



LAND USE HEARING OFFICER VARIANCE REPORT

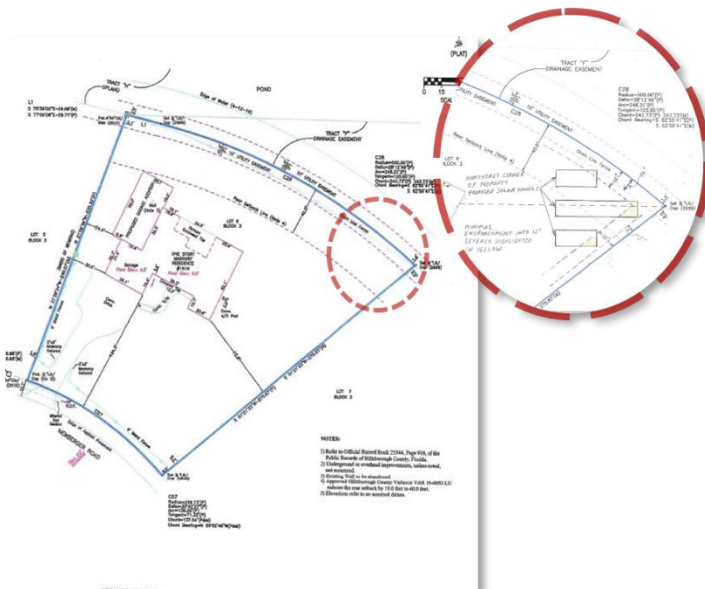
APPLICATION NUMBER: VAR 22-0572	
LUHO HEARING DATE: April 25, 2022	CASE REVIEWER: Isis Brown

REQUEST: The applicant is requesting a variance to the required rear and side yards setbacks for proposed ground mounted solar panels to serve an existing single-family dwelling on property zoned ASC-1.

VARIANCE(S):

Per LDC Section 6.01.03.I.11, ground mounted solar panels in agricultural zoning districts are limited to a height of 25 feet and must meet required rear and side yard setbacks. Per LDC Section 6.06.01, a minimum side yard setback of 15 feet and minimum rear setback of 50 feet are required in the ASC-1 district. The applicant requests:

- A 10-foot reduction to the required side yard setback to allow a side setback of 5 feet; and,
- A 40-foot reduction to the required rear yard setback to allow a rear setback of 10 feet.



FINDINGS:

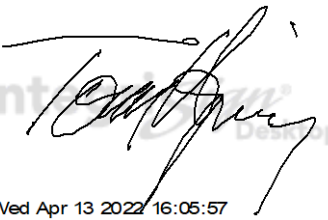
- The subject property contains a 10-foot utility easement along the northeast lot line. The applicant has advised staff the proposed solar panels will not encroach into easement, as shown on the revised site plan received March 18, 2022.
- The applicant has advised staff the solar panels will be 8 feet in height.

DISCLAIMER:

The variance(s) listed above are 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



Int'l
Develop

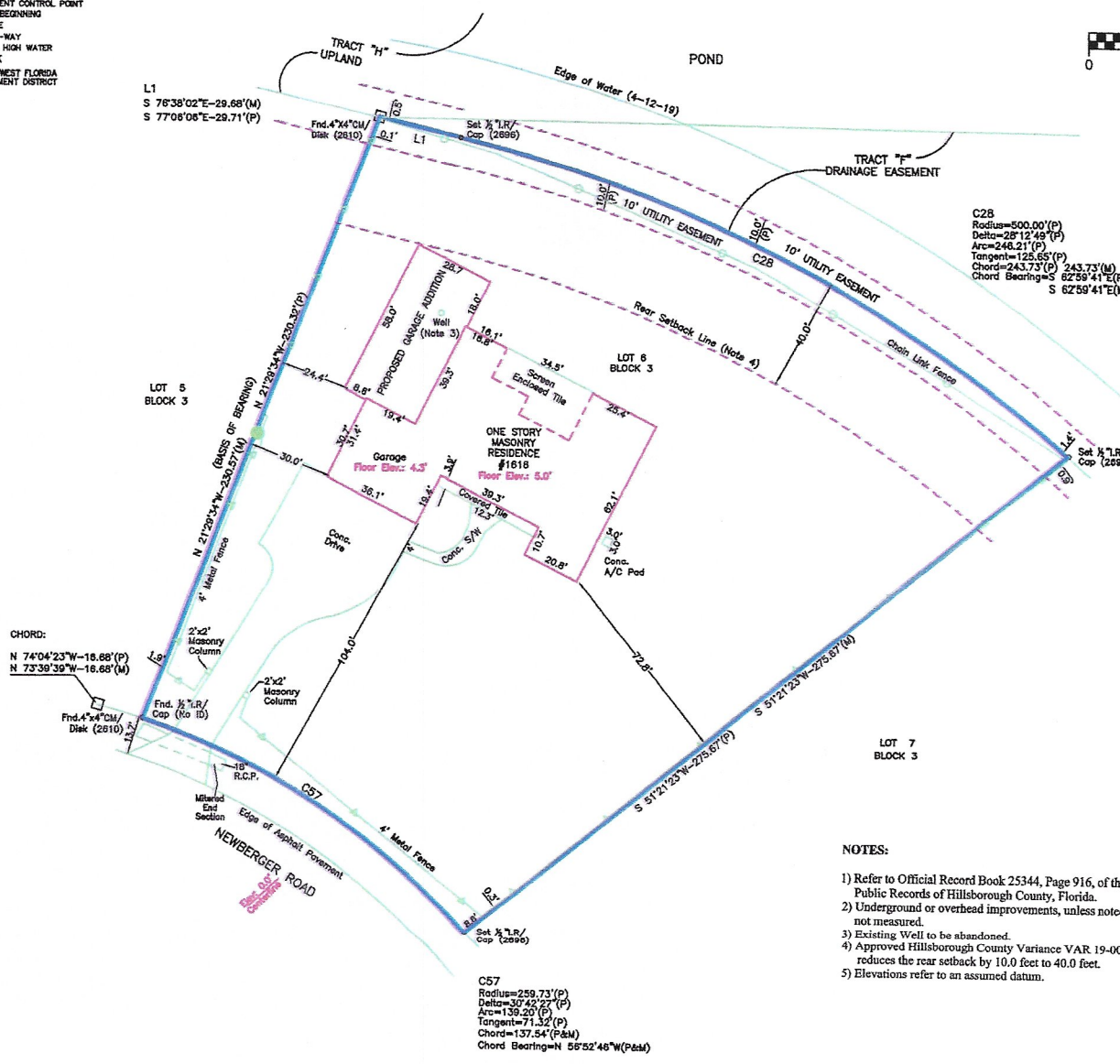
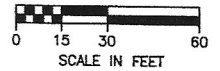
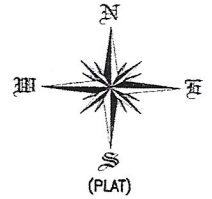
t
Wed Apr 13 2022 16:05:57

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

LEGEND:
 CAL=CALCULATED DATA
 COR=CERTIFIED CORNER RECORD
 C.M.=CONCRETE MONUMENT
 CONC.=CONCRETE
 D=PER DESCRIPTION
 DB=DEED BOOK
 ELEV.=ELEVATION
 EPC= ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY
 FND.= FOUND
 I.P.= IRON PIPE
 I.R.= IRON ROD
 M=MEASURED DATA
 NAD= NORTH AMERICAN VERTICAL DATUM
 NAD= NATIONAL GEODETIC VERTICAL DATUM
 NFD= NOT FND. OR SET
 OH= OVERHEAD
 OR= OFFICIAL RECORD
 P.= PER PLAT
 PCP= PERMANENT CONTROL POINT
 POS= POINT OF BEGINNING
 REF.= REFERENCE
 R/W= RIGHT-OF-WAY
 SHW= SEASONAL HIGH WATER
 S/W= SIDEWALK
 SWFD= SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

FLOOD CERTIFICATION
 SUBJECT PARCEL LIES IN ZONE X
 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM); REFER TO COMMUNITY PANEL 120112 0062H
 PANEL 62 OF 801
 DATED 8-28-2008

SECTION 6 TOWNSHIP 27 SOUTH RANGE 19 EAST
BOUNDARY SURVEY



- NOTES:**
- 1) Refer to Official Record Book 25344, Page 916, of the Public Records of Hillsborough County, Florida.
 - 2) Underground or overhead improvements, unless noted, not measured.
 - 3) Existing Well to be abandoned.
 - 4) Approved Hillsborough County Variance VAR 19-0053 LU reduces the rear setback by 10.0 feet to 40.0 feet.
 - 5) Elevations refer to an assumed datum.

LEGAL DESCRIPTION:
 Lot 6, in Block 3, of WELLINGTON MANORS, according to the map or plat thereof as recorded in Plat Book 94, on Page 59, of the Public Records of Hillsborough County, Florida.

CERTIFIED TO:
 WILLIAM P. REILLY III
 KATHLEEN ANN REILLY

REVISION				
DATE	JOB NO.	DESCRIPTION	FB	PO
5/22/19		REAR FENCE	471	22

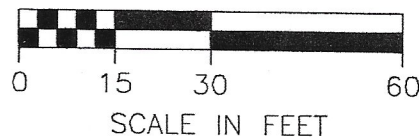
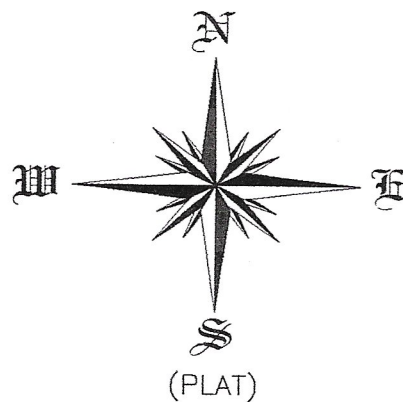
CERTIFICATION
 THIS IS TO CERTIFY THAT A SURVEY OF THE ABOVE DESCRIBED PROPERTY WAS MADE UNDER MY SUPERVISION AND THAT THE SKETCH HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF AND THAT SAID SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN SECTION 472.027, OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
 JOHNNY H. FLETCHER
 PROFESSIONAL LAND SURVEYOR NO. 2886

JOHNNY H. FLETCHER
 2015 Kingsley Hills, Suite 1
 Ft. Lauderdale, FL 33309
 Phone (813) 949-2222
 Fax (813) 949-3350
REILLY
 DATE: 4-12-2019 DRAWN: JMH
 SCALE: 1"=30' JOB #: 19-59

22-0572

Unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper, this drawing, sketch, plat or map is for informational purposes only and is not valid.

BOUNDARY SURVEY



POND

er (4-12-19)

TRACT "F"
DRAINAGE EASEMENT

C28
Radius=500.00'(P)
Delta=28°12'49"(P)
Arc=246.21'(P)
Tangent=125.65'(P)
Chord=243.73'(P) 243.73'(M)
Chord Bearing=S 62°59'41"E(P)
S 62°59'41"E(M)

100'
(P)
C28

Rear Setback Line (Note 4)

Chain Link Fence

LOT 6
BLOCK 3

NORTHEAST CORNER
OF PROPERTY
PROPOSED SOLAR PANELS

MINIMAL
ENCROACHMENT INTO 15'
SETBACK HIGHLIGHTED
IN YELLOW

Set 1/2" I.R./
Cap (2696)

22-0572



**Hillsborough
County Florida**
Development Services

Additional / Revised Information Sheet

Office Use Only		
Application Number: VAR 22-0572	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: VAR 22-0572 Applicant's Name: William P. Reilly

Reviewing Planner's Name: Isis Brown Date: 03/18/2022

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): 04/25/2022

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 next 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 next 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.

William P. Reilly
Signature

3-18-22
Date



**Hillsborough
County Florida**
Development Services

Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to [Chapter 119 Florida Statutes](#), all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers. While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications.

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 scrutiny of selected information submitted with your application pursuant to Chapter 119 FS? Yes No

I hereby confirm that the material submitted with application VAR 22-0572

Includes sensitive and/or protected information.

Type of information included and location _____

Does not include sensitive and/or protected information.

Please note: Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.

If an exemption is being sought, the request will be reviewed to determine if the applicant can be processed with the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.

Signature: William P. Boyle 3-18-22
(Must be signed by applicant or authorized representative)

Intake Staff Signature: _____ Date: _____



**Hillsborough
County Florida**
Development Services

Additional / Revised Information Sheet

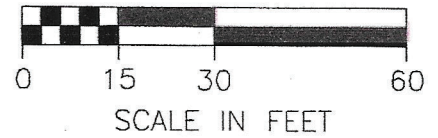
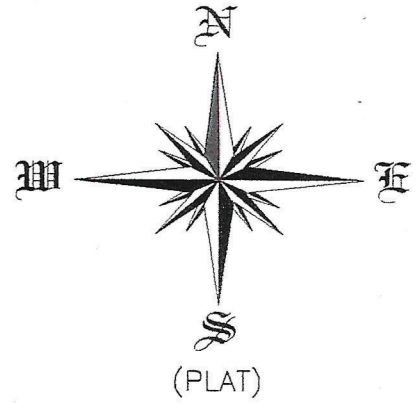
Please indicate below which revised/additional items are being submitted with this form.

Included	Submittal Item
1	<input type="checkbox"/> Cover Letter** If adding or removing land from the project site, the final list of folios must be included
2	<input checked="" type="checkbox"/> Revised Application Form** <i>VARIANCE REQUEST - "PROJECT NARRATIVE"</i>
3	<input type="checkbox"/> Copy of Current Deed* Must be provided for any new folio(s) being added
4	<input type="checkbox"/> Affidavit to Authorize Agent* (If Applicable) Must be provided for any new folio(s) being added
5	<input type="checkbox"/> Sunbiz Form* (If Applicable) Must be provided for any new folio(s) being added
6	<input type="checkbox"/> Property Information Sheet**
7	<input type="checkbox"/> Legal Description of the Subject Site**
8	<input type="checkbox"/> Close Proximity Property Owners List**
9	<input checked="" type="checkbox"/> Site Plan** All changes on the site plan must be listed in detail in the Cover Letter.
10	<input type="checkbox"/> Survey
11	<input type="checkbox"/> Wet Zone Survey
12	<input type="checkbox"/> General Development Plan
13	<input type="checkbox"/> Project Description/Written Statement
14	<input type="checkbox"/> Design Exception and Administrative Variance requests/approvals
15	<input type="checkbox"/> Variance Criteria Response
16	<input type="checkbox"/> Copy of Code Enforcement or Building Violation
17	<input type="checkbox"/> Transportation Analysis
18	<input type="checkbox"/> Sign-off form
19	<input type="checkbox"/> Other Documents (please describe):
<div style="border: 1px solid black; height: 75px; width: 100%;"></div>	

*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.

VAR 22-0572



POND

of (4-12-19)

TRACT "F"
DRAINAGE EASEMENT

10' UTILITY EASEMENT

100' (P)

10' UTILITY EASEMENT

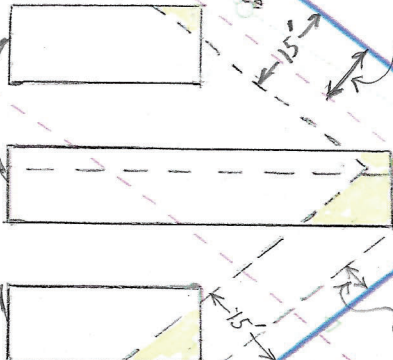
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Tangent=125.65'(P)
Chord=243.73'(P) 243.73'(M)
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Rear Setback Line (Note 4)

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OF PROPERTY
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MINIMAL
ENCROACHMENT INTO 15'
SETBACK HIGHLIGHTED
IN YELLOW

Set 1/2" I.R./
Cap (2696)

inc.
C Pad

275.67'(M)



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County Florida**
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William P. Reilly
Signature

04/14/22
Date



**Hillsborough
County Florida**
Development Services

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Type of information included and location _____

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Please note: Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.

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Signature: William P. Bell
(Must be signed by applicant or authorized representative)

Intake Staff Signature: _____ Date: _____



**Hillsborough
County Florida**
Development Services

Additional / Revised Information Sheet

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

Application Number: _____

VARIANCE REQUEST

1. Project Narrative: 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.

My wife and I would like to install a solar photovoltaic system on our property. It is not practical to install the system that we need on our roof due to limited space and roof orientation. The only available space on our property is in the right rear corner. I understand that the set back from the back property line is 50 feet and from the side property line is 15 feet for installation of solar panels. I am requesting a variance of 40 feet from the required rear setback and 10' from the required side setback resulting in installation of the solar panels 10 feet from the rear property line and 5' from the side property line. This will allow us to have the solar panels installed with the minimum amount of tree removal and trimming. The solar panels will only be approximately 8' tall.

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 (Attachment A).
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 and/or septic 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 (form may be obtained from 19th floor County Center).

VARIANCE CRITERIA RESPONSE

You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.

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 proposed location for the installation of solar panels is the only available location for the size solar system we would like to install and minimize the removal and trimming of trees.

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.

I don't believe I would be deprived of rights, I am just trying to do the right thing environmentally.

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.

There is a drainage retention pond directly behind our property and a large wetland conservation area behind that so there are no impacts to the rear. The panels will be less than 8' tall so the impact to my neighbor on that side will be minimal. There is already an existing 6' tall privacy fence and 6' tall hedge on that side.

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 request is in harmony with the general intent of the LDC because it will have minimal if any impact on my neighbors.

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.

There is certainly no illegal act or self imposed hardship involved. I am just trying to install the solar panels in the best location for solar irradiation while minimizing tree removal and trimming.

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.

It goes without saying that the installation of solar panels is a public benefit. Allowing the variance will permit me to install the solar panels with minimal adverse impact to the environment and my neighbors.

After Recording Return to:
Grace Payne
Southern Title Services of Tampa Bay, Inc.
17818 U.S. Hwy 41 N.
Lutz, FL 33549

I Certify that
This is a True Copy
of the Original

Grace Payne

This Instrument Prepared by:
Grace Payne
Southern Title Services of Tampa Bay, Inc.
17818 U.S. Hwy 41 N.
Lutz, FL 33549
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
A0330486368
File No.: 20171202

WARRANTY DEED

This Warranty Deed, Made the 24th day of October, 2017, by **Mary L Riedy, unremarried widow, and Mary L Riedy as Trustee of the Mary L Riedy Living Trust dated September 18, 2006**, whose post office address is: **10631 Mistflower Lane, Tampa, FL 33647**, hereinafter called the "Grantor", to **William P. Reilly III and Kathleen Ann Reilly, husband and wife**, whose post office address is: **1616 Newberger Road, Lutz, FL 33549**, hereinafter called the "Grantee".

WITNESSETH: That said Grantor, for and in consideration of the sum of **Five Hundred Eighty Thousand Dollars and No Cents (\$580,000.00)** 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**, to wit:

Lot 6, in Block 3, Wellington Manors, according to map or plat thereof as recorded in Plat Book 94, on Page 59, of the Public Records of Hillsborough County, Florida.

The property is the homestead of the Grantor(s).

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 2017, reservations, restrictions and easements of record, if any.

(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
TWO SEPARATE DISINTERESTED WITNESSES REQUIRED

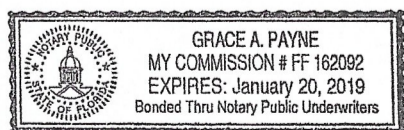
Witness Signature: *Grace Payne* *Mary L Riedy*
Printed Name: Grace Payne Mary L Riedy

Witness Signature: *Apple Bass* *Mary L Riedy, trustee*
Printed Name: Apple Bass Mary L Riedy, Trustee of the Mary L Riedy Living Trust dated September 18, 2006

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this 24th day of October, 2017 by Mary L Riedy, unremarried widow, and Mary L Riedy as Trustee of the Mary L Riedy Living Trust dated September 18, 2006, who is/are personally known to me or has/have produced driver license(s) as identification.

Grace Payne My Commission Expires: January 20, 2019
Notary Public Signature (SEAL)
Printed Name: Grace Payne





Received
02/21/22
Development Services

VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-272-5600.
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

Property Information

Address: 1616 NEWBERGER RD. City/State/Zip: LUTZ, FL. 33549 TWN-RN-SEC: 06-27-19
Folio(s): 33048.6368 Zoning: ASC-1 Future Land Use: R-1 Property Size: 1.19 AC.

Property Owner Information

Name: WILLIAM P. REILLY III AND KATHLEEN ANN REILLY Daytime Phone: 352-464-0322
Address: 1616 NEWBERGER RD. City/State/Zip: LUTZ, FL. 33549
Email: REILLYW@BELLSOUTH.NET FAX Number: _____

Applicant Information

Name: WILLIAM P. REILLY III Daytime Phone: 352-464-0322
Address: 1616 NEWBERGER RD City/State/Zip: LUTZ, FL. 33549
Email: REILLYW@BELLSOUTH.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 THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

William P. Reilly III
Signature of Applicant

WILLIAM P. REILLY III
Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

Kathleen Ann Reilly
Signature of Property Owner

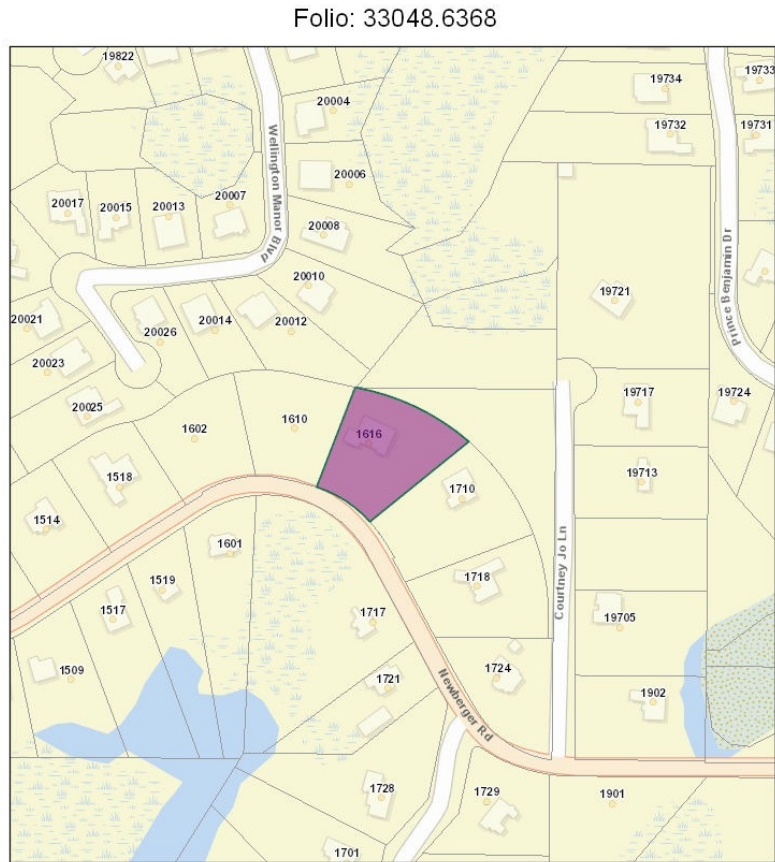
KATHLEEN ANN REILLY
Type or Print Name

Intake Staff Signature: Ana Lizardo Office Use Only Intake Date: 02/21/22
Case Number: 22-0572 Public Hearing Date: 04/25/22
Receipt Number: _____

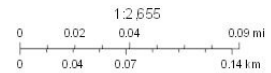


PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0062H
FIRM Panel	12057C0062H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120065D
County Wide Planning Area	Lutz
Community Base Planning Area	Lutz
Census Data	Tract: 011005 Block: 1009
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



February 21, 2022



RS, Hillsborough County - Public Works - Geomatics - Streets & Addresses

Hillsborough County Florida

Folio: 33048.6368
PIN: U-06-27-19-64R-000003-00006.0
WILLIAM P III AND KATHLEEN ANN REILLY
Mailing Address:
 1616 NEWBERGER RD
 LUTZ, FL 33549-4076
Site Address:
 1616 NEWBERGER RD
 LUTZ, FL 33549
SEC-TWN-RNG: 06-27-19
Acreage: 1.19007003
Market Value: \$703,139.00
Landuse Code: 0100 SINGLE FAMILY

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2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

22-0572