

Variance Application: VAR 24-0951
LUHO Hearing Date: August 26, 2024
Case Reviewer: Jared Follin



**Hillsborough
 County Florida**

Development Services Department

Applicant: Cynthia A. Smith & Terry M. Smith, Jr. **Zoning:** AS-1
Address/Location: Folio# 92790.0000 (No address)


Request Summary:

The applicant is requesting a variance to encroach into the required 50-foot rear yard setback in order to construct a single-family home.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.01.01	A minimum 50-foot rear yard setback is required in the AS-1 zoning district.	13.5 feet	36.5-foot rear yard setback

Findings:	Non-conforming lot determination, NCL 24-0155, certified the parcel as a legal nonconforming lot pursuant to the provisions of LDC Section 11.03.03. The parcel is approximately 0.86 acres in size.
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Zoning Administrator Sign Off:	 Colleen Marshall Tue Aug 13 2024 12:04:43
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DISCLAIMER:
 The variance(s) 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.



Project Description (Variance Request)

1. In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet). If additional space is needed, please attach extra pages to this application.

History: This property was purchased by my parents on April 12, 1969, which at that time they would not have not had any issues to build.

The size of the property is .86 acres. We were approved to build on said property, per Nonconforming Lot Review Approval (24-0155 NCL). The current setback from the North & South is 15 feet and the East and West is 50 feet with the land dimensions as 142 ft depth and 262 ft frontage.

The current required (rear yard) East setback is 50 ft, however, we are Requesting a Variance of 13.5 feet resulting in a rear yard of 36.5 feet.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

Sec. 6.01.01. - Schedule of District Area, Height, Bulk, and Placement Regulations

Additional Information

1. Have you been cited by Hillsborough County Code Enforcement? No Yes
If yes, you must submit a copy of the Citation with this Application.
2. Do you have any other applications filed with Hillsborough County that are related to the subject property?
 No Yes If yes, please indicate the nature of the application and the case numbers assigned to the application (s): Nonconforming Lot Review Approval (24-0155 NCL)
3. Is this a request for a wetland setback variance? No Yes
If yes, you must complete the Wetland Setback Memorandum and all required information must be included with this Application Packet.
4. Please indicate the existing or proposed utilities for the subject property:
 Public Water Public Wastewater Private Well Septic Tank
5. Is the variance to allow a third lot on well or non-residential development with an intensity of three ERC's?
 No Yes If yes, you must submit a final determination of the "Water, Wastewater, and/or Re-claimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

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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?

With the E & W setback as 50 feet & the depth as 142 ft, it only leaves 42 ft, which is Very Narrow, creating hardship/practical difficulties to build. Therefore, requesting this variance, which will not impose any suffering in common with other property owners.

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.

The subject property is surrounded by homes. Considering the property is rectangular shaped and LCD setback reduces my space to build by 100 ft (more than half of the depth). Withholding the variance approval would deprive my rights to build a reasonable home in depth. Yet, other property owners continue to enjoy their properties because they were grandfathered under different requirements.

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.

As indicated on the survey/site plan, we need to reduce the East setback to move forward to build on this lot. Therefore if allowed, this will not interfere of injure rights of others whose property would be affected by allowance of this variance.

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).

According to the above section(s) it is the intent of Hills. Co to be efficient in terms of Time & Expenses of the property owners, and respect the rights of property owners by creating a fair opportunity. Therefore this variance request is in harmony, serves the intent & purpose of the LDC & Comprehensive plan.

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.

Considering this property was purchased by my parents in 1969, with the intend to build. However, they decided to live in the city rather the rural area, which does not result from an illegal act or result form actions of applicant.

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.

The variance will result in substantial justice by allowing a relaxed of zoning standards in unique application of the rules, which will remove the hardship/practical difficulties to grant this variance.

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Prepared By: Reginald L. Gray
502 S Franklin St.
Plant City, FL 33563

Purchased Amount \$0.00

Property Appraisers (folio) Number: 092790.0000

QUITCLAIM DEED

THIS QUITCLAIM DEED, is made on the 1st day of October ~~August, 2014~~ by and

between, Reginald Gray, a single man (First Party) whose residence and/or mailing

502 S Franklin Street, Plant City, FL 33563, AND Cynthia Ann Smith and Terry M. Smith Jr.,

wife and husband (Second Party) whose residence and/or mailing address is 904 S Empire Street,

Plant City, FL 33563.

I WITNESSETH: That the Grantor, for and in consideration of the sum of (\$10.00) Ten and 00/100 - Dollars, and other valuable consideration, lawful money of the United States of America, to him in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has transferred, deeded, remised, released, and quitclaim to the Grantee, heirs and assigns forever, all the rights, title, interest and claim of the said Grantor, in and to the following described lands, in Hillsborough County, Florida, to-wit:

Description of Property

SEC 23-29-22

S 262 ft of N 549 FT of E 1/2 of W 1/2 of E 1/2 of SW 1/4 of SW 1/4, as recorded in the Hillsborough County, Florida Public records.

TO HAVE AND TO HOLD the above described property unto the Second Party, and the Second Party's executors, administrators, successors and assigns forever.

It is understood that this conveyance is made without covenants or warranties of any kind, either express or implied.

IN WITNESS WHEREOF, the First Party has signed and sealed the quitclaim deed on the above date.

Witnesses:

Retha M. Gray
Witness signature

Retha M. Gray
Printed Name

Dybil Burks
Witness signature

Dybil Burks
Printed Name

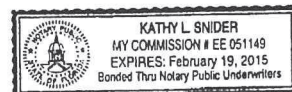
First Party
Reginald L. Gray
REGINALD L. GRAY (Grantor signature)

Reginald L. Gray
Printed Name

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 1st day of October ~~August~~ 2014, by Reginald L. Gray, who declared his identity and who has produced his I.D./driver's license as personal identification.

Kathy L. Snider
Notary of Public State of
My commission expires: **KATHY L. SNIDER**



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**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Application No: <u>24-0951</u>		Official Use Only	Intake Date: <u>06/11/2024</u>
Hearing(s) and type: Date: <u>08/26/2024</u>	Type: <u>LUHO</u>	Receipt Number: <u>375339</u>	Intake Staff Signature: <u>Clare Odell</u>
Date: _____	Type: _____		

Property Information

Address: Beal Rd City/State/Zip: Plant City, FL 33567

TWN-RN-SEC: 29-22-23 Folio(s): 092790.0000 Zoning: AS-1 Future Land Use: 995J R-1 Property Size: .86 acres

Property Owner Information

Name: Cynthia A. Smith & Terry M. Smith Jr Daytime Phone: 813-763-7066

Address: 112 S Forest St City/State/Zip: Plant City, FL 33563

Email: Graycann1@gmail.com Fax Number: _____

Applicant Information

Name: Cynthia A. Smith & Terry M. Smith Jr Daytime Phone: 813-763-7066

Address: 112 S Forest St City/State/Zip: Plant City, FL 33563

Email: Graycann1@gmail.com Fax Number: 813-757-3745

Applicant's Representative (if different than above)

Name: _____ Daytime Phone: _____

Address: _____ City/State/Zip: _____

Email: _____ Fax Number: _____

I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.

Cynthia A Smith Terry Smith Jr
Signature of the Applicant

Cynthia & Terry Smith Jr
Type or print name

I hereby authorize the processing of this application and recognize that the final action taken on this petition shall be binding to the property as well as to the current and any future owners.

Cynthia A Smith Terry Smith Jr
Signature of the Owner(s) - (All parties on the deed must sign)

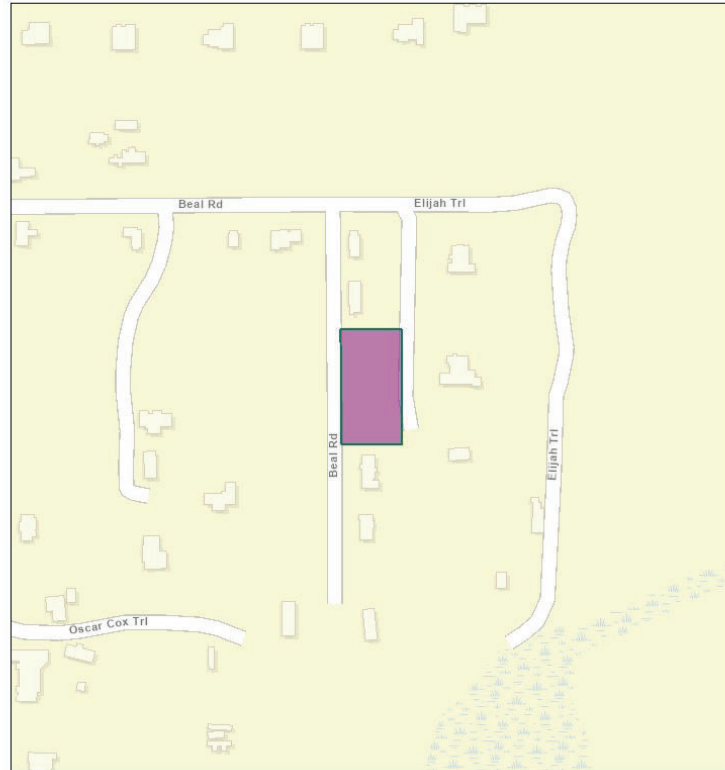
Cynthia & Terry Smith Jr
Type or print name



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AS-1
Description	Agricultural - Single-Family
Overlay	null
Restr	null
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0430H
FIRM Panel	12057C0430H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120450B
County Wide Planning Area	East Rural
Census Data	Tract: 013004 Block: 2004
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	3
Fire Impact Fee	Central
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 5
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 92790.0000



June 12, 2024

1:3,009

0 0.02 0.04 0.09 mi
0 0.04 0.07 0.14 km

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Hillsborough County Florida

Folio: 92790.0000
PIN: U-23-29-22-ZZZ-000005-06000.0
 Cynthia Ann And Terry M Jr Smith
Mailing Address:
 904 S Empire St
 null
 Plant City, FL 33563-6432
Site Address:
 0
 Plant City, FL 33567
SEC-TWN-RNG: 23-29-22
Acreage: 0.85059899
Market Value: \$53,000.00
Landuse Code: 0000 Vacant Resident

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