



LAND USE HEARING OFFICER VARIANCE REPORT

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|--|-------------------------------------|
| APPLICATION NUMBER: VAR 21-0385 | |
| LUHO HEARING DATE: May 24, 2021 | CASE REVIEWER: Kevie DeFranc |

REQUEST: The applicant is requesting variances to accommodate a proposed three-lot subdivision of property zoned AS-1 that is located in the Rural Service Area, and for the setback of an existing single-family home on the property.

VARIANCE(S):

Proposed Subdivision

Per LDC subsection 6.01.03.N, Minimum Lot Area, privately owned access easements may be included in lot width calculations, but shall not be included in calculating compliance with the minimum lot area required for individual lots. The applicant requests a variance to allow the area within the access easement for the proposed subdivision to be included in the minimum lot area calculations for Lots 1 and 2 as follows.

- Lot 1: Allow 6,425 square feet (mol) of easement area to be included in the proposed lot size of 1.032 acre.
- Lot 2: Allow 4,886 square feet (mol) of easement area to be included in the proposed lot size of 1.105 acre.

No variance is requested for Lot 3 which has a proposed lot size of 1.0 acre and includes no easement area.

Existing Home

Per LDC Section 6.01.01, Schedule of Area, Height, Bulk and Placement Regulations, a minimum front yard setback of 50 feet is required in the AS-1 district. The applicant requests a 15.8-foot reduction to the required front yard to allow a front setback of 34.2 feet from the south property line for the existing home on the property that will be located on Lot 1 of the proposed subdivision.

FINDINGS:

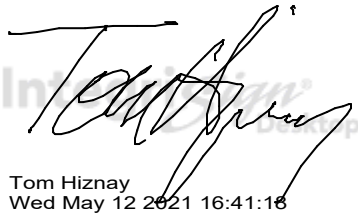
- No other variances have been requested by the applicant to subdivision and site development requirements.

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
Wed May 12 2021 16:41:18

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

MCDONALD ESTATES

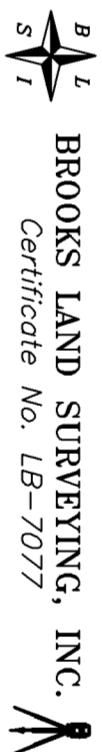
**A MINOR SUBDIVISION
IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 29 SOUTH, RANGE 22 EAST,
HILLSBOROUGH COUNTY, FLORIDA**

SCALE: ONE INCH = FORTY FEET



BEARING BASIS:

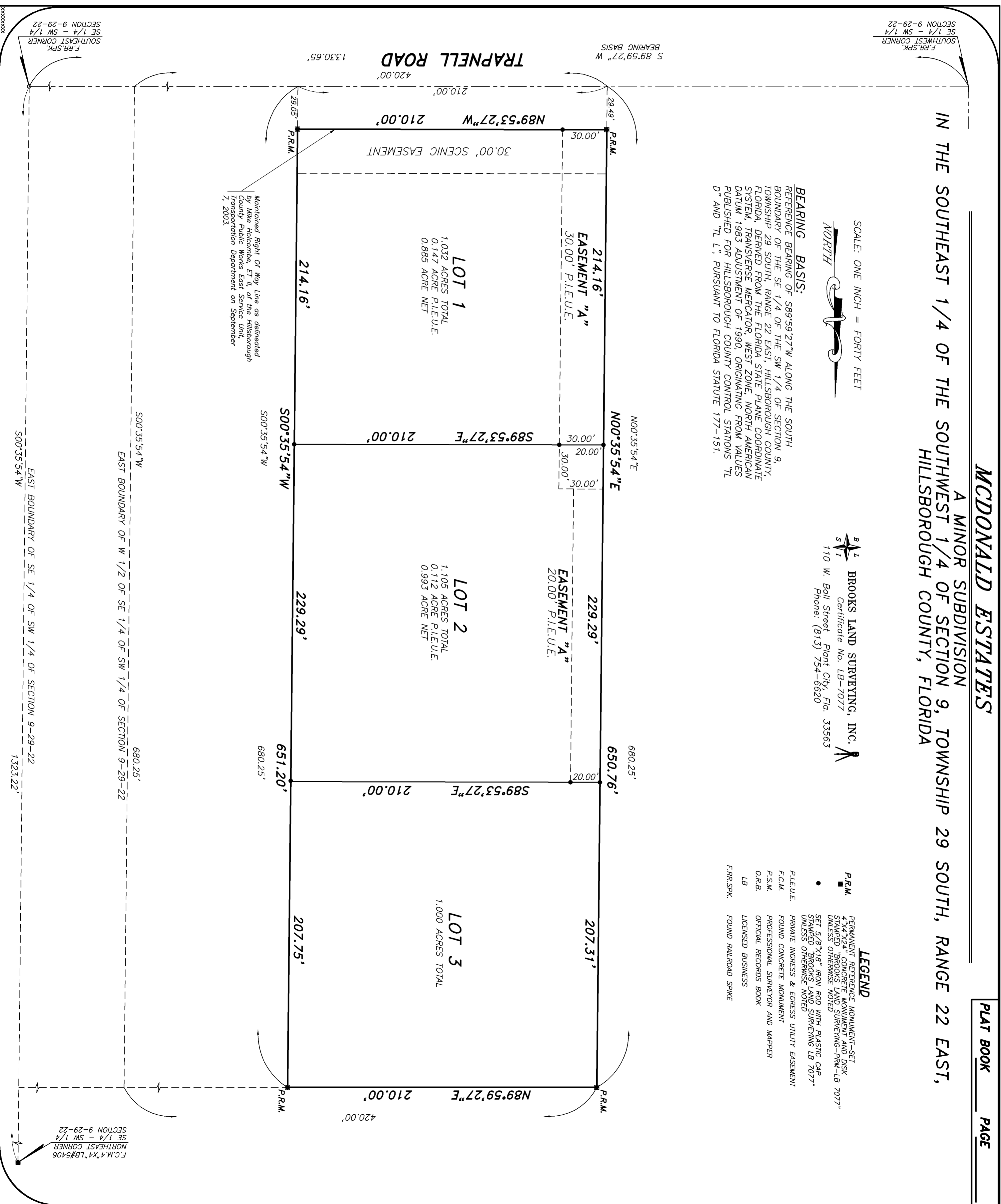
REFERENCE BEARING OF S89°59'27"W ALONG THE SOUTH BOUNDARY OF THE SE 1/4 OF THE SW 1/4 OF SECTION 9, TOWNSHIP 29 SOUTH, RANGE 22 EAST, HILLSBOROUGH COUNTY, FLORIDA, DERIVED FROM THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR, WEST ZONE, NORTH AMERICAN DATUM 1983 ADJUSTMENT OF 1990, ORIGINATING FROM VALUES PUBLISHED FOR HILLSBOROUGH COUNTY CONTROL STATIONS "7L D" AND "7L L", PURSUANT TO FLORIDA STATUTE 177-151.



BROOKS LAND SURVEYING, INC.
Certificate No. LB-7077
110 W. Bell Street, Plant City, Fla. 33563
Phone: (813) 754-6620

LEGEND

- P.R.M.** PERMANENT REFERENCE MONUMENT-SET 4"x4"x24" CONCRETE MONUMENT AND DISK STAMPED "BROOKS LAND SURVEYING-FRM-LB 7077" UNLESS OTHERWISE NOTED
- SET 5/8"x18" IRON ROD WITH PLASTIC CAP STAMPED "BROOKS LAND SURVEYING LB 7077" UNLESS OTHERWISE NOTED
- P.L.E.U.E.** PRIVATE INGRESS & EGRESS UTILITY EASEMENT
- F.C.M.** FOUND CONCRETE MONUMENT
- P.S.M.** PROFESSIONAL SURVEYOR AND MAPPER
- O.R.B.** OFFICIAL RECORDS BOOK
- LB** LICENSED BUSINESS
- F.R.R.SPK.** FOUND RAILROAD SPIKE



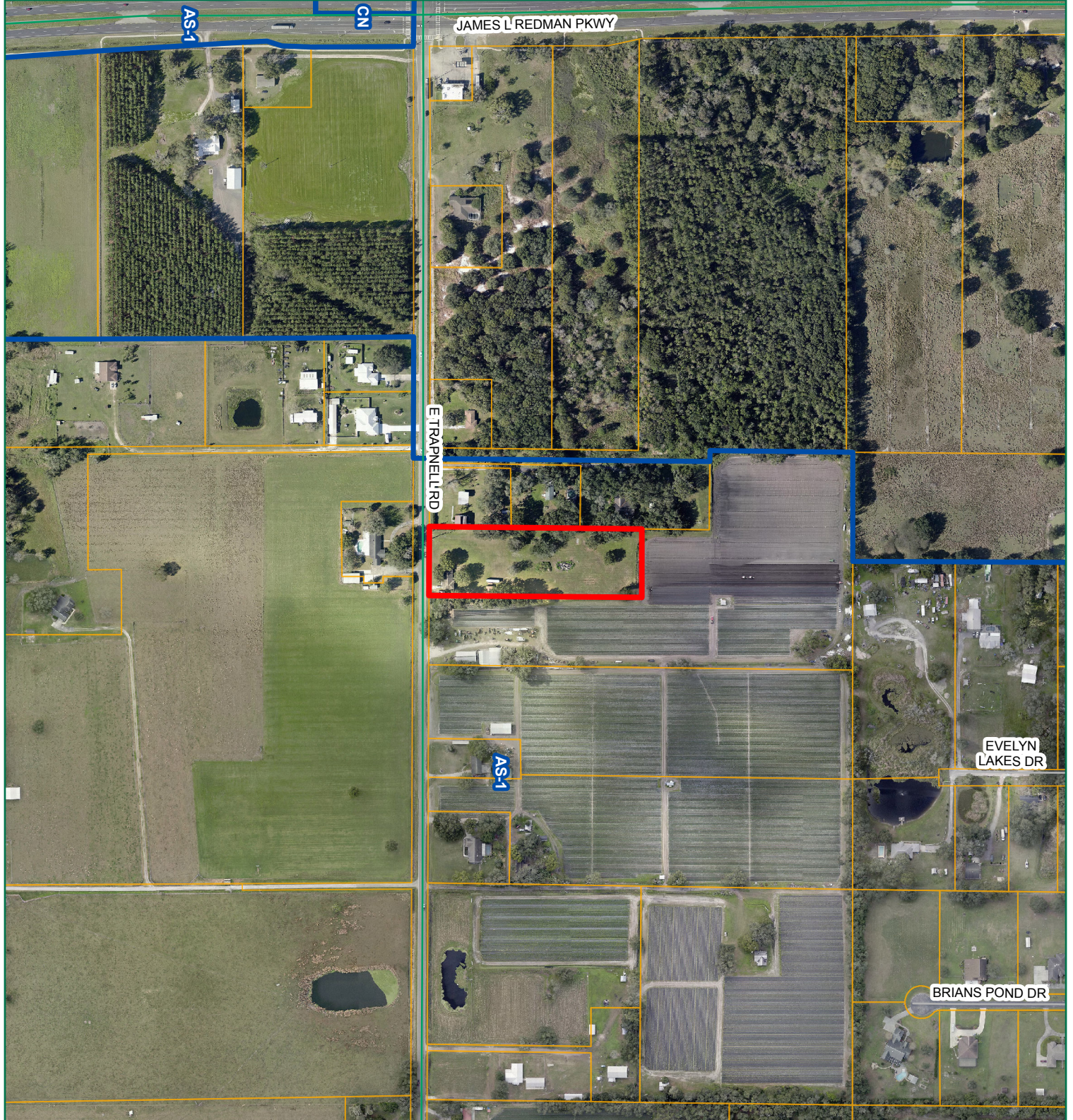
Maintained Right Of Way Line as delineated by Mike Holcombe, ET. II, of the Hillsborough County Public Works East Service Unit, Transportation Department on September 7, 2003.



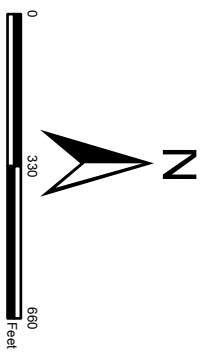
**Immediate Aerial
Zoning Map**

VAR 21-0385

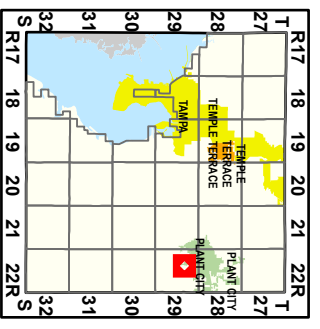
Folio: 91739.0000



- Application Site
- Zoning Boundary
- Parcels



STR: 9-29-22



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, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

SOURCE: This map has been prepared for the hierarchy of real property found within Hillsborough County and is compiled from recorded deeds, plats, and other AVALARL.E 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: 03/09/2021 Print: G:\ZONING\GIS\Data\Zoning_Site.aprx



**Hillsborough
County Florida**
Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR 21-0385 Applicant's Name: Theresa McDonald Kirby

Reviewing Planner's Name: Kevie Defranc Date: 05/11/2021

Application Type:

- Planned Development (PD) Minor Modification/Personal Appearance (PRS) Standard Rezoning (RZ)
- Variance (VAR) Development of Regional Impact (DRI) Major Modification (MM)
- Special Use (SU) Conditional Use (CU) Other _____

Current Hearing Date (if applicable): 05/24/2021

The following must be attached to this Sheet.

- Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.
- An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Submittal Via:

- Email (Preferred). Note that no follow up paper file is necessary. Pdf format only. Maximum attachment(s) size is 15 MB.

Email this sheet along all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcflgov.net

- Mail or delivery. Number of Plans Submitted: Large _____ Small _____

For PD, MM, PRS and SU: 7 large copies 24"X36", one small 8.5X11".
 For RZ-Standard: if plot plan is larger than 8.5"X11", 7 large copies should be submitted.
 For Minor Change: 6 large copies.
 For Variances or Conditional Use permits: one 8.5"X11" or larger)

Mail to:
 Development Services Department
 Community Development Division
 P.O. Box 1110
 Tampa, FL 33601-1110

Hand Deliver to:
 County Center
 Development Services Department
 19th Floor
 601 E. Kennedy Blvd., Tampa

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.

Signature

5/11/2021
Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent Scanned into OPTIX
- Transmittal Completed

In-Take Completed by: _____

APTew Services, LLC
2002 Holloway Rd
Plant City, Florida 33567
813-967-2015 APTewServices@gmail.com

VAR 21-0385

Cover Letter for Revision

A revised variance request has been submitted to incorporate the specific setback variance request for the existing nonconforming structure.

Thank you,
Amber Tew

21-0385

Application Number: VAR 21-0385

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.
- The property owner of Folio 091739-0000 is requesting a variance to Sec 6.01.03 of the LDC that states that access can not be counted towards the acreage. The property owner is also requesting a variance to Sec 6.01.01 of the LDC for a specific setback variance request for a nonconforming structure. The nonconforming structure is the existing home which is encroaching into the front yard setback. The owner is proposing a three lot minor subdivision and is short 5 feet for lot 1 when the access is not included in the acreage.
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2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code: Sec 6.01.01 and Se 6.01.03
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-
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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 t hird 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 determ ination 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 **19th 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 access and lot requirements may exist with other surrounding properties but none were noticed on any of the immediate abutting properties.

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 requirements of the LDC not allowing access to be counted towards the total acreage of a lot would deprive the property owner from being able to create a three lot minor subdivision for family to build on.

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.

If the variance is approved, no adjoining property owners will be affected whatsoever.

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).

This variance request is in harmony and serves the general intent and purpose of the LDC and the Comprehensive plan because this request does not hinder public interest.

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.

To our knowledge this variance does not result from an illegal act.

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.

If this variance request is approved the property owner will be able to give her family members a buildable lot to build homes for their families on.

This Indenture Made the 13 day of December A. D. 19 76 by HOLLIS D. McDONALD, JR., as Personal Representative of the estate of MARGIE K. McDONALD, deceased hereinafter called the grantor, to

THERESA M. DAVIS

whose postoffice address is Route 3 Box 88, Plant City, Florida 33566

hereinafter called the grantee:

(Wherever used herein the terms "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 the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, re-mises, releases, and transfers unto the grantee, all that certain land situate in Hillsborough County, Florida, viz:

Commencing at a point 420 feet West of the SE corner of the W 1/2 of the SE 1/4 of the SW 1/4 of Section 9, Township 29 South, Range 22 East, and run thence North to a point 435.6 feet S of the N line of said tract, thence W to the W line of said tract, thence S to the SW corner of said tract, thence E to point of beginning.

RECEIVED

DEC 28 9 53 AM '76

CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY, FLA.

HILLSBOROUGH COUNTY

1 7 1 6 2 6

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
P.B. 11059
DEC 28 '76
00.30

HILLSBOROUGH COUNTY

1 9 5 7 7 0



FLORIDA

DEC 28 '76

P.B. 10820

DOCUMENTARY SUR TAX

00.55

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.

In Witness Whereof, the said grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Mary Ann Hargrove

Joe B. Hargrove

Hollis D. McDonald, Jr.
Hollis D. McDonald, Jr., as
Personal Representative of
estate of Margie K. McDonald,
deceased

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

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 HOLLIS D. McDONALD, JR., as Personal Representative of the estate of MARGIE K. McDONALD, deceased to me known to be the person described in and who executed the foregoing instrument and before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this

December A. D. 19 76

Mary Ann Hargrove
Notary Public, State of Florida
at Large
My commission expires: 9-10-78

This Instrument prepared by:

Address THIS INSTRUMENT WAS PREPARED BY:
JAMES L. REDMAN, Attorney at Law
P. O. DRAWER TT, PLANT CITY, FLA. 33566



Received
02/09/2021
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: 310 E. Trapnell Rd. City/State/Zip: Plant City FL 33576 TWN-RN-SEC: 09-29-22
Folio(s): 091739-0000 Zoning: AS-1 Future Land Use: AS-1 Property Size: 3.28

Property Owner Information

Name: Theresa McDonald Kirby Daytime Phone: (813) 508-9971
Address: 310 E. Trapnell Rd. City/State/Zip: Plant City FL 33576
Email: themikestewart1@gmail.com FAX Number: _____

Applicant Information

Name: Theresa McDonald Kirby Daytime Phone: (813) 508-9971
Address: 310 E. Trapnell Rd. City/State/Zip: Plant City FL 33576
Email: themikestewart1@gmail.com FAX Number: _____

Applicant's Representative (if different than above)

Name: Amber Tew Daytime Phone: 813-967-2015
Address: 2002 Holloway Rd City / State/Zip: Plant City, Florida 33567
Email: APTewServices@gmail.com 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.
Theresa M. Kirby
Signature of Applicant
Theresa McDonald Kirby
Type or Print Name

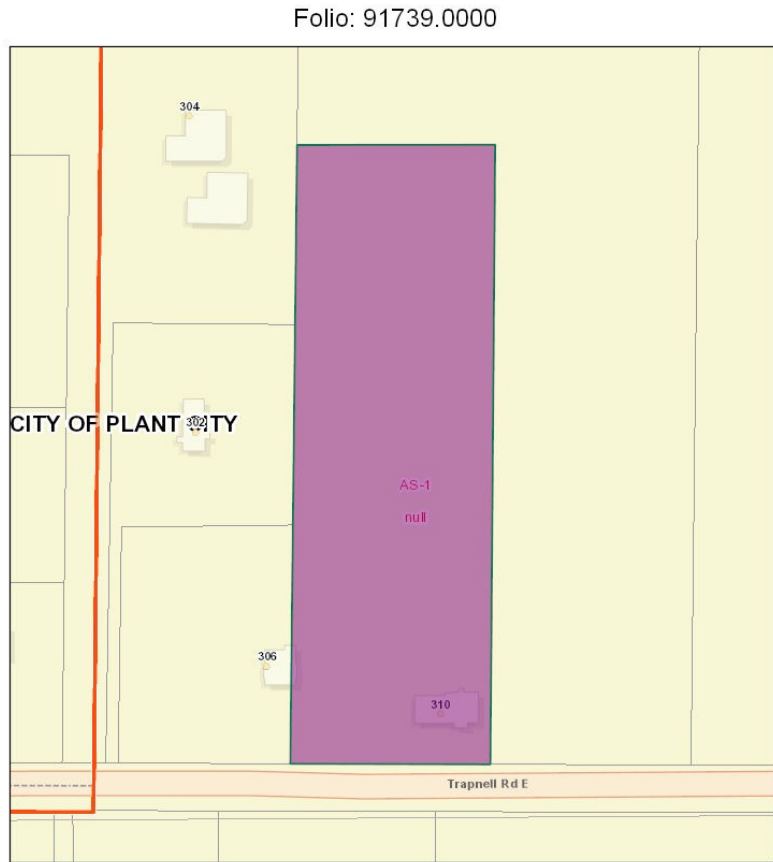
I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.
Theresa M. Kirby
Signature of Property Owner
Theresa McDonald Kirby
Type or Print Name

Office Use Only
Intake Staff Signature: Ana Lizardo Intake Date: 02-09-2021
Case Number: 21-0385 Public Hearing Date: 04/26/2021
Receipt Number: 21-0385



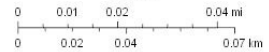
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

| | |
|--|------------------------------|
| Jurisdiction | Unincorporated County |
| Zoning Category | Agricultural |
| Zoning | AS-1 |
| Description | Agricultural - Single-Family |
| Overlay | null |
| Restr | null |
| Flood Zone:X | AREA OF MINIMAL FLOOD HAZARD |
| FIRM Panel | 0430H |
| FIRM Panel | 12057C0430H |
| Suffix | H |
| Effective Date | Thu Aug 28 2008 |
| Pre 2008 Flood Zone | X |
| Pre 2008 Firm Panel | 1201120450B |
| County Wide Planning Area | East Rural |
| Census Data | Tract: 013002 Block: 3020 |
| 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 | 310' AMSL |
| Competitive Sites | NO |
| Redevelopment Area | NO |



February 9, 2021

1:1,298



ES: Hillsborough County - Public Works - Geomatics - Street & Addresses, EID

Hillsborough County Florida

Folio: 91739.0000
PIN: U-09-29-22-ZZZ-000004-88480.0
OWNER: THERESA M KIRBY
Mailing Address:
 310 E TRAPNELL RD
 PLANT CITY, FL 33566-4954
Site Address:
 310 E TRAPNELL RD
 PLANT CITY, FL 33566
SEC-TWN-RNG: 09-29-22
Acreage: 3.16418004
Market Value: \$216,691.00
Landuse Code: 0100 SINGLE FAMILY

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for:

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.

21-0385

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