



LAND USE HEARING OFFICER VARIANCE REPORT (REVISED REPORT)

APPLICATION NUMBER: VAR 23-0148	
LUHO HEARING DATE: March 27, 2023	CASE REVIEWER: Isis Brown

REQUEST: The applicant requests a height variance to accommodate a proposed fence on property zoned ASC-1.

VARIANCE(S):

Per LDC Section 6.07.02.C.2, fences in agricultural districts shall be regulated in the same manner as fences in residential districts, except under certain circumstances that do not apply to this case. Per LDC Section 6.07.02.C.1., a maximum height of 4 feet is permitted for fences in required front yards, except under certain circumstances that do not apply to this case. The applicant requests a 2-foot increase to the maximum permitted height to allow a height of 6 feet for a proposed fence in the required 50-foot front yard on the north side of the parcel along Lake Magdalene Boulevard.

FINDINGS:

- The subject parcel is the subject of a Building Permit HC-BLD-21-0022551 which has been placed in the case file for this this application.
- The applicant’s narrative states the proposed fence will be constructed of masonry and aluminum. However, the applicant has advised staff that design is subject to change.
- According to the applicant, the proposed fence will have columns 6 feet, 8 inches in height. Per LDC Section 6.07.02.C.1.j, columns and posts may exceed permitted fence height by a maximum of one foot, provided they are not more than three feet in width and spaced at least six feet apart,
- Per LDC Sections 6.07.02.A.2 and 6.04.03.F, fences cannot exceed 2.5 feet in height in visibility triangles at the intersection of roadways and driveways. Therefore, final design and location of the subject fence must comply with this requirement.

DISCLAIMER:

The variance(s) listed above are based on the information provided in the application by the applicant.

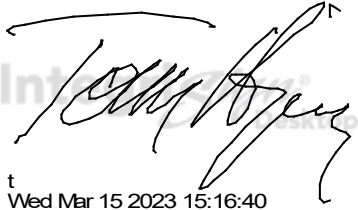
Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

APPLICATION: VAR 23-0148

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ADMINISTRATOR'S SIGN-OFF



Isis Brown

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Wed Mar 15 2023 15:16:40

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

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Project Description (Variance Request)

- In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet). If additional space is needed, please attach extra pages to this application.

We are requesting a fence variance from 4-feet to 6-feet with columns 6'8" in height in the front, left side and right sides of our property. We anticipate construction of a masonry wall.

We are currently constructing a home at 16227 Lake Magdalene Boulevard. Our property is located approximately 250 feet away from Florida Avenue. Florida Avenue is a busy road with commercial and industrial businesses. Our segment of Lake Magdalene Boulevard is a local road often used as a short cut in order to avoid traffic on Bearss Avenue.

As a result, there has been an increase in traffic flow in recent years. Traffic often backs up in front of our house during rush hours. We are requesting a variance in order to reduce road noise in our home. Additionally, the increased traffic flow presents a safety and privacy concern for family. A 6-foot fence will protect my family from a potential accident and also, protect my children's privacy while playing in the front and side yards during rush hour when cars remain idle in front of our house.

A 6-foot fence will blend with other masonry walls in the immediate vicinity. A subdivision named Faircloth Estates located directly across the road has erected a 6-foot masonry wall. Additionally, property located two houses away from our house has erected a 6-foot masonry wall with columns 6'8" in height. We are erecting a masonry wall 4-feet in height with 2-feet of aluminum for a total fence height of 6-feet.

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

Hillsborough Municipal Code 6.07.02 (regulating fences and walls)

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): HC-BLD-21-0022551
- Is this a request for a wetland setback variance? No Yes
If yes, you must complete the Wetland Setback Memorandum and all required information must be included with this Application Packet.
- Please indicate the existing or proposed utilities for the subject property:
 Public Water Public Wastewater Private Well Septic Tank
- Is the variance to allow a third lot on well or non-residential development with an intensity of three ERC's?
 No Yes If yes, you must submit a final determination of the "Water, Wastewater, and/or Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

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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?

Due to setback requirements, we do not have backyard space large enough for my children to play. My children are young, aged 8 and 11 years of age. The front yard and side spaces are their only viable play spaces. I am particularly concerned for their safety as a 4-foot fence fence enables drivers in passing vehicles, in particular trucks, and those standing idle during rush hour to watch my children. Increased road noise also effects the use and enjoyment of our home.

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.

There are residents close proximity who currently have 6-foot masonry walls erected on their properties.

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 erection of a 6-foot wall would have no effect on the rights of others.

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 fence and gate will be tastefully designed. The masonry portion of the walls are expected to be 4-feet high and constructed of cinder blocks with a sand-finish stucco and painted in white. The finishes will coordinate with the home. The upper 2-feet of the fences and gate will consist of aluminum.

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 factors causing the proposed solution was created by circumstances outside of our control. The factors were caused by population growth in the area.

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 granting of this variance will result in an increased protection of my family as well as visitors to our home.

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Prepared by and Return to:
Chandra Dasrat
7853 Gunn Highway, #150
Tampa, Florida 33626
Parcel ID: U-36-27-18-ZZZ-000000-75150.0

QUIT CLAIM DEED

This **QUIT CLAIM DEED** is made on this 4th day of November, 2021 by and between **KUNJ B. DASRAT** as Grantor, whose post office address is 7853 Gunn Highway, #150, Tampa, Florida 33626, and **CHANDRA DASRAT**, an unmarried woman and **KUNJ B. DASRAT**, an unmarried man, joint tenants with full rights of survivorship, as Grantees, whose post office address is 16227 Lake Magdalene Boulevard, Tampa, FL 33613. All references to the parties herein shall include their heirs, personal representatives, successors, and assigns.

WITNESS: That Grantor, for and in consideration of the sum of Ten and no/100 dollars (\$10.00), to them in hand paid by Grantees, the receipt of which is hereby acknowledged, hereby grants, bargains, aliens, remises, releases, conveys, and confirms unto Grantee forever the real property situated in Hillsborough County, Florida at 16227 Lake Magdalene Boulevard, Tampa, Florida 33613, and legally described as follows:

**E 1/3 OF W 1/2 OF NW 1/4 OF SE 1/4 OF NW 1/4
SEC - TWP
RGE: 36 -27 -18**

TO HAVE AND TO HOLD the above-described property, with all improvements hereon, unto Grantees in fee simple forever.

EXECUTED the date first stated above.

By: [Signature]
KUNJ B. DASRAT

Signed, Sealed and Delivered in the presence of:

By: [Signature]
Printed Name: Pam Byrd

By: [Signature]
Printed Name: Eva Javorek

STATE OF FLORIDA)
COUNTY OF Hillsborough)

The foregoing instrument was acknowledged before me on this 4th day of November, 2021 by KUNJ B. DASRAT who is personally known to me or produced a FLD as identification.

 Eva Javorek
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG967178
Expires 3/9/2024

[Signature]
Notary Public, State of Florida
My Commission Expires: 3/9/2024

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**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 23-0148 Intake Date: 2/2/2023
Hearing(s) and type: Date: 4/24/2023 Type: LUHO Receipt Number: 238163
Date: _____ Type: _____ Intake Staff Signature: Clare Odell

Property Information

Address: 16227 Lake Magdalene Blvd. City/State/Zip: Tampa, Florida 33613
TWN-RN-SEC: 36-27-18 Folio(s): 16993-0000 Zoning: ASC-1 Future Land Use: R-4 Property Size: 1.51 acre

Property Owner Information

Name: Chandra Dasrat and Kunj Dasrat Daytime Phone (813) 220-3054
Address: 16227 Lake Magdalene Blvd. City/State/Zip: Tampa, FL 33613
Email: cdasrat@gmail.com Fax Number N/A

Applicant Information

Name: Chandra Dasrat and Kunj Dasrat Daytime Phone (813) 220-3054
Address: 4216 Tarkington Drive City/State/Zip: Land o' Lakes, FL 34639
Email: cdasrat@gmail.com Fax Number N/A

Applicant's Representative (if different than above)

Name: N/A Daytime Phone _____
Address: _____ City/State/Zip: _____
Email: _____ Fax Number _____

I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.

Chandra Dasrat
Signature of the Applicant

Chandra Dasrat
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.

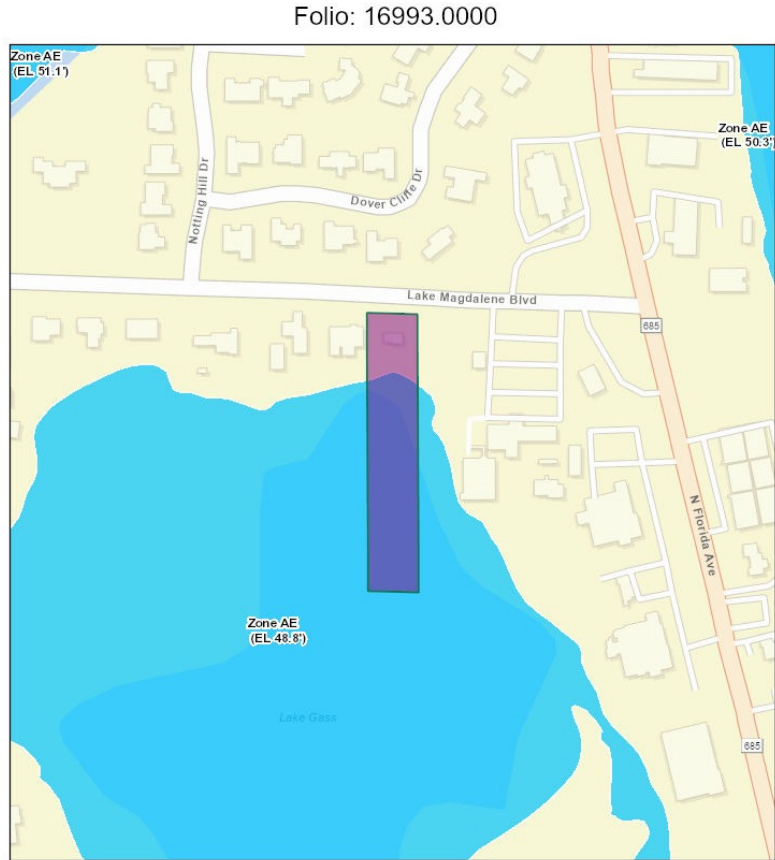
Chandra Dasrat Kunj B. Dasrat
Signature of the Owner(s) – (All parties on the deed must sign)

Chandra Dasrat Kunj B. Dasrat
Type or print name

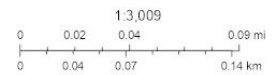


PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:AE	BFE = 48.8 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0204H
FIRM Panel	12057C0204H
Suffix	H
Effective Date	Thu Aug 28 2008
FIRM Panel	0205H
FIRM Panel	12057C0205H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120205D
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Census Data	Tract: 011108 Block: 2012
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



February 2, 2023



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

Hillsborough County Florida

Folio: 16993.0000
PIN: U-36-27-18-ZZZ-000000-75150.0
CHANDRA AND KUNJ B DASRAT
Mailing Address:
 16227 LAKE MAGDALENE BLVD
 TAMPA, FL 33613-1250
Site Address:
 16227 LAKE MAGDALENE BLVD
 TAMPA, FL 33613
SEC-TWN-RNG: 36-27-18
Acreage: 1.51190996
Market Value: \$102,910.00
Landuse Code: 0000 VACANT RESIDENT

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