



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0093	
LUHO HEARING DATE: March 27, 2023	CASE REVIEWER: Isis Brown

REQUEST: The applicant is requesting several variances to accommodate two existing accessory structures on property zoned RSC-6.

VARIANCE(S):

Accessory Structure in Rear Yard

Per LDC Section 6.11.04.B, accessory structures shall not exceed 15 feet in height except where they meet primary structure setbacks of the zoning district. Additionally, per LDC Section 6.11.04.C.3., accessory structures may occupy required rear yards provided that such structures do not occupy more than 20 percent of the required rear yard. Per LDC Section 6.06.01, a minimum rear yard setback of 25 feet is required in the RSC-6 district. The applicant requests:

- A 2-foot increase to the permitted maximum structure height to allow a height of 17 feet.
- A 21.2-foot reduction to the required minimum rear yard setback to allow a rear setback of 3.8 feet from the east property line.
- A 57 percent increase to the maximum permitted coverage of the required rear yard area, to allow a coverage of 77 percent. The required rear yard on the subject parcel is 1,875 square feet in size, of which 375 square feet, or 20 percent, may be covered by accessory structures. The subject accessory structure is 1,508 square feet in size, 1,062 square feet of which, approximately, is located in the required rear yard.

Accessory Structure in North Side Yard

Per LDC Section 6.01.01, a minimum side yard setback of 7.5 feet is required in the RSC-6 district. Per LDC Section 6.11.04.C.2, accessory structures that are 15 feet or less in height are permitted in the required side yard provided they no closer than 3 feet from any side lot line, including architectural features such as cornices, eaves and gutters, and are more distant from the street than any part of the principal structure on the same lot and any lot abutting the required side yard.

- The applicant requests a 2.1-foot reduction to the required side setback to allow a setback of 0.9 feet (10.6 inches), as measured to the roof overhang, from the north side property line.

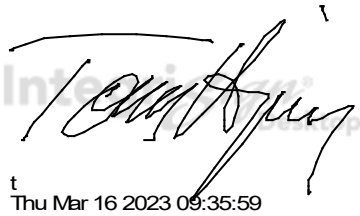
FINDINGS:

- The subject parcel is the subject of a Building Permit HC-BLD-21-0026816-REV1 which has been placed in the case file for this this application.
- 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 only 0.29 acres in size, approximately. Therefore, it is nonconforming. However, it has been certified as a Legal Nonconforming Lot per NCL 23-0212 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



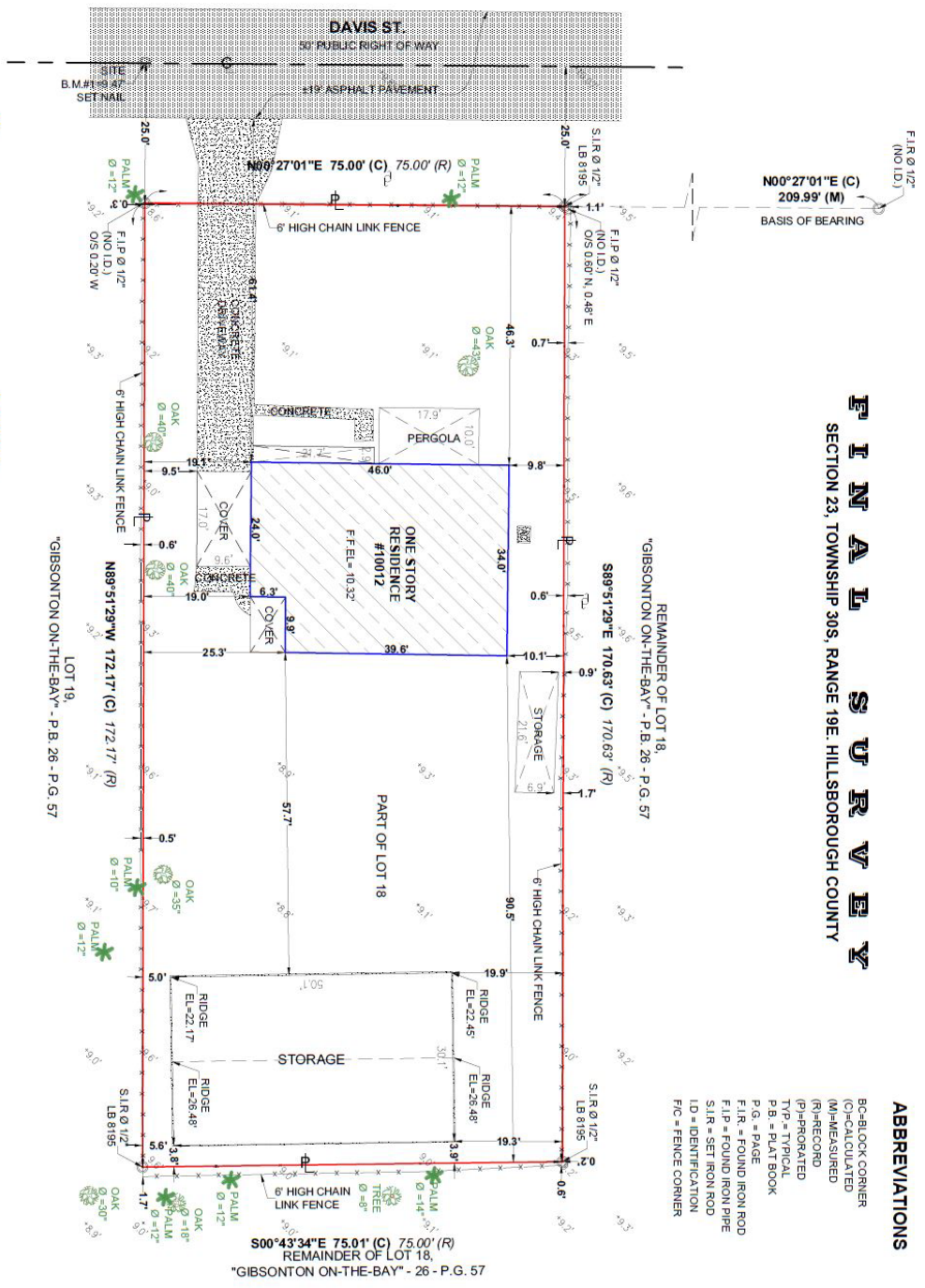
Isis Brown

t
Thu Mar 16 2023 09:35:59

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

FINAL SURVEY

SECTION 23, TOWNSHIP 30S, RANGE 19E, HILLSBROUGH COUNTY



GPS
GLOBAL PRODUCERS SURVEYING

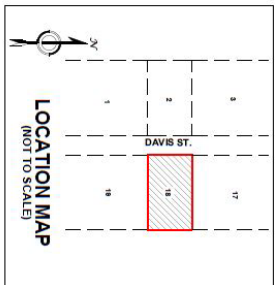
PROFESSIONAL SURVEYOR AND MAPPING
PHONE: (813) 423-2483
FAX: (813) 298-0111
www.gpsflorida.net

ORIGINAL FIELD DATE	04/05/2022
JOB NO.	21-2736
DESK	CAL
SHEET	1/1

23-0093

ABBREVIATIONS

- BC-BLOCK CORNER
- CH-CALCULATED
- IM-MEASURED
- (R)-RECORDED
- (P)-PROPORTIONED
- TR-TYPICAL
- PLB - PLAT BOOK
- PG - PAGE
- FLR - FOUND IRON ROD
- FIP - FOUND IRON PIPE
- SIR - SET IRON ROD
- ID - IDENTIFICATION
- FC - FENCE CORNER



PROPERTY ADDRESS:
10012 DAVIS ST.
GIBSONTON, FL 33534
(FLOOD NO. 048837-0000)

DESCRIPTION:
THE SOUTH 75 FEET OF LOT 18, LESS EAST 20 FEET THEREOF, A MAP OF GIBSONTON ON THE BAY SIXTH ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PUBLIC RECORDS OF HILLSBROUGH COUNTY, FLORIDA.

FLOOD ZONE INFORMATION:
COMMUNITY: HILLSBROUGH COUNTY
MAP PANEL NO. 12057C04623
FIRM DATE: 10/07/2021
FLOOD ZONE: AE+1'

THERE MAY BE LEGAL RESTRICTIONS ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN ON THE MAP OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF ANY OTHER PUBLIC AND PRIVATE ENTITIES AS THEIR JURISDICTIONS MAY APPEAR.

THE MAP OF SURVEY IS INTENDED TO BE DISPLAYED AT THE STATED GRAPHIC SCALE IN ENGLISH UNITS OF FEET. THE SURVEY HAS BEEN BROUGHT TO THE PRESENT STANDARD AND MAY BE ALTERED IN SCALE BY THE REPRODUCTION PROCESS.

THIS SURVEY WAS CONDUCTED FOR THE PURPOSE OF A FINAL SURVEY ONLY AND IS NOT INTENDED TO DETERMINE THE REGULATORY JURISDICTION OF ANY AGENCY BOARD, COMMISSION OR OTHER ENTITY.

THE ELEVATIONS OF WELL-IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAP WERE MEASURED TO AN ESTIMATED VERTICAL POSITIONAL ACCURACY OF 1/100 FOOT FOR HARDSCAPE SURFACES AND 1/100 FOOT FOR PAVEMENTS, CURBS AND OTHER MAN-MADE FEATURES AS MAY EXIST.

BENCH MARK: GPS - NAIL ELEVATION: 9.47 FEET (NAVD89)
LEGAL DESCRIPTION WAS FURNISHED BY THE CLIENT.
WELL-IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAP WERE MEASURED TO AN ESTIMATED VERTICAL POSITIONAL ACCURACY OF 1/100 FOOT UNLESS OTHERWISE SHOWN.
BEARINGS AS SHOWN HEREON ARE BASED UPON AN ASSUMED VALUE OF N00°27'01" FOR THE EAST RIGHT OF WAY LINE OF DAVIS ST AS DEPICTED ON THE MAP OF SURVEY.

LEGAL DESCRIPTION SUBJECT TO ANY DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR RECORDED EASEMENTS.
THE SURVEYOR MAKES NO REPRESENTATION AS TO OWNERSHIP, PRESENTATION OR QUALITY OF SUBJECT PROPERTY BY ANY ENTITY OR INDIVIDUAL.

SUBSURFACE IMPROVEMENTS AND/OR ENCROACHMENTS WITHIN UPON, ACROSS, ABUTTING OR ADJACENT TO THE SUBJECT PROPERTY WERE NOT LOCATED AND ARE NOT SHOWN.
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, ADDITIONS AND DELETIONS TO THIS MAP OF SURVEY BY OTHER THAN THE SIGNING PARTY ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.

THIS MAP OF SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREIN AND THE CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTY.
NO TREES FOUND 30' AWAY FROM PROPERTY UNLESS DEPICTED ON THIS MAP.

CERTIFY TO:
SANTAGO ANGE SANDOVAL
DENNIS SANDOVAL
SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS FINAL SURVEY AND THE MAP OF SURVEY RESULTING THEREFROM WAS PERFORMED UNDER MY DIRECTION AND I HAVE CONDUCTED THE DESIGN OF ANY KNOWLEDGE AND BELIEVE THAT SAID FINAL SURVEY MEETS THE INTENT OF THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, PURSUANT TO RULE 54-17 OF THE FLORIDA ADMINISTRATIVE CODE AND ITS IMPLEMENTING RULE CHAPTER 47.2027 OF THE FLORIDA STATUTES.



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.

I originally hired a company that was going to put up a building that was only going to be 14 1/2 feet tall and they were going to place the building at the correct set back. I paid them a \$4,000 deposit. Covid hit and they never showed up. I had to hire a lawyer and still only got half my deposit back. After this happened I hired another company, they came out and I showed them the blue prints to the original building and repeatedly asked them if they could put up the same building and they said yes. They assured me it would be under 15 feet tall and they knew what the set back requirements were. The company that poured my concrete

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

RSC-6 - Residential, Single Family Conventional

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): HC-BLD-21-0026816-REV1
- 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 Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing.

23-0093

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also told me they knew what the setbacks were after I even showed them the prints. I paid both the concrete and the building company and they came out and got the work done with in ~~three~~ a day each. I wasn't present when the work was finished. After everything was done, the building was taller than 15 feet and the set backs were wrong.

And so I was left to deal with this mess. I paid \$30,000 for the building and \$13,000 for the concrete. I am requesting for this variance because I cannot afford to completely

tear up the concrete and have the building moved. I spent a decade of savings for this and I can't move the building now.

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I would also like to point out that many of my neighbors also have the same type of buildings on their property.

23-0093



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?

I need this variance because I cant move the building. I cant afford to tear it down and pay to relocate it. I strongly feel that I was misled by both the concrete & building company.

- 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.

Other properties in the neighborhood have the same type of detached structure. It structure is not affecting my rear neighbor.

- 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.

allowing or approving this variance will not interfere or injure anyones rights what so ever because I have no house or nieghbor behind me, the only thing behing my property is a pond.

- 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).

Interest in aiding a progressive development without further hindurance to land, owner and property.

- 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.

I have already tried getting arevision and I cant move the building from its location.

- 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 this variance is not approved the only one who will completely be losing will be me. The concrete company and building got paid and thats all they cared about. I will be out \$43,000 that took me over a decade to save and I will have no building either.

23-0093

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INSTRUMENT#: 2014218551, BK: 22661 PG: 1862 PGS: 1862 - 1863 07/02/2014 at 01:29:04 PM, DOC TAX PD(F.S.201.02) \$606.20 DEPUTY CLERK:SLEE Pat Frank,Clerk of the Circuit Court Hillsborough County

Prepared by:

Compass Land & Title, LLC
1509 W. Swann Avenue, Ste. 240A
Tampa, Florida 33606

File Number: 14-492

Consideration: \$86600.00

General Warranty Deed

Made this July 1, 2014 A.D. By **Melia D. Matties f/k/a Melia D. Berberat, a married woman, joined by her husband, John Matties**, whose address is: 8921 Anderson Loop, Fort Meade, Maryland 20755, hereinafter called the grantor, to **Angie Sandoval Santiago, an unmarried woman**, whose post office address is: 6117 A Lewis Ave., Gibsonton, Florida 33534, hereinafter called the grantee:

(Whenever used herein the term "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 Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Hillsborough County, Florida, viz:

The South 75 feet of Lot 18, Less the East 20 feet thereof a MAP OF GIBSONTON ON-THE-BAY SIXTH ADDITION, according to the plat thereof as recorded in Plat Book 26, page 57, of the Public Records of Hillsborough County, Florida.

Parcel ID Number: **U2330191RA00000000018**

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 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, 2013.

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:

Donna M. Sciuga
Witness Printed Name Donna M. Sciuga

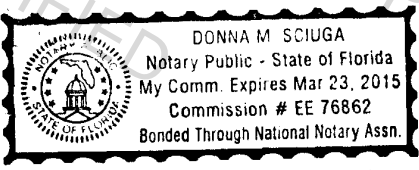
Melia D. Matties (Seal)
Melia D. Matties f/k/a Melia D. Berberat
Address: 8921 Anderson Loop, Fort Meade, Maryland 20755

Amy Hilborne-Rose
Witness Printed Name Amy Hilborne-Rose

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this 1st day of July, 2014, by Melia D. Matties f/k/a Melia D. Berberat, a married woman, who is/are personally known to me or who has produced *Dr. Donna Sciuga* as identification.

Notary Public
Print Name: Donna M. Sciuga
My Commission Expires: EE 76862



DEED Individual Warranty Deed - Legal on Face Closers' Choice

Prepared by:

Compass Land & Title, LLC
1509 W. Swann Avenue, Ste. 240A
Tampa, Florida 33606

File Number: 14-492

Consideration: \$86600.00

Signed, sealed and delivered in our presence:

Donna M. Sciuga
Witness Printed Name: Donna M. Sciuga

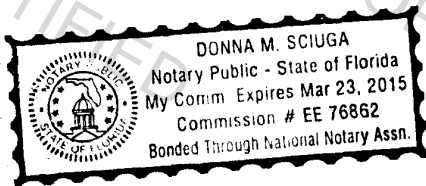
John Matties (Seal)
John Matties
Address: 8921 Anderson Loop, Fort Meade, Maryland 20755

Amy Hilborne-Rose
Witness Printed Name: Amy Hilborne-Rose

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this 1st day of July, 2014, by John Matties, who is/are personally known to me or who has produced Id. Driver License as identification.

Donna M. Sciuga
Notary Public
Print Name: Donna M. Sciuga
My Commission Expires: EE 76862





**Hillsborough
County Florida**
Development Services

**Property/Applicant/Owner
Information Form**

Received
01/23/2023
Development Services
Ana Ligardo

Official Use Only

Application No: VAR 23-0093
 Hearing(s) and type: Date: 03/27/2023
 Date: _____

Intake Date: 01/23/2023
 Receipt Number: _____
 Intake Staff Signature: Ana Ligardo

Property Information

Address: 10012 Davis st
 City/State/Zip: Gibsonton Fl 33534

TWN-RN-SEC: 1RA Gibsonton Folio(s): 049837-0000 Zoning: RSC-6 Future Land Use: R-4 Property Size: 0.29 AC

Property Owner Information

Name: Angie Santiago Daytime Phone: 813-574-9530
 Address: 10012 Davis st. City/State/Zip: Gibsonton Fl 33534
 Email: ansantiago@gmail.com Fax Number: _____

Applicant Information

Name: Angie Santiago Daytime Phone: 813-493-0905
 Address: 10012 Davis st City/State/Zip: Gibsonton Fl 33534
 Email: ansantiago@gmail.com Fax Number: _____

Applicant's Representative (if different than above)

Name: Denny Sandoval Daytime Phone: 813-493-0905
 Address: 11115 Lake Lanier Dr. City/State/Zip: Riverview Fl 33569
 Email: Denny Sandoval 1987@gmail.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.

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.

Angie S. Santiago
 Signature of the Applicant

1/17/2023

RUDOLPH DONATIE
 Notary Public
 State of Florida
 Comm# HH218267
 Expires 3/21/2026 - print name

Angie S. Santiago
 Type or print name



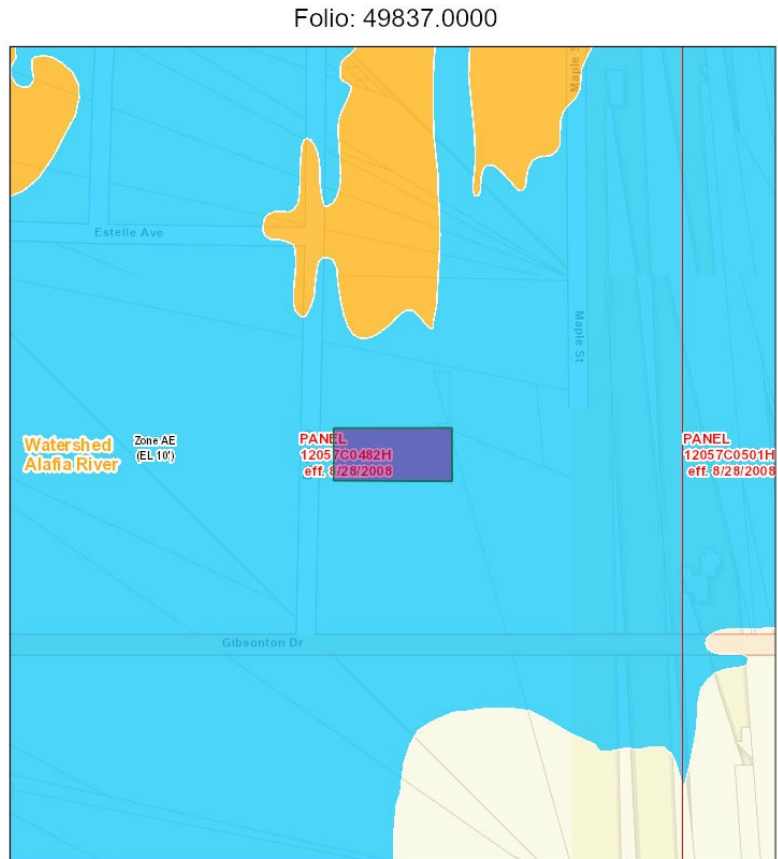
[Signature]

23-0093

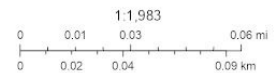


PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Overlay	MH
Flood Zone:AE	BFE = 10.0 ft
FIRM Panel	0482H
FIRM Panel	12057C0482H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120482C
County Wide Planning Area	Gibsonton
Community Base Planning Area	SouthShore
Community Base Planning Area	Gibsonton
Census Data	Tract: 013802 Block: 1009
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 8
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



January 23, 2023



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

Hillsborough County Florida

Folio: 49837.0000
PIN: U-23-30-19-1RA-000000-00018.0
ANGIE SANDOVAL SANTIAGO
Mailing Address:
 10012 DAVIS ST
 GIBSONTON, FL 33534-4325
Site Address:
 10012 DAVIS ST
 GIBSONTON, FL 33534
SEC-TWN-RNG: 23-30-19
Acreage: 0.29371601
Market Value: \$207,318.00
Landuse Code: 0100 SINGLE FAMILY

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23-0093