



LAND USE HEARING OFFICER VARIANCE REPORT

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| APPLICATION NUMBER: VAR 22-1255 | |
| LUHO HEARING DATE: November 21, 2022 | 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 18, 2022, is to allow for the construction of a portion of a two-story covered porch 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 two-story covered porch within the 30-foot wetland conservation area setback. The previous home on this site encroached 11’3” into the wetland setback with a total of 223.3 square feet of encroachment. The proposed new home will encroach 10’6.5” into the wetland setback with a total of 176 square feet of encroachment. The applicant requests a 10’6.5” encroachment into the setback to allow for a remaining setback of 19’5.5”.
- 2) There is an existing fence along the rear of the yard which is located within the 30-foot wetland setback area and which also requires a variance in order to remain in the wetland setback.

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

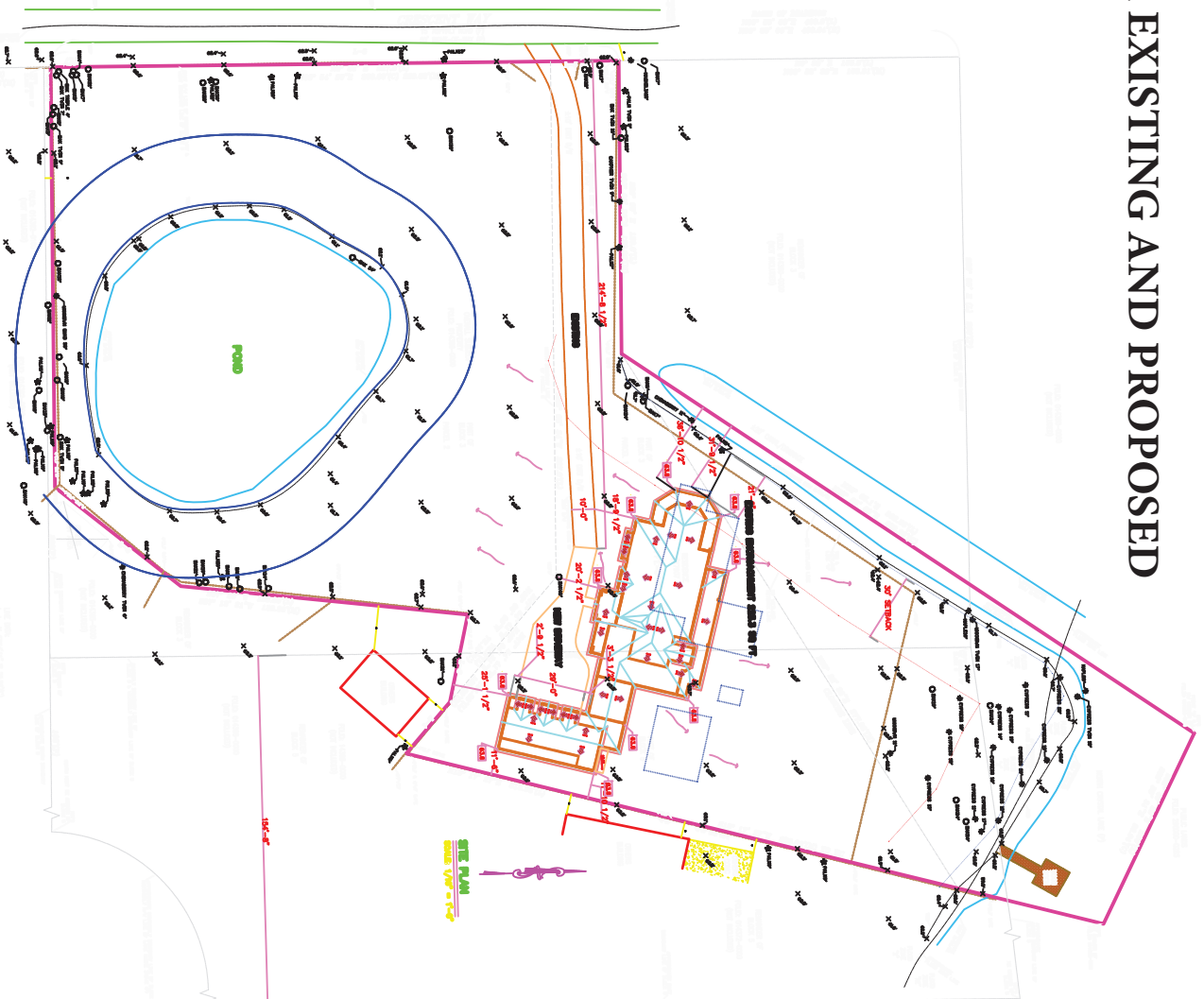
Continued

ADMINISTRATOR'S SIGN-OFF

A handwritten signature in black ink, appearing to read "C. S. [unclear]", is written within the sign-off box.

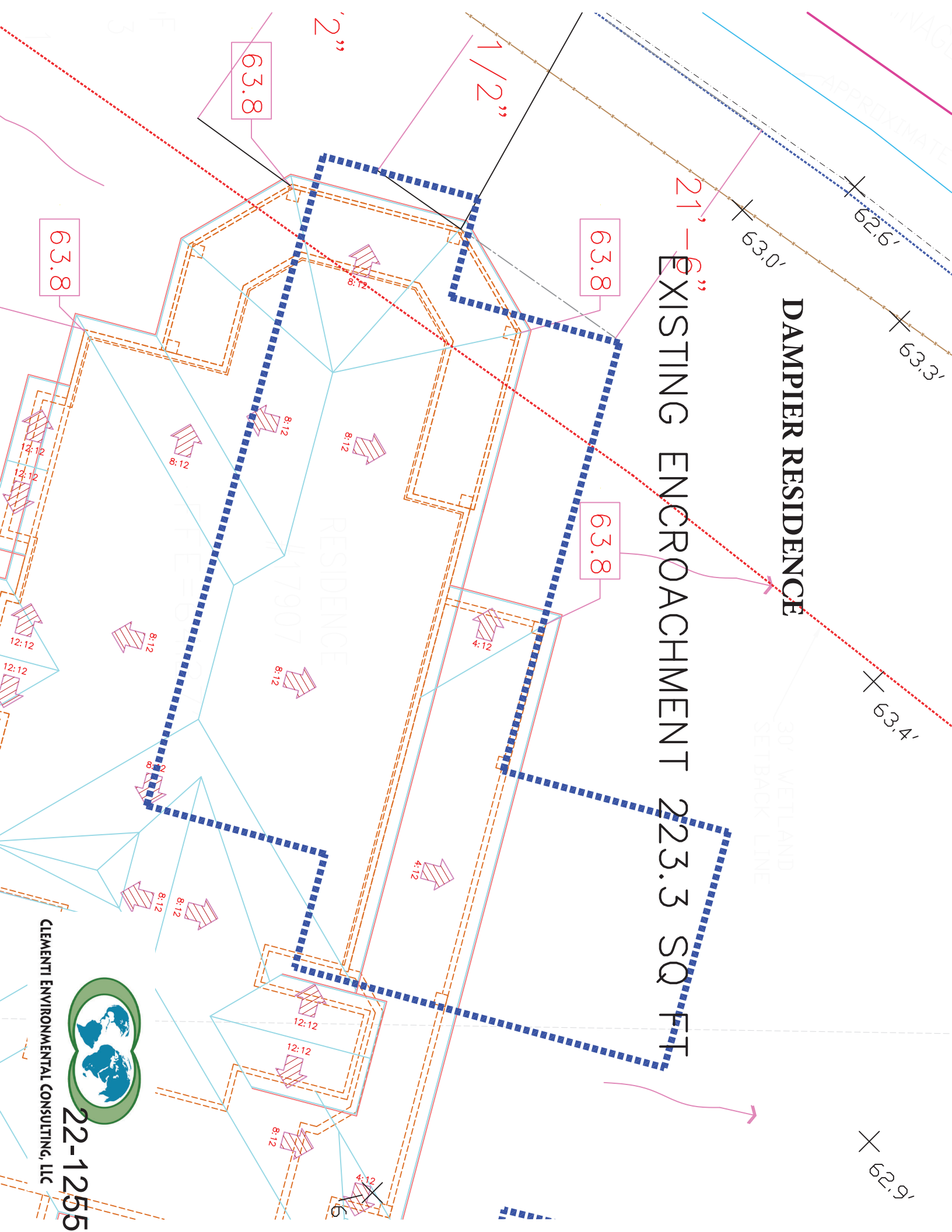
DAMPIER EXISTING AND PROPOSED

NORTH



DAMPIER RESIDENCE

EXISTING ENCROACHMENT 223.3 SQ FT



63.8

63.8

63.8



CLEMENTI ENVIRONMENTAL CONSULTING, LLC

22-1255



CLEMENTI ENVIRONMENTAL CONSULTING, LLC

PROPOSED 176 SQFT

19.5'

RT OF
DCK 3
30' WETLAND
SETBACK LINE

CELL 1

63.8

63.8

63.8

63.8

18'-9 1/2"

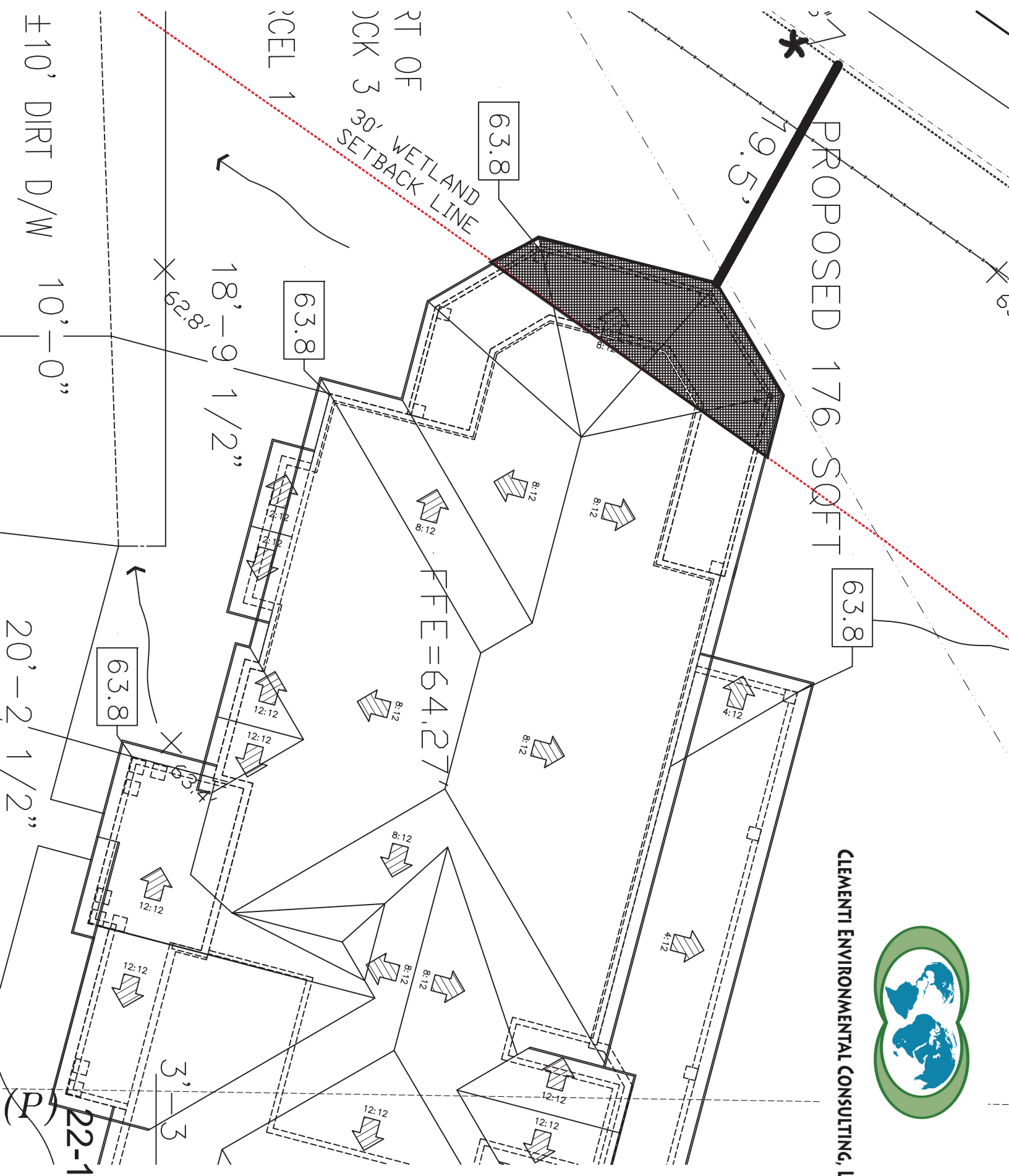
±10' DIRT D/W

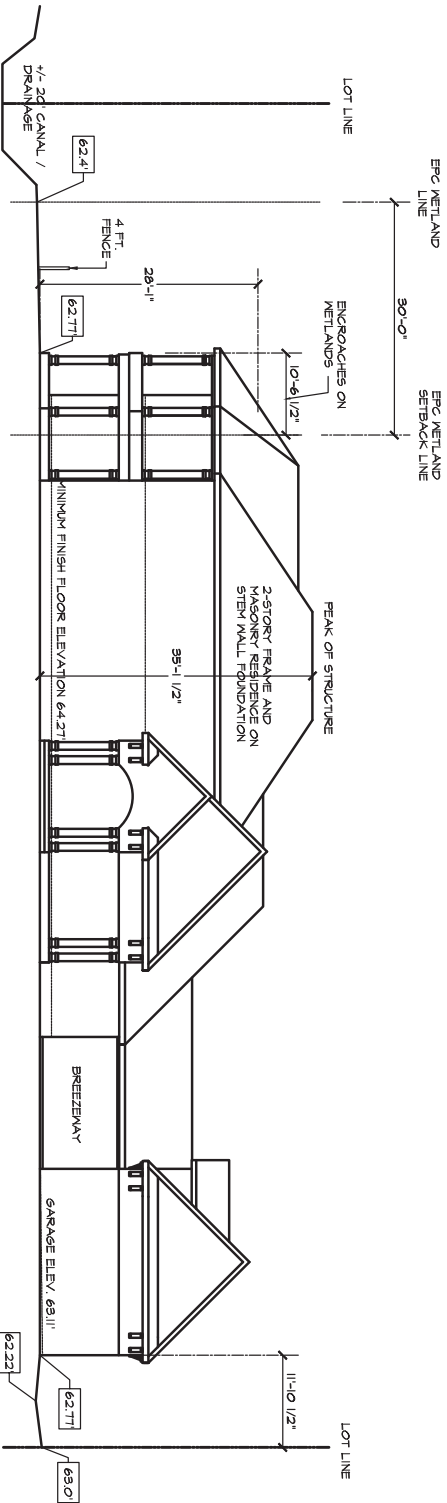
10'-0"

20'-2 1/2"

FEE=64,27'

22-1255





CROSS SECTION A-A
SCALE 1/16"

VARIANCE REQUEST

1. Project Narrative: In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. *Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet*). If additional space is needed, please attach extra pages to this application.

The applicant is requesting a variance to the 30' wetland setback on an upland cut ditch of the northwest side of the property. The applicant is planning to demolish the current residential structure that was constructed in 1961. The existing house was built within the 30' setback that was not a setback requirement in 1961. The existing structure encroaches 11'3" into the setback and occupies 223.3 sq ft. The proposed new dwelling will encroach 8'5" and occupy 143.6 sq.ft. Attached are pictures of the side yard and the upland cut ditch. The 30' setback is predominantly grass/sod to the top of the bank. The ditch is lined with trees and shrubs on the top of the bank. There are red maple, laurel oak and palm trees. There is an existing chain link fence that envelopes the entire property. This fence was in place when the property was purchased in 2012. Therefore we are requesting this variance include the fence.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:
4.01.07.B.4

ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No Yes _____
If yes, you must submit a copy of the Citation with this Application.
2. Do you have any other applications filed with Hillsborough County that are related to the subject property?
No _____ Yes _____ If yes, please indicate the nature of the application and the case numbers assigned to the application(s): _____
3. Is this a request for a wetland setback variance? No _____ Yes
If yes, you must complete the *Wetland Setback Memorandum* and all required information must be included with this Application Packet (Attachment A).
4. Please indicate the existing or proposed utilities for the subject property:
Public Water _____ Public Wastewater _____ Private Well Septic Tank
5. Is the variance to allow a third lot on well and/or septic or non-residential development with an intensity of three ERC's? No Yes _____ If yes, you must submit a final determination of the "Water, Wastewater, and/or Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing (form may be obtained from **19th floor County Center**).

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VARIANCE CRITERIA RESPONSE

You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

The existing home was constructed before the implementation of upland setbacks on wetlands. The ditch on which the setback has been designated only exists between two homes on the lake. The applicant cannot use the shell or foundation of the existing home due to the age of the electric and plumbing in the floor.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

The applicant has beautiful property on a lake and would like to build a new home that is consistent with tear downs throughout Hillsborough County. The existing home does not meet their needs. The placement of the new home is basically in the same location but larger to accommodate a growing family and have a garage attached to the house.

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 house is well set back off the lake front. This ditch only occurs between two properties that is located and the home across the ditch was constructed within the 30' setback of this ditch.

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).

The intent of this LDC code is to preserve the public health, safety, comfort and welfare and aid inharmonious, orderly, and progressive development of the unincorporated areas of HC in terms of time and expense and addressing the natural resources. The construction of a new home on this property contributes to the progressive development of HC providing a home for which the owners will pay higher property taxes. The property will remain a parcel with one single family home.

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.

There is no illegal action or construction on this lot. This is also not self imposed. The home is being situated on the lot to account for the on site sewage treatment system and potable well. These features and the presence of wetlands provide constraints beyond the applicants control

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

The request for setback encroachment on this property is 80 square feet less than the existing structure and 3' landward of the ditch. Failure to grant this variance deprives the applicant of the dream house they have been preparing to build for years.

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PREPARED BY AND RETURN TO:

Joshua T. Keleske, Esq.
Joshua T. Keleske, P.L.
3333 W. Kennedy Blvd.
Suite 204
Tampa, Florida 33609

(Space Above this Line For Recording Data)

WARRANTY DEED

THIS DEED is made and executed this 17th day of August, 2021, between JENNIFER K. JAMES DAMPIER (formerly known as JENNIFER K. JAMES) and joined by her husband, DERRICK M. DAMPIER (hereinafter referred to as the "Grantor"), and JENNIFER K. JAMES DAMPIER, as Trustee of the JENNIFER K. JAMES DAMPIER TRUST u/a/d August 11, 2021 (hereinafter referred to as the "Grantee") whose post office address is 17901 Crescent Way, Lutz, Florida 33548. (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, partnerships and other entities.)

WITNESSETH:

That Grantor for and in valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee the following described lands located in Hillsborough County, Florida (the "Property"), to-wit:

17901 Crescent Way, Lutz, Florida 33548

See Exhibit "A" attached hereto and incorporated herein.

Parcel Identification Number: U-14-27-18-0JR-000003-00000.5

TOGETHER WITH all easements, hereditaments and appurtenances belonging thereto, all strips and gores, if any, between the Property and abutting properties and all buildings and improvements thereon, if any.

TO HAVE AND TO HOLD the same in fee simple forever.

This instrument was prepared from information furnished by the parties hereto. Title research or other assurance of title was neither requested from nor performed or given by the preparer of this instrument.

22-1255

THE GRANTOR HEREBY RESERVES UNTO THEMSELVES AND THEIR ASSIGNS THE FULL USE AND BENEFIT OF THE PROPERTY AND THE RENTS, ISSUES AND PROFITS THEREOF DURING THE TERM OF THEIR JOINT NATURAL LIVES.

Subject to and except for ad valorem, real property taxes for 2021 and subsequent years and those matters, if any arising subsequent to 2021, Grantor does hereby fully warrant the title to the Property and will defend the same against the lawful claims of all persons whomsoever.

Full power and authority is granted by this Deed to the Grantee, its successors and assigns, to protect, conserve, sell, lease, encumber, mortgage or otherwise manage and dispose of the Property or any part of it.

In no case shall any party dealing with the Grantee, its successors and assigns, in relation to the Property be obliged: (a) to see to the application of any funds paid or advanced on the Property; (b) to see that the terms of the trust agreement have been complied with; (c) to inquire into the necessity or expediency of any act of the Grantee; or (d) to inquire into the terms of the trust agreement.

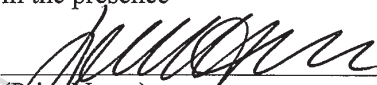
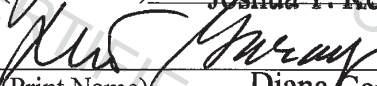
Every deed or other instrument executed by the Grantee, its successors and assigns, relation to the Property shall be conclusive evidence in favor of every person relying upon or claiming under such instrument that: (a) at the time of its delivery the trust agreement was in full force and effect; (b) the instrument was executed in accordance with the terms, conditions and limitations contained in the trust agreement and is binding upon all beneficiaries under the trust agreement; (c) the Grantee was duly authorized and empowered to execute and deliver every such instrument; and (d) if the instrument is executed by a successor or successors in trust, the successor or successors in trust have been appointed properly and vested with all of the title, estate, rights, powers, duties and obligations of the predecessor or predecessors in trust.

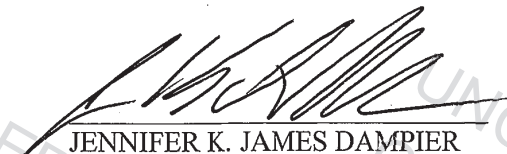
Any contract, obligation or indebtedness incurred or entered into by the Grantee, its successors and assigns, in connection with the Property may be entered into by it in its own name as trustee of an express trust and not individually. The Grantee, its successors and assigns, shall have no obligation whatsoever with respect to any such contract, obligation or indebtedness except only as far as the trust property and funds in the actual possession of the Grantee, its successors and assigns, shall be applicable to its payment and discharge, and all persons and corporations whomsoever and whatsoever shall be charged with notice of this condition from the date of the filing for records of this Deed.

This conveyance is made for the sole purpose of conveying the Property to a trust created by Grantor. The sole monetary consideration for the deed is \$10. Grantor shall pay all mortgages, if any, now encumbering the Property and shall remain solely responsible therefore. This undertaking is solely for the benefit of the Grantee, its successors and assigns, and not for the benefit of any third parties.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first written above.

Signed, sealed and delivered
in the presence


(Print Name) Joshua T. Keleske

(Print Name) Diana Garay


JENNIFER K. JAMES DAMPIER
17901 Crescent Way
Lutz, Florida 33548

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

THE FOREGOING INSTRUMENT was acknowledged before me by means of physical presence or online notarization, this 11th day of August, 2021 by JENNIFER K. JAMES DAMPIER who is personally known to me or who produced _____ as identification.




Notary Public, State of Florida

BY EXECUTING OR JOINING THIS DEED, THE UNDERSIGNED INTENDS TO WAIVE HOMESTEAD RIGHTS THAT WOULD OTHERWISE PREVENT THE UNDERSIGNED'S SPOUSE FROM DEVISING THE HOMESTEAD PROPERTY DESCRIBED IN THIS DEED TO SOMEONE OTHER THAN THE UNDERSIGNED.

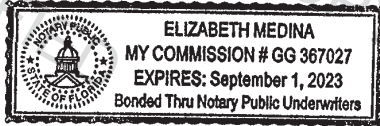
[Signature]
(Print Name) Joshua T. Keleske

[Signature]
DERRICK M. DAMPIER
17901 Crescent Way
Lutz, Florida 33548

[Signature]
(Print Name) Diana Garay

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

THE FOREGOING INSTRUMENT was acknowledged before me by means of physical presence or online notarization, this 17th day of August, 2021 by DERRICK M. DAMPIER who is personally known to me or who produced _____ as identification.



[Signature]
Notary Public, State of Florida

EXHIBIT "A"

PARCEL ONE:

A tract lying in Blocks 3 and 5, of Revised Plat of Crystal Lakes, according to map or plat thereof as recorded in Plat Book 25, Page 84, of the Public Records of Hillsborough County, Florida, and in the North 1/2 of Section 14, Township 27 South, Range 18 East, Hillsborough County, Florida, said tract being described as follows: From the Northwest corner of said Block 3, run South 0° 55' West along the West boundary of said Block 3, a distance of 150.0 feet to a Point of Beginning; From said Point of Beginning, run South 89° 05' East, parallel to the North boundary of said Block 3, a distance of 129.0 feet to intersection with the centerline of an existing canal; run thence North 35° 05.1' East along said center line of canal; and said centerline extended, a distance of 302.35 feet to a point hereby designated "Point A"; beginning again at the Point of Beginning, run South 0° 55' West along the West boundary of said Block 3, a distance of 30.0 feet; run thence South 89° 05' East, parallel to the North boundary of said Block 3, a distance of 227.0 feet; run thence South 47° 54' 41" East a distance of 101.86 feet; run thence North 15° 17' 27" East a distance of 315.93 feet; run thence North 62° 40' 50" West approximately 90 feet to the point previously designated as "Point A".

PARCEL TWO:

Parts of Lots 3 and 5 of Revised Plat of Crystal Lakes, according to map or plat thereof as recorded in Plat Book 25, Page 84, of the Public Records of Hillsborough County, Florida, described as follows: From the Northwest corner of said Block 3, run thence South 0° 55' West along the West boundary of said Block 3, a distance of 180.0 feet to a Point of Beginning; continue South 0° 55' West along said West boundary of Block 3, a distance of 220.0 feet; run thence South 89° 05' East a distance of 185.0 feet; run thence North 39° 38' East a distance of 70.0 feet; run thence North 7° 20' East a distance of 126.85 feet; run thence South 77° 09' 54" East a distance of 39.10 feet; run thence North 47° 54' 41" West a distance of 72.0 feet; run thence North 89° 05' West a distance of 227.0 feet to the Point of Beginning.

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Received
08/02/2022
Development Services

VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

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

Property Information

Address: 17907 Crescent Way City/State/Zip: Lutz, FL 33548 TWN-RN-SEC: 14/27/18
Folio(s): 014388-0000 Zoning: SF Res Future Land Use: Single Fam Property Size: 1.14

Property Owner Information

Name: Jennifer K James Dampier Daytime Phone: _____
Address: 17907 Crescent Way City/State/Zip: Lutz, FL 33548
Email: jkjames@marlynsteel.com FAX Number: _____

Applicant Information

Name: same Daytime Phone: _____
Address: _____ City/State/Zip: _____
Email: _____ FAX Number: _____

Applicant's Representative (if different than above)

Name: Rosanne Clementi Daytime Phone: 813-2278901
Address: 620 East Twiggs St Ste 206 City / State/Zip: Tampa, FL 33602
Email: rosanne@clementi-ec.com FAX Number: 813-227-8790

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

JENNIFER K J DAMPIER
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

JENNIFER K J DAMPIER
Type or Print Name

Office Use Only

08/02/2022

Intake Staff Signature: Ana Lizardo Intake Date: _____

Case Number: 22-1255 Public Hearing Date: 09/26/2022

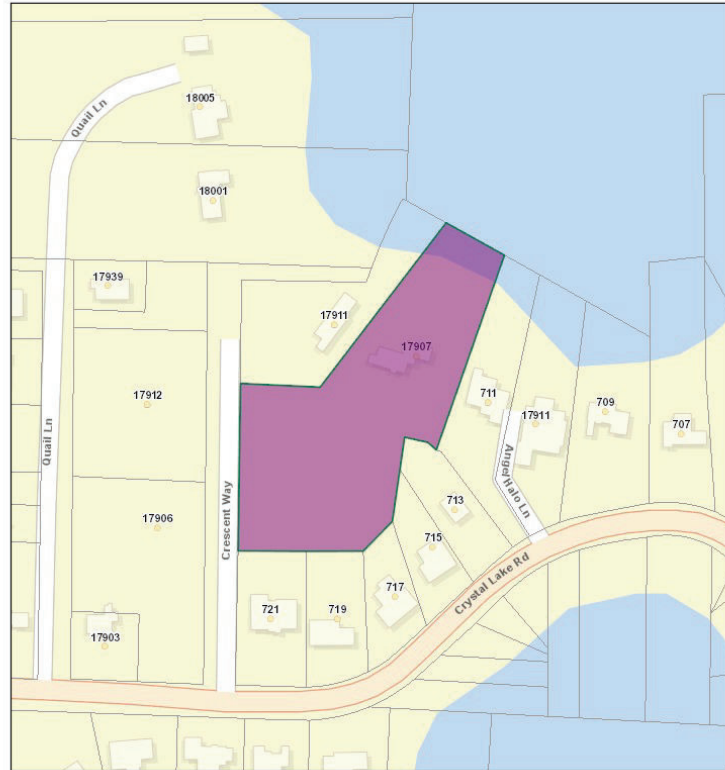
Receipt Number: _____



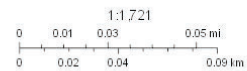
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

| | |
|-------------------------------|--|
| Jurisdiction | Unincorporated County |
| Zoning Category | Residential |
| Zoning | RSC-2 |
| Description | Residential - Single-Family Conventional |
| Flood Zone:AE | BFE = 61.2 ft |
| Flood Zone:X | AREA OF MINIMAL FLOOD HAZARD |
| FIRM Panel | 0063H |
| FIRM Panel | 12057C0063H |
| Suffix | H |
| Effective Date | Thu Aug 28 2008 |
| Pre 2008 Flood Zone | AE |
| Pre 2008 Firm Panel | 1201120065D |
| County Wide Planning Area | Lutz |
| Community Base Planning Area | Lutz |
| Census Data | Tract: 011103 Block: 1020 |
| Census Data | Tract: 011103 Block: 1030 |
| Future Landuse | R-1 |
| Mobility Assessment District | Rural |
| Mobility Benefit District | 1 |
| Fire Impact Fee | Northwest |
| Parks/Schools Impact Fee | NORTHEAST |
| ROW/Transportation Impact Fee | ZONE 1 |
| Wind Borne Debris Area | 140 MPH Area |
| Competitive Sites | NO |
| Redevelopment Area | NO |

Folio: 14388.0000



August 2, 2022



RS: Hillsborough County - Public Works - Geomatics - Streets & Addresses

Hillsborough County Florida

Folio: 14388.0000
PIN: U-14-27-18-0JR-000003-00000.5
JENNIFER K JAMES DAMPIER / TRUSTEE
Mailing Address:
 17907 CRESCENT WAY
 LUTZ, FL 33548-4425
Site Address:
 17907 CRESCENT WAY
 LUTZ, FL 33548
SEC-TWN-RNG: 14-27-18
Acreage: 2.25460005
Market Value: \$545,827.00
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.

22-1255

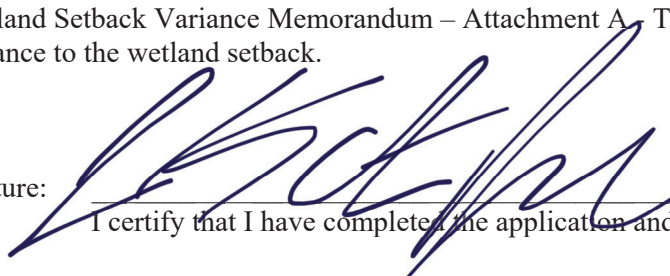
VARIANCE APPLICATION SUBMITTAL CHECKLIST

The checklist below includes items and information that must accompany all variance requests. The applicant must fill out the checklist by placing a checkmark in each box indicating the information has been provided and sign below certifying that the application is complete. Failure to submit accurate data may require the application to be continued to a later public hearing date.

Incomplete applications will not be accepted.

- Application Fee - Check made payable to Hillsborough County Board of County Commissioners.
- Completed Variance Application with Affidavit to Authorize Agent, if applicable.
- Completed Variance Request and Additional Information Sheet.
- Adjacent Property Owners List. The list must be obtained from the Property Appraisers Office located on the 16th floor of the County Center Bldg (601 E. Kennedy Boulevard). **Do not retype the list.**
 - o If your property has an Agricultural Future Land Use Designation or a Future Land Use Designation of RES-1 you must obtain a list of all property owners within **500 feet** of the subject property. For all other Future Land Use Categories you must obtain a list of all property owners within **300 feet** of the subject property.
- Completed Variance Criteria Response Form.
- Recorded Deed for the Subject Property. This can be obtained from the Clerk of the Circuit Court Recording Library located at 419 Pierce Street.
- Legal Description of Subject Property. This information can be found on your deed or on the property survey.
- Property Survey. The survey (Occupational Survey) must have been done within the last two years and must be to scale. At least one copy must be 8 ½ X 11 inches in size. At a minimum, the survey must include the following information:
 - 1) North arrow and Folio number, property owner's name, and address of subject site;
 - 2) Dimensions of the property;
 - 3) All road frontage, driveways, and easements;
 - 4) All existing and proposed buildings and structures on the property, the square footage of these structures, and the distance from said structures, fences to all property lines;
 - 5) Location of any on-site wetlands;
 - 6) Height of all existing and proposed structures;
 - 7) Information relevant to the specific variance requested.
- Copy of any citations issued by Code Enforcement for the subject property, if applicable.
- Wetland Setback Variance Memorandum – Attachment A. This memo must be complete for all requests for a variance to the wetland setback.

Applicant Signature: _____



I certify that I have completed the application and have included all material checked above.

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