



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-1508	
LUHO HEARING DATE: March 27, 2023	CASE REVIEWER: Tania C. Chapela

REQUEST: The applicant is requesting setback variances for an existing accessory dwelling with attached carport and storage room on property zoned RSC-9 (Residential Single Family).

VARIANCES:

Accessory Dwelling

Per LDC Section 6.11.02.E, accessory dwellings shall meet principal building setbacks. Per LDC Section 6.01.01, a minimum rear yard setback of 20 feet and minimum side yard setback of 5 feet are required in the RSC-9 district. The applicant requests the following:

- A 0.8'-foot, reduction to the required side yard setback to allow a side setback of 4.2' feet from the south property line; and,
- A 3-foot, reduction to the required side yard setback to allow a side setback of 2 feet from the north property line; and,
- A 15-foot, reduction to the required rear yard setback to allow a rear setback of 5 feet from the west property line.

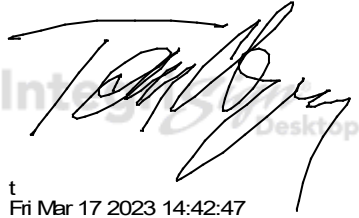
FINDINGS:

- As shown on the survey submitted by the applicant, the accessory dwelling's carport and storage room encroach into a 5-foot utility easement that spans the rear of the subject parcel. Staff has advised the applicant the encroachments must be removed and approval of this variance, if granted, will not affect that requirement. Alternatively, the applicant may apply for a vacating of the easement. However, if the vacating is approved, the applicant will need to obtain a new variance to the required rear setback to allow the existing setback of 4.1 feet from the west property line to remain.

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.

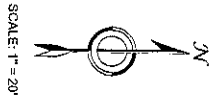
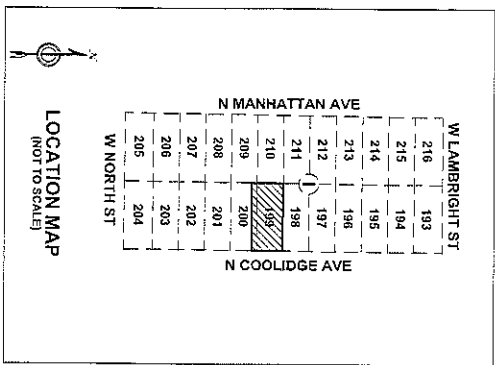
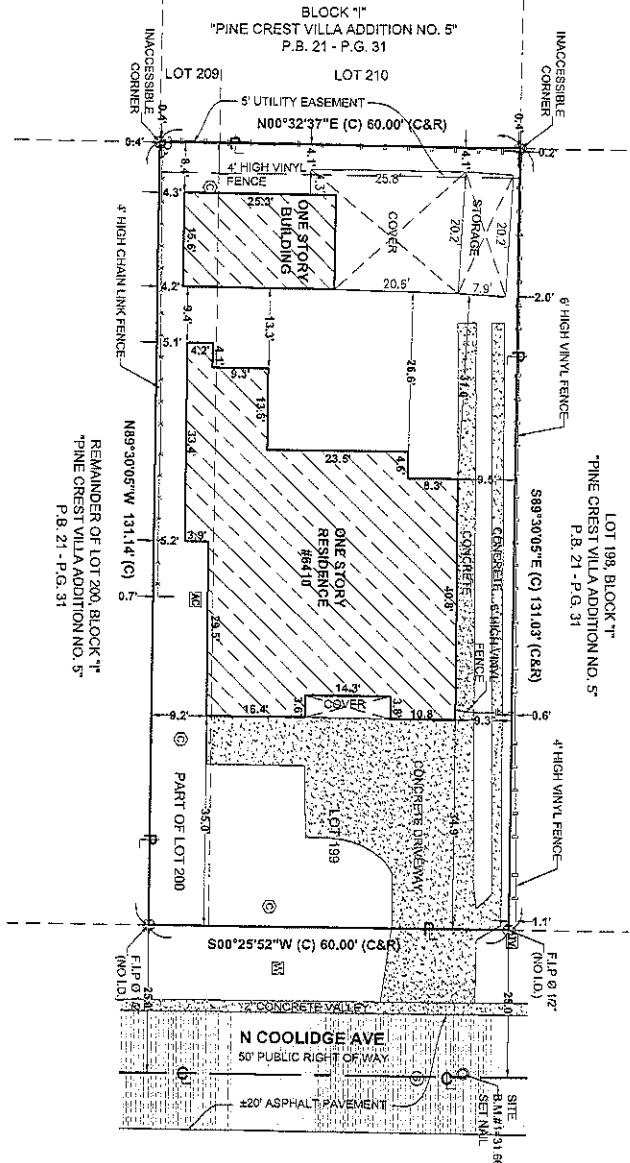
ADMINISTRATOR'S SIGN-OFF



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Fri Mar 17 2023 14:42:47

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

B O U N D A R Y S U R V E Y
SECTION 33, TOWNSHIP 28S, RANGE 18E, HILLSBOROUGH COUNTY



- ABBREVIATIONS**
- (C)-CALCULATED
 - (M)-MEASURED
 - (R)-RECORDED
 - (P)-PROPOSED
 - B.M. = BENCHMARK
 - P.B. = PLAT BOOK
 - P.G. = PAGE
 - F.L.R. = FOUND IRON ROD
 - F.L.P. = FOUND IRON PIPE
 - S.I.R. = SET IRON ROD
 - ID = IDENTIFICATION
- LEGEND**
- ⬇ CENTER LINE
 - PROPERTY CORNER
 - ⊙ PROPERTY LINE
 - ⊙ MANHOLE (SANITARY SEWER)
 - ⊙ OPTICAL FIBER
 - ⊙ CLEAN OUT
 - ⊙ UTILITY POLE
 - ⊙ METER (WATER)
 - ⊙ AC UNIT



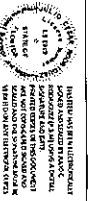
PROFESSIONAL
SURVEYOR AND MAPPER
JIM C. RODRIGUEZ
PHONE: (813) 388-0111
FAX: (813) 388-0111
www.gpsforida.com

ORIGINAL
FIELD DATE
02/19/2021

JOB NO. 21-2827
DRAWN BY CAM

SHEET 1/1

Digitally signed by Jim C. Rodriguez
DN: c=US, o=Hillsborough
County, ou=401410C000012DD0C9C38000D
88, ou=Hillsborough
Date: 2021.02.03 11:02:22 -0500



PROPERTY ADDRESS:
6430 N COOLIDGE AVE,
TAMPA, FL 33114
(FOLD NO. 030803000)

DESCRIPTION:
LOT 199 AND THE NORTH 1000 FEET OF LOT 200 OF BLOCK "T" OF "PINE CREST VILLA ADDITION NO. 5", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21 AT PAGE 31 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

FLOOD ZONE INFORMATION:
COMMUNITY: HILLSBOROUGH COUNTY: 120112
MAP/PANEL NO. 12057C019H4
SUFFIX: H
FIRM DATE: 08/28/2008
FLOOD ZONE: X

THERE MAY BE LEGAL RESTRICTIONS ON THE SURVEYED PROPERTY. THE SURVEYOR HAS NO KNOWLEDGE OF ANY SUCH RESTRICTIONS. THE MAP OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY OR THE RECORDS OF ANY OTHER PUBLIC AND PRIVATE ENTITIES AS THEIR JURISDICTIONS MAY APPEAR.

THE MAP OF SURVEY IS INTENDED TO BE ESTABLISHED AT THE STATED GRAPHIC SCALE IN ACCORDANCE WITH THE STANDARDS FOR LAND SURVEYS IN THE STATE OF FLORIDA, PURSUANT TO RULE 54-17 OF THE ADMINISTRATIVE CODE AND ITS IMPLEMENTING RULE, CHAPTER 472027 OF THE FLORIDA STATUTES.

CERTIFY TO:
YANIRA JIMENEZ
CHIEF ENGINEER

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS "BOUNDARY SURVEY" AND THE MAP OF SURVEY RESULTING THEREFROM WAS PERFORMED UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I AM A LICENSED SURVEYOR AND BELIEVE THE INTENT OF THE MANUALLY TECHNICAL STANDARDS FOR LAND SURVEYS IN THE STATE OF FLORIDA, PURSUANT TO RULE 54-17 OF THE ADMINISTRATIVE CODE AND ITS IMPLEMENTING RULE, CHAPTER 472027 OF THE FLORIDA STATUTES.

THIS SURVEY WAS CONDUCTED FOR THE CLIENT. THE SURVEY REGULATORY SCHEME ONLY AND IS NOT INTENDED TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY BOARD, COMMISSION OR OTHER ENTITY.

LEGAL DESCRIPTION WAS FURNISHED BY THE CLIENT.

WELL-IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAP WERE MEASURED TO AN ESTIMATED HORIZONTAL POSITIONAL ACCURACY OF 1/10 FOOT UNLESS OTHERWISE SHOWN.

BEARINGS AS SHOWN HEREON ARE BASED UPON AN ASSUMED VALUE OF 50°57'52" FOR THE WEST BISHOP WAY LINE OF N COOLIDGE AVE AS DEPICTED ON THE MAP OF SURVEY.

LEGAL DESCRIPTION SUBJECT TO ANY RESERVATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR RECORDED EASEMENTS.

THE SURVEYOR MAKES NO REPRESENTATION AS TO OWNERSHIP, POSSESSION OR OCCUPATION OF THE SUBJECT PROPERTY BY ANY ENTITY OR INDIVIDUAL.

SUBSURFACE IMPROVEMENTS AND/OR ENCROACHMENTS WITHIN, UPON, ACROSS, ADJUTING OR ADJACENT TO THE SUBJECT PROPERTY WERE NOT LOCATED AND ARE NOT SHOWN.

THIS MAP OF SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREIN AND THE CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTY.

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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.

Variance of 20% of the yard. Proposing additional 3 feet to property line variance.

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

6.11.04

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.
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 Reclaimed 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?

The variance only affects the subject property.

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.

By following the LDC, it would deprive the full use of the property.

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.

It would not interfere or deprive any other property as the variance is inside that of the property in questions.

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 is in line with the purpose and intent as it will not deprive other property owners and respect the rights of others.

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.

Other property owners in the same neighborhood have done the same.

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.

Such variances have been done by other property owners. The substantial expenditure in curred would be the hardship on the home owner. Which would appear that allowing the variance would have not affected the public or the LDC.

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I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, ON 01/10/2001 AT 03:31 PM.

Prepared By & Return to: *w/c*
D Decker
PAN AMERICAN TITLE COMPANY
8220 N. HANLEY ROAD
TAMPA, FL 33634

INSTR # 2001010891
OR BK 10556 PG 1300

RECORDED 01/10/2001 03:31 PM
RICHARD AKE CLERK OF COURT
HILLSBOROUGH COUNTY
DOC TAX PD (F.S. 201.02) 196.00
DEPUTY CLERK A Karr

PD00367
\$6.00
\$196.00

①

THIS WARRANTY DEED made the 19th day of *December*, 2000 by *Aquilino H. Alvarez*, a single man
Whose address is: *6410 - Coolidge Ave, Tampa, FL 33614*
herein called the grantors, to *Einert S. Cruz*
whose address is: *6410 Coolidge Avenue, Tampa, FL 33614*
hereinafter called the Grantees;

WITNESSETH: That the grantors, for and in consideration of the sum of TEN AND 00/100 (\$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, FLORIDA to wit:

Lot 199 and the North 10 feet of Lot 200, Block "I", Pine Crest Villa Addition No. 5, according to map or plat thereof as recorded in Plat Book 21, Page 31, Public Records of Hillsborough County, Florida.
parcel #030080.0000

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 is/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, 2000, any easements, restrictions, reservations of record.

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: , ,

Edilia Rivera

WITNESS EDILIA RIVERA

Aquilino H. Alvarez

Aquilino H. Alvarez

Walkydia Leiva

WITNESS WALKYDIA LEIVA

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

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**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 22-1508
Hearing(s) and type: Date: 12/19/2022
Date: _____

Type: LUHO
Type: _____

Intake Date: 10-10-2022
Receipt Number: 206566
Intake Staff Signature: Clare Odell

Property Information

Address: 6410 N Coolidge Ave City/State/Zip: Tampa, FL 33614

TWN-RN-SEC: _____ Folio(s): 0300800000 Planning: _____ Future Land Use: _____ Property Size: _____

Property Owner Information

Name: Einert Simon Cruz Berea Daytime Phone 813-526-4149

Address: 6410 N Coolidge Ave City/State/Zip: Tampa, FL 33614

Email: _____ Fax Number _____

Applicant Information

Name: Einert Simon Cruz Berea Daytime Phone 813-526-4149

Address: 6410 N Coolidge Ave City/State/Zip: Tampa, FL 33614

Email: _____ Fax Number _____

Applicant's Representative (if different than above)

Name: Juan Carlos Montes De Oca Daytime Phone 407-870-5678

Address: 8 S Orlando Ave City/State/Zip: Kissimmee, FL 34741

Email: juancarlos@mdolawgroup.com 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.


Signature of the Applicant

Einert S Cruz Berea
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.

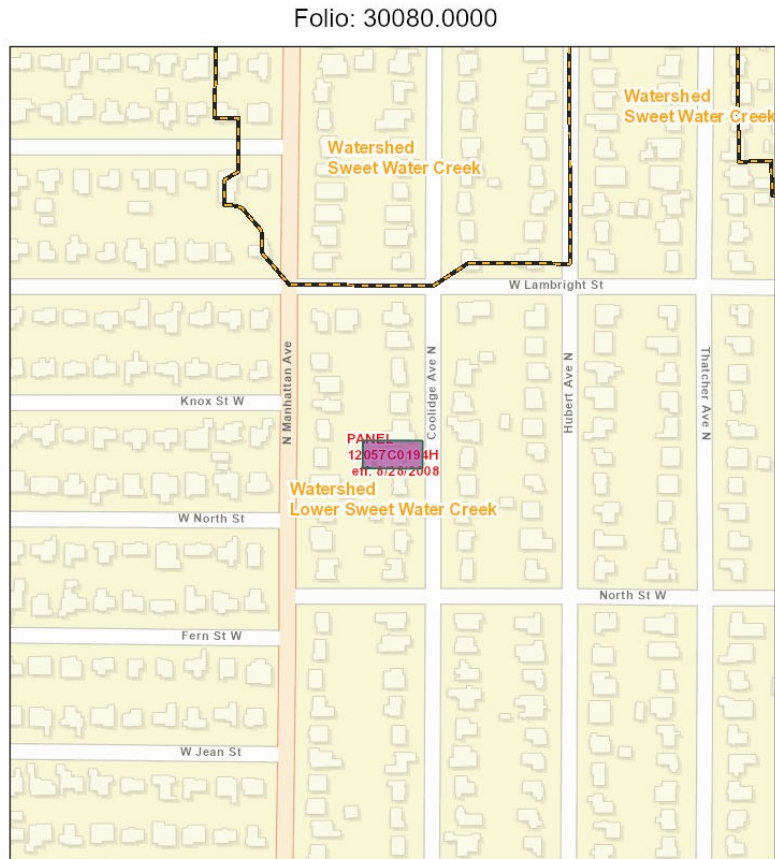
Signature of the Owner(s) – (All parties on the deed must sign)

Type or print name

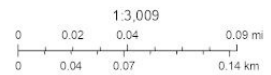


PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RSC-9
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0194H
FIRM Panel	12057C0194H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120195D
County Wide Planning Area	Egypt Lake
Census Data	Tract: 011802 Block: 2027
Future Landuse	R-9
Urban Service Area	USA
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 10
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	70' AMSL
Aviation Authority	Landfill Notification Area
Competitive Sites	NO
Redevelopment Area	NO



October 10, 2022



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

Hillsborough County Florida

Folio: 30080.0000
PIN: U-33-28-18-17T-I00000-00199.0
EINERT S CRUZ
Mailing Address:
 6410 N COOLIDGE AVE
 TAMPA, FL 33614-4841
Site Address:
 6410 N COOLIDGE AVE
 TAMPA, FL 33614
SEC-TWN-RNG: 33-28-18
Acreage: 0.180261
Market Value: \$352,412.00
Landuse Code: 0100 SINGLE FAMILY

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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.