

Variance Application: VAR 24-1105
LUHO Hearing Date: September 23, 2024
Case Reviewer: Isis Brown



**Hillsborough
 County Florida**

Development Services Department

Applicant: Joslyn Beacon

Zoning: RSC-6

Location: 7715 Deleuil Avenue, Tampa, Florida 33610 | **Folio:** 40248.0000

Request Summary:


The applicant is requesting variances to accommodate an existing single-family dwelling, existing detached accessory dwelling, and an existing fence on a corner lot zoned RSC-6.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.01.01	A minimum 25-foot front yard setback is required in the RSC-6 zoning district.	4.2 feet	20.8-foot front yard setback for the principal dwelling <i>(from the north property line – a front yard functioning as a front yard)</i>
6.01.01	A minimum 25-foot front yard setback is required in the RSC-6 zoning district.	14.1 feet	10.9-foot front yard setback for the principal dwelling <i>(from the east property line - a front yard functioning as a side yard)</i>
6.11.02.E 6.01.01	An accessory dwelling shall meet principal building setbacks. A 7.5-foot side yard setback is required in the RSC-6 district.	5.4 feet	2.1-foot side yard setback for the accessory dwelling. <i>(from the west property line - a side yard functioning as a side yard)</i>
6.11.02.E 6.01.01	An accessory dwelling shall meet principal building setbacks. A 7.5-foot side yard setback is required in the RSC-6 district.	3.5 feet	4-foot side yard setback for the accessory dwelling. <i>(from the south property line a side yard functioning as a rear yard)</i>
6.07.02.C.1.	A maximum fence height of 4 feet is allowed in required front yards, except under certain circumstances that do not apply to this case.	2 Feet	6-foot-high fence in front yard <i>(along south-eastern half portion of property line - a front yard functioning as a side yard)</i>

Findings:	<ul style="list-style-type: none"> Per Citation HC-CMP-240000055, the subject parcel received a citation for <i>“Failure to obtain a permit for conversion of a single-family residence to a duplex and conversion of an accessory structure to an accessory dwelling.”</i> It was discovered that the existing 6-foot fence, existing principal dwelling, and accessory dwelling did not meet LDC requirements, thus necessitating the additional variance request. The applicant has been advised the accessory dwelling must include a bathroom and kitchen. Additionally, the applicant has been advised, Per LDC Section 6.11.02.B <i>“The residential lot shall be occupied by a principal detached single-family dwelling that is owner occupied. These requirements shall not be varied.”</i>
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Zoning Administrator Sign Off:



Colleen Marshall
Wed Sep 11 2024 12:10:33

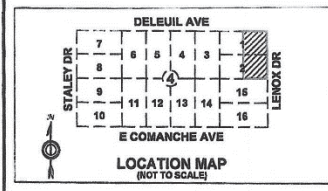
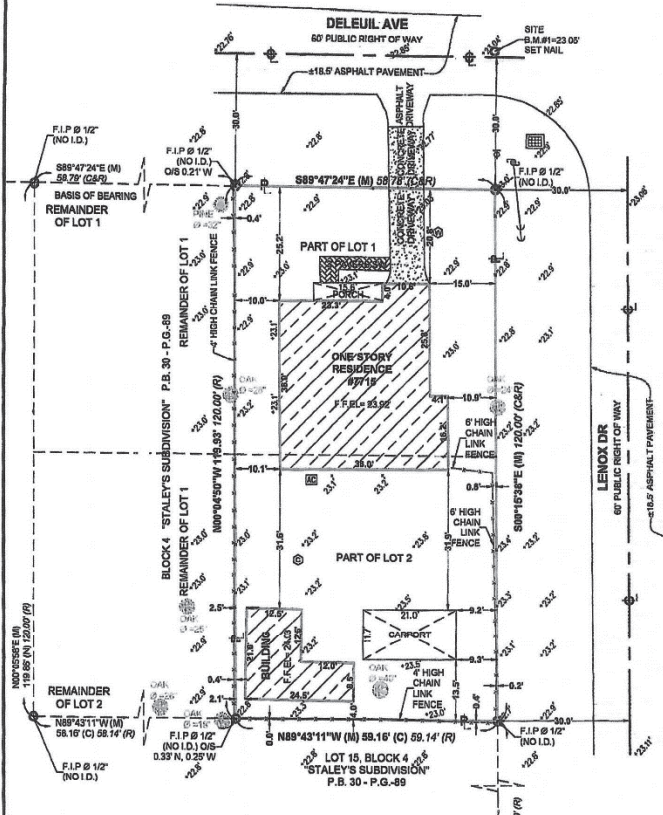
DISCLAIMER:

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

Received
07/23/2024
Development
Services

BOUNDARY AND TOPOGRAPHIC SURVEY
SECTION 35, TOWNSHIP 28S, RANGE 19E, HILLSBOROUGH COUNTY



ABBREVIATIONS

- BC=BLOCK CORNER
- CL=CALCULATED
- M=MEASURED
- R=RECORD
- P=PRORATED
- TYP=TYPICAL
- P.B.=PLAT BOOK
- P.G.=PAGE
- F.I.R.=FOUND IRON ROD
- F.I.P.=FOUND IRON PIPE
- S.I.R.=SET IRON ROD
- I.D.=IDENTIFICATION
- F.C.=FENCE CORNER
- B.M.=BENCHMARK
- N.F.=NOT FOUND
- SW.=SIDEWALK

LEGEND

- CL=CENTER LINE
- PC=PROPERTY CORNER
- PL=PROPERTY LINE
- MT=MAPLE, OAK & TRUNK TREE
- PT=PINE & TRUNK TREE
- GE=GROUND ELEVATION
- PE=PAVEMENT ELEVATION
- CB=CATCH BASIN
- AC=AC LINE
- OF=OPTICAL FIBER
- PR=POWER POLE WITH TRANSFORMER
- CO=CLEAN CUT
- GW=GLY WIRE
- W=WELL

PROPERTY ADDRESS:
7715 DELEUIL AVE,
TAMPA, FL 33610
(FOLIO NO. 040348-0000)

DESCRIPTION:
THE EAST 1/2 OF LOT 1 AND THE EAST 1/2 OF 2 OF BLOCK 4 OF STALEY'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30 AT PAGE(S) 89 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

FLOOD ZONE INFORMATION:
COMMUNITY: HILLSBOROUGH COUNTY - 120112
MAP/PANEL NO: 12057C0380K
SURFIX: K
FIRM DATE: 10/07/2021
FLOOD ZONE: X

THERE MAY BE LEGAL RESTRICTIONS ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN ON THE MAP OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, OR THE RECORDS OF ANY OTHER PUBLIC AND PRIVATE ENTITIES AS THEIR JURISDICTIONS MAY APPEAR.

THE MAP OF SURVEY IS INTENDED TO BE DISPLAYED AT THE STATED GRAPHIC SCALE IN ENGLISH UNITS OF MEASUREMENT. ATTENTION IS BROUGHT TO THE FACT THAT SAID DRAWING MAY BE ALTERED IN SCALE BY THE REPRODUCTION PROCESS.

THIS SURVEY WAS CONDUCTED FOR THE PURPOSE OF A TOPOGRAPHIC SURVEY ONLY AND IS NOT INTENDED TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY BOARD, COMMISSION OR OTHER ENTITY.

THE ELEVATIONS OF WELL-IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAP WERE MEASURED TO AN ESTIMATED VERTICAL POSITIONAL ACCURACY OF 1/10 FOOT FOR NATURAL GROUND SURFACES AND 1/100 FOOT FOR HARDSCAPE SURFACES, INCLUDING PAVEMENTS, CURBS AND OTHER MAN-MADE FEATURES AS MAY EXIST.

BENCH MARK NAIL ELEVATION: 23.06 FEET (NAVD83)

NOT FOUND PROPERTY CORNERS WERE CALCULATED USING BOUNDARY PRINCIPLES AND PRACTICES. PHYSICAL MARKERS WILL BE PLACED AT OWNERS REQUEST.

LEGAL DESCRIPTION WAS FURNISHED BY THE CLIENT.

WELL-IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAP WERE MEASURED TO AN ESTIMATED HORIZONTAL POSITIONAL ACCURACY OF 1/10 FOOT UNLESS OTHERWISE SHOWN.

BEARINGS AS SHOWN HEREON ARE BASED UPON AN ASSUMED VALUE OF 680727.6 FOR THE SOUTH RIGHT OF WAY LINE OF DELEUIL AVE AS DEPICTED ON THE MAP OF SURVEY.

LEGAL DESCRIPTION SUBJECT TO ANY DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR RECORDED EASEMENTS.

THE SURVEYOR MAKES NO REPRESENTATION AS TO OWNERSHIP, POSSESSION OR OCCUPATION OF THE SUBJECT PROPERTY BY ANY ENTITY OR INDIVIDUAL.

SUBSURFACE IMPROVEMENTS AND/OR ENCROACHMENTS WITHIN, UPON, ACROSS, ABUTTING OR ADJACENT TO THE SUBJECT PROPERTY WERE NOT LOCATED AND ARE NOT SHOWN.

PHYSICAL COPIES ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ELECTRONIC FILES ARE VALID ONLY WITH THE DIGITAL THIRD-PARTY APPROVED SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS AND DELETIONS TO THIS MAP OF SURVEY BY OTHER THAN THE SIGNING PARTY ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.

THIS MAP OF SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREIN AND THE CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTY.

NO TREES FOUND 20' AWAY FROM PROPERTY UNLESS DEPICTED ON THIS MAP.

CERTIFY TO:
CARLOS MARIN
SEACON JOSELYN

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS "TOPOGRAPHIC SURVEY" AND THE MAP OF SURVEY RESULTING THEREFROM WAS PERFORMED UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND FURTHER THAT SAID "TOPOGRAPHIC SURVEY" MEETS THE INTENT OF THE "MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA," PURSUANT TO RULE 54-7 OF THE FLORIDA ADMINISTRATIVE CODE AND ITS IMPLEMENTING RULE, CHAPTER 472.027 OF THE FLORIDA STATUTES.

6529 U.S. 301 UNIT 103 RIVERVIEW, FL 33578 L.B. 8185 - L.S. 6919 contact@gpsflorida.net	GPS DIGITAL PROGRESS SURVEYING	PROFESSIONAL SURVEYOR AND MAPPER PHONE: (813) 452-3483 FAX: (813) 388-9111 www.gpsflorida.net	ORIGINAL FIELD DATE: 04/11/2024 REVISIONS:	JOB NO. 24-7993	SHEET 1/1	Digitally signed by Julio C Rodriguez Date: 2024.04.18 10:07:01 -0400	
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Project Description (Variance Request)

- 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 property was built in 1961 and a garage was added in 1996. The current homeowner purchased the property in 2018. The property is on a corner lot with 2 front yards and 2 side yards. The property is in an RSC-6 zoning and requires a 25 ft setback for both front yards. We are requesting the front yard, east side, be allowed to keep the current 10'10" setback from the east side of the property line to the east side of the house and the 14'11" setback from the east side property line to the garage.

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

6.01.01

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): HC-BLD-24-0061220
- 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.
- 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

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2018
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?

This property was built in 1961 and the setback requirements were different then. The current owner purchased the property in 2020 and upon attempting to make changes was informed about the setback issue. The property owner is attempting to update the property and bring it within code, but is unable to continue until the variance is determined. Other homes nearby are not subject to the corner lot rule.

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 current setback requirements would deprive the property owner of their rights by forcing the demolition of 1/3 of the property to meet the required setbacks.

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.

If the variance is allowed, no properties in the vicinity would be affected because the footprint of the property would not be changed and the house would be properly updated within code raising the value.

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 being approved would allow the property owner to keep the home in tact which serves the general intent of the LDC. The home adds value to the neighborhood because it's size is keeping with the surrounding properties. The frontage from the east side of the house to the curb is 10'10" and is esthetically pleasing and conforms to the existing use.

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 applicant purchased this property in 2018. All issues and violations were already in place at the time of purchase. The applicant has not gone against any code since owning the property.

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 owner is taking a property that was non-compliant for many years prior to purchase and is now investing substantial funds to bring the property into compliance. The owner is unable to sell the property to a family seeking a mortgage and an affordable home without the variance. This is a missed opportunity to create affordable housing, and creates a financial hardship for the owner who is 93 and needs to sell this property to have funds to live on.

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This Instrument Prepared By
and Return to:
Leighton J. Hyde, Esquire
The Law Office of Leighton J. Hyde, PA.
4100 W. Kennedy Blvd., Suite 310
Tampa, FL 33609

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this 8th day of October, 2020, between JOSLYN BEACON, an unmarried person, whose address is 10913 Purple Martin Blvd., Riverview, FL 33579, Grantor, and JOSLYN BEACON, an unmarried person, whose address is 10913 Purple Martin Blvd., Riverview, FL 33579, Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of -----TEN & NO/100 (\$10.00)-----DOLLARS, and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained and quitclaimed to the said Grantee and Grantee' heirs and assigns forever, the following described land, situate, lying and being in the County of Hillsborough, State of Florida, to-wit:

The East 1/2 of Lot 1 and the East 1/2 of Lot 2, Block 4, STALEY'S SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book 30, Page(s) 89, of the Public Records of Hillsborough County, Florida.

Parcel Identification Number: U-35-28-19-1MA-000004-00001.0

This deed was prepared without the benefit of a title search.

The purpose of this quit claim deed is to re-vest the life tenant with fee simple title and to revoke the remainder interest created by the prior deed recorded at Instrument No. 2018206605, of the Public Records of Hillsborough County, Florida.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of the said Grantee forever.

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

Signed, sealed and delivered in our presence:

[Signature]
Witness #1 Signature

Dennis Skuba IV
Witness #1 Printed Name

[Signature]
Witness #2 Signature

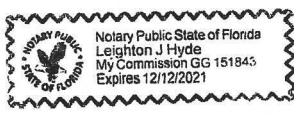
Leighton J Hyde
Witness #2 Printed Name

[Signature]
JOSLYN BEACON

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 15th day of October, 2020, by JOSLYN BEACON who is personally known to me or who has produced drivers license as identification.

SEAL
My Commission Expires:



[Signature]
Notary Signature
Leighton J. Hyde
Printed Notary Signature

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**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 24-1105 Intake Date: 07/23/2024
 Hearing(s) and type: Date: 09/23/2024 Type: LUHO Receipt Number: 391565
 Date: _____ Type: _____ Intake Staff Signature: Clare Odell

Property Information

Address: 7715 Deleuil Ave City/State/Zip: Tampa, FL 33610
 TWN-RN-SEC: 35-28-19 Folio(s): 040248.0000 Zoning: RES Future Land Use: cmu12 Property Size: 0.164332

Property Owner Information

Name: Joslyn Beacon Daytime Phone: 914-325-3683
 Address: 175 Coligni Ave City/State/Zip: New Rochelle, NY 10801
 Email: beaconjoslyn@gmail.com Fax Number: _____

Applicant Information

Name: Joslyn Beacon Daytime Phone: 914-325-3683
 Address: 175 Coligni Ave City/State/Zip: New Rochelle, NY 10801
 Email: beaconjoslyn@gmail.com Fax Number: _____

Applicant's Representative (if different than above)

Name: Julia Murray Daytime Phone: 914-325-3683
 Address: 175 Coligni Ave City/State/Zip: New Rochelle, NY 10801
 Email: beaconjoslyn@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.

Joslyn Beacon
Signature of the Applicant
JOSLYN BEACON
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.

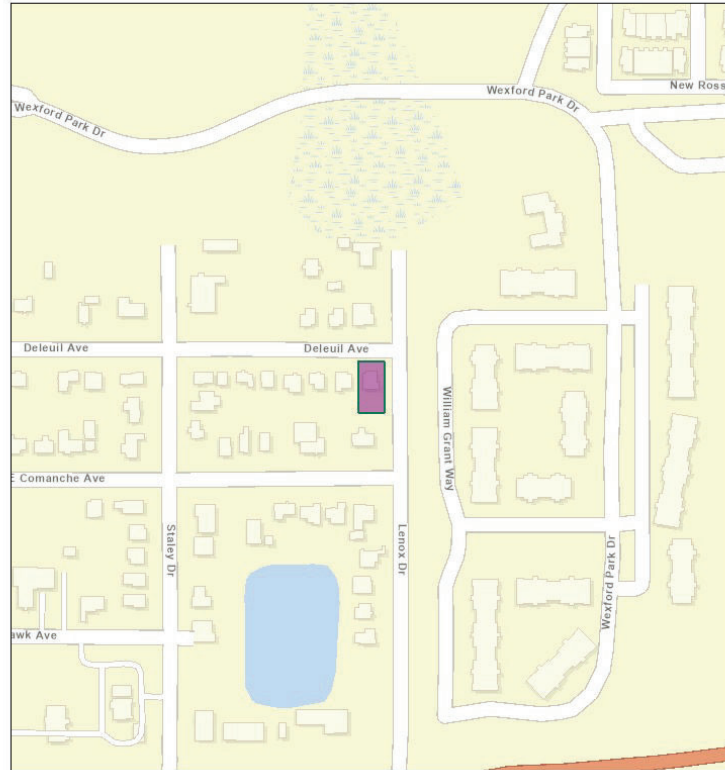
Joslyn Beacon
Signature of the Owner(s) - (All parties on the deed must sign)
JOSLYN BEACON
Type or print name



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

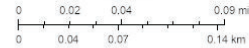
Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0380J
FIRM Panel	12057C0380J
Suffix	J
Effective Date	Fri Sep 27 2013
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120376C
County Wide Planning Area	East Lake Orient Park
Community Base Planning Area	East Lake Orient Park Area
Census Data	Tract: 010402 Block: 3024
Future Landuse	CMU-12
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	Northeast
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 4
Wind Borne Debris Area	Outside 140 MPH Area
Aviation Authority Height Restrictions	70' AMSL
Aviation Authority	Landfill Notification Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 40248.0000



July 23, 2024

1:3,009



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Hillsborough County Florida

Folio: 40248.0000
PIN: U-35-28-19-1MA-000004-00001.0

Mailing Address:
 Joslyn Beacon
 175 Coligni Ave
 null

Site Address:
 New Rochelle, Ny 10801-0000

Site Address:
 7715 Deleuil Ave
 Tampa, Fl 33610

SEC-TWN-RNG: 35-28-19

Acreage: 0.164332

Market Value: \$167,716.00

Landuse Code: 0100 Single Family

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