

Variance Application: 24-0426
LUHO Hearing Date: March 25, 2024
Case Reviewer: Wayne Doyon



**Hillsborough
 County Florida**

Development Services Department

Applicant: Jeff Larson/ Larson Communities No 3 LLC **Zoning:** PD
Location: Folios: 002680-1174 & 002680-1176, Odessa, FL 33556

Request Summary:

The applicant is requesting a variance from the 30-foot Wetland Conservation Area setback requirement, Section 4.01.07.B.4 of the Land Development Code (LDC). The applicant’s specific request, as shown on the site plan submitted on 03/12/2024, is to allow for the reasonable use of the backyard area within the 30-foot Wetland Conservation Area Setback.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
Section 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.	Encroachment into the 30-foot wetland setback to allow for the reasonable use of the backyard area. Lot 1, Block P = 11.5’ Lot 17, Block O = 18.44’	Remaining setback: Lo1, Block P = 18.5’ Lot 17, Block O = 11.56’

Findings:	<ol style="list-style-type: none"> The wetland setback compensation planting area will be reviewed and approved with the subdivision construction plans. The physical barrier required by EPC per the plans dated 03/12/2024 to protect against encroachment into the wetlands by a fence or shrubbery with signage, must be shown on the wetland setback compensation planting plan to be reviewed with the subdivision construction plans. The barrier must be installed before the CO for each home is issued.
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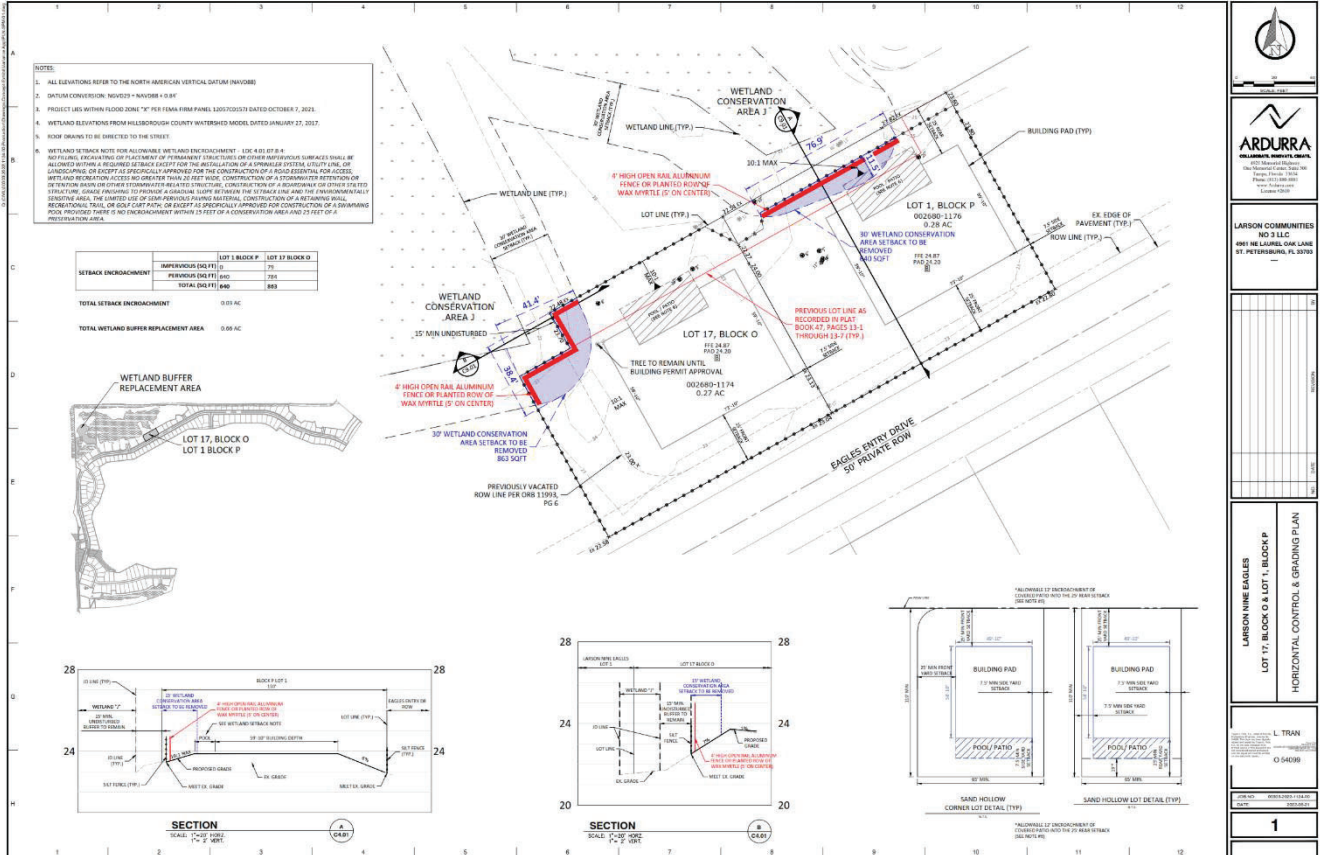
Zoning Administrator Sign Off:

DISCLAIMER:

The variance(s) 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.

SURVEY/SITE PLAN



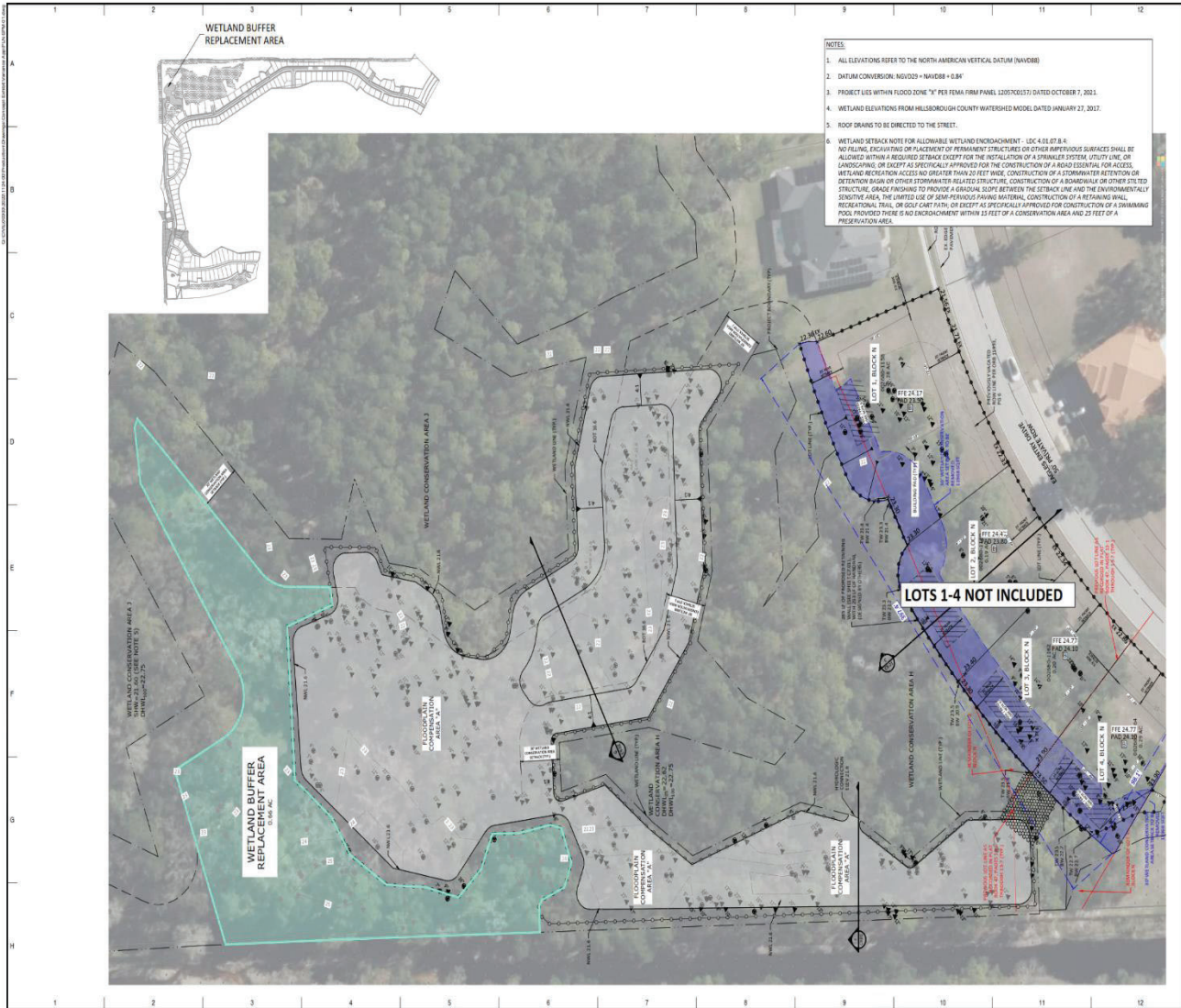
ARDURRA
CONSULTING ENGINEERS & ARCHITECTS
10000 W. UNIVERSITY BLVD., SUITE 200
TAMPA, FL 33613
PH: 813.288.8800
WWW.ARDURRA.COM

LARSON COMMUNITIES
NO. 3 LLC
4901 NE LAUREL OAK LANE
ST. PETERSBURG, FL 33705

LARSON WINE EAGLES
LOT 17, BLOCK O & LOT 1, BLOCK P
HORIZONTAL CONTROL & GRADING PLAN

L. TRAN
REGISTERED PROFESSIONAL ENGINEER
FL NO. 12409
054009

1



- NOTES**
1. ALL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM (NAVD8)
 2. DATUM CONVERSION: NAVD83 + NAVD88 = 0.84'
 3. PROJECT LIES WITHIN FLOOD ZONE "X" PER FEMA FIRM PANEL 1205700151 DATED OCTOBER 7, 2021.
 4. WETLAND ELEVATIONS FROM HILLSBOROUGH COUNTY WATERSHED MODEL DATED JANUARY 22, 2023.
 5. ROOF DRAINS TO BE DIRECTED TO THE STREET.
 6. WETLAND SETBACK NOTE FOR ALLOWABLE WETLAND ENCHROMISMMENT - LOC 4, 10, 27 & 8:
NO FILLING, EXCAVATING OR PLACEMENT OF PERMANENT STRUCTURES OR OTHER IMPERVIOUS SURFACES SHALL BE ALLOWED WITHIN A REQUIRED SETBACK EXCEPT FOR THE INSTALLATION OF A SPRINKLER SYSTEM, UTILITY LINE, OR LANDSCAPING, OR EXCEPT AS SPECIALLY APPROVED FOR THE CONSTRUCTION OF A ROAD EGRESS FOR ACCESS, WETLAND RECREATION ACCESS NO GREATER THAN 20 FEET WIDE, CONSTRUCTION OF A STORMWATER RETENTION OR DETENTION BASIN OR OTHER STORMWATER RELATED STRUCTURE, CONSTRUCTION OF A ROADWAY OR OTHER PAVED STRUCTURE, GRADE FINISHING TO PROVIDE A GRADUAL SLOPE BETWEEN THE SETBACK LINE AND THE ENVIRONMENTALLY SENSITIVE AREA, THE LIMITED USE OF LEAK PERMEABLE PAVING MATERIAL, CONSTRUCTION OF A RETAINING WALL, RECREATIONAL TRAIL, OR SOFT COURT PATH, OR EXCEPT AS SPECIALLY APPROVED FOR CONSTRUCTION OF A SWIMMING POOL, PROVIDED THERE IS NO ENCHROMISMMENT WITHIN 25 FEET OF A CONSERVATION AREA AND 25 FEET OF A PRESERVATION AREA.

ARDURRA
 4015 Memorial Parkway
 Suite 100
 Tampa, Florida 33634
 Phone: (813) 888-8888
 www.ardurra.com
 License: CS250

LARSON COMMUNITIES
 NO 3 LLC
 1801 NW LAKELAND OAK LANE
 ST. PETERSBURG, FL 33703

LARSON NINE EAGLES
 WETLAND BUFFER COMPENSATION & PLANTING PLAN

TUYEN L. TRAN
 FL PE NO 54099

2



March 7, 2024

Ms. Kelly M Holland
EPC Wetlands Division
3629 Queen Palm Drive
Tampa, FL 33619

Re: Larson Nine Eagles
Petition No.: VAR WS 24-0426
Request for Additional Information #1
Lot 17&Lot 1

Ms. Holland,

Enclosed please find the Variance Application RFAI 1 response to the Larson Nine Eagles project for your review and approval. Hillsborough County reviewer questions/statements are below in **bold** and Ardurra's responses follow:

RECOMMENDED VARIANCE SITE PLAN RESUBMITTAL COMMENTS:

- 1. The variance narrative requests the total removal of the setback within the 2 parcels. However, the cross sections provided depicts a "15' minimum undisturbed buffer to remain". In addition, the plan view for Lot 1 and portions of Lot 17 also depict part of the setback will remain. Please clarify if the entire setback is proposed for removal.**

If the entire setback is to be removed, please provide, as part of the revised plan, how the wetland will be physically protected from encroachment with this buffering being removed, such as signage, plantings of native vegetation along the landward edge of the wetland or other method(s). This method should be depicted in both plan view and cross section drawings.

Likewise, if a portion of the setback will be preserved, please revise the narrative accordingly.

Response: Please see revised plan and cross section. Fifteen feet of the wetland setback is to remain undisturbed. A four-foot-high open rail aluminum fence or a planted row of wax myrtle were also noted along the landward edge of the wetland to physically protect the wetland from encroachment.

INFORMATIONAL COMMENTS:

- 1. All efforts must be undertaken to prevent any erosion or turbid water from being discharged offsite into wetlands and / or waters of the County. Turbid discharges that exceed 29 Nephelometric Turbidity Units above background levels are a violation pursuant to Chapter 1-5, the EPC Water Quality Rule. The erosion or discharge of sediments into wetlands is a violation of Chapter 1-11, the EPC**



Wetland Rule. Silt screens or other methods of erosion/turbidity control may be required. It is the responsibility of the owner/developer to insure the installation of adequate erosion control barriers prior to the commencement of any site work. These erosion control devices must be maintained in good condition throughout the construction process and until all loose soils have stabilized. It is strongly recommended that all erosion control devices be regularly inspected during construction and modified if conditions warrant.

Response: Acknowledged.

- 2. Any activity interfering with the integrity of wetland(s) or other surface water(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or authorized agent, pursuant to Section 1-11.05, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11.**

Response: Final Authorization for Wetland Impact and Mitigation EPC Permit 77335-02 is provided for reference.

The following items are included with this submittal:

1. Revised S&S plans
2. Variance Application
3. Narrative
4. EPC Authorization for Wetland Impact

Please review the information provided and call me at (813) 880-8881 if you have any questions.

Sincerely,

Tuyen L. Tran, P.E.
Senior Project Manager

TLT/jmb

cc: Jeff Larson, Larson Communities
Michael D. Palmer, Ardurra
File No. 00303 / 2022-1124

Larson Nine Eagles Wetland Setback Variance

Narrative

The variance request is for removal of a portion of the 30 ft wetland setback area on Lot 1 Block P and Lot 17 Block O. The platted lots were recorded May 6, 1976, Nine Eagles Unit 1, Section I with construction of the existing infrastructure to serve these lots in 1980's. The lots were shallower in depth and needed to be extended in the rear to fit the minimum house building pad and required building setbacks. For Lot 17, Block O, the 30 ft wetland setback is requested to be reduced to allow homeowner to utilize his rear and side yard by fencing and maintaining the yard area. A 15 ft minimum undisturbed wetland buffer is provided in this area. For Lot 1, Block P, the 30ft wetland setback does not allow for the construction of the pool cage, patio, and fence. We are requesting removal of a portion of the 30 ft wetland setback to allow reasonable use of his back yard area and are providing 15' minimum undisturbed setback.

Please see sheet 1 for wetland buffer encroachment area. We are proposing a 4' high open rail aluminum fence or planted row of wax myrtle on the landward edge of the wetland to physically protect the wetland from encroachment. Please see sheet 2 for the Wetland Buffer Compensation & Planting Plan, also included with the construction plans. Sheet 1 quantifies the impervious areas, pervious areas, setback encroachment and replacement area.

The total setback encroachment is 0.03 AC. We are providing 0.66 AC of wetland buffer replacement area with existing vegetation.



**Hillsborough
County Florida**
Development Services

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.

Please see attached narrative.

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

The Section of the Land Development Code regarding what is allowed within wetland setbacks is 4.01.07.B.4: No filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required setback except for the installation of a sprinkler system, utility line, or landscaping; or except as specifically approved for the construction of a

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): Straight to Construction Permit Application / PI#6803
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 Re-claimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing



March 7, 2024

Ms. Kelly M Holland
EPC Wetlands Division
3629 Queen Palm Drive
Tampa, FL 33619

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Sincerely,

Tuyen L. Tran, P.E.
Senior Project Manager

TLT/jmb

cc: Jeff Larson, Larson Communities
Michael D. Palmer, Ardurra
File No. 00303 / 2022-1124



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 lots that are part of this request are existing platted lots that are not deep enough to fit the typical house product for this existing subdivision with the required building setbacks. A minimum 110 ft depth is required. Over the years, the conditions of the vacant lot have created wetland areas on and adjacent to the lots. The reasonable use of these properties requires The LDC Section removal of a portion of the 30 ft wetland setback in the rear yard area to be able to

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 4.01.07.B.4 The 30 ft wetland setback will not allow us to construct the pool, pool cage and fence that is typical in this neighborhood. Using the required building setbacks of 25 ft rear, 25 ft front and 7.5 ft front, the wetland setback reduction is requested to development the property with similar house products that are enjoyed by other properties in this area.

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 lots that are part of this variance are existing platted lots in an existing subdivision with existing infrastructure. The homes in this development will be in line with the existing homes. The reduction of the 30 ft wetland setback will allow for construction of the house product, pool, pool cage and fence that are in most of the existing homes

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 request to reduce the 30 ft wetland setback will allow construction of the home product that is typical of this residential development. All building setbacks are being met and wetland impact justification is provided through coordination with the EPC. The development is in harmony with the LDC and the Comprehensive Plan.

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 request for the reduction of the 30 ft wetland setback is not a result of an illegal act or result from actions of the application, resulting in a self-imposed hardship. The existing platted lots that have existing infrastructure was planned for this development. To abide by the LDC for building setback requirements, the 30 ft setback will need to be reduced since to allow construction of the home product patio pool cage and fence that is typical of this neighborhood

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 the property owner to reasonably develop his property for single family residential use as platted with the existing infrastructure. The vacant lots can be completed to close out this development. The finished home construction would provide home ownership to maintain the lots and dedication of the remaining wetland conservation and drainage areas to be owned and maintained by the HOA

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Prepared By and Return To:
Kenneth G. Arsenault, Jr., Esquire
ARSENAULT LAW OFFICES, P.A.
19535 Gulf Blvd., Suite E
Indian Shores, FL 33785

This is a conveyance of environmentally protected wetlands for nominal consideration among related parties.

Folio: 002680-1002, Folio: 002680-1126,
Folio: 002680-1128, Folio: 002680-1158,
Folio: 002680-1160, Folio: 002680-1162,
Folio: 002680-1164, Folio: 002680-1166,
Folio: 002680-1138, Folio: 002680-1140,
Folio: 002680-1142, Folio: 002680-1144,
Folio: 002680-1176, Folio: 002680-1174,
Folio: 002677-0020

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, executed this 28th day of November, 2022, by CWD Incorporated, a Florida corporation as Grantor, party of the first part to Larson Communities No. 3, LLC., a Florida limited liability company, as Grantee, party of the second part, whose address is 4691 Laurel Oak Lane NE., St. Petersburg, FL 33703.

WITNESSETH, that the said first party, for and in consideration of TEN DOLLARS and 00/100 (\$10.00), in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Hillsborough, State of Florida, to-wit:

See Exhibit "A"

SUBJECT TO TAXES FOR THE YEAR 2021 AND SUBSEQUENT YEARS.
SUBJECT TO RESTRICTIONS AND EASEMENTS OF RECORD.

TO HAVE AND TO HOLD, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

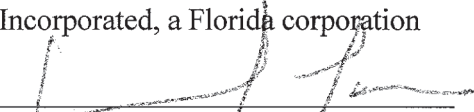
THIS DEED WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH OR EXAMINATION.

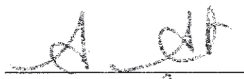
TO HAVE AND TO HOLD, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

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

SIGNED SEALED AND DELIVERED
IN OUR PRESENCE


Print Name: KENNETH G. ARSENAULT, JR.

CWD Incorporated, a Florida corporation
By: 
Walter I Larson, President


Print Name: Francis Arsenault

Address: 4691 Laurel Oak Lane NE.
St. Petersburg, FL 33703

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me by means of physical presence or online notarization on this 28th day of November, 2022 by Walter I. Larson as President of CWD Incorporated, a Florida corporation, who is personally known to me or who has produced his Driver's License as identification.


NOTARY PUBLIC
My Commission Expires:

[SEAL]

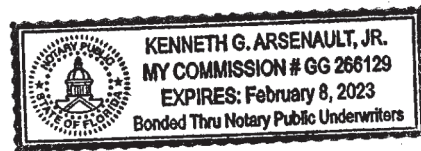


EXHIBIT "A"

Lot 37, Block "A", Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida. Folio: 002680-1002

Lot 1, Block G, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto and together with the South ½ of Redbird Drive West abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page0020 of the Public Records of Hillsborough County, Florida. Folio: 002680-1126

Lot 3, Block H, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto and together with the North ½ of Redbird Drive West abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page0020 of the Public Records of Hillsborough County, Florida. Folio: 002680-1128

Lot 1, Block N, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto and together with the East ½ of Grouse Circle abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0020 of the Public Records of Hillsborough County, Florida. Folio: 002680-1158

Lot 2, Block N, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0020 of the Public Records of Hillsborough County, Florida. Folio: 002680-1160

Lot 3, Block N, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0020 of the Public Records of Hillsborough County, Florida. Folio: 002680-1162

Lot 4, Block N, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0020 of the Public Records of Hillsborough County, Florida. Folio: 002680-1164

Lot 5, Block N, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0020 of the Public Records of Hillsborough County, Florida. Folio: 002680-1166

Lot 5, Block J, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0014 of the Public Records of Hillsborough County, Florida. Folio: 002680-1138

Lot 6, Block J, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0014 of the Public Records of Hillsborough County, Florida. Folio: 002680-1140

Lot 7, Block J, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0014 of the Public Records of Hillsborough County, Florida. Folio: 002680-1142

Lot 8, Block J, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida. Folio: 002680-1144

Lot 1, Block P, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto and together with the South $\frac{1}{2}$ of Green Heron Way abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0006 of the Public Records of Hillsborough County, Florida. Folio: 002680-1176

Lot 17, Block O, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto and together with the North $\frac{1}{2}$ of Kingfisher Way abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0006 of the Public Records of Hillsborough County, Florida. Folio: 002680-1174

A tract of land situated in and being a part of Section 30, Township 27 South, Range 17 East, Tallahassee Meridian and located in Hillsborough County, Florida; more particularly described as follows:

Commencing at the Southwest corner of the said Section 30; thence along the Westerly line of the said Section 30 North 01°46'06" West, 1047.41 feet to a point; thence perpendicular to the preceding course North 88°13'54" East, 763.11 feet to the point of beginning; thence North 88°16'43" East, 86.61 feet to a point; thence parallel with the said Westerly line of Section 30 South 01°46'06" East, 150.00 feet to a point; thence along the Northerly line of that parcel described in Official Records Book 4096, Page 293 of the Hillsborough County, Florida Public Records, South 88°16'43" West (South 87°56'52" West by Deed), 86.61 feet to a point; thence parallel with the said Westerly line of Section 30, North 01°46'06" West, 150.00 feet to the POINT OF BEGINNING, containing 0.298 acres more or less.

Subject to easements or rights of way of record or otherwise previously established.

BASIS OF BEARINGS: Bearings shown hereon, other than record bearings, were derived from actual field ties to the Florida State Plane Coordinate Systems. Folio: 002677-0020

BS

Prepared by and return to:
Beth Nelson
Morrell, P.A.
425 S. Florida Avenue Suite 101
Lakeland, FL 33801
863-802-8037
File Number: LDCT-0001
Parcel Identification No. U-30-27-17-028-S00000-00024.0

[Space Above This Line For Recording Date]

Trustee's Warranty Deed

This Indenture made this 16th day of October, 2018 between Lawrence D. Crow, Individually and as Trustee of the MICSU Land Trust dated June 16, 2005 whose post office address is P.O. Box 5679, Clearwater, FL 33758 of the County of Pinellas, State of Florida, grantor*, and Jeffrey C. Larson whose post office address is 4691 Laurel Oak Lane NE, Saint Petersburg, FL 33703 of the County of Pinellas, State of Florida, grantee*.

(Whenever 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, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Hillsborough County, Florida, to-wit:

Lot 24, Block S and 10 feet of vacated Kiwi Drive abutting, NINE EAGLES UNIT ONE - SECTION 1, according to the map or plat thereof as recorded in Plat Book 47, Page 13, Public Records of Hillsborough County, Florida.

****GRANTOR WARRANTS THAT AT THE TIME OF THIS CONVEYANCE, THE SUBJECT PROPERTY IS NOT THE GRANTOR'S HOMESTEAD WITHIN THE MEANING SET FORTH IN THE CONSTITUTION OF THE STATE OF FLORIDA, NOR IS IT CONTIGUOUS TO OR A PART OF THE HOMESTEAD PROPERTY****

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 grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Anthony Nicholas

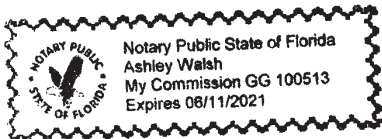
Witness Name: Ashley Walsh

Lawrence D. Crow, Individually and as Trustee of the MICSU Land Trust dated June 16, 2005

State of Florida
County of Pinellas

The foregoing instrument was acknowledged before me this 16th day of October, 2018 by Lawrence D. Crow, Individually and as Trustee of the MICSU Land Trust dated June 16, 2005, on behalf of the Trust, who [] is personally known or [X] has produced a driver's license as identification.

[Notary Seal]



Notary Public

Printed Name: Ashley Walsh

My Commission Expires: June 11, 2021



March 7, 2024

Ms. Kelly M Holland
EPC Wetlands Division
3629 Queen Palm Drive
Tampa, FL 33619

Re: Larson Nine Eagles
Petition No.: VAR WS 24-0426
Request for Additional Information #1
Lot 17&Lot 1

Ms. Holland,

Enclosed please find the Variance Application RFAI 1 response to the Larson Nine Eagles project for your review and approval. Hillsborough County reviewer questions/statements are below in **bold** and Ardurra's responses follow:

RECOMMENDED VARIANCE SITE PLAN RESUBMITTAL COMMENTS:

- 1. The variance narrative requests the total removal of the setback within the 2 parcels. However, the cross sections provided depicts a "15' minimum undisturbed buffer to remain". In addition, the plan view for Lot 1 and portions of Lot 17 also depict part of the setback will remain. Please clarify if the entire setback is proposed for removal.**

If the entire setback is to be removed, please provide, as part of the revised plan, how the wetland will be physically protected from encroachment with this buffering being removed, such as signage, plantings of native vegetation along the landward edge of the wetland or other method(s). This method should be depicted in both plan view and cross section drawings.

Likewise, if a portion of the setback will be preserved, please revise the narrative accordingly.

Response: Please see revised plan and cross section. Fifteen feet of the wetland setback is to remain undisturbed. A four-foot-high open rail aluminum fence or a planted row of wax myrtle were also noted along the landward edge of the wetland to physically protect the wetland from encroachment.

INFORMATIONAL COMMENTS:

- 1. All efforts must be undertaken to prevent any erosion or turbid water from being discharged offsite into wetlands and / or waters of the County. Turbid discharges that exceed 29 Nephelometric Turbidity Units above background levels are a violation pursuant to Chapter 1-5, the EPC Water Quality Rule. The erosion or discharge of sediments into wetlands is a violation of Chapter 1-11, the EPC**



Wetland Rule. Silt screens or other methods of erosion/turbidity control may be required. It is the responsibility of the owner/developer to insure the installation of adequate erosion control barriers prior to the commencement of any site work. These erosion control devices must be maintained in good condition throughout the construction process and until all loose soils have stabilized. It is strongly recommended that all erosion control devices be regularly inspected during construction and modified if conditions warrant.

Response: Acknowledged.

- 2. Any activity interfering with the integrity of wetland(s) or other surface water(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or authorized agent, pursuant to Section 1-11.05, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11.**

Response: Final Authorization for Wetland Impact and Mitigation EPC Permit 77335-02 is provided for reference.

The following items are included with this submittal:

1. Revised S&S plans
2. Variance Application
3. Narrative
4. EPC Authorization for Wetland Impact

Please review the information provided and call me at (813) 880-8881 if you have any questions.

Sincerely,

Tuyen L. Tran, P.E.
Senior Project Manager

TLT/jmb

cc: Jeff Larson, Larson Communities
Michael D. Palmer, Ardurra
File No. 00303 / 2022-1124

Variance Application Package



**Hillsborough
County Florida**
Development Services

Instructions to Applicants for Requests Requiring Public Hearing:

I. Prior to completing this application:

If you have any questions regarding your proposed project prior to submittal of this application, please email ZoningIntake-DSD@HCFLGov.net.

Please ensure you gather items that will need to be submitted prior to submitting your application as incomplete applications will not be accepted. Some of the items necessary may be obtained as follows:

- **Property information** such as folio numbers, future land use, current zoning, section/township/range and other information may be obtained by using the [Hillsborough County Map Viewer](#) and searching for the necessary address in the search bar at the top.
- **Sunbiz Forms** may be obtained by visiting Sunbiz.org.
- **A Copy of the Current Recorded Deed(s)** may be obtained by visiting the Hillsborough County Property Appraiser's website at HCPAFL.org and conducting a Property Search. Search by folio number or property address and select the correct result. Scroll down to 'Sales History' and select the most recent 'Instrument Number'. Select one of the results to view and save the current recorded deed.
- **Close Proximity Property Owners List** may be requested by emailing gisdept@hcpafl.org. Include all folio numbers and the notice buffer distance area in the request. *Please Note:* If your property has an Agricultural Future Land Use Designation (A, AR, AM, AE) or a Future Land Use Designation of RES-1 you must obtain a list of all property owners within 500 feet of the subject property. For all other Future Land Use Categories you must obtain a list of all property owners within 300 feet of the subject property. If the property contains more than one future land use category, the greatest applicable notice distance shall apply per [LDC Section 10.03.02.E.1](#). If the notice distance extends to include parcels in an adjacent county jurisdiction, those property owners will need to be included in the list. Contact the property appraiser's office for the applicable county jurisdiction to obtain that list.

II. Application submittal:

Part A and Part B of the submittal requirements include specific requirements and their requisite forms necessary for a complete and sufficient application submission.

- **Part A** will verify the property owner has authorized the application and includes forms and documents needed to verify the area for the proposed change.
- **Part B** includes the specific additional submittal requirements for the type of application being submitted.

Documents must be submitted as separate PDF documents with a minimum image resolution of 300 dpi labeled according to their contents and submitted in a single email to ZoningIntake-DSD@HCFLGov.net. Incomplete submittals will receive an email indicating the documents that are missing and will require a full resubmittal.

IMPORTANT: Review the entire application (both Parts A and B) for completeness prior to submission. Ensure you have your complete application submitted by 3:00 PM on the [cut-off day for your desired hearing](#) or your application will miss the cut-off and be continued to the next hearing date. Incomplete applications will not be accepted.

III. Post-application submittal:

Complete submittals will receive a payment request email. The deadline to make the payment is **one business day** after you receive this request. Failure to complete the payment by the deadline will result in application delays and/or additional Fastrack fees. Please view our [current fee schedule](#) for a list of zoning fees. Payments must be made through the [HillsGovHub portal](#). Instructions on how to [create an account](#) and [how to make a payment](#) are also available.

Remember, the Hillsborough County Land Development Code requires public notice for this category of application. After payment is received, you will receive a Letter of Notice that must be sent to all addresses on the Adjacent Property Owners List and/or HOA list. A Certificate of Mailing must also be provided. Instructions on completing your Letter of Notice and obtaining a Certificate of Mailing, will be sent with the Letter of Notice via email. Mailing deadlines and the deadline to submit the certificate of mailing will also be included on this email.



**Hillsborough
County Florida**
Development Services

Submittal Requirements for Applications Requiring Public Hearings

Official Use Only

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

Applicant/Representative: Tuyen L. Tran, P.E. Phone: 813-629-1141

Representative's Email: ttran@ardurra.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
1	<input type="checkbox"/>	<input type="checkbox"/>	<u>Property/Applicant/Owner Information Form</u>
2	<input checked="" type="checkbox"/>	<input 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.
3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
4	<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.
5	<input type="checkbox"/>	<input type="checkbox"/>	<u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Copy of Current Recorded Deed(s)</u>
7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Close Proximity Property Owners List</u>
8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Legal Description</u> for the subject site
9	<input type="checkbox"/>	<input type="checkbox"/>	<u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Fastrack Approval</u> (if applicable)

Additional application-specific requirements are listed in Part B.



**Hillsborough
County Florida**
Development Services

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: Eagles Entry Drive, Red Cardinal Dr. & Starling Dr. City/State/Zip: Odessa, FL 33556
 TWN-RN-SEC: 27 S - 17 E - SEC 30 Folio(s): 002680-1174 Zoning: PD 08-1329 Future Land Use: ASC-1 Property Size: 0.56

Property Owner Information

Name: Jeff Larson / Larson Communities No 3 LLC Daytime Phone (727)-526-5155
 Address: 4961NE Laurel Oak Lane City/State/Zip: St. Petersburg, FL 33703
 Email: larsoncommunities@gmail.com Fax Number N/A

Applicant Information

Name: Jeff Larson / Larson Communities No 3 LLC Daytime Phone (727)-526-5155
 Address: 4961 NE Laurel Oak Lane City/State/Zip: St. Petersburg, FL 33703
 Email: larsoncommunities@gmail.com Fax Number N/A

Applicant's Representative (if different than above)

Name: Tuyen L. Tran, P.E. / Ardurra Group, Inc. Daytime Phone (813)-629-1141
 Address: 4921 Memorial Highway, Suite 300 City/State/Zip: Tampa, FL 33634
 Email: ttran@ardurra.com Fax Number N/A

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

Tuyen Tran
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

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