

**Variance Application:** 24 - 0103  
**LUHO Hearing Date:** January 22, 2024  
**Case Reviewer:** Isis Brown



**Hillsborough  
 County Florida**

Development Services Department

**Applicant:** Jon Grisar **Zoning:** ASC-1  
**Address/Location:** 4501 Scott Road, Lutz, Florida 33558; Folio 14797.0150;


**Request Summary:**

The applicant requests a height variance to accommodate an existing fence in the front yards on a corner lot zoned ASC-1.

**Requested Variances:**

LDC Section:	LDC Requirement:	Variance:	Result:
6.07.02.C.2 & 6.07.02. C.1	Fences in agricultural districts shall be regulated in the same manner as fences in residential districts, except under certain circumstances that do not apply to this case. A maximum height of 4 feet is permitted for fences in required front yards, except under certain circumstances that do not apply to this case.	2 feet	6-foot-high fence in the front yard

<b>Findings:</b>	The subject parcel is the subject of Code Enforcement violation CE22007141 which has been placed in the case file for this this application.
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<b>Zoning Administrator Sign Off:</b>	 Colleen Marshall Mon Jan 8 2024 08:57:08
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**DISCLAIMER:**  
 The variance(s) 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.





# 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.

See narrative.

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

See narrative.

## 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

Stefan Beuge  
(813) 227-2229  
[sbeuge@shumaker.com](mailto:sbeuge@shumaker.com)

October 24, 2023

**Variance Application**

Address: 4501 Scott Road, Lutz, FL 33558  
Folio: 014797-0150  
Owner: Jon Grisar

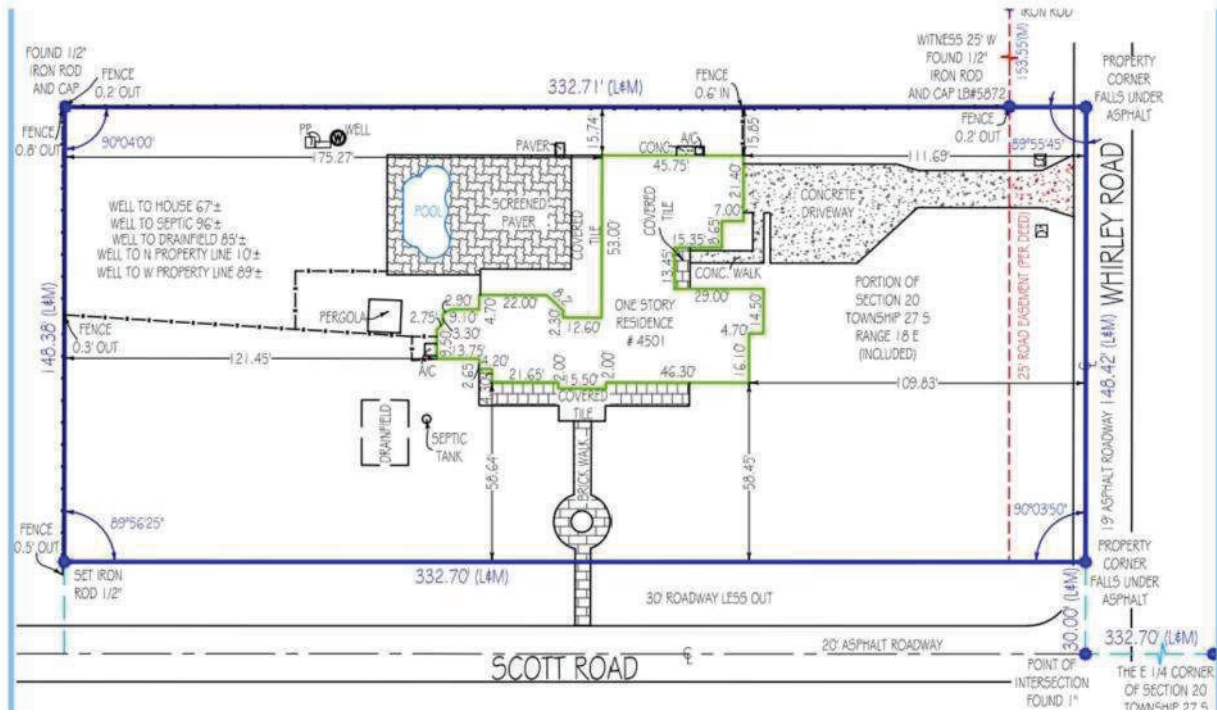
**Variance Request**

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).*

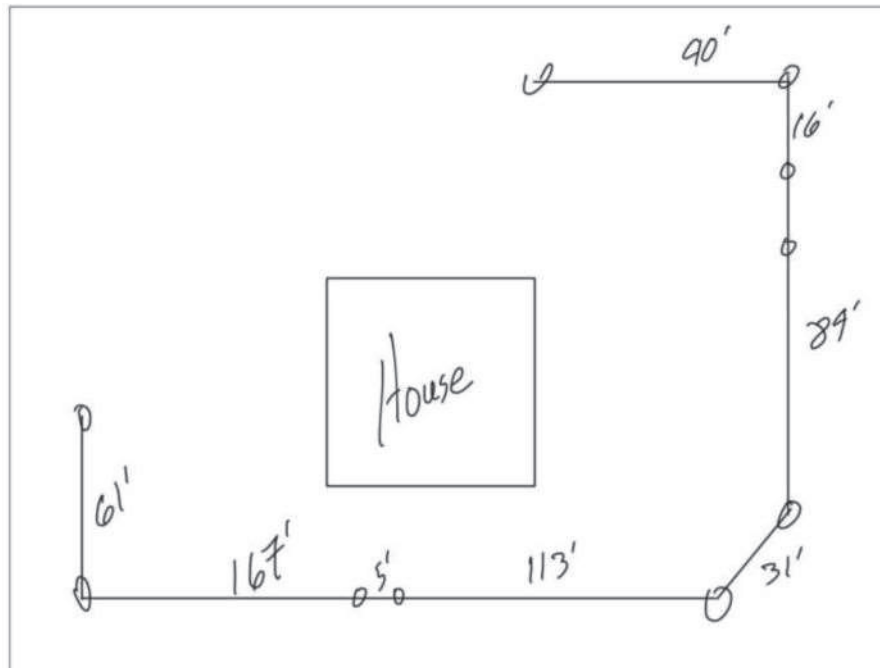
Mr. Grisar owns the single-family residential property located at 4501 Scott Rd, Lutz, FL 33558. This corner lot is uniquely oriented in that the primary access falls along the Eastern border of the property abutting Whirly Road. Thus, the “front yard” which abuts Scott Road is oriented as a side yard. Mr. Grisar constructed a 6-foot fence along the yard abutting Scott Road in order to enjoy the full potential of their functional back and side yards and to afford reasonable security given the unusual characteristics of this neighborhood, addressed in greater detail below.

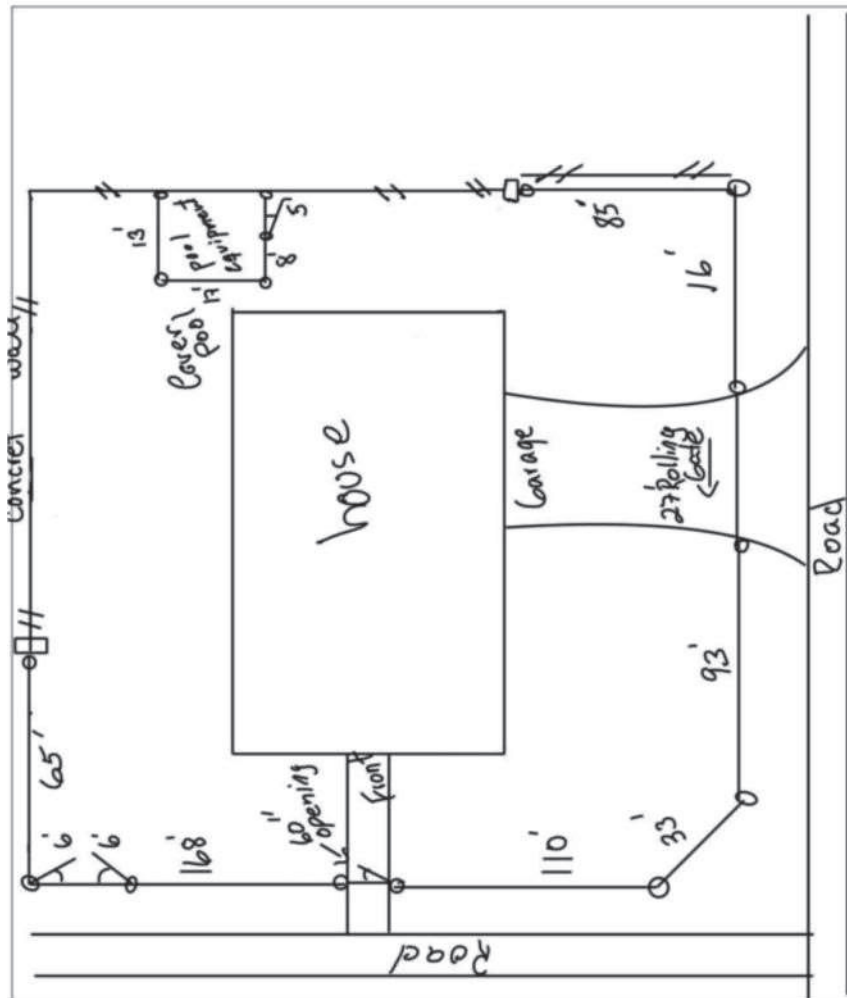
2. *A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:*

Applicant specifically requests a variance from Section 6.07.02(C)(1)(a), Hillsborough County Code, which reads: “Fences over four feet in height shall not be allowed within the required front yards, except as indicated in f, g, and h below” in residential districts. Applicants seek a variance to allow a fence that is six feet in height within required front yards. A portion of the survey of the property is below:



The fence itself is installed as depicted below:



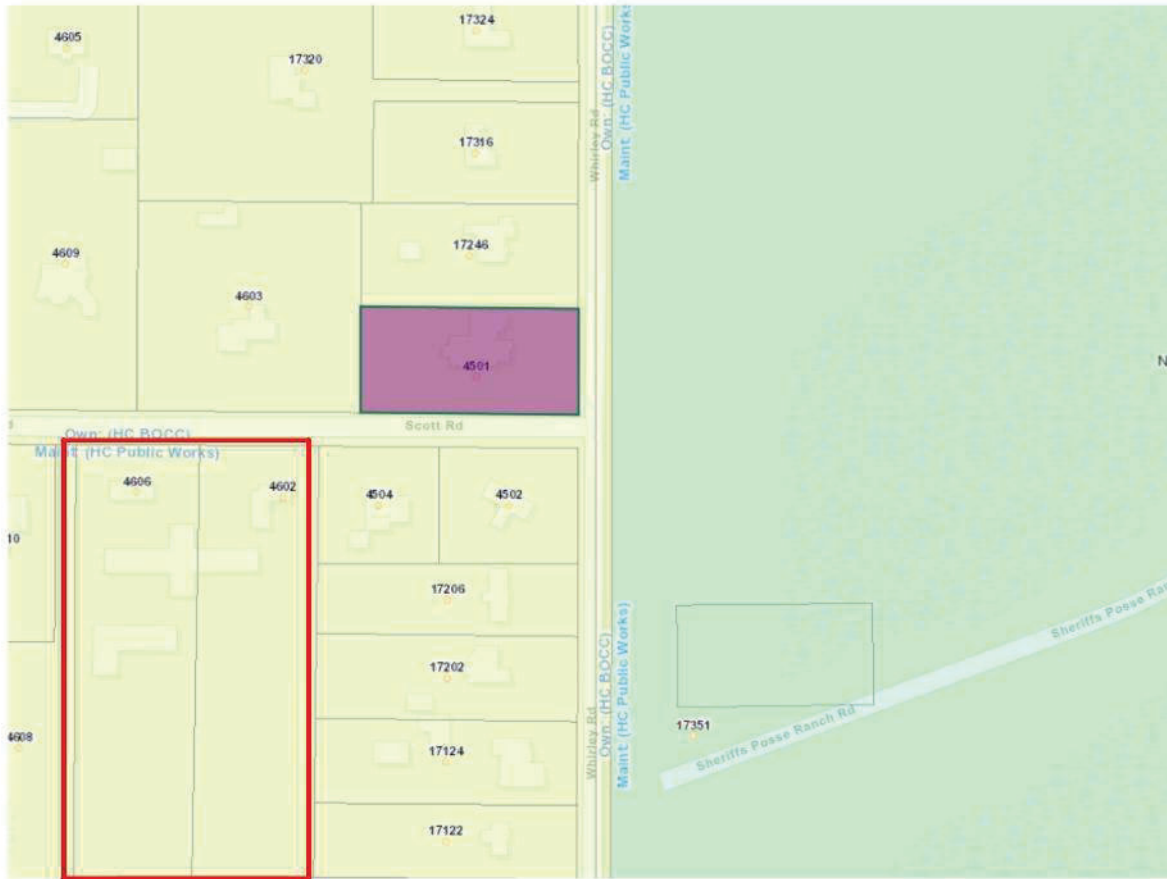


**Variance Criteria Response**

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?

4501 Scott Road is situated just to the West (across Whirley Road) from a nearly 500-acre, government-owned nature preserve and just across Scott Road from Kingsmeade Farm, which brands itself as “Tampa Bay’s Premier Hunter *Jumper* Equestrian Facility.”<sup>1</sup> See below, Grisar residence shaded in purple, Kingsmeade Farm outlined in red:

<sup>1</sup> <https://www.kingsmeadefarm.com/>



The subject property has 305 linear feet of frontage along Scott Road, almost directly across the street from an enterprise renowned for training horses to *jump*.

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 majority of residential lots along Scott Road have their shorter dimension along Scott Road, with the longer dimension extending perpendicular to Scott Road. As such, the proportion of residential fencing that can be 6 feet in height is significantly greater than that of the subject property, again with 305 linear feet of frontage on Scott Road that functions as a side yard.

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.*

If allowed, this variance would afford Mr. Grisar a degree of privacy and security enjoyed by the majority of his neighbors and not injure the rights of others. Mr. Grisar is collecting letters of support to be presented at hearing.

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 or description of intent/purpose).*

Hillsborough County Land Development Code Sec. 1.02.03, Intent, reads: “In order to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Hillsborough County, it is the intent of this Code that the development process in Hillsborough County be efficient, in terms of time and expense; effective, in terms of addressing the natural resource and public facility implications of proposed development; and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of Hillsborough County.”

Approval of this variance request would serve to foster safety, comfort and welfare of the neighborhood. Further, the code encourages unique consideration for front yards that are treated as side yards:

Sec. 6.07.02(c)(1):

“a. Fences over four feet in height shall not be allowed within the required front yards, except as indicated in f, g, and h below.

b. For corner lots, *fences up to six feet in height shall be allowed within one front yard, which functions as a side yard*, provided the fence is located no more than ten feet into the required front yard, as measured from the rear line of the front yard. However, in districts requiring side yards greater than ten feet, this intrusion shall be increased up to a distance equal to said required side yard. This is illustrated in Figure 6.15 by Lot A. Lot A(1) abuts a curved street corner lot as defined by Article 7. Lot B(1) is an interior lot and no fence more than four feet in height shall be allowed in the front yard.”

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 fence is subject to Hillsborough County Code Enforcement Case No. CE22007141, which applicant expects will be stayed pending resolution of this variance application. The hardship is born of neighborhood conditions, and applicant’s installation of this fence regrettably gave rise to the code enforcement case, but the present application is intended to achieve compliance. The fence is partially transparent with a horizontal orientation:





6. *Explain how allowing the variance will result in substantial justice being done, considering both the public benefit intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.*

4501 Scott Road is in a highly rural and agricultural area. These uses introduce a certain aesthetic and host of activities and secondary effects that are important to keep in consideration, namely that a horse training facility is appropriate for this district and is actively engaged in this activity – yet property owners must have the ability to reasonably safeguard their properties (and the horses) from harm in response to the characteristics of a rural, agricultural setting that also hosts a number of single family home uses. A 4’ fence, as would be allowable by right, is simply ineffective to prevent a trained horse from jumping over it and entering a private residential yard.

Respectfully submitted,

/s/ Stefan Beuge

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Stefan Beuge, Esq.  
For the Applicant

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See narrative.

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.

See narrative.

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See narrative.

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See narrative.

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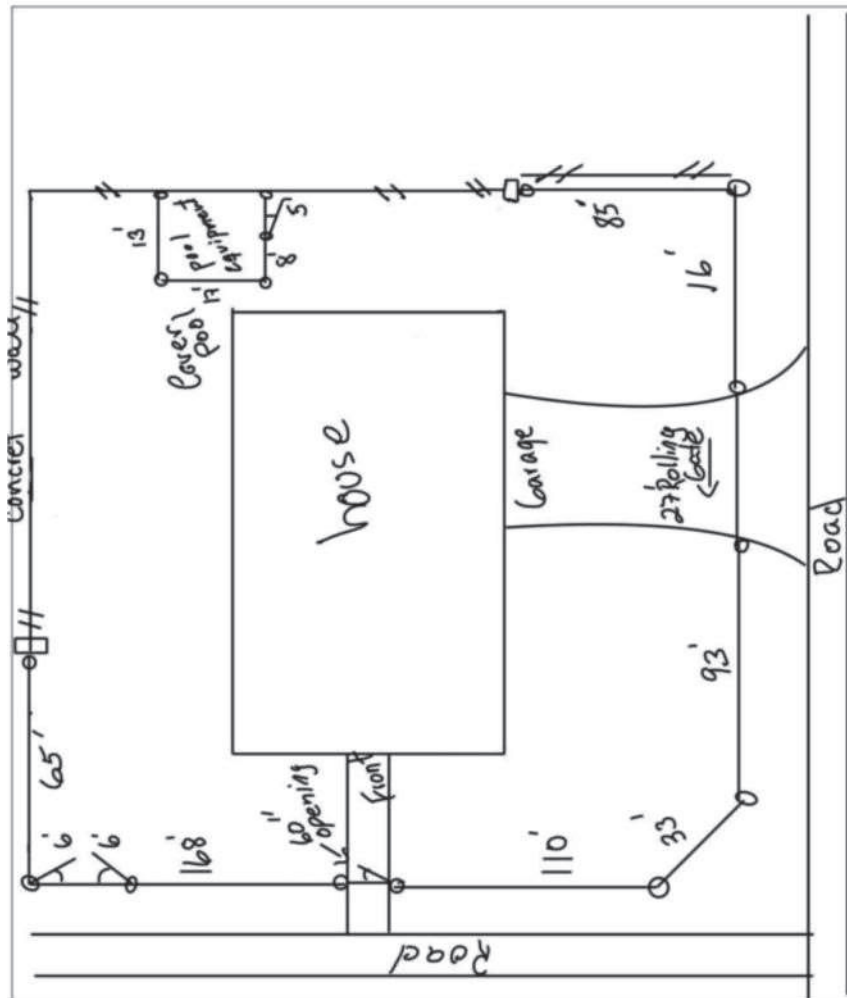
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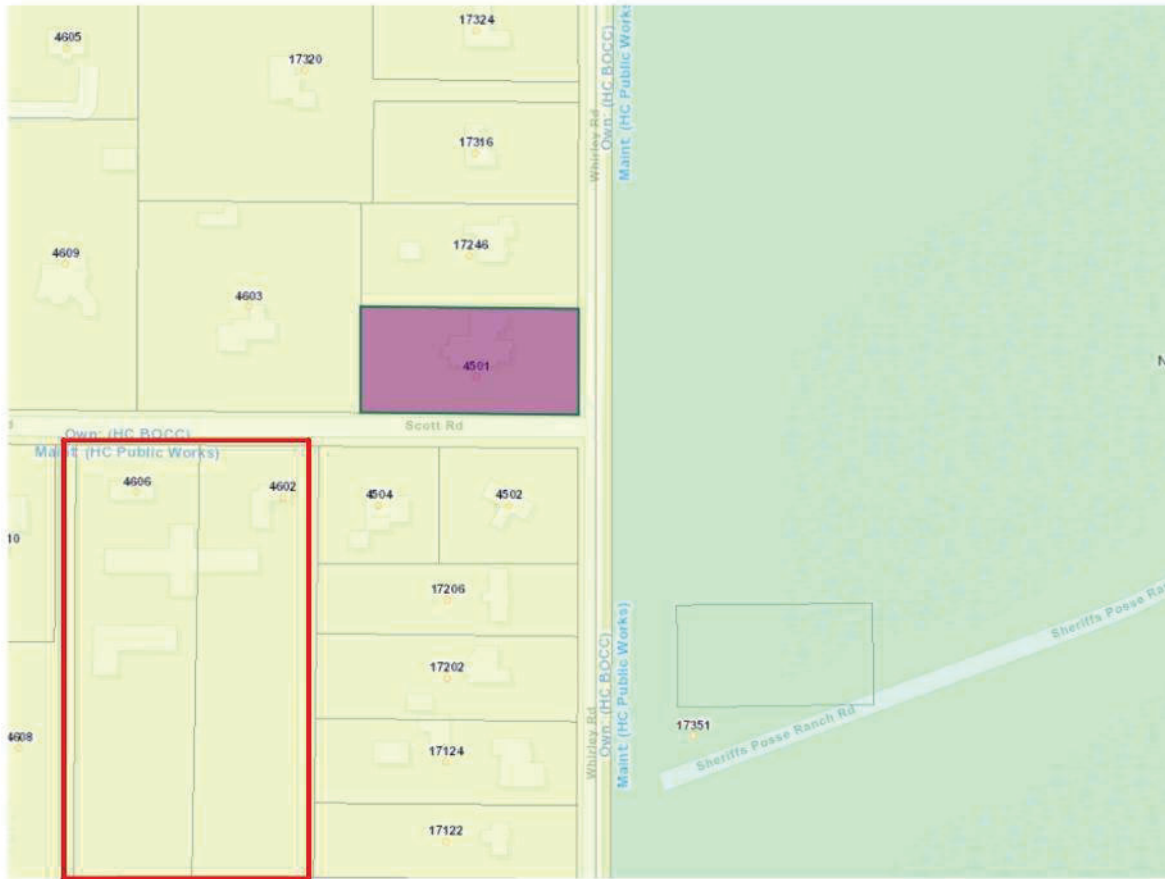


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/s/ Stefan Beuge

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Stefan Beuge, Esq.  
For the Applicant

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**Prepared By and Return To:**  
Tiago National Title, LLC  
3705 West Swann Avenue  
Tampa, FL 33609

Order No.: FL21-00800

Property Appraiser's Parcel I.D. (folio) Number:  
U-20-27-18-ZZZ-000000-60950.1 and 014797-0150

## WARRANTY DEED

THIS WARRANTY DEED dated March 18, 2021, by Hassan Hamdar and Sara Hamdar, husband and wife, whose post office address is 6222 Boone Drive, Tampa, Florida 33625 (the "Grantor"), to Jon Mark Grisar, an unmarried man, whose post office address is 4501 Scott Road , Lutz, Florida, 33558 (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 Grantor, for and in consideration of the sum of Seven Hundred Seventy Thousand And No/100 Dollars (\$770,000.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of Hillsborough, State of Florida, viz:

THE EAST 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 27 SOUTH, RANGE 18 EAST, HILLSBOROUGH COUNTY, FLORIDA. LESS THE NORTH 153.50 FEET THEREOF, AND LESS ROAD RIGHT-OF-WAY.

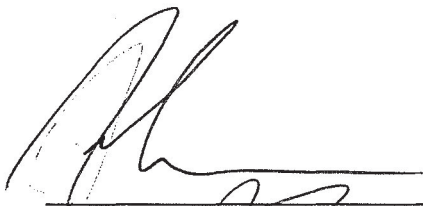
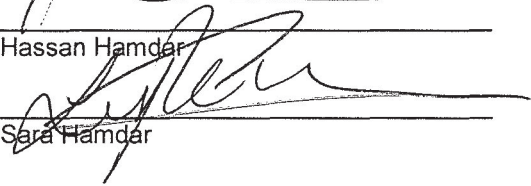
Subject to easements, restrictions, reservations and limitations of record, if any.

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.

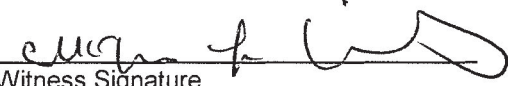
AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: 2020.

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


  
\_\_\_\_\_  
Hassan Hamdar  
  
\_\_\_\_\_  
Sara Hamdar

Grantor Address:

Signed, sealed and delivered in presence of:

  
\_\_\_\_\_  
Witness Signature

Miguel Jean-Louis  
\_\_\_\_\_  
Printed Name of First Witness

  
\_\_\_\_\_  
Witness Signature

BARBBA WILSON  
\_\_\_\_\_  
Printed Name of Second Witness

STATE OF Florida

County OF Hillsborough

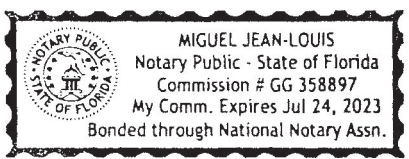
I, Miguel Jean-Louis Notary Public for the County of Hillsborough and State of Florida, do hereby certify that Hassan Hamdar and Sara Hamdar, husband and wife personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the <sup>17<sup>th</sup></sup>~~17~~th of March, 2021.  
18

  
\_\_\_\_\_  
Notary Public

My Commission Expires: July 24, 2023

(SEAL)





**Hillsborough  
County Florida**  
Development Services

# Submittal Requirements for Applications Requiring Public Hearings

**Official Use Only**

Application No: 24-0103 Intake Date: 10/30/2023  
 Hearing(s) and type: Date: 01/22/2024 Type: LUHO Receipt Number: 316399  
 Date: \_\_\_\_\_ Type: \_\_\_\_\_ Intake Staff Signature: Alejandra Prado

Applicant/Representative: Jon Grisar / Stefan Beuge Phone: 813.227.2229

Representative's Email: SBeuge@shumaker.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
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Applicant/Owner Information Form</u>
<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.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Sunbiz Form</u> (if applicable). This can be obtained at <a href="http://Sunbiz.org">Sunbiz.org</a> .
<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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Copy of Current Recorded Deed(s)</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Close Proximity Property Owners List</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Legal Description</u> for the subject site
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Fastrack Approval</u> (if applicable)

**Additional application-specific requirements are listed in Part B.**



**Hillsborough  
County Florida**  
Development Services

# Property/Applicant/Owner Information Form

### Official Use Only

Application No: 24-0103  
Hearing(s) and type: Date: 01/22/2024  
Date: \_\_\_\_\_

Type: LUHO  
Type: \_\_\_\_\_

Intake Date: 10/30/2023  
Receipt Number: 316399  
Intake Staff Signature: Alexandra Prado

### Property Information

Address: 4501 Scott Road City/State/Zip: Lutz, FL 33558  
TWN-RN-SEC: 20/27S/18E Folio(s): 14797-0150 Zoning: ASC-1 Future Land Use: R-1 Property Size: 1.15 acres

### Property Owner Information

Name: Jon Grisar Daytime Phone: 407.782.8810  
Address: 4501 Scott Road City/State/Zip: Lutz, FL 33558  
Email: jon.grisar@libertyalliance.com Fax Number: \_\_\_\_\_

### Applicant Information

Name: Jon Grisar Daytime Phone: 407.782.8810  
Address: 4501 Scott Road City/State/Zip: Lutz, FL 33558  
Email: jon.grisar@libertyalliance.com Fax Number: \_\_\_\_\_

### Applicant's Representative (if different than above)

Name: Stefan Beuge, Esq. Daytime Phone: 813.227.2229  
Address: 101 E. Kennedy Blvd., Suite 2800 City/State/Zip: Tampa, FL 33602  
Email: sbeuge@shumaker.com Fax Number: \_\_\_\_\_

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]  
Signature of the Applicant  
Jon Grisar  
Type or print name

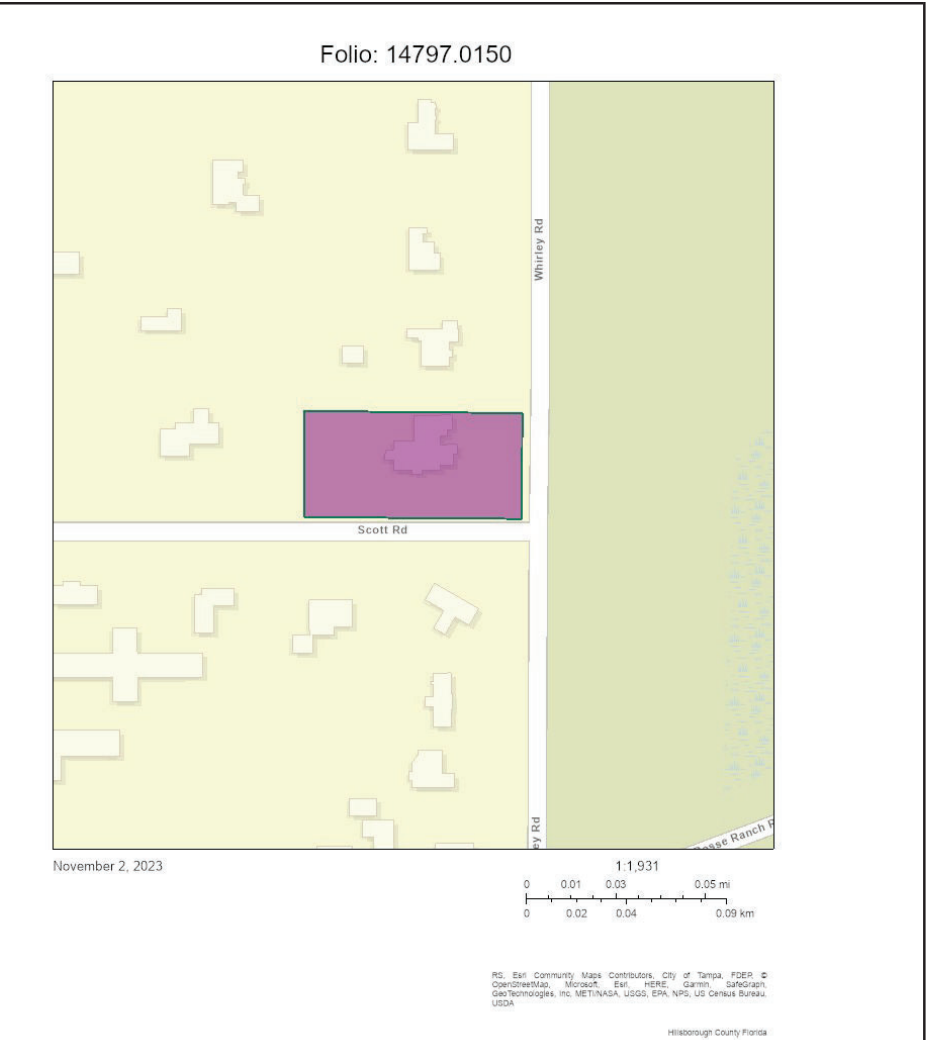
I hereby authorize the processing of this application and recognize that the final action taken on this petition shall be binding to the property as well as to the current and any future owners.

[Signature]  
Signature of the Owner(s) - (All parties on the deed must sign)  
Jon Grisar  
Type or print name



# 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	0182H
FIRM Panel	12057C0182H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120185F
County Wide Planning Area	Keystone Odessa
Community Base Planning Area	Keystone Odessa
Census Data	Tract: 011523 Block: 1000
Future Landuse	R-1
Future Landuse	R-1
Future Landuse	R-1
Mobility Assessment District	Rural
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
Competitive Sites	NO
Redevelopment Area	NO



**Folio: 14797.0150**  
**PIN: U-20-27-18-ZZZ-000000-60950.1**  
**Jon Mark Grisar**  
**Mailing Address:**  
 4501 Scott Rd  
 null  
 Lutz, FL 33558-4804  
**Site Address:**  
 4501 Scott Rd  
 Lutz, FL 33558  
**SEC-TWN-RNG: 20-27-18**  
**Acreage: 1.15224004**  
**Market Value: \$815,502.00**  
**Landuse Code: 0100 Single Family**

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for:

1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

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