



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0940	
LUHO HEARING DATE: August 23, 2021	CASE REVIEWER: Ryan L. Joyce

REQUEST: The applicant is requesting a variance from the 30-foot Wetland Conservation Area setback requirement, Section 4.01.07B of the Land Development Code (LDC). The applicant's specific request, as shown on the site plan submitted on June 9, 2021, is to allow for the placement of new pilings and fill material within the 30-foot Wetland Conservation Area setback.

SUMMARY OF VARIANCE(S):

Wetland Setback

- 1) Per LDC Sec. 4.01.07.B.4, no filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required 30-foot wetland conservation area setback. The applicant requests the placement of new pilings and fill material within the 30-foot wetland conservation area setback. The applicant requests a 23-foot 7&3/16-inch reduction of the setback to allow for a setback of 6 feet 4&13/16 inches.

Findings

- 1) The home was originally constructed in 1963. A variance was granted previously (98-0323) for the existing home's current encroachment into the wetland setback area.
- 2) Encroachment for the home addition will not impact any additional wetland conservation area or wetland setback area.
- 3) A second and third story addition is proposed over the existing footprint.

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.

Approval of this variance petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested environmental approvals.

The Development Services Natural Resources Section has no objections with the result contingent upon the Land Use Hearing Officer's acceptance and referral to the submitted site plan.

21-0940
Staff Report
Page Two:

Attachments: Site Plan

ADMINISTRATOR'S SIGN-OFF

A handwritten signature in black ink, appearing to read "Chris Slater". The signature is written in a cursive style with a large initial "C".

VARIANCE REQUEST

- 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.

~~REQUEST IS TO ALLOW ADDITION OF A 2ND FULL STORY, AND PARTIAL 3RD STORY OVER THE EXISTING HOME FOOTPRINT, WHICH WAS CONSTRUCTED IN 1963 AND REVISED IN 1987 AND AGAIN IN 1998. REQUEST IS ALSO TO ELEVATE THE FINISH FLOOR OF THE EXISTING HOME ABOVE THE DESIGNATED FEMA FLOOD ELEVATION + 1'-0" OF FREEBOARD. TO ACCOMMODATE THE UPPER LEVEL ADDITIONS, THE STRUCTURE WILL REQUIRE MODIFICATION OF THE EXISTING FOOTINGS (POSSIBLY TO INCLUDE SUBSURFACE PILE FOUNDATIONS, DEPENDING UPON THE RESULTS OF A SOIL SURVEY) TO SUPPORT THE ADDITION. SOME OF THESE FOOTINGS (ON THE NORTH, WEST AND SOUTH SIDES) ARE CURRENTLY ENCROACHING WITHIN THE WETLAND SETBACK BY 20 FEET, WHICH WAS PREVIOUSLY APPROVED BY VARIANCE # 98-0323. ALSO APPROVED UNDER THE SAME VARIANCE WAS A REDUCTION IN THE REQUIRED REAR SETBACK DUE TO THE EXISTING PLACEMENT OF THE HOME ON THE SITE (SEE ATTACHED APPROVALS)~~

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

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 TO EXISTING VARIANCE
If yes, you must complete the *Wetland Setback Memorandum* and all required information must be included with this Application Packet (Attachment A).

X - MODIFICATION OR AMENDMENT
- Please indicate the existing or proposed utilities for the subject property:
Public Water _____ Public Wastewater _____ Private Well Septic Tank

BOTH ARE EXISTING
- 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 HOME DATES TO 1963, PREDATING ZONING OR SETBACK REQUIREMENTS, AND ITS
PLACEMENT IS UNIQUE WITH RESPECT TO THE LAKE. IT IS ESSENTIALLY NOT LIVABLE BY
TODAY'S STANDARDS, IN PART BECAUSE IT IS BELOW THE FEMA FLOOD ELEVATION, AND
NEEDS SUBSTANTIAL RENOVATION TO ELIMINATE WATER DAMAGE.

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.
DUE TO THE UNIQUE PLACEMENT OF THE HOME ON THE SITE, WITH RESPECT TO THE
LAKE, THE SEPTIC TANKS, THE WELL, AND THE 3 CAR GARAGE STRUCTURE THE ONLY
VIABLE MEANS TO IMPROVE THE HOME AND PROVIDE ENOUGH LIVING SPACE AND
BEDROOMS, IS BY ADDING SPACE VERTICALLY - (2ND AND 3RD STORIES)

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 SETBACK AND WETLAND ENCROACHMENTS OF THE HOME ARE EXISTING
CONDITIONS. THE VERTICAL INCREASE FROM THE 2ND AND 3RD STORY ADDITIONS
WILL NOT EXCEED HEIGHT RESTRICTIONS ALLOWED WITHIN THE ZONING ORDINANCE
FOR THE PROPERTY.

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 ADDITIONS TO THE HOME WILL INCLUDE STRUCTURAL UPDATES, INCLUDING
RAISING THE GROUND FLOOR ABOVE THE FLOOD ELEVATION, THEREBY PROTECTING
THE HOME. STRUCTURAL UPDATES WILL ALSO BRING THE EXISTING HOME UP TO
CURRENT BUILDING CODE STANDARDS. ALSO, THE RENOVATION AND ADDITIONS WILL
SUBSTANTIALLY INCREASE THE VALUE OF THE HOME

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.
SEE #1 ABOVE - THE HOME WAS ORIGINALLY BUILT IN 1963, PREDATING ANY ZONING OR
FEMA FLOOD STANDARDS.

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 HOME HAS WATER INTRUSION ISSUES CURRENTLY WHEN THE LAKE LEVEL RISES
DUE TO HEAVY RAIN, CAUSING DAMAGE TO THE INTERIOR. THE RENOVATIONS AND
ADDITIONS WILL RAISE THE FINISH FLOOR LEVEL AS WELL AS UPDATE THE STRUCTURE
AND INCREASE THE LIVING SPACE FOR MODERN HOME USE.

THIS INSTRUMENT PREPARED BY AND RETURN TO:

Virginia Youngman
Enterprise Title of Tampa Bay, Inc.
5303 Technology Drive
Tampa, FL 33647
File No.: 28374

Property Appraisers Parcel Identification (Folio) Nos.:
000100-0000

_____ Space Above This Line For Recording Data _____

THIS WARRANTY DEED, made the 14th day of August, 2020 by Joseph A. Scarpa, a/k/a Giuseppe Scarpa and Connie A. Scarpa, a/k/a Concetta Ann Scarpa, husband and wife, hereinafter called the Grantors, to Larry Don Sutton, a single man, whose post office address is 7905 Colley Road, Odessa, FL 33556, 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 Grantors for and in consideration of the sum of TEN AND 00/100'S (\$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, State of Florida, viz:

See Exhibit "A" attached hereto and made a part hereof.

Subject to easements, restrictions and reservations of record and to taxes for the year 2020 and thereafter.

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.

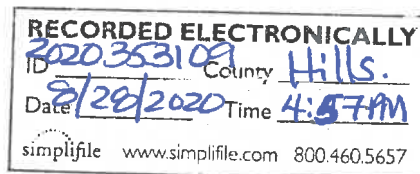
AND, the Grantors hereby covenant with said Grantee that the Grantors are lawfully seized of said land in fee simple; that the Grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2019.

IN WITNESS WHEREOF, the said Grantors have signed and sealed these presents the day and year first above written.

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Enterprise Title of Tampa Bay, Inc.
5303 Technology Drive
Tampa, FL 33647
File No.: 28374

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IN WITNESS WHEREOF, the said Grantors have signed and sealed these presents the day and year first above written.

21-0940

Signed, sealed and delivered in the presence of:

[Signature]
Witness No. 1 Signature

Tiffany Bush
Witness No. 1 Printed Name

[Signature]
Witness No. 2 Signature

Daniella Geoghagan
Witness No. 2 Printed Name

[Signature]
Joseph A. Scarpa, a/k/a Giuseppe Scarpa

P.O. Box 61
Odessa, FL 33556

[Signature]
Connie A. Scarpa, a/k/a Concetta Ann Scarpa

P.O. Box 61
Odessa, FL 33556

STATE OF Florida

COUNTY OF Hillsborough

The foregoing instrument was executed and acknowledged before me by means of Physical Presence or Online Notarization this 14th day of August, 2020 by Joseph A. Scarpa, a/k/a Giuseppe Scarpa and Connie A. Scarpa, a/k/a Concetta Ann Scarpa who is personally known to me or who has produced driver's license (type of identification) as identification.

[Signature]
Notary Public
Printed Name: Daniella Geoghagan
Commission # _____
My Commission Expires: _____


 NOTARY PUBLIC
STATE OF FLORIDA
DANIELLA GEOGHAGAN
Commission # GG 912966
Expires October 28, 2023
Bonded Thru Budget Notary Services

EXHIBIT "A"

That portion of Tracts 14 and 15 in the Northeast 1/4 of Section 2, Township 27 South, Range 17 East, Keystone Park Colony, as per map or plat thereof as recorded in Plat Book 5, Page 55, of the Public Records of Hillsborough County, Florida, and including a portion of that certain 30 foot road right-of-way (now closed) between said Tracts, all being more particularly described as follows:

From the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of Section 2, Township 27 South, Range 17 East, run North 00°07'75" West along the West boundary of said Southeast 1/4 of the Northeast 1/4 of said Section 2, a distance of 150 feet; run thence North 27°29'75" East, 14 feet to the Point of Beginning; from said Point of Beginning, run North 27°29'75" East, 90 feet; run thence North 66°57'00" West, 225 feet, more or less into the waters of Lake Hiawatha to a point hereby designated as point "A"; beginning at the Point of Beginning, run North 70°50'25" West, a distance of 225 feet, more or less, into the waters of Lake Hiawatha; run thence Northeasterly parallel to the shore line of Lake Hiawatha to the above described point "A."

Less the following described tract:

A part of Tract 15, in the Northeast 1/4 of Section 2, Township 27 South, Range 17 East, Keystone Park Colony, as per map or plat thereof as recorded in Plat Book 5, Page 55, of the Public Records of Hillsborough County, Florida, and a part of that certain 30 foot road right-of-way (now closed) abutting said Tract 15 on the West, all being more particularly described as follows:

From the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of Section 2, Township 27 South, Range 17 East, run North 00°07'75" West along the West boundary of said Southeast 1/4 of the Northeast 1/4 of Section 2, a distance of 150 feet; thence North 27°29'75" East, 100 feet to the Point of Beginning; thence North 61°16'25" West, 40.30 feet to a point on the Northerly boundary of that certain property described in the instrument recorded in Official Records Book 3657, Page 745, of the Public Records of Hillsborough County, Florida; thence South 66°57'00" East, 40.41 feet along the Northerly boundary; thence South 27°29'75" West, 4 feet to the Point of Beginning.

And together with the following described tract:

A part of Tract 14, in the Northeast 1/4 of Section 2, Township 27 South, Range 17 East, Keystone Park Colony, as per map or plat thereof as recorded in Plat Book 5, Page 55, of the Public Records of Hillsborough County, Florida, and a part of that certain 30 foot road right-of-way (now closed) abutting said Tract 14 on the East, all being more particularly described as follows:

From the Southwest corner of the Southeast 1/4 of the Northeast 1/4 of Section 2, Township 27 South, Range 17 East, run North 00°07'75" West along the West boundary of said Southeast 1/4 of the Northeast 1/4 of Section 2, a distance of 150 feet; thence North 27°29'75" East, 100 feet; thence North 61°16'25" West, 40.30 feet to a point on the Northerly boundary of that certain property described in the instrument recorded in Official Records Book 3657, Page 745, of the Public Records of Hillsborough County, Florida, and the Point of Beginning; thence continue North 61°16'25" West, 182 feet, more or less to the waters of Lake Hiawatha; thence Southwesterly along the water of Lake Hiawatha, to the Northerly boundary of that certain property described in the instrument recorded in Official Records Book 3657, Page 745, of the Public Records of Hillsborough County, Florida; thence South 66°57'00" East, along said Northerly boundary to the Point of Beginning.



Received
06/09/2021
Development Services

VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:
You must schedule an appointment to submit this application by calling 813-277-1630.
All requirements listed on the submittal checklist must be met. *Incomplete applications will not be accepted.*

Property Information

Address: 7905 Colley Rd City/State/Zip: Odessa, FL 33556 TWN-RN-SEC: 27-17-02
Folio(s): 000100-0000 Zoning: ASC-1 Future Land Use: _____ Property Size: _____

Property Owner Information

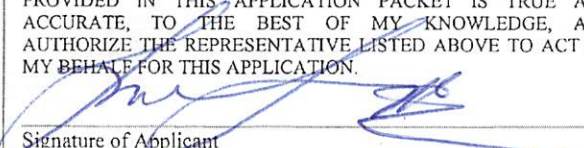
Name: Larry Sutton Daytime Phone: 813-977-9800
Address: 7905 Colley Rd City/State/Zip: Odessa, FL 33556
Email: lsutton@rnrtires.com FAX Number: n/a

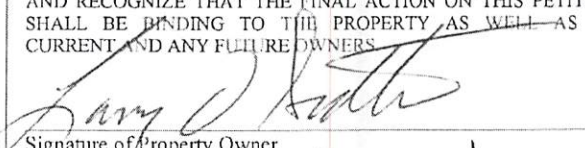
Applicant Information

Name: Furman Construction and Development Inc. Daytime Phone: 727-308-6600
Address: 201 US-19 ALT S City/State/Zip: Palm Harbor, FL 34683
Email: frank@furmancdi.com FAX Number: n/a

Applicant's Representative (if different than above)

Name: Frank Furman Daytime Phone: 727-282-2084
Address: 201 Alt 19 S City / State/Zip: Palm Harbor FL 34683
Email: frank@furmancdi.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
Frank Furman
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
Larry D. Sutton
Type or Print Name

Office Use Only
Intake Staff Signature: Ana Lizardo Intake Date: 06/09/21
Case Number: 21-0940 Public Hearing Date: 08/23/21
Receipt Number: 21-0940

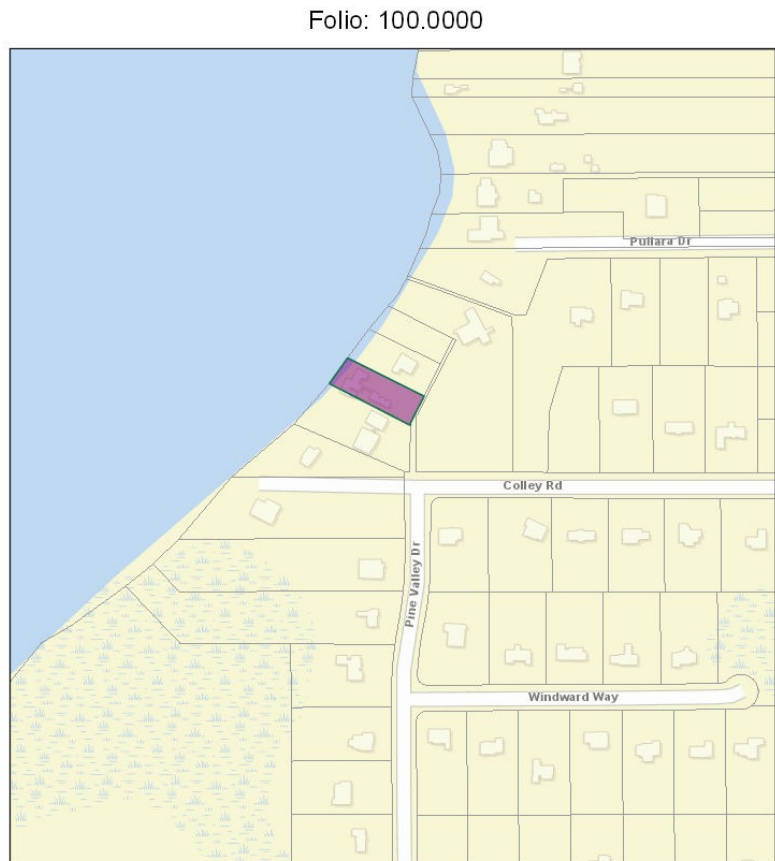
Planning and Growth Management Department, 601 E Kennedy Blvd. 20th Floor

21-0940



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:A	
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0040H
FIRM Panel	12057C0040H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	A
Pre 2008 Firm Panel	1201120040D
County Wide Planning Area	Keystone Odessa
Community Base Planning Area	Keystone Odessa Area
Census Data	Tract: 011509 Block: 1006
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



June 10, 2021

1:3,540
0 0.03 0.06 0.12 mi
0 0.05 0.1 0.19 km

RS

Hillsborough County Florida

Folio: 100.0000
PIN: U-02-27-17-001-000000-00014.3
LARRY DON SUTTON
Mailing Address:
 7905 COLLEY RD
 ODESSA, FL 33556-3975
Site Address:
 7905 COLLEY RD
 ODESSA, FL 33556
SEC-TWN-RNG: 02-27-17
Acreage: 0.52929199
Market Value: \$647,253.00
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.

21-0940

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