



**LAND USE HEARING OFFICER VARIANCE REPORT**

<b>APPLICATION NUMBER:</b> VAR 21-0938	
<b>LUHO HEARING DATE:</b> September 20, 2021	<b>CASE REVIEWER:</b> Steve Beachy, AICP

**REQUEST:** The applicant is requesting multiple variances for an existing home, fence, accessory structures and accessory dwelling on property zoned AS-1.

**VARIANCE(S):**

**Fence Height**

Per LDC Section 6.07.02.C.2, fences in agricultural zoning districts are regulated in the same manner as fences in residential districts, except under certain circumstances that do not apply to this case. Per LDC Section 6.07.02.C.1.A, fences over four feet in height shall not be allowed within a required front yard that functions as a front yard. The applicant requests a 2-foot increase to the permitted fence height to allow an existing 6-foot-high fence in the front yard along Timber Ridge Drive.

**Accessory Structures Front and Side Yards (Containers)**

The applicant has two shipping containers located in the front yard and is seeking to permit them as accessory structures if granted a variance for their location in the front yard. Per LDC Sec. 6.11.04.C.1, accessory structures shall not be erected in any required front yard except as outlined under certain circumstances that do not apply to this case below. Accessory structures shall be permitted in front yards at twice the depth of the required front yard, or 50 feet, whichever is less. Additionally, such structures shall not occupy required side yards. Per LDC Section 6.01.01, a minimum front yard setback of 50 feet and minimum side yard setback of 15 feet is required in the AS-1 district. The applicant requests:

- A 43.5-foot reduction to the required 50-foot front setback to allow a setback of 6.5 feet from the east (front) lot line; and,
- A 13-foot reduction to the required 15-foot side setback to allow a setback of 2 feet from the east lot line.

**Side Yard Setback (Primary Dwelling) – South Side**

Per LDC Sec. 6.01.01, a minimum side yard setback of 15 feet is required in the AS-1 district. The primary dwelling on the applicant has an attached porch with a covered roof that encroaches into the required side yard on the south side of the lot.

- The applicant requests a 3-foot reduction to the required 15-foot setback to allow a setback of 12 feet from the south lot line.

**Accessory Dwelling Rear Yard Setback**


Per LDC Sec. 6.11.02.E, accessory dwellings shall meet principal building setbacks. Per LDC Section 6.01.01, a minimum rear yard setback of 50 feet is required in the AS-1 district. The subject lot has an accessory dwelling that encroaches into the required rear yard. The applicant requests a 12.8-foot reduction to the required rear setback to allow a setback of 37.2 feet from the west lot line.

**FINDINGS:**

- Per LDC Section 6.07.02.A.2, no fence exceeding two and one-half feet shall be constructed within the visibility triangle at roadway intersections as described in LDC Section 6.04.03.F and includes the intersections of streets and driveways. The applicant has been informed that the fence height, design and location must comply with these visibility requirements.
- Per LDC Section 6.01.01, a minimum lot size of 1 acre and lot width of 150 feet is required in the AS-1 district. The subject parcel is approximately .54 acres in size 105 feet wide and therefore is non-conforming. However, the subject parcel has been determined to be a Legal Nonconforming Lot per Nonconforming Lot Determination NCL 21-1100 in the case file for this application.
- The subject parcel is the subject of a Code Enforcement Case # CE2007026 which sites multiple violations and is included in the case file for this this application.
- The applicant is aware that if granted the variance for the accessory structure in the front yard, they would be required to seek a building permit and comply with all requirements as determined by the building department for converting shipping containers into an accessory structure(s). If building permits are not obtained for the containers, they constitute open storage per the Land Development Code and must be removed from the property. Alternatively, the containers must be enclosed in an accessory structure which has a roof and at least three sides. However, the present location of the containers would require approval of setback variance for the accessory structure in a separate application from the subject request in the future.
- Per LDC Section 6.11.02.B, a residential lot with an accessory dwelling shall have a principal detached single-family dwelling that is owner occupied. The applicant has advised staff that he resides in the principal dwelling on the property and has submitted a driver's license into the case record which reflects the subject property's address.

**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>
 th Thu Sep 9 2021 16:02:42
<b>Attachments:</b> Application Site Plan Petitioner's Written Statement Current Deed





## 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.

Please see attachment

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

LDC Code Sections: 6.07.02 C.I.a (fences)  
6.11.04 (accessory structures)  
6.01.01 (setbacks)

## 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~~ 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 19<sup>th</sup> floor County Center).

## **VARIANCE(S) REQUESTED**

### **(11648 Timber Ridge Drive)**

1. Request a variance to fence requirements: increase fence height 2 feet above the maximum of 4 feet to a height of 6 feet in the front yard (Fences over four feet in height shall not be allowed within the required front yards (Sec.6.07.02.C.1.a.)
2. Request a variance to allow accessory structures in the front yard: (Sec.6.11.04) states, “accessory structures shall not be erected in any required front yard”
3. Request a side yard setback variance for attached porch structure in south side yard: 12’ setback instead of 15’, encroaching 3’ into the required setback (Sec.6.01.01) AS-1 District Schedule of Area, Height, Bulk and Placement Regulations
4. Request a rear yard setback variance for accessory dwelling located west of the main dwelling: 37.2 feet instead of 50’, encroaching 12.8’ into the required setback (Sec.6.01.01) AS-1 District Schedule of Area, Height, Bulk and Placement Regulations

## 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?

Regarding the fence variance, the current 6' fence replaces a deteriorated fence that had been there previously. Storage accessory structures serve purpose of protection of equipment/toy shed. Based on location and historical use of the property and with fence buffers the placement is not out of character. Regarding setbacks, the purpose is to recognize pre-existing conditions

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.

many other front yards in the area have 6' fences along with other properties that have storage accessory structures in front yard.

Also, the property originally extended another 236 feet west but was taken for construction of the Veterans Expressway

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 applicant is desirous of using the property as others do in the general area

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 variances recognize preexisting conditions and are not out of character with the area

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.

conditions of the current situation reflect preexisting conditions and replaced dilapidated and rotted (fencing)

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.

allowing the variances will allow the applicant to maintain the use of the property and common enjoyment of accessory components related to principal use of the home on site.



**Hillsborough  
County Florida**  
Development Services  
601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

# Additional / Revised Information Sheet

\_\_\_\_\_  
Date Stamp Here

Application Number: VAR 21-0938 Applicant's Name: Dwayen Wildon

Reviewing Planner's Name: Stephen Beachy Date: 08/12/2021

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): 08/12/2021

### The following must be attached to this Sheet.

Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.

An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Submittal Via:

Email (Preferred). Note that no follow up paper file is necessary. Pdf format only. Maximum attachment(s) size is 15 MB.

Email this sheet along all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcflgov.net

Mail or delivery. Number of Plans Submitted: Large \_\_\_\_\_ Small \_\_\_\_\_

For PD, MM, PRS and SU: 7 large copies 24"X36", one small 8.5X11".  
For RZ-Standard: if plot plan is larger than 8.5"X11", 7 large copies should be submitted.  
For Minor Change: 6 large copies.  
For Variances or Conditional Use permits: one 8.5"X11" or larger)

**Mail to:**  
Development Services Department  
Community Development Division  
P.O. Box 1110  
Tampa, FL 33601-1110

**Hand Deliver to:**  
County Center  
Development Services Department  
19th Floor  
601 E. Kennedy Blvd., Tampa

*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.*

John N. LaRocca  
Signature    Agent for Applicant

08/12/2021  
Date

FOR OFFICE USE ONLY

Notification E-Mail Sent     Scanned into OPTIX

Transmittal Completed    In-Take Completed by: \_\_\_\_\_





MURPHY LARocca CONSULTING GROUP, INC.  
URBAN PLANNING AND REAL ESTATE CONSULTING

August 12, 2021

Mr. Stephen Beachy, AICP  
Planner  
Development Services Department  
Community Development Section  
601 E. Kennedy Blvd.  
Tampa, FL 33602

**RE: VAR 21-0938; Specific Setback Variances for Accessory Structures in the Front Yard**

Dear Stephen,  
Per our communications, I am transmitting additional specificity to the second type of variance requested in the subject application regarding setbacks for accessory structures in the front yard. Please see the attached request.

Please call should you need to discuss or need additional information.  
Thank you.  
John

John N. LaRocca  
**Agent for Applicant Dwayne Wilson**

Murphy LaRocca consulting Group, Inc.  
101 E. Kennedy Blvd.  
Suite 2420  
Tampa, FL 33602

Attachment as Noted

**VAR 21-0938**

11648 Timber Ridge Drive

Regarding Variance Request # 2 outlined in the Variance Application as “Request a variance to allow accessory structures in the front yard”, I am providing more specificity by requesting the following setback variances:

- a. a 43.5' reduction to the 50' setback from the front yard (east property line) to allow a 6.5' front yard setback for the accessory structures, and
- b. a 13' reduction to the 15' setback from the side yard (north property line) to allow a 2' side yard setback for the accessory structure

**Prepared By and Return To:**  
Tiago National Title, LLC  
Attn: Amber Sheehan  
1800 Dr Martin Luther King Jr St. N.  
St. Petersburg, FL 33704

Order No.: FL19-05458

Property Appraiser's Parcel I.D. (folio) Number:  
U-14-28-17-05H-000000-00010.0

### WARRANTY DEED

THIS WARRANTY DEED dated November 15, 2019, by Trustee Management Services, LLC, as Trustee for 11648 Timber Ridge Dr. Trust UTD 05/15/2019, existing under the laws of Florida, and having its principal place of business at 17633 Gunn Hwy, 368, Odessa, Florida 33556 (the "Grantor"), to Dwayne Wilson, a single man, whose post office address is 11648 Timber Ridge Drive, Tampa, Florida, 33625 (the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of Seventy-Seven Thousand Seven Hundred Fifty-Eight And 98/100 Dollars (\$77,758.98) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of Hillsborough, State of Florida, viz:

Lot 10, GREEN GRASS ACRES, 2ND ADDITION, according to plat thereof as recorded in Plat Book 41, Page 94, less that portion deeded for rights of way to Tampa Hillsborough County Expressway Authority as recorded in Official Records Book 6952, Page 1536, of the Public Records of Hillsborough County, Florida.

PROPERTY HEREIN IS NOT THE HOMESTEAD OF THE GRANTOR.

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: 2019.

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

Folio 004008-0000

Signed, sealed and delivered in presence of:

Trustee Management Services, LLC, as Trustee for  
11648 Timber Ridge Dr. Trust UTD 05/15/2019

BY: Kellie N Fox Secretary  
Jill Fox  
Secretary

Zoe Klein  
Witness Signature

Frank Labadie  
Printed Name of First Witness

Kellie N Fox  
Witness Signature

Kellie N Fox  
Printed Name of Second Witness

Grantor Address:  
17633 Gunn Hwy, 368  
Odessa, FL 33556

STATE OF ~~Florida~~ NY

County OF Erie

I, Kellie N Fox, a Notary Public for the County of Erie and State of NY Florida, do hereby certify that Jill Fox, as Secretary of Trustee Management Services, LLC, as Trustee for 11648 Timber Ridge Dr. Trust UTD 05/15/2019 personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 15th of November, 2019.

Kellie N Fox  
Notary Public

My Commission Expires: Kellie N. Fox  
(SEAL) Notary Public-State of New York  
No. 01FO6265972  
Qualified in Erie County  
My Commission Expires 7/23/20

Folio 004008-0000



# 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: 11648 Timber Ridge Dr City/State/Zip: Tampa, FL 33625 TWN-RN-SEC: 14-28-17  
Folio(s): 004008-0000 Zoning: AS-1 Future Land Use: R-4 Property Size: 0.54

#### Property Owner Information

Name: DWAYNE WILSON Daytime Phone: (813)215-1803  
Address: 11648 Timber Ridge Drive City/State/Zip: Tampa, FL 33625  
Email: dwaynewilson1968@gmail.com FAX Number: \_\_\_\_\_

#### Applicant Information

Name: DWAYNE WILSON Daytime Phone: (813)215-1803  
Address: 11648 Timber Ridge Drive City/State/Zip: Tampa, FL 3625  
Email: dwayne.wilson.1968@gmail.com FAX Number: N/A

#### Applicant's Representative (if different than above)

Name: John N. LaRocca Daytime Phone: (813)222-8923  
Address: 101 E. Kennedy Blvd. #2420 City / State/Zip: Tampa, FL 33602  
Email: john.larocca@murphy.larocca.com FAX Number: N/A

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]  
Signature of Applicant  
Dwayne Wilson  
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  
\_\_\_\_\_  
Type or Print Name

Intake Staff Signature: Clare Odell Office Use Only Intake Date: 06/09/2021  
Case Number: VAR 21-0938 Public Hearing Date: 08/23/2021  
Receipt Number: 52585



# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AS-1
Description	Agricultural - Single-Family
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0187H
FIRM Panel	12057C0187H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120190D
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Census Data	Tract: 011414 Block: 1008
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



**Folio:** 4008.0000  
**PIN:** U-14-28-17-05H-000000-00010.0  
**DWAYNE WILSON**  
**Mailing Address:**  
 17633 GUNN HWY STE 368  
 ODESSA, FL 33556-1912  
**Site Address:**  
 11648 TIMBER RIDGE DR  
 TAMPA, FL 33625  
**SEC-TWN-RNG:** 14-28-17  
**Acreage:** 0.53939199  
**Market Value:** \$130,730.00  
**Landuse Code:** 0200 MOBILE HOMES

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