

Variance Application: 24-1254
LUHO Hearing Date: November 20, 2024
Case Reviewer: Wayne Doyon



**Hillsborough
 County Florida**

Development Services Department

Applicant: Nelson Gomez/ NCC Construction Inc. **Zoning:** RSC-9
Location: 2413 S. 47th St., Tampa, FL 33619

Request Summary:

The applicant is requesting a variance from the 30-foot Wetland Conservation Area setback requirement, Section 4.01.07.B.4 of the Land Development Code (LDC). The applicant’s specific request, as shown on the site plan submitted on 10-31-2024, is for the construction of a portion of a new home, A/C pad (concrete), and paver driveway within the 30-foot Wetland Conservation Area Setback.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
Section 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.	22.3-foot max encroachment in the wetland setback for a portion of a new home, A/C pad (concrete), and paver driveway.	7.7-foot wetland setback

Findings:	
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Additional / Revised Information Sheet

Office Use Only		
Application Number: VAR-WS 24-1254	Received Date:	Received By:

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-WS 24-1254 Applicant's Name: Nelson Gomez

Reviewing Planner's Name: _____ 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): 11/20/24

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@hcflgov.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@hcflgov.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

10/31/24
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 VAR-WS 24-1254

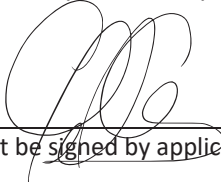
Includes sensitive and/or protected information.

Type of information included and location _____

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

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):

*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.

INDEX OF DRAWINGS

Page: Sheet Name

CS Cover Sheet/ Location Map/ Index

ARCHITECTURAL

- A-1 Floor Plan/Garage & Main House
- A-2 Elevations
- A-3 Foundation Plan/Details
- A-4 Floor Framing Plan & Roof Framing Plan
- A-5 Wall section
- A-6 Flashing Details
- E-1 Electrical Plans

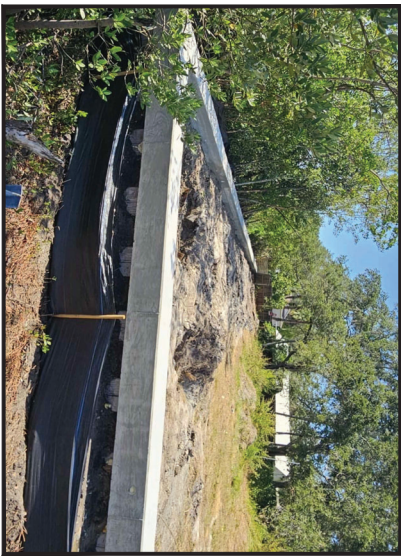
STANDARD NOTES

- AD-1 Standard Notes & Detail
- AD-1.1 Standard Notes & Detail
- AD-2 Standard Notes & Detail
- AD-3 Standard Notes & Detail

PROJECT LOCATION



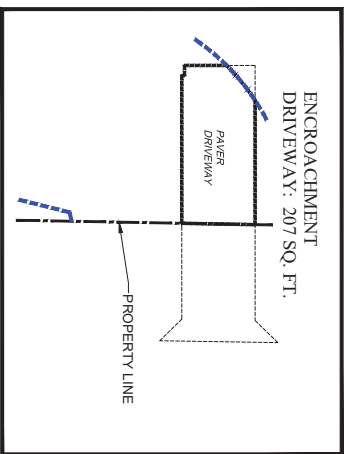
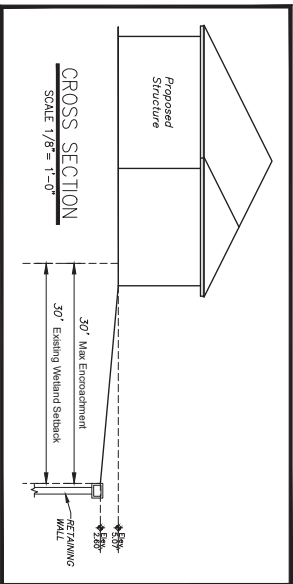
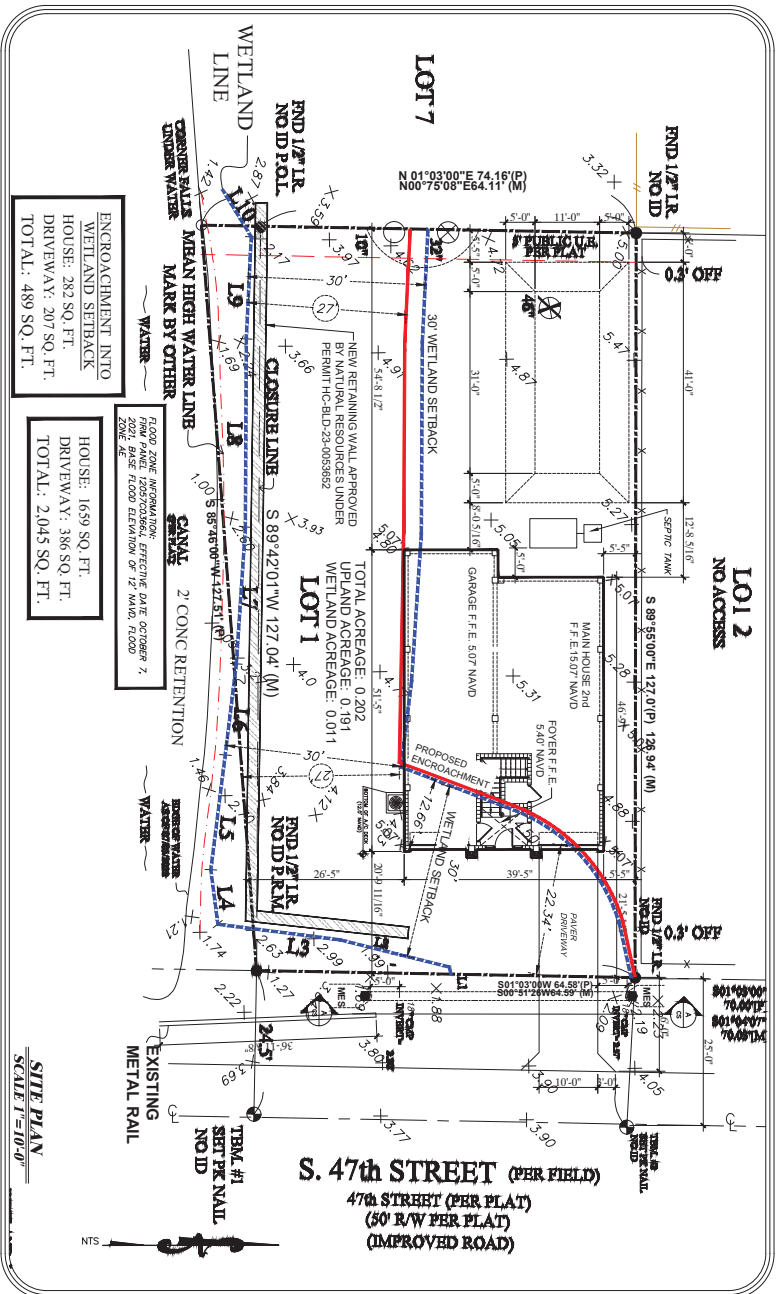
LOCATION MAP
NO SCALE



RETAINING WALL

A SINGLE FAMILY RESIDENCE

FOLIO # 046755-0000 2413 S 47 ST TAMPA, FL



PROPERTY ADDRESS:
2413 S 47th Street,
TAMPA, FL 33619
(FOLIO No. 046755-0000)

LEGEND

- ⊕ CENTER LINE
- PROPERTY CORNER
- PALM TREE
- ⊗ OAK TREE TO REMAIN
- ⊗ OAK TREE TO BE REMOVED

RECORDING INFORMATION:
LOT 1 TRI-COUNTY MAP, ESTATES, UNIT 1,
ACCORDING TO THE MAP OR PLAT
THEREOF, AS RECORDED IN PLAT BOOK
36, PAGES 99 AND 100, PUBLIC
RECORDS OF HILLSBOROUGH COUNTY,
FLORIDA

NO.	DESCRIPTION	DATE
1	ISSUED	08/20/20
2	REV	01/03/21
3	REV	05/01/22
4	REV	06/27/23

NCC CONSTRUCTION INC.

A SINGLE FAMILY RESIDENCE
FOLIO # 046755-0000
2413 S. 47th ST, TAMPA FL 33619

SCALE: 1" = 10'-0"

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Project Description (Variance Request)

- 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.

This is a request to Variance for the residence, concrete driveway, and A/C pad to encroach into the wetland setback for total of 489sqft

We have Installed a Retaining Wall on property (2413 S 47th St) under a Retaining wall Permit HC-BLD-23-0053652.

Prior to the retaining wall Permit, we first had submitted for a Seawall Permit with the EPC

and Chantelle Lee could not allow a permit for a seawall due to the property’s physical location of the bridge and we were told to proceed with a Retaining Wall Permit through Hillsborough county.

Hillsborough county explained we had to change our description to Retaining wall since HC do not issue Seawall Permits. The Retaining wall is Designed by Reuben Clarson Marine Engineering.

- A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code: **LDC 4.01.07, B.4**

Additional Information

- Have you been cited by Hillsborough County Code Enforcement? No Yes
If yes, you must submit a copy of the Citation with this Application.
- 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): **HC-BLD-22-0036077**
- 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.
- Please indicate the existing or proposed utilities for the subject property:
 Public Water Public Wastewater Private Well Septic Tank
- 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 Re-claimed Water – Service Application Conditional Approval – Reservation of Capacity” prior to your public hearing

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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 retaining wall is unique from standard walls as 12' sheets are driven into the earth for protection. Engineering documentation attached.

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.

Current Adjacent homes are constructed within the wetland encroachment.

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 Retaining Wall is constructed of uique design therefore retaining erosion and flooding into existing lot and other Properties.

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 will serve as a good intent by allowing the our team and neighbors to come together and share our concerns and needs without causing any harm.

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.

We have taken all the necessary steps to be able to build a New Home and will abide by the laws and decision of this Variance.

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.

Other Neighbors are within the wetland encroachment therefore by allowing the variance will provide substantial Justice. Granting a variance allows our team, county and community to all benefit.

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This instrument prepared without a title search by
Robert S Wise, P A
1205 West Fletcher, Suite A
Tampa, Florida 33612

This instrument has been prepared solely from information given by the parties hereto There are no express or implied guarantees as to marketability of title, accuracy of the description or quantity of land described, as no examination of title to the property was requested or conducted The preparer has not been requested to provide, nor has the preparer provided, advice on the title, tax, legal or non-legal consequences that may arise as a result of the conveyance or verified the accuracy of the amount of consideration stated to have been paid in connection with the conveyance or upon which any tax may have been calculated

WARRANTY DEED

THIS INDENTURE, Made this 21 day of December, 2021, **BETWEEN** ROBERTO LLANES, whose address is 5415 N Paddock Avenue, Tampa, FL 33614, party of the first part, and RADA CONSTRUCTION LLC, a limited liability company existing under the laws of the State of Florida, whose address is 5415 N Paddock Avenue, Tampa FL 33614, party of the second part, **WITNESSETH**, that the said party of the first part, for and in consideration of the sum of TEN and NO/100 (\$10 00) DOLLARS, to him in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto said party of the second part, and its successors and assigns forever, all that certain parcel of land lying and being in the County of Hillsborough and State of Florida, more particularly described as follows

Lot 1, TRI-CANAL ESTATES, UNIT 1, according to the plat thereof as recorded in Plat Book 36, Page 99, of the Public Records of Hillsborough County, Florida

This property is not the homestead of the party of the first part who resides at 5415 N Paddock Avenue, Tampa, FL 33614

SUBJECT TO all easements, restrictions, covenants and conditions of record, and taxes for the year 2021 and all subsequent years

TOGETHER with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereto belonging or in anywise appertaining, **TO HAVE AND TO HOLD** the same in fee simple forever

And the said party of the first part does covenant with the said party of the second part that he is lawfully seized of the said premises, that it is free of all encumbrances and that he has good right and lawful authority to sell the same, and the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed in his name the day and year above written

Signed, Sealed and Delivered in our Presence

[Signature]
Witness Name Robert S. Wise

[Signature] (SEAL)
ROBERTO LLANES

Rosemary S. Wise
Witness Name Rosemary S. Wise

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

The foregoing instrument was acknowledged before me, by means of X physical presence or ___ online notarization, this 21 day of December, 2021, by ROBERTO LLANES, personally known to me to be the persons described in, or who produced drive license, as identification

WITNESS my signature and official seal in the County and State last aforesaid, the day and year last aforesaid.

[Signature] (SEAL)
Notary Public
My Commission Expires



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Property/Applicant/Owner Information Form

Application No: <u>24-1254</u>	Official Use Only	Intake Date: <u>09/04/2024</u>
Hearing(s) and type: Date: <u>11/20/2024</u>	Type: <u>LUHO</u>	Receipt Number: <u>403187</u>
Date: _____	Type: _____	Intake Staff Signature: <u>Alejandra Prado</u>

Property Information

Address: 2413 S 47th St City/State/Zip: Tampa Fl 33619

TWN-RN-SEC: 28/29/19 Folio(s): 46755.0000 Zoning: RSC-9 Future Land Use: R9 Property Size: 0.202

Property Owner Information

Name: Rada Construction Llc And Ncc Construction Inc Daytime Phone 813-817-0168

Address: 5415 N Paddock Ave City/State/Zip: Tampa fl 33615

Email: nccconstruction@yahoo.com Fax Number n/a

Applicant Information

Name: Nelson Gomez/ Ncc Construction Inc Daytime Phone 813-817-0168

Address: 9001 W Norfolk St City/State/Zip: Tampa Fl 33615

Email: nccconstruction@yahoo.com Fax Number n/a

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

Nelson Gomez.

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.

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

Nelson Gomez

Type or print name

Roberto LLanes



Submittal Requirements for Applications Requiring Public Hearings

Official Use Only

Application No: _____ Intake Date: _____
 Hearing(s) and type: Date: _____ Type: _____ Receipt Number: _____
 Date: _____ Type: _____ Intake Staff Signature: _____

Applicant/Representative: Nelson Gomez/ Ncc Construction Inc Phone: 813-817-0168

Representative's Email: nccconstruction@yahoo.com

The following information is used by reviewing agencies for their comments and should remain constant, with very few exceptions, throughout the review process. Additional reviews, such as legal description accuracy, compatibility of uses, agency reviews, etc., will still be conducted separately and may require additional revisions.

The following ownership information must be provided and will be verified upon submission initial submittal. If you are viewing this form electronically, you may click on each underlined item for additional information.

Part A: Property Information & Owner Authorization Requirements

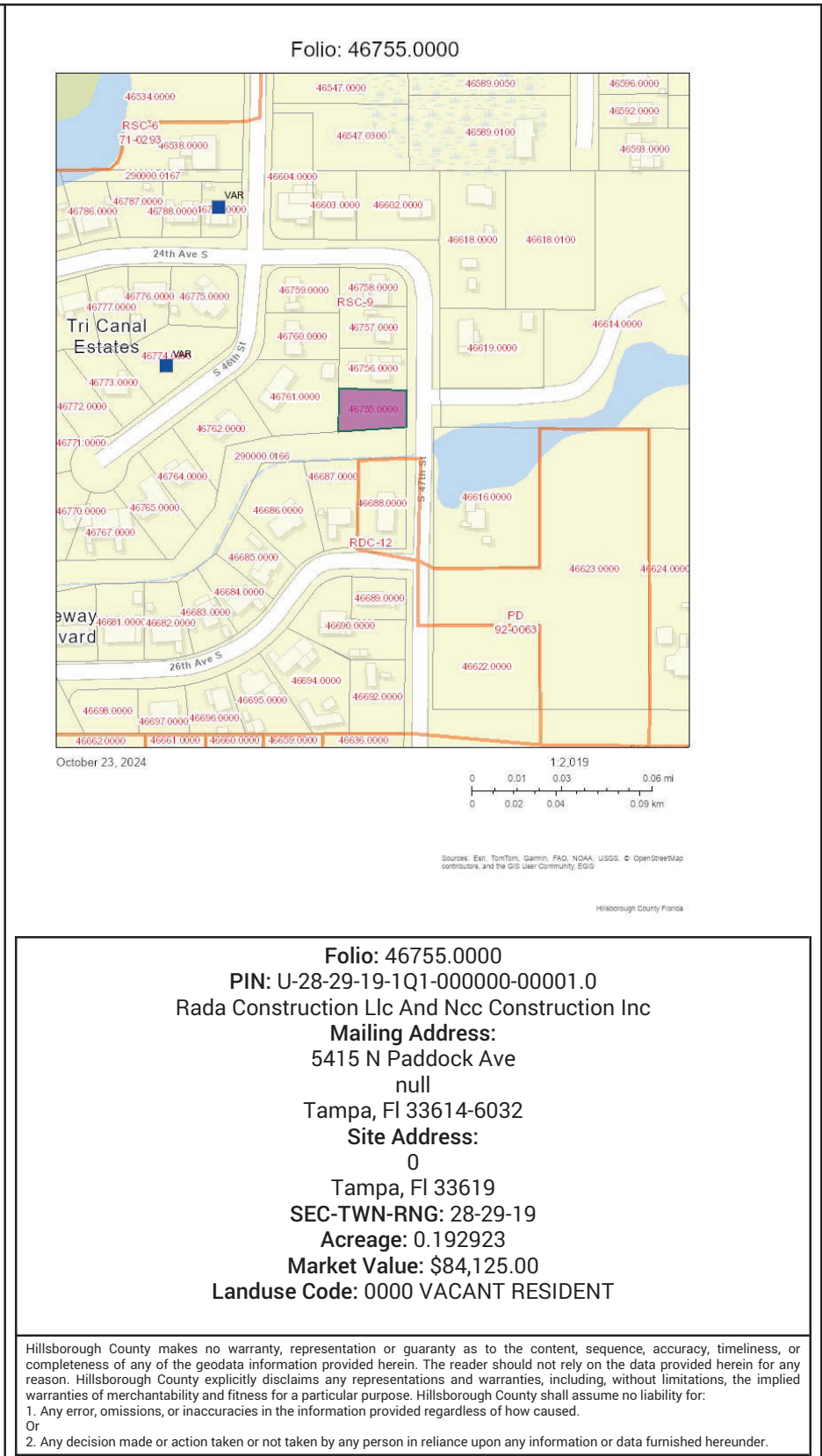
	Included	N/A	Requirements
1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Applicant/Owner Information Form</u>
2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Affidavit(s) to Authorize Agent</u> (if applicable) NOTE: All property owners must sign either the Application form or the Affidavit to Authorize Agent. If property is owned by a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit.
3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Copy of Current Recorded Deed(s)</u>
7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Close Proximity Property Owners List</u>
8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Legal Description</u> for the subject site
9	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
10	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Fastrack Approval</u> (if applicable)

Additional application-specific requirements are listed in Part B.



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-9
Description	Residential - Single-Family Conventional
Flood Zone:AE	BFE = 10.0 ft
FIRM Panel	0367H
FIRM Panel	12057C0367H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120366C
County Wide Planning Area	Greater Palm River
Community Base Planning Area	Greater Palm River
Census Data	Tract: 013501 Block: 1008
Future Landuse	R-9
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	2
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 8
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	130' AMSL
Competitive Sites	NO
Redevelopment Area	NO



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