



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0073	
LUHO HEARING DATE: March 27, 2023	CASE REVIEWER: Isis Brown

REQUEST: The applicant is requesting a variance to allow a proposed Community Residential Home, Type A, with six or fewer placed residents at 1209 N Parsons Avenue to be located within 1,000 feet of an existing Community Residential Home, Type A.

VARIANCE(S):

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 Adult Family Care Home at 139 Melanie Lane that is 368 feet to the north of the proposed home. The applicant requests a 102.4-foot reduction to the required separation from the existing home to allow a separation of 897.6 feet.

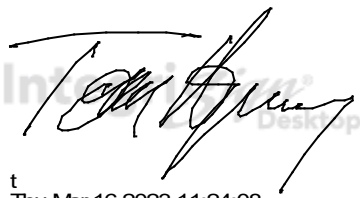
FINDINGS:

- According to the applicant, the subject site is served by public water and sewer.

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



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Thu Mar 16 2023 11:24:08

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

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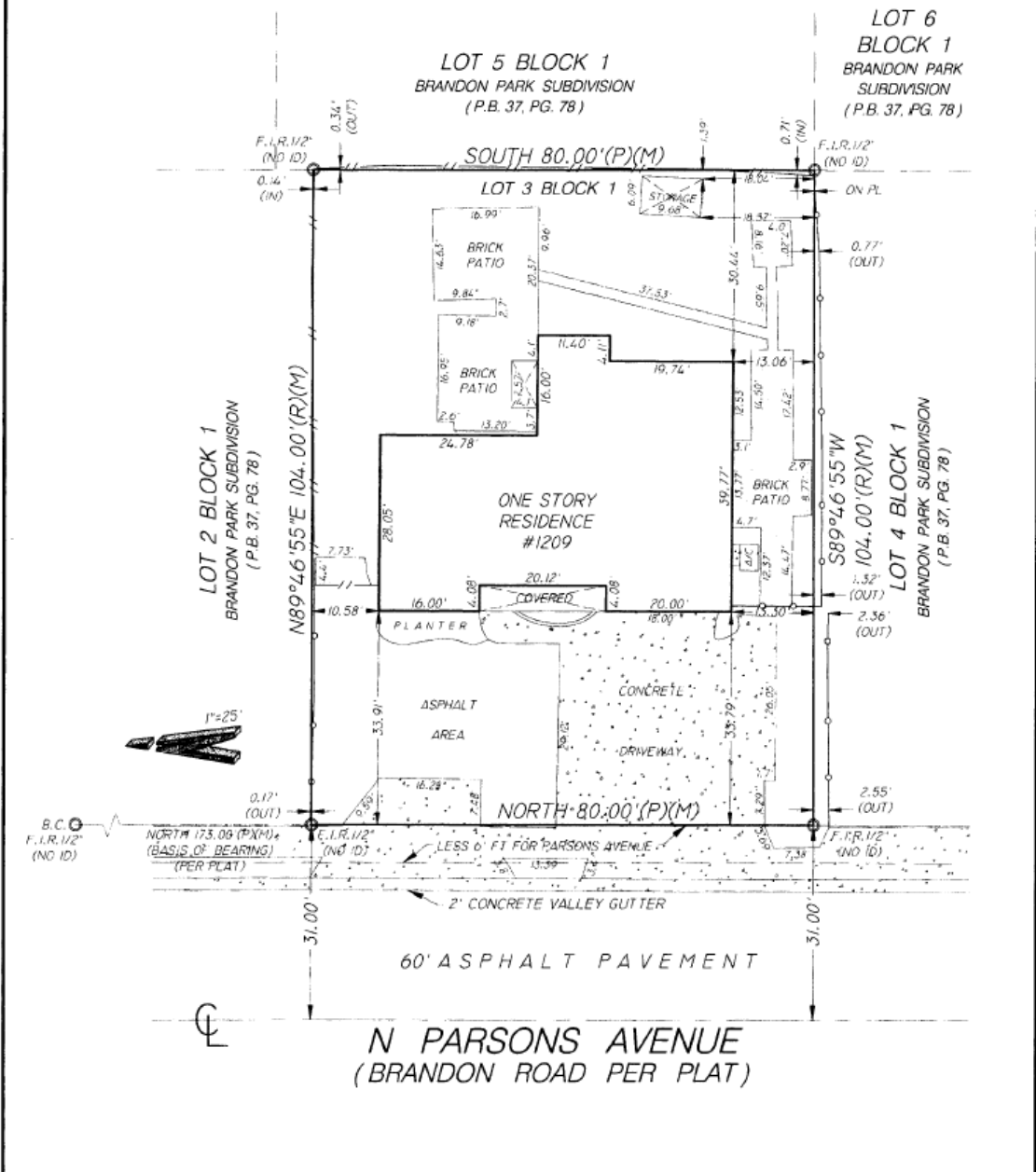


LAKE HEATHER OAKS
 1001 Lake Service
 3770 N.W. 11th St. #101
 W. Broward Blvd. & Sunrise
 Publix Super Market at Kingwood Corporate Center
 Sunrise, FL 33167
 Phone: (305) 486-1111
 Fax: (305) 486-1112
 Map 999 625 22

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 the Florida Real
 Estate Community
 for Over 20 Years
 WWW.MELANDSERVICES.COM

This survey shall not be used for construction/permitting purposes without written consent from the land surveyor who has signed and sealed this survey.

Received
 11/17/2023



Accepted By: _____

Property Address:
 1209 N. Parsons Avenue
 Brandon, FLORIDA 33510

Notes: NO NOTES

SURVEYOR'S CERTIFICATION I HEREBY CERTIFY THAT THE FOREGOING SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECT SUPERVISION AND TO THE MINIMUM TECHNICAL STANDARDS, AS SET FORTH BY THE STATE OF FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 6J17-002, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 427-023 FLORIDA STATUTE.

SIGNED
 Miguel Espinoza
 STATE OF FLORIDA

FOR THE FIRM
 P.S.M. No. 5101

NO. 5101
 03/04/22
 STATE OF FLORIDA
 PROFESSIONAL SURVEYOR

M.E. Land Surveying, Inc.
 P.O. Box 970685
 Miami, FL 33197
 Phone: (305) 740-3319
 Fax: (305) 669-3190
 LB#: 7989

ME LAND

NOT VALID WITHOUT AN AUTHENTIC ELECTRONIC SIGNATURE AND A VERIFIED ELECTRONIC SEAL, AND I OR THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A LICENSED SURVEYOR AND MAPPER.

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**Variance Request
Written Statement**

Re: Variance for Distance Separation
Owners/Applicants: Jose Manuel Carreno and Milagros Carreno
Address: 1209 N Parsons Avenue, Brandon FL 33510
Folio No: 067142.0000

We are proposing request of approval for variance application to reduce the required distance between community residential homes from 1000' to 897'.

Reasons that support our proposal:

The proposed CRH Type A is located in Brandon, Florida a highly populated area. According to the U.S. Census Bureau the number of people per square mile in our area has increased drastically. In general, there are more people living in a 1000' radius in the Brandon Area which translates into a higher demand for a CRH Type A (Small Assisted Living Facility).

By allowing this variance, it would not interfere with the right of others in the neighborhood.

Granting this request will not have a negative impact on the value of other properties in the area. On the contrary, the Community Residential Home will increase the value of the surrounding properties and will also provide quality services to the much-needed Hispanic Community.

Respectfully,

Jose Manuel Carreno
Milagros Carreno
Ph: (813) 454-5891
Email: mil.carreno@gmail.com



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 attachment

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 attachment

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.

See attachment

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*).

See attachment

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.

See attachment

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 attachment

CRITERIA RESPONSE
1209 N PARSONS AVENUE BRANDON FL 33510

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 high demand, the property in question was recently purchased on October 17, 2022 to expand our community residential services. We currently own and operate two facilities in the area.

We are requesting a variance to reduce the required distance between community residential homes from 1000' to 897'. Selling this lot to buy one located more than 1000' away from the existing Adult Family Home Care would create an undue hardship. The existing AFHC is licensed only for 3 and it's located outside of the neighborhood and provides different services. The AFHC is approximately 897' away from the proposed property.

The proposed CRH Type A is located in Brandon, a highly populated area. According to the U.S. Census Bureau the number of people per square mile in our area has increased drastically. In general, there are more people living in a 1000' radius in the Brandon 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 others in the same district and area under the terms of the LDC.

The literal interpretation of the LDC would deprive us from expanding and operating a much-needed Community Residential Home in the proposed location. We currently own and operate two CRH since 2018.

The LDC allows another CRH when there is no other within 1000' (straight line). Currently, there is an Adult Family Home Care within 897'. The 1000' distance applies throughout the County, without considering specific characteristics of each area. In this case, Brandon 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.

By allowing this variance, it would not interfere with the right of others in the neighborhood. We have been successfully providing services to the elderly since 2018, with zero deficiencies from the State and we have zero complaints from our nearby neighbors. We will continue to provide residential use in a residential area.

The CRH Type A will be allow us to continue providing services and care for Seniors with daily living activities. Services much needed in our community to due the high demand.

CRITERIA RESPONSE
1209 N PARSONS AVENUE BRANDON FL 33510

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan.

The variance is in harmony and would serve the general intent of the LDC and Comprehensive Plan to foster and preserve public health, safety, comfort and welfare. 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 (you) 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. We understand, we have to obtain the approval of this variance before opening and operating the CRH.

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 hardship 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 expand our services. We will suffer the loss of all the initial start-up cost funds invested in the proposed property 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 897.

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This instrument prepared by:

Name: **C. Judson an employee of
Executive Title of Florida, Inc.**
Address: **170 E. Bloomingdale Ave.
Brandon, FL 33511**

Return to: **Executive Title of Florida, Inc.
FILE NO. 220925**
Address: **170 E. Bloomingdale Ave.
Brandon, FL 33511**

Property Appraisers Parcel Identification Number(s): 067142-0000

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED Made the 17th day of October, 2022 by **OLIS TYSON MORGAN f/k/a OLIS M. TYSON, A MARRIED WOMAN** whose post office address is 13651 ARTESA BELL DRIVE, RIVERVIEW, FL 33579-2397, hereinafter called the grantor, to **JOSE MANUEL CARRENO and MILAGROS CARRENO, HUSBAND & WIFE** whose post office address is 1209 N. Parsons Ave., Brandon, FL 33511, hereinafter called the grantee:

(Wherever used herein the terms "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 \$10.00 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, State of **FLORIDA**, viz:

LOT 3, BLOCK 1, OF BRANDON PARK, A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGE 78, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, LESS THE WEST 6 FEET FOR PARSONS AVENUE.

"THIS IS NOT THE HOMESTEAD PROPERTY OF GRANTOR, WHOM RESIDES ELSEWHERE."

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining.
To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with the 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, and hereby 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 31ST, 2021. **FURTHER SUBJECT TO** restrictions, reservations, covenants and easements of record, if any, however this reference shall not operate to reimpose same.

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

Signed, sealed and delivered in the presence of:

Olis Tyson Morgan FKA Olis Tyson
OLIS TYSON MORGAN, F/K/A OLIS M. TYSON

Jessica S. Tibbits
Signature **Jessica S. Tibbits**

Printed Signature
Cathy Judson
Signature **Cathy Judson**

Printed Signature

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of physical presence OR online notarization, this 14th day of October, 2022 by OLIS TYSON MORGAN f/k/a OLIS M. TYSON, A MARRIED WOMAN, who produced driver's license as identification and who did not take an oath.

Jessica S. Tibbits
Notary Public
My Commission Expires: **Jessica S. Tibbits**

[seal]



Jessica S. Tibbits
Comm.: HH 279685
Expires: June 23, 2026
Notary Public - State of Florida



Property/Applicant/Owner Information Form

Application No: <u>23-0073</u>	Official Use Only	Intake Date: <u>01/17/2023</u>
Hearing(s) and type: Date: <u>03/27/2023</u>	Type: <u>LUHO</u>	Receipt Number: <u>233034</u>
Date: _____	Type: _____	Intake Staff Signature: <u>Clare Odell</u>

Property Information

Address: 1209 N Parson Avenue City/State/Zip: Brandon FL 33511

TWN-RN-SEC: 14-29-20 Folio(s): 067142.0000 Zoning: RSC-6 Future Land Use: R-6 Property Size: 0.2004
0 34

Property Owner Information

Name: Jose M Carreno & Milagros Carreno Daytime Phone 813-454-589
1

Address: 1209 N Parson Avenue City/State/Zip: Brandon FL 33511

Email: mil.carreno@gmail.com Fax Number _____

Applicant Information

Name: Jose M Carreno & Milagros Carreno Daytime Phone 813-454-589
1

Address: 1209 N Parson Avenue City/State/Zip: Brandon FL 33511

Email: mil.carreno@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 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.

Signature of the Applicant

Milagros

Type of 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.

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

Jose Manuel

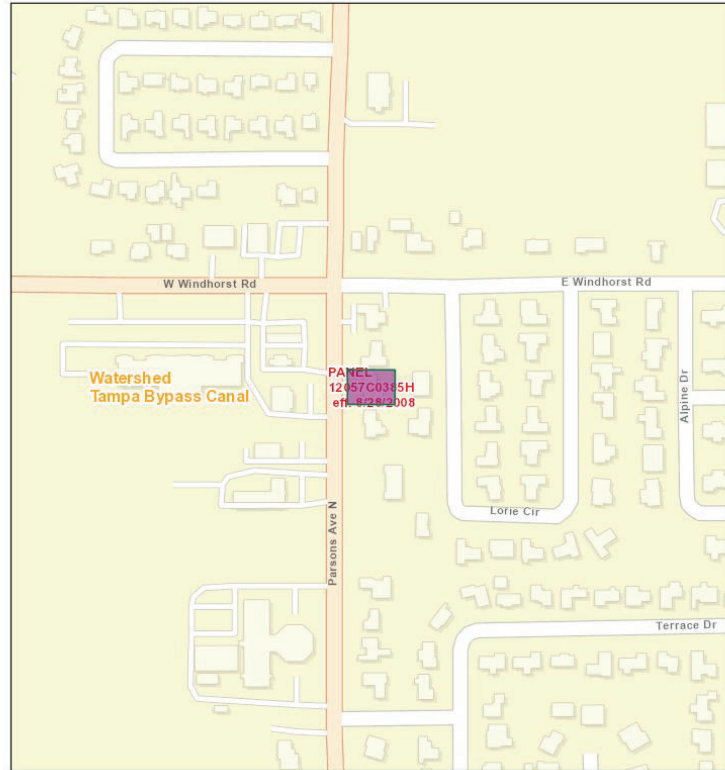
Type of Print Name



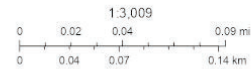
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0385H
FIRM Panel	12057C0385H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120385E
County Wide Planning Area	Brandon
Community Base Planning Area	Brandon
Census Data	Tract: 012303 Block: 1000
Future Landuse	R-6
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 4
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 67142.0000



January 17, 2023



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

Hillsborough County Florida

Folio: 67142.0000
PIN: U-14-29-20-2BC-000001-00003.0
JOSE MANUEL AND MILAGROS CARRENO
Mailing Address:
 1209 N PARSONS AVE
 BRANDON, FL 33510-3113
Site Address:
 1209 N PARSONS AVE
 BRANDON, FL 33510
SEC-TWN-RNG: 14-29-20
Acreage: 0.200434
Market Value: \$222,855.00
Landuse Code: 0100 SINGLE FAMILY

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