



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0120

LUHO HEARING DATE: January 25, 2021

CASE REVIEWER: Steve Beachy, AICP

REQUEST: The applicant is requesting a variance to allow a proposed Community Residential Home, Type A, with six or less placed residents at 6016 Memorial Highway to be located within 1,000 feet of an existing Community Residential Home at 6018 Memorial Highway. The applicant is also requesting a variance to address the existing encroachment of the dwelling into the required side yard.

VARIANCE(S):

Proximity to Existing Community Residential Home

Per LDC Section 6.11.28, a Community Residential Home, Type A shall not be located within a radius of 1,000 feet of another such existing home with six or fewer residents, as measured from property line to property line. According to state licensing data submitted by the applicant, there is an existing Community Residential Home within the 1,000-foot radius of the proposed facility. The facility is located on the adjacent lot at 6018 Memorial Highway. As shown on **Exhibit 1**, the applicant requests a 1,000-foot reduction to the required separation from the existing home at 6018 Memorial Highway to allow a zero-foot separation.

Primary Dwelling

Per LDC Section 6.01.01, a minimum side yard setback of 7.5 feet is required in the RSC-6 district. The applicant requests a .2-foot reduction to the required setback for the existing home to allow a 7.3-foot side yard setback from the south lot line.


FINDINGS:

- The applicant for the subject Community Residential Home owns the adjacent Community Residential Home located at 6018 Memorial Highway. The applicant states that the proposed Type A CRH located at 6016 Memorial Highway “would not be an expansion of current license nor would it be connected by any means with current CRH”.
- There are two accessory structures on the rear of the subject parcel appear to encroach into a utility easement. The applicant has been advised the structures cannot encroach into the easement and they must either remove them from the easement or seek a vacating of the easement through the Real Estate Department.

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.

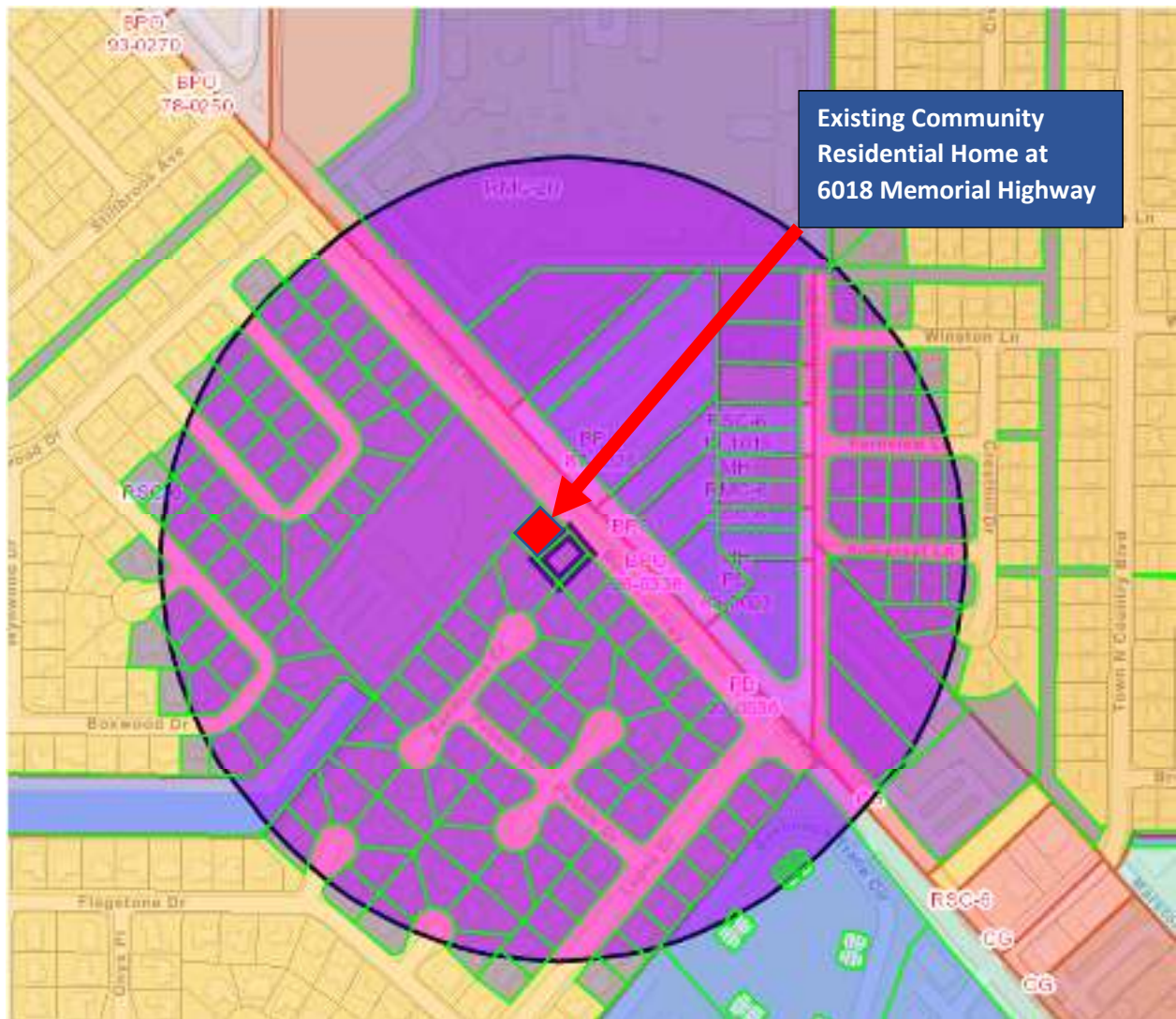
ADMINISTRATOR'S SIGN-OFF



Tom Hiznay
Fri Jan 15 2021 09:58:20

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

EXHIBIT 1: 1,000 foot Circumference from Subject Parcel at 6016 Memorial Highway.





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.

See attachment

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code: Chapter 419, F.S Community Residential Homes Requires That Adult Family Care Home initial license meet certain aize and location criteria in order to comply with the local zoning ordinance.

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 (Attachment A).
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 t hird lot on well and/or septic or non-residential development with an intensity of three ERC's? No ☒ Yes _____ If yes, you must submit a final determ ination 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 Request Written Statement

October 08, 2020

RE: Required distance between Community Residential Homes
Owners/Applicants: Eliecer Rodriguez Moreno
Address: 6016 Memorial Hwy Tampa FL 33615
Folio No: 011016-0000

We are proposing request of approval for variance application to be able to open a new Type A Community Residential Home. We are requesting to lower the distance of 6018 Memorial Hwy Tampa FL 33615 and 6016 Memorial Hwy from 1000' to 0.

Reasons that support our proposal:

- We currently own the property next door at 6018 Memorial Hwy Tampa FL 33615 and successfully operate as a Type A CRH for the past three years with zero deficiency from the State and zero complaints from our neighbors. We have been diligently serving our community offering services for Assisted Living
- On August 18, 2018 we had the opportunity to purchase the property for the proposed CRH at 6016 Memorial Hwy Tampa FL 33615 with the hopes to open a second Type A CRH using our only savings.
- The proposed Type A CRH would not be an expansion of current license nor would it be connected by any means with current CRH.
- The proposed Type A CRH will have its own State license number, Tax ID #, fire sprinklers, fire alarm, standby generator and its own personnel and staff.
- The proposed Type A CRH will be fenced and completely separated and it would have its own entity i.e. business name Feels like home in tampa ALF II.
- The future Type A CRH will provide bilingual services which are useful and in high demand in our area. The percentage of Hispanics growing in our area has increased, we have 39% spanish speakers and continues to grow rapidly, this based on the 2010 US Census for Hillsborough County.
- Currently, Town N Country Tampa FL has a high population density compared to other areas in the county. According to the U.S. Census Bureau the number of people per square mile in our area has increased drastically. That means that in general, there are more people living in a 1000' radius in the Town N Country area. This translates in a higher demand for a CRH in our area and it should be taken into consideration when reviewing our request.
- Our current Type A CRH holds a waiting list of near by neighbors and selling this property to buy one located more than 1000' radius away from the existing community residential home would create an undue hardship specially during this Pandemic and economic injury.

21-0120

- Our hope is to continue to provide services for the elderly in a safe environmental residential home. Our main priority is to provide assistance with their daily activities living along with social and recreational activities.
- Also, please take in consideration, the Group Home located at 6018 Memorial Hwy Tampa FL 33615 offers different services for adolescents and adults with behavioral challenges.

Lastly, the proposed request **does not** encroach or infringe on any neighboring residential property, nor would it impose any hardship on any neighbor, nor would it serve to create a situations where any neighbor's quality of life, property of value, or peaceful co-existence would be negatively affected. Quite the contrary, the proposed request would allow us to become better citizens and service providers of the community we so want to serve.

Respectfully,

Eliecer Rodriguez Moreno
6018 Memorial Hwy
Tampa FL 33615
(505) 985-8867
yairodriguez28@gmail.com

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?

See attachment

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.

See attachment

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.

See attachment

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).

See attachment

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.

See attachment

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.

See attachment

Variance Criteria Response

6016 Memorial Hwy Tampa, FL 33615

Applicants: Eliecer Rodriguez Moreno

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?

Due to high demand, the property in questions was recently purchased on August 18 2018, using our only savings in order to open a second stand alone Type A community residential home next to our Type A CRH located at 6018 Memorial Hwy Tampa Fl, 33615.

At this time, selling this lot to buy one located more than 1000' radius away from the existing community residential home would create an undue hardship specially during this Pandemic. Trying to sell this property would create a huge economic injury to our small business.

The proposed Type A CRH will not be connected via any means since both will be two separate entities and will hold separate licenses.

The proposed Type A is located in Tampa, a high population density compared to other areas in the county. According to the U.S. Census Bureau the number of people per square mile in our area has increased drastically. That means that in general, there are more people living in a 1000' radius in Town 'N Country Area. This translates in a higher demand for a CRH in our area and it should be taken into consideration when reviewing our request.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by others in the same district and area under the terms of the LDC.

The literal interpretation of the LDC would deprive us from opening a second Type A CRH at proposed location.

The LDC allows another Type A CRH when there is no other within 1000' (straight line). However, the 1000' distance applies throughout the County, without considering specific characteristics of each area. In this case, Tampa is an area with a high population density compared to other cities. Tampa has a higher population density and more demands for Type A CRH within 1000'. Also considering that will be same owner of bouth properties and bouth CRH business.

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.

By allowing this variance, it would not interfere with the right of others in the neighborhood. The proposed Type A CRH would will continue to look like a house, fenced and completely separated with the same home look likes.

We have been successfully providing services to the elderly at 6018 Memorial Hwy Tampa FL 33615 for the last two years with zero complaints from our nearby neighbors.

4. Explain how the variance is in harmony with and serves the general intend and purpose of the LDC and the Comprehensive Plan.

The variance is in harmony and would serve the general intent of the LDC and Comprehensive Plan to foster and preserve public health, safety, comfort and welfare.

The LDC allows the approval of variances on a case by case basis and in this case providing a method or a way to reduce the required distance between both community residential homes. As set forth above, given the special circumstances, distance and location of the subject property, we believe requested variance is doable.

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 (you) the applicant, resulting in a self imposed hardship.

No development has occurred to date on the subject property. Consequently, there is no illegal act or action on part of the applicants. We understand, we have to obtain the approval of this variance before opening and operating the Type A CRH.

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 hardship that will be suffered by a failure to grant a variance.

Failure to grant this variance, would create a huge financial hardship to our small business. We will suffer a huge loss of all the initial startup cost funds invested in the proposed property along with the fees invested to obtain permits, zoning application and variance fees.

Lastly, not granting this variance, could create a difficult situation for families and elderly people that are on a waiting list. They will loose the opportunity to be near their loved ones.

PREPARED BY & RETURN TO:

Name: Arlette Soler, an employee of
Milestone Title Services, LLC
Address: 14310 N Dale Mabry Hwy Ste 200
Tampa, FL 33618
File No. 18-1642
Parcel No.: 110160000

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This **WARRANTY DEED**, made the 16th day of August, 2018, by **CHURCH OF GOD SOUTHEASTERN HISPANIC REGION INC**, a Florida non profit corporation, hereinafter called the Grantor, to **FEELS LIKE HOME IN TAMPA ALF INC**, a Florida Corporation, having its principal place of business at **6018 Memorial Hwy, Tampa, FL 33615**, hereinafter called the Grantee:

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee all that certain land situate in County of Hillsborough, State of Florida, viz:

Lot 2 In Block 1 Of BAY CREST PARK UNIT NO. 14, According To The Plat Thereof As Recorded In Plat Book 40, Page 68, 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 THE YEAR 2018 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

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

And the Grantor hereby covenants with the 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 and that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever. Grantor further warrants that said land is free of all encumbrances, except as noted herein and except taxes accruing subsequent to December 31, 2017.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature Arlette Soler
Printed Name: Arlette Soler

Witness Signature Anthony Fowles
Printed Name: Anthony Fowles

CHURCH OF GOD SOUTHEASTERN HISPANIC REGION INC

By: [Signature] L.S.
Name: Rev. Rolando Quiroga
Title: Member

Address (Principal Place of Business):
712 Chelsea St E, Tampa, FL 33610

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 16th day of August, 2018, by Rev. Rolando Quiroga (name), Member (title) of Church of God Southeastern Hispanic Region Inc, a Florida non profit corporation, on behalf of the corporation. He (she) is personally known to me or has produced FL D/L as identification.



Signature of Notary Arlette Soler
Printed Name: Arlette Soler
My commission expires: JUNE 17, 2022

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE IN MY OFFICE. WITNESS MY HAND AND OFFICIAL SEAL THIS 16 DAY OF October, 2020



PAT FRANK, CLERK
BY [Signature] D.C.

21-0120



Received
11/19/2020
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: 6016 Memorial Hwy City/State/Zip: Tampa FL 33615 TWN-RN-SEC: _____
Folio(s): 011016-0000 Zoning: _____ Future Land Use: Assistant Living Facility Property Size: 2,023 sqft

Property Owner Information

Name: Eliecer Rodriguez Moreno Daytime Phone: (505) 985-8867
Address: 16371 Ashington Park Dr City/State/Zip: Tampa FL 33615
Email: yairodriguez28@gmail.com FAX Number: (813) 902-6333

Applicant Information

Name: Eliecer Rodriguez moreno Daytime Phone: (505) 985-8867
Address: 16371 Ashington Park Dr City/State/Zip: Tampa FL 33615
Email: yairodriguez28@gmail.com FAX Number: (813) 902-6333

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

Eliecer Rodriguez Moreno
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

Eliecer Rodriguez Moreno
Type or Print Name

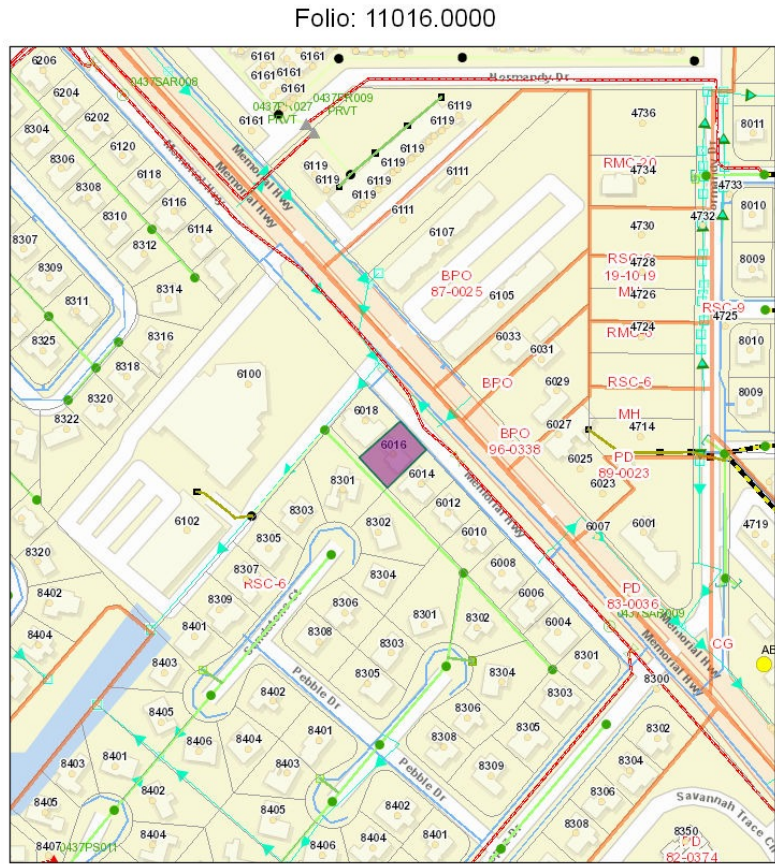
Office Use Only

Intake Staff Signature: Ana Lizardo Intake Date: 11/19/2020
Case Number: 21-0120 Public Hearing Date: 01/25/2021
Receipt Number: _____



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:AE	BFE = 9.0 ft
FIRM Panel	0327H
FIRM Panel	12057C0327H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120327C
County Wide Planning Area	Town and Country
Community Base Planning Area	Town and Country
Community Base Planning Area	Town and Country Focus
Census Data	Tract: 011712 Block: 3000
Future Landuse	R-4
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	110' AMSL
Aviation Authority	Landfill Notification Area
Competitive Sites	NO
Redevelopment Area	NO



November 19, 2020

1:2,266
0 0.02 0.04 0.07 mi
0 0.03 0.06 0.12 km

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

Hillsborough County Florida

Folio: 11016.0000
PIN: U-02-29-17-0F4-000001-00002.0
FEELS LIKE HOME IN TAMPA ALF INC
Mailing Address:
 6018 MEMORIAL HWY
 TAMPA, FL 33615-4532
Site Address:
 6016 MEMORIAL HWY
 TAMPA, FL 33615
SEC-TWN-RNG: 02-29-17
Acreage: 0.170927
Market Value: \$211,543.00
Landuse Code: 0100 SINGLE FAMILY

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- Or
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

21-0120

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