



**Hillsborough
County Florida**

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0142

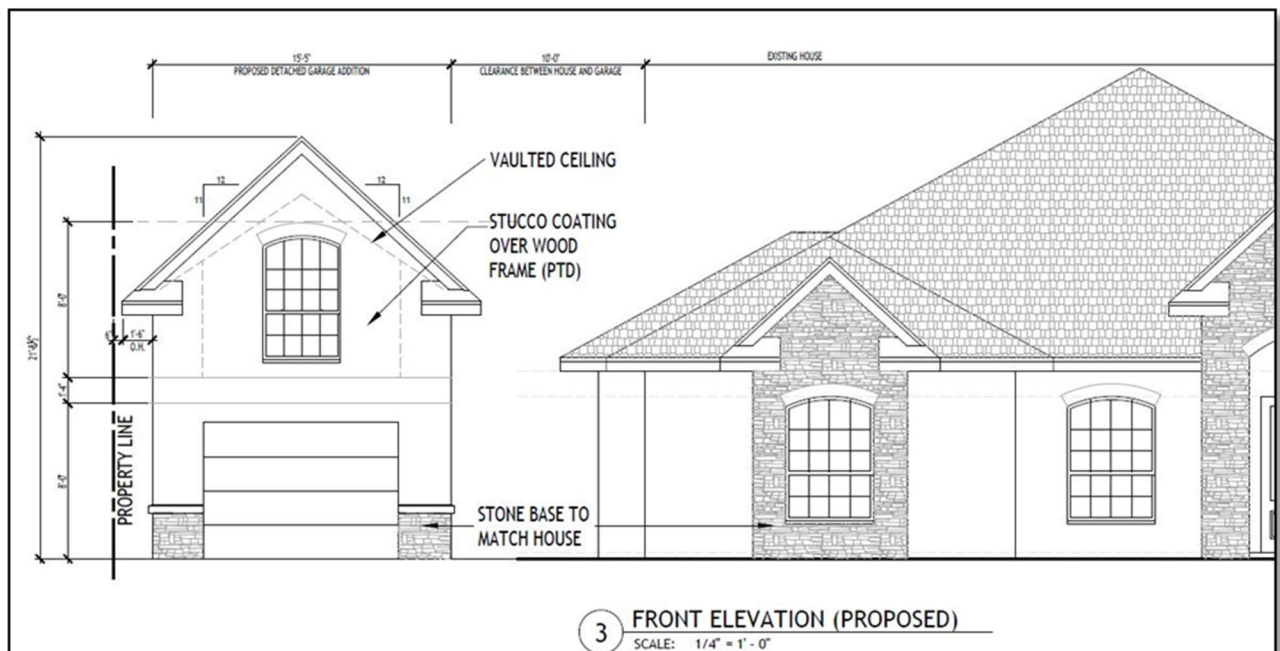
LUHO HEARING DATE: January 25, 2021

CASE REVIEWER: Isis Brown

REQUEST: The applicant is requesting variances to accommodate a proposed two-story accessory structure on a lot zoned PD 01-0187.

VARIANCE(S):

- 1) Per LDC Section 6.11.04.B, accessory structures greater than 15 feet in height are subject to principal building setbacks. According to the plan submitted by the applicant, the proposed accessory structure will be 21 feet, 8.5 inches in height at peak of roof. Per Condition 2 of PD 01-0187, the property is subject to RSC-2 district development requirements. Per LDC Section 6.01.01, a minimum side yard setback of 10 feet is required in the RSC-2 district. The applicant requests an 8-foot reduction to the required side yard setback to allow a setback of 2 feet, as measured to the wall of the structure, from the south property line.
- 2) Per LDC Section 6.11.04.C.2, accessory structures may occupy required side yards provided that such structures are more distant from the street than any part of the principal building on the same lot and any lot abutting said required side yard, provided the accessory structure is not closer than 3 feet from any side lot line, including architectural features such as cornices, eaves and gutters. The proposed accessory structure will be closer to the street than a portion of the home on the same lot and a portion of the home on the adjacent lot to the south. The applicant requests a variance to allow the accessory structure in the required side yard with a setback of 6 inches, as measured to the roof overhang, from the south property line.

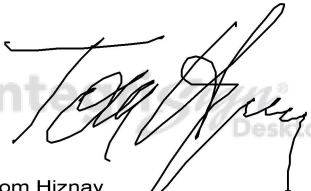


FINDINGS:

The bonus room on the second floor of the proposed accessory structure does not meet accessory dwelling requirements. Therefore, the applicant has been advised that the bonus room cannot be used for independent living quarters or for sleeping purposes at any time, including guest visits.

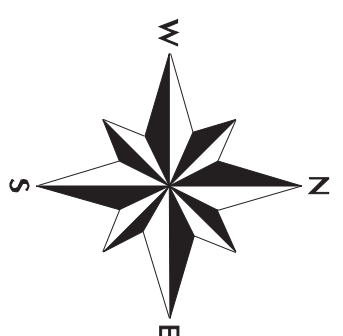
DISCLAIMER:

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

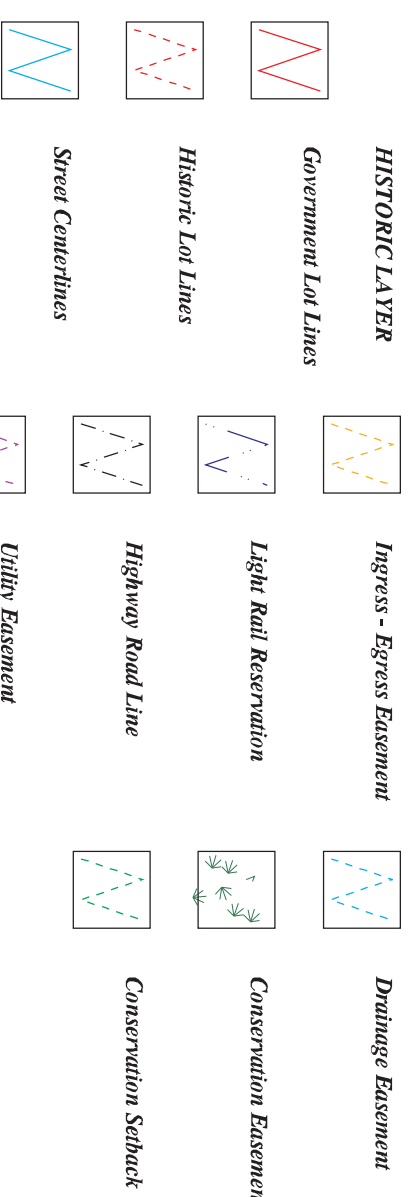
Tom Hiznay
Thu Jan 14 2021 14:44:14

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



Scale 1 in:200ft (at original size)

0 2005



PRINTING INSTRUCTIONS

Use the Adobe Reader toolbar to zoom to your area of interest.

Click the print button in the Adobe Reader toolbar

In the print options (varies with the version)

CURRENT VIEW button. This will print out the area you have zoomed to.

wonhooke 4 MT

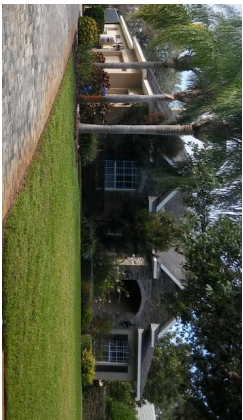
mapbooks.A.M.



NOTE:
SUBJECT TO EASEMENTS NOTED ON
RECORD PLAT



SCALE: 1"=40'



ADDRESS
19622 EAGLE CREST DRIVE
LUTZ, FL 33549

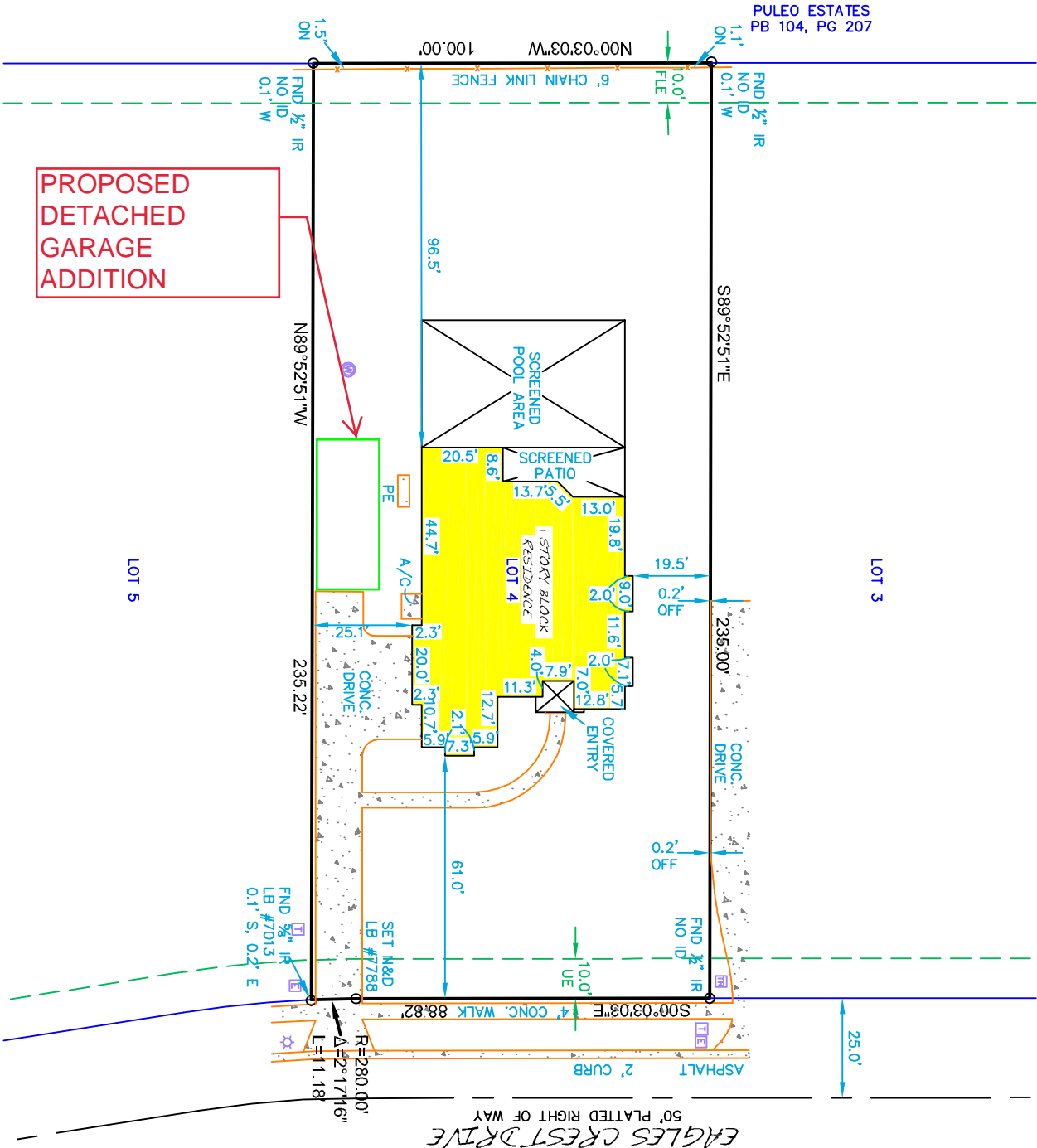
- LEGEND
- = Iron Pipe & Cap (IP)
 - = Iron Rod & Cap (IR)
 - OR Book = Official Record Book
 - CONC. = Concrete
 - Δ = Central Angle
 - L = Arc Length
 - FND = Found
 - R = Radius
 - ID = Identification
 - LB = Licensed Business
 - LS = Licensed Surveyor
 - WM = Water Meter
 - on/off = On Site/Off Site
 - PE = Pool Equipment
 - = Cable TV Riser
 - ☆ = Electric Box
 - ☆ = Light Pole
 - ⊙ = Transformer
 - ⊙ = Well

JOB #:	VLSR17-24435		
CLIENT #:	RDL17-42346		
FIELD DATE:	12-20-17	CREW:	SS/KS
DRAFTER:	DB		
APPROVED:	JEW		
SCALE:	1" = 40'		

X	Borrower's Acknowledgment and Acceptance	X	Borrower's Acknowledgment and Acceptance
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Boundary Survey

EASEMENT NOTE:
THERE IS A 10' UTILITY EASEMENT (UE) ALONG THE RIGHT OF WAY LINE, AND A 10' FENCE & LANDSCAPE EASEMENT (FLE) ALONG THE REAR LINE AS SHOWN HEREON.



Legal Description (per OF Book 23503, Page 1984-1985)
Lot 4, of EAGLES CREST SUBDIVISION, according to the Plat thereof as
recorded in Plat Book 46, Page 56, Public Records of Hillsborough County, Florida.

CERTIFIED TO: (AS FURNISHED)
MICHAEL ANTHONY BUDIN & COURTNEY BUDIN
MIDFLORIDA CREDIT UNION, ISA00AA17MA
STRATEGIC TITLE, LLC
FIDELITY NATIONAL TITLE INSURANCE COMPANY

FLOOD ZONE

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE 'X'. AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN PER F.I.R.M. PANEL NUMBER 12057C0062H, LAST REVISION DATE 08/28/08 (PER MAPVIEWER WEBSITE). THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:

FENCE CROSSES PROPERTY LINE; OWNERSHIP NOT DETERMINED

BASIS OF BEARING

BEARINGS ARE BASED ON THE EAST LINE OF SUBJECT PROPERTY WHICH HAS A BEARING OF S 00°03'03" E PER PLAT.

NOTES

- Underground utility installations, underground improvements, foundations and/or other underground structures were not located by this survey.
- The purpose of this survey is for use in obtaining title insurance and financing and should not be used for construction purposes.
- Additions or deletions to this survey by anyone other than the signing party or parties is prohibited without the written consent of the signing party or parties.
- The property shown hereon is subject to all easements, restrictions and reservations which may be shown or noted on the record plat and within the public records of the county the subject property is located. This survey only depicts survey related information such as easements and setbacks that are shown on a record plat or have been furnished to the Surveyor.
- Building ties and dimensions for improvements should not be used to reconstruct boundary lines.

THIS SURVEY IS PREPARED FOR THE EXCLUSIVE
USE AND BENEFIT OF THE PARTIES LISTED
HEREON. LIABILITY TO THIRD PARTIES MAY NOT
BE TRANSFERRED OR ASSIGNED.

LB 7788

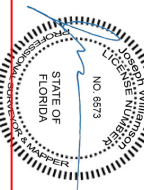


VISION LAND
S E R V I C E

941 S Pennsylvania Ave, Winter Park, FL 32789 | (888) 399-8474

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE
REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.



Joseph E. Williamson, PLS DATED: 12-21-17

PROFESSIONAL LAND SURVEYOR

FLORIDA REGISTRATION #6573

NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL
RAISED SEAL OF THE LISTED FLORIDA LICENSED SURVEYOR AND
MAPPER

DATE	REVISION	DATE	REVISION

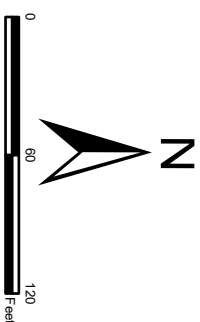
21-0142

Immediate Aerial Zoning Map

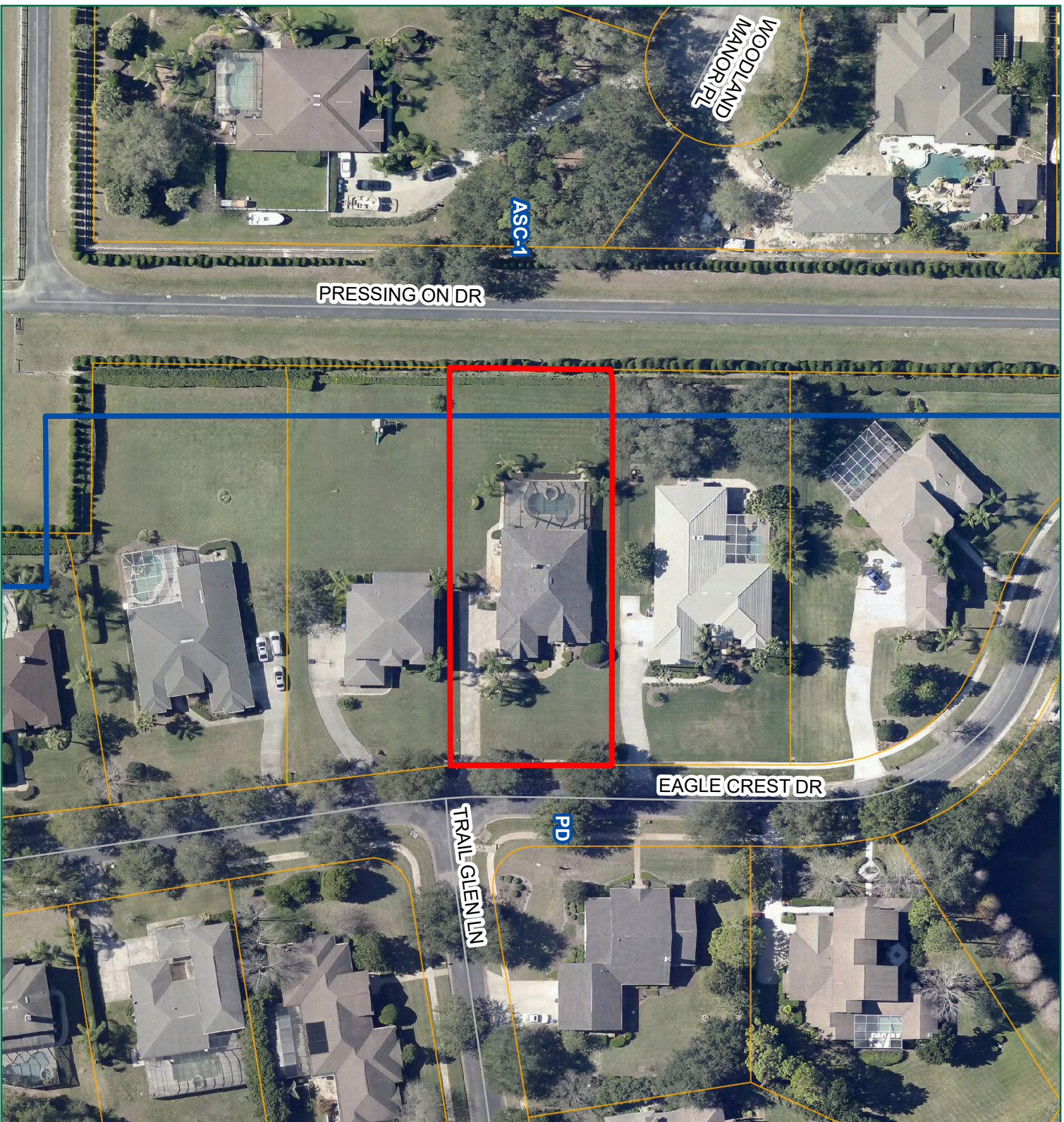
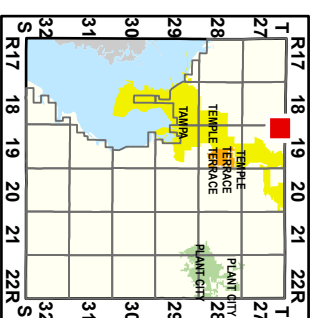
VAR 21-0142

Folio: 33048.5108

- Application Site
- Zoning Boundary
- Parcels



STR: 6-27-19



NOTE: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied. It is not to be used for any purpose other than for informational purposes of recordability and fitness for a particular purpose.

SOURCE: This map has been prepared for the property of real property found within Hillsborough County and is compiled from recorded deeds, plats, and other AVAILABLE data.

Users of this map are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this map.

Date: 12/07/2020 Path: G:\ZONING\GIS\Data\Zoning_Site.aprx

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.

Variance of est. 8 feet from the required side setback of 10 feet, resulting in a side yard setback of 2 feet for structure wall.

Variance is to construct a detached garage from the permanent residence shown in attached survey. The current garage is side entry and requires multi- point turn in order to enter. We have young Children (2 & 5) that are always playing in ~~and around the driveway - not only have there several strollers and bikes that have fallen victim to vehicles, there have been many close calls with children themselves due to poor turning visibility and hard angles to negotiate.~~

The proposed solution would create more driveway area and allow for straight entry to eliminate these unsafe turning condition.

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

Sec 6.01.01 - Setbacks

ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No X 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 X 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 X 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 X Septic Tank X
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 X 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**).

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?

Many other neighbors have wider driveways and/or straight entry garages to allow to direct accessibility. Further, our driveway entry is a single car width and does not allow for multiple vehicles. This regularly causing traffic jams at top of drive causing several vehicles to back out in order to allow others to leave/enter. The proposed Garage will allow proper access for residents and visitors, as well as allow safe play area for children at top of drive without vehicles making multi point turns in/out.

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.

10' Setback to side yard will not allow me to construct the detached garage without this requested variance, many other residences in my neighborhood have detached garages and/or larger driveways - thereby not having to deal with this condition.

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.

There would be no infringement or impediment to any other properties by proposed addition. All work will be performed on our property by licensed professionals and cleaned up to like new condition. The proposed garage would block neighbors view and noise from my side yard utilities (HVAC, pool equipment, etc).

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 proposed addition fosters safety comfort and welfare of residents of this property as well as neighboring property for reasons aforementioned. Further, it aids in the harmonious, orderly and progressive development of the County by tying into the architectural intent of the neighborhood while adding value to the community and ultimately the County.

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.

There is no illegal act or result from the actions of the applicant. We are adding a garage to alleviate the cumbersome and unsafe parking & driveway condition.

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.

Our Primary concern is safety of our children. There have been many close calls with them as well as several toys, strollers & bikes destroyed by vehicles due to obscure turning angles, limited line sight and sharp corners to navigate parking condition. Proposed garage would eliminate that. This variance will ensure a safe play area as well eliminate the unsafe condition. While adding to the aesthetic and value of neighborhood and County.

Property Appraiser's
Parcel # 033048-5108

PREPARED BY/RETURN TO:
Kristina M. Hudson, Esquire
BOOTH & COOK, P.A.
7510 Ridge Road
Port Richey, Florida 34668

File # 20-385-EP
Consideration: \$10.00

THIS INSTRUMENT WAS PREPARED WITHOUT EXAMINATION OF TITLE FROM INFORMATION GIVEN BY THE PARTIES HEREIN. MARKETABILITY OF TITLE OR ACCURACY OF DESCRIPTION IS NEITHER GUARANTEED NOR INSURED.

WARRANTY DEED

THIS INDENTURE, made this 7 day of OCTOBER, 2020, BETWEEN **MICHAEL ANTHONY BUDIN and COURTNEY O'BRIEN BUDIN, Husband and Wife**, of the County of Hillsborough and State of Florida, Grantor*, whose post office address is: 19622 Eagle Crest Drive, Lutz, Florida 33549, and **MICHAEL A. BUDIN and COURTNEY BUDIN, TRUSTEES OF THE BUDIN FAMILY TRUST AGREEMENT DATED OCTOBER 7, 2020** whose post office address is: 19622 Eagle Crest Drive, Lutz, Florida 33549, of the County of Hillsborough and State of Florida, Grantee*,

WITNESSETH that said grantor, for and in consideration of the sum of Ten Dollars, 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 lands, situate, lying and being in Hillsborough County, Florida, to-wit:

Lot 4, of Eagles Crest Subdivision, according to the plat thereof as recorded in Plat Book 76, Page 56, of the Public Records of Hillsborough County, Florida

SUBJECT TO all easements, restrictions and reservations of record, and taxes for the year 2020 and subsequent years and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever

The Grantee, as trustee, has the full power and authority to protect, conserve, sell, convey, lease, encumber, and to otherwise manage and dispose of said real property pursuant to F.S. 689.073.

The Grantee is granted the requisite beneficial interest and possessory right in and to such real property to comply with the Florida Statutes, as from time to time amended, such that said beneficial interest and possessory right constitute in all respects an "equitable title to real estate" as that term is used in the constitution of the State of Florida.

THIS DEED IS PREPARED AS A DEED OF CONVENIENCE FOR ESTATE PLANNING PURPOSES AND THEREFORE, ONLY MINIMUM DOCUMENTARY STAMPS ARE AFFIXED HERETO

*"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 the presence of:

Signature of Witness:

Carmel Macchia
Print or type witness name below:
CARMEL MACCHIA

Michael Anthony Budin
Michael Anthony Budin

Signature of Witness:

Pamela A Boyd
Print or type witness name below:
PAMELA A BOYD

Courtney O'Brien Budin
Courtney O'Brien Budin

STATE OF FLORIDA:
COUNTY OF PASCO:

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 7 day of OCTOBER, 2020 by **Michael Anthony Budin and Courtney O'Brien Budin**, who ☐ is personally known to me or ☒ has produced a driver's license as identification.

And who executed the foregoing instrument and acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

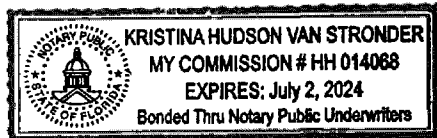
WITNESS my hand and official seal in the County and State aforesaid this 7 day of OCTOBER, 2020.

my commission expires:

Kristina Hudson Van Stronder
Notary Public

seal

Printed, typed or stamped name of notary





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: 19622 Eagle Crest Dr City/State/Zip: Lutz, FL 33546 TWN-RN-SEC: S6 - T27 R19
Folio(s): 033048-5108 Zoning: RES SF Future Land Use: RES SF Property Size: 0.54 AC

Property Owner Information

Name: Michael Budin & COURTNEY BUDIN Daytime Phone: 941-268-1669
Address: 19622 Eagle Crest Dr City/State/Zip: Lutz, FL 33549
Email: mbudin@mbaeng.com FAX Number:

Applicant Information

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

Applicant's Representative (if different than above)

Name: N/A 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.

Michael Budin Digitally signed by Michael Budin
Date: 2020.11.18 10:20:59 -05'00'

Signature of Applicant

Michael Budin

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.

Courtney Budin

Signature of Property Owner

Courtney Budin

Type or Print Name

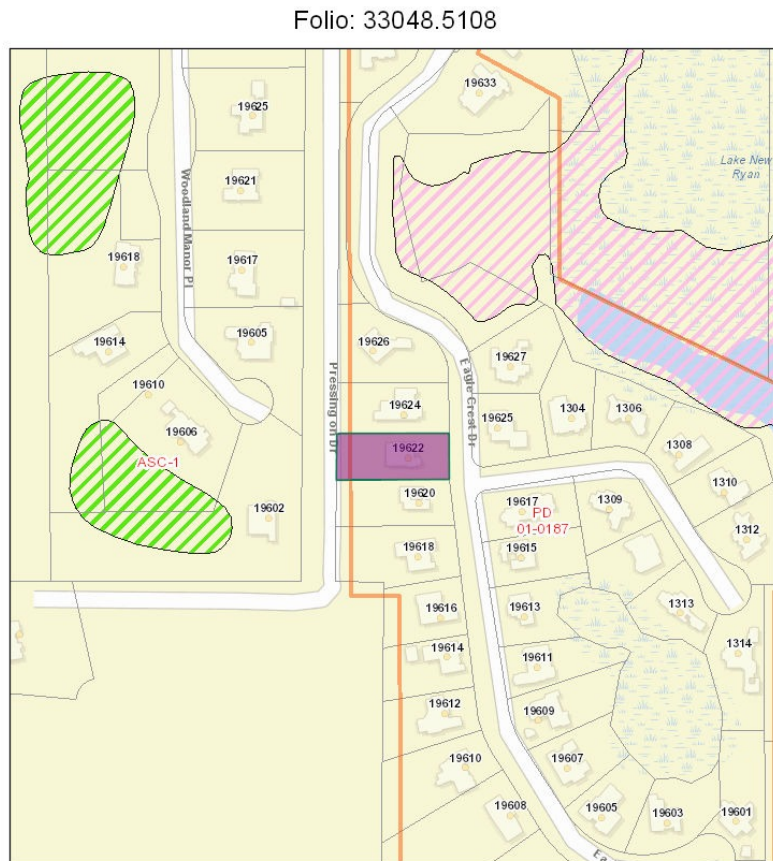
Office Use Only

Intake Staff Signature: Ana Lizardo Intake Date: 11/25/2020
Case Number: 21-0142 Public Hearing Date:
Receipt Number: 21-0142



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	01-0187
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0062H
FIRM Panel	12057C0062H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120065D
County Wide Planning Area	Lutz
Community Base Planning Area	Lutz
Planned Development	PD
Re-zoning	null
Census Data	Tract: 011005 Block: 2000
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



November 25, 2020

1:2655
0 0.02 0.04 0.09 mi
0 0.04 0.07 0.14 km

RD, Hillsborough County - Public Works - Geomatics - Streets & Addresses, EID

Hillsborough County Florida

Folio: 33048.5108
PIN: U-06-27-19-191-000000-00004.0
MICHAEL A AND COURTNEY BUDIN / TRUSTEE
Mailing Address:
 19622 EAGLE CREST DR
 LUTZ, FL 33549-4079
Site Address:
 19622 EAGLE CREST DR
 LUTZ, FL 33549
SEC-TWN-RNG: 06-27-19
Acreage: 0.55968201
Market Value: \$378,486.00
Landuse Code: 0100 SINGLE FAMILY

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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.

21-0142