

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

DRC Date	July 10, 2025	CASE #:	LDLVAR-2025-36 (Wyngate Lane Variance)
LUHO Date	October 23, 2025	LDC Section:	PUD 88-14

Request: The applicant is requesting a side accessory setback reduction from seven (7) feet to zero (0) feet for the construction of an 18 by 25-foot open air carport on approximately 0.32 acres.

Applicant: Orlando D. Gunn Sr.

Property Owner: Orlando D. Gunn Sr.

Location: The subject property is located at 1441 Wyngate Lane, east of Kathleen Road, north of Interstate 4, east and south of Old Polk City Road, west of Sherwood Lakes Boulevard, north of the City of Lakeland, in Section 17, Township 27, and Range 23.

Parcel ID#: 242717-161105-000030

Size: ±0.32 acres

Land Use Designation: Residential Suburban (RS)
Planned Unit Development (PUD 88-14), Wellington Green Subdivision

Development Area: Suburban Development Area (SDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting a side accessory side setback reduction from seven (7) feet to zero (0) feet for the construction of a carport on the southern end of their property. The carport will be approximately 450 sq. ft., and open at both ends according to the applicant. The subject property is located within a Residential Suburban (RS) land use district and is identified as Lot 3 within the Wellington Green Subdivision (PUD 88-14). The PUD established accessory structure setback requirements as seven (7) feet for the interior sides and seven (7) feet for the interior rear. According to submitted documents, the applicant received approval from the Homeowners Association (HOA). Staff is recommending approval as the applicant's request will not be injurious to the area or detrimental to the public welfare. Approval of this variance would allow for efficient use of the applicant's property.

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

- The request **will not be injurious to the area involved or otherwise detrimental to the public welfare** because the carport will not be within the existing drainage and utility easement and is located 20 feet from the closest neighboring structure. The carport will be open at the front and back, providing accessible access should the need arise.
- **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved.** The improvements made to the property over time, including a shed, screen room, and pool, as well as the physical limitations of the site (septic system) restrict the placement of the proposed carport without setback relief. The applicant purchased the property with these conditions already in place.

Development Review Committee

The Development Review Committee, based on the criteria for granting variances, the submitted application, and a recent site visit, finds that the applicant's request as written **IS CONSISTENT** with Section 931 of the Polk County Land Development Code (LDC) and recommends **APPROVAL of LDLVAR-2025-36**

CONDITIONS OF APPROVAL:

1. The approval of this variance is to reduce the accessory structure rear setback from seven (7) feet to zero (0) feet for the construction of an eighteen (18) by twenty-five (25) foot carport (approximately 450 sq. ft.). Further additions or structures placed on the property shall be required to meet the setback requirements of the Wellington Green Subdivision (PUD 88-14) or re-apply for another variance approval from the Land Use Hearing Officer.
2. This variance does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
3. The applicant shall have one (1) year from the date the Land Use Hearing Officer's Final Order is rendered to apply for all necessary building permits and pay all associated fees for the proposed addition.

GENERAL NOTES

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

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

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

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

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

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES SUMMARIZED BELOW:

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

The granting of this request will not be injurious to the area or detrimental to the public welfare. The subject property is platted as Lot 3 within the Wellington Green Subdivision (PB 88, PG 28) recorded in November 1989. The subdivision was part of an approved Planned Unit Development (PUD 88-14), which established 7-foot side and rear yard setbacks for accessory structures. The applicant is proposing an eighteen (18) foot by twenty-five (25) foot carport (approximately 450 sq. ft.) that is twelve (12) feet high. The variance request is to reduce the side setback from seven (7) feet to zero (0) feet. It will not reduce the rear yard setback requirement. The carport will be located to the rear of the home along the western portion of the property boundary. The closest neighboring structure is about 20 feet to the west, above any fire separation requirements.

The plat identifies a ten-foot County utility and drainage easement along the front property line of all lots. The proposed carport is behind the residence on the side yard of the property, which is not anticipated to impact this easement. Additionally, the applicant has received HOA approval for this request. Lastly, the carport will be open on both ends, allowing structural maintenance should the need occur.

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

The subject property is located within the Residential Suburban (RS) land use district on approximately 0.32 acres. Pursuant to the Wellington Green Subdivision (PUD 88-14), accessory structures have a right-of-way setback of 15 feet off local roadways and seven (7) feet for both side and rear setbacks. The lot is 0.32 acres, which is below the 5-acre minimum residential lot area in the RS land use district. However, this property is Lot 3, part of the Wellington Green Subdivision platted in 1989, which has a typical lot size of 96.3' x 135' (12,960 square feet). The lot is larger than the typical lot size of the Wellington Green Subdivision. According to Property Appraiser, the site was developed in 1990 with a 2,933 sq. ft. single family residence and associated septic system. Since then, improvements have been made to the site, including the addition of a screen enclosure, pool, and shed. Given the lot size, improvements to the site and septic drain field, the PUD setbacks restrict further site improvements without impeding side and rear yard accessory structure setbacks. The eighteen

(18) by twenty-five (25) foot carport will along the property line, outside of the septic drain field, and approximately 20 feet away from the nearest structure to the west.

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

The lot is a part of an approved Planned Unit Development (PUD 88-14) which regulates lot sizes and other development criteria. When the home was constructed in 1990, a septic system and associated drain field were installed on the southeastern portion of the property. A shed was later constructed in 1999 according to building records. The applicant purchased the property in 2021 with these conditions already in place. The physical limitations of the property dictate the placement of accessory structures, as shown on the site plan (*Exhibit 5*). PUD 88-14 setback requirements, lot sizes, and site improvements over the years significantly limit the amount of usable space without some relief from the PUD setbacks.

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

A majority of homes within this subdivision have accessory structures of some kind. The small lot sizes and septic tanks for each home limit accessory structure placement. More recently, a property in the same subdivision received variance approval to reduce the 7-foot side and rear yard setbacks to 2 and 3 feet respectively to accommodate a shed (LDLVAR-2025-44).

The carport is 18' by 25' in order to accommodate a personal vehicle. While the home has a garage, the applicant stated this carport size is sufficient to meet their needs so they can shelter their vehicle from the elements. Variances are a development privilege. If not for the septic system and existing shed, the carport could locate on the southern or eastern portion of the site, and setback requirements could be met, negating the need for a variance.

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

The requested variance is believed to be the minimal variance necessary to optimize the use of the owner's land. The subject property is 0.32 acres, below the 5-acre minimum residential lot area in the RS land use district. Improvements to the site and septic drain field limit the development of the property, restricting any accessory structures to be placed on or within close proximity to the setbacks boundaries, while still maintaining a functional rear yard.

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

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

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

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

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

There was no evidence found that suggests the proposed request will circumvent the intent of a condition placed on the Wellington Green Subdivision (PUD 88-14) by the Planning Commission or the Board of County Commissioners.

Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: PUD 88-14 Lot 12 Single-family home, screen room ±0.33 acres	North: PUD 88-14 Lot 13 Single-family home, screen room ±0.31 acres	Northeast: PUD 88-14 Lot 50 Single-family home ±0.30 acres
West: PUD 88-14 Lot 4 Single-family home ±0.30 acres	Subject Property: PUD 88-14 Lot 3 Single-family home ±0.32 acres	East: PUD 83-02 Lot 2 Single-family home ±0.43 acres
Southwest: Vacant Pasture ±13.05 acres	South: Vacant Pasture ±13.05 acres	Southeast: Vacant Pasture ±13.05 acres

The subject property and surrounding area is Residential Suburban (RS) and considered Lot 3 of the Planned Unit Development 88-14, also known as the Wellington Green Subdivision (PB 88, PG 28) platted and recorded in November 1989. The size of the residential lots within the Wellington Green Subdivision are consistent with surrounding subdivisions platted the late 80s and early 90s. With a lot size of about 0.32 acres (13,878 sq. ft.), this area is in line with the Residential Low-3 (10,000 sq. ft.) minimum lot size requirement. A 10' utility and drainage easement lies along the front of the property. Large vacant pastureland directly abuts the southern property boundary. According to GIS Data Viewer, multiple lots within the surrounding area have added an additional accessory structure (shed) to the property providing examples of how these lot configurations impact future development and the need for setback relief.

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

Exhibit 1



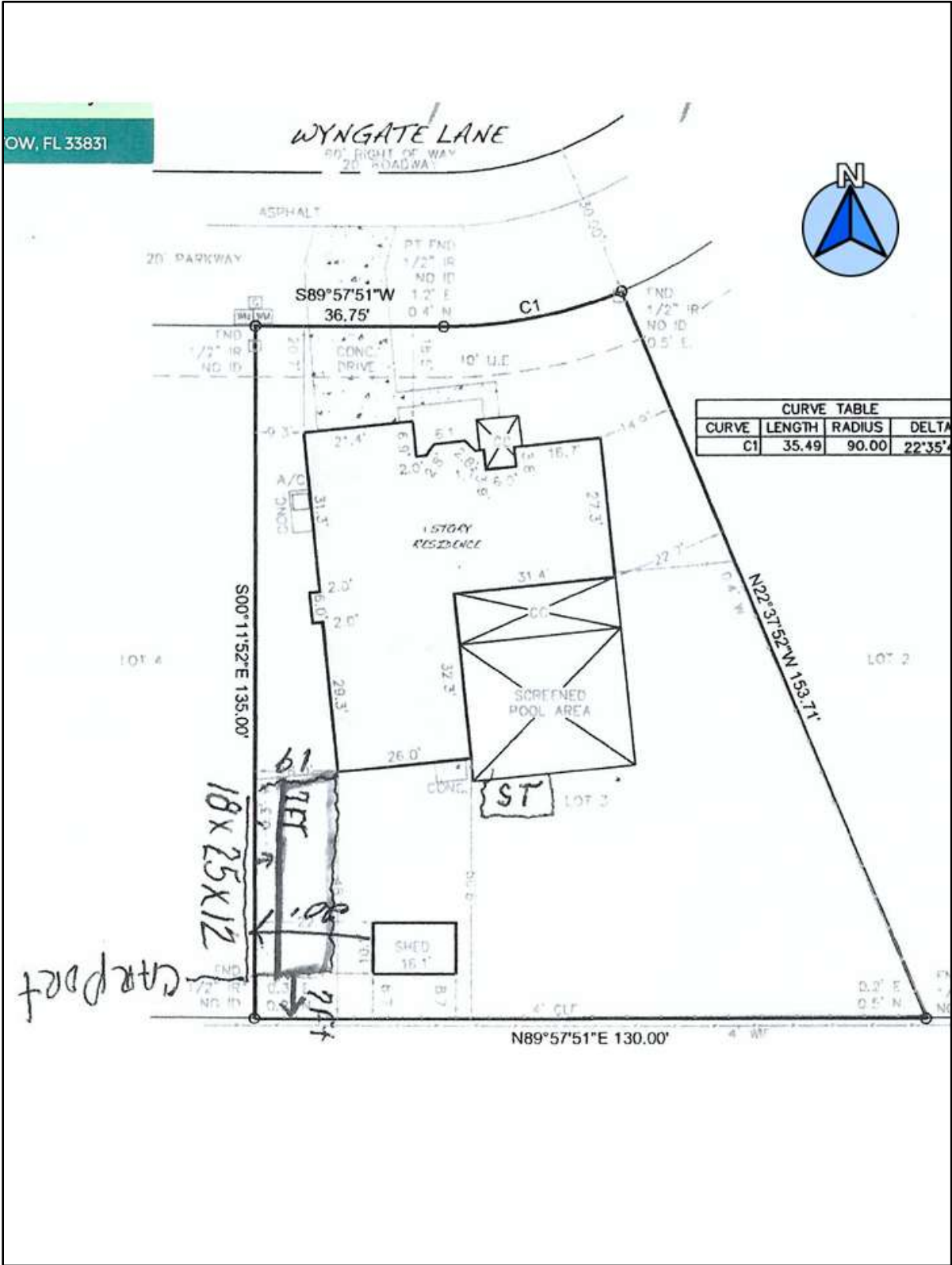
Future Land Use



2025 Satellite Image (Context)



2023 Aerial Photo (Close-up)



Site Plan

CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare? **No**
2. What special conditions exist that are peculiar to the land, structure, or building involved? **7 ft Width**
3. When did you buy the property and when was the structure built? Permit Number? **2021**
4. What is the hardship if the variance is not approved? **I can't put it on the other side of the home**
5. Is this the minimum variance required for the reasonable use of the land?
7 feet width
6. Do you have Homeowners Association approval for this request? **Yes**

Applicant's Justification