

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

DRC Date: April 9, 2026	CASE #: LDLVAR-2026-15 (Hegedus Solivita Phase 7D Variance)
LUHO Date: May 28, 2026	LDC Section: Section 209.F & PUD 98-12

Request: The applicant is requesting a primary structure rear setback reduction from ten (10) feet to five (5) feet to construct a screen room enclosure with a solid roof.

Applicant: Laurie Hegedus

Property Owner: Laurie and Donald Hegedus

Location: The subject property is located at 1843 Pelican Hill Way, north of Shady Canyon Way, south of Cypress Parkway, east of Harbor Ridge Drive, west of San Clemente Avenue, east of Haines City in Section 16, Township 27, Range 28.

Parcel ID#: 282716-933611-000410

Size: ±0.11 acres

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

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 five (5) feet for the construction of a screen room enclosure with a solid roof. The subject site is designated as Lot 41 of the Solivita Phase 7D Subdivision, part of PUD 98-12 which was approved for primary structure rear setbacks of 10 feet and accessory structure rear setback of 5 feet. Because the solid roof will be attached or connected to the principal structure, the newly proposed category III sun room (Building Permit BR-2026-1498 requires 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-2026-15 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 area that has requested a solid roof to extend full coverage over an existing enclosure. The abutting property to the north, designated as Lot 40, was approved for two (2) separate variances for a Category III sun room built under building permit BLD-H-305093 and BR-2022-792. This expansion is minimal relative to the structure. It will not limit the neighbor's peripheral view of the open space. A screen enclosure already exists, therefore the request to replace the existing screen enclosure for a new sun room to provide full roof coverage will have little to no effect on the two immediate neighbors to the north and south.

2. *Whether special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the applicable land use district;*

The existing home on the subject site was constructed in 2008 and met the primary structure setbacks of 10 feet front, 5 feet side, and 10 feet rear under building Permit No. 98823. In April 2018, the owner purchased the subject site through a warranty deed according to the Property Appraiser (O.R. BK 10449 PGs 1842-1843). The applicant later filed for a building permit BR-2026-1498, for the construction of a new Category III sun room to expand off the lanai. Now, under LDLVAR-2026-15, the applicant is looking to reduce the primary structure rear setback from 10 feet to five (5) feet to construct the proposed 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-2026-15**

CONDITIONS OF APPROVAL:

1. The property is granted a reduction in the primary rear structure setback from ten (10) feet to five (5) feet to construct a screen room enclosure with a solid 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 April 2018, the owner purchased the subject site through a warranty deed according to the Property Appraiser (O.R. BK 10449 PGs 1842-1843). The subject site is within PUD 98-12 and designated as Lot 41 in the Solivita Phase 7D 2 Subdivision under Plat Book 137, Page 11 in 2006. It is located on the exterior of the development with road frontage off Pelican Hill Way, a private roadway. To the north and south of the subject site are similar sized lots and single-family housing. This will not be the first covered lanai in close proximity to the neighboring properties. The abutting lot to the north, designated as Lot 40, underwent a similar request for a Category III sun room to be placed over the existing concrete patio (VAR 15-90) and later an extension under case file LDLVAR-2022-10.

Case file LDLVAR-2022-10

LDLVAR-2022-10 was approved for a reduction in the rear principal structure setback from ten (10) feet to six (6) feet for an attached hard roof screen enclosure on May 2, 2022.

Case	Request	Date
BLD-H-305093	Category III sun room	1/07/2016
VAR 15-90	Reduce rear setback from 10' to 5'	11/16/2015
BR-2022-792	Solid aluminium roof extension	9/01/2022
LDLVAR-2022-10	Reduce rear setback from 10' to 6'	5/02/2022

Case file LDLVAR-2026-15

LDLVAR-2026-15 is a request to reduce the primary rear structure setback from ten (10) feet to five (5) feet to construct a screen room enclosure with a solid roof. The applicant filed for a building permit for a Category III sun room under Permit No. BR-2026-1498. Due to the small lots size and the required setback of ten (10) feet in the rear yard, the

property owner is required to request a variance in order to construct the addition to their residences.

The proposed addition will not be injurious to the area involved. To the west the property backs up to open space Tract LD-7 (landscape & signage) and a conservation tract (Tract C-2G). Seeking rear yard setback relief when abutting common areas has become commonplace throughout this development. Each lot within the Solivita subdivision has a five (5) foot side and rear utility easement along with a 10-foot utility easement along all front lot lines. The proposed structure will stay outside any noted easements except for a one (1) foot overhang.

This expansion is minimal relative to the structure. It will not limit the neighbor's peripheral view of the open space. There is an existing screen enclosure on site, therefore the request to construct a new screen room enclosure with a solid roof will have little to no effect on the two immediate neighbors to the north and south.

2. *Whether special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the applicable land use district;*

The subject site was once part of the larger Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 71-10. A replat of Solivita Phase 7D Subdivision was recorded as PUD 98-12 under Plat Book 137, Pages 9-16 in 2006. The subject site is designated as Lot 41. 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 2008 and met the primary structure setbacks of 10 feet front, 5 feet side, and 10 feet rear under building Permit No. 98823. Permit No. 98823 was approved with a 9'8" by 15'8" lanai encompassing the northwest portion of the house. In April 2018, the owner purchased the subject site through a warranty deed according to the Property Appraiser (O.R. BK 10449 PGs 1842-1843). The applicant later filed for a building permit BR-2026-1498, for the construction of a new Category III sun room to expand off the lanai. 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 Category III sun room under BR-2026-1498 will require 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. Many buyers within the development see little value in the private open space that remains. Within the Solivita Phase 7D 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 like the abutting property to the south, designated as Lot 42.

However, others request to construct a solid aluminum roof, therefore requiring additional approval. Table 1 below lists all the variances approved in the Poinciana and Solivita developments since 2012. Highlighted in yellow are the two (2) variance cases approved for the neighboring property to the north. The owner will derive more utility from the 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. Since this property backs up to open space Tract LD-7 (landscape & signage), and Tract C-2G (conservation), there is no significant harm that it may cause another property owner.

Table 1

Case	BOA/ LUHO Date	Variance	Case	BOA/ LUHO Date	Variance
LDLVAR-2025-76	2/26/2026	Solid Roof Patio	LDLVAR-2021-87	10/28/2021	Solid Roof Patio
LDLVAR-2025-66	1/22/2026	Solid Roof Patio	LDLVAR-2021-68	9/16/2021	Solid Roof Patio
LDLVAR-2025-60	11/20/2025	Solid Roof Patio	LDLVAR-2021-58	7/22/2021	Solid Roof Patio
LDLVAR-2025-56	11/20/2025	Solid Roof Patio	LDLVAR-2021-50	7/22/2021	Solid Roof Patio
LDLVAR-2025-19	5/19/2025	SF Home	LDLVAR-2021-32	7/21/2021	Solid Roof Patio
LDLVAR-2025-9	4/24/2025	Solid Roof Patio	LDLVAR-2021-31	7/21/2021	Solid Roof Patio
LDLVAR-2025-2	3/27/2025	Solid Roof Patio	LDLVAR-2021-30	7/21/2021	Solid Roof Patio
LDLVAR-2024-62	12/10/2024	Solid Roof Patio	LDLVAR-2021-14	4/22/2021	Solid Roof Patio
LDLVAR-2024-53	11/12/2024	Solid Roof Patio	LDLVAR-2021-3	3/25/2021	Solid Roof Patio
LDLVAR-2024-34	8/29/2024	Solid Roof Patio	LDLVAR-2021-1	3/25/2021	Solid Roof Patio
LDLVAR-2024-33	8/29/2024	Solid Roof Patio	LDLVAR-2020-86	1/28/2021	Solid Roof Patio
LDLVAR-2024-22	6/27/2024	Solid Roof Patio	LDLVAR-2020-80	2/25/2021	Solid Roof Patio
LDLVAR-2024-4	4/25/2024	Solid Roof Patio	LDLVAR-2020-68	12/17/2020	Solid Roof Patio
LDLVAR-2024-2	3/28/2024	Solid Roof Patio	LDLVAR-2020-66	12/17/2020	Solid Roof Patio
LDLVAR-2023-55	11/14/2023	Solid Roof Patio	LDLVAR-2020-65	12/17/2020	Solid Roof Patio
LDLVAR-2023-36	9/28/2023	Solid Roof Patio	LDLVAR-2020-64	12/17/2020	Solid Roof Patio
LDLVAR-2023-31	8/24/2023	Solid Roof Patio	LDLVAR-2020-63	12/17/2020	Solid Roof Patio
LDLVAR-2023-28	7/27/2023	Solid Roof Patio	LDLVAR-2020-56	11/19/2020	SF Home
LDLVAR-2022-113	2/23/2023	Solid Roof Patio	LDLVAR-2020-55	11/19/2020	SF Home
LDLVAR-2022-106	2/23/2023	Solid Roof Patio	LDLVAR-2020-54	11/19/2020	SF Home
LDLVAR-2022-102	2/23/2023	Solid Roof Patio	LDLVAR-2020-52	11/19/2020	Solid Roof Patio
LDLVAR-2022-44	7/28/2022	Solid Roof Patio	LDLVAR-2020-45	11/19/2020	Solid Roof Patio
LDLVAR-2022-28	6/23/2022	Solid Roof Patio	LDLVAR-2020-33	10/22/2020	Solid Roof Patio
LDLVAR-2022-13	5/26/2022	Solid Roof Patio	LDLVAR-2020-12	9/24/2020	Solid Roof Patio
LDLVAR-2022-12	4/26/2022	Solid Roof Patio	VAR 18-16	3/22/2018	Solid Roof Patio
LDLVAR-2022-10	4/26/2022	Solid Roof Patio	VAR 15-90	11/16/2015	Solid Roof Patio
LDLVAR-2021-139	2/24/2022	Solid Roof Patio	VAR 14-12	2/27/2014	Solid Roof Patio
LDLVAR-2021-136	2/24/2022	Solid Roof Patio	VAR 13-38	7/25/2013	Solid Roof Patio

LDLVAR-2021-135	2/24/2022	Solid Roof Patio	VAR 12-91	12/17/2012	Solid Roof Patio
LDLVAR-2021-130	1/27/2022	Solid Roof Patio	VAR 12-65	8/23/2012	Solid Roof Patio
LDLVAR-2021-112	12/14/2021	Solid Roof Patio	VAR 11-16	2/24/2011	Solid Roof Patio

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 erect the existing screened enclosure and construct a new Category III sun room over the existing concrete slab under BR-2026-1498.

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. LDC Section 930.B.21 allows variances to approved Level 3 and Level 4 reviews.

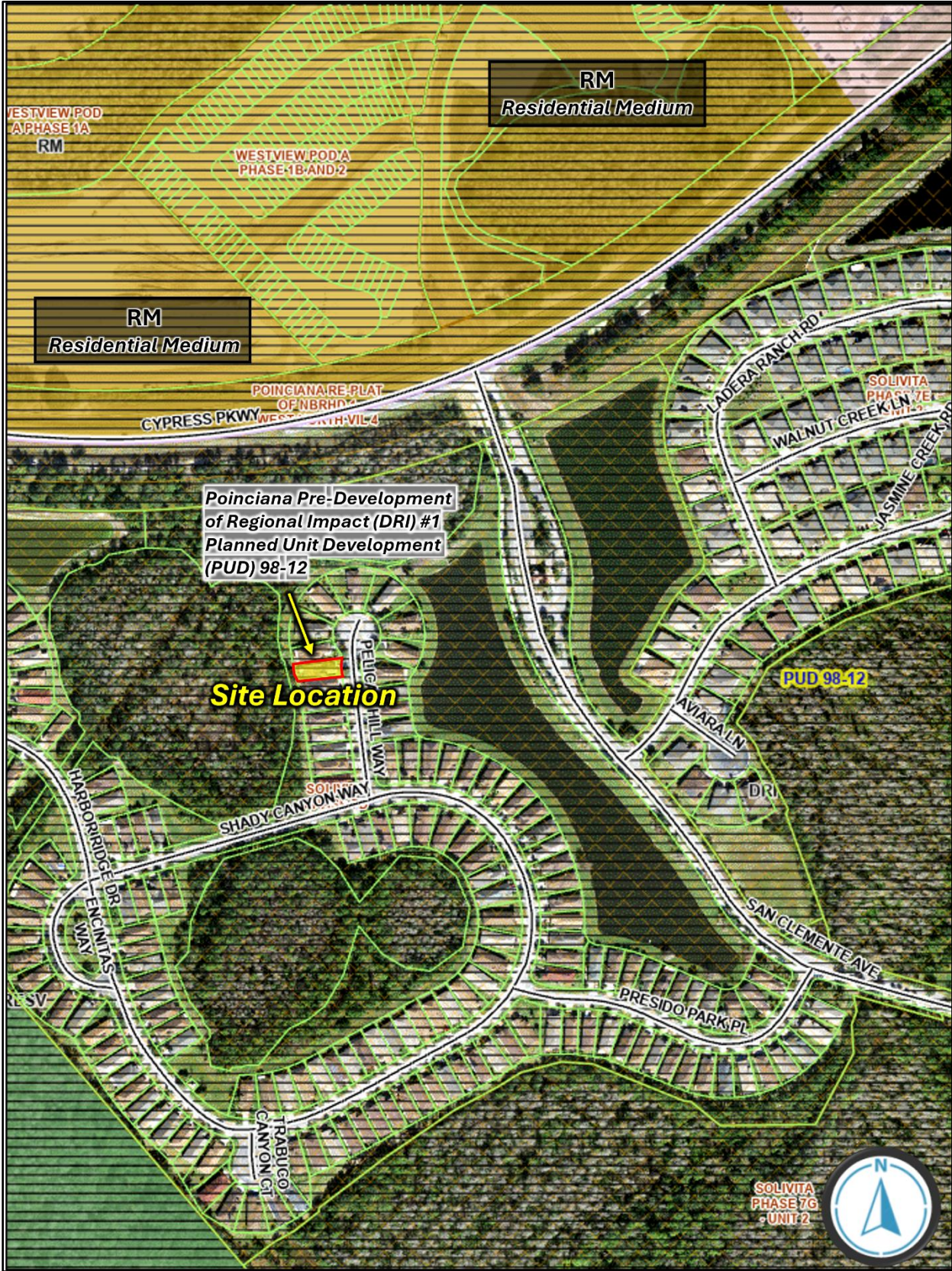
Surrounding Future Land Use Designations and Existing Land Use Activity:

<p>Northwest: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Tract LD-7 Landscape & Signage 12.85 acres</p>	<p>North: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Lot 40 2,142 sq. ft. single-family home Built 2008 0.12 acres Category III sun room</p>	<p>Northeast: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Pelican Hill Way Private Road</p>
<p>West: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Tract LD-7 Landscape & Signage 12.85 acres</p>	<p>Subject Property: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Lot 41 2,142 sq. ft. single-family home Built 2008 0.11 acres Screened Extension</p>	<p>East: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Pelican Hill Way Private Road</p>
<p>Southwest: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Tract LD-7 Landscape & Signage 12.85 acres</p>	<p>South: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Lot 42 2,217 sq. ft. single-family home Built 2011 0.10 acres Screened Extension</p>	<p>Southeast: Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D Pelican Hill Way Private Road</p>

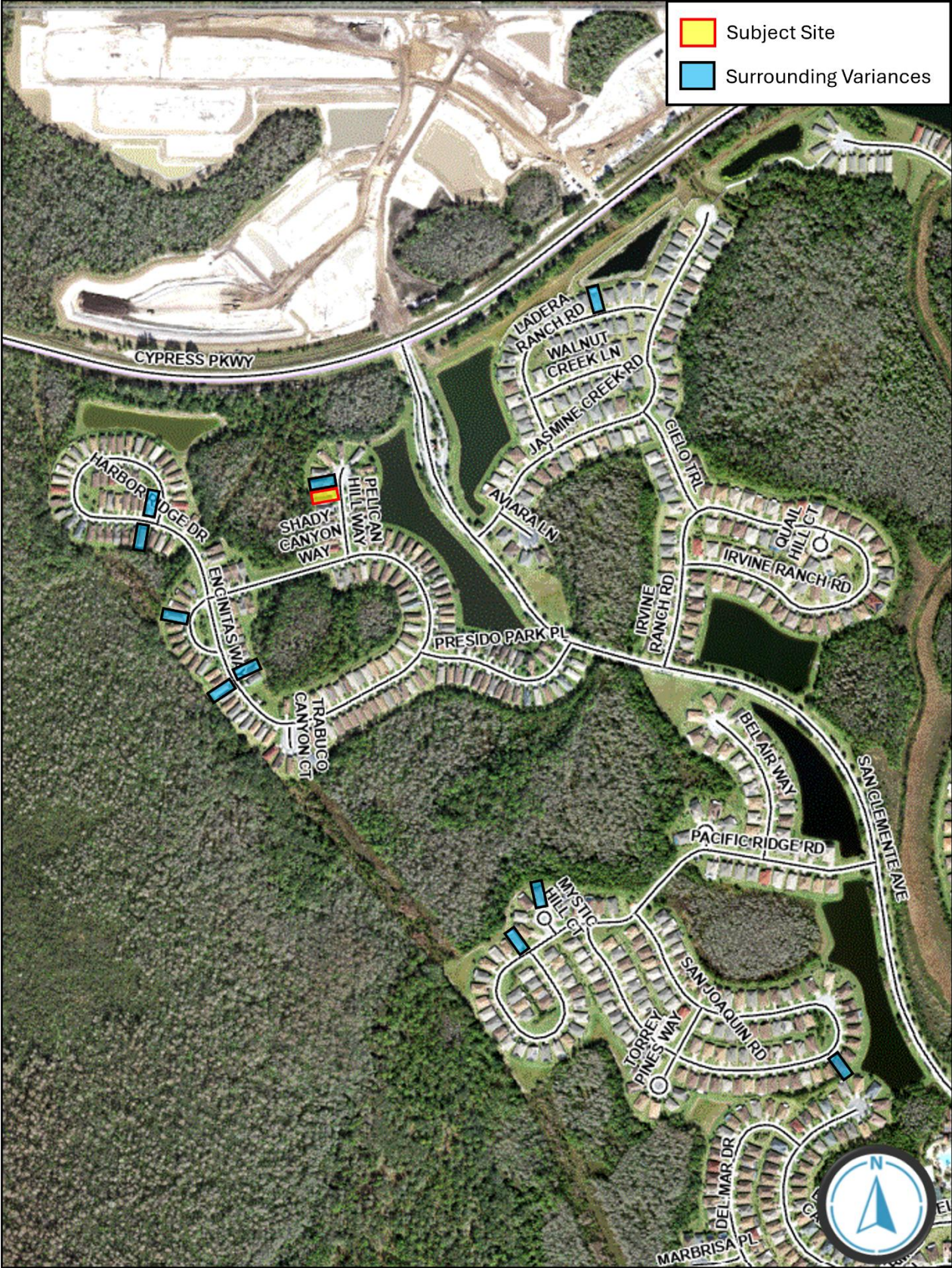
The property is part of the Poinciana Pre-Development of Regional Impact (DRI) #1 Planned Unit Development (PUD) 98-12, Solivita Phase 7D. Phase 7D of the Solivita development is single-family detached units. This proposed solid roof coverage will extend eleven (11) feet off the primary structure providing full coverage over the existing concrete patio. 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 north, Lot 40 of Solivita Phase 7D has an existing Category III sun room (BLD-H-305093 & BR-2022-792). To the west of the subject site is Tract LD-7 within Solivita Phase 7D and further west Tract C-2G of Solivita Phase 7D. Both tracts are identified on the plats as Landscape, signage, and conservation, having no negative impact from the variance request.

Exhibits:

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



Future Land Use Map



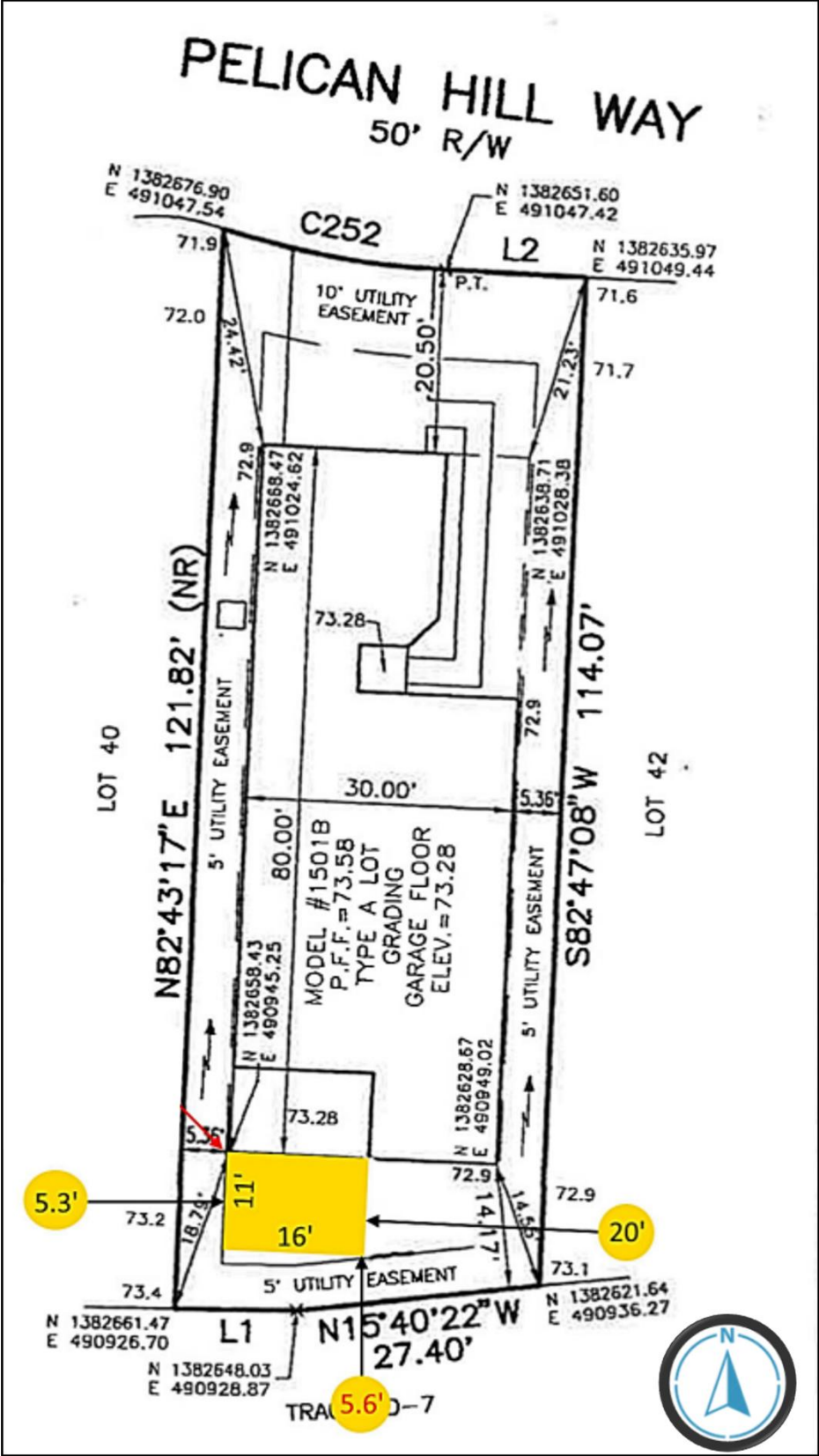
Aerial Imagery (Context)



LDLVAR-2022-10
Primary structure rear setback from 10 feet to 6 feet to construct a screen room enclosure with a solid roof.

**SITE LOCATION
LDLVAR-2026-15**
Primary structure rear setback from 10 feet to 5 feet to construct a solid roof over an existing screen enclosure.

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?
None

When did you buy the property and when was the structure built? Permit Number?
March 29, 2018
Birdcage built 3/18/2010 still in place.

What is the hardship if the variance is not approved?
If not approved can't finish project because footprint would have to change. It would cut lanai in half. Would lose all monet spent.
Footprint is already there with birdcage.

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

Do you have Homeowners Association approval for this request?
Yes

Justification

