



Hillsborough County Florida

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0998

LUHO HEARING DATE: August 23, 2021

CASE REVIEWER: Sam Ball

REQUEST: The applicant is requesting a height variance for a proposed fence on property zoned RSC-4.

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 north side of the subject property along Windhorst Road.

FINDINGS:

- Blaketree Lane on the west side of the subject property is an ingress/egress easement and does not constitute a “street” as defined by the Land Development Code. Therefore, a maximum fence height of six feet is permitted along the west lot line, excluding the northernmost 25 feet that is within the required front yard along Windhorst Road.
- Windhorst Road adjacent to the subject property is an Urban Scenic Roadway. Natural Resources staff reports the proposed fence and variance do not conflict with the landscaping requirements for Urban Scenic Roadways.

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



tom hiznay
Thu Jul 29 2021 10:58:18

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

COLIN RICE
(813) 676-7226
crice@shumaker.com

June 23, 2021

Variance Application

Folio Numbers: 067618-0000 (1225 Blaketree Lane, Matthew O. and Kacy M. Oleson)

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).*

The Oleson family owns several unconventional properties in Brandon, Florida, and together seek variances (A variance application for the property at 1415 W. Windhorst Road is filed contemporaneously) to approve a fence that is six feet in height in what is nominally the front yard of two parcels. More broadly, the Olesons wish to extend this six-foot high metal fence with concrete pillars along certain property lines of three separate parcels: 067618-0000 (1225 Blaketree Lane, Matthew O. and Kacy M. Oleson); 067617-0000 (1415 W Windhorst Road, Donald F. and Sharon L. Oleson as Trustees, subject to additional variance application); and 067634-0000 (1545 Marianne Lane, Donald F. and Sharon L. Oleson as Trustees – the portion of fence on this property does not require variance approval for a six-foot high fence). See attached “fence sketch” where the proposed location is depicted in red. The portion of Folio 067618-0000 that abuts Blaketree Lane is specifically subject to this variance application.

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. Each of the subject properties is zoned RSC-4 (Residential, Single-Family Conventional). Applicants seek a variance to allow a fence that is six feet in height within required front yards.

The nearest portion of the home situated on 067618-0000 is approximately 290 feet from W. Windhorst Road and is accessed via Blaketree Lane. Blaketree Lane, with respect to the existing home, runs along the Western boundary of this parcel and is oriented more like a side yard in that the Blaketree portion is significantly longer than the portion abutting W. Windhorst Road.

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?*

The unique orientation of the lots subject to this application presents a configuration that does not resemble typical front/side/rear lot configurations. As such, a restriction on fence height for a portion of the lot that is nominally considered “front” serves no public or private purpose. The combination of lots and orientations subject to this application are not common with other similarly located properties. Further, Windhorst is a collector road, which is a designation that accommodates higher traffic volumes than typical local roads. 6-foot fences are common along Windhorst Road in close proximity to the subject properties.

Windhorst is a collector road, which the FL Transportation code defines as “...a route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.” Sec. 334.03(4), Fla. Stat.

Hillsborough County Land Development Code Sec. 6.02.01(7) reads “Local circulation systems and land-development patterns should not detract from the efficiency of bordering major streets. This principal may involve control of driveway, intersection placement, and full or partial control of access. Land development should occur so that no parcels require direct access to major streets (collector roads).” The Code itself discourages direct access to major streets.

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.*

Windhorst Road functions predominantly as a side yard for neighboring properties, many of which have installed 6 foot fencing. The unique historic orientation of the properties render a six-foot fence appropriate in this neighborhood. The home on 1225 Blaketree Lane is located on the extreme southern portion the parcel, with the Blaketree property line being significantly longer than the W. Windhorst property line and thus functioning more akin to a side yard, which would permit a six-foot fence.

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.*

Neighbors are entitled to written notice of the variance application and will have an opportunity to participate per the Hillsborough County Land Development Code. The 6-foot fence would serve both to preserve the Olesons’ privacy in the multi-lot, multi-generational set of lots acquired over the years, and the fence would serve to screen the neighborhood as well. If approved, this fence would not interfere with or injure the rights of others. No incongruous neighborhood development pattern would ensue.

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).*

Figure 6.15, “Permitted Fences in Residential Districts” provides a graphic example of the myriad lot orientations and the many differing options for permitted 6-foot fences. The Oleson lots do not resemble any of the depicted lots in this figure, further illustrating their unique character and the need for relief from strictures of the code to accommodate this request. If granted, this variance will ensure the conservation and protection of property, the assurance of safety and security, the enhancement of privacy and the improvement of the visual environment and neat appearance in keeping with neighborhood character.

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 illegal act preceded this application. The unusual historic deed and orientation pattern, combined with the extreme southern location of the structure on the parcel, culminates in conditions unique to the subject property that justify this variance request.

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.*

A 6-foot fence installed as depicted in this application will offer security and continuity of design for the three lots owned by two generations of Olesons. The aesthetics of this design, and the effectiveness of the fence will be diminished if installed in piecemeal 4 and 6-foot sections. The public will benefit from a uniform installation in keeping with neighborhood development patterns, and all parties, on both sides of the fence, will enjoy the enhanced security and protection offered by this uniformly six-foot high fence.

Respectfully submitted,



P. Colin Rice, Esq.
For the Applicant

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?

Please see attached.

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.

Please see attached.

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.

Please see attached.

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).

Please see attached.

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.

Please see attached.

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.

Please see attached.

QUITCLAIM DEED

This indenture, made this 8th day of December 20 17, between DONALD F. OLESON and SHARON L. OLESON, TRUSTEES OF DONALD F. OLESON AND SHARON L. OLESON REVOCABLE TRUST AGREEMENT DATED NOVEMBER 6, 2001, of the County of Hillsborough, State of Florida, and, party of the first part, and MATTHEW O. OLESON and KACY M. OLESON, his wife, of 1217 Blaketree Lane, Brandon, FL 33510-2372, party of the second part, witnesseth: that the said party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00), to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said party of the second part, its successors and assigns forever, an undivided 100% interest in the following described property:

See Exhibit "A" attached and made a part hereof.

PIN: U-16-29-20-ZZZ-000002-50380.

THIS IS NOT THE GRANTORS' HOMESTEAD

The party of the second part shall have power and authority either to protect, conserve and to sell, or to lease, or to encumber, or otherwise to manage and dispose of the real property.

IN WITNESS WHEREOF, the party of the first part has hereunto set GRANTORS' hand and seal the day and year first above written.

Signed, sealed and delivered in our presence

Lisa A. Turner (WITNESS) Print Name Lisa A. Turner

Donald F. Oleson, TRUSTEE DONALD F. OLESON, TRUSTEE OF DONALD F. OLESON AND SHARON L. OLESON REVOCABLE TRUST 902 Stratford Manor Drive Brandon, FL 33510-2802

Luz Maueru (WITNESS) Print Name Luz Maueru

Sharon L. Oleson Trustee SHARON L. OLESON, TRUSTEE of DONALD F. OLESON AND SHARON L. OLESON REVOCABLE TRUST 902 Stratford Manor Drive Brandon, FL 33510-2802

STATE OF FLORIDA COUNTY OF HILLSBOROUGH

On the 8th day of December 20 17, the foregoing instrument was acknowledged before me by DONALD F. OLESON and SHARON L. OLESON, trustees of the aforementioned trust, who are personally known to me or who have produced FL DL. and FL DL. as identification, respectively, and acknowledged the same to be their free act and deed, before me, and they did not take an oath.

Lisa A. Turner Notary Public My Commission Expires:

Prepared by: Gregg G. Heckley, Esquire Return to: 15511 Woodfair Place Tampa, Florida 33613-1125

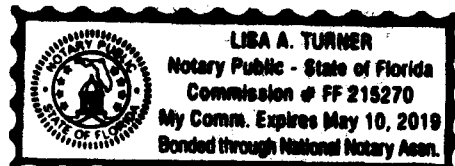


EXHIBIT "A"

PARCEL 1

From the Northeast corner of the Northwest 1/4 of the Southeast 1/4 of Section 16, Township 29 South, Range 20 East, run thence West 139 feet for a Point of Beginning, thence South 400 feet, thence West 130 feet, thence North 400 feet, thence East 130 feet to the Point of Beginning.



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: 1225 Blaketree Ln City/State/Zip: Brandon, FL 33510 TWN-RN-SEC: 16-29-20

Folio(s): 067618-0000 Zoning: RSC-4 Future Land Use: R-6 Property Size: 1.09 acres

Property Owner Information

Name: Oleson, Matthew O.; Oleson, Kacy M Daytime Phone: _____

Address: 1225 Blaketree Ln City/State/Zip: Brandon, FL 33510

Email: _____ FAX Number: _____

Applicant Information

Name: Oleson, Matthew O; Oleson, Kacy M Daytime Phone: _____

Address: 1225 Blaketree Ln City/State/Zip: Brandon, FL 33510

Email: _____ FAX Number: _____

Applicant's Representative (if different than above)

P. Colin Rice; Matt Newton; David B. Singer

813-676-7226; 813-227-2353;

Name: Shumaker, Loop & Kendrick, LLP Daytime Phone: 813-227-2349

Address: 101 E. Kennedy Blvd., Ste. 2800 City / State/Zip: Tampa, FL 33602

Email: crice@shumaker.com; mnewton@shumaker.com; dsinger@shumaker.com FAX Number: 813-229-1660

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

P. Colin Rice

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

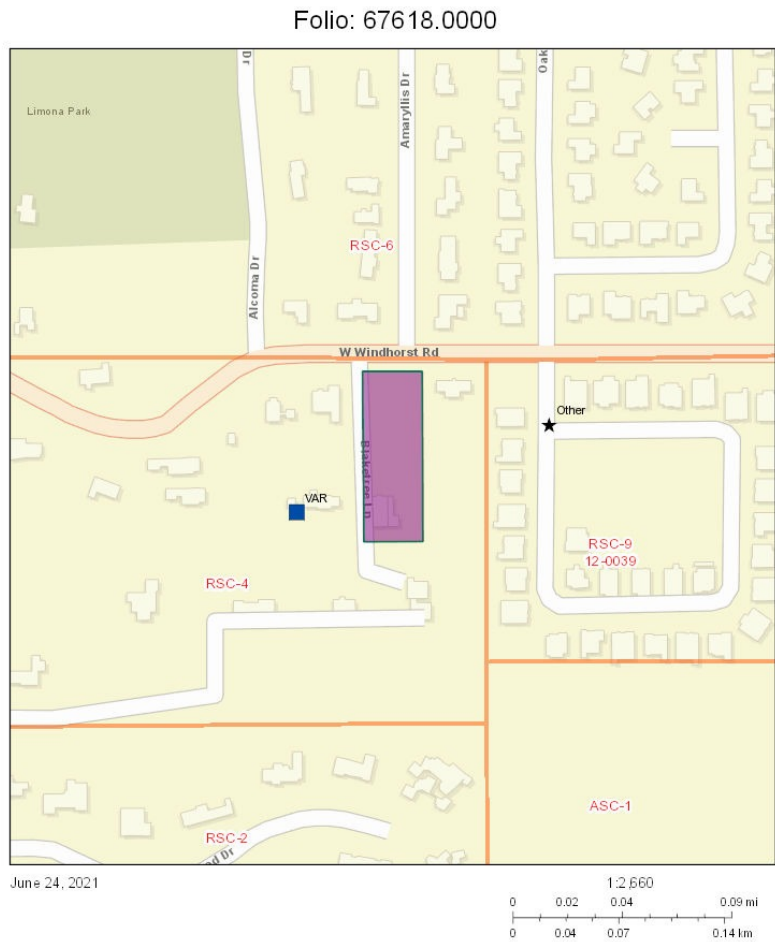
Type or Print Name

Intake Staff Signature: Clare Odell Office Use Only Intake Date: 06/24/2021
Case Number: 21-0998 Public Hearing Date: 08/23/2021
Receipt Number: 57687



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-4
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0385H
FIRM Panel	12057C0385H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120385E
County Wide Planning Area	Brandon
Community Base Planning Area	Brandon
Census Data	Tract: 012301 Block: 1009
Future Landuse	R-6
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 4
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



Folio: 67618.0000
PIN: U-16-29-20-ZZZ-000002-50380.0
MATTHEW O AND KACY M OLESON
Mailing Address:
 1225 BLAKETREE LN
 BRANDON, FL 33510-2372
Site Address:
 1225 BLAKETREE LN
 BRANDON, FL 33510
SEC-TWN-RNG: 16-29-20
Acreage: 1.08996999
Market Value: \$312,315.00
Landuse Code: 0100 SINGLE FAMILY

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