



**LAND USE HEARING OFFICER VARIANCE REPORT**

<b>APPLICATION NUMBER:</b> VAR 22-0281	
<b>LUHO HEARING DATE:</b> March 21, 2022	<b>CASE REVIEWER:</b> Tania C. Chapela

**REQUEST:** The applicant is requesting a variance to allow a proposed Community Residential Home, Type A, with six or less placed residents at 7816 N Jamaica to be located within 1,000 feet of an existing Community Residential Home, Type A.

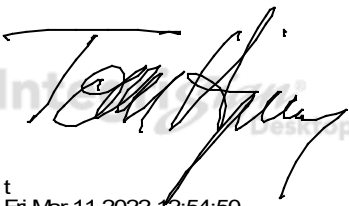
**VARIANCE(S):**

**Proximity to Existing Community Residential Home**

Per LDC Section 6.11.28, a Community Residential Home, Type A shall not be located within a radius of 1,000 feet of another such existing home with six or fewer residents, as measured from property line to property line. According to state licensing data submitted by the applicant, there is an existing Community Residential Home, Type A, at 3211 W. Sitka Street that is 657 feet to the north of the proposed home. The applicant requests a 343-foot reduction to the required separation from the existing home to allow a separation of 657 feet.

**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.

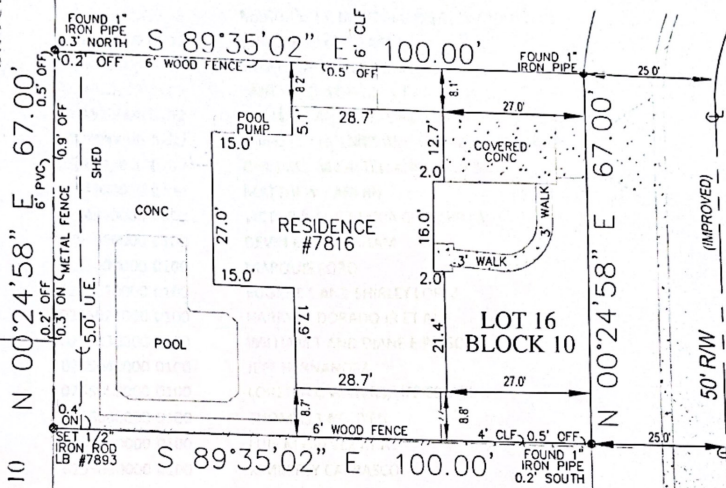
 t Fri Mar 11 2022 12:54:50
Attachments: Application Site Plan Petitioner's Written Statement Current Deed

Received  
 12-03-2021  
 Development  
 Services

BOUNDARY SURVEY

LOT 15  
 BLOCK 10

LOT 8  
 BLOCK 10



N JAMAICA STREET  
 (IMPROVED)  
 50' R/W

**SURVEY NOTES**  
 CONCRETE DRIVE CROSSING THROUGH R/W  
 ON WESTERN SIDE OF LOT.

THERE ARE FENCES NEAR THE BOUNDARY  
 OF THE PROPERTY AND CROSS INTO THE  
 5.0' U.E. AT THE REAR OF PROPERTY.



**SURVEYORS CERTIFICATE**

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY  
 IS A TRUE AND CORRECT REPRESENTATION OF A  
 SURVEY PREPARED UNDER MY DIRECTION.  
 NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC  
 SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL,  
 OR A RAISED EMBOSSED SEAL AND SIGNATURE.

**TARGET**  
**SURVEYING, LLC**  
 LB #7893

**SERVING FLORIDA**  
 6250 N. MILITARY TRAIL, SUITE 102  
 WEST PALM BEACH, FL 33407  
 PHONE (561) 640-4800  
 STATEWIDE PHONE (800) 226-4807  
 STATEWIDE FACSIMILE (500) 741-0576  
 WEBSITE: <http://targetsurveying.net>

SGVED:

CLYDE O MCNEAL, PROFESSIONAL SURVEYOR AND MAPPER #2663

**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.

We are planning to be a small community (6 beds) serving primarily elderly population, and representing itself as an Assisted Living Facility.

Allowing elderly to age in place, home, and making them part of the community.

Offering at least a basic level of services, which are 24-hour staff oversight, housekeeping, at least 3 meals a day, and personal assistance.

Keeping our elders away from nursing homes or big institutions, who have a great impact in cost for our state, besides keeping a low cost in healthcare which its more hat 30% of the state budget, also allows our elders to remain in small familiar environment.

Has been proven that Assisted living Communities provide better care and cost at least half of what a nursing home charges monthly.

As the population of elderly persons in this country is ever increasing, so too is the need for housing to accommodate this portion of the population.

Most of these individuals will need a place to call home.

Additionally the facility (1) within the distance has different scope of practice and serve a different population than ours.

We are requesting your consideration to lower the distance among three facilities from 1000' to 739.2'

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code: A variance is a request to deviate from current zoning requirements which is a facility within a 1000 feet radius of the above address.

A variance request for distance separation among three facilities of 1000 feet to 739.2' (3211 W Silka St).

**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?

The property in question is currently the only one we have available for the proposed use. Selling this lot to buy one located more

than 1000' away from the existing Facility would create an undue hardship. There are 2 existing APD facilities located outside of the neighborhood and are 1052' and 1056' approximately lineal feet away from the proposed property. The actual walking/driving distance is 1052' and 1056' to physically get there. The proposed CRH Type A is located in the Tampa, a highly populated area. According to the U.S. Census Bureau the number of people per square mile in our area has increased drastically.

That means that in general, there are more people living in a 1000' radius in the Tampa Area. This translates into a higher demand for a CRH Type A (Small Assisted Living Facility).

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 literal interpretation of the LDC would deprive us from opening and operating a much needed Community Residential Home in the proposed location.

The LDC allows another CRH when there is no other within 1000' (straight line). Currently, there are two facilities (APD) within 600' and 710'.

The proposed CRH walking/driving distance is approximately 1584' (0.3 miles) (.3211 W Sitka St.). The 1000' distance applies throughout the County, without considering specific characteristics of each area. In this case, Tampa is an area with a high population density.

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 CRH Type A will be created and geared to provide services and care for Seniors with daily living activities, services much needed in our community.

By granting this variance, it would not interfere with the rights of others in the neighborhood.

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 variance is consistent and in efficient harmony with the intent and actual guidelines of the LDC and Comprehensive Plan.

The LDC allows the approval of variances on a case by case basis and in this case providing a method to reduce the required distance between both community residential homes. As set forth above, given the distance and location of the subject property and existing CRH, we believe that the requested variance is equitable.

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.

No development has occurred to date on the subject property.

Consequently, there is no illegal act or action on part of the applicants.

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.

Granting this request will not have a negative impact on the value of other properties in the area. On the contrary, the CRH will increase the value of the surrounding properties and will also provide quality services to the much needed Hispanic Community. Failure to grant this variance, would create a huge financial hardship and would not allow us to start operating the facility. We will suffer the loss of all the initial start up cost funds invested in the proposed property along with the fees along with the fees invested to obtain permits, and licenses required to operate the Community Residential Home. We are requesting your consideration to lower the distance between both facilities from 1000' to 739.2' (.3211 W Sitka St.).

Additionally, we would like to add, that the services provided to these populations are different, we are proposing a variance for distance separation for an Assisted living facility, the above mentioned properties are a Home for People for disabilities (APD). With that being said, the neighborhood will not be affected or over populated by the same type of activities.



# Additional / Revised Development Services Information Sheet

<b>Application Number:</b> VAR 22-0281	<b>Office Use Only</b>	<b>Received Date:</b>	<b>Received By:</b>
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The following form is required when submitted changes for any application that was previously submitted. A cover letter must be submitted providing a summary of the changes and/or additional information provided. If there is a change in project size the cover letter must list any new folio number(s) added. Additionally, the second page of this form must be included indicating the additional/revised documents being submitted with this form.

Application Number: VAR 22-0281 Applicant's Name: MARILIN MACHADO/LAZARO DURAN

Reviewing Planner's Name: TANIA CHAPELA Date: \_\_\_\_\_

Application Type:

- Planned Development (PD)     Minor Modification/Personal Appearance (PRS)     Standard Rezoning (RZ)
- Variance (VAR)     Development of Regional Impact (DRI)     Major Modification (MM)
- Special Use (SU)     Conditional Use (CU)     Other \_\_\_\_\_

Current Hearing Date (if applicable): MARCH 21/2022

### Important Project Size Change Information

Changes to project size may result in a new hearing date as all reviews will be subject to the established cut-off dates.

Will this revision add land to the project?     Yes     No

If "Yes" is checked on the above please ensure you include all items marked with \* on the last page.

Will this revision remove land from the project?     Yes     No

If "Yes" is checked on the above please ensure you include all items marked with \* on the last page.

**Email this form along with all submittal items indicated on the next page in pdf form to: [ZoningIntake-DSD@hcfllgov.net](mailto:ZoningIntake-DSD@hcfllgov.net)**

Files must be in pdf format and minimum resolution of 300 dpi. Each item should be submitted as a separate file titled according to its contents. All items should be submitted in one email with application number (including prefix) included on the subject line. Maximum attachment(s) size is 15 MB.

For additional help and submittal questions, please call (813) 277-1633 or email [ZoningIntake-DSD@hcfllgov.net](mailto:ZoningIntake-DSD@hcfllgov.net).

*I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.*

\_\_\_\_\_  
Signature

03/10/2022  
Date



**Hillsborough  
County Florida**  
Development Services

# Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to Chapter 119 Florida Statutes, all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers.

While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications. If your application requires a public hearing and contains sensitive/protected information, please contact Hillsborough County Development Services to determine what information will need to be disclosed as part of the public hearing process.

Additionally, parcels exempt under Florida Statutes §119.071(4) will need to contact Hillsborough County Development Services to obtain a release of exempt parcel information.

Are you seeking an exemption from public disclosure of selected information submitted with your application pursuant to Chapter 119 FS?     Yes     No

I hereby confirm that the material submitted with application \_\_\_\_\_


Includes sensitive and/or protected information.

Type of information included and location 7816 N JAMAICA ST TAMPA FL 33614

Does not include sensitive and/or protected information.

Please note: Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.

If an exemption is being sought, the request will be reviewed to determine if the applicant can be processed with the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.

Signature:   
(Must be signed by applicant or authorized representative)

Intake Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_





# Additional / Revised Information Sheet

Development Services

Please indicate below which revised/additional items are being submitted with this form.

Included	Submittal Item
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- 1  **Cover Letter\*\*** If adding or removing land from the project site, the final list of folios must be included
- 2  **Revised Application Form\*\***
- 3  **Copy of Current Deed\*** Must be provided for any new folio(s) being added
- 4  **Affidavit to Authorize Agent\*** (If Applicable) Must be provided for any new folio(s) being added
- 5  **Sunbiz Form\*** (If Applicable) Must be provided for any new folio(s) being added
- 6  **Property Information Sheet\*\***
- 7  **Legal Description of the Subject Site\*\***
- 8  **Close Proximity Property Owners List\*\***
- 9  **Site Plan\*\*** All changes on the site plan must be listed in detail in the Cover Letter.
- 10  **Survey**
- 11  **Wet Zone Survey**
- 12  **General Development Plan**
- 13  **Project Description/Written Statement**
- 14  **Design Exception and Administrative Variance requests/approvals**
- 15  **Variance Criteria Response**
- 16  **Copy of Code Enforcement or Building Violation**
- 17  **Transportation Analysis**
- 18  **Sign-off form**
- 19  **Other Documents (please describe):**

CRH LIST

\*Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

\*\*Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.

INSTRUMENT#: 2016217500, BK: 24136 PG: 465 PGS: 465 - 466 06/06/2016 at  
08:55:07 AM, DOC TAX PD (F.S.201.02) \$924.00 DEPUTY CLERK:MKEHOE Pat  
Frank, Clerk of the Circuit Court Hillsborough County

Record and return to:  
First International Title  
1999 N. University Drive, Suite 201  
Coral Springs, FL 33071

This instrument was prepared by:  
Ari Miller, Esq.  
Choice Legal Group, P.A.  
(954)453-0365  
P.O. Box 9908, Ft. Lauderdale, FL 33310-0908

File Number: 64483-27  
Revised 10/06/93  
FL (conventional)  
REO# A130G7C  
Folio# 025511-0000

SPECIAL WARRANTY DEED

THIS INDENTURE, made May 31, 2016, by and between FEDERAL NATIONAL MORTGAGE ASSOCIATION A/K/A FANNIE MAE, PO BOX 650043, DALLAS, TX 75265-0043, DALLAS, TX 75265-0043, a corporation organized under and existing pursuant to the laws of the United States, hereinafter called Grantor, and Lazaro Rafael Duran Reyes, a single man and Marilyn Machado Manso, a single woman, as joint tenants with full rights of survivorship of : 7521 N Hubert Ave, Tampa, FL, 33614 hereinafter called Grantee.

WITNESSETH that the said Grantor, for and in consideration of the sum of Ten Dollars in hand paid by Grantee and other valuable considerations, the receipt whereof is acknowledged, hereby grants, bargains, and sells to the said Grantee, forever, the following described land in the County of Hillsborough, State of Florida, to-wit:

Lot 16, Block 10, GROVE PARK ESTATES, UNIT NO. 7, according to the Map or Plat thereof, as recorded in Plat Book 36, page 78, Public Records of Hillsborough County, Florida.

The property is commonly known as 7816 N JAMAICA ST, TAMPA, FL 33614

TO HAVE AND TO HOLD the above-described property with appurtenances, unto the said Grantee, and their assigns, forever, subject to covenants and restrictions of record, zoning and land use restrictions imposed by governmental authorities, and matters an accurate survey would reveal.

AND SAID GRANTOR DOES hereby specially warrant the title to said lands and will defend the same against the lawful claims of any person whomsoever claim by, through or under the said Grantor

IN WITNESS WHEREOF the undersigned FEDERAL NATIONAL MORTGAGE ASSOCIATION A/K/A FANNIE MAE has caused these presents to be signed in its name by its undersigned officers and its corporate seal affixed this May 31, 2016.



Signed, sealed and delivered  
in the presence of:

FEDERAL NATIONAL MORTGAGE ASSOCIATION A/K/A FANNIE MAE

Witness

George Borras

Printed Witness Name

Amber-Renee Lynch

Witness

Amber-Renee Lynch

Printed Witness Name

By:

Kimberley Randazzo

KIMBERLEY RANDAZZO  
Signatory for Choice Legal Group,  
P.A., as Attorney-in-Fact for  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION A/K/A FANNIE MAE

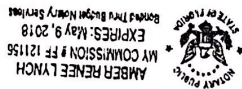
STATE OF FLORIDA)) ss.  
COUNTY OF BROWARD))

I hereby certify that on this day before me, an officer duly authorized in the state and County aforesaid to take acknowledgements, personally appeared KIMBERLEY RANDAZZO as Authorized Signatory for Choice Legal Group, P.A., as Attorney-in-Fact for FEDERAL NATIONAL MORTGAGE ASSOCIATION A/K/A FANNIE MAE to me known and known to be the person described in and who executed the foregoing instrument as Authorized Signatory for the corporation named therein and severally acknowledged before me they executed the same as such officers in the same and on behalf of said corporation.

Witness my hand and official seal in the county and State last aforesaid, the 31 day of May, 2016.

Amber-Renee Lynch

Notary Public, Florida  
My Commission Expires:  
(Seal)



STATE OF FLORIDA )  
COUNTY OF HILLSBOROUGH )

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE IN MY OFFICE. WITNESS MY HAND AND OFFICIAL SEAL  
THIS 4 DAY OF October, 2021



Cindy Stuart, Clerk of the Circuit Court  
Hillsborough County, Florida  
BY [Signature]  
Deputy Clerk

22-0495

22-0281

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# 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: 7816 N JAMAICA ST City/State/Zip: TAMPA FL 33614 TWN-RN-SEC: \_\_\_\_\_  
Folio(s): 025511-0000 Zoning: \_\_\_\_\_<sup>0100 SINGLE FAMILY R</sup> Future Land Use: ALF Property Size: 1718

### Property Owner Information

Name: MARILIN MACHADO & LAZARO DURAN Daytime Phone: 239-628-2630  
Address: 7816 N JAMAICA ST City/State/Zip: TAMPA FL 33614  
Email: heavenlycaringhouse@gmail.com FAX Number: \_\_\_\_\_

### Applicant Information

Name: MARILIN MACHADO & LAZARO DURAN Daytime Phone: 239-628-2630  
Address: 7816 N JAMAICA ST City/State/Zip: TAMPA FL 33614  
Email: heavenlycaringhouse@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.

Signature of Applicant  
MARILIN MACHADO  
Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

Signature of Property Owner  
LAZARO DURAN  
Type or Print Name

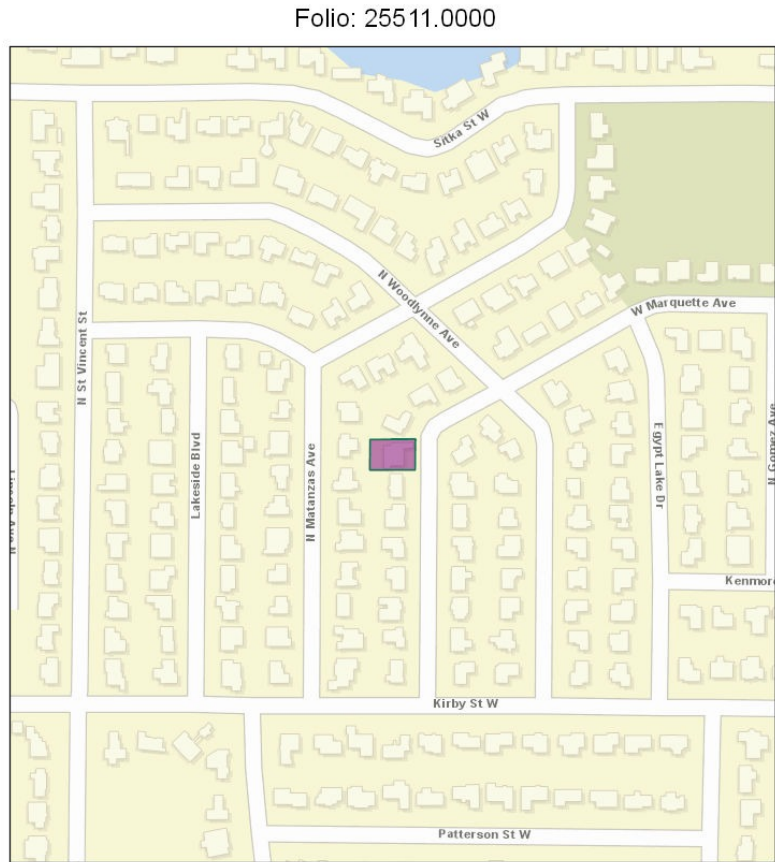
Intake Staff Signature: Clare Odell <sup>Office Use Only</sup> Intake Date: 12-03-21  
Case Number: 22-0281 Public Hearing Date: 02/21/2022  
Receipt Number: 111238



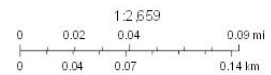


# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0213H
FIRM Panel	12057C0213H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120213C
County Wide Planning Area	Egypt Lake
Census Data	Tract: 011902 Block: 3017
Future Landuse	R-6
Urban Service Area	TSA
Waste Water Interlocal	City of Tampa Waste Water
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 10
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	170' AMSL
Competitive Sites	NO
Redevelopment Area	NO



December 8, 2021



Hillsborough County Florida

**Folio:** 25511.0000  
**PIN:** U-27-28-18-15U-000010-00016.0  
**LAZARO RAFAEL DURAN REYES / ET AL**  
**Mailing Address:**  
 7816 N JAMAICA ST  
 TAMPA, FL 33614-3348  
**Site Address:**  
 7816 N JAMAICA ST  
 TAMPA, FL 33614  
**SEC-TWN-RNG:** 27-28-18  
**Acreage:** 0.150014  
**Market Value:** \$226,843.00  
**Landuse Code:** 0100 SINGLE FAMILY

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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.