



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0348	
LUHO HEARING DATE: February 21, 2022	CASE REVIEWER: Carla Shelton Knight

REQUEST: The applicant is requesting a variance from the 30-foot Wetland Conservation Area setback requirement, Section 4.01.07B of the Land Development Code (LDC). The applicant’s specific request, as shown on the site plan submitted on February 9, 2022, is to allow for construction of a raised patio within the 30-foot Wetland Conservation Area setback.

SUMMARY OF VARIANCE(S):

Wetland Setback

- 1) Per LDC Sec. 4.01.07.B.4, no filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required 30-foot wetland conservation area setback. The applicant requests construction of an open raised patio within the 30-foot wetland conservation area setback. The applicant requests an 11-foot 4-inch encroachment into the setback to allow for a setback of 18 feet 8 inches.

Findings

- 1) The existing pool and deck were granted a wetland setback encroachment variance (VAR 13-0788) in 2013 to allow an encroachment of 21 feet 10 inches into the 30-foot wetland conservation area setback. This encroachment required a Wetland Setback Compensation Planting plan with a planting area of 1494 square feet, equivalent to the square footage of encroachment into the wetland setback at the time. The current updated wetland line has shifted away from the pool area, and the amount of encroachment by the pool and deck has now been reduced to 1250 square feet. Since none of the compensation plantings are present at this time, the applicant has proposed a new Wetland Setback Compensation Planting plan to include the existing encroachment square footage of the pool and the proposed encroachment square footage of the new patio (188 square feet). The proposed Wetland Setback Compensation Planting will total 1438 square feet.

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.

Approval of this variance petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested environmental approvals.

22-0348
Staff Report
Page Two:

The Development Services Natural Resources Section has no objections contingent upon the Land Use Hearing Officer's acceptance and referral to the submitted site plan.

Attachments: Site Plan

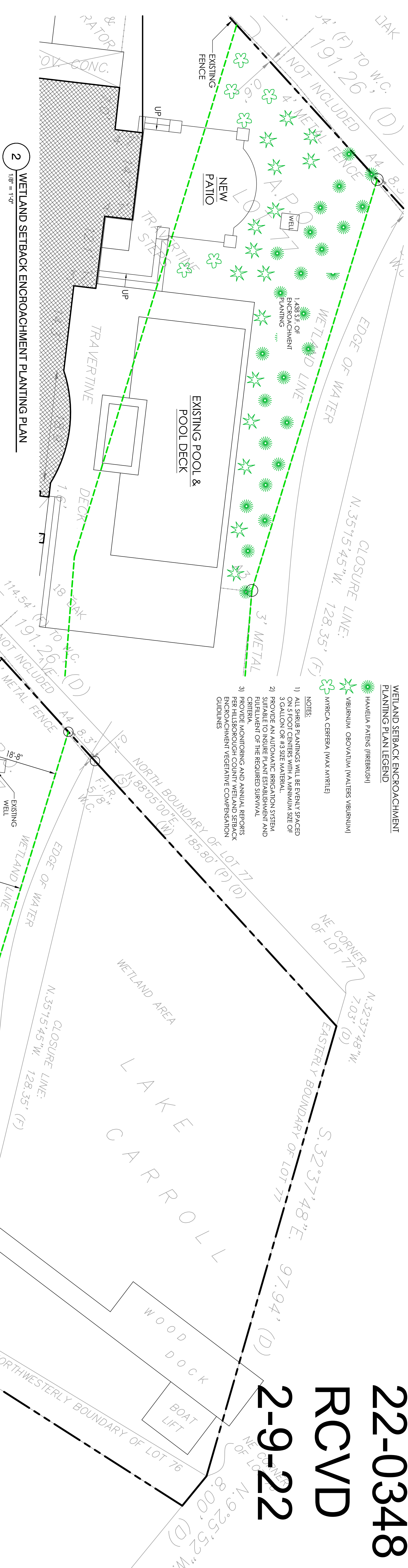
ADMINISTRATOR'S SIGN-OFF

A handwritten signature in black ink, appearing to read "Chris Slater", is written in the sign-off box.

22-0348

RCVD

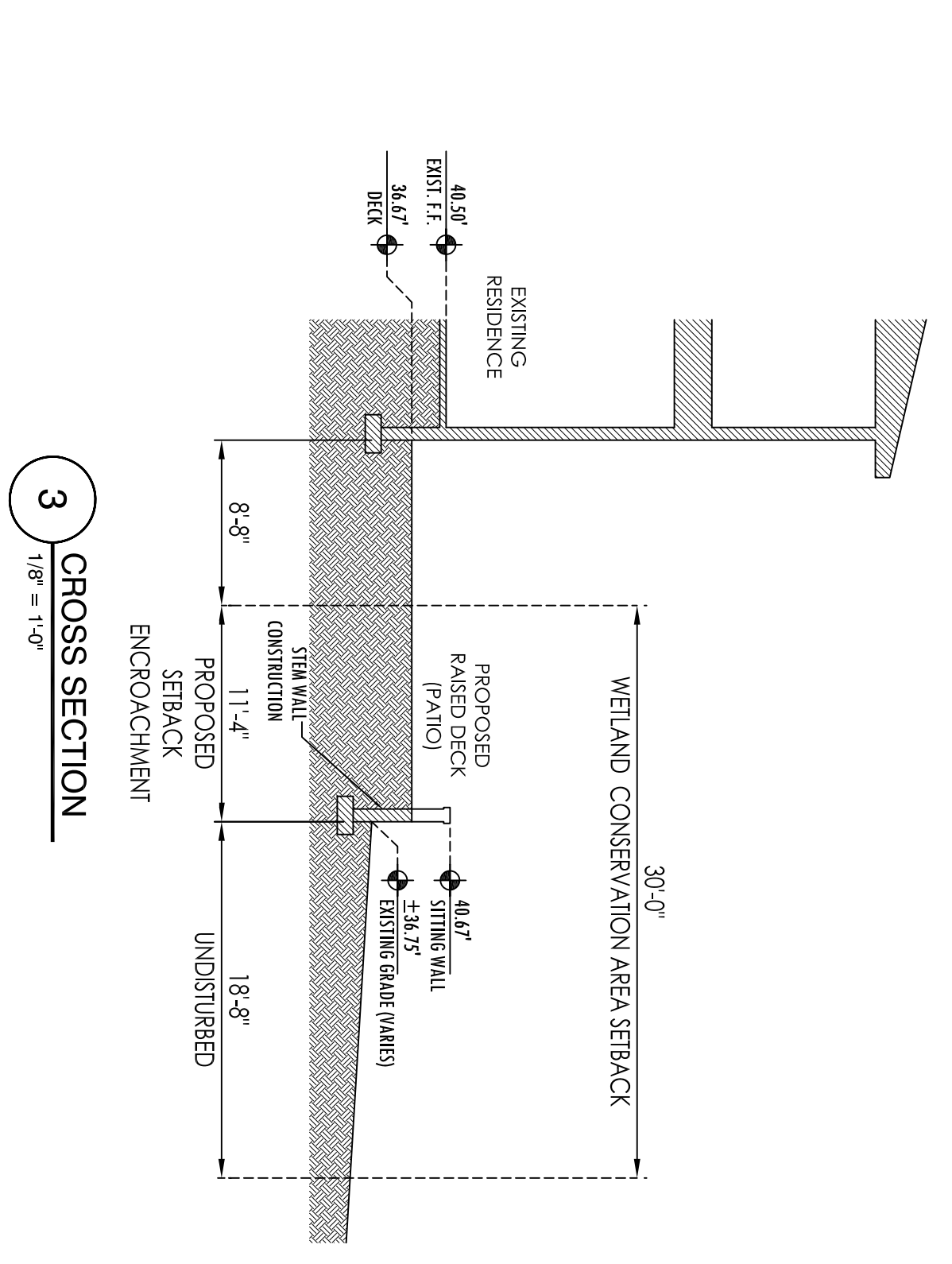
2-9-22



2 WETLAND SETBACK ENCROACHMENT PLAN

LEGAL DESCRIPTION:

PART EACH OF LOTS 76 AND 77, BLOCK 3, CARROLLWOOD SUBDIVISION UNIT NO. 9, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 38, PAGE 63, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, THE PART OF LOT 76 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 76, RUN SOUTHEASTERLY ALONG THE WEST BOUNDARY OF SAID LOT 76, WHICH IS THE ARC OF A CURVE TO THE LEFT (CHORD-SOUTH 24°03'19" EAST, 3.33 FEET; CENTRAL ANGLE-3°40'42"; RADIUS-50.0 FEET) EAST A DISTANCE OF 192.12 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY OF SAID LOT 76 WHICH IS SOUTH 9°25'52" EAST 8.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 76; RUN THENCE NORTH 7°25'52" WEST ALONG THE NORTHEASTERLY BOUNDARY OF SAID LOT 76 A DISTANCE OF 8.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 76; RUN THENCE SOUTH 72°29'38" WEST ALONG THE NORTHEASTERLY BOUNDARY OF SAID LOT 76 A DISTANCE OF 193.58 FEET TO THE POINT-OF-BEGINNING, THE PART OF LOT 77 BEING, LOT 77, LESS THAT PART HEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 77, RUN SOUTH 4°29'36" EAST ALONG THE WEST BOUNDARY OF SAID LOT 77 A DISTANCE OF 3.17 FEET; RUN THENCE NORTH 89°54'39" EAST A DISTANCE OF 191.26 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID LOT 77 WHICH IS SOUTH 32°37'48" EAST 7.03 FEET FROM THE NORTHEAST CORNER OF SAID LOT 77; RUN THENCE NORTH 32°37'48" WEST ALONG THE EASTERLY BOUNDARY OF SAID LOT 77 A DISTANCE OF 7.03 FEET TO THE NORTHEAST CORNER OF SAID LOT 77; RUN THENCE SOUTH 88°05'00" WEST ALONG THE NORTH BOUNDARY OF SAID LOT 77 A DISTANCE OF 185.80 FEET TO THE POINT-OF-BEGINNING.



3 CROSS SECTION



1 SITE PLAN

PROPERTY DATA:
 ADDRESS: 11328 CARROLLWOOD DR
 EXISTING ZONING: RSC-6
 FOLIO NUMBER: 023020-0000
 FLOOD ZONE: ZONE X & ZONE AE
 *ALL WORK IS LOCATED IN ZONE X

SITE NOTES

- 1) ALL RAIN WATER RUNOFF TO BE CHANNELLED TO REAR OF PROPERTY
- 2) THERE ARE NO PROTECTED TREES WITHIN 10 FEET, OR GRAND TREES WITHIN 20 FEET OF THE PROPOSED ADDITION.
- 3) NO PROTECTED TREES WILL BE REMOVED OR RELOCATED.
- 4) NO OTHER SITE WORK WILL BE DONE EXCEPT AS SPECIFICALLY NOTED.
- 5) COORDINATE FOUNDATION/PIER PLACEMENT WITH TREE ROOTS WHEN IN PROTECTED RADII. VERIFY WITH AUTHORITY HAVING JURISDICTION.

PROJECT DATA
 SITE PLAN
 PLANTING PLAN
 CROSS SECTION

DATE: 2022-02-09

DRAWING: VARIANCE

SHEET: A-101

PROJECT:
 Variance for New Patio
 11328 Carrollwood Dr.
 Tampa, FL

ARCHITECT OF RECORD:

DRAWN BY:
 Florida Design Studio Corp.
 Specializing in
 New Traditional & Contemporary Design

813.232.6242 office
 813.732.4268 cell
 Alan@FDS-Tampa.com
 5502 N. Cherokee Ave.
 Tampa, FL 33604

VARIANCE REQUEST

1. Project Narrative: 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.

We are requesting variance for a wetland setback encroachment of 11'-4" (at its greatest point) for a new _____ expanded pool deck/patio. The approximate total area of the intrusion is 188 square feet. _____

New construction will be no closer to the Wetland delineation line than the existing pool deck. _____

Vest encroachment of existing pool and pool deck based on new EPC wetland line. A wetland setback Variance (VAR 13-0788) was granted for a 21'-10" wetland setback encroachment in 2013 to allow construction of a pool and pool deck with an approximately 1,494 square feet encroachment. With the new (relocated) wetland line the current encroachment is 1,250 square feet. _____

The existing pool deck has limited deck area so the owners would expand it by adding minimal additional area for the new open raised patio or deck. The overall area of the intrusion is minimal and the encroachment less than the existing pool deck. _____

A wetland setback the planting and mitigation plan will be provided to enhance natural vegetation/habitat to protect the wetlands and shoreline of Lake Carroll since it is utilized by multiple wildlife species. _____

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

Sec. 4.01.07 (B.)(1.)

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): Wetland setback variance for the pool VAR 13-0788 GCN/NWC
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 (Attachment A).
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 and/or septic 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 Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing (form may be obtained from **19th floor County Center**).

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?

The additional space requested is a modest addition and encroachment into the wetland setback. This type of space can easily be accommodated on other similar properties, but because of the location of the existing structure and the reasons cited in the previous variance (pie-shaped lot, etc.) there is no other place on the property for this additional area to be feasibly located. _____

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.

Many other homes in the area have large outdoor living spaces to take advantage of being on a lake. However, this property narrows the closer it gets to the lake so there no way to accommodate the additional space on either side of the existing pool without the variance. _____

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.

The variance is only for raised patio area with low sitting walls so it will not obstruct the adjacent property owner's view. Additionally, it will not adversely affect any historic surface stormwater drainage patterns. Furthermore, the wetland setback planting will mitigate any surface flow and will enhance natural vegetation and protect the shoreline. _____

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).

The variance would allow the homeowner to enjoy the use of their property in a fashion similar to the majority of the homeowners in the vicinity. _____

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.

All the improvements to this property have been based on legally compliant modifications. The proposed patio is a modest addition to something that was previous approved. _____

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.

This variance will allow the current homeowners and all future occupants to have and enjoy outdoor living areas like many of the homes in the surrounding area. Failure to grant this variance will diminish the value and usability of the outdoor living spaces and not allow the owners the benefits as many of the adjacent neighbors. _____

2

35.50
4067.00

This instrument prepared by
(and return to):

Lisa G. Gilleland
HOLLAND & KNIGHT
P. O. Box 1288
Tampa, FL 33601-1288

Property Appraiser's
Folio Number:
023020.0000

TRUSTEES' DEED

The Grantors, Jack W. Almand, Jr., Edward F. Koren and Northern Trust, NA, as Co-Trustees of the Jack W. Almand Trust, dated June 17, 2008, whose mailing address is 425 N Florida Ave, Tampa, Fl 33602, in consideration of ten dollars and other valuable considerations received from the Grantee, hereby grant and convey to the Grantees, Matthew Fink and Carolyn Fink, husband and wife, whose address is 10804 Tradition Loop, Tampa, Florida 33618, all of the Grantors' interest in the real property in Hillsborough County, Florida, described below.

Part each of Lots 76 and 77, Block 3, Carrollwood Subdivision Unit No. 9, according to the map or plat thereof, as recorded in Plat Book 38, Page 63, of the Public Records of Hillsborough County, Florida. The part of Lot 76 being more particularly described as follows: Beginning at the Northwest corner of said Lot 76, run Southeasterly along the West boundary of said Lot 76, which is the arc of a curve to the left (chord - South 24°03'19" East, 3.33 feet; central angle - 3°40'42"; radius - 50.0 feet) a distance of 3.34 feet; run thence North 73°52'06" East a distance of 192.12 feet to a point on the Northeasterly boundary of said Lot 76 which is South 9°25'52" East 8.00 feet from the Northeast corner of said Lot 76; run thence North 9°25'52" West along the Northeasterly boundary of said Lot 76 a distance of 8.00 feet to the Northeast corner of said Lot 76; run thence South 72°29'38" West along the Northwesterly boundary of said Lot 76 a distance of 193.58 feet to the point-of-beginning; The part of Lot 77 being Lot 77, less that part thereof described as follows: Beginning at the Northwest corner of said Lot 77, run South 4°29'36" East along the West boundary of said Lot 77 a distance of 3.17 feet; run thence North 89°54'39" East a distance of 191.26 feet to a point on the Easterly boundary of said Lot 77 which is South 32°37'48" East 7.03 feet from the Northeast corner of said Lot 77; run thence North 32°37'48" West along the Easterly boundary of said Lot 77 a distance of 7.03 feet to the Northeast corner of said Lot 77; run thence South 88°05'00" West along the North boundary of said Lot 77 a distance of 185.80 feet to the point-of-beginning.

Dated this 22nd day of November, 2010.

Signed in the presence of
Two witnesses

Sign: Cheryl Macpherson
Print: CHERYL MACPHERSON

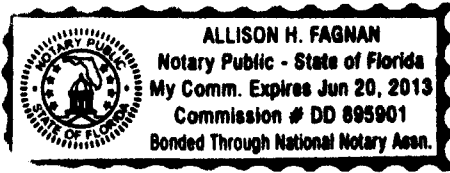
Sign: Tiffany Green
Print: Tiffany Green

Jack W. Almand, Jr.
Jack W. Almand, Jr., as Co-Trustee of the Jack
W. Almand Trust, dated June 17, 2008,

STATE OF FLORIDA
COUNTY OF Hillborough

The foregoing instrument was acknowledged before me this 22nd day of November, 2010, by Jack W. Almand, Jr. as Co-Trustee of the Jack W. Almand Trust, dated June 17, 2008. He is personally known to me or has produced _____ as identification.

(affix notarial seal)



Notary Sign: [Signature]
Print Notary Name: Allison H. Fagnan
Notary Public--State of Florida
Commission number: DD 895901
My commission expires: 6/20/2013

Signed in the presence of
Two witnesses

Sign: [Signature]
Print: Robert J. Kline

Sign: [Signature]
Print: Holly M. Reagan

[Signature]
Edward F. Koren, as Co-Trustee of the
Jack W. Almand Trust, dated June 17,
2008

STATE OF FLORIDA

COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 19th day of
Nov., 2010, by Edward F. Koren, as Co-Trustee of the Jack W. Almand Trust, dated
June 17, 2008. He is personally known to me or has produced _____ as
identification.

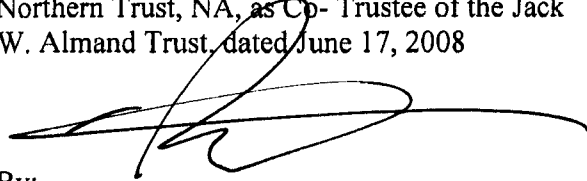
(affix notarial seal)

Notary Sign: [Signature]
Print Notary Name: _____
Notary Public--State of Florida
Commission number: _____
My commission expires: _____



Signed in the presence of
Two witnesses

Northern Trust, NA, as Co- Trustee of the Jack
W. Almand Trust, dated June 17, 2008



Sign: Cheryl Macpherson
Print: CHERYL MACPHERSON

By: _____
Print: Richard F. Park
As its: Vice President

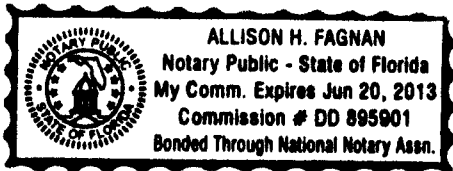
Sign: Tiffany Green
Print: Tiffany Green

STATE OF FLORIDA

COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 22nd day of November, 2010, by Richard F. Park, as Vice President of Northern Trust, NA, as Co-Trustees of the Jack W. Almand Trust, dated June 17, 2008, on half of said National Association, as Trustee. He She is personally known to me or has produced _____ as identification.

(affix notarial seal)



Notary Sign: [Signature]
Print Notary Name: Allison H. Fagnan
Notary Public--State of Florida
Commission number: DD 895901
My commission expires: 6/20/2013

#9889127_v1



Received
12/28/2021
Development Services

VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-277-1630.
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

Property Information

Address: 11328 Carrollwood Dr. City/State/Zip: Tampa, FL. TWN-RN-SEC: _____
Folio(s): 023020-0000 Zoning: RSC-6 Future Land Use: _____ Property Size: 25,538 SF

Property Owner Information

Name: Matthew and Carolyn Fink Daytime Phone: (917) 771-1016
Address: 11328 Carrollwood Dr. City/State/Zip: Tampa, FL.
Email: carolynpfink@yahoo.com FAX Number: _____

Applicant Information

Name: Alan C. Dobbs Daytime Phone: (813) 732-4268
Address: 5502 N Cherokee Ave. City/State/Zip: Tampa, FL 33604
Email: Alan@FDS-Tampa.com FAX Number: _____

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 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
Alan C. Dobbs
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.

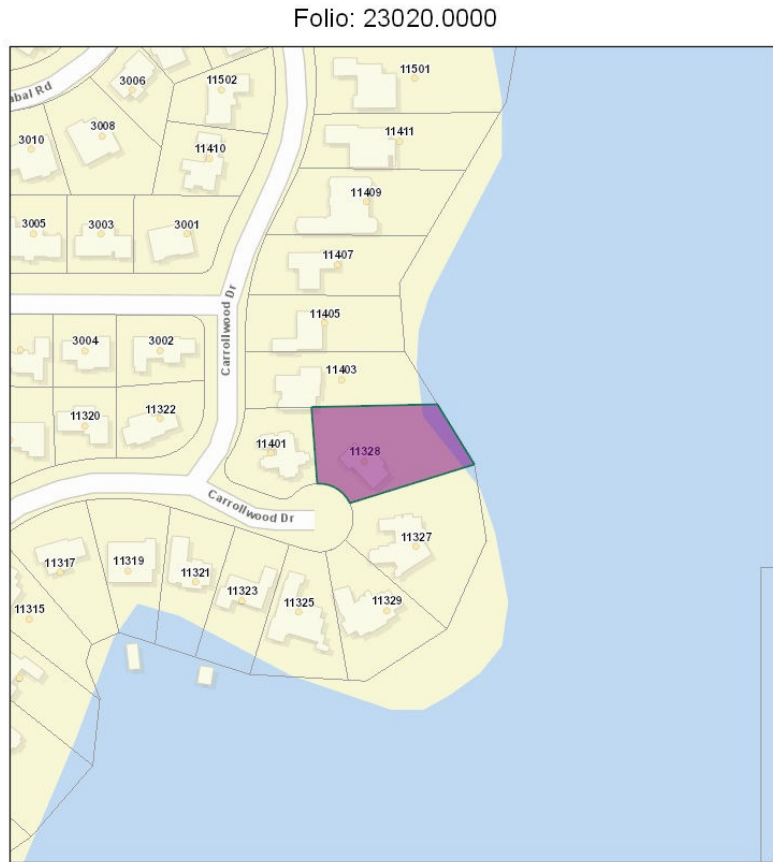
Signature of Property Owner
Carolyn Fink Matthew Fink
Type or Print Name

Intake Staff Signature: Ana Lizardo Office Use Only Intake Date: 12/28/21
Case Number: 22-0348 Public Hearing Date: 02/21/2022
Receipt Number: _____

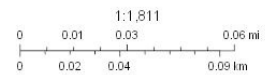


PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:AE	BFE = 38.6 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0211H
FIRM Panel	12057C0211H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120211D
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Census Data	Tract: 011304 Block: 1012
Census Data	Tract: 011304 Block: 1013
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



December 28, 2021



RS, Hillsborough County - Public Works - Geomatics - Streets & Addresses

Hillsborough County, Florida

Folio: 23020.0000
PIN: U-15-28-18-111-000003-00076.1
MATTHEW AND CAROLYN FINK
Mailing Address:
 11328 CARROLLWOOD DR
 TAMPA, FL 33618-3746
Site Address:
 11328 CARROLLWOOD DR
 TAMPA, FL 33618
SEC-TWN-RNG: 15-28-18
Acreage: 0.57956803
Market Value: \$1,552,428.00
Landuse Code: 0100 SINGLE FAMILY

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for:

1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

22-0348

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