

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

DRC Date	October 9, 2025	CASE #:	LDLVAR-2025-53 (Colman Road Quadplex ROW)
LUHO Date	October 23, 2025	LDC Section:	208, Table 2.1

Project Number: LDLVAR-2025-53

Request: The applicant is requesting a right-of-way setback reduction from 35 feet to 32 feet and side yard setback reductions from 15 feet to 10 feet for a four (4) dwelling unit building (quadraplex).

Applicant: David Norris P.E.

Property Owner: Jean Quetely

Location: Northeast corner on the intersection of Coleman Road and Carla Court, east of Deena Way, west of King Road, west of Recker Highway, east of Spirit Lake Road, west of the city of Winter Haven in Section 25, Township 28, Range 25.

Parcel ID#: 252825-354600-000150

Size: ±0.22 acres (9,699 square feet)

Land Use Designation: Community Activity Center (CAC)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Erik Peterson, AICP
Planning Administrator

Summary:

The applicant is seeking to build a four-unit apartment building on a corner lot in an existing quadraplex subdivision. Shape of the lot and proximity to the roadway make it difficult to meet all setbacks in the CAC district which are typically for commercial land uses rather than small scale multifamily.

The Village East subdivision plat was designed and approved for quadruplex units on each of the 17 platted lots within the subdivision. At the time of development in the 1980s, the zoning district did not require side yard setbacks as long as there was at least 10 feet of building separation and rear yard setbacks were 10 feet rather than 15 feet as they are today. Additionally, the parking requirements for multifamily dwellings have increased from 1½ spaces per unit to two (2). The setback relief the applicant is seeking is relatively modest for the circumstances.

Staff find that the request meets the following criteria listed in Section 931:

- The request **is in accordance with the general intent and purpose of this Code and will not be injurious to the area involved or otherwise detrimental to the public welfare** because the posted speed on Coleman Road is 35 miles per hour and the applicant is requesting less than a 7% reduction on one corner of the proposed building.
- **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the applicable land use district** because development standards such as setbacks and parking requirements have changed since the original quadruplex development was designed over 45 years ago.
- **Granting the requested variance will not confer on the applicant any special privilege** because all but one of the lots within the development meet today's setback standards.

Staff recommends additional time to apply for permits for this request to allow for securing financing, finalizing architectural plans, site and structural engineering.

Development Review Committee

The Development Review Committee, based on the criteria for granting Variances, finds that the applicant's request as written **IS CONSISTENT** with **Section 931** of the Polk County Land Development Code.

Development Review Committee Recommendation: Based upon the application, and a recent site visit, the Development Review Committee recommends **APPROVAL of LDLVAR-2025-53**, with the following conditions:

CONDITIONS OF APPROVAL:

1. A variance to the standards in Section 208, Table 2.1 of the Land Development Code (LDC) shall be granted for a right-of-way setback reduction from 35 feet to 32 feet and side yard setback reductions (both sides) from 15 feet to 10 feet for a four (4) dwelling unit building (quadruplex).
2. The applicant must apply for all necessary permits within three (3) years 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 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;*

The applicant's setback relief is relatively minimal compared to some others in the plat/neighborhood. The setbacks in the Community Activity Center (CAC) district are also intended more for retail businesses, commercial plazas, and large multifamily developments. They do not serve the same purpose on an individual, lot by lot basis. Some flexibility will not be injurious to the area involved or otherwise detrimental to the public welfare. The posted speed on Coleman Road is 35 miles per hour and the applicant is requesting less than a 7% reduction on one corner of the proposed building. At a reduction from 15 to 10 feet on the side lot lines, the building will be over 25 feet from the nearest offsite building which is more separation between buildings than most of the other properties in the development/plat.

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 and circumstances exist which are peculiar to the land. The lot is not as uniform in shape as most of the quadruplex lots are within the development, and it is also a corner lot. All but four of the 17 have a full 90 feet of width and 105 feet of depth. The applicant's lot is only 70 feet wide on the north end and the right-of-way setback is greater than 11 of the 17 lots. Staff insists upon holding the building to the required number of spaces because rental tenants today possess more vehicles than they did over 40 years ago.

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

The property owner purchased the parcel in February of 2004. The plat was recorded in 1981. The plat was designed for multifamily quadruplexes on each lot under the zoning ordinance in existence at the time. Development regulations changed in September of

2000. Setback standards increased from zero (0) on the sides to 15 feet and 10 feet on the rear to 15 feet. The applicant is proposing the first new buildings in the development since the 1980s. It is reasonable that the owner was not aware that the development standards had changed since the other units were built or that the same standards that the previous units were built under no longer applied. The parking standards were also lower at 1½ spaces per unit in the 1980s whereas they are two (2) spaces per unit today. Although, some of the buildings proved eight spaces where most only provide six spaces.

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

There is only one structure out of a total of 15 buildings in the development that meets the current setback requirements of the CAC district. While all 15 were established when the zoning was C-3 and setbacks were not required on side lot lines as long as building separations were met, approximately seven (7) are not meeting the 10 feet that was required from rear lot lines and two (2) of them are not meeting the right-of-way setbacks from Coleman Road. Therefore, approval does not confer on the applicant a special privilege. Additionally, the applicant's property is a corner parcel and lacks the same depth as other parcels in the subdivision which further complicates the placement of the quadruplex.

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

The applicant is proposing a ±3,916 square foot quadruplex which is similar in size to all the other existing quadruplexes in the development (see Table 1). This requires a minimum of eight (8) paved parking spaces per LDC Section 709. There is a 10-foot-wide utility easement on the north side of the lot. To provide for the building, required parking with entrance turning radius, and avoid the utility easement, this is the minimum variance needed to exercise the vested development rights enjoyed by the other quadruplex buildings in the subdivision. The largest amount of relief is five feet on each of the side lot lines which leaves more of a separation than many of the quadruplexes in the development. The relief from the Coleman Road right-of-way is less than 7% compared to the building on Lot 17 which is at a 25% reduction from the standard length.

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. While all multifamily development requires Planning Commission approval in CAC, the plat is considered a vested development per LDC Section 111 Vested Rights and a quadruplex on this property would also meet the requirements of Residential Infill in Section 303 for administrative approval.

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

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

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

The entire Village East plat was zoned Regional Commercial (C-3) under the original 1971 zoning map. Multifamily dwellings were permitted by right in C-3 up to 16 dwelling units per acre. It did not require Board approval for quadruplexes on each of the 17 lots. The subdivision was intended for 68 total units on ± 5.31 acres for a density of 12.8 dwelling units per acre. The Board approved the plat on January 27, 1981. There are no conditions or specific plat notes on the plat.

Surrounding Future Land Use Designations and Existing Land Use Activity:

The table to follow provides details of abutting structures and lot parameters.

Table 1

Northwest: CAC Carla Court (local road) Lot 21 3,888 sq.ft. Quadruplex On a $\pm 9,449$ sq.ft. lot <15 feet from both side and rear	North: CAC Lot 14 3,828 sq.ft. Quadruplex On a $\pm 12,497$ sq.ft. lot ± 0 feet from side and rear lot line	Northeast: CAC Lot 17 3,600 sq.ft. Quadruplex On a $\pm 10,202$ sq.ft. lot ± 26 feet from right-of-way
West: Community Activity Center (CAC) Carla Court (local road) Lot 10 vacant $\pm 9,090$ sq.ft. lot	Subject Property: Community Activity Center (CAC) Lot 15 vacant $\pm 9,699$ sq.ft. lot	East: CAC Lot 16 3,828 sq.ft. Quadruplex On a $\pm 9,643$ sq.ft. lot ± 52 feet from right-of-way ± 12 feet from rear and ± 5 feet from east side lot line
Southwest: Residential Medium (RM) Coleman Road (urban collector) 1,500 sq.ft. single-family dwelling 15 feet from right-of-way $\pm 8,520$ sq.ft. lot	South: Residential Medium (RM) Coleman Road (urban collector) 5,838 sq.ft. office building fronting King Road ± 10.11 acre tract	Southeast: Community Activity Center (CAC) Coleman Road (urban collector) vacant ± 1.83 acre lot

Carla Court is part of the Village East plat approved by the Board of County Commissioners in 1981 (Plat Book 71, Page 6) and was intended for quadruplexes to be placed on each lot in the subdivision. The property was zoned Regional Commercial (C-3) in which multiple family dwellings were a permitted use. Setbacks were 35 feet from the right-of-way, not required on the side, and 10 feet in the rear. Building separation was 10 feet plus 1/3 of a foot for each foot of building over 15 feet. That is why many of the existing quadruplexes in the subdivision are on or near side lot lines. However, the quadruplex on lot 17 is within less than the 35-foot right-of-way setback of Coleman Road which is more than the applicant is requesting in relief. It was built in 1984. The County does not have complete records of variance approvals prior to 1990.

In the plat, there is a 10-foot drainage easement abutting the right-of-way of Coleman Road and there is a 10-foot utility easement that separates the applicant's property and Lot 16 from Lot 14 to the north. There is an 8-inch gravity wastewater line that extends to a manhole that provides sanitary sewer connection to lots 14-17 in it. There is a six-inch water line in the right-of-way on

Coleman Road and a 4-inch water line in the right-of-way of Carla Court along the western side of the property.

Comments from other Governmental Agencies:

None.

Exhibits:

Exhibit 1 – Location Map

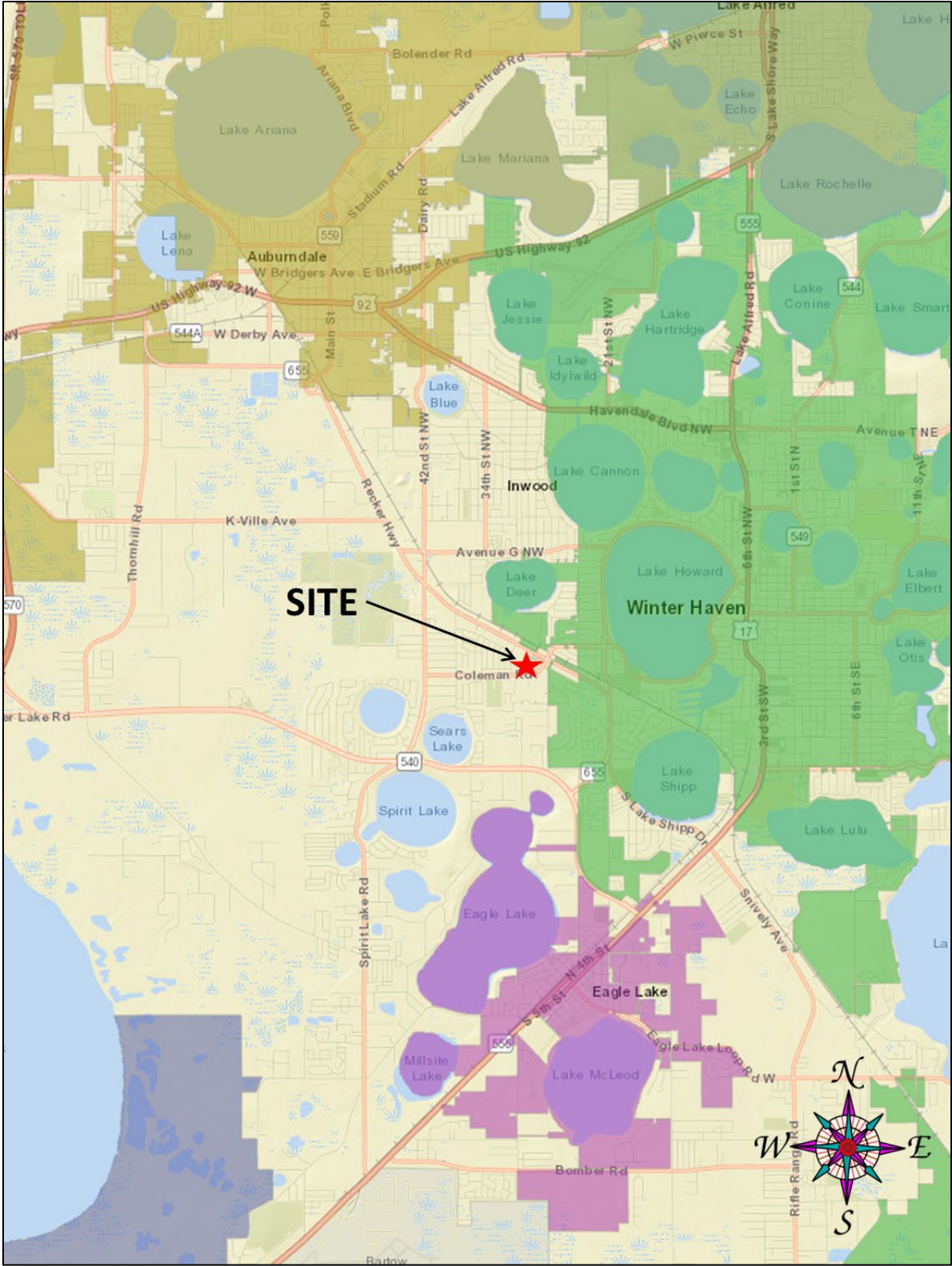
Exhibit 2 – Future Land Use

Exhibit 3 – 2023 Aerial Context

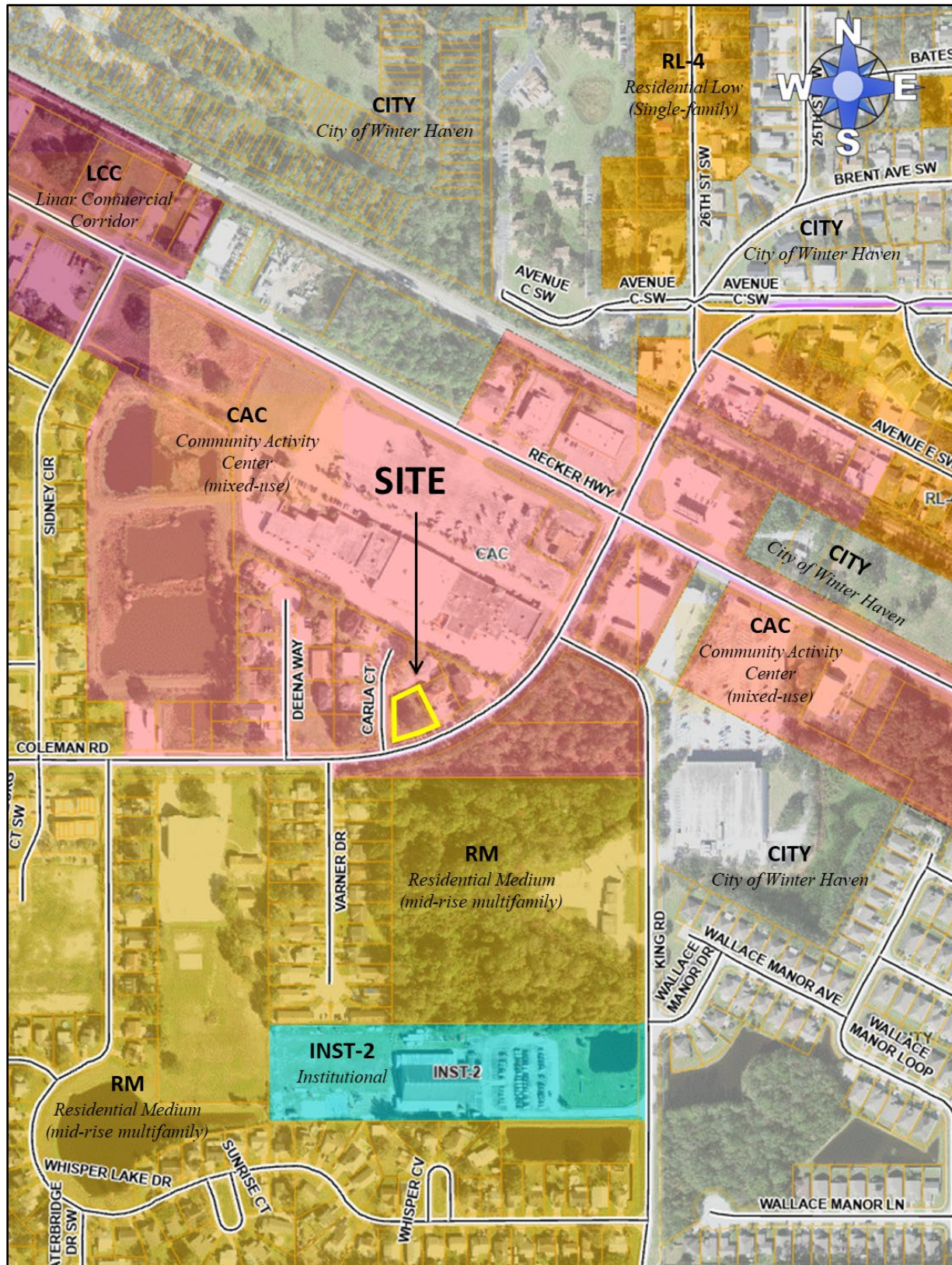
Exhibit 4 – 2023 Aerial Close-up

Exhibit 5 – Site Plan

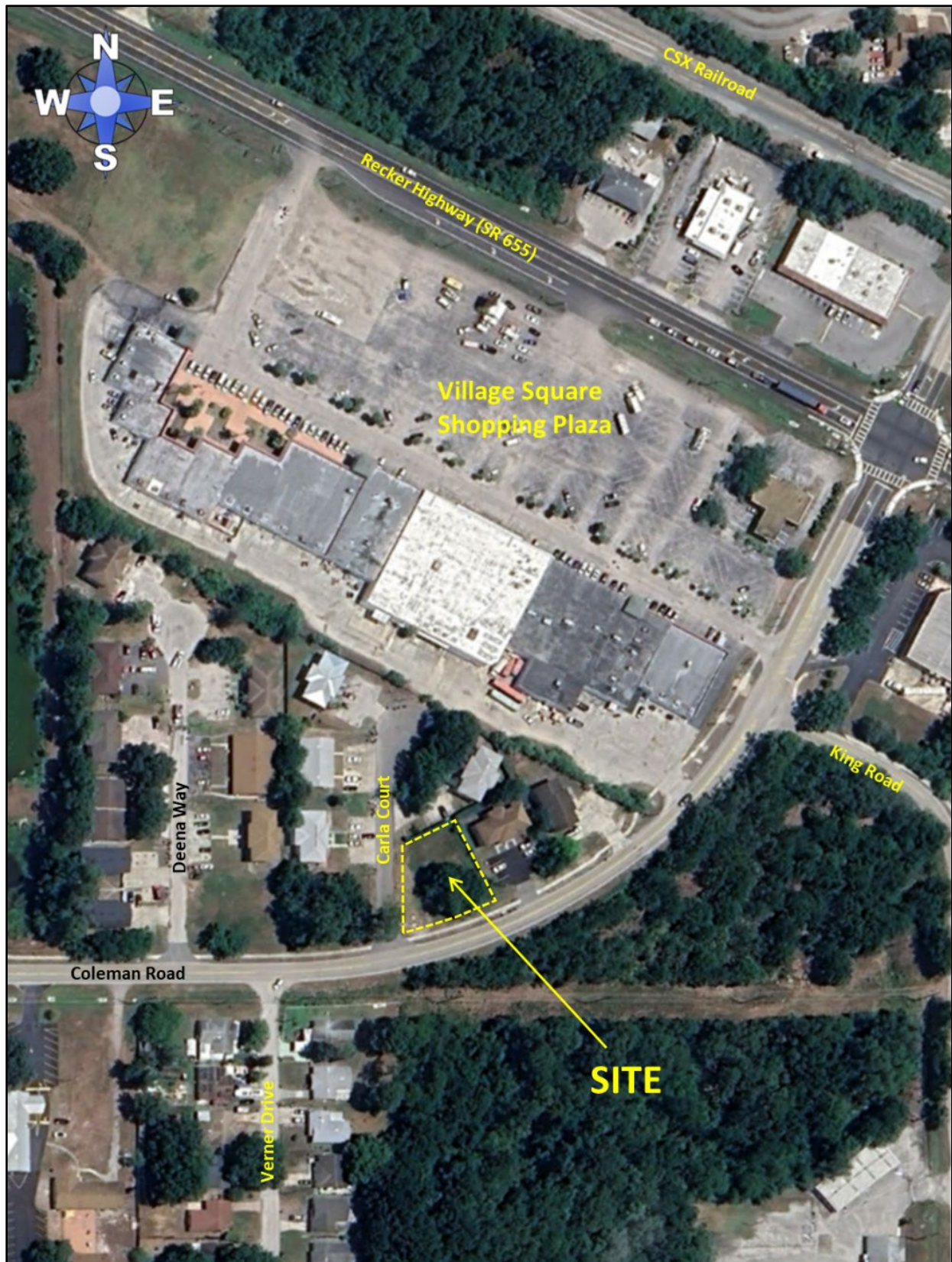
Exhibit 6 – Criteria Justification



Location Map



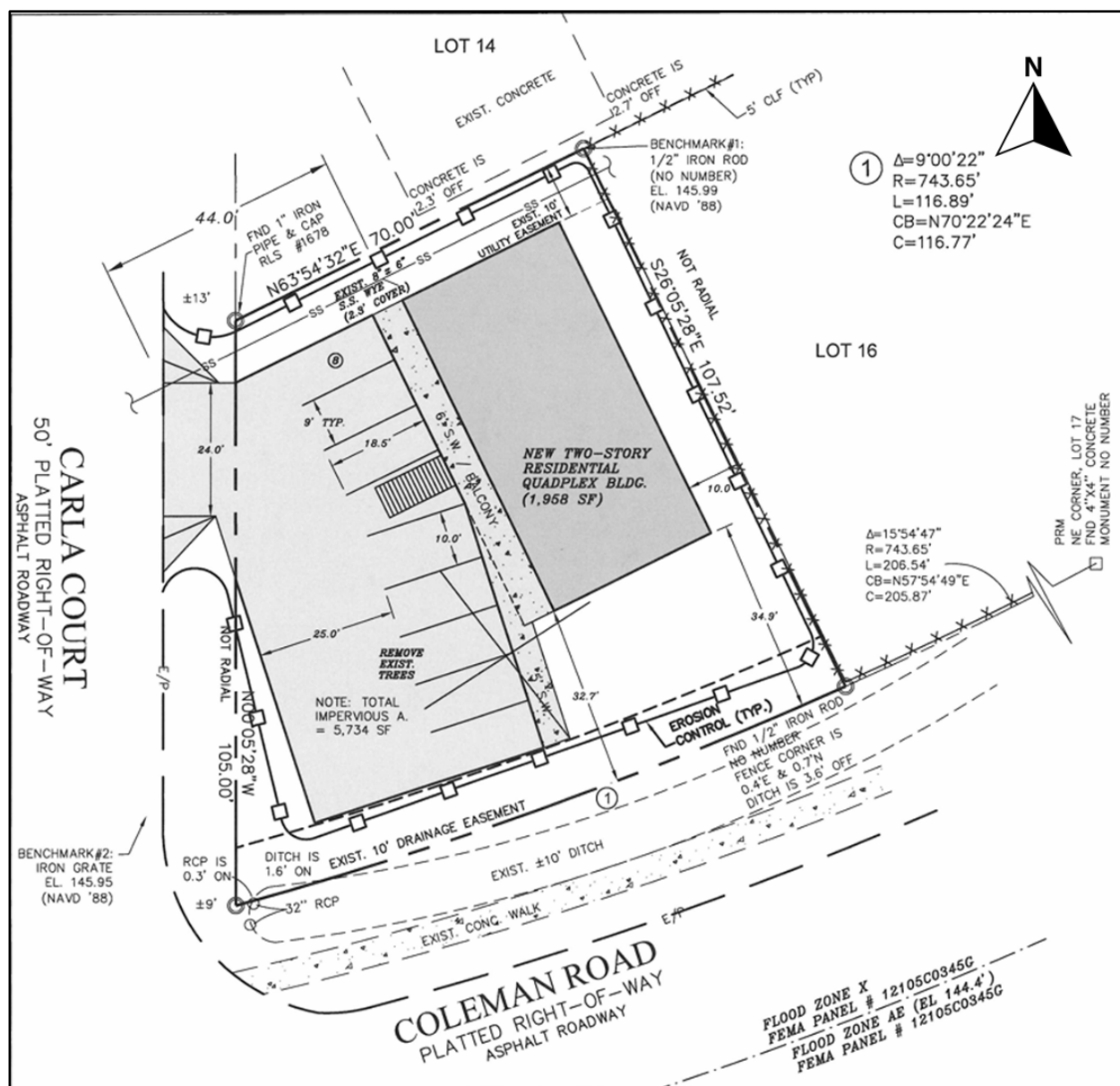
Future Land Use



2024 Satellite Photo Context



2023 Aerial Photo Close-Up



Applicants' Site Plan

CRITERIA FOR GRANTING VARIANCE

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

Granting this variance will have no adverse affects on the neighboring properties. But will keep with the existing quadplexes.

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

The lot is irregularly shped.

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

February 6, 2004.

What is the hardship if the variance is not approved?

The reason for this variance is to make available 2 BR's / family size instead of single.

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

Applicant's Justification