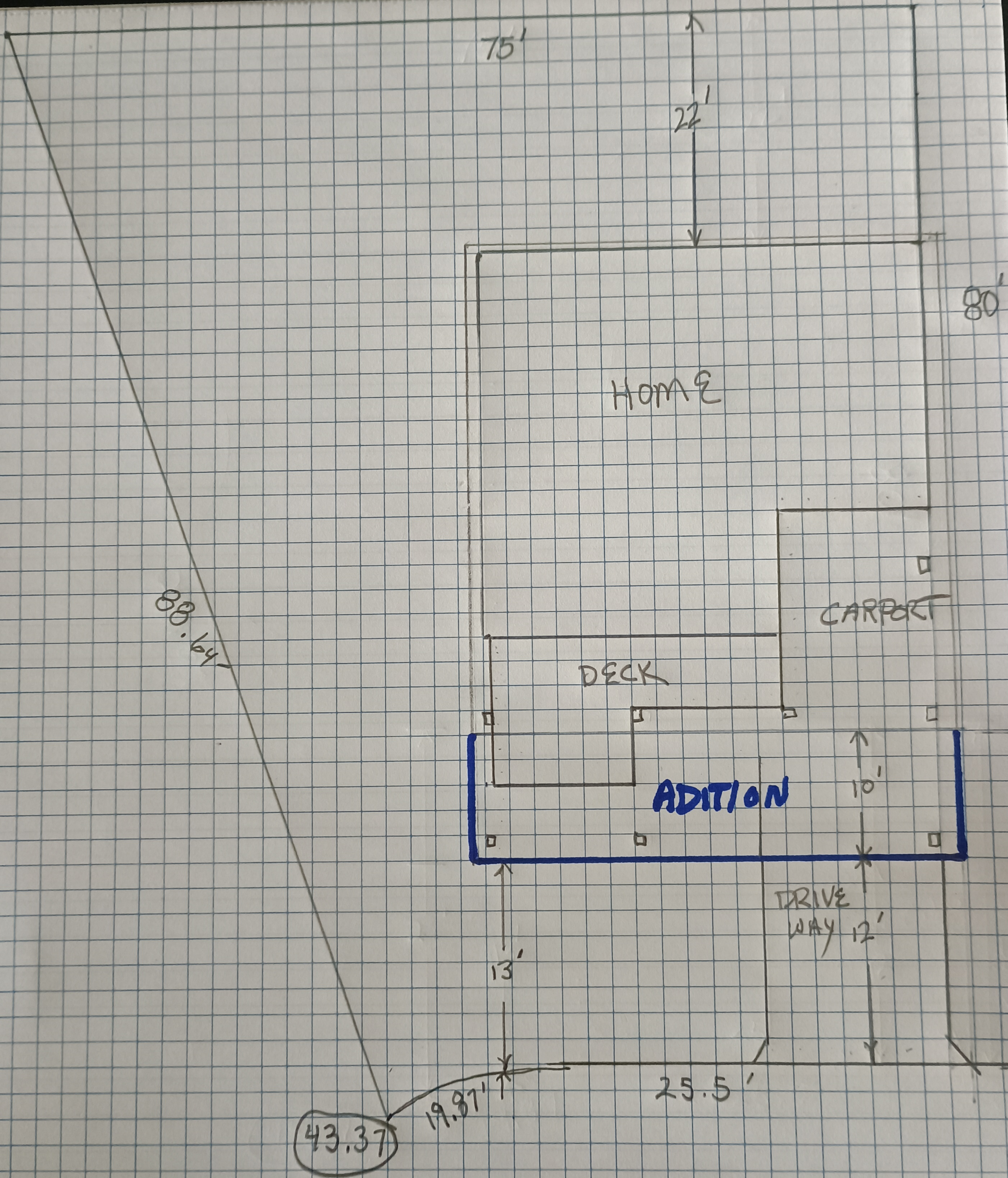
Richard Guimond & Judy Rak
4091 Rolling Oaks Drive
Winter Haven, FL 33880

We, Richard Guimond and Judy Rak, being the neighbors and adjoining lot to Tim and Ellen Slenk at 4093 Rolling Oaks Drive, are informed that a variance will be applied for on their carport. We have no objection.

Richard J. Guimond
Judy Rak



Donna L. Kelly
3/3/2026





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

POLK
COUNTY

LAND DEVELOPMENT DIVISION

AUTHORIZATION FORM
LAND DEVELOPMENT PROJECTS LOCATED IN POLK COUNTY, FLORIDA

I, Norman Barker (print owner's name), as the owner of the real property described as follows, Cubana Apartments, Inc do hereby authorize to act as my/our agent Trinity J. Searle (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. This authorization shall remain valid, enforceable, and in effect for a period of one (1) year from date set forth below, unless sooner revoked in writing by the property owner.

Norman Barker
Property Owner Signature

Norman Barker
Property Owner Printed Name

4020204
File

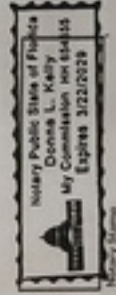
Parcel Identification Numbers and Addresses (use additional sheet if needed):

4093 ROCKING CHAIRS DR WINTER HAVEN FL 33880
35-29-02-356710-000460
State of Florida County of Polk

I certify that the foregoing instrument was acknowledged before me this 8th day of April, 2026, by Norman Barker

Personally known X Produced Identification _____ Type of Identification produced and verified _____

Denna L. Kelly
Notary Public Signature



Denna L. Kelly
Notary Public Printed Name

3/22/2029
My Commission Expires

LDLVAR-2026-6



Polk County
Polk County Land Use Hearing Officer

Agenda Item

4/23/2026

SUBJECT

LDLVAR-2026-7 (Chambers Street Variance)

DESCRIPTION

The applicant is requesting a variance to LDC Section 209.G to allow a detached accessory structure to be larger than the primary on property located at 3943 Chambers Street, south of Lake Point Boulevard, east of Walk in Water, north of Dixie Street, east of Frostproof in Section 32, Township 30, Range 29.

RECOMMENDATION

Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Ian Nance
Land Development
(863) 534-7621
ivannance@polkfl.gov

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

DRC Date	March 12, 2026	CASE #:	LDLVAR-2026-7 (Chambers Street Variance)
LUHO Date	April 23, 2026	LDC Section:	209.G

Request: The applicant is requesting a variance to LDC Section 209.G to allow a detached accessory structure to be larger than the primary.

Applicant: Lisa Wilson, The Permit Tech, Inc.

Property Owner: Kyle Mocabee

Location: 3943 Chambers Street, south of Lake Point Boulevard, east of Walk in Water, north of Dixie Street, east of Frostproof in Section 32, Township 30, Range 29.

Parcel ID#: 293032-993000-000460 (±0.78 acres)

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

Development Area: Rural Development Area (RDA)

Case Planners: Ian Nance

Summary:

The applicant is requesting a variance to allow the square-footage of an accessory storage building to exceed that of the primary structure. The accessory building is expected to be 1,800 sq. ft. with a height of 14 feet. It will be placed in the front yard near the existing driveway and meet all setbacks. The primary home is 1,679 sq. ft., is two stories.

Staff recommends approval of this variance. This area difference is minimal relative to the size of the property; size and height of the home; size and height of surrounding homes; and the maximum height allowed in the A/RR Future Land Use designation (50'). The enclosed structure will be used to house vehicles and equipment. Staff finds that this request will not be injurious to surrounding neighborhoods or to the character of the area.

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-2026-7.**

CONDITIONS OF APPROVAL:

1. Approval of this variance is to allow the subject storage structure on Parcel ID #293032-993000-000460, as shown on the site plan (Exhibit 5) and described in this staff report, with an additional 10% tolerance.
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.

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 applicant is requesting a variance to allow the square-footage of an accessory storage building to exceed that of the primary structure. The accessory building is expected to be 1,800 sq. ft. with a height of 14 feet. It will be placed in the front yard on a concrete foundation near the existing driveway. The primary home is 1,679 sq. ft. and is two stories. LDC Section 209.G requires accessory structures to be subordinate in square-footage and height of the primary home.

The accessory building will be enclosed and can meet the A/RR accessory rear and side setbacks (10 feet), as well as the right-of-way setback (25 feet).

Staff finds that the additional square-footage of this storage structure will not be injurious to the area or detrimental to public welfare. Given the site location along Lake Walk in Water, storage structures and garages such as these are popular for housing recreational vehicles, boats, and outdoor equipment. The nearest home to the north is approximately

140 feet from the proposed structure. This exceeds Fire Code standards for distances between enclosed structures. The setbacks will provide space to prevent stormwater from running onto neighboring property from the proposed structure. No drainage or utility easements are noted onsite.

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

The subject property is in an A/RR land use district (*Exhibit 2*) which requires five-acre lots. This is a lot of record created prior to any County zoning ordinances. If this was a five-acre lot, a variance would not be required as LDC Section 209.G allows accessory structures up to 2,000 sq. ft. or 150% of the principal structure square footage, whichever is greater, with a minimum lot size of two acres.

Still, this has little regard to the request for increased square-footage, though the size of this property, though non-conforming, does allow for a larger accessory structure without impacting neighbors by providing more space to distance one from adjacent properties. The maximum height for structures in A/RR is 50 feet, according to LDC Table 2.2., but this is balanced by the provisions in LDC Section 209.G.

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

The owner purchased this property in June 2025. The home onsite was built in 1969 without a garage. The Property Appraiser notes a 168 sq. ft. detached garage built in 1985, and a 384 sq. ft. detached carport placed in 2001. The Land Development Code does not limit the number of accessory structures permitted onsite. These structures do not provide space for additional vehicles and equipment.

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;*

Approval of this variance will not allow a structure or use that would not otherwise be allowed. Storage garages such as these are permitted on residential properties as accessory structures once a primary residential structure has been built. 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 requested variance is believed to be the minimal variance necessary to optimize the use of the owner's land and build the structure as requested. The difference in square-footage is needed to accommodate the storage of vehicles and equipment and represents an approximately 7% increase in size over the primary structure.

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 accessory structure is for residential purposes.

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 going 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.*

This site is not subject to any Planning Commission or BoCC conditions. It is not within a Planned Unit, Planned Development, or other Conditional Use.

Surrounding Future Land Use Designations and Existing Land Use Activity:

Table 1

Northwest: A/RR Chambers Street Single-Family Home (+/- 1.15 Acres)	North: A/RR Single-Family Home (+/- 0.76 Acres)	Northeast: Lake Walk-in-Water
West: A/RR Chambers Street Vacant (+/- 1.11 Acres)	Subject Property: A/RR Single-Family Home (+/-0.78 Acres)	East: Lake Walk-in-Water
Southwest: A/RR Vacant (+/- 1.08 Acres)	South: A/RR Single-Family Home (+/-0.84 Acres)	Southeast: Lake Walk-in-Water

The subject property is Lot 46 within the Lake Walk-in-the-Water Heights subdivision (PB 40 PG 24) recorded on July 11, 1956. Surrounding land uses are site-built residential homes on platted lots within this subdivision. Home sizes vary within this development. The property directly to the south, Parcel #293032-993000-000450, is developed with a two-story 4,236 sq. ft. home built in 1988. It has a 1,276 sq. ft. detached garage.

Since this development was platted prior to the Comprehensive Plan, Land Development Code, and prior Zoning Ordinances, the lot sizes are smaller than the current A/RR standards (five acres).

Exhibits:

- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Image – Context
- Exhibit 4 Aerial Image – Close
- Exhibit 5 Site Plan



Location Map



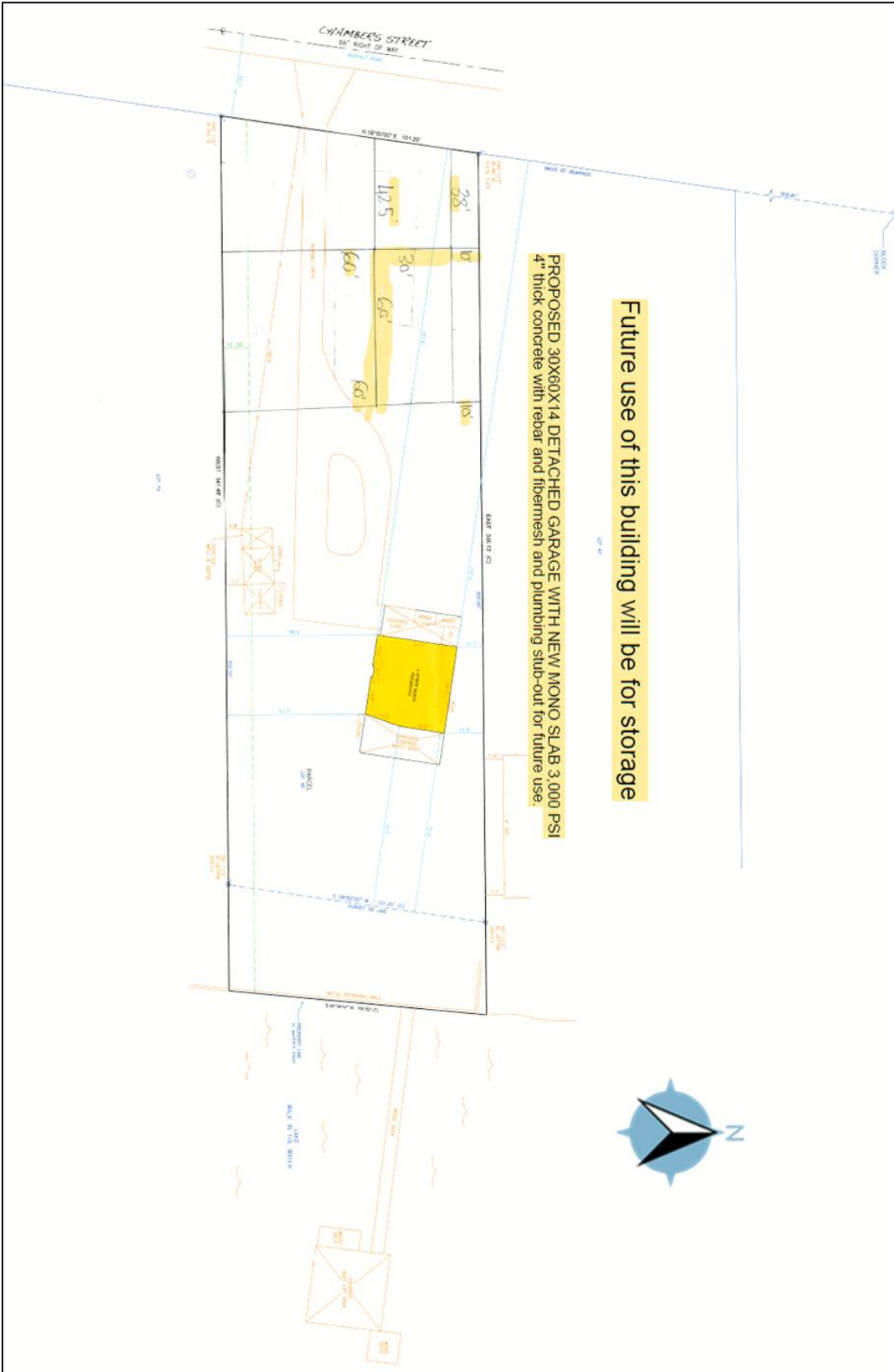
Future Land Use Map



Aerial Image – Context



Aerial Image – Close



Site Plan

LDLVAR-2026-7 - Mocabee Variance

Menu Reports Help

Application Name: [Mocabee Variance](#)

File Date: [01/22/2026](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments:

View ID	Comment	Date
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Description of Work: [The property owners respectfully request a variance to Accessory Structure Ordinance 209.G.1: Accessory structures 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, with a minimum lot size of two acres.](#)

Application Detail: [Detail](#)

Address: [3943 CHAMBERS ST, LAKE WALES, FL 33853](#)

Parcel No: [293032993000000460](#)

Owner Name: [MOCABEE KYLE R](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Lisa Wilson	The Permit Tech...	Engineer	Mailing, 13144, Angler...	Active

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

Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$541.00](#)

Total Fee Invoiced: [\\$541.00](#)

Balance: [\\$0.00](#)

Custom Fields: **LD_GEN_BOA**

GENERAL INFORMATION

Expedited Review	Number of Lots	-
Will This Project Be Phased	Acreage	0.78
DRC Meeting Time	DRC Meeting	03/12/2026
Rescheduled DRC Meeting	Rescheduled DRC Meeting Time	-
Green Swamp	Number of Units	-
No	Is this Polk County Utilities	-
Case File Number	FS 119 Status	Non-Exempt
One Year Extension		-

PUBLIC HEARINGS

Development Type	Application Type	Variance
Land Use Hearing		
Officer		
Variance Type	Brownfields Request	-
Accessory		
Larger than		
Principle		
Affordable Housing		

ADVERTISING

Advertising Board	Legal Advertising Date	-
Land Use Hearing		
Officer		

MEETING DATES

LUHO Hearing Date	
04/23/2026	

ALCOHOL BEVERAGE DIST REQ

Type of Business	Type of License	-
Hours of Operation		-
Give Name & address of any school(s)/Church(s) within 2500 ft to the requesting property boundary		-

COMMUNICATION TOWER

Are there other sites beyond the one mile radius that are available to accomodate the proposed tower

CRITERIA FOR GRANTING VARIANCE

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

[No](#)

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

[N/A](#)

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

[N/A](#)

What is the hardship if the variance is not approved?

[The homeowners need this building to protect their vehicles from the elements](#)

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

[Yes](#)

Do you have Homeowners Association approval for this request?

[N/A](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-26EST-00000-03658](#)

RequiredDocumentTypesComplete

[Yes](#)

DocumentGroupforDPC

[DIGITAL PROJECTS LD](#)

AdditionalDocumentTypes

[Applications, AutoCad File, Binding, Site Plans \(PDs, and CUs\), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion](#)

DigitalSigCheck

[Yes](#)

RequiredDocumentTypes

-

Activate DPC

Activate FSA

[Yes](#)

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement

[y](#)

LAND USE

Selected Area Plan LU Code

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

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

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	02/13/2026	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irvén	Approve	02/16/2026	Phil Irvén
	Planning Review	Ivan Nance	Approve	02/25/2026	Ivan Nance
	Review Consolidation	Lisa Simons-Iri...	Approved for...	02/26/2026	Lisa Simons-Iri...
	Public Notice	Lisa Simons-Iri...			
	Hearing Officer				
	Final Order				

Record Details

Task	Assigned To	Status	Status Date	Action By
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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
---------------------------------------	-----------------	----------------	-----------	--------	----------

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
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The Permit
TECH

PO BOX 15133
BROOKSVILLE, FL 34604
352-585-8326

VARIANCE NARRATIVE

Date: 01/22/2026

Polk County Building Division
330 W Church Street
Bartow Florida 33830

Regarding: Kyle Mocabee and Jaclyn Mocabee
3943 Chambers Street
Lake Whales Florida 33898

The property owners respectfully request a variance to Accessory Structure Ordinance 209.G.1: Accessory structures 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, with a minimum lot size of two acres.



Polk County
Polk County Land Use Hearing Officer

Agenda Item

4/23/2026

SUBJECT

LDLVAR-2026-8 (Salmeron Variance)

DESCRIPTION

Samuel Salmeron requests an accessory structure side setback reduction from five (5) feet to three (3) feet and a rear setback reduction from 10 feet to three (3) feet for a shed; and a primary structure rear setback reduction from 15 feet to five (5) feet for an attached screened room on approximately 0.10 acres within a residential neighborhood. The subject property is located at 34 Sunset Circle, north of Highway 92, south of Lake Alfred Road, east of Dairy Road, west of Lynchburg Road, west of the City of Lake Alfred in Section 06, Township 28, Range 26.

RECOMMENDATION

Approval with conditions.

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

Kyle Rogus, Planner II
Land Development Division
863-534-7553
kylerogus@polkfl.gov

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

DRC Date: March 13, 2026	CASE #: LDLVAR-2026-8 (Salmeron Variance)
LUHO Date: April 23, 2026	LDC Section: Section 205, Table 2.2

Request: The applicant is requesting an accessory structure side setback reduction from five (5) feet to three (3) feet and a rear setback reduction from 10 feet to three (3) feet for a shed; and a primary structure rear setback reduction from 15 feet to five (5) feet for an attached screened room on approximately 0.10 acres within a residential neighborhood.

Applicant: Samuel Salmeron

Property Owner: Samuel Salmeron and Dinora Novoaderodriguez

Location: The subject property is located at 34 Sunset Circle, north of Highway 92, south of Lake Alfred Road, east of Dairy Road, west of Lynchburg Road, west of the City of Lake Alfred in Section 06, Township 28, Range 26.

Parcel ID#: 262806-526510-000340

Size: ±0.10 acres

Land Use Designation: Residential Suburban (RS)

Development Area: Suburban Development Area (SDA)

Case Planner: Kyle Rogus, Planner II

Summary:

The applicant is requesting an accessory structure side setback reduction from five (5) feet to three (3) feet and a rear setback reduction from 10 feet to three (3) feet for a shed; and a primary structure rear setback reduction from 15 feet to five (5) feet for an attached screened room on approximately 0.10 acres within a residential neighborhood. The subject property is in the Residential Suburban (RS) land use district. The size of the lot does not meet the 5-acre minimum residential lot area. The subject site is designated as Lot 34 of the Lake Mariana Shores Mobile Home Subdivision recorded under Plat Book 56, Page 2 in March 1972. The current size of the property along with RS setbacks restricts the applicant from expanding upon the existing residence or adding any further structures on site without setback relief.

The property is located between two roadways: Sunset Circle and Sunset Drive. According to Chapter 2, Section 209.D.4, *“when a lot is determined to be a reverse frontage lot, the orientation of the primary structure (with regards to primary front access), along with the applicable setback*

requirements for the land use district, shall be used to determine the allowable placement location of an accessory structure". The primary front access is off Sunset Circle, therefore the rear yard of the property abuts Sunset Drive allowing for accessory structures and rear setbacks.

According to the applicant's site plan, the mobile home is 20 feet from the right-of-way, 15 feet from the rear property boundary, and 12 feet from the east and west property boundaries. Pursuant to Chapter 2, Section 205, Table 2.2, primary structures have a right-of-way setbacks of 20 feet off local roadways; 10 feet side yard setbacks; and 15 feet rear yard setbacks. Accessory structures have five (5) feet side yard setbacks and 10 feet rear yard setbacks. Any future expansion to the primary structure on this site without the need for a variance is limited to two (2) feet on either side of the residence.

Pursuant to Section 209.D of the LDC, accessory structures shall be located in the side or rear yard. The shed will be in the southwest corner of the property, three (3) feet from both west and south property lines. The location of the primary structure and RS setbacks make it difficult to develop elsewhere, while meeting 209.D.

Staff finds this request will cause no direct or indirect harm to the community, is consistent with the surrounding properties, and maintains the integrity of the neighborhood.

Staff recommends approval of LDLVAR-2026-8 as it meets the following criteria listed in Section 931:

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

The request will not block or limit the view of traffic. An opaque fence surrounds the property's side and rear boundaries. The screened room will be in the rear yard. Sunset Drive to the south of the subject site bifurcated the Lake Mariana Shores Subdivision from the mobile home park located within Lake Alfred city limits. There are no easements on the property.

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

The property is located in the Residential Suburban (RS) land use district. The minimum residential lot area in the RS is five (5) acres. The subject property is smaller than the minimum lot size at approximately 0.10 acres as Lot 34 of the Lake Mariana Shores Mobile Home Subdivision. The small lot size and RS setbacks limit the placement of the primary home and accessory structures without the relief from setbacks.

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-2026-8**

CONDITIONS OF APPROVAL:

1. The approval of this variance is to reduce the accessory structure side setback from five (5) feet to three (3) feet and the rear setback from 10 feet to three (3) feet for a shed; and a primary structure rear setback reduction from 15 feet to five (5) feet for an attached screened room. Further additions or structures placed on the property shall be required to meet the setback requirements of Section 205, 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;*

Pursuant to Chapter 2, Section 209.D.4, “when a lot is determined to be a reverse frontage lot, the orientation of the primary structure (with regards to primary front access), along with the applicable setback requirements for the land use district, shall be used to determine the allowable placement location of an accessory structure”. The primary front access is off Sunset Circle, therefore the rear yard of the property abuts Sunset Drive allowing for accessory structures such as the shed in the applicant’s request (see Exhibit 4).

Primary Structure

Pursuant to Chapter 2, Section 205, Table 2.2, primary structures have a right-of-way setback of 20 feet off local roadways; 10 feet side yard setbacks; and 15 feet rear yard setbacks. The dimensions of the proposed screened room will be approximately 10 feet wide and 20 feet in length. The variance request is to reduce the;

- Primary structure rear yard setback from 15 feet to five (5) feet;

Accessory Structure

Pursuant to Chapter 2, Section 205, Table 2.2, accessory structures have 5-foot side yard setbacks and 10-foot rear yard setbacks. The dimensions of the proposed shed will be approximately eight (8) feet wide, and 12 feet in length. The variance request is to reduce the;

- Accessory structure rear yard setback from 10 feet to three (3) feet;
- Accessory structure side yard setback from five (5) feet to three (3) feet;

The granting of this request will not be injurious to the area as the shed will be in the rear yard and fully screened with an existing opaque fence. The screened room will be in the rear yard. Sunset Drive to the south of the subject site bifurcated the Lake Mariana Shores Subdivision from the mobile home park located within Lake Alfred city limits. There are no easements located within the property boundaries.

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;*

Lake Mariana Shores was platted with smaller lots intended as a mobile home subdivision. The subject site is designated as Lot 34 of the Lake Mariana Shores Mobile Home Subdivision recorded under Plat Book 56, Page 2 in March 1972. The property was originally zoned Residential R-4 with a 15-foot front yard setback, 20-foot rear setback, and 15-foot side setback where no side shall be less than 2.5 feet. According to Plat Book 56, Page 2 the County Right-of-way (ROW) for Sunset Drive ended prior to the subject site leaving the rest of Sunset Drive to the rear of the subject site to act as a drive aisle rather than a roadway, thus requiring the 20-foot rear setback. This property was later rezoned Multi-family (MF-8M) and then further changed to the Residential Suburban (RS)

land use district with the adoption of the Future Land Use Map. This lot is below the RS minimum lot size of 5 acres. Setbacks restrict further development without impeding on either primary and/or accessory structure setbacks. The 10 by 20-foot screened room will be five (5) feet from the southern property boundary within the 15-foot primary structure rear yard setback, and the eight (8) by 12-foot shed will be three (3) feet from the south and west property boundaries within the five (5) foot accessory structure side yard setbacks and 10-foot accessory structure rear yard setback.

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 2023, according to the Polk County Property Appraiser. The home was built in 2025 meeting all setback requirements. However, the subject site is 0.10 acres and the placement of the mobile home was placed on the setback boundaries offering no further expansions to the structure or site without relief from the required setbacks. According to the applicant's site plan, the mobile home is 20 feet from the right-of-way, 15 feet from the rear property boundary, and 12 feet from the east and west property boundaries. Any future expansion to the primary structure on this site without the need for a variance is limited to 2 feet on either side of the residence.

Additionally, the 20-foot right-of-way setback utilizes the majority of the property minimizing the side and rear yard. Unlike garages, accessory structures are only allowed in the side or rear yard limiting the placement of the shed. There is no variance to the location of an accessory structure to be placed outside the side or rear yard, only a variance for setback reduction. The shed is eight (8) by 12 feet or and is asking for a 2-foot reduction west and 7-foot reduction to the south. This is a very minimal and discrete request. If the primary structure right-of-way and rear setback were to resemble the density and intensity of the development and not the land use designation, the mobile home could be placed further to the north offering more relief to the rear yard.

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

Every variance approval is a special privilege to some degree. The home is situated on the primary structure right-of-way and rear setback boundaries. Because of the size and setbacks within the Residential (RS), development on site is limited to what is existing on site today without any need for a variance. Any further development or expansion on site will require relief from the (RS) setbacks.

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

The requested variance is believed to be the minimal variance necessary to optimize the use of the owner's land. The subject property is 0.10 acres below the 5-acre minimum residential lot area in the RS land use district. The subject site is designated at lot 34 of the Lake Mariana Shores recorded as a mobile home subdivision with smaller lot under Plat Book 56, Page 2 in March 1972, prior to the Land Development Code (LDC). The size limits further expansion on the existing mobile home without relief from the RS required setbacks. The house currently sits on the required setback boundaries, approximately 20 feet from the north property boundary and 15 feet from the south property boundary.

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

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

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

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

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

There was no evidence found that suggests the proposed request will circumvent the intent of a condition placed on a development by the Planning Commission or the Board of County Commissioners. The property was originally zoned Residential R-4 with a 15-foot front yard setback, 20-foot rear setback, and 15-foot side setback where no side shall be less than 2.5 feet. According to Plat Book 56, Page 2 the County Right-of-way (ROW) for Sunset Drive ended prior to the subject site leaving the rest of Sunset Drive to the rear of the subject property to act as an extended drive aisle rather than a roadway, thus requiring the 20-foot rear setback. Under current regulations, the ROW setback is 20 feet and rear setback is 15 feet, reversing the original 15-foot front yard and 20-foot rear yard R-4 zoning setbacks. The placement of the mobile home is, in essence, where the development was planned when the mobile home subdivision was platted in 1972.

Surrounding Future Land Use Designations and Existing Land Use Activity:

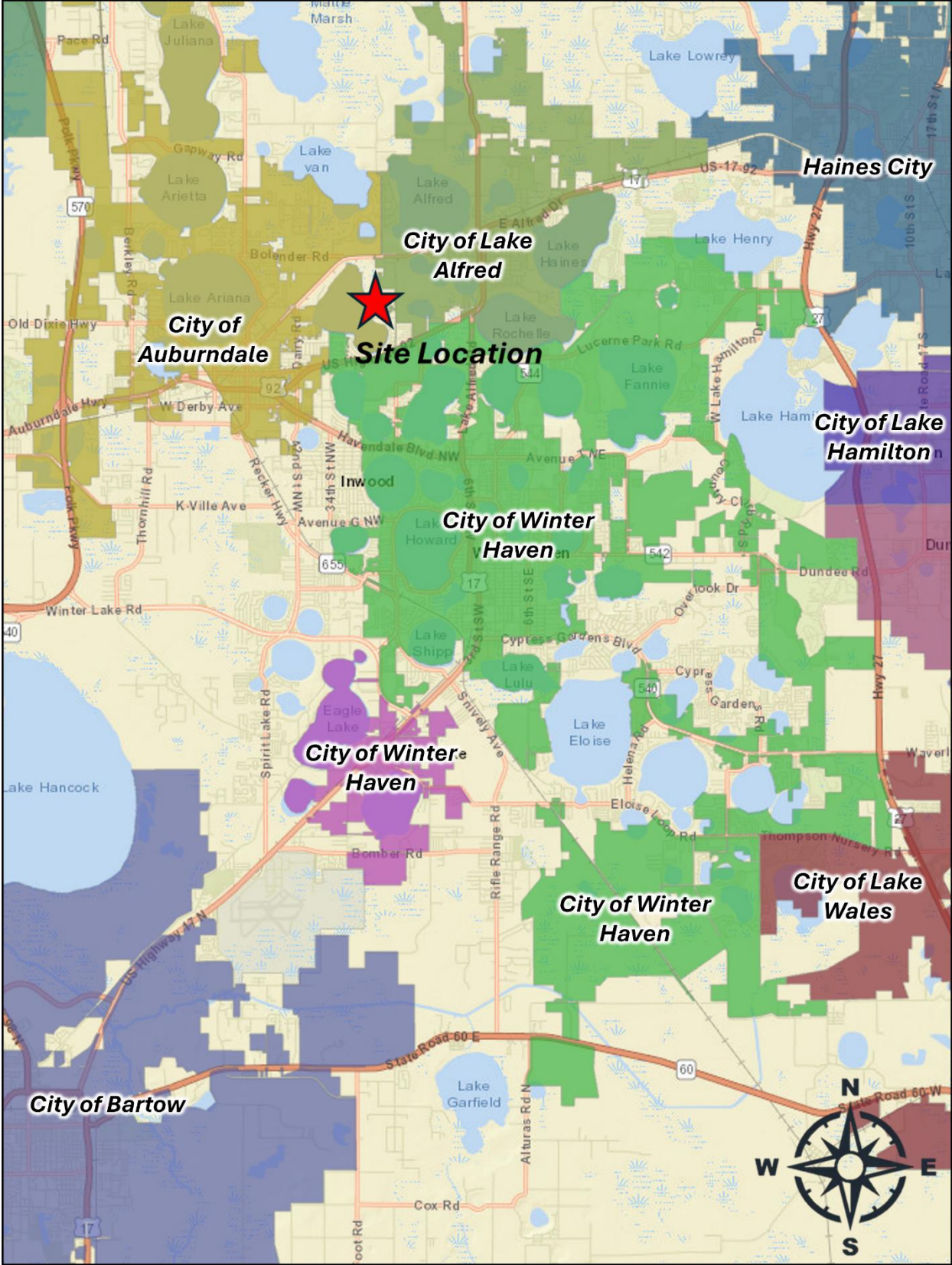
<p>Northwest: Residential Suburban (RS) Mobile Home Side setbacks: 10' / 5' Rear setbacks: 15' / 10' 0.11 acres</p>	<p>North: Residential Suburban (RS) Mobile Home Side setbacks: 10' / 5' Rear setbacks: 15' / 10' 0.11 acres</p>	<p>Northeast: Residential Suburban (RS) Mobile Home Side setbacks: 10' / 5' Rear setbacks: 15' / 10' 0.11 acres</p>
<p>West: Residential Suburban (RS) Mobile Home Side setbacks: 10' / 5' Rear setbacks: 15' / 10' 0.10 acres</p>	<p>Subject Property: Residential Suburban (RS) Mobile Home Side setbacks: 10' / 5' Rear setbacks: 15' / 10' 0.10 acres</p>	<p>East: Residential Suburban (RS) Mobile Home Side setbacks: 10' / 5' Rear setbacks: 15' / 10' 0.10 acres</p>
<p>Southwest: City of Lake Alfred Mobile Home Park No setbacks, adequate separation for fire protection 11.67 acres</p>	<p>South: City of Lake Alfred Mobile Home Park No setbacks, adequate separation for fire protection 11.67 acres</p>	<p>Southeast: City of Lake Alfred Mobile Home Park No setbacks, adequate separation for fire protection 11.67 acres</p>

The size of the residential lots within the Lake Mariana Shores Subdivision do not correspond with the minimum residential lot size of the Residential Suburban (RS) land use district, however are still subject to the RS setbacks pursuant to Chapter 2, Section 205, Table 2.2. The neighboring

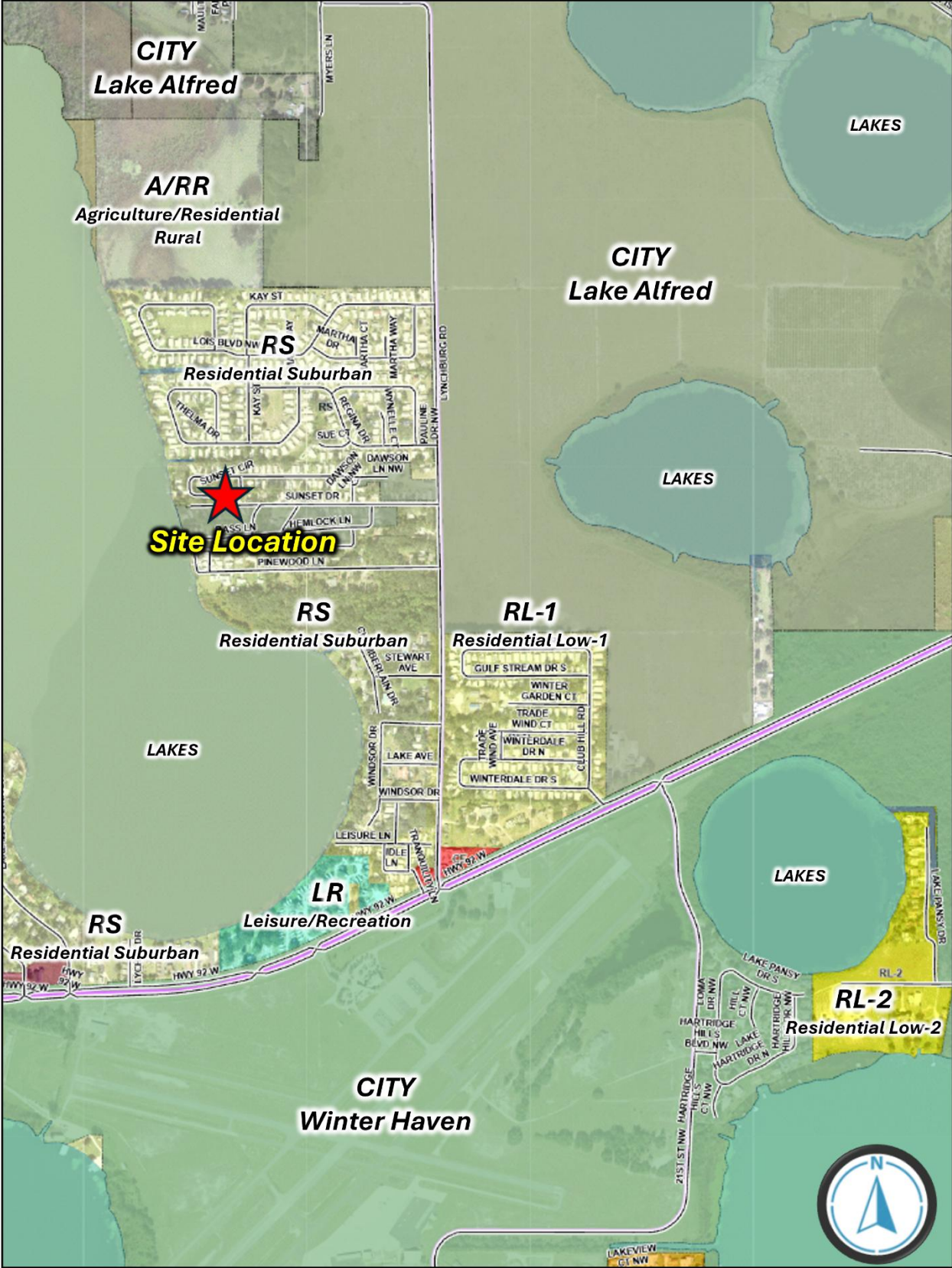
residential lots abutting the site to the east and west share the same frontage on Sunset Circle, only having one right-of-way setback offering some relief to the setback requirements for both primary and accessory structures.

Exhibits:

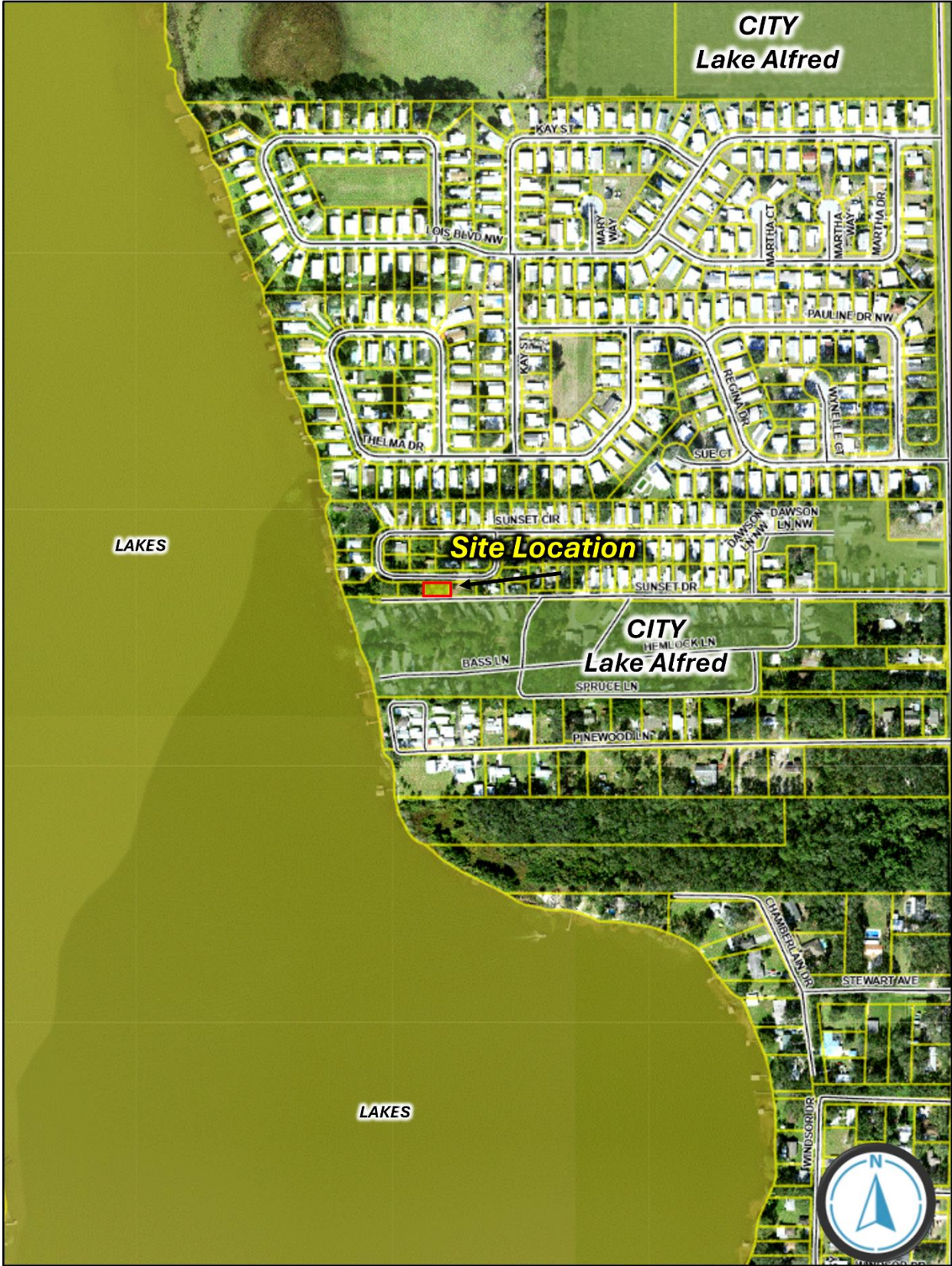
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Imagery (Context)
- Exhibit 4 Aerial Imagery (Close)
- Exhibit 5 Site Plan
- Exhibit 6 Justification



Location Map



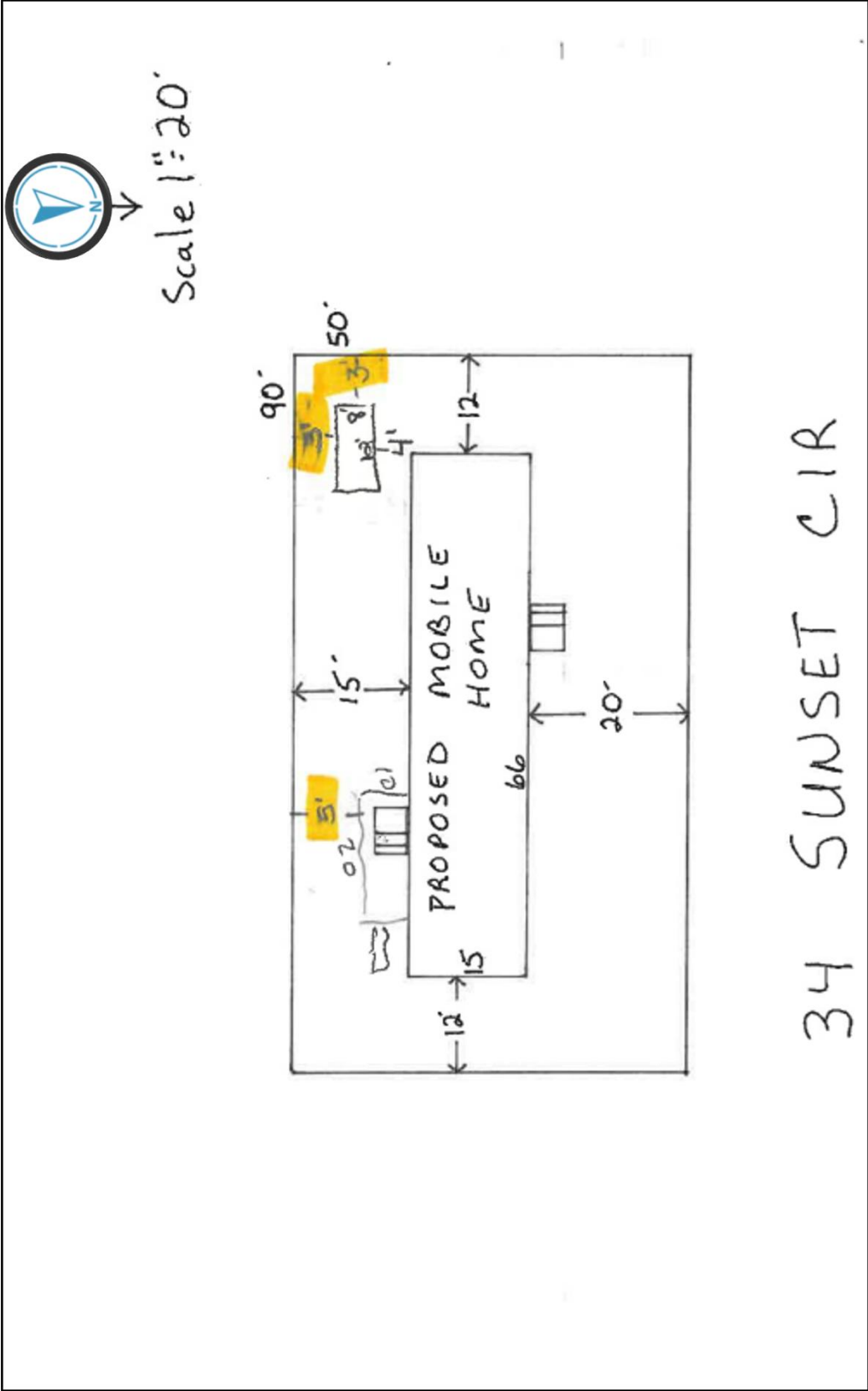
Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)



Site Plan

CRITERIA FOR GRANTING VARIANCE

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

no

What special conditions exist that are peculiar to the land, structure, or building involved?
size of the lot and location of mh

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

2023

What is the hardship if the variance is not approved?

will not be able to build his screened in porch.

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

yes

Do you have Homeowners Association approval for this request?

n/a

Justification

LDLVAR-2026-8 - Salmeron Variance

Menu Reports Help

Application Name: [Salmeron Variance](#)

File Date: [02/05/2026](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments: View ID Comment Date

Description of Work: [Rear setback variance for shed and rear and side setbacks for screened room.](#)

Application Detail: [Detail](#)

Address: [34 SUNSET CIR, LAKE ALFRED, FL 33850](#)

Parcel No: [262806526510000340](#)

Owner Name: [SALMERON SAMUEL](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Samuel Salmeron		Engineer	Mailing_130 Parker Av...	Active

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

Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$541.00](#)

Total Fee Invoiced: [\\$541.00](#)

Balance: [\\$0.00](#)

Custom Fields: LD_GEN_BOA

GENERAL INFORMATION

Expedited Review

Number of Lots

-

Will This Project Be Phased

Acreage

[0.10](#)

DRC Meeting Time

DRC Meeting

[03/12/2026](#)

Rescheduled DRC Meeting

Rescheduled DRC Meeting Time

Green Swamp

Number of Units

[No](#)

-

Case File Number

Is this Polk County Utilities

-

One Year Extension

FS 119 Status

[Non-Exempt](#)

-

PUBLIC HEARINGS

Development Type

[Land Use Hearing](#)

Application Type

[Variance](#)

[Officer](#)

Variance Type

Brownfields Request

[Dimensions](#)

-

[Table](#)

Affordable Housing

ADVERTISING

Advertising Board

[Land Use Hearing](#)

Legal Advertising Date

[Officer](#)

-

MEETING DATES

LUHO Hearing Date

[04/23/2026](#)

ALCOHOL BEVERAGE DIST REQ

COMMUNICATION TOWER

CRITERIA FOR GRANTING VARIANCE

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

[no](#)

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

[size of the lot and location of mh](#)

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

[2023](#)

What is the hardship if the variance is not approved?

[will not be able to build his screened in porch.](#)

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

[yes](#)

Do you have Homeowners Association approval for this request?

[n/a](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

[Open](#)

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-REC26-00000-004K5](#)

RequiredDocumentTypesComplete

[No](#)

DocumentGroupforDPC

[DIGITAL PROJECTS LD](#)

AdditionalDocumentTypes

[Applications, AutoCad File, Binding, Site Plans \(PDs, Yes and CUs\), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion](#)

DigitalSigCheck

[Yes](#)

RequiredDocumentTypes

- Activate DPC

Activate FSA

[Yes](#)

LAND USE

Selected Area Plan LU Code

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

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

LUHQ	1	28	04/07/2026	04/07/2026	
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Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Lisa Simons-Iri...	Application ...	02/13/2026	Lisa Simons-Iri...
Roads and Drainage Review	Phil Irvn	Approve	02/19/2026	Phil Irvn
Planning Review	Kyle Rogus	Approve	02/20/2026	Kyle Rogus
Review Consolidation	Lisa Simons-Iri...	Approved for...	02/23/2026	Lisa Simons-Iri...
Public Notice	Lisa Simons-Iri...			
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 # 2023168082
BK 12769 Pgs 1069-1070 PG(s)2
07/20/2023 09:48:03 AM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES 18.50
DEED DOC 182.00

THIS INSTRUMENT PREPARED BY AND RETURN TO:
Sandy Thompson
Equitable Title of Celebration, LLC
610 Sycamore Street, Suite 190
Celebration, FL 34747
CE230506
Property Appraisers Parcel Identification (Folio) Number:
262806-526510-000340

WARRANTY DEED

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made this 10th day of July, 2023 by **Bonnie S. Patrick**, a single woman herein called the grantor(s), to **Samuel Salmeron and Dinora Novoaderodriguez**, husband and wife whose post office address is **130 Parker Avenue, Oaklyn, NJ 08107** hereinafter called the Grantee(s):
(Wherever 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)

W I T N E S S E T H: That the grantor(s), for and in consideration of the sum of **TWENTY SIX THOUSAND AND 00/100 DOLLARS (U.S. \$26,000.00)** and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Polk County, State of Florida, viz.:

Lot 34, Lake Mariana Shores, according to the map or plat thereof, as recorded in Plat Book 56, Page(s) 2, of the Public Records of Polk County, Florida.

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

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

AND, the grantor(s) hereby covenant(s) with said grantee(s) that the grantor(s) is/are lawfully seized of said land in fee simple; that the grantor(s) has/have good right and lawful authority to sell and convey said land, and hereby warrant(s) the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2022.

IN WITNESS WHEREOF, the said grantor(s) has/have signed and sealed these presents the day and year first above written.

Page 1-Warranty Deed

Signed, sealed and delivered in the presence of:

[Signature]

Witness #1 Signature

Marisol Posado

Witness #1 Printed Name

[Signature]

Witness #2 Signature

Sandy M. Therps

Witness #2 Printed Name

[Signature]

Bonnie S Patrick aka Bonnie Patrick

Whose mailing address is:

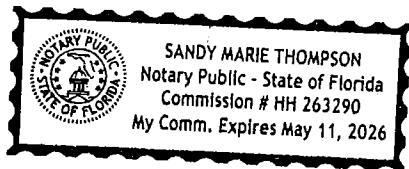
PO Box 546 W. Columbia St
Lake Alfred FL 33850

State of
County of

FL
Osceola

The foregoing instrument was acknowledged before me by means of () physical presence or () online notarization, this 10 day of July, 2023, by Bonnie S. Patrick aka Bonnie Patrick she () is personally known to me or () has produced D.L. as identification.

SEAL



[Signature]

Notary Public

Printed Notary Name

My Commission Expires:

Page 2- Warranty Deed

SALMERON

LIDVAR-2026-8

26.28.06.526510.

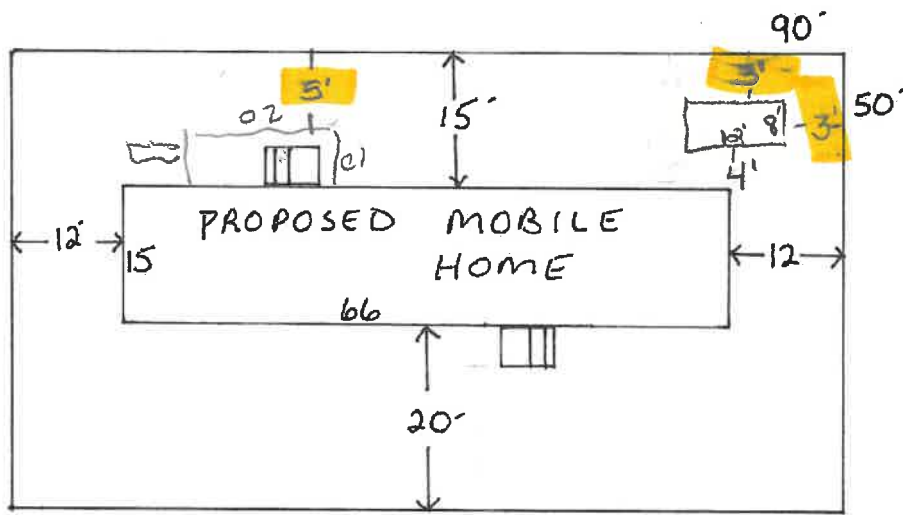
000340

LAKE MARIANA
SHORES

PB 56 PG 2

LOT 34

N
↓
Scale 1"=20'



34 SUNSET CIR

LAKE ALFRED
CITY WATER &
SEWER



Polk County
Polk County Land Use Hearing Officer

Agenda Item

4/23/2026

SUBJECT

LDLVAR-2026-11 (Willow Drive ADU)

DESCRIPTION

Maximo Castizo Hernandez is requesting an accessory dwelling unit (ADU) larger than 1,000 square feet and a rear setback variance for the accessory structure on 0.35± acres (15,045 square feet) in a Residential Suburban (RS) district. The property is located at 4082 Willow Drive North, east of Willow Drive West, North of Willow Drive South, east of Willow Oak Road, north of State Road 60 east of the town of Mulberry, in Section 33, Township 29 and Range 23.

RECOMMENDATION

Approval

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

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

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

DRC Date	March 12, 2026	CASE #:	LDLVAR-2026-11
			Willow Drive ADU
LUHO Date	April 23, 2026	LDC Section:	Section 206.A.2

Request: The applicant is requesting an accessory dwelling unit (ADU) larger than 1,000 square feet and a rear setback variance for the accessory structure.

Applicant: Maximo Castizo Hernandez

Property Owner: Maximo Castizo Hernandez, Florelia Reyes Roque, Angel Miguel Castizo Jr.

Location: 4082 Willow Drive North, east of Willow Drive West, North of Willow Drive South, east of Willow Oak Road, north of State Road 60 east of the town of Mulberry, in Section 33, Township 29 and Range 23.

Parcel ID#: 232933-142370-000480

Size: 0.35± acres (15,045 square feet)

Land Use Designation: Residential Suburban (RS)

Development Area: Suburban Development Area (SDA)

Case Planner: Erik Peterson, AICP

Summary:

The applicant is seeking a variance to the maximum size limit of 1,000 square feet for an accessory dwelling unit (ADU). Section 206.A.2 of the Land Development Code (LDC) limits accessory dwelling units to less than the size of the primary residence and not to exceed 1,000 square feet. The applicant’s property has a 2,262 square foot dwelling currently on it and converted a 1,200 sq.ft. detached garage into an ADU. A setback variance is also needed because the converted accessory structure was constructed nine (9) feet from the rear property line but the accessory setback in the RS district is 10 feet.

The applicant decided in September of 2024 to convert a portion of the garage to a residential building space and expand the structure. However, it was realized that the ADU exceeded the 1,000 square foot limit set forth in Section 206.A.2 of the LDC. Although the applicant intends to only use a portion of the detached garage for a residential unit, this clears up any ambiguities or limits in the full rental of the structure in the future and corrects a miscalculation in the distance to the rear property line. Staff find 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 ADU size is within 20% of the standard and the rear setback request is within 10% of the standard.
- **The variance request, if granted, is the minimum variance that will make possible reasonable use of the structure;** other wise the structure will have to be significantly altered at great expense to the owner and **will constitute unnecessary and undue hardship on the applicant.**

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-2025-38**, with the following conditions:

CONDITIONS OF APPROVAL:

1. A variance to the standards in Section 206.A.2, of the Land Development Code (LDC) shall be granted to adjust the maximum allowable square footage of an accessory dwelling unit (ADU) from 1,000 square feet to 1,200 square feet with a measurement tolerance of up to five percent (5%).
2. A variance to the standards in Section 208, Table 2.2, of the Land Development Code (LDC) shall be granted to reduce the rear yard accessory structure setback from 10 feet to nine (9) feet for an accessory dwelling unit structure.
3. This variance does not authorize any encroachments into easements, and the applicant shall be responsible for making certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.

GENERAL NOTES

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

NOTE: Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent 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 Board of County commissioners set a cap on the size that an accessory dwelling could reach under typical circumstances because they wanted to avoid situations where the size of the accessory structure was nearly the same as the primary structure. This was to discourage properties from becoming twice as intense as envisioned. The 1,000 square foot cap was chosen because it corresponds with the separation in impact fee rates from partial to full residence.

It was understood by the Board that there would be exceptional situations, so this variance option was added to the duties of the Land Use Hearing Officer to review. The one stipulation is that the total impervious surface coverage of a property with a larger than 1,000 square foot ADU does not result in more than 60%. The applicant's property is 15,045 square feet and the current home covers only 15% of the property. The addition of this 1,200 square foot ADU will raise it to 23%. The patio, shed, and driveway equate to approximately 4,200 square feet which is 28%. All combined, the impervious surface of the property will not exceed 51%.

The applicant is seeking approval of an ADU that is approximately 20% larger than the standard in the code. It is also subordinate in size to the primary dwelling at 53%. The setback relief on the rear property line is within a foot of the standard which is less than 10%. For these reasons, approval will not be injurious to the area involved or otherwise detrimental to the public welfare.

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

There are no special conditions or circumstances which are peculiar to the land, structure, or building involved. All of the properties within the subdivision are relatively the same size and measurements. This is the first request for an ADU in the subdivision.

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

While there are some circumstances regarding this request that are a result of the actions by the applicant, the relief sought is rather minor. Had the applicant made a more informed decision in 2018 and 2023, the structure may have been designed to be less than 1,000

square feet and setback 10 feet from the rear property line. But the applicant is trying to salvage these missteps and the ADU size and setback errors are somewhat minor.

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;*

While granting this approval may be considered a privilege and it is the first single family lot within the subdivision constructing an ADU, the request for a larger unit and rear setback relief is marginally exceeding the maximum limits of the Code. The proposed ADU is 20% larger and the setback relief is less than 10% of the standard.

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 seeking an accessory dwelling unit (ADU) that is approximately 20% larger than the County's current ADU maximum standard. The ADU will be approximately 53% the size of the primary dwelling as it is sized today. This falls well into the confines of the definition of accessory (incidental and subordinate).

The owner began construction of a 1,040 square foot detached garage in 2018 when he was cited by Code Enforcement for building without a permit. After the second citation in 2023, a permit was sought and obtained. The detached garage was added to the tax rolls in 2023 according to the Property Appraiser's database. The applicant decided in September of 2024 to convert a portion of the garage to a residential building space and expand the structure. However, it was realized that the ADU exceeded the 1,000 square foot limit set forth in Section 206.A.2 of the LDC. Although the applicant intends to only use a portion of the detached garage for a residential unit, this clears up any ambiguities or limits in the full rental of the structure in the future and corrects a miscalculation in the distance to the rear property line.

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;*

A slightly larger than standard accessory dwelling unit (ADU) will not change the use of this property. However, it is not prohibited to rent an ADU separately from the primary residence. Standard tenant rental (beyond 30 days) of the ADU does not change the use of the property.

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

Accessory dwelling units are prohibited to be subdivided from the primary dwelling's parcel, according to Section 206.A.9 of the LDC. Approval of this ADU above the 1,000 sq.ft. limit does not authorize the subdivision of the parcel.

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

The Will-O-Woods Subdivision was mapped R-3 on the original zoning map. The plat of the subdivision was recorded June 22, 1978. There have been no conditions placed on the development by the Planning Commission or the Board of County Commissioners (BoCC).

Surrounding Future Land Use Designations and Existing Land Use Activity:

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

Table 1

<p>Northwest: Residential Suburban (RS) 1,406 sq.ft. Site-built Residence built 1983 15,066 sq.ft. lot</p>	<p>North: Residential Suburban (RS) 1,440 sq.ft. Site-built Residence built 1980 15,066 sq.ft. lot</p>	<p>Northeast: Residential Suburban (RS) 1,470 sq.ft. Site-built Residence built 1980 15,066 sq.ft. lot</p>
<p>West: Residential Suburban (RS) 1,336 sq.ft. Site-built Residence built 1980 15,045 sq.ft. lot</p>	<p>Subject Property: Residential Suburban (RS) 2,262 sq.ft. Site-built Residence built 1981 15,045 sq.ft. lot</p>	<p>East: Residential Suburban (RS) 1,680 sq.ft. Site-built Residence built 1980 15,045 sq.ft. lot</p>
<p>Southwest: Residential Suburban (RS) 1,844 sq.ft. Site-built Residence built 1980 15,045 sq.ft. lot</p>	<p>South: Residential Suburban (RS) 1,188 sq.ft. Site-built Residence built 1985 15,045 sq.ft. lot</p>	<p>Southeast: Residential Suburban (RS) 1,654 sq.ft. Site-built Residence built 1984 15,045 sq.ft. lot</p>

The applicant’s home is the largest of all the surrounding lots. They were all built in the early 1980s. All of the lots have the same dimensions south of North Willow Drive (88.5’x170’). All of the lots on the north side of the street are 93’x162’. Within the Will-O-Woods subdivision, 19 of the 78 total lots have duplexes on them. These are located on the periphery of the subdivision facing Willow South Drive and Willow Oak Road. Staff found no accessory dwelling units (ADUs) within the subdivision, based on the Property Appraiser’s Office data. The applicant’s is the only parcel within the subdivision that has requested a building permit for an ADU.

Comments from other Governmental Agencies:

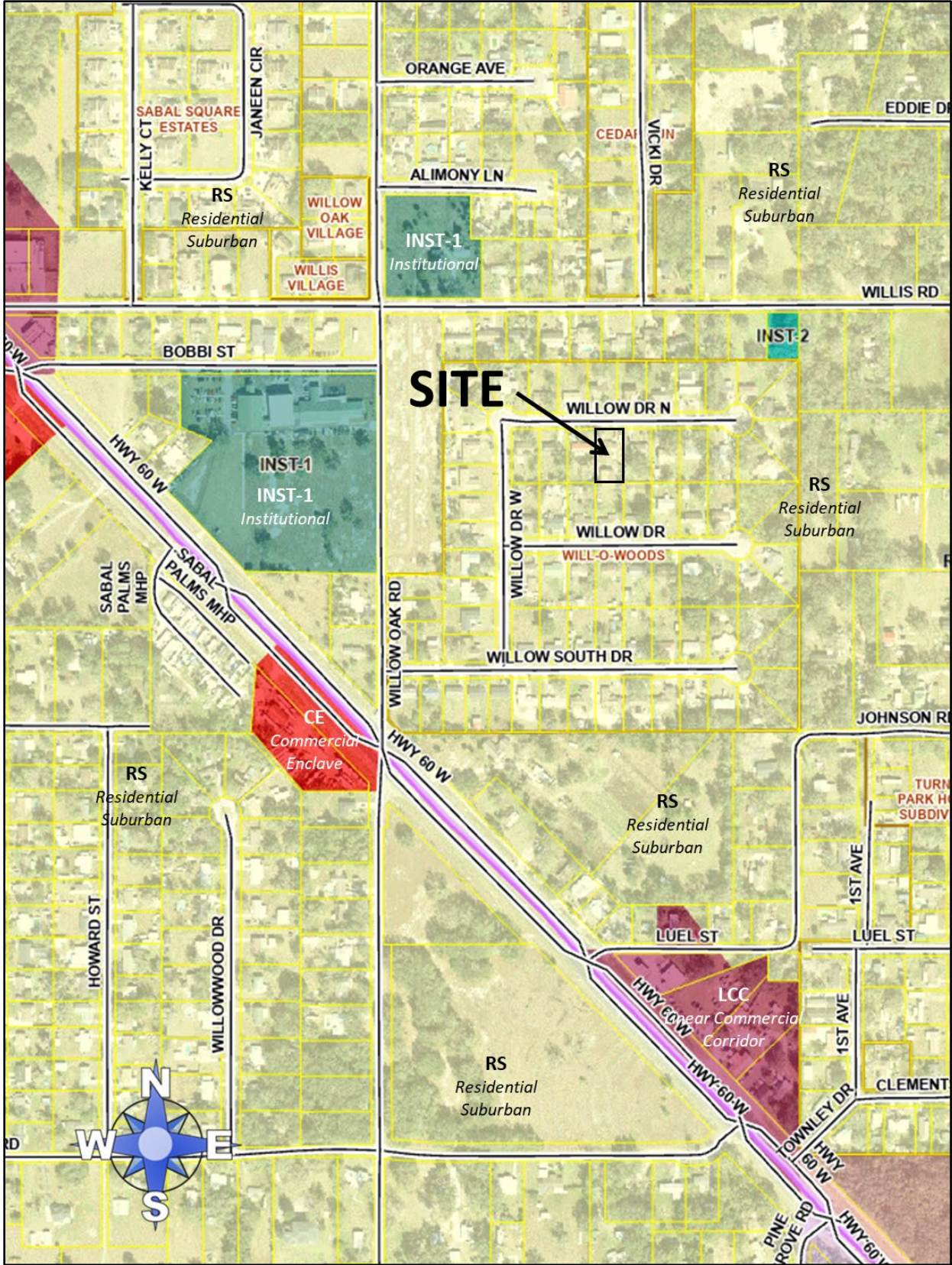
None.

Exhibits:

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



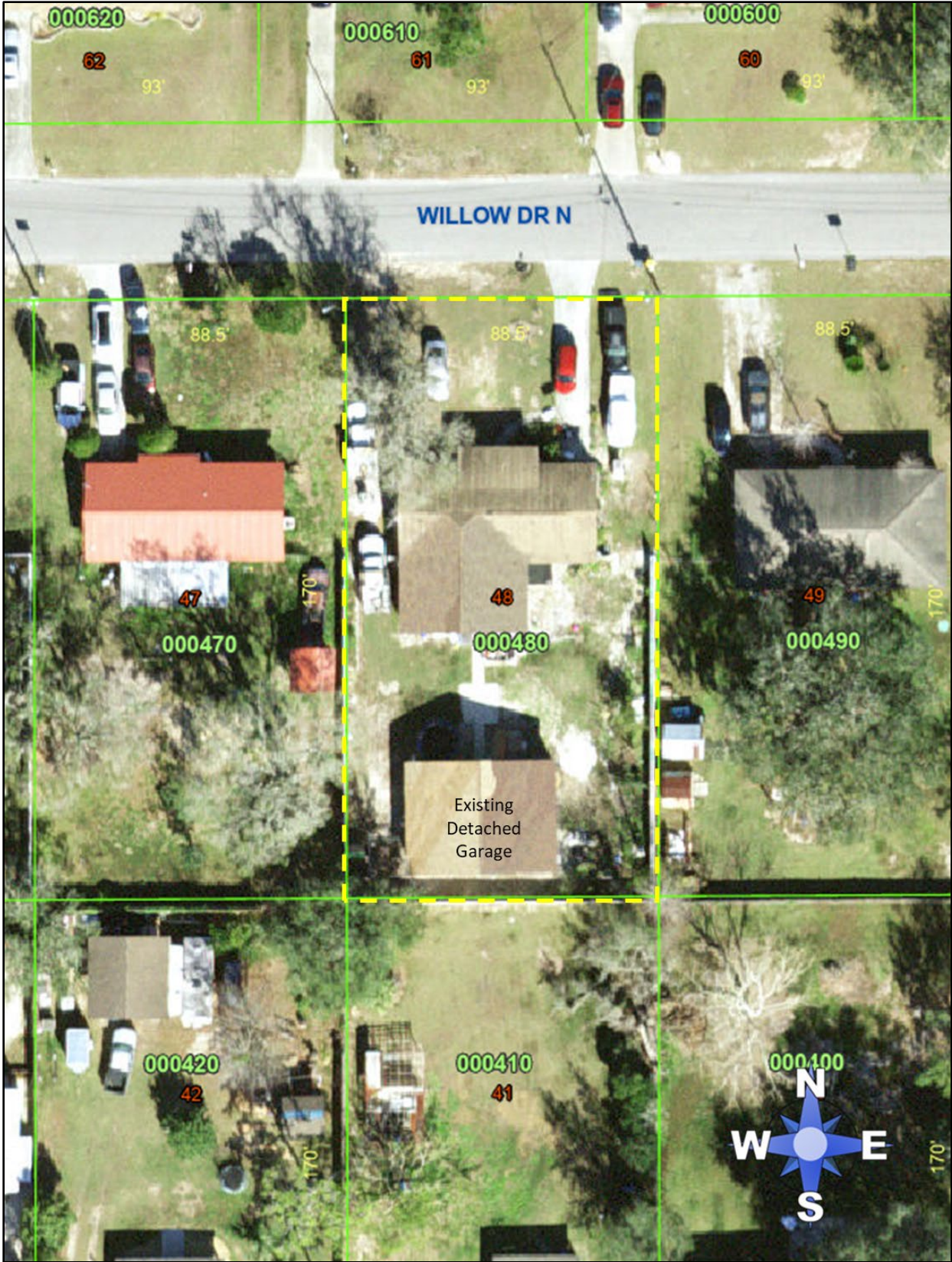
Location Map



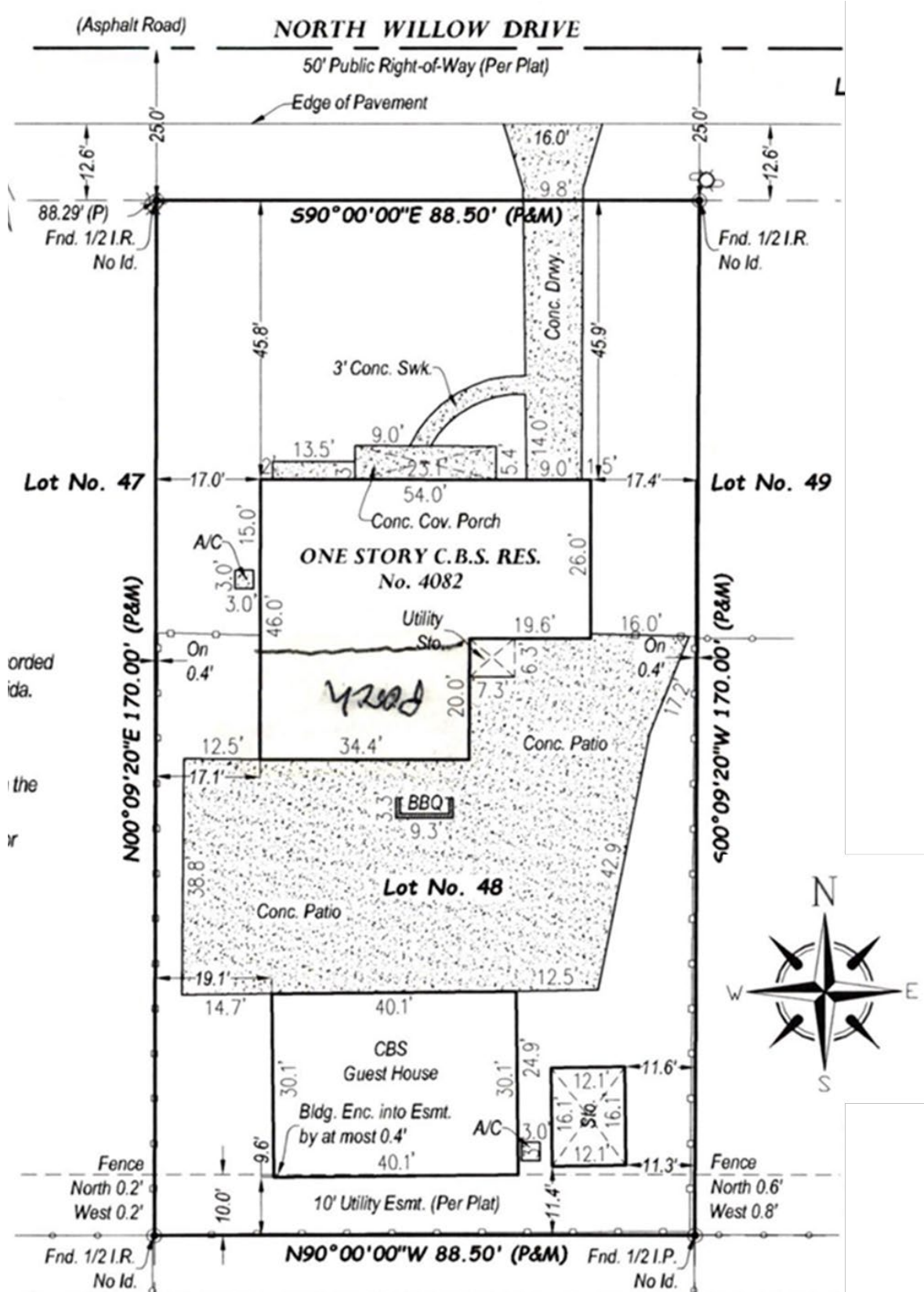
Future Land Use Map



2025 Satellite Photo (context)



2023 Aerial Close-up



Applicant's 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?

N/A

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

the property was bought approximately 2017 and

Structure was built approximately in 2020

br-2024-3296

What is the hardship if the variance is not approved?

the property consist of extra family members living.

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

I believe so.

Do you have Homeowners Association approval for this request?

n/a

Applicant's Justification

LDLVAR-2026-11 - Castizo Variance Application

Menu Reports Help

Application Name: [Castizo Variance Application](#)

File Date: [02/10/2026](#)

Application Type: [LUHO - Variance](#)

Application Status: [In Review](#)

Application Comments:

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

Description of Work: [Seeking variance for setbacks of the guest house behind the main house on the property reference permit BR-2024-7362.](#)

Application Detail: [Detail](#)

Address: [4082 N WILLOW DR, MULBERRY, FL 33860](#)

Parcel No: [232933142370000480](#)

Owner Name: [HERNANDEZ MAXIMO CASTIZO](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Maximo Castizo		Engineer	Mailing, 4082 N Willow...	Active

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

Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$541.00](#)

Total Fee Invoiced: [\\$541.00](#)

Balance: [\\$0.00](#)

Custom Fields: LD_GEN_BOA

GENERAL INFORMATION

Expedited Review

Number of Lots

-

Will This Project Be Phased

Acreage

[0.35](#)

DRC Meeting Time

DRC Meeting

[03/12/2026](#)

Rescheduled DRC Meeting

Rescheduled DRC Meeting Time

-

Green Swamp

Number of Units

[No](#)

-

Case File Number

Is this Polk County Utilities

-

One Year Extension

FS 119 Status

[Non-Exempt](#)

-

PUBLIC HEARINGS

Development Type

Application Type

[Land Use Hearing](#)

[Variance](#)

[Officer](#)

Variance Type

Brownfields Request

[Dimensions](#)

[N/A](#)

[Table](#)

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

[Land Use Hearing](#)

-

[Officer](#)

MEETING DATES

LUHO Hearing Date

[04/23/2026](#)

ALCOHOL BEVERAGE DIST REQ

COMMUNICATION TOWER

CRITERIA FOR GRANTING VARIANCE

Will the variance be injurious to the area involved or detrimental to the public welfare?
[NO](#)

What special conditions exist that are peculiar to the land, structure, or building involved?
[N/A](#)

When did you buy the property and when was the structure built? Permit Number?
[the property was bought approximately 2017 and Structure was built approximately in 2020](#)
[br-2024-3296](#)

What is the hardship if the variance is not approved?
[the property consist of extra family members living.](#)

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

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

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID
[POLKCO-26EST-00000-07632](#)
 RequiredDocumentTypesComplete
[No](#)

DocumentGroupforDPC
[DIGITAL PROJECTS LD](#)
 AdditionalDocumentTypes
[Applications, AutoCad File, Binding, Site Plans \(PDs, and CUs\), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter, Survey, Title Opinion](#)
 RequiredDocumentTypes
 -
 Activate DPC
[Yes](#)
 Activate FSA
[Yes](#)
 DigitalSigCheck
[Yes](#)

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement
[y](#)

LAND USE

Selected Area Plan LU Code

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

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

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	02/13/2026	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irvn	Resubmittal ...	02/17/2026	Phil Irvn
	Planning Review	Erik Peterson			
	Review Consolidation				
	Public Notice				
	Hearing Officer				
	Final Order				
	Archive				

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments	
Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments	

BOUNDARY SURVEY

SCALE: 1" = 30'

PROPERTY ADDRESS:

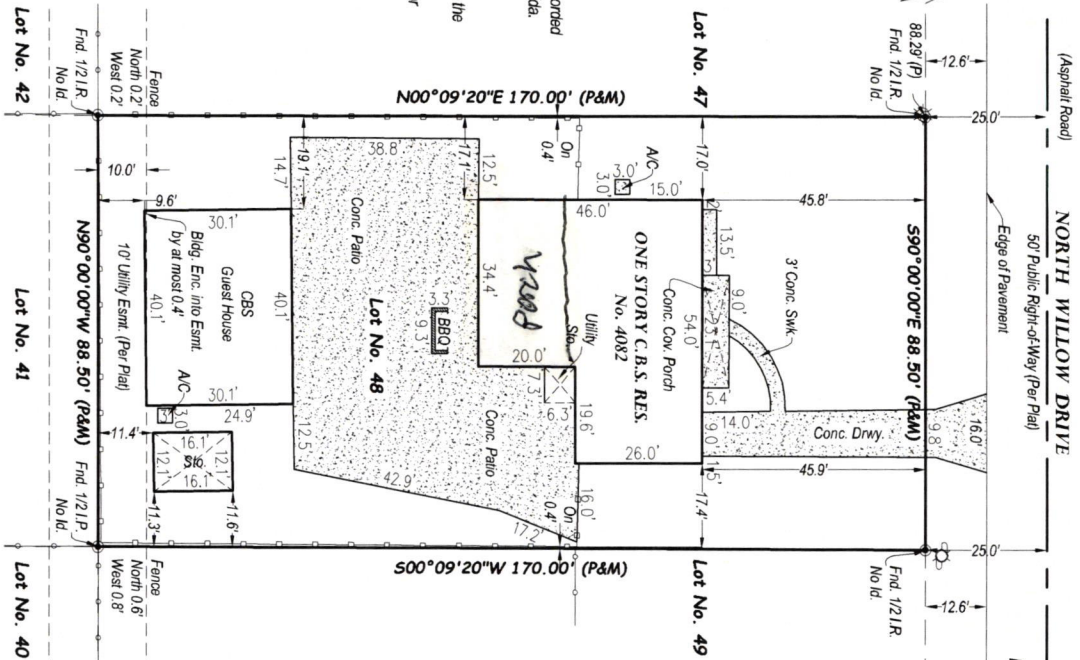
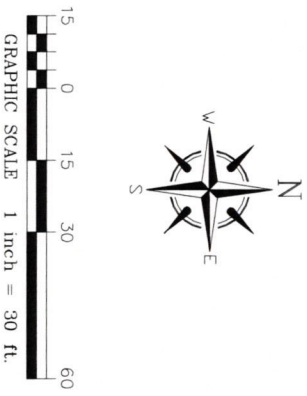
4082 North Willow Drive
Mulberry, Florida 33860

LAND DESCRIPTION:

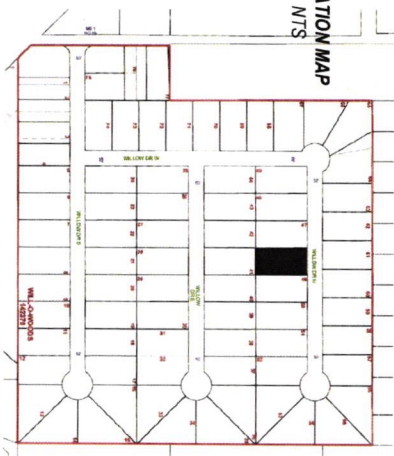
Lot 48, Will-O-Woods, according to the map or plat thereof, as recorded in Plat Book 67, Page 1, of the Public Records of Polk County, Florida.

ELEVATION INFORMATION:

The flood data provided is for informational purposes only based on the Flood Insurance Rate Map of the Federal Emergency Management Agency, under Map Number 12105C0470G, Flood Zone X, Dated or Revised on 12-22-2016.



LOCATION MAP



SURVEYOR'S NOTES:

- Bearings as shown on the Survey Map refer to a platted bearing of S00°09'20"W, along the Easterly line of the surveyed property.
- Examination of abstract of Title will have to be made to determine recorded instruments, if any, affecting the property.
- This Survey is may be subject to Dedications, Limitations, Restrictions, Reservation or Easements of Records.
- Legal Descriptions provided by Client.
- Underground Encroachments, if any, are not shown.
- This Firm has not attempted to locate footing and/or foundations and/or underground improvements of any nature.
- If shown Bearings are referred to an assumed meridian.
- This Survey is not intended for neither Design nor Construction purposes. For those purposes a Topographic Survey is Required.
- Fence ownership not determined.

CERTIFY TO:

- Maximo Castillo Hernandez
- Florelia Reyes Roque
- Angel Miguel Castillo Jr.

CERTIFICATION: I Certify that this Survey was made under my direction and that it is the Survey of Record for the property described herein. I am a duly Licensed Professional Land Surveyor in the State of Florida, License No. 51-17, Florida Administrative Code, Chapter 472.02, Board of Professional Land Surveyors.

ANGEL MIGUEL CASTILLO JR.
Surveyor
Not valid without the Surveyor's original Electronic Seal of a Florida Surveyor and Mapper.
121124, 18-41

LEGEND AND ABBREVIATIONS

- (P) = Platted
- (M) = Measured
- (P&M) = Platted & Measured
- A.C. = Air Conditioning Pad
- B.C. = Block Corner
- BLDG. = Building
- CONC. = Concrete
- C.B.S. = Concrete Block Structure
- COV. = Covered
- DRWY. = Driveway
- ENC. = Encroachment
- ESMT. = Easement
- FND. = Found
- I.P. = Iron Pipe
- I.R. = Iron Rod
- P.B. = Plat Book
- P.G. = Page
- RES. = Residence
- P.T. = Point of Tangency
- NTS = Not to Scale
- O.R. = Official Record
- STO. = Storage
- SWK = Sidewalk

- ⊙ = Light Pole
- ⊙ = Utility Pole
- ⊙ = Boundary Marker (High)
- ⊙ = Utility Marker (High)
- ⊙ = Wood Fence (High)
- ⊙ = Chain Link Fence (High)
- ⊙ = C.B.S. Wall
- = CENTERLINE
- = FENCE
- = COVERED LINE

Job No.: 24-3127
 LB No.: 7790
 Field Date: 12-10-2024
 Revised: C.P.

L.S.M.
 LAND SURVEYORS & MAPPERS, INC.
 3833 COVINGTON LANE
 LAKELAND, FL 33810
 PHONE: (863) 673-1705 FAX: (863) 859-3570



LAND DEVELOPMENT DIVISION

AUTHORIZATION FORM
LAND DEVELOPMENT PROJECTS LOCATED IN POLK COUNTY, FLORIDA

I, Maximo Castizo (print owner's name), as the owner of the real property described as follows, 4082 N Willow Dr., do hereby authorize to act as my/our agent Misael Artega, William Fatch & Ericka Castizo (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. This authorization shall remain valid, enforceable, and in effect for a period of one (1) year from date set forth below, unless sooner revoked in writing by the property owner.

[Signature]
Property Owner Signature

Maximo Castizo
Property Owner Printed Name

2/11/26
Date

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

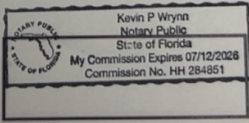
232933142370000480 4082 N Willow Dr. Mulberry

State of Florida County of Polk

I certify that the forgoing instrument was acknowledged before me this 11 day of February, 2026, by Maximo Castizo

Personally known _____ Produced Identification Type of Identification produced and verified: Mexican Passport

[Signature]
Notary Public Signature



Notary Stamp

Kevin P. Wynn
Notary Public Printed Name

07/12/2028
My Commission Expires