

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

DRC Date:	September 11, 2025	CASE #:	LDLVAR-2025-49 (Outdoor Resorts at Orlando)
LUHO Date:	October 23, 2025	LDC Section:	Section 303, Table 3.4.1

Request: The applicant is requesting a primary structure side setback reduction from five (5) feet to two (2) feet for the installation of a new doublewide mobile home in the Outdoor Resorts at Orlando Subdivision.

Applicant: Daniel Miller

Property Owner: Daniel Miller

Location: The subject property is located at 9000 Highway 192, north of Interstate 4, south of Irlo Bronson Memorial Highway, east of US Highway 27, west of Daniel Webster Western Beltway, north of Haines City in Section 01, Township 25, Range 26.

Parcel ID#: 262501-488040-009070

Size: ±0.07 acres

Land Use Designation: Leisure/Recreation-X (L/RX)

Development Area: Transit Supportive Development Area (TSDA)
SAP: North US 27 Selected Area Plan

Case Planner: Kyle Rogus, Planner II

Summary:

Request:

The applicant is requesting a reduction in the primary structure side yard setback from five (5) feet to two (2) feet for the installation of a new 770 square foot (22' x 35') Skyline Keaton doublewide mobile home. According to Section 303, Table 3.4.1, the Outdoor Resorts at Orlando Subdivision has a minimum five (5) foot setback for all structures from interior lot lines. The site was once developed with a smaller mobile home that the applicant is replacing.

History:

Outdoor Resorts at Orlando (ORO) was originally established as an RV Park. At the time, the only units permitted were RVs and park models. The ORO was never approved for mobile homes. The allowance of ANSI and HUD standard park models blurred the line of approval as HUD homes might have been above 500 square feet, or they were 500 square feet when they were permitted and then later expanded.

The reasoning behind only permitting RVs and park models is because one of the challenges with parks is that setbacks cannot be enforced because there is no real property or definitive property boundaries. All structures need to meet adequate separation for adequate fire protection, therefore a 2,500 square foot minimum area exclusive for the location of each recreational vehicle outside of structural setbacks, easements, and landscape buffers was established.

As a solution, the ORO was platted in June 1971, allowing permanent structures and creating small and unusual lots. Permanent structures were limited in size due to the shape and configuration of small lots. In March 1993, an administrative determination was approved to allow the placement of 770 square feet (22' x 35') mobile homes on a RV lot located within the ORO. Prior to the administrative determination, the park was allowing the placement of 22' x 35' RV size units.

Recommendation:

Outdoor Resorts at Orlando Subdivision is identified in the Land Development Code (LDC) in Section 303, Table 3.4.1 as a vested RV Development with a minimum setback of five (5) feet from interior lot lines with no habitable structures placed within 10 feet of another from habitable structure or occupied vehicle on an adjacent space.

The proposed mobile home will abut common ground to the side. Similar to Case VAR 09-41, which was a variance request approved in October 2019, to reduce the rear setbacks from five (5) feet to zero (0) feet on lots abutting common ground with owner authorization. Since next to common ground, the request will not be a concern for a neighbor sharing that property line nor will there be a problem with it meeting building separation for Fire Code. No harm is anticipated. There are many similar placements of mobile homes within the setbacks in the area, so it is not believed to be out of character with the surrounding neighborhood.

This request will cause no direct or indirect harm to the community and recommends approval and is consistent with the surrounding properties, maintaining the integrity of the neighborhood.

Staff recommends approval of LDLVAR-2025-49 as it meets the following criteria listed in Section 931:

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 doublewide mobile home will be located 10 to 15 feet from the closest neighboring structure to the east. The side property line from which the variance is needed abuts common ground, so this will not be a concern for a neighbor sharing that property line nor will there be a problem with it meeting building separation for Fire Code.

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 property is located in the Leisure/Recreation-X (L/RX) land use district on approximately 0.07 acres. This was an RV park that was latter approved for permanent structures. Prior to Ord. No. 19-069, the L/RX land use district did not permit mobile homes, mobile home parks, and mobile home subdivisions. Ord. No. 19-069 allows mobile home parks in (L/R) districts through Planning Commission approval (Level 3 Review).

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-2025-49**

CONDITIONS OF APPROVAL:

1. The approval of this variance is to reduce the primary structure side setback from five (5) feet to two (2) feet for the installation of a new 22 by 35 Skyline Keaton doublewide mobile home on approximately 0.07 acres in the Outdoor Resorts at Orlando Subdivision within a Leisure/Recreation-X (L/RX) land use district. Further additions or structures placed on the property shall be required to meet the setback requirements of the Outdoor Resorts at Orlando Subdivision 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 Outdoor Resorts at Orlando Subdivision was platted in 1971. Outdoor Resorts at Orlando Subdivision is identified in the Land Development Code (LDC) in Section 303, Table 3.4.1 as a vested RV Development.

Unless a different vested standard applies, new structures, expansions to existing structures, replacements and additional structures are permitted within Vested RV developments under the following conditions:

- a. There shall be no habitable structure built within 10 feet of another habitable structure measured from leading edge of structure.
- b. There shall be no structures built within 20 feet from the centerline of a drive aisle or right-of-way.
- c. All Park Trailer expansions or additions shall be built to the standards of the Florida Building Code.
- d. All accessory structures shall be built to the standards of the Florida Building Code and setback three (3) feet from the interior lot/space lines or six (6) feet from any other structure outside the space or lot measured from leading edge of the structures (whichever is more restrictive).
- e. Platted lots - minimum five (5) feet setback for all structures from interior lot lines.

Pursuant to Chapter 9, Section 930, setbacks from lot lines for vested RV Developments with platted lots are eligible for a variance. The dimensions of the Skyline Keaton doublewide mobile home will be approximately 22 feet across, and 35 feet in length. The variance request is to reduce the side setback from five (5) feet to two (2) feet. The side property line in question abuts common ground, so this will not be a concern for a neighbor sharing that property line nor will there be a problem with it meeting building separation for Fire Code. The closest neighboring structure to the mobile home will be between 10 to 15 feet to the east. The granting of this request will not be injurious to the area.

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 Leisure/Recreation-X (L/RX) land use district on approximately 0.07 acres. According to Section 303, Table 3.4.1, the Outdoor Resorts at Orlando Subdivision has a minimum setback of five (5) feet from interior lot lines. The L/RX land use district does not have a minimum residential lot size, nor does it have a minimum residential gross density. The maximum residential gross density in the L/RX land use district is 10 dwelling units per acre. The request is for one dwelling unit on 0.07 acres.

On October 22, 2009 VAR 09-41, a variance request to reduce the rear setbacks from five (5) feet to zero (0) feet on lots abutting common ground with owner authorization, was granted. The subject property is abutting common ground to the western property line, where the applicant requests the side setback reduction. Since next to common ground, the

request will not be a concern for a neighbor sharing that property line nor will there be a problem with it meeting building separation for Fire Code. There are many similar placements of mobile homes within the setbacks in the area, so it is not believed to be out of character with the surrounding neighborhood. area.

Because of the shape and size of the lots within the Outdoor Resorts at Orlando Subdivision, the setbacks restrict further development without impeding on the side and rear setbacks. This request for relief follows suit with VAR 09-41, allowing owners to replace the existing mobile homes in their current locations or intended locations due to the small lots by reducing the rear setbacks from five (5) feet to zero (0) feet on lots abutting common ground.

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 February 2020, according to the Polk County Property Appraiser. The pre-existing single-wide mobile home was built in 1980 at 376 square feet meeting all setback requirements. However, with safer development standards and improved standards of living since 1980, the applicant filed for a demolition permit (BT-2025-11185) as a result of building permit BR-2025-3930 for the installation of a new doublewide mobile home.

The subject site is located at the end of residential development along the south side of the internal roadway. Outdoor Resorts at Orlando Subdivision requires a side setback of five (5) feet with a 10-foot separation between structures. According to VAR 09-41, lots abutting common ground to the rear have a reduced setback of zero (0) feet. Because the subject property abuts common ground on the western side property line, not the rear, a 5-foot setback is required. There is no concern for a neighbor sharing that property line. The mobile home is 22 by 35 feet. This request is asking for a 3-foot reduction to the side. This is a very minimal and discrete request. The owner may not have been aware of the accessory structure side setbacks.

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 to some degree. The home is the last lot on the south side of the internal roadway. Mobile homes are permitted in this development. Ord. No. 19-069 was adopted providing vested RV developments and standards.

Abutting the property to the east is residential development and to the west is common ground. This size of the property along with the 5-foot side setback with a 10-foot separation between structures limits future development. Because VAR 09-41 was a request for the reduction of rear setbacks from five (5) feet to zero (0) feet on lots abutting common ground, not side setbacks, the applicant is still required to maintain a 5-foot setback.

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

The requested variance is believed to be the minimal variance necessary to optimize the use of the owner's land. The subject property is 0.07 acres. BR-2025-3930 is for the installation of a new doublewide mobile home. The mobile home will be 22 feet wide, meeting the 5-foot side setback with a 10-foot separation between structures on the eastern property line. The closest neighboring structure to the mobile home will be between 10 to 15 feet to the east. The side property line abuts common ground, so this will not be a concern for a neighbor sharing that property line nor will there be a problem with it meeting building separation for Fire Code.

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.*

There was no evidence found that suggests the proposed request will circumvent the intent of a condition placed on a development by the Planning Commission or the Board of County Commissioners. Section 303, Vested RV Developments and Standards and Section 930 state platted lots may be eligible for a variance to the minimum five (5) feet setback for all structures from interior lot lines.

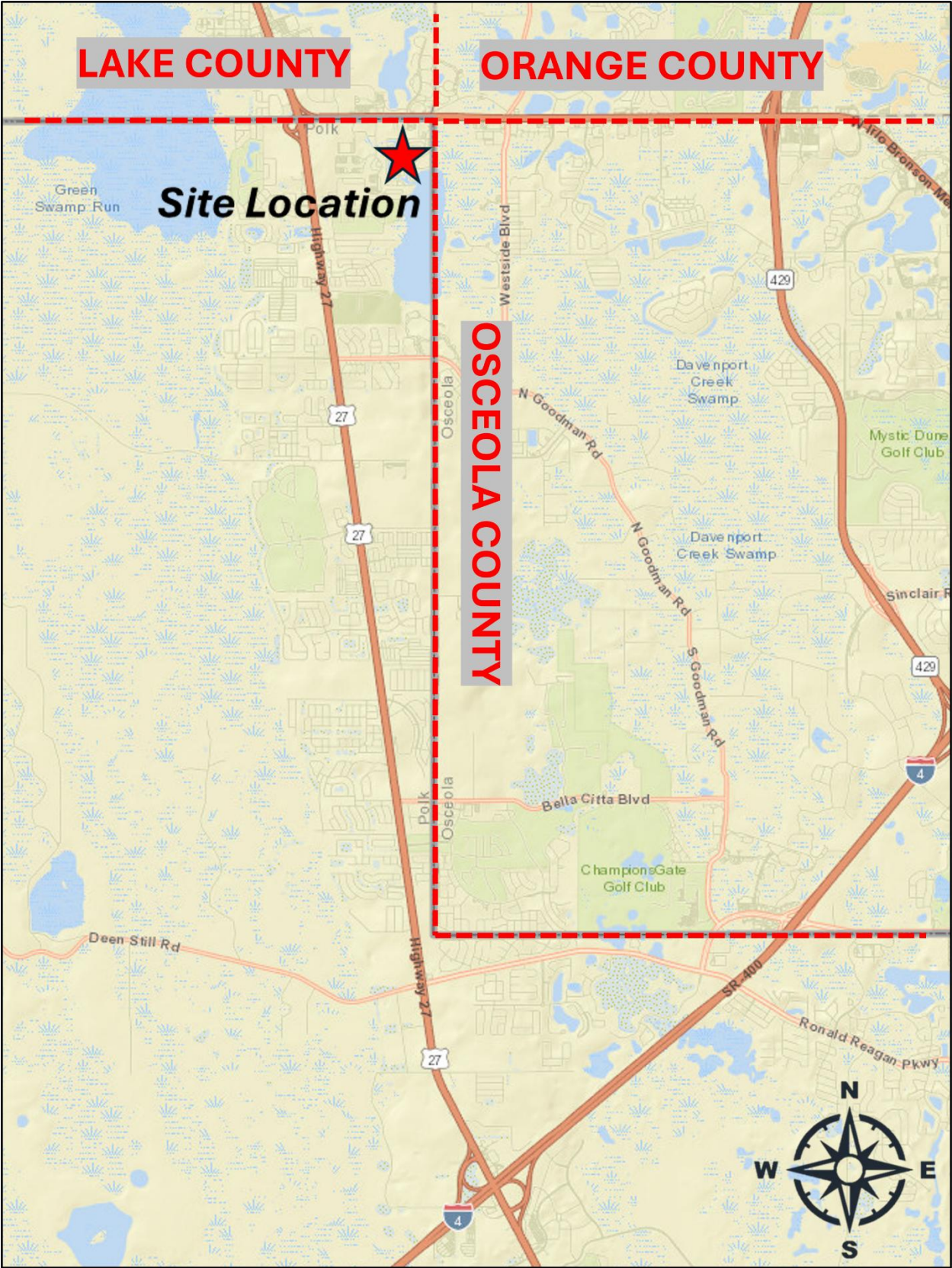
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: L/RX Common Ground	North: L/RX Common Ground	Northeast: L/RX Common Ground
West: L/RX Common Ground	Subject Property: L/RX Residential 0.07 acres	East: L/RX Residential 0.07 acres
Southwest: LAKES Environmental +200 acres	South: LAKES Environmental +200 acres	Southeast: LAKES Environmental +200 acres

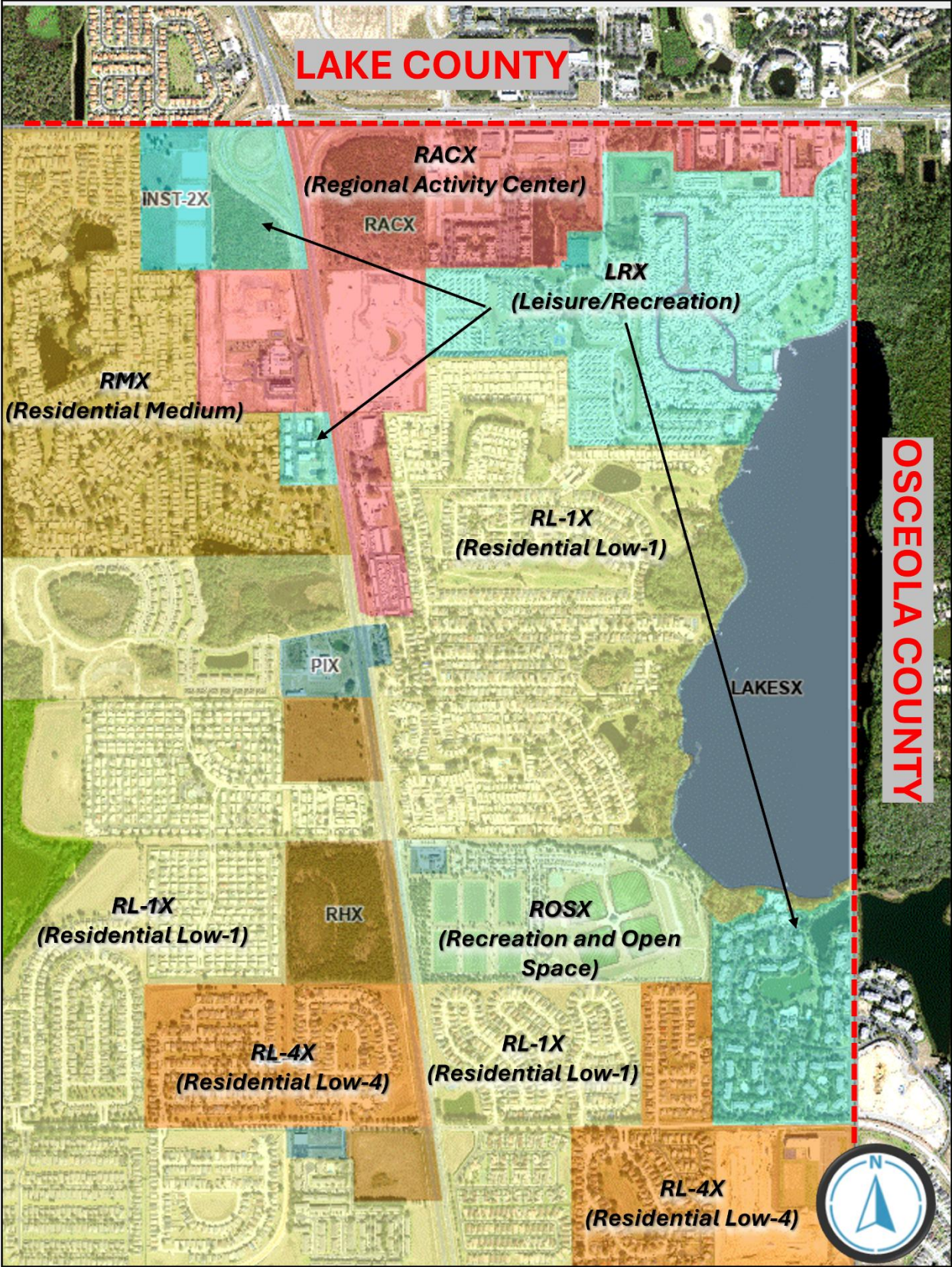
The size of the residential lots within the Outdoor Resorts at Orlando Subdivision are similar in size to the subject property. According to Property Appraiser, many of the surrounding mobile homes are similar in size (22' x 35') and were built in 1993 after the administrative determination without the need for a variance.

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



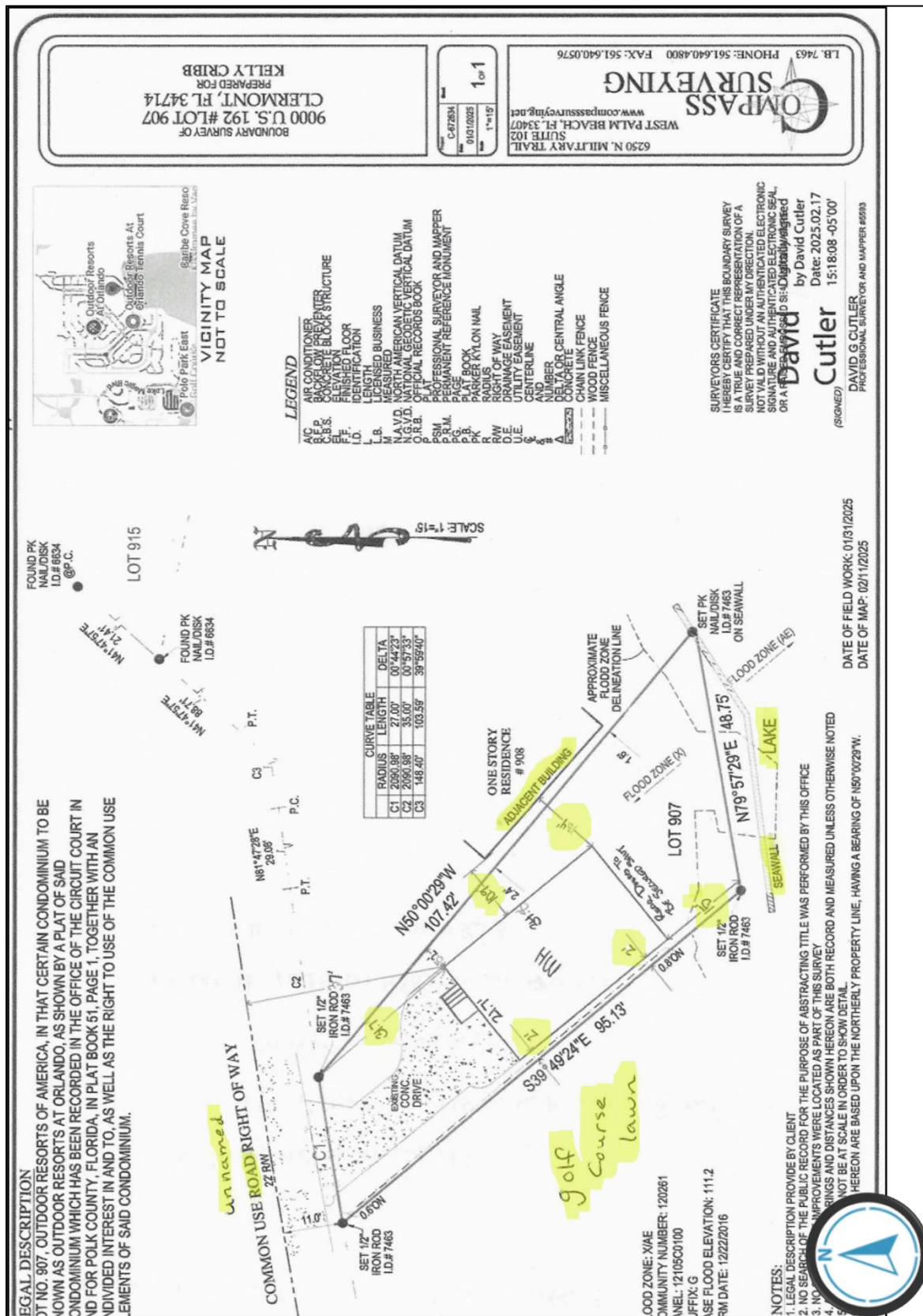
Future Land Use Map



Aerial Imagery (Context)



Aerial Imagery (Close)



General Variance Information Needed Prior to Submittal

Prior to applying for a variance, please be aware that the following justification criteria from Section 931 of the Polk County Land Development Code must be demonstrated for all requests for variances. Please answer these questions to the best of your ability and upload them as an attachment to your application.

1. That the 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;

Lot 907 is unique, in that the right property line adjoins the golf course lawn, with no structures nearby on that side of the property. Additionally, the rear property line has no common ground, as it adjoins the lake. The new manufactured home will be outside of the floodplain also.

2. That the literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code;

ORO used to be a 'zero lot' community. More recently, the side-yard setbacks changed to 5', to allow more open space between structures. My request is to allow 2' off the right lot line and provide my new home's left side-yard setback to be 10.9' from the adjacent building. This would be the closest corner to Lot 908's building, as the rear widens to 13.4' from their building. The 2' setback would also result in the new home being placed on the existing concrete, which avoids disrupting the existing ground base.

3. That the special conditions and circumstances do not result from the actions of the applicant;

The old 1979 trailer & Florida Room were removed in June 2025. This new unit would have almost the same side setbacks as the original structure. This would result in a much safer property, being all up to current codes, and aesthetically more appealing to the community.

4. That the granting of the variance will not confer on the applicant any special privilege that is denied by this code to other lands, structures, or buildings in the same district;

I don't feel this gives me any special privilege, as others that had sufficient room were granted variances also.

5. That granting the variance will not circumvent a condition or the intent of a condition placed on the development by the Planning Commission or the BoCC;

The ORO management, and Board of Directors approves and are in favor of my new home, as it will be a much safer and appealing property. As our existing units get older and deteriorated, it is prudent to replace them with new units that meet current standards for hurricanes, general code compliance, etc.

6. That the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

My request is the minimum variance possible, to maintain a minimum of 10' from the left neighbor's adjacent building. An important objective is to stay as far as possible from the adjacent building.

Justification