



**Hillsborough
County Florida**

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0091

LUHO HEARING DATE: January 25, 2021

CASE REVIEWER: Carla Shelton Knight

REQUEST: The applicant is requesting a variance from the 30-foot Wetland Conservation Area setback requirement, Section 4.01.07B of the Land Development Code (LDC). The applicant's specific request, as shown on the site plan submitted on November 10, 2020, is to allow for construction of a portion of a swimming pool and deck within the 30-foot Wetland Conservation Area setback.

SUMMARY OF VARIANCE(S):

Wetland Setback

- 1) Per LDC Sec. 4.01.07.B.4, no filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required 30-foot wetland conservation area setback. The applicant requests construction of a portion of a swimming pool and deck within the 30-foot wetland conservation area setback. The applicant requests a 7.5-foot reduction of the setback to allow for a setback of 22.5 feet.

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.

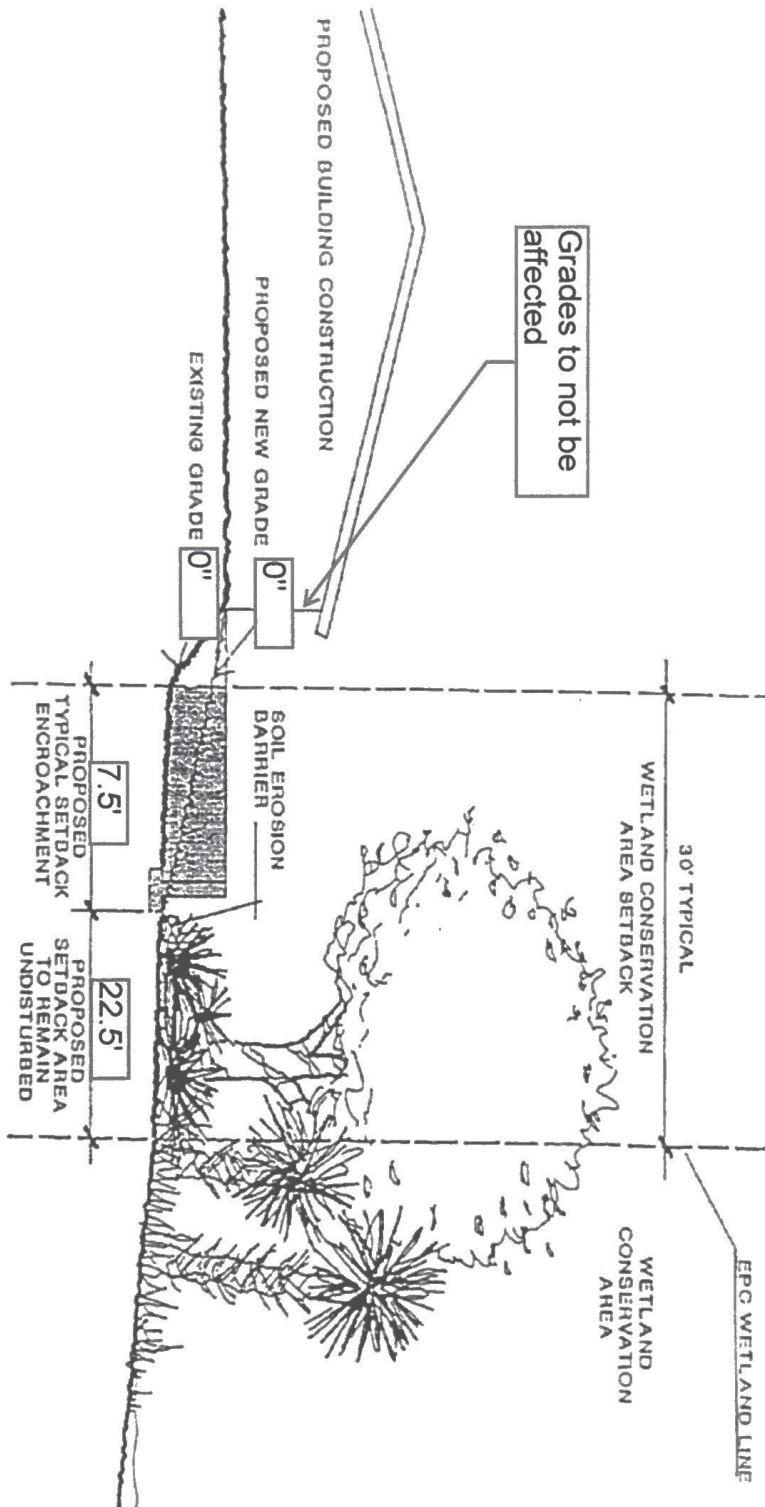
Approval of this variance petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested environmental approvals.

The Development Services Natural Resources Section has no objections with the result contingent upon the Land Use Hearing Officer's acceptance and referral to the submitted site plan.

Attachments: Site Plan

ADMINISTRATOR'S SIGN-OFF

CROSS SECTION EXAMPLE



Received November 09, 2020
Development Services
Site Plan
SCALE IS 1/16" = 1' ONLY ON 11" X 17" PAPER
ALL DIRECTIONAL NAMES ARE LOOKING AT
POOL FROM HOUSE

Setbacks

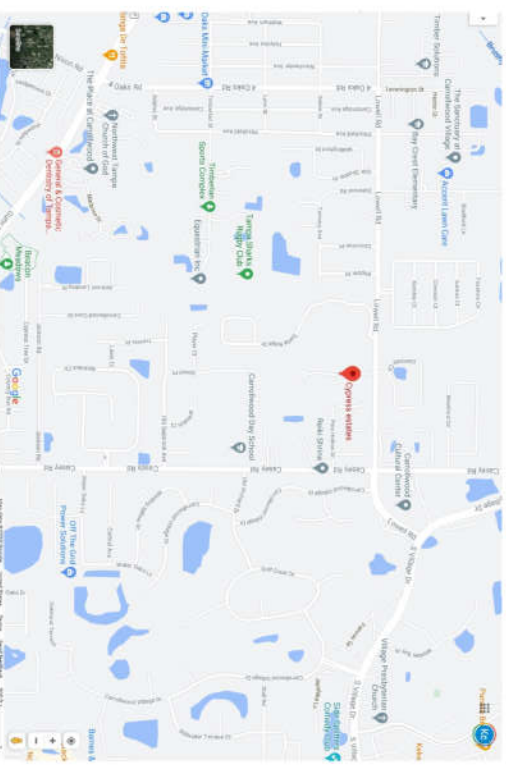
Equipment: TBD
Left Side Patio: 38'10"
Left Watersedge: 56'5"
Right Side Patio: 13'4"
Right Watersedge: 16'
Rear Patio: 22'4"
Rear Watersedge: 27'2"

New Building Dimensions

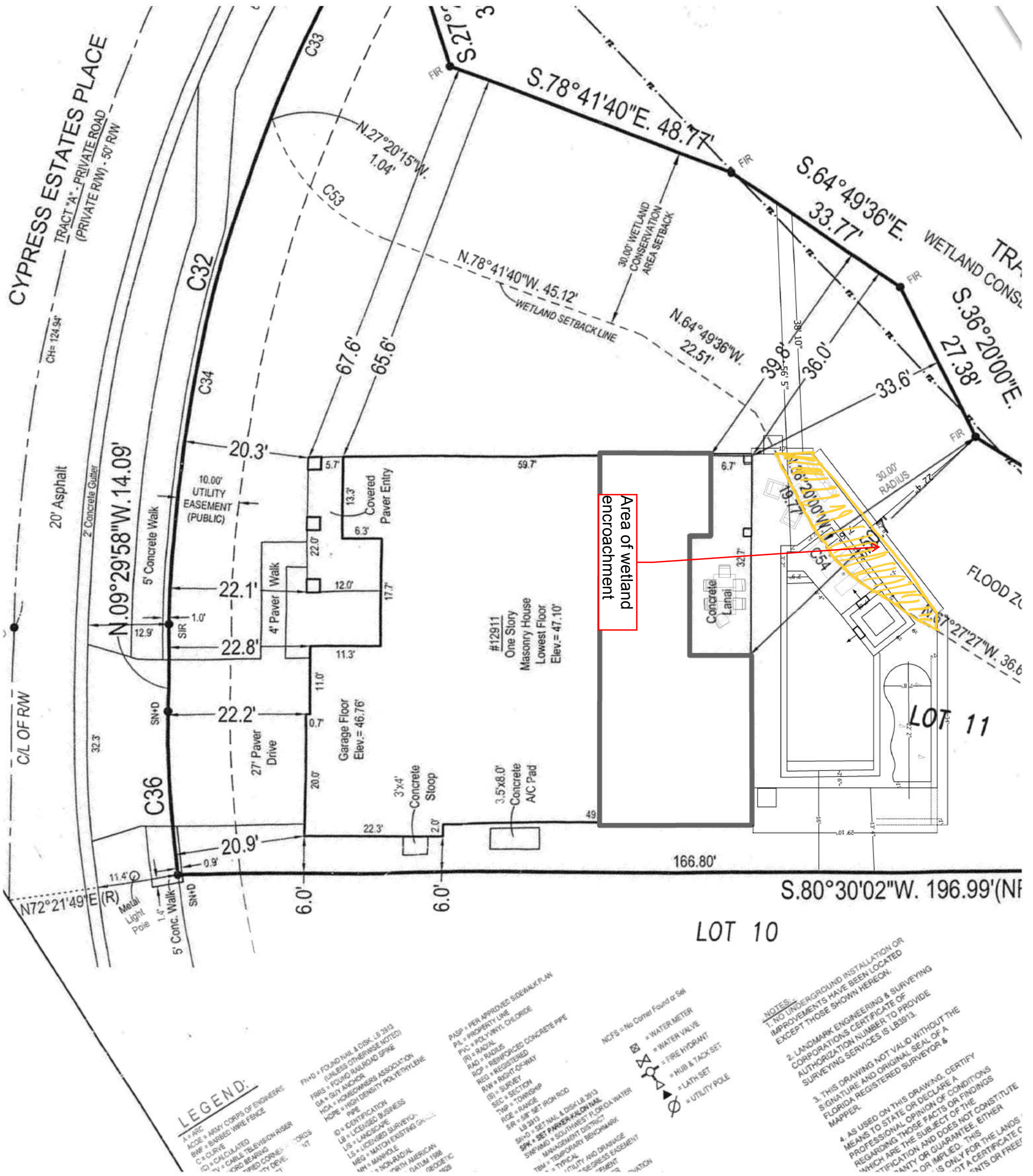
Pool: 478sqft
Spa: 42sqft
Deck: 879sqft
Deck Projection Rear: 29'10"

Customer Info

Name: Andrew and Bri Evelyn
Address: 12911 Cypress Estates Place
City: Tampa State: FL Zip: 33624
Folio: 019374-7662






EXTERIOR
ESCAPES
13014 N Dale Mabry Hwy
#247
Tampa, FL 33618 21-0091
813-793-4383
www.escapes.com

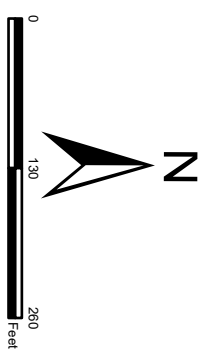


Immediate Aerial Zoning Map

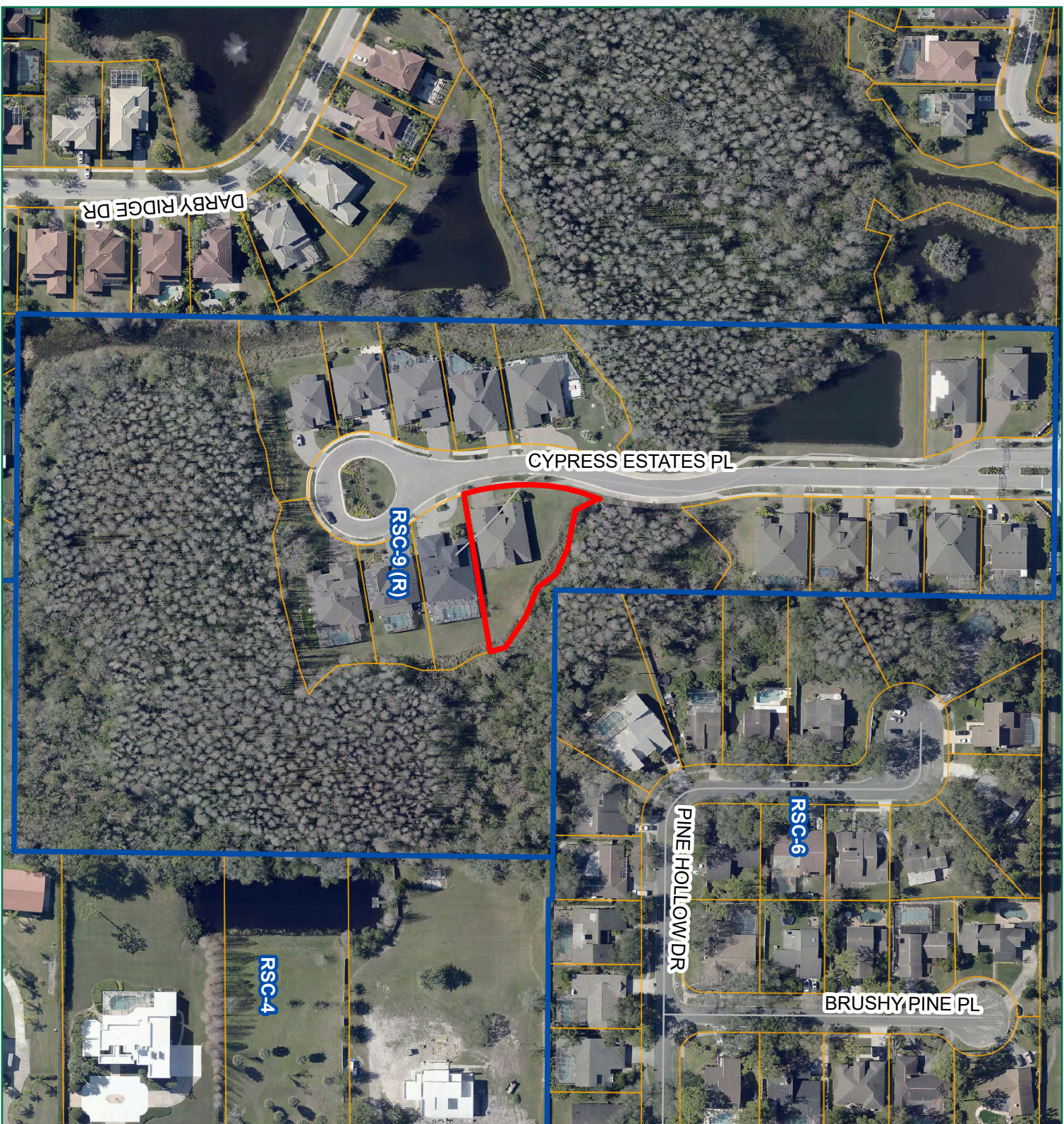
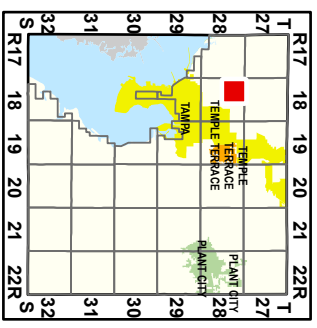
VAR-WS 21-0091

Folio: 19374.7662

-  Application Site
-  Zoning Boundary
-  Parcels



STR: 8-28-18



NOTE: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, and is not to be used for any purpose other than for informational purposes only.

SOURCE: This map has been prepared for the purpose of recording public information and is compiled from recorded deeds, plats, and other AVAILABLE data.

Users of this map are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this map.

Date: 12/07/2020 Path: G:\ZONING\GIS\MapZoning_Site.aprx

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.

Construction of a swimming pool, paver deck, and screened enclosure that will encroach on the 30 foot wetland conversation setback. The wetland setback is not uniform and the maximum encroachment would be 7' 6". The wetland setback does not allow for the construction of the swimming pool, deck, and enclosure as others in the neighborhood get to enjoy. The design has been modified to minimize the amount of encroachment into the setback as possible. A prior approved variance under VAR 17-0933 was approved for a similar type of encroachment.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:
We are seeking a variance of the Hillsborough County LDC 4.01.07B requiring a 30 foot setback change to 22-1/2' setback at the farthest point based on the provided siteplan
- _____

ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No X 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 X 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 X
 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 X Public Wastewater X 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 X 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 shape of the unique, specific, and singular lot creates a hardship due to larger encroachment of the wetland setback into the rear of 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 application of the literal requirements of the Wetland Conservation Area setback would prevent the development of the pool, deck and screened in area, which are common improvements of the neighborhood

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 would not substantially interfere with the rights of others as only a small portion of the rear setback is being requested to be encroached. The variance would also allow a typical size swimming pool to be built with zero impact on any abutting or nearby property

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).
Yes, the variance is in harmony with the LDC and Comprehensive plan.

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.
No, the variance is being applied for prior to the installation of the swimming pool, deck, and screened area

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 of the variance is in accordance with the adjacent zoning and existing land uses in the neighborhood. In addition this variance is similar and inline with a prior approved variance VAR 17-0933 at 12905 Cypress Estates Place

INSTRUMENT#: 2017207391, BK: 24972 PG: 1027 PGS: 1027 - 1028 05/26/2017 at
02:14:16 PM, DOC TAX PD(F.S.201.02) \$4233.60 DEPUTY CLERK:PSALMOND Pat
Frank, Clerk of the Circuit Court Hillsborough County

2pgs.

Prepared by Zoe Van Story of
Green Fields Title, LLC, incidental
to the issuance of a title insurance policy
14824 N. Florida Avenue
Tampa, Florida 33613
File: 17-0007
Consideration: \$604,769.00

WARRANTY DEED

This WARRANTY DEED is made and entered into this 19th day of May,
2017, by and between **Mobley Homes Tampa, LLC, a Florida Limited Liability Company**,
whose address is 14824 N. Florida Avenue, Tampa, Florida 33613 (hereinafter called the
"Grantor"), to **Andrew Evelyn and Bri Evelyn, husband and wife**, whose post office address
is 12911 Cypress Estates Place, Tampa, FL 33624 (hereinafter collectively called the
"Grantee"):

WITNESSETH:

The Grantor, for and in consideration of the sum of Ten and No/100ths Dollars (\$10.00)
and other good and valuable considerations, the receipt and sufficiency of which are hereby
acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms
unto the Grantee, its successors and assigns, all that certain land situated in Hillsborough County,
Florida, to-wit:

Lot 11, Cypress Estates of Carrollwood, according to the map or plat thereof, as recorded
in Plat Book 127, Page(s) 205 through 209, inclusive, of the Public Records of Hillsborough
County, Florida.

a/k/a 12911 Cypress Estates Place, Tampa, FL 33624

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 the 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 liens and
encumbrances except taxes accruing subsequent to December 31, 2016.

Property Appraiser's Folio No. 019374-7662

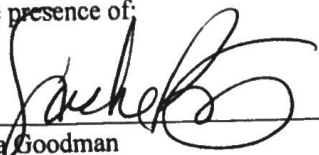
[SIGNATURES BEGIN ON FOLLOWING PAGE]




[SIGNATURE PAGE TO WARRANTY DEED]

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year first above written.


Signed, sealed and delivered
in the presence of:


Sasha Goodman


Zoë Van Story

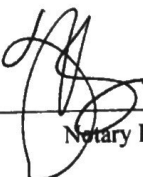
GRANTOR:

MOBLEY HOMES TAMPA, LLC,
a Florida Limited Liability Company
By: Its Managing Member: M TAMPA, L.L.C.

By: 
Timothy F. Mobley, Its Managing Member

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me on MAY 19 2017, by Timothy F. Mobley, as Managing Member of M TAMPA, L.L.C., a Florida Limited Liability Company, on behalf of the company, which is the Managing Member of MOBLEY HOMES TAMPA, LLC, a Florida Limited Liability Company, and who is personally known to me or has produced a valid driver's license as identification.


Notary Public





Received
November 09, 2020
Development Services

VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-277-1630.

All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

Property Information

Address: 12911 CYPRESS ESTATES PLACE City/State/Zip: TAMPA, FL 33624 TWN-RN-SEC: 28-18-08
Folio(s): 019374-7662 Zoning: RSC-9 Future Land Use: RES 1 Property Size: 10,601 SF

Property Owner Information

Name: ANDREW EVELYN & BRIJNA EVELYN Daytime Phone: 813 955 5744
Address: 12911 CYPRESS ESTATES PLACE City/State/Zip: TAMPA, FL 33624
Email: KNIGHTRONUT@GMAIL.COM FAX Number: N/A

Applicant Information

Name: SAME AS ABOVE Daytime Phone: " "
Address: " " City/State/Zip: " "
Email: " " FAX Number: N/A

Applicant's Representative (if different than above)

Name: N/A Daytime Phone: N/A
Address: N/A City / State/Zip: N/A
Email: N/A FAX Number: N/A

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.

Andrew Evelyn Brijna Evelyn
Signature of Applicant

ANDREW EVELYN BRIJNA EVELYN
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.

Andrew Evelyn Brijna Evelyn
Signature of Property Owner

ANDREW EVELYN BRIJNA EVELYN
Type or Print Name

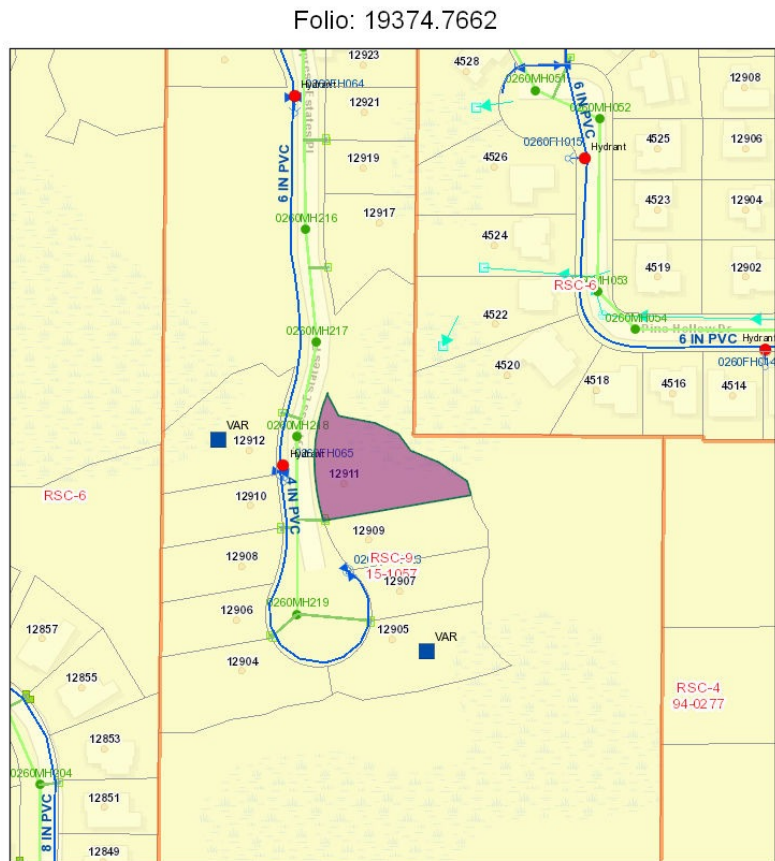
Office Use Only

Intake Staff Signature: Joseph Reinbold Intake Date: 11/09/2020
Case Number: 21-0091 Public Hearing Date: 01/25/2021
Receipt Number: 21-0091



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RSC-9
Description	Residential - Single-Family Conventional
RZ	15-1057
Restr	(R)
Flood Zone:AE	BFE = 43.7 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0184H
FIRM Panel	12057C0184H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	A
Pre 2008 Firm Panel	1201120185F
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Census Data	Tract: 011408 Block: 2001
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	180' AMSL
Aviation Authority	Non-Compatible Use (Schools)
Competitive Sites	NO
Redevelopment Area	NO



November 2, 2020

1:1610
0 0.01 0.03 0.05 mi
0 0.02 0.04 0.08 km

RS, Hillsborough County - Public Works - Geomatics - Street & Addresses, EIS

Hillsborough County Florida

Folio: 19374.7662
PIN: U-08-28-18-A5A-000000-00011.0
ANDREW AND BRI EVELYN
Mailing Address:
 12911 CYPRESS ESTATES PL
 TAMPA, FL 33624-2007
Site Address:
 12911 CYPRESS ESTATES PL
 TAMPA, FL 33624
SEC-TWN-RNG: 08-28-18
Acreage: 0.42258
Market Value: \$479,250.00
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.

21-0091