

Variance Application: VAR 24-0478
LUHO Hearing Date: April 22, 2024
Case Reviewer: Isis Brown



**Hillsborough
 County Florida**

Development Services Department

Applicant: **Jerry Hoffman** Zoning: **RSC-6**
 Address/Location: **10108 Midway Street, Gibsonton FL 33534; Folio No.: 50300.0000**


Request Summary:

The applicant is requesting variances to accommodate an existing single-family dwelling on property zoned RSC-6 (Residential, Single-Family Conventional-6).

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.01.01	A minimum 25-foot front yard setback is required in the RSC-6 zoning district.	3.5 feet	21.5-foot front yard setback
6.01.01	A minimum 7.5-foot side yard setback is required in the RSC-6 zoning district.	0.5 feet	7-foot side yard setback

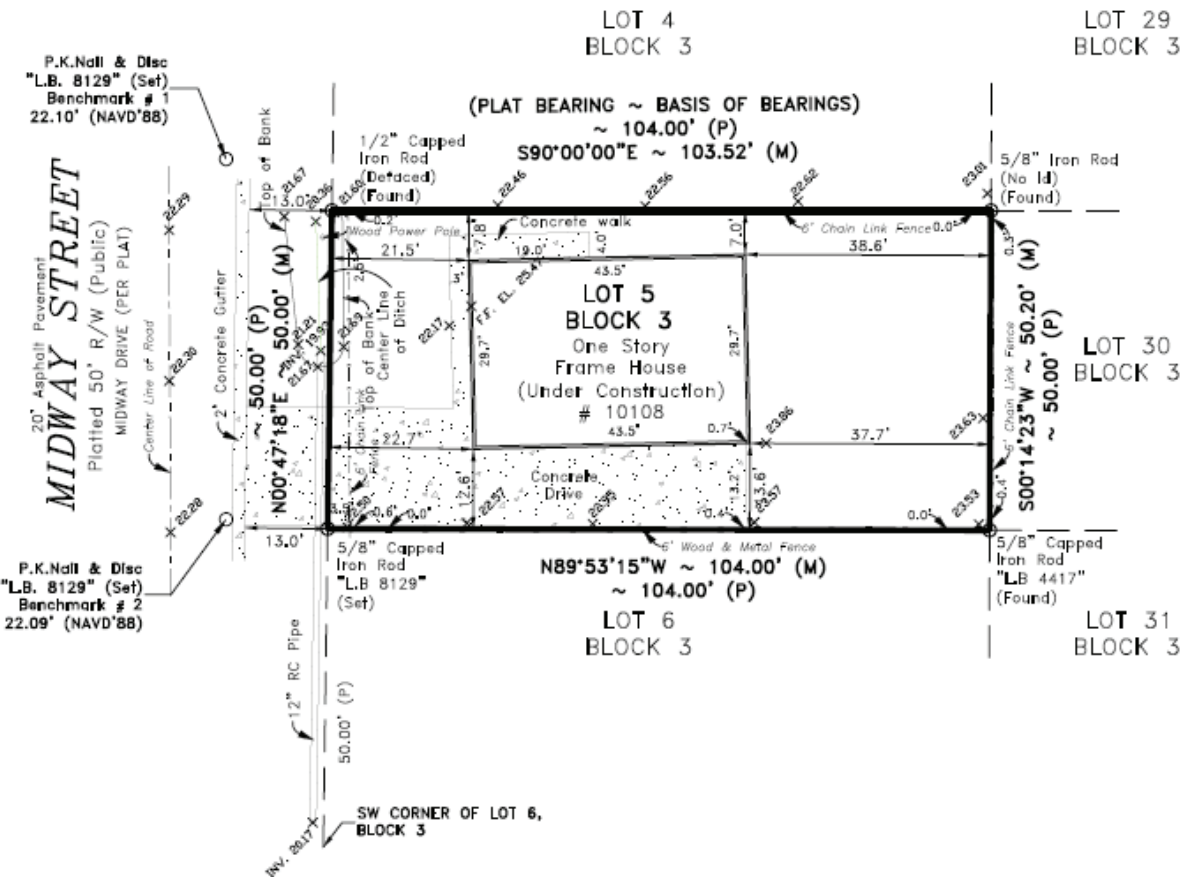
Findings:	<input type="checkbox"/> A minimum lot size of 7,000 square feet and minimum lot width of 70 feet is required in the RSC-6 district. The subject lot is approximately 5,227 square feet in size and 50 feet in width and therefore is nonconforming. However, it has been certified as a legal nonconforming lot, per NCL 24-0589 in the case record.
	<p>The subject parcel received a citation, HC-CMP-23-0000424 for failure to obtain a permit for construction of a single-family residence. Citation HC-CMP-23-0000424 has been placed in the case file for this this application.</p>

Zoning Administrator Sign Off:	 Colleen Marshall Mon Apr 8 2024 13:16:44
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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.

SURVEY/SITE PLAN

MAP OF SURVEY



NOTE:

ELEVATIONS SHOWN HEREON ARE IN FEET AND REFER TO N.A.V.D. 1988 DATUM.

LEGAL DESCRIPTION:

INSTRUMENT# 2022155605

LOT 5, BLOCK 3, VARN'S RESUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 18, PAGE 59, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

TOGETHER WITH THAT CERTAIN 1993 SPRI MOBILE HOME VIN NO. CLFL35263A AND CLFL35263B, PERMANENTLY SITUATED THEREON.

Surveyor's Report and Additional Notes

1. No underground installations or improvements have been located except as shown hereon.
 2. Recovered Historical Monumentation was used by this surveyor to establish deed or plat lines and corners.
 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, alleys, 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.

NOTES

NOTES: (includes notes that surveyor has been)



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. *PLEASE SEE APPENDUM I - 2 PAGES*

THE OWNERS ARE REQUESTING A VARIANCE OF 3.5' FROM THE REQUIRED FRONT YARD SETBACK OF 25.0' RESULTING IN A FRONT YARD OF 21.50'. SEE ATTACHED MAP OF SURVEY. ACTUALLY THE STRUCTURE IS NOT "SQUARE" TO MIDWAY STREET, THE NORTH CORNER OF THE STRUCTURE IS 3.5' ENCROACHMENT INTO FRONT SETBACK AND THE SOUTH CORNER OF STRUCTURE IS 2.3' ENCROACHMENT
THE OWNERS WERE IN THE PROCESS OF REBUILDING THE ENTIRE PERIMETER OF THE STRUCTURE, WHICH THEY PURCHASED THE PROPERTY MARCH 16, 2022, WHEN THEY RECEIVED CODE ENFORCEMENT VIOLATION # HC-CMP-23-0000424

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

PLEASE SEE ATTACHED APPENDUM I - PAGES 1 & 2
6.01.01 FRONT PROPERTY SETBACK - FROM 25'0" TO AN AVERAGE OF 22.1'
6.07.00 FENCE IN FRONT YARD - FROM 4' TO 6' TALL

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. *ATTACHED HC-CMP-23-0000424*
- 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

February 22, 2024

ADDENDUM I Page 1/2

Re: 10108 MIDWAY STREET VARIANCE REQUEST

Additional Information:

Midway Street is a combination of five or six different zoning districts within the 300-foot Close Proximity Property List for the Subject Property. Please see the attached Zoning Map – Addendum 2.

Additionally, at the south side of Midway Street at the south end of this Proximity Property List, only four lots south of the Subject Property on the same side of Midway Street starts “Show Business” zoning which is extremely permissive.

Cater-cornered across the street from the Subject Property are more liberal current zonings; across from the Northwest corner is CN Zoning and across from the Southwest corner is RDC-12/RSB Zoning. Please see attached Zoning Map – Addendum 2.

Per our attached survey, our front setbacks at the dwelling front north corner is 21.50’ and at the dwelling’s front south corner is 22.70’. This would represent an average change in the front setback of 2.9’, just over a 10% variance to the 25’ front setback requirement. The Subject Property is 50 feet wide by 104 feet deep for a total of 5,200 square feet and zoned RSC-6 with a 25’ front and rear setback. If the Subject Property were 50 foot wide by only 100 feet deep, it would be a total of 5,000 square feet and would be zoned RSC-9 with a front and rear set back of 20’ front and rear set back thus eliminating the problem.

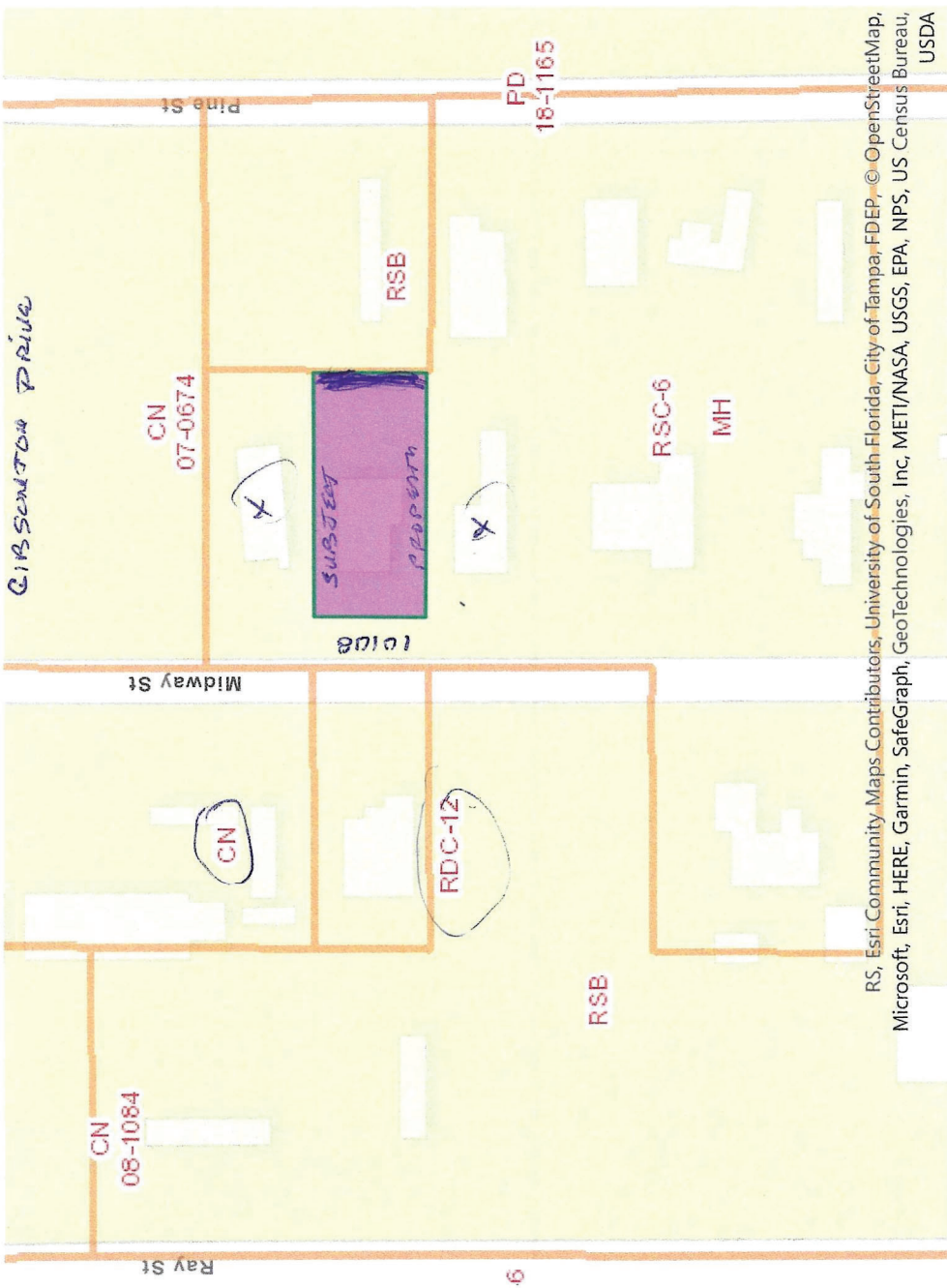
Regarding the front property fence, when the owner’s purchased the home in March of 2022, there was, and is, at the front of the Subject Property a 5’6” tall chain link fence with a 6’ chain link fence gate at the driveway. This would serve as tremendous help in protecting their children and helping to keep them safe as there are several large dogs in the neighborhood. Additionally, there are several homes on Midway Street with 6’ fences at their front property lines. We also request the approval for the front fence variance to 6’0” tall fence.

The Subject Property is definitely in need of being structurally re-fortified and these very humble owners are up to the challenge of completing the improvements with their very own hands and hard work. They commenced this work without a permit from the Building Department. Hence, the Code Enforcement/Building Code Violation. They have engaged a

structural engineer who will prepare a full set of remodeling plans from structural to all trade disciplines: mechanical, plumbing and electrical. We will submit these sealed drawings to the Hillsborough County Building Department for an after-the-fact permitting and follow completely the approved construction sequencing including all inspection requirements.

This is a very good and hard-working family and they humbly request the help of the variance process to allow them to keep their family home as it is currently located and to complete the permitting and remodeling process to allow them to improve their family living conditions and also improve their property appearance for the entire neighborhood.

ZONING MAP
ADDENDUM 2
RE: 10108 MIDWAY STREET



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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?

IT IS DIFFICULT TO ADDRESS THE QUESTION, AS WE DO NOT HAVE CERTIFIED SURVEYS FOR SURROUNDING PROPERTIES. IT IS HOWEVER, EXTREMELY APPARENT THAT THE NEIGHBORHOOD CONSIST OF PRIMARILY SMALLER DWELLINGS, SOME ARE MOBILE HOMES, SOME ARE SINGLE FAMILY DWELLINGS.

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.

THE LITERAL REQUIREMENTS OF THE LAND DEVELOPMENT CODE - RSC 6 CALL FOR 25' FRONT SET BACK. THE SUBJECT LOT IS 5,200 SQUARE FEET. IF THE LOT WERE 200 SQUARE FEET SMALLER - 5,000 SQUARE FEET IT WOULD BE QUALIFIED AS A RSC 9 LOT AND THE FRONT SET BACK WOULD BE 20'. THAT 200 SQUARE FOOT DIFFERENCE EQUATES TO LESS THAN A 4% SMALLER SIZED LOT.

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.

PERTAINING TO THE SUBJECT PROPERTY, THE SURVEY DEPICTS THAT THE STRUCTURE SATISFIES THE SIDE SET BACKS AND THE REAR SET BACK. IF APPROVED, THE FRONT PROPERTY SET BACK WOULD BE AT AN AVERAGE 22.1 FEET

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 INTENT AND PURPOSE ARE DEVELOPED TO SERVE THE PUBLIC'S BEST INTEREST AND TO AID AND TO FOSTER HARMONIOUS, ORDERLY AND PROGRESSIVE DEVELOPMENT IN HILLSBOROUGH COUNTY. WE BELIEVE THE VARIANCE REQUEST TO BE REASONABLE AND THAT IT WOULD NOT ADVERSELY AFFECT THE NEIGHBORHOOD. INDEED THE VARIANCE WOULD GREATLY ASSIST THE OWNERS IN SAYING THE OPPORTUNITY TO COMPLETE THEIR FAMILY HOME AND ADD A POSITIVE IMPROVEMENT TO THE NEIGHBORHOOD

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.

THE OWNERS ARE JUST TRYING TO REFORITIFY THE DWELLING WHICH THEY PURCHASED IN MARCH 2022.

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 SET BACK VARIANCE OF AN AVERAGE OF 2.9' WOULD BE A MINIMAL CHANGE TO THE NEIGHBORHOOD. IT WOULD ALLOW THE OWNERS THE PERMISSION TO CONTINUE WITH THE REFORITIFICATION OF THE PROPERTY, MAKING THEIR PROPERTY MUCH IMPROVED AND MORE APPEALING TO THE NEIGHBORHOOD. THIS VARIANCE APPROVAL GRANTS THE OWNERS THE PERMISSION TO KEEP THEIR HOME WHERE IT IS WITHOUT HAVING TO ENDURE A TREMENDOUS HARDSHIP OR MOVING IT.

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Prepared by and return to:

Valerie Strmiska
Nona Title, Inc.
650 North Alafaya Trail
111
Orlando, FL 32828
(407) 556-3798
File No 22-3697

Parcel Identification No U-25-30-19-1RO-000003-00005.0

[Space Above This Line For Recording Data]

WARRANTY DEED

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

This indenture made the **18th day of March, 2022** between **Scarlett Investment Properties LLC, a Florida Limited Liability Company and RRM House Buyer LLC, a Florida Limited Liability Company**, whose post office address is **8010 West Pochontas Avenue, Tampa, FL 33615**, of the County of Hillsborough, State of Florida, Grantors, to **Angels Stucco Inc, a Florida Corporation**, whose post office address is **8750 Barcin Circle, Riverview, FL 33578**, of the County of Hillsborough, State of Florida, Grantee:

Witnesseth, that said Grantors, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantors 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 5, Block 3, Varns Resubdivision, a subdivision according to the plat thereof recorded in Plat Book 18, Page 59, of the Public Records of Hillsborough County, Florida.

Together with that certain 1993 SPRI Mobile Home VIN NO. CLFL35263A and CLFL35263B, permanently situated thereon.

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

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

Signed, sealed and delivered in our presence:

WITNESS
PRINT NAME: Liliana M Valencia M

WITNESS
PRINT NAME: IUAN SANTA

Scarlett Investment Properties LLC, a Florida Limited Liability Company

By: Liliana M Valencia
Scarlett De La Mota, Manager

RRM House Buyer LLC, a Florida Limited Liability Company

By: Roselio R De Mota
Roselio R. De Mota, Manager

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of () physical presence or () online notarization this 18th day of March, 2022, by Scarlett De La Mota, Manager of Scarlett Investment Properties LLC and Roselio R. De Mota, Manager of RRM House Buyer LLC.

Liliana M Valencia M
Signature of Notary Public
Print, Type/Stamp Name of Notary



Liliana M Valencia
Comm.: HH 122225
My Commission Expires:
May 15, 2025

Personally Known: _____ OR Produced Identification: X
Type of Identification
Produced: Drivers License



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 4047

Intake Date: 000004

Hearing(s) and type: Date: 400004

Type: 000

Receipt Number: 343740

Date: _____

Type: _____

Intake Staff Signature: Clare Odell

Property Information

Address: 10108 MIDWAY STREET City/State/Zip: GIBSONTON, FL. 33534

TWN-RN-SEC: 25-3019 Folio(s): 050300.0066 Zoning: RSC-6 Future Land Use: R-6 Property Size: 50X104 = 5,200 S.F. 0.12 ACRES

Property Owner Information

Name: MIGUEL MUNOZ ANGELS STUDIO, INC Daytime Phone 813-503-2696

Address: 8750 BERCIN CIRCLE City/State/Zip: REVIEWVIEW FL. 33578

Email: ANGELSSTUDIO@OUTLOOK.COM Fax Number N/A

Applicant Information

Name: JERRY HOFFMAN Daytime Phone 813-503-2696

Address: P.O. BOX 2164 City/State/Zip: BRANDON, FL. 33509

Email: JHOFFM10@TAMPABAY.FL.COM Fax Number N/A

Applicant's Representative (if different than above)

Name: SOME AS APPLICANT 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]
Signature of the Applicant

MIGUEL MUNOZ
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)

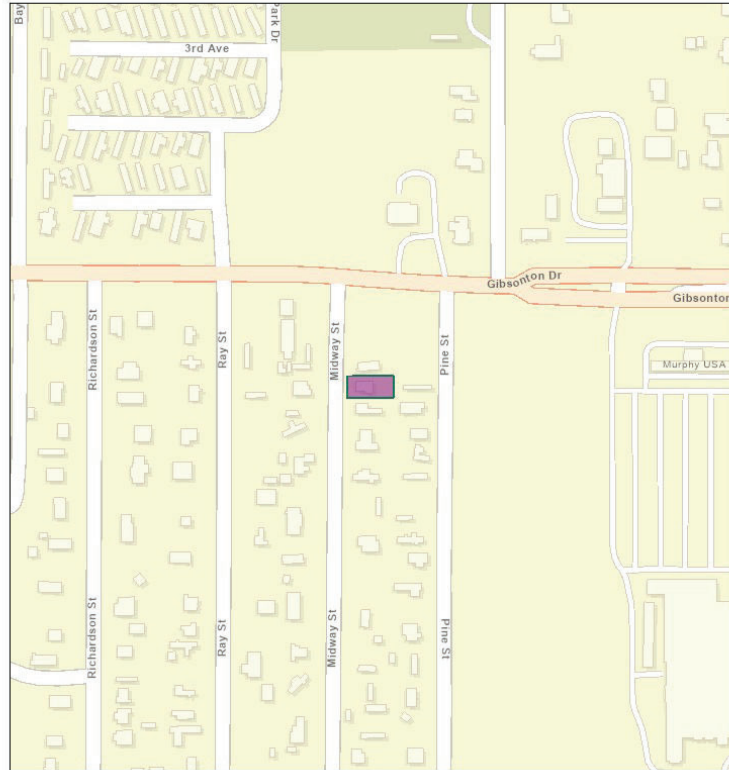
Type or print name



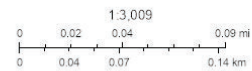
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Overlay	MH
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0501H
FIRM Panel	12057C0501H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120501C
County Wide Planning Area	Gibsonston
Community Base Planning Area	SouthShore
Community Base Planning Area	Gibsonston
Census Data	Tract: 013803 Block: 1006
Future Landuse	R-6
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

Folio: 50300.0000



February 22, 2024



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Hillsborough County Florida

Folio: 50300.0000
PIN: U-25-30-19-1RO-000003-00005.0
Angels Stucco Inc
Mailing Address:
 8750 Barcin Cir
 null
 Riverview, FL 33578
Site Address:
 10108 Midway St
 Gibsonton, FL 33534
SEC-TWN-RNG: 25-30-19
Acreage: 0.123574
Market Value: \$66,873.00
Landuse Code: 0200 Mobile Homes

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