



Hillsborough County Florida

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0810	
LUHO HEARING DATE: September 26, 2023	CASE REVIEWER: Isis Brown

REQUEST: The applicant is requesting variances to accommodate a proposed accessory structure that is greater than 15 feet in height on property zoned RSC-2.

VARIANCE(S):

Per LDC Section 6.11.04.B, accessory structures shall not exceed 15 feet in height except where they meet primary structure setbacks of the zoning district. Per LDC Section 6.06.01, a minimum rear yard setback of 25 feet and a minimum side yard setback of 10 feet is required in the RSC-2 district. The applicant requests:


- A 10-foot reduction to the required minimum rear yard setback to allow a rear yard setback of 15 feet from the west property line; and
- A 5-foot reduction to the required minimum side yard setback to allow a side yard setback of 5 feet from the south property line; and
- A 1-foot increase to the permitted maximum structure height to allow a height of 16 feet.

FINDINGS:

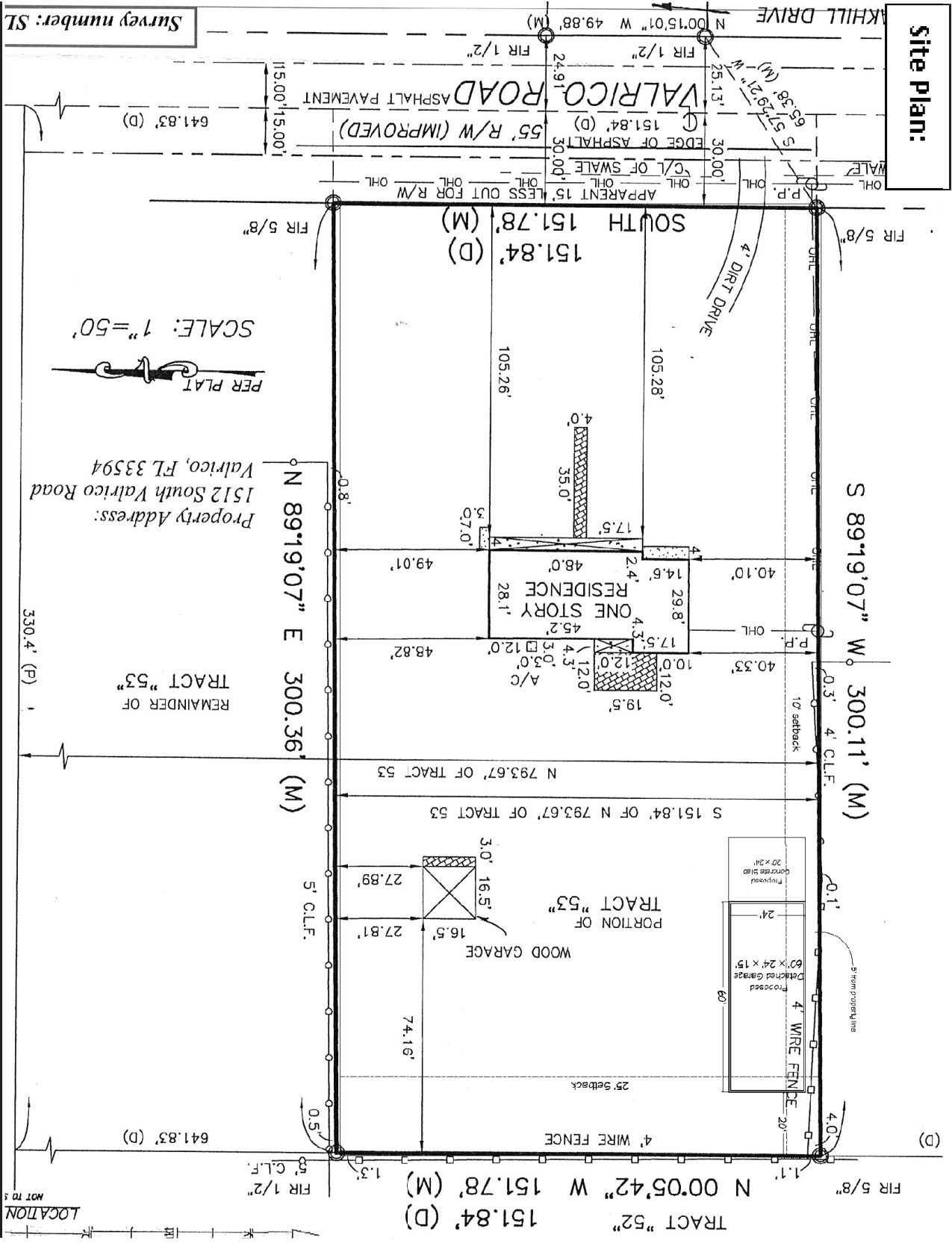
- None

DISCLAIMER:

The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to subdivision or site development approvals and building permit approvals.

ADMINISTRATOR'S SIGN-OFF
 Colleen Marshall Tue Sep 12 2023 12:06:36
Attachments: Application Site Plan Petitioner's Written Statement Current Deed

Site Plan:



LOCATION NOT TO S



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.

I'm seeking a variance for the height restriction on my property's metal building. The building, due to a salesperson's error, exceeds the 15-foot limit by 9 inches at its highest point.

I request a variance of 1 foot from the 15-foot limit, resulting in an allowable building height of 16 feet. This accounts for height discrepancies across the building and guards against potential redefinition of the measurement reference point. Additionally the rear yard setback could be adjusted from 25 feet to 15 feet and the side yard set back from 10 feet to 5 feet. This would also remedy the violation for the restriction of height.

Reducing the building height post-installation isn't feasible due to its prefabricated nature. The additional height, given the size of my property (1.06 acres), doesn't alter the land's character nor infringe on neighboring property rights. This variance rectifies an unintentional error and avoids unnecessary building adjustments.

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

Accessory Structures Code 6.11.04

Additional Information

1. Have you been cited by Hillsborough County Code Enforcement? No Yes
If yes, you must submit a copy of the Citation with this Application.
2. Do you have any other applications filed with Hillsborough County that are related to the subject property?
 No Yes If yes, please indicate the nature of the application and the case numbers assigned to the application (s): _____
3. Is this a request for a wetland setback variance? No Yes
If yes, you must complete the Wetland Setback Memorandum and all required information must be included with this Application Packet.
4. Please indicate the existing or proposed utilities for the subject property:
 Public Water Public Wastewater Private Well Septic Tank
5. Is the variance to allow a third lot on well or non-residential development with an intensity of three ERC's?
 No Yes If yes, you must submit a final determination of the "Water, Wastewater, and/or Re-claimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing



Variance Criteria Response

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

The difficulties faced are unique due to the salesperson's error during the building's ordering process, leading to a building slightly taller than zoning restrictions allow. This specific situation, not commonly faced by others, stems from the nature of the prefabricated structure, making post-installation modification impractical. Given my property's size (1.06 acres), the minor height variance sought has negligible impact on the overall property and the surrounding area.

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.

Literal application of the LDC would cause unnecessary burden due to a minor height discrepancy. This would result in financial costs for modifying the building, a hardship not commonly experienced by others in the area due to a slight deviation that has minimal impact on my property.

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.

Given the large size of neighboring lots (1 acre or more) and the presence of wooded fence lines, the proposed height variance would not significantly impact or infringe on their rights. The slight height increase is visually negligible and does not obstruct views, sunlight, or infringe on privacy.

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 requested variance aligns with the LDC and Comprehensive Plan's general intent. It allows for effective use of the land without compromising aesthetic harmony, land-use compatibility, or infringing on neighbor's rights. It addresses a unique situation, not altering overall community development patterns or goals.

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 height discrepancy of the building doesn't result from an illegal act or self-imposed hardship. Instead, it arose due to a salesperson's error during the ordering process of the prefabricated building, which led to a minor deviation from the specified height restriction. The situation wasn't caused by any deliberate actions on my part but is an unintended consequence of a communication error during the sales process.

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.

Granting the variance balances public and individual interests. The minor height variance doesn't compromise public benefits, while rigid enforcement would impose undue costs and environmental impacts. The variance maintains LDC objectives and prevents unjust individual hardship



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Prepared by:
Michael J. Heath, Esq.
167 108th Avenue
Treasure Island, FL 33706

Return to:
Michael Douglas Forlong
Shannon Marie Forlong
1512 S. Valrico Rd, Valrico, FL 33594

WARRANTY DEED

THIS WARRANTY DEED made and executed this 28th day of August, 2014 between DANIEL P. SPIVEY, a married man AND RALPH J. ARGENTINO, a single man, as the "grantor," and Michael Douglas Forlong and Shannon Marie Forlong, husband and wife, as the "grantee," whose mailing address is 1512 S. Valrico Rd, Valrico, FL 33594.

(Whenever used herein the term "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 grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt which is acknowledged, by these presents, does grant, bargain, sell, alien, remise, release, convey, and confirm to grantee, her heirs, and assigns forever the following described land, situate, lying and being in HILLSBOROUGH County, Florida, to wit:

THE SOUTH 151.84 FEET OF THE NORTH 793.67 FEET OF TRACT 53 OF THE VAN SANT SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 44 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

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

TO HAVE AND TO HOLD the same in fee simple forever.

AND grantor covenants with grantee that grantor is lawfully seized of the land in fee simple; that grantor has good right and lawful authority to sell and convey the land; that grantor will fully warrant the title to the land and will defend the same against the lawful claims of all persons whomsoever; and that the land is free of all encumbrances except taxes accruing subsequent to December 31, 2013.

MICHAEL J. HEATH, ESQ.
LAW OFFICES OF MICHAEL J. HEATH, P.A.
167 108TH AVENUE; TREASURE ISLAND, FL 33706
PHONE 727.360.2771 FAX 727.475.5323 EMAIL MIKE@ATTORNEYMICHAELHEATH.COM

This is NOT the Grantor's Florida Constitutional Homestead property.
Tax Identification No. 71351-0000.

IN WITNESS WHEREOF, grantors have set their hand and seal the day and year first above written.

Signed, sealed, and delivered in the presence of these witnesses:

Witness
to sign
and print
name → Cheryl K Wigh
Witness #1 Signature
Cheryl K Wigh
Witness #1 Name Printed

D. Spivey
Daniel P. Spivey, Grantor
5233 118th Ave N, Clearwater, FL 33760



Witness
to sign
and print
name → Jacqueline Ross
Witness #2 Signature
Jacqueline Ross
Witness #2 Name Printed

STATE OF Florida) *
COUNTY OF Hillsborough) *

Fill IN

Sworn to, Subscribed and Acknowledged before me on this 28 day of August, 2014, by DANIEL P. SPIVEY, who has/have produced Florida Drivers license as identification.

date

Notary
→

Cheryl K Wigh
NOTARY PUBLIC
Cheryl K Wigh
Printed Name of Notary

[AFFIX SEAL BELOW]

Type of
ID filled
in

My Commission Expires: 6-22-2018

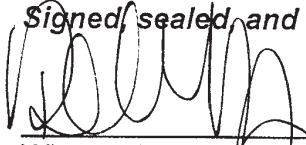


CHERYL K. WIGH
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF128531
Expires 6/22/2018

This is NOT the Grantor's Florida Constitutional Homestead property.
Tax Identification No. 71351-0000.

IN WITNESS WHEREOF, grantors have set their hand and seal the day and
year first above written.

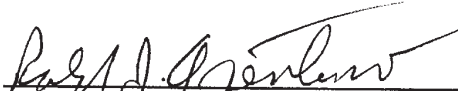
Signed, sealed and delivered in the presence of these witnesses:



Witness #1 Signature

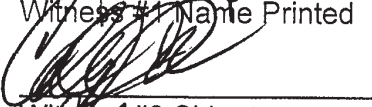
Robin Humphries

Witness #1 Name Printed



Ralph J. Argentino, Grantor

5233 118th Ave N, Clearwater, FL 33760



Witness #2 Signature

Cathy Anne Dalrymple

Witness #2 Name Printed

STATE OF FLORIDA

COUNTY OF PINELLAS

Sworn to, Subscribed and Acknowledged before me on this 28th day of August, 2014, by
RALPH J. ARGENTINO, who has/have produced

FL DL License as identification.

[AFFIX SEAL BELOW]

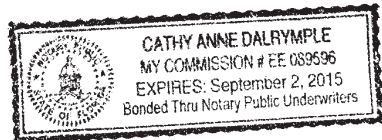


NOTARY PUBLIC

Cathy Anne Dalrymple

Printed Name of Notary

My Commission Expires: 9-2-2015



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Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR 23-0810 Intake Date: 07/12/2023
 Hearing(s) and type: Date: 09/26/2023 Type: LUHO Receipt Number: 285656
 Date: _____ Type: _____ Intake Staff Signature: Keshia Rivas

Property Information

Address: 1512 S Valrico Rd City/State/Zip: Valrico FL 33594
 TWN-RN-SEC: 29-20-36 Folio(s): 713510000 Zoning: R-2 Future Land Use: R-4 Property Size: 1.06 acres

Property Owner Information

Name: Michael Forlong Daytime Phone 813-255-3707
 Address: 1512 S. Valrico Rd City/State/Zip: Valrico FL 33594
 Email: tell.forlong@gmail.com Fax Number N/A

Applicant Information

Name: Michael Forlong Daytime Phone 813-255-3707
 Address: 1512 S. Valrico Rd City/State/Zip: Valrico FL 33594
 Email: tell.forlong@gmail.com Fax Number N/A

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.

Signature of the Applicant

Michael Forlong

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)

Michael Forlong Shannon Forlong

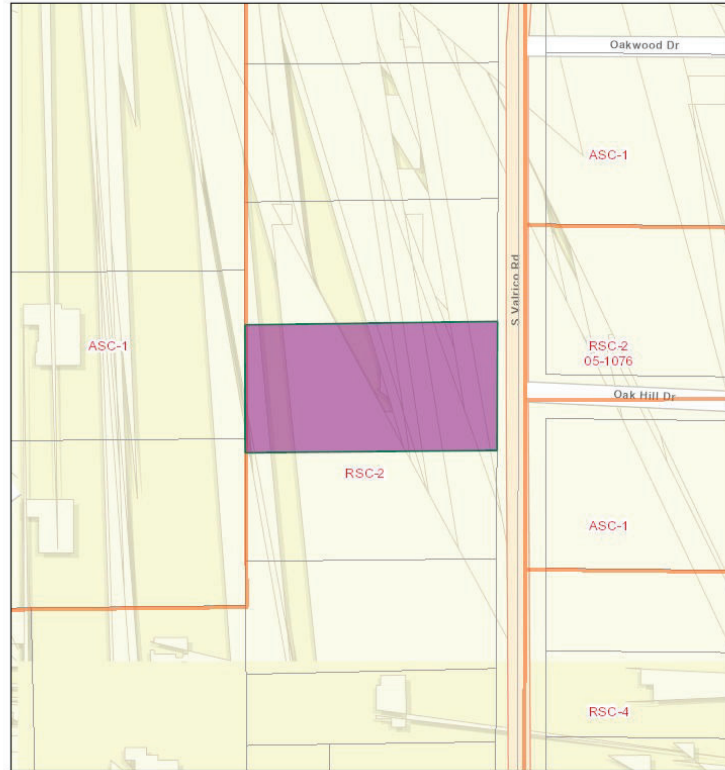
Type or print name



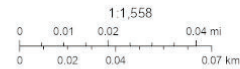
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-2
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0392H
FIRM Panel	12057C0392H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120395E
County Wide Planning Area	Valrico
Census Data	Tract: 013305 Block: 1000
Future Landuse	R-4
Future Landuse	R-4
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: 71351.0000



July 12, 2023



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

Hillsborough County Florida

Folio: 71351.0000
PIN: U-36-29-20-2GN-000000-00053.3
Michael Douglas And Shannon Marie Forlong
Mailing Address:
 1512 S Valrico Rd
 null
 Valrico, FL 33594-4513
Site Address:
 1512 S Valrico Rd
 Valrico, FL 33594
SEC-TWN-RNG: 36-29-20
Acreage: 1.05665004
Market Value: \$283,849.00
Landuse Code: 0100 Single Family

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