



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0530	
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:

- During staff review, it was discovered that the existing home does not meet the 7.5-foot side yard setback required by the PD zoning. The applicant advised staff that they did not wish to add the side yard setback to the variance application.
- The subject fence is the subject of a Code Enforcement Case # CE23004571 which has been placed in the case file for this application.

DISCLAIMER:

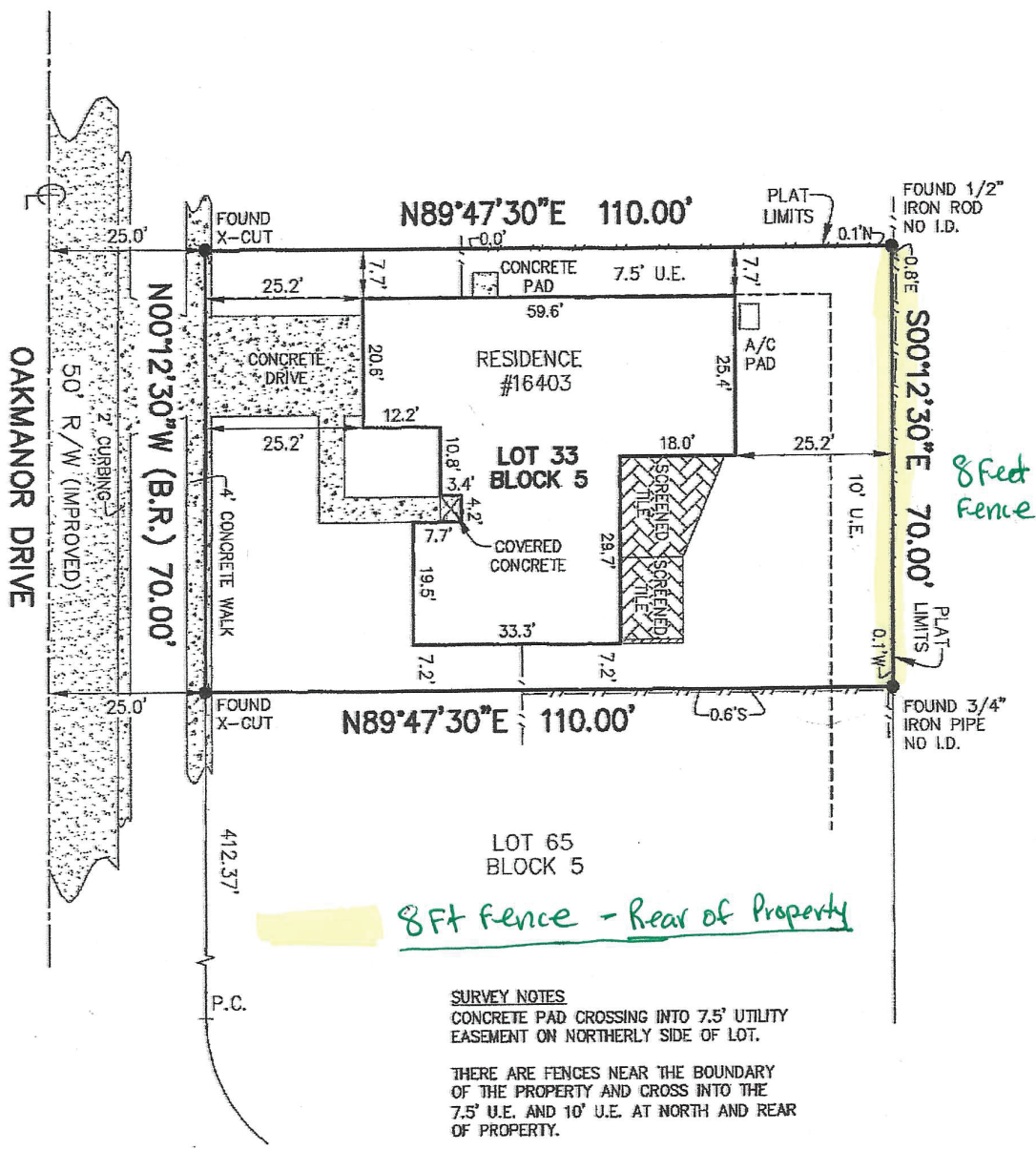
The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

ADMINISTRATOR'S SIGN-OFF

Colleen Marshall
Tue Jul 18 2023 13:30:22

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

1" = 25'



8 Feet Fence

8 Ft Fence - Rear of Property

SURVEY NOTES
 CONCRETE PAD CROSSING INTO 7.5' UTILITY EASEMENT ON NORTHERLY SIDE OF LOT.

THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY AND CROSS INTO THE 7.5' U.E. AND 10' U.E. AT NORTH AND REAR OF PROPERTY.

PAGE 2 OF 2 PAGES

BOUNDARY SURVEY

LB #7893

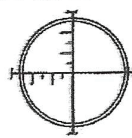


SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED) *Clyde O. McNeal*
 Clyde O. McNeal
 CLYDE O. McNEAL, PROFESSIONAL SURVEYOR AND MAPPER #2883

Digitally signed by Clyde O. McNeal
 DN: OU = Clyde O. McNeal, C = US, O = Target Surveying, OU = West Palm Beach
 Date: 2016.01.19 16:56:03 -0500



TARGET SURVEYING, LLC

SERVING ALL FLORIDA COUNTIES

6250 N. MILITARY TRAIL, SUITE 102
 WEST PALM BEACH, FL 33407
 PHONE (561) 640-4800
 FACSIMILE (561) 640-0576
 STATEWIDE PHONE (800) 226-4807
 STATEWIDE FACSIMILE (800) 741-0576



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 backyard fence from 6 feet to 8 feet due to significant different in grade levels of terrain between properties. The property owned by applicant sits at a grade 3 to 4 feet lower than property at the other site of the fence (SEE ATTACHED PHOTO). As a result, it will only give us a 2-3 feet fence and therefore creating a significant hardship on the applicant because a fence of the height required by the LDC would not afford the property and its occupants any privacy and would also potentially place their safety in peril.

Furthermore, the applicant is a single mother with a daughter, Carmen Bee who is mentally and physically disabled. My daughter, Carmen has complex medical and complex behavior and also a stroke victims- 4 strokes in total. The main reason I purchased this home is to provide a peaceful environment for my daughter to improved her quality of life in all areas. With 8 feet fence in the backyard, it provides an environment for my daughter to be able to received therapy for Physical, Occupational, Speech and Behavior therapy. My daughter received services thru the Agency for Persons with Disabilities (APD), Florida Statute 65G. The main purpose of APD services is to help Carmen integrated in the community to avoid being institutionalized. The

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

Hillsborough County Land Development Code Section 6.07.02

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 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 approximately 3-4 feet higher than my property. As a result, a standard six feet fence would offer zero privacy and would only provide 2-3 feet of fence which would place my property and my family in peril.
(SEE ATTACHED PHOTO)

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 in that while others significant privacy, it would deny my property any privacy and noises due to the grade level difference between my property and the properties directly behind it. It would only provide 2-3 feet fence while others enjoy six feet fence due to the grade level

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 by allowance of the variance in that the heightened fence does not obstruct any view or cause any inconvenience to the neighboring properties. I have taken great care to ensure that the fence workmanship is of high quality and it is sound and sturdy construction. The fence blended well with surroundings and does not detract from the overall

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 services the general intent and purpose of the LDC and the comprehensive plan, in that its approval would promote equity by affording the property, which sits on a lower grade or elevation of at least 3-4 feet, with the same rights to safety, privacy and noise control that are enjoyed by properties not suffering from the disadvantage of existing in a lower grade of terrain. (NOTE: SECTION 6.07.02 - c i)

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 current fence was built to create harmony with our backyard neighbor and neighborhood by preserving everyone's right to privacy and noise control.

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, in that it will result in substantial justice being done and will prevent significant hardship because it would rectify a wrong that was done to the property when a newer community was built directly behind it by filling in terrain not otherwise suitable for construction, resulting in a drastic difference (about 3-4 feet) in the grade of elevation between properties and having a negative impact on the property within

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Prepared by and Return to:
Dependable Title Services of Florida, Inc.
Darci Thompson
4865 N. Wickham Road, Suite 103
Melbourne, Florida 32940
Our File Number: 15-2926
Property Appraiser Parcel ID Number:
U-28-27-18-00Z-000005-00033.0

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 15th day of January, 2016, between **Christiana Trust, a Division of Wilmington Savings Fund Society, FSB, as Trustee for Stanwich Mortgage Loan Trust, Series 2013-2**, whose mailing address is: 9990 Richmond Avenue South # 400, Houston, Texas 77042, hereinafter called the Grantor, and **Zoharah Bee Peters, a single person**, whose mailing address is: 16382 Northdale Oaks Dr., Tampa, Florida 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, partnerships (including joint ventures), public bodies and quasi-public bodies.)

WITNESSETH: That said Grantor, for and in consideration of the sum of \$202,000.00 DOLLARS and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, his/her/their heirs and assigns, the following described property, to wit:

Lot 33, Block 5, Northdale Section E Unit 1, according to plat thereof as recorded in Plat Book 49, Pages 17-1 and 17-2, of the Public Records of Hillsborough County, Florida.

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, easements and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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 the Grantee, that 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 claiming by, through or under the Grantor.

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

Signed, sealed and delivered in the presence of:

Christiana Trust, a Division of Wilmington Savings Fund Society, FSB, as Trustee for Stanwich Mortgage Loan Trust, Series 2013-2
By: Selene Finance LP, a Delaware Limited Partnership, Its Attorney-in-Fact

[Signature]
Witness signature **Connie Baker**

Print witness name
[Signature]
Witness signature **Janice Ledet**
Print witness name

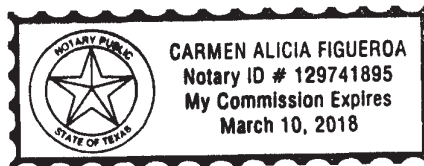
By: [Signature]
Print Name: **Dan Shimmin**
Title: **Senior Vice President**

State of Texas
County of Harris

THE FOREGOING INSTRUMENT was acknowledged before me this 15 day of January, 2016 by Dan Shimmin, as Senior Vice President of Selene Finance LP, a Delaware Limited Partnership, on behalf of said entity, who is personally known to me or who has produced _____ as identification.

[Signature]
Notary Public
Carmen Alicia Figueroa
Print Notary Name

My Commission Expires: 3-10-2018



Notary Seal

Received

05-16-23



Property/Applicant/Owner Information Form

Official Use Only		
Application No: <u>VAR 23-0530</u>	Intake Date: <u>05/16/2023</u>	
Hearing(s) and type: Date: <u>07/31/2023</u>	Type: <u>LUHO</u>	Receipt Number: <u>269117</u>
Date: _____	Type: _____	Intake Staff Signature: <u>Koshia Rivas</u>

Property Information

Address: 16403 Oakmanor Dr. City/State/Zip: Tampa, FL 33624

TWN-RN-SEC: 28-27-18 Folio(s): 15929.0150 Zoning: PD Future Land Use: R-4 Property Size: 017431
76-0166

Property Owner Information

Name: Zoharah Bee Peters Daytime Phone: 813-610-0234

Address: 16403 Oakmanor Drive City/State/Zip: Tampa, FL 33624

Email: Zobpeters@msn.com Fax Number: _____

Applicant Information

Name: Zoharah Bee Peters Daytime Phone: 813-610-0234

Address: 16403 Oakmanor Drive City/State/Zip: Tampa, FL 33624

Email: Zobpeters@msn.com Fax Number: _____

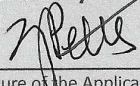
Applicant's Representative (if different than above)

Name: Todd Pressman, Pressman and Assoc, Inc. Daytime Phone: 727-804-1760

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

Email: Todd@pressmaninc.com Fax Number: 1-800-977-1179

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.



 Signature of the Applicant
Zoharah Bee Peters

 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)

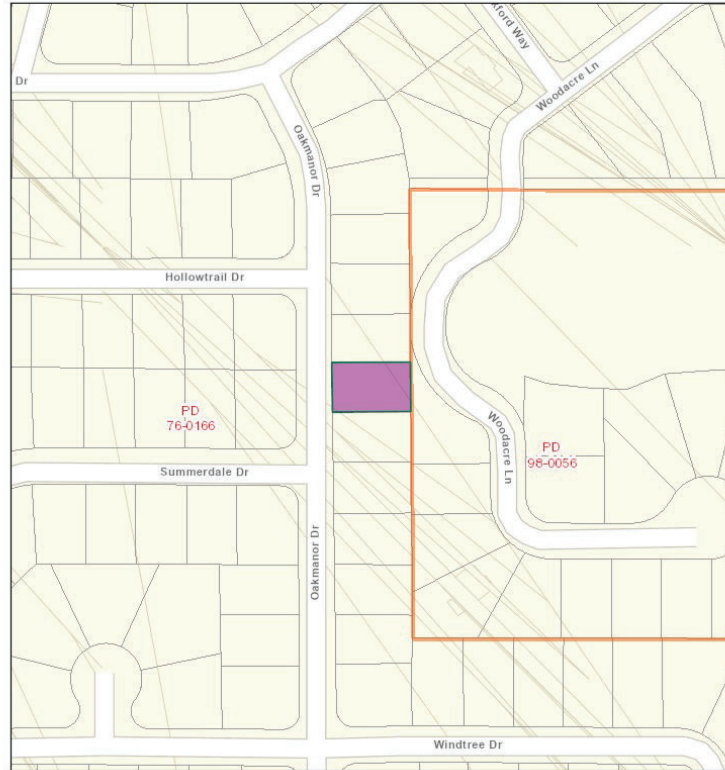
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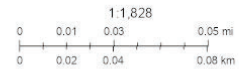
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

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: 15929.0150



May 16, 2023



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

Hillsborough County Florida

Folio: 15929.0150
PIN: U-28-27-18-00Z-000005-00033.0
Zoharah Bee Peters
Mailing Address:
 16403 Oakmanor Dr
 null
 Tampa, Fl 33624-1234
Site Address:
 16403 Oakmanor Dr
 Tampa, Fl 33624
SEC-TWN-RNG: 28-27-18
Acreage: 0.17431
Market Value: \$301,414.00
Landuse Code: 0100 Single Family

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