

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

<b>DRC Date</b>	<b>April 10, 2025</b>	<b>CASE #:</b>	<b>LDLVAR-2025-23 (Willow Oak Fire Station Shed)</b>
<b>LUHO Date</b>	<b>May 19, 2025</b>	<b>LDC Section:</b>	<b>208, Table 2.1</b>

**Project Number:** LDLVAR-2025-23

**Request:** The applicant is requesting a right-of-way/rear yard setback reduction from 10 feet to zero (0) feet for a storage structure.

**Applicant:** Polk County

**Property Owner:** Willow Oak Volunteer Fire Department

**Location:** 4210 Willis Road, north of Bobbi Street, west of State Road 60, east of Willow Oak Road, west of the City of Mulberry, in Section 20, Township 26, Range 27.

**Parcel ID#:** 232932-000000-012300

**Size:** ±0.31 acres (13,481 sq.ft.)

**Land Use Designation:** Residential Suburban (RS)

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

**Case Planner:** Erik Peterson, AICP  
Planning Administrator

**Summary:**

Polk County Facilities Management is seeking approval for a 10' x 16' storage shed to be located on the right-of-way at the side of the Willow Oak Fire Station. The Willow Oak Volunteer Fire Department's station was built in 1980. The County began housing professionals in the facility on weekdays in the early 1990s. Today it is fully occupied by professional fire fighters 24/7. It has a limited amount of space and there is little room on the property to expand it. In the future, a new facility will be constructed in the area on a larger property. In the interim, the County is improving this facility for the benefit of the crews that work at the station. These renovations have further limited the space that the firefighters have to work and live, and there is a need to store equipment elsewhere than the existing buildings. The property fronts Willis Road (an urban collector road) and Bobbi Street (a local residential road). The only location for a storage shed on the property is on the Bobbi Street side. Because of the two right-of-way frontages, the LDC considers the Bobbi Street side as the rear yard, but there are also regulations that apply to the distance from the right-of-way. Before the renovation began, another storage building was in use housing some of the necessary firefighting equipment and vehicle maintenance gear in the rear yard. This new shed

will store more gear and equipment for fire operations, and there is no room without placing up against the right-of-way.

The new shed will be needed after the renovations because of the ever-growing need for more fire and emergency rescue materials and equipment for today's modern firefighting techniques. This location can no longer contain all the materials and equipment needed to serve the growing populations in the southwest corner of the County. A much larger property is needed. The purchase of enough property for a new fire rescue facility to serve the response area and its construction is possibly five years away. There are many unknown factors involved in siting the next station. The other fire stations that serve the cities and parts of abutting Hillsborough County are also in the process of building new facilities. Polk County cannot commit to a new location until these new facilities come online. The County must make do with this location for now.

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

- The request **is in accordance with the general intent and purpose of this Code and will not be injurious to the area involved or otherwise detrimental to the public welfare** because the fire service needs of the community outweigh the detrimental effects of this shed location and once the site no longer serves an emergency service purpose, the shed will be removed.
- **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** because this site has become too small for the fire rescue needs of the modern era. While a new site to house a larger facility is needed, the prospect of purchasing more property at this location is limited due to the roadway configuration making property expansion not an option.
- **Granting the requested variance will not confer on the applicant any special privilege** because no other property in the community provides fire safety and life rescue operations. This is also only for a temporary period.

### **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-2025-23**, with the following conditions:

### **CONDITIONS OF APPROVAL:**

1. A variance to the standards in Section 208, Table 2.1 of the Land Development Code (LDC) shall be granted for a right-of-way/rear yard setback reduction from 10 feet to zero (0) feet for a storage structure at a fire rescue station.
2. The applicant must apply for all necessary permits within one (1) year of the date for which the Land Use Hearing Officer's Final Order is rendered.

3. The storage structure shall be removed or relocated within the applicable setbacks when this property ceases to be used for a fire rescue or EMS station.
4. 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 with LDC Section 930D.*

*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;*

Placing any structure on the edge of the right-of-way line is not the most ideal form of urban design. However, it is not unsafe on local roads where both the posted speed and practical travel speeds are low (25 MPH). Bobbi Street is a local road with a short distance between stop signs which both prohibits and prevents faster speeds.

The chosen location for the shed is the only location that minimizes the awkward aesthetic appearance of an accessory structure out of place while also not interfering with the day-to-day operations of the fire station. Vehicles launch into action from the Willis Road side of the property and return after an event through the Bobbi Street side. The shed also needs to be close to the vehicle bays so they can be quickly and efficiently equipped for the next call. Therefore, this is the best location for the operation of the fire station. Maintenance of the shed is easy since there is public access from the right-of-way.

The fire service needs of the community outweigh the detrimental effects of this shed location. There are no other alternatives for equipment storage on this site at this time and the County is several years out from finding a new location for a fire rescue station that serves this area. Once the site no longer serves an emergency service purpose, the shed will be removed. Therefore, granting the variance with the recommended conditions 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;*

This site is too small for the fire rescue needs of the modern era. A new site with a larger facility and more property is needed. The current facility fills the site, and the prospect of purchasing more property is limited due to the roadway configuration. So, expanding in place is not an option. The Residential Suburban district setbacks require 10 feet of distance from the side property lines for structures on the rear, 20 feet from local road rights-of-way, and 35 feet from urban collector road rights-of-way. A new location will require a substantial capital outlay, and the County needs more time to identify the optimal location for covering both unincorporated areas and jurisdictions within the nearby cities and neighboring county as changes unfold. The County needs this station to be operable for up to five more years.

This fire station began as a volunteer station where a fire truck and a water tanker could be stored. Because it was a volunteer station for members of the surrounding community, there was no accommodation for firefighters originally. As fire rescue needs grew, the station became a professional station during the work week and a volunteer station over weekends. This required more space. Then the station went to full-time professionals, which required more space for housing rescue personnel. The nature of calls has changed. More non-fire related calls come today than in the past; therefore, heavy rescue vehicles and emergency medical technicians have been added. This requires more equipment storage. Many fires now need some hazardous materials management, and these items need more storage.

This site has limited land available for all of today's emergency rescue needs. Purchasing more land to expand the station in this location is not feasible either. Even if the abutting residential properties could be acquired, the site would not fit the prototypical station the County constructs today. There is not enough lot depth between Willis Road and Bobbi Street and closing off the road would affect access to the entrance to the church to the south. This request comes under different circumstances than the typical variance request because it is not permanent. When the station is no longer needed for emergency services, the shed will be removed.

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

The Willow Oak fire station is long overdue for a larger facility and new site. However, the placement of population growth in the area and potential changes to fire service jurisdictions in the municipalities of Lakeland and Mulberry along with neighboring Hillsborough County render the siting of a new location premature. Most likely in the next five years, the area will be more stable and predictable so that a new facility can be sited. Until then, the County is making do with this station and its limitations.

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;*

Based on the type of land use of this property, this is not a special privilege. No other property in the community is providing fire safety and life rescue operations. This is also only for a temporary period. Once the County constructs a new fire station on a larger property, this facility will be converted to another use and possibly be sold at surplus auction. Therefore, in the future this shed will be removed. The shed will likely be relocated to another property. This is a condition of approval.

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

The fire rescue service needs are growing in this area, like many others in Polk County, due to population growth in their first response district. However, unlike other areas, there is not an immediate plan for a new station to relieve demand or a new site and facility to build a larger station. The size of this shed was chosen to maximize the only available location onsite because the storage needs are ever increasing. If there was more room in this space, the shed size would be bigger. The station could use even more storage.

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. For the duration that this shed is needed, the property will remain a fire station.

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 that does not meet the requirements of the Code. This variance request will not change the size, shape or use of the property.

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 original Willow Oak Volunteer Fire Department station was located on this site in 1972. The building housed not only the fire vehicles, but was also a meeting hall and polling place. At the time, it was considered an “Essential Service” which was permitted in its original Rural Conservation (RC) district. Later the street was rezoned to Residential (R-1). The only conditions were that it remained a fire station, meeting hall, or polling place.

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

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

**Table 1**

<b>Northwest:</b> RS Quadruplex (4-unit MF) On a ±21,780 sq.ft. lot	<b>North:</b> RS Vacant On a ± 21,965 sq.ft. lot Owned by Willow Oak VFD	<b>Northeast:</b> RS 1,400 sq.ft. site-built home On a ± 10,890 sq.ft. lot
<b>West:</b> RS 1,530 sq.ft. site-built home On a ±13,504 sq.ft. lot Owned by Willow Oak Baptist	<b>Subject Property:</b> Residential Suburban (RS) 4,875 sq.ft. Fire Station On a ±13,504 sq.ft. lot	<b>East:</b> RS 1,530 sq.ft. Site Built Home On a ±13,504 sq.ft. lot Owned by Willow Oak Baptist
<b>Southwest:</b> INST-1 Willow Oak Baptist Church	<b>South:</b> Institutional-1 (INST-1) Willow Oak Baptist Church	<b>Southeast:</b> INST-1 Willow Oak Baptist Church

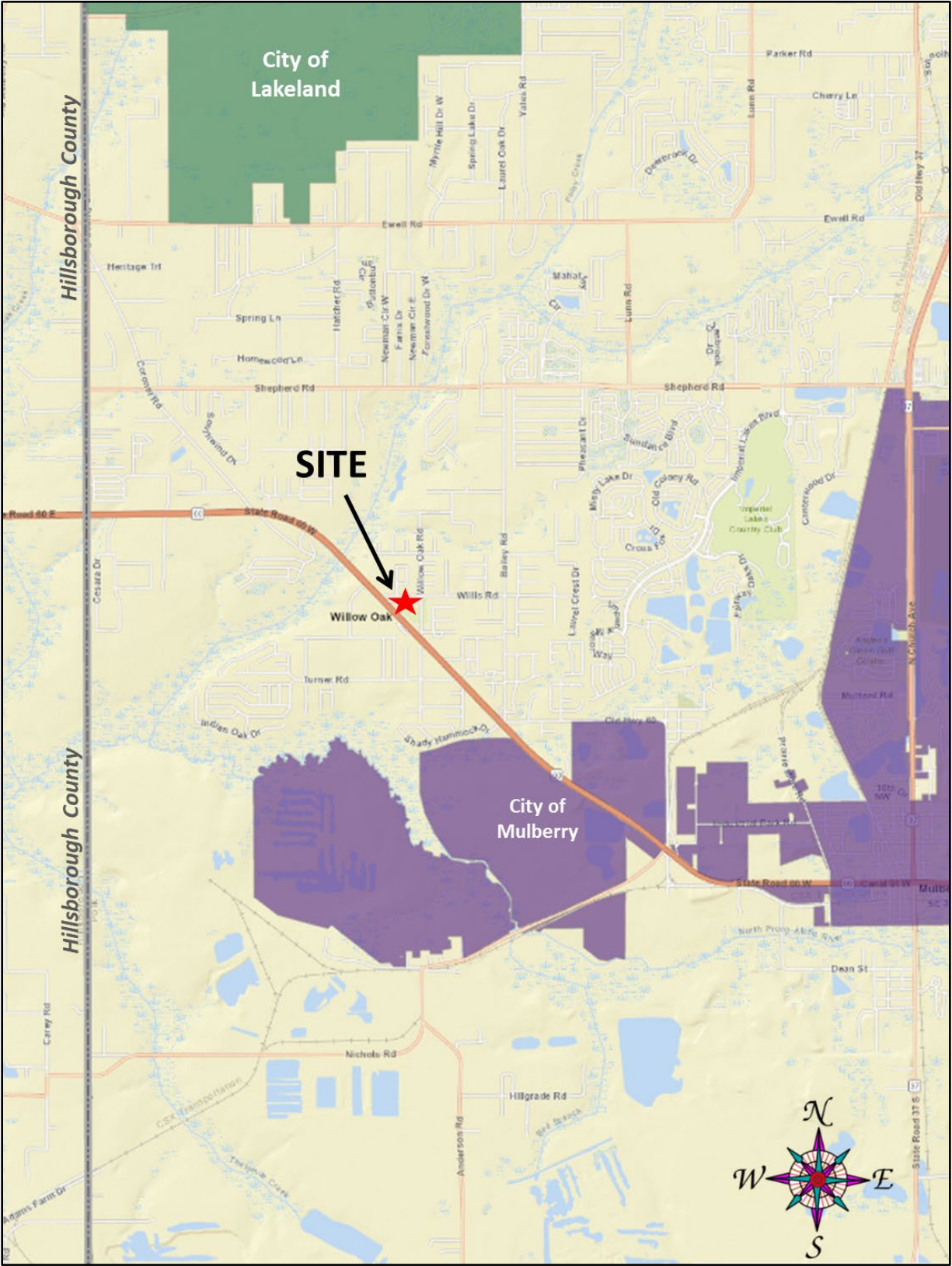
The Willow Oak community is comprised of multiple types of housing. Land uses vary more near State Road 60. The Willow Oak Fire Station is directly across Bobbi Street from the Willow Oak Baptist Church which is a large religious institution with multiple properties under its ownership including some housing. The Willow Oak Fire Station fronts Willis Road and Bobbi Street. This enables rescue vehicles to exit on Willis during calls and re-enter the station from Bobbi Street without having to back up into the facility. Bobbi Street is a local road, and Willis Road is an Urban Collector.

## Comments from other Governmental Agencies:

None.

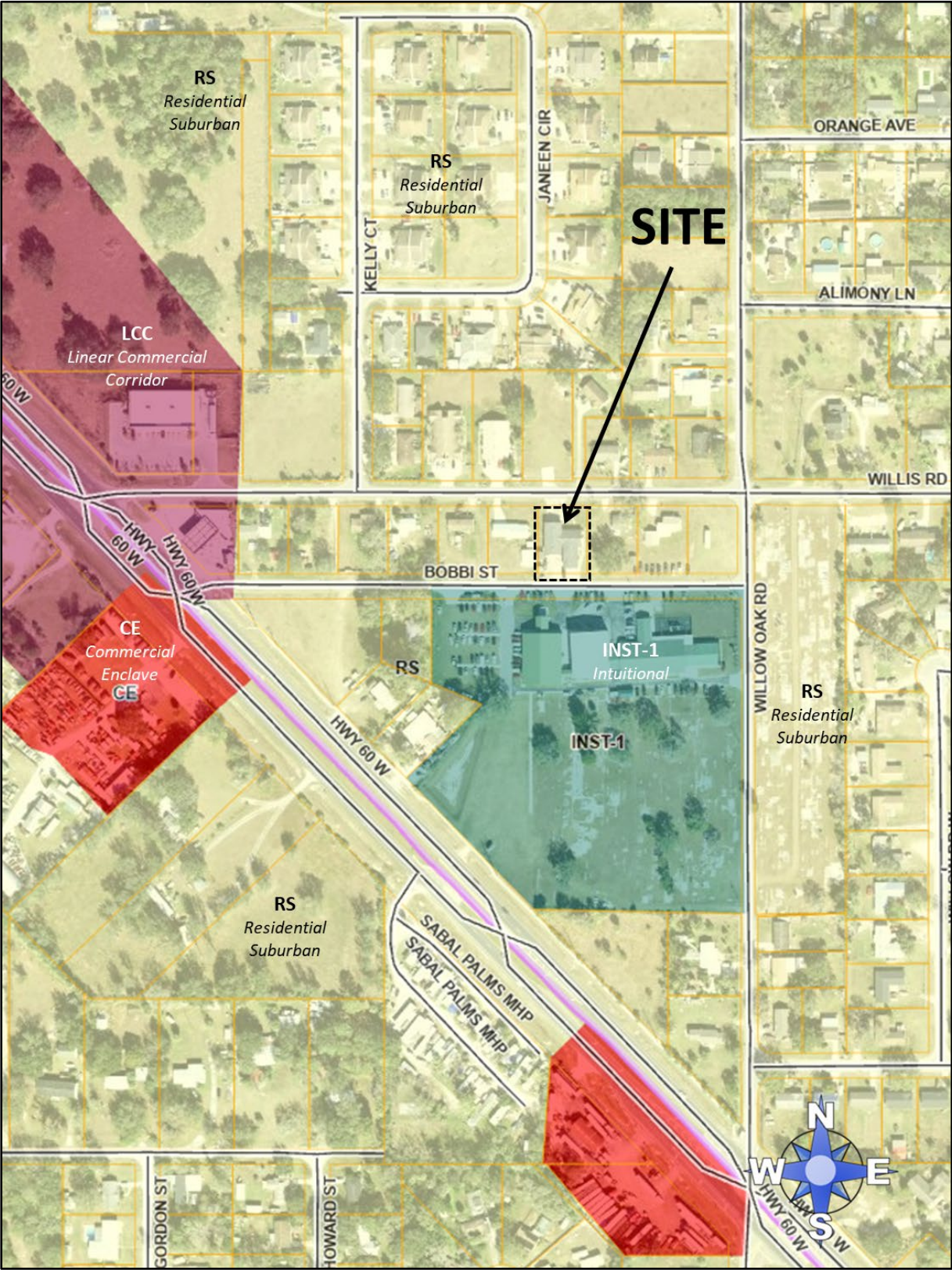
## Exhibits:

- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use
- Exhibit 3 – 2023 Aerial Context
- Exhibit 4 – 2023 Aerial Close-up
- Exhibit 5 – Site Plan
- Exhibit 6 – Criteria Justification



Location Map





Future Land Use





## 2024 Satellite Photo Context





## 2023 Aerial Photo Close-Up



New Shed – located 11'-5" from circled/highlighted building



## Applicants' Site Plan



## Exhibit 6

### CRITERIA FOR GRANTING VARIANCE

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

The placement of the shed is on the local road side where there is less traffic and ample space between the structure location and the edge of pavement.

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

Fire rescue facility needs have expanded over the years, but the property remains the same size. A new facility is planned for the future in a different location, but the station has to function at a high level at this location until then.

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

purchased by Willow Oak VFD in 1979. Station was built in 1980.

What is the hardship if the variance is not approved?

It may put lives in jeopardy if fire rescue equipment cannot be properly maintained. The County will be forced to scale down the crew at this facility. Level of service in the area will decline. Emergency response times may suffer.

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

Yes. There is no other room onsite.

Do you have Homeowners Association approval for this request?

No.

## Applicant's Justification