

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

DRC Date:	June 15, 2024	CASE #:	LDLVAR-2024-28 (Citrus Ridge - Moore Variance)
LUHO Date:	July 25, 2024	LDC Section:	PUD 81-22

Request: The applicant is requesting a reduction to the primary side structure setback from five (5) feet to one (1) foot for the construction of an carport.

Applicant: Connie Moore

Property Owner: Connie Moore

Location: 138 Citrus Ridge Dr, east of Citrus Ridge Dr, south of Tangerine Loop, north of Tangelo Dr, Davenport, in Section 20, Township 26, and Range 27.

Parcel ID#: 272620-706001-001380

Size: ±0.05 acres

Land Use Designation: Residential Medium-X (RMX) within PUD 81-22 (Citrus Ridge) and North Ridge Selected Area Plan (SAP)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is requesting a variance to reduce the primary structure side yard setback from five (5) feet to one (1) foot to accommodate a carport. By constructing an attached carport, the structure becomes a part of the primary residence and must adhere to the five (5) foot principal side setback. The proposed request necessitates public hearing and approval from the Land Use Hearing Officer (LUHO), in accordance with Chapter 9, Section 931 of the Land Development Code (LDC).

Located within the Residential Medium-X (RMX) land use district and the North Ridge Selected Area Plan (SAP), the subject property is Lot 138 within Phase 1 of Citrus Ridge (PUD 81-22). While the RMX requires a minimum lot size of 6,000 square feet, the development was established with significantly smaller lots through an approved Planned Unit Development (PUD) intended for recreational vehicles (RVs). A modification to the PUD was later approved to permit the placement of mobile homes and reduced side setbacks from seven and a half (7.5) feet to five (5) feet but did not increase the lot sizes.

Since the modification of the PUD, the development has seen an increase in mobile homes being placed on lots within the Citrus Ridge development. Additionally, many property owners desiring to construct additions to their homes within PUD 81-22 realize the need to request a variance because of the limited space, setback requirements, and easements relative to the small lot sizes. The applicant's request for one (1) foot off the property line to the west will leave enough room along the side property line to ensure adequate maintenance in the future and no encroachments into the neighbor's property.

Staff recommends approval of LDLVAR-2024-28 as 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** as the previous carport was the same distance as the new owner is proposing. The one (1) foot side setback will leave adequate space for property maintenance and will also ensure no encroachments into the neighbor's property. Building and fire code separations will still be met as the proposed structure is not for habitable purposes.
- The **special conditions and circumstances present in the request do not result from the actions of the applicant** because the development was originally intended for RVs but later evolved into a mobile home subdivision.

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-2024-28.**

CONDITIONS OF APPROVAL:

1. A variance to the standards established within PUD 81-22 shall be granted to reduce primary structure side yard setback from five (5) feet to one (1) foot for the proposed carport. All further additions or structures placed on the property shall be required to meet the requirements PUD-81-22 or be granted approval via another variance from the Land Use Hearing Officer.
2. The structure shall include gutters designed and constructed to channel or capture storm water runoff and prevent it from draining onto neighboring residential properties.
3. The applicant shall have one (1) year from the date the Land Use Hearing Officer's Final Order is rendered to apply for all necessary building permits and pay all associated fees for the proposed addition.
4. The structure shall not block access to any utility equipment on the easement.
5. 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 interested 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 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.

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES SUMMARIZED BELOW:

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

According to the subdivision plat (Plat Book 78, Page 40), there is a five-foot utility easement along the rear lot line of each lot. Granting this variance, as conditioned, is in accordance with the general intent and purpose of the Code. The request will be injurious to the area or detrimental to the public welfare because it is similar to others granted in the development and it does not encroach on any easement or utility line. There will also be adequate space to allow for maintenance between the property lines and the proposed addition.

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;*

Although the subject lot size is typical for the approved PUD, the development began as an RV park and later evolved into a mobile home subdivision. However, the developable space did not change and as a result, area for additional structures on the lots are limited. The subject property is Lot 138 of Citrus Ridge Phase 1 and is approximately (2,178 square feet). As previously noted, the minimum lot size within the RMX district is 6,000 square feet, much larger than the subject development. This phase of Citrus Ridge also requires a ten (10) foot right of way setback and a five (5) foot rear and interior side setback.

The property was acquired by the applicant in March of 2006 via a warranty deed. Many property owners within PUD 81-22 desiring to construct additions to their residences may

also realize the need to request a variance for their proposed structure because of the limited space, setback requirements, and easements within the development.

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

The relatively large setbacks and easements on small lots established within this development were not actions of the individual property owners. Consequently, several lots within the subdivision have had similar reduction in setbacks approved for carports and patio covers as the development was originally approved for RV lots. However, an approved modification to the PUD on April 12, 1988 allowed placement of mobile homes.

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;*

Screen rooms, carports, and open covered patios are common in this development and variances are typically needed for their construction.

Please refer to the table below as there have been several other approved variances for setback reductions within this phase and others within PUD 81-22.

Case	Hearing Date	Approved Variance Request
LDLVAR-2023-47	October 26, 2023	The applicant is requesting a variance to reduce the western right-of-way setback from fifteen (15) feet, as per PUD 97-05, to eleven (11) feet for a 35' x 20' addition to the existing screened pool and patio enclosure.
LDLVAR-2023-18	June 22, 2023	The applicant is requesting a variance to reduce the north side yard setback from five (5) feet, as per PUD 81-22, to two (2) feet to construct a 9' x 22' open patio cover.
LDLVAR-2023-16	June 22, 2023	The applicant is requesting a variance to reduce the side yard setback from five (5) feet, as per PUD 81-22, to two (2) feet to accommodate a 6' x 32' open patio cover at the northern property line.
LDLVAR-2023-1	March 23, 2023	The applicant is requesting a variance to reduce the side primary structure setback requirement from five (5) feet to three (3) feet for a screen room and covered walkway with a hard roof.
LDLVAR-2022-85	November 15, 2022	The applicant is requesting a variance to reduce the west side setback requirement from five (5) feet to two (2) feet for a new awning on the west side of the home.
LDLVAR-2022-83	November 15, 2022	The applicant is requesting a variance to reduce the rear primary structure setback requirement from five (5) feet to one (1) foot for an awning.
LDLVAR-2022-76	October 27, 2022	The applicant is requesting a variance to reduce the west side setback requirement from five (5) feet to two (2) feet for a new awning over an existing wheelchair ramp.

In the past, approvals have been granted to one (1) foot. The applicant's site plan indicates the structure will be built one (1) foot from the property line.

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

The development was originally intended for recreational vehicles only. The addition of permanent dwellings such as double-wide mobile homes severely limit the amount of space for any additions. According to the applicant’s justification, the request is to prevent the sun, rain, and debris from entering their sitting area. If approved, the applicant will remain one (1) foot from the property line, ensuring adequate spacing from the neighbor to the west.

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 proposed structure is considered a part of the primary residence. Therefore, the request will remain residential and does not result in a change of land use.

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.*

Chapter 9, Section 930.B.13 of the LDC allows relief to requirements within approved Planned Unit Developments via an approved variance, specifically linear distances, and height.

Surrounding Future Land Use Designations and Existing Land Use Activity:

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

<p>Northwest: PUD 81-22 RMX Citrus Ridge Phase 1 Common Element Lot</p>	<p>North: PUD 81-22 RMX Citrus Ridge Phase 1, Common Element Lot</p>	<p>Northeast: PUD 81-22 RMX Citrus Ridge Phase 1 Common Element Lot</p>
<p>West: PUD 81-22 RMX Citrus Ridge Phase 1 Lot 137 Mobile Home</p>	<p>Subject Property: PUD 81-22 RMX Citrus Ridge Phase 1, Lot 138 Mobile Home</p>	<p>East: PUD 81-22 RMX Citrus Ridge Phase 1, Lot 139 Mobile Home</p>
<p>Southwest: PUD 81-22 RMX Citrus Ridge Phase 1 Lot 172 Mobile Home</p>	<p>South: PUD 81-22 RMX Citrus Ridge Phase 1 Lot 171 Mobile Home</p>	<p>Southeast: PUD 81-22 RMX Citrus Ridge Phase 1 Lot 170 Mobile Home</p>

The subject property has a Future Land Use district of Residential Medium-X (RMX) within the Transit Supportive Development Area (TSDA) and the North Ridge Selected Area Plan (SAP). The subject site is surrounded by mobile homes. However, the Citrus Ridge PUD (81-22) is comprised of RVs and mobile homes, some with covered carports, canopies, and other additions. Staff found twenty other variance approvals in this subdivision since 2020. Based on the surrounding neighborhood, a recent site visit, and the variance application provided by the applicant, staff believes that the proposed variance is compatible with the surrounding development.

Comments from other Governmental Agencies:

None.

Exhibits:

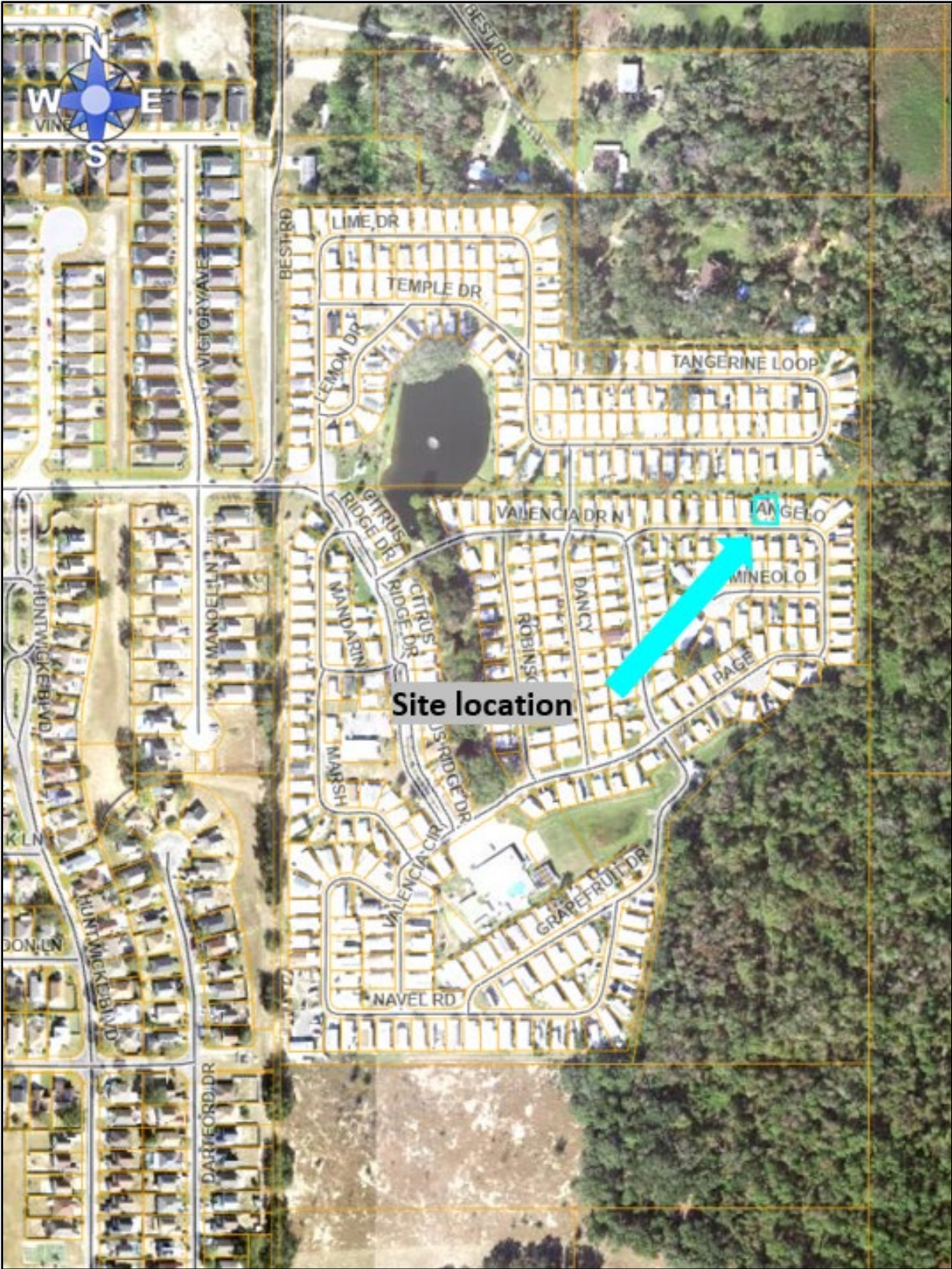
- Exhibit 1 –Location Map
- Exhibit 2 – Future Land Use
- Exhibit 3 – Aerial Context
- Exhibit 4 – Aerial Close-up
- Exhibit 5 – Applicant Site Plan
- Exhibit 6 – Applicant’s Justification
- Exhibit 7 – Citrus Ridge Phase 1 Plat



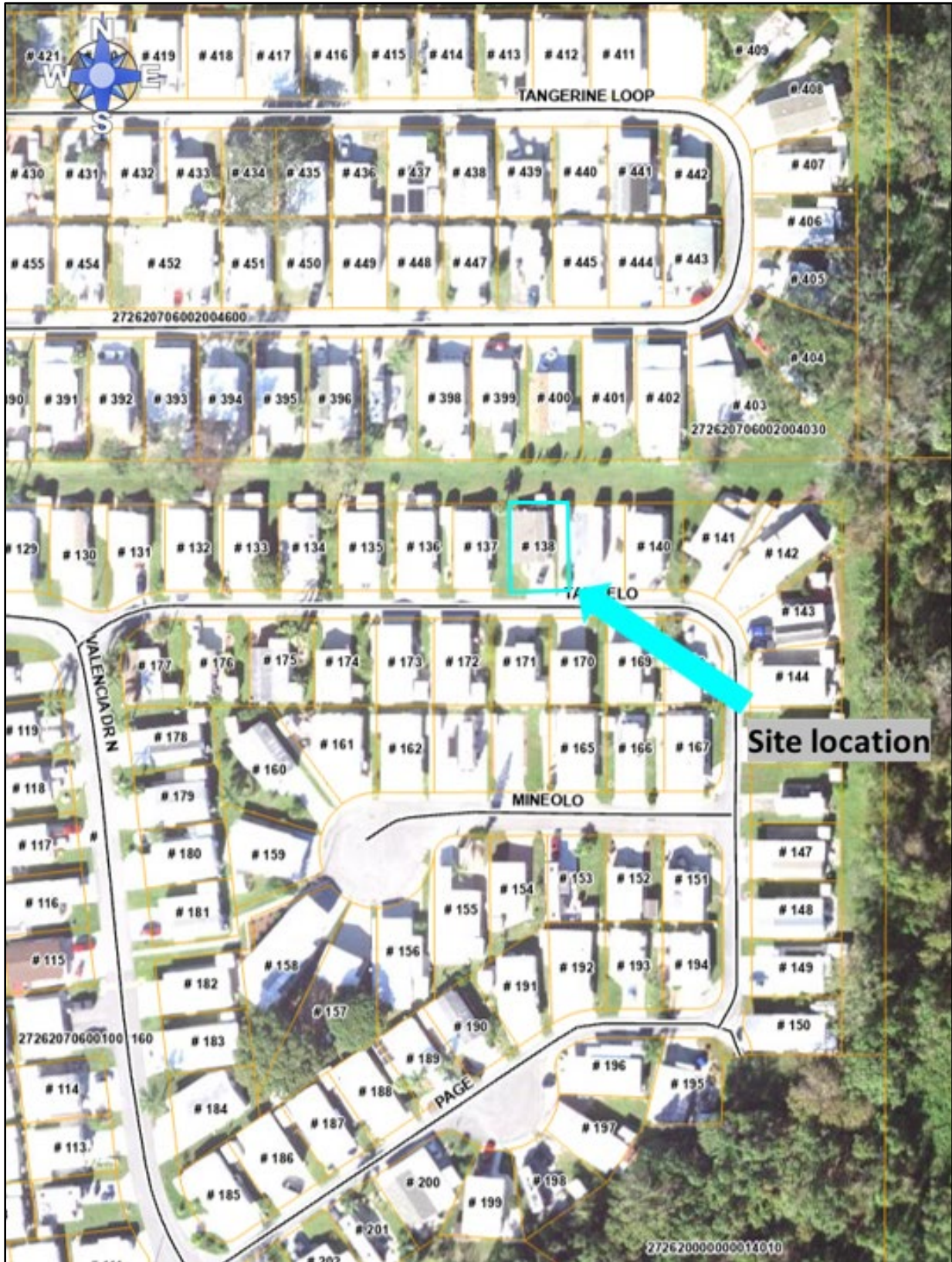
Location Map



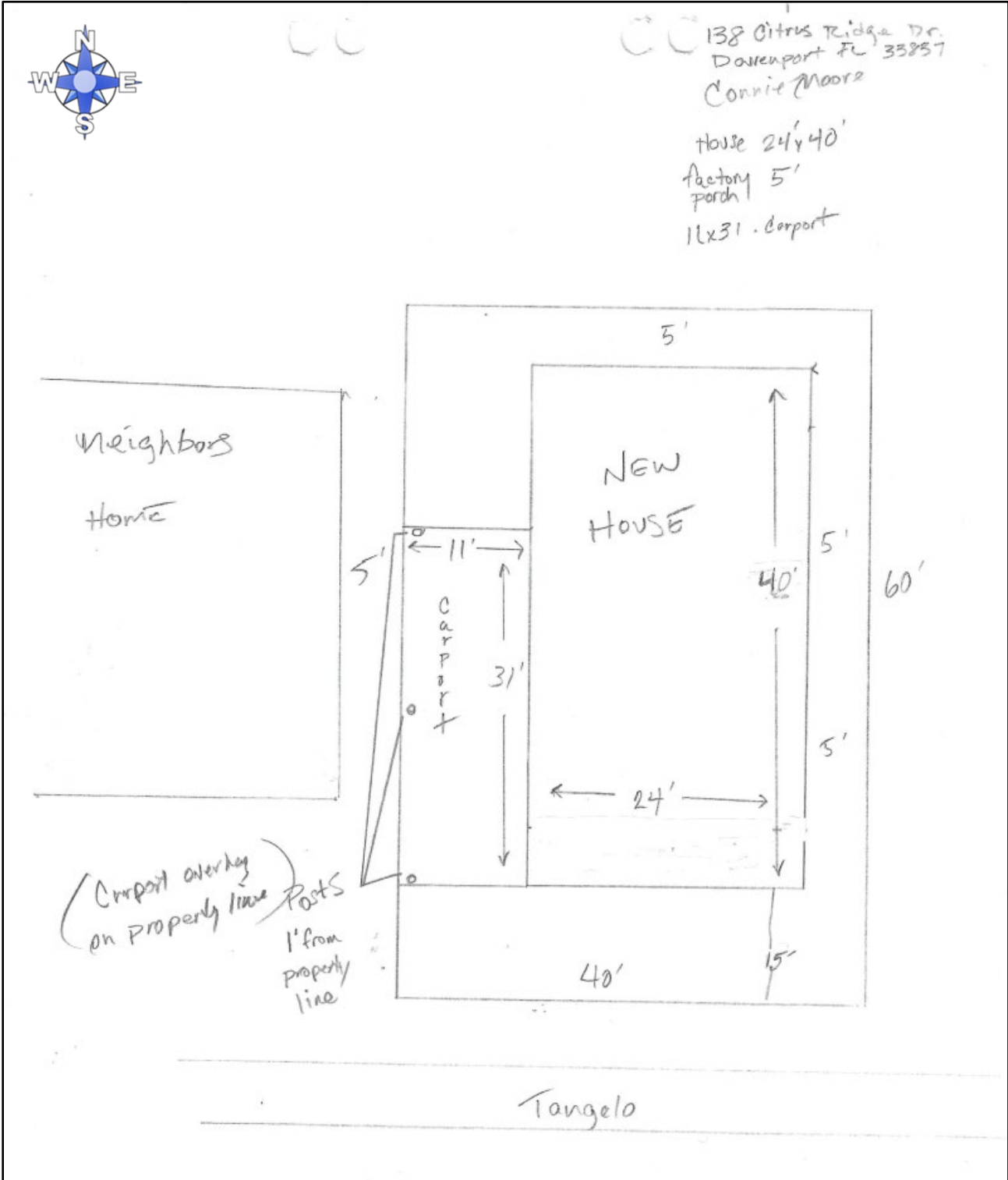
Future Land Use Map



Aerial Context



Aerial Close-Up



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?

2006

New Mobile Home being installed now.
BR-2023-11558

What is the hardship if the variance is not approved?

Homeowner will not be able to park her vehicle under carport.

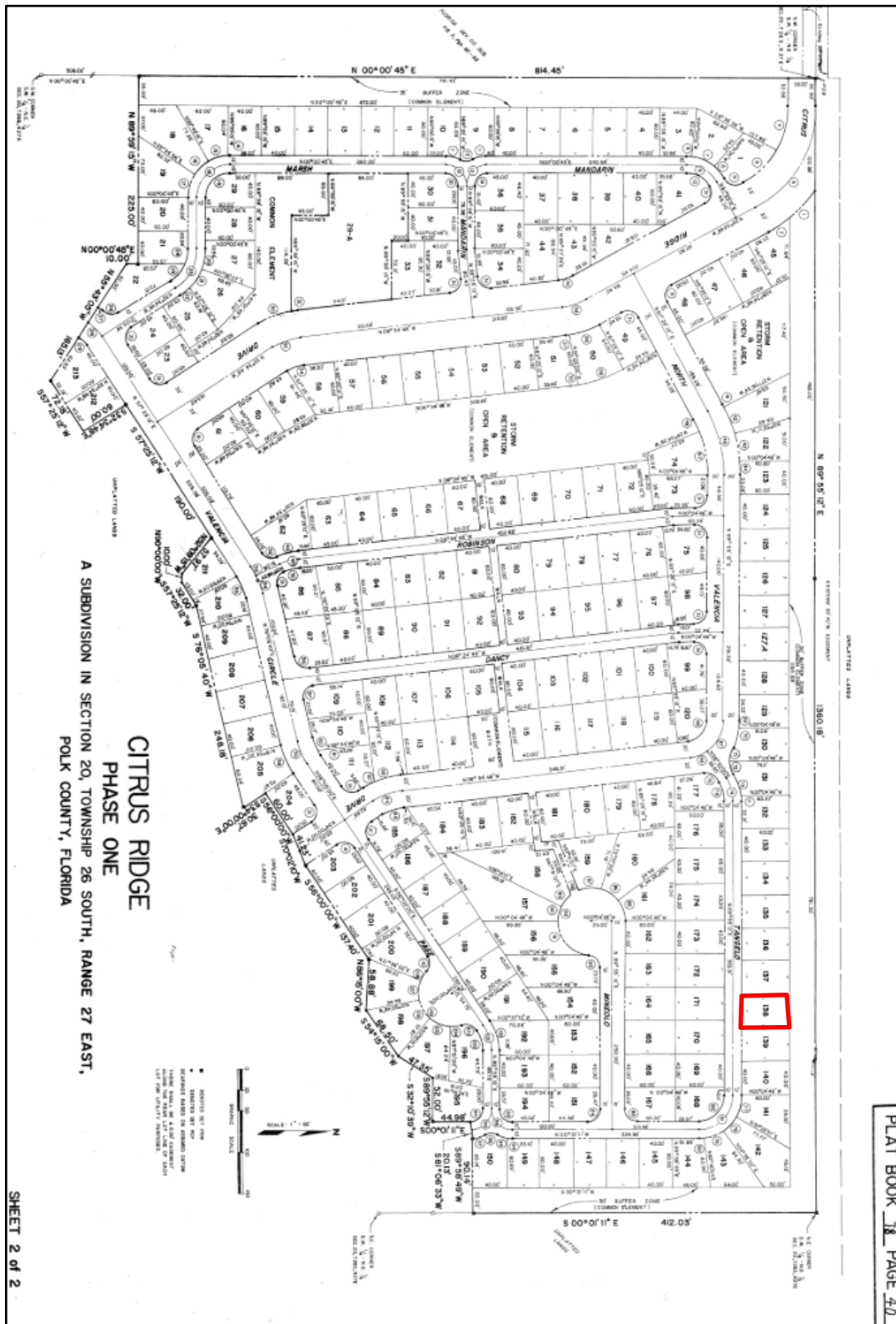
Is this the minimum variance required for the reasonable use of the land?

Yes

Do you have Homeowners Association approval for this request?

Yes

Applicant's Justification



Citrus Ridge Phase 1 Plat