



**Hillsborough
County Florida**

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0147

LUHO HEARING DATE: January 25, 2021

CASE REVIEWER: Carla Shelton Knight

REQUEST: The applicant is requesting a variance from the 30-foot Wetland Conservation Area setback requirement, Section 4.01.07B of the Land Development Code (LDC). The applicant's specific request, as shown on the site plan submitted on December 2, 2020, is to allow for construction of a portion of a patio and screen enclosure within the 30-foot Wetland Conservation Area setback.

SUMMARY OF VARIANCE(S):

Wetland Setback

- 1) Per LDC Sec. 4.01.07.B.4, no filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required 30-foot wetland conservation area setback. The applicant requests construction of a portion of a patio and screen enclosure within the 30-foot wetland conservation area setback. The applicant requests an 11-foot 4-inch reduction of the setback to allow for a setback of 18 feet 8 inches.

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.

Approval of this variance petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested environmental approvals.

The Development Services Natural Resources Section has no objections with the result contingent upon the Land Use Hearing Officer's acceptance and referral to the submitted site plan.

Attachments: Site Plan

ADMINISTRATOR'S SIGN-OFF

HILLSBOROUGH COUNTY, FLORIDA

SECTION 3, TOWNSHIP 27 SOUTH, RANGE 18 EAST

SURVEYORS NOTES

- RECEIVED
NOV 6 2020

EPC of H.C.
WETLANDS

THIS SURVEY APPEARS TO ACCURATELY DEPICT
THE LIMITS OF WETLANDS AND OTHER SURFACE
WATERS DELINEATED IN ACCORDANCE WITH
CHAPTER 62-340 F.A.C. BY EPC STAFF
Robert Clark 11/13/2020
SIGNATURE _____ DATE _____
EXPIRATION DATE: 11/13/2025 _____



Specific Purpose Wetland Delineation Survey for the
Environmental Protection Commission
of Hillsborough County, Florida

ADDRESS: 19252 Blount Rd., Lutz, FL 33558
BOUNDARY SURVEY (with Wetland Delineation) DATE OF FIELD SURVEY: 10-29-2020

OFFICE	REVISIONS	Prepared for: Mark Leaf
DATE	DESCRIPTION	
11-5-2020	PC Initial Subtask live system	

Patrick [Digitally signed by Patrick]

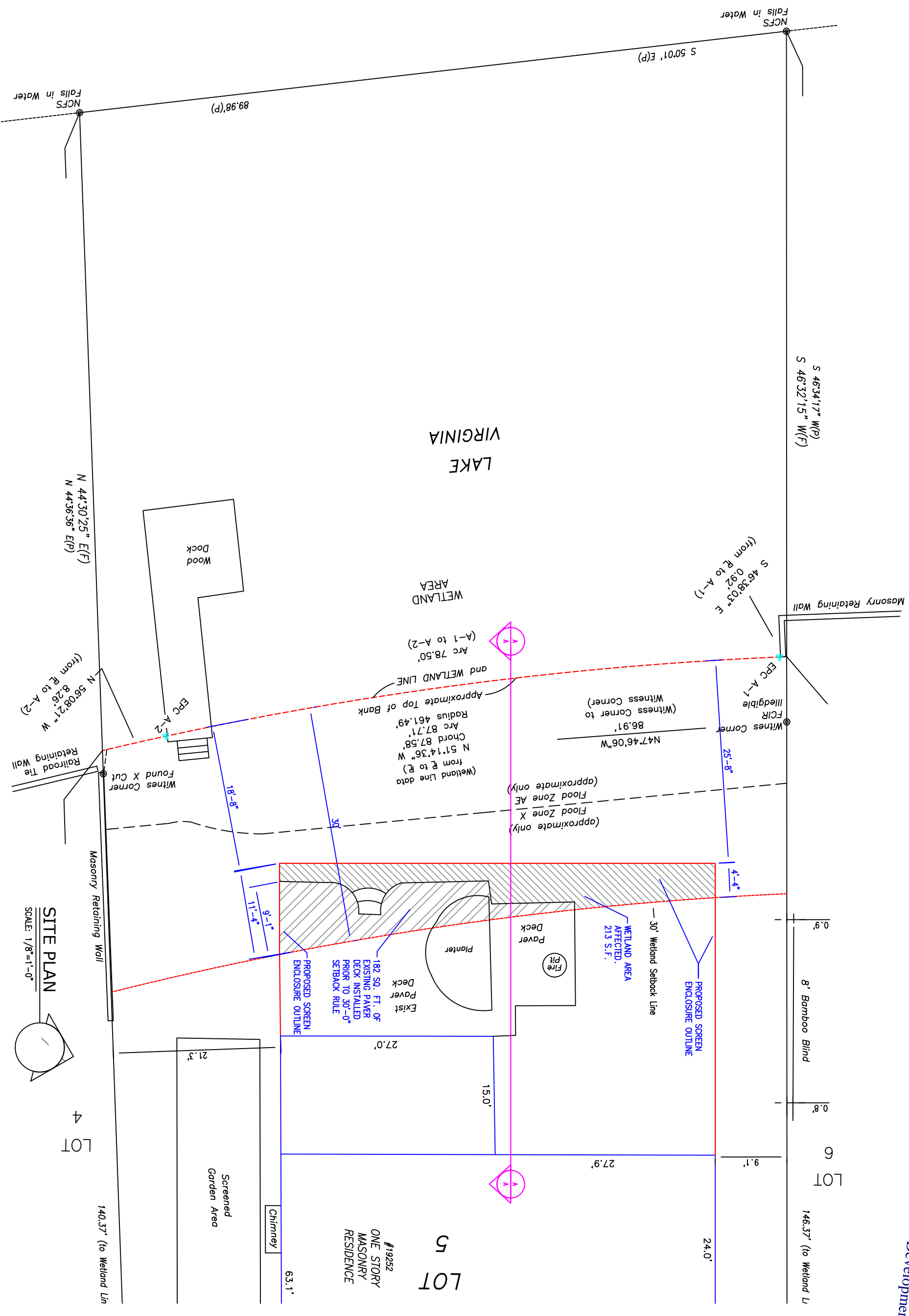
ROBERTSON

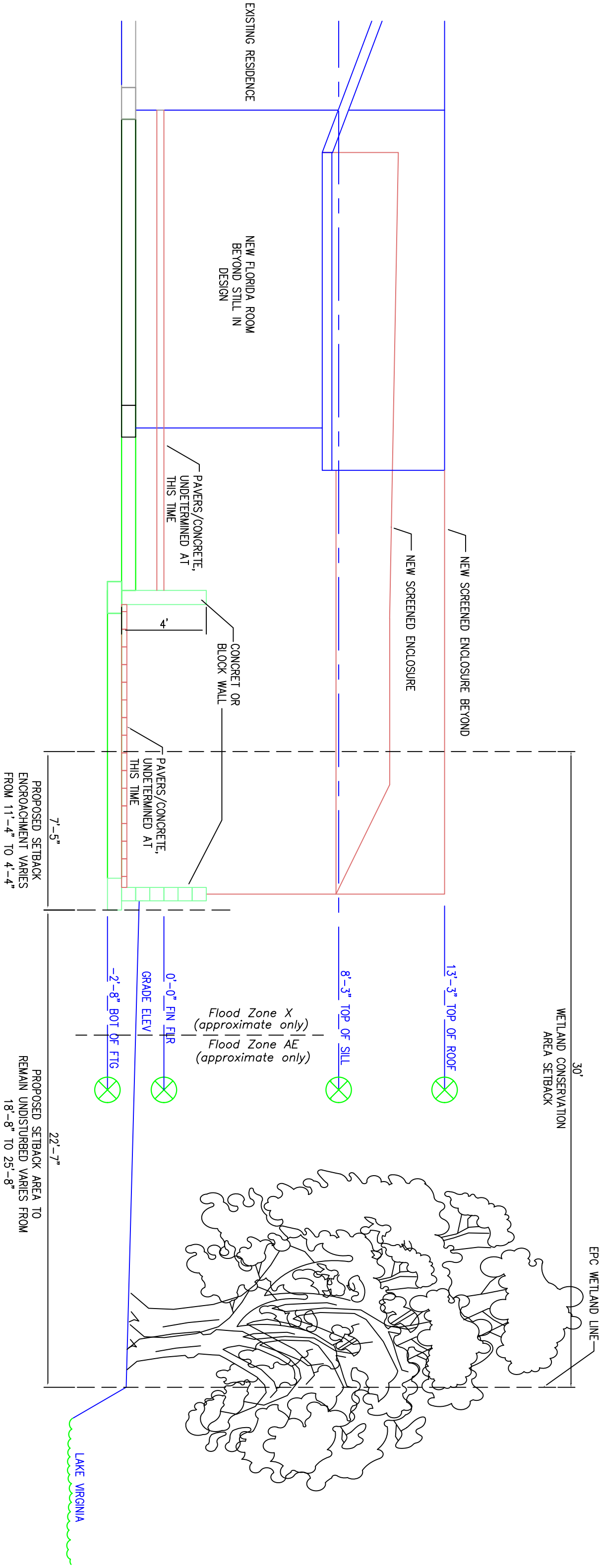
PATRICK J. COLLINS
REGISTERED SURVEYOR AND MAPPER
LICENSE NO. 5523 STATE OF FLORIDA

14002 N. Florida Ave., Tampa, FL 33613
Phone: (813) 388-2464

Dream By: SB Checked By: PC Job No.: 20-409
 NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL (OR DIGITAL SEAL) OF A FLORIDA LICENSED SURVEYOR AND MAPPER

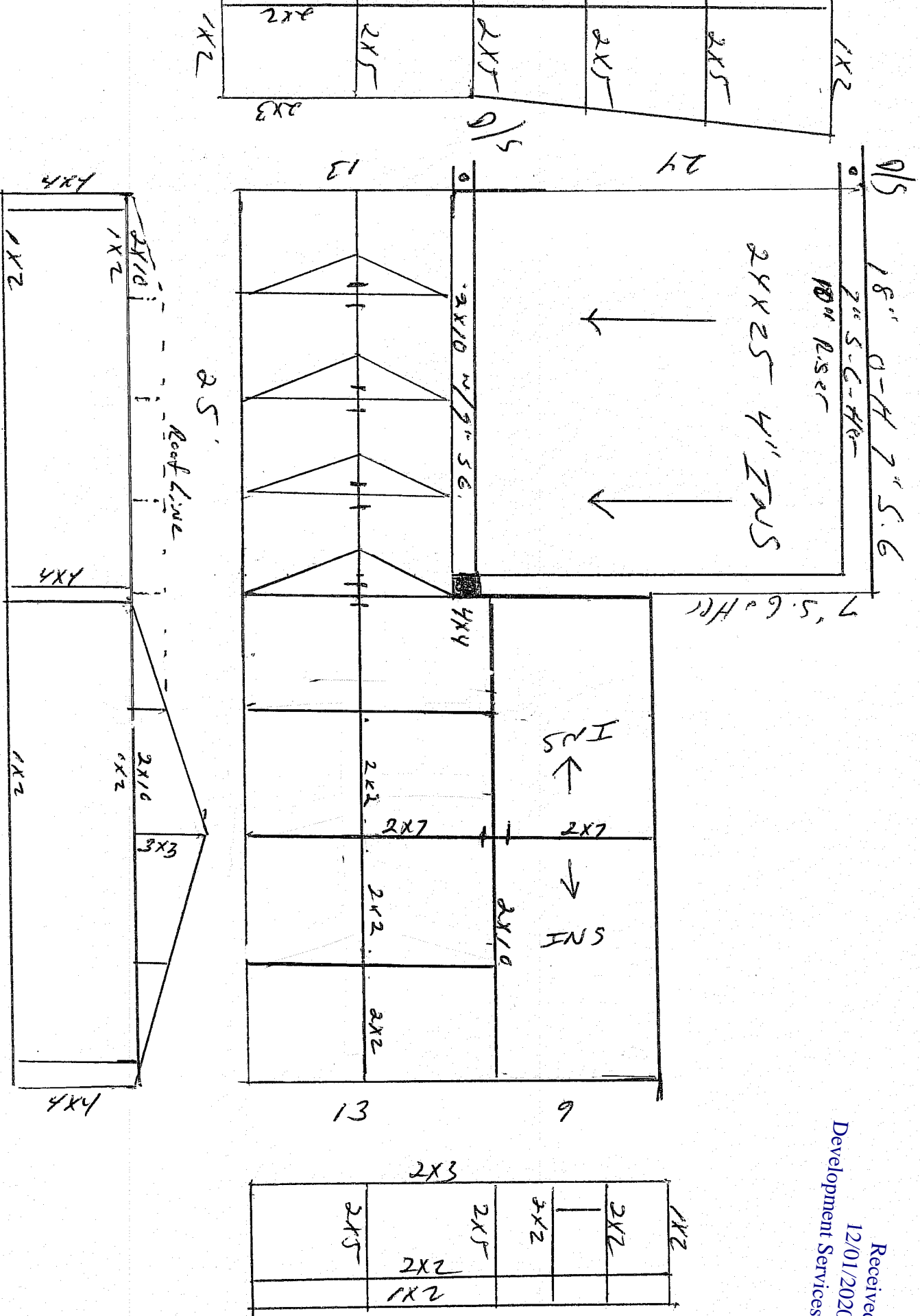
21-0147





SECTION A-A

NOT TO SCALE



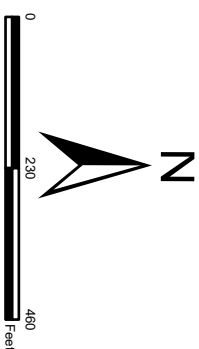
ROUGH DRAFT OF SCREEN ENCLOSURE

Immediate Aerial Zoning Map

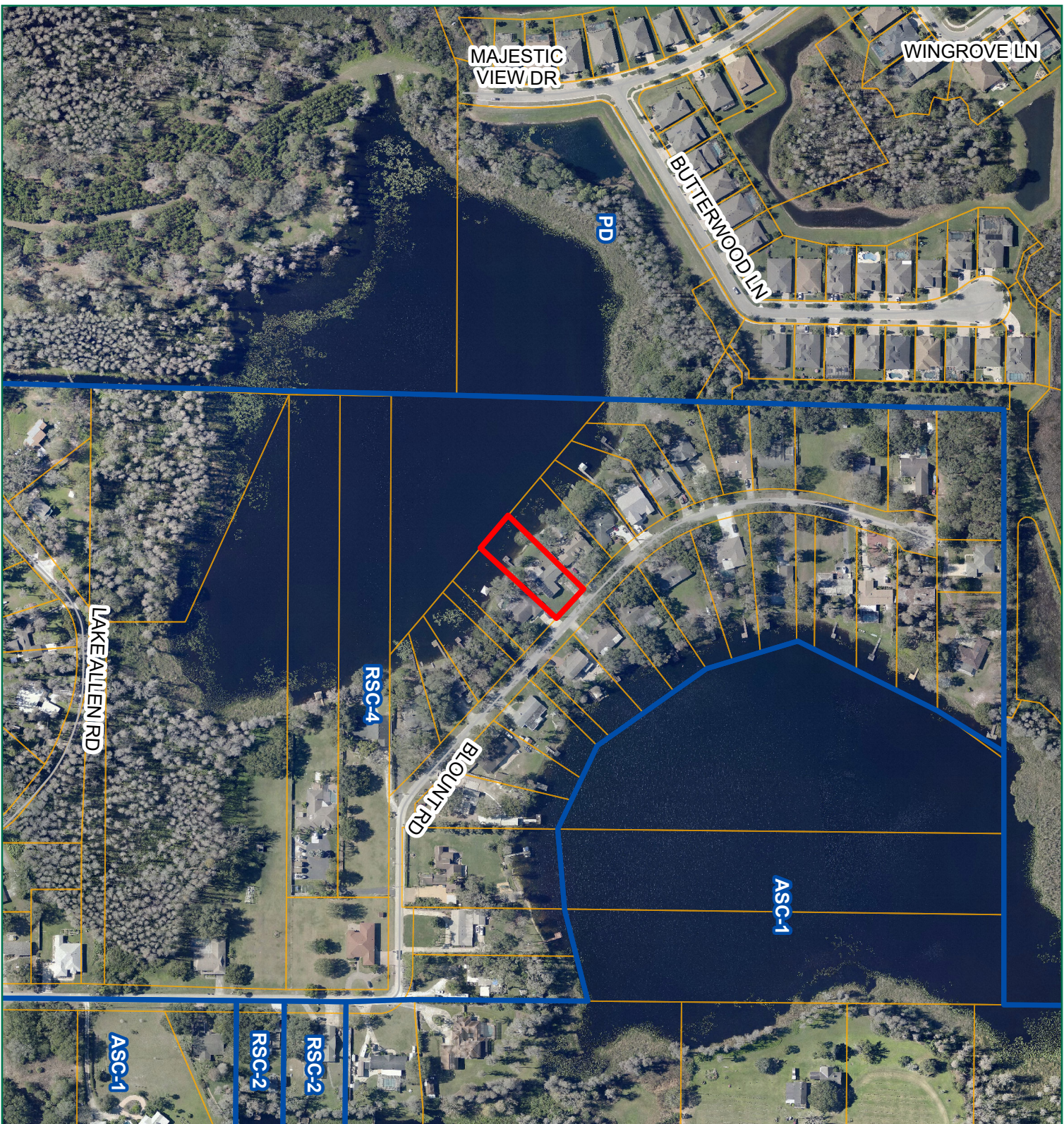
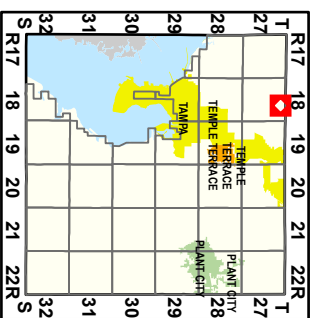
VAR-WS 21-0147

Folio: 12715.0000

-  Application Site
-  Zoning Boundary
-  Parcels



STR: 3-27-18



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*). If additional space is needed, please attach extra pages to this application.
VARIANCE OF 11'-4" (SOUTH POINT) TAPERING TO 4'-4" (NORTH POINT) FROM
THE REQUIRED REAR YARD SETBACK OF 30'-0" RESULTING IN A REAR YARD OF
18'-8" TAPERING TO 25'-8" TO THE WATER LINE. (SEE ATTACHED PLAN SKETCH).
THERE IS AN EXISTING PAVER/DECK (PHOTOGRAPH INCLUDED) WHICH WAS
BUILT PRIOR TO THE 30' SETBACK LIMITATION THAT WE WOULD LIKE TO
REMOVE AND BUILD A SCREENED ENCLOSURE THAT IS PORPONATE TO THE
HOME YET FUNCTIONAL ENOUGH WITHIN THE ENCLOSURE TO ACCOMODATE
OUR LIFESTYLE. ADDITIONAL CONSTRUCTION NOT AFFECTED BY THE 30'
SETBACK WILL BE THE REMOVAL OF THE 15'x27' SUNROOM WITH A FLAT ROOF
AND REPLACE IT A NEW SUNROOM EXCEPT WITH A VAULTED CEILING THAT
WILL FOLLOW THE PITCH OF THE EXISTING HOME.
2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:
SECTION 4.0107

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 (Attachment A).
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 and/or septic 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 (form may be obtained from **19th floor County Center**).

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?

THE LOCATION OF THE HOME IN RELATIONSHIP TO THE 30' SETBACK GIVES US LIMITED AVAILABLE SPACE TO CONSTRUCT AN ENCLOSURE THAT IS PROPORTIONAL TO THE HOME AND IS FUNCTIONAL ENOUGH TO ENJOY THE LAKE/SUNSETS IN A MOSQUITO FREE ENVIRONMENT.

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 NEIGHBOR TO THE SOUTH HAS A SIMILAR ENCLOSURE (PHOTO) BUILT PRIOR TO THE 30' LIMITATION THAT IS WELL WITHIN THE 30' SETBACK LIMITATION AND SCREEN ENCLOSURES ON THE LAKE ARE COMMON IN OUR NEIGHBORHOOD.

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.

THIS VARIANCE WILL HAVE NO IMPACT ON MY NEIGHBORS LAKE VIEW. THE NEIGHBORS TO THE NORTH HAVE A GARAGE ON THE CONSTRUCTION SIDE WHICH WILL NOT BLOCK THEIR LAKE VIEW FROM THEIR ACTUAL LIVING SPACE. THEY ALSO HAVE A BAMBOO BLIND/PRIVACY WALL FOR HANGING ORCHIDS DIRECTLY ACROSS FROM WHERE WE WOULD LIKE ADD THE SCREEN ENCLOSURE. (SEE PHOTOGRAPH AND SURVEY).

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).

THERE IS 395 SQ. FT. OF LAND AFFECTED WITHIN THE 30' SETBACK LIMITATION, 182 SQ FT OF WHICH ARE BRICK PAVERS INSTALLED PRIOR TO THE 30' SETBACK LIMITATION, LEAVING 213 SQ. FT OF LAND WITHIN THE 30' SETBACK LIMITATION THAT WILL BE AFFECTED, NONE OF WHICH WOULD BE IMPACTING THE HEALTH OF THE WETLAND.

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.

WE DO NOT HAVE ANY OUTHSTANDING CODE ENFORCEMENT ISSUES AND ARE TRYING DO THINGS PROPERLY AND BY THE BOOK. THE 182 SQ. FT. OF EXISTING PAVER DECK WAS INSTALLED PRIOR TO THE 30' WETLAND SETBACK RESTRICTION.

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.

THIS IS THE HOME WE PLAN TO RETIRE IN AND ADDING A SCREEN ENCLOSURE TO ENJOY A MOSQUITO FREE ENVIRONMENT WHILE WATCHING SUNSETS OVER THE LAKE IS OUR DREAM. ALSO IMPROVING THE VALUE OF OUR PROPERTY AND VALUE OF THE PROPERTIES IN OUR NEIGHBORHOOD.

THIS INSTRUMENT PREPARED BY:
Certified Document Solutions
c/o Attorney Bruce Clark
17345 Civic Drive, Unit 1961
Brookfield, WI 53045

Return To After Recording:
Mark Leaf and Laurie Besta-Leaf
19252 Blount Road
Lutz, FL 33558
Reference Number: MCM-568264-REO

Mail Tax Statements To:
Mark Leaf and Laurie Besta-Leaf
19252 Blount Road
Lutz, FL 33558

Property ID#: 012715-0000

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made the 3rd day of November,
2016, by **VENTURES TRUST 2013-I-H-R BY MCM CAPITAL PARTNERS, LLC, ITS**
TRUSTEE, whose post office address is 7500 Old Georgetown Rd, Suite 1300, Bethesda, MD 20814,
hereinafter called Grantor(s), to **MARK LEAF AND LAURIE BESTA-LEAF, HUSBAND AND WIFE, AS**
TENANTS BY THE ENTIRETY, whose post office address is 19252 Blount Road, Lutz, FL 33558,
hereinafter called Grantee(s):

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 Grantors, for and in consideration of the sum of **\$230,000.00** and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, the following described lot, piece or parcel of land, situate, lying and being in Hillsborough County, State of Florida, to-wit:

SEE COMPLETE LEGAL ATTACHED AS EXHIBIT "A"

PROPERTY ADDRESS: 19252 Blount Road, Lutz, FL 33558

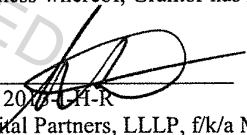
Being all of the same Property conveyed to Grantor by virtue of a Quit Claim Deed recorded July 28, 2015 among the Official Property Records of Hillsborough County, Florida as 2015293194.

TO HAVE AND TO HOLD the lot or parcel above described together with all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining unto the said Grantee and unto Grantee's heirs, administrators, successors or assigns, forever in fee simple.

The warranties passing to the Grantee(s) hereunder are limited solely to those matters arising from acts of the Grantor(s), his/her/their/its agents or representatives, occurring solely during the period of the Grantor's ownership of the subject real estate; and that said land is free of all encumbrances, except taxes accruing subsequent to the current tax year.

Whenever used, the singular name shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

In witness whereof, Grantor has hereunto set a hand and seal the day and year first written above.



Ventures Trust 2013-I-H-R

By: MCM Capital Partners, LLLP, f/k/a MCM Capital Partners, LLC, Trustee


By: Steve Trowern, its Vice President

Signed, sealed and delivered in our presence:

WITNESSES:


WITNESS #1 SIGNATURE

WITNESS #1 PRINTED NAME: Michael Crawford


WITNESS #2 SIGNATURE

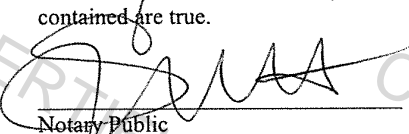
WITNESS #2 PRINTED NAME: Lixy Rivas

STATE OF Maryland
COUNTY OF Montgomery

Before me, the undersigned, a Notary Public, in and for said County and State, this 3rd day of November, 2018 personally appeared

Steve Trowern

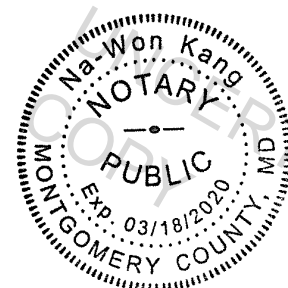
Vice President of MCM Capital Partners, LLLP, f/k/a MCM Capital Partners, LLC as Trustee for VENTURES TRUST 2013-I-H-R, a Statutory Trust organized and existing under the laws of the State of Delaware and acknowledged the execution of the foregoing instrument for and on behalf of said Grantor and who, have been duly sworn, stated that the representations therein contained are true.


Notary Public

Printed Name: Na-Won Kang

My Commission Expires: 03/18/2020

A Resident of Montgomery County, Maryland



No title search was performed on the subject property by the preparer. The preparer of this deed makes neither representation as to the status of the title nor property use or any zoning regulations concerning described property herein conveyed nor any matter except the validity of the form of this instrument. Information herein was provided to preparer by Grantor/Grantee and /or their agents; no boundary survey was made at the time of this conveyance.

Exhibit "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HILLSBOROUGH, CITY OF LUTZ, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

LOT 5 OF SHADY LAKE SHORES SUBDIVISION, AS PER MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 37 ON PAGE 26, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

PARCEL ID #012715-0000

THIS BEING THE SAME PROPERTY CONVEYED TO VENTURES TRUST 2013-I-H-R BY MCM CAPITAL PARTNERS, LLC, ITS TRUSTEE FROM BANK OF AMERICA, N.A. IN A DEED DATED JULY 14, 2015 AND RECORDED JULY 28, 2015, IN BOOK 23439 PAGE 132.



Received
12/01/2020
Development Services

VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-277-1630.
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

Property Information

Address: 19252 BLOUNT ROAD City/State/Zip: LUTZ, FL 33558 TWN-RN-SEC: 27S-18E-03
Folio(s): 012715-0000 Zoning: X RSC-4 Future Land Use: R-2 Property Size: LOT 10,370 SF

Property Owner Information

Name: MARK LEAF & LAURIE BESTA-LEAF Daytime Phone: 813-760-4368
Address: 19252 BLOUNT ROAD City/State/Zip: LUTZ, FL 33558
Email: MARKLEAF@ME.COM FAX Number: N/A

Applicant Information

Name: MARK LEAF & LAURIE BESTA-LEAF Daytime Phone: 813-760-4368
Address: 19252 BLOUNT ROAD City/State/Zip: LUTZ, FL 33558
Email: MARKLEAF@ME.COM FAX Number: N/A

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 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.

Mark E Leaf
Signature of Applicant

Mark E Leaf

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.

Laurie Besta-Leaf
Signature of Applicant

LAURIE BESTA-LEAF

Type or Print Name

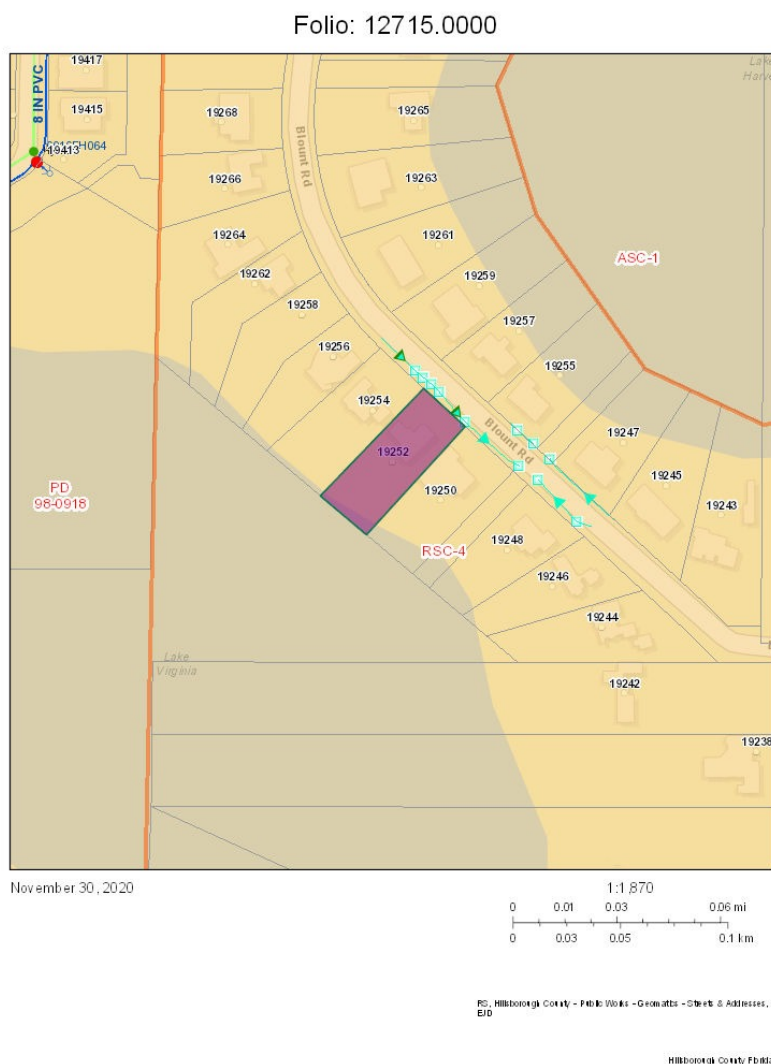
Office Use Only

Intake Staff Signature: Joseph Reinbold Intake Date: 12/01/2020
Case Number: 21-0147 Public Hearing Date: 01/25/2021
Receipt Number: 21-0147

Planning and Growth Management Department, 601 E Kennedy Blvd. 20th Floor

21-0147

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RSC-4
Description	Residential - Single-Family Conventional
Flood Zone:AE	BFE = 63.1 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0061H
FIRM Panel	12057C0061H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	A
Pre 2008 Firm Panel	1201120065D
County Wide Planning Area	Lutz
Community Base Planning Area	Lutz
Census Data	Tract: 011510 Block: 1005
Census Data	Tract: 011510 Block: 1002
Future Landuse	R-2
Mobility Assessment District	Rural
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



Folio: 12715.0000
PIN: U-03-27-18-0H4-000000-00005.0
MARK AND LAURIE BESTA-LEAF
Mailing Address:
19252 BLOUNT RD
LUTZ, FL 33558-4950
Site Address:
19252 BLOUNT RD
LUTZ, FL 33558
SEC-TWN-RNG: 03-27-18
Acreage: 0.45826501
Market Value: \$217,435.00
Landuse Code: 0100 SINGLE FAMILY

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1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.

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