

**Variance Application: VAR 24-0739**

**LUHO Hearing Date:** June 24, 2024

**Case Reviewer:** Tania C. Chapela



**Hillsborough County Florida**

**Development Services Department**

**Applicant:** Alberto Portela (Portela & Associates Architects)      **Zoning:** PD

**Address/Location:** 13628 Diamond Head Drive, Tampa


**Request Summary:**

The applicant is requesting a variance to the minimum side yard setback to accommodate an addition to the existing home.

**Requested Variances:**

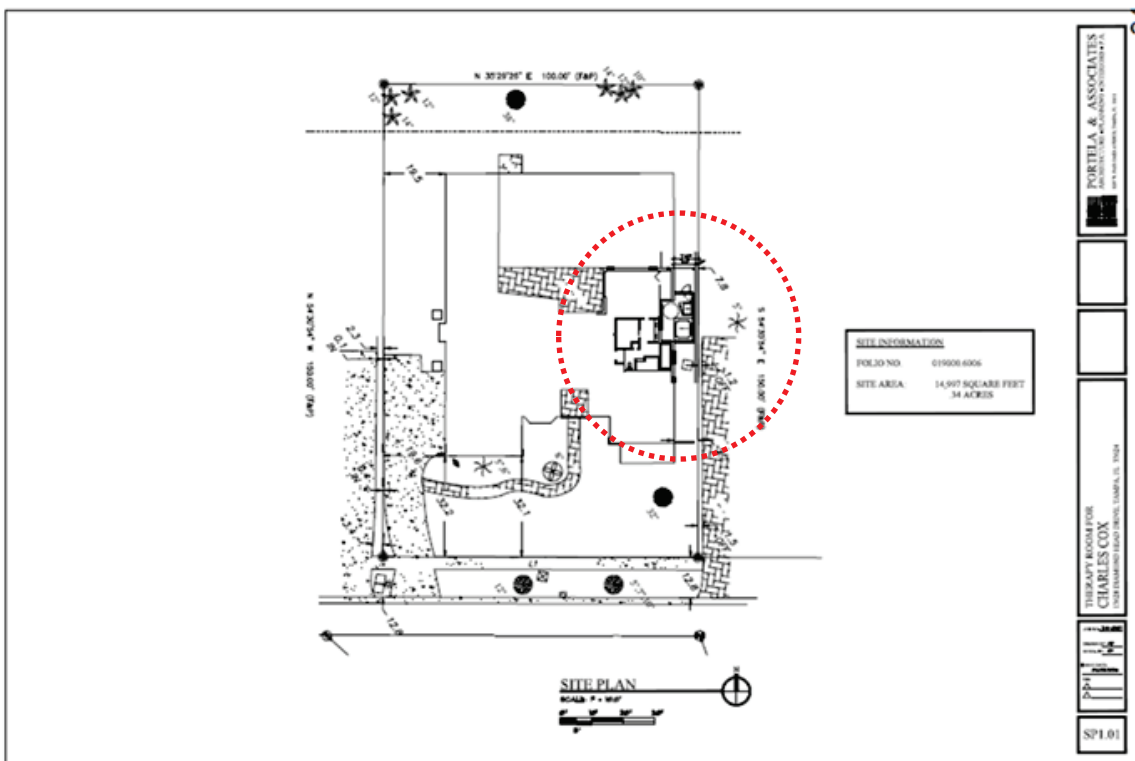
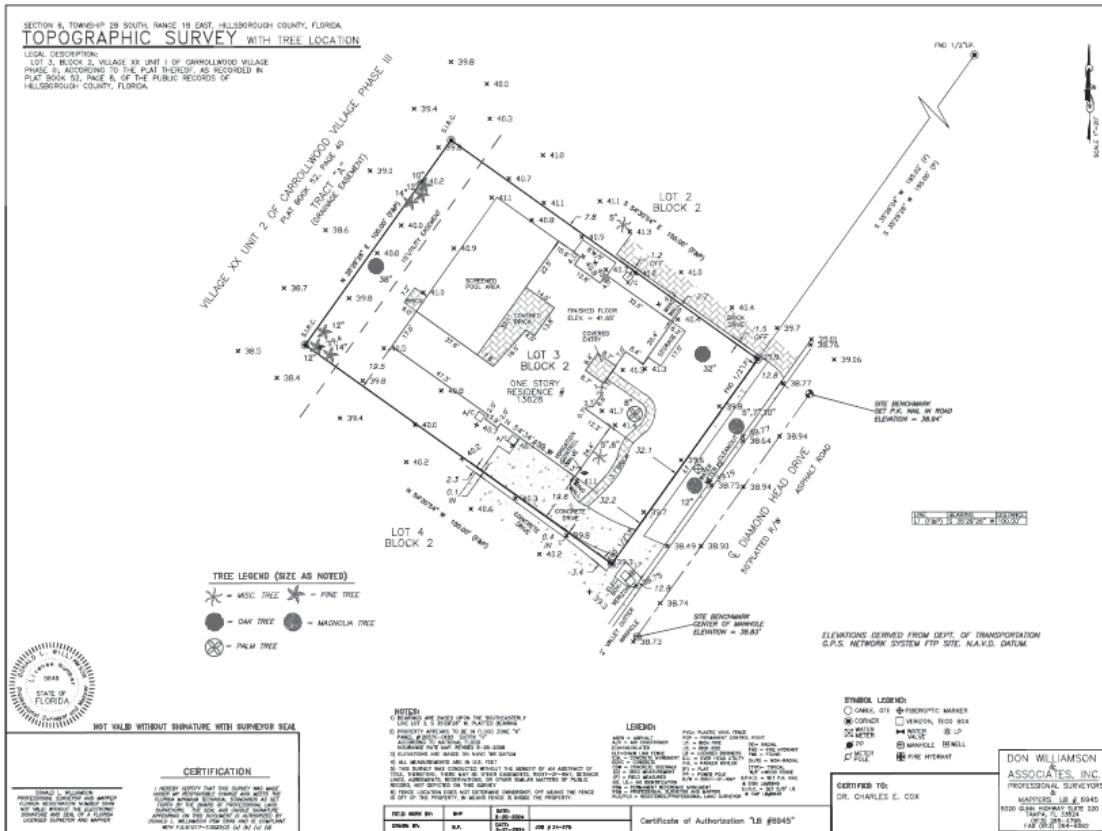
LDC Section:	LDC Requirement:	Variance:	Result:
The property is zoned PD-MU under petition number 74-0004 and was developed under the R-1 standards of the 1977 Comprehensive Development Code	A minimum 7.5-foot (90 inches) side yard setback is required in the R-1 zoning district.	80 inches	10-inch side yard setback

<b>Findings:</b>	Per LDC Sec. 5.03.07.B.2.i, any decrease in yards to three or less single family lots within the Planned Development, shall be reviewed per LDC Sec. 11.04.00-Variations.
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<b>Zoning Administrator Sign Off:</b>	 <small>Colleen Marshall Tue May 21 2024 08:33:10</small>
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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



24-

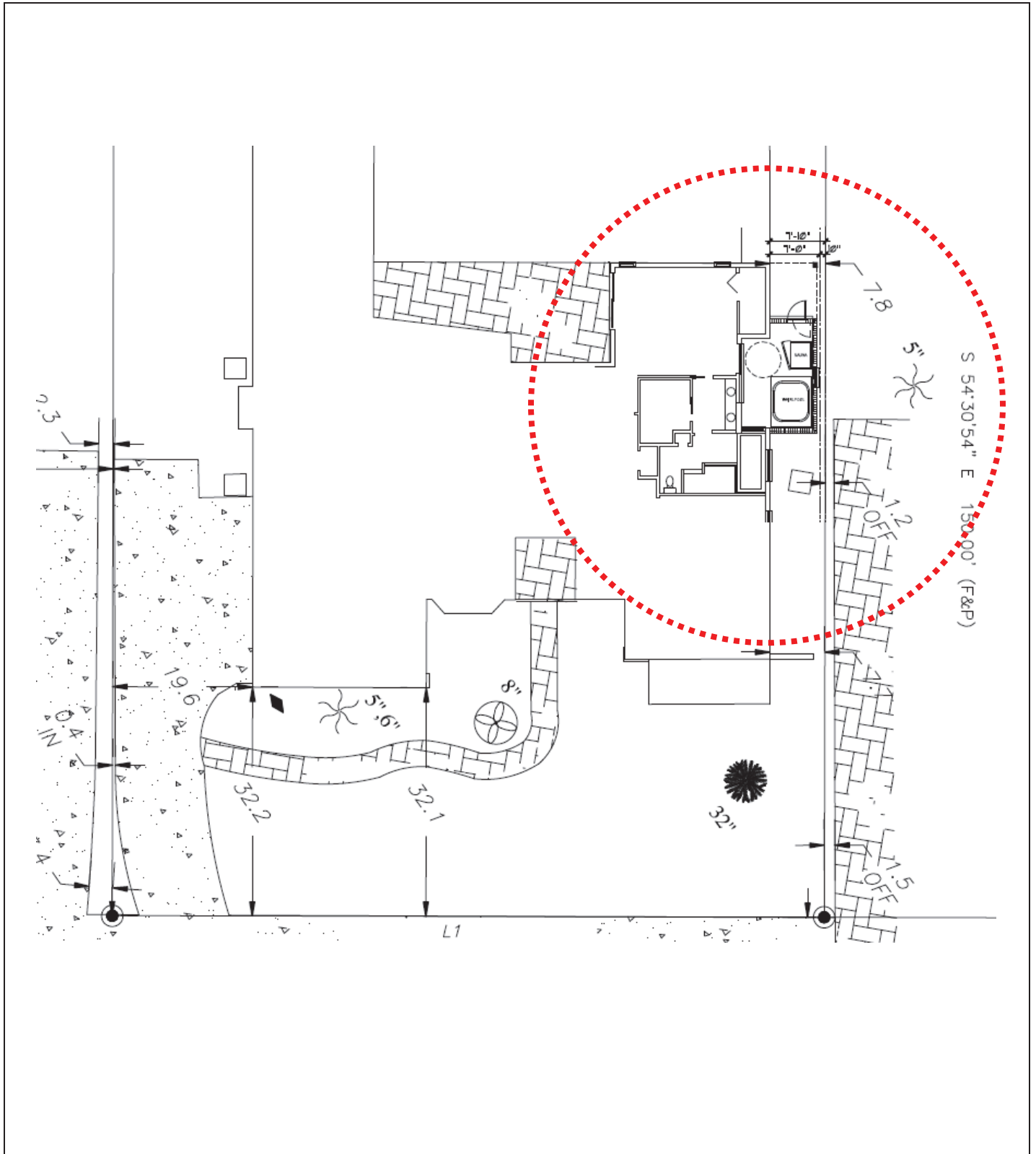
PORTILLA & ASSOCIATES  
 PROFESSIONAL SURVEYORS  
 1525 W. GOLF COURSE BLVD. SUITE 100  
 TAMPA, FL 33607  
 (813) 977-4100

TERESA PORTILLA, P.S.  
 LICENSE NO. 1253

CHARLES COX, P.S.  
 LICENSE NO. 1253

SP1.01

SURVEY/SITE PLAN



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# 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.

Due to health issues, Mr. Cox needs to have therapy that will necessitate a whirlpool and steam sauna.

This variance is for a small addition to the side of the house.

The requested variance is to reduce the side setback from 7.5 feet to 10 inches to allow for the small addition. As such, Mr. Cox has spoken with the neighbors (John & Kimberley Wells) that will be affected by the setback change and have also received a letter from the Homeowners Association showing approval of the requested change. Both letters of support are included as supplemental information in this application package.

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

Variance to Land Development Code (LDC) Section 6.01.01

## 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  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

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## 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 requested variance will allow for Mr. Cox to be able to use therapy equipment that is required for his well-being.

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.

The proposed therapy room would be directly accessible from the master bedroom to facilitate ease of movement between spaces. Without the setback change he would not be able to make this small addition for his health.

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.

Mr. Cox has spoken with the neighbors (to the east of the property) that will be directly affected by the set back change. The neighbors, Mr and Mrs Wells, have provided a letter of support. Mr. Cox has also reached out to the homeowners association and received a letter of approval from the HOA. The small addition of 106 square feet will have minimal impact.

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 variance requested, respects the rights of the adjacent owner as they have been brought into the planning process from the beginning. As well as maintaining the open communication with the HOA. The addition of 106 square feet will be designed and planned harmoniously with the existing house.

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 small addition will be designed following the codes having jurisdiction.

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.

The variance, if approved, will allow for Mr. Cox to receive the therapy needed for a healthier life that the room and equipment will provide. Without the variance he will not be able to achieve his therapy goals.

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OFF: 4129 PD 986

THIS INDENTURE, Made this 14th day of June 1982

by and between HARVEY BARRIE ROSS and wife, PAMELA ROSS

of the County of HILLSBOROUGH, in the State of FLORIDA

parties of the first part, and CHARLES E. COX and BONNIE J. COX, his wife

whose post office address is: c/o Joe Matthews Realty 2302 Swann Ave. Suite B Tampa, FL 33609 of the County of HILLSBOROUGH, in the State of FLORIDA parties of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TEN AND NO/100 Dollars, and other valuable considerations, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed to the said parties of the second part, their heirs and assigns forever, all of the following described land in Hillsborough County, Florida, to-wit:

INT TAX  
SUA TAX  
DOC STP 256.50  
REG FEE 9.00  
ACC NUM  
TOT DUE 265.50  
REG CLK MBW

JAMES F. TAYLOR, JR.  
CLERK CIRCUIT COURT  
RECORDING DEPT.  
HILLSBOROUGH CO.  
TAMPA, FL 33601

Lot 3, Block 2, VILLAGE XX, UNIT 1, CARROLLWOOD VILLAGE, PHASE III, as per map or plat thereof, as recorded in Plat Book 52, on page 8 of the Public Records of Hillsborough County, Florida.

TO HAVE AND TO HOLD the above described premises, with the appurtenances, unto the said parties of the second part, their heirs and assigns, in fee simple forever.

And the said parties of the first part do hereby covenant with the said parties of the second part that said described property is free from all liens and encumbrances, except taxes and assessments for the year 1983 and subsequent years, restrictions, reservations and easements of record, if any and zoning regulations.

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have executed this deed under seal on the date aforesaid.

Signed, sealed and delivered in the presence of: Robert Lowe, Beverly Lowe

Harvey Barrie Ross (SEAL)  
HARVEY BARRIE ROSS  
Pamela Ross (SEAL)  
PAMELA ROSS

This Instrument prepared by:

THIS INSTRUMENT WAS PREPARED BY Kim Barrios OF COASTAL TITLE INS. AGENCY 324 N. DALE MABRY, SUITE 101, TAMPA, FLORIDA 33609 as a necessary incident to the fulfillment of conditions contained in a title insurance commitment issued by it

HILLSBOROUGH COUNTY 096092 STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT OF REVENUE JUN 16 '83 256.50

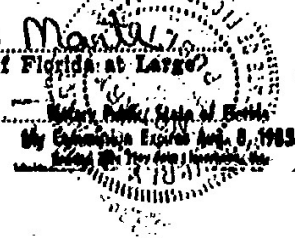
CODES 11353207 TIME 01 SEP 104 0006 15N183 RECORDED 028076 A CK 255.50

I HEREBY CERTIFY, That on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

HARVEY BARRIE ROSS and wife, PAMELA ROSS

to me known to be the person s described in and who executed the foregoing instrument, and they acknowledged before me that they executed the same as their free act and deed for the uses and purposes therein stated.

WITNESS my hand and official seal in the County and State last aforesaid this 14th day of June A. D. 1983

*Barry D. Mantel*  
Notary Public, State of Florida: at Large  
My Commission Expires: *Sept. 8, 1985*  


FORM BE 1-1 - Franklin Printing Co., Tampa

#83282

**Warranty Deed**

TO

*Return to:*  
COASTAL TITLE INS. AGENCY  
324 N. DALE MABRY, SUITE 101  
TAMPA, FLORIDA 33609  
#83282

After Recording —  Return To ...

COASTAL TITLE INSURANCE AGENCY, INC.  
324 N. DALE MABRY, SUITE 101  
TAMPA, FLORIDA 33609

**PART A – PROPERTY INFORMATION AND**  
**OWNER AUTHORIZATION REQUIREMENTS**



Property/Applicant/Owner Information Form

Official Use Only
Application No: VAR 24-0739
Intake Date: 04/29/2024
Hearing(s) and type: Date: 06/24/2024 Type: LUHO
Receipt Number: 362619
Date: Type: Intake Staff Signature: Keshia Rivas

Property Information

Address: 13628 Diamond Head Drive City/State/Zip: Tampa, FL 33624
TWN-RN-SEC: 28-18-6 Folio(s): 019000.6006 Zoning: PD Future Land Use: R-4 Property Size: 1500SF(.34 acres)

Property Owner Information

Name: Charles E Cox & Bonnie J Cox Daytime Phone (813) 293-4525
Address: 13628 Diamond Head Drive City/State/Zip: Tampa, FL 33624
Email: coxce@hotmail.com Fax Number N/A

Applicant Information

Name: Alberto Portela Jr. (Portela & Associates Architects) Daytime Phone (813) 695-0403
Address: 3207 W Fair Oaks Ave City/State/Zip: Tampa, FL 33611
Email: alberto@portelaarchitects.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
Charles E Cox
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)
Charles E Cox Bonnie J Cox
Type or print name

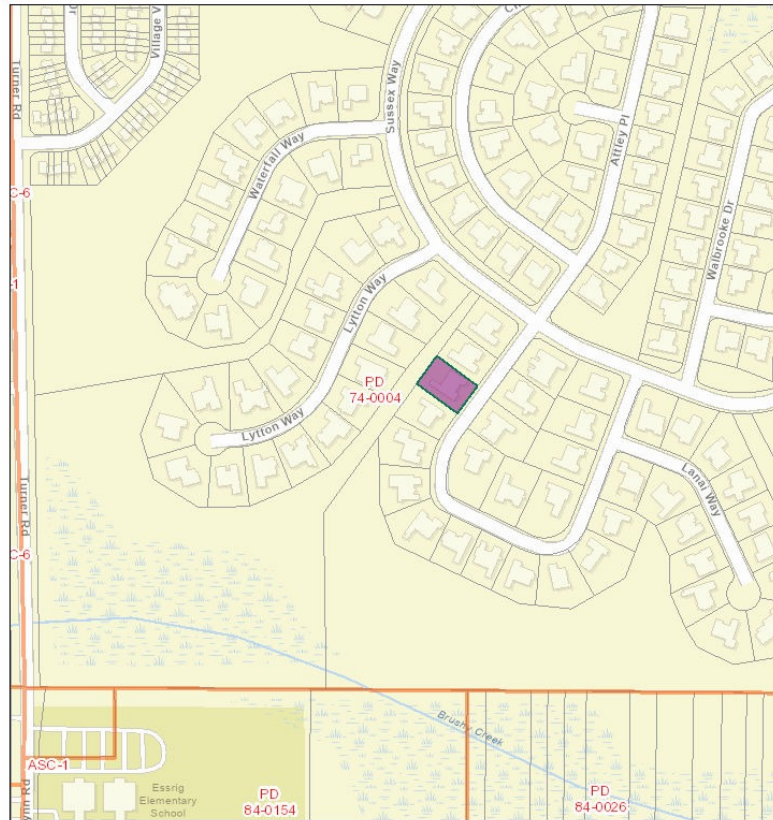
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See ATTACHMENT 02/2023



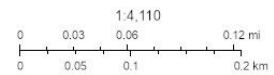
# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
INFL	i
Zoning	PD
Description	Planned Development
RZ	74-0004
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0183H
FIRM Panel	12057C0183H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120185F
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Planned Development	PD
Re-zoning	null
Minor Changes	null
Major Modifications	04-0813,95-0348,96-0326, 98-0588 WD
Personal Appearances	09-0842,05-0051,04-0775 WD,91-0040 DENIED,90-0030,89-0089,88-0034, 17-0720, 21-0357
Census Data	Tract: 011417 Block: 1000
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
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
Aviation Authority Height Restrictions	180' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 19000.6006



April 29, 2024



EDIS: Esri Community Maps Contributors, University of South Florida, City of Tampa, County of Pinellas, FDEP & OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Hillsborough County Florida

**Folio: 19000.6006**  
**PIN: U-06-28-18-0WK-000002-00003.0**  
**Charles E Cox**  
**Mailing Address:**  
 13628 Diamond Head Dr  
 null  
 Tampa, FL 33624-2527  
**Site Address:**  
 13628 Diamond Head Dr  
 Tampa, FL 33624  
**SEC-TWN-RNG: 06-28-18**  
**Acreage: 0.345936**  
**Market Value: \$668,209.00**  
**Landuse Code: 0100 Single Family**

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- Or
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

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