



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0446

LUHO HEARING DATE: June 21, 2022

CASE REVIEWER: Israel Monsanto

REQUEST: The applicant is requesting multiple setback variances to accommodate a proposed single-family home on property comprised of two parcels zoned AS-1 (Agricultural Single-family) and RSC-3 (Residential Single-family Conventional). The proposed home will be located on the parcel zoned AS-1 and the site will be accessed through the parcel zoned RSC-3.

VARIANCE(S):

Single-Family Home

Per LDC Section 6.01.01, the minimum required front and rear yard setbacks in the AS-1 zoning district is 50 feet. The applicant requests:

- A 25-foot reduction to the required front yard setback to allow a front setback of 25 feet from the west property line; and,
- A 16.1-foot reduction to the required rear yard setback to allow a rear setback of 33.9 feet from the east property line.

Covered Patio

Per LDC Section 6.01.03.I.4, covered patios as defined by the LDC may intrude up to 13 feet into the required rear yard provided that a rear setback of at least 10 feet is provided in all cases. In the subject case, a minimum rear setback of 37 feet is required for a covered patio. The applicant requests a 9.7-foot reduction in the required rear setback to allow a rear setback of 27.3 feet from the east property line.

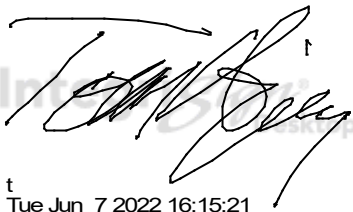
FINDINGS:

- Each parcel meets the dimensional standards of their respective zoning districts. The AS-1 zoned portion of the site is of a rectangular shape, approximately 170 feet wide (front to back) and 455 feet deep (side to side). The site will be accessed from Holland Drive to the west; therefore, the required front and rear yards for each parcel are located west and east respectively. The Environmental Protection Commission (EPC) has identified and delineated wetlands on site. Natural Resources has reviewed this variance application and no wetland setback variance is needed for the proposed home.

DISCLAIMER:

The variances listed above are 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
Tue Jun 7 2022 16:15:21

Attachments: Application
Site Plan
Petitioner's Written Statement
Current Deed



Additional / Revised Information Sheet

Office Use Only		
Application Number: VAR 22-0446	Received Date:	Received By:

The following form is required when submitted changes for any application that was previously submitted. A cover letter must be submitted providing a summary of the changes and/or additional information provided. If there is a change in project size the cover letter must list any new folio number(s) added. Additionally, **the second page of this form must be included indicating the additional/revised documents being submitted with this form.**

Application Number: VAR 22-0446 Applicant's Name: DAVID WRIGHT

Reviewing Planner's Name: ISRAEL MONSANTO Date: 06/06/2022

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): 06/21/2022

Important Project Size Change Information

Changes to project size may result in a new hearing date as all reviews will be subject to the established cut-off dates.

Will this revision add land to the project? Yes No

If "Yes" is checked on the above please ensure you include all items marked with * on the next page.

Will this revision remove land from the project? Yes No

If "Yes" is checked on the above please ensure you include all items marked with + on the next page.

Email this form along with all submittal items indicated on the next page in pdf form to:

ZoningIntake-DSD@hcf.gov

Files must be in pdf format and minimum resolution of 300 dpi. Each item should be submitted as a separate file titled according to its contents. All items should be submitted in one email with application number (including prefix) included on the subject line. Maximum attachment(s) size is 15 MB.

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

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.

David Wright

Digitally signed by David Wright
Date: 2022.06.06 10:19:30 -04'00'

Signature

Date



**Hillsborough
County Florida**
Development Services

Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to [Chapter 119 Florida Statutes](#), all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers. While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications.

Additionally, parcels exempt under [Florida Statutes §119.071\(4\)](#) will need to contact [Hillsborough County Development Services](#) to obtain a release of exempt parcel information.

Are you seeking an exemption from public scrutiny of selected information submitted with your application pursuant to Chapter 119 FS? Yes No

I hereby confirm that the material submitted with application VAR 22-0446

Includes sensitive and/or protected information.

Type of information included and location _____

Does not include sensitive and/or protected information.

Please note: Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.

If an exemption is being sought, the request will be reviewed to determine if the applicant can be processed with the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.

Signature: David Wright Digitally signed by David Wright
Date: 2022.06.06 10:20:20 -04'00'
(Must be signed by applicant or authorized representative)

Intake Staff Signature: _____ Date: _____



Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Included	Submittal Item
----------	----------------

- 1 **Cover Letter**** If adding or removing land from the project site, the final list of folios must be included
- 2 **Revised Application Form****
- 3 **Copy of Current Deed*** Must be provided for any new folio(s) being added
- 4 **Affidavit to Authorize Agent*** (If Applicable) Must be provided for any new folio(s) being added
- 5 **Sunbiz Form*** (If Applicable) Must be provided for any new folio(s) being added
- 6 **Property Information Sheet****
- 7 **Legal Description of the Subject Site****
- 8 **Close Proximity Property Owners List****
- 9 **Site Plan**** All changes on the site plan must be listed in detail in the Cover Letter.
- 10 **Survey**
- 11 **Wet Zone Survey**
- 12 **General Development Plan**
- 13 **Project Description/Written Statement**
- 14 **Design Exception and Administrative Variance requests/approvals**
- 15 **Variance Criteria Response**
- 16 **Copy of Code Enforcement or Building Violation**
- 17 **Transportation Analysis**
- 18 **Sign-off form**
- 19 **Other Documents** (please describe):

*Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

**Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.

TSP COMPANIES, INC.

David Wright
P.O. Box 273417
Tampa, Florida 33688
david@tspco.net

June 6, 2022

Mr. Israel Monsanto
Hillsborough County Development Services
PO Box 1110
Tampa, FL 33601-1110

Subject: VAR 22-0446

Dear Mr. Monsanto:

Attached please find the following documents in connection with the subject variance application:

1. Revised Information Form
2. Revised Variance Request adding a request to allow the covered patio to extend more than 13-feet into the rear yard
3. Revised Variance Site Plan – there are no material changes to the site plan. The only revisions were to remove Adobe Acrobat notes that were unnecessary.

I appreciate your assistance in reviewing and processing this request.

Sincerely,

 Digitally signed by David
Wright
Date: 2022.06.06 10:26:15
-04'00'

David Wright, President
TSP Companies, Inc.

VARIANCE REQUEST

Project Narrative: The subject property consists of 2 parcels with folio numbers 74684.0100 and 74692.0000. The property owner is proposing to combine the parcels to allow the parcel with folio 74692.0000 to be utilized as access to Holland Road for a single-family detached residential unit proposed to be built on the parcel with folio 74684.0100 which is zoned AS-1 and requires 50-foot front and rear yard setbacks.

Both parcels are significantly encumbered by Flood Zone A (High Flooding Risk) and wetlands, and the parcel with folio 74684.0100 is a long, linear parcel measuring 170 +/- feet front to back and 455 +/- feet side to side. The significant amount of Flood Zone A and wetlands located on the subject property along with the shallow depth of the subject property create a hardship in siting a residential structure consistent with the required 50-foot front and rear yard setbacks.

The applicant is requesting the following variances:

- 1. A variance to allow a reduction of the front yard setback from 50-feet to 25-feet.**
- 2. A variance to allow a reduction of the rear yard setback from 50-feet to 33.9-feet.**
- 3. A variance to increase the projection of the covered patio into the rear yard from 13-feet to 22.7-feet.**

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 hardship and practical difficulties are created by the configuration and comparatively narrow depth of the AS-1 zoned property and the significant amount of Flood Zone A located on the north end of the property which are not suffered in common with other properties similarly located.

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 irregular, longitudinal configuration of the subject property measuring create a condition where the front and rear yards are effectively swapped with what would typically be the side yards. The required side yard setback for and AS-1 zoned property is 15 feet which is less than what is being requested under this variance application. Additionally, the front yard is adjacent to a floodway, and the rear yard is adjacent to an AS-1 zone property that is being utilized as a commercial, agricultural use - Care Animal Hospital whose office is set directly on Bloomingdale Ave at the far north end of that property; therefore, the approval of this request will not adversely impact either of the adjacent properties and is consistent with variance requests typically approved in Unincorporated Hillsborough County.

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 front yard is adjacent to a floodway, and the rear yard is adjacent to an AS-1 zone property that is being utilized as a commercial, agricultural use - Care Animal Hospital whose office is set directly on Bloomingdale Ave at the far north end of that property; therefore, the approval of this request will not adversely impact either of the adjacent properties and is consistent with variance requests typically approved in Unincorporated Hillsborough County.

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 variance to reduce the front and rear yard setbacks will remain in harmony with and serve the general intent and purpose of the LDC and the Comprehensive Plan as the LDC's stated intent sets forth requirements to foster and preserve public health, safety, comfort and welfare of the general public and will aid in the harmonious, orderly, and progressive development of the unincorporated areas of Hillsborough County. The resulting site's development, with the requested variance, will still achieve the above stated intent and purpose.

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 requested variances to reduce the front and rear yard setbacks results from the irregular, longitudinal configuration of the AS-1 zoned property and is compounded by the significant amount of Flood Zone A located on the subject property resulting in a significant reduction of the buildable area. Additionally, the subdivision that created the subject property occurred sometime prior to 2015 according the deeds in the Hillsborough County property records. The current property owners purchased the property in 2020; therefore, their actions did not create the circumstances requiring this variance.

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.

Granting the variance is in accordance with the character and existing land uses in the neighborhood.



Prepared by
Elizabeth Knightly, an employee of
First American Title Insurance Company
1731 South Kings Avenue
Brandon, FL 33511
(813)514-2828

Return to: Grantee

File No.: 13579-2656083
Consideration: \$127,500.00

WARRANTY DEED

This indenture made on **September 30, 2020 A.D.**, by

D. Scott a/k/a Dawn Marshall, a single woman

whose address is: **P.O. Box 6881 Brandon, FL 33508**
hereinafter called the "grantor", to

Michael Arruda and Theresa Arruda, husband and wife

whose address is: **4403 Hickory Court Brandon, FL 33511**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$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:

Parcel 1: The West 1/2 of the East 1/2 of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 all lying and being in Section 11, Township 30 South, Range 20 East, Hillsborough County, Florida, less the North 715.83 feet thereof, and also less the following described: Commence at the Northeast corner of East 1/2 of the West 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 11, Township 30 South, Range 20 East, Hillsborough County, Florida, thence South 00 degrees 00'00" East, along the East line of said East 1/2 of the West 1/4 of the Northwest 1/4 of the Northeast 1/4, 716.06 feet to the Point of Beginning; thence South 89 degrees 56'30" East, 165.85 feet; thence South 00 degrees 02'02" West, 125.81 feet; thence North 89 degrees 59'08" West, 165.78 feet to the said East line, thence North 00 degrees 00'00" East, along said East line, 125.94 feet to the Point of Beginning.

and

Parcel 2: Tract beginning 1252.00 feet South of the Northeast corner of the East 1/2 of the West 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 11, Township 30 South, Range 20 East, Hillsborough County, Florida, run North 33 degrees 33'00" West 210.24 feet; thence South to the South boundary of Northwest 1/4 of the Northeast 1/4 of said Section 11; thence East to a point due South of the Point of Beginning; thence North to the Point of Beginning, less road right-of-way.

Parcel Identification Number: **746920000**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way 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 31st of 2019.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

D. Scott
D. Scott

Signed, sealed and delivered in our presence:

Christina Munday
Witness Signature

Print Name: Christina Munday

Leslie Lambert
Witness Signature

Print Name: Leslie Lambert

State of **FL**

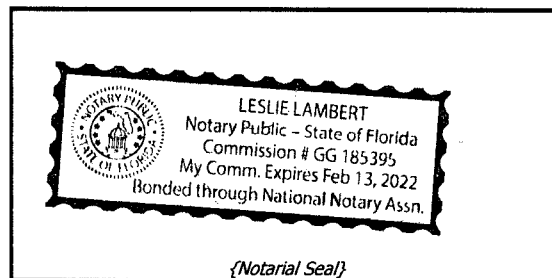
County of **Hillsborough**

The Foregoing Instrument Was Acknowledged before me by means of physical presence or online notarization, on **September 30, 2020**, by **D. Scott, a single woman** who is/are personally known to me or who has/have produced a valid driver's license as identification.

Leslie Lambert
Notary Public

(Printed Name)

My Commission expires: _____



{Notarial Seal}



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: N/A City/State/Zip: BRANDON, FL 33511 TWN-RN-SEC: 11-30-20
Folio(s): 74684.0100 & 74692.0000 Zoning: AS-1 & RSC-3 Future Land Use: R-4 & CMU-12 Property Size: 2.16 AC

Property Owner Information

Name: MICHAEL ARRUDA & THERESA ARRUDA Daytime Phone: _____
Address: 3520 BROOK CROSSING DRIVE City/State/Zip: BRANDON, FL 33511
Email: _____ FAX Number: _____

Applicant Information

Name: DAVID WRIGHT / TSP COMPANIES, INC. Daytime Phone: 813-230-7473
Address: PO BOX 273417 City/State/Zip: TAMPA, FL 33688
Email: david@tspco.net FAX Number: _____

Applicant's Representative (if different than above)

Name: _____ Daytime Phone: _____
Address: _____ City / State/Zip: _____
Email: _____ FAX Number: _____

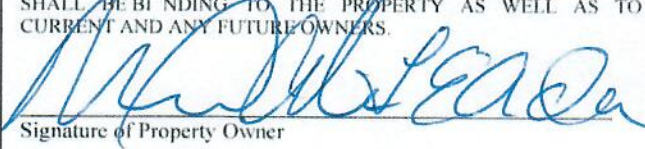
I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.



Signature of Applicant
DAVID WRIGHT

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
MICHAEL ARRUDA THERESA ARRUDA

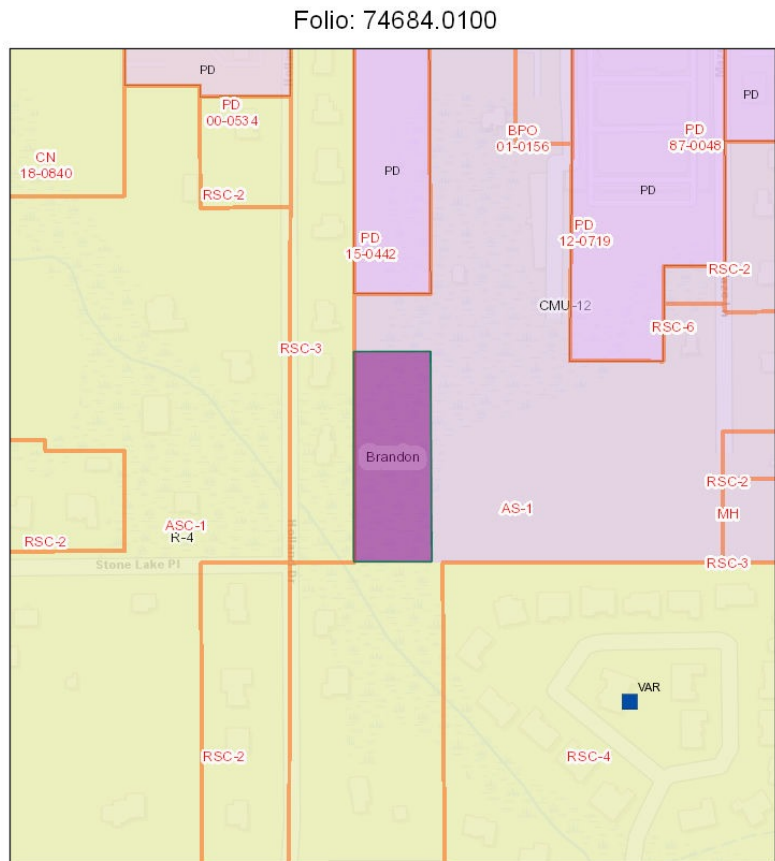
Type or Print Name

Intake Staff Signature: Clare Odell *Office Use Only* Intake Date: 01-20-22
Case Number: 22-0446 Public Hearing Date: 03/21/2022
Receipt Number: 122486



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AS-1
Description	Agricultural - Single-Family
Flood Zone:A	
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0394H
FIRM Panel	12057C0394H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120395E
County Wide Planning Area	Brandon
Community Base Planning Area	Brandon
Census Data	Tract: 013407 Block: 2006
Future Landuse	CMU-12
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 7
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



January 21, 2022

1:2,662
0 0.02 0.04 0.09 mi
0 0.04 0.07 0.14 km

RS

Hillsborough County, Florida

Folio: 74684.0100
PIN: U-11-30-20-ZZZ-000002-86820.1
MICHAEL AND THERESA ARRUDA

Mailing Address:
3520 BROOK CROSSING DR
BRANDON, FL 33511-8182

Site Address:
0

BRANDON, FL 33511
SEC-TWN-RNG: 11-30-20

Acreage: 1.75774002

Market Value: \$30,783.00

Landuse Code: 0000 VACANT RESIDENT

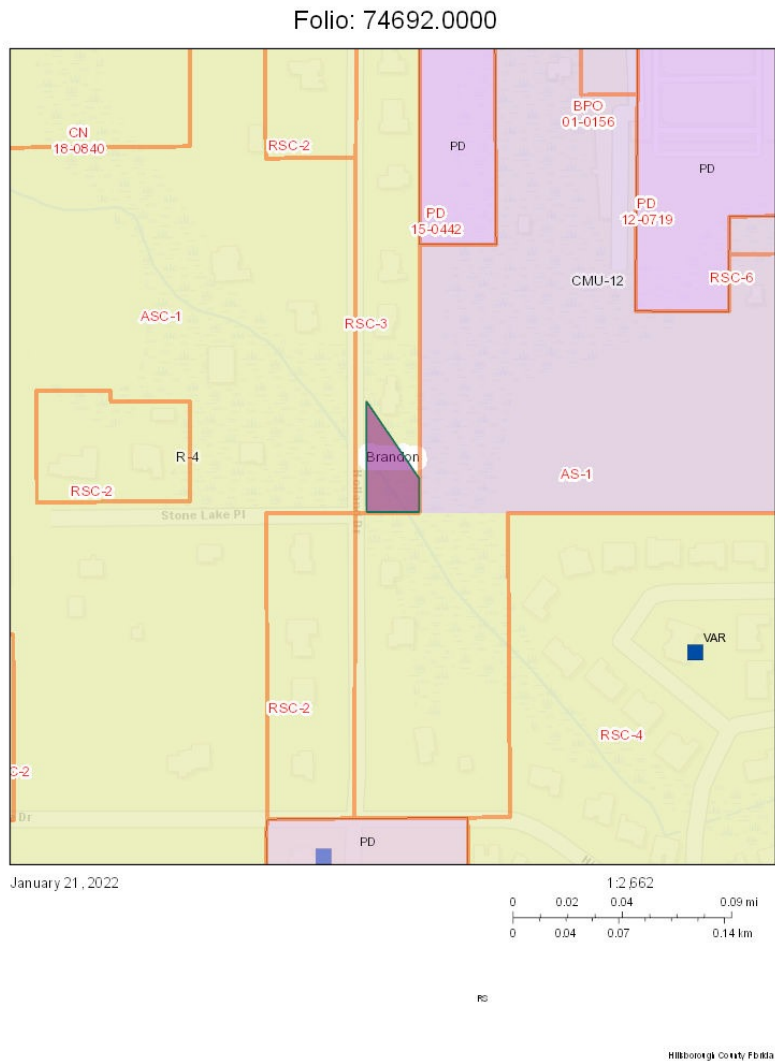
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1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-3
Description	Residential - Single-Family Conventional
Flood Zone:A	
FIRM Panel	0394H
FIRM Panel	12057C0394H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120395E
County Wide Planning Area	Brandon
Community Base Planning Area	Brandon
Census Data	Tract: 013407 Block: 2006
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 7
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



Folio: 74692.0000
PIN: U-11-30-20-ZZZ-000002-86880.0
MICHAEL AND THERESA ARRUDA
Mailing Address:
 3520 BROOK CROSSING DR
 BRANDON, FL 33511-8182
Site Address:
 0 HOLLAND DR
 BRANDON, FL 33511
SEC-TWN-RNG: 11-30-20
Acreage: 0.41102901
Market Value: \$94,707.00
Landuse Code: 0000 VACANT RESIDENT

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