

Variance Application: VAR 25-0484
LUHO Hearing Date: March 31, 2025
Case Reviewer: Chris Grandlienard, AICP



**Hillsborough
County Florida**

Development Services Department

Applicant: Wilbert Malphus **Zoning:** ASC-1
Location: 17724 Royal Eagle Ln., Lutz; Folio: 14084.0184

Request Summary:

The applicant is requesting a variance to the maximum accessory dwelling living space to accommodate an addition to the accessory dwelling on the subject property.


Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.11.02.C	Living space in an accessory dwelling shall be limited to a maximum of 900 square feet. A variance to increase this amount may be requested provided the residential lot is at least 14,520 feet in size and the living space proposed for the accessory dwelling does not exceed 1,200 square feet or 25 percent of the living space in the principal dwelling on the lot, whichever is less.	124-square foot increase to the maximum living area	1,024 square feet of living area within the accessory dwelling

Findings:

The property is 1.95 acres in size and the principal dwelling living space is 6,227 square feet in size, therefore allowing for the subject variance to be requested. The accessory dwelling is labeled as "pool house" on the boundary survey.

Zoning Administrator Sign Off:


Colleen Marshall
Wed Mar 12 2025 11:08:35

DISCLAIMER:

The variance(s) 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.



Project Description (Variance Request)

1. 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 stems from increasing the mother in law suite to 1,024 sq ft. This variance request aligns with the intent of the LDC. No adverse impacts to neighboring properties or the public interest are anticipated.

If additional information is required, please refer to the attached supporting documentation.

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

6.11.02 C- ACCESSORY DWELLING STANDARDS

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): _____
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.
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 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



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?

We are looking to expand the mother in law suite in the rear of the home from 900 sq ft to 1,024 sq feet. The alleged hardship or practical difficulties are unique and singular to the subject property due to its distinct physical, geographical topographical or regularity characteristics.

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.

Please see next page for full information.

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.

Please see next page for full information.

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 request is consistent with the general intent and purpose of the Land Development Code (LDC) and the Comprehensive Plan as outlined in Sections 6.11.02C for accessory dwelling standards. These sections emphasize to increase this amount may be requested provided the residential lot is at least 14,520 square feet in size and the living space proposed for the accessory dwelling does not exceed 1,200 square feet or 25 percent of the living space in the principal dwelling on the lot, whichever is less.

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.

Please see next page for full information.

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.

Please see next page for full information.

VARIANCE CRITERIA RESPONSE

Page 9 of 11

2. The literal requirements of the Land Development Code (LDC) would deprive me of rights commonly enjoyed by other properties in the same district by preventing me from constructing a necessary addition to my home. The LDC mandates a 25-foot setback from the property line, which, if enforced, would not allow me to build within the space needed to accommodate a growing family. Other properties in the same district have been granted variances in the past, allowing them to expand their homes or structures to meet similar needs. Denying this variance would place an undue hardship on my ability to use my property extent, particularly considering the unique shape and size of my lot.

3. The requested variance is consistent with the character, use, and layout of the surrounding properties. It does not introduce any unusual or incompatible uses that would negatively affect neighboring properties. Granting the variance will not diminish neighboring property values. The proposed use or structure complies with the general aesthetic and functional standards of the neighborhood and does not create conditions that would detract from the desirability or marketability of adjacent properties. The variance does not impede the privacy, light, air, or access of adjacent properties. The variance does not interfere with existing infrastructure, such as roads, drainage systems, or utilities, and does not create additional burdens on public services. The proposed change remains within the capacity of local systems and complies with safety standards.

5. The situation requiring the variance is not the result of any illegal act or self-imposed hardship. The need for the variance arises due to the unique shape and topography of my lot, which was established long before I purchased the property. The property has a small space, making it difficult to develop in compliance with the strict setback requirements outlined in the LDC. The hardship I face is due to the natural topography and existing lot configuration, not any actions I have taken that would result in noncompliance with the code. As a result, this situation is not self-imposed and is beyond my control.

6. If granting the variance does not significantly detract from these overarching public benefits and instead allows for a more practical or beneficial use of the property, the variance aligns with the intent of the LDC. Allowing the variance results in substantial justice when it ensures that the LDC's goals are upheld while preventing unnecessary hardship for the property owner. It reflects a balanced, equitable approach that considers the unique circumstances of the case without compromising broader public interests.

Consideration: \$3,530,000.00

Prepared by and return to:
Berlin Patten Ebling, PLLC
Attn: Jamie Adam Ebling, Esq.
324 South Hyde Park Avenue
Suite 325
Tampa, FL 33606
23-30828-002

Property Appraiser's Parcel ID No.: 014084-0184

(FOR INFORMATIONAL PURPOSES ONLY)

WARRANTY DEED

THIS WARRANTY DEED, is made this 6th day of July, 2023, by and between **R&R ORGANIC RANCH, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY**, whose address is **512 North Douglas Avenue, Oklahoma City, OK 73106** (hereinafter "GRANTOR"), and **ANTHONY OLSON AND EMILY OLSON, HUSBAND AND WIFE, AS TENANTS BY THE ENTIRETY**, whose address is **17724 Royal Eagle Lane, Lutz, FL 33549** (hereinafter "GRANTEE").

THE GRANTOR, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to said GRANTOR in hand paid by said GRANTEE, the receipt and adequacy of which is hereby acknowledged, has granted, bargained aliened, remised, released, conveyed confirmed, and sold to said GRANTEE and GRANTEE'S successors, and assigns forever, the following described real property, including improvements thereon, situated in **Hillsborough County, Florida**, to wit:

LOT 7, LIBERTY OAKS, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 132, PAGES 57 THROUGH 60, INCLUSIVE, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

Together with appurtenances, privileges, rights, interests, dower, reversions, riparian rights, remainders and easements thereunto appertaining. GRANTOR hereby covenants with GRANTEE that GRANTOR is lawfully seized of said property in fee simple; that it is free of encumbrances except for taxes for the current and subsequent years, easements, reservations, and restrictions of record, if any, which reference thereto shall not serve to re-impose same; that GRANTOR has good right and lawful authority to convey same; and that GRANTEE shall have quiet enjoyment thereof. GRANTOR does hereby fully warrant the title to said property and will defend the same against the lawful claims of all persons whomsoever.

The individual(s) executing this instrument on behalf of Grantor covenant(s) and agree(s) that he/she/they has/have full right and authority to execute this instrument on behalf of Grantor.

(acknowledgment signatures on following page)

IN WITNESS WHEREOF, the GRANTOR has hereunto set its hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

WITNESSES:

(1) Paul DeSanhis

Printed Name Paul DeSanhis

(2) Jessica Endrzejewski

Printed Name Jessica Endrzejewski

GRANTOR:

**R&R Organic Ranch, LLC,
an Oklahoma Limited Liability Company**

By: Sean Harshaw

Its: **Sole Member**

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

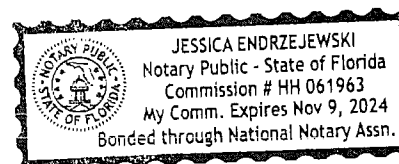
The foregoing instrument was acknowledged before me by means of (X) physical presence or () online notarization this 5th day of July, 2023 by Sean Harshaw, Sole Member of R&R Organic Ranch, LLC and Amanda Harshaw of R&R Organic Ranch, LLC, a OK Limited Liability Company, on behalf of the Limited Liability Company.

Jessica Endrzejewski

Signature of Notary Public
Print, Type/Stamp Name of Notary

Personally known: ☒
OR Produced Identification: _____

Type of Identification Produced: _____



Variance Application Package



**Hillsborough
County Florida**
Development Services

Instructions to Applicants for Requests Requiring Public Hearing:

I. Prior to completing this application:

If you have any questions regarding your proposed project prior to submittal of this application, please email ZoningIntake-DSD@HCFLGov.net.

Please ensure you gather items that will need to be submitted prior to submitting your application as incomplete applications will not be accepted. Some of the items necessary may be obtained as follows:

- **Property information** such as folio numbers, future land use, current zoning, section/township/range and other information may be obtained by using the [Hillsborough County Map Viewer](#) and searching for the necessary address in the search bar at the top.
- **Sunbiz Forms** may be obtained by visiting Sunbiz.org.
- **A Copy of the Current Recorded Deed(s)** may be obtained by visiting the Hillsborough County Property Appraiser's website at HCPAFL.org and conducting a Property Search. Search by folio number or property address and select the correct result. Scroll down to 'Sales History' and select the most recent 'Instrument Number'. Select one of the results to view and save the current recorded deed.
- **Close Proximity Property Owners List** may be requested by emailing gisdept@hcpafl.org. Include all folio numbers and the notice buffer distance area in the request. *Please Note:* If your property has an Agricultural Future Land Use Designation (A, AR, AM, AE) or a Future Land Use Designation of RES-1 you must obtain a list of all property owners within 500 feet of the subject property. For all other Future Land Use Categories you must obtain a list of all property owners within 300 feet of the subject property. If the property contains more than one future land use category, the greatest applicable notice distance shall apply per [LDC Section 10.03.02.E.1](#). If the notice distance extends to includes parcels in an adjacent county jurisdiction, those property owners will need to be included in the list. Contact the property appraiser's office for the applicable county jurisdiction to obtain that list.

II. Application submittal:

Part A and Part B of the submittal requirements include specific requirements and their requisite forms necessary for a complete and sufficient application submission.

- **Part A** will verify the property owner has authorized the application and includes forms and documents needed to verify the area for the proposed change.
- **Part B** includes the specific additional submittal requirements for the type of application being submitted.

Documents must be submitted as separate PDF documents with a minimum image resolution of 300 dpi labeled according to their contents and submitted in a single email to ZoningIntake-DSD@HCFLGov.net. Incomplete submittals will receive an email indicating the documents that are missing and will require a full resubmittal.

IMPORTANT: Review the entire application (both Parts A and B) for completeness prior to submission. Ensure you have your complete application submitted by 3:00 PM on the cut-off day for your desired hearing or your application will miss the cut-off and be continued to the next hearing date. Incomplete applications will not be accepted.

III. Post-application submittal:

Complete submittals will receive a payment request email. The deadline to make the payment is **one business day** after you receive this request. Failure to complete the payment by the deadline will result in application delays and/or additional Fastrack fees. Please view our [current fee schedule](#) for a list of zoning fees. Payments must be made through the [HillsGovHub portal](#). Instructions on how to [create an account](#) and [how to make a payment](#) are also available.

Remember, the Hillsborough County Land Development Code requires public notice for this category of application. After payment is received, you will receive a Letter of Notice that must be sent to all addresses on the Adjacent Property Owners List and/or HOA list. A Certificate of Mailing must also be provided. Instructions on completing your Letter of Notice and obtaining a Certificate of Mailing, will be sent with the Letter of Notice via email. Mailing deadlines and the deadline to submit the certificate of mailing will also be included on this email.



Hillsborough
County Florida
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 25-0484

Intake Date: 2/11/25

Hearing(s) and type: Date: 03/31/25

Type: LUHO

Receipt Number: 448785

Date: _____

Type: _____

Intake Staff Signature: Cierra James

Property Information

Address: 17724 Royal Eagle Ln City/State/Zip: Lutz, FL 35539
TWN-RN-SEC: 13-27-18 Folio(s): 014084-0184 Zoning: ASC-1 Future Land Use: R1 Property Size: 1.95 acres

Property Owner Information

Name: Anthony and Emily Olson Daytime Phone: 1-414-801-4873
Address: 17724 Royal Eagle Ln City/State/Zip: Lutz, FL 35539
Email: emily.sass@gmail.com Fax Number: _____

Applicant Information

Name: Wilbert Malphus Daytime Phone: 813-601-7176
Address: 1465 Tampa Park Plaza City/State/Zip: Tampa FL 33605
Email: wmalphus@aol.com Fax Number: _____

Applicant's Representative (if different than above)

Name: Ena Dugalic Daytime Phone: 904-327-0090
Address: 7414 N. 50th St City/State/Zip: Tampa FL 33617
Email: ena@buildwithprogress.com 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.

Ena Dugalic
Signature of the Applicant

ENA DUGALIC
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]
Signature of the Owner(s) - (All parties on the deed must sign)

ANTHONY OLSON EMILY OLSON
Type or print name

25-0484



**Hillsborough
County Florida**
Development Services

Submittal Requirements for Applications Requiring Public Hearings

Official Use Only

Application No: _____

Intake Date: _____

Hearing(s) and type: Date: _____

Type: _____

Receipt Number: _____

Date: _____

Type: _____

Intake Staff Signature: _____

Applicant/Representative: Wilbert Malphus Phone: 813-601-7176

Representative's Email: wmalphus@aol.com

The following information is used by reviewing agencies for their comments and should remain constant, with very few exceptions, throughout the review process. Additional reviews, such as legal description accuracy, compatibility of uses, agency reviews, etc., will still be conducted separately and may require additional revisions.

The following ownership information must be provided and will be verified upon submission initial submittal. If you are viewing this form electronically, you may click on each underlined item for additional information.

Part A: Property Information & Owner Authorization Requirements

Included	N/A	Requirements
1	<input type="checkbox"/>	<input type="checkbox"/> <u>Property/Applicant/Owner Information Form</u>
2	<input type="checkbox"/>	<input type="checkbox"/> <u>Affidavit(s) to Authorize Agent</u> (if applicable) NOTE: All property owners must sign either the Application form or the Affidavit to Authorize Agent. If property is owned by a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit.
3	<input type="checkbox"/>	<input type="checkbox"/> <u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
4	<input type="checkbox"/>	<input type="checkbox"/> <u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
5	<input type="checkbox"/>	<input type="checkbox"/> <u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
6	<input type="checkbox"/>	<input type="checkbox"/> <u>Copy of Current Recorded Deed(s)</u>
7	<input type="checkbox"/>	<input type="checkbox"/> <u>Close Proximity Property Owners List</u>
8	<input type="checkbox"/>	<input type="checkbox"/> Legal Description for the subject site
9	<input type="checkbox"/>	<input type="checkbox"/> Copy of Code Enforcement/Building Code Violation(s) (if applicable)
10	<input checked="" type="checkbox"/>	<input type="checkbox"/> Fastrack Approval (if applicable)

Additional application-specific requirements are listed in Part B.



Specific Submittal Requirements for Variances

This section provides information on items that must be addressed/submitted for a Special use - Land Excavation permit and will be subsequently reviewed when the application is assigned to a planner. Where certain information does not apply to a project, a notation shall appear on the plan stating the reason, for example, "No existing water bodies within project." Additionally, the explanations and justifications for when certain information does not apply to the project shall be included in the Narrative. If Hillsborough County determines the submitted plan lacks required information, the application shall not proceed to hearing as provided for in Section 6.2.1.1.A. Additionally, the required information is only the minimum necessary to schedule an application for hearing and Hillsborough County reserves the right to request additional information during review of the application.

If you are viewing this form electronically, you may click on each underlined item for additional information.

For any items marked N/A, justification must be provided as to why the item is not included.

Part B: Project Information

Additional Submittal Requirements for a Variance

- 1 ☐ Project Description/Written Statement of the Variance Request
- 2 ☐ Variance Criteria Response
- 3 ☐ Attachment A (if applicable)
- 4 ☐ Survey/Site Plan
- 5 ☐ Supplemental Information (optional/if applicable)

Additional Information

1. Has your project been approved 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 describe the nature of the application and discuss whether it overlaps the application.)
3. Is this a petition for a wetland setback variance? ☐ No ☒ Yes
If yes, you will complete the Wetland Setback Memorandum and all required information and submit as a separate Application Packet.
4. Please describe the existing or proposed utilities for this project:
☒ none ☐ water/sewer ☐ storm water ☐ power line ☐ other
5. Is the subject property located within all wetland regulatory floodway areas with depths of more than 18" of water?
☒ No ☐ Yes (If yes, please describe a full cross-section of the "Wetland" and provide the following details: water elevation, ground elevation, water depth, and any other relevant information.)