



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0436

LUHO HEARING DATE: June 26, 2023

CASE REVIEWER: Camille Krochta

REQUEST: The applicant is requesting a setback variance to accommodate an existing addition to a single-family home on property zoned RSC-6.

VARIANCE:

Per LDC Section 6.01.01, the required minimum front yard setback in the RSC-6 district is 25 feet. The applicant requests a 6.8-foot reduction to the required front yard setback to allow a front setback of 18.2 feet from the west property line.

FINDINGS:

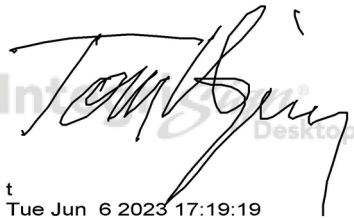
- The subject addition was constructed without building permits and in June 2021 the owner of the property at that time was issued a notice of violation (HC-CMP-21-0000347). According to Property Appraiser deed records, the applicant for the subject variance purchased the property in February 2022.
- Per LDC Section 6.01.01, a minimum lot size of 7,000 feet and minimum lot width of 70 feet is required in the RSC-6 district. Additionally, a minimum front yard setback of 25 feet and a minimum side yard setback of 7.5 feet is required. The subject parcel is 7,194 square feet in size but only 67 feet wide. The single-family dwelling on the property is set back 18.2 feet from the front property line and 6.9 feet from the north side property line. Last year the applicant requested a determination of legal status (DNC 22-1210) for these non-conformities. The Administrator granted legal nonconforming status to the lot width and the side yard setback but denied legal nonconforming status to the front yard setback. The documentation has been included in the case file for this variance request.
- The applicant has applied for building permits for the addition (HC-BLD-22-0032912). The floor plans show the addition has two bedrooms, a bathroom, and a game room with a wet bar and refrigerator. The addition has an interior doorway connection with the rest of the home and an exterior door on the south side of the structure. In communications with staff, the applicant's representative has stated his client may use the addition in the future as an accessory dwelling. Staff has advised the representative the addition cannot be utilized as an accessory dwelling because it appears it will not have a stove and therefore will not have a kitchen as required for an accessory dwelling, pursuant to applicable definitions in the LDC. Additionally, LDC Section 6.11.02.F.1 prohibits front yard setback variances for attached accessory dwellings. Consequently, if the subject variance is approved, it cannot be utilized for establishment of an accessory dwelling with independent living quarters.
- Staff has also advised the applicant's representative that, if the subject variance is approved, a stove cannot be installed in the addition without approval of a Special Use Permit by a Land Use Hearing Officer for an accessory kitchen, pursuant to LDC Section 6.11.107. Furthermore, approval of an accessory kitchen will not permit the use of the addition for independent living quarters since the subject setback variance cannot be utilized for establishment of an accessory dwelling due to LDC Section 6.11.02.F.1 as discussed above.

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.

Approval of this variance petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested environmental approvals.

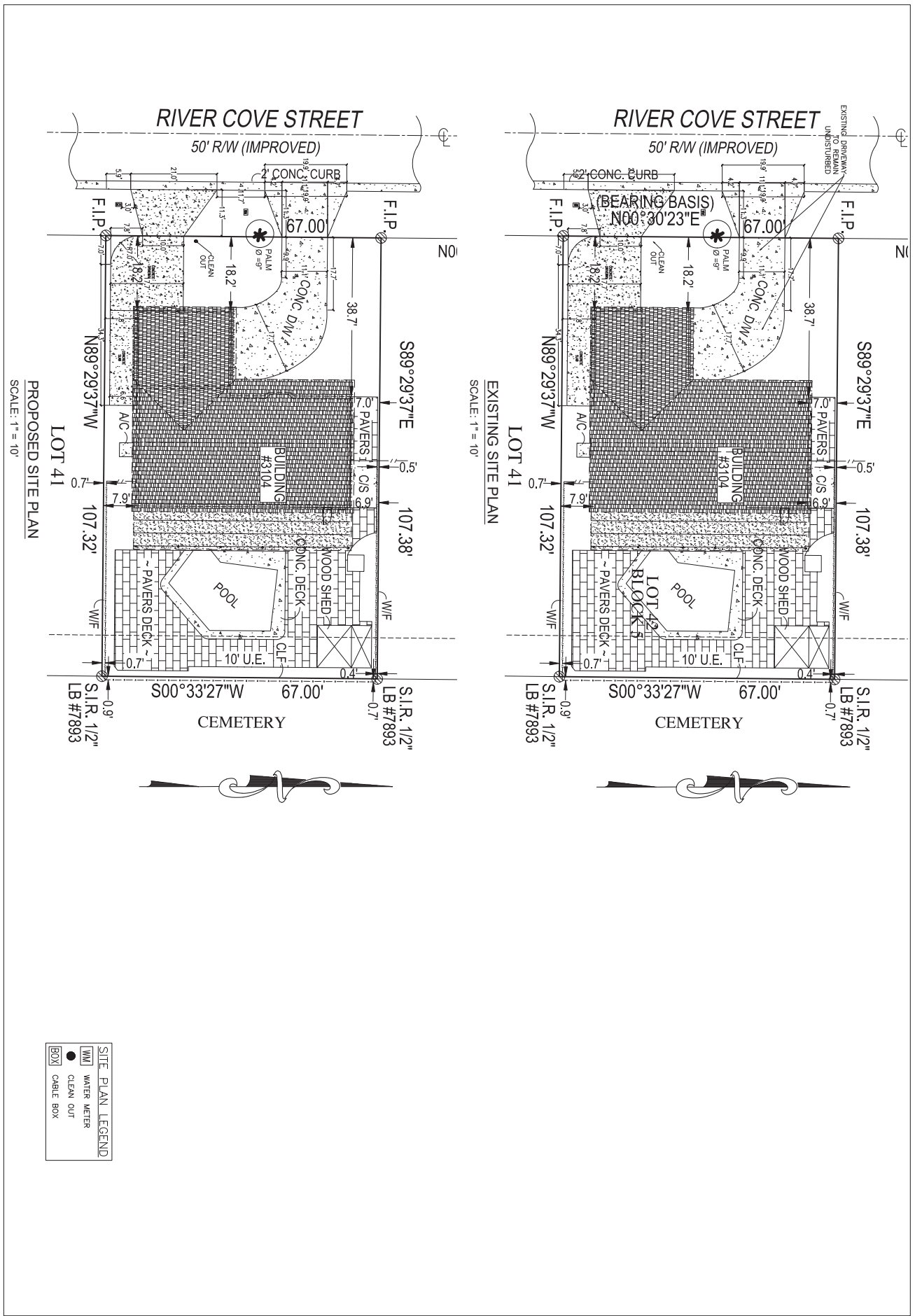
ADMINISTRATOR'S SIGN-OFF



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Tue Jun 6 2023 17:19:19

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



PROPOSED SITE PLAN
SCALE: 1" = 10'

EXISTING SITE PLAN
SCALE: 1" = 10'

SITE PLAN LEGEND

	WATER METER
	CLEAN OUT
	CABLE BOX

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Krochta, Camille

From: Alfredo Santana <agsan139@gmail.com>
Sent: Monday, May 22, 2023 1:18 PM
To: Krochta, Camille <KrochtaC@hillsboroughcounty.org>; Islay5290@gmail.com
Subject: Re: RZ-STD 23-0436

External email: Use caution when clicking on links, opening attachments or replying to this email.

Good Afternoon Camille,

I'm adding the homeowner to this conversation so we all can be on the same page about the process and the questions and their answers.

As per your question in regards to the stove, the homeowner won't install a stove now or in the future, and as per the intention of renting out the space, they do not have the intention of renting it out now since the homeowner lives together with his daughter, son in law and granddaughter, but he might be doing so in the future so it could be assumed an Accessory Dwelling. The driver's License is attached below. The homeowner just applied to the HOMESTeAD EXEMPTION (application number 11823641) but it's still processing, I'm anticipating that it might take 2 - 3 weeks before they post the results. Also, the submitted plans will be changed according to our last conversation, I explained to him that the proposed bedroom and bathroom on the other side of the house can't happen so he is updating the engineering plans accordingly. Please let me know if there is anything else that you need.

Thank you

On Fri, May 19, 2023 at 11:45 AM Krochta, Camille <KrochtaC@hillsboroughcounty.org> wrote:

Good morning Alfredo,

I am touching base after our conversation, I wanted to clarify the proposed use of the structure. You can apply for the variance request either as a Variance to Lot Development Standards (reduction to the required front yard setback for the existing residential addition) and or Variance to Accessory Dwelling Requirements. The criteria for review are different and I want to make sure I capture your intent. Please discuss this with your property owner and respond to the questions below.

Does the property owner plan to install a stove now or in the future? If the intent is to rent out the space it would be considered an Accessory Dwelling and the property owner must reside within the principal dwelling. Please provide a copy of the owner's driver's license showing the primary address. Has the owner applied for the Homestead Exemption with the Hillsborough County Property Appraiser? Here is the link to obtain information on the process.

<https://www.hcpafl.org/Property-Info/Homestead-Other-Info>

Thank you in advance.

Camille Krochta
Senior Planner
Development Services Department

P: (813) 276-8342
E: krochtac@HCFLGov.net
W: HCFLGov.net



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 hardship in question is unique to this property because even though the house was built in 1968 it seems that one of the previous homeowner encroached into the front setback with a house extension in between the years 1994 to 1998. With time this was assumed for other homeowners as a living space from the house and it has been used accordingly until the current homeowner

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.

As the property stands and due to fact that a previous homeowner made an extension towards the front of the property, the current homeowner inherited a zoning issue that is preventing him from getting a permit issued in order to correct another previous homeowner fault. After current homeowner acquire the property space has been used as needed by the family.

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.

As an unknown issue by the homeowner the space has always been used as part of the house so in the first place, there won't be an increase on the traffic within the area as a consequence of this process approval. Also, despite it seems to be the only house in the area in this situation, the extension was done (unpermitted work) a while ago, it's not disrupting the general look or the uniformity of the of the community

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).

This application's objective is to seek some comprehension towards the fact that due to an extension that was made more than 20 years ago and some other previous homeowner's mistakes, the current homeowner is trying to do the right thing and be in compliance with the intent of keep everything under the established regulations.

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.

Current homeowner as the direct affected applicant is trying by this variance application and the building permit to get some unpermitted work into the established regulations.

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.

The zoning issue created by previous homeowner is causing the current homeowner a big home life concern, since cutting that space as it was before the 90's, will turn homeowner's family day to day life upside down. An unpermitted modification done more than 20 years old is a precedent that along with the homeowner compromise of doing the right thing, it will be a substantial justice being done

Prepared by and return to:

Arlette Soler
Milestone Title Services, LLC
14310 North Dale Mabry Highway
200
Tampa, FL 33618
(813) 513-9848
File No 221046

Parcel Identification No 254560000

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WARRANTY DEED

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

This indenture made the **22nd day of February, 2022** between **Jose Ramon Pellicer Aroche, an unmarried person**, whose post office address is **3104 River Cove Drive, Tampa, FL 33614**, of the County of Hillsborough, State of Florida, Grantor, to **Jose Luis Portela Del Sol, an unmarried man**, whose post office address is **3104 River Cove Drive, Tampa, FL 33614**, of the County of Hillsborough, State of Florida, Grantee:

Witnesseth, that said Grantor, for and in consideration of the sum of TEN DOLLARS (U.S.\$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, Florida, to-wit:

Lot 42, Block 5, GROVE PARK ESTATES, UNIT NO. 7, according to the map or plat thereof, as recorded in Plat Book 36, Page(s) 78-1, of the Public Records of Hillsborough County, Florida.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject to taxes for 2021 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in fee simple forever.

And Grantor hereby covenant with the Grantee that the Grantor is lawfully seized of said land in fee simple, that Grantor have good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

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

Signed, sealed and delivered in our presence:

[Signature]
WITNESS
PRINT NAME: Michelle Columbie

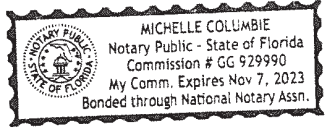
[Signature]
Jose Ramon Pellicer Aroche

[Signature]
WITNESS
PRINT NAME: Arlette Sola

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 22nd day of February, 2022, by Jose Ramon Pellicer Aroche.

[Signature] Michelle Columbie
Signature of Notary Public
Print, Type/Stamp Name of Notary



Personally Known: _____ OR Produced Identification:
Type of Identification
Produced: FL DL



Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR 23-0436

Intake Date: 04/21/2023

Hearing(s) and type: Date: 06/26/2023

Type: LUHO

Receipt Number: 261703

Date:

Type:

Intake Staff Signature: Koshia Rivas

Property Information

Address: 3104 River Cove Dr City/State/Zip: Tampa, FL 33614

TWN-RN-SEC: 28-18-27 Folio(s): 025456-0000 Zoning: RSC-6 Future Land Use: R-6 Property Size: 0.16acre

Property Owner Information

Name: Jose Luis Portela del Sol Daytime Phone: (813)-863-7253

Address: 3104 River Cove Dr City/State/Zip: Tampa, FL 33614

Email: islay5290@gmail.com Fax Number:

Applicant Information

Name: Jose Luis Portela del Sol Daytime Phone: (813)-863-7253

Address: 3104 River Cove Dr City/State/Zip: Tampa, FL 33614

Email: islay5290@gmail.com Fax Number:

Applicant's Representative (if different than above)

Name: Alfredo G Santana Daytime Phone: (813)546-9425

Address: 7907 Soaring Trail Ln City/State/Zip: Tampa, FL 33615

Email: agsan139@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.

Signature of the Applicant

Alfredo G Santana

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)

Jose Luis Portela del Sol

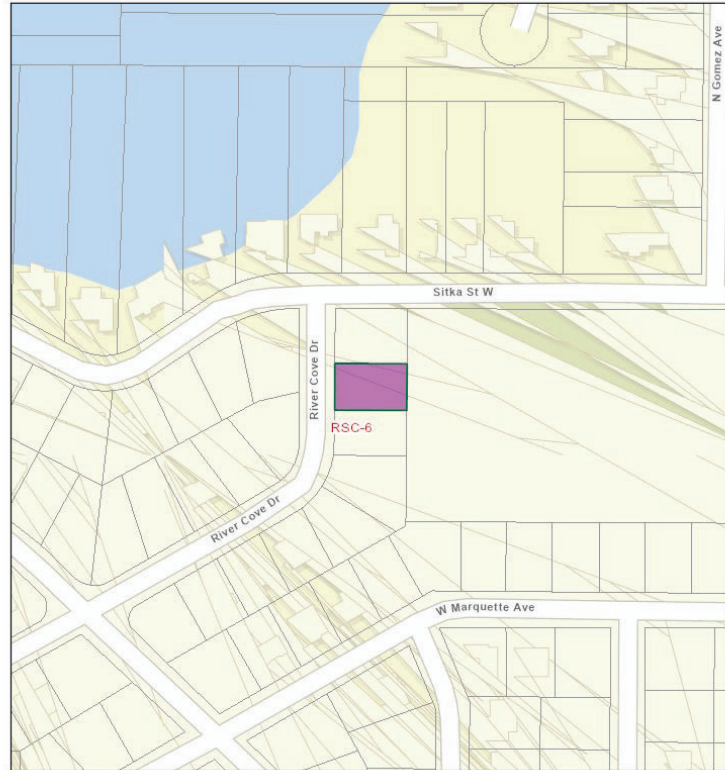
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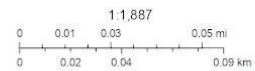
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0213H
FIRM Panel	12057C0213H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120213C
County Wide Planning Area	Egypt Lake
Census Data	Tract: 011902 Block: 3000
Future Landuse	R-6
Future Landuse	R-6
Future Landuse	R-6
Urban Service Area	TSA
Waste Water Interlocal	City of Tampa Waste Water
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 10
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	170' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 25456.0000



April 21, 2023



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

Hillsborough County Florida

Folio: 25456.0000
PIN: U-27-28-18-15U-000005-00042.0
Jose Luis Portela Del Sol
Mailing Address:
 3104 River Cove Dr
 null
 Tampa, FL 33614
Site Address:
 3104 River Cove Dr
 Tampa, FL 33614
SEC-TWN-RNG: 27-28-18
Acreage: 0.160653
Market Value: \$339,328.00
Landuse Code: 0100 Single Family

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