

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0624	
LUHO HEARING DATE: August 28, 2023	CASE REVIEWER: Carolanne Peddle

REQUEST: The applicant is requesting multiple variances for a proposed single-family home and accessory structure on a property zoned ASC-1.

VARIANCE(S):

Per LDC Sec. 6.01.03.F.9, required yards on lots accessed by easements shall be oriented with respect to the roadway to which the easement connects, as if the lot abutted the roadway. Access from N Dover Road to the subject property is provided through Shady Stream Drive, a 30-foot-wide easement. Therefore, the required front yard is along the west property line, parallel to N Dover Road.

Dwelling

Per LDC Sec. 6.01.01, a minimum rear yard setback of 50 feet is required in the ASC-1 district. The applicant requests an 18.3-foot setback reduction to the required rear yard setback to allow for a 31.7-foot setback from the east property line.

Accessory Structure

Per LDC Sec. 6.11.04.C.1, accessory structures shall not be erected in any required front yard, except under certain circumstances that do not apply to this case. Accessory structures shall be permitted in front yards at twice the depth of the required front yard, or 50 feet, whichever is less. Such structures shall not occupy required side yards. The applicant requests a 43-foot setback reduction to the required front yard setback to allow a 7-foot setback from the west property line.

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

Thu Aua 3 2023 17:03:48

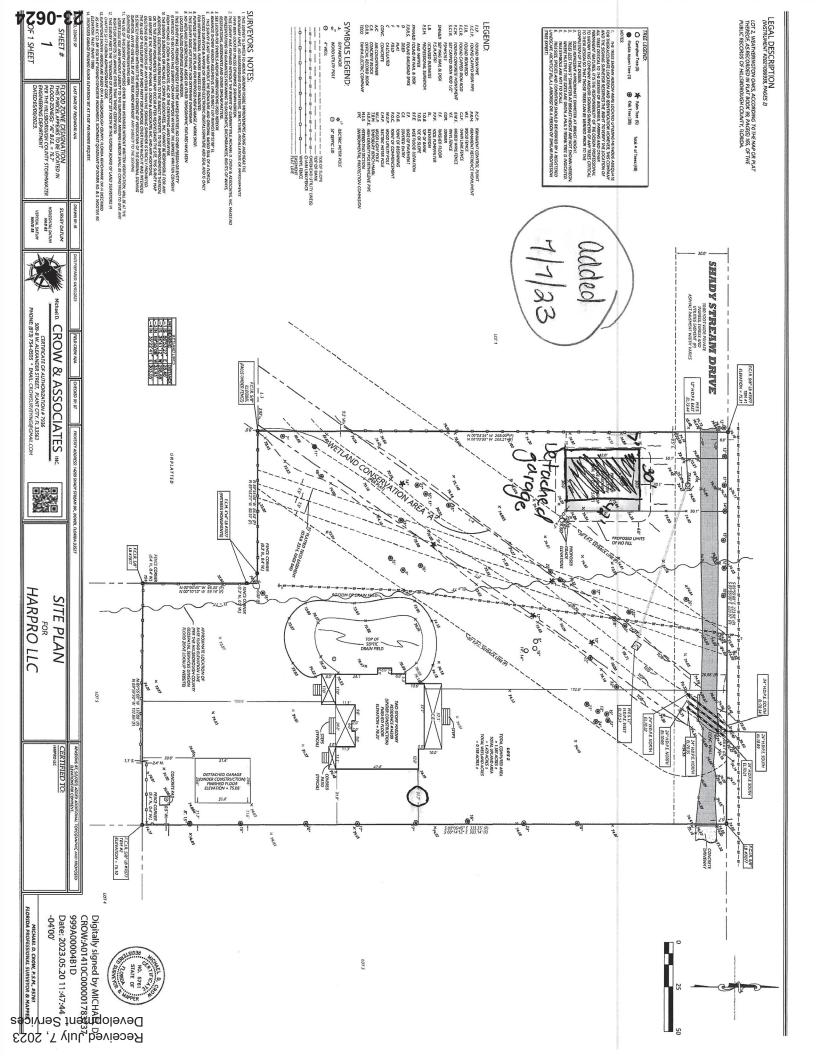
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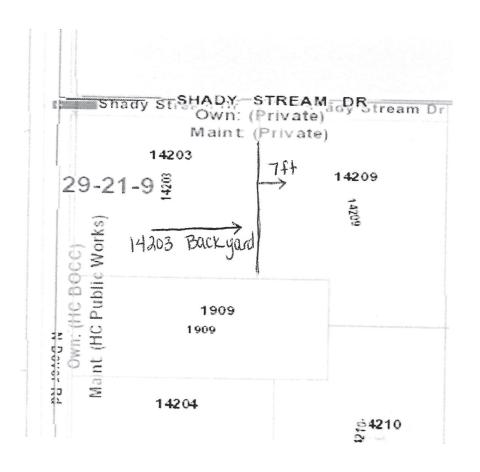
APPLICATION: VAR 23-0624

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Attachments: Application Site Plan

Site Plan Current Deed Written statement









		Office Use Only		
Application Number:		Received Date:	Received By:	
must be submitted prov project size the cover le	viding a summary of that tter must list any new	ne changes and/or addition	on that was previously submitted. A land information provided. If there in itionally, the second page of this form.	s a change in
Application Number:	lar 23-0624	Applicant's Name: _	Jeff Bessey	
Reviewing Planner's Nar	ne: Colleen	May Shall	Date: <u>6/30/2</u> 2)
Application Type: Planned Developmen	nt (PD) 🔲 Minor Mod	lification/Personal Appearan	ce (PRS) 🔲 Standard Rezoning (RZ	<u>z</u>)
Variance (VAR)	☐ Developme	ent of Regional Impact (DRI)	☐ Major Modification (N	/M)
Special Use (SU)	Conditiona	l Use (CU)	Other	
Current Hearing Date (if	applicable):			
Important Project Si Changes to project size m	_		e subject to the established cut-off	dates.
Will this revision add lan If "Yes" is checked on the	d to the project? above please ensure yo	Yes No No ou include all items marked v	with st on the last page.	
Will this revision remove If "Yes" is checked on the		?	vith ⁺ on the last page.	
Email this fo		omittal items indicated o	n the next page in pdf form to et	:
Files must be in pdf for titled according to its co- included on the subject	ntents. All items shou	ld be submitted in one ema	tem should be submitted as a segil il with application number (includ	parate file ing prefix)
For additional help a	nd submittal questions	, please call (813) 277-1633	or email ZoningIntake-DSD@hcflg	ov.ne <u>t</u> .
I certify that changes deswill require an additiona	scribed above are the d Il submission and certi	only changes that have beer fication.	n made to the submission. Any furt	ther changes
	Signature		Date	

1 of 3



Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to <u>Chapter 119 Florida Statutes</u>, all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers.

While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications. If your application requires a public hearing and contains sensitive/protected information, please contact <u>Hillsborough County Development Services</u> to determine what information will need to be disclosed as part of the public hearing process.

Additionally, parcels exempt under <u>Florida Statutes §119.071(4)</u> will need to contact <u>Hillsborough County Development Services</u> to obtain a release of exempt parcel information.

Are you seeking an exemption from public disclosure of selected information submitted with your application pursuant to Chapter 119 FS? Yes No		
I hereby confirm	nat the material submitted with application	
Incl	des sensitive and/or protected information.	
Тур	of information included and location	
Doe	not include sensitive and/or protected information.	
Please note: Sensitive	protected information will not be accepted/requested unless it is required for the processing of the appli	sation.
If an exemption is being held from	peing sought, the request will be reviewed to determine if the applicant can be process ublic view. Also, by signing this form I acknowledge that any and all information in t	ed with the data he submittal will
	rmation if not required by law to be protected.	
Signature:	Must be signed by applicant or authorized representative)	
Intake Staff Signa	re: Date:	



Please indicate below which revised/additional items are being submitted with this form.

Inc	cluded	Submittal Item
1		Cover Letter*+ If adding or removing land from the project site, the final list of folios must be included
2		Revised Application Form*+
3		Copy of Current Deed* Must be provided for any new folio(s) being added
4		Affidavit to Authorize Agent* (If Applicable) Must be provided for any new folio(s) being added
5		Sunbiz Form* (If Applicable) Must be provided for any new folio(s) being added
6		Property Information Sheet*+
7		Legal Description of the Subject Site*+
8		Close Proximity Property Owners List*+
9	V	Site Plan*+ All changes on the site plan must be listed in detail in the Cover Letter.
10		Survey
11		Wet Zone Survey
12		General Development Plan
13		Project Description/Written Statement
14		Design Exception and Administrative Variance requests/approvals
15		Variance Criteria Response
16		Copy of Code Enforcement or Building Violation
17		Transportation Analysis
18		Sign-off form
19		Other Documents (please describe):

^{*}Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

^{*}Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.



DESIGN, BUILD & REMODEL

102 S. Evers St. Suite 105 Plant City, FL 33563 Phone: 813-495-9743 CRC1328537/CBC1258649

July 7, 2023

To whom it may concern,

This is in reference to a variance request at 14209 Shady Stream Dr. Dover, FL 33527. This is our personal home and I am the contractor.

As discussed with Ms. Colleen Marshall on the phone, our variance request is to reduce the setback along the western property line to 7 feet for the proposed accessory structure, which based on the Land Development Code (LDC) requirements, when accessing off of an easement, would be considered the front yard. We are adding an additional variance to our request for the eastern setback of the home currently under construction, as based on LDC requirements it would not be meeting the required rear yard setback along the eastern property boundary. Please update to include the additional variance and an additional variance criteria response page for the eastern setback. Also, find the survey attached for the additional building area proposed for the accessory structure to clarify the proposed 7 foot setback.

To confirm, based on our conversation the variances you would be requesting would be:

Variance of 43 feet to the required front yard setback for an accessory structure to reduce the setback to 7 feet (LDC Section 6.11.04.C.1)

Variance of 18.3 feet to the required rear yard setback to reduce the rear yard setback for the home to 31.7 feet (LDC Section 6.01.01)

Should you have any questions, please contact me at 813-495-9743 or jeff@harprollc.com.

Thank you,

Jeff Bessey



Application No:
Application No:

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.
	We are requipting a Mft. Setback from the rear (backgard) of our neighbors backgard property line. NW corner of lot at 14209 shady stream is a private road and current setback
	This serback is needed to build a detached garage and to
	utilize property at its fullest.
	7/1/23 - please read cover letter for additional info.
2.	A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:
	Sec. 2, 02, 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.
4.	Please indicate the existing or proposed utilities for the subject property:
	Public Water 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 Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing





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must be submitted prov project size the cover le	viding a summary of that tter must list any new	ne changes and/or addition	on that was previously submitted. A land information provided. If there in itionally, the second page of this form.	s a change in
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If an exemption is being held from	peing sought, the request will be reviewed to determine if the applicant can be process ublic view. Also, by signing this form I acknowledge that any and all information in t	ed with the data he submittal will
	rmation if not required by law to be protected.	
Signature:	Must be signed by applicant or authorized representative)	
Intake Staff Signa	re: Date:	



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July 7, 2023

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Thank you,

Jeff Bessey



Application No:	
-----------------	--

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?
	Current setback is being based off of a road we do not live of
	off. Should be based off of Shady Stram Dr. Not N. Dover Rd.
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.
	we need to utilize property for our needs. The incorrect set back is not allowing this.
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.
	No one is affected. We are asking for a 7ft set back from the back of our neighbors back yard property line.
	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). USE the correct Setbacks Off of our property line 5.0ff of Shady Stream Dr. and not off of N. Dover Rd.
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. None
6. i	Explain how allowing the variance will result in substantial justice being done, considering both the public benefits ntended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance. This is a private road and 1.43 acress—no public acress.
_	



Instrument #: 2021096938, Pg 1 of 2, 2/25/2021 3:35:33 PM DOC TAX PD(F.S. 201.02) \$420.00, INT. TAX PD (F.S. 199) \$0.00, DOC TAX PD (F.S. 201.08) \$0.00, Deputy Clerk: O Cindy Stuart, Clerk of the Circuit Court Hillsborough County

Prepared By and Return To:

Enterprise Title Partners of New Tampa, LTD. 5303 Technology Drive Tampa, FL 33647

Order No.: 29008

Property Appraiser's Parcel I.D. (folio) Number: 084962-0104 and U-09-29-21-73L-000000-00002.0

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this day of February, 2021 by Julio Valdivia, a married man whose post office address is 1000 S. Harbour Island Blvd., #2206, Tampa, FL 33602 (the "Grantor"), and Leslie M. Bessey and Jeff A. Bessey, wife and husband whose post office address is 1502 Tozier Place, Plant City, FL 33563 (the "Grantee"):

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

WITNESSETH: That the Grantor, for and in consideration of the sum of \$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:

Lot 2, WETHERINGTON OAKS, according to the map or plat thereof, as recorded in Plat Book 99, Page(s) 165, of the Public Records of Hillsborough County, Florida.

THIS PROPERTY IS NOT THE HOMESTEAD OF THE GRANTOR.

Subject to encumbrances, easements and restrictions of record and taxes for 2021.

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; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers duly authorized, the day and year first above written.

Julio Valdivia Grantor Address: 1000 S. Harbour Island Blvd., #2206 Tampa, FL 33602	Signed, sealed and delivered in presence of: Witness Signature Gina Miles Printed Name of First Witness Witness Signature DONULLA GEOGHAGAN
	Printed Name of Second Witness
STATE OF FIOVIDA COUNTY OF HILLS BOY DUGY The foregoing instrument was executed and acknown to me or work of the country of	th day of February 2021 by
Notary Public Printed Name: Da Valla Geoghaga Commission # My Commission Expires:	DANIELLA GEOGHAGAN Commission # GG 912966 Expires October 28, 2023 Bonded Thru Budget Notary Services

⋛ THE SOUTHWEST PLATTED SUBDIVISION—NO IMPROVEMENTS 1/4 OF SECTION 9, TOWNSHIP 29 SOUTH, HILLSBOROUGH COUNTY, FLORIDA RANGE 21

Legal Description.

THE SW1/4 OF THE MW1/4 OF THE SW1/4 OF SECTION 9 TOWNSHIP 29 SOUTH, RANGE 21 EAST, LESS THE SOUTH 150 FEET OF THE MORTH 418 FEET OF THE WEST 340 FEET, LESS ROAD RIGHT-OF-MAY, HILLSBOROUGH CCUNTY, FLORIDA, WEST 340 FEET, LESS ROAD RIGHT-OF-MAY, HILLSBOROUGH CCUNTY, FLORIDA,

1. Subdivision plats by no means represent a determination on whether properties will or will not flood. Land within the boundaries of this plat may or may not be subject to flooding; the beuslapmant Saviace bivision has information regarding flooding and restrictions on development. Saviace by the foliation regarding flooding and restrictions on development. 2. NOTICE: This plat, as recorded in its appoint form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.

Fire Protection Note:

App residential structure not exceeding 5,000 square feet and One Hundred (100) feet between structures may be outhorized for Fire Department tank supply. Any out-building Six Hundred (600) square feet or less may be located within One Hundred (100) feet of the main structure.

E.P.C. Note:

The Welland Conservation Area shall be retained in a natural state pursuant to Hillsborough Courty, Finfac, Land Development of Courty, Finfac, Land Development Act, Chapter 34 -448; and Chapter 1-17, Rules of the Hillsborough Courty Environmental Protection Act, Chapter 84 -448; and Chapter 1-17, Rules of the Hillsborough County Environmental Protection Commission. In addition, and Commission in addition, and commission in addition and county Courty Co

Plat Approval

This plat has been reviewed in accordance with Florida Statutes, 177.081 for Chapter conformity. The geometric data has not been Section verified.

Reviewed by: ILLMM St. LDL.
Florida Professional Surveyor and Mapper, License #3439_
County Surveying Bivision, Real Estate Department, Hillsborough County

Board Of County Commissioners:

Bando fresh agproved for recordation.

This plat has been

Surveyor's Certification:

, the undersigned surveyor, hereby certify that this Platted Subdivision is a correct representation of the land being subdivision; that this plat was prepared under my direction and supervision; that this plat was prepared under my direction and supervision; that this plat complies with all the requirements of Chapter 177, Part Florida Statutes, and the Hillsborough County Land Development Code; that permanent reference monuments (P.R.M. s) were set on the 15th day of December, 2003, as shown herean, and all other monumentance of ict comers, points of intersection and changes in direction of lines within the subdivision as required by Chapter 177, Florida Statutes, have been set.

-E

BY: Surveyor, Daniel F. Brooks P.S.M. 3583

Phone: (813) 681–6820

Phone: (813) 681–6820

Phone: (813) 681–6820



Dedication:

EAST,

The undersigned hereby certifies that he/she is the owner or mortgagee of the tract of land described hereon as METHERINGTOM, AKS, A Plotted Subdivision—No improvements and that this plat represents this intention of subdivide the property located in Section 9, Township 29 South, Range 21 East, Hillsborrough County, Florida, as described in the legal description and does hereby dedicate this plat for record.

It is the intent of the subdivider that a private easement for ingress, egress and utilities being 30.00 feet wide, along the North boundary of Lots I and 2 and entitled hereon as SHADY STREAM DRIVE is hereby created for the use and in benefit and it along the provide ingress, egress and utilities and in the intention of the decided to provide ingress, egress and utilities and in the intention of the decided to hill becomes of Lots 1, 2 and 3, and further that the lands beneath said 30 toot wide easement is owned by the owner of the lot beneath which the easement lies.

It is also the intent of the subdivider that a private easement for ingress, egress and utilities being 40,00 feet wide, along the South boundary of Lots 5 and 6 and entitled hereon as ELDER OMS DRIVE is hereby created for the use and benefit of Lots 4,5 and 6 to provide ingress, egress and utilities and is not intended to be described to fullsborugh County or the public, but shall be maintained and repaired by the owners of Lots 4,5 and 6, and further that the lands beneath said 40 foot wide easement is owned by the owner of the lot beneath which the easement lies.

The undersigned hereby confirms the limits of the public right of way as shown hereon.

Owner: Carrie S. Wetherington Owner: C. Dennis Wethelington Witness: Mina Gulias Witness: Clanip 7. Boos Witness: Junia Guliko Witness: Waring F. Beach

Acknowledgement:

NOTARY PUBLIC: Serial Number: DD 063913 Print: Sign: Carol Brooker Notary Carol Brooks (Seal)

Commission Expires:_

10/9/05

Carol Brooks Notary Public State of Florida My Comm. Exp. 10/9/05 No. DD 063913

Clerk of Circuit Court: County of Hillsborough, State of Florida

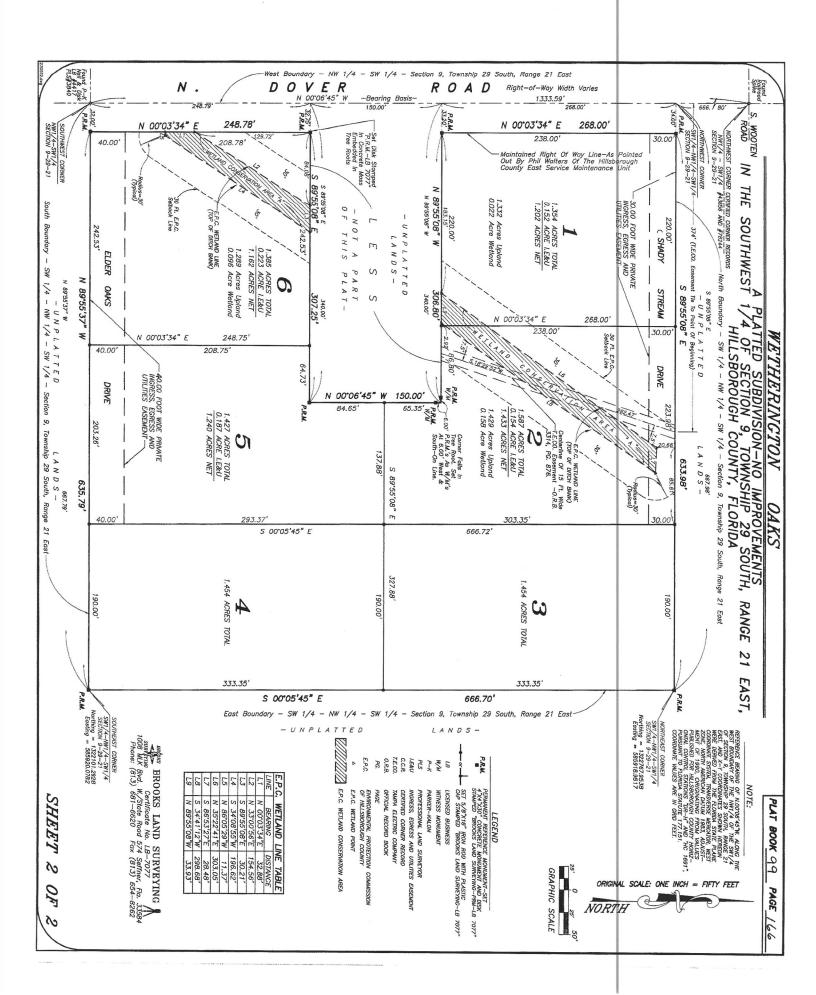
Florida I hereby certify that this Subdivision Plat meets the requirements, in form, of Chapter 177 Part I of Florida Statutes, and has been filed for record in Plat Book 191. Page 165, of the Public Records of Hillsborough County,

BY: Richard AKe Clerk of Circuit Court Br. Cyntha Buis

Clerk File Number: 2004076385 This 2 day of MArch 20 04 Time 2:50 PM



SHEET 1 OF 9



Received
06-14-23

Development Services

Hillsborough County Florida Development Services

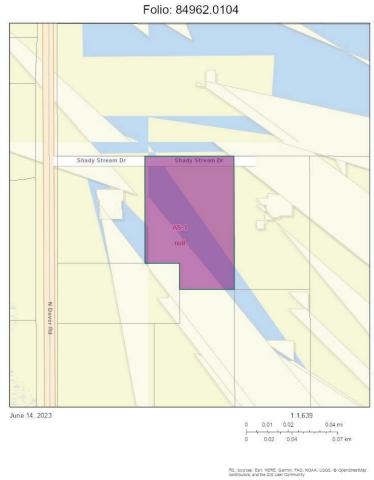
Property/Applicant/Owner Information Form

VAD 00 0004	Official Use Only		
Application No: VAR 23-0624		Intake Date: 06/14/2023	
Hearing(s) and type: Date: 08/28/2023	Type: LUHO	Receipt Number: 277637	
Date:	Гуре:	Intake Staff Signature: Keshia Rivas	
Property Information			
Address: 14209 Shady Stream D)Υ΄, City/State/Zip:_	Dover, FL 33527	
		and Use: RS: 1 Property Size: 1.43 acreas	
Property Owner Information			
Name: Jeff Bessey and Le	estie Bessy	Daytime Phone 813. 8 495.9743	
Address: 14209 Shady Stream i	City/State/Zip:	DOVER FL 33527	
Email: jeff@harprolle.com		Fax Number	
Applicant Information			
Name: Jeff Bessey Harpro	LLC	Daytime Phone <u>813</u> . 495. 9743	
Address: 14209 Strady Stream Dr. City/State/Zip: Dover, FL 33527			
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 and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.	true and recogn	thorize the processing of this application ize that the final action taken on this all be binding to the property as well as to and any future owners.	
Signature of the Applicant Jeff Bessey Type or print name	Signature of the	Owner(s) - (All parties on the deed must sign) Sett Bessy / Leslie Bessy me	



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AS-1
Description	Agricultural - Single-Family
Overlay	null
Restr	null
Flood Zone:AE	
FIRM Panel	0405H
FIRM Panel	12057C0405H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	Х
Pre 2008 Firm Panel	1201120425C
County Wide Planning Area	East Rural
Census Data	Tract: 012402 Block: 2008
Future Landuse	R-1
Future Landuse	R-1
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	3
Fire Impact Fee	Central
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 5
Wind Borne Debris Area	Outside 140 MPH Area
Aviation Authority Height Restrictions	330' AMSL
Competitive Sites	NO
Redevelopment Area	NO



Folio: 84962.0104 PIN: U-09-29-21-73L-000000-00002.0 Leslie M And Jeff A Bessey Mailing Address: 1502 Tozier Pl null Plant City, Fl 33563-6888 Site Address: 14209 Shady Stream Dr Dover, Fl 33527 SEC-TWN-RNG: 09-29-21

Acreage: 1.58714998 Market Value: \$67,387.00 Landuse Code: 0000 Vacant Resident

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