

POLK COUNTY
LAND USE HEARING OFFICER
STAFF REPORT

DRC Date:	December 11, 2025	CASE #:	LDLVAR-2025-68
LUHO Date:	January 22, 2026	LDC Section:	(Peach Ave Variance) Section 208, Table 2.2

Request: The applicant is requesting a variance to reduce the primary structure side setback from ten (10) feet to four (4) feet for an addition to a single-family home.

Applicant: Steven Williams

Property Owner: Joan Vazquez, Conception Cruz Benitez

Location: 2341 Peach Ave, south of Peach Ave, east of Thompson St, west of Stanton St, east of the city of Auburndale in Section 21, Township 28, Range 25.

Parcel ID#: 252821-000000-031043

Size: ±0.23 acres

Land Use Designation: Residential Suburban (RS)

Development Area: Suburban Development Area (SDA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is requesting to reduce the side principal structure setback from ten (10) feet to four (4) feet for an addition to a single-family home on site to bring it into compliance with the Land Development Code (LDC). The subject property was created prior to the adoption of the Comprehensive Plan and LDC and is comprised of Lots 184-187 of an unrecorded subdivision known as Mobile Home Village. According to Property Appraiser's records, the existing mobile home has been on site since 1974. Within Residential Suburban (RS) land use districts, primary structure setbacks are 10 feet on the side, and 15 feet in the rear, according to Table 2.2 of the LDC.

The applicant was cited by Code Enforcement for building without a permit for the addition and seeks to come into compliance. The Code Enforcement Special Magistrate has found it to be a violation. CMA-2025-170 is pending as the owner is seeking approval for the addition to be located four feet off the side property line. The property owner is seeking to rectify with this variance request. The applicant has also applied for a building permit (BR-2025-8126). Staff finds this request will cause no harm to the community or neighbor.

Staff recommends approval of LDLVAR-2025-68 as it meets the following criteria listed in Section 931:

- **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** will not only allow the property owner to bring the property into compliance, it will maintain the appropriate setbacks from the right of way and rear property lines, while keeping the appropriate separations from surrounding structures for fire and safety code 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-2025-68 with conditions.**

CONDITIONS OF APPROVAL:

1. Seeking a variance to reduce the primary structure side setback from ten (10) feet to four (4) feet for an addition to a single-family home. 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;*

Currently, the mobile home is near the western property line and has been in the same location since 1974. The subject property was created prior to the adoption of the Comprehensive Plan and LDC and is comprised of Lots 184-187 of an unrecorded subdivision known as Mobile Home Village. The parcel is comprised of five 25 x 100' lots which were never vested. Ultimately, the parcel size was determined by the former R-3 zoning which permitted minimum lot sizes of 6,000 sq. ft. According to Property Appraiser's records, the existing mobile home has been on site since 1974. Within Residential Suburban (RS) land use districts, primary structure setbacks are 10 feet on the side, and 15 feet in the rear, according to Table 2.2 of the LDC. The addition will be approximately four (4) feet from the western property line and be twenty (20) feet from the nearest residential structure.

- 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 RS land use district and is listed with the Property Appraiser at approximately 0.23 acres. According to Table 2.2, minimum lot size in RS is five acres, so subject parcel is substantially smaller than the required minimum lot size. The surrounding lots were created in the 1970s as an unrecorded subdivision. Currently, the subject parcel includes Lots 184-187 of the unrecorded subdivision. The lot is closer to Residential Low-3 (RL-3) land use district minimums (10,000 sq. ft.).

This parcel was also created prior to the adoption of the Comprehensive Plan and Land Development Code as part of an unrecorded subdivision known as Mobile Home Village. The parcel is comprised of lots which were never vested. Ultimately, the parcel size was determined by the former R-3 zoning which permitted minimum lot sizes of 6,000 sq. ft.

- 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 January 2013, according to the Polk County Property Appraiser. The existing mobile home was placed on site in 1974 and the location of the mobile home placed near the western property line was not any fault of the applicant. As noted above, the lot size is small for RS land use districts. This 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. The request represents a reasonable accommodation for the property's limited size. 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.

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 in setbacks from ten (10) feet to four (4) feet represents the minimum variance necessary to allow reasonable use of the property.

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) 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.

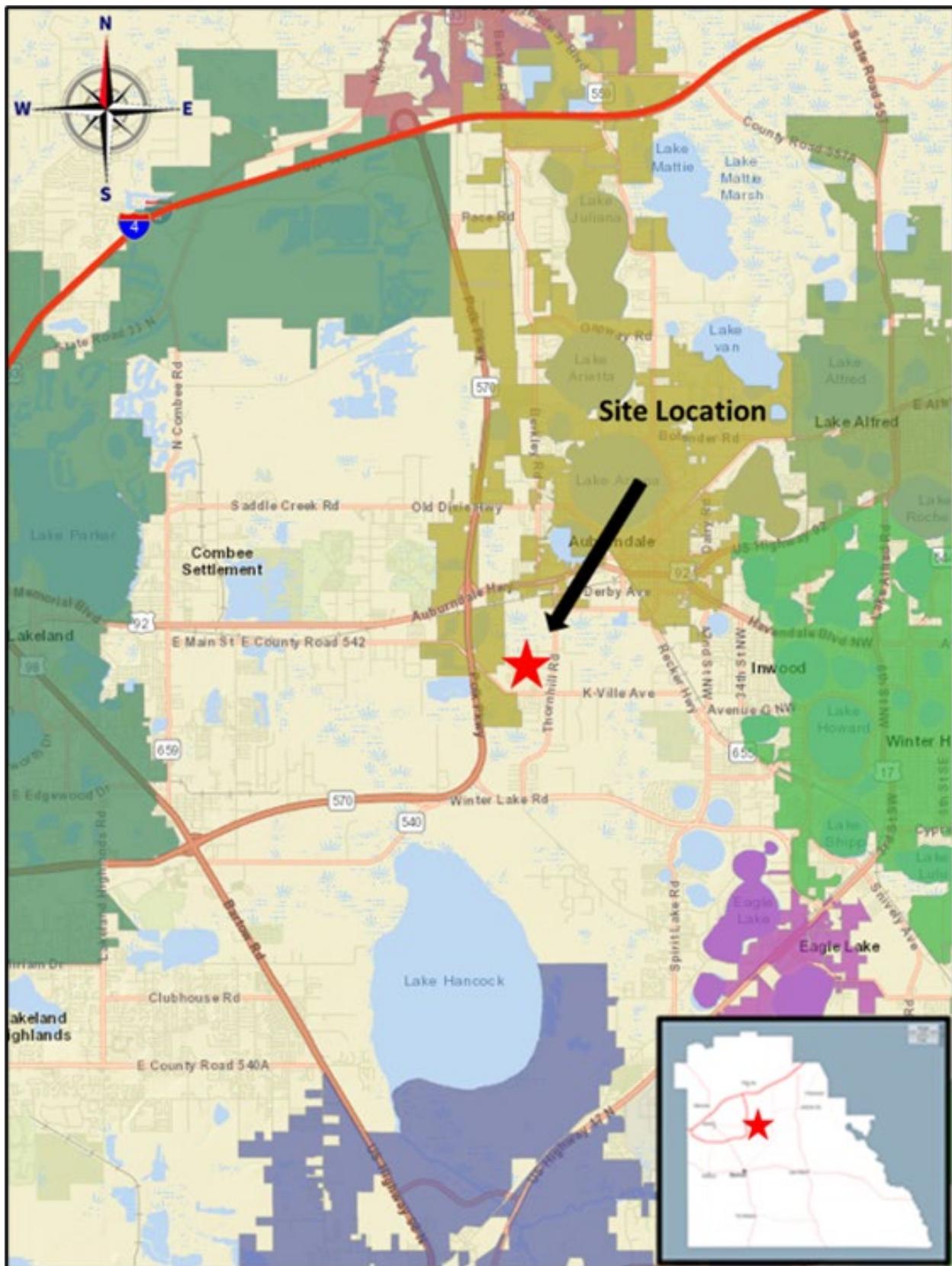
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: RS Mobile Home	North: RS Mobile Home	Northeast: RS Mobile Home
West: RS Mobile Home	Subject Property: RS Mobile Home	East: RS Vacant
Southwest: RS Mobile home	South: RS Mobile Home	Southeast: RS Mobile Home

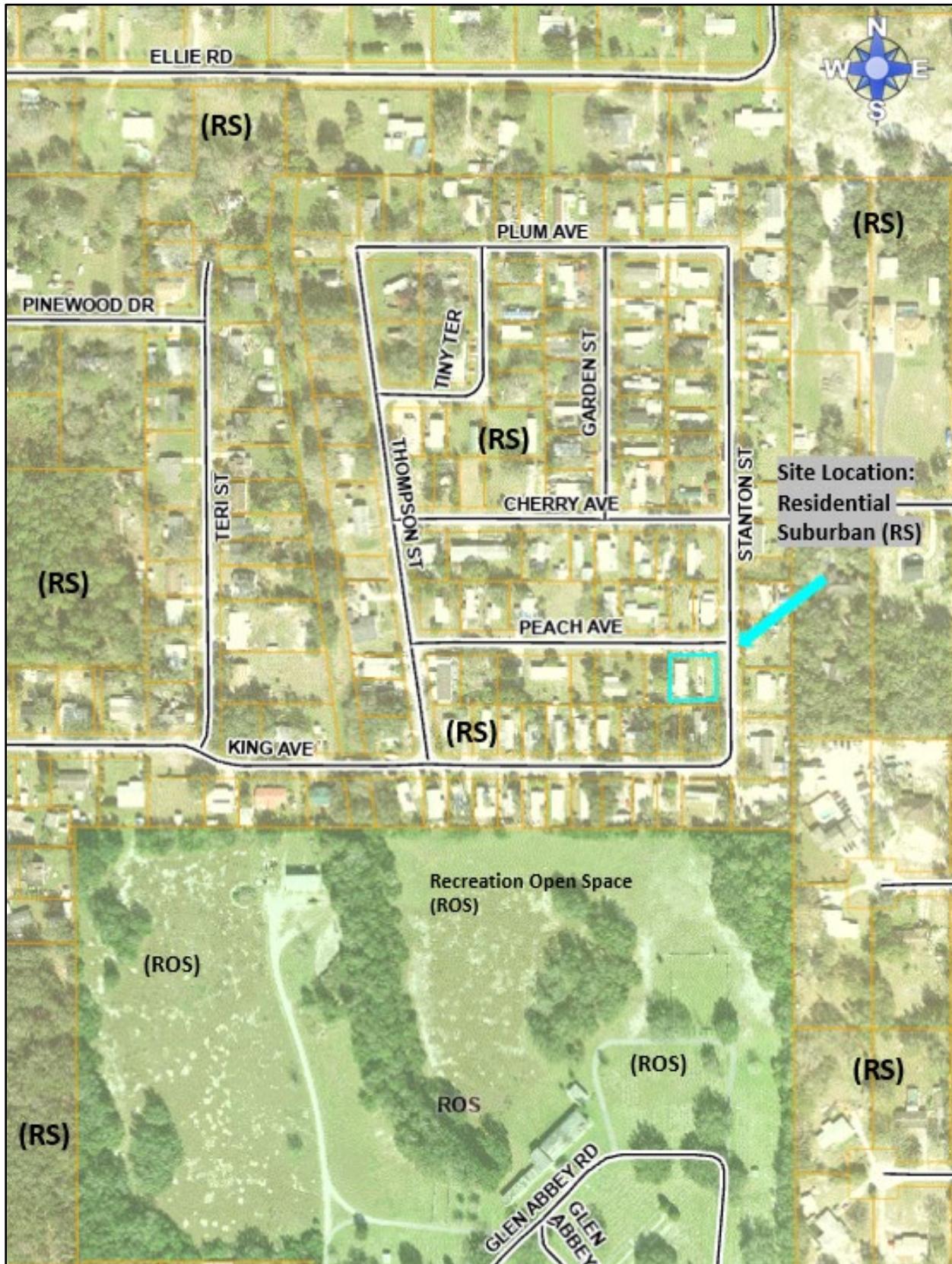
The addition is located to the side of the home. Staff found two prior variances in this neighborhood.

Exhibits:

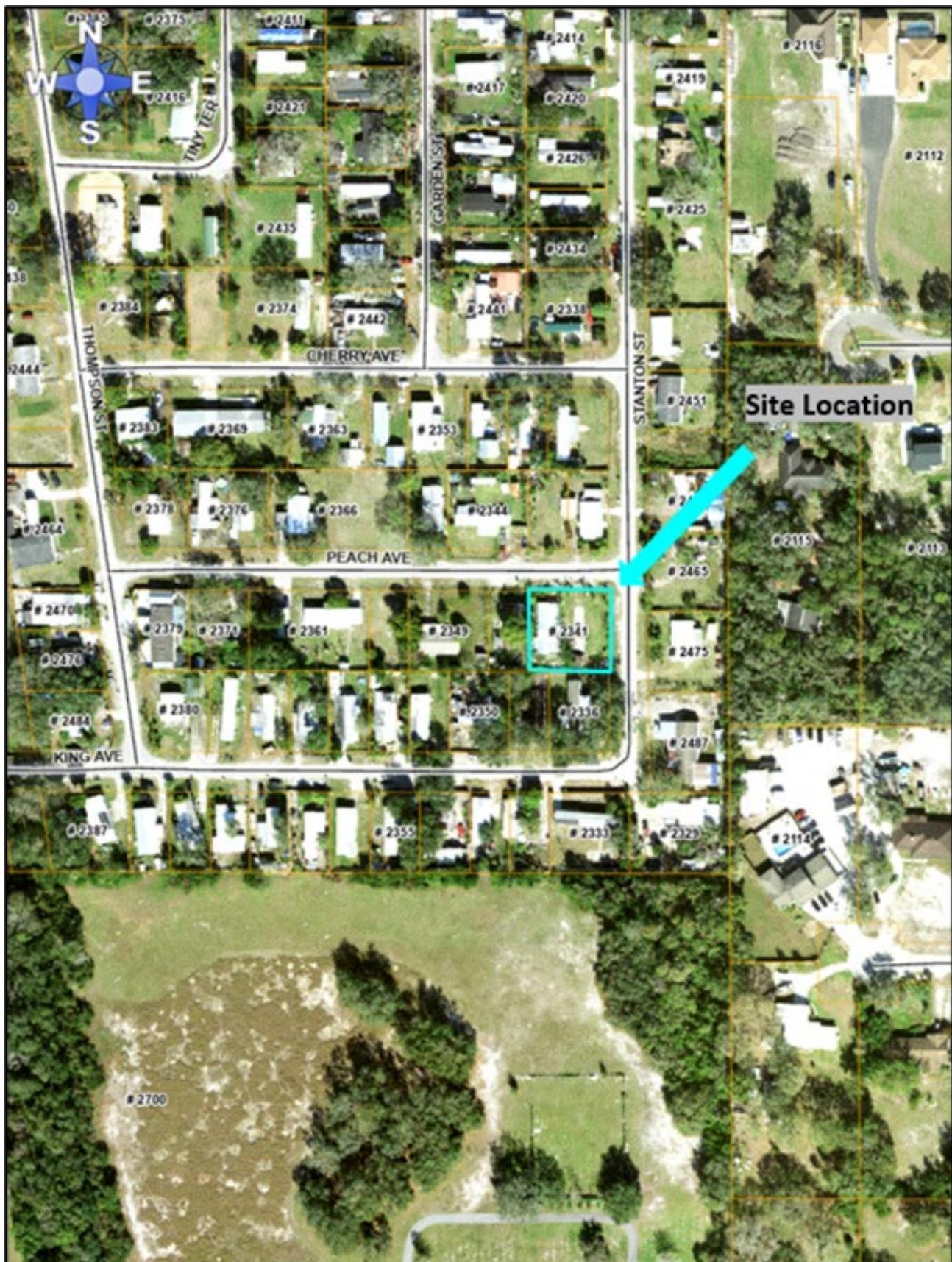
Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Aerial Imagery (Context)
Exhibit 4	Aerial Imagery (Close)
Exhibit 5	Site Plan
Exhibit 6	Justification



Location Map



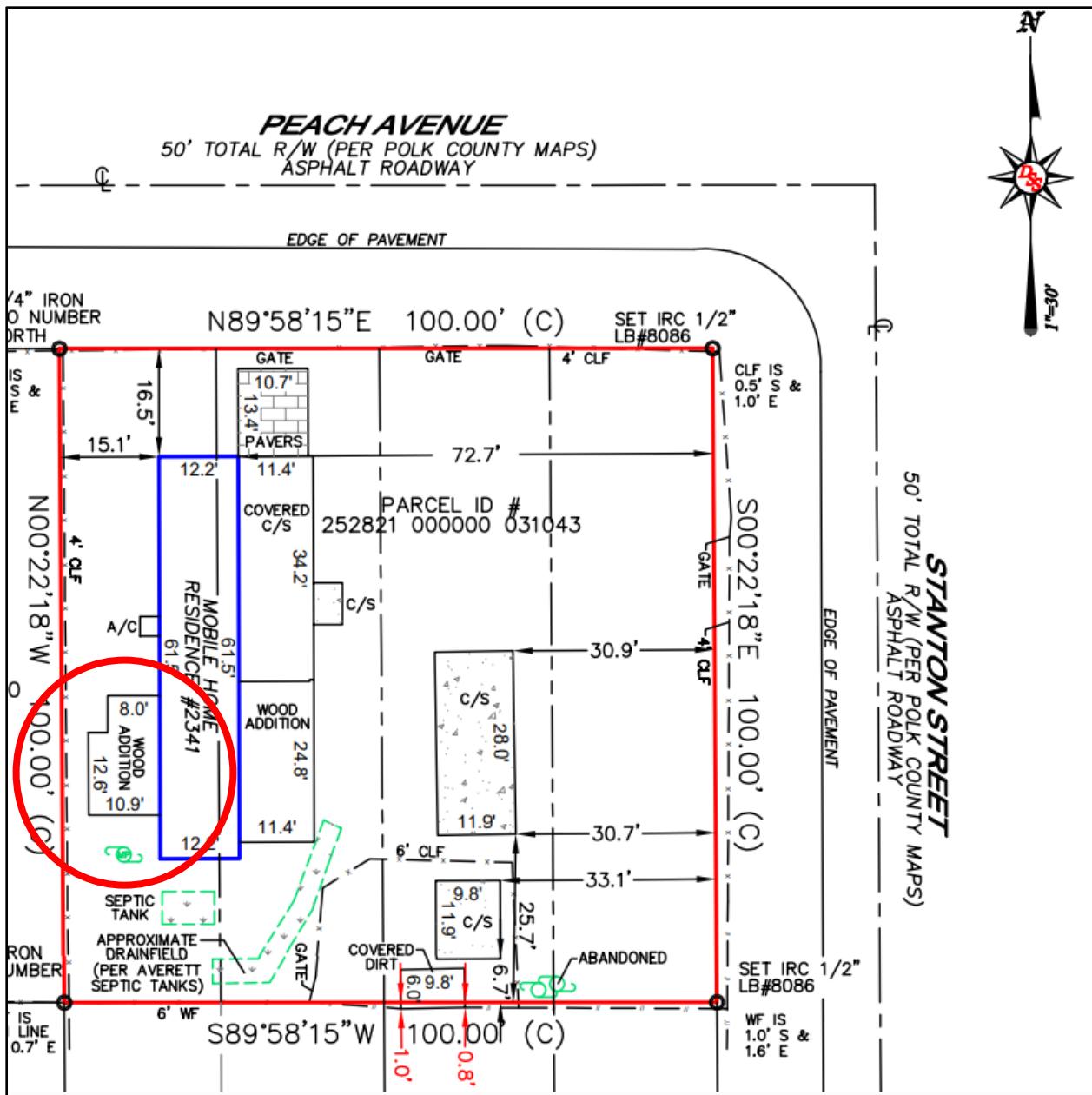
Future Land Use Map



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?

Owner hired who she thought was contractor and did not permit

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

purchased in 2013

Addition added 2-20-2024

BR 2025-8126

What is the hardship if the variance is not approved?

Owner will have to demo new addition that is for the kids rooms

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

yes

Do you have Homeowners Association approval for this request?

NA

Justification