

POLK COUNTY
LAND USE HEARING OFFICER
STAFF REPORT

DRC Date	June 12, 2025	CASE #:	LDLVAR-2025-28 (Harrison Rd Variance)
LUHO Date	July 24, 2025	LDC Section:	Chapter 2, Section 209.G

Request: The applicant is requesting a variance to construct a pole barn that has a square footage greater than 150% of the primary residence in the RL-1 land use district.

Applicant: Jeremy P. Williams

Property Owners: Jeremy P. Williams & Nicole L. Williams

Location: 8910 Harrison Road, west of US Highway 98, south of West Socrum Loop Road, north of D R Bryant Road, east of North Campbell Road, north of Lakeland, in Section 03, Township 27, and Range 23.

Parcel ID#: 232703-000000-041020

Size: ±2.22 acres

Land Use Designation: Residential Low - 1 (RL-1)

Development Area: Urban Growth Area (UGA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting a variance to Chapter 2, Section 209.G of the Land Development Code (LDC) for the construction of a pole barn larger than the primary residence. The site is in the Residential Low – 1 (RL-1) land use district and the County’s Urban Growth Area (UGA).

According to the applicant, the proposed pole barn will be about 4,800 square feet and 16 feet high in order to store a bay boat with a tower, airboats, and personal vehicles that are unable to be secured inside the primary residence. Pursuant to Section 209.G of the LDC, an accessory structure may be permitted to be larger in square footage or in height of the principal structure following approval from the Land Use Hearing Officer (LUHO) pursuant to Sections 930 and 931.

According to Section 209.G of the LDC, accessory structures may be permitted up to 150% of the principal structure square footage or height. This exceeds this limit by over two times; however, the property is well-screened and buffered by dense vegetation to the west. Given the site plan (*Exhibit 5*), the proposal meets setback requirements for accessory structures.

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** as the building is located to the rear of the property while meeting all accessory setback requirements. It will be set well off from any roads and is well-buffered and screened from adjacent properties.

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-2025-28**.

CONDITIONS OF APPROVAL:

1. Approval of this variance is to allow an accessory structure (4,800 sq. ft.) that is larger than the primary structure (2,362 sq. ft.) as described in the staff report. Further additions or structures placed on the property shall be required to meet the requirements of Chapter 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 this 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 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;*

Granting this variance will not be injurious to the area or otherwise detrimental to the public welfare. The applicant owns 2.22 acres plus an additional vacant lot of about 1.66 acres to the north. Per the submitted site plan drawings and elevations (Exhibit 5) the accessory structure will adhere to all setbacks in the RL-1 district. Setbacks for the request are adequate and existing natural vegetative screens the rear or western portion of the property. Aerials indicate the closest neighboring structure is over 200 feet from the proposed structure while The nearest home to the barn is 278 feet southeast.

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 property is three times larger than typical in the district. The subject parcel is approximately 2.22 acres in the RL-1 district. There is dense vegetation along the western boundary. The applicant's home is set back approximately 55 feet from the roadway, and any accessory structure would be required to be placed behind the front of the home, limiting the placement of the structure. Vacant property, owned by the applicant, is to the north and consists of approximately 1.66 acres.

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

The site was previously two separate residential properties adjacent to one another and were purchased in 1999 and 2005, according to the Property Appraiser's website. In 2018, the mobile home on the northern property was demolished, and both lots were combined sometime thereafter. Section 209.G.1 of the LDC would allow the permitting of an accessory structure up to 150% larger than the primary structure with no variance required. Per conversations with the applicant, the structure intends to eventually be enclosed and store personal recreational and commercial vehicles as well as various equipment and have determined these dimensions suit this need. The proposed metal building, at 4,800 square feet, will be 200% larger than the primary home, however the storage provides an orderly means of keeping belonging inside. The site plan shows that it is set well off from any roads and is well-buffered and screened from adjacent 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;*

The applicant has a larger than typical property for the district. While every variance request is a special privilege, it is more justifiable when the properties are so much larger than others. Section 209.G.2 allows an accessory structure larger than the primary with approval from the LUHO pursuant to Sections 930 and 931. The request provides the ability of the applicant to shelter personal vehicles and recreational items from the outdoor elements as well as be

properly secured from possible theft. The offsite storage of these items will render an additional financial cost and burden on the applicant.

Accessory structures are permitted in this land use district, and structures such as this - as long as it has a permanent foundation, a rigid roof, and meets setbacks and building standards - can be permitted in the rear, or side yard. Per Chapter 2, Table 2.2, of the LDC, the RL-1 land use district requires accessory structure setbacks of 15 feet off local roadways, side yard setbacks of 5 feet and rear yard setbacks of 10 feet. Rear and side yard setbacks for the pole barn are 190 feet and 22 feet respectively. This structure meets these setbacks without requiring 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 and the applicant has taken care to provide the right space for the accessory structure to the side of the home.

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.

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 request will not circumvent any conditions of approval. There are no easements according to the Clerk of Court records.

Surrounding Future Land Use Designations and Existing Land Use Activity:

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

Northwest: RL-1 Fish hatchery ±3.51 acres	North: RL-1 Vacant land, owned by the applicant ±1.66 acres	Northeast: RL-1 1 single-family home ±3.91 acres
West: Fish hatchery ±5.02 acres	Subject Property: RL-1 2,380 sq. ft. single-family home ±2.22 acres	East: RL-1 1 single-family home ±1.00 acre
Southwest: Fish hatchery ±8.81 acres	South: RL-1 Fish hatchery ±8.81 acres	Southeast: RL-1 1 single-family homes & pasture ±0.39 acres

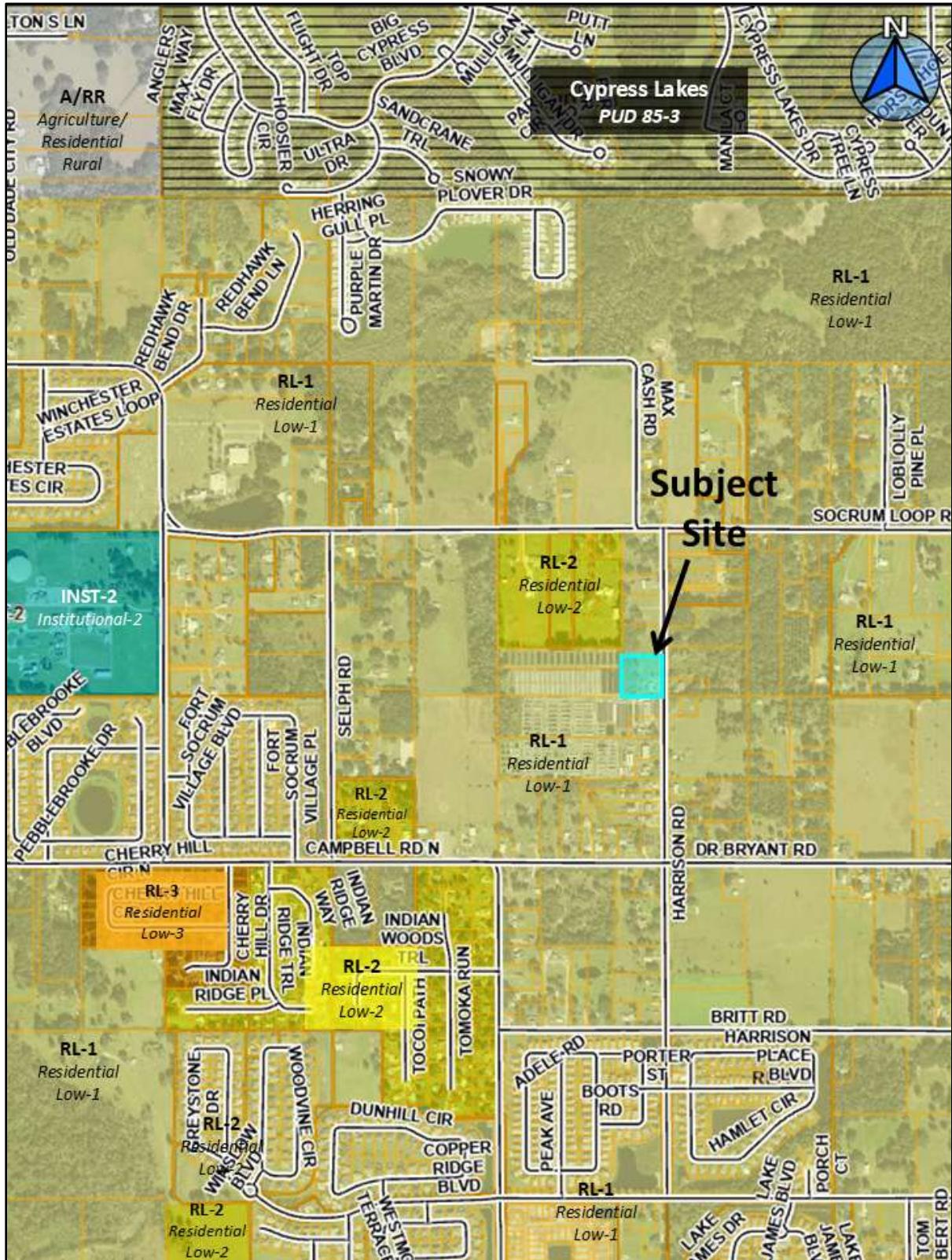
The property is about 2.22 acres and located in a RL-1 land use district. According to Table 2.2 of the LDC, the site requires minimum lot sizes of 40,000 square-feet, which this property exceeds. According to the Property Appraiser's website, the primary residence was built in 1978 and was on a smaller lot size than what is shown today. The applicant purchased two residential properties adjacent to one another in 1999 and 2005. The northern property at the time had a residential address of 8918 Harrison Road and was demolished sometime in 2018, according to aerial photos. According to discussions, the applicant originally intended to place an accessory structure on the vacant lot which is not allowed due to the lack of principal use on the site, according to Section 209.B of the LDC. The applicant recently combined both properties which reflect the current lot size and lot boundaries that exist today in order to allow the construction of a potential accessory structure. The residence backs up to a large tract of land that is utilized as an active fish hatchery which has been in active existence since 1966. Staff found no prior accessory structure variances within a one-mile radius of the site.

Exhibits:

- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use
- Exhibit 3 – 2025 Satellite Image (Context)
- Exhibit 4 – 2025 Satellite Image (Close-up)
- Exhibit 5 – Site Plan
- Exhibit 6 – Applicant's Justification



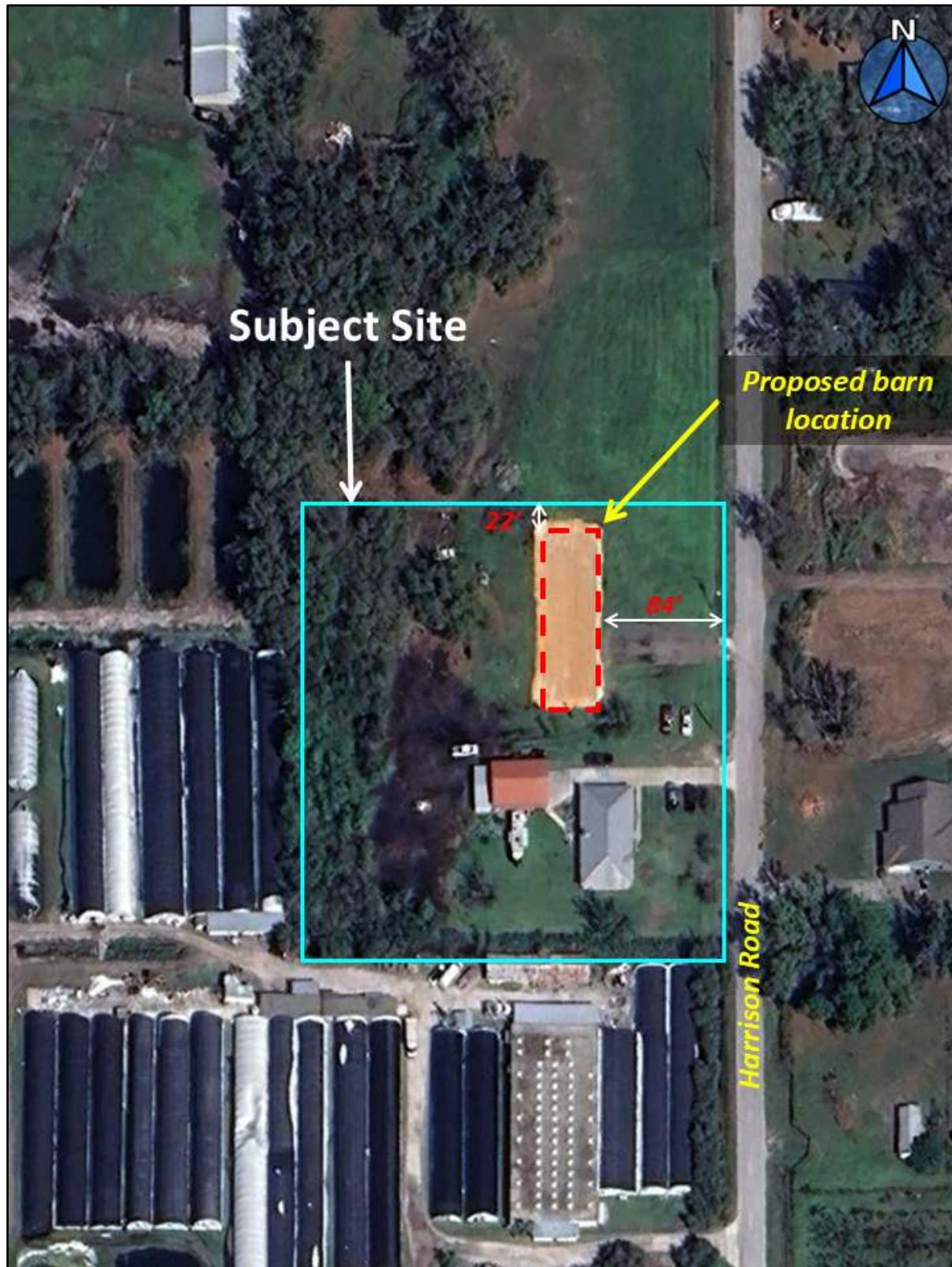
Location Map



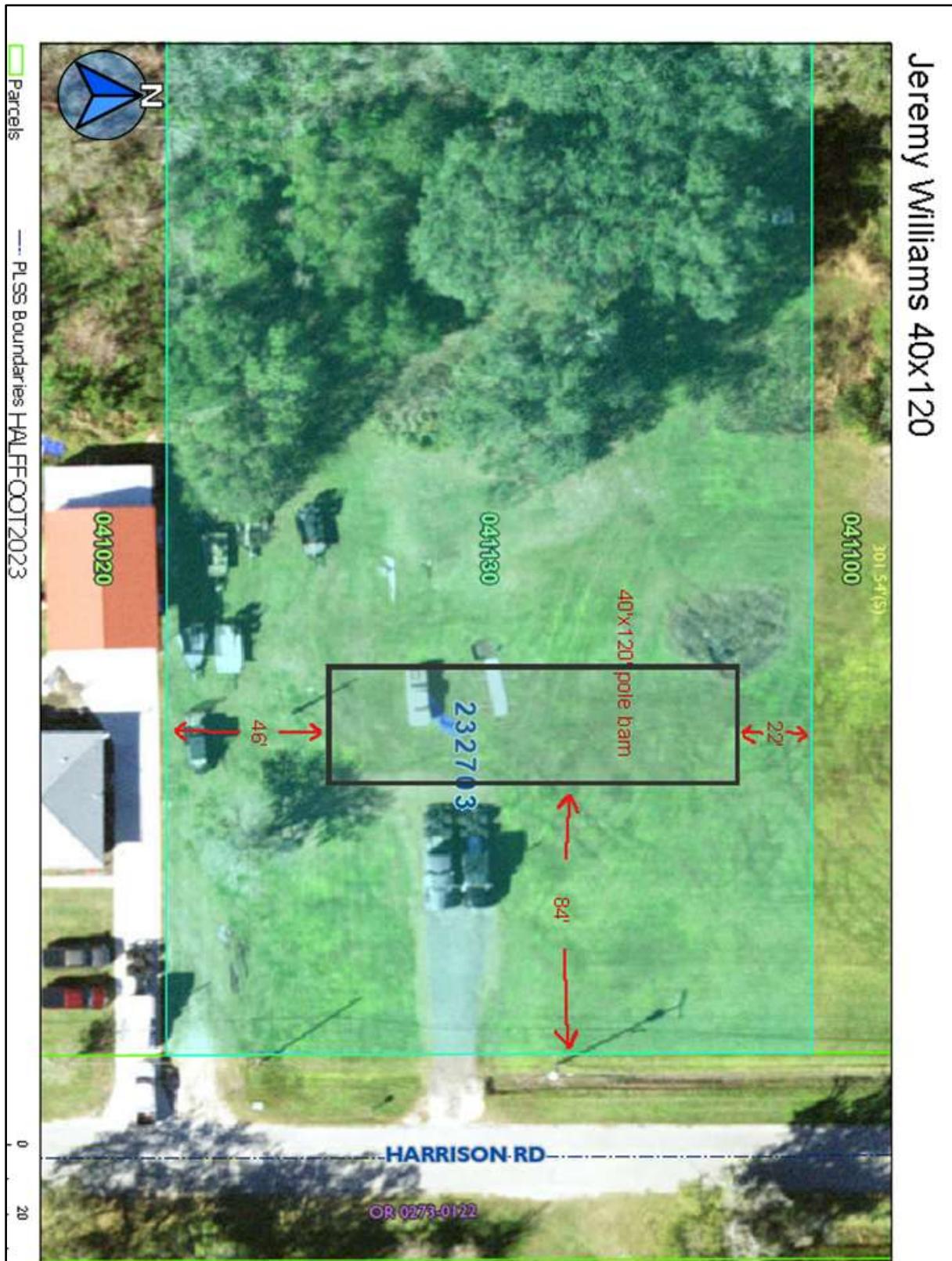
Future Land Use Map



2025 Satellite Image (Context)



2025 Satellite Image (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 variance will not be injurious to the area involved or detrimental to the public welfare.**
2. What special conditions exist that are peculiar to the land, structure, or building involved? **It is taller than my house and has more square footage than my house**
3. When did you buy the property and when was the structure built? Permit Number? **The structure we are applying for the variance has not been built. My house was built in 1978 but I purchased it in 2005.**
4. What is the hardship if the variance is not approved? **I will not have anywhere to store my boats and vehicles. They will be deteriorate due to be exposed to the weather and they will be subject to being stolen since they cannot be properly stored out of the weather**
5. Is this the minimum variance required for the reasonable use of the land? **Yes I believe this is the minimum variance required for reasonable use of the land**
6. Do you have Homeowners Association approval for this request? **No i do not live in a Homeowners Association community**

Applicant's Justification