

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

DRC Date: June 12, 2025	CASE #: LDLVAR-2025-29 (West View Ridge Resorts - Mongoven Variance)
LUHO Date: July 24, 2025	LDC Section: PUD 83-2

Request: The applicant is requesting a primary side setback reduction from five (5) feet to two (2) feet for a carport.

Applicant: Michael Mongoven

Property Owner: Michael Mongoven

Location: 251 Patterson Road, west of Orchid Rd, east of Hwy 27, north of the city of Haines City in Section 17, Township 27, Range 27.

Parcel ID#: 272717-741002-013230

Size: ±0.07 +/- acres

Land Use Designation: Residential Low-4X (RL-4X), North Ridge SAP

Development Area: Urban Growth Area (UGA)

Case Planner: Aleya Perreira, Planner II

Summary:

The applicant is requesting a variance to reduce the primary structure side setback from 5 feet to 2 feet to build a 40' x 12' 6" (504 sq ft) carport. The property is Lot M23 within West View Ridge Resorts and is in a Residential Low-4X (RL-4X) future land use. West View Ridge Resorts is a Planned Unit Development (PUD). The West View Ridge Resorts subdivision plat was created on October 16, 1986, prior to the Land Development Code and Comprehensive Plan. The side setbacks established by PUD 83-02 were modified in 2007 to comply with the RL-4X setbacks in the North Ridge SAP. PUD 83-2 has side setbacks set at five feet for primary structures. The applicant wants to build a new carport to accommodate parking of vehicles and to be able to be protected from the outside elements. The unique shape of this parcel, the small lot size of 0.07 acres, and PUD requirements significantly limit the amount of buildable space without some relief from the PUD setbacks.

Staff finds this request will cause no harm to the community. This lot is smaller than the Residential Low-4X (RL-4X) minimum lot size of 6,000 sf. The carport in question is 40' x 12' 6" and will be placed within the side of the property off H Street, a local road.

Staff recommends approval of LDLVAR-2025-29 as it meets the following criteria listed in Section 931:

- **If approved, the request will not be injurious to the area involved or otherwise detrimental to the public welfare** because other homes within this neighborhood have attached primary structures. The owner will still be able to maintain the carport two feet from the property line for maintenance.
- **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved** the unique shape of the parcel, PUD requirements, and the small lot size affect the use of the lot.

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-2025-29.**

CONDITIONS OF APPROVAL:

1. The approval of this variance is to allow a carport with a reduction of 5 feet to 2 feet of the primary side setback. Further additions or structures placed on the property shall be required to meet the setback requirements of PUD 83-2 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;*

The subject site was created prior to the adoption of the Comprehensive Plan documented by a 1986 plat. Granting the subject request will not be injurious to the area as the carport will still be able to be maintained at the side of the primary home by the owner. Multiple lots within this community have carports like what the applicant is proposing. Eight similar variances have occurred in this neighborhood since 2020. The Land Development Code allows primary carports to be at the side of a parcel. No easements are noted on the plat. The structure will not be enclosed and is not fire hazard.

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 RL-4X land use district and is approximately 0.07 acres. According to Table 2.2 of the LDC, minimum lot sizes in RL-4X are 6,000 sf. This property was recorded on October 1986, prior to the adoption of the LDC or any Polk County zoning regulations. The side yard setbacks established by PUD 83-02 were reduced from 7½ feet in 2007 by adopting the RL-4X setbacks in the North Ridge SAP which are five (5) feet for primary structures. The unique shape of the lot and the small lot size affect the use of the lot.

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 2023, according to the Polk County Property Appraiser. The existing mobile home was constructed in 2018 and originally constructed at 960 sq. ft. As noted above, the lot size (+/- 0.07 acres) is small for RL-4X land use districts. The unique shape of the lot and small lot size relative to the requirements of the PUD places a burden on the reasonable use of this land.

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. Other parcels in the neighborhood have carports with similar placement. Carports are permitted on residential properties in accordance with Section 209 of the LDC.

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

The applicant wants to park vehicles in the carport and also be protected from the elements. The carport in question is 40' x 12' 6" and will be built on the lot. This primary carport will exist in the side yard of the home. Similar cases have been approved in the past in this development.

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.*

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.

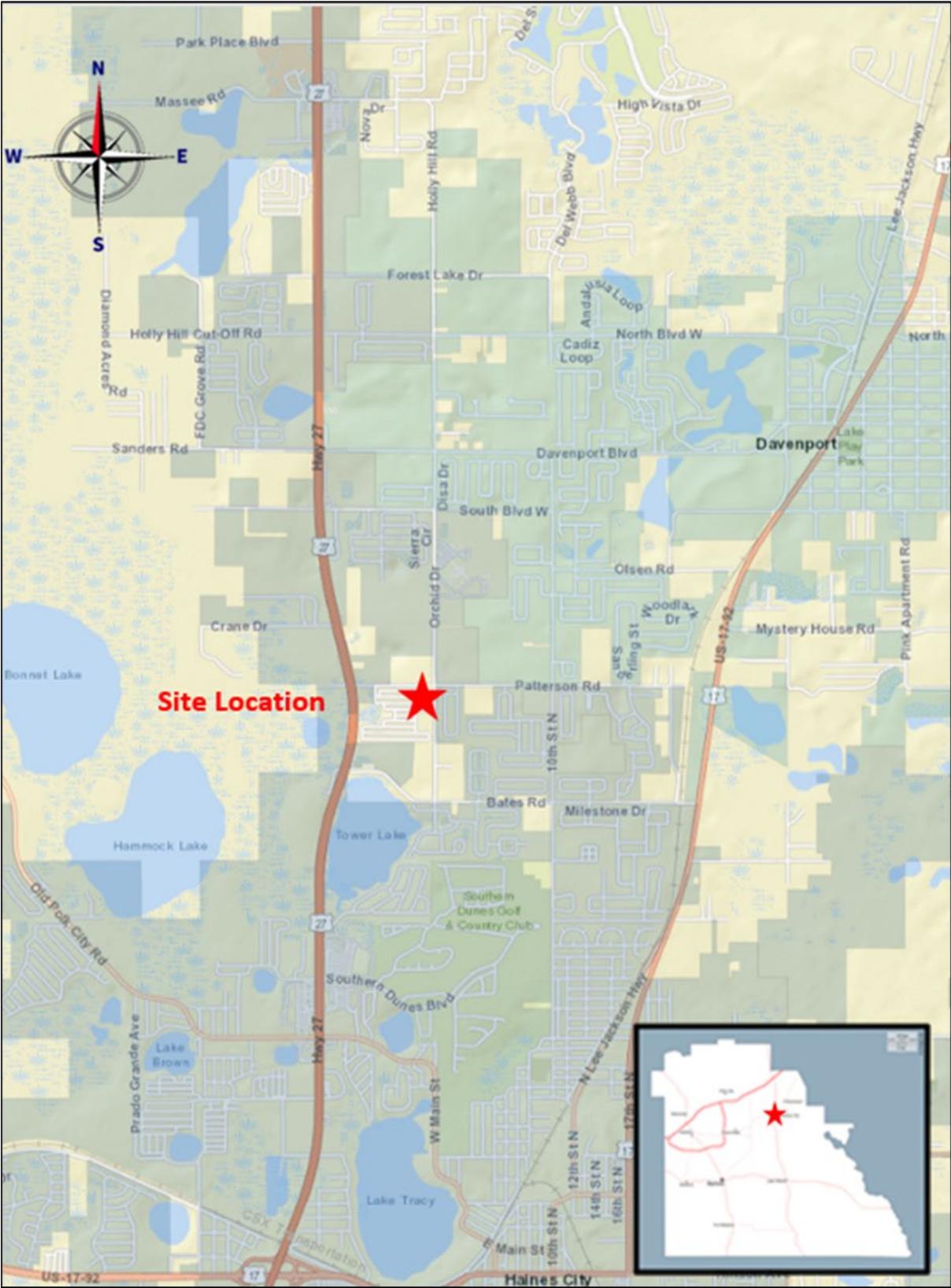
Surrounding Future Land Use Designations and Existing Land Use Activity:

<p>Northwest: RL-4X West View Ridge Resorts PUD 83-2 RV</p>	<p>North: RL-4X West View Ridge Resorts PUD 83-2 Mobile Home</p>	<p>Northeast: RL-4X West View Ridge Resorts PUD 83-2 Mobile Home</p>
<p>West: RL-4X West View Ridge Resorts PUD 83-2 Mobile Home</p>	<p>Subject Property: RL-4X West View Ridge Resorts PUD 83-2 Mobile Home</p>	<p>East: RL-4X West View Ridge Resorts PUD 83-2 Mobile Home</p>
<p>Southwest: RL-4X West View Ridge Resorts PUD 83-2 Mobile Home</p>	<p>South: RL-4X West View Ridge Resorts PUD 83-2 Vacant</p>	<p>Southeast: RL-4X West View Ridge Resorts PUD 83-2 Mobile Home</p>

This property is a mobile home on H Street in Haines City, Florida. Staff found eight prior variance approvals in this neighborhood since 2020. Numerous other homes within this street and adjacent street do have primary structures of similar size.

Exhibits:

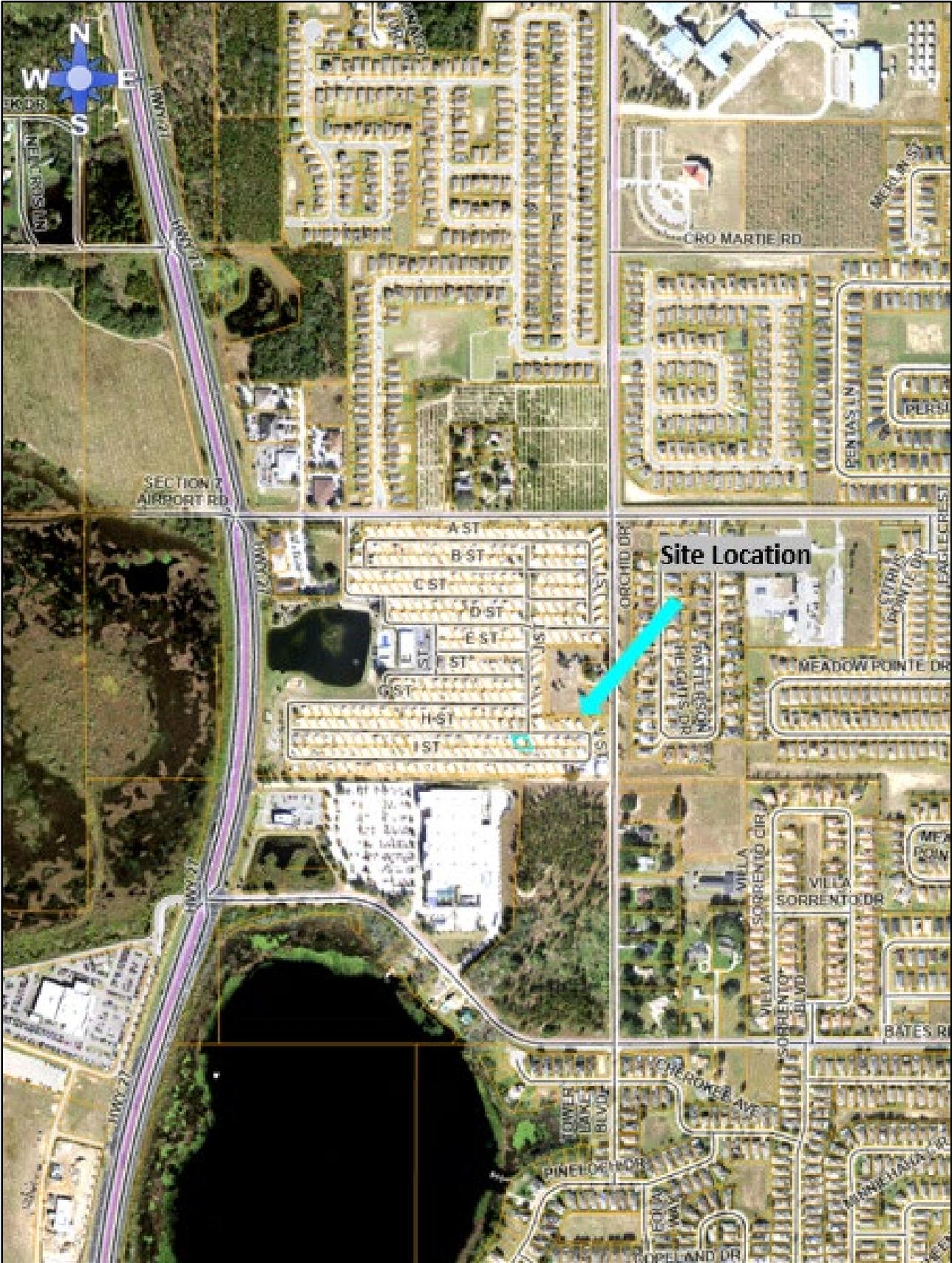
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Imagery (Context)
- Exhibit 4 Aerial Imagery (Close)
- Exhibit 5 Site Plan
- Exhibit 6 Justification
- Exhibit 7 Plat



Location Map



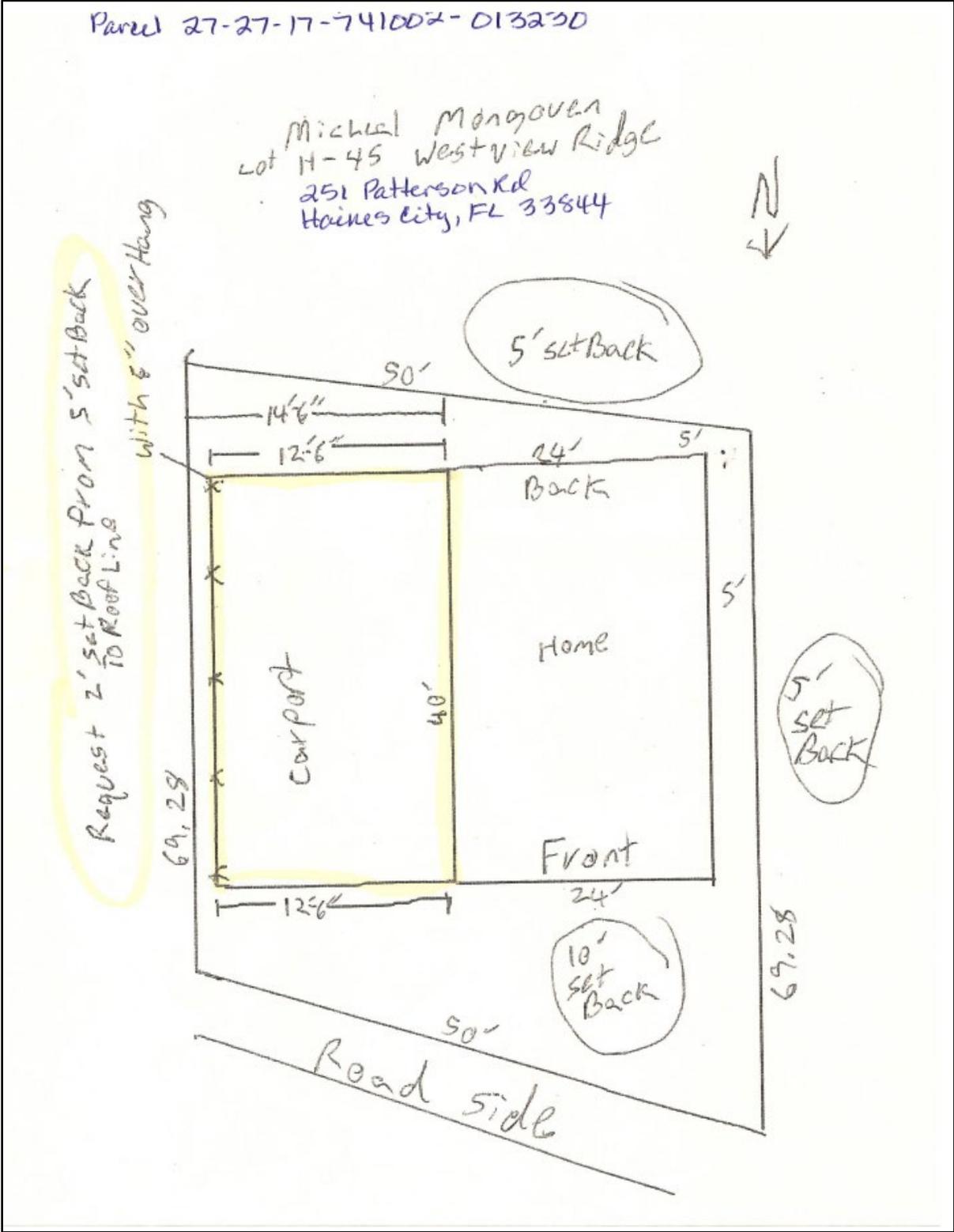
Future Land Use Map



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?
 THE REQUEST WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE AS THE TWO (2) 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 PROPOSED STRUCTURE IS NOT FOR HABITABLE PURPOSE.

What special conditions exist that are peculiar to the land, structure, or building involved?
 THE EXISTING HOME DOES NOT HAVE A CARPORT. IT WILL HELP KEEP THE SUN, RAIN AND DEBRIS FROM OUR VEHICLES.

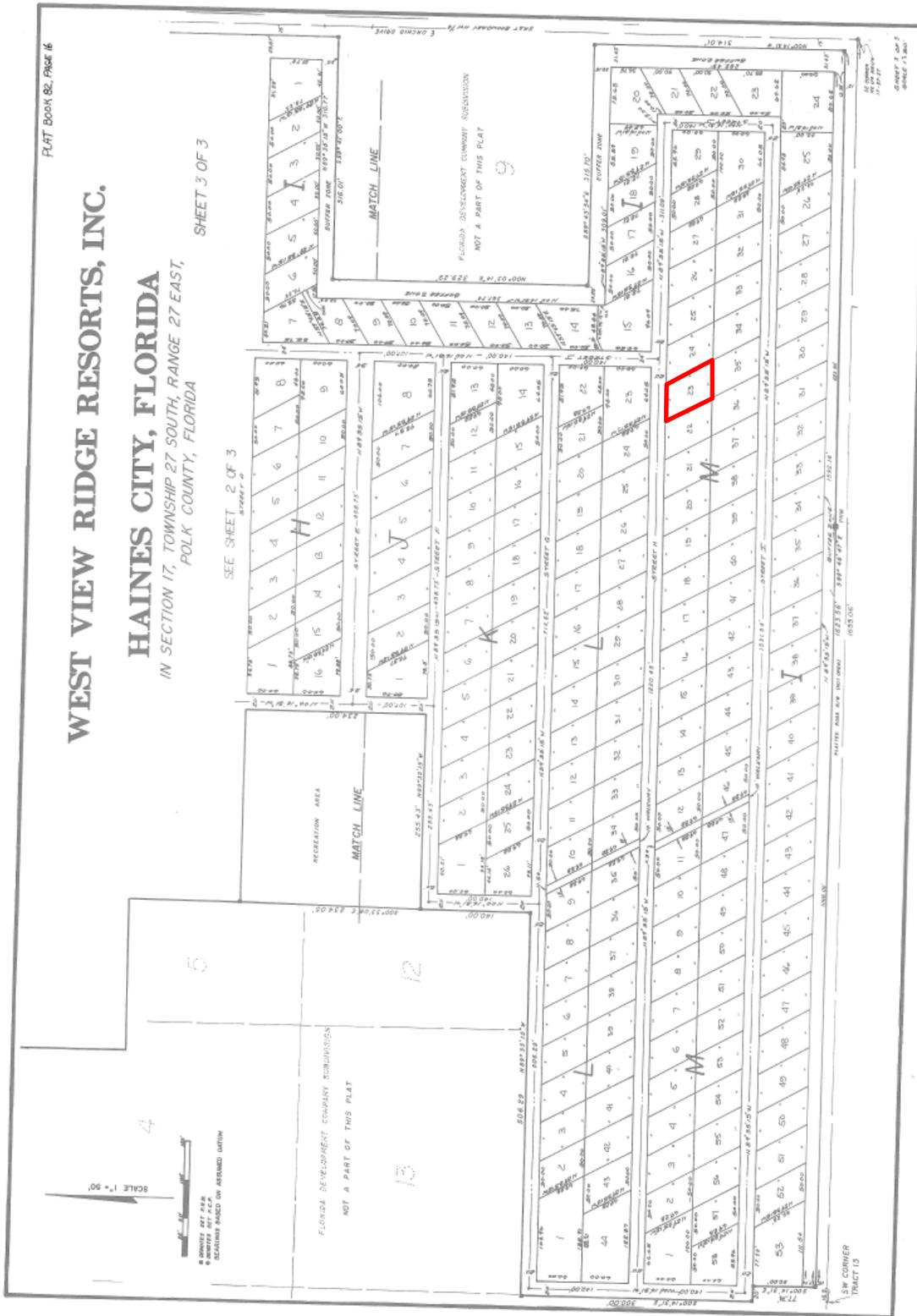
When did you buy the property and when was the structure built? Permit Number?
 2024

What is the hardship if the variance is not approved?
 NOT ALLOWING US THE NECESSARY VARIANCE WOULD CAUSE A HARDSHIP FOR US. THE CARPORT TO THE EAST SIDE IS THE ONLY OPTION THAT IS WITHIN OUR ABILITY TO AFFORD AND TO KEEP OUR VEHICLES FROM FUTURE DAMAGES.

Is this the minimum variance required for the reasonable use of the land?
 0' OR 2' VARIANCE

Do you have Homeowners Association approval for this request?
 YES, PENDING VARIANCE APPROVAL

Justification



Plat