



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0843	
LUHO HEARING DATE: November 21, 2022	CASE REVIEWER: Tim Lampkin, AICP

REQUEST: The applicant is requesting setback variances to accommodate an existing single-family home and proposed accessory dwelling on property zoned AS-1 (Agricultural Single-Family-1).

VARIANCE(S):

Existing Home

Pursuant to Section 6.01.03.F.9, required yards on lots accessed by easements shall be orientated with respect to the roadway to which the easement connects, as if the lot abutted the roadway. In the subject case, the parcel is accessed by an easement from Pitt Road to the west. Therefore, the required front yard is located on the west side of the property, the required side yards are on the north and south sides of the property, and the required rear yard is on east side. Per LDC Section 6.01.01, a minimum front yard setback of 50 feet is required in the AS-1 district. The applicant requests a 5-foot, 11-inch reduction to the required front yard setback to allow a front setback of 44 feet, 1 inch from the west property line.

Accessory Dwelling

Per LDC Section 6.11.02.E, accessory dwellings shall meet principal building setbacks. Per LDC Section 6.01.01, a minimum rear yard setback of 50 feet is required in the AS-1 district. The applicant wishes to convert the first floor of an existing two-story barn into an accessory dwelling and requests a 17-foot, 3-inch reduction to the required rear yard setback to allow a rear setback of 32 feet, 9 inches from the east property line.

FINDINGS:

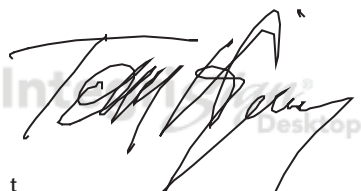
- Per LDC Section 6.01.01, a minimum lot area of 43,560 square feet (one acre) is required in the AS-1 district. The subject parcel is slightly less than one acre in size and therefore is nonconforming. However, it has been certified as a legal nonconforming lot per NCL 22-1048 which has been placed in the case record for this variance.
- The first floor of the barn that will be converted into living space for the accessory dwelling is 960 square feet in size. Per LDC Section 6.11.02.C, a maximum of 900 square feet of living space is permitted in an accessory dwelling. Staff has advised the applicant that the first floor must be structurally modified in some manner to comply with the 900-square-foot limit, for example, by converting at least 60 square feet of the existing floor space into a covered patio as defined by the LDC, which is not included in living space calculations for an accessory dwelling.
- The applicant has advised staff that the second floor of the barn is attic space that is accessed by a pull-down ladder, and it will remain attic space after the conversion to an accessory dwelling. Per LDC Section 6.11.02.C, attic space that is not conditioned and utilized solely for storage purposes is not included in living space calculations for an accessory dwelling.
- If the subject variance is approved, the applicant will be required to obtain building permits to convert the barn into an accessory dwelling which, by definition of the LDC, must include sleeping, bathing,

toilet and kitchen facilities, and the kitchen must have a sink, stove and refrigerator.

- The existing in-ground pool on the property encroaches into the required front yard setback on the west side of the property. The applicant has advised staff they do not wish to include the pool in this variance application.

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
 t Fri Nov 4 2022 13:49:00
Attachments: Application Site Plan Petitioner's Written Statement Current Deed NCL 22-1048



Hillsborough
County Florida

DEVELOPMENT SERVICES

PO Box 1110, Tampa, FL 33601-1110
(813) 272-5600

October 18, 2022

Kristy Ansley & Michael Brozak
3918 Henry Rowell Road
Plant City, FL 33567

Subject: NCL 22-1048
Nonconforming Lot Determination
3918 Henry Rowell Road
Parcel Folio 87581.0400

BOARD OF COUNTY COMMISSIONERS
Harry Cohen
Ken Hagan
Pat Kemp
Gwendolyn "Gwen" Myers
Kimberly Overman
Mariella Smith
Stacy R. White
COUNTY ADMINISTRATOR
Bonnie M. Wise
COUNTY ATTORNEY
Christine M. Beck
INTERNAL AUDITOR
Peggy Caskey

DEPUTY COUNTY ADMINISTRATOR
Gregory S. Horwedel

Dear Ms. Ansley and Mr. Brozak:

Development Services Department staff has performed a Nonconforming Lot review for the subject parcel pursuant to your application, NCL 22-1048. The subject parcel is zoned AS-1 which requires a minimum lot size of one acre. However, the subject parcel is 0.96 acres size according to Hillsborough County GIS and 0.92 acres according to the Hillsborough County Property Appraiser.

Pursuant to Land Development Code Section 11.03.03, lots, tracts or parcels existing prior to July 26, 1989, shall be deemed pre-existing and may be certified as legally nonconforming by the Administrator.

The property deed that you submitted (Instrument # 2021649935) was recorded on December 15, 2021. You did not submit a deed with the same legal description that was recorded prior to July 26, 1989, nor could such a deed be found by staff.

However, in reviewing the 1988 Tax Role and/or deeds that were recorded prior to July 26, 1989 for the adjacent parcels to the west (folio number 87581.0100), north (folio number 87581.0300) and east (folio 87581.0200), staff finds your parcel was created by exclusion from the parent tract (folio 87581.0000) for all the parcels prior to July 26, 1989.

Based on these findings, it has been determined the subject parcel is a **LEGAL NONCONFORMING LOT** pursuant to the provisions of LDC Section 11.03.03. Additionally, it had been determined that, pursuant to LDC Section 11.03.03.D, required building setbacks for the subject parcel are those of the AS-1 district.

Sincerely,

Tom Hiznay, AICP, Executive Planner
Community Development Section
Development Services Department

Attachments:
Current Property Deed (OR Book 7991/Pages 1553-1554)



**Hillsborough
County Florida**
Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR 22-0843 Applicant's Name: Michael Brozak & Kristy Ansley

Reviewing Planner's Name: Timothy Lampkin Date: 11/07/2022

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): 11/21/2022

Will this revision add land to the project? Yes No

IMPORTANT: If "Yes" is checked on the above, a Revised Application Sheet, Property Information Sheet, Affidavit to Authorize Agent, and additional Deeds must be filed immediately to ensure proper noticing and sign posting requirements are met.

Will this revision remove land from the project? Yes No

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 - Note that no follow up paper file is necessary. Files must be in pdf format and minimum resolution of 300 dpi. Maximum attachment(s) size is 15 MB.

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

For additional help and submittal questions, please call (813) 277-1633 or email ZoningIntake-DSD@hcflgov.net.

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.



 Signature

11/07/2022

 Date

FOR OFFICE USE ONLY

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

In-Take Completed by: _____



**Hillsborough
County Florida**
Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

Additional / Revised Information Sheet

Date Stamp Here

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- 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@hcflgov.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.

Signature

11/07/2022
Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent Scanned into OPTIX
- Transmittal Completed In-Take Completed by: _____

Application Number: VAR 22-0843

VARIANCE REQUEST

- 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.

- Variance of 17ft. 3in. from the required rear yard setback
of 50ft., resulting in a rear yard of 32ft. 9in. at barn.

- Variance of 5ft. 11in. from the required front yard of
50ft., resulting in a front yard of 44ft. 1in. at
residence.

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

Section 6.01.01 (AS-1) & Section 6.11.02.E (Accessory Dwellings)

ADDITIONAL INFORMATION

- Have you been cited by Hillsborough County Code Enforcement? No Yes _____
If yes, you must submit a copy of the Citation with this Application.
- 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): _____
- 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).
- Please indicate the existing or proposed utilities for the subject property:
Public Water _____ Public Wastewater _____ Private Well Septic Tank
- 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).

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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?

We have a barn on our property that we would like to utilize as an accessory dwelling. It does not meet the current LDC requirements of 50 feet for accessory dwelling at the rear setback.

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 barn has a rear setback of 19 feet 2 inches. The LDC requires a rear setback of 50 feet. We have a variance of 30 feet 10 inches.

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 the variance is allowed, it will not interfere with or injure the rights of anyone as the building has been an existing structure since 1996.

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 requested variance preserves the rights of the property owners as well as the surrounding property owners by allowing a portion of the existing accessory structure to be legally used as an accessory dwelling, putting the property in compliance while also eliminating the need for new construction.

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 property was purchased by the applicant in 2005 with the barn already in place. It met the accessory structure requirements at the time of its construction in 1996.

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.

Allowing the variance would alleviate unnecessary financial hardships incurred by the property owners for demolition of the existing structure and construction of a new one in order to be in compliance with the LDC setback requirements.

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This Instrument Prepared by:
Jeff Rybolt
Great American Title, LLC
27642 Cashford Circle, Suite 102
Wesley Chapel, FL 33544
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D.
A087581-0400

File No.: 210792

WARRANTY DEED

This Warranty Deed, Made the 22nd day of November, 2021, by Michael L. Brozak, a married man, joined by Kristy Lee Ansley, his wife, whose post office address is: 3918 Henry Rowell Rd., Plant City, FL 33567, hereinafter called the "Grantor", to

Michael L. Brozak and Kristy Lee Ansley, husband and wife, whose post office address is: 3918 Henry Rowell Rd., Plant City, FL 33567, hereinafter called the "Grantee".

WITNESSETH: That said Grantor, for and in consideration of the sum of Ten Dollars and No Cents (\$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, to wit:

The South 161 feet of the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 less the West 277 feet and less the East 133 feet of Section 12, Township 30 South, Range 21 East, Hillsborough County, Florida, subject to an easement for ingress and egress over the South 15 feet thereof.

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

Together with those certain 1196 Palm Harbor Mobile Homes, VIN #610136AFL, #610136BFL, and #610136CFL

The property is the homestead of the Grantor(s).
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 2021, reservations, restrictions and easements of record, if any.

(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

LB KA

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
TWO SEPARATE DISINTERESTED WITNESSES REQUIRED

Witness Signature: Gail Heineman Michael L. Brozak
Printed Name: Gail Heineman Michael L. Brozak

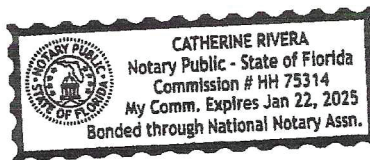
Witness Signature: Catherine Rivera Kristy Lee Ansley
Printed Name: Catherine Rivera Kristy Lee Ansley

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 22nd day of November, 2021 by Michael L. Brozak, and Kristy Lee Ansley. He/She/ They is/are Personally Known OR Produced FL license as identification.

Catherine Rivera
Notary Public Signature (SEAL)
Printed Name: _____

My Commission Expires: _____
 Online Notary (Check Box if acknowledgment done by Online Notarization)



UB to



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: 3918 Henry Rowell Rd. City/State/Zip: Plant City, FL 33567 TWN-RN-SEC: _____

Folio(s): 087581-0400 Zoning: _____ Future Land Use: _____ Property Size: _____

Property Owner Information

Name: Michael Brozak & Kristy Ansley Daytime Phone: 813-601-4906

Address: 3918 Henry Rowell Rd. City/State/Zip: Plant City, FL 33567

Email: mlbrozak@gmail.com / kristy.ansley@yahoo.com FAX Number: _____

Applicant Information

Name: Same as Prop. Owner Daytime Phone: _____

Address: _____ City/State/Zip: _____

Email: _____ FAX Number: _____

Applicant's Representative (if different than above)

Name: N/A 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]
Signature of Applicant
MICHAEL BROZAK
Type or Print Name
Kristy Ansley

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]
Signature of Property Owner
MICHAEL BROZAK Kristy Ansley
Type or Print Name

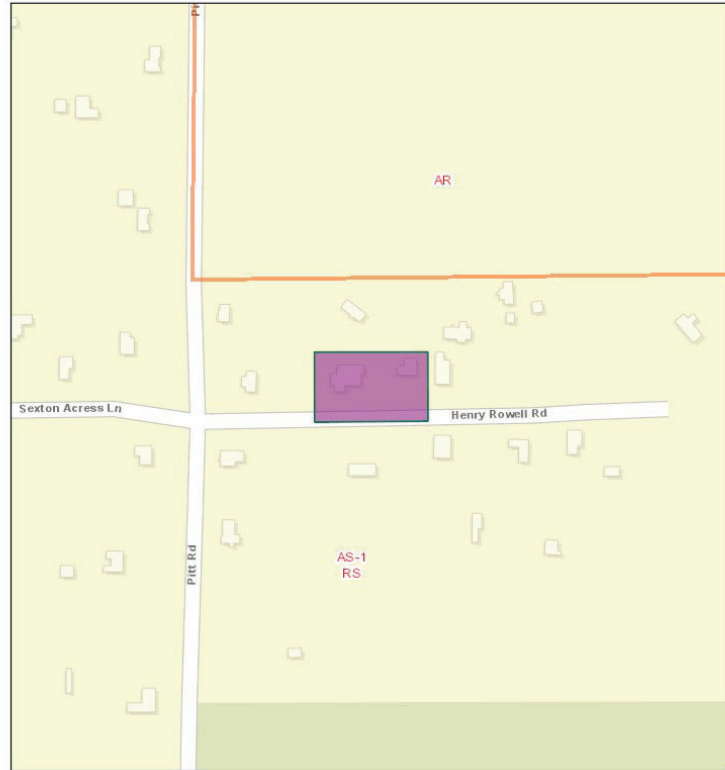
Intake Staff Signature: Clare Odell Office Use Only Intake Date: 04-26-22
Case Number: 22-0843 Public Hearing Date: 06/21/2022
Receipt Number: 153205



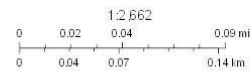
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AS-1
Description	Agricultural - Single-Family
RS	95-0057
RZ	RS
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0420H
FIRM Panel	12057C0420H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120420C
County Wide Planning Area	East Rural
Census Data	Tract: 013100 Block: 1013
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: 87581.0400



April 26, 2022



Hillsborough County Florida

Folio: 87581.0400
PIN: U-12-30-21-ZZZ-000004-33620.0
MICHAEL L BROZAK AND KRISTY L ANSLEY

Mailing Address:

3918 HENRY ROWELL RD
 PLANT CITY, FL 33567

Site Address:

3918 HENRY ROWELL RD
 PLANT CITY, FL 33567

SEC-TWN-RNG: 12-30-21

Acreage: 0.96243101

Market Value: \$235,746.00

Landuse Code: 0200 MOBILE HOMES

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.

Or

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

VARIANCE APPLICATION SUBMITTAL CHECKLIST

The checklist below includes items and information that must accompany all variance requests. The applicant must fill out the checklist by placing a check mark in each box indicating the information has been provided and sign below certifying that the application is complete. Failure to submit accurate data may require the application to be continued to a later public hearing date.

Incomplete applications will not be accepted.

- [?] Application Fee - Check made payable to Hillsborough County Board of County Commissioners.
- Completed Variance Application with Affidavit to Authorize Agent, if applicable. *NIA*
- Completed Variance Request and Additional Information Sheet.
- Adjacent Property Owners List. The list must be obtained from the Property Appraisers Office located on the 15th floor of the County Center Bldg (601 E. Kennedy Boulevard). **Do not retype the list.** *813-272-6100*
 - o If your property has an Agricultural Future Land Use Designation or a Future Land Use Designation of RES-1 you must obtain a list of all property owners within **500 feet** of the subject property. For all other Future Land Use Categories you must obtain a list of all property owners within **300 feet** of the subject property.
- Completed Variance Criteria Response Form.
- Recorded Deed for the Subject Property. This can be obtained from the Clerk of the Circuit Court Recording Library located at 419 Pierce Street.
- Legal Description of Subject Property. This information can be found on your deed or on the property survey.
- Property Survey. The survey (Occupational Survey) must have been done within the last two years and must be to scale. At least one copy must be 8 ½ X 11 inches in size. At a minimum, the survey must include the following information:
 - 1) North arrow and Folio number, property owner's name, and address of subject site;
 - 2) Dimensions of the property;
 - 3) All road frontage, driveways, and easements;
 - 4) All existing and proposed buildings and structures on the property, the square footage of these structures, and the distance from said structures, fences to all property lines;
 - 5) Location of any on-site wetlands;
 - 6) Height of all existing and proposed structures;
 - 7) Information relevant to the specific variance requested.
- Copy of any citations issued by Code Enforcement for the subject property, if applicable. *NIA*
- Wetland Setback Variance Memorandum – Attachment A - This memo must be complete for all requests for a variance to the wetland setback. *NIA*

New Survey N/A per L. Boylan

If property owner is a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit. This can be obtained at <http://sunbiz.org/>

Applicant Signature: _____

MICHAEL BROZAK Kristy Ansley Kristy Ansley
I certify that I have completed the application and have included all material checked above.

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