

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

DRC Date: June 11, 2026	CASE #: LDLVAR-2026-35 (Archacki Accessory Variance)
LUHO Date: July 14, 2026	LDC Section: Section 209.G

Request: The applicant is requesting a 3,456 square footage accessory structure that is larger than the primary structure in an Agriculture/Residential Rural land use district on approximately +/- 1.11 acres.

Applicant: Kyle Archacki

Property Owner: Kyle Archacki

Location: The subject property is located at 4221 Sam Keen Road, north of Kissimmee Shores Road, south of Lake Kosta Drive, east of Tiger Lake Road, west of Sam Keen Road, East of Lake Wales in Section 08, Township 30, Range 30.

Parcel ID#: 303008-000000-011190

Size: ±1.11 acres

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

Development Area: Rural Development Area (RDA)

Case Planner: Kyle Rogus, Planner II

Summary:

The applicant is requesting a variance to allow an accessory structure larger than the primary structure. The accessory structure is a 48' by 72' (3,456 square feet) carport and the primary residence is 624 square feet. The primary residence is 20 feet high and the proposed accessory structure is 23 feet tall. The property is within an Agriculture/ Residential Rural (A/RR) land use district.

The subject property is +/- 1.11 acres, which is below the 5-acre minimum lot size, within the A/RR land use district. The purpose of the A/RR district is to provide lands for agricultural uses and to provide for very low density residential development. The larger lot size, lower density, and rural nature of the A/RR typically invites for larger residential dwellings. The subject site is 1.11 acres and has an existing residence that totals 624 square feet, both uncharacteristic of the A/RR and is more related to new developments with higher densities in more urban areas. The residence is unusually small for the size of the lot, only utilizing 1.29 percent of the property. While the accessory structure will be significantly larger in size than the primary, the structure will be open on all sides, which will be less intrusive to the surrounding area, and will be incidental in use.

Staff finds this request will cause no direct or indirect harm to the community and recommends approval. Staff recommends approval of LDLVAR-2026-35 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 location of the proposed structure will not block the view of traffic off Sam Keen Road. The accessory structure will be 50 feet from the right-of-way, meeting A/RR setbacks, in addition to 15 feet separation from edge of pavement. The nearest home is 85 feet on the neighboring property to the east. The existing residence is minimal to the size of the property, therefore the accessory structure will be 5.5 times larger than the principal structure square footage and will be located 15 feet from the neighboring property line to the east, meeting accessory structure interior side setbacks in the A/RR land use district. The structure will be less intrusive to the surrounding area as it will be open on all sides.

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-2026-35**

CONDITIONS OF APPROVAL:

1. The approval of this variance to section 209.G of the Land Development Code to allow an accessory structure (48' by 72' carport) 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. This structure shall not be used for an Accessory Dwelling Unit (ADU).

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;*

According to Polk County Property Appraiser, the home was built in 1973 at 624 square feet. The proposed accessory structure will be 48 by 72 feet, or 3,456 square feet. According to the applicant's site plan, the structure will meet all the setbacks for the A/RR land use district (see Exhibit 5). The accessory structure will be 15 feet from the east property line and 41 feet from the west property line.

The granting of this request will not be injurious to the area as the closed structure will not block the view of traffic. The accessory structure will be setback 50 feet from the right-of-way located in the front yard. Garages unlike other accessory structures are allowed in the front yard. The accessory structure will be approximately 65 feet from the edge of pavement at its nearest point and will be 15 feet from the neighboring property line to the east. The nearest home is 85 feet on the neighboring property to the east. There are no platted easements. The open structure will provide for an organized storage of vehicles and equipment while being less of an eyesore to the surrounding neighborhood.

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 located in the Agriculture/Residential Rural (A/RR) land use district and is approximately 1.11 acres. This lot is below the A/RR minimum lot size of 5 acres. The home was built in 1973, and the applicant purchased the property in 2022.

Per Chapter 2, Section 209.G, of the Polk County Land Development Code (LDC) accessory structures are customarily associated with, subordinate in size, and incidental in use to the principal structure located on the same site. The subject site is below the 5 acre

minimum lot size in the A/RR land use district and is slightly below the minimum 2-acre lot size allowance in Chapter 2, Section 209.G. If the subject site was 0.89 acres larger it would have met the 2 acre minimum lot size, therefore no variance would be required and the applicant would be allowed to construct an accessory structure up to 2,000 square feet. The variance request is for 3,456 square feet, 1,456 square feet larger. The variance for such a larger structure is result of the unusual size of the residence. Larger vehicles and equipment require additional room for storage and maneuverability within the structure.

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

The applicant purchased the property in August 2022, according to the Polk County Property Appraiser. The home was built in 1973 at 624 square feet. The proposed accessory garage structure will be 3,456 square feet, which is 5.5 times larger than the primary structure. The Property Appraiser's website does not identify the home was constructed with a garage and no additions have been added. According to Accela, there is one building permit record, BR-2026-2707, associated with the subject parcel. BR-2026-2707 is the active building permit for the proposed accessory structure requiring the variance approval.

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. Other parcels have accessory structures. Garages, unlike other accessory structures, are permitted in front yards. This property is approximately 1.11 acres. If the property was 2 acres, Section 209.G allows accessory structures administratively to be permitted up to 2,000 sq. ft. or 150% of the principal structure square footage, whichever is greater. If the subject site was 2 acres, the applicant would be allowed to construct an accessory structure 2,000 square feet by right, which is 1,456 square feet smaller than what is being currently proposed.

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

The requested variance is believed to be the minimal variance necessary to optimize the use of the owner's land. The applicant intends to use the accessory structure as a garage for vehicle parking. The accessory structure in question is 48' by 72' (3,456 square feet). There are other other accessory structures above 2,000 square feet in the area. The neighboring property under Parcel ID No. 303008-000000-011090 has an pole shed 60' by 40' (2,400 square feet) according to Polk County Property Appraiser. The pole shed was built in 2017, the same year the primary 1,296 square foot residence was constructed.

When evaluating accessory structures intended for the storage and protection of vehicles and equipment, maneuverability is an important design consideration. Larger accessory structures, such as pole barns, are commonly used to accommodate recreational vehicles, campers, boats, and smaller equipment. These vehicles require not only sufficient parking space but also adequate clearance for safe maneuvering, door clearance, loading and unloading, and the storage of related accessories and equipment. As a result, the requested structure size is intended to provide protection rather than excess building area.

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.*

The evidence found suggests the proposed request will not circumvent the intent of a condition placed on a development by the Planning Commission or the Board of County Commissioners. The property is not part of a Planned Unit Development (PUD) and was originally zoned RC. There are no easements in the front of the property. Per Chapter 2, Section 205, Table 2.2 of the Land Development Code, the A/RR land use district requires right-of-way setbacks of 35 feet off collector roadways; side yard setbacks of 15 feet; and rear yard setbacks of 20 feet.

Surrounding Future Land Use Designations and Existing Land Use Activity:

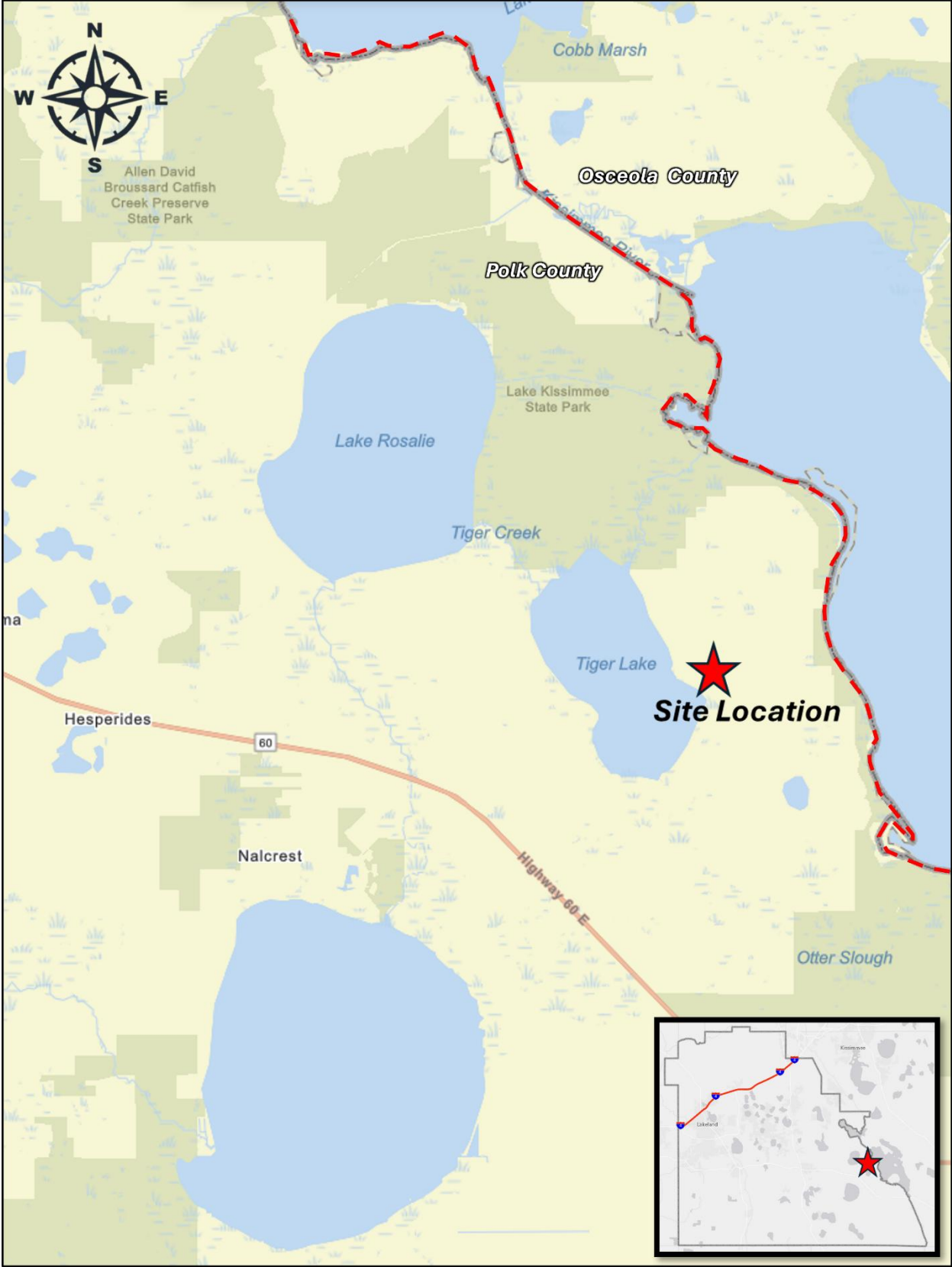
<p>Northwest: Agriculture/Residential Rural Mobile Home (840 sq.ft.) No accessory structures 1.07 acres</p>	<p>North: Agriculture/Residential Rural Mobile Home (1,104 sq.ft.) No accessory structures 1.09 acres</p>	<p>Northeast: Agriculture/Residential Rural Single-Family Residence (1,417 sq.ft.) 1,080 sq.ft. Pole Shed 1.07 acres</p>
<p>West: Agriculture/Residential Rural Mobile Home (1,056 sq.ft.) No accessory structures 1.07 acres</p>	<p>Subject Property: Agriculture/Residential Rural Mobile Home (624 sq.ft.) Proposed 3,456 sq.ft. accessory structure 1.11 acres</p>	<p>East: Agriculture/Residential Rural Mobile Home (672 sq.ft.) No accessory structures 1.07 acres</p>
<p>Southwest: Agriculture/Residential Rural Pasture w/ Mobile Home (1,296 sq.ft.) 1,040 sq.ft. Pole Shed 22.11 acres</p>	<p>South: Agriculture/Residential Rural Pasture w/ Mobile Home (1,296 sq.ft.) 1,040 sq.ft. Pole Shed 22.11 acres</p>	<p>Southeast: Agriculture/Residential Rural Pasture w/ Mobile Home (1,296 sq.ft.) 1,040 sq.ft. Pole Shed 22.11 acres</p>

Many of the surrounding properties are below the minimum 5-acre residential lot size in the A/RR land use district ranging in size from 1.07 acres to 22.11 acres. Recent aerial data viewers show multiple properties in the immediate surrounding area to have an accessory structure. The property directly to the south of the subject site has an existing accessory structure that measures 1,040 square feet. The property to the northeast has an existing accessory structure that measures

1,080 square feet. The Property Appraiser website cites the single-family dwelling on that property to be 1,417 square feet, making the accessory structure larger than the primary structure.

Exhibits:

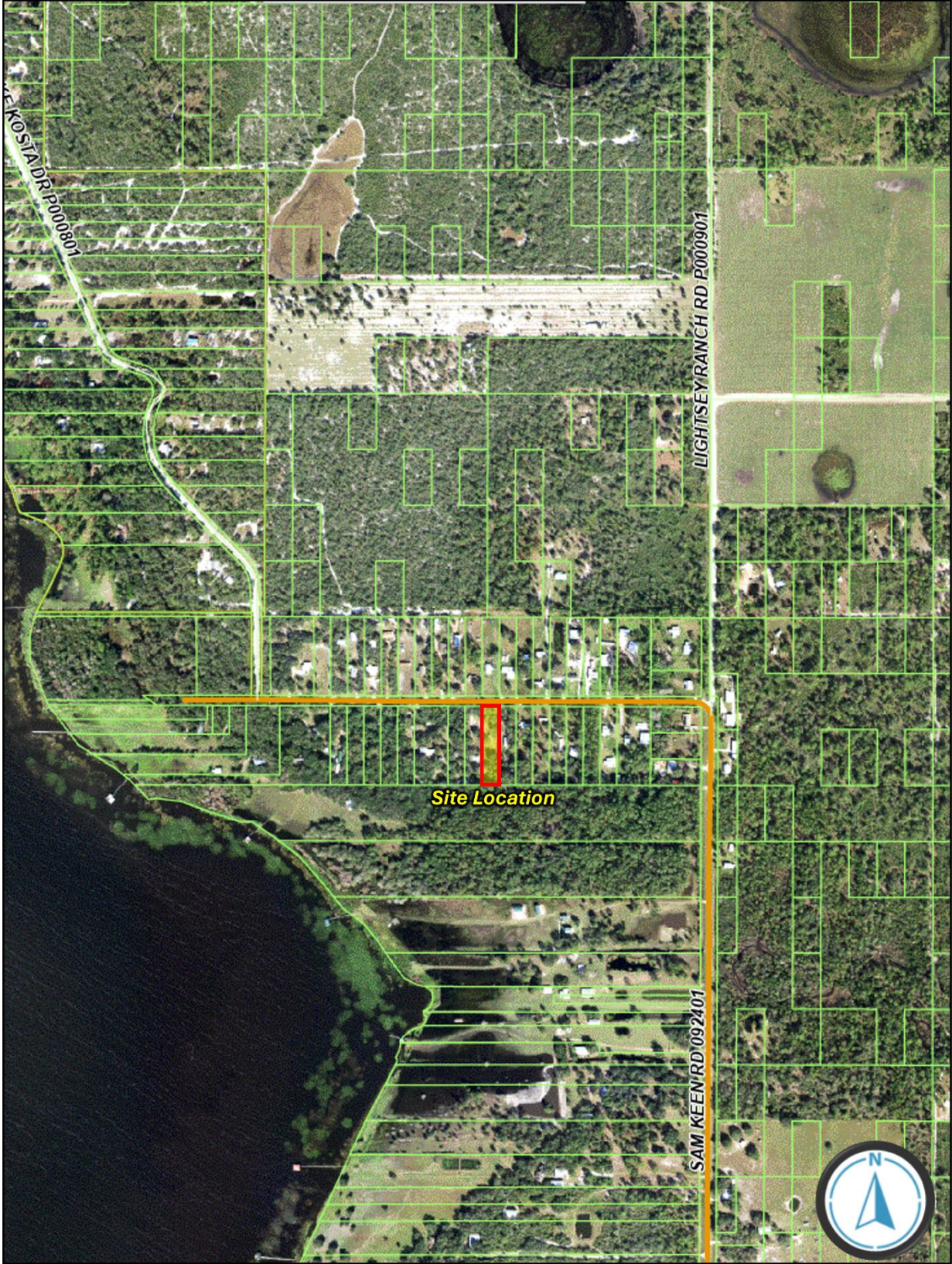
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Imagery (Context)
- Exhibit 4 Aerial Imagery (Close)
- Exhibit 5 Site Plan
- Exhibit 6 Justification



Location Map



Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)

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?
Initial planning of project the 2 acre minimum rule was non existent

When did you buy the property and when was the structure built? Permit Number?
property was bought in 2022, structure is not built, record number is BR-2026-2707

What is the hardship if the variance is not approved?
The structure is needed to keep vehicles and equipment out of the inclement weather

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

Do you have Homeowners Association approval for this request?
Not Applicable

Justification