

**Variance Application: VAR 24-0741**  
**LUHO Hearing Date: June 24, 2024**  
**Case Reviewer: Isis Brown**



**Hillsborough  
 County Florida**

Development Services Department

Applicant: Jaime R. Maier, Esq./Hill Ward Henderson, P.A. Zoning: ASC-1

Address/Location: 3317 Clyde Roach Place, Valrico, FL 33596 ; Folio No.: 87338.0000


**Request Summary:**

The applicant requests a height variance to accommodate a proposed fence on property zoned ASC-1.

**Requested Variances:**

LDC Section:	LDC Requirement:	Variance:	Result:
6.07.02.C.2. 6.07.02.C.1.	Fences in agricultural districts shall be regulated in the same manner as fences in residential districts, except under certain circumstances that do not apply to this case. Fences over 4 feet in height shall not be located within the required front yards, except under certain circumstances which do not apply to this case.	2 Feet	6-Foot-High fence in front yard

Findings:	None
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<b>Zoning Administrator Sign Off:</b>	 Colleen Marshall Mon Jun 10 2024 10:58:22
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**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



LEGAL DESCRIPTION:

THE WEST ONE-QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 30 SOUTH, RANGE 21 EAST, LESS THE NORTH 283.30 FEET THEREOF, HILLSBOROUGH COUNTY, FLORIDA.

CERTIFIED TO:

FIRST AMERICAN TITLE SAMANTHA HOULE

FLOOD ZONE:

MAP NO. 12057C0415H  
ZONE: X  
EFF: 08/28/2008

SURVEY NOTES:

- COMMUNITY SHELLROCK ROADWAY CROSSES THE BOUNDARY LINE ON NORTHERLY AND SOUTHERLY SIDES OF LOT AS SHOWN.
- FENCES UJ NEAR BOUNDARY LINES AS SHOWN, OWNERSHIP NOT DETERMINED.
- COMMUNITY SIDEWALK CROSSES THE BOUNDARY LINE ON WESTERLY SIDE OF LOT AS SHOWN.

LEGEND:

(SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING)

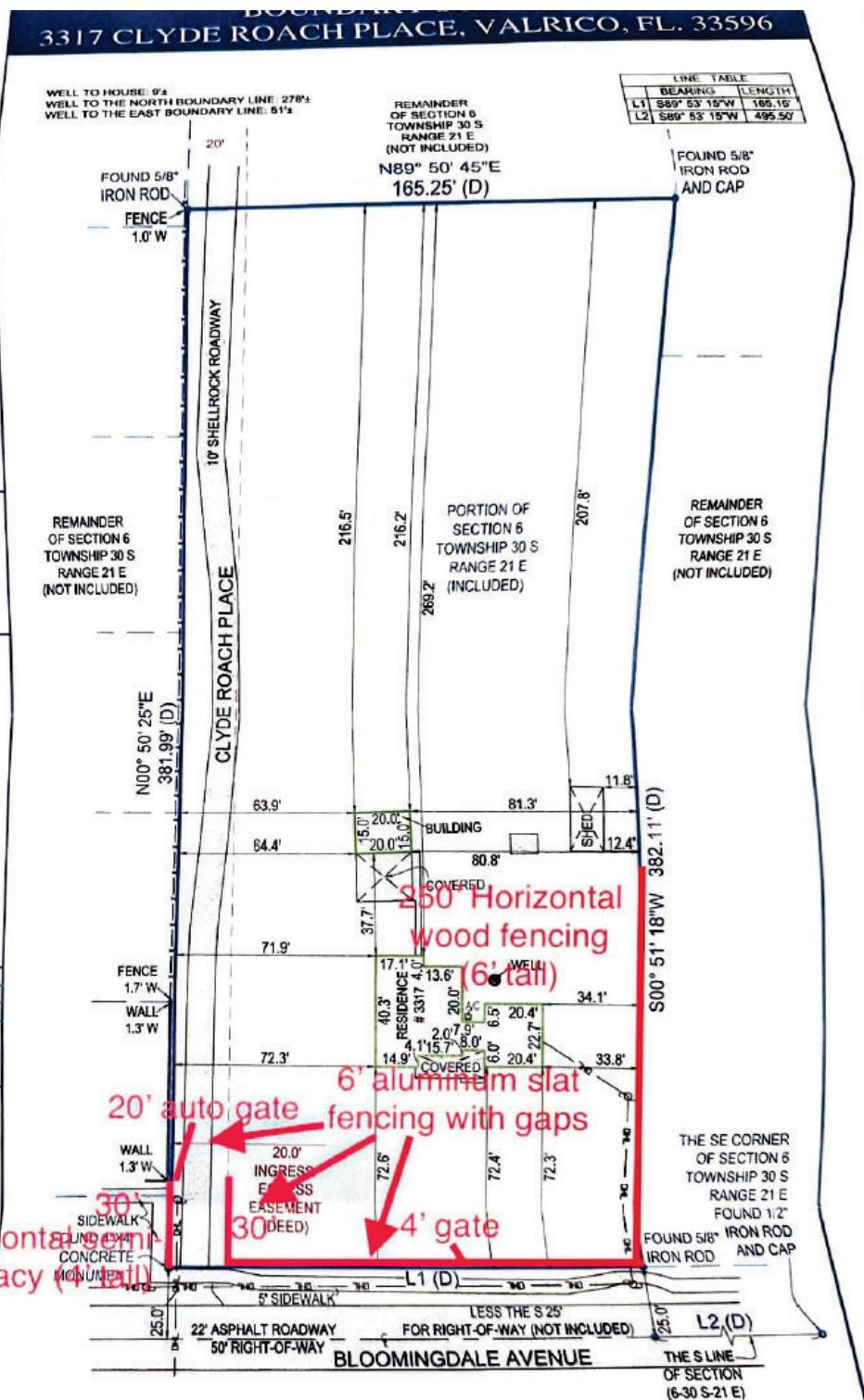
- AC-AIR CONDITIONER
- MM-MINUTE METER
- AL-ARC LENGTH
- IC-CALCULATED
- MM-MEASURED
- PL-PLAT BOOK
- PP-PAGE
- AC-ACRES
- R-RADIUS(R)
- P-PLAT
- EW-EDGE OF WATER
- TOB-TOP OF BANK
- DL-DRAINAGE LINE
- CD-CLEAN OUT
- P.O.B.-POINT OF BEGINNING
- P.O.C.-POINT OF COMMENCEMENT
- UE-UTILITY EASEMENT
- O.R.E.-OFFICIAL RECORDS BOOK
- SQFT-SQUARE FEET
- DR-DRAWING
- O.E.-ORANGE EASEMENT
- P.U.E.-PUBLIC UTILITY EASEMENT
- L.A.E.-LIMITED ACCESS EASEMENT
- L.M.E.-LAKE MAINTENANCE EASEMENT
- O.A.E.-OVERHEAD EASEMENT
- EL-ELEVATION
- FF-FINISHED FLOOR
- LS-LICENSED SURVEYOR
- LB-LICENSED BUSINESS
- PSM-PROFESSIONAL SURVEYOR & MAPPER

FIELD DATE: 02/23/2021  
DRAWN BY: V.V.  
ORDER NO: 1000122492  
REVISIONS:



5601 CORPORATE WAY, SUITE 103  
WEST PALM BEACH, FL 33407  
NEXGENSURVEYING.COM  
PHONE: 561.508.6272  
FAX: 561.509.6309  
LB 8111

I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA



LINE TABLE

LINE	BEARING	LENGTH
L1	S89° 53' 15"W	105.16'
L2	S89° 53' 15"W	495.50'

250' Horizontal wood fencing (6' tall)  
6' aluminum slat fencing with gaps  
20' auto gate  
30' horizontal semi-privacy (4' tall)  
4' gate  
30' INGRESS EASEMENT (DEED)



# 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.

Please see attached narrative.

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

Please see attached narrative.

## 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?

Please see narrative.

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.

Please see narrative.

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.

Please see narrative.

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).

Please see narrative.

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.

Please see narrative.

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.

Please see narrative.

## Variance Request for Fence Height

3317 Clyde Roach Place, Valrico

Samantha Leigh Houle

The Applicant, Samantha Houle, seeks a variance to construct a 6' fence in the front yard of her property located at 3317 Clyde Roach Place in Valrico (the "Site"). The Site is developed with a single-family home which was constructed in 1948 according to the Hillsborough County Property Appraiser records. It is also subject to an ingress/egress easement over the western 20', to allow access for the adjacent property to the north across the Clyde Roach Place private right of way. Clyde Road Place is effectively the driveway for the Site, with a driveway apron directly on to Bloomingdale Avenue, on which the Site fronts to the south.

As evidenced by publicly-available aerial photographs, the Site has existed in its developed condition since the home was built, but the area around it has changed dramatically, especially in the last decade, and as recently as the last 5 years. Bloomingdale Avenue has become a heavily-used thoroughfare, especially in the proximity of a major intersection such as Bloomingdale Avenue and Lithia Pinecrest Road, which is just over a quarter of a mile west of the Site. A significant shopping center was developed in the south of the intersection within the last 20 years. Bloomingdale Avenue was widened by a lane approximately .10 of a mile from the Site, and a 100,000+ square foot medical complex was constructed within the same distance from the Site in 2019. A 33-lot single-family subdivision, with home sizes trending twice the size of the home on the Site, was platted immediately adjacent to the Site, with the lots sharing a direct boundary with the Site having been developed as recently as 2021. The land on which this subdivision is built was rezoned to RSC-6 to do so, similar to a subdivision to the southwest of the Site which is zoned RSC-3. The Site sits directly on the edge of this changing area, receiving its impacts and the traffic along Bloomingdale Avenue as the greater area continues to develop and Bloomingdale Avenue continues to be a more important thoroughfare. Moreover, the access drive for the adjacent subdivision is approximately 100' from the Clyde Roach Place apron which serves as the Site's access, which is significantly less than the separation between access drives required under the current Land Development Code. The proximity of the access point impacts the Site with frequent use of the driveway and driveway apron for turn-around and mistaken access when traveling east and overshooting the subdivision access drive.

The drastic and ever-increasing change in the nature of the surrounding area warrants the need for more meaningful screening for the Site than the standard 4' fence that is permitted in front yards under the LDC. Accordingly, the Applicant seeks a variance to LDC Sec. 6.07.02, to allow for the construction of a 6' fence around the perimeter of the Site, including the front yard, as and where depicted on the site plan drawing included with this application. The fence will include a gate at the private Clyde Roach Place right of way, with continued access to be provided to the adjacent property to the north per the existing easement.

This variance request satisfies the variance criteria of the LDC as follows:

1. *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.*



As described above, the Site is located immediately adjacent to a newly built-out single-family subdivision, with its access drive in close proximity to the access drive to said subdivision. In addition, the Site is unique in that its access drive is a named, private right of way, and therefore more likely to receive mistaken or turn-around vehicle traffic than a “regular” driveway curb cut.

2. *The literal requirements of the Land Development Code (LDC) would deprive the Applicant of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.*

The adjacent subdivision is screened from the Bloomingdale Avenue right of way by a solid, 6’ wall, with a gate. The Site, which is directly adjacent to the subdivision, seeks the same ability to construct a 6’ fence with a gate, thereby maintaining a degree of screening and separation that has been eroded by the changing nature of the surrounding area, including the adjacent subdivision, and to mitigate the impacts of increased uninvited and erroneous traffic onto the Clyde Roach Place private right of way. Allowing for the 6’ fence will aid in recapturing a compatibility for the Site relative to the surrounding area that has been diminished by the changing development pattern.

3. *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 proposed variance for fence height will not negatively impact any surrounding property owners. The adjacent subdivision already has a 6’ wall, and a fence of the same height on the Applicant’s property, in the front yard, will therefore be consistent with the adjacent height of screening. The adjacent single-family property to the east will benefit as well, since the request for a 6’ fence in the front yard includes that portion of the Site constituting the front yard running along the eastern boundary in front of the principal home structure on-Site. A 6’ in the front yard, both along Bloomingdale Avenue and between the Site and the neighboring property to the east will lend screening to the adjacent property from the development pattern coming from the west.

4. *The variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan.*

The intent of the LDC is to “preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development” of the County. The Comprehensive Plan seeks to similarly ensure that development is orderly, well-planned, and compatible with adjacent land uses. The requested variance for a 6’ fence in the front yard of the Site has no negative impact on the stated intents of these governing regulations, and in fact furthers them for the benefit of the Site and the harmony of the Site with surrounding development.

5. *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 impacts of a changing pattern of development in the surrounding area were not created by the Applicant or predecessors, and are entirely external to the Site. The Applicant did not create the private Clyde Roach Place right of way that the Site utilizes for access. Therefore, the unique situations creating a hardship for the Site are not self-imposed, nor personal to the Applicant.

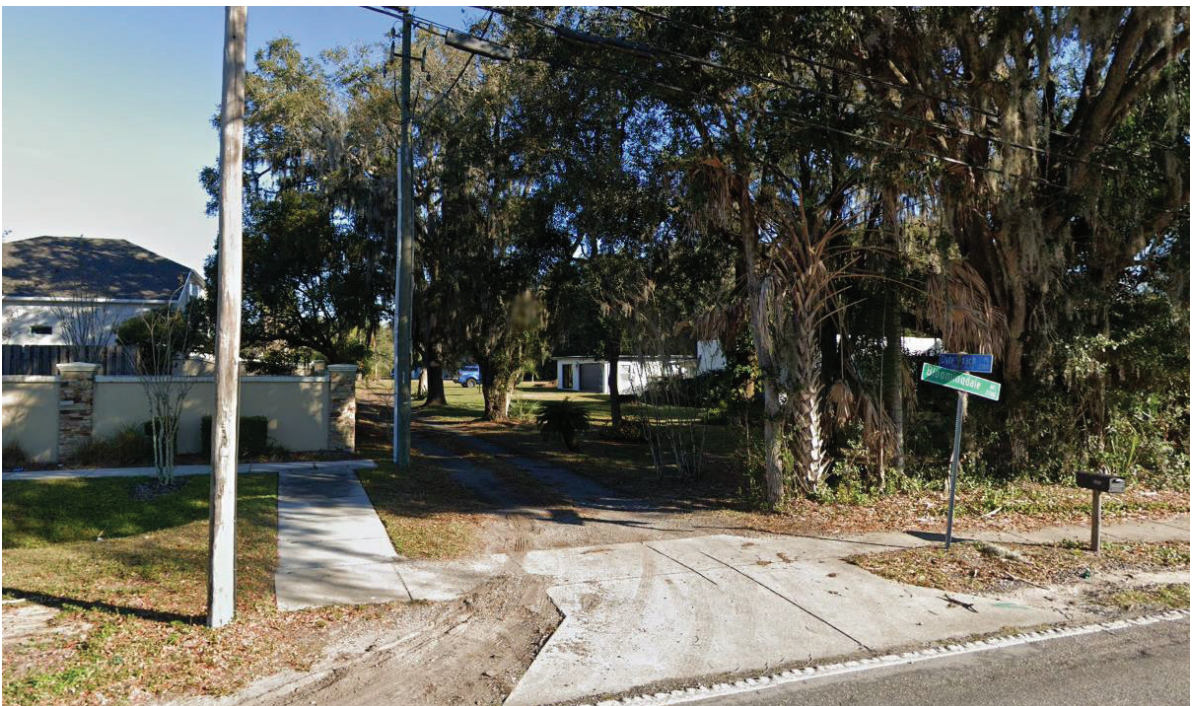
6. *Allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.*

On balance, the situation of the Site weighs in favor of the granting of the requested variance. No negative impacts to surrounding properties will result from the construction of a 6' fence with a gate on the Clyde Roach Place private right of way. The request for the variance will screen the Site from the external impacts of the development pattern adjacent to and around it on the west, instilling a sense of renewed compatibility for the Site as related to the surrounding area.

Please see the below streetview images of the Site as related to the adjacent subdivision, and aerial images of the development of the area relative to the Site over several decades.



Streetview Images:



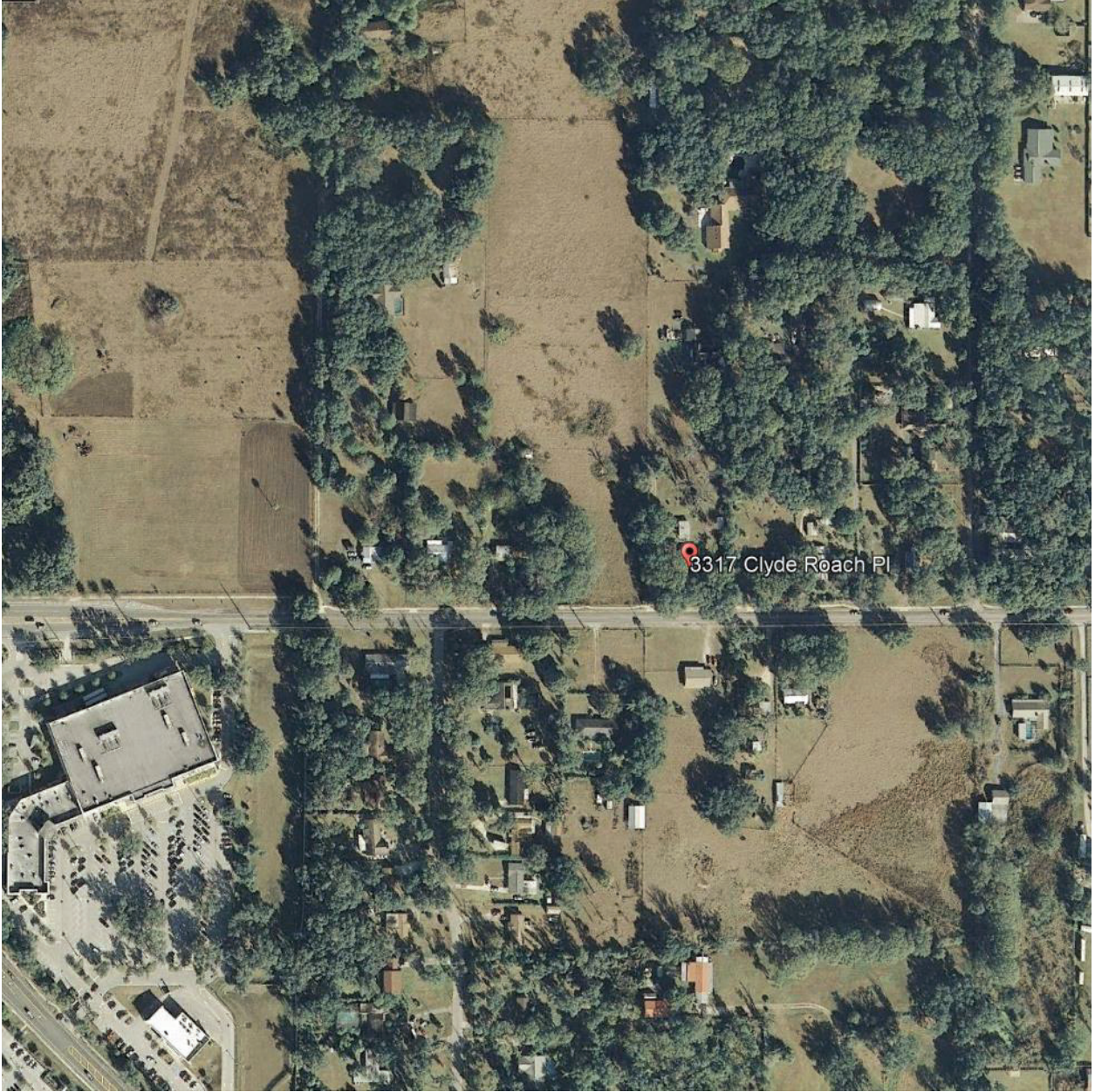


Aerial Images:



2002





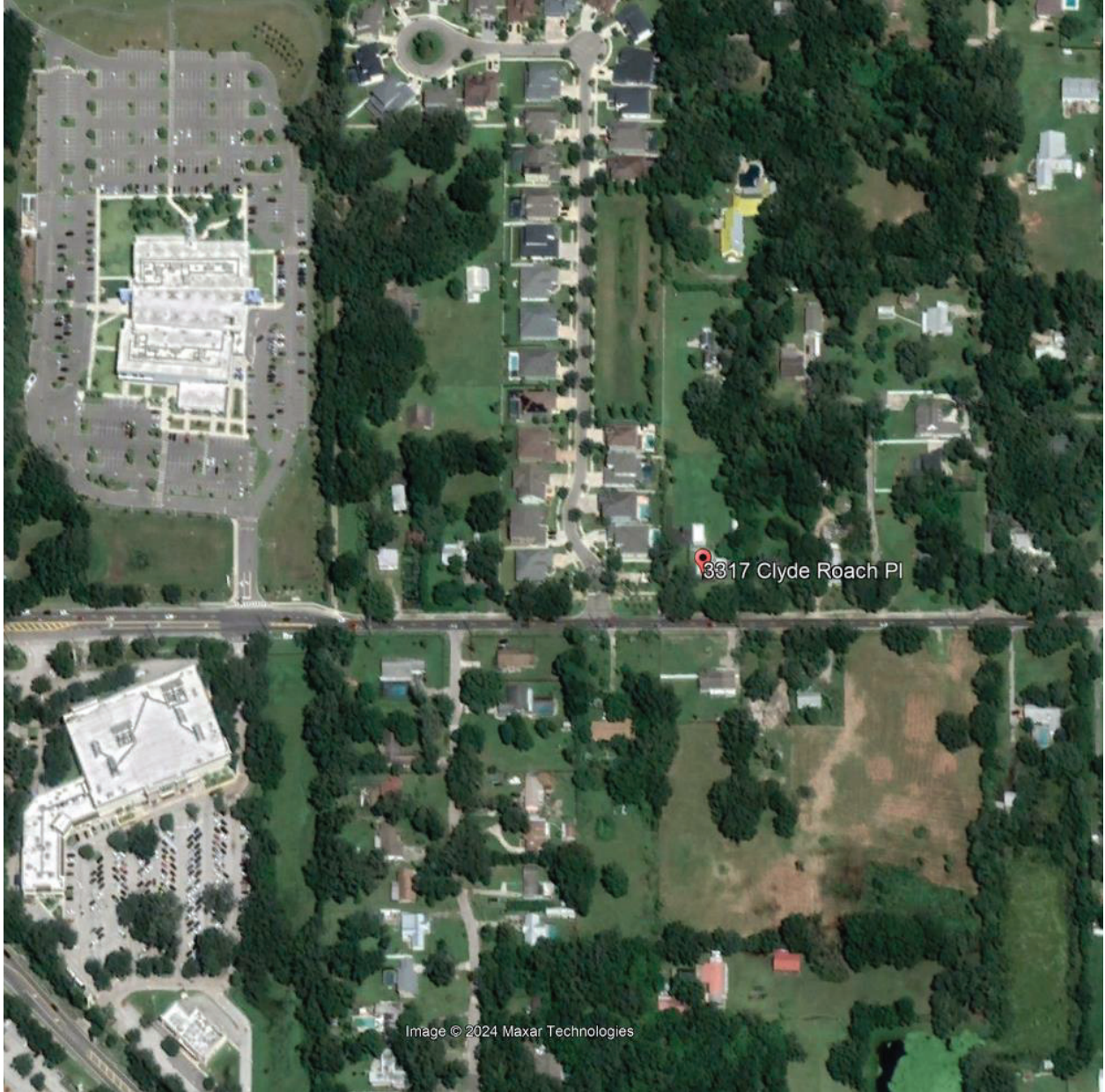
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2017





Today





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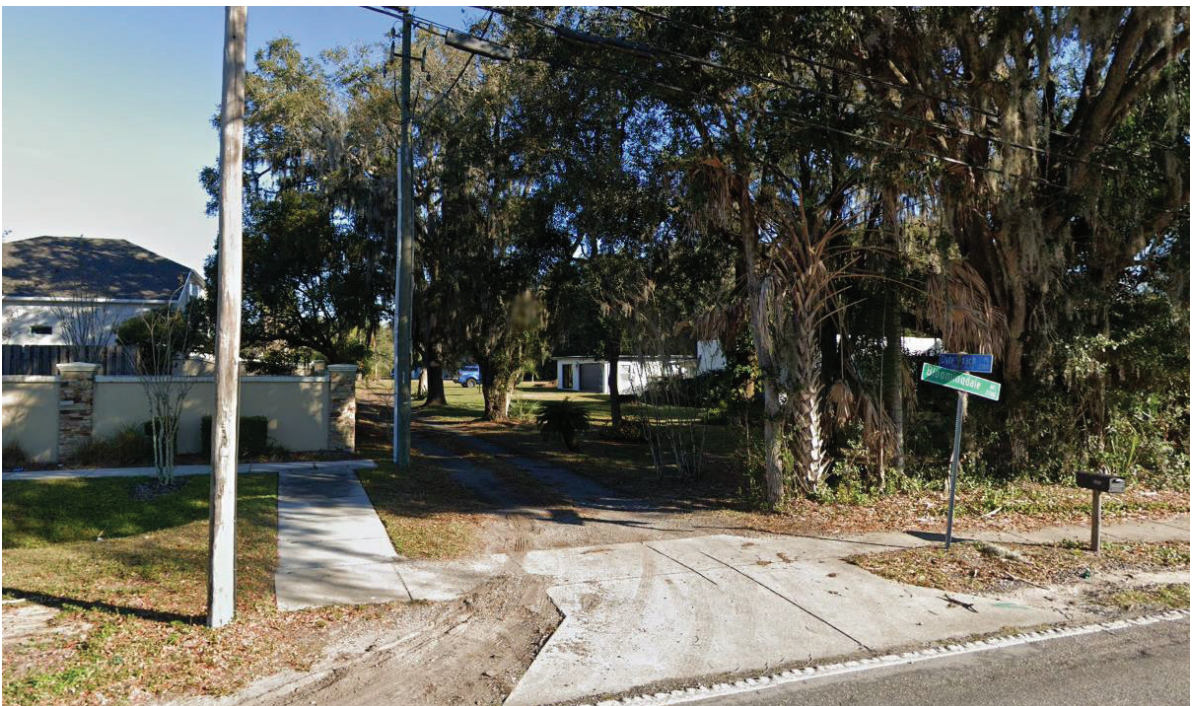
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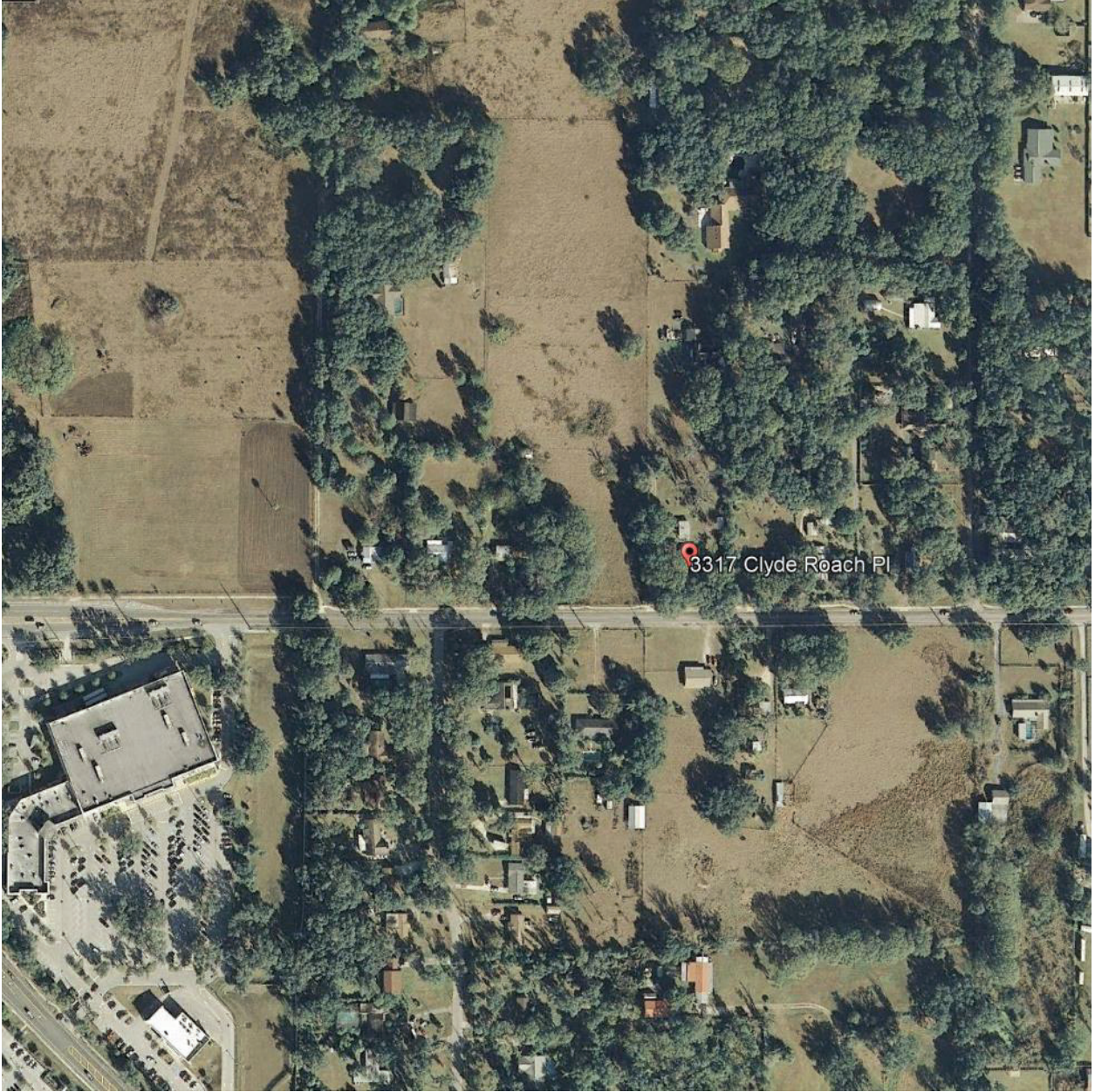
Aerial Images:



Image U.S. Geological Survey

2002





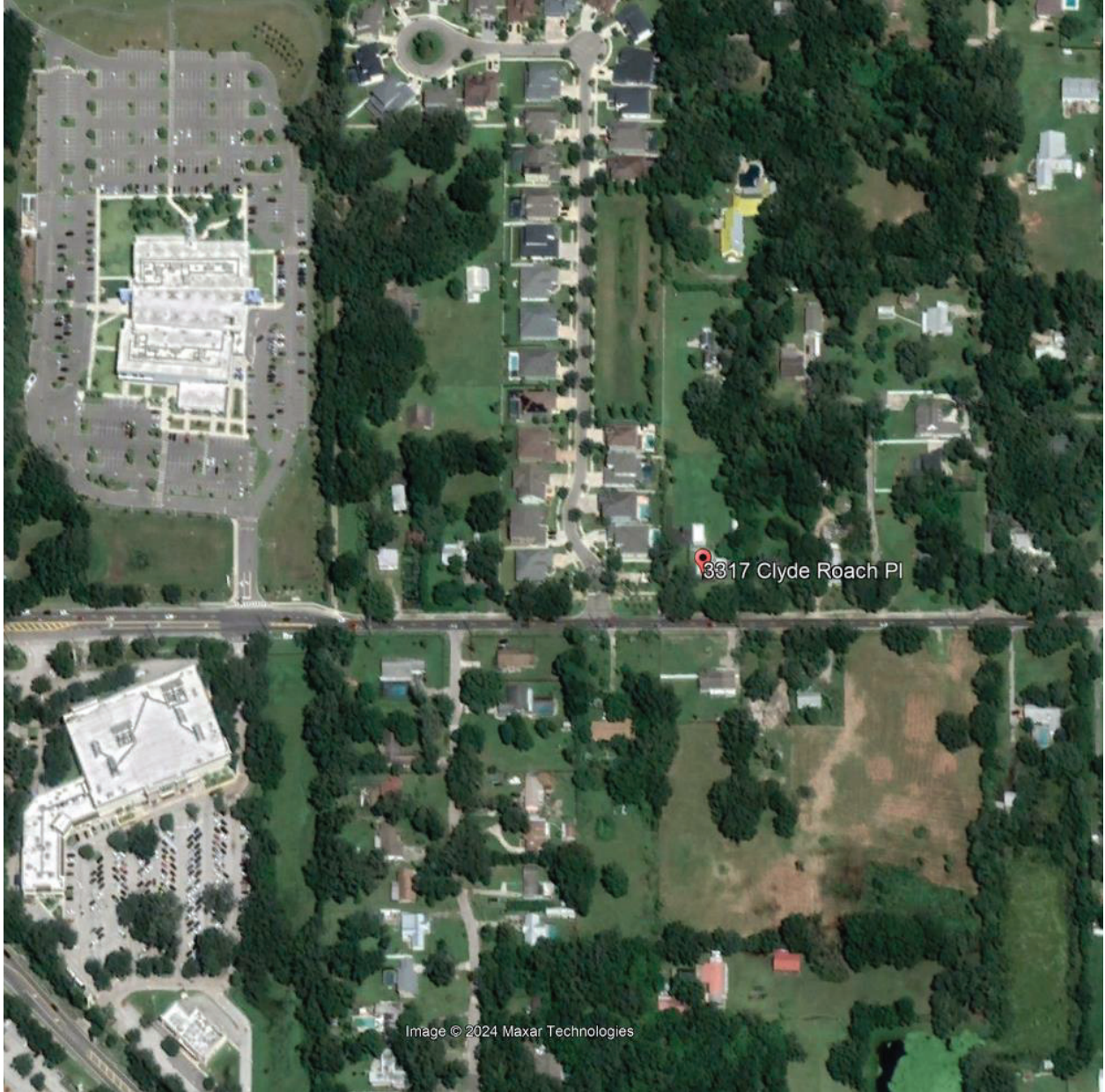
2009





2017





Today

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**Prepared By and Return To:**  
Capstone Title, LLC  
2539 Countryside Blvd. , Suite 3  
Clearwater, FL 33761

Order No.: 711-20-394

Property Appraiser's Parcel I.D. (folio) Number:  
087338-0000

### **WARRANTY DEED**

THIS WARRANTY DEED dated February 26, 2021, by Duane Martin Roach, individually and as Successor Trustee of the Angelina M. Roach Revocable Trust UAD 2/15/2002, whose post office address is 1114 Durant Rd, Brandon, Florida 33511 (the "Grantor"), to Samantha Leigh Houle, whose post office address is 204 Locust Dr, Brandon, Florida, 33511 (the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of HILLSBOROUGH, State of Florida, viz:

The West one-quarter of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 6, Township 30 South, Range 21 East, LESS the North 263.30 feet thereof, HILLSBOROUGH County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s), nor any members of the household of the Grantor(s), reside thereon.

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise 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: 12/31/20.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

Duane Martin Roach, individually and as Successor Trustee of the Angelina M. Roach Revocable Trust UAD 2/15/2002

BY: [Signature]  
Duane Martin Roach individually and as Successor Trustee

[Signature]  
Witness Signature

Raquel Rank  
Printed Name of First Witness

[Signature]  
Witness Signature

Inez L Brown  
Printed Name of Second Witness

**Grantor Address:**  
1114 Durant Rd  
Brandon, FL 33511

STATE OF FLORIDA

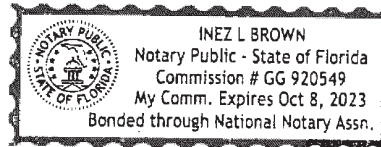
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of  Physical Presence or  Online Authorization, and who  has produced Driver License as identification or  is personally known by me, on this 26 of February, 2021 by Duane Martin Roach, individually and as Successor Trustee of the Angelina M. Roach Revocable Trust UAD 2/15/2002.

[Signature]  
Notary Public

My Commission Expires: 10/8/2023

(SEAL)





# Property/Applicant/Owner Information Form

Application No: <u>24-0741</u>	Official Use Only	Intake Date: <u>04/30/2024</u>
Hearing(s) and type: Date: <u>06/24/2024</u>	Type: <u>LUHO</u>	Receipt Number: <u>363124</u>
Date: _____	Type: _____	Intake Staff Signature: <u>Alejandra Prado</u>

### Property Information

Address: 3317 Clyde Roach Pl City/State/Zip: Valrico, FL 33596

TWN-RN-SEC: 30-21-06 Folio(s): 87338.0000 Zoning: ASC-1 Future Land Use: R-4 Property Size: 1.44 ac, m.o.l.

### Property Owner Information

Name: Samantha Leigh Houle Daytime Phone Same as Agent

Address: 204 Locust Drive City/State/Zip: Brandon, FL 33511

Email: Same as Agent Fax Number \_\_\_\_\_

### Applicant Information

Name: Same as Property Owner Daytime Phone \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Fax Number \_\_\_\_\_

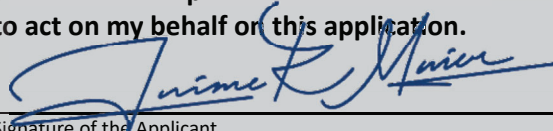
### Applicant's Representative (if different than above)

Name: Jaime Maier, Esq., as Agent Daytime Phone 813-506-5184

Address: 101 E. Kennedy Blvd., Ste. 3700 City/State/Zip: Tampa, FL 33602

Email: jaime.maier@hwlaw.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.

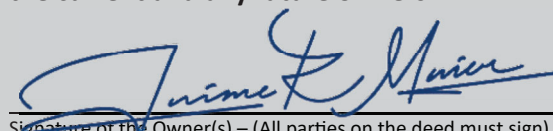


Signature of the Applicant

Jaime Maier, Esq., as Agent

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)

Jaime Maier, Esq., as Agent

Type or print name





# Submittal Requirements for Applications Requiring Public Hearings

**Official Use Only**

Application No: 24-0741 Intake Date: 04/30/2024  
 Hearing(s) and type: Date: 06/24/2024 Type: LUHO Receipt Number: 363124  
 Date: \_\_\_\_\_ Type: \_\_\_\_\_ Intake Staff Signature: \_\_\_\_\_

Applicant/Representative: Jaime Maier, Esq., as Agent Phone: 813-506-5184

Representative's Email: jaime.maier@hwhlaw.com

The following information is used by reviewing agencies for their comments and should remain constant, with very few exceptions, throughout the review process. Additional reviews, such as legal description accuracy, compatibility of uses, agency reviews, etc., will still be conducted separately and may require additional revisions.

The following ownership information must be provided and will be verified upon submission initial submittal. If you are viewing this form electronically, you may click on each underlined item for additional information.

## Part A: Property Information & Owner Authorization Requirements

Included	N/A	Requirements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Applicant/Owner Information Form</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Affidavit(s) to Authorize Agent</u> (if applicable) NOTE: All property owners must sign either the Application form or the Affidavit to Authorize Agent. If property is owned by a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Sunbiz Form</u> (if applicable). This can be obtained at <a href="http://Sunbiz.org">Sunbiz.org</a> .
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Copy of Current Recorded Deed(s)</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Close Proximity Property Owners List</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Legal Description</u> for the subject site
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Fastrack Approval</u> (if applicable)

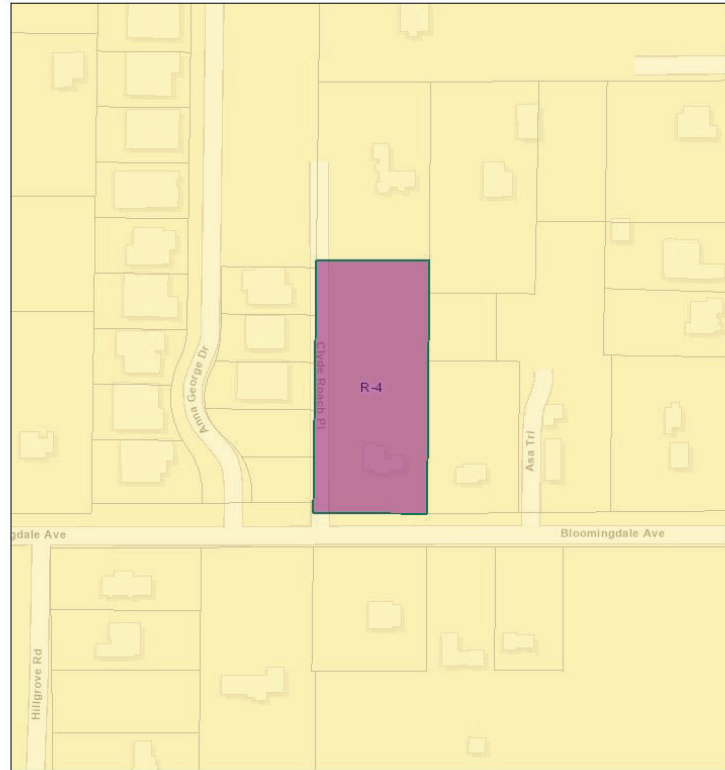
**Additional application-specific requirements are listed in Part B.**



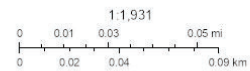
# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Zoning Category	Residential
FLX	
Zoning	RSC-6
Description	Residential - Single-Family Conventional
RZ	05-2027
Restr	(R)
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0415H
FIRM Panel	12057C0415H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120415C
County Wide Planning Area	Valrico
Census Data	Tract: 013206 Block: 4009
Future Landuse	R-4
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 7
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 87338.0000



April 30, 2024



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Hillsborough County Florida

**Folio: 87338.0000**  
**PIN: U-06-30-21-ZZZ-000004-28730.0**  
**Samantha Leigh Houle**  
**Mailing Address:**  
 204 Locust Dr  
 null  
 Brandon, FL 33511-8036  
**Site Address:**  
 3317 Clyde Roach Pl  
 Valrico, FL 33596  
**SEC-TWN-RNG: 06-30-21**  
**Acreage: 1.43931997**  
**Market Value: \$233,137.00**  
**Landuse Code: 0100 Single Family**

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