

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0204	
LUHO HEARING DATE: April 24, 2023	CASE REVIEWER: Tania C. Chapela

REQUEST: The applicant is requesting variances for a proposed aluminum fence and an existing single-family home and detached garage on property zoned ASC-1.

VARIANCES:

Single-Family Home

Per LDC Section 6.01.01, a minimum side yard setback of 15 feet is required in the ASC-1 district. The applicant requests a 1.3-foot reduction to the required side yard setback to allow a side setback of 13.7 feet from the easterly property line.

Detached Garage

Per LDC Section 6.11.04.B., accessory structures shall not exceed 15 feet in height, except where the accessory structure meets the primary structure setback of the district. The applicant states the subject detached garage is more than 15 feet in height. Per LDC Section 6.01.01, a minimum side yard setback of 15 feet and minimum rear yard setback of 50 feet is required in the ASC-1 district. The applicant requests:

- A 4.1-foot reduction to the required side yard setback to allow a side setback of 10.9 feet from the easterly property line; and,
- A 24.5-foot reduction to the required rear yard setback to allow a rear setback of 25.5 feet from the northerly property line.

Proposed Fence

Per LDC Section 6.07.02.C.2, 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. Per LDC Section 6.07.02.C.1., 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. The applicant requests a 1-foot increase to the maximum permitted height to allow a height of 5 feet for a proposed fence that will be set back 14 feet from the front property line.

FINDINGS:

• According to the survey submitted by the applicant on April 7, 2023, an existing 6-foot-high wood fence encroaches into a 25-foot-wide utility easement at the rear of the subject parcel. Staff has advised the applicant the encroachment must be removed or, alternatively, she must have the easement vacated.

-- Prepared: 04/14/2023

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• According to the applicant, the proposed fence will have columns 5.5 feet in height. Per LDC Section 6.07.02.C.1.j, columns and posts may exceed permitted fence height by a maximum of one foot, provided they are not more than three feet in width and spaced at least six feet apart.

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

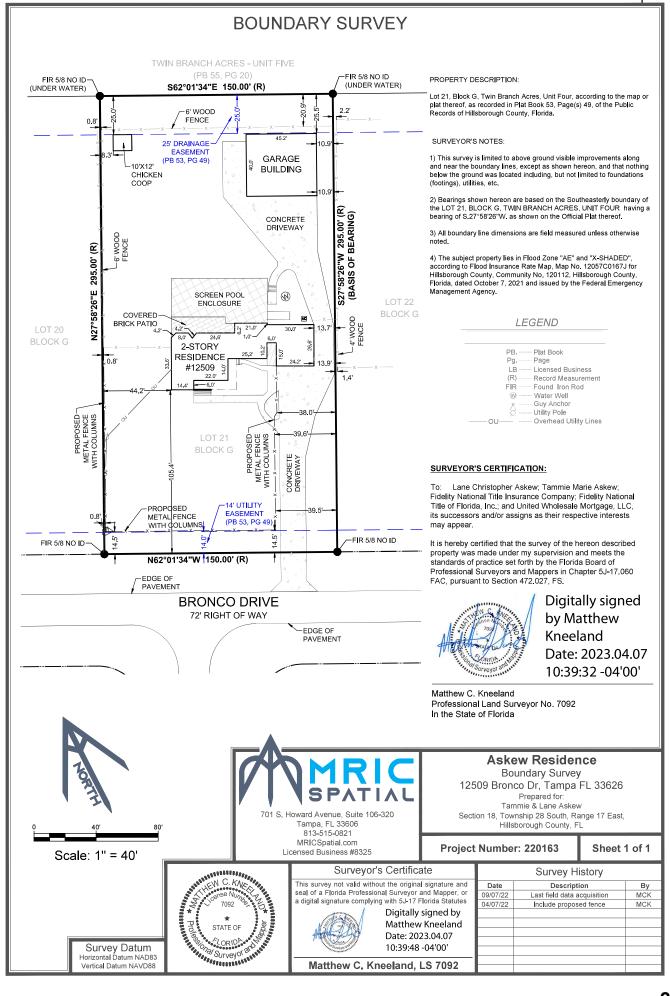
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Attachments: Application

Site Plan

Petitioner's Written Statement

Current Deed





Additional / Revised Information Sheet

Office	Use	Only
	030	Cilly

	Office use Offig		
Application Number: VAR 23-0204	Received Date:	Received By:	

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Application Number: $\underline{oldsymbol{ u}}$	/AR 23-0204 Applicant's Name: Ta	ammie Askew
Reviewing Planner's Nan	Tania Chapela	04/12/2023
Application Type: Planned Developmen	nt (PD) Minor Modification/Personal Appearance (PRS) Standard Rezoning (RZ)
☑ Variance (VAR)	Development of Regional Impact (DRI)	☐ Major Modification (MM)
Special Use (SU)	Conditional Use (CU)	Other
Current Hearing Date (if	applicable): 04/24/2023	
•	ze Change Information hay result in a new hearing date as all reviews will be su	bject to the established cut-off dates.
Will this revision add lan If "Yes" is checked on the	d to the project?	* on the last page.
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Email this fo	rm along with all submittal items indicated on the ZoningIntake-DSD@hcflgov.net	he next page in pdf form to:
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	scribed above are the only changes that have been m al submission and certification.	ade to the submission. Any further changes
Tammie As	Digitally signed by Tammie Askew Date: 2023.04.12 16:53:53 -04'00'	12 April 2023
	Signature	Date



Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to <u>Chapter 119 Florida Statutes</u>, all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers.

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Additionally, parcels exempt under <u>Florida Statutes §119.071(4)</u> will need to contact <u>Hillsborough County Development</u> Services to obtain a release of exempt parcel information.

Are you seel to Chapter 1		f selected information submitted with your application pursuan
I hereby con	nfirm that the material submitted with application includes sensitive and/or protected inform	
	Type of information included and location	
	Does not include sensitive and/or protected	ed information.
Please note: Se	ensitive/protected information will not be accepted/r	equested unless it is required for the processing of the application.
•		ewed to determine if the applicant can be processed with the data I acknowledge that any and all information in the submittal wil
become pub	olic information if not required by law to be	protected.
Signature: _	Tammie Askew	Digitally signed by Tammie Askew Date: 2023.04.12 16:53:32 -04'00'
	firms, ac signed by appl	neuric or authorized representative;
Intake Staff S	Signature:	Date:



Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Incl	uded	Submittal Item
1		Cover Letter*+ If adding or removing land from the project site, the final list of folios must be included
2		Revised Application Form*+
3		Copy of Current Deed* Must be provided for any new folio(s) being added
4		Affidavit to Authorize Agent* (If Applicable) Must be provided for any new folio(s) being added
5		Sunbiz Form* (If Applicable) Must be provided for any new folio(s) being added
6		Property Information Sheet*+
7		Legal Description of the Subject Site*+
8		Close Proximity Property Owners List*+
9		Site Plan*+ All changes on the site plan must be listed in detail in the Cover Letter.
10		Survey
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12		General Development Plan
13	\times	Project Description/Written Statement
14		Design Exception and Administrative Variance requests/approvals
15		Variance Criteria Response
16		Copy of Code Enforcement or Building Violation
17		Transportation Analysis
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19	\boxtimes	Other Documents (please describe):
		Application responses, page 8-9 copied and pasted in one document for easier readability.

^{*}Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

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Application No: VAR 23-0204



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 seeking a variance for our single-family home at 12509 Bronco Dr, Tampa, FL to allow a fence to be built around a portion of the front of our residence. Current zoning rules say that fences must be no more than 4 feet tall; we respectfully request to install a fence that is 5 feet tall. Literal interpretation and enforcement of the development code would deprive us of property rights enjoyed by other properties in the neighborhood (such as: 12504 Palomino Dr, 12530 Twin Branch Acres, 12529 Twin Branch Acres, and 12302 Twin Branch Acres). The proposed fence shall be constructed in an identical manner as the neighboring properties' fences.

The variance, if granted, is the minimum variance necessary for reasonable use of the land and allow our Bernedoodle to roam our front yard without a leash. Our Bernedoodle is a large breed dog and having a fence at the current code may result in our dog jumping over the fence and possibly getting hit by a car driving by.

	The variance requested is reasonable, and does not confer any special privileges to this property in comparison to other properties in the same neighborhood.
2.	A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:
	6.07.00 - Fences and Walls, 6.01.01 – Schedule of District Area, Height, Bulk, and Placement Regulations, 6.11.04 – Accessory Structures
	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
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 ` 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.

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

VAR 23-0204 Variance Application Responses (Copied and pasted from application pages 8-9)

Project Description (Variance Request) (PAGE 8 of 11)

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The variance requested is reasonable, and does not confer any special privileges to this property in comparison to other properties in the same neighborhood.

REVISED to add:

We purchased the property not knowing about the necessary variance for existing buildings - specifically lot development standards and accessory structure requirements. Side and rear setbacks are noted on attached 2023 survey.

- 1. Side setback for the eastern property line for attached garage to the main house building (15 feet minimum). The garage distance is 13.7 ft from the property line.
- 2. Rear, separate garage building exceeds 15-feet in height, adding side setback to the east property line and including a rear setback, to the north (50 feet minimum). The rear building side distance is 10.9 ft to the property line. The rear distance is 25.5 ft from the property line.
 - 2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

6.07.00 - Fences and Walls

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6.11.04 – Accessory Structures



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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?

The variance, if granted, is the minimum variance necessary for reasonable use of the land and allow our Bernedoodle to roam our front yard without a leash. Our Bernedoodle is a large breed dog and having a fence at the current code may result in our dog jumping over the fence and possibly getting hit by a car driving by.

The variance for Lot Development Standards and Accessory Structures we are requesting is not

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 variance requested is reasonable, and does not confer any special privileges to this property in comparison to other properties in the same neighborhood.

We purchased the property not knowing about the necessary variance for existing buildings – we did not create this.

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 variance requested is reasonable, and does not confer any special privileges to this property in comparison to other properties in the same neighborhood.

We purchased the property not knowing about the necessary variance for existing buildings – to our knowledge, the building variances have been in place for more than 7 years before we purchased the property.

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).

It is the absolute intent of the applicant to create a fence that blends in and is in harmony with the general intent and purpose of the LDC in comparison to other properties' fence types and appearance in the same neighborhood. The proposed fence shall be constructed in a manner that fosters peaceful relations with neighbors.

It is the absolute intent of the existing buildings to blend in with the neighborhood and they have

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 variance requested does not result from an illegal act or from the action of the applicant.

We purchased the property not knowing about the necessary variance required for existing buildings – to our knowledge, the building variances have been in place for more than 7 years before we purchased the property

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 applicant's desire to be a good neighbor by creating a space for our dog to get exercise without a leash and not interfere with pedestrians walking in the neighborhood is enough to justify allowing our requested fence variance. As stated previously, there are at least four other properties with similar fence variances. The proposed fence variance would not be detrimental to the public and does no harm to either public or private interests.

Variance Criteria Response (PAGE 9 of 11)

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?

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The variance for Lot Development Standards and Accessory Structures we are requesting is not a self-imposed hardship. We purchased the property not knowing about the necessary variance for existing buildings.

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.

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It is the absolute intent of the applicant to create a fence that blends in and is in harmony with the general intent and purpose of the LDC in comparison to other properties' fence types and appearance in the same neighborhood. The proposed fence shall be constructed in a manner that fosters peaceful relations with neighbors.

It is the absolute intent of the existing buildings to blend in with the neighborhood and they have not created strife with the neighbors since we have lived on the property over the last six months.

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 variance requested does not result from an illegal act or from the action of the applicant.

We purchased the property not knowing about the necessary variance required for existing buildings – to our knowledge, the building variances have been in place for more than 7 years before we purchased the property.

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 applicant's desire to be a good neighbor by creating a space for our dog to get exercise without a leash and not interfere with pedestrians walking in the neighborhood is enough to justify allowing our requested fence variance. As stated previously, there are at least four other properties with similar fence variances. The proposed fence variance would not be detrimental to the public and does no harm to either public or private interests.

We purchased the property not knowing about the necessary variance required for existing buildings – it is not a hardship we created. With this fence variance application, we are including the variance request for the existing buildings from the actions of a prior property owner.

Instrument #: 2022475849, Pg 1 of 2, 10/7/2022 7:28:03 AM DOC TAX PD(F.S. 201.02) \$5950.00, INT. TAX PD (F.S. 199) \$0.00, DOC TAX PD (F.S. 201.08) \$0.00, Deputy Clerk: O Cindy Stuart, Clerk of the Circuit Court Hillsborough County

Prepared by and Return To:

Tiffany Snurkowski Fidelity National Title of Florida, Inc. 28059 US Highway 19 North, Suite 100 Clearwater, FL 33761

Order No.: FTPA22-125017

APN/Parcel ID(s): 40440696

WARRANTY DEED

THIS WARRANTY DEED dated September 30, 2022, by John E. Lopez and Ashley C. Lopez, husband and wife, hereinafter called the grantor, to Tammie Marie Askew and Lane Christopher Askew, wife and husband, whose post office address is 12509 Bronco Dr, Tampa, FL 33626, 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 Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Hillsborough, State of Florida, to wit:

Lot 21, Block G, Twin Branch Acres, Unit Four, according to the map or plat thereof, as recorded in Plat Book 53, Page(s) 49, of the Public Records of Hillsborough County, Florida.

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

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, 2021.

Deed (Warranty - Indiv. to Indiv.) FLD1121,doc/Updated: 08.03.21

Page 1

FL-FT-FTPA-02325.179205-FTPA22-125017

WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:	
/ M	/ / //
1.///	
Witness Signature (John E, Lopez
Tricia M. Washington	anhan-
PrintName	Ashley C, Lopez
	Address: 12509 Bronco Dr
Witness Signature	Tampa, FL 33626
Tiffany Snurkowski	
Print Name	
State of <u>flonds</u> County of <u>pineurs</u>	
The foregoing instrument was acknowledged before	make manage of the besides are as a section
notarization, this / day of \Q \Q \day	The by means of KT physical presence of [] online
by Lopez God Ashey C person(s) described in or who has/have produced _	to me known to be the
person(s) described in or who has/have produced _	as identification and who
executed the foregoing instrument and he/she/they	acknowledged that he/she/they executed the same.
Markowsk.	
Name Tiffany Snorrosski	_
Notary Public in and for the State of	The state of the s
My Commission Expires:	TIFFANY SNURKOWSKI
	MY COMMISSION 11 2026 EXPIRES: February 21, 2026



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While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications. If your application requires a public hearing and contains sensitive/protected information, please contact <u>Hillsborough County Development Services</u> to determine what information will need to be disclosed as part of the public hearing process.

Additionally, parcels exempt under <u>Florida Statutes §119.071(4)</u> will need to contact <u>Hillsborough County Development</u> Services to obtain a release of exempt parcel information.

Are you seel to Chapter 1		f selected information submitted with your application pursuan
I hereby con	nfirm that the material submitted with application includes sensitive and/or protected inform	
	Type of information included and location	
	Does not include sensitive and/or protected	ed information.
Please note: Se	ensitive/protected information will not be accepted/re	equested unless it is required for the processing of the application.
•		ewed to determine if the applicant can be processed with the data I acknowledge that any and all information in the submittal wil
become pub	olic information if not required by law to be	protected.
Signature: _	Tammie Askew	Digitally signed by Tammie Askew Date: 2023.04.12 16:53:32 -04'00' icant or authorized representative)
	(Must be signed by appl	realit of authorized representatives
Intake Staff S	Signature:	Date:



Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Incl	uded	Submittal Item
1		Cover Letter*+ If adding or removing land from the project site, the final list of folios must be included
2		Revised Application Form*+
3		Copy of Current Deed* Must be provided for any new folio(s) being added
4		Affidavit to Authorize Agent* (If Applicable) Must be provided for any new folio(s) being added
5		Sunbiz Form* (If Applicable) Must be provided for any new folio(s) being added
6		Property Information Sheet*+
7		Legal Description of the Subject Site*+
8		Close Proximity Property Owners List*+
9		Site Plan*+ All changes on the site plan must be listed in detail in the Cover Letter.
10		Survey
11		Wet Zone Survey
12		General Development Plan
13	\boxtimes	Project Description/Written Statement
14		Design Exception and Administrative Variance requests/approvals
15		Variance Criteria Response
16		Copy of Code Enforcement or Building Violation
17		Transportation Analysis
18		Sign-off form
19	\boxtimes	Other Documents (please describe):
		Application responses, page 8-9 copied and pasted in one document for easier readability.

^{*}Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

^{*}Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.



Property/Applicant/Owner Information Form

	Official Use Only ype: ype:	Intake Date: Receipt Number: Intake Staff Signature:	
	Property Information		
Address: 12509 Bronco Dr	City/State/Zip:_	Tampa, FL 33626	
TWN-RN-SEC: 18-28-17 Folio(s): 4044.0696	Zoning: ASC-1 Future L	and Use: R-1 Property Size: .957	
Property Owner Information			
Name: Tammie Askew, Lane As	kew	703-554-9580 and 703-554-2279 Daytime Phone	
Address: 12509 Bronco Dr			
_{Email:} tammie.askew@gmail.com, laı			
	Applicant Information		
Name: Tammie Askew			
Address: 12509 Bronco Dr			
_{Email:} tammie.askew@gmail.d	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.

Lane Askew

Digitally signed by Lane Askew Date: 2023.02.14 15:44:12 -05'00'

Signature of the Applicant

Lane Askew

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.

Tammie Askew Digitally signed by Tammie Askew Date: 2023.02.14 15:43:28 -05'00'

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

Tammie Askew

Type or print name