



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0009

LUHO HEARING DATE: March 21, 2022

CASE REVIEWER: Colleen Marshall, AICP, CFM

REQUEST: The applicant is requesting setback variances to accommodate replacement of a mobile home on property zoned RSC-6 with an MH (mobile home) overlay.

VARIANCE(S):

Per LDC Section 6.01.03.F.9, required yards on flag lots and lots accessed by easements are oriented with respect to the roadway from which they are accessed, as if the lots abutted the roadway. In the subject case, the property is accessed from the Rockhill Road to the south. Therefore, the required front yard is located along the south lot line and the required rear yard setback is located along the north lot line. Per LDC Section 6.01.01, a minimum front yard setback of 25 feet and minimum rear yard setback of 25 feet is required in the RSC-6 district. The applicant requests:

- 1) A 13.9-foot reduction to the required front yard setback to allow an 11.1-foot front setback from the south property line; and,
- 2) A 9.1-foot reduction to the required rear yard setback to allow a 15.9-foot rear setback from the north property line.

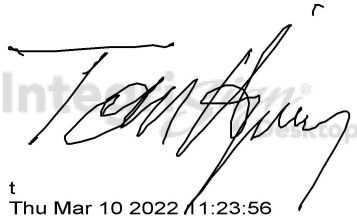
FINDINGS:

- Per the applicant, the existing home on the property is being removed to allow for the installation of a new mobile home.
- A minimum lot size of 7,000 square feet is required in the RSC-6 district. The subject property is 6,583 square feet in size and therefore is nonconforming. However, it has been certified as a legal nonconforming lot per NCL 22-0364 which has been placed in case record for this variance.
- While the subject property is a legal nonconforming lot, staff found no documentation of a legal access to Rockhill Road. Accordingly, the applicant has submitted an easement access review to gain legal access over folios 60218.0000 and 60200.0000 to Rockhill Road under Project ID 6169. The review was not completed at the time this report was filed, therefore, staff recommends the requested setback variances, if granted, be subject to a condition requiring approval of legal easement access to the subject property.

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



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Thu Mar 10 2022 11:23:56

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

SKETCH & DESCRIPTION

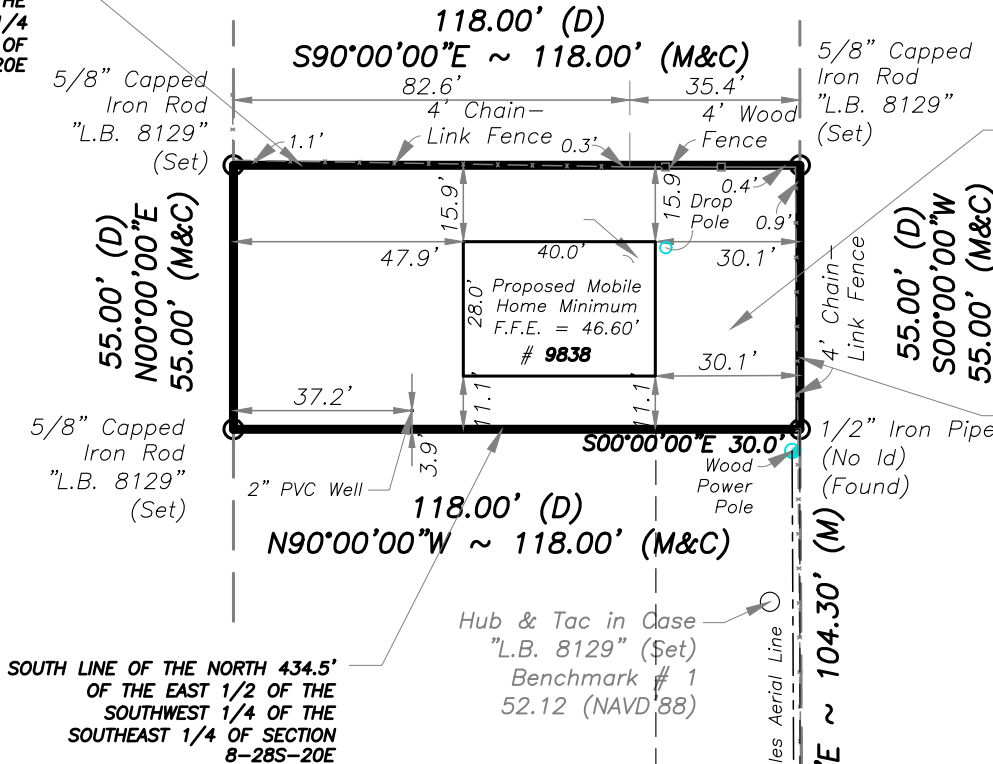
EXHIBIT "A"

NORTH LINE OF THE SOUTH 55' OF THE NORTH 434.5' OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8-28S-20E

E 118' OF S 55' OF N 434.5' OF E 1/2 OF SW 1/4 OF SE 1/4
Folio: 060219-0000
9838 ROCKHILL ROAD,
THONOTOSASSA CITY

WEST LINE OF THE EAST 118' OF THE SOUTH 55' OF THE NORTH 434.5' OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8-28S-20E

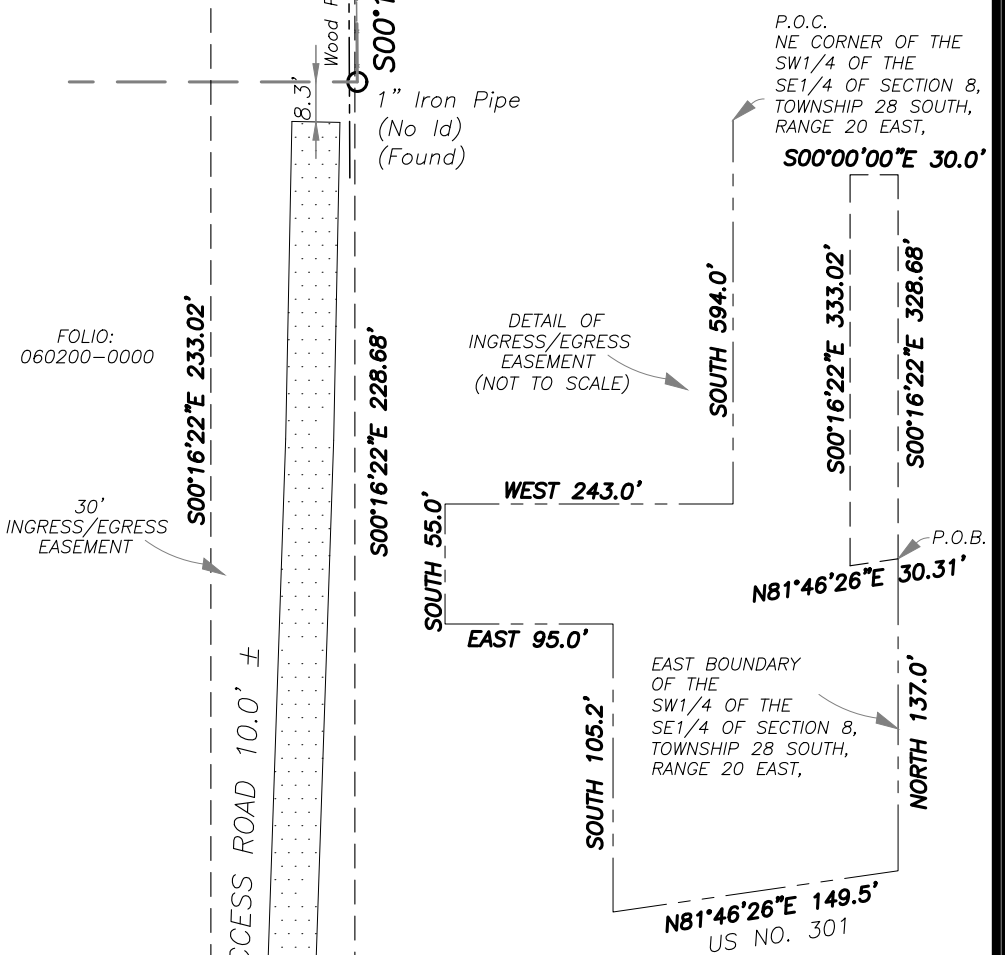
SCALE: ONE INCH = 40 FEET



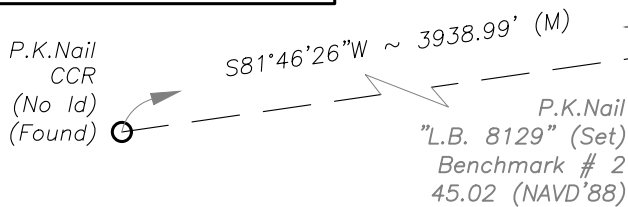
DESCRIPTION:

AN ALL INCLUSIVE EASEMENT FOR INGRESS AND EGRESS, COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 28 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, RUN THENCE SOUTH ALONG THE EAST BOUNDARY OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 594 FEET; THENCE WEST 243.0 FEET; THENCE SOUTH 55.0 FEET; THENCE EAST 95.0 FEET; THENCE SOUTH 105.2 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 301; THENCE NORTH 81°46'26" EAST ALONG THE NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 149.5 FEET TO THE EAST BOUNDARY OF THE ABOVE SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 THENCE NORTH ALONG SAID EAST BOUNDRY 137.05 FEET TO THE POINT OF BEGINNING. THENCE NORTH ALONG THE EAST BOUNDARY OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 00°16'22" WEST, A DISTANCE OF 328.68 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 30.0 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 333.02 FEET; THENCE NORTH 81°46'26" EAST A DISTANCE OF 31.31 FEET TO THE POINT OF BEGINNING

According to Flood Insurance Rate Map Community Panel Number 12057C 0240H, Dated 8-28-08 issued by the Federal Emergency Management Agency, the property shown and described hereon appears to lie within Zone X.
BASE FLOOD ELEVATION = N/A (N.A.V.D. 1988 DATUM)



According to Flood Insurance Rate Map Community Panel Number 12057C 0240H, Dated 8-28-08 issued by the Federal Emergency Management Agency, the property shown and described hereon appears to lie within Zone X.
BASE FLOOD ELEVATION = N/A (N.A.V.D. 1988 DATUM)



Legend	
PC	:Point of Curvature
PCP	:Permanent Control Point
PRM	:Permanent Reference Monument
O.R.	:Official Records
R/W	:Right of Way
Conc.	:Concrete
(C)	:Calculated
L.B.	:Licensed Business
(P)	:Per Plat
P.K.	:Parker Kalon Nail
PSM	:Professional Surveyor and Mapper
(M)	:Field Measured
(D)	:Per Deed of Record
(HCPAFL)	:Information Obtained from the Hillsborough County Property Appraiser's Web Site (hcpafl.org)

Note:
The signing surveyor or Gateway Land Surveying, LLC cannot be responsible for any additions, deletions or alterations to the subject property, to the improvements thereon, or to the survey monuments that may occur after he/she leaves the site. This survey map or report is the property of Gateway Land Surveying, LLC and any additions, deletions or alterations by any other than the signing surveyor is strictly prohibited. The re-use of this survey by any third party for purposes other than which it was intended is strictly prohibited without the written consent or verification of the original signing surveyor. Any re-user will be at sole risk and without any liability to the signing surveyor or their representing firm.

Surveyor's Report and Additional Notes	
1.	No underground installations or improvements have been located except as shown hereon.
2.	Easements, other than shown on this map of survey, may also exist over, upon or across the land surveyed.
3.	Unless otherwise shown hereon, no Jurisdictional Wetland Areas or other physical topographic features have been located.
4.	This survey does not reflect nor determine ownership.
5.	Structures, driveways, slabs, appurtenances and other related items shown on this map were located to the best of the ability of Gateway Land Surveying, LLC. We do not guarantee the exactness of their location or their dimensions. Other features not shown on this map that are related to items noted above may also exist.
6.	Fences shown hereon may or may not meander along property lines; specific fence ties, as shown, are from specific locations. This surveyor makes no guarantee of the fence meander.
This Survey does not represent a determination of whether this land will or will not flood or be subject to flooding.	

REVISIONS:

02/24/2022	SKETCH AND DESCRIPTION
11/12/21	Preliminary Site Plan

SCALE: 1" = 40' FIELD DATE: 09/17/21 DWG. NO. 21-0606 PARTY CHIEF: LA DRAWN BY: Vly

BOUNDARY SURVEY FOR AND CERTIFIED TO:
Annie Simmons

GATEWAY LAND SURVEYING, LLC
1081 East Brandon Boulevard
Brandon, Florida 33511 Phone (813)643-2292 Fax (813)643-2293
License Business No. 8129

SURVEYOR'S CERTIFICATE
I hereby certify that the survey represented hereon meets the requirements of Chapter 5J-17, Florida Administrative code pursuant to Chapter 472.027 of the Florida Statutes. Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.

Signature _____ Florida Registration No. 6753
Ryan J. King, PSM

Application Number: _____

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.

This request is for approval for a new mobile home to replace the existing mobile home that has been condemned by Rebuild Florida Program due to rain from roof and mold. A new mobile home has been ready for delivery since 7-15-21.

Variance of 13.9 feet to the required front yard setback to allow 11.1 foot front yard setback.

Variance of 9.1 feet to the required rear yard setback to allow 15.9 foot rear yard setback.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:
LDC Section 6.01.01

ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No X 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 X If yes, please indicate the nature of the application and the case numbers assigned to the application(s): NCL 22-0364, Easement access review.
3. Is this a request for a wetland setback variance? No X 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 X Septic Tank X
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 X 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**).

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?

The mobile home was damaged during Hurricane Irma (2017). FEMA worker didn't assess the damage of the heavy tree limbs that fell on the roof, it didn't get repaired. Water resulted in water damage in the ceiling, walls which has mold and caused me to have more severe Asthma attacks.

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.

They are ALL secured in their homes with clean environment and have new roofs. My lot is narrow.

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.

NONE. My mobile home is in the back of Marlo DA, in a lane off Rockhill RD. It is family of mine (Henry Thomas) 1st single wide, 2nd mine double wide, 3rd my nephew - Roosevelt Thomas JR 9840.

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).

I moved from West Palm Beach, FL in 1998 to care for my elderly parents, lived in their single home until their demise in 2009. 2010 I purchased a double wide to accommodate a granddaughter I adopted. The results of car accident in 1998 left me with herniated disc, limited mobility, now to roller walker, now on disability - 0

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.

NONE. All that happened has been beyond my control due to the hurricane, how narrow my lot is. Because of narrow lot I don't or can't comply with setbacks and still have a home without your approval.

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.

I'm so blessed that Rebuild Florida came out, did an evaluation, found the home to be unsafe due to leaks, mold as results of Hurricane Irma 2017. The home is condemned, Rebuild Florida has purchased me a mobile effec. 07-15-21 and waiting for Bucky Recovery to demolate the old home. I would like to thank the committee in advance as you see my dire need for the variance. THANKS!!!

PERMANENT ACCESS EASEMENT

Return original or certified recorded document to:

THIS EASEMENT is given this 12th day of November, 2021, by Roosevelt Thomas ("Grantor"), whose mailing address is 9836 Rockhill Rd, to Annie Mintze-Simmons ("Grantee"). As used herein, the term "Grantor" shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, Grantor is the fee simple owner of certain lands situated in Hillsborough County, Florida, and more specifically described in Exhibit "A" attached hereto and incorporated herein (the "Property"); and

WHEREAS, Grantor has agreed to grant and convey to Grantee, a permanent non-exclusive access easement over, on, upon, and across the Property for the specific and limited purposes set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants, promises, terms and conditions set forth herein, together with other good and valuable consideration provided to Grantor, the adequacy and receipt of which are hereby acknowledged, Grantor hereby voluntarily grants, creates, conveys, and establishes a perpetual easement for and in favor of Grantee upon the Property described on Exhibit "A" which shall run with the land and be binding upon the Grantor.

The scope, nature, and character of this Easement shall be as follows:

1. Recitals. The recitals herein are true and correct and are hereby incorporated into and made a part of this Easement.
2. Purpose. It is the purpose of this Easement to grant a permanent non-exclusive access easement over, on, upon, and across the Property for the purpose of vehicular and pedestrian ingress and egress to and from certain real property and related appurtenances in the vicinity of the Property.
3. No Dedication. No right of access by the general public to any portion of the Property is conveyed by this Easement.
4. Grantee's Liability. Grantee's liability is limited as provided in Subsection 704.06(10) and Section 768.28, F.S. Additionally, Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of this Easement.



5. Duration. This Easement shall remain in full force and effect in perpetuity.

6. Modification. This Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Hillsborough County, Florida.

IN WITNESS WHEREOF, Roosevelt Thomas ("Grantor") has hereunto set its authorized hand this 12 day of November, 2021 for Amie Mintze-Simmons
Allow easement from 9836 Rockhill Rd for entrance to 9838 Rockhill Rd
 A Florida corporation or _____ (choose one)

By: Roosevelt Thomas
(Signature)

Name: Roosevelt Thomas
(Print)

Title: Owner

Signed, sealed and delivered in our presence as witnesses:

By: Hasan Sharrick
(Signature)

By: Ella M Thomas
(Signature)

Name: Hasan Sharrick
(Print)

Name: Ella M. Thomas
(Print)

STATE OF FLORIDA

COUNTY OF Hillsborough

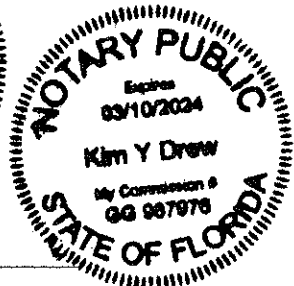
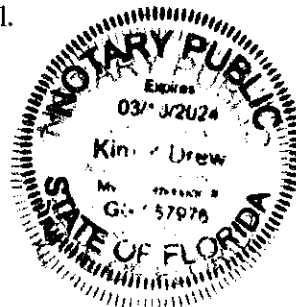
On this 12 day of November, 2021 before me, the undersigned notary public, personally appeared Roosevelt Thomas, the person who subscribed to the foregoing instrument, as the owner (title), of property (corporation), a Florida corporation, or _____ (choose one) and acknowledged that he/she executed the same on behalf of said corporation, or _____ (choose one) and the he/she was duly authorized to do so. He/She is personally known to me or has produced a Florida (state) driver's license as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

Kim Drew
(Signature)
Kim Drew
(Name)

My Commission Expires: 03/10/2024



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Return to: (enclose self-addressed stamped envelope)

Name: HENRY THOMAS

Address: 9836 ROCK HILL ROAD
THONOTOSASSA, FL. 33592

This Instrument Prepared by:

Address: HENRY THOMAS
9836 ROCK HILL RD
THONOTOSASSA, FL 33592

Property Appraisers Parcel Identification (Folio) Number(s):

Grantee(s) S.S. #(s):

QUIT-CLAIM DEED

OFF. REC. 7100 PG 1360

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

Quit Claim Deed

Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and/or assigns of the respective parties hereto; the use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders; and, if used, the term "note" shall include all the notes herein described if more than one.

Made this 31ST day of AUGUST, 1993
BETWEEN HENRY THOMAS, MARRIED

whose post office address is: 9836 ROCK HILL ROAD THONOTOSASSA, FL 33592

HILLSBOROUGH and State of FLORIDA, of the County of
party of the first part,

and ANNIE RUTH TUCKER 9836 ROCK HILL Rd

whose post office address is: THONOTOSASSA FL 33592, of the County of
party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of

TEN DOLLARS AND NO/100 Dollars,
in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest, claim and demand which the said party of the first part has in and to the following described lot(s), piece(s) or parcel(s) of land, situate lying and being in the County of HILLSBOROUGH State of Florida, to-wit:

THE EAST 118.0 FEET OF THE SOUTH 55.0 FEET OF THE NORTH 434.5 FEET OF THE EAST 1/2 OF THE SW 1/4 OF THE SE 1/4 OF SECTION 8, TOWNSHIP 28 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA, EXCEPT THE EAST 8.0 FEET THEREOF FOR ROAD PURPOSES.

RICHARD AKE
CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY

Documentary Tax Pd - F.S. 199.02 \$
Documentary Tax Pd - F.S. 201.08 \$
Intangible Tax Pd - F.S. 199 \$
Richard Ake, Clerk Hillsborough County
Deputy Clerk

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

WITNESS SUSAN PERMENTER

HENRY THOMAS
9836 ROCK HILL RD THONOTOSASSA, FL. 33592

WITNESS CATHERINE GADDY

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 31st day of AUGUST, 1993
by HENRY THOMAS, MARRIED

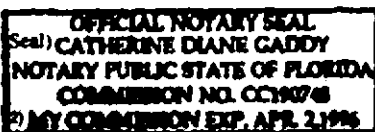
who is/are personally known to me or who has/have produced DRIVER'S LICENSE

as identification and who did NOT take an oath.

My Commission expires:

CATHERINE DIANE GADDY
CATHERINE DIANE GADDY

Notary Public
Serial Number:



ITEM 7303 (01)

Great Lakes Business Forms, Inc. To Order Call: 1-800-530-8303 FAX: 616-791-1131

22-0009

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93206390

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Received
10/01/2021
Development Services

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: 9838 Rockhill RD. City/State/Zip: Thonotosassa, FL 33592 TWN-RN-SEC: _____
Folio(s): 0602190000 Zoning: _____ Future Land Use: add new mobile Property Size: _____

Property Owner Information

Name: Annie Mintze-Simmons Daytime Phone: 813-545-5114
Address: 9838 Rockhill Road City/State/Zip: Thonotosassa, FL 33592
Email: anniesimmons1946@gmail.com FAX Number: N/A

Applicant Information

Name: Annie Mintze-Simmons Daytime Phone: 813-545-5114
Address: 9838 Rockhill Road City/State/Zip: Thonotosassa, FL 33592
Email: anniesimmons1946@gmail.com FAX Number: N/A

Applicant's Representative (if different than above)

Name: N/A 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.

Annie Mintze-Simmons
Signature of Applicant

Annie Mintze-Simmons
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.

Annie Mintze-Simmons
Signature of Property Owner

Annie Mintze-Simmons
Type or Print Name

ANA LIZARDO

Office Use Only

Intake Staff Signature: _____ Intake Date: 10/01/2021
Case Number: 22-0009 Public Hearing Date: 12/13/2021
Receipt Number: 91596



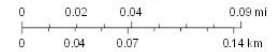
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Overlay	MH
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0240H
FIRM Panel	12057C0240H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120240C
County Wide Planning Area	Thonotosassa
Community Base Planning Area	Thonotosassa
Census Data	Tract: 010213 Block: 1006
Future Landuse	R-4
Mobility Assessment District	Rural
Mobility Benefit District	3
Fire Impact Fee	Northeast
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 2
Wind Borne Debris Area	Outside 140 MPH Area
Aviation Authority Height Restrictions	150' AMSL
Competitive Sites	NO
Redevelopment Area	NO



October 4, 2021

1:2,658



RS, Hillsborough County - Public Works - Geomatics - Streets & Addresses

Hillsborough County Florida

Folio: 60219.0000
PIN: U-08-28-20-ZZZ-000001-98840.0
ANNIE RUTH TUCKER
Mailing Address:
 9836 ROCKHILL RD
 THONOTOSASSA, FL 33592-2928
Site Address:
 9838 ROCKHILL RD
 THONOTOSASSA, FL 33592
SEC-TWN-RNG: 08-28-20
Acreage: 0.151143
Market Value: \$56,667.00
Landuse Code: 0200 MOBILE HOMES

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.

22-0009