

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

DRC Date	March 13, 2025	CASE #:	LDLVAR-2025-18 (Lowery Citrus Ridge)
LUHO Date	April 24, 2025	LDC Section:	209.F & PD 81-22

Project Number: LDLVAR-2025-18

Request: The applicant is requesting a rear primary structure setback reduction from five (5) to zero (0) feet for the enclosure of a new deck with a solid roof.

Applicant: Valerie Lowery

Property Owner: B&V Holdings LTD

Location: 10 Citrus Ridge Drive, located on Lot 10, on the west side of Marsh on the southwest corner of the intersection with Mandarin, east of Manoel Lane, within the Citrus Ridge subdivision, northwest of the City of Davenport, in Section 20, Township 26, Range 27.

Parcel ID#: 272620-706001-000100

Size: ±0.057 acres (2,462 sq.ft.)

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

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Erik Peterson, AICP
Planning Administrator

Summary:

The applicant is requesting a reduction to the rear yard setbacks from five (5) feet to zero (0) feet to accommodate a larger enclosed deck where a smaller open deck is permitted. This property is located within Phase one of the Citrus Ridge subdivision, a Planned Development (PD 81-22). This development was originally approved for recreational vehicle (RV) lots; however, a modification to the PD took place on February 14, 2006, which allowed placement of larger mobile homes and to reduce the rear setback from ten (10) feet to five (5) feet. The same modification enabled accessory structures to be placed zero feet from the side and rear lot lines. The decision and approval of the PD modification to allow mobile homes with setback reductions was not enough to fully accommodate them because the lots were sized for recreational vehicles. The addition of larger mobile homes has resulted in the need for many variance requests by residents

since 2006. As lot owners placed mobile homes on the property, they quickly discovered that there was not enough room for the other niceties of Floridian habitation such as enclosed porches and covered parking. In this case, the accessory deck was placed at the property line abutting the common area under control of the Homeowner's Association. While the applicant has permission from the HOA to enlarge and enclose the deck, it is beyond what was allowed under the conditions of approval.

The applicant is requesting a modification to the standards that would typically be seen as a minor addition. However, lots are very small within this development. It does not take much of a structural addition to encroach beyond the standards. Fortunately, there is little or no adverse effects to be felt by immediate neighbors. The addition will be obscured on either side lot line by other structures and separated by a large common area from the neighboring development abutting the rear.

Staff recommends approval of LDLVAR-2025-18 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** because the expanded and enclosed deck will continue to be mostly hidden from the view of neighboring residents and not stand out amongst the other properties along the western side of the development.
- **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.** Asking for a variance to one of the standards is not uncommon for residents wanting to add to their home given the small lot sizes and widths in the development. There have been 34 variances to setback standards granted in the Citrus Ridge Planned Development (PD 81-22) since 2019. In the applicant's Phase One, 16 have been approved.

Development Review Committee

The Development Review Committee, based on the criteria for granting Variances, finds that the applicant's request as written **IS CONSISTENT** with **Section 931** of the Polk County Land Development Code.

Development Review Committee Recommendation: Based upon the application, and a recent site visit, the Development Review Committee recommends **APPROVAL of LDLVAR-2025-18**, with the following conditions:

CONDITIONS OF APPROVAL:

1. Approval of this variance is to reduce the rear setback from five (5) feet to zero feet for a enclosed deck addition to the primary structure that is than more than 8 feet wide, 12 feet long, and 10 feet high. All further additions or structures placed on the property shall be required to meet the requirements PD 81-22 or be granted approval via another variance 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 addition.

3. 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;*

The Citrus Ridge Planned Development (PD 81-22) was modified in 2006 to reduce the rear setbacks to five feet for dwellings and reduce the setbacks to zero on the side and rear for accessory structures less than 8 feet wide, 12 feet long, and 10 feet high. From then on, almost every unit in the development sits approximately five feet from the rear lot line and has at least one shed on the side and rear property lines. Citrus Ridge began as an RV park and evolved into a mobile home subdivision. Most properties are under 2,500 square feet, so it does not take many accessory structures to run out of buildable space.

There is limited potential harm to come from approval of this variance request. It is replacing an existing permitted structure with one that is slightly larger and enclosed versus open. The applicant has approximately six (6) feet between the home and the rear property line, so the structure cannot be any wider. The current deck is 12 feet long, and the applicant wants to extend it another four feet to a total length of 16 feet and extend the roof line of the home to cover it (see Exhibit 7). In its existing state, it is an accessory structure allowed by right according to the Planned Development Conditions. Either extending the roof line or lengthening the deck requires a variance from the rules. The deck extension increases

floorspace by 1/3 (33%) more than what is allowed for an accessory structure within five feet of the property line. The roof extension increases the applicant's total area under roof of the home by 11%.

There is a platted utility easement on the rear five feet of the lots that front Marsh and Mandarin Streets. But there are no utilities within it. The waterline that is expected to be there actually runs underneath the dwellings approximately eight to ten feet from the rear lot line (see Exhibit 9). The applicant has provided documentation that the larger enclosed deck will not interfere with any utility lines.

The neighbor to the north has a shed on the applicant's property corner and the applicant's shed is on the south property corner. These shield the view of the deck from either neighbor when they are standing on their porches. Although some may consider it an exception to the standards, it will most likely go unnoticed. Therefore, *the variance will not be injurious to the area involved or otherwise 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;*

Citrus Ridge is a community where homeowners seek to occupy every square inch of buildable space on their property because the lots are small and narrow. It was originally intended for recreational vehicles but later evolved into a mobile home development. The applicant's property is located where Mandarin Street meets Marsh Street. Every property fronting Marsh and Mandarin Streets within the Citrus Ridge development (PD 81-22) is approximately 2,400 square feet (40'x 60'). There is a 35-foot-wide common area referred to as the "buffer zone" abutting the western boundary of each lot followed by the next development Rio Ridge. Five feet on the rear of each property is a utility easement. However, there are no utilities located in it. The water line that serves the dwellings is located beneath each dwelling because it is approximately three to five feet outside of the easement within the buildable area of each lot (see Exhibit 9).

The applicant proposes to replace and enclose an existing wooden deck that was built in conformance with a modification to the Planned Development (PD 81-22) approved in 2006 by the Planning Commission. An open deck is permitted to extend to the property line as long as it is less than 12 feet long and eight (8) feet wide. However, the applicant desires four more additional feet in length and a cover over the deck extending from the roof line of the home.

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 2022. The deck was added in 2015. There were two separate owners besides the current owners since the deck was added. The 2006 modification of PD 81-22 allowed accessory structures to be placed on the side and rear lot lines within Citrus Ridge. Condition #17 states, "*Side and rear setbacks for accessory structures may be placed at the side and rear property line for a zero foot side and rear setback where the lot has common ground adjacent.*" The 2006 modification reduced the primary dwelling setback to five feet of the rear property line. The result of this is that almost every dwelling along the rear property line of all the units that front Marsh and Mandarin Streets on the west border of the development is placed within five feet of their property line and each has a shed placed on the rear property line. This condition allowed

the open deck to be constructed. However, if the deck is enclosed with a solid roof, it is no longer an accessory structure. This is not permitted under the conditions of approval. Therefore, a variance request is the only option for the applicant to expand it and cover the deck.

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;*

There are several mobile homes that are placed at and slightly into the utility easement that front Marsh and Mandarin Streets that back up to the open space along the western boundary of the development. There are many patios and a few decks, but only one of them has a hard-roof cover and it is five feet off the property line. The applicant will be the first to extend an enclosed portion of the primary home into the rear property line with an addition. One reason is because very few of the homes in the development have doorways facing the rear lot line of the home. Most units only have points of access on the sides. Almost every property has a shed that abuts both side and rear lot lines.

Asking for a variance to one of the standards is not uncommon for residents wanting to add to their home. There have been 34 variances to setback standards granted in the Citrus Ridge Planned Development (PD 81-22) since 2019. In the applicant's phase one, 16 have been approved.

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

There is an existing open deck of six feet attached to the back of the home and its back door that is just deep enough for two chairs. It also has a lot of sun exposure in the afternoon. It was built by the previous owner. If the applicant can extend the deck, enclose it, and realign the stairs, the space can become more usable (see Exhibit 7).

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 will remain residential with an additional rear deck enclosure.

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.

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 Citrus Ridge Planned Development (PD 81-22) was modified on February 14, 2006, to allow mobile homes up to 1,008 square feet and reduce the rear setbacks from 10 feet to five (5) feet. The applicant's home is 864 square feet. There are no conditions prohibiting seeking a variance to setbacks consistent with LDC Section 931 for the expansion of a primary dwelling. Section 209.F of the LDC states, "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 unless exempted or superseded elsewhere in this Code.”

Surrounding Future Land Use Designations and Existing Land Use Activity:

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

Table 1

Northwest: RMX PD 81-22 15-foot Buffer 20-foot Unopened/ Unmaintained right-of-way Rio Ridge Subdivision Single-family Residential	North: PD 81-22 Lot 9 492 sq.ft. Mobile Home, 168sf carport, shed, 196sf cabana	Northeast: PD 81-22 Lot 36 396 sq.ft. Mobile Home, carport, shed 341 sf room addition
West: RMX PD 81-22 15-foot Buffer 20-foot Unopened/ Unmaintained right-of-way Rio Ridge Subdivision Single-family Residential	Subject Property: Residential Medium (RMX) PD 81-22 Citrus Ridge Subdivision Lot 10 864 sq.ft. Mobile Home, carport, patio, shed	East: PD 81-22 Mandarin Road
Southwest: RMX PD 81-22 15-foot Buffer 20-foot Unopened/ Unmaintained right-of-way Rio Ridge Subdivision Single-family Residential	South: PD 81-22 Lot 11 400 sq.ft. Mobile Home, 108sf porch, 64sf shed , 204sf cabana, 96sf screen room	Southeast: PD 81-22 Lot 30 420 sq.ft. Mobile Home, 120 sf screen room, 90 sf cabana, 140sf cabana

The applicant’s home is the largest of the abutting lots aside from the single-family site-built home development to the west. Most abutting properties and many properties within the Citrus Ridge have numerous accessory structures including room additions and habitable structures. The Citrus Ridge Planned Development (PD 81-22) is comprised of some RVs, but mostly mobile homes. Almost every mobile home has some attachments such as covered carports, canopies, enclosed decks and patios, and other additions. Based on the surrounding neighborhood, a recent site visit, and the variance application provided by the applicant, staff find that the proposed variance is similar to the surrounding development.

The request includes the encroachment into a five-foot (5’) utility easement along the rear of the property. Normally this should be avoided. However, Polk County Utilities, Duke Energy, and three separate communication companies have granted clearance for the application. These letters are provided in the casefile attachments. There is a six-inch waterline on the property, but it is not in the easement. It extends under the homes of most of the dwellings on Marsh and Mandarin Streets (see Exhibit 9). This deck enclosure will not interfere with it any more than the home and other homes on the street are currently.

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

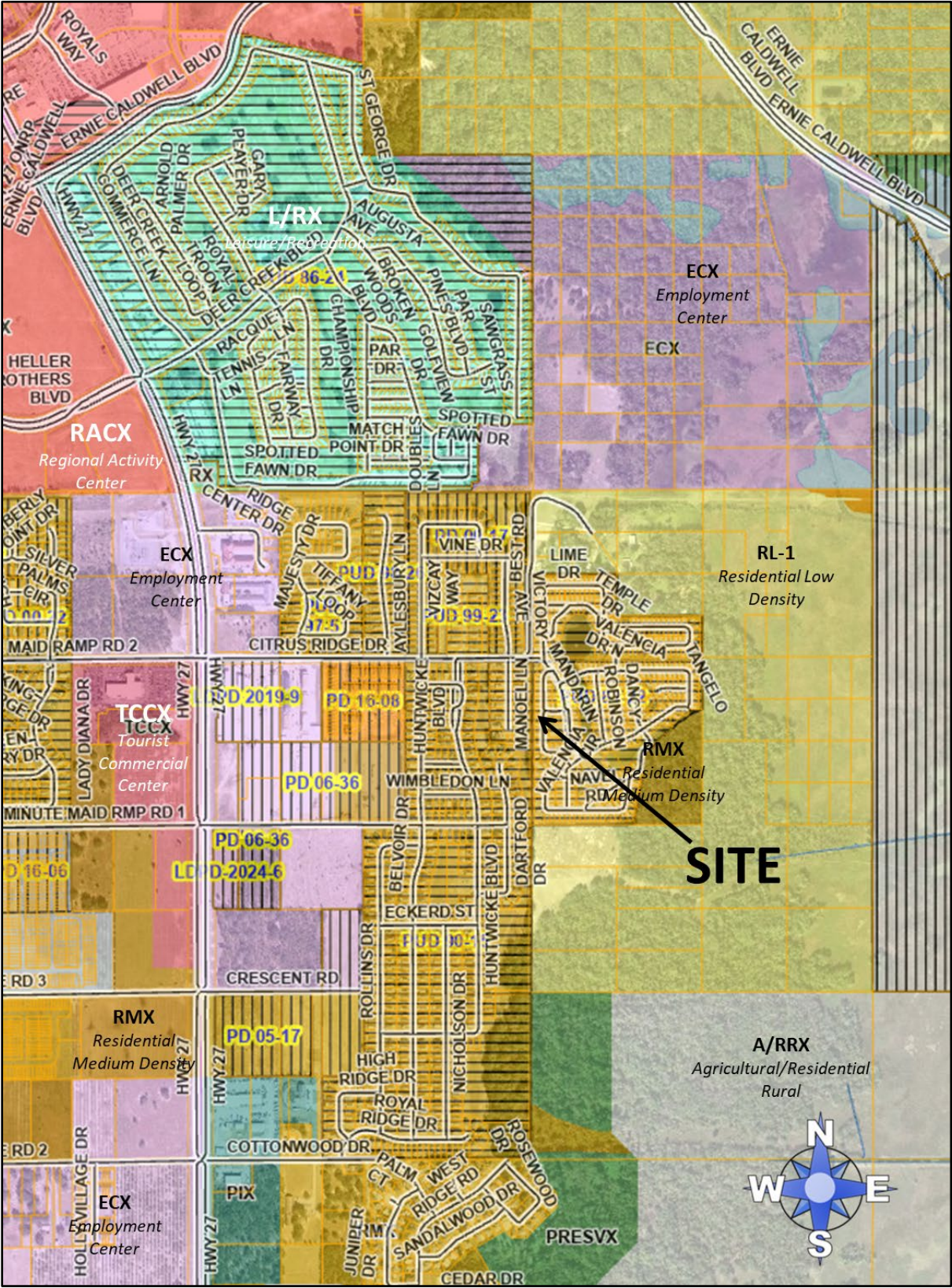
Exhibit 7 – Applicant's Drawing

Exhibit 8 – Boundary Survey

Exhibit 9 – Utility Line Map



Location Map

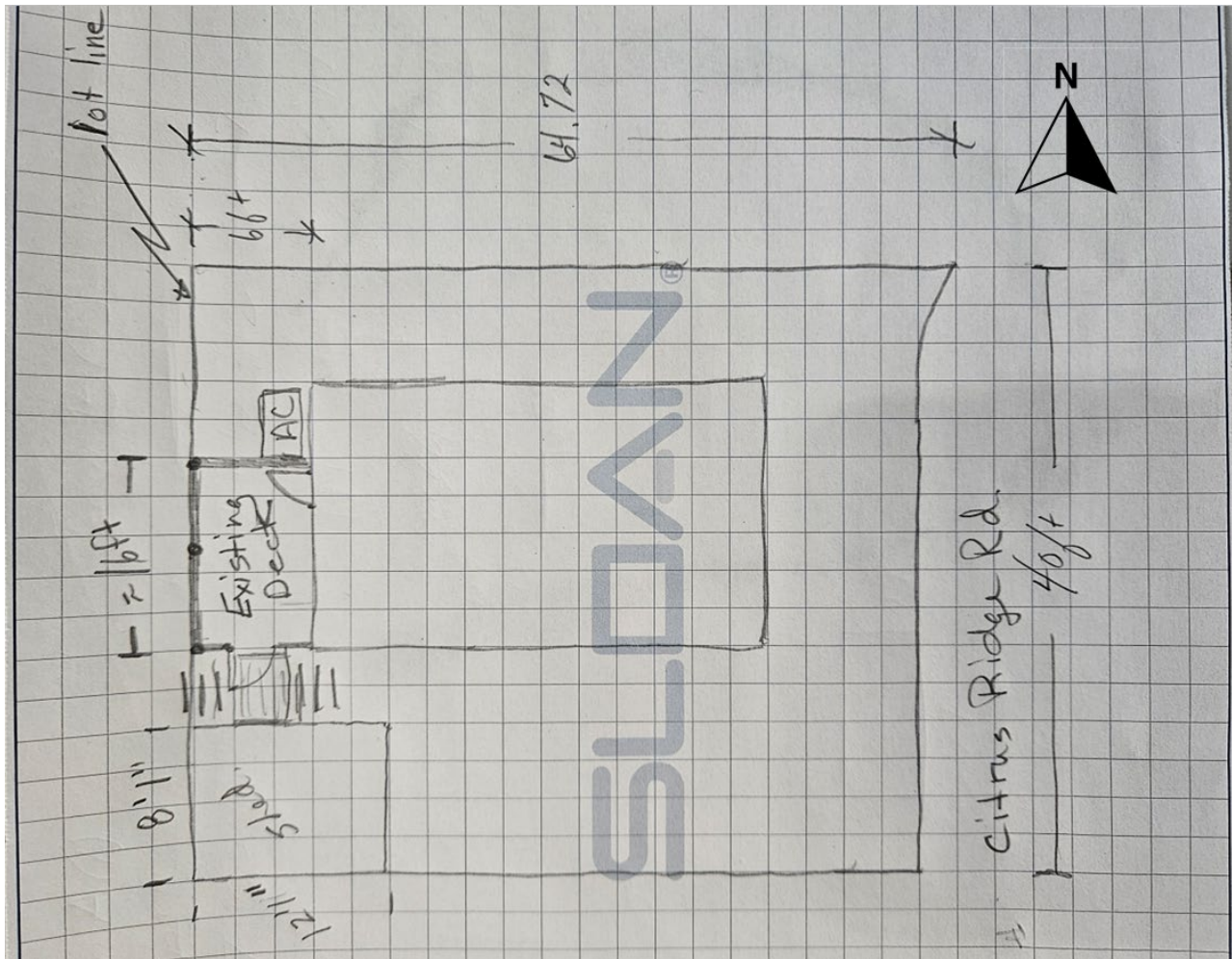


Future Land Use



2024 Satellite Photo Context

Land Use Hearing Officer
Variance/MLC



Applicants' 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?

Purchased 2022

Structure Built 2015

What is the hardship if the variance is not approved?

allergies to mosquitoes

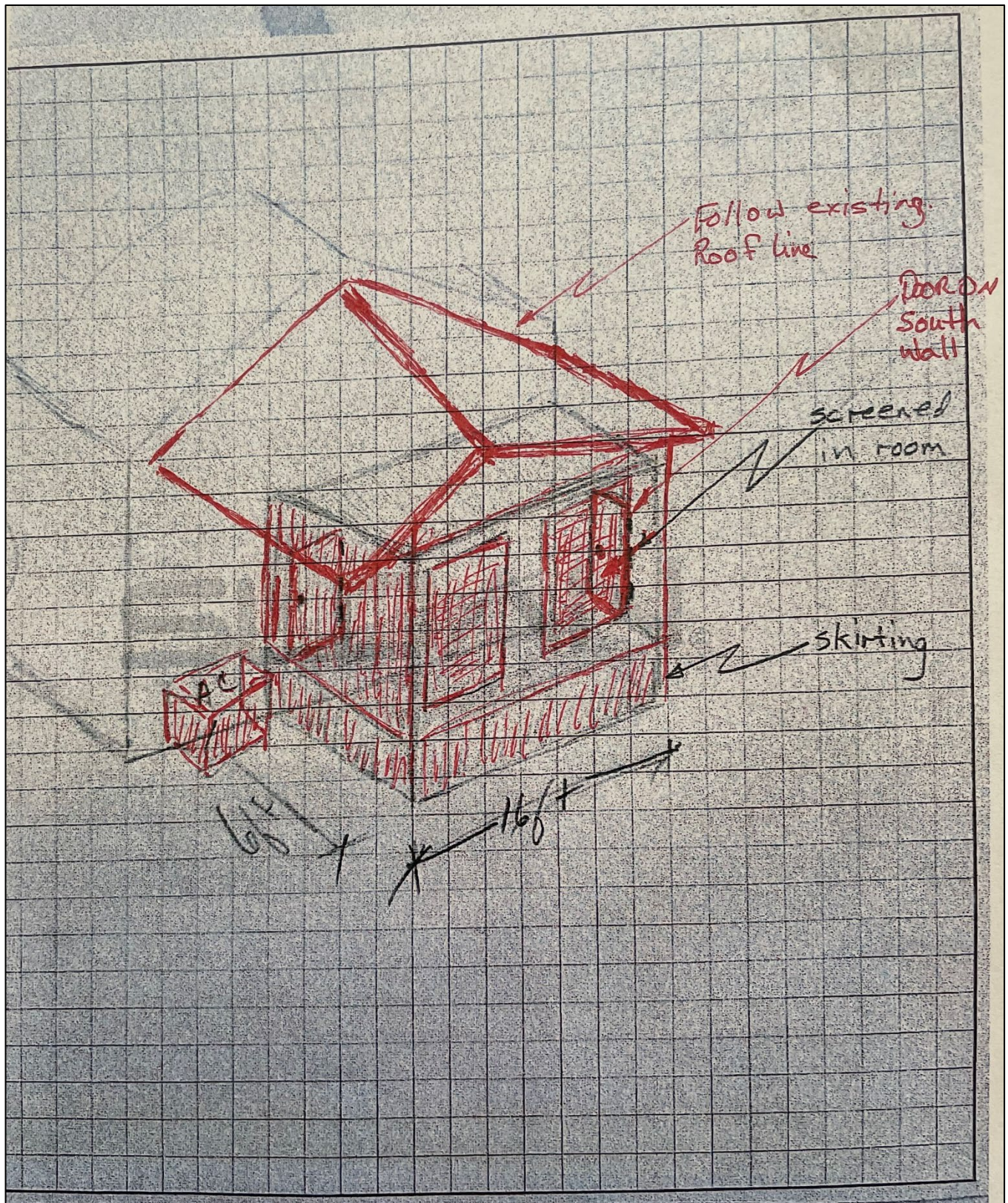
Is this the minimum variance required for the reasonable use of the land?

YES

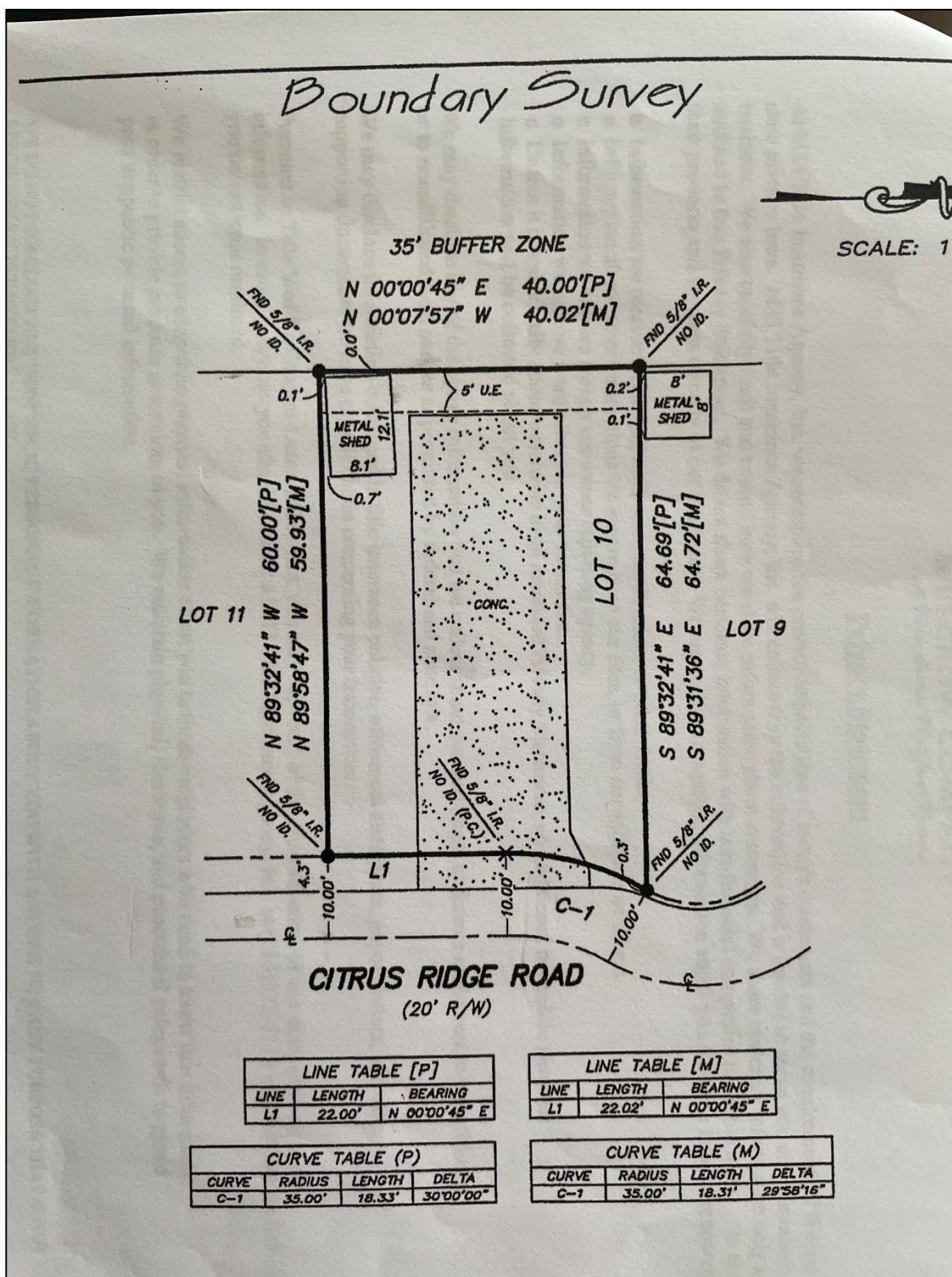
Do you have Homeowners Association approval for this request?

YES

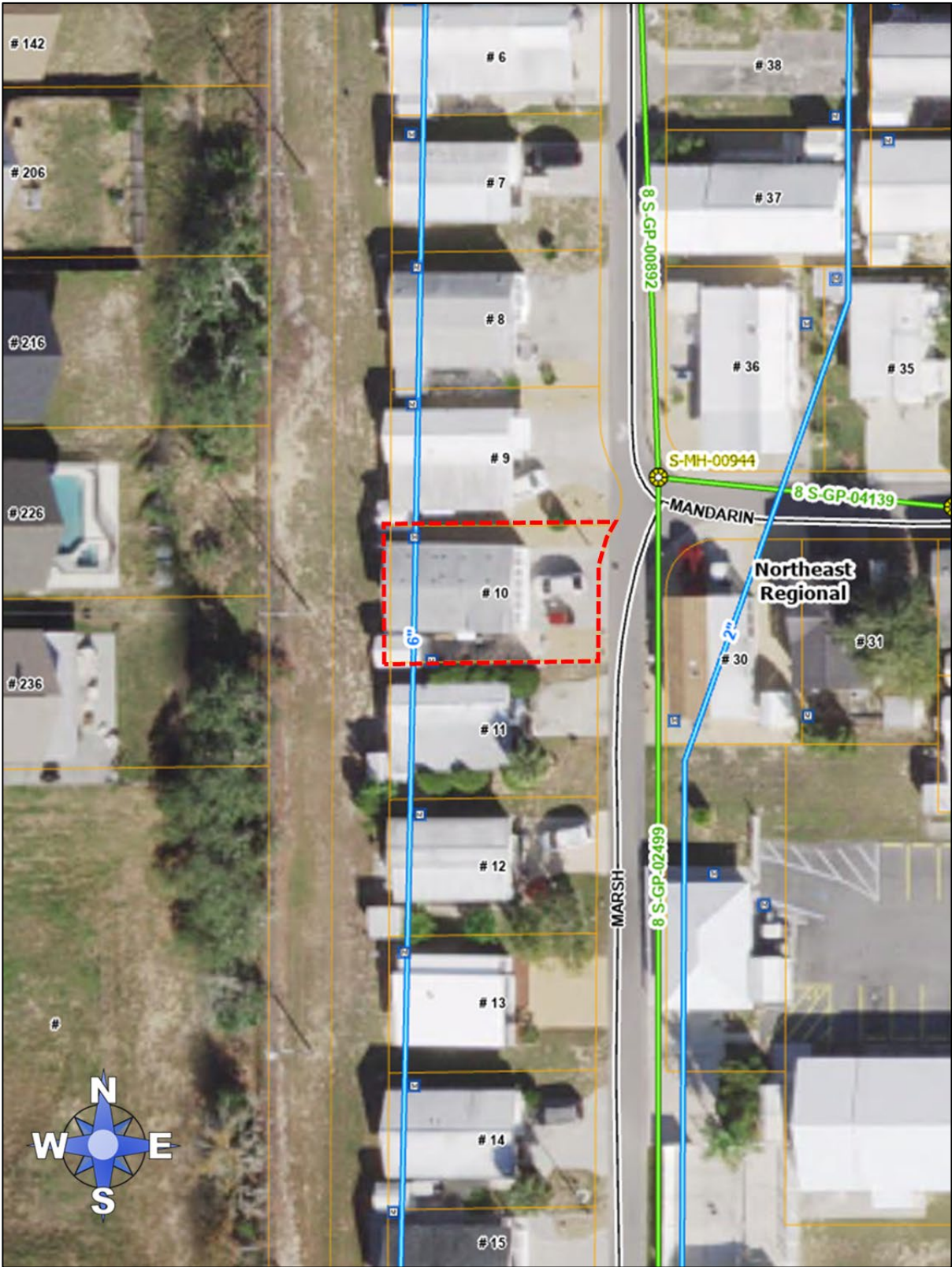
Applicant's Justification



Applicant's Drawing



Boundary Survey



Utility Line Map