

Variance Application: VAR 24-1200
LUHO Hearing Date: November 20, 2024
Case Reviewer: James Ratliff, AICP, PTP



Applicant: Omar Saleh **Zoning:** AS-1
Location: 15290 Morris Bridge Road, Thonotosassa; Folio 59389.0050

Request Summary:

The applicant is requesting a variance to waive external sidewalks required pursuant to Hillsborough County LDC Section 6.03.02. The applicant indicates this request is tied to issuance of a permit to allow construction of a single-family residential unit on the subject site. Relevant subsections of the above reference code section are summarized below:

Section 6.03.02.A. states “Sidewalls shall be required...where necessary to provide for safe pedestrian circulation and shall be constructed within rights-of-way, adjacent to or internal to the site, regardless of whether the site is adjacent to an existing or new road... Public sidewalks and public sidewalk curb ramps shall conform to the latest requirements of Americans with Disabilities Act (ADA)...”

Section 6.03.02.C states “Sidewalk construction on external roads shall be on the same side as the development and shall be continuous from boundary to boundary of the development.”

Section 6.03.02.D states “In the event that a right-of-way is determined by Administrator to be too small for the construction of a safe sidewalk, developer shall construct the sidewalk within an easement approved by and dedicated to the County.”

Section 6.03.02.G. states “Sidewalk connections shall be designed to meet the requirements of the Florida Accessibility Code.”

Section 6.03.02.H. states “Certificates of Occupancy may not be issued until sidewalks are constructed.”

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.03.02.A 6.03.02.C 6.03.02.D 6.03.02.G 6.03.02.H	Construct a minimum 5-foot sidewalk along the entire width of the lot where adjacent to an existing street	Eliminate requirement to construct required sidewalk	The developer would not be required to construct the sidewalk along the property’s Morris Bridge Rd. frontage

Findings:

1. Provided as Exhibit A are a set of protocols designed to assist staff's implementation of certain sections of the Land Development Code (LDC). These protocols have been implemented by the County Engineer as an interpretation of relevant sidewalk regulations as provided for within the LDC.
2. Attached is a site plan submitted by the applicant as a part of the VAR 24-1200 application.
3. Although the site is located within the Rural Mobility Assessment District of Hillsborough County, the site is located immediately adjacent to the City of Tampa City Limits. The site is also within the City of Tampa water and wastewater service areas. The site is located within +/-1,750 feet of the Academy of Montessori International school and +/- 2,000 feet of the Life International Academy (a K-8 Montessori school). The site is located +/- 1,500 feet from the Montessori Casa Dei Bambini school. Finally, the site is located within a +/- 1.1 mile walks of Heritage Elementary School. The site meets multiple criteria within the Exhibit A protocols whereby a sidewalk is required.
4. The segment of Morris Bridge Rd. along the site's frontage is shown on the Hillsborough County Corridor Preservation Plan as a future 4-lane roadway. According to the County's Right-of-way Inventory, there appears to be +/- 60 feet of right-of-way existing along the project frontage. Pursuant to Typical Section – 6 (TS-6) of the Hillsborough County Transportation Technical Manual (TTM), a 4-lane urban roadway requires a minimum of 110 feet of right-of-way. Consistent with LDC Sec. 5.11.05, the developer is required to preserve one half of the needed right-of-way (110 feet required, minus 60 feet existing, equals 50 feet needed, divided by 2 = 25 feet of preservation required).
5. The roadway is presently in a 2-lane rural configuration. The plans approved pursuant to permit record HC-BLD-22-0040985-REV2 show the required 5-foot-wide sidewalk with a 13-foot-wide separation from the edge of the pavement. If the applicant is contending that the plans which they proposed and which were approved are now unconstructible for some reason, then it is the applicant's responsibility to propose an alternative which meets the requirements of the LDC. If it is true the sidewalk could not be constructed in the approved location (or is otherwise preferred not to be constructed in the approved location), then the existing right-of-way would be determined to be too small to accommodate the required sidewalk consistent with LDC Section 6.02.02.D. As such, the applicant would be required to construct the sidewalk within the subject site and provide an easement for public access and maintenance purposes, in accordance with the LDC. A property owner may, at its sole option, choose to dedicate the underlying fee to the County in lieu of an easement.
6. Morris Bridge Rd. is a heavily traveled arterial roadway, with a posted speed of 45 miles per hour. According to the latest Hillsborough County Level of Service Report (2022), this section of roadway carries over 11,323 average annual daily trips (AADT).
7. Within the applicant's variance request, the applicant states "The current approved permit is showing the sidewalk in the existing protected ditch in the ROW – upon my meeting with Ricardo Carnero on site to discuss, this is not possible due to extensive grading required in order to build the sidewalk. I was told I cannot alter the existing ditch." Transportation Review Section staff was unable to verify the details of this conversation. Regardless, staff searched Accela and confirmed that the Right-of-Way Permitting team approved the site plan showing the sidewalk to be constructed within the right-of-way pursuant to permit application HC-BLD-22-0040985-REV2 as further described above. Staff notes that Mr.

Carnero, with Construction Services division, is responsible for ensuring that sidewalks are constructed in accordance with conditions of an issued right-of-way use permit; however, if new information is obtained or field conditions arise which necessitate a change in the location or design of the sidewalk, then it is the applicant's responsibility to submit for and obtain revised plans which would be reviewed by right-of-way use permitting staff. An applicant choosing to move forward with construction of a home before verifying the constructability of approved plans constitutes a self-imposed hardship.

8. In response to the first criterion, staff finds the applicant has failed to define the practical difficulty and has failed to outline a specific hardship or demonstrate any hardship that is unique and singular to the subject property. The applicant states, "I had to apply for a 404 Permit with the Florida DEP to receive permission to add the driveway and culvert. The approval I received states the following: Any deviations from these conditions may subject the permitted to enforcement action and possible penalties." Staff notes that all properties that develop within the County are required to obtain necessary permits. Obtaining permits is not a hardship or practical difficulty, and staff notes there are many similarly situated properties within the County that are required to construct sidewalks and which are required to obtain permits. The applicant also refers to the ditch in the existing right of way (apparently as a hardship). There is no requirement to place the sidewalk within the area currently occupied by the ditch. Staff notes that such location would not be consistent with Typical Section standards and no Design Exception has been granted which would allow the sidewalk to be placed where the ditch is located (which does not meet sidewalk spacing criteria). Staff also notes that LDC Section 6.02.02.D specifically provides developers with instructions on how to accommodate required sidewalk facilities where rights-of-way are too small to accommodate the sidewalk, as is the case on the subject site.

Staff finds the applicant has failed to explain how requiring the sidewalks would deprive the applicant of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC, as required by the second criterion. The applicant states, "...if required to be in an easement on my property, will require me to remove a plethora of trees that provide privacy and serve as a safety barrier to my property and my family. Removal of these trees would expose my property to the traffic of Morris Bridge Rd. and cause public encroachment onto my property." Staff finds that there is no overarching right to unfettered "privacy" or "safety", particularly where the application of such concepts would require waiver of important provisions of the LDC. The LDC does make provisions for fences and walls which can be used to aid in "...the conservation and protection of property, the assurance of safety and security, the enhancement of privacy and the improvement of the visual environment..."; however, the ability to install a fence does not obviate other requirements of the LDC. Regardless, there is no right commonly enjoyed by other properties in the same district and area to retain existing buffering (and to this reviewer's knowledge Transportation Review Section staff has taken no position as to installation of the required sidewalk would require removal or modification of the intervening natural buffers. Similarly, there is no right to not construct a required sidewalk; as such, no deprivation of rights can or will occur. Lastly, staff notes that sidewalk spacing requirements are minimum requirements, and developers are free to meander sidewalks around obstacles, provided that they do so in a way that exceeds those minimum requirements or otherwise obtain a Design Exception.

9. With regard to the third criterion, the applicant states "The adjacent properties and properties across the street do not currently have sidewalks." This general statement fails

to detail how waiver of the sidewalk "...will not substantially interfere with or injure the rights of other adjacent and surrounding property owners in the area." As a publicly maintained roadway, this sidewalk along Morris Bridge Rd. would be for the benefit of all residents of Hillsborough County and constitute a part of the larger sidewalk network, and whether a complete network exists at this moment in time is immaterial to this criterion. Staff notes there can be a variety of reasons why individual properties may not have a sidewalk, including for example, that the requirement did not exist at the time an individual site was developed. Staff notes that there are existing sidewalk segments along the roadway in the vicinity of the proposed project.

The applicant states "Adjacent properties not be affected by the variance. Morris Bridge Rd., per ArcGIS, has a context classification as a Local Road - Rural (C1 & C2) and is not intended for pedestrian traffic or circulation." This statement is false and/or represents and incorrect summary of the relationship between the TDM and TTM. Firstly, when reviewing site development projects for a roadway that is not new construction and/or is new construction that is a continuation of an existing typical section, staff applies Transportation Technical Manual (TTM) typical sections not the Context Classification-based typical sections from the Transportation Design Manual (TDM). The C1/C2 sections referenced by the applicant are from the TDM. These TDM sections are also utilized for County roadway projects, which is not applicable here. Regardless, the statement that these C1 and C2 (i.e. TDM sections) are "not intended for pedestrian traffic or circulation" is false. For example, while the C1 and C2 – 4D (rural 4-lane divided roadway) section includes a 12-foot shared use path on one side of the roadway, there is also a footnote which states "#WITHIN ONE MILE OF THE URBAN SERVICE BOUNDARY OR WHERE THERE IS DEMAND (EX.: 2 MILES FROM AN EDUCATION FACILITY), A SIDEWALK OR SHARED USE PATH MUST BE PROVIDED ON THE OPPOSITE SIDE OF THE SHARED USE PATH." This footnote is consistent with the protocol attached in Exhibit A, and clearly demonstrates that the intent could be to require 12-foot multi-purpose pathways on both sides of the roadway. Since these sections are not applicable for this particular section of Morris Bridge Rd. for the reasons described above, staff is only requiring the applicant to construct a 5-foot sidewalk, consistent with the applicable TTM typical sections. Furthermore, even if someone were to find that C1 and C2 should be applicable for some reason, staff notes that no determination has been made that a shared use path shouldn't be provided on both sides of the roadway (and so the requirement in such case would be for construction of a facility even wider than that being currently required by the applicant).

Collectively, staff finds that these statements fail to detail how waiver of the sidewalk "...will not substantially interfere with or injure the rights of other adjacent and surrounding property owners in the area." As publicly maintained roadways, this sidewalk would be for the benefit of all residents of Hillsborough County and a part of the larger sidewalk network (regardless of whether a complete network exists at this moment in time is immaterial to this criterion). Waiving the requirement to construct sidewalks would deprive pedestrians traveling to or from the public street system outside of the neighborhood and/or pedestrians traveling to other units or elements within the community use of a sidewalk (a safer path of travel).

10. Staff finds that the applicant has failed to explain how the variance is in harmony with and serves the general intent and purpose of the LDC and Comprehensive Plan, as required by the fourth criterion. The applicant states, "...I believe removing any trees would be detrimental to the existing natural resources..." The applicant failed to explain why the

required sidewalk couldn't be routed so as to minimize impacts to natural resources, and that construction of the home require impacting those same natural resources. The applicant failed to discuss how waiver of the sidewalk would "...foster and preserve public health, safety, comfort and welfare..." (LDC Sec. 1.02.03.A.), or be consistent with the Hillsborough County Comprehensive Plan, including Mobility Element Goal 1, which seeks to "Build and maintain a transportation system that supports the needs of all users with respect to ability, resources, identify and mode preference", Objective 2.2 which seeks to "Protect vulnerable users, such as bicyclists, pedestrians, children, seniors and people with disabilities, through a Safe Systems Approach, speed management techniques and context-sensitive multimodal facility design.", and Objective 5.7, which seeks to "Build a comprehensive bicycle/pedestrian system, including multiuse trails or side paths, sidewalks, pedestrian crossings and on road bicycle facilities, to attract more people to walk and bicycle for all trip purposes."

11. With regard to the fifth criterion, the staff finds the applicant's response to be non-sequitur. The applicant stated "Not needing to construct a sidewalk will not result in an increase in any illegal activity. If anything, it will decrease the possibility of an illegal activity to occur. The sidewalk would make it easier for passer byers to access and trespass on my property." Staff finds the applicant has failed to describe a hardship (other than having to comply with a common code provision), or otherwise failed to adequate explain a required hardship. Staff notes that future roadway expansion occurring within the existing right-of-way and required preservation areas (pursuant to Hillsborough County Corridor Preservation Plan), will require removal of the same vegetation that the applicant seeks to protect. As such, this variance would do nothing to avoid "access and trespass" of the subject property, nor would it protect such vegetation long term, and would instead have the effect of shifting costs of the sidewalk (which are required to be borne by the developer of the subject property) such that they fall to the general public.
12. With regards to the sixth criterion, the applicant states "If the variance is approved, substantial justice will be done in the manner of protecting existing trees and US Waterways. Local citizens, as well as myself, and natural habitats greatly benefit from the existence of these trees. In order to meander the sidewalk around the trees to construct said sidewalk would be extremely costly and unjust for me as a property owner when the original approval was for a straight sidewalk".

Staff finds that the applicant has failed, as required in the application, to explain how allowing the variance would "...result in substantial justice being done, considering both the public benefits intended to be secured by this Code and the induvial hardships that will be suffered by a failure to grant a variance." [emphasis added]

Staff finds there is no information in the record indicating how waiver of the required sidewalks would facilitate and accommodate safe pedestrian circulation along Morris Bridge Rd. Staff finds the applicant has failed to describe how approval of the variance request would result in substantial justice to those pedestrians who would use said sidewalks. Staff notes that cost alone is typically not a hardship that can be considered in whether a LDC provision should be enforceable, regardless, the applicant has offered no detailed cost comparisons demonstrating that a meandering sidewalk is more expensive than a traditional sidewalk (except that it might require a slightly longer route), nor that why installation costs of the required sidewalk (in any configuration) is unreasonable (staff notes that there are many LDC requirements necessary to develop a property which have

monetary costs). Staff also notes various schools are within walking distance of the subject site, as further described above.

- 13. On January 6, 2016, the Hillsborough BOCC unanimously adopted Resolution R16-007 pertaining to "Vision Zero" (seeking to eliminate serious injuries and further the County's goal that no loss of life is acceptable on our roadways). The required sidewalk is a necessary component of ensuring our roadways are safe for both pedestrians and motorists.

Administrator Sign Off:

Sheida L. Tirado

11/07/2024

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.

EXHIBIT A



**Hillsborough
County Florida**

DEVELOPMENT SERVICES

SIDEWALK IMPLEMENTATION PROTOCOL*

**This protocol has been authorized by the County Engineer in order to provide additional information regarding sidewalk regulations within the Land Development Code (LDC), and provide detail on how the Administrator interprets the relevant LDC provisions (i.e. to determine when sidewalks are required). Design criteria can be found within the Hillsborough County Transportation Technical Manual and the LDC.*

1. Is the project within a Planned Development (PD) zoning district? If yes, check the PD site plan and zoning conditions to determine whether any graphics, notes or zoning conditions relate to sidewalks. If so, they must be followed, and you should proceed through the remaining steps of the checklist. Consult a planner in the Zoning or Transportation Review Sections of the Development Services Department for additional guidance. Proceed to Step 2.
2. Is the project within one of the areas listed below? If so, staff should refer to the Special District Regulations within Section 3 of the Hillsborough County Land Development Code (LDC), which provide requirements for each specific area. These requirements can specify both where sidewalks shall be constructed, and where sidewalks shall not be constructed. Some also provide a separate protocol which can result in an "override" of the prohibition against constructing a sidewalk. Staff must evaluate each site separately at the time of permitting, since things can change over time.

If the project is not all or partially within one of these areas, then proceed to Step 3.

- Section 3.08.07, pertaining to **Keystone-Odessa Community Planning Area**
- Section 3.09.07, pertaining to the portion of the **Lutz Community Planning Area within the Rural Services Area**
- Section 3.10.06.11, pertaining to **Citrus Park Village**
- Section 3.12.09 and 3.12.10, pertaining to **Brandon Main Street**
- Section 3.17.03, pertaining to the **Ruskin Town Center Zoning District**
- Section 3.19.03, pertaining to the **Riverview Downtown Districts**

Note: Staff should use DSD viewer to determine the above information. If two or more Community Planning areas are listed or affect a given property, staff should seek guidance from a Zoning or Transportation Review Section planner in order to determine the appropriate standards to apply.

3. If the project is not within one of the areas listed above, then the general sidewalk rules provided for in the following LDC sections apply: Section 6.02.08, subdivision standards, sidewalks, and Section 6.03.02, site development standards, sidewalks. Proceed to Step 4.
4. Is the project within the Urban Services Area (USA)? If so, then sidewalks are required. If no, proceed to Step 5.
5. Is project outside of the USA? If so, follow the County Engineer's sidewalk protocol to determine when sidewalks are required (i.e. proceed to Step 6). When one or more of the protocols are triggered, sidewalks are required.



SIDEWALK IMPLEMENTATION PROTOCOL*

6. County Engineer's Sidewalk Protocol for Sites within the Rural Service Area:

- a. Is the site all or within one (1) mile of the Urban Service Area? If yes, sidewalks are required to be provided as described in Sections 6.02.08 and 6.03.02 of the LDC. If no, proceed to 6.b.

Note: Staff should use DSD viewer to determine this information. All measurements for 6.a. shall be taken via a straight line (i.e. "as the crow flies").

- b. Is the site within a future land use or zoning designation that provides for extension of utilities outside of the Urban Services Area? Examples of these designations include the Wimauma Village Residential -2 (WVR-2) and Residential Planned - 2 (RP-2) future land use classifications. If no, proceed to 6.c. If yes, sidewalks are required.

- c. Is the site within a two (2) mile walking distance of a public school? If yes, sidewalks are required. If not, proceed to 6.d.

Note: Staff should use a combination of the DSD viewer and a thorough google maps search to determine this information. All measurements for 6.c. shall be taken via a "walking distance" methodology. More specifically, measurements shall be taken to determine whether any edges of the project parcel(s) are within a 2-mile walking distance of a public school, regardless of whether there are sidewalks along the walking route. Additionally, per Florida Statutes, all charter schools are considered public schools; however, charter schools are not listed within the DSD viewer (hence the need to also use a Google Maps search).

- d. Is the site located on a roadway which has been designated by the School District of Hillsborough County as having a hazardous walking condition, as defined by Section 1006.23, Florida Statutes? If yes, sidewalks are required. If no, sidewalks are not required, unless otherwise specified in Steps 7 or 8, below.

7. **Special Advisory 1.** Although sidewalks may not be required using steps 1-6 above, staff should note that sidewalks may be required pursuant to other rules or regulations. Specifically:

- a. Disabled parking must have ADA compliant accessible sidewalks provided between the disabled parking space and primary entrance(s) to the proposed use(s). Also, for commercial sites, ADA compliant accessible sidewalks must be provided between the primary entrance(s) of the proposed use(s) and each site arrival point (i.e. connection to the roadway system); and,
- b. Certain uses are subject to the Special/Conditional Use Regulations specified within [Part 6.11.00 of the LDC](#). These uses may have specific sidewalk requirements which must be enforced independent of the above protocols. For example, Section 6.11.24 requires special sidewalks internal to a site for Child Care Centers (i.e. daycare uses).



SIDEWALK IMPLEMENTATION PROTOCOL*

8. **Special Advisory 2.** Where sidewalks are described above as being required or prohibited, applicants generally have the option to apply for a Section 11.04 LDC variance from the specific regulation(s) which require or prohibit the sidewalk. Where a project is zoned as a Planned Development (PD), a site plan feature, plan note or zoning condition may have been written in such a way that would require a developer to construct a sidewalk, regardless of the process afforded by the LDC which may allow the property owner to seek a variance. Where a site plan feature, plan note or zoning condition conflicts with LDC standards or other regulations, the more stringent provision shall generally prevail.

For example, if a zoning condition were to state "The developer shall construct a sidewalk along all roadway frontages.", the developer would be unable to obtain a variance to waive the required sidewalk without first modifying the PD zoning condition. If a zoning condition stated, "The developer shall construct a sidewalk along all roadway frontages, unless otherwise approved by Hillsborough County.", then no zoning condition change would be necessary in order to allow the property owner to seek relief via the Section 11.04 variance process.

Similarly, a PD project may have shown a proposed sidewalk or pathway on a PD site plan, or otherwise included a note on the PD plan which stated the project would be providing a specific improvement. It should be noted that such graphics may be present without a corresponding zoning condition. Regardless, the presence of a graphic or note would have the same effect as a PD zoning condition, and the applicant may not be able to seek a variance without first modifying the PD site plan.

Note: Section 11.04 variances are very difficult for an applicant to get approved, and the application fee is +/- \$2,000 and takes at least 2-3 months. It is not simply a matter of, "I can't afford to comply" or "I don't want to comply". An applicant must meet each of the six (6) variance criteria in order to receive approval. Staff should not direct people to this process unless appropriate (so as not to recommend something which will lead to additional delay and expense and is highly unlikely to result in their desired outcome), or unless staff takes the time to explain the process, challenges, and outcomes of similar variance requests (so they can evaluate whether the time, expense and risk is worth it). If they want more information on the process, staff should provide the appropriate information, as well as examples of previous denials. Staff should also make the applicants aware of what happens if the variance is denied (i.e. months from now, they may end up back in the same situation they are in today). Applicants should also be made aware that no certificates of occupancy (temporary or otherwise) can be granted until the required sidewalk is in place, pursuant to the LDC (reference Sections 6.02.08.B.2., 6.020.8.B.3., and 6.03.02.H.)



Project Description (Variance Request)

- 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.

I would like to appeal the requirement for the sidewalk for my project due to the following reasons:

- The current approved permit is showing the sidewalk in the existing protected ditch in the ROW - upon my meeting with Ricardo Carnero on site to discuss, this is not possible due to extensive grading required in order to build the sidewalk. I was told I cannot alter the existing ditch.
- The top of the ditch sits roughly 20' inside of my property line.
- The entire ditch area and top of the ditch area is heavily wooded with a combination of oak and maple trees. Some of these oak trees are well over 12" wide.
- To construct this sidewalk, I would need to clear almost 30 trees.
- There are currently no existing sidewalks on Morris Bridge on my side within 850' of my property (Cory Lake Isles to the South) and over 2,000' to the north (Branchton Park)

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

Sec. 6.03.02. - Sidewalks

Additional Information

- Have you been cited by Hillsborough County Code Enforcement? No Yes
If yes, you must submit a copy of the Citation with this Application.
- 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): New SFR Permit
- 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.
- Please indicate the existing or proposed utilities for the subject property:
 Public Water Public Wastewater Private Well Septic Tank
- 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



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.

6. If an easement into my property is required to construct a sidewalk, the existing ditch would need to be modified at both ends in order to make a connection to any future sidewalks on Morris Bridge Rd. I would also need to remove over 10 trees and I would lose an extensive area of my property. My property is almost exactly 1 acre. This lot is zoned at 1 SFR per acre. An easement large enough to allow for a sidewalk would require me to give up over 4,000 sf of land area - making my lot non conforming.

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

Sec. 6.03.02. - Sidewalks

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): New SFR Permit
- 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



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 approved sidewalk location in the ROW is in an existing wetland ditch that is deemed Water of the United States. I had to apply for a 404 Permit with the Florida DEP to receive permission to add the driveway and culvert. The approval I received states the following: Any deviations from these conditions may subject the permitted to enforcement action and possible penalties.

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.

Construction of the sidewalk - if required to be in an easement on my property, will require me to remove a plethora of trees that provide privacy and serve as a safety barrier to my property and my family. Removal of these trees would expose my property to the traffic of Morris Bridge Rd. and cause public encroachment onto my property.

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 adjacent properties and properties across the street do not currently have sidewalks. Adjacent properties not be affected by the variance. Morris Bridge Rd., per ArcGIS, has a context classification as a Local Road - Rural (C1 & C2) and is not intended for pedestrian traffic or circulation.

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).

In order 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, it is the intent of this Code that the development process in Hillsborough County be efficient, in terms of time and expense; effective, in terms of addressing the natural resource. I believe removing any trees would be detrimental to the existing natural resources and disrupt

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.

Not needing to construct a sidewalk will not result in an increase in any illegal activity. If anything, it will decrease the possibility of an illegal activity to occur. The sidewalk would make it easier for passer byers to access and trespass on my 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.

If the variance is approved, substantial justice will be done in the manner of protecting existing trees and US Waterways. Local citizens, as well as myself, and natural habitats greatly benefit from the existence of these trees. In order to meander the sidewalk around the trees to construct said sidewalk would be extremely costly and unjust for me as a property owner when the original approval was for a straight sidewalk

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Prepared By:
Omar Saleh

After Recording Return To:
10804 Breaking Rocks D
Tampa, Florida 33647

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM DEED

WITNESSETH, on April 11, 2022 THE GRANTOR(S),

- Mohamad Iqbal Saleh and Magda Saleh Trust Agreement, Mohamad Saleh, Trustee

for and in consideration of the sum of: One Dollar (\$1.00) and/or other good and valuable consideration to the below Grantee(s) in hand paid by the Grantee(s), the receipt whereof is hereby acknowledged:

- Omar Saleh and Noor Mubarak, a married couple, residing at 10804 Breaking Rocks Dr, Tampa, Florida County, Florida 33647

Grantor does hereby remise, release, and quit-claim unto the Grantee, the Grantee's heirs and assigns forever, all the rights, title, interest, claim of the Grantor in and to the following described land, in an unincorporated area in the County of Hillsborough, state of FLORIDA to wit:

Legal Description:

THAT PART OF S 159 FT OF NE 1/4 OF NE 1/4 OF SE 1/4 LYING W OF MORRIS BRIDGE RD

To have and to hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever for the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee

forever.

Tax Parcel Number: U-15-27-20-ZZZ-000001-91430.0

Mail Tax Statements To:
Omar Saleh
10804 Breaking Rocks D
Tampa, Florida 33647

[SIGNATURE PAGE FOLLOWS]

Grantor Signatures:

DATED: 04/23/2022

[Signature]

Mohamad Saleh, Trustee on behalf of Mohamad Iqbal Saleh and Magda Saleh Trust Agreement

In Witness Whereof,

[Signature]

Iman Elkadi
Witness

[Signature]

Ahmed Saleh
Witness

STATE OF FLORIDA, COUNTY OF HILLSBOROUGH, ss:

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 23 day of April, 2022 by Mohamad Saleh on behalf of Mohamad Iqbal Saleh and Magda Saleh Trust Agreement, who are personally known to me or who have produced _____ as identification.

[Signature]
Signature of person taking acknowledgment

Amani Odeh
Name typed, printed, or stamped



AMANI ODEH
Commission # GG 932378
Expires November 28, 2023
Bonded Thru Budget Notary Services

Title or rank

Serial number (if applicable)

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Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR 24-1200

Intake Date: 08/20/2024

Hearing(s) and type: Date: 10/21/2024

Type: LUHO

Receipt Number: 399347

Date: _____

Type: _____

Intake Staff Signature: Keshia Rivas

Property Information

Address: 15290 Morris Bridge Rd City/State/Zip: Thonotosassa, FL 33592

TWN-RN-SEC: 27S, 20E, 15 Folio(s): 059389-0050 Zoning: AS-1 Future Land Use: R-1 Property Size: 1.05 ACRES

Property Owner Information

Name: Omar Saleh and Noor Mubarak Daytime Phone: 813.382.8991

Address: 10804 Breaking Rocks Dr City/State/Zip: Tampa, FL 33647

Email: omar@salehdesigns.com Fax Number: _____

Applicant Information

Name: Omar Saleh Daytime Phone: 813.382.8991

Address: 10804 Breaking Rocks Dr City/State/Zip: Tampa, FL 33647

Email: omar@salehdesigns.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.

[Signature of Omar Saleh]

Signature of the Applicant

Omar Saleh

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.

[Signatures of Omar Saleh and Noor Mubarak]

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

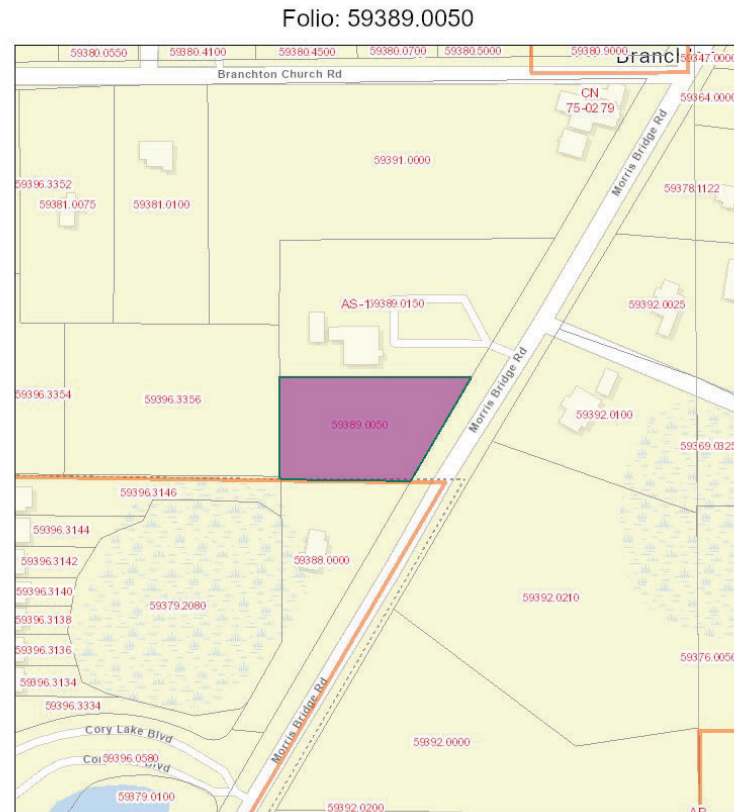
Omar Saleh, Noor Mubarak

Type or print name

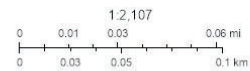


PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AS-1
Description	Agricultural - Single-Family
Flood Zone:AE	BFE = 43.9 ft
FIRM Panel	0095H
FIRM Panel	12057C0095H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120095C
County Wide Planning Area	East Rural
Census Data	Tract: 010210 Block: 1010
Future Landuse	R-3
Future Landuse	R-1
Urban Service Area	TSA
Waste Water Interlocal	City of Tampa Waste Water
Water Interlocal	City of Tampa Water
Mobility Assessment District	Rural
Mobility Benefit District	3
Fire Impact Fee	Northeast
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 2
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



August 20, 2024



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Hillsborough County Florida

Folio: 59389.0050
PIN: U-15-27-20-ZZZ-000001-91430.0
Omar Saleh And Noor Mubarak
Mailing Address:
 10804 Breaking Rocks Dr
 null
 Tampa, Fl 33647
Site Address:
 0
 Thonotosassa, Fl 33592
SEC-TWN-RNG: 15-27-20
Acreage: 0.991907
Market Value: \$59,850.00
Landuse Code: 0000 Vacant Resident

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