



May 28, 2026 Land Use Hearing Officer meeting

MINUTES APPROVAL:

OLD BUSINESS:

1. LDLSE-2025-14 (Bass Lane SE) - Withdrawn
2. LDLVAR-2026-2 Public Storage Davenport (Continued)

NEW BUSINESS:

AGENDA ITEM:

3. LDLVAR-2026-14 Thompson Veterinary Center Variance
4. LDLVAR-2026-15 (Hegedus Solivita Phase 7D Variance)
5. LDLVAR-2026-17 (1946 Manatee Ct Variance)
6. LDLVAR-2025-20 (Samus Variance)
7. LDLVAR-2026-23 Shepherd Road Variance
8. LDLVAR-2025-27 (84 Lumber ISR Variance)

ADJOURNMENT:



Polk County
Polk County Land Use Hearing Officer

Agenda Item

5/28/2026

Subject

Draft Minutes for March 26,2026, LUHO Hearing Date

Description

Draft Minutes for March 26, 2026, LUHO Hearing Date

Recommendation

Approval of minutes

Fiscal Impact

Click or tap here to enter text

Contact information

Saralis Wons saraliswons@polkfl.gov <<mailto:saraliswons@polkfl.gov>> 863.534.6479



Polk County Polk County Land Use Hearing Officer

Meeting Minutes - Final

March 26, 2026 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 January 22, 2026, LUHO Hearing Date

NEW BUSINESS:

AGENDA ITEM:

1 LDLSE-2025-14 (West Bass Street SE) - Continue to May 28, 2026

Minutes: CASE FILE # LDLVAR-202-14 (West Bass Street SE)- Continue to May 28, 2026

2 LDLSE-2026-1 (Juan Sanchez SE)

Minutes: CASE FILE # LDLVAR-2026-1 - (Juan Sanchez SE)

Juan L. Sanchez & Traci Sanchez property owners are requesting a special exception for commercial vehicle parking in a Residential Suburban (RS) land use district. The property is located at 4100 Shady Hammock Drive, south and west of State Road 60, north of Nichols Road, east of Riverwood Drive, west of Mulberry in Section 04, Township 30, and Range 27.

Erik Peterson, Land Development; Presented the case and reported that 42 mailers were sent on 3/11/26, with no response, 1 board was posted on 3/10/26 and the legal ad was published in the Polk Sun News on 3/11/26.

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

Crystal Beaudoin, 4104 Shady Oak Drive, authorized person for Mr. and Mrs. Sanchez, 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.

3 LDLVAR-2025-78 (WH Vending Machine) - Continue to April 23, 2026

Minutes: CASE FILE # LDLVAR-2025-78 - (WH Vending Machine) - Continue to April 23, 2026

4 LDLVAR-2026-4 (Indian Creek ADU Variance)

Minutes: CASE FILE # LDLVAR-2026-4 - (Indian Creek Variance Variance)

Megan Ray, Applicant and Anthony Vincent Ginevra, Michelle Lynn Loyd, property owner, are requesting a variance to allow an accessory structure to be larger than 1,000 sq. ft in a Residential Low-1 (RL-1) land use district. The property is located at 6935 Indian Creek Park Dr, south of Indian Sky Cir, east of Indian Creek Park Blvd, south of the City of Lakeland in Section 20, Township 29, Range 24.

Erik Peterson, Land Development; presented the case and reported that 19 mailers were sent on 3/11/26, with no response, 2 board were posted on 3/3/26 and the legal ad was published on 3/11/26.

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

Magan Ray, Hulbert Homes 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.

5 LDLVAR-2026-13 (Rural Fire Service Connection)

Minutes: CASE FILE #LDLSE-2026-13 (Rural Fire Service Connection)

Polk County is requesting a variance for a right-of-way, side, and rear yard setback reduction from 50, 15, and 20 feet to zero (0) feet for a carport structure in an Agricultural/Residential Rural (A/RRX), Polk City Special Protection Area, Green Swamp Area of Critical State Concern, land use district. The property is located 17240 Commonwealth Avenue (State Road 33), northwest corner of State Road 33 and Bloomer Road, South of Hacienda Trail, north of Poyner Road, north of Polk City, in Section 17, Township 25, Range 25.at 6935 Indian Creek Park Dr, south of Indian Sky Cir, east of Indian Creek Park Blvd, south of the City of Lakeland in Section 20, Township 29, Range 24.

Erik Peterson, Land Development; presented the case and reported that 19 mailers were sent on 3/11/26, with no response, 1 board was posted on 3/3/26 and the legal ad was posted on 3/11/26.

Erik Peterson, Case Planner, showed a power point presentation, had recommendations of approval, and stood for questions.

Erik Peterson, was available to answer questions.

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: 1:56



Polk County
Polk County Land Use Hearing Officer

Agenda Item 1.

5/28/2026

SUBJECT

LDLSE-2025-14 (Bass Lane SE) - Withdrawn

DESCRIPTION

The applicant is requesting a special exception to park a commercial vehicle (no trailer) on residential property. The subject property is located at 312 Bass Lane, north of Bowfin Drive, east of Chinook Road, east of Haines City, in Section 34, Township 27, Range 28.

RECOMMENDATION

Denial

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Ian Nance
Land Development
ivannance@polkfl.gov
(863) 534-7621

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

DRC Date:	December 11, 2025	CASE #:	LDLSE-2025-14 (Bass Lane SE)
Hearing Date:	May 28, 2026	LDC Section:	216.D

Request: The applicant is requesting a special exception to park a commercial vehicle (no trailer) on residential property.

Applicant: Edouard Sylvain

Property Owner: Kairty Sylvain and Edouard Sylvain

Location: 312 Bass Lane, north of Bowfin Drive, east of Chinook Road, east of Haines City, in Section 34, Township 27, Range 28.

Parcel ID#: 282734-934510-089803

Size: ±0.37 acres

Land Use Designation: Development of Regional Impact (DRI)

Development Area: Utility Enclave Area (UEA)

Case Planner: Ian Nance

Summary:

The applicant is requesting a special exception to park a commercial vehicle on residential property within a neighborhood of the Poinciana DRI. The commercial vehicle is a Freightliner Cascadia semi-truck without a trailer.

Staff recommends denial based on the standards required by LDC Section 216:

- The applicant has not supplied a current registration.
- This request has the potential to have a negative impact upon the health, safety, and/or welfare of adjacent properties because of the size of the vehicle relative to the lot; the limited access in which the vehicle can reach the designated parking area; the potential for damaging the drainage assets; and the operation of the vehicle in a neighborhood setting with direct access only to a Local Residential roadway.
- The applicant has not demonstrated a hardship on the property.

Development Review Committee

The Development Review Committee, based on the criteria for granting Special Exceptions, finds that LDLSE-2025-14 **IS NOT 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 **DENIAL of LDLSE-2025-14.**

If the Land Use Hearing Officer approves this application, staff recommends the following conditions:

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-2025-14 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. The applicant shall meet all conditions of approval within six (6) months from the date the Land Use Hearing Officer's Final Order is rendered. All conditions of approval, unless otherwise specified, must be met prior to parking the commercial vehicle on the property. Noncompliance with any of the conditions of approval will render LDLSE-2025-14 null and void.
9. Approval of the Special Exception shall be valid for one year. An approval may be renewed by the Land Development Division with a proper application submitted by the applicant 30 days prior to the expiration date (to be determined by the Land Use Hearing Officer) and evidence is provided to demonstrate that the conditions of approval have been met.

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, this commercial vehicle is a Freightliner Cascadia. Information provided by the applicant states it is 13.5 feet high and weighs approximately 18,000 pounds. The length of the vehicle was not provided, but a Google search shows that the cab is approximately 28.33 feet long and 8.5 feet wide. This is the only proposed vehicle onsite and does not include a trailer.

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

The applicant has not 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 has the potential to have a negative impact upon the health, safety, and/or welfare of adjacent properties for the following reasons:

1. Size of the Vehicle – Not all commercial vehicles are the same. According to LDC Section 216, the minimum standards to be defined as a commercial vehicle are, 1.) More than two tons load capacity; 2.) More than nine feet in height, including the load, bed, or box; and/or 3.) More than 26 feet in length.

In effect, any vehicle over 9 feet in height is classified as a commercial vehicle. Box trucks, are one such example that are relatively benign in a residential setting, with a shorter wheelbase than a semi-truck and are easily screened. Smaller units use gasoline, while larger ones utilize louder diesel engines.

The subject vehicle surpasses all the above standards. While the parking area shown on the site plan has the potential to meet requisite setbacks, this is a large, diesel-engined commercial vehicle for that space. Though the property next door is currently vacant, a Type “B” landscaping buffer or 6-foot opaque fence will be required around the entirety of the parking area if this application is approved to screen the vehicle from offsite.

To note, too, if the lot to the east of the parking area is developed, it will have minimum side setbacks of 7.5 feet, potentially placing a future home within 28 feet of the parking area, or a distance nearly equivalent to the length of the commercial vehicle in question. Furthermore, the property tapers towards the road (Exhibits 4 & 6). To reach the parking area shown on the site plan, the truck will pass within the required 20-foot buffer area from

the eastern property line, which is only 19.32 feet at its nearest point from the subject home.

In summary, the vehicle is too large for the property (+/-0.37 acres) and parking area, and the layout of the home is ill-suited to accommodate this request. Recent cases to allow similar size vehicles that were approved by LUHO (LDLSE-2025-7; LDLSE-2025-9; and LDLSE-2024-8) were on properties exceeding an acre.

2. Access to Parking Area – According to LDC Section 216, commercial vehicles shall not be parked in the front yard of the principal residence. The site plan shows a parking area to the east of the home. The home is set back 26 feet from the right-of-way, and the 16-foot-wide driveway is at a 90-degree angle relative to the road. To park this vehicle within the proposed parking area will require either entering/exiting the driveway from Bass Lane and driving across the eastern front yard to make a 90-degree turn into the parking area or driving in directly from Bass Lane at an angle, again driving through the front yard. This will destroy the front yard and require the removal of small trees.

If this is approved, a commercial vehicle driveway will be required per the conditions of approval; however, LDC Section 705.G limits lots to one, two-way driveway or a pair of one-way driveways. Another driveway to access the parking area will not be permitted.

3. Drainage – The movement described above risks drainage assets onsite. If the vehicle were to access the parking area directly from Bass Lane this would bring the truck through a drainage swale along the front of the property. Either option will lead it through a platted 7.5-foot drainage and utility easement along the eastern property line.

4. Location within Neighborhood - Staff reviews the impacts of commercial vehicle travel on the local roadway system. In this case, the vehicle access Bass Lane, a Local Residential roadway. No sidewalks are located along Bass Lane, but they are not required by LDC regulations along Local Residential roadways. St. Cloud Road is an Urban Collector (UC) roadway approximately 0.15 miles from the site. This leads to Lake Marion Creek Road (UC), the major thoroughfare in the area (+/- 1.04 miles from the subject site.) This entire path is through residential neighborhoods.

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 has not demonstrated a hardship on the property. It is intended for residential use. The Association of Poinciana Villages has a dedicated outside storage facility for boats, campers, tractor trailers, and commercial vehicles, located at 2190 Marigold Avenue, approximately seven miles from the subject site. This facility is provided to help residents stay within the deed of restrictions, which prohibits any of the above-mentioned vehicles to be parked at a residence.

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 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 have a Special Exception approval.

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 side yard with at least 20 feet of separation from the property lines. However, the path of the vehicle to reach this area will encroach within this setback.

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.

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 along the eastern and southern boundaries of the parking area.

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: DRI SFR Lot 3 Blk 899 +/- 0.40 Acres	North: DRI Vacant Lot 4 Blk 899 +/- 0.51 Acres	Northeast: DRI Vacant Lot 1 Blk 898 +/- 0.54 Acres
West: DRI SFR Lot 4 Blk 898 +/- 0.39 Acres	Subject Property: DRI SFR Lot 3 Blk 898 +/- 0.37 Acres	East: DRI Vacant Lot 2 Blk 898 +/- 0.53 Acres
Southwest: DRI SFR Lot 10 Blk 898 +/- 0.42 Acres	South: DRI Vacant Lot 11 Blk 898 +/- 0.43 Acres	Southeast: DRI Vacant Lot 12 Blk 898 +/- 0.63 Acres

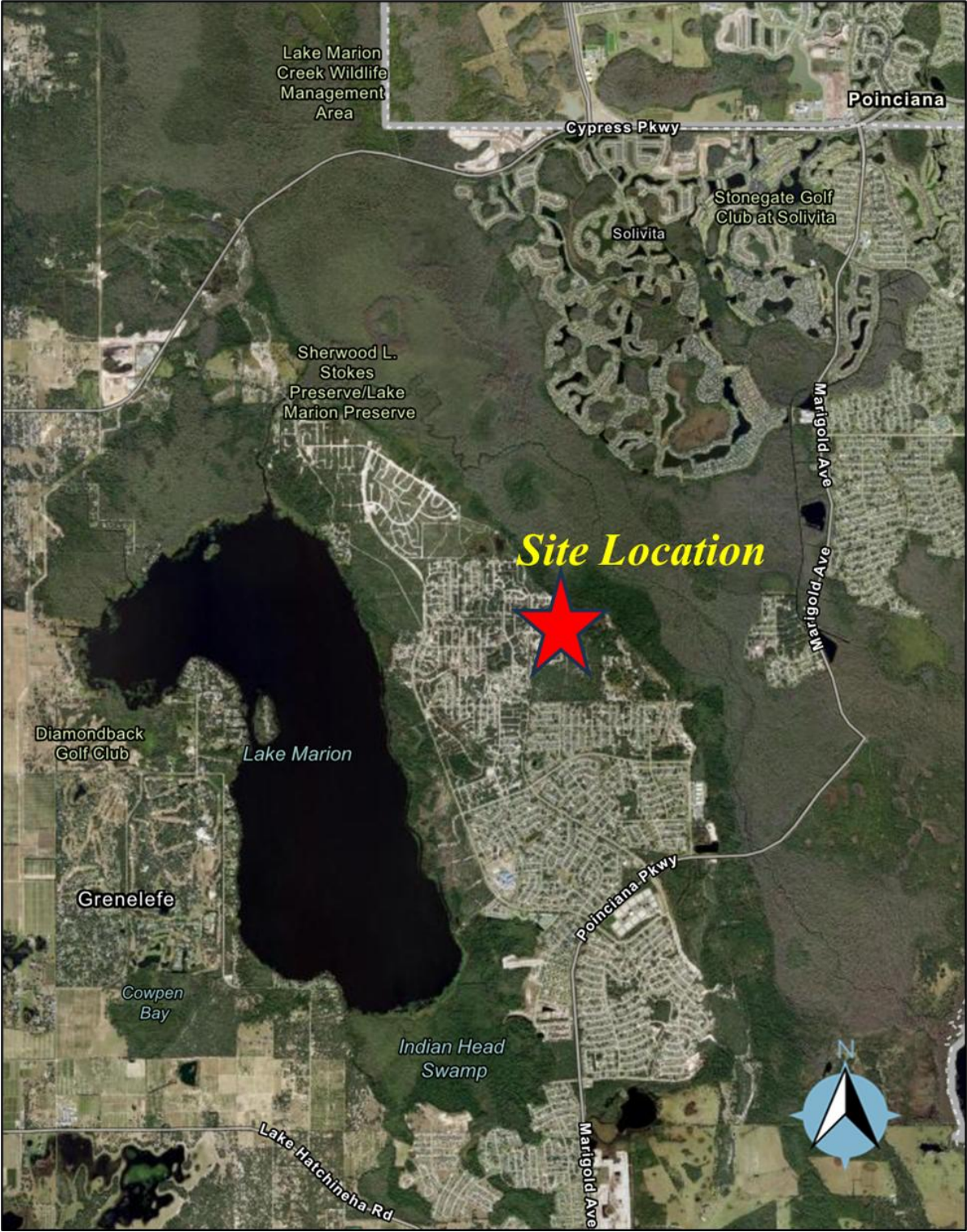
This site is described as Lot 3, Block 898 in the Poinciana Neighborhood 2 East, Village 7 subdivision (PB 53 PGS 1-3). This is in an area of Poinciana restricted to single-family homes (SFRs), as shown in the table above. Staff has not found other SE approvals within this subdivision. The Association of Poinciana Villages has an outside storage facility for boats, campers, tractor trailers, and commercial vehicles, located at 2190 Marigold Avenue, approximately seven miles from the subject site. This facility is provided to help residents stay within the deed of restrictions, which prohibits any of the above-mentioned vehicles from being parked at a residence.

The owner has owned the property since December 2024. The home was also built in 2024 and is approximately 2,474 sq. ft. under roof, according to the Property Appraiser (BR-2023-12699).

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 Applicant's Site Plan
- Exhibit 6 BR-2023-12699 Site Plan
- Exhibit 7 Commercial Vehicle
- Exhibit 8 Landscaping Buffer
- Exhibit 9 Commercial Driveway



Site Location



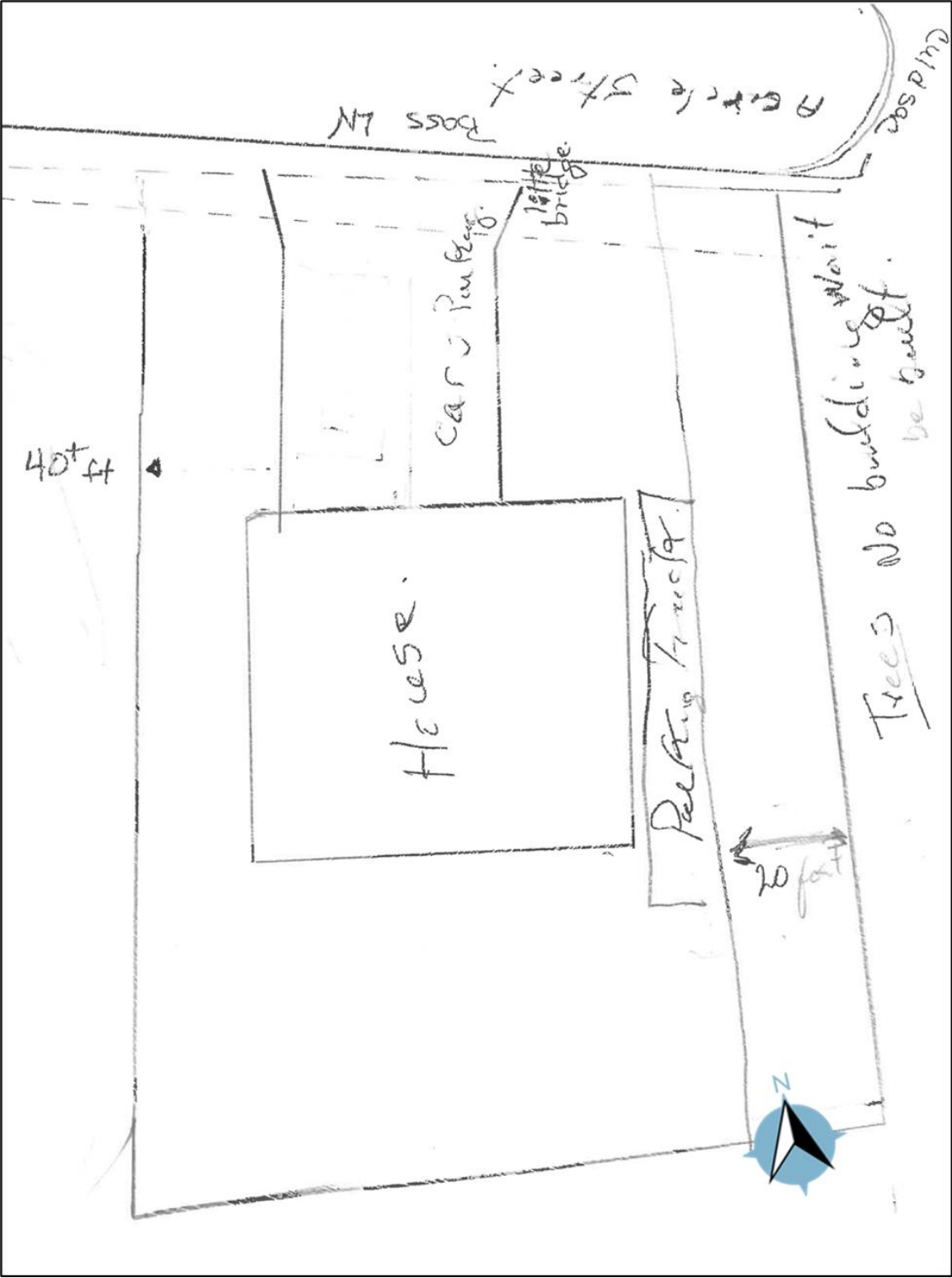
Future Land Use Map



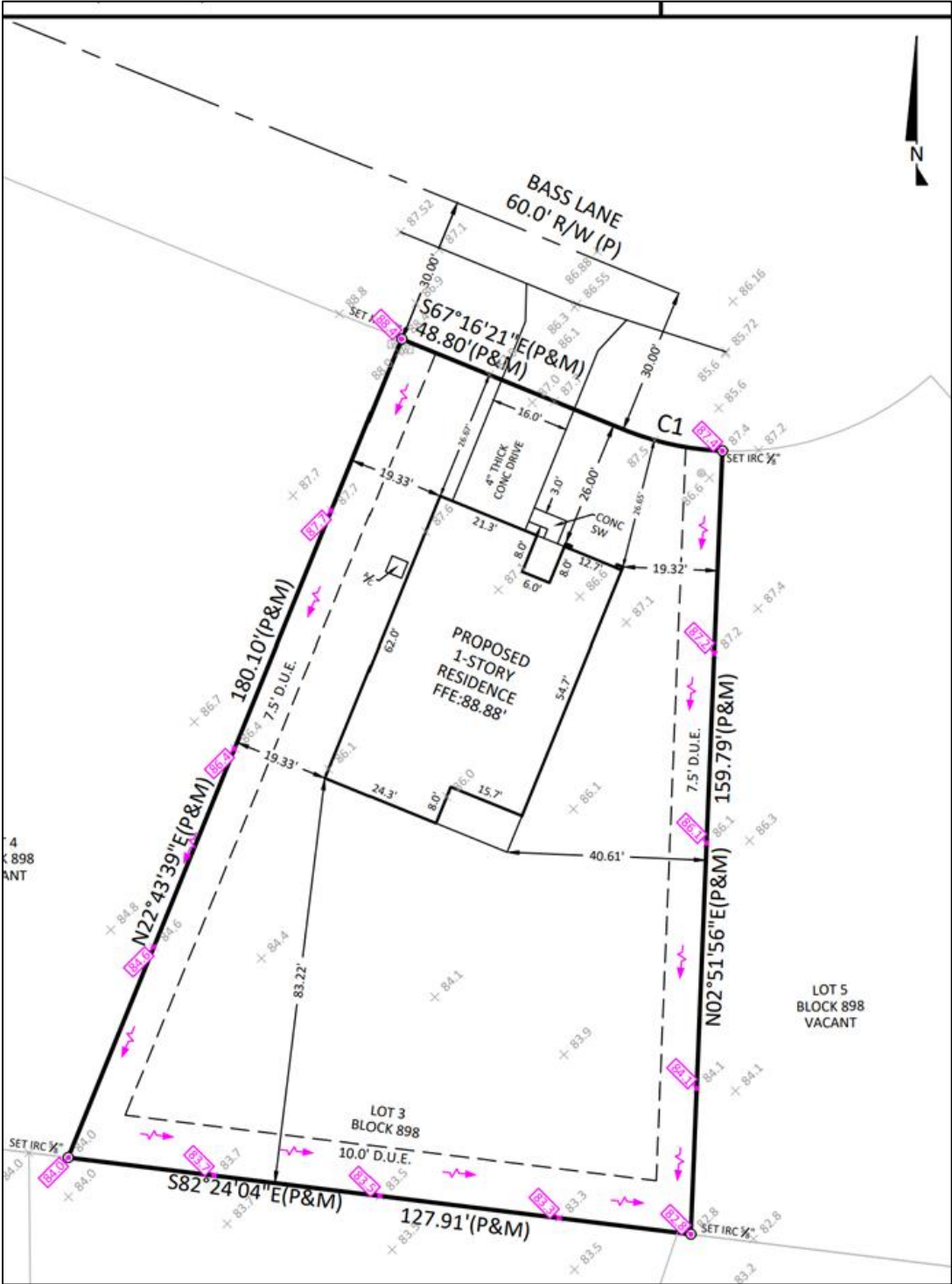
Aerial Image – Context



Aerial Image – Close



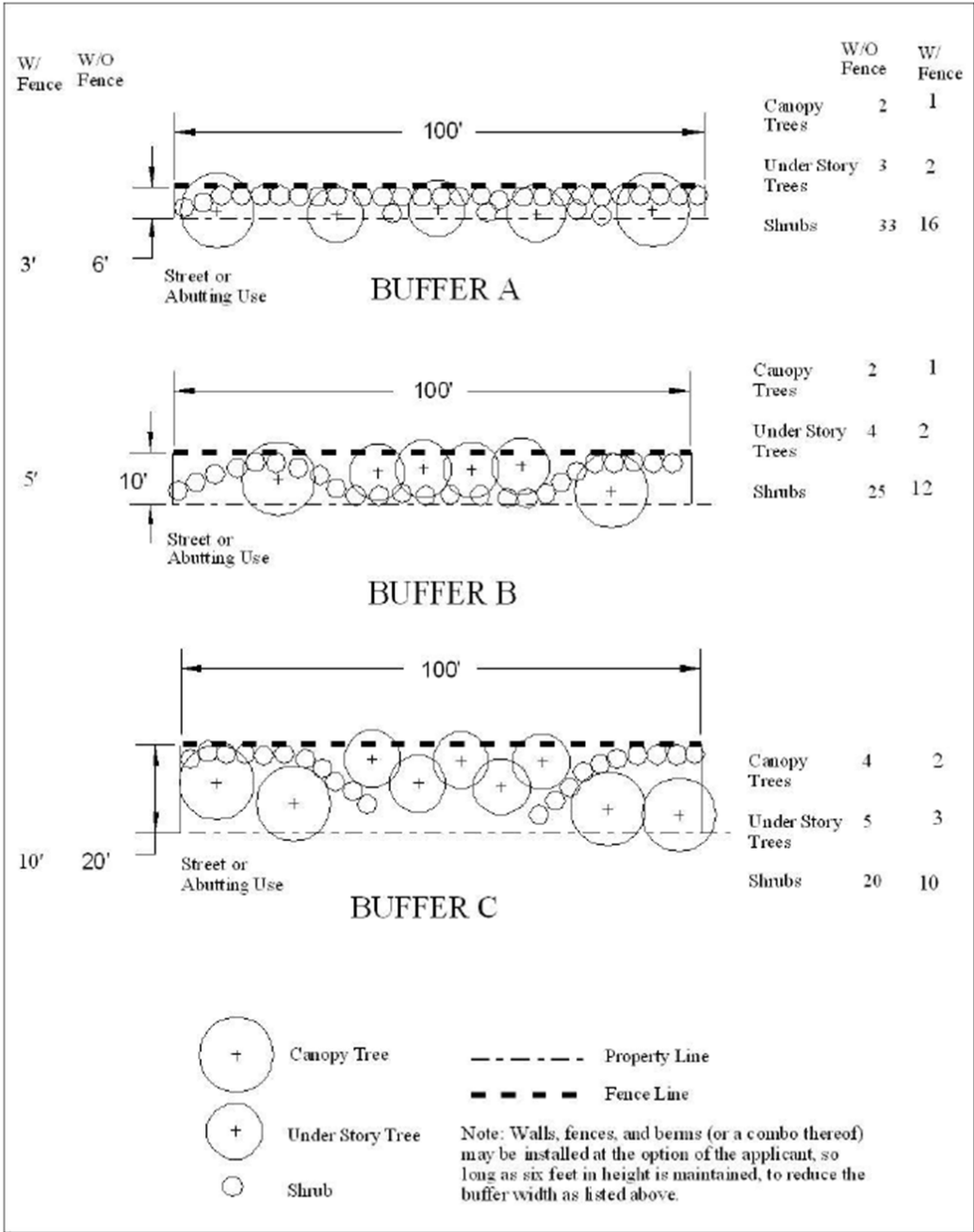
Site Plan



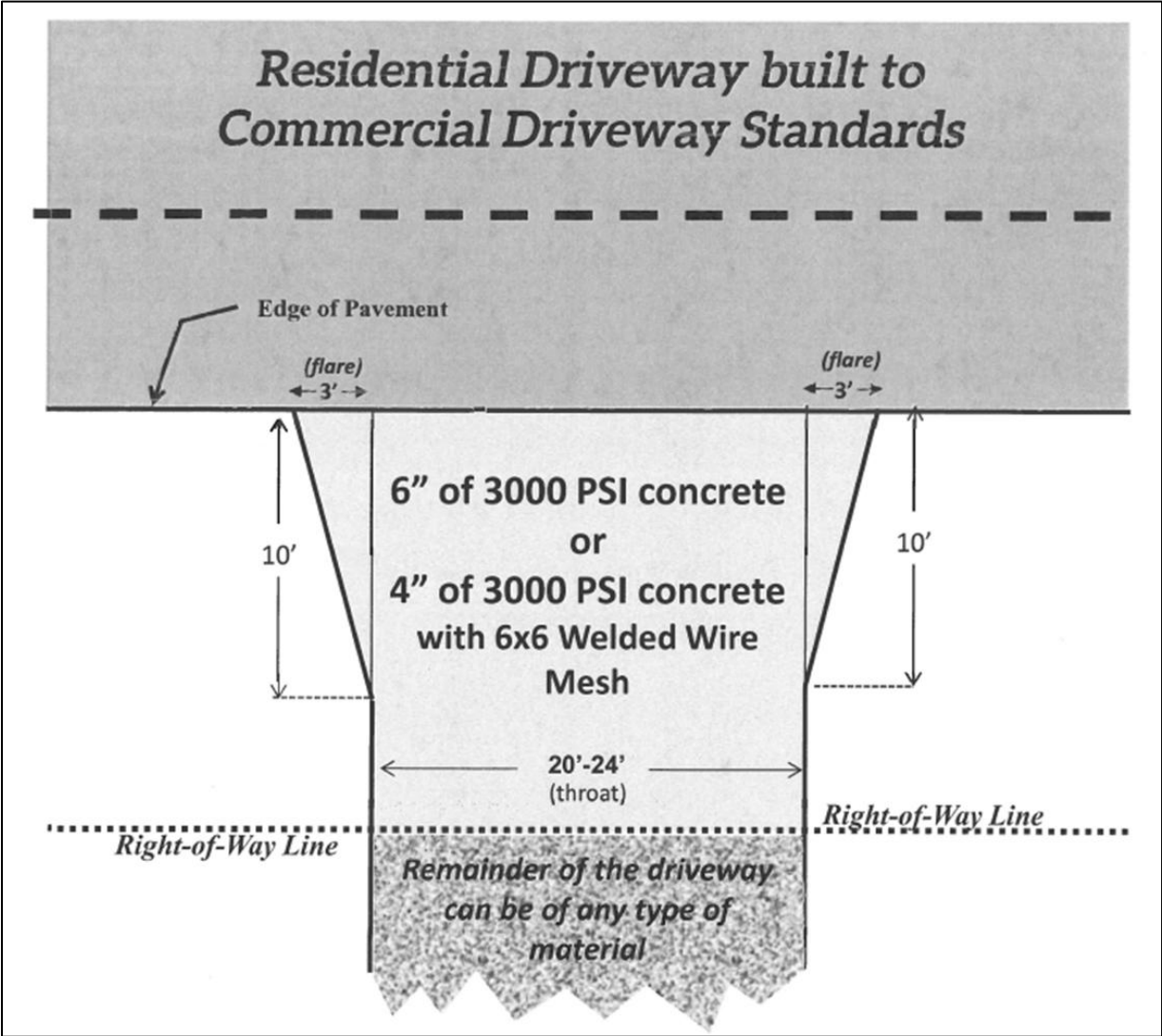
BR-2023-12699 Site Plan



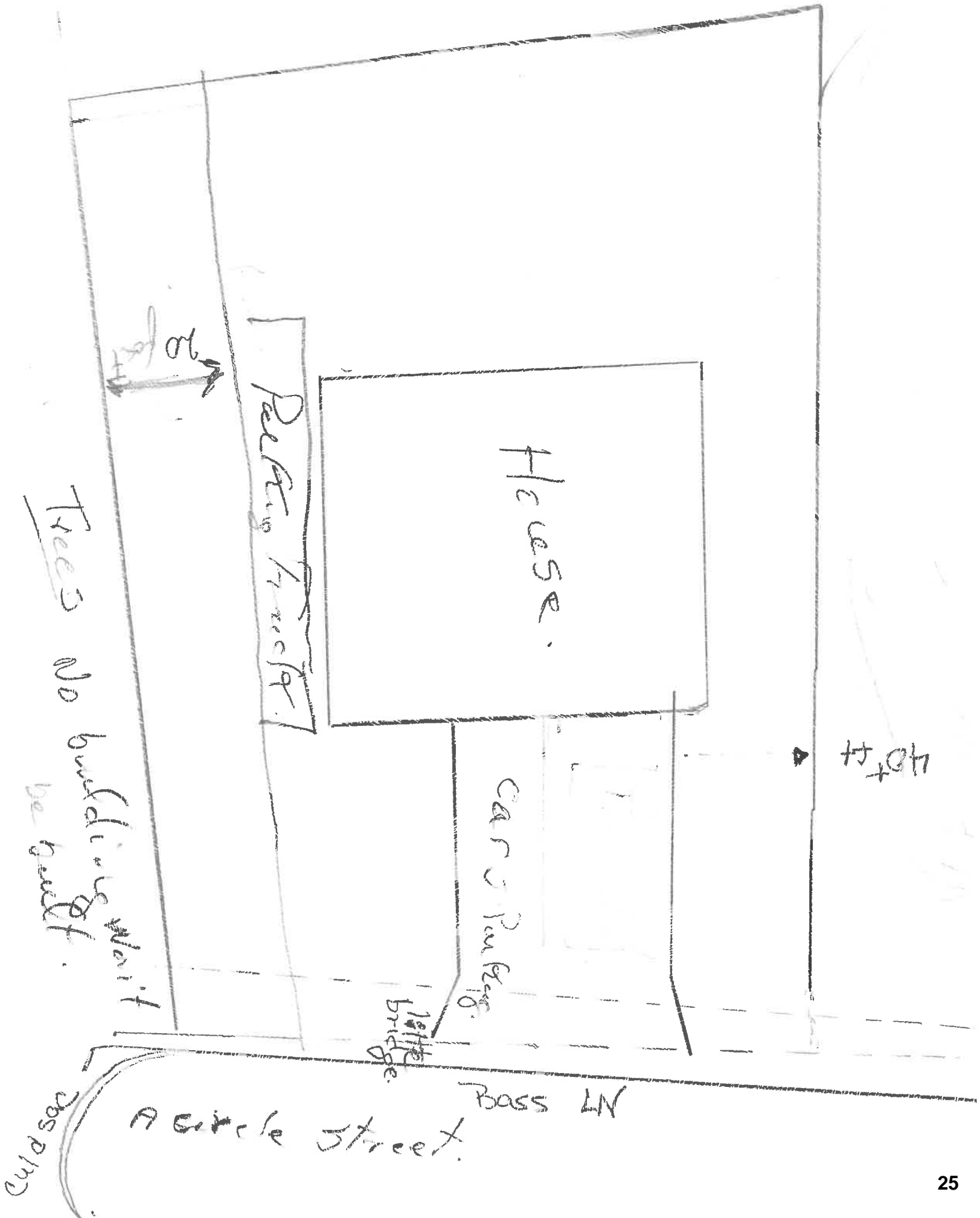
Commercial Vehicle



Landscaping Buffers



Commercial Driveway





131 W. BROADWAY ST
STE 1001
OVIDO, FL 32765
OFFICE: (407) 542-4977
INFO@HNHSURVEY.COM
LB: 8291

LEGAL DESCRIPTION

LOT 03, BLOCK 898, POINCIANA NEIGHBORHOOD 2 EAST VILLAGE 7, MB 53, PAGES 1-3, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

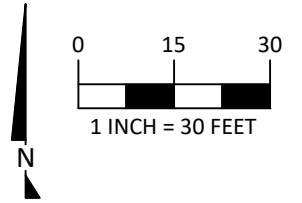
SITE ADDRESS

312 BASS LANE, POINCIANA, FLORIDA 34759

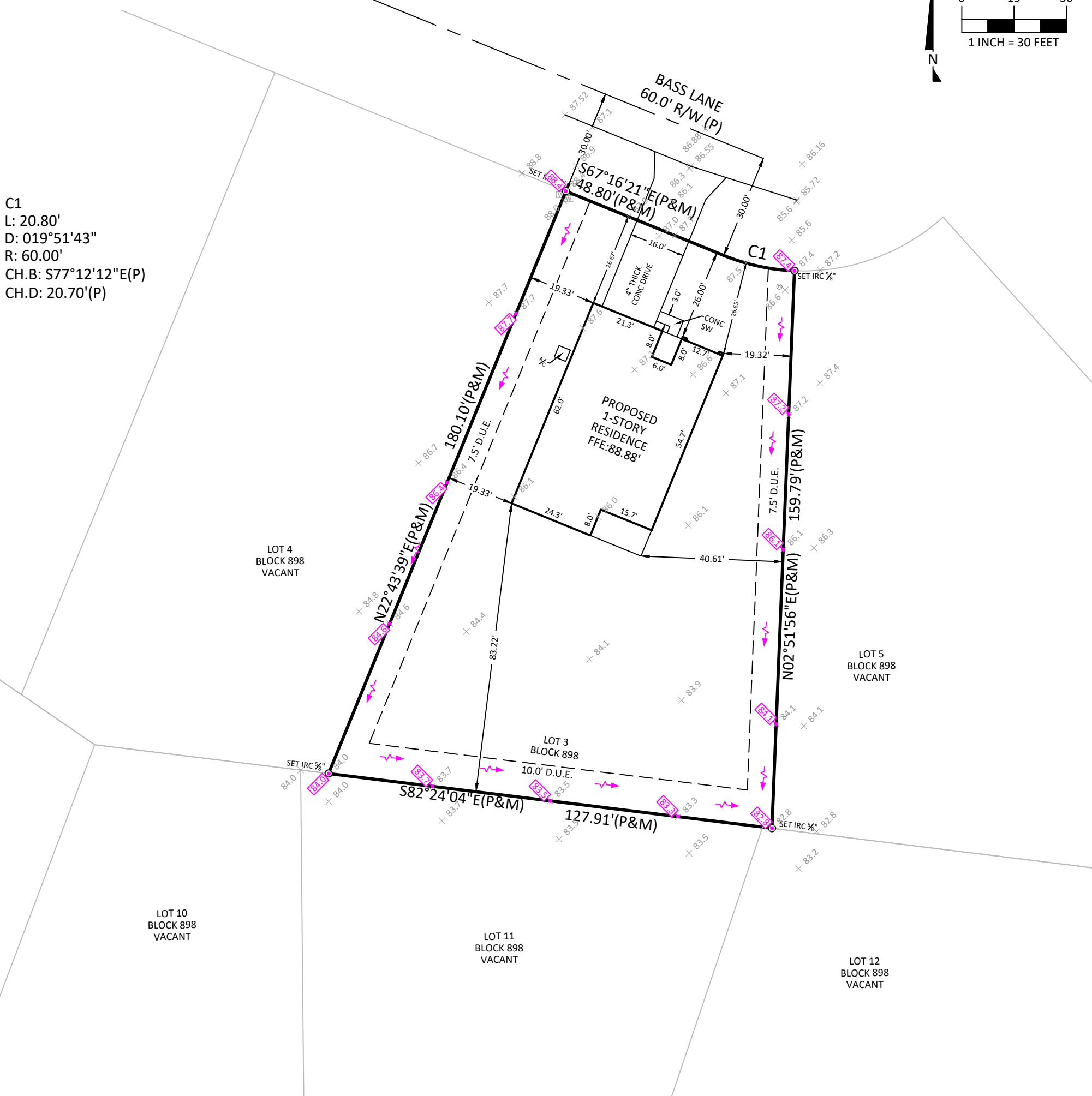
JOB NUMBER

23-12-051-SP

SITE PLAN



C1
L: 20.80'
D: 019°51'43"
R: 60.00'
CH.B: S77°12'12"E(P)
CH.D: 20.70'(P)



VERTICAL DATUM

NORTH AMERICAN VERTICAL DATUM OF 1988 BASED ON THE FLORIDA PERMANENT REFERENCE NETWORK (FPRN) CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS): BRTW, FLWE, & ZEFR.

HORIZONTAL DATUM

NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT, ZONE 0902, FLORIDA WEST. THE BASIS OF BEARING FOR THIS SURVEY IS THE CENTERLINE OF BASS LANE, BEING S67°16'21"E, PER PLAT.

LEGEND & SYMBOLS

PSM = PROFESSIONAL SURVEYOR & MAPPER		= BENCHMARK
LB = LICENSED BUSINESS		= DRAINAGE ARROW
LS = LICENSED SURVEYOR		= ROAD GRADE
FND = FOUND		= GROUND GRADE
SET = SET "LB 8291"		= PROPOSED GRADE
IR[C] = IRON ROD [& CAP]		= SANITARY MANHOLE
NL[D] = NAIL [& DISK]		= WELL
CM = CONCRETE MONUMENT		= WATER METER
TYP = TYPICAL		= ELECTRIC METER
FFE = FINISHED FLOOR ELEVATION		= CLEANOUT
BFE = BASE FLOOD ELEVATION		= ELECTRICAL RISER
BSL = BUILDING SETBACK LINE		= TELEPHONE RISER
BM = BENCHMARK		= CABLE RISER
PP = POWER POLE		= POWER POLE
CONC = CONCRETE		= VALVE
SW = SIDEWALK		= IR[C] FOUND
EP = EDGE OF PAVEMENT		= 5/8" IRC SET
CMP = CORRUGATED METAL PIPE		= NL[D] FOUND
INV = INVERT		= NLD SET
R/W = RIGHT-OF-WAY		= CM FOUND
A/C = AIR CONDITIONER		= CM SET
D.E. = DRAINAGE EASEMENT		
U.E. = UTILITY EASEMENT		
WBF = WOOD BOARD FENCE		
CLF = CHAIN LINKED FENCE		
WVF = WHITE VINYL FENCE		
HWF = HOG WIRE FENCE		
BWF = BARBED WIRE FENCE		
(P) = PLAT (M) = MEASURED (C) = CALCULATED		
CULVERT		EXISTING
UTILITIES		PROPOSED
SEPTIC / SEWER		PROPOSED

FIELD DATE: 12/14/2023

FIELD CREW:

LOT SIZE: 16,315 SQ. FT.

CLIENT NAME:
LGI HOMES - POINCIANA

CLIENT FILE NUMBER:

SIGN DATE: 12/15/23

DRAFTER: C.M.

MODEL: ESTERO-RH

CERTIFICATIONS:
LGI HOMES

FEMA FIRM INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN POLK COUNTY UNINCORPORATED AREAS, COMMUNITY NUMBER 120261, DATED 12/22/2016.

SURVEYOR'S NOTES

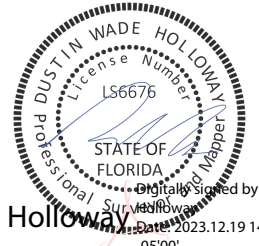
ADDITIONS, MODIFICATIONS, OR DELETIONS TO THIS SURVEY ARE PROHIBITED WITHOUT WRITTEN CONSENT BY THE SIGNING SURVEYOR.

PROPERTY LINES SHOULD NOT BE RE-ESTABLISHED BY NOTED FENCES OR BUILDING TIES.

NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS WERE LOCATED, INCLUDING BUT NOT LIMITED TO BURIED UTILITIES, FOUNDATIONS, AND FOOTERS.

NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP OR ENCUMBRANCES WERE PROVIDED, EXCEPT AS NOTED, NOR DID THE SURVEYOR ABSTRACT THESE LANDS.

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS REQUIRED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES. THIS SURVEY IS NOT VALID WITHOUT EITHER THE SIGNED AND ORIGINAL RAISED SEAL OF THE SURVEYOR, OR DIGITAL SIGNATURE IF VIEWING A PDF COPY OF THE SURVEY. THE DIGITAL COPY OF THE SIGNATURE IS NOT VALID WHEN PRINTED.



Dustin Holloway
H&H SURVEY CONSULTANTS
AN EXACTA COMPANY

LS 6676
LB 8291

STITTS
TRANSPORTATION INC
USDOT 2575336
MC 900701

FIRE EXTINGUISHER INSIDE

USDOT 3655676
MC 1261796

VIN# HSHW0714





Vehicle Information
VIN: 1F3C30P021A000000
Gross Vehicle Weight: 10,000 lbs
Gross Axle Weight: 4,500 lbs
Gross Trailer Weight: 5,500 lbs
Date of Manufacture: 01/2011
Model: F350
Type: Box Truck
Usage: Commercial
Inspection Station: [illegible]
Inspection Date: [illegible]



ELD
equipped vehicle



FIRE EXTINGUISHER INSIDE

LOGISTICS SOLUTIONS YOU CAN RELY ON



4670

STITTS
TRANSPORTATION INC
USDOT 2575336
MC 900701





670

FREIGHTLINER



STITTS
TRANSPORTATION INC
USDOT 2575336
MC 900701
VIN# HSHW0714

467
ELD DEVICE
ON BOARD



FLA

467

ELD DEVICE
ON BOARD

FREIGHTLINER

FLORIDA

LDLSE-2025-14 - Sylvain SE

Menu Reports Help

Application Name: [Sylvain SE](#)

File Date: [11/10/2025](#)

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

Application Status: [Revisions Required](#)

Application Comments:	View ID	Comment	Date
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Description of Work: [Special exception for truck parking,\(no trailer\)](#)

Application Detail: [Detail](#)

Address: [312 BASS LN, POINCIANA, FL 34759](#)

Parcel No: [282734934510089803](#)

Owner Name: [SYLVAIN KAIRTY WAKINA](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Edouard Sylvain	Sylvie Transporter	Engineer	Mailing_312 Bass LN F...	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_BOA_SE**

GENERAL INFORMATION

Acreage

[0.37](#)

DRC Meeting

[12/13/2025](#)

Rescheduled DRC Meeting

-

Green Swamp

[No](#)

Case File Number

-

DRC Meeting Time

-

Rescheduled DRC Meeting Time

-

FS 119 Status

[Non-Exempt](#)

SPECIAL EXCEPTION

Make of vehicle

[Freightliner](#)

Weight of vehicle

[18000](#)

Height & length of vehicle

[13.5](#)

Height, length & weight of any additional trailer or equipment

[0](#)

Model & Year of vehicle

[Cascadia](#)

Gross axle weight of vehicle

[0](#)

PUBLIC HEARING

Development Type

[Land Use Hearing](#)

[Officer](#)

Variance Type

-

Affordable Housing

Application Type

[Special Exception](#)

Brownfields Request

-

ADVERTISING

Legal Advertising Date

-

Advertising Board

[Land Use Hearing](#)

[Officer](#)

MEETING DATES

LUHO Hearing Date

[01/22/2026](#)

HEARING

Hearing Results

-

LD_BOA_SE_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID
[POLKCO-25EST-00000-67200](#)
 RequiredDocumentTypesComplete
[No](#)

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](#)

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

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal Roads and Drainage Review	Saralis Wons	Application ...	11/17/2025	Saralis Wons
	Planning Review Review Consolidation Public Notice Hearing Officer Final Order Archive	Ivan Nance	Approve Resubmittal ...	01/30/2026 12/11/2025	Ivan Nance Saralis Wons

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
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Polk County
Polk County Land Use Hearing Officer

Agenda Item 2.

5/28/2026

SUBJECT

LDLVAR-2026-2 Public Storage Davenport (Continued)

DESCRIPTION

Continued

RECOMMENDATION

Click or tap here to enter text.

FISCAL IMPACT

Click or tap here to enter text.

CONTACT INFORMATION

Click or tap here to enter text.

LDLVAR-2026-2 continued to June



Polk County
Polk County Land Use Hearing Officer

Agenda Item 3.

5/28/2026

SUBJECT

LDLVAR-2026-14 Thompson Veterinary Center Variance

DESCRIPTION

The applicant is requesting a variance to reduce the right of way setback from sixty-five (65) feet to nineteen (19) feet for a new addition to a veterinary clinic. The subject site is located at 3631 E Hwy 60, east of Capps Rd, west of Worth Rd, east of the city of Lake Wales in Section 04, Township 30, Range 28.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Aleya Inglima

Land Development Division

(863) 534-6764

aleyainglima@polkfl.gov

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

DRC Date: April 9, 2026	CASE #: LDLVAR-2026-14 (Thompson Veterinary Center Variance)
LUHO Date: May 28, 2026	LDC Section: Section 208, Table 2.2

Request: The applicant is requesting a variance to reduce the right of way setback from sixty-five (65) feet to nineteen (19) feet for a new addition to a veterinary clinic.

Applicant: Carol Thompson

Property Owner: Carol Thompson, Richard Brian Thompson

Location: 3631 E Hwy 60, east of Capps Rd, west of Worth Rd, east of the city of Lake Wales in Section 04, Township 30, Range 28.

Parcel ID#: 283004-000000-044060

Size: ±2.2 acres

Land Use Designation: Residential Suburban (RS), Commercial Enclave (CE)

Development Area: Suburban Development Area (SDA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is requesting a variance to reduce the right of way setback from sixty-five (65) feet to nineteen (19) feet for a new addition to a veterinary clinic. The property was established prior to the Land Development Code and Comprehensive Plan. The property appraiser shows the veterinary clinic and single-family residence have been there since the 1950s, making it a grandfathered use. While the property is grandfathered, any new structures would have to meet the 50-foot compatibility buffer against the residential land use district to the west and the setbacks from State Road 60 creating a hardship on the property. The use on the RS to the west is a non-residential lodge and retreat use. The Thompsons have owned the property since 2001 and the reason for the variance is to add a new waiting room for the veterinary office. They mention that the current waiting room is not large, as they have seen an increase in clients. There is no room to expand the waiting room within the current footprint without losing exam rooms. To accommodate the clients, they would like to create a new waiting room, so clients do not have to sit outside in the Florida weather waiting for their appointment. The property is split with Residential Suburban and Commercial Enclave (CE) with the new structure in CE. The right of way setbacks established in CE land use districts are set at sixty-five for state roads. The position of the structure and the 50-foot compatibility buffer significantly limit the amount of buildable space without some relief from the setbacks.

Staff finds this request will cause no harm to the community or neighbor. The subject parcel is surrounded by commercial uses, some closer to State Road 60. The new waiting room will be located in the front of the veterinary clinic.

Staff recommends approval of LDLVAR-2026-14 as it meets the following criteria listed in Section 931:

- **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** is the position of the primary structure along with the 50-foot compatibility buffer next door to the non-residential use. Since the parcel was established prior to the Comprehensive Plan and Land Development Code, the lot's configuration and limited depth make it difficult to accommodate additional structures in compliance with current setback requirements.

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-2026-14 with conditions.**

CONDITIONS OF APPROVAL:

1. The property is approved for a variance to reduce the right of way setback from sixty-five (65) feet to nineteen (19) feet for a new addition to a veterinary clinic. Further additions or structures placed on the property shall be required to meet the setback requirements of Section 208, 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;*

Granting the requested variance will not be injurious to the surrounding area or detrimental to the public welfare as surrounding commercial uses are similar distance to State Road 60. The requested variance is consistent with the general intent of the Land Development Code to allow reasonable use of the property. The variance will allow the new addition to stay out of the required 50-foot compatibility buffer. Many of the surrounding parcels were developed prior to the Land Development Code and Comprehensive Plan. The property is located off State Road 60, and in a Commercial Enclave (CE) future land use. The right of way setbacks established in CE land use districts are set at sixty-five feet for state roads. The building expansion will also stay outside of the 50-foot compatibility buffer.

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;*

Special conditions exist due to the property's configuration and its creation in the 1950s prior to the adoption of the Land Development Code and Comprehensive Plan. Per LDC Section 220, the property also has to meet the 50-foot compatibility setback to the west since the structure will be new construction and abuts a Residential Suburban land use district. The lot's configuration and limited depth make it difficult to accommodate additional structures in compliance with current setback requirements.

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

The need for the variance is not solely the result of the owners' actions. The property was established prior to current setback standards, and the building placement along with the 50-foot compatibility buffer restricts available space for additions.

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 space. This is an expansion of a existing veterinary clinic.

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

The requested reduction of the right-of-way setback from sixty-five (65) feet to nineteen (19) feet for a new addition to a veterinary clinic represents the minimum variance necessary to allow reasonable use of the property. Given the parcel’s existing layout, adherence to setback requirements would prevent placement of new structures.

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;*

Approval of this variance will not result in a change of land use. The property will remain designated as Residential Suburban (RS) and Commercial Enclave (CE) land use districts.

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. The subject site is a grandfathered use.

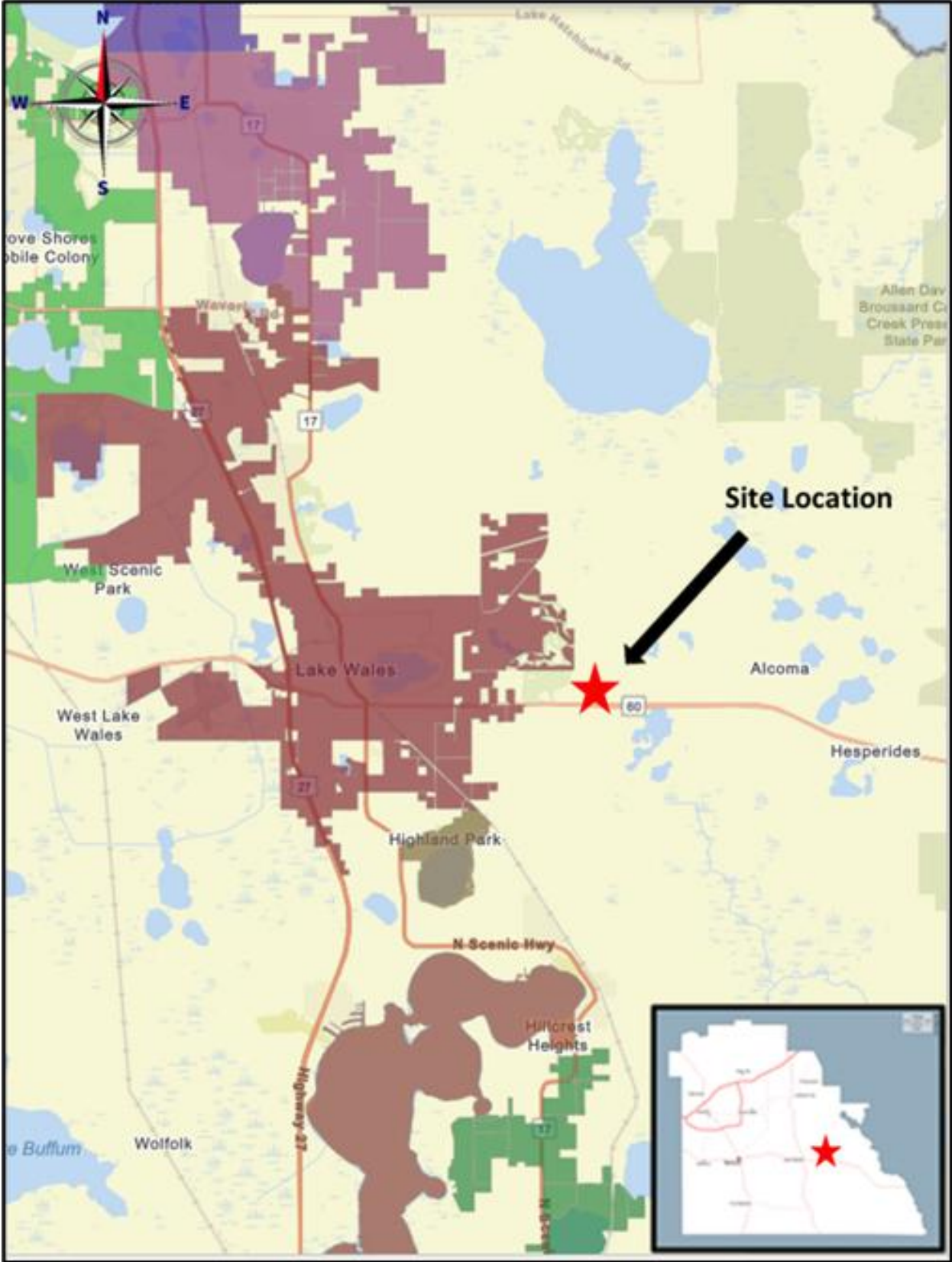
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: RS Pasture	North: RS Pasture	Northeast: RS Spring Lake Estates MHP
West: RS Lake Wales Moose Lodge	Subject Property: CE/RS Veterinary Clinic	East: RS Spring Lake Estates MHP
Southwest: State Road 60	South: State Road 60	Southeast: State Road 60

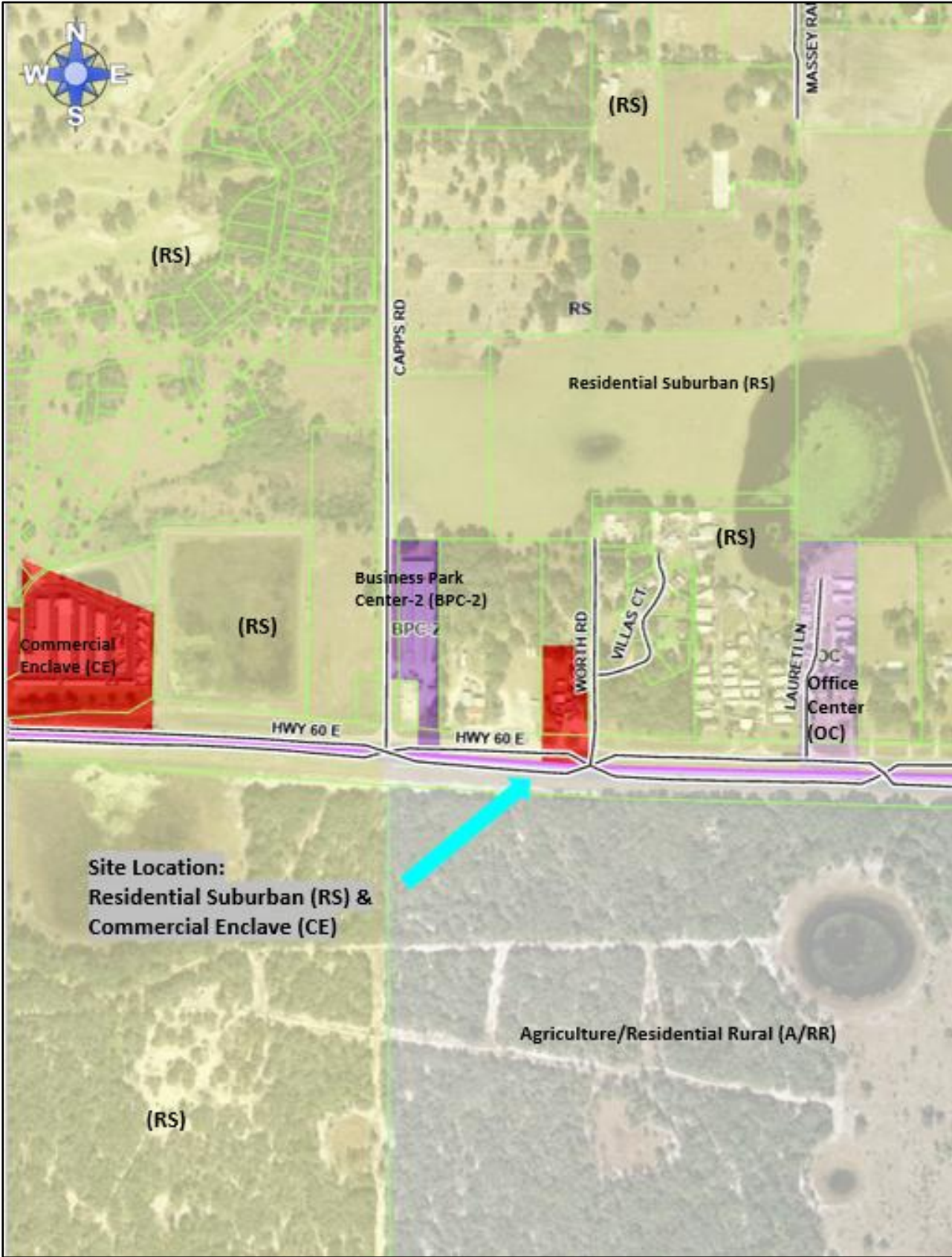
The structure will be located within the front of the veterinary clinic. Staff found no prior variances in this area. The Moose Lodge is approximately 36 feet from the right of way.

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

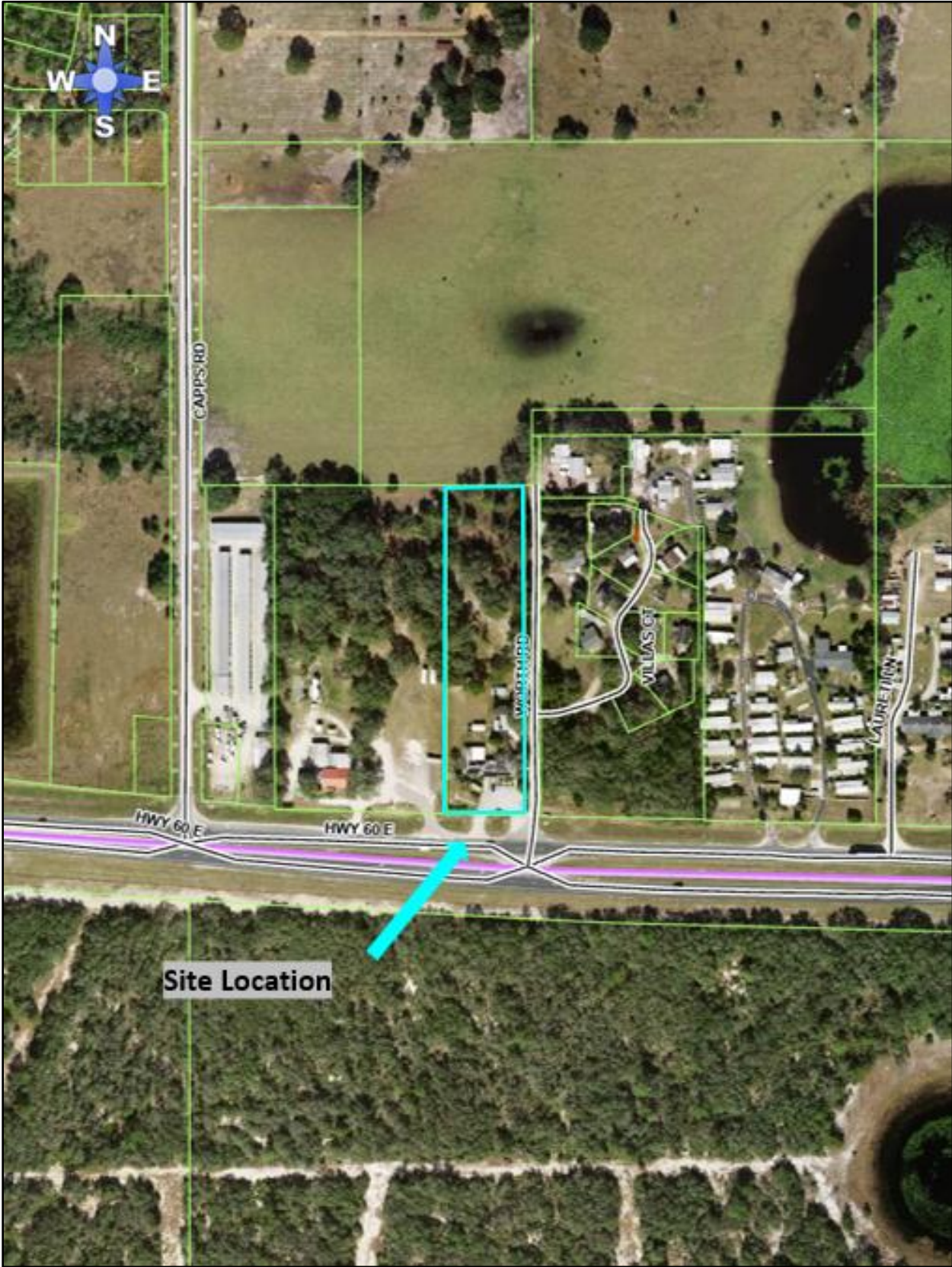


Location Map

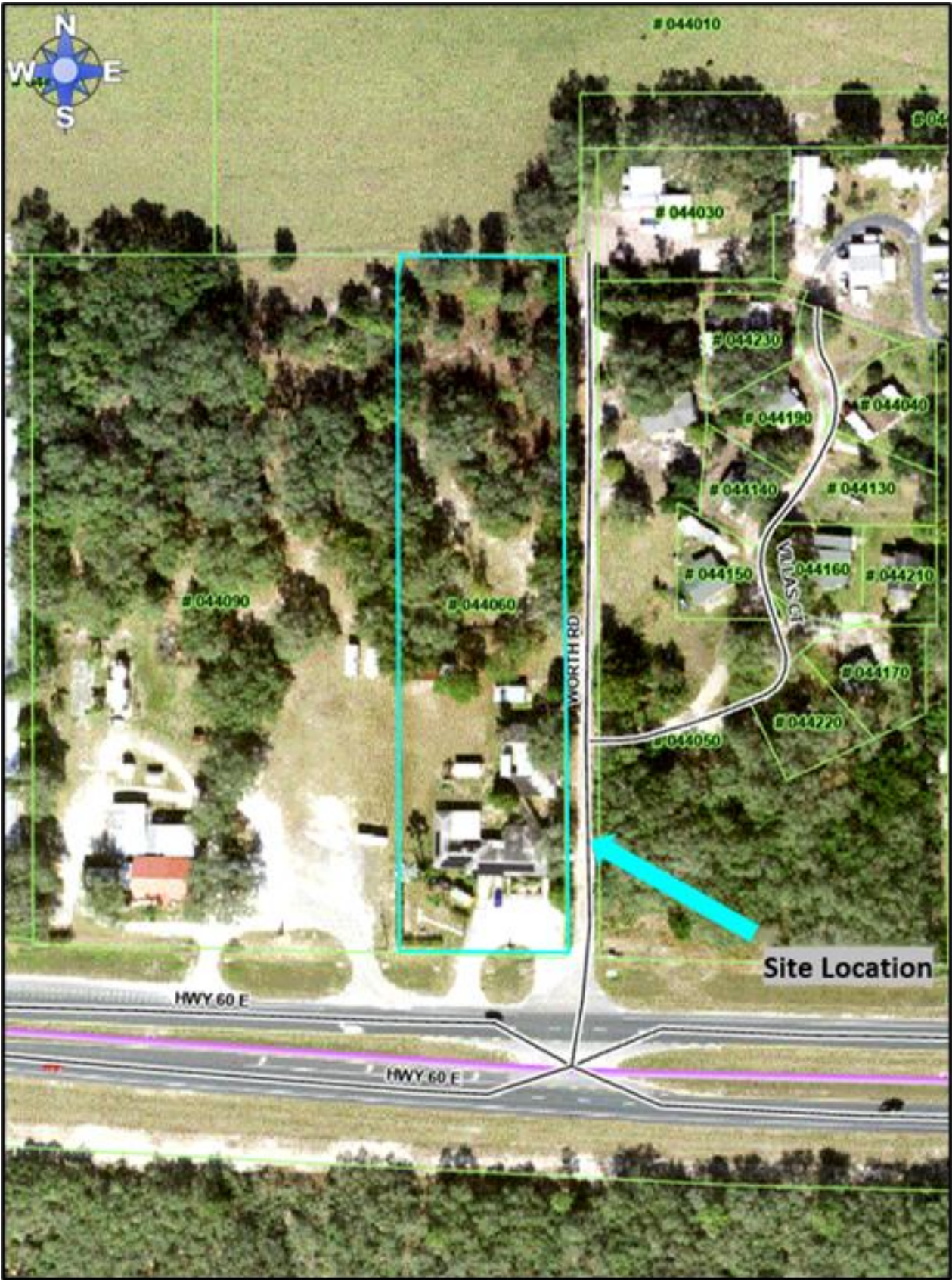


Site Location:
Residential Suburban (RS) &
Commercial Enclave (CE)

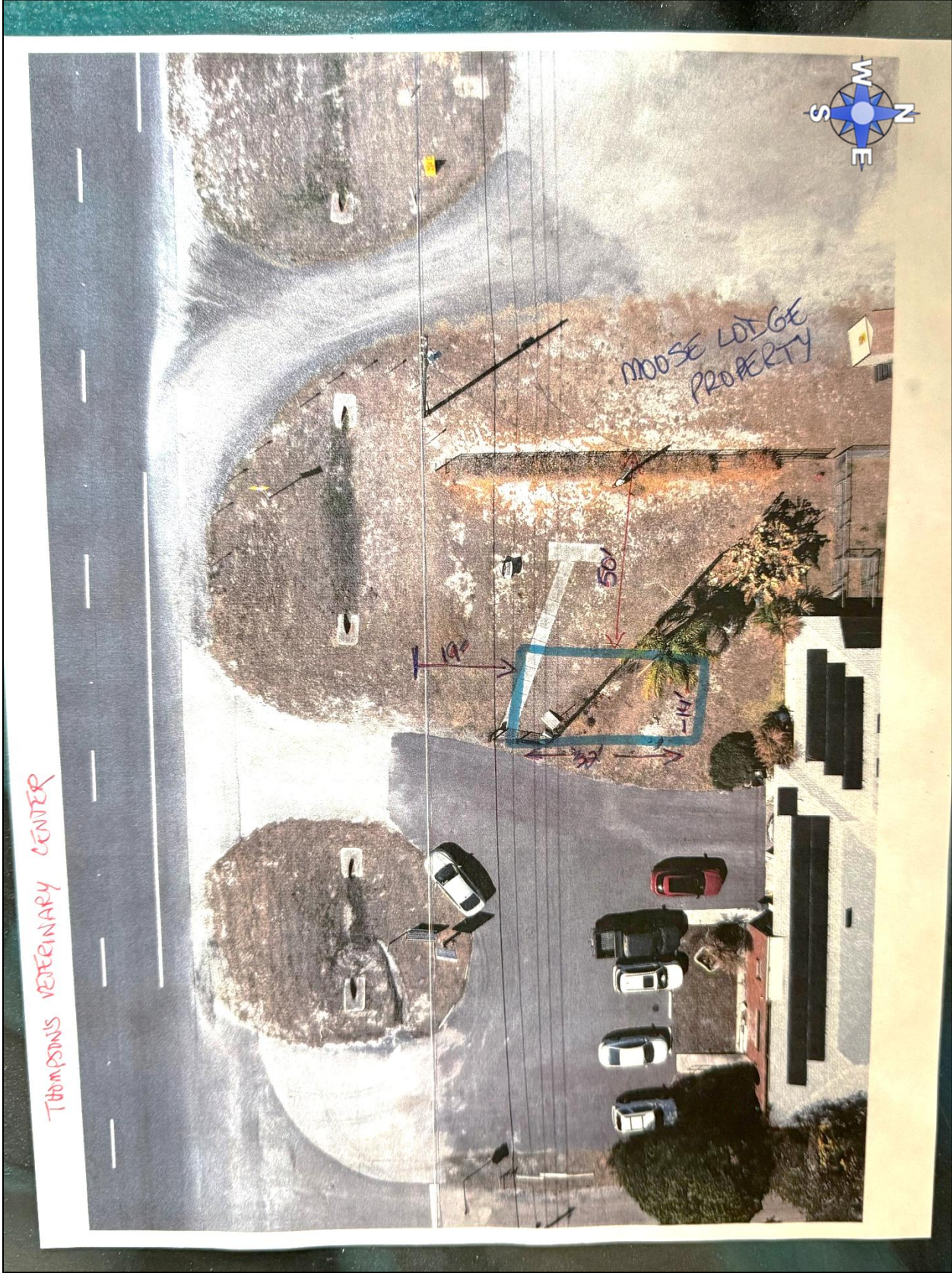
Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)



Site Plan

HARDSHIP—

We purchased the veterinary office in 2001, as an existing facility. The waiting room is not very large. As we have gotten busier as the population is expanding in our town, we find that the area is not large enough to accommodate multiple families and pets.

As a result, people are having to wait in their vehicles or walk their animals up and down the busy highway (Route 60) or down the side road (Worth Road) which is also becoming busy. We feel this is unsafe and inconvenient for our clients.

This puts unnecessary pressure on our doctor and on our staff as they do not want to see our clients sitting outside in the Florida weather while they wait for their appointment. This also increases the stress on the owners and the pets.

There is no room to expand the waiting room within the current footprint of the building without losing space for exam rooms and staff break areas. The additional outside area will greatly help us to reduce the stress on staff, clients and pets.

Dr. Carol and Richard Thompson

Justification

THOMPSONS VETERINARY CENTER



MOOSE LOT 6E
PROPERTY

LDLVAR-2026-14 - Thompson veterinary Center Variance

Menu Reports Help

Application Name: [Thompson veterinary Center Variance](#)

File Date: [02/27/2026](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

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

Description of Work: [We would like to place the new building closer to the road to allow for a dog walking area that is closer to the office and more shielded from the noise of the traffic.](#)

Application Detail: [Detail](#)

Address: [3631 E HWY 60, LAKE WALES, FL 33853](#)

Parcel No: [28300400000044060](#)

Owner Name: [THOMPSON CAROL](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Carol Thompson		Engineer	Mailing_3631 State Ro...	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

[2.21](#)

DRC Meeting Time

DRC Meeting

[04/09/2026](#)

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

[05/28/2026](#)

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 that I know of](#)

When did you buy the property and when was the structure built? Permit Number?
[property was purchased in 2001. Building has not been built yet](#)

What is the hardship if the variance is not approved?
[unsure](#)

Is this the minimum variance required for the reasonable use of the land?
[unsure](#)

Do you have Homeowners Association approval for this request?
[no home owners association involved](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-26EST-00000-11704](#)

RequiredDocumentTypesComplete
[No](#)

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](#)

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement

[x](#)

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	1	19	05/13/2026	05/13/2026	
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Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal		Application ...	03/16/2026	Saralis Wons
Roads and Drainage Review	Phil Irven	Approve	03/16/2026	Phil Irven
Planning Review	Aleya Inglima	Approve	03/24/2026	Aleya Inglima
Review Consolidation		Approved for...	04/03/2026	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	



Polk County
Polk County Land Use Hearing Officer

Agenda Item 4.

5/28/2026

SUBJECT

LDLVAR-2026-15 (Hegedus Solivita Phase 7D Variance)

DESCRIPTION

Laurie Hegedus requests a primary structure rear setback reduction from ten (10) feet to five (5) feet to construct a screen room enclosure with a solid roof. The subject property is located at 1843 Pelican Hill Way, north of Shady Canyon Way, south of Cypress Parkway, east of Harbor Ridge Drive, west of San Clemente Avenue, east of Haines City in Section 16, Township 27, Range 28.

RECOMMENDATION

Approval with conditions.

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

Kyle Rogus, Planner II
Land Development Division
863-534-7553
kylerogus@polkfl.gov

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

DRC Date: April 9, 2026	CASE #: LDLVAR-2026-15 (Hegedus Solivita Phase 7D Variance)
LUHO Date: May 28, 2026	LDC Section: Section 209.F & PUD 98-12

Request: The applicant is requesting a primary structure rear setback reduction from ten (10) feet to five (5) feet to construct a screen room enclosure with a solid roof.

Applicant: Laurie Hegedus

Property Owner: Laurie and Donald Hegedus

Location: The subject property is located at 1843 Pelican Hill Way, north of Shady Canyon Way, south of Cypress Parkway, east of Harbor Ridge Drive, west of San Clemente Avenue, east of Haines City in Section 16, Township 27, Range 28.

Parcel ID#: 282716-933611-000410

Size: ±0.11 acres

Land Use Designation: Poinciana Pre-Development of Regional Impact (DRI) #1
Planned Unit Development (PUD) 98-12, Solivita Phase 7D

Development Area: Utility Enclave Area (UEA)

Case Planner: Kyle Rogus, Planner II

Summary:

The applicant is seeking a variance to reduce the primary structure rear setback from ten (10) feet to five (5) feet for the construction of a screen room enclosure with a solid roof. The subject site is designated as Lot 41 of the Solivita Phase 7D Subdivision, part of PUD 98-12 which was approved for primary structure rear setbacks of 10 feet and accessory structure rear setback of 5 feet. Because the solid roof will be attached or connected to the principal structure, the newly proposed category III sun room (Building Permit BR-2026-1498 requires a variance to reduce the primary structure rear setback from ten (10) feet to five(5) feet.

Staff finds this request will cause no direct or indirect harm to the community and recommends approval. Staff recommends approval of LDLVAR-2026-15 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;*

This is not the only property within the immediate surrounding area that has requested a solid roof to extend full coverage over an existing enclosure. The abutting property to the north, designated as Lot 40, was approved for two (2) separate variances for a Category III sun room built under building permit BLD-H-305093 and BR-2022-792. This expansion is minimal relative to the structure. It will not limit the neighbor's peripheral view of the open space. A screen enclosure already exists, therefore the request to replace the existing screen enclosure for a new sun room to provide full roof coverage will have little to no effect on the two immediate neighbors to the north and south.

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 existing home on the subject site was constructed in 2008 and met the primary structure setbacks of 10 feet front, 5 feet side, and 10 feet rear under building Permit No. 98823. In April 2018, the owner purchased the subject site through a warranty deed according to the Property Appraiser (O.R. BK 10449 PGs 1842-1843). The applicant later filed for a building permit BR-2026-1498, for the construction of a new Category III sun room to expand off the lanai. Now, under LDLVAR-2026-15, the applicant is looking to reduce the primary structure rear setback from 10 feet to five (5) feet to construct the proposed enclosure.

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-2026-15**

CONDITIONS OF APPROVAL:

1. The property is granted a reduction in the primary rear structure setback from ten (10) feet to five (5) feet to construct a screen room enclosure with a solid roof.
2. The applicant shall secure permission from the Solivita Community Association prior to seeking building permits for the proposed extension.
3. All necessary permits must be applied for within one (1) year of the date for which the Land Use Hearing Officer's Final Order is rendered.
4. 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 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;*

In April 2018, the owner purchased the subject site through a warranty deed according to the Property Appraiser (O.R. BK 10449 PGs 1842-1843). The subject site is within PUD 98-12 and designated as Lot 41 in the Solivita Phase 7D 2 Subdivision under Plat Book 137, Page 11 in 2006. It is located on the exterior of the development with road frontage off Pelican Hill Way, a private roadway. To the north and south of the subject site are similar sized lots and single-family housing. This will not be the first covered lanai in close proximity to the neighboring properties. The abutting lot to the north, designated as Lot 40, underwent a similar request for a Category III sun room to be placed over the existing concrete patio (VAR 15-90) and later an extension under case file LDLVAR-2022-10.

Case file LDLVAR-2022-10

LDLVAR-2022-10 was approved for a reduction in the rear principal structure setback from ten (10) feet to six (6) feet for an attached hard roof screen enclosure on May 2, 2022.

Case	Request	Date
BLD-H-305093	Category III sun room	1/07/2016
VAR 15-90	Reduce rear setback from 10' to 5'	11/16/2015
BR-2022-792	Solid aluminium roof extension	9/01/2022
LDLVAR-2022-10	Reduce rear setback from 10' to 6'	5/02/2022

Case file LDLVAR-2026-15

LDLVAR-2026-15 is a request to reduce the primary rear structure setback from ten (10) feet to five (5) feet to construct a screen room enclosure with a solid roof. The applicant filed for a building permit for a Category III sun room under Permit No. BR-2026-1498. Due to the small lots size and the required setback of ten (10) feet in the rear yard, the

property owner is required to request a variance in order to construct the addition to their residences.

The proposed addition will not be injurious to the area involved. To the west the property backs up to open space Tract LD-7 (landscape & signage) and a conservation tract (Tract C-2G). Seeking rear yard setback relief when abutting common areas has become commonplace throughout this development. Each lot within the Solivita subdivision has a five (5) foot side and rear utility easement along with a 10-foot utility easement along all front lot lines. The proposed structure will stay outside any noted easements except for a one (1) foot overhang.

This expansion is minimal relative to the structure. It will not limit the neighbor's peripheral view of the open space. There is an existing screen enclosure on site, therefore the request to construct a new screen room enclosure with a solid roof will have little to no effect on the two immediate neighbors to the north and south.

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 site was once part of the larger Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10. A replat of Solivita Phase 7D Subdivision was recorded as PUD 98-12 under Plat Book 137, Pages 9-16 in 2006. The subject site is designated as Lot 41. PUD 98-12 was approved for primary structure rear setbacks of 10 feet and accessory structure rear setback of 5 feet. The placement of primary structures on lots within the development are on the setbacks, which creates the existing circumstance. There is no relief for additions to the primary structure with a solid roof without requiring a variance for setback reductions.

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

The existing home on the subject site was constructed in 2008 and met the primary structure setbacks of 10 feet front, 5 feet side, and 10 feet rear under building Permit No. 98823. Permit No. 98823 was approved with a 9'8" by 15'8" lanai encompassing the northwest portion of the house. In April 2018, the owner purchased the subject site through a warranty deed according to the Property Appraiser (O.R. BK 10449 PGs 1842-1843). The applicant later filed for a building permit BR-2026-1498, for the construction of a new Category III sun room to expand off the lanai. Pursuant to Section 209.F of the Land Development Code (LDC) "roofed accessory structures physically attached or connected to the principal structure shall be considered a part of the principal structure and shall be subject to the same standards as the principal structure." Because the solid aluminum roof will be attached or connected to the principal structure, the newly proposed Category III sun room under BR-2026-1498 will require a variance to reduce the primary structure rear setback from ten (10) feet to five (5) feet.

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. Many buyers within the development see little value in the private open space that remains. Within the Solivita Phase 7D Subdivision, there have been numerous building permits for extended screened enclosures to the rear of the property. Many utilize the screen roof, not requiring a variance request for rear setback reductions like the abutting property to the south, designated as Lot 42.

However, others request to construct a solid aluminum roof, therefore requiring additional approval. Table 1 below lists all the variances approved in the Poinciana and Solivita developments since 2012. Highlighted in yellow are the two (2) variance cases approved for the neighboring property to the north. The owner will derive more utility from the space if it is enclosed with screens and covered by a solid roof. While it does confer a special privilege on the applicant, seeking rear yard setback relief when abutting common areas has become commonplace throughout this development. Since this property backs up to open space Tract LD-7 (landscape & signage), and Tract C-2G (conservation), there is no significant harm that it may cause another property owner.

Table 1

Case	BOA/ LUHO Date	Variance	Case	BOA/ LUHO Date	Variance
LDLVAR-2025-76	2/26/2026	Solid Roof Patio	LDLVAR-2021-87	10/28/2021	Solid Roof Patio
LDLVAR-2025-66	1/22/2026	Solid Roof Patio	LDLVAR-2021-68	9/16/2021	Solid Roof Patio
LDLVAR-2025-60	11/20/2025	Solid Roof Patio	LDLVAR-2021-58	7/22/2021	Solid Roof Patio
LDLVAR-2025-56	11/20/2025	Solid Roof Patio	LDLVAR-2021-50	7/22/2021	Solid Roof Patio
LDLVAR-2025-19	5/19/2025	SF Home	LDLVAR-2021-32	7/21/2021	Solid Roof Patio
LDLVAR-2025-9	4/24/2025	Solid Roof Patio	LDLVAR-2021-31	7/21/2021	Solid Roof Patio
LDLVAR-2025-2	3/27/2025	Solid Roof Patio	LDLVAR-2021-30	7/21/2021	Solid Roof Patio
LDLVAR-2024-62	12/10/2024	Solid Roof Patio	LDLVAR-2021-14	4/22/2021	Solid Roof Patio
LDLVAR-2024-53	11/12/2024	Solid Roof Patio	LDLVAR-2021-3	3/25/2021	Solid Roof Patio
LDLVAR-2024-34	8/29/2024	Solid Roof Patio	LDLVAR-2021-1	3/25/2021	Solid Roof Patio
LDLVAR-2024-33	8/29/2024	Solid Roof Patio	LDLVAR-2020-86	1/28/2021	Solid Roof Patio
LDLVAR-2024-22	6/27/2024	Solid Roof Patio	LDLVAR-2020-80	2/25/2021	Solid Roof Patio
LDLVAR-2024-4	4/25/2024	Solid Roof Patio	LDLVAR-2020-68	12/17/2020	Solid Roof Patio
LDLVAR-2024-2	3/28/2024	Solid Roof Patio	LDLVAR-2020-66	12/17/2020	Solid Roof Patio
LDLVAR-2023-55	11/14/2023	Solid Roof Patio	LDLVAR-2020-65	12/17/2020	Solid Roof Patio
LDLVAR-2023-36	9/28/2023	Solid Roof Patio	LDLVAR-2020-64	12/17/2020	Solid Roof Patio
LDLVAR-2023-31	8/24/2023	Solid Roof Patio	LDLVAR-2020-63	12/17/2020	Solid Roof Patio
LDLVAR-2023-28	7/27/2023	Solid Roof Patio	LDLVAR-2020-56	11/19/2020	SF Home
LDLVAR-2022-113	2/23/2023	Solid Roof Patio	LDLVAR-2020-55	11/19/2020	SF Home
LDLVAR-2022-106	2/23/2023	Solid Roof Patio	LDLVAR-2020-54	11/19/2020	SF Home
LDLVAR-2022-102	2/23/2023	Solid Roof Patio	LDLVAR-2020-52	11/19/2020	Solid Roof Patio
LDLVAR-2022-44	7/28/2022	Solid Roof Patio	LDLVAR-2020-45	11/19/2020	Solid Roof Patio
LDLVAR-2022-28	6/23/2022	Solid Roof Patio	LDLVAR-2020-33	10/22/2020	Solid Roof Patio
LDLVAR-2022-13	5/26/2022	Solid Roof Patio	LDLVAR-2020-12	9/24/2020	Solid Roof Patio
LDLVAR-2022-12	4/26/2022	Solid Roof Patio	VAR 18-16	3/22/2018	Solid Roof Patio
LDLVAR-2022-10	4/26/2022	Solid Roof Patio	VAR 15-90	11/16/2015	Solid Roof Patio
LDLVAR-2021-139	2/24/2022	Solid Roof Patio	VAR 14-12	2/27/2014	Solid Roof Patio
LDLVAR-2021-136	2/24/2022	Solid Roof Patio	VAR 13-38	7/25/2013	Solid Roof Patio

LDLVAR-2021-135	2/24/2022	Solid Roof Patio	VAR 12-91	12/17/2012	Solid Roof Patio
LDLVAR-2021-130	1/27/2022	Solid Roof Patio	VAR 12-65	8/23/2012	Solid Roof Patio
LDLVAR-2021-112	12/14/2021	Solid Roof Patio	VAR 11-16	2/24/2011	Solid Roof Patio

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 erect the existing screened enclosure and construct a new Category III sun room over the existing concrete slab under BR-2026-1498.

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 of the Planned Development.

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. 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 any conditions of approval. It was anticipated that some lots may not be able to comply with all the standards set forth in the Planned Unit Development (PUD) approval. As long as the drainage easements are not encroached upon, this request will not circumvent the Board approvals. LDC Section 930.B.21 allows variances to approved Level 3 and Level 4 reviews.

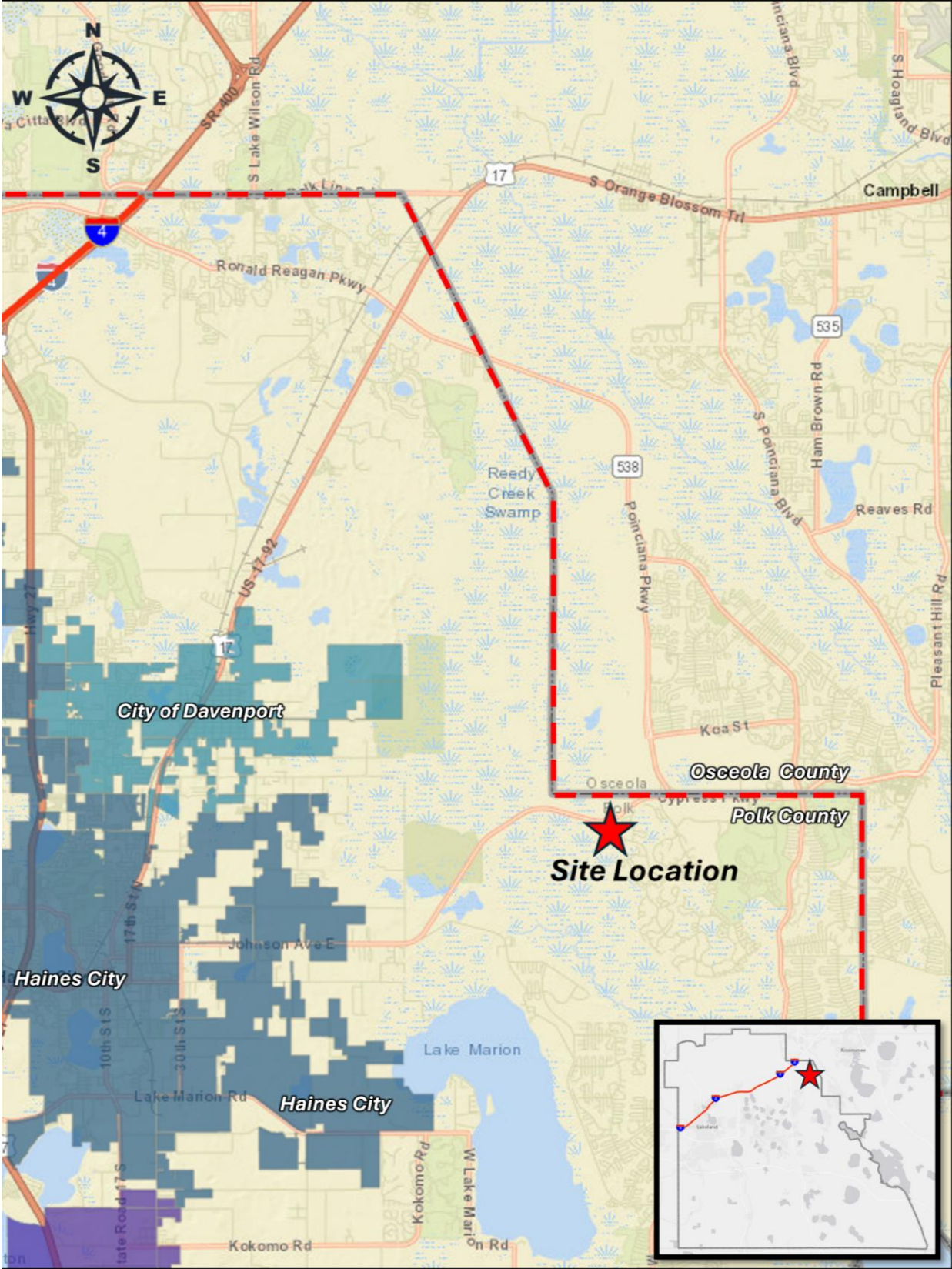
Surrounding Future Land Use Designations and Existing Land Use Activity:

<p>Northwest: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Tract LD-7 Landscape & Signage 12.85 acres</p>	<p>North: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Lot 40 2,142 sq. ft. single-family home Built 2008 0.12 acres Category III sun room</p>	<p>Northeast: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Pelican Hill Way Private Road</p>
<p>West: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Tract LD-7 Landscape & Signage 12.85 acres</p>	<p>Subject Property: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Lot 41 2,142 sq. ft. single-family home Built 2008 0.11 acres Screened Extension</p>	<p>East: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Pelican Hill Way Private Road</p>
<p>Southwest: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Tract LD-7 Landscape & Signage 12.85 acres</p>	<p>South: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Lot 42 2,217 sq. ft. single-family home Built 2011 0.10 acres Screened Extension</p>	<p>Southeast: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Pelican Hill Way Private Road</p>

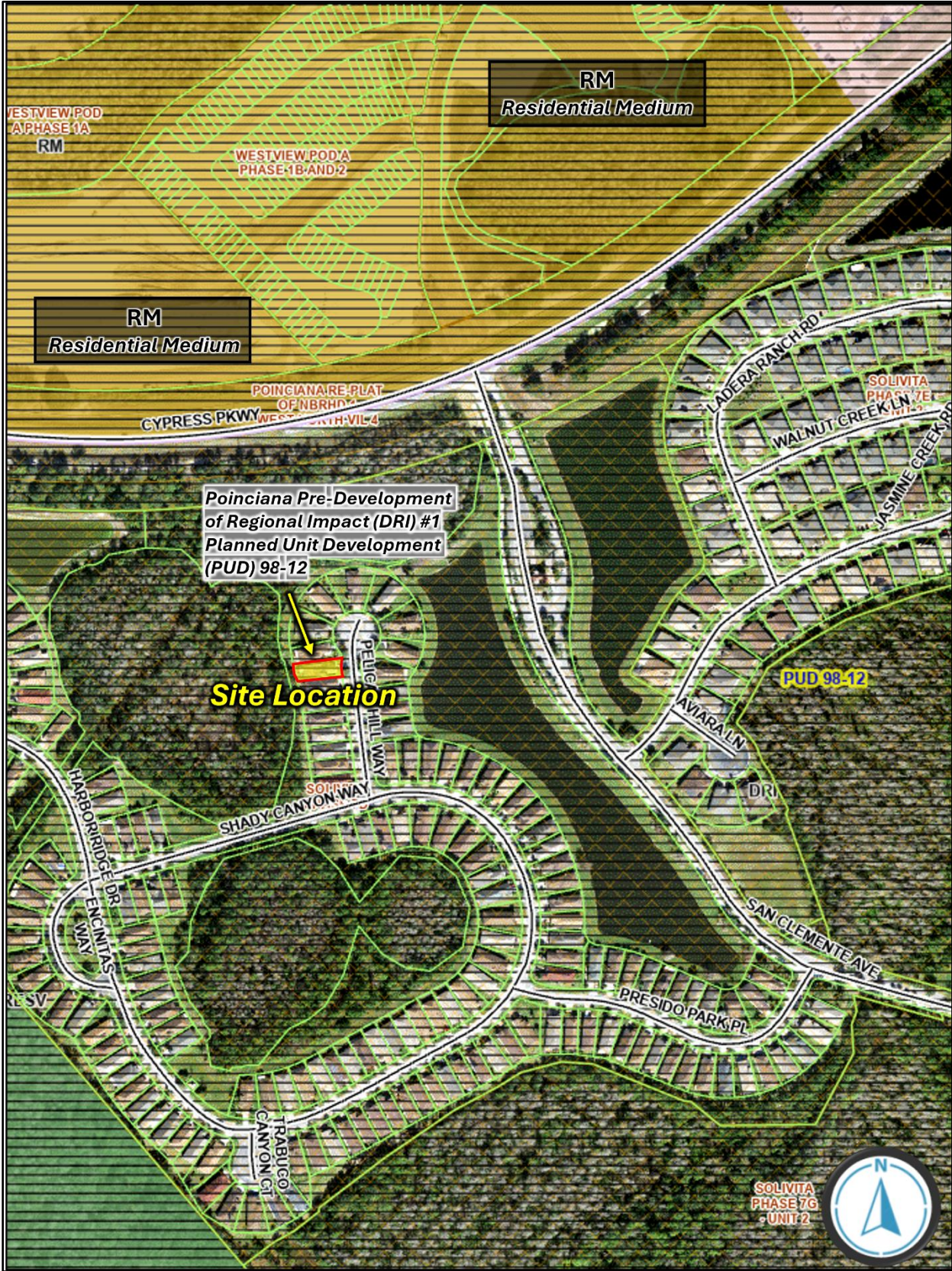
The property is part of the Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D. Phase 7D of the Solivita development is single-family detached units. This proposed solid roof coverage will extend eleven (11) feet off the primary structure providing full coverage over the existing concrete patio. This would not be the only property within the immediate surrounding area that would have a solid aluminum roof providing full coverage over an existing screened enclosure. To the north, Lot 40 of Solivita Phase 7D has an existing Category III sun room (BLD-H-305093 & BR-2022-792). To the west of the subject site is Tract LD-7 within Solivita Phase 7D and further west Tract C-2G of Solivita Phase 7D. Both tracts are identified on the plats as Landscape, signage, and conservation, having no negative impact from the variance request.

Exhibits:

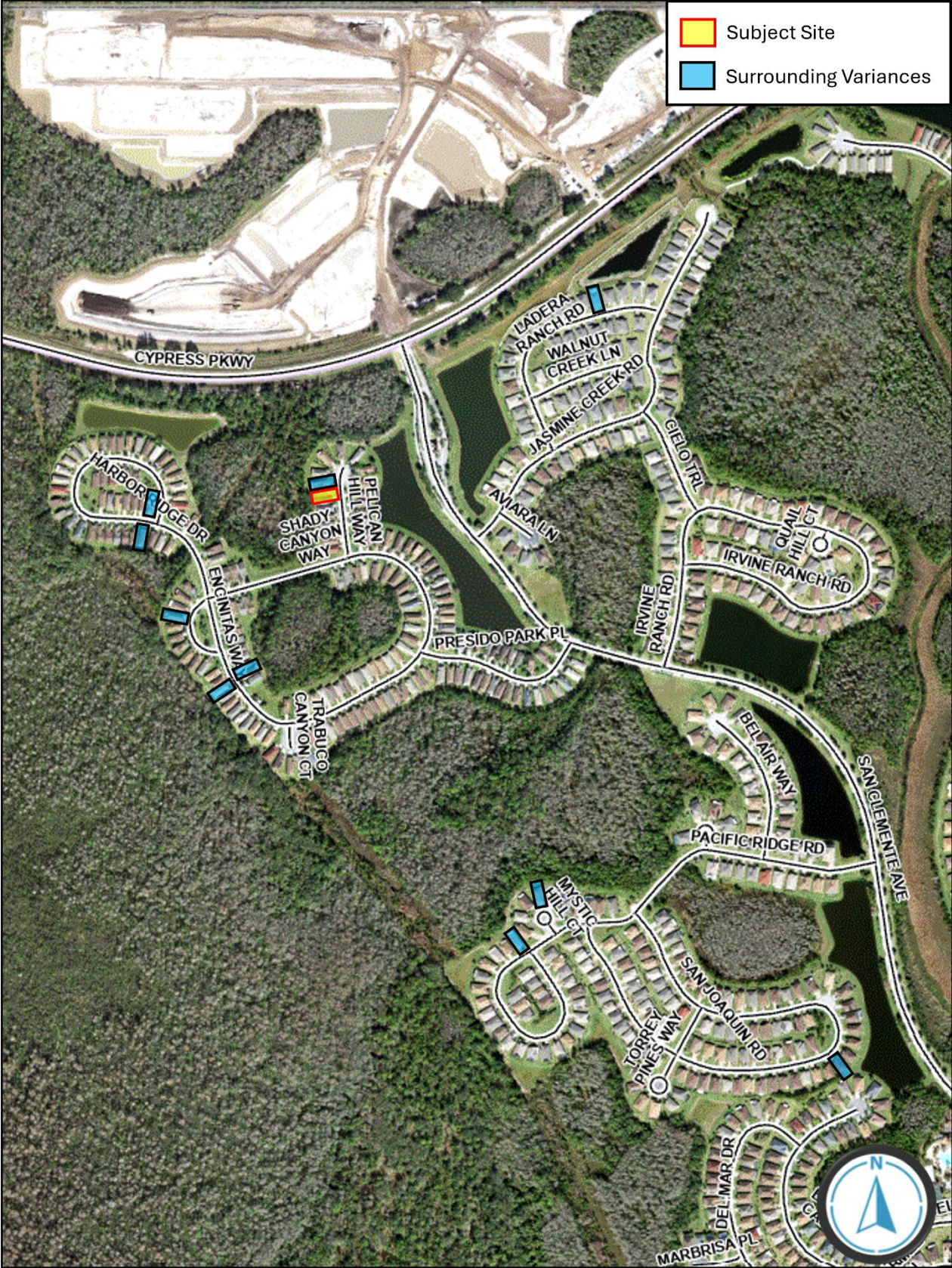
Exhibit 1	Location Map	Exhibit 4	Aerial Imagery (Close)
Exhibit 2	Future Land Use Map	Exhibit 5	Site Plan
Exhibit 3	Aerial Imagery (Context)	Exhibit 6	Justification



Location Map



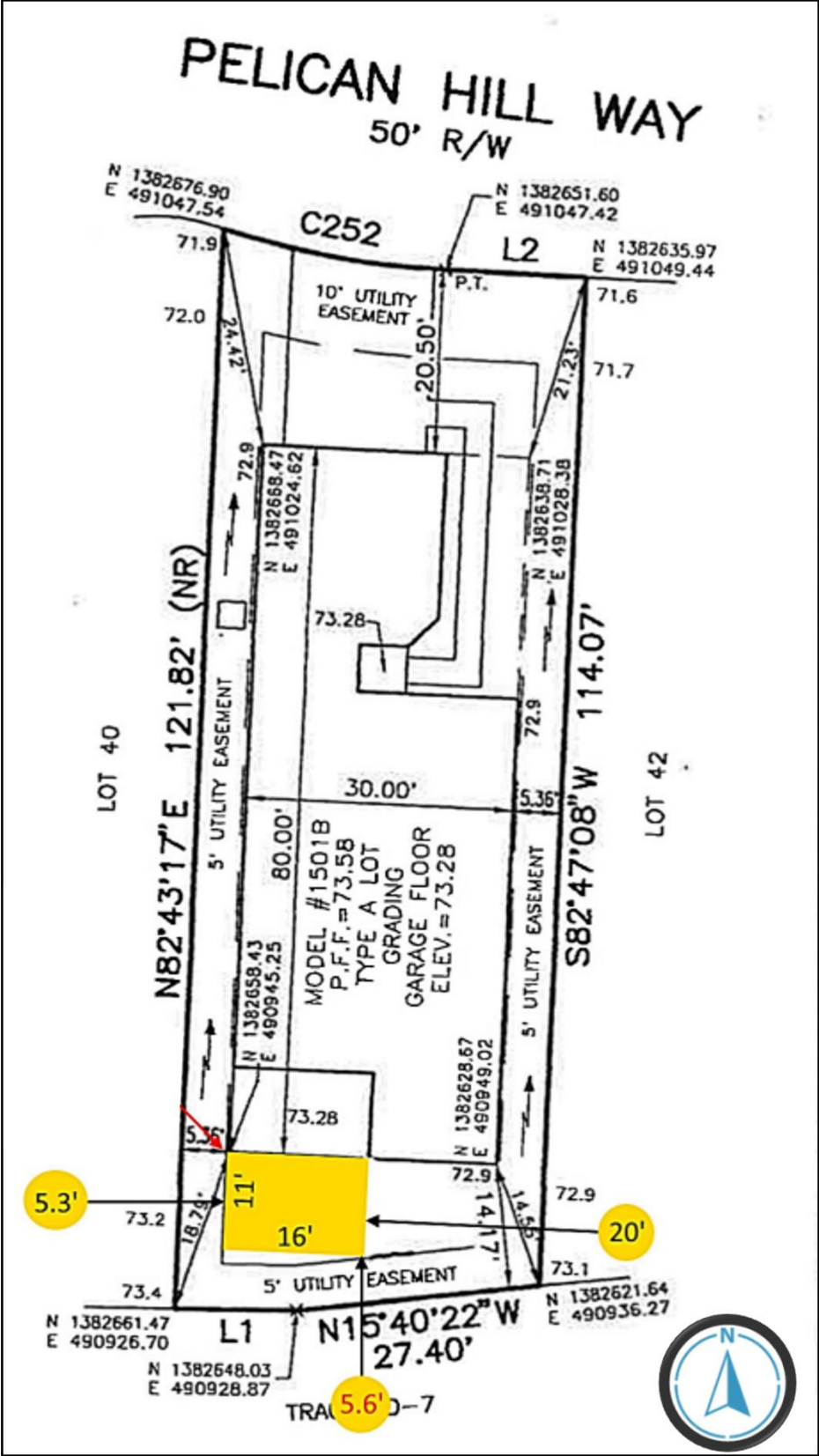
Future Land Use Map



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?
March 29, 2018
Birdcage built 3/18/2010 still in place.

What is the hardship if the variance is not approved?
If not approved can't finish project because footprint would have to change. It would cut lanai in half. Would lose all monet spent.
Footprint is already there with birdcage.

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

Do you have Homeowners Association approval for this request?
Yes

Justification

LDLVAR-2026-15 - Hegedus

Menu Reports Help

Application Name: [Hegedus](#)

File Date: [03/10/2026](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments: View ID Comment Date

Description of Work: [Request variance rear yard property line at 5.6 feet in lieu of 10 feet.](#)

Application Detail: [Detail](#)

Address: [1843 PELICAN HILL WAY, POINCIANA, FL 34759](#)

Parcel No: [282716933611000410](#)

Owner Name: [HEGEDUS DONALD STEPHEN](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Laurie Hegedus		Engineer	Mailing_1843 Pelican...	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

[.11](#)

DRC Meeting Time

DRC Meeting

[04/09/2026](#)

Rescheduled DRC Meeting

Rescheduled DRC Meeting Time

Green Swamp

Number of Units

[Yes](#)

-

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](#)

[Individual](#)

[Table](#)

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

[Land Use Hearing](#)

-

[Officer](#)

MEETING DATES

LUHO Hearing Date

[05/28/2026](#)

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?

[March 29, 2018](#)

[Birdcage built 3/18/2010 still in place.](#)

What is the hardship if the variance is not approved?

[If not approved can't finish project because footprint would have to change. It would cut lanai in half. Would lose all monet spent.](#)

[Footprint is already there with birdcage.](#)

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

[Yes](#)

Do you have Homeowners Association approval for this request?

[Yes](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-26EST-00000-13420](#)

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 25 05/13/2026 05/13/2026

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal		Application ...	03/16/2026	Saralis Wons
Roads and Drainage Review	Phil Irven	Approve	03/16/2026	Phil Irven
Planning Review	Kyle Rogus	Approve	03/30/2026	Kyle Rogus
Review Consolidation		Approved for...	04/03/2026	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	



INSTR # 2018076283
 BK 10449 Pgs 1842-1843 PG(s)2
 RECORDED 04/10/2018 02:09:57 PM
 STACY M. BUTTERFIELD,
 CLERK OF COURT POLK COUNTY
 DEED DOC #1,162.00
 RECORDING FEES \$18.50
 RECORDED BY tinacon1

Prepared By and Return To:
 L. Rodriguez, as an employee of
 Florida Titlesmith, LLC
 8240 Exchange Dr., Suite C5
 Orlando, Florida 32809
 FTS # 18-088

Property Appraiser's Parcel ID (folio) Number:
 28-27-16-933611-000410

WARRANTY DEED

This **WARRANTY DEED** dated 5th day of April, 2018 by **Joyce E. Salisbury and Jerome E. Dyer, wife and husband**, whose post office address is: 233 Escondido Ct., Poinciana, FL 34759, hereinafter called the **GRANTORS**, to **Donald Stephen Hegedus and Laurie Ann Hegedus, husband and wife**, whose post office address is: 3610 West Mineral Pond Blvd., Anoka, MN 55303 hereinafter called the **GRANTEE**.

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of **\$166,000.00** and other valuable consideration, receipt thereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in Polk County, Florida, to wit:

Lot 41, SOLIVITA PHASE 7D, a subdivision according to the plat thereof recorded at Plat Book 137, Pages 9 through 16, inclusive, in the Public Records of Polk County, Florida.

A/K/A: 1843 Pelican Hill Way, Poinciana, FL 34759

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2018 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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

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

AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

Page 1 of 2

WARRANTY DEED

Parcel ID # 28-27-16-933611-000410

Page 2 of 2

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth below.

Signed in the presence of the following witnesses:

Charles P. Borchini
Signature of Witness #1

Charles P. Borchini
Print Name of Witness #1

John T. Henderson
Signature of Witness #2

John T. Henderson
Print Name of Witness #2

Joyce E. Salisbury
Joyce E. Salisbury

Jerome E. Dyer
Jerome E. Dyer

STATE OF Florida

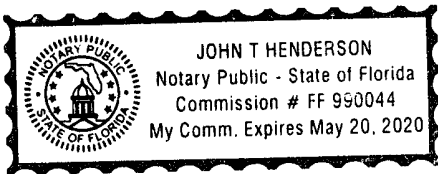
COUNTY OF Polk

THE FOREGOING INSTRUMENT was sworn and acknowledged before me on 3 day of April, 2018 by Joyce E. Salisbury and Jerome E. Dyer, who is/are personally known to me or who have produced as identification FLDC and who did not take an oath.

[Notary Seal]

Notary Public:

My Commission Expires: May 20, 2020





Polk County
Polk County Land Use Hearing Officer

Agenda Item 5.

5/28/2026

SUBJECT

LDLVAR-2026-17 (1946 Manatee Ct Variance)

DESCRIPTION

Adam Smith requests a primary structure ROW setback from twenty-five (25) feet to fifteen (15) feet for a single-family home. The subject property is located at 1946 Manatee Ct, north of Pacific Road, south of Hemlock Avenue, east of Manitoba Ct, west of Flounder Road, East of Haines City in Section 03, Township 28, Range 28.

RECOMMENDATION

Approval with conditions.

FISCAL IMPACT

No fiscal impact.

CONTACT INFORMATION

Kyle Rogus, Planner II
Land Development Division
863-534-7553
kylerogus@polkfl.gov

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

DRC Date: April 9, 2026	CASE #: LDLVAR-2026-17 (1946 Manatee Ct Variance)
LUHO Date: May 28, 2026	LDC Section: PUD 71-10

Request: The applicant is requesting a primary structure rights-of-way setback from twenty-five (25) feet to fifteen (15) feet for a single-family home.

Applicant: Adam Smith

Property Owner: Alfredo and Arlene Magbanua

Location: The subject property is located at 1946 Manatee Ct, north of Pacific Road, south of Hemlock Avenue, east of Manitoba Ct, west of Flounder Road, east of Haines City in Section 03, Township 28, Range 28.

Parcel ID#: 282803-934760-049090

Size: ±0.16 acres

Land Use Designation: Poinciana Pre-Development of Regional Impact (DRI) #1
PUD 71-10 Neighborhood 5, Village 7

Development Area: Utility Enclave Area (UEA)

Case Planner: Kyle Rogus, Planner II

Summary:

The applicant is seeking a variance to reduce the primary structure rights-of-way (ROW) setback from twenty-five (25) feet to fifteen (15) feet for the construction of a single-family home. The subject site is designated as Lot 9 of the Poinciana Neighborhood 5, Village 7, part of Planned Unit Development (PUD) 71-10 which was approved for primary structure 25-foot ROW, 7.5-foot side yard, and 20-foot rear yard setbacks. Typical corner lots in PUD 71-10 require 25-foot ROW setback for driveway access and 15-foot ROW setback along the side road. The subject site is located on the corner of Manatee Court, where the road curves north, providing over 130 feet of frontage on less than a quarter-acre lot. The corner lot and nature of the roadway creates an atypical lot shape limiting future development.

Staff finds this request will cause no direct or indirect harm to the community and recommends approval. Staff recommends approval of LDLVAR-2026-17 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;*

This is not the only property within the immediate surrounding area that will be within 25 feet from Manatee Court ROW. The abutting property to the north, designated as Lot 8, was approved for a single-family residence within 25 feet of Manatee Court ROW. Manatee Court is considered a side road with 15-foot ROW setbacks. It will not limit the view of traffic as similar structures exist within 15 feet of public ROW and is at the end of a cul de sac. The structure will remain outside all side and rear yard public utility and drainage easements.

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 irregularly-shaped lot with one (1) road frontage setback is restrictive. The small lot size, shape, and public easements affect the use of the lot 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-2026-17**

CONDITIONS OF APPROVAL:

1. The property is granted a reduction in the primary structure ROW setback from twenty-five (25) feet to fifteen (15) feet for a single-family home.
2. All necessary permits must be applied for within one (1) year of the date for which the Land Use Hearing Officer's Final Order is rendered.
3. 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 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;*

In September 1996, the owner purchased the subject site through a warranty deed according to the Property Appraiser (O.R. BK 3739 PG 0086). The subject site is within PUD 71-10 and designated as Lot 9 in the Poinciana Neeighborhood 5, Village 7 Subdivision under Plat Book 53, Page 19 in 1971. PUD 71-10 has approved 25-foot ROW, 7.5-foot side yard, and 20-foot rear yard setbacks. If this site was not within the Poinciana PUD 71-10, the site would be designated under the Residential Low-4 (RL-4) land use district. RL-4 requires 15-foot ROW, 7-foot side yard, and 10-foot rear yard setbacks. If the development were to come in under RL-4 district regulations, the applicant would not require a variance to the ROW setback.

The proposed house will not be injurious to the area involved. To the north of the property, designated as Lot 8, Block 1138, is a similar size and shaped lot that has been developed with a single family home. Access on the neighboring site to the north comes off Manatee Lane, requiring a 25-foot ROW and garage setback. Manatee Court is then considered a side road, requiring 15-foot ROW setbacks. The house met all required PUD setbacks, therefore no variance was required.

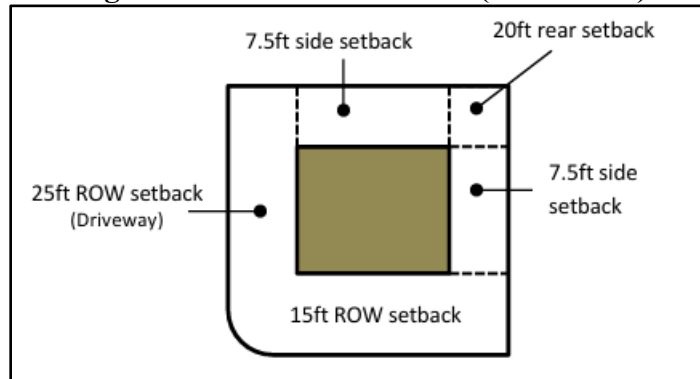
The applicant is requesting a primary structure ROW setback reduction from 25 feet to 15 feet, staying consistent with the setback of the house to the north. It is important to note the majority of the home will meet the 25-foot setback, however the curvilinear nature of the road creates a choke point requiring the setback reduction from reduction from 25 feet to 15 feet at the nearest point. The garage will meet the 25-foot setback as there is no variance to this requirement. The proposed structure will stay outside any noted easements.

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 site is part of the larger Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10. The subject site is Lot 9, Block 1138 designated for single family residential according to the 1981 Poinciana Master Plan. PUD 71-10 was approved for 25 feet ROW setback; 7.5 feet side yard setback; and 20 feet rear yard setback. Unlike a typical corner lot fronting two (2) roads, the subject site is a corner lot with frontage on only one (1) road, Manatee Court. Typical corner lots found in PUD

71-10 require 25-foot ROW setback for driveway access and 15-foot ROW setback along the side road (see Figure 1 below).

Figure 1. Poinciana Setbacks (PUD 71-10)



The distinction between the two road frontage setbacks, depending on where access is being taken, offers additional relief for development.

The corner lot and nature of the roadway creates an non-uniform lot shape limiting future development (see Exhibit 4). The lot is 0.16 acres, which is consistent with the surrounding area and above the 6,000 square feet minimum residential lot area in the Residential Low-4 (RL-4) land use district. Because of the shape and frontage on one (1) roadway the setbacks restrict further development without impeding on the 25 foot right-of-way setback. The proposed single-family home will be over 15 feet from the right-of-way, 7.5 feet from the side, and 20 feet from the rear (see Exhibit 5). The home will remain outside the 10-foot public utility and drainage easement to the rear of the site and outside the public utility easement and drainage easement on the east side of the property.

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 September 1996, according to the Polk County Property Appraiser (O.R. BK 3739 PG 0086). The non-uniformed shape and lot size in regards to public utility and drainage easements on site place a burden on the reasonable use of this land. The subject site is located on the corner of Manatee Court, where the road curves north, providing over 130 feet of frontage on less than a quarter-acre lot. The nature of the road creates a non-uniform right-of-way setback on the west side of the property. If the lots and roadway were developed in a uniformed pattern, like the corner lots along Flounder Road, or fronted a side road like Lot 8 to the north, there would be no need for a variance request. The owner may not have been aware of the right of-way setbacks. Without this variance, it would be difficult to develop on this property.

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 non-uniformed shape of the corner lot and right-of-way setbacks create a hardship when developing on this property without relief from the right-of-way setbacks. The garage will be setback 25 feet from public ROW. This dimensional regulation is not subject to a variance or waiver.

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 property is one of the few corner lots in PUD 71-10 with frontage on only one (1) roadway and is therefore subject to the 25-foot ROW setback along the entire frontage. Without the variance, constructing a single family home would be difficult due to the 10-foot rear yard and 7.5-foot side yard public utility and drainage easements.

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 site will remain a residential use in a residential district of the Planned Development.

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. 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 any conditions of approval. It was anticipated that some lots may not be able to comply with all the standards set forth in the Planned Unit Development (PUD) approval. As long as the drainage easements are not encroached upon, this request will not circumvent the Board approvals. LDC Section 930.B.21 allows variances to approved Level 3 and Level 4 reviews.

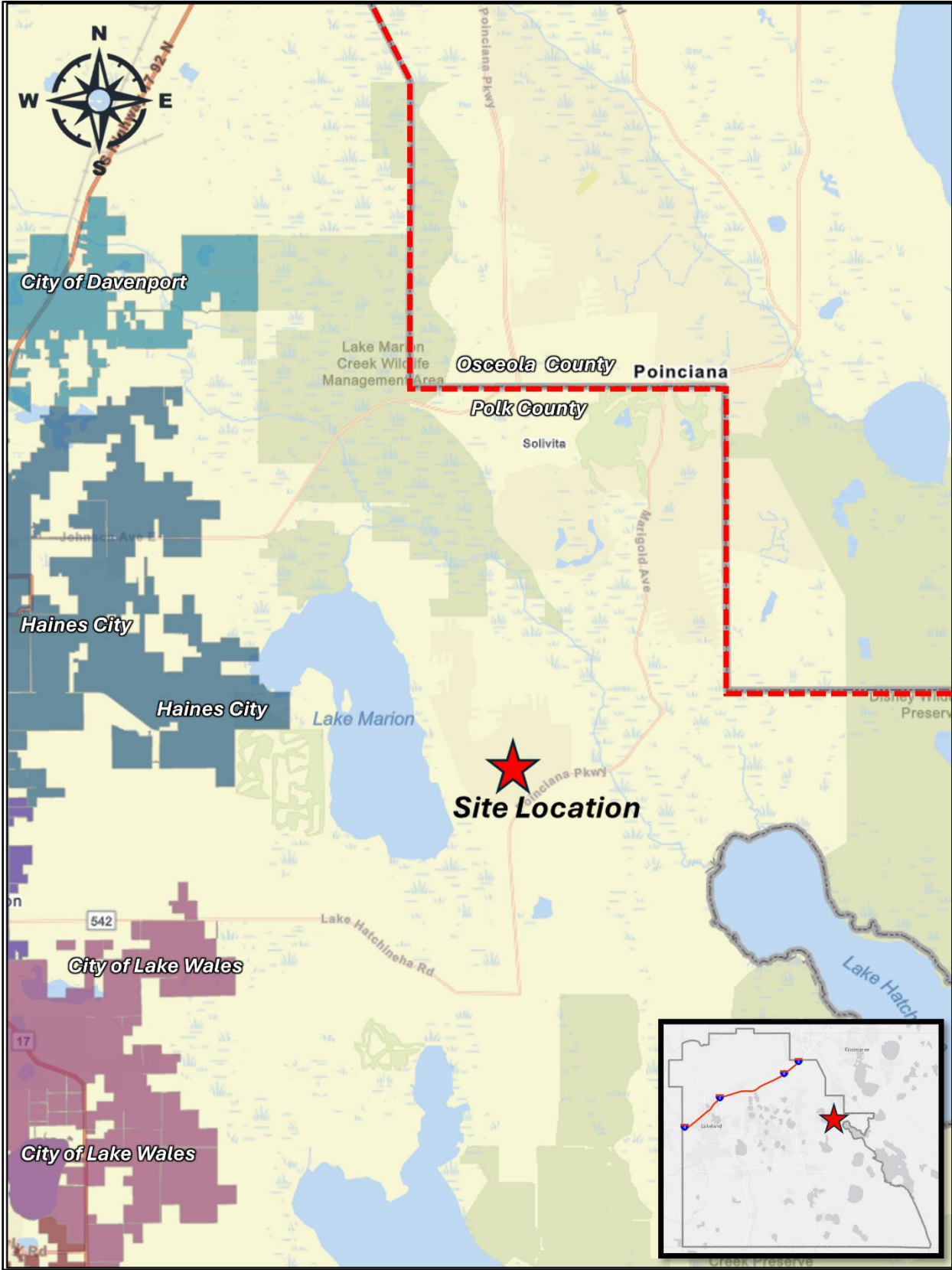
Surrounding Future Land Use Designations and Existing Land Use Activity:

<p>Northwest: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10, Neighborhood 5, Village 7 Manatee Court Private Road</p>	<p>North: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10, Neighborhood 5, Village 7, Lot 8 1,850 sq. ft. single-family home Built 2019 0.17 acres Corner lot</p>	<p>Northeast: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10, Neighborhood 5, Village 7, Lot 7 2,246 sq. ft. single-family home Built 2021 0.16 acres</p>
<p>West: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10, Neighborhood 5, Village 7 Manatee Court Private Road</p>	<p>Subject Property: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10, Neighborhood 5, Village 7, Lot 9 Vacant 0.16 acres Corner lot</p>	<p>East: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10, Neighborhood 5, Village 7, Lot 6 2,245 sq. ft. single-family home Built 2007 0.16 acres</p>
<p>Southwest: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10, Neighborhood 5, Village 7 Manatee Court Private Road</p>	<p>South: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10, Neighborhood 5, Village 7 Manatee Court Private Road</p>	<p>Southeast: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10, Neighborhood 5, Village 7, Lot 10 3,278 sq. ft. single-family home Built 2005 0.17 acres</p>

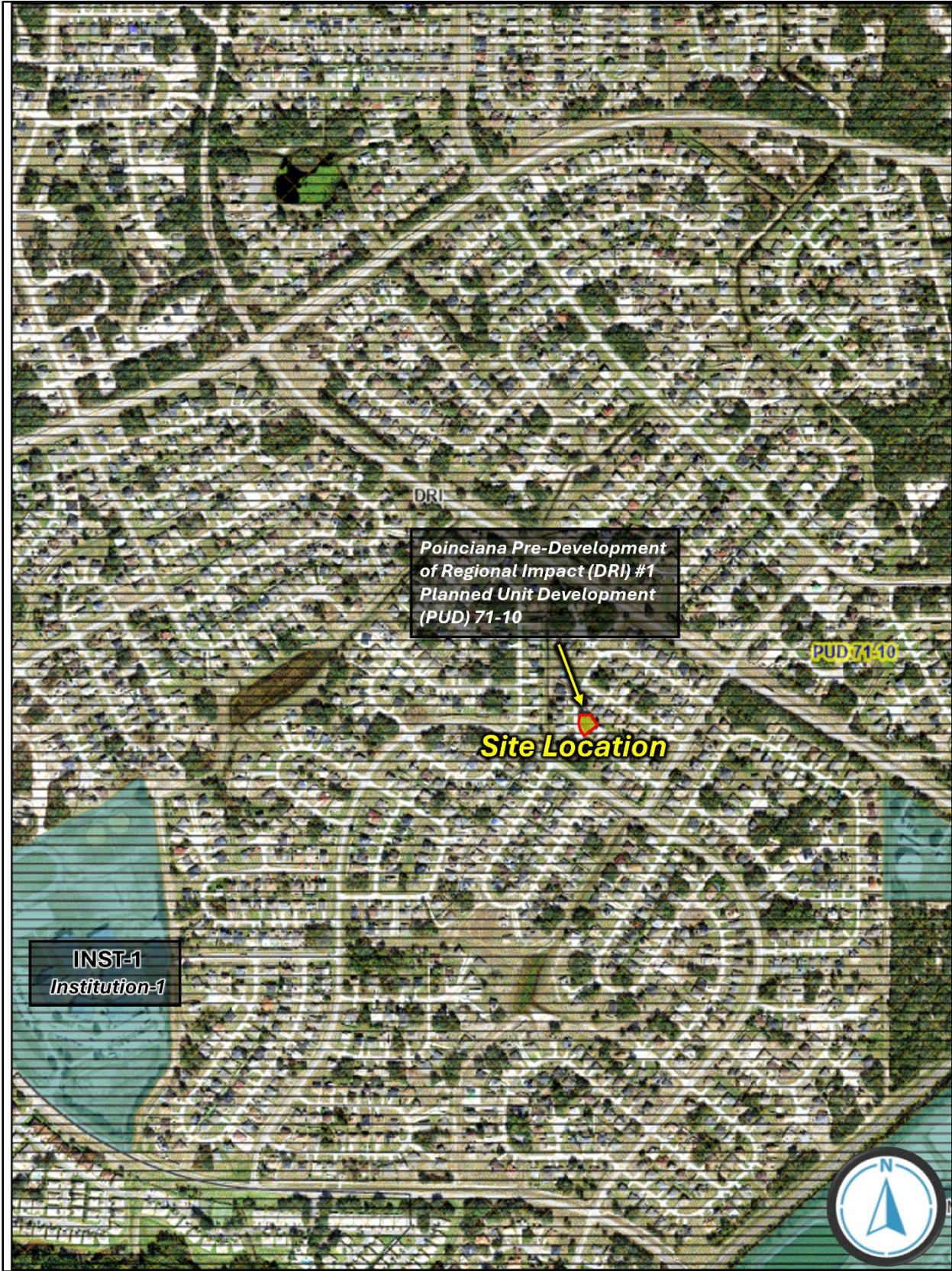
The property is part of the Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10, Neighborhood 5, Village 7. The surrounding area is developed with single-family detached units. This proposed single-family home will be 10 feet within the primary structure 25-foot ROW setback. This would not be the only property within the immediate surrounding area that would be within 15 feet of the rights-of-way. To the north, Lot 8 is a corner lot that at its closest point is 15 feet from the public rights-of-way.

Exhibits:

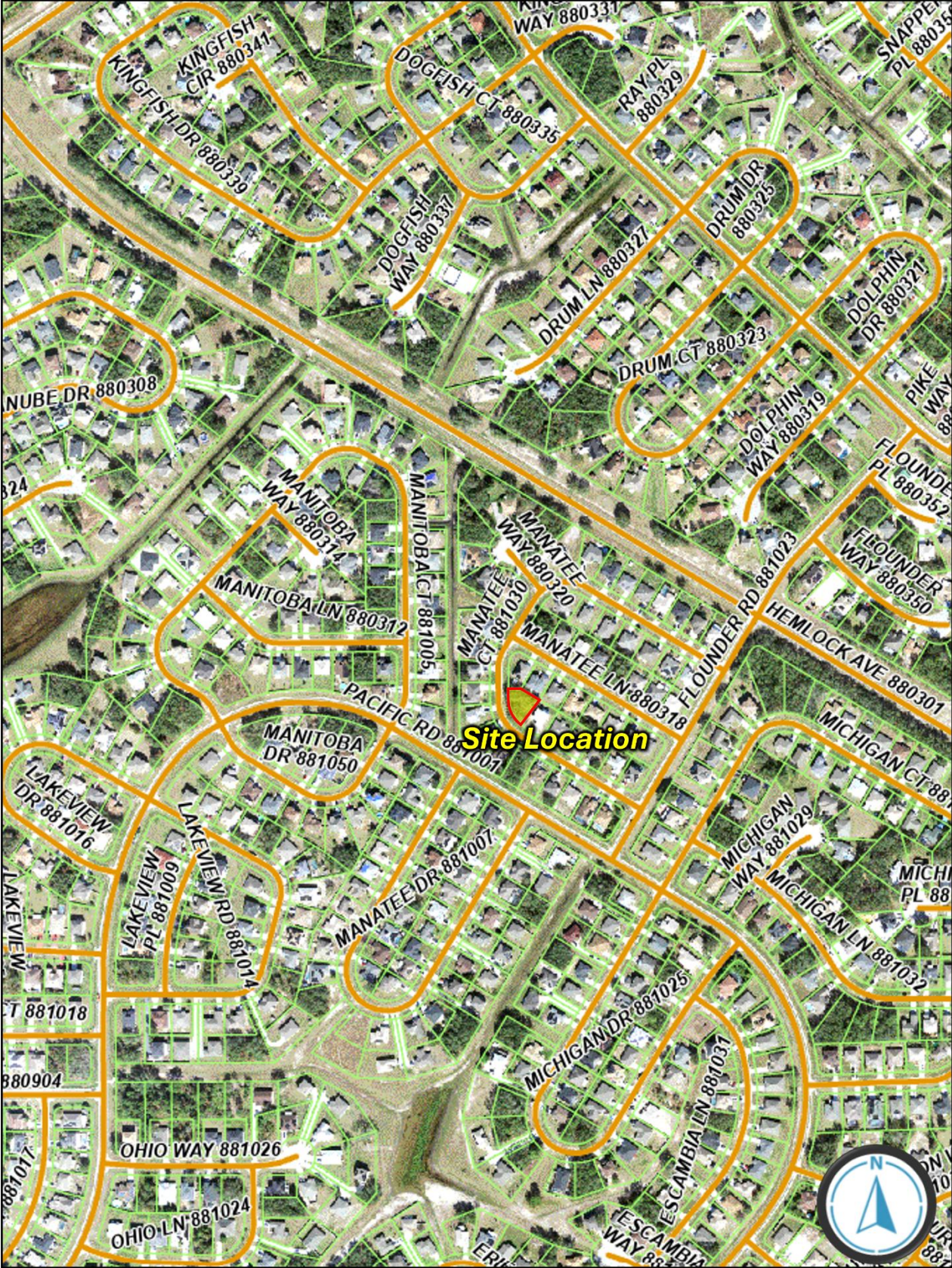
Exhibit 1	Location Map	Exhibit 4	Aerial Imagery (Close)
Exhibit 2	Future Land Use Map	Exhibit 5	Site Plan
Exhibit 3	Aerial Imagery (Context)	Exhibit 6	Justification



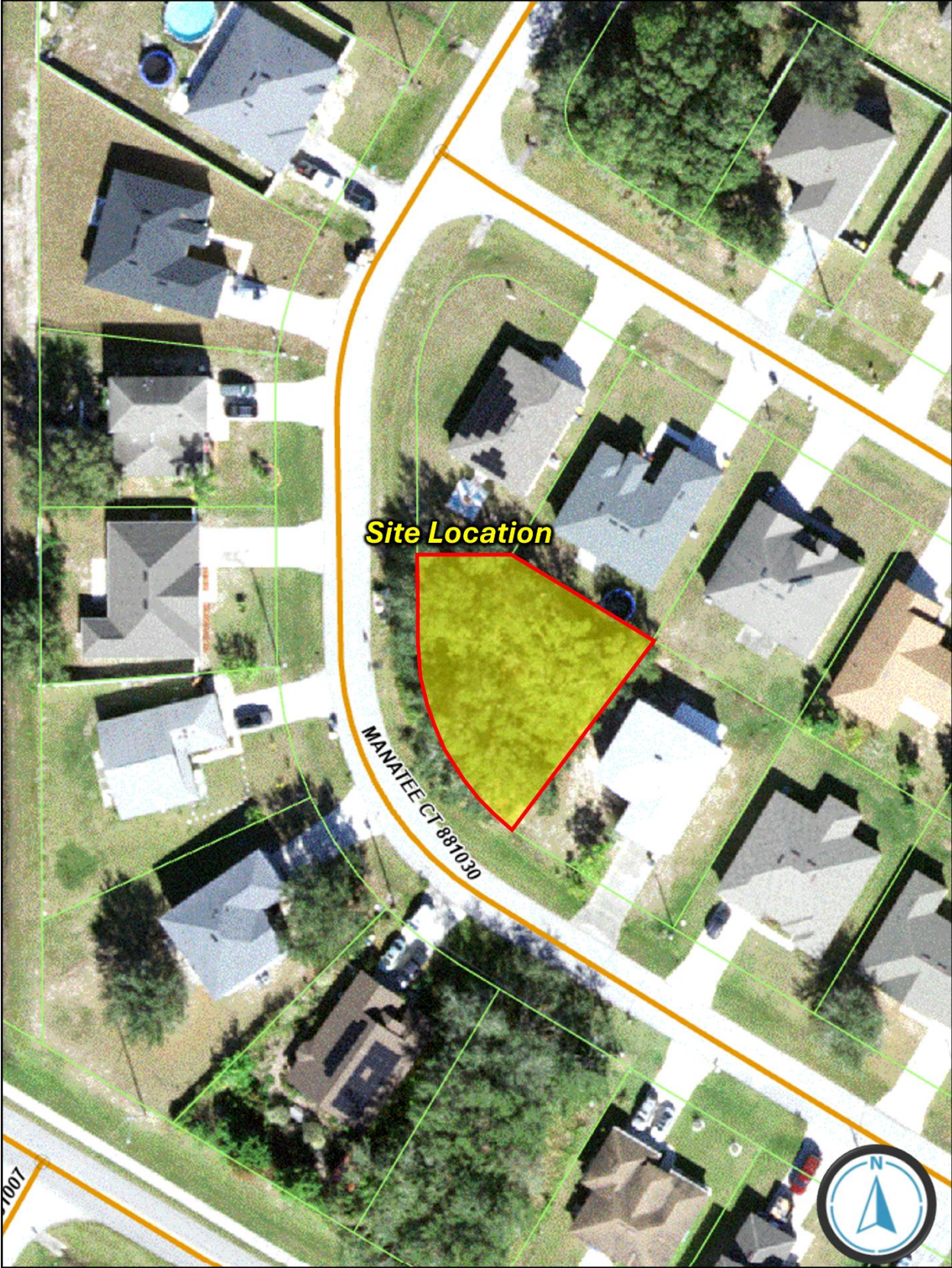
Location Map



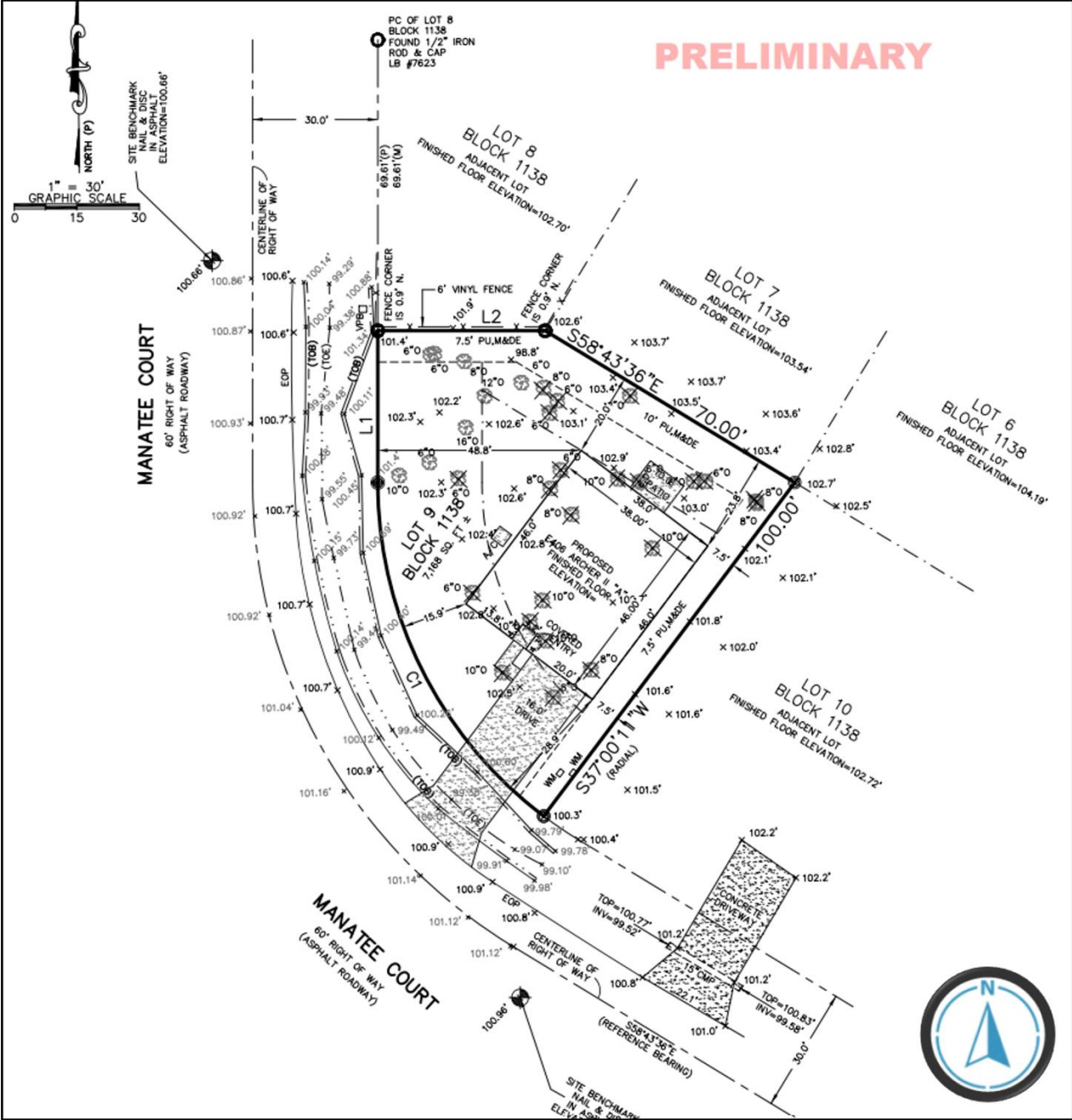
Future Land Use Map



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?
The lot is a corner lot with a long radius that pushes the ROW setback well into the lot. The lot depth is not adequate to fit a relatively small pad within the allowable setbacks.

When did you buy the property and when was the structure built? Permit Number?
The property is currently under contract, applicant (DHI Engineering) is working on behalf of the contract purchaser.

What is the hardship if the variance is not approved?
The lot realistically would require a very customized home causing undue expense to the owner.

Is this the minimum variance required for the reasonable use of the land?
While a smaller home may be possible, the proposed home is a typical size product (38' wide x 46' deep).

Do you have Homeowners Association approval for this request?
No.

Justification

LDLVAR-2026-17 - 1946 Manatee Ct Variance

Menu Reports Help

Application Name: [1946 Manatee Ct Variance](#)

File Date: [03/12/2026](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments: View ID Comment Date

Description of Work: [Request a variance to front and rear setbacks for 1946 Manatee Ct., Poinciana. The shape of the lot severely limits the ability to fit a house pad. The proposed setbacks y 20' in the front, and 15' in the rear. Not alteration to allowable side setbacks.](#)

Application Detail: [Detail](#)

Address: [1946 MANATEE CT, POINCIANA, FL 34759](#)

Parcel No: [282803934760049090](#)

Owner Name: [MAGBANUA ALFREDO J](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Adam Smith	DHI Engineering	Applicant	Mailing, 10192 Dowden ...	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

[.16](#)

DRC Meeting Time

DRC Meeting

[03/12/2026](#)

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

[05/28/2026](#)

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?

[The lot is a corner lot with a long radius that pushes the ROW setback well into the lot. The lot depth is not adequate to fit a relatively small pad within the allowable setbacks.](#)

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

[The property is currently under contract, applicant \(DHI Engineering\) is working on behalf of the contract purchaser.](#)

What is the hardship if the variance is not approved?

[The lot realistically would require a very customized home causing undue expense to the owner.](#)

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

[While a smaller home may be possible, the proposed home is a typical size product \(38' wide x 46' deep\).](#)

Do you have Homeowners Association approval for this request?

[No](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID

[POLKCO-26EST-00000-13642](#)

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](#)

RequiredDocumentTypes

-

Activate DPC

Activate FSA

[Yes](#)

DigitalSigCheck

[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 33 05/13/2026 05/13/2026

Workflow Status:

Task	Assigned To	Status	Status Date	Action By
Application Submittal		Application ...	03/16/2026	Saralis Wons
Roads and Drainage Review	Phil Irlen	Approve	03/16/2026	Phil Irlen
Planning Review	Kyle Rogus	Approve	04/01/2026	Kyle Rogus
Review Consolidation		Approved for...	04/03/2026	Saralis Wons
Public Notice				
Hearing Officer				
Final Order				

Task	Assigned To	Status	Status Date	Action By
------	-------------	--------	-------------	-----------

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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DEPT 115 5.00
DEPT 291 1.00
DEPT 251 88.90
774 H
CHECKS 94.90
9525A

10/03/96

Warranty Deed

08-658525
CONTRACT NUMBER
032828-934760-049090
PARCEL NUMBER

SOCIAL SECURITY (I.D.) NUMBER

This Indenture, made this September 19, 1996, between Avatar Properties Inc., P.O. Box 023000, Miami, FL 33102, a corporation existing under the laws of the State of Florida having its principal place of business in the County of Dade and State of Florida, hereinafter called the grantor, to ALFREDO J. MAGBANUA AND ARLENE D. MAGBANUA, AS JOINT TENANCY WITH RIGHTS OF SURVIVORSHIP, whose post office address is C/O AVATAR PROPERTIES INC. P.O. BOX 023000 MIAMI, FL 33102-3000, hereinafter called the grantee:

Witnesseth, That the grantor for and in consideration of the sum of \$10.00 and other good and valuable considerations, to it in hand paid by the grantee, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and said grantee's heirs and assigns forever, the following described land:

8870 Lot 9, Block 1138, Village 7, Neighborhood 5, POINCIANA SUBDIVISION, according to the plat thereof recorded in Plat Book 53 at Page(s) 26 of the of the Public Records of POLK, County, Florida.

SUBJECT TO MORTGAGE AND PROMISSORY NOTE SIGNED SIMULTANEOUSLY WITH THIS TRANSACTION.

THIS IS VACANT LAND AND IS NOT SUBJECT TO HOMESTEAD EXEMPTION AND NEVER HAS BEEN.

Subject to taxes for the current year, easements of record, zoning and building ordinances, matters contained in Deed of Restrictions and any other reservations of record, Articles of Association in Poinciana Village Association, and By-Laws thereof of Poinciana Subdivision, which provides among other matters for mandatory membership in Poinciana Village Association, assessments imposed on the property for maintenance and as improvement fees, with a right granted to the Association to impose a lien on the above described property for failure to pay assessments as they become due, all of which are covenants running with the land.

And the said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

WITNESS:
Maria Borge
MARIA BORGHE

In Witness Whereof, the said grantor has caused these presents to be signed in its name by its duly authorized officers, and its corporate seal to be affixed, the day and year written.

WITNESS:
Mercedes Mecias
MERCEDIS MECIAS

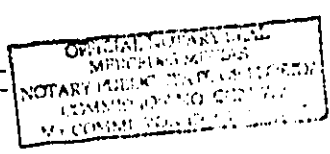
AVATAR PROPERTIES INC.
By: G. Patrick Settles
G. Patrick Settles, Vice President
P.O. Box 023000, Miami, FL 33102

STATE OF FLORIDA
County of Dade

I Hereby Certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements G. PATRICK SETTLES, Vice President of AVATAR PROPERTIES INC., a Florida corporation, to me personally known and known to me to be the individual described in and who executed the foregoing instrument, and has acknowledged the execution thereof to be a free act and deed as such officer for the uses and purposes therein expressed; and has affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

Witness my hand and official seal at Miami, said county and state, on this the 19th day of September, 1996.

NOTARY PUBLIC, STATE OF FLORIDA:
Sign: [Signature]
Print Name MERCEDIS MECIAS
Commission No. CC441734 (SEAL)



My Commission Expires: February 7, 1997

This Instrument Form Prepared by
Dennis J. Germain, Esq.
P.O. Box 023000
Miami, Florida 33102

Documentary Tax Pd. \$ 28.90
Intangible Tax Pd. \$ _____
E.D. "Bud" Dixon, Clerk, Polk Co.
By: [Signature] Deputy Clerk

96 OCT -3 PM 1:29

125082

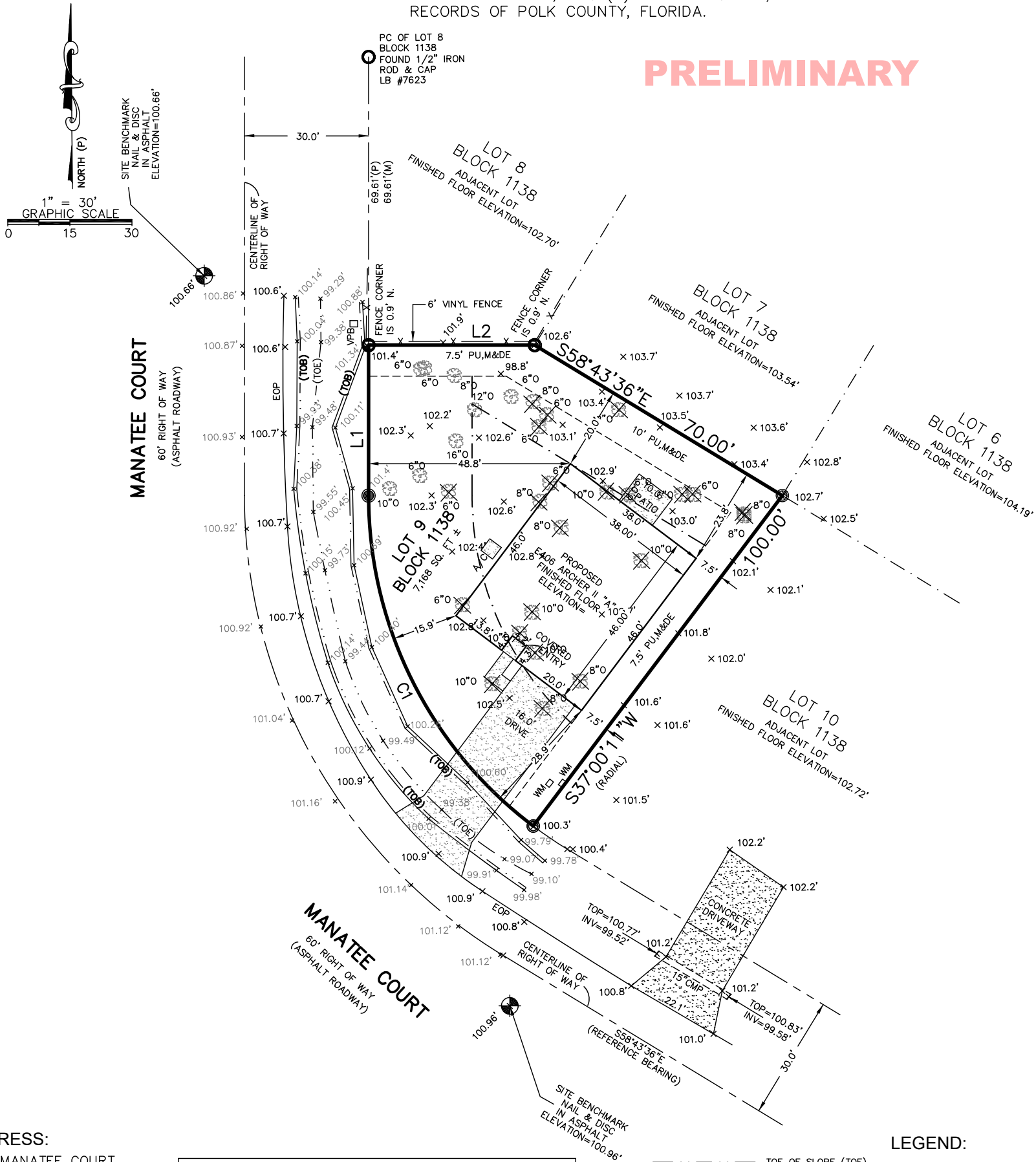
1/3

PLOT PLAN

DESCRIPTION:(AS FURNISHED)

LOT 9 BLOCK 1138 POINCIANA NEIGHBORHOOD 5, VILLAGE 7, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 53, PAGE(S) 19 THROUGH 28, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

PRELIMINARY



ADDRESS:

1946 MANATEE COURT
POINCIANA, FLORIDA 34759

PREPARED FOR:



BUILDING SETBACKS

FRONT: 25'
REAR: 20' (PIE SHAPE CORNER LOTS ARE 10')
SIDE: 7.5'
SIDE STREET: 20'(20' FOR OSCEOLA & 15' FOR POLK)

NOTES:

- ELEVATIONS SHOWN ARE PER LOT GRADING PLANS PROVIDED BY THE CLIENT.
- ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
- ELEVATION SHOWN HEREON ARE BASED ON POLK COUNTY BENCHMARK #881002, ELEVATION=83.34' NAVD 88 DATUM.

THIS PLOT PLAN IS INTENDED FOR PERMITTING PURPOSES ONLY. THIS IS NOT INTENDED FOR THE CONSTRUCTION OF THE PROPOSED STRUCTURE. THE CONTRACTOR AND/OR OWNER ARE REQUIRED TO VERIFY ALL SETBACKS, BUILDING DIMENSIONS, AND LAYOUT SHOWN HEREON PRIOR TO ANY CONSTRUCTION.

**THIS IS NOT A SURVEY
THIS IS A PLOT PLAN ONLY**

FLOOD NOTE:

I HAVE EXAMINED THE F.I.R.M. COMMUNITY MAP NO 12105C0385H, DATED DECEMBER 22, 2016, AND FOUND THE SUBJECT PROPERTY APPEARS TO LIE IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ABOVE INFORMATION. PLEASE CONTACT THE LOCAL F.E.M.A. AGENT FOR VERIFICATION.

BEARING BASIS:

BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF MANATEE COURT, BEING S58°43'36"E, PER PLAT.

(FIELD DATE:) 02-10-26

REVISED:

SCALE: 1" = 30 FEET

APPROVED BY: EGT

JOB NO. 241218 LOT 9 BLK. 1138

DRAWN BY: GO

PRELIM 3/11/26 GO
PRELIM 3/10/26 GO
BOUNDARY & TOPOGRAPHIC
02-10-26 CC

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	92.46'	100.00'	52°58'27"(C) 52°58'35"(P)	N26°29'13"W	89.20'

Line Table		
Line #	Direction	Length
L1	N00°00'00"E	36.36'
L2	N90°00'00"E	40.14'

Tree legend	
O	OAK TREE

Tree Table		
Size/Type	Count	
6" O	12	
8" O	9	
10" O	6	
12" O	1	
14" O	1	
16" O	1	

ON LOT CALCULATIONS

LOT	= 7,168	SQ. FT.
LIVING AREA	= 1,328	SQ. FT.
GARAGE	= 402	SQ. FT.
ENTRY	= 18	SQ. FT.
LANAI	= 0	SQ. FT.
PATIO	= 80	SQ. FT.
DRIVEWAY	= 443	SQ. FT.
A/C PAD	= 12	SQ. FT.
WALKWAY	= 31	SQ. FT.
IMPERVIOUS	= 32%	
	= 2314	SQ. FT.
SOD	= 4,854	SQ. FT.
OFF LOT CALCULATIONS		
RIGHT OF WAY	= 2818	SQ. FT.
DRIVE APRON	= 361	SQ. FT.
PUBLIC S/W	= 0	SQ. FT.
SOD	= 2,457	SQ. FT.
TOTALS		
AREA	= 9,986	SQ. FT.
DRIVEWAY	= 804	SQ. FT.
SIDEWALK	= 31	SQ. FT.
SOD	= 7,311	SQ. FT.

LEGEND:

- TOE OF SLOPE (TOE)
- TOP OF BANK (TOB)
- OHU OVERHEAD UTILITY LINE
- BUILDING SETBACK LINE
- CENTERLINE
- RIGHT OF WAY LINE
- PROPOSED ELEVATIONS PER CIVIL ENGINEER
- PROPOSED ELEVATION
- EXISTING ELEVATION
- PROPOSED DRAINAGE FLOW
- CONCRETE
- A/C AIR CONDITIONER
- S/W SIDEWALK
- EOP EDGE OF PAVEMENT
- RWM RECLAIM WATER METER
- TR TELEPHONE RISER
- TRANS TRANSFORMER
- WB WATER BIBB
- PP POWER POLE
- FFE FINISHED FLOOR ELEVATION
- COMMUNICATION RISER
- GUY ANCHOR
- STORM INLET
- STORM MANHOLE
- UTILITY POLE
- WATER METER
- CMP CORRUGATED METAL PIPE
- CONC CONCRETE
- WF WOOD FENCE
- WM WATER METER
- PU&DE PUBLIC UTILITY & DRAINAGE EASEMENT
- VPB VERIZON PULL BOX
- PI TREE(S) TO BE REMOVED
- PC POINT OF INTERSECTION
- PT POINT OF CURVATURE
- RP POINT OF TANGENCY
- PRC RADIUS POINT
- PCC POINT OF REVERSE CURVATURE
- TYP POINT OF COMPOUND CURVATURE
- CS TYPICAL
- (P) CONCRETE SLAB
- (C) PER PLAT
- (R) CALCULATED
- (M) RECORD DATA
- SQ. FT. MEASURED DATA
- F.E.M.A. SQUARE FEET
- F.I.R.M. FEDERAL EMERGENCY MANAGEMENT AGENCY
- NAVD FLOOD INSURANCE RATE MAP
- D&UE NORTH AMERICAN VERTICAL DATUM
- MEG DRAINAGE & UTILITY EASEMENT
- EG MATCH EXISTING GRADE
- ECMP ELEVATION
- CHW EXISTING GRADE
- EP ELLIPTICAL CORRUGATED METAL PIPE
- EL CONCRETE HEAD WALL
- FFE EDGE OF PAVEMENT
- FND ELEVATION
- ID FINISHED FLOOR ELEVATION
- INV FOUND
- IR IDENTIFICATION
- LB INVERT
- PC IRON ROD
- WF LICENSED BUSINESS
- PC POINT OF CURVATURE
- WF WOOD FENCE
- SB SITE BENCHMARK
- LB SET 1/2" IRON ROD & CAP
- PC LB 6393
- FH FIRE HYDRANT
- SB SANITARY MANHOLE

SURVEYOR NOTES:

- THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
- NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC SIGNATURE AND THE AUTHENTIC ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ASMAmerican Surveying & Mapping, Inc.
NDDS NATIONAL DUE DILIGENCE SERVICES
 A DIVISION OF AMERICAN SURVEYING & MAPPING, INC.
 221 Circle Drive, Maitland, FL 32751
 407-426-7979
 americansurveyingandmapping.com

PRELIMINARY

E. GLENN TURNER PSM # 5643

FOR THE FIRM



Polk County
Polk County Land Use Hearing Officer

Agenda Item 6.

5/28/2026

SUBJECT

LDLVAR-2025-20 (Samus Variance)

DESCRIPTION

The applicant is requesting a side yard accessory setback reduction from five (5) feet to zero (0) feet on approximately 0.71 acres of residential property.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Andrew Grohowski

Land Development Division

(863) 534-6412

andrewgrohowski@polkfl.gov

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

DRC Date	April 9, 2026	CASE #:	LDLVAR-2026-20 (Samus Variance)
LUHO Date	May 28, 2026	LDC Section:	Chapter 2, Table 2.2

Request: The applicant is requesting a side yard accessory setback reduction from five (5) feet to zero (0) feet on approximately 0.71 acres of residential property.

Applicant: Vickie D. Samus

Property Owners: Joseph N. Samus & Vickie D. Samus

Location: The subject property is located at 1508 Lake Rochelle Drive, north and west of State Road 544 (Lucerne Park Road), east of U.S. Highway 17, south of Lake Rochelle, north of the City of Winter Haven in Section 09, Township 28, and Range 26.

Parcel ID#: 262809-529600-000080

Size: ±0.71 acres

Land Use Designation: Residential Low – 3 (RL-3)

Development Area: Urban Growth Area (UGA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting a side accessory structure setback reduction from five (5) feet to zero (0) feet for the installation of a shed on their property. The subject property is about 0.71 acres and is considered “Lot 8” of the Rochelle Gardens plat recorded in 1955. The western property boundary abuts a large 25’ drainage easement owned and maintained by the County. The shed is about 8’x 10’ (80 sq. ft.), according to the applicant. The Staff is recommending approval as the applicant’s request will not be injurious to the area or detrimental to the public welfare or impact the existing drainage easement. 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 County’s drainage easement and is not anticipated to impact the livelihood or safety of the nearby property owners.

- **Special conditions and circumstances are present in the request do not result from the actions of the applicant.** A 25' wide County maintained drainage easement runs along the western property line when the property was platted in the 1950s. The placement of the 80 sq. ft. shed will not encroach upon this easement.

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-2026-20**, with the following conditions:

CONDITIONS OF APPROVAL:

1. Approval of this variance is to reduce the side accessory setback from five (5) feet to zero (0) 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 the LDC, 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 granting of this request will not be injurious to the area or detrimental to the public welfare. The applicant is requesting a variance to reduce the side yard accessory setbacks from five (5) feet to zero (0) feet for the installation of 8' x 10' shed. The request will not reduce the rear yard setback requirement. The structure will be located to the western side of the home and behind an approximately six (6) foot- tall vinyl fence. The subject property is recorded as "Lot 8" within the "Rochelle Gardens" plat (PB 69, PGS 21/26) recorded in 1955.

Granting a setback reduction will still allow adequate space and buffering between the proposed structure and residential properties. A 25' wide County maintained drainage easement runs parallel with the subject site's western property boundary. This should not be any cause for concern, however, as the shed will not be located within this easement and cause any impacts or impediments to drainage and stormwater requirements. The shed will not cause any impacts or impediments to drainage and stormwater to Lake Rochelle or the surrounding lakes. The applicant intends to utilize the shed for extra space to store personal items. This is a very benign accessory use, commonly found throughout residential subdivisions. Granting this variance, as conditioned, is in accordance with the general intent and purpose of the Code.

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

The subject property is located within the Residential Low-3 (RL-3) land use district on approximately 0.71 acres. Pursuant Chapter 2, Section 205, Table 2.2, accessory structures have five feet (5) feet for both side and rear setbacks. The lot is 0.71 acres, which is above the 10,000 sq. ft. minimum residential lot area in the RL-3 land use district.

The lot abuts a 25' County maintained easement for drainage purposes to the west. An 18" wide diameter pipe and associated grate outfalls into Lake Rochelle. The shed will be located along the property line and behind an existing six (6) foot tall fence, negating any offsite visibility or drainage concerns.

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 2013 and subsequently constructed a 5,362 sq. ft. residence in 2016. The subject site has about 105 feet of frontage on Lake Rochelle Drive South and is approximately 310 feet in depth. There is a twenty-five-foot-wide drainage easement to the west owned by the County. When the home was constructed in 2016, a septic system and associated drain field were installed on the western portion of the property. The shed will not be located within the septic tank area or drainfield. Front setback requirements are 15 feet for the right of way, 5 feet for the sides and rear for accessory structures. The applicant wishes to shelter personal equipment and tools within this shed and have determined

these dimensions suit this need. The site plan shows that it meets front and rear setbacks and is well-buffered and screened from adjacent properties.

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

Granting the requested variance will not confer a special privilege to the applicant. A majority of homes within this subdivision have accessory structures of some kind. The shed is 80 sq. ft. and is rather benign in size and intensity. The shed will be approximately 30 feet from the neighboring residential structure to the west, across the existing drainage easement, which meets fire code standards.

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. While the shed may be placed in the rear yard, the applicant has stated the side yard is the best location that suits their needs. There is no additional space on the eastern side yard, and the western side yard has a septic tank which prevents

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.*

There was no evidence found to suggest that the proposed request will circumvent the intent of a condition placed on a development by the Planning Commission or Board of County Commissioners. This site is not within a Planned Development and is a legal lot of record created prior to any County development or zoning standards.

Surrounding Future Land Use Designations and Existing Land Use Activity:

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

Northwest: Lake Rochelle	North: Lake Rochelle	Northeast: Lake Rochelle
West: RL-3 25' Drainage Easement Lot 9 – Rochelle Gardens	Subject Property: RL-3 Lot 8 – Rochelle Gardens	East: RL-3 Lot 7 – Rochelle Gardens
Southwest: RL-3 Lot 46 - Rochelle Gardens Unit 2	South: RL-3 Lot 45 – Rochelle Gardens Unit 2	Southeast: RL-3 Lot 44 – Rochelle Gardens Unit 2

The subject site and residential lots in the immediate vicinity are considered a residential enclave surrounded by additional single-family development in the City limits of Winter Haven. The site has waterfront access to Lake Rochelle with the banks of Lake Conine about 580 feet to the southeast. The property is about 0.71 acres and considered “Lot 8” of the platted residential development “Lake Rochelle Gardens” in 1955 (PB 38, PG 49). The subject site was created prior to the County’s first zoning ordinance in 1970. The lots to the south were platted in 1957 and are within “Rochelle Gardens Unit 2” (PB 41, PG 24). Potable water is provided by the City with lots connected to individual septic tanks. The lot remained vacant for over six decades and was utilized as a secondary driveway entrance for “Lot 9” directly to the west until 2003 when those owners sold the subject site in 2003. The current owners for this variance purchased the property in September 2013 and constructed a 5,362 sq. ft. residence in 2016 (Permit # BLD-H-212573), according to the Property Appraiser. Besides the 25-foot drainage easement to the east of the property, no additional easements are in the immediate vicinity. Given the majority of the surrounding area is within City limits, no additional variances or special exceptions are found within a one-mile radius of the site.

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



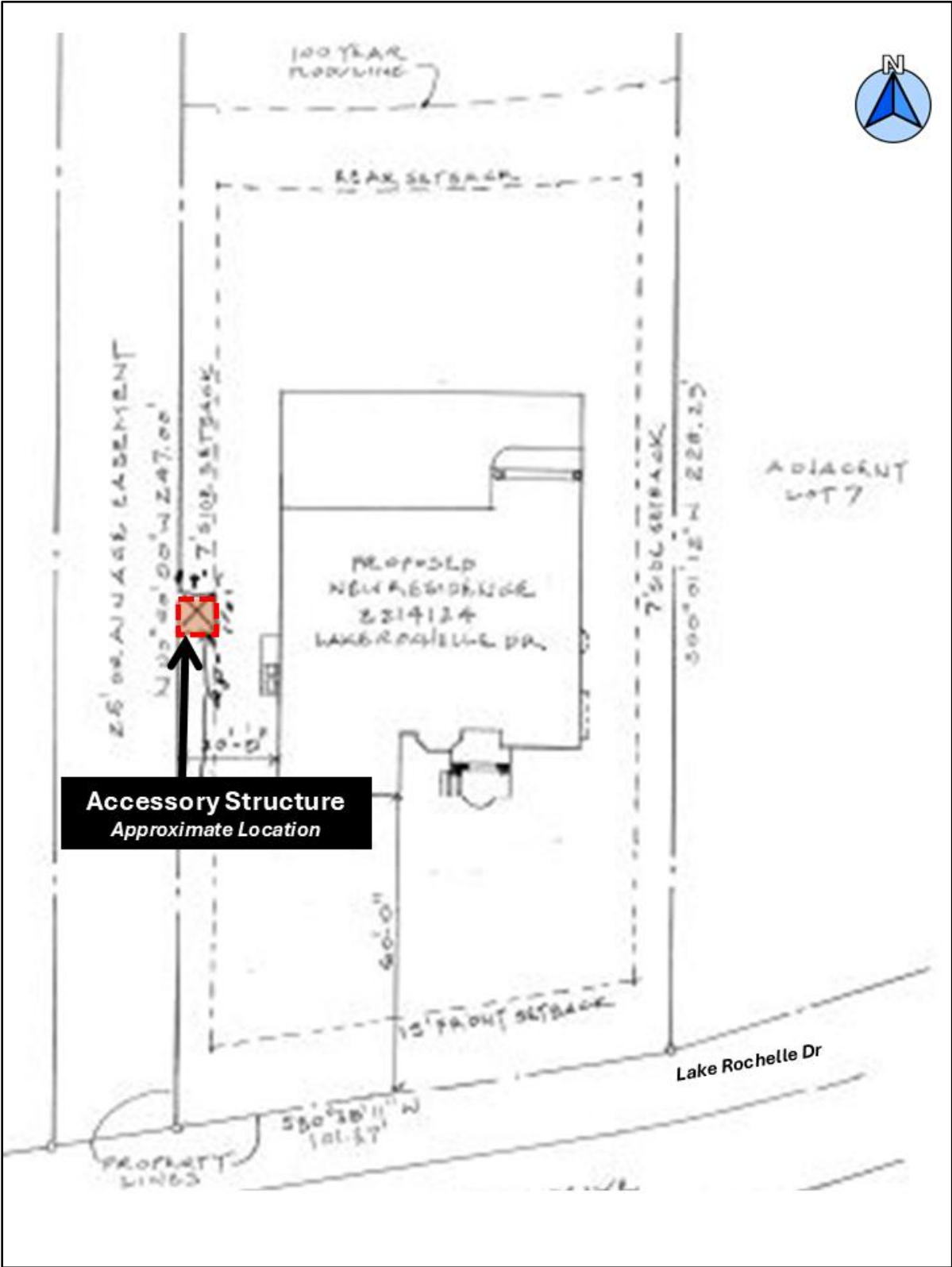
Future Land Use Map



2025 Satellite Image (Context)



2023 Aerial Image (Close-up)

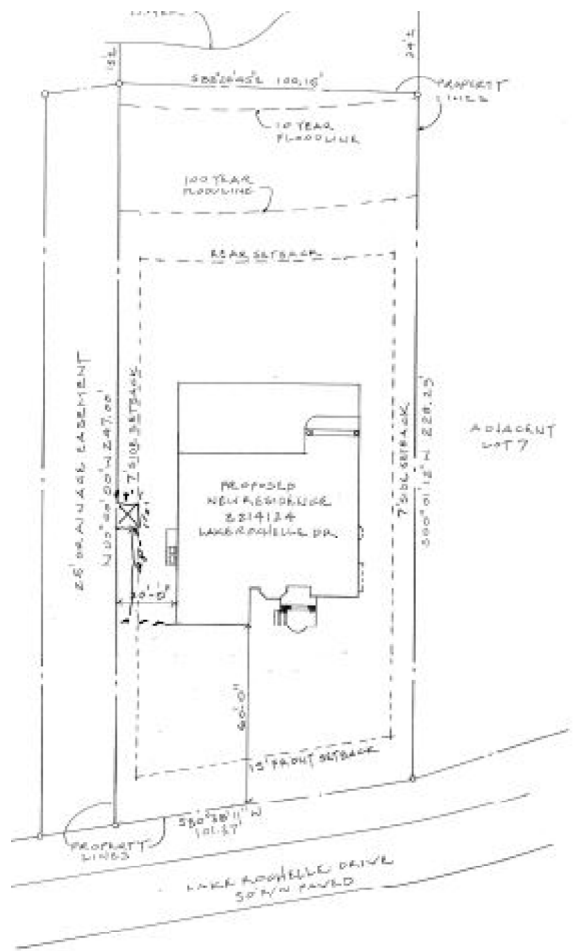


Site Plan

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?
The side yard has our septic tank. If we put the shed 5' off property line it would be on our septic tank.
3. When did you buy the property and when was the structure built? Permit Number?
Purchased property in 2013. Permit was approved on 2/26/14. Permit Number: 212573
4. What is the hardship if the variance is not approved?
We won't be able to purchase the shed. We need it for storage. Our property abuts a 25' county easement so it is not encroaching on others.
5. Is this the minimum variance required for the reasonable use of the land?
5'
6. Do you have Homeowners Association approval for this request?
no

Applicant's Justification



LDLVAR-2026-20 - Samus variance

Menu Reports Help

Application Name: [Samus variance](#)

File Date: [03/13/2026](#)

Application Type: [LUHO - Variance](#)

Application Status: [In Review](#)

Application Comments: View ID Comment Date

Description of Work: [We are wanting to place a shed at our fence line. We cannot put it 5' off property line because our septic tank is there. The adjoining property is a county easement.](#)

Application Detail: [Detail](#)

Address: [1508 S LAKE ROCHELLE DR, WINTER HAVEN, FL 33881](#)

Parcel No: [26280952960000080](#)

Owner Name: [SAMUS JOSEPH N](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Vickie Samus		Engineer	Mailing, 1508 S Lake R...	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	.71
DRC Meeting Time	DRC Meeting	04/09/2026
Rescheduled DRC Meeting	Rescheduled DRC Meeting Time	-
Green Swamp	Number of Units	-
No	Is this Polk County Utilities	-
Case File Number	FS 119 Status	Exempt
One Year Extension		-

PUBLIC HEARINGS

Development Type	Application Type	Variance
Land Use Hearing	Brownfields Request	Individual
Officer		
Variance Type		
Distance		
Between		
Buildings		
Affordable Housing		

ADVERTISING

Advertising Board	Legal Advertising Date	-
Land Use Hearing		
Officer		

MEETING DATES

LUHO Hearing Date		05/28/2026
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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 accommodate 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?
[The side yard has our septic tank. If we put the shed 5' off property line it would be on our septic tank.](#)

When did you buy the property and when was the structure built? Permit Number?
[Purchased property in 2013. Permit was approved on 2/26/14. Permit Number: 212573](#)

What is the hardship if the variance is not approved?
[We won't be able to purchase the shed. We need it for storage. Our property abutts a 25' county easement so it is not encroaching on others.](#)

Is this the minimum variance required for the reasonable use of the land?
[5'](#)

Do you have Homeowners Association approval for this request?
[no](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

PLAN REVIEW FIELDS

TMPRecordID
[POLKCO-26EST-00000-14598](#)
 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](#)

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
LUHO	1	31	05/13/2026	05/13/2026	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal		Application ...	03/16/2026	Saralis Wons
	Roads and Drainage Review	Phil Irven	Approve	03/16/2026	Phil Irven
	Planning Review	Andrew Grohowski	Resubmittal ...	04/03/2026	Andrew Grohowski
	Review Consolidation				
	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
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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?
The side yard has our septic tank. If we put the shed 5' off property line it would be on our septic tank.
3. When did you buy the property and when was the structure built? Permit Number?
Purchased property in 2013. Permit was approved on 2/26/14. Permit Number: 212573
4. What is the hardship if the variance is not approved?
We won't be able to purchase the shed. We need it for storage. Our property abuts a 25' county easement so it is not encroaching on others.
5. Is this the minimum variance required for the reasonable use of the land?
5'
6. Do you have Homeowners Association approval for this request?
no



Polk County
Polk County Land Use Hearing Officer

Agenda Item 7.

5/28/2026

SUBJECT

LDLVAR-2026-23 Shepherd Road Variance

DESCRIPTION

The applicant is requesting a variance to reduce the right of way setback from thirty-five (35) feet to fifteen (15) feet for a new dental office. The subject site is located North of Shepherd Rd, east of Shepherd Oaks Dr, west of Old Hwy 37, northwest of the city of Mulberry in Section 23, Township 29, Range 23.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No Fiscal Impact

CONTACT INFORMATION

Aleya Perreira-Inglima

Land Development Division

(863) 534-6764

aleyainglima@polkfl.gov

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

DRC Date:	April 9, 2026	CASE #:	LDLVAR-2026-23 (Shepherd Road Variance)
LUHO Date:	May 28, 2026	LDC Section:	Section 208, Table 2.2

Request: The applicant is requesting a variance to reduce the right of way setback from thirty-five (35) feet to fifteen (15) feet for a new dental office.

Applicant: Ricardo Jimenez

Property Owner: O Shepherd Road Land Trust

Location: North of Shepherd Rd, east of Shepherd Oaks Dr, west of Old Hwy 37, northwest of the city of Mulberry in Section 23, Township 29, Range 23.

Parcel ID#: 232923-000000-042010

Size: ±1.7 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 reduce the right of way setback from thirty-five (35) feet to fifteen (15) feet for a new dental office. The property was established prior to the Land Development Code and Comprehensive Plan. It is part of PUD 83-17 which allows the property to have commercial (C-1) uses. The property has always been vacant and never developed. There is limited space to add a new office within the current footprint without a variance due to the private roadway going through the parcel, wetlands, a curb inlet, and a new lift station being placed by Polk County Utilities. The right-of-way setbacks established in RL-1 land use districts are set at thirty-five feet for urban collector roads.

Staff finds this request will cause no harm to the community or neighbor. The subject parcel is surrounded by commercial and residential uses. Since the property has physical limitations, the reduction in setbacks will help the new office fit on the property without affecting the wetlands and lift station easement.

Staff recommends approval of LDLVAR-2026-23 as it meets the following criteria listed in Section 931:

- **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 has physical limitations such as wetlands the building needs to stay out of, there is a curb inlet west of the property, and Polk County Utilities has a lift station easement taking up a portion of the property.

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-2026-23 with conditions.**

CONDITIONS OF APPROVAL:

1. The property is approved for a variance to reduce the right of way setback from thirty-five (35) feet to fifteen (15) feet for a new dental office. Further additions or structures placed on the property shall be required to meet the setback requirements of Section 208, 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;*

Granting the requested variance will not be injurious to the surrounding area or detrimental to the public welfare as surrounding commercial uses are closer to Shepherd Road. The requested variance is consistent with the general intent of the Land Development Code to allow reasonable use of the property. The variance will allow the new office to stay out of the wetlands and allow Polk County Utilities to provide a lift station. Many of the surrounding parcels were developed prior to the Land Development Code and Comprehensive Plan. The property is located off a private road, and in a Residential Low-1 (RL-1) future land use district. The right of way setbacks established in RL-1 land use districts are set at thirty-five feet for collector roads.

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 has physical limitations which has affected its development over the years. This is the last remaining vacant property from the development of Le Mans. Le Mans Apartments has a private roadway taking up a portion of the parcel, there are wetlands, a curb inlet, and a new lift station being placed by Polk County Utilities. This makes it difficult to accommodate structures in compliance with current setback requirements.

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

The need for a variance is not solely the result of the owners' actions. The property has wetlands, an existing curb inlet taking up a portion of the property, Le Mans Apartments roadway takes up a portion east of the property, and a new Polk County Utilities lift station is being added. These all make a new building placement difficult without a variance.

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 space and physical limitations.

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

The requested reduction of the right-of-way setback from thirty-five (35) feet to fifteen (15) feet for a new office represents the minimum variance necessary to allow reasonable use of the property. Given the parcel's limitations and new lift station from Polk County Utilities, adherence to setback requirements would prevent placement of any new structures.

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;*

Approval of this variance will not result in a change of land use. The property will remain designated as Residential Low (RL-1) land use district.

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. PUD 83-17 did not specify any setbacks or preclude the outparcel from seeking a variance.

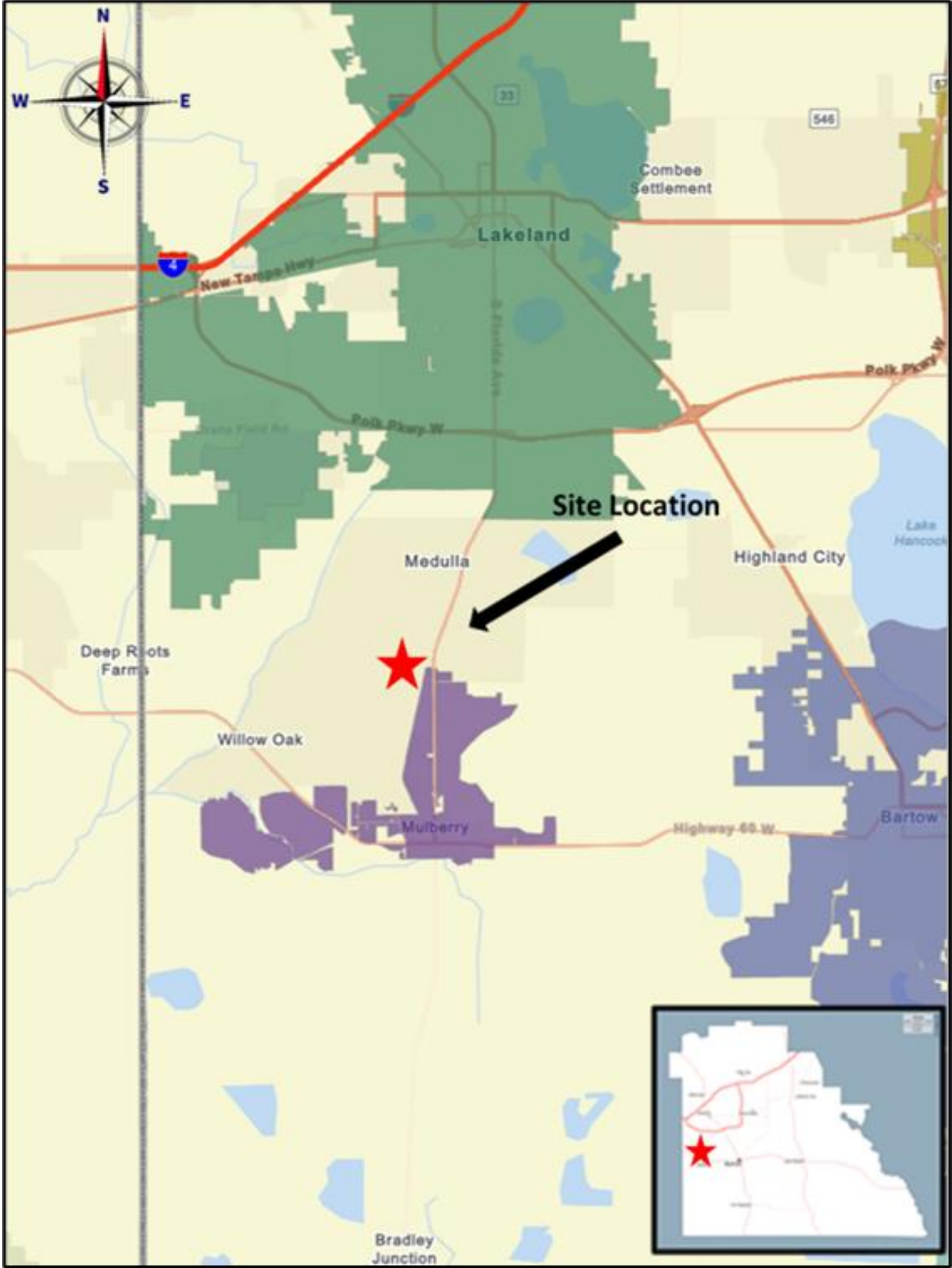
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: RL-3 Single family homes	North: RL-1 Multi-family	Northeast: RL-1 Multi-family
West: CAC Posh Salon	Subject Property: RL-1 Vacant	East: RL-1 Multi-family
Southwest: Shepherd Road	South: Shepherd Road	Southeast: Shepherd Road

The new office building will be located within the front of the parcel near Shepherd Road and Le Mans Apartment Road. Staff found no prior variances in this area. PUD 83-17 was approved for C-1 uses from the former zoning ordinance, but later retail uses were prohibited leaving offices, personal service, and clinics (see exhibit 7).

Exhibits:

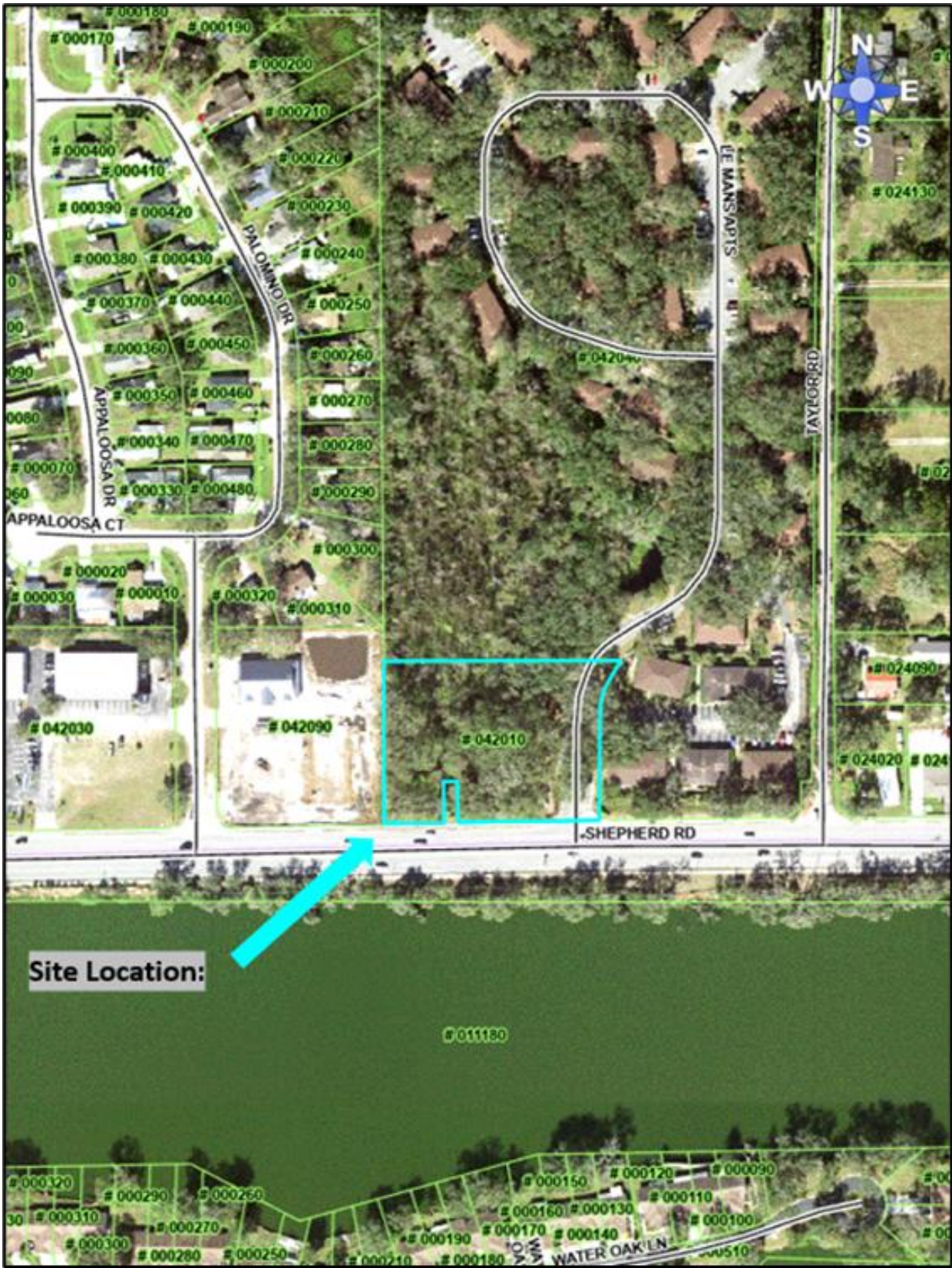
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Imagery (Context)
- Exhibit 4 Aerial Imagery (Close)
- Exhibit 5 Site Plan
- Exhibit 6 Justification
- Exhibit 7 C-1 Uses



Location Map



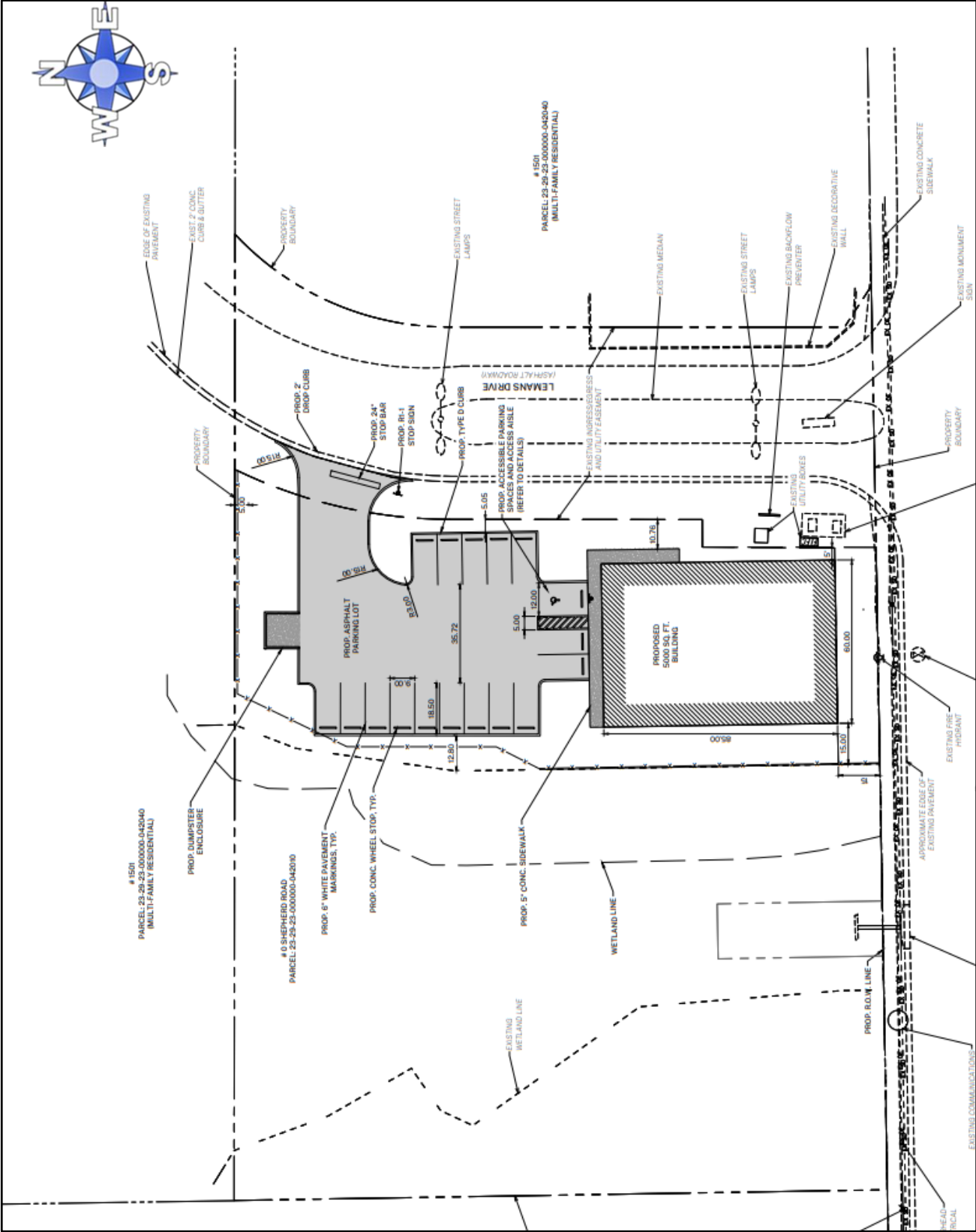
Future Land Use Map



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?
 We do not expect any damage or issues to the public, this variance is beneficial to Polk County Utilities

What special conditions exist that are peculiar to the land, structure, or building involved?
 That the proposed building will be in close proximity to the lift station and Polk County Utility has requested/ would benefit from the relocation of the lift station

When did you buy the property and when was the structure built? Permit Number?
 February 2024, no structures currently reside on the property.

What is the hardship if the variance is not approved?
 Conflicts with utilities may arise.

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

Justification

SECTION 5.6C COMMERCIAL (C-1) DISTRICT - NEIGHBORHOOD COMMERCIAL:

C-1 Districts are established to provide areas for commercial trade and services oriented to serving the needs of the immediate neighborhood.

1. Permitted Uses:**a. Retail Establishments such as:**

Apparel and Accessory Stores
 Food and Grocery Stores
 General Merchandise Stores
 Hardware Stores
 Specialty Shops including Drug Stores, Florist
 Shops, and Gift Shops

b. Personal Service Establishments such as:

Barber and Beauty Shops
 Dry Cleaning including Pickup and Delivery
 Service
 Garment Alteration and Repair including Tailors
 and Seamstresses
 Laundering and Dyeing Services
 Shoe Repair Shops
 Studios for Artists, Dancers, and Photographers

c. Offices**d. Clinics****e. One (1) Single Family Dwelling Unit in conjunction with the operation of a business on the premises, provided the dwelling unit is constructed as an integral part of the principal building****f. Uses similar to or customarily accessory to the uses listed previously, provided such uses do not appear as additional permitted uses in Commercial C-2, C-3, or C-4 Districts****g. Class I and II Agricultural Uses****h. Class I and II Essential Services****2. Conditional Uses:****a. Class III Agricultural Uses****b. Class III Essential Services****c. Day-Care Centers****C-1 Uses**



SITE IDENTIFICATION
 PARCEL IDENTIFICATION NO. 23-29-23-000000-042010
 TOWNSHIP 23S, SECTION 29, RANGE 23E
 ADDRESS: 0 SHEPHERD ROAD, LAKE LAND, FL 33811

SITE AREA
 TOTAL SITE AREA: 74,976.49 SQ. FT. = 1.72 ACRES
 EASEMENT AREA: 17,184.32 SQ. FT. = 0.39 ACRES
 TOTAL PROJECT AREA: 24,372 SQ. FT. = 0.56 ACRES

EXISTING:
 IMPERVIOUS: 7,450 SQ. FT. = 0.17 ACRES
 PERVIOUS: 67,526 SQ. FT. = 1.55 ACRES

PROPOSED:
 OFFICE BUILDING: 5,000 SQ. FT. = 0.14 ACRES
 TOTAL PROPOSED IMPERVIOUS: 12,624 SQ. FT. = 0.29 ACRES

SITE ZONING
 CURRENT ZONING: (RL-1) RESIDENTIAL LOW
 PROPOSED ZONING: (RL-1) RESIDENTIAL LOW

CURRENT LAND USE: VACANT
 PROPOSED LAND USE: MEDICAL OFFICE

BUILDING SETBACKS:
 FRONT: 15'
 REAR: 10'
 SIDE: 10'

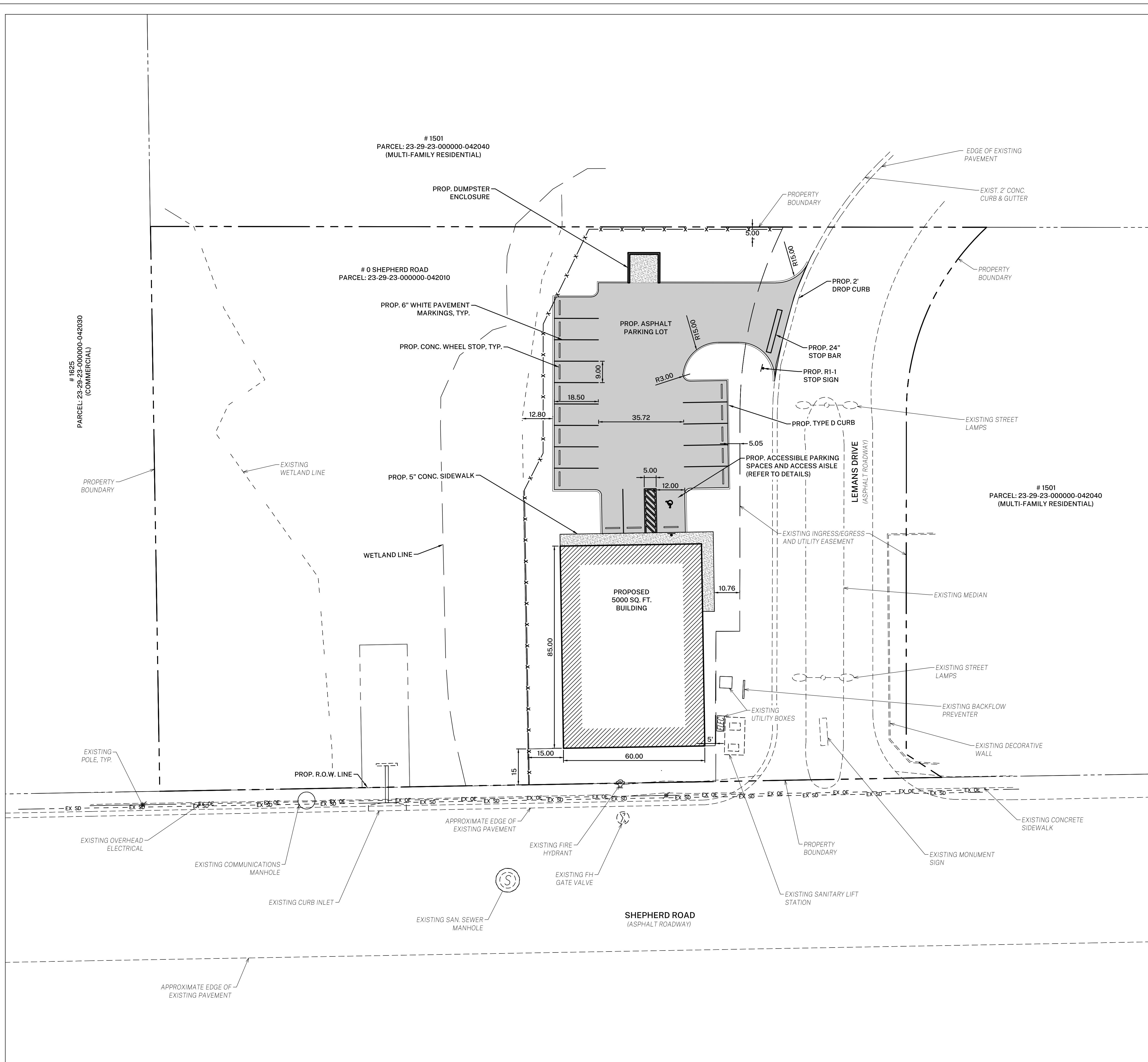
PARKING REQUIREMENTS:
 MINIMUM PARKING: 1 x 300 SQ. FT. OFFICE = 17 SPACES (5,000 SQ. FT.)
 PARKING SPACES PROVIDED: 17 SPACES

- GENERAL NOTES:**
- EXISTING CONDITIONS PRESENTED ARE BASED ON THE BOUNDARY AND TOPOGRAPHIC SURVEY PRESENTED BY RAFAEL ESCOBAR, P.S.M. DATED SEPTEMBER 3, 2025. ADDITIONAL DATA WAS COLLECTED THROUGH PUBLICLY AVAILABLE G.I.S. FILES, AERIAL IMAGERY AND FIELD INVESTIGATIONS.
 - ALL DIMENSIONS ARE APPROXIMATE AND SHALL BE VERIFIED FOR ACCURACY.
 - ACCESS WILL BE PROVIDED TO THE DEVELOPMENT THROUGH THE EXISTING INGRESS/EGRESS EASEMENT ON THE EASTERN SIDE OF THE PROPERTY. THE PROPOSED PARKING LOT AND DRIVEWAY WILL CONNECT TO THE PRIVATE ROAD DESIGNATED AS LEMANS DRIVE.
 - THE SITE IS LOCATED IN FLOOD ZONE X, IDENTIFIED WITH FEMA MAP # 12105C0480G DATED 12/22/2016.
 - NO SPECIAL OCCUPANCIES ARE INCLUDED IN THIS PROJECT.
 - POTABLE WATER SERVICE FOR THE SITE WILL BE PROVIDED BY POLK COUNTY UTILITIES THROUGH AN EXISTING 6" WATER MAIN LOCATED IN FRONT OF THE PROPERTY. THE EXISTING MAIN IS PLUGGED UNDERNEATH THE EXISTING SIDEWALK ALONG SHEPHERD ROAD. AN ADDITIONAL 6" WATER MAIN IS LOCATED IN THE UTILITY EASEMENT FOR SERVICE TO THE LEMANS APARTMENTS. BOTH MAINS WILL BE USED TO CREATE A LOOP THAT PROVIDES WATER SERVICE AND FIRE SUPPRESSION FOR THE BUILDING.
 - WASTEWATER COLLECTION WILL BE PROVIDED BY POLK COUNTY UTILITIES THROUGH AN EXISTING 8" GRAVITY SEWER FRONTING THE PROPERTY. THE EXISTING SEWER IS PLUGGED UNDERNEATH THE EXISTING SIDEWALK ALONG SHEPHERD ROAD.

- SIGNING AND MARKING NOTES:**
- ALL PAVEMENT MARKINGS SHALL BE THERMOPLASTIC UNLESS OTHERWISE NOTED.
 - ALL SIGNS SHALL BE MANUFACTURED AND INSTALLED IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.

LEGEND

	PROPOSED ASPHALT
	PROPOSED CONCRETE
	PROPOSED SOD
	PROPOSED CATCH BASIN



DOWNTOWN ENGINEERING
 DOWNTOWN ENGINEERING LLC
 LICENSE #36239
 LAKE LAND, FL (863) 732-8193

811 SUNSHINE STATE ONE CALL OF FLORIDA, INC.
 Know what's below.
 Call before you dig.

SHEPHERD ROAD MULTI-USE
 0 SHEPHERD ROAD LAND TRUST
 0 SHEPHERD ROAD
 UNINCORPORATED POLK COUNTY
 FLORIDA

PLAN REVIEW SET

Ricardo A. Jimenez
 No. 91144

NO.	REVISION/ISSUE

DESIGNED BY	N.H.	DRAWN BY	E.B.
CHECKED BY	R.J.	SCALE	1"=20'
PROJECT NO.	524302		

SHEET NAME
SITE PLAN

DRAWING NO.
C-02

DATE	PAGE
3/19/2026	3 OF 11

LDLVAR-2026-23 - Shepherd Road Dental Office

Menu Reports Help

Application Name: [Shepherd Road Dental Office](#)

File Date: [03/24/2026](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments:

View ID	Comment	Date
---------	---------	------

Description of Work: [Proposing a 5,000 square foot dental office with driveway and parking, we are requesting a setback variance to accommodate a relocated pump station on behalf Polk County Utilities.](#)

Application Detail: [Detail](#)

Address: [SHEPHERD RD, LAKELAND, FL 33811](#)

Parcel No: [23292300000042010](#)

Owner Name: [O SHEPHERD ROAD LAND TRUST](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Ricardo Jimenez	Downtown Engine...	Engineer	Mailing, 502 E Main St...	Active
	O SHEPHERD ROAD LAND T...	O SHEPHERD ROAD...	Property Owner		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

[1.70](#)

DRC Meeting Time

DRC Meeting

[04/09/2026](#)

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

[Setbacks from](#)

[N/A](#)

[Private Road](#)

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

[Land Use Hearing](#)

-

[Officer](#)

MEETING DATES

LUHO Hearing Date

[05/28/2026](#)

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?
[We do not expect any damage or issues to the public, this variance is beneficial to Polk County Utilities](#)

What special conditions exist that are peculiar to the land, structure, or building involved?
[That the proposed building will be in close proximity to the lift station and Polk County Utility has requested/ would benefit from the relocation of the lift station](#)

When did you buy the property and when was the structure built? Permit Number?
[February 2024, no structures currently reside on the property.](#)

What is the hardship if the variance is not approved?
[Conflicts with utilities may arise.](#)

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

-

PLAN REVIEW FIELDS

TMPRecordID	DocumentGroupforDPC	RequiredDocumentTypes
POLKCO-26EST-00000-16656	DIGITAL PROJECTS LD	-
RequiredDocumentTypesComplete	AdditionalDocumentTypes	Activate DPC
Yes	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
Activate FSA	DigitalSigCheck	
Yes	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	29	05/13/2026	05/13/2026	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Saralis Wons	Application ...	03/24/2026	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irven	Approve	03/30/2026	Phil Irven
	Planning Review	Aleya Inglima	Approve	03/24/2026	Aleya Inglima
	Review Consolidation		Approved for...	04/03/2026	Saralis Wons
	Public Notice				
	Hearing Officer				

Record Details

Task	Assigned To	Status	Status Date	Action By
------	-------------	--------	-------------	-----------

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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PUD APPROVAL SUMMARY

PUD # 83-17

1. PROJECT NAME: LeMans Apartments/Shepherd Office Center
2. LOCATION: Property is located on the north side of Shepherd Road, west of Old Highway 37, across from Imperialakes Subdivision, south of Lakeland, Florida, in Section 23, Township 29 South, Range 23 East.
3. SIZE: Total PUD - 19.35 acres
Phase One - 15.2 acres
4. LAND USE: 166-unit townhouse development - 16 efficiencies, 132 one-bedroom apartments, and 18 two-bedroom apartments. Commercial (C-1) area - 3.8 acres - Phase II
Phase I - gross density - 10.9 units/acre

5. DEVELOPMENT REQUIREMENTS:

Set Backs:

Accessory:

Lot Size:

Buffers:

Building Height:

Off-Street Parking:

6. APPROVALS (DATES AND CONDITIONS):

On November 22, 1983, the Board granted Concept and Tentative Approval of a Planned Unit Development, subject to the following conditions:

1. The development shall be limited to a maximum gross density of eight and one half (8 ½) units per acre.
2. The designated commercial professional area shall be limited to Commercial (C-1) uses.
3. Final plans, including a site plan, water management plan with drainage calculations, landscaping plan, traffic circulation plan, water and sanitary sewer plan, erosion control plan, and phasing schedule -- all with approvals by agencies having jurisdiction -- shall be submitted with the formal application for Final PUD Approval.

4. No site preparation, alteration, and/or construction of project facilities shall be undertaken until Final PUD Approval is granted.

On October 29, 1985, the Board granted a six (6) month extension of Tentative Approval to May 22, 1986.

On December 26, 1985, the Board granted approval for a Minor Modification to increase the overall number of units to 166, with a mix of 16 efficiencies, 132 one-bedroom apartments, and 18 two-bedroom apartments.

On September 16, 1986, the Board granted approval for a reinstatement and Final Approval of Phase I, a 166-unit townhouse development.

On September 15, 1987, the Board granted approval for a one-year extension of Tentative Approval of Phase II to expire on September 16, 1988.

On September 13, 1988, the Board granted approval for an extension of Tentative Approval of Phase II to November 22, 1989.

On January 28, 1992, the Board granted approval for a one year extension of Tentative Approval for Phase II to expire on November 22, 1992.

On May 25, 1993, the Board granted approval for a Reinstatement and one year Extension of Tentative Approval for Phase II, with a condition that applicant obtain Final Approval of this Phase II before his PUD expiration date of November 22, 1993.

On April 29, 1997, the Board granted approval for a reinstatement and one year extension of Tentative Approval for Phase 2 of LeMans Apartments, to expire on April 29, 1998. Subject to all existing conditions.

On April 21, 1998, the Board granted approval of the Extension request for PUD 83-17/ LeMans Apartments to expire on January 1, 1999. Approval is subject to all prior conditions and the following recommended condition:

- A. The applicant for vesting of the PUD must be made prior to January 1, 1999.

On January 04, 2000, The Board, after due consideration, voted 5/0 to grant a Two Year Extension of Tentative Approval of Phase Two to expire on January 4, 2002. Approval is subject to all prior conditions and the following recommended conditions:

- 1.) The following uses shall be permitted within this phase of the PUD:
 - A) Institutional Uses as listed in Policy 2.116-A4 of Section 2.116 of the Polk County Comprehensive Plan.
 - B) Type B Community Facilities as listed in Section 2.125-E of the Polk County Comprehensive Plan.
- 2.) Retail commercial uses are prohibited.
- 3.) All ingress and egress to the tracts shall be through the existing entrance only. Additional curb cuts for access to Shepherd Road will require a traffic analysis.
- 4.) The applicant shall provide a minimum of 30 feet, as measured from the centerline of Taylor Road, to be deeded to the county as right-of-way.
- 5.) Base flood information will have to be developed for this phase.
- 6.) A certified boundary and topographic survey performed in accordance with chapter 61G17-6 of the Florida Administrative code, pursuant to Chapter 472.027, Florida Statutes, shall be prepared and submitted to the County Surveyor with any proposed construction plan submittals. This survey shall accurately depict the actual location of any existing roadway accesses, site improvements, visible encroachments, flood hazard areas or jurisdictional wetlands on the site. Additionally, survey information shall be provided to the County Surveyor in digital format.

On September 12, 2000, The Board, after due consideration, voted 5/0 to grant approval for a request of Minor Modification to accept a revised master site plan showing an increase in units from 164 to 196, a 2,592 square foot social/maintenance building, and an increase of acres from 14.7 to 16.3 in Phase I. Approval is subject to all existing PUD conditions.



Polk County
Polk County Land Use Hearing Officer

Agenda Item 8.

5/28/2026

SUBJECT

LDLVAR-2025-27 (84 Lumber ISR Variance)

DESCRIPTION

The applicant on behalf of the property owner is requesting an increase in impervious surface ratio (ISR) from the maximum permitted 0.60 in the Suburban Development Area (SDA) to 0.70 on about 2.74 acres of non-residential property.

RECOMMENDATION

Conditional Approval

FISCAL IMPACT

No fiscal impact

CONTACT INFORMATION

Andrew Grohowski

Land Development Division

(863) 534-6412

andrewgrohowski@polkfl.gov

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

DRC Date	April 9, 2026	CASE #:	LDLVAR-2025-14 84 Lumber ISR Variance
LUHO Date	May 28, 2026	LDC Section:	Section 208, Table 2.2

Request: The applicant on behalf of the property owner is requesting an increase in impervious surface ratio (ISR) from the maximum permitted 0.60 in the Suburban Development Area (SDA) to 0.70 on about 2.74 acres of non-residential property.

Applicant: Julie Guirguis

Property Owner: S S Designs Inc

Location: The subject property is located at off of Industrial Boulevard, south and west of State Road 655 (Recker Highway), north of County Road 542 (K-Ville Avenue), east of Taylor Road, southeast of the City of Auburndale in Section 23, Township 28, and Range 25.

Parcel ID#: 232906-000000-043030 and 043060

Size: ±2.74 acres

Land Use Designation: Business Park Center-2 (BPC-2)

Development Area: Suburban Development Area (SDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting a variance in the impervious surface ratio (ISR) limit of the Suburban Development Area (SDA) from 0.60 to 0.70 for the expansion of outdoor storage for an existing lumber facility. A lower impervious surface ratio is placed on development in the rural areas of the County to create more open space and present a less congested appearance. Additionally, the rural areas have less infrastructure and services to provide for more intense development. Typically, there is no sanitary sewer service available or publicly maintained drainage system outfalls. Therefore, more open land is often needed for more internal stormwater treatment and storage and onsite sanitary wastewater treatment facilities. However, this area is no longer rural in nature. It has a significant amount of urban infrastructure and services. Non-residential development such as this is encouraged in BPC-2 and this expansion to include more outdoor storage will not induce the need for additional drainage or stormwater updates according to County engineers. The property has already received Southwest Florida Water Management District's (SWFWMD) approval for a higher 0.70 ISR (Permit #2318.018).

The applicant intends to expand their property with about 46,789 square feet of gravel and has submitted Level 2 plans (LDNON-2026-20). According to the Land Development Code (LDC),

Chapter 10, areas of stored materials in storage yards is considered an impervious surface. This ISR requirement is to ensure no offsite impacts to drainage, stormwater, or subsurface flows are harmful to the general public. The property currently has a total of 280,288 sq. ft. of impervious area, which is about 0.60 ISR. This type of development is similar and less intense than most of the nearby warehouse developments.

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 property owner has already received Water Management District approval for the expansion. No additional flooding or drainage concerns are warranted.
- **Special conditions and circumstances present in the request do not result from the actions of the applicant** because this is one of the most urban and industrializing areas of the County. The applicant's agents assumed that the Development Area Map of the plan recognized the County and cities' investments into this area as well as the Water Management District's standards.

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-2026-27**, with the following conditions:

CONDITIONS OF APPROVAL:

1. A variance to the standards in Section 208, Table 2.2, of the Land Development Code (LDC) shall be granted to adjust the maximum allowable Impervious Surface Ratio within the Business Park Center (BPC-2) (Development area: SDA) Future Land Use Map designation from 0.60 to 0.70.
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 with LDC Section 930D.

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;*

It is intended in the policies of the plan that there be more open space in the rural areas and far less in the urban ones. Rural areas are for preserving the existing undeveloped nature of an area. In urban areas, there are significant amounts of public and private investment, and it is desired that as many residents and businesses locate there to maximize the benefits of those investments. Open space is not desired in higher quantities in urban areas.

This area has developed in an urban manner and is on the fringes of Recker Highway (SR 655), a major thoroughfare for commercial trucking and warehousing operations. There are significant amounts of urban services available and in the nearby municipality of Auburndale, where development intensity is preferred over open space. Additionally, the County's Urban Growth Area (UGA) is just 1,500 feet to the northeast. *It will not be injurious to the area involved or otherwise detrimental to the public welfare* if this property is allowed to develop at a slightly higher and more urban level than is currently afforded by the code. Staff concurs with the request for a complete adjustment to the impervious surface coverage from the 0.60 Suburban Development Area (SDA) limit to the 0.70 Urban Growth Area (UGA) standard. This will allow for development contingencies and future growth.

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 impervious surface area for the BPC-2 district varies depending on the County's future plans for infrastructure and services investments. These plans are identified through the mapping of urban services boundaries that are referred to in the Comprehensive Plan as "Development Areas" that also form the basis for the distribution of Future Land Use Map categories. In the Suburban Development Area (SDA), is a mixture of low density residential and agricultural activities. While these areas are predominately residential and suburban in nature, some non-residential uses are found, including the subject site and surrounding area. There is no commitment to providing an increase in urban infrastructure

and services in the future, more specifically wastewater extensions, unless the BoCC deems it necessary that benefits overall public health and long-term economic benefits. Such planning is an integral part of managing the County's budget over the life of the plan. The site currently has an existing septic tank and drainfield and the area is not planned for sewer extensions by the City of Auburndale in the near future. There is not enough tax revenue available to provide the same level of urban services countywide. The County and its cities must allocate financial resources only where the citizens receive the most return on tax-backed investments.

The property owner received Level 2 approval about two and a half years ago to redevelop the site into a lumber processing facility. This expanded the existing one-story 63,935 sq. ft. building with two 6,000 sq. ft. buildings (LDNON-2022-81). At the time, the site met the 0.60 ISR standard which included parking, outdoor storage with asphalt paving, and building areas. The request is simply to add gravel to the south of the existing outdoor storage area in order to allow more product storage onsite.

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

Prior to the current land use designation when the Comprehensive Plan was adopted in 1991, the property was rezoned to "Commercial-4" (C-4) from "Rural Conservation" (RC) and "Rural Estates" (RE-2) in 1989. The immediate area since then developed with various warehousing operations taking access off of Industrial Boulevard, a County-maintained Local Commercial Roadway (Road No: 852305) around 1996 when a 63,935 sq. ft. warehouse building was constructed. At the time, zoning regulations did not include impervious surface regulations. The applicant's agents assumed that the 0.70 ISR approval from the SWFWMD corresponded to the same County regulations as well. There are urban services and infrastructure available to accommodate this intensity. The maintaining of an accurate account of where there is significant investment in infrastructure and services should be the responsibility of the County and not the individual property owners.

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;*

This variance is needed for a more urban form of development in an area that is clearly urban. The Comprehensive Plan urban services boundary (Development Areas Map) has not been updated for the amount of investment that the County and cities have funded for improvements over this area in the past 20 years. The Urban Growth Area (UGA) boundary is less than 1,500 feet to the northeast (see Exhibit 9). Across Recker Highway, the impervious surface area may reach 70% of the property, without the need for a variance. To the northeast is a warehouse constructed on about 1-acre with about 0.75 ISR, prior to County impervious regulations in place. This is a privilege that is afforded by right to other properties nearby but not to this one. The applicant has already received SWFWMD approval to reach a 0.70 ISR which addresses drainage and offsite runoff concerns from the Water Management District. The permit was issued in April 2026 (Permit #: 2318.018). Given the total impervious surface area will exceed 4,000 square feet or 25% of the parcels, Level 2 submittal is required in accordance with LDC Section 905.G.

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

This request is to increase the impervious surface area of a BPC-2 district from 60% of the site to 70% of the site. This constitutes a 10% increase in total coverage of the property. Approval is recommended because it allows the applicant to store additional lumber product at their facility without the need for offsite storage.

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. This variance is needed to expand the useable area of the property. POLICY 2.113-B-4.i states “*Where centralized water or wastewater services are not available, the maximum impervious surface ratio shall be reduced to afford better protection and function of well and septic tank septic and as required if within a Nutrient Restoration Plan Overlay.*” This area has public water serving it. Therefore, it is not a change in the land use and is consistent with the Comprehensive Plan to grant more impervious surface area.

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. It will expand the useable area of the property. The request is to vary from a development standard.

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

Granting this request will not circumvent any conditions of approval. There are no easements according to the Clerk of Court records. It has never been granted any special use permit or conditional use approval.

Surrounding Future Land Use Designations and Existing Land Use Activity:

Table 1

<p>Northwest: Business Park Center-2 (BPC-2) Lot 48 through 50 Owned by Property Owner</p>	<p>North: Business Park Center-2 (BPC-2) Lot 51 & 52 Owned by Property Owner</p>	<p>Northeast: Business Park Center (BPC-2) Lot 25 6,810 sq.ft. warehouse (1983) On ±1.03 acres 0.75 = ISR</p>
<p>West: Business Park Center-2 (BPC-2) 14,250 sq.ft. warehouse (2004) 2,500 sq.ft. warehouse (2001) On ±2.06 acres 0.19 = ISR</p>	<p>Subject Property: Business Park Center (BPC-2) Existing: 280,288 sq. ft. (±6.438 acres) impervious Proposed: ±46,789 expansion, ±327,076 sq.ft. total impervious On ±10.73 acres 0.70 = ISR</p>	<p>East: Business Park Center-1 (BPC-1) Vacant land 1,728 sq. ft. barn ±9.29 acres</p>
<p>Southwest: Business Park Center-2 (BPC-2) 15,000 sq.ft. warehouse (1987) On ±1.03 acres 0.33 = ISR</p>	<p>South: Business Park Center-2 (BPC-2) Single-family residence ±1.93 acres</p>	<p>Southeast: Business Park Center-2 (BPC-2) Single-family residence ±1.29 acres</p>

The surrounding area has historically consisted of warehousing and industrial facilities. The subject site is considered Lots 48 through 55 of the “Commercial Industrial Park, Phase Two” plat recorded in December 1989 (PB 88, PG 36). Prior to the current land use designation when the Comprehensive Plan was adopted in 1991, the property was rezoned to “Commercial-4” (C-4) from “Rural Conservation’ (RC) and “Rural Estates” (RE-2) in 1989.

According to historical aerials, the subject site remained vacant until around 1996 when a 63,935 sq. ft. warehouse building was constructed. The roadway traveling eastward into the site off of Industrial Boulevard was once owned by the County and designated as “Industrial Circle.” This roadway was vacated in December 2001 and has been used as the internal circulation for the property since then (O.R. Book 4884, PG 816 to 819). The current property owner purchased the site in February 2022 through a Quit Claim Deed (O.R. Bk 12135, 701). Shortly thereafter, the owner “S S Designs Inc.” constructed two additional buildings, totaling 12,000 square feet. Of the total 10.73 acres, the Level 2 was approved for 6.438 acres of impervious surface, or about 60% ISR, including paving and parking areas (LDNON-2022-81). Any further impervious additions or expansions above this ratio would require variance approval.

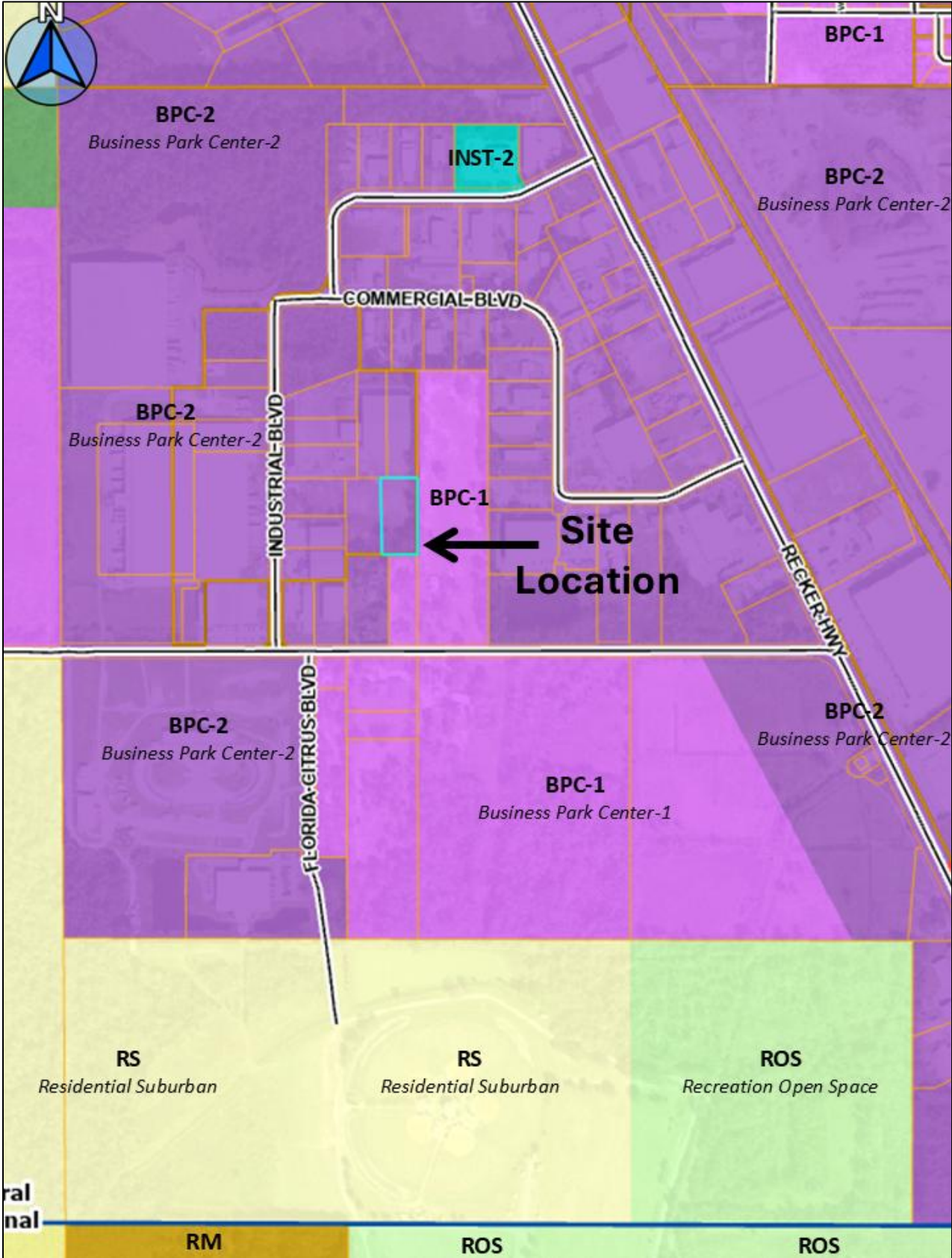
Comments from other Governmental Agencies: None

Exhibits:

- | | |
|--|--|
| Exhibit 1 - Location Map | Exhibit 6 - Site Plan Data |
| Exhibit 2 - Future Land Use Map | Exhibit 7 - Applicant’s Justification |
| Exhibit 3 - 2024 Satellite Photo (Context) | Exhibit 8 - Approved Plans (LDNON-2022-81) |
| Exhibit 4 - 2023 Aerial (Close-up) | Exhibit 9 - Development Areas Map |
| Exhibit 5 - Applicant’s Site Plan | |



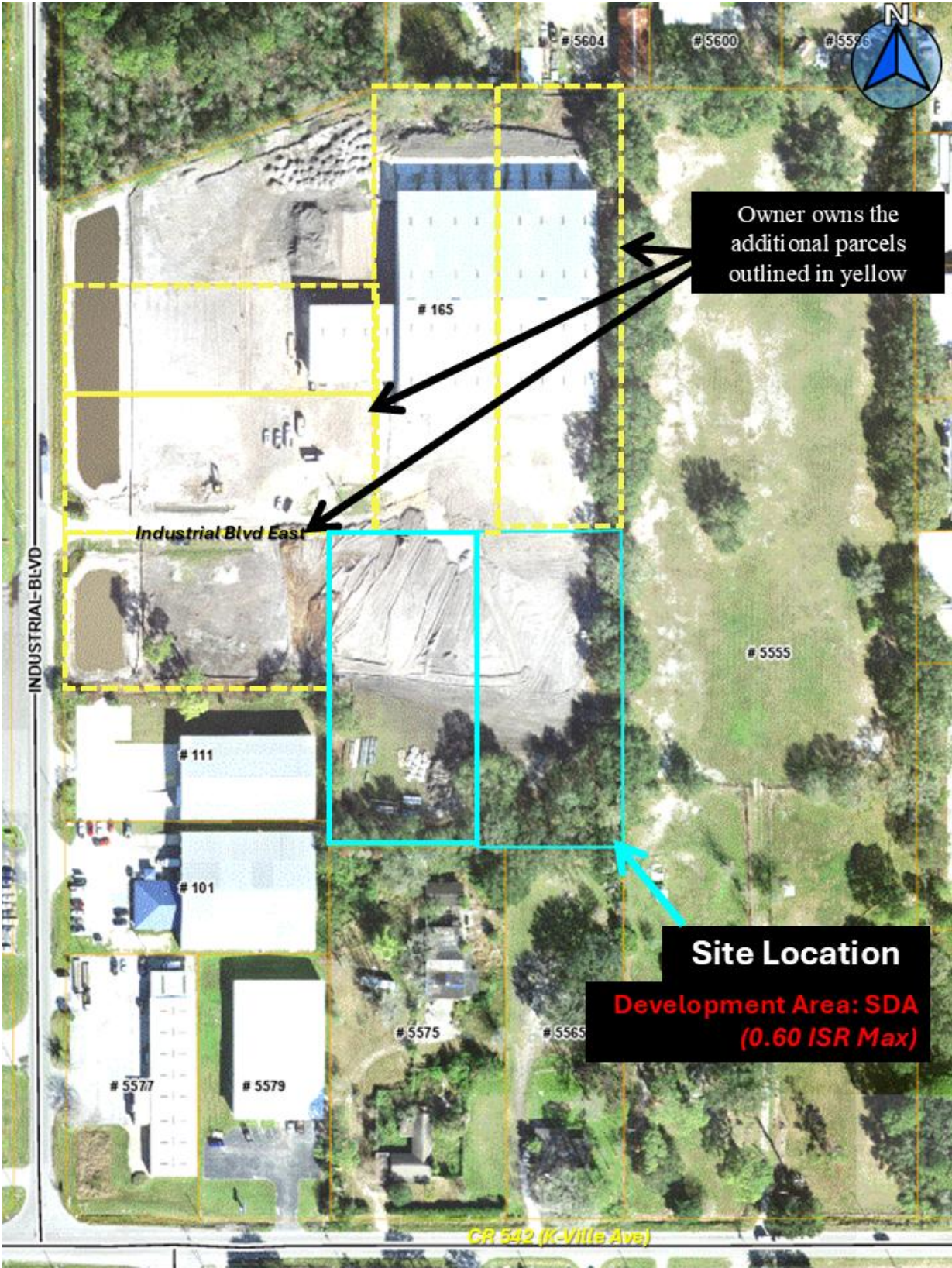
Location Map



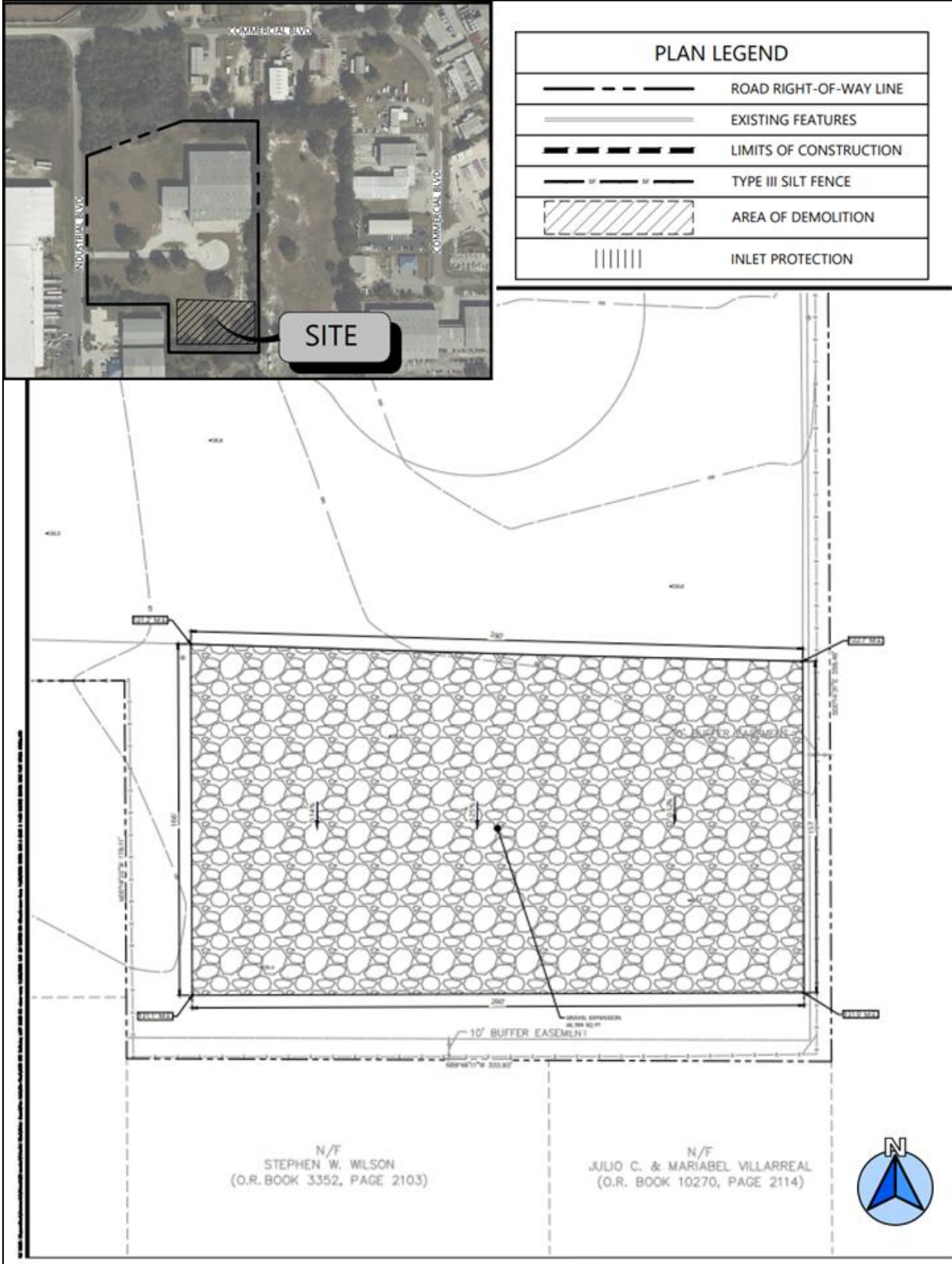
Future Land Use Map



2025 Satellite Photo (Context)



2023 Aerial (Close-up)



Site Plan

SITE DATA NOTES

PARCEL ID: 25-28-23-347900-000540 & 25-28-23-347900-000530
PROJECT ACREAGE: 1.07± AC (46789± S.F.)
EXISTING IMPERVIOUS: 6.43± AC (280,288.04± S.F.) 60%
PROPOSED IMPERVIOUS: 7.51± AC (327,076.91± S.F.) 70%

ZONING CLASSIFICATION

JURISDICTION: POLK COUNTY
ZONING: BPC-2 (BUSINESS PARK CENTER-2)
ADJACENT ZONING: BPC-1 (WEST, SOUTH), BPC-2 (SOUTH, EAST, NORTH)
FEMA FLOOD MAP: LOCATED IN ZONE X
FUTURE LAND USE DESIGNATION: BUSINESS PARK CENTER

SERVICES / UTILITY PROVISION

WATER POLK COUNTY UTILITIES
SANITARY SEWER POLK COUNTY UTILITIES
STORMWATER MANAGEMENT ON-SITE STORMWATER POND

Site Plan Data

CRITERIA FOR GRANTING A VARIANCE

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

No. The applicant intends to increase the maximum ISR to 70% to be able to construct a gravel lay down area on site. The stormwater design on site was completed to account for 70% impervious area coverage so no adverse impacts are to be expected.

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

There are no special conditions for this property.

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

This property is leased to 84 Lumber by CB2 Properties.

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

The proposed work will improve the applicants ability to store materials on site and access the stored materials for transport.

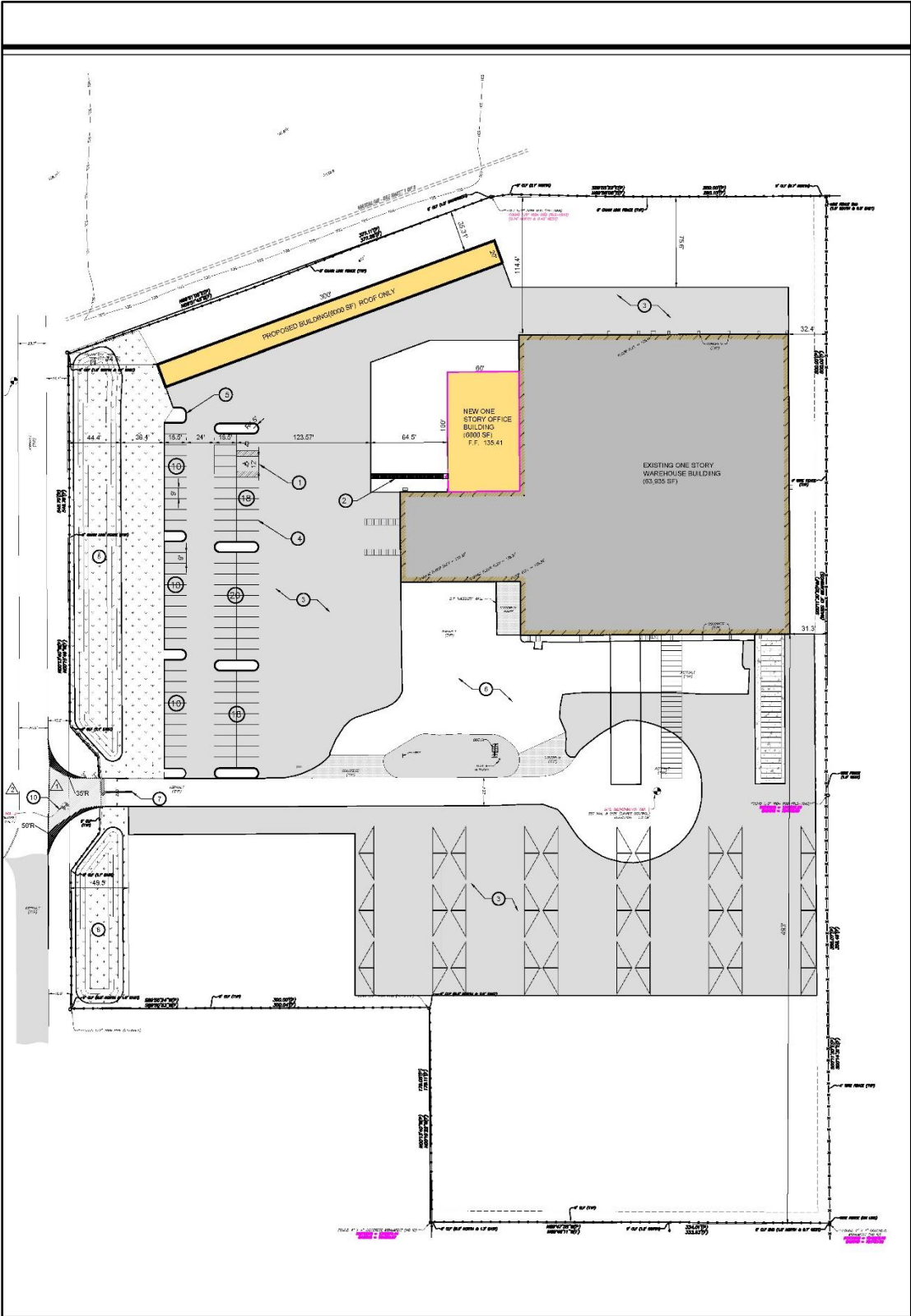
5. Is this the minimum variance required for the reasonable use of the land?

Yes

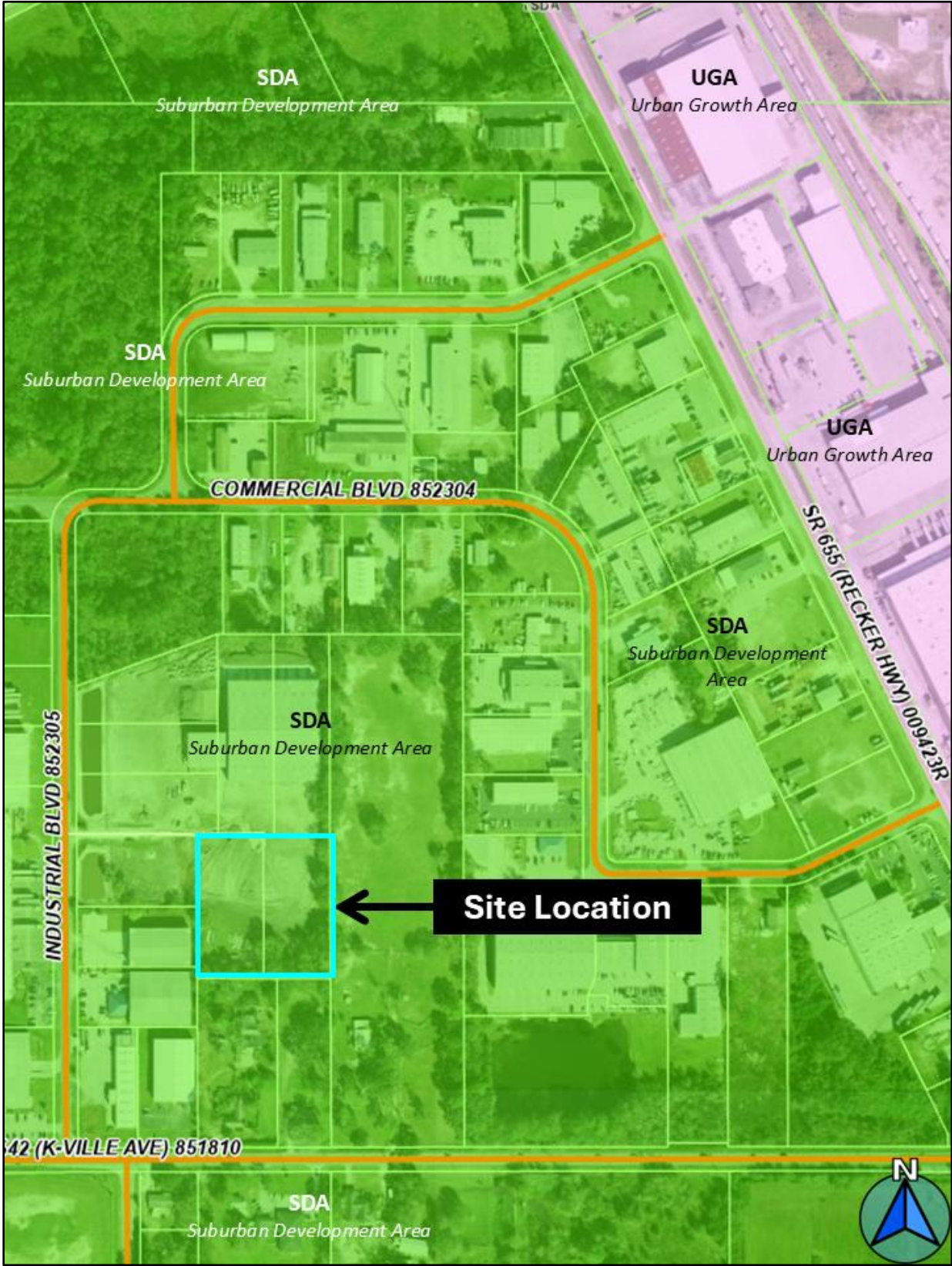
6. Do you have Homeowners Association approval for this request?

N/A.

Applicant's Justification



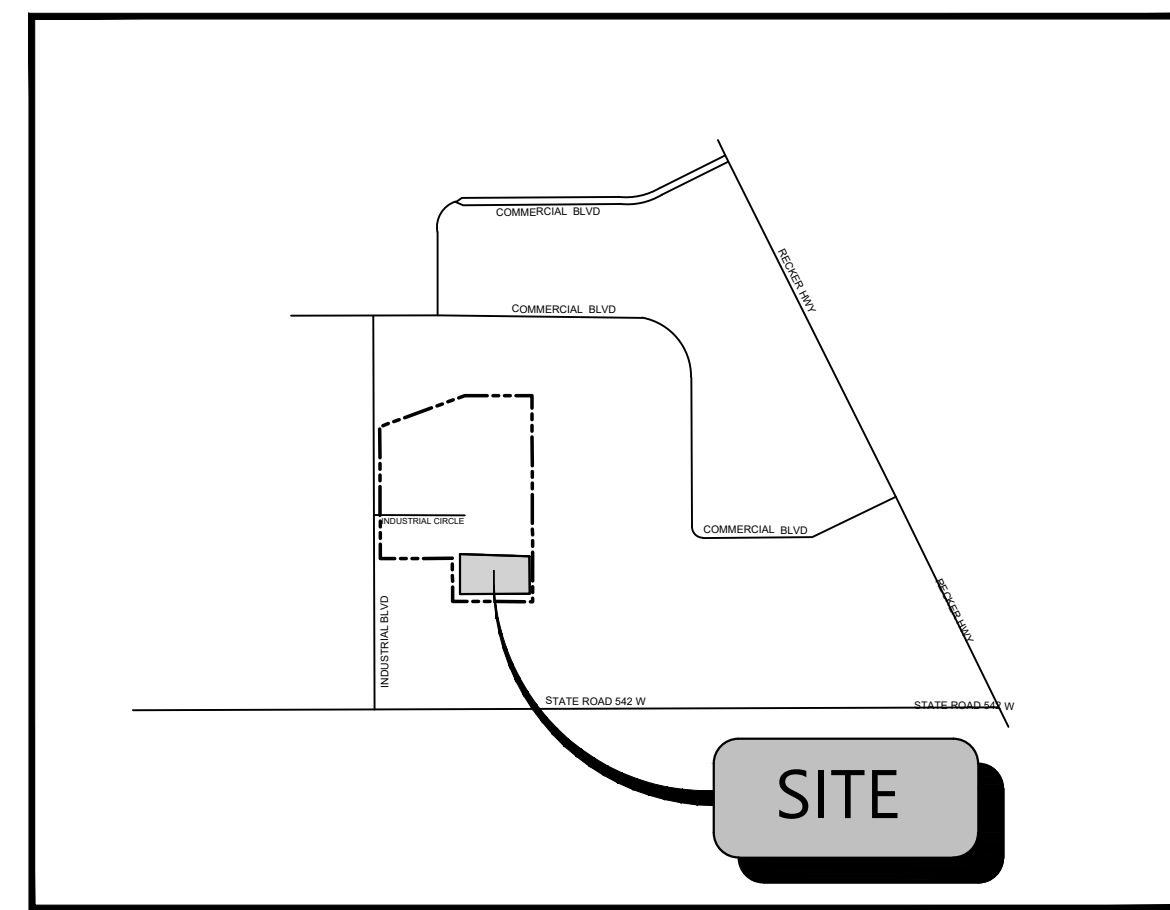
Approved Plans (LDNON-2022-81)



Development Areas Map

CONSTRUCTION PLANS FOR YARD EXPANSION

165 INDUSTRIAL BLVD
WINTER HAVEN, POLK COUNTY, FLORIDA
TAX PARCELS: 25-28-23-347900-000540 AND 25-28-23-347900-000530



VICINITY MAP
N.T.S.



AERIAL MAP
N.T.S.

NOTE: BASED ON GRAPHIC DETERMINATION, THIS PROPERTY DOES LIE IN A F.E.M.A./F.I.R.M. SPECIAL FLOOD HAZARD AREA PER COMMUNITY PANEL NO. NUMBER DATED DATE.

YARD EXPANSION

TOTAL SITE AREA: 1.07 AC.
ZONING: BPC-2 (BUSINESS PARK CENTER-2)

DEVELOPMENT TEAM

OWNER 84 LUMBER COMPANY 1019 ROUTE 519, BLDG 5 EIGHTY FOUR, PA 15330 PHONE: (724) 228-8820 CONTACT: SCOTT KLIPSTINE	CIVIL ENGINEER ATWELL, LLC 111 N. MAGNOLIA AVENUE SUITE 1350 ORLANDO, FL 32801 PHONE: (407) 743-3524 CONTACT: JACQUELINE ST JUSTE, P.E.	SURVEYOR ATWELL LLC. 1850 PARKWAY PLACE, SUITE 650 MARIETTA, GA 30067 PHONE: (770) 423-0807 CONTACT: CLYDE R. ELDREDGE; P.S.M.
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GOVERNING AGENCIES AND UTILITY CONTACTS

POLK COUNTY PLANNING DEPT. 330 WEST CHURCH STREET BARTOW, FL 33850 PHONE: (863) 534-6000	SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) 2379 BROAD STREET BROOKSVILLE, FL 34604 PHONE: (352) 796-7211
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SUBMITTAL DATE

SUBMITTAL - 11/24/2025

PROJECT NARRATIVE

INCREASE EXISTING IMPERVIOUS AREA ON-SITE TO THE ALLOWABLE LIMIT SET OUT IN THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT PERMIT.

Sheet List Table

Sheet Number	Sheet Title
C000	COVER
C100	AS-BUILT RECORD SURVEY
C101	GENERAL NOTES
C200	DEMOLITION AND EROSION CONTROL PLAN
C300	SITE AND GRADING PLAN

811
Know what's below.
Call before you dig.
THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCURRED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE DEEMED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK OF PERSONS ENGAGED IN THE WORK OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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24 HOUR EMERGENCY CONTACT
KEITH S. HAUGDAHL
(407) 743-3524

ATWELL
866.850.4200 www.atwell.com
111 N. MAGNOLIA AVENUE, SUITE 1350
ORLANDO, FL 32801
CO.# 23091

SECTION 23, TWP 28, RANGE 25
165 INDUSTRIAL BLVD
WINTER HAVEN
POLK COUNTY, FLORIDA

YARD EXPANSION
84 LUMBER
CONSTRUCTION PLANS
COVER

DATE 11/24/2025

REVISIONS

JACQUELINE ST JUSTE
No. 90635
STATE OF FLORIDA
PROFESSIONAL ENGINEER

Jacqueline St Juste, State of Florida, Professional Engineer, License No. 90635. This item has been digitally signed and sealed by Jacqueline St Juste on the date indicated adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

DRAWN BY: WLC
CHECKED BY: JS
PROJECT MANAGER: JS
JOB #: 25010367
FILE CODE: ##
SHEET NO. C000

FILE NAME: X:\operational\Construction\2025\165 Industrial Blvd - Yard Expansion.dwg DATE PLOTTED: 11/24/2025 10:48 AM PLOTTER: HP DesignJet T1100e PLOT: ATWELL

NOT-ISSUED-FOR-CONSTRUCTION CAD FILE: C000-COVER

GENERAL NOTES:

- 1. LOCATIONS, ELEVATIONS, AND DIMENSIONS OF EXISTING UTILITIES, STRUCTURES AND OTHER FEATURES ARE SHOWN ACCORDING TO THE BEST INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF THESE PLANS. THE CONTRACTOR SHALL FIELD LOCATE, VERIFY, AND FURTHER IDENTIFY THE LOCATIONS, ELEVATIONS, AND DIMENSIONS OF ALL EXISTING UTILITIES, STRUCTURES, AND OTHER FEATURES (IDENTIFIED ON THE PLANS OR NOT) AFFECTING ANY COMPONENT OF WORK HEREIN PRIOR TO THE START OF ANY CONSTRUCTION. DISCREPANCIES, CONFLICTS, OR POTENTIAL DEVIATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE START OF ANY CONSTRUCTION.
2. THE CONTRACTOR SHALL CHECK PLANS FOR CONFLICTS AND DISCREPANCIES PRIOR TO THE START OF ANY CONSTRUCTION. SPECIAL ATTENTION SHALL BE TAKEN WITH THOSE EXISTING UTILITIES, STRUCTURES OR FEATURES (IDENTIFIED ON THE PLANS OR NOT) THAT MAY POTENTIALLY CONFLICT OR CROSS PROPOSED DESIGN COMPONENTS (I.E., STORM SEWERS, SANITARY SEWERS, WATER MAINS, EXFILTRATION, BUILDING FOUNDATIONS, ETC) AND ANY DISCREPANCIES, CONFLICTS, OR POTENTIAL DEVIATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE START OF ANY CONSTRUCTION. ANY COST ASSOCIATED WITH THE LOCATION OF EXISTING UTILITIES AS OUTLINED ABOVE IS THE RESPONSIBILITY OF THE CONTRACTOR.
3. ERRORS OR OMISSIONS - DO NOT TAKE ADVANTAGE OF ANY APPARENT ERROR OR OMISSION DISCOVERED IN THE CONTRACT DOCUMENTS, BUT IMMEDIATELY NOTIFY THE ENGINEER OF SUCH DISCOVERY. THE ENGINEER WILL THEN MAKE SUCH CORRECTIONS AND INTERPRETATIONS AS NECESSARY TO REFLECT THE ACTUAL SPIRIT AND INTENT OF THE CONTRACT DOCUMENTS.
4. THE CONTRACTOR SHALL EXERCISE EXTREME CAUTION IN AREAS OF BURIED UTILITIES AND SHALL PROVIDE AT LEAST 48-HOURS NOTICE TO THE UTILITY COMPANIES PRIOR TO CONSTRUCTION TO OBTAIN FIELD LOCATIONS OF EXISTING UNDERGROUND UTILITIES.
5. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO EXISTING FACILITIES, ABOVE OR BELOW GROUND, THAT MAY OCCUR AS A RESULT OF THE WORK PERFORMED BY THE CONTRACTOR CALLED FOR IN THIS CONTRACT. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SURVEY MONUMENTATION, AND ANY DISTURBED MONUMENTATION SHALL BE RESTORED AT CONTRACTOR'S EXPENSE BY A SURVEYOR SELECTED BY THE OWNER.
6. ALL UNDERGROUND UTILITIES MUST BE IN PLACE AND PASS ALL TESTING OR INSPECTION REQUIREMENTS PRIOR TO BASE & SURFACE IMPROVEMENT CONSTRUCTION.
7. IT IS THE CONTRACTOR'S RESPONSIBILITY TO BECOME FAMILIAR WITH THE PERMIT AND INSPECTION REQUIREMENTS SPECIFIED BY THE VARIOUS GOVERNMENTAL AGENCIES AND THE ENGINEER. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION, AND SCHEDULE INSPECTIONS AND TESTING ACCORDING TO AGENCY REQUIREMENTS.
8. ALL WORK PERFORMED SHALL COMPLY WITH THE CODES, STANDARDS, REGULATIONS AND REQUIREMENTS OF THE CITY OF ORLANDO LAND DEVELOPMENT CODE AND ENGINEERING STANDARDS, PLUS THE CURRENT EDITION OF THE FDOT STANDARD SPECIFICATIONS FOR ROAD, BRIDGE AND UTILITY CONSTRUCTION, PLUS THE REGULATIONS AND ORDINANCES OF THE VARIOUS OTHER GOVERNMENTAL AGENCIES HAVING JURISDICTION OVER THE WORK.
9. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS ON ALL PRECAST AND MANUFACTURED ITEMS TO THE ENGINEER FOR APPROVAL. FAILURE TO OBTAIN APPROVAL BEFORE INSTALLATION COULD RESULT IN REMOVAL AND REPLACEMENT AT CONTRACTOR'S EXPENSE. THE ENGINEER'S REVIEW OF THE SHOP DRAWINGS IS FOR CONFORMITY WITH THE CONTRACT DOCUMENTS AND DOES NOT INCLUDE IN-DEPTH CHECK FOR THE ABILITY OF THE CONTRACTOR TO PERFORM THE WORK IN A SAFE OR EFFICIENT MANNER. THE ENGINEER'S REVIEW OF THE SHOP DRAWINGS DOES NOT RELIEVE THE CONTRACTOR OF RESPONSIBILITY FOR DIMENSIONAL ACCURACY TO ENSURE FIELD FIT AND CONFORMITY OF THE VARIOUS COMPONENTS AND DETAILS. PROVIDE SHOP DRAWINGS OF SANITARY SEWER COMPONENTS TO THE CITY FOR WASTEWATER DIVISION REVIEW FOR THOSE COMPONENTS TO BE DEDICATED TO THE CITY.
10. CONTRACTOR SHALL KEEP ENGINEER ADVISED OF CONSTRUCTION SCHEDULE CHANGES SO THAT ENGINEER CAN SCHEDULE PERIODIC SITE VISITS AT APPROPRIATE TIMES IN ORDER TO PROVIDE CONSTRUCTION CERTIFICATIONS TO JURISDICTIONAL AGENCIES.
11. WORK PERFORMED UNDER THIS CONTRACT SHALL INTERFACE SMOOTHLY WITH OTHER WORK BEING PERFORMED ON OR ADJACENT TO THE SITE BY OTHER CONTRACTORS AND UTILITY COMPANIES. IT WILL BE NECESSARY FOR THE CONTRACTOR TO COORDINATE AND SCHEDULE HIS ACTIVITIES, WHERE NECESSARY, WITH OTHER CONTRACTORS AND UTILITY COMPANIES.
12. SAFETY:
A. DURING THE CONSTRUCTION AND/OR MAINTENANCE OF THIS PROJECT, ALL SAFETY REGULATIONS ARE TO BE ENFORCED. THE CONTRACTOR OR HIS REPRESENTATIVE SHALL BE RESPONSIBLE FOR THE CONTROL AND SAFETY OF THE TRAVELING PUBLIC AND THE SAFETY OF HIS PERSONNEL.
B. LABOR SAFETY REGULATIONS SHALL CONFORM TO THE PROVISIONS SET FORTH BY OSHA IN THE FEDERAL REGISTER OF THE DEPARTMENT OF TRANSPORTATION.
C. THE MAINTENANCE OF TRAFFIC SHALL BE MAINTAINED IN ACCORDANCE WITH THE CITY OF ORLANDO TRANSPORTATION ENGINEERING BUREAU AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
D. ALL TRAFFIC CONTROL MARKINGS AND DEVICES SHALL CONFORM TO THE PROVISIONS SET FORTH IN THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" PREPARED BY THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION.
E. CONTACT THE CITY OF ORLANDO (SCOTT WALKER AT 407-246-2372) FOR MANAGEMENT OF TRAFFIC CONTROL REVIEW PRIOR AND DURING CONSTRUCTION.
13. CONTRACTOR SHALL PROVIDE ALL EQUIPMENT NECESSARY FOR DEWATERING. DISCHARGE WATER FROM DEWATERING SHALL BE CLEAR WITH NO VISIBLE SOIL PARTICLES. DISCHARGE WATER FROM DEWATERING SHALL BE DISPOSED OF IN SUCH A MANNER THAT IT WILL NOT INTERFERE WITH THE NORMAL DRAINAGE OF THE AREA IN WHICH THE WORK IS BEING PERFORMED, OR CREATE PONDING. THE OPERATION SHALL NOT CAUSE ANY DAMAGE TO ANY PORTION OF THE WORK COMPLETED, OR IN PROGRESS. THE DEWATERING OPERATION SHALL COMPLY WITH THE REQUIREMENTS OF APPLICABLE REGULATORY AGENCIES. A PRE-WORK MEETING WILL BE CONDUCTED WITH THE GEOTECHNICAL FIRM, THE OWNER, THE CONTRACTOR, AND THE ENGINEER PRIOR TO BEGINNING ANY SITE EXCAVATION.
14. CONFORMITY WITH WORK - IN THE EVENT THAT THE ENGINEER FINDS THAT THE CONTRACTOR HAS USED MATERIAL OR PRODUCED A FINISH PRODUCT THAT IS NOT REASONABLY CLOSE IN CONFORMITY WITH THE CONTRACT DOCUMENTS, I.E. UNSATISFACTORY PRODUCT, THE CONTRACTOR SHALL REMOVE AND REPLACE OR OTHERWISE CORRECT THE WORK OR MATERIALS AT NO EXPENSE TO THE OWNER.
15. "AS-BUILT" FOR THE PROPOSED CONSTRUCTION SHALL BE PROVIDED UPON COMPLETION OF CONSTRUCTION. THE CONTRACTOR SHALL FURNISH THE OWNER'S ENGINEER WITH COMPLETE "AS-BUILT" INFORMATION CERTIFIED BY A FLORIDA REGISTERED PROFESSIONAL SURVEYOR. ONCE PROVIDED WITH "AS-BUILTS" AND AFTER OBSERVATION OF THE ENTIRE PROJECT, SHOULD THE ENGINEER DETERMINE THAT THE CONTRACTOR HAS SATISFACTORILY COMPLETED THE WORK, THE ENGINEER WILL GIVE THE CONTRACTOR WRITTEN NOTICE OF FINAL ACCEPTANCE.
16. PIPE LENGTHS SHOWN ARE APPROXIMATE AND SHOULD BE ORDERED FROM FIELD STAKED QUANTITIES. PLAN PIPE LENGTHS ARE MEASURED FROM CONNECTION POINT TO END OF THE LINES FOR WATER LINES.
17. CONTRACTOR MUST REVIEW "MAINTENANCE OF UTILITY SERVICE PLAN" WITH ENGINEER AND UTILITY COMPANY PRIOR TO START OF UTILITY CONSTRUCTION.

GOVERNING SPECIFICATIONS:

- A. GRADING, DRAINAGE AND PAVING MATERIALS AND CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE CURRENT PUBLICATION OF THE FDOT "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" AS SUPPLEMENTED BY THE FDOT STANDARD INDEX AND AS SUPPLEMENTED BY DETAILS AND NOTES ON PLANS.
B. CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE CURRENT PUBLICATION OF THE CITY OF ORLANDO "ENGINEERING STANDARDS MANUAL", EXCEPT AS NOTED ON PLANS.
C. WATER DISTRIBUTION SYSTEM MATERIALS AND CONSTRUCTION SHALL BE IN CONFORMANCE WITH ORLANDO UTILITIES COMMISSION'S STANDARDS AND SPECIFICATIONS, EXCEPT AS NOTED ON PLANS.
D. CONFORM WITH ALL REQUIREMENTS OF THE FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION (FDEP) SOILS DISTURBANCE AND WATER OR SANITARY SYSTEM EXTENSIONS PERMITS.
E. CONFORM WITH ALL REQUIREMENTS OF THE "ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT" (SIRWMD) ENVIRONMENTAL RESOURCES PERMIT (ERP).

CLEARING AND GRUBBING NOTES:

- 1. PRIOR TO CLEARING AND GRUBBING, ALL SILT FENCE EROSION CONTROL DEVICES AND SEDIMENT CONTROL BASINS SHALL BE INSTALLED AND OPERATIONAL.
2. ALL INDICATED MATERIALS TO BE CLEARED, GRUBBED AND REMOVED FROM THE CONSTRUCTION AREA INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING: ALL TREES, STUMPS, ROOTS, BRUSH, TRASH, ORGANIC MATTER WITHIN THE SITE, CURBING, PAVING, MISCELLANEOUS STRUCTURES (IF ANY), AND OTHER DEBRIS.
3. GRUBBING SHALL CONSIST OF COMPLETELY REMOVING ROOTS, STUMPS, TRASH AND OTHER DEBRIS FROM SITE, SO THAT THE TOPSOIL IS FREE OF ROOTS AND DEBRIS. TOPSOIL IS TO BE LEFT SUFFICIENTLY CLEAN SO THAT FURTHER PICKING AND RAKING WILL NOT BE REQUIRED.
4. BURNING OF TREES, ROOTS, OR ANY KIND OF MATERIALS WILL NOT BE ALLOWED ANYWHERE ON THE SITE.
5. THE CONTRACTOR SHALL EXERCISE SPECIAL PRECAUTIONS FOR THE PROTECTION AND PRESERVATION OF TREES, SOD, FENCES, ETC., SITUATED WITHIN THE VICINITY OF THE PROJECT AREA OR TREE SAVE AREAS BUT NOT DIRECTLY WITHIN EXCAVATION AND/OR FILL LIMITS. THE CONTRACTOR SHALL BE HELD LIABLE FOR ANY DAMAGE AS A RESULT OF HIS OPERATIONS.
6. TREES WHICH ARE SEVERELY DAMAGED OR DESTROYED BY CLEARING OPERATIONS OUTSIDE THE CLEARING LIMITS WILL BE PAID FOR BY THE CONTRACTOR IN WHOLE. MINOR DAMAGE INFLECTED TO TREE BRANCHES AND TRUNKS WILL BE REPAIRED, AT NO COST TO THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING AND MAINTAINING TREE PROTECTION FENCING AROUND TREE SAVE AREAS WITHIN THE SITE, AS SHOWN ON PLANS OR DIRECTED BY THE MUNICIPAL AUTHORITY. THE TREE PROTECTION FENCING SHALL BE IN ACCORDANCE WITH MUNICIPAL STANDARDS AND REQUIREMENTS.

EXCAVATION, GRADING AND PAVING NOTES:

- 1. ALL DELETERIOUS SUBSURFACE MATERIAL (I.E. MUCK, PEAT, BURIED DEBRIS) IS TO BE EXCAVATED IN ACCORDANCE WITH THESE PLANS OR AS DIRECTED BY THE OWNER, THE ENGINEER, OR OWNER'S SOIL TESTING COMPANY. DELETERIOUS MATERIAL IS TO BE STOCKPILED OR REMOVED FROM THE SITE AS DIRECTED BY THE OWNER. EXCAVATED AREAS ARE TO BE BACKFILLED WITH APPROVED MATERIALS AND COMPACTED AS SHOWN ON THESE PLANS. CONTRACTOR IS RESPONSIBLE FOR ACQUIRING ANY PERMITS THAT ARE NECESSARY FOR REMOVING DELETERIOUS MATERIAL FROM THE SITE.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING EXCAVATIONS AGAINST COLLAPSE AND WILL PROVIDE BRACING, SHEETING OR SHORING AS NECESSARY.
3. DEWATERING METHODS SHALL BE USED AS REQUIRED TO KEEP TRENCHES DRY WHILE PIPE AND APPURTENANCES ARE BEING PLACED.
4. ALL NECESSARY FILL AND EMBANKMENT THAT IS PLACED DURING CONSTRUCTION SHALL CONSIST OF MATERIAL SPECIFIED BY THE OWNER'S SOIL TESTING COMPANY OR ENGINEER AND BE PLACED AND COMPACTED ACCORDING TO THESE PLANS.
5. DISPOSAL OF ANY EXCESS EARTHWORK MATERIAL SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
6. PROPOSED SPOT ELEVATIONS REPRESENT FINISHED PAVEMENT OR GROUND SURFACE GRADE UNLESS OTHERWISE NOTED ON DRAWINGS.
7. IT IS THE CONTRACTORS RESPONSIBILITY TO ENSURE COMPLIANCE WITH A.D.A. STANDARDS.
8. CONTRACTOR SHALL SAW-CUT EXIST. PAVEMENT TO PROVIDE CLEAN JOINT. REMOVE EXISTING PAVEMENT FOR NEW INSTALLATION AND MATCH EXISTING PAVEMENT AT LOCATIONS WHERE NEW PAVEMENT MEETS EXISTING PAVEMENT.
9. REFER TO THE CURRENT EDITION OF THE FDOT "ROADWAY AND TRAFFIC DESIGN STANDARDS" FOR DETAILS AND SPECIFICATIONS OF ALL FDOT TYPE CURBING CALLED FOR IN THESE PLANS.
10. REFER TO THE CURRENT EDITION OF THE FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION FOR SPECIFICATIONS ON PAVING MATERIALS.
11. CONTRACTOR TO PROVIDE A 1/2-IN. BITUMINOUS EXPANSION JOINT MATERIAL WITH SEALER WHERE CONCRETE ABUTS BUILDINGS, OTHER CONCRETE, OR OTHER RIGID MATERIALS.
12. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SURVEY MONUMENTATION. DISTURBED MONUMENTATION SHALL BE RESTORED AT CONTRACTOR'S EXPENSE BY A SURVEYOR SELECTED BY THE OWNER.
13. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE SOILS ENGINEER FOR APPLICABLE TESTING UPON COMPLETION OF THE WORK. THE SOILS ENGINEER WILL SUBMIT CERTIFICATIONS TO THE OWNER AND ENGINEER STATING THAT ALL REQUIREMENTS HAVE BEEN MET.
14. TESTING AND INSPECTION TO BE PERFORMED BY A QUALIFIED INDEPENDENT TESTING LABORATORY, UNDER THE SUPERVISION OF A REGISTERED ENGINEER, SPECIALIZING IN SOILS ENGINEERING. PERFORM ALL TESTING NECESSARY AS REQUIRED BY THESE PLANS AND THE VARIOUS PERMITTING AGENCIES. THE CONTRACTOR WILL PAY THE COSTS OF ALL INITIAL TESTING. SHOULD RETESTING BE REQUIRED DUE TO THE FAILURE OF ANY TESTS TO MEET SPECIFICATIONS, THE CONTRACTOR SHALL BEAR ALL COSTS OF SAID RETESTING.
15. ALL UNDERGROUND UTILITIES MUST BE IN PLACE AND PASS ALL TESTING OR INSPECTION REQUIREMENTS PRIOR TO ROAD BASE AND OR SURFACE IMPROVEMENT CONSTRUCTION.

UTILITY SYSTEM NOTES:

- 1. CONTRACTOR SHALL NOTIFY ALL PUBLIC AND PRIVATE UTILITY OWNERS AND FLORIDA'S "SUNSHINE ONE-CALL" SYSTEM 48-HRS PRIOR TO STARTING CONSTRUCTION. COST OF REPLACEMENT AND REPAIR OF EXISTING UTILITIES DAMAGED AS A RESULT OF THE CONTRACTOR'S OPERATION SHALL BE CONTRACTOR'S RESPONSIBILITY.
2. WORK IN THE PUBLIC RIGHT-OF-WAY SHALL BE COORDINATED WITH GOVERNING AUTHORITIES. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS AND PAY REQUIRED FEES, AND COMPLY WITH LOCAL, STATE AND FEDERAL REGULATIONS APPLICABLE TO CONSTRUCTION OF THE PROJECT.
3. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR MAKING ALL NECESSARY ARRANGEMENTS FOR PERFORMING WORK INVOLVED IN CONNECTION WITH THE DISCONTINUANCE OR INTERRUPTION OF ALL UTILITIES UNDER THE JURISDICTION OF THE UTILITY COMPANIES.
4. EXISTING OUT-OF-SERVICE BURIED UTILITIES ENCOUNTERED WITHIN THE PROPOSED PROJECT SHALL BE REMOVED WHEN WITHIN THE EXCAVATED AREA AND SLURRY FILLED BY THE CONTRACTOR ALONG OTHER AREAS WITHIN THE WORK ZONE. DISPOSITION AS DIRECTED BY THE UTILITY'S OWNER. NO ABANDONMENT OF UTILITY LINES ARE ALLOWED UNDER BUILDINGS WITHOUT THE PROJECT'S ENGINEERS APPROVAL.
5. CONFLICTS BETWEEN UNDERGROUND UTILITIES, I.E. WATER, ELECTRICAL, COMMUNICATIONS, GAS, AND STORM OR SANITARY SEWERS SHALL BE RESOLVED BY ADJUSTING THE UNDERGROUND UTILITIES AS NECESSARY, AND IS INCLUSIVE IN CONTRACTORS COST. GRAVITY SEWERS SHALL NOT BE ADJUSTED WITHOUT PRIOR APPROVAL OF THE ENGINEER AND THE MUNICIPAL AUTHORITY.
6. CONTRACTOR SHALL MAKE EXPLORATORY EXCAVATIONS AT ALL INTERSECTIONS OF PROPOSED WORK WITH EXISTING UTILITIES. THE EXPLORATORY EXCAVATIONS SHALL BE MADE A MINIMUM OF 72-HRS IN ADVANCE OF THE PROPOSED WORK, AND PRIOR TO SHOP DRAWINGS SUBMITTALS, WHEN APPLICABLE. THE CONTRACTOR SHALL IMMEDIATELY INFORM THE ENGINEER IF THERE IS A CONFLICT. INFORMATION TO BE FURNISHED BY THE CONTRACTOR SHALL INCLUDE: LOCATION, ELEVATION, UTILITY TYPE, MATERIAL AND SIZE.
7. UTILITY APPURTENANCES SHALL MEET THE FOLLOWING REQUIREMENTS: A) BE AESTHETICALLY ACCEPTABLE. B) IN COMPLIANCE WITH INDUSTRY AND MANUFACTURER'S STANDARDS. C) PLACED IN AREA WITH THE MINIMUM INTERFERENCE TO THE OPERATIONAL AND MAINTENANCE OF THE SITE. D) NOT IN CONFLICT WITH OTHER FACILITIES AND AS CLOSE TO THE RIGHT-OF-WAY AS POSSIBLE.
8. CONTRACTOR SHALL PROVIDE FOR THE TEMPORARY SUPPORT AND PROTECTION OF EXISTING UTILITIES WITHIN THE WORK ZONE. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE ADEQUACY OF THESE METHODS I.E. ALL SHEETING, SHORING, AND BRACING SYSTEMS.
9. THE CONTRACTOR SHALL PROVIDE APPLICABLE TEST RESULTS FOR THE PURPOSE OF CERTIFICATIONS REQUIRED BY THE FDEP OR OTHER GOVERNING AGENCY HAVING JURISDICTION. TESTING AND CERTIFICATION SHALL INCLUDE BUT ARE NOT LIMITED TO: WATER LINE, SANITARY SEWERS, TRENCH BACKFILL AND COMPACTION, PAVING MATERIALS.
10. SANITARY SEWERS AND WATER MAINS SHALL NOT BE PLACED INTO SERVICE UNTIL A CLEARANCE LETTER/CERTIFICATION OF COMPLETION IS RECEIVED FROM FDEP FOR THE PROJECT.

STRIPING AND SIGNAGE NOTES:

- 1. SIGNING AND PAVEMENT MARKINGS TO BE DONE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), AND THE FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS.
2. COORDINATE AND PROVIDE FOR THE DISPOSITION AND PER PLAN REMOVAL OF EXISTING SIGNS WITH THE MUNICIPAL AUTHORITY.
3. EXISTING SIGNS THAT ARE TO REMAIN SHALL BE PROTECTED AND VISIBLE DURING THE COURSE OF CONSTRUCTION. EXISTING SIGNS WHICH ARE TO BE RELOCATED AND ARE DAMAGED BY THE CONTRACTOR SHALL BE REPLACED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER/MUNICIPALITY.
4. CAUTION SHALL BE EXERCISED IN THE INSTALLATION OF POST MOUNTED ROAD SIDE SIGNS IN ORDER TO PREVENT DAMAGE TO BURIED UTILITIES. LOCATIONS SHALL CONFORM TO FDOT STANDARD 17302.
5. ENGINEER TO BE NOTIFIED WHEN SIGN ASSEMBLY LOCATIONS SHOWN ON THE PLANS ARE IN CONFLICT WITH SIGNALS, LIGHTING, UTILITIES, ETC. LOCATION MAY BE SLIGHTLY ADJUSTED AS DIRECTED BY THE ENGINEER.
6. SIGNS SHALL BE CONSTRUCTED WITH TYPE III B HIGH PERFORMANCE PRISMATIC REFLECTIVE SHEETING, EXCEPT FOR "STOP", "WRONG-WAY", AND "DO-NOT-ENTER" WHICH SHALL BE TYPE VII SHEETING.
7. SIGN POST FOR ANY SINGLE COLUMN SIGNS SHALL BE A MINIMUM OF 3" DIA. CONFORMING TO FDOT STANDARD 11860, AND LISTED IN THE FDOT'S QUALIFIED PRODUCTS LIST (QPL). THE CONTRACTOR SHALL FIELD VERIFY THE LENGTH OF SIGN COLUMN SUPPORTS PRIOR TO FABRICATION.
8. ALL SURFACES SHALL BE CLEANED PRIOR TO THE START OF INSTALLATION OF ALL PAVEMENT MARKINGS.
9. REMOVAL OF EXISTING PAVEMENT MARKINGS SHALL BE ACCOMPLISHED BY A COMBINATION OF SAND AND WATER BLASTING, OR OTHER APPROVED METHOD THAT WILL NOT MATERIALLY DAMAGE THE SURFACE TEXTURE OF THE PAVEMENT, AND WILL FULLY ELIMINATE ANY TRACE OF THE PREVIOUS MARKINGS. METHOD USED MUST RECEIVE PRE-APPROVAL OF THE MUNICIPAL AUTHORITY.
10. PAINTED PAVEMENT MARKINGS SHALL BE INSTALLED ON THE FINAL ASPHALT SURFACE DURING THE INITIAL 30-DAY CURE PERIOD, AND FINAL THERMOPLASTIC PAVEMENT MARKINGS SHALL BE INSTALLED AFTER THE 30-DAY CURING PERIOD. PAINTED PAVEMENT MARKINGS SHALL CONFORM TO FDOT SPEC. SECTION 710, AND THERMOPLASTIC TO SECTION 711.
11. PLACEMENT OF TURN ARROWS SHALL CONFORM TO FDOT STANDARD 11346.
12. CROSSWALKS SHALL BE 10-1F WIDE UNLESS OTHERWISE SHOWN ON THE PLANS, AND SHALL CONFORM TO FDOT STANDARD 17346.
13. ALL PERMANENT STRIPING SHALL BE INSTALLED PRIOR TO RETRO-REFLECTIVE PAVEMENT MARKERS (RPMS) INSTALLATION. PLACEMENT OF RPMS SHALL CONFORM TO FDOT STANDARD 17352.
14. CONTRACTOR SHALL COORDINATE WITH THE LOCAL PUBLIC TRANSIT AGENCY FOR BUS STOP OR RESPECTIVE SIGNS TO BE REMOVED OR RELOCATED.

CITY OF ORLANDO NOTES:

- 1. SITE DUST CONTROL IS MANDATORY. CONTRACTOR SHALL EMPLOY BMP(S) SUCH AS: WIND SCREEN ON PERIMETER OF CONSTRUCTION FENCING, WATER MISTING OF DRY SOILS, ETC.

UTILITY PROVIDERS:

POTABLE WATER:
POLK COUNTY UTILITIES
330 WEST CHURCH STREET
BARTOW, FL 33830
PH: (863) 534-6000

FIRE PROTECTION:
POLK COUNTY UTILITIES
330 WEST CHURCH STREET
BARTOW, FL 33830
PH: (863) 534-6000

STORMWATER:
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD)
2379 BROAD STREET
BROOKSVILLE, FL 34604
PHONE: (352) 796-7211

WASTEWATER:
POLK COUNTY UTILITIES
330 WEST CHURCH STREET
BARTOW, FL 33830
PH: (863) 534-6000

48 HOURS BEFORE DIGGING
CALL TOLL FREE
811
SUNSHINE STATE ONE CALL CENTER
WWW.CALLSUNSHINE.COM

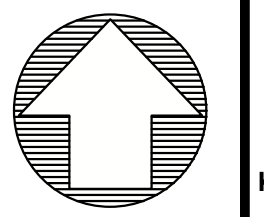
DEMOLITION NOTES:

- 1. PRIOR TO ANY CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXIST. UTILITIES AND GRAVITY STORM AND SANITARY SEWER LINES TO DETERMINE THE ACCURACY OF SURVEY INFORMATION REFLECTED ON THESE DRAWINGS. ADDITIONALLY, THE CONTRACTOR SHALL VERIFY THE ELEVATIONS OF ALL CONNECTIONS RELATIVE TO THOSE SHOWN ON THESE DRAWINGS. IF DISCREPANCIES ARE DETERMINED CONTACT THE ENGINEER.
2. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXIST. UTILITIES WHICH CONFLICT WITH THE PROPOSED UTILITIES SHOWN ON THE PLANS.

811 Know what's below. Call before you dig.
ATWELL 866.850.4200 www.atwell.com
SECTION 23, TWP 28, RANGE 25
165 INDUSTRIAL BLVD
WINTER HAVEN
POLK COUNTY, FLORIDA
84 LUMBER
CONSTRUCTION PLANS
GENERAL NOTES
DATE 11/24/2025
REVISIONS
DRAWN BY: WLC
CHECKED BY: JS
PROJECT MANAGER: JS
JOB #: 25010367
FILE CODE: ##
SHEET NO. C101

FILE NAME: R:\pwworking\25010367\25010367.dwg DATE PLOTTED: 11/24/2025 11:28 AM PLOTTER: HP DesignJet 2450-600 PLOT: HP DesignJet 2450-600 PLOT SCALE: 1.0000

180 NOT-ISSUED-FOR-CONSTRUCTION CAD FILE C:\01 NOTES



811
Know what's below.
Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE MANNER ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND ACCEPTS FULL RESPONSIBILITY FOR ANY AND ALL DAMAGES WHICH MAY BE OCCURRED BY THE CONTRACTOR'S FAILURE TO LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE HELD RESPONSIBLE FOR ANY ACCIDENTS OR INJURIES TO PERSONS OR PROPERTY THAT MAY OCCUR AS A RESULT OF THE WORK OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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24 HOUR EMERGENCY CONTACT
KEITH S. HAUGDAHL
(407) 743-3524

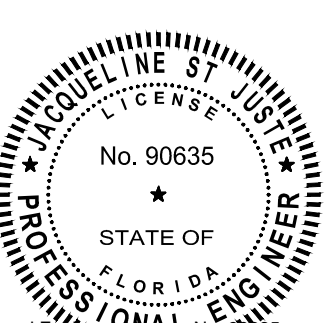
ATWELL
866.850.4200 www.atwell.com
111 N. MAGNOLIA AVENUE, SUITE 1350
ORLANDO, FL 32801
COA# 23091

SECTION 23, TWP 28, RANGE 25
165 INDUSTRIAL BLVD
WINTER HAVEN
POLK COUNTY, FLORIDA

YARD EXPANSION
84 LUMBER
CONSTRUCTION PLANS
DEMOLITION AND EROSION CONTROL PLAN

DATE 11/24/2025

REVISIONS



Drawn by: WLC
Checked by: JS
Project Manager: JS
Job #: 25010367
File Code: ##
Sheet No. **C200**

NOT ISSUED FOR CONSTRUCTION

DEMOLITION AND UTILITY ADJUSTMENT NOTES:

- DEMO LIMITS REPRESENT EXPECTED AREA OF DEMOLITION. ANY ROADWAYS, GUTTERS, CURBS, DRIVEWAYS, OR SIDEWALKS LOCATED WITHIN THESE LIMITS MAY NEED TO BE REMOVED DURING THE INSTALLATION OF THE STORM SEWER SYSTEM. THE CONTRACTOR SHOULD ATTEMPT TO REDUCE THE REQUIRED DEMO AREA AND AVOID REMOVAL OF CURBS, SIDEWALKS, AND DRIVEWAYS WHEN POSSIBLE.
- ALL EXISTING UTILITIES ARE TO BE PROTECTED AND REMAIN IN SERVICE UNLESS SPECIFICALLY INDICATED IN THE CONSTRUCTION DOCUMENTS.
- THE CONTRACTOR IS RESPONSIBLE FOR IDENTIFYING ANY PLAN DISCREPANCIES OR FIELD CONFLICTS AND NOTIFYING THE ENGINEER OF RECORD PRIOR TO DEVIATING FROM THE CONSTRUCTION DOCUMENTS.
- SEE GENERAL NOTES SHEET C0.1 FOR UTILITY PROVIDER CONTACT INFORMATION. CONTRACTOR MUST COORDINATE ALL UTILITY RELOCATIONS, ADJUSTMENTS, OR REMOVALS WITH UTILITY COMPANY.
- ALL DISTURBED SURFACE AREAS TO BE RESTORED TO EXISTING OR IMPROVED CONDITIONS.
- THE ACTUAL DEPTH AND LOCATION OF EXISTING UTILITIES ARE SHOWN PER THE BEST AVAILABLE INFORMATION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE CROSSINGS OF EXISTING UTILITIES WITH THE OWNER OF UTILITIES.
- CONTRACTOR MUST PROVIDE ADVANCE NOTIFICATION TO RESPECTIVE UTILITY COMPANY AND COORDINATE ACTIVITIES WITHIN THE PROJECT SITE. NO UTILITY ADJUSTMENTS OR RELOCATIONS ARE TO OCCUR WITHOUT THE CONTRACTOR RECEIVING APPROVAL FROM THE UTILITY OWNER.
- NO UTILITY ADJUSTMENTS, RELOCATIONS, OR MODIFICATIONS SHOULD BE PERFORMED OUTSIDE THE RIGHT OF WAY WITHOUT WRITTEN APPROVAL FROM THE RESPECTIVE PROPERTY OWNER. ALL INDIVIDUAL SERVICES SHOULD BE MAINTAINED AT ALL TIMES.
- EXISTING UTILITY SERVICES TO BE MAINTAINED AT ALL TIMES. EMPLOY TEMPORARY FACILITIES AND CONTROLS AS LONG AS NEEDED FOR THE SAFE AND PROPER COMPLETION OF THE WORK. REMOVE ALL SUCH TEMPORARY FACILITIES AND CONTROLS AS RAPIDLY AS PROGRESS OF THE WORK WILL PERMIT, OR AS DIRECTED BY THE OWNER.
- REFER TO THE SITE PLAN SHEETS FOR ADDITIONAL INFORMATION.
- THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ACCURATE AS-BUILT SURVEY INFORMATION DURING CONSTRUCTION OF ALL UTILITY ADJUSTMENTS, RELOCATIONS, REMOVALS, AND INSTALLATIONS. THE CONTRACTOR MUST PROVIDE A DETAILED AS-BUILT CERTIFIED BY A PROFESSIONAL SURVEYOR TO THE CITY'S ENGINEER PRIOR TO PROJECT CLOSEOUT.
- CONTRACTOR TO FIELD VERIFY THAT EXISTING STORMWATER INLETS CONNECT TO THE EXISTING EXFILTRATION SYSTEM. ALL STORM INLETS AND PIPING TO BE REMOVED.
- ALL EXISTING SANITARY LATERALS ARE TO BE REMOVED AND CAPPED AT THE ROW LINE. THE ABANDONED SANITARY LATERAL SHALL BE AS -BUILT.

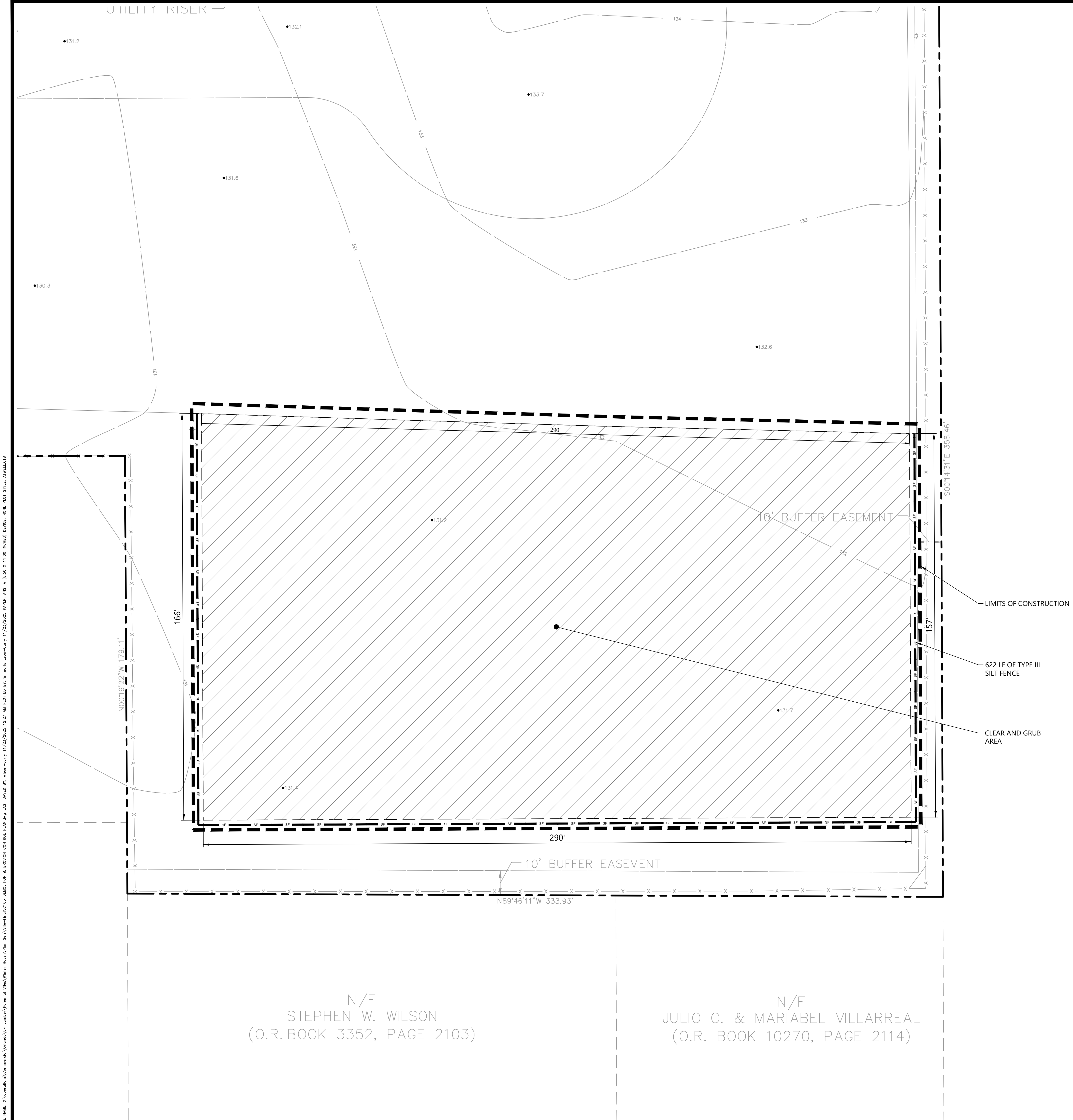
DEFINITIONS:

- REMOVE: DETACH ITEMS FROM EXISTING CONSTRUCTION AND LEGALLY DISPOSE OF THEM OFF-SITE UNLESS INDICATED TO BE SALVAGED OR RECYCLED. COORDINATE WITH THE UTILITY REPRESENTATIVES THE DISPOSITION OF ITEMS OWNED BY THE UTILITY COMPANIES. OFF-SITE DISPOSAL IS BY THE CONTRACTOR.
- SALVAGE: DETACH ITEM FROM EXISTING CONSTRUCTION, PROTECT FROM DAMAGE AND DELIVER THEM TO OWNER READY FOR REUSE. COORDINATE DELIVERY LOCATION WITH OWNER AND PROVIDE DELIVERY.
- REMAIN: EXISTING ITEMS OF CONSTRUCTION THAT ARE NOT TO BE RAZED AND THAT ARE NOT OTHERWISE INDICATED TO BE REMOVED OR SALVAGED, PROVIDE TEMPORARY PROTECTION DURING THE CONSTRUCTION PERIOD. PROVIDE ADJUSTMENTS AS REQUIRED BY PLANS.
- REFURBISH: RENOVATE EXISTING STRUCTURE/APPURTENANCE TO CURRENT SPECIFICATIONS. PROTECT DURING CONSTRUCTION.
- TO BE TAKEN OUT OF SERVICE: ABANDONMENT IN PLACE OF UTILITY LINES ALONG UNEXCAVATED AREAS PER RESPECTIVE UTILITY COMPANY REQUIREMENTS. SEE "GROUT FILLING OF EXISTING LINES DETAIL" ON DETAIL SHEET.
- REPLACE: STRUCTURE OR PIPE TO BE REMOVED AND SIMILAR PRODUCT TO BE INSTALLED AS INDICATED IN THE CONSTRUCTION DOCUMENTS.
- ADJUST: EXISTING ITEM OF CONSTRUCTION TO BE MOVED OR REPLACED AS NEEDED TO AVOID CONFLICT WITH PROPOSED CONSTRUCTION. COORDINATE WITH THE OWNER OF UTILITIES.

EROSION AND SEDIMENT CONTROL NOTES:

- THE CONTRACTOR MUST IMPLEMENT AND MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES REQUIRED TO RETAIN SEDIMENT ON-SITE AND TO PREVENT VIOLATIONS OF THE WATER QUALITY CRITERIA AND STANDARDS IN CHAPTERS 62-4, 62-302, F.A.C. ALL EROSION/SEDIMENT CONTROL PRACTICES MUST BE IN ACCORDANCE WITH THE GUIDELINES AND SPECIFICATIONS IN SECTION 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL.
- SILT FENCE ALONG THE LIMITS OF CONSTRUCTION AND INLET PROTECTION AT ALL INLETS WITHIN, AND DIRECTLY DOWNSTREAM OF. THE CONSTRUCTION LIMITS SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH FOOT STANDARDS AND SPECIFICATIONS, AND THE CONTRACT DOCUMENTS PRIOR TO CONSTRUCTION.
- REFER TO THE STORMWATER POLLUTION PREVENTION PLAN, SHEET C101 FOR ADDITIONAL INFORMATION.

PLAN LEGEND	
	ROAD RIGHT-OF-WAY LINE
	EXISTING FEATURES
	LIMITS OF CONSTRUCTION
	TYPE III SILT FENCE
	AREA OF DEMOLITION
	INLET PROTECTION

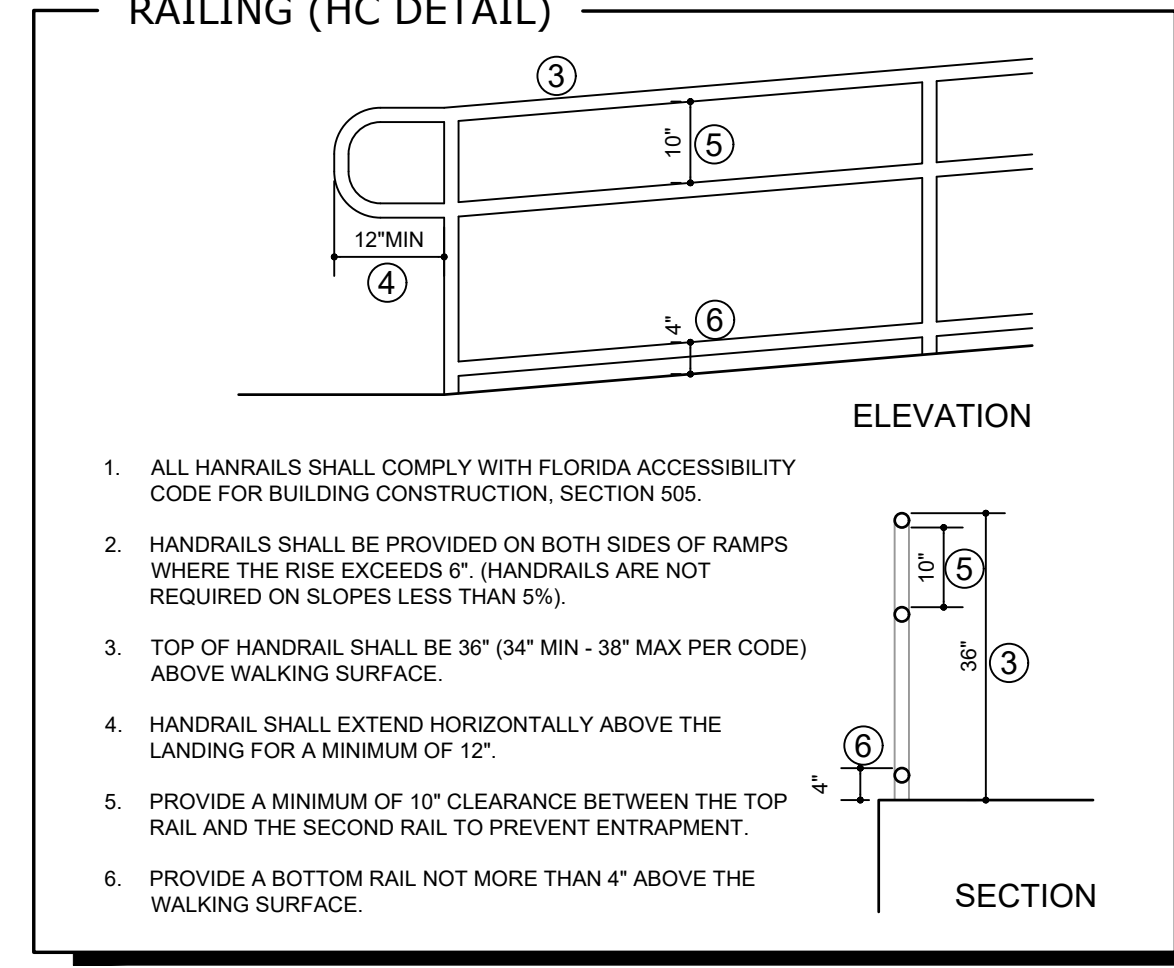
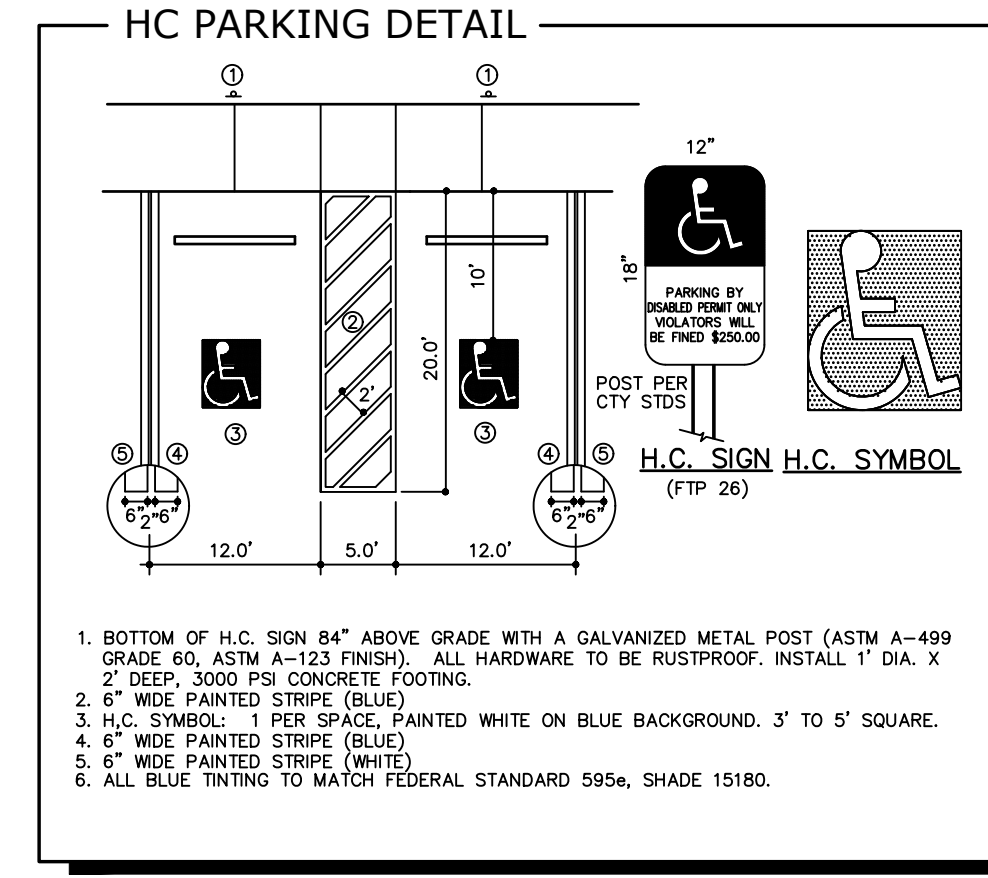
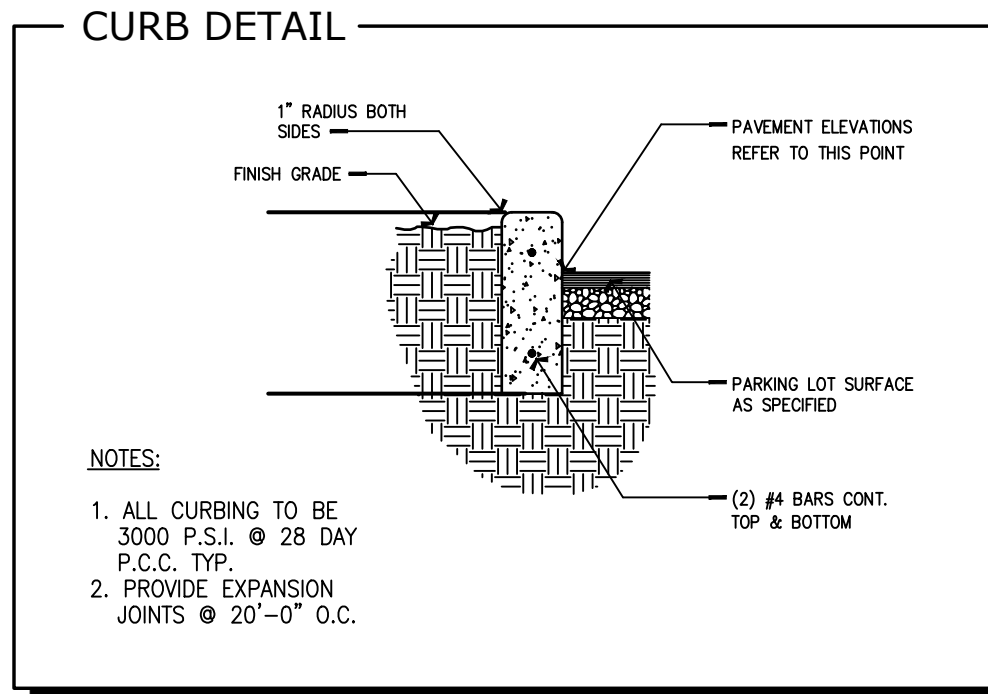
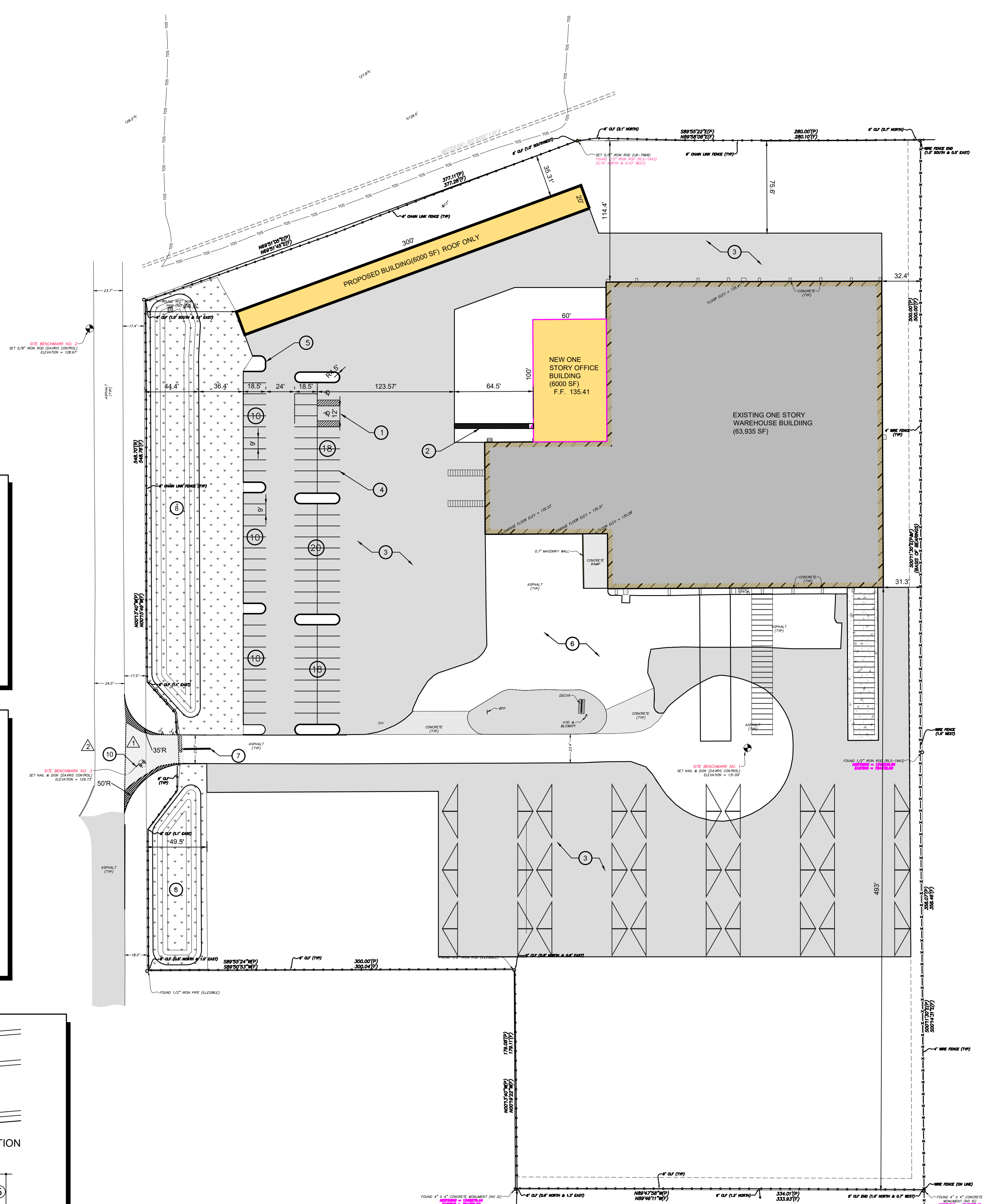


FILE NAME: N:\operational\Construction\25010367\25010367.dwg DATE: 11/24/2025 12:27 PM PROJECT: 25010367 SHEET: C200 OF 200

Jacqueline St. Just, State of Florida, Professional Engineer, No. 90635. This form has been digitally signed and sealed by Jacqueline St. Just on 11/24/2025 at 12:27 PM. The date indicated adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

SCALE: 1"=20'

SECTION 23, TOWNSHIP 28 SOUTH, RANGE 25 EAST
POLK COUNTY, FLORIDA



SITE DATA

PARCEL I.D. #: 252823347900000480; 252823347900000490; 252823347900000500; 252823347900000510; 252823347900000520; 252823347900000530; 252823347900000540; 252823347900000550

PROJECT AREA: 10.726 AC

EXISTING USE: COMMERCIAL WAREHOUSE
PROPOSED USE: COMMERCIAL WAREHOUSE

ZONING: BUSINESS PARK CENTER-2 (BPC-2)

FLOOD ZONE: THIS PROJECT IS LOCATED IN FLOOD ZONE 'X' ACCORDING TO F.I.R.M. NUMBER 12105C0345G, PREPARED BY F.E.M.A., LAST REVISED DECEMBER 22, 2016.

SETBACKS: REQ/PROV INDUSTRIAL BLVD (ROW): 307/317
SIDE/REAR: 20/30-49'

BUFFERS: REQ/PROV INDUSTRIAL BLVD (ROW): 47'
SIDE/REAR: 0'

BUILDING HEIGHT: 20' ALLOWED: 50'

BUILDING AREA: 75,935 SF

FLOOR AREA RATIO: 1.743 / 10.73 = 0.162 ALLOWED: 0.75

IMPERVIOUS SURFACE RATIO: 0.60 ALLOWED: 0.60

SITE AREAS: 10.73 AC

- BUILDING AREA	1.743 AC	16.24 %
- PAVING AREA	4.695 AC	43.75 %
- LANDSCAPE/OPEN AREA	3.939 AC	36.72 %
- POND	0.353 AC	3.29 %
- IMPERVIOUS AREA	6.438 AC	60.0 %
- PERVIOUS	4.292 AC	40.0 %

REQUIRED PARKING:
WAREHOUSE - 1 SPACE PER EMPLOYEE (1 x18.5) = 18 SPACES
EQUIPMENT/TRUCK PARKING - 10 SPACES
TOTAL REQUIRED PARKING = 28 SPACES

PROVIDED PARKING:
HANDICAP SPACES (12x18.5) = 2 SPACES
STANDARD SPACES (8x18.5) = 84 SPACES
PROVIDED PARKING = 84 SPACES

UTILITY COMPANY:
WATER: CITY OF AUBURNDALE
SEWER: SEPTIC TANK AND DRAINFIELD

- KEY NOTES**
- NEW HANDICAP PARKING SPACE AND HDCP SIGN FTP-20-06
 - NEW HDCP ACCESSIBLE RAMP WITH RAILS. PER PER FDOT STANDARD PLAN INDEX 522-002.
 - NEW ASPHALT PAVEMENT (154,619 SF)
 - NEW 6" WHITE PAINTED PARKING STRIPES, TYPICAL.
 - NEW TYPE 'D' CONCRETE CURB PER PER FDOT STANDARD PLAN INDEX 520-001.
 - OVERLAY EXISTING ASPHALT (20,420 SF)
 - STOP BAR
 - PROPOSED POND
 - PROPOSED ONE-STORY BUILDING TO CONNECT TO EXISTING WATER SYSTEM AND SEPTIC TANK AND DRAINFIELD.
 - MILL AND RESURFACE WITH MIN. 1.5" SP 12.5 ASPHALT

- POLK COUNTY LAND DEVELOPMENT DIVISION STANDARD NOTES**
- Traffic signs and pavement markings shall be installed prior to opening a new or modified road.
 - All construction shall conform to the requirements of Appendix A of the Polk County Land Development Code and the Polk County Utilities Code, as applicable.
 - Changes from plans or specifications substantially affecting conformance to standards or performance of systems must be submitted in a written request by the Engineer of Record and receive written approval by the County Engineer prior to the implementation of such changes, unless otherwise provided for in the Polk County Land Development Code or the Polk County Utilities Code. Major modifications may require an approval by the Development Review Committee. In such cases, the applicant shall submit the appropriate application and fees for a new review at the Level of the original approval, or Level 2, whichever is greater.
 - The Contractor shall notify Polk County Inspections Staff (863) 534-6449, at least five (5) working days prior to commencement of construction and prior to any activity requiring inspection, including site paving.
 - To schedule the required Pre-Construction meeting, the Engineer of Record shall contact the Polk County Land Development Division, office of the County Engineer at (863) 534-6449.
 - At the completion of construction, and prior to beneficial use of any facility or system, as-built Record Drawings shall be submitted and approved in accordance with Polk County Utilities Code, Chapter 2, Part 3.01 and the Polk County Land Development Code, Appendix A, Section A406.C.
 - MOT for the project will be in accordance with the current FDOT Traffic Control Requirements Through Work Zones, Section 102-600 series, of the FDOT Standard Plans.
 - The asphalt pavement will extend 1/4 inch above the road side edge for all curb and gutter constructed on public or private roads.
 - Polk County is not responsible for Design and/or Plan errors. All construction within Polk County R/W shall be in accordance with Polk County and FDOT standards and specifications. All construction shall conform to the requirements of Appendix A of the Polk County Land Development Code and the Polk County Utilities Code, as applicable.

CONSTRUCTION LOG

ISSUE DATE: 02/22

POLK COUNTY

Lindsay Rathke

03/2023 12:41

DESCRIPTION

REV	DATE	BY	DESCRIPTION
1	01/2023		REVISED PER POLK COUNTY
2	10/2022		REVISED PER POLK COUNTY

CONTRACT DATE: February 11, 2022

34 YEARS DELIVERING INNOVATIVE DESIGN NATIONWIDE

Spring Engineering Architecture • Engineering • Land Planning

3014 U.S. HWY 19, HOLIDAY, FL • (727) 938-1516 • FL COA NO. 00005158 & LICENSE NO. AA-0001747

SITE PLAN & DETAILS

DESIGNED BY: AS
DRAWN BY: AS
CHECKED BY: RPD
JOB NO. 2021-31
SHEET NO. C2.0

LDLVAR-2026-27 - Variance Application for 84 Lumber in Winter Haven

Menu Reports Help

Application Name: [Variance Application for 84 Lumber in Winter Haven](#)

File Date: [03/31/2026](#)

Application Type: [LUHO - Variance](#)

Application Status: [In Review](#)

Application Comments: View ID Comment Date

Description of Work: [Atwell, LLC is proposing a VUA \(circulation, parking, and inventory storage\) in 65 Industrial Blvd W, Winter Haven, FL 33880. We are planning to modify a 1.07-acre project area within the 10.73-acre Site known as Commercial Carrier Park. Atwell, is applying for a Variance for increasing the impervious area in to from 60% to 70 % of the total coverage of the site. This area to be used for extra laydown space to better manage the finished goods loads before it they are loaded and shipped out](#)

Application Detail: [Detail](#)

Address: [0 INDUSTRIAL BLVD, WINTER HAVEN, FL 33880](#)

Parcel No: [252823347900000490](#)

Owner Name: [S S DESIGNS INC](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	Julie Guirguis	Atwell, LLC	Engineer	Mailing, 111 N. Magnol...	Active
	Scott Klipstine	84 Lumber Company	Developer	Mailing, 1019 Route 51...	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	1.02
DRC Meeting Time	DRC Meeting	04/09/2026
Rescheduled DRC Meeting	Rescheduled DRC Meeting Time	-
Green Swamp	Number of Units	-
No	Is this Polk County Utilities	-
Case File Number	FS 119 Status	Non-Exempt
-		

PUBLIC HEARINGS

Development Type	Application Type	Variance
Land Use Hearing	Brownfields Request	N/A
Officer		
Variance Type		
Dimensions		
Table		
Affordable Housing		

ADVERTISING

Advertising Board	Legal Advertising Date	-
Land Use Hearing		
Officer		

MEETING DATES

LUHO Hearing Date		05/28/2026
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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 accommodate the proposed tower

CRITERIA FOR GRANTING VARIANCE

Will the variance be injurious to the area involved or detrimental to the public welfare?
[No. The applicant intends to increase the maximum ISR to 70% to be able to construct a gravel lay down area on site. The stormwater design on site was completed to account for 70% impervious area coverage so no adverse impacts are to be expected.](#)

What special conditions exist that are peculiar to the land, structure, or building involved?
[There are no special conditions for this property.](#)

When did you buy the property and when was the structure built? Permit Number?
[This property is leased to 84 Lumber by CB2 Properties.](#)

What is the hardship if the variance is not approved?
[The proposed work will improve the applicants ability to store materials on site and access the stored materials for transport](#)

Is this the minimum variance required for the reasonable use of the land?
[Yes.](#)

Do you have Homeowners Association approval for this request?
[NA.](#)

LD_GEN_BOA_EDL

[Opening DigEplan List...](#)

DigEplan Document List

PLAN REVIEW FIELDS

TMPRecordID	DocumentGroupforDPC	RequiredDocumentTypes
POLKCO-26EST-00000-18289	DIGITAL PROJECTS_LD	-
RequiredDocumentTypesComplete Yes	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	Activate DPC
Activate FSA Yes	DigitalSigCheck 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
LUHO	1	20	05/13/2026	05/13/2026	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Submittal	Saralis Wons	Application ...	04/02/2026	Lisa Simons-Iri...
	Roads and Drainage Review	Phil Irven	Approve	04/06/2026	Phil Irven
	Planning Review	Andrew Grohowski	Approve	04/16/2026	Andrew Grohowski
	Review Consolidation				
	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
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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 applicant intends to increase the maximum ISR to 70% to be able to construct a gravel lay down area on site. The stormwater design on site was completed to account for 70% impervious area coverage so no adverse impacts are to be expected.

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

There are no special conditions for this property.

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

This property is leased to 84 Lumber by CB2 Properties.

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

The proposed work will improve the applicants ability to store materials on site and access the stored materials for transport.

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

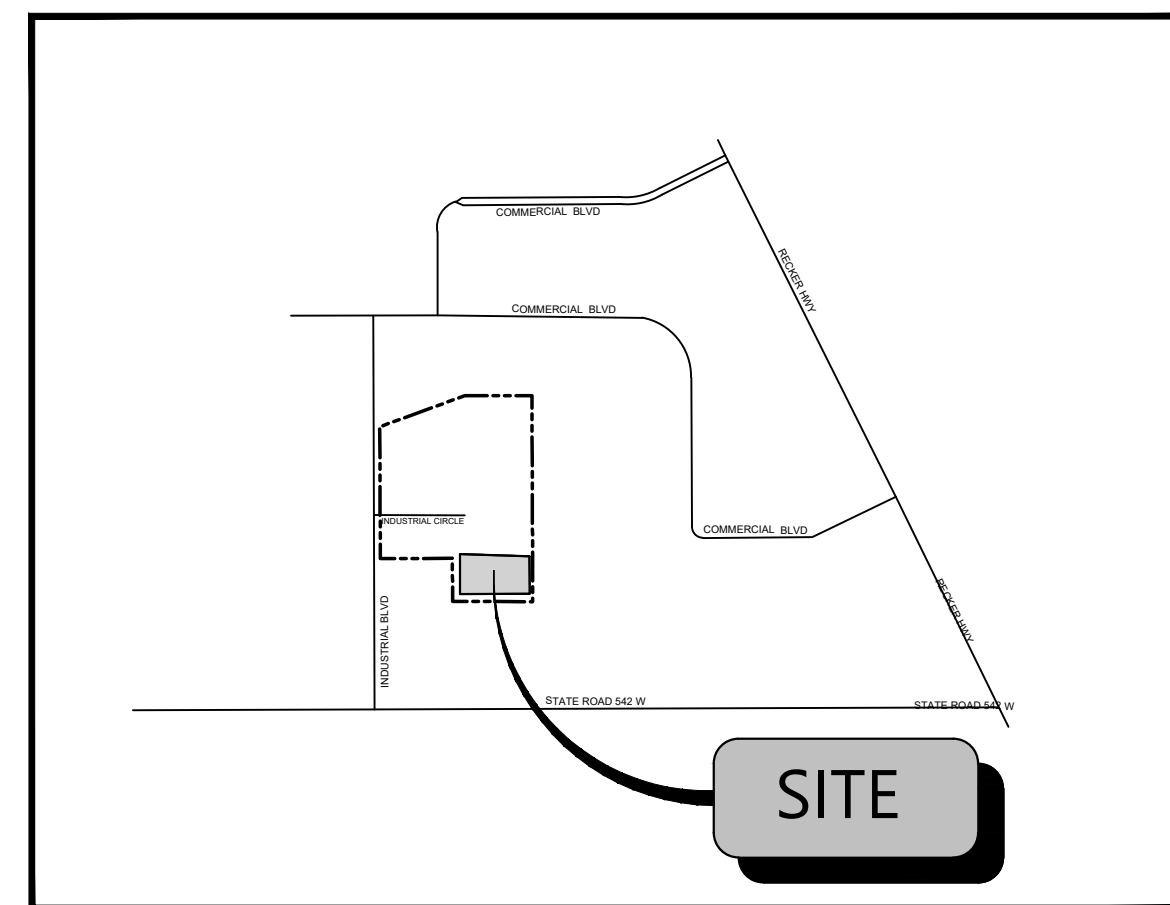
Yes

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

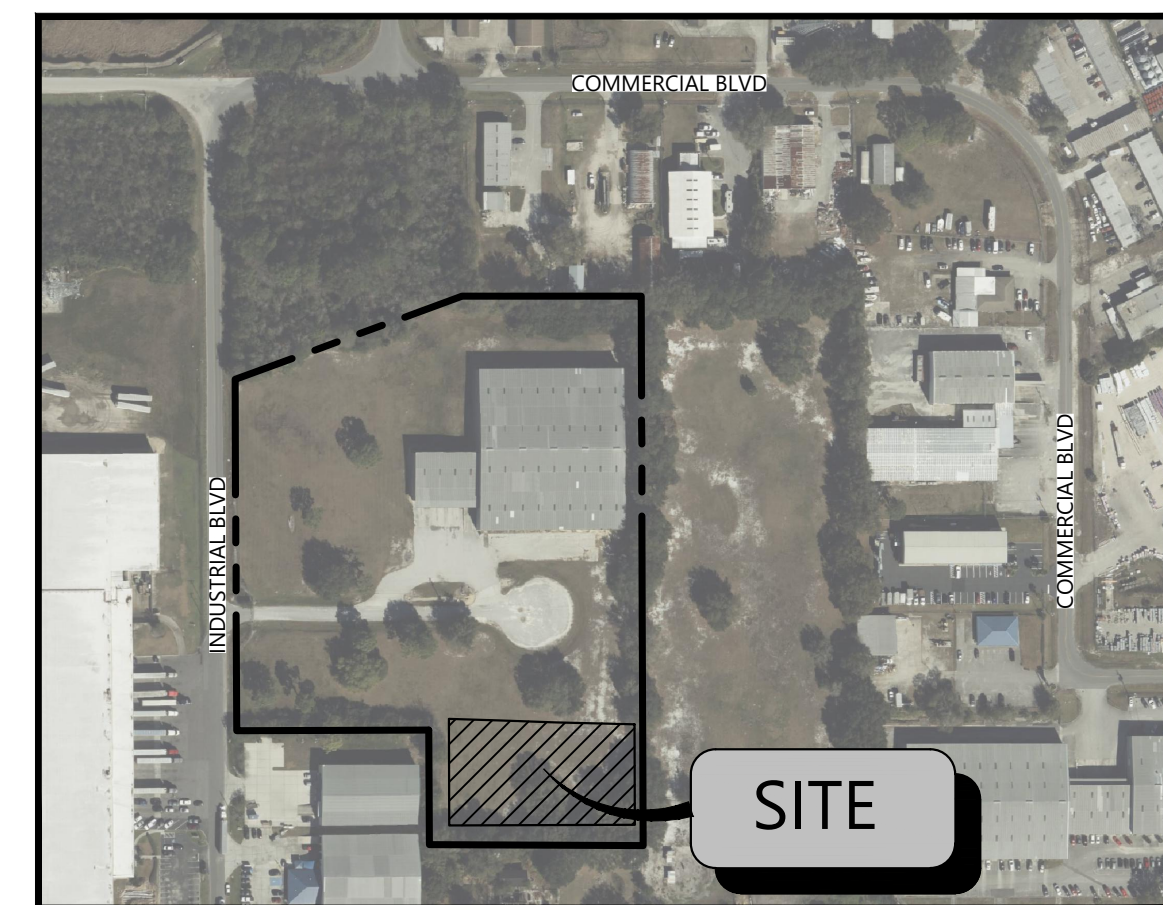
N/A.

CONSTRUCTION PLANS FOR YARD EXPANSION

165 INDUSTRIAL BLVD
WINTER HAVEN, POLK COUNTY, FLORIDA
TAX PARCELS: 25-28-23-347900-000540 AND 25-28-23-347900-000530



VICINITY MAP
N.T.S.



AERIAL MAP
N.T.S.

NOTE: BASED ON GRAPHIC DETERMINATION, THIS PROPERTY DOES LIE IN A F.E.M.A./F.I.R.M. SPECIAL FLOOD HAZARD AREA PER COMMUNITY PANEL NO. NUMBER DATED DATE.

YARD EXPANSION

TOTAL SITE AREA: 1.07 AC.
ZONING: BPC-2 (BUSINESS PARK CENTER-2)

DEVELOPMENT TEAM

OWNER 84 LUMBER COMPANY 1019 ROUTE 519, BLDG 5 EIGHTY FOUR, PA 15330 PHONE: (724) 228-8820 CONTACT: SCOTT KLIPSTINE	CIVIL ENGINEER ATWELL, LLC 111 N. MAGNOLIA AVENUE SUITE 1350 ORLANDO, FL 32801 PHONE: (407) 743-3524 CONTACT: JACQUELINE ST JUSTE, P.E.	SURVEYOR ATWELL LLC. 1850 PARKWAY PLACE, SUITE 650 MARIETTA, GA 30067 PHONE: (770) 423-0807 CONTACT: CLYDE R. ELDREDGE; P.S.M.
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GOVERNING AGENCIES AND UTILITY CONTACTS

POLK COUNTY PLANNING DEPT. 330 WEST CHURCH STREET BARTOW, FL 33850 PHONE: (863) 534-6000	SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) 2379 BROAD STREET BROOKSVILLE, FL 34604 PHONE: (352) 796-7211
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SUBMITTAL DATE

SUBMITTAL - 11/24/2025

PROJECT NARRATIVE

INCREASE EXISTING IMPERVIOUS AREA ON-SITE TO THE ALLOWABLE LIMIT SET OUT IN THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT PERMIT.

Sheet List Table

Sheet Number	Sheet Title
C000	COVER
C100	AS-BUILT RECORD SURVEY
C101	GENERAL NOTES
C200	DEMOLITION AND EROSION CONTROL PLAN
C300	SITE AND GRADING PLAN

811
Know what's below.
Call before you dig.
THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCURRED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE DEEMED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK OF PERSONS ENGAGED IN THE WORK OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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24 HOUR EMERGENCY CONTACT
KEITH S. HAUGDAHL
(407) 743-3524

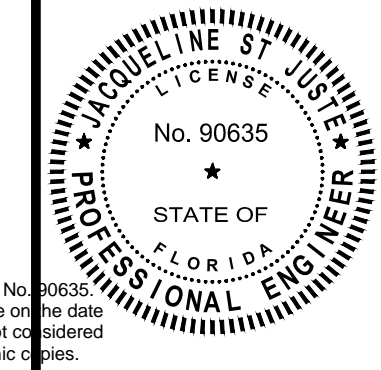
ATWELL
866.850.4200 www.atwell.com
111 N. MAGNOLIA AVENUE, SUITE 1350
ORLANDO, FL 32801
CO.# 23091

SECTION 23, TWP 28, RANGE 25
165 INDUSTRIAL BLVD
WINTER HAVEN
POLK COUNTY, FLORIDA

YARD EXPANSION
84 LUMBER
CONSTRUCTION PLANS
COVER

DATE 11/24/2025

REVISIONS



Jacqueline St. Juste, State of Florida, Professional Engineer, License No. 90635. This item has been digitally signed and sealed by Jacqueline St. Juste on the date indicated adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

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CHECKED BY: JS
PROJECT MANAGER: JS
JOB #: 25010367
FILE CODE: ##
SHEET NO. C000

FILE NAME: \\sperandio\Comm\25\25-28-23-347900-000540-25-28-23-347900-000530\25-28-23-347900-000540-25-28-23-347900-000530.dwg DATE: 11/24/2025 10:48:11 AM USER: JST JUSTE, ATWELL LLC

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