



**Hillsborough
County Florida**

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0084	
LUHO HEARING DATE: January 25, 2021	CASE REVIEWER: Tania Chapela

REQUEST: The applicant is requesting multiple variances to accommodate a proposed two-lot subdivision of property zoned RSC-6, and for an existing dwelling on one of those lots.

VARIANCE(S):

Lot Size by Utilities:

Per Land Development Code (LDC) Section 6.01.06.3, Minimum Lot Sizes by Available Utilities, a minimum lot size of one-half acre of upland (21,780 square feet) is required for the use of a septic system. The applicant requests the following variances:

- Proposed Parcel A: A 7,087-square-foot reduction, approximately, to the required minimum lot size to allow a lot size of 14,693 square feet (0.337 acres mol).
- Proposed Parcel B: A 14,696-square-foot reduction, approximately, to the required minimum lot size to allow a lot size of 7,084 square feet (0.162 acres mol).

Minimum lot width:

Per Land Development Code (LDC) Section 6.01.01, *Schedule of District Area, Height, Bulk, and Placement Regulations*, a minimum lot width of 70 feet is required in the RSC-6 district. The applicant requests a 22-foot reduction to the required lot width for Parcel B to allow a width of 48 feet.

Building Setback:

Per LDC Section 6.01.01, the required minimum side yard setback for property zoned RSC-6 is 7.5 feet. The applicant requests a 5.3-foot reduction to the required side yard setback for the house on Parcel B to allow a setback of 2.2 feet from the west property line

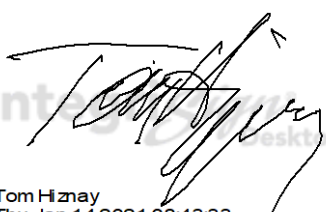
FINDINGS:

- According to the 1988 Hillsborough County Real Estate Tax Roll, the parcel was created before 1989. Therefore, it is a lot of record.
- The property is located in the Urban Service Area. Per LDC Section 4.02.02.C, new development in the USA must connect to public water and wastewater service, with the exception that, per LDC Section 4.02.03.C.1, a lot of record may be subdivided on private wells and/or septic tanks provided that connection to public water and/or wastewater service is not cost feasible. The property is located in the City of Tampa utility services area. According to City Utilities Staff, public water service is available for the subject property, but public sewer service is not.

- According to the applicant, the existing dwelling on proposed Parcel B is the “one story metal & frame building” shown on the submitted parcel survey. The applicant states the building contains a bathroom and a kitchen as required for a dwelling. However, Property Appraiser information shows only one dwelling on the property, with two stories and constructed in 1963, and Building Services staff can find no permitting records for a second dwelling on the property. The applicant has been advised that she must obtain after-the-fact building permits for the dwelling on proposed Parcel B, or provide evidence of prior permitting for that dwelling.

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

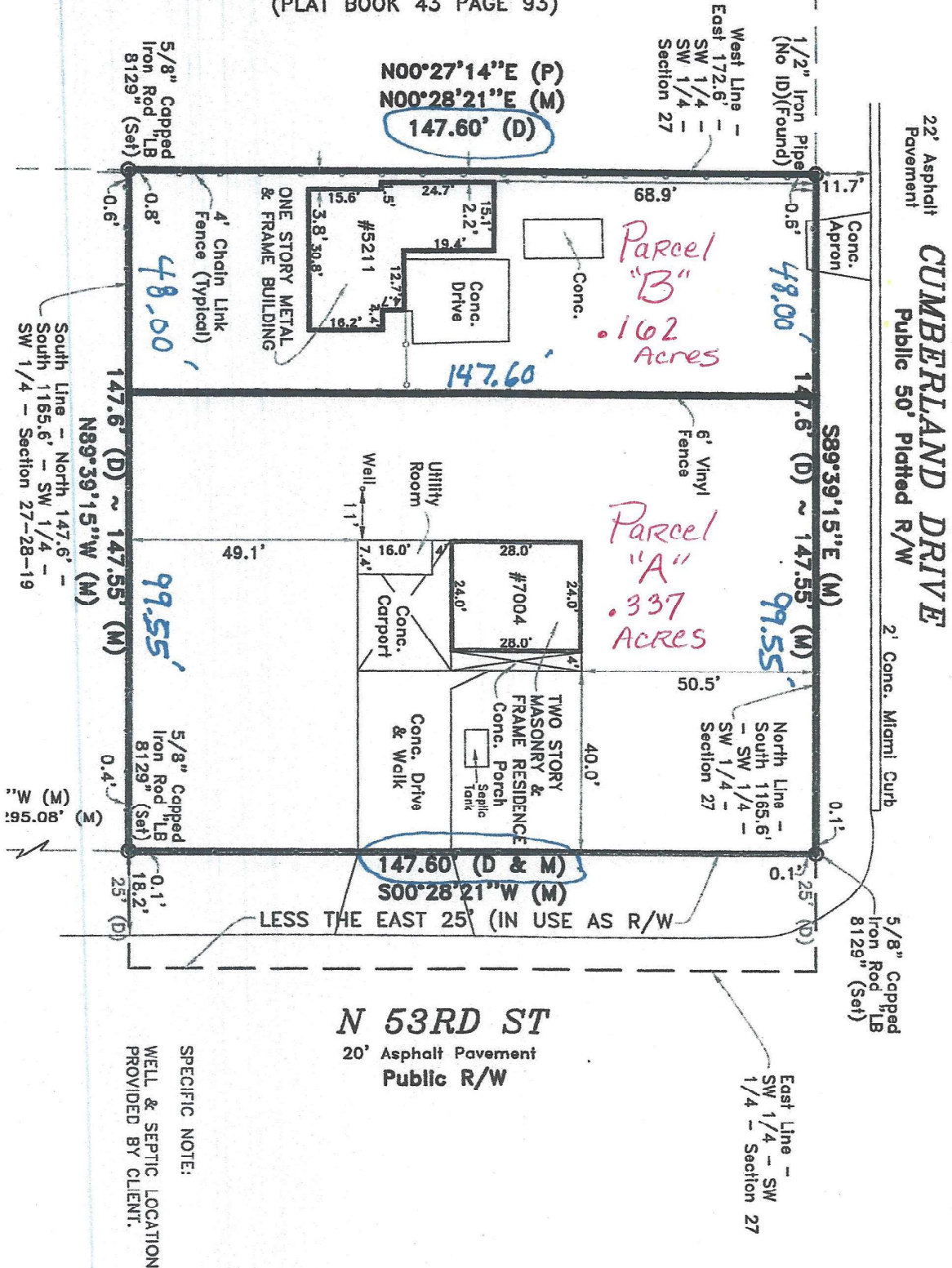
Tom Hinzay
Thu Jan 14 2021 08:43:33

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

Var 21-0084 Proposed: lot lines
Site Plan to separate folio 038563. lot widths

WOODFIELD HEIGHTS UNIT NO. 5

(PLAT BOOK 43 PAGE 93)



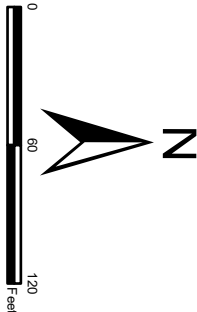


Immediate Aerial
Zoning Map

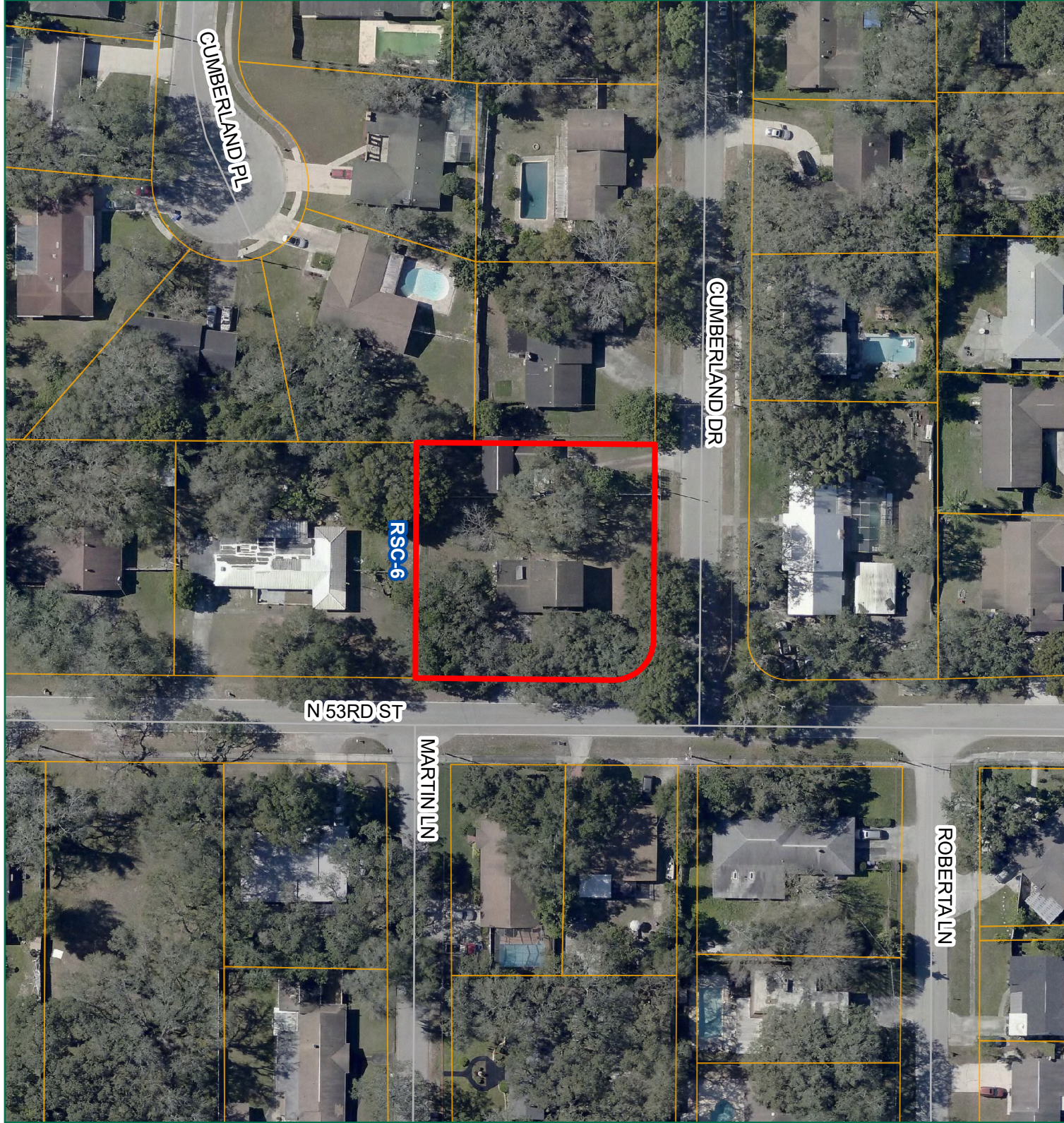
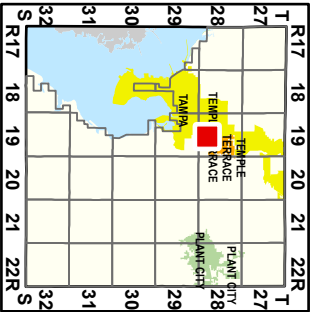
VAR 21-0084

Folio: 38563.0000

- Application Site
- Zoning Boundary
- Parcels



STR: 27-28-19



NOTE: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied. It is not to be used as a basis for any legal action or as a basis for any other purpose.

SOURCE: This map has been prepared for the purpose of providing information to the public. It is based on the best available information, including aerial photography, public records, and other available data.

Users of this map are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this map.

Date: 12/07/2020 Path: G:\ZONING\GIS\Data\Zoning - Site.aprx

VARIANCE REQUEST

1. 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.

Owner request variance to the minimum lot size for use of septic to allow less than 1/2 acre lots and a variance to the minimum lot width.

The property has two existing structures. The smaller structure is being occupied by my disabled sister. I have moved and if the property is sold without the subdividing, she would lose use of a stable and affordable housing. She is on a limited and fixed income.

If approved, the request would require the addition of septic for smaller structure. Both structures are currently on City of Tampa water and have separate electrical services. The property septic is situated to the east of the larger primary structure. The private well at larger is currently not in use.

Both structures have been divided by privacy fencing for more than 15 years and have operated as separate single family units.

The smaller structure address is listed as: 5211 Cumberland Drive, Tampa, FL 33617 which is occupied by my sister.

This was a requirement from Hillsborough County Emergency Services for 9-1-1 purposes.

Each structure has seperate Public Water service. as of 6/11/2020

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

Article 5.01.02

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): n/a
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 (Attachment A).
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 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).

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 two structures on the property existed when I purchased the property in 1995. The use as proposed in this variance request would not change or affect neighborhood as the two structures have operated as single family units since 2005 which prompted county issuance of separate address of 5211 Cumberland Dr, Tampa, FL 33617. Hillsborough County also required the separate address and fencing for 9-1-1 purposes.

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.

Since the property usage has remained the same since 2005, variance denial to add septic for smaller structure would deprive me of the right to sell structure separately and my ability to maintain the smaller structure for housing use by my disabled sister.

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.

I have discussed with neighboring property owners my intent for land use and needed variances. There is one neighboring property to the south of this lot which has private well and private septic which would be within acceptable distance from proposed septic for smaller structure.

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 required variance to add septic and subdivide would not be in violation of current LDC code as I have collaborated with a licensed plumber who has reviewed the placement of the one neighbor's private well and septic.

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.

Structures on property were in existence when I purchased property in 1995. Improvements to add electrical and City of Tampa water to the smaller structure were approved and permitted.

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.

My disabled sister moved into 5211 Cumberland Dr, after she was forced to leave previous residence. This living arrangement allows her to remain independent in an affordable living situation.

Return to:
Name: CROSSTOWN CLOSING SERVICES
Address: 915-A S. Parsons Ave.
Brandon, FL 33511
This Instrument Prepared by: Brenda Dorsey
CROSSTOWN CLOSING SERVICES
915-A S. Parsons Ave.
Brandon, FL 33511

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.
Property Appraisers Parcel Identification (Folio) Number(s):
38563-0000
Grantee(s) S.S.#(s):
FILE NO: 04010228

INSTR # 2004135051
O BK 13725 PG 0571
Pg 0571: (1pg)

RECORDED 04/14/2004 08:56:58 AM
RICHARD AKE CLERK OF COURT
HILLSBOROUGH COUNTY
DOC TAX PD(F.S.201.02) 0.70
DEPUTY CLERK P Howell

QUITCLAIM DEED

THIS INDENTURE, Made this 7th day of April A.D. 2004, by and
between Catherine Gibson, a single woman and Pamela E. Gibson f/k/a
Pamela Elaine Kenney, a single woman

of the County of Hillsborough, in the State of FLORIDA hereinafter collectively referred to as
"Seller" and Pamela E. Gibson, a single woman

whose post office address is 7004 North 53rd Street, Temple Terrace, FL 33617

of the County of Hillsborough, in the State of FLORIDA hereinafter collectively referred to as "Buyer".
WITNESSETH: That Seller, for and in consideration of the sum of \$10.00 Dollars, and other valuable considerations,
lawful money of the United States of America, to Seller in hand paid by the Buyer, the receipt whereof is hereby acknowledged,
has remised, released and quitclaimed to the Buyer, Buyer's heirs and assigns forever, all the rights, title, interest and claim
of the Seller in and to the following described land in Hillsborough County, Florida, to-wit:
The North 147.6 feet of the South 1,165.6 feet of the East
172.6 feet of the Southwest 1/4 of the Southwest 1/4 of Section
27, Township 28 South, Range 19 East, LESS the East 25 feet
thereof for road right-of-way, lying in being in Hillsborough
County, Florida.

To Have and to Hold, the above described premises, with the appurtenances, unto Buyer, Buyer's heirs and assigns
forever.

IN WITNESS WHEREOF, Seller has executed this deed under seal on the date aforesaid.

Signed, Sealed and Delivered in Our Presence:

Witness Signature: Charles Boozier
Witness Printed Name: Charles Boozier
Witness Signature: David Daniels
Witness Printed Name: David Daniels
Witness Signature: _____
Witness Printed Name: _____
Witness Signature: _____
Witness Printed Name: _____

Catherine Gibson (Seal)
Catherine Gibson
7004 North 53rd Street
Temple Terrace, FL 33617
Pamela E. Gibson (Seal)
Pamela E. Gibson
7004 North 53rd Street
Temple Terrace, FL 33617

STATE OF FLORIDA
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 7th day of April 2004
by Catherine Gibson, a single woman and Pamela E. Gibson f/k/a
Pamela Elaine Kenney, a single woman

who is/are personally known to me or who has/have produced drivers license(s) as identification.

My Commission expires: CHARLES BOOZIER
NOTARY PUBLIC - STATE OF FLORIDA
MY COMMISSION # C0399275
EXPIRES: FEBRUARY 5, 2005
1-800-3-NOTARY FL NOTARY SERVICES & BONDING, INC.

Charles Boozier
Printed Name: _____
Notary Public
Serial Number

Book13725/Page571

21-0084



Received
Nov 09, 2020
Development
Services

VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-272-5600.
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

Property Information

Address: 7004 N. 53rd Street City/State/Zip: Tampa, FL 33617 TWN-RN-SEC: 28-19-27
Folio(s): 038563.0000 RSC-6 Urban Area Zoning: _____ Future Land Use: Residential Property Size: .5

Property Owner Information

Name: Pamela Gibson Daytime Phone: 813-493-1363
Address: 7500 Wakulla Drive City/State/Zip: Temple Terrace, FL 33637
Email: pamgibson00@yahoo.com FAX Number: _____

Applicant Information

Name: Pamela Gibson Daytime Phone: 813-493-1363
Address: 7500 Wakulla Drive City/State/Zip: Temple Terrace, FL 33637
Email: pamgibson00@yahoo.com FAX Number: _____

Applicant's Representative (if different than above)

Name: Audrey G. Clarke Daytime Phone: 941-730-1481
Address: 8408 Renald Blvd City / State/Zip: Temple Terrace, FL 33637
Email: professionalsllc9@gmail.com 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.


Signature of Applicant

Pamela Gibson

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.

Signature of Property Owner

Type or Print Name

Office Use Only

Intake Staff Signature: Bianca Vazquez Intake Date: 11/09/20
Case Number: 21-0084 Public Hearing Date: 01/25/21
Receipt Number: 21-0084

Development Services Department, 601 E Kennedy Blvd. 20th Floor

07/02/2014

21-0084



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0219H
FIRM Panel	12057C0219H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201150005E
County Wide Planning Area	East Lake Orient Park
Community Base Planning Area	East Lake Orient Park Area
Census Data	Tract: 010502 Block: 2010
Future Landuse	R-6
Urban Service Area	TSA
Waste Water Interlocal	City of Tampa Waste Water
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Northeast
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 4
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	170' AMSL
Competitive Sites	NO
Redevelopment Area	NO

