

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

<b>DRC Date:</b>	April 9, 2026	<b>CASE #:</b>	LDLVAR-2026-14 (Thompson Veterinary Center Variance)
<b>LUHO Date:</b>	May 28, 2026	<b>LDC Section:</b>	Section 208, Table 2.2

**Request:** The applicant is requesting a variance to reduce the right of way setback from sixty-five (65) feet to nineteen (19) feet for a new addition to a veterinary clinic.

**Applicant:** Carol Thompson

**Property Owner:** Carol Thompson, Richard Brian Thompson

**Location:** 3631 E Hwy 60, east of Capps Rd, west of Worth Rd, east of the city of Lake Wales in Section 04, Township 30, Range 28.

**Parcel ID#:** 283004-000000-044060

**Size:** ±2.2 acres

**Land Use Designation:** Residential Suburban (RS), Commercial Enclave (CE)

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

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

**Summary:**

The applicant is requesting a variance to reduce the right of way setback from sixty-five (65) feet to nineteen (19) feet for a new addition to a veterinary clinic. The property was established prior to the Land Development Code and Comprehensive Plan. The property appraiser shows the veterinary clinic and single-family residence have been there since the 1950s, making it a grandfathered use. While the property is grandfathered, any new structures would have to meet the 50-foot compatibility buffer against the residential land use district to the west and the setbacks from State Road 60 creating a hardship on the property. The use on the RS to the west is a non-residential lodge and retreat use. The Thompsons have owned the property since 2001 and the reason for the variance is to add a new waiting room for the veterinary office. They mention that the current waiting room is not large, as they have seen an increase in clients. There is no room to expand the waiting room within the current footprint without losing exam rooms. To accommodate the clients, they would like to create a new waiting room, so clients do not have to sit outside in the Florida weather waiting for their appointment. The property is split with Residential Suburban and Commercial Enclave (CE) with the new structure in CE. The right of way setbacks established in CE land use districts are set at sixty-five for state roads. The position of the structure and the 50-foot compatibility buffer significantly limit the amount of buildable space without some relief from the setbacks.

Staff finds this request will cause no harm to the community or neighbor. The subject parcel is surrounded by commercial uses, some closer to State Road 60. The new waiting room will be located in the front of the veterinary clinic.

Staff recommends approval of LDLVAR-2026-14 as it meets the following criteria listed in Section 931:

- **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** is the position of the primary structure along with the 50-foot compatibility buffer next door to the non-residential use. Since the parcel was established prior to the Comprehensive Plan and Land Development Code, the lot's configuration and limited depth make it difficult to accommodate additional structures in compliance with current setback requirements.

### **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-2026-14 with conditions.**

### **CONDITIONS OF APPROVAL:**

1. The property is approved for a variance to reduce the right of way setback from sixty-five (65) feet to nineteen (19) feet for a new addition to a veterinary clinic. Further additions or structures placed on the property shall be required to meet the setback requirements of Section 208, Table 2.2 of the Polk County Land Development Code or re-apply for another variance approval from the Land Use Hearing Officer.
2. This variance does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
3. The applicant shall have one (1) year from the date the Land Use Hearing Officer's Final Order is rendered to apply for all necessary building permits and pay all associated fees for the proposed addition.

### **GENERAL NOTES**

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

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

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

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

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

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

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

Granting the requested variance will not be injurious to the surrounding area or detrimental to the public welfare as surrounding commercial uses are similar distance to State Road 60. The requested variance is consistent with the general intent of the Land Development Code to allow reasonable use of the property. The variance will allow the new addition to stay out of the required 50-foot compatibility buffer. Many of the surrounding parcels were developed prior to the Land Development Code and Comprehensive Plan. The property is located off State Road 60, and in a Commercial Enclave (CE) future land use. The right of way setbacks established in CE land use districts are set at sixty-five feet for state roads. The building expansion will also stay outside of the 50-foot compatibility buffer.

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;*

Special conditions exist due to the property's configuration and its creation in the 1950s prior to the adoption of the Land Development Code and Comprehensive Plan. Per LDC Section 220, the property also has to meet the 50-foot compatibility setback to the west since the structure will be new construction and abuts a Residential Suburban land use district. The lot's configuration and limited depth make it difficult to accommodate additional structures in compliance with current setback requirements.

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

The need for the variance is not solely the result of the owners' actions. The property was established prior to current setback standards, and the building placement along with the 50-foot compatibility buffer restricts available space for additions.

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

Every variance approval is a special privilege. The request represents reasonable accommodation for the property's limited space. This is an expansion of a existing veterinary clinic.

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

The requested reduction of the right-of-way setback from sixty-five (65) feet to nineteen (19) feet for a new addition to a veterinary clinic represents the minimum variance necessary to allow reasonable use of the property. Given the parcel’s existing layout, adherence to setback requirements would prevent placement of new structures.

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

Approval of this variance will not result in a change of land use. The property will remain designated as Residential Suburban (RS) and Commercial Enclave (CE) land use districts.

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

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

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

Granting this variance will not circumvent a condition or the intent of a condition placed on the development by the Planning Commission or the BoCC. The subject site is a grandfathered use.

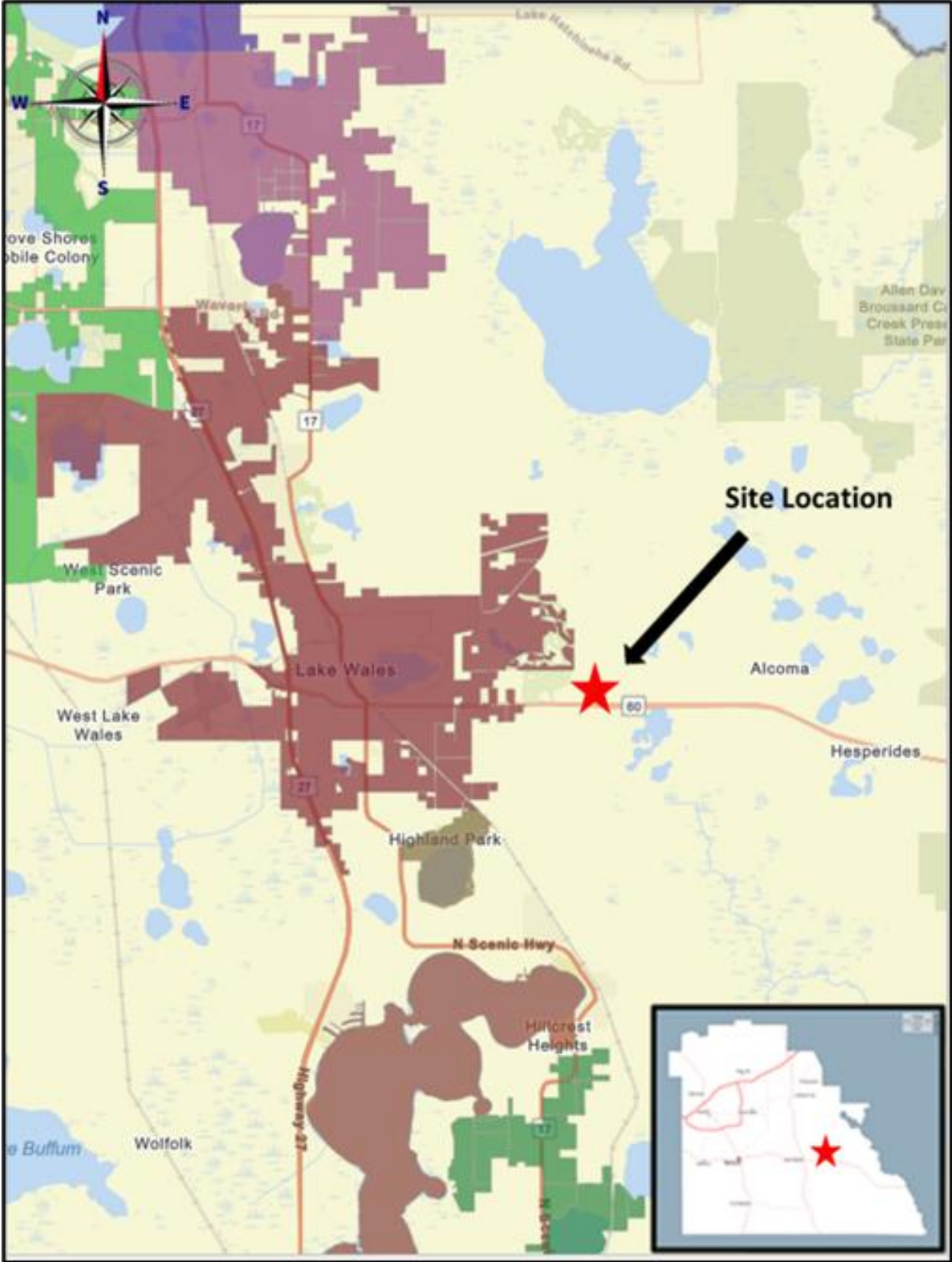
**Surrounding Future Land Use Designations and Existing Land Use Activity:**

<b>Northwest:</b> RS Pasture	<b>North:</b> RS Pasture	<b>Northeast:</b> RS Spring Lake Estates MHP
<b>West:</b> RS Lake Wales Moose Lodge	<b>Subject Property:</b> CE/RS Veterinary Clinic	<b>East:</b> RS Spring Lake Estates MHP
<b>Southwest:</b> State Road 60	<b>South:</b> State Road 60	<b>Southeast:</b> State Road 60

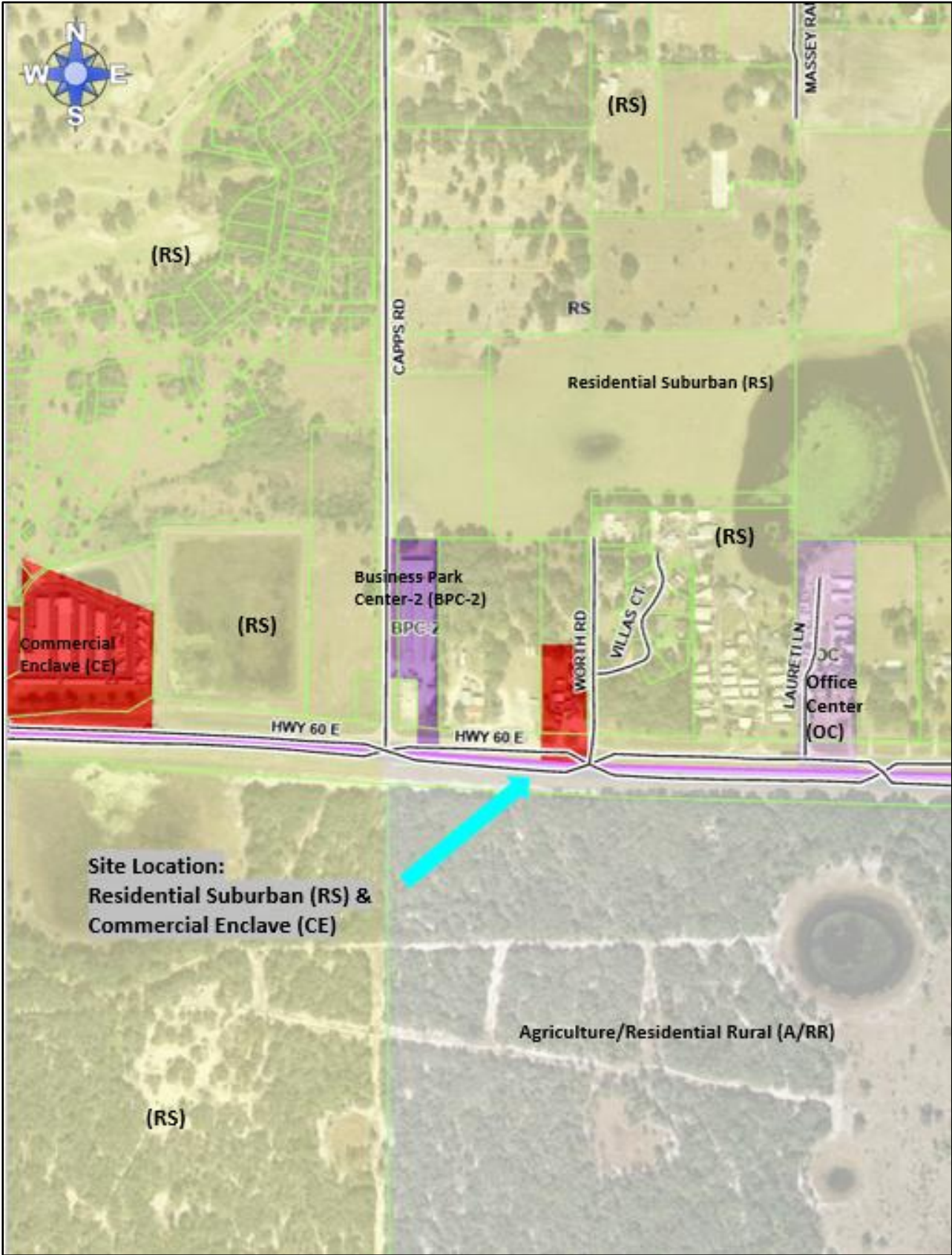
The structure will be located within the front of the veterinary clinic. Staff found no prior variances in this area. The Moose Lodge is approximately 36 feet from the right of way.

**Exhibits:**

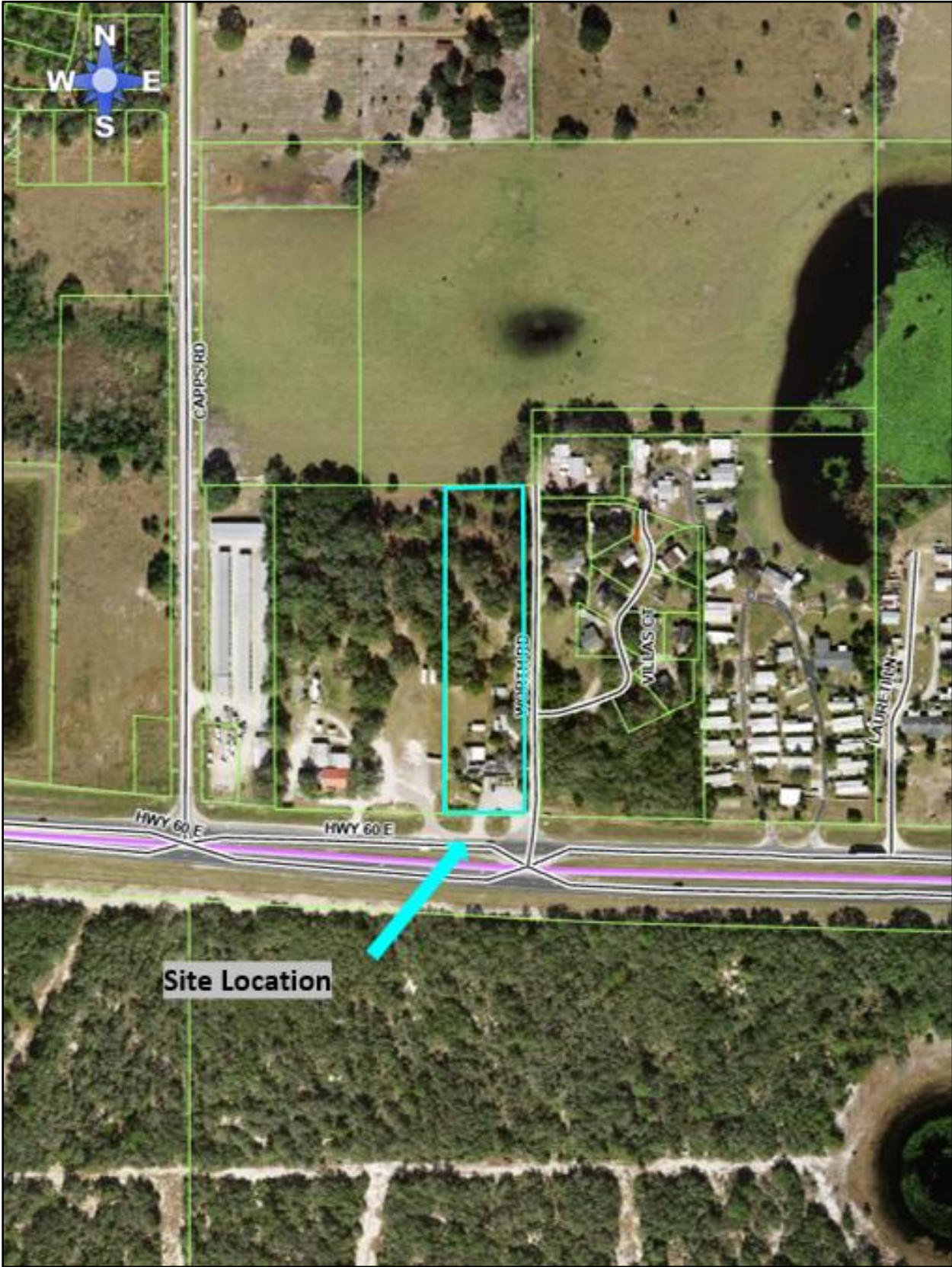
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Imagery (Context)
- Exhibit 4 Aerial Imagery (Close)
- Exhibit 5 Site Plan
- Exhibit 6 Justification



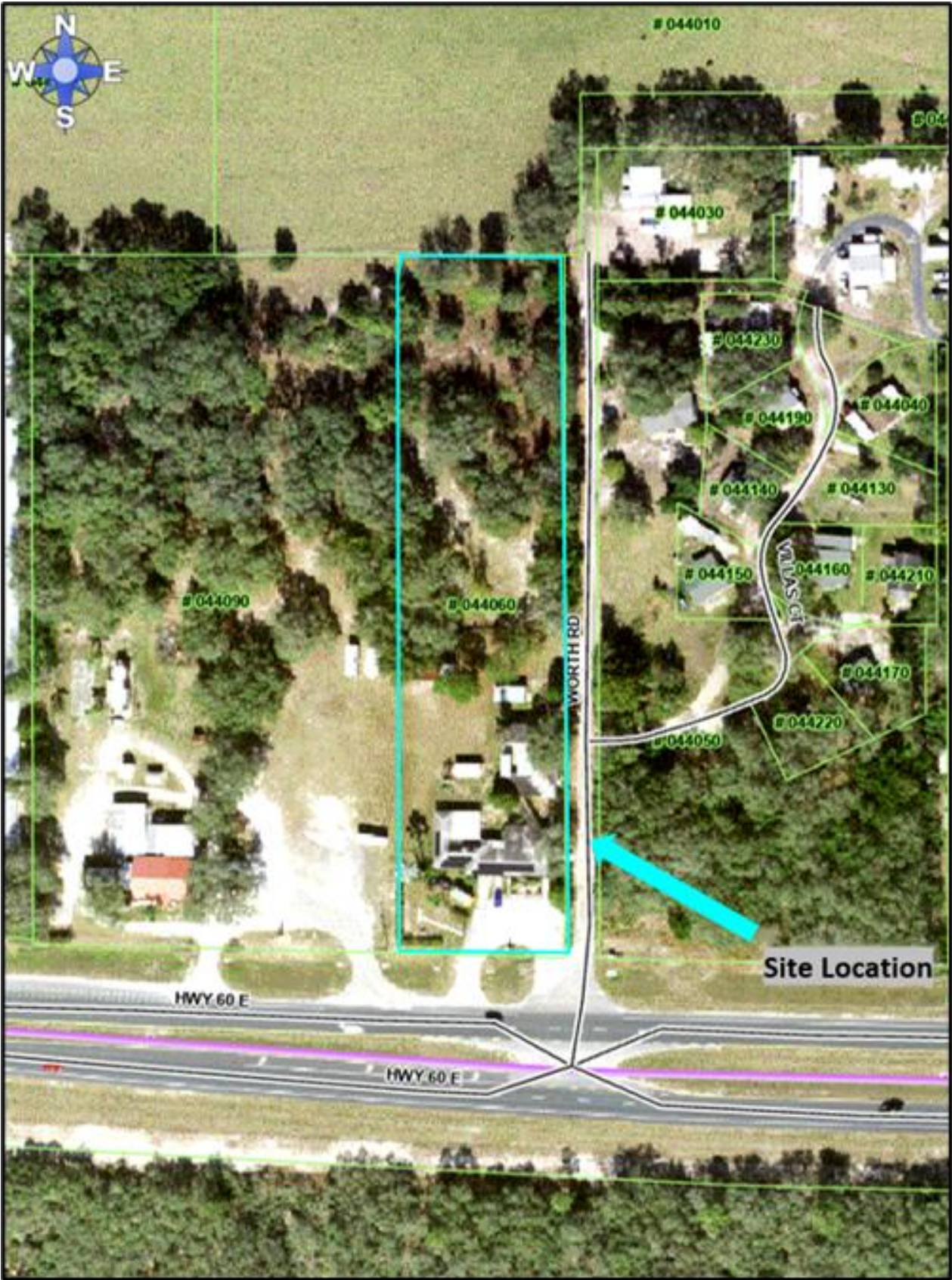
Location Map



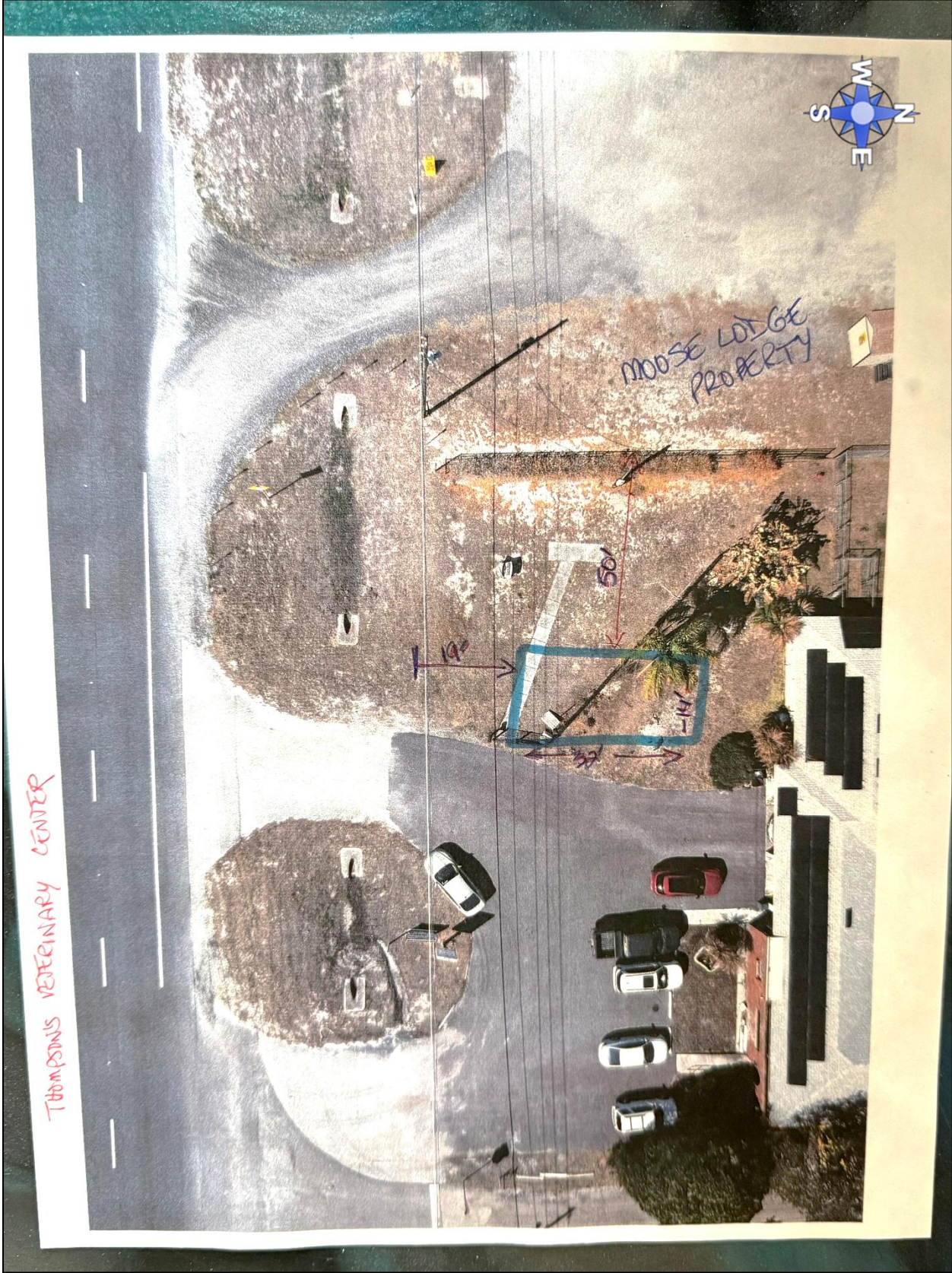
### Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)



Site Plan

**HARDSHIP—**

We purchased the veterinary office in 2001, as an existing facility. The waiting room is not very large. As we have gotten busier as the population is expanding in our town, we find that the area is not large enough to accommodate multiple families and pets.

As a result, people are having to wait in their vehicles or walk their animals up and down the busy highway (Route 60) or down the side road (Worth Road) which is also becoming busy. We feel this is unsafe and inconvenient for our clients.

This puts unnecessary pressure on our doctor and on our staff as they do not want to see our clients sitting outside in the Florida weather while they wait for their appointment. This also increases the stress on the owners and the pets.

There is no room to expand the waiting room within the current footprint of the building without losing space for exam rooms and staff break areas. The additional outside area will greatly help us to reduce the stress on staff, clients and pets.

Dr. Carol and Richard Thompson

## Justification