

#### LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0464

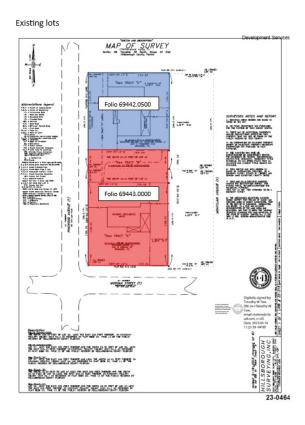
LUHO HEARING DATE: June 26, 2023 CASE REVIEWER: Colleen Marshall, AICP, CFM

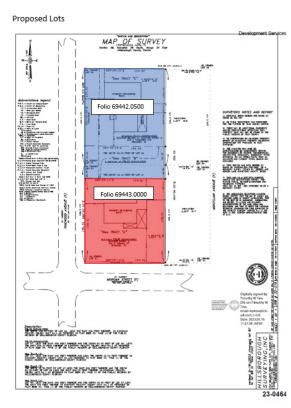
**REQUEST:** The applicant is requesting a variance to accommodate the reconfiguration of two adjacent parcels zoned RSC-6.

### **VARIANCE(S):**

The subject parcels are located at 400 Morgan Street (folio 69443.0000) and 205 Pinewood Avenue (folio 69442.0500). They are located within a Wellhead Resource Protection Area, Zone 2, and served by septic tanks. Per LDC Section 6.01.06.4, a minimum lot size of one acre of upland is required for the use of septic tanks within Water Resource Protection Areas as shown on the Hillsborough County Resource Protection Map. The applicant requests:

- 1) A 0.75-acre reduction to the required upland area for the proposed reconfiguration of the parcel at 400 Morgan Street (folio 69443.0000) to allow 0.25 acre of upland; and,
- 2) A 0.66-acre reduction to the required upland area for the proposed reconfiguration of the parcel at 205 N Pinewood Avenue (folio 69442.0500) to allow 0.34 acre of upland.





**APPLICATION: VAR 23-0464** 

LUHO HEARING DATE: June 26, 2023 CASE REVIEWER: Colleen Marshall, AICP, CFM

#### **FINDINGS:**

• The proposed parcels will exceed the minimum lot size of 7,000 square feet and minimum lot width of 75 feet required by their RSC-6 zoning.

### **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**

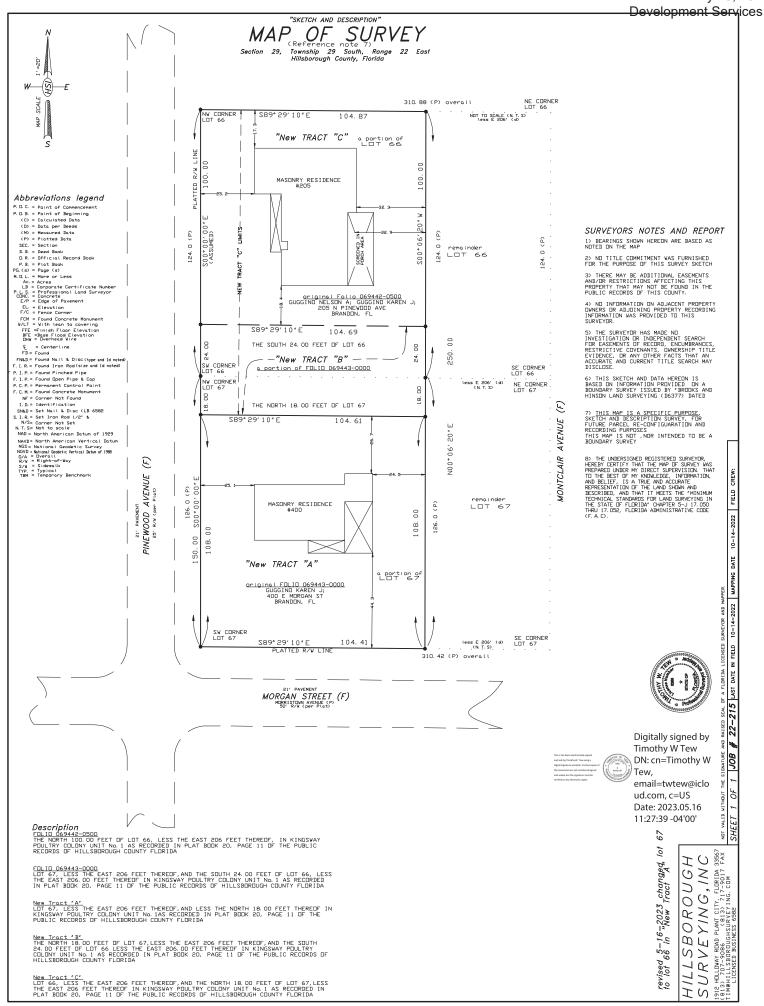
t Thu Jun 15 2023 14:00:36

**Attachments: Application** 

Site Plan

**Petitioner's Written Statement** 

**Current Deed** 







# Additional / Revised Information Sheet

		Office Use Only		
Application Number:	R	eceived Date:	Received By	•
must be submitted provide project size the cover letter	ling a summary of the cha	inges and/or addition umber(s) added. Ad	nal information provi ditionally, the second	ly submitted. A cover letter ded. If there is a change in page of this form <u>must</u> be
Application Number:	'AR 23-0464	Applicant's Name:	Nelson Guggino	
Reviewing Planner's Name	Colleen Marshall		Date:	05-17-23
Application Type:				
Planned Development	(PD) 🔲 Minor Modification	on/Personal Appeara	nce (PRS) 🔲 Standar	d Rezoning (RZ)
▼ Variance (VAR)	Development of I	Regional Impact (DRI	☐ Major N	Modification (MM)
Special Use (SU)	Conditional Use (	(CU)	Other _	
Current Hearing Date (if ap	oplicable):			
Important Project Size Changes to project size ma		ate as all reviews will	oe subject to the estal	blished cut-off dates.
Will this revision add land If "Yes" is checked on the al	to the project?  bove please ensure you incl	Yes No ude all items marked	with * on the last pag	e.
Will this revision remove la If "Yes" is checked on the al			with †on the last page	<u>.</u>
Email this forn	n along with all submitt ZoningInt	al items indicated a lake-DSD@hcflgov.		pdf form to:
titled according to its con	nat and minimum resolution tents. All items should be some. Maximum attachment(	submitted in one em	item should be subrail with application n	nitted as a separate file umber (including prefix)
For additional help and	l submittal questions, pleas	se call (813) 277-163	3 or email ZoningInta	ke-DSD@hcflgov.ne <u>t</u> .
l certify that changes desc will require an additional	ribed above are the only cl submission and certification	hanges that have be on.	en made to the submi	ission. Any further changes
111 - 9	1.		, سسر	
- HUDON L	Signature		3-1	9-2023_ Date
	a. N.			E-900077



# Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to <u>Chapter 119 Florida Statutes</u>, all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers.

While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications. If your application requires a public hearing and contains sensitive/protected information, please contact <u>Hillsborough County Development Services</u> to determine what information will need to be disclosed as part of the public hearing process.

Additionally, parcels exempt under <u>Florida Statutes §119.071(4)</u> will need to contact <u>Hillsborough County Development Services</u> to obtain a release of exempt parcel information.

Are you seeking an exemption to Chapter 119 FS?		ed information submitted with your application pursuant		
hereby confirm that the material submitted with application				
Includes sensitiv	e and/or protected information.			
Type of informat	tion included and location			
Does not include	e sensitive and/or protected infor	nation.		
Please note: Sensitive/protected infe	ormation will not be accepted/requested	unless it is required for the processing of the application.		
		determine if the applicant can be processed with the data wledge that any and all information in the submittal will		
become public information if	not required by law to be protecte	d.		
Signature: <u>Albon</u>	(Must be ligned by applicant or	authorized representative)		
Intake Staff Signature:		Date:		



# Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Ind	cluded	Submittal Item
1		Cover Letter*+ If adding or removing land from the project site, the final list of folios must be included
2		Revised Application Form*+
3		Copy of Current Deed* Must be provided for any new folio(s) being added
4		Affidavit to Authorize Agent* (If Applicable) Must be provided for any new folio(s) being added
5		Sunbiz Form* (If Applicable) Must be provided for any new folio(s) being added
6		Property Information Sheet*+
7		Legal Description of the Subject Site*+
8		Close Proximity Property Owners List*+
9		Site Plan*+ All changes on the site plan must be listed in detail in the Cover Letter.
10	X	Survey
11		Wet Zone Survey
12		General Development Plan
13		Project Description/Written Statement
14		Design Exception and Administrative Variance requests/approvals
15		Variance Criteria Response
16		Copy of Code Enforcement or Building Violation
17		Transportation Analysis
18		Sign-off form
19	X	Other Documents (please describe):  Updated Variance Request

<sup>\*</sup>Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

<sup>\*</sup>Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.



		Application No: _	
<b>Project</b>	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 Septic Minimun Lot Sizes.  Reduction of 43 feet from the rear-yard set-back resulting in a rear-yard of 26.7-Feet and total yard_depth_of_71_0 feet.
Adjacent lot at 205 N. Pinewood Ave will increase frontage from 100 feet to 132 feet.  Parcel U-23-29-20-2EO-000000-00066.00 Note: see attached map of survey
Variance to minimum lot size for use of septic in a Water Resource Protection Area to reduce required lot size to 0.25 acre (folio 69442.0500) and 0.34 acre (folio 69443.0000).
A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:
Sec 6.01.06 - Minimun Lot Sizes
Sec 5.09.06 - Lot Requirements
Additional Information
Have you been cited by Hillsborough County Code Enforcement? No Yes
If yes, you must submit a copy of the Citation with this Application.
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):
Is this a request for a wetland setback variance?
If yes, you must complete the Wetland Setback Memorandum and all required information must be included with this Application Packet.
Please indicate the existing or proposed utilities for the subject property:
Public Water Public Wastewater Private Well Septic Tank
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 Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

2.

1.

2.

3.

4.

5.



Application No:	
-----------------	--

### **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 at 205 N. Pinewood Ave has limited side and back yard space for outdoor enjoyment. This request is to expand side yard living space for entertaining and expand play area for grandchildren. Applicants provide before and after school care 4 days per week.

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.

Most surrounding yards have larger rear outdoor living space.

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.

This variance request is to move lot line only. No new structure will be added, septic will not be altered and no change to water lines. Moving of property line will not interfere or injure the rights of any other properties within the surrounding area.

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 variance is within regulations and respects the other property owners interest and is similar and consistant with the lot sizes within the area.

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.

This variance request is to reduce the lot size for the property at 400 E. Morgan St., currently owned by applicant, which results in a purposed lot size that is less than the required recently modified size for spetic tank useage. Moving the property line will not result in any illegal act or cause self-imposed hardship.

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.

Justice will be done by allowing addtional space at 205 N. Pinewood Ave giving the applicant and property owners room for entertaining and expand play area for grandchildern. Reducing the property size at 400 E. Mogran will not cause any hardship.



INSTRUMENT#: 2006567102, BK: 17222 PG: 267 PGS: 267 - 268 12/06/2006 at 02:14:25 PM, DOC TAX PD(F.S.201.08) \$0.70 DEPUTY CLERK: SEDSON Pat Frank,

Clerk of the Circuit Court Hillsborough County

This document prepared by and after recording return to:

Emma Hemness, Esquire Law Offices of Emma Hemness, P.A. 309 N. Parsons Avenue Brandon, Florida 33510

Property Appraiser/Parcel I.D. No.: 069443-0000

### ENHANCED LIFE ESTATE DEED

THIS INDENTURE, made this 17th day of November, 2006, by MAZIE O. JOHNSON, an unremarried widow, hereinafter called the GRANTOR, to MAZIE O. JOHNSON, as life tenant; whose address is 400 E. Morgan Street, Brandon, FL 33510; an ENHANCED LIFE ESTATE without any liability for waste, with full power and authority in her to sell, convey, mortgage, lease and otherwise dispose of the property and to revoke this conveyance and reconvey the property described below in fee simple, with or without consideration, and without joinder by the remaindermen, and to keep absolutely any and all proceeds derived therefrom without liability for claims or debts of the remaindermen. Upon the death of the life tenant, title shall immediately vest in KAREN J. GUGGINO, as GRANTEE:

WITNESSETH: That the said GRANTOR, for and in consideration of the sum of Ten Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the said GRANTEE, SUBJECT TO ALL TERMS OF THE ENHANCED LIFE ESTATE RESERVED HEREIN, the following described lot, piece or parcel of land, upon the death of the life tenant, situate, lying and being in the County of Hillsborough, State of Florida, to-wit:

Lots 66 and 67, less the East 206 feet, thereof, KINGSWAY POULTRY COLONY, UNIT NO. 1, according to Map or Plat thereof as recorded in Plat Book 20, Page 11, Public Records, Hillsborough County, Florida.

Subject to restrictions, reservations, easements of record, zoning, applicable governmental regulations and taxes.

Subject to the enhanced life estate reserved by the GRANTOR and all the terms and conditions associated with the reservation of the enhanced life estate interest.

THIS IS HOMESTEAD PROPERTY OF THE GRANTOR.

N.B. The remainder interest in this deed is unvested and is wholly contingent upon the death of the GRANTOR as the life tenant. Consequently, no interest in the subject property shall vest until the death of the GRANTOR.

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

TO HAVE AND TO HOLD the above described premises, unto the GRANTEE, its heirs and assigns 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 the said land and will defend the same against unlawful claims of all persons whomsoever; and that said land is free of all encumbrances except those which are made a part of the record, including taxes for the current year.

This Deed has been prepared at the GRANTOR's request without examination of or legal opinion of title.

IN WITNESS WHEREOF, the GRANTOR has executed this deed under seal on the date aforesaid.

Signed in the presence of:

Printed Name:

Printed Name: Bonnie Warren

ZE O. JOHNS

400 E. Morgan Street Brandon, FL 33510

STATE OF FLORIDA COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this 17th day of November, 2006, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, appeared MAZIE O. JOHNSON, produced described in or the person personally known to be FLID J525-657-24-850-0, as identification and who did/did not take an oath.

Notary Public-State of Florida

My Commission Exp

SUSAN COMELLAS RUZ MY COMMISSION # DD 493469 EXPIRES: December 3, 2009 Bonded Thru Notary Public Underwriters

tehnson

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

Hillsborough County, State of Florida Clerk of the Circuit Court and Comptroller

Deputy Clerk

RAMCO FORM O1

This Warranty Deed Made the 27th

day of January

A. D. 19 84 by

CLARENCE L. JOHNSON and MAZIE O. JOHNSON, his wife

hereinafter called the grantor, to

NELSON A. GUGGINO and KAREN J. GUGGINO, his wife

whose postoffice address is 205 Pinewood Ave. hereinafter called the grantee: BRANDON, Fla. 33511

(Wherever used herein the terms "granter" and "grantee" include all the parties to this instrument and the helrs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

and other Witnessell: That the granter, for and in consideration of the sum of \$ 10.00 valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, altens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Hillsborough County, Florida. viz:

The North 100 feet of Lot 66, Less the East 206 feet thereof, KINGSWAY POULTRY COLONY UNIT NUMBER ONE, according to map or plat thereof as recorded in Plat Book 20, Page 11 of the Public Records of Hillsborough County, Florida.

DES TIME 09 16A 203 0006 07F884 RECORDED 007619 A 11415816 5 45 CK

SPACE BELOW FOR RECORDERS USE

ø

with all the tenements, hereditaments and appurtenances thereto belonging or in any-Togelher wise appertaining.

To Have and to Hold, the same in fee simple forever.

And the granter hereby covenants with said grantee that the granter 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 December 31, 1983 and any easements or restrictions of record.

In Witness Whereof, the said granter has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

STATE OF Florida COUNTY OF Hillsborough

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

GLARENCE L. JOHNSON and MAZIZ O. Between the Wirth State in and who executed the information in the country and they acknowledged before me that Between the wirth State in the Country and State in aforesald this 27th day of MOHNSON, his wife

A. D. 19 84

January

Complesion Expires: Prepared By: This Institutely prepared by: Sarah E. King Address . Tal

RETURN TO: FORT BROOKE SAVINGS & LOAN ASSOCIATION AIN WARE BOULEVARD

As Deputy Clerk



Received
04-28-23
Development
Services

Hillsborough
County Florida
Development Services

### Property/Applicant/Owner Information Form

sm Development Services	
Official Us	
Application No: VAR 23-0464	Intake Date: 04/28/2023
Hearing(s) and type: Date: 06/26/2023 Type: LUI	Kachia, Rime
Date: Type:	Intake Staπ Signature:
Property In	formation
Address: 400 E. Morgan St	City/State/Zip: Brandon, FL 33510
TWN-RN-SEC:Folio(s):Zoning:	C-6 Future Land Use: R-9 Property Size: 15.600.0
Property Owne	
Name: Guggino, Karen J	
Address: 400 E Morgan St	y/State/Zip:Brandon, FL 33510
kguggino@verizon.net	Fax Number NA
Email: -9 -99	
Applicant In	
Name: Guggino, Karen J	813-417-5490 Daytime Phone
Address: 205 N. Pinewood Ave	y/State/Zip: Brandon, FL 33510
kguggino@verizon.net	Fax Number NA
Applicant's Representativ	e (if different than above)
Name: Guggino, Nelson	Daytime Phone 813-299-4075
Address: 205 N. Pinewood Ave	ty/State/Zip: Brandon, FL 33510
Email: guggino1@verizon.net	Fax Number NA
I hereby swear or affirm that all the information	I hereby authorize the processing of this application
provided in the submitted application packet is true	and recognize that the final action taken on this petition shall be binding to the property as well as to
and accurate, to the best of my knowledge, and authorize the representative listed above	the current and any future owners.
to act on my behalf on this application.	1/ 0 08 -
Allon A Gensino	Mrch & Dussino
Signature of the Applicant	Signature of the Owner(s) – (All parties on the deed must sign)
Nolson A Guasino	Karen J. Guadino
Type or print name	Type or print name



## Property/Applicant/Owner Information Form

	Official Us	e Only
Application No:		Intake Date:
Hearing(s) and type: Date:	Type:	Receipt Number:
Date:		Intake Staff Signature:
Address: 205 N. Pinewood A	Property Info AVE C 500 Zoning: RSC	ity/State/Zip: Brandon, FL 33510  C-6 Future Land Use: R-9 Property Size: 10,400.00
Name: Guggino, Nelson A &	Property Owner Guggino	, Karen J Daytime Phone 813-299-4075  Minimation 813-299-4075  Minimation 813-299-4075  Minimation 813-299-4075
Address: 205 N. Pinewood	Ave city	<sub>I/State/Zip:</sub> Brandon, FL 33510
guggino1@verizon.ner Or k	guggino@ve	erizon.net NA
	Avecity	Karen J Daytime Phone 813-299-4075  Joseph District Phone Ph
Applicant's Name: Guggino, Nelson	s Representative	(if different than above)  Daytime Phone 813-299-4075  (In different than above)  Daytime Phone 813-299-4075  (In different than above)
Email: guggino1@verizon.		Fax Number NA
I hereby swear or affirm that all the inform provided in the submitted application pace and accurate, to the best of my knowledge authorize the representative listed above to act on my behalf on this application.  Signature of the Applicant  Nelson A Guggino Type or print name	ket is true	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)  KANCH J. GUAGN  Type or print name



### PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0385H
FIRM Panel	12057C0385H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	Х
Pre 2008 Firm Panel	1201120385E
County Wide Planning Area	Brandon
Community Base Planning Area	Brandon
Census Data	Tract: 012303 Block: 3010
Future Landuse	R-9
Future Landuse	R-9
Future Landuse	R-9
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 4
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



Folio: 69443.0000 PIN: U-23-29-20-2EO-000000-00066.1 Karen J Guggino

Mailing Address: 400 E Morgan St null

Brandon, Fl 33510-4627 Site Address:

400 E Morgan St Brandon, Fl 33510 SEC-TWN-RNG: 23-29-20

Acreage: 0.352604 Market Value: \$211,893.00 Landuse Code: 0100 Single Family

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for: 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.



### PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0385H
FIRM Panel	12057C0385H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	Х
Pre 2008 Firm Panel	1201120385E
County Wide Planning Area	Brandon
Community Base Planning Area	Brandon
Census Data	Tract: 012303 Block: 3010
Future Landuse	R-9
Future Landuse	R-9
Future Landuse	R-9
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 4
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



Folio: 69442.0500 PIN: U-23-29-20-2EO-000000-00066.0 Nelson A And Karen J Guggino Mailing Address: 205 N Pinewood Ave null Brandon, Fl 33510-4652 Site Address: 205 N Pinewood Ave Brandon, Fl 33510

SEC-TWN-RNG: 23-29-20 Acreage: 0.25168601 Market Value: \$267,475.00 Landuse Code: 0100 Single Family

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for: 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.