

Variance Application: VAR 25-1445

LUHO Hearing Date: 11/17/2025

Case Reviewer: Logan McKaig



**Hillsborough
County Florida**

Development Services Department

Applicant: Daniel M Highsmith

Zoning:

ASC-1

Location: 11606 Monette Rd

Folio:

74232.0000

Request Summary:

The applicant is requesting a variance to lot development standards for the purpose of converting an accessory structure into an accessory dwelling unit.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.11.02.E & 6.01.01	An accessory dwelling shall meet principal building setbacks. A 15-foot side yard setback is required in the ASC-1 district.	12 feet	3-foot side yard setback for the accessory dwelling

Findings:

This property was found to be nonconforming during review. The applicant applied for a Nonconforming lot review, NCL 25-1467, and was approved as a Legal Nonconforming lot.

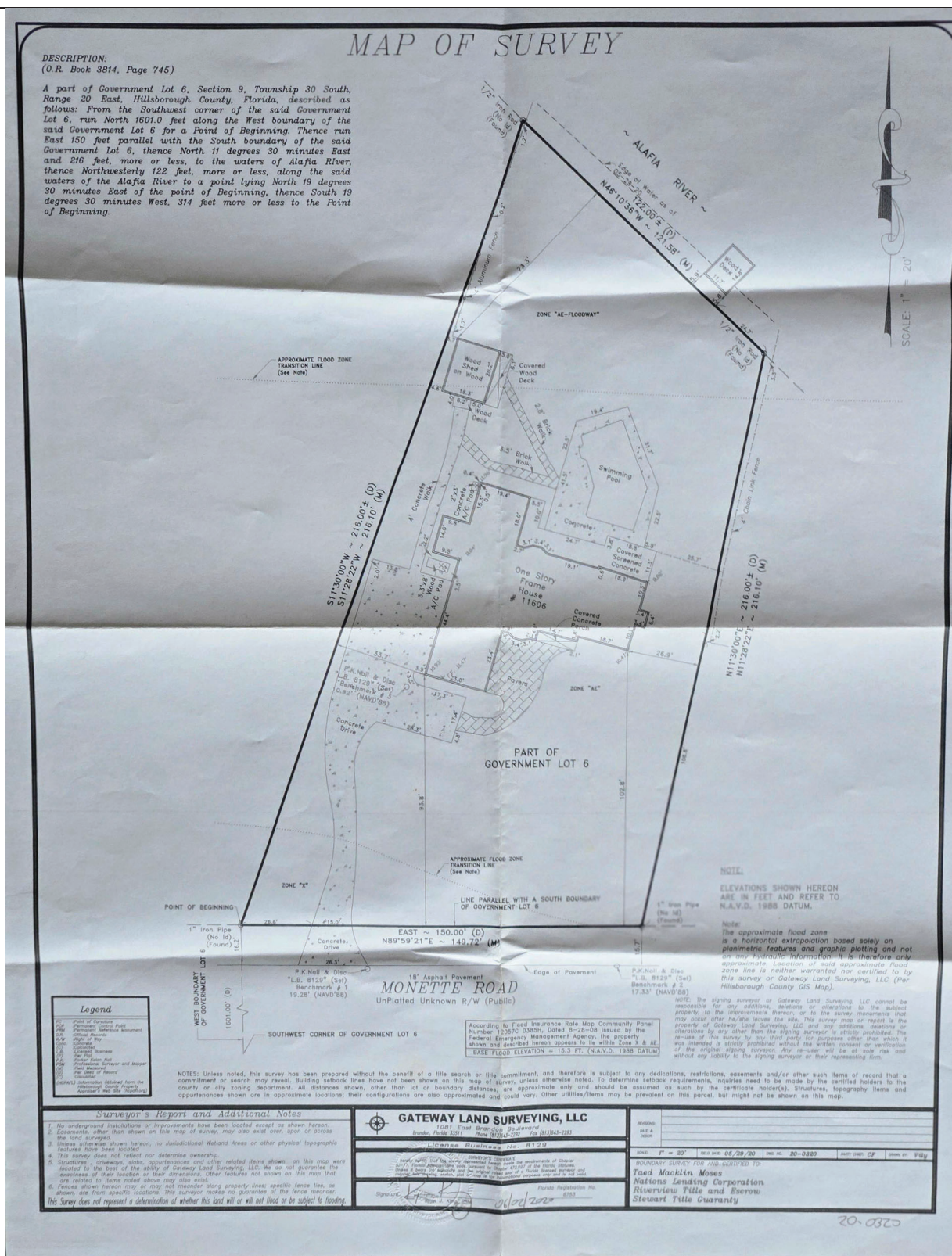
Zoning Administrator Sign Off:

Colleen Marshall
Tue Nov 4 2025 14:30:33

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.

SURVEY/SITE PLAN





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.

I am requesting a variance related to an existing accessory structure on my property at 11606 Monette Rd, Riverview, FL (Folio 074232-0000). The property contains a detached accessory structure classified as "Utility Wood" (OB/XF Code 0620), 16'x20' (320 sq ft), built in 2004. It was legally placed within the 3-foot accessory setback allowed by Hillsborough County LDC §6.02.02.C.1. I seek approval to convert this existing building to habitable space under the Florida Building Code-Residential (FBC-R) to create a small ADA-compliant living area for my daughter, who is wheelchair-bound after a stroke at 17. No footprint expansion is proposed; utilities will be existing well water and septic. Staff indicated the conversion could be reviewed as an Accessory Dwelling Unit (ADU) under LDC §6.11.02, which requires a 15-foot side setback. The structure has stood for 20+ years about 3 feet from the side property line, consistent with its original accessory status. Strict application of the ADU setback would force demolition or relocation and create an unnecessary hardship. Therefore, I request a variance of 12 feet from the 15-foot side setback, resulting in a 3-foot setback, to allow the structure to remain where built while being finished as safe, code-compliant habitable space. Neighbors are supportive, and after paying a licensed contractor nearly \$60,000 before the job was abandoned, I am acting in good faith to bring the project into compliance.

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

LDC Sec. 6.11.02

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

Daniel M. Highsmith, Trustee

11606 Monette Rd.
Riverview, FL 33569
(813) 299-2837

September 23, 2025

Hillsborough County Land Use Hearing Officer

Zoning Hearing Master – Variance Application
Hillsborough County Development Services

Re: Variance Request – 11606 Monette Rd., Riverview, FL

Dear Hearing Officer,

My name is Daniel Highsmith, and I am the owner of the property at 11606 Monette Rd. I am submitting this variance request in good faith as a homeowner and father, seeking only to make safe and legal improvements to my property to benefit my daughter.

My daughter Hailey suffered a massive stroke at the age of 17. Today she is 21 years old and wheelchair-bound. Like any young adult, she dreams of some independence, of having her own space where she can live safely and with dignity. To help her achieve this, I began the process of upgrading a small existing accessory structure on my property — a 16x20 wood utility building constructed in 2004 — into an ADA-compliant cottage designed specifically for her needs.

Unfortunately, after paying my general contractor **\$59,943.64**, he abandoned the project when it was only about **70% complete**. He did not apply for the necessary zoning variance, permits, or architectural drawings. I was left with a partially finished structure, significant financial loss, and the responsibility of trying to make things right.

I am not a developer or investor. I am simply a homeowner trying to comply with the law while creating a safe, accessible home for my daughter. The variance I am requesting relates only to setback standards: the structure already exists and has stood in its location for more than 20 years without issue. My request is not to expand or intrude further but only to allow me to complete this structure as habitable space under the proper code standards.

I believe granting this variance serves both the **intent of the Land Development Code** and the broader **public interest**. It will:

- Ensure an existing structure is brought into full compliance with residential code standards.

- Provide an ADA-accessible dwelling for my daughter, enhancing her independence and quality of life.
- Not negatively impact neighbors, since the structure already exists and is not expanding in footprint. In fact, my direct neighbors who share the property line have expressed their **full support** for this project.

I respectfully ask for your consideration of my circumstances. This request is not about financial gain or increasing density; it is about doing right by my family, correcting deficiencies left by a contractor, and creating a safe place my daughter can call her own.

Thank you for your time and understanding.

Respectfully submitted,

Daniel M. Highsmith

Homeowner

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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?

This accessory structure was legally built in 2004 under the 3-foot setback rule for accessory uses. Now that I am converting it into habitable space for my wheelchair-bound daughter, staff has suggested applying the 15-foot ADU setback. Relocation or demolition is not practical, creating a hardship unique to this property, not shared by others with existing accessory structures built under the 3-foot rule.

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.

Neighbors in ASC-1 zoning may maintain accessory structures within 3 feet of the property line. If my request is denied, I would be deprived of those same rights solely because I am upgrading my structure to habitable standards to serve my disabled daughter. Enforcing the 15-foot ADU setback would penalize me for improving safety and accessibility, rather than allowing equal rights enjoyed by other property owners with accessory structures.

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 structure has existed in its location for more than 20 years without complaint. No expansion of footprint is proposed, and the only change is an interior conversion for safe, ADA-compliant use. My direct neighbors who share the property line have expressed their full support. Approval of this variance will not injure or interfere with their rights, as nothing changes externally except improved compliance and safety standards.

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*).

This request is consistent with the intent of the Land Development Code and Comprehensive Plan because it ensures the structure is brought into compliance with modern safety and residential code standards. Conversion to habitable space under the FBC-R increases safety and accessibility without adding density, rental units, or changing neighborhood character. The use remains single-family residential, in harmony with the community and district goals.

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 hardship was not self-created. The structure was legally built in 2004 within the accessory setback rules. The difficulty arose only when I sought to adapt it for my daughter, who is wheelchair-bound after a stroke at 17. To make matters worse, after I paid my contractor nearly \$60,000, he abandoned the project at roughly 70% complete without permits or drawings, leaving me to resolve these compliance issues in good faith.

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.

Strict application of the ADU 15-foot setback would require demolition of a long-standing legal structure or prevent me from completing it for my daughter's use. Granting the variance ensures substantial justice: the County achieves compliance, neighbors are unaffected, and my daughter gains the safe, ADA-accessible cottage she needs for independence and dignity. This outcome balances public interest with compassion and fairness to my family.

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THIS INSTRUMENT PREPARED BY AND RETURN TO:

Allison N. Couri, Esq.
Hitchcock Law Group
635 Court Street, Suite 202
Clearwater, FL 33756

WARRANTY DEED

(Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and/or assigns of the respective parties hereto; use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders; and, if used, the term "note" shall include all the notes herein described if more than one.)

THIS INDENTURE is made on March 26, 2024, between **Daniel McKoy Highsmith**, a single man, 11606 Monette Road, Riverview, FL 33569, Grantor, and **Daniel M. Highsmith** as Trustee of the **Daniel M. Highsmith Living Trust dated March 26, 2024**, and any amendments thereto, 11606 Monette Road, Riverview, FL 33569, Grantee.

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to Grantee, has granted, bargained and sold the following described Real Property, situate, lying and being in the County of Hillsborough, State of Florida:

Parcel Identification Number: 074232-0000

A part of Government Lot 6, Section 9, Township 30 South, Range 20 East, Hillsborough County, Florida, described as follows: From the Southwest corner of the said Government Lot 6, run North 1601.0 feet along the West boundary of the said Government Lot 6, for a Point of Beginning. Thence run East 150 feet parallel with the South boundary of the said Government Lot 6, thence North 11 degrees 30 minutes East and 216 feet, more or less to the waters of the Alafia River; thence Northwesterly 122 feet, more or less along the said waters of the Alafia River to a point lying North 19 degrees 30 minutes East of the Point of Beginning; thence South 19 degrees 30 minutes West, 314 feet, more or less to the Point of Beginning.

Property Address: 11606 Monette Road, Riverview, FL 33569

Together with all tenements, hereditaments, easements and appurtenances belonging to or benefiting such property.

This Deed hereby confers on the Trustee the powers and authority either to protect, conserve and sell, or to lease, encumber or otherwise dispose of the real property described in this deed.

Grantor fully warrants the title to the Real Property and will defend the same against the lawful claims of all persons whomsoever with the exception of covenants, reservations, restrictions and easements of record, if any and taxes subsequent to.

This property is the homestead property of the Grantor.

The Grantor hereby certifies that under the terms of the above mentioned revocable living trust, Grantor retained and is entitled to the beneficial use and possession for life of all property transferred to the Trust, including any homestead property, for which Grantor shall have the benefit of any and all exemptions permitted at law.

Grantor acknowledges that this instrument has been prepared at Grantor's request and based solely upon information Grantor has provided; no independent title search has been made nor has any opinion of title been rendered by the preparer. The Grantor agrees to indemnify and hold Allison N. Couri, Esq. and Hitchcock Law Group harmless from any liability arising out of this conveyance and any errors in the legal description contained herein and from any title defects affecting the property hereby conveyed.

IN WITNESS WHEREOF, Grantor sets his hand on the day and year first written above.

Signed and delivered in our presence:



Daniel McKoy Highsmith

Kathy L. Gibbons
(Witness signature)

Kathy L. Gibbons
(printed name)

635 Court Street, Suite 202
(street address)

Clearwater, Florida 33756
(city, state zip)

Elizabeth Marino
(Witness signature)

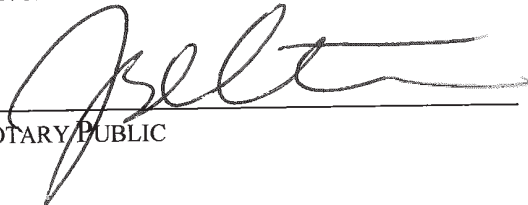
Elizabeth Marino
(printed name)

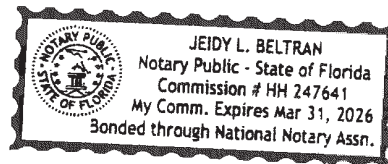
635 Court Street, Suite 202
(street address)

Clearwater, Florida 33756
(city, state zip)

STATE OF FLORIDA
COUNTY OF PINELLAS

I HEREBY CERTIFY that the foregoing deed was acknowledged before me via means of ☒ physical presence or ☐ online notarization on March 26, 2024, by Daniel McKoy Highsmith who executed the foregoing deed, ☒ who is personally known to me or ☒ who produced a Florida Driver's License as identification.


NOTARY PUBLIC



Prepared by and return to:

Jennifer Chelius
Old Tampa Bay Title, LLC
1560 West Cleveland Street
Tampa, FL 33606
(813) 402-2266
File No 2022-4662

Parcel Identification No 074232-0000

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WARRANTY DEED

(STATUTORY FORM – SECTION 689.02, F.S.)

This indenture made the 7th day of June, 2022 between Taed Macklin Moses and Kalee R. Moses, husband and wife, whose post office address is 143 19 Blue Hydrangea Court, Lithia, FL 33547, of the County of Hillsborough, State of Florida, Grantors, to Daniel McKoy Highsmith, an unmarried man, whose post office address is 11606 Monette Road, Riverview, FL 33569, of the County of Hillsborough, State of Florida, Grantee:

Witnesseth, that said Grantors, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantors in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Hillsborough, Florida, to-wit:

A part of Government Lot 6, Section 9, Township 30 South, Range 20 East, Hillsborough County, Florida, described as follows: From the Southwest corner of the said Government Lot 6, run North 1601.0 feet along the West boundary of the said Government Lot 6, for a Point of Beginning. Thence run East 150 feet parallel with the South boundary of the said Government Lot 6, thence North 11 degrees 30 minutes East and 216 feet, more or less to the waters of the Alafia River; thence Northwesterly 122 feet, more or less along the said waters of the Alafia River to a point lying North 19 degrees 30 minutes East of the Point of Beginning; thence South 19 degrees 30 minutes West, 314 feet, more or less to the Point of Beginning.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject to taxes for 2022 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

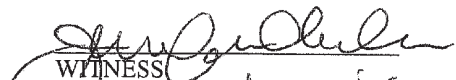
TO HAVE AND TO HOLD the same in fee simple forever.

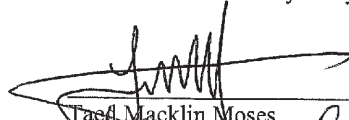
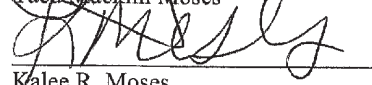
And Grantors hereby covenant with the Grantee that the Grantors are lawfully seized of said land in fee simple, that Grantors have good right and lawful authority to sell and convey said land and that the Grantors hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.



In Witness Whereof, Grantors have hereunto set Grantors' hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

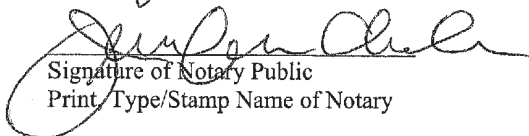

WITNESS
PRINT NAME: Jennifer Chelius


Taed Macklin Moses

Kalee R. Moses

WITNESS
PRINT NAME: Savannah Knight

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

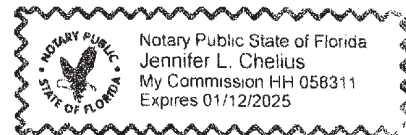
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 20th day of May, 2022, by Taed Macklin Moses and Kalee R. Moses.


Signature of Notary Public
Print/Type/Stamp Name of Notary

Personally Known: _____ OR Produced Identification: X

Type of Identification

Produced: Photo ID



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**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 25-1445 Intake Date: 09/23/2025
Hearing(s) and type: Date: 11/17/2025 Type: LUHO Receipt Number: 520975
Date: _____ Type: _____ Intake Staff Signature: Charles Phillips

Property Information

Address: 11606 Monette Rd City/State/Zip: Riverview
TWN-RN-SEC: 09-30-20 Folio(s): 074232-0000 Zoning: ASC-1 Future Land Use: R-2 Property Size: 0.93

Property Owner Information

Name: Daniel M Highsmith Daytime Phone: 813-299-2837
Address: 11606 Monette Rd City/State/Zip: Riverview
Email: dan.highsmith@gmail.com Fax Number: _____

Applicant Information

Name: Daniel M Highsmith Daytime Phone: 813-299-2837
Address: 11606 Monette Rd City/State/Zip: Riverview
Email: dan.highsmith@gmail.com 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 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

Daniel M Highsmith

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

Daniel M Highsmith

Type or print name



Submittal Requirements for Applications Requiring Public Hearings

Official Use Only

Application No: _____ Intake Date: _____
Hearing(s) and type: Date: _____ Type: _____ Receipt Number: _____
Date: _____ Type: _____ Intake Staff Signature: _____

Applicant/Representative: Daniel M Highsmith Phone: 813-299-2837

Representative's Email: dan.highsmith@gmail.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
1	☒	☐ <u>Property/Applicant/Owner Information Form</u>
2	☐	☒ <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.
3	☐	☒ <u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
4	☒	☐ <u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
5	☒	☐ <u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
6	☒	☐ <u>Copy of Current Recorded Deed(s)</u>
7	☒	☐ <u>Close Proximity Property Owners List</u>
8	☒	☐ <u>Legal Description</u> for the subject site
9	☐	☒ <u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
10	☐	☒ <u>Fastrack Approval</u> (if applicable)

Additional application-specific requirements are listed in Part B.



Specific Submittal Requirements for Variances

This section provides information on items that must be addressed/submitted for a Special use - Land Excavation permit and will be subsequently reviewed when the application is assigned to a planner. Where certain information does not apply to a project, a notation shall appear on the plan stating the reason, for example, "No existing water bodies within project." Additionally, the explanations and justifications for when certain information does not apply to the project shall be included in the Narrative. If Hillsborough County determines the submitted plan lacks required information, the application shall not proceed to hearing as provided for in Section 6.2.1.1.A. Additionally, the required information is only the minimum necessary to schedule an application for hearing and Hillsborough County reserves the right to request additional information during review of the application.

If you are viewing this form electronically, you may click on each underlined item for additional information.

For any items marked N/A, justification must be provided as to why the item is not included.

Part B: Project Information

Additional Submittal Requirements for a Variance

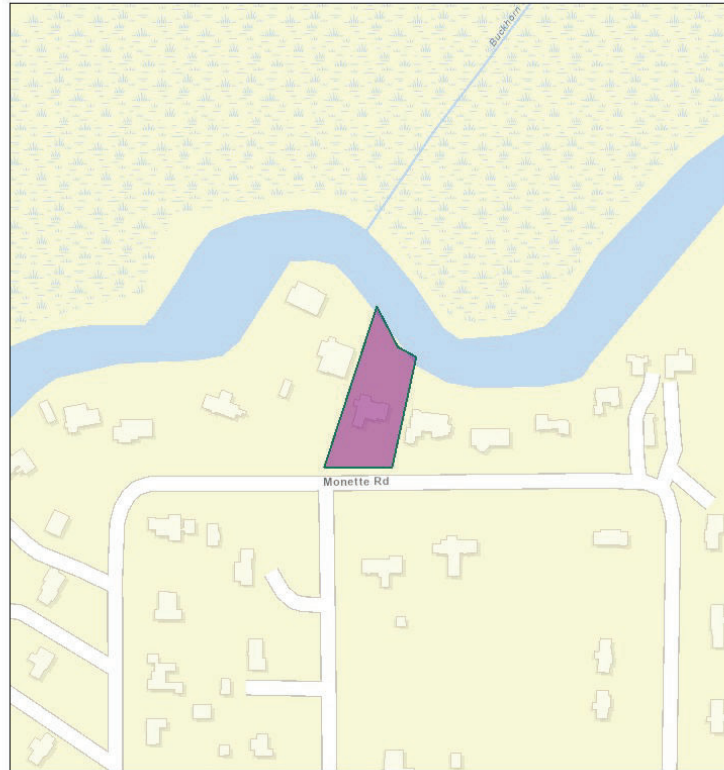
- 1 ☒ **Project Description/Written Statement of the Variance Request**
- 2 ☒ **Variance Criteria Response**
- 3 ☐ **Attachment A** (if applicable)
- 4 ☒ **Survey/Site Plan**
- 5 ☒ **Supplemental Information** (optional/if applicable)



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:AE	FLOODWAY
Flood Zone:AE	
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0393H
FIRM Panel	12057C0393H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Flood Zone	X500
Pre 2008 Flood Zone	AE FW
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120393D
County Wide Planning Area	Riverview
Community Base Planning Area	SouthShore
Community Base Planning Area	Riverview
Census Data	Tract: 013412 Block: 1000
Census Data	Tract: 013412 Block: 1002
Future Landuse	R-2
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
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: 74232.0000



September 23, 2025

1:2,934
0 0.02 0.04 0.08 mi
0 0.04 0.07 0.14 km

Esri Community Maps Contributors, University of South Florida, City of Tampa, FDEP, Q OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SatNav, GeoTechnologies, Inc, METANASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, EGIS

Hillsborough County Florida

Folio: 74232.0000
PIN: U-09-30-20-ZZZ-000002-85340.0
Daniel M Highsmith /Trustee
Mailing Address:
 11606 Monette Rd
 null
 Riverview, FL 33569-4602
Site Address:
 11606 Monette Rd
 Riverview, FL 33569
SEC-TWN-RNG: 09-30-20
Acreage: 0.93
Market Value: \$682,961.00
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.
Or
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.