

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

<b>DRC Date:</b> May 14, 2026	<b>CASE #:</b> LDLVAR-2026-28 (Grand Canal Dr Variance)
<b>LUHO Date:</b> June 25, 2026	<b>LDC Section:</b> PUD 98-12

**Request:** The applicant is requesting a primary structure rear setback reduction from fifteen (15) feet to ten (10) feet for the installation of a solid roof over an existing screened enclosure.

**Applicant:** Marcos Davila

**Property Owner:** Regenia Thomas, Stanton Thomas

**Location:** 413 Grand Canal Dr, North of Palmetto St, south of Walnut St, east of the city of Haines City in Section 24, Township 27, Range 28.

**Parcel ID#:** 282724-934011-003830

**Size:** ±0.10 acres

**Land Use Designation:** Poinciana Pre-Development of Regional Impact (DRI) #1  
Planned Unit Development (PUD 98-12), Solivita Phase 3A

**Development Area:** Utility Enclave Area (UEA)

**Case Planner:** Aleya Inglima, Planner II

**Summary:**

The applicant is seeking a variance to reduce the primary structure rear setback from fifteen (15) feet to ten (10) feet for the installation of a solid roof over an existing screened enclosure. The subject site is designated as Lot 383 of the Solivita Phase 3A Subdivision, part of PUD 98-12 which was approved for primary structure rear setbacks of 15 feet and accessory structure rear setbacks of 5 feet. Because the solid aluminum roof will be attached or connected to the principal structure, the newly proposed 30' by 12' solid aluminum roof requires a variance to reduce the primary structure rear setback.

Staff finds this request will cause no direct or indirect harm to the community and recommends approval. Staff recommends approval of LDLVAR-2026-28 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;*

This is not the only property within the immediate surrounding neighborhood with a solid aluminum roof to extend full coverage over an existing screened enclosure. Four other variances were approved in this phase. It will not limit the neighbors' peripheral view of the open space. The request to provide full roof coverage with a screened area will have little to no effect on the two immediate neighbors to the north and south. The roof will go over the existing patio footprint.

### **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-2026-28**

### **CONDITIONS OF APPROVAL:**

1. The property is granted a reduction in the rear primary setback reduction from fifteen (15) feet to ten (10) feet for the installation of a solid roof over an existing screened enclosure.
2. The applicant shall secure permission from the Solivita Community Association prior to seeking building permits for the proposed extension.
3. All necessary permits must be applied for within one (1) year of the date for which the Land Use Hearing Officer's Final Order is rendered.
4. This variance does not authorize any encroachments into easements and the applicant shall be responsible for making 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: 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;*

In September 2005, the owner purchased the subject site, according to the Property Appraiser (O.R. BK 6442 PG 0182). The subject site is designated as Lot 383 in the Solivita Phase 3A Subdivision recorded under Plat Book 127, Page 10-13 in 2004. It is located off Grand Canal Dr, a private roadway. The rear of the property abuts Tract P-A designated as a stormwater retention pond. Seeking rear yard setback relief when abutting common areas has become commonplace throughout this development. This screen room with hard roof will not and is not permitted to extend into any drainage easements.

This will not be the first covered screened enclosure within this development. In close proximity to the subject site, Lots 385, 384, and 381 have solid roof coverage over their respective screen enclosures. This expansion is minimal relative to the structure. It will not limit the neighbor's peripheral view of the open space. Other homes in the neighborhood have received variance approval for screened rooms with a hard roof. Therefore the request to provide full roof coverage with the screen enclosure will have little to no effect on the two immediate neighbors to the north and south.

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 site was once part of the larger Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10. A PUD Modification (98-12) altered the approval leading to the plat for Solivita Phase 3A recorded under Plat Book 127, Page 10-13 in 2004. The subject site is designated as Lot 383. PUD 98-12 was approved for primary structure rear setbacks of 15 feet and accessory structure rear setback of 5 feet. There is no relief for additions to the primary structure with a solid roof without requiring a variance for setback reductions.

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

The existing home on the subject site was constructed in 2005 and met the primary structure setbacks. In September 2005, the owner purchased the subject site, according to the Property Appraiser (O.R. BK 6442 PG 0182). Because the screen enclosure did not have a solid roof at the time of construction, no variance was needed for the extension. Now, the applicant is looking to add a new screen room with solid roof to extend of the existing screen enclosure. Pursuant to 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." Because the solid aluminum roof will be attached or connected to the

principal structure, the newly proposed solid roof will require a variance to reduce the primary structure rear setback from fifteen (15) feet to ten (10) feet.

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. Many buyers within the development see little value in the private open space that remains. Within the Solivita Phase 3A Subdivision, there have been numerous building permits for extended screened enclosures to the rear of the property. Table 1 lists the variances processed and approved within the Poinciana and Solivita developments since 2020.

**Table 1**

Case	BOA/ LUHO Date	Variance	Case	BOA/ LUHO Date	Variance
LDLVAR-2025-60	11/20/2025	Solid Roof Patio	LDLVAR-2021-130	1/27/2022	Solid Roof Patio
LDLVAR-2025-56	11/20/2025	Solid Roof Patio	LDLVAR-2021-112	12/14/2021	Solid Roof Patio
LDLVAR-2025-19	5/19/2025	SF Home	LDLVAR-2021-87	10/28/2021	Solid Roof Patio
LDLVAR-2025-9	4/24/2025	Solid Roof Patio	LDLVAR-2021-68	9/16/2021	Solid Roof Patio
LDLVAR-2025-2	3/27/2025	Solid Roof Patio	LDLVAR-2021-58	7/22/2021	Solid Roof Patio
LDLVAR-2024-62	12/10/2024	Solid Roof Patio	LDLVAR-2021-50	7/22/2021	Solid Roof Patio
LDLVAR-2024-53	11/12/2024	Solid Roof Patio	LDLVAR-2021-32	7/21/2021	Solid Roof Patio
LDLVAR-2024-34	8/29/2024	Solid Roof Patio	LDLVAR-2021-31	7/21/2021	Solid Roof Patio
LDLVAR-2024-33	8/29/2024	Solid Roof Patio	LDLVAR-2021-30	7/21/2021	Solid Roof Patio
LDLVAR-2024-22	6/27/2024	Solid Roof Patio	LDLVAR-2021-14	4/22/2021	Solid Roof Patio
LDLVAR-2024-4	4/25/2024	Solid Roof Patio	LDLVAR-2021-3	3/25/2021	Solid Roof Patio
LDLVAR-2024-2	3/28/2024	Solid Roof Patio	LDLVAR-2021-1	3/25/2021	Solid Roof Patio
LDLVAR-2023-55	11/14/2023	Solid Roof Patio	LDLVAR-2020-86	1/28/2021	Solid Roof Patio
LDLVAR-2023-36	9/28/2023	Solid Roof Patio	LDLVAR-2020-80	2/25/2021	Solid Roof Patio
LDLVAR-2023-31	8/24/2023	Solid Roof Patio	LDLVAR-2020-68	12/17/2020	Solid Roof Patio
LDLVAR-2023-28	7/27/2023	Solid Roof Patio	LDLVAR-2020-66	12/17/2020	Solid Roof Patio
LDLVAR-2022-113	2/23/2023	Solid Roof Patio	LDLVAR-2020-65	12/17/2020	Solid Roof Patio
LDLVAR-2022-106	2/23/2023	Solid Roof Patio	LDLVAR-2020-64	12/17/2020	Solid Roof Patio
LDLVAR-2022-102	2/23/2023	Solid Roof Patio	LDLVAR-2020-63	12/17/2020	Solid Roof Patio
LDLVAR-2022-44	7/28/2022	Solid Roof Patio	LDLVAR-2020-56	11/19/2020	SF Home
LDLVAR-2022-28	6/23/2022	Solid Roof Patio	LDLVAR-2020-55	11/19/2020	SF Home
LDLVAR-2022-13	5/26/2022	Solid Roof Patio	LDLVAR-2020-54	11/19/2020	SF Home
LDLVAR-2022-12	4/26/2022	Solid Roof Patio	LDLVAR-2020-52	11/19/2020	Solid Roof Patio
LDLVAR-2022-10	3/28/2022	Solid Roof Patio	LDLVAR-2020-45	11/19/2020	Solid Roof Patio
LDLVAR-2021-139	2/24/2022	Solid Roof Patio	LDLVAR-2020-33	10/22/2020	Solid Roof Patio
LDLVAR-2021-136	2/24/2022	Solid Roof Patio	LDLVAR-2020-12	9/24/2020	Solid Roof Patio
LDLVAR-2021-135	2/24/2022	Solid Roof Patio			

Since 2020 the County has processed and approved roughly 54 variances cases within the Poinciana and Solivita developments, equivalent to 10 cases. Of those 53 cases, 49 have been for primary structure setback reductions for the installation of a solid roof to extend over an existing screened enclosure extension. In numerical value, 93 percent of variances within these developments come in for one universal request. However, Table 1 does not equate for the numerous cases that have been processed through the Building Department without the need for a variance request.

The owner will derive more utility from that space if it is enclosed with screens and covered by a solid roof. While it does confer a special privilege on the applicant, seeking rear yard

setback relief when abutting common areas has become commonplace throughout this development as seen through Table 1. Since this property backs up to open space Tract P-A (Stormwater) and Lots 385, 384, and 381 of Solivita Phase 3A have solid roof coverage over portions of their respective screen enclosures, there is no significant harm that it may cause another property owner.

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 add a solid roof over an existing screen enclosure. The subject site is located within a 55+ community where the fully covered screened enclosure will allow the applicant to enjoy the outdoors under protection.

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 home will remain a residential use in a residential district of the Planned Development.

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. This variance will not change the size, shape, or use of the property.

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.*

Granting this request will not circumvent any conditions of approval. It was anticipated that some lots may not be able to comply with all the standards set forth in the Planned Unit Development (PUD) approval. As long as the drainage easements are not encroached upon, this request will not circumvent the Board approvals.

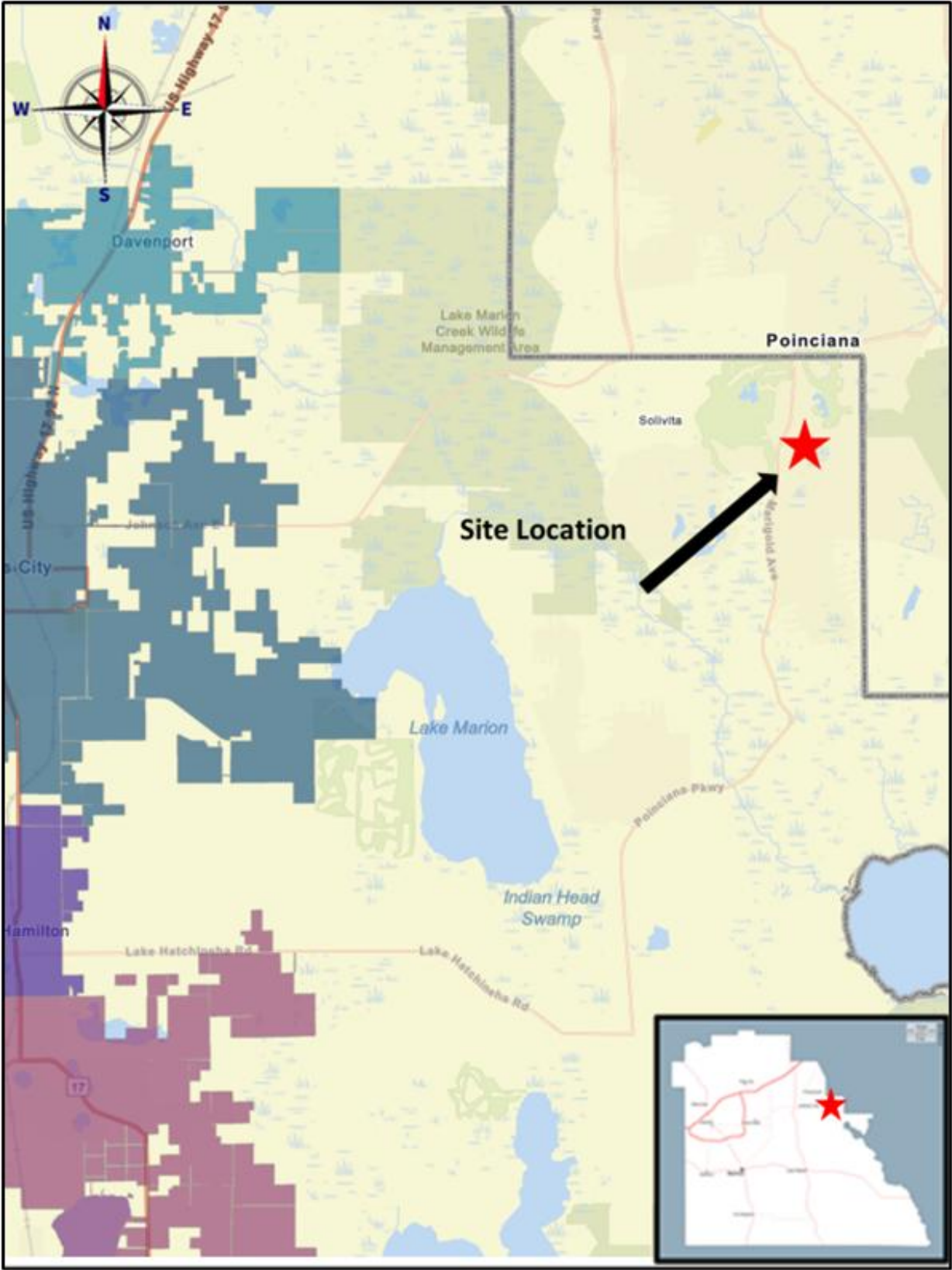
**Surrounding Future Land Use Designations and Existing Land Use Activity:**

<p><b>Northwest:</b> Solivita Phase 3A Tract P-A Stormwater pond</p>	<p><b>North:</b> Solivita Phase 3A Lot 384 2,183 sq. ft. home 0.10 acres</p>	<p><b>Northeast:</b> Solivita Phase 3A Lot 52 1,678 sq. ft. home 0.10 acres</p>
<p><b>West:</b> Solivita Phase 3A Tract P-A Stormwater pond</p>	<p><b>Subject Property:</b> Solivita Phase 3A Lot 383 2,178 sq. ft. home 0.10 acres</p>	<p><b>East:</b> Solivita Phase 3A Lot 53 2,112 sq. ft. home 0.10 acres</p>
<p><b>Southwest:</b> Solivita Phase 3A Tract P-A Stormwater pond</p>	<p><b>South:</b> Solivita Phase 3A Lot 382 2,142 sq. ft. home 0.10 acres</p>	<p><b>Southeast:</b> Solivita Phase 3A Lot 54 2,136 sq. ft. home 0.15 acres</p>

The property is part of the Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 3A is single-family homes. This proposed request will provide full coverage over the screened patio. This is not the only property within the immediate surrounding area that would have a solid aluminum roof providing full coverage over an existing screened patio. Tract P-A is located to the rear of the parcel and is identified on the plats as a pond, having no negative impact from the variance request.

**Exhibits:**

- |           |                          |           |                        |
|-----------|--------------------------|-----------|------------------------|
| Exhibit 1 | Location Map             | Exhibit 3 | Aerial Imagery (Close) |
| Exhibit 2 | Aerial Imagery (Context) | Exhibit 4 | Site Plan              |
| Exhibit 5 | Justification            |           |                        |



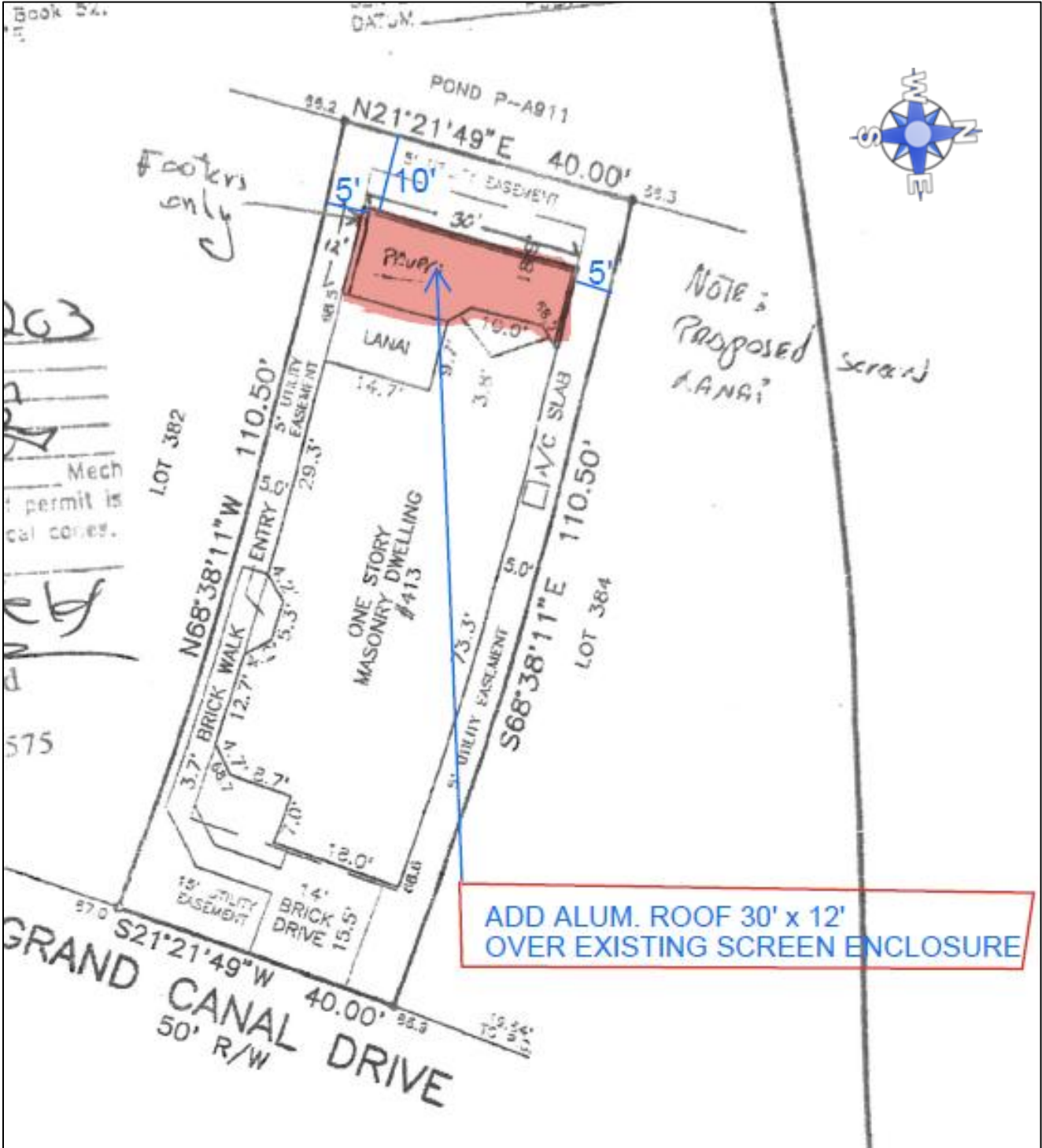
Location Map



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?  
 This variance will not be injurious to the area involved or detrimental to the public welfare.

What special conditions exist that are peculiar to the land, structure, or building involved?  
 There is an existing screen enclosure on an existing concrete slab. We are converting the screen roof to a solid roof. No other special conditions exist that are peculiar to the land, structure, or building involved.

When did you buy the property and when was the structure built? Permit Number?  
 Property Bought 2005. Couldn't find permit number

What is the hardship if the variance is not approved?  
 The hardship will be a risk to slip and fall due to the current screen roof and the ability to allow rain. This home is located in the 55+ community and is home to the elderly.

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

Do you have Homeowners Association approval for this request?  
 Yes

# Justification