



**LAND USE HEARING OFFICER VARIANCE REPORT**

**APPLICATION NUMBER:** VAR 22-0716

**LUHO HEARING DATE:** July 25, 2022

**CASE REVIEWER:** Sam Ball

**REQUEST:** The applicant is requesting multiple variances to accommodate existing and proposed conditions on single-family home on property zoned PD 85-0139.

**VARIANCE(S):**

**Existing Air Conditioning Unit**

Per LDC Section 6.01.03.I.3, mechanical equipment, such as air conditioning units, pumps, heating equipment, propane tanks, electrical generators and similar installations, may not project into the required front yard(s), but may project five feet into the required rear yard(s), and three feet or no more than 50 percent of the required side yard(s), whichever is more restrictive. Per Condition 2 of PD 85-0139, as last modified by PRS 21-1041, the required minimum side yard setback for single-family lots is 5 feet. Therefore, the required side setback for the air conditioning units is 2.5 feet. The applicant requests a 1.5-foot reduction to the required side setback to allow a 1-foot setback from the air conditioner to have 1-foot side setback from the east property line.

**Existing Pool Enclosure**

Per Condition 2 of PD 85-0139, as last modified by PRS 21-1041, a minimum setback of 5 feet is required for pool enclosures on single-family lots. The applicant requests a 1.9-foot reduction to the required setback to allow a setback of 3.1 feet from the rear property line.

**Patio**

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 June 01, 2022, is to allow for the construction of a concrete paver patio and screen enclosure within the 30-foot Wetland Conservation Area setback.


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 approval for an existing concrete paver patio, and the construction of a screen enclosure within the 30-foot wetland conservation area setback. The applicant requests a 6.3-foot encroachment into the setback to allow for a remaining setback of 23.7 feet.

**FINDINGS:**

- A wetland setback compensation planting plan has been provided on the site plan dated June 01, 2022, that provides equivalent square footage of compensation planting to the amount of encroachment. However, this encroachment is under the threshold of 500 square feet and is therefore exempt from the requirement for compensation planting.
- Permits were issued for the pool in October 2012 (NPO 26201) and for the pool enclosure in November 2012 (PAL16369).

**DISCLAIMER:**

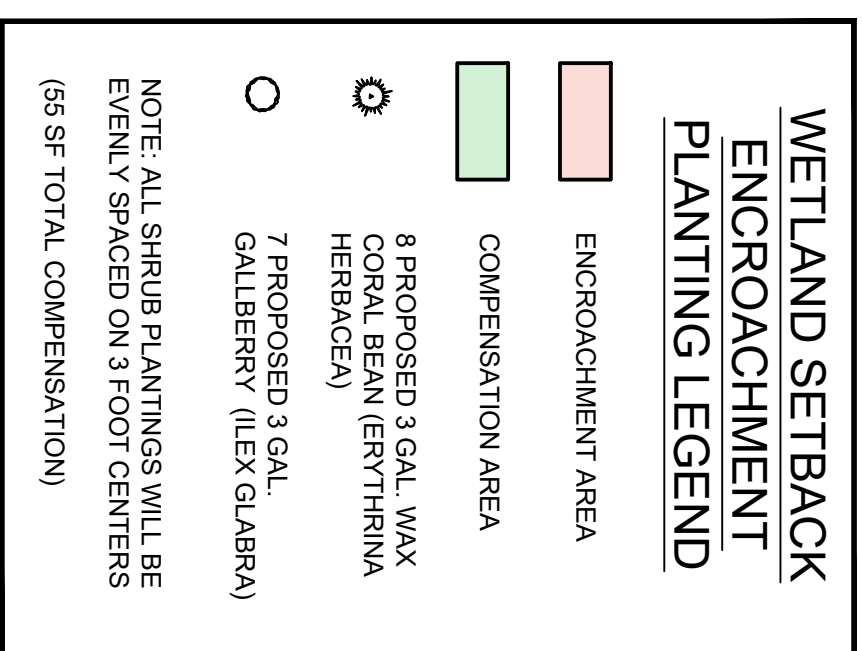
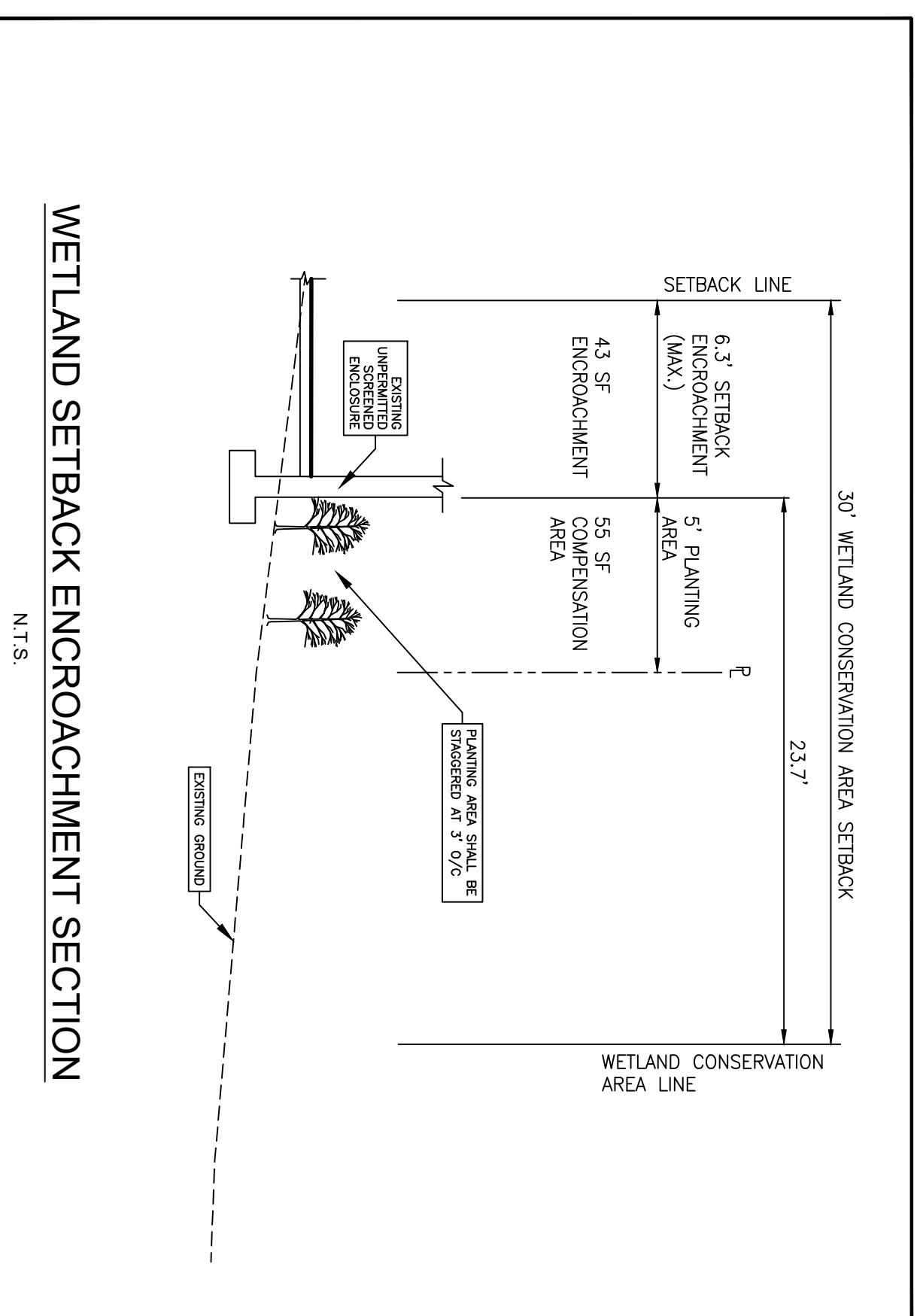
The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

<b>ADMINISTRATOR'S SIGN-OFF</b>
 <small>t Fri Jul 15 2022 09:38:45</small>
<b>Attachments:</b> Application Property Survey Proposed Site Plan Petitioner's Written Statement

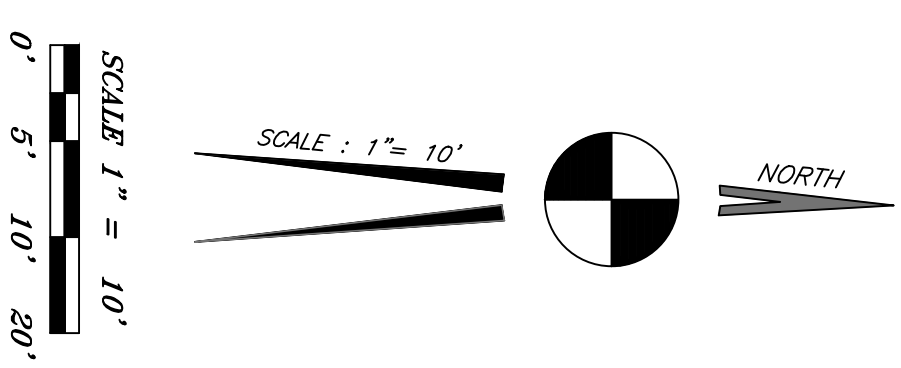
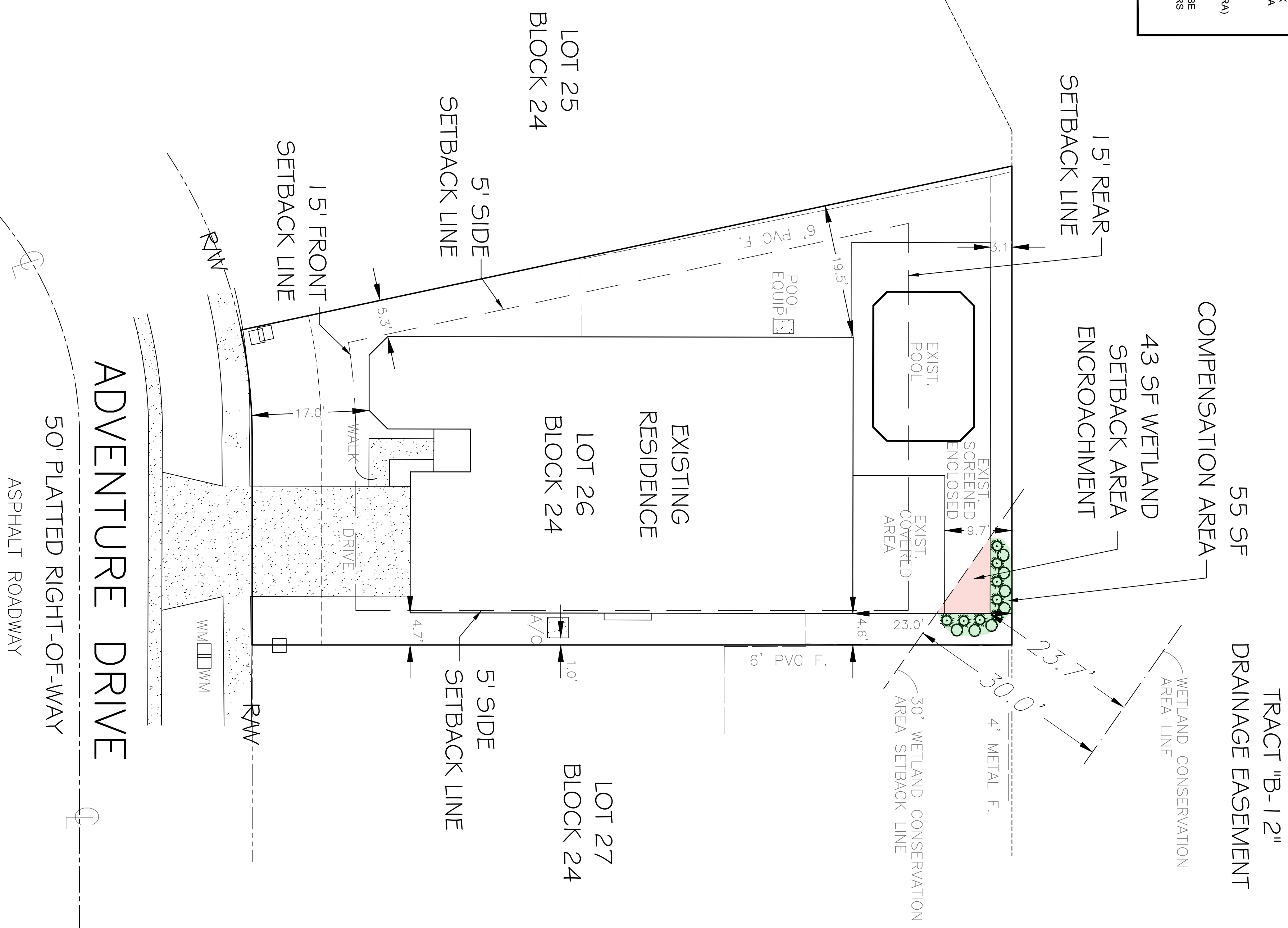
**SITE DATA**

FOLIO #: 077452-5630  
 SEC/TWP/RGE: 05/31/20  
 TOTAL LAND AREA: 0.136 ACRES (5,910 sf)  
 EXISTING ZONING: PD (85-0139)  
 EXISTING USE: SINGLE-FAMILY RESIDENTIAL

**DESCRIPTION**  
 PANTHER TRACE PHASE 1B/1C LOT 26 BLOCK 24



VARIANCE REQUEST:  
 VARIANCE TO LDC SECTION 4.01.07.B  
 TO REDUCE THE REQUIRED CONSERVATION AREA  
 SETBACK FROM 30' TO 23.7' (MIN.).



**WETLAND SETBACK ENCROACHMENT COMPENSATION PLANTING REQUIREMENTS:**

- THE AREA OF REQUIRED PLANTING WILL BE A MINIMUM 1:1 RATION FOR THE AREA OF ENCROACHMENT WHICH IS NOT EXEMPT. NO MORE THAN A 1:1 RATIO SHALL BE REQUIRED. ADDITIONAL COMPENSATION MAY BE PROPOSED.
- COMPENSATION PLANTINGS WILL CONSIST OF NATIVE SHRUBS WITH NO LESS THAN TWO SPECIES AND EACH SPECIES WILL COMPRISE NO LESS THAN 30% OF THE TOTAL NUMBER OF REQUIRED SHRUB PLANTINGS. SEE TABLE 1 FOR SUGGESTED SPECIES.
- ALL SHRUB PLANTINGS WILL BE EVENLY SPACED ON 5 FOOT CENTERS WITH A MINIMUM SIZE OF 3 GALLON OR #3 SIZE MATERIALS.
- PLANTINGS WILL BE LOCATED WITHIN ANY SUITABLE, OPEN AREAS OF THE REMAINING SETBACK ABUTTING THE AREA OF ENCROACHMENT OR IF THESE AREAS DO NOT EXIST, THE PLANTINGS MAY BE LOCATED WITHIN OR ADJACENT TO ANOTHER PORTION OF THE SITES WETLAND SETBACK. IF NO SUITABLE PLANTING AREAS EXIST ON SITE, A WETLAND AND /OR WETLAND SETBACK ENHANCEMENT PLAN, NUISANCE SPECIES CONTROL PROGRAM OR OTHER SUITABLE COMPENSATION ALTERNATIVE MAY BE PROPOSED.
- THE INSTALLATION OF A SUITABLE IRRIGATION SYSTEM IS RECOMMENDED TO ENSURE PLANT ESTABLISHMENT AND FULFILLMENT OF THE REQUIRED SURVIVAL CRITERIA.
- NATIVE TREE AND HERBACEOUS SPECIES MAY BE UTILIZED IN ADDITION TO THE REQUIRED SHRUB PLANTINGS TO ESTABLISH CANOPY OR GROUNDCOVER COMPONENTS IF DESIRED BY THE APPLICANT.
- MONITORING REQUIREMENTS:  
 MONITORING OF PLANTED AREAS SHALL CONSIST OF THE FOLLOWING:  
 • A TIME-ZERO REPORT, LISTING SPECIES AND #S PLANTED, UPON COMPLETION OF THE PLANTINGS SHALL BE PROVIDED TO THE NATURAL RESOURCES SECTION OF PGMD NO LATER THAN 30 DAYS FOLLOWING PLANTING COMPLETION.  
 • TWO ANNUAL REPORTS THAT LIST SURVIVAL % PER SPECIES AND ANY REQUIRED REPLANTS SHALL BE PROVIDED TO THE NATURAL RESOURCES SECTION OF PGMD NO LATER THAN 30 DAYS FOLLOWING DATA COLLECTION.  
 • PLANTED SHRUB SPECIES MUST MAINTAIN A MINIMUM 85% SURVIVAL RATE WITH ANNUAL REPLANTING IF NEEDED. EXOTIC AND NUISANCE SPECIES (REFERENCE MOST CURRENT FLORIDA EXOTIC PEST PLAN COUNCIL LIST) COVER WITHIN THE PLANTING ZONES MUST BE MAINTAINED BELOW 10%.  
 • FOR NUISANCE SPECIES CONTROL PROGRAM AREAS, ALL EXOTIC AND NUISANCE SPECIES MUST BE REMOVED DURING THE INITIAL CONTROL EVENT(S) AND TOTAL NUISANCE SPECIES COVERAGE MUST BE MAINTAINED BELOW 10% FOR 2 YEARS THEREAFTER.

SHEET <b>1</b> OF <b>1</b>	Project Name Barry Residence Variance	Owner John & Lori Barry 12207 Adventure Drive Riverview, FL 33579	Planner: TSP COMPANIES, INC. P.O. Box 1016 Tampa, FL 33601-1016	Revisions 07/14/21 ISSUED FOR REVIEW
-------------------------------------	--	--	--	---



# Additional / Revised Information Sheet

Office Use Only		
Application Number: 22-0716	Received Date:	Received By:

The following form is required when submitted changes for any application that was previously submitted. A cover letter must be submitted providing a summary of the changes and/or additional information provided. If there is a change in project size the cover letter must list any new folio number(s) added. Additionally, **the second page of this form must be included indicating the additional/revised documents being submitted with this form.**

Application Number: 22-0716 Applicant's Name: DAVID WRIGHT

Reviewing Planner's Name: FRED BALL Date: 06/01/2022

Application Type:

- Planned Development (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): 06/21/2022

### Important Project Size Change Information

Changes to project size may result in a new hearing date as all reviews will be subject to the established cut-off dates.

Will this revision add land to the project?     Yes     No

If "Yes" is checked on the above please ensure you include all items marked with \* on the next page.

Will this revision remove land from the project?     Yes     No

If "Yes" is checked on the above please ensure you include all items marked with + on the next page.

**Email this form along with all submittal items indicated on the next page in pdf form to:**

**[ZoningIntake-DSD@hcf.gov](mailto:ZoningIntake-DSD@hcf.gov)**

Files must be in pdf format and minimum resolution of 300 dpi. Each item should be submitted as a separate file titled according to its contents. All items should be submitted in one email with application number (including prefix) included on the subject line. Maximum attachment(s) size is 15 MB.

For additional help and submittal questions, please call (813) 277-1633 or email [ZoningIntake-DSD@hcf.gov](mailto:ZoningIntake-DSD@hcf.gov).

***I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.***

**David Wright** Digitally signed by David Wright  
Date: 2022.06.01 14:23:11 -04'00'

Signature

Date



**Hillsborough  
County Florida**  
Development Services

# Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to [Chapter 119 Florida Statutes](#), 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. 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.

Additionally, parcels exempt under [Florida Statutes §119.071\(4\)](#) will need to contact [Hillsborough County Development Services](#) to obtain a release of exempt parcel information.

**Are you seeking an exemption from public scrutiny of selected information submitted with your application pursuant to Chapter 119 FS?**       Yes       No

I hereby confirm that the material submitted with application 22-0716

Includes sensitive and/or protected information.

Type of information included and location \_\_\_\_\_  
\_\_\_\_\_

Does not include sensitive and/or protected information.

**Please note:** Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.

If an exemption is being sought, the request will be reviewed to determine if the applicant can be processed with the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.

Signature: David Wright      Digitally signed by David Wright  
Date: 2022.06.01 14:22:16 -04'00'  
(Must be signed by applicant or authorized representative)

Intake Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# Additional / Revised Information Sheet

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

Included	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  **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  **Other Documents** (please describe):

\*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.

## **VARIANCE REQUEST**

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.

The applicant is requesting three (3) variance by the application.

1. The applicant is requesting a variance to LDC Section 4.01.07.B to allow an 864 sq ft encroachment into the 30-foot wetland conservation area setback to address an existing encroachment of a concrete patio area with screen enclosure as depicted on the variance site plan included with this application. The 0.38-acre subject property (Lot 16, WATERS EDGE, according to the map or plat thereof recorded in plat book 109, pages 259 through 263 of the official public records of Hillsborough County, FL) includes 0.24-acres of uplands and 0.14-acres of wetlands; therefore, the wetland area of the subject property is 37% of the total area. Conservation area setback encroachments are commonly granted in the same district and general area upon the providing of acceptable compensating mitigation areas and the granting of a variance. The applicant is proposing the mitigate the existing and proposed encroachment totaling 864 sq ft by providing 885 sq ft of wetland plantings within the remaining wetland conservation area setback immediately adjacent to the proposed encroachment.
2. The applicant is requesting a variance to LDC Section 6.01.01 to reduce the side yard setback from 5-feet to 1-foot to allow the existing air conditioner condenser and concrete pad to encroach into the side yard setback.
3. The applicant is requesting a reduction of the pool setback required by PRS 04-0957 from 5-feet to 3.1-feet to allow the existing pool with screen enclosure to encroach into the pool setback.

All of the above variances are requested in order to bring the property into conformance with the LDC and the Approved Planned Development as the conditions existed when the current property owners purchased the property in 2020. It is believed that the air conditioning condenser and pad were placed within the side yard setback during the original construction of the home in 2005, and the screened in pool encroachment occurred when the pool and screen enclosure were constructed in 2012 or 2013. Permit number PAL16369 permitting the pool enclosure was issued 11/08/2012.

\*\* PLEASE KEEP THIS RECEIPT FOR YOUR RECORDS OR REFUNDS \*\*



**BUILDING SERVICES DIVISION**  
 272-5600

**WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.**

In consideration of the granting of the above permit, I do hereby agree that all work performed shall be in accordance with all plans and other information submitted herewith, and said work shall conform with all requirements of applicable Federal, State, and Hillsborough County Codes and Regulations. This permit will be revoked if any misrepresentation or false statement is made on the application or plans on which approval of the permit has been based. Permit shall be void if work is not commenced within 180 days of permit issuance. Permit is void if structure or use is prohibited by deed restriction, zoning regulation, County ordinance, or general laws of the State of Florida. The mere issuance of this permit creates no vested right in the permittee.

NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.

For inspections, please call the inspections lines: Bldg/Site 272-5613, Electrical 272-5618; Plumbing/Gas 272-5648; Mechanical 272-5639

Signature of Owner/Agent: \_\_\_\_\_ Date: \_\_\_\_\_

Project Number: PAL16369  
 Job Site Address: 12207 ADVENTURE DR HBCO  
 Permit Type: Pool Enclosure  
 Tax Folio No: 077452.5630  
 Owner Name: MARTIN HENRY & COOK ARTHUR  
 Permit Use: RES/SCREEN POOL ENCLOSURE

Cashier ID: TRAUGH P / PTDT  
 Date: 11/08/2012 / 03:50 PM  
 Rcpt No: R001526873  
 Valuation: \$8,100.00

Unit No: 0

Map#/Block/Lot 0  
 Qtr(2)SEC(2)Twp(2)Rge(2)  
 Subdivision Name  
 Setback Front/Rear 0 0  
 Left/Right 0 0  
 Flood Zone  
 Impact Zone  
 Screen Enclosure Size 0 0

Teco Layout:

DESCRIPTION			PAYMENT
Bldg Supplemental			25.50
Type	Method	Description	Amount
Payment	Check	3837	25.50

Contractors: SALADINO TONY III

Lic. SCC131151371





# Additional / Revised Information Sheet

Office Use Only		
Application Number: 22-0716	Received Date:	Received By:

The following form is required when submitted changes for any application that was previously submitted. A cover letter must be submitted providing a summary of the changes and/or additional information provided. If there is a change in project size the cover letter must list any new folio number(s) added. Additionally, **the second page of this form must be included indicating the additional/revised documents being submitted with this form.**

Application Number: 22-0716 Applicant's Name: DAVID WRIGHT

Reviewing Planner's Name: FRED BALL Date: 06/01/2022

Application Type:

- Planned Development (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): 06/21/2022

### Important Project Size Change Information

Changes to project size may result in a new hearing date as all reviews will be subject to the established cut-off dates.

Will this revision add land to the project?     Yes     No

If "Yes" is checked on the above please ensure you include all items marked with \* on the next page.

Will this revision remove land from the project?     Yes     No

If "Yes" is checked on the above please ensure you include all items marked with + on the next page.

**Email this form along with all submittal items indicated on the next page in pdf form to:**

**[ZoningIntake-DSD@hcf.gov](mailto:ZoningIntake-DSD@hcf.gov)**

Files must be in pdf format and minimum resolution of 300 dpi. Each item should be submitted as a separate file titled according to its contents. All items should be submitted in one email with application number (including prefix) included on the subject line. Maximum attachment(s) size is 15 MB.

For additional help and submittal questions, please call (813) 277-1633 or email [ZoningIntake-DSD@hcf.gov](mailto:ZoningIntake-DSD@hcf.gov).

***I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.***

**David Wright** Digitally signed by David Wright  
Date: 2022.06.01 14:23:11 -04'00'

Signature

Date



**Hillsborough  
County Florida**  
Development Services

# Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to [Chapter 119 Florida Statutes](#), 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. 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.

Additionally, parcels exempt under [Florida Statutes §119.071\(4\)](#) will need to contact [Hillsborough County Development Services](#) to obtain a release of exempt parcel information.

**Are you seeking an exemption from public scrutiny of selected information submitted with your application pursuant to Chapter 119 FS?**      Yes      No

I hereby confirm that the material submitted with application 22-0716

Includes sensitive and/or protected information.

Type of information included and location \_\_\_\_\_  
\_\_\_\_\_

Does not include sensitive and/or protected information.

**Please note:** Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.

If an exemption is being sought, the request will be reviewed to determine if the applicant can be processed with the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.

Signature: David Wright     Digitally signed by David Wright  
Date: 2022.06.01 14:22:16 -04'00'  
(Must be signed by applicant or authorized representative)

Intake Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# Additional / Revised Information Sheet

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

Included	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  **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  **Other Documents** (please describe):

\*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.

Application Number: 22-0716

## **VARIANCE CRITERIA RESPONSES**

**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?**

### **RESPONSE**

The variance request is to LDC Sec. 4.01.07.B to allow a 43 sq ft encroachment area into the wetland setback area which is being mitigated by a 55 sq ft compensation (wetland plantings). The alleged hardships or practical difficulties are unique and singular to the subject property in that the geographic, topographic, characteristics and physical features of the subject property are such that the subject property is a pie-shaped lot, and the encroachment existed prior to the current owners' purchase of the property.

**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.**

### **RESPONSE**

The literal requirements of the Land Development Code (LDC) would deprive the owners of their rights by causing the current owners to remove the encroachments that they did not create; rather, they inherited the encroachments that were created by the previous owners and/or builder. Removal of the encroachments would likely result in damage to their existing swimming pool and the demolition and removal activities would likely result in further impact to the wetland setback conservation area. These types of setback encroachments are commonly granted in the same district and general area.

**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.**

### **RESPONSE**

The 43 sq ft encroachment is internal to the site and has existed for many years; therefore, 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 as there is no impact on adjacent properties. The air conditioner condenser and screen-pool have existed since 2005 and 2012, respectively; therefore, the allowance of the variances will not interfere with rights of others because the conditions have existed for 10 years or more

Application Number: \_\_\_\_\_

**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).**

**RESPONSE**

The variances will be in harmony with and serve the general intent and purpose of the LDC and the Comprehensive Plan as the LDC's stated intent sets forth requirements 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, which the resulting site's development with the requested variance and required compensating mitigation area will achieve.

**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.**

**RESPONSE**

The encroachments were constructed by either the builder or a prior property owner prior to 2013 and were inherited by the current property owners when they purchased the property in 2020. This application is seeking to bring the subject property into conformance with the Land Development Code by correcting the conditions that existed when the current owners purchased the property in 2020.

**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.**

**RESPONSE**

Granting the variance is in accordance with the character and existing land uses in the neighborhood.

Consideration: \$309,900.00

Prepared by and return to:

Berlin Patten Ebling, PLLC  
Attn: Mark C. Hanewich, Esq.  
8433 Enterprise Circle  
Suite 100  
Lakewood Ranch, Fl. 34202  
20-19225-001

Property Appraiser's Parcel ID No.: 077452-5630

(FOR INFORMATIONAL PURPOSES ONLY)

## WARRANTY DEED

**THIS WARRANTY DEED**, is made as of the 29th day of September, 2020, by and between **GERALDO PEREZ and LINDA PEREZ, husband and wife**, whose address is **12207 Adventure Drive, Riverview, FL 33579** (hereinafter "GRANTOR"), and **JOHN BARRY, JR. and LORI BARRY, husband and wife, as tenants by the entirety**, whose address is **12207 Adventure Drive, Riverview, FL 33579** (hereinafter "GRANTEE").

GRANTOR, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to said GRANTOR in hand paid by said GRANTEE, the receipt and adequacy of which is hereby acknowledged, has granted, bargained, aliened, remised, released, conveyed confirmed, and sold to said GRANTEE and GRANTEE'S successors, and assigns forever, the following described real property, including improvements thereon, situated in **Hillsborough County, Florida**, to wit:

LOT 26, BLOCK 24, PANTHER TRACE PHASE 1B/C, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 96, PAGE 23, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

Together with appurtenances, privileges, rights, interests, dower, reversions, riparian rights, remainders and easements thereunto appertaining, GRANTOR hereby covenants with GRANTEE that GRANTOR is lawfully seized of said property in fee simple; that it is free of encumbrances except for taxes for the current and subsequent years, easements, reservations, and restrictions of record, if any, which reference thereto shall not serve to re-impose same; that GRANTOR has good right and lawful authority to convey same; and that GRANTEE shall have quiet enjoyment thereof. GRANTOR does hereby fully warrant the title to said property and will defend the same against the lawful claims of all persons whomsoever.

GRANTORS warrant and represent that they acquired the property described in this deed during their marriage and that they have remained married without interruption through the date of this conveyance.

*(acknowledgment and signatures on following page)*

IN WITNESS WHEREOF, GRANTOR has hereunto set its hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

WITNESSES:

GRANTOR:

(1) [Signature]  
Printed Name Stephane Kerkow


(2) [Signature]  
Printed Name Bishoy Habib

[Signature]  
Geraldo Perez  
[Signature]  
Linda Perez

STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me by means of (X) physical presence or ( ) online notarization this 27 day of September, 2020, by Geraldo Perez and Linda Perez.

[Signature]  
Signature of Notary Public  
Print, Type/Stamp Name of Notary

 BISHOY MICHAEL HABIB  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG361513  
Expires 8/1/2023

Personally Known: \_\_\_\_\_ OR Produced Identification: ✓  
Type of Identification  
Produced: FCDC

**LEGAL DESCRIPTION**

PANTHER TRACE PHASE 1B/1C LOT 26 BLOCK 24





Received  
03/28/2022  
Development Services

# VARIANCE APPLICATION

## IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-272-5600.  
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

### Property Information

Address: 12207 ADVENTURE DR City/State/Zip: RIVERVIEW, FL 33579 TWN-RN-SEC: 05-31-20  
Folio(s): 77452.5630 Zoning: PD Future Land Use: R-4 Property Size: 0.14 AC

### Property Owner Information

Name: JOHN BARRY & LORI BARRY Daytime Phone: 715-864-5568  
Address: 12207 ADVENTURE DR City/State/Zip: RIVERVIEW, FL 33579  
Email: barrycubies@yahoo.com FAX Number: \_\_\_\_\_

### Applicant Information

Name: DAVID WRIGHT / TSP COMPANIES, INC. Daytime Phone: 813-230-7473  
Address: PO BOX 273417 City/State/Zip: TAMPA, FL 33688  
Email: david@tspco.net 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 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.

  
\_\_\_\_\_  
Signature of Applicant

DAVID WRIGHT  
\_\_\_\_\_  
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.

   
\_\_\_\_\_  
Signature of Property Owner

JOHN BARRY LORI BARRY  
\_\_\_\_\_  
Type or Print Name

Intake Staff Signature: Ana Lizardo Office Use Only Intake Date: 03/28/2022  
Case Number: 22-0716 Public Hearing Date: 05/23/2022  
Receipt Number: \_\_\_\_\_

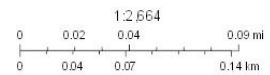


# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	85-0139
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0504H
FIRM Panel	12057C0504H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120504B
County Wide Planning Area	Riverview
Community Base Planning Area	SouthShore
Community Base Planning Area	Riverview
Planned Development	PD
Re-zoning	null
Minor Changes	03-0933
Major Modifications	09-1094, 16-1207
Personal Appearances	08-0792,04-0957,03-1579, 08-1011,02-1192,00-1332, 99-1366,90-0068 WD,87-0088 WD,14-0610, 20-1307, 21-1041
Census Data	Tract: 013915 Block: 1005
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 7
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



March 28, 2022



RS, Hillsborough County - Public Works - Geomatics - Streets &amp; Addresses

Hillsborough County Florida

**Folio: 77452.5630**  
**PIN: U-05-31-20-690-000024-00026.0**  
**JOHN JR AND LORI BARRY**  
**Mailing Address:**  
**12207 ADVENTURE DR**  
**RIVERVIEW, FL 33579-7784**  
**Site Address:**  
**12207 ADVENTURE DR**  
**RIVERVIEW, FL 33579**  
**SEC-TWN-RNG: 05-31-20**  
**Acreage: 0.145972**  
**Market Value: \$327,492.00**  
**Landuse Code: 0100 SINGLE FAMILY**

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for:

1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

22-0716