



# Polk County Polk County Land Use Hearing Officer

## Meeting Agenda

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November 20, 2025 Land Use Hearing Officer meeting

**CALL TO ORDER: 1:30 P.M. OR AS SOON THEREAFTER AS THE PARTICULAR CASE MAY BE HEARD**

**MINUTES APPROVAL:**

October 23, 2025, Meeting Minutes

**NEW BUSINESS:**

**AGENDA ITEM:**

1. LDLVAR-2025-56 Silva Solivita Phase 5C Variance
2. LDLVAR-2025-57 (Thrasher Variance)
3. LDLVAR-2025-58 (Saturn St Variance) - Continue to December 9, 2025 hearing date.
4. LDLVAR-2025-60 Fuquay Solivita Phase 7G Variance

**ADJOURNMENT:**



Polk County  
Polk County Land Use Hearing Officer

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Agenda Item

11/20/2025

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**SUBJECT**

October 23, 2025, Meeting Minutes

**DESCRIPTION**

Land Use Hearing Officer Meeting Minutes

**RECOMMENDATION**

Approval of Minutes

**FISCAL IMPACT**

No Fiscal Impact

**CONTACT INFORMATION**

Lisa Irizarry - Land Development Coordinator II

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(863) 534-7652



# Polk County Polk County Land Use Hearing Officer

## Meeting Minutes - Final

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October 23, 2025 Land Use Hearing Officer meeting

**CALL TO ORDER: 1:30 P.M. OR AS SOON THEREAFTER AS THE PARTICULAR CASE MAY BE HEARD**

**MINUTES APPROVAL:**

Draft Minutes for September 25, 2025

**NEW BUSINESS:**

**AGENDA ITEM:**

1. LDLVAR-2025-54 (Wabash Storage Variance) - Withdrawn Application

**Minutes:** Withdrawn

2. LDLSE-2025-9 (Tiger Creek Road SE)

**Minutes:** CASE FILE # LDLSE-2025-9

Adalberto Ruiz and Maria Rolón, owners, are requesting a special exception for a commercial vehicle parking on an Agricultural/Residential Rural (A/RR) land use district. The property is located at 1402 Tiger Lake Road, north of State Road 60, south of Rawls Road, east of Lake Wales, Florida, in Section 11, Township 30, Range 29.

Erik Peterson, Land Development; presented the case and reported that 17 mailers were sent on 10/1/2025 with no response, 1 board was posted on 9/26/2025, and the legal ad was published in the Polk Sun News on 10/8/2025.

Ian Nance, Case Planner; showed a power point presentation, has a recommendation of approval, and stood for questions.

Adalberto Ruiz and Maria Rolón, applicants and owners, were available to answer questions and agrees with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

3. LDLSE-2025-10 (Alberto Aguiar Martinez SE)

**Minutes:** CASE FILE # LDLSE-2025-10

Alberto Aguiar Martinez, owner, is requesting a special exception for a commercial vehicle parking on a Residential Low-1 (RL-1) land use district. The property is located at 2507 Lake Lure Loop North, west of Combee Road South, south of Haywood Street, west of Mount Airy Avenue, north of Black Mountain Way, northeast of the city of Lakeland, Florida, in Section 24, Township 28, Range 21.

Erik Peterson, Land Development; presented the case and reported that 26 mailers were sent on 10/1/2025 with no response, 1 board was posted on 9/26/2025, and the legal ad was published in the Polk Sun News on 10/8/2025.

Andrew Growhowski, Case Planner; showed a power point presentation, has a recommendation of approval, and stood for questions.

Alberto Aguiar Martinez, applicant, along with Juana Bustos (interpreter), were available to answer questions and agreed with staff recommendations.

The LUHO explained the conditions of approval.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

4. LDLVAR-2025-33 (Bowling Green Right-of-way)

**Minutes:** CASE FILE # LDLVAR-2025-33

Nicolas Colorado and Lucia Cedeño, property owners, are requesting a Right of Way (ROW) setback reduction from 65 feet to 20 feet for a retail plaza in a Rural Cluster Center (RCC) land use district. The property is located West of U.S. Highway 17, north of Dixie Boulevard, south of Hillcrest Drive, east of Miner Avenue, north of the city of Bowling Green and Hardee County line, in Section 33, Township 32, Range 25.

Erik Peterson, Land Development; presented the case and reported that 13 mailers were sent on 10/1/2025 with no response, 3 boards were posted on 9/26/2025, and the legal ad was published in the Polk Sun News on 10/8/2025. He proceeded to show a power point presentation, has a recommendation of approval, and stood for questions .

Nicolas Colorado and Lucia Cedeño, applicants and owners, were available to answer questions and agreed with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience .

The LUHO closed the public hearing.

5. LDLVAR-2025-36 (Wyngate Lane Variance)

**Minutes:** CASE FILE # LDLVAR-2025-36

Orlando D. Gunn, Sr, property owner, is requesting a side accessory setback reduction from 7 feet to the property line for the construction of a carport in a Residential Suburban (RS) land use district and within PUD 88-14 (Wellington Green PUD). The property is located at 1441 Wyngate Lane, west of Kathleen Road, north of I-4, east and south of Old Polk City Road, west of Sherwood Lakes Boulevard, north of Lakeland, Florida, in Section 17, Township 27, Range 23.

Erik Peterson, Land Development; presented the case and reported that 44 mailers were sent on 10/1/2025 with no response, 1 board was posted on 9/26/2025, and the legal ad was published in the Polk Sun News on 10/8/2025.

Andrew Growhowski, Case Planner; showed a power point presentation, has a recommendation of approval, and stood for questions.

Orlando D. Gunn, Sr., applicant, was available to answer questions and agrees with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

6. LDLVAR-2025-49 (Outdoor Resorts at Orlando)

**Minutes:** CASE FILE # LDLVAR-2025-49

Daniel Miller, property owner, is requesting a primary structure side setback reduction from five (5) feet to two (2) feet for the installation of a mobile home on approximately 0.07 acres in the Outdoor Resorts at Orlando Subdivision within a Leisure/Recreation-X (L/RX) land use district. The 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, Florida, in Section 01, Township 25, Range 26.

Erik Peterson, Land Development; presented the case and reported that 15 mailers were sent on 10/1/2025 with no response, 1 board was posted on 10/3/2025, and the legal ad was published in the Polk Sun News on 10/8/2025.

Kyle Rogus, Case Planner; showed a power point presentation, has a recommendation of approval, and stood for questions.

Daniel Miller, applicant, was available to answer questions and agrees with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

9. LDLVAR-2025-52 (Hudson ADU)

**Minutes:** CASE FILE # LDLVAR-2025-52

Joseph Hudson, property owner, is requesting a variance to allow a 1,510 square foot accessory dwelling unit (ADU) to exceed the 1,000 square foot cap on approximately 15.03 acres in the Agriculture/Residential Rural-X (A/RRX) land use district. The property is located at 6850 AVT Ranch Road, north of Interstate 4, south of Deen Still Road, east of Moore Road, west of Commonwealth Avenue, north of Polk City, Florida, in Section 05, Township 26, Range 25.

Erik Peterson, Land Development; presented the case and reported that 22 mailers were sent on 10/1/2025 with no response, 1 board was posted on 10/3/2025, and the legal ad was published in the Polk Sun News on 10/8/2025.

Kyle Rogus, Case Planner; showed a power point presentation, has a recommendation of approval, and stood for questions.

Joseph Hudson, applicant, was available to answer questions and agrees with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

10. LDLVAR-2025-53 (Colman Road Quadplex ROW)

**Minutes:** CASE FILE # LDLVAR-2025-53

David Norris, P.E. applicant, is requesting a variance for a right-of-way setback reduction from 35 feet to 32 feet and a side yard setback reduction from 15 feet to 10 feet for a four dwelling unit building (quadraplex) in a Community Activity Center (CAC). The property is located at the Northeast corner at the intersection of Coleman Road and Carla Court, east of Deena Way, west of King Road, west of Recker Highway, east of Spirit Lake Road, west of the city of Winter Haven, Florida, in Section 25, Township 28, Range 25.

Erik Peterson, Land Development; presented the case and reported that 17 mailers were sent on 10/1/2025 with no response, 2 boards were posted on 9/30/2025, and the legal ad was published in the Polk Sun News on 10/8/2025. He proceeded to show a power point presentation; has a recommendation of approval and stood for questions.

David Norris, P.E. (Norris Engineering), applicant, was available to answer questions and agrees with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

11. LDLVAR-2025-59 (Old Medulla Road ROW)

**Minutes:** CASE FILE # LDLVAR-2025-59

Mark McDonald PSM, applicant, Tower Homes LLC, owner, are requesting a variance for a right-of-way setback reduction from 35 feet to 28 feet for a single-family dwelling in a Residential Low-4 (RL-4) land use district. The property is located at the Northeast corner on the intersection of Old Medulla Road and Windee Avenue, east of Airport Perimeter East, west of Clements Road, west of Waring Road, east of Lakeland Linder International Airport, north, east, and south of the city of Lakeland, Florida, in Section 03, Township 29, Range 23.

Erik Peterson, Land Development; presented the case and reported that 14 mailers were sent on 10/1/2025 with no response, 2 boards were posted on 9/30/2025, and the legal ad was published in the Polk Sun News on 10/8/2025. He proceeded to show a power point presentation; has a recommendation of approval and stood for questions.

Mark McDonald, applicant, was available to answer questions and agrees with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

7. LDLVAR-2025-50 (Sitar Indian American Buffet Alcohol Variance)

**Minutes:** Withdrawn

**Minutes:** Withdrawn

8. LDLVAR-2025-51 (James Hustead Dr Variance)

**Minutes:** CASE FILE # LDLVAR-2025-51

Kathryn Findley, owner, is requesting a variance to allow an accessory structure to be larger than the primary structure in an Agriculture/Residential Rural-X (A/RRX) land use district. The property is located at 74 James Hustead Drive, south of Crooked Lake, north of Seminole Road, south of the Town of Hillcrest Heights, Florida, in Section 31, Township 30, Range 28.

Erik Peterson, Land Development; presented the case and reported that 14 mailers were sent on 10/1/2025 with no response, 2 boards were posted on 9/26/2025, and the legal ad was published in the Polk Sun News on 10/8/2025.

Aleya Inghima, Case Planner; showed a power point presentation, has a recommendation of approval, and stood for questions.

Kathryn Findley, applicant, was available to answer questions and agrees with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience.

The LUHO closed the public hearing.

**Minutes:** CASE FILE # LDLVAR-2025-52

Joseph Hudson, property owner, is requesting a variance to allow a 1,510 square foot accessory dwelling unit (ADU) to exceed the 1,000 square foot cap on approximately 15.03 acres in the Agriculture/Residential Rural-X (A/RRX) land use district. The property is located at 6850 AVT Ranch Road, north of Interstate 4, south of Deen Still Rtoad, east of Moore Road, west of Commonwealth Avenue, north of Polk City, Florida, in Section 05, Township 26, Range 25.

Erik Peterson, Land Development; presented the case and reported that 22 mailers were sent on 10/1/2025 with no response, 1 board was posted on 10/3/2025, and the legal ad was published in the Polk Sun News on 10/8/2025.

Kyle Rogus, Case Planner; showed a power point presentation, has a recommendation of approval, and stood for questions.

Joseph Hudson, applicant, was available to answer questions and agrees with staff recommendations.

The LUHO opened the public hearing.

There was neither support nor opposition in the audience .

The LUHO closed the public hearing.

**ADJOURNMENT:**

**Minutes:** 2:26 pm



Polk County  
Polk County Land Use Hearing Officer

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Agenda Item 1.

11/20/2025

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**SUBJECT**

LDLVAR-2025-56 Silva Solivita Phase 5C Variance

**DESCRIPTION**

Marcos Davila requests a primary structure rear setback reduction from ten (10) feet to five (5) feet for the installation of a new 13' by 5' solid aluminum roof. The subject property is located at 795 Via Como Street, north of Village Center Road, south of Cypress Parkway, east of Poinciana Parkway, west of Marigold Avenue, East of Haines City in Section 14, Township 27, Range 28.

**RECOMMENDATION**

Approval with conditions

**FISCAL IMPACT**

Non fiscal impact

**CONTACT INFORMATION**

Kyle Rogus, Planner II  
Land Development Division  
863-534-7553  
kylerogus@polkfl.gov

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

<b>DRC Date:</b>	<b>October 9, 2025</b>	<b>CASE #:</b>	<b>LDLVAR-2025-56 (Silva Solivita Phase 5C Variance)</b>
<b>LUHO Date:</b>	<b>November 20, 2025</b>	<b>LDC Section:</b>	<b>Section 209.F &amp; PUD 98-12</b>

**Request:** The applicant is requesting a primary structure rear setback reduction from ten (10) feet to five (5) feet for the installation of a new 13' by 5' solid aluminum roof.

**Applicant:** Marcos Davila

**Property Owner:** Michele Silva and Mohamed Habibullah

**Location:** The subject property is located at 795 Via Como Street, north of Village Center Road, south of Cypress Parkway, east of Poinciana Parkway, west of Marigold Avenue, East of Haines City in Section 14, Township 27, Range 28.

**Parcel ID#:** 282714-933556-000920

**Size:** ±0.10 acres

**Land Use Designation:** Poinciana Pre-Development of Regional Impact (DRI) #1  
Planned Unit Development (PUD) 98-12, Solivita Phase 5C

**Development Area:** Transit Supportive Development Area (TSDA)

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

**Summary:**

The applicant is seeking a variance to reduce the primary structure rear setback from ten (10) feet to five (5) feet for the construction of a solid aluminum roof to extend over a portion of the existing screened enclosure. The subject site is designated as Lot 92 of the Solivita Phase 5C Subdivision recorded as PUD 98-12 under Plat Book 187, Pages 26 through 30 on September 24, 2021. PUD 98-12 was approved for primary structure rear setbacks of 10 feet and accessory structure rear setback of 5 feet. Because the solid aluminum roof will be attached or connected to the principal structure, the newly proposed 13' by 5' solid aluminum roof in BR-2025-6174 will require a variance to reduce the primary structure rear setback from ten (10) feet to five (5) feet.

Staff finds this request will cause no direct or indirect harm to the community and recommends approval. Staff recommends approval of LDLVAR-2025-56 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 the only property within the immediate surrounding area requesting for a solid aluminum roof to extend full coverage over an existing screened enclosure, but many have been sought in the development. The rear yard of these units also abuts an open space, Tract P-16, in Phase 5D of the Solivita plat. This tract is utilized as an internal wet retention pond. This expansion will have minimal potential adverse effects on the immediate neighbors or the community as a whole. The aluminum roof expansion will not and is not permitted to extend into any drainage easements.

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 existing home on the subject site was constructed in 2022 and met the primary structure setbacks of 10 feet front, 5 feet side, and 10 feet rear under building permit BR-2022-679. In December 2022, the owner purchased the subject site through a special warranty deed according to the Property Appraiser (O.R. BK 12549 PGs 2137-2138). The applicant later filed for a building permit BR-2023-812, for the construction of a new 30' by 5' screened enclosure with concrete slab expand the lanai. Now, under building permit BR-2025-6174, the applicant is looking to add a new solid aluminum roof to extend over a portion (43%) of the existing screen enclosure.

### **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-2025-56**

### **CONDITIONS OF APPROVAL:**

1. The property is granted a reduction in the primary rear structure setback from ten (10) feet to five (5) feet for the installation of a new 13' by 5' solid aluminum roof.
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 December 2022, the owner purchased the subject site through a special warranty deed according to the Property Appraiser (O.R. BK 12549 PGs 2137-2138). The subject site is designated as Lot 92 in the Solivita Phase 5C Subdivision recorded as PUD 98-12 under Plat Book 187, Pages 26 through 30 on September 24, 2021. It is located within the interior of the development with road frontage off Via Como Street, a private roadway. To the east and west of the subject site are similar sized lots and single-family housing. Both lots to the east and west have an extended lanai to the rear. Located to the rear yard of these units also abuts an open space, Tract P-16, in Phase 5D of the Solivita plat. This tract is utilized as an internal wet retention pond. Seeking rear yard setback relief when abutting common areas has become commonplace throughout this development. This aluminum roof expansion will not and is not permitted to extend into any drainage easements. According to plat Surveyor note No. 6, "there is a 5' wide drainage, utility easement along the side and rear of all lots."

This expansion is minimal relative to the structure. It will not limit the neighbor's peripheral view of the open space when sitting on their lanai. The screen enclosure is already existing under BR-2023-812, therefore the request to provide partial roof coverage of the existing screened porch will have little to no effect on the two immediate neighbors to the east and west.

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 placement of the primary structure on the lot creates the existing circumstance. The subject site was once part of the larger Poinciana Pre-Development of Regional Impact

(DRI) #1 Planned Unit Development (PUD) 71-10. The Solivita Phase 5C Subdivision was recorded in Plat Book 165, Pages 10 through 21. A replat of a portion of Tracts FD-1 and C-15, of Solivita Phase 5C Subdivision was recorded as PUD 98-12 under Plat Book 187, Pages 26 through 30 on September 24, 2021. The subject site is designated as Lot 92. PUD 98-12 was approved for primary structure rear setbacks of 10 feet and accessory structure rear setback of 5 feet.

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 2022 and met the primary structure setbacks of 10 feet front, 5 feet side, and 10 feet rear under building permit BR-2022-679. BR-2022-679 was approved with a 11' by 10'8" lanai encompassing the southeast portion of the house (see Exhibit #7). In December 2022, the owner purchased the subject site through a special warranty deed according to the Property Appraiser (O.R. BK 12549 PGs 2137-2138). The applicant later filed for a building permit BR-2023-812, for the construction of a new 30' by 5' screened enclosure with concrete slab (see Exhibit #8) to expand the lanai. Because the screen enclosure did not have a solid roof at the time of construction, no variance was needed for the extension. Now, under building permit BR-2025-6174, the applicant is looking to add a new solid aluminum roof to extend over a portion 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 13' by 5' solid portion in BR-2025-6174 requires a variance to reduce the primary structure rear setback from ten (10) feet to five (5) 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. The homes in this phase of the development are situated on the lots so that the developable area is almost completely covered by the structure leaving only the undeveloped space within the setback requirements. Many buyers in the development see little value in the private open space that remains. Within the Solivita Phase 5C Subdivision, there have been three (3) similar variance requests.

Case	BOA/LUHO Date	Setback Reduction
LDLVAR-2024-53	11/12/2024	Rear setback 10' to 5'
LDLVAR-2024-62	12/10/2024	Rear setback 10' to 5'
LDLVAR-2025-2	3/25/2025	Rear setback 10' to 5'

The owner will derive more utility from that space if it is enclosed with screens and covered by a solid roof. Since this property backs up to open space Tract P-16 (wet detention pond), 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 extend roof coverage only over a portion of the existing lanai extension under BR-2025-6174 for handicap and elderly assistance as stated in their justification. The fully covered screened lanai will significantly reduce the risk of slipping as the current screen roof allows for heavy rainfall.

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.

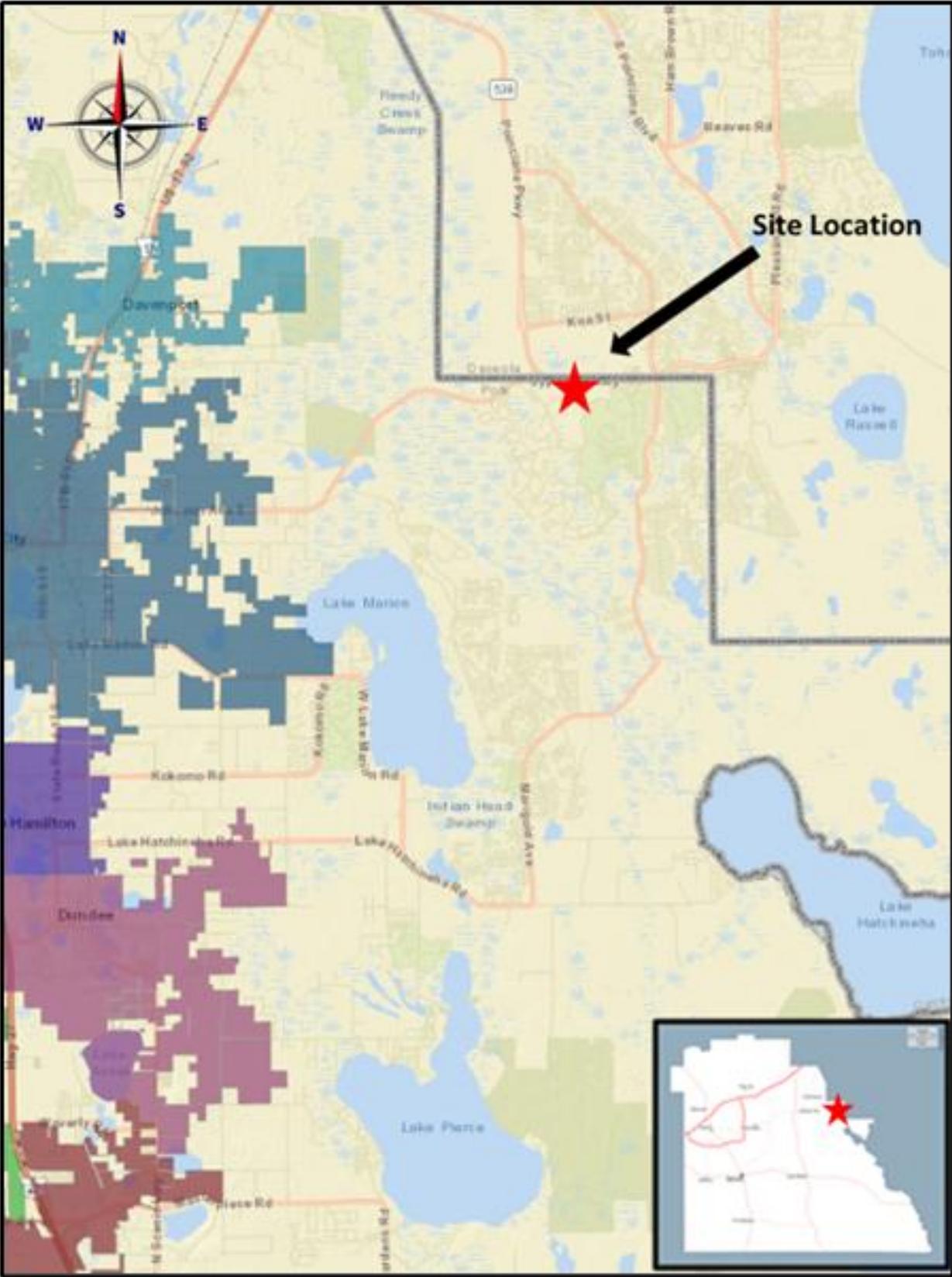
**Surrounding Future Land Use Designations and Existing Land Use Activity:**

<p><b>Northwest:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5C Lot 16 2,240 sq. ft. single-family home Built 2023 0.10 acres</p>	<p><b>North:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5C Lot 17 2,145 sq. ft. single-family home Built 2022 0.10 acres</p>	<p><b>Northeast:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5C Lot 18 2,320 sq. ft. single-family home Built 2022 0.10 acres</p>
<p><b>West:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5C Lot 91 2,364 sq. ft. single-family home Built 2022 0.10 acres Screened Extension</p>	<p><b>Subject Property:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5C Lot 92 2,145 sq. ft. single-family home Built 2022 0.10 acres Screened Extension</p>	<p><b>East:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5C Lot 93 2,273 sq. ft. single-family home Built 2022 0.10 acres Screened Extension</p>
<p><b>Southwest:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5C Tract P-16 Wet detention pond 1.57 acres</p>	<p><b>South:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5C Tract P-16 Wet detention pond 1.57 acres</p>	<p><b>Southeast:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5C Tract P-16 Wet detention pond 1.57 acres</p>

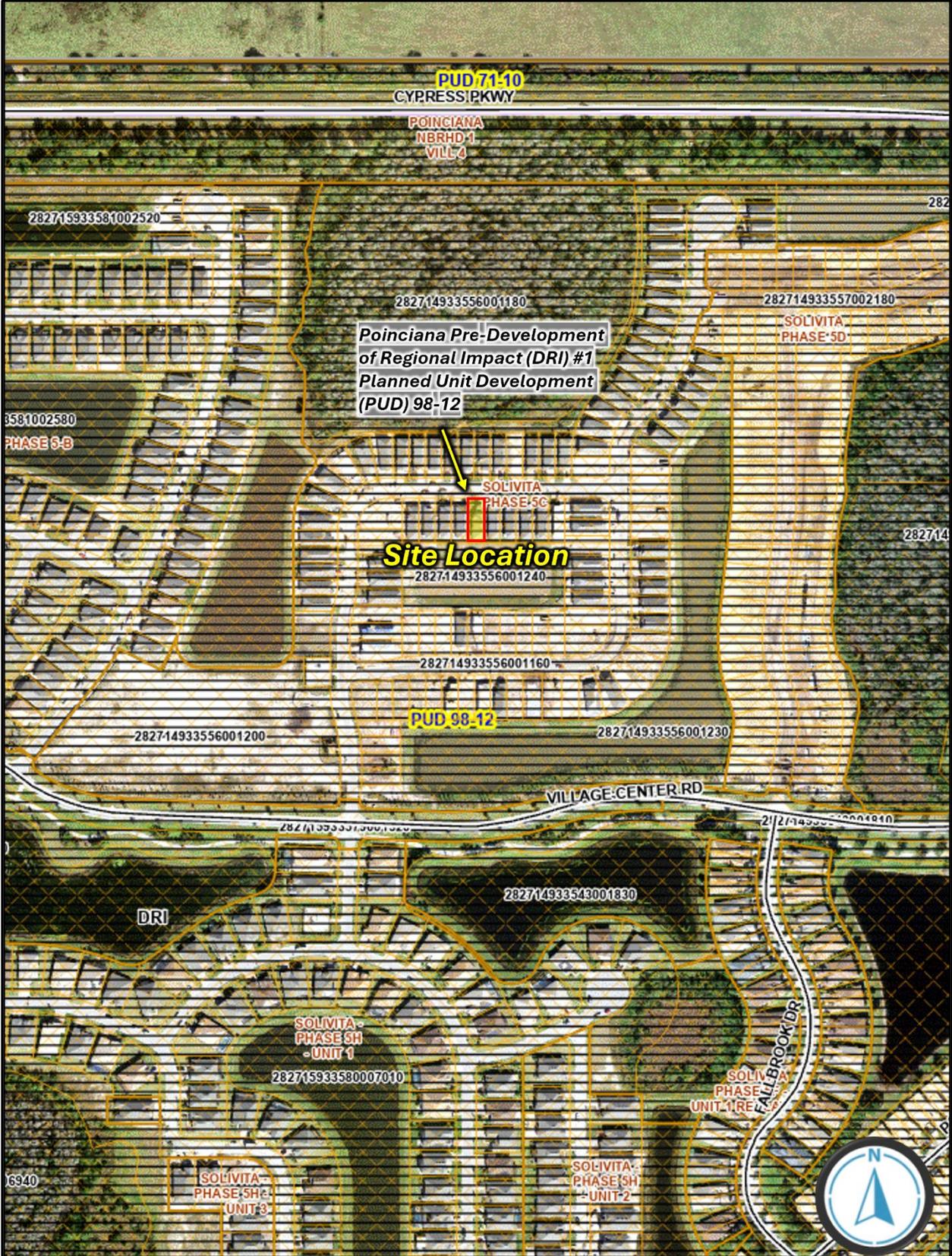
The property is part of the Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 5C. Phase 5D of the Solivita development is single-family detached units. This proposed solid aluminum roof coverage will extend five feet (5') off the primary structure providing partial coverage over the existing screened enclosure. This is the only property within the immediate surrounding requesting for a solid aluminum roof to extend coverage over an existing screened enclosure. Both properties to the east and west of the subject site have similar lanai extensions, but only a screened roof. The rear yard of these units also abuts an open space, Tract P-16, in Phase 5D of the Solivita plat. This tract is utilized as an internal wet retention pond. This aluminum roof expansion will not and is not permitted to extend into any drainage easements. According to plat Surveyor note No. 6, "there is a 5' wide drainage, utility easement along the side and rear of all lots."

**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
- Exhibit 7 BR-2022-679
- Exhibit 8 BR-2023-812



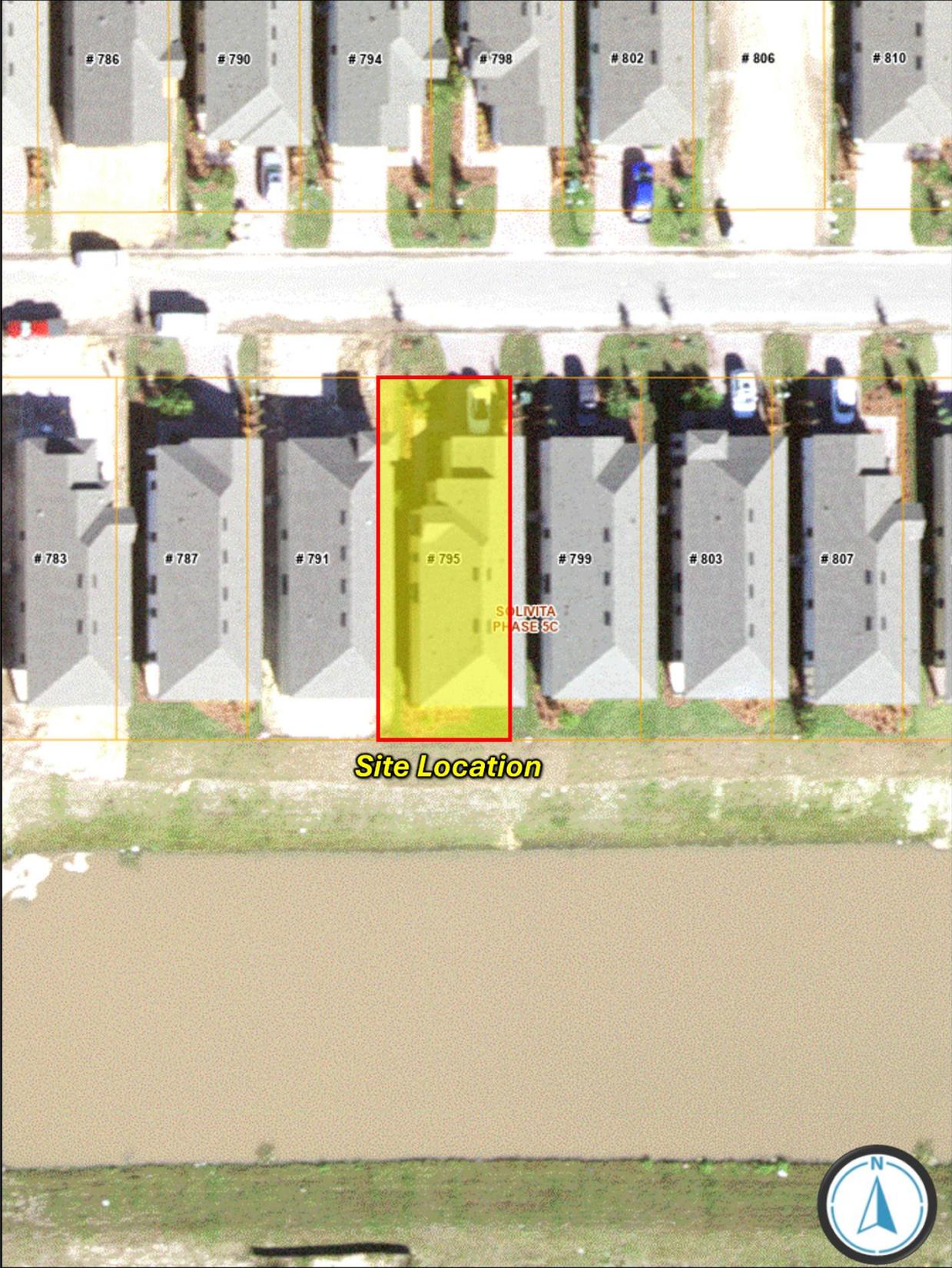
Location Map



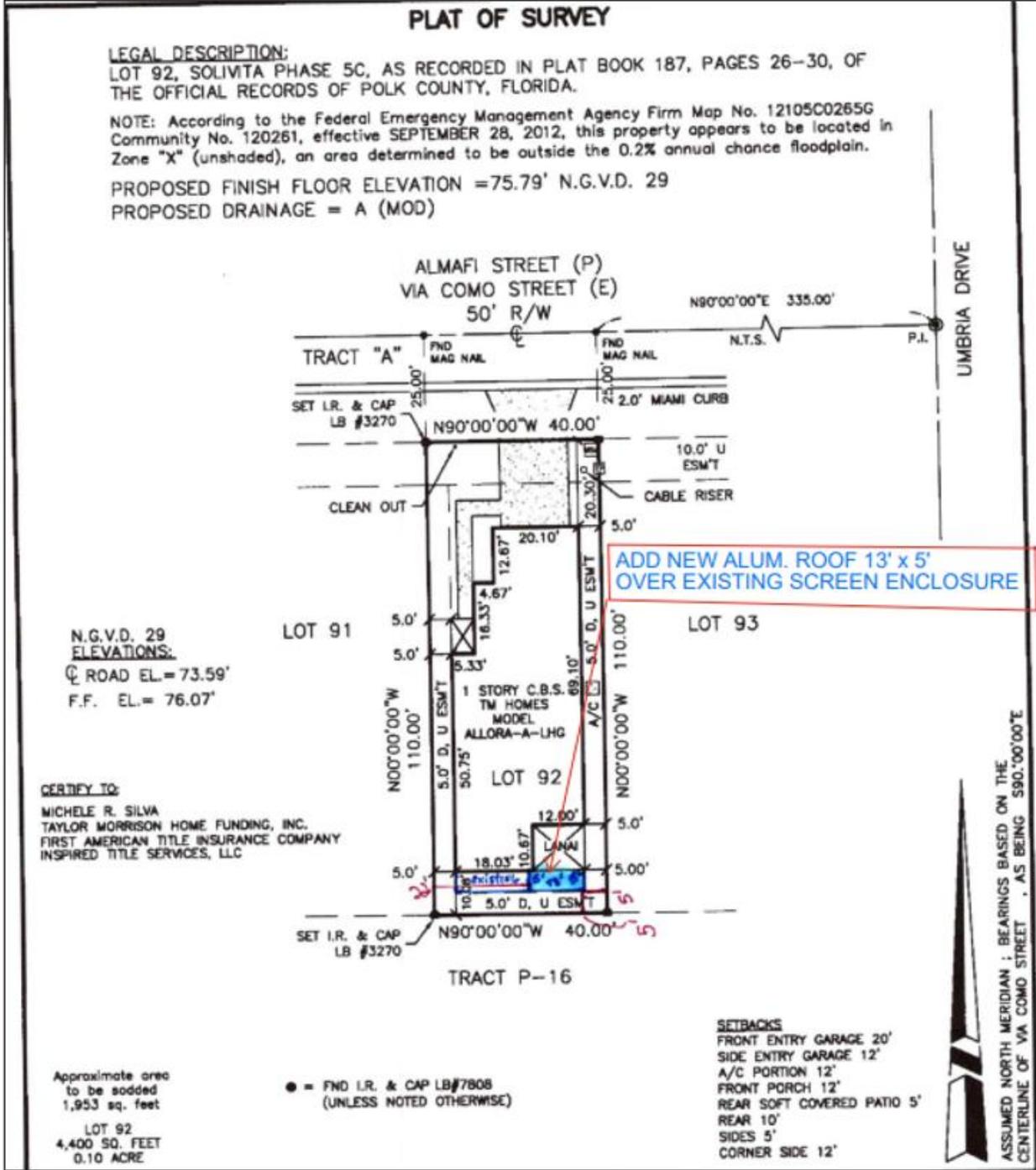
# Future Land Use Map



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, the 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 currently a screen enclosure built. Converting from a screen roof to an insulated, aluminum roof.

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

Property was bought in December 2022.

Existing screen enclosure was built in 2023.

Permit #BR-2023-812

**What is the hardship if the variance is not approved?**

Handicap and elderly assistance - this will significantly reduce the risk of slip and fall with a hard roof added instead of the current screen roof which allows for heavy rain.

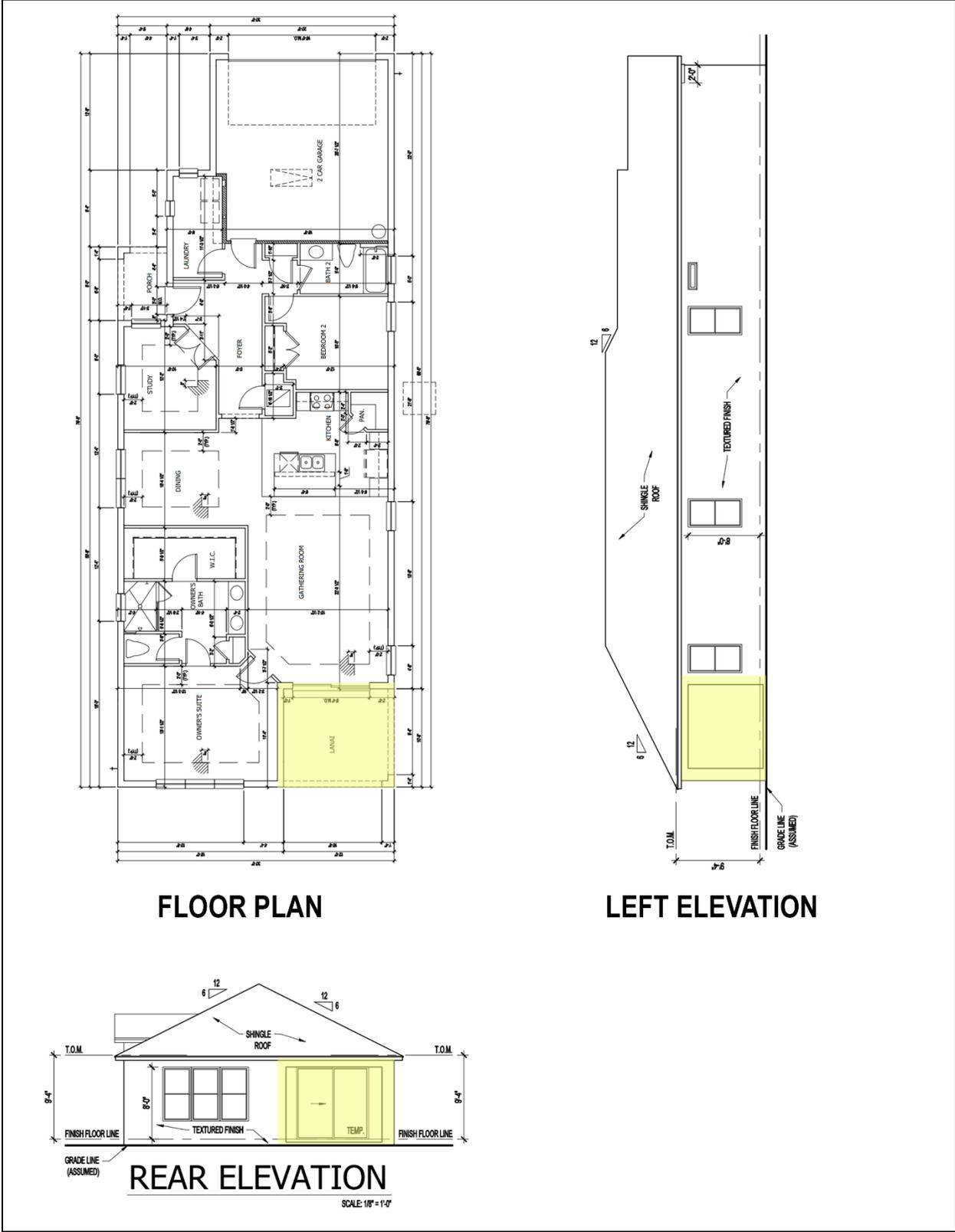
**Is this the minimum variance required for the reasonable use of the land?**

Yes, as the screen enclosure is already built. The roof will not extend past the existing screen enclosure.

**Do you have Homeowners Association approval for this request?**

Yes, we have received HOA approval.

**Justification**



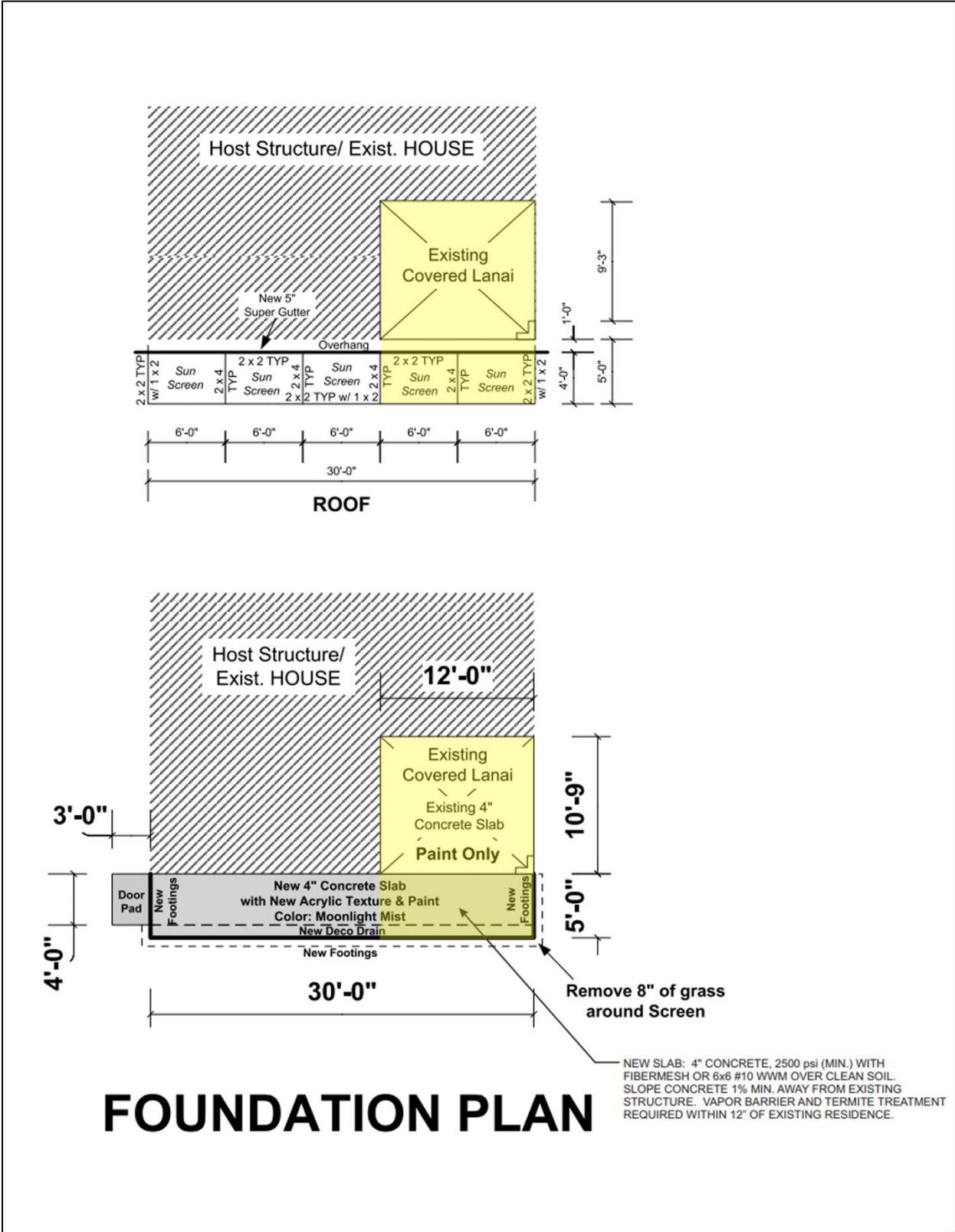
FLOOR PLAN

LEFT ELEVATION

REAR ELEVATION

SCALE: 1/8" = 1'-0"

BR-2022-679



BR-2023-812

LDLVAR-2025-56 - Silva Variance

Menu Reports Help

Application Name: [Silva Variance](#)  
 File Date: [08/19/2025](#)  
 Application Type: [LUHO - Variance](#)  
 Application Status: [Approved For Hearing](#)

Application Comments: View ID Comment Date

Description of Work: [Requesting a reduction in the required setback from 7'10 ft to 7'5 ft in order to add a new aluminum roof 13' x 5' over an existing screen enclosure and existing concrete slab. Permit #BR-2023-812](#)

Application Detail: [Detail](#)  
 Address: [795 VIA COMO ST. POINCIANA, FL 34759](#)  
 Parcel No: [282714933556000920](#)

Owner Name: [SILVA MICHELE R](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	<a href="#">MARCOS DAVILA</a>	<a href="#">MD CONSTRUCTION</a>	Engineer	<a href="#">Mailing, 6856 State Rd.</a>	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$541.00](#)

Total Fee Invoiced: [\\$541.00](#)

Balance: [\\$0.00](#)

Custom Fields: **LD\_GEN\_BOA**

GENERAL INFORMATION	
Expedited Review	Number of Lots -
Will This Project Be Phased	Acreege <a href="#">0.10</a>
DRC Meeting Time	DRC Meeting <a href="#">10/09/2025</a>
Rescheduled DRC Meeting	Rescheduled DRC Meeting Time -
Green Swamp	Number of Units -
<a href="#">No</a>	Is this Polk County Utilities
Case File Number	-
One Year Extension	FS 119 Status <a href="#">Non-Exempt</a>
PUBLIC HEARINGS	
Development Type	Application Type <a href="#">Variance</a>
<a href="#">Land Use Hearing, Officer</a>	
Variance Type	Brownfields Request
<a href="#">Dimensions, Table</a>	-
<a href="#">Affordable Housing</a>	
ADVERTISING	
Advertising Board	Legal Advertising Date
<a href="#">Land Use Hearing, Officer</a>	-
MEETING DATES	
LUHO Hearing Date	<a href="#">11/20/2025</a>
ALCOHOL BEVERAGE DIST REQ	
COMMUNICATION TOWER	

CRITERIA FOR GRANTING VARIANCE

Will the variance be injurious to the area involved or detrimental to the public welfare?  
[No, the 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 currently a screen enclosure built. Converting from a screen roof to an insulated, aluminum roof.](#)

When did you buy the property and when was the structure built? Permit Number?  
[Property was bought in December 2022.](#)  
[Existing screen enclosure was built in 2023.](#)  
[Permit #BR-2023-812](#)

What is the hardship if the variance is not approved?  
[Handicap and elderly assistance - this will significantly reduce the risk of slip and fall with a hard roof added instead of the current screen roof which allows for heavy rain.](#)

Is this the minimum variance required for the reasonable use of the land?  
[Yes, as the screen enclosure is already built. The roof will not extend past the existing screen enclosure.](#)

Do you have Homeowners Association approval for this request?  
[Yes, we have received HOA approval.](#)

LD\_GEN\_BOA\_EDL

[Opening DigEplan List...](#)  
 DigEplan Document List

PLAN REVIEW FIELDS

TMPRecordID  
[POLKCO-2025-ST-00000-50828](#)  
 RequireDocumentTypesComplete  
[Yes](#)

DocumentGroupForDPC  
 DIGITAL PROJECTS L.P.  
 AdditionalDocumentTypes  
[Applications AutoCad File Binding Site Plans /PDs and CLIs\) CSV Calculations Correspondence Design Drawings Flood/Traffic Studies Impact Statement Inspections Miscellaneous Plans Record Drawings Response Letter Resubmittal Complete Staff Report/Approval Letter Survey Title Opinion](#)  
 RequiredDocumentTypes  
 Activate DPC

Activate FSA [Yes](#) DigitalSigCheck [Yes](#)

**PLAN UPLOAD ACKNOWLEDGEMENT**

Upload Plans Acknowledgement  
[v](#)

**LAND USE**

Selected Area Plan LU Code

**NOR**

Neighborhood Organization Registry (NOR)

**PUBLIC MAILERS**

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
<a href="#">LUHQ</a>	1	102	11/05/2025	11/05/2025	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	<a href="#">Application Submittal</a>	Saralis Wons	Application ...	09/15/2025	Saralis Wons
	<a href="#">Roads and Drainage Review</a>	Phil Irvén	Approve	09/15/2025	Phil Irvén
	<a href="#">Planning Review</a>	Kyle Rogus	Approve	10/01/2025	Kyle Rogus
	<a href="#">Review Consolidation</a>		Approved for...	10/14/2025	Saralis Wons
	<a href="#">Public Notice</a>				
	Hearing Officer				
	Final Order				
	Archive				

Condition Status:	Name	Short Comments	Status	Apply Date	Severity	Action By
-------------------	------	----------------	--------	------------	----------	-----------

Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status	Comments
--------------------------------	-----------------	----------------	-----------	--------	----------

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status	Comments
-----------------------	-----------------	-----------------	-----------	--------	----------

**(WITHOUT TITLE EXAMINATION)**  
THIS INSTRUMENT PREPARED BY:  
Daniel S. Henderson, Esq.  
**HENDERSON SACHS, P.A.**  
8240 Exchange Drive, Suite C6  
Orlando, Florida 32809  
(407) 850-2500  
Parcel Identification # 28-27-14-933556-000920

**ENHANCED LIFE ESTATE DEED**

THIS INDENTURE made this May 25, 2023, by MICHELE R. SILVA, a married woman, joined by her husband, MOHAMED HABIBULLAH, whose address is 795 Via Como St., Poinciana, FL 34759, Grantor\*, to MICHELE R. SILVA, a married woman, for a life estate, and the remainder to MOHAMED HABIBULLAH, a married man, whose collective address is 795 Via Como St., Poinciana, FL 34759, Grantee\*, subject to the reservations contained herein.

WITNESSETH that said Grantor, for and in consideration of the sum of --- TEN DOLLARS (\$10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's successors and assigns forever, the following described land, situate, lying, and being in Polk County, Florida, to-wit:

**Lot 92 of SOLIVITA PHASE 5C, according to the Plat thereof as recorded in Plat Book 187, Page(s) 26-30, of the Public Records of Polk County, Florida.**

Grantor reserves unto herself for and during her lifetime, without liability for waste, the exclusive use and enjoyment of the rents and profits of the property described herein. Grantor further reserves unto herself, for and during her lifetime, the right to sell, lease, encumber by mortgage, pledge, lien, or otherwise manage and dispose, in whole or in part, or grant any interest therein, of the aforesaid premises, by gift, sale, or otherwise so as to terminate the interests of the Grantee, as Grantor in her sole discretion shall decide, without the joinder or consent of the Grantee. Grantor further reserves unto herself, the right to cancel this deed by further conveyance which may destroy any and all rights which Grantee may possess under this deed. Grantee shall hold a remainder interest in the property described herein and upon the death of Grantor, if the property has not been previously disposed of prior to death, all right and title to the property remaining shall fully vest in Grantee.

SUBJECT to easements, restrictions, reservations, and limitations of record, if any; taxes and assessments for the current year and subsequent years, and encumbrances of record.

Said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

\*"Grantor" and "Grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed, and delivered in our presence:

Sign: *Ana Rivas*

Print: Ana Rivas

Sign: *Diane Miller*

Print: Diane Miller

*Michele R. Silva*

MICHELE R. SILVA

*Mohamed Habibullah*

MOHAMED HABIBULLAH

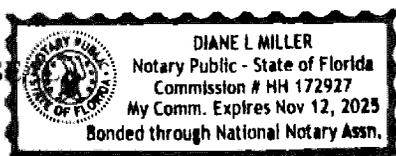
STATE OF FLORIDA  
COUNTY OF ORANGE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared MICHELE R. SILVA and MOHAMED HABIBULLAH (by means of  physical presence OR  online notarization), to me known to be the persons described or who produced FL DL & NY DL as proper photographic identification and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this May 25, 2023.

*Diane L. Miller*  
Notary Public

(NOTARIAL SEAL)



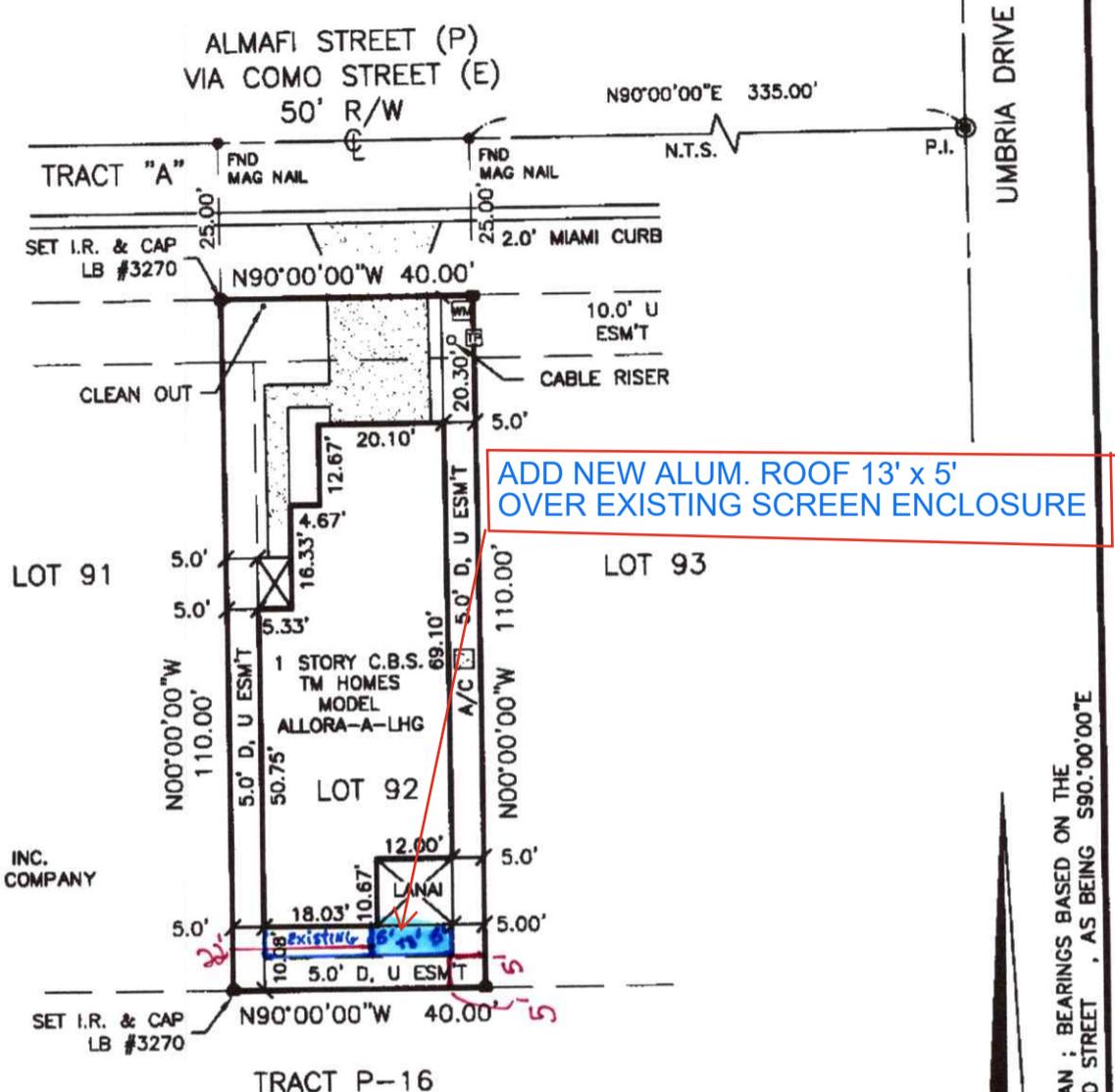
# PLAT OF SURVEY

## LEGAL DESCRIPTION:

LOT 92, SOLIVITA PHASE 5C, AS RECORDED IN PLAT BOOK 187, PAGES 26-30, OF THE OFFICIAL RECORDS OF POLK COUNTY, FLORIDA.

NOTE: According to the Federal Emergency Management Agency Firm Map No. 12105C0265G Community No. 120261, effective SEPTEMBER 28, 2012, this property appears to be located in Zone "X" (unshaded), an area determined to be outside the 0.2% annual chance floodplain.

PROPOSED FINISH FLOOR ELEVATION = 75.79' N.G.V.D. 29  
 PROPOSED DRAINAGE = A (MOD)



N.G.V.D. 29  
 ELEVATIONS:  
 ROAD EL. = 73.59'  
 F.F. EL. = 76.07'

**CERTIFY TO:**  
 MICHELE R. SILVA  
 TAYLOR MORRISON HOME FUNDING, INC.  
 FIRST AMERICAN TITLE INSURANCE COMPANY  
 INSPIRED TITLE SERVICES, LLC

Approximate area  
 to be sodded  
 1,953 sq. feet  
 LOT 92  
 4,400 SQ. FEET  
 0.10 ACRE

● = FND I.R. & CAP LB#7808  
 (UNLESS NOTED OTHERWISE)

**SETBACKS**  
 FRONT ENTRY GARAGE 20'  
 SIDE ENTRY GARAGE 12'  
 A/C PORTION 12'  
 FRONT PORCH 12'  
 REAR SOFT COVERED PATIO 5'  
 REAR 10'  
 SIDES 5'  
 CORNER SIDE 12'

ASSUMED NORTH MERIDIAN ; BEARINGS BASED ON THE  
 CENTERLINE OF VIA COMO STREET , AS BEING S90.00'00\"/>

A.P.V. = ASSOCIATION OF POINCIANA VILLAGE	FE = FINISH ELEVATION	P.C.C. = POINT OF COMPOUND CURVE	SW = SIDEWALK
B.O.C. = BACK OF CURB	FF = FINISH FLOOR	P.C.P. = PERMANENT CONTROL POINT	SEC = SECTION
CATV = CABLE TELEVISION BOX	HWA = HANSON, WALTER & ASSOCIATES	PE = PROPOSED ELEVATION	SQ.FT. = SQUARE FEET
C.B.S. = CONC BLOCK STRUCTURE	I.D. = IDENTIFICATION	P.I. = POINT OF INTERSECTION	T = TANGENT LENGTH OF CURVE
C.B. = CHORD BEARING	I.P. = IRON PIPE	P.L.S. = PROFESSIONAL LAND SURVEYOR	T.O.B. = TOP OF BANK
CC = CREW CHIEF	I.R. = 5/8\"/>		

☐ AIR RELEASE VALVE	☐ MAIL BOX
☐ BLOW OFF VALVE	☐ PHONE BOX
● BOLLARD	☐ UTILITY/POWER POLE
☐ CABLE BOX	☐ RECLAIMED WATER VALVE
☐ CATV	☐ CLEANOUT
☐ 2X4 CURB INLET	☐ SANITARY MANHOLE
☐ DRAINAGE MANHOLE	☐ SANITARY VALVE
☐ ELECTRIC BOX	☐ SIGN POST
☐ FIRE HYDRANT	☐ TRANSFORMER PAD
☐ GAS VALVE	☐ UTILITY BOX
☐ GUY WIRE	☐ WATER METER
☐ IRRIGATION VALVE	☐ WATER VALVE
☐ LIGHT POLE	☐ WELL

No Underground Installations or Improvements Have Been Located Except as Noted.  
 The Surveyor Has Not Abstracted The Lands Shown Hereon For Easements, Rights Of Way And Restrictions, If Any.  
 Elevations Refer To National Geodetic Vertical Datum Of 1929, unless otherwise noted. Do Not Use Building Ties to Construct  
 Dead or Platted Lines. There may be additional restrictions and/or easements that are not recorded on this plat of survey  
 that may be found in the Public Records of this county.  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

House Model	ALLORA-A-LHG	BLDG. Permit No.	Address 795 VIA COMO STREET				Project #			
Scale	1" = 30'	Sec.	Twp.	Rng.	Revisions					
Survey Type	Survey Date	CC	Field Book	Page	By	F.B./PG.	C.C.	Date	By	
Boundary	03-10-22	RC	22-2	45	DT					
Site Plan	01-10-22				DT					
Form Boards	03-17-22	RC	LL	LL	DT					
Foundation	12-19-22	RC	LL	LL	ML					
Boundary/Final	12-19-22	RC	LL	LL	ML					



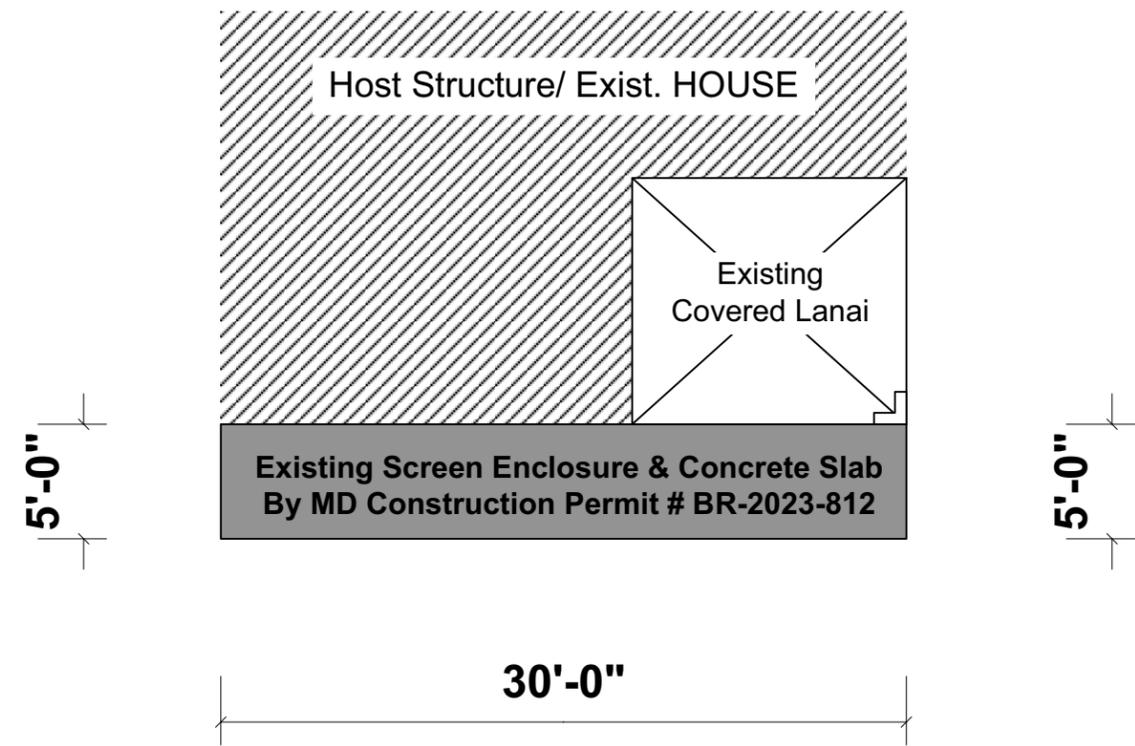
**Hanson, Walter & Associates, Inc.**  
 Engineering, Surveying and Planning  
 8 BROADWAY, SUITE 104, KISSIMMEE, FL 34741-5708 (407)847-9433  
 SURVEYING CERTIFICATE OF AUTHORIZATION #3270  
 ENGINEERING CERTIFICATE OF AUTHORIZATION #3265



Digitally signed by  
 John M Hughes  
 Date: 2022.12.22  
 09:03:23 -05'00'

John M. Hughes, PSM #6367 Date Signed





# EXISTING FOUNDATION PLAN

**MD Construction LLC**  
 6656 SR 544, Winter Haven, FL 33881  
 Office: (321) 663-5203  
 email: [mdconstructionf@gmail.com](mailto:mdconstructionf@gmail.com)  
Licensed & Insured  
 State Certified Specialty Contractor  
 SCC131151708

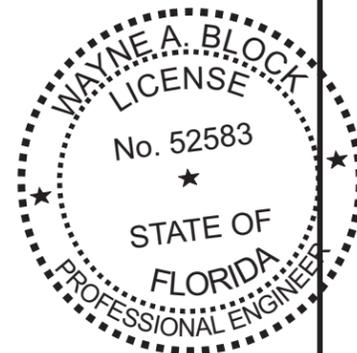


OWNER

Michele Silva  
 Phone: (914) 482-5228  
 Address: 795 Via Como St,  
 Poinciana - FL 34759

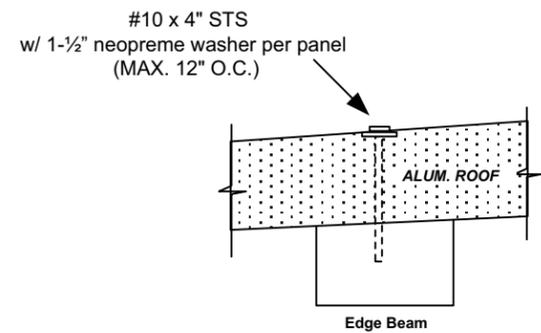
PAGE 2 OF 3

*Lildon Engineering Company*  
 548-B South Highway 27  
 Minneola, Florida 34715  
 (352) 394-2590  
[wablock@aol.com](mailto:wablock@aol.com)  
 Cert. of Auth. #2898

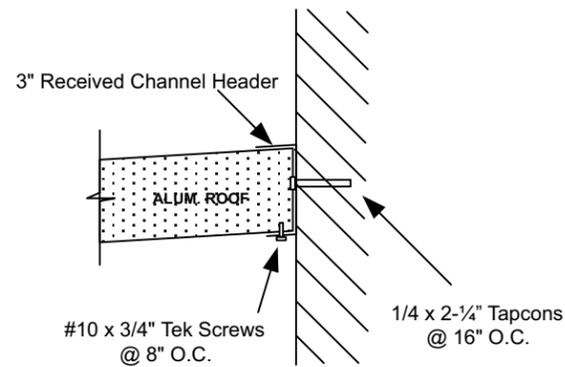


This item has been digitally signed and sealed by Wayne A. Block, PE #52583 on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

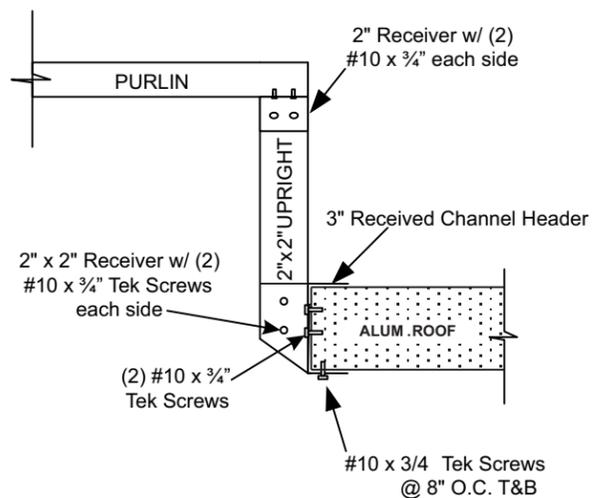
July 28, 2025  
 Wayne A. Block PE # 52583



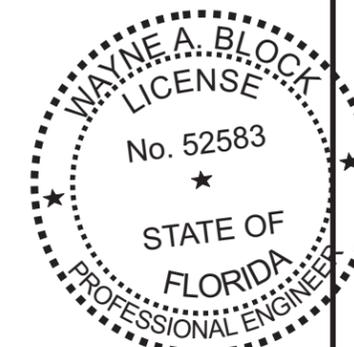
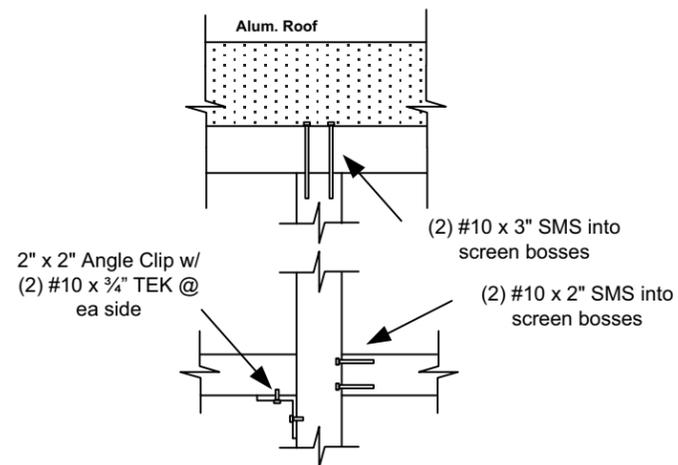
**TYPICAL ROOF TO BEAM DETAIL**



**ALUM. ROOF TO WALL**



**ALUM. ROOF TO UPRIGHT**



This item has been digitally signed and sealed by Wayne A. Block, PE #52583 on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

**MD Construction LLC**  
 6656 SR 544, Winter Haven, FL 33881  
 Office: (321) 663-5203  
 email: [mdconstructionfl@gmail.com](mailto:mdconstructionfl@gmail.com)  
Licensed & Insured  
 State Certified Specialty Contractor  
 SCC131151708



OWNER

**Michele Silva**  
 Phone: (914) 482-5228  
 Address: 795 Via Como St,  
 Poinciana - FL 34759

**PAGE 3 OF 3**

*Lidon Engineering Company*  
 548-B South Highway 27  
 Minneola, Florida 34715  
 (352) 394-2590  
[wablock@aol.com](mailto:wablock@aol.com)  
 Cert. of Auth. #2898

July 28, 2025  
 Wayne A. Block PE # 52583

# SOLIVITA COMMUNITY ASSOCIATION

## ARCHITECTURAL REVIEW ADDENDUM #1 ADDITION/NEW CONSTRUCTION

Your ARC Application for adding an addition (pool, patio, slab, screen enclosure, sunroom, generator, tanks, additional pavers, fence, drain pipes, etc.) is at the homeowner's risk. Your obligations are as follows:

- 1) Owner is responsible for all costs related to the construction of this modification including required relocation/modification to the irrigation system and any loss of plant material, to the homeowner's lot or adjacent lots that may be affected by the relocation of said irrigation system.
- 2) **Owner MUST notify, prior to the moving of soil, the landscape company or of the need to cap off the irrigation system, the spray heads adjacent to the back of the structure, and those of the neighboring homes as well.** The owner needs to make sure neighbors continue to have irrigation water.
- 3) Owner is responsible for the relocation or addition of any plant material. There is always a risk when moving plants. The Homeowners Association will not be responsible for moved or new plantings.
- 4) **Owner MUST IMMEDIATELY contact the landscape company when the modification is complete for the required re-installation of the irrigation system and shall pay the landscape company directly.** Failure to do so in a TIMELY MANNER could result in the loss of plant material on both the homeowner's lot and the adjacent lots that are served by the irrigation system. The cost of any plant replacement under this occurrence is to be borne by the homeowner making the modification.
- 5) **Owner shall create an 8-inch no-grass zone along the entire perimeter of the enclosure to prevent damage by the landscape crews of the screen or kick plate. The removal of grass and insertion of mulch and plants are at the homeowner's expense. The landscape company or the Homeowners Association takes no responsibility for damages to screens or kick plates if this no-grass zone is not created and maintained. For FENCE, a 12-inch mulch border under a fence.**
- 6) Owner is responsible for all costs related to the grading/modification of the property. The owner must ensure that the grading is adjusted accordingly so that it can properly be maintained by the HOA. The owner is responsible for drainage issues that may result from the grading/modification of the property. The owner is required to provide a sketch of the revised drainage due to any addition.



Polk County  
Polk County Land Use Hearing Officer

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Agenda Item 2.

11/20/2025

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**SUBJECT**

LDLVAR-2025-57 (Thrasher Variance)

**DESCRIPTION**

The applicant is requesting a variance for a pole barn that has a square footage and height greater than 150% of the primary residence in the RS land use district.

**RECOMMENDATION**

Approval

**FISCAL IMPACT**

No fiscal impact

**CONTACT INFORMATION**

Andrew Grohowski

Land Development Division

(863) 534-6412

[andrewgrohowski@polkfl.gov](mailto:andrewgrohowski@polkfl.gov)

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

<b>DRC Date</b>	<b>October 9, 2025</b>	<b>CASE #:</b>	<b>LDLVAR-2025-57 (Thrasher Variance)</b>
<b>LUHO Date</b>	<b>November 20, 2025</b>	<b>LDC Section:</b>	<b>Chapter 2, Section 209.G</b>

**Request:** The applicant is requesting a variance for a pole barn that has a square footage and height greater than 150% of the primary residence in the RS land use district.

**Applicant:** David Dakota Colt Thrasher

**Property Owner:** Kimberly Kelley & David Dakota Colt Thrasher

**Location:** The subject site is located at 4427 Old Government Road, north of State Road 60, east of County Line Road, south of Pipkin Road and Ewell Road, west of Hatcher Road, north of Spring Lane, southwest of the city of Lakeland in Section 20, Township 29, and Range 23.

**Parcel ID#:** 232920-000000-033140

**Size:** ±3.03 acres

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

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

**Case Planner:** Andrew Grohowski, Planner II

**Summary:**

The applicant, on behalf of the property owner, is requesting a variance to Section 209.G of the Land Development Code (LDC) to allow an accessory structure greater than 150% in square footage and height than the 1,248 sq. ft. primary residence. According to the applicant, the detached building is about 136' x 50' (6,800 sq. ft.) and will receive electrical connections. The height of the pole barn is 22 feet while the residence stands at 12 feet, 8 inches tall. The property is about 3.03 acres and has a Future Land Use designation of Residential Suburban (RS) and is in the Suburban Development Area (SDA).

According to the site plan, the accessory structure is on the northwestern portion of the property. Section 209.G of the LDC allows properties over two (2) acres to construct accessory structures up to 150% of the size of the primary structure. The adequate size of the property and adherence to setbacks makes this request relatively benign in intensity. In 2019, the neighboring property to the west received variance approval for a similar request (LDVAR-2019-16). The accessory storage building was 36' x 84' (3,024 sq. ft.) and about 190% larger than the 1,615 sq. ft. primary residence. It was constructed along the western boundary of the subject site. The pole barn is adequately setback from public right of way view and complies with required accessory structure setbacks.

Staff finds that the request meets the following criteria listed in Section 931:

- The request **will not be injurious to the area involved or otherwise detrimental to the public welfare** because the new structure meets all accessory structure setback requirements in the RS district. The structure has limited visibility from the public right-of-way and is not anticipated to adversely impact the livelihood or safety of the abutting and adjacent property owners.

### **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-2025-57**.

### **CONDITIONS OF APPROVAL:**

1. This variance approval to Section 209.G of the Land Development Code to allow one (1) accessory pole barn (6,800 sq. ft.) to be greater than 150% larger than the primary structure (1,248 sq. ft.) and up to 22 feet tall as described in the staff report. All further additions or structures placed on the property shall be required to meet the setback requirements of the Land Development Code or re-apply for another variance from the Land Use Hearing Officer.
2. The applicant must apply for all necessary permits within one (1) year of the date for which the Land Use Hearing Officer's Final Order is rendered.
3. The use of the accessory structure approved herein is limited to the storage of items associated with the residential use of the property. No home-based business or commercial uses shall be permitted to occur within the accessory structure.
4. 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.

### **GENERAL NOTES**

*NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.*

*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.*

*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 submission 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.*

**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;*

Staff finds that this request will not be injurious to the surrounding area or detrimental to the public welfare. The parcel is in an area with a cluster of lots ranging in size from half an acre to five acres. The current property is over 3 acres of space. The pole barn is open on all sides and is approximately five and a half times larger than the existing primary structure at 6,800 square feet it also stands at about 22 feet tall. There is one 1,248 sq. ft. mobile home that is 12 feet, 8 inches tall on the property built in 1986. The pole barn will be more than 200 feet from the nearest residence, behind the existing home, and about 455 feet from the public right of way. The site plan (*Exhibit 5*) indicates the barn is about 105 feet and 15 feet from the northern and western property lines respectively, meeting all setbacks prescribed in the RS land use district, according to Table 2.2 of the LDC. Given the large backyard and placement of the structure adequately setback from public right of way view, this request is relatively benign. Additionally, the property to the west received variance approval to construct an enclosed storage structure that was greater than 150% of the primary residence in 2019 (LDVAR-2019-16).

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 is located in the Residential Suburban (RS) land use district and is about 3.03 acres, which is smaller than the district standard, however it is considered a vested lot of record. Prior to the adoption of the Comprehensive Plan and LDC, the property was first recorded in 1984, smaller than 1.5 acres, and zoned in the Rural Conservation (RC) district. Sometime after 1991, the property was combined with a flag lot to the north (old parcel #: 232920-000000-033220) to create the existing lot size today. A 1,248 sq. ft. mobile home was installed on the property due to medical hardship sometime in 1986. Additional improvements subsequently followed with a 420 sq. ft. carport and 288 sq. ft. shed built in the mid-1990s. Given the scale of the subject property at over 3 acres with a depth of over 600 feet from the public right of way, accessory structures such as this are negligible in size and height. Additionally, the entire property is surrounded by a 6-foot-tall fence. According to the applicant, the size of the accessory structure is necessary to store a recreational vehicle, trailer, as well as equipment and machines for agricultural purposes.

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

The current owners purchased the property in December 2024, with the lot at its current dimensions. The applicant began construction of the pole barn and submitted an electric permit in July 2025 without an associated building permit (BT-2025-13272). The property owner would like to store personal items that include a recreational vehicle, farm equipment, and a trailer and has stated this size is necessary to suit their needs. The accessory structure on the property is about 6,800 square feet and 22 feet tall. This is about 545% larger than the principal structure at 3,287 sq. ft. which stands at 12 feet, 8 inches in height.

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;*

The proposed request is not anticipated to confer on the applicant any special privilege that is denied by the provisions of the Code. Section 209.G.2 allows an accessory structure larger than the primary with approval from the Land Use Hearing Officer pursuant to Sections 930 and 931. Staff have received an application for an accessory structure larger than the primary in the immediate vicinity. In 2019, the adjacent neighbor to the west received variance approval to construct a 3,024 sq. ft. accessory storage building, almost 190% larger than the 1,615 sq. ft. primary residence on the site (LDVAR-2019-16). The approved structure is located along the subject site's western property boundary, close to where the applicant's pole barn is located.

Accessory structures are permitted by right in this land use district, and structures such as this - as long as it has a permanent foundation, a rigid roof, and meets setbacks. The accessory side and rear setback requirements in the RS district are five and ten feet respectively. This structure exceeds this distance without requiring a variance.

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 and build the structure as requested. Approval of this variance is necessary for the owner in order to store recreational vehicles and agricultural equipment. Sheltering these items and tools from the elements will extend their useful lifespan. The height does not exceed the maximum height of 50 feet for the RS land use district.

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 will not result in the creation of a lot or parcel that does not meet the requirements of the Code. The variance request 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 a condition or the intent of a condition placed on the development by the Planning Commission or the BoCC.

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

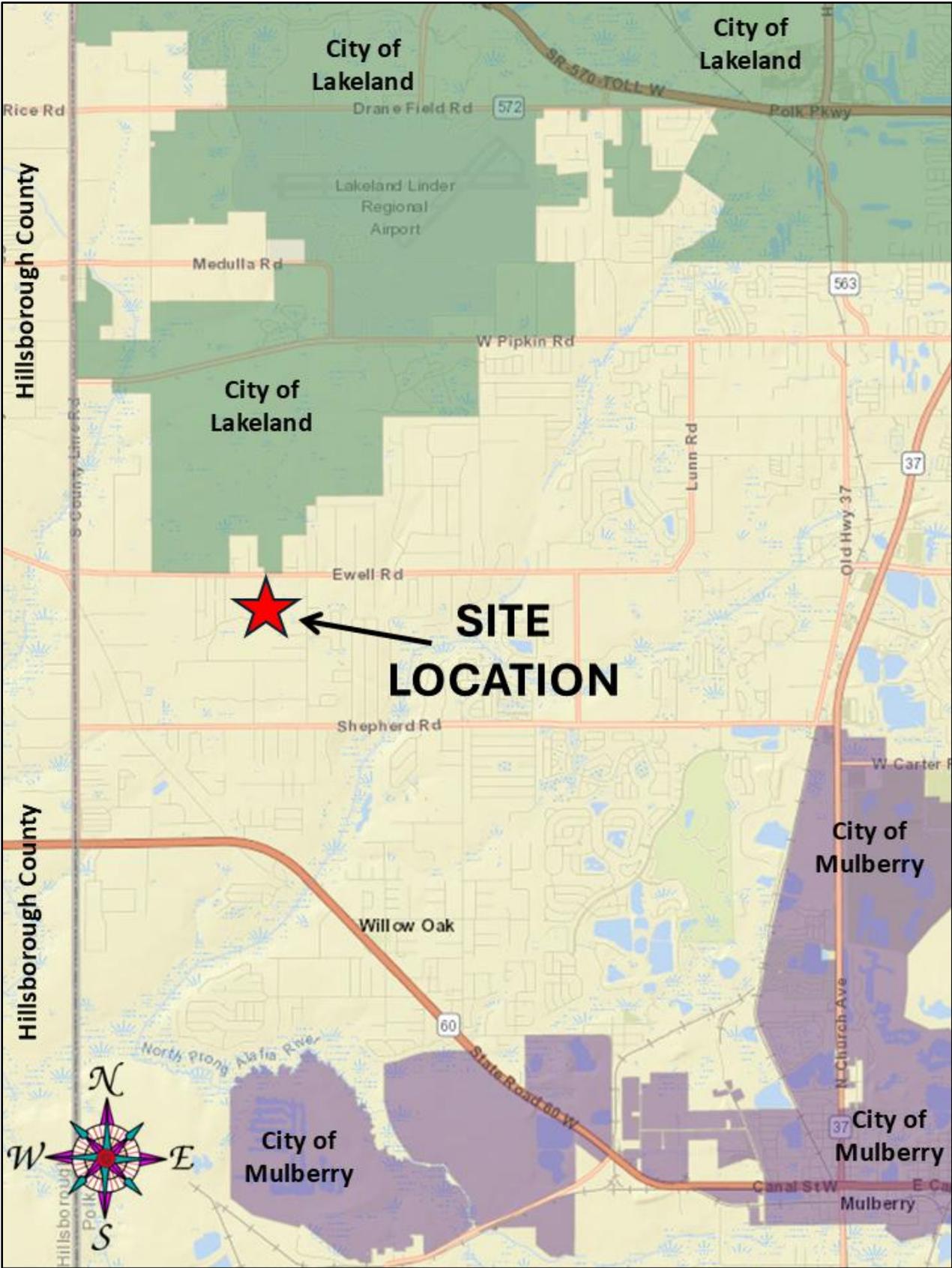
<p><b>Northwest:</b> RS 1,344 sq. ft. mobile home ± 2.50 acres</p>	<p><b>North:</b> RS 1,344 sq. ft. mobile home ± 2.50 acres</p>	<p><b>Northeast:</b> RS 3,656 sq. ft. single-family home ± 1.80 acres</p>
<p><b>West:</b> RS 1,615 sq. ft. single-family home 36' x 84' pole barn (LDLVAR-2019-16) ± 3.48 acres</p>	<p><b>Subject Property:</b> RS 1,248 sq. ft. single-family home ± 3.03 acres</p>	<p><b>East:</b> RS 2,823 single-family home ± 2.50 acres</p>
<p><b>Southwest:</b> RS Vacant land ± 1.21 acres</p>	<p><b>South:</b> RS Open Space - The Hamptons Mobile Home Park (PUD # 89-01) ± 320.36 acres</p>	<p><b>Southeast:</b> RS Open Space - The Hamptons Mobile Home Park (PUD # 89-01) ± 320.36 acres</p>

The subject site has frontage on Old Government Road with the property and surrounding vicinity designated as Residential Suburban (RS). The current owners purchased the property through a quitclaim deed recorded in December 2024 according to the Property Appraiser’s website. A 1,248 sq. ft. mobile home was placed on the property in 1986. A similar variance was approved on the residential property directly adjacent to the subject site. In 2019, the western neighbor received approval to construct a 36’ x 84’ pole barn (3,024 sq. ft.) which was almost 190% larger than the 1,615 sq. ft. primary residence (LDVAR-2019-16). The prior zoning of the site was Rural Conservation (“RC”) which required one (1) dwelling unit per acre. The accessory structure is consistent with the architectural theme of the principal dwelling and provides a rural aesthetic image.

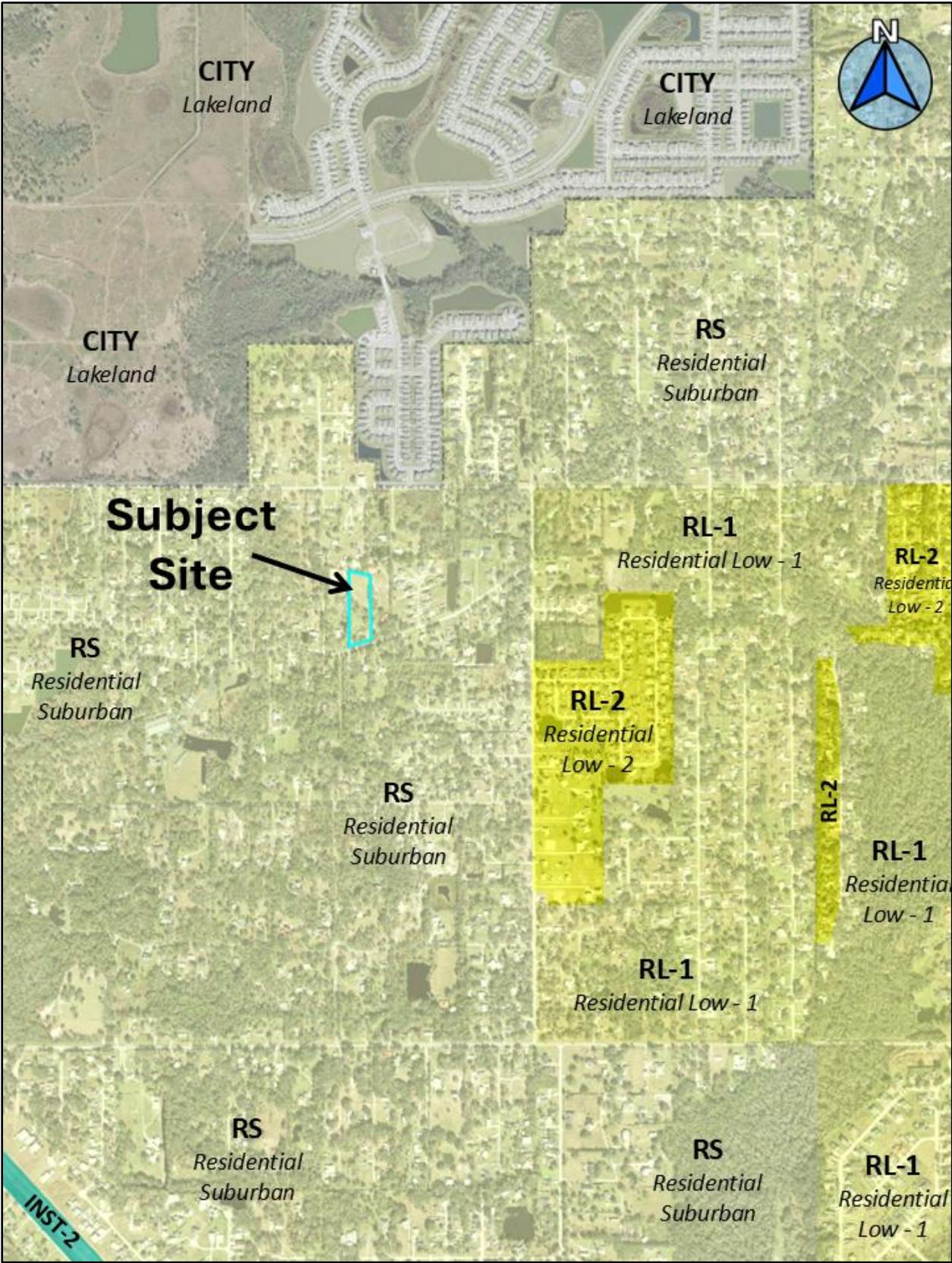
**Comments from other Governmental Agencies:** None

**Exhibits:**

- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use Map
- Exhibit 3 – 2023 Aerial Photo (Context)
- Exhibit 4 – 2025 Satellite Image (Close-up)
- Exhibit 5 – Site Plan
- Exhibit 6 – Justification



Location Map



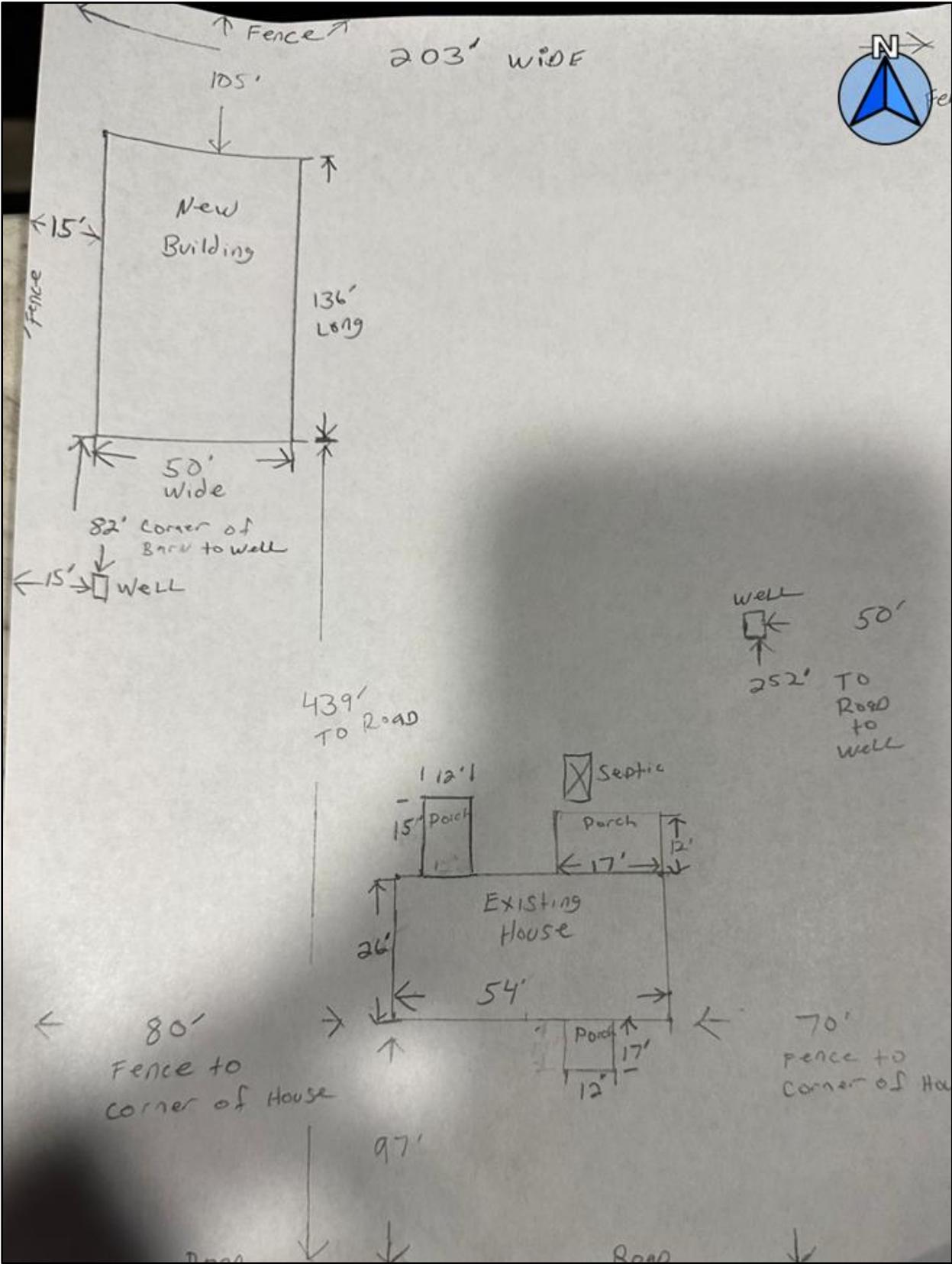
# Future Land Use Map



2023 Aerial Photo (Context)



2025 Satellite Image (Close-up)

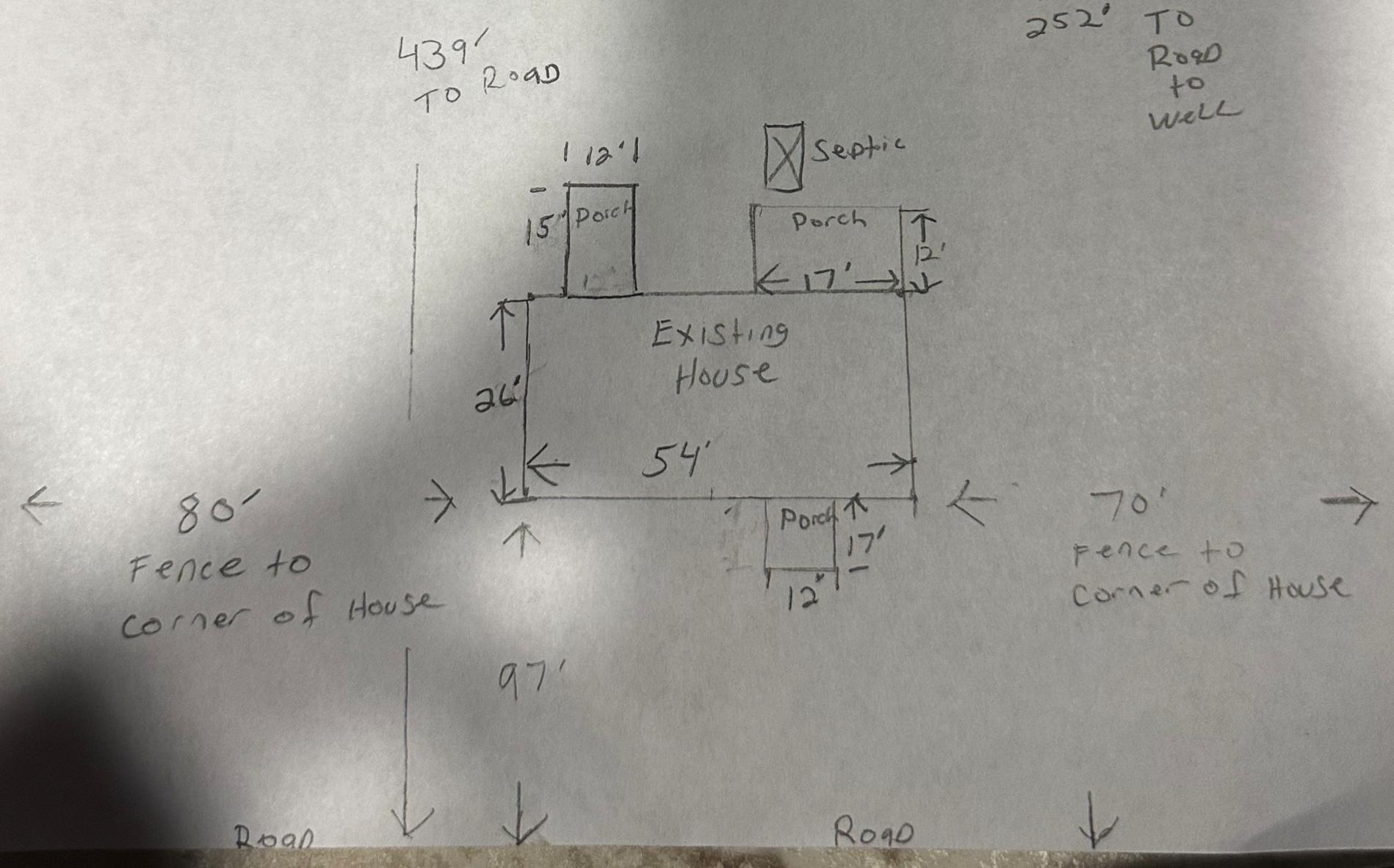
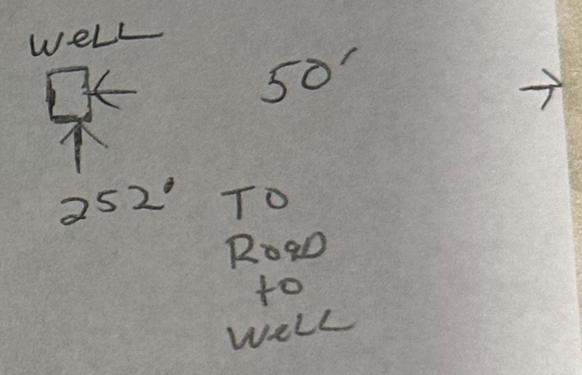
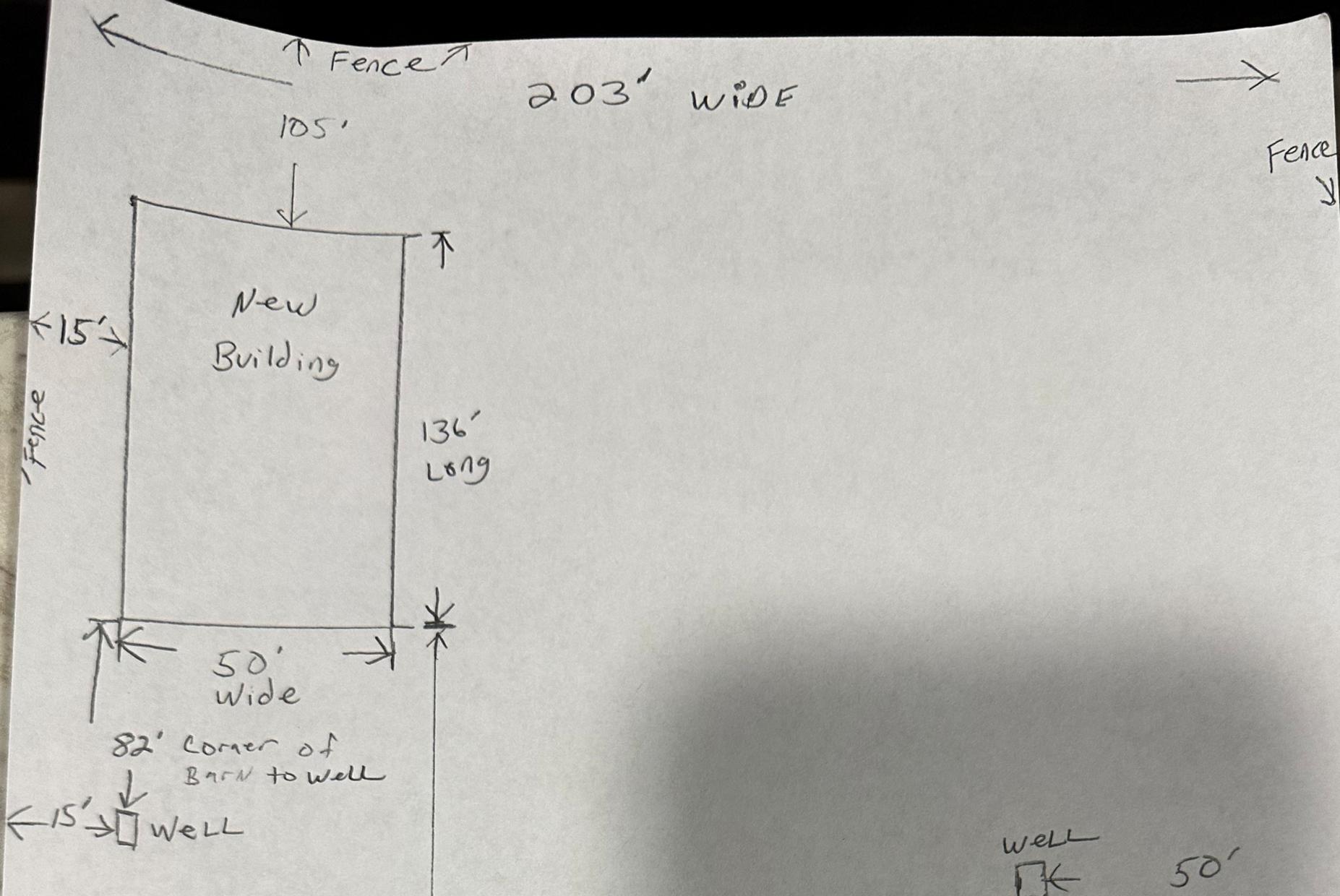


# Site Plan

CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare? **No**
  
2. What special conditions exist that are peculiar to the land, structure, or building involved? **N/A**
  
3. When did you buy the property and when was the structure built? Permit Number?  
**6/9/23**  
**6/15/25**
  
4. What is the hardship if the variance is not approved?  
**Wasted resources**
  
5. Is this the minimum variance required for the reasonable use of the land?  
**yes**
  
6. Do you have Homeowners Association approval for this request?  
**Not in a HOA**

## Justification



## CRITERIA FOR GRANTING A VARIANCE

1. Will the variance be injurious to the area involved or detrimental to the public welfare? **No**
2. What special conditions exist that are peculiar to the land, structure, or building involved? **N/A**
3. When did you buy the property and when was the structure built? Permit Number?  
**6/9/23**  
**6/15/25**
4. What is the hardship if the variance is not approved?  
**Wasted resources**
5. Is this the minimum variance required for the reasonable use of the land?  
**yes**
6. Do you have Homeowners Association approval for this request?  
**Not in a HOA**

# LDLVAR-2025-57 - Thrasher Variance

Menu Reports Help

**Application Name:** [Thrasher Variance](#)

**File Date:** [08/21/2025](#)

**Application Type:** [LUHO - Variance](#)

**Application Status:** [Approved For Hearing](#)

**Application Comments:** View ID Comment Date

**Description of Work:** [Requesting variance because the pole barn is bigger than the dwelling onsite.](#)

**Application Detail:** [Detail](#)

**Address:** [4427 OLD GOVERNMENT RD, LAKE LAND, FL 33811](#)

**Parcel No:** [23292000000033140](#)

**Owner Name:** [Thrasher David](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	<a href="#">David Thrasher</a>		Engineer	<a href="#">Mailing_4427 Old Gove...</a>	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #

**Job Value:** [\\$0.00](#)

**Total Fee Assessed:** [\\$541.00](#)

**Total Fee Invoiced:** [\\$541.00](#)

**Balance:** [\\$0.00](#)

**Custom Fields:** LD\_GEN\_BOA

GENERAL INFORMATION

Expedited Review

Number of Lots

-

Will This Project Be Phased

Acreage

[3.03](#)

DRC Meeting Time

DRC Meeting

[10/09/2025](#)

Rescheduled DRC Meeting

Rescheduled DRC Meeting Time

-

Green Swamp

Number of Units

[No](#)

-

Case File Number

Is this Polk County Utilities

-

One Year Extension

FS 119 Status

[Non-Exempt](#)

-

PUBLIC HEARINGS

Development Type

Application Type

[Land Use Hearing](#)

[Variance](#)

[Officer](#)

Brownfields Request

Variance Type

[N/A](#)

[Dimensions](#)

[Table](#)

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

[Land Use Hearing](#)

-

[Officer](#)

MEETING DATES

LUHO Hearing Date

[11/20/2025](#)

ALCOHOL BEVERAGE DIST REQ

Type of Business

Type of License

-

-

Hours of Operation

-

Give Name & address of any school(s)/Church(s) within 2500 ft to the requesting property boundary

-

COMMUNICATION TOWER

Are there other sites beyond the one mile radius that are available to accomodate the proposed tower

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?

[N/A](#)

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

[6/9/23](#)

[6/15/25](#)

What is the hardship if the variance is not approved?

[Wasted resources](#)

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

[yes](#)

Do you have Homeowners Association approval for this request?

[Not in a HOA](#)

**LD\_GEN\_BOA\_EDL**

[Opening DigEplan List...](#)

DigEplan Document List

-

**PLAN REVIEW FIELDS**

TMPRecordID

[POLKCO-25EST-00000-51405](#)

RequiredDocumentTypesComplete

[No](#)

DocumentGroupforDPC

[DIGITAL PROJECTS LD](#)

AdditionalDocumentTypes

[Applications,AutoCad File,Binding Site Plans \(PDS and CUs\),CSV,Calculations,Correspondence,Design Drawings,Flood/Traffic Studies,Impact Statement, Inspections,Miscellaneous,Plats,Record Drawings, Response Letter Resubmittal Complete,Staff Report/Approval Letter,Survey,Title Opinion](#)

DigitalSigCheck

[Yes](#)

RequiredDocumentTypes

[Activate DPC](#)

Activate FSA

[Yes](#)

**PLAN UPLOAD ACKNOWLEDGEMENT**

Upload Plans Acknowledgement

[√](#)

**LAND USE**

Selected Area Plan LU Code

NOR

Neighborhood Organization Registry (NOR)

**PUBLIC MAILERS**

Posting Board Number of Boards (Number) Number of Mailers (Number) Date Mailed Date Posted NOR

[LUHQ](#) 1 41 11/05/2025 11/05/2025

**Workflow Status:**

Task	Assigned To	Status	Status Date	Action By
<a href="#">Application Submittal</a>	Saralis Wons	Application ...	09/15/2025	Saralis Wons
<a href="#">Roads and Drainage Review</a>	Phil Irven	Approve	09/15/2025	Phil Irven
<a href="#">Planning Review</a>	Andrew Grohowski	Approve	10/01/2025	Andrew Grohowski
<a href="#">Review Consolidation</a>		Approved for...	10/14/2025	Saralis Wons
<a href="#">Public Notice</a>				
Hearing Officer				
Final Order				
Archive				

<b>Condition Status:</b>	Name	Short Comments	Status	Apply Date	Severity	Action By
<b>Scheduled/Pending Inspections:</b>	Inspection Type	Scheduled Date	Inspector	Status	Comments	
<b>Resulted Inspections:</b>	Inspection Type	Inspection Date	Inspector	Status	Comments	



Polk County  
Polk County Land Use Hearing Officer

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Agenda Item 3.

11/20/2025

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**SUBJECT**

LDLVAR-2025-58 (Saturn St Variance) - Continue to December 9, 2025 hearing date.

**DESCRIPTION**

The applicant is requesting a variance to reduce the rear accessory structure setback from ten (10) feet to two (2) feet for one shed and the side accessory structure setback from five (5) feet to two (2) feet for a second shed. The subject site is located at 1910 Saturn St, south of Skyview Dr, north of Maine Ave, east of the city of Lakeland in Section 27, Township 28, Range 24.

**RECOMMENDATION**

Conditional Approval

**FISCAL IMPACT**

No Fiscal Impact

**CONTACT INFORMATION**

Aleya Inglima

Land Development Division

(863) 534-6764

aleyaperreira@polkfl.gov

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

<b>DRC Date:</b>	October 9, 2025	<b>CASE #:</b>	LDLVAR-2025-58 (Saturn St Variance)
<b>LUHO Date:</b>	November 20, 2025	<b>LDC Section:</b>	Section 208, Table 2.2

**Request:** The applicant is requesting a variance to reduce the rear accessory structure setback from ten (10) feet to two (2) feet for one shed and the side accessory structure setback from five (5) feet to two (2) feet for a second shed.

**Applicant:** Cimberly Harris

**Property Owner:** Cimberly Harris

**Location:** 1910 Saturn St, south of Skyview Dr, north of Maine Ave, east of the city of Lakeland in Section 27, Township 28, Range 24.

**Parcel ID#:** 242827-000000-014116

**Size:** ±0.12 acres

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

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

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

**Summary:**

The applicant is requesting a variance to reduce the rear accessory structure setback from ten (10) feet to two (2) feet for one shed and the side accessory structure setback from five (5) feet to two (2) feet for a second shed. The owner purchased the property August 2021. This parcel was recorded via warranty deed on May 30, 1986, prior to the Land Development Code and Comprehensive Plan. The property is located off Saturn Street, a private road and in a Residential Suburban (RS) future land use. The side accessory setbacks established in RS land use districts are set at five feet and ten feet for the rear. Table 2.2 states that RS land use density is 1 du/5 ac. The size of this parcel (0.12 acres) significantly limits the amount of buildable space without some relief from the setbacks.

The applicant was cited by Code Enforcement for building without a permit for the sheds and seeks to come into compliance. The Code Enforcement Special Magistrate has found it to be a violation. CMA-2025-1094 is pending as the owner is seeking approval for the sheds to be located two feet off the side and rear property line. The applicant has also applied for a building permit (BR-2025-5418 and BR-2025-5420). Staff finds this request will cause no harm to the community or neighbor. The subject parcel is surrounded by lots of similar size. The sheds are located in the side and rear yard of the property.

Staff recommends approval of LDLVAR-2025-58 as it meets the following criteria listed in Section 931:

- **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** are the property's small lot size. The parcel, recorded by warranty deed on May 30, 1986, contains only 0.12 acres, significantly limiting the buildable area while meeting standard setbacks. The lot's configuration and limited depth make it difficult to accommodate accessory structures in compliance with current setback requirements.

### **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-2025-58 with conditions.**

### **CONDITIONS OF APPROVAL:**

1. Seeking a variance to reduce the rear accessory structure setback from ten (10) feet to two (2) feet for one shed and the side accessory structure setback from five (5) feet to two (2) feet for a second shed. Further additions or structures placed on the property shall be required to meet the setback requirements of Section 208, 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.
4. The use of the accessory structure approved herein is limited to the storage of items associated with the residential use of the property. No home-based business or commercial uses shall be permitted to occur within the accessory 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;*

Granting the requested variance will not be injurious to the surrounding area or detrimental to the public welfare as the two accessory sheds are still able to be maintained at two feet from property lines. The requested variance is consistent with the general intent of the Land Development Code to allow reasonable use of residential property. This lot and many of the surrounding homes in this community were developed prior to the Land Development Code and Comprehensive Plan.

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;*

Special conditions exist due to the property's small lot size and its creation prior to the adoption of the Land Development Code and Comprehensive Plan. The parcel, recorded by warranty deed on May 30, 1986, contains only 0.12 acres, significantly limiting the buildable area while meeting standard setbacks. The lot's configuration and limited depth make it difficult to accommodate accessory structures in compliance with current setback requirements.

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

The need for the variance is not solely the result of the tenants' actions. The property was established prior to current setback standards, and its small size restricts available space for accessory structures. The sheds were installed without a permit; however, the applicant is now seeking to bring the property into compliance through this variance request and building permits (BR-2025-5418 and BR-2025-5420).

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. The request represents a reasonable accommodation for the property's limited size. Surrounding lots are of similar sizes and the sheds are consistent with other accessory structures in the neighborhood.

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

The requested reduction in setbacks from ten feet to two feet (rear) and from five feet to two feet (side) represents the minimum variance necessary to allow reasonable use of the property. Given the parcel's small size and existing layout, adherence to setback requirements would prevent placement of accessory structures.

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;*

Approval of this variance will not result in a change of land use. The property will remain designated as Residential Suburban (RS) land use district.

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.*

Granting this variance will not circumvent a condition or the intent of a condition placed on the development by the Planning Commission or the BoCC.

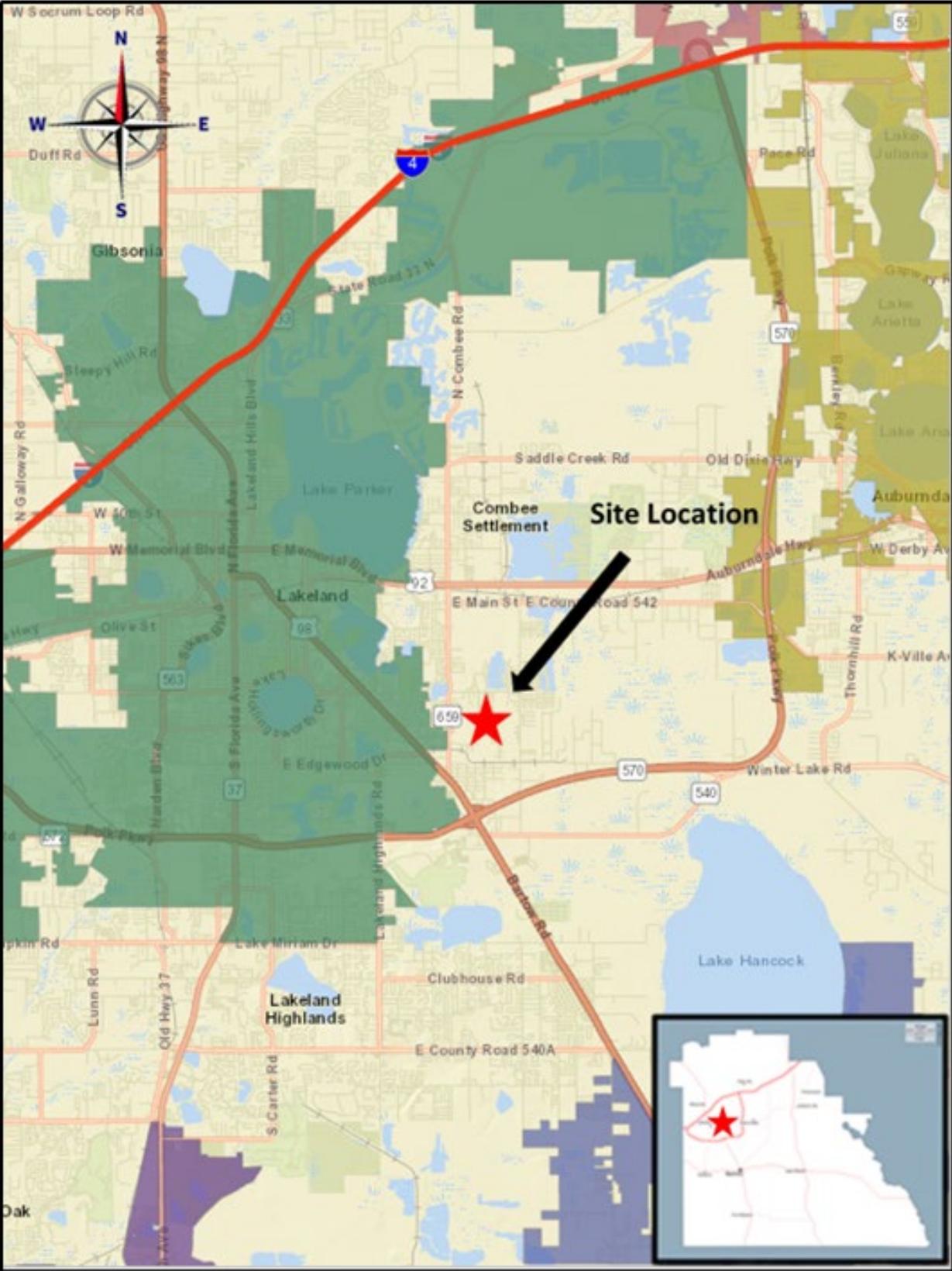
**Surrounding Future Land Use Designations and Existing Land Use Activity:**

<b>Northwest:</b> RS Mobile Home	<b>North:</b> RS Vacant	<b>Northeast:</b> RS Vacant
<b>West:</b> RS Mobile Home	<b>Subject Property:</b> RS Mobile Home	<b>East:</b> RS Duplex
<b>Southwest:</b> RS Mobile home	<b>South:</b> BPC-2 Vacant	<b>Southeast:</b> BPC-2 Vacant

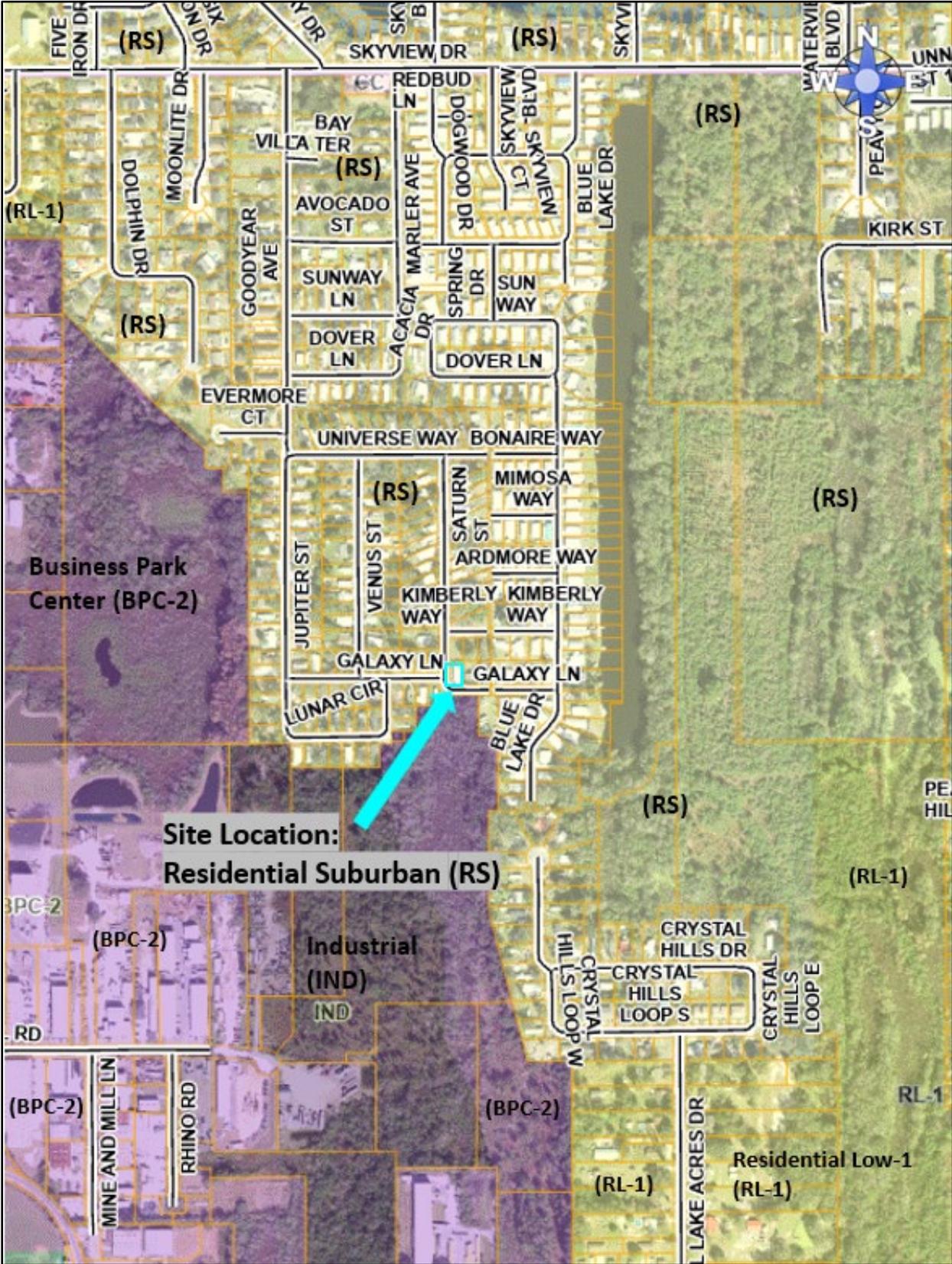
The sheds are located to the side and rear of the home. Staff found no prior variances in this neighborhood.

**Exhibits:**

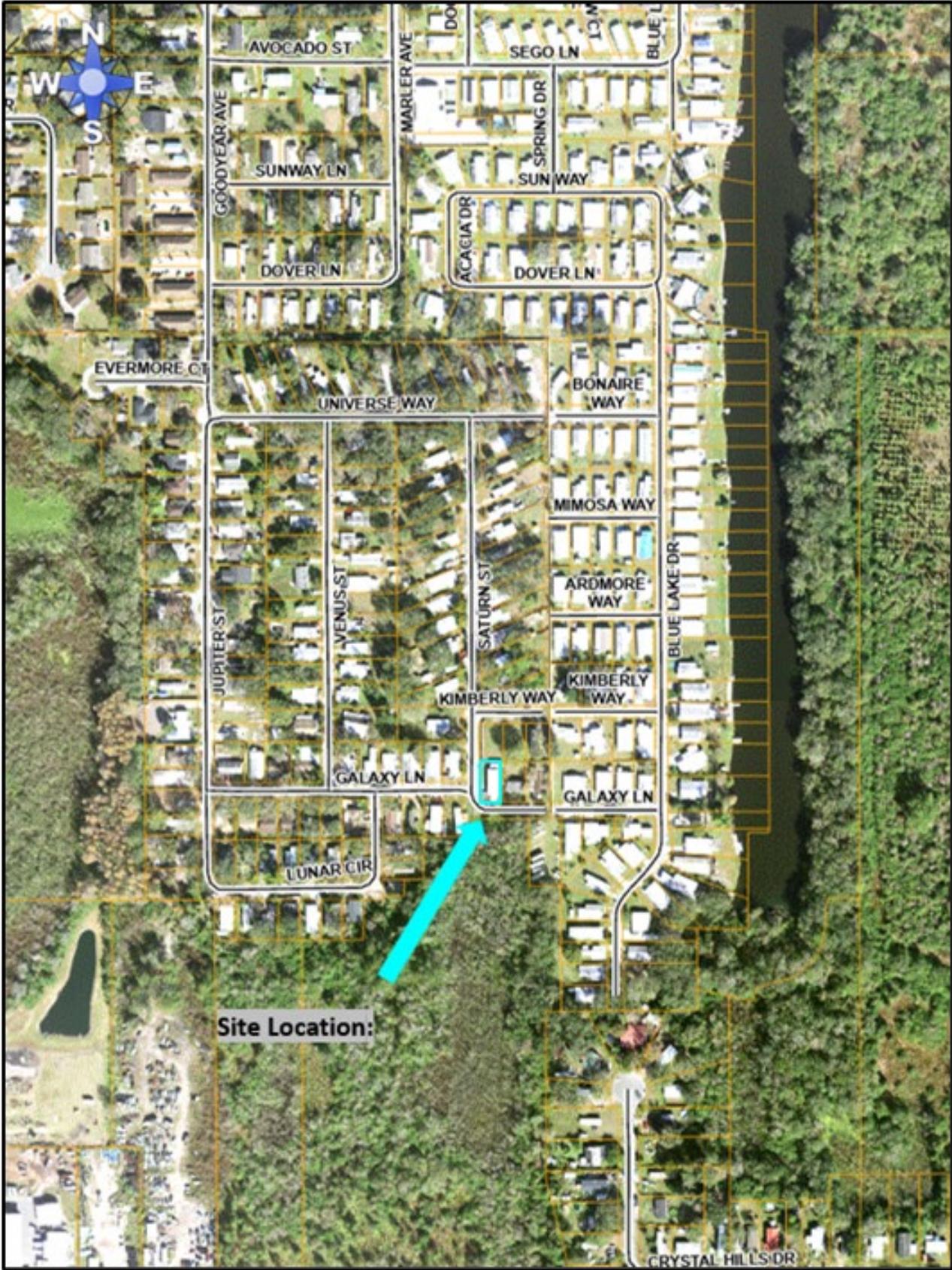
- Exhibit 1      Location Map
- Exhibit 2      Future Land Use Map
- Exhibit 3      Aerial Imagery (Context)
- Exhibit 4      Aerial Imagery (Close)
- Exhibit 5      Site Plan
- Exhibit 6      Justification



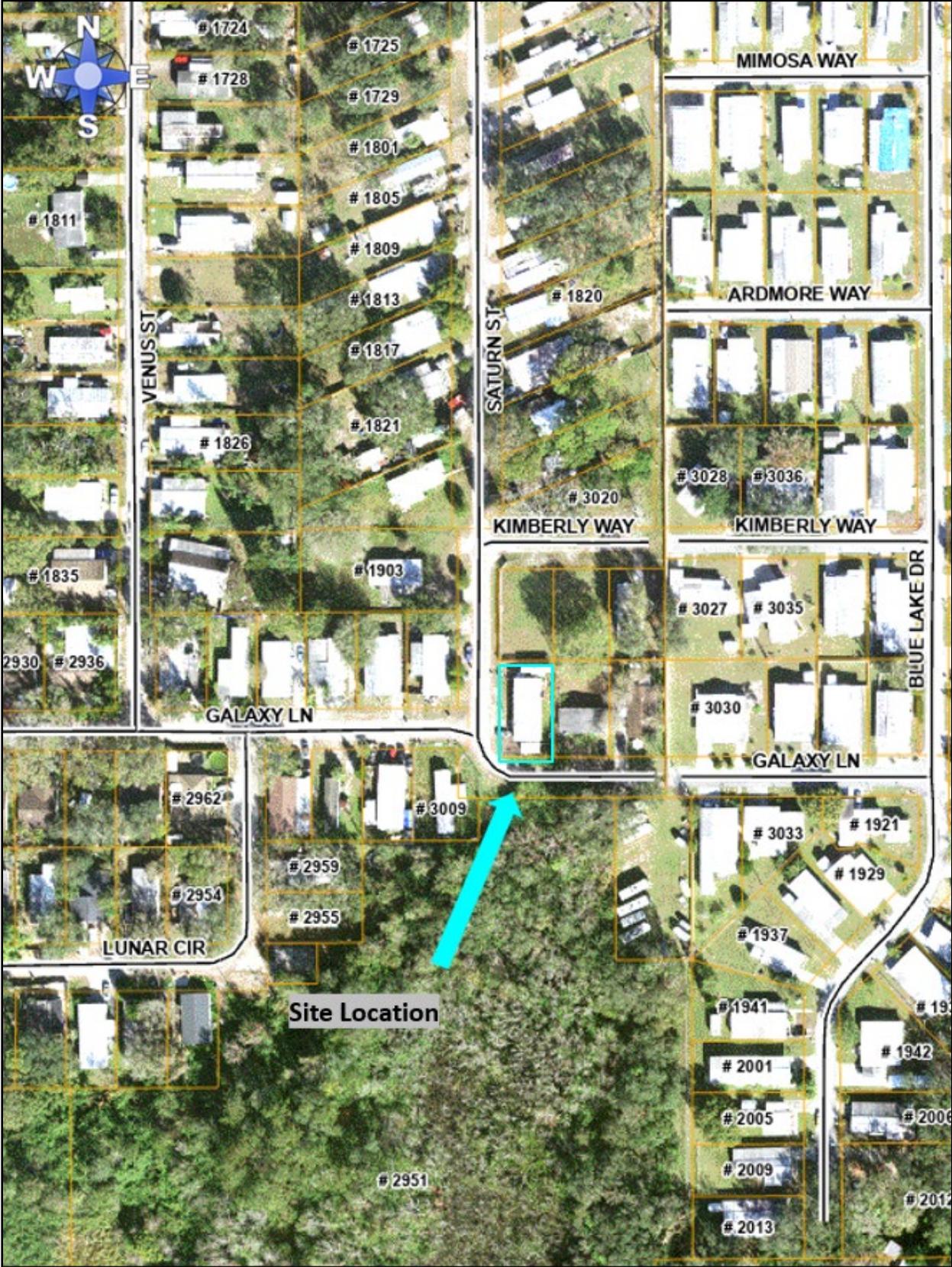
Location Map



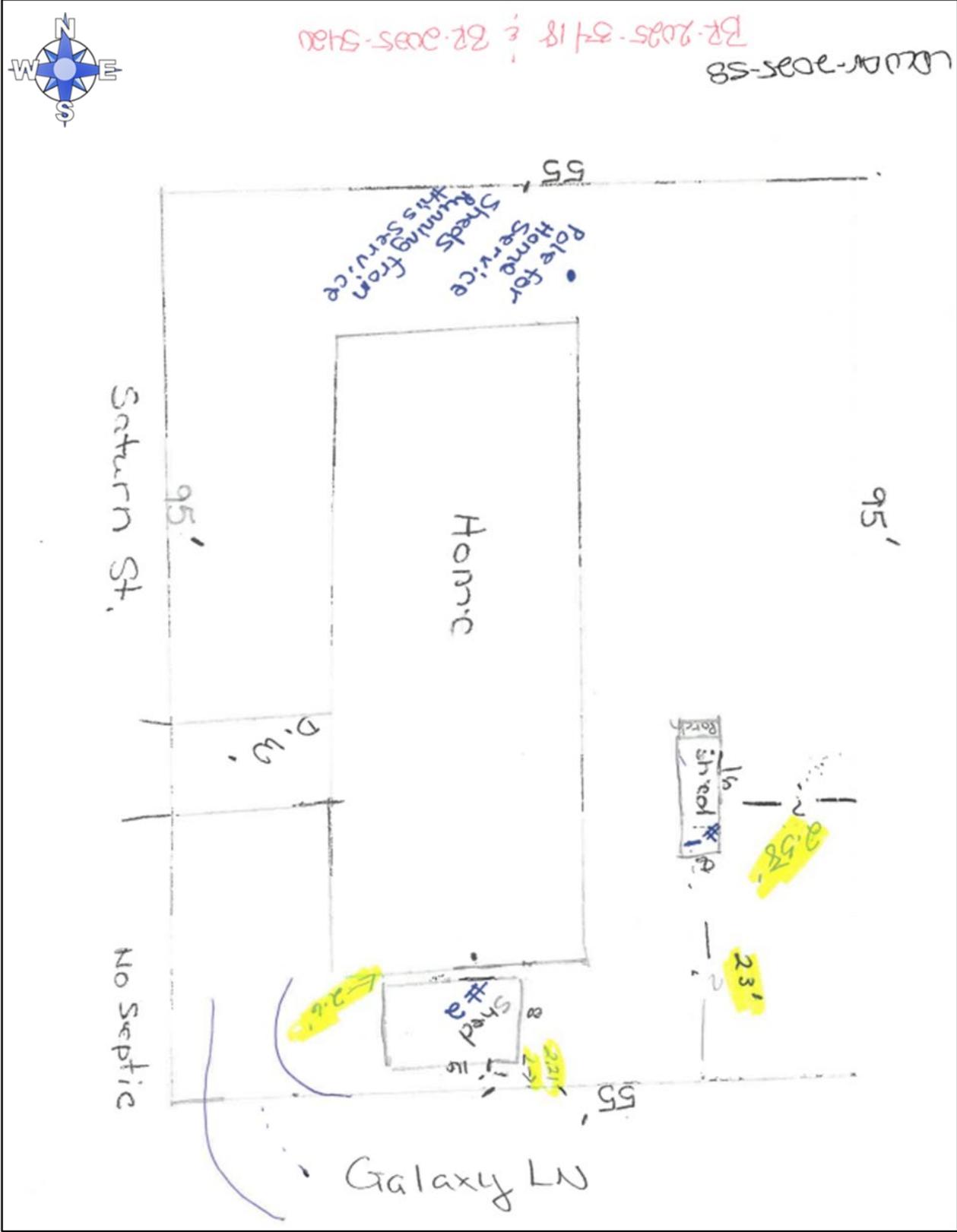
Future Land Use Map



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?  
The property does not meet the County's lot size requirements, so Infill for the Residential High land use was used.

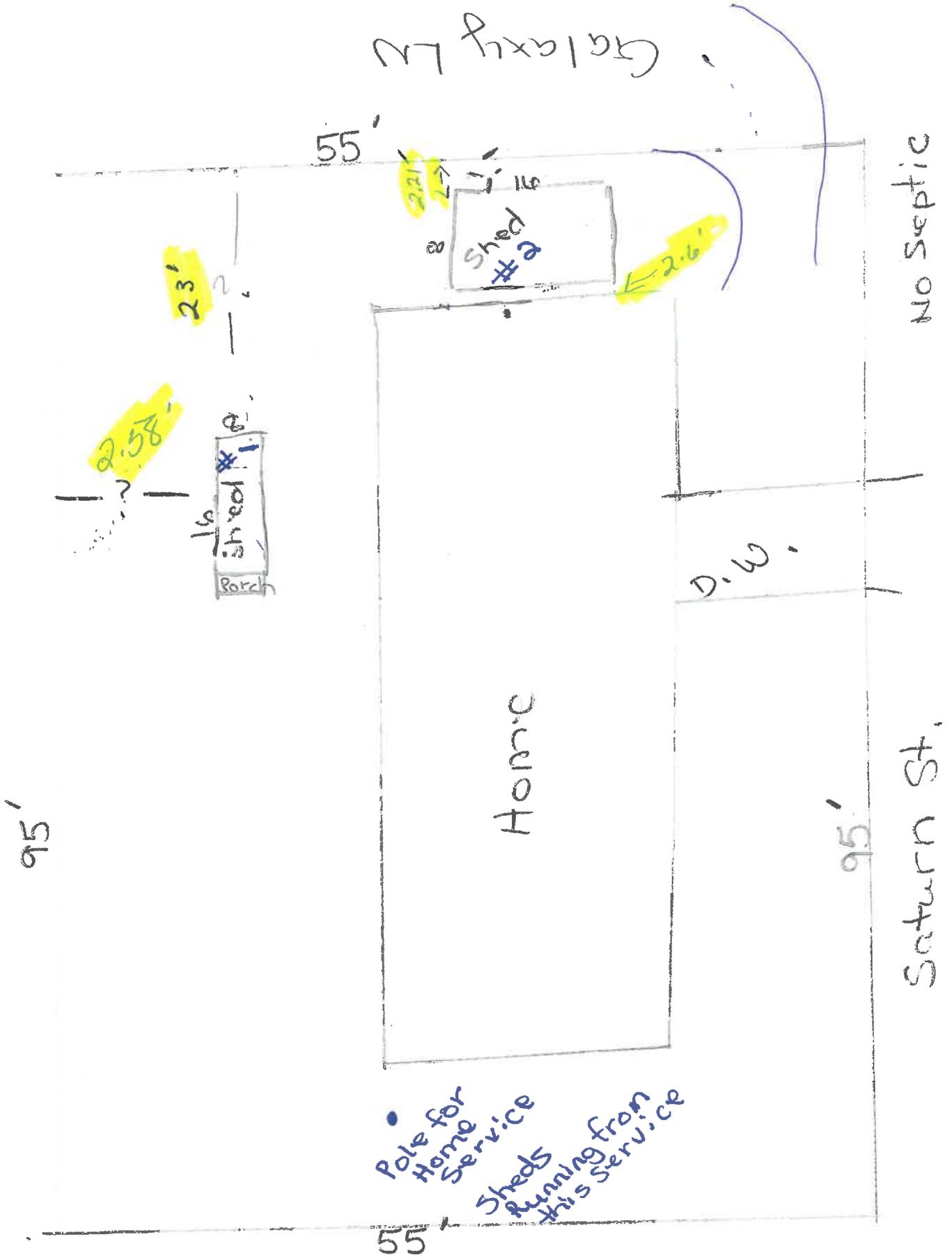
When did you buy the property and when was the structure built? Permit Number?  
tenant put it 3 yeas ago

What is the hardship if the variance is not approved?  
have to remove it and I will not have any storage.

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

Do you have Homeowners Association approval for this request?  
not in a HOA

### Justification



LDLADR-2025-58

BR-2025-3418 & BR-2025-5420

# LDLVAR-2025-58 - Harris's variance

Menu Reports Help

**Application Name:** [Harris's variance](#)

**File Date:** [08/25/2025](#)

**Application Type:** [LUHO - Variance](#)

**Application Status:** [Approved For Hearing](#)

**Application Comments:** View ID Comment Date

**Description of Work:** [Requesting 2 set back reduction for both Shed 1 and 2. Shed 1 is an 8x16 with a porch and I am requesting for my rear set back to be reduce from 5 feet to 2.58 feet. Shed 2 is an 8x16 on the right side of my property. I am requesting for a setback reduction from 5 feet to 2.21 feet.](#)

**Application Detail:** [Detail](#)

**Address:** [1910 SATURN ST, LAKELAND, FL 33801](#)

**Parcel No:** [242827000000014116](#)

**Owner Name:** [HARRIS CIMBERLY](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	<a href="#">HARRIS CIMBERLY</a>		Engineer	<a href="#">Mailing, 1207 Greenview...</a>	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #

**Job Value:** [\\$0.00](#)

**Total Fee Assessed:** [\\$1,057.00](#)

**Total Fee Invoiced:** [\\$1,057.00](#)

**Balance:** [\\$0.00](#)

**Custom Fields:** **LD\_GEN\_BOA**

GENERAL INFORMATION

Expedited Review

Number of Lots

-

Will This Project Be Phased

Acres

[.12](#)

DRC Meeting Time

DRC Meeting

[10/09/2025](#)

Rescheduled DRC Meeting

Rescheduled DRC Meeting Time

-

Green Swamp

Number of Units

[No](#)

-

Case File Number

Is this Polk County Utilities

-

One Year Extension

FS 119 Status

[Non-Exempt](#)

-

PUBLIC HEARINGS

Development Type

Application Type

[Land Use Hearing](#)

[Variance](#)

[Officer](#)

Variance Type

Brownfields Request

[Dimensions](#)

[N/A](#)

[Table](#)

Affordable Housing

ADVERTISING

Advertising Board

Legal Advertising Date

[Land Use Hearing](#)

-

[Officer](#)

MEETING DATES

LUHO Hearing Date

[11/20/2025](#)

ALCOHOL BEVERAGE DIST REQ

COMMUNICATION TOWER

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?  
[The property does not meet the County's lot size requirements, so Infill for the Residential High land use was used.](#)

When did you buy the property and when was the structure built? Permit Number?  
[tenant put it 3 yeas ago](#)

What is the hardship if the variance is not approved?  
[have to remove it and I will not have any storage.](#)

Is this the minimum variance required for the reasonable use of the land?  
[yes](#)

Do you have Homeowners Association approval for this request?  
[not in a HOA](#)

LD\_GEN\_BOA\_EDL

[Opening DigEplan List...](#)

DigEplan Document List

-

PLAN REVIEW FIELDS

TMPRecordID  
[POLKCO-25EST-00000-51866](#)  
 RequiredDocumentTypesComplete  
[Yes](#)

DocumentGroupforDPC  
[DIGITAL PROJECTS LD](#)  
 AdditionalDocumentTypes  
[Applications, AutoCad File, Binding Site Plans \(PDs and CUs\), CSV, Calculations, Correspondence, Design Drawings, Flood/Traffic Studies, Impact Statement, Inspections, Miscellaneous, Plats, Record Drawings, Response Letter Resubmittal Complete, Staff Report/Approval Letter Survey, Title Opinion](#)  
 DigitalSigCheck  
[Yes](#)

RequiredDocumentTypes  
 -  
 Activate DPC

Activate FSA  
[Yes](#)

PLAN UPLOAD ACKNOWLEDGEMENT

Upload Plans Acknowledgement  
[√](#)

LAND USE

Selected Area Plan LU Code

NOR

Neighborhood Organization Registry (NOR)

PUBLIC MAILERS

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
<a href="#">LUHO</a>	2	33	11/05/2025	11/05/2025	

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	<a href="#">Application Submittal</a>	Saralis Wons	Application ...	09/15/2025	Saralis Wons
	<a href="#">Roads and Drainage Review</a>	Phil Irven	Approve	09/15/2025	Phil Irven
	<a href="#">Planning Review</a>	Aleya Inglima	Approve	09/29/2025	Aleya Inglima
	<a href="#">Review Consolidation</a>		Approved for...	10/14/2025	Saralis Wons
	<a href="#">Public Notice</a>				
	Hearing Officer				
	Final Order				

Record Details

Task	Assigned To	Status	Status Date	Action By
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Archive

<b>Condition Status:</b>	Name	Short Comments	Status	Apply Date	Severity	Action By
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<b>Scheduled/Pending Inspections:</b>	Inspection Type	Scheduled Date	Inspector	Status	Comments
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<b>Resulted Inspections:</b>	Inspection Type	Inspection Date	Inspector	Status	Comments
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Polk County  
Polk County Land Use Hearing Officer

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Agenda Item 4.

11/20/2025

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**SUBJECT**

LDLVAR-2025-60 Fuquay Solivita Phase 7G Variance

**DESCRIPTION**

Shirley Fuquay requests a primary structure rear setback reduction from ten (10) feet to six (6) feet for the installation of a new 28' by 15' solid aluminum roof. The subject property is located at 622 San Joaquin Drive, north of Barcelona Drive, south of Cypress Parkway, east of San Clemente Avenue, west of Marigold Avenue, East of Haines City in Section 15, Township 27, Range 28.

**RECOMMENDATION**

Approval with conditions

**FISCAL IMPACT**

No fiscal impact

**CONTACT INFORMATION**

Kyle Rogus, Planner II  
Land Development Division  
863-534-7553  
kylerogus@polkfl.gov

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

<b>DRC Date:</b> October 9, 2025	<b>CASE #:</b> LDLVAR-2025-60 (Fuquay Solivita Phase 7G Variance)	
<b>LUHO Date:</b> November 20, 2025	<b>LDC Section:</b> Section 209.F & PUD 98-12	

**Request:** The applicant is requesting a primary structure rear setback reduction from ten (10) feet to six (6) feet for the installation of a new 28' by 15' solid aluminum roof.

**Applicant:** Shirley Fuquay

**Property Owner:** Elizabeth Flynn and Shirley Fuquay

**Location:** The subject property is located at 622 San Joaquin Drive, north of Barcelona Drive, south of Cypress Parkway, east of San Clemente Avenue, west of Marigold Avenue, East of Haines City in Section 15, Township 27, Range 28.

**Parcel ID#:** 282715-933573-001720

**Size:** ±0.17 acres

**Land Use Designation:** Poinciana Pre-Development of Regional Impact (DRI) #1  
Planned Unit Development (PUD) 98-12, Solivita Phase 7G Unit-2

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

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

**Summary:**

The applicant is seeking a variance to reduce the primary structure rear setback from ten (10) feet to six (6) feet for the construction of a solid aluminum roof to extend over the existing screened enclosure. The subject site is designated as Lot 172 of the Solivita Phase 7G – Unit 2 Subdivision, part of 98-12 which was approved for primary structure rear setbacks of 10 feet and accessory structure rear setback of 5 feet. Because the solid aluminum roof addition will be attached or connected to the principal structure, the newly proposed 28' by 15' solid aluminum roof under BR-2025-6635 requires a variance to reduce the primary structure rear setback from ten (10) feet to six (6) feet.

Staff finds this request will cause no direct or indirect harm to the community and recommends approval. Staff recommends approval of LDLVAR-2025-60 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 requesting for a solid aluminum roof to extend full coverage over an existing screened enclosure. The southwest most portion of the subject site, the site abuts Lot 23 of Solivita Phase 7G – Unit 1 where an existing 27’ by 10’ covered screen patio room was built under building permit BLD-H-223865. This expansion is minimal relative to the structure. It will not limit the neighbor’s peripheral view of the open space. The screen enclosure is already existing under BLD-H-247101, therefore the request to provide full roof coverage of the existing screened area will have little to no effect on the two immediate neighbors to the east and west.

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 existing home on the subject site was constructed in 2014 and met the primary structure setbacks of 10 feet front, 5 feet side, and 10 feet rear under building permit BLD-H-223850. In June 2022, the owner purchased the subject site through a warranty deed according to the Property Appraiser (O.R. BK 12280 PGs 0926-0927). The applicant later filed for a building permit BLD-H-247101, for the construction of a new 28’ by 10’ screened enclosure with concrete slab to expand the porch off the lanai. Now, under building permit BR-2025-6635, the applicant is looking to add a new solid aluminum roof to extend of the existing screen enclosure.

### **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-2025-60**

### **CONDITIONS OF APPROVAL:**

1. The property is granted a reduction in the primary rear structure setback from ten (10) feet to six (6) feet for the installation of a new 28’ by 15’ solid aluminum roof.
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 June 2022, the owner purchased the subject site through a warranty deed according to the Property Appraiser (O.R. BK 12280 PGs 0926-0927). The subject site is designated as Lot 172 in the Solivita Phase 7G – Unit 2 Subdivision recorded as PUD 98-12 under Plat Book 155, Page 4 in 2014. It is located on the exterior of the development with road frontage off San Joaquin Road, a private roadway. To the east and west of the subject site are similar sized lots and single-family housing. Neither of the abutting lots to the east and west have an extended lanai to the rear. To the southwest, the subject site abuts Lot 23 of Solivita Phase 7G – Unit 1 where an existing 27' by 10' covered screen patio room was built under building permit BLD-H-223865. This will not be the first covered lanai in close proximity to the neighboring properties. To the south and south east the property backs up to open space Tract LD-13 (landscape & signage) and Tract P-22 (wet detention pond). Seeking rear yard setback relief when abutting common areas has become commonplace throughout this development. This aluminum roof expansion will not and is not permitted to extend into any drainage easements.

This expansion is minimal relative to the structure. It will not limit the neighbor's peripheral view of the open space. The screen enclosure is already existing under BLD-H-247101, therefore the request to provide full roof coverage of the lanai will have little to no effect on the two immediate neighbors to the east and west.

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 replat of Solivita Phase 7G – Unit 2

Subdivision was recorded as PUD 98-12 under Plat Book 155, Page 4 in 2014. The subject site is designated as Lot 172. PUD 98-12 was approved for primary structure rear setbacks of 10 feet and accessory structure rear setback of 5 feet. The placement of primary structures on lots within the development are on the setbacks, which creates the existing circumstance. 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 2014 and met the primary structure setbacks of 10 feet front, 5 feet side, and 10 feet rear under building permit BLD-H-223850. BLD-H-223850 was approved with a 27'6" by 10' lanai encompassing the southwest portion of the house (see Exhibit #7). In June 2022, the owner purchased the subject site through a warranty deed according to the Property Appraiser (O.R. BK 12280 PGs 0926-0927). The applicant later filed for a building permit BLD-H-247101, for the construction of a new 28' by 15' screened enclosure with concrete slab (see Exhibit #8) to expand off the lanai. Because the screen enclosure did not have a solid roof at the time of construction, no variance was needed for the extension. Now, under building permit BR-2025-6635, the applicant is looking to add a new solid aluminum 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 28' by 15' solid aluminum roof under BR-2025-6635 will require a variance to reduce the primary structure rear setback from ten (10) feet to six (6) 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. The homes in this phase of the development are situated on the lots slightly larger than other phases like Solivita Phase 5C where the typical lot size is 0.10 acres. Lots within Solivita Phase 7G – Unit 1 & 2 are typically 0.17 acres. Although the lots are slightly larger, offering more relief from setback requirements, the individual floor plans dictate how much developable area is left available by the structure. Many buyers within the development see little value in the private open space that remains. Within the Solivita Phase 7G Subdivision, there have been numerous building permits for extended screened enclosures to the rear of the property. Many utilize the screen roof, not requiring a variance request for rear setback reductions.

However, the southwest corner of the subject site shares its property boundary with Lot 23 of Solivita Phase 7G – Unit 1, where the residence has a solid aluminum roof providing full coverage for their screen enclosure. Due to the larger lot size and floor plan, the roofed screen enclosure did not encroach upon the 10-foot rear setback, therefore no variance request is on file. This can be seen throughout Phase 7G, which can be misleading when looking for similar variance requests in the surrounding area.

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. This phase has larger lots and more setbacks/spacing between homes but there continue to be requests to build over the private open spaces. Since this property backs up to open space Tract LD-13 (landscape & signage), Tract P-22 (wet detention pond), and Lot 23 of Solivita Phase 7G – Unit 1, 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 extend roof coverage from the existing lanai extension under BLD-H-247101 for handicap and elderly assistance as stated in their justification. The subject site is located within a 55+ community where the fully covered screened lanai will significantly reduce the risk of slipping as the current screen roof allows for heavy rainfall.

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.

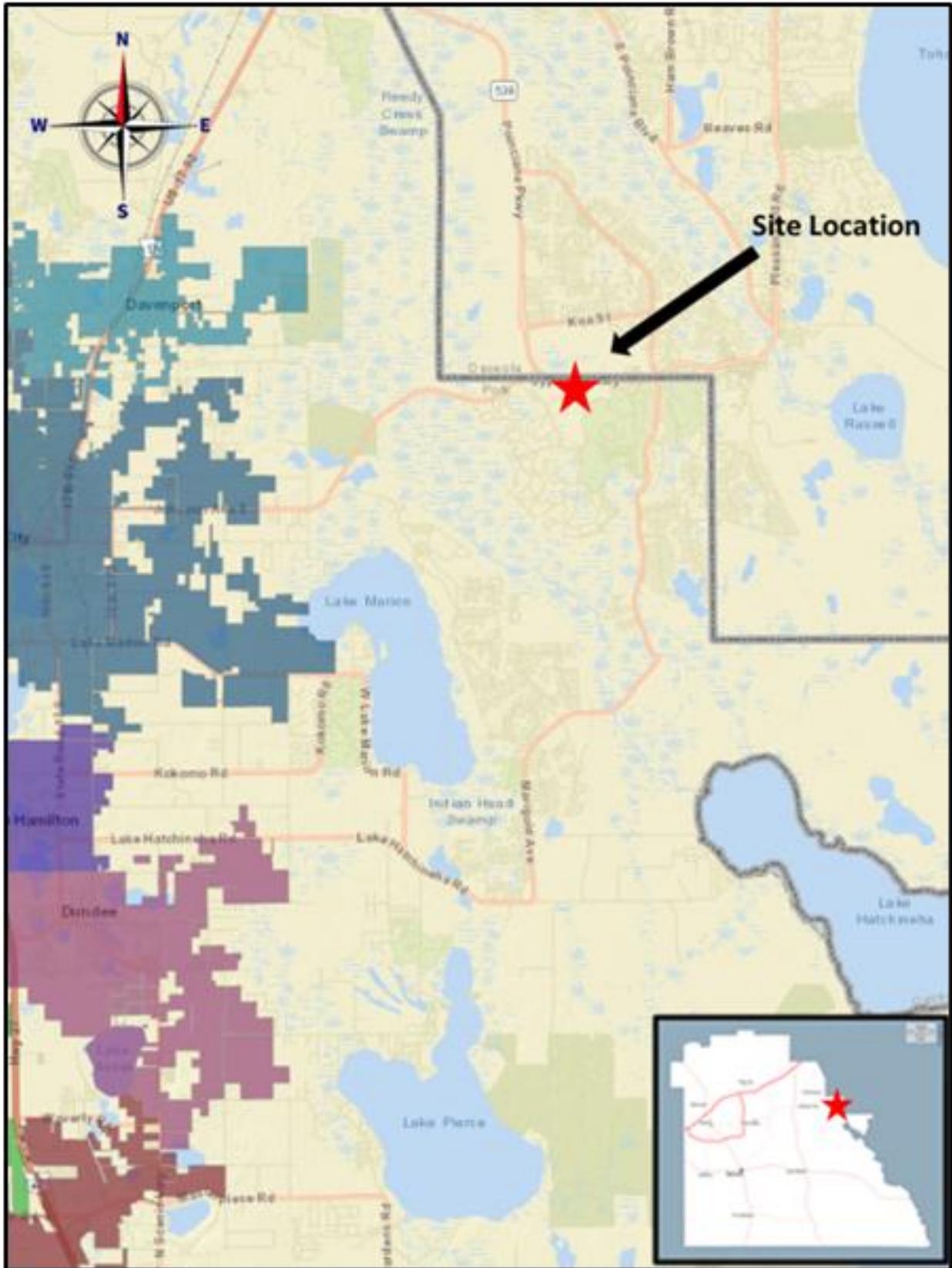
**Surrounding Future Land Use Designations and Existing Land Use Activity:**

<p><b>Northwest:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7G Lot 216 3,052 sq. ft. single-family home Built 2016 0.15 acres</p>	<p><b>North:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7G Tract LD-11 Landscape &amp; Signage 0.37 acres</p>	<p><b>Northeast:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7G Tract LD-11 Landscape &amp; Signage 0.37 acres</p>
<p><b>West:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7G Lot 171 2,612 sq. ft. single-family home Built 2015 0.16 acres</p>	<p><b>Subject Property:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7G Lot 172 2,850 sq. ft. single-family home Built 2014 0.17 acres Screened Extension</p>	<p><b>East:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7G Lot 173 2,697 sq. ft. single-family home Built 2014 0.17 acres</p>
<p><b>Southwest:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7G Lot 23 3,097 sq. ft. single-family home Built 2014 0.17 acres Lanai Extension</p>	<p><b>South:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7G Tract LD-13 Landscape &amp; Signage 0.35 acres</p>	<p><b>Southeast:</b> Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Tract P-22 Wet detention pond 6.3 acres</p>

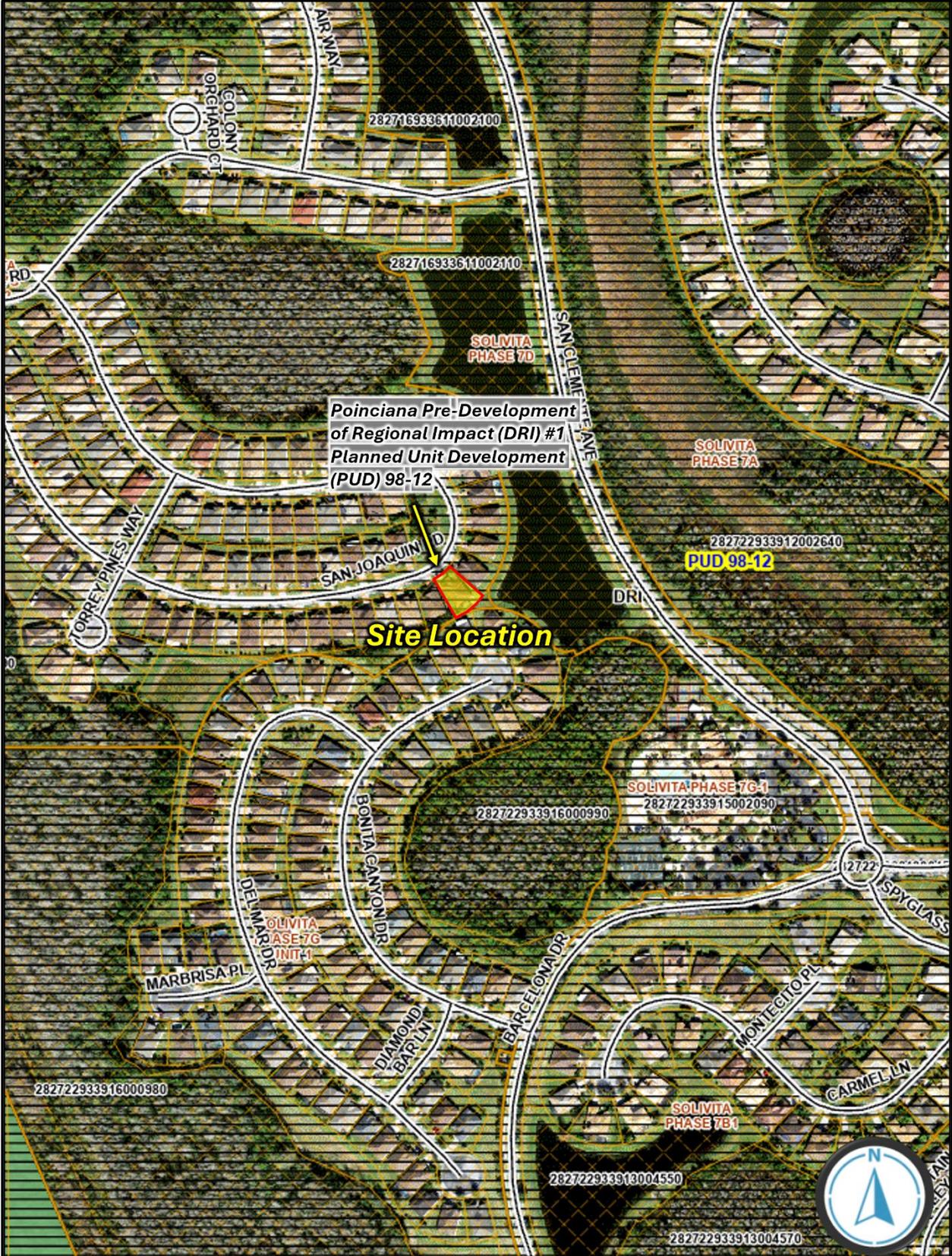
The property is part of the Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7G – Unit 2. Phase 7G – Unit 2 of the Solivita development is single-family detached units. This proposed solid aluminum roof coverage will extend five feet (15’) off the primary structure providing full coverage over the existing lanai. This would not be the only property within the immediate surrounding area that would have a solid aluminum roof providing full coverage over an existing screened enclosure. To the southwest, Lot 23 of Solivita Phase 7G – Unit 1 has an existing 27’ by 10’ covered screen patio room (BLD-H-223865). To the southeast of the subject site is Tract LD-13 within Solivita Phase 7G – Unit 2 and further east Tract P-22 of Solivita Phase 7D. Both tracts are identified on the plats as Landscape, signage, and wet detention pond, having no negative impact from the variance request.

**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

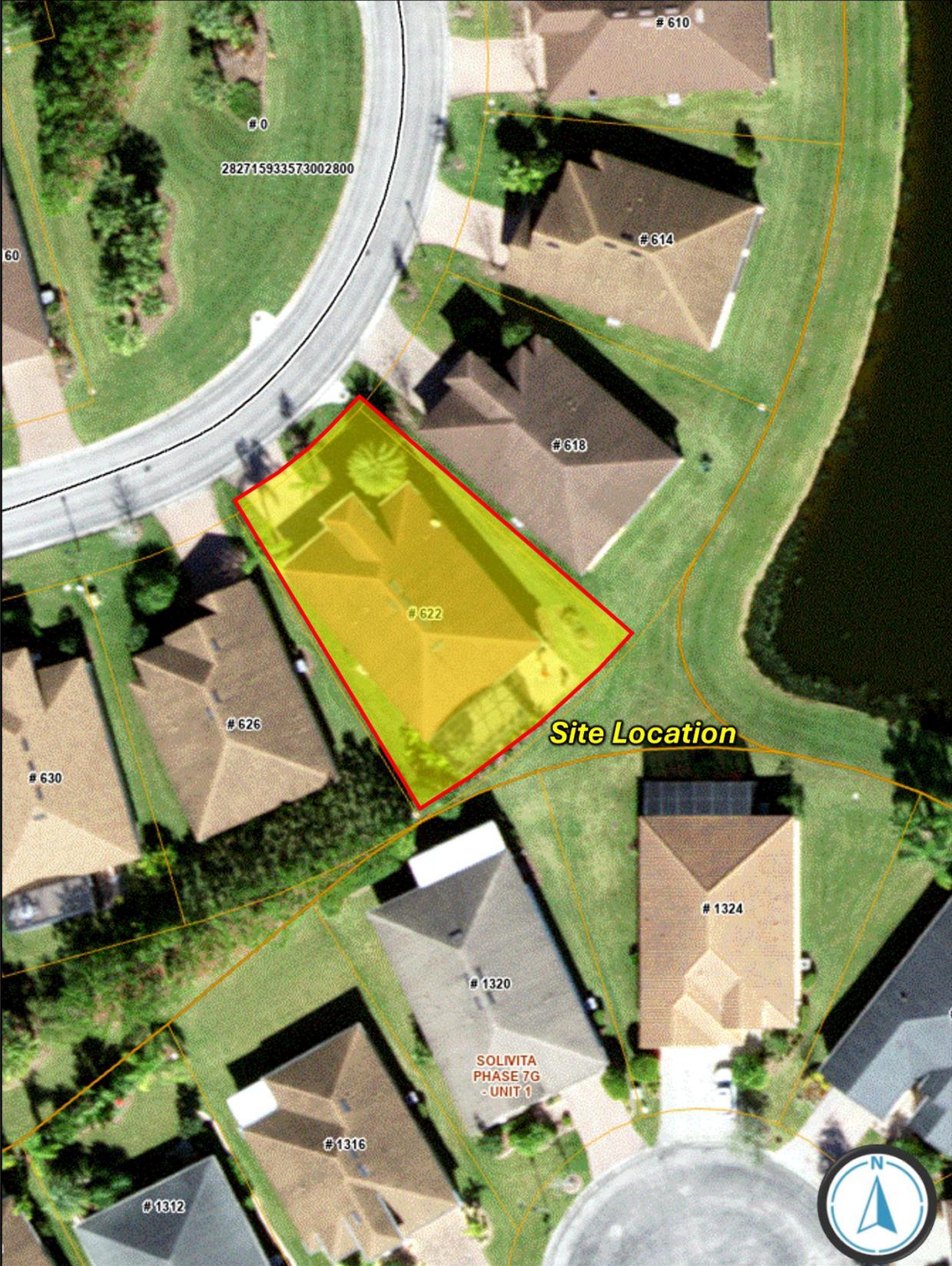


# Location Map



# Future Land Use Map





Aerial Imagery (Close)



**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.

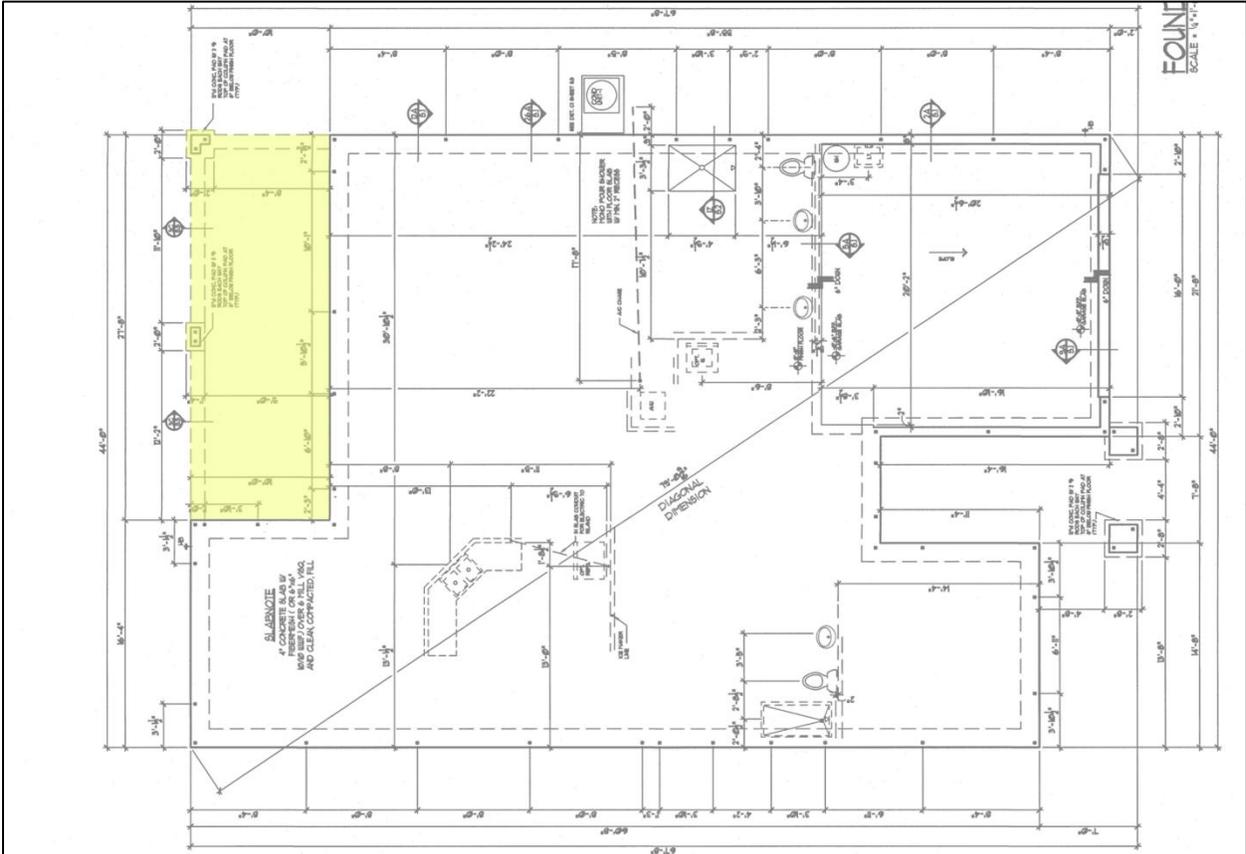
When did you buy the property and when was the structure built? Permit Number?  
05/2022

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.

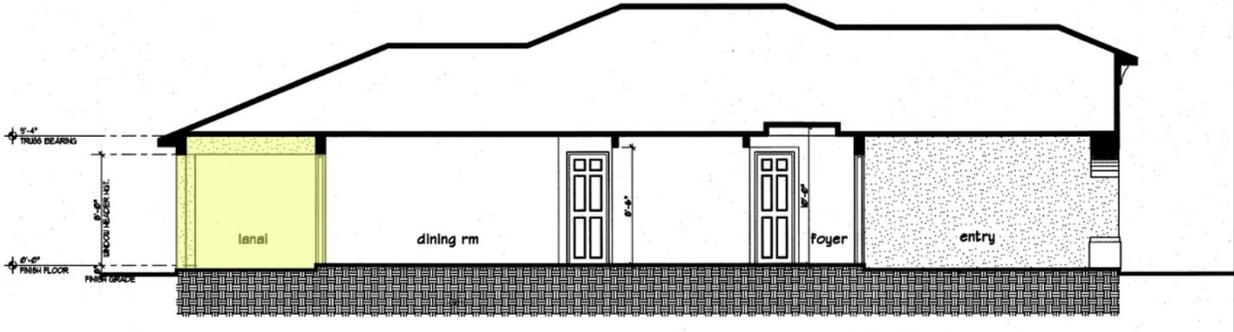
Is this the minimum variance required for the reasonable use of the land?  
Yes, this is the minimum variance required for the reasonable use of the land as the screen enclosure is existing. We are keeping the size in the existing scope of the current screen enclosure and replacing the screen roof with a solid roof only.

Do you have Homeowners Association approval for this request?  
Yes, we have Solivita HOA approval.

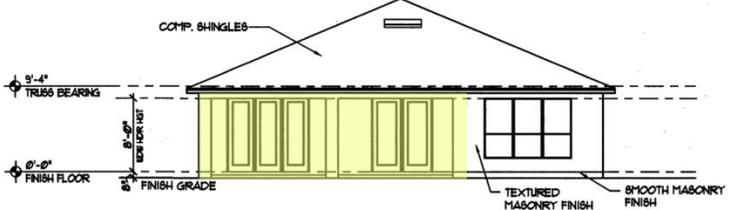
## Justification



FLOOR PLAN

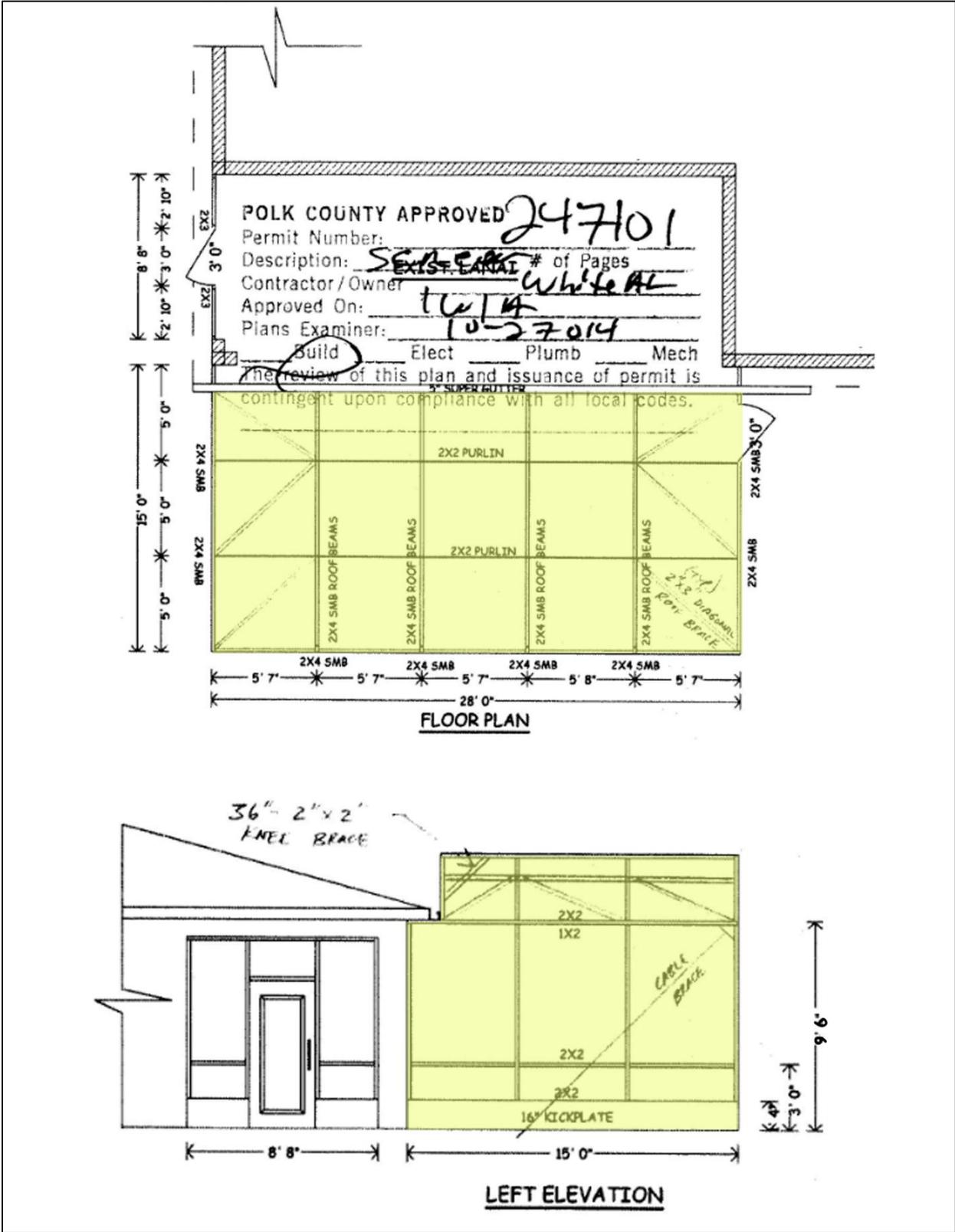


BUILDING SECTION  
SCALE: 1/4" = 1'-0"



REAR ELEVATION  
SCALE: 1/8" = 1'-0"

BLD-H-223850



BLD-H-247101

# LDLVAR-2025-60 - Fuquay Variance

Menu Reports Help

Application Name: [Fuquay Variance](#)

File Date: [09/04/2025](#)

Application Type: [LUHO - Variance](#)

Application Status: [Approved For Hearing](#)

Application Comments: View ID Comment Date

Description of Work: [Requesting a reduction in the required setback from 7'10 ft to 7'4 ft in order to build a new screen room on an existing concrete slab with an aluminum roof. Existing screen enclosure - Convert screen roof to a solid roof.](#)

Application Detail: [Detail](#)

Address: [622 SAN JOAQUIN RD. POINCIANA, FL 34759](#)

Parcel No: [282715933573001720](#)

Owner Name: [FLYNN FUQUAY REVOCABLE LIVING TRUST](#)

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	<a href="#">FLYNN FUQUAY REVOCABLE...</a>	<a href="#">FLYNN FUQUAY RE...</a>	Engineer	<a href="#">Mailing, 622 San Joaqu...</a>	Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #

Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$541.00](#)

Total Fee Invoiced: [\\$541.00](#)

Balance: [\\$0.00](#)

Custom Fields: **LD\_GEN\_BOA**

GENERAL INFORMATION

Expedited Review	Number of Lots	-
Will This Project Be Phased	Acres	<a href="#">0.17</a>
DRC Meeting Time	DRC Meeting	<a href="#">10/09/2025</a>
Rescheduled DRC Meeting	Rescheduled DRC Meeting Time	-
Green Swamp	Number of Units	-
<a href="#">No</a>	Is this Polk County Utilities	-
Case File Number	FS 119 Status	<a href="#">Non-Exempt</a>
One Year Extension		-

PUBLIC HEARINGS

Development Type	Application Type	<a href="#">Variance</a>
<a href="#">Land Use Hearing, Officer</a>		
Variance Type	Brownfields Request	-
<a href="#">Dimensions, Table</a>		
Affordable Housing		

ADVERTISING

Advertising Board	Legal Advertising Date	-
<a href="#">Land Use Hearing, Officer</a>		

MEETING DATES

LUHO Hearing Date		<a href="#">11/20/2025</a>
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ALCOHOL BEVERAGE DIST REQ

Type of Business	Type of License	-
Hours of Operation		-
Give Name & address of any school(s)/Church(s) within 2500 ft to the requesting property boundary		-

COMMUNICATION TOWER

Are there other sites beyond the one mile radius that are available to accommodate the proposed tower

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?  
[05/2022](#)

What is the hardship if the variance is not approved?  
[The hardship will be a risk to air 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, this is the minimum variance required for the reasonable use of the land as the screen enclosure is existing. We are keeping the size in the existing scope of the current screen enclosure and replacing the screen roof with a solid roof only.](#)

Do you have Homeowners Association approval for this request?  
[Yes, we have Solivita HOA approval.](#)

**LD\_GEN\_BOA\_EDL**

[Opening DigEplan List...](#)

[DigEplan Document List](#)

**PLAN REVIEW FIELDS**

TMPRecordID	DocumentGroupForDPC	RequiredDocumentTypes
<a href="#">POLKCO-25EST-00000-53709</a>	DIGITAL PROJECTS LD	-
RequiredDocumentTypesComplete	AdditionalDocumentTypes	Activate DPC
<a href="#">Yes</a>	Applications AutoCad File Binding Site Plans (PDFs and CLIs) CSV Calculations Correspondence Design Drawings Flood/Traffic Studies Impact Statement Inspections Miscellaneous Plans Record Drawings Response Letter Resubmittal Complete Staff Report/Approval Letter Survey Title Opinion	<a href="#">Yes</a>

Activate FSA DigitalSigCheck  
[Yes](#) [Yes](#)

**PLAN UPLOAD ACKNOWLEDGEMENT**

Upload Plans Acknowledgement  
[v](#)

**LAND USE**

**Selected Area Plan LU Code**

**NOR**

Neighborhood Organization Registry (NOR)

**PUBLIC MAILERS**

Posting Board	Number of Boards (Number)	Number of Mailers (Number)	Date Mailed	Date Posted	NOR
<a href="#">LUHQ</a>	1	63	11/05/2025	11/05/2025	

**Workflow Status:**

Task	Assigned To	Status	Status Date	Action By
<a href="#">Application Submittal</a>	Saralis Wons	Application ...	09/15/2025	Saralis Wons
<a href="#">Roads and Drainage Review</a>	Phil Irven	Approve	09/15/2025	Phil Irven
<a href="#">Planning Review</a>	Kyle Rogus	Approve	10/01/2025	Kyle Rogus
<a href="#">Review Consolidation</a>		Approved for...	10/14/2025	Saralis Wons
<a href="#">Public Notice</a>				
Hearing Officer				
Final Order				
Archive				

**Condition Status:**

Name	Short Comments	Status	Apply Date	Severity	Action By
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**Scheduled/Pending Inspections:**

Inspection Type	Scheduled Date	Inspector	Status	Comments
-----------------	----------------	-----------	--------	----------

**Resulted Inspections:**

Inspection Type	Inspection Date	Inspector	Status	Comments
-----------------	-----------------	-----------	--------	----------

**(WITHOUT TITLE EXAMINATION)**  
THIS INSTRUMENT PREPARED BY:  
Daniel S. Henderson, Esq.  
**HENDERSON SACHS, P.A.**  
8240 Exchange Drive, Suite C6  
Orlando, FL 32809  
(407) 850-2500  
Parcel ID: 28-27-15-933573-001720

INSTR # 2025091893  
BK 13515 Pg 1985 PG(s)1  
04/22/2025 08:54:39 AM  
STACY M. BUTTERFIELD,  
CLERK OF COURT POLK COUNTY  
RECORDING FEES 10.00  
DEED DOC 0.70

**WARRANTY DEED**

THIS INDENTURE made this April 10, 2025, BETWEEN

ELIZABETH FLYNN and SHIRLEY A. FUQUAY, a married couple,  
whose address is: 622 San Joaquin Rd., Poinciana, FL 34759, Grantor\*, and

ELIZABETH FLYNN and SHIRLEY ANN FUQUAY, as Co-Trustees  
under the FLYNN-FUQUAY REVOCABLE LIVING TRUST dated December 14, 2012,  
whose address is: 622 San Joaquin Rd., Poinciana, FL 34759, Grantee\*

WITNESSETH that said Grantor, for and in consideration of the sum of --- TEN DOLLARS (\$10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's successors and assigns forever, the following described land, situate, lying, and being in Polk County, Florida, to-wit:

**Lot 172, SOLIVITA PHASE 7G – UNIT 2, according to the Map or Plat thereof as recorded in Plat Book 155, Page 4, Public Records of Polk County, Florida.**

**ELIZABETH FLYNN and SHIRLEY A. FUQUAY a.k.a. SHIRLEY ANN FUQUAY, AS GRANTORS, RETAIN EQUITABLE TITLE TO THE PROPERTY HEREIN CONVEYED PURSUANT TO FLORIDA STATUTE 196.041(2) AND SECTION 6, ARTICLE VII, FLORIDA STATE CONSTITUTION, AND ARE ENTITLED TO CLAIM THE HOMESTEAD TAX EXEMPTION.**

SUBJECT to easements, restrictions, reservations, and limitations of record, if any; taxes and assessments for the current year and subsequent years, and encumbrances of record.

**THERE ARE NO STAMPS DUE PURSUANT TO F.S. 201.02 and RULE 12B-4.013(28)(a).**

Pursuant to Florida Statute 689.07(1), this instrument confers on the Trustees the power and authority to protect, conserve, sell, lease, encumber, or otherwise to manage and dispose of the real property interests described herein.

Said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

\*"Grantor" and "Grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed, and delivered in our presence:

Sign: *Diane Miller*  
Print: Diane Miller  
8240 Exchange Dr., Orlando, FL 32809

Sign: *Michael Burgess*  
Print: Michael Burgess  
8240 Exchange Dr., Orlando, FL 32809

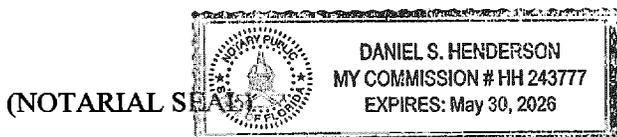
*Elizabeth Flynn*  
ELIZABETH FLYNN

*Shirley A. Fuquay*  
SHIRLEY A. FUQUAY

STATE OF FLORIDA  
COUNTY OF ORANGE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared ELIZABETH FLYNN and SHIRLEY A. FUQUAY (by means of  physical presence OR  online notarization), to me known to be the persons described or who produced FL Driver Licenses as proper photographic identification and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this April 10, 2025.



*Diane B. Henderson*  
Notary Public

# BOUNDARY SURVEY

## LEGAL DESCRIPTION:

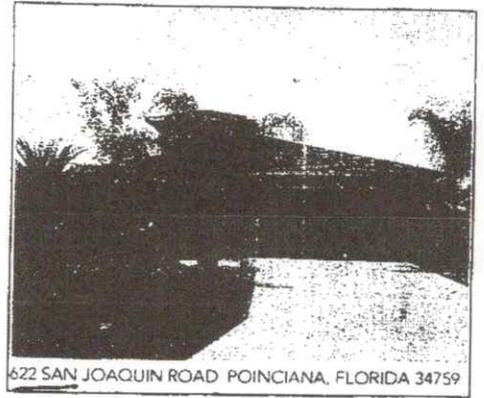
LOT 172, SOLIVITA PHASE 7G - UNIT 2 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 155, PAGE 4-8 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

## FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN POLK COUNTY, COMMUNITY NUMBER 120189, DATED 6/18/2013.

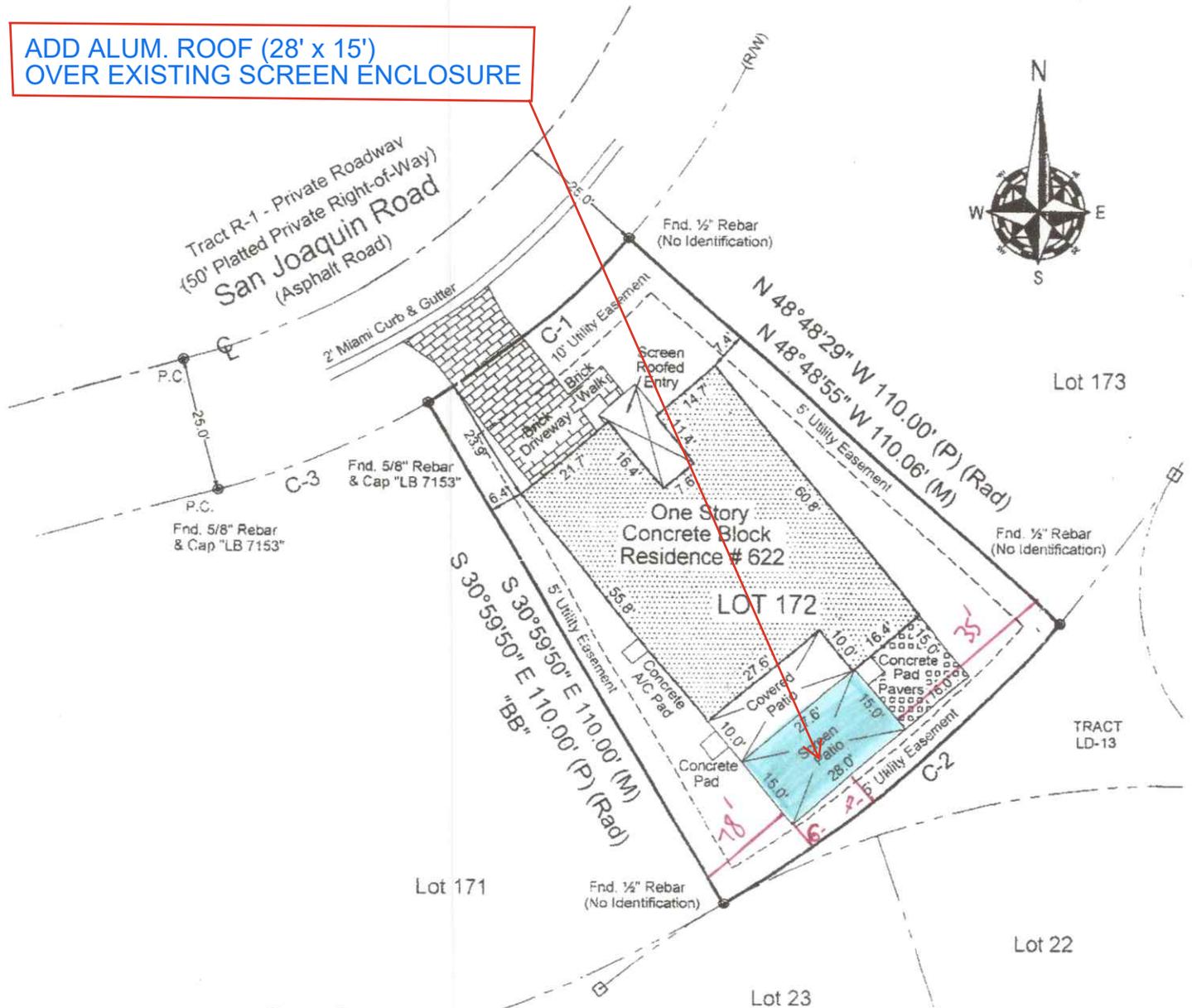
## CERTIFIED TO:

DENNIS A. WALLESTAD AND NATALIE R. WALLESTAD, FLORIDA TITLESMTIH, LLC; FIRST AMERICAN TITLE INSURANCE COMPANY; JPMORGAN CHASE BANK, N.A.



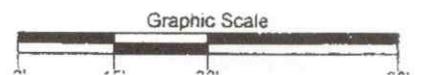
622 SAN JOAQUIN ROAD POINCIANA, FLORIDA 34759

**ADD ALUM. ROOF (28' x 15')  
OVER EXISTING SCREEN ENCLOSURE**



### Curve Data

C-1	C-2	C-3
R=160.00'	R=270.00'	R=160.00'
L=49.74'	L=83.93'	L=43.30'
Tan=25.07'	Tan=42.31'	Tan=21.78'
$\Delta=17^{\circ}48'39''$	$\Delta=17^{\circ}48'39''$	$\Delta=15^{\circ}30'22''$
CB=S50°05'50"W	CB=N50°05'50"E	CB=S66°45'21"W
CB=S50°00'40"W (M)	CB=N50°05'07"E (M)	CB=S66°48'45"W (M)
CH=49.54' 49.55' (M)	CH=83.59' 83.63' (M)	CH=43.17' 43.15' (M)

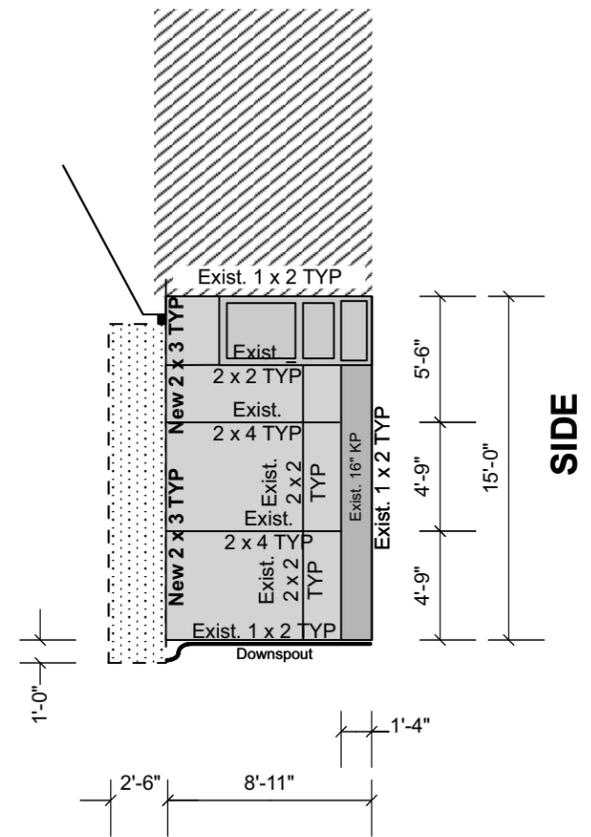
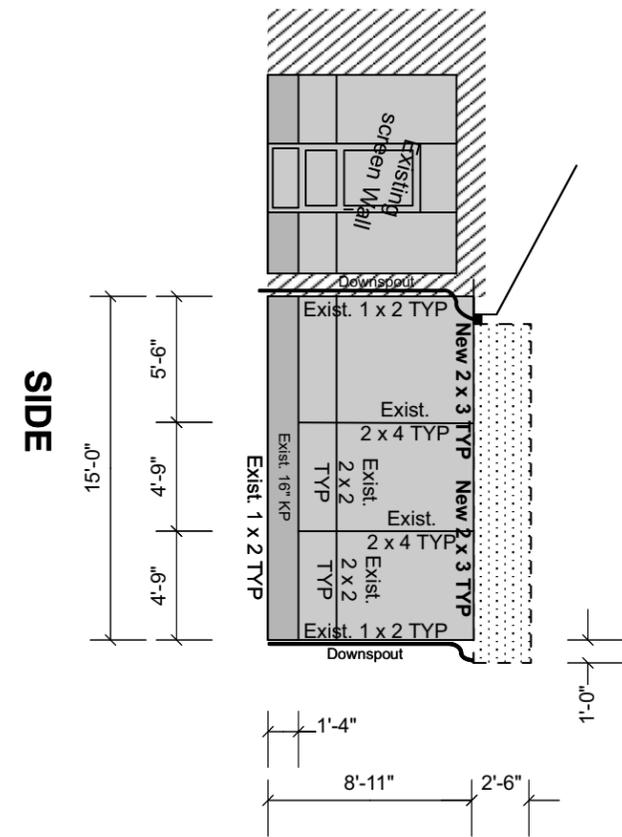
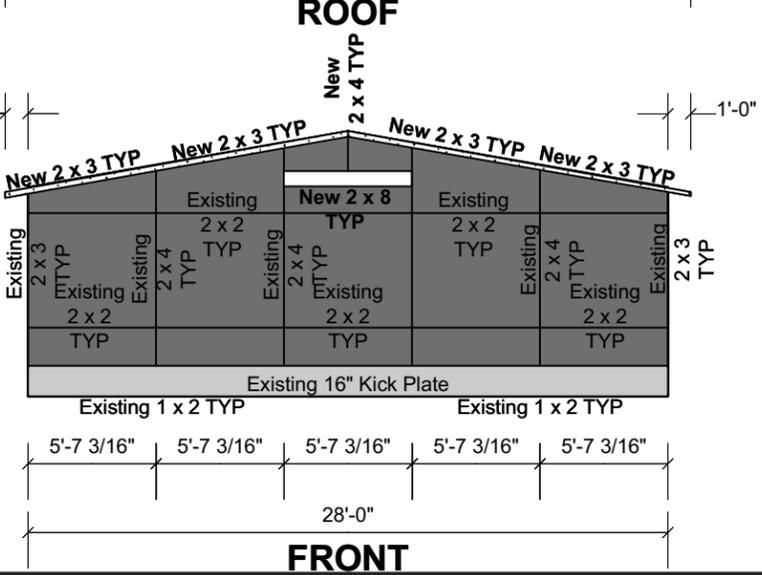
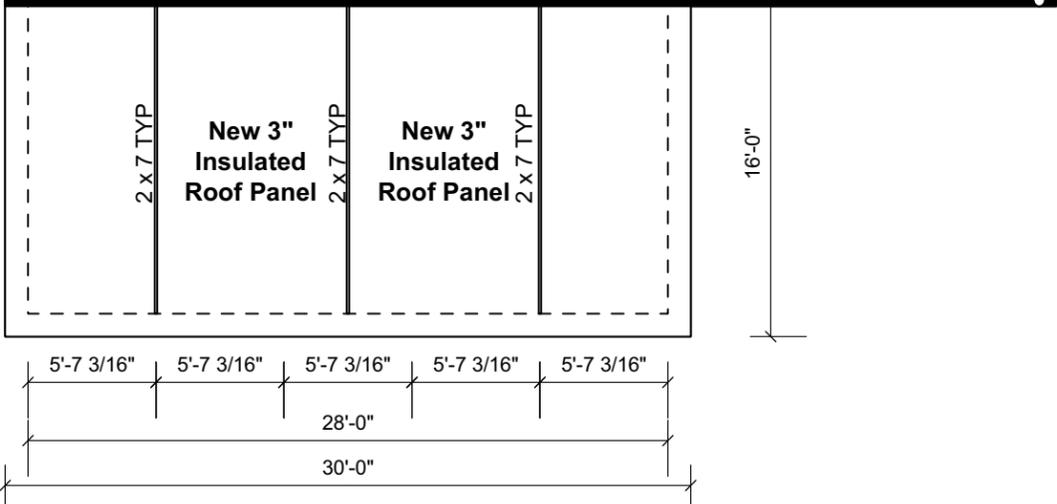
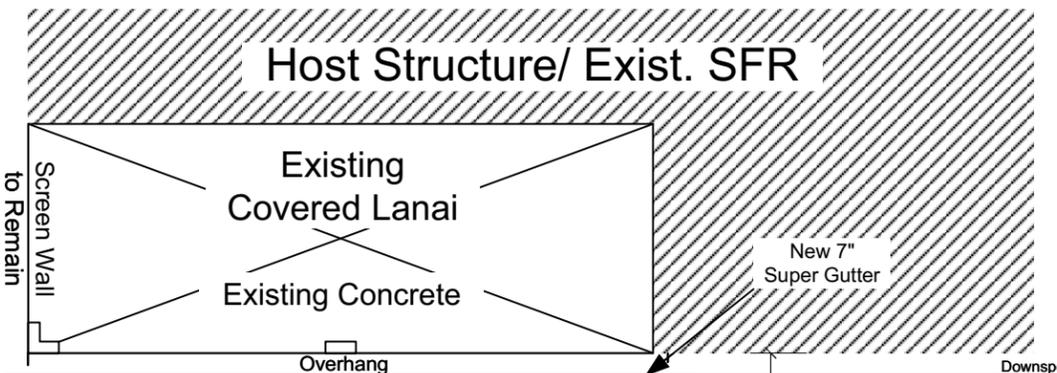
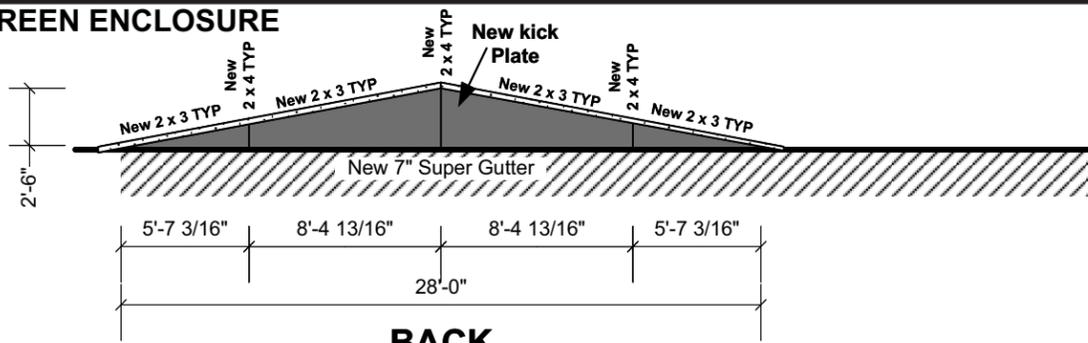


**ADD ALUM. ROOF (28' x 15') OVER EXISTING SCREEN ENCLOSURE**

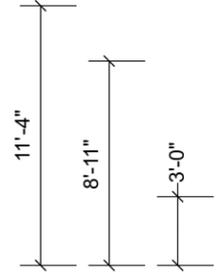
**ENGINEERING NOTES:**

- ENGINEERING MEETS OR EXCEEDS 2023 FLORIDA BUILDING CODE (8th EDITION), RESIDENTIAL, PER SECTION R301 USING ASCE-7-22 130 mph BASIC WIND SPEED (Vult). RISK CATEGORY I, Vasd= 101 MPH.
- EXPOSURE C
- ALL ALUMINUM MEMBERS TO BE 6005 T5 OR 6063 T6 BASED ON AVAILABILITY WITH MINIMUM 0.04 INCH THICKNESS.

NOTE: DOOR LOCATION MAY VARY



MEMBER SIZE CHART	
1x2	1x2x0.044"
2x2	2x2x0.045"
2x3	2x3x0.045"
3x2	3x2x0.045"
2x4	2x4x0.045" SMB
2x5	2x5x0.050" SMB
2x6	2x6x0.050" SMB
2x7	2x7x0.055" SMB
2x8	2x8x0.072" SMB
2x9	2x9x0.072" SMB
2x10	2x10x0.092" SMB



This item has been digitally signed and sealed by Ryan G. Workman, PE #91950 on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

**MD Construction LLC**  
 6656 SR 544, Winter Haven, FL 33881  
 Office: (321) 663-5203  
 email: mdconstructionfl@gmail.com  
Licensed & Insured  
 State Certified Specialty Contractor  
 SCC131151708



**OWNER**

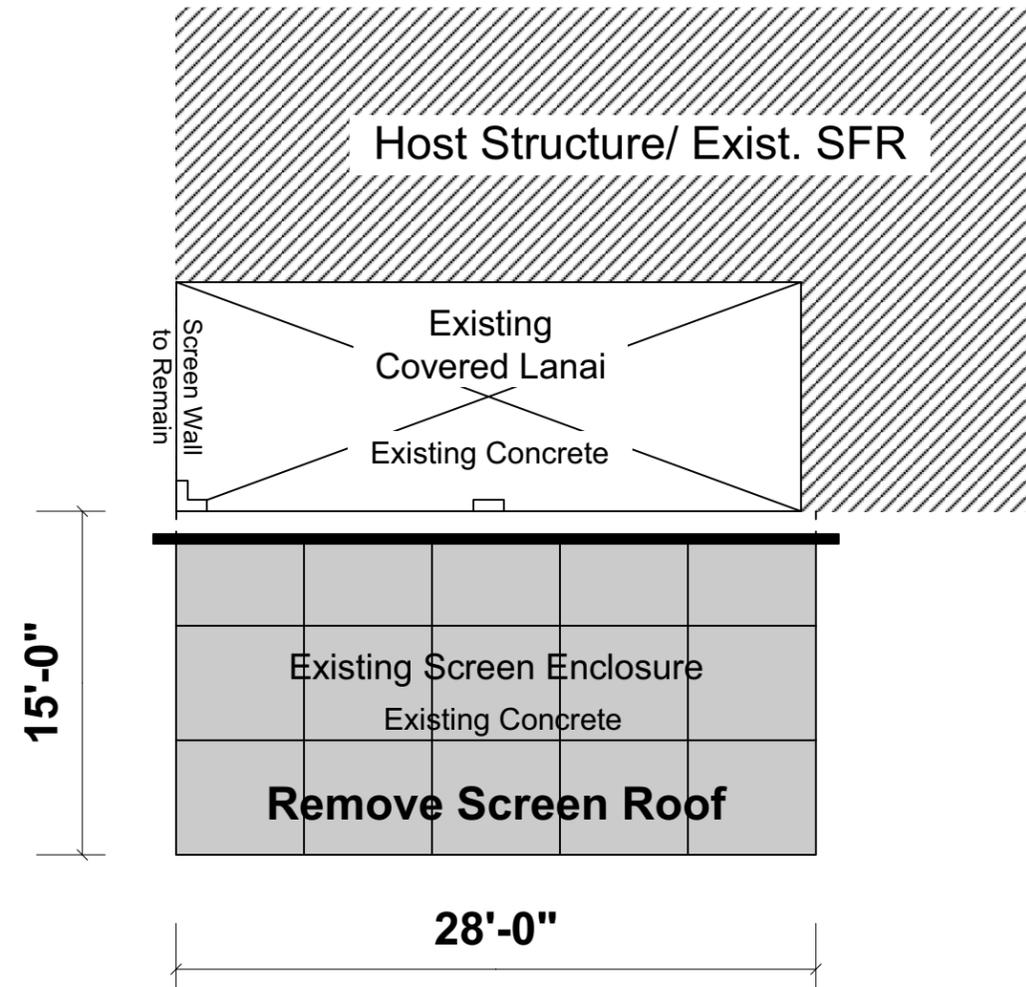
Client: Shirley Fuquay  
 Phone: (404) 403-0773  
 Address: 622 San Joaquin Rd  
 Poinciana - FL 34759

PAGE 1 OF 4

Lildon Engineering Company  
 548-B South Highway 27  
 Minneola, Florida 34715  
 (352) 394-2590  
 lildonengineering@gmail.com  
 Cert. of Auth. #2898

August 15, 2025  
 Ryan G. Workman PE # 91950

**ADD ALUM. ROOF (28' x 15') OVER EXISTING SCREEN ENCLOSURE**



**EXISTING FOUNDATION PLAN**

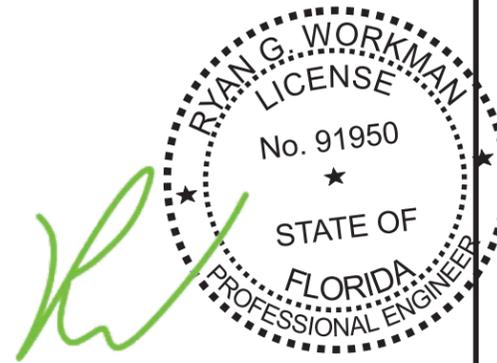
**MD Construction LLC**  
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 Poinciana – FL 34759

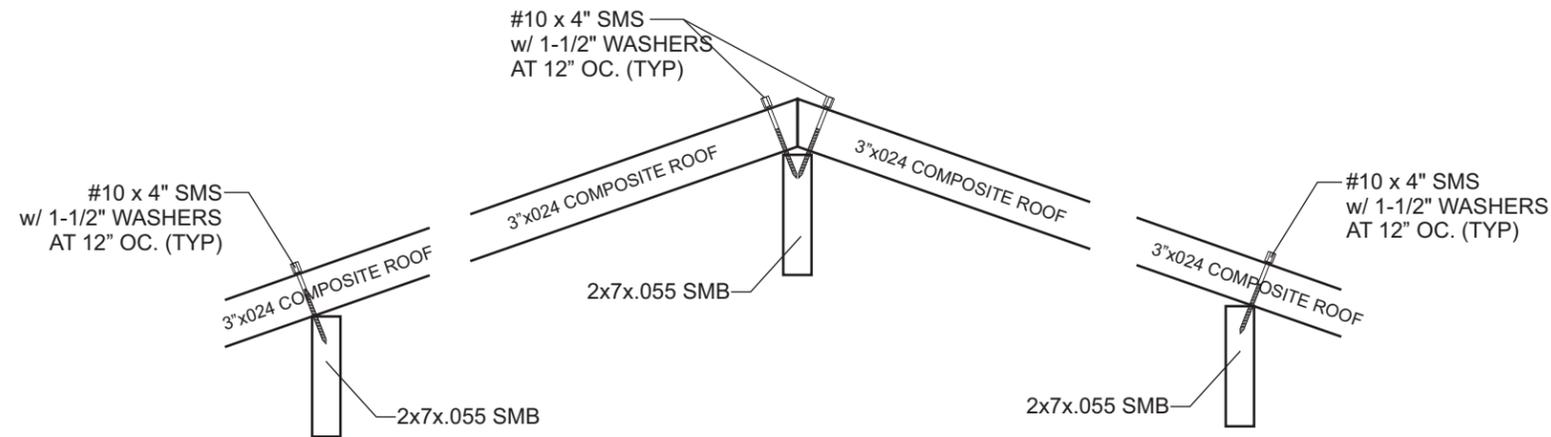
PAGE 2 OF 4

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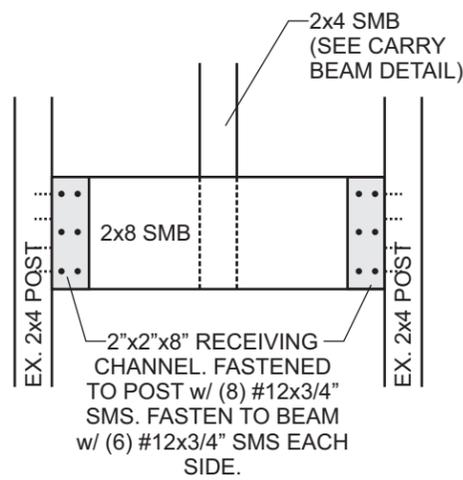


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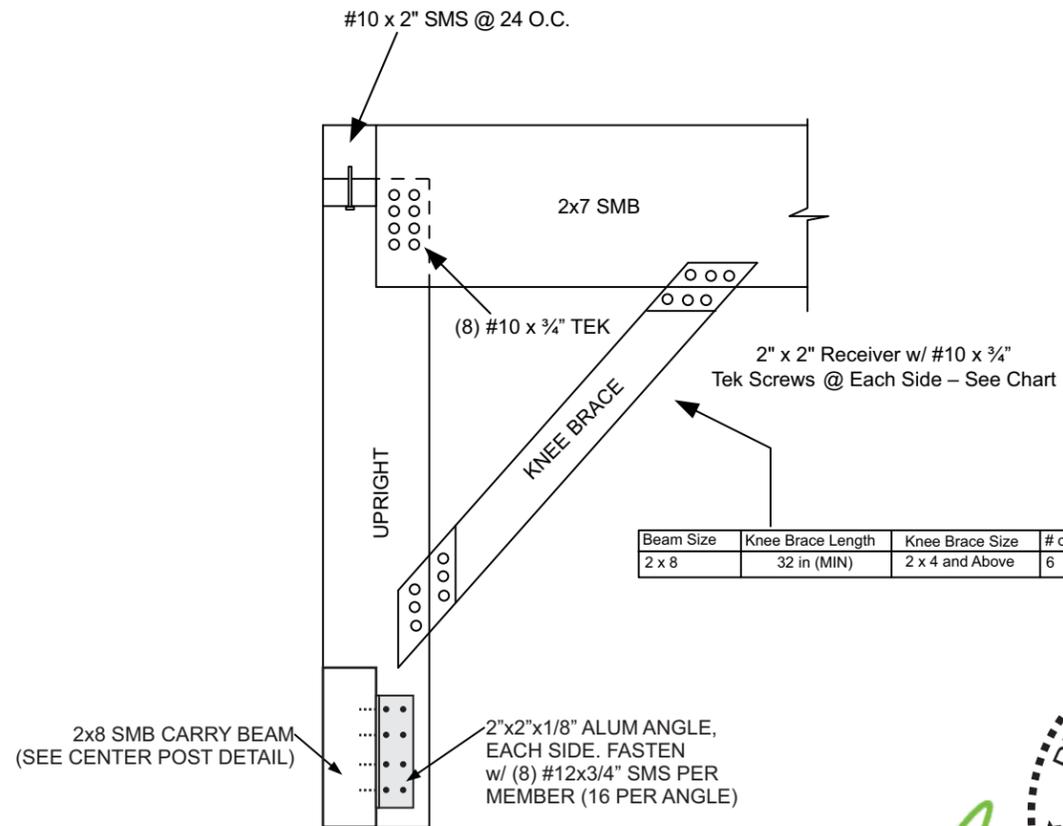
August 15, 2025  
 Ryan G. Workman PE # 91950



**ROOF SECTION**



**CENTER POST DETAIL**



**CARRY BEAM DETAIL**

Beam Size	Knee Brace Length	Knee Brace Size	# of Screws
2 x 8	32 in (MIN)	2 x 4 and Above	6

*Rh*

**RYAN G. WORKMAN**  
 LICENSE  
 No. 91950  
 STATE OF  
 FLORIDA  
 PROFESSIONAL ENGINEER

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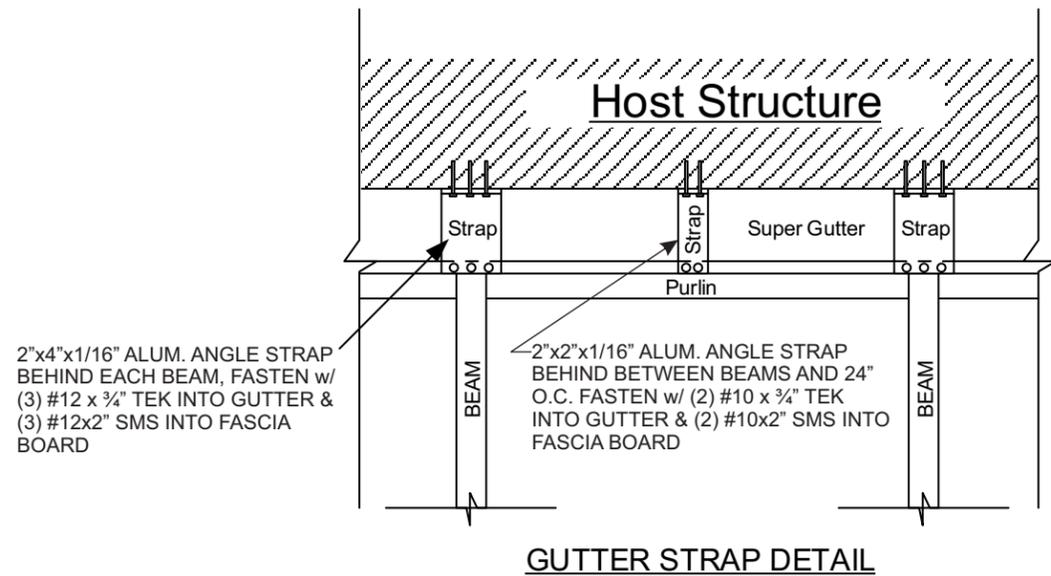


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**PAGE 3 OF 4**

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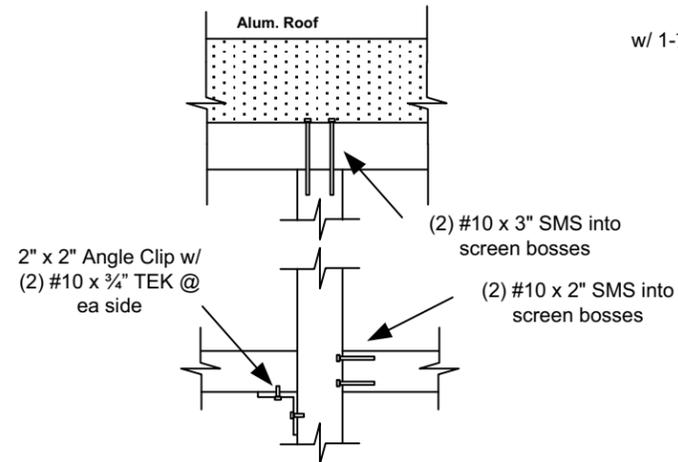
August 15, 2025  
 Ryan G. Workman PE # 91950



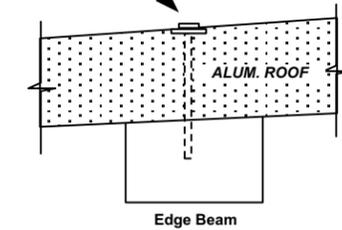
2"x4"x1/16" ALUM. ANGLE STRAP BEHIND EACH BEAM, FASTEN w/ (3) #12 x 3/4" TEK INTO GUTTER & (3) #12x2" SMS INTO FASCIA BOARD

2"x2"x1/16" ALUM. ANGLE STRAP BEHIND BETWEEN BEAMS AND 24" O.C. FASTEN w/ (2) #10 x 3/4" TEK INTO GUTTER & (2) #10x2" SMS INTO FASCIA BOARD

**GUTTER STRAP DETAIL**



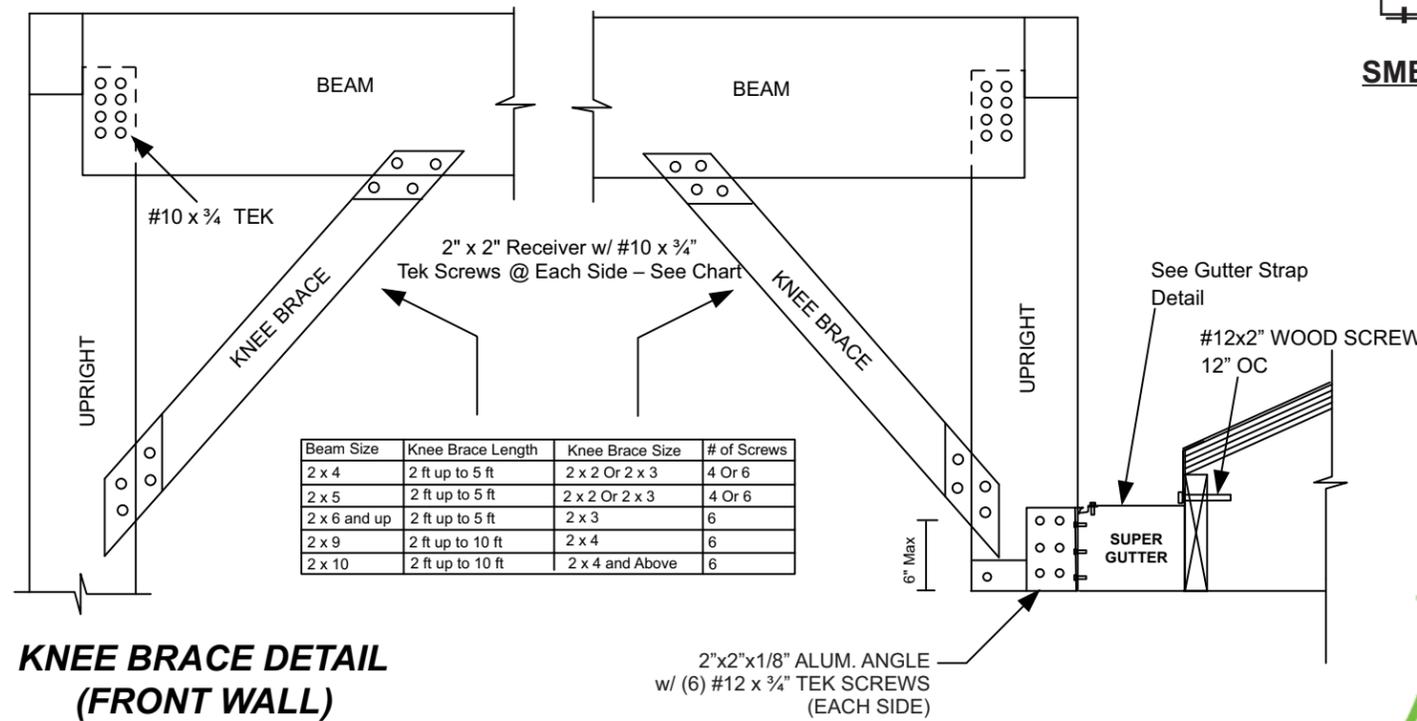
#10 x 4" STS w/ 1-1/2" neoprene washer per panel (MAX. 12" O.C.)



**TYPICAL ROOF TO BEAM DETAIL**

Minimum Screws Each Side Fasteners #10

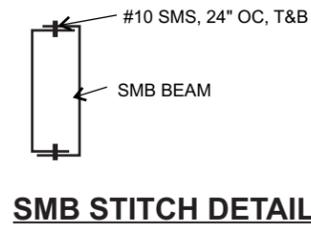
SMB	# SCREWS
2 x 4	6
2 x 5	6
2 x 6	8
2 x 7	12
2 x 8	14
2 x 9	16
2 x 10	18



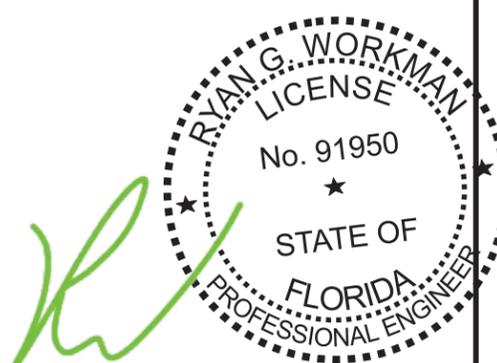
Beam Size	Knee Brace Length	Knee Brace Size	# of Screws
2 x 4	2 ft up to 5 ft	2 x 2 Or 2 x 3	4 Or 6
2 x 5	2 ft up to 5 ft	2 x 2 Or 2 x 3	4 Or 6
2 x 6 and up	2 ft up to 5 ft	2 x 3	6
2 x 9	2 ft up to 10 ft	2 x 4	6
2 x 10	2 ft up to 10 ft	2 x 4 and Above	6

**KNEE BRACE DETAIL (FRONT WALL)**

**BEAM TO GUTTER/ KNEE BRACE DETAIL**



**SMB STITCH DETAIL**



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