



Polk County Polk County Land Use Hearing Officer

Meeting Agenda - Final

August 26, 2025 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:

Approval of 7/24/2025 LUHO Minutes

NEW BUSINESS:

AGENDA ITEM:

LDLSE-2025-7 (Tiger Lake Road SE)

LDLVAR-2025-30 (Dille Street Variance)

LDLVAR-2025-31 (Mossy Oak Lane Variance)

LDLVAR-2025-35 (Desir Alcohol Variance)

LDLVAR-2025-36 (Wyngate Lane Variance) - Withdrawn

LDLVAR-2025-37 (Lunn Road Variance)

LDLVAR-2025-38 (Palm Street ADU variance)

LDLVAR-2025-39 Prestwood Variance

LDLVAR-2025-40 (Blue Jordan Road Variance)

LDLVAR-2025-41 (Overlook Drive Variance)

ADJOURNMENT:



Polk County
Polk County Land Use Hearing Officer

Agenda Item

8/26/2025

SUBJECT

Approval of 7/24/2025 LUHO Minutes

DESCRIPTION

Draft of 7/24/2025 LUHO Minutes

RECOMMENDATION

Approval

FISCAL IMPACT

Click or tap here to enter text.

CONTACT INFORMATION

Lisa Irizarry, Development Coordinator II

lirizarry@polk-county.net <<mailto:lirizarry@polk-county.net>>
863-534-7652



Polk County Polk County Land Use Hearing Officer

Meeting Minutes - Final

July 24, 2025 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:

Draft Minutes for June 26, 2025 LUHO Hearing Date

NEW BUSINESS:

AGENDA ITEM:

LDLSE-2025-6 (Onix Delgado SE)

Minutes: CASE FILE # LDLSE-2025-6 – (Onix Delgado SE)

Onix Delgado and Karem Diaz Delgado, owners, are requesting a special exception for a commercial vehicle parking in an Agriculture/Residential Rural (A/RR) Land Use District. The property location is 487 Tindel Camp Road, north of Dekle Road, south of Almburg Road, east of Scenic Highway North, west of Lake Mable Loop Road, south of City of Lake Wales, in Section 02, Township 29 and Range 27.

Erik Peterson, Land Development; presented the case and reported that 16 mailers were sent 7/2/25, with 3 calls in opposition, 2 board was posted on 7/2/25 and the legal ad was published in the Polk Sun News on 7/9/25.

Andrew Grohowski, Case Planner, showed a power point presentation, stated that the applicant/owner will need to contact the City of Dundee for any requirements of a driveway apron if any is needed, he has a recommendation of approval, and stood for questions.

Onix Delgado, owner/applicant along with his wife Karem Delgado, were available to answer questions and agree with staff recommendations.

The LUHO on record reviewed the conditions of approval with the applicant if the special exceptions was approved.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

LDLVAR-2025-26 (Publix Alcohol Variance)

Minutes: CASE FILE # LDLVAR-2025-26 – (Publix Alcohol Variance)

David Smith, Applicant and Cornerstone Collard Auburndale LLC, Owner, are requesting an alcohol distance variance in a Neighborhood Activity Center (NAC) Land Use District. The property location is 800 NW Jersey Rd, north of Havendale Boulevard, east of Jersey Road, west of Hickory Street, south of East Derby Avenue and east of the City of Auburndale, in Section 12, Township 28, Range 25.

Erik Peterson, Land Development; Presented the case and reported that 38 mailers were sent on 7/2/25, with no response, 3 board was posted on 6/24/25 and the legal ad was published in the Polk Sun News on 7/9/25.

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

David Smith, applicant on behalf of Publix, was available to answer questions and agree with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public portion of the hearing.

LDLVAR-2025-27 (Teegarden Variance)

Minutes: CASE FILE #LDLVAR-2025-27 - (Teegarden Variance)

Christopher Teegarden and Marie Teegarden, owners, are requesting a reduction to the rear setback for the construction of a new pool cover, in a Residential Low-1 (RL-1) Land Use District within Planned Unit Development 89-03 (PUD 89-03). The property location is 2222 Blackwood Drive, north of Highway 60, south of Polk Parkway, east of County Line Road, west of Church Avenue, south Sheppard Road, south of the City of Lakeland in Section 27, Township 29, Range 23.

Erik Peterson, Land Development; Presented the case and reported that 27 mailers were sent on 7/2/25 with no response, 1 board was posted on 7/2/25 and the legal ad was published in the Polk Sun News on 7/9/25.

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

Christopher Teegarden, owner/applicant, was available to answer questions and agree with staff recommendations. He also stated that the screened room and pool are used for medical purposes.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public portion of the hearing.

LDLVAR-2025-28 (Harrison Rd Variance)

Minutes: CASE FILE #LDLVAR-2025-28 - (Harrison Rd Variance)

Jeremy P. Williams and Nicole Williams, owners, are requesting a variance for an accessory structure larger than the primary structure in a Residential Low-1 (RL-1) Land Use District. The property location is 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 the City of Lakeland, in Section 03, Township 27, and Range 23.

Erik Peterson, Land Development; presented the case and reported that 16 mailers were sent on 7/2/25, with no response, 1 board was posted on 7/9/25 and the legal ad was published on 7/9/25.

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

Jeremy P. Williams, Owner/applicant, was available to answer questions and agree with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public portion of the hearing.

LDLVAR-2025-29 (West View Ridge Resorts - Mongoven Variance)

Minutes: CASE FILE #LDLV-2025-29 (Harrison Rd Variance)

Michael Mongoven, owner, is requesting a reduction to the primary side setback in a Residential Low-4X (RL-4X), North Ridge SAP Land Use District. The property location is 251 Patterson Rd Lot H-45, west of Orchid Road, east of Highway 27, north of the city of Haines City in Section 17, Township 27, Range 27.

Erik Peterson, Land Development; presented the case and reported that 69 revised mailers were sent on 7/14/25, with no response, 1 board was posted on 6/24/25 and the legal ad was posted on 7/9/25.

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

Michael D. Mongoven along with representative, Chad Hammond 281 Diamond Ridge Boulevard, Davenport, were available to answer questions and agree with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public portion of the hearing.

ADJOURNMENT:

Minutes: 2:48 pm



Polk County
Polk County Land Use Hearing Officer

Agenda Item

8/26/2025

SUBJECT

LDLSE-2025-7 (Tiger Lake Road SE)

DESCRIPTION

The applicant is requesting a special exception to park a commercial vehicle on residential property located at 1452 Tiger Lake Road, north of State Road 60, south of Rawls Road, east of Lake Wales in Section 11, Township 30, Range 29.

RECOMMENDATION

Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Ian Nance
Land Development
(863) 534-7621
ivannance@polk-county.net

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

DRC Date:	July 10, 2025	CASE #:	LDLSE-2025-7 (Tiger Lake Road SE)
Hearing Date:	August 26, 2025	LDC Section:	216.D

Request: The applicant is requesting a special exception to park a commercial vehicle on residential property.

Applicant: Kirenia Cepero Hernandez

Property Owner: Bountiful Lands, Inc.

Location: 1452 Tiger Lake Road, north of State Road 60, south of Rawls Road, east of Lake Wales in Section 11, Township 30, Range 29.

Parcel ID#: 293011-000000-012250

Size: ±1.15 acres

Land Use Designation: Agricultural/Residential Rural (A/RR)

Development Area: Rural Development Area (RDA)

Case Planner: Ian Nance

Summary:

The applicant is requesting a special exception to park a commercial vehicle on residential property within an Agricultural/Residential Rural (A/RR) land use district east of Lake Wales (Exhibit 2). This commercial vehicle is a 2015 Kenworth T880. The truck is 10' high and 22' long. No trailer is included in this request. Section 216.D of the Land Development Code (LDC) allows Commercial Vehicle Parking on residential properties pursuant to the rules detailed in this section and approval from the Land Use Hearing Officer following an advertised public hearing.

The subject property is approximately 1.15 acres in a rural area with ample room to park the vehicle in the side yard, between the home and the southern property line, as presented on the site plan (*Exhibits 4 & 5*). The depicted parking area will exceed 20 feet from all property lines. To meet LDC requirements, a Type "B" landscaping buffer or six-foot opaque fence will be required along the rear and portions of the side property lines. Amid an overall low rural density and offsite vegetation, however, few visual impacts on neighbors are anticipated. The site is approximately 1.4 miles from SR-60, a major thoroughfare. Few alternatives to commercial vehicle parking are in the area. With the proposed conditions, staff recommends approval of this application.

Development Review Committee

The Development Review Committee, based on the criteria for granting Special Exceptions, finds that LDLSE-2025-7 **IS CONSISTENT** with Section 216.D 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 LDLSE-2025-7**.

CONDITIONS OF APPROVAL:

1. This Special Exception shall be limited to parking the subject commercial vehicle, or its functional equivalent, as described in the application and staff report. No other commercial vehicles, heavy machinery equipment, or tractor/trailer rigs shall be parked on the site.
2. Approval shall not be transferable to any other owner/occupant of the property. In the event the property is sold, or the operator ceases to reside on the property, the Special Exception approval shall not “run with the land” and shall be null and void.
3. No commercial vehicle maintenance shall be performed on the site, and no outside storage of any commercial vehicle parts or equipment is allowed.
4. Parking the commercial vehicle on the operator’s lot shall be limited to empty weight only (no load or cargo).
5. This special exception 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.
6. The commercial vehicle shall only be parked in the area in the side yard as generally designated on the site plan (*Exhibit 5*) and shall continuously meet the screening and buffering requirements listed in Section 216.D, Commercial Vehicle Parking and Storage, of Polk County’s Land Development Code.
7. Utilization of LDLSE-2025-7 is contingent upon the Applicant either: (i) obtaining a driveway permit and installing a driveway that meets commercial driveway standards per LDC Section 705.J and Table 7.8 with final approval from the Polk County Building Division Driveway Inspector (the “Driveway Inspector”); or (ii) demonstrating to the Driveway Inspector that the existing driveway meets County commercial driveway standards. Final written approval from the Driveway Inspector, whether based on satisfaction of condition (i) or (ii) immediately above, is required prior to parking the commercial vehicle on site.

8. Approval of the Special Exception shall be valid for one year. Approvals may be renewed by the Land Development Division with a proper application submitted by the applicant 30 days prior to the expiration date (TBD by LUHO). Noncompliance with any of the conditions of approval will render LDLSE-2025-7 null and void. All conditions of approval, unless otherwise specified, must be met prior to parking the commercial vehicle on the property.

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: Approval of this special exception 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 special exception 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.

APPLICATIONS FOR COMMERCIAL VEHICLE PARKING AND STORAGE SHALL DEMONSTRATE COMPLIANCE WITH SECTION 216 OF THE LAND DEVELOPMENT CODE. DEMONSTRATION OF THE CRITERIA FOR GRANTING SPECIAL EXCEPTIONS FOR COMMERCIAL VEHICLES IS SUMMARIZED BELOW:

1. *Only one commercial vehicle, as regulated by this Section 216, shall be permitted on any residential lot;*

According to the application, the subject commercial vehicle is a 2015 Kenworth T880 that measures 10' high and 22' long that the driver wishes to park at this residence in an A/RR land use district. No trailer is included in this request. LDC Section 216 defines a Commercial Vehicle as those that exceed 26 feet in length and/or are taller than nine feet. No other commercial vehicles shall be parked onsite.

2. *Commercial vehicle shall be currently registered and licensed;*

The applicant has supplied a current registration.

3. *The parking of said vehicle does not have a negative impact to the health, safety, or welfare of adjacent properties;*

Staff finds this request will not have a negative impact upon the health, safety, or welfare of adjacent properties. The subject property is approximately 1.15 acres with access to Tiger Lake Road, a Rural Minor Collector. Due to the standards in Section 216 of the LDC, the applicant is not able to park the vehicle in the front of the home, but there is ample acreage on which to locate the subject vehicle in the rear yard while maintaining a minimum 20-foot setback from the property lines.

According to the site plan, the parking area will be to the south of the existing home, in the side yard, and aligned with the driveway. Existing landscaping screens the parking area from the public roadways, but since the vehicle parking area will be less than 200 feet from a residentially designated or used property, it needs to be screened from the adjacent residential property with a Type "B" buffer, as outlined in Section 720 (Exhibit 7), or a six-foot opaque fence. Large trees and vegetation on surrounding properties will further screen the parking area. Parked in the manner proposed, very little of the vehicle will be visible from off-site.

This area is rural. Adjacent properties to the north, east, and west are vacant. The only home on adjoining property is to the southeast and will be a minimum of 90 feet from the parking area. Most properties in the area exceed an acre, and most homes are set at least 100 feet from the centerlines of the Tiger Creek Road. It is not anticipated that the operation of this vehicle leaving and arriving at the subject site will have a negative impact on the neighbors.

The paved surface width on Tiger Creek Road is approximately 22 feet, which meets LDC requirements. The nearest arterial road is State Road 60, approximately 1.4 miles to the south. No commercial vehicle restrictions are noted on this road. No sidewalks are found along the surrounding roadway network, but none would be expected in a rural area such as this. A commercial driveway permit will be required in the Tiger Creek Road right-of-way to protect the integrity of the County's pavement at entrance to the site. No Code Enforcement cases are active on this site.

In summary, staff finds this request will not have a negative impact upon the health, safety, or welfare of adjacent properties if maintained and screened in accordance with the site plan and LDC standards.

4. *The applicant can demonstrate that denial of said request would place an unnecessary hardship on the property prohibiting the use of land in a manner otherwise allowed under this Land Development Code;*

The applicant uses the commercial vehicle as a source of income. This truck will be parked here on an as-needed basis. This neighborhood is in an area of the County where other options to park commercial vehicles are limited away from an urbanized area.

On January 4, 2022, the BoCC approved LDCT-2021-15 (Ordinance No. 22-002) which incorporated language into Section 216.C of the LDC that exempted application from needing a Special Exception approval for any vehicle or heavy equipment parked or stored within an enclosed structure. In the event this vehicle could be stored in such a manner, the applicant would not be required to provide the landscaping/screen or a commercial driveway.

5. *Commercial vehicles must park on the same lot occupied by the owner/operator of the vehicle.*

The vehicle will be parked on the same lot occupied by the operator of the vehicle.

6. *The vehicle shall not be parked in the front yard of the principal residence.*

The applicant's site plan (*Exhibit 5*) indicates the proposed parking area is not located in the front yard of the property.

7. *The parking area shall be at least 20 feet from all property boundaries.*

The site plan (*Exhibit 5*) calls out the parking area in the rear yard with at least 20 feet of separation from the property lines.

8. *The vehicle shall park in a manner so that the minimum amount of vehicle surface is facing the road adjacent to the property unless the vehicle is screened or buffered as provided.*

The vehicle will be parked in a manner which exposes minimal view of the truck from the road. The parking area will be at least 275 feet from the centerline of Tiger Creek Road. The truck will be mostly screened from offsite view by existing vegetation, structures, fencing, and buffered by distance from neighbors.

9. *When the vehicle parking area is less than 200 feet from a residentially designated or used property, it shall be buffered from the adjacent residential property with a Type B Buffer as outlined in Section 720. A fence with a minimum height of six feet may be used in lieu of, or in conjunction with, a vegetative buffer yard.*

The proposed parking area shall meet the buffer and screening requirements of LDC Section 216.D. Existing structures, fencing, and landscaping will help screen the parking area from offsite, but a Type "B" buffer or six-foot opaque fence will still be required, as noted above.

10. *Refrigerator units on vehicles shall not be operated on the site.*

The subject commercial vehicle does not include a refrigerator unit.

11. *Approvals shall be valid for one year, or for a shorter period as specified by the Land Use Hearing Officer. Approvals may be renewed, with proper application following notice provided by the Land Development Division Director 30 days prior to the expiration date, if the commercial vehicle location is consistent with the Land Development Code. The applicant shall bear the burden in demonstrating that the vehicle parking still meets the criteria of the approved Special Exception and Section 216.*

This has been included in the conditions of approval.

Surrounding Future Land Use Designations and Existing Land Use Activity:

The table below lists the Future Land Use designation and the existing uses surrounding the site. The information in the table is based on a site visit by the case planner and observation of the Future Land Use map to note the surrounding uses.

Northwest: A/RR Tiger Creek Road +/- 2.29 Acres Vacant***	North: A/RR Vacant +/- 1.15 Acres	Northeast: A/RR Inaccessible Vacant Land +/- 1.25 Acres***
West: A/RR Tiger Creek Road +/- 2.29 Acres Vacant***	Subject Property: A/RR Mobile Home +/- 1.15 Acres	East: A/RR Inaccessible Vacant Land +/- 1.25 Acres***
Southwest: A/RR Tiger Creek Road +/- 2.29 Acres Vacant	South: A/RR Mobile Home +/- 3.44 Acres***	Southeast: A/RR Mobile Home +/- 3.44 Acres***

*** Same Property

This site is approximately +/- 1.15 acres and located within an Agricultural/Residential Rural (A/RR) land use district (*Exhibit 2*). Though this is substandard to the modern A/RR minimum lot size requirement of five acres, it is a lot of record, having been legally created during a prior zoning ordinance under the Rural Conservation (RC) designation with one-acre minimum lot sizes.

According to the Property Appraiser, the home onsite is a 1,248 sq. ft. Mobile Home built in 2017. The applicant has owned the property since September 2016. The size of the property is important in evaluating this case. If the property was 5-acres or larger, the minimum lot size in A/RR, it would be permitted to have one commercial vehicle without having to apply for a Special Exception. However, this property was created prior to the adoption of the LDC and these standards. No other Special Exceptions were found to be approved in Section 11, Township 30, Range 29.

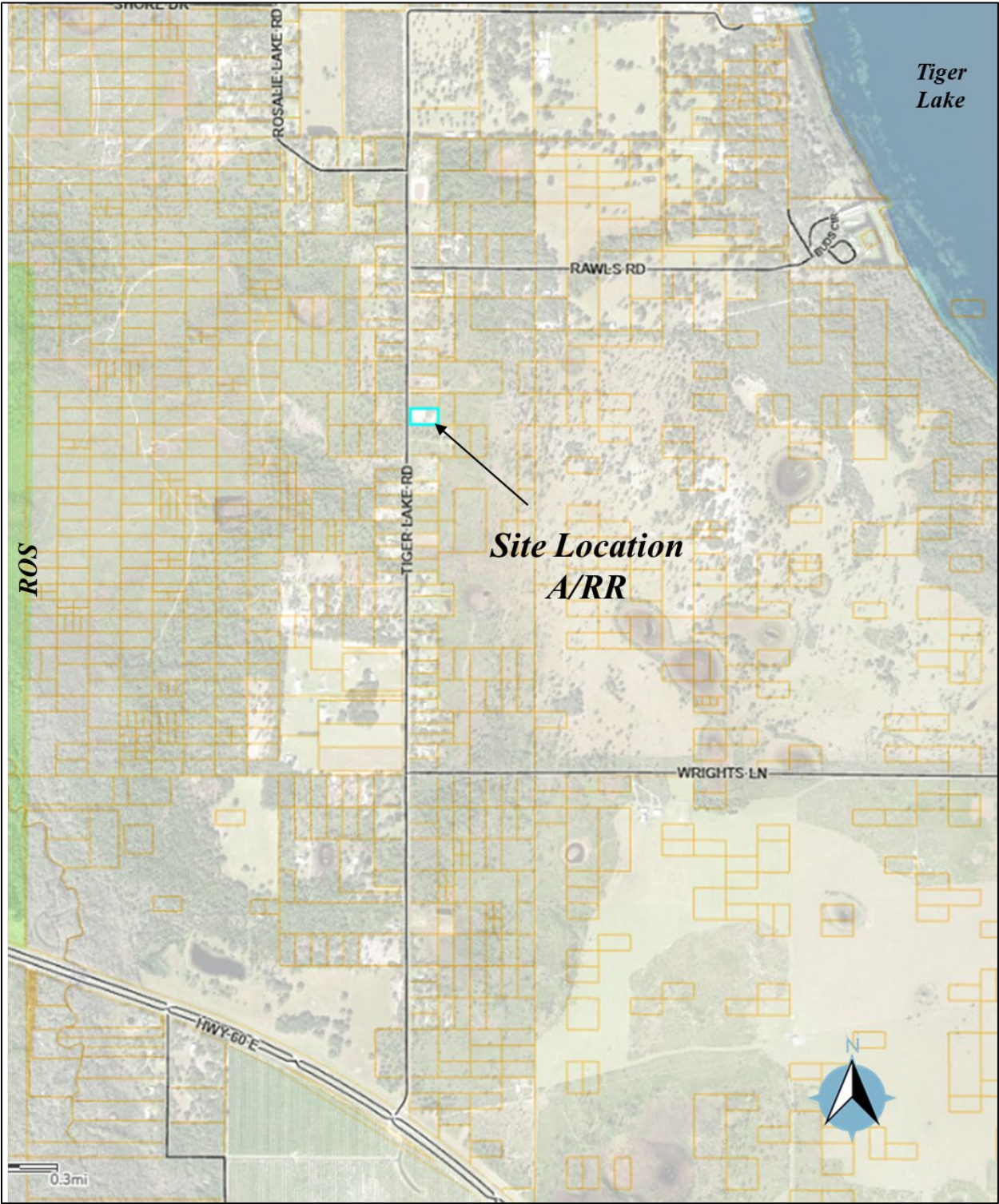
Comments from other Governmental Agencies: None

Exhibits:

- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Image (Context)
- Exhibit 4 Aerial Image (Close)
- Exhibit 5 Site Plan
- Exhibit 6 Commercial Vehicle
- Exhibit 7 Landscaping Buffer
- Exhibit 8 Commercial Driveway



Site Location



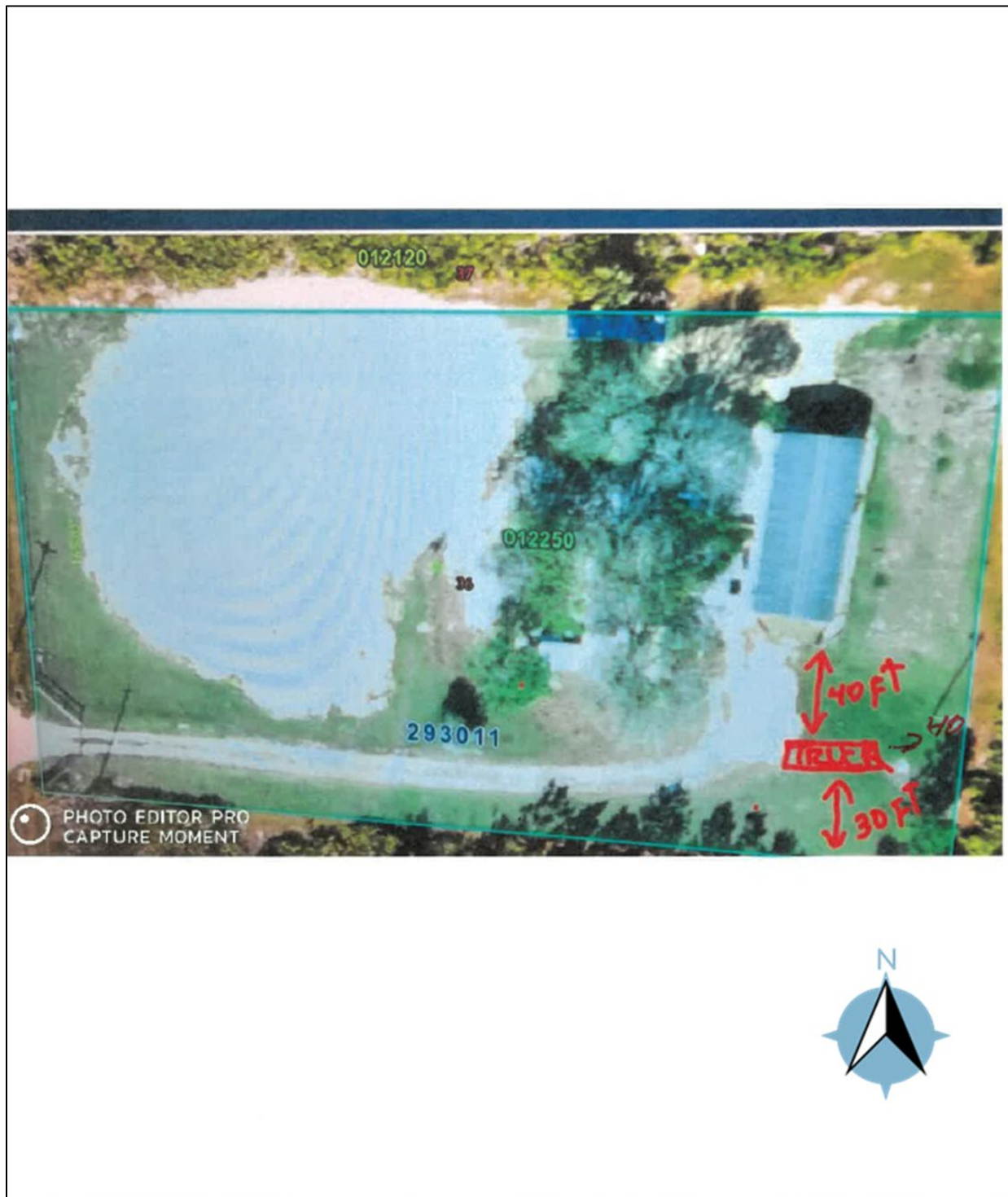
Future Land Use Map



Aerial Image – Context



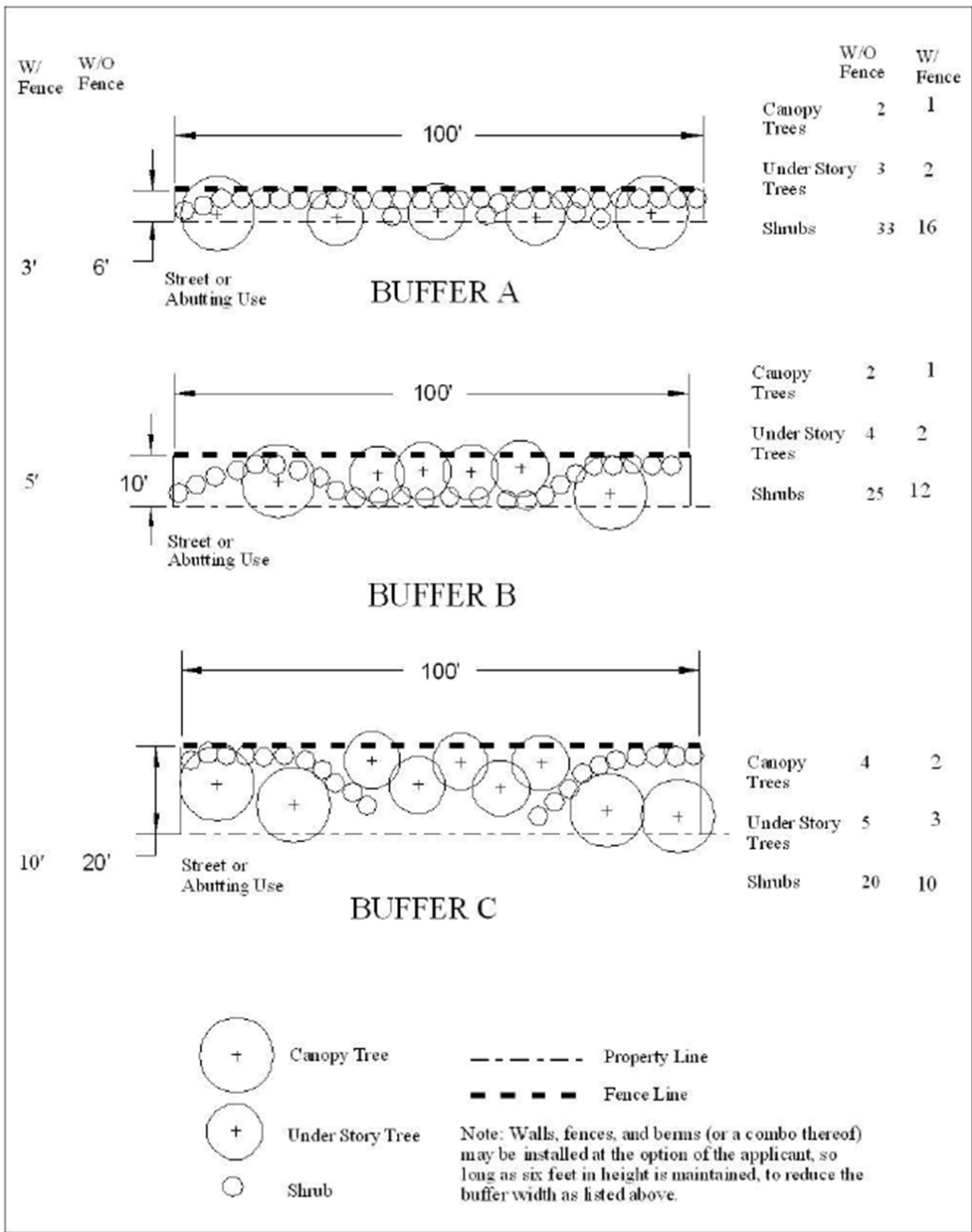
Aerial Image – Close



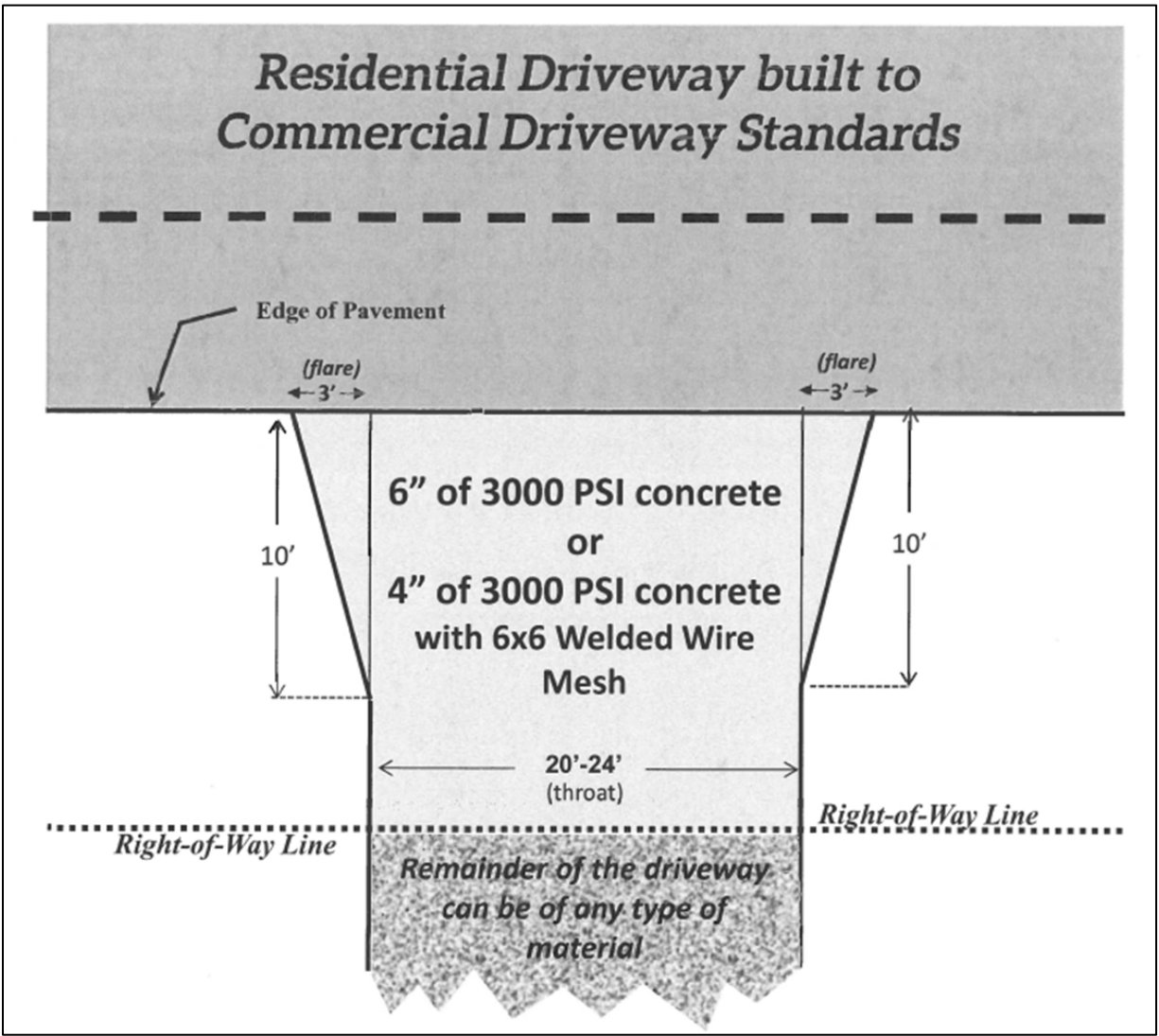
Site Plan



Commercial Vehicle



Landscaping Buffers



Commercial Driveway





Florida Highway Safety and Motor Vehicles
Bureau of Commercial Vehicle and Driver Services
2900 Apalachee Parkway MS62
Tallahassee, Florida 32399-0626
850-617-3711 | www.flhsmv.gov



APPORTIONED CAB CARD

THIS REGISTRATION CAB CARD MUST BE CARRIED IN THE VEHICLE DESCRIBED HEREIN

REGISTRANT: MARTINEZ DOMINGUEZ, RAFAEL

1452 TIGER LAKE RD
LAKE WALES, FL 33898

CARRIER TYPE: FOR HIRE (FH)

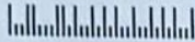
ISSUE DATE: 02/26/2025

PLATE: DF59CD

GROSS WGT: 80,000

EFFECTIVE DATE: 03/01/2025

EXPIRATION DATE: 02/28/2026



ACCT 465103	FLEET 01	SUPP 0000	BASE JUR FL	REG TYPE IRP
AXLES 3	SEATS	OPERATION TYPE 1	REG YEAR 26	UNIT NUMBER 89
ENFORCEMENT CONTROL 305111056		UNLADEN WGT 19,890		PLATE TYPE ITR
VIN 1XKYD49X4LJ296691		VEH YEAR 2020	MAKE KW	FUEL D
OWNER/LESSOR RAFAEL MARTINEZ DOMINGUEZ		TITLE NUMBER 153096084		VEH TR
Carrier Responsible for Safety A & Y EXPRESS LLC			USDOT 03615156	
Mailing Address Of Carrier Responsible for Safety 4735 S WIND BLVD KISSIMMEE, FL 34746				

The described vehicle has been proportionally registered between the STATE OF FLORIDA and the jurisdictions listed below.

AL 80,000	AR 80,000	AZ 80,000	CA 80,000
CO 80,000	CT 80,000	DC 80,000	DE 80,000
GA 80,000	IA 80,000	ID 80,000	IL 80,000
IN 80,000	KS 80,000	KY 80,000	LA 80,000
MA 80,000	MD 80,000	ME 80,000	MI 80,000
MN 80,000	MO 80,000	MS 80,000	MT 80,000
NC 80,000	ND 80,000	NE 80,000	NH 80,000
NJ 80,000	NM 80,000	NV 80,000	NY 80,000
OH 80,000	OK 80,000	OR 80,000	PA 80,000
RI 80,000	SC 80,000	SD 80,000	TN 80,000
TX 80,000	UT 80,000	VA 80,000	VT 80,000
WA 80,000	WI 80,000	WV 80,000	WY 80,000
AB 36,287	BC 36,287	MB 36,287	NB 36,287
NL 36,287	NS 36,287	ON 36,287	PE 36,287
QC 5 axles	SK 36,287	** *****	** *****



THIS APPORTIONED CAB CARD MUST BE CARRIED AT ALL TIMES IN THE VEHICLE FOR WHICH IT WAS ISSUED. THIS REQUIREMENT IS SATISFIED BY THE PRESENCE OF THE PAPER ORIGINAL, A LEGIBLE PAPER COPY, OR THE LEGIBLE DISPLAY OF AN ELECTRONIC IMAGE. ALTERED COPIES OR IMAGES OF THIS CAB CARD ARE NOT VALID. ELECTRONIC IMAGES MUST BE ACCESSIBLE.

This cab card lists those jurisdictions in which the vehicle described is proportionally registered together with the registered gross weight.

An enforcement control number has been imprinted above on this cab card as a security feature. If you have any questions or concerns about the validity of any information on this form, you may call the Florida IRP office at (850) 617-3711, Monday through Friday from 8:00 am to 4:30 pm, EST or may visit our website for verification at:

<https://services.flhsmv.gov/IRPinquiry/>

LDLSE-2025-7 - Cepero Hernandez SE

Menu Reports Help

Application Name: [Cepero Hernandez SE](#)

File Date: [06/05/2025](#)

Application Type: [LUHO - Special Exception](#)

Application Status: [Approved For Hearing](#)

Application Comments:	View ID	Comment	Date
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Description of Work: [Commercial vehicle parking](#)

Application Detail: [Detail](#)

Address: [1452 TIGER LAKE RD, LAKE WALES, FL 33898](#)

Parcel No: [293011000000012250](#)

Owner Name: [BOUNTIFUL LANDS INC](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Kirenia Cepero Hernandez		Engineer	Mailing_1452 Tiger La...	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
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Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$541.00](#)

Total Fee Invoiced: [\\$541.00](#)

Balance: [\\$0.00](#)

Custom Fields: **LD_BOA_SE**

GENERAL INFORMATION

Acreage

[1.5](#)

DRC Meeting

[07/10/2025](#)

Rescheduled DRC Meeting

-

Green Swamp

[No](#)

Case File Number

-

SPECIAL EXCEPTION

Make of vehicle

[Kenworth](#)

Weight of vehicle

[15000](#)

Height & length of vehicle

[10](#)

Height, length & weight of any additional trailer or equipment

[10 x 20](#)

PUBLIC HEARING

Development Type

[Land Use Hearing](#)

[Officer](#)

Variance Type

DRC Meeting Time

-

Rescheduled DRC Meeting Time

-

FS 119 Status

[Non-Exempt](#)

Model & Year of vehicle

[t880_2015](#)

Gross axle weight of vehicle

[15000](#)

Application Type

[Special Exception](#)

Brownfields Request

Affordable Housing

ADVERTISING

Legal Advertising Date
08/26/2025

Advertising Board
Land Use Hearing
Officer

MEETING DATES

LUHO Hearing Date
08/26/2025

HEARING

Hearing Results
-
LD_BOA_SE_EDL
Opening DigEplan List...
DigEplan Document List
Open

PLAN REVIEW FIELDS

TMPRecordID
POLKCO-REC25-00000-00NCJ
RequiredDocumentTypesComplete
No

DocumentGroupforDPC
DIGITAL PROJECTS LD
AdditionalDocumentTypes
Applications, AutoCad File, Binding Site Plans (PDs, 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
Yes

RequiredDocumentTypes
-
Activate DPC
Yes

Activate FSA
Yes

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	Lisa Simons-Iri...	Application ...	06/13/2025	Lisa Simons-Iri...	
		Roads and Drainage Review					
		Planning Review	Ivan Nance	Approve	06/17/2025	Ivan Nance	
		Review Consolidation		Approved for...	06/20/2025	Saralis Wons	
		Public Notice	Lisa Simons-Iri...				
		Hearing Officer					
		Final Order					
		Archive					
Condition Status:		Name	Short Comments	Status	Apply Date	Severity	Action By
		Disclaimer	Note: The applicant/ow...	Informati...	06/17/2025		

Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments
	Inspection Type	Inspection Date	Inspector	Status	Comments





08/16/2025 11:55:28



08/16/2025 11:03:50



08/17/2025 12:17:41



08/17/2025 12:17:47



08/17/2025 11:31:13

From: [Call, Planner On](#)
To: [Irizarry, Lisa](#); [Wons, Saralis](#)
Subject: FW: [EXTERNAL]: Fwd: LDLSE-2025-7
Date: Tuesday, August 19, 2025 9:03:18 AM
Attachments: [image001.png](#)

See below.

Aleya Inglima

Planner II

Land Development Division

330 W. Church Street

Bartow, FL 33830

(863) 534-6764 Phone

(863) 534-6407 Fax

aleyainglima@polk-county.net



From: Donald T <paultarr14@gmail.com>
Sent: Tuesday, August 19, 2025 6:35 AM
To: Call, Planner On <PlannerOnCall@polk-county.net>
Subject: [EXTERNAL]: Fwd: LDLSE-2025-7

I tried to send this directly to Lisa Irizarry without success.

----- Forwarded message -----

From: **Donald T** <paultarr14@gmail.com>
Date: Sun, Aug 17, 2025, 2:10 PM
Subject: LDLSE-2025-7
To: <Lisairizarrya@polkcounty.net>

Good Morning Lisa,

I felt that you should be made aware of recent developments regarding the above case.

I am assuming that the exception applied for has not been granted yet?? Please see the attached photos taken on Saturday 08/16/2025 showing a cab/tractor and a tanker

trailer parked at 1452 Tiger Lake Road. This tractor/trailer did not appear until 08/16/2025. I took additional pictures on Sunday 08/17/2025 showing the cab/tractor separated from the tanker/trailer parked directly in front of the home and mechanical work being performed on the tanker/trailer. As I understand it no trailers are to be allowed and also mechanical work is not to be performed. Either way this is being done without any sort of exception in force. Based on this new information I wish to oppose the granting of an exception. I do not believe that Rafael Dominguez or Kerenia Cepero Hernandez have any respect for the authority of your office and have no intent on adhering to any rules set forth. Please also note that there is not even one other cab/tractor/trailers parked anywhere in this neighborhood except at 1452 Tiger Lake Road. I do not want a truck stop/drop yard/ commercial vehicle repair shop next to my property. I have also filed a complaint with code enforcement CEC-2025-3086.

Respectfully yours,

Donald Tarr Jr

1442 Tiger Lake Road

Lake Wales Fla 33898

paultarr14@gmail.com

863-241-9046



Polk County
Polk County Land Use Hearing Officer

Agenda Item

8/26/2025

SUBJECT

LDLVAR-2025-30 (Dille Street Variance)

DESCRIPTION

The applicant is requesting a variance to allow the height of a detached ADU to be greater than that of the primary structure.

RECOMMENDATION

Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Andrew Grohowski

Land Development Division

(863) 534-6412

andrewgrohowski@polk-county.net

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

DRC Date	July 10, 2025	CASE #:	LDLVAR-2025-30 (Dille Street Variance)
LUHO Date	August 26, 2025	LDC Section:	Chapter 2, Section 209.G

Request: The applicant is requesting a variance to allow the height of a detached ADU to be greater than that of the primary structure.

Applicant: Scott Davis

Property Owners: Joyce J. Webb

Location: 2216 Dille Street, south of Memorial Boulevard, north of US Highway 92, west of Wabash Avenue, east of Chestnut Road, west of Lakeland, in Section 15, Township 28, and Range 23.

Parcel ID#: 232815-085500-000803

Size: ±0.23 acres

Land Use Designation: Residential Low - 4 (RL-4)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting a variance to increase the height of a detached garage (18 feet to the pitch of the roof) to greater than the height of the primary mobile home (14 feet, 8 inches). The existing ADU was constructed without building permits and is approximately 400 square feet. According to the applicant, vertical construction rather than horizontal expansion was proposed due to the existing shed and septic tank on the property. The height and size of the ADU are necessary for the applicant to live and store personal belongings. In terms of evaluating cases such as these, the burden of a hardship on the property is less salient to a recommendation of approval than ensuring it poses no harm to the area. The structure is well-buffered and screened from surrounding homes and has limited visibility from the public right-of-way. The ADU provides a necessary living space for family members, an orderly means of keeping belongings inside, and is relatively benign in intensity. Staff is recommending approval.

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 ADU does not encroach upon accessory structure setbacks. The structure is well-screened from off-site by existing vegetation and trees in the rear and side yards and has limited visibility from the public right-of-way.

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-2025-30**, with the following conditions:

CONDITIONS OF APPROVAL:

1. Approval of this variance is to allow an accessory dwelling unit (ADU) up to 18 feet tall at the height of the roof on the subject property, as described in the staff report and shown on the site plan. 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. 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.
3. 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.
4. No home-based business or commercial uses shall be permitted to occur within the accessory structure. Also, the ADU shall not be allowed for short-term rental or vacation rentals.

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;*

Staff finds that this request will not be injurious to the surrounding area or detrimental to the public welfare. The applicant requests an accessory dwelling unit (ADU) taller than the existing primary residence on the subject property. As it currently stands, the ADU is approximately 400 sq. ft. and began construction in December 2021. According to the applicant's site plan, the structure sits approximately five (5) feet from the side and six (6) feet from the rear property lines, which meets the five-foot accessory structure setbacks required in the Residential Low - 4 (RL-4) land use district (*Exhibit 5*). The proposed ADU is anticipated to be 17 feet and 3 inches in height, accounting for the pitch of the roof.

The primary structure onsite is a 1,040 sq. ft. mobile home constructed in 2010. It is approximately 14 feet and 8 inches in height, according to the applicant's site plan. While the ADU is about two and a half feet taller than the existing residence, its size is about 400 square feet which is far below the maximum 1,000 square feet permissible by right for any ADU located on residential property, per LDC Section 206.A.

The ADU is well-screened off-site by existing vegetation and trees in the rear and side yards with the nearest home approximately 25 feet to the west, with the single window on the second floor facing eastward. The requested height is also less than half of what is permitted within the RL-4 land use district. The location of the ADU exceeds 10 feet of separation from the nearest neighboring structure, as required by the Fire Code, and this addition will not change this.

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 almost two times larger than the typical district standard. Minimum lot sizes are 6,000 square feet in the RL-4 land use district, which this site exceeds by over 4,000 square feet. Given the height of the principal structure, a variance for the height would still be required even if the underlying land use district was more appropriate for the lot size (Residential Low-3).

Per the applicant's site plan, the setbacks for the ADU meet accessory structure requirements, which are five feet from the sides and rear. It's important to note that the ADU is designed with a pitched roof. If the second story was designed without a slant and was reduced by at least 2-feet and 7-inches (31 inches total), a variance would not be necessary.

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 on February 13, 1995, with the lot set to its current dimensions and designated in the RL-4 land use district. The applicant began construction of the ADU without permits in December 2021 and construction is almost complete. It is

possible that an ADU with a reduced height could be built onsite, however the existing ADU would lose its unique architecture and be cost-prohibitive, according to the applicant. Furthermore, the location of the septic system as well as the existing shed hinders where a different structure could be placed or expanded upon.

From a topographical perspective, site visibility from the public right of way is constrained due to the downward slope of the property and the existing mobile home, thereby limiting any intensity concerns. The site is relatively flat and gradually slopes from 157' along Dille Street to 156' at the southwestern, or rear portion, of the property where the ADU currently stands.

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 location of the structure meets the conditions of Section 206.A, which states ADUs may be placed in the side or rear yard of the principal dwelling unit. As noted above, the location of the existing shed and the septic system encourages vertical, rather than horizontal, expansion. By right, the ADU could reach up to the height of the mobile home, or 2 feet and 7 inches below what is requested, without a variance approval. The ADU stands at about 400 square feet and is less than half the maximum square footage permitted by right on a residential property. This request is simply a more effective use of livable loft space that would not be attainable otherwise.

Finally, this variance should not be construed as approving any home occupation or short-term rental at this location. Home occupations are subject to Section 559.955 Florida Statutes and LDC Section 206.E while short-term rentals are subject to Chapter 509 Florida Statutes and LDC Section 303. Home occupations and short-term rentals are not permitted to be operated from accessory structures.

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 build the structure as requested. The pitch of the roof on the site plan is 17-feet and 3-inches. Granting this approval up to 18 feet provides some buffering in measurement.

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.*

There was no evidence found that suggests the proposed request will circumvent the intent of a condition placed on a development by the Planning Commission or the Board of County Commissioners.

Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: RL-4 Dees Mobile Home Sales/Rentals (8 Units) Bar/Tavern ±1.59 acres	North: RL-4 Dees Mobile Home Sales/Rentals (8 Units) Bar/Tavern ±1.59 acres	Northeast: LCC Dees Mobile Home Sales/Rentals (8 Units) Bar/Tavern ±1.59 acres
West: RL-4 Single-family residence ±0.29 acres	Subject Property: RL-4 Mobile home ±0.23 acres	East: RL-4 Single-family residence
Southwest: RL-4 Single-family residence ±0.16 acres	South: RL-4 Single-family residence ±0.16 acres	Southeast: RL-4 Single-family residence ±0.16 acres

This property is located in a Residential Low - 4 (RL-4) land use district where minimum lot sizes are 6,000 sq. ft. The platted property was originally part of the 9.3-acre property known as Lot 8 of the Webster and Omohundro subdivision (P.B. 003, PG 81) first recorded on March 17, 1915. Lot 8 was subsequently subdivided into residential tracts sometime in the 1950s, reflecting the current lot dimensions today. The subject property replaced a single-family residence with a 1,040 square foot mobile home in 2010 according to the Property Appraiser. The residences along Dille Street are flanked by two platted subdivisions, Wabash Heights (P.B. 34, PG 9) and Melody Heights (P.B. 39, PG 33) recorded in 1950 and 1956 respectively.

The predominate building types in the area are single-family residences with commercial properties stretching along the frontage of Wabash Avenue to the east. Accessory structures including barns, carports and sheds are found throughout this community. Properties along Dille Street are larger than the minimum RL-4 district standard, with typical lot sizes of approximately 10,000 sq. ft. Dees Mobile Home Sales & Rentals consisting of eight units and an associated bar are located directly to the north and have been in existence for over fifty years. The bar and first mobile home were constructed prior to the adoption of the County's first zoning ordinance in 1970 (Ord 70-03).

Comments from other Governmental Agencies: None.

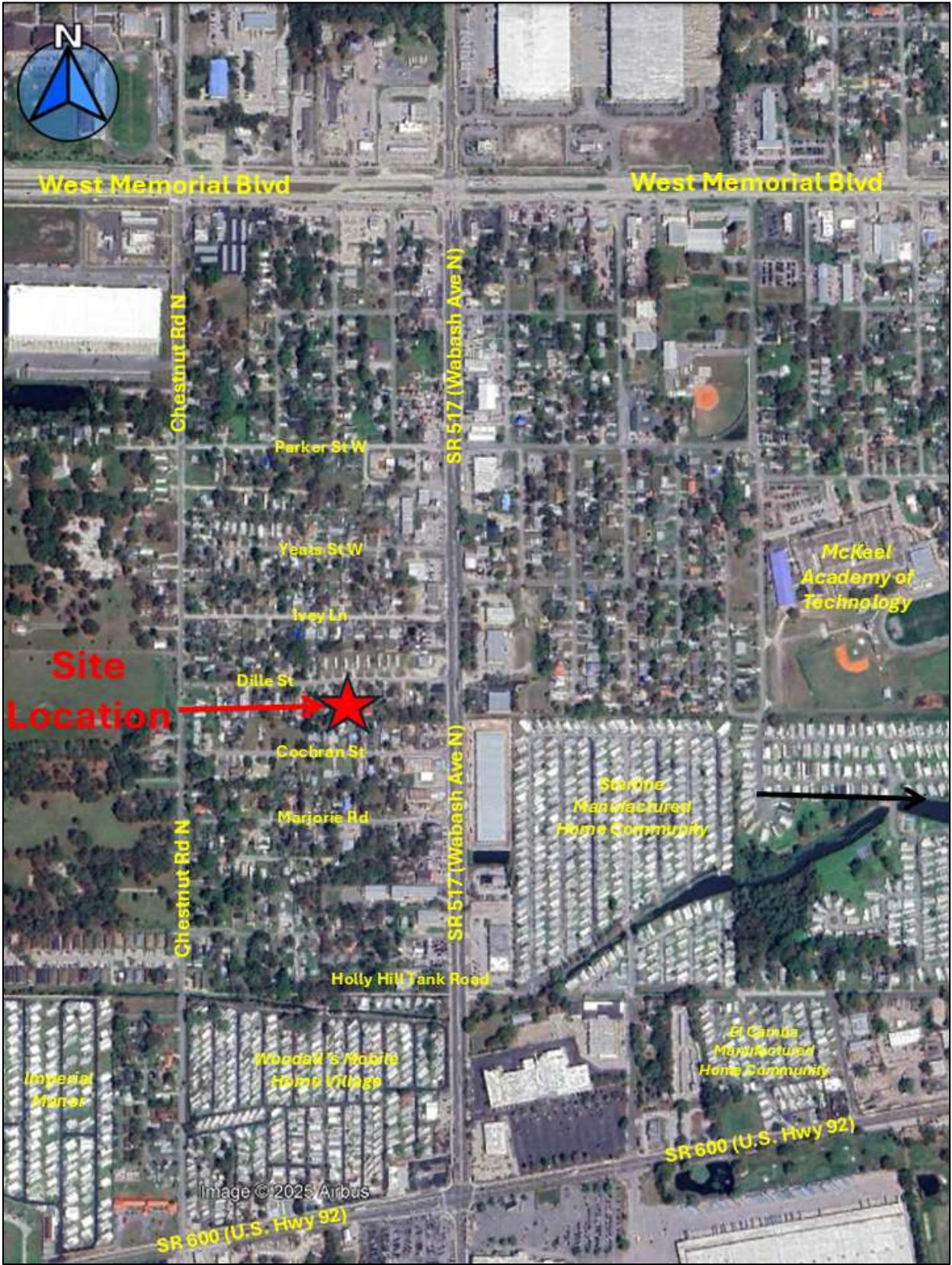
Exhibits:

- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use Map
- Exhibit 3 – 2025 Satellite Image (Context)
- Exhibit 4 – 2023 Aerial (Close-up)
- Exhibit 5 – Site Plan
- Exhibit 6 – Applicant's Justification





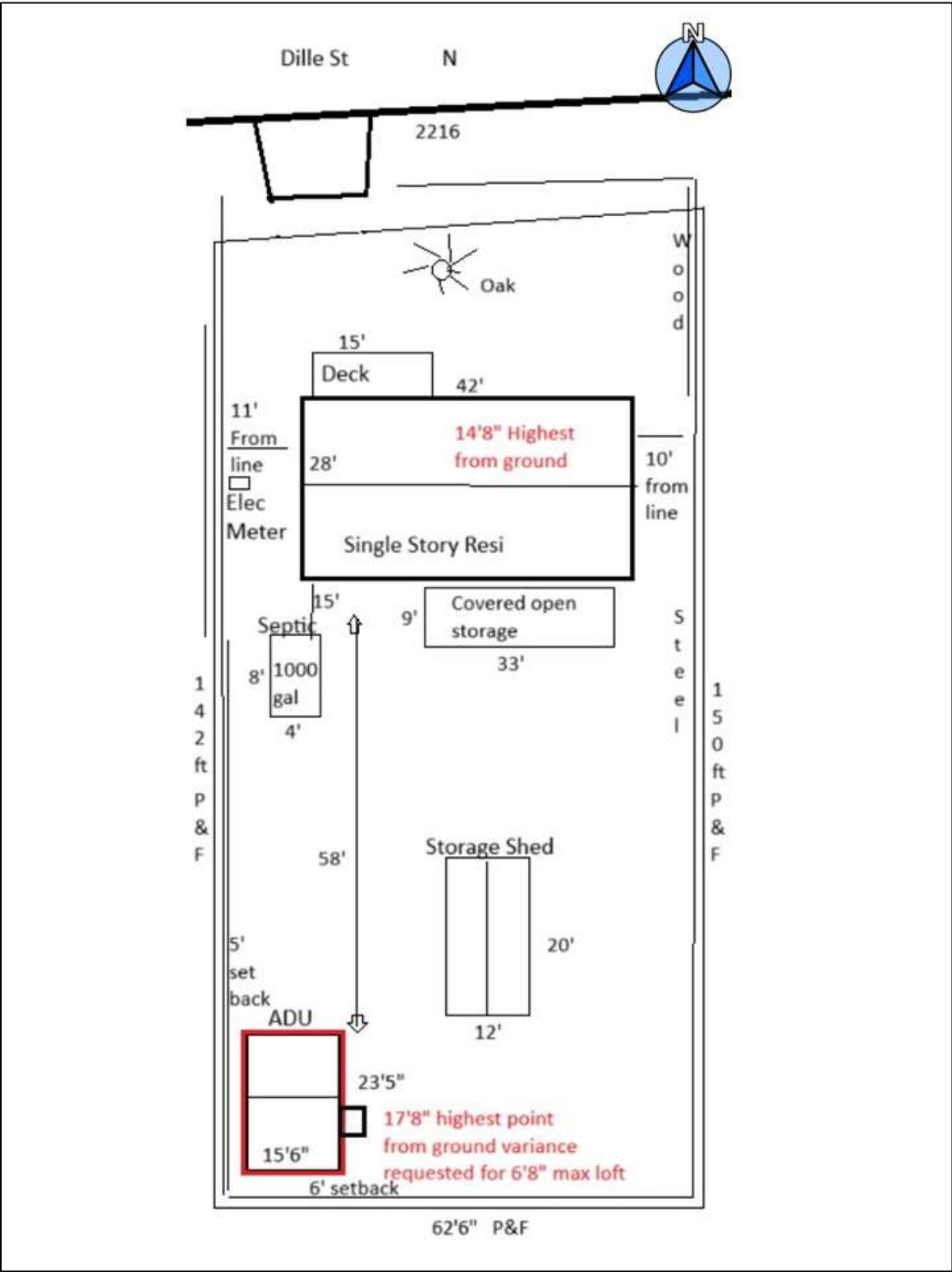
Future Land Use Map



2025 Aerial Photo (Context)



2023 Aerial Image (Close-up)

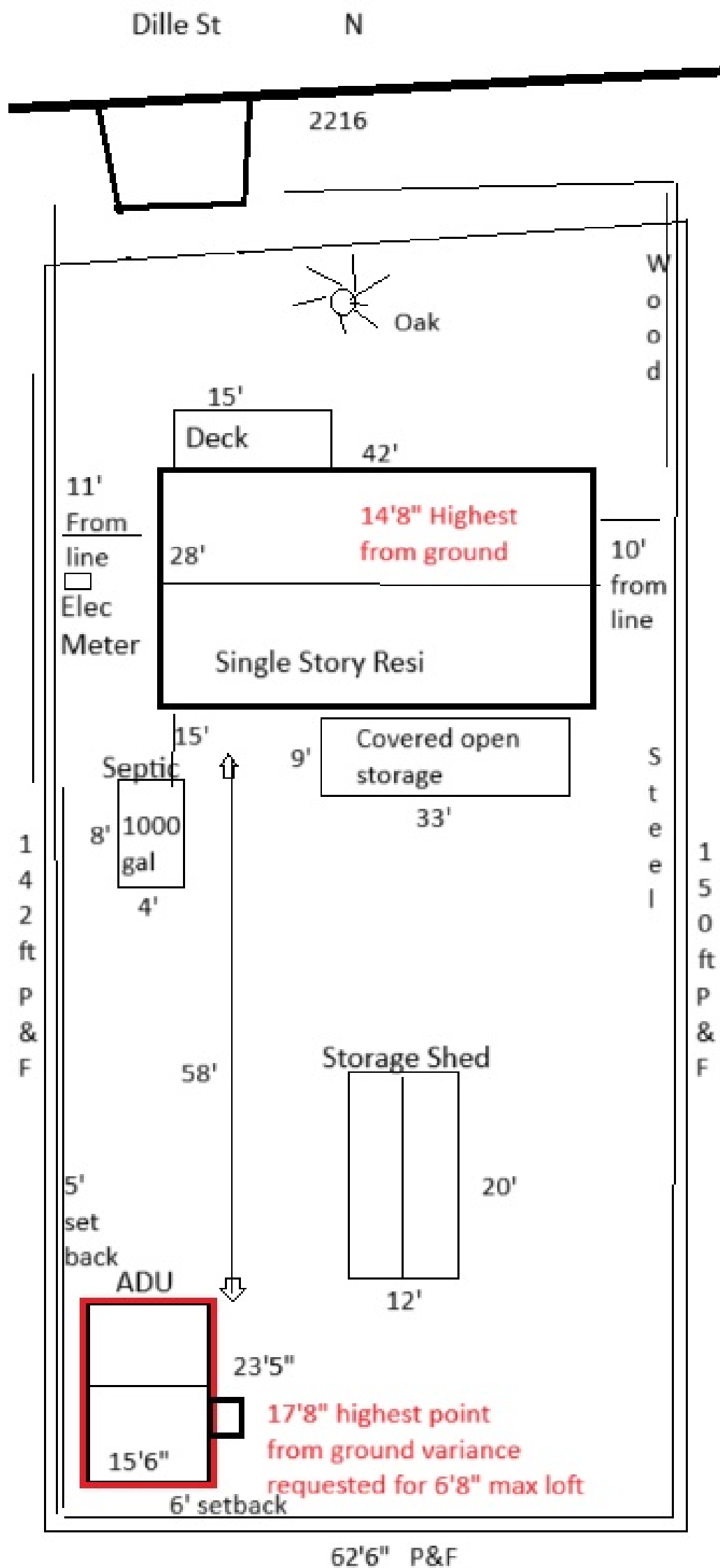


Site Plan

CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare? **No**
2. What special conditions exist that are peculiar to the land, structure, or building involved? **Not the first ADU on the street to be higher than the main building, or that height. Also a 6" lower grade. Not visible from the street.**
3. When did you buy the property and when was the structure built? Permit Number? **Construction started in Dec 2021. 90% complete.**
4. What is the hardship if the variance is not approved?
Losing my only home, cannot afford to rent or buy in this economy.
5. Is this the minimum variance required for the reasonable use of the land?
Yes, I was not aware of the height code and additionally I would not be able to make the footprint of the building any larger due to an existing shed and drain field.
6. Do you have Homeowners Association approval for this request? **n/a**

Applicant's Justification



LDLVAR-2025-30 - Davis-Webb Variance

Menu

Reports

Help

Application Name:

Davis-Webb Variance

File Date:

05/12/2025

Application Type:

LUHO - Variance

Application Status:

Approved For Hearing

Application Comments:

View ID

Comment

Date

Description of Work:

Seeking a variance to allow a 2'10" higher building for a backyard ADU over the main home on the property. It is not visible from the street. The grade is also 6" lower compared to the main home, and there is another building in the rear of property two parcels down that is much taller than the trailer in front of it and about the same height as my ADU that is already built.

Application Detail:

Detail

Address:

2216 DILLE ST, LAKELAND, FL 33815

Parcel No:

232815085500000803

Owner Name:

WEBB JOYCE J

Contact Info:

Name

Organization Name

Contact Type

Contact Primary Address

Status

Scott Davis

Engineer

Mailing, 2216 Dille St...

Active

Scott Davis

Applicant

Mailing, 2216 Dille St...

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

0.23

DRC Meeting Time

DRC Meeting

07/10/2025

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

08/26/2025

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

51

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?

[Not the first ADU on the street to be higher than the main building, or that height. Also a 6" lower grade. Not visible from the street.](#)

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

[Construction started in Dec 2021. 90% complete.](#)

What is the hardship if the variance is not approved?

[Losing my only home. cannot afford to rent or buy in this economy.](#)

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

[Yes. I was not aware of the height code and additionally I would not be able to make the footprint of the building any larger due to an existing shed and drain field.](#)

Do you have Homeowners Association approval for this request?

[n/a](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

—

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-25EST-00000-29986](#)

RequiredDocumentTypesComplete

[Yes](#)

DocumentGroupforDPC

[DIGITAL PROJECTS LD](#)

AdditionalDocumentTypes

[Applications, AutoCad File, Binding Site Plans \(PDs, and CUs\), 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

RequiredDocumentTypes

—

Activate DPC

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
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LUHQ	1	34	08/07/2025	08/07/2025	
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Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal	Lisa Simons-Iri...	Application ...	06/13/2025	Lisa Simons-Iri...
Roads and Drainage Review	Phil Irlen	Approve	06/16/2025	Phil Irlen
Planning Review	Andrew Grohowski	Approve	07/01/2025	Andrew Grohowski
Review Consolidation		Approved for...	07/07/2025	Saralis Wons
Public Notice	Lisa Simons-Iri...			
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
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Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status	Comments
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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? **Not the first ADU on the street to be higher than the main building, or that height. Also a 6" lower grade. Not visible from the street.**
3. When did you buy the property and when was the structure built? Permit Number? **Construction started in Dec 2021. 90% complete.**
4. What is the hardship if the variance is not approved?
Losing my only home, cannot afford to rent or buy in this economy.
5. Is this the minimum variance required for the reasonable use of the land?
Yes, I was not aware of the height code and additionally I would not be able to make the footprint of the building any larger due to an existing shed and drain field.
6. Do you have Homeowners Association approval for this request? **n/a**

330 West Church Street
PO Box 9005 - Drawer GM03
Bartow, Florida 33831-9005



PHONE: 863-534-6792
FAX: 863-534-6407
www.polk-county.net

LAND DEVELOPMENT DIVISION

AUTHORIZATION FORM
LAND DEVELOPMENT PROJECTS LOCATED IN POLK COUNTY, FLORIDA

I, Joyce J Webb (print owner's name), as the owner of the real property described as follows, 2216 Dille St, Lakeland FL 33815, do hereby authorize to act as my/our agent Scott A Davis (print agent's name) to execute all applications, petitions and other documents necessary to affect the application approval requested and to appear on my/our behalf before all County boards and committees considering this application and to act in all respects as our agent in matters pertaining to the application. This authorization shall remain valid, enforceable, and in effect for a period of one (1) year from date set forth below, unless sooner revoked in writing by the property owner.

[Signature]
Property Owner Signature

JOYCE J WEBB
Property Owner Printed Name

6-2-25
Date

Parcel Identification Numbers and Addresses (use additional sheet if needed):

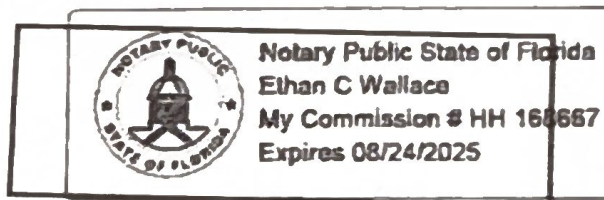
State of Florida County of Polk

I certify that the foregoing instrument was acknowledged before me this 2nd day of June, 2025, by

Joyce Webb

Personally known _____ Produced Identification ☒ Type of Identification produced and verified: FL Driver's License

[Signature]
Notary Public Signature



Notary Stamp

Ethan C Wallace
Notary Public Printed Name

8/24/25
My Commission Expires



Polk County
Polk County Land Use Hearing Officer

Agenda Item

8/26/2025

SUBJECT

LDLVAR-2025-31 (Mossy Oak Lane Variance)

DESCRIPTION

The applicant is requesting a rear accessory setback reduction from ten (10) feet to five (5) feet for the construction of a screen enclosure in conjunction with a pool and patio.

RECOMMENDATION

Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Andrew Grohowski

Land Development Division

(863) 534-6412

andrewgrohowski@polk-county.net

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

DRC Date	July 10, 2025	CASE #:	LDLVAR-2025-31 (Mossy Oak Lane Variance)
LUHO Date	August 26, 2025	LDC Section:	Chapter 2, Table 2.2

Request: The applicant is requesting a rear accessory setback reduction from ten (10) feet to five (5) feet for the construction of a screen enclosure in conjunction with a pool and patio.

Applicant: Vickie Gray

Property Owners: Vickie & Kashwayne Orlando Gray

Location: 6834 Mossy Oak Lane, west of Kathleen Road, north of I-4, south of Duff Road, east of Catherine Drive, north of Lakeland, in Section 17, Township 27, and Range 23.

Parcel ID#: 232717-001102-000160

Size: ±0.19 acres

Land Use Designation: Residential Low - 1 (RL-1)
Planned Development LDPD-2018-28, Willow Ridge

Development Area: Suburban Development Area (SDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting a rear setback reduction from ten (10) feet to five (5) feet for the construction of a screen enclosure in conjunction with a pool and patio. The subject property is located in the Planned Development (PD) known as Willow Ridge (LDPD-2018-28). As part of the approved PD, principal structure setbacks were reduced from ten (10) feet to five (5) feet on the sides while rear setbacks were reduced from fifteen (15) feet to ten (10) feet. Accessory structure setbacks remained consistent with the standard dimensional requirements of the Residential Low-1 district, which are five (5) feet side and ten (10) feet rear. 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 structure will not encroach into the neighboring property and is not anticipated to impact the livelihood or safety of the abutting and adjacent property owners.

- The request 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. Screened enclosures with pools are not uncommon in backyards of residential properties. According to the applicant, the pool allows treatment of an existing medical condition.

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-2025-31**, with the following conditions:

CONDITIONS OF APPROVAL:

1. Approval of this variance is to reduce the rear accessory setback from ten (10) feet to five (5) feet for the proposed accessory structure as described in the staff report and site plan. All further additions or structures placed on the property shall be required to meet the requirements of LDPD-2018-28 or be granted approval via another variance from the Land Use Hearing Officer.
2. 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.
3. 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.

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 applicant is requesting a variance to reduce the rear yard accessory setbacks from ten (10) feet to five (5) feet for the new construction of a screened enclosure with an associated pool. Since there is no associated hard roof, this proposal is not considered part of the principal structure according to Section 208.B of the LDC. Granting a setback reduction will still allow adequate space and buffering between the proposed structure and the rear property line. A cell tower is approximately 71 feet from the residence to the northeast. This should not be any cause for concern, however, given the towers' ability to coexist in the surrounding area for over 30 years.

Granting this variance, as conditioned, is in accordance with the general intent and purpose of the Code. Staff finds that the variance, if approved, would not be injurious to surrounding properties or otherwise be detrimental to the public welfare of the neighborhood. The property abuts a platted open space to the north identified as "Tract "B" (*Exhibit 4*) that is owned by the HOA.

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 Lot 16 of the Willow Ridge subdivision and is approximately 8,123 square feet (± 0.19 acres). The lot is also a part of an approved Planned Development (LDPD-2018-28) consisting of 137 single-family residences with lot width frontages ranging from 50 feet to 70 feet. The subject property has one of the largest frontages in the subdivision. The primary residence was constructed in 2022, and the applicant purchased the property in December 2022.

The property is within the Residential Low-1 (RL-1) land use district where the minimum lot size by-right is 40,000 square feet, and rear setbacks are 10 feet for accessory structures. The approved Planned Development (LDPD 2018-28) of Willow Ridge regulates the lot sizes and implemented reduced setbacks to account for sidewalks and open space. However, no accessory setbacks were established with the PD. The applicant had no say in the PD requirements or approval process.

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

The special conditions and circumstances present in this request are not the result of the applicant. The lots within this development range from approximately 50 feet to 70 feet wide and either 110 feet or 120 feet in depth. The subject site is 70 feet wide and 110 feet in depth and has a fifteen-foot-wide utility easement along the front of the property. Front setback requirements are 15 feet for the right of way, 5 feet for the sides and 10 feet for the rear. While

the lot in question meets the dimensions above, if the home was placed at least five feet closer to the front, a variance would not be necessary.

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;*

Granting the requested variance will not confer a special privilege to the applicant. The accessory structure in question is commonly referred to as a “lanai” which are found in other developments such as this. The subdivision’s HOA has reviewed and approved the applicant’s request on April 9, 2025, subject to County approval.

In addition to the privacy and safety the enclosure will provide, the pool allows the applicant to treat a medical condition through physical therapy and rehabilitation sessions in the comfort of their home. This is the first residence with a pool and screen enclosure in the neighborhood according to recent aerials, and since the subdivision is new, this request could set a precedence for future requests.

The denial of this request will limit the applicant’s ability to fully enjoy their land as there is a 4.5 foot open space tract in the rear and a 15-foot-wide utility easement in the front.

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 the minimal variance necessary for setback reduction from the rear setback that would permit the proposed accessory structure.

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.

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

Granting this request will not result in the creation of a lot or parcel that does not meet the requirements of the Code. This variance request will not change the size, shape, or use of the property.

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

The proposed request will not circumvent the intent of a condition placed on a development by the Planning Commission or Board of County Commissioners. Chapter 9, Section 930.B.13 of the LDC allows relief to requirements within approved Planned Developments via an approved variance, specifically linear distances, and height.

Surrounding Future Land Use Designations and Existing Land Use Activity:

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

Northwest: RL-1 Single-family residence ±4.85 acres	North: RS Single-family residence ±4.85 acres	Northeast: RS Cell tower site ±0.27 acres
West: RL-1 Lot 17 - Willow Ridge	Subject Property: RL-1 Lot 16 - Willow Ridge	East: RL-1 Lot 15 - Willow Ridge
Southwest: RL-1 Lot 106 - Willow Ridge	South: RL-1 Lot 107 – Willow Ridge	Southeast: RL-1 Lot 108 - Willow Ridge

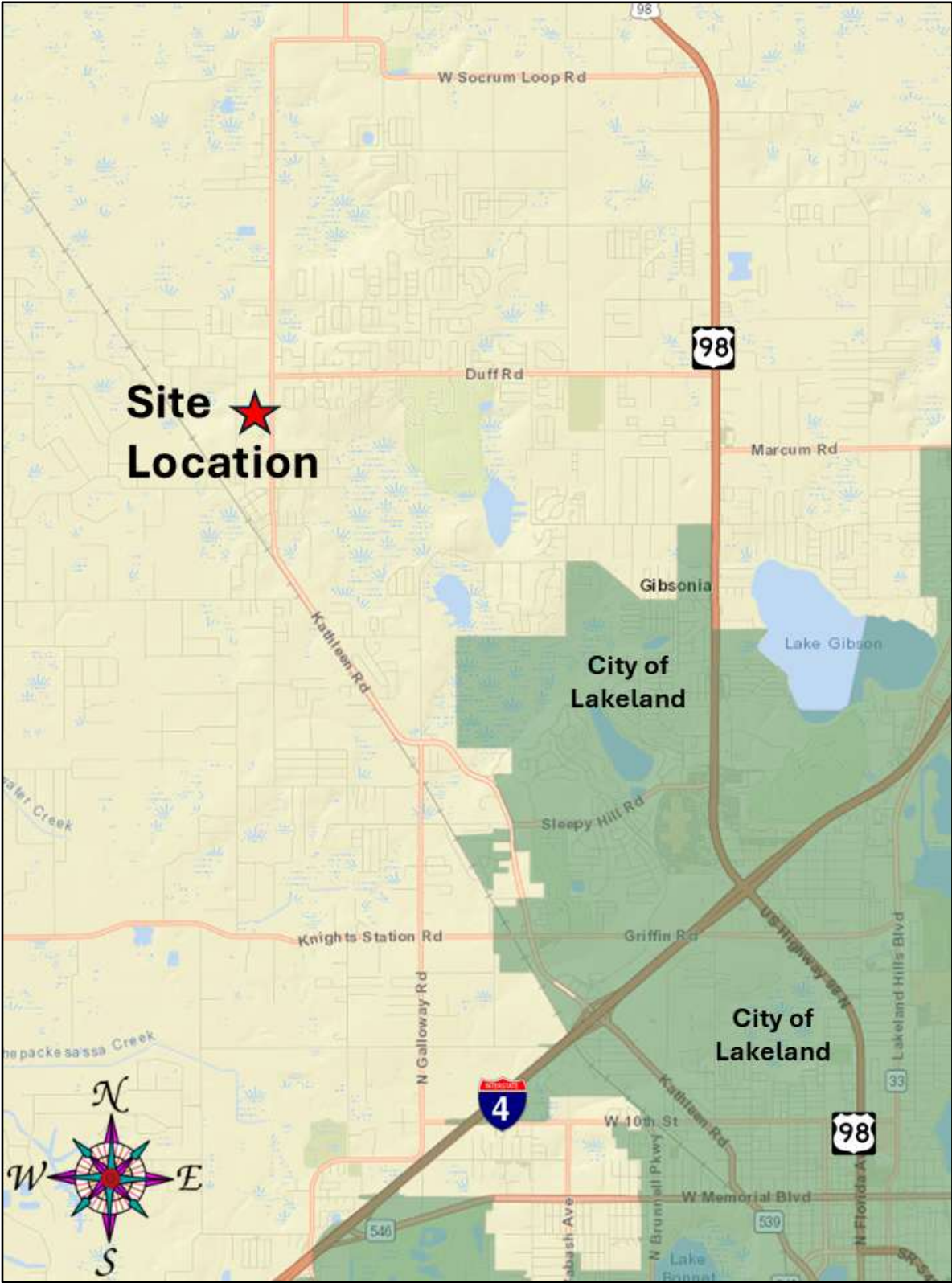
The development area was changed from a Residential Suburban (RS) land use district in a Suburban Development Area (SDA) to Residential Low-1 (RL-1) in an Urban Growth Area (UGA) in 2018 (LDPAL-2018-8). The subject site is approximately 0.19 acres located within the planned development known Willow Ridge (LDPD-2018-28) which was approved in 2019 and began construction shortly thereafter. The owner's 3,357 square foot residence was constructed in 2022, and the owners purchased the home in December 2022 according to the Property Appraiser. The subject site abuts a small portion platted open space to the north, recognized as "Tract "B", and is about 4.5 feet wide. The tract is dedicated to the HOA and extends along the entire northern boundary of the subdivision. Besides the 15-foot utility easement along the front of the property, no additional easements are in the immediate vicinity. The early 1990s saw construction of a cell tower located about 71 feet northeast from the residence. The tower was upgraded in April 2017 to remove six antennas and replace with three remote radio units.

Based upon the character of the surrounding neighborhood during my site visit, information provided by the applicant, and the findings analyzed by staff, the proposed variance is not anticipated to change the existing land use, create an incompatible situation with the surrounding development, or circumvent the intent of any requirements pertaining to the property.

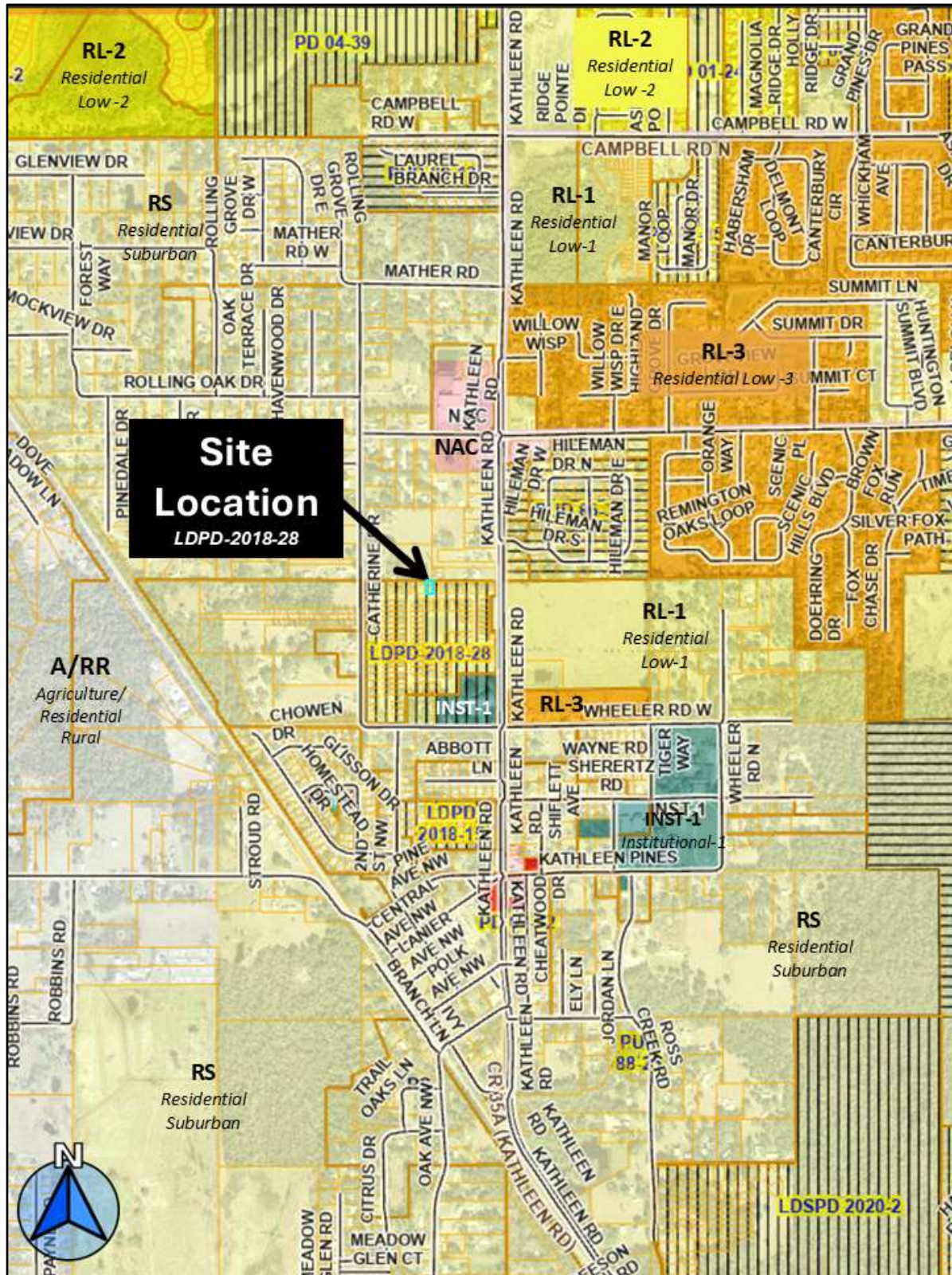
Comments from other Governmental Agencies: None.

Exhibits:

- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use Map
- Exhibit 3 – 2025 Satellite Image (Context)
- Exhibit 4 – 2023 Aerial (Close-up)
- Exhibit 5 – Site Plan
- Exhibit 6 – Applicant's Justification



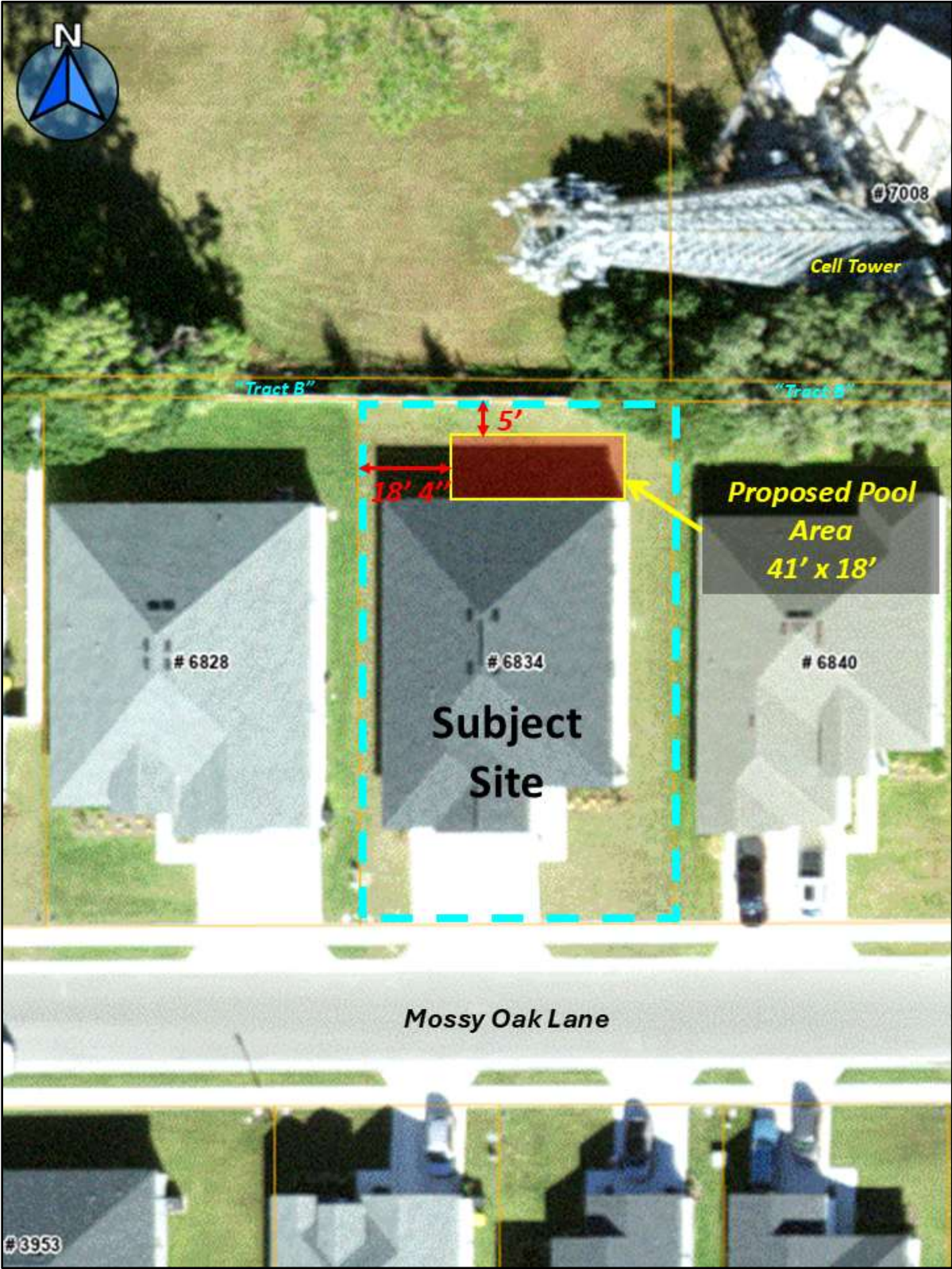
Location Map



Future Land Use Map



2025 Satellite Image (Context)

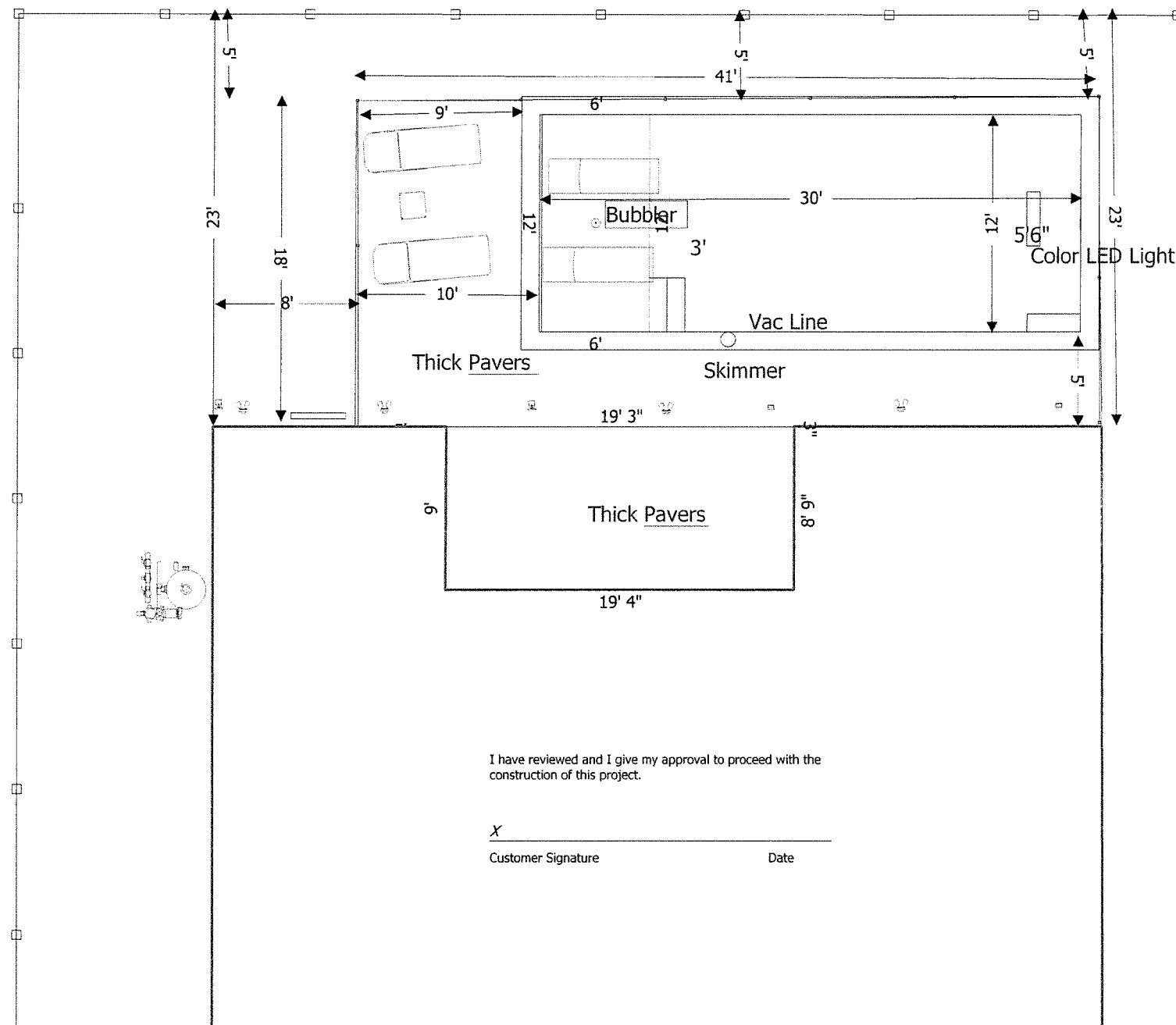


2023 Aerial Image (Close-up)

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 nor a detriment to the public.**
2. What special conditions exist that are peculiar to the land, structure, or building involved? **We are adding a swimming pool to our back yard.**
3. When did you buy the property and when was the structure built? Permit Number? **We purchased the home December 15, 2022. I am not sure when the structure was actually built. I am also unsure of the permit number.**
4. What is the hardship if the variance is not approved? **I will not be able to utilize my pool for water therapy as a 100% Disabled Veteran. My water therapy is a vital part of my physical therapy, rehabilitation, and wellness for my disability. Also, my family and I won't be able to enjoy the backyard as we intended to when we purchased the property.**
5. Is this the minimum variance required for the reasonable use of the land? **We would like to be 5 feet in from the property line.**
6. Do you have Homeowners Association approval for this request? **Yes, my HOA approved the request on April 9, 2025.**

Applicant's Justification



Hardscapes
Total Area: 473.95 ft²
Surface Material: Thick Pavers
Lanai Thick Pavers

Filter Pump: VS 3/4 - 1.5 HP
Filter Type: 100 SQFT Cartridge
1 Bubbler on Sun-Shelf
1 LED COLOR Pool Light
Sanitation: S3 Omni Salt Automation
Pool Cleaner 1
Bubbler In Sun-Shelf 1
SCREEN Enclosure
18' x 41'
COLOR:
Doors 2

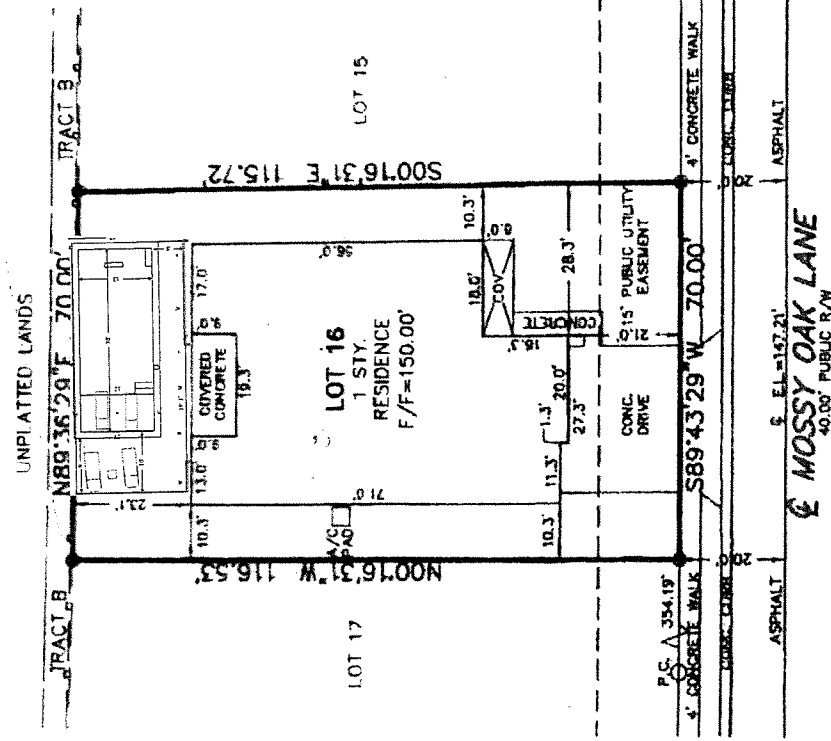
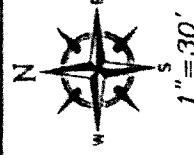
Pools
Count: 1
Envelope: 30' x 12'
Perimeter: 84'
Area: 359.85 ft²
Int Surface Area: 748.52 ft²
Depth: 3' to 5' 6"
Volume: 8,986 gallons
Interior Finish: Quartz
Tile Line: +6" 84'
Tile Material:
Coping Area: 87.97 ft²
Coping Material:
Step Linear Ft: 35' 11"
Sun-Shelf 6' x 12' 1
Excavation - Hole: 2053 ft³
Concrete: 16.2 yards³
Rebar: 2961' 7"

Project Info
Project Name: Viki Gray
Client Name: Viki Gray
Client Email: gray.vickie@yahoo.com
Client Phone: 334-201-1977
Address: 6834 Mossy Oak Lane
City: Lakeland
State/Province: FL
Zip/Postal Code: 33810
Designer Name: Robert Sicignano
Company Name: Elite Pool Designs Inc

LEGAL DESCRIPTION:

LOT 16, WILLOW RIDGE, ACCORDING TO THE OFFICIAL PLAT THEREOF AS RECORDED IN PLAT BOOK 184, PAGES 20-21, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

MAP OF SURVEY



PROPERTY ADDRESS:
6834 MOSSY OAK LANE,
LAKELAND, FL 33810

CERTIFIED TO:

VICKIE GRAY
KASHWAYNE ORLANDO GRAY
SILVERTON MORTGAGE
INNOVATIVE TITLE, LLC
FIRST AMERICAN TITLE INSURANCE COMPANY
HIGHLAND HOMES

SURVEYOR'S NOTES:

1. THIS PROPERTY HAS NOT BEEN ABSTRACTED BY SURVEYOR FOR EASEMENTS AND/OR RIGHT OF WAY OF RECORD.
2. ADJACENTS SHOWN HAVE NOT BEEN SURVEYED.
3. LOT DIMENSIONS AND BEARINGS ARE PLAT/RECORDED AND MEASURED UNLESS OTHERWISE NOTED.
4. BEARINGS ARE BASED UPON LINE AS SHOWN (PLAT).
5. LEGAL DESCRIPTION AS PROVIDED BY CLIENT.
6. LOCATED AND SHOWN ARE UTILITIES SHOWN HEREON ARE NOT LOCATED ANY UNDERGROUND UTILITIES OR FOUNDATIONS WHICH MAY ENCROACH.
7. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED UPON VISIBLE SURFACE EVIDENCE.
8. ACCORDING TO FLOOD INSURANCE RATE MAP NO. 12050C D1A55, DATED 12/72/18 THE LAND AND IMPROVEMENTS SHOWN HEREON ARE IN FLOOD ZONE "X".
9. ANY ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SURVEYOR OR PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SURVEYOR.
10. THE ACCURACY OF THIS SURVEY MAP MEETS THE MINIMUM REQUIREMENTS FOR A CLOSED GEOMETRIC POLYLINE SET FORTH IN THE STANDARDS OF PRACTICE (33-17.05).
11. ELEVATIONS ARE BASED UPON GRADING PLAN.

CERTIFICATE OF AUTHORIZATION L.B. 946

REGISTERED
SURVEYOR
POLK COUNTY
FLORIDA
EXPIRATION DATE
11/27/22

REGISTERED
SURVEYOR
POLK COUNTY
FLORIDA
EXPIRATION DATE
11/27/22

SECTION 17, TWP. 27, S. 30, E. 21 E.
SHOWING A BOUNDARY SURVEY OF LANDS
DESCRIBED ABOVE.

DRAWN BY: AND CHECKED BY: RDB SCALE: 1"=30' SURVEY DATE: 5/7/22 JOB#: 22-185

I HEREBY CERTIFY THAT THIS MAP OF SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

A.D.P.
RICHARD D. BROWN, P.S.M.
FLA. CERT. NO. 5700

JOHNSTON'S
SURVEYING INC.

900 Cross Prairie Parkway, Kissimmee, Florida 34744

TEL: (407) 847-2179 Fax: (407) 847-8140

Willow Ridge Property Owners Association, Inc.
4131 Gunn Hwy
Tampa, FL 33618

April 09, 2025
Reference: 6834 Mossy Oak Ln

Vickie & Kashwayne Orlando Gray
6834 Mossy Oak Ln
Lakeland, FL 33810

Dear Vickie & Kashwayne Orlando Gray,

Your Request for an Architectural Modification on your property at 6834 Mossy Oak Ln has been approved by the Architectural Request Committee of Willow Ridge Property Owners Association, Inc.. Specifically, you have approval to proceed with the following request as submitted: **Pool/Spa/Screened-In Enclosure - I will have a pool and lanai installed. The permit and building process will begin on April 11, 2025. Pool size: Geometric concrete 12' x 30' - 3' – 5' 6", Deck Size: 18' x 41' Lanai Size: Single story screen room, Mansard style roof, 2 doors.**

Please note that the ARC reserves the right to make a final inspection to ensure that your project is compliant with the Architectural Design Standards applicable to your neighborhood.

Thank you for adhering to the architectural guidelines of the community. We appreciate your patience while this information was being reviewed.

Sincerely,

Willow Ridge Property Owners Association, Inc.

This Community is Professionally Managed By:
Greenacre Properties, Inc.
(813) 600-1100

LDLVAR-2025-31 - Gray Variance

Menu

Reports

Help

Application Name:

Gray Variance

File Date:

05/22/2025

Application Type:

LUHO - Variance

Application Status:

Approved For Hearing

Application Comments:

View ID

Comment

Date

Description of Work:

Requesting for a 5 foot set back to build a pool. Pool is needed for my medical disability as im a 100% disable veteran.

Application Detail:

Detail

Address:

6834 MOSSY OAK LN, LAKELAND, FL 33810

Parcel No:

232717001102000160

Owner Name:

GRAY VICKIE

Contact Info:

Name

Organization Name

Contact Type

Contact Primary Address

Status

Vickie Gray

Engineer

Mailing, 6834 Mossy Oa...

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

DRC Meeting Time

DRC Meeting

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

Setback for

Pool from

Seawall or

Property line

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

Land Use Hearing

Officer

MEETING DATES

LUHO Hearing Date

08/26/2025

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, the variance will not be injurious to the area involved nor a detriment to the public.](#)

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

[We are adding a swimming pool to our back yard.](#)

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

[We purchased the home December 15, 2022. I am not sure when the structure was actually built. I am also unsure of the permit number.](#)

What is the hardship if the variance is not approved?

[I will not be able to utilize my pool for water therapy as a 100% Disabled Veteran. My water therapy is a vital part of my physical therapy, rehabilitation, and wellness for my disability. Also, my family and I won't be able to enjoy the backyard as we intended to when we purchased the property.](#)

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

[We would like to be 5 feet in from the property line.](#)

Do you have Homeowners Association approval for this request?

[Yes, my HOA approved the request on April 9, 2025.](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

[Open](#)

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-REC25-00000-00LBF](#)

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](#)

[t/Approval Letter, Survey, Title Opinion](#)

DigitalSigCheck

[Yes](#)

RequiredDocumentTypes

-

Activate DPC

Activate FSA

[Yes](#)

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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LUHO	1	28	08/07/2025	08/07/2025	
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Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	06/13/2025	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irlen	Approve	06/18/2025	Phil Irlen
	Planning Review	Andrew Grohowski	Approve	07/01/2025	Andrew Grohowski
	Review Consolidation		Approved for...	07/07/2025	Saralis Wons
	Public Notice	Lisa Simons-Iri...			
	Hearing Officer				
	Final Order				
	Archive				

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
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Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments
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Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
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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 nor a detriment to the public.**
2. What special conditions exist that are peculiar to the land, structure, or building involved? **We are adding a swimming pool to our back yard.**
3. When did you buy the property and when was the structure built? Permit Number? **We purchased the home December 15, 2022. I am not sure when the structure was actually built. I am also unsure of the permit number.**
4. What is the hardship if the variance is not approved? **I will not be able to utilize my pool for water therapy as a 100% Disabled Veteran. My water therapy is a vital part of my physical therapy, rehabilitation, and wellness for my disability. Also, my family and I won't be able to enjoy the backyard as we intended to when we purchased the property.**
5. Is this the minimum variance required for the reasonable use of the land? **We would like to be 5 feet in from the property line.**
6. Do you have Homeowners Association approval for this request? **Yes, my HOA approved the request on April 9, 2025.**



Polk County
Polk County Land Use Hearing Officer

Agenda Item

8/26/2025

SUBJECT

LDLVAR-2025-35 (Desir Alcohol Variance)

DESCRIPTION

Raymond Desir requests a variance to allow separation reduction for beer and wine consumption on premises (2COP License) within 1,000 feet of religious institutions on approximately 0.08 acres within a Linear Commercial Corridor district. The subject property is located at 2610 Avenue G NW, north of Recker Highway, south of Havendale Boulevard NW, east of Polk Parkway, west of US Highway 17, west of the City of Winter Haven in Section 19, Township 28, Range 26.

RECOMMENDATION

Approval with conditions.

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

Kyle Rogus, Planner I
Land Development Division
863-534-7553
kylerogus@polk-county.net

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

DRC Date:	July 7, 2025	CASE #:	LDLVAR-2025-35
			Desir Alcohol Variance
LUHO Date:	August 26, 2025	LDC Section:	Section 224 Table 2.4

Request: The applicant is requesting a variance to allow separation reduction for beer and wine consumption on premises (2COP License) within 1,000 feet of religious institutions.

Applicant: Raymond Desir

Property Owner: Marie Desir

Location: The subject property is located at 2610 Avenue G NW, north of Recker Highway, south of Havendale Boulevard NW, east of Polk Parkway, west of US Highway 17, west of the City of Winter Haven in Section 19, Township 28, Range 26.

Parcel ID#: 262819-553672-003041

Size: ±0.08 acres

Land Use Designation: Linear Commercial Corridor (LCC)

Development Area: Urban Growth Area (UGA)

Case Planner: Kyle Rogus, Planner I

Summary:

The applicant is looking to obtain a 2COP liquor license (Beer and Wine Consumption on premises) for their existing ice cream business, Cabana Boy Ice Cream. However, there are four (4) religious institutions within 1,000 feet of the property (see Exhibit #). Section 224 of the Land Development Code (LDC) prohibits the sale of liquor beverages for consumption on the premises within 1,000 feet of a religious institution or public and private school (K-12). Through LDC Section 930, a property owner (or agent of) may request a variance to the 1,000 feet of separation from the Land Use Hearing Officer. Alcohol separation distance is measured from property line to property line.

Four religious institutions, House of Prayer Worship and Praise Center, Abundant Believers Church, Mont Des Olivers Baptist Church, and Philadelphia Haitian Baptist Church are within the 1,000-foot separation distance requirement. House of Prayer Worship and Praise Center is located directly across Avenue G NW about 88 feet from the subject property line. House of Prayer Worship and Praise Center is the closest religious institution in proximity to the subject site and provided a letter of approval for the requested 2COP liquor license stating, “we have no objection to the issuance of beer and wine license to LD Caribbean Cuisine INC” (see Exhibit #6). Abundant

Believers Church is located about 620 feet from the subject property, Mont Des Olivers Baptist Church is located about 684 feet from the subject property, and Philadelphia Haitian Baptist Church is located about 853 feet from the subject property.

The subject site is located in the Linear Commercial Corridor (LCC), providing an abundant number of different uses within the surrounding area. Alongside religious institutions there are three (3) uses that already provide the sale and consumption of beer and wine beverages within the 1,000-foot separation distance requirement: Beverage Depot, CITGO gas station, and Tuff Luck Saloon. Beverage Depot is located about 370 feet from the subject property, CITGO Gas Station is located about 536 feet from the subject property, and Tuff Luck Saloon is located about 800 feet from the subject property.

Both the CITGO gas station and Beverage Depot have APS licenses (beer and wine package sales) which do not require a distance requirement; therefore, they did not have to come in for a variance. The property at the Tuff Luck Saloon has been in operation selling beer and wine for onsite consumption well before 1998, predating the establishment of any of the four mentioned churches within the surrounding area.

There are a few factors that need to be considered. The subject site is approximately 0.08 acres. The existing building on site had a total square footage of 432. The primary use of the building currently acts as an ice cream store. The applicant's request for a liquor license is in addition to the sale of ice cream. It is not in the applicant's intent to provide the surrounding neighborhood with sale of liquor at a large scale.

Staff has found that setback reductions from Table 2.4 in Section 224 of the LDC have been approved for five cases last year.

Staff finds that the request 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:*

There are many instances where liquor stores and religious institutions have coexisted in close proximity without any adverse effects. Setback reductions from Table 2.4 in Section 224 of the LDC were approved for five cases last year alone.

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 application marks the third establishment providing either the sale and or consumption of beer and wine in the 1,000-foot distance separation requirements within the last seven (7) years. If the churches opened after the proposed liquor license for LD Caribbean Cuisine INC, no extra burden of approval would be placed on either entity. However, since the religious institutions were established first, the applicant must go through the variance process.

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

It allows the developer the flexibility of offering the local community beer and wine to coincide with the primary sale of ice cream on site.

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-2025-35**, with the following conditions:

CONDITIONS OF APPROVAL:

1. A variance shall be granted to Marie Desir and LD Caribbean Cuisine INC on Parcel #262819-553672-003041 for one alcohol sales license (2COP) 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 (2COP 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 is looking to obtain a 2COP liquor license (Beer and Wine Consumption on premises) for their existing ice cream business, Cabana Boy Ice Cream. However, there are four (4) religious institutions within 1,000 feet of the property (see Exhibit #3). Section 224 of the LDC prohibits the sale of liquor beverages for consumption on the premises within 1,000 feet of a religious institution or public and private school (K-12). The proposed store requires a variance to this separation distance requirement from the following:

- House of Prayer Worship and Praise Center, about 88 feet from the subject property line
- Abundant Believers Church, about 620 feet from the subject property line
- Mont Des Olivers Baptist Church, about 684 feet from the subject property line
- Philadelphia Haitian Baptist Church, about 853 feet from the subject property line.

There are numerous examples throughout the County that demonstrate beverage sales and religious institutions can co-exist without any adverse effects. In this case, at the corner of 25th Street NW and Avenue G NW, approximately 540 feet from the subject site, is a CITGO gas station that sells packaged beer and wine. Abutting the gas station on the east property line is the Abundant Believers Church religious institution.

According to the Property Appraiser, the religious institution was established in 2016 followed by the gas station in 2021. Because the gas station only requires an APS license (beer and wine package sales), there is no distance requirement, therefore not requiring a variance.

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 Property Appraiser, House of Prayer Worship and Praise Center, the property, which is closest to the applicant's business, has been a religious institution since 2016. The church is located across the street (Avenue G NW) approximately 88 feet away, property line to property line. A letter of approval for a beer and wine license (see Exhibit #6) was provided. Abundant Believers Church has been operating at its current location since 2016 as well. Both religious institutions are the most recently established within the 1,000-foot separation distance requirement.

According to the Property Appraiser, both the Beverage Depot, purchased in 2018, and the CITGO Gas Station; purchased in 2021, have followed in suit shortly after the

establishment of the two previously mentioned religious institutions. This application marks the third establishment providing either the sale and or consumption of beer and wine in the 1,000-foot distance separation requirements within the last seven (7) years.

Per Table 2.1 Use Table for Standard Land Use Districts, allows alcohol sales as an administrative type of review (Level 1). If the churches opened after the proposed liquor license for LD Caribbean Cuisine INC, no extra burden of approval would be placed on either entity. However, since the religious institutions were 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 CITGO gas station and Beverage Depot only require an APS license (beer and wine package sales), which does not require a distance requirement from religious institutions or public and private school (K-12). Because they function as package sales and not consumption on premises, the gas station is able to abut the Abundant Believers Church without a public hearing. Furthermore, the property at 2390 Avenue G NW, Winter Haven, FL 33880 has sold beer and wine for consumption on premises dating back prior to any of the religious institutions in the area. Because the institutions came after what is now the Tuff Luck Saloon, no variance is necessary. The Churches and Tuff Luck Saloon have been functioning near one another since 1998.

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. Below is a chart of other establishments offering liquor 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

Case	BOA/LUHO Date	Schools/Religious Institution
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

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. The development has already been leased out to the property owner Marie Desir and LD Caribbean Cuisine INC for five (5) years beginning April 25, 2025. The closest religious institution to be affected the most by this variance request, provided a letter of approval with the application (see Exhibit #).

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 LCC districts without limitations if there are no schools or religious institutions within 1,000 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 a condition or 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 pertinent details of abutting uses and their regulatory parameters.

Northwest: LCC House of Prayer and Worship Praise Center Provided letter of approval 0.35 acres	North: LCC Residential Duplex 0.22 acres	Northeast: LCC Commercial U-Do-It Rentals 0.22 acres
West: LCC Commercial Elkins' Repair Service, INC 0.73 acres	Subject Property: LCC Active local fast-food restaurant. Cabana Boy Ice Cream 0.08 acres	East: LCC Commercial Auto repair / commercial service garage 0.37 acres
Southwest: LCC Commercial Elkins' Repair Service, INC 0.73 acres	South: LCC Commercial Auto repair / commercial service garage 0.37 acres	Southeast: LCC Commercial Auto repair / commercial service garage 0.37 acres

The Linear Commercial Corridor offers a wide range of commercial, office, institutional, and industrial uses along roadways. In the surrounding area we see a range of commercial uses, residential development, and religious institutions, which are often associated with institutional land use designations. With the large presence of residential property outside the Linear Commercial Corridor that runs along Avenue G NW, we see a demand for non-residential uses that provide goods and services to the local community.

Comments from other Governmental Agencies: None.

Exhibits:

Exhibit 1 – Location Map

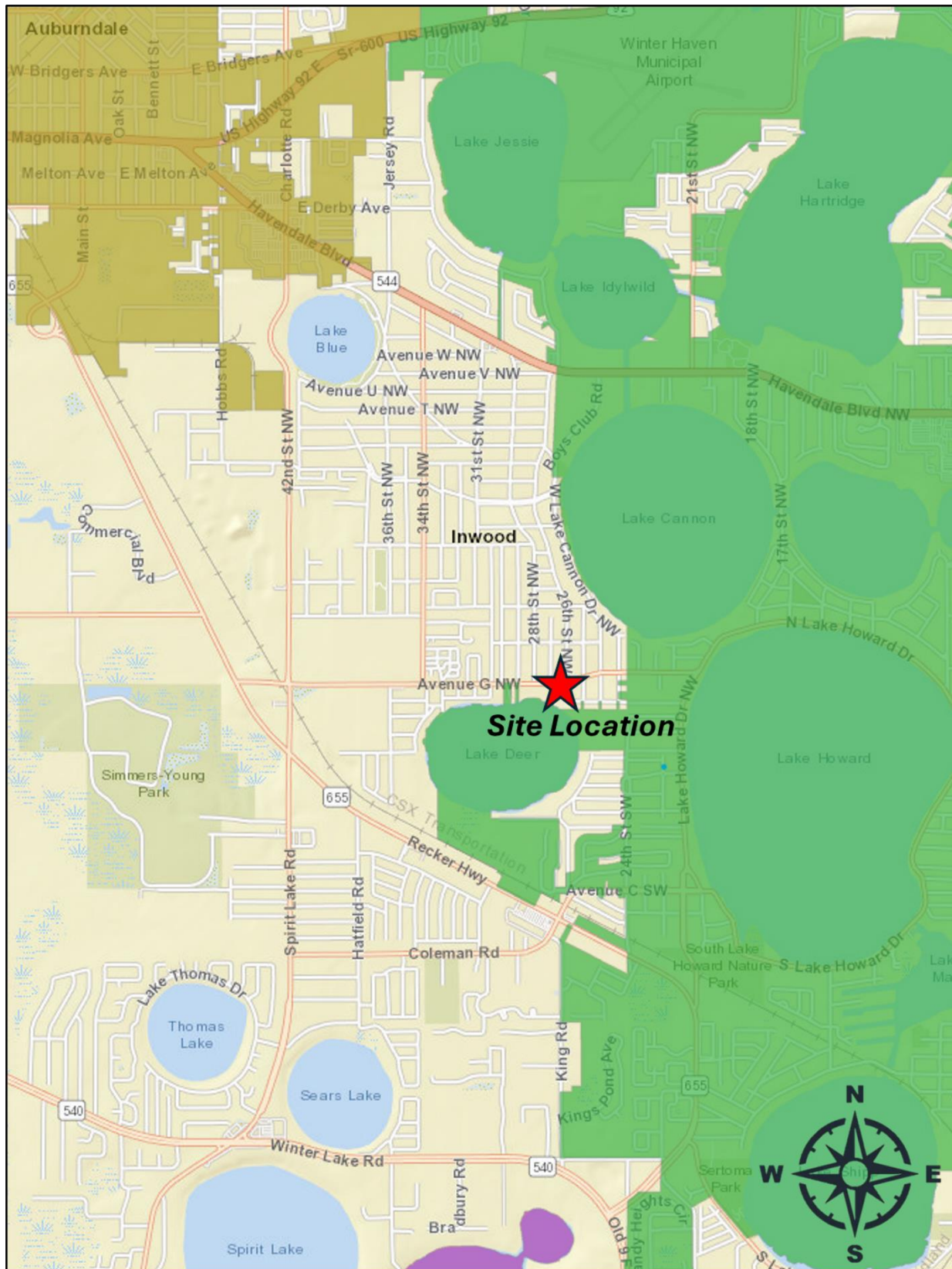
Exhibit 2 – 2023 Aerial Photo (Context)

Exhibit 3 – Future Land Use Map

Exhibit 4 – 2024 Aerial Photo (Close)

Exhibit 5 – Approved Site Plan

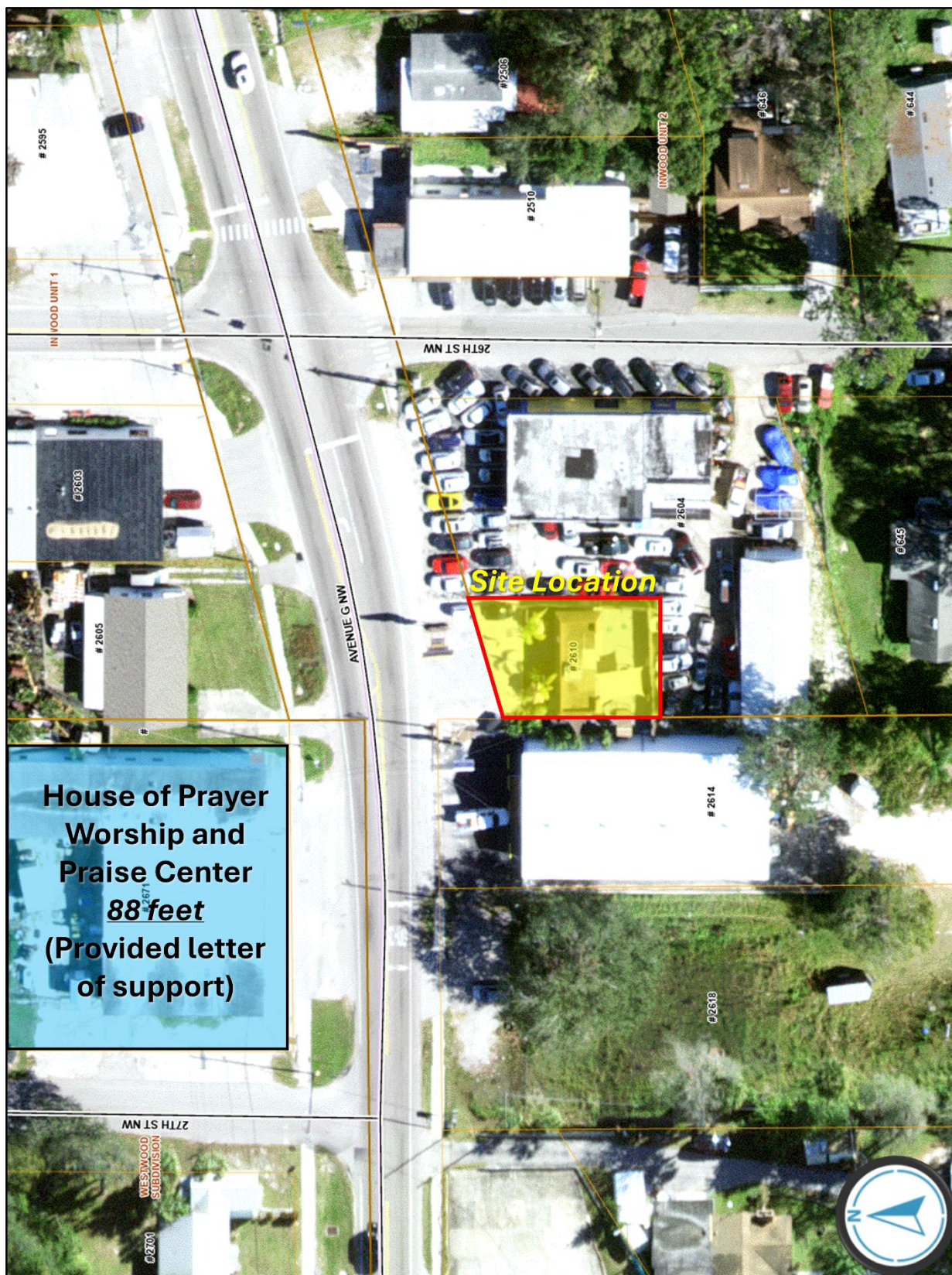
Exhibit 6 – Letter of Approval



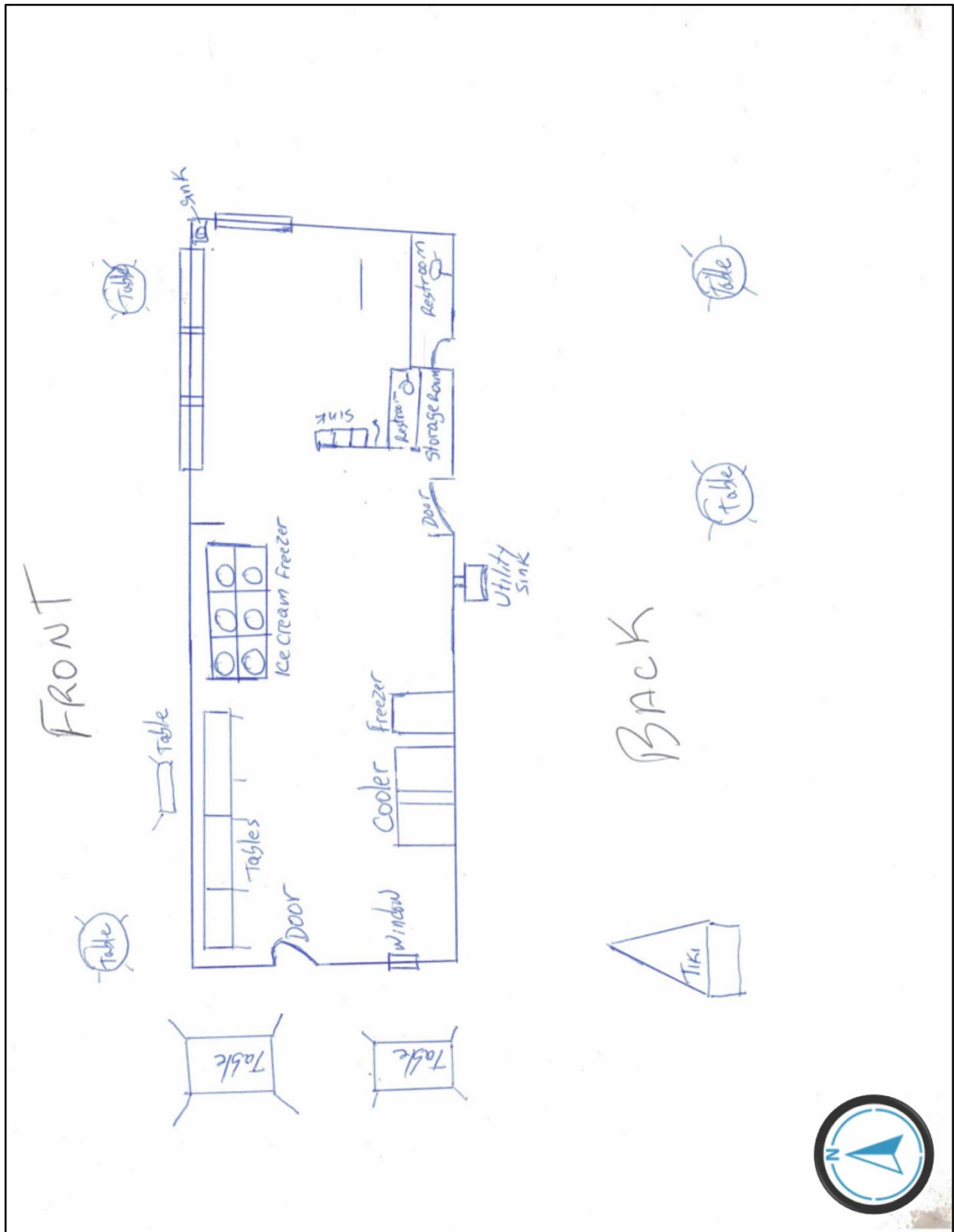
Location Map

Land Use Hearing Officer
Variance/KSR

Land Use Hearing Officer
Variance/KSR



2023 Aerial Photo (Close-up)



Approved Site Plan

House Of Prayer Worship & Praise Center
2681 Ave G NW
Winter Haven, FL 33880
(863) 875-6109
gusfowler79@gmail.com

Date: June 1, 2025

To:
Polk County Beer and Wine Licensing Department

Subject: Letter of Approval for Beer and Wine License Near Church Property

Dear Licensing Department,

I am writing to you in my capacity as the pastor of House Of Prayer Worship & Praise Center, located at [2681 Ave G NW, Winter Haven, FL 33880, which is in proximity to the restaurant establishment known as *LD Caribbean Cuisine INC.*

After thoughtful consideration and consultation with our church leadership, I wish to inform the department that we have no objection to the issuance of a beer and wine license to LD Caribbean Cuisine INC. We understand that in certain cases, the proximity of a church may be a determining factor in the licensing decision. If that is the case here, please accept this letter as our formal approval for the license to be granted.

We appreciate your diligence in considering the views of the community and trust that your department will continue to uphold responsible and fair licensing practices.

Please feel free to contact me if any additional information or clarification is needed.

Sincerely,

House of Prayer Worship & Praise Center
Pastor, Gus Fowler
(863) 242-2336
gusfowler79@gmail.com



Letter of Approval

LDLVAR-2025-35 - Raymond Desir, Variance

Menu

Reports

Help

Application Name:

Raymond Desir, Variance

File Date:

06/05/2025

Application Type:

LUHO - Variance

Application Status:

Approved For Hearing

Application Comments:

View ID

Comment

Date

Description of Work:

I am seeking to have the opportunity to get a permit to sell beer bottles along with the food.

Application Detail:

Detail

Address:

2610 NW AVENUE G, WINTER HAVEN, FL 33880

Parcel No:

262819553672003041

Owner Name:

DESIR MARIE

Contact Info:

Name

Organization Name

Contact Type

Contact Primary Address

Status

Raymond Desir

LD Caribbean Cu...

Engineer

Mailing, 114 Colleen C...

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

0.08

DRC Meeting Time

DRC Meeting

07/10/2025

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

N/A

Variance Type

Alcohol

Beverage

Setbacks

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

Land Use Hearing

-

Officer

MEETING DATES

LUHO Hearing Date

08/26/2025

ALCOHOL BEVERAGE DIST REQ

Type of Business

Type of License

mobile food dispenser and

mobile food disp vehicle

ice cream shop

Hours of Operation

6am - 9:30pm

Give Name & address of any school(s)/Church(s) within 2500 ft to the requesting property boundary

Schools:

Inwood Elementary School, 2200 Avenue G NW, Winter Haven, FL 33880

Churches:
[Church House of Prayer, 2681 Avenue G NW, Winter Haven, FL 33880](#)
[Westwood Missionary Baptist, 3210 Avenue G NW #1, Winter Haven, FL 33880](#)

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?
[There is no special condition exist to the land.](#)

When did you buy the property and when was the structure built? Permit Number?
[I signed the contract of the least of the restaurant on April 4, 2025, and it was built.](#)

What is the hardship if the variance is not approved?
[There is a very high possibility that the restaurant would have less people come out buy food.](#)

Is this the minimum variance required for the reasonable use of the land?
[no](#)

Do you have Homeowners Association approval for this request?
[N/A](#)

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

PLAN REVIEW FIELDS
TMPRecordID
[POLKCO-25EST-00000-31482](#)
RequiredDocumentTypesComplete
[No](#)

DocumentGroupforDPC	RequiredDocumentTypes
DIGITAL PROJECTS LD	-
AdditionalDocumentTypes	Activate DPC
Applications, AutoCad File, Binding Site Plans (PDs 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	Yes
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
LUHQ	1	17	08/07/2025	08/07/2025	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	06/13/2025	Lisa Simons-Iri...
	Roads and Drainage Review				
	Planning Review	Kyle Rogus	Approve	06/27/2025	Kyle Rogus

Task	Assigned To	Status	Status Date	Action By
Review Consolidation	Lisa Simons-Iri...	Approved for...	06/27/2025	Lisa Simons-Iri...
Public Notice	Lisa Simons-Iri...			
Hearing Officer				
Final Order				
Archive				

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
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Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments
--------------------------------	-----------------	----------------	-----------	--------	----------

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
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Prepared by and return to:

Oram Law
308 Avenue G SW
Suite 208
Winter Haven, FL 33880

File No 2025-314

Parcel Identification No 26-28-19-553672-003041

INSTR # 2025091154
BK 13514 Pgs 1825-1826 PG(s)2
04/21/2025 12:50:35 PM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES 18.50
DEED DOC 1,015.00

[Space Above This Line For Recording Data]

WARRANTY DEED

(STATUTORY FORM – SECTION 689.02, F.S.)

This indenture made the 15th day of April, 2025 between **Gina Erickson, f/k/a Georgina Erickson and Charles Edward Erickson, wife and husband**, whose post office address is 4133 Juliana Lake Drive, Auburndale, FL 33823, of the County of Polk, Florida, Grantor, to **Marie Desir, a married woman**, whose post office address is 114 Colleen Ct, Auburndale, FL 33823, of the County of Polk, Florida, Grantee:

Witnesseth, that said Grantor, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Polk, Florida, to-wit:

That portion of Lots 305 and 304, INWOOD - NO. 2, Hundred Lakes Corporation Subdivision, as recorded in Plat Book 8, Page 50 of the Public Records of Polk County, Florida, more particularly described as follows: Begin at the Northwest corner of Lot 305 of Inwood - No. 2 Subdivision as recorded in Plat Book 8, Page 50 of the Public Records of Polk County, Florida, and run South along the West boundary of said Lot 305, 65 feet; thence East perpendicular to said boundary, 50 feet into Lot 304; thence North parallel with the West boundary of said Lots 304 and 305, 78.80 feet to the South boundary of Avenue G Northwest (State Road S 542); thence Southwesterly along said boundary, 51.87 feet to the Point of Beginning.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

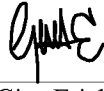
Subject to taxes for 2025 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in fee simple forever.

And Grantor hereby covenant with the Grantee that the Grantor is lawfully seized of said land in fee simple, that Grantor have good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, Grantors have hereunto set Grantors' hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:



Gina Erickson

8158 Westfield Circle

Vero Beach, FL 32966

WITNESS 1 ADDRESS [required]



WITNESS 1

PRINT NAME: Sandra E. Davis



WITNESS 2 [the notary should act as the second witness]

PRINT NAME: Shonsuree Davila

11166 West Flagler St

Miami, FL 33174

WITNESS 2 ADDRESS [required]

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of () physical presence or (X) online notarization, this 15th day of April, 2025, by Gina Erickson, () who is/are personally known to me or (X) who has/have produced

Florida Drivers License as identification.


Signature of Notary Public

Shonsuree Davila

Print, Type/Stamp Name of Notary



WITNESS 1

PRINT NAME: Tia Lenay Scott



Charles Edward Erickson

1921 Lyons Road

Cocnut Creek , Fl 33063

WITNESS 1 ADDRESS [required]



WITNESS 2 [the notary should act as the second witness]

PRINT NAME: Shonsuree Davila

11166 West Flagler Street

MIAMI-DADE 33174

WITNESS 2 ADDRESS [required]

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of () physical presence or (X) online notarization, this 15th day of April, 2025, by Charles Edward Erickson, () who is/are personally known to me or (X) who has/have produced

FLORIDA DRIVERS LICENSE as identification.


Signature of Notary Public

Shonsuree Davila

Print, Type/Stamp Name of Notary

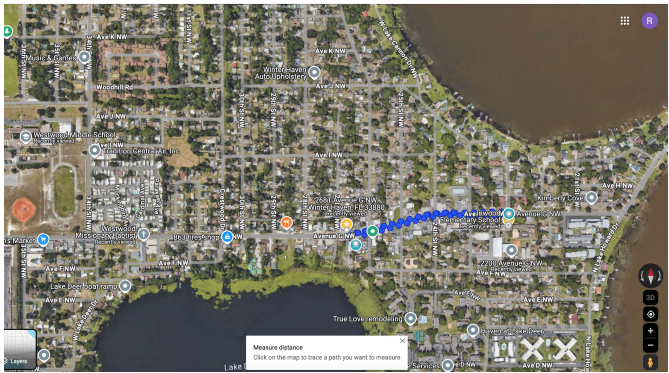


From: Ray
To: Irizarry, Lisa
Subject: [EXTERNAL]: Re: [EXTERNAL]: Fwd: LDLVAR-2025-35 Desir Variance
Date: Thursday, June 12, 2025 2:02:04 PM
Attachments: image001.png
Screen Shot 2025-06-12 at 2.00.20 PM.png

You don't often get email from ldcaribbeancuisine@gmail.com. [Learn why this is important](#)

Please see the attached map. Let me know if this is not what you are looking for.

Thank you,
Raymond Desir



On Mon, Jun 9, 2025 at 2:13 PM Ray <ldcaribbeancuisine@gmail.com> wrote:
The business consists of a mobile food dispenser and an ice cream shop. Current license mobile food disp vehicle with division of hotels and restaurants.

Schools:
Inwood Elementary School, 2200 Avenue G NW, Winter Haven, FL 33880

Churches:
Church House of Prayer, 2681 Avenue G NW, Winter Haven, FL 33880
Westwood Missionary Baptist, 3210 Avenue G NW #1, Winter Haven, FL 33880

Thank you,
Raymond Desir

On Mon, Jun 9, 2025 at 1:28 PM Irizarry, Lisa <LisaIrizarry@polk-county.net> wrote:

Please provide information below along with a site plan showing the distance and location of schools and/or religious institutions.

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	

Lisa Irizarry
Development Coordinator II

Polk County Board of County Commissioners
Office of Planning & Development | Land Development Division
330 West Church Street
Bartow, FL 33830
863-534-7652

Lisalrizarry@polk-county.net



"Individual commitment to a group effort, that is what makes a team work, a company work, a society work, a civilization work." - Vince Lombardi

From: Ray <ldcaribbeancuisine@gmail.com>
Sent: Monday, June 9, 2025 12:38 PM
To: Irizarry, Lisa <Lisalrizarry@polk-county.net>
Subject: [EXTERNAL]: Fwd: LDLVAR-2025-35 Desir Variance

You don't often get email from ldcaribbeancuisine@gmail.com. [Learn why this is important](#)
Please see the attached. Let me know if anything else is required.

Thank you,

Raymond Desir

----- Forwarded message -----

From: Raymond Desir <raymondsir1976@gmail.com>
Date: Mon, Jun 9, 2025 at 12:32 PM
Subject: Fwd: LDLVAR-2025-35 Desir Variance
To: <ldcaribbeancuisine@gmail.com>

----- Forwarded message -----

From: Irizarry, Lisa <Lisalrizarry@polk-county.net>
Date: Mon, Jun 9, 2025, 12:14 PM
Subject: LDLVAR-2025-35 Desir Variance
To: raymondsir1976@gmail.com <raymondsir1976@gmail.com>

Mr. Desir,

I still did not receive your email. Please attach your documents as a response to this email. I'm sure it will go through this way.

Lisa Irizarry

Development Coordinator II

Polk County Board of County Commissioners

Office of Planning & Development | Land Development Division

330 West Church Street

[Bartow, FL 33830](#)

863-534-7652

Lisalrizarry@polk-county.net



"Individual commitment to a group effort, that is what makes a team work, a company work, a society work, a civilization work." - Vince Lombardi

COMMERCIAL LEASE/RENTAL AGREEMENT

This agreement made this 25th day of April 2025, is between Marie Desir (hereinafter called Management) and LD Caribbean Cuisine Inc (hereinafter called Resident). Management leases to Resident, and Resident rents from Management, residential unit located at 2610 Ave G, NW, Winter Haven, FL 33880 (hereafter called premises), under the following conditions:

- TERM: 1. The initial term of this lease shall be 5 years, beginning April 25, 2025 and ending Noon, (mo./day) April 24, 2030.
- POSSESSION: 2. If there is a delay in delivery of possession by Management, rent shall be abated on a daily basis until possession is granted. If possession is not granted within seven (7) days after the beginning day of initial term, then Resident may void this agreement and have full refund of any deposit. Management shall not be liable for damages for delay in possession.
- RENT: 3. Rent is payable monthly, in advance, at a rate of One thousand two hundred sixty-four dollars (\$1264.00), per month, during the term of this agreement on the first day of each month at the office of Management or at such other place Management may designate. Tenant agrees to pay by money order only; sending payment to 114 Colleen Ct, Auburndale, FL 33823.
- RENT DISCOUNT: 4. Time is of the essence of this agreement. If the rent is accepted before the close of the business day, on the 4th of each month the rate will be One thousand two hundred sixty-four dollars (\$1264.00), any returned check will be considered as unpaid rent and not subject to discount.
- EVICTIION: 5. If the rent called for in Paragraph 3 hereof has not been paid by the fifteenth (15th) of the month, then Management shall automatically and immediately have the right to take out a Dispossessory Warrant and have Resident, his/her family and pos-sessions evicted from the premises.
- INDEMNIFICATION DEPOSIT: 6. Management acknowledges receipt of zero dollars (\$0.00), as a deposit to indemnify owner against damage to the property and for Resident's fulfillment of the conditions of this agreement. Deposit will be returned to Resident less a \$50 carpet cleaning charge, thirty (30) days after the residence is vacated if:
- (a) Lease term has expired, or agreement has been terminated by both parties; and
 - (b) All monies due Management by Resident have been paid; and
 - (c) Residence is not damaged and is left in its original condition, normal wear and tear expected, and
 - (d) Management is in receipt of copy of paid final bills on all utilities (includes gas, electric, water, garbage, and telephone).
 - (e) Deposit will not be returned if Resident leaves before lease time is completed. Deposit may be applied by Management to satisfy all or part of Resident's obligations and such act shall not prevent Management from claiming damages in excess of the deposit. Resident may not apply the deposit to any of the rent payment.
- RENEWAL TERM: 7. It is the intent of both parties that this lease is for a period of 60 months and that the last month's rent will apply only to the last month of the lease period. Should this lease be breached by the Resident, both the last month's rent and the indemnification deposit shall be forfeited as liquidated damages, and the Resident will owe rent through the last day of occupancy.
- SUBLET: 8. Resident may not sublet residence or assign this lease without written consent of Management.
- CREDIT APPLICATION: 9. Management having received and reviewed a credit application filled out by Resident, and Management having relied upon the representations and statements made therein as being true and correct, has agreed to enter into this Rental Agreement with Resident. Resident and Management agree the credit application the Resident filled out when making application to rent said residence is hereby incorporated by reference and made a part of this Rental Agreement. Resident further agrees if he/she has falsified any statement on said application, Management has the right to terminate Rental Agreement immediately, and further agrees Management shall be entitled to keep any security deposit and any prepaid rent as liquidated damages. Resident further agrees, in event Management exercises its option to terminate Rental Agreement, Resident will remove him or herself, his/her family, or

employee(s) and possessions from the premises within 24 hours of notification from Management of the termination of his lease. Resident further agrees to indemnify Management for any damages to property of Management including, but not limited to, the cost of making residence suitable for renting to another Resident, and waives any right of "set off" for the security deposit and prepaid rent which was forfeited as liquidated damages.

**FIRE AND
CASUALTY:**

10. If residence becomes uninhabitable by reason of fire, explosion, or by other casualty, Management may, at its option, terminate Rental Agreement or repair damages within 30 days. If Management does not do repairs within this time or if building is fully destroyed, the Rental Agreement hereby created is terminated. If Management elects to repair damage, rent shall be abated and prorated from the date of the fire, explosion, or other casualty to the date of reoccupancy, providing during repairs, Resident has vacated and removed Resident's possessions as required by Management. The date of reoccupancy shall be the date of notice that residence is ready for reoccupancy.

HOLD OVER:

11. Resident shall deliver possession of residence in good order and repair to Management upon termination or expiration of this agreement.

RIGHT OF ACCESS:

12. Management shall have the right of access to residence for inspection and repair or maintenance during reasonable hours. In case of emergency, Management may enter at any time to protect life and prevent damage to the property.

USE:

13. Residence shall be used for residential purposes only and shall be occupied only by the persons named in Resident's application to lease. The presence of an individual residing on the premises who is not a signator on the Rental Agreement will be sufficient grounds for termination of this agreement. Residence shall be used so as to comply with state, county, and municipal laws and ordinances. Resident shall not use residence or permit it to be used for any disorderly or unlawful purpose or in any manner so as to interfere with other Resident's quiet enjoyment of their residence.

PROPERTY LOSS:

14. Management shall not be liable for damage to Resident's property for any type for any reason or cause whatsoever, except where such is due to Management's gross negligence. Resident acknowledges that he/she is aware that he/she is responsible for obtaining any desired insurance for fire, theft, liability, etc. on personal possessions, family, and guests. Tenant shall deliver to Management, upon demand of Management, evidence of such insurance, paid in full for the term hereof, with coverages and in amounts as are reasonable and customary, and naming Management (and any other parties designated by Management) as additional insureds there under.

PETS:

15. Animals, birds, or pets of any kind shall not be permitted inside the residential unit at any time unless the prior written approval of Management has been obtained.

INDEMNIFICATION:

16. Resident releases Management from liability for and agrees to indemnify Management against losses, incurred by Management as a result of (a) Resident's failure to fulfill any condition of this agreement; (b) any damage or injury happening in or about residence or premises to Resident's invitees or licensees or such person's property; (c) Resident's failure to comply with any requirements imposed by any governmental authority; and (d) any judgement, lien, or other encumbrance filed against residence as a result of Resident's action.

**FAILURE OF MAN-
AGEMENT TO ACT:**

17. Failure of Management to insist upon compliance with the terms of this agreement shall not constitute a waiver of any violation.

**REMEDIES
CUMULATIVE:**

18. All remedies under this agreement or by law or equity shall be cumulative. If a suit for any breach of this agreement establishes a breach by Resident, Resident shall pay to Management all expenses incurred in connection therewith including reasonable attorney's fees.

NOTICES:

19. Any notice required by this agreement shall be in writing and shall be delivered personally or mailed by registered or certified mail.

REPAIRS:

20. Management will make necessary repairs to the exterior with reasonable promptness after receipt of written notice from Resident. Resident shall make all necessary repairs to interior and keep premises in a safe, clean, and sanitary condition. Resident shall make contact with all repair or service people and will be responsible for paying the first \$25 of any charge. Resident may not remodel or paint or structurally change, nor remove any fixture there from without written permission from Management.

- ABANDONMENT: 21. If Resident removes or attempts to remove property from the premises other than in the usual course of continuing occupancy, without having first paid Management all monies due, residence may be considered abandoned, and Management shall have the right without notice, to store or dispose of any property remaining on the premises by Resident. Management shall also have the right to store or dispose of any of Resident's property remaining on the premises after the termination of this agreement. Any such property shall be considered Management's property and the title thereto shall vest in Management.
- MORTGAGEE'S RIGHTS: 22. Resident's rights under this lease shall at all times be automatically junior and subject to any deed to secure debt which is now or shall hereafter be placed on premises of which residence is part; if requested, Resident shall execute promptly any certificate that Management may request to specifically implement the subordination of this Paragraph.
- RULES AND REGULATIONS: 23. (a) Signs: Resident shall not display any signs, exterior lights, or markings. No awnings or other projections shall be attached X to the outside of the building.
- (b) Locks: Resident is prohibited from adding locks to, changing, or in any way altering locks installed on the doors. All keys must be returned to Management of the premises upon termination of the occupancy.
- (c) Entrances, walks, lawns, and driveways shall not be obstructed or used for any purpose other than ingress and egress.
- (d) Radio or television aerials shall not be placed or erected on the roof or exterior.
- (e) Parking: Non-operative vehicles are not permitted on premises. Any such non-operative vehicle may be removed by Management at the expense of Resident owning same, for storage or public or private sale, at Management's option, and Resident owning same shall have no right of recourse against Management there for.
- (f) Storage: No goods or materials of any kind or description which are combustible or would increase fire risk or shall in anyway increase the fire insurance rate with respect to the premises or any law or regulation, may be taken or placed in a storage area or the residence itself. Storage in all such areas shall be at Resident's risk and Management shall not be responsible for any loss or damage.
- (g) Walls: No nails, screws, or adhesive hangers except standard picture hooks, shade brackets, and curtain rod brackets maybe placed in walls, woodwork, or any part of residence.
- (h) Guest: Resident shall be responsible and liable for the conduct of his/her guests. Act of guests in violation of this agreement or Management's rules and regulation may be deemed by Management to be a breach by Resident. No guest may stay longer than 10 days without permission of Management: otherwise, a \$10 per day guest charge will be due Management.
- (i) Noise: All radios, television sets, stereos, etc. must be turned down to a level of sound that does not annoy or interfere with neighbors.
- (j) Maintenance, Repairs, or Alterations: Lessee shall maintain the premises in a clean and sanitary manner including all equipment, appliances, furniture and furnishings therein, and shall surrender the same at termination thereof, in as good condition as received, normal wear and tear expected. Lessee shall be responsible for damages caused by his/her negligence and that of his/her family, invitees or guests. Lessee shall maintain any surrounding grounds, including lawns and shrubbery, and keep the same clear of rubbish and weeds, if such grounds are part of the premises and are exclusively for use of the Lessee.
- (k) Resident's Guide: Management reserves the right at any time to prescribe such additional rules and make such changes to the rules and regulations set forth and referred to above, as Management shall, in its judgement, determine to be necessary for the safety, care, and cleanliness of the premises, for the preservation of good order or for the comfort or benefit of Residents generally.
- ENTIRE AGREEMENT: 24. This agreement and any attached addendum constitute the entire agreement between the parties and no oral statements shall be binding. It is the intention of the parties herein that if any part of this Rental Agreement is invalid, for any reason, such invalidity shall not void the remainder of the Rental Agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed in person the day and year first above written.

Raymond Desir/SIGNATOR FOR LD CARIBBEAN CRUISE INC

Business owner/manager

Marie Desir

Management

Business owner/manager

House Of Prayer Worship & Praise Center
2681 Ave G NW
Winter Haven, FL 33880
(863) 875-6109
gusfowler79@gmail.com

Date: June 1, 2025

To:
Polk County Beer and Wine Licensing Department

Subject: Letter of Approval for Beer and Wine License Near Church Property

Dear Licensing Department,

I am writing to you in my capacity as the pastor of House Of Prayer Worship & Praise Center, located at [2681 Ave G NW, Winter Haven, FL 33880, which is in proximity to the restaurant establishment known as *LD Caribbean Cuisine INC.*

After thoughtful consideration and consultation with our church leadership, I wish to inform the department that we have no objection to the issuance of a beer and wine license to LD Caribbean Cuisine INC. We understand that in certain cases, the proximity of a church may be a determining factor in the licensing decision. If that is the case here, please accept this letter as our formal approval for the license to be granted.

We appreciate your diligence in considering the views of the community and trust that your department will continue to uphold responsible and fair licensing practices.

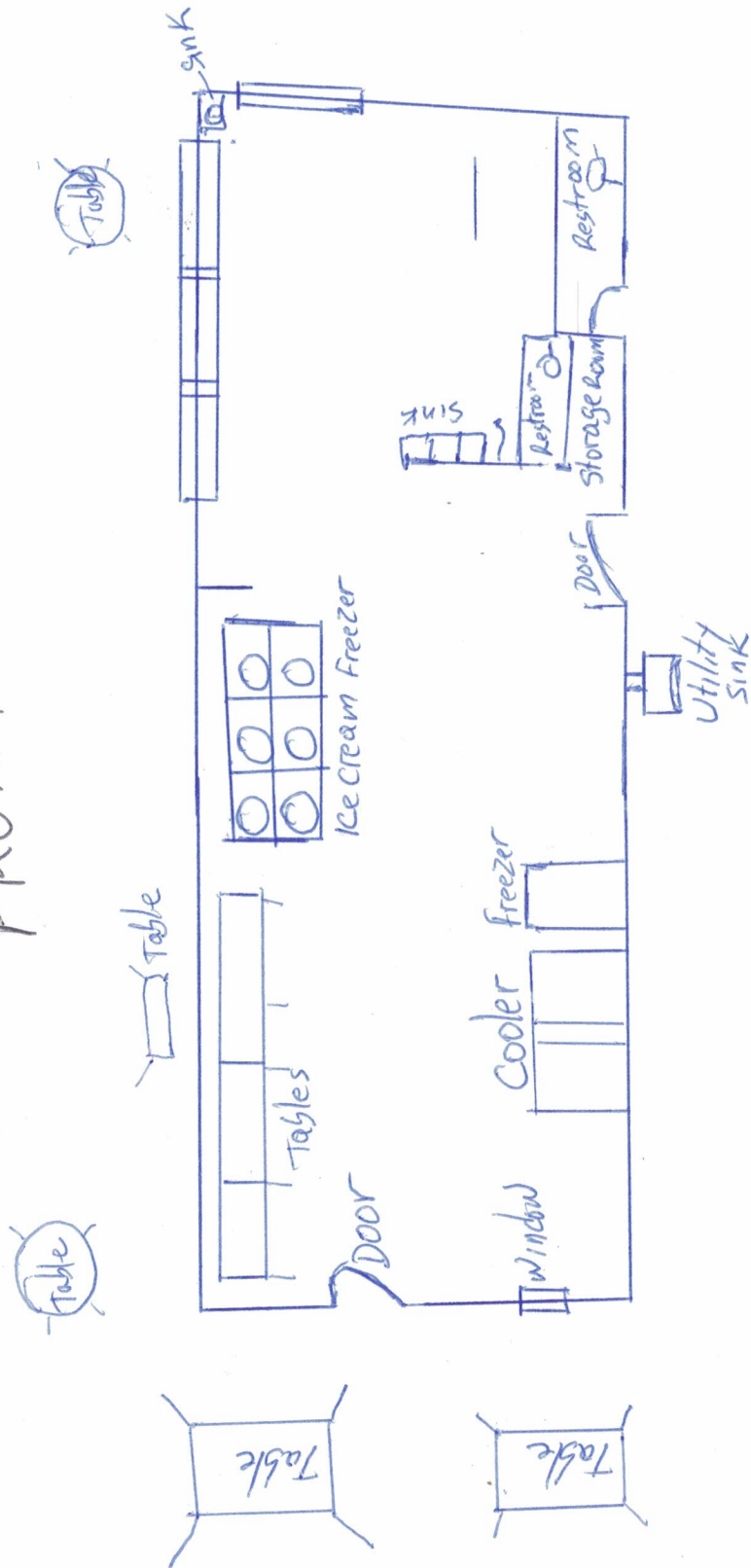
Please feel free to contact me if any additional information or clarification is needed.

Sincerely,

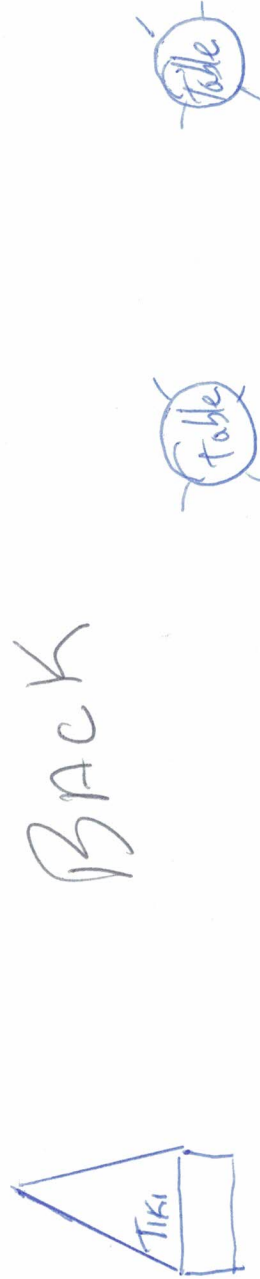
House of Prayer Worship & Praise Center
Pastor, Gus Fowler
(863) 242-2336
gusfowler79@gmail.com



FRONT



BACK



Florida's Crossroads of Opportunity

330 West Church Street
PO Box 9005 • Drawer GM03
Bartow, Florida 33831-9005



LAND DEVELOPMENT DIVISION

Board of County Commissioners

PHONE: 863-534-6792
FAX: 863-534-6407
www.polk-county.net

AUTHORIZATION FORM

LAND DEVELOPMENT PROJECTS LOCATED IN POLK COUNTY, FLORIDA

I, MARIE DESIR (print owner's name), as the owner of the real property described as follows, ICE Cream & food shop, do hereby authorize to act as my/our agent Raymond Desir/Broker (print agent's name) to execute all applications, petitions and other documents necessary to affect the application approval requested and to appear on my/our behalf before all County boards and committees considering this application and to act in all respects as our agent in matters pertaining to the application. This authorization expires one year from today.


Property Owner Signature

Marie Desir
Property Owner Printed Name

06/25/2025
Date

Parcel Identification Numbers and Addresses (use additional sheet if needed):

State of Florida County of Polk

I certify that the forgoing instrument was acknowledged before me this 25 day of June, 2025, by Marie Desir

Personally known _____ Produced Identification ☒ Type of Identification produced and verified: FLDL: D260-550-749640
Exp: 12/24/2032


Notary Public Signature

Nathan Anthony
Notary Public Printed Name



10-12-2027
My Commission Expires

Emory A. Brice, Sr.
2603 Ave G NW Land Trust
1215 Evergreen Drive
Lakeland, FL 33805-4711

Subject: Opposition to Variance Request – Case #LDVAR-2025-35

To: Land Development Division
Drawer GM03, P.O. BOX 9005
Bartow, FL 33831
PlannerOnCall@polk-county.net

Date: August 14, 2025

Dear Land Use Hearing Officer,

I am writing to formally oppose the variance request submitted under Case #LDVAR-2025-35 concerning the property located at 2610 Avenue G NW, Winter Haven, Florida.

My business is located less than 250 feet from the subject property. As an immediately impacted property owner, I assert that the proposed land use change will directly and adversely affect the safety, welfare, and general character of our community.

Grounds for Objection:

1. Public Safety and Welfare:

The proposed variance is incompatible with the surrounding neighborhood, which includes routes regularly used by elementary and middle school students walking to and from school. Increased traffic, noise, and potential hazards associated with the requested use would pose a significant risk to these minors, thereby compromising public safety.

2. Adverse Impact on Adjacent Properties:

The proposed change will negatively affect the quiet enjoyment and safe operation of nearby properties, including my business, due to the close proximity (less than 250 feet) to the site.

3. Nonconformity with Comprehensive Plan and Zoning Intent:

Granting this variance would create a precedent inconsistent with the Polk County Comprehensive Plan and Land Development Code, undermining established zoning protections intended to preserve neighborhood character and ensure compatibility among land uses.

4. Failure to Meet Variance Criteria:

Florida Statutes and Polk County ordinances require that variances be granted only where strict application of the code creates an unnecessary hardship unique to the

property, and where the variance is the minimum necessary to afford relief without harming the public interest. This request fails to meet these criteria, as the hardship appears to be self-created and the change is not essential to reasonable use of the property.

For these reasons, I respectfully request that the Land Use Hearing Officer **deny** the variance request in its entirety.

Sincerely,

Emory A. Brice, Sr.
2603 Ave G NW Land Trust
1215 Evergreen Drive
Lakeland, FL 33805-4711



Polk County
Polk County Land Use Hearing Officer

Agenda Item

8/26/2025

SUBJECT

LDLVAR-2025-36 (Wyngate Lane Variance) - Withdrawn

DESCRIPTION

Withdrawn

RECOMMENDATION

Withdrawn

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Andrew Grohowski

Land Development Division

(863) 534-6412

andrewgrohowski@polk-county.net



Polk County
Polk County Land Use Hearing Officer

Agenda Item

8/26/2025

SUBJECT

LDLVAR-2025-37 (Lunn Road Variance)

DESCRIPTION

The applicant is requesting a variance to allow an accessory structure to be larger than the primary structure. The subject site is located 6235 Lunn Road, south of Ewell Road, north of Shepherd Road, south of the city of Lakeland in Section 22, Township 29, Range 23.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Aleya Inglima

Land Development Division

(863) 534-6764

aleyainglima@polk-county.net

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

DRC Date:	July 10, 2025	CASE #:	LDLVAR-2025-37 (Lunn Road Variance)
LUHO Date:	August 26, 2025	LDC Section:	Section 209.G

Request: The applicant is requesting a variance to allow an accessory structure to be larger than the primary structure.

Applicant: Alexis Noonan

Property Owner: Jonathan Kelley

Location: 6235 Lunn Road, south of Ewell Road, north of Shepherd Road, south of the city of Lakeland in Section 22, Township 29, Range 23.

Parcel ID#: 232922-000000-033010

Size: ±1.69 acres

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

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is requesting a variance to allow an accessory structure to be larger than the primary structure. The accessory structure is 40 x 100 (4,000 sq ft) and will be used for storage. The property is within an Residential Low-1 (RL-1) future land use. Pursuant to Section 209.G, of the Land Development Code, an accessory structure may be permitted to be larger than the primary with the approval of a variance from the Land Use Hearing Officer pursuant to Section 930 and 931.

The applicant was initially approved for a permit BR-2024-750 for a 2400 sq ft accessory structure with a concrete slab, however instead of purchasing two accessory structures for the backyard, they would like to request a variance for one large structure at 4,000 sq ft.

Staff finds this request will cause no harm to the community. The subject parcel is surrounded by a cluster of lots ranging in size from an acre to five acres and in some cases larger. The primary home is approximately 2,458 sq ft. The accessory structure in question is larger by 1,542 sq ft. It will be located to the rear yard of the property and abuts large trees which will screen it from surrounding properties.

Staff recommends approval of LDLVAR-2025-37 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 building will be at the rear near the primary home, will exceed all setbacks, and be screened by surrounding trees.

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-2025-37**.

CONDITIONS OF APPROVAL:

1. The approval of this variance to Section 209.G of the Land Development Code to allow an accessory structure to be larger than the primary structure as described in the staff report. Further additions or structures placed on the property shall be required to meet the setback requirements of 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;*

The subject parcel is in an area with a cluster of lots ranging in size from an acre to five acres and in some cases larger. The subject site is larger than 40,000 sq ft and created prior to the adoption of the LDC documented by a 1998 deed (BK 4095, PG 1636). The accessory structure is 40 x 100 (4,000 sq ft) and will be used for storage. The primary home is approximately 2,458 sq ft. The accessory structure in question is larger by 1,542 sq ft. The structure will be over 60 feet from the nearest neighboring home. The garage will meet all setbacks for the RL-1 land use district. Granting the subject request will not be injurious to the area as the structure will be to the rear of the property screened by surrounding trees. Accessory structures are permitted on residential properties in accordance with Section 209 of the LDC.

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 RL-1 land use district and is approximately 1.69 acres. This lot is larger than the RL-1 minimum lot size of 40,000 sf. This property was recorded by warranty deed on August 1998, prior to the adoption of the LDC.

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 April 2016, according to the Polk County Property Appraiser. The home was constructed in 2002 at 2,458 square feet. The owner already has an accessory structure on the property. Instead of having two separate structures, the owner would like to add a bigger garage. The owners use the garage for storage.

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. Other parcels in the area have accessory structures to the rear. This property is approximately 1.69 acres and has sufficient buffering for the proposed structure. Accessory structures are permitted on residential properties in accordance with Section 209 of the LDC.

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 uses the garage for storage. Instead of having two accessory structures, the applicant would like to have one large structure.

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

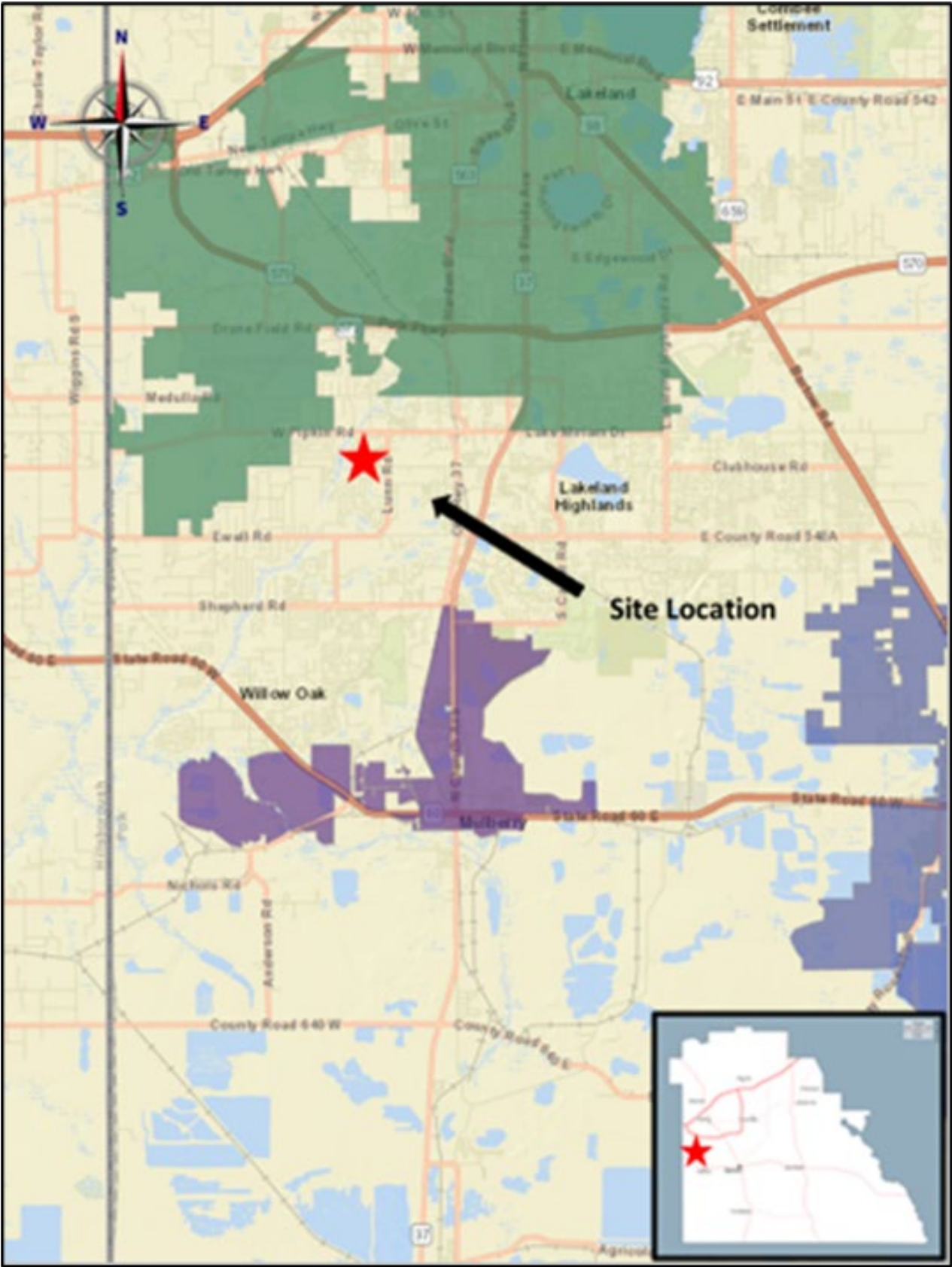
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: RL-1 Single family home	North: RL-1 Single family home	Northeast: RL-1 Single family home
West: RL-1 Single family home	Subject Property: RL-1 Single family home	East: RL-1 Single family home
Southwest: RL-1 Single family home	South: RL-1 Single family home	Southeast: RL-1 Single family home

This property is a single-family home on Lunn Road in Lakeland, Florida. Staff found no other prior variances in this area.

Exhibits:

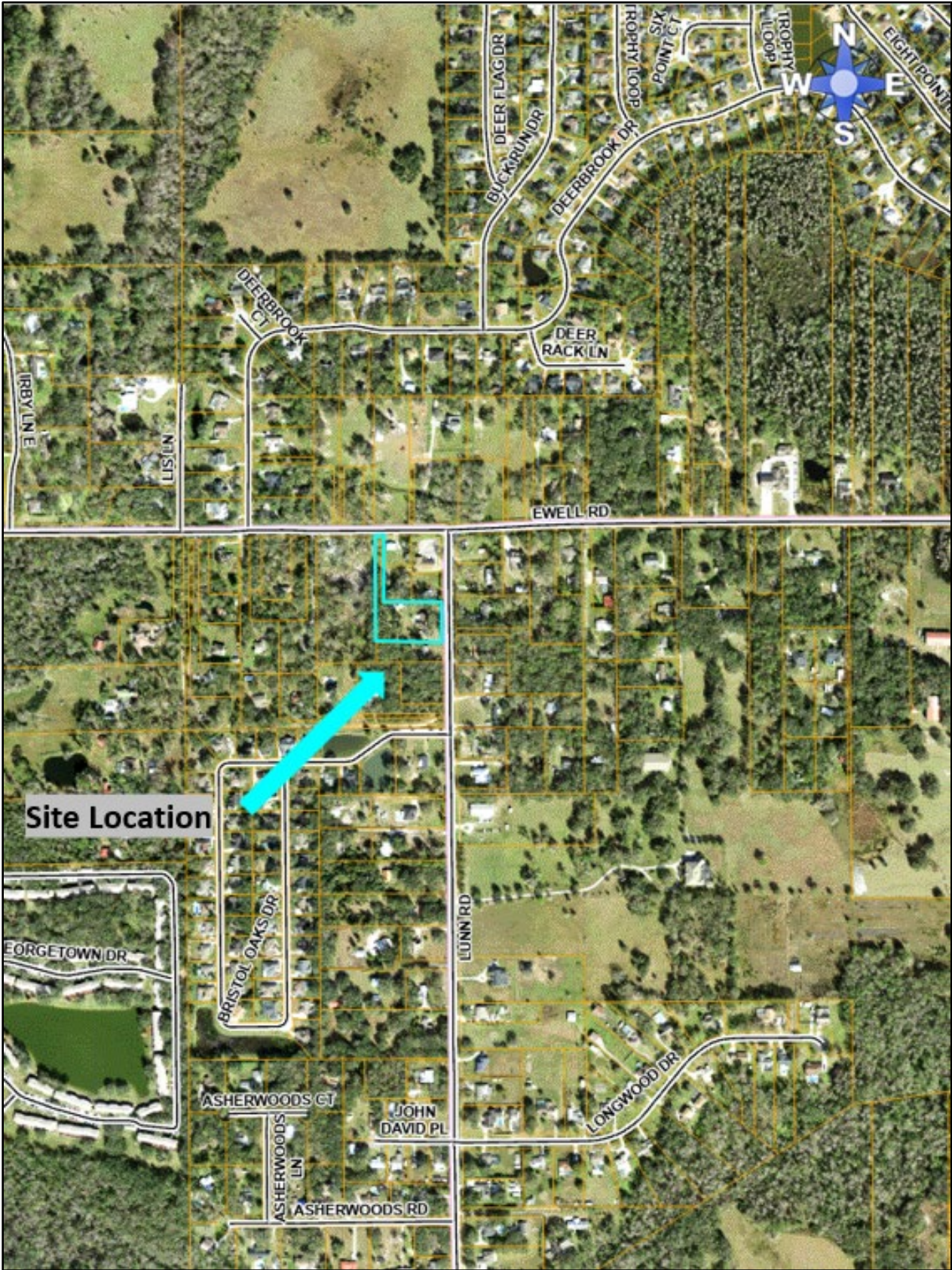
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Imagery (Context)
- Exhibit 4 Aerial Imagery (Close)
- Exhibit 5 Site Plan
- Exhibit 6 Applicant's Justification



Location Map



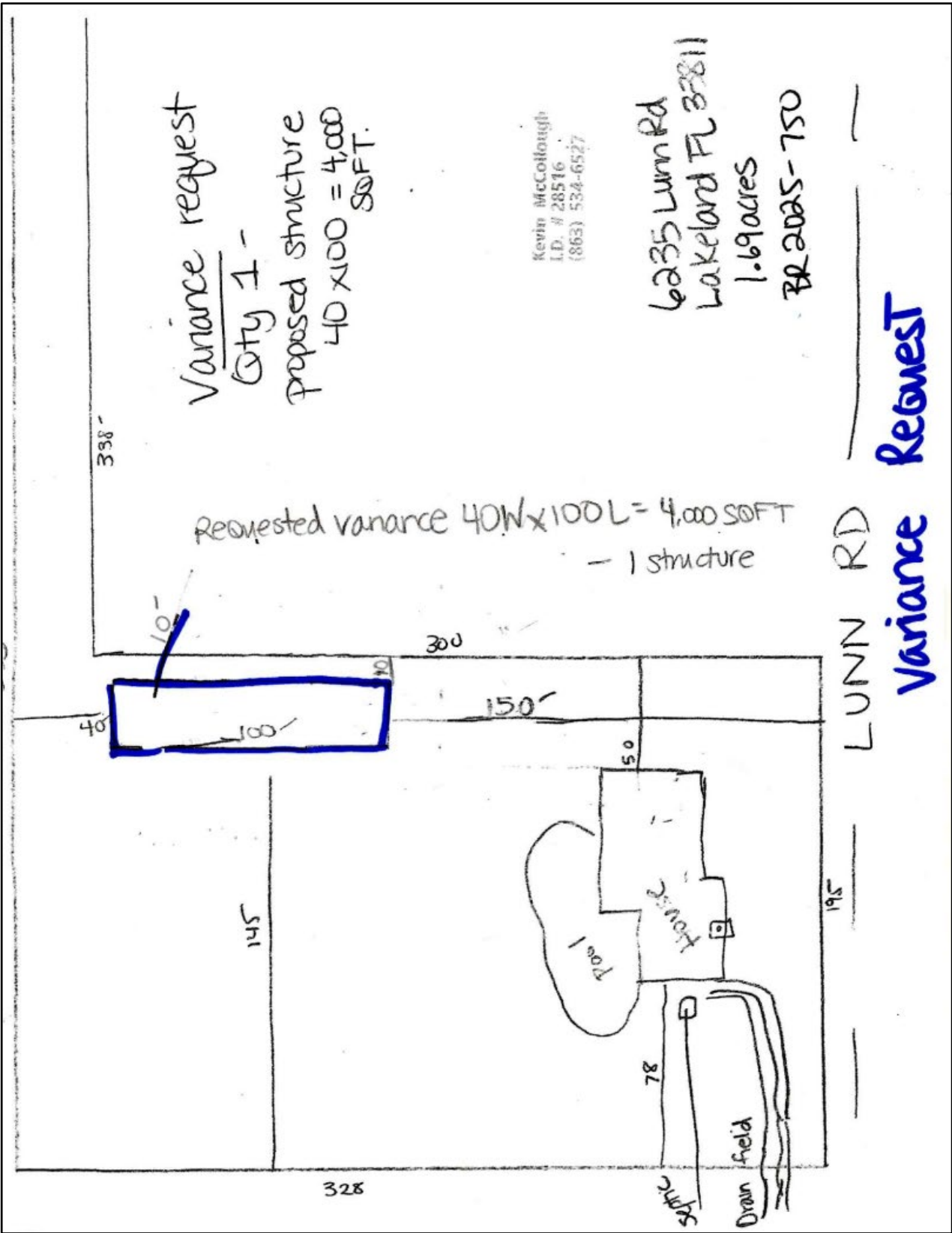
Future Land Use Map



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?
Absolutely Not

What special conditions exist that are peculiar to the land, structure, or building involved?
Special conditions exist that are peculiar to the land, structure of building involved, which are not applicable to other lands, structures or buildings in the applicable land use district. At 1.67 acres, the subject parcel is just under the 2-acre minimum size required by the Code for an accessory structure to be 150% of the size of the primary home without a variance.

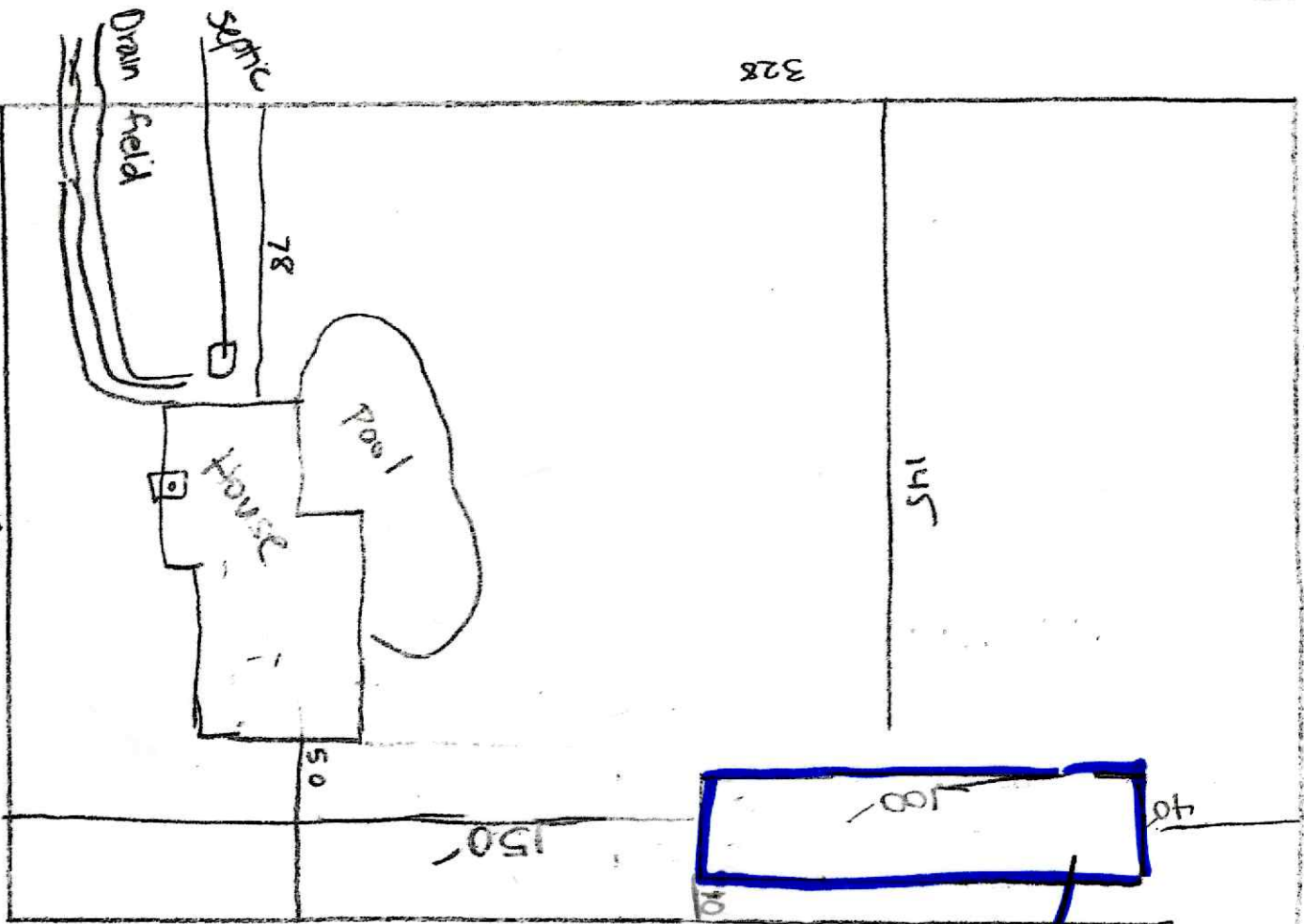
When did you buy the property and when was the structure built? Permit Number?
In April of 2016.

What is the hardship if the variance is not approved?
The applicant could construct several separate accessory structures smaller than the primary structure, but this would not be an efficient use of the property, it would be less aesthetically pleasing.

Is this the minimum variance required for the reasonable use of the land?
The requested variance is the minimal variance necessary for size and dimensions of the structure the homeowner needs for covered and enclosed parking and storage.

Do you have Homeowners Association approval for this request?
N/A Not in a subdivision and no HOA

Applicant’s Justification



Requested variance 40'x100' = 4,000 SQFT
 - 1 structure

Variance request
 City 1 -
 proposed structure
 40'x100' = 4,000
 SQFT.

Kevin McCallough
 I.D. # 28516
 (863) 534-6527

6235 Lunn Rd
 Lakeland FL 33811
 1.69 acres
 PR 20035-750

Variance Request

LDLVAR-2025-40 - FITZPATRICK/ VARIANCE

Menu Reports Help

Application Name: [FITZPATRICK/ VARIANCE](#)

File Date: [06/13/2025](#)

Application Type: [LUHQ - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments:	View ID	Comment	Date
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Description of Work: [TO CHANGE HEIGHT OF GARAGE STRUCTURE FROM 14.5' TO 21'](#)

Application Detail: [Detail](#)

Address: [30 BLUE JORDAN RD, FROSTPROOF, FL 33843](#)

Parcel No: [293130993325000140](#)

Owner Name: [FITZPATRICK MICHAEL J](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	FITZPATRICK MICHAEL J		Engineer	Mailing_30 Blue Jorda...	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
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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 1.00
DRC Meeting Time	DRC Meeting 07/10/2025
Rescheduled DRC Meeting	Rescheduled DRC Meeting Time
Green Swamp	Number of Units -
Case File Number	Is this Polk County Utilities
One Year Extension	FS 119 Status Non-Exempt

PUBLIC HEARINGS	
Development Type Land Use Hearing	Application Type Variance
Variance Type Accessory Larger than Principle	Brownfields Request N/A
Affordable Housing	

ADVERTISING	
Advertising Board	Legal Advertising Date
Land Use Hearing Officer	-

MEETING DATES	
LUHO Hearing Date	
08/26/2025	

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?

[none](#)

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

[2018](#)

What is the hardship if the variance is not approved?

[Will not be able to park R/V in Building to shelter](#)

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

[Request Garage height of 21' Principle residence is 14.5'](#)

Do you have Homeowners Association approval for this request?

[N/A](#)

LD_GEN_BOA_EDL

Opening DigEplan List...

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID
[POLKCO-25EST-00000-36037](#)
RequiredDocumentTypesComplete
[Yes](#)

DocumentGroupforDPC
[DIGITAL PROJECTS LD](#)
AdditionalDocumentTypes
[Applications, AutoCad File, Binding Site Plans \(PDs, and CUs\), 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
[Yes](#)

RequiredDocumentTypes
[Activate DPC](#)

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
LUHQ	1	19	08/07/2025	08/07/2025	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	06/13/2025	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irven	Approve	06/16/2025	Phil Irven
	Planning Review	Aleya Inglima	Approve	06/25/2025	Aleya Inglima
	Review Consolidation	Lisa Simons-Iri...	Approved for...	06/27/2025	Lisa Simons-Iri...
	Public Notice	Lisa Simons-Iri...			
	Hearing Officer				
	Final Order				
	Archive				

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
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Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments
--------------------------------	-----------------	----------------	-----------	--------	----------

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
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330 West Church Street
PO Box 9005 • Drawer GM03
Bartow, Florida 33831-9005



PHONE: 863-534-6792
FAX: 863-534-6407
www.polk-county.net

LAND DEVELOPMENT DIVISION

LDLVAR-2025-3T

AUTHORIZATION FORM

LAND DEVELOPMENT PROJECTS LOCATED IN POLK COUNTY, FLORIDA

I, Jonathan Kelley (print owner's name), as the owner of the real property described as follows, 6235 Lunn Rd, Lakeland FL 33811, do hereby authorize to act as my/our agent Alexis Noonan, DoneRight Construction (print agent's name) to execute all applications, petitions and other documents necessary to affect the application approval requested and to appear on my/our behalf before all County boards and committees considering this application and to act in all respects as our agent in matters pertaining to the application. This authorization shall remain valid, enforceable, and in effect for a period of one (1) year from date set forth below, unless sooner revoked in writing by the property owner.

[Signature]
Property Owner Signature

Jonathan Kelley
Property Owner Printed Name

6-13-25
Date

Parcel Identification Numbers and Addresses (use additional sheet if needed):

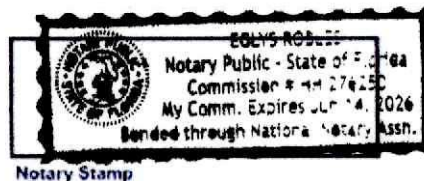
23-29-22-000000-033010
6235 Lunn Rd, Lakeland FL 33811-2127
State of Florida County of Polk

I certify that the forgoing instrument was acknowledged before me this 13th day of June, 2025, by

Jonathan Kelley

Personally known ☒ Produced Identification ☐ Type of Identification produced and verified: _____

[Signature]
Notary Public Signature



Eglis Robles
Notary Public Printed Name

June 14th 2026
My Commission Expires



Polk County
Polk County Land Use Hearing Officer

Agenda Item

8/26/2025

SUBJECT

LDLVAR-2025-38 (Palm Street ADU variance)

DESCRIPTION

Donald Robert requests an accessory dwelling unit (ADU) larger than the 1,000 square feet maximum on approximately 4.82 acres in a Residential Medium (RMX) district. The property is located at 2240 East Palm Street, accessed through easement north of East Palm Street, south of Goose Road, north of Horseshoe Creek Road, east of U.S. Highway 17/92, west of Osceola County, east of the town of Davenport, in Section 02, Township 27 and Range 27.

RECOMMENDATION

Approval

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

Erik Peterson, AICP
Planning Administrator
Land Development Division
(863) 534-6470
erikpeterson@polk-county.net <<mailto:erikpeterson@polk-county.net>>

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

DRC Date	July 10, 2025	CASE #:	LDLVAR-2025-38
LUHO Date	August 26, 2025	LDC Section:	Palm Street ADU variance Section 206.A.2

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

Applicant: Donald Robert

Property Owner: Donald and Cindy Robert

Location: 2240 East Palm Street, accessed through easement north of East Palm Street, south of Goose Road, north of Horseshoe Creek Road, east of U.S. Highway 17/92, west of Osceola County, east of the town of Davenport, in Section 02, Township 27 and Range 27.

Parcel ID#: 272702-713000-020020

Size: 4.82± acres

Land Use Designation: Residential Medium-X (RMX)
North Ridge Selected Area Plan

Development Area: Urban Growth Area (UGA)

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 ADUs to less than the size of the primary residence and not to exceed 1,000 square feet. The applicant's home is 2,050 square feet under roof and is seeking a 1,250 square-foot accessory dwelling unit.

The applicant has purchased a large tract of land in an area that is rapidly urbanizing. He does not intend to develop this land in the way neighboring properties are being developed. He seeks the ADU size approval for the property to comfortably house his elderly parents onsite. The design of the dwelling requested is 25% larger than the County's ADU standards permitted by right. The applicant could be permitted to subdivide the property and build an even larger structure under administrative review. However, he chooses for the property to remain whole because the true intention is that it be an accessory dwelling to the primary residence. 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 density entitlements for properties in the area are much greater.
- **Special conditions and circumstances present in the request do not result from the actions of the applicant** because the applicant could subdivide the property and build an even larger home, but the applicant wants the property to remain as one.

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-2025-38**, 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 1,250 square feet with an additional tolerance of 2%.
2. This variance shall be valid as long as the primary residence remains 2,050 square feet under roof or greater.
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

**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 nearly five acres and the current home, and its patio and driveway cover less than 2% of the property. The addition of this 1,250 square foot ADU will not likely exceed 2% let alone 60% of the property.

The applicant is seeking approval of an ADU that is approximately 25% larger than the standard in the code. It is also subordinate in size to the primary dwelling by 40%. The applicant could build a larger home if he went through the process of subdividing the tract. The base density for the district is 10 dwelling units to the acre and multifamily dwellings are permitted 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;*

There are certainly special circumstances that exist that are peculiar to the applicant's land. This property and the properties that surround it are entitled to 10 dwelling units per acre by right under current land use designations. However, there is not the proper infrastructure in place to accommodate such development intensity. The property to the northwest developed by paying the cost of extending services from the town of Davenport and eventually was annexed into its jurisdiction. That is why a townhome development of approximately seven units per acre is developing just feet away from the applicant's property line.

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 a large tract of land in an area that is rapidly urbanizing. He does not intend to develop this land in the way neighboring properties are being developed. He seeks to construct an accessory dwelling unit (ADU) on the property to comfortably house his elderly parents onsite (see Exhibit 6). The design of the dwelling requested is

25% larger than the County's ADU standards permit by right. The applicant could be permitted to subdivide the property and build an even larger structure under administrative review. However, the applicant chooses for the property to remain whole because the true intention is that it be an accessory dwelling to the primary residence.

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 a number of additional homes with the approval of access and any necessary infrastructure to support them. If he is not granted approval, he will either have to enlarge the existing home or undergo the process of subdividing the lot in order to house his parents onsite.

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 25% larger than the County's current ADU maximum standard. The ADU will be approximately 61% 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). The home is intended to house the applicant's elderly parents, according to the application (see 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;*

A slightly larger than standard accessory dwelling unit (ADU) will not change the use of this property. The applicant has the right to subdivide and build another unit through administrative approval. However, he prefers that the 4.82-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 applicant could seek subdivision of the property for more units, but that is not his intention for this ADU. He does not intend to sell the unit.

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 Board of County Commissioners changed the Future Land Use Map designation of the properties in this area from A/RR to RMX on December 6, 2006, for the purpose of encouraging higher development densities to meet the future demand for housing. However, not all of the designated areas were expected to take advantage of the entitlements. In this area, necessary infrastructure for higher density development is currently available. While there was the possibility that services could be available to the area in the future, such plans have not materialized in this area over the last 20 years.

However, the applicant has enough property to support more units without infrastructure extensions such as central potable water and wastewater services.

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: Residential Medium-X (RMX) Town of Davenport Bella Vista Development Townhomes	North: RMX Vacant Mostly wetlands and 100-year flood zone	Northeast: RMX Vacant Mostly wetlands and 100-year flood zone
West: RMX Vacant ±4.73 acres	Subject Property: RMX Single-family dwelling built in 1987 ±2,050 square feet ±4.82 acres	East: RMX Vacant ±4.82 acres
Southwest: RMX Single-family dwelling built in 1976 ±5,975 sq.ft. ±4.68 acres	South: RMX ±10 acres of a ±20-acre citrus grove	Southeast: RMX ±10 acres of a ±20-acre citrus grove

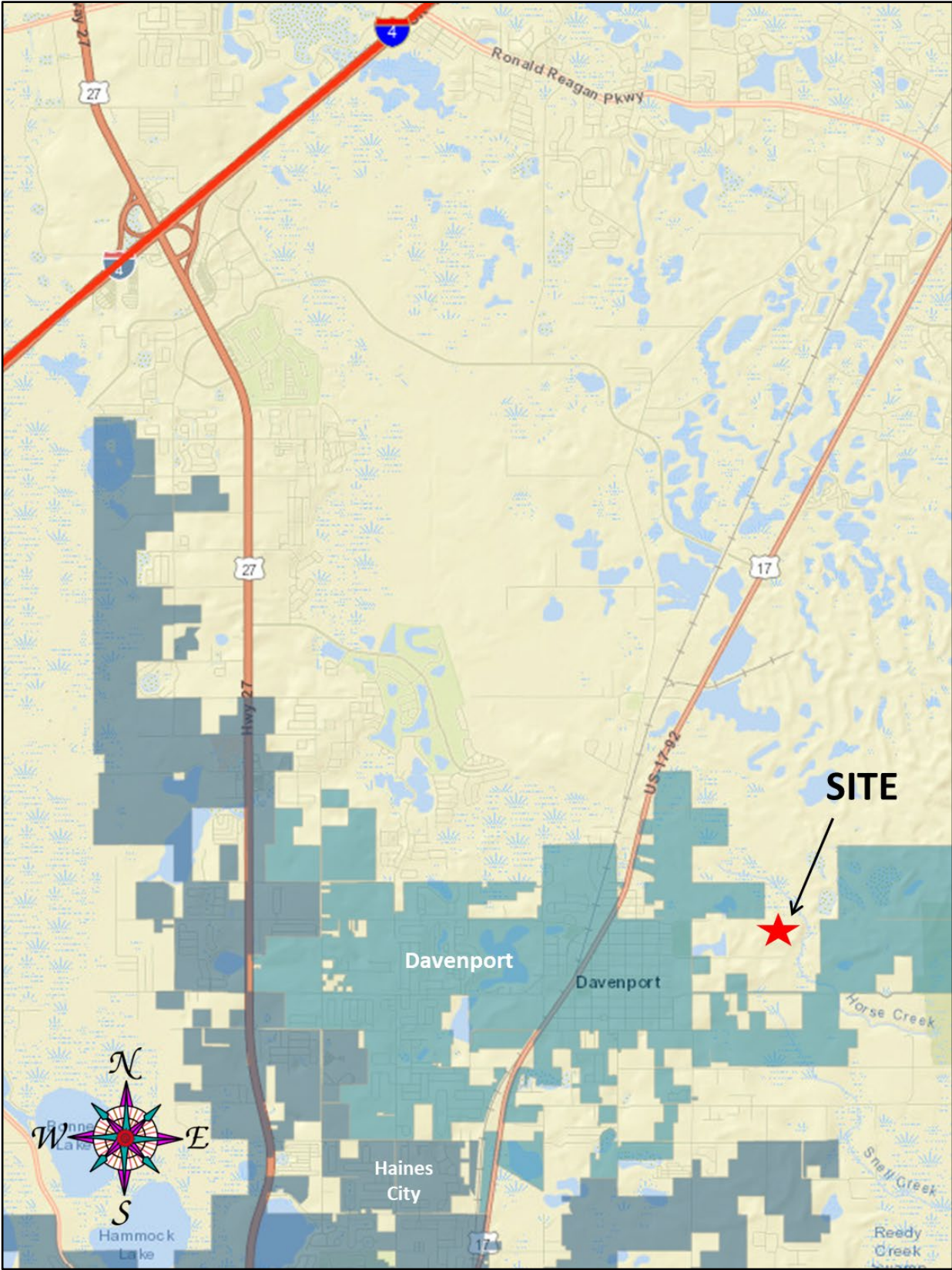
There is a significant contrast between the current use of the applicant's property and its zoning entitlements. The applicant has a nearly five-acre property and is seeking an accessory dwelling unit (ADU) from the Land Use Hearing Officer to accompany his 2,050 square foot home when the current zoning allows 48 dwelling units on the property. Most of the properties immediately abutting the applicants are large tracts and likely to be developed with one single-family dwelling and perhaps ADUs. Just under 250 feet to the northwest of the applicant's property is a townhome development in the town of Davenport with an estimated seven (7) dwelling units per upland acre.

Comments from other Governmental Agencies:

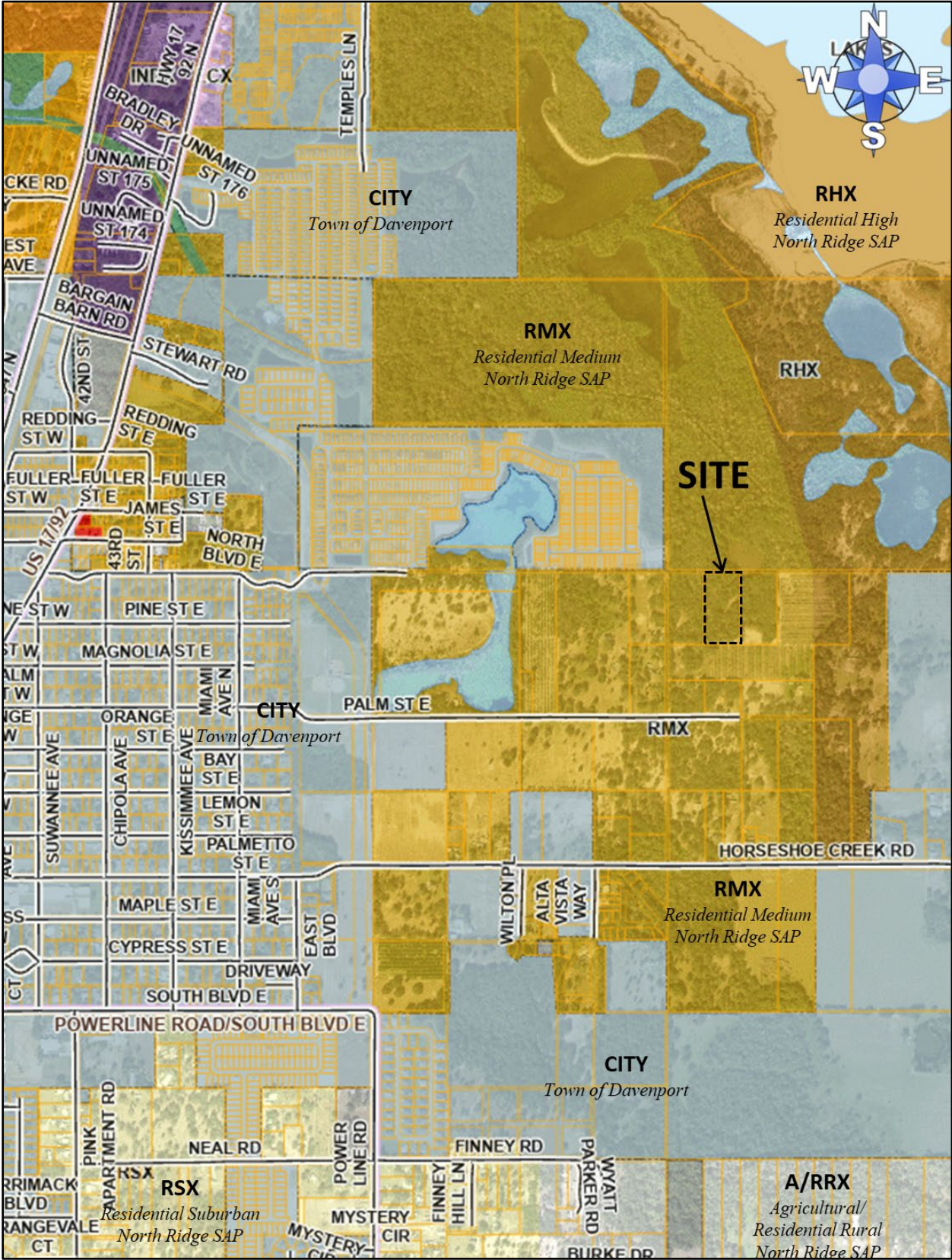
None.

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



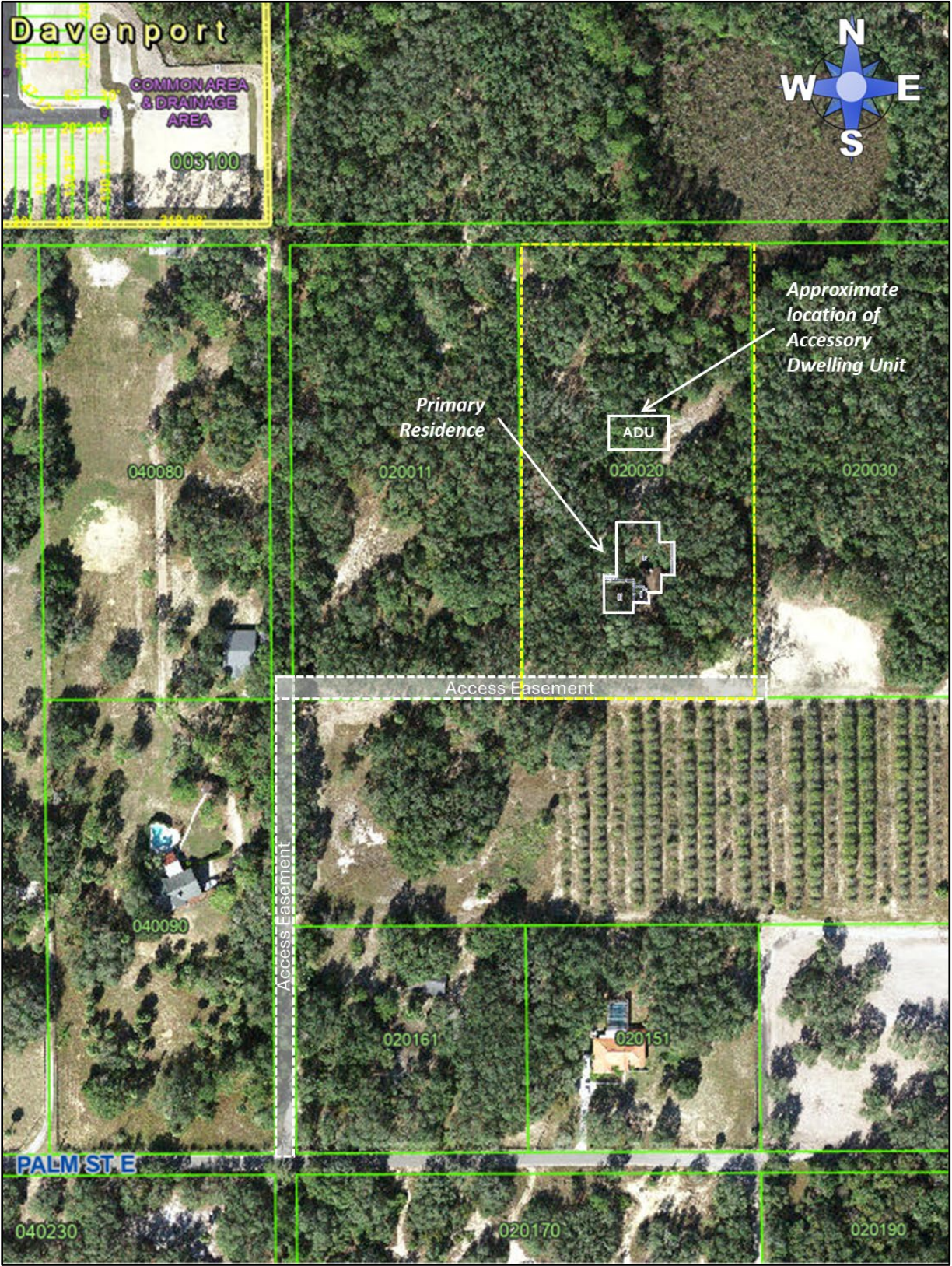
Location Map



Future Land Use Map



2024 Aerial Photo (context)



2023 Aerial Close-up

Land Use Hearing Officer
Variance/EEP

Page 10 of 11
August 26, 2025

CRITERIA FOR GRANTING VARIANCE

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

NO Since we will be building a single family home in the middle of the 5 acres, I don't think there will be a impact, and only increase property values

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

NONE Except for the home we plan on building, we are leaving as much of the remaining 5 acres untouched as possible.

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

N/A The property and existing house were passed on to us last year. The existing home was built in 1987.

What is the hardship if the variance is not approved?

N/A We want to retire here and have a place for our elderly parents. This has been our dream

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

YES As stated above, we plan on leaving most of the land natural.

Do you have Homeowners Association approval for this request?

N/A There is no Homeowners Association.

Applicant's Justification

LDLVAR-2025-38 - ROBERT VARIANCE

Menu Reports Help

Application Name: [ROBERT VARIANCE](#)

File Date: [06/12/2025](#)

Application Type: [LUHQ - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments:	View ID	Comment	Date
-----------------------	---------	---------	------

Description of Work: [ADD SECOND HOUSE ON MIDDLE OF 5 ACRES. OTHER HOUSE TO BE USED FOR PARENTS. NEW HOUSE APPROXIMATELY 1250 SQAURE FOOT CONDITIONED.](#)

Application Detail: [Detail](#)

Address: [2240 E PALM ST, DAVENPORT, FL 33837](#)

Parcel No: [272702713000020020](#)

Owner Name: [ROBERT DONALD](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Donald Robert		Engineer	Mailing, 509 Koala Dri...	Active
	Donald Robert		Applicant	Mailing, 2240 E Palm S...	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

[4.82](#)

DRC Meeting Time

DRC Meeting

[07/10/2025](#)

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

[Accessory](#)

[N/A](#)

[Larger than](#)

[Principle](#)

Affordable Housing

ADVERTISING

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

Legal Advertising Date

-

MEETING DATES

LUHO Hearing Date
[08/26/2025](#)

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?

[Since we will be building a single family home in the middle of the 5 acres, I don't that there will be a impact, and only increase property value.](#)

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

[Except for the home we plan on building, we are leaving as much of the remaining 5 acres untouched as possible.](#)

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

[The property and existing house were passed on to us last year. The existing home was built in 1987.](#)

What is the hardship if the variance is not approved?

[We want to retire here and have a place for our elderly parents. This has been our dream.](#)

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

[As stated above, we plan on leaving most of the land natural.](#)

Do you have Homeowners Association approval for this request?

[There is no homeowner's association.](#)

LD_GEN_BOA_EDL

Opening DigEplan List...

DigEplan Document List

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-25EST-00000-37114](#)

RequiredDocumentTypesComplete

[No](#)

DocumentGroupforDPC

[DIGITAL PROJECTS LD](#)

AdditionalDocumentTypes

[Applications, AutoCad File, Binding, Site Plans \(PDs, and CUs\), 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

[Yes](#)

RequiredDocumentTypes

[-](#)

Activate DPC

Activate FSA

[Yes](#)

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement

[y](#)

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

[LUHQ](#) 2 24 08/07/2025 08/07/2025

Workflow Status:

Task

Assigned To

Status

Status Date

Action By

[Application Submittal](#)

Lisa Simons-Iri...

Application ...

06/16/2025

Lisa Simons-Iri...

[Roads and Drainage Review](#)

Phil Irven

Approve

06/27/2025

Phil Irven

[Planning Review](#)

Erik Peterson

Approve

07/01/2025

Erik Peterson

[Review Consolidation](#)

Lisa Simons-Iri...

Approved for...

07/07/2025

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:

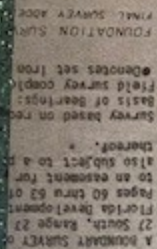
Inspection Type

Inspection Date

Inspector

Status

Comments



From: [Don Robert](#)
To: [Peterson, Erik](#)
Subject: [EXTERNAL]: LDLVAR-2025-38
Date: Wednesday, July 2, 2025 6:23:02 PM

The responses you requested.
Thank you,
Don Robert

CRITERIA FOR GRANTING VARIANCE

Will the variance be injurious to the area involved or detrimental to the public welfare?
NO Since we will be building a single family home in the middle of the 5 acres, I don't think there will be a impact, and only increase property values

What special conditions exist that are peculiar to the land, structure, or building involved?
NONE Except for the home we plan on building, we are leaving as much of the remaining 5 acres untouched as possible.

When did you buy the property and when was the structure built? Permit Number?
N/A The property and existing house were passed on to us last year. The existing home was built in 1987.

What is the hardship if the variance is not approved?
N/A We want to retire here and have a place for our elderly parents. This has been our dream

Is this the minimum variance required for the reasonable use of the land?
YES As stated above, we plan on leaving most of the land natural.

Do you have Homeowners Association approval for this request?
N/A There is no Homeowners Association.

Can you provide me a little more of the back story behind your request.
It will help us to put forth a more complete report and a more successful outcome.

Erik E. Peterson
Erik Peterson, AICP
Planning Administrator
Office: (863) 534-6470
Cell: (863) 344-1718
Land Development Division
Office of Planning and Development

Sent from my iPhone



Polk County
Polk County Land Use Hearing Officer

Agenda Item

8/26/2025

SUBJECT

LDLVAR-2025-39 Prestwood Variance

DESCRIPTION

The applicant is requesting a variance to reduce the accessory structure front setback from thirty-five (35) feet to twenty-two (22) feet to accommodate an enclosed carport.

RECOMMENDATION

Staff Recommends Approval

FISCAL IMPACT

No Fiscal Impact Anticipated

CONTACT INFORMATION

Johnathan (JP) Sims

Planner II

Polk County BoCC

863-534-7515

Johnathan.sims@polk-county.net

POLK COUNTY LAND USE HEARING OFFICER STAFF REPORT

DRC Date:	July 10th, 2025	CASE #	LDLVAR-2025-39 (Prestwood Variance)
LUHO Date:	August 26th, 2025	LDC Section:	Chapter 2, Section 205, Table 2.2

Request: The applicant is requesting a variance to reduce the accessory structure right-of-way setback from thirty-five (35) feet to twenty-two (22) feet to accommodate an enclosed carport.

Applicant: Bobby Prestwood

Property Owner: Bobby Prestwood
Mary Prestwood

Location: 1001 Lake Lowery Road, west and south of County Road 17 (Polk City Road), north of Old Haines City/Lake Alfred Road, east of Oakdale Road, north of Haines City, in Section 12, Township 27, and Range 26.

Parcel ID#: 262712-000000-024270

Size: ± 1.71 acres

Land Use Designation: Agricultural/Residential Rural (A/RR)

Development Area Rural Development Area (RDA)

Case Planner: JP Sims, Planner II

Summary of Analysis:

The applicant is requesting a variance to Chapter 2, Section 205, Table 2.2 of the Land Development Code (LDC) for the construction of a carport that is not meeting setback requirements. The applicant is requesting setback be reduced from 35 feet to 22. The site is in the Agricultural/Residential Rural (A/RR) land use district and the County's Rural Development Area (RDA). According to the applicant, the constructed carport was built by a contractor who did not pull proper permits and built it too close to Lake Lowery Road. Pursuant to Section 205, Table 2.2 of the Land Development Code, an accessory structure must be set back at least 35 feet from the Right-Of-Way (ROW) of an Urban Collector Road, and this is only 22 feet per the site plan.

Staff has reviewed the application, conducted a site visit, and has determined the request would allow for maintenance of the carport on all sides. Leaving this constructed accessory structure on the south side of the home would not adversely impact the surrounding residences.

Staff recommends approval of LDLVAR-2025-39 as it meets one or more of the criteria listed in Section 931:

- The request will not be **injurious to the area or otherwise detrimental to the public welfare**, as the structure will maintain setbacks from the higher volume right-of-way and neighboring properties to allow for maintenance of the building.
- 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 parcel is a unique shape in that it is triangular, leaving little area in which this structure could be placed otherwise.

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-2025-39**.

CONDITIONS OF APPROVAL:

1. Approval of this variance is for a reduction in the accessory structure front yard setback from thirty-five (35) feet to twenty-two (22) feet to accommodate a fully enclosed carport. Further additions or structures placed on the property shall be required to meet the setback requirements of Table 2.2 of the 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 finished 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;*

Building the accessory structure will not affect the neighbor's property in a negative manner. The twenty-two (22) foot setback will still leave ample space on all sides of the patio to perform proper maintenance. Leaving a twenty-two (22) foot setback allows for fire and building codes to be met as well. All surrounding parcels are similar in nature with single-family rural residential. The right-of-way will not be impeded by the construction of this carport and presents no danger. Lake Lowery Road is the lesser traveled road between the site's two frontages, making it the safer choice to put the carport closer to.

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 shape of the parcel is unique in that it sports a triangular geometry which makes it difficult to place structures on. The lot appears to have been created in 1995, and has two road frontages, making placement of the carport a difficult task.

The constructed carport is still far enough away from the property line that it would not be injurious to anything around it and based on the shape of the parcel, leaves few places in which to have put the carport.

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

Per the applicant, he hired a contractor to construct the carport who communicated that they had pulled the proper permits and were adhering to codes. Once completed, the carport was cited by Codes and that is when the applicant learned about violating setback requirements and that the contractor had never pulled the permits.

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;*

There is privilege being conferred upon the applicant, but not one that is wholly uncommon to this area. This area is more rural in nature, and similar structures can be found on surrounding parcels. The residence to the west of this site also has a carport located in front of the house. This site is unique in that its triangular shape make it more difficult to place structures such as this on site.

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

The variance being granted will allow the applicant to make the best possible use of the already constructed carport. It is far enough from the property line that it should not be an issue.

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 Land Development 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:

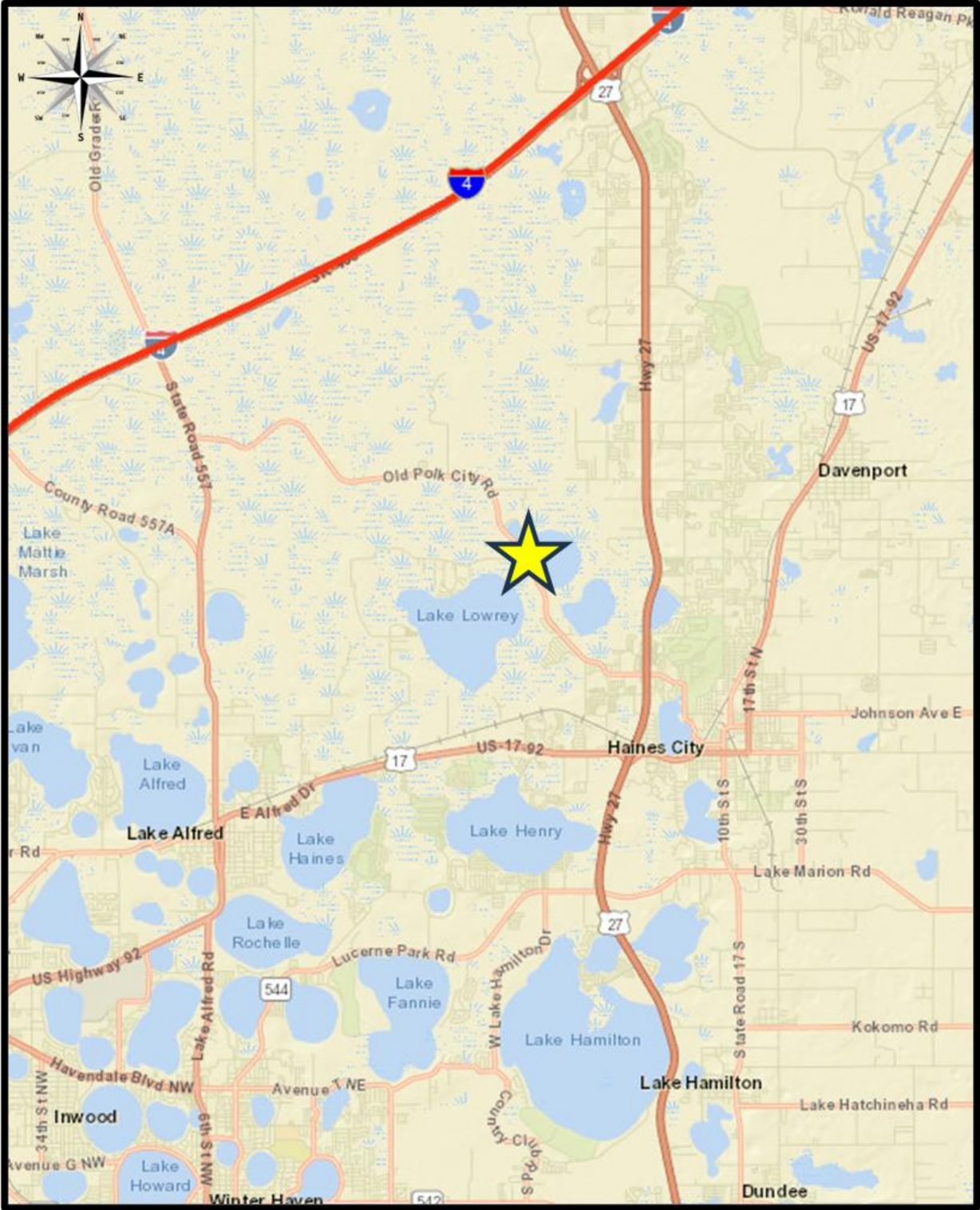
Northwest: Agricultural/Residential Rural (A/RR) – single-family residential	North: Agricultural/Residential Rural (A/RR) – single-family residential	Northeast: Agricultural/Residential Rural (A/RR) – single-family residential
West: Agricultural/Residential Rural (A/RR) – single-family residential	Subject Property: Agricultural/Residential Rural (A/RR) – single-family residential	East: Agricultural/Residential Rural (A/RR) – single-family residential
Southwest: Agricultural/Residential Rural (A/RR) – single-family residential	South: Agricultural/Residential Rural (A/RR) – single-family residential	Southeast: Agricultural/Residential Rural (A/RR) – single-family residential

All the lots surrounding the subject site are residential in nature. The constructed carport would not be out of context for the area and is similar to other structures. The residence to the west of

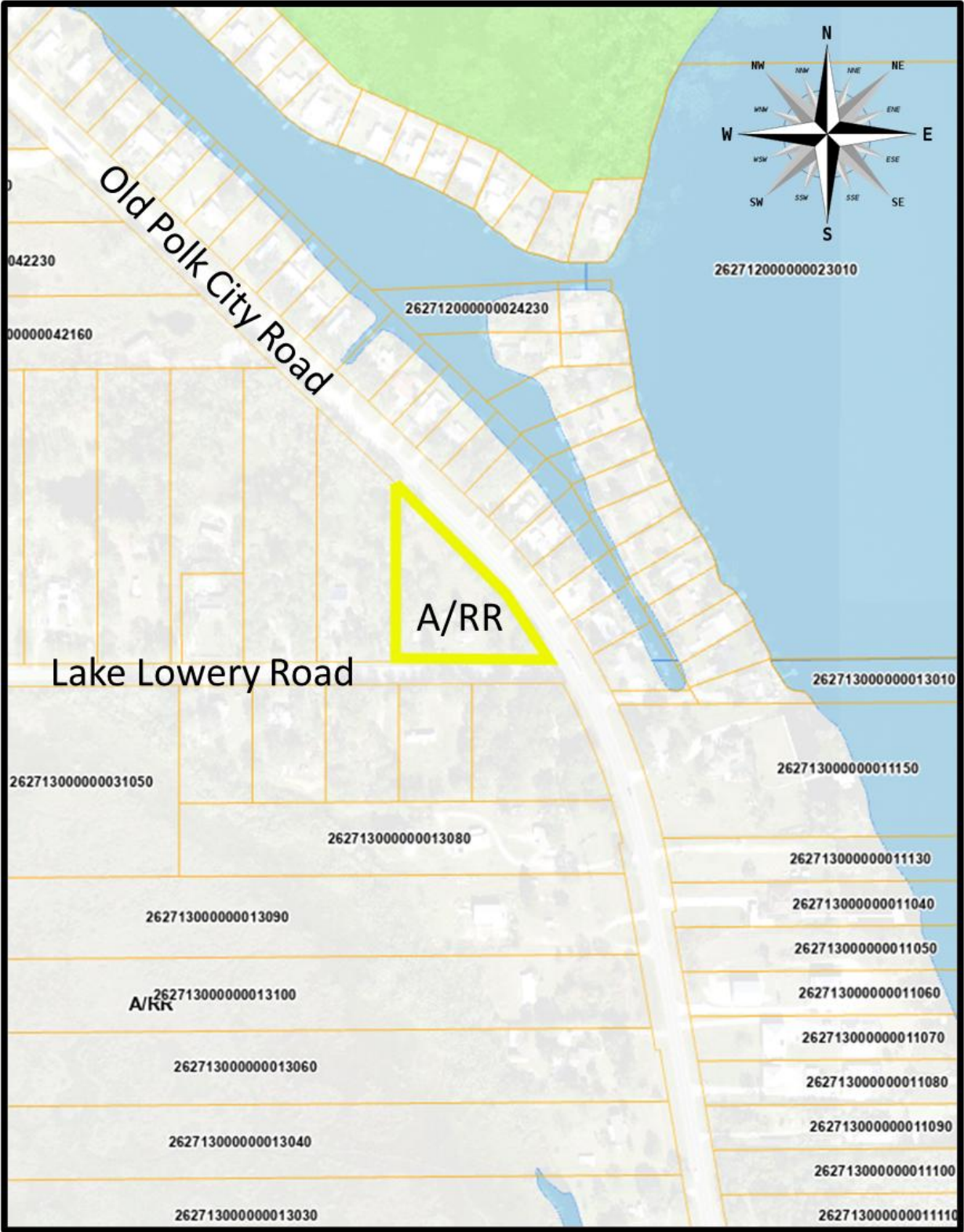
the subject site has a carport in front of the house near the right-of-way, and also presents no issue with use.

Exhibits:

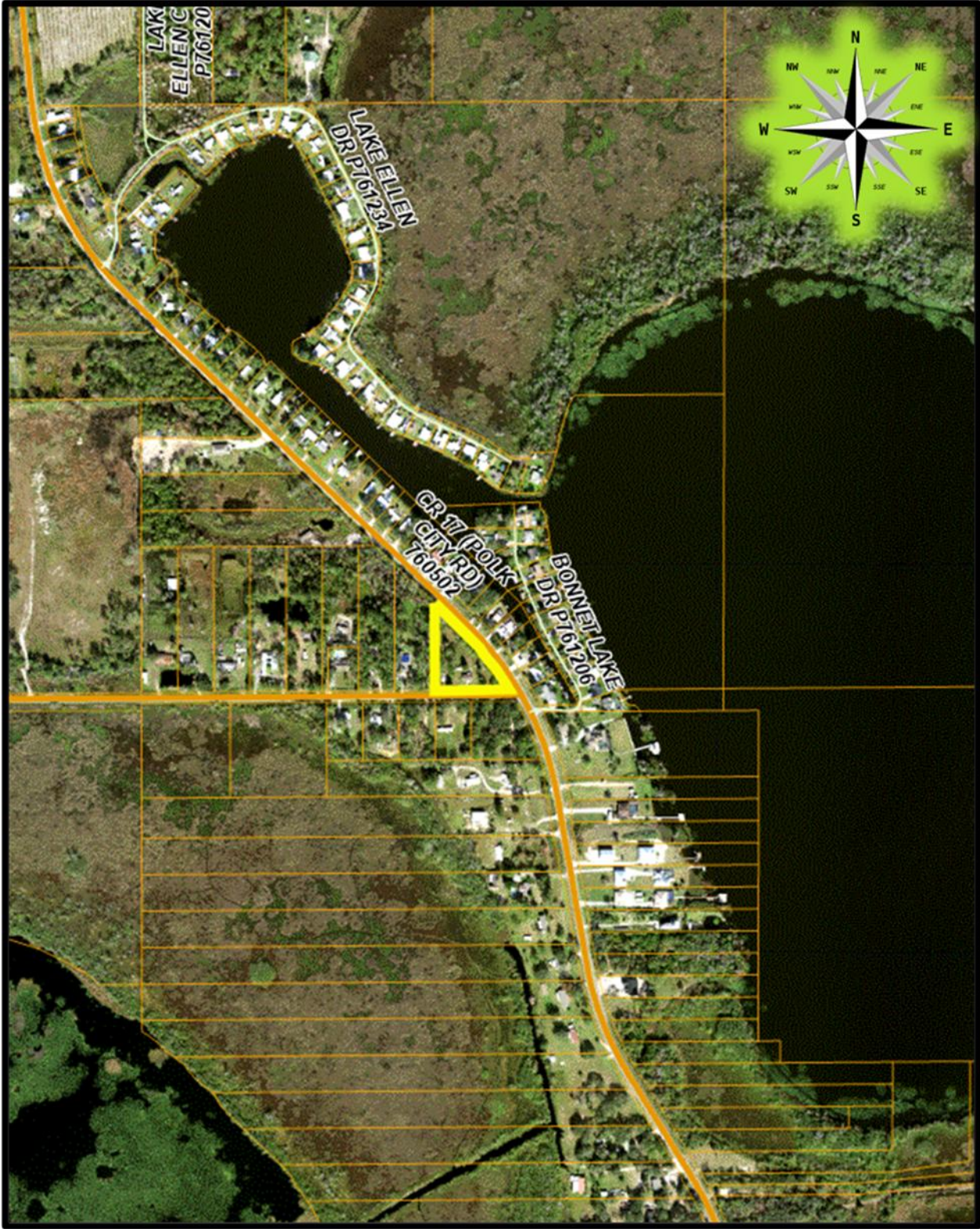
Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Aerial Map - Context
Exhibit 4	Aerial Map – Close-up
Exhibit 5	Justification for Variance
Exhibit 6	Site Plan
Exhibit 7	Property Appraiser Page



LOCATION MAP



FUTURE LAND USE MAP



2023 AERIAL – CONTEXT



AERIAL – CLOSE UP

CRITERIA FOR GRANTING 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?

Hired a contractor to build carport who said will take care of everything and not to worry. Come to find out they didn't pull any permits and got cited by code enforcement.

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

1995. Carport was built in 2024, no permit was pulled by contractor.

4. What is the hardship if the variance is not approved?

financial hardship if I have to take the building down after thousands of dollars invested.

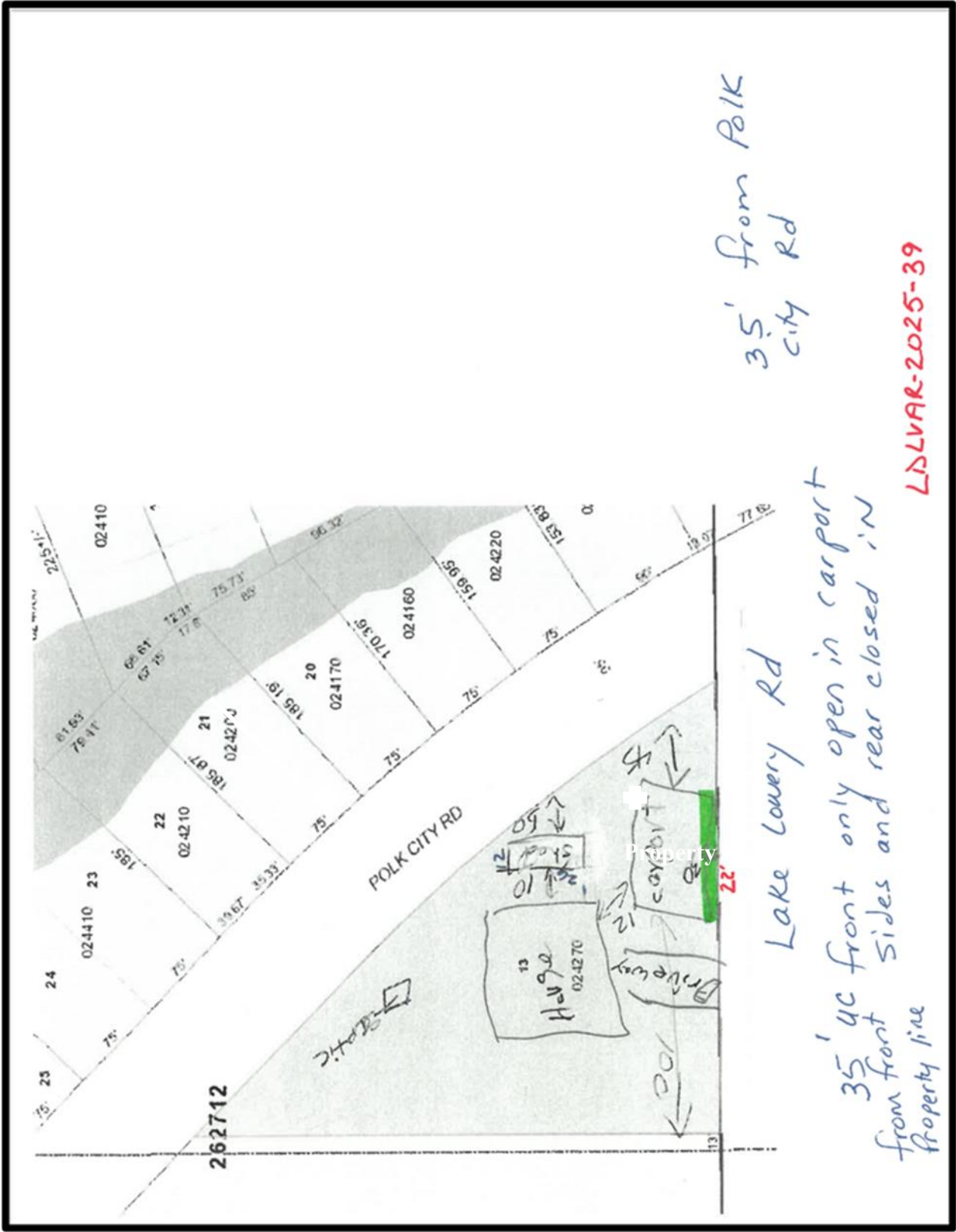
5. Is this the minimum variance required for the reasonable use of the land?

Yes

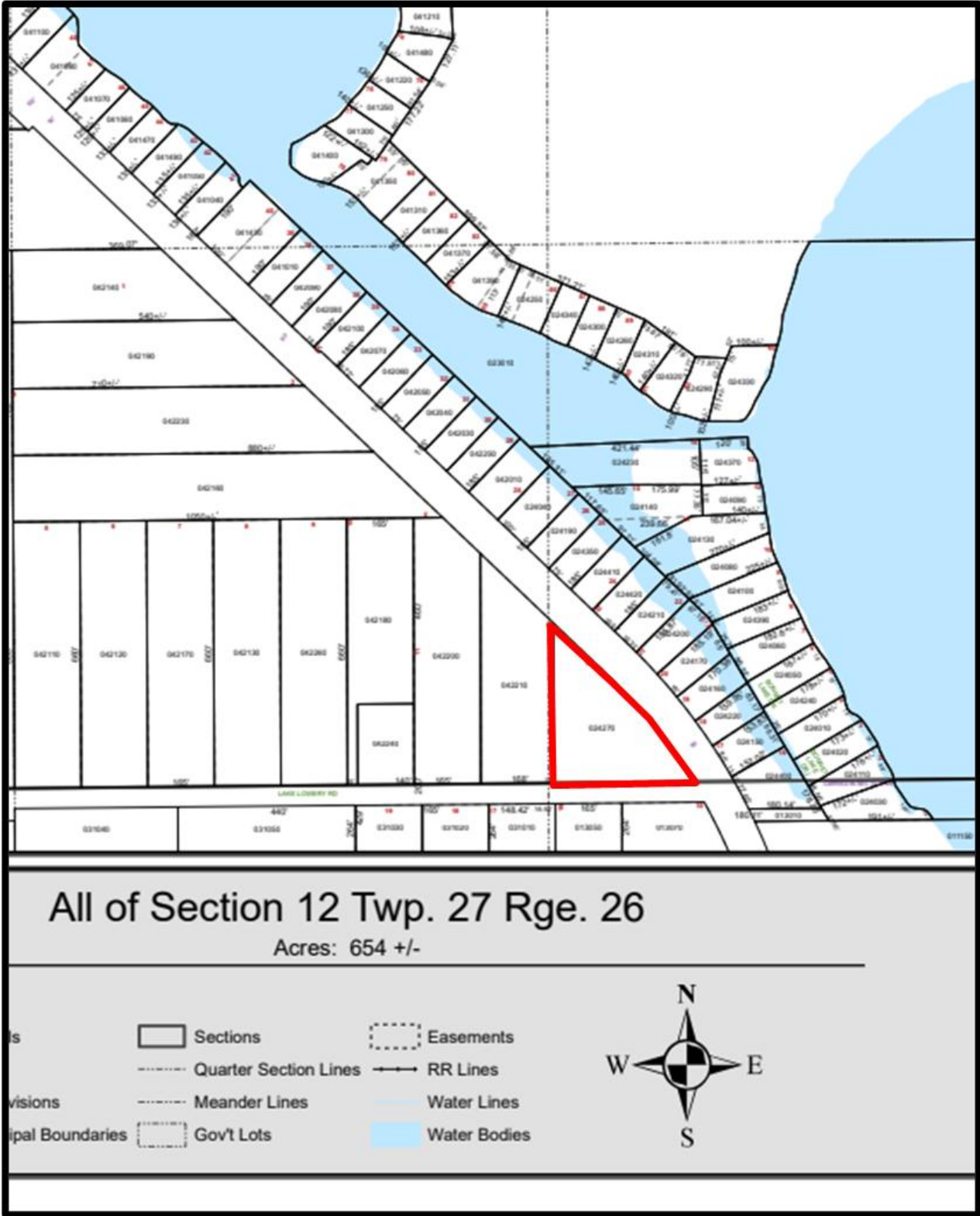
6. Do you have Homeowners Association approval for this request?

n/a

JUSTIFICATION FOR VARIANCE



SITE PLAN



PROPERTY APPRAISER PAGE

LDLVAR-2025-39 - Prestwood Variance

Menu

Reports

Help

Application Name:

Prestwood Variance

File Date:

06/13/2025

Application Type:

LUHO - Variance

Application Status:

Approved For Hearing

Application Comments:

View ID

Comment

Date

Description of Work:

setback variance for existing carport

Application Detail:

Detail

Address:

1001 LAKE LOWERY RD, HAINES CITY, FL 33844

Parcel No:

262712000000024270

Owner Name:

PRESTWOOD BOBBY L

Contact Info:

Name

Organization Name

Contact Type

Contact Primary Address

Status

Bobby Prestwood

Engineer

Mailing, 1001 Lake Low...

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

1.71

DRC Meeting Time

DRC Meeting

07/10/2025

Rescheduled DRC Meeting

Rescheduled DRC Meeting Time

-

Green Swamp

Number of Units

No

Case File Number

Is this Polk County Utilities

CMA-2024-389

-

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

08/26/2025

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?

[Hired a contractor to build carport who said will take care of everything and not to worry. Come to find out they didn't pull any permits and got cited by code enforcement.](#)

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

[1995. carport was built in 2024. no permit was pulled by contractor.](#)

What is the hardship if the variance is not approved?

[financial hardship if I have to take the building down after thousands of dollars invested.](#)

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

[yes](#)

Do you have Homeowners Association approval for this request?

[n/a](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

[Open](#)

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-REC25-00000-00OCX](#)

RequiredDocumentTypesComplete

[No](#)

DocumentGroupforDPC

[DIGITAL PROJECTS LD](#)

AdditionalDocumentTypes

[Applications, AutoCad File, Binding Site Plans \(PDs and CUs\), 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

[Yes](#)

RequiredDocumentTypes

Activate DPC

[Yes](#)

Activate FSA

[Yes](#)

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](#) 3 22 08/07/2025 08/07/2025

Workflow Status:

Task

Assigned To

Status

Status Date

Action By

[Application Submittal](#)

Lisa Simons-Iri...

Application ...

06/13/2025

Lisa Simons-Iri...

[Roads and Drainage Review](#)

Phil Iven

Approve

06/18/2025

Phil Iven

[Planning Review](#)

Johnathan Sims

Approve

07/09/2025

Johnathan Sims

[Review Consolidation](#)

Approved for...

07/11/2025

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

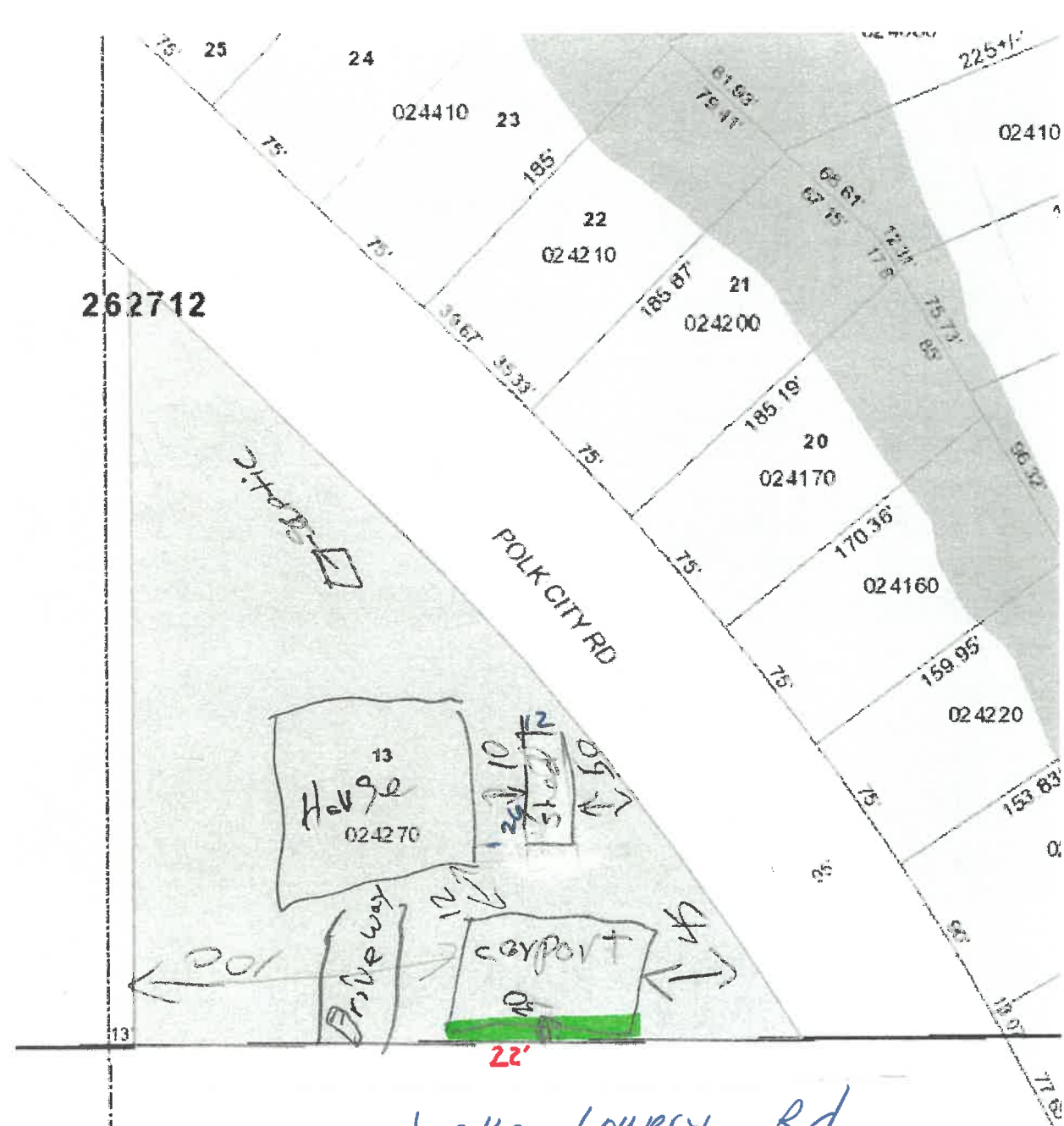
Scheduled Date

Inspector

Status

Comments

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
-----------------------	-----------------	-----------------	-----------	--------	----------



35' uc front only open in carport
sides and rear closed in
from front
property line

35' from Polk
city Rd

LIDLVAR-2025-39



Polk County
Polk County Land Use Hearing Officer

Agenda Item

8/26/2025

SUBJECT

LDLVAR-2025-40 (Blue Jordan Road Variance)

DESCRIPTION

The applicant is requesting a variance to allow an accessory structure to be taller than the primary structure. The subject site is located at 30 Blue Jordan Road, south of Hwy 630 E, north of Blue Jack Trail, east of the city of Frostproof, in Section 30, Township 31, Range 29.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Aleya Inglima

Land Development Division

(863) 534-6764

aleyainglima@polk-county.net

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

DRC Date:	July 10, 2025	CASE #:	LDLVAR-2025-40 (Blue Jordan Road Variance)
LUHO Date:	August 26, 2025	LDC Section:	Section 209.G

Request: The applicant is requesting a variance to allow an accessory structure to be taller than the primary structure.

Applicant: Michael Fitzpatrick

Property Owner: Michael Fitzpatrick, Debra Fitzpatrick

Location: 30 Blue Jordan Road, south of Hwy 630 E, north of Blue Jack Trail, east of the city of Frostproof, in Section 30, Township 31, Range 29.

Parcel ID#: 293130-993325-000140

Size: ±1.00 acres

Land Use Designation: Agriculture/Residential Rural-X (A/RRX)

Development Area: Rural Development Area (RDA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is requesting a variance to allow an accessory structure to be taller than the primary structure. The accessory structure is 21' tall and used as a garage. The property is within an Agriculture/Residential Rural-X (A/RRX) future land use district. Pursuant to Section 209.G of the Land Development Code, an accessory structure may be permitted to be taller than the primary with the approval of a variance from the Land Use Hearing Officer pursuant to Section 930 and 931.

The applicant was cited by Code Enforcement (CMA-2025-425) and the case is pending as the owner is seeking the permit for the building. The accessory structure has been on the property for a few years. The current owners use the garage for storage for their RV.

Staff finds this request will cause no harm to the community. The subject parcel is surrounded by a cluster of lots ranging in size from an acre to five acres and in some cases larger. This lot is smaller than the Agriculture/Residential Rural-X (A/RRX) minimum lot size of 5 acres. The primary structure is 14.5'tall. The garage in question is taller at approximately 21'. It is located to the rear yard of the property off Blue Jordan Road, a rural minor collector road.

Staff recommends approval of LDLVAR-2025-40 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 building is at the rear near the primary home within a fenced boundary and will meet all setbacks. The structure is over 200 feet from neighboring structures.
- **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved** are the property is smaller than the Agriculture/Residential Rural-X (A/RRX) minimum lot size of 5 acres. If the property met five acres within the A/RR land use, the applicant would not need a variance. This is due to Section 209.G. allowing accessory structures administratively to be permitted up to 150 % of the principal structure square footage or height.

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-2025-40**.

CONDITIONS OF APPROVAL:

1. The approval of this variance to Section 209.G of the Land Development Code to allow an accessory structure to be taller than the primary structure as described in the staff report. Further additions or structures placed on the property shall be required to meet the setback requirements of Table 401.08.04 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;*

The subject parcel is in an area with a cluster of lots ranging in size from an acre to five acres and in some cases larger. The subject site is smaller than five acres and created prior to the adoption of the Comprehensive Plan as documented by a plat created in April 1985. The garage will meet all setbacks for the A/RRX land use district and existing fencing with trees screen the garage. Granting the subject request will not be injurious to the area as the structure has been to the rear of the property for seven years. The structure is over 200 feet from neighboring structures. Accessory structures are permitted on residential properties in accordance with Section 209 of the LDC. The structure is also outside the rear 15-foot utility easement and side 7.5-foot utility easement.

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 A/RRX land use district and is approximately 1.00 acres. This lot is smaller than the A/RRX minimum lot size of 5 acres. This property was platted on April 1985, prior to the adoption of the LDC or any Polk County zoning regulations.

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 July 2018, according to the Polk County Property Appraiser. The home was constructed in 1988 at 3,788 square feet without a garage. The garage was built in 2018 and is taller than the primary at 21'. The increase is minimal. This accessory was put on the parcel after the applicant acquired the property. The owners use the garage for their RV.

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. Other parcels in the area have accessory structures to the rear. This property is approximately 1.00 acres. If the property met five acres within the A/RR land use, the applicant would not need a variance. This is due to

Section 209.G. allowing accessory structures administratively to be permitted up to 150 % of the principal structure square footage or height. Accessory structures are permitted on residential properties in accordance with Section 209 of the LDC.

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 uses the garage for their RV. The accessory structure in question is 21' tall. Accessory structures of similar sizes are common in this area. LDLVAR-2021-29 was approved by the Board of Adjustment July 2021 for an accessory structure larger than the structure. LDLVAR-2025-22 was approved May 2025 for an accessory structure to be larger than the primary structure.

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

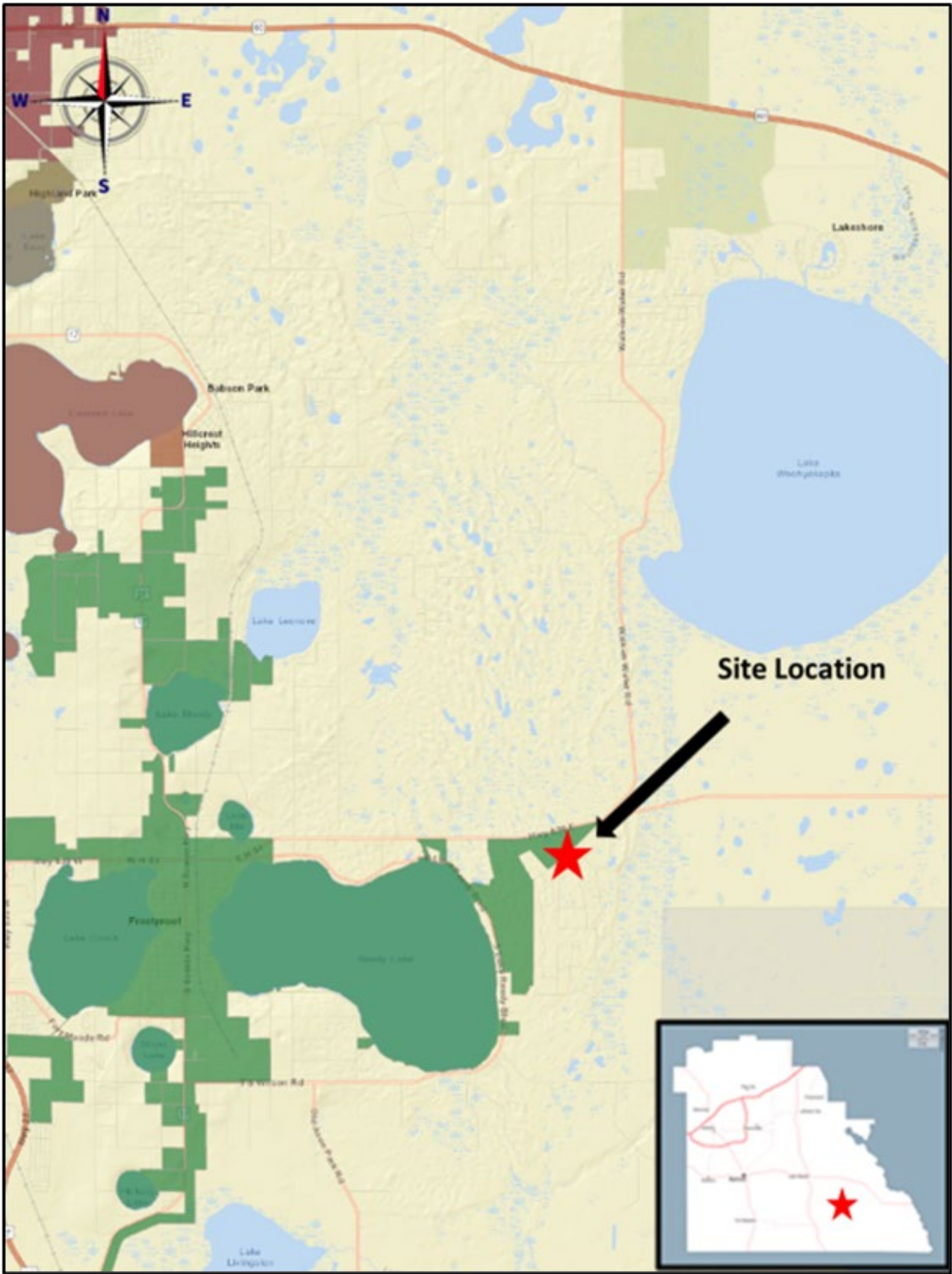
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: Conservation Easement Vacant	North: Conservation Easement Vacant	Northeast: Conservation Easement Vacant
West: A/RRX Single family home	Subject Property: A/RRX Single family home	East: A/RRX Single family home
Southwest: A/RRX Single family home	South: A/RRX Single family home	Southeast: A/RRX Single family home

This property is a single-family home on Blue Jordan Road in Frostproof, Florida. Staff found two other prior variances in this area. LDLVAR-2021-29 was approved by the Land Use Hearing Officer July 2021 for an accessory structure larger than the structure. LDLVAR-2025-22 was approved May 2025 for an accessory structure to be larger than the primary structure. Other homes within this street and adjacent streets do have accessory structures of similar size in their rear yards.

Exhibits:

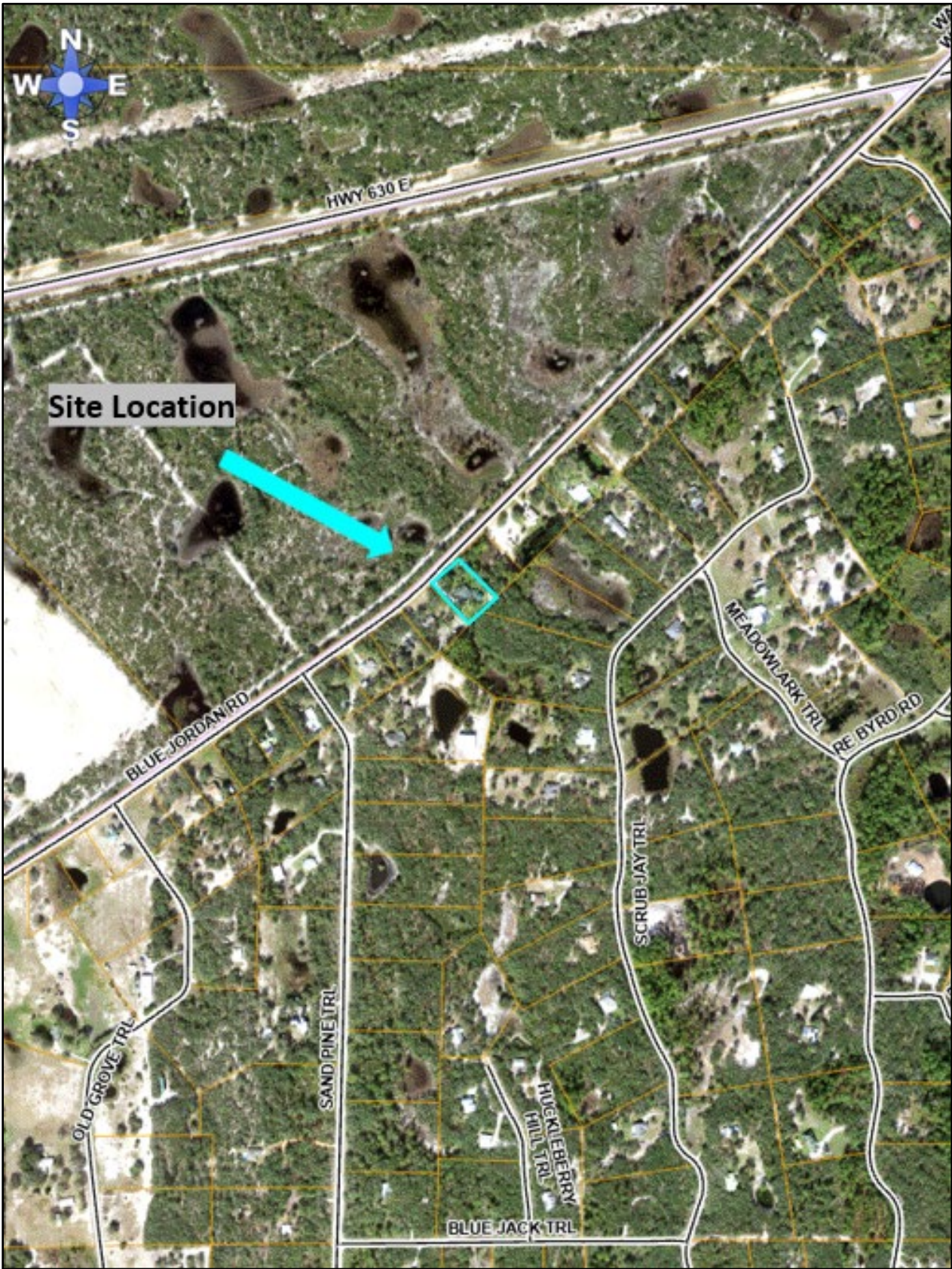
Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Aerial Imagery (Context)
Exhibit 4	Aerial Imagery (Close)
Exhibit 5	Site Plan
Exhibit 6	Applicant's Justification



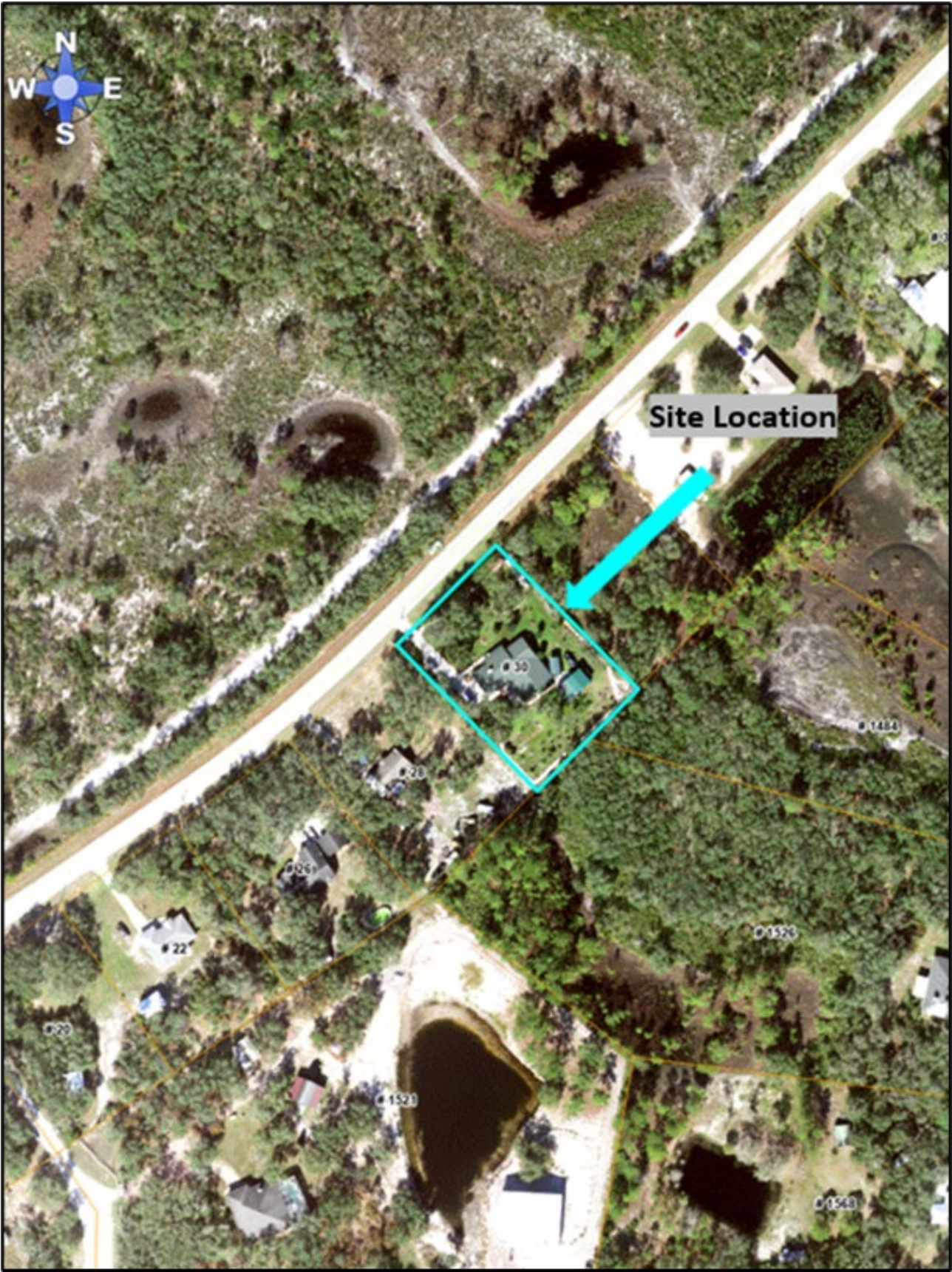
Location Map



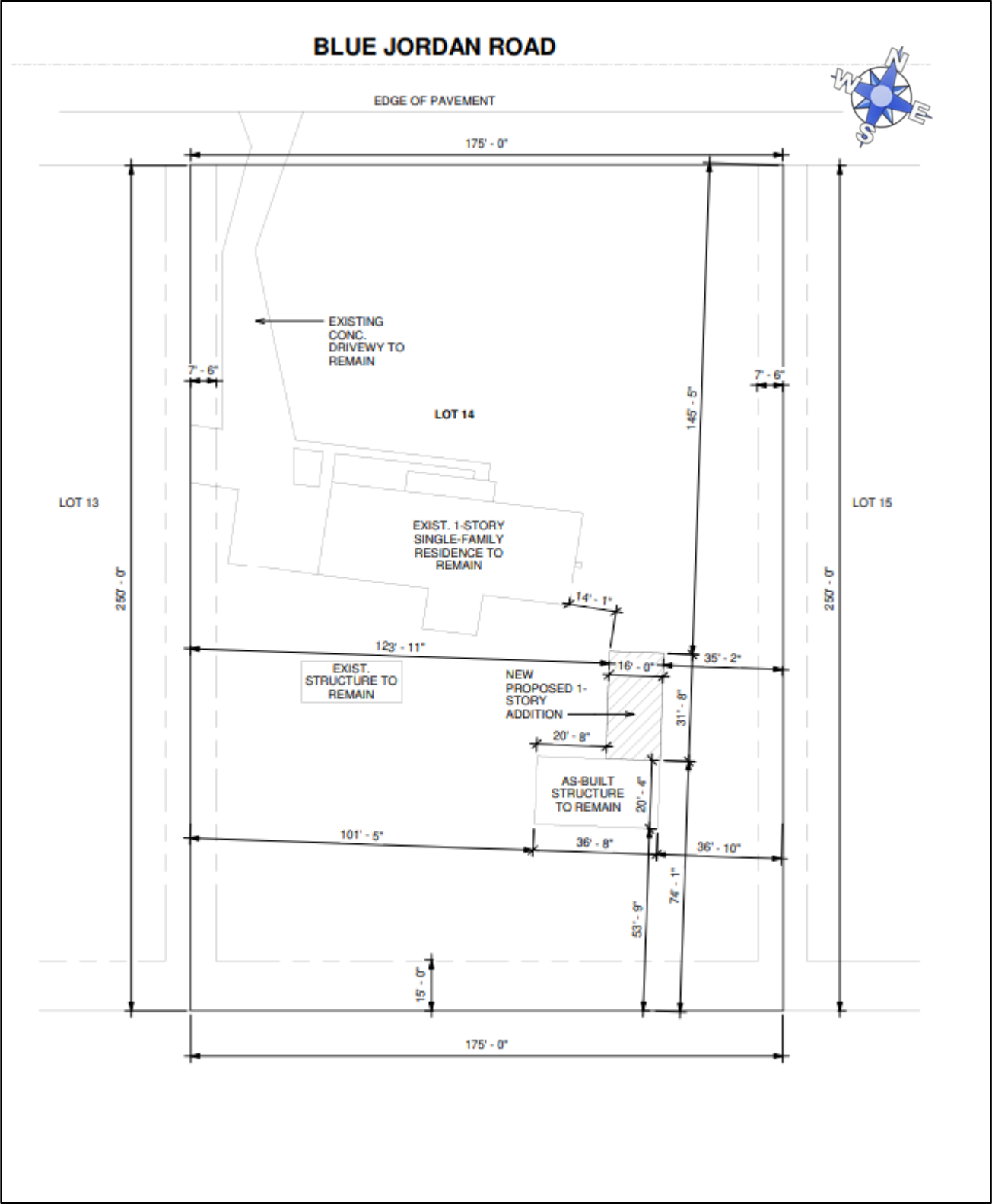
Future Land Use Map



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?

none

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

2018

What is the hardship if the variance is not approved?

Will not be able to park RV in Building to shelter

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

Request Garage height of 21' Principle residence is 14.5 '

Do you have Homeowners Association approval for this request?

N/A

Applicant’s Justification

FRODGE ENGINEERING, P.A.
ENGINEERING SERVICES



DAN C. FRODGE
PROFESSIONAL ENGINEER
FLORIDA P.E. #54285
CERTIFICATE OF AUTHORIZATION #9413

5410 W. LAKE WALES-ALTURAS RD.
MAILING, P.O. BOX 344,
ALTURAS, FL 33820
PHONE 863-537-5739
MOBILE 863-207-2571
DCFRODGE@AOL.COM

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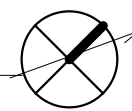
IT IS THE RESPONSIBILITY OF THE OWNER / CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO COMMENCING CONSTRUCTION. STRUCTURAL REVIEW ONLY BY FRODGE ENG. STRUCTURAL PLANS ONLY PREPARED BY (OR) UNDER THE STRICT SUPERVISION OF DAN C. FRODGE, PROFESSIONAL ENGINEER. ENGINEER IS NOT RESPONSIBLE FOR ANY DIMENSIONAL ERRORS, DRAFTMAN'S DISCREPANCIES, OR ANY NON-STRUCTURAL INFORMATION

SIGN & SEAL

SITE PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY

This site plan is based upon information received from the owner and/or contractor of the property shown on this plan. It is the responsibility of the owner and/or contractor to field verify all measurements to assure that the proposed structure(s) meets all required setbacks.

1 SITE PLAN
1" = 20'-0"



CLIENT

MIKE & DEBI FITZPATRICK
30 BLUE JORDAN RD.
FROSTPROOF, FL 33843

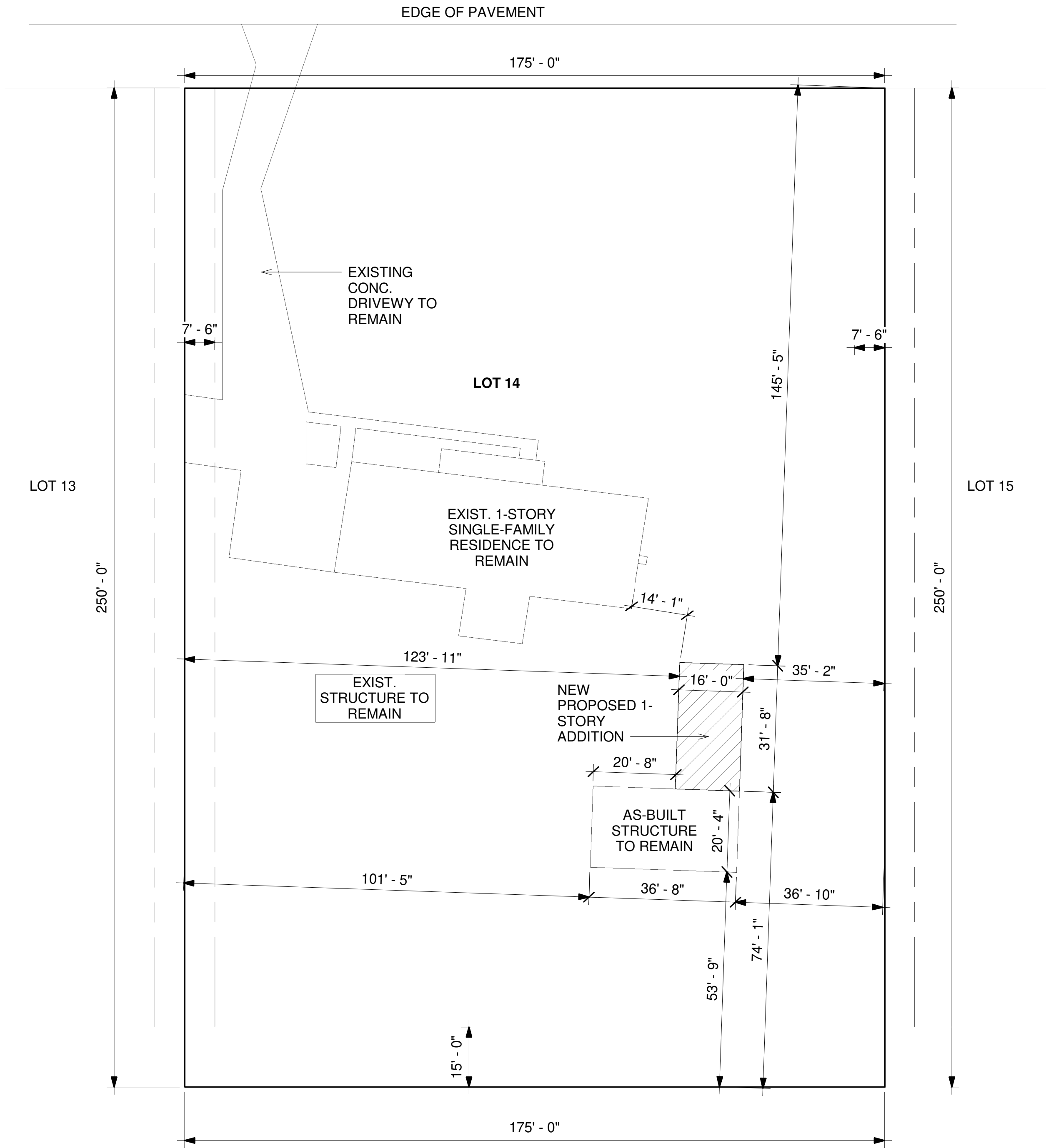
DATE

05-05-2025

SHEET

1
OF 1

BLUE JORDAN ROAD



LDLVAR-2025-40 - FITZPATRICK/ VARIANCE

Menu Reports Help

Application Name: [FITZPATRICK/ VARIANCE](#)

File Date: [06/13/2025](#)

Application Type: [LUHQ - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments:	View ID	Comment	Date
-----------------------	---------	---------	------

Description of Work: [TO CHANGE HEIGHT OF GARAGE STRUCTURE FROM 14.5' TO 21'](#)

Application Detail: [Detail](#)

Address: [30 BLUE JORDAN RD, FROSTPROOF, FL 33843](#)

Parcel No: [293130993325000140](#)

Owner Name: [FITZPATRICK MICHAEL J](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	FITZPATRICK MICHAEL J		Engineer	Mailing_30 Blue Jorda...	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
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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 1.00
DRC Meeting Time	DRC Meeting 07/10/2025
Rescheduled DRC Meeting	Rescheduled DRC Meeting Time
Green Swamp	Number of Units -
Case File Number	Is this Polk County Utilities
One Year Extension	FS 119 Status Non-Exempt

PUBLIC HEARINGS	
Development Type Land Use Hearing	Application Type Variance
Variance Type Accessory Larger than Principle	Brownfields Request N/A
Affordable Housing	

ADVERTISING	
Advertising Board	Legal Advertising Date
Land Use Hearing Officer	-
MEETING DATES	
LUHO Hearing Date	
08/26/2025	
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?	
none	
When did you buy the property and when was the structure built? Permit Number?	
2018	
What is the hardship if the variance is not approved?	
Will not be able to park R/V in Building to shelter	
Is this the minimum variance required for the reasonable use of the land?	
Request Garage height of 21' Principle residence is 14.5'	
Do you have Homeowners Association approval for this request?	
N/A	
LD_GEN_BOA_EDL	
Opening DigEplan List...	
DigEplan Document List	
-	

PLAN REVIEW FIELDS

TMPRecordID
[POLKCO-25EST-00000-36037](#)
RequiredDocumentTypesComplete
[Yes](#)

DocumentGroupforDPC
[DIGITAL PROJECTS LD](#)
AdditionalDocumentTypes
[Applications,AutoCad File,Binding Site Plans \(PDs, and CUs\),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
[Yes](#)

RequiredDocumentTypes
[Activate DPC](#)

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
LUHQ	1	19	08/07/2025	08/07/2025	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	06/13/2025	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irven	Approve	06/16/2025	Phil Irven
	Planning Review	Aleya Inglima	Approve	06/25/2025	Aleya Inglima
	Review Consolidation	Lisa Simons-Iri...	Approved for...	06/27/2025	Lisa Simons-Iri...
	Public Notice	Lisa Simons-Iri...			
	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
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Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
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Polk County
Polk County Land Use Hearing Officer

Agenda Item

8/26/2025

SUBJECT

LDLVAR-2025-41 (Overlook Drive Variance)

DESCRIPTION

Roberto Cosme requests an accessory structure side setback reduction from five (5) feet to three (3) feet for the construction of a 6 by 12 feet (72 square feet) shed at their residence on approximately 0.50 acres within a Residential Low-1 district. The subject property is located at 2034 Overlook Drive, north of Cypress Gardens Boulevard, south of Lucerne Park Road, east of US Highway 17, west of US Highway 27, west of the City of Dundee in Section 25, Township 28, Range 26.

RECOMMENDATION

Approval with conditions.

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

Kyle Rogus, Planner I
Land Development Division
863-534-7553
kylerogus@polk-county.net

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

DRC Date:	July 10, 2025	CASE #:	LDLVAR-2025-41 (2034 Overlook Drive Variance)
LUHO Date:	August 26, 2025	LDC Section:	Section 205, Table 2.2

Request: The applicant is requesting an accessory structure side setback reduction from five (5) feet to three (3) feet for the construction of a six (6) by 12 feet (72 square feet) shed at their residence on approximately 0.50 acres.

Applicant: Roberto Cosme

Property Owner: Roberto and Diana Cosme

Location: The subject property is located at 2034 Overlook Drive, north of Cypress Gardens Boulevard, south of Lucerne Park Road, east of US Highway 17, west of US Highway 27, west of the City of Dundee in Section 25, Township 28, Range 26.

Parcel ID#: 262825-000000-022460

Size: ±0.50 acres

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

Development Area: Urban Growth Area (UGA)

Case Planner: Kyle Rogus, Planner I

Summary:

The applicant is requesting an accessory structure side setback reduction from five (5) feet to three (3) feet for the construction of a new six (6) by 12 feet (72 square feet) shed for storage purposes. There are multiple factors not brought on by the applicant that restrict development on this property. The subject property is in the Residential Low-1 (RL-1) land use district. The size of the lot does not meet the 40,000 square foot minimum residential lot area. The current location and shape of the property restricts the applicant to placing the shed within the side setback.

The property is located at the intersection of Overlook Drive and Lake Daisy Road, two urban collector roadways. According to Chapter 2, Section 205, Table 2.2 of the Polk County Land Development Code (LDC), the RL-1 land use district requires an right-of-way setback of 35 feet placing the residential dwelling in the south west corner of the lot. This portion of the property, where the dwelling currently resides is what would be considered the side or rear yard of the property. Pursuant of Section 209.D of the LDC, accessory structures shall be located in the side or rear yard. The 72 square foot storage shed will be in the southwest corner of the property, three (3) feet from both west and south property lines. A septic drain field is located on the north side

of the primary structure and a porch is located on the south side of the primary structure. The location of the primary structure and septic drain field make it difficult to develop elsewhere, while meeting 209.D.

Staff finds this request will cause no direct or indirect harm to the community and recommends approval and is consistent with the surrounding properties, maintaining the integrity of the neighborhood.

Staff recommends approval of LDLVAR-2025-41 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;*

The request will not block or limit the view of traffic and there are no easements on the front of the property. The shed will be located 20 feet from closest neighboring structure, two (2) feet within the 5-foot accessory structure side setback.

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 part of Tract 17 of unrecorded Anderson Estates. The property was originally zoned Rural Estates (RE-1), which had a minimum lot size of 15,000 square feet. As the County transitioned from Zoning to adopt the Future Land Use Map in 2000, the property designation changed from RE-1 to what is now the Residential Low-1 (RL-1) land use district. The minimum residential lot area in the RL-1 is 40,000 square feet. Subject property is smaller than the minimum lot size at approximately 0.50 acres or 21,780 square feet, but met the original minimum lot size of 15,000 square feet in the RE-1 at the time of creation. The small lot size, shape of the lot, and location at an intersection of two urban collector roadways limit the placement of the primary home, and accessory structures without the relief from setbacks.

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-2025-41**

CONDITIONS OF APPROVAL:

1. The approval of this variance is to reduce the accessory structure side setback from five (5) feet to three (3) feet for the construction of a six (6) by 12-foot shed. Further additions or structures placed on the property shall be required to meet the setback requirements of Section 205, 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;*

Per Chapter 2, Section 205, Table 2.2 accessory structure setbacks in the RL-1 land use district are: 35 feet right-of-way off urban collector roadways; five (5) feet off the side; and 10 feet off the rear. The dimensions of the proposed shed will be approximately six (6) feet across, and twelve (12) feet in length. The variance request is to reduce the side setback from five (5) feet to three (3) feet on both the west property line and the south property line measured from the end of the structure. The closest neighboring structure to the shed is approximately 20 feet to the west, well above any fire separation requirements. The granting of this request will not be injurious to the area as the shed will be in the rear yard and will not block the view of traffic.

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 Residential Low- (RL-1) land use district on approximately 0.50 acres. Pursuant to Chapter 2, Section 205, Table 2.2, accessory structures have a right-of-way setback of 35 feet off urban collector roadways; five (5) feet side setbacks; and 10 feet rear setbacks. The lot is 0.50 acres, which is below the 40,000 square feet minimum residential lot area in the RL-1 land use district. However, this property was originally part of Track 17 of unrecorded Anderson Estates, which was zoned Rural Estates (RE-1) at the time of creation. The RE-1 zoning district had a minimum lot size of 15,000 square feet, meeting minimum lot size at the time. When Polk County adopted the Future Land Use Map in 2000, the property was given RL-1, causing the discrepancy with the minimum lot size requirement. Because of the small size of the lot, shape, and location at an intersection of two urban collector roadways, the setbacks restrict further development without impeding on the accessory structure side setback. The six (6) by 12-foot shed will be two (2) feet within the 5-foot side setback, 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 owner purchased the property in February 2022, according to the Polk County Property Appraiser. The home was built in 2020 meeting all setback requirements. However, the subject site is located off the intersection of Overlook Drive and Lake Daisy Road, both classified as an Urban Collector roadways. The right-of-way setback off an urban collector roadway is 35 feet, limiting development to the southwest portion of the site. To meet this requirement, placement of the home came in close proximity to the side setback requirement. The residence is approximately 17 feet from the west property line and 13 feet from the south property line offering little relief from the 10-foot side setback requirement. This also utilizes the majority of the property that would be considered the side or rear yard. Unlike garages, accessory structures are only allowed in the side or rear yard limiting the placement of the shed to the location depicted on the site plan. There is no variance to the location of an accessory structure to be placed outside the side or rear yard, only a variance for setback reduction. The shed is six (6) by 12 feet or 72 square feet and is asking for a 2-foot reduction. This is a very minimal and discrete request. If the home was placed further to the east of the site, off the west property line, there would be no need for a variance request. The owner may not have been aware of the accessory structure side 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;*

Every variance approval is a special privilege to some degree. The home is situated on a corner lot, which is subject to only right-of-way and side setbacks, no rear to the property. Because accessory structures can only be located in the side or rear yard per Chapter 2,

Section 209.D of the LDC, the only location consistent with the LDC for the placement of the shed is proposed on the site plan.

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 0.50 acres (21,780 square feet) below the 40,000 square feet minimum residential lot area in the RL-1 land use district. Furthermore, the property is located at the intersection of Overlook Drive and Lake Daisy Road, both classified as Urban Collector roadways requiring a primary structure right-of-way setback of 35 feet. The size, shape, and locational factors limit the development of the property, restricting the primary residence to be placed on or within close proximity to the setbacks boundaries.

The house currently sits approximately 17 feet from the west property line and 13 feet from the south property line, meeting the 10-foot side setback requirement. This further restricts any accessory structure to be placed within the side or rear of the property to impede on the accessory structure setbacks. Accessory structures shall be located in the side or rear yard, making the area depicted in the site plan the only viable location for the shed.

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.*

There was no evidence found that suggests the proposed request will circumvent the intent of a condition placed on a development by the Planning Commission or the Board of County Commissioners. Per Chapter 2, Section 205, Table 2.2 of the Land Development Code, Residential Low-1 (RL-1) land use district requires accessory structure right-of-way setback of 35 feet off collector roadways. Side yard setback of five (5) feet and rear yard setback of 10 feet.

Surrounding Future Land Use Designations and Existing Land Use Activity:

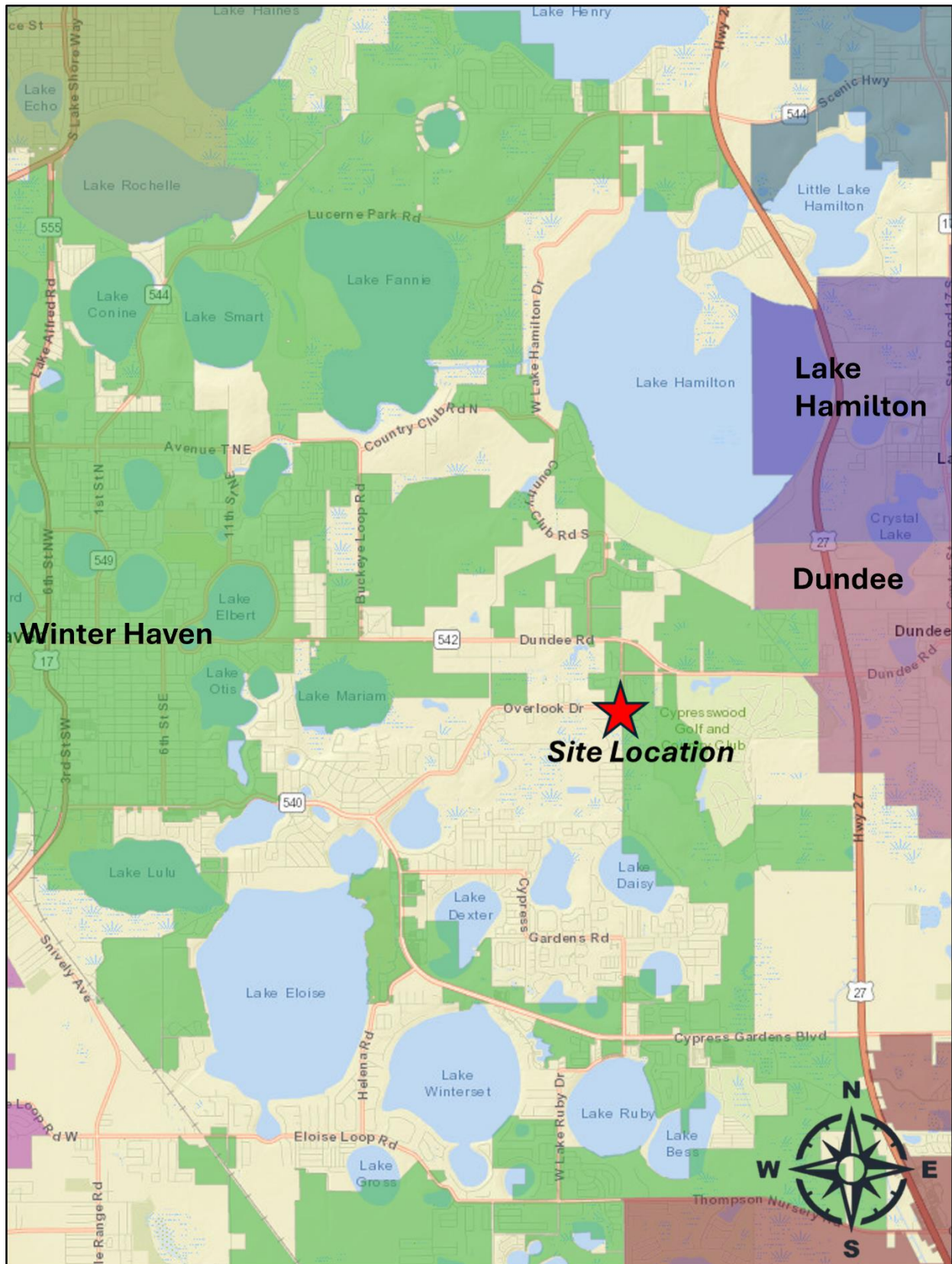
Northwest: City of Winter Haven Church No accessory structures 8.9 acres	North: City of Winter Haven Church No accessory structures 8.9 acres	Northeast: City of Winter Haven Single-family 0.11 acres
West: RL-1 Single-family No accessory structures 0.50 acres	Subject Property: RL-1 Single-family Multiple accessory structures 0.50 acres	East: City of Winter Haven Single-family No accessory structures 0.11 acres
Southwest: RL-1 Single-family No accessory structures 0.50 acres	South: RL-1 Single-family Accessory structure (shed) 0.51 acres	Southeast: City of Winter Haven Single-family No accessory structures 0.11 acres

The size of the residential lots within unincorporated Polk County are similar in size to the subject property. The surrounding residential lots however do not share the same frontage on both Overlook Drive and Lake Daisy Road, only having one right-of-way setback offering some relief to the setback requirements for both primary and accessory structures. According to Property Appraiser, only one home, to the south of the subject property, has added an additional accessory structure (shed) to the property. The other properties only show attached screened porch additions to the property.

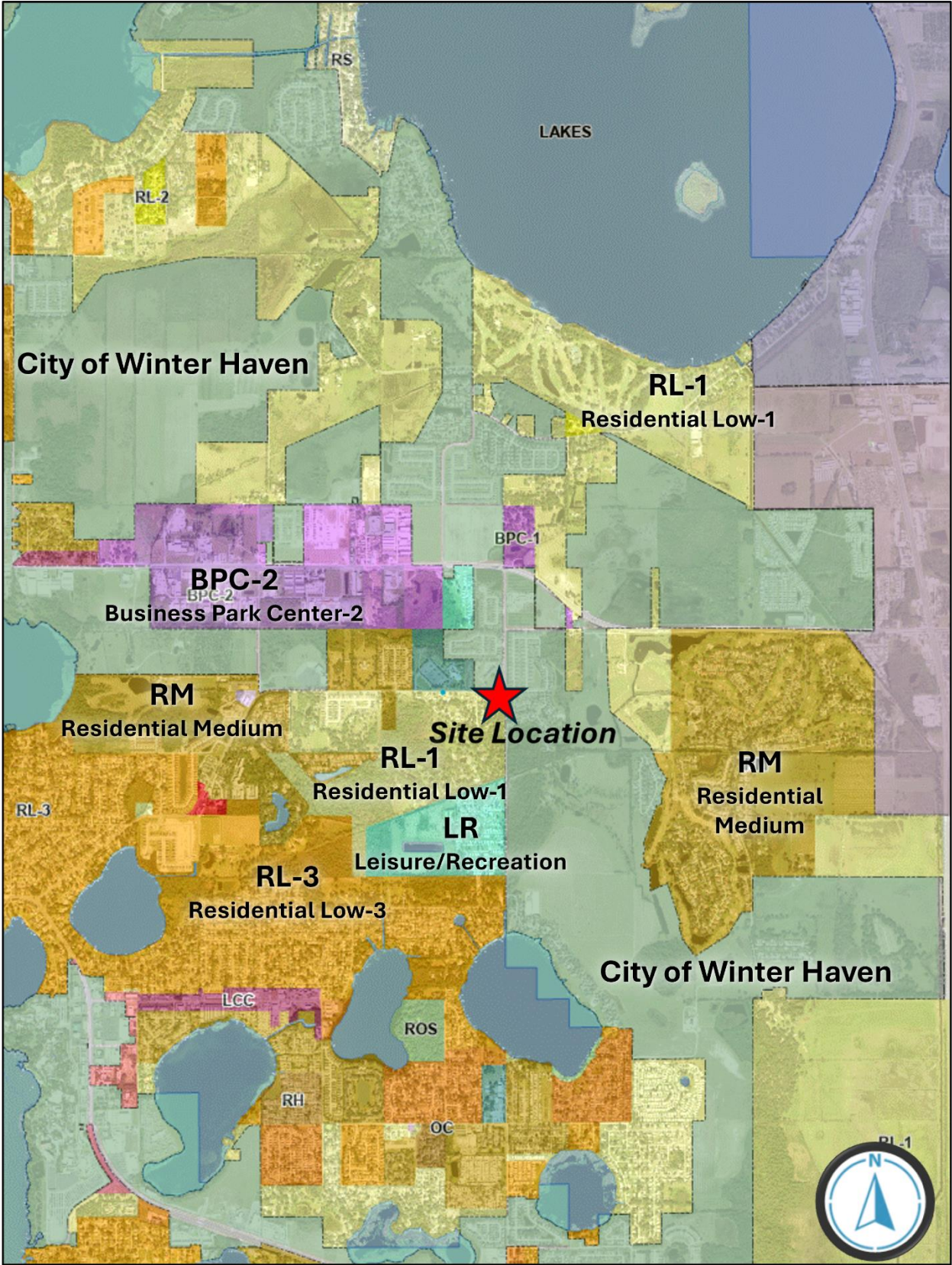
Exhibits:

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

Exhibit 1



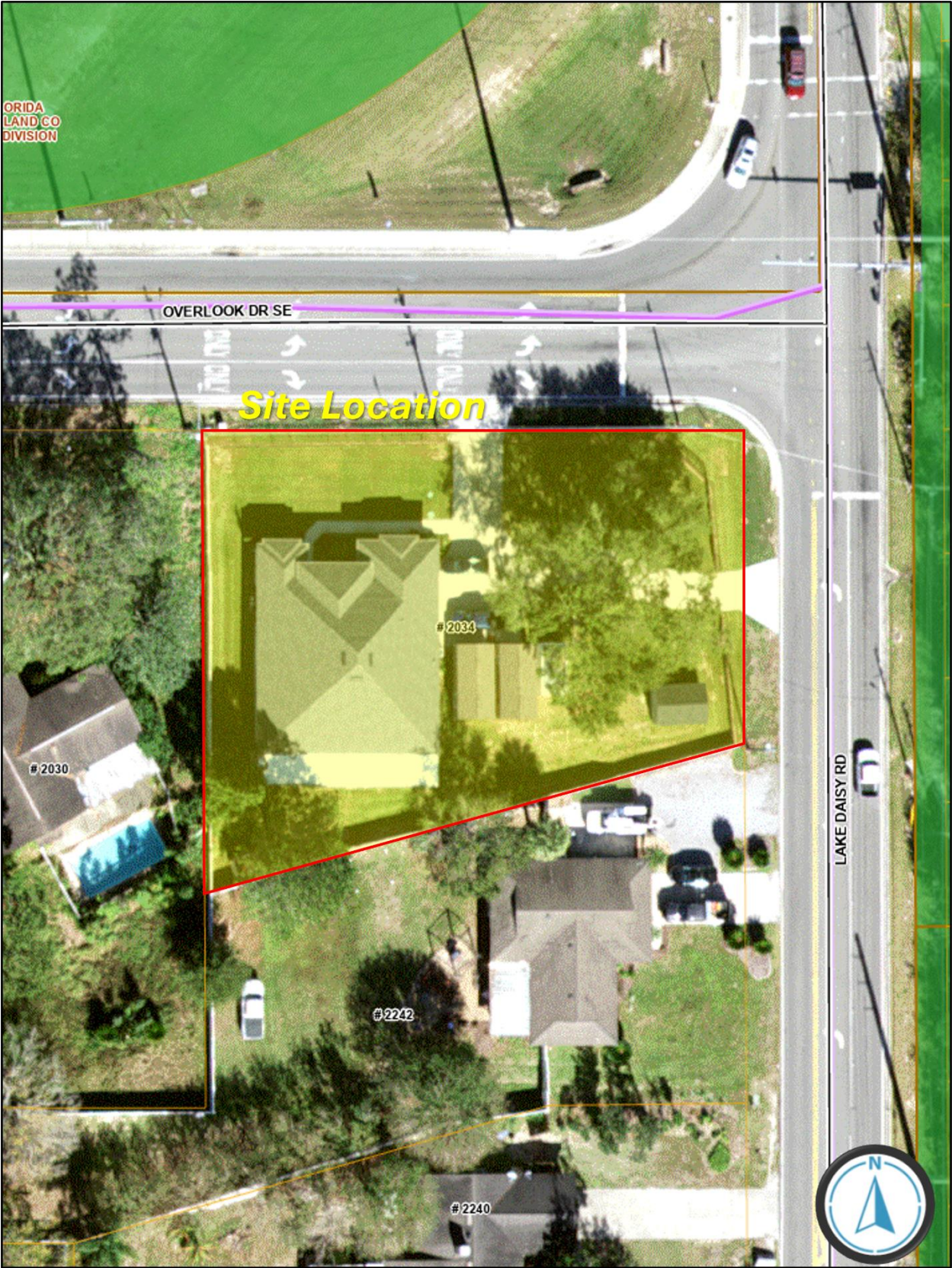
Location Map



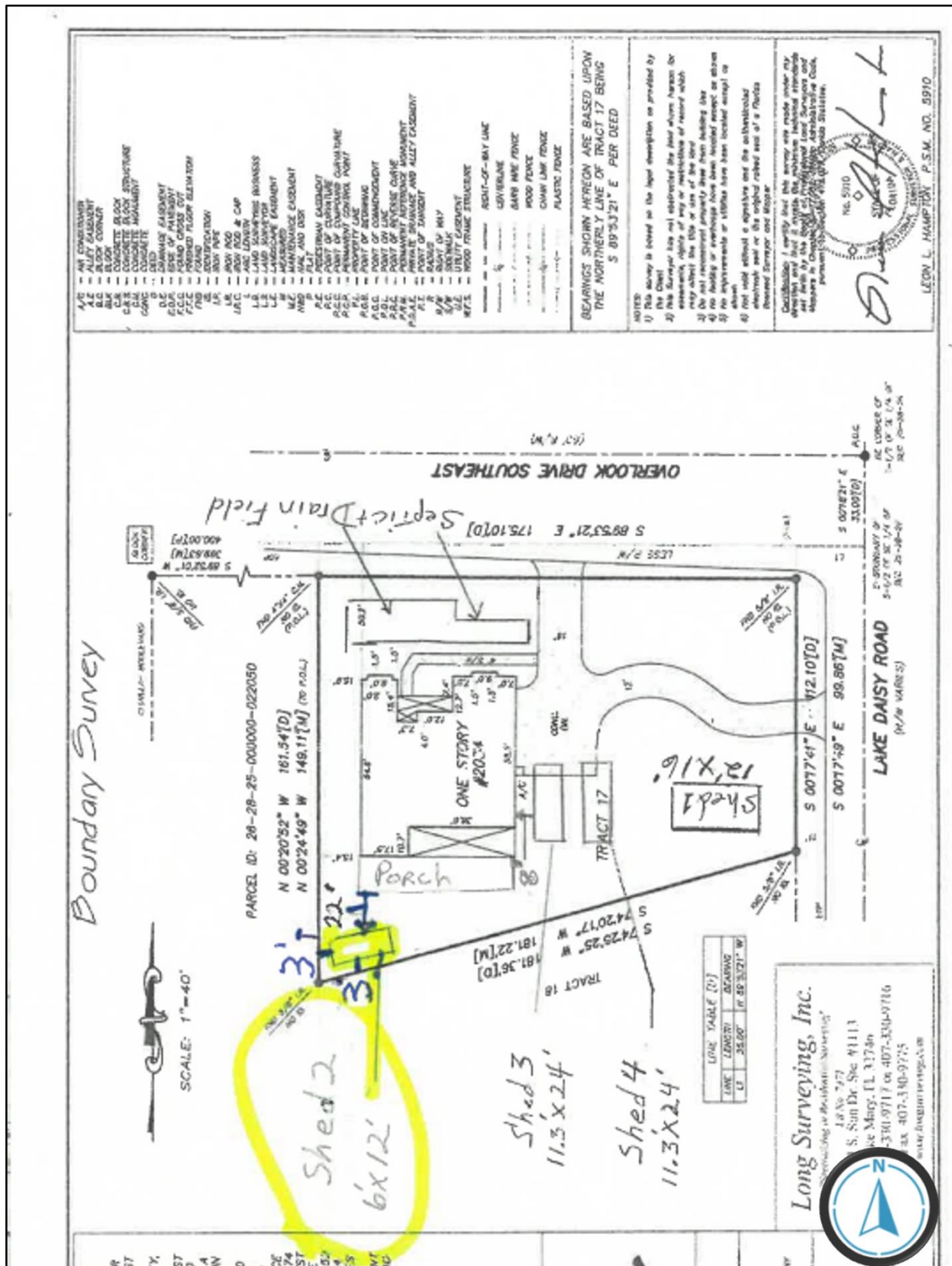
Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)



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?

There is a drain field that would put the building over the drain field

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

Property was bought in 2020, structure was installed in 2022.

What is the hardship if the variance is not approved?

The building would be too close to the house and right over a drain area.

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

N/A

Do you have Homeowners Association approval for this request?

Do not have HOA on my property.

Justification

LDLVAR-2025-41 - 2034 Overlook Drive Variance

Menu

Reports

Help

Application Name:

2034 Overlook Drive Variance

File Date:

06/13/2025

Application Type:

LUHO - Variance

Application Status:

Approved For Hearing

Application Comments:

View ID

Comment

Date

Description of Work:

rear yard setback reduction for a storage structure.

Application Detail:

Detail

Address:

2034 SE OVERLOOK DR, WINTER HAVEN, FL 33884

Parcel No:

262825000000022460

Owner Name:

COSME NIEVES ROBERTO

Contact Info:

Name

Organization Name

Contact Type

Contact Primary Address

Status

ROBERTO COSME NIEVES

Applicant

Mailing, 2034 Overlook...

Active

Roberto Cosme

Individual

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

.50

DRC Meeting Time

DRC Meeting

7/10/2025

-

Rescheduled DRC Meeting Time

-

Green Swamp

Number of Units

-

No

Is this Polk County Utilities

Case File Number

FS 119 Status

CMA-2025-969

Non-Exempt

One Year Extension

-

-

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

08/26/2025

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?

[There is a drain field that would put the building over the drain field](#)

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

[Property was bought in 2020, structure was installed in 2022.](#)

What is the hardship if the variance is not approved?

[The building would be too close to the house and right over a drain area.](#)

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

[N/A](#)

Do you have Homeowners Association approval for this request?

[Do not have HOA on my property.](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

[Open](#)

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-REC25-00000-00OEA](#)

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](#)

DigitalSigCheck

[Yes](#)

RequiredDocumentTypes

-

Activate DPC

Activate FSA

[Yes](#)

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

LUHQ	2	35	08/07/2025	08/07/2025	NOR
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Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Lisa Simons-Iri...	Application ...	06/13/2025	Lisa Simons-Iri...
	Planning Review	Kyle Rogus	Approve	06/27/2025	Kyle Rogus
	Roads and Drainage Review	Phil Irven	Approve	07/17/2025	Phil Irven
	Review Consolidation	Lisa Simons-Iri...	Approved for...	08/06/2025	Lisa Simons-Iri...
	Public Notice				
	Hearing Officer				
	Final Order				
	Archive				

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
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Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments
	Resulted Inspections:	Inspection Date	Inspector	Status	Comments

INSTR # 2022044351
BK 12122 Pgs 0954-0955 PG(s)2
02/17/2022 11:45:26 AM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES 18.50
DEED DOC 0.70

Prepared by, record and return to:

William E. Davis, Jr., Paralegal
Law Offices of AnnaKaye Williams, P.A.
7091 Grand National Drive, Suite 100
Orlando, Florida 32819

Under the direct supervision of AnnaKaye Williams, Esq.

Parcel Identification No 262825-000000-022460

Consideration: \$100.00

[Space Above This Line For Recording Data]

***CORRECTIVE WARRANTY DEED**

(STATUTORY FORM – SECTION 689.02, F.S.)

This indenture made the 16th day of February, 2022 between M.A.S. Concrete and Layout, Inc., a Florida Corporation, whose post office address is 6654 SR 544, Winter Haven, FL 33881, of the County of Polk, State of Florida, Grantor, to Roberto Cosme-Nieves and Diana Cosme, husband and wife, whose post office address is 3869 Mount Vernon Way, Kissimmee, FL 34741, of the County of Osceola, State of Florida, Grantees:

Witnesseth, that said Grantor, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantees, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantees, and Grantees' heirs and assigns forever, the following described land, situate, lying and being in Polk, Florida, to-wit:

Tract 17 of unrecorded Anderson Estates:

Starting at the Northeast corner of the South 1/2 of the Southeast 1/4 of Section 25, Township 28 South, Range 26 East, Polk County, Florida, run thence South 00 degrees 18 minutes 21 seconds East along the East boundary of said South 1/2 of the Southeast 1/4, a distance of 33.00 feet; thence run North 89 degrees 53 minutes 21 seconds West a distance of 25.00 feet for the Point of Beginning; thence run South 00 degrees 17 minutes 41 seconds East a distance of 112.50 feet; thence run South 74 degrees 25 minutes 25 seconds West a distance of 181.36 feet; thence run North 00 degrees 20 minutes 52 seconds West a distance of 161.54 feet; thence run South 89 degrees 53 minutes 21 seconds East a distance of 175.10 feet to the Point of Beginning. LESS AND EXCEPT road right of way on North.

a/k/a: 2034 Overlook Drive SE, Winter Haven, FL

**This deed is being recorded to correct that certain Warranty Deed recorded on 01/11/2021, under O.R. Book 11532, Page 1323, of the Public Records of Polk County, Florida, whereas the Documentary Stamps were already paid as evidenced by said recorded deed. Said deed lacked notary acknowledgement which was inadvertently not included at the time deed was recorded.*

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject to taxes for 2020 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in fee simple forever.

And Grantor hereby covenant with the Grantees that the Grantor is lawfully seized of said land in fee simple, that Grantor have good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

WARRANTY DEED

Parcel Identification No 262825-000000-022460

In Witness Whereof, Grantor have hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

WITNESS

PRINT NAME: Pablo Macedo

Santiago Arroyo

WITNESS

PRINT NAME: Santiago C Arroyo

M.A.S. Concrete and Layout, Inc., a Florida Corporation

By: [Signature]

Santiago Arroyo, President

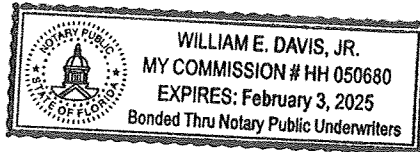
STATE OF FLORIDA
COUNTY OF ORANGE

Sworn to (or affirmed) and subscribed before me by means of (X) physical presence or () online notarization this 16th day of February 2022, by Santiago Arroyo, President of M.A.S. Concrete and Layout, Inc..

Signature of Notary Public

Print, Type/Stamp Name of Notary

Personally Known: X



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**POLK COUNTY, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
NOTICE OF VIOLATION AND NOTICE OF HEARING**

Polk County,
vs. Petitioner,

**ROBERTO COSME NIEVES
DIANA COSME**

Respondent(s)

Case Number: CMA-2025-969

Code Investigator: Tyrinda Pride

Phone #: 863-221-7229

Sent Via: Certified Mail

9589 0710 5270 1698 4319 51

Date: 05/30/2025

Owner:
ROBERTO COSME NIEVES
DIANA COSME
2034 OVERLOOK DR
WINTER HAVEN, FL 33884

Violation Address: 2034 SE OVERLOOK DR, WINTER HAVEN, FL 33884 **Parcel ID#:** 262825000000022460

NOTICE IS HEREBY GIVEN OF VIOLATION(S) OF THE POLK COUNTY FLORIDA LAND DEVELOPMENT CODE (LDC) AND/OR ORDINANCE (ORD), AND/OR FLORIDA BUILDING CODE (FBC), AS FOLLOWS:

County Code	Description	Corrective Action
LDC Section 110 B.1 & FL Bldg Code 2020, Section 105.1	Building a structure in Polk County without a permit. sheds	Contact the Polk County Building Division Permit Technician on call at (863) 534-6080 to determine what information or other documents are needed to submit to begin the permitting process. If you have an expired permit, then inquire about the process to have the permit re-opened and a final inspection done.

When contacting agencies as part of the "Required Remedy" **you must refer to the Case Number** listed in the upper right corner of this letter.

IT IS YOUR RESPONSIBILITY TO CALL YOUR INVESTIGATOR Tyrinda Pride AT 863-221-7229 AND REQUEST A RE-INSPECTION. If the above described violation(s) is corrected and then recurs or the above described violation(s) is not corrected by the date shown (in red), the case shall be presented to the Special Magistrate as stated below even if the violations(s) has been corrected prior to the Special Magistrate hearing, AND PROSECUTION FEES SHALL BE ASSESSED AGAINST YOU AT THAT TIME.

The violations must be corrected by 06/20/2025. It shall be the violator's responsibility to contact the Code Enforcement Office after the violation(s) are corrected.