



**LAND USE HEARING OFFICER VARIANCE REPORT**

<b>APPLICATION NUMBER:</b> VAR 21-0043	
<b>LUHO HEARING DATE:</b> January 25, 2021	<b>CASE REVIEWER:</b> Kevie Defranc

**REQUEST:** The applicant is requesting setback variances for a proposed single-family home on property zoned RSC-6.

**VARIANCE(S):**

Per LDC Section 6.01.01, the required minimum side yard setback in the RSC-6 district is 7.5 feet. The applicant requests:

- 1) A 7.5-foot reduction to the required side yard to allow a setback of 0 feet from the east property line; and,
- 2) A 7.5-foot reduction to the required side yard to allow a setback of 0 feet from the west property line.

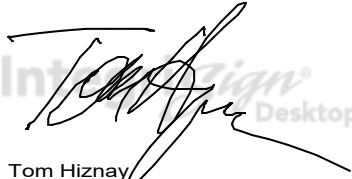
**FINDINGS:**

- The RSC district requires a minimum lot size of 7,000 square feet and minimum lot width of 70 feet. The subject parcel is 5,055 square feet in size and 40 feet in width. However, it has been certified as legally nonconforming and subject to the building coverage and setback requirements of the RSC-6 district, per NCL 20-0558 in the case record.
- The applicant has stated that no part of the proposed single-family home building (including eaves, rain gutters, etc.) will encroach on the property line.
- Building Services staff reports that, if the requested variance is approved, structures must comply with the fire-resistant construction requirements found in Section R302 of the Florida Building Code.
- Development Review staff reports there is insufficient information in the application to make a determination of the potential drainage impacts on neighboring properties posed by a zero-foot building setback. However, as it is typical for adjoining residential properties to have the stormwater flows conveyed along the common property boundary, a zero-foot setback would necessitate all flows to be directed onto the neighboring parcels. Therefore, Development Review staff recommends that if the requested variance is approved, a condition be imposed to require the submittal of a site-specific topography and engineered grading plan which includes the subject parcel and both neighboring parcels, and which demonstrates appropriate water flows without adverse impacts on said parcels, be submitted at time of building permit application.

- No variance has been requested to the maximum building coverage of 30 percent permitted in the RSC-6 district.

**DISCLAIMER:**

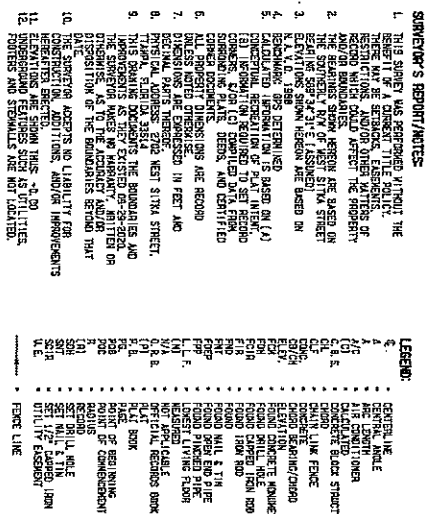
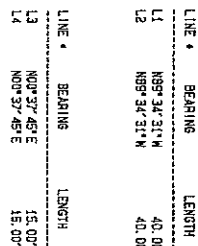
The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required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

**ADMINISTRATOR'S SIGN-OFF**

Tom Hiznay  
Tue Jan 12 2021 19:08:13

**Attachments:** Application  
Site Plan  
Petitioner's Written Statement  
Current Deed

BOUNDARY SURVEY  
WEST SITKA STREET  
[50' RIGHT-OF-WAY]  
LINE + BEARING



CERTIFICATION:  
 I HEREBY CERTIFY THAT A SEARCH OF THE PROPERTY DEEDS RECD HEREIN WAS MADE  
 UNDER THE DIRECT SUPERVISION OF AND THAT THE SHOWN CORRELATES WITH THE STANDARDS  
 AND MEASURES IN CHAPTER 15, SECTION 15-1-10, PLANNING AND ZONING ORDINANCE, AND  
 STATUTES, AND THAT THE SHOWN HEREIN IS A TRUE AND ACCURATE REPRESENTATION  
 OF SAID PROPERTY AND THE RECORD OF SAID TOWN, AND BELIEF.  
 SIGNED: S. J. MOSES AND J. M. TAYLOR, SHOWN HEREIN.  
 No. 5545  
 Notarized By: *John B. Taylor*  
 State of N. C.  
 Notary Public  
 My Comm. Expires 12-31-2005  
 MICHAEL B. TAYLOR, P. O. BOX 15545  
 NOT VALID WITHOUT SIGNATURE, SEAL, AND STAMPED WITH AN ELECTRONIC SEAL.  
 DATE 09/29/2000

21-0043  
RCVD  
12-30-20






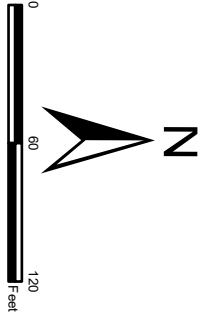


Immediate Aerial  
Zoning Map

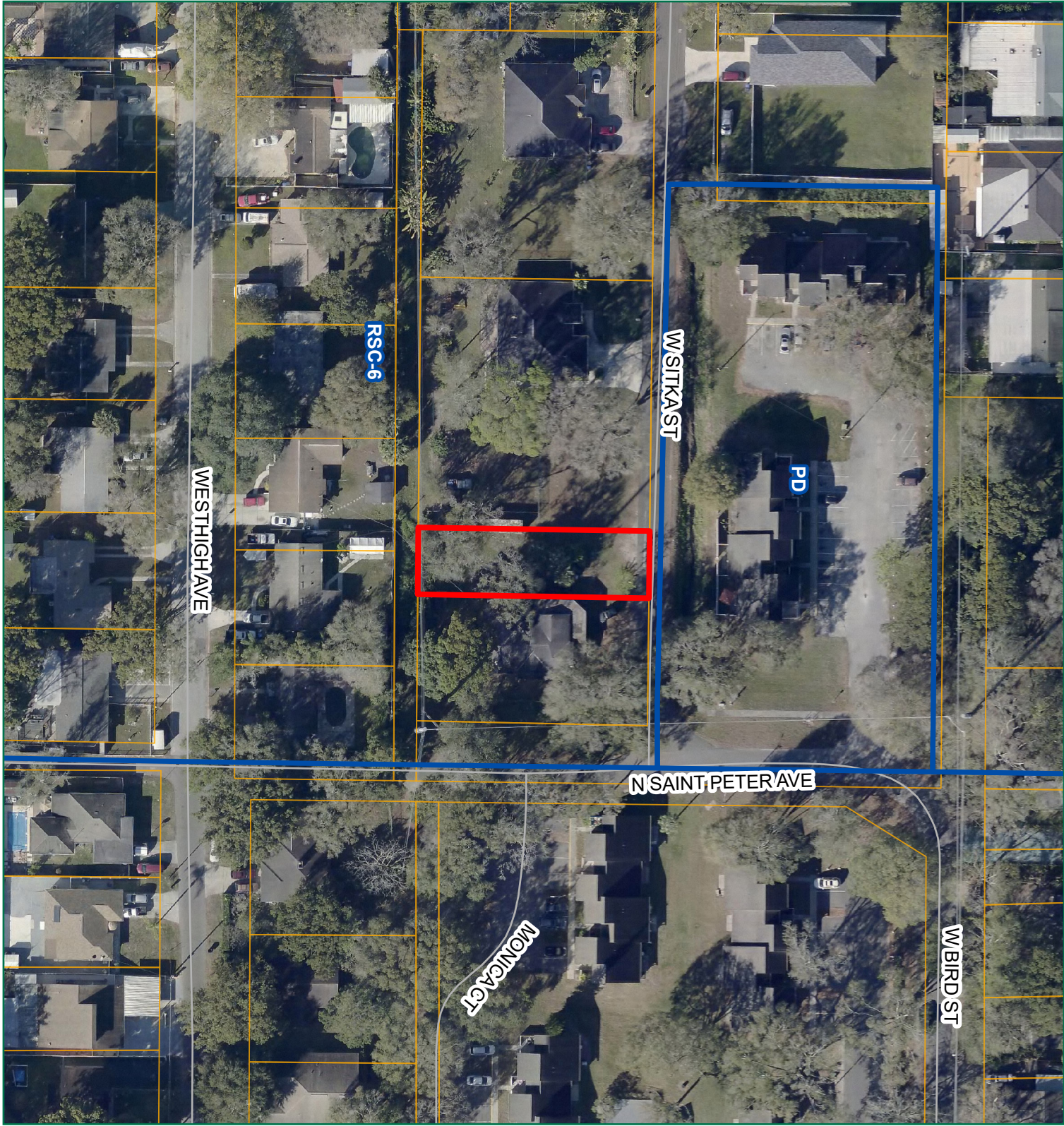
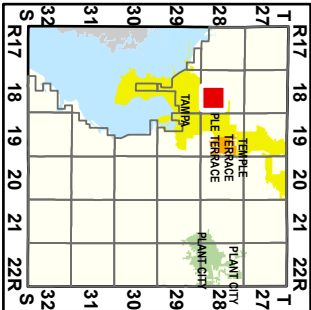
VAR 21-0043

Folio: 24770.5000

-  Application Site
-  Zoning Boundary
-  Parcels



STR: 27-28-18



NOTE: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, and is not to be used for any purpose other than for informational purposes only. The map is not to be used for any purpose other than for informational purposes.

SOURCE: This map has been prepared for the property of real property found within Hillsborough County and is compiled from recorded deeds, plats, and other AVAILABLE data.

Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.

Date: 12/07/2020     Path: G:\ZONING\GIS\MapZoning- Site.aprx



## VARIANCE REQUEST

1. Project Narrative: 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.  
This is a 40x126 buildable, nonconforming lot. It is almost impossible to build a house that is 25' wide to conform with the current setbacks with 7.5' on each side. I own the property on the east side that is 77' wide. The zoning requires 70' wide. Since I have that extra 7' buffer, there will not be any adverse effects on that property by me going to a zero foot setback. The property on the west is 154' wide and the house on it is built closer to the west side, so there is a huge buffer between my lot and his building. Therefore, a zero foot setback on the west side also has no adverse effect on the neighboring property but will allow me to build a normal looking SFR and not an odd 25' wide house. Front and back setbacks will stay per zoning codes.
2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:  
LDC Section 6.C1.01.

## 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 (Attachment A).
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 and/or septic 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 (form may be obtained from 19<sup>th</sup> floor County Center).

## VARIANCE CRITERIA RESPONSE

You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.

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?

Other properties in the area are 70' wide minimum. By losing a 7.5' setback on each side, they can build a 55' wide house. In my case I can only build a 25' wide house which presents extreme practical difficulties to building a SFR.

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.

By the lot being so narrow, the requirements of the LDC specifically side setbacks will deprive me from building a functional SFR. Other properties in the area will have a minimum of 55' wide house which is very functional.

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.

The property on the east is 77' wide therefore an extra 7' to spare. By going to zero setback, the house to be built would not be any closer to the adjacent lot that is 70' wide. The house on the west side is located much further to the west side of the property, therefore the new build will not be anywhere close to that house especially since that lot is 154' wide.

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).

It is in harmony because it is not adversely affecting the adjacent and neighboring properties. As a matter of fact, it will enhance the neighborhood by replacing an empty lot with a new, beautiful SFR. It also makes the neighborhood safer by preventing potential criminal elements from using the empty property. Also, it prevents individuals from dumping on the empty lot.

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 is not a result of an illegal act nor resulting in any hardships. It is just a buildable nonconforming lot that we are trying to build a functional house to beautify the neighborhood.

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

By building a new, functional home, it will bring good families to the neighborhood and improve the look of the neighborhood instead of having an empty, ugly lot.

*Prepared by and return to:*  
Ziad Estephan  
5005 Cleveland St.,  
Tampa, FL 33609

**QUIT CLAIM DEED**

This Quitclaim Deed is executed this 15<sup>th</sup> day of April, 2020, by Ziad Estephan and Joann Estephan, Husband and wife, ("Grantor") whose post office address is 5005 Cleveland St., Tampa, FL 33609 to Ziad Estephan and Joann Estephan, Husband and wife ("Grantee") whose post office address is 5005 Cleveland St., Tampa, FL 33609.

"Grantor" and "Grantee" are used for singular or plural, as context requires.

**Witnesseth**, that Grantor, for the sum of \$10 and other good and valuable consideration, the receipt of which is hereby acknowledged, remises, releases and quit claims unto Grantee, all the right, title, interest, claim and demand which Grantor has in and to the following described property:

**The South 141.39 feet of the east 40.00 feet of the west 548.00 feet of the south ½ of the NE ¼ of the NE 1/4 , Less the South 15.00 feet thereof in Section 27, Township 28 South, Range 18 East, Hillsborough County, Florida**

**To Have and to Hold** the same together with each and all of the appurtenances thereunto belonging or appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, to the only proper use and benefit of Grantee forever.


**In Witness Whereof**, Grantor has signed and sealed these presents the day and year above written.

*[Signature page to follow]*

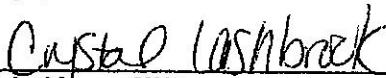
Signed, sealed and delivered as to all Grantors  
in the presence of:



Signature of Witness 1



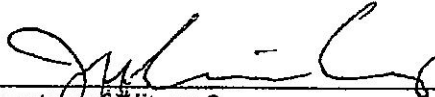
Ziad Estephan



Print Name of Witness



Joann Estephan



Signature of Witness 2



Print Name of Witness 2

State of


FL

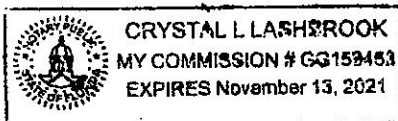
County of

Pineellas

The foregoing instrument was acknowledged before me, a Notary Public, this 04/15/2020, by Ziad Estephan and Joann Estephan, Husband and wife, who is was/were personally known to me, or ( ) presented the following identification: by physical presence.

My Commission Expires:

  
Signature of Notary







RECEIVED  
OCT 29, 2020  
DEVELOPMENT  
SERVICES

## VARIANCE APPLICATION

### IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-272-5600.  
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

### Property Information

Address: NONE City/State/Zip: NONE TWN-RN-SEC: 27-18-28  
Folio(s): 024770-5000 Zoning: RGC-6 Future Land Use: R-6 Property Size: 40X126

### Property Owner Information

Name: ZIAD ESTEPHAN + JOANN ESTEPHAN Daytime Phone: (813) 679-6660  
Address: 4203 W. CLEVELAND ST City/State/Zip: TAMPA, FL 33609  
Email: zbestephan@gmail.com FAX Number: \_\_\_\_\_

### Applicant Information

Name: ZIAD ESTEPHAN Daytime Phone: (813) 679-6660  
Address: 4203 W. CLEVELAND ST City/State/Zip: TAMPA, FL 33609  
Email: zbestephan@gmail.com 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 THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

Signature of Applicant

ZIAD ESTEPHAN  
Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

Signature of Property Owner

JOANN ESTEPHAN  
Type or Print Name

Intake Staff Signature: Bianca Vazquez Office Use Only Intake Date: 10/29/20  
Case Number: 21-0043 Public Hearing Date: 01/25/21  
Receipt Number: 21-0043



# 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	0213H
FIRM Panel	12057C0213H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120213C
County Wide Planning Area	Egypt Lake
Census Data	Tract: 011902 Block: 1021
Future Landuse	R-6
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	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 10
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	190' AMSL
Competitive Sites	NO
Redevelopment Area	NO



October 28, 2020

1:1,326  
0 0.01 0.02 0.04 mi  
0 0.02 0.04 0.07 km

PD, Hillsborough County - Public Works - Geomatics - Streets & Addresses, EID

Hillsborough County Florida

**Folio: 24770.5000**  
**PIN: U-27-28-18-ZZZ-000000-97180.0**  
**ZIAD AND JOANN ESTEPHAN**  
**Mailing Address:**  
 5005 W CLEVELAND ST  
 TAMPA, FL 33609-2504  
**Site Address:**  
 0  
 TAMPA, FL 33614  
**SEC-TWN-RNG: 27-28-18**  
**Acreage: 0.134234**  
**Market Value: \$29,106.00**  
**Landuse Code: 0000 VACANT RESIDENT**

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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.

21-0043