



Hillsborough County Florida

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0752	
LUHO HEARING DATE: August 28, 2023	CASE REVIEWER: Isis Brown

REQUEST: The applicant is requesting variances to memorialize use of an existing easement for access to two lots zoned ASC-1.

VARIANCE(S):

Per LDC Section 6.02.01.B.5.c.2, a minimum easement width of 30 feet is required to serve two or three dwelling units. The applicant requests a 10-foot variance to the required easement width to allow for an easement width of 20 feet to serve two or three dwelling units.

FINDINGS:

- Folio 81933.0100 was created from the parent parcel April 25, 1989, per OR Book 5690, Page 670. The subject easement has existed since June 12, 1992, per OR Book 6682, Page 1798, predating the LDC requirement for access easements to be platted (LDC Sec. 6.02.01.A), which became effective March 10, 1994.

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

Colleen Marshall
Mon Aug 14 2023 13:24:41

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





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 subject property is identified by Hillsborough County Folio number 81933.0000, which is owned by Steve and Sonya Smith. The Smiths have resided on the subject property since 1994 and have historically access their property utilizing a driveway located within a 20-foot wide easement the connects folio 81933.0000 to Thonotossassa Road through the property identified by folio 81933-0100.

The existing driveway and access easement provide access to two properties, 81933.0000 and 81933.0100. LDC Section 6.02.01.B.5.c requires the access easement to be 30-feet wide. This application is seeking relief from 6.02.01.B.5.c to allow the existing 20-wide access to serve the subject properties.

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

LDC Section 6.02.01.B.5.c

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

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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 alleged hardship or practical difficulty is unique to the subject property that is situated without a direct connection to the Thonotosassa Road public right of way and utilizes an access easement to connect to the public roadway.

- 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 would deprive the property owner of their rights commonly enjoyed by other properties by denying access to the subject property.

- 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 variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance because the purpose of the variance is to bring an existing non-conforming access easement into conformance with the LDC. Approval of this variance will not result in any change from the existing circumstances.

- 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 is in harmony with and serves the general intent of the LDC and the Comp Plan by demonstrating respect for the rights of property owners, and consideration of the interests of the citizens of Hillsborough County. Approval of the variance contributes to the maintenance of a rural lifestyle without the expectation of future urbanization by allowing the existing access to remain.

- 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.**

A review of the property records identifies William & Floye May Ziglar as the original owners of the properties identified by folios 81933.0000 and 81933.0100. The current configuration of the properties appears to be the result of metes and bounds conveyance of the properties prior to its acquisition by the current property owners.

- 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 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 the variance by bringing the existing, historical access to folio 81933.0000 into compliance with the LDC.

OFF. REC. 7332PC1801

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H

Return to:

Name: **TRINKLE, REDMAN, MOODY, SWANSON & BYRD, P.A.**
Address: **POST OFFICE BOX TT
PLANT CITY, FL 33564-9040**

This Instrument Prepared by: **THIS INSTRUMENT WAS PREPARED BY:
JAMES L. REDMAN, Attorney at Law
P.O. DRAWER TT, PLANT CITY, FLA. 33564**

Property Appraisers Folio Number(s):
81933.0000
Grantee(s) S.S. #(s):

RICHARD AKE
CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY

Documentary Tax Pd - F.S. 201.02 \$ 1023.75
Documentary Tax Pd - F.S. 201.08 \$ 8
Intangible Tax Pd - F.S. 189 \$ 8
Richard Ake, Clerk Hillsborough County
By: [Signature] Deputy Clerk

WARRANTY DEED

THIS INDENTURE, Made this 21st day of March 19 94, by and between
WILLIAM TERRY ZIGLAR and wife, FLOYE MAE ZIGLAR,
of the County of Hillsborough in the State of Florida parties of the first part, and
STEVEN E. SMITH and wife, SONYA K. SMITH,
whose post office address is: 4208 W. Thonotosassa Road, Plant City, FL 33565
of the County of Hillsborough in the State of Florida
parties of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of
-----Ten and no/100----- Dollars,
and other valuable considerations, lawful money of the United States of America, to them in hand paid by
the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold
and conveyed to the said parties of the second part, their heirs and assigns forever, all of the
following described land in Hillsborough County, Florida, to-wit:

see attached Schedule A hereto for legal description and by
this reference made a part hereof.

TOGETHER WITH stove, refrigerator, drapes (except master bedroom)
contents of barn, except 1 metal table.
Subject to 1994 real estate taxes and easements of record.

TO HAVE AND TO HOLD the above described premises, with the appurtenances, unto the said parties of the second part,
their heirs and assigns, in fee simple forever.

And the said parties of the first part do hereby covenant with the said part of the second part that said described
property is free from all liens and encumbrances

And the said parties of the first part do 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 parties of the first part have executed this deed under seal on the date aforesaid.
Signed, sealed and delivered in the presence of:

Witness Signature (as to all parties)
[Signature]
JAMES L. REDMAN

Printed Name
[Signature]
Witness Signature (as to first Grantor) all parties
[Signature]
Edith Branning

Witness Signature (as to second Grantor, if any)
Printed Name

Witness Signature (as to second Grantor, if any)
Printed Name

[Signature] (Seal)
Grantor Signature
William Terry Ziglar
Printed Name
4208 W Thonotosassa Road
Plant City, FL 33565
Post Office Address

[Signature] (Seal)
Grantor Signature
Floye Mae Ziglar
Printed Name
4208 W. Thonotosassa Road
Post Office Address
Plant City, FL 33565

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 21 day of March,
19 94, by WILLIAM TERRY ZIGLAR and wife/ FLOYE MAE ZIGLAR,
who is (or are) personally known to me or who has
produced _____ as identification and who did (did not) take an oath.

[Signature]
Notary Signature
JAMES L. REDMAN JAMES L. REDMAN
Printed Notary Name

My commission expires: 11-12-94 23-075

998 MAR 2: AM 7:42
94074197

OFF: 7332P61802
REC: 7332P61802

SCHEDULE A

Commence at the Northwest corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24, Township 28 South, Range 21 East, Hillsborough County, Florida and run S 89°59'58" E on the North boundary of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 24, 615.00 feet to the Point of Beginning; thence continue S 89°59'58" E 216.51 feet to a Point 489.00 feet West of the Northeast corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 24; thence S 00°00'03" E parallel the East boundary of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 24, 373.65 feet; thence N 89°59'58" W 198.47 feet; thence N 00°17'57" E. 11.00 feet; thence N 89°59'58" W 20.00 feet; thence N 00°17'57" E. 362.65 feet to the Point of Beginning.

TOGETHER WITH a 20 foot side Ingress/Egress easement described as follows: The West 20 feet of the East 509 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24, Township 28 South, Range 21 East lying North of the North Right-of-Way boundary of the (Plant City)-Thonotosassa Road LESS the North 373.65 feet thereof.



Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR 23-0752 Intake Date: 07/03/2023
Hearing(s) and type: Date: 08/28/2023 Type: LUHO Receipt Number: 282924
Date: Type: Intake Staff Signature: Keshia Rivas

Property Information

Address: 4208 Thonotosassa Rd City/State/Zip: Plant City, FL 33565
81933.0000
TWN-RN-SEC: 24-28-21 Folio(s): 81933.0050 Zoning: ASC-1 Future Land Use: R-2 Property Size: 2.9 AC

Property Owner Information

Name: STEVE & SONYA SMITH Daytime Phone
Address: 4208 THONOTOSASSA RD City/State/Zip: PLANT CITY, FL 33565
Email: benchrack@aol.com Fax Number

Applicant Information

Name: DAVID WRIGHT / TSP COMPANIES, INC. Daytime Phone 813-230-7473
Address: PO BOX 273417 City/State/Zip: TAMPA, FL 33688
Email: david@tspco.net 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.

David Wright Digitally signed by David Wright Date: 2023.06.29 14:18:06 -04'00'
Signature of the Applicant

DAVID WRIGHT
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)

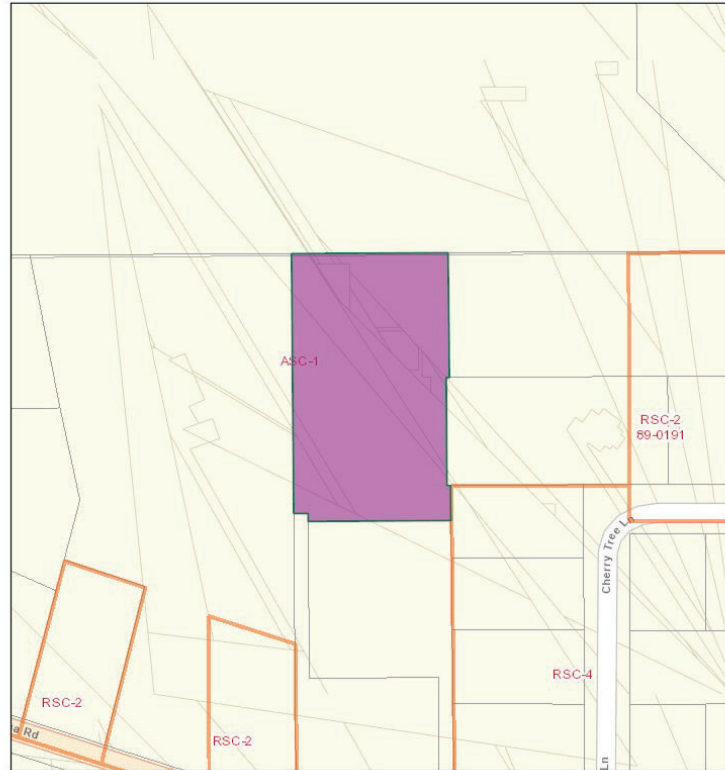
STEVE SMITH SONYA SMITH
Type or print name



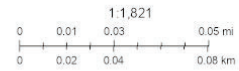
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0266H
FIRM Panel	12057C0266H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120270D
County Wide Planning Area	East Rural
Census Data	Tract: 010106 Block: 4017
Future Landuse	R-2
Future Landuse	R-2
Future Landuse	R-2
Mobility Assessment District	Rural
Mobility Benefit District	3
Fire Impact Fee	Northeast
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 3
Wind Borne Debris Area	Outside 140 MPH Area
Aviation Authority Height Restrictions	290' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 81933.0000



July 3, 2023



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

Hillsborough County Florida

Folio: 81933.0000
PIN: U-24-28-21-ZZZ-000003-69380.0
 Steven E And Sonya K Smith

Mailing Address:

4208 Thonotosassa Rd
 null
 Plant City, FL 33565-5920

Site Address:

4208 Thonotosassa Rd
 Plant City, FL 33565
SEC-TWN-RNG: 24-28-21

Acreage: 1.84799004**Market Value: \$641,139.00****Landuse Code: 0100 Single Family**

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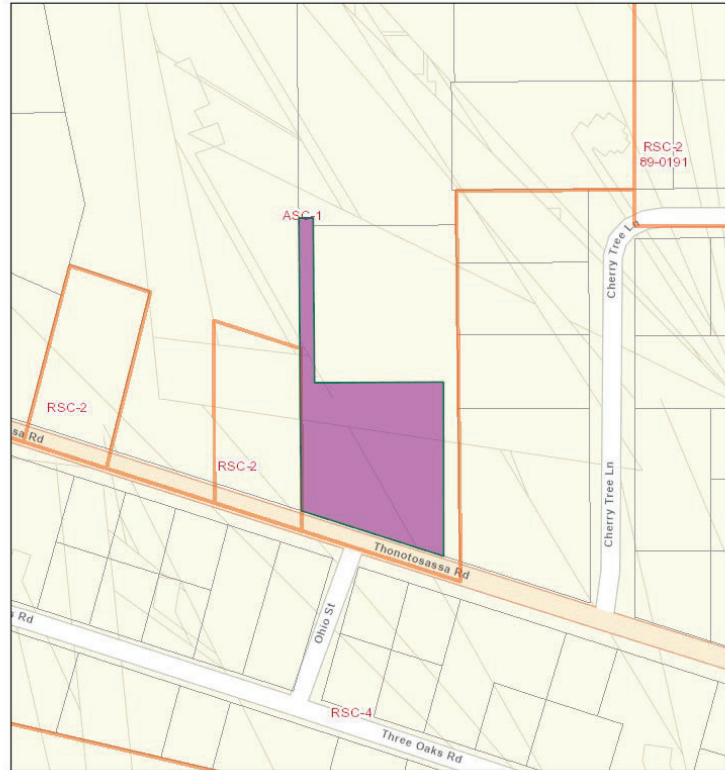
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2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.



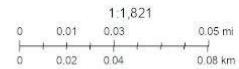
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ROW/Transportation Impact Fee	ZONE 3
Wind Borne Debris Area	Outside 140 MPH Area
Aviation Authority Height Restrictions	270' AMSL
Aviation Authority Height Restrictions	290' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 81933.0050



July 3, 2023



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Hillsborough County Florida

Folio: 81933.0050
PIN: U-24-28-21-ZZZ-000003-69390.0
Steve E And Sonya K Smith
Mailing Address:
 4208 Thonotosassa Rd
 null
 Plant City, FL 33565-5920
Site Address:
 0
 Plant City, FL 33565
SEC-TWN-RNG: 24-28-21
Acreage: 1.06489003
Market Value: \$50,880.00
Landuse Code: 0000 Vacant Resident

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