



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0068	
LUHO HEARING DATE: December 13, 2021	CASE REVIEWER: Carla Shelton Knight

REQUEST: The applicant is requesting a variance from the 30-foot Wetland Conservation Area setback requirement, Section 4.01.07B of the Land Development Code (LDC). The applicant’s specific request, as shown on the site plan submitted on November 12, 2021, is to allow for the replacement of an existing fence within the 30 foot Wetland Conservation Area setback.

SUMMARY OF VARIANCE(S):

Wetland Setback

- 1) Per LDC Sec. 4.01.07.B.4, no filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required 30-foot wetland conservation area setback. The applicant requests construction a new fence within the 30-foot wetland conservation area setback that will replace an existing fence in the same location. The applicant requests a 28.8-foot reduction of the setback to allow for a setback of 1.2 feet.
- 2) The existing pool and screen enclosure, built in 2000, also encroach into the 30-foot wetland setback area. There were no variance approval documents found for the encroachment of these items so the applicant is also requesting an after-the-fact variance for the encroachment of the existing pool and screen enclosure into the 30-foot wetland setback. The applicant requests a 5-foot reduction of the setback to allow for a setback of 25 feet for the existing pool and screen enclosure.

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.

Approval of this variance petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested environmental approvals.

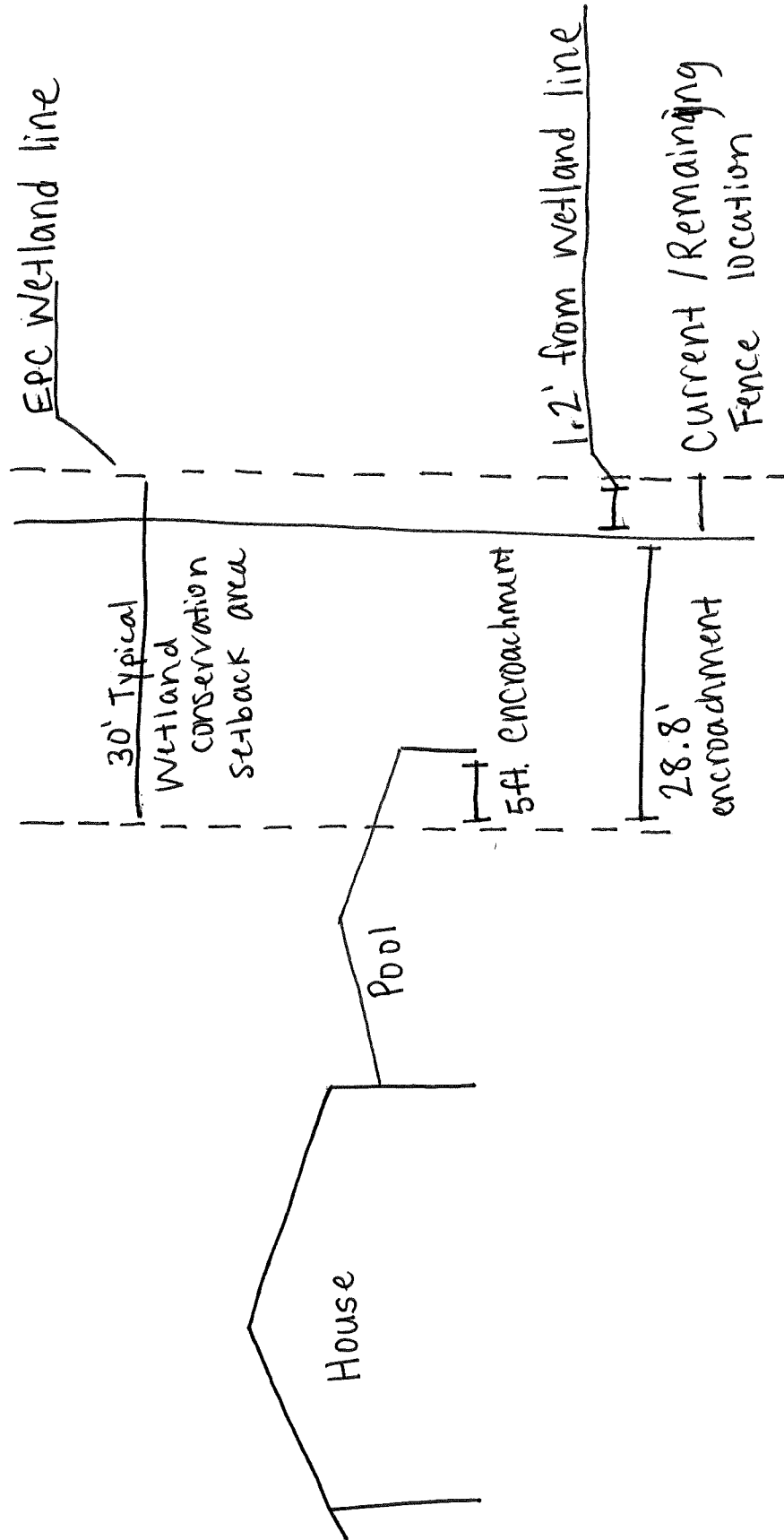
The Development Services Natural Resources Section has no objections with the result contingent upon the Land Use Hearing Officer’s acceptance and referral to the submitted site plan.

Attachments: Site Plan

22-0068
Staff Report
Page Two:

ADMINISTRATOR'S SIGN-OFF

A handwritten signature in black ink, appearing to read "Chris Slater". The signature is written in a cursive style with a long, sweeping underline.



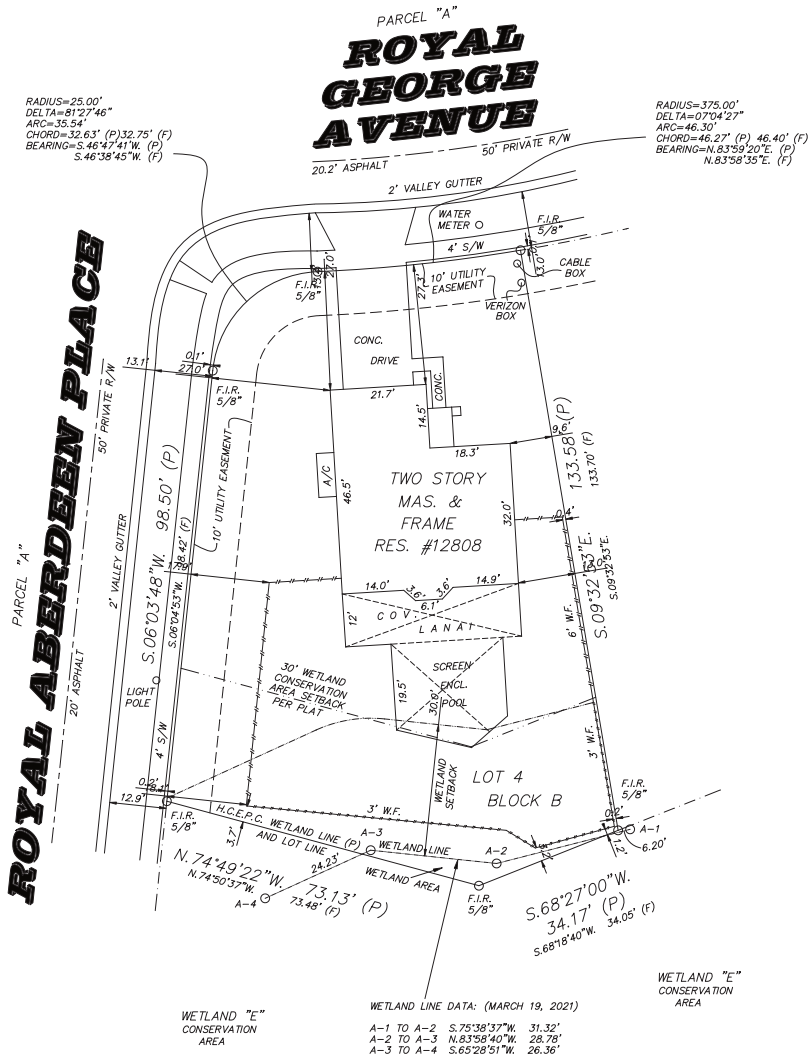
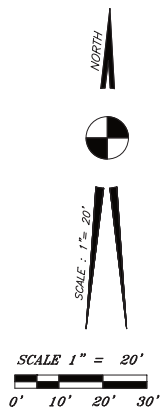
BOUNDARY SURVEY W/E.P.C. LINE LOCATION

SECTION 30, TOWNSHIP 27 SOUTH, RANGE 17 EAST
HILLSBOROUGH COUNTY, FLORIDA

LEGAL DESCRIPTION:
LOT 4, BLOCK B, CANTERBURY VILLAGE, ACCORDING TO THE
MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 74, PAGE
2, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

RECEIVED
AUG 16 2021
EPC of H.C.
WETLANDS

THIS SURVEY APPEARS TO ACCURATELY DEPICT
THE LIMITS OF WETLANDS AND OTHER SURFACE
WATERS DELINEATED IN ACCORDANCE WITH
CHAPTER 62-340 F.A.C. BY EPC STAFF
Keshia Clark 8/19/2021
SIGNATURE DATE
EXPIRATION DATE: 8/19/2026



RADIUS=25.00'
DELTA=81°27'46"
ARC=35.54'
CHORD=32.63' (P) 32.75' (F)
BEARING=S.46°47'41"W. (P)
S.46°38'45"W. (F)

RADIUS=375.00'
DELTA=0°04'22"
ARC=46.30'
CHORD=46.27' (P) 46.40' (F)
BEARING=N.83°58'20"E. (P)
N.83°58'35"E. (F)

WETLAND LINE DATA: (MARCH 19, 2021)
A-1 TO A-2 S.75°38'37"W. 31.32'
A-2 TO A-3 N.83°58'40"W. 28.78'
A-3 TO A-4 S.65°28'51"W. 26.36'

56.04 LINEAR FEET OF WETLAND LINE
146 SQUARE FEET OF WETLAND
11294 SQUARE FEET OVERALL PROPERTY
11148 SQUARE FEET OF UPLAND

H.C.E.P.C.=HILLSBOROUGH COUNTY
ENVIRONMENTAL PROTECTION COMMISSION

CERTIFIED TO:
KELLY W. BLANKENSHIP
BRENT LEE BLANKENSHIP

Legend

PC : Point of Curvature	TBM : Temporary Benchmark	CONC. : Concrete
PE : Point of Tangency	BM : Benchmark	A.P.O. : A Part Of
PCC : Point of Compound Curvature	PP : Power/Utility Pole	COV. : Covered
PI : Point of Intersection	PSM : Professional Surveyor & Mapper	MSM : Masonry
SIR : Set Iron Rod	LB : Licensed Business	RES. : Residence
FR : Found from Rod	RLS : Registered Land Surveyor	PLB : Plat Book
FP : Found from Pipe	ATMA : As Their Interests May Appear	PG. : Page
FCM : Found Concrete Monument	ESGM : 11's Successors And/or Heirs	TPY : Typical
SET DISK : Set "X" Nail & Disk	R.C.P. : Reinforced Concrete Pipe	W.F. : Wood Fence
FID DISK : Found P-K Nail & Disk	EL. : Elevation	EL. : Elevation
FID RPS : Found Railroad Spike	(P) : Plot	ASPH. : Asphalt
NF : No Corner Found or Set	(O) : Obed	W.C. : Witness Corner
RM : Permanent Reference Monument	(C) : Calculation	R/W : Right of Way
O/H : Overhead Wires	(F) : Field Measured	ESMT. : Easement
CLF : Chain Link Fence	SEC. : Section	S/W : Slewmark
P.O.B. : Point of Beginning	TWP. : Township	C.B. : Chord Bearing
P.O.C. : Point of Commencement	ROE : Range	COL. : Column
P-W : Partner-Well	C/L : Centerline	SD. : Square
G.R.B. : Official Records Book	A/C : Air Conditioner	DIA. : Diameter
V.G. : Concrete Valley Gutter	G/A : Overall	U.S. : United States

BEARINGS ARE BASED ON THE EASTERLY LOT LINE AS, "S.09°32'53"E.", PER PLAT.

Surveyor's Notes:

- 1) Property shown hereon appears to be located in Flood Zone "X" per F.I.R.M. No. 12057C 0169H Dated 8-28-08. This surveyor makes no guarantees as to the accuracy of the above information. Local F.E.M.A. agent should be contacted for verification.
- 2) No underground utilities, underground encroachments or building foundations were measured or located as part of this survey. Trees and shrubs were not located unless otherwise shown.
- 3) This survey was conducted without the benefit of an abstract or title, therefore there may be other easements, rights of way, setback lines, agreements, reservations, restrictions or other similar matters of public record, not shown hereon.
- 4) Unless otherwise noted, distances shown hereon refer to plot and field measurements and are measured in U.S. feet.
- 5) Re-use of this survey for purposes other than it was intended, without written verification, will be the re-user's sole risk and without liability to the surveyor. Nothing herein shall be construed to convey any rights or benefits to anyone other than those to whom this survey was originally certified.



DAVID L. SMITH
SURVEYING AND MAPPING, INC.
1406 W. LINEBAUGH AVE. TAMPA, FL 33612
Phone (813) 935-1960 Fax (813) 933-9446

Certificate of Authorization "L.B. #6962"

I hereby certify that the survey represented hereon meets the requirements of Florida Administrative code pursuant to Chapter 55-17.050,051,052, of the Florida Statutes. Unless it bears the signature and the printed name of the State of Florida, this document is not a certified signed and sealed and the signature must be verified on any electronic copy.

Digitally signed by
James Michael Fuqua
Date: 2021.08.16
11:24:51 -04'00'

Field Date: 06/15/21
Job Number: 2106-022



**Hillsborough
County Florida**
Development Services

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

Additional / Revised Information Sheet

Date Stamp Here

Application Number: 22-0068 Applicant's Name: Kelly Blankenship

Reviewing Planner's Name: Carla Shelton Knight Date: Nov 10, 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): Dec 13, 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.

Kelly Blankenship
Signature

NOV 10, 2021
Date

FOR OFFICE USE ONLY

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

In-Take Completed by: _____

Kelly and Brent Blankenship
12808 Royal George Ave
Odessa, FL 33556
(719) 200 5578
Gatorsteacher@yahoo.com

Variance Application 22-0068

Hearing Date: Dec 13, 2021

Summary of Changes to Application:

I have added the correct code number to item two in the variance application. I have also updated the cross section to depict the correct wetland line, setback area, and encroachment area. The changes were requested by Ms. Carla Shelton Knight. No other changes are being made to this application.

Application Number: _____

VARIANCE REQUEST

- 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.

We bought our house in July 2019. The property already has a screen-in pool enclosure and a fence. Both encroach on the 30 ft. setback. We are applying for a variance for the screened in pool enclosure, and to replace the current fence, as marked on the property survey. The new fence will be in the same place that the current fence is. We are not changing the location of the fence, only the material. The fence is made of wood. We would like to replace the wooden fence with a vinyl and metal fence.

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

Section 4.01.07B

ADDITIONAL INFORMATION

- Have you been cited by Hillsborough County Code Enforcement? No Yes _____
If yes, you must submit a copy of the Citation with this Application.
- 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): _____
- 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).
- Please indicate the existing or proposed utilities for the subject property:
Public Water Public Wastewater _____ Private Well _____ Septic Tank _____
- 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).



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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 screened-in pool is already built. The fence helps keep wildlife out of our backyard. This is a safety concern because we have young children. We bought this house because it already had a fence. We are just trying to update it because it is old and rotting. Other neighbors on the setback have fences.

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 code would not allow us to have a fence on the setback, which is most of our backyard. It is also a safety concern with the pool to ensure we have a fenced-in backyard.

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.

The fence already exist, we are just trying to update it. The pool structure also already exist.

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 pool was built to Florida building code requirements and meets our HOA standard. The fence we want to upgrade will also meet HOA approval.

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 pool structure existed when we bought the house, as well as the fence. We are just getting the proper authorization to have the fence and pool structure on the setback. The portion of our yard in the setback (about 2,580 sq. ft.) is sodded and has a sprinkler system. This was done when the house was built in 1995.

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.

Without a fence to protect our children from the wetlands behind us, it will be unsafe for them to play in the backyard. The pool already exist, and was built outside of the setback in early 2006. The fence also helps keep young child out of our pool, per Florida State statues.

THIS INSTRUMENT PREPARED BY AND RETURN TO:

PamToner

Enterprise Title Partners of New Tampa, LTD.

5303 Technology Drive

Tampa, FL 33647

File No.: 27280

Property Appraisers Parcel Identification (Folio) Nos.:

002680-1744

_____ Space Above This Line For Recording Data _____

THIS WARRANTY DEED, made the 21st day of June, 2019 by **Robert J. Boyer, Jr. and Lisa M. Boyer, husband and wife**, hereinafter called the Grantors, to **KELLY W BLANKENSHIP and BRENT LEE BLANKENSHIP, wife and husband**, whose post office address is **12808 ROYAL GEORGE AVE, ODESSA, FL 33556**, hereinafter called the Grantees.

(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 Grantees all that certain land situate in HILLSBOROUGH County, State of Florida, viz:

Lot 4, Block B, Canterbury Village, a subdivision according to the plat thereof recorded in Plat Book 74, Page 2, of the Public Records of Hillsborough County, Florida.

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 Grantees 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 No. 1 Signature

Witness No. 1 Printed Name

Witness No. 2 Signature

Witness No. 2 Printed Name

Robert J. Boyer, Jr.

3098 Hillside Lane
Safety Harbor, FL 34695

Lisa M. Boyer

3098 Hillside Lane
Safety Harbor, FL 34695

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 21st day of June, 2019 by Robert J. Boyer, Jr. and Lisa M. Boyer who are personally known to me or have produced Florida licenses as identification.

SEAL



Notary Public

Printed Notary Name



**Hillsborough
County Florida**
Development Services

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

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Kelly Blankenship
Signature

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VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:
You must schedule an appointment to submit this application by calling 813-277-1630.
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

Property Information

Address: 12808 Royal George Ave. City/State/Zip: Odessa, FL 33556 Section 30
Township 27 South
Range 17 East
Folio(s): 002680-1744 Zoning: PD Future Land Use: _____ Property Size: 11,294 sq. ft.

Property Owner Information

Name: Brent + Kelly Blankenship Daytime Phone: (719) 200-5578
Address: 12808 Royal George Ave City/State/Zip: Odessa, FL 33556
Email: Gatorsteacher@yahoo.com FAX Number: N/A

Applicant Information

Name: Brent + Kelly Blankenship Daytime Phone: (719) 2005578
Address: 12808 Royal George Ave. City/State/Zip: Odessa, FL 33556
Email: Gatorsteachur@yahoo.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.

Kelly Blankenship
Signature of Applicant
Kelly Blankenship
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.

Kelly Blankenship
Signature of Property Owner
Kelly Blankenship
Type or Print Name

Office Use Only

Intake Staff Signature: _____ Intake Date: _____
Case Number: _____ Public Hearing Date: _____
Receipt Number: _____

Planning and Growth Management Department, 601 E Kennedy Blvd. 20th Floor

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