



**LAND USE HEARING OFFICER VARIANCE REPORT**

<b>APPLICATION NUMBER:</b> VAR 23-0415	
<b>LUHO HEARING DATE:</b> June 26, 2023	<b>CASE REVIEWER:</b> Camille Krochta

**REQUEST:** The applicant is requesting a setback variance to accommodate an existing covered patio attached to a single-family home on a property zoned Planned Development (PD 73-0078).

**VARIANCE(S):**

Per the certified site plan for PD 73-0078, a minimum rear yard setback of 15 feet is required for the subject parcel. Per LDC Section 6.01.03.I.4, covered patios may intrude up to 13 feet into the required rear yard setback, provided that in all cases a minimum rear setback of 10 feet is provided. Therefore, the required rear setback for the covered patio is 10 feet. The applicant requests a 6.5-foot reduction to the required rear setback to allow a setback of 3.5 feet from the east property line.

**FINDINGS:**

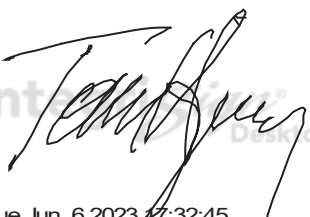
- A Code Enforcement citation (CE23000224) has been issued to the property owner for failing to obtain a building permit for the covered patio.
- The applicant has applied for building permits for the covered patio (HC-BLD-23-0044005).

**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.

**ADMINISTRATOR’S SIGN-OFF**



t  
Tue Jun 6 2023 17:32:45

- Attachments:** Application  
Site Plan  
Petitioner’s Written Statement  
Current Deed

# SITE PLAN

11874 BRANCH MOORING DR  
TAMPA, FL 33635

MRS.



FOLIO ID: 004329-8016  
NET LAND UNITS: 4,000 S.F.

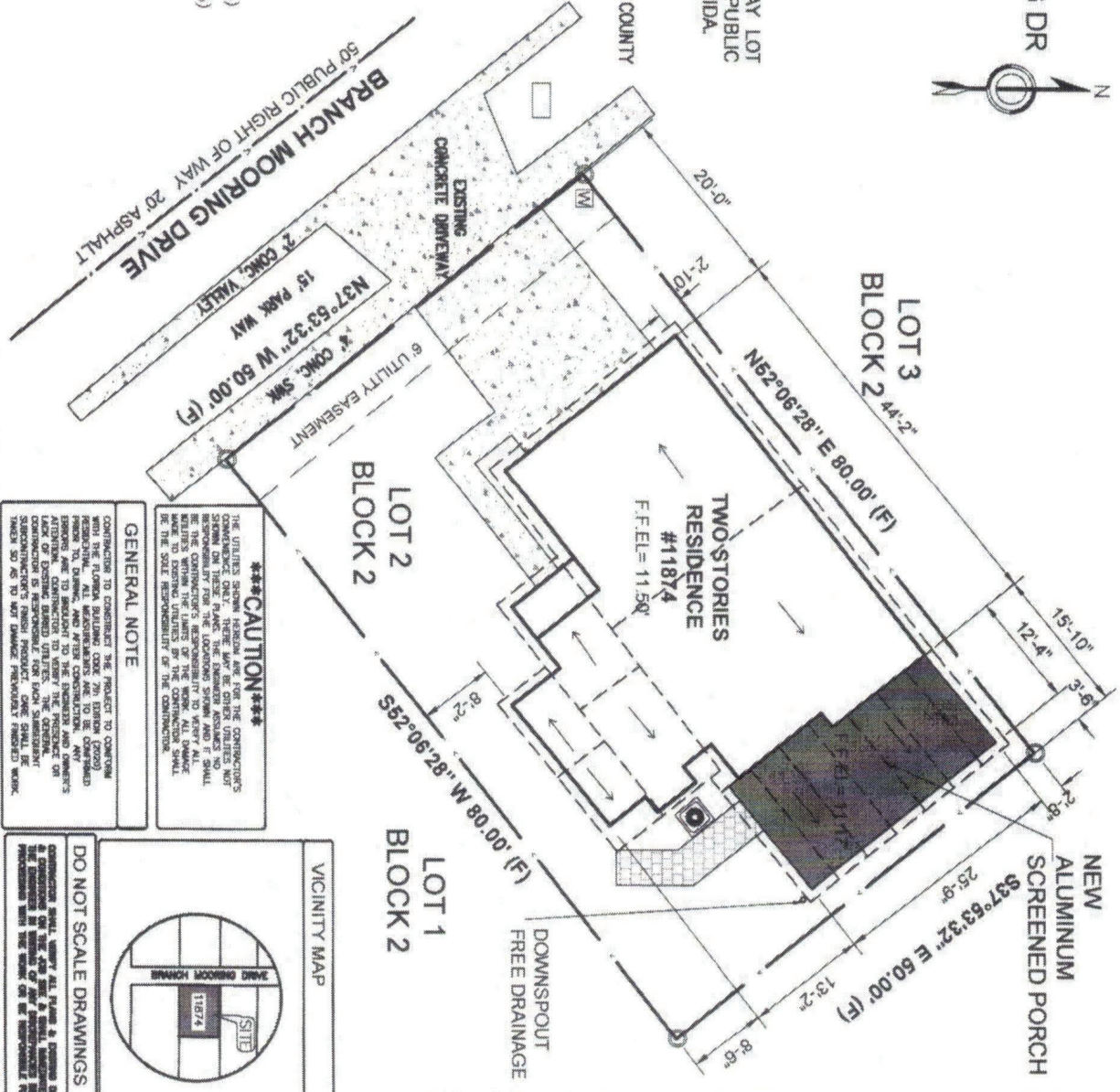
**LEGAL DESCRIPTION:**  
WELLINGTON HOMES AT COUNTRYWAY LOT 2 BLOCK 2, RECORDED OF THE PUBLIC RECORDS OF PASCO COUNTY FLORIDA.

**FLOOD ZONE INFORMATION:** HILLSBOROUGH COUNTY  
MAP/PANEL NO. 12057C186J  
SUFFIX: J  
FIRM DATE: 10/07/2021  
FLOOD ZONE: AE (B.F.E. 10.0')

**AREA BREAKDOWN**  
EXISTING RESIDENCE: 2,217 S.F.  
NEW ALUMINUM PORCH: 343 S.F.

**LOT COVERAGE**  
BUILDING COVERAGE: 1,811 S.F.  
DRIVEWAY & SWK.: 429 S.F.  
PAVER PATH: 70 S.F.

**PREVIOUS AREA** 1,690 S.F. (42%)  
**IMPERVIOUS AREA** 2,310 S.F. (58%)

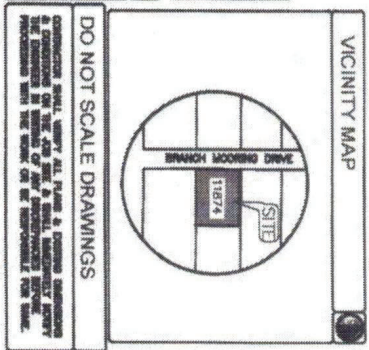


**GENERAL NOTE**

CONTRACTOR TO CONDUCT THE PROJECT TO COMPLY WITH THE FLORIDA BUILDING CODE 7th EDITION (2020) RESIDENTIAL. ALL MEASUREMENTS ARE TO BE OBTAINED FROM TO CORNER AND AFTER CONSTRUCTION AND OWNER'S ATTENTION. CONTRACTOR TO VERIFY THE PRESENCE OR LACK OF EXISTING BURIED UTILITIES. THE OWNER, SUBMITTER'S FINISH PRODUCT, SHALL BE RESPONSIBLE FOR TAKING SO AS TO NOT DAMAGE PREVIOUSLY FINISHED WORK.

**\*\*\*CAUTION\*\*\***

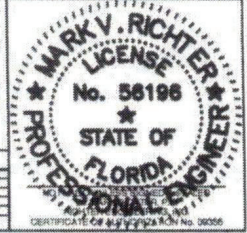
THE UTILITIES SHOWN HEREIN ARE FOR THE CONTRACTOR'S INFORMATION ONLY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES BY THE LOCATION SYSTEM AND IF SMALL UTILITIES WITHIN THE LIMITS OF THE HOME, ALL CHANGE MAKE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



FLORIDA BUILDING CODE 7th EDITION 2020

If This item has been electronically signed and sealed by Mark V Richter, PE, using a Digital Signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

USER OF THE PLANS ACKNOWLEDGES AND ACCEPTS A LIMIT OF LIABILITY NOT TO EXCEED DESIGN AND ENGINEERING FEE PAID. PLANS ARE USED IN FLORIDA. THESE PLANS MAY NOT BE COPIED OR MODIFIED WITHOUT WRITTEN PERMISSION FROM RICHTER ENGINEERING, INC. © COPYRIGHT 2023



MRS. YANERKY LEIDIAS  
MR. RAYNIER ZULUETA  
11874 BRANCH MOORING DR.  
TAMPA FL 33635

SITE PLAN

Aluminum Structure Plans

1900 W. Beach Blvd., Suite C Tampa, FL 33613  
PH: 813-902-0882 FAX: 813-902-0883  
richter@engineer.com

Richter Engineering, Inc.

Project:	23-004
DATE:	
DESCRIPTION:	

01

CERTIFICATE OF PROFESSIONAL ENGINEERING No. 30256



# Project Description (Variance Request)

- 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 12.4 feet from the required rear yard setback of 15 feet resulting in a rear yard of 3.6 feet.

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

105.1

## 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): HC-BLD-23-0044005 / HC-CMP-22-0000622/ CE23000224
- 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.
- 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 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



# 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?

The rear yard of this property is 15.10, which make this property unique since is imposible to build a 10in porch base on the 15ft setback required by the code. Reason why much properties in the comunity have the same size porch. (See attached pictures).

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.

If I were denied the right to have a rear porch on my property, I would be depriving myself of being able to enjoy the outdoor area of my property, as do most of my neighbors in my community, and even though I am violating the required 15' rear setback, I'm still 3.6' from my property line, so I'm not interfering with the welfare of any of my neighbors.

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.

Even though I am violating the required 15' rear setback, I'm still 3.6' from my property line, so I'm not interfering with the welfare of any of my neighbors.

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 variant being accepted does not affect the harmony of the neighborhood, since most of the properties are in the same situation.

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 variant being accepted does not affect the harmony of the neighborhood, since most of the properties are in the same situation. Even though I am violating the required 15' rear setback, I'm still 3.6' from my property line, so I'm not interfering with the welfare of any of my neighbors.

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 will result in substantial justice. Not allowing the variant would be an unfair decision, since most properties in the neighborhood have a similar porch despite having the same restriction regarding rear setback. In addition, they would be depriving us of being able to enjoy the outdoor area of our house.

**Prepared by and Return To:**  
Marie Kersting  
Majesty Title Services, a division of LandCastle Title Group, LLC  
13143 US Highway 301 S  
Riverview, FL 33578

**Order No.:** RV072203033

APN/Parcel ID(s): 004329-8016

### WARRANTY DEED

THIS WARRANTY DEED dated April 19 2022, by Christopher Eric Wettengel, an unmarried man, hereinafter called the grantor, to Yanerky Lledias Padron, an unmarried person and Raynier Zulueta Zulueta, an unmarried person, whose post office address is 11874 Branch Mooring Dr, Tampa, FL 33635, 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 Ten And No/100 Dollars (\$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 the County of Hillsborough, State of Florida, to wit:

Lot 2, Block 2, Wellington Homes at Countryway, according to the map or plat thereof, as recorded in Plat Book 64, Page 14, of the Public Records of Hillsborough County, Florida.

Subject to easements, restrictions, reservations and limitations of record, 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, 2021.

**WARRANTY DEED**  
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

*Sean Murphy*  
Witness Signature

Sean Murphy  
Print Name

*Jennie M Dial*  
Witness Signature

Jennie M Dial  
Print Name

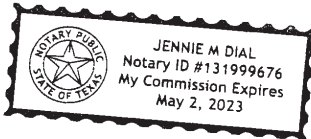
*Christopher Eric Wettengel*  
Christopher Eric Wettengel

Address: 4933 Barclay Dr, 205  
Palm Harbor, FL 34685

State of Texas  
County of Brewster

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 19<sup>th</sup> day of April, 2022, by Christopher Eric Wettengel, to me known to be the person(s) described in or who has/have produced FLDL as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

*Jennie M Dial*  
NOTARY PUBLIC  
My Commission Expires: ..



Received  
04-14-23  
Development  
Services

# Property/Applicant/Owner Information Form

**Official Use Only**

Application No: VAR 23-0415 Intake Date: 04/14/2023  
Hearing(s) and type: Date: 06/26/2023 Type: LUHO Receipt Number: 259709  
Date: \_\_\_\_\_ Type: \_\_\_\_\_ Intake Staff Signature: Keshia Rivas

**Property Information**

Address: 11874 BRANCH MOORING DR City/State/Zip: TAMPA, FL 33635  
TWN-RN-SEC: 21-28-17 Folio(s): 004329-8016 Zoning: PD-73-00-78 MA Future Land Use: R-4 MA Property Size: 2,297 MA  
0.093

**Property Owner Information**

Name: YANERKY LIEDIAS PADRON/ RAYNIER ZULUETA ZULUETA Daytime Phone: 813-399-1693  
Address: 11874 BRANCH MOORING DR City/State/Zip: TAMPA, FL 33635  
Email: fabyaner25@gmail.com Fax Number: \_\_\_\_\_

**Applicant Information**

Name: YANERKY LIEDIAS PADRON Daytime Phone: 813-399-1693  
Address: 11874 BRANCH MOORING DR City/State/Zip: TAMPA FL 33635  
Email: fabyaner25@gmail.com Fax Number: \_\_\_\_\_

**Applicant's Representative (if different than above)**

Name: MAITE ALVAREZ Daytime Phone: 813-516-5214  
Address: 8401 LAVA PL City/State/Zip: TAMPA, FL 33615  
Email: maitea82@gmail.com 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.

Yanerky  
Signature of the Applicant  
Yanerky Liedias Padron  
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.

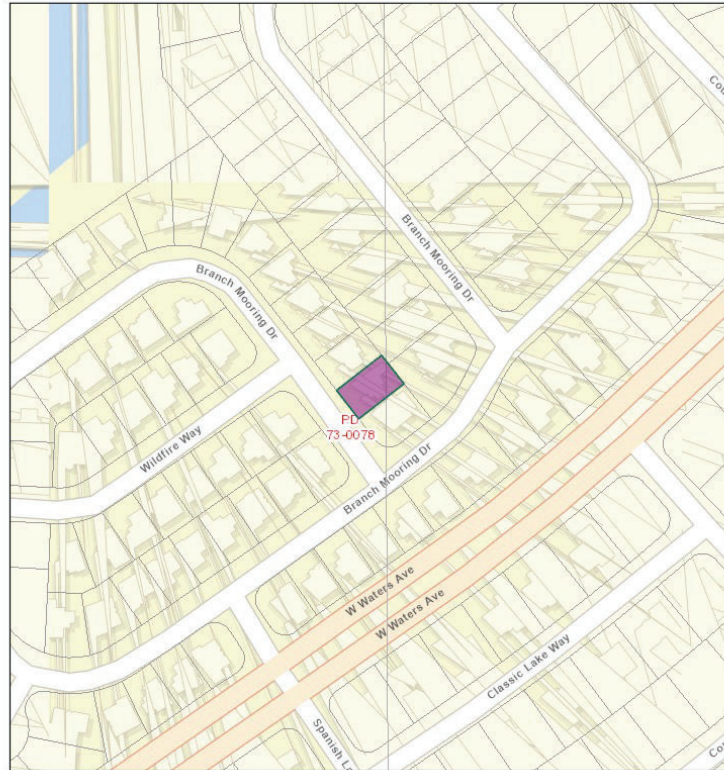
Yanerky  
Signature of the Owner(s) - (All parties on the deed must sign)  
Yanerky Liedias Padron  
Type or print name



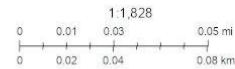
# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	73-0078
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0186H
FIRM Panel	12057C0186H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120190D
County Wide Planning Area	Northwest Hillsborough
Community Base Planning Area	Town and Country
Community Base Planning Area	Northwest Hillsborough
Planned Development	PD
Re-zoning	null
Major Modifications	90-0008
Personal Appearances	86-0031,88-0021,88-0093,89-0025,90-0090,90-0120,90-0147,91-0007 WD,91-0070,91-0089 DENIED,92-0027,92-0340,93-0239,94-0188,97-0227,05-0359
Census Data	Tract: 011607 Block: 1000
Future Landuse	R-4
Future Landuse	R-4
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 10
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 4329.8016



May 9, 2023



RS: Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Hillsborough County Florida

**Folio: 4329.8016**  
**PIN: U-21-28-17-071-000002-00002.0**  
**Yanerky Lledias Pardon And Raynier Zulueta Zulueta**  
**Mailing Address:**  
 11874 Branch Mooring Dr  
 null  
 Tampa, FL 33635  
**Site Address:**  
 11874 Branch Mooring Dr  
 Tampa, FL 33635  
**SEC-TWN-RNG: 21-28-17**  
**Acreage: 0.0927022**  
**Market Value: \$317,947.00**  
**Landuse Code: 0100 Single Family**

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