



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0213	
LUHO HEARING DATE: April 24, 2023	CASE REVIEWER: Isis Brown

REQUEST: The applicant is requesting a variance to allow an existing principal dwelling to serve as an accessory dwelling after construction of a new principal dwelling on property zoned AS-1.

VARIANCE(S):

Per LDC Section 6.11.02.C, a maximum of 900 square feet of living space is permitted in an accessory dwelling. However, a variance to increase the permitted living space may be requested when the residential lot is at least 14,520 square feet in size and the living space proposed for the accessory dwelling does not exceed 1,200 square feet or 25 percent of the living space in the principal dwelling on the lot, whichever is less. The applicant is requesting a 236-square-foot increase to the maximum amount of living space permitted in an accessory dwelling to allow 1,136 square feet of living space.

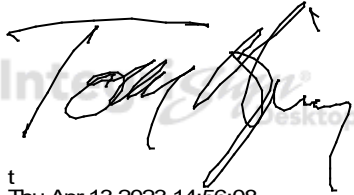
FINDINGS:

- The subject lot is approximately 2.04-acres in size (104,718 sq. ft.).
- Per LDC Section 6.11.02.C, living space includes all areas within the dwellings utilized for living, sleeping, eating, cooking, bathing, washing, sanitation, laundry and storage purposed, but does not include motor vehicle garages and attics, provided such areas are not conditioned and are utilized solely for parking and storage purpose, and covered patios as defined by LDC. The living space is measured from the outside faces of the exterior walls.
- The narrative submitted by the applicant states the new principal dwelling will have 4,550 square feet of living space, which is consistent with the amount of living space required for the requested variance to allow 1,136 square feet of living space in the accessory dwelling. However, staff has reviewed the conceptual floor plans submitted by the applicant for the new principle dwelling and it appears the dwelling will have 4,964 square feet of floor space, of which only 4,282 square feet will constitute living space pursuant to LDC Section 6.11.02.C. Therefore, staff has advised the applicants that the new principal dwelling must have at least 4,544 square feet of living space for the subject variance, if approved, to be effective.
- Final determination on the amount of living space in the principal dwelling will be made at building permit review.

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.

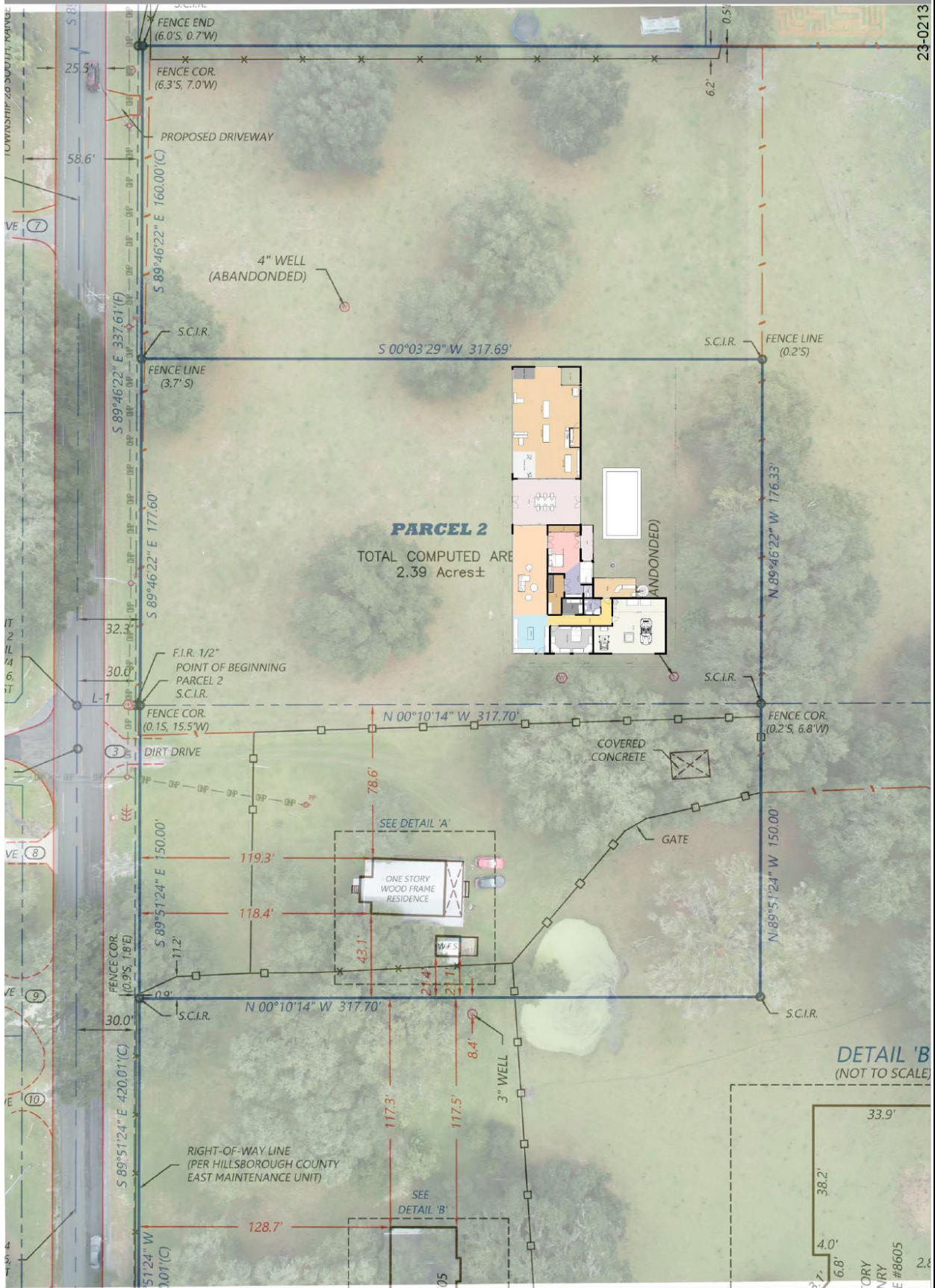
ADMINISTRATOR'S SIGN-OFF



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

LAND USE HEARING OFFICER VARIANCE REPORT

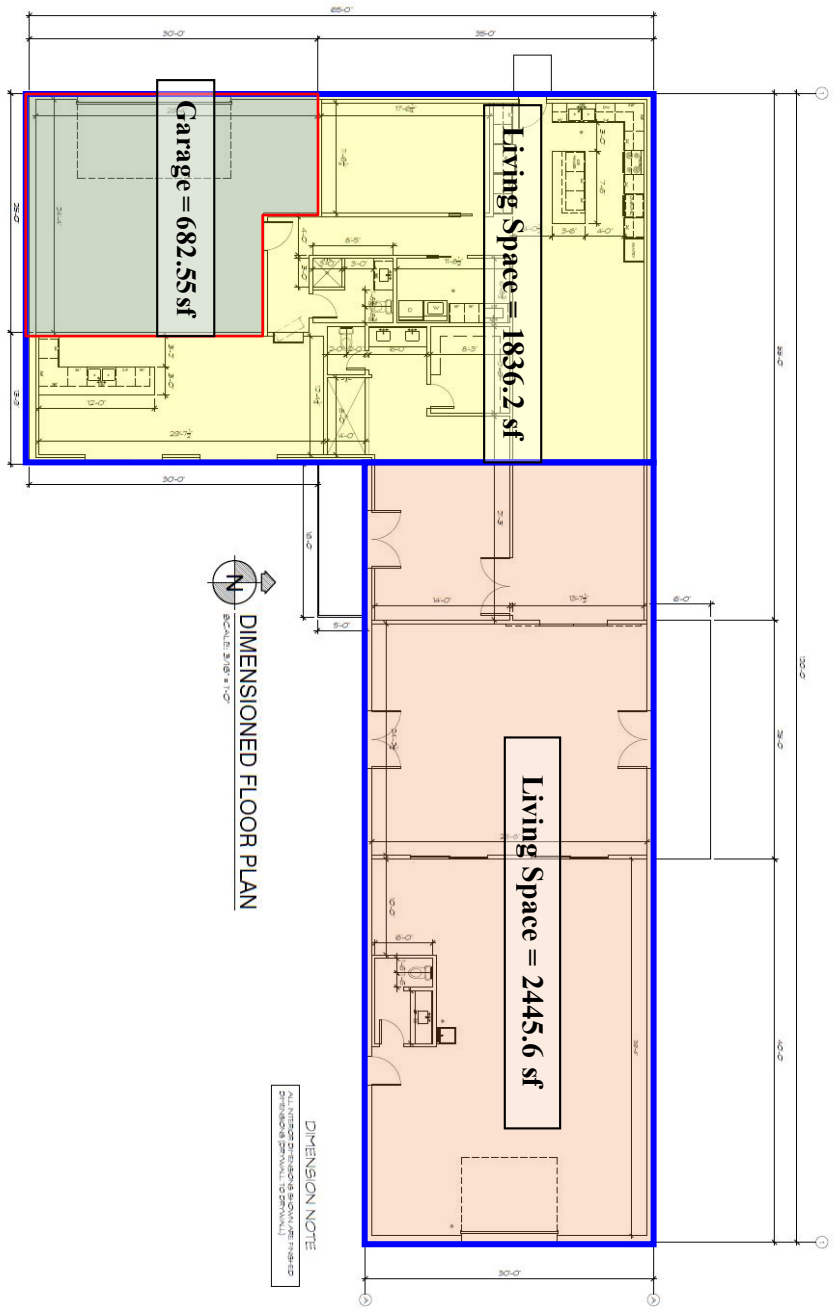


23-0213

DETAIL 'B'
(NOT TO SCALE)

TOWNSHIP 26 SOUTH
RANGE 4 WEST
PLAT #8605

02-14-23 PROGRESS SET - NOT FOR CONSTRUCTION/BID



DIMENSIONED FLOOR PLAN
 SCALE: 3/8" = 1'-0"

DIMENSION NOTE
 ALL UNITS IN DIMENSIONS SHOWN ARE IN FEET
 DIMENSIONS SHOWN IN PARENTAL UNITS

DIMENSIONED FLOOR PLAN

SHEET NUMBER B102	SCALE: AS SHOWN DRAWN BY: JAC CHECKED BY: JAC ISSUE DATE: 03/03/23 PROJECT: 23-0213	PROPOSED RESIDENCE FOR CARTER RESIDENCE 8605 W. KNIGHTS GRIFFIN ROAD PLANT CITY, FL 33565	CLIENT JENNIFER & NATHAN CARTER 8601 W. KNIGHTS GRIFFIN ROAD PLANT CITY, FL 33565	THE AVANTI GROUP consulting engineers 1345 N. Fokenburg Rd. Tampa, Florida 33619 P (813) 656-2884 www.avantitampa.com FLORIDA CERTIFICATE OF REGISTRATION NO. 20087	REVISIONS 1. 2. 3. 4.
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Jennifer and Nathan Carter
8601 W Knights Griffin Rd
Plant City, FL 33565
813-263-9350 or 813-454-3246
jennifer@avidchick.com or nathan@avidchick.com
Folio # 080812-0125

February 20, 2023

Dear Land Use Hearing Officer:

This letter is in regards to our application for a Variance to LDC 6.11.02, Accessory Dwelling Standards.

Our hope is to build our new home on the same large lot as an old family home, and keep the old home as an accessory dwelling for future family use. The existing house is almost 100 years old, has been on the property for 50 years, and used by many different family members over the decades. It's just a little bit larger than allowable by code without variance, but the code also expressly allows a variance for a slight increase in accessory dwelling size.

The land immediately west, south, and east is owned by my parents. They're in agreement with this development, and won't be negatively impacted by the variance. This lot is large enough that none of the structures encroach on other lots, and plenty of setbacks mean no interference with any other neighbors.

We appreciate your consideration, and are eager to begin building our dream home.

Thank you,

Nathan and Jennifer Carter



Project Description (Variance Request)

- 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 is a request for a larger accessory dwelling. The principal structure will be 4550 SF of living space and the accessory structure is 1136 SF of living space. The accessory structure is already present and the principal structure is proposed. The parcel meets lot size requirements, and both structures will meet all setback requirements.

The existing dwelling is almost 100 years old and has been a family home for 50 years, so removing it would cause unnecessary hardship. Request is being made to keep this house in the family as an accessory structure and possible future mother-in-law dwelling.

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

LDC 6.11.02.C: Living space in the accessory dwelling shall be limited to a maximum of 900 square feet. A variance to increase this amount may be requested provided the residential lot is at least 14,520 square feet in size and the living space proposed for the accessory dwelling does not exceed 1,200 square feet or 25 percent of the living space in the principal dwelling on the lot.

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.
- 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 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



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 existing dwelling is almost 100 years old and has been a family home for 50 years, so removing it would cause unnecessary hardship. The code recognizes and directs that accessory units larger than 900 SF are permissible, and this site does meet the parameters described in the LDC.

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 LDC expressly describes this variance, allowing for principal and accessory dwellings of this proportion. The variance would recognize that the topographical and size standards, as directed by the code, do meet the parameters required for a slightly larger accessory unit.

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 dwelling for which we are requesting the variance has already existed in this location for 50 years. The proposed future principal property and accessory unit are on a lot whose size and rural location negate any possible impacts. The unit proposed is only slightly larger than what would be allowed by code without a variance.

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 size is within code limits for the proportion of the property and primary home, and the code directs that a larger size is within acceptable scope.

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 primary structure is not built.

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.

The variance will allow a slightly larger accessory structure as allowed by code on a property and with a principal structure that is in proportion. Request is being made to keep this house in the family as an accessory structure and possible future mother-in-law dwelling.

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Prepared by:
Leighton J. Hyde, Esq.
11268 Winthrop Main Street #101
Riverview, FL 33578

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this 23rd day of January, 2023, between **CLAUDE B. CARTER and MARTHANN F. CARTER, husband and wife**, whose address is 8605 W. Knights Griffin Road, Plant City, Florida 33565, Grantor, and **NATHAN CARTER and JENNIFER CARTER, husband and wife**, whose address is 8601 Knights Griffin Road, Plant City, Florida 33565, Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of -----TEN & NO/100 (\$10.00)-----
-----DOLLARS, and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt of which is hereby acknowledged, has granted, bargained and quitclaimed to the said Grantee and Grantee' heirs and assigns forever, the following described land, situate, lying and being in the County of Hillsborough, State of Florida, to-wit:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 28 SOUTH, RANGE 21 EAST; THENCE RUN S 00°10'14" E, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 28 SOUTH, RANGE 21 EAST, A DISTANCE OF 32.30 FEET TO A POINT OF BEGINNING, SAID POINT ALSO BEING THE INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF KNIGHTS GRIFFIN ROAD AS DETERMINED BY THE HILLSBOROUGH COUNTY EAST MAINTENANCE UNIT; THENCE RUN S 89°46'22" E, A DISTANCE OF 177.60 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE OF KNIGHTS GRIFFIN ROAD, RUN S 00°03'29" W, A DISTANCE OF 317.69 FEET; THENCE RUN N 89°46'22" W, A DISTANCE OF 176.33 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 28 SOUTH, RANGE 21 EAST; THENCE RUN N 89°51'24" W, A DISTANCE OF 150.00 FEET; THENCE RUN N 00°10'14" W, A DISTANCE OF 317.70 FEET TO A POINT OF INTERSECTION WITH THE SAID SOUTH RIGHT OF WAY LINE OF KNIGHTS GRIFFIN ROAD; THENCE RUN S 89°51'24" E ALONG SAID SOUTH RIGHT OF WAY LINE OF KNIGHTS GRIFFIN ROAD, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

Parcel Identification Number: U-06-28-21-ZZZ-000003-46620.0

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anyway appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of the said Grantee forever.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness #1 Signature

Dennis S Kuba II
Witness #1 Printed Name

[Signature]
Witness #2 Signature

Leighton J. Hyde
Witness #2 Printed Name

[Signature]
CLAUDE B. CARTER

[Signature]
MARTHANN F. CARTER

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization this 23rd day of January, 2023, by **CLAUDE B. CARTER and MARTHANN F. CARTER** who are personally known to me or who have produced driver licenses as identification.

SEAL



[Signature]
Notary Signature

Leighton J. Hyde
Printed Notary Signature

My Commission expires:



Hillsborough
County Florida

DEVELOPMENT SERVICES
PO Box 1110 Tampa, FL 33601-1110

Claude & Marthann Carter
8605 W Knights Griffin Road
Plant City FL 33565

**BOARD OF COUNTY
COMMISSIONERS**

Harry Cohen
Ken Hagan
Pat Kemp

Gwendolyn "Gwen" Myers
Kimberly Overman
Mariella Smith
Stacy R. White

COUNTY ADMINISTRATOR

Bonnie M. Wise

COUNTY ATTORNEY

Christine M. Beck

INTERNAL AUDITOR

Peggy Caskey

DEPUTY COUNTY ADMINISTRATOR

Gregory S. Horwedel

SUBJECT: CERTIFIED PARCEL SUBDIVISION
CARTER PARCEL
FOLIO # 80812.0000 Project ID# 6095

Dear Ms. Carter,

The staff of the Development Services Department has completed its review of your request and it has been determined that the requirements have been met. The Certified Parcel Subdivision request complies with the Land Development Code as adopted by the Board of County Commissioners on April 1, 1997.

The approved two (2) lots indicated in Exhibit "A" and on the Certified Parcel Subdivision Survey submitted to the Development Services Department on January 05, 2022 have appropriate access. The property is located in Section 06, Township 28, Range 21.

The lots hereby described are part of a subdivision of a certified parcel as certified by the Administrator and may not be further subdivided under the provisions for subdividing a Certified Parcel.

Any further subdivision activity and/or creation of more than the lots described above shall require compliance with Section 10.01.05 and other applicable provisions of the Land Development Code.

Approval is granted with the following conditions:

1. Prior to the issuance of building permits, deeds shall be recorded for the new lots. (It is recommended that deeds be recorded within 30 days of this approval.)
2. Please be advised that this approval applies only to the development proposal as submitted, and in no way does it provide EPC approval to any other aspect of the EPC process. By this approval, EPC grants no reliance that wetlands may be developed within these parcels.
3. Where public water and/or wastewater service is supplied by Hillsborough County Water Resource Services, an application for service for each individual lot must be made to the Water Resources Department prior to the issuance of a building permit for

HCFLGOV.NET

Page 2
Carter Parcel

construction. If served by private well and septic tank, each shall be located on the same parcel as the principal use per Section 2.02.04 (Accessory Uses) of the LDC.

4. Prior to construction of a driveway connection to a County roadway, a right-of-way use permit must be obtained from the Public Works Right-of Way Management Office.

When applying for permits for the approved lots, please submit a copy of this letter along with the application for a permit. Failure to do so may cause unnecessary delays in the permit review process.

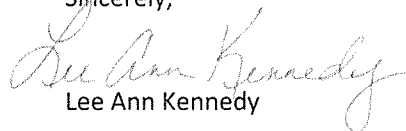
In addition, a copy of this Certified Parcel Approval letter is required to be attached as an exhibit to your deed when recorded.

You may be required to apply for a permit from the Southwest Florida Water Management District (SWFWMD) prior to initiating any activity on site.

Please note that this approval does not release the developer from any requirements established by other ordinances nor does it imply exemption from obtaining all proper permits from other governmental agencies. It is the applicant's responsibility to comply with all applicable rules and regulations of Hillsborough County.

If you have any questions concerning this matter please e-mail Yarlene Valle at valley@hillsboroughcounty.org or call at (813) 276-8340.

Sincerely,



Lee Ann Kennedy

Manager

Site and Subdivision Intake

Development Services Department

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Submittal Requirements for Applications Requiring Public Hearings

Official Use Only

Application No: VAR 23-0213 Intake Date: 02/22/2023
 Hearing(s) and type: Date: 04/24/2023 Type: LUHO Receipt Number: _____
 Date: _____ Type: _____ Intake Staff Signature: Keshia Rivas

Applicant/Representative: Nathan and Jennifer Carter Phone: 813-263-9350

Representative's Email: avidchick@yahoo.com

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
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Applicant/Owner Information Form</u>
<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.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
<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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Copy of Current Recorded Deed(s)</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Close Proximity Property Owners List</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Legal Description</u> for the subject site
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Fastrack Approval</u> (if applicable)

Additional application-specific requirements are listed in Part B.



Property/Applicant/Owner Information Form

Official Use Only

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

Property Information

Address: 8601 W Knights Griffin Road City/State/Zip: Plant City, FL 33565
 TWN-RN-SEC: 28-21-06 Folio(s): 080812-0125 Zoning: AS-1 Future Land Use: R-1 Property Size: 2.39

Property Owner Information

Name: Nathan and Jennifer Carter Daytime Phone 813-263-9350
 Address: 8601 W Knights Griffin Road City/State/Zip: Plant City, FL 33565
 Email: avidchick@yahoo.com Fax Number n/a

Applicant Information

Name: Nathan and Jennifer Carter Daytime Phone 813-263-9350
 Address: 8601 W Knights Griffin Road City/State/Zip: Plant City, FL 33565
 Email: avidchick@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 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.

Jennifer and Nathan Carter Digitally signed by Jennifer and Nathan Carter
Date: 2023.02.20 22:44:52 -05'00'

Signature of the Applicant

Jennifer and Nathan Carter

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.

Jennifer and Nathan Carter Digitally signed by Jennifer and Nathan Carter
Date: 2023.02.20 22:45:21 -05'00'

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

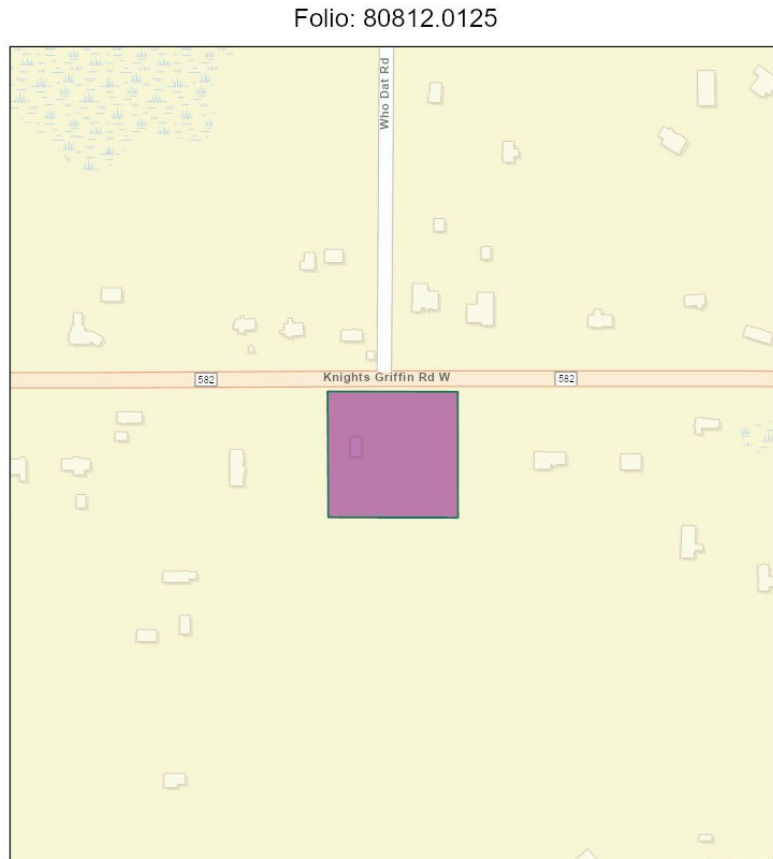
Jennifer and Nathan Carter

Type or print name

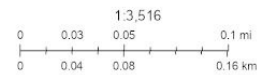


PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AS-1
Description	Agricultural - Single-Family
RS	95-0092
RZ	RS
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0253H
FIRM Panel	12057C0253H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120255C
County Wide Planning Area	East Rural
Census Data	Tract: 010105 Block: 1003
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	3
Fire Impact Fee	Northeast
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 3
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



February 21, 2023



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

Hillsborough County Florida

Folio: 80812.0125
PIN: U-06-28-21-Zzz-000003-46620.1
Nathan And Jennifer Carter
Mailing Address:
 8601 W Knights Griffin Rd
 null
 Plant City, FL 33565-3077
Site Address:
 8601 W Knights Griffin Rd
 Plant City, FL 33565-
SEC-TWN-RNG: 06-28-21
Acreage: 2.40419006
Market Value: \$159,238.00
Landuse Code: 0100 Single Family

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- Or
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