



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0065	
LUHO HEARING DATE: January 24, 2022	CASE REVIEWER: Sam Ball

REQUEST:

The applicant is requesting a setback variance to accommodate a proposed covered patio for a single-family home on property zoned PD 89-0097.

VARIANCE(S):

Per LDC Section 6.01.03.I.4, covered patios, as defined in Article XII, may intrude no more than 13 feet into the required rear yard and shall not intrude into the required side or front yards except as listed below. In no case shall the permitted intrusion of the covered patio reduce the yard provided to less than ten feet. Per Condition 6 of PD 89-0097, a minimum rear yard setback of 15 feet is required on the subject property. Therefore, the minimum required setback for the proposed covered patio is 10 feet. The applicant requests a 5-foot reduction to the required rear setback allow a 5-foot rear setback.

FINDINGS:

- The proposed covered patio will replace an existing screen enclosed patio with screen roof.
- The proposed covered patio will abut a private drainage/utilities easement that is owned by the neighborhood homeowner’s association. The site plan submitted by the applicant shows the patio roof will project 12 inches into the easement air space. The applicant has submitted a letter of no objection from the neighborhood HOA which has been placed in the case record.

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 Jan 6 2022 16:22:53

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

LOT PLAN VAR 22-0065
LOT 70
VALENCIA LAKES TRACT O
HILLSBOROUGH COUNTY, FLORIDA.

SKETCH ONLY
NOT A BOUNDARY SURVEY

SEC. 05 TWP. 32 S. R. 20 E
BEARING BASIS:
NORTH BOUNDARY OF SUBJECT PLAT BEING S 89°42'24" E

PRELIMINARY DRAWING:
THIS PLAN IS FOR PERMITTING PURPOSES ONLY, NOT FOR CONSTRUCTION. VERIFY ALL DIMENSIONS BEFORE ANY CONSTRUCTION.

LEGEND:
- - - = PROPOSED DRAINAGE FLOW
DO.00 = PROPOSED GRADE
-00.00 = EXISTING GRADE

Placement of mechanical equipment must comply with HC LDC 6.01.03.1.3. Mechanical equipment may not project into the front yard(s) but may project five feet into the required rear yard(s) and three feet or no more than 50 percent of the required side yard(s) whichever is more restrictive.

THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. ALSO SUBJECT TO SETBACKS, EASEMENTS AND RESTRICTIONS OF RECORD.

UNDERGROUND FOOTER, STEM WALL, AND UNDERGROUND UTILITIES ARE NOT LOCATED OR SHOWN.

DO NOT SCALE THIS PRINT. DIMENSIONS AND NOTES TAKE PREFERENCE.

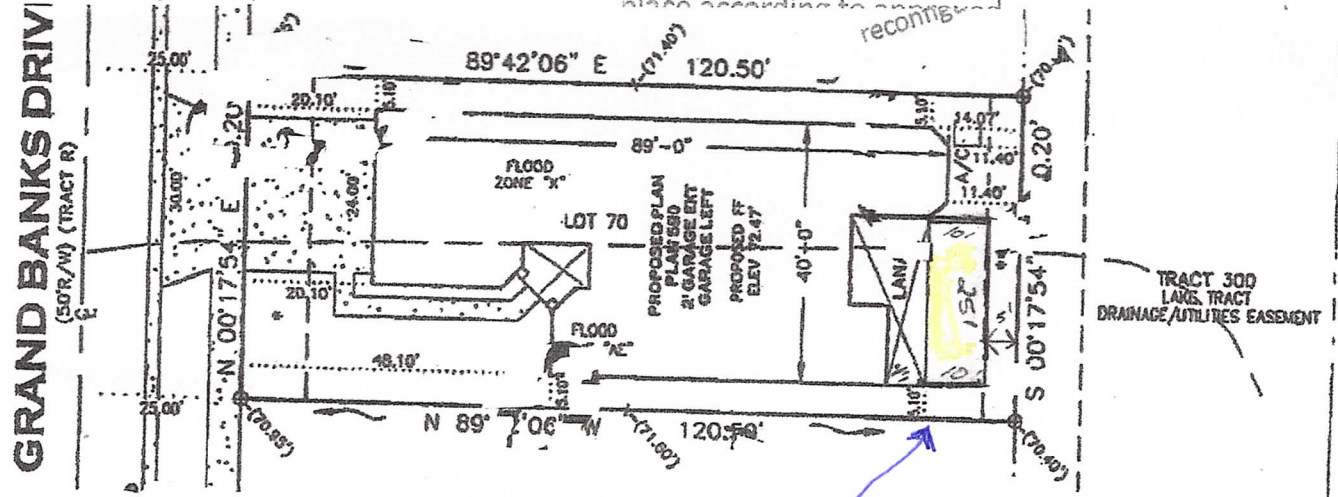
CERTAIN DATA SHOWN HEREON BASED ON ENGINEERING PLANS PROVIDED BY CLIENT.

STRUCTURE TIES SHOWN HEREON DENOTES MEASUREMENT FROM FORM BOARDS/FOUNDATION TO PROPERTY LINE.

° = 10' UTILITY EASEMENT
°° = 5' LANDSCAPE EASEMENT.

NO ALTERATION to the existing grading and drainage pattern and no additional fill beyond the limits of construction may occur unless shown in an approval lot grading plan.

All construction must take place according to approved recommendations



NOTE: OVERHANG WILL PROTECT 12 INCHES BEYOND ON THE NORTH, SOUTH, AND EAST (LAKE) SIDES ON EXISTING SCREEN WALLS

These plans are not reviewed for zoning conditions, contractor shall be responsible

ON LOT AREA CALCULATION

LOT AREA	= 6048.10 SQ. FT.
LIVING AREA	= 3015.00 SQ. FT.
ENTRY	= 85.00 SQ. FT.
GARAGE	= 82.00 SQ. FT.
LOT OCCUPIED AREA TO IRRIGATE	= 38.00 %

DESCRIPTION:
LOT 70, MAP OR PLAT ENTITLED "VALENCIA LAKES TRACT O", AS RECORDED IN PLAT BOOK 127, PAGES 130 THROUGH 137, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

APPROVED JUL 05 2018

LOWEST FLOOR ELEVATIONS:
LIVING AREA: 72.47'
GARAGE AREA: 71.93'
ELEVATIONS REFERENCED TO NORTH AMERICAN VERTICAL DATUM OF 1988. MEAN SEA LEVEL = 00.00 FT.

APPARENT FLOOD HAZARD ZONE: "X&AE(BFE=69.4)" COMMUNITY PANEL NO. 12057C 0680 H EFFECTIVE DATE: 8/28/2008

Object Number:	Square Feet: 6048.10 ±	GL HOMES
LEGEND:		
C= CALCULATED DATA, (D)= DEED DATA, (M)= MEASURED DATA, (P)= PLAT DATA, CL= CENTERLINE, A/C= AIR CONDITIONER, B/C= BACK OF CURB, C/S= CONCRETE SLAB, CH= CHORD, CHB= CHORD BEARING, CLF= CHAIN LINK FENCE, CONC= CONCRETE, COV= COVERED, E/P= EDGE OF PAVEMENT, ESM'= EASEMENT, FC= FENCE CORNER, FCM= FOUND CONCRETE MONUMENT, FIP= FOUND IRON PIPE, FIR= FOUND IRON ROD, FN&D= FOUND NAIL & DISK, FPP= FOUND PINCHED POINT, LFE= LOWEST FLOOR ELEVATION, MAS.= MASONRY, OR= OFFICIAL RECORD BOOK, PB= PLAT BOOK, PCP= PERMANENT CONTROL POINT, PRM= PERMANENT REFERENCE MONUMENT, R/W= RIGHT OF WAY, R= RADIUS, SIR= SET 1/2" IRON ROD & CAP No. 4493, SN&D= SET NAIL & DISK, TBM= TEMPORARY BENCHMARK, UP= UTILITY POLE, W/F= WOOD FENCE, (R)= RADIAL		

JOHN R. BEACH & ASSOCIATES, INC.
SURVEYORS AND MAPPERS
911 WEST ST. PETERSBURG DRIVE
OLDSMAR, FLORIDA 34677
(813) 854-1278 FAX (813) 855-8370

Drawn By: SMS
Checked By: JRB
Scale: 1"=30'

JOHN R. BEACH
FLORIDA REG. LAND SURVEYOR No. 2984
DATE 12/15/2017
LB#4493

IT IS VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
Date: PLOY PLAN 10/09/2017 GH
Revisions: REVISED PER 2' GARAGE EXT 12/14/17 ACS

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.

This variance application is for the modification of an existing screen-meshed structure, by removing the screened gable roof and replacing it with an Elite roof system with the existing three screen walls remaining in place. This property located at 4921 Grand Banks Drive, Valencia Lakes, is a senior community, backing up to a Lake. The variance request deals with HC LDC 6.01.03.I.4., solid roof screen rooms shall not reduce the required rear yard less than 10 feet. Please note that this Elite roof system has no impact on the rear yard as the rear yard area remains unchanged, and the solid roof will not extend beyond the existing retaining wall on the lake side. Please see attached pictures. The solid roof will eliminate direct sun light on outside furnishings, unusable hot area during seasonal time, and eliminate the constant wetness during rains, thereby increasing the usability of the lanai area. Residents in Valencia Lakes with the Elite roofing system are enjoying the increased usability of the area, and as the applicant of the request desire to do the same.

Attached are letters of non-objection from the adjoining residents at 4919 and 4923 Grand Banks Drive:

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:
 HC LDC 6.01.03.I.4., solid roof screen rooms shall not reduce the required yard less than 10 feet.

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 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 covered screened lanai area becomes more usable during wet weather and reduces the direct sunlight with the Elite roof system. Other properties within Valencia Lakes having the solid roof systems enjoy the advantages of reduced direct sunlight and wet weather non-usability; thereby, gaining the advantages desired by applicant. _____

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 rear yard area, backing up to a lake, remains un-changed with the roof modification; thereby, having no impact upon the concerns expressed by the code. Please note that the retaining wall is 30 inches from the existing lake side screen and the solid roof modification will not even extend beyond the retaining wall. _____

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. _____

There is no change to the rear yard area, or the home structure footprint and the granting of this variance request will not interfere with or injure the rights of others (adjoining properties). See attached letters from the adjoining property owners stating their approval for the project. _____

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). _____

Applicant understands the general intent of the LDC; However, since there is no impact, or change, to the rear yard area the granting of this variance will still meet the LDC intent. Adjoining properties will not lose any rights, or privileges that currently exist. _____

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 situation sought will not result in any illegal act for the applicants' actions, as all structural footprints remains unchanged, and the rear yard area remains unchanged. _____

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. _____

Allowing this variance will not result in any injustice being done to either the public benefit as the rear yard area remains unchanged. Should the variance not be granted the existing individual hardships will continue to exist during wet weather conditions and excessive sun on the Lanai. Applicant prays the variance board grants this variance; thereby eliminating the costs (application fees, survey, and other incidentals) of the variance preparation beyond the reasonable building permit process, had this variance not been required. _____

Prepared by & Return to:
Sasha G. Batres
All American Title
609 18th Street SE
Ruskin, Florida 33570

INSTRUMENT#: 2018397895, O BK 26107
PG 1522-1523 10/01/2018 at 04:45:19 PM, DOC
TAX PD(F.S.201.02) \$2940.00 DEPUTY
CLERK: JPOSTLE Pat Frank, Clerk of the
Circuit Court Hillsborough County

File Number: 180502SCP

General Warranty Deed

Made this **October 1, 2018** A.D. By **Donald R. Nadeau and Diane C. Nadeau, a married couple**, whose address is: 20007 Lomond Lane, Tampa, Florida 33647, hereinafter called the grantor, to **Donald A. Riley and Paula K. Riley, as Trustees of the Donald A. Riley and Paula K. Riley Trust Dated June 20, 1990**, whose post office address is: 4921 Grand Banks Drive, Wimauma, Florida 33598, 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)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars and no cents, (10.00) 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, Florida, viz:

Lot 70, Valencia Lakes Tract O, as per the plat thereof, as recorded in Plat Book 127, Page 130, of the Public Records of Hillsborough County, Florida.

Parcel ID Number: **A0789321090**

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 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; that the grantor hereby fully warrants 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 grantor has signed and sealed these presents the day and year first above written.

Prepared by & Return to:
Sasha G. Batres
All American Title
609 18th Street SE
Ruskin, Florida 33570

File Number: 180502SCP

Signed, sealed and delivered in our presence:

Sasha G. Batres
Witness #1 signature
Witness #1 Printed Name Sasha G. Batres

Donald R. Nadeau (Seal)
Donald R. Nadeau
Address: 20007 Lomond Lane, Tampa, Florida 33647

Marie Wise
Witness #2 signature
Witness #2 Printed Name Marie Wise

Diane C. Nadeau (Seal)
Diane C. Nadeau
Address: 20007 Lomond Lane, Tampa, Florida 33647

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this October 1, 2018, by Donald R. Nadeau and Diane C. Nadeau, a married couple, who is/are personally known to me or who has produced Driver's License as identification.



Sasha G. Batres
Notary Public Signature
Printed Name: Sasha G. Batres
My Commission Expires: 6-14-19

VARIANCE APPLICATION

4921 GRAND BANKS DR.
WIMAUMA, FL 33598

Lot 70
Valencia Lakes Track O
Parcel ID # A0789321090

OWNERS
Donald A. Riley
Paula K. Riley

Telephone: 352.307.8817
Email: 006dar@gmail.com

Application Submission Date

October 15, 2021



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: 4921 GRAND BANKS DR City/State/Zip: WIMAUMA/FL/33598 TWN-RN-SEC: 32/20/05
Folio(s): 0789321090 Zoning: _____ Future Land Use: _____ Property Size: _____

Property Owner Information

Name: DONALD A. RILEY and PAULA K. RILEY Daytime Phone: 352-307-8817
Address: 4921 GRAND BANKS DR City/State/Zip: WIMAUMA FL 33598
Email: 006dar@gmail.com FAX Number: N/A

Applicant Information

Name: DONALD A. RILEY and PAULA K. RILEY Daytime Phone: 352-307-8817
Address: 4921 GRAND BANKS DR City/State/Zip: WIMAUMA FL 33598
Email: 006 DAR@EMAIL.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 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.

Donald A. Riley
Signature of Applicant
DONALD A. RILEY
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.

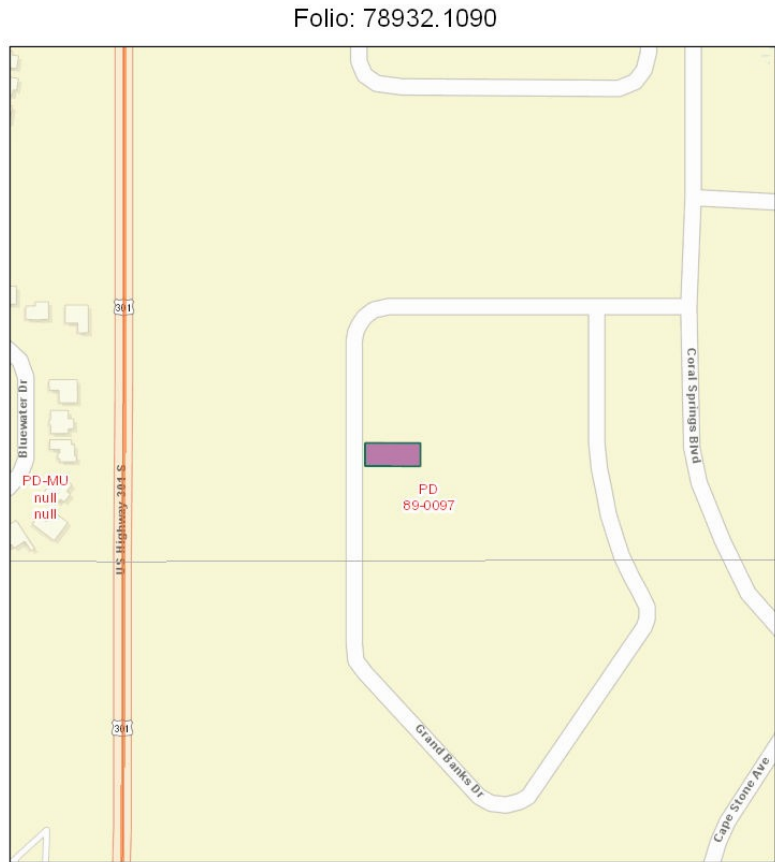
Donald A. Riley / Paula K. Riley
Signature of Property Owner
DONALD A. RILEY / PAULA K. RILEY
Type or Print Name

Intake Staff Signature: Clare Odell Office Use Only Intake Date: 10/15/2021
Case Number: 22-0065 Public Hearing Date: 12/13/2021
Receipt Number: 95883



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	89-0097
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
Flood Zone:AE	BFE = 69.4 ft
FIRM Panel	0680H
FIRM Panel	12057C0680H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120680B
County Wide Planning Area	Sun City Center
Community Base Planning Area	SouthShore
Community Base Planning Area	Sun City Center
Planned Development	PD
Re-zoning	null
Major Modifications	02-1062,07-1683, 18-1052
Personal Appearances	04-0779,07-0726,08-0850, 08-1406,09-0365,10-0138, 14-0781,15-0025, 16-0515
Census Data	Tract: 013913 Block: 1019
Future Landuse	R-4
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	ID: 104
Redevelopment Area	NO



Folio: 78932.1090
PIN: U-05-32-20-A4T-000000-00070.0
DONALD A AND PAULA K RILEY/TRUSTEES
Mailing Address:
 4921 GRAND BANKS DR
 WIMAUMA, FL 33598-4129
Site Address:
 4921 GRAND BANKS DR
 WIMAUMA, FL 33598
SEC-TWN-RNG: 05-32-20
Acreage: 0.138868
Market Value: \$340,916.00
Landuse Code: 0100 SINGLE FAMILY

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