

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

<b>DRC Date:</b> March 13, 2026	<b>CASE #:</b> LDLVAR-2026-8 (Salmeron Variance)
<b>LUHO Date:</b> April 23, 2026	<b>LDC Section:</b> Section 205, Table 2.2

**Request:** The applicant is requesting an accessory structure side setback reduction from five (5) feet to three (3) feet and a rear setback reduction from 10 feet to three (3) feet for a shed; and a primary structure rear setback reduction from 15 feet to five (5) feet for an attached screened room on approximately 0.10 acres within a residential neighborhood.

**Applicant:** Samuel Salmeron

**Property Owner:** Samuel Salmeron and Dinora Novoaderodriguez

**Location:** The subject property is located at 34 Sunset Circle, north of Highway 92, south of Lake Alfred Road, east of Dairy Road, west of Lynchburg Road, west of the City of Lake Alfred in Section 06, Township 28, Range 26.

**Parcel ID#:** 262806-526510-000340

**Size:** ±0.10 acres

**Land Use Designation:** Residential Suburban (RS)

**Development Area:** Suburban Development Area (SDA)

**Case Planner:** Kyle Rogus, Planner II

**Summary:**

The applicant is requesting an accessory structure side setback reduction from five (5) feet to three (3) feet and a rear setback reduction from 10 feet to three (3) feet for a shed; and a primary structure rear setback reduction from 15 feet to five (5) feet for an attached screened room on approximately 0.10 acres within a residential neighborhood. The subject property is in the Residential Suburban (RS) land use district. The size of the lot does not meet the 5-acre minimum residential lot area. The subject site is designated as Lot 34 of the Lake Mariana Shores Mobile Home Subdivision recorded under Plat Book 56, Page 2 in March 1972. The current size of the property along with RS setbacks restricts the applicant from expanding upon the existing residence or adding any further structures on site without setback relief.

The property is located between two roadways: Sunset Circle and Sunset Drive. According to Chapter 2, Section 209.D.4, *“when a lot is determined to be a reverse frontage lot, 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".* The primary front access is off Sunset Circle, therefore the rear yard of the property abuts Sunset Drive allowing for accessory structures and rear setbacks.

According to the applicant's site plan, the mobile home is 20 feet from the right-of-way, 15 feet from the rear property boundary, and 12 feet from the east and west property boundaries. Pursuant to Chapter 2, Section 205, Table 2.2, primary structures have a right-of-way setbacks of 20 feet off local roadways; 10 feet side yard setbacks; and 15 feet rear yard setbacks. Accessory structures have five (5) feet side yard setbacks and 10 feet rear yard setbacks. Any future expansion to the primary structure on this site without the need for a variance is limited to two (2) feet on either side of the residence.

Pursuant to Section 209.D of the LDC, accessory structures shall be located in the side or rear yard. The shed will be in the southwest corner of the property, three (3) feet from both west and south property lines. The location of the primary structure and RS setbacks make it difficult to develop elsewhere, while meeting 209.D.

Staff finds this request will cause no direct or indirect harm to the community, is consistent with the surrounding properties, and maintains the integrity of the neighborhood.

Staff recommends approval of LDLVAR-2026-8 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 request will not block or limit the view of traffic. An opaque fence surrounds the property's side and rear boundaries. The screened room will be in the rear yard. Sunset Drive to the south of the subject site bifurcated the Lake Mariana Shores Subdivision from the mobile home park located within Lake Alfred city limits. There are no easements on the property.

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 Residential Suburban (RS) land use district. The minimum residential lot area in the RS is five (5) acres. The subject property is smaller than the minimum lot size at approximately 0.10 acres as Lot 34 of the Lake Mariana Shores Mobile Home Subdivision. The small lot size and RS setbacks limit the placement of the primary home and accessory structures without the relief from setbacks.

### **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-2026-8**

## **CONDITIONS OF APPROVAL:**

1. The approval of this variance is to reduce the accessory structure side setback from five (5) feet to three (3) feet and the rear setback from 10 feet to three (3) feet for a shed; and a primary structure rear setback reduction from 15 feet to five (5) feet for an attached screened room. Further additions or structures placed on the property shall be required to meet the setback requirements of Section 205, 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.

## **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;*

Pursuant to Chapter 2, Section 209.D.4, “when a lot is determined to be a reverse frontage lot, 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”. The primary front access is off Sunset Circle, therefore the rear yard of the property abuts Sunset Drive allowing for accessory structures such as the shed in the applicant’s request (see Exhibit 4).

**Primary Structure**

Pursuant to Chapter 2, Section 205, Table 2.2, primary structures have a right-of-way setback of 20 feet off local roadways; 10 feet side yard setbacks; and 15 feet rear yard setbacks. The dimensions of the proposed screened room will be approximately 10 feet wide and 20 feet in length. The variance request is to reduce the;

- Primary structure rear yard setback from 15 feet to five (5) feet;

**Accessory Structure**

Pursuant to Chapter 2, Section 205, Table 2.2, accessory structures have 5-foot side yard setbacks and 10-foot rear yard setbacks. The dimensions of the proposed shed will be approximately eight (8) feet wide, and 12 feet in length. The variance request is to reduce the;

- Accessory structure rear yard setback from 10 feet to three (3) feet;
- Accessory structure side yard setback from five (5) feet to three (3) feet;

The granting of this request will not be injurious to the area as the shed will be in the rear yard and fully screened with an existing opaque fence. The screened room will be in the rear yard. Sunset Drive to the south of the subject site bifurcated the Lake Mariana Shores Subdivision from the mobile home park located within Lake Alfred city limits. There are no easements located within the property boundaries.

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;*

Lake Mariana Shores was platted with smaller lots intended as a mobile home subdivision. The subject site is designated as Lot 34 of the Lake Mariana Shores Mobile Home Subdivision recorded under Plat Book 56, Page 2 in March 1972. The property was originally zoned Residential R-4 with a 15-foot front yard setback, 20-foot rear setback, and 15-foot side setback where no side shall be less than 2.5 feet. According to Plat Book 56, Page 2 the County Right-of-way (ROW) for Sunset Drive ended prior to the subject site leaving the rest of Sunset Drive to the rear of the subject site to act as a drive aisle rather than a roadway, thus requiring the 20-foot rear setback. This property was later rezoned Multi-family (MF-8M) and then further changed to the Residential Suburban (RS)

land use district with the adoption of the Future Land Use Map. This lot is below the RS minimum lot size of 5 acres. Setbacks restrict further development without impeding on either primary and/or accessory structure setbacks. The 10 by 20-foot screened room will be five (5) feet from the southern property boundary within the 15-foot primary structure rear yard setback, and the eight (8) by 12-foot shed will be three (3) feet from the south and west property boundaries within the five (5) foot accessory structure side yard setbacks and 10-foot accessory structure rear yard setback.

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 July 2023, according to the Polk County Property Appraiser. The home was built in 2025 meeting all setback requirements. However, the subject site is 0.10 acres and the placement of the mobile home was placed on the setback boundaries offering no further expansions to the structure or site without relief from the required setbacks. According to the applicant's site plan, the mobile home is 20 feet from the right-of-way, 15 feet from the rear property boundary, and 12 feet from the east and west property boundaries. Any future expansion to the primary structure on this site without the need for a variance is limited to 2 feet on either side of the residence.

Additionally, the 20-foot right-of-way setback utilizes the majority of the property minimizing the side and rear yard. Unlike garages, accessory structures are only allowed in the side or rear yard limiting the placement of the shed. There is no variance to the location of an accessory structure to be placed outside the side or rear yard, only a variance for setback reduction. The shed is eight (8) by 12 feet or and is asking for a 2-foot reduction west and 7-foot reduction to the south. This is a very minimal and discrete request. If the primary structure right-of-way and rear setback were to resemble the density and intensity of the development and not the land use designation, the mobile home could be placed further to the north offering more relief to the rear yard.

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 situated on the primary structure right-of-way and rear setback boundaries. Because of the size and setbacks within the Residential (RS), development on site is limited to what is existing on site today without any need for a variance. Any further development or expansion on site will require relief from the (RS) setbacks.

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 0.10 acres below the 5-acre minimum residential lot area in the RS land use district. The subject site is designated at lot 34 of the Lake Mariana Shores recorded as a mobile home subdivision with smaller lot under Plat Book 56, Page 2 in March 1972, prior to the Land Development Code (LDC). The size limits further expansion on the existing mobile home without relief from the RS required setbacks. The house currently sits on the required setback boundaries, approximately 20 feet from the north property boundary and 15 feet from the south property boundary.

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. The property was originally zoned Residential R-4 with a 15-foot front yard setback, 20-foot rear setback, and 15-foot side setback where no side shall be less than 2.5 feet. According to Plat Book 56, Page 2 the County Right-of-way (ROW) for Sunset Drive ended prior to the subject site leaving the rest of Sunset Drive to the rear of the subject property to act as an extended drive aisle rather than a roadway, thus requiring the 20-foot rear setback. Under current regulations, the ROW setback is 20 feet and rear setback is 15 feet, reversing the original 15-foot front yard and 20-foot rear yard R-4 zoning setbacks. The placement of the mobile home is, in essence, where the development was planned when the mobile home subdivision was platted in 1972.

**Surrounding Future Land Use Designations and Existing Land Use Activity:**

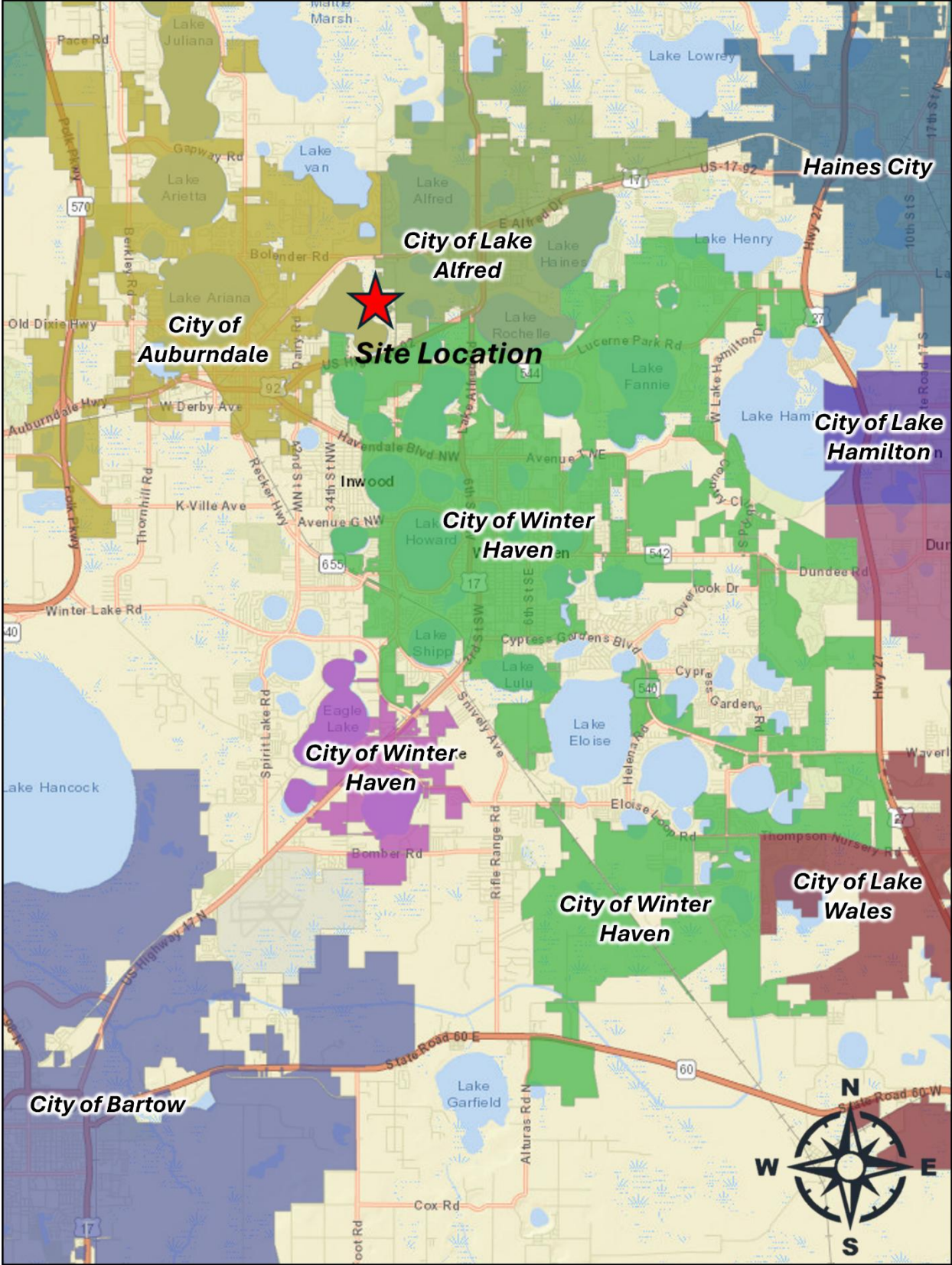
<p><b>Northwest:</b> Residential Suburban (RS) Mobile Home Side setbacks: 10' / 5' Rear setbacks: 15' / 10' 0.11 acres</p>	<p><b>North:</b> Residential Suburban (RS) Mobile Home Side setbacks: 10' / 5' Rear setbacks: 15' / 10' 0.11 acres</p>	<p><b>Northeast:</b> Residential Suburban (RS) Mobile Home Side setbacks: 10' / 5' Rear setbacks: 15' / 10' 0.11 acres</p>
<p><b>West:</b> Residential Suburban (RS) Mobile Home Side setbacks: 10' / 5' Rear setbacks: 15' / 10' 0.10 acres</p>	<p><b>Subject Property:</b> Residential Suburban (RS) Mobile Home Side setbacks: 10' / 5' Rear setbacks: 15' / 10' 0.10 acres</p>	<p><b>East:</b> Residential Suburban (RS) Mobile Home Side setbacks: 10' / 5' Rear setbacks: 15' / 10' 0.10 acres</p>
<p><b>Southwest:</b> City of Lake Alfred Mobile Home Park No setbacks, adequate separation for fire protection 11.67 acres</p>	<p><b>South:</b> City of Lake Alfred Mobile Home Park No setbacks, adequate separation for fire protection 11.67 acres</p>	<p><b>Southeast:</b> City of Lake Alfred Mobile Home Park No setbacks, adequate separation for fire protection 11.67 acres</p>

The size of the residential lots within the Lake Mariana Shores Subdivision do not correspond with the minimum residential lot size of the Residential Suburban (RS) land use district, however are still subject to the RS setbacks pursuant to Chapter 2, Section 205, Table 2.2. The neighboring

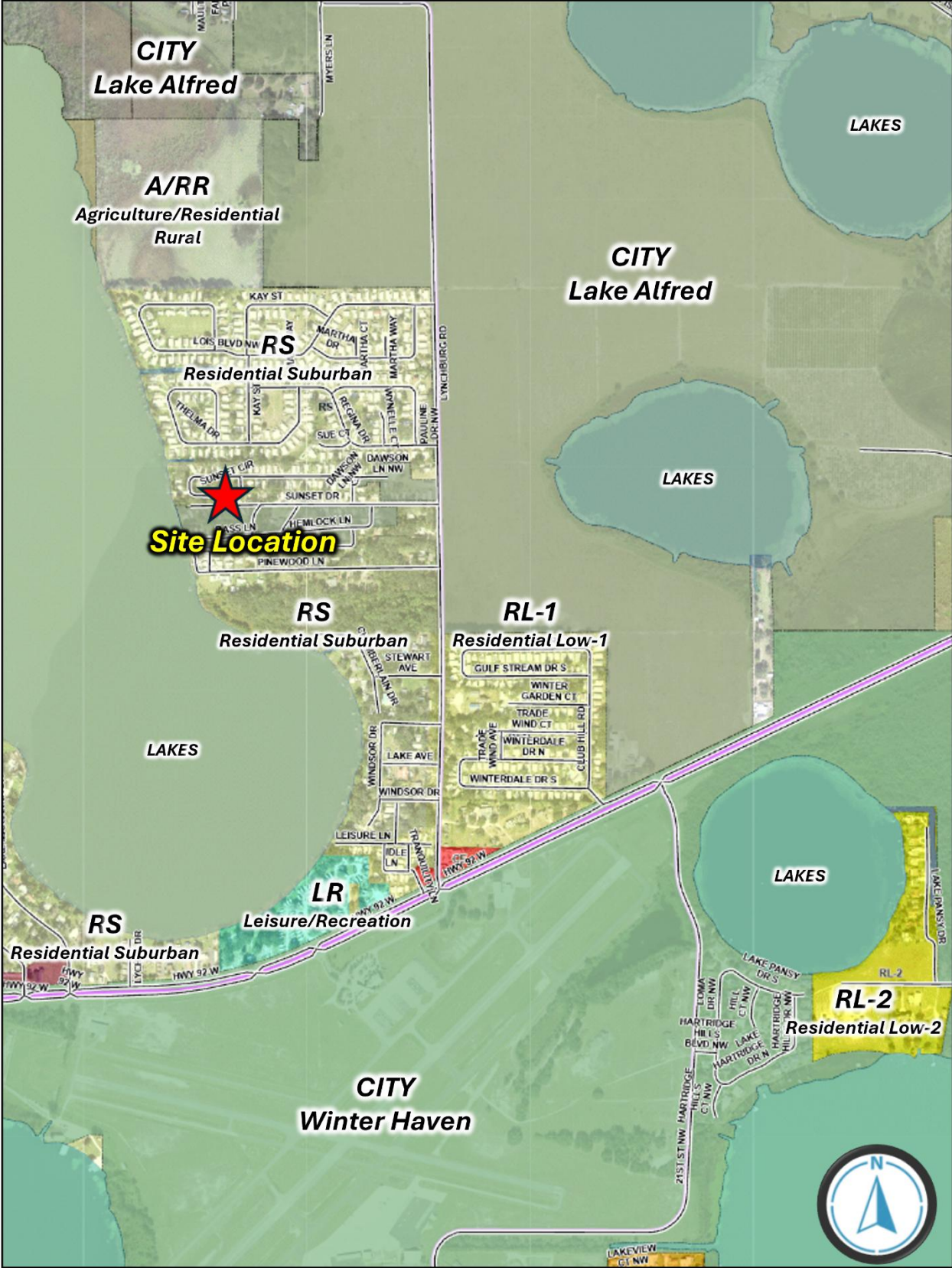
residential lots abutting the site to the east and west share the same frontage on Sunset Circle, only having one right-of-way setback offering some relief to the setback requirements for both primary and accessory structures.

**Exhibits:**

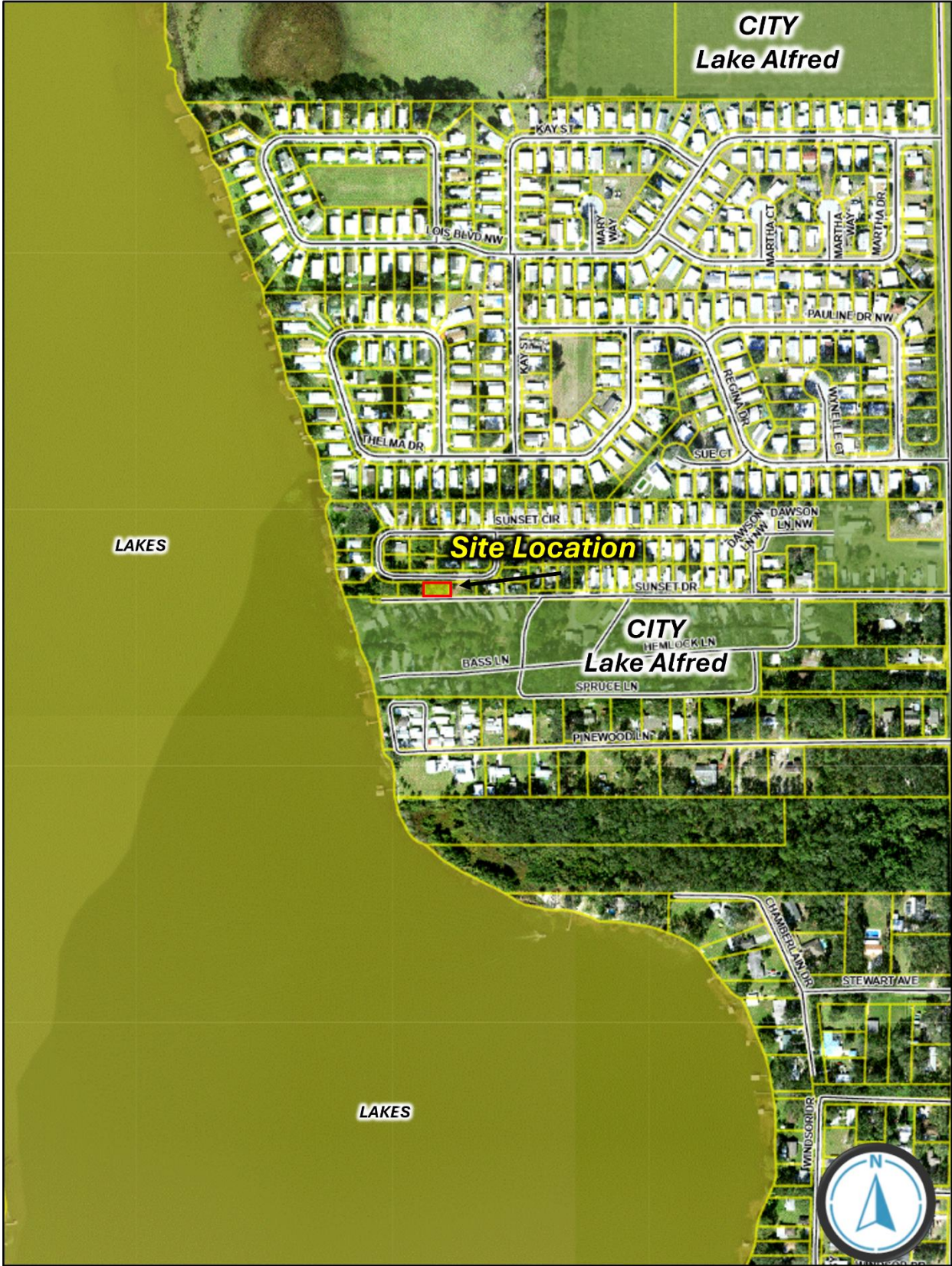
- Exhibit 1      Location Map
- Exhibit 2      Future Land Use Map
- Exhibit 3      Aerial Imagery (Context)
- Exhibit 4      Aerial Imagery (Close)
- Exhibit 5      Site Plan
- Exhibit 6      Justification



Location Map



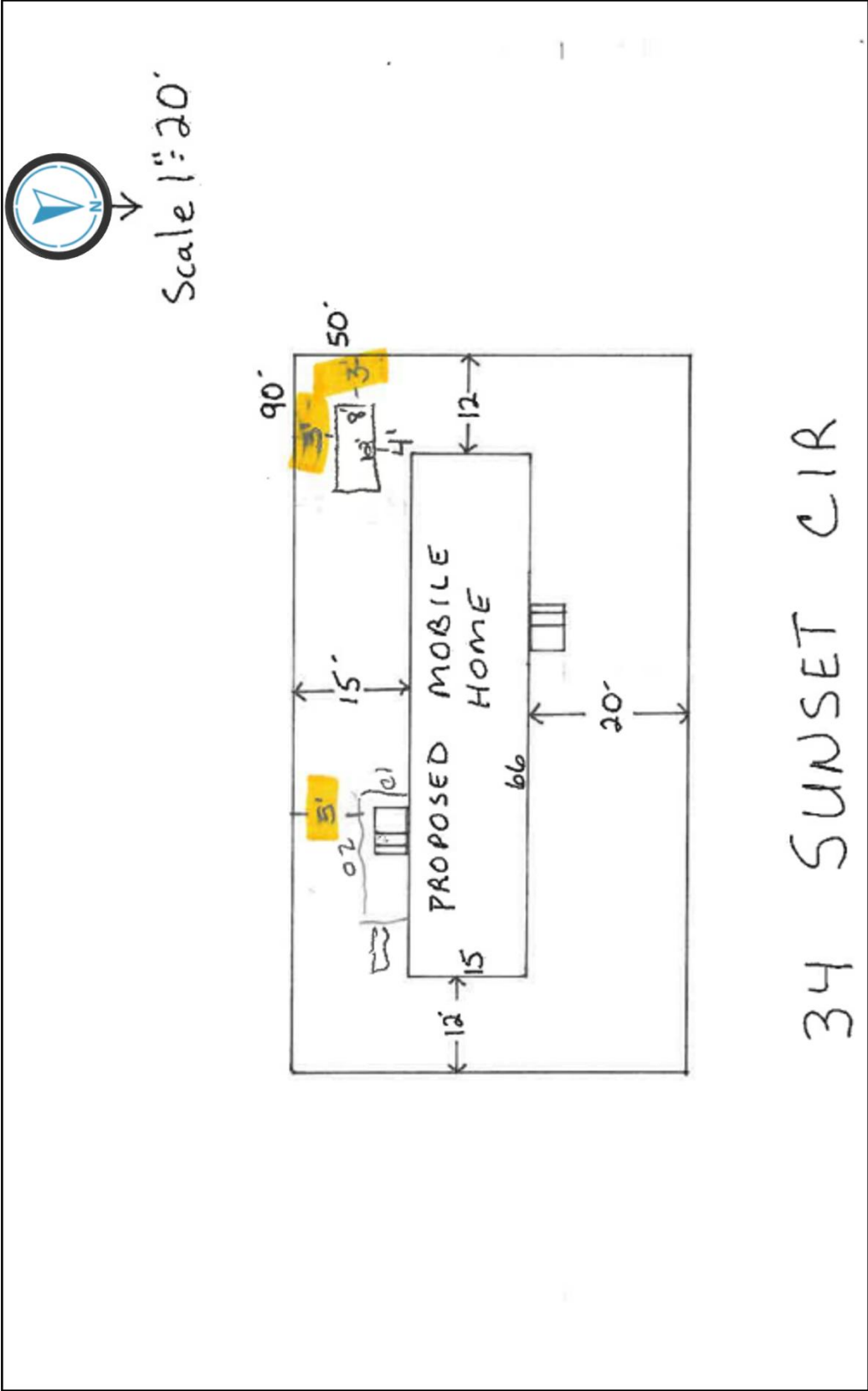
# Future Land Use Map



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?  
size of the lot and location of mh

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

2023

What is the hardship if the variance is not approved?

will not be able to build his screened in porch.

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

yes

Do you have Homeowners Association approval for this request?

n/a

## Justification