

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

DRC Date	March 13, 2025	CASE #:	LDLVAR-2025-13 (Skyview Variance)
LUHO Date	April 24, 2025	LDC Section:	Table 2.2

Request: The applicant is requesting a variance to reduce the rear setback from 15 to seven (7) feet to build a duplex.

Applicant: Hulbert Homes, Inc.

Property Owner: Hulbert Homes, Inc.

Location: 1905 Skyview Boulevard, north of Skyview Drive, west of Reynolds Road, east of Combee Road, east of Lakeland in Section 22, Township 28, Range 24.

Parcel ID#: 242822-000000-023011

Size: 0.17 +/- acres

Land Use Designation: Residential Suburban (RS)

Development Area: Suburban Development Area (SDA)

Case Planners: Ian Nance

Summary:

The applicant is requesting a variance to reduce the rear setback from 15 to seven (7) feet to build a 1,908 sq. ft. duplex. This property is within an unrecorded subdivision in the greater Skyview development east of Lakeland. The property is irregularly shaped and small for the RS future land use district, which places hardships when accommodating a duplex structure. The site accesses a private road easement where a portion of the road is owned fee-simple by each owner along the easement.

Staff recommends approval of this request, finding that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The proposed structure will meet all other setbacks onsite. The reduction to the rear setback is needed to provide sufficient parking space for the future residents. No drainage easements are known onsite, and the 40-foot-wide easement exceeds standards for access requirements. This duplex represents an infill opportunity for affordable housing near the city.

Development Review Committee

The Development Review Committee (DRC), 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-2025-13**.

CONDITIONS OF APPROVAL:

1. Approval of this variance is to reduce the rear setback from 15 to seven (7) feet to build a duplex. Further additions or structures placed on the property shall be required to meet the requirements 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 three (3) years 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.

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 applicant is requesting a variance to reduce the rear setback from 15 to seven (7) feet to build a 1,908 sq. ft. duplex. The property is a legal lot of record within an unrecorded subdivision in Skyview, an area east of Lakeland.

Staff finds no reason why this request would be injurious to the surrounding area. The proposed duplex is a relatively modest in size but is required to provide four parking spaces, in accordance with Land Development Code (LDC) Section 708. This section requires two off-street parking spaces per unit (4 total). Maintaining the 20-foot setback from the edge of the paved private easement allows all vehicles to park without intruding into the paved area thus creating a safety issue. In theory, and as detailed below, it is possible this duplex could develop with a 15-foot setback from the edge of pavement, but this would create a dangerous situation for vehicle parking. The reduction in the rear setback will create no such problems, as it abuts wetlands and past phosphate mining that is unlikely to be developed.

Staff has not identified any easements on the property and none are indicated by the applicant. There is approximately 20-22 feet of pavement width leading to the site, sufficient for emergency vehicles.

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 lot is approximately 0.17 acres or 7,405 sq. ft. with irregular lot lines that make placing a duplex challenging. The acreage is well-shy of the 5-acre minimum required in RS for a residential building permit. As such, the setbacks which are scaled to a typical RS lot place a hardship on this site.

The applicant has tried to fit the duplex onto the site to accommodate the RS setbacks without success. The applicant has also worked to preserve an existing tree that has further complicated development. Maintaining the 20-foot setback from the edge of pavement has been critical, too.

LDC Section 208.E does provide some setback relief for lots of record by applying those from a Future Land Use designation with comparable lot size minimums. For instance, this site would be comparable to a Residential Low-4 designation. In this case, the front setbacks could be reduced to 15 feet, this could then provide relief for the rear setbacks. However, this is assuming a standard lot within a platted subdivision with garage setbacks of 25 feet. Since this structure will not have a garage and with the need to provide off-street parking, there is no benefit in applying this setback relief.

This section of Skyview was not platted, unlike other phases. As such, there are no tracts for roads and drainage as one would find in modern subdivisions. These roadways are owned fee-simple to the centerline by each lot owner along Skyview Boulevard. This is an

old arrangement that creates maintenance issues when an HoA or PoA does not exist. The applicant intends on fixing the road, at least where abutting the subject site. Sacrificing three feet of rear setback at one corner of the duplex is a compromise to ensure the integrity of easement and allowing the required parking.

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

The subject lot was created prior to the adoption of the Comprehensive Plan in its current configuration and was once a part of the larger Skyview Country Club which closed in 2014. At +/- 0.17 acres, it is well shy of the 5-acre minimum lot sizes required by the LDC for residential development.

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;*

Aside from the rear setback reduction, granting this variance will not allow anything else that would not be allowable in the RS land use district. Duplexes typically require a Level 3 Review and permission from the Planning Commission in order to develop; however Land Development staff has determined this parcel to be a legal lot of record, and a duplex was approved administratively through LDC Section 303 which allows a duplex structure on legal lots if one is located on an abutting property, as is the situation here (LDIF-2025-2).

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

As described above, the requested variance is believed to be the minimal variance necessary to optimize the use of the owner's land and build the structure as requested.

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. As described above, duplexes are allowed in RS either through a Level 3 Review or through an administrative determination of infill, pursuant to LDC Section 303.

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 going to result in the creation of a lot or parcel that does not meet the requirements of the Code. This parcel has already been deemed a legal lot of record. It cannot be further subdivided without losing its legal status.

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.*

This site is not subject to any Planning Commission or BoCC conditions. It is not within a Planned Unit Development or Planned Development.

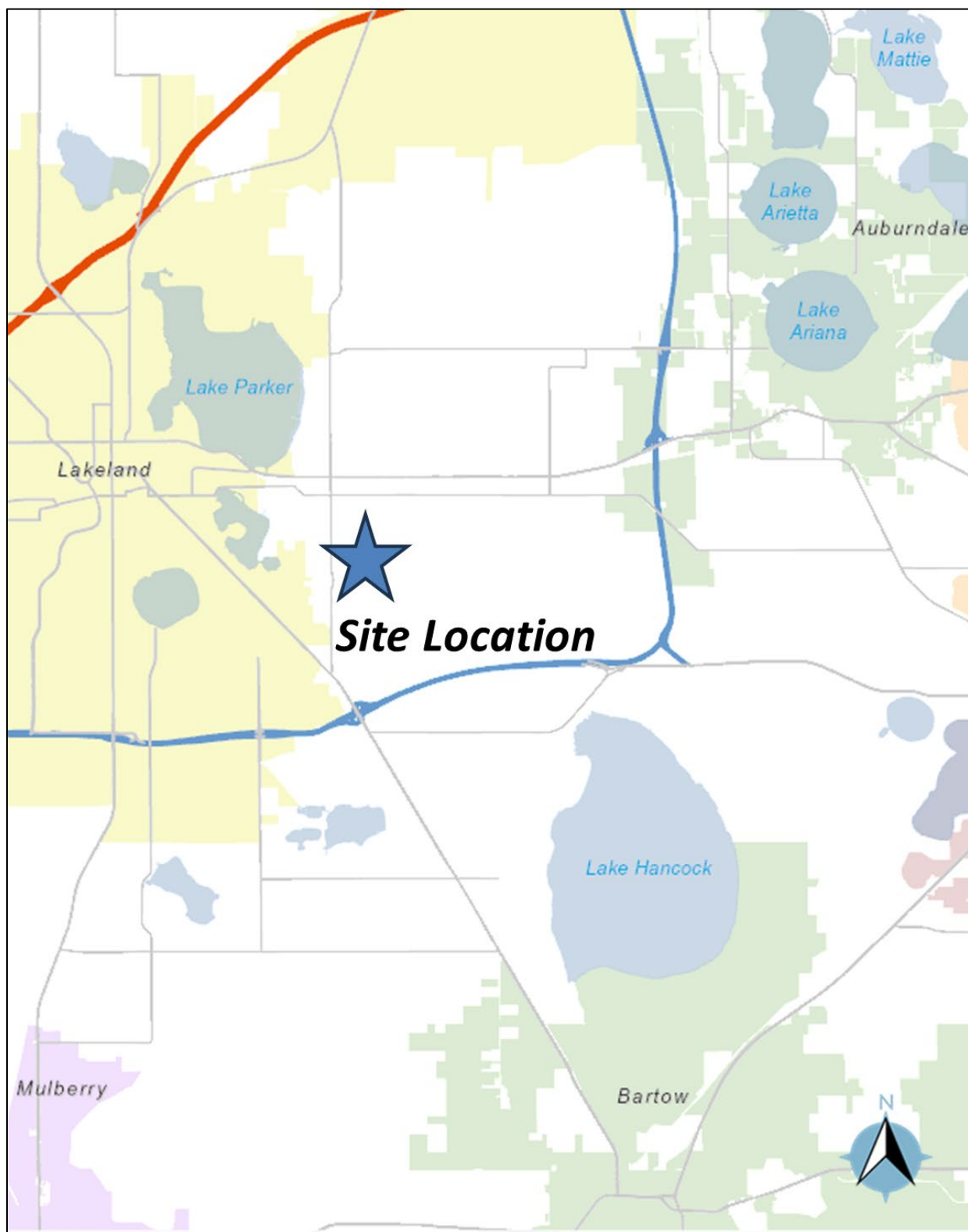
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: RS/RL-1 Vacant/Pasture/Wetlands	North: RS Vacant/Former Clubhouse	Northeast: RS Vacant/Former Clubhouse
West: RS/RL-1 Vacant/Pasture/Wetlands	Subject Property: RS Vacant (+/- 0.17 Acres)	East: RS Mobile Home (+/- 0.51 Acres)
Southwest: RS/RL-1 Vacant/Pasture/Wetlands	South: RS Duplex (+/- 0.24)	Southeast: RS Mobile Home (+/- 0.51 Acres)

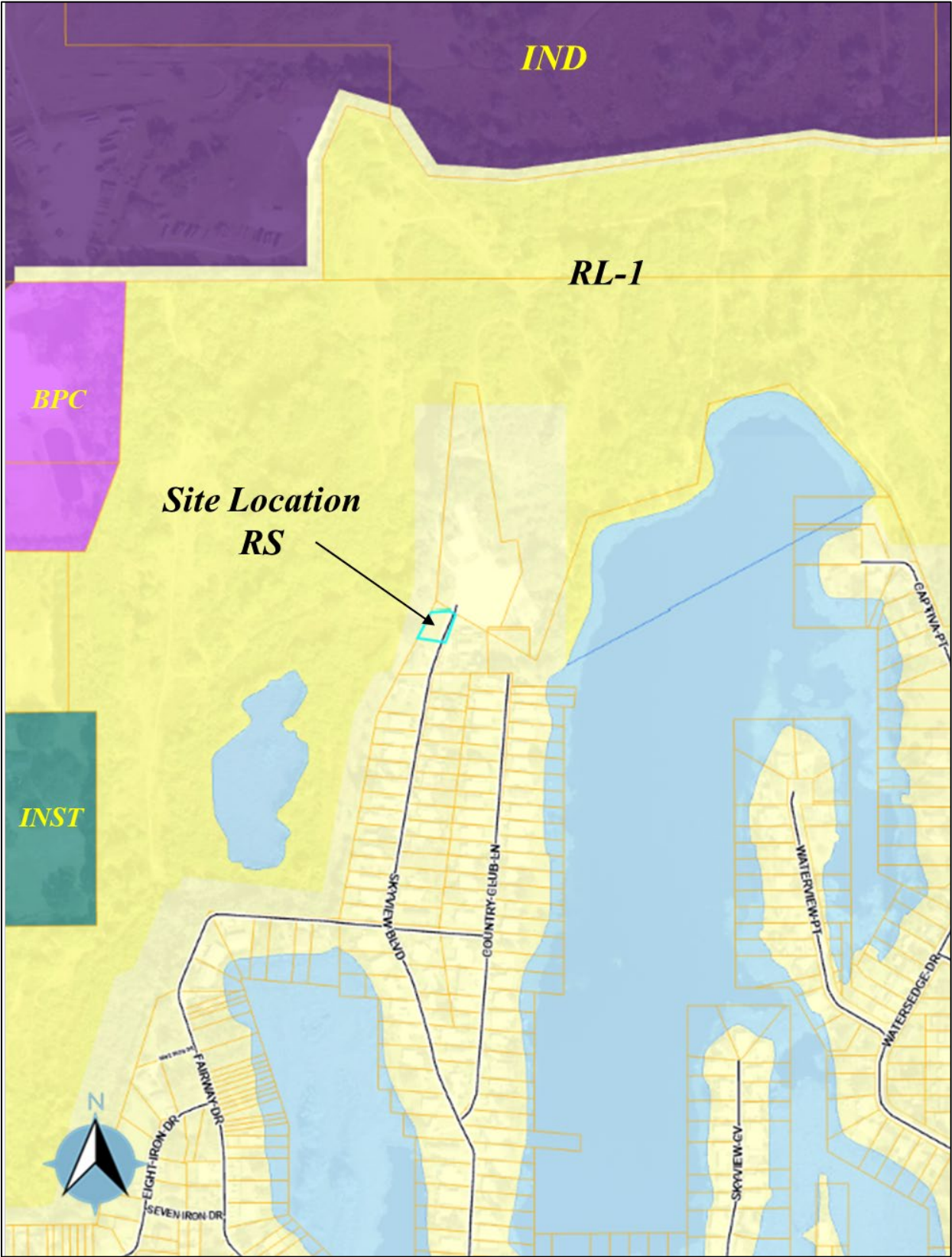
This subject site is abutted to the west by wetlands and reclaimed phosphate mining property that is unlikely to be developed, at least close to the parcel lines. To the north are the remnants of the old Skyview Country Club, including the large parking lot. Residences inside this area of Skyview are mostly mobile homes and duplexes on lots of various sizes. This duplex will add more and newer affordable housing to an area prime for redevelopment.

Exhibits:

Exhibit 1	Location Map
Exhibit 2	Future Land Use Map
Exhibit 3	Aerial Image – Context
Exhibit 4	Aerial Image – Close
Exhibit 5	Site Plan



Location Map



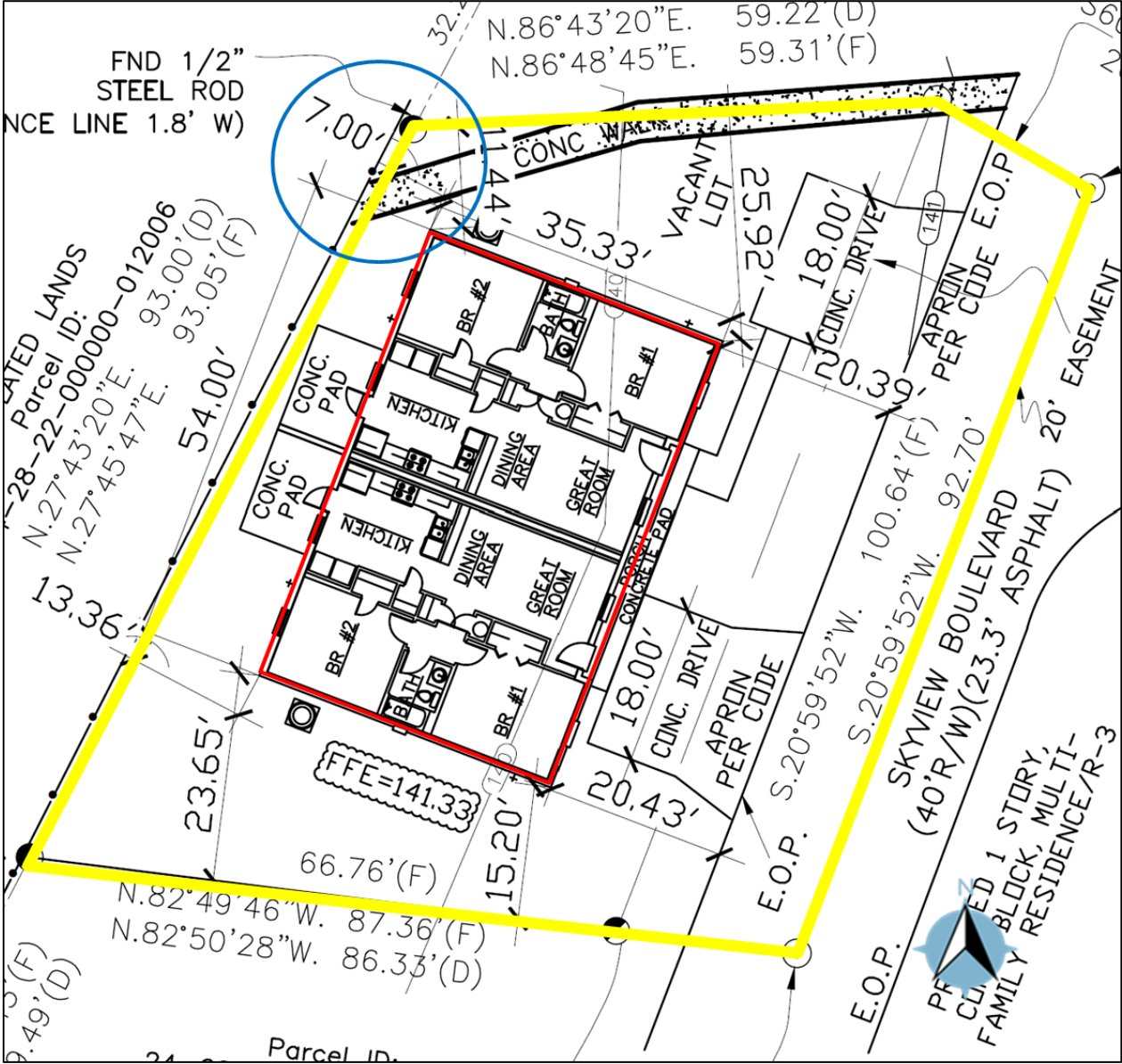
Future Land Use Map



Aerial Image – Context



Aerial Image – Close



Site-Plan