



**LAND USE HEARING OFFICER VARIANCE REPORT**

<b>APPLICATION NUMBER:</b> VAR 22-1619	
<b>LUHO HEARING DATE:</b> February 27, 2023	<b>CASE REVIEWER:</b> Carla Shelton Knight

**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 December 5, 2022, is to allow for the construction of a screen enclosure 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 the construction of a screen enclosure within the 30-foot wetland conservation area setback. The applicant requests a 15-foot encroachment into the setback to allow for a remaining setback of 15 feet.

**Findings**

- 1) An administrative setback waiver was granted for the construction of a swimming pool within the 30-foot wetland setback under Building Permit HC-BLD-21-0021322. The encroachment of 15’ was approved per the Land Development Code requirements of Section 4.01.07.B.4. This waiver applied to the swimming pool and deck only and did not include a screen enclosure. Screen enclosures are considered to be structures and require a variance.

**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.

**Attachments: Site Plan**

**ADMINISTRATOR'S SIGN-OFF**

A handwritten signature in black ink, appearing to read "C. S. [unclear]". The signature is written in a cursive style with a large initial letter.

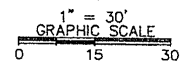
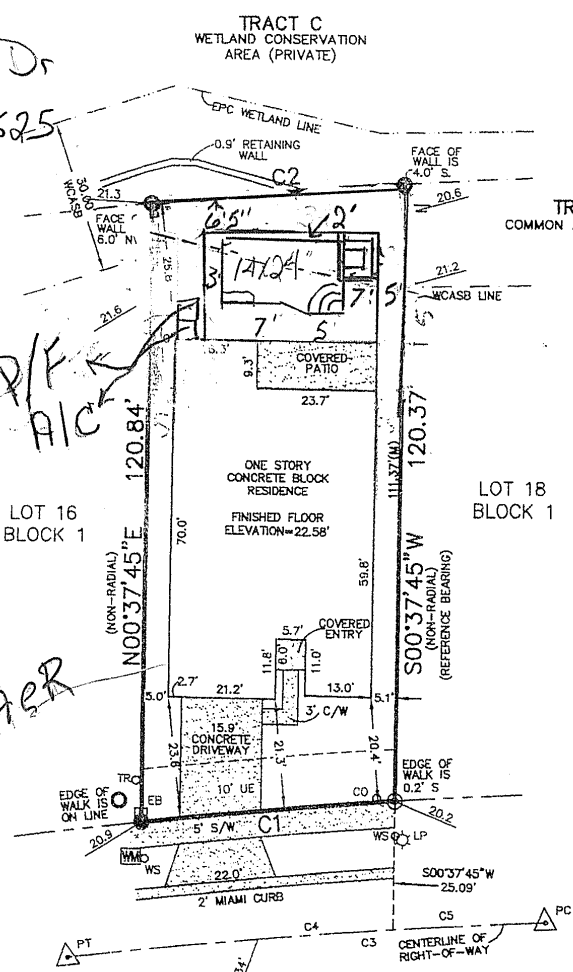
# BOUNDARY & AS-BUILT SURVEY

DESCRIPTION: (AS FURNISHED)

LOT 17, BLOCK 1, CORNERGATE SUBDIVISION PHASE 1  
AS RECORDED IN PLAT BOOK 133, PAGE(S) 11-17,  
OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

HILLSBOROUGH COUNTY  
PLANS REVIEWED FOR CODE COMPLIANCE  
APPROVED  
HC-818-D-21-0021322 11/09/2021  
THIS SET OF PLANS MUST BE KEPT ON THE  
JOB SITE AT ALL TIMES  
IF ANY CHANGES ARE MADE TO THE  
PLANS, THE SURVEYOR MUST BE NOTIFIED  
THE ISSUANCE OF THIS PERMIT SHALL NOT BE HELD  
TO CONVEY STATE OR FEDERAL LAW OR ANY  
OTHER REGULATORY REQUIREMENTS

8321 Praise Dr  
TAMPA, FL 38625



ADDRESS:  
8321 PRAISE DRIVE  
TAMPA, FLORIDA 33625

FOR THE BENEFIT AND  
EXCLUSIVE USE OF:



**NOTES:**

- ALL DIRECTIONS AND DISTANCES HAVE BEEN FIELD VERIFIED, INCONSISTENCIES HAVE BEEN NOTED ON THE SURVEY, IF ANY.
- PROPERTY CORNERS SHOWN HEREON WERE SET/FOUND ON 03-12-20, UNLESS OTHERWISE SHOWN.
- THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED.
- BUILDING TIES SHOWN HEREON ARE NOT TO BE USED TO RECONSTRUCT THE BOUNDARY LINES.
- ELEVATIONS SHOWN HEREON ARE BASED ON HILLSBOROUGH COUNTY BENCHMARK VA-233, ELEVATION 23.52' NAVD 1988 DATUM.

PRAISE DRIVE  
TRACT E  
50' WIDE PRIVATE RIGHT OF WAY

**LEGEND:**

- CENTERLINE
- RIGHT OF WAY LINE
- DRAINAGE FLOW
- EXISTING ELEVATION
- A/C AIR CONDITIONER
- CONCRETE
- CBW CONCRETE BLOCK WALL
- CP CORNER NOT ACCESSIBLE
- CS CONCRETE SLAB
- C/W CONCRETE WALK
- F.E.M.A. FEDERAL EMERGENCY MANAGEMENT AGENCY
- F.I.R.M. FLOOD INSURANCE RATE MAP
- ID IDENTIFICATION
- LB LICENSED BUSINESS
- LS LICENSED SURVEYOR
- D&U/E DRAINAGE & UTILITY EASEMENT
- DE DRAINAGE EASEMENT
- UE UTILITY EASEMENT (PUBLIC)
- NAVD NORTH AMERICAN VERTICAL DATUM
- E.P.C. ENVIRONMENTAL PROTECTION COMMISSION
- W.C.A.S.B. WETLAND CONSERVATION AREA
- SETBACK LINE
- TR TELEPHONE RISER
- EB ELECTRIC BOX
- WM WATER METER
- WS WATER SERVICE

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	50.27'	1225.00'	2°21'04"	S84°43'28"W	50.27'
C2	50.22'	1345.00'	2°08'22"	N85°15'11"E	50.22'
C3	391.57'	1200.00'	18°41'47"	N87°55'54"W	389.84'
C4	64.53'	1200.00'	3°04'53"	S84°15'39"W	64.53'
C5	327.04'	1200.00'	15°36'54"	N86°23'28"W	326.03'

- ⊙ SET NAIL AND DISC
- LB #6393
- FOUND 1/2" IRON ROD AND CAP
- LB #6395
- △ FOUND NAIL AND DISC
- LB #7013
- FOUND 1/2" IRON ROD AND CAP
- LB #7013
- (P) PER PLAT
- (M) MEASURED
- O/S OFFSET
- PC POINT OF CURVATURE
- PCC POINT OF COMPOUND CURVE
- PCP PERMANENT CONTROL POINT
- PI POINT OF INTERSECTION
- PK PARKER KALON
- POC POINT ON CURVE
- POL POINT ON LINE
- PRC POINT OF REVERSE CURVATURE
- PRM PERMANENT REFERENCE MONUMENT
- PSM PROFESSIONAL SURVEYOR AND MAPPER
- PT POINT OF TANGENCY
- SQ. FT. SQUARE FEET
- S/W SIDEWALK
- TYP TYPICAL
- (R) RADIAL
- CO CLEANOUT
- LP LIGHT POLE

**FLOOD NOTE:**  
I HAVE EXAMINED THE F.I.R.M. MAP NO. 1205700187H, DATED AUGUST 28, 2008, AND FOUND THE SUBJECT PROPERTY APPEARS TO LIE IN ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ABOVE INFORMATION. PLEASE CONTACT THE LOCAL F.E.M.A. AGENT FOR VERIFICATION.

**BEARING BASIS:**  
BEARINGS SHOWN HEREON ARE BASED ON THE EASTERLY LINE OF LOT 17 BLOCK 1 BEING S00°37'45"W, PER PLAT.

(FIELD DATE)	11-21-19	REVISED:	
SCALE:	1" = 30 FEET		
APPROVED BY:	J		
JOB NO.	180407 LOT 17, BLOCK 1	FINAL	03-12-20 LAF
DRAWN BY:	RMB	FORMBOARD	12-03-19 CC
		PLDT PLAN	

**AMERICAN SURVEYING & MAPPING INC.**  
CERTIFICATION OF AUTHORIZATION NUMBER LB#6393  
3191 MAGUIRE BOULEVARD, SUITE 200  
ORLANDO, FLORIDA 32803  
(407) 426-7979  
WWW.AMERICANSURVEYINGANDMAPPING.COM

**SURVEYOR NOTES:**  
I HEREBY CERTIFY, THAT THIS SURVEY, SUBJECT TO THE SURVEYOR'S NOTES CONTAINED HEREON MEETS THE APPLICABLE "MINIMUM TECHNICAL STANDARDS" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.



Digitally signed by James W. Boleman  
DN: cn=James W. Boleman, o=American Surveying & Mapping, Inc., ou=HB, email=jboleman@asmcorp.com, c=US  
Date: 2020.03.17 13:56:07 -0400

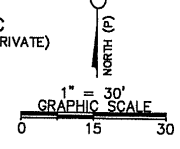
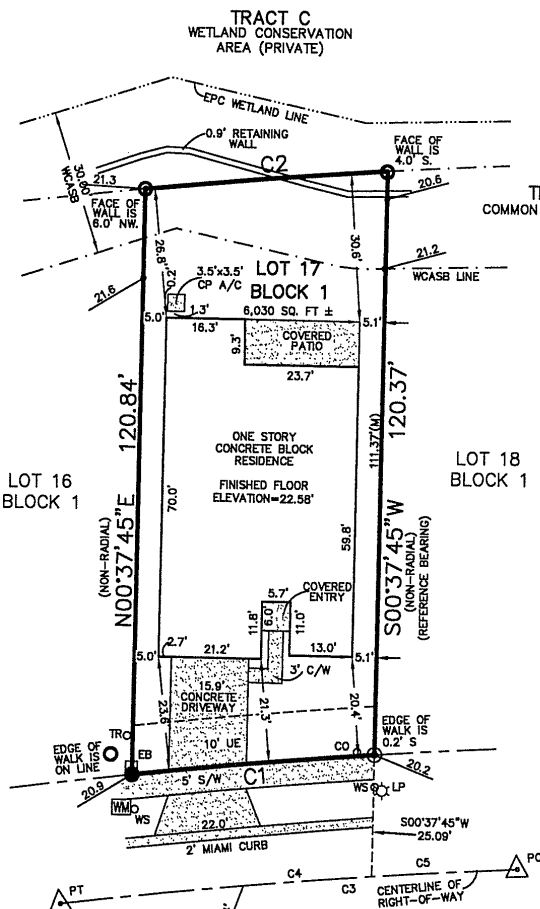
**JAMES W. BOLEMAN PSM# 6485**  
THIS BOUNDARY & AS-BUILT SURVEY IS NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC SIGNATURE AND THE AUTHENTIC ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

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HILLSBOROUGH COUNTY  
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APPROVED  
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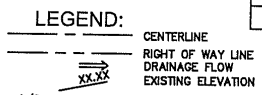
FOR THE BENEFIT AND  
EXCLUSIVE USE OF:

DHI TITLE OF FLORIDA, INC.  
DHI MORTGAGE COMPANY LTD.  
OLD REPUBLIC NATIONAL TITLE  
EMILY JANETH LINARES YUSTIZ  
MARCOS EDUARDO MORIN HERRADECZ

**D-R-HOKTON**  
America's Builder

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DRAWN BY: RMB	FINAL 03-12-20 LAF
	FORMBOARD 12-03-19 CC
	PLOT PLAN -----

CERTIFICATION OF AUTHORIZATION NUMBER LB#6393  
3191 MAGUIRE BOULEVARD, SUITE 200  
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Digitally signed by James W. Boleman  
DHI: cn=James W. Boleman, o=American Surveying & Mapping, Inc. ou=FLA, email=jboleman@asmcorp.com, c=US  
Date: 2020.05.18 14:06:36 -0400

FOR THE FIRM

**JAMES W. BOLEMAN PSM# 6485**  
DATE THIS BOUNDARY & AS-BUILT SURVEY IS NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC SIGNATURE AND THE AUTHENTIC ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

## VARIANCE REQUEST

1. Project Narrative: 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.

WE ARE REQUESTING A VARIANCE OF 15' FOR A SCREEN FOR THE POOL SO THAT OUR BACKYARD WILL BE SAFE FROM POSSIBLE PESTS AND PREDATORS. WE ARE REQUESTING A VARIANCE TO ENCLOSE 15 INTO THE WETLAND SETBACK, POOL HAS BEEN APPROVED AND BEEN COMPLETED.

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

4.01.07.B.

## ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No  Yes \_\_\_\_\_  
If yes, you must submit a copy of the Citation with this Application.
2. 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-21-0021322, (POOL)
3. 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 (Attachment A).
4. Please indicate the existing or proposed utilities for the subject property:  
Public Water  Public Wastewater \_\_\_\_\_ Private Well \_\_\_\_\_ Septic Tank \_\_\_\_\_
5. Is the variance to allow a third lot on well and/or septic 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 Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing (form may be obtained from 19<sup>th</sup> floor County Center).

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## 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?

WE HAVE A SWIMMING POOL IN OUR BACKYARD BUT NO SCREEN STRUCTURE. WE WOULD LIKE TO REQUEST PERMISSION TO BUILD THIS TO KEEP ANIMALS FROM MAKING OUR POOL THEIR HOME WE HAVE 2 CHILDREN AND DON'T WANT ANYONE GETTING HURT

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.

OUR NEIGHBOURS HAVE A SCREENED IN POOL AND WE BELIVE WE SHOULD HAVE ON ASWELL TO PROTECT OURSELVES

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.

OUR BACKYARD IS ALREADY FENCED IN AND THE PROPOSED SCREEN WOULD NOT EXCEED SAID FENCE IT REALISTICALLY WILL NOT HARM OR INTERFERE WITH OTHERS.

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).

ITS IN HARMONY BECAUSE OUR PURPOSE AND INTENT ARE SOUND AND IT WOULDN'T INHERENTLY HARM ANYBODY

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 JUST WANT THE SCREEN TO PROTECT OUR HOUSE, POOL, AND CHILDREN.

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.

ALLOWING THE VARIANCE WILL SUBSTANTIALLY HELP MY FAMILY AND POSSIBLE NEIGHBORS, TOO IF NOT GRANTED WE WOULD SUFFER FROM FROGS, MOSQUITOES AND POSSIBLE GATORS.

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Prepared By and Return To:  
Stacee Diehl  
D/F/H Title of Florida, Inc.  
12620 Telecom Drive  
Temple Terrace, FL 33637  
Order No.: 125-202101090  
Property Appraiser's Parcel I.D. (folio) Number:  
004016-0484  
Sales Price: \$389,990.00  
Documentary Stamps: \$ 2,730.00

**SPECIAL CORPORATE WARRANTY DEED**

THIS SPECIAL CORPORATE WARRANTY DEED is made this 29th day of May, 2020 by D.R. Horton, Inc., a Delaware corporation, hereinafter called Grantor, and whose address is 12602 Telecom Drive, Suite 100, Temple Terrace, FL 33637, to Emily Janeth Linares and Marcos Eduardo Morin, wife and husband, hereinafter called Grantee and whose address is 8321 Praise Drive, Tampa, FL 33625.

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

**WITNESSETH:**

THAT the Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other valuable considerations, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to said Grantee, the following described land situated, lying and being in County of Hillsborough, State of Florida, to wit:

Lot 17, Block 1, CORNERGATE SUBDIVISION PHASE 1, according to the plat as recorded in Plat Book 133, Pages 11 through 17, of the Public Records of Hillsborough County, Florida.

SUBJECT TO Covenants, Conditions, Restrictions, Reservations, Limitations, Easements and Agreements of Record, if any.

SUBJECT TO taxes accruing subsequent to December 31, 2019.

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

AND the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims arising by and through or under the Grantor.

TO HAVE AND TO HOLD the same in Fee Simple forever.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed in its name by its duly authorized officer(s) and caused its corporate seal to be hereto affixed the day and year first above written.

Signed, sealed and delivered in presence of:

Adriana Caraballo  
Witness Signature

Adriana Caraballo  
Printed Name of First Witness

Stacee Diehl  
Witness Signature

Stacee Diehl  
Printed Name of Second Witness

D.R. Horton, Inc. a Delaware Corporation by:

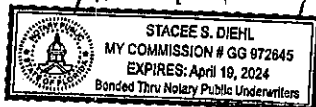
Michelle M. Maples  
Michelle M Maples, Assistant Secretary

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 29th day of May, 2020, by Michelle M Maples, Assistant Secretary of D. R. Horton on behalf of the corporation, with whom I am personally acquainted (or provided to me on the basis of satisfactory evidence), and who acknowledged that he/she executed the within instrument for purposes therein contained

Stacee Diehl  
Notary Public  
My Commission Expires: April 19, 2024



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 24th DAY OF October, 2022

Pat Frank  
Hillsborough County, State of Florida  
Clerk of the Circuit Court and Comptroller  
Print: Pat Frank As Deputy Clerk



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# 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: 8321 Praise Dr City/State/Zip: TAMPA FL 33625 TWN-RN-SEC: \_\_\_\_\_  
Folio(s): 004016-0484 Zoning: \_\_\_\_\_ Future Land Use: \_\_\_\_\_ Property Size: \_\_\_\_\_

### Property Owner Information

Name: Emily Janeth Linares Yustiz Daytime Phone: 7863288393  
Address: 8321 Praise Dr City/State/Zip: TAMPA FL 33625  
Email: emilinares6@gmail.com FAX Number: \_\_\_\_\_

### Applicant Information

Name: Emily Janeth Linares Yustiz Daytime Phone: 7863288393  
Address: 8321 Praise Dr City/State/Zip: Tampa FL 33625  
Email: emi.linares@hotmail.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.

Signature of Applicant

Emily Linares MARCOS MORIN  
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.

Signature of Property Owner

Emily Linares MARCOS MORIN  
Type or Print Name

### Office Use Only

Intake Staff Signature: Clare Odell Intake Date: 11/07/2022  
Case Number: 22-1619 Public Hearing Date: 01/23/2023  
Receipt Number: 215071

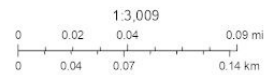


# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-9
Description	Residential - Single-Family Conventional
RZ	15-0332
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0187H
FIRM Panel	12057C0187H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	X500
Pre 2008 Firm Panel	1201120190D
County Wide Planning Area	Northwest Hillsborough
Community Base Planning Area	Northwest Hillsborough
Census Data	Tract: 011412 Block: 2010
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



November 7, 2022



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

Hillsborough County Florida

**Folio:** 4016.0484  
**PIN:** U-14-28-17-B3S-000001-00017.0  
**EMILY JANETH LINARES AND MARCOS EDUARDO MORIN**  
**Mailing Address:**  
 8321 PRAISE DR  
 TAMPA, FL 33625-3711  
**Site Address:**  
 8321 PRAISE DR  
 TAMPA, FL 33625  
**SEC-TWN-RNG:** 14-28-17  
**Acreage:** 0.138437  
**Market Value:** \$422,866.00  
**Landuse Code:** 0100 SINGLE FAMILY

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