



# Hillsborough County Florida

## LAND USE HEARING OFFICER VARIANCE REPORT

<b>APPLICATION NUMBER:</b> VAR 22-1669	
<b>LUHO HEARING DATE:</b> January 23, 2023	<b>CASE REVIEWER:</b> Isis Brown

**REQUEST:** The applicant is requesting variances to accommodate a proposed detached garage that will be greater than 15 feet in height on property zoned RSC-6.

**VARIANCE(S):**

Per LDC Section 6.11.04.B, accessory structures shall not exceed 15 feet in height except where they meet primary structure setbacks of the zoning district. Per LDC Section 6.06.01, a minimum rear yard setback of 25 feet is required in the RSC-6 district. The applicant requests:

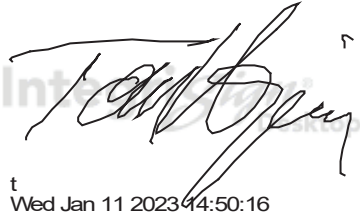
- An 8.7-foot reduction to the required minimum rear yard setback to allow a rear setback of 16.3 feet from the west property line; and,
- A 1-foot, 7.5-inch increase to the permitted maximum structure height to allow a height of 16 feet, 7.5 inches.

**FINDINGS:**

- Per LDC Section 6.01.06, a minimum lot size of one-half acre of upland is required for use of a septic system. The subject property is served by a septic system and only 0.39 acres in size, approximately. Therefore, it is nonconforming. However, it has been certified as a Legal Nonconforming Lot per NCL 23-0010 that has been placed in the case record.

**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.

<b>ADMINISTRATOR'S SIGN-OFF</b>
 <small>t</small> Wed Jan 11 2023 14:50:16
<b>Attachments:</b> Application Site Plan Petitioner's Written Statement Current Deed





# 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.

See attached Exhibit "A"

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

6.01.01, which establishes the required rear yard setback.  
(Alternatively, 6.11.04.B, which establishes the relationship between structure height and setback.)

## 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.
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 Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing



November 18, 2022  
Horvath Variance Request  
1810 Green Lawn Street  
Folio 72925.0640

## EXHIBIT “A”

### *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.***

The Applicants have owned the property located at 1810 Green Lawn St., Brandon (the “Property”) since December 19, 2019. Copies of the recorded deeds are included with this application. The Property is an approximately 0.39-acre platted lot within the Oakmont Manor Unit No. 2 subdivision. The plat of Oakmont Unit No. 2 was recorded in 1973, a copy of which is included with this application. According to the county appraiser’s records, the existing single-family detached home located on the Property was constructed in 1974. The Property is located within the RSC-6 zoning district.

The Applicants are requesting to place a prefabricated, accessory structure (garage) near the southwest corner of the Property, behind the principal structure and encroaching into the required 25-foot rear-yard setback. The Property is irregular in shape, with the lot lines creating an acute angle in the location of the proposed accessory structure; therefore, the literal enforcement of the yards/setbacks required by the county’s Land Development Code (“LDC”) unreasonably and disproportionately restricts the Applicants’ use and enjoyment of the Property.

The height of the accessory structure is 16 feet 7 ½ inches (measured from grade to peak of gable roof). The accessory structure is proposed to encroach the rear yard setback by 8.7 feet, but the encroachment will occupy less than 2% of the required rear yard (with the portion of the structure over 15 feet in height encroaching less than 0.5% of the required rear yard). In accordance with Sec. 6.11.04.B of the LDC, since the height of the accessory structure exceeds 15 feet, it must meet the primary structure setback of the district (25 feet for RSC-6). The Applicants hereby request a variance to allow a rear yard setback of 16.3 feet where 25 feet is required. Note that the 16.3-foot setback measurement is to the structure itself, but due to the slope of the gable roof, the setback to the portion of the structure encroaching above the 15-foot building height threshold is about 20.1 feet from the rear property line (see Fig. 1 below).



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November 18, 2022  
Horvath Variance Request  
Page 3

Exhibit "A"

*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 triangular geometry of the Property is unique and creates a hardship on the ability to have an accessory structure on the Property due to the disproportionate impacts of the building setbacks in comparison to the rectangular geometry that is typical for residential lots. Similarly located properties are typically rectangular in shape. Within the Oakmont Manor Unit No. 2 plat, 53 of the 58 lots are substantially rectangular in shape. The prefabricated nature of the proposed accessory structure is also unique in that it cannot reasonably be reduced to accommodate the 15-foot height limit that would otherwise allow the structure to be located where proposed without a variance.

***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 enforcement of the setback requirements of the LDC disproportionately impact the Property in comparison to other properties in the same district and area due to the unique triangular geometry of the Property. The acute angles established by the side and rear setback lines at the rear corners of the Property deprive the Applicants of full use of their Property by creating an effective setback that is greater than the minimum expressed in the LDC. You can't fit the corner of a rectangular accessory structure "flush" into the corner of the acute angle created by the intersecting side and rear yard setbacks. Accessory structures located to the rear of the primary structure are common to other properties in the same zoning district and area. Attached is an excerpt of the county appraiser's map showing a sample of such structures.

***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 intent of the LDC is to foster and preserve the public health, safety, comfort and welfare, and to aid in harmonious, orderly, and progressive development. The relevant setbacks are meant to mitigate against any negative impacts of the accessory structure and its respective use to the abutting properties. If the proposed accessory structure were 19.5 inches less in height, the use would be identical, and it could be located within 3 feet of the rear lot line without a variance. The proposed location is 16.3 feet from the rear lot line, so it is reasonable to conclude that that greater distance will ensure that it will not substantially interfere with or injure the rights of others whose property would be affected.



November 18, 2022  
Horvath Variance Request  
Page 4

Exhibit "A"

**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 requested variance to allow the reasonable location of the accessory structure respects the rights of the owner of the Property by allowing the owner to use, maintain, develop and improve the property in a way that is commonly enjoyed by others located within the same zoning district while maintaining sufficient setback to ensure that the proposed structure and associated use will not substantially interfere with or injure the rights of the abutting property owners. The location of the proposed accessory structure promotes reasonable functionality, and its engineered, prefabricated nature furthers the intent of good planning and design practices.

*Comprehensive Plan, Policy 1.2, Property Rights, Land Use: Hillsborough County will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.*

*LDC, Sec. 1.02.03. – Intent*

*A. In order to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Hillsborough County, it is the intent of this Code that the development process in Hillsborough County be... equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of Hillsborough County.*

*B. The Board of County Commissioners deems it to be in the best public interest for all development to be conceived, designed, and built in accordance with good planning and design practices and the minimum standards set forth in this Code.*

**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 applicant did not establish the geometry of the Property, which creates the disproportionate impact of the building setbacks, nor were they responsible for the location of the existing home on the Property. The Property geometry was established by the plat of Oakmont Unit No. 2, recorded in 1973. The existing home was constructed in 1974. The applicant purchased the Property in 2019.

**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.**

Allowing the variance will allow the reasonable location of the accessory structure, allowing the applicant to exercise property rights commonly enjoyed by others located within the same zoning district





November 18, 2022  
Horvath Variance Request  
Page 5

Exhibit "A"

while maintaining sufficient setback to ensure that the proposed structure and associated use will not substantially interfere with or injure the rights of the abutting property owners. A denial of the variance will result in a disproportionate impact of the building setbacks on the Property in comparison to others within the same district and an unreasonable restraint on the applicant's property rights.



## 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?

See attached Exhibit "A"

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.

See attached Exhibit "A"

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.

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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.

See attached Exhibit "A"

*This document was prepared by:*  
**J. Scott Reed, Esquire**  
*Florida Bar No.: 0124699*  
**PILKA & ASSOCIATES, P.A.**  
*213 Providence Road*  
**Brandon, FL 33511**  
*813-653-3800*  
**Parcel I.D./Folio No.: 072925-0640**  
**19-5114**

**QUITCLAIM DEED**

**THIS QUITCLAIM DEED** executed this 19~~th~~ day of December 2019 by **VICTORIA BLYTHE HORVATH, joined by her husband, ROBERT J. HORVATH**, whose address is 1810 Green Lawn Street, Brandon, Florida 33511-6811, hereinafter called the Quitclaimor, to **ROBERT J. HORVATH and VICTORIA BLYTHE HORVATH, husband and wife**, whose address is 1810 Green Lawn Street, Brandon, Florida 33511-6811, Quitclaimee.

**WITNESSETH:** That the Quitclaimor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Quitclaimee, all that certain land situate in HILLSBOROUGH County, Florida to-wit:


***Lot 9 Block 4, Oakmont Manor Unit No. 2, according to the map or plat thereof as recorded in Plat Book 45, Page 13, Public Records of Hillsborough County, Florida.***

**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 Quitclaimor, either in law or equity, to the only proper use, benefit and behalf of the said Quitclaimee forever.

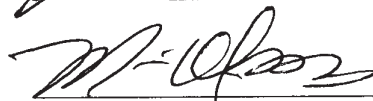
**This deed was prepared to create a tenancy by the entireties in and unto the Grantees.**

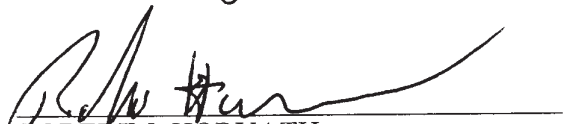
**IN WITNESS WHEREOF**, the said Quitclaimor has signed and sealed these presents the day and year first above written.

**SIGNED, SEALED AND DELIVERED IN OUR PRESENCE:**

  
\_\_\_\_\_  
Witness  
print name: J. Scott Reed

  
\_\_\_\_\_  
VICTORIA BLYTHE HORVATH

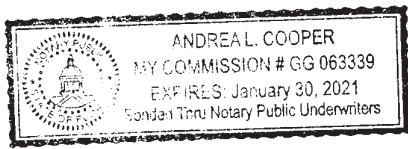
  
\_\_\_\_\_  
Witness  
print name: Monica Olmos

  
\_\_\_\_\_  
ROBERT J. HORVATH

**STATE OF FLORIDA)  
COUNTY OF HILLSBOROUGH)**

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared VICTORIA BLYTHE HORVATH and ROBERT J. HORVATH, who produced Florida Drivers Licenses as identification and acknowledged that they executed same.

WITNESS MY hand and official seal in the County and State last aforesaid this 19<sup>th</sup> day of December 2019.



Andreal Cooper  
NOTARY PUBLIC



**Hillsborough  
County Florida**  
Development Services

# Property/Applicant/Owner Information Form

### Official Use Only

Application No: 22-1669 Intake Date: 11/23/2022  
Hearing(s) and type: Date: 01/23/2023 Type: LUHO Receipt Number: 219953  
Date: \_\_\_\_\_ Type: \_\_\_\_\_ Intake Staff Signature: Clare Odell

### Property Information

Address: 1810 Green Lawn St. City/State/Zip: Brandon  
TWN-RN-SEC: 29-20-35 Folio(s): 72925.0640 Zoning: RSC-6 Future Land Use: R-4 Property Size: .38906801 ac

### Property Owner Information

Name: Robert J. Horvath and Victoria Blythe Horvath Daytime Phone \_\_\_\_\_  
Address: 1810 Green Lawn St. City/State/Zip: Brandon, FL 33551  
Email: (use Applicant's Representative as contact) Fax Number \_\_\_\_\_

### Applicant Information

Name: Craig Taraszki & Bryan Dion (Johnson, Pope, Ruppel & Burns, LLP) Daytime Phone 727-999-9900  
Address: 490 1st Ave S, #700 City/State/Zip: St. Petersburg, Florida 33701  
Email: craig@jpfirm.com; bryand@jpfirm.com Fax Number \_\_\_\_\_

### Applicant's Representative (if different than above)

Name: Same as Applicant Information Above 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.

Bryan Dion

Digitally signed by Bryan Dion  
Date: 2022.11.22 15:33:39 -05'00'

Signature of the Applicant

Bryan Dion

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.

Robert Horvath  
Victoria Horvath

Signature of the Owner(s) - (All parties on the deed must sign)

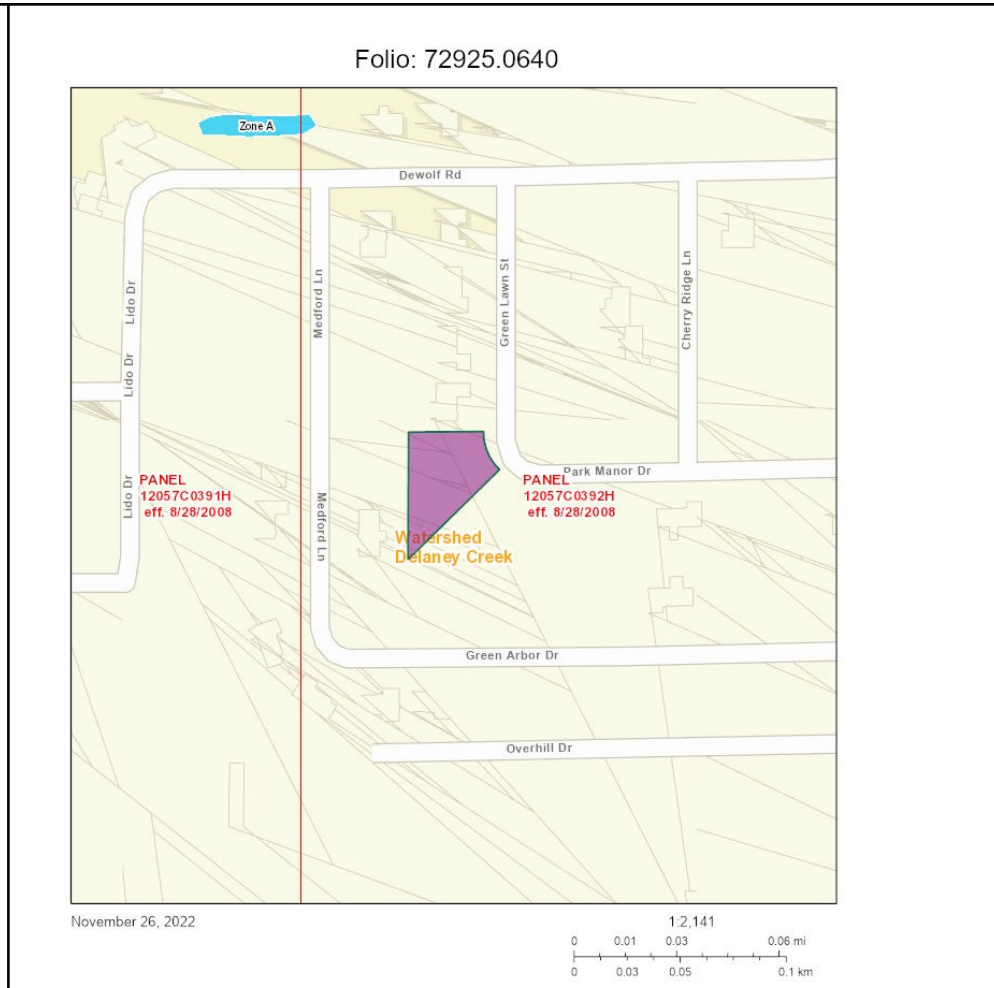
Robert Horvath  
Victoria Horvath

Type or print name



# 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	0392H
FIRM Panel	12057C0392H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120395E
County Wide Planning Area	Brandon
Community Base Planning Area	Brandon
Census Data	Tract: 013313 Block: 1010
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 7
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



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

Hillsborough County Florida

**Folio: 72925.0640**  
**PIN: U-35-29-20-2KM-000004-00009.0**  
**VICTORIA BLYTHE AND ROBERT J HORVATH**  
**Mailing Address:**  
 1810 GREEN LAWN ST  
 BRANDON, FL 33511-6811  
**Site Address:**  
 1810 GREEN LAWN ST  
 BRANDON, FL 33511  
**SEC-TWN-RNG: 35-29-20**  
**Acreage: 0.38906801**  
**Market Value: \$280,935.00**  
**Landuse Code: 0100 SINGLE FAMILY**

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