

Zoning Administrator Sign Off:

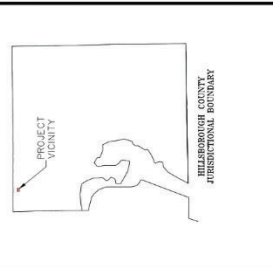
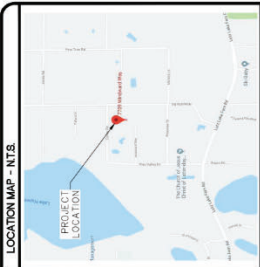
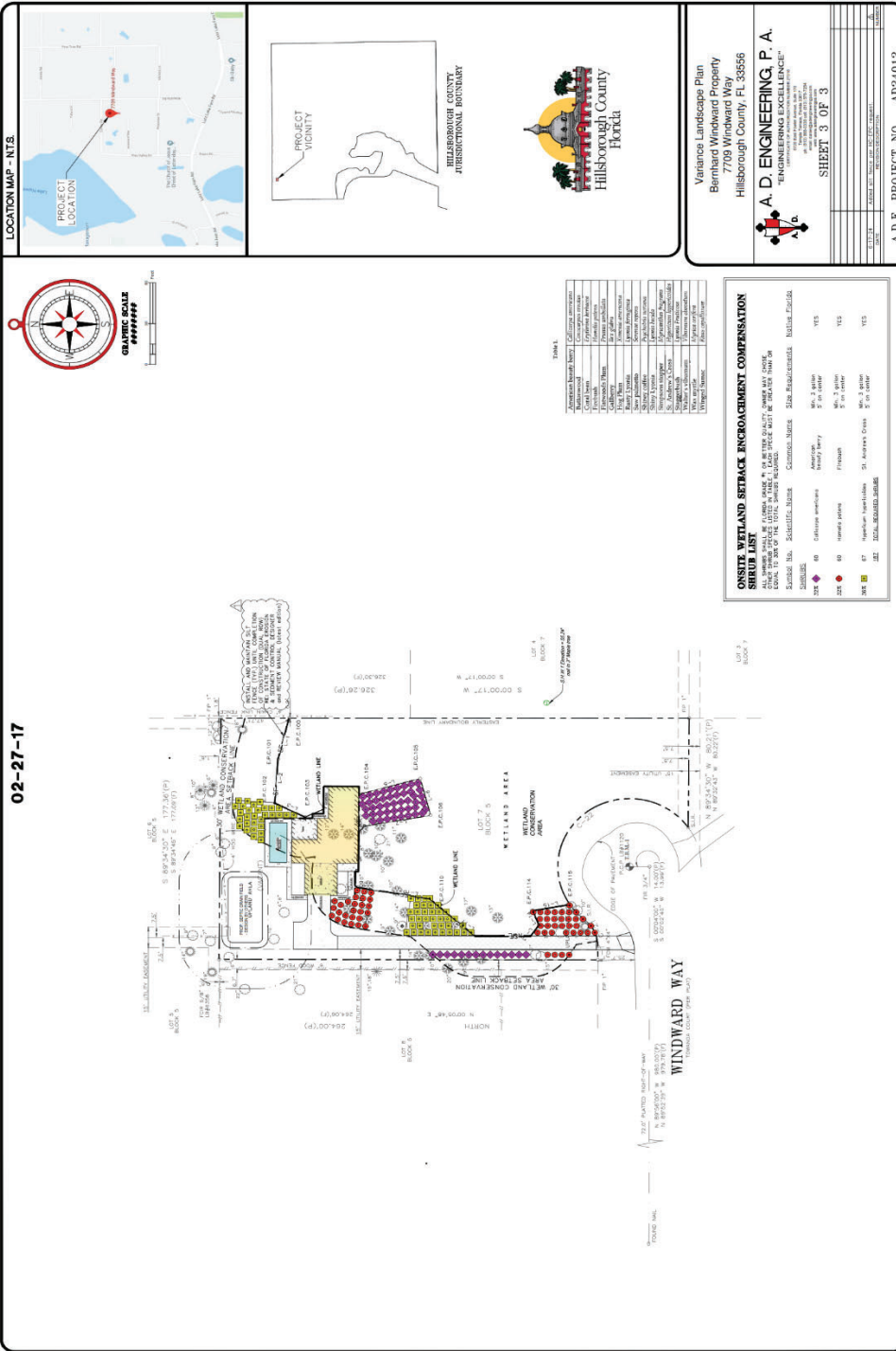
DISCLAIMER:

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.

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.

SURVEY/SITE PLAN

02-27-17



Variance Landscape Plan
 Bernhard Windward Property
 7709 Windward Way
 Hillsborough County, FL 33656

A. D. ENGINEERING, P. A.
 "ENGINEERING EXCELLENCE"
 11000 Bruce B. Baker Blvd., Suite 200
 Tampa, FL 33613
 Phone: 813.973.8888
 Fax: 813.973.8889
 www.adengineering.com

SHEET 3 OF 3

A.D.E. PROJECT NO. AD24012

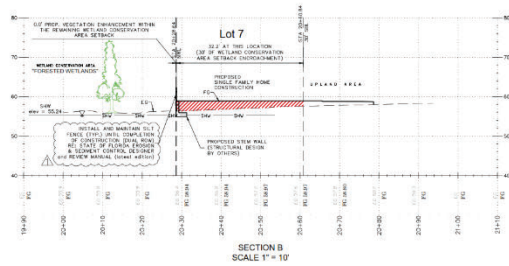
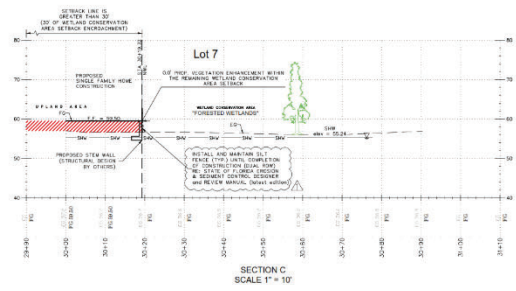
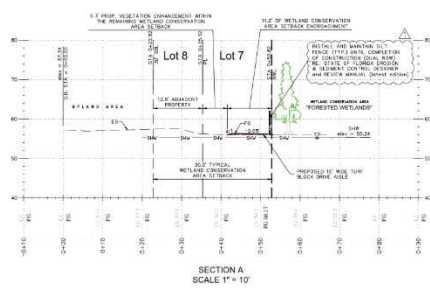
Table 1: Adjacent Parcel Data

Adjacent Parcel No.	Owner	Current Use
1	City of Tampa	Public Use
2	City of Tampa	Public Use
3	City of Tampa	Public Use
4	City of Tampa	Public Use
5	City of Tampa	Public Use
6	City of Tampa	Public Use
7	City of Tampa	Public Use
8	City of Tampa	Public Use
9	City of Tampa	Public Use
10	City of Tampa	Public Use
11	City of Tampa	Public Use
12	City of Tampa	Public Use
13	City of Tampa	Public Use
14	City of Tampa	Public Use
15	City of Tampa	Public Use
16	City of Tampa	Public Use
17	City of Tampa	Public Use
18	City of Tampa	Public Use
19	City of Tampa	Public Use
20	City of Tampa	Public Use

WETLAND SETBACK ENCROACHMENT COMPENSATION TABLE

ENCROACHMENT TYPE	SETBACK LINE	SETBACK WIDTH	ENCROACHMENT TYPE	SETBACK LINE	SETBACK WIDTH
1	100'	100'	1	100'	100'
2	50'	50'	2	50'	50'
3	25'	25'	3	25'	25'
4	10'	10'	4	10'	10'
5	5'	5'	5	5'	5'
6	2'	2'	6	2'	2'
7	1'	1'	7	1'	1'
8	0.5'	0.5'	8	0.5'	0.5'
9	0.25'	0.25'	9	0.25'	0.25'
10	0.125'	0.125'	10	0.125'	0.125'

02-27-17



ALLIANCE/CONTRACTORS

01	CONTRACTOR
02	GENERAL CONTRACTOR
03	ARCHITECT
04	ENGINEER
05	LANDSCAPE ARCHITECT
06	PLANNING
07	ENVIRONMENTAL ENGINEER
08	WATER RESOURCES ENGINEER
09	WETLAND SPECIALIST
10	WETLAND CONSERVATION SPECIALIST
11	WETLAND RESTORATION SPECIALIST
12	WETLAND MONITORING SPECIALIST
13	WETLAND RESEARCH SPECIALIST
14	WETLAND EDUCATION SPECIALIST
15	WETLAND POLICY SPECIALIST
16	WETLAND LEGISLATION SPECIALIST
17	WETLAND MANAGEMENT SPECIALIST
18	WETLAND RECONSTRUCTION SPECIALIST
19	WETLAND RESTORATION SPECIALIST
20	WETLAND MONITORING SPECIALIST
21	WETLAND RESEARCH SPECIALIST
22	WETLAND EDUCATION SPECIALIST
23	WETLAND POLICY SPECIALIST
24	WETLAND LEGISLATION SPECIALIST
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33	WETLAND MANAGEMENT SPECIALIST
34	WETLAND RECONSTRUCTION SPECIALIST
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41	WETLAND MANAGEMENT SPECIALIST
42	WETLAND RECONSTRUCTION SPECIALIST
43	WETLAND RESTORATION SPECIALIST
44	WETLAND MONITORING SPECIALIST
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46	WETLAND EDUCATION SPECIALIST
47	WETLAND POLICY SPECIALIST
48	WETLAND LEGISLATION SPECIALIST
49	WETLAND MANAGEMENT SPECIALIST
50	WETLAND RECONSTRUCTION SPECIALIST
51	WETLAND RESTORATION SPECIALIST
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96	WETLAND LEGISLATION SPECIALIST
97	WETLAND MANAGEMENT SPECIALIST
98	WETLAND RECONSTRUCTION SPECIALIST
99	WETLAND RESTORATION SPECIALIST
100	WETLAND MONITORING SPECIALIST

WETLAND CONSERVATION AREA TO BE MAINTAINED



Variance Cross Sections
 Bernhard Windward Property
 7709 Windward Way
 Hillsborough County, FL 33556

A. D. ENGINEERING, P. A.
 "ENGINEERING EXCELLENCE"
 1100 East Palm Beach, Suite 100
 Palm Beach, Florida 33480
 Phone: 561-840-1100
 Fax: 561-840-1101
 Email: info@adengineering.com

SHEET 2 OF 3

DATE	08/08/2024	BY	AD
SCALE	AS SHOWN	BY	AD

A.D.E. PROJECT NO. AD24012

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Project Description (Variance Request)

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

This variance is for the encroachment into the 30' wetland conservation area setback for the proposed residence located at 7709 Windward Way, Odessa, Florida. The owner has already obtained the HC EPC. Review Number: 72944-Approval - Wetland Delineation and Wetland Mitigation.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:
Hillsborough County LDC Section 4.01.07.B.1 requires a minimum of 30' wetland conservation area set-back.
-
-

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): HC EPC Review Number: 72944-Approval of the Wetland Delineation and Wetland Mitigation
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

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Variance Criteria Response

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

See attached for this section

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

See attached for this section

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

See attached for this section

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (*refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose*).

See attached for this section

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

See attached for this section

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

See attached for this section

Hillsborough County Variance Application Package

Variance Criteria Responses for 7709 Windward Way, Odessa, FL: Folio No.: 000160-1038

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 on-site forested wetland "Wetland Conservation area" and its associated 30' wetland conservation area setback extends across the entire property from west to east and south to most of the north. Because this extends from west to east, a driveway is needed to access the residence. The driveway will be constructed with turf block in order to minimize impact to the 30' wetland conservation area set back. The driveway was also reduced to the minimum width of 10'. Out of the 1.2 acres of property, approximately 0.58% (after mitigation) is wetlands. The remaining property is uplands which includes the required 30' wetland conservation area set back.

Per the neighborhood association by laws, the single-family residence's frontage has to face the main road (Windward Way). Also, the garage access cannot face the frontage of the road (Windward Way). Only a side access is allowed.

This property was Platted in the 1980's. This property was platted without the recognition/identification of wetlands on site. At that time, it was not standard to identify and mitigate wetlands as it is currently.

No public utilities are available in this neighborhood. A well and septic system are proposed in the upland area.

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 30' wetland conservation set-back reduces the development portion of the property even more. Hillsborough County LDC Section 4.01.07.B.1 requires a minimum of 30' wetland conservation area set-back.

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 variance is inclusive of this property only and will not impact the surrounding neighborhood.

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 owner is building a single-family residence in conformance with his neighborhood association by laws. The house square footage is in tolerance of the other residences in the neighborhood. This property will be in harmony with the existing neighborhood.

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.

This variance is not a result of an illegal act. The owner has already obtained a permit from Hillsborough County Environmental Protection Commission (HCEPC) for the minimal wetland impact and has already purchased mitigation credits that were approved by the South West Florida Water Management District (SWFWMD) and HC EPC. This is not a self-imposed hardship due to the wetland encompassing approximately 58% of the property. There was no standing water that indicated this property had a wetland on it when the owner purchased it over 20 years ago. The wetland is not visible due to the seasonal high water being underground.

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.

Constructing his residence in a difficult property result in substantial justice being done. Not allowing the variance will result in the owner abandoning this project because the proposed residence, proposed septic drain field, and proposed well cannot fit in the remaining uplands that is outside the 30' wetland conservation area set-back. Also, access to the proposed residence is not feasible due to the wetland encroaching almost the entire width of the property.

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Record and Return To:
Brian Bernhard
3202 Taragrove Dr.
Tampa, Fl. 33618

Quit Claim Deed

Made this August 24, 2017 A.D. by Michael Knox, as Trustee of The First Federal Keystone Trust dated February 6, 1998, hereinafter called the grantor, to Brian Bernhard, a single man whose post office address is: 3202 Taragrove Drive, Tampa, Fl. 33618 hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal re-presentatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of \$ TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situate in County, Florida, viz:

Lot 7, Block 5, A Replat of Tracts 2 and 7 with parts of tracts 1, 3, 6, 8, 11 and 14 of KEYSTONE PARK COLONY SUBDIVISION, in Sec 2 T27S, R17E, according to the map or plat thereof recorded in Plat Book 46, Page 60 of the Public Records of Hillsborough County, Florida.

AKA 7709 Windward Way, Odessa, Fl. 33556

THE TRUSTEE HAS THE POWER AND AUTHORITY TO PROTECT, CONSERVE, SELL, CONVEY, LEASE, ENCUMBER OR OTHERWISE TO MANAGE AND DISPOSE OF THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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 of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Korne Leonard _____ Michael Knox, as Trustee _____ (Seal)
Witness Name: Korne Leonard Printed Address: _____

Debra Williams _____ _____ (Seal)
Witness Name: _____ Printed Address: _____

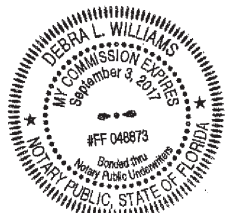
Witness Name: _____ Printed Address: _____ (Seal)

Witness Name: _____ Printed Address: _____ (Seal)

Witness Name: _____ Printed Address: _____ (Seal)

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this 25th day, of August 2017 by Michael Knox as Trustee of the First Federal Keystone Trust dated February 6, 1998, who is personally known to me or who has produced Drivers license as identification.



Debra Williams
Notary Public
Print Name: Debra Williams
My Commission Expires: 09-03-17

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Property/Applicant/Owner Information Form

Application No: <u>24-0889</u>	Official Use Only	Intake Date: <u>5/31/2024</u>
Hearing(s) and type: Date: <u>07/29/2024</u>	Type: <u>LUHO</u>	Receipt Number: <u>372085</u>
Date: _____	Type: _____	Intake Staff Signature: <u>Clare Odell</u>

Property Information

Address: 7709 Windward Way City/State/Zip: Odessa, FL 33556

TWN-RN-SEC: 2-27-17 Folio(s): 000160-1038 Zoning: ASC-1 Future Land Use: R-1 Property Size: 1.12 acres

Property Owner Information

Name: Brian Bernhard Daytime Phone 813-833-5509

Address: 3202 Taragrove Drive City/State/Zip: Tampa, FL 33618

Email: BernhardRE@aol.com Fax Number N/A

Applicant Information

Name: Daniel C. Peters, P.E. Daytime Phone 813-765-6214

Address: 6720 E. Fowler Ave., Suite 170 City/State/Zip: Temple Terrace, FL. 33617

Email: amy@adengineeringpa.com Fax Number N/A

Applicant's Representative (if different than above)

Name: Amarilys R. Peters Daytime Phone 813-765-6214

Address: 6720 E. Fowler Ave., Suite 170 City/State/Zip: Temple Terrace, FL. 33617

Email: amy@adengineeringpa.com Fax Number N/A

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.

Daniel C. Peters
Signature of the Applicant

Daniel C. Peters
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.

Brian Bernhard
Signature of the Owner(s) – (All parties on the deed must sign)

Brian Bernhard
Type or print name



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0040H
FIRM Panel	12057C0040H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120040D
County Wide Planning Area	Keystone Odessa
Community Base Planning Area	Keystone Odessa
Census Data	Tract: 011509 Block: 1010
Future Landuse	R-1
Mobility Assessment District	Rural
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

