

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0140

LUHO HEARING DATE: March 27, 2023

CASE REVIEWER: Israel Monsanto

REQUEST: The applicant is requesting multiple variances from the requirements found in Land Development Code (LDC) Part 3.23.00, Wimauma Downtown (WD) Overlay District, a newly adopted overlay district. The site consists of two parcels identified with folio numbers 79064.0000 and 79064.1000, located between Hillsborough St. and 7th St, in Wimauma, and is 0.54 acres in size approximately. The parcels are zoned RSC-6 (Residential Single Family Conventional) and are within subdistrict D (Downtown Residential) of the overlay. The site is currently vacant and will be accessed from the north. The applicant (Hillsborough County) intends to develop the site with a wastewater pump station to serve the Wimauma Area 1 septic-to-sewer and low-pressure conversion project.

Per LDC Article XII - Definitions, a pumping station is defined under a Public Service Facility. LDC Section 3.23.06.F - Civic Uses of the Wimauma Downtown OD states that Government/Public Service facilities shall be considered civic uses and therefore, are subject to the standards of the Civic Lot Type development. This type of lot requires minimum building frontages and maximum building setbacks. Based on the submitted site plan, the proposed pumping station would not meet these requirements. Additionally, the project would not meet parking placement standards, as well as site connectivity regulations of the overlay. In order to accommodate the site design, variances from the WD overlay regulations are needed. The variances requested are as follows:

VARIANCE(S):

SUMMARY OF VARIANCES	REQUIREMENTS	VARIANCE	RESULT	APPLICABLE LDC SECTION
Variance to minimum and maximum building frontage per Lot Type	Civic Building Lots shall have a minimum lot frontage of 70 and a maximum of 100%	To eliminate the requirement of the minimum lot frontage.	The project would not have a minimum frontage of 70%.	3.23.06.A Table 5-2 Building Frontage
Variance to minimum and maximum building frontage per Lot Type	Civic Building Lots shall have a maximum building front setback of 20 feet.	To increase the maximum building front setback by 50 feet.	The building would be placed at a maximum of 70 feet from the front parcel line.	3.23.06.A Table 5-2 Front Setbacks
Variance to Parking area location.	Parking in Civic Lot Types shall occur to the rear and/or side of the primary building. Parking between the primary building and front setback shall not be permitted.	To allow parking between the primary building and front setback.	Parking area would not be located at the rear and/or side of the primary building. Parking areas would be between the primary building and front setback.	3.23.06.C.1.a Garages and Parking Location
Variance to the connectivity requirement	Provide parking, service drives, and alleys to allow for future connections to adjacent parcels; and Direct pedestrian access in the form of pedestrian entrances, sidewalks, crosswalks, and other walkways from public sidewalks to building entrances and between parcels shall be provided.	To not require the connectivity to adjacent parcels to allow for future connections and to not require direct pedestrian access to the building entrances and between parcels	The project would not provide for future connections to adjacent parcels and would not provide direct pedestrian access to the proposed building or between parcels.	3.23.10.C Connectivity

FINDINGS:

Article XII - Definitions, Public Service Facility: The use of land, buildings, or structures by a public utility, railroad, or governmental agency, including water treatment plants or pumping stations, electrical substations, telephone exchanges, and other similar public

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service structures, but not including land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials. Land Development Code Part 3.23.00, Wimauma Downtown (WD) Overlay District, has been in effect since in October 2021. The intent of the regulations is to improve and encourage the vitality and development of Wimauma's center and Main Street along State Road 674, and establish a mixed use, walkable, and pedestrian friendly downtown district with small town character.

DISCLAIMER:

The variances listed above are 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

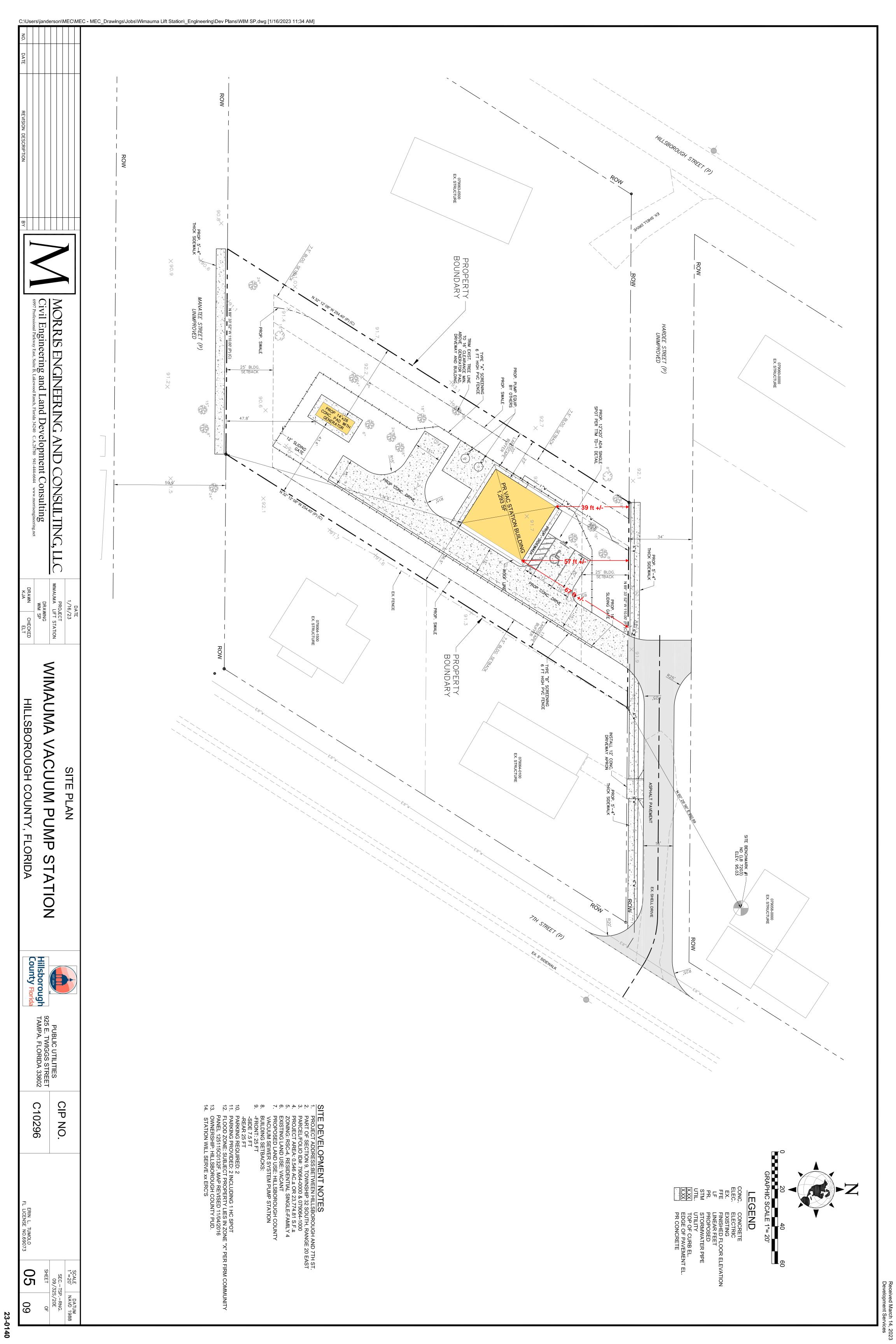
Tue Mar 14 2023 15:11:50

Attachments: Application

Site Plan

Petitioner's Written Statement

Current Deed



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Application No:



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.

We are requesting a variance for a proposed wastewater vacuum pump station to serve the Wimauma Area 1 septic-to-sewer and low-pressure conversion project. The proposed vacuum pump station site is located in the newly established Wimauma Downtown Overlay District. This application is to seek an exemption from the Overlay District requirements. We propose developing the vacuum pump station in accordance with the zoning of the parcels instead of the Overlay District requirements. The Overlay District sections classify a wastewater pump station as a Civic Building. To develop a building within this classification, the building must meet the specific lot and structure requirements of 70% minimum building frontage and 20 foot maximum front yard setback. Typically, for a wastewater pump station we try to minimize the building footprint and set the building back far from public view to provide maximum buffering. The Overlay District requirements directly conflict with this goal by requiring both an unnecessarily large oversized pump station building and located no more than 20 feet from the road. We seek an exemption from all of the requirements of the Wimauma Downtown Overlay District in order to install a vacuum pump station with the smallest minimum impact (rather than the largest impact) to the surrounding residents. We also need to secure the station since public access will not be allowed. We are requesting to develop the 2 adjacent parcels in accordance with the zoning

	install a vacuum pump station with the smallest minimum impact (rather than the largest impact) to the surrounding residents. We also need to secure the station since public access will not be allowed. We are requesting to develop the 2 adjacent parcels in accordance with the zoning
2.	A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:
	Part 3.23.00 - Wimauma Downtown Overlay District (includes Sections 3.23.01 through 3.23.15)
	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
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.
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 Pres 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

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Application No:	
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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?

The difficulties are unique to the Overlay District. If the proposed vacuum pump station was located outside of the Overlay District, it would not be problematic. The specific lot/building requirements for a pump station within the District results in an extremely oversized and expensive building located close to the road. The vacuum pump station would be massive and unsightly compared to a typical one which is small and hidden. In addition the Overlay District

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.

In the same zoning district (RSC-4), anywhere outside of the Wimauma Downtown Overlay District, we would not be required to develop a vacuum pump station to the requirements of a "civic building" lot as described in the Overlay District. The specific regulations are not necessary for a vacuum pump station building and should not apply. The result is a massive building (at least 2x larger than necessary) that does not support the "small town character" intended by the

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 allowance of the variance would greatly benefit the adjacent residential properties. By allowing the variance, we can minimize the building footprint and maximize the buffers surrounding the vacuum pump station. The overlay district requirements would enact a significantly larger pump station building which is not necessary for the project. We want to minimize the building size and impact and hide the pump station from public view as much as

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).

It would appear there is currently no consideration for essential services/public service facilities within the Overlay District. A vacuum pump station is classified as a "civic building" in this section, which requires the building to be placed close to the road and based on the percentage of building width to lot width which results in a unnecessarily large building which is not hidden from bublic view. We think a small hidden pump station further from the road better upholds the intental

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.

This project is part of the County's goals to eliminate septic tanks and the costly existing sewer infrastructure. A new wastewater vacuum pump station must be built to service the project area. By classifying a pump station as a civic building, a new pump station anywhere within the Wimauma Downtown Overlay District is subject to development requirements which are typically not required for pumping stations.

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.

This variance benefits the public by reducing the size of the vacuum pump station, placing it further from public view, supports the County goal to eliminate septic tanks, and provides a building which supports the small town character of the area as opposed to a massive unattractive pump station building, located closer to the road which still cannot be accessed by the public. If the variance is not granted, the result will be a delay in the project and eventually a

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Tax Deed File No.: 1998-182 **Folio No.:** 079064.0000

CORRECTED TAX DEED

State of Florida County Of Hillsborough

Know all men by these presents that whereas:

The Board of County Commissioners of Hillsborough County made application for a tax deed on Tax Certificate #8982 issued on the 25th day of May, 1989:

The County deposited with the Tax Collector all applicable costs and fees.

The Clerk advertised on the 12th day of October, 1991 by publishing notice in the Free Press

There were no bidders at the public sale of 18th day of November, 1991. The Clerk entered the land on a list entitled "Lands Available for Taxes" and for seven years from the day the land was offered for public sale no one purchased the land from the Clerk for the minimum bid as determined in Section 197.502, Florida Statutes (1991).

NOW, THEREFORE, on November 18th, 1998, pursuant to Section 197.502, Florida Statutes(1991), the lands situated in the County and State aforesaid and described below are escheated to the Board of County Commissioners of Hillsborough County free of all tax certificates and liens against the property.

Lots 6 and 7 Block B in **LAKE VIEW** as per map or plat thereof, recorded in Plat Book 27, Page 21 of the Public Records of Hillsborough County, Florida, all lying and being in Section 9. Township 32 South, Range 20 East.

Carolina Muniz , Deputy Clerk

Adrian Salas, Deputy Clerk

State of Florida

County Of Hillsborough

On the 4th day of April, 2022, before me a notary public personally appeared Teresa Clark, Deputy Clerk, Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his/her own free act and deed for the use and purposes therein mentioned.

Witness my hand and office seal date aforesaid.

Notary Public

This deed is being re-recorded to correct the legal description. The original deed is recorded in OR BK 9336 PAGE 1646

Cindy Stuart, Clerk of the Circuit

By: Teresa Clark, Deputy Clerk

TAX DEED NO 98-157 PROPERTY ID NO 79064 1000

TAX DEED

STATE OF FLORIDA COUNTY OF HILLSBOROUGH

Know all men by these presents that whereas
The Board of County Commissioners of Hillsborough County made application for a tax deed on Tax Certificate #8984 issued on May 25, 1989,

The County deposited with the Tax Collector all applicable costs and fees,

The Clerk advertised on <u>September 27, 1991</u>, by publishing notice in the <u>La Gaceta</u>

INSTR # 98329414
OR BK 09317 PG 0763
RECORDED 11/04/98 08:40 AM
RICHARD AKE CLERK OF COURT
HILLSBURGUER COUNTY
DEPUTY CLERK F FECRY

FOR OFFICIAL USE ONLY

(See Attached Exhibit "A")

There were no bidders at the public sale of <u>November 4, 1991</u> The Clerk entered the land on a list entitled "Lands Available for Taxes" and for seven years from the day the land was offered for public sale no one purchased the land from the Clerk for the minimum bid as determined in Section 197 502, Florida Statutes (1991)

NOW, THEREFORE, on November 4, 1998 pursuant to Section 197 502, Florida Statutes (1991), the lands situated in the County and State aforesaid and described below are escheated to the Board of County Commissioners of Hillsborough County free of all tax certificates and liens against the property

Lots 11 and 12 Block B in LAKE VIEW as per map or plat thereof, recorded in Plat Book 27, Page 21 of the Public Records of Hillsborough County, Florida, all lying and being in Section 9, Township 32 South, Range 20 East

Witnesses

Estille Russellhurg Denuty Clerk

Douglas R. Bakke Deputy Clerk

Clerk of the Circuit Court Beverly Gruber, Deputy Clerk

Director, Circuit Civil

Hillsborough County, Florid

STATE OF FLORIDA COUNTY OF HILLSBOROUGH

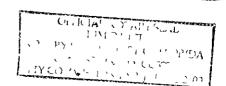
On November 4, 1998, before me a Notary Public personally appeared Beverly Gruber, Deputy Clerk, Director, Circuit Civil, Clerk of the Circuit Court in and for the State and this County personally known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be her own free act and deed for the use and purposes therein mentioned. She did not take an oath

Witness my hand official seal date aforesaid

Rev 7-12-93

RETURN TO TAX DEED DEPT

Kim P Dietz, Notary Public



Publishers Affidavit LA GACETA

PUBLISHED WEEKLY Tampa, Hillsborough County, Florida

State Of Florida County Of Hillsborough, ss.

Before the undersigned authority personally appeared

Dollard Mandad

KOIANG MANCEIGA
who on oath says he is Publisher of La Gaceta, a weekly newspaper published at Tampa, in Hillsborough County, Florida, that the attached copy of advertisement,
,
being a Application For Tax Deed
in the matter of Cert. No. 8984 Yr. 1989 Sale Item #33
in the Court
in theCourt,
was published in said newspaper in the issues of September 27,
was published in said non-spaper in site assess of
October 4, 11, 18, 1991
Affiant further says that the said La Gaceta is a newspaper published at Tampa, in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each week and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper
Sworn to and subscribed before me, this 18th day
of October, A.D. 1991 Snish C. Schmeckel
LOUISE C. SCHMECHEL MY COMMISSION EXPIRES September 7, 1995 BONDED THRU TROY FAIR INSURANCE, INC
(SEAL) EXHIBIT "A

788.54X 69997

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Property/Applicant/Owner Information Form

Official L Application No:	Jse Only Intake Date: 02-02-23
Hearing(s) and type: Date: 3/27/2023 Type: LUH	O Receipt Number: N/A
Date: Type:	/ :
Property Ir	nformation
Address: 0 BETWEEN HILLSBOROUGH ST & 7TH ST	
TWN-RN-SEC: 32-20-09 Folio(s): 79064.0000 & 79064.1000 Zoning: RS	SC-4 _{Euture Land Use:} R-4 Property Size: 0.55-ac
Property Own	er Information
Name: Hillsborough County	
Address: 925 E. Twiggs Street	
Email: IranipourG@HillsboroughCounty.or	
Applicant II	oformation
Name: Tom Mamott, P.E., Division Dire	
Address: 925 E. Twiggs Street	tv/State/Zip: Tampa, FL 33602
MamottT@hillsboroughcounty.o	
Applicant's Representativ	
Name:	Daytime Phone
	- · · · · · · · · · · · · · · · · · · ·
Address:Ci	ty/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.	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.
Thomas A. Mamott Glabay signed by Thomas A. Manuel C-UB Under States I-UB Under Sta	
Signature of the Applicant	Signature of the Owner(s) – (All parties on the deed must sign)
Thomas A. Mamott	
Type or print name	Type or print name

3 of 11 07/2022



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-4
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0685H
FIRM Panel	12057C0685H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	Х
Pre 2008 Firm Panel	1201120685C
County Wide Planning Area	Wimauma
Community Base Planning Area	SouthShore
Community Base Planning Area	Wimauma
Census Data	Tract: 013914 Block: 2005
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
Overlay District	Wimauma Downtown Subdistrict D – Downtown Residential
Competitive Sites	NO
Redevelopment Area	NO



Folio: 79064.0000
PIN: U-09-32-20-2XI-B00000-00006.0
HILLSBOROUGH COUNTY
Mailing Address:
REAL ESTATE DEPT
PO BOX 1110
TAMPA, FL 33601-1110
Site Address:
0 BETWEEN HILLSBOROUGH ST & 7TH ST
WIMAUMA, Fl 33598
SEC-TWN-RNG: 09-32-20
Acreage: 0.287806
Market Value: \$20,736.00
Landuse Code: 8600 GOVERNMENT

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2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder



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Zoning	RSC-4
Description	Residential - Single-Family Conventional
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FIRM Panel	0685H
FIRM Panel	12057C0685H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120685C
County Wide Planning Area	Wimauma
Community Base Planning Area	SouthShore
Community Base Planning Area	Wimauma
Census Data	Tract: 013914 Block: 2005
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
Overlay District	Wimauma Downtown Subdistrict D – Downtown Residential
Competitive Sites	NO
Redevelopment Area	NO



Folio: 79064.1000 PIN: U-09-32-20-2XI-B00000-00011.0 HILLSBOROUGH COUNTY Mailing Address: REAL ESTATE DEPT PO BOX 1110 TAMPA, FL 33601-1110 Site Address: 0 BETWEEN HILLSBOROUGH ST & 7TH ST WIMAUMA, FI 33598 SEC-TWN-RNG: 09-32-20 Acreage: 0.26388499

Market Value: \$20,736.00 Landuse Code: 8600 GOVERNMENT

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