



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0605	
LUHO HEARING DATE: June 21, 2021	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 19, 2021, is to allow for construction of a portion of a swimming pool and deck 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 portion of a swimming pool and deck within the 30-foot wetland conservation area setback. The applicant requests a 13 foot 5 ¼ inch reduction of the setback to allow for a setback of 16 feet 6 ¼ inches.

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.

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.

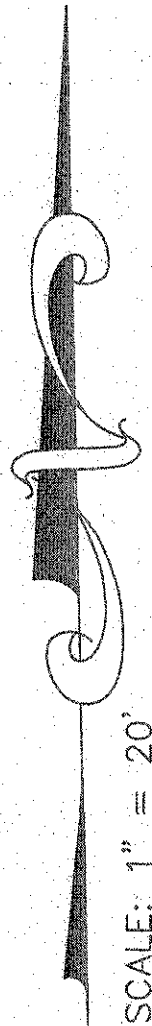
Attachments: Site Plan

21-0605
Albaugh
Page Two:

ADMINISTRATOR'S SIGN-OFF
 Carla Shelton Knight

BOUNDARY SURVEY & SPECIFIC PURPOSE WETLAND DELINEATION SURVEY OF THE ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY, FLORIDA

MAP OF SURVEY



BASIS OF BEARINGS:
FLORIDA STATE PLANE
COORDINATE SYSTEM,
WEST ZONE ('11 ADJ.)

NOTE:

Elevations shown hereon are in feet and refer to N.A.V.D. 1988 Datum.

Line Table (EPC)		
No.	Bearing	Distance
T1	S83°00'07"E	11.59'
T2	S73°52'00"W	19.80'

E.P.C. NOTES:

Wetland area as shown was field verified by Jackie Cahani Environmental Scientist, Wetlands Division of the Environmental Protection Commission of Hillsborough County on July 21, 2020 and field located by Gateway Land Surveying, LLC on September 16, 2020.

SITE FOLIO NUMBER: 076828.5542

E.P.C. WETLAND AREA ON SITE:
WETLAND AREA "A": 0.31 ACRES±

UPLANDS 0.61 ACRES±
TOTAL AREA OF SITE: 0.92 ACRES±

TOTAL E.P.C. LINE ON SITE: 330 LINEAR FEET

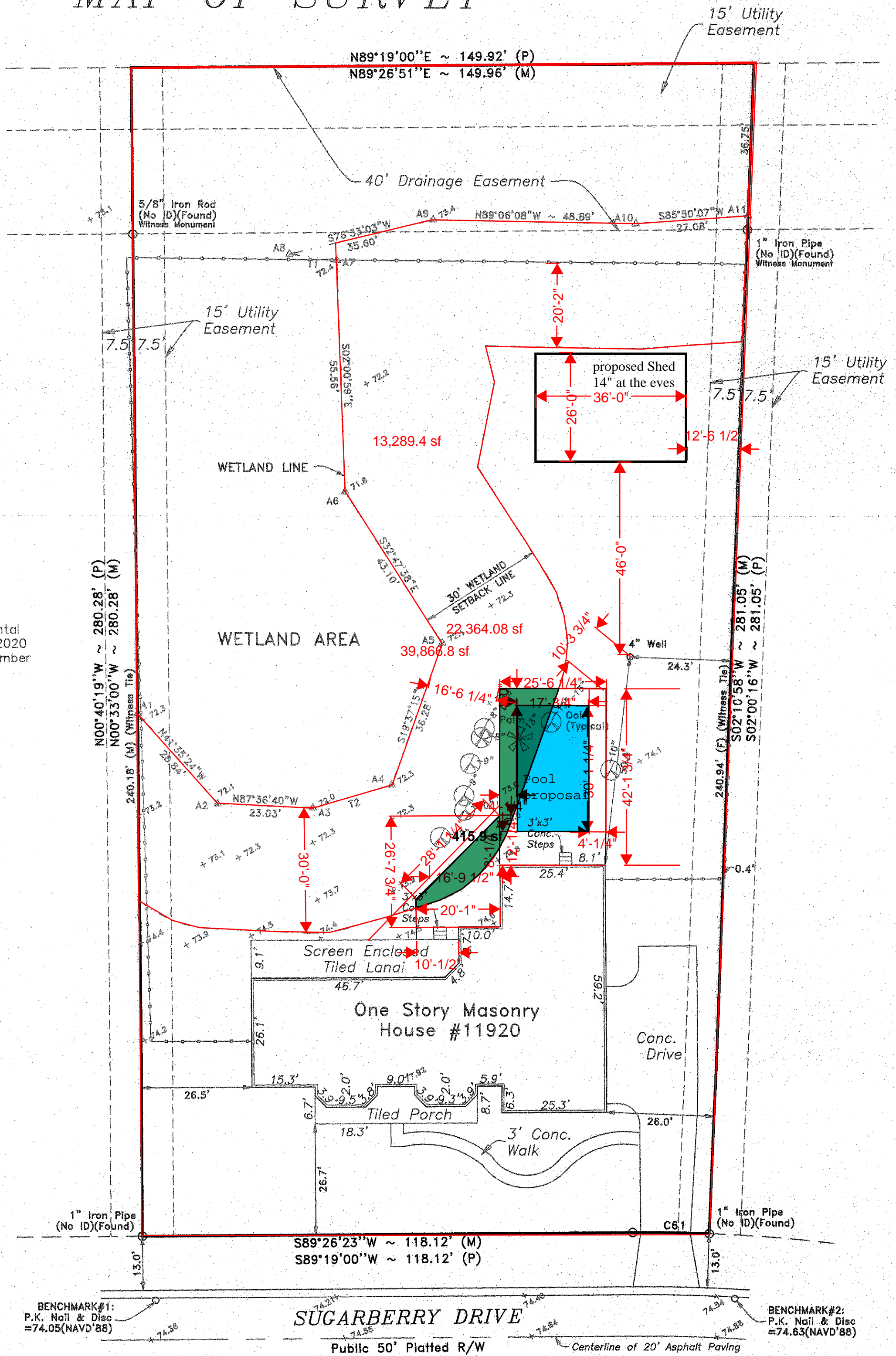
E.P.C. VALIDATION OF THIS DELINEATION:

BY: _____
DATE: _____

According to Flood Insurance Rate Map Community Panel Number 12057C OH, Dated 8-28-08 issued by the Federal Emergency Management Agency, the property shown and described hereon appears to lie within Zone X. BASE FLOOD ELEVATION = ? (N.A.V.D. 1988 DATUM)

DESCRIPTION: (As Furnished)

Lot 17, Block 16, SHADOW RUN UNIT No. 1, as recorded in Plat Book 46, Page 24, of the Public Records of Hillsborough County, Florida.



No.	Radius	Delta	Curve Table (P)				(M)	
			Arc	Chord	Chord Bearing	Chord	Chord Bearing	
C1	400.00'	02°40'35"	18.68'	18.68'	N89°20'02"W	18.45'	N89°06'20"W	

NOTES: Unless noted, this survey has been prepared without the benefit of a title search or title commitment, and therefore is subject to any dedications, restrictions, easements and/or other such items of record that a commitment or search may reveal. Building setback lines have not been shown on this map of survey, unless otherwise noted. To determine setback requirements, inquiries need to be made by the certified holders to the county or city zoning department. All distances shown, other than lot or boundary distances, are approximate only and should be assumed as such by the certificate holder(s). Structures, topography items and appurtenances shown are in approximate locations; their configurations are also approximated and could vary. Other utilities/items may be prevalent on this parcel, but might not be shown on this map.

NOTE: The signing surveyor or Gateway Land Surveying, LLC cannot be responsible for any additions, deletions or alterations to the subject property, to the improvements thereon, or to the survey monuments that may occur after he/she leaves the site. This survey map or report is the property of Gateway Land Surveying, LLC and any additions, deletions or alterations by any other than the signing surveyor is strictly prohibited. The re-use of this survey by any third party for purposes other than which it was intended is strictly prohibited without the written consent or verification of the original signing surveyor. Any re-user will be at sole risk and without any liability to the signing surveyor or their representing firm.

Surveyor's Report and Additional Notes

- No underground installations or improvements have been located except as shown hereon.
 - Recovered Historical Monumentation was used by this surveyor to establish deed or plat lines and corners.
 - Unless otherwise shown hereon, no Jurisdictional Wetland Areas or other physical topographic features have been located.
 - This survey does not reflect nor determine ownership.
 - Structures, driveways, slabs, appurtenances and other related items shown on this map were located to the best of the ability of Gateway Land Surveying, LLC. We do not guarantee the exactness of their location or their dimensions. Other features not shown on this map that are related to items noted above may also exist.
 - Fences shown hereon may or may not meander along property lines; specific fence ties, as shown, are from specific locations. This surveyor makes no guarantee of the fence meander.
- This Survey does not represent a determination of whether this land will or will not flood or be subject to flooding.

GATEWAY LAND SURVEYING, LLC
1008 East Brandon Boulevard
Brandon, Florida 33511 Phone (813)945-2292 Fax (813)943-2293
License Business No. 8129

SURVEYOR'S CERTIFICATE
I hereby certify that the survey represented hereon meets the requirements of Chapter 472.007, Florida Statutes, and the original record of this survey is a true and correct copy of the original record of this survey as shown on this map. This survey was prepared and conducted in accordance with the Florida Statutes, and the original record of this survey is a true and correct copy of the original record of this survey as shown on this map.

Signature: *[Signature]* Florida Registration No. 6753
Date: 09/18/2020

REVISIONS: _____
DATE & REASON: _____

09/16/2020 SPECIFIC PURPOSE: WETLAND DELINEATION SURVEY

SCALE: 1" = 20' FIELD DATE: 09/16/2020 DWG. NO. 15-0445 PARTY CHG: LA DRAWN BY: ARB

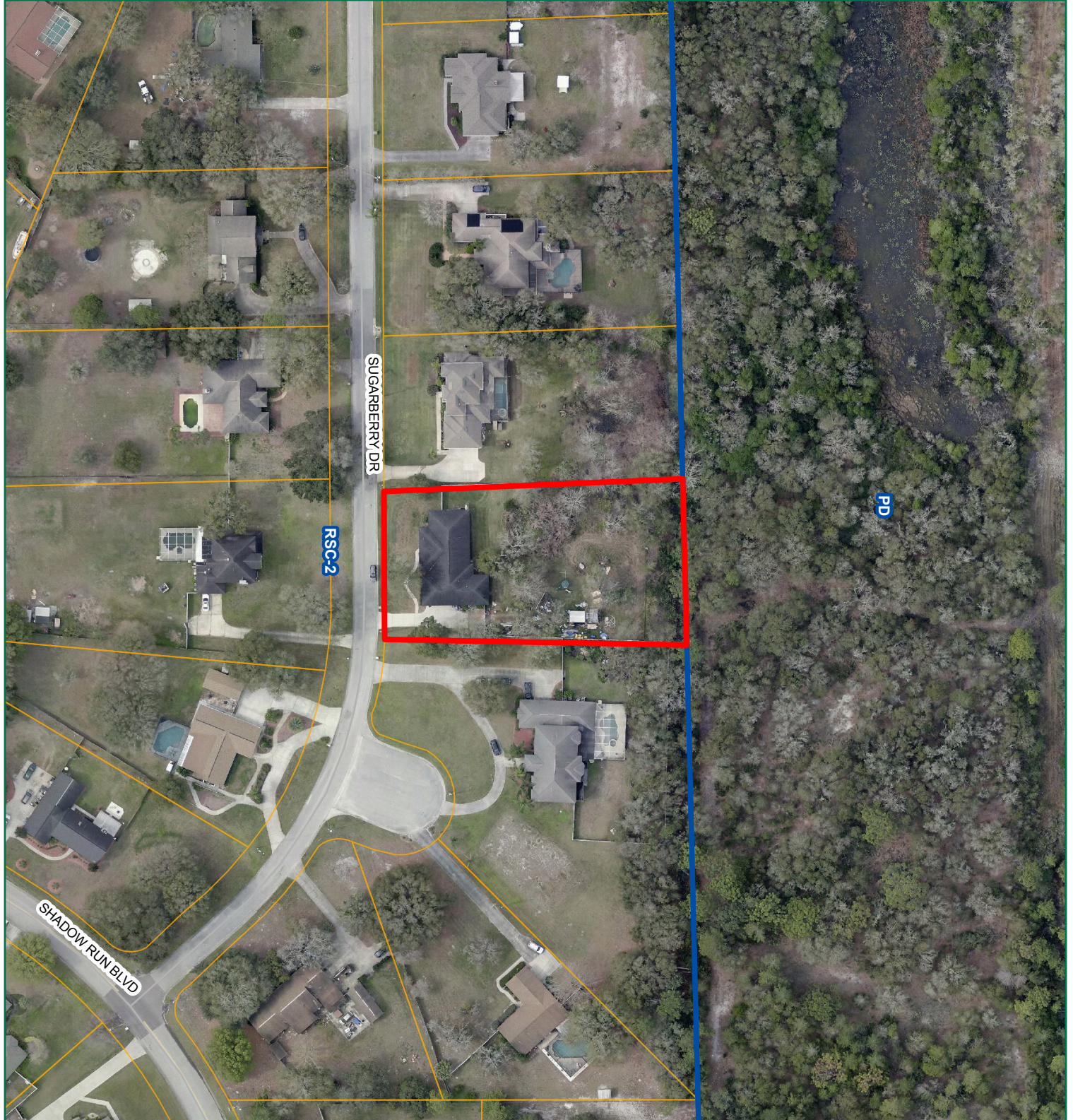
BOUNDARY & PARTIAL TOPOGRAPHIC-TREE SURVEY FOR AND CERTIFIED TO:
DAVID ALBAUGH






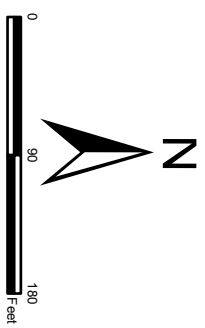
**Immediate Aerial
Zoning Map**

VAR-WS 21-0605

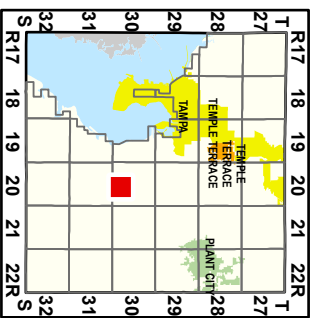
Folio: 76828.5542



-  Application Site
-  Zoning Boundary
-  Parcels



STR: 27-30-20



NOTE: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to, MERCHANTABILITY and FITNESS FOR A PARTICULAR PURPOSE.

SOURCE: This map has been prepared for the hierarchy of real property found within Hillsborough County and is compiled from recorded deeds, plats, and other AVAILABLE data.

Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.

Date: 04/06/2021 Path: G:\ZONING\GIS\Data\Zoning_Site.aprx

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?

One hardship is that 55.61% of the land we own is not usable. While our neighbors on both sides have a pool, we do not because of the "Wetlands" Most properties here have a pool, a work shop and vegetable gardens, large play sets etc. They also have room for kids to play in the yards. We not only have a pond that is not usable in the middle of the yard but also 55.61% of our land is not usable for anything.

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 right of usage. As others in this subdivision are able to use the land as they so desire. I can not due to the current labeling of Our property, "Wetland". Our property so labeled prevents any normal recreational usage. It puts on a financial burden on us that was not known at the time of purchase. It also removes our abilities as owners to enjoy the outside of our property like our neighbors do.

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.

As the homes are set apart from property lines of 25 ft. each, making it 50 feet in all, it is at the rear of the house there should be no interference or injure the rights of others whose property is next to ours or across the road. WE had go through the HOA first.

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 LDC establish the standards, regulations and procedures that will be comprehensive, and consistent and also maintain balance of the continuing growth in the county with respect for the rights of property owners. This variance is in harmony with LDC.

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.

Having gone through the HOA procedure first ensures the process does not do anything Illegal. second contacted the EPC- Wetlands Division and have the land marked out. Then have the property Re-surveyed and have the said Wetlands appear on the survey..

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.

By allowing the Owners rights of ownership be recognized. To have some use of the property of which 55.61% is not usable due to labeled "wetlands".

Prepared by:
Karen LoMoglio
The Law Offices of Michael J. Owen, PLLC
330 Pauls Drive, Suite 104
Brandon, Florida 33511

File Number: 15-00683

General Warranty Deed

Made this August 3, 2015 A.D. By

Ryan C. Hamrick and Carmen L. Hamrick, husband and wife, whose address is: 1773 Wiltshire Village Dr., Wellington, FL 33414, hereinafter called the grantor, to

David E. Albaugh and Amanda J. Albaugh, husband and wife, whose post office address is: 11920 Sugarberry Drive, Riverview, Florida 33569-6321, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Two Hundred Ninety Five Thousand dollars & no cents (\$295,000.00), and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Hillsborough County, Florida, viz:

Lot 17, Block 16, Shadow Run Unit No. 1, according to the map or plat thereof as recorded in Plat Book 46, Page 24, Public Records of Hillsborough County, Florida.

Parcel ID Number: A0768285542

Property Address: 11920 Sugarberry Drive, Riverview, Florida 33569-6321

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.

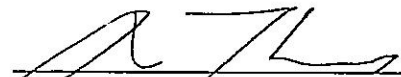
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2014.

Prepared by:
Karen LoMoglio
The Law Offices of Michael J. Owen, PLLC
330 Pauls Drive, Suite 104
Brandon, Florida 33511


File Number: 15-00683

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

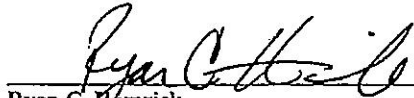
Signed, sealed and delivered in our presence:




Witness Printed Name Andre Thomas



Witness Printed Name Evan Harbinson



Ryan C. Hamrick (Seal)
Address: 1773 Wiltshire Village Dr., Wellington, FL 33414

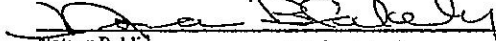


Carmen L. Hamrick (Seal)
Address: 1773 Wiltshire Village Dr., Wellington, FL 33414

State of Florida

County of

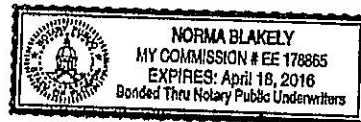
The foregoing instrument was acknowledged before me this 3rd day of August, 2015, by Ryan C. Hamrick and Carmen L. Hamrick, husband and wife, who are personally known to me or who has produced Driver's License as identification.




Notary Public
Print Name: Norma Blakely
My Commission Expires: April 18, 2016

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 15 DAY OF March, 2021



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



Received
03/30/2021
Development Services

VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-277-1630.
All requirements listed on the submittal checklist must be met. Incomplete applications will not be accepted.

Property Information

Address: 11920 Sugarberry Drive City/State/Zip: Riverview, Florida 33569 TWN-RN-SEC: _____
Folio(s): 076828-5542 Zoning: _____ Future Land Use: _____ Property Size: 0.92 acres

Property Owner Information

Name: David E. & Amanda J. Albaugh Daytime Phone: 813-298-6638
Address: 11920 Sugarberry Drive City/State/Zip: Riverview, Florida 33569
Email: 1959wood0917@gmail.com FAX Number: _____

Applicant Information

Name: David E. & Amanda J. Albaugh Daytime Phone: 813-298-6638
Address: 11920 Sugarberry Drive City/State/Zip: Riverview, Florida 33569
Email: 1959Wood0917@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.

David E. Albaugh
Signature of Applicant

David E. Albaugh
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.

Amanda J. Albaugh
Signature of Property Owner

Amanda J. Albaugh
Type or Print Name

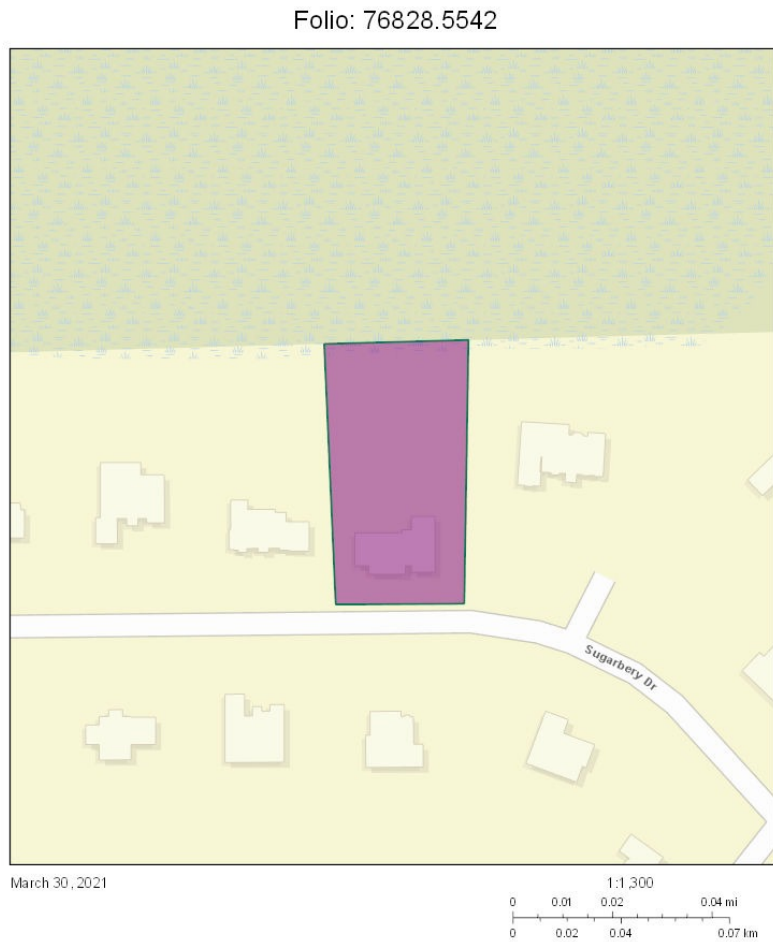
Office Use Only

Intake Staff Signature: Ana Lizardo Intake Date: 03/30/2021
Case Number: 21-0605 Public Hearing Date: 05/24/2021
Receipt Number: 21-0605



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-2
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0508H
FIRM Panel	12057C0508H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120510C
County Wide Planning Area	Riverview
Community Base Planning Area	SouthShore
Community Base Planning Area	Riverview
Census Data	Tract: 013919 Block: 1022
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 7
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



Hillsborough County Florida

Folio: 76828.5542
PIN: U-27-30-20-2T3-000016-00017.0
DAVID E AND AMANDA J ALBAUGH
Mailing Address:
 11920 SUGARBERRY DR
 RIVERVIEW, FL 33569-6321
Site Address:
 11920 SUGARBERRY DR
 RIVERVIEW, FL 33569
SEC-TWN-RNG: 27-30-20
Acreage: 0.91973698
Market Value: \$335,473.00
Landuse Code: 0100 SINGLE FAMILY

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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.

21-0605

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