

LDWA-2024-21 - Garden of Eden

A notice was added to this record on 2024-03-29.
 Condition: Severity: Notice
 Total conditions: 1 (Notice: 1)

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Application Name: [Garden of Eden](#)

File Date: [03/28/2024](#)

Application Type: [BOCC-Waiver](#)

Application Status: [Approved for Hearing](#)

Application Comments:

View ID	Comment	Date
Description of Work: Waiver to Section 705(B) of the LDC to allow (8) total single-family lots to be accessed to the site via (1) easement. County code allows for up to (4) single-family lots to have access via an easement. Due to the site constraints including access points, wetlands & floodplain, and lot layout, we are proposing to allow for (8) lots to have access to a 25'+ shared access easement.		
Application Detail: Detail		
Address: 0 EAST MEADOWS CT, LAKE LAND, FL 33812		
Parcel No: 242909279990000050		
Owner Name: HULBERT HOMES INC		
Contact Info: Name	Organization Name	Contact Type
Charles Brooker		Applicant
Contact Primary Address	Status	
Mailing, 6039 Cypress ...	Active	
Licensed Professionals Info: Primary	License Number	License Type
Name	Business Name	Business License #
Job Value: \$0.00		
Total Fee Assessed: \$1,106.00		
Total Fee Invoiced: \$850.00		
Balance: \$0.00		
Custom Fields: LD_BOCC_WAIV		
GENERAL INFORMATION		
Expedited Review		Number of Lots
		-
		Acreage
		40
Will This Project Be Phased		DRC Meeting Time
No		-
		Rescheduled DRC Meeting Time
DRC Meeting		-
04/27/2024		
Rescheduled DRC Meeting		-
Green Swamp		Number of Units
No		0
		Is this Polk County Utilities
Case File Number		No
One Year Extension		FS 119 Status
		Non-Exempt
WAIVER		
Is this waiver related to an existing project?		Existing Project Number
Yes		0

Provided Justification from Section 932A.1-5

Yes

BOA Hearing Date

-

PUBLIC HEARINGS

Development Type

Board of County

Commissioners

Variance Type

-

Affordable Housing

Application Type

Waiver

Brownfields Request

N/A

ADVERTISING

Legal Advertising Date

-

BOCC2 Advertising Date

-

BOCC1 Advertising Date

03/28/2024

Advertising Board

Board of County

Commissioners

MEETING DATES

Community Meeting

-

1st BOCC Date

8/6/2024

Planning Commission Date

7/10/2024

2nd BOCC Date

-

HEARING

PC Hearing Results

-

BOCC 1st Hearing Results

-

BOCC 2nd Hearing Results

-

PC Vote Tally

-

BOCC 1st Vote Tally

-

BOCC 2nd Vote Tally

-

FINAL LETTER

Denovo Appeal

-

Denovo Tally

-

Denovo Results

-

APPLICABILITY AND CRITERIA FOR WAIVERS

What is the hardship if the Waiver is not approved?

The 40-acre site is almost fully wetlands and floodplain. The only available uplands are on the western border of the site. As such, the 8 single family lots will all need to run east/west so that each lot has uplands to build on. As such, there can only be (1) access to these lots for all 8 lots. If the waiver is not approved, the hardship will be that either only 4 lots can be developed, or that ROW will be required with a road. This would eat up too much of the available uplands and make some lots not buildable. It will also create a potential hardship on the County to own and maintain additional road and ROW for only 8 lots.

Is this the minimum relief for the reasonable use of the land?

This is the minimum relief. The only option to allow for more than 4 lots to have access via an easement is to apply for this waiver.

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

No. The easement will be private and dead end at the northern most lot. The easement will only allow access/use for the onsite 8 lot owners. There is no public use of this site or easement and as such, no detriment to the public.

Will the Waiver create future maintenance obligations for the County?

No. In fact, approval of the waiver will remove any potential maintenance obligations for the County as it will ensure the onsite driveway will remain privately owned and maintained. Disapproval of the waiver would create potential future maintenance obligations for the County as the only way to get access to 8 lots would be via a road and ROW. If the HOA fails and the County has to take over, the County would be required to maintain this

additional dead-end road for only 8 lots. Approval of the waiver prevents this with the waiver result in setting a precedent for a similar waiver request in the area?

No. This development is more or less and infill development. Meaning, the surrounding area is already fully developed. As such, it is unlikely this request will create similar waiver requests in this area.

Have all other avenues of relief been exhausted?

Yes. As explained, the 40-acre site is almost fully wetlands and floodplain. The only available uplands are on the western border of the site. As such, the 8 single family lots will all need to run east/west so that each lot has uplands to build on. As such, there can only be (1) access to these lots for all 8 lots. If the waiver is not approved, the hardship will be that either only 4 lots can be developed, or that ROW will be required with a road. This would eat up too much of the available uplands and make some lots not buildable. It will also create a potential hardship on the County to own and maintain additional road and ROW for only 8 lots.

LD_BOCC_WAIV_EDL

Opening DigEplan List...

DigEplan Document List

[Open](#)

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-REC24-00000-00B70](#)

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](#)

RequiredDocumentTypes

[Activate DPC](#)

Activate FSA

[Yes](#)

DigitalSigCheck

[Yes](#)

SELECTED AREA PLANS

Selected Area Plans

LAND USE

Selected Area Plan LU Code

DEVELOPMENT AREA

Development Area

NOR

Neighborhood Organization Registry (NOR)

WAIVER SECTION

LDC Chapters Waiver Section

[Chapter 7](#) 705 Site Access

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	Margo White	Application ...	04/08/2024	Margo White
	Surveying Review	Steve McQuaig	Approve	04/17/2024	Steve McQuaig
	Roads and Drainage Review	Phil Irven	Approve	04/18/2024	Phil Irven
	Engineering Review	Greg Hentschel	Approve	04/29/2024	Greg Hentschel
	Fire Marshal Review	Kim Turner	Not Required	04/09/2024	Kim Turner
	Planning Review	Ivan Nance	Approve	04/08/2024	Ivan Nance
	School Board Review	School District	Not Required	05/10/2024	Margo White
	Review Consolidation	Margo White	Approved for...	05/10/2024	Margo White
	Staff Report				
	Public Notice				
	Planning Commision				
	BOCC Hearing				
	Final Letter				
	DEO Review				
	Second BOCC Hearing				
	Archive				

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
	documents required	- ALL DOCUMENTS MUST B...	Condition...		Notice	
	Fees	Applicant submitted th...	Informati...	03/28/2024		

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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