

Variance Application: VAR 25-0989

LUHO Hearing Date: August 25, 2025

Case Reviewer: Logan McKaig



**Hillsborough
County Florida**

Development Services Department

Applicant: Kevin Arber

Zoning:

PD

Location: 1216 Acappella Ln., Apollo Beach; Folio: 52846.3210

Request Summary:

The applicant is requesting a variance to allow for a home generator to be located within the side yard setback on the eastern side of the existing home.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.01.03.I.3	<p>Mechanical equipment may project three feet or no more than 50 percent of the required side yard (s), whichever is more restrictive.</p> <p>The required side yard within the PD district is 5 feet. Therefore, mechanical equipment may project no more than 2.5 feet into the required side yard.</p>	1-foot	Generator equipment projecting 3.5 feet into the required side yard.

Findings:

Permit HC-BTR-23-0163552 was issued for a 26-kw generator in June 2023. During an electrical inspection, it was discovered that the generator projected further into the required side yard setback than permitted by Code and the inspection was disapproved.

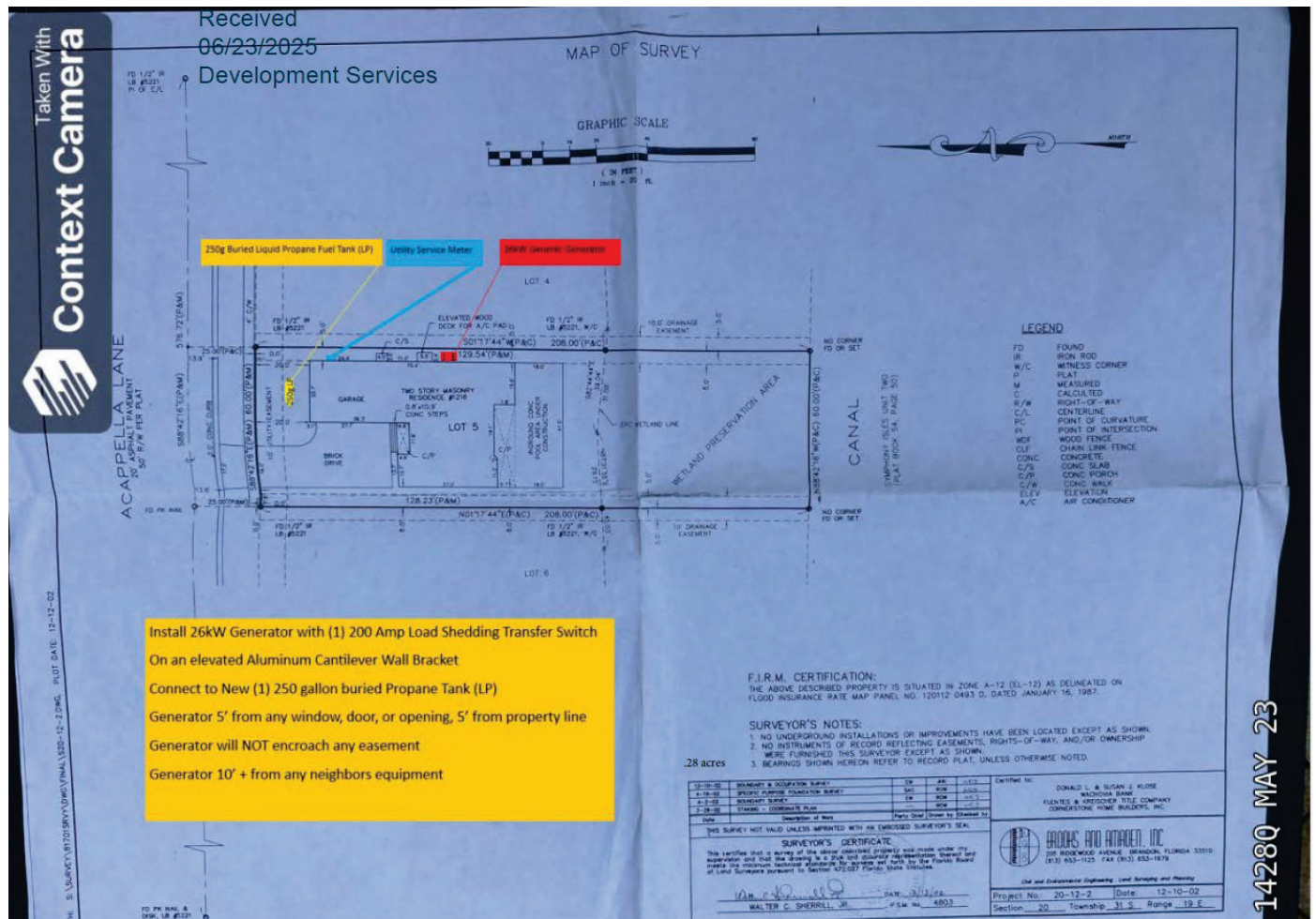
Zoning Administrator Sign Off:

Colleen Marshall
Thu Aug 14 2025 10:26:05

DISCLAIMER:

The variance(s) 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.

SURVEY/SITE PLAN



1428Q MAY 23



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.

Standby Generac standby generator installation will not pass final inspection due to 'projection more than 3' & 50% of side yard'. Existing side yard is 60" and equipment projects 42"; adjacent property side yard is 96" allowing adequate access between houses for access thru easement. There are no utilities in the easement and there are no dwellings or roads behind house; house backs to canal. Our HOA supplied easement variance waiver, permit was issued by county, generator was installed according to permit application and subsequent to all this the electrical inspection would not pass due to the arbitrary literal application of the LDC (which was not brought up during permitting process/issuance. We are requesting a zoning variance such that our electrical permit can be finalled and closed.

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

Section 6.01.03 Equipment Projections

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): HC BTR 23 01 63552
3. Is this a request for a wetland setback variance? ☐ No ☒ **Want to check no**
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 Re-claimed 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?

Other properties on our street have generators in side yards, all have similar lot dimensions; additionally all equipment (AC, pool filters/pumps, utilities, pool cage access) are located in our side yards

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.

No back up power available to sustain indoor environment suitable for an elderly resident (father in law)

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.

Generator is entirely within our property lines and conforms and is approved by our HOA (home owners association)

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*).

Existing community design and property layout does not allow adherence with literal reading of the LDC, additionally this arbitrary literal reading of the LDC was not brought up at permit issuance; only upon final electrical inspection

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.

Permitted by Hillsborough County and approved by HOA

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.

Installation meets all aspects of electrical and plumbing code, is installed as described in approved permit application documents, while knowing after the fact that the arbitrary literal reading of the LDC cannot be met given the community lot dimensions

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This instrument prepared by:

Name: C. Leiman an employee of
Executive Title of Florida, Inc.
Address: 170 E. Bloomingdale Ave.
Brandon, FL 33511

Return to: Executive Title of Florida, Inc.
FILE NO. 100832
Address: 170 E. Bloomingdale Ave.
Brandon, FL 33511

Property Appraisers Parcel Identification Number(s): 052846-3210
Grantee(s) S.S #'s:

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED Made the 9th day of September, 2010 by MANUEL DOS SANTOS whose post office address is P.O. BOX 3484, APOLLO BEACH, FL 33572, hereinafter called the grantor, to TERESA A. ARBER AND KEVIN ARBER, WIFE AND HUSBAND whose post office address is 1216 ACAPELLA LANE, APOLLO BEACH, FL 33572-2745 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 \$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, State of FLORIDA, viz:

LOT 5, OF SYMPHONY ISLES, UNIT THREE, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 89, PAGE 62, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

GRANTOR WARRANTS THIS IS NON HOMESTEAD PROPERTY.

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with the 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, and hereby 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 31ST, 2009. FURTHER SUBJECT TO restrictions, reservations, covenants and easements of record, if any, however this reference shall not operate to reimpose same.

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

Signed, sealed and delivered in the presence of:

Signature
CHERYL LEIMAN

Printed Signature

Signature
VALERIE BLICKENSTAFF

Printed Signature


MANUEL DOS SANTOS

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 9th day of September, 2010 by MANUEL DOS SANTOS, who is personally known to me or who produced driver's license as identification and who did/did not take an oath.


Notary Public
My Commission Expires:

[seal]



25-0989

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**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 25-0989

Intake Date: 06/23/2025

Hearing(s) and type: Date: 08/25/2025

Type: LUHO

Receipt Number: 492685

Date: _____

Type: _____

Intake Staff Signature: _____

Charles Phillips

Property Information

Address: 1216 Acappella Ln City/State/Zip: Apollo Beach, FL 33572

TWN-RN-SEC: 31S-19E-20 Folio(s): 052846-3210 Zoning: PD Future Land Use: R-6 Property Size: .28

Property Owner Information

Name: Teresa A and Kevin Arber Daytime Phone: 301-741-6524

Address: 1216 Acappella Ln City/State/Zip: Apollo Beach, FL 33572

Email: kjarber@comcast.net Fax Number: _____

Applicant Information

Name: Kevin Arber Daytime Phone: 301-741-6524

Address: 1216 Acappella Ln City/State/Zip: Apollo Beach, FL 33572

Email: kjarber@comcast.net Fax Number: _____

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.

Kevin Arber

Signature of the Applicant

Kevin Arber

Type or print name

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.

Teresa Arber Kevin Arber

Signature of the Owner(s) – (All parties on the deed must sign)

Teresa Arber Kevin Arber

Type or print name



Submittal Requirements for Applications Requiring Public Hearings

Official Use Only

Application No: _____ Intake Date: _____
Hearing(s) and type: Date: _____ Type: _____ Receipt Number: _____
Date: _____ Type: _____ Intake Staff Signature: _____

Applicant/Representative: Kevin Arber Phone: 3017416524

Representative's Email: kjarber@comcast.net

The following information is used by reviewing agencies for their comments and should remain constant, with very few exceptions, throughout the review process. Additional reviews, such as legal description accuracy, compatibility of uses, agency reviews, etc., will still be conducted separately and may require additional revisions.

The following ownership information must be provided and will be verified upon submission initial submittal. If you are viewing this form electronically, you may click on each underlined item for additional information.

Part A: Property Information & Owner Authorization Requirements

Included	N/A	Requirements
1	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Property/Applicant/Owner Information Form</u>
2	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Affidavit(s) to Authorize Agent</u> (if applicable) NOTE: All property owners must sign either the Application form or the Affidavit to Authorize Agent. If property is owned by a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit.
3	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
4	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
5	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
6	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Copy of Current Recorded Deed(s)</u>
7	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Close Proximity Property Owners List</u>
8	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Legal Description</u> for the subject site
9	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
10	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Fastrack Approval</u> (if applicable)

Additional application-specific requirements are listed in Part B.



Specific Submittal Requirements for Variances






This section provides information on items that must be addressed/submitted for a Special use - Land Excavation permit and will be subsequently reviewed when the application is assigned to a planner. Where certain information does not apply to a project, a notation shall appear on the plan stating the reason, for example, "No existing water bodies within project." Additionally, the explanations and justifications for when certain information does not apply to the project shall be included in the Narrative. If Hillsborough County determines the submitted plan lacks required information, the application shall not proceed to hearing as provided for in Section 6.2.1.1.A. Additionally, the required information is only the minimum necessary to schedule an application for hearing and Hillsborough County reserves the right to request additional information during review of the application.

If you are viewing this form electronically, you may click on each underlined item for additional information.

For any items marked N/A, justification must be provided as to why the item is not included.

Part B: Project Information

Additional Submittal Requirements for a Variance

- 1  [Project Description/Written Statement of the Variance Request](#)
- 2  [Variance Criteria Response](#)
- 3  [Attachment A](#) (if applicable)
- 4  [Survey/Site Plan](#)
- 5  [Supplemental Information](#) (optional/if applicable)



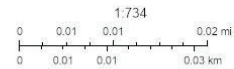
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
Overlay	null
RZ	77-0123
Flood Zone:AE	BFE = 11.0 ft
FIRM Panel	0493H
FIRM Panel	12057C0493H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120493D
County Wide Planning Area	Apollo Beach
Community Base Planning Area	SouthShore
Community Base Planning Area	Apollo Beach
Planned Development	PD
Re-zoning	null
Note	99-0060 & 03-1457 WD; APPEAL 05-1958
Minor Changes	07-1187,09-0488,01-1129
Major Modifications	06-1999 WD,04-1824, 17-0948, 24-0677
Personal Appearances	06-0990,06-0897,02-1291, 02-0968,01-0730,98-1486, 02-1089,97-0156,96-0080, 12-0331,06-0066,02-1089, 98-1514,93-0370,05-0286, 00-0263,96-0110,88-0009, 18-1188, 20-0384, 22-0429, 23-0136
Census Data	Tract: 014118 Block: 1002
Census Data	Tract: 014118 Block: 1003
Future Landuse	R-6
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

Folio: 52846.3210



June 23, 2025



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

Hillsborough County Florida

Folio: 52846.3210
PIN: U-20-31-19-5QE-000000-00005.0
Teresa A And Kevin Arber
Mailing Address:
 1216 Acappella Ln
 null
 Apollo Beach, FL 33572-2745
Site Address:
 1216 Acappella Ln
 Apollo Beach, FL 33572
SEC-TWN-RNG: 20-31-19
Acreage: 0.28
Market Value: \$733,635.00
Landuse Code: 0100 SINGLE FAMILY

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