



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0928	
LUHO HEARING DATE: September 26, 2023	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 August 17, is to allow for the replacement of an existing pool and screen enclosure with a new pool 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 the construction of a new pool and screen enclosure within the 30-foot wetland conservation area setback. The new pool will replace an existing pool and screen enclosure currently located within the 30-foot wetland conservation area setback, but will encroach closer to the wetland line by approximately 3 feet than the existing pool. The applicant requests a 20-foot encroachment into the setback to allow for a remaining setback of 10 feet.

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.

Attachments: Site Plan

ADMINISTRATOR’S SIGN-OFF

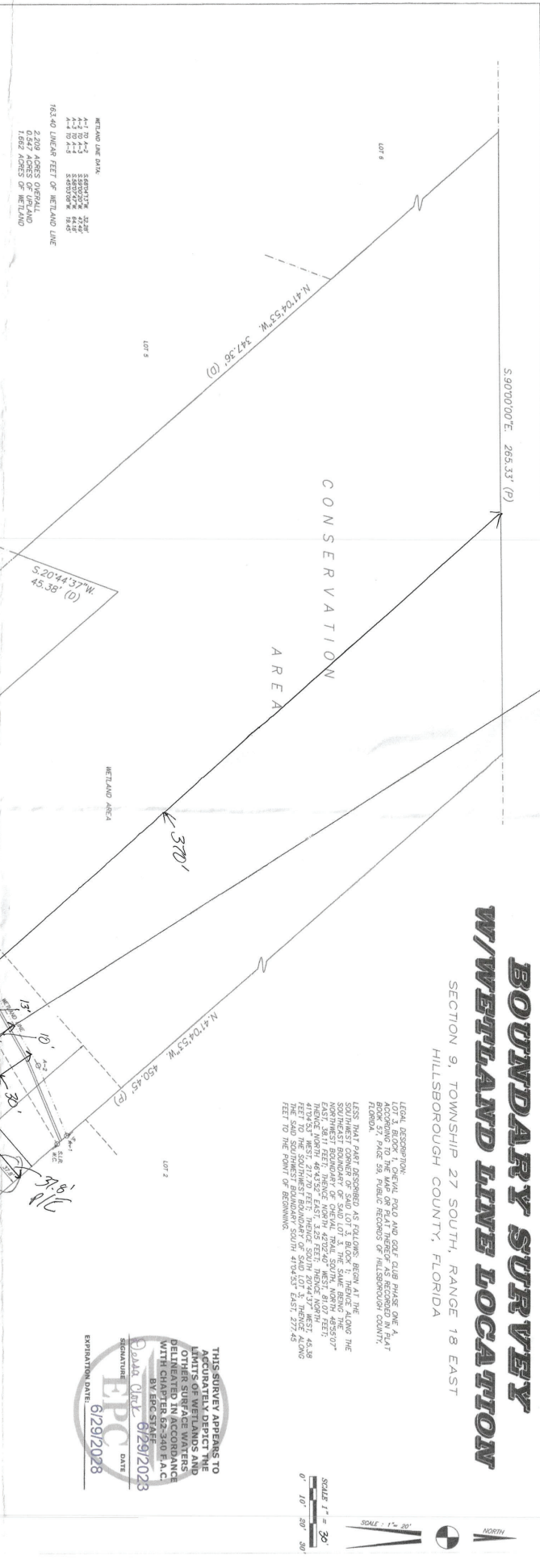
BOUNDARY SURVEY W/WETLAND LINE LOCATION

SECTION 9, TOWNSHIP 27 SOUTH, RANGE 18 EAST
HILLSBOROUGH COUNTY, FLORIDA

LEGAL DESCRIPTION:
LOT 3, BLOCK 1, CHEVAL ROAD AND GOLF CLUB PHASE ONE A,
BLOCK 27, PAGE 58, PUBLIC RECORDS OF HILLSBOROUGH COUNTY,
FLORIDA.

LESS THAT PART DESCRIBED AS FOLLOWS: BEGIN AT THE
SOUTHWEST CORNER OF CHEVAL TRAIL SOUTH, NORTH 49°50'0"
WEST 484.95± FEET TO A POINT, THENCE NORTH 1°25'
WEST 10.00± FEET TO A POINT, THENCE NORTH 1°25'
WEST 10.00± FEET TO THE SOUTHWEST CORNER OF SAID LOT 3,
THENCE SOUTH 484.95± FEET TO THE POINT OF BEGINNING.

SCALE 1" = 30'
0' 10' 20' 30'



WETLAND LINE DATA:

4-1 TO 4-2	SEPARATING LOT 6
4-2 TO 4-3	SEPARATING LOT 5
4-3 TO 4-4	SEPARATING LOT 3
4-4 TO 4-5	SEPARATING LOT 3
4-5 TO 4-6	SEPARATING LOT 3

163.40 LINEAR FEET OF WETLAND LINE
2.547 ACRES OF WETLAND
1.882 ACRES OF WETLAND

THIS SURVEY APPEARS TO
ACCURATELY REFLECT THE
ACTUAL SURFACE AND
OTHER SURFACE FEATURES
DELINEATED IN ACCORDANCE
WITH CHAPTER 62-340 F.A.C.
BY RECD STAFF
DATE 01/29/2028
SIGNATURE DATE
EXPIRATION DATE 6/29/2028

Legend

1. Survey Boundary	2. Wetland Boundary	3. Conservation Area Boundary
4. Easement Boundary	5. Right-of-Way Boundary	6. Other Boundary
7. Building Footprint	8. Driveway	9. Other Feature
10. Survey Station	11. Wetland Station	12. Other Station
13. Survey Line	14. Wetland Line	15. Other Line
16. Survey Point	17. Wetland Point	18. Other Point
19. Survey Area	20. Wetland Area	21. Other Area
22. Survey Feature	23. Wetland Feature	24. Other Feature
25. Survey Object	26. Wetland Object	27. Other Object
28. Survey Symbol	29. Wetland Symbol	30. Other Symbol
31. Survey Note	32. Wetland Note	33. Other Note
34. Survey Annotation	35. Wetland Annotation	36. Other Annotation
37. Survey Label	38. Wetland Label	39. Other Label
40. Survey Marker	41. Wetland Marker	42. Other Marker
43. Survey Boundary	44. Wetland Boundary	45. Other Boundary
46. Survey Line	47. Wetland Line	48. Other Line
49. Survey Point	50. Wetland Point	51. Other Point
52. Survey Area	53. Wetland Area	54. Other Area
55. Survey Feature	56. Wetland Feature	57. Other Feature
58. Survey Object	59. Wetland Object	60. Other Object
61. Survey Symbol	62. Wetland Symbol	63. Other Symbol
64. Survey Note	65. Wetland Note	66. Other Note
67. Survey Annotation	68. Wetland Annotation	69. Other Annotation
70. Survey Label	71. Wetland Label	72. Other Label
73. Survey Marker	74. Wetland Marker	75. Other Marker

NOTES:

1. The boundary lines shown on this plan are the result of a survey conducted by the undersigned on or about the date hereon.

2. The boundary lines shown on this plan are the result of a survey conducted by the undersigned on or about the date hereon.

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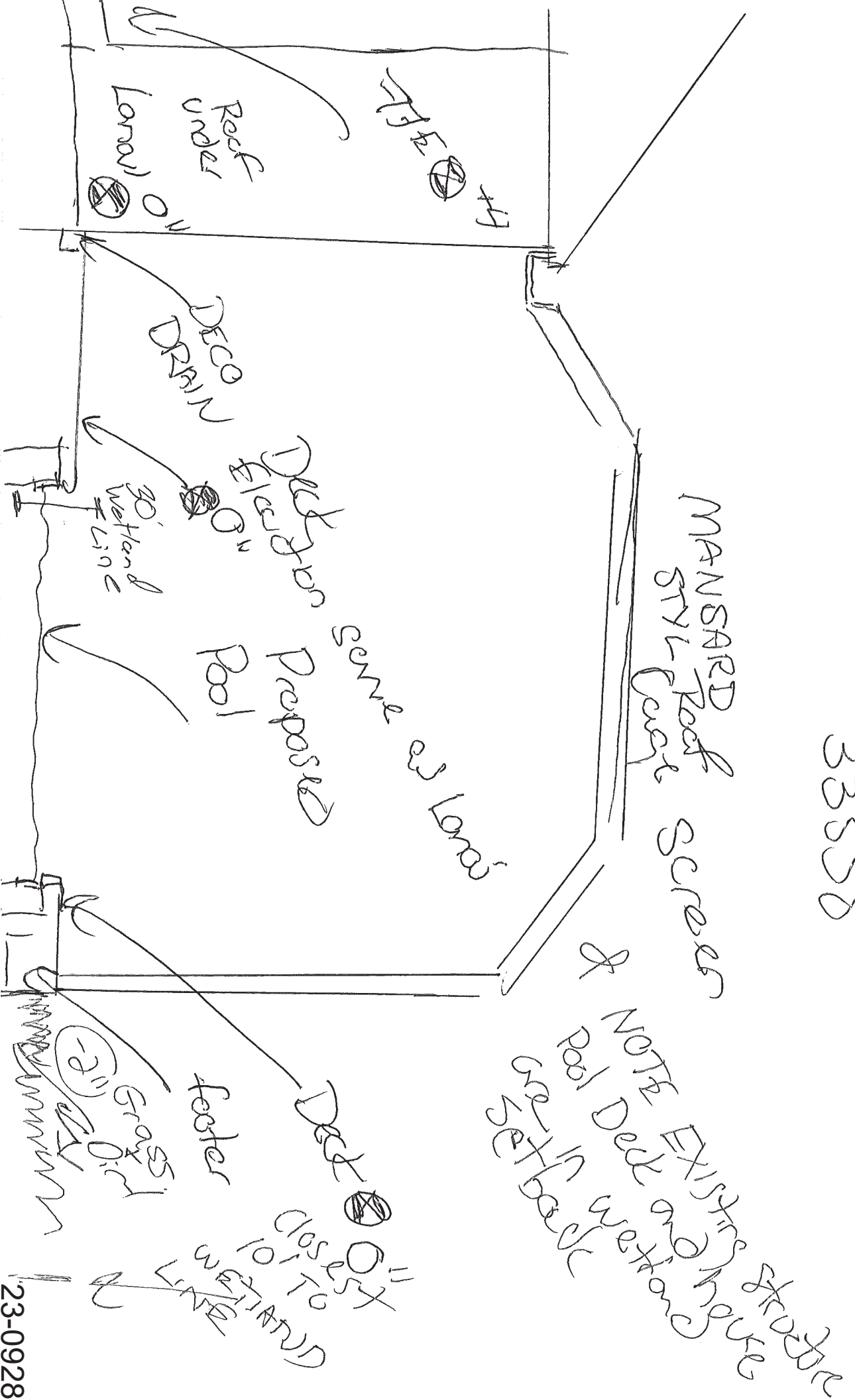
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"No trees, trees within an environmentally sensitive area,
or any tree 12" or greater in trunk diameter 4.5' above
the ground surface have been removed unless
an exempt species is defined in
land development Code Article 12.01, Definitions.

Hoffmaster
4822 Chevy Blvd
Lutz FL

33558



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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.

see attachment

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

see attachment

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

Question #1

This variance request is to replace a pool and cage which has been on the premises since 1990. Both the pool and cage had been neglected by the previous owners leaving a full replacement as the only option to avoid additional costly home repairs, improve safety, and modernize the patio area to better align with current expectations in the market. In all material respect the dimensions of the area will not change, except for a small extension of the patio and cage parallel to the home but no further from the home's exterior than what exists today.

Of note, the current pool cage is currently 13 feet from the wetland line (at the closest point) and has been such since the 1990's. We are looking to extend the length of the pool deck (lengthwise to the home and no further from the home currently), which would make it 10 feet from the wetland line (more details are below).

Additional comments on the reasons:

1. Avoid additional costly home repairs
 - a. Existing pool will require extensive ongoing maintenance due to age and health of surface and underground plumbing and electric.
 - b. Existing pool design includes 8 exterior corners which is extremely dangerous especially for our children.
 - c. Existing cage has unrepairable damage to NE corner requiring replacement
 - d. Existing cage utilized incorrect drainage along roofline leading to roof/fascia rot and ceiling damage; replacement will avoid additional and major ceiling, mold and rot issues.
 - e. Existing pool and cage, based on the information above, will cause a disadvantage in the market if the property is ever required to be sold 2.

2. Dimensions of the area.

- a. The existing cage has a depth of 19 feet from the back of the house and width (parallel to the back of the home) of 42 feet. The proposed alterations remains at a depth of 19 feet with the width going to 55 feet.
- b. Unfortunately, the home was not built perfectly parallel to the conservation line which is causing the variance from one side of home to the other. The current NE corner of the pool cage is at 13 feet from the wetland line; 19 feet from the back of the home. The proposed NE corner of the pool cage is 10 feet from the wetland line, but still 19 feet from the back of the home.

Question #2

This variance request is for Section 4.01.07.B.4 of the Land Development Code.

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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?

see attachment

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.

see attachment

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.

see attachment

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).

see attachment

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.

see attachment

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.

see attachment

Question #1

Though there are many homes in Cheval that border conservation areas, ours is similar to only very few in that 30+ years ago when the community was designed a few properties were built too close to conservation areas. Many owners have begun modernizing the exterior features without having to deal with variances. One that we are aware of that has had to deal with a variance is our immediate neighbor that went through this process several years ago for the same reasons which was ultimately approved.

Question #2

A vast majority of homes in Cheval has a pool and cage. Not allowing for this variance would leave us with a home with no pool to enjoy like our neighbors and significantly devalue our property.

Question #3

The location of our home and proximity to the conservation area allows for the pool and cage to be unseen by both neighbors to each side as well as any patrons in the community from the street. Zero individuals would be impacted by this variance.

Question #4

The purpose of the LDC is to provide a review and approval process that is comprehensive, consistent and efficient with the intent being to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Hillsborough County. I believe the process and intent is to ensure the progressive development is done in a responsible way- and following the idea of consistency, with my neighbor having gone through the process for the same thing it seems reasonable that the variance we are requesting is also approved.

Question #5

This is simply a replacement of an existing pool and cage; no illegal acts led to or result from this request

Question #6

The items identified as why this should be approved allows for social and economic improvement for the owner and increased safety while not impacting

any others in the community and preserving the conservation area. Failure to approve the variance will require substantial investment to remove the pool and cage which in return would reduce our enjoyment at our home and severely impact the value of our overall home investment.

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THIS INSTRUMENT PREPARED BY AND RETURN TO:

Virginia Youngman
Enterprise Title Partners of New Tampa, LTD.
5303 Technology Drive
Tampa, FL 33647
File No.: 28523

Property Appraisers Parcel Identification (Folio) Nos.:
012984-0106

Space Above This Line For Recording Data _____

THIS WARRANTY DEED, made the 19 day of **October, 2020** by **Mark Martorana and Leah A. Martorana, husband and wife**, hereinafter called the Grantors, to **Michael Huffmaster and Catherine Emma Huffmaster, husband and wife**, whose post office address is **4822 Cheval Boulevard, Lutz, FL 33558**, hereinafter called the Grantees.

(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 TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantees all that certain land situate in Hillsborough County, State of Florida, viz:

Lot 3, Block 1, CHEVAL POLO AND GOLF CLUB PHASE ONE A, according to that certain plat as recorded in Plat Book 57, Page 59, of the Public Records of Hillsborough County, Florida.

LESS that part described as follows: Begin at the Southwest corner of said Lot 3, Block 1; thence along the Southeast boundary of said Lot 3, the same being the Northwest boundary of Cheval Trail South, North 48°55'07" East, 38.11 feet; thence North 42°02'40" West, 81.07 feet; thence North 46°43'52" East, 3.25 feet; thence North 41°04'53" West, 217.70 feet; thence South 20°44'37" West, 45.38 feet to the Southwest boundary of said Lot 3; thence along the said Southwest boundary South 41°04'53" East, 277.45 feet to the POINT OF BEGINNING.

Subject to easements, restrictions and reservations of record and to taxes for the year 2020 and thereafter.

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 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, 2019.

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 No. 1 Signature

Mary Beth Brown
Witness No. 1 Printed Name

[Signature]
Witness No. 2 Signature

Holly Fraser
Witness No. 2 Printed Name

[Signature]
Mark Martorana

597 Chestnut Ridge Road
Rochester, NY 14624

[Signature]
Leah A. Martorana

597 Chestnut Ridge Road
Rochester, NY 14624

STATE OF New York

COUNTY OF Monroe

The foregoing instrument was executed and acknowledged before me by means of Physical Presence or Online Notarization this 19th day of October, 2020 by Mark Martorana and Leah A. Martorana, who is personally known to me or who has produced Driver (type of identification) as identification.

[Signature]
Notary Public
Printed Name: Mary Beth Brown
Commission # 01BR4754974
My Commission Expires: 11/30/21

MARY BETH BROWN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01BR4754974
Qualified in Monroe County
Commission Expires Nov. 30, 2021



Property/Applicant/Owner Information Form

Official Use Only

Application No: FT-VAR-WS 23-0928 Intake Date: 08/16/2023
Hearing(s) and type: Date: 09/26/2023 Type: LUHO Receipt Number: 296079
Date: _____ Type: _____ Intake Staff Signature: Keshia Rivas

Property Information

Address: 4822 Cheval Blvd City/State/Zip: Lutz FL 33558
TWN-RN-SEC: 27/09/18 Folio(s): 012984-0106 Zoning: PD Future Land Use: R-2 Property Size: 2.46740007

Property Owner Information

Name: Michael + Catherine Huffmaster Daytime Phone 813-466-8946
Address: 4822 Cheval Blvd City/State/Zip: Lutz FL 33558
Email: cathy.emma@gmail.com Fax Number N/A

Applicant Information

Name: Catherine Huffmaster Daytime Phone 813-466-8946
Address: 4822 Cheval Blvd City/State/Zip: Lutz FL 33558
Email: cathy.emma@gmail.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 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

Catherine Huffmaster

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)

Michael Huffmaster

Type or print name



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	82-0095
Flood Zone:AE	
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0044H
FIRM Panel	12057C0044H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120045D
County Wide Planning Area	Lutz
Community Base Planning Area	Lutz
Planned Development	PD
Re-zoning	null
Note	RZ 03-1125 DENIED
Major Modifications	11-0230,96-0151
Personal Appearances	11-0283,07-0418,06-0228 WD,06-2250 WD,06-1979,06-1979B,06-1979C,06-1979E,06-1979F,06-1979G,05-0216 WD,04-1653 WD,92-0380,91-0043,90-0140,88-0058,18-1500
Census Data	Tract: 011522 Block: 1030
Future Landuse	R-2
Future Landuse	R-2
Future Landuse	R-2
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 12984.0106



August 15, 2023

1:1,881

0 0.01 0.03 0.05 mi
0 0.02 0.04 0.09 km

RS: Esri Community Maps Contributors, City of Tampa, FDER © OpenStreetMap, Microsoft, Esri, HERE, Garmin, Swisstopo, DeLorme, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Hillsborough County Florida

Folio: 12984.0106**PIN: U-09-27-18-01D-000001-00003.0****Michael And Catherine Emma Huffmaster****Mailing Address:**

4822 Cheval Blvd

null

Lutz, Fl 33558-5337

Site Address:

4822 Cheval Blvd

Lutz, Fl 33558

SEC-TWN-RNG: 09-27-18**Acreage: 2.46740007****Market Value: \$864,375.00****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.

Or

2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.