

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

DRC Date: June 12, 2025	CASE #: LDLVAR-2025-27 (Teegarden Variance)
LUHO Date: July 24, 2025	LDC Section: PUD 89-03

Request: The applicant is requesting a primary structure rear setback reduction from fifteen (15) feet to five (5) feet and a primary structure side setback reduction from seven (7) feet to four (4) feet for the construction of a 24 by 40 pool cover.

Applicant: Christopher Teegarden

Property Owner: Christopher Teegarden

Location: The subject property is located at 2222 Blackwood Drive, north of Highway 60, south of Polk Parkway, east of County Line Road, west of Church Avenue, south of the City of Lakeland in Section 27, Township 29, Range 23.

Parcel ID#: 232927-142045-000120

Size: ±0.13 acres (5,663 sq. ft.)

Land Use Designation: Residential Low-1 (RL-1)

Development Area: Transit Supportive Development Area (TSDA)

Case Planner: Kyle Rogus, Planner I

Summary:

The applicant is requesting a primary structure rear setback reduction from fifteen (15) feet to five (5) feet and primary structure side setback reduction from seven (7) feet to four (4) feet for the construction of a 24 by 40 pool cover to provide full coverage of the existing pool area. The property is within a Residential Low-1 (RL-1) land use district and PUD 89-03. Pursuant of Section 209.F of the Land Development Code (LDC), 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. Per PUD 89-03, lots less than 6,500 square feet have a 15-foot rear setback requirement and 7-foot side setback requirement. The 15-foot rear setback requirement per PUD 89-03 is consistent with the rear setback requirement per Section 205, Table 2.2 of the LDC. Side setback requirements in the LDC are 10 feet.

The subject property is +/-0.13 acres, which is consistent with the typical lot size per PUD 89-03. The new pool cover will be rebuilt to its originally established footprint prior to when the applicant purchased the property. After the applicant purchased the property the pool cover was destroyed

during Hurricane Milton (see Exhibit #8), therefore requiring an approval of a variance from the Land Use Hearing Officer.

The home was built in 2002 and is located in Phase I of the Preserve at Sundance Planned Unit Development (PUD 89-03). The Preserve at Sundance Phase I Subdivision rear setback is consistent with the RL-1 setbacks, according to Chapter 2, Section 205, Table 2.2. Per PUD 89-03, lots less than 6,500 square feet are subject to a 7-foot side setback.

Staff finds the request to be consistent with the Land Development Code and Preserve at Sundance Phase I Subdivision. This request will cause no direct or indirect harm to the community. Staff recommends approval of LDLVAR-2025-27 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 original owner built the pool cage in 2007 with an aluminum roof that only extended 8 feet from the house (Permit #00087540). The rest of the roof was screened. Between 2014 and 2017 the original owner expanded the aluminum roof to cover the entire pool cage (see Exhibit #7). The applicant purchased the property in 2022 after the expansion. The structure has been there since 2017. There have been no code complaints.

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-2025-27**

CONDITIONS OF APPROVAL:

1. The approval of this variance is to reduce the primary structure rear setback reduction from 15 feet to 5 feet and primary structure side setback reduction from seven (7) feet to four (4) feet for the construction of a 24 by 40-foot pool cover to provide full coverage of the existing pool area. Further additions or structures placed on the property shall be required to meet the setback requirements of PUD 89-03 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 home was built in 2002 at 2,362 square feet in Phase I of the Preserve at Sundance Planned Unit Development (PUD 89-03). The original homeowner built the pool cage in 2007 with an aluminum roof extending 8 feet from the primary structure (Permit #00087540). The rest of the roof was screened. The Polk County GIS Data Viewer shows between 2014 and 2017 the original homeowner expanded aluminum roof to cover the entire pool cage without proper permitting (see Exhibit #7). Since 2017, when the original homeowner expanded the aluminum roof, no code complaints have been filed. The applicant purchased the property in 2022 with the pool cage fully covered.

The structure will be located on to the rear of the subject property, and run contiguous with the residential home extending 24 feet to the rear property line. The nearest pool cover is 28 feet on the abutting property to the north. There is a platted 10-foot utility easement on along Blackwood Drive. There are no platted easements to the side or rear of 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 Low-1 (RL-1) land use district and is approximately 0.13 acres. This lot is below the RL-1 minimum lot size of 40,000 square feet. The home was built in 2002, in Phase I of the Preserve at Sundance Planned Unit Development (PUD 89-03). According to the Preserve at Sundance Planned Unit Development (PUD 89-03), the typical lot layout is 50 by 110. The subject site is larger than the typical lot size, but is smaller than other properties in the surrounding area (see table below for more information). Lots less than 6,500 square feet were required to meet a 15-foot rear setback and 7-foot side setback.

The applicant purchased the property in 2022 with a fully covered aluminum roof pool lanai. The pool lanai was destroyed during Hurricane Milton (see Exhibit #8). While seeking approval, the previous owner had extended the pool roof coverage without permits. This feature was the main reason the applicant bought the home as it provides a shaded outdoor space crucial for extreme sun sensitivity caused by medication for a service-connected disability.

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 October 2022, according to the Polk County Property Appraiser. The home was built in 2002 at 2,362 square feet. The lanai's location was established by the previous owner in 2002 (Permit #22092850) & a pool cage remodel in 2007 (Permit #00087540). Permit #00087540 allowed for an 8-foot aluminum roof extension meeting the primary structure 15-foot rear setback requirement per Section 205, Table 2.2 and PUD 89-03. Between 2014 and 2017 the aluminum roof was extended, replacing the rest of the screened lanai (see Exhibit #7) and impeding on the primary structure rear setback. By 2022, the time of purchase, the pool was completely covered with an aluminum roof without proper permits, therefore the applicant is requesting a variance to the primary structure rear and side setback to legally restore the lanai to its original established footprint at the time of purchase in October of 2022.

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 applicant purchased the property in 2022 with the fully enclosed pool as a driving selling point. They have enjoyed the covered pool for 2 years, prior to Hurricane Milton. If they cannot put it back to the state of purchase, their purchase will lose value. Other parcels have pool covers to the rear of their property. Within a 650-foot radius, approximately 14 homes have pool screens attached to their primary structure. Of those 14, none are fully covered.

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 applicant intends to rebuild the lanai in its original, established footprint to restore the property's prior utility and value. The applicant will utilize the fully covered pool lanai as shaded protection to extreme sun sensitivity caused by medication for a service-connected disability.

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.*

The evidence found suggests the proposed request will not circumvent the intent of a condition placed on a development by the Planning Commission or the Board of County Commissioners. The property is part of a Planned Unit Development (PUD) where lots less than 6,500 square feet were approved for 15-foot right-of-way setback, 7-foot side setback, and 15-foot rear setback. The subject site was recorded in November 2001, after the adoption of the Comprehensive Plan and Land Development Code. There is a 10-foot utility easement in the front of the property. There are no recorded easements to the side or rear of the property. Per Chapter 2, Section 205, Table 2.2 of the Land Development Code, the RL-1 land use district requires right-of-way setbacks of 15 feet off local roadways; side yard setbacks of 10 feet; and rear yard setbacks of 15 feet. Right-of-way and rear setbacks per Table 2.2 of the LDC are consistent with those approved per PUD 89-03.

Surrounding Future Land Use Designations and Existing Land Use Activity:

<p>Northwest: Residential Low-1 Single-family Existing screened pool 0.19 acres</p>	<p>North: Residential Low-1 Single-family Existing screened pool 0.14 acres</p>	<p>Northeast: Residential Low-1 Sundance Phase I Retention Pond</p>
<p>West: Residential Low-1 Single-family Existing screened pool 0.20 acres</p>	<p>Subject Property: Residential Low-1 Single-family Proposed 24 by 40 sq.ft. aluminum roof pool cover 0.13 acres</p>	<p>East: Residential Low-1 Sundance Phase I Retention Pond</p>
<p>Southwest: Residential Low-1 Single-family Existing screened pool 0.20 acres</p>	<p>South: Residential Low-1 Single-family 0.13 acres</p>	<p>Southeast: Residential Low-1 Sundance Phase I Retention Pond</p>

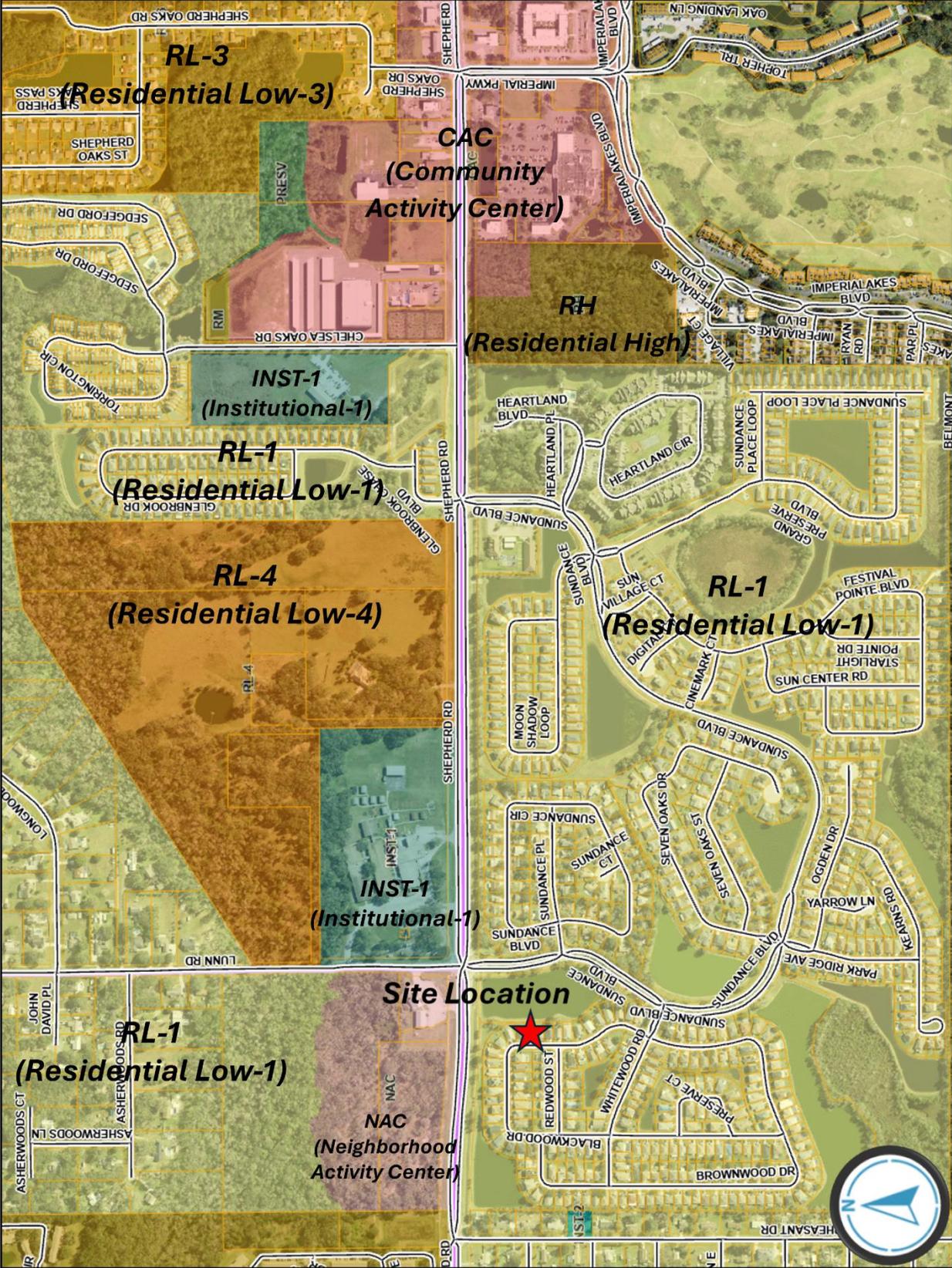
The surrounding properties are below the minimum 40,000 square feet residential lot size in the RL-1 land use district, but are consistent with the typical lot size of PUD 89-3. Recent aerial data viewers show multiple properties in the immediate surrounding area have similar screened pools. The property directly to the west of the subject site, across Blackwood Drive, has an existing screened pool in the rear of the property that measures approximately 33' x 40' with a 10-foot aluminum roof extension (see Exhibit #4). The Property Appraiser website cites the single-family dwelling on that property to be 2,362 square feet.

Exhibits:

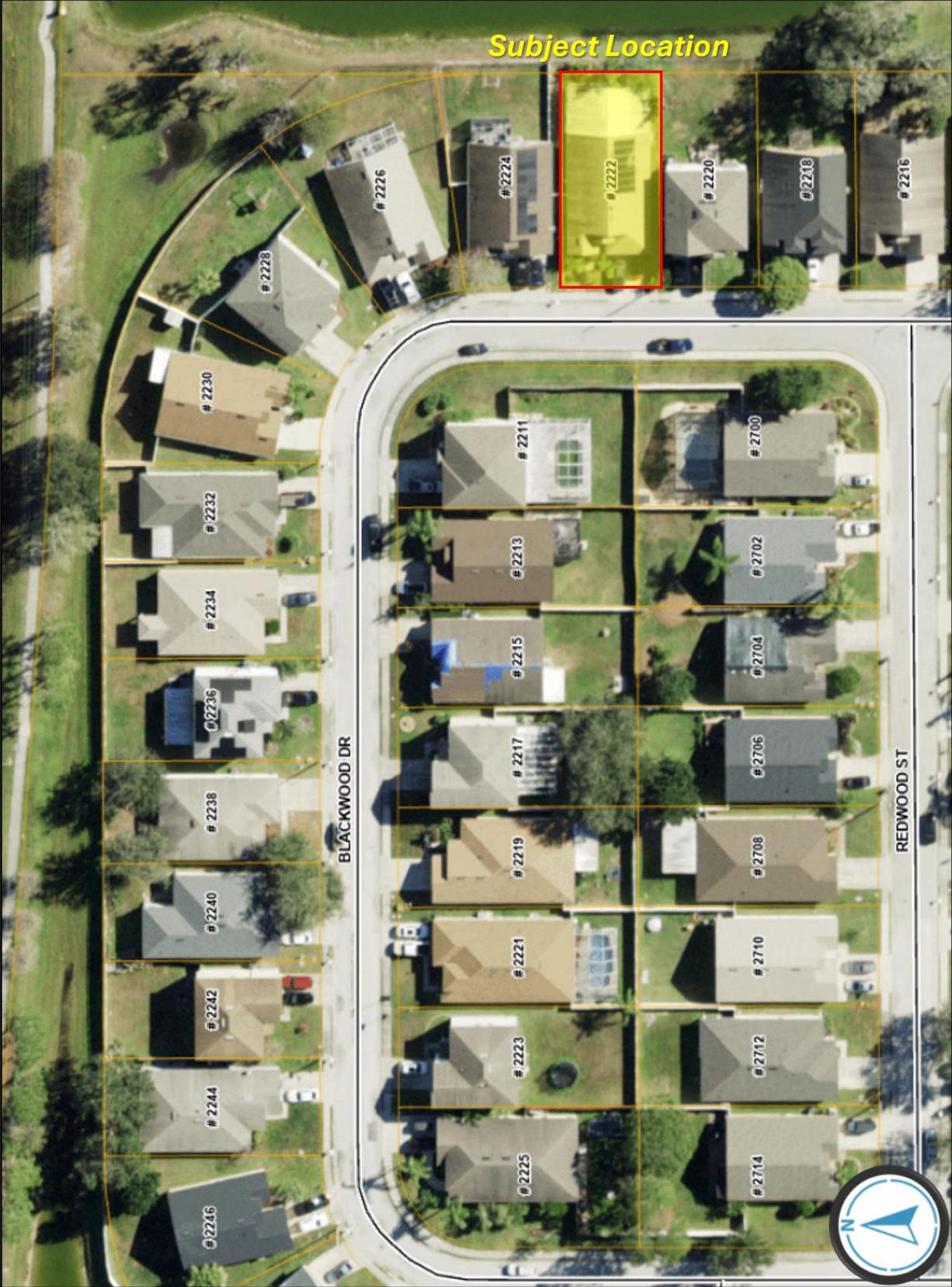
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Imagery (Context)
- Exhibit 4 Aerial Imagery (Close)
- Exhibit 5 Site Plan
- Exhibit 6 Aerial Comparison
- Exhibit 7 Hurricane Milton



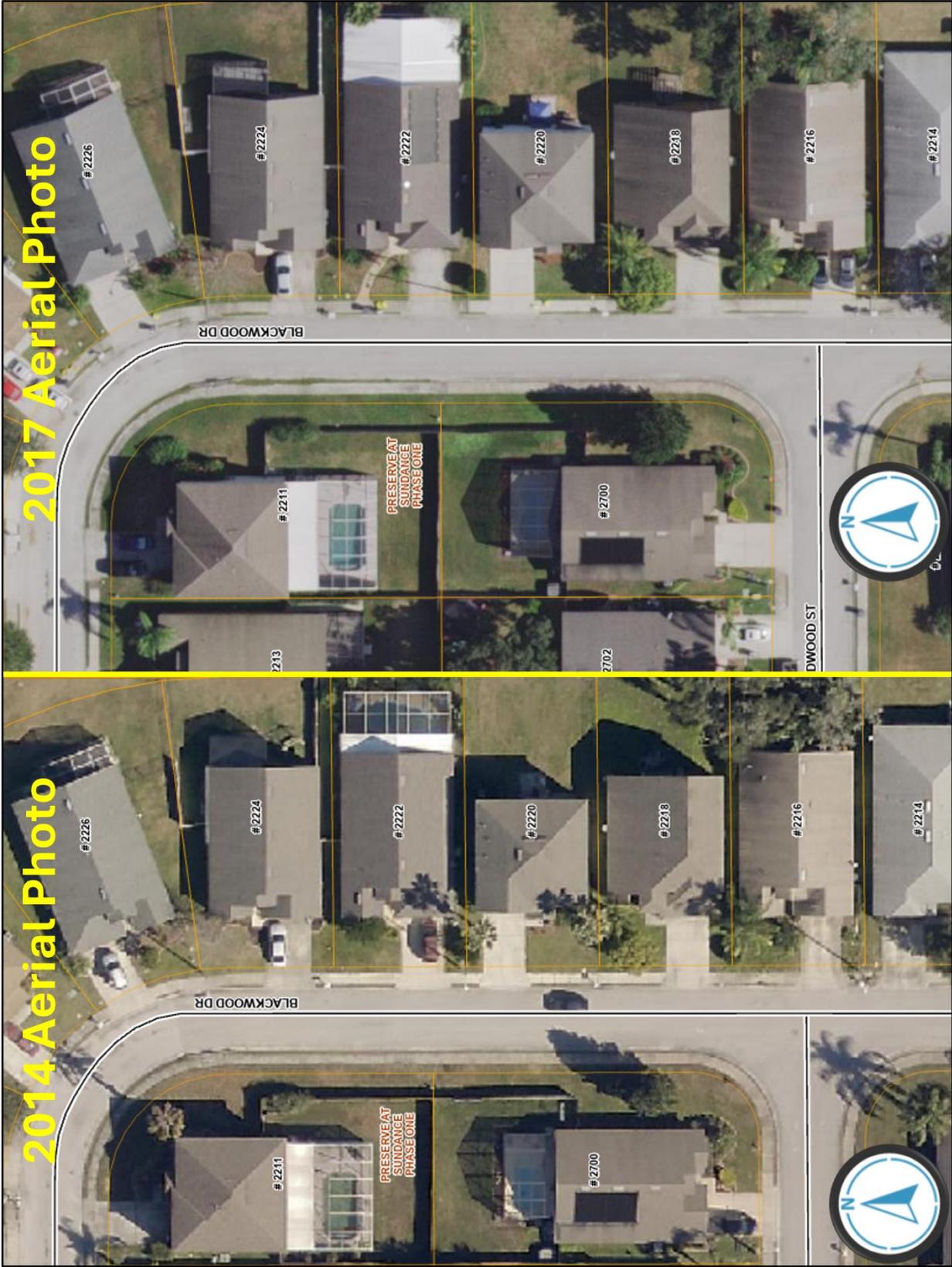
Location Map



Future Land Use Map



Aerial Imagery (Close)



Aerial Comparison



Hurricane Milton