



**Hillsborough
County Florida**

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0108	
LUHO HEARING DATE: February 21, 2022	CASE REVIEWER: Tania C. Chapela

REQUEST: The applicant is requesting a variance for a proposed detached garage on a single-family lot zoned ASC-1

VARIANCE(S):

- 1) Per LDC Section 6.11.04.C.1, accessory structures shall not be erected in any required front yard with some exceptions that are not applicable to this request. Accessory structures shall be permitted in front yards at twice the depth of the required front yard, or 50 feet, whichever is less. Per LDC Section 6.01.01, the required minimum front yard setback for property zoned ASC-1 is 50 feet. Therefore, the required setback for the proposed garage is 50 feet. The applicant requests a 5-foot reduction to the required setback to allow a front setback of 45 feet from the west property line for a proposed detached garage with a height of 19 feet.
- 2) Per LDC Section 6.11.04.B, accessory structures shall not exceed 15 feet in height except where the structure meets the primary structure setback of the property's zoning district, in which case the maximum building height of the district applies to the accessory structure. Per LDC Section 6.01.01, the required minimum front yard setback for property zoned ASC-1 is 50 feet and the maximum permitted building height is 50 feet. The applicant requests a 4-foot increase to the maximum height permitted for an accessory structure that does meet the required front yard setback to allow a height of 19 feet.

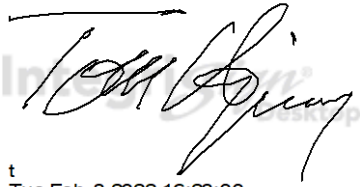
FINDINGS:

- The applicant obtained approval last year for a setback variance, VAR 21-0566, for the proposed garage which, at the time, was designed with a maximum height of 15 feet. The applicant now wishes to increase the design height of the proposed garage and is required to seek approval of a new variance.
- Per the submitted survey, the existing single-family home on the subject property encroaches into the required 15-foot side yard on the north side of the parcel. However, the applicant has elected to not include the setback encroachment in the subject variance application.

DISCLAIMER:

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



Tom Skyp

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Tue Feb 8 2022 16:28:00

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

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.

A variance is being requested to exceed the height limit for a garage on the Property. The property owner obtained a variance on March 24, 2021 to encroach into the front setback in order to construct a garage on the Property. The property owner agreed to a 15' height restriction at the variance hearing. The purpose of the garage is to house the owner's truck on the Property. Upon the owner commencing the design process for the garage, the owner discovered that the garage would need a pitch in order to house the truck, and this would require an additional 4' of height.

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

Section 6.01.01

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 encroachment is needed due to the requirements of a garage to house a truck 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.

The height restriction would deprive the owner from the intended use of the garage.

- 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.

The variance, if granted, would not have any effect on any other property owners, as there are no property owners living within a close proximity to the proposed garage.

- 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 to the height restriction would allow the owner to house his truck within the garage instead of in plain sight on the property.

- 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 property owner has taken no illegal actions that results in the hardship. When the property owner agreed to the 15' restriction, he did not realize that the height would not be sufficient for the storage of his truck.

- 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.

Granting the variance will allow the property owner to store his truck in the garage and out of plain sight on the property.

THIS INSTRUMENT PREPARED BY AND RETURN TO:
MABELYS GONZALEZ
SOUTHLAND TITLE COMPANY
3321 WEST KENNEDY BOULEVARD
TAMPA, FLORIDA 33609

INSTR # 99350288
OR BK 09917 PG 0382
RECORDED 11/12/1999 11:28 AM
RICHARD AKE CLERK OF COURT
HILLSBOROUGH COUNTY
DOC TAX PD(F.S.201.02) 56.00
DEPUTY CLERK K Lapeer

Property Appraiser Parcel Identification (Folio) Numbers:
47088.0000
Grantee SS #:

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the 8th day of November, A.D. 1999 by L. J. EAREGOOD, A SINGLE MAN, and ROBIN L. EAREGOOD, A SINGLE MAN, NON THE HOMESTEAD OF EITHER GRANTOR, herein called the grantors, to DANIEL J. ZIMMERMANN, SINGLE whose post office address is 3308 SOUTH 54TH STREET, TAMPA, FL 33619, hereinafter called the Grantee:

(Wherever used herein the terms "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 grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars 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, State of Florida, viz:

That part of Tract 13 in the Northeast 1/4 of Section 34, Township 29 South, Range 19 East of SOUTH TAMPA SUBDIVISION according to map or plat thereof as recorded in Plat Book 6, Page 3 of the Public Records of Hillsborough County, Florida, lying West of the center line of Delaney Creek.

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 grantors hereby covenant with said grantee that the grantors are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant 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, 1999.

IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Lynn K. Willis
Witness #1 Signature

Lynn K. Willis
Witness #1 Printed Name

Eva D. Weathers
Witness #2 Signature

EVA D. WEATHERS
Witness #2 Printed Name

L. J. Earegood, SR L.S.
L. J. EAREGOOD, SR
4917 AUSTIN STREET, TAMPA, FL 33619

Robin L. Earegood L.S.
ROBIN L. EAREGOOD
4917 AUSTIN STREET, TAMPA, FL 33619

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 8th day of November, 1999 by L. J. EAREGOOD, A SINGLE MAN, and ROBIN L. EAREGOOD, A SINGLE MAN, NON THE HOMESTEAD OF EITHER GRANTOR who are personally known to me or have produced DRIVER'S LICENSE(S) as identification.

SEAL

Eva D. Weathers
Notary Signature

My Commission Expires:

Printed Notary Signature
EVA D. WEATHERS
NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES JULY 21, 2002
COMMISSION # CC 73688



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: 3308 S. 54th Street City/State/Zip: Tampa, FL 33619 TWN-RN-SEC: 29S/19E/34
Folio(s): 047054-0000 Zoning: AS C1 - Future Land Use: R6 Property Size: 1.58A

Property Owner Information

Name: Daniel J. Zimmerman Daytime Phone: _____
Address: 3308 S. 54th Street City/State/Zip: Tampa, FL 33619
Email: trf@macfar.com FAX Number: 813-273-4396

Applicant Information

Name: Daniel J. Zimmerman Daytime Phone: _____
Address: 3308 S. 54th Street City/State/Zip: Tampa, FL 33619
Email: trf@macfar.com FAX Number: 813-273-4396

Applicant's Representative (if different than above)

Name: Thomas R. Fariior, Esq/Macfarlane Fersugon & McMullen Daytime Phone: 813-273-4200
Address: 201 N. Franklin Street, Suite 2000 City / State/Zip: Tampa, FL 33602
Email: trf@macfar.com FAX Number: 813-273-4396

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.

Signature of Applicant

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.

Signature of Property Owner

Type or Print Name

DANIEL J ZIMMERMAN

Office Use Only

Intake Staff Signature: _____ Intake Date: _____
Case Number: _____ Public Hearing Date: _____
Receipt Number: _____

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