



**LAND USE HEARING OFFICER VARIANCE REPORT**

<b>APPLICATION NUMBER:</b> VAR 23-0551	
<b>LUHO HEARING DATE:</b> July 31, 2023	<b>CASE REVIEWER:</b> Camille Krochta

**REQUEST:** The applicant is requesting a variance to fence height requirements to accommodate an existing driveway entry gate and side yard fence on property zoned RSC-6.

**VARIANCE:**

**Fence Height:**

- 1) Per LDC Section 6.07.02.C.1.a, a maximum fence height of 4 feet is allowed in required front yards, except under certain circumstances that do not apply to this case. The applicant requests a 1-foot increase in the permitted height to allow a height of 5 feet for an existing metal driveway entry gate approximately 20 feet in width along the north property line.
- 2) Per LDC Section 6.07.02.C.1.f, in residential districts the maximum average height of any fence or wall shall be six feet, except under certain circumstances that do not apply to this case. The applicant requests a 2-foot increase in the permitted height to allow a height of 8 feet for an existing solid vinyl fence approximately 104 feet in length along the east property line.

**FINDINGS:**

- The property owner has been cited by Code Enforcement (CE21006519).

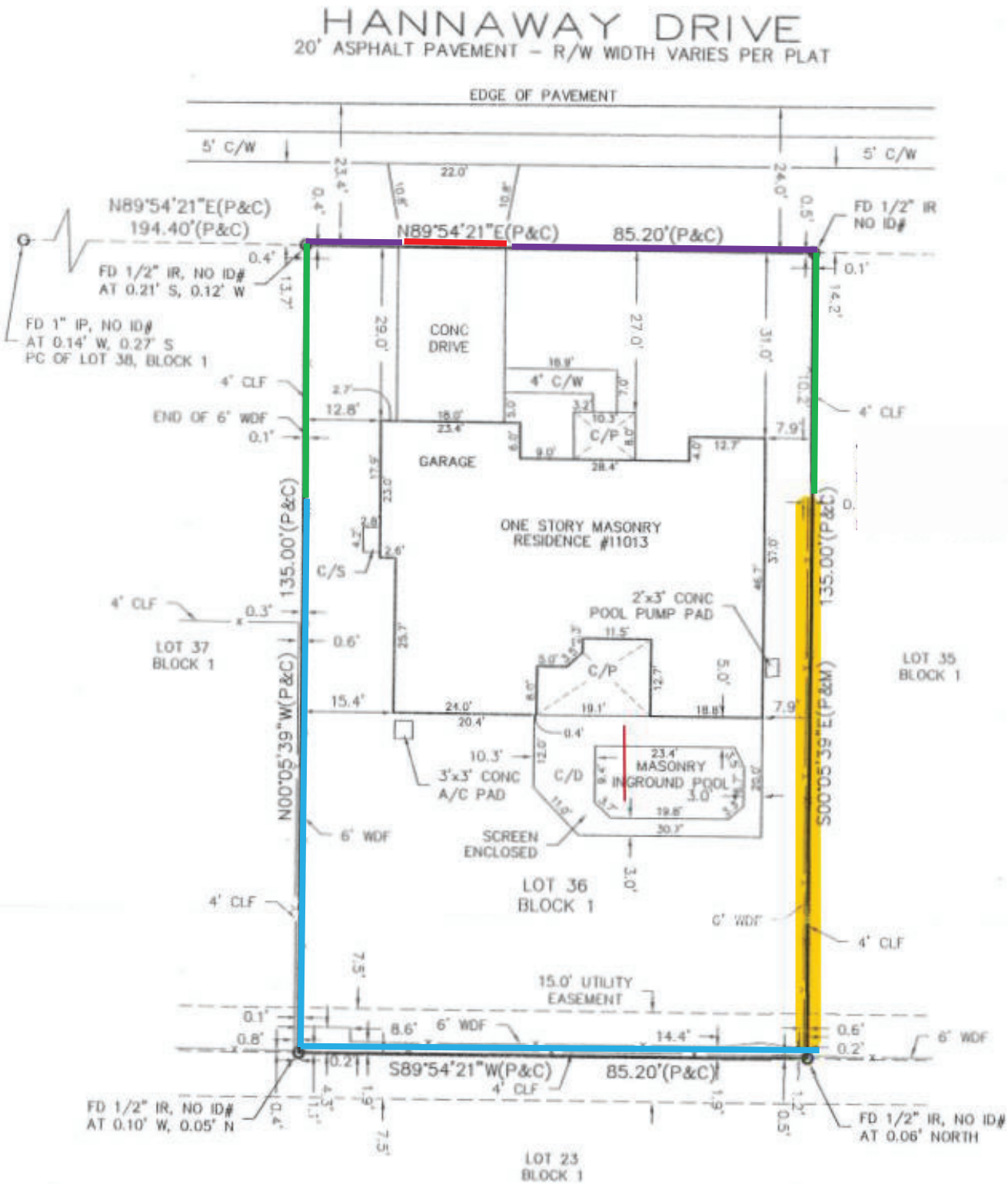
**DISCLAIMER:**

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**

Colleen Marshall  
Fri Jul 14 2023 15:55:28

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



3ft high Iron

5ft high Iron

3ft high Vinyl

6ft high Vinyl

8ft high Vinyl

The 8ft section of the fence is setback approx 33ft from the property line and runs approx. 102ft to the back of the property. The front fence is approx. 24" from the road.



# 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.

requesting a fence variance for my single-family home at 11013 Hannaway Drive, Riverview, FL 33578. Current zoning rules say that fences must be no more than 4 feet tall; I respectfully request to install a fence on the left side of my property 6 feet tall.

The purpose for this request is due to the ongoing invasive, violence and threatening action of neighbor Wayne Wood DOB 04/19/51. Mr. Wood erected a shed with windows above 4 foot in his back yard and uses a binocular to peer into my windows and doors. What makes matter worst, Mr. Wood is not ashamed of his action. When spotted he does not hide, he continues until you retreat into hiding. Mr. Wood now uses a 20-foot ladder based on a tree to continue his predatory behavior. This behavior terrifies my kids as well as our surrounding neighbors.

Mr. Wood is a neighborhood bully. He bullies everyone in the neighbor as well as cars that travel through our neighborhood. He is band from our neighbor school Riverview Elementary because he put nails in the parking lot which caused the teachers to have accidents. He was recently arrested and had his guns removed for chasing cars with his fire arms. Mr. Wood once ran into me while out running. Law enforcement is fully aware of his behavior.

I have consulted with my neighbors who are wilindl to sign a supportive petition if necessary.

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

Fence Zoning Violation section 6.07.02

## 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



## 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 property is fenced similar to neighbor fences, the concern is the height on the left side of the property. Which was done to block the view of an abusive neighbor. He has been harassing the minor children at the residence.

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 neighborhood has been/is verbally abusive to Ms. Rowe and her children. He uses binoculars to stare at them which makes the children uncomfortable. This request is to maintain some sense of privacy. While it has not stopped the neighbor it at least reduces the view for the children (seeing the neighbor and his vulgar gestures).

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.

This property was fenced and the issue is the height of the fence on one side of the property. It is only the left portion which begins three feet from the front of the house to the rear does not affect any other view than between the two residents.

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 variance allows for the peaceful enjoyment of the home and does not obstruct the right-of-way or site lines necessary for safe travel on the roadways and/or sidewalk. The fencing is similar to other neighbor fences other than the panels directly between the two properties starting after the house front to the rear (see pic)

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.

Any illegal actions are on the part of the neighbor who's view Ms. Rowe is seeking to minimize.

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 neighbor in question has been arrested for actions against the elementary school and has been terrorizing the neighborhood. Witnesses can be provided along with the arrest records. He is also known to code enforcement.

**HILLSBOROUGH COUNTY  
CODE ENFORCEMENT BOARD/SPECIAL MAGISTRATE**

**HILLSBOROUGH COUNTY**

Political subdivision of the State of Florida

Petitioner,

VS.

**ROWE, VICTORIA**

**MURRAY, LAWRENCE**

Respondent(s)

CASE #: CE21006519

**ORDER IMPOSING FINE**

THIS CASE came to be heard by the Hillsborough County Code Enforcement Special Magistrate ("CESM") on 11/08/2022. Pursuant to Chapter 162, Florida Statutes and Hillsborough County Code of Ordinances and Laws, Chapter 14, Article II, Section 14, and after hearing sworn testimony, reviewing the evidence, hearing arguments and being otherwise fully informed, it is **ORDERED** as follows:

**FINDINGS OF FACT**

1. The real property which is the subject of this case ("Property") is located at 11013 HANNAWAY DR HBCO. The Property is described as: Folio No.: 075831.3072, Legal Description: S-T-R 17-30-20

CAPITANO COVE LOT 36 BLOCK 1

2. That ROWE, VICTORIA; MURRAY, LAWRENCE is/are the current owner(s) of record of the Property.

3. On 07/01/2022, Hillsborough County Code Enforcement Department notified ROWE, VICTORIA; MURRAY, LAWRENCE of the violations on the subject property.

4. Pursuant to the notification, all violations were to be corrected and the Property brought into compliance with Hillsborough County Codes on or before 30 days from being notified.

5. That pursuant to the Affidavit of Violation dated 07/05/2022, the violations referenced in paragraph 8 below remain in non-compliance.

6. That a Notice of Hearing dated 09/21/2022 concerning the above-stated violations was served on ROWE, VICTORIA; MURRAY, LAWRENCE.

7. That the following were in attendance and provided testimony and/or evidence at the public hearing: KEVIN PARKER, Code Enforcement Officer, Hillsborough County Code Enforcement Department appeared in person; RESPONDENT FAILED TO APPEAR.

**CONCLUSION OF LAW**


8. Based upon the above Findings of Fact, on the gravity of the violation(s), the actions taken by the Respondent, the Respondent's history, and after hearing sworn testimony, reviewing the evidence, hearing arguments and being otherwise fully informed, it is found that the Property continues to be in violation of Hillsborough County Code(s) as follows:

- a. ITEM Z633: FENCE ZONING VIOLATION Hillsborough County Code Of Ordinances And Laws, Section 6.07.02 - Land Development Code Action Required: Remove, Reduce Or Acquire Approval  
DESCRIPTION: Fence on left side of the property is over 6 ft in height. Reduce to four (4) feet

9. Respondent(s) is/are to correct the above violation(s) on or before 11/22/2022. If the violations have not been corrected by the date set forth, a fine of \$200.00 per day may commence for each and every day any violation described herein continues past 11/22/2022. Pursuant to Section 162.09(1), Florida Statutes, a hearing shall not be necessary prior to imposing such fine.

DONE AND ORDERED ON NOVEMBER 14, 2022

COUNTY OF HILLSBOROUGH  
CODE ENFORCEMENT BOARD/SPECIAL MAGISTRATE

BY:   
SPECIAL MAGISTRATE

ATTEST:

  
CITIZEN BOARDS SUPPORT

IT IS THE RESPONSIBILITY OF THE RESPONDENT(S) TO NOTIFY CODE ENFORCEMENT OFFICER KEVIN PARKER AT (813) 521-5403, ON OR BEFORE THE COMPLIANCE DATE TO DEMONSTRATE TO HILLSBOROUGH COUNTY'S SATISFACTION THAT THE VIOLATION(S) HAVE BEEN CORRECTED.

ORDER OF COMMENCEMENT

10. Upon Citizen Boards Support's receipt of an Affidavit of Non-Compliance from a Hillsborough County Code Enforcement Officer stating the violations have not been corrected by the date set forth above, a fine of \$200.00 per day shall commence for each and every day any violation described herein continues past 11/22/2022. Pursuant to Section 162.09(1), Florida Statutes, a hearing shall not be necessary prior to imposing such fine.

11. This Order may be appealed to the circuit court. An appeal shall be filed within 30 days of the execution of the Order to be appealed. Failure to comply with this Order within the specific times set forth above will result in the recordation of this Order in the Public Records, which constitutes a lien against the Property on which the violation(s) exist and upon any other real or personal property owned by the Respondent. Such lien may be foreclosed and the Property sold to enforce such lien. After three (3) months from the recordation date of such lien, if the fines and fees remain unpaid, the Hillsborough County Attorney's Office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law.

DONE AND ORDERED ON NOVEMBER 14, 2022

COUNTY OF HILLSBOROUGH  
CODE ENFORCEMENT BOARD/SPECIAL MAGISTRATE

BY:   
SPECIAL MAGISTRATE

ATTEST:

  
CITIZEN BOARDS SUPPORT

PREPARED BY:  
Jennifer Alderman, Esquire  
4802 Calhoun Rd.  
Plant City, FL 33567

INSTRUMENT #: 2023186082  
05/02/2023 at 11:06:40 AM  
Deputy Clerk: KGREY  
Cindy Stuart, Clerk of the Circuit  
Court Hillsborough County

RECORDING REQUESTED BY AND WHEN  
RECORDED MAIL TO:  
Victoria Rowe  
11013 Hannaway Dr.  
Riverview, FL 33578

MAIL TAX STATEMENTS TO:  
Victoria Rowe  
11013 Hannaway Dr.  
Riverview, FL 33578

(space above this line is reserved for recording office use only)

### QUIT CLAIM DEED

**THIS INDENTURE** is made on this the 24 day of April, 2023,  
by the first party **LAWREMCE MURRAY**, (“Grantor”), whose mailing address is 13629  
Fletcher Regency Dr., Tampa, FL 33613, and the second party, **VICTORIA ROWE**,  
 (“Grantee”), whose mailing address is 11013 Hannaway Dr., Riverview, FL 33578.

**WITNESSTH**, that the Grantor, **LAWRENCE MURRAY**, for and in consideration of  
the terms contained in the parties’ Final Judgment of Dissolution of Marriage, rendered on  
October 26, 2020, in case number 2009-DR-021078 in the Thirteenth Judicial Court in and for  
Hillsborough County, Florida, does hereby remise, release, and quit claim unto Grantee,  
**VICTORIA ROWE**, forever, all the right, title, interest, claim and demand, which the said first  
party has in and to the following described property, situated, lying and being in the County of  
Hillsborough, State of Florida to wit:

**Parcel ID No. U-17-30-20-2R8-000001-00036.0**  
**Folio Number: 075831.3072**

**Lot 36, Block 1, CAPITANO COVE, according to the map or plat thereof recorded in Plat Book 47,  
Page 1, in the Public Records of Hillsborough County, Florida.**

**TO HAVE AND TO HOLD** the same together with all singular the appurtenances  
thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien,  
equity, and claim whatsoever of the said Grantor, either in law or equity, to the only proper use,  
benefit, and behoof of the said Grantee forever.

**IN WITNESS WHEREOF**, the Grantor has executed this Quit Claim Deed on the day  
and year first above written.

**Signed, Sealed and Delivered in presence of:**

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
**LAWRENCE MURRAY**  
Grantor

Donald Lynn Smith  
Printed Name

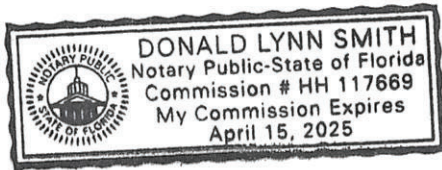
[Signature]  
Witness  
Faiza Mohsen  
Printed Name

**STATE OF FLORIDA**  
**COUNTY OF**

The foregoing instrument was acknowledged before me, the undersigned authority, by means of  physical presence or  online notarization, by LAWRENCE MURRAY, Grantor, who  is personally known to me or  has produced FL M400-527-67-271-0 (type of identification) as identification, proving him to be the person whose name is subscribed to the foregoing instrument as Grantor, whom identified this instrument as a Deed and signed such instrument willingly as Grantor for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on the 24 day of Apr, 2023.

[Signature]  
Notary Public, State of Florida



[Signature]





Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR 23-0551 Intake Date: 05/22/2023
Hearing(s) and type: Date: 07/31/2023 Type: LUHO Receipt Number: 271008
Date: Type: Intake Staff Signature: Keshia Rivas

Property Information

Address: 11013 Hannaway Dr City/State/Zip: Riverview, FL 33578
U-17-30-20-2R8 Folio(s): 075831.3072 Zoning: RSC6 Future Land Use: R-6 Property Size: .255328 acres

Property Owner Information

Name: Victoria Rowe Daytime Phone 813-361-9328
Address: 11013 Hannaway Dr City/State/Zip: Riverview, FL 33578
Email: victoria@tscscare.org Fax Number 813-621-9033

Applicant Information

Name: Victoria Rowe Daytime Phone 813-361-9328
Address: 11013 Hannaway Dr City/State/Zip: Riverview, FL 33578
Email: victoria@tscscare.org Fax Number 813-621-9033

Applicant's Representative (if different than above)

Name: Vanessa McCleary Daytime Phone 252-469-7411
Address: 15417 Carrillon Estates Blvd City/State/Zip: Tampa, FL 33625
Email: vanessam@vmellisconsulting.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

Vanessa B McCleary
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 curre

Signature of the Owner(s) - (All parties on the deed must sign)

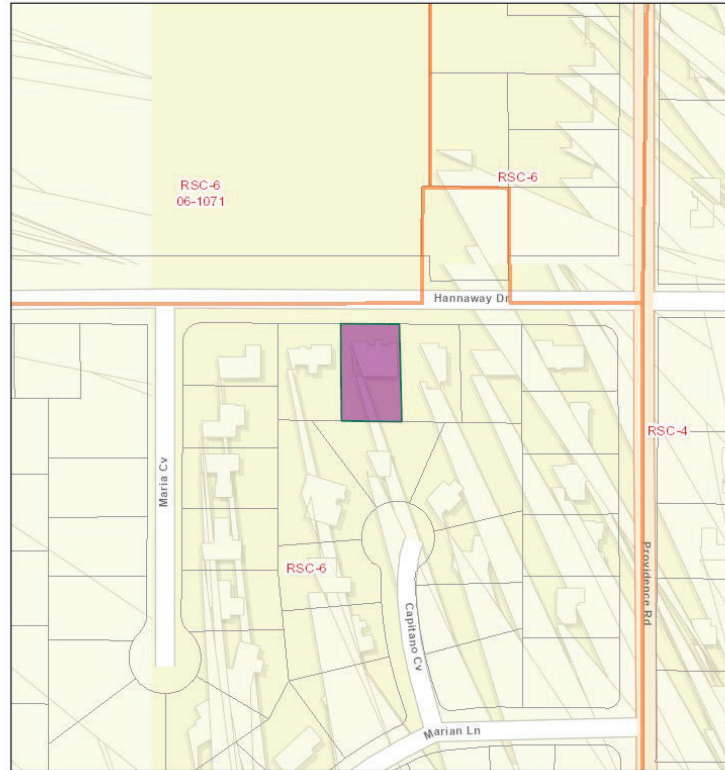
Victoria Rowe
Type or print name



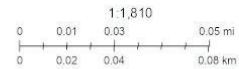
# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:A	
FIRM Panel	0502H
FIRM Panel	12057C0502H
Suffix	H
Effective Date	Thu Aug 28 2008
FIRM Panel	0389H
FIRM Panel	12057C0389H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	A
Pre 2008 Firm Panel	1201120502B
County Wide Planning Area	Riverview
Community Base Planning Area	SouthShore
Community Base Planning Area	Riverview
Census Data	Tract: 013410 Block: 1009
Future Landuse	R-6
Future Landuse	R-6
Future Landuse	R-6
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 7
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 75831.3072



May 19, 2023



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

Hillsborough County Florida

**Folio: 75831.3072**  
**PIN: U-17-30-20-2R8-000001-00036.0**  
 Victoria Rowe And Lawrence Murray

**Mailing Address:**  
 11013 Hannaway Dr  
 null

Riverview, FL 33578-3932

**Site Address:**  
 11013 Hannaway Dr  
 Riverview, FL 33578

**SEC-TWN-RNG: 17-30-20**

**Acreage: 0.255328**

**Market Value: \$370,225.00**

**Landuse Code: 0100 Single Family**

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