



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0400	
LUHO HEARING DATE: May 24, 2021	CASE REVIEWER: Tania Chapela

REQUEST: The applicant seeks setback variances for an existing accessory dwelling on a lot zoned RSC-9.

VARIANCE(S):

Per LDC Sec. 6.11.02, Accessory Dwellings shall meet principal building setbacks.

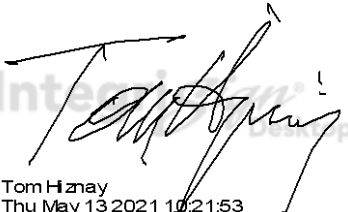
- 1) Per LDC Section 6.01.01, the required minimum rear yard setback for property zoned RSC-9 is 20 feet. The applicant requests a 15-foot reduction to the required setback to allow a rear setback of 5 feet from the west property line.
- 2) Per LDC Section 6.01.01, the required minimum side yard setback for property zoned RSC-9 is 5 feet. The applicant requests a 1.7-foot reduction to the required setback to allow a side setback of 3.3 feet from the south property line.

FINDINGS:

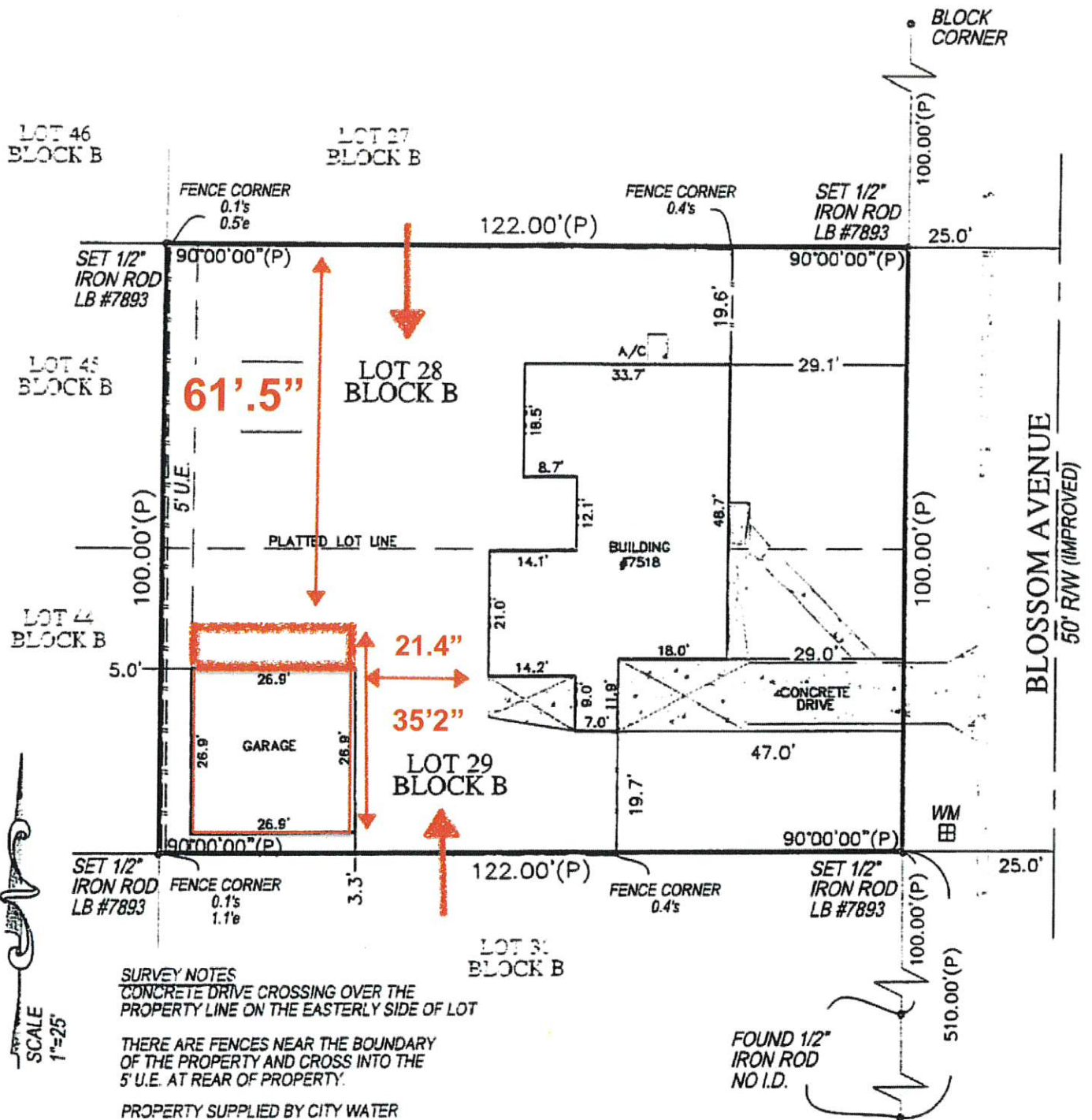
- The subject accessory dwelling was created from a detached garage without building permits. Therefore, if the requested variances are approved, the property owner must obtain after-the-fact building permits.
- Per LDC Section 6.11.02.C, a maximum of 900 square feet of living space is permitted in an accessory dwelling, and a variance to increase that amount may not be requested in this case. The subject accessory dwelling has approximately 946 square feet of living space. Therefore, if the subject variance is approved, the property owner must structurally modify the accessory dwelling to reduce the amount of living space, pursuant to Section 6.11.02.C, to a maximum of 900 square feet as measured from the exterior walls of the structure. Staff recommends that a condition be placed on the subject variance, if approved, to require that the modifications be completed within 90 days of the approval date of this variance. The property owner’s representative does not object to this condition.
- If the subject variance is not approved, the property owner must modify the subject structure so that it no longer constitutes an accessory dwelling as regulated by the Land Development Code, and the structure cannot be utilized for independent living quarters or for sleeping purposes at any time, including guest visits. The building will then be subject to regulation as an accessory structure. However, at its present size, the building covers more than 20 percent of the required rear yard area on the property as permitted by LDC Section 6.11.04.C.3. Therefore, approval of a variance through a separate application from the subject request must be obtained to maintain the present size of the building for use as an accessory structure. Alternatively, the property owner may reduce the size of the building to comply with rear yard coverage requirements, the calculations for which must include all other accessory structures on the property which occupy the required rear yard.

DISCLAIMER:

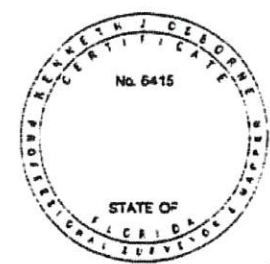
The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

ADMINISTRATOR'S SIGN-OFF
 Tom Hinzay Thu May 13 2021 10:21:53
Attachments: Application Site Plan Petitioner's Written Statement Current Deed

BOUNDARY SURVEY



SURVEY NOTES
 CONCRETE DRIVE CROSSING OVER THE PROPERTY LINE ON THE EASTERLY SIDE OF LOT
 THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY AND CROSS INTO THE 5' U.E. AT REAR OF PROPERTY.
 PROPERTY SUPPLIED BY CITY WATER



SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL OR A RAISED EMBOSSED SEAL AND SIGNATURE.

Kenneth Osborne
Kenneth Osborne

Digitally signed by
 Kenneth Osborne
 Date: 2017.10.30
 11:32:48 -04'00"

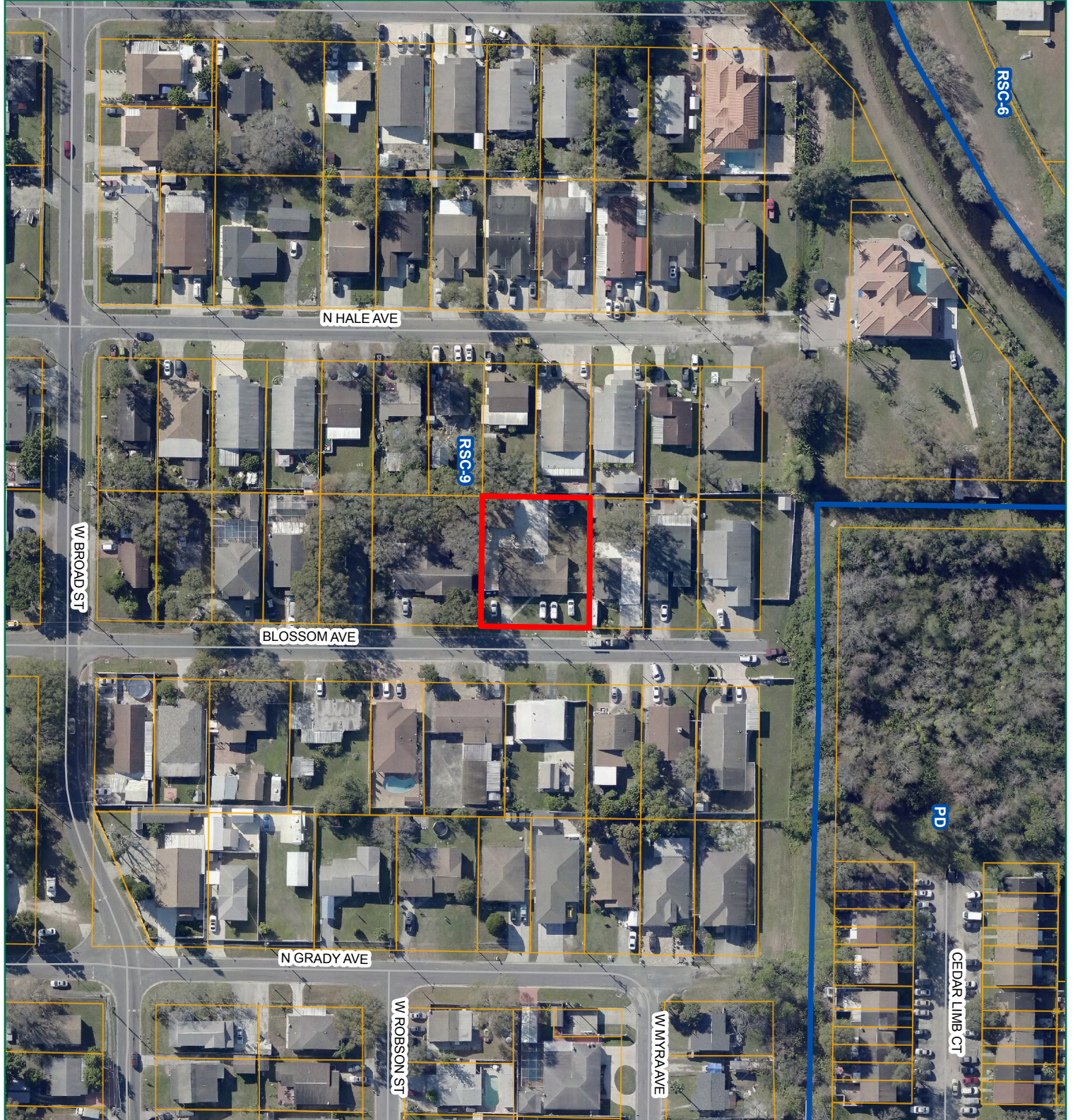


TARGET SURVEYING, LLC
 LB #7893
 SERVING FLORIDA
 6250 N. MILITARY TRAIL, SUITE 102
 WEST PALM BEACH, FL 33407
 PHONE (561) 640-4800
 STATEWIDE PHONE (800) 225-4807
 STATEWIDE FACSIMILE (800) 714-576
 WEBSITE: <http://targetsurveying.com>

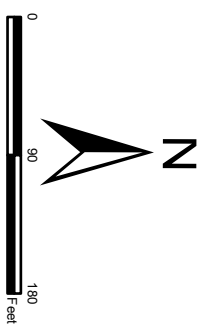
Immediate Aerial Zoning Map

VAR 21-0400

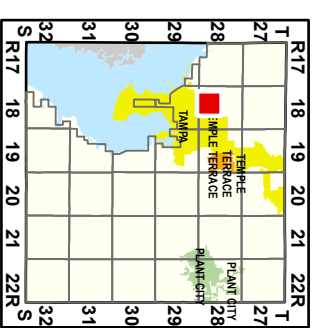
Folio: 26362.0000



- Application Site
- Zoning Boundary
- Parcels



STR: 28-28-18



NOTE: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, and shall not be used for any purpose other than that intended. SOURCE: This map has been prepared from the hierarchy of best property found within Hillsborough County and as compiled from recorded deeds, plats, and other AVM/AE data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. Date: 03/09/2021 Path: G:\ZONING\GIS\Data\Zoning_Site.aprx



Additional / Revised Information Sheet

Date Stamp Here

Application Number: 21-0400 Applicant's Name: DENISLEY SANCHEZ

Reviewing Planner's Name: TANIA CHAPELA Date: 4/13/2021

Application Type:

- Planned Development (PD) Minor Modification/Personal Appearance (PRS) Standard Rezoning (RZ)
- Variance (VAR) Development of Regional Impact (DRI) Major Modification (MM)
- Special Use (SU) Conditional Use (CU) Other _____

Current Hearing Date (if applicable): MAY 24, 2021 10:00am

The following must be attached to this Sheet.

Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.

An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Submittal Via:

Email (Preferred). Note that no follow up paper file is necessary. Pdf format only. Maximum attachment(s) size is 15 MB.

Email this sheet along all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcfllgov.net

Mail or delivery. Number of Plans Submitted: Large _____ Small _____

For PD, MM, PRS and SU: 7 large copies 24"X36", one small 8.5X11".
For RZ-Standard: if plot plan is larger than 8.5"X11", 7 large copies should be submitted.
For Minor Change: 6 large copies.
For Variances or Conditional Use permits: one 8.5"X11" or larger)

Mail to:
Development Services Department
Community Development Division
P.O. Box 1110
Tampa, FL 33601-1110

Hand Deliver to:
County Center
Development Services Department
19th Floor
601 E. Kennedy Blvd., Tampa

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.

Victor L. Zamora Jr., Esq.

Signature

4/13/2021

Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent
- Transmittal Completed

Scanned into OPTIX

In-Take Completed by: _____

Variance Request

- 1. Project Narrative. In the space below describe the variance including any history and/or related facts that may helpful in understanding the request. This explanation shall also specifically identify what is being requested.**

Variance of 15 feet from the required rear yard setback of 20 feet resulting in a rear yard of 15 feet. As to southside, variance of 1 foot and 7 inches from the required side yard setback of 5 feet resulting in a rear yard of 3 feet and 3 inches.

As to land Development Code 6.11.02, please consider the following as part of our project narrative.

First, the accessory dwelling unit is located on a conforming or legal non-confirming residential lot developed with a detached single-family home.

Secondly, the residential lot located at 7518 Blossom Ave, Tampa, Florida 33614, is occupied by a principal detached single-family dwelling unit that is owner occupied. The owner of said residential lot is Denisley Sanchez.

Thirdly, the living space of the accessory dwelling unit exceeds 900 square feet. However, per executive planner, Tom Hiznay, this requirement can be foregone if and until this Variance application/request is approved. If the variance application is approved, then Mr. Sanchez will bring the accessory dwelling unit into compliance, i.e. equal to or less than 900 square feet. In addition, the living space of the accessory dwelling unit does not include motor vehicle garages and attics. However, if there be an attic, it is not conditioned and is utilized solely for storage purposes.

Fourthly, the accessory dwelling is a detached structure from the principal single-family dwelling on the lot.

Fifthly, total building coverage on the lot does not exceed district standards.

Lastly, the accessory dwelling unit is located on the same lot as the principal dwelling unit. Furthermore, there is only one accessory dwelling unit on the lot and as to the other, unreferenced criteria of an accessory dwelling unit, per Land Development Code 6.11.02, none are applicable in this case.

VARIANCE CRITERIA RESPONSE

You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

please refer to attached page

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

please refer to attached page.

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

please refer to attached page

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose).

please refer to attached page

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

please refer to attached page

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

please refer to attached page.

VARIANCE CRITERIA RESPONSE'

- 1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?**

The hardships and practical difficulties unique to the Subject Property concern the fact the currently converted dwelling structure, existed as an accessory use, i.e. a storage facility, and was converted, with much energy, time, and money. This undertaking began under the belief that pursuant to Hillsborough County Land Development Code, 12.01.00, specifically, the definition of "Accessory Dwelling," which both implicitly and explicitly, states that a second dwelling unit that may a separate detached structure on the same lot as an owner-occupied single family detached home. The work expended on the conversion of the once, storage facility, was done in a professional and diligent fashion, as evidenced by the photographs hereto. Therefore, the unique hardship and practical difficulty lies in the resources expended for the use and enjoyment of the accessory dwelling. Furthermore, based upon the facts and evidence, there does not appear any indication that the hardships and difficulties stated herein are not in common with other properties similarly located. Lastly, as to the particularity and uniqueness of the subject property, lay in the fact that based upon the deed of the Subject Property, there are two lots which comprise the Subject Property. Based upon the adjacent properties owners list attached hereto, as well as the corresponding information concerning said properties, the subject property is one of few parcels with two lots as opposed to one.

- 2. Describe how the literal requirements of the Land Development Code would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the Land Development Code.**

Based upon the literal reading of the Hillsborough County Land Development Code, it would appear that pursuant to the Definition of "Accessory Dwelling," such a dwelling unit may and can be allowed as a residential unit detached from an existing single-family unit on the same lot, which is currently the case regarding the Subject Property. Therefore, based upon the zoning classification of the Subject Property, i.e. RSC-9, an accessory dwelling unit is allowed, and should be permitted; and if not permitted by this Body, would deprive, Denisely Sanchez, of his right to the use and enjoyment of the Subject Property and the accessory structures on the property, whether they be an accessory use or an accessory dwelling. Furthermore, based upon the deed of the Subject Property, there are two lots which comprise the Subject Property. Based upon the adjacent properties owners list attached hereto, as well as the corresponding information concerning said properties, the subject property is one of few parcels with two lots as opposed to one.

- 3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.**

If this Body were to approve the requested variance the subject of this application, the rights of the property owners situated adjacent, or nearby, would not be affected, for the structure will be for the use and enjoyment of a dwelling unit, and not any structure whose function would disturb or interrupt the quiet and peaceful enjoyment, whether by sound or sight, and neither will there be the existence of any harmful or hazardous substances or materials located thereon, especially that of an attractive nuisance. These assertions can be corroborated by the observations and reports of County Officials who have visited and analyzed the subject property.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the Land Development Code and the Comprehensive Plan.

The variance requested herein, will be in harmony with the purpose and intent of the Land Development Code, for it will not interfere with the rights and privileges of adjacent or nearby property owners. Furthermore, the current accessory dwelling, was converted in a professional manner, with the product being a well-designed dwelling. It was not constructed below the standard of care for a professional in like field, such as construction. The County officials who have visited and observed the structure can attest to its construction and its aesthetics. In addition, it will not interfere with the Public interest of Hillsborough County, and it should be allowed based upon the code itself, as well as the policy of said code to allow respect for the property owners of Hillsborough County.

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

The situation sought to be relieved by the variance was not the result of an illegal act. On the contrary, as stated numerous times, already a single-family dwelling unit, is allowed to have on its same lot an accessory dwelling. This conversion of the storage facility into a dwelling unit, was done so in good-faith and with every intent on respecting the rights of his neighbors as well as his own right, as the land owner of the subject property. It is of import to note that once the issue of non-compliance was raised by the County, the land owner, obtained the undersigned counsel, and has made all reasonable attempts to rectify the situation, according to the Land Development Code and good-faith cooperation. Since the inception of this matter, Denisley Sanchez, by and through the undersigned counsel, has been in healthful and meaningful contact with all affiliated parties in order to reach a just resolution, that both benefits the purpose and intent of Hillsborough County's Land Development Code, as well as the right of Denisley Sanchez, to use and enjoy the subject property.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the Land Development Code and the individual hardships that will be suffered by a failure to grant a variance.

Allowing the variance will result in substantial justice being done for both the public benefits secured by the Land Development code, as well as the amelioration of the hardships and difficulties to be suffered by Denisley Sanchez. The reason being is as follows: First, the variance will allow a permitted accessory use to exist on the property. The accessory dwelling is not an 'eye-sore,' its

height does not extend past the normal height level of the similarly situated houses, nor past any tree lines. It does not encroach or interfere with any adjacent or nearby properties, and it was converted/constructed in a professional manner. Based upon the current state of the subject property, considering both the primary residential dwelling unit, and the accessory dwelling to the rear, the property is well-kept, well-constructed, including walkways and fences, which adds to the aesthetic value of the neighborhood. Secondly, if the variance is not granted by this Body, much economic hardship will be suffered by Denisley Sanchez, as well as the necessary de-construction of the accessory dwelling to come back into compliance. The de-construction will cause interference and disruption the area. Lastly, Denisley Sanchez, vows to rectify all wrongs, and abide by the decisions of this body. This is, as previously mentioned, evidence by retaining counsel to assure all conditions and requirements are satisfied. Furthermore, reasonable attempts have been made to obtain the necessary permits concerning the subject property, which cannot be obtained until a variance is approved by this body. If a variance is approved, we will comply with any requirements or conditions imposed by this body.

1/3

Prepared by:
Christina M. Swan
First Title Source LLC
13033 W. Linebaugh Avenue, Suite Y101
Tampa, Florida 33626

File Number: 17FTS-562
Recording Fee: 10.00
Doc Stamps: 1,540.00
Consideration: 220,000.00

General Warranty Deed

Made this October 31, 2017 A.D. By Carol Guerra D'Urso, a married woman, whose address is: 7963 Sailboat Key Blvd. S. Apt. 705, South Pasadena, Florida 33707, hereinafter called the Grantor, to Densley Sanchez a married man, whose post office address is: 7518 Blossom Avenue, Tampa, Florida 33614, hereinafter called the Grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Hillsborough County, Florida, viz:

Lots 28 and 29, Block B, PINECREST VILLA ADDITION NO. 1, a subdivision according to the plat thereof recorded at Plat Book 14, Page 40, in the Public Records of Hillsborough County, Florida.

Parcel ID Number: 026362-0000

Said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

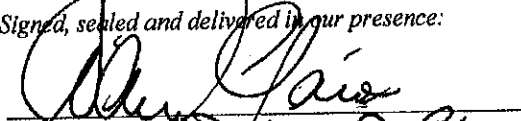
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

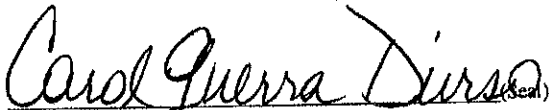
To Have and to Hold, the same in fee simple forever.


And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2016.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Printed Name D. May R. Clavic

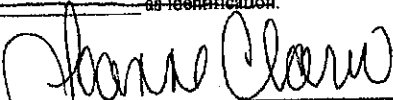

Carol Guerra D'Urso
Address: 7963 Sailboat Key Blvd. S. Apt. 705, South Pasadena, Florida 33707


Witness Printed Name DIANA R. RUFFOLA

State of Florida
County of Pinellas

The foregoing instrument was acknowledged before me this 30th day of October, 2017, by Carol Guerra D'Urso, who is ~~not~~ personally known to me or who has produced _____ as identification.




Notary Public
Print Name: Joanne Clarie
My Commission Expires: 7/26/2019

21-0400



Additional / Revised Information Sheet

Date Stamp Here

Application Number: 21-0400 Applicant's Name: DENISLEY SANCHEZ

Reviewing Planner's Name: TANIA CHAPELA Date: 4/13/2021

Application Type:

- Planned Development (PD) Minor Modification/Personal Appearance (PRS) Standard Rezoning (RZ)
- Variance (VAR) Development of Regional Impact (DRI) Major Modification (MM)
- Special Use (SU) Conditional Use (CU) Other _____

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Mail to:
 Development Services Department
 Community Development Division
 P.O. Box 1110
 Tampa, FL 33601-1110

Hand Deliver to:
 County Center
 Development Services Department
 19th Floor
 601 E. Kennedy Blvd., Tampa

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.

Victor L. Zamora Jr., Esq.

Signature

4/13/2021

Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent Scanned into OPTIX
- Transmittal Completed

In-Take Completed by: _____

AMENDED



VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-272-5600.
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

Property Information

Address: 7518 Blossom Ave. City/State/Zip: Tampa, Florida 33614 TWN-RN-SEC: 28-28-18
Folio(s): ~~02632-0000~~ Zoning: RSC-9 Future Land Use: RMC-9 Property Size: _____
26362.0000

Property Owner Information

Name: Denisley Sanchez Daytime Phone: 813-412-0402
Address: 7518 Blossom Ave. City/State/Zip: Tampa, Florida 33614
Email: info @compudile.com FAX Number: None

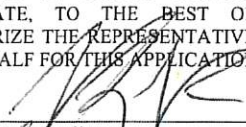
Applicant Information

Name: Denisley Sanchez c/o VIZA LAW Daytime Phone: 813-871-6200
Address: 1924 W. Martin Luther King Jr. Blvd. City/State/Zip: Tampa, Florida 33607
Email: vzamora@vizalaw.com FAX Number: 813-333-7447

Applicant's Representative (if different than above)

Name: Victor L. Zamora Jr., Esquire Daytime Phone: 913-871-6200
Address: 1924 W. Martin Luther King Jr. Blvd. City / State/Zip: Tampa, Florida 33607
Email: vzamora@vizalaw.com FAX Number: 813-333-7447

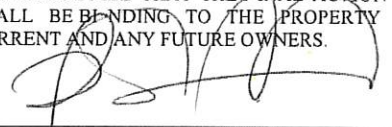
I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.



Signature of Applicant
VICTOR L. ZAMORA

Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.



Signature of Property Owner
DENISLEY SANCHEZ

Type or Print Name

Office Use Only

Intake Staff Signature: Ana Lizardo Intake Date: 02/15/2021
Case Number: 21-0400 Public Hearing Date: 04/26/2021
Receipt Number: 21-0400