



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0890

LUHO HEARING DATE: July 25, 2022

CASE REVIEWER: Israel Monsanto

REQUEST: The applicant requests height and scenic corridor variances for an existing and proposed fence on property zoned AS-1.

VARIANCE(S):

Fence Height

Per LDC Section 6.07.02.C.2.a, fences in agricultural districts are regulated in the same manner as fences in residential districts, except under certain circumstances that do not apply to this case. Per LDC Section 6.07.02.C.1.a, fences over 4 feet in height are not allowed within required front yards, except under certain circumstances that do not apply to this case. The applicant requests:

- A 2.33-foot increase to the permitted fence height to allow a height of 6.33 feet for an existing fence with 7.25-foot-high columns.
- 2-foot increase to the permitted fence height to allow a height of 6 feet for a proposed fence with 7-foot-high columns.

Per LDC Section 6.07.02.C.1.j, fence columns and posts, including decorative caps and finials, may exceed permitted fence height by a maximum of 1 foot, provided the columns are not more than 3 feet in width and are spaced at least 6 feet apart. The fence design shown on the site plan submitted by the applicant appears to confirm with these requirements.

Scenic Corridor Easement

McIntosh Road adjacent to the property is a designated scenic corridor. Due to the property's RES-1 designation in the Comprehensive Plan, the road is classified a Rural Scenic Roadway, per LDC Section 6.06.03.I.2.a, which requires the provision of a 30-foot-wide scenic easement along the road frontage which shall be left in a natural state. The applicant requests a 14-foot reduction to the required width of the scenic easement to allow a width of 16 feet.

FINDINGS:

- In AS-1 zoning districts, the required minimum front yard setback is 50 feet.
- The site has an existing gate with a masonry wall, 6.33 feet high, that is currently encroaching into the required front yard. The applicant plans to attach the proposed 6-foot-high wall to the existing wall and gate.
- Wetlands are present on site; however, no wetland setback variance has been requested by the applicant.

DISCLAIMER:

The variances listed above are 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 obtaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

ADMINISTRATOR'S SIGN-OFF

Fri Jul 15 2022 14:21:33

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



**Hillsborough
County Florida**
Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

Additional / Revised Information Sheet

Date Stamp Here

Application Number: 22/0890 Applicant's Name: LAURA GOLDHAMER

Reviewing Planner's Name: Israel MONTSANTO Date: 7/15/22

Application Type:

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

Current Hearing Date (if applicable): 7/25/2022

Will this revision add land to the project? Yes No

IMPORTANT: If "Yes" is checked on the above, a Revised Application Sheet, Property Information Sheet, Affidavit to Authorize Agent, and additional Deeds must be filed immediately to ensure proper noticing and sign posting requirements are met.

Will this revision remove land from the project? Yes No

The following must be attached to this Sheet.

- Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.
- An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Updated Survey Attached

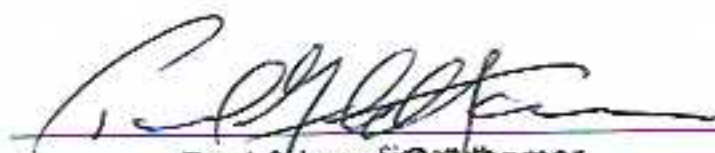
Submittal Via:

Email - Note that no follow up paper file is necessary. Files must be in pdf format and minimum resolution of 300 dpi. Maximum attachment(s) size is 15 MB.

Email this sheet along with all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcf.gov

For additional help and submittal questions, please call (813) 277-1633 or email ZoningIntake-DSD@hcf.gov.

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.


 Paul & Laura Goldhamer
 2714 McIntosh Road
 Dover, FL 33527

7/15/2022
 Date

FOR OFFICE USE ONLY

Notification E-Mail Sent Scanned into OPTIX

Transmittal Completed

In-Take Completed by: _____

July 15, 2022

ZoningIntake-DSD@hcf.gov.net

Re: Var. 22/0890
Goldhamer
2714 McIntosh Rd.
Dover, FL 33527

Attached, please find:

1. Additional revised information sheet dated July 15, 2022.
2. Revised survey with fence placement.

The nature of the revision is that we are asking the board to grant a variance as to the height of the existing brick columns at 87 inches and the existing brick wall at 76 inches.

In addition, the application is amended to request that the fence be no closer to the boundary by McIntosh Rd. than 16 feet.

The revision requests can be found in the Variance Request answer # 1. first & last paragraph (attached file-variance request p-2 Goldhamer).

Paul Goldhamer

I. VARIANCE REQUEST

ANSWER 1.

Applicant seeks to install a combination brick wall and aluminum fence across the front of the property bordering on McIntosh Road. A variance for the pre-existing wall columns not to exceed 87" and the existing wall not to exceed 76".

On the southern side of the property running parallel to McIntosh Road, applicant will install 4 brick wall sections each approximately 12 feet long, height: 66", 60", 60", and 24" respectively, all attached to a pre-existing 76" high brick wall. New brick columns will separate the sections at a height of 76", 70", and 70", respectively. The existing brick columns are 87" in height. The new brick wall and columns will be installed on a pre-existing foundation. All existing brick walls, columns, and foundations preexist ownership.

On top of the 24" knee wall a 48" aluminum fence will be installed and thereafter a 60" inch aluminum fence will run to the southernmost allowable boundary of the property.

From the current existing northernmost gate column, applicant seeks to construct a 24" knee wall approximately 70 feet long on the existing foundation curving from the gate entry and then running parallel to McIntosh Road.

Possibly in the future, applicant may install on top of the knee wall a 48" aluminum fence thereafter attached to the last column would be a 60" aluminum fence running to the northern most boundary of the property and then turning west along the boundary of the property until it reaches the lake on the property.

Applicant seeks a height variance to allow a wall and fence of various heights which do not conform with the 4 ft requirement.

In addition, applicant seeks a variance as to location of the front fence as to the 50' requirement to no less than 16'.

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?

See II. Variance Criteria Response attached question 1

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 II. Variance Criteria Response attached

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 II. Variance Criteria Request attached

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 II. Variance Criteria Request attached

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 II. Variance Criteria Request attached

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 II. Variance Criteria Request attached

II. VARIANCE CRITERIA RESPONSE

ANSWER 1.

The instant property is singularly unique. There is no other property in the immediate vicinity which suffers in common with the hardships herein enumerated.

Prior to or in around 1990 this property was part of a forty-acre parcel on which Roy and Ann Winters built the residence which is 2714 McIntosh Rd. They also built a commercial well or used a preexisting farm well and installed electricity 30' from McIntosh Rd. Subsequently a 76" high brick wall with 87" high brick columns was built along McIntosh Road to hide these utilities from sight and secure them from tampering by any passerby. The entire property along McIntosh Rd was walled. Parts of this wall, the entrance gate and the remaining foundation can be seen in the accompanying photos. The water and electric remain roadside exposed to the whim of any passerby.

I am the fifth owner of the property and either the second or third owner created a subdivision leaving this premises with 8 acres.

Upon information and belief sometime after 2006 several portions of the existing brick wall either were damaged or collapsed. As a result, the fourth owner rather than correct or repair the wall removed a good portion of the wall along McIntosh Rd.

The foundation and wall which remain qualify as a pre-existing nonconforming use. A wall or fence located pursuant to the existing statute would render the existing foundation useless; the wall would be in part behind the existing wall; would serve no purpose to camouflage the existing utility structures from the view of neighbors; and most importantly fails to protect the utilities from persons of malintent.

Answer 2.

The enforcement of the existing code to this parcel causes utilities to be exposed to vandalism; continues an obvious eyesore for the community; excludes the use of a pre-existing foundation and allows other similar other conforming uses to exist to the exclusion of this parcel.

Answer 3.

No other property will be affected by this variance. There is only one residential neighbor who when they exit their house (from the garage) can physically see the front of this property. Occupants of vehicles travelling on McIntosh Road can see both the well, well tanks, and electrical utility board. This is an eyesore and a danger.

Answer 4.

The LDC's goal is safety, uniformity, and a pleasing visual image. Our plan supports and advances all these goals.

- As to safety, McIntosh Rd has a 45 MPH speed limit. Vehicles on this road regularly travel more than 55 or 60 MPH. Applicant has three grandchildren as well as two dogs which are regularly on the premises. The fence and wall will work to protect the children and animals from the road. The wall and fence will protect neighbor's pets and infant children from the inherent dangers of the 10-acre lake, part of which is owned by applicant.
- An inordinate amount of litter is tossed from vehicles on McIntosh Rd which inevitably ends up in the lake. The fence and wall will catch litter from the road before it enters the lake.

Answer 5.

Applicant seeks to restore the property to its original state. The prior wall either preceded the applicable section of the code or was approved with prior building plans. A good portion of the wall still exists to the north of the property. The wall/fence which applicant seeks to create will be significantly shorter than the existing walls and by the nature of the construction will be see through, except for the portion used to block the utilities.

Applicant has not committed any act whatsoever to create this hardship.

Answer 6.

This variance will benefit the public because the image along McIntosh Rd will be improved. The fence will provide a safety barrier for infant children in the community. The fence will prevent plastic and litter from entering the lake to the detriment of aquatic and wildlife. The solid portion of the wall will lessen the risk of vandalism to the homeowner's utilities.

Prepared by & Return to:
Rebecca Gullick
All American Title Pros, LLLP
679 West Lumsden Road
Brandon, Florida 33511
File Number: T210753P

General Warranty Deed

Made this **October 27, 2021** A.D. By **George M. Rodriguez and Patricia A. Rodriguez, a married couple**, whose address is: P.O. Box 2167, Seffner, Florida 33583, hereinafter called the grantor, to **Laura N. Goldhamer, married**, whose post office address is: 2714 McIntosh Road, Dover, Florida 33527, 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 Ten Dollars and no cents, (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, Florida, viz:

A tract of land being a portion of the Northeast 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 6, Township 29 South, Range 21 East, Hillsborough County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of the Northeast 1/4 of the Southwest 1/4 of said Section 6, thence North 00°40'46" East, along the West boundary of said Northeast 1/4 of the Southwest 1/4, 1105.09 feet to a point of intersection with the Southerly right-of-way line of CSX Transportation, Inc. Railroad; thence, along said Southerly right-of-way line, North 80°10'55" East, 1392.59 feet to a point of intersection with the Westerly maintained right-of-way line of McIntosh Road; thence, along said Westerly right-of-way line, South 01°42'08" West, 817.11 feet to the Point of Beginning; thence continue along said Westerly right-of-way line, South 01°42'08" West, 542.41 feet to a point of intersection with the South boundary of the aforementioned Northeast 1/4 of the Southwest 1/4 of said Section 6; thence, along said South boundary, North 89°17'58" West, 727.96 feet; thence North 00°40'46" East, 346.82 feet; thence North 37°21'25" East, 113.94 feet; thence North 81°54'46" East, 678.01 feet to the Point of Beginning.

AND

A portion of land lying in the Northeast 1/4 of the Southwest 1/4 of Section 6, Township 29 South, Range 21 East, Hillsborough County, Florida, being further described as follows:

Commence at the Southwest corner of the Northeast 1/4 of the Southwest 1/4 of said Section 6, thence South 89°15'33" East, along the South boundary of said Section 6, 616.65 feet; thence leaving said line North 00°40'46" East, 243.29 feet to the Point of Beginning and a non-tangent curve; thence 65.13 feet along the arc of said curve to the right, concave East, having a radius of 50.00 feet a central angle of 74°37'52", chord bearing and distance of North 18°16'27" West, 60.62 feet thence North 19°02'29" East, 109.64 feet to a point of curvature; thence 69.70 feet along the arc of said curve to the right, concave Southeast, having a radius of 50.00 feet, central angle of 79°52'24", chord bearing and distance of North

Prepared by & Return to:
Rebecca Gullick
All American Title Pros, LLLP
679 West Lumsden Road
Brandon, Florida 33511
File Number: T210753P

58°58'41" East, 64.19 feet; thence South 81°54'46" West, 1.43 feet; thence South 37°21'25" West, 113.94 feet; thence South 00°40'46" West, 103.53 feet to the Point of Beginning.

Parcel ID Number: A0847120300

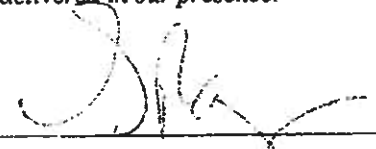
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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, 2020.

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

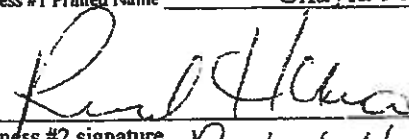
Signed, sealed and delivered in our presence:



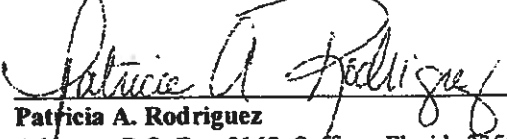
Witness #1 signature
Witness #1 Printed Name Shayla Payson



George M. Rodriguez (Seal)
Address: P.O. Box 2167, Seffner, Florida 33583



Witness #2 signature
Witness #2 Printed Name Rachel Hrenko

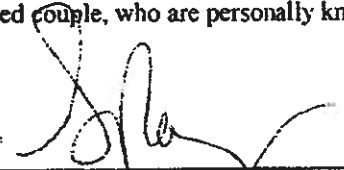


Patricia A. Rodriguez (Seal)
Address: P.O. Box 2167, Seffner, Florida 33583

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this October 19, 2021, by George M. Rodriguez and Patricia A. Rodriguez, a married couple, who are personally known to me or who has produced Driver's License as identification.





Notary Public Signature
Printed Name: Shayla Payson
My Commission Expires: _____

Legal Description of Property

**AMERICAN LAND TITLE ASSOCIATION
COMMITMENT FOR TITLE INSURANCE WITH FLORIDA MODIFICATIONS
SCHEDULE A**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Commence at the Southwest corner of the Northeast 1/4 of the Southwest 1/4 of said Section 6, thence South 89°11' East, along the South boundary of said Section 6, 616.65 feet; thence leaving said line North 00°40'46" East, 243.29 feet to the Point of Beginning and a non-tangent curve; thence 65.13 feet along the arc of said curve to the right, concave East, having a radius of 50.00 feet a central angle of 74°37'52", chord bearing and distance of North 18°16'27" West, 60.62 feet; thence North 19°02'29" East, 109.64 feet to a point of curvature; thence 69.70 feet along the arc of said curve to the right, concave Southeast, having a radius of 50.00 feet, central angle of 79°52'24", chord bearing and distance of North 58°58'41" East, 64.19 feet; thence South 81°54'46" West, 1.43 feet; thence South 37°21'25" West, 113.94 feet; thence South 00°40'46" West, 103.53 feet to the Point of Beginning.

Countersigned by:

Authorized Countersignature

EXHIBIT A

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions.

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File No.: T210753P

FL-008UN American Land Title Association Commitment For Title Insurance with Florida Modifications 8-1-16

AMERICAN
LAND
ASSOCIATION

16 of 29

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: 2714 McIntosh Rd City/State/Zip: Dover, FL 33527 TWN-RN-SEC: 29-21-06
Folio(s): 084712 - 0300 Zoning: Residential Future Land Use: as is Property Size: 7.78 acres

Property Owner Information

Name: Laura Goldhamer Daytime Phone: 845-642-2986
Address: 2714 McIntosh Rd City/State/Zip: Dover, FL, 33527
Email: Sabrina8@optonline.net FAX Number: _____

Applicant Information

Name: Laura Goldhamer Daytime Phone: _____
Address: 2714 McIntosh Rd City/State/Zip: Dover, FL 33527
Email: sabrina8@optonline.net FAX Number: _____

Applicant's Representative (if different than above)

Name: Paul Goldhamer Daytime Phone: 914-980-0685
Address: 2714 McIntosh Rd City / State/Zip: Dover, FL 33527
Email: pgoldhamer@kglaw.com 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.

Laura Goldhamer
Signature of Applicant
Laura Goldhamer
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.

Laura Goldhamer
Signature of Property Owner
Laura Goldhamer
Type or Print Name

Office Use Only

Intake Staff Signature: Clare Odell Intake Date: 05-06-22
Case Number: 22-0890 Public Hearing Date: 07/25/2022
Receipt Number: 157115

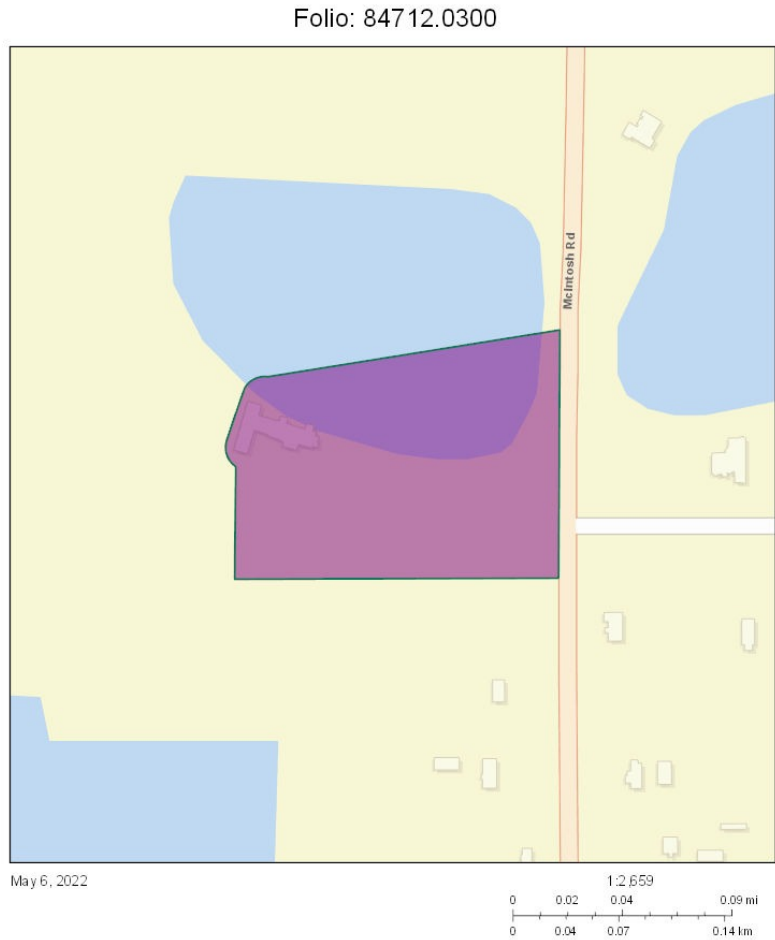
Development Services Department, 601 E Kennedy Blvd. 20th Floor

07/02/2014



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AS-1
Description	Agricultural - Single-Family
Overlay	null
Restr	null
Flood Zone:AE	BFE = 55.3 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0405H
FIRM Panel	12057C0405H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120425C
County Wide Planning Area	East Rural
Census Data	Tract: 012209 Block: 1001
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	3
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: 84712.0300
PIN: U-06-29-21-ZZZ-000003-93090.1
LAURA N GOLDHAMER
Mailing Address:
 2714 MCINTOSH RD
 DOVER, FL 33527-5312
Site Address:
 2714 MCINTOSH RD
 DOVER, FL 33527
SEC-TWN-RNG: 06-29-21
Acreage: 7.78083992
Market Value: \$1,905,644.00
Landuse Code: 0100 SINGLE FAMILY

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