

Variance Application: VAR 25-0728

LUHO Hearing Date: 06-23-2025

Case Reviewer: Logan McKaig



**Hillsborough
County Florida**

Development Services Department

Applicant: Edunys Perez Sarmiento **Zoning:** RSC-9

Location: 2407 S. 46th St. Tampa, FL 33619; Folio: 46774.0000

Request Summary:

The applicant is requesting a variance to accessory structure setbacks for the purpose of constructing a garage on the property.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.11.04.C.2 6.01.01	Accessory structures shall be permitted in front yards at twice the depth of the required yard, or 50 feet, whichever is less. A 20-foot front yard setback is required in the RSC-9 zoning district. Therefore, a 40-foot front yard setback is required for an accessory structure.	9.37 feet	30.63 feet
6.11.04.B	Accessory structures shall not exceed 15 feet in height.	1-foot 4 11/15-inches	16 feet 4 11/15 inches

Findings:

The applicant did not specify the requested front yard setback distance in their variance request. As such, staff utilized the scaled survey provided by the applicant to obtain the proposed front yard setback for the accessory structure.

The Land Development Code provides for exceptions to the 15-foot height limitation for accessory structures in LDC Section 6.11.04.B. Where the accessory structure meets the primary structure setback of the district, the maximum height may be that of the district. Staff does not find the variance to the height of the structure to be necessary as the proposed structure meets the 5-foot setback required by RSC-9 zoning district.

Zoning Administrator Sign Off:

Colleen Marshall
Thu Jun 12 2025 16:37:28

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.

SURVEY/SITE PLAN



25-0728



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.

Variance Request for Storage Garage

I am requesting a variance to allow the construction of a storage-only garage on Lot 17 at 2407 S 46th St, Tampa. In order to position the structure along the side of the house on Lot 17, the zoning department has informed me that the front yard setback must be 50 feet from the property line. As this requirement affects the proposed placement, a variance is necessary.

Additionally, the maximum allowable size for an accessory structure in Zone AC, as specified by Hillsborough County building codes, is 600 square feet. However, I am seeking approval to construct a 810-square-foot structure to accommodate storage needs.

The current county code also limits the height of the structure to 15 feet, and I am requesting a variance to allow a height of 16 feet and 4 11/15 inches.

Reference: Miscellaneous application construction number HC-BLD-25-0070149.

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

This variance request pertains to Section 6.11.04 of the Hillsborough County Land Development Code, which governs accessory structures, including height and size limitations. Additionally, Section 2.02.02 specifies zoning requirements for Zone AC, particularly regarding setback regulations.

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): HC-BLD-25-0070149
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 Re-claimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

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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 setback, size, and height limits create unique challenges for Lot 17 at 2407 S 46th St, Tampa. The 50-foot front yard setback affects garage placement, the 600 sq. ft. limit does not meet storage needs, and the 15-foot height restriction does not suit the structure's purpose. A variance is needed to allow proper use of the property.

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 LDC's setback, size, and height limits restrict my garage's placement and functionality compared to similar properties. A variance is needed to allow practical use of my property for the construction of this storage / boat garage.

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 requested variance will not harm neighboring properties, as the garage will align with the area's character, maintain proper setbacks, and avoid any negative impact on sightlines, drainage, or utilities.

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*).

N/A

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.

N/A

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.

N/A

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Prepared by and return to:

Sheralyn Rodriguez
Americas Title Corporation
14001 North Dale Mabry Highway
Tampa, FL 33618
(877) 446-1476
File No 03-231091

Parcel Identification No U-28-29-19-1Q1-000000-00

[Space Above This Line For Recording Data]

WARRANTY DEED

(STATUTORY FORM – SECTION 689.02, F.S.)

This indenture made the **31st day of May, 2023** between **Interest Holdings, Inc., a Florida Corporation**, whose post office address is **3101 North Nebraska Avenue, Tampa, FL 33603**, of the County of Hillsborough, State of Florida, Grantor, to **Edunys Perez**, whose post office address is **4016 McLane Drive, Tampa, FL 33610**, of the County of Hillsborough, Florida, Grantee:

Witnesseth, that said Grantor, for and in consideration of the sum of TEN DOLLARS (U.S.\$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, Florida, to-wit:

LOT 17, TRI-CANAL ESTATES UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 36, AT PAGES 99, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject to taxes for 2022 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in fee simple forever.

And Grantor hereby covenant with the Grantee that the Grantor is lawfully seized of said land in fee simple, that Grantor have good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

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

Signed, sealed and delivered in our presence:

[Signature]
WITNESS
PRINT NAME: Nicholas Guerra

Interest Holdings, Inc., a Florida Corporation

By: [Signature]
William M. Crescenzo, President

[Signature]
WITNESS
PRINT NAME: Bartholomew Godinez

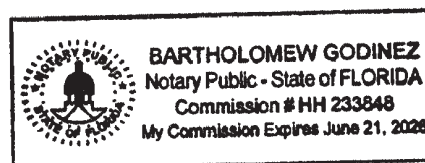
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of (X) physical presence or () online notarization this 30th day of May, 2023 by William M. Crescenzo, President of Interest Holdings, Inc., a Florida Corporation, on behalf of the Corporation.

[Signature]
Signature of Notary Public
Print, Type/Stamp Name of Notary

Personally known: X
OR Produced Identification: _____

Type of Identification Produced: _____





**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 25-0728Intake Date: 04/17/2025Hearing(s) and type: Date: 06/23/2025Type: LUHOReceipt Number: 470965

Date: _____

Type: _____

Intake Staff Signature: Alejandra Prado

Property Information

Address: 2407 S. 46th St City/State/Zip: Tampa/FL/33619TWN-RN-SEC: 28-29019 Folio(s): 046774-0000 Zoning: RSC-09 Future Land Use: R-9 Property Size: 0.38 acres

Property Owner Information

Name: Edunys Perez Sarmiento Daytime Phone: 813-812-5580Address: 2407 S 46th Ave City/State/Zip: Tampa/ FL/33619Email: edka@hotmail.com Fax Number: _____

Applicant Information

Name: Edunys Perez Sarmiento Daytime Phone: 813-812-5580Address: 2407 S 46th Ave City/State/Zip: Tampa/ FL/33619Email: edka@hotmail.com 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 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.

Digitally signed by PEREZ
SARMIENTO.EDUNYS.1548279204
Location: 2407 S 46th, Tampa, FL, USA, 33619
Date: 2025.04.10 16:01:08-05'00'

Signature of the Applicant

Edunys Perez Sarmiento

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.

Digitally signed by PEREZ
SARMIENTO.EDUNYS.1548279204
Location: 2407 S 46th, Tampa, FL, USA, 33619
Date: 2025.04.10 16:01:32-05'00'

Signature of the Owner(s) – (All parties on the deed must sign)

Edunys Perez Sarmiento

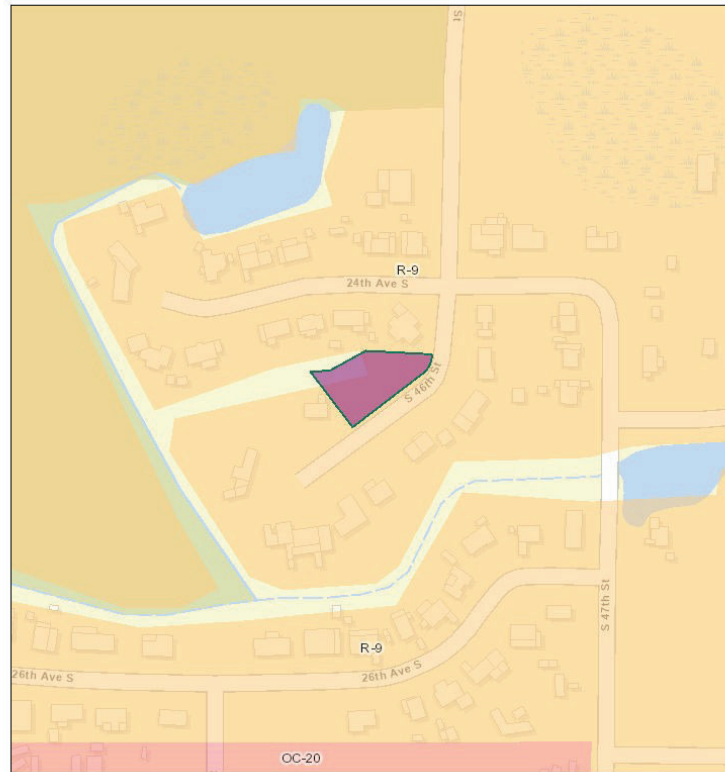
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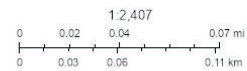
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-9
Description	Residential - Single-Family Conventional
Flood Zone:AE	BFE = 10.0 ft
FIRM Panel	0366H
FIRM Panel	12057C0366H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120366C
County Wide Planning Area	Greater Palm River
Community Base Planning Area	Greater Palm River
Census Data	Tract: 013501 Block: 1008
Future Landuse	R-9
Urban Service Area	TSA
Waste Water Interlocal	City of Tampa Waste Water
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 8
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	130' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 46774.0000



April 16, 2025



Esri Community Maps Contributors, University of South Florida, City of Tampa, FDEP, Q OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SatNav, GeoTechnologies, Inc, MET/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, EGIS

Hillsborough County Florida

Folio: 46774.0000
PIN: U-28-29-19-1Q1-000000-00017.0

Edunys Perez
Mailing Address:

4016 Mclane Dr
null

Tampa, FL 33610-7441

Site Address:

2407 S 46th St
Tampa, FL 33619

SEC-TWN-RNG: 28-29-19

Acreage: 0.38

Market Value: \$99,351.00

Landuse Code: 0000 VACANT RESIDENT

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