

Variance Application: VAR 25-1137
LUHO Hearing Date: September 22, 2025
Case Reviewer: James E. Baker, AICP



**Hillsborough
County Florida**

Development Services Department

Applicant: Richard and Suzanne Zak **Zoning:** PD
Location: 1052 Emerald Dunes Drive, Sun City Center, FL 33573; Folio: 79546.7502

Request Summary:

Variance to the permitted projection into the five-foot required side yard to allow a 17-inch side yard setback for generator equipment.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.01.03.I.3 6.01.01	Mechanical equipment, such as air conditioning units, pumps, heating equipment, propane tanks, electrical generators and similar installations, may not project into the required front yard(s), but may project five feet into the required rear yard(s), and three feet or no more than 50 percent of the required side yard(s), whichever is more restrictive. The required side yard in the PD district is 5 feet. Therefore, the required side yard for the generator 2.5 feet (30 inches).	13 inches	17-inch side yard setback for generator

Findings:

None

Zoning Administrator Sign Off:

Colleen Marshall
Mon Sep 8 2025 15:50:10

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

MERIDIAN PER
RECORD PLAT

NOTE: (PER PLAT)
Unless indicated on easement 5 feet wide at the rear
and side of each lot is reserved for the installation
and maintenance of utilities and drainage facilities.

Wind-Borne Debris: Outsdy

Doris Loughlin
Planning and Zoning Technician II
Planning and Growth Management

PLANS APPROVED FOR PERMITTING
Permit # 1804-638
Name Doris Loughlin
Date 12/22/04
Hillsborough County
NOTE: Planning & Growth Management Department

UNLESS OTHERWISE INDICATED
ALL CORNERS ARE F.C.I.P. #4887

GRAPHIC SCALE
0 10 20 30
(IN FEET)
1 INCH = 20'

Lot grading plan on file
Grading Type B

Approval for new construction as indicated
on this plan only; this does not constitute
approval for any non-conformities or lot
reconfigurations, past, present, or future.

22kw Generator,
18" off house
on 4" pad,
Variance
applied for
86.2' off
Back, 40'
off front.

Electrical
meter
ATS load

These plans are not reviewed
for zoning violations.
Contractor shall be responsible
for all conditions noted.

SPEC
1052 EMERALD DUNES DRIVE
LOT 46 - BLK 0 - UNIT 266
2161020046
11-8-04

EMERALD DUNES DRIVE
20' ASPHALT PAVEMENT ~ 50' R/W (P)

10' UTILITY EASEMENT
(PER PLAT)

All construction must take
place according to approved
site plan. No construction is
permitted on easements.

LOT 45

LOT 46

LOT 47

ORIGINAL
- UNPLATTED -

F.C.M.
#4887

CURVE TABLE					
NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1025.00'	02°44'29"	49.04'	49.04'	N50°42'35"E
C2	1140.00'	02°44'29"	54.55'	54.54'	S50°42'35"W
C3	1140.00'	00°40'04"	13.29'	13.29'	N49°00'18"E

LEGEND
F. = Found
S. = Set
L.P. = Iron Pipe
I.B. = Iron Rod
C.M. = Concrete
M. = Monument
C. = Capped
K.B. D. = Rail & Bolt
P.K.B. = P.K. Bolt
R.S.S. = Railroad Spike
(P) = Plat
(T) = Field
(D) = Desc
(C) = Contested
C.P. = Corner Point
O.W. = Overhead Wire
W.C. = Witness Corner

NOTES:
1) D & E SURVEYING, INC. AND CERTIFYING LAND
SURVEYOR, ACCEPT NO RESPONSIBILITY FOR RIGHTS OF
WAY, EASEMENTS, RESTRICTIONS, OR OTHER MATTERS
AFFECTING TITLE TO LANDS SURVEYED, OTHER THAN
THOSE RECITED IN CURRENT DEED AND/OR OTHER
INSTRUMENTS OF RECORD FURNISHED BY CLIENT.
2) UNDERGROUND ENCROACHMENTS IF ANY NOT SHOWN.

PER THE FEDERAL INSURANCE ADMINISTRATION FLOOD
HAZARD BOUNDARY MAP COMMUNITY NO. 120112
PANEL NO. 0880 B, DATED 6-18-80, THE PROPERTY
SHOWN AND DESCRIBED HEREON APPEARS TO BE IN ZONE
"C", WITH A BASE ELEVATION OF N/A MSL.

DESCRIPTION: AS FURNISHED
Lot 46
SUN CITY CENTER
UNIT 268,

PLOT PLAN 11-8-04

I CERTIFY THAT THIS PLAT MEETS
OR EXCEEDS THE MINIMUM STANDARD
REQUIREMENTS OF CHAPTER 61C17-6
FLORIDA ADMINISTRATIVE CODE.
PURSUANT TO CHAPTER 472
DARRELL COPELAND

FLA. REG. SURVEYOR #522 DATE

BOOK FILE PAGE JOB NO. 04-651
CERTIFIED TO:
WCI

D & E SURVEYING, INC.
111 FLAMINGO DRIVE
APOLLO BEACH, FLORIDA 33572
(LB#4887) (813) 645-3098

DATE	C. OF P.	DWO.	CHECKED	FILE
11-8-04		A.R.B.	D.W.C.	B-

as Recorded in Plat Book 101
Page 235, of the Public Records
of Hillsborough County, Florida
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.



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.

We are requesting permission to have a Generac generator installed on our property on the same side as our air conditioner. It would be installed by licensed contractor and certified Generac dealer Select Power Generators and Power Supply. It would be installed by code 18" from the house wall on the same side as our air conditioner, closer to the utility boxes. The generator is 48" long and 25" wide. That 18" and 25" combined to 43" leave 17" from our property line. We are looking at this request for a variance to provide power to keep medication refrigerated and to power CPAP equipment. Richard Zak is a 100% disabled Vietnam veteran agent orange survivor with multiple health issues. In this senior citizen community multiple home standby generators have been installed on every street.

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

There will be less than 3 feet from the residential border next to the neighbor's plot for the installation of a residential generator.
Section 6.01.03... subsection I 3

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

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >



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?

Serious medication and medical equipment needs impacted by lack of power could lead to a life and death situation.

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.

Other properties in the area have obtained variances and installed generators.

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 placement of the generator is further away from the neighbor's home than the air conditioner currently in place. The generator faces more lawn area than living area.

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 is a senior residential community and addresses the medical needs of community residents keeping up with protective innovations.

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.

By requesting the variance, we are trying to comply with all laws and keep everything legal.

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.

While other residential generators have been installed in the neighborhood with slight differences in plot size, the restriction at our home in the senior community could literally lead to Richard's death.

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

Prepared By & Return To: Affiliated Title of Tampa Bay, LLLP
6544 US Hwy 41 N., Suite 100-B
Apollo Beach, Florida 33572
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
079546-7502
File No: **1080054**

WARRANTY DEED

This Warranty Deed Made the 29 day of FEBRUARY, 2008 by Robert L. Baines
and Carmen F. Baines, husband and wife, hereinafter called the grantor, whose post office address is:

P.O. BOX 128, SPARK HILL, ME 04859

to **Richard J. Zak and Suzanne P. Zak, husband and wife**, whose post office address is:
2341 Union Rd. Apt. 266, West Seneca, NY 14224

, hereinafter called the grantee,

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

Lot 46, Sun City Center, Unit No. 268, a Subdivision as per plat thereof recorded in Plat Book 101,
Page(s) 235, of the Public Records of Hillsborough County, Florida.

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 **current tax year**, reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Signature: Connie D. Dyer
Printed Name: Connie D. Dyer

Robert L. Baines
Robert L. Baines

Witness Signature: Patricia D. Mellor
Printed Name: PATRICIA D. MELLOR

Carmen F. Baines
Carmen F. Baines

Witness Signature: _____
Printed Name: _____

Witness Signature: _____
Printed Name: _____

STATE OF MAINE
COUNTY OF KNOX

The foregoing instrument was acknowledged before me this 29th day of FEBRUARY, 2008 by Robert
L. Baines and Carmen F. Baines, husband and wife, who is/are personally known to me or who has/have
produced driver license(s) as identification.

My Commission Expires:

Gail D. Rausch
Printed Name: _____

Notary Public
Serial Number

GAIL D. RAUSCH
NOTARY PUBLIC STATE OF MAINE
MY COMMISSION EXPIRES MAY 9, 2010

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 25-1137

Intake Date: 07/21/2025

Hearing(s) and type: Date: 09/22/2025

Type: LUHO

Receipt Number: 501212

Date: _____

Type: _____

Intake Staff Signature: Charles Phillips

Property Information

Address: 1052 Emerald Dunes Drive City/State/Zip: Sun City Center, FL 33573

TWN-RN-SEC: 18-32-20 Folio(s): 79546.7502 Zoning: PD-MU Future Land Use: R-6 Property Size: .14

Property Owner Information

Name: Richard Zak and Suzanne Zak Daytime Phone: 716-523-0604
716-523-2235

Address: 1052 Emerald Dunes Drive City/State/Zip: Sun City Center, FL 33573

Email: rzak11@tampabay.rr.com Fax Number: _____

Applicant Information

Name: Richard Zak and Suzanne Zak Daytime Phone: 716-523-0604
716-523-2235

Address: 1052 Emerald Dunes Drive City/State/Zip: Sun City Center, FL 33573

Email: rzak11@tampabay.rr.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.

Richard Zak Suzanne Zak
Signature of the Applicant

Richard Zak Suzanne Zak
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.

Richard Zak Suzanne Zak
Signature of the Owner(s) - (All parties on the deed must sign)

Richard Zak Suzanne Zak
Type or print name



**Hillsborough
County Florida**
Development Services

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: Richard + Suzanne Zak Phone: 716-523-0604
716-523-2235

Representative's Email: rzak11@tampabay.rr.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	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Property/Applicant/Owner Information Form</u>
2	<input type="checkbox"/>	<input checked="" 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.
3	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
4	<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.
5	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
6	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Copy of Current Recorded Deed(s)</u>
7	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Close Proximity Property Owners List</u>
8	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Legal Description</u> for the subject site
9	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
10	<input type="checkbox"/>	<input checked="" type="checkbox"/> <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

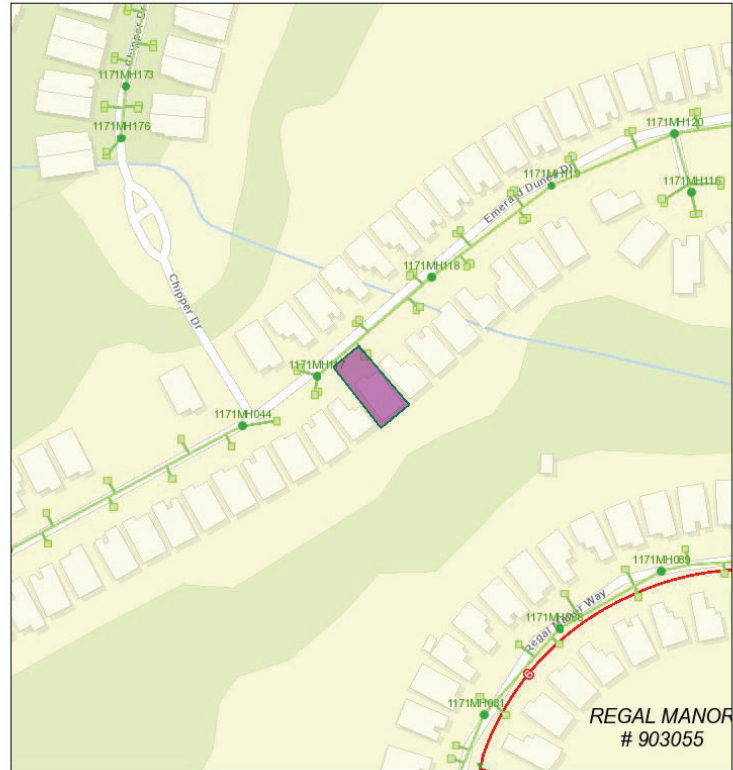
Additional Submittal Requirements for a Variance

- 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

Folio: 79546.7502



July 21, 2025

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, EGIS

Hillsborough County Florida

Folio: 79546.7502
PIN: U-18-32-20-789-000000-00046.0
Richard J And Suzanne P Zak
Mailing Address:
 1052 Emerald Dunes Dr
 null
 Sun City Center, FL 33573-5888
Site Address:
 1052 Emerald Dunes Dr
 Sun City Center, FL 33573
SEC-TWN-RNG: 18-32-20
Acreage: 0.14
Market Value: \$325,757.00
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.

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
FLX	null
INFL	null
Zoning	PD-MU
Description	Planned Development
Overlay	null
RS	null
RZ	73-0186
ZC	null
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0678H
FIRM Panel	12057C0678H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120680B
County Wide Planning Area	Sun City Center
Community Base Planning Area	SouthShore
Community Base Planning Area	Sun City Center
Planned Development	PD
Re-zoning	73-0186
Note	01-1436 DENIED
Minor Changes	20-0605
Major Modifications	93-0338,96-0244, 93-0179, 22-1340
Personal Appearances	10-0403,09-0835,08-0999, 07-1758,06-0814,05-1002, 97-0329,96-0227,90-0081, 99-0010,00-0260,00-1331, 03-0516,04-1026,01-0192, 99-1096,13-0465, 96-0227, 90-0081S,10-1011,11-0397, 03-1575,06-0064,99-1395, 98-1322, 22-0243, 22-0357, 24-0064
Planned Development	PD-MU
Re-zoning	null
Note	null
Minor Changes	null
Major Modifications	null
Personal Appearances	null
Census Data	Tract: 014015 Block: 1019
Future Landuse	R-6
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 9
Wind Borne Debris Area	140 MPH Area
Overlay District	Sun City Center - Age Restriction
Competitive Sites	NO
Redevelopment Area	NO