

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

DRC Date: May 28, 2026	CASE #: LDLVAR-2026-16 (Lake Reedy Blvd Variance)
LUHO Date: July 14, 2026	LDC Section: Chapter 6, Section 610.D.6

Request: The applicant is requesting a variance to reduce the rear surface water setback from fifty (50) feet to thirty (30) feet for an existing shed.

Applicant: Gary Roberts

Property Owner: Roberts Trust

Location: 2235 North Lake Reedy Boulevard, west of Blue Jordan Road, south of CR 630, east of the City of Frostproof in Section 26, Township 31, Range 28.

Parcel ID#: 283126-000000-021010

Size: ±0.67 acres

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

Development Area: Rural Development Area (RDA), Southeast Polk SAP

Case Planner: Aleya Inglima, Planner II
Abigail Hutchinson

Summary:

The applicant is requesting a variance to reduce the required surface water setback from fifty (50) feet from the 10-year flood hazard area to thirty (30) feet for an existing ±14' x 17' shed located at the rear of the property. The subject site is a legal lot of record within the Agriculture/Residential Rural-X (A/RRX) land use district and the Southeast Polk Selected Area Plan (SAP).

The applicant purchased the property in 2016 and, shortly thereafter, constructed the shed in 2017 without obtaining a building permit. The shed serves as an extension to an existing garage structure and is used primarily for storage in the southwest portion of the property.

Furthermore, it was initially thought that the shed encroached into the side yard setback. However, because the property is less than five acres, Section 208.E of the Land Development Code allows nonconforming lots to utilize the setback requirements of the land use district with the equivalent minimum lot size, as determined by Table 2.2. Based on the size of the subject property, the equivalent land use district is Residential Low-2 (RL-2), which requires a five-foot side setback for accessory structures. The existing shed complies with this requirement.

LDC Chapter 6, Section 610.D.6 requires structures adjacent to surface waters or watercourses to be located at least landward of the 100-year floodplain or 50 feet landward of the 10-year floodplain or whichever is less. The entire shed and property are in the 100-year floodplain, so the variance is to reduce the surface water setback from 50' to 30' of the 10-year flood hazard area. According to the applicant, no complaints have been received from the adjacent property owner since the shed was constructed.

Staff recommends approval of LDLVAR-2026-16 as it meets the following criteria listed in Section 931:

- **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the applicable land use district** because the applicant's parcel is 0.67 acres (29,185 sq. ft.) making it smaller than the typical 5 acre lot size found within the A/RR district. The neighbor's property also has an accessory structure at the same distance from the property line.
- **The variance will not confer the applicant any special privilege that is denied by the provisions of this code** because the neighbor has a shed in the surface water setback.

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-2026-16 with conditions.**

CONDITIONS OF APPROVAL:

1. The approval of this variance is to reduce the surface water setback from fifty (50) feet of the 10-year floodplain to thirty (30) feet for an existing ±14' x 17' shed. Further additions or structures placed on the property shall be required to meet the setback requirements 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;*

Upon the submission of this variance, it was discovered by aerial images that an ±14' x 17' shed was built sometime in 2017 as an addition to an existing garage structure without the required permits. The applicant has a codes case (CMA-2025-1842) and is seeking to remedy the situation by bringing the existing shed addition into compliance. The applicant has applied for a building permit (BR-2026-55) pending approval of this variance. According to Section 610.D.2 of the LDC, surface water setbacks are primarily intended to protect surface water quality by maintaining a natural buffer between the structure and the waterway. Section 610.D.6 provides a secondary benefit of maintaining the aesthetic views for neighboring lake front properties. This accessory structure is not injurious to the area since it is a relatively small addition intended for storage and benign in use. It does not block the view of the neighbor because their shed occupied the same visual space.

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 in an A/RRX land use district (*Exhibit 2*) which requires a 5-acre minimum lot size. According to the Property Appraiser, the parcel is a legal lot of record. The lot was created in 1974 and met the minimum lot size of 15,000 sq ft. at that time. As a result, the lot is non-conforming to current standards, and its smaller size makes it difficult for the applicant to meet the 50-foot surface water setback. The neighbor has a shed that is closer to the 10-year flood plain that obscured their peripheral view. The applicants' shed does not interfere with the neighbors' view without any significance. The entirety of the property is within the 100-year flood zone.

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

The circumstances present were solely the result of the actions from the applicant. However, the neighbors' shed was built closer to the shoreline in the surface water setback prior to the applicants' own. Therefore, it is reasonable to extrapolate that the applicant was not aware of any surface water setbacks before constructing due to the neighbors shed placement.

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

Every variance approval is a special privilege. The request represents reasonable accommodation for the property's limited acreage. Accessory structures are permitted on parcels located within the A/RRX land use designation. The neighbors shed is closer and the applicants shed does obstruct the view of the lake because the neighbors shed occupies the view space. With this variance, the neighbor's development rights will not be taken away because his shed was already 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 requested variance is to recognize an existing shed. The structure has existed since 2017 without any complaints from the neighbor. LDC Section 610 allows structures up to 100 square feet to be exempt.

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

Granting this variance will not result in a change of land use. The property will remain designated as Agriculture Residential Rural-X (A/RRX).

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:

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

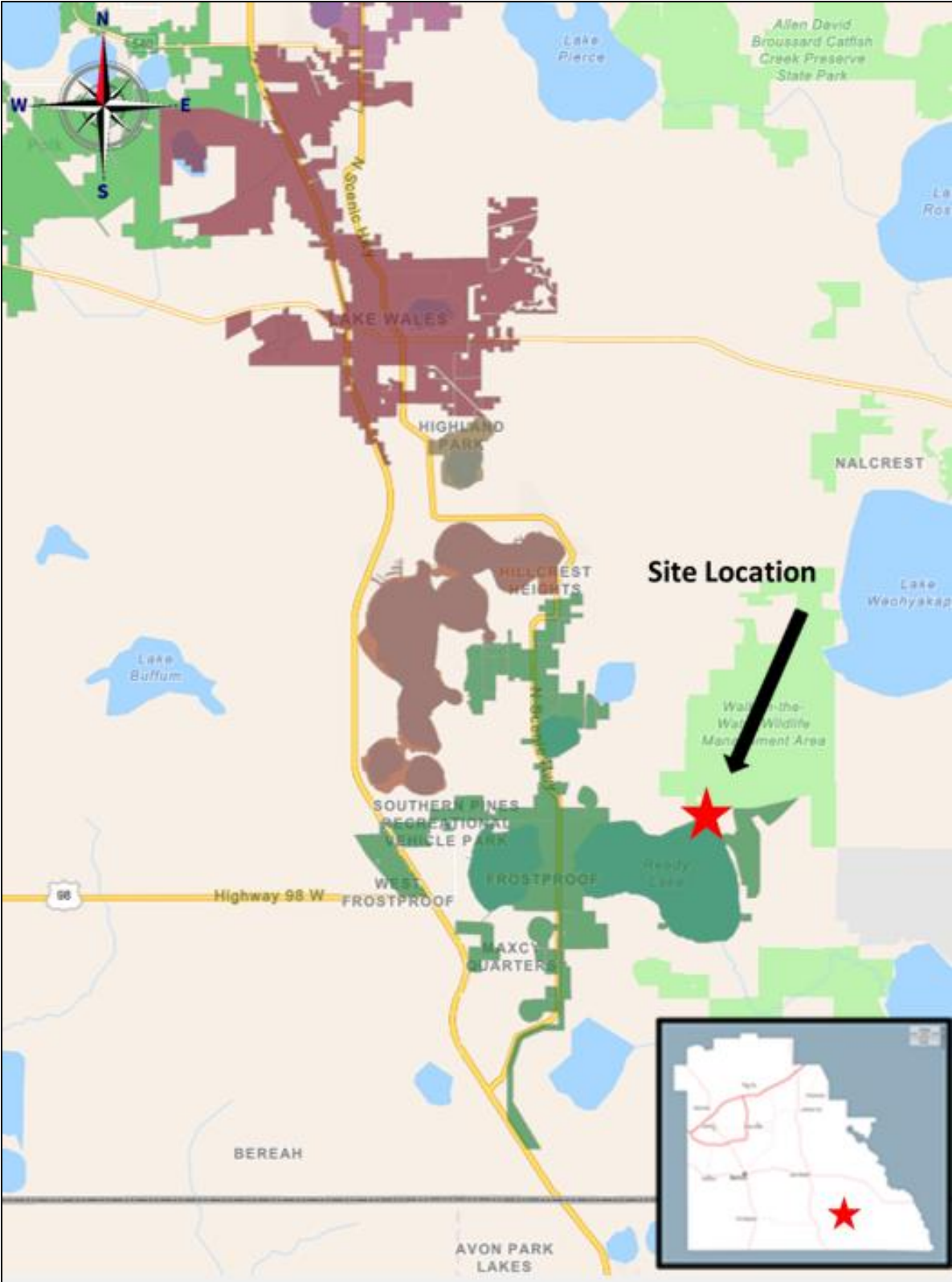
<p>Northwest: A/RR Single Family Home ±4.05 acres (176,418 sq. ft.) No existing shed</p>	<p>North: City of Frostproof Vacant</p>	<p>Northeast: City of Frostproof Vacant</p>
<p>West: A/RR Single Family Home ±0.48 acres (20,909 sq. ft.) Existing shed size: ±210 sq. ft,</p>	<p>Subject Property: A/RR Single Family Home ±0.67 acres (29,185 sq. ft.) Existing shed size: ± 238 sq. ft</p>	<p>East: A/RR Vacant ±1.35 acres (58,806 sq. ft.)</p>
<p>Southwest: Reedy Lake</p>	<p>South: Reedy Lake</p>	<p>Southeast: Reedy Lake</p>

The subject lot is bordered by Reedy Lake to the south, city of Frostproof to the north and northeast. The surrounding lots were created prior to the Comprehensive Plan and fall under 5 acres. The abutting lot to the west is ±0.19 acres smaller than the subject site.

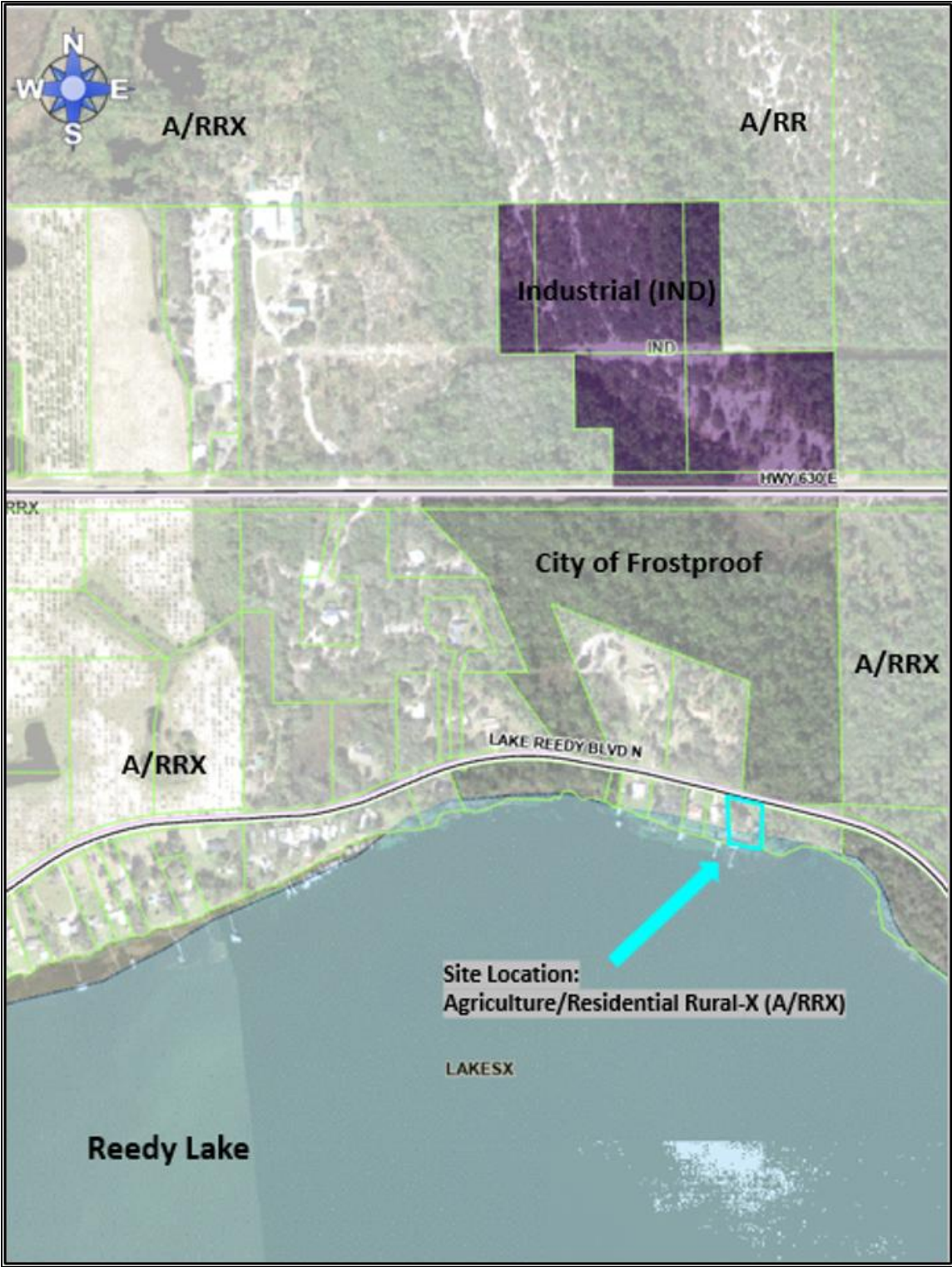
Multiple boat houses are identified along the waterfront like the subject site. However, these boat houses are exempt from Section 610 of the LDC and do not require setbacks from surface water frontage. The applicants shed is on the far west side of the property in close proximity to the neighbors shed. It will not adversely impact the water view of the vacant lot to the east. See Exhibit 5.

Exhibits:

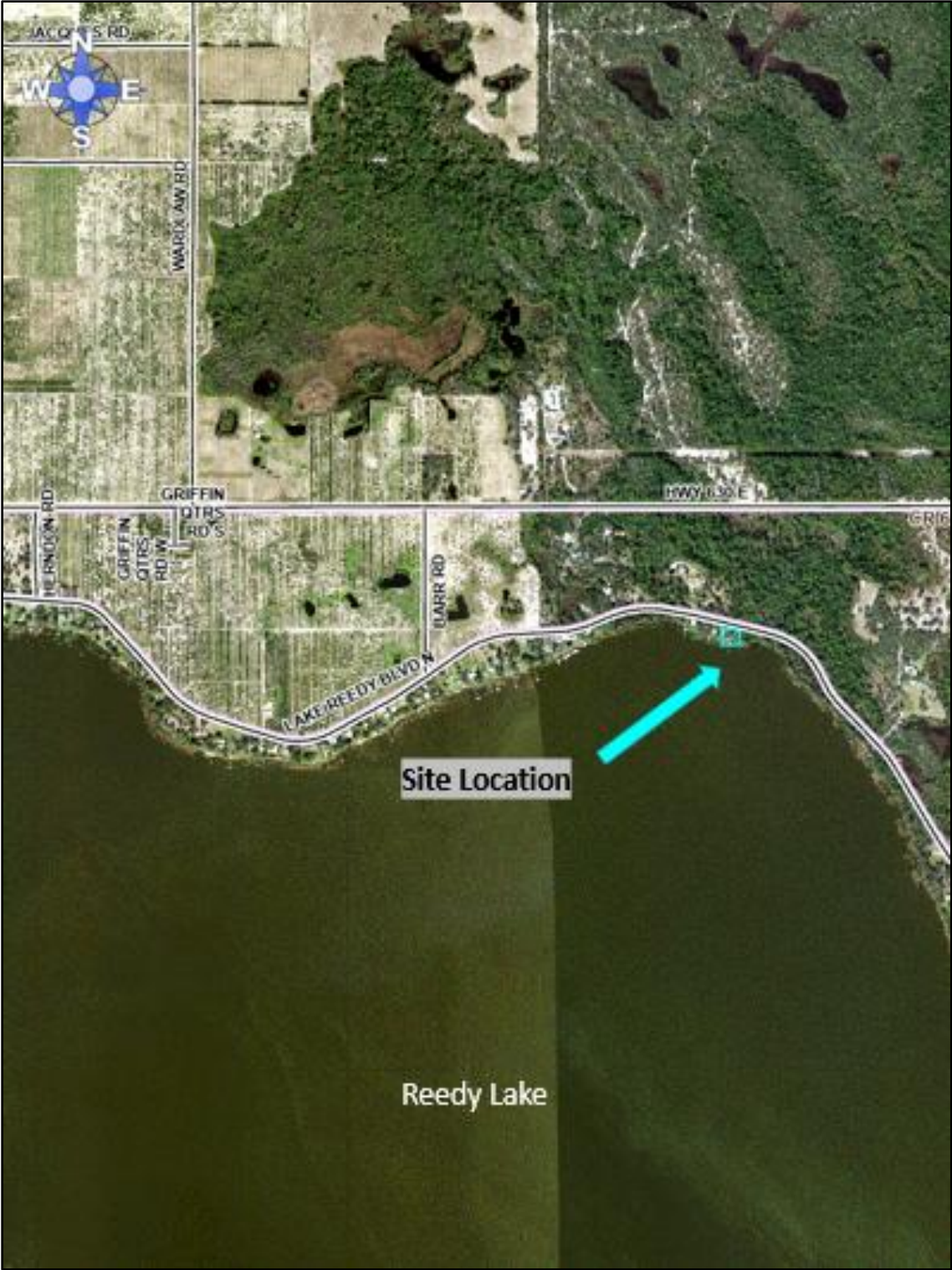
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Imagery (Context)
- Exhibit 4 Aerial Imagery (Close)
- Exhibit 5 Aerial Imagery (Flood Plain)
- Exhibit 6 Site Plan
- Exhibit 7 Justification



Location Map



Future Land Use Map



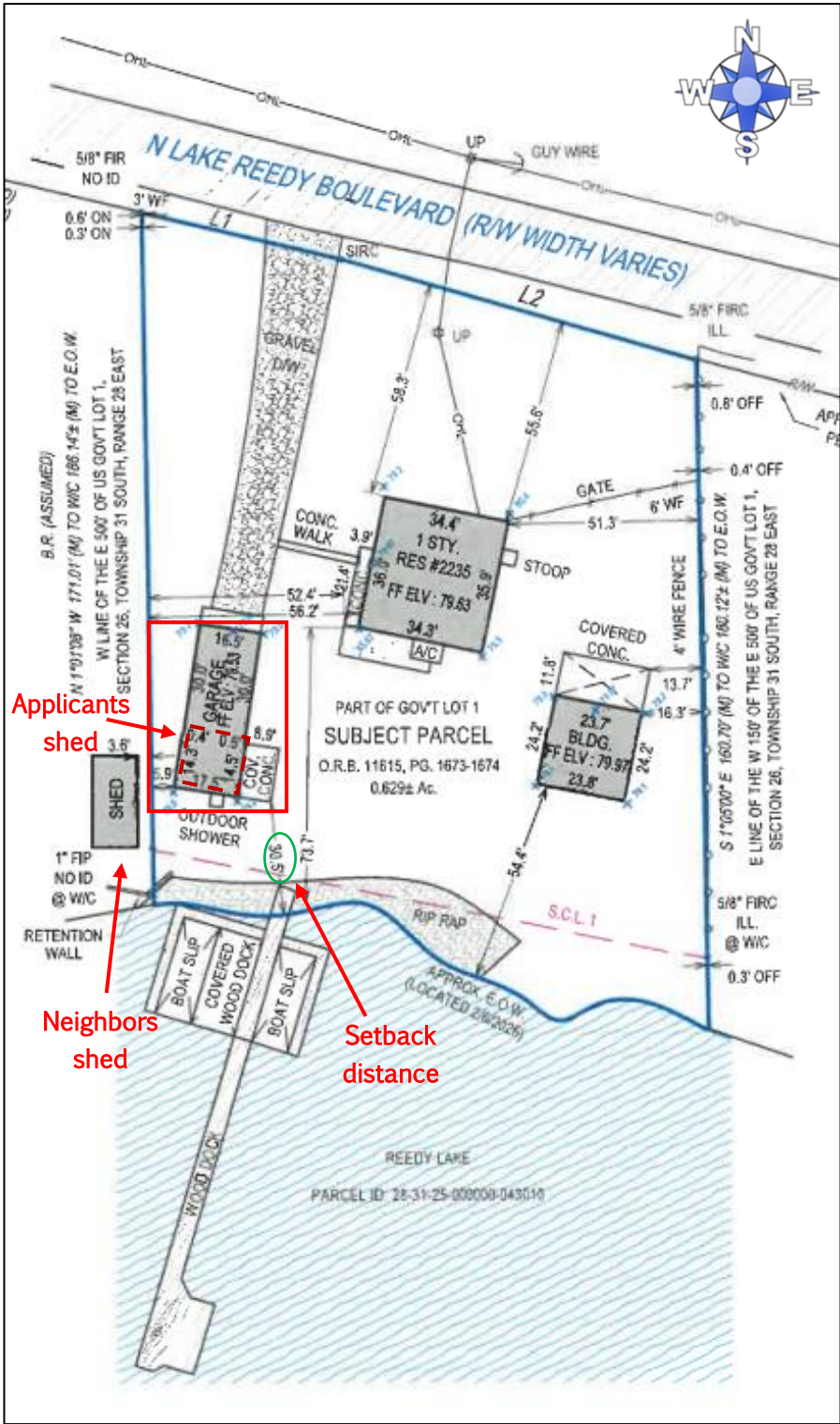
Aerial Imagery (Context)



Aerial Imagery (Close)



Aerial Imagery (Flood Plain)



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?

None

What is the hardship if the variance is not approved?

Tear down

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

Don't know

Do you have Homeowners Association approval for this request?

No hoa

Applicants Justification