



Hillsborough County Florida

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0397	
LUHO HEARING DATE: June 26, 2023	CASE REVIEWER: Isis Brown

REQUEST: The applicant is requesting a setback variance to accommodate an existing detached pergola on a single-family lot zoned PD 92-0106.

VARIANCE(S):

Per LDC Section 6.11.04.C.2, accessory structures that are 15 feet or less in height 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. Additionally, the structure must be at least 3 feet from the side lot line, including architectural features such as cornices, eaves and gutters. According to the applicant, the subject pergola is 9 feet in height. However, it's located closer to the street than the single-family home on the parcel. Therefore, the pergola must meet principal building setback requirements. The conditions of approval for PD 92-0106 do not include setback requirements for the subject, but staff has determined the required side yard setback is 5 feet. The applicant requests a 3-foot, 8-inch reduction to the required side yard setback to allow a setback of 1 foot, 4 inches from the northerly side lot line.

FINDINGS:

None.

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

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Fri Jun 16 2023 10:32:24

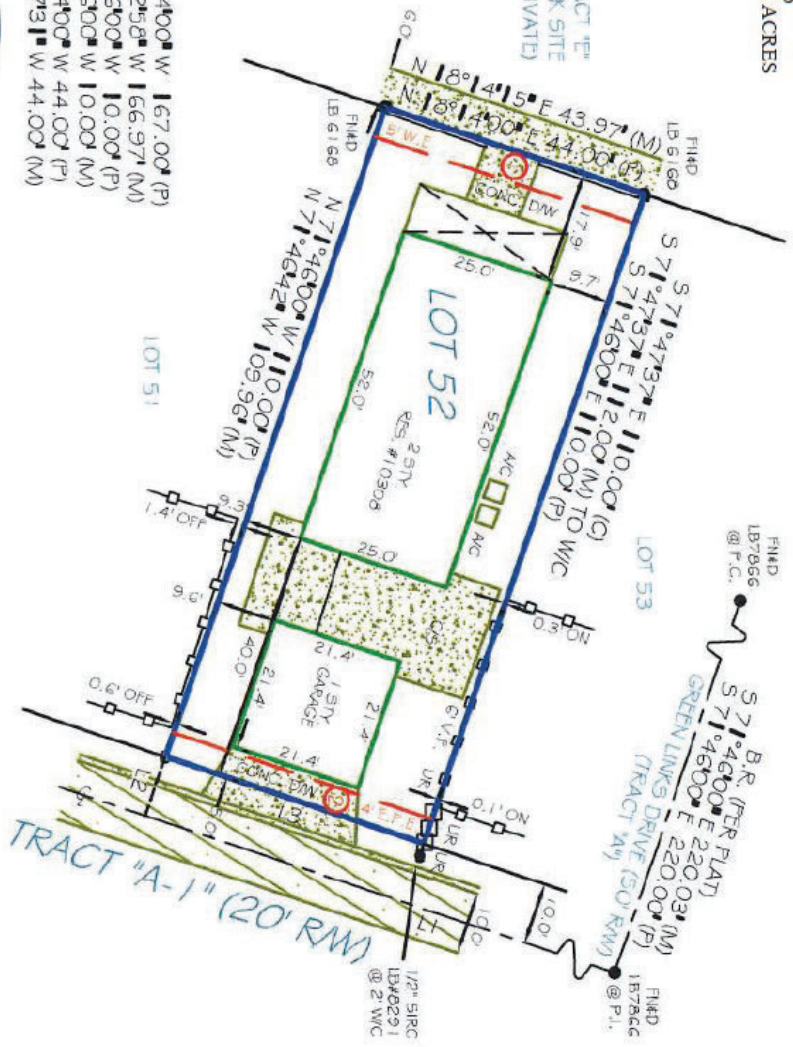
- Attachments:** Application
 Site Plan
 Petitioner's Written Statement
 Current Deed

SURVEY NOTES:
 FENCE OWNERSHIP NOT DETERMINED
 W.E. WALL EASEMENT
 F.P.E. - ELECTRIC POWER PASSEWAY

FOLIO: 004039-3406
 LOT SIZE: 0.111109 ACRES

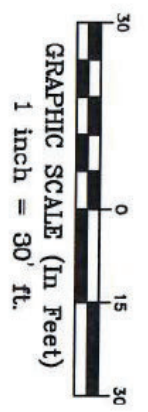
TABLE:

L1	S 18°14'00" W	167.00' (P)
S1	18°12'58" W	166.97' (M)
L2	N 71°46'00" W	10.00' (P)
N	71°46'00" W	10.00' (M)
L3	S 18°14'00" W	44.00' (P)
S	18°17'31" W	44.00' (M)



I hereby certify that this Boundary Survey of the herein described property has been made under my supervision, and to the best of my knowledge and belief, it is a true and accurate representation of a survey that meets the Standards of Practice set forth in the Florida Administrative Code, and of Professional Surveyors & Mappers in Chapter 54-17 of the Florida Administrative Code.

JOHN F. TROELSTRUP
 State of Florida Professional Surveyor and Mapper
 License No. 5946





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.

The required planned development setback from the side yard is 5 feet. The long standing Pergola structure existed with a concrete wall and a concrete patio slab setback from the side yard at 1 feet 9 inches since approximately 2012-2013. The determination was based on historical aerial images and the attached letter from a neighboring property owner who lived in the neighborhood during the estimated time frame. Due to the deterioration of the existing Pergola structure and its small size, the now property owner updated and modified it in 2022, maintaining the existing footprint, concrete slab, and concrete wall at the 1 feet 11 inches setback from the side yard.

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

Section 6.01.01

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.
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



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 existing accessory structure in question has existed on the property since approximately 2013 with concrete wall and concrete deck encroaching required setbacks on the side yard. The repair and modification to the deteriorating structure has now resulted in the unique situation left to the now owner to resolve. See attached supporting documents for more detail.

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 is in place to regulate aspects of development so the citizens and taxpayers will not have to bear the costs resulting in haphazard development of land and ensure to the purchaser of land within a subdivision that necessary improvements have been installed.

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.

As the wall has been there since approximately 2013, and is now just being considered, it speaks to the impact of the variance to the area and the rights of others who could be or could have been affected.

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 would speak to consistency of the LDC's purpose in maintaining its goals, objectives, and policies with the intent to be efficient in terms of time and expense and effective in addressing implications of natural resources and public facilities, as well as, the rights of property owners with consideration of all citizens in Hillsborough 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.

The action to maintain a safe property was not intended to impact or illegally act against the neighboring area or the county but to ensure the owner's and family could enjoy their property without damage to their self or anyone else from the deteriorated structure. The accessory structure layout was maintained and made safe for all liable parties at risk.

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.

The major result will be a safe structure that does not pose risk to current homeowner and neighboring area. It will also considered the history of the structure as it has been proven since approximately 2013 to not cause others, including the county, hardship. The individual hardship is the unreasonable cost to correct the setback with little gained by the county or neighboring area.

After Recording Return to:
Grace Payne
Southern Title Services of Tampa Bay, Inc.
17818 U.S. Hwy 41 N.
Lutz, FL 33549

This Instrument Prepared by:
Grace Payne
Southern Title Services of Tampa Bay, Inc.
17818 U.S. Hwy 41 N.
Lutz, FL 33549
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
004039-3406
File No.: 20201013

WARRANTY DEED

This Warranty Deed, Made the 18th day of February, 2020, by **Nicholas J Hildenbrand and Jessica M Hildenbrand, husband and wife**, whose post office address is: **19555 Crescent Road, Odessa, FL 33556**, hereinafter called the "Grantor", to **Alexander J. Hug and Jana M. Jones, husband and wife**, whose post office address is: **10308 Green Links Dr., Tampa, FL 33626**, hereinafter called the "Grantee".

WITNESSETH: That said Grantor, for and in consideration of the sum of **Five Hundred Seventy Nine Thousand Dollars and No Cents (\$579,000.00)** 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:

Lot 52, Westchase Section "322" Revised, according to the plat thereof, as recorded in Plat Book 84, Page 64, of the Public Records of Hillsborough County, Florida.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise 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 2020, reservations, restrictions and easements of record, if any.

(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
TWO SEPARATE DISINTERESTED WITNESSES REQUIRED

Witness Signature: Mindy M. Logrien Nicholas J Hildenbrand
Printed Name: Mindy M. Logrien Nicholas J Hildenbrand

Witness Signature: Brittany D. Collins Jessica M Hildenbrand
Printed Name: Brittany D. Collins Jessica M Hildenbrand

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 18th day of February, 2020 by Nicholas J Hildenbrand and Jessica M Hildenbrand. He/ She/They is/are Personally Known OR Produced drivers license(s) as identification.

Mindy M. Logrien My Commission Expires: December 16, 2020
Notary Public Signature (SEAL)
Printed Name: Mindy M. Logrien
 Online Notary (Check Box if acknowledgment done by Online Notarization)





Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR 23-0397 Intake Date: 04/12/2023
 Hearing(s) and type: Date: 06/26/2023 Type: LUHO Receipt Number: 259020
 Date: _____ Type: _____ Intake Staff Signature: Keshia Rivas

Property Information

Address: 10308 Green Links Dr. City/State/Zip: Tampa, FL 33626
 TWN-RN-SEC: 16-28-17 Folio(s): 004039-3406 Zoning: _____ Future Land Use: R-6 Property Size: 0.111109

Property Owner Information

Name: Alexander J Hug and Jana M Jones Daytime Phone 727-510-9752
 Address: 10308 Green Links Dr. City/State/Zip: Tampa, FL 33626
 Email: alex@leadjig.com Fax Number _____

Applicant Information

Name: Alexander J Hug Daytime Phone 727-510-9752
 Address: 10308 Green Links Dr. City/State/Zip: Tampa, FL 33626
 Email: alex@leadjig.com Fax Number _____

Applicant's Representative (if different than above)

Name: Cory Carnes, PE Daytime Phone 813-220-5250
 Address: 17918 Barn CI Dr. City/State/Zip: Lutz, FL 33559
 Email: carneseng@gmail.com 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.

Signature of the Applicant

Alexander J Hug
 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.

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

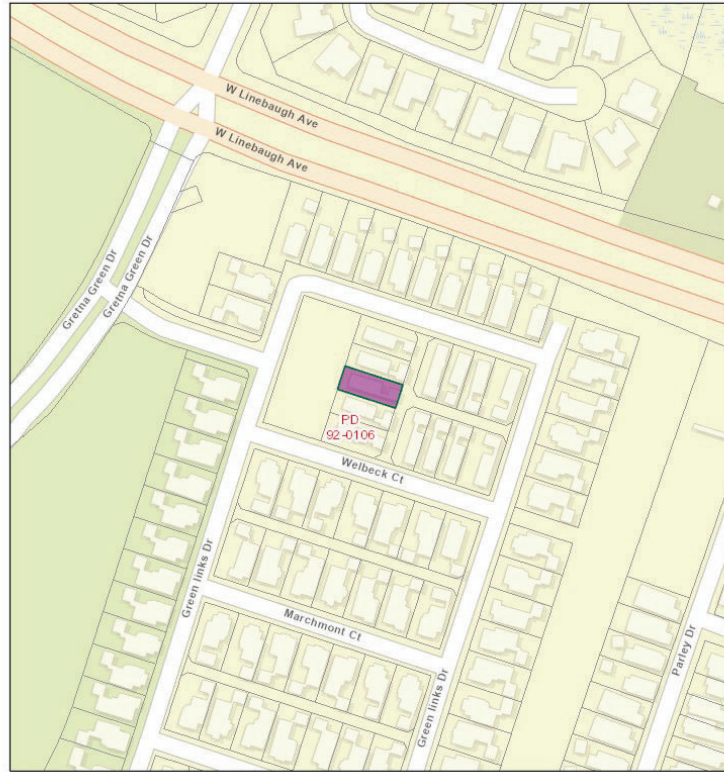
Alexander J Hug
 Type or print name



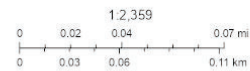
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	92-0106
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0186H
FIRM Panel	12057C0186H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120190D
County Wide Planning Area	Northwest Hillsborough
Community Base Planning Area	Northwest Hillsborough
Planned Development	PD
Re-zoning	null
Minor Changes	02-1121,03-1408
Major Modifications	98-1456,95-0050,98-1045, 98-0064
Personal Appearances	04-0612,04-1412,03-0708 WD,01-0499,00-0296,00-0206,98-0451,97-0046,97-0336,97-0193,97-0081,98-0609,03-0016,03-1408, 17-0336, 18-0503
Census Data	Tract: 011520 Block: 1025
Future Landuse	R-6
Future Landuse	R-6
Future Landuse	R-6
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 4039.3406



April 14, 2023



PG: Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Hillsborough County Florida

Folio: 4039.3406
PIN: U-16-28-17-05X-000000-00052.0
 Alexander J Hug And Jana M Jones
Mailing Address:
 10308 Green Links Dr
 null
 Tampa, FL 33626-2652
Site Address:
 10308 Green Links Dr
 Tampa, FL 33626
SEC-TWN-RNG: 16-28-17
Acreage: 0.111109
Market Value: \$622,427.00
Landuse Code: 0100 Single Family

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

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