

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

DRC Date	May 14, 2026	CASE #:	LDLVAR-2026-22 (Chaisson Variance)
LUHO Date	June 25, 2026	LDC Section:	PUD 86-25

Project Number: LDLVAR-2026-22

Request: The applicant is requesting a rear and side setback variance to build a shed accessory structure toward the western rear of their property of approximately 0.30 acres within a residential neighborhood.

Applicant: Shawn A. Chaisson

Property Owner: Shawn A. Chaisson

Location: The subject property is located at 7747 Nature Trail in the Derbyshire subdivision, East of Walt Williams Road,.

Parcel ID#: 2427161-61091-001750

Size: ± 0.3 acres

Land Use Designation: Residential Suburban (RS)

Development Area: Suburban Development Area (SDA)

Case Planner: Tyler Daniels, Planner II

Summary:

The applicant is requesting a rear yard setback reduction from ten (10) feet to two and a half (2.5) feet and a side setback from ten (10) feet to eight (8) feet for the construction of a 144 square foot (12' x 12') detached storage shed in the southwest rear corner of the property, pursuant to Section 208, Table 2.2 of the Land Development Code (LDC). The shed will be seven and a half (7.5) feet tall, wood-framed on a concrete slab with a single-slope metal roof. The structure will be used to house and store equipment. The proposed side setback of approximately eight (8) feet from the western property line is a reduction from the ten (10) foot interior side accessory structure setback for the SF-1 land development district.

Staff finds the request to be consistent with the criteria in Section 931 and recommends approval subject to the conditions:

- The request **will not be injurious to the area involved or otherwise detrimental to the public welfare** because the proposed shed is concealed from neighboring properties by an

existing privacy fence, is not visible from the public right-of-way, and is consistent in scale and placement with existing accessory structures within the Derbyshire subdivision.

- **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved** because the existing residence, pool, screen enclosure, septic system, and a mature tree located approximately 11 feet from the rear fence line together leave only the southwest rear corner of the property available for an accessory storage structure.
- **Granting the requested variance will not confer on the applicant any special privilege** because aerial imagery confirms multiple accessory structures within the immediate vicinity at similar rear setbacks, including a structure on the adjacent parcel placed at the rear property line.

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-2026-22**, with the following conditions:

CONDITIONS OF APPROVAL:

1. A variance to the standards in Section 208, Table 2.2 of the LDC shall be granted for a rear yard setback reduction from ten (10) feet to two and a half (2.5) feet and a side setback from ten (10) to eight (8) feet for the construction of a detached accessory storage structure not to exceed 144 square feet (12' x 12') in footprint and seven and a half (7.5) feet in height. Any further additions, expansions, or structures placed on the property shall be required to meet the setback requirements of Table 2.2 of the Polk County Land Development Code or re-apply for another variance approval from the Land Use Hearing Officer.
2. 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 structure.
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 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 proposed structure is a 144 square foot (12' x 12') detached storage shed with a maximum roof height of seven and a half (7.5) feet, designed and engineered to the Florida Building Code Residential 2023 (8th Edition) with a 140 mph wind rating under engineering project 060225.003, signed and sealed by Robert T. Haug, P.E. (FL Reg. No. 24575) on August 6, 2025. The shed will be located in the rear southwest corner of the property, fully enclosed by an existing privacy fence and concealed from Nature Trail and adjacent properties. The structure is well behind the principal residence, pool, and screen enclosure, and is not visible from the public right-of-way. The proposed location does not encroach on any visibility triangle, does not affect drainage, and does not impact traffic movement along Nature Trail. Aerial imagery shows the presence of at least five accessory storage structures on properties within the immediate vicinity of the subject site, including structures on adjacent lots along Nature Trail and Darlington Circle. The proposed shed is consistent in scale, use, and placement pattern with these existing accessory structures, and will not alter the established residential character of the area. An existing accessory structure on the adjacent property is set back a similar distance from the rear property line, demonstrating that the proposed setback is consistent with the established character of rear yards within the Derbyshire subdivision. Granting the variance is in accordance with the general intent and purpose of the Code and will not be injurious to the area or detrimental to the public welfare.

- 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 subject property is approximately 0.30 acres. The existing one-story 1,838 sq. ft. masonry single-family residence (constructed in 1988), 15-foot by 30-foot pool with attached screen enclosure, exterior air conditioning units, and concrete driveway occupy the central and forward portions of the lot, leaving only the rear yard available for an additional accessory structure. Within the rear yard, there is a mature tree located approximately 11 feet from the rear fence line and the on-site septic system further constrain placement, leaving the southwest corner as the viable

location for a storage shed. The combined effect of the lot size, the existing residential improvements, the mature vegetation, and the septic system location is peculiar to this parcel and is not generally applicable to other lots in the RS land use district.

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

The applicant purchased the property in 2013. According to Polk County Property Appraiser records, the principal residence was constructed in 1988, twenty-five years before the applicant's purchase. The pool, attached screen enclosure, and septic system likewise pre-existed the applicant's ownership and were constructed in accordance with the codes in effect at the time of permitting. The mature tree along the rear yard, approximately eleven (11) feet from the rear fence line, also pre-existed the applicant's ownership. The lot dimensions are fixed by the recorded subdivision plat and cannot be modified by the applicant. The special conditions and circumstances that make the southwest rear corner the only practical placement for an accessory storage structure are physical and historical site conditions, not actions taken by the applicant.

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;*

Detached storage sheds are permitted accessory structures in the RS land use district pursuant to Sections 206 and 209 of the Land Development Code. The applicant is not seeking to introduce a use that the Code prohibits, only relief from a single dimensional standard. The applicant has identified an existing accessory structure on the adjacent property set back a similar distance from the rear property line, indicating that the proposed setback is consistent with the established pattern within the immediate vicinity and does not confer a special privilege. Aerial imagery confirms multiple accessory structures in the immediate vicinity of the subject site with varying setbacks. The applicant's proposed structure is consistent with that of neighboring accessory structures.

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

The shed measures twelve (12) feet by twelve (12) feet with a maximum roof height of seven and a half (7.5) feet. It is below the height of the principal structure. The proposed rear setback of two and a half (2.5) feet is the minimum needed to accommodate the shed footprint along with the eight (8) foot side setback clearing the mature tree along the eastern rear yard and avoiding the existing pool screen enclosure.

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 property is and will remain a single-family residential use within the Residential Suburban (RS) land use district. Detached accessory storage structures are permitted accessory uses in RS pursuant to Sections 206 and 209 of the Land Development Code. The variance affects only the rear yard setback applicable to the accessory structure under Table 2.2.

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 variance will not result in the creation of a lot or parcel that does not meet the requirements of the Code. The request affects only the dimensional setback for a proposed accessory structure. The size, shape, configuration, and lot dimensions of the parcel are unchanged. No subdivision, lot split, or boundary adjustment is proposed or implied by the request.

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 subject property is located within the Derbyshire subdivision, a standard residential subdivision. Staff review of the recorded plat and County records identified no Planning Commission or Board of County Commissioners conditions specific to this parcel or to the subdivision that would be circumvented by granting the requested setback variance. The conditions are in accordance to SF-1 standards for PUD-86-25. See Ord. 83-02. The variance is dimensional in nature and does not affect any conditions of approval related to land use, density, intensity, or development review.

Surrounding Future Land Use Designations and Existing Land Use Activity:

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

Northwest: Residential Suburban (RS) 2,004 sq. ft. single-family home Lot 158 Derbyshire ±0.31 acres (7746 Nature Trail)	North: Residential Suburban (RS) 1,945 sq. ft. single-family home Lot 157 Derbyshire ±0.30 acres (7752 Nature Trail)	Northeast: Residential Suburban (RS) 2,509 sq. ft. single-family home Lot 156 Derbyshire ±0.30 acres (7758 Nature Trail)
West: Residential Suburban (RS) 2,004 sq. ft. single-family home Lot 174 Derbyshire ±0.31 acres (7737 Nature Trail)	Subject Property: Residential Suburban (RS) 1,838 sq. ft. single-family home Lot 175 Derbyshire ±0.30 acres (7747 Nature Trail)	East: Residential Suburban (RS) 2,065 sq. ft. single-family home Lot 176 Derbyshire ±0.30 acres (7755 Nature Trail)
Southwest: Residential Suburban (RS) 1,985 sq. ft. single-family home Lot 203 Derbyshire ±0.35 acres (7726 Merrily Way)	South: Residential Suburban (RS) 1,896 sq. ft. single-family home Lot 202 Derbyshire ±0.32 acres (7732 Merrily Way)	Southeast: Residential Suburban (RS) 2,261 sq. ft. single-family home Lot 201 Derbyshire ±0.30 acres (7738 Merrily Way)

The subject property is Lot 175 of the Derbyshire subdivision, recorded at Plat Book 86, Pages 19 and 20 of the Public Records of Polk County, Florida. The lot is approximately 0.30 acres in the Residential Suburban (RS) land use district within the Suburban Development Area (SDA). The subject parcel is surrounded entirely by single-family residential homes (SF-1) within the same subdivision, all in the RS land use district. The surrounding homes were constructed between 1989 and 1992, with the subject residence constructed in 1988. The rear (south)

property line of the subject parcel abuts the rear property lines of three homes fronting Merrily Way. Aerial imagery (see Exhibit 7) confirms the presence of multiple accessory storage structures on properties within the immediate vicinity, consistent with the established residential character of the neighborhood.

Comments from other Governmental Agencies: None.

Exhibits:

Exhibit 1 –Location Map

Exhibit 2 – Future Land Use

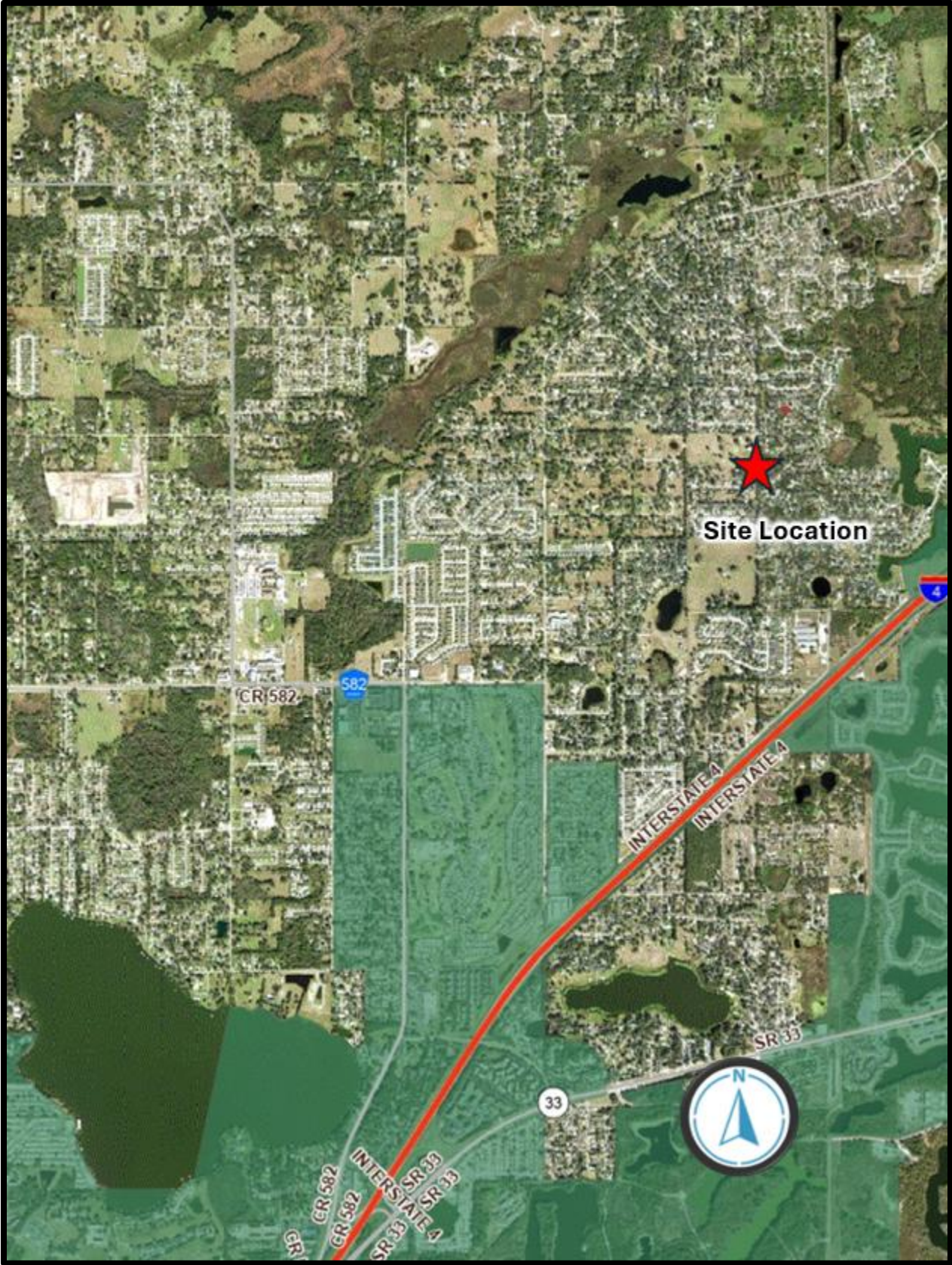
Exhibit 3 – 2023 Aerial Context

Exhibit 4 – 2023 Aerial Close-up

Exhibit 5 – Applicant Site Plan

Exhibit 6 – Applicant’s Justification

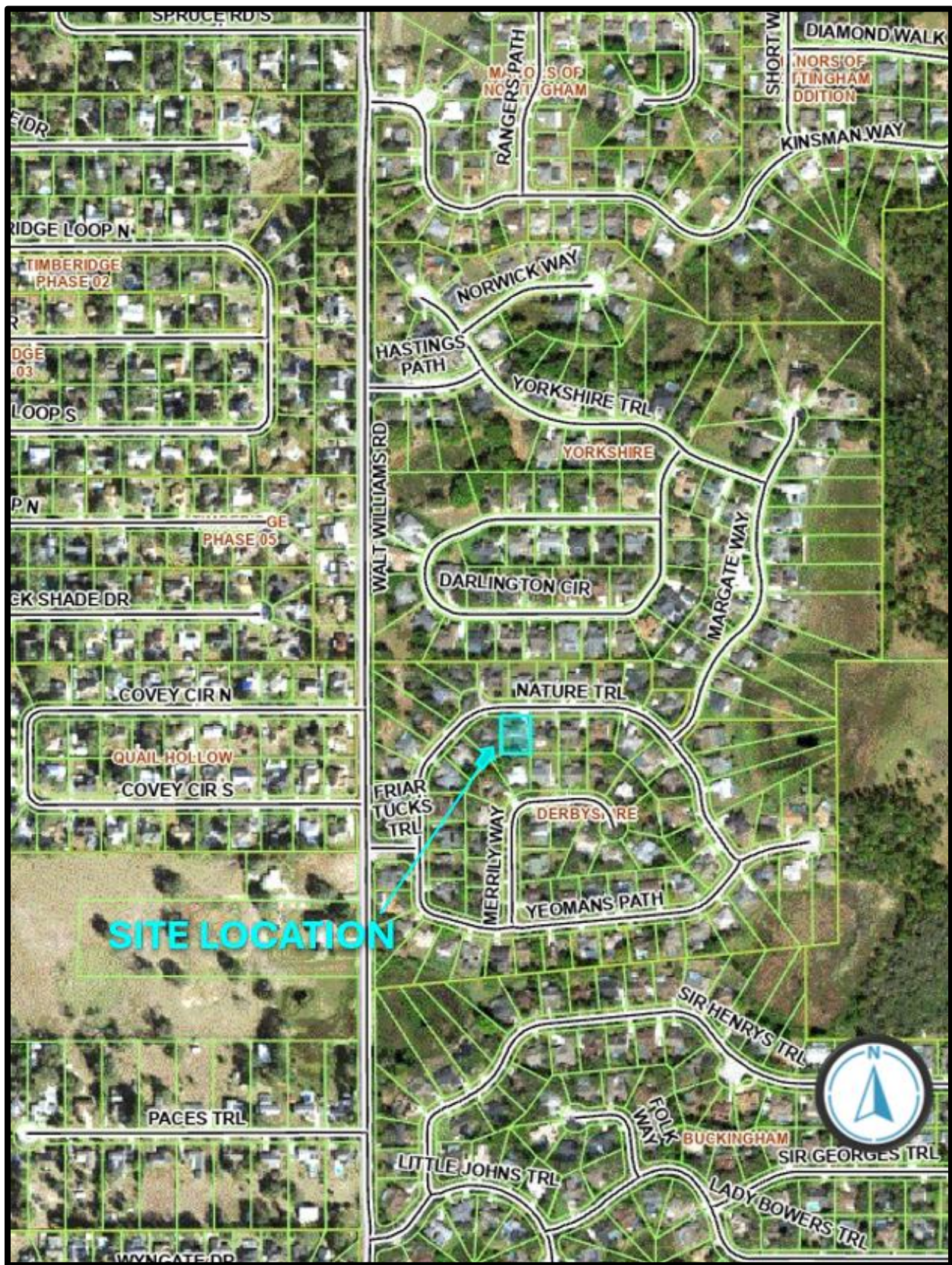
Exhibit 7 – Aerial Vicinity



Location Map



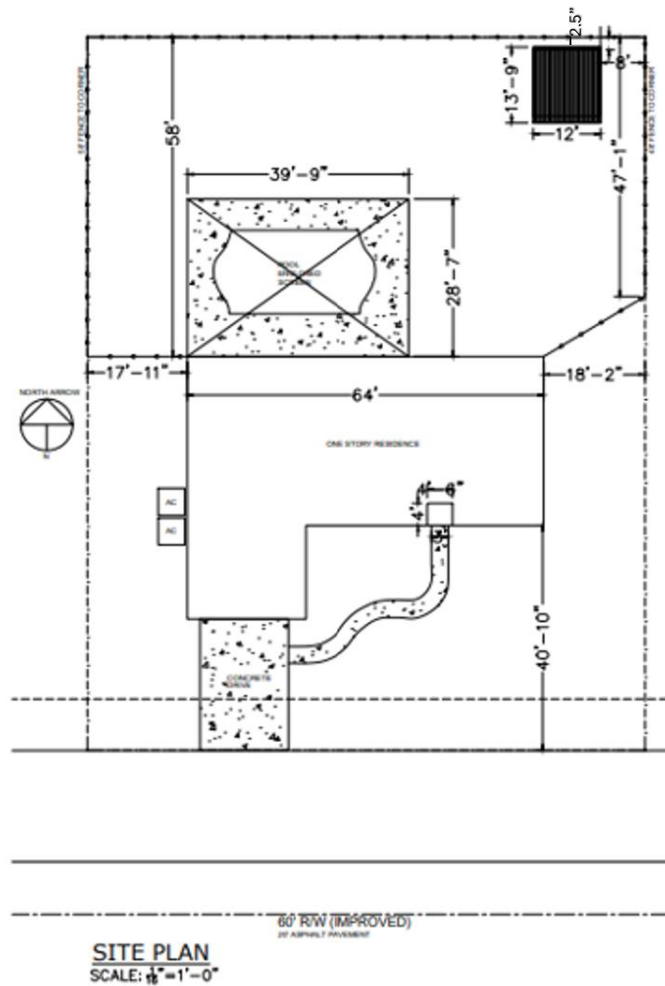
Future Land Use



2023 Aerial Context



2023 Aerial Close-Up



CONTACT:

GENERAL CONTRACTOR:

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LAKELAND, FLORIDA 33803
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DESIGN COMPANY:

Concept Architectural Designs
PO Box 280342
Memphis, Tennessee 38168
P: 901-654-7561

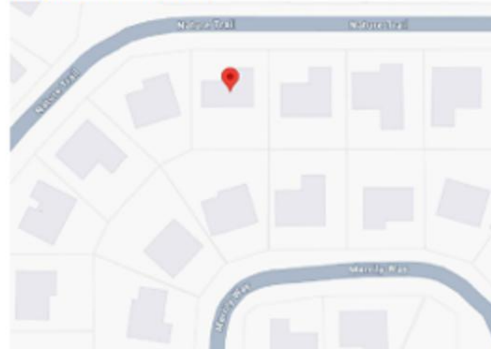
OWNER INFORMATION

SHAWN CHAISSON
7747 NATURE TRAIL
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P: 863-602-4368

PROJECT DESCRIPTION:

SITE BUILT LEAN-TO SHED A NEW CONSTRUCTION BUILT ONSITE BY THE OWNER / BUILDER. THE SHED WILL HOUSE AND STORE EQUIPMENT. THE BUILDING IS APPROXIMATELY 7' TALL AND CLASSIFIED ACCESSORY STRUCTURE. THE SHED IS WOOD FRAME WITH WOOD EXTERIOR WALLS, FLOORING IS A CONCRETE SLAB (NO FINISH). DOCUMENTED IN THIS SET OF PLANS ARE THE REQUIRED SAFETY AND BUILDING INFORMATION. THIS BUILDING WILL COMPLY WITH FLORIDA BUILDING CODE REQUIREMENTS.

VICINITY MAP:



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, other than a tree limiting on the east side of the proposed space.

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

2013, N/A

What is the hardship if the variance is not approved?

None

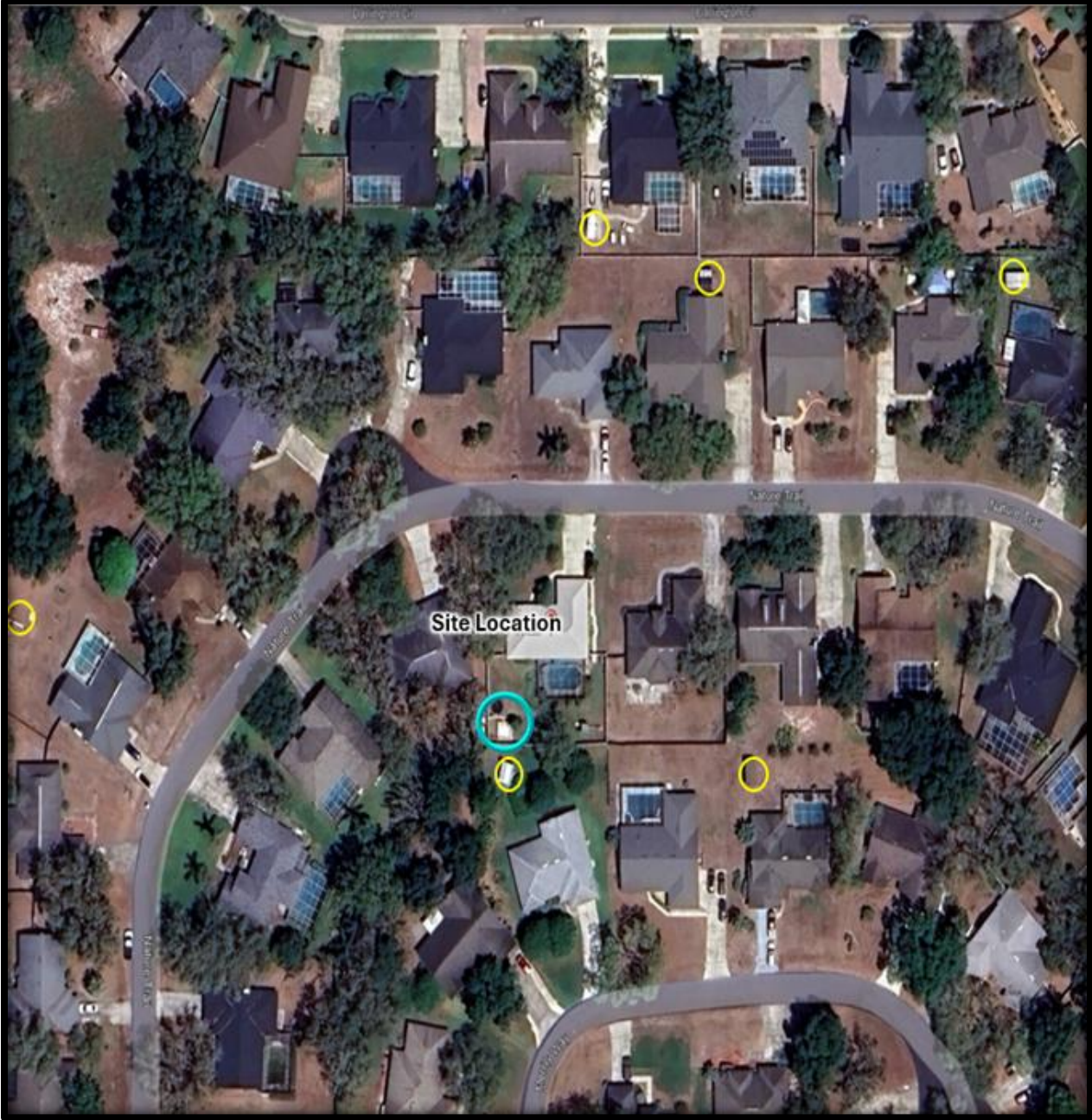
Is this the minimum variance required for the reasonable use of the land?

No

Do you have Homeowners Association approval for this request?

They are awaiting the permit and drawings but preliminarily notified them.

Applicant's Justification



Aerial Vicinity