



Polk County Polk County Land Use Hearing Officer

Meeting Agenda

January 22, 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:

December 9, 2025, Meeting Minutes

OLD BUSINESS:

1. LDLVAR-2025-58 (Saturn St Variance)

NEW BUSINESS:

AGENDA ITEM:

2. LDLVAR-2025-64 (Cordero ADU Variance)
3. LDLVAR-2025-66 (Neal Solivita Phase 5H)
4. LDLVAR-2025-67 (Greens at Providence)
5. LDLVAR-2025-68 (Peach Ave Variance)
6. LDLVAR-2025-69 (Nathani Alcohol Variance)
7. LDLVAR-2025-70 (Jimmy Lee Road ADU variance)
8. LDLVAR-2025-71 (Crystal Beach Road Variance)

ADJOURNMENT:



Polk County
Polk County Land Use Hearing Officer

Agenda Item

1/22/2026

SUBJECT

December 9, 2025, Meeting Minutes

DESCRIPTION

December 9, 2025, 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

December 09, 2025 Land Use Hearing Officer meeting

**CALL TO ORDER: 1:30 P.M. OR AS SOON THEREAFTER AS THE PARTICULAR CASE
MAY BE HEARD**

OLD BUSINESS:

1. LDLVAR-2025-58 (Saturn St Variance) - Continue to January 22, 2026 hearing date.

Minutes: CASE FILE # LDLVAR-2025-58 – Continued to 1/22/2025

NEW BUSINESS:

MINUTES APPROVAL:

Minutes for November 20, 2025, LUHO Hearing Date

AGENDA ITEM:

2. LDLSE-2025-11 (Lola Urbain SE)

Minutes: CASE FILE # LDLSE-2025-11

Lola Urbain and Tyler J. Travis, owners, are requesting a special exception for a commercial vehicle parking on an Agricultural/Residential Rural (A/RR) land use district. The property is located at 11252 Country Haven Drive, east of US Highway 98, north of Interstate 4 and Creekwood Run, south of Rockridge Road, west of Country View Drive, north of the City of Lakeland, Florida, in Section 23, Township 26, Range 23.

Erik Peterson, Land Development; presented the case and reported that 21 mailers were sent on 11/24/2025 with no response, 2 boards were posted on 11/18/2025, and the legal ad was published in the Polk Sun News on 11/26/2025.

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

Lola Urbain and Tyler J. Travis, owners, were available to answer questions and agreed with staff recommendations.

The applicants had questions about the renewal process and staff clarified all questions.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

3. LDLSE-2025-12 (Tillman Road SE)

Minutes: CASE FILE # LDLSE-2025-12

Sander La Rosa Gonzalez, owner, is requesting a special exception for a commercial vehicle parking on an Agricultural/Residential Rural (A/RR) land use district. The property is located at 5525 Tillman Road, north of Knights Station Road, south of Duff Road, east of Cherry Road, west of Kathleen Road, east of Hillsborough County and west of Lakeland, Florida, in Section 19, Township 27, Range 23.

Erik Peterson, Land Development; presented the case and reported that 15 mailers were sent on 11/24/2025 with no response, 1 board were posted on 11/19/2025, and the legal ad was published in the Polk Sun News on 11/26/2025.

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

Sander La Rosa Gonzalez and Belsy Hernandez, applicants and owners along with Saralis Wons, interpreter were available to answer questions and agreed with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

4. LDLVAR-2025-62 (3rd Ave Variance)

Minutes: CASE FILE # LDLVAR-2025-62

Sarah Maier, applicant, is requesting a variance to reduce the north and the south side primary structure setbacks 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 N, 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 18 mailers were sent on 11/24/2025 with no response, 1 board were posted on 11/18/2025, and the legal ad was published in the Polk Sun News on 11/26/2025.

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

Ben Segovia from Dewberry and owner's representative 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-2025-63 (McCartney Citrus Ridge)

Minutes: CASE FILE # LDLVAR-2025-63

Monica McCartney, property owner, is requesting a side primary structure setback reduction from five (5) feet to one (1) foot for patio cover in a Residential Medium (RMX) land use district and within the North Ridge Selected Area Plan (SAP) and PUD 81-22. The property is located at 76 Citrus Ridge Drive, at lot 76, on the east side of Robinson south of the intersection with North Valencia Drive, east of Citrus Ridge Drive, west of Dancy within the Citrus Ridge Subdivision, northwest of the City of Davenport, Florida, in Section 20, Township 26, Range 27.

Erik Peterson, Land Development; presented the case and reported that 68 mailers were sent on 11/24/2025 with no response, 1 board were posted on 11/24/2025, and the legal ad was published in the Polk Sun News on 11/26/2025. He then proceeded to show a power point presentation, has a recommendation of approval, and stood for questions.

Monica McCartney, 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.

ADJOURNMENT:

Minutes: 1:58 PM



Polk County

Polk County Land Use Hearing Officer

Agenda Item 1.

1/22/2026

SUBJECT

LDLVAR-2025-58 (Saturn St Variance)

DESCRIPTION

The applicant is requesting a variance to reduce the rear accessory structure setback from ten (10) feet to two (2) feet for one shed and the right of way accessory structure setback from twenty (20) feet to two (2) feet for a second shed. The subject site is located at 1910 Saturn St, south of Skyview Dr, north of Maine Ave, east of the city of Lakeland in Section 27, Township 28, Range 24.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Aleya Perreira-Inglima

Land Development Division

(863) 534-6764

aleyainglima@polkfl.gov

POLK COUNTY
LAND USE HEARING OFFICER
STAFF REPORT

DRC Date:	October 9, 2025	CASE #:	LDLVAR-2025-58
LUHO Date:	January 22, 2026	LDC Section:	(Saturn St Variance)

Request: The applicant is requesting a variance to reduce the rear accessory structure setback from ten (10) feet to two (2) feet for one shed and the right of way accessory structure setback from twenty (20) feet to two (2) feet for a second shed.

Applicant: Cimberly Harris

Property Owner: Cimberly Harris

Location: 1910 Saturn St, south of Skyview Dr, north of Maine Ave, east of the city of Lakeland in Section 27, Township 28, Range 24.

Parcel ID#: 242827-000000-014116

Size: ±0.12 acres

Land Use Designation: Residential Suburban (RS)

Development Area: Suburban Development Area (SDA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is requesting a variance to reduce the rear accessory structure setback from ten (10) feet to two (2) feet for one shed and the right of way accessory structure setback from twenty (20) feet to two (2) feet for a second shed. The owner purchased the property August 2021. The sheds were placed sometime on the property in 2023 by the tenants. The parcel is part of Skyview pre-existing PUD which began in 1964. Lot 723 is part of unrecorded Skyview Estates subdivision, prior to the Land Development Code and Comprehensive Plan. The property is located off Saturn Street, a private road and in a Residential Suburban (RS) future land use. The right of way accessory setbacks established in RS land use districts are set at twenty feet and ten feet for the rear. Table 2.2 states that RS land use density is one (1) du/5 ac. The size of this parcel (0.12 acres) significantly limits the amount of buildable space without some relief from the setbacks.

The applicant was cited by Code Enforcement for building without a permit for the sheds and seeks to come into compliance. The Code Enforcement Special Magistrate has found it to be a violation. CMA-2025-1094 is pending as the owner is seeking approval for the sheds to be located two feet off the right of way and rear property line. The applicant has also applied for a building permit (BR-2025-5418 and BR-2025-5420). Staff finds this request will cause no harm to the community or neighbor. The subject parcel is surrounded by lots of similar size. The sheds are located in the

front and rear yard of the property.

Staff recommends approval of LDLVAR-2025-58 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** are the property's small lot size. The parcel, recorded in the late 60s, contains only 0.12 acres, significantly limiting the buildable area while meeting standard setbacks. The lot's configuration and limited depth make it difficult to accommodate accessory 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-2025-58 with conditions.**

CONDITIONS OF APPROVAL:

1. Seeking a variance to reduce the rear accessory structure setback from ten (10) feet to two (2) feet for one shed and the right of way accessory structure setback from twenty (20) feet to two (2) feet for a second shed. 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.
4. The use of the accessory structure approved herein is limited to the storage of items associated with the residential use of the property. No home-based business or commercial uses shall be permitted to occur within the accessory structure.

GENERAL NOTES

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

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

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

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

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

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES SUMMARIZED BELOW:

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

Granting the requested variance will not be injurious to the surrounding area or detrimental to the public welfare as the two accessory sheds are still able to be maintained at two feet from property lines. The requested variance is consistent with the general intent of the Land Development Code to allow reasonable use of residential property. This lot and many of the surrounding homes in this community were developed prior to the Land Development Code and Comprehensive Plan. The property is located off Saturn Street, a private local road and in a Residential Suburban (RS) future land use. The right of way setbacks established in RS land use districts are set at twenty feet and ten feet for the rear. Table 2.2 states that RS land use density is one (1) du/5 ac.

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 small lot size (± 0.12 acres) and its creation prior to the adoption of the Land Development Code and Comprehensive Plan. Table 2.2 states that RS land use density is one (1) du/5 ac. The parcel is part of Skyview pre-existing PUD which began in 1964. Lot 723 is part of unrecorded Skyview Estates subdivision. The lot's configuration and limited depth make it difficult to accommodate accessory structures in compliance with current setback requirements. Section 209.D.4 states that "when a lot is determined to be a reverse frontage lot, the front, side and rear lot lines, 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(s)."

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 tenants' actions. The property was established prior to current setback standards, and its small size restricts available space for accessory structures. The sheds were installed without a permit; however, the applicant is now seeking to bring the property into compliance through this variance request and building permits (BR-2025-5418 and BR-2025-5420).

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 a reasonable accommodation for the property's limited size. Surrounding lots are of similar sizes and the sheds are consistent with other accessory structures in the neighborhood.

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 in setbacks from ten feet to two feet (rear) and from twenty feet to two feet (right of way) represents the minimum variance necessary to allow reasonable use of the property. Given the parcel's small size and existing layout, adherence to setback requirements would prevent placement of accessory 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) land use district.

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 part of a pre-existing PUD for Skyview.

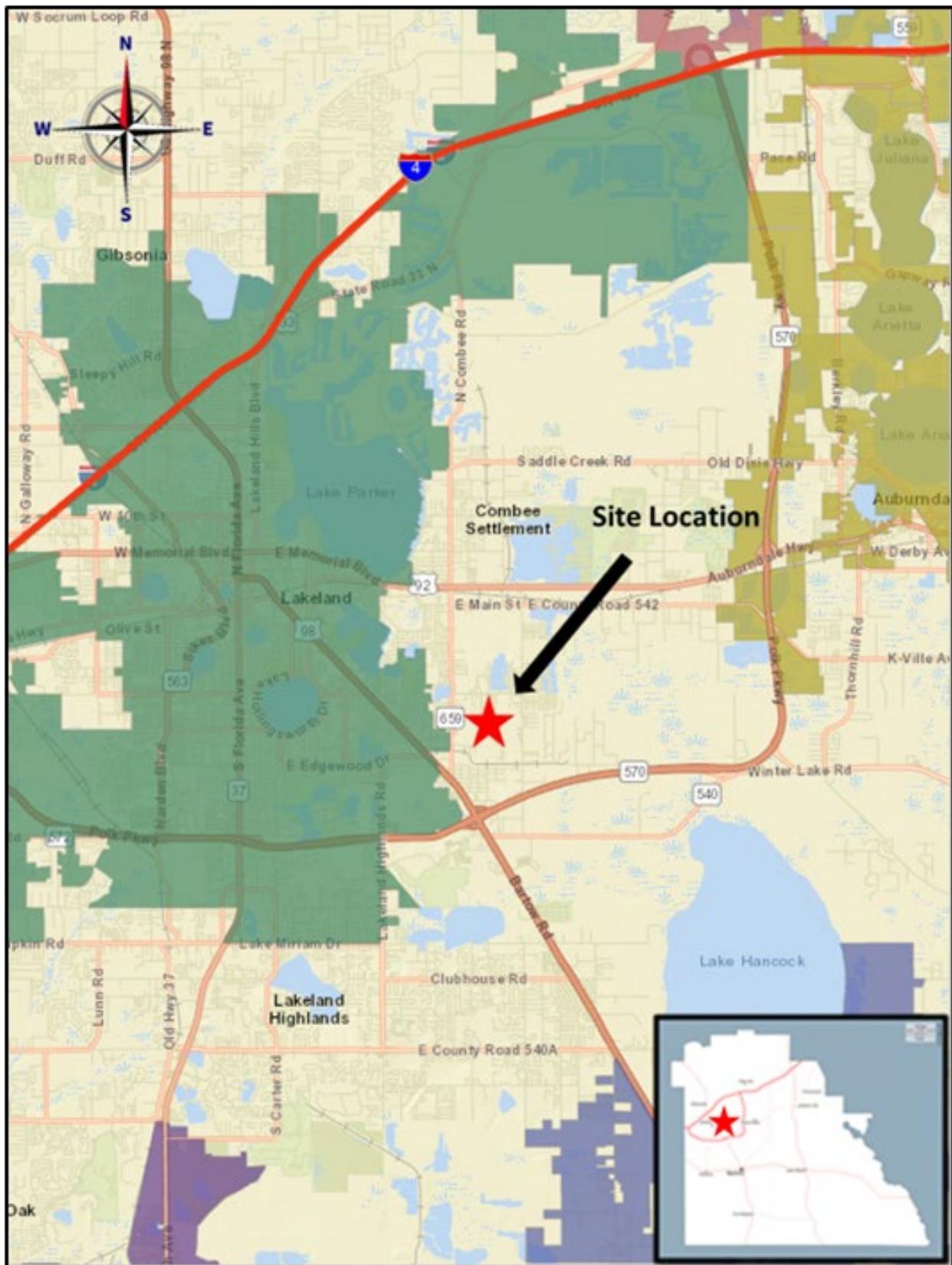
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: RS Mobile Home	North: RS Vacant	Northeast: RS Vacant
West: RS Mobile Home	Subject Property: RS Mobile Home	East: RS Duplex
Southwest: RS Mobile home	South: BPC-2 Vacant	Southeast: BPC-2 Vacant

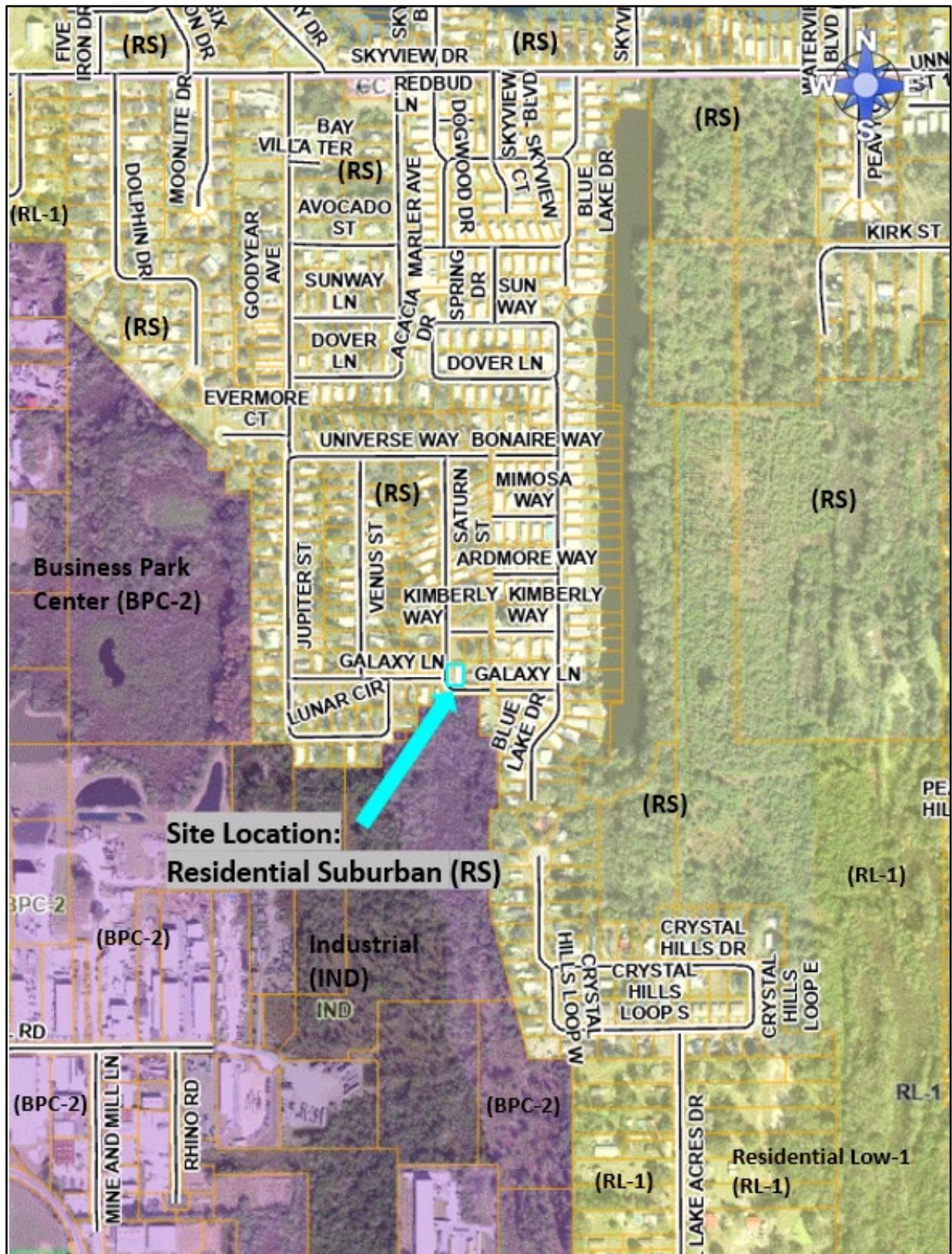
The sheds are located to the right of way and rear of the home. Staff found no prior variances in this neighborhood.

Exhibits:

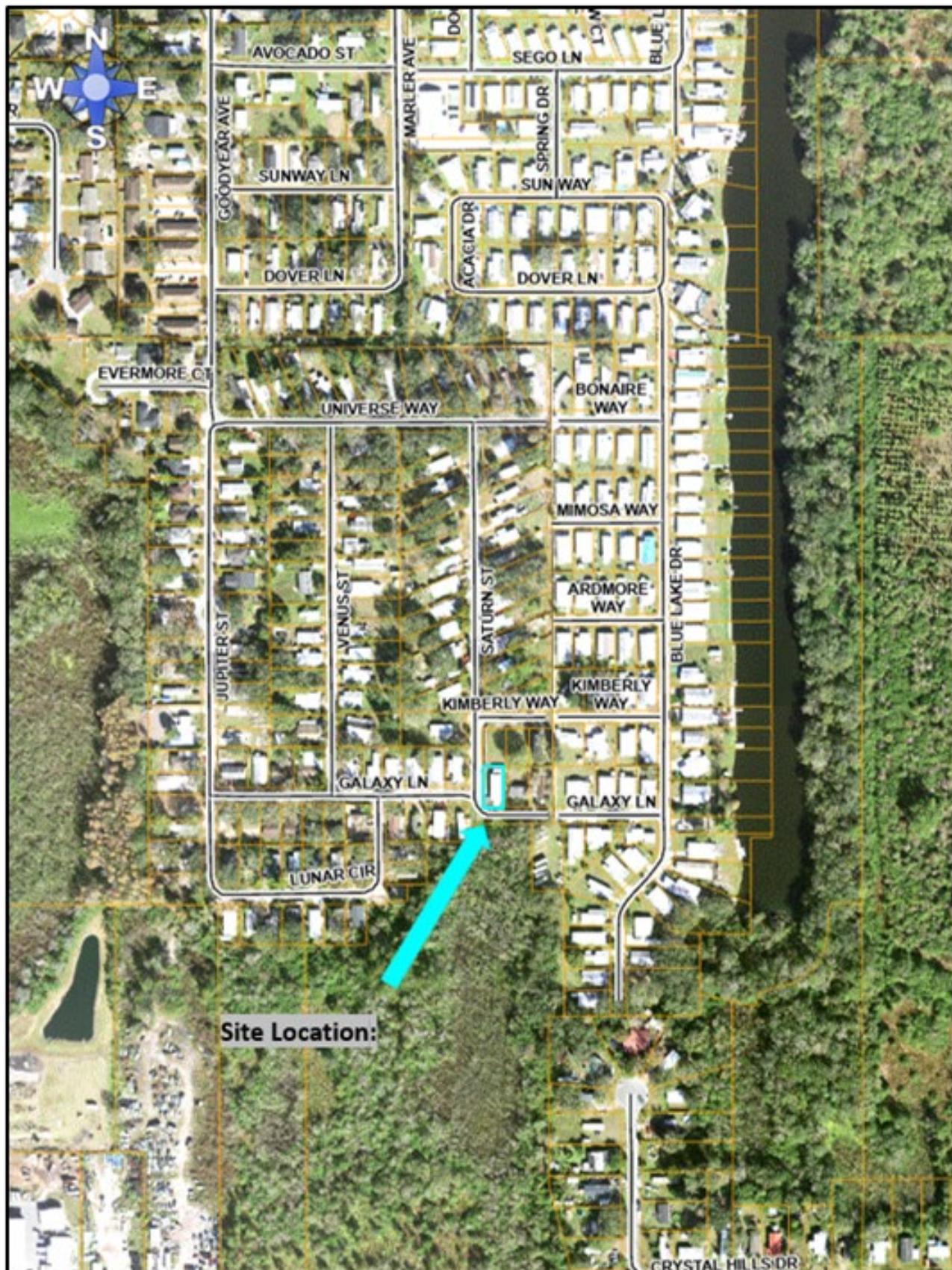
Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Aerial Imagery (Context)
Exhibit 4	Aerial Imagery (Close)
Exhibit 5	Site Plan
Exhibit 6	Justification



Location Map



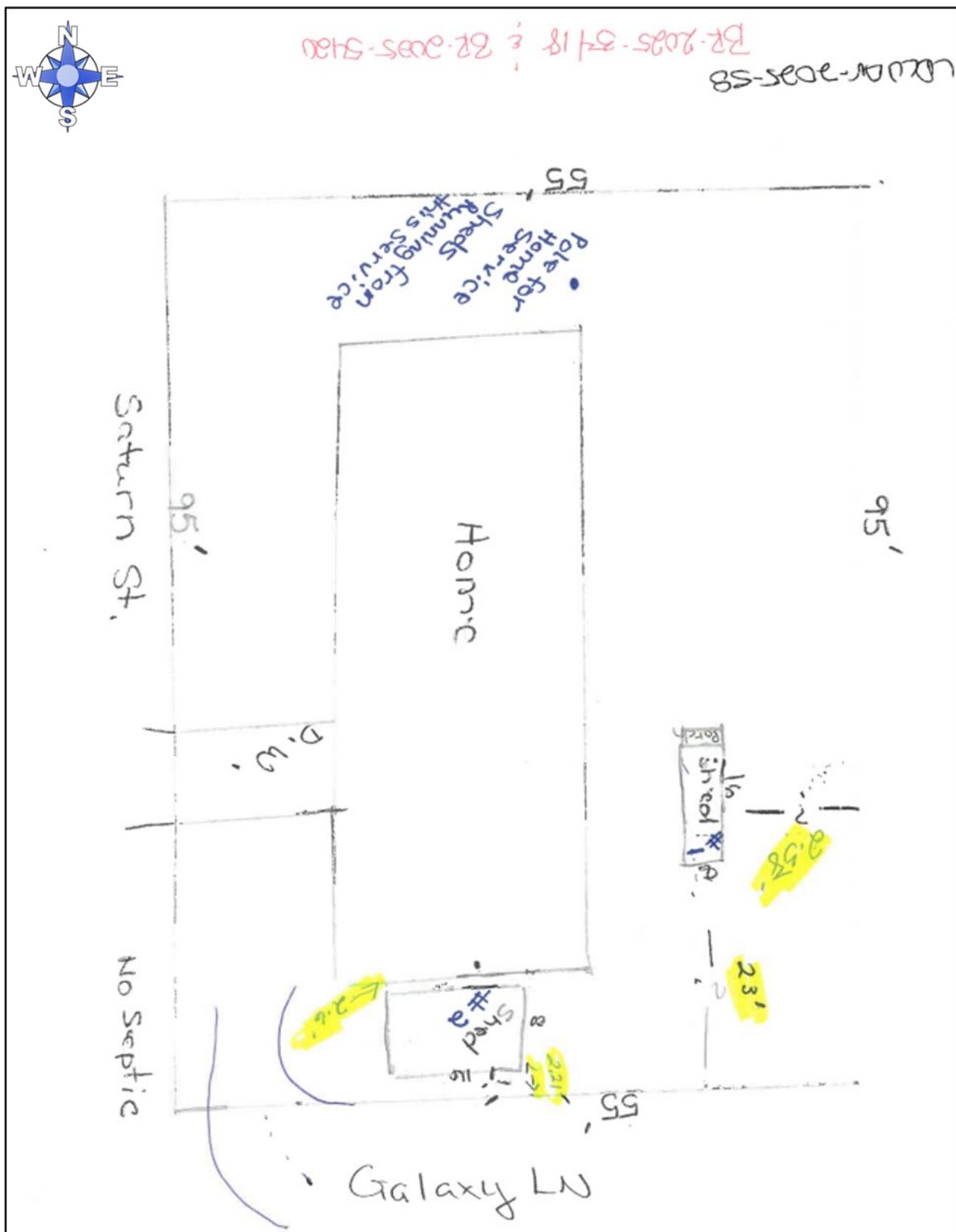
Future Land Use Map



Aerial Imagery (Context)



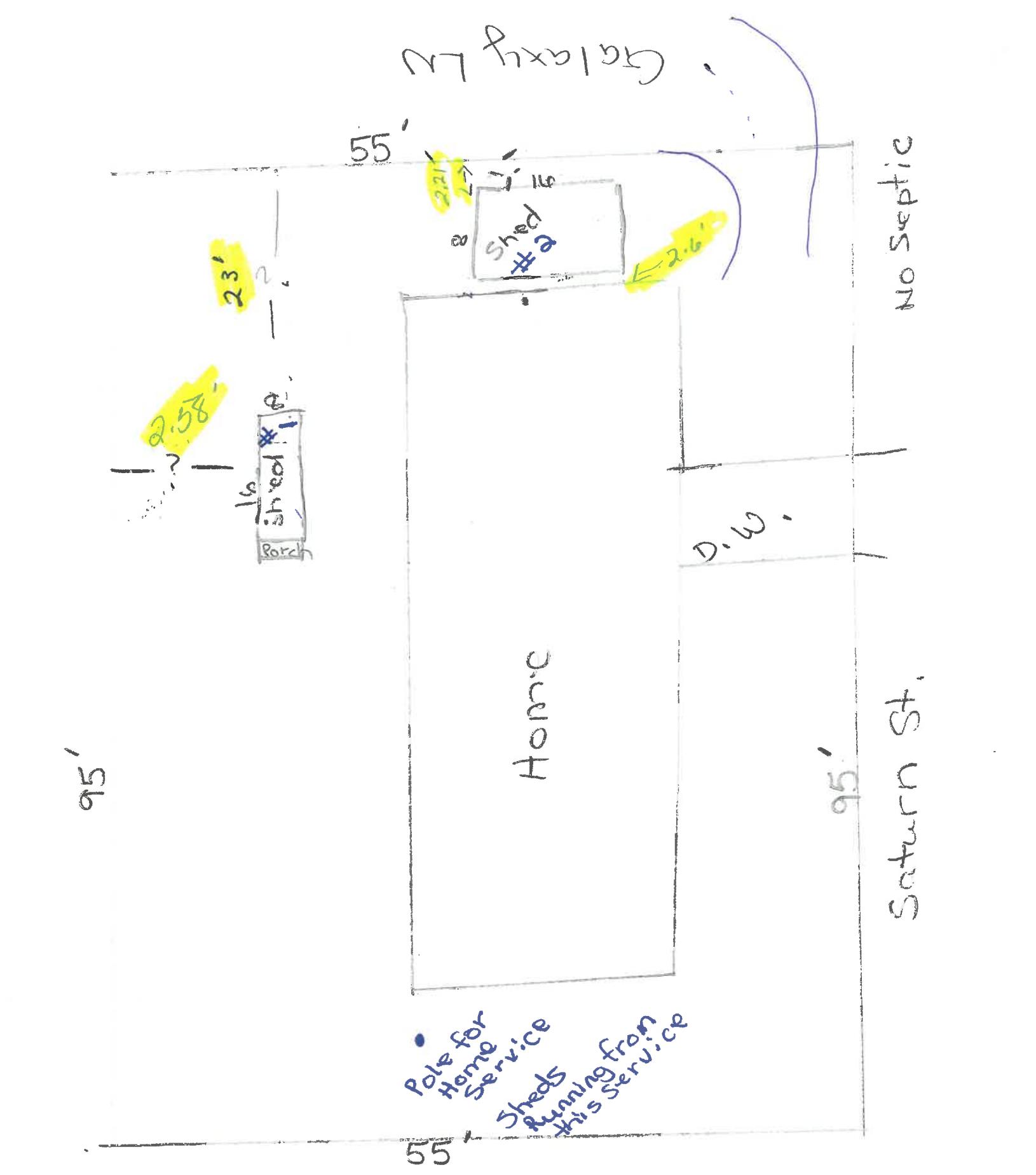
Aerial Imagery (Close)



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? The property does not meet the County's lot size requirements, so Infill for the Residential High land use was used.
	When did you buy the property and when was the structure built? Permit Number? tenant put it 3 years ago
	What is the hardship if the variance is not approved? have to remove it and I will not have any storage.
	Is this the minimum variance required for the reasonable use of the land? yes
	Do you have Homeowners Association approval for this request? not in a HOA

Justification



UDW DR-2025-58

BR-2025-5418 & BR-2025-5420

LDLVAR-2025-58 - Harris's variance

Menu Reports Help

Application Name: [Harris's variance](#)**File Date:** [08/25/2025](#)**Application Type:** [LUHO - Variance](#)**Application Status:** [Approved For Hearing](#)**Application Comments:** View ID Comment Date**Description of Work:** [Requesting 2 set back reduction for both Shed 1 and 2. Shed 1 is an 8x16 with a porch and I am requesting for my rear set back to be reduce from 5 feet to 2.58 feet. Shean 8x16 on the right side of my property. I am requesting for a setback reduction from 5 feet to 2.21 feet.](#)**Application Detail:** [Detail](#)**Address:** [1910 SATURN ST, LAKELAND, FL 33801](#)**Parcel No:** [24282700000014116](#)**Owner Name:** [HARRIS CIMBERLY](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	HARRIS CIMBERLY		Engineer	Mailing, 1207 Greenview...	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_GEN_BOA](#)

GENERAL INFORMATION

Expedited Review

Number of Lots

-

Will This Project Be Phased

Acreage

[.12](#)

DRC Meeting Time

DRC Meeting

[10/09/2025](#)

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

-

-

Affordable Housing

-

PUBLIC HEARINGS

Application Type

[Variance](#)

Development Type

[Land Use Hearing](#)[Officer](#)

Variance Type

Brownfields Request

[Dimensions](#)[N/A](#)[Table](#)

Affordable Housing

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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?

The property does not meet the County's lot size requirements, so Infill for the Residential High land use was used.

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

Tenant put it 3 years ago

What is the hardship if the variance is not approved?

have to remove it and I will not have any storage.

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

yes

Do you have Homeowners Association approval for this request?

not in a HOA

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

PLAN REVIEW FIELDS

TMPPRecordID

POLKCO-25EST-0000-51866

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

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
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<u>LUHO</u>	2	33	11/05/2025	11/05/2025	
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Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Saralis Wons	Application ...	09/15/2025	Saralis Wons
Roads and Drainage Review	Phil Irven	Approve	09/15/2025	Phil Irven
Planning Review	Aleya Inglima	Approve	09/29/2025	Aleya Inglima
Review Consolidation		Approved for...	10/14/2025	Saralis Wons
Public Notice				
Hearing Officer				
Final Order				

Record Details

Task	Assigned To	Status	Status Date	Action By			
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		



Polk County
Polk County Land Use Hearing Officer

Agenda Item 2.

1/22/2026

SUBJECT

LDLVAR-2025-64 (Cordero ADU Variance)

DESCRIPTION

The applicant is requesting a variance to construct a new 1,500 square foot accessory dwelling unit (ADU) which will exceed the 1,000 square foot cap on about 2.13 acres.

RECOMMENDATION

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	December 11, 2025	CASE #:	LDLVAR-2025-64
LUHO Date	January 22, 2026	LDC Section:	Section 206.A

Request: The applicant is requesting a variance to construct a new 1,500 square foot accessory dwelling unit (ADU) which will exceed the 1,000 square foot cap on about 2.13 acres.

Applicant: Patricia L. Cordero

Property Owner: Patricia L. Cordero & Jose A. Rodriguez

Location: The subject property is located at 905 Haymarket Drive, north of Interstate-4 and Walt Williams Road, west of O'Daniel Loop West, east of Old Polk City Road, south of Meadowood Drive, north of the City of Lakeland, in Section 17, Township 27, and Range 24.

Parcel ID#: 242717-000000-034050

Size: ±2.13 acres

Land Use Designation: Residential Suburban (RS)

Development Area: Suburban Development Area (SDA)

Case Planner: Andrew Grohowski, Planner II

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 ADUs to less than the size of the primary residence and not to exceed 1,000 square feet of heated floor space. The owners would like to construct an ADU that will be 1,500 square feet under roof. Meanwhile the existing dwelling is 2,838 square-foot under roof. The proposed ADU is almost half this size, or 47% smaller, thereby adhering to the subordinate and incidental characteristics required for accessory uses. Additionally, the request meets all standards outlined for ADUs in LDC Section 206.A, which includes less than 0.60 total ISR and being setback behind the forward building line of the principal dwelling unit.

The owners seek this ADU size approval for the property to comfortably house additional family members onsite at a separate residence. Considering the max ADU size considers only heated floor space, the home will remain subordinate in size to the primary residence and smaller by about 47%. 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 new ADU will meet primary structure setbacks and not located forward of the principal residence's building line. Also the impervious surface of the site will not exceed the 60% threshold established in Section 206.A.3.b of the LDC.
- 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** because the owners state the ADU will provide the ability for sufficient and adequate space for long-term family living. Many of the surrounding homes to the west and south have similar if not larger sized primary homes on lots less than half the size of the subject site.

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-2025-64**, 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 1,500 square feet.
2. This variance shall be valid as long as the existing primary residence is 2,838 square feet under roof or greater.
3. Access will come from the existing driveway off Haymarket Drive. Access for the ADU is not permitted off of Old Polk City Road.
4. The ADU shall not be located forward of the building line of the principal dwelling unit.
5. 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.

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 variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The applicant, on behalf of the property owner, requests to build a new 1,500 square foot ADU which is 500 square feet, or 50% larger than the maximum size permitted under Section 206.A.2 of the LDC. The existing home is approximately 2,838 square feet. Under roof, the ADU will remain subordinate in size to the primary residence and smaller by about 47%. The applicant's property is approximately 93,000 square feet, and the current home, garage, and porch cover less than 5% of the property. The addition of the new 1,500 ADU will increase the ISR to about 6%, but it will not exceed 60% maximum permitted on the property. The large 2.13-acre lot size is sufficient to accommodate an ADU of this square footage, with many surrounding residential properties only $\frac{1}{4}$ to $\frac{1}{2}$ acre in size. This ample space makes the ADU easily satisfy all principal structure setbacks required in the RS land use district. The subject site is a legal lot of record, where the primary home was built in 1977 and met principal structure setbacks at the time. The ADU will be setback behind the primary residential building line as required in LDC Section 206.A.4. 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;*

The subject site is within an enclave of RS. The site is at the boundary of where the Urban Growth Area and Polk City Special Protection Area (SPA) for the Green Swamp Area of Critical State Concern (GSACSC) begin to the west. While 2.13 acres are smaller than the minimum lot size requirements today, the subject lot size exceeded the 40,000 square foot requirement under the RC (RC) zoning designation at the time it was created. The corner lot is part of an unplatte neighborhood consisting of 26 single-family parcels similar in acreage that share access off of Haymarket Drive.

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

The existing home on the subject site was constructed in 1977 and met the principal side and front setbacks under the prior RC zoning district. Additional improvements, including a pool

and detached garage, were constructed in 1980 and 2023 respectively. The property is a corner lot with frontage on Haymarket Drive and Old Polk City Road with existing driveway access off of Haymarket. According to the request and site plan, the ADU will take existing driveway access from the primary home and cross the existing home's front yard (*Exhibit 5*). According to the applicant, the ADU is planned to provide flexible accommodation for future family planning. The property is large enough to construct an ADU such as this. Meanwhile many of the surrounding homes to the west and south have similar if not larger sized primary homes on lots less than half the site's size.

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;*

This will not confer on the applicant any special privilege that is denied by the provisions of this Code. ADUs are permitted as accessory uses to single-family detached homes and mobile homes in all residential districts and lots of record, so long as they meet setback, dimensional, and locational requirements. According to Section 206.A.3.c of the LDC, the ADU must meet primary structure setbacks when it exceeds 1,000 square feet. Since the property is a corner lot and pursuant to LDC Section 208.B, front setbacks are considered on both Old Polk City Road and Haymarket. The 1,500 square foot ADU will exceed the 30' setback from Old Polk City Road, an Urban Collector Roadway. The proposed structure will also exceed 10' side setbacks. In addition to this, the primary residence will remain forward of the building line of the proposed ADU.

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

The owners are seeking to designate their existing home as an accessory dwelling unit (ADU) that is approximately 50% larger than the County's current ADU maximum standard. In terms of total under roof, the proposed ADU will be almost half the size of the existing primary residence. This still falls into the confines of the definition of accessory (incidental and subordinate). The 2.13 acre-lot size is well above the majority of subdivisions in the area which range from about 0.2 to 0.4 acres. According to the applicant's justification, the request aims to provide sufficient and adequate space for long-term family living (*Exhibit 6*).

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. A slightly larger than standard accessory dwelling unit (ADU) will not alter the residential use of this 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*

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.

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

Surrounding Future Land Use Designations and Existing Land Use Activity:

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

Table 1

Northwest: RL-3X 206 single-family homes ±2.76 acres	North: RS 4,361 sq. ft. single-family home Built in 2000 ±2.13 acres	Northeast: RS 3,891 sq. ft. single-family home Built in 1982 ±2.13 acres
West: RL-3X Hunters Run Subdivision 206 single-family homes ±2.76 acres	Subject Property: RS 2,838 sq. ft. single-family home Built in 1977 ±2.13 acres	East: RS 5,652 sq. ft. single-family home Built in 1984 ±2.13 acres
Southwest: RL-3X Hunters Ridge Subdivision 49 single-family homes ±2.44 acres	South: RS Hunters Meadow (LDSPD-2018-3) 24 single-family homes ±9.77-acres	Southeast: RS Hunters Meadow (LDSPD-2018-3) 24 single-family homes ±9.77 acres

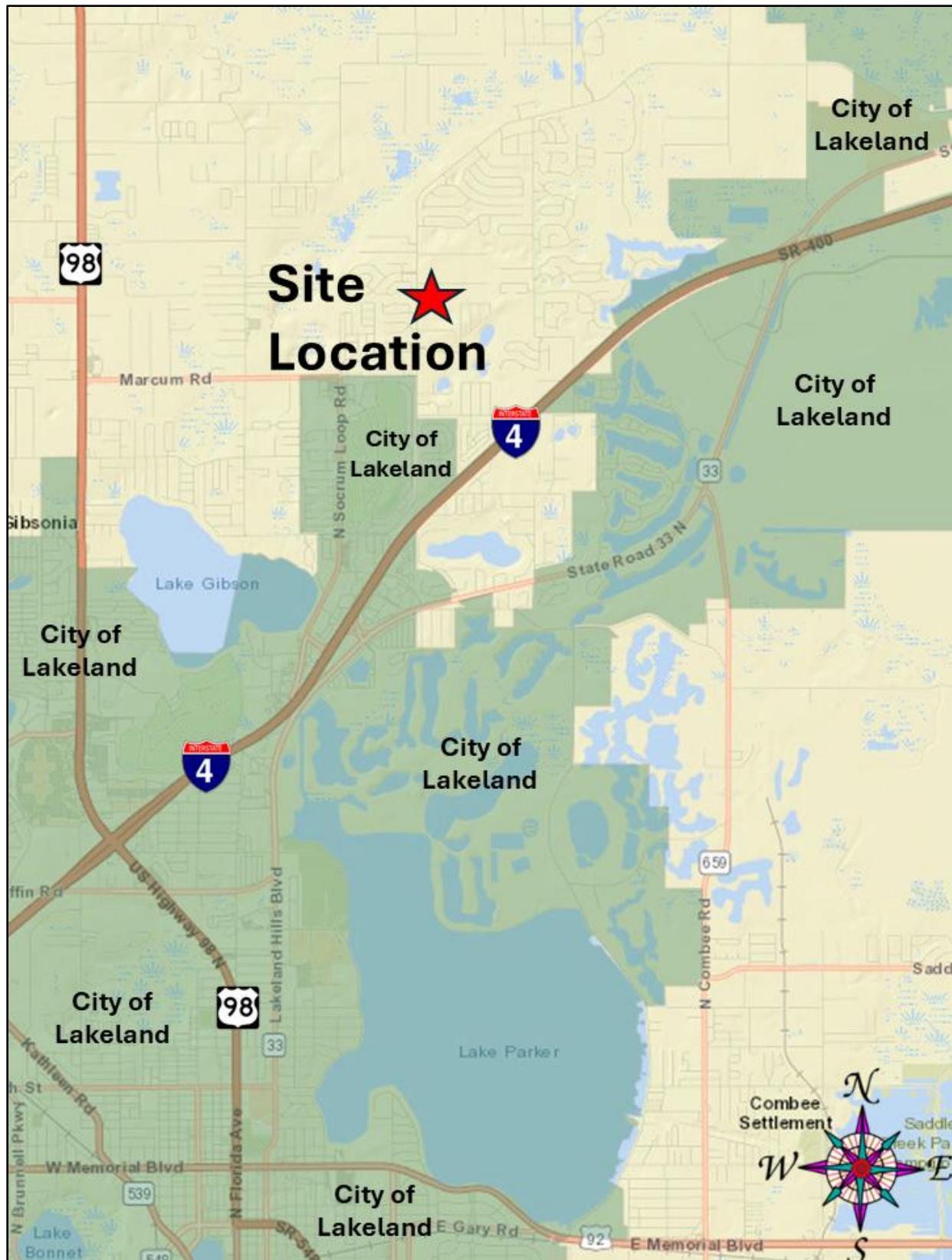
The subject property is unplatted and is surrounded by predominantly single-family residential subdivisions. This includes the Hunters Run subdivision to the west which consists of 206 homes and began phase one construction in 1989. Hunters Meadow abuts the subject site to the south and was approved for 24 single-family homes in 2018 (LDSPD-2018-3). The Rural Special Protection Area (SPA) of the GSACSC is directly across Old Polk City Road to the west of the site. The property is approximately 2.13 acres in the RS land use district. While the subject site does not meet the minimum 5-acre requirement today, it met the 40,000-acre minimum lot size in the Rural Conservation (RC) zoning district when the property was recorded. It is therefore considered a legal non-conforming lot of record.

A 2,838 square foot single-family residence was constructed on the property in 1977. According to the Property Appraiser, the applicant purchased the property through a warranty deed in July 2022 (O.R. BK 12352, PG 703). The applicant later constructed a detached garage in 2023. They are seeking to build a new 1,500 square foot ADU while retaining the old primary home on site. Approval from the Land Use Hearing Officer to exceed the 1,000 square foot threshold for ADUs is required.

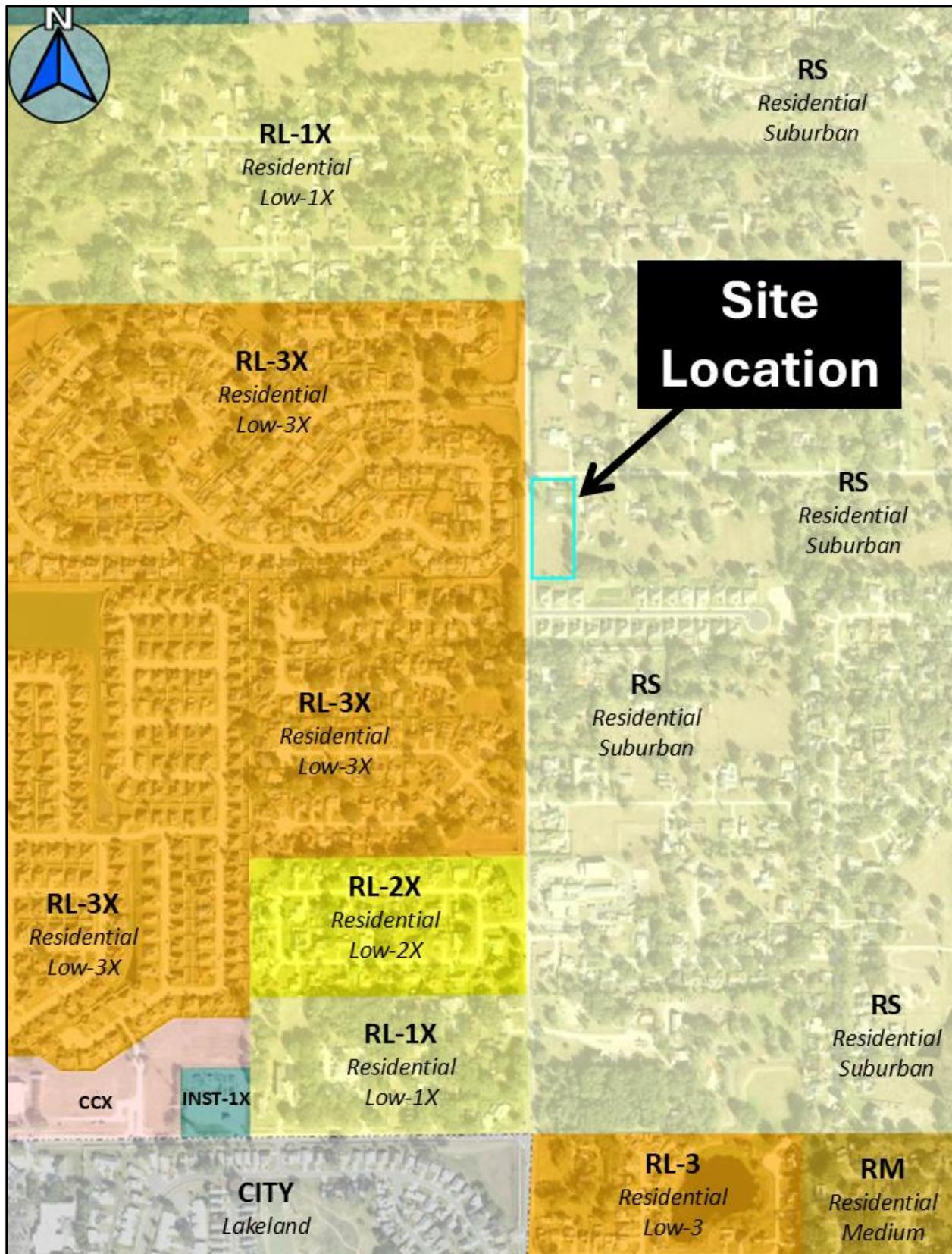
Comments from other Governmental Agencies: None.

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



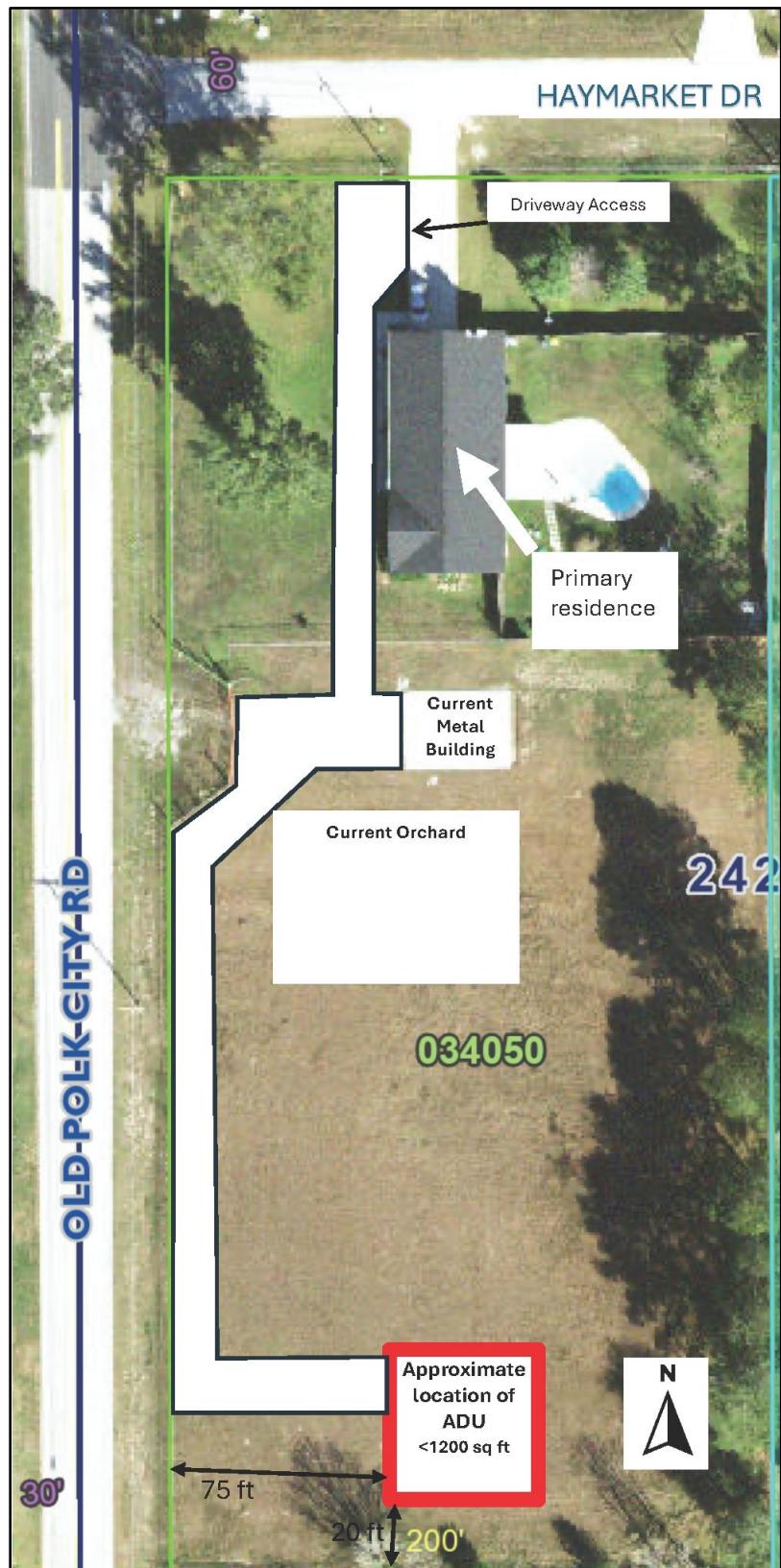
Future Land Use Map



2025 Satellite Image (Context)



2023 Aerial Photo (Close-up)



Site Plan

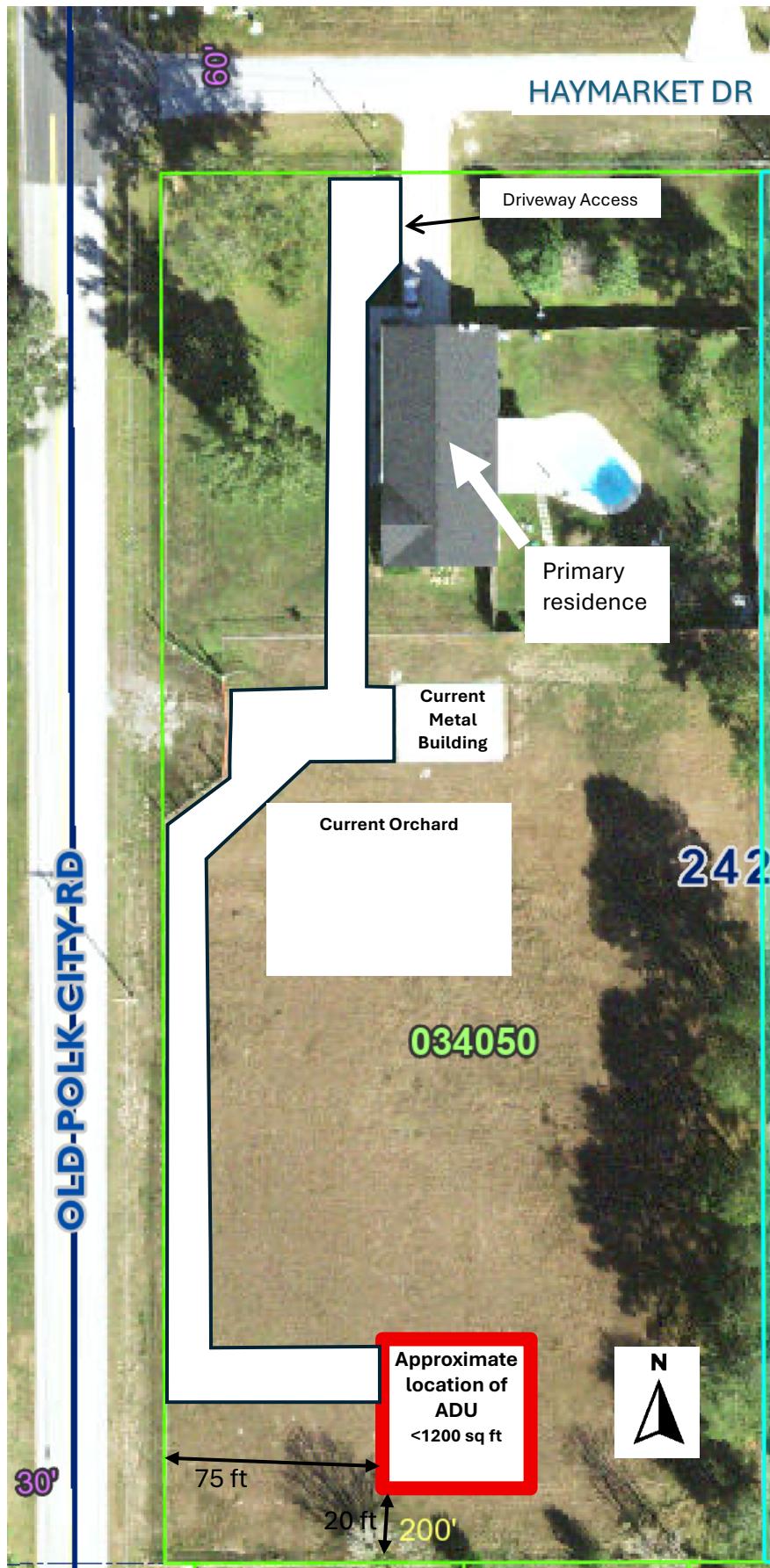
CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare? **No, the proposed variance will not be injurious to the area or detrimental to public welfare. The ADU will comply with all applicable codes, including building standards, setbacks, and impervious surface ratio requirements. It will be the only ADU on the lot and will be smaller than the existing primary residence. The 2.13-acre lot can easily accommodate the proposed structure without overcrowding or negatively impacting neighbors. In fact, the project supports public welfare by contributing to the supply of attainable housing and enabling multi-generational living within the existing footprint of the property—without increasing neighborhood density or requiring additional infrastructure.**
2. What special conditions exist that are peculiar to the land, structure, or building involved? **The property in question is a 2.13-acre lot that, despite its size, is classified as non-conforming and is not eligible for subdivision under current zoning regulations. This creates a unique limitation on how the property can be developed, unlike many nearby parcels that are significantly smaller yet able to support larger primary residences or multiple structures through legal lot splits. Additionally, the lot has ample space to accommodate an ADU that exceeds the standard size limit without exceeding setback requirements, impervious surface ratios, or impacting neighboring properties. These special conditions—size, configuration, and subdivision restrictions—make a larger ADU the most practical and contextually appropriate way to utilize the land for housing, while remaining fully compliant with other zoning and building standards.**
3. When did you buy the property and when was the structure built? Permit Number? **I bought this property in July 2022. The house was built in 1977.**
4. What is the hardship if the variance is not approved? **If the variance is not approved, we face a unique hardship due to the non-conforming nature of the lot, which cannot be subdivided despite its size. As a result, the only feasible way to accommodate family housing needs is through an ADU. The current 1,000 sq ft limit is insufficient for a functional multi-generational living space and restricts the reasonable and practical use of the property in a way that similar neighboring lots—many with smaller size and larger homes—are already able to achieve. Denying the variance limits the ability to support family needs and future housing flexibility, despite the lot having the space and infrastructure to support the proposed use.**

Applicant's Justification

5. Is this the minimum variance required for the reasonable use of the land? **Yes, this request represents the minimum variance needed to make reasonable and appropriate use of the property for its intended purpose—supporting extended family living while remaining compatible with the surrounding neighborhood. The requested 1,500 sq ft ADU remains secondary to the primary 2,100 sq ft residence, and the overall site plan respects all zoning and design standards aside from the size cap. This modest increase beyond the standard limit allows for a livable and functional space that supports long-term family stability without overdeveloping or changing the character of the area.**
6. Do you have Homeowners Association approval for this request? **Homeowners' Association is not applicable.**

Applicant's Justification



LDLVAR-2025-64 - Cordero Variance

Menu Reports Help

Application Name: [Cordero Variance](#)

File Date: [10/18/2025](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments: View ID Comment Date

Description of Work: [We are requesting a variance to allow the construction of a detached Accessory Dwelling Unit \(ADU\) of 1,500 sq ft—exceeding the current limit of 1,000 sq ft. Our lot, which is 2.13 acres, is non-conforming and cannot be subdivided despite its size. This limitation prevents us from developing the property in a manner that would otherwise be permissible. The proposed ADU would remain smaller than the existing 2,100 sq ft primary residence and comply with all other applicable regulations, including Florida Building Code, required setbacks, and maintaining an impervious surface ratio \(ISR\) well below 0.6. Only one ADU is proposed for the lot. This variance would help support a flexible living arrangement that accommodates multi-generational family while maintaining affordability. In the long term, the ADU could also offer an opportunity for supplemental income, contributing to the local housing stock without requiring additional lot splits or new infrastructure. The proposed unit remains in character with the surrounding neighborhood, where many nearby and adjacent lots are smaller in size and include primary residences exceeding 2,000 sq ft. We believe this variance aligns with the county's broader goals of increasing housing options while maintaining neighborhood character and responsible land use.](#)

Application Detail: [Detail](#)

Address: [905 HAYMARKET DR, LAKELAND, FL 33809](#)

Parcel No: [242717000000034050](#)

Owner Name: [CORDERO PATRICIA L](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	CORDERO PATRICIA L		Engineer	Mailing, 905 Haymarket...	Active
	Integrity Homes & Cons...	Integrity Homes...	Business Entity	Mailing, 207 Bridgers...	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

2.13

DRC Meeting Time

DRC Meeting

[12/11/2025](#)

—

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

Application Type

Development Type

[Variance](#)

[Land Use Hearing...](#)

Officer

Brownfields Request

Variance Type

—

[Accessory](#)

[Larger than...](#)

Principle

Affordable Housing

ADVERTISING

Legal Advertising Date

Advertising Board

—

[Land Use Hearing...](#)

Officer

MEETING DATES

LUHO Hearing Date

—

[01/22/2026](#)

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, the proposed variance will not be injurious to the area or detrimental to public welfare. The ADU will comply with all applicable codes, including building standards, setbacks, and impervious surface ratio requirements. It will be the only ADU on the lot and will be smaller than the existing primary residence. The 2.13-acre lot can easily accommodate the proposed structure without overcrowding or negatively impacting neighbors. In fact, the project supports public welfare by contributing to the supply of attainable housing and enabling multi-generational living within the existing footprint of the property—without increasing neighborhood density or requiring additional infrastructure.

What special conditions exist that are peculiar to the land, structure, or building involved?
The property in question is a 2.13-acre lot that, despite its size, is classified as non-conforming and is not eligible for subdivision under current zoning regulations. This creates a unique limitation on how the property can be developed, unlike many nearby parcels that are

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

I bought this property in July 2022. The house was built in 1977.

What is the hardship if the variance is not approved?

If the variance is not approved, we face a unique hardship due to the non-conforming nature of the lot, which cannot be subdivided despite its size. As a result, the only feasible way to accommodate family housing needs is through an ADU. The current 1,000 sq ft limit is insufficient for a functional multi-generational living space and restricts the reasonable and practical use of the property in a way that similar neighboring lots—many with smaller size and larger homes—are already able to achieve. Denying the variance limits the ability to support family needs and future housing flexibility, despite the lot having the space and infrastructure to support the proposed use.

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

Yes, this request represents the minimum variance needed to make reasonable and appropriate use of the property for its intended purpose—supporting extended family living while remaining compatible with the surrounding neighborhood. The requested 1,500 sq ft ADU remains secondary to the primary 2,100 sq ft residence, and the overall site plan respects all zoning and design standards aside from the size cap. This modest increase beyond the standard limit allows for a livable and functional space that supports long-term family stability without overdeveloping or changing the character of the area.

Do you have Homeowners Association approval for this request?

Homeowners' Association is not applicable.

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

PLAN REVIEW FIELDS

TMPPRecordID

POLKCO-25EST-00000-62851

RequiredDocumentTypesComplete

Yes

DocumentGroupforDPC

DIGITAL PROJECTS LD

RequiredDocumentTypes

Activate DPC

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

Activate FSA

Yes

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](#)

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Saralis Wons	Application ...	11/17/2025	Saralis Wons
	Roads and Drainage Review	Phil Irven	Approve	11/18/2025	Phil Irven
	Planning Review	Andrew Grohowski	Approve	12/08/2025	Andrew Grohowski
	Review Consolidation		Approved for...	12/09/2025	Saralis Wons
	Public Notice				
	Hearing Officer				
	Final Order				
	Archive				
Condition Status:	Name	Short Comments	Status	Apply Date	Severity
Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments
Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments

CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare? **No, the proposed variance will not be injurious to the area or detrimental to public welfare. The ADU will comply with all applicable codes, including building standards, setbacks, and impervious surface ratio requirements. It will be the only ADU on the lot and will be smaller than the existing primary residence. The 2.13-acre lot can easily accommodate the proposed structure without overcrowding or negatively impacting neighbors. In fact, the project supports public welfare by contributing to the supply of attainable housing and enabling multi-generational living within the existing footprint of the property—without increasing neighborhood density or requiring additional infrastructure.**
2. What special conditions exist that are peculiar to the land, structure, or building involved? **The property in question is a 2.13-acre lot that, despite its size, is classified as non-conforming and is not eligible for subdivision under current zoning regulations. This creates a unique limitation on how the property can be developed, unlike many nearby parcels that are significantly smaller yet able to support larger primary residences or multiple structures through legal lot splits. Additionally, the lot has ample space to accommodate an ADU that exceeds the standard size limit without exceeding setback requirements, impervious surface ratios, or impacting neighboring properties. These special conditions—size, configuration, and subdivision restrictions—make a larger ADU the most practical and contextually appropriate way to utilize the land for housing, while remaining fully compliant with other zoning and building standards.**
3. When did you buy the property and when was the structure built? Permit Number? **I bought this property in July 2022. The house was built in 1977.**
4. What is the hardship if the variance is not approved? **If the variance is not approved, we face a unique hardship due to the non-conforming nature of the lot, which cannot be subdivided despite its size. As a result, the only feasible way to accommodate family housing needs is through an ADU. The current 1,000 sq ft limit is insufficient for a functional multi-generational living space and restricts the reasonable and practical use of the property in a way that similar neighboring lots—many with smaller size and larger homes—are already able to achieve. Denying the variance limits the ability to support family needs and future housing flexibility, despite the lot having the space and infrastructure to support the proposed use.**

5. Is this the minimum variance required for the reasonable use of the land?
Yes, this request represents the minimum variance needed to make reasonable and appropriate use of the property for its intended purpose—supporting extended family living while remaining compatible with the surrounding neighborhood. The requested 1,500 sq ft ADU remains secondary to the primary 2,100 sq ft residence, and the overall site plan respects all zoning and design standards aside from the size cap. This modest increase beyond the standard limit allows for a livable and functional space that supports long-term family stability without overdeveloping or changing the character of the area.
6. Do you have Homeowners Association approval for this request? **Homeowners' Association is not applicable.**



Polk County

Polk County Land Use Hearing Officer

Agenda Item 3.

1/22/2026

SUBJECT

LDLVAR-2025-66 (Neal Solivita Phase 5H)

DESCRIPTION

Marcos Davila requests a primary structure rear setback reduction from ten (10) feet to seven (7) feet for the installation of a new 22' by 20' solid aluminum roof. The subject property is located at 3799 Via Mazzini Court, north of Solivita Boulevard, south of Village Center Road, east of San Clemente Avenue, west of Marigold Avenue, east of Haines City in Section 15, Township 27, Range 28.

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:	December 11, 2025	CASE #:	LDLVAR-2025-66 (Neal Solivita Phase 5H Variance)
LUHO Date:	January 22, 2026	LDC Section:	209.F & PUD 98-12

Request: The applicant is requesting a primary structure rear setback reduction from ten (10) feet to seven (7) feet for the installation of a new 22' by 20' solid aluminum roof.

Applicant: Marcos Davila

Property Owner: Robert Neal, Christine Neal, and Tracy Evans

Location: The subject property is located at 3799 Via Mazzini Court, north of Solivita Boulevard, south of Village Center Road, east of San Clemente Avenue, west of Marigold Avenue, east of Haines City in Section 15, Township 27, Range 28.

Parcel ID#: 282715-933580-006870

Size: ±0.20 acres

Land Use Designation: Poinciana Pre-Development of Regional Impact (DRI) #1
Planned Unit Development (PUD 98-12), Solivita Phase 5H Unit-1

Development Area: Utility Enclave Area (UEA)

Case Planner: Kyle Rogus, Planner II

Summary:

The applicant is seeking a variance to reduce the primary structure rear setback from ten (10) feet to seven (7) feet for the installation of a 22' by 20' solid aluminum roof to extend over the existing screened enclosure. The subject site is designated as Lot 687 of the Solivita Phase 5H – Unit 1 Subdivision, part of PUD 98-12 which was approved for primary structure rear setbacks of 10 feet and accessory structure rear setback of 5 feet. Because the solid aluminum roof addition will be attached or connected to the principal structure, the newly proposed 22' by 20' solid aluminum roof under BR-2025-6929 requires a variance to reduce the primary structure rear setback from ten (10) feet to seven (7) feet.

Staff finds this request will cause no direct or indirect harm to the community and recommends approval. Staff recommends approval of LDLVAR-2025-66 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;*

This is not the only property within the immediate surrounding with a solid aluminum roof to extend full coverage over an existing screened enclosure. 17 single-family homes have solid roof coverage over their respective screen enclosures either portions of or in its entirety. This expansion is minimal relative to the structure. It will not limit the neighbor's peripheral view of the open space. The request to provide full roof coverage of the existing screened area will have little to no effect on the two immediate neighbors to the north and south.

- 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 existing home on the subject site was constructed in 2021 and met the primary structure setbacks of 10 feet front, 5 feet side, and 10 feet rear under building permit BR-2021-5553. In December 2021, the owner purchased the subject site. Now, under building permit BR-2025-6929, the applicant is looking to add a new solid roof to extend off the existing screen enclosure.

Development Review Committee

The Development Review Committee, based on the criteria for granting variances, the submitted application, and a recent site visit, finds that the applicant's request as written **IS CONSISTENT** with Section 931 of the Polk County Land Development Code (LDC) and recommends **APPROVAL of LDLVAR-2025-66**

CONDITIONS OF APPROVAL:

1. The property is granted a reduction in the primary rear structure setback from ten (10) feet to seven (7) feet for the installation of a new 22' by 20' solid aluminum roof.
2. The applicant shall secure permission from the Solivita Community Association prior to seeking building permits for the proposed extension.
3. All necessary permits must be applied for within one (1) year of the date for which the Land Use Hearing Officer's Final Order is rendered.
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 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;*

In December 2021, the owner purchased the subject site through a special warranty deed, according to the Property Appraiser (O.R. BK 12062 PGs 2057 - 2058). The subject site is designated as Lot 687 in the Solivita Phase 5H – Unit 1 Subdivision recorded under Plat Book 171, Page 42 in 2019. It is located in the interior of the development with road frontage off Via Mazzini Court, a private roadway. The rear of the property abuts Tract P-3 designated as a stormwater retention pond. Seeking rear yard setback relief when abutting common areas has become commonplace throughout this development. This aluminum roof expansion will not and is not permitted to extend into any drainage easements.

To the north and south of the subject site are similar sized lots and single-family housing. Lot 686, abutting the subject site to the north, has an extended lanai to the rear. Under Building Permit BR-2021-3658, Lot 686 was approved for an 8'-0" by 18'-4" lanai with an extended patio. The patio was later screened under BR-2021-13990 (see Exhibit 10). Lot 688, abutting the subject site to the south, is one of few single-family homes where the rear yard abuts Tract P-3 without an extended screen enclosure (see Exhibit 4 and 9).

This will not be the first covered screened enclosure within this development (see Exhibit 3 and 11). On a micro-level in close proximity to the subject site, across Tract P-3, Lots 662, 664, and 666 have solid roof coverage over portions of their respective screen enclosures. Lot 662 received approval for a solid roof under BR-2022-12644 and Lot 666 received approval for a solid roof under BR-2023-172. Lot 664 did file for a Building Permit (BR-2023-661) for a 10'-0" by 14'-0" screen roof with insulated roof, however the status is listed as expired on the Accela Portal. On a Macro-level approximately 17 single-family homes have solid roof coverage over their respective screen enclosures either portions of or in its entirety.

This expansion is minimal relative to the structure. It will not limit the neighbor's peripheral view of the open space. The screen enclosure is already existing under BR-2022-

7041, therefore the request to provide full roof coverage of the screen enclosure will have little to no effect on the two immediate neighbors to the north and south.

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 site was once part of the larger Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10. A PUD Modification (98-12) altered the approval leading to the plat for Solivita Phase 5H Unit – 1 recorded under Plat Book 171, Page 37 in 2019. The subject site is designated as Lot 687. PUD 98-12 was approved for primary structure rear setbacks of 10 feet and accessory structure rear setback of 5 feet. There is no relief for additions to the primary structure with a solid roof without requiring a variance for setback reductions.

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

The existing home on the subject site was constructed in 2021 and met the primary structure setbacks of 10 feet front, 5 feet side, and 10 feet rear under building permit BR-2021-5553. BR-2021-5553 was approved with a 20'-8" by 10'-0" covered lanai encompassing the rear portion of the house (see Exhibit #7). In December 2021, the owner purchased the subject site through a special warranty deed according to the Property Appraiser (O.R. BK 12062 PGs 2057 - 2058). The applicant later filed for a building permit BR-2022-7041, for the construction of a new 22' by 20' screened enclosure with concrete slab (see Exhibit #8) to expand off the lanai. Because the screen enclosure did not have a solid roof at the time of construction, no variance was needed for the extension. Now, under building permit BR-2025-6929, the applicant is looking to add a new solid roof to extend of the existing screen enclosure. Persuant to Section 209.F of the Land Development Code (LDC) "roofed accessory structures physically attached or connected to the principal structure shall be considered a part of the principal structure and shall be subject to the same standards as the principal structure." Because the solid aluminum roof will be attached or connected to the principal structure, the newly proposed 22' by 20' solid roof under BR-2025-6929 will require a variance to reduce the primary structure rear setback from ten (10) feet to seven (7) feet.

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 homes in this phase of the development are situated on lots slightly larger then the typical 65' by 115' square feet (0.17-acre) lot size of Solivita Phase 5H. Lots within Solivita Phase 5H – Unit 1 are typically 0.19 acres. Although the lots are slightly larger, offering more relief from setback requirements, the individual floor plans dictate how much developable area is left available by the structure. Many buyers within the development see little value in the private open space that remains. Within the Solivita Phase 5H Subdivision, there have been numerous building permits for extended screened enclosures to the rear of the property. Of the development that abuts Tract P-3 to the rear, 24 homes including the subject site, have extended screen enclosures. This equates to approximately 71 percent of the 34 total single-

family homes where the rear yard abuts Tract P-3. Table 1 lists the variances processed and approved within the Poinciana and Solivita developments since 2020.

Table 1

Case	BOA/ LUHO Date	Variance	Case	BOA/ LUHO Date	Variance
LDLVAR-2025-60	11/20/2025	Solid Roof Patio	LDLVAR-2021-130	1/27/2022	Solid Roof Patio
LDLVAR-2025-56	11/20/2025	Solid Roof Patio	LDLVAR-2021-112	12/14/2021	Solid Roof Patio
LDLVAR-2025-19	5/19/2025	SF Home	LDLVAR-2021-87	10/28/2021	Solid Roof Patio
LDLVAR-2025-9	4/24/2025	Solid Roof Patio	LDLVAR-2021-68	9/16/2021	Solid Roof Patio
LDLVAR-2025-2	3/27/2025	Solid Roof Patio	LDLVAR-2021-58	7/22/2021	Solid Roof Patio
LDLVAR-2024-62	12/10/2024	Solid Roof Patio	LDLVAR-2021-50	7/22/2021	Solid Roof Patio
LDLVAR-2024-53	11/12/2024	Solid Roof Patio	LDLVAR-2021-32	7/21/2021	Solid Roof Patio
LDLVAR-2024-34	8/29/2024	Solid Roof Patio	LDLVAR-2021-31	7/21/2021	Solid Roof Patio
LDLVAR-2024-33	8/29/2024	Solid Roof Patio	LDLVAR-2021-30	7/21/2021	Solid Roof Patio
LDLVAR-2024-22	6/27/2024	Solid Roof Patio	LDLVAR-2021-14	4/22/2021	Solid Roof Patio
LDLVAR-2024-4	4/25/2024	Solid Roof Patio	LDLVAR-2021-3	3/25/2021	Solid Roof Patio
LDLVAR-2024-2	3/28/2024	Solid Roof Patio	LDLVAR-2021-1	3/25/2021	Solid Roof Patio
LDLVAR-2023-55	11/14/2023	Solid Roof Patio	LDLVAR-2020-86	1/28/2021	Solid Roof Patio
LDLVAR-2023-36	9/28/2023	Solid Roof Patio	LDLVAR-2020-80	2/25/2021	Solid Roof Patio
LDLVAR-2023-31	8/24/2023	Solid Roof Patio	LDLVAR-2020-68	12/17/2020	Solid Roof Patio
LDLVAR-2023-28	7/27/2023	Solid Roof Patio	LDLVAR-2020-66	12/17/2020	Solid Roof Patio
LDLVAR-2022-113	2/23/2023	Solid Roof Patio	LDLVAR-2020-65	12/17/2020	Solid Roof Patio
LDLVAR-2022-106	2/23/2023	Solid Roof Patio	LDLVAR-2020-64	12/17/2020	Solid Roof Patio
LDLVAR-2022-102	2/23/2023	Solid Roof Patio	LDLVAR-2020-63	12/17/2020	Solid Roof Patio
LDLVAR-2022-44	7/28/2022	Solid Roof Patio	LDLVAR-2020-56	11/19/2020	SF Home
LDLVAR-2022-28	6/23/2022	Solid Roof Patio	LDLVAR-2020-55	11/19/2020	SF Home
LDLVAR-2022-13	5/26/2022	Solid Roof Patio	LDLVAR-2020-54	11/19/2020	SF Home
LDLVAR-2022-12	4/26/2022	Solid Roof Patio	LDLVAR-2020-52	11/19/2020	Solid Roof Patio
LDLVAR-2022-10	3/28/2022	Solid Roof Patio	LDLVAR-2020-45	11/19/2020	Solid Roof Patio
LDLVAR-2021-139	2/24/2022	Solid Roof Patio	LDLVAR-2020-33	10/22/2020	Solid Roof Patio
LDLVAR-2021-136	2/24/2022	Solid Roof Patio	LDLVAR-2020-12	9/24/2020	Solid Roof Patio
LDLVAR-2021-135	2/24/2022	Solid Roof Patio			

Since 2020 the County has processed and approved roughly 53 variances cases within the Poinciana and Solivita developments, equivalent to 10 cases per year in these developments alone. Of those 53 cases, 49 have been for primary structure setback reductions for the installation of a solid roof to extend over an existing screened enclosure extension. In numerical value, 93 percent of variances within these developments come in for one universal request. Only four (4) variances within these developments in the last five (5) years have been for a separate request. However, Table 1 does not equate for the numerous cases that have been processed through the Building Department without the need for a variance request.

The owner will derive more utility from that space if it is enclosed with screens and covered by a solid roof. While it does confer a special privilege on the applicant, seeking rear yard setback relief when abutting common areas has become commonplace throughout this development as seen through Table 1. Since this property backs up to open space Tract P-3 (Stormwater) and Lots 662, 664, and 666 of Solivita Phase 5H – Unit 1 have solid roof coverage over portions of their respective screen enclosures, there is no significant harm that it may cause another property owner.

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

The requested variance is believed to be the minimal variance necessary to optimize the use of the owner's land. The applicant intends to extend roof coverage from the existing screen enclosure (BR-2022-7041) to reduce the risk of injuries as stated in their justification. The subject site is located within a 55+ community where the fully covered screened enclosure will significantly reduce the risk of slipping as the current screen roof allows for heavy rainfall.

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 home will remain a residential use in a residential district of the Planned Development.

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. This variance 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.*

Granting this request will not circumvent any conditions of approval. It was anticipated that some lots may not be able to comply with all the standards set forth in the Planned Unit Development (PUD) approval. As long as the drainage easements are not encroached upon, this request will not circumvent the Board approvals.

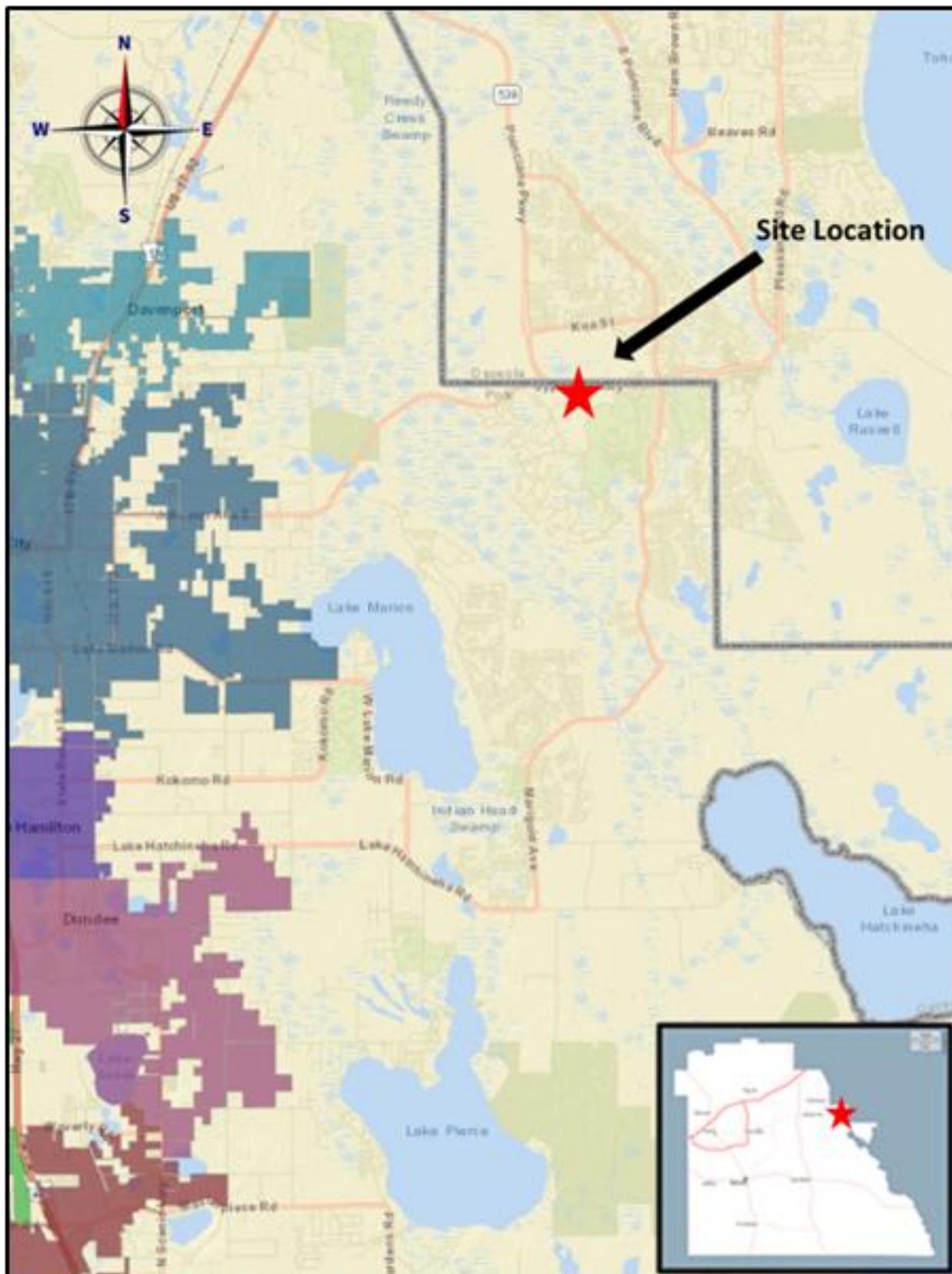
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5H Lot 33 4,288 sq. ft. single-family home Built 2023 0.20 acres Solid Roof Extension	North: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5H Lot 686 3,174 sq. ft. single-family home Built 2021 0.17 acres Screened Extension	Northeast: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5H Tract P-3 Stormwater 5.05 acres
West: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5H Lot 32 4,188 sq. ft. single-family home Built 2023 0.20 acres	Subject Property: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5H Lot 687 3,166 sq. ft. single-family home Built 2021 0.20 acres Screened Extension	East: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5H Tract P-3 Stormwater 5.05 acres
Southwest: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5H Lot 31 3,050 sq. ft. single-family home Built 2023 0.17 acres	South: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5H Lot 688 3,107 sq. ft. single-family home Built 2021 0.20 acres	Southeast: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5H Tract P-3 Stormwater 5.05 acres

The property is part of the Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5H – Unit 1. Phase 5H – Unit 1 of the Solivita development is single-family detached units. This proposed solid aluminum roof coverage will extend 20 feet off the primary structure providing full coverage over the existing screened patio. This would not be the only property within the immediate surrounding area that would have a solid aluminum roof providing full coverage over an existing screened patio. To the northwest, Lot 33 of Solivita Phase 5H – Unit 3 has an existing covered screen patio room (BR-2023-6724). To the east of the subject site is Tract P-3 within Solivita Phase 5H – Unit 1 and further east are Lots 662, 664, and 666 that have existing covered screen patio rooms. Lot 662 received approval for a solid roof under BR-2022-12644 and Lot 666 received approval for a solid roof under BR-2023-172. Lot 664 did file for a Building Permit (BR-2023-661) for a 10'-0" by 14'-0" screen roof with insulated roof, however the status is listed as expired on the Accela Portal. Tract P-3 is identified on the plats as Stormwater, having no negative impact from the variance request.

Exhibits:

Exhibit 1	Location Map	Exhibit 7	BR-2021-5553
Exhibit 2	Future Land Use Map	Exhibit 8	BR-2022-7041
Exhibit 3	Aerial Imagery (Context)	Exhibit 9	Southwest View
Exhibit 4	Aerial Imagery (Close)	Exhibit 10	Northwest View
Exhibit 5	Site Plan	Exhibit 11	Google Earth Aerial Context
Exhibit 6	Justification		



Location Map



Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)

PLAT OF SURVEY

LEGAL DESCRIPTION:

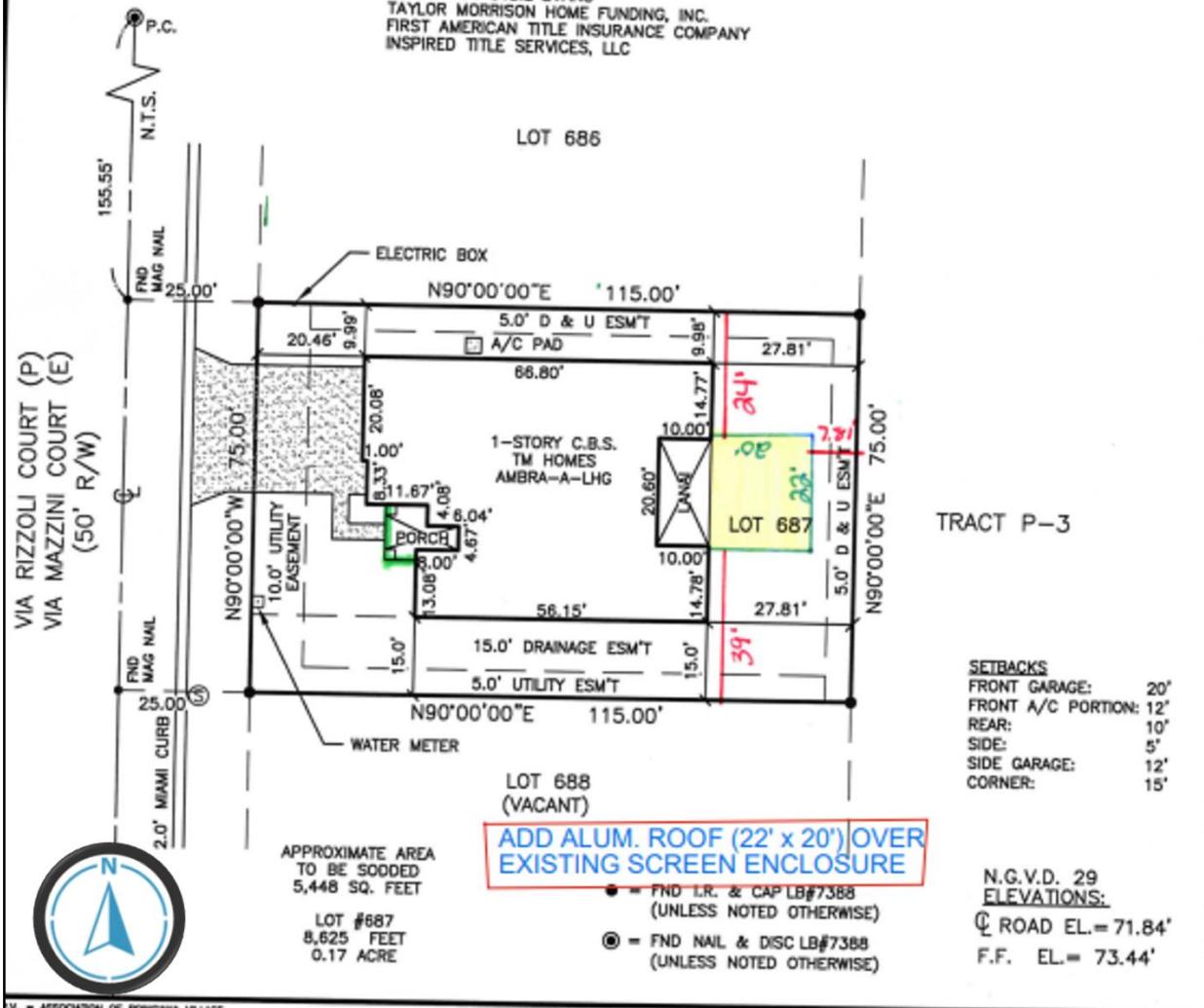
LOT 687, SOLVITA - PHASE 5H - UNIT 1 AS RECORDED IN PLAT BOOK 171, PAGES 37-43, OF THE OFFICIAL RECORDS OF POLK COUNTY, FLORIDA.

NOTE: According to the Federal Emergency Management Agency Firm Map No.12105C0265 G Community No. 120261, effective SEPTEMBER 28, 2012, this property appears to be located in Zone "X" (unshaded), an area determined to be outside the 0.2% annual chance floodplain.

PROPOSED FINISH FLOOR ELEVATION = 73.17' N.G.V.D. 29
LOT GRADING PLAN = B

CERTIFY TO:

ROBERT K. NEAL, CHRISTINE G. NEAL
AND TRACY SYBIL EVANS
TAYLOR MORRISON HOME FUNDING, INC.
FIRST AMERICAN TITLE INSURANCE COMPANY
INSPIRED TITLE SERVICES, LLC



Site Plan

CRITERIA FOR GRANTING VARIANCE

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

This variance will not be injurious to the area involved or detrimental to the public welfare.

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

There is an existing screen enclosure on an existing concrete slab. We are converting the screen roof to a solid roof. No other special conditions exist that are peculiar to the land, structure, or building involved.

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

Permit Number?

Property Bought 12/2021.

BR-2021-5553

What is the hardship if the variance is not approved?

The hardship will be a risk to slip and fall due to the current screen roof and the ability to allow rain. This home is located in the 55+ community and is home to the elderly.

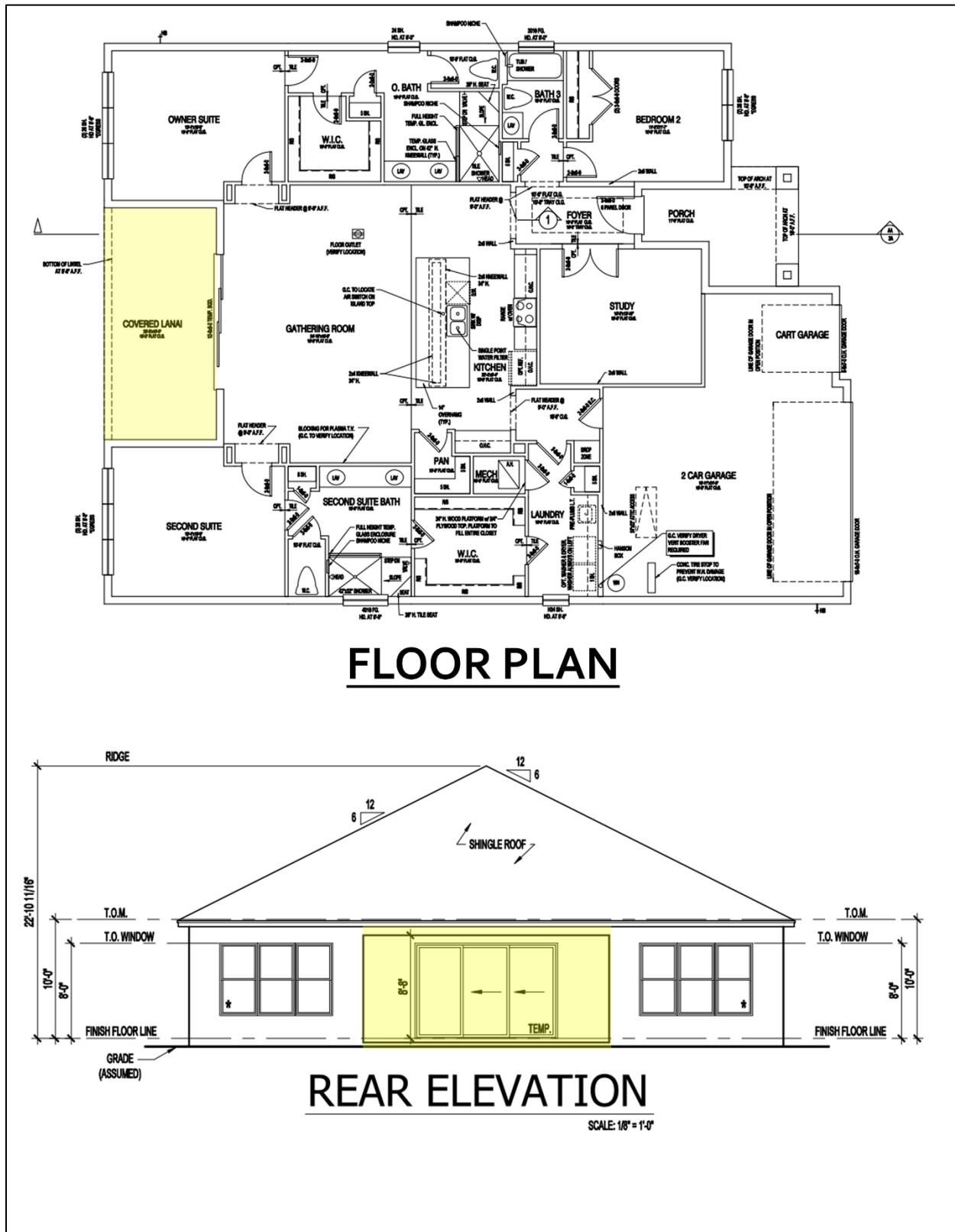
Is this the minimum variance required for the reasonable use of the land?

Yes, this is the minimum variance required for the reasonable use of the land as the screen enclosure is existing. We are keeping the size in the existing scope of the current screen enclosure and replacing the screen roof with a solid roof only.

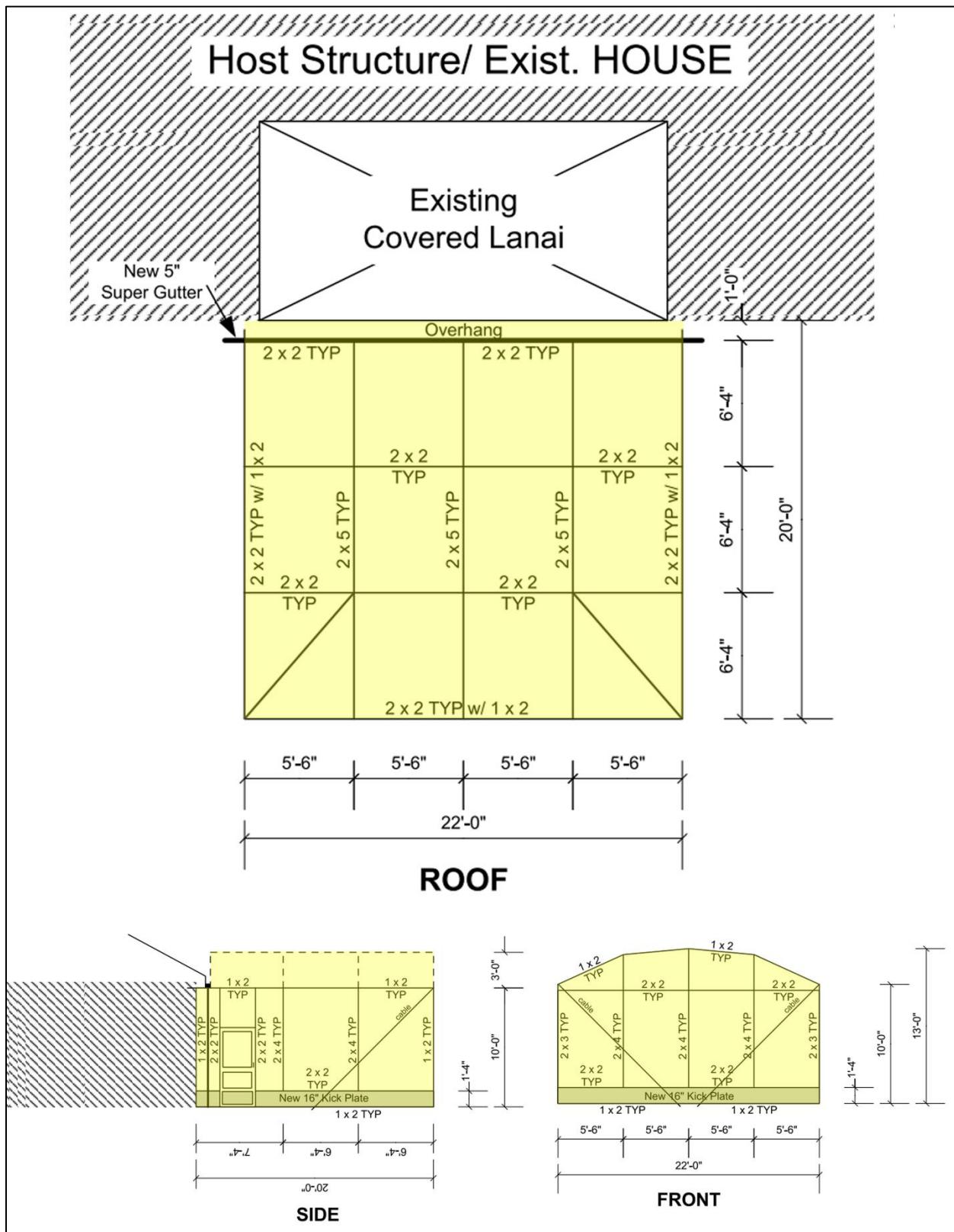
Do you have Homeowners Association approval for this request?

Yes, we have HOA approval.

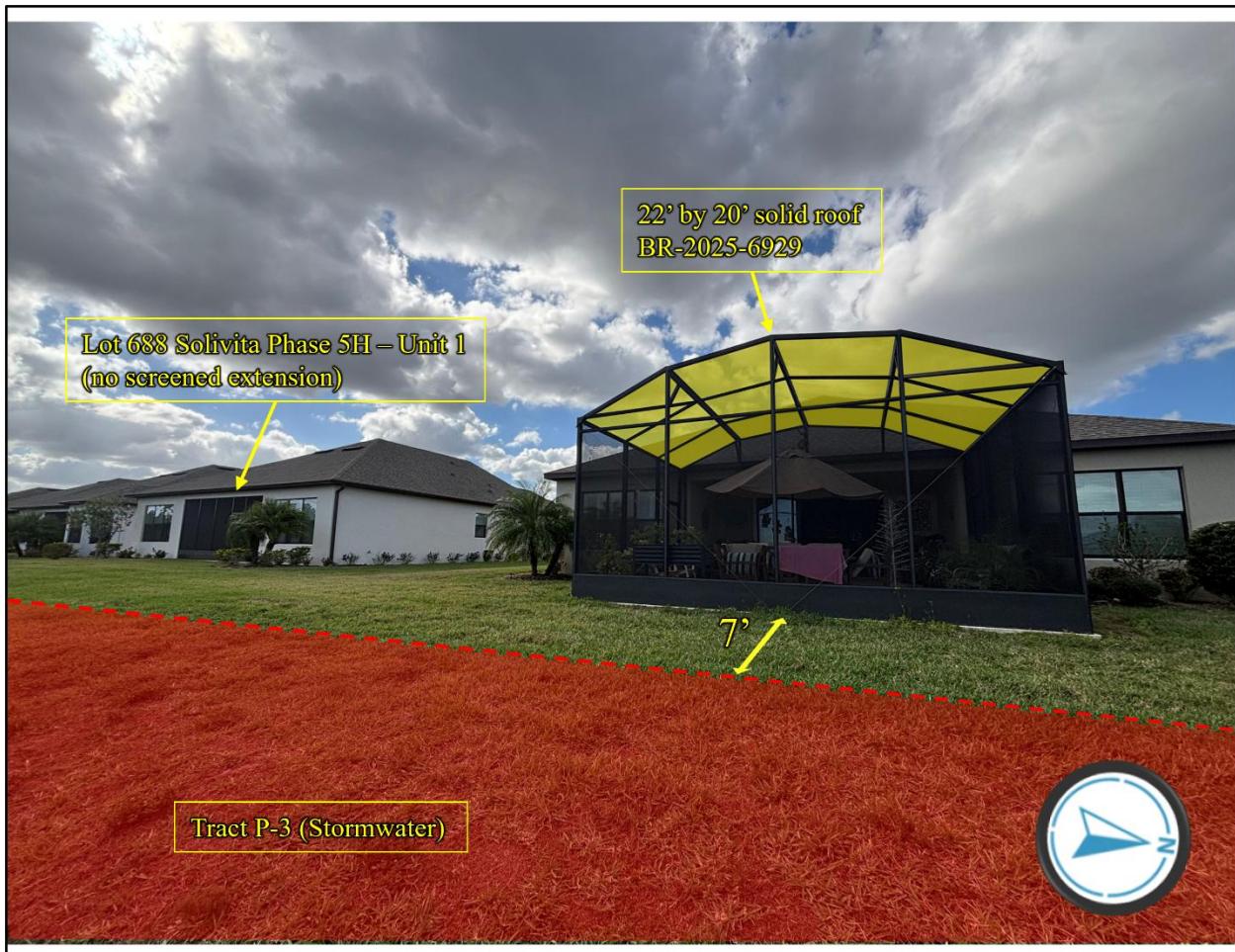
Justification



BR-2021-5553



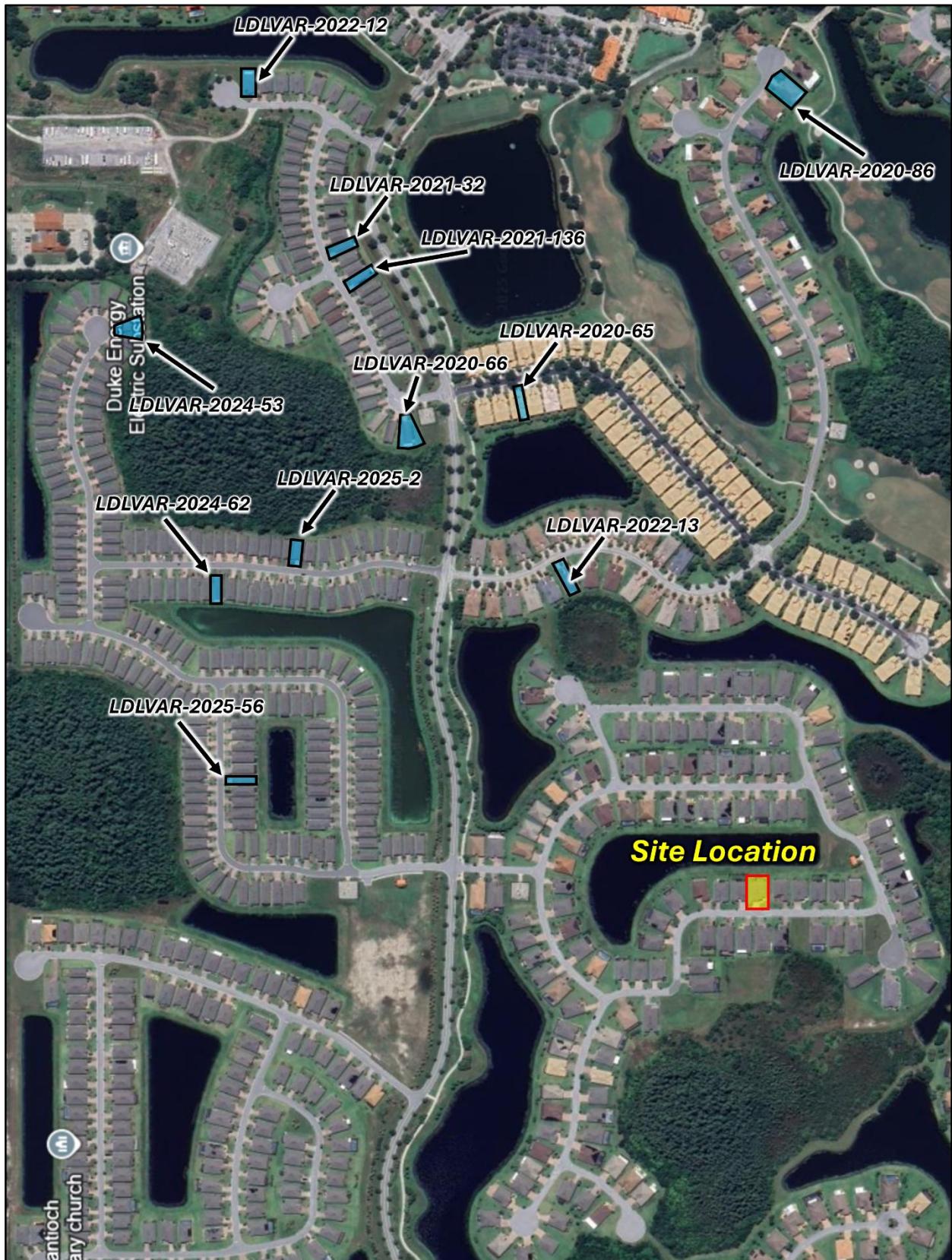
BR-2022-7041



Southwest View



Northwest View



Google Earth Aerial Context

INSTR # 2022005609
BK 12062 Pgs 2057-2058 PG(s)2
01/07/2022 11:40:25 AM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES 18.50
DEED DOC 2,851.80

PREPARED BY AND RETURN TO:

Incident to the issuance of a title insurance commitment
Johanna Serna on behalf of
Inspired Title Services, LLC
395 Village Drive
Poinciana, FL 34759

Order No.: AVO-FL-21816625FS

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this December 27, 2021 by Avatar Properties Inc., a Florida Corporation dba AV Homes existing under the laws of Florida, and having its principal place of business at 2600 Lake Lucien Drive, Suite 350, Maitland, FL 32751 (the "Grantor"), and Robert K. Neal and Christine G. Neal, husband and wife and Tracy Sybil Evans, a married woman whose post office address is 3799 Via Mazzini Court, Poinciana, FL 34759, (the "Grantee"):

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representative and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situated in County of POLK, State of Florida, viz:

Lot 687 of SOLIVITA - PHASE 5H - UNIT 1, according to the Plat thereof as recorded in Plat Book 171, Page 37, of the Public Records of Polk County, Florida.

Subject to encumbrances, easements and restrictions of record and taxes for 2021.

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

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

For Informational Purposes Only:
Property Appraiser's Parcel I.D. (folio) Number:
282715-933580-006870

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers duly authorized.

Signed, sealed and delivered in presence of:

Avatar Properties Inc., a Florida corporation d/b/a
AV Homes

BY: Tracy Briones
Tracy Briones, Vice President

Grantor Address:
4900 North Scottsdale Road, Suite 2000
Scottsdale, AZ 85251

R. S. J.
Witness Signature

Juleannia Alejandro
Printed Name of First Witness

Gloria Reynolds
Witness Signature

Gloria Reynolds
Printed Name of Second Witness

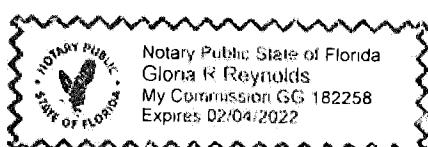
STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 1 day of December 2021, by Tracy Briones as Vice President on behalf of Avatar Properties, Inc. existing under the laws of the State of Florida. She is personally known to me.

Gloria Reynolds
Notary Public
Gloria Reynolds

Printed Name of Notary
My Commission Expires: _____

(Notarial Seal)



PLAT OF SURVEY

LEGAL DESCRIPTION:

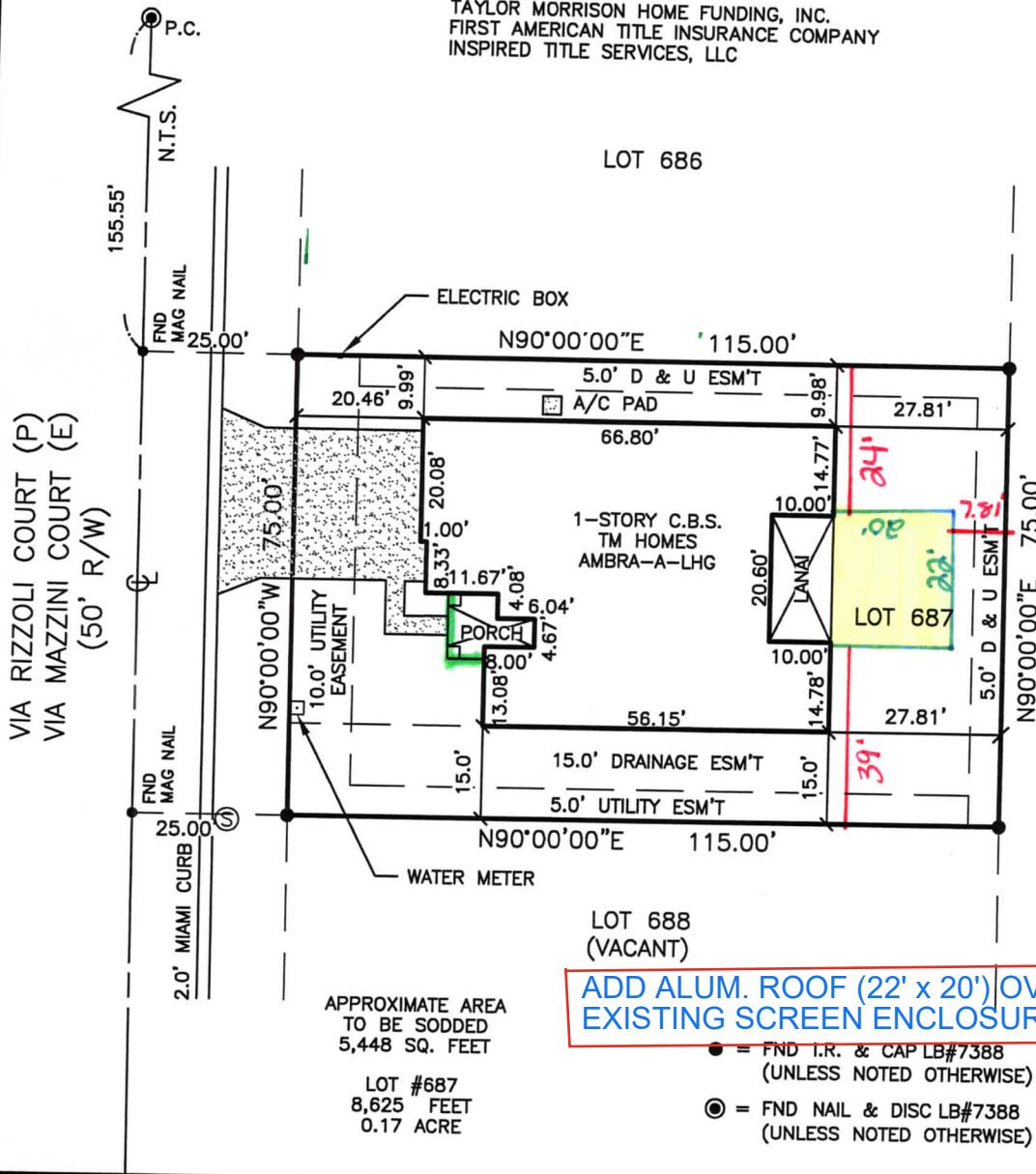
LOT 687, SOLIVITA - PHASE 5H - UNIT 1 AS RECORDED IN PLAT BOOK 171, PAGES 37-43, OF THE OFFICIAL RECORDS OF POLK COUNTY, FLORIDA.

NOTE: According to the Federal Emergency Management Agency Firm Map No.12105C0265 G Community No. 120261, effective SEPTEMBER 28, 2012, this property appears to be located in Zone "X" (unshaded), an area determined to be outside the 0.2% annual chance floodplain.

PROPOSED FINISH FLOOR ELEVATION = 73.17' N.G.V.D. 29
LOT GRADING PLAN = B

CERTIFY TO:

ROBERT K. NEAL, CHRISTINE G. NEAL
AND TRACY SYBIL EVANS
TAYLOR MORRISON HOME FUNDING, INC.
FIRST AMERICAN TITLE INSURANCE COMPANY
INSPIRED TITLE SERVICES, LLC



A.P.V.	ASSOCIATION OF POINCIANA VILLAGE	F.E.	FINISH ELEVATION	P.C.C.	POINT OF COMPOUND CURVE	SW	SIDEWALK	ARV	AIR RELEASE VALVE
BACK OF CURB		F.F.	FINISH FLOOR	P.C.P.	PERMANENT CONTROL POINT	SEC	SECTION	MB	MAIL BOX
CATV	CABLE TELEVISION BOX	F.N.	FOUND	P.I.	POINT OF INTERSECTION	SQ.FT.	SQUARE FEET	BOV	BLOW OFF VALVE
C.B.S.	CONC BLOCK STRUCTURE	F.W.	HANSON, WALTER & ASSOCIATES	P.I.S.	PROFESSIONAL INDEPENDENT SURVEYOR	T	TANGENT LENGTH OF CURVE	●	BOLLARD
C.B.	CHORD BEARING	I.D.	IDENTIFICATION	P.O.B.	POINT OF BEGINNING	T.B.	TOP OF BANK	□	PHONE BOX
C.C.	CREW CHIEF	I.P.	IRON PIPE	P.O.C.	POINT OF COMMENCEMENT	TWP.	TOWNSHIP	RWY	UTILITY/POWER POLE
C.L.F.	CHAINLINK FENCE	I.R.	5/8" IRON ROD	P.R.C.	POINT OF REVERSE CURVE	U	UNDERGROUND	●	RECLAIMED WATER VALVE
C.M.	CONCRETE MONUMENT	I.S.	IRON SIGHTING CURVE	PP	POWER POLE	○	CENTERLINE	CATV	CLEANOUT
C.P.	CONCRETE PIPE	LL	LOOSE LEAF	P.R.M.	PERMANENT REFERENCE MONUMENT	△	DELTA (CENTRAL ANGLE)	■	SANITARY MANHOLE
COR.	CORNER	N&D	NAIL AND DISC	P.T.	POINT OF TANGENCY	(C)	CALCULATED DATA	SV	SANITARY VALVE
CONC.	CONCRETE	N.R.	NON-RADIAL	P.G.	POINT OF GROWTH	(D)	DEED DATA	○	SIGN POST
D.	DRAINAGE	N.T.S.	NOT TO SCALE	R.P.	RADIUS POINT	(L)	LEGAL DESCRIPTION DATA	●	TRANSFORMER PAD
E.P.	EDGE OF PAVEMENT	O/S	OFFSET	R.	RADIUS	(M)	MEASURED DATA	□	UTILITY BOX
E.S.	EASEMENT	O.R.	OFFICIAL RECORD	R.P.	RADIUS POINT	(P)	PLAT DATA	—	WATER METER
F.B.	FIELD BOOK	P.B.	PLAT BOOK	R.S.	REGISTERED LAND SURVEYOR	(E)	EXISTING	ICV	IRRIGATION VALVE
FBS.	FORM BOARDS	P.C.	POINT OF CURVATURE	R/W	RIGHT OF WAY			○	LIGHT POLE

No Underground Installations or Improvements Have Been Located Except as Noted.
The Surveyor Has Not Abstracted The Lands Shown Hereon For Easements, Rights Of Way And Restrictions, If Any.
Elevations Refer To National Geodetic Vertical Datum Of 1929, unless otherwise noted. Do Not Use Building Ties To Construct
Deed or Platted Lines. There may be additional restrictions and/or easements that are not recorded on this plat of survey
that may be found in the Public Records of this county.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

House Model	AMBRA-A-LHG	BLDG. Permit No.	Address	3799 VIA MAZZINI COURT	Project #
Scale	1" = 30'	Sec.	Twp.	Rng.	
Survey Type	Survey Date	CC	Field Book	Page	Revisions
Boundary	06-17-21	RC	21-4	53	F.B./PG. C.C. Date By
Site Plan	04-21-21				REVISED STREET ADDRESS
Form Boards	07-02-21	JS	LL	LL	12-13-21 DT
Foundation	11-22-21	RC	LL	LL	
Boundary/Final	11-22-21	RC	LL	LL	



Hanson, Walter & Associates, Inc.
Engineering, Surveying and Planning

8 BROADWAY, SUITE 104, KISSIMMEE, FL 34741-5708 (407)847-9433
SURVEYING CERTIFICATE OF AUTHORIZATION #3270
ENGINEERING CERTIFICATE OF AUTHORIZATION #3265

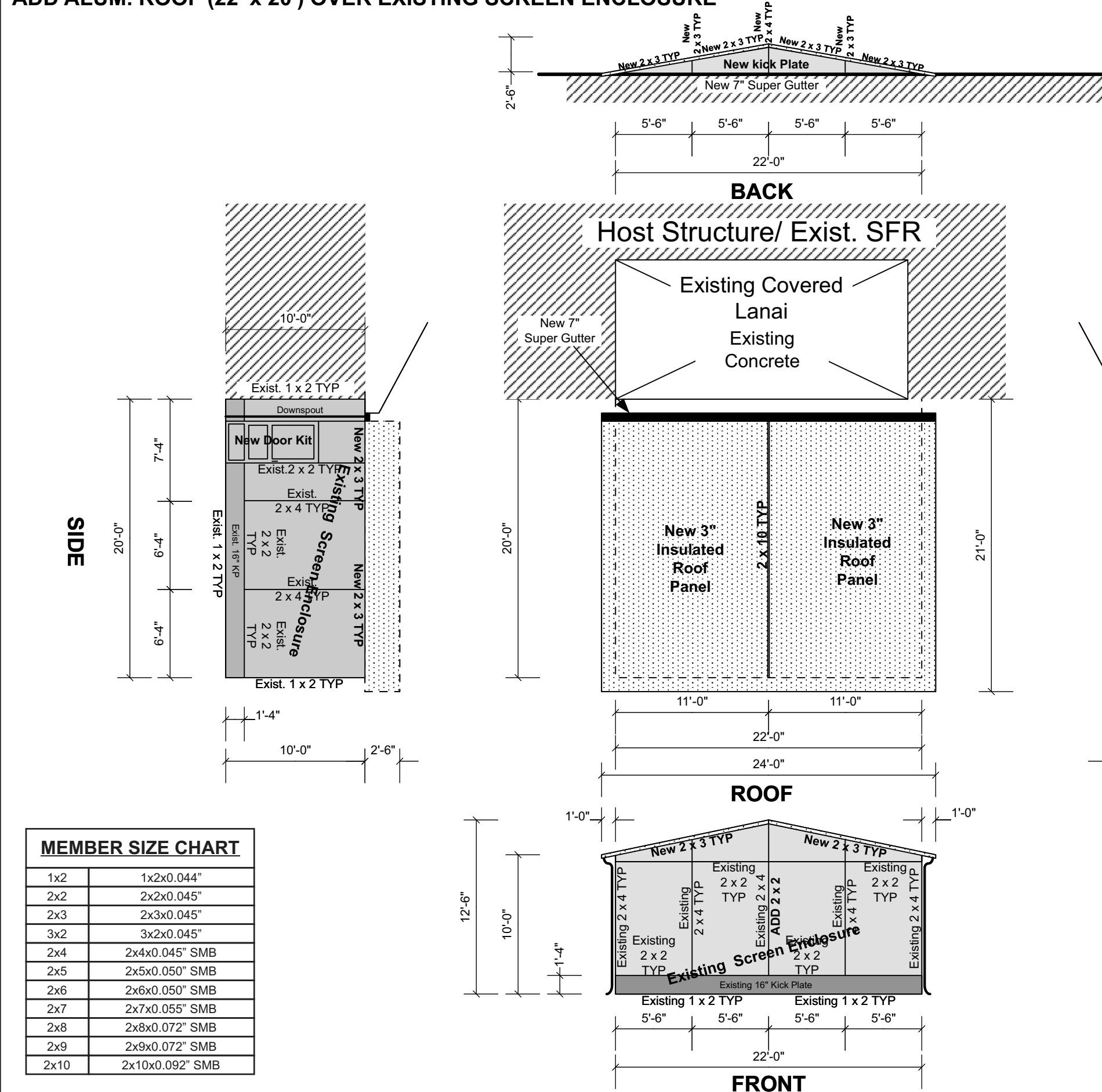


I hereby certify that the survey represented
hereon has been prepared in accordance with
the Standards of Practice as set forth in
Chapter 5J-17, Florida Administrative Code,
pursuant to Section 472.027, Florida Statutes.

Randy Hanson, PLS #4629 or
John M. Hughes, PSM #6367

12/13/21
Date Signed

ADD ALUM. ROOF (22' x 20') OVER EXISTING SCREEN ENCLOSURE



ENGINEERING NOTES:

1. ENGINEERING MEETS OR EXCEEDS 2023 FLORIDA BUILDING CODE (8th EDITION), RESIDENTIAL, PER SECTION R301 USING ASCE-7-22 130 mph BASIC WIND SPEED (Vult). RISK CATEGORY I, Vasd= 101 MPH.
2. EXPOSURE C
3. ALL ALUMINUM MEMBERS TO BE 6005 T5 OR 6063 T6 BASED ON AVAILABILITY WITH MINIMUM 0.04 INCH THICKNESS.

NOTE: DOOR LOCATION MAY VARY

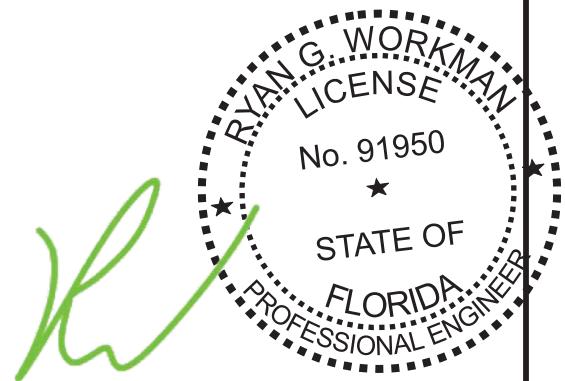
MD Construction LLC
6656 SR 544, Winter Haven, FL 33881
Office: (321) 663-5203
email: mdconstructionfl@gmail.com
Licensed & Insured
State Certified Specialty Contractor
SCC131151708



OWNER
Robert & Christine Neal
Phone: (315) 247-9260
Address: 3799 Via Mazzini Ct
Poinciana - FL 34759

PAGE 1 OF 3

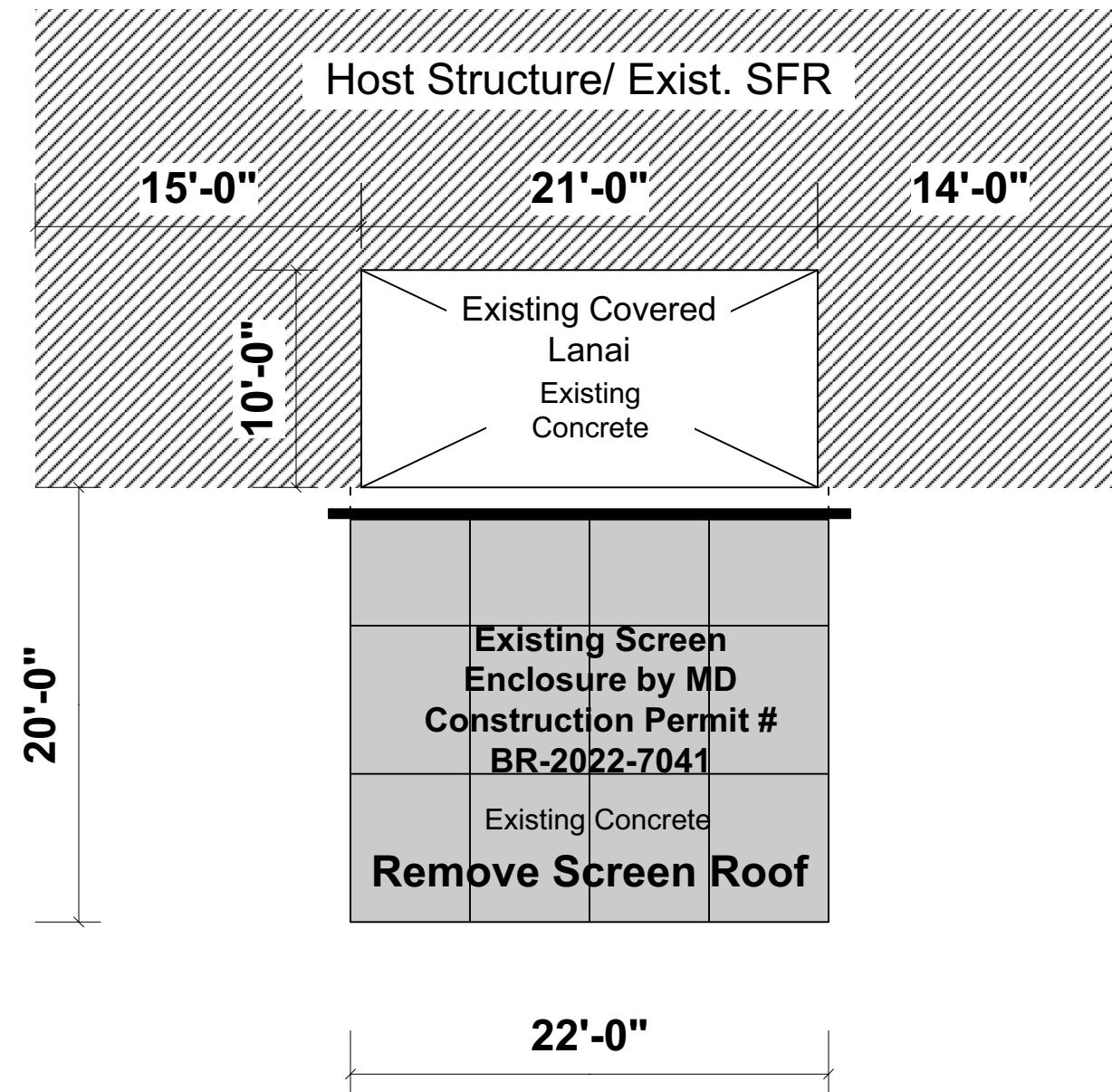
Lildon Engineering Company
548-B South Highway 27
Minneola, Florida 34715
(352) 394-2590
lildonengineering@gmail.com
Cert. of Auth. #2898



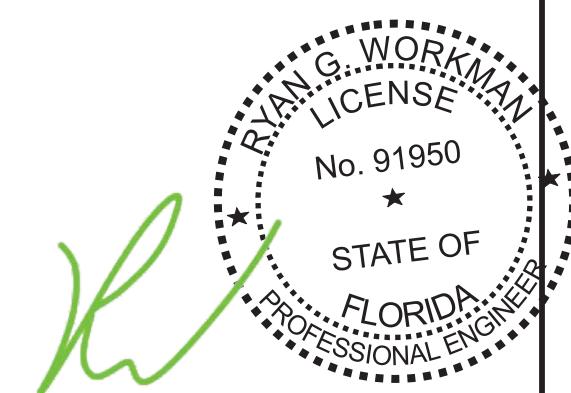
This item has been digitally signed and sealed by Ryan G. Workman, PE #91950 on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

August 26, 2025
Ryan G. Workman PE # 91950

ADD ALUM. ROOF (22' x 20') OVER EXISTING SCREEN ENCLOSURE



EXISTING FOUNDATION PLAN



This item has been digitally signed and sealed by Ryan G. Workman, PE #91950 on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

August 26, 2025
Ryan G. Workman PE # 91950

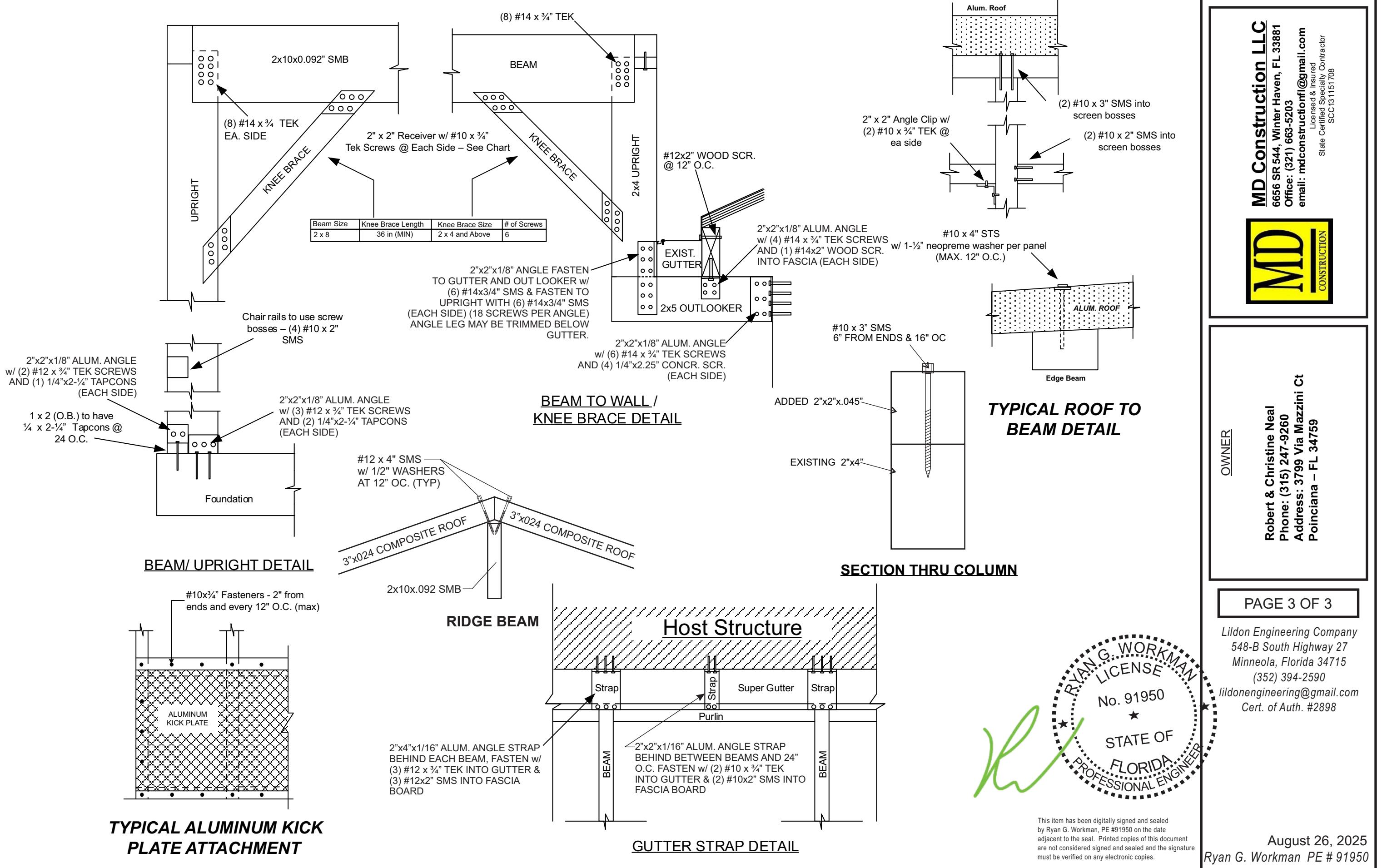


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PAGE 2 OF 3

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Minneola, Florida 34715
(352) 394-2590
lildonengineering@gmail.com
Cert. of Auth. #2898





Polk County

Polk County Land Use Hearing Officer

Agenda Item 4.

1/22/2026

SUBJECT

LDLVAR-2025-67 (Greens at Providence)

DESCRIPTION

Paulo Carneiro requests a primary structure rear setback reduction from fifteen (15) feet to five (5) feet for the installation of a new insulated solid aluminum roof patio enclosure. The subject property is located at 2401 Heritage Green Court, north of Sherbrook Avenue, south of Ronald Reagan Parkway, east of Providence Boulevard, west of Willingham Drive, northeast of the City of Davenport in Section 18, Township 26, Range 28.

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:	December 11, 2025	CASE #:	LDLVAR-2025-67 (Greens at Providence Variance)
LUHO Date:	January 22, 2026	LDC Section:	209.F & PUD 89-10

Request: The applicant is requesting a primary structure rear setback reduction from fifteen (15) feet to five (5) feet for the installation of a new insulated solid aluminum roof patio enclosure.

Applicant: Paulo Carneiro

Property Owner: Jagdeep & Raghbir Bhullar

Location: The subject property is located at 2401 Heritage Green Court, north of Sherbrook Avenue, south of Ronald Reagan Parkway, east of Providence Boulevard, west of Willingham Drive, northeast of the City of Davenport in Section 18, Township 26, Range 28.

Parcel ID#: 282618-932901-021710

Size: ±0.31 acres

Land Use Designation: Greens at Providence Phase 1 (PUD 89-10)
Residential Low-4X (RL-4X)

Selected Area Plan: Ronald Reagan Parkway Selected Area Plan (SAP)

Development Area: Urban Growth Area (UGA)

Case Planner: Kyle Rogus, Planner II

Summary:

The applicant is seeking a variance to reduce the primary structure rear setback from fifteen (15) feet to five (5) feet for the installation of a new solid aluminum roof to extend over the existing concrete patio. The subject site is designated as Lot 171 of the Greens at Providence Phase 1 Subdivision, part of PUD 89-10 which was approved for primary structure rear setbacks of 15 feet and accessory structure rear setback of 5 feet. Because the solid roof addition will be attached or connected to the principal structure, the newly proposed solid roof under BR-2025-7848 requires a variance to reduce the primary structure rear setback from fifteen (15) feet to five (5) feet.

Staff finds this request will cause no direct or indirect harm to the community and recommends approval. Staff recommends approval of LDLVAR-2025-67 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;*

This is not the only property within the Greens at Providence Phase 1 Subdivision requesting a solid roof to extend coverage over a screened enclosure. Approximately 752 feet to the north, on the east side of Pinehurst Court, Lot 46 of Greens at Providence Phase 1 has an existing covered patio room. Further west off Callaway Court, case LDLVAR-2020-71 was approved for a solid aluminum roof. This expansion is minimal relative to the structure. The concrete patio is already existing. The request is not to expand the patio, only to screen and provide partial coverage to the area not already permitted under Permit No. 83576, therefore the request to provide roof coverage of the screen enclosure will have little to no effect on the immediate neighbor to the east.

Development Review Committee

The Development Review Committee, based on the criteria for granting variances, the submitted application, and a recent site visit, finds that the applicant's request as written **IS CONSISTENT** with Section 931 of the Polk County Land Development Code (LDC) and recommends **APPROVAL of LDLVAR-2025-67**

CONDITIONS OF APPROVAL:

1. The property is granted a reduction in the primary rear structure setback from fifteen (15) feet to five (5) feet for the installation of a new patio enclosure with a solid roof.
2. The applicant shall secure permission from the Homeowner Association (HOA) prior to seeking building permits for the proposed extension.
3. All necessary permits must be applied for within one (1) year of the date for which the Land Use Hearing Officer's Final Order is rendered.
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 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;*

In December 2013, the owner purchased the subject site through a warranty deed according to the Property Appraiser (O.R. BK 08897 PGs 1578 - 1579. The subject site is designated as Lot 171 in the Greens at Providence Phase 1 Subdivision recorded under Plat Book 142, Pages 37 through 44 in 2007. It is located in the interior of the development with road frontage off Heritage Green Avenue, a private roadway. The rear of the property abuts Tract R5 designated as a retention pond. Seeking rear yard setback relief when abutting common areas has become a common practice within developments throughout the County. This roof expansion will not and is not permitted to extend into any drainage easements.

To the north and east of the subject site are similar sized lots and single-family housing. Lot 170, abutting the subject site to the east, has an enclosed pool patio to the rear under Permit No. 83576 (see Exhibit 9). Lot 170 is 0.23 acres according to Property Appraiser, smaller than the subject site, but exceeding the typical lot size in the subdivision. Across the street, at the intersection of Heritage Green Avenue and Pinehurst Court, Lot 29 has a patio enclosure under Permit No. 120990. Lot 29 is 0.33 acres according to Property Appraiser, larger than the subject site and typical lot size in the subdivision. However, a utility easement along Heritage Green Avenue limits development. Abutting the subject site to the south and west are two separate Tracts. Tract W to the west is designated as "Well", while Tract R5 to the south is designated as "Retention Pond" (see Exhibit 5).

This will not be the first covered screened patio within the Greens at Providence Phase 1 Subdivision or PUD 89-10 (see Exhibit 3 and 10). On a micro-level, in the immediate surrounding area to the subject site there are no screened patios. Once the "search radius" is expanded, approximately 752 feet to the north, on the east side of Pinehurst Court, Lot 46 of Greens at Providence Phase 1 has an existing covered patio room. Further west off Callaway Court, case LDLVAR-2020-71 was approved for a solid aluminum roof to provide full coverage over an existing screened patio on January 28, 2021.

This expansion is minimal relative to the structure. The home is 6,760 square feet total under roof according to Property Appraiser and was built with a 172 square feet lanai. With the expansion of the screened pool area estimated to be 975 square feet and the existing concrete patio to the east estimated at 714 square feet, the total lanai and patio area totals 1,861 square feet. The concrete patio is already existing. The request is not to expand the patio, only to screen and provide partial coverage to the area not already permitted under Permit No. 83576. It will not limit the neighbor's peripheral view of the open space. Dense vegetation lines the retention pond therefore the request to provide roof coverage of the screen enclosure will have little to no effect on the immediate neighbor to the east.

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 site is located in the Greens at Providence Phase 1 Subdivision, part of the larger Oakhill Estates Planned Unit Development (PUD) 89-10. Approval of the development consisted of 4,862 units (single family & multi- family), hotel/conference center, community neighborhood, and specialty retail commercial centers, two (2) golf courses and natural amenities with a gross density of 2.2 units per acre. The Greens at Providence Phase Unit 1 Subdivision was approved by PUD 89-10 and recorded under Plat Book 142, Pages 37 through 44 in 2007. The subject site is designated as Lot 171. Greens at Providence Phase 1 Subdivision was approved for primary structure rear setbacks of 15 feet and accessory structure rear setback of 5 feet. There is no relief for additions to the primary structure with a solid roof without requiring a variance for setback reductions.

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

The existing home on the subject site was constructed in 2007 and met the primary structure setbacks of 20 feet front, 5 feet side, and 15 feet rear. The 6,760 square feet single family home was built with a patio and pool enclosed within a screen enclosure at the time of completion. In December 2013, the owner purchased the subject site through a warranty deed according to the Property Appraiser (O.R. BK 08897 PGs 1578 - 1579). The applicant later filed for a building permit BR-2025-7848 for the construction of a new patio enclosure with a solid roof to provide coverage over the existing patio concrete slab. Because the screen enclosure built in conjunction with the single-family home in 2007 did not have a solid roof, no variance was needed. Now, under building permit BR-2025-7848, the applicant is looking to add a solid roof to extend off the existing screen enclosure to the rear of the house into the side yard. Persuant to Section 209.F of the Land Development Code (LDC) “roofed accessory structures physically attached or connected to the principal structure shall be considered a part of the principal structure and shall be subject to the same standards as the principal structure.” Because the solid aluminum roof will be attached or connected to the principal structure, the newly proposed solid roof under BR-2025-7848, will require a variance to reduce the primary structure rear setback from fifteen (15) feet to five (5) feet.

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 homes in this phase of the development are situated on the lots slightly larger then the typical 70' by 120' square feet (0.20-acre) lot size. Lots within Greens at Providence Phase 1 are typically 0.23 acres. Although the lots are slightly larger, offering more relief from setback requirements, the individual floor plans dictate how much developable area is left available by the structure. On certain lots the developer has already maximized the developable area by constructing homes upto the setback line. In other cases, homeowners add expansion projects such as screened patios within or upto the setback line. Within the Greens at Providence Phase 1 Subdivision, there have been numerous building permits for extended screened. Table 1 lists the variances processed and approved within the Oakhill Estates Planned Unit Development since 2020.

Table 1

Case	BOA/ LUHO Date	Variance
LDLVAR-2025-67	1/22/2026	Solid Roof Patio
LDLVAR-2023-69	3/28/2024	Solid Roof Patio
LDLVAR-2022-31	6/23/2022	Pool enclosure setback reduction from 5' to 3' (208.F)
LDLVAR-2022-16	5/26/2022	Solid Roof Patio
LDLVAR-2021-79	9/16/2021	Pool enclosure setback reduction from 5' to 0' (211.B)
LDLVAR-2021-63	7/22/2021	Pool enclosure setback reduction from 5' to 2' (211.B)
LDLVAR-2021-37	7/22/2021	Pool enclosure setback reduction from 5' to 2' (211.B)
LDLVAR-2020-71	1/28/2021	Solid Roof Patio
LDLVAR-2020-70	12/17/2020	Pool enclosure setback reduction from 5' to 0' (211.B)
LDLVAR-2020-43	12/17/2020	Pool enclosure setback reduction from 5' to 2' (211.B)
LDVAR-2020-80	9/24/2020	Pool enclosure setback reduction from 5' to 0' (211.B)

Since 2020, the County has processed and approved roughly 11 variances cases within the Oakhill Estates Planned Unit Development, equivalent to two (2) cases per year. Of those 11 cases, 7 are within the Greens at Providence Phase 1 Subdivision alone. This equates to over 50 percent of variances to PUD 89-10 are within the Greens at Providence Phase 1 Subdivision. It is also important to point out the type of request. Of the 11 cases, 7 are requests to reduce the rear setback from five (5) feet to within zero (0) feet for pool enclosures. These variances reference Section 208.F and Section 211.B of the Land Development Code (LDC) which states...

“No part of any pool, spa or hot tub or its enclosure shall be closer than five feet to any seawall or property line. A variance to this setback requirement may be granted by the Board of Adjustment in accordance with Section 930 and 931.”

These requests equate to over 50 percent. This development standard has since been removed from the LDC Section 211.B, remaining only in Section 208.F. Table 1 does not, however, quantify the numerous cases that have been processed through the Building Department without the need for a variance request.

The owner will derive more utility from that space if it is enclosed with screens and covered by a solid roof. While it does confer a special privilege on the applicant, seeking rear yard setback relief when abutting common areas has become commonplace in developments throughout throughout the County. Since this property backs up to open space Tract R5 (Retention Pond) and other units within Greens at Providence Phase 1 have solid roof coverage over portions or the entirety of their respective screen enclosures, there is no significant harm that it may cause another property owner.

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

The requested variance is believed to be the minimal variance necessary to optimize the use of the owner's land. The applicant intends to extend roof coverage over the existing concrete slab in the side yard to increase the functionality of the existing patio area as stated in their justification. The existing screened patio area was constructed when the home was built in 2007, prior to when the applicant purchased the property in 2015. The screened patio area currently maximizes the developable rear yard by extending to the 5-foot rear setback for accessory structures. The applicant intends to extend the patio eastward into the side yard, maintaining the 5-foot setback, however with the improvement of an attached

solid roof, per Section 209.F of the LDC the patio is considered part of the principal structure and shall be subject to the 15-foot rear setback.

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 home will remain a residential use in a residential district of the Planned Development.

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. This variance 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.*

Granting this request will not circumvent any conditions of approval. It was anticipated that some lots may not be able to comply with all the standards set forth in the Planned Unit Development (PUD) approval. As long as the drainage easements are not encroached upon, this request will not circumvent the Board approvals.

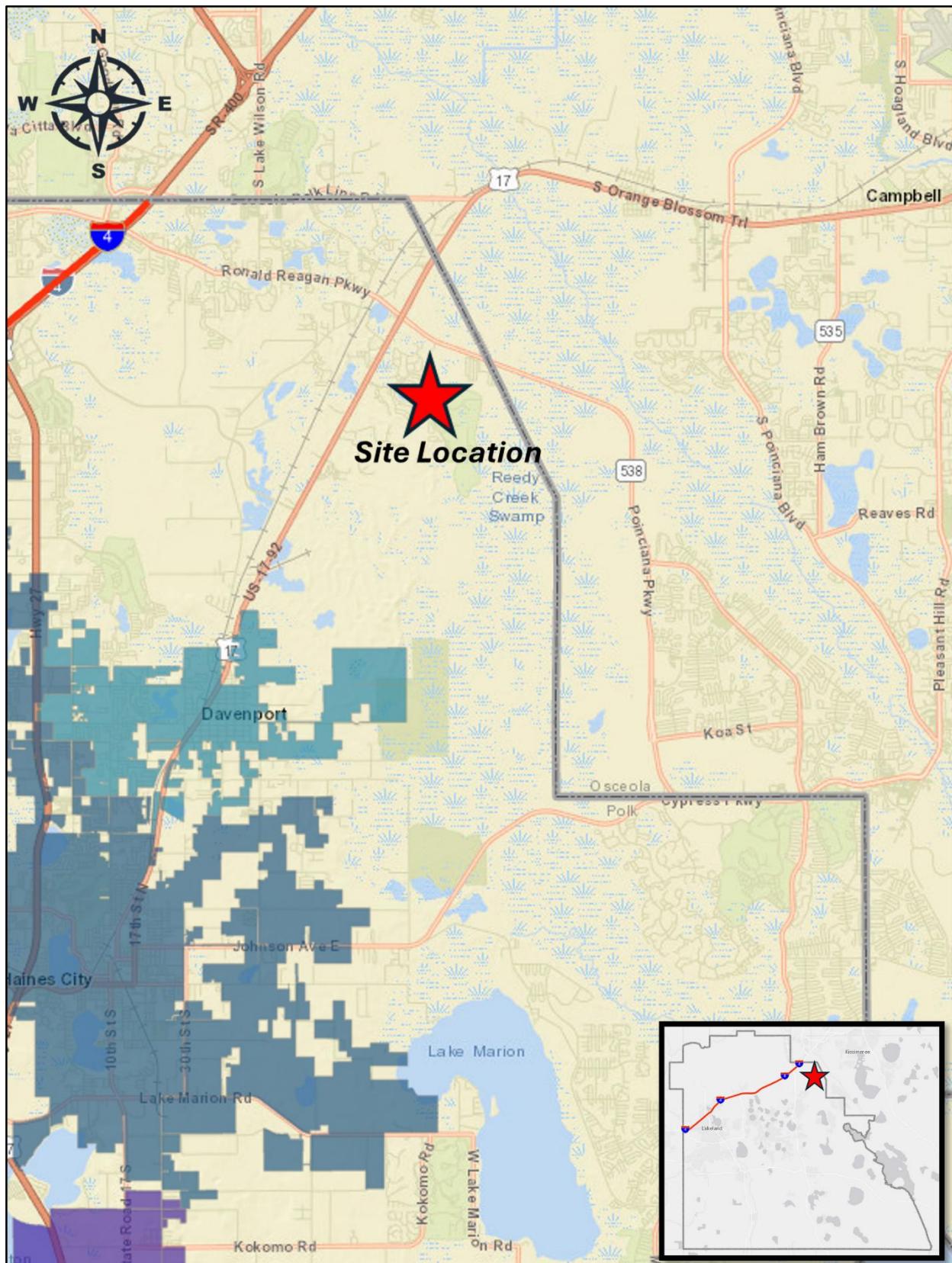
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: Residential Low-4X Greens at Providence Planned Unit Development (PUD) 89-10, Phase 1 Tract G1 Future Development (golf course) 29.2 acres	North: Residential Low-4X Greens at Providence Planned Unit Development (PUD) 89-10, Phase 1 Lot 29 5,096 sq. ft. single-family home 0.33 acres Screened Patio	Northeast: Residential Low-4X Greens at Providence Planned Unit Development (PUD) 89-10, Phase 1 Lot 29 5,096 sq. ft. single-family home 0.33 acres Screened Patio
West: Residential Low-4X Greens at Providence Planned Unit Development (PUD) 89-10, Phase 1 Tract W Well 0.53 acres	Subject Property: Residential Low-4X Greens at Providence Planned Unit Development (PUD) 89-10, Phase 1 Lot 171 6,760 sq. ft. single-family home Built 2007 0.31 acres Patio and Roof Extension	East: Residential Low-4X Greens at Providence Planned Unit Development (PUD) 89-10, Phase 1 Lot 170 5,373 sq. ft. single-family home Built 2007 0.23 acres Screened patio
Southwest: Residential Low-4X Greens at Providence Planned Unit Development (PUD) 89-10, Phase 1 Tract R5 Retention Pond 1.10 acres	South: Residential Low-4X Greens at Providence Planned Unit Development (PUD) 89-10, Phase 1 Tract R5 Retention Pond 1.10 acres	Southeast: Residential Low-4X Greens at Providence Planned Unit Development (PUD) 89-10, Phase 1 Tract R5 Retention Pond 1.10 acres

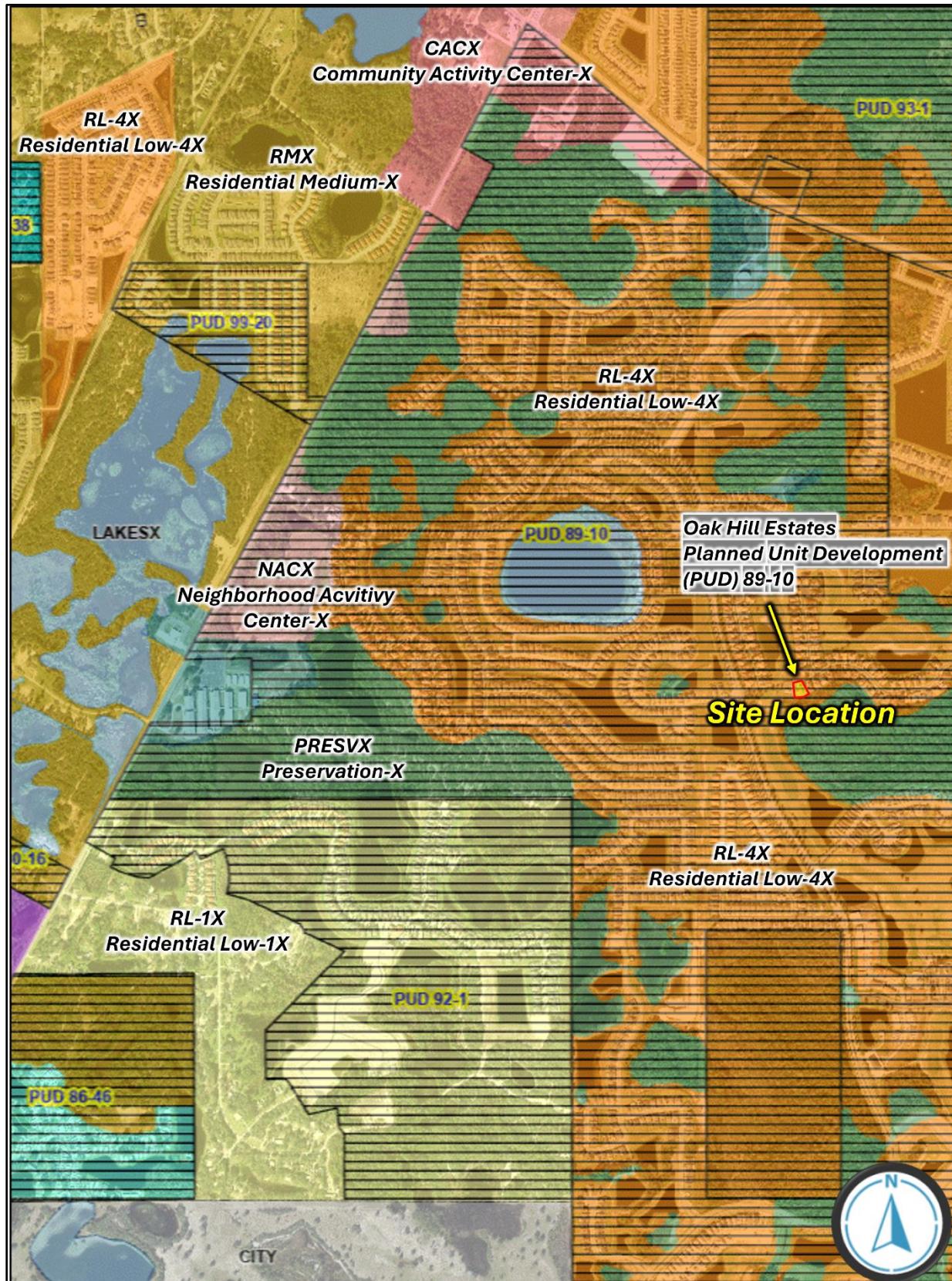
The property is part of the Greens at Providence Planned Unit Development (PUD) 89-10, Phase 1. Phase 1 of the Providence development is single-family detached units. This proposed solid aluminum roof coverage will extend roughly 20 feet off the east side of the primary structure providing coverage over the existing concrete patio. This would not be the only property within the surrounding area that would have a solid roof providing full coverage over an existing patio. Approximately 752 feet to the north, on the east side of Pinehurst Court, Lot 46 of Greens at Providence Phase 1 has an existing covered patio room. Case LDLVAR-2020-71 was approved for a solid aluminum roof to provide full coverage over an existing screened patio on January 28, 2021. Similar variance cases as well as setback relief for screened patio extensions can be seen throughout Phase 1 of the Greens at Providence PUD. This research does not account for cases where full roof coverage over existing screened patios was approved administratively through building permits like Lot 46 for reference. Abutting the subject site to the west is Tract W, identified on the plats as well. Abutting the subject site to the south is Tract R5, identified on the plats as Retention Pond. The current function of these Tracts are not for residential or commercial use and are not designated on the plats for future development, therefore for having no negative impact from the variance request.

Exhibits:

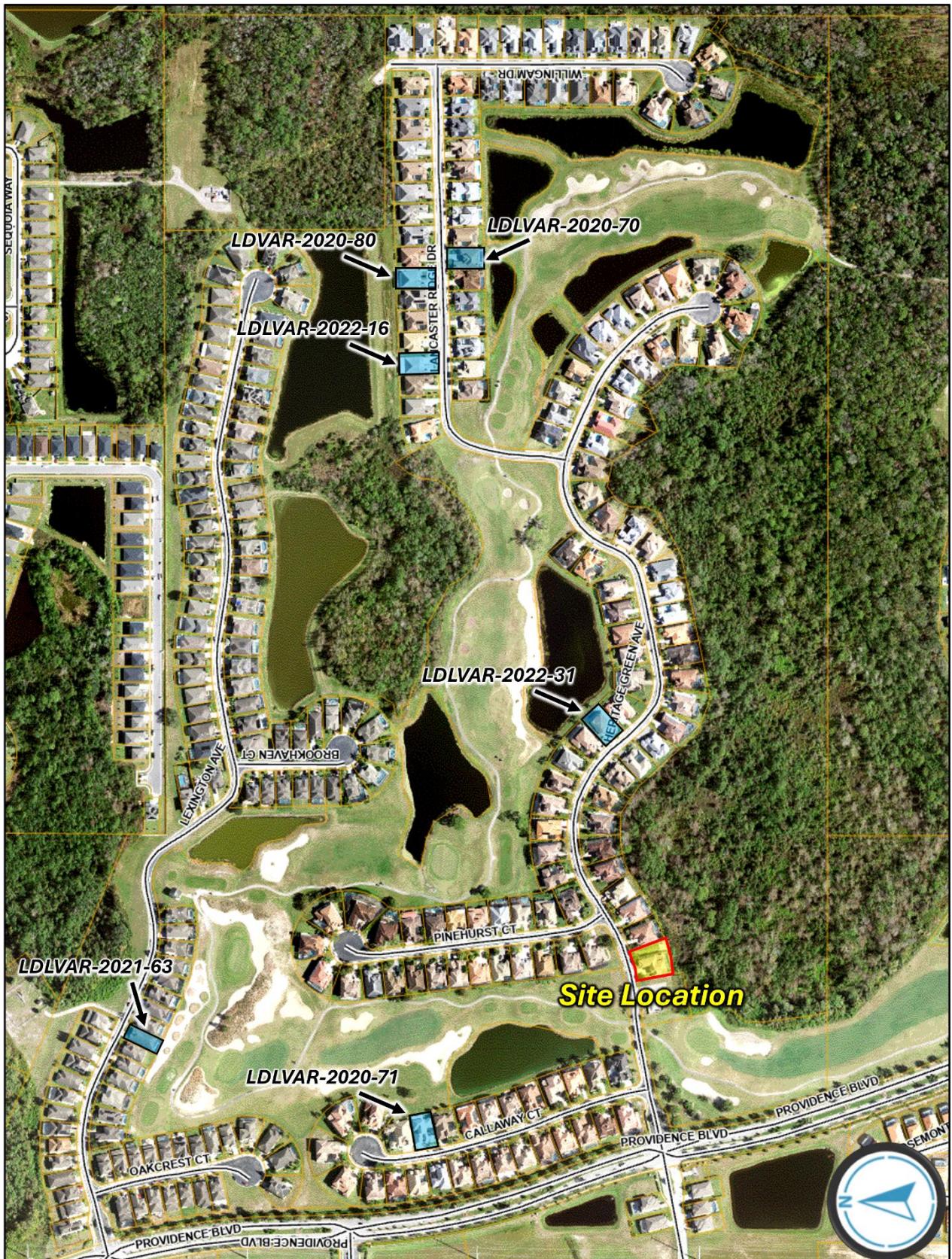
Exhibit 1	Location Map	Exhibit 7	Permit No. Floor Plan
Exhibit 2	Future Land Use Map	Exhibit 8	Permit No. Elevations
Exhibit 3	Aerial Imagery (Context)	Exhibit 9	Permit No. 83576 Pool Screen
Exhibit 4	Aerial Imagery (Close)	Exhibit 10	PUD 89-10 Variance Map
Exhibit 5	Site Plan		
Exhibit 6	Justification		



Location Map



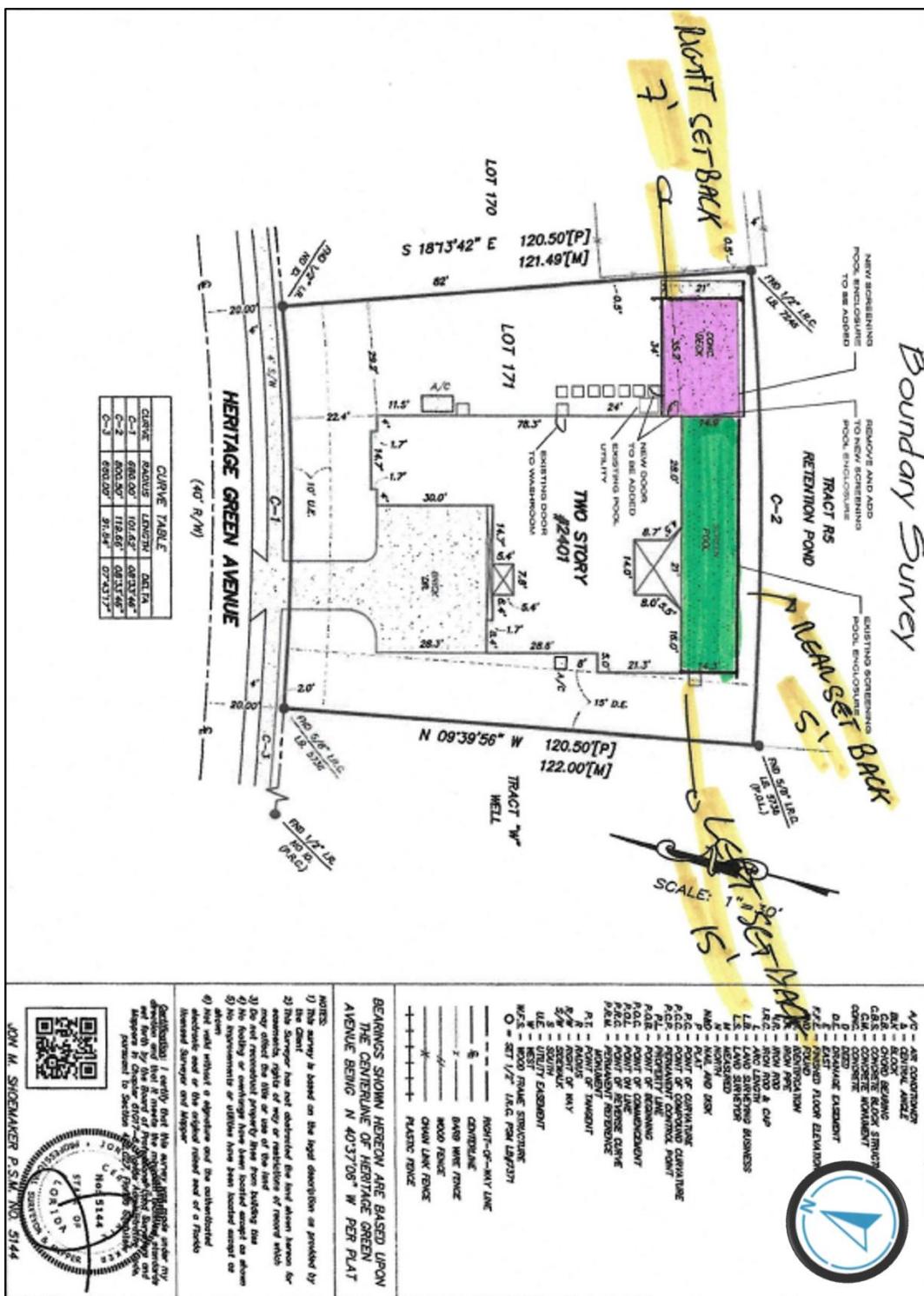
Future Land Use Map



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. The rear of the property abuts a stormwater retention pond, not another residential lot. Therefore, the proposed roof addition will have no visual, privacy, or drainage impact on neighboring properties.

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

The property's rear boundary abuts a retention pond, not another residential lot, so the proposed structure would not impact privacy, airflow, or light access to neighboring properties.

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

The applicant bought the property in 2015 and the house was built in 2007. Do not have the permit number of when the house was built.

What is the hardship if the variance is not approved?

If the variance is not approved, the homeowner cannot build a usable covered patio area because the existing pool and screen enclosure occupy nearly all of the space allowed by the 15-foot rear setback. This prevents any shaded outdoor seating near the pool. The hardship is not self-created, as the home and pool were built by the developer before the current owner purchased the property in 2017. The rear of the lot borders a retention pond, not another home, so maintaining the full setback provides no public benefit. The variance would allow reasonable use of the property consistent with the neighborhood.

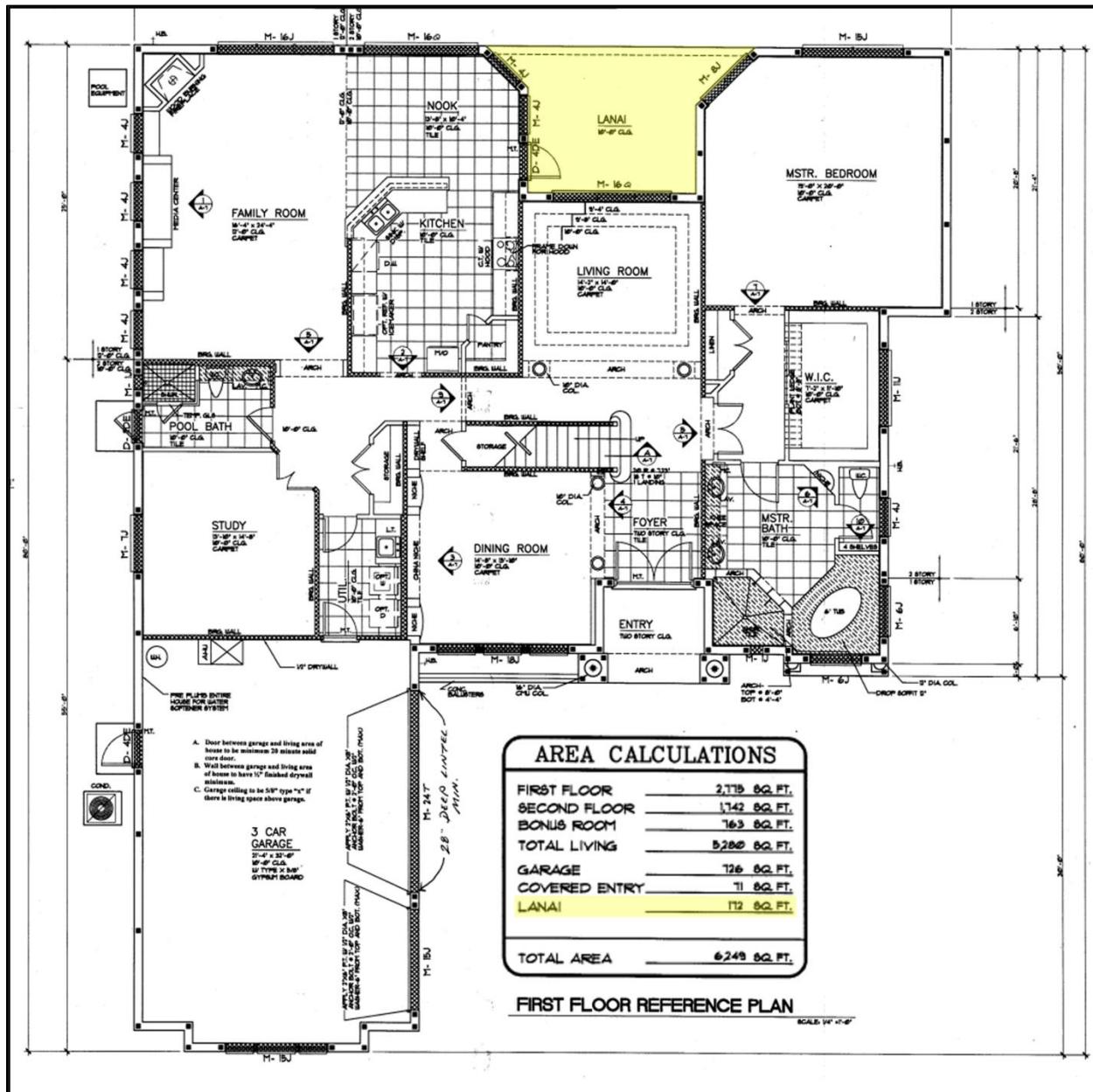
Is this the minimum variance required for the reasonable use of the land?

Yes, the insulated roof would be attached to the existing screen enclosure as a continuation of the enclosure.

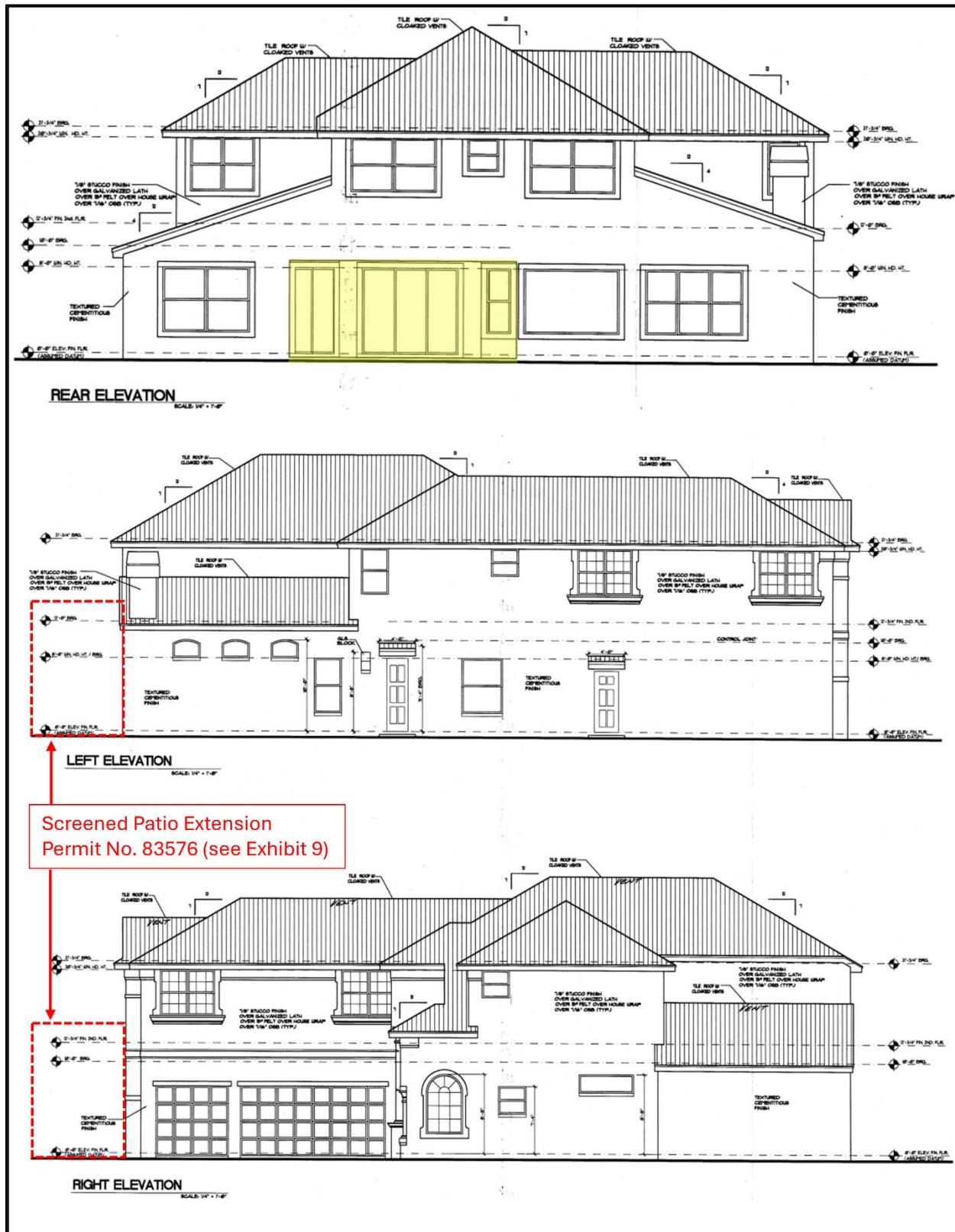
Do you have Homeowners Association approval for this request?

Yes. The project has been reviewed and approved by the Homeowners Association (HOA).

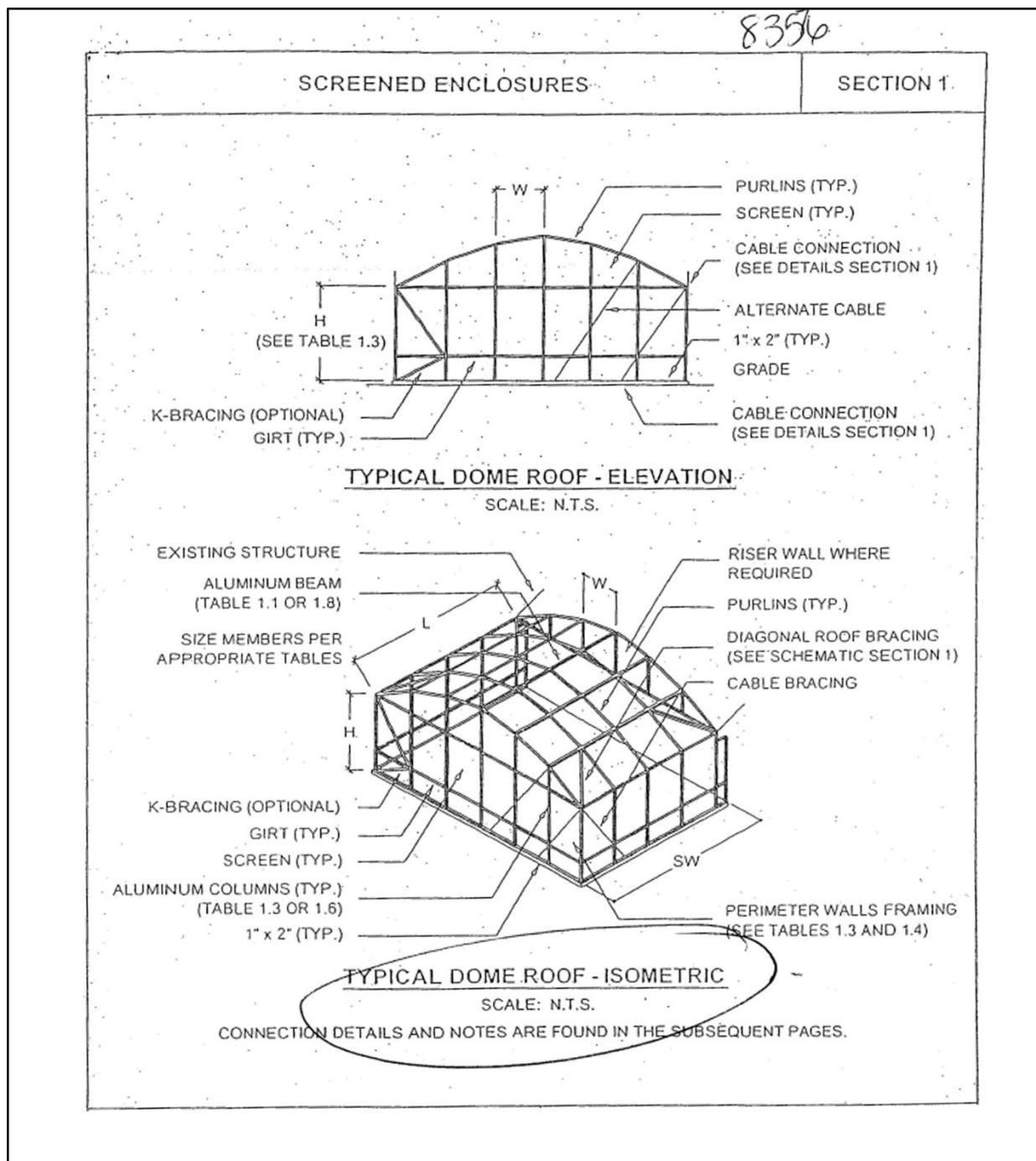
Justification



Permit No. 78876 Floor Plan



Permit No. 78876 Elevations



Permit No. 83576 Pool Screen



PUD 89-10 Variance Map

Prepared By and Returned To:
Kim A. Rathburn
Watson Title Services, Inc.
1435 West S.R. 434, Suite 109
Longwood, FL 32750
(407) 645-1310
File Number: 3121648B
Incident to the issuance of a title insurance contract.

INSTR # 2013045296
BK 08897 PGS 1578-1579 PG(s)2
RECORDED 03/11/2013 03:10:20 PM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
DEED DOC 2,807.00
RECORDING FEES 18.50
RECORDED BY S Wiggins

THIS WARRANTY DEED

Made this 4th day of March, 2013 by
**JAMES K. OH, A MARRIED MAN, JOINED BY HIS
WIFE, DORIS M. OH**

hereinafter called the grantor, to
RAGHBIR C. BHULLAR, A MARRIED MAN

whose post office address is:
**27 BELLINI AVENUE
BRAMPTON,ONTARIO,CANADA L6P-0E2**

hereinafter called the grantees:

(Whenever used herein the term "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)

Witnesseth, that the grantor, for and in consideration of the sum of **\$10.00** and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantees, all that certain land situate in **POLK** County, Florida, viz:

**LOT 171, BLOCK B, GREENS AT PROVIDENCE, ACCORDING TO THE PLAT THEREOF AS
RECORDED IN PLAT BOOK 142, PAGE 37 THROUGH 44, INCLUSIVE, PUBLIC RECORDS OF
POLK COUNTY, FLORIDA.**

Subject to covenants, restrictions, easements of record and taxes for the current year.

Parcel Identification Number: 28-26-18-932901-021710

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 hereby covenants with said grantees that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants 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, 2012**.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:



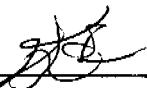
Witness #1: (Signature)

Print Name: BRENDA L. Echevarria



Witness #2: (Signature)

Print Name: Elaine Sorbello



JAMES K. OH

8115 CHAMPIONS CIRCLE

APT 305

CHAMPIONS GATE, FL 33896-9620



DORIS M. OH

8115 CHAMPIONS CIRCLE

APT 305

CHAMPIONS GATE, FL 33896-9620

State of Florida
County of Osceola

The foregoing instrument was acknowledged before me this **4th day of March, 2013** by **JAMES K. OH AND DORIS M. OH, HUSBAND AND WIFE**, who is personally known to me or who has produced a driver's license as identification.

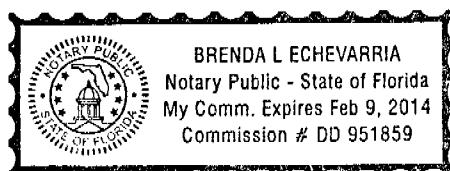


NOTARY PUBLIC (signature)

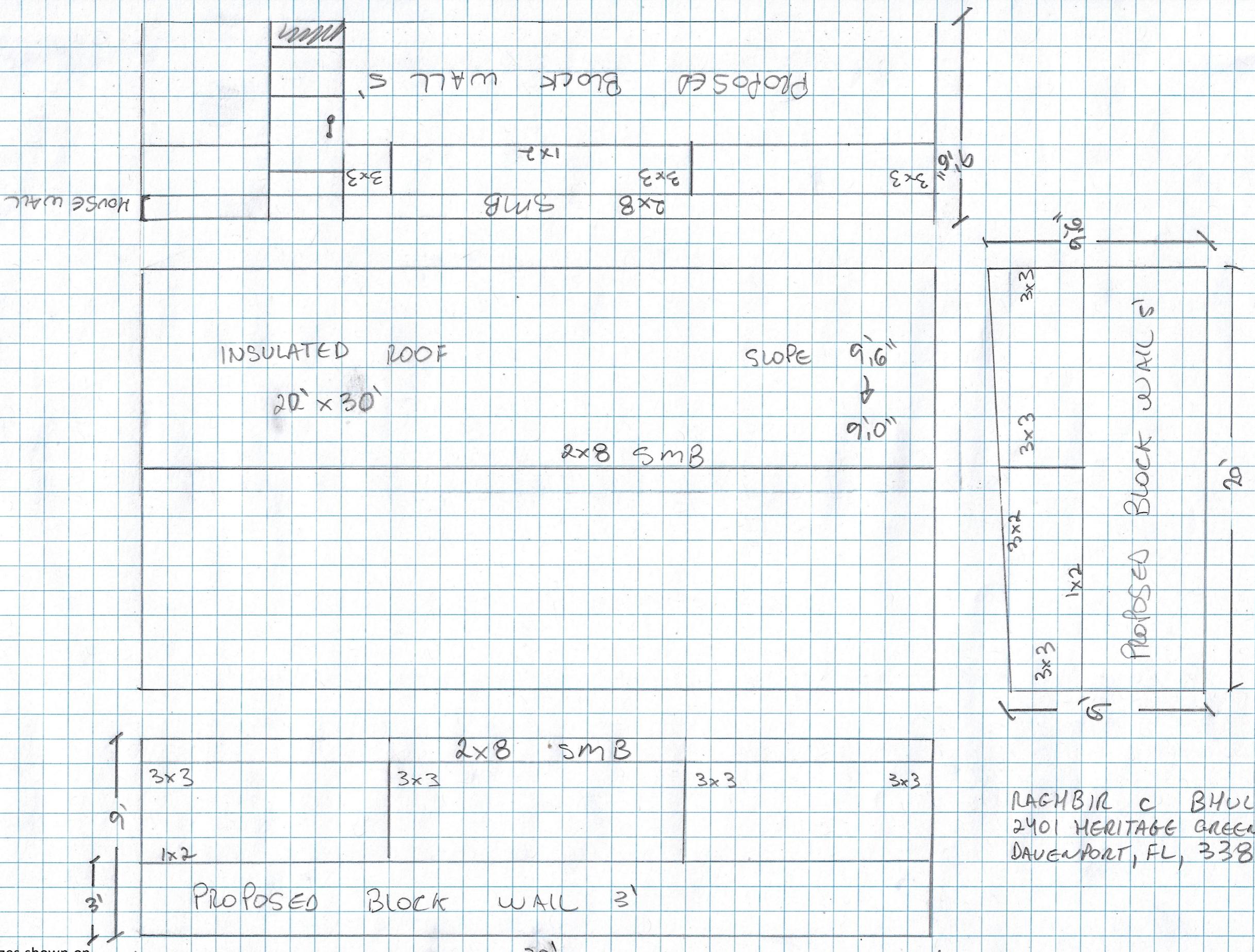
Print Name: Brenda L. Echevarria

My Commission Expires: Feb. 9, 2014

Stamp/Seal:



WARRANTYDEED
Rev. 01/08/10



In the event of a conflict in member sizes shown on the plans and the general notes, the contractor must utilize the more stringent member size requirements.

Engineer: Michael Thompson, P.E. 47509/CA30930

*THIS IS NOT A SURVEY - 09/18/25 - MK CGC 1531871

EXISTING POOL SCREEN ENCLOSURE

PROPOSED NEW PATIO COVER WITH INSULATED ROOF
OVER EXISTING CONCRETE SLAB

LEGAL DESCRIPTION: LOT 171, BLOCK "B",
GREENS AT PROVIDENCE, ACCORDING TO
THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK 142, PAGES 37-44, OF THE PUBLIC
RECORDS OF POLK COUNTY, FLORIDA.



ADDRESS:
2401 HERITAGE GREEN AVENUE
DAVENPORT, FL 33837

LONG
SURVEYING, INC.



Long Surveying, Inc.
"Specializing in Residential Surveying"
LB No. 7371
143 Villa Di Este Terrace #113
Lake Mary, FL 32746
Office 407-330-9717 or 407-330-9716
Fax 407-330-9775
www.longsurveying.com

DRAWN BY:
RSS

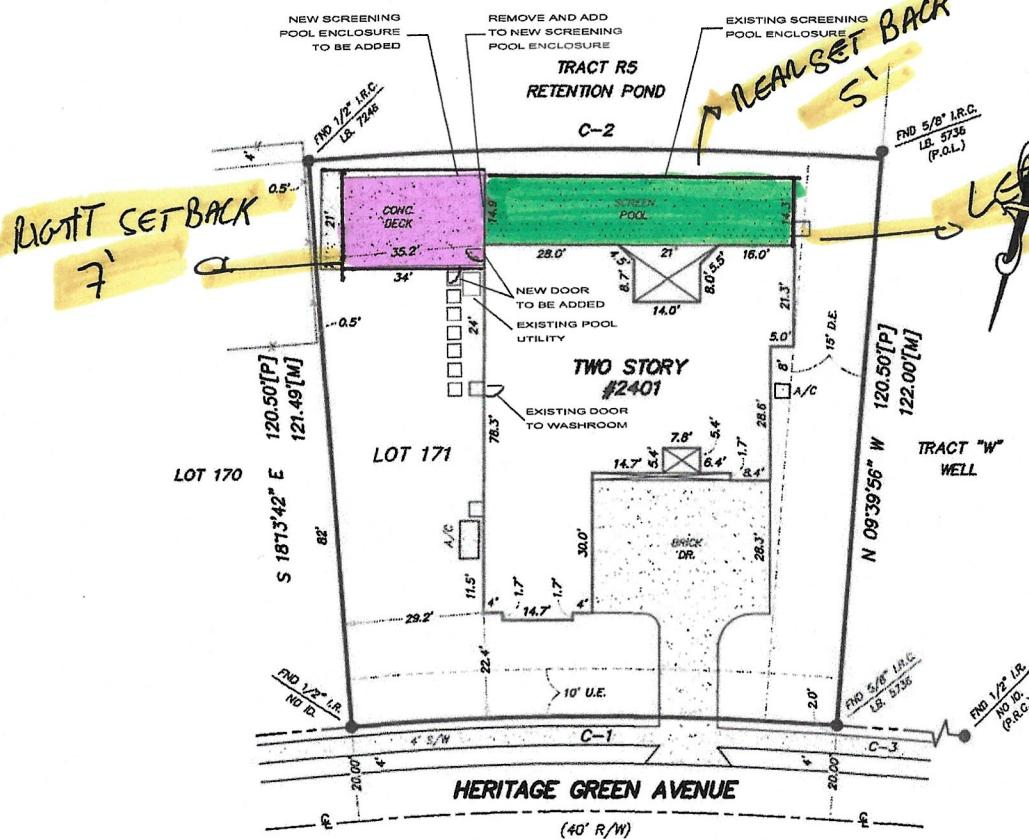
CHECKED BY:
BRETT

CERTIFIED TO:
RAGHBIR C. BHULLAR

COMMUNITY NO:
120261
PANEL: 0235 SUFFIX: G FIRM, DATE: 09/28/12
FLOOD ZONE: X

SURVEY NO. 50658 FIELD DATE: 05/30/13

Boundary Survey



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C-1	680.00'	101.62'	083° 46"
C-2	600.50'	118.66'	083° 46"
C-3	680.00'	97.64'	074° 17"

A/C - AIR CONDITIONER
Δ - CENTRAL ANGLE
BLK - BLOCK
C.B. - CENTER BEARING
C.B.S. - CONCRETE BLOCK STRUCTURE
C.M. - CONCRETE MONUMENT
CONC. - CONCRETE
D - DEED
D.E. - DRAINAGE EASEMENT
F.D. - FOUNDATION
I.D. - IDENTIFICATION
I.R. - IRON PIPE
I.R.C. - IRON ROD & CAP
I.R.S. - IRON SURVEY
L.B. - LAND SURVEYING BUSINESS
L.S. - LAND SURVEYOR
M - MEASURED
N - NORTH
NAD - NAIL AND DISK
P.C. - POINT OF CURVATURE
P.C.C. - POINT OF COMPOUND CURVATURE
P.C.P. - PERMANENT CONTROL POINT
P.L. - PROPERTY LINE
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
P.O.D. - POINT OF DIRECTION
P.R.C. - POINT OF REVERSE CURVE
P.R.M. - PERMANENT REFERENCE MONUMENT
P.T. - POINT OF TANGENT
R - RADIUS
R/W - RIGHT-OF-WAY
S/W - SIDEWALK
S - SOUTH
U.E. - UTILITY EASEMENT
W - WEST
W.F.S. - WOOD FRAME STRUCTURE
O - SET 1/2" I.R.C. PSM LB 5/337

RIGHT-OF-WAY LINE
CENTERLINE
BARB WIRE FENCE
WOOD FENCE
CHAIN LINK FENCE
PLASTIC FENCE

BEARINGS SHOWN HEREON ARE BASED UPON
THE CENTERLINE OF HERITAGE GREEN
AVENUE BEING N 40° 37' 06" W PER PLAT

- 1) This survey is based on the legal description as provided by the Client
- 2) This Survey has not abstracted the land shown herein for easements, rights of way or restrictions of record which may affect the title or use of the land
- 3) Do not reconstruct property lines from building ties
- 4) No footing or overhang have been located except as shown
- 5) No improvements or utilities have been located except as shown
- 6) Not valid without a signature and the authenticated electronic seal or the original raised seal of a Florida Licensed Surveyor and Mapper

Certification: I certify that this survey was made under my direction and that it meets the minimum standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 51G17-3, Florida Administrative Code, pursuant to Section 429.027, Florida Statutes.



JON M. SHOEMAKER P.S.M. NO. 5144



Polk County

Polk County Land Use Hearing Officer

Agenda Item 5.

1/22/2026

SUBJECT

LDLVAR-2025-68 (Peach Ave Variance)

DESCRIPTION

The applicant is requesting a variance to reduce the primary structure side setback from ten (10) feet to four (4) feet for an addition to a single-family home. The subject site is located at 2341 Peach Ave, south of Peach Ave, east of Thompson St, west of Stanton St, east of the city of Auburndale in Section 21, Township 28, Range 25.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Aleya Perreira-Inglima

Land Development Division

(863) 534-6764

aleyainglima@polkfl.gov

POLK COUNTY
LAND USE HEARING OFFICER
STAFF REPORT

DRC Date:	December 11, 2025	CASE #:	LDLVAR-2025-68
LUHO Date:	January 22, 2026	LDC Section:	(Peach Ave Variance) Section 208, Table 2.2

Request: The applicant is requesting a variance to reduce the primary structure side setback from ten (10) feet to four (4) feet for an addition to a single-family home.

Applicant: Steven Williams

Property Owner: Joan Vazquez, Conception Cruz Benitez

Location: 2341 Peach Ave, south of Peach Ave, east of Thompson St, west of Stanton St, east of the city of Auburndale in Section 21, Township 28, Range 25.

Parcel ID#: 252821-000000-031043

Size: ±0.23 acres

Land Use Designation: Residential Suburban (RS)

Development Area: Suburban Development Area (SDA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is requesting to reduce the side principal structure setback from ten (10) feet to four (4) feet for an addition to a single-family home on site to bring it into compliance with the Land Development Code (LDC). The subject property was created prior to the adoption of the Comprehensive Plan and LDC and is comprised of Lots 184-187 of an unrecorded subdivision known as Mobile Home Village. According to Property Appraiser's records, the existing mobile home has been on site since 1974. Within Residential Suburban (RS) land use districts, primary structure setbacks are 10 feet on the side, and 15 feet in the rear, according to Table 2.2 of the LDC.

The applicant was cited by Code Enforcement for building without a permit for the addition and seeks to come into compliance. The Code Enforcement Special Magistrate has found it to be a violation. CMA-2025-170 is pending as the owner is seeking approval for the addition to be located four feet off the side property line. The property owner is seeking to rectify with this variance request. The applicant has also applied for a building permit (BR-2025-8126). Staff finds this request will cause no harm to the community or neighbor.

Staff recommends approval of LDLVAR-2025-68 as it meets the following criteria listed in Section 931:

- **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** will not only allow the property owner to bring the property into compliance, it will maintain the appropriate setbacks from the right of way and rear property lines, while keeping the appropriate separations from surrounding structures for fire and safety code 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-2025-68 with conditions.**

CONDITIONS OF APPROVAL:

1. Seeking a variance to reduce the primary structure side setback from ten (10) feet to four (4) feet for an addition to a single-family home. 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;*

Currently, the mobile home is near the western property line and has been in the same location since 1974. The subject property was created prior to the adoption of the Comprehensive Plan and LDC and is comprised of Lots 184-187 of an unrecorded subdivision known as Mobile Home Village. The parcel is comprised of five 25 x 100' lots which were never vested. Ultimately, the parcel size was determined by the former R-3 zoning which permitted minimum lot sizes of 6,000 sq. ft. According to Property Appraiser's records, the existing mobile home has been on site since 1974. Within Residential Suburban (RS) land use districts, primary structure setbacks are 10 feet on the side, and 15 feet in the rear, according to Table 2.2 of the LDC. The addition will be approximately four (4) feet from the western property line and be twenty (20) feet from the nearest residential structure.

- 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 RS land use district and is listed with the Property Appraiser at approximately 0.23 acres. According to Table 2.2, minimum lot size in RS is five acres, so subject parcel is substantially smaller than the required minimum lot size. The surrounding lots were created in the 1970s as an unrecorded subdivision. Currently, the subject parcel includes Lots 184-187 of the unrecorded subdivision. The lot is closer to Residential Low-3 (RL-3) land use district minimums (10,000 sq. ft.).

This parcel was also created prior to the adoption of the Comprehensive Plan and Land Development Code as part of an unrecorded subdivision known as Mobile Home Village. The parcel is comprised of lots which were never vested. Ultimately, the parcel size was determined by the former R-3 zoning which permitted minimum lot sizes of 6,000 sq. ft.

- 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 January 2013, according to the Polk County Property Appraiser. The existing mobile home was placed on site in 1974 and the location of the mobile home placed near the western property line was not any fault of the applicant. As noted above, the lot size is small for RS land use districts. This places a burden on the reasonable use of this land.

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 a reasonable accommodation for the property's limited size. Roofed accessory structures physically attached or connected to the principal structure shall be considered a part of the principal structure and shall be subject to the same standards as the principal structure.

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 in setbacks from ten (10) feet to four (4) feet represents the minimum variance necessary to allow reasonable use of the property.

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) land use district.

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

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

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

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

Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: RS Mobile Home	North: RS Mobile Home	Northeast: RS Mobile Home
West: RS Mobile Home	Subject Property: RS Mobile Home	East: RS Vacant
Southwest: RS Mobile home	South: RS Mobile Home	Southeast: RS Mobile Home

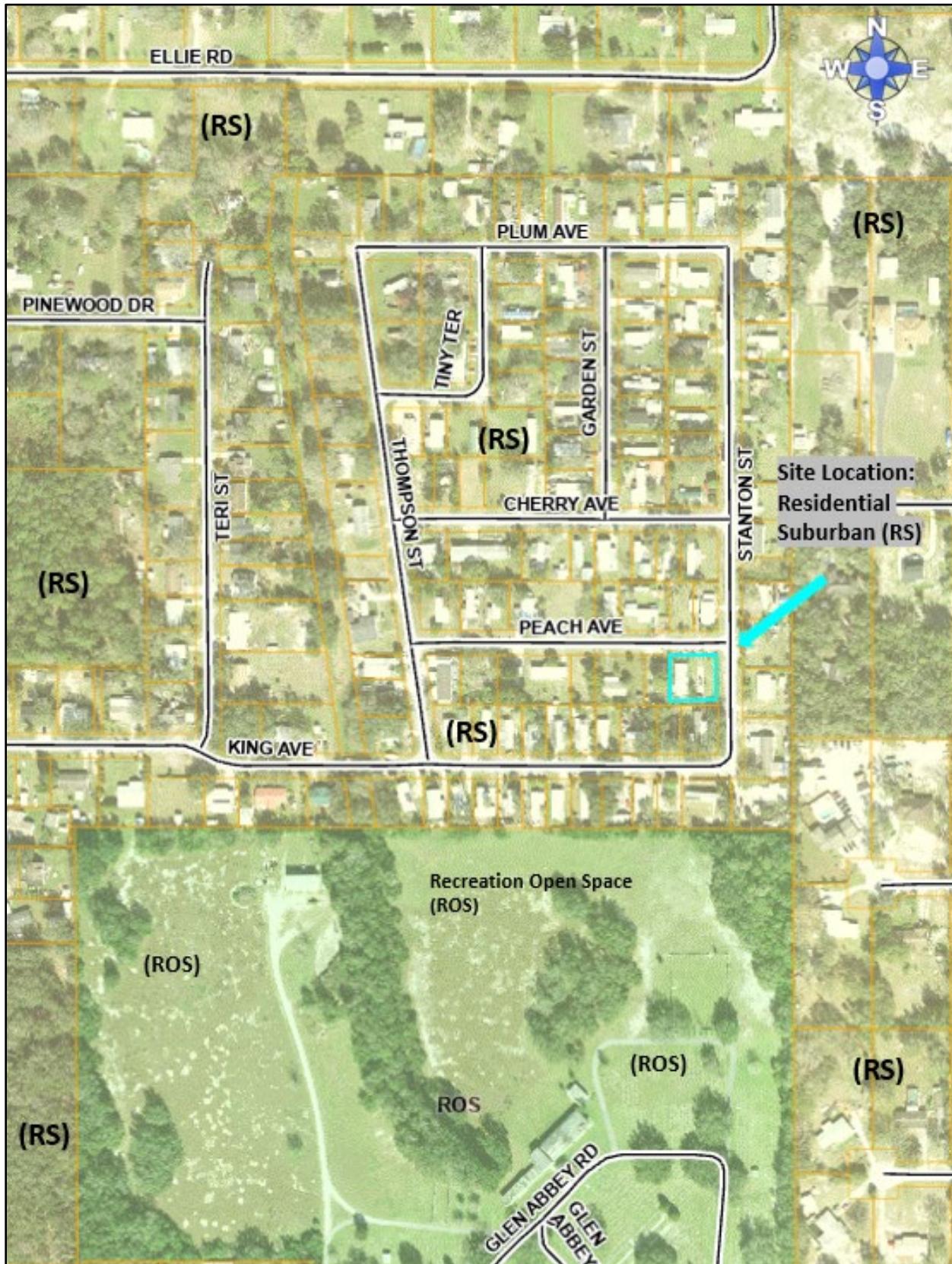
The addition is located to the side of the home. Staff found two prior variances in this neighborhood.

Exhibits:

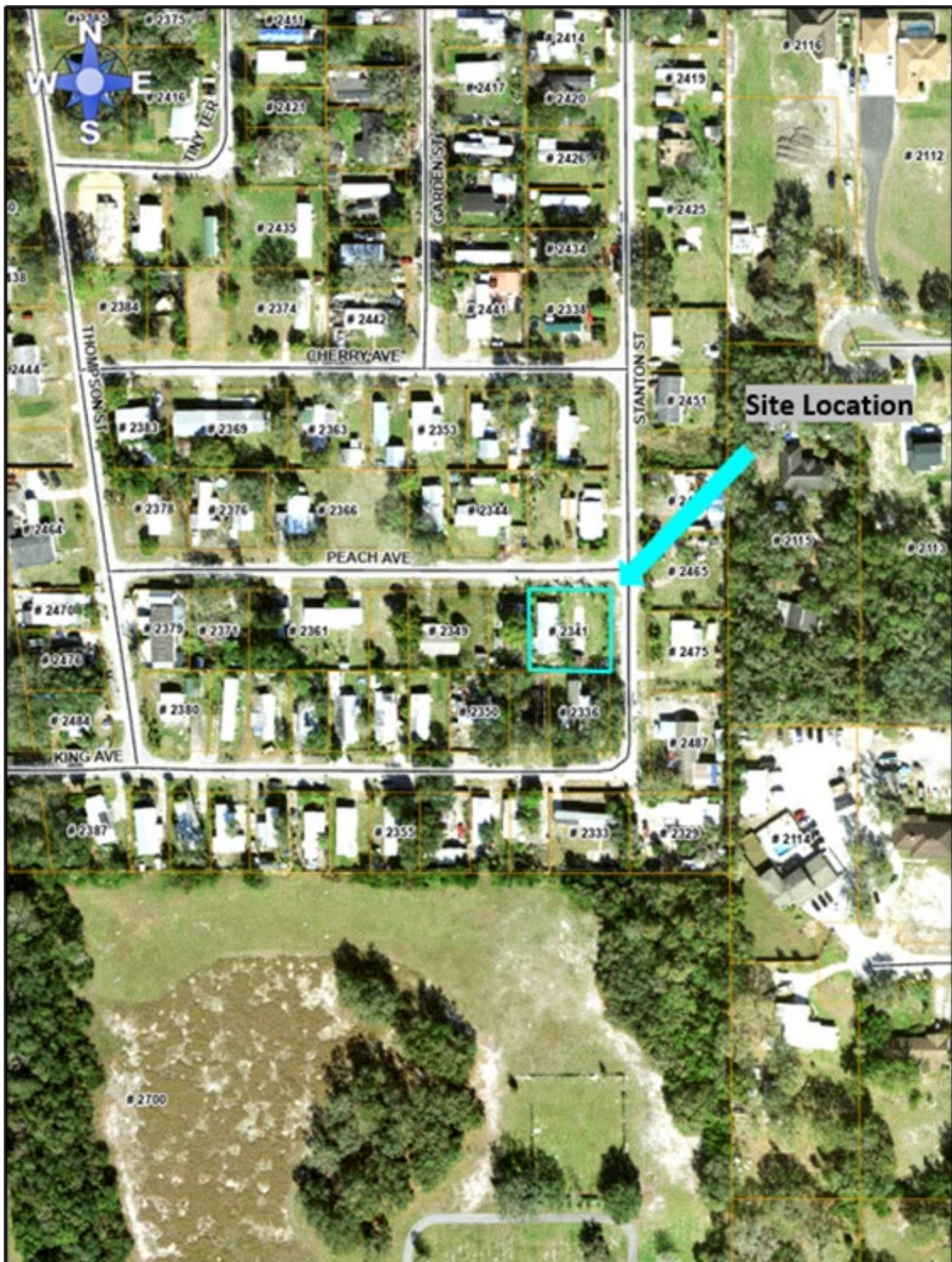
Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Aerial Imagery (Context)
Exhibit 4	Aerial Imagery (Close)
Exhibit 5	Site Plan
Exhibit 6	Justification



Location Map



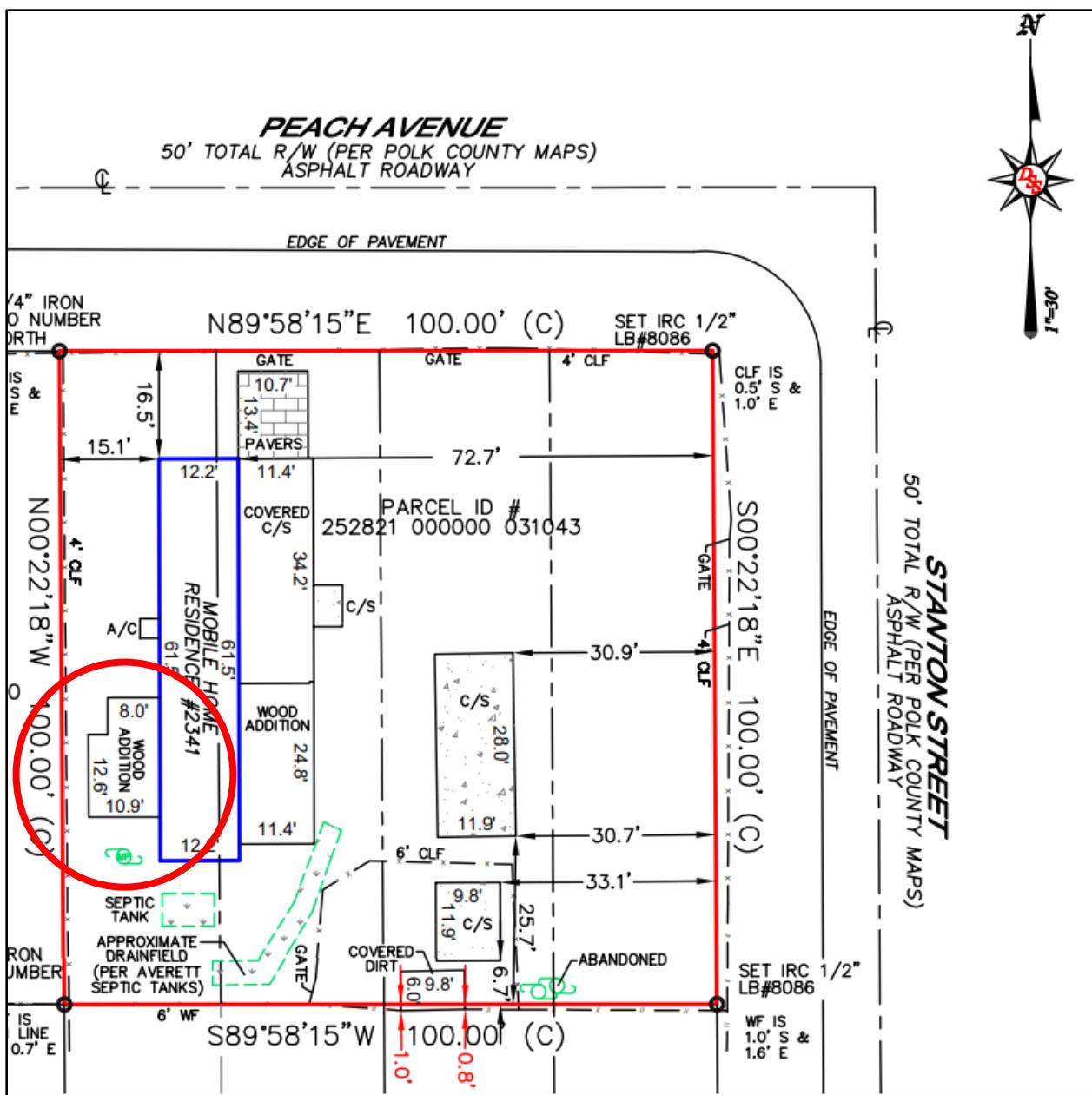
Future Land Use Map



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?

Owner hired who she thought was contractor and did not permit

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

purchased in 2013

Addition added 2-20-2024

BR 2025-8126

What is the hardship if the variance is not approved?

Owner will have to demo new addition that is for the kids rooms

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

yes

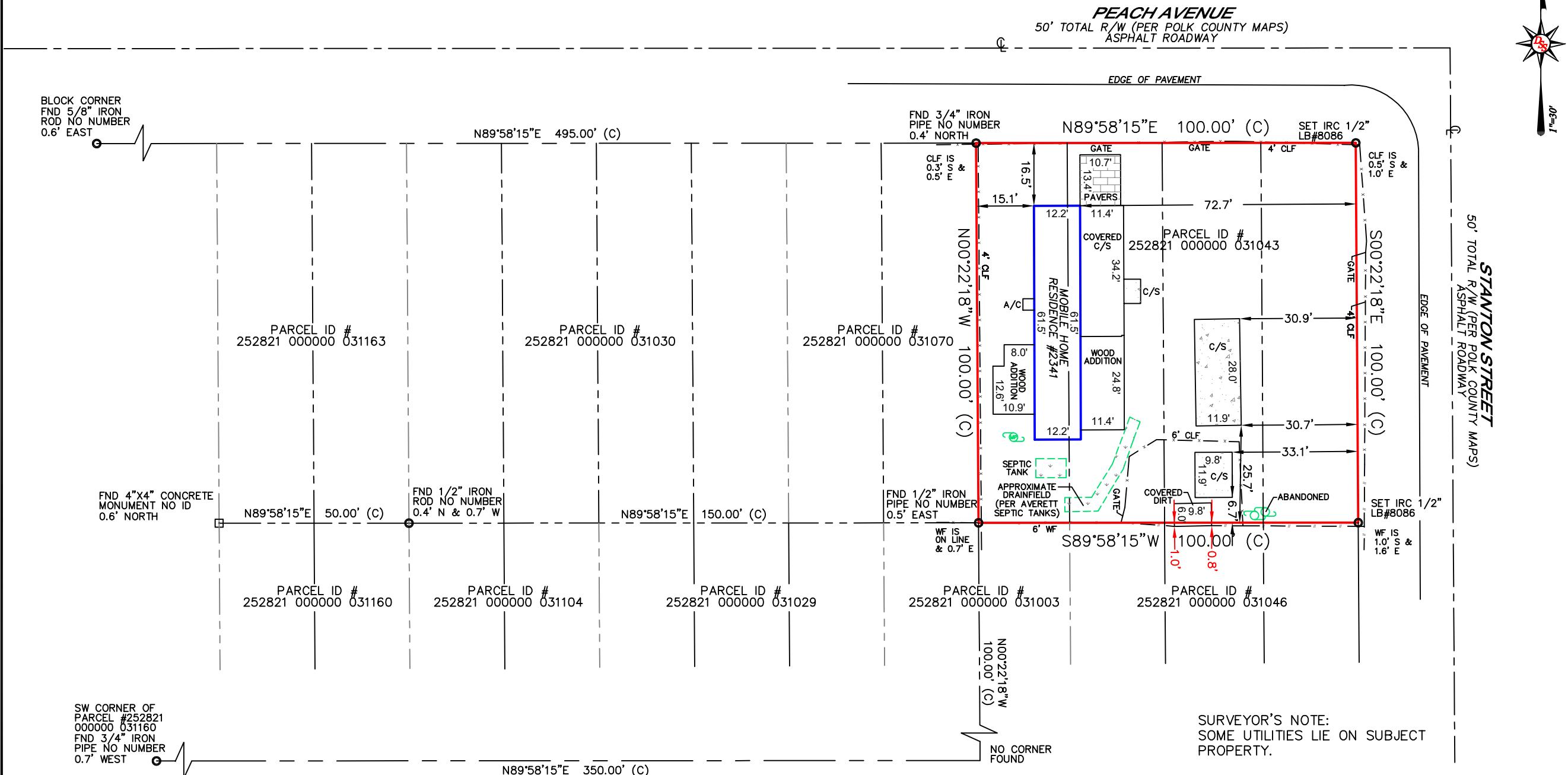
Do you have Homeowners Association approval for this request?

NA

Justification

BOUNDARY SURVEY

102



Legal Description as furnished:
The West 50 feet of the East 250 feet of the North
100 feet of South 350 feet of NE 1/4 of NW 1/4
known as lots 186 and 187 of unrecorded Mobile
Home Village, Section 21, Township 28 South,
Range 25 East, Polk County, Florida.
And

The West 50 feet of the East 200 feet of the North 100 feet of the South 350 feet of the NE 1/4 of the NW 1/4 of Section 21, Township 28 South, Range 25 East, also known as Lots 184 and 185 of unrecorded Mobile Home Village.

Legend:

Legend:	
	= BACKFLOW PREVENTER
	= CABLE RISER
	= CATCH BASIN
	= ELECTRIC RISER
	= FIRE HYDRANT
	= GRATE
	= GUY WIRE
	= IRRIGATION CONTROL VALVE
	= LIGHT POLE
	= METER POLE
	= CENTRAL ANGLE
A/C	= AIR CONDITIONER
BWF	= BARBED WIRE FENCE
C	= CALCULATED
C.M.	= CEMETERY MONUMENT
CATV	= CABLE TV RISER
CB	= CHORD BEARING
C.B.W.	= CONCRETE BLOCK WALL
CD	= CHORD DISTANCE
C	= CENTERLINE
CLF	= CHAIN LINK FENCE
CONC.	= CONCRETE
CO'D	= COVERED
C/S	= CONCRETE SLAB
D	= DEEDED
D.E.	= DRAINAGE EASEMENT
D.U.E.	= DRAINAGE AND UTILITY EASEMENT
E.O.P.	= EDGE OF PAVEMENT
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION
FF	= FINISHED FLOOR ELEVATION
FND	= FOUND
F.T.	= FEET
HWF	= HIGH WIRE FENCE
ID	= IDENTIFICATION
I.P.	= IRON PIPE
I.R.	= IRON ROD
IRC	= IRON ROD AND CAP
L	= ARC LENGTH
LB	= LICENSED BUSINESS
LS	= LICENSED SURVEYOR
M	= MEASURED
M.B.	= MAP BOOK
M.B.S.L.	= MINIMUM BUILDING SETBACK LINE
M.E.S.	= MITERED END SECTION
MF	= METAL FENCE
N&D	= NAIL AND DISK
NAVD88	= NORTH AMERICAN VERTICAL DATUM 1988
OHU	= OVERHEAD UTILITY LINE
O.R.B.	= OFFICIAL RECORDS BOOK
P	= PLAT
P.B.	= PLAT BOOK
P.C.	= POINT OF CURVATURE
P.C.C.	= POINT OF COMPOUND CURVATURE
P.C.P.	= PERMANENT CONTROL POINT
P/E	= POOL EQUIPMENT
PG	= PAGES
P.I.	= POINT OF INTERSECTION
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
P.R.C.	= POINT OF REVERSE CURVATURE
P.R.M.	= PERMANENT REFERENCE MONUMENT
P.T.	= POINT OF TANGENCY
PVC	= POLY VINYL CHLORIDE
RADUS	= RADUS
R.C.P.	= REINFORCED CONCRETE PIPE
R/W	= RIGHT OF WAY
SEC.	= SECTION
U.E.	= UTILITY EASEMENT
VF	= VINYL FENCE
WF	= WOOD FENCE
	= ASPHALT
	= CONCRETE
	= PHONE RISER
	= PRESSURE TANK
	= SANITARY CLEANOUT
	= SEWER MANHOLE
	= TRANSFORMER
	= UTILITY POLE
	= VERIZON RISER
	= WATER METER
	= WATER VALVE
	= WELL

is intended for mortgage or refinance purposes only.
or use by those to whom it is certified. This Survey is
ed for Construction, permitting, design, or any other
the written consent of DEEP SOUTH SURVEYING, INC.
G FORBIDDEN. COPYRIGHTED MATERIAL. ©

NO. : 25100001	SHEET NO.: 1 of 1
DATE: 10/07/2025	
ED BY: S.D.B.	
ED BY: E.W.B./S.H.	
BY: S.D.B./K.B.O.	

Surveyor's Notes:

1. The surveyor has not abstracted the land shown herein for easements, right of way, or restrictions of record which may affect the title or use of the land.
2. No underground improvements have been located except as shown.
3. The property shown herein appears to lie in Zone "X" - an area of minimal flood hazard, according to FIRM Map Number 12105C0340G, with an effective date of 12/22/2016. The surveyor makes no guarantees as to the above statement. Contact your local floodplain official or F.E.M.A. agent for verification.
4. The survey shown herein was conducted without the benefit of a current title commitment. A title search may reveal additional information affecting this property.
5. This surveyor did not review the covenants and restrictions of the plat named in the legal description shown above.
6. Ownership of fences shown herein, if any, was not determined by this survey, said fences were located only where dimensioned and may not run straight.
7. Symbols shown herein are not to scale and are for informational purposes only.
8. There may be easements and restrictions of record and/or private agreements not furnished to the surveyor or shown on this survey that may affect property rights and/or land use rights of the subject property.

DEEP SOUTH **SURVEYING**

308 Avenue G SW, Suite 218
Winter Haven, Florida 33880
863.797.3366
deepsouthsurveying@gmail.com
Certificate of Authorization LB8086

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.



10/21/2025

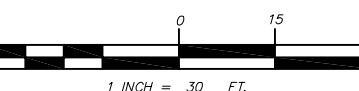
Property Address:

2341 Peach Avenue
Auburndale, Florida 33823

Certified to/ for the exclusive use of:

Williams Construction Company

GRAPHIC SCALE



Survey is intended for mortgage or refinance purposes only. It is not to be used for Construction, permitting, design, or any other purpose without the written consent of DEEP SOUTH SURVEYING, INC. ©

VEY NO. :	25100001	SHEET NO.:
DO DATE:	10/07/2025	
REWARDED BY:	S.D.B.	1 of 1
EYED BY:	E.W.B./S.H.	
OWN BY:	S.D.B./K.B.O.	

LDLVAR-2025-68 - Conception Variance

Menu Reports Help

Application Name: Conception Variance**File Date:** 10/30/2025**Application Type:** LUHO - Variance**Application Status:** Approved For Hearing**Application Comments:** View ID Comment Date**Description of Work:** owner hired who she thought was a contractor to do an addition and found they were not and not permit was pulled she she came to us. then we found out the addition the built was not built to set backs. we have had an as built done and the set back is 10' and the addition is 4'2" off property so we are asking for variance of 5'10**Application Detail:** Detail**Address:** 2341 PEACH AVE, AUBURNDALE, FL 33823**Parcel No:** 252821000000031043**Owner Name:** VAZQUES JOAN

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	<u>STEVEN MICHAEL WILLIAMS</u>	<u>WILLIAMS CONSTR...</u>	Engineer	<u>Mailing, PO BOX 280, P...</u>	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_GEN_BOA

GENERAL INFORMATION

Expedited Review

Number of Lots

-

Will This Project Be Phased

Acreage

.23

DRC Meeting Time

DRC Meeting

12/11/2025

Rescheduled DRC Meeting

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 HearingVariance

Officer

Variance Type

Brownfields Request

AccessoryLarger than

-

Principle

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

Small Scale

-

MEETING DATES

LUHO Hearing Date

01/22/2026

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?
Owner hired who she thought was contractor and did not permit

When did you buy the property and when was the structure built? Permit Number?
purchased in 2013
Addition added 2-20-2024
BR 2025-8126

What is the hardship if the variance is not approved?
Owner will have to demo new addition that is for the kids rooms

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

Do you have Homeowners Association approval for this request?
NA

LD_GEN_BOA_EDL[Opening DigEplan List...](#)

DigEplan Document List

PLAN REVIEW FIELDS

TMPRecordID
POLKCO-25EST-00000-65010
 RequiredDocumentTypesComplete
Yes

DocumentGroupforDPC
DIGITAL PROJECTS LD
 RequiredDocumentTypes
-
 AdditionalDocumentTypes
Applications AutoCad File, Binding Site Plans (PDs, Yes
and CUS), CSV, Calculations, Correspondence, Desig
n Drawings, Flood/Traffic Studies, Impact Statement,
Inspections, Miscellaneous, Plats, Record Drawings,
Response Letter Resubmittal Complete, Staff Repor
t/Approval Letter, Survey, Title Opinion
 DigitalSigCheck
Yes

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
<u>LUHO</u>	2	33	01/07/2026	01/07/2026	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Saralis Wons	Application ...	11/17/2025	Saralis Wons
	Roads and Drainage Review	Phil Iren	Approve	11/18/2025	Phil Iren
	Planning Review	Aleya Inglima	Approve	11/24/2025	Aleya Inglima
	Review Consolidation		Approved for...	12/02/2025	Saralis Wons
	Public Notice				
	Hearing Officer				
	Final Order				

Record Details

Task	Assigned To	Status	Status Date	Action By			
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		



Polk County
Polk County Land Use Hearing Officer

Agenda Item 6.

1/22/2026

SUBJECT

LDLVAR-2025-69 (Nathani Alcohol Variance)

DESCRIPTION

The applicant is requesting a variance to allow separation reduction for a proposed Alcohol Package Store (3PS License) within 2,500 feet of two religious institutions.

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:	December 13, 2025	CASE #:	LDLVAR-2025-69
LUHO Date:	January 22, 2026	LDC Section:	Nathani Alcohol Variance Section 224 Table 2.4

Request: The applicant is requesting a variance to allow separation reduction for a proposed Alcohol Package Store (3PS License) within 2,500 feet of two religious institutions.

Applicant: Amin Nathani

Property Owner: GK Shopping Plaza LLC

Location: The subject site is located south of US Highway 192, east of US Highway 27, north of Polo Park East Boulevard, west of Rita Bee Avenue, north of the City of Haines City in Section 01, Township 25, Range 26.

Parcel ID#: 262501-000000-043050

Size: ±3.27 acres

Land Use Designation: Regional Activity Center-X (RACX)
North US 27 Selected Area Plan (SAP)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is seeking to propose a liquor store within an existing 20,984 square-foot retail plaza. The applicant is applying for one package liquor sales license (3PS), however, there are two religious institutions within 2,500 feet of the property (Exhibit 3). Section 224 of the Land Development Code (LDC) prohibits the sale of liquor beverages within 2,500 of a religious institution or a public or private school (K-12). Through LDC Section 930, a property owner (or agent of) may request a variance to the 2,500 feet of separation from the Land Use Hearing Officer. Alcohol separation distance is measured from property line to property line. Therefore, approval of this variance will apply to the entire retail plaza and any future building expansions or additions within the property.

Two religious institutions, Iglesia Bautista Fe y Esperanza and Cornerstone Baptist Church, are within the 2,500-foot separation distance requirement. Measured between property lines, Iglesia Bautista Fe y Esperanza is located about 445 feet from the subject property, and Cornerstone Baptist Church is about 1,665 feet from the subject property.

The subject site is located in the Regional Activity Center (RACX) in the North US 27 Selected Area Plan (SAP), providing a number of different uses within the surrounding area. This includes two restaurants that provide the sale of beer, wine, and liquor consumption within the 2,500-foot separation distance (4COP-SRX). This includes the Wheelhouse Bar 19th Hole located in the subject site as well as an Italian restaurant located in the same complex as Iglesia Bautista Fe y Esperanza. The subject site, also known as “GK Shopping Plaza, LLC” once carried a business conducting liquor package sales. However, per LDC Section 120.C, the store closure was longer than two years, and a variance is now required for any new package business to locate in the plaza.

There are a few locational factors that need to be considered. US 27 separates the two uses with six lanes and about 210 feet of right-of-way. In addition the separation distance is much greater when accounting for pedestrian and vehicular travel. The distance increases to at least 980 feet when accounting for entrances of the proposed liquor store and one of the religious institution’s property boundaries rather than from property line to property line (Exhibit 5).

Staff has found that setback reductions from Table 2.4 in Section 224 of the LDC have been approved for five cases last year and many times these uses can co-exist in close proximity without being injurious on one another or detrimental to the public welfare.

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 are many instances where liquor stores and religious institutions have coexisted in close proximity without any adverse effects. Separation variances from Table 2.4 in Section 224 of the LDC have been approved for four cases last year alone.
- **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 the retail plaza previously contained a liquor store which was established prior to the two religious institutions. However, since the store has been closed for over two years, a variance is required to locate any new store on property.
- **The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure**, because it offers the retail plaza the flexibility of leasing to the beer, wine and liquor package store tenants where it otherwise was allowed to previously.

Staff recommends approval of a variance to reduce the requirements for separation from religious institutions for this site because commerce is supported at this site by policies in the Comprehensive Plan.

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-2025-69**, with the following conditions:

CONDITIONS OF APPROVAL:

1. A variance shall be granted to the shopping plaza on Parcel # 272630-000000-012010 for two package alcohol sales licenses (3PS) within the distance separations of religious institutions listed in Section 224 of the LDC.
2. The applicant shall secure and locate the necessary alcohol license (3PS license) within one (1) year from the date the Land Use Hearing Officer's Final Order is rendered. The variance will be valid as long as the beverage license is current and the establishment does not close for a period of greater than twenty-four (24) months, otherwise the variance will become null and void.
3. The property owner(s) is responsible for compliance with any further restrictions of record pertaining to the property 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 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 applicant intends to place a liquor store within a retail plaza off of US 27 north of Interstate-4. This request is seeking a variance to the 2,500-foot separation requisite between establishments with a 3PS license (liquor, beer and wine package sales) from two churches as required by LDC Section 224. Measured from property line to property line, Iglesia Bautista Fe y Esperanza and Cornerstone Baptist Church are about 445 feet and 1,665 feet from the property line, respectively.

Staff finds this request will not be injurious to the area involved or otherwise detrimental to the public welfare. There are numerous examples throughout the County that demonstrate liquor stores and religious institutions can co-exist without any adverse effects. The primary objective for separation is to separate the consumer from the protected use and prohibit public access where it is easily accessible. From a pedestrian and vehicular standpoint, access from both religious institutions involves crossing US 27, a major 6-lane highway. In this instance, pedestrians and vehicles typically travel much further between both uses. Based on the legal route of pedestrian travel, the religious institutions are about 980 feet and 2,255 feet walking distance away (Exhibit 5). Despite the separation below the 2,500 feet minimum, there is one restaurant within the GK Shopping Plaza, The Wheelhouse Bar 19th Hole, which is permitted to have a full-service bar and is exempt from these distance requirements (4COP-SRX). Additionally, religious institutions typically hold service on Sundays and the proposed store is not allowed to sell liquor package sales on Sundays according to LDC Section 224, Table 2.4.

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;*

Interestingly, both religious institutions were not established first. The retail plaza once carried a liquor store since at least 2008 until its subsequent closure around February 2020, according to Google Maps. According to SunBiz records, Iglesia Bautista Fe y Esperanza, the property which is closest to the applicant's retail plaza, has been operating at this location since 2021. Meanwhile Cornerstone Baptist Church purchased their property through a Warranty Deed in August 2014 according to the Property Appraiser (O.R. Book 9330, PG 666). These two churches opened after the previous liquor store was already in operation, and no extra burden of approval was placed on either entity. However, since the store was closed for more than two years, a variance is now required for any new liquor package business to locate in the plaza. RACX in the North US 27 SAP allows alcohol sales an administrative type of review (Level 1). However, since the religious institutions are now established "first," the applicant must go through the variance process.

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

It is important to realize that the separation requirements of Section 224 apply to a wide variety of uses that have disparate intensities and effects upon the surrounding area. Bars

and lounges, for instance, require a 4COP license for consumption on premises. The business hours of bars and lounges vary, often with hours that might impact a residential community, school, or religious institution. Furthermore, this case illustrates the uneven nature of alcohol policies in Polk County. The closest liquor store is a “1st Infinity Liquor LLC” located approximately ½ mile northeast at 190 Kersey Street. There are no religious institutions or schools within 2,500 feet of that store. Meanwhile an Italian restaurant is in the same retail plaza as Iglesia Bautista Fe y Esperanza which already serves alcohol without having to go through the variance process (4COP-SRX). These two uses have been in existence, while operating within the same plaza, for over seven (7) years.

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;*

Several alcohol distance variances for alcohol sales have been approved since the adoption of the LDC. Therefore, this request is a privilege that has been enjoyed by others under similar circumstances. Alcohol sales are allowed in RACX land use district, subject to administrative approval. Below is a chart of other establishments offering alcohol sales that have been approved within the distance separation requirement of a school or religious institution.

Case	BOA/LUHO Date	Schools/Religious Institution
VAR 12-56	7/26/12	Seven Churches & One High School
VAR 12-73	8/23/12	Two Churches & One High School
LDVAR-2019-55	8/22/19	One Church
LDVAR-2019-72	9/26/19	Two Churches & One Middle School
LDVAR-2020-57	6/26/20	One Church
LDLVAR-2021-107	11/15/21	Two Schools & One Church
LDLVAR-2021-122	1/27/22	Two Churches
LDLVAR-2022-36	7/28/22	One Church
LDLVAR-2022-54	8/25/22	One School & One Church
LDLVAR-2023-67	2/22/24	One Church & One School
LDLVAR-2024-10	4/25/24	Four Churches
LDLVAR-2024-12	4/25/24	Four Churches & One Elementary School
LDLVAR-2024-27	7/25/24	Three Churches
LDLVAR-2024-55	11/12/24	Two Churches & One Elementary School
LDLVAR-2025-1	3/27/25	Two Churches
LDLVAR-2025-26	7/24/25	Two Churches
LDLVAR-2025-35	8/26/25	Four Churches
LDLVAR-2025-48	9/25/25	One School

As previously mentioned, a liquor store once operated in the GK Shopping Plaza. If the applicant proposed a package store within two years from the prior store’s closure date, no variance would be required.

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

This approval is the minimum needed to accommodate the use. Though the LDC requires a straight-line measurement from property line to property line, this method of measurement provides no insight on the physical barriers to entry. The actual distance

between entrance and property lines is much greater, at over 980 feet away, when utilizing pedestrian measurement (Exhibit 5). There are significant barriers to travel from the proposed store entrance to Iglesia Bautista Fe y Esperanza and Cornerstone Baptist Church, namely US 27, a six-lane divided Principal Arterial roadway. Furthermore, the liquor store will be closed on Sundays as required by the LDC, and the surrounding religious institutions are likely to be utilized primarily on Sundays, causing no conflict.

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. Alcohol package sales may be approved in the RAC land use district in this SAP without limitations if there are no schools or religious institutions within 2,500 feet.

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 the variance will not result in the creation of a lot or parcel that does not meet the requirements of the Code. This variance 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.*

Granting this request will not circumvent any conditions of approval. There is a proposed text amendment (LDCT-2025-23) to change LDC Section 224. The ordinance proposes to reduce separation distance for 3PS to 750 feet and measure by pedestrian travel. It was recommended 6:1 approval by the Planning Commission on December 3, 2025 and the second reading will be heard by the BoCC on January 20, 2026.

Surrounding Future Land Use Designations and Existing Land Use Activity:

The table to follow provides pertinent details of abutting uses and their regulatory parameters.

Northwest: RACX Silverleaf Resort 380 short term rental multifamily units PD 06-01 ± 25.23 acres	North: RACX Aston Point PD - 400 multifamily units & non-residential outparcels LDPD-2018-46 ± 27.26 acres	Northeast: RACX Aston Point PD - 400 multifamily units & non-residential outparcels LDPD-2018-46 ± 27.26 acres
West: LRX Silverleaf Resort 380 short term rental multifamily units PD 06-01 ± 25.23 acres	Subject Property: RACX 20,984 sq. ft. retail plaza ± 3.27 acres	East: RL-1X Polo Park East MH Park (North Phase II) LIC-H-1300 (PUD 87-45) 238 mobile homes ± 65.94 acres
Southwest: LRX 15,006 sq. ft. retail plaza Iglesia Bautista Fe y Esperanza ±1.62 acres	South: RACX Bank ±2.3 acres	Southeast: RL-1X Fairways - Lake Estate (f.k.a. Polo Park East – South Phase) PUD 87-45 256 single-family homes ± 59 acres

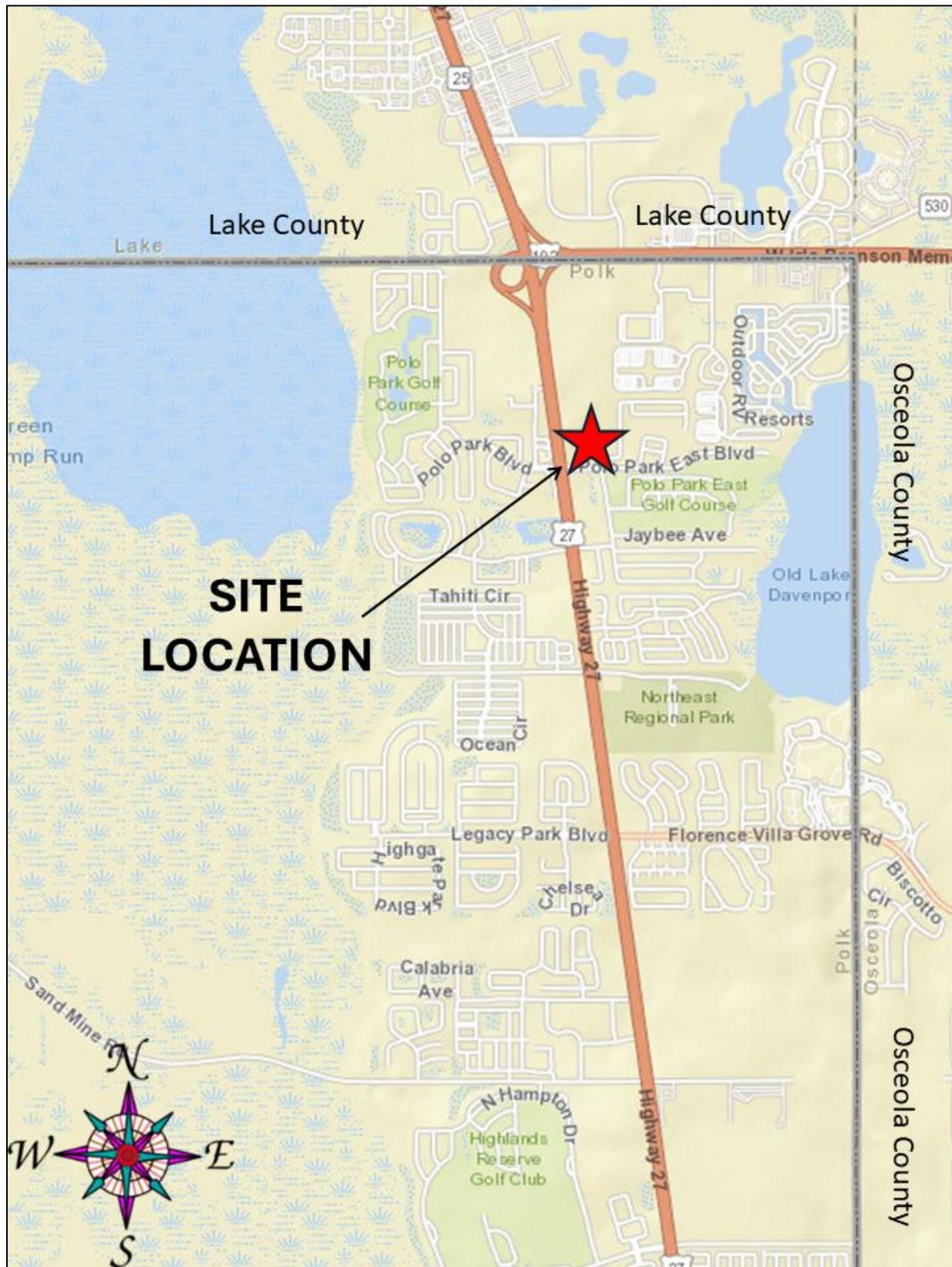
The northeast area of the County, including the subject site, was once vacant land and orange groves. By 1981 phase one of a mobile home park Polo Park (PUD 81-25) began construction across US 27 from the site. Multiple phases followed shortly thereafter in 1987 directly to the east of the subject site (PUD 87-45). The Polo Park project underwent several modifications since it was approved 1987, including lot sizes, setbacks, number of lots, and adjusting phasing schedules. The second phase, directly to the rear of the subject site, was constructed in the late 1980s. The south phase of Polo Park East was designated as Phase III according to the PUD. However in 1992 a major modification was approved to convert the south phase from 326 mobile home lots into 256 single-family homes. This also changed the name from Polo Park East – South Phase to Fairways – Lake Estate. On May 6, 1997, the Board granted final approval for the portion of the Phase I north commercial area for a bank and a retail center. Subsequently, the site had a 20,984 square-foot plaza constructed in 2002 with a bank to the south. Today, the site is surrounded by commercial and residential development, including a new 400-unit multifamily complex directly to the north.

Comments from other Governmental Agencies: None.

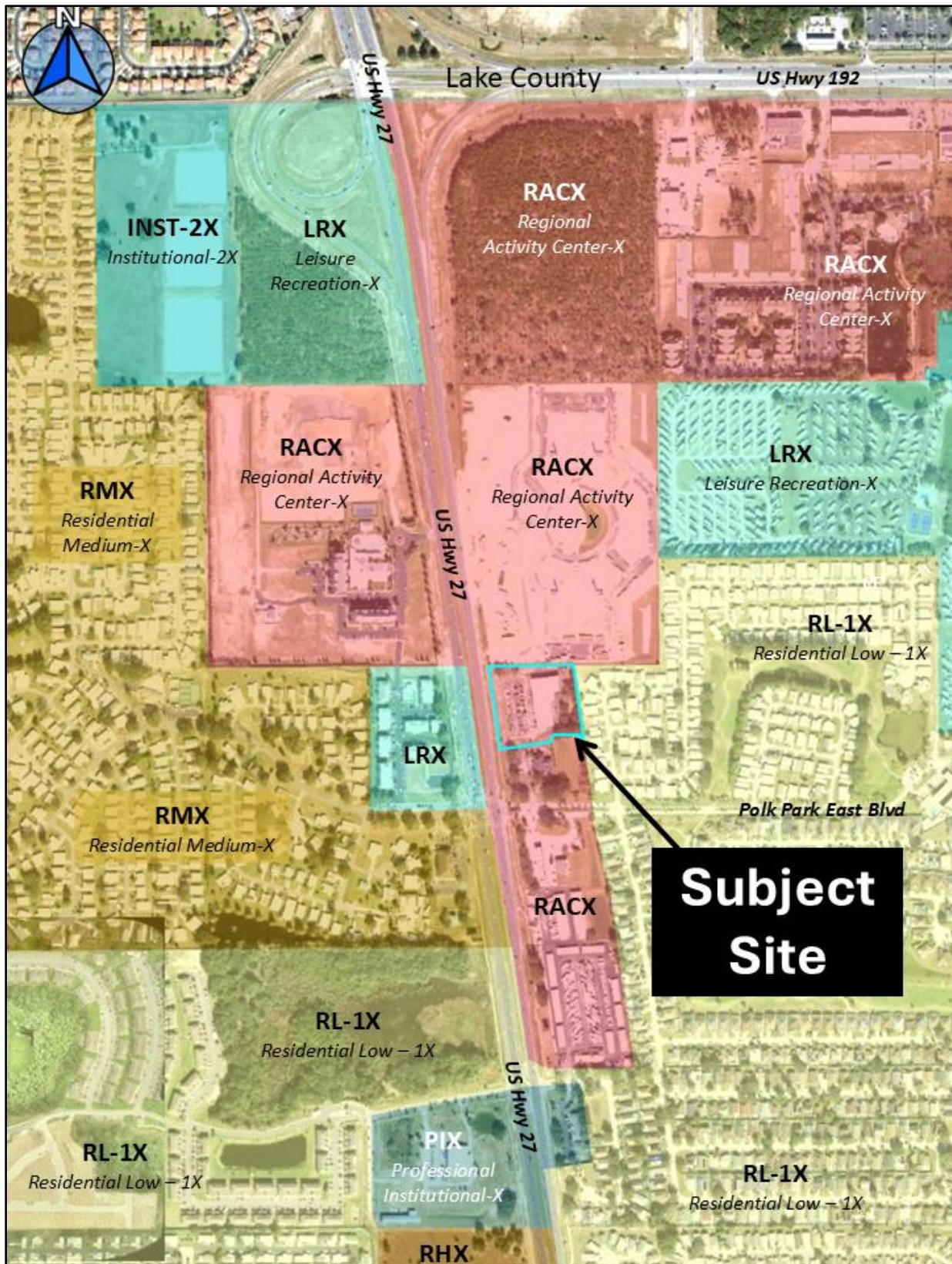
Exhibits:

Exhibit 1 – Location Map
Exhibit 2 – Future Land Use Map
Exhibit 3 – 2025 Satellite Image (Context)
Exhibit 4 – 2023 Aerial Photo (Close-up)

Exhibit 5 – 2025 Satellite Image w/ Measurements
Exhibit 6 – Site Plan
Exhibit 7 – Applicant’s Justification



Location Map



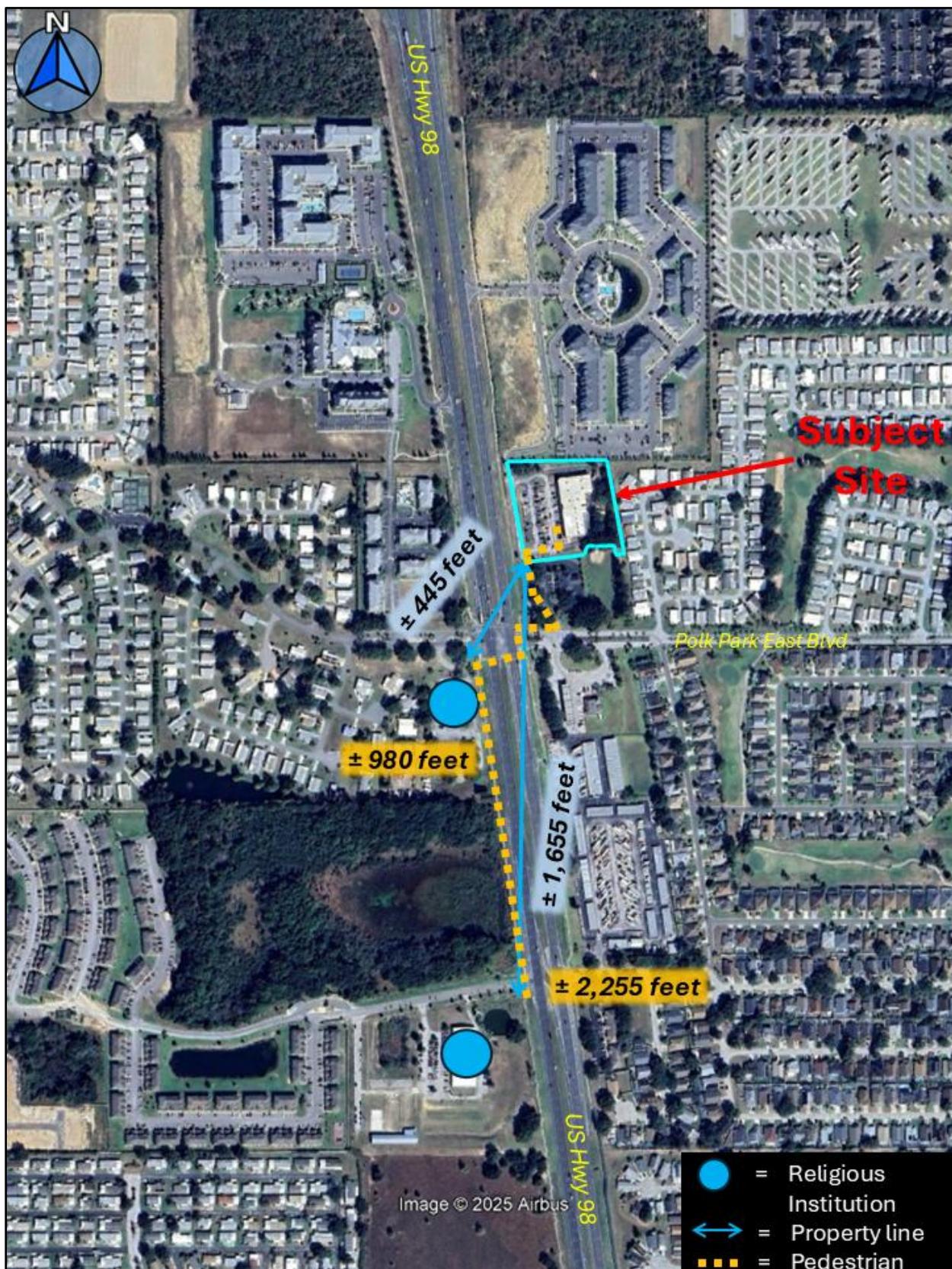
Future Land Use Map



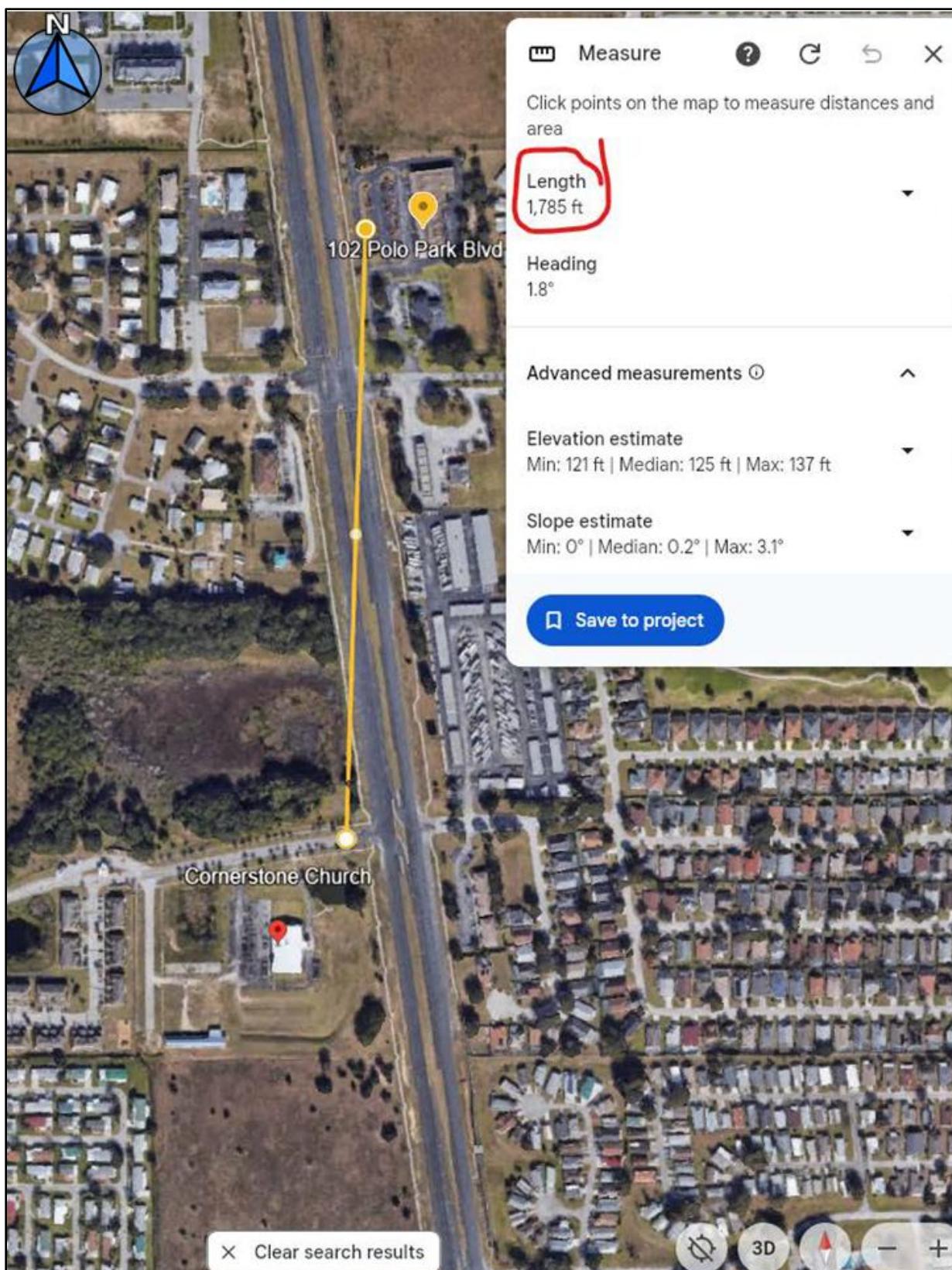
2025 Satellite Image (Context)



2023 Aerial Photo (Close-up)



2025 Satellite Image with Measurements



Site Plan

CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare? **No the variance will not cause any situation to cause any injury to anyone and will not be detrimental to public welfare.**
2. What special conditions exist that are peculiar to the land, structure, or building involved? **The plaza has a Day care center and there is a Church which is at a distance of 1785 ft instead of 2500 ft.**
3. When did you buy the property and when was the structure built? Permit Number? **I am a future tenant requesting for variance to start the business. As per my understanding the owner bought the plaza about 10 years ago.**
4. What is the hardship if the variance is not approved? **There is no hardship involved.**
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? **There is no HOA. The owner of the Plaza has approved the use.**

Applicant's Justification

Untitled map Saved on this device

File Edit View Add Tools Help

church

Places

- Cornerstone Church
Church in Polk County, Florida
- Gileade Church Orlando
Church in Citrus Ridge, Florida
- Iglesia Manantial de Sanidad AG
Christian church in Citrus Ridge, Florida
- Revival Baptist Church
Religious institution in Citrus Ridge, Florida
- The Lakeside Church - Four Corners Campus
Church in Citrus Ridge, Florida
- Elation Church
Church in Citrus Ridge, Florida
- New Water Interdenominational Church, Inc.
Church in Citrus Ridge, Florida
- The Lord's House International Ministries
Church in Citrus Ridge, Florida
- Chapel Baptist Church
Baptist church in Citrus Ridge, Florida
- Celebration Community Church
Church in Celebration, Florida

102 Polo Park Blvd

Cornerstone Church

Measure

Click points on the map to measure distances and area

Length
1,785 ft

Heading
1.8°

Advanced measurements ⓘ

Elevation estimate

Min: 121 ft | Median: 125 ft | Max: 137 ft

Slope estimate

Min: 0° | Median: 0.2° | Max: 3.1°

Save to project

Clear search results

Standard Upgrade now

121

CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare? **No the variance will not cause any situation to cause any injury to anyone and will not be detrimental to public welfare.**
2. What special conditions exist that are peculiar to the land, structure, or building involved? **The plaza has a Day care center and there is a Church which is at a distance of 1785 ft instead of 2500 ft.**
3. When did you buy the property and when was the structure built? Permit Number? **I am a future tenant requesting for variance to start the business. As per my understanding the owner bought the plaza about 10 years ago.**
4. What is the hardship if the variance is not approved? **There is no hardship involved.**
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? **There is no HOA. The owner of the Plaza has approved the use.**

LDLVAR-2025-69 - Nathani Alcohol Variance

Menu Reports Help

Application Name: Nathani Alcohol Variance

File Date: 11/04/2025

Application Type: LUHO - Variance

Application Status: Approved For Hearing

Application Comments: View ID Comment Date

Description of Work: Hello This is to request variance approval to put a retail Liquor Store for package sales in GK SHOPPING PLAZA located at 102 Polo Park E Blvd, Davenport FL 33897. The Parcel number is 262501000000043050. I will appreciate your consideration for approval. Thank You.

Application Detail: Detail

Address: 102 POLO PARK EAST BLVD, DAVENPORT, FL 33897

Parcel No: 262501000000043050

Owner Name: GK SHOPPING PLAZA LLC

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	<u>Amin Nathani</u>		Engineer	<u>Mailing, 45701 Hwy 27 ...</u>	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

3.27

DRC Meeting Time

DRC Meeting

12/11/2025

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

—

—

—

Affordable Housing

Brownfields Request

—

ADVERTISING

Advertising Board

Legal Advertising Date

Land Use Hearing

—

Officer

Variance Type

Brownfields Request

Dimensions

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Table

Affordable Housing

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CRITERIA FOR GRANTING VARIANCE

Will the variance be injurious to the area involved or detrimental to the public welfare?
No the variance will not cause any situation to cause any injury to anyone and will not be detrimental to public welfare.

What special conditions exist that are peculiar to the land, structure, or building involved?
The plaza has a Day care center and there is a Church which is at a distance of 1785 ft instead of 2500 ft.

When did you buy the property and when was the structure built? Permit Number?
I am a future tenant requesting for variance to start the business. As per my understanding the owner bought the plaza about 10 years ago.

What is the hardship if the variance is not approved?
There is no hardship involved.

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

Do you have Homeowners Association approval for this request?
There is no HOA. The owner of the Plaza has approved the use.

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

PLAN REVIEW FIELDS

TMPrRecordID	DocumentGroupforDPC	RequiredDocumentTypes
POLKCO-25EST-00000-66001	DIGITAL PROJECTS LD	-
RequiredDocumentTypesComplete	AdditionalDocumentTypes	Activate DPC
<u>No</u>	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 FSA	DigitalSigCheck	
<u>Yes</u>	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	29	01/07/2026	01/07/2026	

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Saralis Wons	Application ...	11/17/2025	Saralis Wons
Roads and Drainage Review	Phil Irven	Approve	11/18/2025	Phil Irven
Planning Review	Andrew Grohowski	Approve	12/09/2025	Andrew Grohowski
Review Consolidation		Approved for...	12/09/2025	Saralis Wons
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



Polk County

Polk County Land Use Hearing Officer

Agenda Item 7.

1/22/2026

SUBJECT

LDLVAR-2025-70 (Jimmy Lee Road ADU variance)

DESCRIPTION

Carl Kelley is requesting an accessory dwelling unit (ADU) larger than 1,000 square feet on 2.32 acres in a Residential Low-2 (RL-2) district. The property is located at 40 Jimmy Lee Road, south of CR 542 (K-Ville Ave), east of Lake Arrowhead Drive, west of SR 655 (Recker Highway), north of SR 540 (Winter Lake Road), south of Auburndale, West of Winter Haven, in Section 27, Township 28 and Range 25.

RECOMMENDATION

Approval

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

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

POLK COUNTY
LAND USE HEARING OFFICER
STAFF REPORT

DRC Date	December 11, 2025	CASE #:	LDLVAR-2025-70
LUHO Date	January 22, 2026	LDC Section:	Jimmy Lee Road ADU variance Section 206.A.2

Request: The applicant is requesting an accessory dwelling unit (ADU) larger than 1,000 square feet.

Applicant: Carl Kelley

Property Owner: Carl Kelley

Location: 40 Jimmy Lee Road, south of CR 542 (K-Ville Ave), east of Lake Arrowhead Drive, west of SR 655 (Recker Highway), north of SR 540 (Winter Lake Road), south of Auburndale, West of Winter Haven, in Section 27, Township 28 and Range 25.

Parcel ID#: 252827-000000-031060

Size: 2.32± acres

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 1,736 square foot dwelling currently on it and would like to build a much larger home (3,500-4,500 sq.ft.) in front of it so that the current dwelling becomes an ADU.

The applicant is seeking approval of an ADU that is approximately 73.6% larger than the ADU standard in the code. Although, it will clearly be subordinate in size to the primary dwelling by 49.6% at the most. The applicant could build a larger home without a variance approval if he went through the process of subdividing the tract. The base density for the district is two (2) dwelling units to the acre by right. However, the applicant chooses for the property to remain whole because the true intention is that it be an accessory dwelling to the larger future primary residence. For these reasons, staff find that approval will meet the spirit and intent for limiting the size of an ADU in the LDC. Additionally, staff find that the request meets the following variance criteria listed in Section 931:

- The request **will not be injurious to the area involved or otherwise detrimental to the public welfare** because the request as proposed will be subordinate and incidental as intended by the LDC with regard to accessory uses and structures.
- **Special conditions and circumstances present in the request do not result from the actions of the applicant** because the property is entitled to two units per acre under the current land use district standards, but the applicant does not want the accessory unit to be on a separate standalone parcel.

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-2025-70**, 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 1,736 square feet with an additional tolerance of 5%.
2. This variance shall be valid as long as the property remains more than one acre.
2. 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 approximately 2.32 acres and the current home, and its patio and driveway cover less than 2% of the property. The conversion of this 1,736 square foot to an ADU will be approximately 1.7% of the property. With the addition of the new home at the larger end of its estimated size (4,500 square feet), the coverage could be 6.2% at the most.

The applicant is seeking approval of an ADU that is approximately 73.6% larger than the standard in the code. It is also subordinate in size to the proposed future primary dwelling by 49.6% at the most. The applicant could build a larger home if he went through the process of subdividing the tract. The base density for the district is two (2) dwelling units to the acre by right. 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;*

Jimmy Lee Road is approximately 3,444 feet long within an unrecorded residential subdivision in which every property is at least 2.32 acres and has 165 feet of road frontage. So, there are no special circumstances with regard to the property parameters in comparison to others in the community.

The applicant owns two lots within the subdivision. On one there is a 1,746 square foot single-family site-built home that was constructed in 1974. The other has only a storage barn on it. Both are contained within the same perimeter fence. The applicant seeks a much larger home on the one lot with the existing dwelling but does not want to remove or destroy it for the newer home. The applicant in Exhibit 6 states that there is a sale pending for this variance on the property. This approval may be for the prospective buyer that needs two homes on the one property.

This peculiar situation is not circumventing any real planning, zoning, or growth management standards. The property is allowed to be subdivided into smaller lots and even become more than two dwellings in the same area. The RL-2 district allows two units per acre and lots as small as 15,000 square feet. This request is for personal reasons that have no adverse implication to the County's land development policies.

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

The applicant has purchased 2.32-acre property in an unrecorded subdivision comprised of similar large properties. Although the land use district allows much smaller properties, the lots within the neighborhood are all 2.32 acres or larger. There is a smaller home on the property, and the owner wants to build a much larger home. However, with so much land to place it, the owner sees no need to destroy the existing home. Section 221.A of the Land Development Code (LDC) states, *"in a residential land use district one single-family dwelling unit and accessory structures shall be permitted on a single lot meeting the minimum requirements of this Code."* LDC Section 206.A says *"No ADU shall exceed 1,000 sq. ft. of heated floorspace unless granted a variance."* The applicant could subdivide the property and have the two dwellings without any zoning approvals, but for financial reasons desires to have two units on one single parcel of property. In reality, the public does not see property lines. Two units at two per acre subdivided looks the same as two units at two per acre on one property.

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;*

From a zoning perspective, this will not confer on the applicant any special privilege that is denied by the provisions of this Code. This property could support four residential lots under the RL-2 district standards. If the ADU size variance is not granted, the applicant can subdivide the lot through recording of separate deeds one time without platting. Four lots can be subdivided through platting. The minimum lot size is 15,000 square feet and the property size is approximately 2.32 acres. The permitted density is two-dwelling units per acre.

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 73.6% larger than the County's current ADU maximum standard. According to the applicant, the ADU will be approximately 49.6% the size of the primary dwelling as it is sized today. This still falls into the confines of the definition of accessory (incidental and subordinate).

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;*

The applicant wants to construct a new and much larger home on the property but does not want to destroy an existing home that is in good condition to do it. A 73.6% larger accessory dwelling unit (ADU) than standard ADU size will not change the use of this property. The applicant has the right to subdivide and build another unit through administrative approval. The minimum lot size is 15,000 square feet and the property is

eligible for a one-time lot split without the cost of platting. However, he prefers that the 2.32-acre tract not be subdivided.

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. The RL-2 district's minimum lot size is 15,000 square feet. This property could be subdivided into at least four separate fee simple buildable lots.

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 Jimmy Lee Road unrecorded subdivision was zoned Rural Estates-2 (RE-2) under the original zoning map adopted in 1971. The first home in the subdivision was constructed in 1970. No conditions of approval were ever placed on the property by the Board. The minimum lot size in the former RE-2 zoning district was 15,000 square feet.

Surrounding Future Land Use Designations and Existing Land Use Activity:

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

Table 1

Northwest: RL-2 Single-family dwelling built in 2016 ±3,857 square feet ±2.32 acres	North: RL-2 Single-family dwelling built in 1978 ±3,768 square feet ±4.63 acres (two lots)	Northeast: Residential Low-1 (RL-1) vacant ±294 acres Owned by Faith In Action
West: RL-2 Single-family dwelling built in 1981 ±1,492 square feet ±2.37 acres	Subject Property: Residential Low-2 (RL-2) Single-family dwelling built in 1974 ±1,736 square feet ±2.32 acres	East: RL-1 vacant ±294 acres Owned by Faith In Action
Southwest: RL-2 Single-family dwelling built in 1974 ±2,776 square feet ±2.37 acres	South: RL-2 Storage barn ±880 square feet <i>Owned by applicant</i> ±2.32 acres	Southeast: RL-1 vacant ±294 acres Owned by Faith In Action

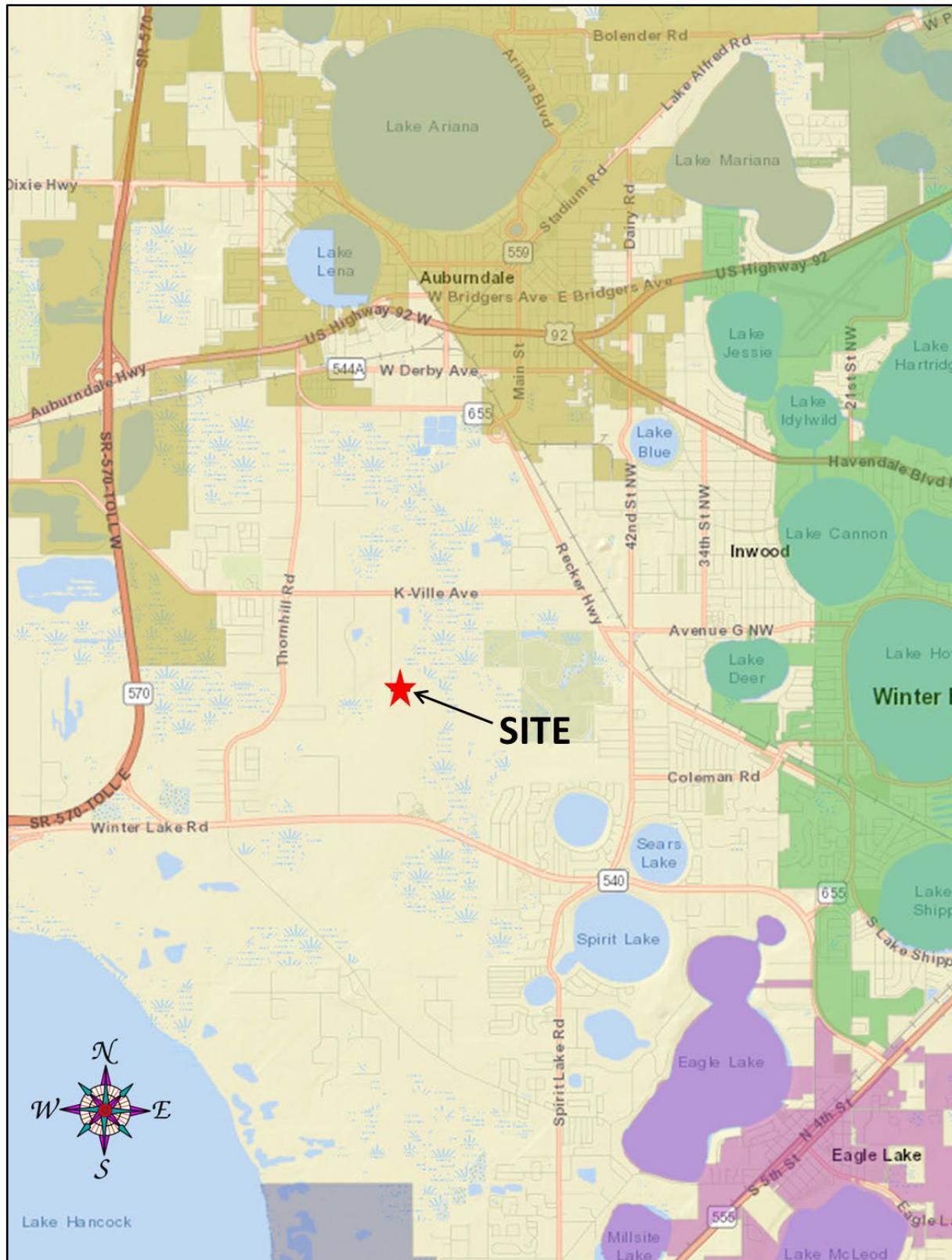
The properties along Jimmy Lee Road are of similar size and all are occupied with a single-family site-built dwelling except for the applicant's lot to the south that has only a storage barn on it. Five of the properties within the unrecorded subdivision are comprised of two buildable lots but only one dwelling. None of the lots within the subdivision have accessory dwelling units, according to the Property Appraiser's database.

Comments from other Governmental Agencies:

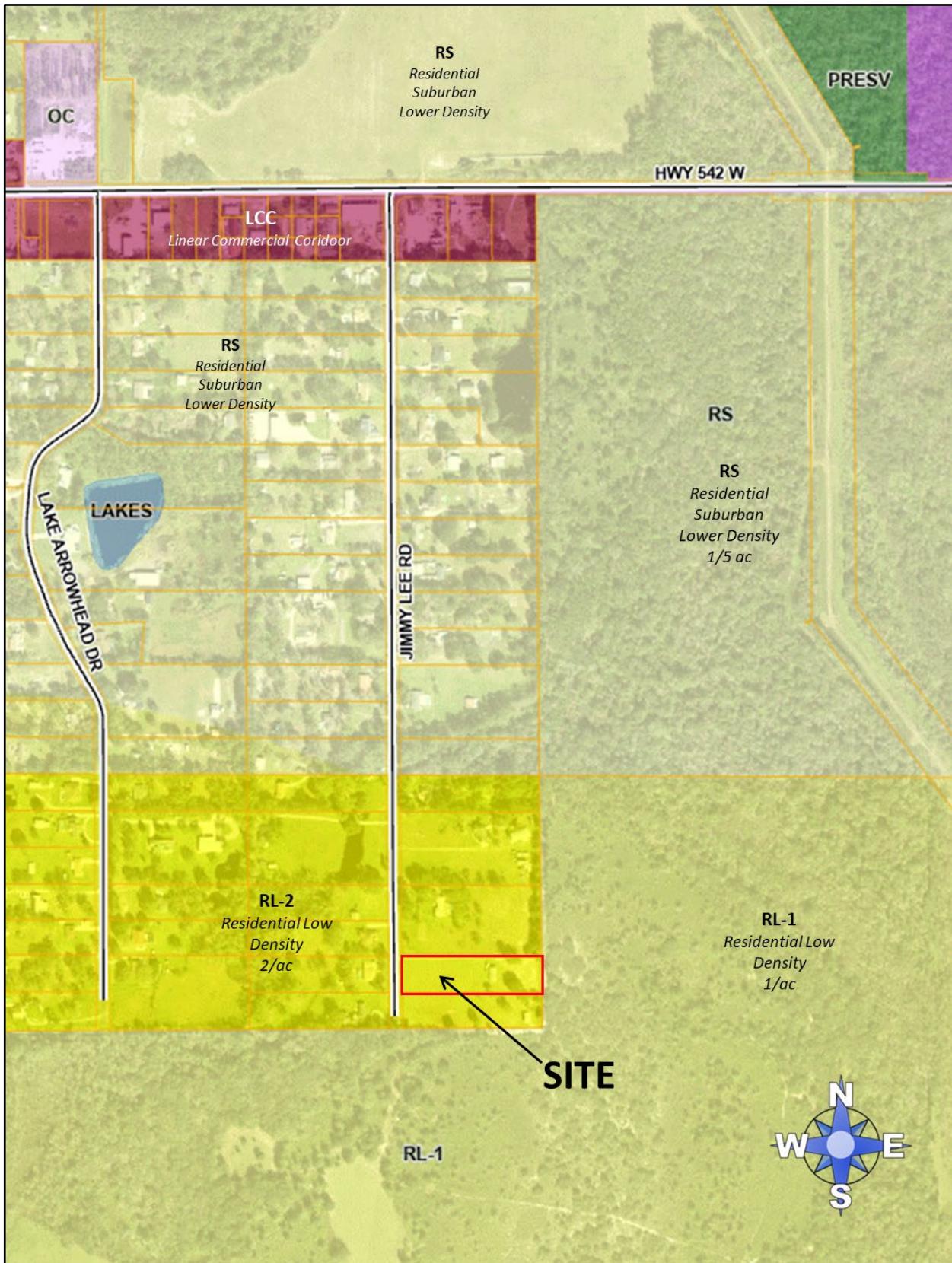
None.

Exhibits:

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



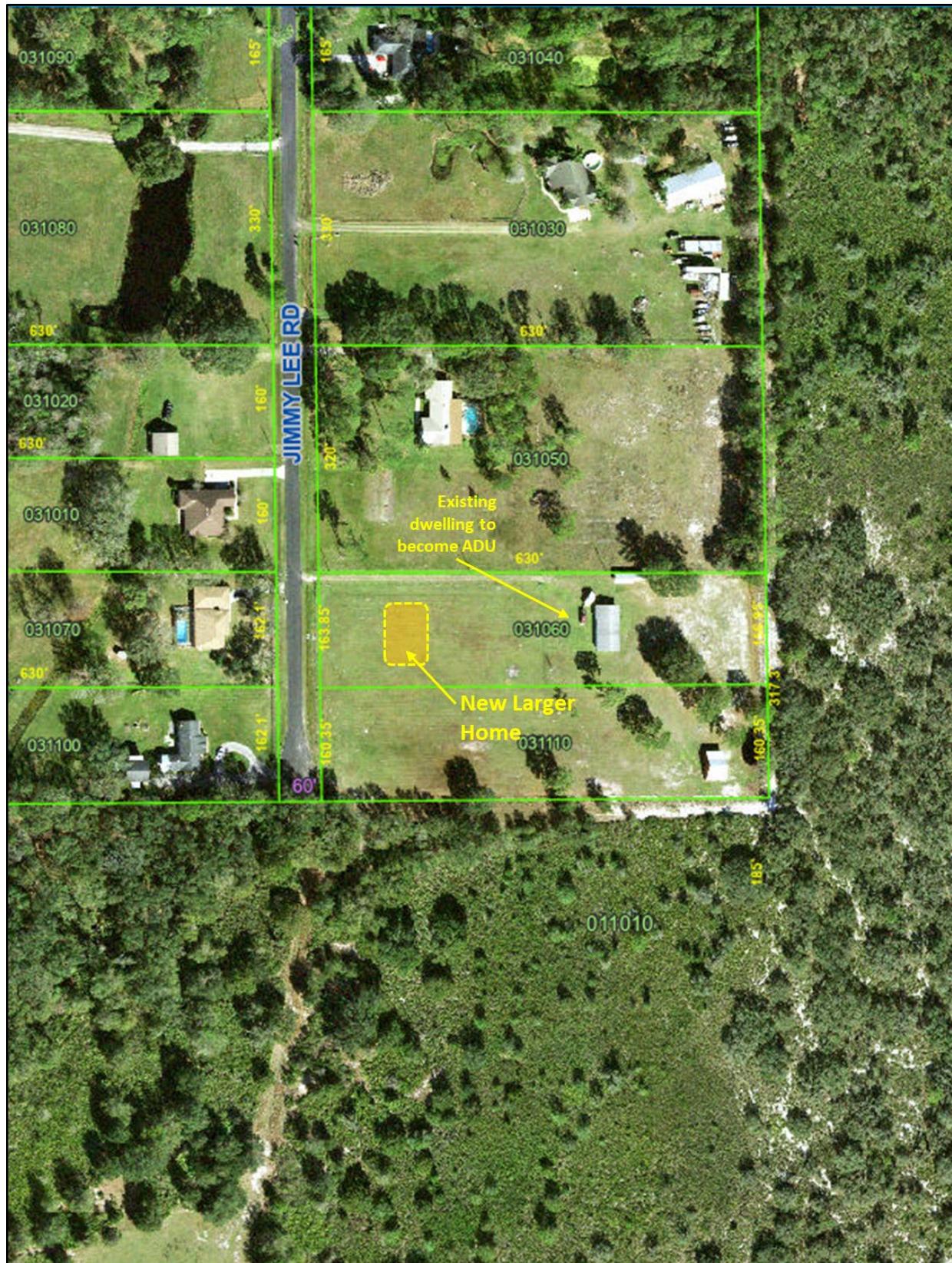
Location Map



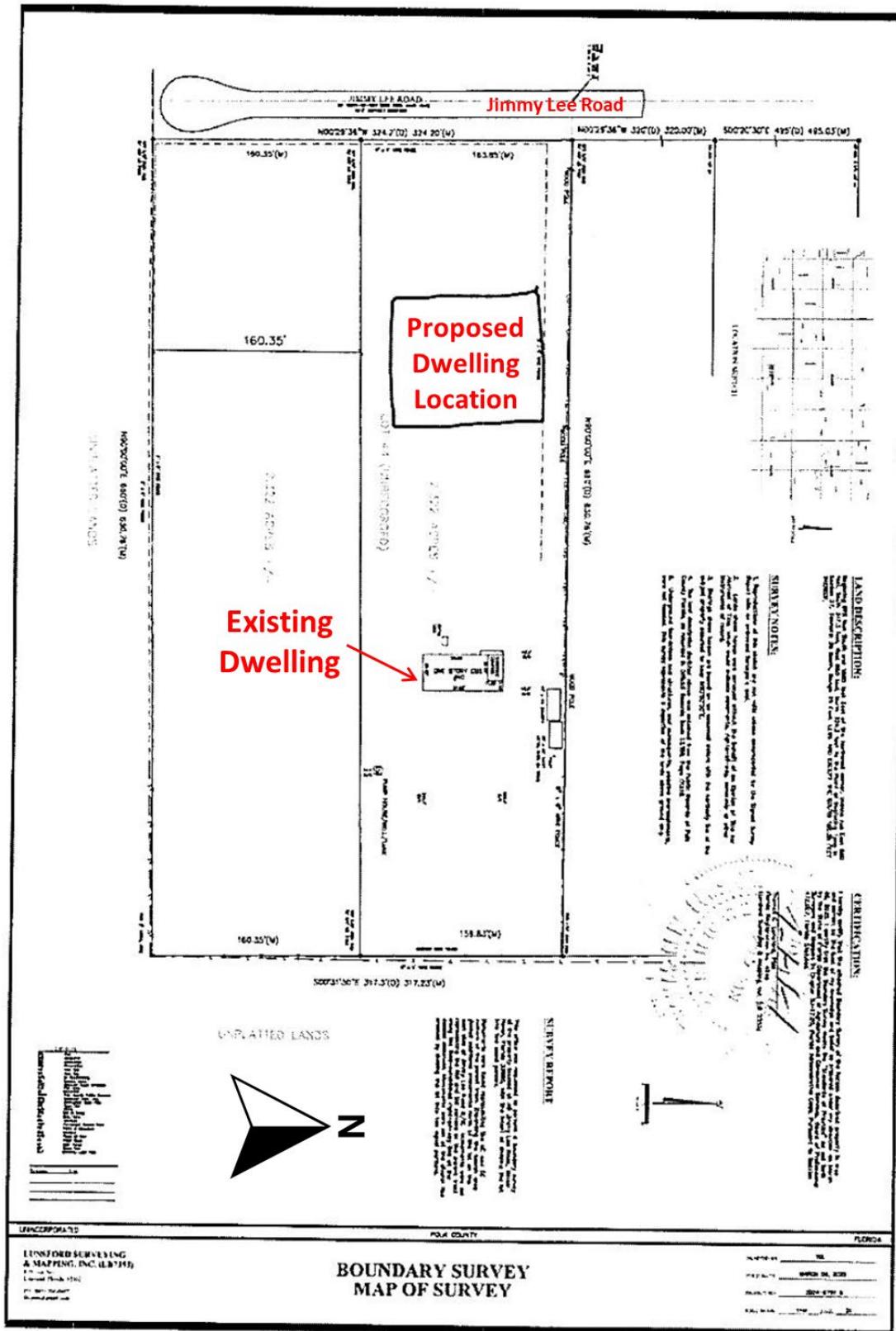
Future Land Use Map



2023 Aerial 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?
existing structure is 1400 square feet, requesting to keep it when new home is constructed in front of existing structure

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

November 2024, it was existing, built in the 1970s

What is the hardship if the variance is not approved?

sale pending

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

reasonable use of the land with larger dwelling

Do you have Homeowners Association approval for this request?

n/a, no home owners association

Applicant's Justification

LDLVAR-2025-70 - Kelley Variance

Menu Reports Help

Application Name: Kelley Variance

File Date: 11/14/2025

Application Type: LUHO - Variance

Application Status: Approved For Hearing

Application Comments:	View ID	Comment	Date
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Description of Work: requesting to construct a new dwelling of 3500-4500 square feet in front of the existing structure. the master plan is to keep the existing structure to be used as part of the home plan

Application Detail: Detail

Address: 40 JIMMY LEE RD, WINTER HAVEN, FL 33880

Parcel No: 252827000000031060

Owner Name: KELLEY CARL R

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Carl Kelley		Engineer	Mailing, 2549 Thornhil...	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

2.32

DRC Meeting Time

DRC Meeting

12/11/2025

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,

—

Table

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

Land Use Hearing,

—

Officer

MEETING DATES

LUHO Hearing Date

01/22/2026

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?

existing structure is 1400 square feet, requesting to keep it when new home is constructed in front of existing structure

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

November 2024, it was existing, built in the 1970s

What is the hardship if the variance is not approved?

sale pending

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

reasonable use of the land with larger dwelling

Do you have Homeowners Association approval for this request?

n/a, no home owners association

LD_GEN_BOA_EDL

Opening DigEplan List...

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPLRecordID

POLKCO-25EST-00000-68065

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

DocumentSigCheck

Yes

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement

✓

LAND USE

Selected Area Plan LU Code

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

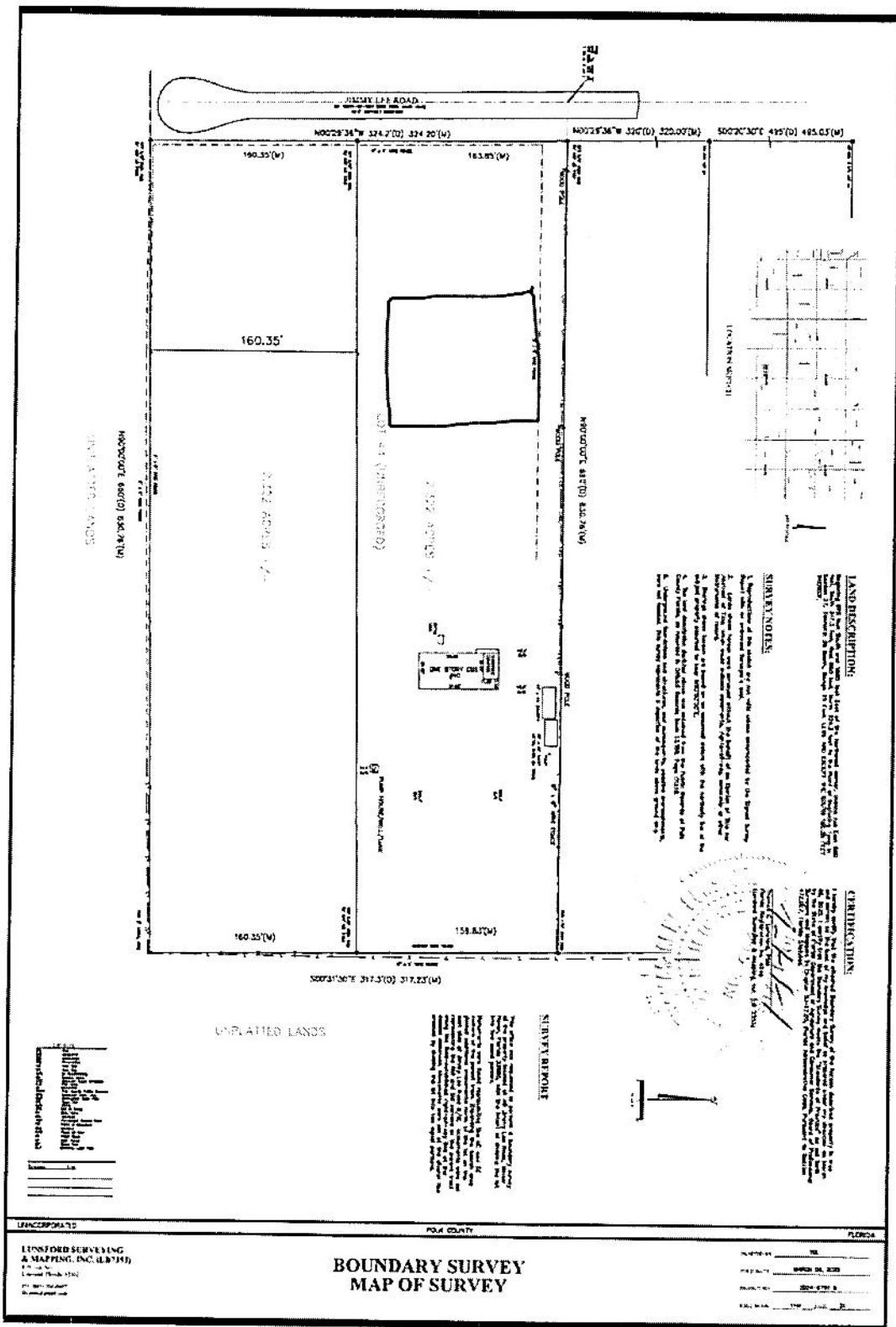
Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
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<u>LUHO</u>	1	17	01/07/2026	01/07/2026	
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Workflow Status:

Task	Assigned To	Status	Status Date	Action By
<u>Application Submittal</u>	Saralis Wons	Application ...	11/17/2025	Saralis Wons
<u>Roads and Drainage Review</u>	Phil Irven	Approve	11/18/2025	Phil Irven
<u>Planning Review</u>	Erik Peterson	Approve	12/03/2025	Erik Peterson
<u>Review Consolidation</u>		Approved for...	12/08/2025	Saralis Wons
<u>Public Notice</u>				
<u>Hearing Officer</u>				
<u>Final Order</u>				

Task	Assigned To	Status	Status Date	Action By		
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	





Polk County

Polk County Land Use Hearing Officer

Agenda Item 8.

1/22/2026

SUBJECT

LDLVAR-2025-71 (Crystal Beach Road Variance)

DESCRIPTION

The applicant is requesting a variance to reduce the accessory structure side setback from five (5) feet to two (2) feet for a carport. The subject site is located at 5726 Crystal Beach Road, south of Crystal Beach Road, east of Spirit Lake Road, north of Old Bartow Eagle Lake Road, west of the city of Eagle Lake in Section 11, Township 29, Range 25.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Aleya Perreira-Inglima

Land Development Division

(863) 534-6764

aleyalinglima@polkfl.gov

POLK COUNTY
LAND USE HEARING OFFICER
STAFF REPORT

DRC Date:	December 11, 2025	CASE #:	LDLVAR-2025-71 (Crystal Beach Road Variance)
LUHO Date:	January 22, 2026	LDC Section:	Section 208, Table 2.2

Request: The applicant is requesting a variance to reduce the accessory structure side setback from five (5) feet to two (2) feet for a carport.

Applicant: Wesley Holley

Property Owner: Wesley Zane Holley, Kelly Sue Holley

Location: 5726 Crystal Beach Road, south of Crystal Beach Road, east of Spirit Lake Road, north of Old Bartow Eagle Lake Road, west of the city of Eagle Lake in Section 11, Township 29, Range 25.

Parcel ID#: 252911-000000-011050

Size: ±0.55 acres

Land Use Designation: Residential Low-2 (RL-2)

Development Area: Urban Growth Area (UGA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is requesting a variance to reduce the accessory structure side setback from five (5) feet to two (2) feet for a carport. The home was built in 1928 and is within a Residential Low-2 (RL-2) land use district, where the required interior side setback for detached accessory structures is five (5) feet. The applicant purchased the subject property on September 2025 and wishes to add a carport. The proposed structure will be in front of the residence.

A variance to setbacks requires a public hearing and approval by the Land Use Hearing Officer (LUHO), in accordance with Section 931 of the LDC for the reduction of the side setback. Staff finds this request will cause no harm to the community or neighbor. The subject parcel is surrounded by lots of similar size. The adjacent neighbor to the south is in favor of the reduction in setback and has signed an affidavit acknowledging such.

Staff recommends approval of LDLVAR-2025-71 as it 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** as the adjacent neighbor is in favor of the reduction in setback and has signed an affidavit acknowledging such. The request is not anticipated to negatively affect

the surrounding property owners, or the neighborhood as adequate space remains for maintenance purposes

Development Review Committee

The Development Review Committee, based on the criteria for granting variances, the submitted application, and a recent site visit, finds that the applicant's request as written **IS CONSISTENT** with Section 931 of the Polk County Land Development Code (LDC) and recommends **APPROVAL of LDLVAR-2025-71 with conditions.**

CONDITIONS OF APPROVAL:

1. Seeking a variance to reduce the accessory structure side setback from five (5) feet to two (2) feet for a carport. 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 the one accessory shed will still able to be maintained at two feet from property lines. The requested variance is consistent with the general intent of the Land Development Code to allow reasonable use of residential property. The proposed carport will be approximately 60 feet from the nearest neighboring structure. Other carports can be found throughout the neighborhood.

The applicant is requesting a variance to reduce the interior side setback from five (5) feet to two (2) feet for a carport.

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;*

According to the Polk County Property Appraiser's website, the parcel has been developed with a site-built residence since 1928. The lot is narrow in width which significantly limits the buildable area and constrains the placement of accessory structures. As a result, the property has a physical limitation that makes strict compliance with the setback requirements difficult.

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

The property was established prior to current setback standards, and its narrow size restricts available space for accessory structures. The limited buildable area caused by the lot being narrow restricts options for locating accessory structures. Additionally, many other residential properties in the area have carports at the front of their properties.

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 a reasonable accommodation for the property being narrow. According to Chapter 2, Section 209 of the LDC, a carport is permitted to be in front of the primary residence. The carport is located to the front of the house, but it is in the side yard and meets all right of way setbacks. If this variance is approved, staff does not foresee the desired structure impacting public welfare or safety. In accordance with Chapter 2, Section 209 of the LDC, "accessory structures shall be located in the side or rear yard meeting the required setbacks. 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 applicant is requesting a variance to reduce the interior side setback from five (5) feet to two (2) feet for a carport represents the minimum variance necessary to allow reasonable use of the property. Given the parcel is narrow, adherence to setback requirements would prevent placement of accessory 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 Low-2 (RL-2) land use district.

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

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

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

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

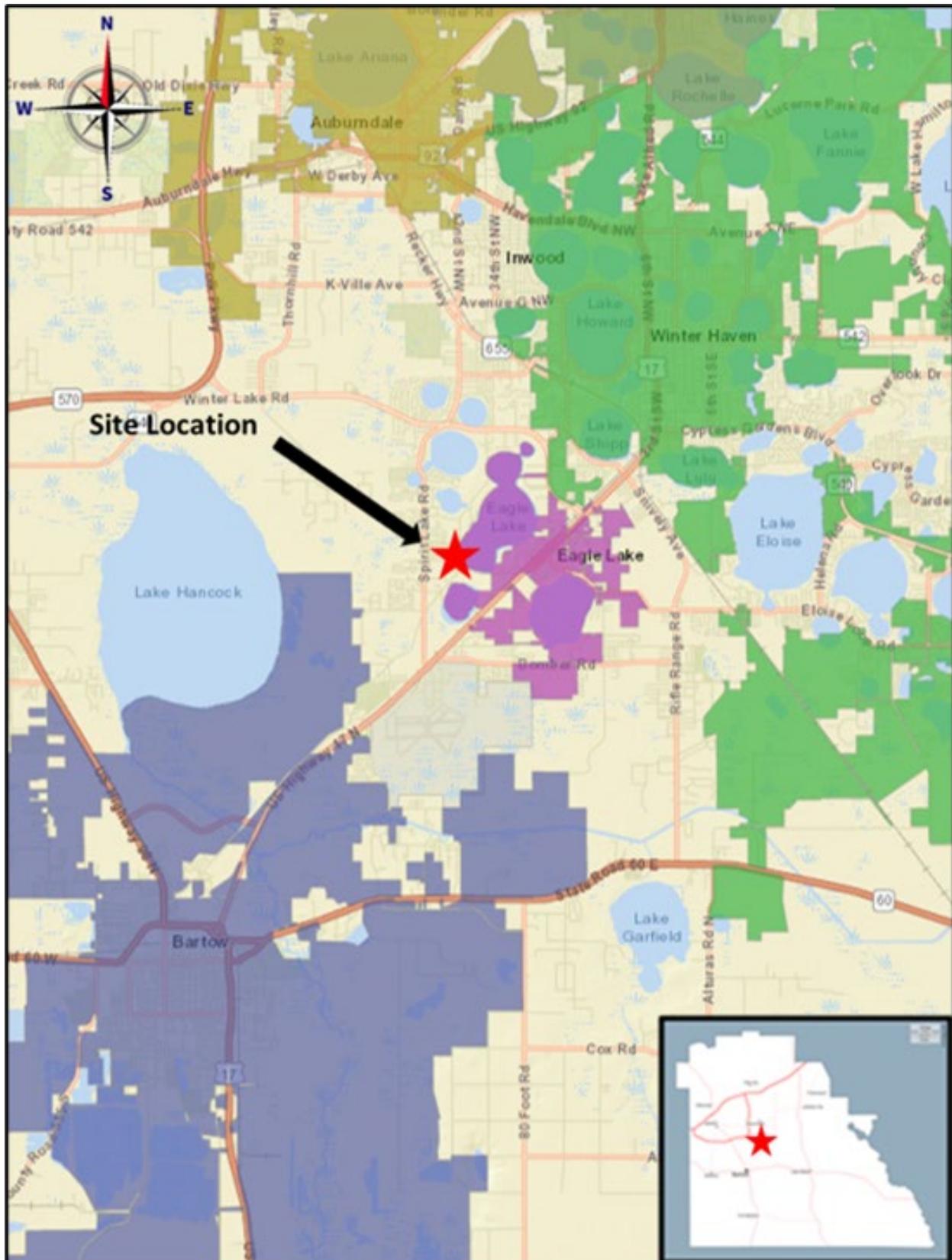
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: Residential Low-2 (RL-2) ±2.2 acres Site-Built Residence	North: Residential Low-2 (RL-2) ±0.58 acres Site-Built Residence	Northeast: Lake
West: Residential Low-2 (RL-2) ±0.32 acres Site-Built Residence	Subject Property: Residential Low-2 (RL-2) ±0.55 acres Site-Built Residence	East: Lake
Southwest: Residential Low-2 (RL-2) ±0.40 acres Site-Built Residence	South: Residential Low-2 (RL-2) ±1.07 acres Site-Built Residence	Southeast: Lake

The carport is located at the front of the home. Staff found one prior variance in this neighborhood.

Exhibits:

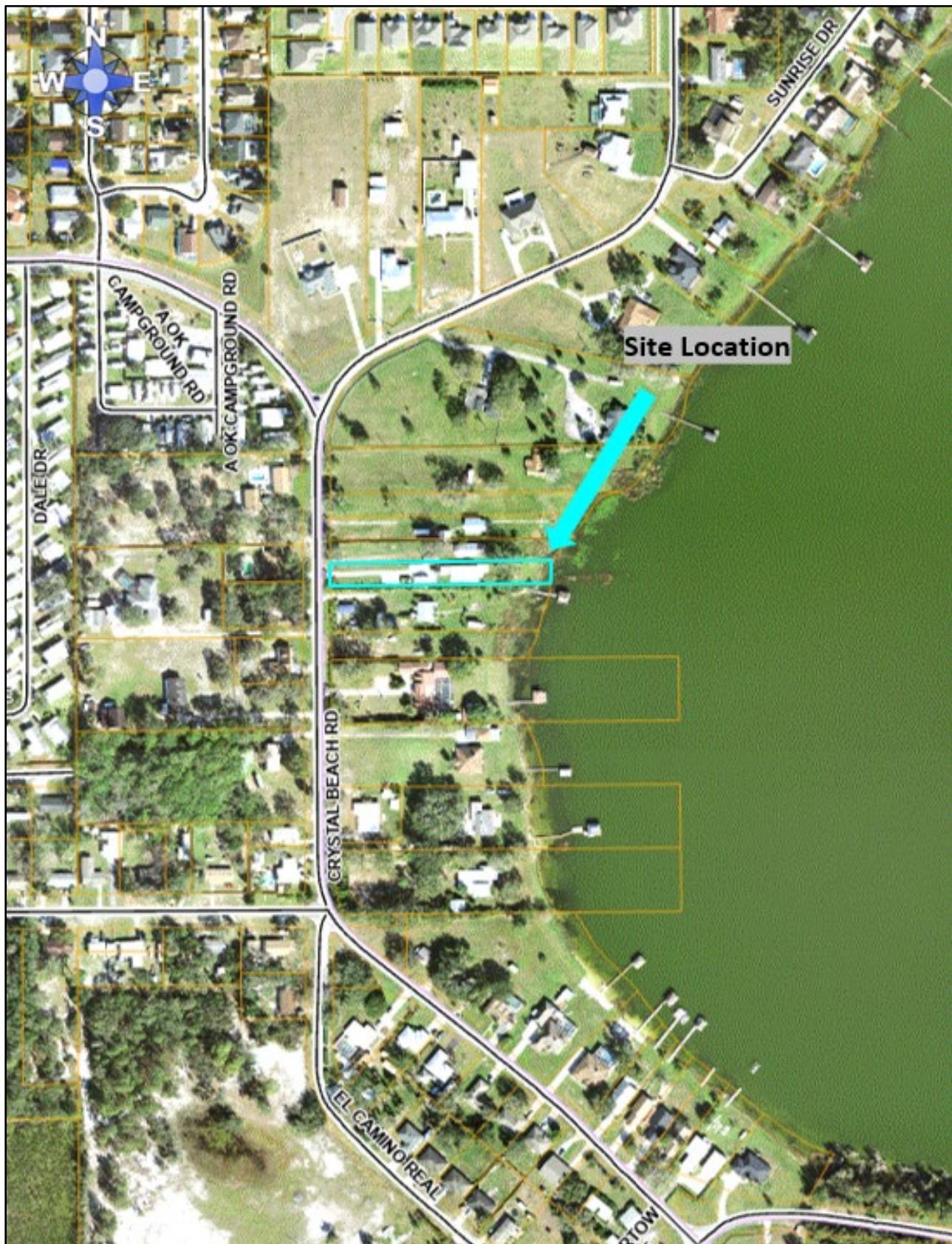
Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Aerial Imagery (Context)
Exhibit 4	Aerial Imagery (Close)
Exhibit 5	Site Plan
Exhibit 6	Justification



Location Map



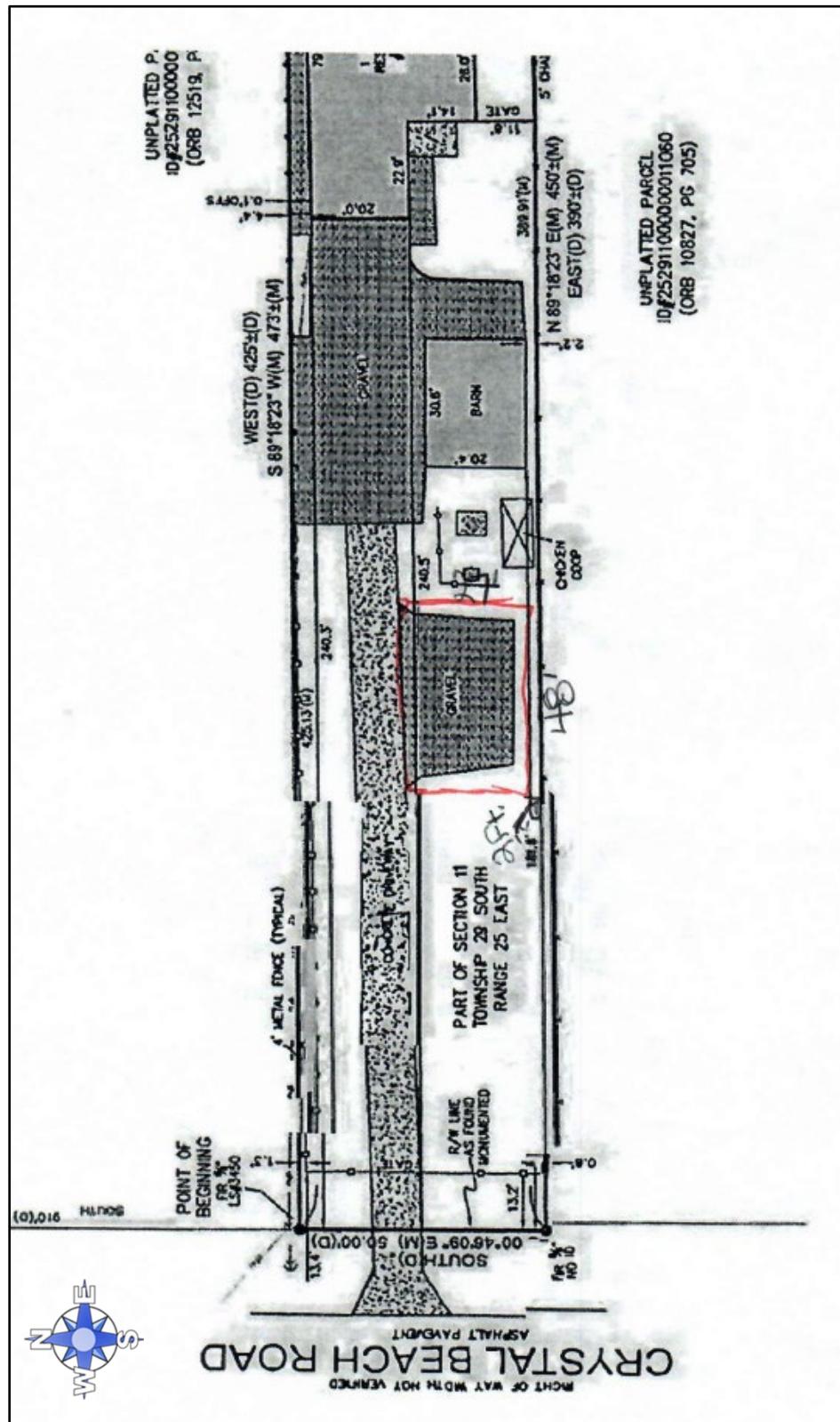
Future Land Use Map



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. Several other residences have the same request set-backs or smaller. Adjacent neighbor is in favor of the reduction in set-back and has signed an affidavit acknowledging such.

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

Lot is very narrow

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

Property was purchased on 12/5/2024. Structure has not yet been built.

What is the hardship if the variance is not approved?

We would not be able to construct a much needed carport on our property, disallowing the right to private enjoyment of our property.

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

Yes

Do you have Homeowners Association approval for this request?

No

Justification

LDLVAR-2025-71 - Holley - Variance

Menu Reports Help

Application Name: [Holley - Variance](#)**File Date:** [11/16/2025](#)**Application Type:** [LUHO - Variance](#)**Application Status:** [Approved For Hearing](#)**Application Comments:** View ID Comment Date**Description of Work:** [Request for reduction in require set back, from 5 feet to 2 feet, to erect a carport](#)**Application Detail:** [Detail](#)**Address:** [5726 CRYSTAL BEACH RD, WINTER HAVEN, FL 33880](#)**Parcel No:** [252911000000011050](#)**Owner Name:** [HOLLEY WESLEY ZANE](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Wesley Holley		Engineer	Mailing, 5726 Crystal ...	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

[.55](#)

DRC Meeting Time

DRC Meeting

[12/11/2025](#)

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

Brownfields Request

[Variance Type](#)

-

[Dimensions](#)[Table](#)

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

[Land Use Hearing](#)

-

Officer

MEETING DATES

LUHO Hearing Date

[01/22/2026](#)

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. Several other residences have the same request set-backs or smaller. Adjacent neighbor is in favor of the reduction in set-back and has signed an affidavit acknowledging such.

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

When did you buy the property and when was the structure built? Permit Number?
Property was purchased on 12/5/2024. Structure has not yet been built.

What is the hardship if the variance is not approved?

We would not be able to construct a much needed carport on our property, disallowing the right to private enjoyment of our property.

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

Yes

Do you have Homeowners Association approval for this request?

No

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

PLAN REVIEW FIELDS

TMPRecordID
POLKCO-25EST-00000-68257

RequiredDocumentTypesComplete
Yes

DocumentGroupforDPC

DIGITAL PROJECTS LD

RequiredDocumentTypes

—

Activate DPC

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 FSA

Yes

DigitalSigCheck

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
<u>LUHO</u>	1	20	01/07/2026	01/07/2026	

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
<u>Application Submittal</u>	Saralis Wons	Application ...	11/17/2025	Saralis Wons
<u>Roads and Drainage Review</u>	Phil Irven	Approve	11/20/2025	Phil Irven
<u>Planning Review</u>	Aleya Inglima	Approve	11/24/2025	Aleya Inglima
<u>Review Consolidation</u>		Approved for...	12/02/2025	Saralis Wons
<u>Public Notice</u>				
Hearing Officer				
Final Order				
Archive				

Record Details

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	