

Variance Application: VAR 25-0446

LUHO Hearing Date: April 21, 2025

Case Reviewer: Tania C. Chapela



**Hillsborough
County Florida**

Development Services Department

Applicant: Francisco and Dana Gonzalez **Zoning:** ASC-1

Address/Location: 5315 Taylor Road, Lutz; Folio: 14850.0004

Request Summary:

The applicant is requesting side yard setback variances to accommodate construction of a new home on the subject property.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.01.01	A minimum 15-foot side yard setback is required in the ASC-1 zoning district.	5 feet 1 inch	9-foot, 11-inch side yard setback (north and south side yards)

Findings:

The subject property has been certified as a legal nonconforming lot per NCL 25-0551 for the nonconforming 60-foot lot width.

Zoning Administrator Sign Off:

Colleen Marshall
Thu Apr 10 2025 14:37:45

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.

Variance for Reduced Setbacks

Narrow Lot

5315 Taylor Road, Lutz (the "Property")

The Applicant owns the Property in Lutz, which is an approximately 1.04-acre lot with an extremely narrow configuration as evidenced in the enclosed survey and site plan. It is zoned ASC-1, with an R-1 future land use designation, and is within the Lutz Community Planning Area, which encourages large-lot residential uses. The Applicant seeks to build a new home on the Property in a size and design that is similar to new homes built on 1-acre lots in the surrounding area, and requires a variance in order to do so because of the extremely narrow lot dimensions at 60 feet wide and 200 feet deep. This is the platted condition of the Property, as it is Lot 8 of Kirkland Acres subdivision, platted in 1951 before the present-day ASC-1 zoning district applied.

The existing residential unit on the Property contains approximately 912 s.f. of living area, with a total size of approximately 2,016 total s.f. including non-living area. This is a significantly smaller house than commonly found on 1-acre lots in the Lutz area, including in the immediately surrounding area where homes tend to be at least double the structure's current living area. The ASC-1 setbacks, however, when applied to the Property, make that size infeasible to achieve without Code relief.

The ASC-1 zoning district requires a minimum of 150' in width per lot, which the Property and many others in the area cannot achieve. Accordingly, as applied to the Property, the ASC-1 district's 15' side setbacks required on either side of a structure render a building envelope of 30' in total width. In comparison, a structure on a lot that meets the ASC-1-required width of 150' would have up to 120' feet from side yard to side yard in which to locate a structure. Therefore, in order to construct a home that meets present-day standards of living, including those of the surrounding area in terms of size and design, Code relief in the form of a variance is required and warranted. **Specifically, the Applicant requests side yard setbacks of 9' – 11" on the north and south side yards, in lieu of the otherwise-required 15'.**

This request is justified under the Code's variance criteria as follows:

1. The practical difficulty is unique and singular to the Property and not those suffered in common with other property under typical ASC-1 standards. As described above, ASC-1 district standards require a 150' width, and therefore the 15' side yard

setbacks are more than possible to accommodate. For the Property, however, the 15' side yard setbacks total 50% of the width of the entire lot, leaving 30' of width for a building envelope.

2. The literal requirements of the LDC, specifically the ASC-1 zoning district setbacks, would deprive the Applicant of rights enjoyed by other properties in the same district and area. As described above, the ASC-1 zoning district's side yard setback assumes a lot width of 150' – over two times the width of the Property. And, as also described above, the majority of homes in the surrounding area exceed 2000 s.f. in livable area, which renders the current structure on the Property well below the size enjoyed by others in the same zoning district and area.
3. The variance requested, if allowed, will not substantially interfere with or injure the rights of others in the immediate area. As described, the houses surrounding the Property enjoy large sizes with reduced side yards, which is necessary with a narrow lot size. Following the same pattern of development with a newly-built single family structure will not cause any incompatibility or negative impact to surrounding owners.
4. The variance is in harmony with and serves the general intent and purpose of the LDC and Comprehensive Plan. The ASC-1 district assumes a certain lot size to which its setbacks apply in a logical fashion, but become onerous on a lot such as the Property which is significantly narrower than that contemplated by the district. In contrast, even the RSC-2 district with a required lot width of 100' only requires 10' side setbacks, and the RSC-3 through RSC-6 districts, which require 75' – 70' lot widths, only require 7.5' side setbacks. Accordingly, the proposed 9' – 11" side setbacks on a 60' lot are aligned with what the LDC would typically require for a lot of such width. The LDC and Comprehensive Plan seek orderly development of a type that does not negatively impact the surroundings. What the Applicant proposes and requests with this variance is aligned with the pattern of development immediately adjacent to and surrounding the Property, and is therefore in harmony.
5. The situation sought to be relieved by the variance does not result from an illegal act or the actions of the applicant; it is not self-imposed. As described above, the Property was platted in its current width in 1951, before the present-day ASC-1 zoning district requirements applied and long before the Applicant owned it.
6. Allowing the variance will result in substantial justice being done, considering both the public benefits of increased property values with a new single family dwelling that is consistent with the sizes of the homes around, and the individual hardship

of the Applicant if required to adhere to a building envelope of only half the width of the Property if the LDC is strictly applied.



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?

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.

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.

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*).

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.

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.

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of the Applicant if required to adhere to a building envelope of only half the width of the Property if the LDC is strictly applied.

Prepared by and return to:
Sandra Epperson Rich
Attorney at Law
Epperson & Rich, PLLC
8401 J R Manor Drive Ste 100
Tampa, FL 33634
813-886-8500
File Number: 24-0006

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 20th day of June, 2024 between **Scott L. Brown, a single man**, whose post office address is **5315 Taylor Road, Lutz, FL 33558-4823**, grantor, and **Francisco Gonzalez and Dana Marie Gonzalez, husband and wife**, whose post office address is **5317 Taylor Road, Lutz, FL 33558-4823**, grantee:

(Whenever 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, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Hillsborough County, Florida** to-wit:

Lot 8, KIRKLAND ACRES, according to the map or plat thereof as recorded in Plat Book 30, Page 44, Public Records of Hillsborough County, Florida, together with an easement for ingress and egress over and across the North 15 feet of the West 400.00 feet of Lot 9, KIRKLAND ACRES, according to the map or plat thereof as recorded in Plat Book 30, Page 44, Public Records of Hillsborough County, Florida.

Parcel Identification Number: U-20-27-18-0KE-000000-00008.0

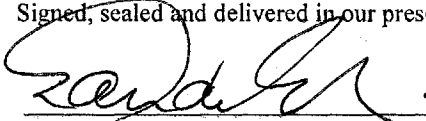
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

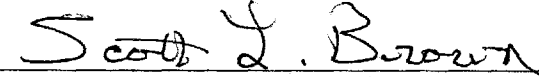
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2023**.

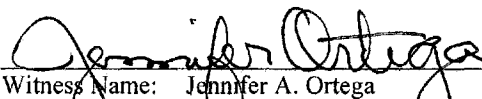
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:



Witness Name: Sandra Epperson Rich
Witness Address: 8401 J R Manor Dr Ste 100,
Tampa, FL, 33634

 (Seal)
Scott L. Brown

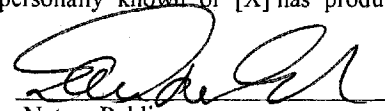


Witness Name: Jennifer A. Ortega
Witness Address: 8401 J R Manor Dr Ste 100,
Tampa, FL, 33634

State of Florida
County of Hillsborough

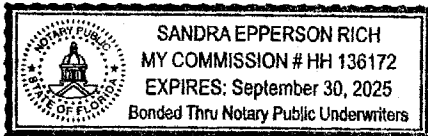
The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 20th day of June, 2024 by Scott L. Brown, who is personally known or has produced a driver's license as identification.

[Notary Seal]


Notary Public

Printed Name: Sandra Epperson Rich

My Commission Expires: September 30, 2025





**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: _____

Intake Date: _____

Hearing(s) and type: Date: _____

Type: _____

Receipt Number: _____

Date: _____

Type: _____

Intake Staff Signature: *Cierra James*

Property Information

Address: _____ City/State/Zip: _____

TWN-RN-SEC: _____ Folio(s): _____ Zoning: _____ Future Land Use: _____ Property Size: _____

Property Owner Information

Name: _____ Daytime Phone _____

Address: _____ City/State/Zip: _____

Email: _____ Fax Number _____

Applicant Information

Name: _____ Daytime Phone _____

Address: _____ City/State/Zip: _____

Email: _____ Fax Number _____

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 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.

Lani Corbett

Signature of the Applicant

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.

Lani Corbett

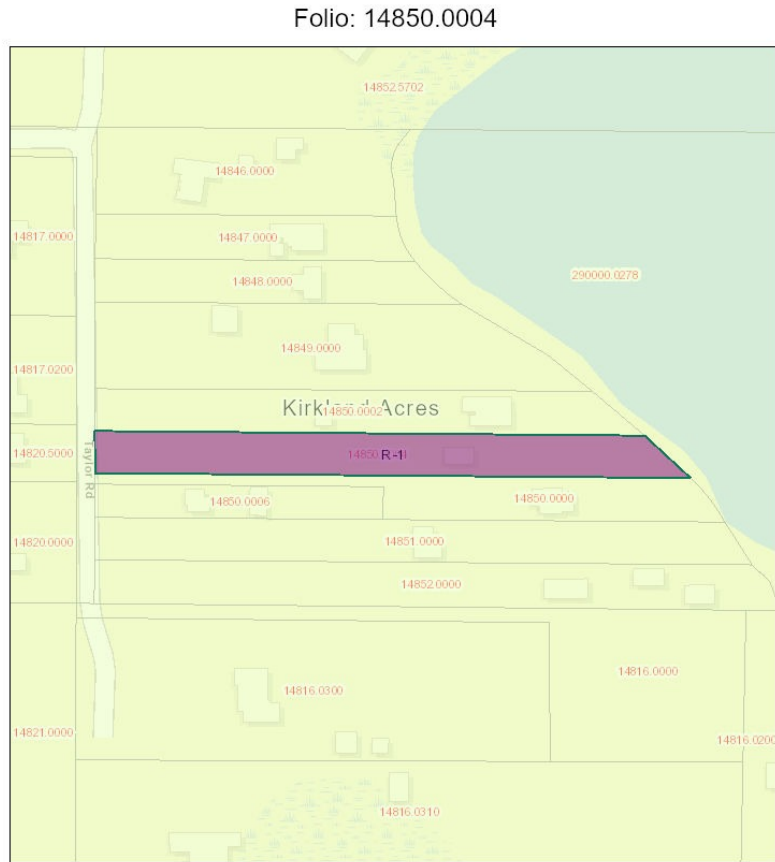
Signature of the Owner(s) – (All parties on the deed must sign)

Type or print name

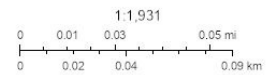


PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Overlay	null
Restr	null
Flood Zone:AE	BFE = 54.7 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0182H
FIRM Panel	12057C0182H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120185F
County Wide Planning Area	Keystone Odessa
Community Base Planning Area	Keystone Odessa Area
Census Data	Tract: 011523 Block: 1001
Future Landuse	R-1
Mobility Assessment District	Rural
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



February 5, 2025



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

Hillsborough County Florida

Folio: 14850.0004
PIN: U-20-27-18-OKE-000000-00008.0
Francisco And Dana Marie Gonzalez
Mailing Address:
 5317 Taylor Rd
 null
 Lutz, FL 33558-4823
Site Address:
 5315 Taylor Rd
 Lutz, FL 33558
SEC-TWN-RNG: 20-27-18
Acreage: 1.07
Market Value: \$339,758.00
Landuse Code: 0100 SINGLE FAMILY

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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.



Submittal Requirements for Applications Requiring Public Hearings

Official Use Only

Application No: _____ Intake Date: _____
 Hearing(s) and type: Date: _____ Type: _____ Receipt Number: _____
 Date: _____ Type: _____ Intake Staff Signature: _____

Applicant/Representative: _____ Phone: _____

Representative's Email: _____

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
1	<input type="checkbox"/>	<input type="checkbox"/>	<u>Property/Applicant/Owner Information Form</u>
2	<input 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.
3	<input type="checkbox"/>	<input type="checkbox"/>	<u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
4	<input type="checkbox"/>	<input type="checkbox"/>	<u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
5	<input type="checkbox"/>	<input type="checkbox"/>	<u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
6	<input type="checkbox"/>	<input type="checkbox"/>	<u>Copy of Current Recorded Deed(s)</u>
7	<input type="checkbox"/>	<input type="checkbox"/>	<u>Close Proximity Property Owners List</u>
8	<input type="checkbox"/>	<input type="checkbox"/>	Legal Description for the subject site
9	<input type="checkbox"/>	<input type="checkbox"/>	Copy of Code Enforcement/Building Code Violation(s) (if applicable)
10	<input type="checkbox"/>	<input type="checkbox"/>	Fastrack Approval (if applicable)

Additional application-specific requirements are listed in Part B.



Specific Submittal Requirements for Variances

This section provides information on items that must be addressed/submitted for a Special use - Land Excavation permit and will be subsequently reviewed when the application is assigned to a planner. Where certain information does not apply to a project, a notation shall appear on the plan stating the reason, for example, "No existing water bodies within project." Additionally, the explanations and justifications for when certain information does not apply to the project shall be included in the Narrative. If Hillsborough County determines the submitted plan lacks required information, the application shall not proceed to hearing as provided for in Section 6.2.1.1.A. Additionally, the required information is only the minimum necessary to schedule an application for hearing and Hillsborough County reserves the right to request additional information during review of the application.

If you are viewing this form electronically, you may click on each underlined item for additional information.

For any items marked N/A, justification must be provided as to why the item is not included.

Part B: Project Information

Additional Submittal Requirements for a Variance

- 1 Project Description/Written Statement of the Variance Request
- 2 Variance Criteria Response
- 3 n/a Attachment A (if applicable)
- 4 Survey/Site Plan
- 5 Supplemental Information (optional/if applicable) *copy of plat