

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

DRC Date:	April 10, 2025	CASE #:	LDLVAR-2025-19 (Hudson Harbor Lane Variance)
LUHO Date:	May 19, 2025	LDC Section:	PUD 71-10

Request: The applicant is requesting a reduction in the rear setback from twenty (20) feet to ten (10) feet for a single-family home.

Applicant: Luis Orellana

Property Owner: Your True Home Builders INC

Location: 1205 Hudson Harbor Lane, east of Hudson Valley Drive, east of the city of Dundee in Section 15, Township 28, Range 28.

Parcel ID#: 282815-935360-056090

Size: ±0.16 acres

Land Use Designation: Poinciana Development of Regional Impact/PUD 71-10

Development Area: Utility Enclave Area (UEA)

Case Planner: Aleya Inglima, Planner II

Summary:

The applicant is seeking a variance to the rear primary setback for a single-family home. The structure will be approximately 2,102 square feet. It is within Poinciana Development of Regional Impact and in the Utility Enclave Area (UEA). A variance to deviate from the PUD requirements can be approved by the Land Use Hearing Officer pursuant to Section 930 and 931.

The property is Lot 9 and is within recorded Poinciana Neighborhood 6, Village 7. The lot was first recorded via quit claim deed on August 1, 1988 (BK 2668, PG 1034). Poinciana was established through a planned unit development (PUD) 71-10 which requires rear setback of twenty (20) feet. When the plat was developed, the cul de sac was not paved in the right location due to environmental limitations (See Exhibit 3). In order to fit a home within the lot, the applicant went from 2,224 square foot model (Ubatuba V2) down to a 2,102 square foot model (Camburi V2). Due to the strict setbacks along with the road taking up 25% of the lot, the applicant has a physical hardship on the property.

Staff finds this request will cause no harm to the community. The single-family home will be located along Hudson Harbor Lane, a local County road that was constructed with part of the cul de sac on the property. If the lot did not have part of the roadway on their lot, the home would be able to meet setbacks.

Staff recommends approval of LDLVAR-2025-19 as it meets the following criteria listed in Section 931:

- **The variance will not be injurious to the area involved or otherwise detrimental to the public welfare** as the home will stay outside of the cul-de-sac and the rear and side utility/drainage easements.
- **Special conditions and circumstances present in the request do not result from the actions of the applicant** as a portion of the paved cul-de-sac was placed within the lot affecting development. This pavement takes up 25% (0.04 acres) of the parcel.
- **This is the minimum variance request that will make possible the reasonable use of the land, building, or structure** as the applicant has reduced the size of the home and without the variance, a home will not be able to meet the strict setbacks within PUD 71-10.

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-2025-19**.

CONDITIONS OF APPROVAL:

1. The approval of this variance is for the reduction from twenty (20) feet to ten (10) feet for the rear primary structure setback for a single-family home. Further additions or structures placed on the property shall be required to meet the setback requirements of PUD 71-10 of the Polk County Land Development Code or re-apply for another variance approval from the Land Use Hearing Officer.
2. This variance does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
3. The applicant shall have one (1) year from the date the Land Use Hearing Officer's Final Order is rendered to apply for all necessary building permits and pay all associated fees for the proposed addition.

GENERAL NOTES

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

NOTE: All conditions of approval, unless otherwise specified, shall be met prior to the effectiveness and validity of the variance approval.

NOTE: All written commitments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding

upon the applicant, provided such commitments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

NOTE: Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with the LDC.

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES SUMMARIZED BELOW:

1. *Whether granting the variance will be in accordance with the general intent and purpose of this Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;*

The subject site is under an acre and created prior to the adoption of the Comprehensive Plan. The single family will meet all other setbacks required within the Poinciana Development of Regional Impact and stay outside of the rear and side utility and drainage easements. Granting the subject request will not be injurious to the area as many single-family home rear setback variances have been granted in the Poinciana area.

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;*

This property is comprised of Lot 9 recorded via warranty deed August 1, 2012. PUD 71-10 set the rear setback as twenty (20) feet. Applicant is requesting a ten-foot reduction in the setback. This property is located in the Poinciana Development of Regional Impact and is approximately 0.16 acres. The applicant owns a lot where a good portion of the parcel has the roadway within it making it hard to meet current setbacks.

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

The owner purchased the property on January 7, 2025, according to the Polk County Property Appraiser. This lot has always been vacant. The small lot size relative to the requirements of the PUD along with the roadway taking up 25% of the parcel places a greater burden on the reasonable use of this land. The PUD approved with strict setbacks and the roadway paved within the parcel is not the result of the actions of the applicant.

The plat was also approved sometime in the 1970s prior to the road being paved. The road was not paved until either the 1980s or 1990s. The reason the cul de sac ends around where the applicant's lot is due to the wetlands (See Exhibit 3). These wetlands caused the roadway to not continue all the way as it was intended to by the plat. There are many other lots throughout Poinciana that are affected by this same situation. The unbuildable lots are now owned by the Association of Poinciana Villages INC.

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;*

Two other variances have occurred in this Section, Township, and Range. This request will allow the applicant to have a single-family home with a lanai. There are drainage and utility easements around the side and rear of the parcel. This request will stay outside of those easements. All other setbacks will be met.

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

This request is for a single-family home that will allow the homeowner reasonable use of land. Without the variance, the owner cannot build a home due to the setbacks and cul de sac on the lot. This pavement takes up 25% (0.04 acres) of the parcel. The applicant also went from 2,224 square foot model (Ubatuba V2) down to a 2,102 square foot model (Camburi V2).

6. *Whether that in no case shall a variance be granted which will result in a change of land use that would not be permitted in the applicable land use designation;*

Granting this variance will not result in a change of land use.

7. *Whether that in no case shall a variance be granted which would result in creation of any residual lot or parcel which does not meet the requirements of this Code; and*

Granting this request is not anticipated to result in the creation of a lot or parcel that does not meet the requirements of the Code.

8. *Whether that the granting of the variance does not circumvent a condition, or the intent of a condition placed on a development by the Planning Commission or the BoCC.*

There was no evidence found that suggests the proposed request will circumvent the intent of a condition placed on a development by the Planning Commission or the Board of County Commissioners.

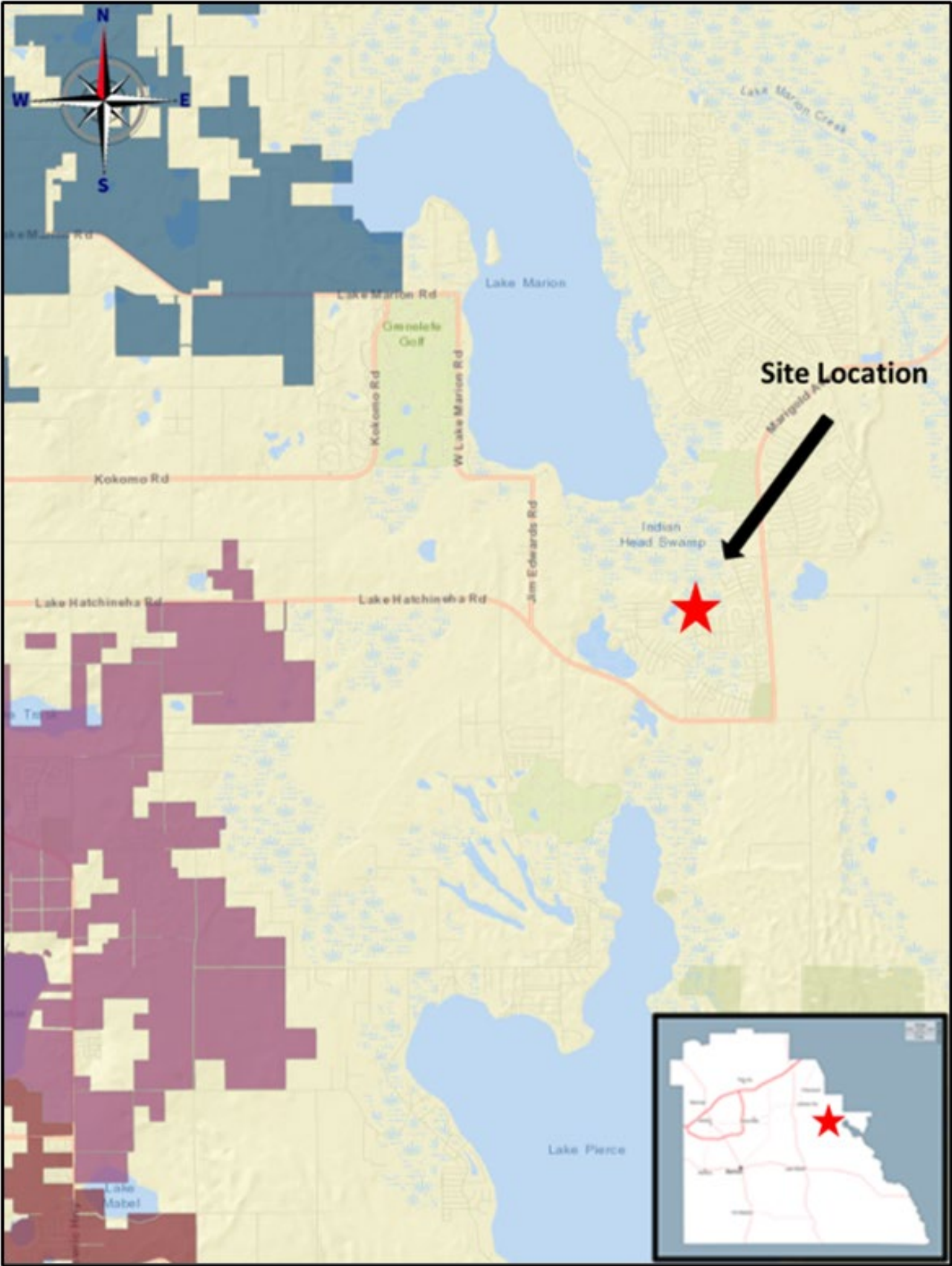
Surrounding Future Land Use Designations and Existing Land Use Activity:

Northwest: PUD 71-10 Lot 7 Vacant	North: PUD 71-10 Lot 7 Vacant	Northeast: PUD 71-10 Lot 10 Vacant
West: PUD 71-10 Lot 8 Single-family home	Subject Property: PUD 71-10 Lot 9 Vacant	East: PUD 71-10 Lot 10 Vacant
Southwest: PUD 71-10 Lot 17 Single-family home	South: PUD 71-10 Lot 19 Single-family home	Southeast: PUD 71-10 Lot 20 Single-family home

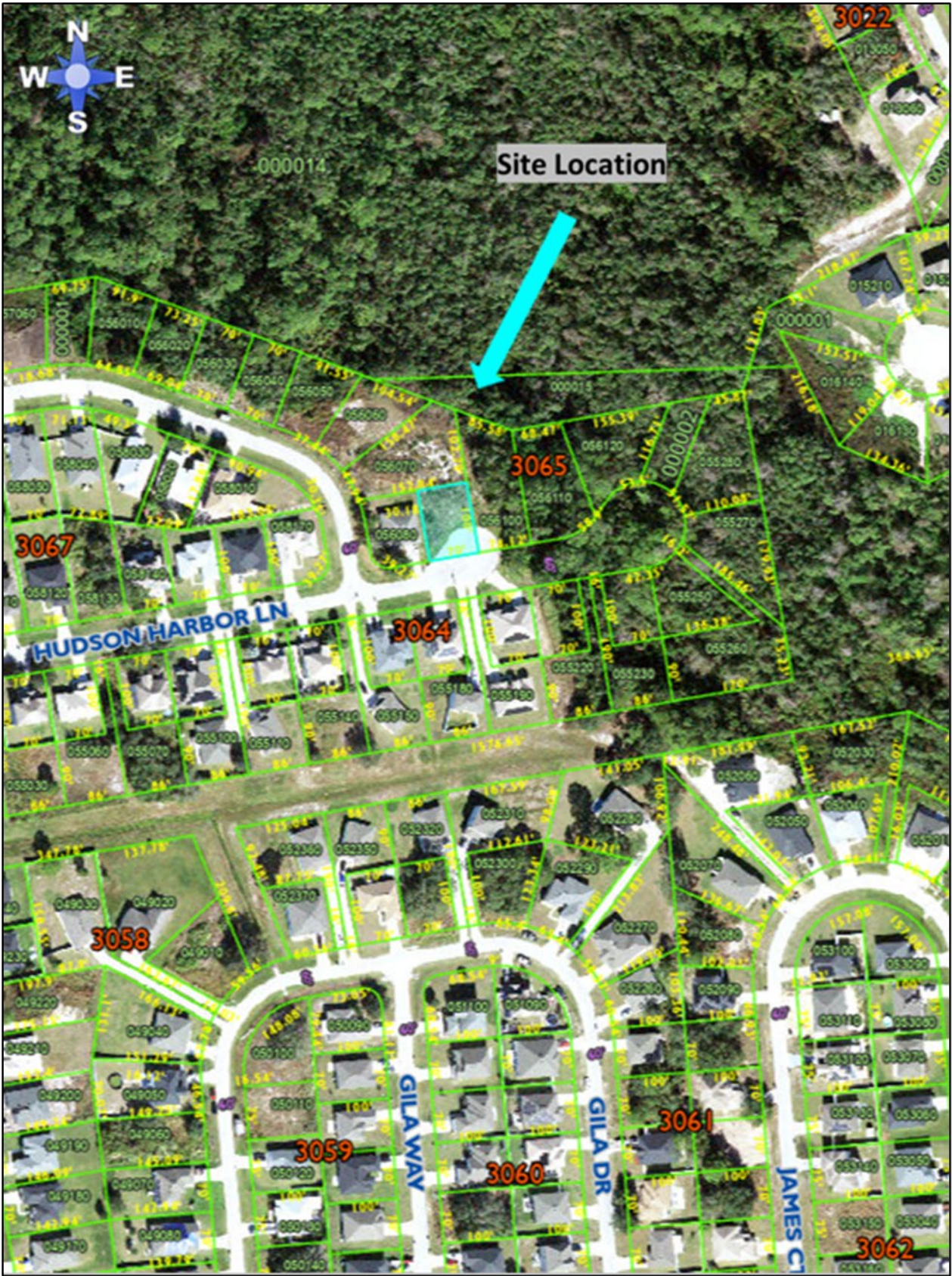
This property is a single-family home on Lot 9 in Poinciana Neighborhood 6, Village 7, located on Hudson Harbor Lane in Poinciana, Florida. Staff did find two other variance approvals within this Section, Township, and Range.

Exhibits:

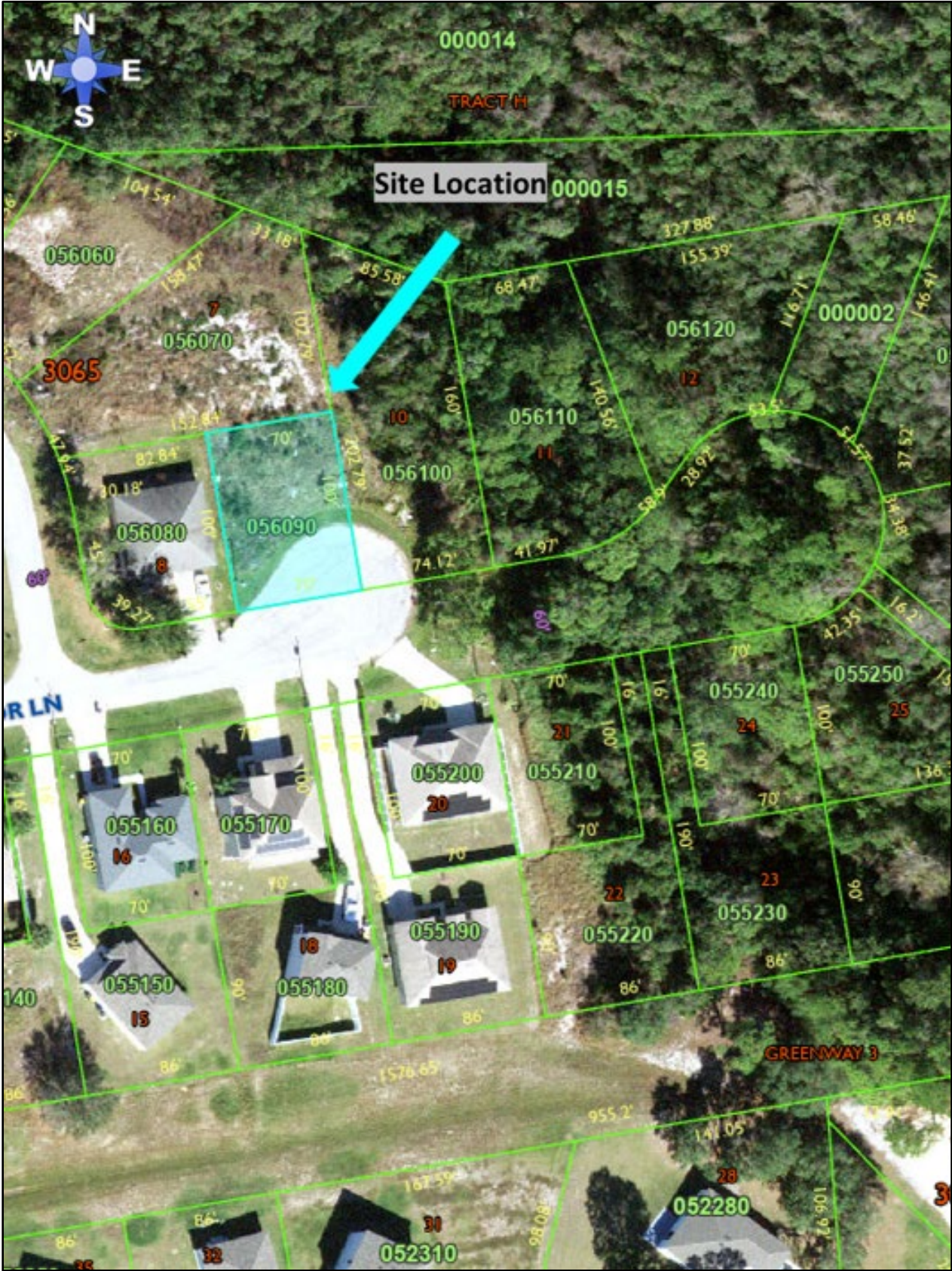
Exhibit 1	Location Map
Exhibit 2	Aerial Imagery (Context)
Exhibit 3	Aerial Imagery (Close)
Exhibit 4	Site Plan
Exhibit 5	Plat
Exhibit 6	Justification



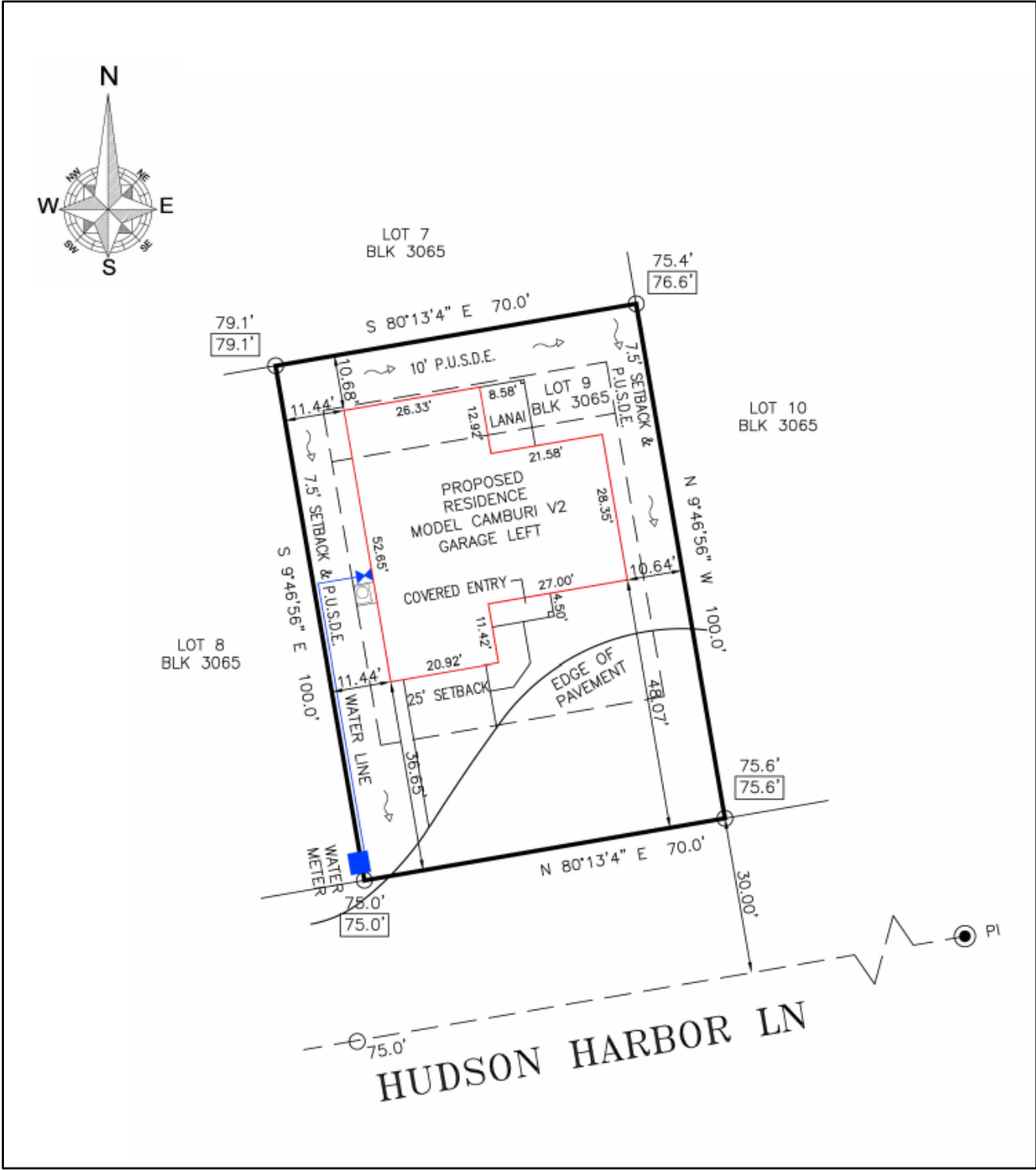
Location Map



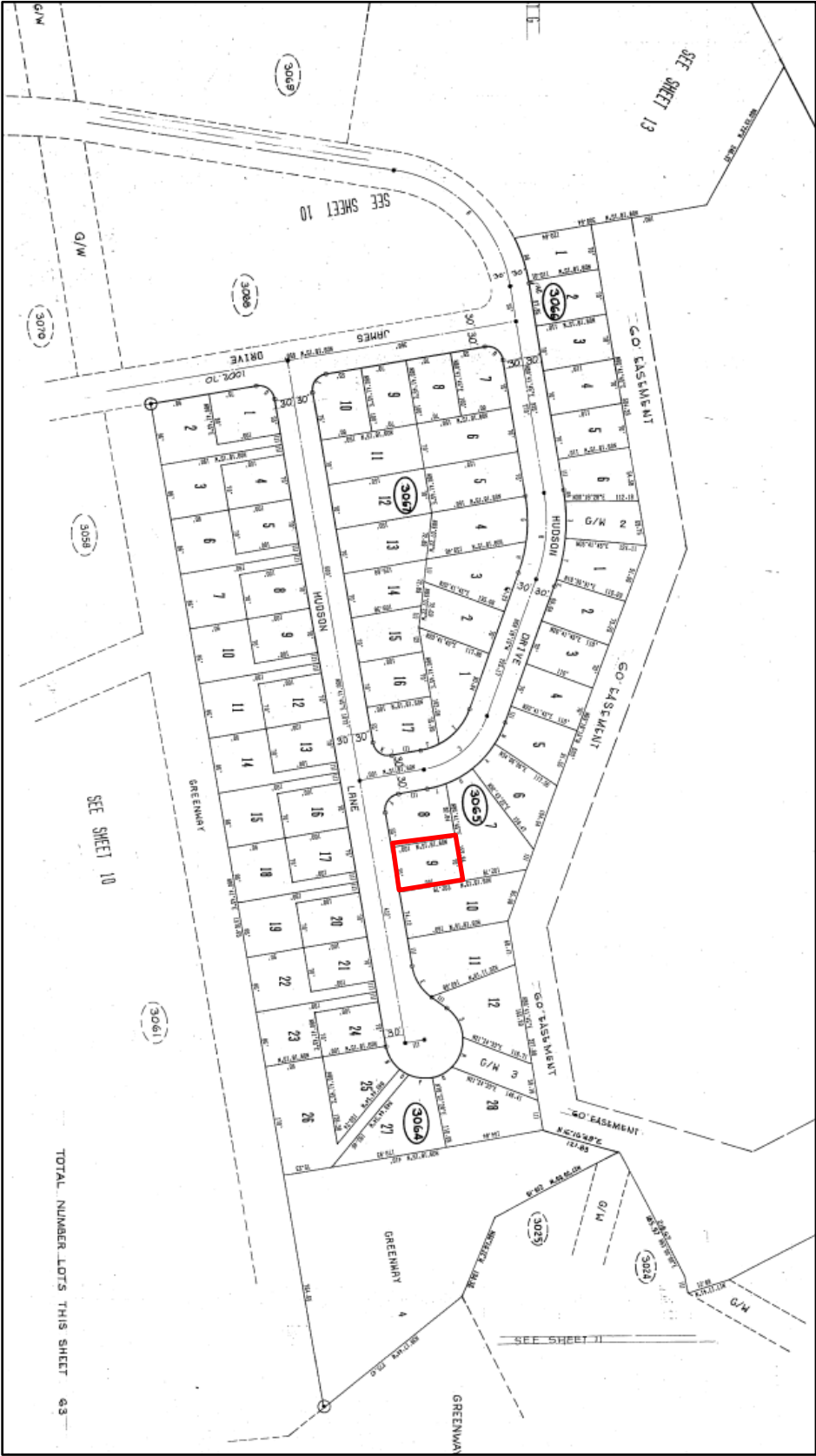
Aerial Imagery (Context)



Aerial Imagery (Close)



Site Plan



Plat

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 road goes in the lot, not allowing a construction to be done.

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

the lot was bought in January 2025

BR-2025-71

What is the hardship if the variance is not approved?

I won't be able to build any home.

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