

**Variance Application:** VAR 25-0654

**LUHO Hearing Date:** May 27, 2025

**Case Reviewer:** Tania C. Chapela



**Hillsborough  
County Florida**

**Development Services Department**

**Applicant:** Thomas John Burk

**Zoning:**

RSC-6

**Address/Location:** 207 W. Wheeler Road, Seffner; Folio: 66513.0000

**Request Summary:**

The applicant is requesting a variance to the Community Residential Home distance separation to accommodate a Type A Community Residential Home on the subject property.

**Requested Variances:**

LDC Section:	LDC Requirement:	Variance:	Result:
6.11.28.A	Community Residential Homes housing 6 or fewer residents shall not be located within a radius of 1,000 feet of another such existing home with 6 or fewer residents.	70 feet	930-foot distance separation to existing Community Residential Home

**Findings:**

Palm Avenue Group Home is located at 2416 S. Kingsway Road and licensed through the Agency for Persons with Disabilities for up to 6 residents, within 1,000 feet of the subject property.

**Zoning Administrator Sign Off:**

Colleen Marshall  
Tue May 13 2025 12:33:33

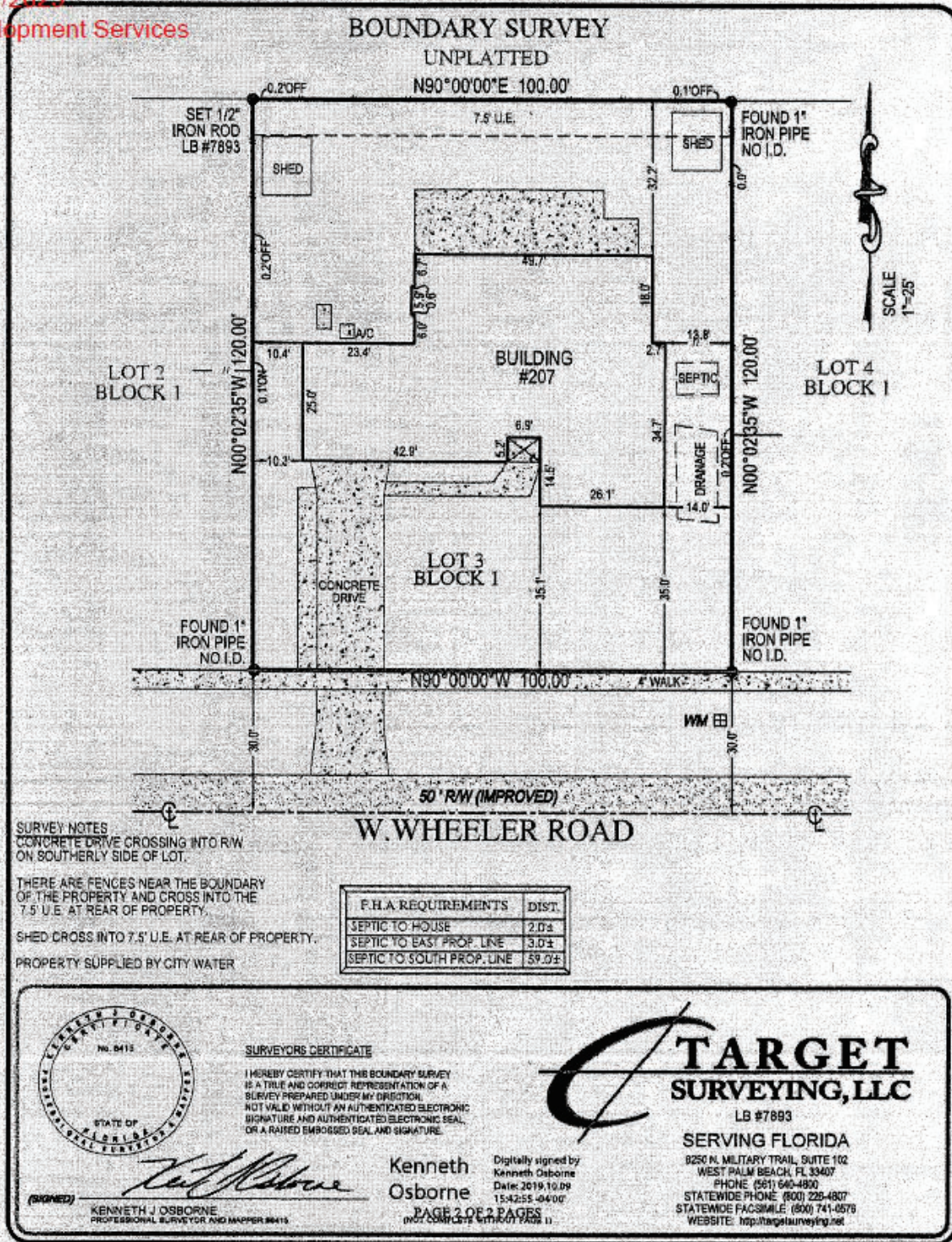
**DISCLAIMER:**

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.



SURVEY/SITE PLAN

Received on  
03/31/2025  
Development Services



25-0654





## 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.

Variance of 70 feet to the required 1,000 foot distance separation from the boundary of the zoning lot containing another Type A Community Residential Home to allow the proposed facility 930 feet from the existing home located at 2416 S Kingsway Road.

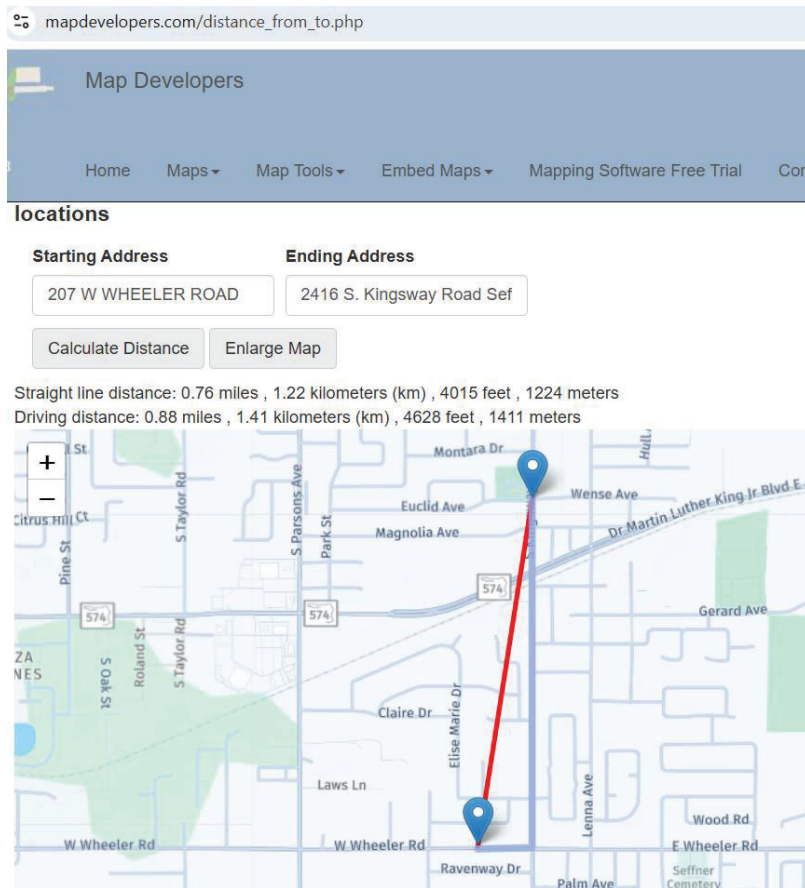
2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

LDC Section 6.11.28.A 1000' distance separation shall exist between Community Residential Homes type A.

## 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): ZV CRH 25-0637
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 Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

I purchased this home in 2019 for specific purpose of converting to Type-A home. I applied for Zoning Sign-Off in 2019 and 2023, receiving approval Sign-Off each time. The property at 2416 S. Kingsway road was getting licensed for Group Home nearby, and was not fully licensed until 2020, and during the (207 W.Wheeler road) 2023 Sign-Off request I was granted approval even though the Kingsway facility was shown on the list. The 2416 S. Kingsway property currently shows a distance of 0.76 miles from my property, as per the Hillsborough directed distance tool located on instruction sheet in this URL location, [https://www.mapdevelopers.com/distance\\_from\\_to.php](https://www.mapdevelopers.com/distance_from_to.php).



Research on the timing of the Zoning Sign-Offs between the two Locations, W. Wheeler and S. Kingsway, is described below, with CRH listings provided from that time as well.

Zoning sign off application history for both 207 W Wheeler Road and 2416 S Kingsway Road to see the history of the sign offs and timing.

207 W Wheeler Road

ZV CRH 20-0117-application date 10-29-19-sign off completed

ZV CRH 24-0051-application date 11-12-23-sign off completed

ZV CRH 25-0637-application date 3-26-25

2416 S. Kingsway Road

ZV CRH 19-0055-application date 10-15-18-sign off completed

ZV CRH 20-1010-application date 7-9-20-sign off completed

From what I can tell it appears that the 2416 S. Kingsway Road was submitted first in 2018 and the sign off was completed. However, when your first application was submitted in 2019, the facility on Kingsway Road had not yet received their state licensing, so they did not show up on your list, as the distance requirement is from existing facilities.

When the Kingsway Road application came in 2020, since your property was not yet licensed by the appropriate state agency, your property did not come up on their list and a new sign off was completed. Unfortunately, I do see that on the ZV CRH 24-0051 application, the facility at 2416 S. Kingsway Road did show up on the list, however, it appears that it was inadvertently not identified and a sign off was completed.



**20-0117 CRH Lists  
10-25-19.pdf**



**24-0051 CRH Lists  
10-11-20.pdf**

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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?

Purchased in 2019 I have been preparing this property for conversion to TypeA Group Home, but I met personal delays. The County, State & Federal governments have directed and supported the inclusion of type-A Community Residential Homes to be better located within the community - to be a true part of the neighborhood. These uses have a very small footprint; 6 persons maximum, very low trips, typically the residents do not have cars & are very quiet.

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 Group Home at 2416 s. Kingsway is just 70 feet within the 1000 ft boundary, that home is located around the corner of W.Wheeler and S.Kingsway intersection and in another subdivision named '2A4 | LYNWOOD PARK', whereas my property is located in '2A9 | SEFFNER RIDGE ESTATES UNIT NO 1', thereby each property is out of sight of one another and also our neighbors are completely out of sight. My rights to operate my business would be deprived.

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 my property was located at 209 W. Wheeler Road, [my immediate lefthand next door neighbor facing my home, from road], a variance would not be required. The use proposed is ultra-quiet with very limited trips, the exterior will remain residential and well maintained, for all intents and purposes the home and site will remain the same. A family with 3 children and pet would produce way more trips and noise than proposed. Proposed use has not barking pets.

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).

This 7% variance I am requesting, of 70', would not generate any different vehicle traffic, or other type disturbance to properties within the 300' radius of 207 W. Wheeler. This variance would NOT upset the intent of mentioned LDC, and the Type-A home would look and act from the outside the same as it exists now in a quiet and peaceful manner.

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.

I purchased this home in 2019 for specific purpose of converting to Type-A home. Please see 3 attached documents supporting this response:

1. HardshipComment.P9.Q5.pdf
2. CRH Lists 10-25-19.pdf
3. CRH Lists 10-11-20.pdf

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.

I purchased this home in 2019 with intent to run an ALF, & invested over 100k. Allowing the variance will allow me to earn a living, avoid bankruptcy, and allow up to 6 Senior Citizens to live comfortably and happily within the home I have designed for their benefit. There is a significant number of the population that are unable to afford to live their final years in the massive ALF facility, thus this Type-A home, there will be no character changes to the home.

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**After Recording, Mail To:**

ELLIOTT FELDMAN  
*Attorney at Law*  
Elliott Feldman Law Group  
3100 Central Ave, #422  
St. Petersburg, FL 33712  
813-212-3345

**This Document Prepared By:**

ELLIOTT FELDMAN  
*Attorney at Law*  
Elliott Feldman Law Group  
3100 Central Ave, #422  
St. Petersburg, FL 33712  
813-212-3345

## **QUITCLAIM DEED**

The undersigned Grantor declares that this conveyance transfers Grantor's interest to Grantor's Revocable Trust for consideration of one dollar (\$1.00) and the beneficial interest in the property remains the same.

This transaction is exempt from the Documentary Stamp Tax pursuant to Florida Administrative Rule 12B-4.013(28)(a).

THIS DEED, made the 3rd day of October, 2023, by Thomas Burk aka Thomas John Burk, an unmarried man, the GRANTOR,

Whose mailing address is 207 W. Wheeler Road, Seffner, Florida 33584;

TO

Thomas John Burk, Trustee of the Burk Living Trust dated October 3, 2023, the GRANTEE,

Whose mailing address is 207 W. Wheeler Road, Seffner, Florida 33584;

The Grantor, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) and other good and valuable considerations to Grantor paid by Grantee, the receipt of which is hereby acknowledged, hereby conveys and quitclaims to the Grantee all of that property situate in the County of Hillsborough, State of **Florida**, viz:

Lot 3, Block 1, Seffner Ridge Estates Unit No. 1, according to the map or plat thereof, as recorded in Plat Book 39, Page(s) 73, of the Public Records of Hillsborough County, Florida.

Assessor's Parcel Number: U-11-29-20-2A9-000001-00003.0

MORE commonly known as: 207 W. Wheeler Road, Seffner, Florida 33584

SUBJECT TO the Restrictions, Conditions, Covenants, Rights, Rights of Way, and Easements now of record, if any.

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.





**Hillsborough  
County Florida**  
Development Services

## Property/Applicant/Owner Information Form

Official Use Only			
Application No:	25-0654	Intake Date:	03/31/2025
Hearing(s) and type:	Date: 05/27/2025	Type: LUHO	Receipt Number: 464872
Date:		Type:	Intake Staff: <i>Alexandra Prado</i>

### Property Information

Address: 207 W. Wheeler Road City/State/Zip: Seffner, FL 33584  
TWN-RN-SEC: 29-20-11 Folio(s): 66513.0000 Zoning: RSC-6 Future Land Use: RES-4 Property Size: 0.29 ACRE

### Property Owner Information

Name: Thomas John Burk Trustee Daytime Phone: (813) 993-5735  
Address: 207 W. Wheeler Road City/State/Zip: seffner, FL 33584  
Email: tom.burk.2011@gmail.com Fax Number: \_\_\_\_\_

### Applicant Information

Name: Thomas John Burk Daytime Phone: (813) 993-5735  
Address: 207 W. Wheeler Road City/State/Zip: seffner, FL 33584  
Email: tom.burk.2011@gmail.com Fax Number: n/a

### 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.

Signature of the Applicant

Thomas J Burk

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.

Signature of the Owner(s) - (All parties on the deed must sign)

Thomas J Burk

Type or print name

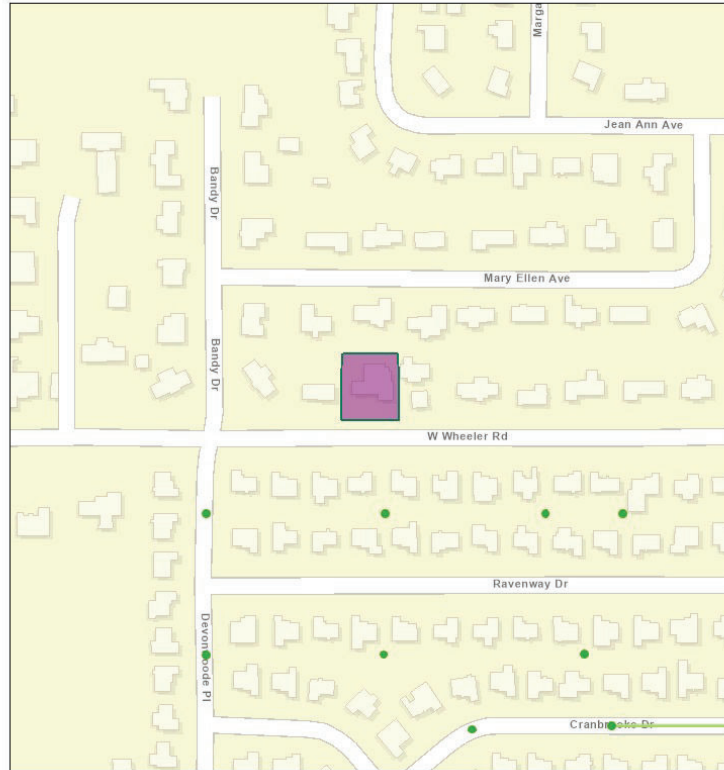




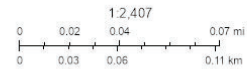
# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0385H
FIRM Panel	12057C0385H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120385E
County Wide Planning Area	Seffner Mango
Community Base Planning Area	Seffner Mango
Census Data	Tract: 012207 Block: 1005
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 4
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 66513.0000



March 31, 2025



Esri Community Maps Contributors, University of South Florida, City of Tampa, FDEP, Q OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SatNav, GeoTechnologies, Inc, METANASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, EGIS

Hillsborough County Florida

**Folio:** 66513.0000  
**PIN:** U-11-29-20-2A9-000001-00003.0  
**Thomas John Burk/trustee**  
**Mailing Address:**  
 207 W Wheeler Rd  
 null  
 Seffner, FL 33584-5303  
**Site Address:**  
 207 W Wheeler Rd  
 Seffner, FL 33584  
**SEC-TWN-RNG:** 11-29-20  
**Acreage:** 0.29  
**Market Value:** \$321,732.00  
**Landuse Code:** 0100 SINGLE FAMILY

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2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

25-0654