

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

DRC Date: March 13, 2026	CASE #: LDLVAR-2026-6 (Slenk Variance)
LUHO Date: April 23, 2026	LDC Section: VAR 76-2

Request: The applicant is requesting a primary structure right-of-way setback reduction from 10 feet to eight (8) feet and side setback reduction from five (5) feet to zero (0) feet for the expansion of an existing carport on approximately 0.11 acres within a residential neighborhood.

Applicant: Timothy Slenk

Property Owner: Timothy and Ellen Slenk

Location: The subject property is located at 4093 Rolling Oaks Drive, north of Thornhill Road, south of Highway 540, east of Thornhill Estates Road, west of Spirit Lake Road, west of the City of Eagle Lake in Section 02, Township 29, Range 25.

Parcel ID#: 252902-356710-000460

Size: ±0.11 acres

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

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Kyle Rogus, Planner II

Summary:

The applicant is requesting a primary structure right-of-way setback reduction from 10 feet to eight (8) feet and side setback reduction from five (5) feet to zero (0) feet for the expansion of an existing carport on approximately 0.11 acres within a residential neighborhood. Per Section 209 of the Land Development Code (LDC), carports, garages and any other structures intended for the storage of vehicles which have both a rigid roof and a permanent foundation may be permitted in the front yard, provided the front yard setbacks are met. Therefore the intent of the request is to expand the carport to allow for additional covered vehicle parking and additional coverage over the existing patio.

The carport will be 10 feet wide and extend the length of the existing residence. The carport will be two (2) feet within the 10-foot right-of-way setback, 12 feet from the edge of pavement, and the support structure will be located on the property line. Because the support structure will be located on the property line there will be a 13-inch overhang onto the neighboring lot. The

overhang will be consistent with the existing home and carport. The applicant provided a notarized letter from the neighbor acknowledging and approving the encroachment onto their property.

The property is located off Rolling Oaks Drive, a local road, in the Oakwood Estates Subdivision. Existing structures to the east of the site extend further towards the right-of-way, therefore the request is the minimum required and will not be injurious to the area involved or otherwise detrimental to the public welfare. Staff finds this request will cause no direct or indirect harm to the community.

Staff recommends approval of LDLVAR-2026-6 as it meets the following criteria listed in Section 931:

1. *Whether granting the variance will be in accordance with the general intent and purpose of this Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;*

The request will not block or limit the view of traffic, and there are no easements on the front or east side of the property. The garage will be located 12 feet from the edge of pavement making it uniform with the neighboring structure to the east. The existing residence encroaches on the neighboring property to the east requiring a setback reduction from five (5) feet zero (0) feet and notarized letter in approval.

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

The property is located in the Residential Low-4 (RL-4) land use district. The average lot size in RL-4 land use district is 6,000 sq. ft. The subject property is 0.11 acres or 4,792 sq.ft., smaller than the average lot size. The small lot size, placement of the home, and existing use of the garage affects 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-2026-6**

CONDITIONS OF APPROVAL:

1. The approval of this variance is to reduce the primary structure right-of-way setback from 10 feet to eight (8) feet and side setback reduction from five (5) feet to zero (0) feet for the construction of a carport extension. Further additions or structures placed on the property shall be required to meet the setback requirements of the Oakwood Estates Subdivision or re-apply for another variance approval from the Land Use Hearing Officer.
2. This variance does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.

3. The applicant shall have one (1) year from the date the Land Use Hearing Officer's Final Order is rendered to apply for all necessary building permits and pay all associated fees for the proposed addition.

GENERAL NOTES

NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other interested parties at a public hearing.

NOTE: All conditions of approval, unless otherwise specified, shall be met prior to the effectiveness and validity of the variance approval.

NOTE: All written commitments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such commitments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

NOTE: Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with the LDC.

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES SUMMARIZED BELOW:

1. *Whether granting the variance will be in accordance with the general intent and purpose of this Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;*

Per Chapter 2, Section 209, "carports, garages and any other structures intended for the storage of vehicles which have both a rigid roof and a permanent foundation may be permitted in the front yard, provided the front yard setbacks are met". The approved setbacks for the Oakwood Estates subdivision are: 10 feet right-of-way setback; 10 feet rear lot setback; and 5 feet side yard setback. The dimensions of the attached carport extension will be approximately 10 feet wide and extend the length of the existing residence. The extension will be two (2) feet within the approved 10-foot right-of-way setback and 12 feet from the edge of pavement. The support structure will be on the eastern property line requiring a setback reduction to zero (0) feet. The carport extension will run flush with the existing attached carport structure on the east side, creating a 13-inch overhang encroachment onto the neighboring property. The neighbor to the east has acknowledge there is an encroachment onto their property and has provided notarized written approval for the applicants request for a carport expansion. The size and orientation of the lots create an encroachment for most, if not all properties on at least one side. Information provided by the applicant states that the Homeowners Association (HOA) uses

the center line between houses to determine their approval. The granting of this request will not be injurious to the area as the carport extension will not block the view of traffic. Existing residences and carports further to the east extend into the right-of-way setback. There are no easements on the front or east side of the property according to the plat (see Exhibit 6).

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

This property is located in the Residential Low-4 (RL-4) land use district in the Transit Supportive Development Area on approximately 0.11 acres. The average lot size in Residential Low-4 land use district is 6,000 sq. ft. or approximately 0.14 acres. Prior to the adoption of the Land Development Code (LDC), Oakwood Estates was zoned Residence (R-4) Open Density District. R-4 had unrestricted density and minimum lot sizes as it was designed and intended to provide areas for maximum density and design flexibility for all types of residential construction. Oakwood Estates was originally a mobile home park that was converted into a mobile home subdivision in June 1976. During the transition, a variance to the setback standards was approved for the development under VAR 76-02.

According to VAR 76-2, the Oakwood Estates Subdivision Plat (PB 64, PGs 25-28), was approved for a reduction of five (5) feet from the required 15-foot setback and a reduction of 10 feet from the required 20-foot setback in a Residential (R-4) zoning district. The approved setbacks for the Oakwood Estates subdivision are: 10 feet right-of-way setback; 10 feet rear lot setback; and 5 feet side yard setback. The attached carport extension will be two (2) feet within the 10-foot right-of-way setback and zero feet from the east side property line.

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

The extensive history of this development and site presents challenges. The Oakwood Estates was originally a mobile home park that was converted into a mobile home subdivision in 1976. Prior to the approval of the Oakwood Estates Mobile Home Subdivision the development was approved for a variance (VAR 76-2) to reduce the 15-foot right-of-way setback by five (5) feet and the reduce the 20-foot rear yard setback by 10 feet. This variance allowed for more relief for larger mobile home developments.

Based on Polk County GIS viewers, past aerials show Oakwood Estates started developed between 1971 and 1980. By 1988 the Oakwood Estates Subdivision was built out in its entirety. During the this timeframe lot boundaries and setbacks become conflicting, resulting in encroachments based on today's current property boundaries. It can be inferred that because Polk County did not require surveys at the time of construction, the development of one (1) lot that did not meet the setback boundaries set a precedent for the rest of the development, hence the subject site's encroachment onto the neighboring property to the east.

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, if not all the homes within the Oakwood Estates Subdivision encroach upon neighboring properties. This makes any future add on structures such as carports impractical to construct without relief from setbacks.

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 neighboring properties to the east of the subject site that gain access off Rolling Oaks Drive have similar homes or carports that extend within 10 feet of the right-of-way boundary. The request will also provide full coverage for the front patio, providing protection from weather conditions.

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

Granting this variance will not result in a change of land use.

7. *Whether that in no case shall a variance be granted which would result in creation of any residual lot or parcel which does not meet the requirements of this Code; and*

Granting this request is not anticipated to result in the creation of a lot or parcel that does not meet the requirements of the Code.

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

The proposed request will not circumvent the intent of a condition placed on a development by the Planning Commission or the Board of County Commissioners. Oakwood Estates was originally a mobile home park that was later converted into a mobile home subdivision in Plat Book 64, Pages 25-28 on June 15, 1976. During the transition, a variance to the subdivision setback standards was approved by the Board of County Commissioners for the development under VAR 76-2. Per VAR 76-2 setbacks for the Oakwood Estates Subdivision are: 10 feet right-of-way setback; 10 feet rear lot setback; and 5 feet side yard setback. The accessory setbacks are 5 feet from side and rear lot lines. There are no conditions that prohibit a variance request.

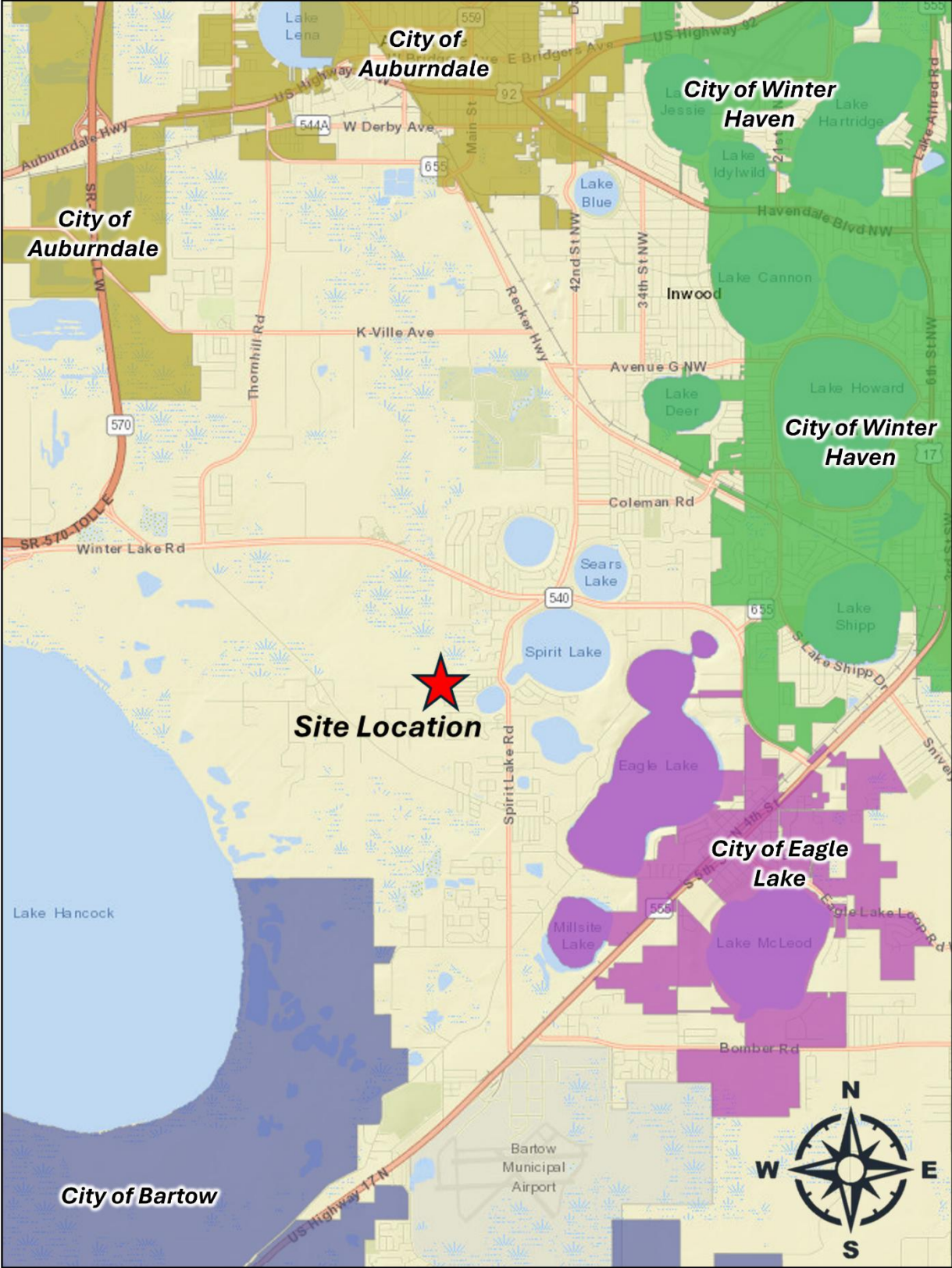
Surrounding Future Land Use Designations and Existing Land Use Activity:

<p>Northwest: Residential Low-4 (RL-4) Polk County Utilities Storage and Booster Pump Station 10.00 acres</p>	<p>North: Residential Low-4 (RL-4) Polk County Utilities Storage and Booster Pump Station 10.00 acres</p>	<p>Northeast: Residential Low-4 (RL-4) Polk County Utilities Storage and Booster Pump Station 10.00 acres</p>
<p>West: Residential Low-4 (RL-4) Oakwood Estates Subdivision PB 64 PG 28 Mobile Home (MH) 1.7 acres</p>	<p>Subject Property: Residential Low-4 (RL-4) Oakwood Estates Subdivision PB 64 PG 28 Mobile Home (MH) 0.11 acres</p>	<p>East: Residential Low-4 (RL-4) Oakwood Estates Subdivision PB 64 PG 28 Mobile Home (MH) 0.08 acres</p>
<p>Southwest: Residential Low-4 (RL-4) Oakwood Estates Subdivision PB 64 PG 28 Mobile Home (MH) 0.08 acres</p>	<p>South: Residential Low-4 (RL-4) Oakwood Estates Subdivision PB 64 PG 28 Mobile Home (MH) 0.08 acres</p>	<p>Southeast: Residential Low-4 (RL-4) Oakwood Estates Subdivision PB 64 PG 28 Mobile Home (MH) 0.08 acres</p>

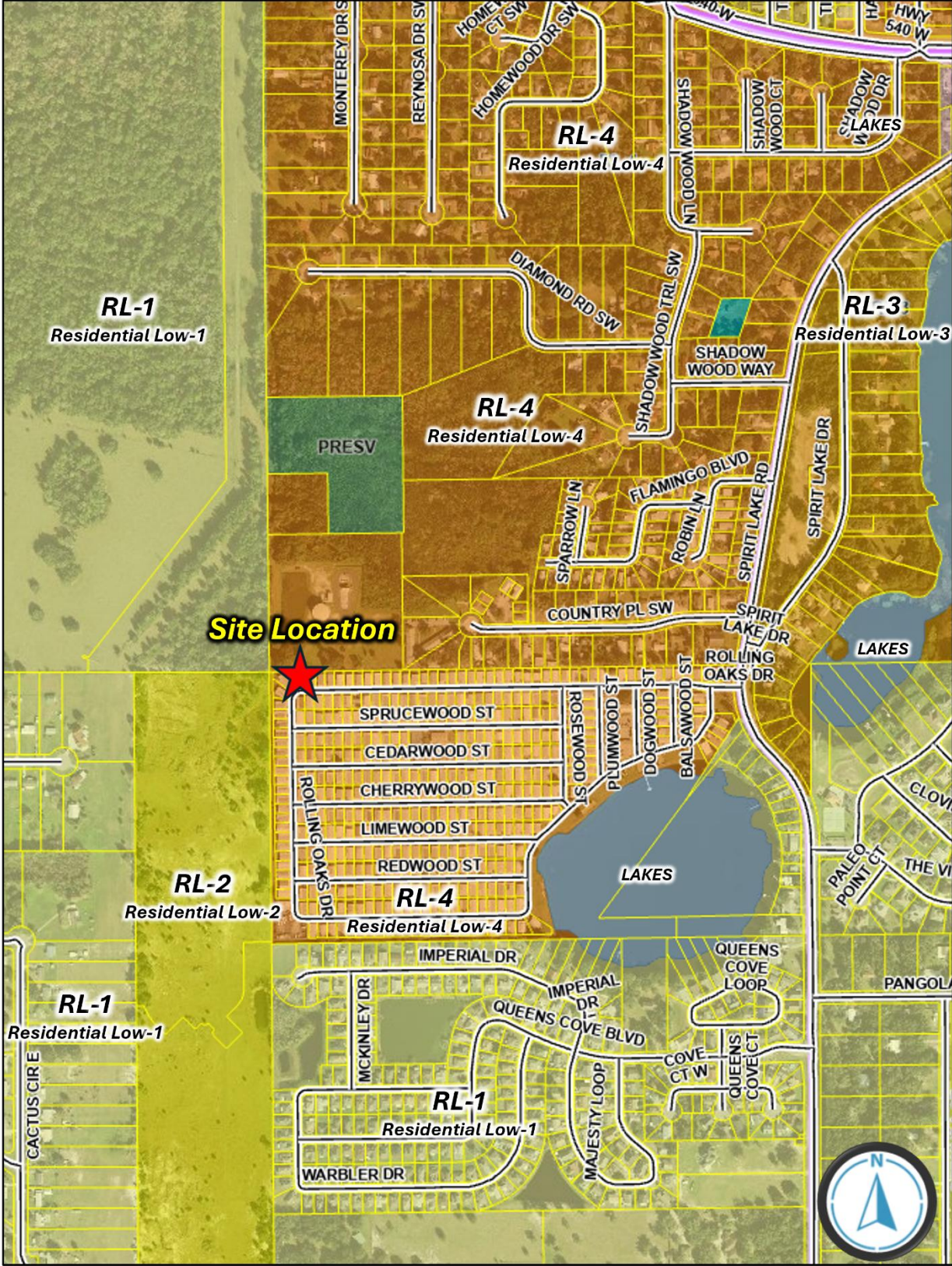
The size of the residential lots within the development are compatible to one another. The surrounding homes are single family in nature and are similar in size and orientation on the lots. Many of the properties to the east of the subject site, north of Rolling Oak Drive have carports that extend further towards the right-of-way making this request comparable to what is existing.

Exhibits:

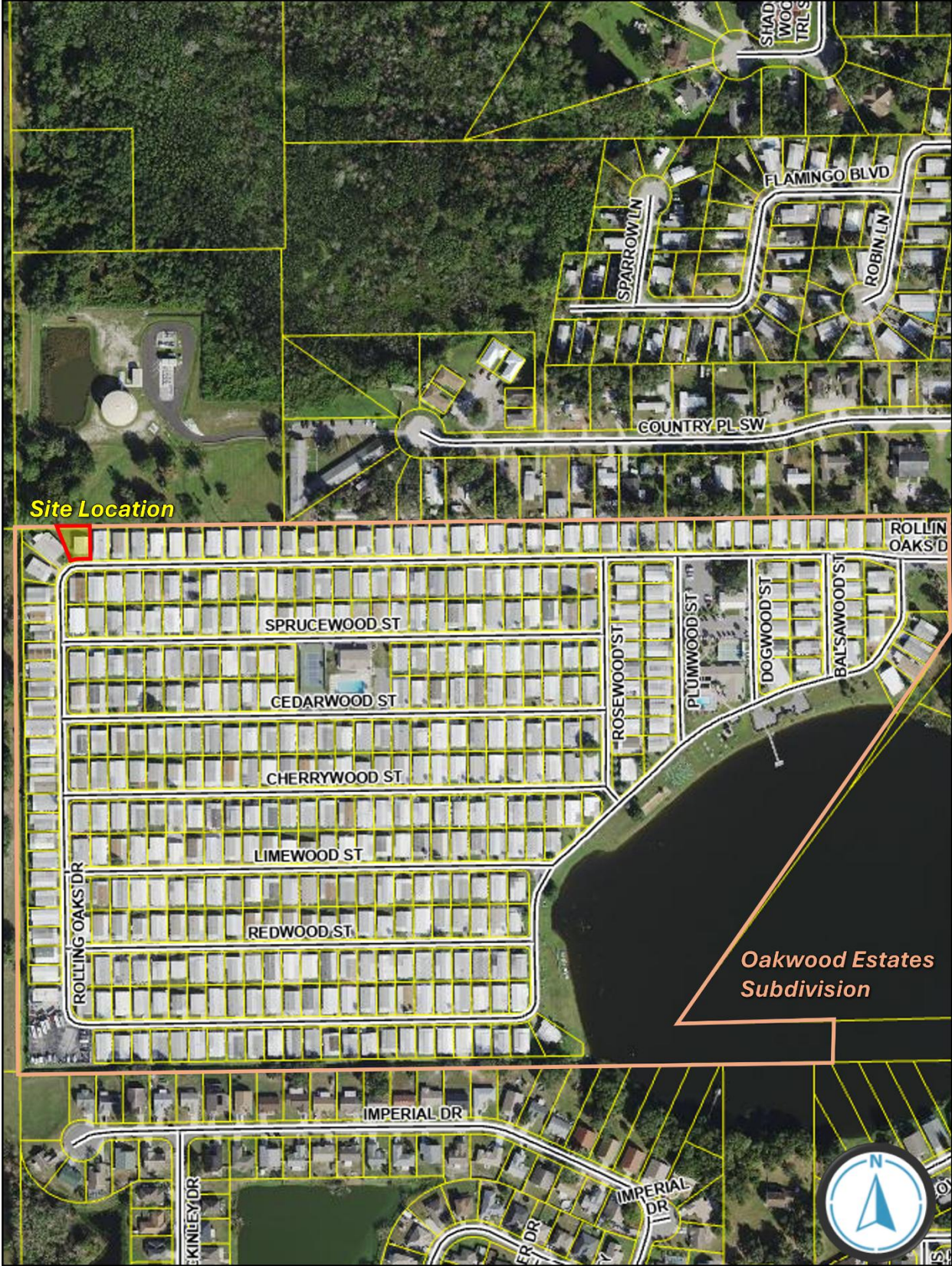
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Imagery (Context)
- Exhibit 4 Aerial Imagery (Close)
- Exhibit 5 Site Plan
- Exhibit 6 Oakwood Estates Plat
- Exhibit 7 Justification



Location Map



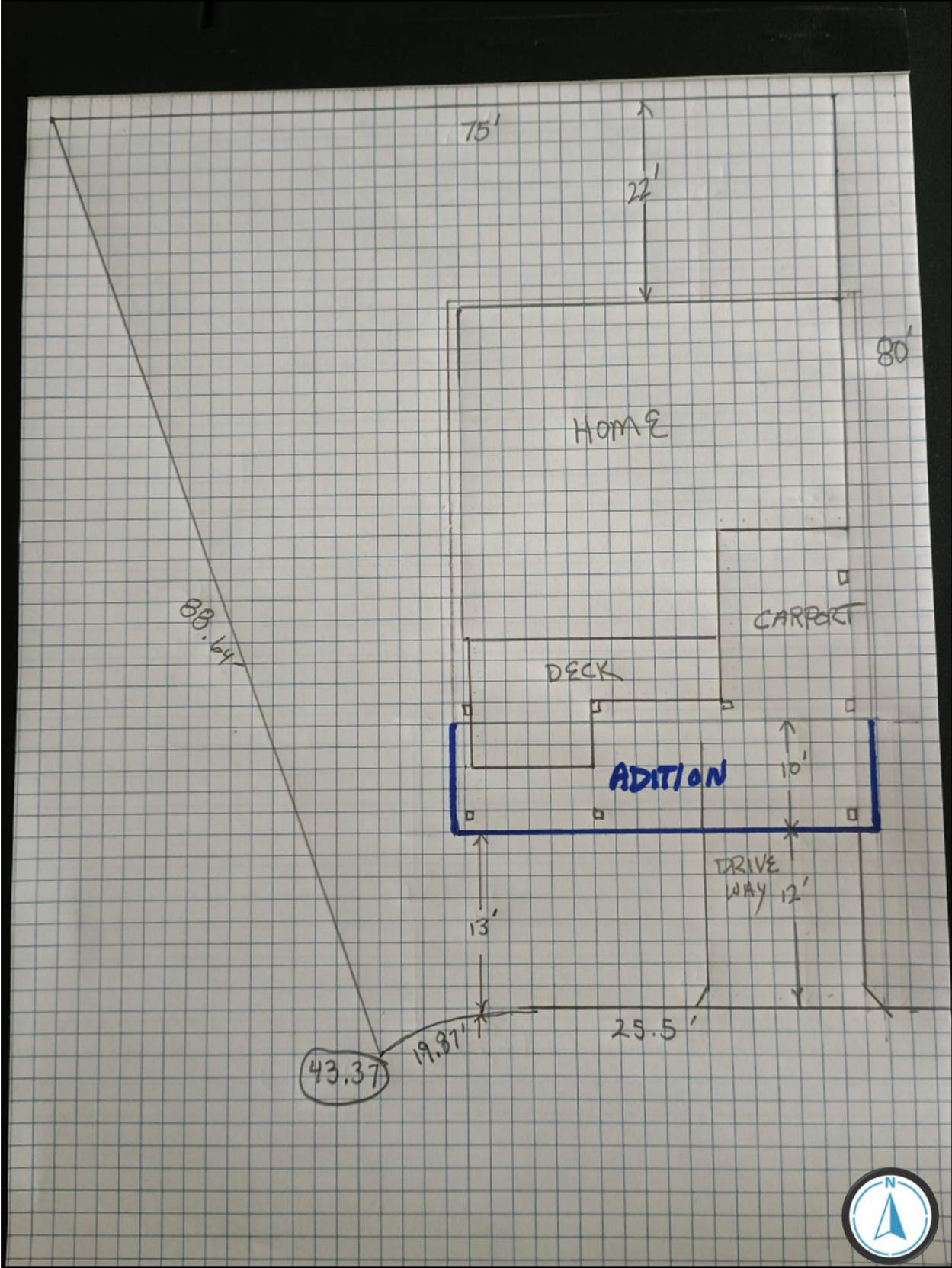
Future Land Use Map



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 park was done under a lease and it's like we don't own a lot we own one vote.

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

Feb 11, 2022

Built in 1984

What is the hardship if the variance is not approved?

The additional car port would help shade our deck and vehicle's. It will also help do the same for our neighbor's. If noy granted, we both lose out on the protection from the sun and ellements.

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

The one supporting pole would require being on the lit line. This would be consistent with the rest of the car port and home.

Do you have Homeowners Association approval for this request?

Yes

Justification