

POLK COUNTY
LAND USE HEARING OFFICER
STAFF REPORT

DRC Date:	October 9, 2025	CASE #:	LDLVAR-2025-58
LUHO Date:	January 22, 2026	LDC Section:	(Saturn St Variance)

Request: The applicant is requesting a variance to reduce the rear accessory structure setback from ten (10) feet to two (2) feet for one shed and the right of way accessory structure setback from twenty (20) feet to two (2) feet for a second shed.

Applicant: Cimberly Harris

Property Owner: Cimberly Harris

Location: 1910 Saturn St, south of Skyview Dr, north of Maine Ave, east of the city of Lakeland in Section 27, Township 28, Range 24.

Parcel ID#: 242827-000000-014116

Size: ±0.12 acres

Land Use Designation: Residential Suburban (RS)

Development Area: Suburban Development Area (SDA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is requesting a variance to reduce the rear accessory structure setback from ten (10) feet to two (2) feet for one shed and the right of way accessory structure setback from twenty (20) feet to two (2) feet for a second shed. The owner purchased the property August 2021. The sheds were placed sometime on the property in 2023 by the tenants. The parcel is part of Skyview pre-existing PUD which began in 1964. Lot 723 is part of unrecorded Skyview Estates subdivision, prior to the Land Development Code and Comprehensive Plan. The property is located off Saturn Street, a private road and in a Residential Suburban (RS) future land use. The right of way accessory setbacks established in RS land use districts are set at twenty feet and ten feet for the rear. Table 2.2 states that RS land use density is one (1) du/5 ac. The size of this parcel (0.12 acres) significantly limits the amount of buildable space without some relief from the setbacks.

The applicant was cited by Code Enforcement for building without a permit for the sheds and seeks to come into compliance. The Code Enforcement Special Magistrate has found it to be a violation. CMA-2025-1094 is pending as the owner is seeking approval for the sheds to be located two feet off the right of way and rear property line. The applicant has also applied for a building permit (BR-2025-5418 and BR-2025-5420). Staff finds this request will cause no harm to the community or neighbor. The subject parcel is surrounded by lots of similar size. The sheds are located in the

front and rear yard of the property.

Staff recommends approval of LDLVAR-2025-58 as it meets the following criteria listed in Section 931:

- **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** are the property's small lot size. The parcel, recorded in the late 60s, contains only 0.12 acres, significantly limiting the buildable area while meeting standard setbacks. The lot's configuration and limited depth make it difficult to accommodate accessory structures in compliance with current setback 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-2025-58 with conditions.**

CONDITIONS OF APPROVAL:

1. Seeking a variance to reduce the rear accessory structure setback from ten (10) feet to two (2) feet for one shed and the right of way accessory structure setback from twenty (20) feet to two (2) feet for a second shed. 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.
4. The use of the accessory structure approved herein is limited to the storage of items associated with the residential use of the property. No home-based business or commercial uses shall be permitted to occur within the accessory structure.

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;*

Granting the requested variance will not be injurious to the surrounding area or detrimental to the public welfare as the two accessory sheds are still able to be maintained at two feet from property lines. The requested variance is consistent with the general intent of the Land Development Code to allow reasonable use of residential property. This lot and many of the surrounding homes in this community were developed prior to the Land Development Code and Comprehensive Plan. The property is located off Saturn Street, a private local road and in a Residential Suburban (RS) future land use. The right of way setbacks established in RS land use districts are set at twenty feet and ten feet for the rear. Table 2.2 states that RS land use density is one (1) du/5 ac.

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 exist due to the property's small lot size (± 0.12 acres) and its creation prior to the adoption of the Land Development Code and Comprehensive Plan. Table 2.2 states that RS land use density is one (1) du/5 ac. The parcel is part of Skyview pre-existing PUD which began in 1964. Lot 723 is part of unrecorded Skyview Estates subdivision. The lot's configuration and limited depth make it difficult to accommodate accessory structures in compliance with current setback requirements. Section 209.D.4 states that "when a lot is determined to be a reverse frontage lot, the front, side and rear lot lines, the orientation of the primary structure (with regards to primary front access), along with the applicable setback requirements for the land use district, shall be used to determine the allowable placement location of an accessory structure(s)."

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

The need for the variance is not solely the result of the tenants' actions. The property was established prior to current setback standards, and its small size restricts available space for accessory structures. The sheds were installed without a permit; however, the applicant is now seeking to bring the property into compliance through this variance request and building permits (BR-2025-5418 and BR-2025-5420).

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. Surrounding lots are of similar sizes and the sheds are consistent with other accessory structures in the neighborhood.

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 feet to two feet (rear) and from twenty feet to two feet (right of way) represents the minimum variance necessary to allow reasonable use of the property. Given the parcel's small size and existing layout, adherence to setback requirements would prevent placement of accessory structures.

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. The subject site is part of a pre-existing PUD for Skyview.

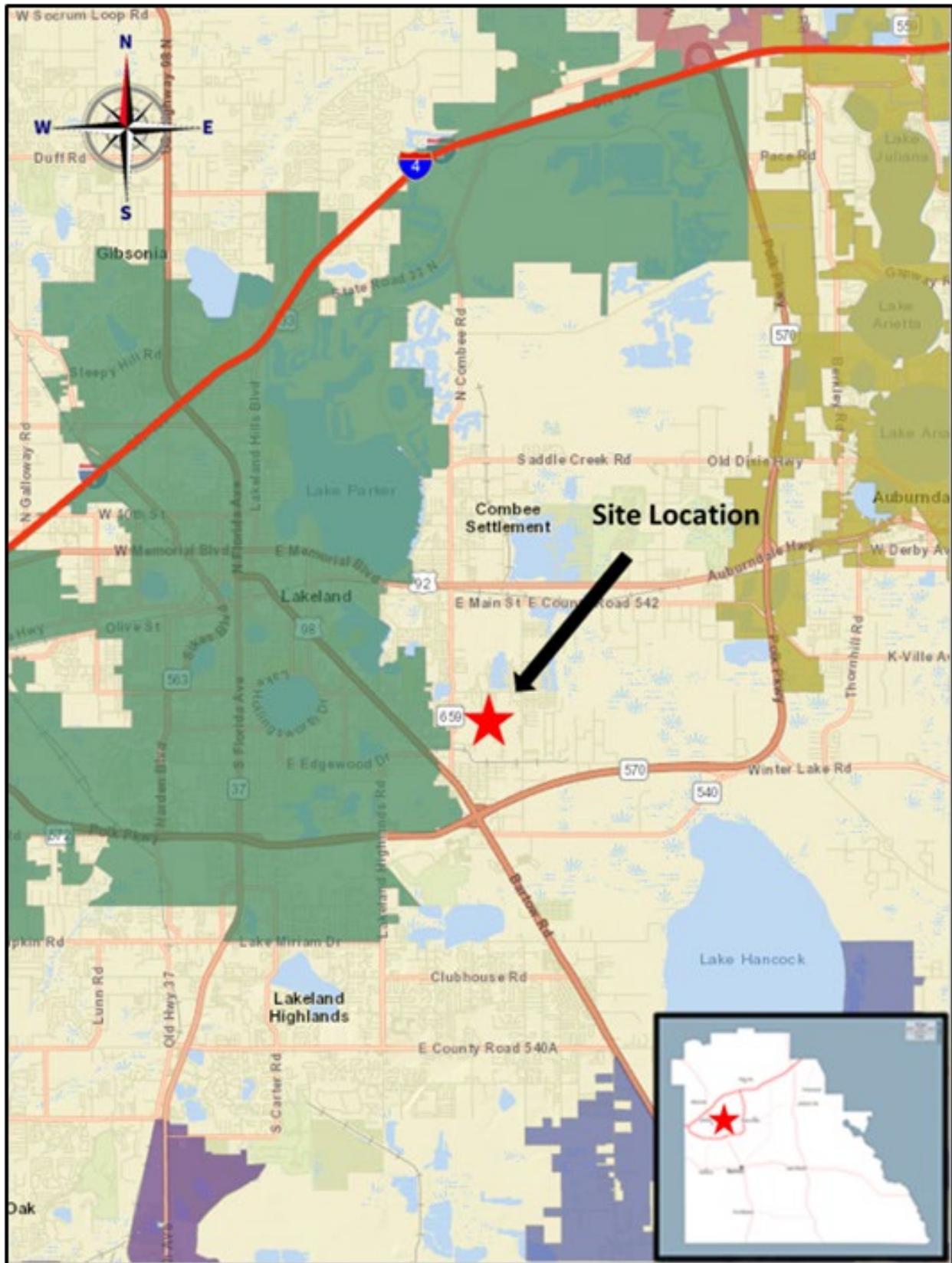
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: RS Mobile Home	North: RS Vacant	Northeast: RS Vacant
West: RS Mobile Home	Subject Property: RS Mobile Home	East: RS Duplex
Southwest: RS Mobile home	South: BPC-2 Vacant	Southeast: BPC-2 Vacant

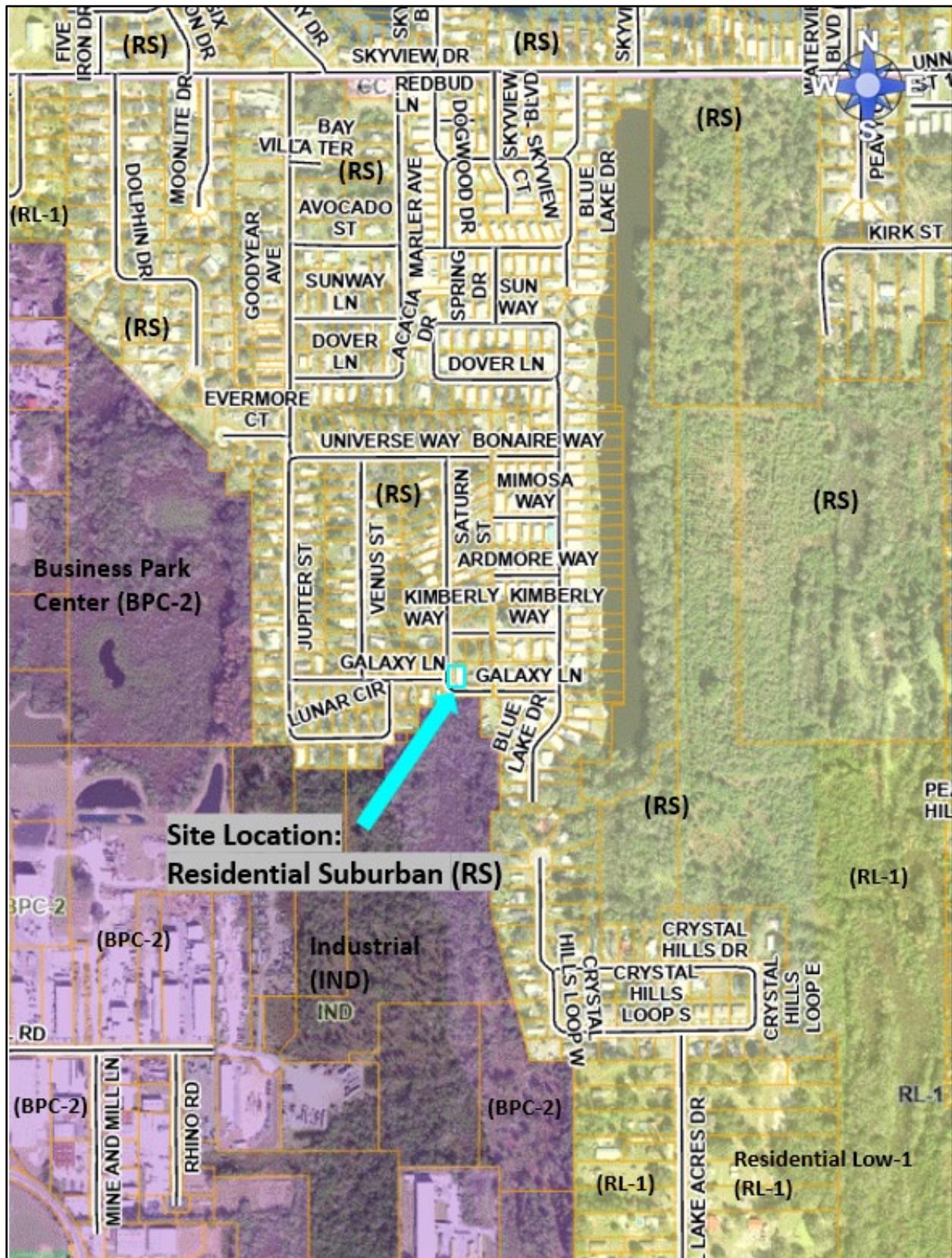
The sheds are located to the right of way and rear of the home. Staff found no prior variances in this neighborhood.

Exhibits:

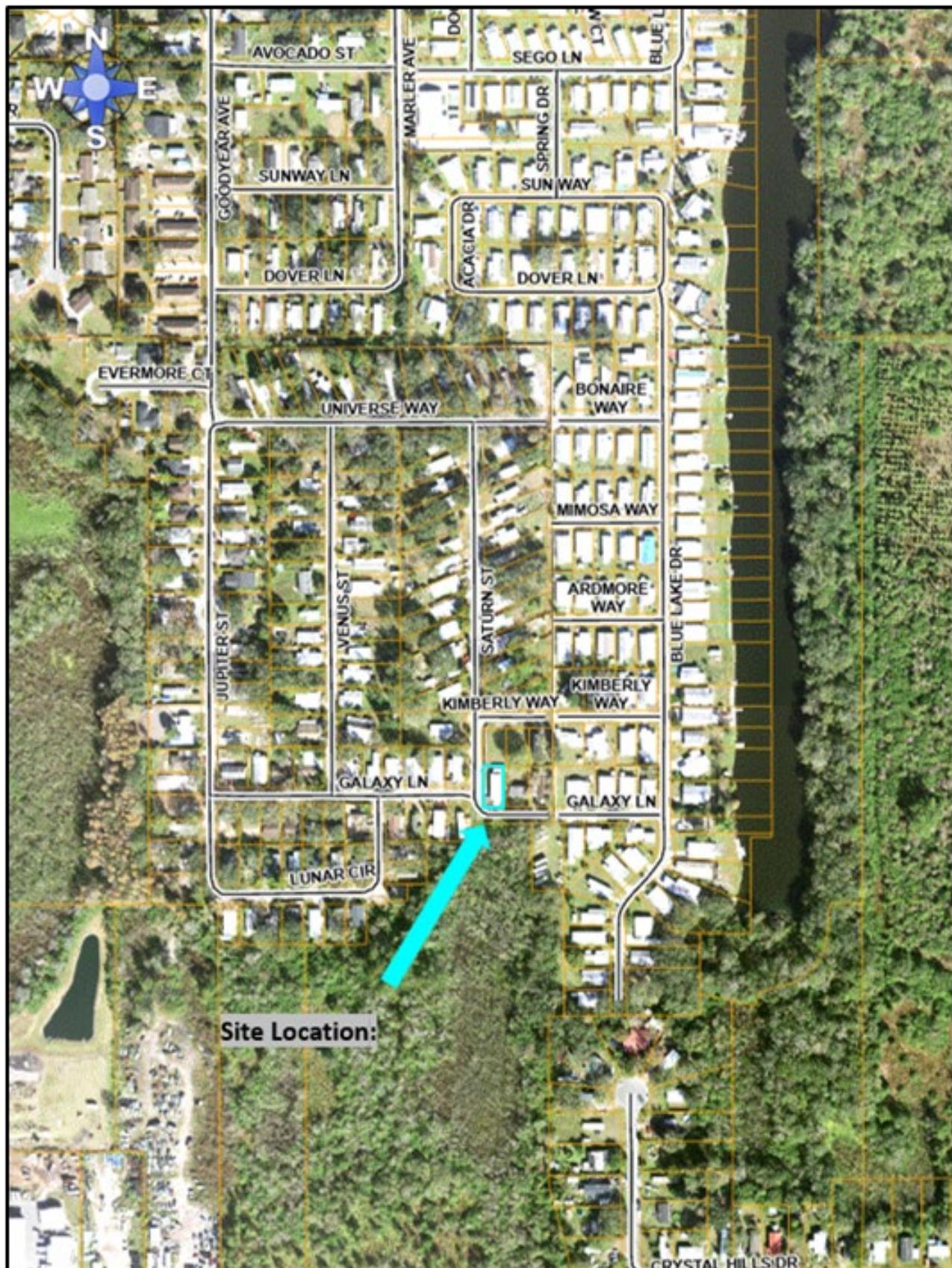
Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Aerial Imagery (Context)
Exhibit 4	Aerial Imagery (Close)
Exhibit 5	Site Plan
Exhibit 6	Justification



Location Map



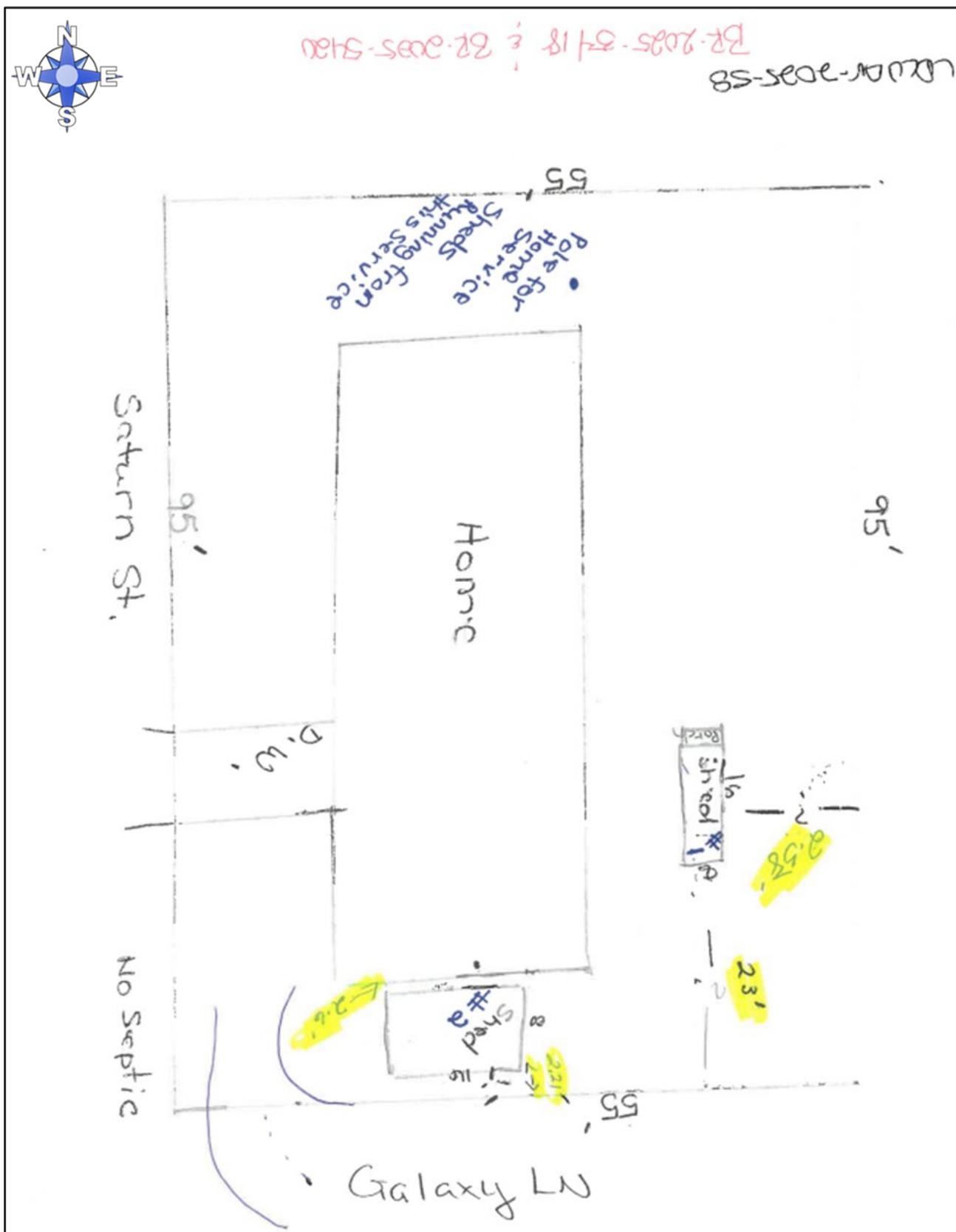
Future Land Use Map



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?
The property does not meet the County's lot size requirements, so Infill for the Residential High land use was used.

When did you buy the property and when was the structure built? Permit Number?
tenant put it 3 years ago

What is the hardship if the variance is not approved?
have to remove it and I will not have any storage.

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

Do you have Homeowners Association approval for this request?
not in a HOA

Justification