



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-1632	
LUHO HEARING DATE: January 23, 2023	CASE REVIEWER: Chris Grandlienard, AICP

REQUEST: The applicant is requesting a front setback variance to accommodate a proposed attached pool and screen enclosure without a solid roof on a corner lot zoned RSC-6.

VARIANCE(S):

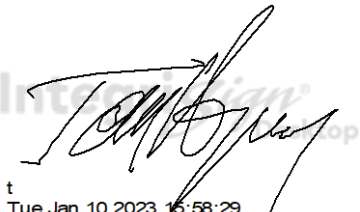
Per LDC Section 6.11.94.B.1, a swimming pool enclosed by a screen-meshed structure without a solid roof that is attached to the primary building may not intrude into required front yard setbacks, except under certain circumstances that do not apply to this case. Per LDC Section 6.01.01, a minimum front yard setback of 25 feet is required in the RSC-6 district. The subject parcel is a corner lot with required front yards on the south and east sides. The applicant requests a 20-foot reduction to the required front yard setback to allow a setback of 5 feet from the east property line along Crenslar Avenue, which functions as a side yard.

FINDINGS:

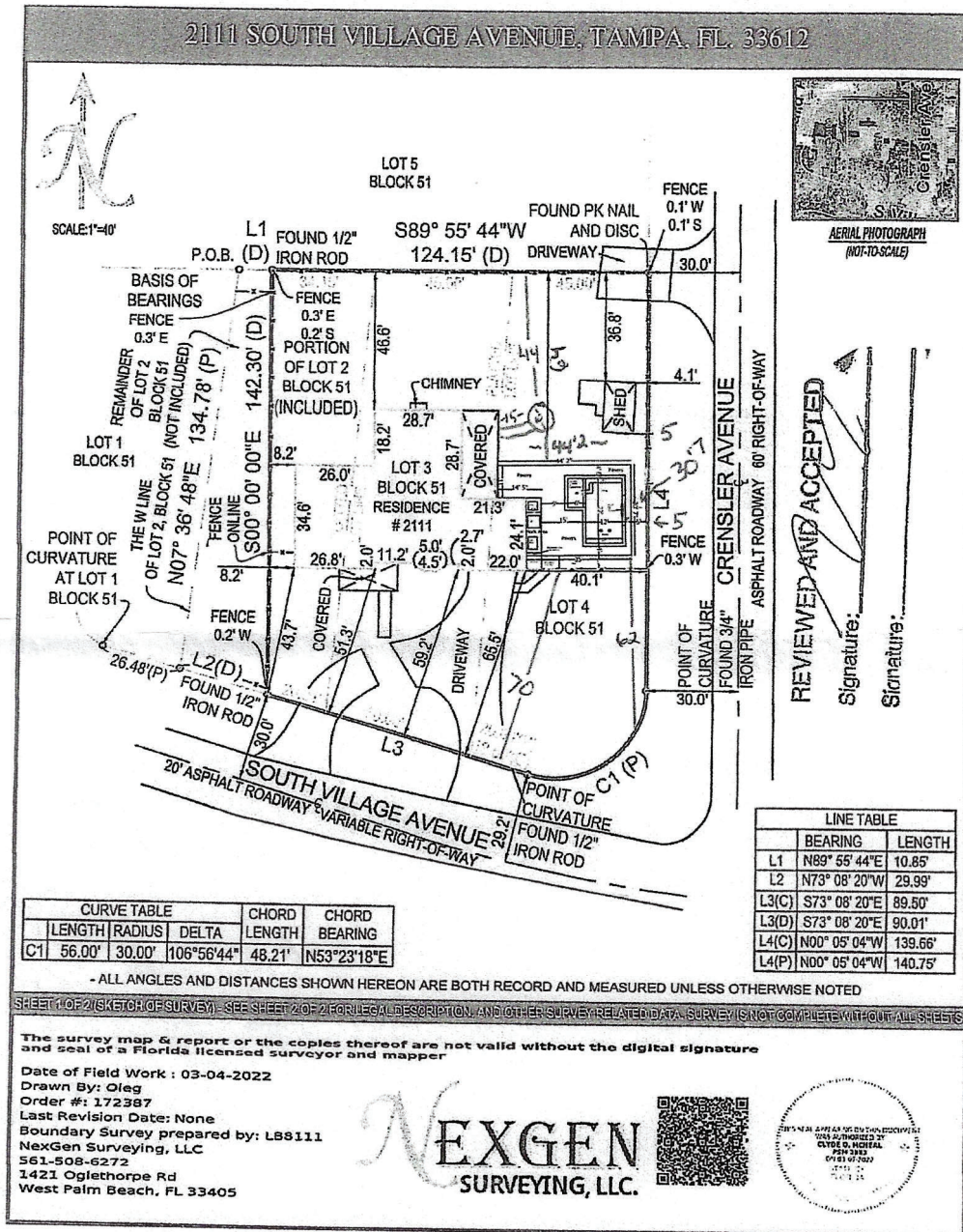
- Per LDC Section 6.01.06, a minimum lot size of one-half acre of upland is required for use of a septic system. The subject property is served by a septic system and 0.41 acres in size, approximately. Therefore, it is nonconforming. However, it has been certified as a Legal Nonconforming Lot per NCL 22-1722 that has been placed in the case record.

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>t</small> <small>Tue Jan 10 2023 16:58:29</small>
Attachments: Application Site Plan Petitioner's Written Statement Current Deed

Proposed Pool and Deck



Barriers:

1. Screen enclosure around the deck with safety code approved doors
2. Pool Safety Alarms

Trees:

No trees, trees within an environmentally Sensitive area, or any tree 12" or greater in trunk Diameter 4.5' above the ground surface Have been removed.



Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR 22-1632 Applicant's Name: Jason Brust

Reviewing Planner's Name: Chris Grandlienard Date: 12/13/22

Application Type:

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

Current Hearing Date (if applicable): 1/23/23

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.

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@hcflgov.net

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

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.

Signature

12/13/22

Date

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In-Take Completed by: _____

Application Number: _____

VARIANCE REQUEST

- 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.

20 foot reduction of the front setback to allow a setback of 5 feet.

All screen roof pool enclosure and pool deck attached to house.

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

Sec. 6.11.94.B.1

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 (Attachment A).
- 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 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 19th 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?

This home on corner lot is facing south village. The septic tank is in rear of home, pool is built to the side of house off porch + garage. The neighbors home faces west on corner lot is situated that if project were on this home no issue would arise

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.

If not approved I could have a pool but no screen for protection from bugs and debris in pool

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.

Case is still 62' back from main Road in neighborhood and is behind a 6' tall privacy 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).

It will provide protection for pool safety. Keep pool bug + debris free, help

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 survey for pool states that the barrier will be screen enclosure

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.

If not granted the pool is built and with no cage will be hard to enjoy with bugs and maintenance will be exastive because of large oaks



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Prepared by and return to:

Janice Candelario
Lyons Law Group, P.A.
4103 Little Road
New Port Richey, FL 34655
727-375-8900

File Number: 8494.00

Recording Fee: \$27.00

Consideration: \$575,000.00

Documentary Stamps:\$4,025.00

Parcel Identification No. U-11-28-18-104-000051-00002.0

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 22nd day of March, 2022 between John Eleton, a married man, joined by his wife Jessica Lynn Cady whose post office address is 2111 S. Village Avenue, Tampa, FL 33612 of the County of Hillsborough, State of Florida, grantor*, and Marcos Juan Flores, a single man whose post office address is 2111 S. Village Avenue, Tampa, FL 33612 of the County of Hillsborough, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Hillsborough County, Florida, to-wit:

Lot 2, 3, and 4, Block 51, Tampa's North Side Country Club Area Unit No. 3 Forest Hills, according to the map or plat thereof, as recorded in Plat Book 27, Page(s) 51 through 67, inclusive, of the Public Records of Hillsborough County, Florida.

Less and Except that part of Lot 2, Block 51, being more particularly described as follows:

Begin at the Northwest corner of said Lot 2, Block 51; thence on the North boundary thereof, North 89° 55'44" East, a distance of 10.85 feet; thence departing said North boundary, South 00° 00'00" West, a distance 142.30 feet to the intersection with the South boundary of said Lot 2; thence on said South boundary, North 73° 08'20" West, a distance of 29.99 feet to the Southwest corner of said Lot 2; thence on the West boundary thereof, North 07° 36'48" East, a distance of 134.78 feet (134.8 feet by Plat), to the Point of Beginning.

Subject to taxes for 2022 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Gabriela Tracey
Witness Name: Gabriela Il Tracey

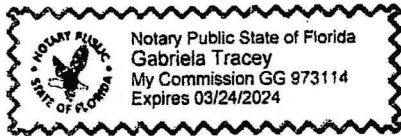
Jessica Lynn Cady (Seal)
Jessica Lynn Cady

Josice Cardelino
Witness Name: Josice Cardelino

State of Florida
County of Pinellas

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 8th day of March, 2022 by Jessica Lynn Cady, who is personally known or has produced a driver's license as identification.

[Notary Seal]



Gabriela Tracey
Notary Public
Printed Name: GABRIELA TRACEY
My Commission Expires: 03/24/2024

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Janice Candelario
Witness Name: Janice Candelario

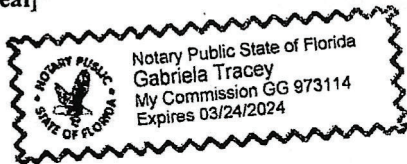
[Signature] (Seal)
John Eleton

Gabriela I. Tracey
Witness Name: Gabriela I. Tracey

State of Florida
County of HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 21st day of March, 2022 by John Eleton, who is personally known or has produced a driver's license as identification.

[Notary Seal]



Gabriela Tracey
Notary Public
Printed Name: GABRIELA TRACEY
My Commission Expires: 03/24/2024

OFF. REC. 5363 1875

16

WARRANTY DEED
INDIVID TO INDIVID

RAMCO FORM 01
ST#88030305-02

This Warranty Deed Made the 22nd day of March A. D. 1988 by
KNUTE M. McALISTER and CAROLYN C. McALISTER, husband and wife as an estate
by the entireties

hereinafter called the grantor, to
MOBLEY HOMES OF FLORIDA, INC., A FLORIDA CORPORATION

whose postoffice address is 4102 W. Linebaugh Avenue, 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)

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, re-
leases, conveys and confirms unto the grantee, all that certain land situate in Hillsborough
County, Florida, viz:

A portion of Lots 7 and 8, Block 51, as shown on Tampa's Northside
Country Club Area Unit No. 3, Forest Hills, as per the map or plat
thereof recorded in Plat Book 27, Pages 51 through 67 of the Public
Records of Hillsborough County, Florida, and being more particularly
described as follows:

Begin at the Northwest corner of said Lot 8; thence N.89 deg.51'48"E.,
along the North boundary of said Lot 8, 39.90 feet; thence 53.52 feet
along the arc of a curve to the right, said curve having a radius of
50.00 feet, a central angle of 61 deg.19'43", and a chord bearing and
distance of S.27 deg.48'33"W., 51.00 feet; thence 25.76 feet along the
arc of a curve to the left, said curve having a radius of 25.00 feet,
a central angle of 59 deg.01'45", and a chord bearing and distance of
S.28 deg.57'32"W., 24.63 feet to a point on the Easterly right-of-way
of West Road as shown on said Forest Hills record plat; thence Northerly
along said Easterly right-of-way line 66.73 feet along the arc of a
curve to the left, said curve having a radius of 630.03 feet, a central
angle of 06 deg.04'07", and a chord bearing and distance of N.03 deg.
35'24"W., 66.70 feet to the POINT OF BEGINNING.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any-
wise 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, 1987. Restrictions, reservations, easements, assessments of record,
if any.

RICHARD AKE
CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY

Documentary Tax Pd \$ 22.50
Intangible Tax Pd. \$ 0
Richard Ake, Clerk Hillsborough County
By: J. J. Cass Deputy Clerk

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
Anita Hencke
Witness

Knute M. McAlister LS
Carolyn C. McAlister LS
Knute M. McAlister
Carolyn C. McAlister

STATE OF Florida
COUNTY OF Hillsborough

I HEREBY CERTIFY that on this day, before me, an officer duly
authorized in the State aforesaid and in the County aforesaid to take
acknowledgments, personally appeared Knute M. McAlister and
Carolyn C. McAlister, husband and wife

to me known to be the persons described in and who executed the
foregoing instrument and they acknowledged before me that they
executed the same.

WITNESS my hand and official seal in the County and
State last aforesaid this 22nd day of
March, A. D. 1988.

Anita Hencke
NOTARY PUBLIC, STATE OF FLORIDA

ANITA HENCKE
Notary Public, State of Florida at Large
My Commission Expires DEC. 23, 1988

This Instrument prepared by: N. Love (ST#88030305-02)
STEWART TITLE OF TAMPA
Address 1767 W. Fletcher Avenue
Tampa, Florida 33612

1988 MAR 24 AM 10:59
88060919

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 15th DAY OF December, 20 22

Hillsborough County, State of Florida
Clerk of the Circuit Court and Comptroller
By: *Debra S. Jones*
Print: Debra S. Jones As Deputy Clerk



RETURN TO:

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Additional / Revised Information Sheet

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Application Number: VAR 22-1632 Applicant's Name: Jason Brust

Reviewing Planner's Name: Chris Grandlienard Date: 12/13/22

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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: 2111 S. Village Ave City/State/Zip: Tampa, FL 33612 TWN-RN-SEC: _____
Folio(s): 020893-0000 Zoning: RSC-U Future Land Use: _____ Property Size: 18228

Property Owner Information

Name: Marcos Flores Daytime Phone: 813-361-7309
Address: 2111 S. Village Ave. City/State/Zip: Tampa, FL 33612
Email: _____ FAX Number: _____

Applicant Information

Name: Jason Brust Daytime Phone: 352-681-0305
Address: 17033 Budowski Rd. City/State/Zip: Brooksville, FL 34614
Email: brukoconstruction@gmail.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]
Signature of Applicant
Jason Brust
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]
Signature of Property Owner
MARCOS FLORES
Type or Print Name

Office Use Only

Intake Staff Signature: _____ Intake Date: _____
Case Number: _____ Public Hearing Date: _____
Receipt Number: _____