



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0161	
LUHO HEARING DATE: February 21, 2021	CASE REVIEWER: Tim Lampkin, AICP

REQUEST: The applicant is requesting setback variances to accommodate a proposed single-family home on property zoned PD 91-0148.

VARIANCE(S):

Per Condition 3 of PD 91-0148, the minimum required setbacks for the subject lot are as follows: front yard, 25 feet; side yard, 7.5 feet; and rear yard, 25 feet. The applicant requests:

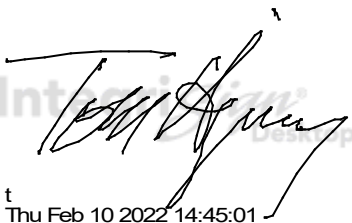
- 1) A 2.5-foot reduction to the required side yard to allow a setback of 5 feet from the east property line; and,
- 2) A 2.5-foot reduction to the required side yard to allow a setback of 5 feet from the west property line.

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
 t Thu Feb 10 2022 14:45:01
Attachments: Application Site Plan Petitioner's Written Statement Current Deed Conditions of Approval for PD 91-0148

PROPOSED RESIDENCE AT

3326 W SHELL POINT ROAD
RUSKIN, FL 33570

PROPOSED SITE PLAN:

1" = 10'-0"

SILT FENCE DETAIL:

SCALE: N.T.S.

INDEX OF DRAWINGS:

1	#3326 W SHELLS POINT ROAD, RUSKIN, FL 33570
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SITE PLAN

C-1 COVER SHEET & SITE PLAN

ARCHITECTURAL PLANS

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A-2 EXTERIOR ELEVATIONS
A-3 EXTERIOR ELEVATIONS
A-4 INTERIOR SECTION & STAIR DETAILS
A-5 WALL SECTIONS
A-6 ELECTRICAL PLAN

STRUCTURAL PLANS

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S-10 PILE PLAN
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S-20 FLOOR FRAMING PLAN
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BUILDING INFORMATION:

APPLICABLE CODES:
FLORIDA BUILDING CODE 7TH ED. 2020 (RESIDENTIAL)
NFPA 70 NATIONAL ELECTRIC CODE 2020

BUILDING LOCATION:
ADDRESS: 3326 W SHELL POINT RD.
RUSKIN, FL 33570
FOLIO: 031959-0000
JURISDICTION: HILLSBOROUGH COUNTY
PROPERTY USE: 0000-VACANT
NEIGHBORHOOD CODE: 227002.00 | RUSKIN SW OF SHELL PT & HWY 41

BUILDING & CONSTRUCTION DATA:
ZONING: PD 01-0148 (EXISTING)
OCCUPANCY TYPE: I1B
CONSTRUCTION TYPE: R-3 RESIDENTIAL SINGLE FAMILY
RISK CATEGORY: CATEGORY II
SITE AREA: 6.120 SQ.FT. (0.14 ACRE)
HOUSE AREA:
LABULATION:
LIVING AREA: 1,176 S.F.
1ST FLOOR: 443 S.F.
2ND FLOOR: 1,619 S.F.
TOTAL LIVING AREA: 1,619 S.F.
PORCHES: 392 S.F.
COVERED AREAS: 392 S.F.
TOTAL AREA: 2,011 S.F.
UNDER ROOF: 2,011 S.F.

NUMBER OF STORIES: 2
MAX BUILDING HEIGHT: 30'-0"
FLOOD ZONE: VE

IMPERVIOUS AREA CALCULATION:

TOTAL SITE AREA:	6,120 SQ. FT.
IMPERVIOUS AREA:	1,597 SQ. FT.
PERCENT IMPERVIOUS:	26.1%
STAMPS:	299 SQ. FT.
CONCRETE DRIVE:	419 SQ. FT.
AC W/VELL:	183 SQ. FT.
TOTAL IMPERVIOUS:	2,286 SQ. FT.
PERVIOUS AREA:	3,834 SQ. FT.
IMPERVIOUS AREA:	37.02%

SITE NOTES:
- STOPWAY/TIE TO BE DIRECTED TOWARDS THE ROW. IT SHALL NOT CAUSE ANY DERIVATIONAL EFFECT ON ADJACENT PROPERTIES.

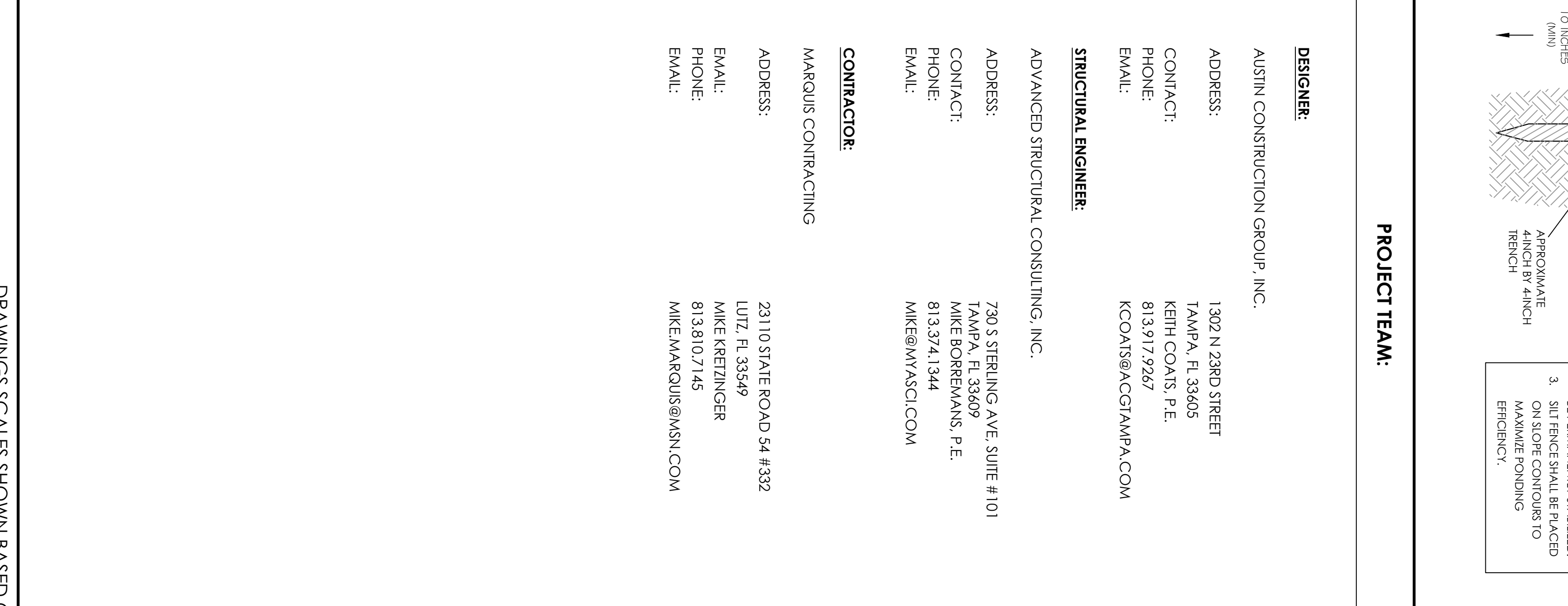
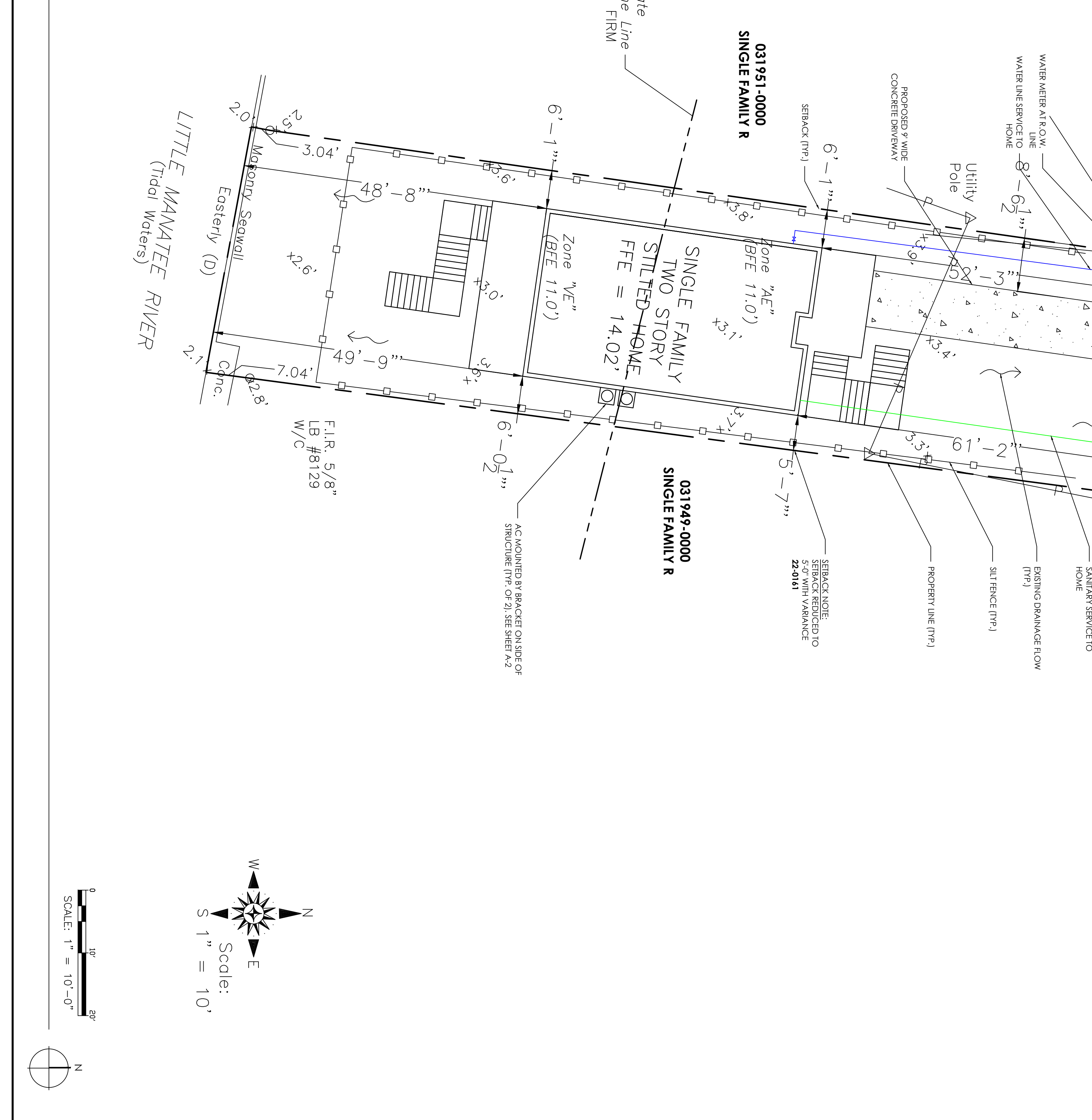
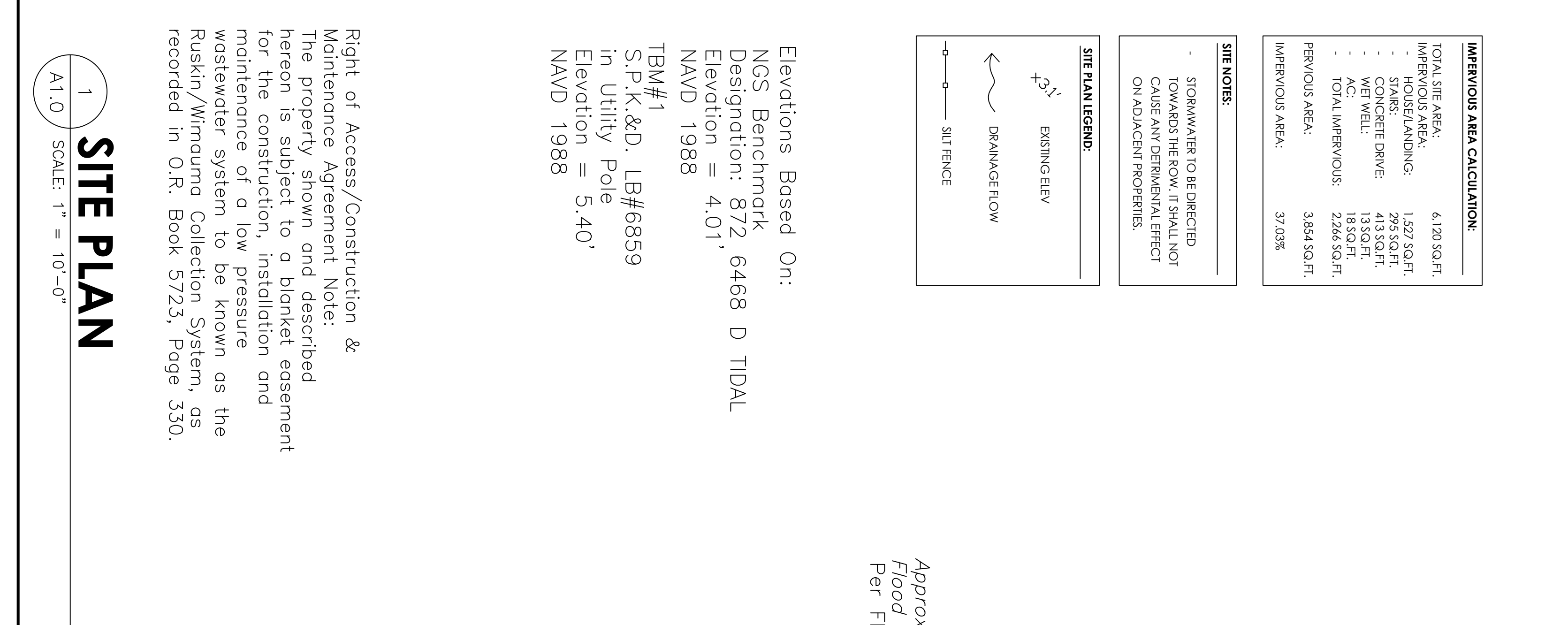
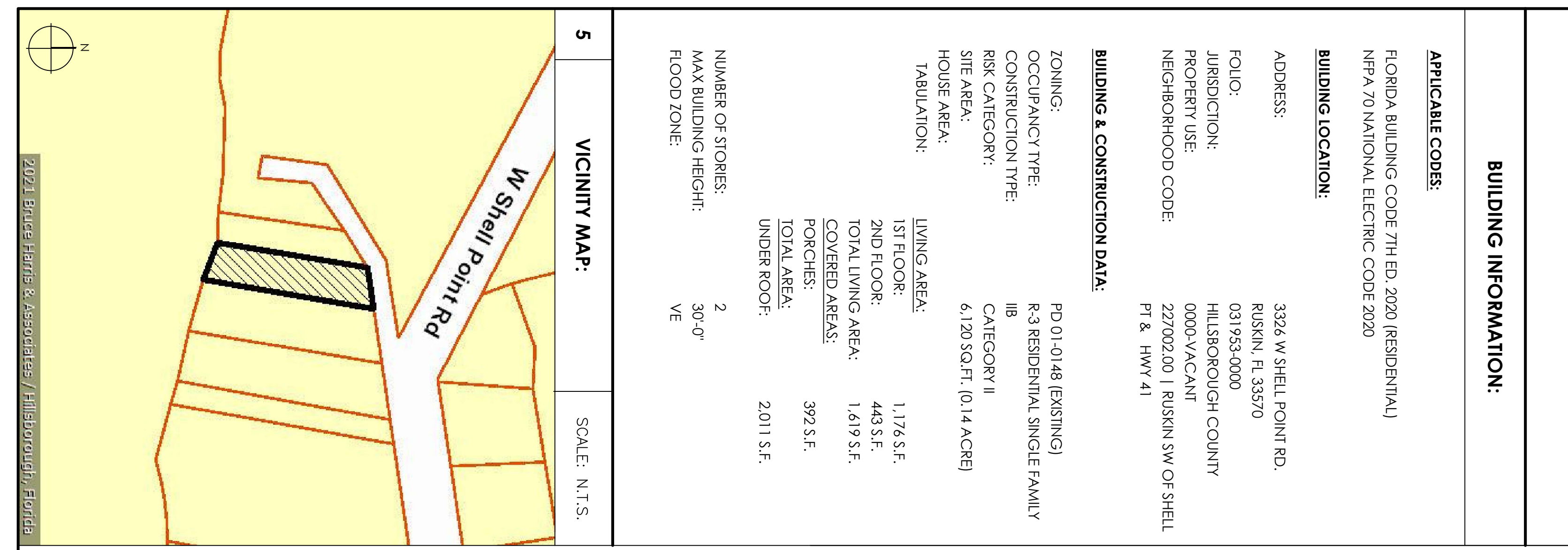
SILT FENCE LEGEND:
- EXISTING ELEV
- DRAINAGE TOW
- SUTTERICE

DESCRIPTION:
Lot and Cabin #3 SHELL POINT: BEGINNING 647.03 feet South and 1904.80 feet West of the Northwest corner of Government Lot 2, Section 11, Township 32 South, Range 18 East, Hillsborough County, Florida, run thence S. 80°09'W, 40 feet; thence S. 08°08'W, 145 more or less to the Northernly shore line of Little Manatee River; thence Easterly to a point S. 07°31'W, 164 feet more or less from Point of Beginning.

IMPERVIOUS AREA CALCULATION:

SITE NOTES:

SILT FENCE LEGEND:



DESIGNER:
AUSTIN CONSTRUCTION GROUP, INC.
ADDRESS: 1302 N 29RD STREET TAMPA, FL 33605
CONTACT: KEITH COATS, P.E. 813.917.9267
EMAIL: KCOATS@ACGTAMPA.COM

STRUCTURAL ENGINEER:
ADVANCED STRUCTURAL CONSULTING, INC.
ADDRESS: 730 S STERLING AVE, SUITE #101 TAMPA, FL 33609
CONTACT: MIKE KREZINGER, P.E. 813.974.1344
EMAIL: MIKE@MVAASCI.COM

CONTRACTOR:
MARQUIS CONTRACTING
ADDRESS: 23110 STATE ROAD 54 #332 LUTZ, FL 33549
EMAIL: MIKE KREZINGER 813.810.7145
PHONE: MIKE@MARQUIS@MSI.COM

DESIGN + BUILD GROUP:
ACGT TAMPA
1302 N. 29TH ST TAMPA, FL 33605
813.917.9267

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PHONE: MIKE@MARQUIS@MSI.COM

DESIGN + BUILD GROUP:
ACGT TAMPA
1302 N. 29TH ST TAMPA, FL 33605
813.917.9267

REVISIONS

NO.	DATE	COMMENTS

COVER SHEET

PROPOSED SINGLE FAMILY HOME AT
3326 W SHELL POINT ROAD
RUSKIN, FLORIDA 33570

KEITH COATS
FL P.E. NO. 48917
FL C.O. NO. 30718

DRAWN: A.C.
DATE: 5/25/2021

CHECKED: K.C.
DATE: 5/25/2021

APPROVED: [Signature]
DATE: [Signature]

PERMIT NUMBER: [Blank]

SCALE: AS SHOWN

SHEET NO. C-1

INDEX: [Blank]

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.

Existing site is currently only 39-feet wide with existing 7.5' side setbacks.

Due to the small site width, we are requesting a reduction to the minimum side setbacks to 5.0' each.

In 2020 the existing structure was demolished for the construction of a new single family residence. The existing structure did not meet existing setback and were approximately 5.0' on each side.

The reduced setbacks to 5.0' would allow for a wider home with standard bedroom sizes.

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

6.01.03 side setback

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): permit application #HC-Bld-21-0022514
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 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?

The lot is so narrow that a reasonable home cannot be build with the existing set backs.

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 current side setback of 7.5' would make the house very narrow and make the bedrooms not meet todays standards. The existing lot width does not allow for a modern size single family residence.

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.

A marina is on one side and we will not interfere with the neighbors on the other side and it is fenced.

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 is only for a side setback reduction, therefore meets the intent and purpose on the plan.

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.

nothing has been built at this time and existing structure was removed

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.

we will not be interfering with either neighbors. the new home will enhance the neighborhood

THIS INSTRUMENT PREPARED BY AND RETURN TO:

Sherry M. Newgent
Chelsea Title of the West Coast
26650 Wesley Chapel Blvd., Ste C
Lutz, FL 33559
Parcel (Folio) Numbers: 031953-0000

Space Above This Line For Recording Data

THIS WARRANTY DEED, made the 9th day of November, 2018 by Mildred P. Sames and Theodore A. Sames, II, wife and husband, herein called the grantors, to Dave Mitchell's Investment Corporation, a Florida Corporation, whose post office address is P.O. Box 7078, Wesley Chapel, FL 33545-7078, 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 grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in HILLSBOROUGH County, State of Florida, viz.:

Lot and Cabin #3, Shell Point- Beginning 647.03 feet South and 1904.80 feet West of the Northwest corner of Government Lot 2, Section 11, Township 32 South, Range 18 East, Hillsborough County, Florida, run thence South 80°09' West 40 feet, thence South 8°08' West 145 feet more or less to the Northerly shore line of Little Manatee River; thence Easterly to a point South 7°31' West 164 feet more or less from Point of Beginning.

Subject to easements, restrictions and reservations of record and to taxes for the year 2019 and thereafter.

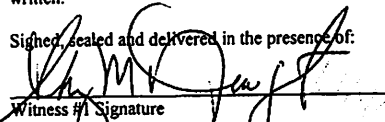
TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

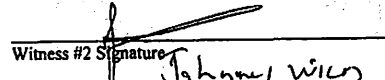
TO HAVE AND TO HOLD, the same in fee simple forever.


AND, the grantors hereby covenant with said grantee that the grantors are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2018.

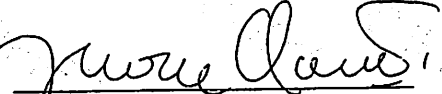
IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

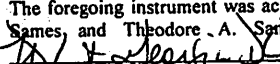

Witness #1 Signature
Sherry M. Newgent
Witness #1 Printed Name

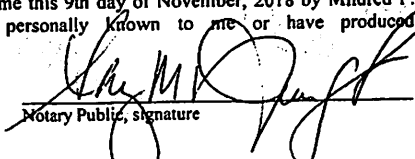

Witness #2 Signature
Johnny Wilson
Witness #2 Printed Name


Mildred P. Sames
108 Lakeview Dr., Apt B, East Dublin, GA 31027


Theodore A. Sames, II
108 Lakeview Dr., Apt B, East Dublin, GA 31027

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this 9th day of November, 2018 by Mildred P. Sames, and Theodore A. Sames, II who are personally known to me or have produced  as identification.


Notary Public, signature

Notary Public, printed name

My Commission Expires

SHERRY M. NEWGENT
MY COMMISSION # FF 916220
EXPIRES: October 27, 2019
Bonded Three Notary Public Underbars

4.
SHELL POINT WEST, MIXED USE DISTRICT (AREA 1)
FINAL CONDITIONS OF APPROVAL
ZONING CONFORMANCE SOUTH COUNTY AREA

MEETING OF: County Commissioners
MEETING DATE: September 11, 1991
PETITION NUMBER: PD-MU 91-0148 SC
SEC.TWP.RNG.: 11/32/18

Approval with Conditions: - Staff recommends approval of the PD-MU zoning request, required to satisfy zoning conformance procedures mandated by the 2010 Future of Hillsborough County Comprehensive Plan, with the conditions listed below. Approval is based on the General Development Site Plan, and all data shown, defined, described, noted, referenced, and listed thereon.

1. The maximum densities and intensities of any new use must not exceed the requirements of the LDR category with infill density increases to acknowledge existing development as allowed in zoning conformance.
2. Permitted uses are limited to:
 - a) All preexisting legal non-conforming uses
 - b) Single Family Detached Houses
 - c) Two Family, Duplex, or Single Family Attached Houses
 - d) Multi-family apartment and condominium units at a density up to the limit of the overlying Land Use Category
 - e) Single Family Mobile Homes
 - f) Existing Mobile Home Parks. Note: New mobile home parks are not permitted in the Coastal High Hazard Areas as defined in the Comprehensive Plan, without the specific authorization of Hillsborough County.
 - g) Recreational Vehicle Parks
 - h) All permitted C-G (Commercial- General) uses EXCEPT:
Mini Warehouses, Motor Vehicle Repair (minor), Service Stations, Motor Vehicle Sales-non commercial, Motor Vehicle Sales-commercial and Dry Cleaners, all of which will be expressly prohibited.
 - i) Dry Boat Storage shall be a permitted use.
 - j) For purposes of this district, the permissible uses Churches/Synagogues, Eating Establishments, Health Practitioner's Office and Hotels/Motels shall be permitted uses and the requirement for such uses having direct access to a arterial or collector street shall be waived. Other C-G uses deemed permissible as stated in the Hillsborough County and/or Land Development Code, upon its adoption, shall meet all special use review requirements and approvals set forth in the C-G zoning district.
3. Minimum setbacks for each single family detached conventional house, mobile home, duplex or single family attached house, and multifamily dwelling unit shall be twenty-five (25) feet on the front and rear. The side yard setback shall be 7.5 feet. Minimum setbacks for all existing developments shall be those in existence upon the effective date of this zoning.
4. Minimum setbacks for non-residential uses shall be those of the C-G zoning district.
5. Residential and non-residential uses may use the same lot and/or building/dwelling unit on site. In such cases, the more restrictive setback requirements for the lot shall apply.
6. Required buffering of all non-residential uses shall meet the requirements of Section 7.12, Buffers and Screening, as set forth in the Hillsborough County and/or Land Development Code, upon its adoption.
7. All previous conditions of approval, except those in direct conflict with conditions stated above, shall be applicable.
8. New Development shall be in accordance with all applicable regulations and ordinances, including Subdivision and Site Development Regulations.
9. This development order/permit is issued with the understanding that the concurrency requirements of Chapter 163, Part II, Florida Statutes became effective on February 1, 1990 and that approval of this development order/permit does not constitute a guarantee that there will be public facilities in place at the time of application for subsequent development orders or permits.
10. Within 90 days of the zoning conformance zoning approval by the Hillsborough County Board of County Commissioners, the owners of existing mobile home parks shall submit to the Planning and Zoning Department, seven copies of a site plan for certification reflecting all the conditions outlined above which apply.

THIS INSTRUMENT PREPARED BY AND RETURN TO:

Sherry M. Newgent
Chelsea Title of the West Coast
26650 Wesley Chapel Blvd., Ste C
Lutz, FL 33559
Parcel (Folio) Numbers: 031953-0000

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(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)

W I T N E S S E T H: That the grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in HILLSBOROUGH County, State of Florida, viz.:

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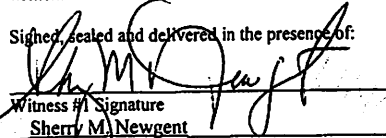
TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

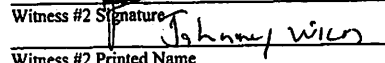
TO HAVE AND TO HOLD, the same in fee simple forever.


AND, the grantors hereby covenant with said grantee that the grantors are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2018.

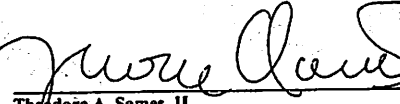
IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

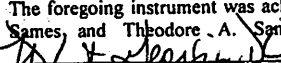

Witness #1 Signature
Sherry M. Newgent
Witness #1 Printed Name

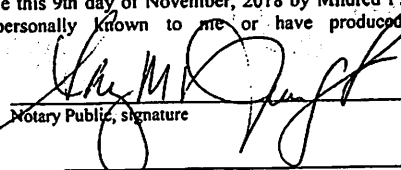

Witness #2 Signature
Johnny Wilson
Witness #2 Printed Name


Mildred P. Sames
108 Lakeview Dr., Apt B, East Dublin, GA 31027


Theodore A. Sames, II
108 Lakeview Dr., Apt B, East Dublin, GA 31027

STATE OF FLORIDA
COUNTY OF PASCO

The foregoing instrument was acknowledged before me this 9th day of November, 2018 by Mildred P. Sames, and Theodore A. Sames, II who are personally known to me or have produced  as identification.


Notary Public, signature

Notary Public, printed name

My Commission

SHERRY M. NEWGENT
MY COMMISSION # FF 916290
EXPIRES: October 27, 2019
Bonded Three Notary Public Underbars



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: 3326 W. Shellpoint Road City/State/Zip: Ruskin, FL 33570 TWN-RN-SEC: 32 South 18 East 11
Folio(s): 031953-0000 Zoning: PD Future Land Use: _____ Property Size: 6120 sq ft

Property Owner Information

Name: Dave Mitchell Investment Corp Daytime Phone: 813-391-3597
Address: P.O. Box 7078 City/State/Zip: Wesley Chapel, FL 33545
Email: dmitchell@davemitchell.com FAX Number: 813-864-9933

Applicant Information

Name: Michael Kretzinger Daytime Phone: _____
Address: 23110 SR 54 #332 City/State/Zip: Lutz, Florida 33549
Email: mike.marquis@msn.com FAX Number: 813-864-9933

Applicant's Representative (if different than above)

Name: Michael Kretzinger Daytime Phone: 813-810-7145
Address: 23110 SR 54 City / State/Zip: Lutz, FL. 33549
Email: Mike.Marquis@msn.com FAX Number: 813-864-9933

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

Michael Kretzinger

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

Dustin Mitchell

Type or Print Name

Intake Staff Signature: Clare Odell Office Use Only Intake Date: 11/04/2021
Case Number: 22-0161 Public Hearing Date: 01/24/2022
Receipt Number: 101804

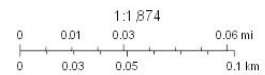


PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	91-0148
Flood Zone:AE	BFE = 11.0 ft
Flood Zone:AE	BFE = 10.0 ft
Flood Zone:VE	BFE = 11.0 ft
FIRM Panel	0653H
FIRM Panel	12057C0653H
Suffix	H
Effective Date	Thu Aug 28 2008
FIRM Panel	0651H
FIRM Panel	12057C0651H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	VE
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120653D
County Wide Planning Area	Ruskin
Community Base Planning Area	SouthShore
Community Base Planning Area	Ruskin
Planned Development	PD
Re-zoning	null
Census Data	Tract: 014121 Block: 1041
Census Data	Tract: 014121 Block: 1116
Census Data	Tract: 014121 Block: 1045
Future Landuse	R-2
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 9
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



November 5, 2021



Hillsborough County Florida

Folio: 31953.0000
PIN: U-11-32-18-ZZZ-000001-08520.0
DAVE MITCHELLS INVESTMENT CORPORATION
Mailing Address:
 PO BOX 7078
 WESLEY CHAPEL, FL 33545-0100
Site Address:
 3326 W SHELL POINT RD
 RUSKIN, FL 33570
SEC-TWN-RNG: 11-32-18
Acreage: 0.14808699
Market Value: \$84,000.00
Landuse Code: 0000 VACANT RESIDENT

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