



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0273	
LUHO HEARING DATE: May 22, 2023	CASE REVIEWER: Isis Brown

REQUEST: The applicant is requesting a setback variance to accommodate a proposed single-family dwelling on property zoned AS-1 (Agricultural, Single-Family).

VARIANCE(S):


Per LDC Section 6.01.01, a minimum rear yard setback of 50 feet is required in the AS-1 District. The applicant requests a 24-foot reduction to the required rear yard setback to allow a rear setback of 26 feet from the northeasterly property line.

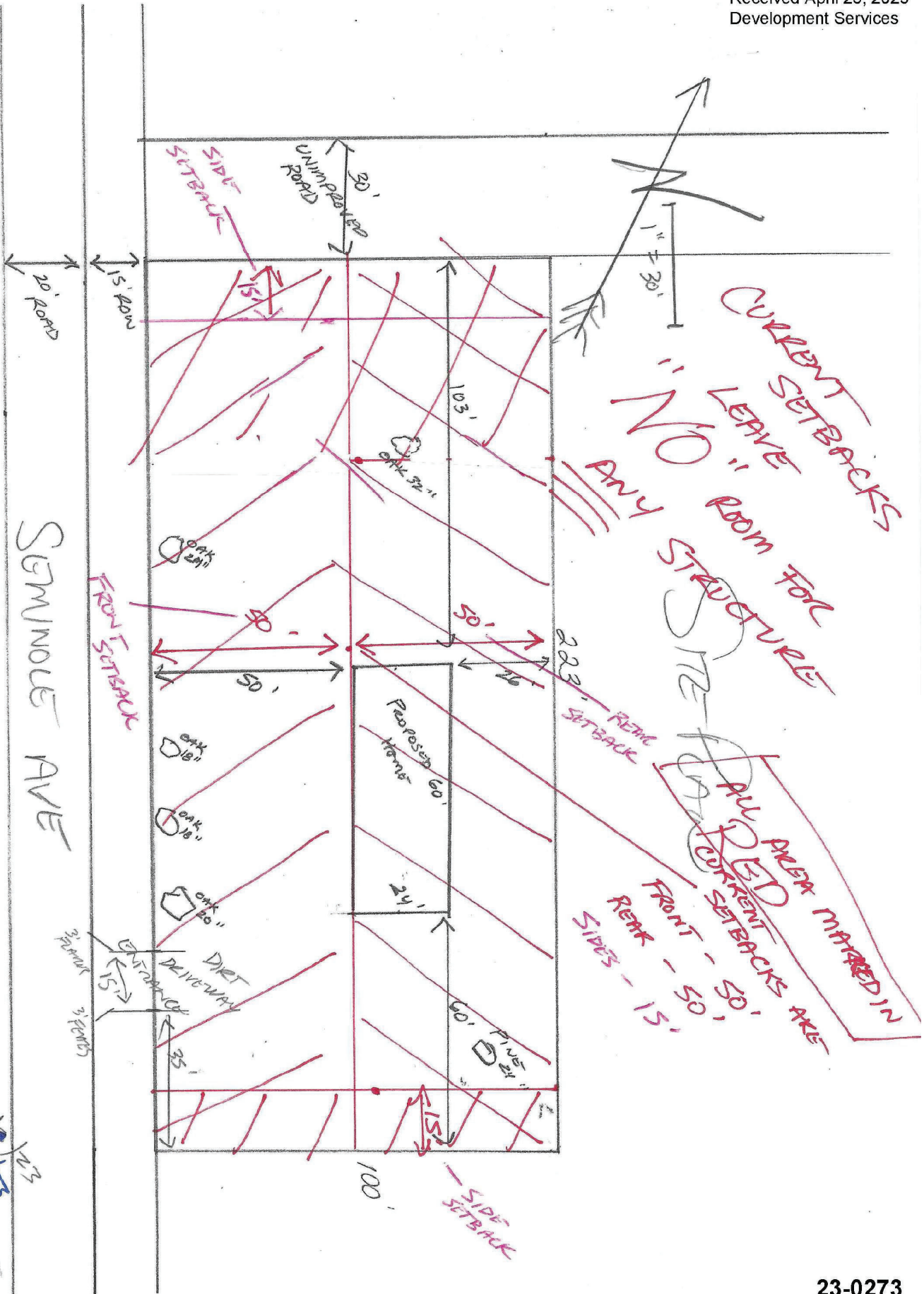
FINDINGS:

- A minimum lot size of one acre is required in the AS-1 district. The subject lot is approximately .47-acre in size and therefore is nonconforming. However, it has been certified as a legal nonconforming lot, per NCL 22-0786 in the case record.
- The site plan originally submitted by the applicant depicted a required 50-foot front yard setback on the northwesterly side of the subject parcel due to the presence of an adjacent “unimproved road.” However, the northwesterly side of the parcel actually abuts the driveway extension of a flag lot, not a road, and therefore only a 15-foot side yard setback is required as reflected on the revised site plan submitted by the applicant.

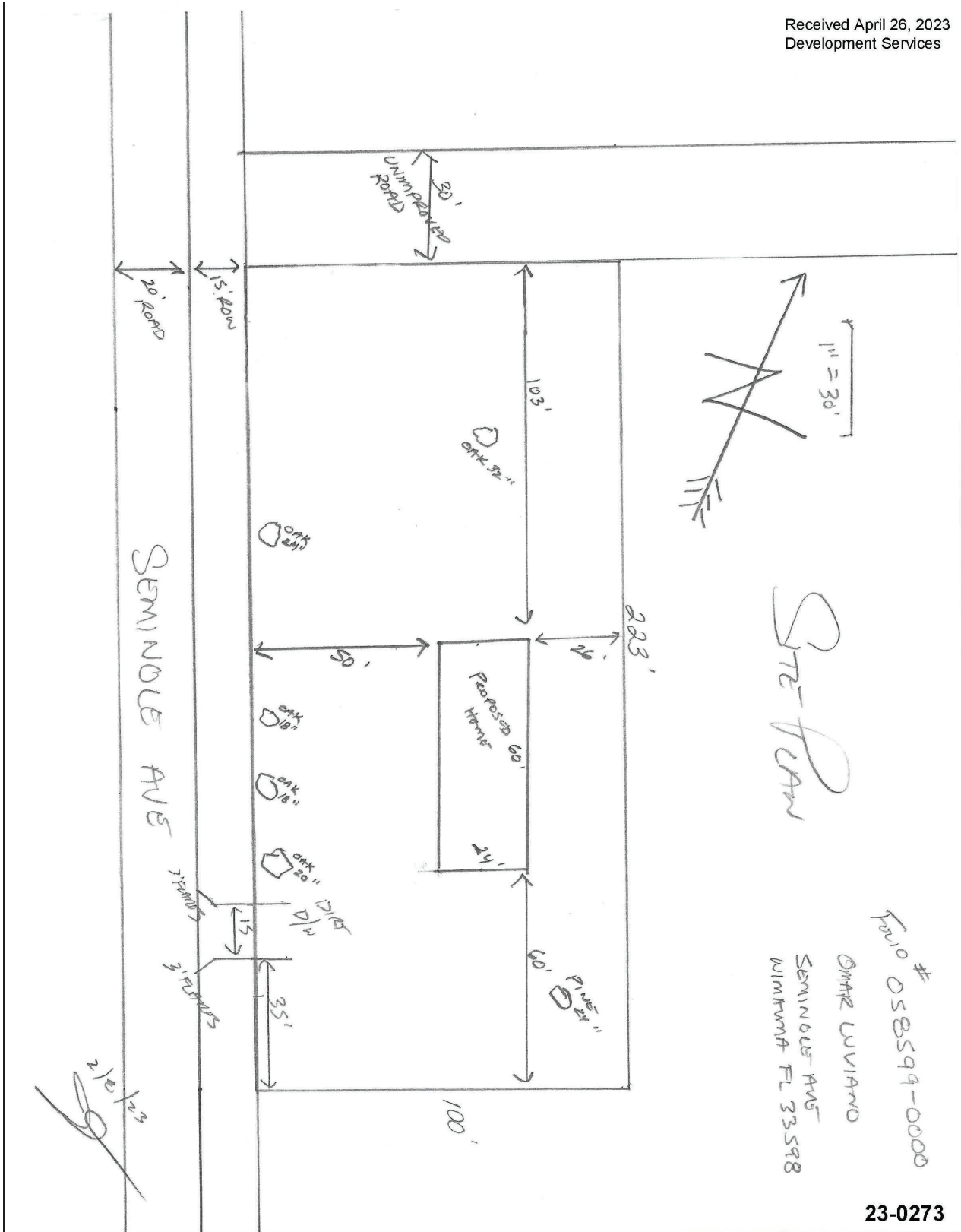
• **DISCLAIMER:**

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 need for the applicant or property owner to obtain all additional required approvals including, but not limited to, subdivision or site development approvals and building permit approvals.

ADMINISTRATOR’S SIGN-OFF
 <small>t</small> <small>Thu May 11 2023 11:38:13</small>
Attachments: Application Site Plan Petitioner’s Written Statement Current Deed



4/20/23
[Signature]



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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.

The property owner is requesting a variance to reduce the setbacks. The current setbacks do not leave any room for any structure. We are requesting a reduction of 24 feet form the rear setbacks.

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

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?

The current setbacks do not leave room for any structure on the property.

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.

Current code allows for 0 feet to build a home or install a mobile home. All similar surrounding lots are occupied for residential use.

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.

No neighbors or the public would be affected adversely by this variance.

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*).

A variance will allow for a residential occupancy of an otherwise unusable parcel.

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 setbacks were created in error

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 owner purchased this land using all of his money and needs to be able to build a home or install a mobile home.

Prepared by:
Hillsborough Title, LLC
Jeffrey Schwartz
833 Cypress Village Blvd.
Sun City Center, FL 33573
File No.: SSL22-108143
This Deed is prepared pursuant to the issuance of Title Insurance

GENERAL WARRANTY DEED

Made this April 25, 2022, A.D. by Ivonne Garcia, a married woman, whose address is: 8801 Bliss Rd, Gibsonton, FL 33534 hereinafter called the grantor, to Omar Luviano, whose post office address is: P.O. Box 441, Wimauma, FL 33598, 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:

Tract No. "A": Commence at the Southeast corner of Section 36, Township 32 South, Range 19 East, Hillsborough County, Florida, thence S 89°22'48"W., 1345.91 feet along the South line of said Section 36, thence N 9°00'00"E., 273.26 feet; thence N 31°00'03.5"W., 725.00 feet; thence S 58°59'56.5" W., 871.20 feet; thence N 31°00'03.5"W., 223.27 feet for a Point of Beginning, thence continue N 31°00'03.5"W., 223.28 feet; thence N 58°59'56.5"E., 100.00 feet; thence S 31°00'03.5"E., 223.28 feet; thence S 58°59'56.5"W., 100.0 feet to the Point of Beginning.

Parcel ID No.: U-36-32-19-ZZZ-000001-86200.0

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

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 the current year.

Prepared by:
Hillsborough Title, LLC
Jeffrey Schwartz
833 Cypress Village Blvd.
Sun City Center, FL 33573
incidental to the issuance of a title insurance policy
File No.: SSL22-108143

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed and Sealed in Our Presence:

[Signature] _____
Witness Printed Name: Jeffrey Schwartz Ivonne Garcia

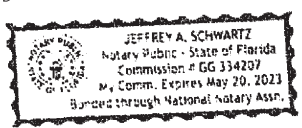
Stella Rosen _____
Witness Printed Name: Stella Rosen Address:
8801 Bliss Rd
Gibsonton, FL 33534

State of FL
County of Hillsborough

The foregoing instrument was executed and acknowledged before me this 25 of April, 2022, by means of Physical Presence or Online Notarization, by Ivonne Garcia, who is/are personally known to me or who has produced a valid driver's license as identification.

[Signature] _____
Notary Public
My Commission Expires: _____

(SEAL)



Submittal Requirements for Applications Requiring Public Hearings

Official Use Only
Application No: VAR 23-0273Intake Date: 03/09/2023Hearing(s) and type: Date: 05/22/2023Type: LUHOReceipt Number: 248852

Date: _____

Type: _____

Intake Staff Signature: Keshia RivasApplicant/Representative: KELLI CONTE Phone: 813-362-5601Representative's Email: CONTEHOMES2@GMAIL.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 checked="" type="checkbox"/>	<input type="checkbox"/> <u>Property/Applicant/Owner Information Form</u>
2	<input checked="" 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 checked="" type="checkbox"/> <u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
4	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/> <u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
6	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Copy of Current Recorded Deed(s)</u>
7	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Close Proximity Property Owners List</u>
8	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Legal Description</u> for the subject site
9	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
10	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Fastrack Approval</u> (if applicable)

Additional application-specific requirements are listed in Part B.



Property/Applicant/Owner Information Form

Official Use Only

Application No: _____ Intake Date: _____
 Hearing(s) and type: Date: _____ Type: _____ Receipt Number: 248852
 Date: _____ Type: _____ Intake Staff Signature: _____

Property Information

Address: Folio: 058599-0000 City/State/Zip: WIMAUMA, FL 33598
 TWN-RN-SEC: 36-32-19 Folio(s): 058599-0000 Zoning: AS-1 Future Land Use: R-1 Property Size: 0.51

Property Owner Information

Name: OMAR LUVIANO Daytime Phone _____
 Address: PO BOX 441 City/State/Zip: WIMAUMA, FL 33598
 Email: CONTEHOMES2@GMAIL.COM Fax Number N/A

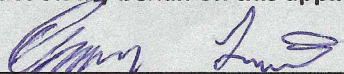
Applicant Information

Name: KELLI CONTE Daytime Phone 813-362-5601
 Address: PO BOX 34 City/State/Zip: WIMAUMA, FL 33598
 Email: CONTEHOMES2@GMAIL.COM Fax Number N/A

Applicant's Representative (if different than above)

Name: KELLI CONTE Daytime Phone 813-362-5601
 Address: PO BOX 34 City/State/Zip: WIMAUMA, FL 33598
 Email: CONTEHOMES2@GMAIL.COM Fax Number N/A

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

OMAR LUVIANO

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)

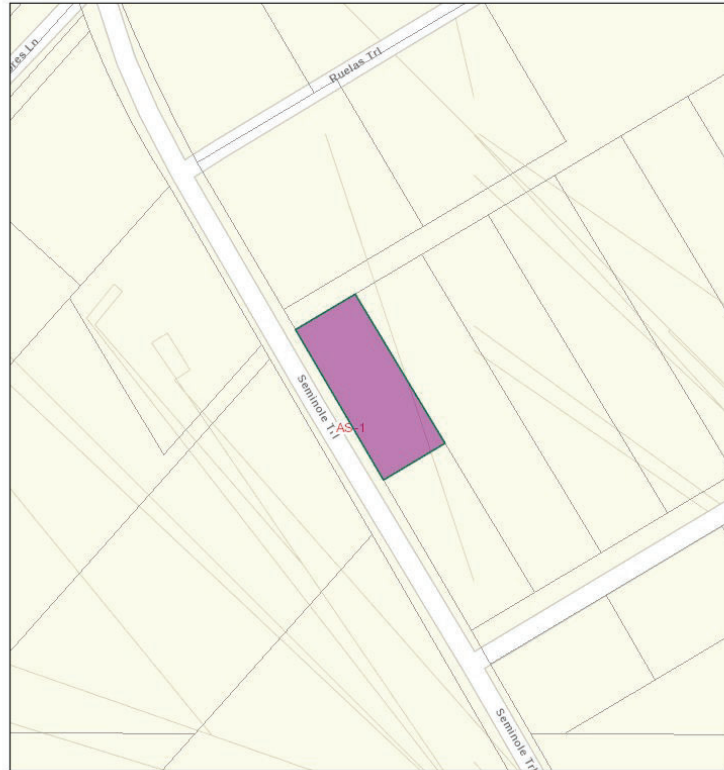
Type or print name



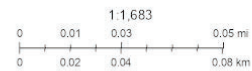
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AS-1
Description	Agricultural - Single-Family
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0690H
FIRM Panel	12057C0690H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120690C
County Wide Planning Area	Little Manatee South
Community Base Planning Area	SouthShore
Community Base Planning Area	Little Manatee South Area
Census Data	Tract: 013914 Block: 1029
Future Landuse	R-1
Future Landuse	R-1
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	5
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 9
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 58599.0000



March 9, 2023



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

Hillsborough County Florida

Folio: 58599.0000
PIN: U-36-32-19-ZZZ-000001-86200.0
Omar Luviano
Mailing Address:
 Po Box 441
 null
 Wimauma, FL 33598
Site Address:
 0
 Wimauma, FL 33598
SEC-TWN-RNG: 36-32-19
Acreage: 0.47087601
Market Value: \$24,836.00
Landuse Code: 0000 Vacant Resident

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