



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-1167	
LUHO HEARING DATE: November 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 September 14, 2022, is to allow for the construction of a portion of a home addition 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 the construction of a portion of a home addition within the 30-foot wetland conservation area setback. There is an existing structure that falls within the wetland setback area that will require an after-the-fact variance as well. The applicant requests a 10.79-foot encroachment into the setback to allow for a remaining setback of 19.21 feet. The total area of encroachment for the existing and proposed structures is 460.9 square feet.


There is also a 6’ high vinyl fence existing in portions of the wetland setback area. An after-the-fact variance is required to allow the fence to remain in its present location.

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.

Attachments: Site Plan

ADMINISTRATOR'S SIGN-OFF


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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.

The applicant submitted a permit request for a room addition in the back of the house. The proposed addition falls within the building envelope of the house and not in conflict any encroachment or the required setbacks of the defined OWS. The new addition aligns with an existing storage unit. The plan review points out that the existing storage unit sits by about 70 s.f. within the 30' setback to a channel that has been determined to be OWS by EPC. We are requesting this variance to remediate an existing condition and not caused by the proposed addition.

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

Sec. 4.01.07

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): HC-BLD-21-0025059
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).

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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?

The OSW (other waters of the State) is a channel that is partly enclosed by a culvert within the property and behind the privacy fence. the portion of the backyard maintained and landscaped in a similar manner as the rest of the banks along the channel to the north and west.

- 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 channel to the north and west is landscaped and maintained to the edge of the the channel bank. The encroachment in question is less than 100 s.f. and it has been as is for many years. The issue came about because of a permit application to construct a screen enclosure on an existing slab with no additional concrete area.

- 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 area of concern is the backyard of the last house of the street the drainage easement is entirely within the property and no other property is affected in anyway. The existing conditions have not change in many years and no change is being proposed.

- 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 being a backyard in a relatively secluded area is in harmony with the LDC and meets the regular backyard setback requirements.

- 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.

Same as explained in 4 above
This being a backyard in a relatively secluded area is in harmony with the LDC and meets the regular backyard setback requirements.

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

The backyard of this home has been fenced for a long time and the owner just wants his family to enjoy it.
Not allowing the variance will deprive the owner from the use of an existing structure and the normal use of a backyard of their home.

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\$270,000

Prepared By and Return To:

Tim O'Neill
Coastal Security Title, Inc.
3670 N. Access Rd
Englewood, FL 34224

File No. 2A6397

Property Appraiser's Parcel I.D. (folio) Number(s)

WARRANTY DEED

THIS WARRANTY DEED dated June 28, 2019, by GARY A. SALADINO and CARMEN E. SALADINO, husband and wife hereinafter called the grantor, to JOSE INFANTE and XIOMARA Y. CAMILO, husband and wife, whose post office address is 3105 W. Jean St., Tampa, FL 33614, hereinafter called the grantee:

(Wherever used herein the terms "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 \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in Hillsborough County, Florida, to wit

Lot 4 and the West 28.5 feet of Lot 3, RIDGEWAY SUBDIVISION, according to the plat thereof as recorded in Plat Book 41, Page 75 of the Public Records of Hillsborough County, Florida, and that parcel beginning at the Northwest corner of Lot 4, RIDGEWAY SUBDIVISION as recorded in Plat Book 41, Page 75, Public Records of Hillsborough County, Florida, run thence S.00°00'15"E., 100.13 feet; thence N.89°42'55"W., 50 feet; thence N.00°00'15"W., 100.13 feet; thence S.89°42'55"E., 50 feet to the Point of Beginning. Subject to an easement of record as recorded in OR Book 1351, Page 789 and OR Book 1435, Page 914.

PIN: U-34-28-18-18H-000000-000003.0

Subject to easements, restrictions, reservations and limitations of recorded, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise 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, 2018

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

WARRANTY DEED
(Continued)

Signed, sealed and delivered in the presence of:

[Signature]
(Witness Signature)

MARK MARIANI

[Signature]
(Witness Signature)

TIM O'NEILL

[Signature]
GARY A. SALADINO

[Signature]
CARMEN E. SALADINO

3106 Moran Rd.
(Address)

Tampa, FL 33618
(Address)

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged by me this 28 day of June, 2019 by Gary A. Saladino and Carmen E. Saladino, who is () personally known to me or who has produced FL DR UC as identification.

[Signature]

Notary Public
Print Name: TIM O'NEILL
My Commission Expires: 9-27-19

(SEAL)



THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE IN MY OFFICE. WITNESS MY HAND AND OFFICIAL SEAL THIS 16th DAY OF June, 20 22



Hillsborough County, State of Florida
Clerk of the Circuit Court and Comptroller
By: [Signature]
Print: Carla Gray de Paula As Deputy Clerk



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: 3105 W Jean St City/State/Zip: Tampa, FL, 33614 TWN-RN-SEC: 34-28-18
Folio(s): 031276-0000 Zoning: RSC-6 Future Land Use: _____ Property Size: 17,434.50

Property Owner Information

Name: Jose Infante & Xiomara Camilo Daytime Phone: 813-420-3535
Address: 3105 W Jean St City/State/Zip: Tampa, FL, 33614
Email: tampaunderservices@gmail.com FAX Number: _____

Applicant Information

Name: Mario A. Parra Daytime Phone: 813-927-8558
Address: 3019 Banyan Hill Lane City/State/Zip: Land O' Lakes, FL, 34639
Email: pkparra@gmail.com FAX Number: _____

Applicant's Representative (if different than above)

Name: Janet Vilches Daytime Phone: 262-883-7767
Address: 8901 Railford Ct City / State/Zip: Tampa, FL, 33615
Email: janet.virosa@gmail.com 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.

Mario A Parra

Digitally signed by Mario A Parra
DN: c=US, o=Florida, dnQualifier=A01410D0000017F40A8562100194218,
cn=Mario A Parra
Date: 2022.06.19 08:00:05 -0400

Signature of Applicant

Mario A. Parra, P.E.

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

Jose Infante

Type or Print Name

Intake Staff Signature: Clare Odell

Office Use Only

Intake Date: 6/29/2022

Case Number: 22-1167

Public Hearing Date: 9/26/2022

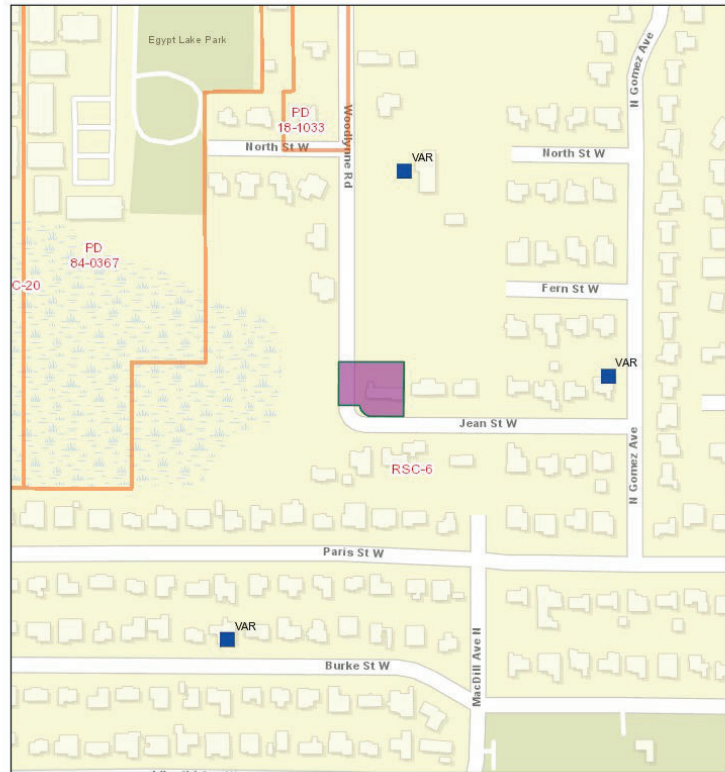
Receipt Number: 177



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:AE	
Flood Zone:AE	BFE = 35.8 ft
FIRM Panel	0213H
FIRM Panel	12057C0213H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120213C
County Wide Planning Area	Egypt Lake
Census Data	Tract: 011906 Block: 1003
Census Data	Tract: 011906 Block: 3000
Future Landuse	R-6
Urban Service Area	TSA
Waste Water Interlocal	City of Tampa Waste Water
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 10
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	130' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 31276.0000



July 7, 2022

1:2,659

0 0.02 0.04 0.09 mi
0 0.04 0.07 0.14 km

Hillsborough County Florida

Folio: 31276.0000
 PIN: U-34-28-18-18H-000000-00003.0
 JOSE INFANTE AND XIOMARA Y CAMILO
Mailing Address:
 3105 W JEAN ST
 TAMPA, FL 33614-4224
Site Address:
 3105 W JEAN ST
 TAMPA, FL 33614
 SEC-TWN-RNG: 34-28-18
 Acreage: 0.40016201
 Market Value: \$424,203.00
 Landuse Code: 0100 SINGLE FAMILY

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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.
- 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.**
 - 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.
- Wetland Setback Variance Memorandum – Attachment A - This memo must be complete for all requests for a variance to the wetland setback.

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: Mario A Parra

Digitally signed by Mario A Parra
DN: c=US, o=Florida, dnQualifier=A01410D0000017F40AB562100194218, cn=Mario A Parra
Date: 2022.06.06 12:53:28 -04'00'

I certify that I have completed the application and have included all material checked above.

Mario A Parra
DN: c=US, o=Florida, dnQualifier=A01410D0000017F40AB562100194218, cn=Mario A Parra
Date: 2022.06.10 07:56:49 -04'00'

07/02/2014

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