



**LAND USE HEARING OFFICER VARIANCE REPORT**

<b>APPLICATION NUMBER:</b> VAR 21-0928	
<b>LUHO HEARING DATE:</b> August 23, 2021	<b>CASE REVIEWER:</b> Chris Grandlienard

**REQUEST:** The applicant is requesting a variance to allow a 15-foot easement to serve a proposed two-lot subdivision of a parent parcel zoned AS-1 and ASC-1.

**VARIANCE(S):**

Per LDC Section 6.02.01, a minimum width of 30 feet is required for a proposed access easement that will serve two or three lots. The applicant requests a 15-foot reduction to the required access easement width to allow a width of 15 feet to serve two lots.

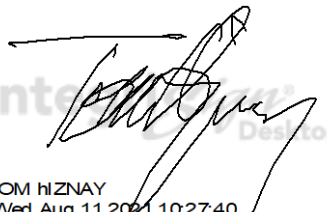
**FINDINGS:**

None

**DISCLAIMER:**

The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

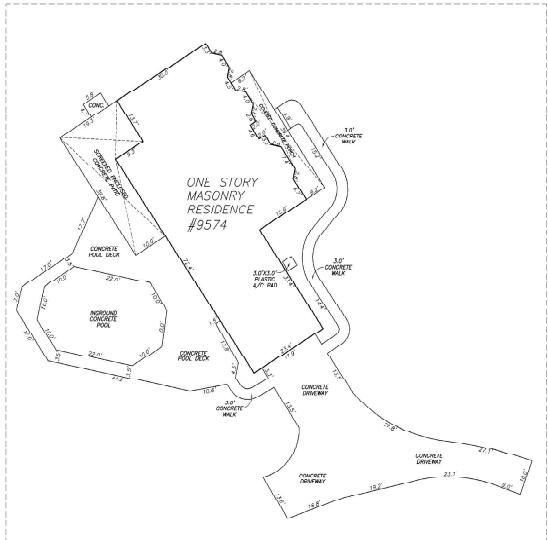
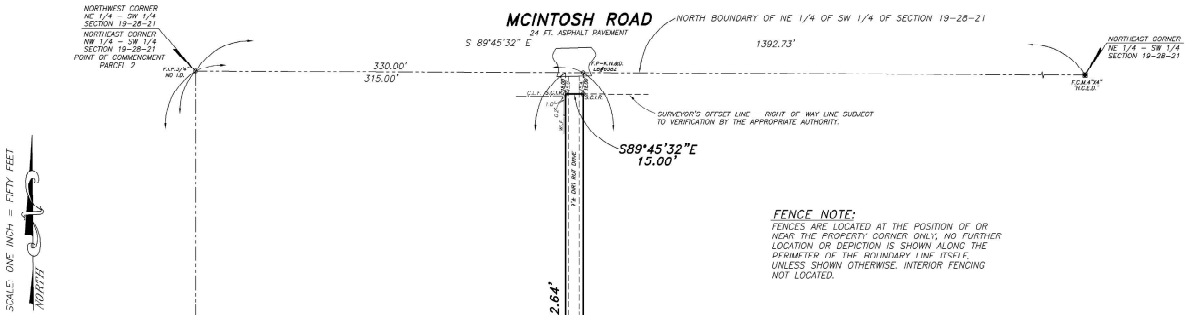
**ADMINISTRATOR'S SIGN-OFF**



tOM hIZNAY  
Wed Aug 11 2021 10:27:40

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

# MAP OF SURVEY



According to current Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, the property shown appears to lie within Zones "AE&X" Panel No.120112 0263 H & 120112 0261 H, Dated August 28, 2009. Map No. 12007002031 & 12007002011.



THIS SURVEY HAS BEEN SIGNED AND SEALED BY STEVEN M. INFELD ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS SURVEY ARE NOT VALID UNLESS SIGNED AND SEALED BY THE SURVEYOR. ANY ELECTRONIC COPIES WILL BE VOID.

Surveyor's Notes	General Legend	Brooks Land Surveying, Inc.	Sheet of 2
1. No underground utilities or improvements have been located except as shown. 2. No instruments or record relating to this survey were furnished the Surveyor. 3. Other records shown herein, as indicated by reference to other physical topographic features have been located. 4. This survey does not reflect nor determine ownership.	1. Survey Lines 2. Property Lines 3. Section Lines 4. Easement Lines 5. Right-of-Way Lines 6. Flood Zone Lines 7. Other Lines 8. Iron Pipe 9. Other Features	115 S. Pioneer Street Suite 105, Orlando, Florida 32817-1504 Phone: (407) 438-1100 Fax: (407) 438-1101 Website: www.brooksland.com Surveyor's Certificate Steven M. Infield State of Florida No. 6366 Expires 08/31/2012	Date: 8/24/11 Scale: 1"=50' Project: LEGAL DESCRIPTION FOR EASEMENT REVIEW Client: CHAD & ANN HURLEY Drawing No.: 115054

## VARIANCE REQUEST

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

Folio # 081603-0100 is a landlocked parcel that was included in the purchase of our property Folio # 815995000. The deed for folio # 081603-0100 dates prior to July 26, 1989. Folio # 815995000 has a 15 foot wide driveway that is the entry point of a Flag shaped parcel. We would like to create an easement to access Folio # 081603-0100, it will be 30 feet except for the 15 foot wide portion of it that is part of the entrance of the flag shaped Folio # 815995000. We are requesting variance due to the 15 foot wide portion of the easement.

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

Sec. 6.02.01 (Access) S.C (2)

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

this is a landlocked property

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.

either the easement should be granted or the lot shouldn't exist according to the current codes. The lot already exists therefore it should be grandfathered in given the date on the deed.

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 road has a turn off close enough to know if you can pass through. If there is an oncoming car on the 15 foot portion, the other driver can safely wait out of the way.

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).

yes, it establishes right to a property through easement access with no harm or danger.

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.

it is only a hardship if the easement is not granted. If it is, it is advantageous to a future occupant and is completely legal.

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.

We can not sell this parcel without an easement. It is a beautiful lot on Bakers Creek with old growth, and a clearing for a home and yard. Someone could benefit greatly by building on it as a lovely homesite.



## Electronically Certified Official Record

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### Document information

<b>Agency Name:</b>	Hillsborough Clerk of Circuit Court and Comptroller
<b>Clerk of the Circuit Court:</b>	The Honorable Cindy Stuart
<b>Date Issued:</b>	6/3/2021 4:31:45 PM
<b>Unique Reference Number:</b>	BAA-FBB-BCAFH-IFDEDFAHAGIFGDJHJCFB-GJHCD-E
<b>Certification ID:</b>	85343507068563979251
<b>Requesting Party Code:</b>	511
<b>Requesting Party Reference:</b>	31499884

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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://Verify.Clerkecertify.com/VerifyImage>.

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



**Prepared by and Return to:**

Charles S. White  
Charles S. White, P.A.  
104 North Evers Street  
Suite 201  
Plant City, Florida 33563

[Space Above This Line For Recording Data]

**WARRANTY DEED**  
**(INDIVIDUAL GRANTOR)**

**THIS WARRANTY DEED**, made and executed this 30<sup>th</sup> day of April, 2013, by and between HELEN V. ROOP, an unmarried widow, hereinafter called the "Grantor," whether one or more, to CHAD M. HURLEY and ANN W. HURLEY, husband and wife, whose address is 9574 McIntosh Road, Dover, Florida 33527, hereinafter called the "Grantee," whether one or more:

**WITNESSETH:** That the Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, and transfers unto the Grantee, all that certain land situate in Hillsborough County, Florida, to-wit:

Parcel 1:

The West 330 feet of the NE ¼ of the SW ¼ of Section 19, Township 28 South, Range 21 East, Hillsborough County, Florida, LESS the North 560.64 feet of the West 315 feet, LESS the South 264 feet thereof, AND LESS right-of-way for McIntosh Road.

AND

The South 264 feet of the West 330 feet of the NE ¼ of the SW ¼ of Section 19, Township 28 South, Range 21 East, Hillsborough County, Florida, TOGETHER WITH an Easement over and across the East 15 feet of the West 330 feet thereof, and LESS right-of-way for McIntosh Road.

Parcel Folio Number: 081599-5000

Parcel 2:

Commencing from the iron pipe at the NE corner of the NW ¼ of the SW ¼ in Section 19, Township 28 South, Range 21 East, Hillsborough County, Florida; thence run South, a distance of 732 feet along Section line to Point of Beginning; continue South, a distance of 363 feet along Section line to iron pipe; thence run Northwesterly, a distance of 378.78 feet, 53°30' to iron pipe; thence run North, a distance of 63 feet; thence run East, a distance of 230 feet to Point of Beginning.

Parcel Folio Number: 081603-0100

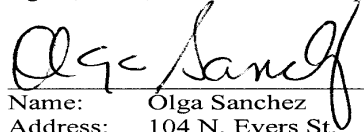
**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

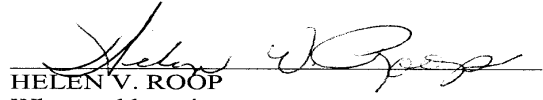
**TO HAVE AND TO HOLD**, the same in fee simple forever.

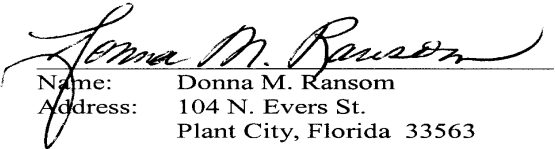
**AND** the Grantor hereby covenants with said Grantee that they are lawfully seized of said land in fee simple; that they have good right and lawful authority to sell and convey said land; that they hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except: taxes accruing subsequent to December 31, 2012, easements of record, and zoning and/or other restrictions or prohibitions imposed by governmental authority.

**IN WITNESS WHEREOF**, the said Grantor has hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered in the presence of:

  
Name: Olga Sanchez  
Address: 104 N. Evers St.  
Plant City, Florida 33563

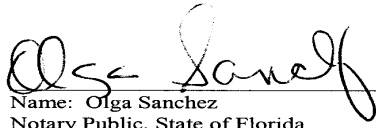
  
HELEN V. ROOP  
Whose address is:  
4026 Mountain Chestnut Way  
Lakeland, Florida 33812

  
Name: Donna M. Ransom  
Address: 104 N. Evers St.  
Plant City, Florida 33563

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of April, 2013, by HELEN V. ROOP, an unremarried widow, who declared her identity and who is [ ] personally known to me, or who has [X] produced her driver's license as personal identification.



  
Name: Olga Sanchez  
Notary Public, State of Florida  
My commission expires: 06/26/2014

Unique Code : BAA-FBB-BCAFH-IFDEDEFAHAGIFGDJHJCFB-GJHCD-E Page 2 of 2





# 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: 9574 McIntosh Rd City/State/Zip: Dover, FL 33527 TWN-RN-SEC: \_\_\_\_\_  
Folio(s): 81599.5000 Zoning: Ag Future Land Use: \_\_\_\_\_ Property Size: 1.25 acre

### Property Owner Information

Name: Ann Hurley Daytime Phone: 727-599-9783  
Address: 9574 McIntosh Rd City/State/Zip: Dover, FL 33527  
Email: annwiza@gmail.com FAX Number: \_\_\_\_\_

### Applicant Information

Name: Ann Hurley Daytime Phone: 727-599-9783  
Address: 9574 McIntosh Rd City/State/Zip: Dover, FL 33527  
Email: annwiza@gmail.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.

Ann Hurley  
Signature of Applicant

Ann Hurley  
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.

Chad Hurley  
Signature of Property Owner

Chad Hurley  
Type or Print Name

### Office Use Only

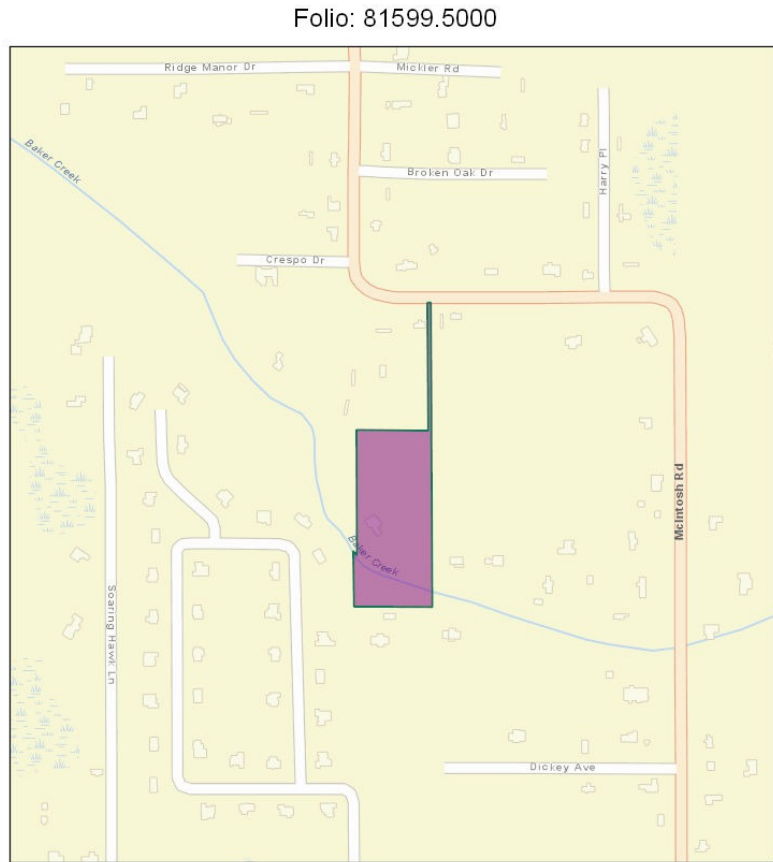
Intake Staff Signature: Clare Odell Intake Date: 06/07/2021  
Case Number: VAR 21-0928 Public Hearing Date: 07/26/2021  
Receipt Number: 50664





# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AS-1
Description	Agricultural - Single-Family
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:AE	
Flood Zone:AE	
Flood Zone:AE	FLOODWAY
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0261H
FIRM Panel	12057C0261H
Suffix	H
Effective Date	Thu Aug 28 2008
FIRM Panel	0263H
FIRM Panel	12057C0263H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	AE FW
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120265D
County Wide Planning Area	Thonotosassa
Community Base Planning Area	Thonotosassa
Census Data	Tract: 010304 Block: 1009
Census Data	Tract: 010304 Block: 1012
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	3
Fire Impact Fee	Northeast
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 4
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



June 7, 2021

1:5,317  
0 0.04 0.09 0.18 mi  
0 0.05 0.1 0.2 km

Hillsborough County Florida

**Folio: 81599.5000**  
**PIN: U-19-28-21-ZZZ-000003-64270.0**  
**CHAD M AND ANN W HURLEY**  
**Mailing Address:**  
 9574 MCINTOSH RD  
 DOVER, FL 33527-3716  
**Site Address:**  
 9574 MCINTOSH RD  
 DOVER, FL 33527  
**SEC-TWN-RNG: 19-28-21**  
**Acreage: 5.97118998**  
**Market Value: \$359,350.00**  
**Landuse Code: 6000 AGRICULTURAL**

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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.

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