



**LAND USE HEARING OFFICER VARIANCE REPORT**

**APPLICATION NUMBER:** VAR 22-0906

**LUHO HEARING DATE:** June 21, 2022

**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 May 06, 2022, is to allow for construction of a screen enclosure 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 construction of a screen enclosure within the 30-foot wetland conservation area setback. The applicant requests a 15-foot reduction of the setback to allow for a setback of 15 feet.

**Findings**

1. Previous administrative approval was granted for a setback reduction of maximum of 15 ft. and 42 feet wide for construction of the pool only. It specifically stated that a screen enclosure would require a variance. The approval is dated March 21, 2016.
2. The enclosure was constructed without a wetland setback encroachment variance.

**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.

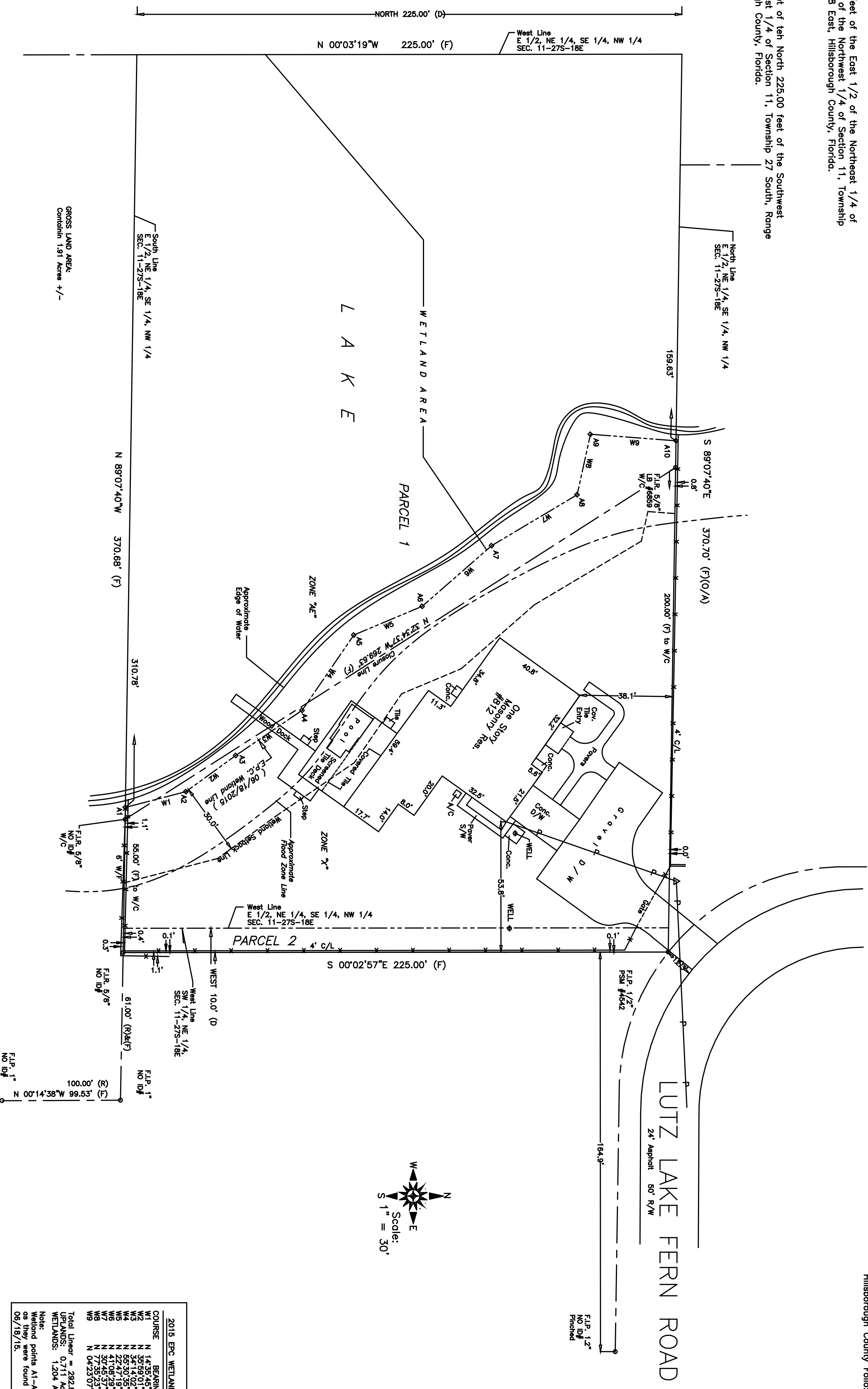
**Attachments: Site Plan**

**ADMINISTRATOR'S SIGN-OFF**

A handwritten signature in blue ink, appearing to read "Ryan Boy", is written within a rectangular box. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

The North 225.00 feet of the East 1/2 of the Northeast 1/4 of the South, Range 18 East, Hillsborough County, Florida.

PARCEL 2:  
The West 10.00 feet of the North 225.00 feet of the Southwest 1/4 of the Northeast 1/4 of Section 11, Township 27 South, Range 18 East, Hillsborough County, Florida.



2015 EPC WETLAND LINE DATA		
COURSE	BEARING	DISTANCE
W1	N 14°35'45"W	25.85'
W2	N 34°14'02"W	33.13'
W3	N 55°30'55"W	37.72'
W4	N 22°47'18"W	30.60'
W5	N 31°08'23"W	49.07'
W6	N 77°35'23"W	25.56'
W9	N 04°23'07"E	35.41'

Total Linear = 292.84'  
UPLANDS: 0.711 Acres (+/-)  
WETLANDS: 1.204 Acres (+/-)

Note:  
Wetland points A1-A10 are depicted as they were found in the field on 06/19/15.

**SURVEYOR'S NOTES:**

1. THIS IS A BOUNDARY SURVEY, MADE ON THE GROUND UNDER THE SUPERVISION OF A FLORIDA REGISTERED SURVEYOR AND MAPPER, FIELD SURVEY WAS COMPLETED ON 04/28/2022
2. BEARINGS ARE BASED ON NW 1/4 of SEC. 11-27S-18E ac. 5 89°07'40"E assumed bearing.
3. NO UNDERGROUND UTILITIES, UNDERGROUND ENCROACHMENTS OR BUILDING FOUNDATIONS WERE MEASURED OR LOCATED AS A PART OF THIS SURVEY, UNLESS OTHERWISE SHOWN.
4. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THE SURVEYOR TAKES NO RESPONSIBILITY FOR THE RIGHTS OF PARTY STRIPBACK LINES, AGREEMENTS, RESTRICTIONS, OR OTHER SIMILAR MATTERS OF PUBLIC RECORD NOT DEPICTED ON THIS SURVEY.

**LEGEND AND ABBREVIATIONS**

F.P.-FOUND IRON PIPE	F.C.M.-ROUND CONCRETE MONUMENT	R/W-RIGHT-OF-WAY	(D)-DEED
F.L.P.-FOUND IRON ROD	F.F.E.-FINISHED FLOOR ELEVATION	P.A.-PLAT BOOK	(F)-FIELD
S.L.R.-SET IRON ROD	P.O.B.-POINT OF BEGINNING	P.G.-PAGE	(P)-PLAT
S.P.C.-CONCRETE POINT	P.O.C.-POINT OF COMMENCEMENT	W/WOOD FENCE	(R)-RECORD
S.P.-CONCRETE POINT	G.T.I.-GRITTE THE METEOR	C/L-CROWN LINK	(S)-SURVEY
A-ADJUSTED	G.T.I.-GRITTE THE METEOR	S/W-SUBEQUA	(T)-TYPICAL
T-TRANSFERRED	F.P.L.A.D.-FOUND W/L AND DISK	D/W - DRIVEWAY	(V)-VERIFICATION
M.S.-MASONRY	F.P.C.-PERMANENT CONTROL POINT	(R)-RECORD	(C.B.-CHORD BEARING
N/O-NOT RECORDABLE	F.C.C.-POINT OF CURVATURE	RES-RESIDENCE	(T.S.-TYPICAL
F.D.-FOUND	P.C.F.-PERMANENT CONTROL POINT	RES-RESIDENCE	(N/A) - NOT APPLICABLE
N/O-NOT RECORDABLE	P.C.F.-PERMANENT CONTROL POINT	RES-RESIDENCE	(N/A) - NOT APPLICABLE
F.D.-FOUND	P.C.F.-PERMANENT CONTROL POINT	RES-RESIDENCE	(N/A) - NOT APPLICABLE
N/O-NOT RECORDABLE	P.C.F.-PERMANENT CONTROL POINT	RES-RESIDENCE	(N/A) - NOT APPLICABLE
F.D.-FOUND	P.C.F.-PERMANENT CONTROL POINT	RES-RESIDENCE	(N/A) - NOT APPLICABLE
N/O-NOT RECORDABLE	P.C.F.-PERMANENT CONTROL POINT	RES-RESIDENCE	(N/A) - NOT APPLICABLE

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

6. FLOOD ZONE DETERMINATION BASED UPON A SCALED INTERPRETATION OF THE FLOOD INSURANCE RATE MAP AS SHOWN HEREON, PRIOR TO CONSTRUCTION, THE BUILDING DEPARTMENT SHOULD BE CONTACTED FOR VERIFICATION OF FLOOD ZONE.

7. ATTENTION IS DIRECTED TO THE FACT THAT THIS SURVEY MAY HAVE BEEN REDUCED OR ENLARGED DUE TO REPRODUCTION, THIS SHOULD BE TAKEN INTO CONSIDERATION WHEN OBTAINING SCALED DATA.

8. Re-use of this survey for purposes other than it was intended, without written verification will be the re-users sole risk and without liability to the surveyor. Nothing herein shall be construed to give any rights or benefits to anyone other than those certified to.

9. THIS SURVEY NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**FLOOD ZONE CERTIFICATE:**  
THIS IS TO CERTIFY THAT THE PROPERTY SHOWN HEREON FALLS WITHIN FLOOD ZONE X-2A AS PER THE FLOOD INSURANCE RATE MAP. COMMUNITY PANEL NUMBER 1205700065H DATED 08/28/08

CERTIFIED TO:  
Janet Lee Cervis Moore  
Kevin A. Moore  
Mortgage Assurance, Inc  
First American Title Insurance Co.

**EDDIE P. JENKINS**  
SURVEYING AND MAPPING, INC.  
4030 HIGHWAY 41 NORTH - LAND O LAKES, FL 34639  
PHONE (813) 948-2666 FAX (813) 435-1763  
jenkins.surveying@verizon.net - www.jenkins-surveying.com

**BOUNDARY SURVEY**

TASK: **BOUNDARY SURVEY**

P.C.	DM	F.B.	LL	PG.	JOB#	1506-01
DRAFT	CJ	STATION #	4	SECTION	11-27-18	
CHECK	EPJ	MISC.	Boundary	SHEET	1	OF 1

# 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.

15 feet rear yard setback  
 0 feet rear yard setback  
 15 feet rear yard setback  
 029 66  
 6/2 /2016  
 19 9  
 2/2/201  
 9 feet  
 22 9"  
 15 feet  
 9 feet  
 1 5

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

010  
 21  
 M 20

## 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 (Attachment A).
- 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 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 **19<sup>th</sup> 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?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## Electronically Certified Official Record

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### Document information

**Agency Name:** Hillsborough Clerk of Circuit Court and Comptroller  
**Clerk of the Circuit Court:** The Honorable Cindy Stuart  
**Date Issued:** 5/2/2022 12:10:27 PM  
**Unique Reference Number:** BAA-FBB-BCAFH-EGJEADIDAGFGCCHHBADF-BBEGHJ-C  
**Certification ID:** 46940383065622771035  
**Requesting Party Code:** 511  
**Requesting Party Reference:** 33521461

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### CERTIFICATION

Pursuant to Sections 90.955(1) and 90.902(1), Florida Statutes, and Federal Rules of Evidence 901(a), 901(b)(7), and 902(1), the attached document is electronically certified by The Honorable Cindy Stuart, Hillsborough County Clerk of the Circuit Court and Comptroller, to be a true and correct copy of an official record or document authorized by law to be recorded or filed and actually recorded or filed in the office of the Hillsborough County Clerk of the Circuit Court. The document may have redactions as required by law.

### HOW TO VERIFY THIS DOCUMENT

This document contains a Unique Reference Number for identification purposes and a tamper-evident seal to indicate if the document has been tampered with. To view the tamper-evident seal and verify the certifier's digital signature, open this document with Adobe Reader software. You can also verify this document by scanning the QR code or visiting <https://www.Clerkecertify.com/VerifyImage>.

\*\*The web address shown above contains an embedded link to the verification page for this particular document.

\*If you are a person with a disability who needs an accommodation, you are entitled, at no cost to you, to the provision of certain assistance. To request such an accommodation please contact the Clerk's ADA Coordinator within seven working days of the date the service is needed; if you are hearing or voice impaired, call 711.

Clerk of Court & Comptroller's Office ADA Coordinator  
601 E. Kennedy Blvd., Tampa, FL 33602  
Phone: (813) 276-8100, extension 4347  
Email: [recording@hillsclerk.com](mailto:recording@hillsclerk.com)



Unique Code : BAA-FBB-BCAFH-EGJEADIDAGFGCCHHBADF-BBEGHJ-C Page 1 of 1

INSTRUMENT#: 2015191012, BK: 23284 PG: 1416 PGS: 1416 - 1416 05/18/2015 at 02:53:06 PM, DOC TAX PD (F.S.201.02) \$1120.00 DEPUTY CLERK:SWALKER Pat Frank, Clerk of the Circuit Court Hillsborough County

Prepared by: Kathryn Allen  
Consuegra Title, LLC  
9204 King Palm Dr.  
Tampa, FL 33619-1328  
Parcel ID #: U-11-27-18-ZZZ-000000-52550.0  
1143366

**SPECIAL WARRANTY DEED**  
(CORPORATE)

This SPECIAL WARRANTY DEED, made this 15<sup>th</sup> day of May, 2015, by **Federal Home Loan Mortgage Corporation**, a corporation organized and existing under the laws of the United States of America, by Law Offices of Daniel C. Consuegra, P.L., as Attorney-in-Fact, whose address is 5000 Plano Parkway, Carrollton, Texas 75010, hereinafter referred to as "Grantor", and **Nancy J. Sadowski and Stephen Sadowski, wife and husband**, whose address is 17500 Gulf Blvd #308, Redington Shores, FL 33708 hereinafter referred to as "Grantee".

In consideration of the sum of **\$160,000.00 (One Hundred Sixty Thousand dollars & no cents)**, the receipt whereof is hereby acknowledged, Grantor has granted, bargained, and sold to the said party of the Grantee, the following described land, situate, lying and being in the County of Hillsborough, State of Florida, to wit:

Parcel 1: The North 225 feet of the East 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 11, Township 27 South, Range 18 East, Hillsborough County, Florida.

and

Parcel 2: The West 10 feet of the North 225 feet of the Southwest 1/4 of the Northeast 1/4 of Section 11, Township 27 South, Range 18 East, Hillsborough County, Florida.

**A/K/A: 812 W Lutz Lake Fern Road, Lutz, Florida 33548**

Power of Attorney recorded in O.R. Book 20435, Page 636 and Corporate Resolution for signing authority recorded in O.R. Book 22546, Page 1262 and 1263, all of the public records of Hillsborough County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2015 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND THE GRANTOR hereby covenants with said GRANTEE that it is lawfully seized of said land in fee simple; that it has good, right and lawful authority to sell and convey said land; that it 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 the said GRANTOR.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

WITNESSES:

DeAnna M. Torres  
DeAnna M. Torres  
Name Printed

Carol E Rapp  
Carol Rapp  
Name Printed

**Federal Home Loan Mortgage Corporation**

By: Sharon Buckel  
Sharon Buckel

Printed Name: \_\_\_\_\_, as Authorized Agent for the Law Office of Daniel C. Consuegra, P.L., as Attorney-in-Fact for Federal Home Loan Mortgage Corporation

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of May, 2015 by Sharon Buckel, as Authorized Agent for the Law Office of Daniel C. Consuegra, P.L. as Attorney-in-Fact for Federal Home Loan Mortgage Corporation who is personally known to me.

Carol E Rapp  
Notary Public

File # 15-040184-kea

**CAROL E. RAPP**  
Notary Public, State of Florida  
My Comm. Expires Mar. 15, 2018  
No. FF 96338

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE IN MY OFFICE AS REDACTED PURSUANT TO COURT RULE. WITNESS MY HAND AND OFFICIAL SEAL.



THE HONORABLE CINDY STUART, CLERK OF THE CIRCUIT COURT

Cindy Stuart  
Cindy Stuart, CLERK  
5/2/2015 12:10:28 PM

VISIT [HTTPS://HILLSCLERK.COM](https://hillsclerk.com) TO VALIDATE THIS DOCUMENT



# 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: 812 W Lutz Lake Fern Dr. City/State/Zip: Lutz/FL/33548 TWN-RN-SEC: 27S-18E-11  
Folio(s): 013459-0000 Zoning: ASC-1 Future Land Use: ASC-1 Property Size: 1.14 Acres  
SINGLE FAMILY

### Property Owner Information

Name: Stephen and Nancy Sadowski Daytime Phone: 813-732-8156  
Address: 5641 Wyoming Ave City/State/Zip: New Port Richey/FL/34652  
Email: njsadowski@outlook.com FAX Number: \_\_\_\_\_

### Applicant Information

Name: Stephen and Nancy Sadowski Daytime Phone: 813-732-8156  
Address: 5641 Wyoming Ave City/State/Zip: New Port Richey/FL/34652  
Email: njsadowski@outlook.com FAX Number: \_\_\_\_\_

### 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 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.

Nancy J. Sadowski  
Signature of Applicant  
Nancy J. Sadowski  
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.

Stephen Sadowski  
Signature of Property Owner  
Stephen Sadowski  
Type or Print Name

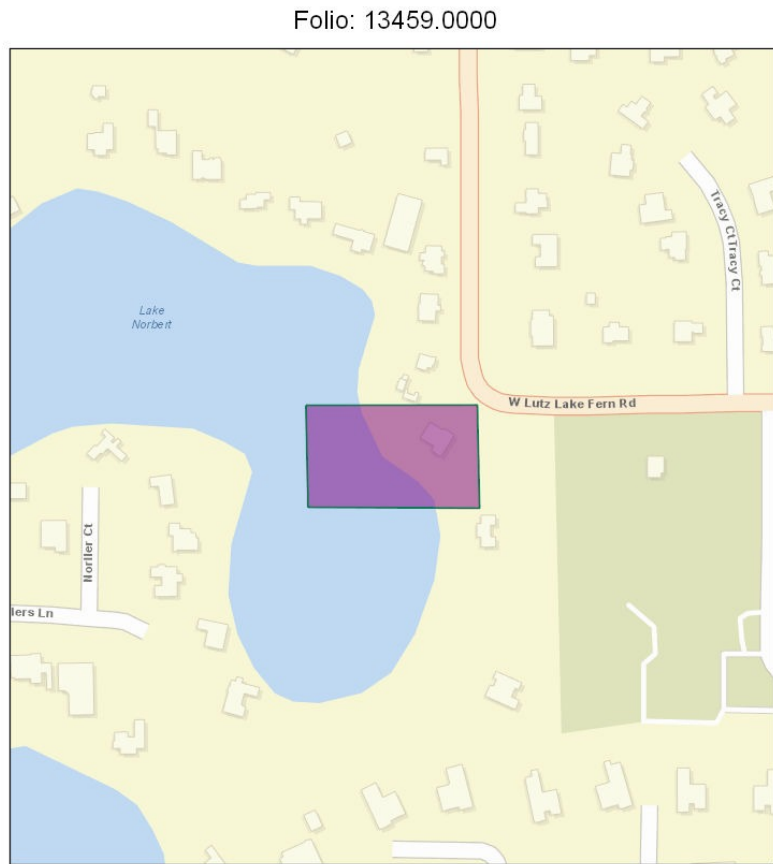
Intake Staff Signature: Clare Odell Intake Date: 05/06/2022  
Case Number: 22-0906 Public Hearing Date: 06/21/2022  
Receipt Number: 1525





# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:AE	BFE = 64.0 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0063H
FIRM Panel	12057C0063H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120065D
County Wide Planning Area	Lutz
Community Base Planning Area	Lutz
Census Data	Tract: 011103 Block: 2003
Census Data	Tract: 011103 Block: 2009
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



May 11, 2022

1:2655  
0 0.02 0.04 0.09 mi  
0 0.04 0.07 0.14 km

Hillsborough County Florida

**Folio:** 13459.0000  
**PIN:** U-11-27-18-ZZZ-000000-52550.0  
**NANCY J AND STEPHEN SADOWSKI**  
**Mailing Address:**  
 812 W LUTZ LAKE FERN RD  
 LUTZ, FL 33548-5027  
**Site Address:**  
 812 W LUTZ LAKE FERN RD  
 LUTZ, FL 33548  
**SEC-TWN-RNG:** 11-27-18  
**Acreage:** 1.88686001  
**Market Value:** \$454,127.00  
**Landuse Code:** 0100 SINGLE FAMILY

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for:

1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

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