



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0531	
LUHO HEARING DATE: July 31, 2023	CASE REVIEWER: Chris Grandlienard, AICP

REQUEST: The applicant is requesting a height variance for an existing fence on property zoned PD 76-0166.

VARIANCE(S):


Per LDC Section 6.07.02.C.1.f., the maximum average height of any fence shall be six feet, except under certain circumstances that do not apply to this case. The applicant requests a 2-foot increase to the maximum permitted height to allow an 8-foot-high fence along the eastern property boundary.

FINDINGS:

- The subject fence is the subject of a Code Enforcement Case # CE23004572 which has been placed in the case file for this application.

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.

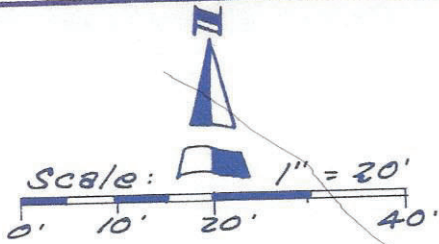
ADMINISTRATOR'S SIGN-OFF
 <small>Colleen Marshall Tue Jul 18 2023 12:57:29</small>
Attachments: Application Site Plan Petitioner's Written Statement Current Deed

BOUNDARY SURVEY

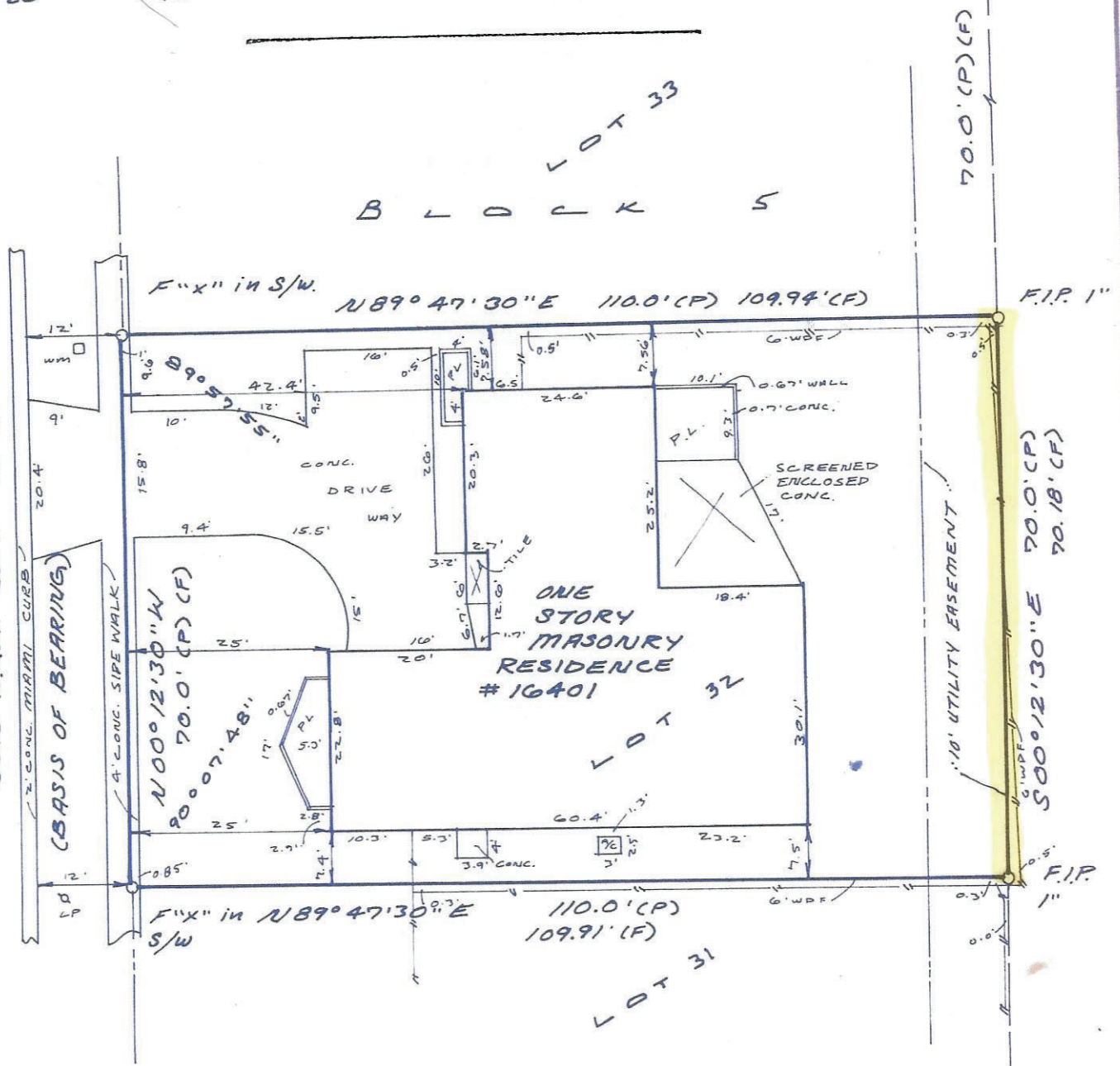
I HEREBY ACKNOWLEDGE ACCEPTANCE AND RECEIPT OF A COPY OF THIS DOCUMENT.

Carl A. Chi

F.C.M. N.E.
COR. Lot 33



OAKMANOR DRIVE
50.0' P.O.W. 20.0' ASPHALT PAVEMENT
2' CONC. MARIOL CURB
(BASIS OF BEARING)



= 8ft fence (east side of the property)
(north and south sides have 6ft fences)

Property Address
16401 Oakmanor Drive
Tampa, FL

Copeland and Sons, Inc. and or certifying surveyor accept no responsibility for right of way, easement restrictions or other matters effecting title to land surveyed other than those recited in current deed and or instruments of record furnished by client and or their agents.

LEGEND	
F	= Found
S	= Set
I.P.	= Iron Pipe
I.R.	= Iron Rod
C.M.	= Concrete Monument
C	= Cap
N & D	= Nail & disk
P.K.N.	= P.K. Nail
R.R.S.	= Railroad Spike
(P)	= Plat Dimension
(F)	= Field Measurement
(D)	= Deed Information
(C)	= Computed Dimension

This is to certify that I have consulted the Federal Insurance Administration Flood Hazard boundary map, Community No. 12012, Panel No. 0185F

NOTE
1. UNDERGROUND ENCROACHMENTS IF ANY NOT LOCATED
2. OCCUPATION OTHER THAN SHOWN NOT MEAS



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.

The applicant is asking for a height variance of our backyard fence from 6 feet to 8 feet due to a significant difference in grade levels/slope between our property and the property behind us. The grade-level of the road and our rear neighbor's property is at least 3 feet higher than the grade-level of our property. This 3-foot grade-level difference did not include the additional height for the slab of our neighbor's house. This inequity creates a substantial hardship on the applicant because the fence height required by Hillsborough County would not afford my family any privacy in the back of our house, as well as causing potential safety concerns leaving our backyard very exposed.

When we moved into our house in 1996 the property behind us was an wooded open parcel of land at the same grade-level as our property. Our house was purchased with a six-foot fence with a back gate and allowed us ample privacy and security.

Then in 2001, development started on this property without notice to us. Myself and other neighbors abutting the property attended zoning meetings to voice our objections, but we were too late as the project had already been approved at that point and the meetings were concerning follow up matters. Shearer Development handled the land development. Truck load after truck load of fill dirt was brought in to raise the level of the entire parcel three feet above the

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

Sec. 6.07.02. - Regulations

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): _____
- 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

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >



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 maximum height of six feet for residential backyard fences presents a unique hardship to my property in that the subdivision directly behind my property was built at a grade level 3-feet higher than my property, and as a result a standard 6-foot fence would offer zero privacy and would place my property in peril.

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 requirements of the LDC requiring a maximum height of six feet for backyard fences deprives me of the privacy rights enjoyed by other homeowners in the same district and area. The grade level difference between my house and the neighborhood behind creates a lack of privacy and noise control, with increased security concerns.

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.

If allowed, the variance will not substantially interfere with or injure the rights of others whose property would be affected in that the heightened fence does not adversely obstruct any views or cause any inconvenience to the neighboring properties. The height of the fence creates harmony and privacy for all involved neighbors. We have taken great care to ensure that the fence was constructed in a workmanlike manner and that it is of sound and sturdy construction. The fence

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 request is in harmony with and serves the general intent and purpose of the LDC and the comprehensive plan for buffering and screening purposes, safety, comfort and welfare of the affected neighbors. Approval of this variance request would promote equity by affording our property, which sits on a lower grade or elevation, with the same rights to safety and privacy that are enjoyed by properties not suffering from the disadvantage of existing in a lower grade of

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 create the higher grade of the property abutting the rear of our property. The grade level difference was created by the developer when they put in the rear subdivision.

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.

Allowance of the variance is in keeping with the intent of the LDC for the purposes of buffering and screening resulting in substantial justice being done. It will also make good on what happened to our older neighborhood when the newer one was built so much higher. The newer community was built directly behind it by filling in terrain not otherwise suitable for construction, resulting in a drastic difference in the grade of elevation between properties and having a

ATTACHMENT B

Project Description (Variance Request) – Page 8 of 11

Response to Question #1:

The applicant is asking for a height variance of our backyard fence from 6 feet to 8 feet due to a significant difference in grade levels/slope between our property and the property behind us. The grade-level of the road and our rear neighbor's property is at least 3 feet higher than the grade-level of our property. This 3-foot grade-level difference did not include the additional height for the slab of our neighbor's house. This inequity creates a substantial hardship on the applicant because the fence height required by Hillsborough County would not afford my family any privacy in the back of our house, as well as causing potential safety concerns leaving our backyard very exposed.

When we moved into our house in 1996 the property behind us was an wooded open parcel of land at the same grade-level as our property. Our house was purchased with a six-foot fence with a back gate and allowed us ample privacy and security.

Then in 2001, development started on this property without notice to us. Myself and other neighbors abutting the property attended zoning meetings to voice our objections, but we were too late as the project had already been approved at that point and the meetings were concerning follow up matters. Shearer Development handled the land development. Truck load after truck load of fill dirt was brought in to raise the level of the entire parcel three feet above the level of ours and our neighbors' properties. The raised land came right to the back of our property effectively leaving our house in a 'hole'. Rainwater from this raised property caused us serious flooding issues on several occasions. The applicant spent numerous hours contacting the county and the developer to stop the flooding of our property, including an emergency call to the local fire department during a heavy rain that saw water pouring into our back porch and almost into our house! Once the road was completed and the houses were built, cars, trucks, garbage trucks, delivery trucks, etc. entering the new subdivision could see directly into the rear of our house and back yard at all hours. Additionally, the headlights from in-coming traffic lit up our backyard and the back of our house at night. The accompanying traffic noise was not buffered by our 6-foot. The increased visibility, light pollution, and noise substantially diminished our privacy and peace.

The slab for the house behind us was poured in 2002/2003 within feet of our back fence. We had construction workers looking directly into our kitchen and family room all day; and the workers took full advantage of this, every day. Being at woman at home with two small children, I found this attention and invasion of privacy VERY difficult to feel safe and secure in MY OWN HOME. Through no fault of our own, the privacy and security we once enjoyed was gone. Once the house was completed, our new back neighbors could also see directly into our porch, kitchen and family room. We would inadvertently make eye contact with our neighbor regularly as they were so close and higher than us, with them waiving to us as we were in our kitchen and family room. This was VERY uncomfortable. In order to maintain our privacy and security, we had to keep our curtains closed 24/7 leaving us unable to enjoy daytime light or our view into our backyard. The solution we came up with was to professionally install a larger eight-foot fence in the backyard in 2004 in order to regain our privacy and a normal home life. We talked with the backyard neighbor about this and they agreed with the idea of a taller fence. This was a big expense as our original six-foot fence was still in usable condition. We erected another 8-foot fence in 2017 to replace the 2004 fence. Our backyard neighbor shared the cost of the second fence. Since the initial installation of the 8-foot fence, we've had zero privacy concerns or safety concerns. Not one single neighbor has complained to us or expressed ANY concern about the height of our fence. We ask that hearing master consider items C.i. and C.j. in the Section 6.07.08 Fence Regulations as justification for our higher fence due to the higher finished grade of our back neighbor's property.

Variance Criteria Responses – Page 9 of 11

Complete Response to Question #3:

If allowed, the variance will not substantially interfere with or injure the rights of others whose property would be affected in that the heightened fence does not adversely obstruct any views or cause any inconvenience to the neighboring properties. The height of the fence creates harmony and privacy for all involved neighbors. We have taken great care to ensure that the fence was constructed in a workmanlike manner, and that it is of sound and sturdy construction. The fence blends well with the surroundings and does not detract from the overall aesthetics of the area. In contrast, a fence less than the height requested by the variance would negatively impact the surrounding properties in that the backyard

of our property and all that is within it, as well as the inside of the house, would inevitably be exposed to their unobstructed view versus looking at a tall well-constructed wood fence.

Response to Question #4:

The variance request is in harmony with and serves the general intent and purpose of the LDC and the comprehensive plan for buffering and screening purposes, safety, comfort and welfare of the affected neighbors. Approval of this variance request would promote equity by affording our property, which sits on a lower grade or elevation, with the same rights to safety and privacy that are enjoyed by properties not suffering from the disadvantage of existing in a lower grade of terrain.

Response to Question #6:

Allowance of the variance is in keeping with the intent of the LDC for the purposes of buffering and screening resulting in substantial justice being done. It will also make good on what happened to our older neighborhood when the newer one was built so much higher. The newer community was built directly behind it by filling in terrain not otherwise suitable for construction, resulting in a drastic difference in the grade of elevation between properties and having a negative impact on the privacy previously enjoyed within the affected property.

Return to: (enclose self-addressed stamped envelope)

WARRANTY DEED
ROWID. TO HOWID.

RANCO FORM 01

Name: C. GRANTEE
Address:

This Instrument Prepared by: M. L. HUBNER
Name: NORTH AMERICAN TITLE CORPORATION
Address: 1301 W. FLETCHER AVE., SUITE A
TAMPA, FL 33612

Property Appraiser's Parcel Identification
Folio Number(s): 15929.0148
Grantee(s) I.S. # (s)

Documentary Tax Pd - F.S. 201.02 \$ 672.00
Documentary Tax Pd - F.S. 201.08 \$ 4
Intangible Tax Pd - F.S. 199 \$ 4
Richard Ake, Clerk Hillsborough County
By: [Signature] Deputy Clerk

REF 230 P 1167

1996 JUL 29 AM 11:59

96185164

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed, Made the 25th day of July, 19 96, by
MICHAEL W. BROOKS AND WIFE, BETTY B. BROOKS

hereinafter called the Grantor, to CAROL A. GROSBIE
whose post office address is 16401 Oakmanor Drive, Tampa, FL 33624
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, wherever the context so admits or requires.)

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 32, Block 5, NORTHDAL - SECTION E, UNIT 1, according to the map or plat thereof as recorded in Plat Book 49, Page 17, of the Public Records of Hillsborough County, Florida.

RICHARD AKE
CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY

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, 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 31, 1995, and easements and restrictions of record. 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:

Witness Signature (as to first Grantor)
[Signature]
Printed Name
DEBORAH ANN PEREZ

Witness Signature (as to first Grantor)
[Signature]
Printed Name
SUZANNE LUCAS

Witness Signature (as to Co-Grantor, if any)
[Signature]
Printed Name
DEBORAH ANN PEREZ

Witness Signature (as to Co-Grantor, if any)
[Signature]
Printed Name
SUZANNE LUCAS

[Signature]
Grantor Signature
MICHAEL W. BROOKS
Printed Name
8406 RIDGEBROOK CIRCLE, ODESSA FL 33556
Post Office Address

[Signature]
Co-Grantor Signature, (if any)
BETTY B. BROOKS
Printed Name
8406 RIDGEBROOK CIRCLE, ODESSA FL
Post Office Address
33556

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

MICHAEL W. BROOKS AND WIFE, BETTY B. BROOKS
known to me to be the person as described in and who executed the foregoing instrument, who acknowledged before me that they executed the same, and an oath was not taken. (Check one: Said person(s) is/are personally known to me. Said person(s) provided the following type of identification: FLORIDA DRIVERS LICENSES

NOTARY RUBBER STAMP SEAL
[Signature]
Printed Name
DEBORAH ANN PEREZ

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared

Witness my hand and official seal in the County and State last aforesaid
this 25th day of July, A.D. 19 96
[Signature]
Notary Signature
Printed Name
DEBORAH ANN PEREZ

Official Design: Scanlock Paper & Printing Co., Inc., 1994

08
30
94

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >



Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR 23-0531

Intake Date: 05/16/2023

Hearing(s) and type: Date: 07/31/2023

Type: LUHO

Receipt Number: 269075

Date:

Type:

Intake Staff Signature: Keshia Rivas

Property Information

Address: 16401 Oakmanor Dr City/State/Zip: Tampa, FL 33624

TWN-RN-SEC: 28-27-18 Folio(s): 15929.0148 Zoning: PD Future Land Use: R-4 Property Size: 0.176594 acre

Property Owner Information

Name: Carol A Crosbie Daytime Phone 813-382-0243

Address: 16401 Oakmanor Dr City/State/Zip: Tampa FL 33624

Email: c.coughlin431@gmail.com (and) hsracer431@gmail.com Fax Number

Applicant Information

Name: Carol A Crosbie Daytime Phone 813-382-0243

Address: 16401 Oakmanor Dr City/State/Zip: Tampa FL 33624

Email: c.coughlin431@gmail.com (and) hsracer431@gmail.com Fax Number

Applicant's Representative (if different than above)

Name: Todd Pressman / Pressman and Assoc Daytime Phone 727-804-1760

Address: 200 2nd Ave, South #451 City/State/Zip: St. Petersburg FL 33701

Email: Todd@Pressmaninc.com Fax Number 888-977-1179

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.

Carol A. Crosbie Digitally signed by Carol A. Crosbie Date: 2023.05.16 11:03:20 -04'00'

Signature of the Applicant

Carol A Crosbie

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)

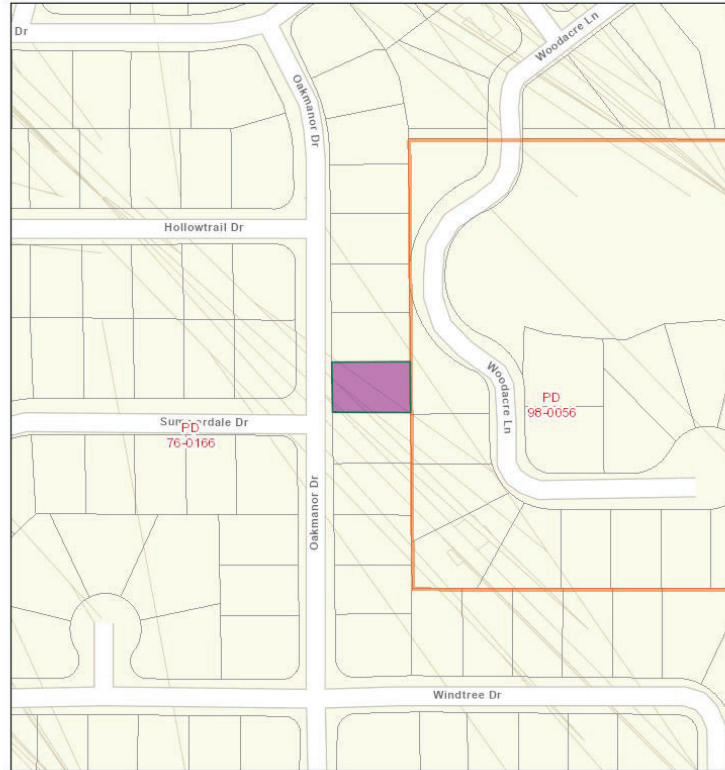
Type or print name



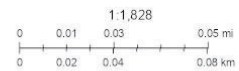
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	76-0166
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0182H
FIRM Panel	12057C0182H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120185F
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Planned Development	PD
Re-zoning	null
Major Modifications	95-0154 DENIED, 17-1330
Personal Appearances	10-0933,10-0140,06-0900, 02-1371,96-0050,90-0115, 87-0043,87-0031,14-0724, 15-0157,16-0293
Census Data	Tract: 011524 Block: 3007
Future Landuse	R-4
Future Landuse	R-4
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 15929.0148



May 16, 2023



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

Hillsborough County Florida

Folio: 15929.0148
PIN: U-28-27-18-00Z-000005-00032.0
Carol A Crosbie
Mailing Address:
 16401 Oakmanor Dr
 null
 Tampa, FL 33624-1234
Site Address:
 16401 Oakmanor Dr
 Tampa, FL 33624
SEC-TWN-RNG: 28-27-18
Acreage: 0.176594
Market Value: \$290,017.00
Landuse Code: 0100 Single Family

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for:

1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.