

Zoning Administrator Sign Off:

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.

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.

SURVEY/SITE PLAN

24-0609

REVISIONS

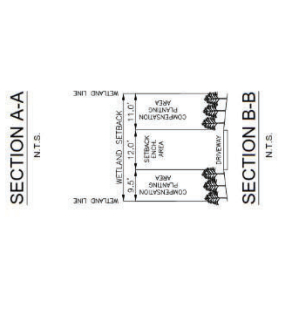
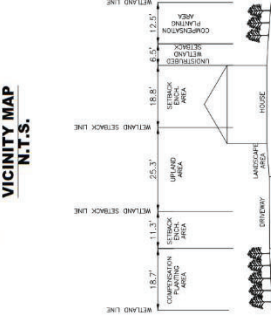
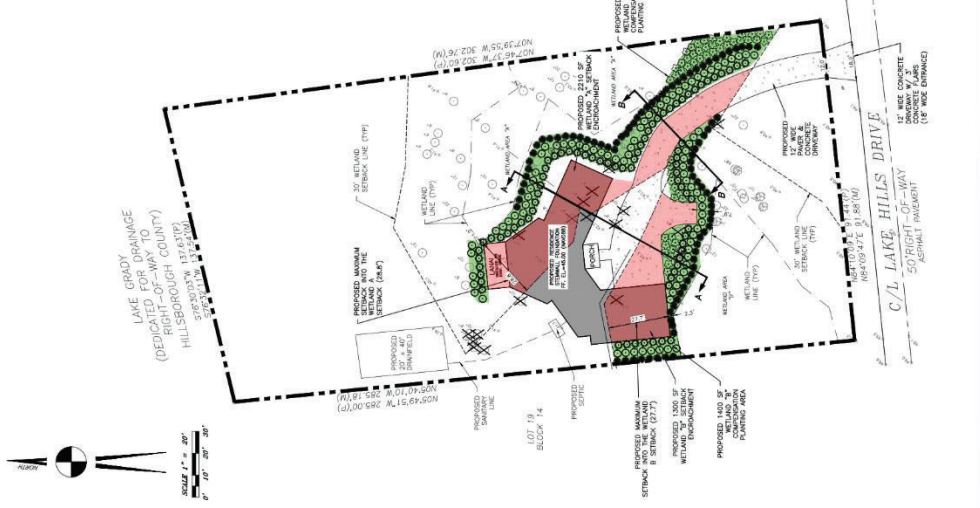
APPLICANT: Kendall Environmental Solutions, Inc. P.O. Box 142 Valrico, FL 33595

OWNER: Higgs Xavier Trustee 11657 Cetona Way Porter Ranch, CA 91326

PROJECT NAME: Higgs Residence Wetland Setback Variance 12514 Lake Hills Drive Riverview, FL 33569

SHEET 1 OF 1 SITE PLAN

LEGEND table with symbols for Wetland Line, Proposed Wetland Line, Wetland Setback, etc.



SITE DATA: FOLIO #: 076828.6092, SECT/TW/RGE: 35/30/20, etc.

- WETLAND SETBACK ENCROACHMENT COMPENSATION PLANTING... THE AREA OF ENCROACHMENT SHALL BE A MINIMUM 1:1 RATIO... ALL SHRUB PLANTINGS WILL BE IDEALLY SPACED ON 5 FOOT CENTERS...

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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.

This proposed variance request is for a 28.8' encroachment into the Wetland A setback and a 27.7' encroachment in the Wetland B setback. The property is an existing platted lot in the Shadow Run Subdivision in Riverview. There are two wetlands on the 0.98-acre property totaling 0.15 acres. The two separate wetlands and their configuration prevent accessing the property or building a house on the property without impacting the wetland setback. The homeowner and builder have designed a house and driveway to limit the wetland setback encroachment and still meet the Hillsborough County and Shadow Run HOA building setback requirements. The included compensation planting plan shows additional plantings over what is required to mitigate potential impacts. Plantings are shown at 4-feet on center instead of the recommended 5-foot and an additional 100 sf of plantings has been provided for each wetland.

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

Variance to LDC Section 4.01.07.B.4 to encroach into the 30 foot Wetland Conservation Area Setback.

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): _____
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



PO Box 1424
Valrico, FL 33595
Kendall34@gmail.com
813-361-7378

March 19, 2024

Hillsborough County
Natural Resources Department
601 E. Kennedy Blvd
Tampa, FL 33601

Re: Higgs Residence Wetland Setback Encroachment Application
Address: 12514 Lake Hills Drive
Folio: 076828.6082

Attn: Natural Resources Department

The referenced project is being submitted for a wetland setback encroachment request. The property is an existing platted lot in the Shadow Run Subdivision in Riverview. There are two wetlands on the 0.98-acre property totaling 0.15 acres. The two separate wetlands and their configuration would prevent building a house on the property without impacting the wetland setback. The homeowner and builder have designed a house and driveway to limit the wetland setback encroachment and still meet the Hillsborough County and Shadow Run HOA building setback requirements. The included compensation planting plan shows additional plantings over what is required to mitigate potential impacts. Plantings are shown at 4-feet on center instead of the recommended 5-feet and an additional 100 sf of plantings has been provided for each wetland. For project consideration I have attached the following documents for your review:

1. Wetland Setback Encroachment Application
2. Site Plan with Compensation Plantings
3. Wetland Delineation (approved 10/9/23)

Should you have any questions please contact me at your earliest convenience.

Sincerely,

Jason Kendall
Certified Arborist, FL-5852A



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 wetland and wetland setback configuration make the property unusable without any impact to the wetland 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 property is not usable without impact to the wetland setback.

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 submitted Site Plan contains wetland setback plantings to provide additional buffer for the wetland. The plantings will filter nutrients and prevent erosion prior to surface water entering the wetland. The proposed plantings are shown at 4' on center instead of the recommended 5' to provide additional buffer and prevent impacts to the existing wetland.

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 included site plan provides wetland setback compensation plantings that comply with Hillsborough County's Wetland Setback Encroachment Vegetative Compensation Guidelines. The proposed plantings will limit impacts to natural resources and public interest.

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 owner has purchased a platted lot and wishes to build a house on it without impacting the existing wetland.

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.

The property is not usable without impact to the wetland setback. The Site Plan shows additional plantings and additional planted area over what is recommended by Hillsborough County Compensation Guidelines. Approval will allow the owner to build a house on the lot and the planting plan will provide additional buffer to the existing wetland.

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PREPARED BY AND RETURN TO:

Name: Patsy Gleason, of
Frank Charles Miranda, P.A.
Address: 3226 West Cypress Street
Tampa, FL 33607

File No: 24-008
Parcel No.: 076828-6082

(Space Above This Line For Recording Data)

Quit Claim Deed

THIS QUIT-CLAIM DEED is made as of this 26th day of January, 2024, by **Xavier Higgs, as Trustee of the Higgs Family Trust U/T/D 12-12-2009 ("Grantor")**, whose post office address is **163 Mangrove Shade Circle, Apollo Beach, FL 33572**, given to second party, **Xavier T. Higgs and Beverly W. Higgs, husband and wife, as tenants by the entirety**, whose post office address is **163 Mangrove Shade Circle, Apollo Beach, FL 33572 ("Grantee")**.

WITNESSETH:

For good and valuable consideration to Grantor, the receipt whereof is hereby acknowledged, Grantor does hereby quit-claim, grant, bargain, sell, alien, remise, release and convey unto Grantee, its successors and assigns all of Grantor's right, title and interest in and to that certain property interest (the "Property") in **Hillsborough** County, Florida, as more particularly described as follows:

Lot 20, Block 14, SHADOW RUN UNIT NO. 2, a subdivision according to the plat thereof recorded in Plat Book 47, Page 47, of the Public Records of Hillsborough County, Florida.

The above described property is not the homestead residence of the said Grantor

SUBJECT to taxes for 2023 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any, without intention of creation or reimposing same.

****SIGNATURE PAGE TO FOLLOW****

IN WITNESS WHEREOF, the Grantor has caused this Quit-Claim Deed to be executed and delivered the day and year first above written.

Signed, sealed and delivered in the presence of:

Xavier T. Higgs
Xavier Higgs, as Trustee of the Higgs Family Trust U/T/D 12-12-2009

Shlomo N. Nitzani
WITNESS
PRINT NAME: SHLOMO N. NITZANI

1107 Fair Oaks Ave #432
South Pasadena Ca 91030
WITNESS 1 ADDRESS

Aesoon Koh
WITNESS
PRINT NAME: Aesoon Koh

Po Box Flores De Oro, South Pasadena
CA 91030
WITNESS 2 ADDRESS

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

On 02/21/2024 before me, Shlomo Nitzani, Notary Public
(insert name and title of the officer)

personally appeared Xavier T. Higgs
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Shlomo Nitzani (Seal)





**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Application No: <u>24-0609</u>	Official Use Only	Intake Date: <u>03/26/2024</u>
Hearing(s) and type: Date: <u>05/20/2024</u>	Type: <u>LUHO</u>	Receipt Number: <u>352501</u>
Date: _____	Type: _____	Intake Staff Signature: <u>Clare Odell</u>

Property Information

Address: 12514 Lake Hills Drive City/State/Zip: Riverview, FL 33569

TWN-RN-SEC: 35/30/20 Folio(s): 076828.6082 Zoning: RSC-2 Future Land Use: R-4 Property Size: 0.98

Property Owner Information

Name: Xavier and Beverly Higgs Daytime Phone: 626-676-0021

Address: 163 Mangrove Shade Circle City/State/Zip: Apollo Beach, FL 33572

Email: xhiggs@gmail.com Fax Number: _____

Applicant Information

Name: Jason Kendall Daytime Phone: 813-361-7378

Address: PO Box 1424 City/State/Zip: Valrico, FL 33595

Email: kendall34@gmail.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 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.

Jason Kendall
Signature of the Applicant

Jason Kendall
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.

Xavier and Beverly Higgs
Signature of the Owner(s) - (All parties on the deed must sign)

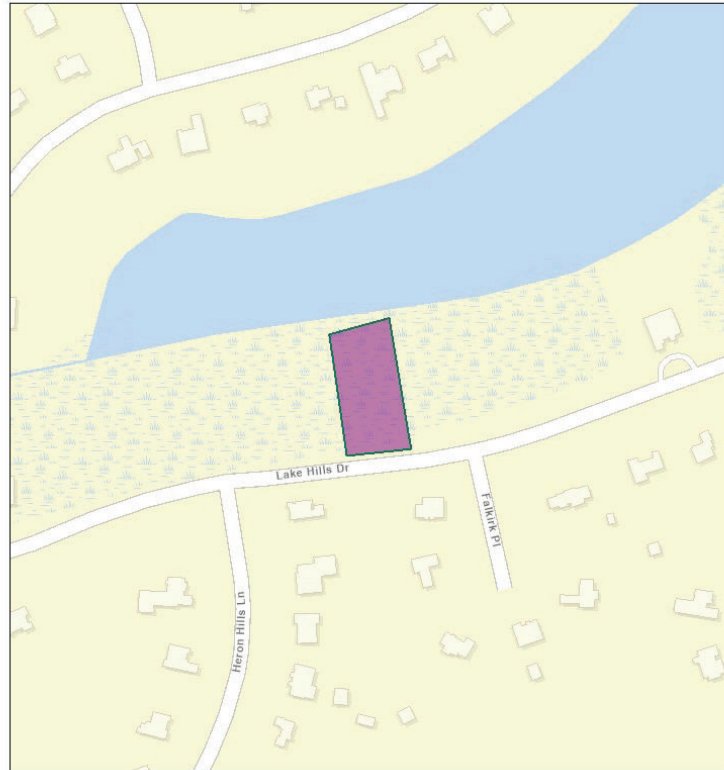
Xavier and Beverly Higgs
Type or print name



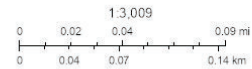
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-2
Description	Residential - Single-Family Conventional
Flood Zone:AE	
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0509H
FIRM Panel	12057C0509H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	X500
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120510C
County Wide Planning Area	Riverview
Community Base Planning Area	SouthShore
Community Base Planning Area	Riverview
Census Data	Tract: 013918 Block: 1004
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 7
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 76828.6082



March 27, 2024



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Hillsborough County Florida

Folio: 76828.6082
PIN: U-35-30-20-2T4-000014-00020.0
Xavier T And Beverly W Higgs
Mailing Address:
 163 Mangrove Shade Cir
 null
 Apollo Beach, FL 33572-3553
Site Address:
 0
 Riverview, FL 33569
SEC-TWN-RNG: 35-30-20
Acreage: 0.98305798
Market Value: \$97,563.00
Landuse Code: 0000 Vacant Resident

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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.