



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0037	
LUHO HEARING DATE: March 27, 2023	CASE REVIEWER: Colleen Marshall, AICP, CFM

REQUEST: The applicant is requesting variances to accommodate a proposed three-lot subdivision of property zoned RSC-4.

VARIANCE(S):

- 1) Per LDC Section 6.01.06.4, a minimum lot size of one acre of upland is required for the use of a septic system within Water Resource Protection Areas as shown on the Hillsborough County Resource Protection Map. The subject property is located within a Wellhead Resource Protection Zone 1. The applicant requests:
 - a. A 0.378-acre reduction to the required upland area for proposed Lot 1 to allow 0.622 acre of upland; and,
 - b. A 0.137-acre reduction to the required upland area for proposed Lot 2 to allow 0.863 acre of upland; and,
 - c. A 0.185-acre reduction to the required upland area for proposed Lot 3 to allow 0.815 acre of upland for proposed Lot 3.

- 2) Per LDC Section 6.01.03.N, privately owned access easements may be included in lot width calculations but shall not be included in calculating compliance with the minimum lot area for individual lots. The applicant requests a variance to allow the proposed 30-foot-wide access easement with approximately 8,127.9 square feet of area to be included in the minimum lot size calculations for proposed Lot 2.


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



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Thu Mar 9 2023 13:33:09 t

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

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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.

My Mother (Auralee Trautman/Kinsey/Buckingham) owned property since early 1950's. I recently inherited it and would like to subdivide into three lots for my children to build on in the future. There is an existing house with septic & well. My original pre-submittal proposal (8/23/2022) was to subdivide into five lots. However, I have reduced my proposal to a total of three lots. See attached plat proposal for (Auralee Acres) where each lot would have just under one acre of upland.

Lot 1 (existing home) is .622 acres of upland or 27,079.980 sq ft, including wetland is 1.153 acres
 Lot 2 (proposed site) is .863 acres of upland or 37,587.719 sq ft, including wetland is 1.253 acres
 Lot 3 (proposed site) is .815 acres of upland or 35,512.357 sq ft, including wetland is 5.962 acres

Variance One: Reduce the lot size under one acre of upland for use of septic tank within a wellhead protection area.

Variance Two: Allow 30 ft easement to count towards the minimum lot size for lot 2. This easement from Blount Road will provide access to the back lot 3. Note: 15 ft of the easement would be paved in the future.

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

1st Variance - reduce lot size under one acre for spetic tank within wellhead protection area, code LDC Sec 6.01.06.4

2nd Variance - allow 30 ft easement to count towards min lot size, code LDC Sec 6.02.01

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): Pre-submittal application and meeting held on Aug 23rd 2022
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 Reclaimed 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?

Property has been in my family for 70 years. Last year I inherited the property and bought my sister out. I have spent thousands of dollars trying to keep it in the family. My intention is to subdivide this into three lots so that my children can build future homes. My youngest child is living in existing home and I'd like my other two children to be able to build future homes on property. However, If this isn't approved then I would be forced to sell property where I grew up.

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.

My property includes a wellhead protection area which requires one acre of upland for septic. However, my existing neighbors adjacent to the wetland area have built on less than one acre. On the south end, Steve Gahagan has .5 acre of upland, Brian Lipinski has .75 acre. On the East side John Nix has .4 acre, Mike Rink has .4 acre. Maria Ortiz on N. side is on .5 acre. All three lots I'm proposing would be larger than surrounding neighbors but under a full acre each.

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.

By approving the two variances and allowing this property to be subdivided into three lots for two future homes will in no way interfere with the existing homes on all three sides of property and wellhead area. It would be in line with existing homes adjacent to property. The attached wetland delineation has the proper setbacks on all sides. Currently gathering letters from neighbors as back up.

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).

I do meet the RSC-4 and Septic requirement but not the wellhead protection area. I have the EPC's approval of the wetland delineation and setback area included in package. My application is a reasonable request to create three lots very similar to those on either side of my property and wellhead area.

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 request does not result from illegal act or 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.

I inherited the property and would like to create 3 lots which will be in line with the surrounding lots and homes adjacent to mine. The taxes jumped to \$14k and I've spent thousands of dollars on engineers, surveys and site plans, all to try and keep it in my family and give to my children. If the variances are not approved, then I would be forced to sell the entire property. Financially I can't maintain the full property without the ability to build additional homes for my children.

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Prepared by and Return to:

**D. MICHAEL LINS, ESQUIRE
LINS LAW GROUP
14497 N. Dale Mabry Hwy., Suite 160-N
Tampa, FL 33618**

*Property Appraiser's Folio Number:
012652-0000*

QUITCLAIM DEED

This Quitclaim Deed is executed this 25th day of June, 2021 by ASHLEY JUREE GRACEY f/k/a/ ASHLEY JUREE CARVER, a married woman, whose post office address is 17603 Clover Creek Place, Lutz, FL 33549-5569, hereinafter called the "Grantor", to Kristi Buckingham Mackey, whose post office address is 19258 Blount Rd., Lutz, FL 33558, hereinafter called the "Grantee".

(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; and the use of the singular shall include the plural and vice-versa; the use of any gender shall include all genders.)

Witnesseth, that the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, the receipt of which is hereby acknowledged, hereby quitclaims to the Grantee all of Grantor's right, title and interest in and to that certain land situate in Hillsborough County, Florida, to wit:

See Exhibit A attached (hereinafter the "Property")

Grantor represents and warrants to Grantee that the Property is **not** the Grantor's homestead. Grantor and her spouse currently reside together at 17603 Clover Creek Place, Lutz, FL 33549-5569 and they have no minor children.

This conveyance is made subject to real estate taxes for 2021 and thereafter and to all covenants, reservations, restrictions, declarations, easements, encumbrances, and other matters of record.

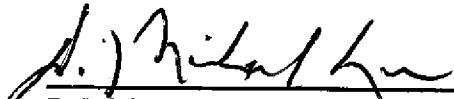
Preparer's Notice: Grantor and Grantee acknowledge that this Deed was prepared from information furnished by them. No independent verification or opinion of title has been made and neither D. Michael Lins nor Lins Law Group, P.A. shall have any liability for the status of title to the Property or for the accuracy of such information.

23-0037

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

Signed, sealed and delivered
in our presence:

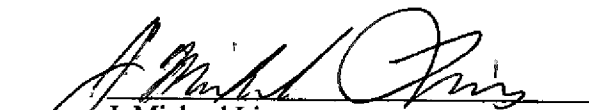
Grantor:



D. Michael Lins



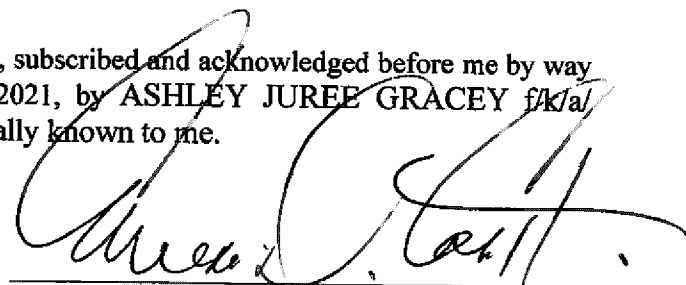
ASHLEY JUREE GRACEY f/k/a/
ASHLEY JUREE CARVER



J. Michael Lins

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was sworn to, subscribed and acknowledged before me by way of personal presence this 25th day of June, 2021, by ASHLEY JUREE GRACEY f/k/a/ ASHLEY JUREE CARVER, who is personally known to me.



CARRENE D. COHALLA
Notary Public, State of Florida
My commission expires:

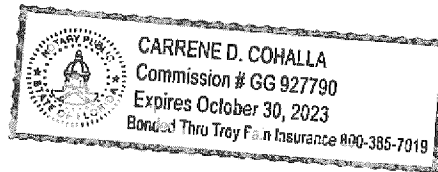


Exhibit A

The North 1/2 of the SE 1/4 of the SE 1/4 of Section 3, Township 27 South, Range 18 East, Hillsborough County, Florida; EXCEPTING THEREFROM the following: The South 50 feet of the North 1/2 of the SE 1/4 of the SE 1/4 of Section 3, Township 27 South, Range 18 East, less the West 500 feet thereof, and also a portion of the North 1/2 of the SE 1/4 of the SE 1/4 of Section 3, Township 27 South, Range 18 East described as follows: Beginning at the SW corner of the North 1/2 of the SE 1/4 of the SE 1/4 of said Section 3, Township 27 South, Range 18 East, run thence East along the South boundary of the said North 1/2 of the SE 1/4 of the SE 1/4 of said section, a distance of 500 feet, thence run North parallel to the East boundary of the North 1/2 of the SE 1/4 of the SE 1/4 of said Section 3, a distance of 220 feet, thence run Northwesterly in a straight line to a point on the West boundary of said SE 1/4 of the SE 1/4 of said Section 3, that is 220 feet South of the NW corner of said SE 1/4 of the SE 1/4 of said Section 3, thence run South on said West boundary a distance of 437.5 feet, more or less, to the point of beginning. (See Warranty Deed - Auralee M. Kinsey to Herbert W. Kinsey, filed for record in Hillsborough County Clerk of Circuit Court Book 571, Page 767, dated 8-11-60). ALSO EXCEPTING therefrom the following: The North 220 feet of the North 1/2 of the SE 1/4 of the SE 1/4 of Section 3, Township 27 South, Range 18 East, lying and being in Hillsborough County, Florida, less right-of-way for road. (See Warranty Deed - Auralee W. Kinsey to Ralph W. Trautman and Hazel Trautman, filed for record in Hillsborough County Clerk of Circuit Court Book 674, Page 510, dated 2-8-61.) LESS AND EXCEPT road right of way.

Prepared by and Return to:

**D. MICHAEL LINS, ESQUIRE
LINS LAW GROUP
14497 N. Dale Mabry Hwy., Suite 160-N
Tampa, FL 33618**

Property Appraiser's Parcel ID Number:

TRUSTEE'S DEED

This Trustee's Deed is executed this 25th day of June, 2021, Kristi Buckingham Mackey, as successor Trustee of the AURALEE MAE BUCKINGHAM LIVING TRUST DATED JUNE 29, 2015, whose post office address is 19258 Blount Rd., Lutz, FL 33558, hereinafter called the "Grantor", to Kristi Buckingham Mackey, whose post office address is 19258 Blount Rd., Lutz, FL 33558, hereinafter collectively called the "Grantee".

(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; and the use of the singular shall include the plural and vice-versa; the use of any gender shall include all genders.)

Witnesseth, that the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, the receipt of which is hereby acknowledged, hereby convey, grant, remise, release and quit-claim unto the Grantee, with full power and authority to protect, conserve, and to sell or otherwise to manage and dispose of the Property (as identified below), all the right, title, interest, claim and demand which the Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Hillsborough County, Florida, to wit:

See Exhibit A attached hereto (hereinafter the "Property")

and Grantor does hereby fully warrant the title the Property and will defend the same against the lawful claims of all persons whatsoever.

This conveyance is made subject to real estate taxes for 2021 and thereafter and to all covenants, reservations, restrictions, declarations, easements, encumbrances, and other matters of record.

In connection with this instrument, Grantor acknowledges and affirms:

- (1) That Auralee Mae Buckingham previously established the AURALEE MAE BUCKINGHAM LIVING TRUST DATED JUNE 29, 2015;
- (2) That Auralee Mae Buckingham is now deceased;

23-0037

- (3) That the above-described Property was the homestead of Auralee Mae Buckingham at the time of her death;
- (3) That at the time of her death, Auralee Mae Buckingham was not married and she had no minor or dependent children;
- (4) That Kristi Buckingham Mackey is now the successor Trustee of the AURALEE MAE BUCKINGHAM LIVING TRUST DATED JUNE 29, 2015;
- (5) That the AURALEE MAE BUCKINGHAM LIVING TRUST DATED JUNE 29, 2015 is currently in full force and effect; and
- (6) That Kristi Buckingham Mackey, as successor Trustee of the AURALEE MAE BUCKINGHAM LIVING TRUST DATED JUNE 29, 2015 has full power and authority to execute and deliver this Deed.

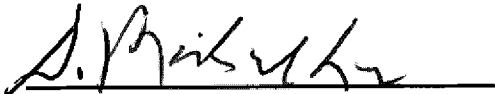
NOTE TO DOCUMENT STAMP EXAMINERS: This conveyance is from Grantor's Trust to Kristi Buckingham Mackey as beneficiary of the Trust. Therefore, minimum documentary stamps are due and payable.


Preparer's Notice: Grantor and Grantee acknowledge that this Deed was prepared from information furnished by them. No independent verification or opinion of title has been made and neither D. Michael Lins nor Lins Law Group, P.A. shall have any liability for the status of title to the Property or for the accuracy of such information.

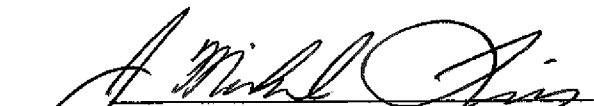
In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in our presence:

Grantor:

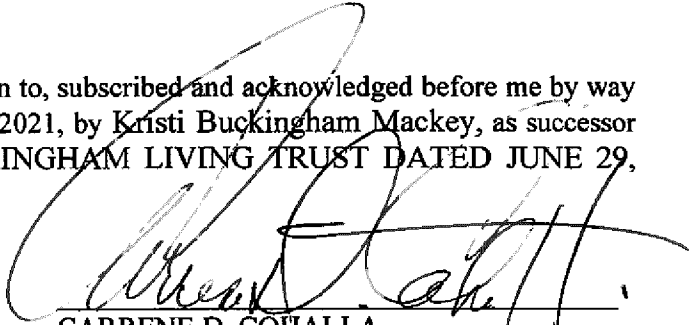

D. Michael Lins


Kristi Buckingham Mackey, as successor Trustee
of the AURALEE MAE BUCKINGHAM
LIVING TRUST DATED JUNE 29, 2015


J. Michael Lins

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was sworn to, subscribed and acknowledged before me by way of personal presence this 25th day of June, 2021, by Kristi Buckingham Mackey, as successor Trustee of the AURALEE MAE BUCKINGHAM LIVING TRUST DATED JUNE 29, 2015, who is personally known to me.


CARRENE D. COHALLA
Notary Public, State of Florida
My commission expires:

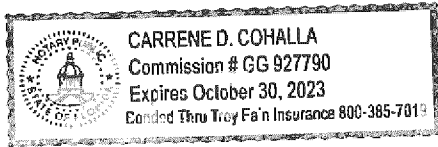


Exhibit A

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Property/Applicant/Owner Information Form

Received 01/04/23 Development Services

Official Use Only
Application No: 23-0037
Hearing(s) and type: Date: 03/27/2023
Type: LUHO
Intake Date: 01/04/23
Receipt Number:
Intake Staff Signature: Ana Lizardo

Property Information

Address: 19216 Blount Road City/State/Zip: Lutz FL 33558
TWN-RN-SEC: 28-22E-3 Folio(s): 12652-0000 Zoning: RSC-4
Sub-divide Future Land Use: Property Size: 8.64 acres

Property Owner Information

Name: Kristi B. Mackey Daytime Phone: 813-928-9229
Address: 19258 Blount Road City/State/Zip: Lutz FL 33558
Email: mackey.kristi28@yahoo.com Fax Number: n/a

Applicant Information

Name: Kristi B. Mackey Daytime Phone: 813-928-9229
Address: 19258 Blount Road City/State/Zip: Lutz FL 33558
Email: mackey.kristi28@yahoo.com Fax Number: n/a

Applicant's Representative (if different than above)

Name: n/a 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: Kristi B Mackey
Type or print name: Kristi B. Mackey

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): Kristi B Mackey
Type or print name: Kristi B. Mackey

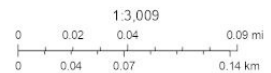


PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RSC-4
Description	Residential - Single-Family Conventional
Flood Zone:AE	BFE = 63.1 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0061H
FIRM Panel	12057C0061H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120065D
County Wide Planning Area	Lutz
Community Base Planning Area	Lutz
Census Data	Tract: 011510 Block: 1005
Census Data	Tract: 011510 Block: 1002
Future Landuse	R-2
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	Outside 140 MPH Area
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



January 4, 2023



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

Hillsborough County Florida

Folio: 12652.0000
PIN: U-03-27-18-ZZZ-000000-47870.0
KRISTI BUCKINGHAM MACKEY
Mailing Address:
 19258 BLOUNT RD
 LUTZ, FL 33558-4950
Site Address:
 19216 BLOUNT RD
 LUTZ, FL 33558
SEC-TWN-RNG: 03-27-18
Acreage: 8.29364967
Market Value: \$731,183.00
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.

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