



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0048	
LUHO HEARING DATE: May 22, 2023	CASE REVIEWER: Tim Lampkin, AICP

REQUEST: The applicant is requesting variances to accommodate a proposed two-lot subdivision of property zoned AS-1. Additionally, the applicant is requesting a variance to accommodate an existing single-family home on the property.

VARIANCE(S):

Proposed Subdivision

Per LDC Section 6.01.01, a minimum lot width of 150 feet is required in the AS-1 district. The applicant requests:

- A 48.57-foot reduction to the required lot width for proposed Lot 1 to allow a width of 101.43 feet; and,
- A 45.04-foot reduction to the required lot width for proposed Lot 2 to allow a width of 104.96 feet.

Existing Home

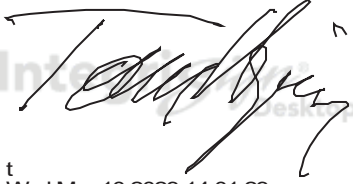
Per LDC Section 6.01.01, a minimum side yard setback of 15 feet is required in the AS-1 district. The applicant requests a 6.5-foot reduction to the required side yard setback to allow a side setback of 8.5 feet from the north property line on proposed Lot 1.

FINDINGS:

- Per the revised subdivision plan submitted by the applicant on May 9, both of the proposed lots will exceed the minimum lot area of 43,560 square feet, excluding easement area, required in the AS-1 district.
- Per LDC Section 6.07.02.C.2.a, fences in agricultural districts are regulated in the same manner as fences in residential districts, except under certain circumstances that do not apply to this case. Per LDC Section 6.07.02.C.1.a., fences over four feet in height shall not be allowed within required front yards in residential districts, except under certain circumstances that do not apply to this case. There is an existing 6-foot-high fence that will be located in the required front yards of both proposed lots. However, the applicant has advised staff they intend to remove the fence and therefore have elected to not include a height variance for the fence in this application.
- An existing car port on proposed Lot 1 encroaches into the required 50-foot front yard setback on proposed Lot 1. Additionally, a small accessory structure on the south side of that lot does not meet the 3-foot setback required for accessory structures. However, the applicant has advised staff they plan to remove both structures and therefore have elected to not include setback variances for them in this application.

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
 t Wed May 10 2023 14:01:23
Attachments: Application Site Plan Petitioner's Written Statement Current Deed



**Hillsborough
County Florida**
Development Services

Additional / Revised Information Sheet

Application Number: 23-0048	Office Use Only	
	Received Date:	Received By:

The following form is required when submitted changes for any application that was previously submitted. A cover letter must be submitted providing a summary of the changes and/or additional information provided. If there is a change in project size the cover letter must list any new folio number(s) added. Additionally, **the second page of this form must be included indicating the additional/revised documents being submitted with this form.**

Application Number: 23-0048 Applicant's Name: JULIO C RODRIGUEZ
 Reviewing Planner's Name: TIMOTHY LAMPKIN Date: 03/16/2023

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): 04/24/2023

Important Project Size Change Information

Changes to project size may result in a new hearing date as all reviews will be subject to the established cut-off dates.

Will this revision add land to the project? Yes No
If "Yes" is checked on the above please ensure you include all items marked with * on the last page.

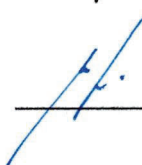
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For additional help and submittal questions, please call (813) 277-1633 or email ZoningIntake-DSD@hcflgov.net.

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

03/16/2023

Date



**Hillsborough
County Florida**
Development Services

Identification of Sensitive/Protected Information and Acknowledgement of Public Records

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Additionally, parcels exempt under [Florida Statutes §119.071\(4\)](#) will need to contact [Hillsborough County Development Services](#) to obtain a release of exempt parcel information.

Are you seeking an exemption from public disclosure of selected information submitted with your application pursuant to Chapter 119 FS? Yes No

I hereby confirm that the material submitted with application 23-0048

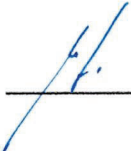
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Signature: 
(Must be signed by applicant or authorized representative)

Intake Staff Signature: _____ Date: _____



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Please indicate below which revised/additional items are being submitted with this form.

Included	Submittal Item
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**Hillsborough
County Florida**
Development Services

Application No: _____

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.

SEE EXTRA PAGE 1

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

Sec. 6.01.01. - Schedule of District Area, Height, Bulk, and Placement Regulations

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 Re-claimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

PROJECT DESCRIPTION (VARIANCE REQUEST)

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VARIANCE 1

PROPOSED LOT ONE REQUESTS A VARIANCE OF 48.57 FEET FROM THE REQUIRED FRONT LOT WIDTH OF 150 FEET RESULTING IN A FRONT LOT WIDTH OF 101.43 FEET.

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VARIANCE 3

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THE PROPERTY HAS 2.28 ACRES OF EXTENSION AND CURRENTLY HAS A HOUSE WITH ACCESS FROM THE RIGHT OF WAY 12TH ST. THE OWNERS WANT TO CARRY OUT A DIVISION PROCESS, FOR WHICH THEY CARRIED OUT A PRE SUBMITTAL. IN PRE-SUBMITTAL, IT WAS EXPRESSED BY ZONING THAT TO DIVIDE THE PROPERTY INTO 2 LOTS A VARIANCE OF 50' TO REDUCE THE WIDTH OF THE LOT FROM 150 FEET TO 100 FEET SHOULD BE REQUESTED. A 30' ACCESS EASEMENT TO THE OTHER LOT IS REQUIRED AND WILL BE PROVIDED, HOWEVER THIS WILL REQUIRE THE PROPOSED DIVISION TO FOREGO 3 VARIANCES TO LOT DEVELOPMENT STANDARDS. THIS EASEMENT WILL CONSUME AREA FOR THE PROPOSED PROPERTIES THAT WILL NOT BE CONSIDERED TO MEET THE MINIMUM 1 ACRE REQUIREMENT. IN SUMMARY, THERE WILL BE TWO VARIANCES CARRIED OUT TO LOT DEVELOPMENT STANDARDS FOR LOT WIDTH OF BOTH PROPOSED LOTS. ADDITIONALLY, A THIRD VARIANCE TO LOT DEVELOPMENT STANDARDS FOR THE SIDE SETBACK OF THE PROPOSED LOT ONE.

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?

VARIANCE 1

THE NEXT LOT (SOUTH) IDENTIFIED WITH FOLIO NO. 079396-0000, HAS A WIDTH LESS THAN 100 FEET.

VARIANCE 2

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VARIANCE 3

THE EXISTING HOME EXISTS SINCE 1960 AND NEIGHBORS HAVE NOT PROVIDED COMPLAINTS.

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.



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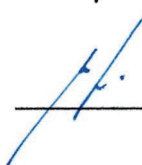
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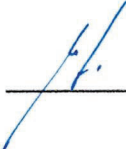
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Variance Criteria Response

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?

SEE EXTRA PAGE 1

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.

SEE EXTRA PAGE 2

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.

SEE EXTRA PAGE 2

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*).

SEE EXTRA PAGE 2

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.

SEE EXTRA PAGE 3

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.

SEE EXTRA PAGE 3

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Extra page

APPLICATION NO. 23-0048

VARIANCE 1

To divide the parcel, the variances are required to meet the lot requirements of Sec. 6.01.01 . Existing neighbor properties with a front lot width less than 100' (FOLIO NO. 079396-0000) and this right should be shared with the proposed two lots on our parcel.

VARIANCE 2

To divide the parcel, the variances are required to meet the lot requirements of Sec. 6.01.01 . Existing neighbor properties with a front lot width less than 100' (FOLIO NO. 079396-0000) and this right should be shared with the proposed two lots on our parcel.

VARIANCE 3

In this properties history the building was approved and is now violating the LDC; requiring a reconstruction will incur high costs for the division and become unfeasible.

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.

VARIANCE 1

Since a reduction in the lot width is requested in the variance, all other requirements for the proposed zoning will be met so that neighboring lots are not impeded. The minimum spacing access to the right of way from the divided lots will be respected.

VARIANCE 2

Since a reduction in the lot width is requested in the variance, all other requirements for the proposed zoning will be met so that neighboring lots are not impeded. The minimum spacing access to the right of way from the divided lots will be respected.

VARIANCE 3

The building has existed since 1960 and the abutting neighbor on the north has not had a problem with the distance of the building to their abutting property line.

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*).

VARIANCE 1

The variance proposal should only change the lot width to meet the requirements for division and still respect the rights of all subject matter stakeholders.

VARIANCE 2

The variance proposal should only change the lot width to meet the requirements for division and still respect the rights of all subject matter stakeholders.

VARIANCE 3

The variance proposal should only change a setback to meet the requirements for division and still respect the rights of all subject matter stakeholders.

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.

Extra page

APPLICATION NO. 23-0048

VARIANCE 1

There has only been a pre- submittal meeting towards the division of the lot, no further work has been transmitted to assure that any measures taken forward are just and approved by Hillsborough County. The division of the lot is on hold until the variance request is complete in order to comply by the LDC requirements.

VARIANCE 2

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VARIANCE 1

The variance completion considers that both the public and the owner of the property rights be respected. The owner will be able to divide the property and keep an existing home with less land to care for, all the while the public rights as per the LDC requirements are to be met and respected; along with Notice Letters to be sent that assure the public is comfortable with the division and variances.

VARIANCE 2

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VARIANCE 3

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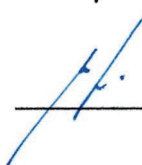
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Additionally, parcels exempt under [Florida Statutes §119.071\(4\)](#) will need to contact [Hillsborough County Development Services](#) to obtain a release of exempt parcel information.

Are you seeking an exemption from public disclosure of selected information submitted with your application pursuant to Chapter 119 FS? Yes No

I hereby confirm that the material submitted with application 23-0048

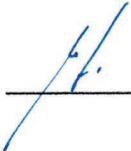
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Type of information included and location _____

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Signature: 
(Must be signed by applicant or authorized representative)

Intake Staff Signature: _____ Date: _____



Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Included	Submittal Item
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- 1 **Cover Letter**** If adding or removing land from the project site, the final list of folios must be included
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- 11 **Wet Zone Survey**
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- 13 **Project Description/Written Statement**
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- 15 **Variance Criteria Response**
- 16 **Copy of Code Enforcement or Building Violation**
- 17 **Transportation Analysis**
- 18 **Sign-off form**
- 19 **Other Documents** (please describe):

*Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

**Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.

REC-3960 PG 818

WARRANTY DEED

CORRECTIVE DEED

This Warranty Deed Made the 13 day of May A. D. 1982 by

WILLIAM A. MOBLEY AND MARJORIE C. MOBLEY, his wife

hereinafter called the grantor, to

ROBERT C. CALVERT AND NANCY RENEE CALVERT, his wife

whose post office address is PO BOX 82, Wimauma, Fla. 33598
hereinafter called the grantee:

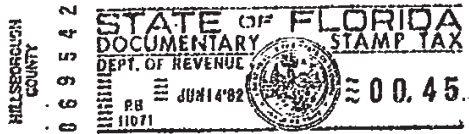
(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and their legal representatives and assigns of individuals and the successors and assigns of corporations.)

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, remises, releases, conveys and confirms unto the grantee all that certain land situate in Hillsborough County, Florida, viz:

The South $\frac{1}{4}$ of the North $\frac{1}{4}$ of Tract 7 in the Northwest $\frac{1}{4}$ of Section 9, Township 32 South, Range 20 East, REVISED MAP OF TOWN OF WIMAUMA, according to the map or plat thereof as recorded in Plat Book 1, Page 136 of the public records of Hillsborough County, Florida, LESS the West 250 feet of the South 75 feet thereof.

~~INT TAX~~
~~UN TAX~~
JUGSFP 45
IS FSB 400
~~GENUM~~
JT DUB 44.45
E CLK

THIS DEED IS BEING GIVEN TO CORRECT THE LEGAL DESCRIPTION IN DEED FILED APRIL 10, 1981 IN OFFICIAL RECORD BOOK 3790, PAGE 486, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.



CODES TIME 10 24A
11272518 105 0006 14JUN82
RECORDED 028650 A
CK 4.45

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, 1980; and subject to any easements, assessments, restrictions, and zoning regulations of record, if any.

JAMES F. TAYLOR, JR.
CLERK CIRCUIT COURT
RECORDING DEPT.
HILLSBOROUGH CO.
TAMPA, FL 33601

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:

Margaret S. Sylwice
Beth E. Odew

William A. Mobley L.S.
William A. Mobley
Marjorie C. Mobley L.S.
Marjorie C. Mobley

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH LEVY

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared

WILLIAM A. MOBLEY AND WIFE, MARJORIE C. MOBLEY

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 13 day of May

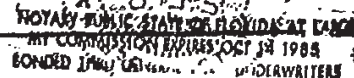
A. D. 1982

This instrument was prepared by:

Beth E. Odew
Notary Public

My commission expires:

Patty Judd



Notary Public, Hillsborough County, Fla.
which instrument was prepared incidental to the insurance policy.



**Hillsborough
County Florida**
Development Services

Additional / Revised Information Sheet

Application Number: 23-0048	Office Use Only	
	Received Date:	Received By:

The following form is required when submitted changes for any application that was previously submitted. A cover letter must be submitted providing a summary of the changes and/or additional information provided. If there is a change in project size the cover letter must list any new folio number(s) added. Additionally, **the second page of this form must be included indicating the additional/revised documents being submitted with this form.**

Application Number: 23-0048 Applicant's Name: JULIO C RODRIGUEZ
 Reviewing Planner's Name: TIMOTHY LAMPKIN Date: 03/16/2023

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): 04/24/2023

Important Project Size Change Information

Changes to project size may result in a new hearing date as all reviews will be subject to the established cut-off dates.

Will this revision add land to the project? Yes No
If "Yes" is checked on the above please ensure you include all items marked with * on the last page.

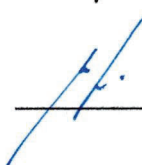
Will this revision remove land from the project? Yes No
If "Yes" is checked on the above please ensure you include all items marked with * on the last page.

Email this form along with all submittal items indicated on the next page in pdf form to:
ZoningIntake-DSD@hcflgov.net

Files must be in pdf format and minimum resolution of 300 dpi. Each item should be submitted as a separate file titled according to its contents. All items should be submitted in one email with application number (including prefix) included on the subject line. Maximum attachment(s) size is 15 MB.

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

03/16/2023

Date



**Hillsborough
County Florida**
Development Services

Identification of Sensitive/Protected Information and Acknowledgement of Public Records

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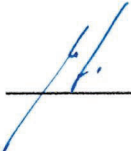
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**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: _____ Intake Date: _____
Hearing(s) and type: Date: _____ Type: _____ Receipt Number: _____
Date: _____ Type: _____ Intake Staff Signature: _____

Property Information

Address: 310 12TH ST City/State/Zip: WIMAUMA, FL 33598-3404
TWN-RN-SEC: 09-32-20 Folio(s): 79395.0050 Zoning: AS-1 Future Land Use: R-6 Property Size: 2.28 ACRES

Property Owner Information

Name: TERESA HERNANDEZ HERNANDEZ Daytime Phone 813-862-6801
Address: 310 12TH ST WIMAUMA, City/State/Zip: FL 33598-3404
Email: torrestere150@gmail.com Fax Number _____

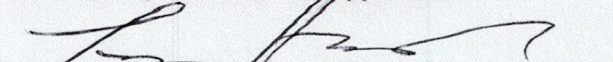
Applicant Information

Name: JULIO C. RODRIGUEZ Daytime Phone (813) 4233483
Address: 6528 US HWY 301 S, UNIT 106 City/State/Zip: RIVERVIEW, FL 33578
Email: plats@gpsflorida.net 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 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

TERESA HERNANDEZ HERNANDEZ

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)

TERESA HERNANDEZ HERNANDEZ

Type or print name