



**LAND USE HEARING OFFICER VARIANCE REPORT**

<b>APPLICATION NUMBER:</b> VAR 22-1373	
<b>LUHO HEARING DATE:</b> November 21, 2022	<b>CASE REVIEWER:</b> Chris Grandlienard, AICP

**REQUEST:** The applicant is requesting a variance for an existing fence on property zoned RSC-6.

**VARIANCE(S):**

Per LDC Section 6.07.02.C.1.a., fences over four feet in height shall not be allowed within required front yards in residential districts, except under certain circumstances that do not apply to this case. The applicant requests a 2-foot increase to the maximum permitted height to allow a 6-foot-high fence within the required front yard on the east side of the property along Jackson Springs Road.

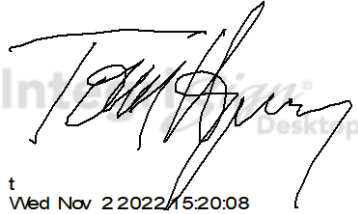
**FINDINGS:**

- Per LDC Section 6.01.06, a minimum lot size of one-half acre of upland is required for use of a septic system. The subject property is served by a septic system and is 0.37 acres in size, approximately. Therefore, it is nonconforming. However, it has been certified as a Legal Nonconforming Lot per NCL 22-1593 that has been placed in the case record.
- The survey submitted by the applicant shows additional existing site nonconformities which the applicant has elected to not address through the subject variance request. These include principal building setbacks, accessory structure setbacks and, unless it can be documented the seawall at the rear of parcel was approved by the appropriate regulatory agencies per LDC Section 4.01.07.B.2, encroachments into the required 30-foot conservation area setback along Rocky Creek.
- The subject parcel is the subject of a Code Enforcement Case # CE22004082 which has been placed in the case file for this this application.

**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.

**ADMINISTRATOR'S SIGN-OFF**



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



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# 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 due to the fact that my neighbors wall is the same height and starts where my fence in the front yard starts. I have also seen other various properties in the neighborhood with fences too close to the street for example. I live directly across from a busy park and there is constant foot traffic in front of my house. My fence does not block or impede one's ability to see into the property but does allow for some security as I have had random people in my yard when I am not around.

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

FENCES (ZONING) 6.07.02

## 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 Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

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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?

my property is across from the busy jackson springs recreation center. I have people passing by my property at all times on foot. I have had random people in my yard.

- 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.

There are existing structures, i.e. concrete wall that is more than the 48" that my fence exceeds.

- 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 fence that I put up does in no impede or impact my neighbors in any shape or form. I removed a rotting fence and put in an aluminum one that is spaced well so one can see through quite easily.

- 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 would be in harmony as the fence doesnt exceed my neighbors wall witch extends to the same point where my fence is. My fence also in no way impedes one ability to to see 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.

I was not aware of requirements when putting the fence in. I was attempting to simply match the height of the existing concrete wall between my neighbor and I.

- 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.

the variance would benefit both I and the public as they are able to see into the property in case of emergency. When exiting my property prior one would have to slowly inch into the sidewalk to be able to see traffic coming from one direction. I am now able to have clear visibility while being in within the confines of my property before exiting. I also plan on having my children here with me and having a fenced in yard with a gate is a bonus as far as security. In the even that I decide

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REC 750 PAGE 188

WARRANTY DEED  
OWNER'S FORM NO. 100V.1

Manufactured and for sale by the U. S. S. Book Company  
Jacksonville, Florida

This Warranty Deed Made the 30th day of August A. D. 1961 by

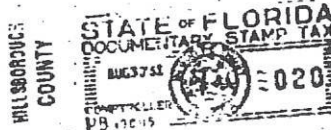
Ervin J. Wurthmann and Velva M. Wurthmann, his wife,  
hereinafter called the grantor, to Velva Jane Grodsky,

whose postoffice address is 5602 Theresa Road, Tampa, Florida,  
hereinafter called the grantee.

Wherever used herein the terms "grantor" and "grantee" include all the parties to the instrument and their 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 \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, assigns, releases, conveys and confirms unto the grantee, all that certain land situate in Hillsborough County, Florida, viz:

The North 60 feet of the South 210 feet of Lot 16 of ROCKY FORD SUBDIVISION, according to map or plat thereof recorded in Plat Book 3, page 89, of the public records of Hillsborough County, Florida.



**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any wise 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 December 31, 1960.

**In Witness Whereof,** the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

*Delora Weintraub*  
*Mary E. Miden*

*Ervin J. Wurthmann*  
*Velva M. Wurthmann*

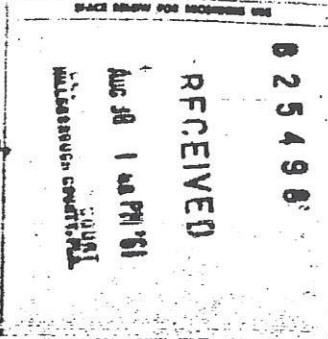
STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this day, before me, an officer duly authorized by the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

Ervin J. Wurthmann and Velva M. Wurthmann,  
both of whom are known to me to be the persons whose names are subscribed to the foregoing instrument, and they acknowledged before me that they executed the same for the purposes and consideration therein expressed.

My commission expires on the 30th day of August, 1961.

Notary Public in and for the County of Hillsborough, Florida.



A12147

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WARRANTY DEED  
DEED'S FORM BY 10051

Published and sold by The H. B. W. & B. Drew Company  
Jacksonville, Florida

This Warranty Deed Made the 5th day of April A. D. 1961 by

Ernest Pleus and Julia M. Pleus, his wife,  
hereinafter called the grantor, to Ervin J. Wurthmann and Velva M. Wurthmann,  
his wife,

whose postoffice address is 5602 Theresa Road, Tampa, Florida,  
hereinafter called the grantee.

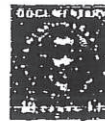
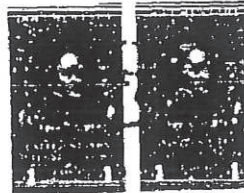
Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporations.

**Witnesseth:** That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, releases, conveys and confirms unto the grantee, all that certain land situate in Hillsborough County, Florida, viz:

The North 60 feet of the South 210 feet of Lot 16 of ROCKY FORD SUBDIVISION, according to map or plat thereof recorded in Plat Book 3, page 89, of the public records of Hillsborough County, Florida.

HILLSBOROUGH  
COUNTY

STATE OF FLORIDA  
DOCUMENTARY STAMP TAX  
42R-261  
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Together with all the tenements, hereditaments and appurtenances thereto belonging or in any wise 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 December 31, 1960.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

*Ernest Pleus*  
*Julia M. Pleus*

*Ernest Pleus*  
Ernest Pleus  
*Julia M. Pleus*  
Julia M. Pleus

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid in and to whom acknowledgments, personally appeared

Ernest Pleus and Julia M. Pleus, his wife,

to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same

WITNES my hand and official seal in the County and State here aforesaid this 5th day of April, A. D. 1961.

*Henry J. Binder*  
Notary Public, State of Florida at large.  
My Commission expires Nov. 25, 1961

12147  
5 3 36 PM '61

Prepared by and return to:  
American Closing Svces LLC (813-885-4195)  
8220 Hanley Road  
Tampa, FL 33634  
FILE # AC

**General Warranty Deed**

Made this 14 day of January 2022, By Alfred Jerome Purdy, Jr., , an unmarried man and as Trustee of the 8615 Jackson Springs Road Land Trust dated March 31, 2016 and amended on October 21, 2020, thereafter assigned by Assignment of Trustee, whose address is: 6700 150<sup>th</sup> Avenue N., Lot 22, Clearwater, FL 33764, hereinafter called the grantor, Alex Omar Wright, unmarried man , whose address is: 8615 Jackson Springs Road, Tampa, FL 33615 , hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individual s, and the successors and assigns of corporations)

**WITNESSETH:** that the grantors, for an in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, here by grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Hillsborough County, Florida, to wit:

**The North 60 feet of the South 210 feet of Lot 16, Rocky Ford Subdivision, according to the map or plat thereof as recorded in Plat Book 3 Page 89 of the Public Records of Hillsborough County, Florida.**

**ACCT NO: A0070080000**

**Property Address: 8615 Jackson Springs Road, Tampa, FL 33615**

**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 grantees that the grantors is/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, 2021 zoning restrictions imposed by governmental authority; restrictions and matters appearing on the Plat or otherwise common to the subdivision; utility easement of record, and any easements, restrictions, reservations of record.

**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:

[Signature]  
Witness MICHELE FAUCETT

[Signature]  
Witness MARLISSA DANILA

[Signature]  
Alfred Jerome Purdy Jr. as Trustee

[Signature]  
Alfred Jerome Purdy Jr., Individually

STATE OF Florida  
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 14 day of January, 2022 by Alfred Jerome Purdy Jr. as Trustee and Individually, who is personally known to me or who has produced driver's license as identification.

[Signature]  
Notary Public (notary stamp states serial number)

MICHELE FAUCETT  
Printed Name and Title or Rank



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Property/Applicant/Owner Information Form

Received 08/29/22 Development Services

Official Use Only
Application No: VAR 22-1373
Hearing(s) and type: Date: 10/24/22
Type: LUHO
Intake Date: 08/29/22
Receipt Number:
Intake Staff Signature: Ana Lizardo

Property Information

Address: 8615 jackson springs road City/State/Zip: tampa florida 33615
TWN-RN-SEC: Folio(s): 007008-0000 Zoning: RSC-6 Future Land Use: R-4 Property Size: 0.37 ACRES

Property Owner Information

Name: Alex Omar Wright Daytime Phone: 813 360 4557
Address: 8615 jackson springs road City/State/Zip: tampa florida 33615
Email: alexomarwright@gmail.com Fax Number:

Applicant Information

Name: Alex Omar Wright Daytime Phone: 813 360 4557
Address: 8615 jackson springs road City/State/Zip: tampa florida 33615
Email: alexomarwright@gmail.com Fax Number:

Applicant's Representative (if different than above)

Name: SAME AS ABOVE 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
Alex Omar Wright
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)
Alex Omar Wright
Type or print name

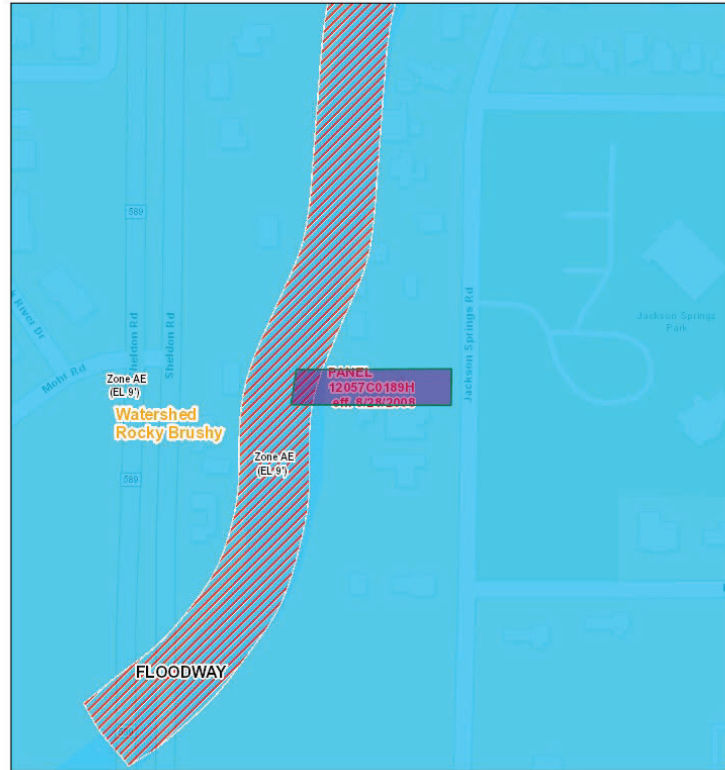
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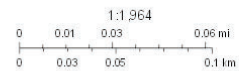
# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:AE	BFE = 9.0 ft
Flood Zone:AE	FLOODWAY BFE = 9.0 ft
FIRM Panel	0189H
FIRM Panel	12057C0189H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120190D
County Wide Planning Area	Town and Country
Community Base Planning Area	Town and Country
Community Base Planning Area	Town and Country Focus
Census Data	Tract: 011612 Block: 1015
Census Data	Tract: 011612 Block: 1014
Census Data	Tract: 011613 Block: 2008
Future Landuse	R-4
Urban Service Area	USA
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 10
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	130' AMSL
Aviation Authority Height Restrictions	150' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 7008.0000



August 29, 2022



Hillsborough County Florida

**Folio:** 7008.0000  
**PIN:** U-35-28-17-OCI-000000-00016.1  
**ALEX OMAR WRIGHT**  
**Mailing Address:**  
 8615 JACKSON SPRINGS RD  
 TAMPA, FL 33615  
**Site Address:**  
 8615 JACKSON SPRINGS RD  
 TAMPA, FL 33615  
**SEC-TWN-RNG:** 35-28-17  
**Acreage:** 0.37393099  
**Market Value:** \$306,686.00  
**Landuse Code:** 0100 SINGLE FAMILY

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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.

22-1373