



LAND USE HEARING OFFICER VARIANCE REPORT

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| APPLICATION NUMBER: VAR 21-0958 | |
| LUHO HEARING DATE: September 20, 2021 | CASE REVIEWER: Chris Grandlienard |

REQUEST: The applicant is requesting multiple variances to accommodate an existing screen enclosure on the front of a single-family home and an existing accessory structure on property zoned RSC-9.

VARIANCES:

Screen Enclosure

Per LDC Section 6.01.01, the required minimum front yard setback in the RSC-9 district is 20 feet. The applicant requests a 2.2-foot reduction to the required front yard setback to allow a setback of 17.8 feet from the east property line along Church Avenue.

Accessory Structure

Per LDC Section 6.11.04, accessory structures 15 feet or less in height may occupy required rear yards provided that such structures do not occupy more than 20 percent of the required rear yard and are not closer than three feet to the rear lot line. The applicant requests:

- A 26 percent increase to the maximum permitted coverage of the required rear yard to allow 46 percent coverage; and,
- A 2.5-foot reduction to the required rear setback to allow a setback of 0.5 feet from the west property line.

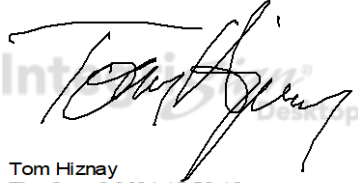
FINDINGS:

- The screen enclosure on the front of the home does not conform to the front porch provisions found in LDC Section 6.01.03.I.7 and therefore may not project into the required front yard.
- According to the applicant, the height of the accessory structure is 8.5 feet.

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



Tom Hiznay
Thu Sep 9 2021 15:52:16

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

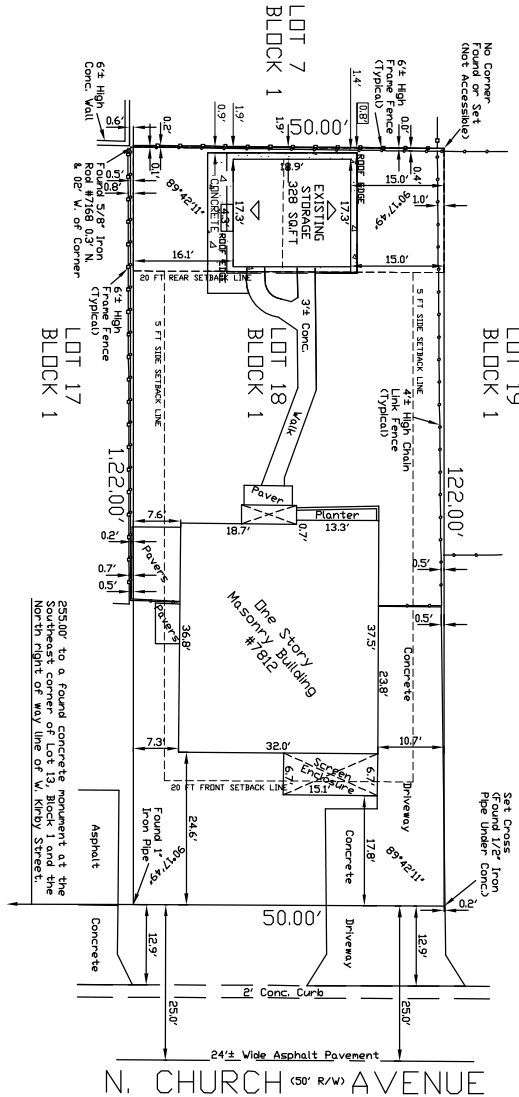
Received
06/16/2021
Development Services

Legend:
Conc. - Concrete
LB - Licensed Business
LS - Licensed Surveyor
R/W - Right of Way

The survey depicted here is not covered by professional liability insurance.

SCALE: 1"=20'

NORTH



Notes:

This Lot as described is in zone 'Y' which is Area's of Minimal Flood hazard as defined by the National Flood Insurance Program, Community Panel No. 12057C0194H, dated 8/28/08)

No cap identification found on property corners except as indicated.

This property surveyed without the benefit of a title search for easements, additional rights-of-way or other encumbrances of record not shown hereon.

No underground or utility service investigation performed at this time.

| | |
|--------------------------|-------------------|
| REAR YARD AREA | |
| LOT AREA (50 FT x 20 ft) | 1000 SQ.FT (100%) |
| STORAGE AREA | 328 SF.FT (32.8%) |
| CONCRETE | 132 SQ.FT (13.2%) |
| TOTAL AREA | 460 SQ.FT (46%) |

VARIANCE REQUEST:

1. To reduce the required 3.0 feet ACCESSORY STRUCTURE rear required yard setback to 6 inches on the West Boundary;
2. Increase the 20% of the Rear Yard occupy by the Accessory Structure to 46%

Code Section 6.1144 Accessory Structures

Boundary Survey of:

Lot 18, Block 1, REPLAT OF BLOCKS M, N, D, & P, PINECREST VILLA ADDITION ND. 2, according to map on plat thereof as recorded in Plat Book 35, Page 73 of the Public Records of Hillsborough County, Florida.

VARIANCE TO ACCESSORY STRUCTURE

Owner:
LILLIANA MARQUEZ
7812 N. Church Ave. Tampa, FL - Foho #026684.0000

THIS SHEET IS NOT A CERTIFIED SURVEY. IT CAN NOT BE USED IN FULL AND PERMIT AS REFERENCE. THE INFORMATION HEREON IS ONLY FOR THIS PROJECT. THE INFORMATION HAS BEEN TAKEN FROM THE FILE SUBMITTED BY:
JOHN MELLA & ASSOCIATES, INC.
IF ADDITIONAL INFORMATION IS NEEDED BY THE SURVEYOR:
(813) 332-9441
SURV# 27-305 W
DATED: 07/29/2019
0194383

| | | |
|--------------------|---------------|------|
| PLANNING REVISIONS | REV. # | DATE |
| TITLE SHEET | | |
| SITE PLAN | | |
| DRAWN BY: | | |
| DATE: | | |
| JOB No. | RU(VZ)-2115 | |
| DATE | May 25, 2021 | |
| DESIGNER: | SP | |
| DATE: | June 14, 2021 | |

0194383



Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR 21-0958 Applicant's Name: RU Project Management Group, LLC

Reviewing Planner's Name: Chris Grandlienard, AICP Date: August 19, 2020

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): 9/20/2021

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 (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.

hulondono

Signature

8/19/2021

Date

FOR OFFICE USE ONLY

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

In-Take Completed by: _____

VAR 21-0958 - REVISED
To Accessory Structure Requirements and Lot Development Standards

August 23, 2021

Location: 7812 N Church Ave. Tampa, FL 33614
Size of property: 0.138 Acres +/-
Folio #: 026684-0000
Zoning District RSC-9
Future Land Use R-9
Urban Service Area USA

COVER SHEET

The applicant is including a third variance request to Lot Development Standards, Land development Code (LDC) Part 6.01.00 for an Existing attached 8.9 feet high screened solid roof front porch that likely built together with the principal dwelling back in the 1959's

The Additional Variance:

The applicant requests a 2.2-foot reduction to the required front yard setback to allow a setback of 17.8 feet from the east property line.

The applicant has revised the request, narrative, and Variance Criteria Response

VARIANCE APPLICATION VAR 21-0958 - REVISED
To Accessory Structure Requirements and Lot Development Standards

August 23, 2021

Location: 7812 N Church Ave. Tampa, FL 33614
Size of property: 0.138 Acres +/-
Folio #: 026684-0000
Zoning District RSC-9
Future Land Use R-9
Urban Service Area USA

VARIANCE REQUEST:

A. Variance to Accessory Structure Requirements

1. To reduce the required 3.0 feet ACCESSORY STRUCTURE rear required yard setback to 6 inches on the West Boundary.
2. Increase the 20% of the Rear Yard occupy by the Accessory Structure to 46%

Code Section 6.11.04 Accessory Structures

B. Variance to Lot Development Standards (Additional Variance)

1. To reduce the required 20.0 feet Front yard Setback for attached screened solid roof front porch that is encroaching 2.2 feet. Front yard reduction to allow a setback of 17.8 feet from the East Property Line

Lot Development Standards, LDC Part 6.01.00.

NARRATIVE

The regular shaped lot (subject property) is located within the RSC-9 zoning district and is identified by folio number 026684.0000. Platted subdivision of REPLAT OF BLKS M N O P PINECREST VILLA ADDITION NO. 2 – dated May 1959. More generally, the site is located at 7812 N. Church Ave., within the area known as NW Sligh & Dale Mabry, S of Waters.

The site is located north of W. Kirby St., south of W. Water Ave., east of N. Manhattan Ave. and west of N Dale Mabry Hwy

The *principal* dwelling was built on 1959 according to the Hillsborough County Property Appraiser information. The current owner purchased this property on October 2019 and occupied the property since she bought it. At that time the accessory structure was there on the rear yard of the property. Apparently the structure may have been there longer than Feb 2006, according with the aerial imagery provided online per Hillsborough County Property Appraiser. See Pictures provided dated 05/12/2006 and 06/16/2006

The attached 8.9 feet high screened solid roof front porch that is encroaching 2.2 feet to the front yard has been there and possibly built together with the principal dwelling in 1959 and it never has been renewed by current owner.

The owner “only” renovated the existing rear 8.5 feet high accessory structure to use as gym and satisfy the owner’s needs on this pandemic time. The owner started the renovation without a permit and received a NOV (Notice of Violation) on April 2021.

The current Survey depicts an existing accessory structure and a Gravel Driveway (that was removed keeping the Gravel) on the rear yard.

The current Site Plan depicts the existing Structure and the area of the rear yard occupied. The occupy rear area is more than the 20% maximum required per LDC

~~A~~ The Variance is are requested from **Code Section 6.11.04 Accessory Structures and Lot Development Standards, LDC Part 6.01.00** to:

1. **Reduce the required rear yard setback, from 3.0 feet to 6 inches** (Variance of 2.5 feet) to the Accessory Structure Located on the rear yard.
2. **Increase the required 20%** of the Rear Yard occupy by the Accessory Structure concrete slab to 46%
3. **Additional Variance: Reduce 2.2-foot to the required front yard setback to allow a setback of 17.8 feet from the east property line.”**

Approval of the request will allow the

1. Existing approximately 328 square-foot accessory structure and 132 square-foot concrete slab inside the required rear yard area to remain as located. Owner will apply for the after-the-fact building permit.
2. Existing attached screened solid roof front porch encroaching 2.2 feet of the required front yard.

Accessory Structure

| Variance Request | Code Requirement | Result | Code Section |
|--|------------------|----------|----------------|
| 2.5 ft. reduction to the required rear yard for existing accessory structure | 3.0 ft. | 6 inches | 6.11.04 |
| 26% Increase od Rear yard occupation | 20% | 46% | 6.11.04 |

Lot Development Standards

| Variance Request | Code Requirement | Result | LDC Part |
|---|------------------|-----------|----------------|
| 2.2 ft. reduction to the required front yard for the attached screened solid roof porch | 20.0 ft. | 17.8 feet | 6.01.00 |

Variance Application - Revised

Customer Id 21035
 7812 N. Church Ave
 Tampa, FL 33614
 Folio # 026684-0000

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 property is approximately 0.1387 acre and exceeds the minimum lot size of the RSC-9 zoning district width requirement of 50 feet. The hardship is the lot deep, which is 122-foot exceeds the 100-foot to meet the 5000 Sq. Ft Required.

- 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 literal requirements of the Land Development Code allow accessory structures *and attached screened solid roof front porches* to be located within the RSC-9 zoning district, and all conforming residentially zoned parcels within the county providing the lot conforms to the area, height, width, and placement requirements of the district within which located; and providing the accessory structure setbacks and rear yard occupy are met *as well the Front yard setback requirements*

The literal interpretation of the Code does not take into account the hardships associated with the subject site: the size of the lot (6,100 square feet), even if this is the largest of the smaller lot size of the county zoned RSC-9, and the placement of the primary home, *attached solid screened porch* and accessory structure which create challenges regarding use the existing accessory structure space as a gym in this pandemic time that may do changes in our daily life.

- 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.**

Approval of the requested variance will not substantially interfere with or injure the rights of others in the community. Notice that the rear “accessory structure“ will be use as a gym for the people that life in the property, *and the attached solid roof front porch will remain as has been there for years and years and never has interfering with or injure the right of others.*

- 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 variances “Rear yard setback reduction” ~~and~~ “Rear yard occupancy” , *and Front yard setback reduction* ~~is~~ *are* in harmony with and serves the general intent and purpose of the Land Development Code, and the Comprehensive Plan. The RSC-9 zoning district provides for the opportunity of 5,000 square feet or larger lot single-family conventional development as well the accessory structures of the county in a manner that is equitable and respectful of the property rights of others.

- 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 began renovation of the existing accessory structure without the required building permits. If the variance is approved the applicant will be required to go through the after the fact building permit process in order to finish with the Renovation.

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 *three (3)* variances will result in substantial justice. The proposed rear ~~side~~ yard setback reduction is the better solutions to allow the existing accessory structure continue on the same location that has been there since longer than 2006 and will be met the owner need. The renovation of the existing structure requirements will not be jeopardized with the variance approval. *Also, the attached solid roof front porch that was built together with the principal dwelling will meet the current LDC requirements.*

Impacts associated with the request are minimal considering the character of the site and the general area.

Approval will allow the existing structures to remain in place.

Prepared By:
Kate Hatfield
Nirvana Title
5121 Ehrlich Road, Suite 107A, Tampa, FL 33624

After Recording Return To:
Lilliana Marquez
3922 West Powhatan Avenue, Tampa, FL 33614

File Number: 19-104
Parcel ID: U-28-28-18-16M-000001-00018.0
Consideration Amount: 200,000.00

Warranty Deed

This Indenture made this 9th day of October, 2019 between **Julia Ragan n/k/a Julia Toledo-Simmons, a married woman**, whose post office address is 10487 Monarch Street, Spring Hill, FL 34608 henceforth referred to as ("Grantor") and **Lilliana Marquez, a single woman**, whose post office address is 3922 West Powhatan Avenue, Tampa, FL 33614, grantee*

Witnesseth that said grantor for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Hillsborough, to-wit:

LOT 18, BLOCK 1, REPLAT OF BLOCKS M, N, O, & P PINECREST VILLA ADDITION NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 73, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

a/k/a: 7812 North Church Avenue Tampa, FL 33614

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

TO HAVE AND TO HOLD the same in fee simple forever

AND grantor covenants with grantee that grantor is lawfully seized of the land in fee simple; that grantor has good right and lawful authority to sell and convey the land; that grantor will fully warrant the title to the land and will defend the same against the lawful claims of all persons whomsoever; and that the land is free of all encumbrances except taxes accruing subsequent to December 31, 2018.

The property described above is NOT the homestead of the grantor who in fact resides at:
10487 Monarch Street, Spring Hill, FL 34608

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

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

Signed, sealed and delivered in our presence:

Julia Ragan N/K/A Julia Toledo-Simmons
Julia Ragan n/k/a Julia Toledo-Simmons

Katelyn Hatfield
1st Witness Signature
Katelyn Hatfield
1st Witness Printed Name

Ross Suddath
2nd Witness Signature
Ross Suddath
2nd Witness Printed Name

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 9th day of October, 2019, by Julia Toledo-Simmons.

Katelyn Hatfield
Signature of Notary Public
Print, Type/Stamp Name of Notary



Personally Known: _____ OR Produced Identification: ✓
Type of Identification
Produced: FIDA



Received
06/16/2021
Development Services

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: 7812 N. Church Ave City/State/Zip: Tampa, FL 33614 TWN-RN-SEC: 28-18-28
Folio(s): 26684.0000 Zoning: RSC-9 Future Land Use: R-9 Property Size: 0.138794
Acre

Property Owner Information

Name: LILLIANA MARQUEZ Daytime Phone: (813) 327-9172
Address: 7812 N. Church Ave City/State/Zip: Tampa, FL 33614
Email: lillianamarquezrealty@gmail.com FAX Number: _____

Applicant Information

Name: RU Project Management Group, LLC Daytime Phone: 813-919-7802
Address: 1502 W. Busch Blvd. Suite D City/State/Zip: Tampa, FL 33612
Email: ruth@rupmg.com FAX Number: _____

Applicant's Representative (if different than above)

Name: Ruth Londono Daytime Phone: 813-919-7802
Address: 1502 W. Busch Blvd. Suite D City / State/Zip: Tampa, FL 33612
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.

Ruth Londono
Signature of Applicant
Ruth Londono
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.

Lilliana Marquez
Signature of Property Owner
LILLIANA MARQUEZ
Type or Print Name

Office Use Only

Intake Staff Signature: Ana Lizardo Intake Date: 06/16/21
Case Number: 21-0958 Public Hearing Date: 08/23/21
Receipt Number: 21-0958

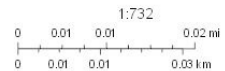


PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

| | |
|--|--|
| Jurisdiction | Unincorporated County |
| Zoning Category | Residential |
| INFL | i |
| Zoning | RSC-9 |
| Description | Residential - Single-Family Conventional |
| Flood Zone:X | AREA OF MINIMAL FLOOD HAZARD |
| FIRM Panel | 0194H |
| FIRM Panel | 12057C0194H |
| Suffix | H |
| Effective Date | Thu Aug 28 2008 |
| Pre 2008 Flood Zone | X |
| Pre 2008 Firm Panel | 1201120195D |
| County Wide Planning Area | Egypt Lake |
| Census Data | Tract: 011804 Block: 1000 |
| Future Landuse | R-9 |
| Urban Service Area | USA |
| 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 |



June 16, 2021



RS, Hillsborough County - Public Works - Geomatics - Streets & Addresses

Hillsborough County Florida

Folio: 26684.0000
PIN: U-28-28-18-16M-000001-00018.0
LILLIANA MARQUEZ
Mailing Address:
 7812 N CHURCH AVE
 TAMPA, FL 33614-2612
Site Address:
 7812 N CHURCH AVE
 TAMPA, FL 33614
SEC-TWN-RNG: 28-28-18
Acreage: 0.138794
Market Value: \$164,763.00
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.

21-0958

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