

Variance Application: 24-0277
LUHO Hearing Date: February 26, 2024
Case Reviewer: Wayne Doyon



**Hillsborough
 County Florida**

Development Services Department

Applicant: Yesica Apartments LLC **Zoning:** RMC-16

Location: 8403 & 8405 N. Lois Ave., Tampa, FL 33614

Request Summary:

The applicant is requesting a variance from the 30-foot Wetland Conservation Area setback requirement, Section 4.01.07.B.4 of the Land Development Code (LDC). The applicant’s specific request, as shown on the site plan submitted on 01/18/2024, is to allow for the construction of a portion of the pool, decking, security fence, and asphalt driveway within the 30-foot Wetland Conservation Area Setback.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
Section 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.	15-foot encroachment for the construction of a portion of the pool, decking, security fence, and asphalt driveway.	15-foot setback

Findings:	<ol style="list-style-type: none"> A wetland setback compensation planting plan for 1505 Sq. Ft. will be provided on the construction plans reviewed through the site construction intake process.

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

SITE DATA
SUBDIVISION: HILLSBOROUGH COUNTY
PARCEL 1: 01-21-23-10-22-03000-04600
LAND USE: UNDEVELOPED
PARCEL 2: 01-21-23-10-22-03000-04570
LAND USE CODE: SINGLE FAMILY
TOTAL PROPERTY AVERAGE: 1.55 AC
SECTION 27 / NUMBER 27 / RANGE 1E
MAIN WATER RECORD: 0.6-AC (2.5%)
SEWER AREA: 1.77-AC (14.8%)
OVERLAY DISTRICT: N/A
CURRENT ZONING MAP: 18
EXISTING USE: MULTIFAMILY
CURRENT USE: 18 ROOM HOTEL
CURRENT FLOOR: 1-7


LEGAL DESCRIPTION
A PARCEL OF LAND SITUATE IN THE WEST 1/4 OF THE SOUTHWEST 1/4 OF THE SECTION 27, RANGE 1E, MAIN WATER RECORD: 0.6-AC (2.5%) AND SEWER AREA: 1.77-AC (14.8%)...
A PARCEL OF LAND SITUATE IN THE WEST 1/4 OF THE SOUTHWEST 1/4 OF THE SECTION 27, RANGE 1E, MAIN WATER RECORD: 0.6-AC (2.5%) AND SEWER AREA: 1.77-AC (14.8%)...
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DEVELOPER: Maxwell Corbin
6552 N. Cottage St.
Tampa, Florida 33614
EXISTING: Maxwell G. Kugel
Aptech Civil Engineering, Inc.
813 E. Himes St.
Tampa, Florida 33610
Maxwell@aptech.com
813-833-8000 (OFFICE)
ARCHITECT: John Sotgiu
Civil Architecture
1213 E 8th Ave.
Tampa, Florida 33606
johnsotgiu@tampabay.com
813-288-8000 (OFFICE)
LAND USE ATTORNEY: David M. Merritt
Merritt-Rosen Architects & Builders, P.A.
2018 N. Dale St.
Tampa, Florida 33606
dmerritt@merrittrosen.com
813-276-1122 (OFFICE)

REVISIONS

REVISION	DATE	DESCRIPTION
01	01/20/24	ISSUE FOR PERMIT
02	01/22/24	REVISED PERMIT PLAN
03	01/23/24	REVISED PERMIT PLAN

LOCATION KEY MAP



PLANNED DEVELOPMENT
LOIS HOTEL
1 OF 1

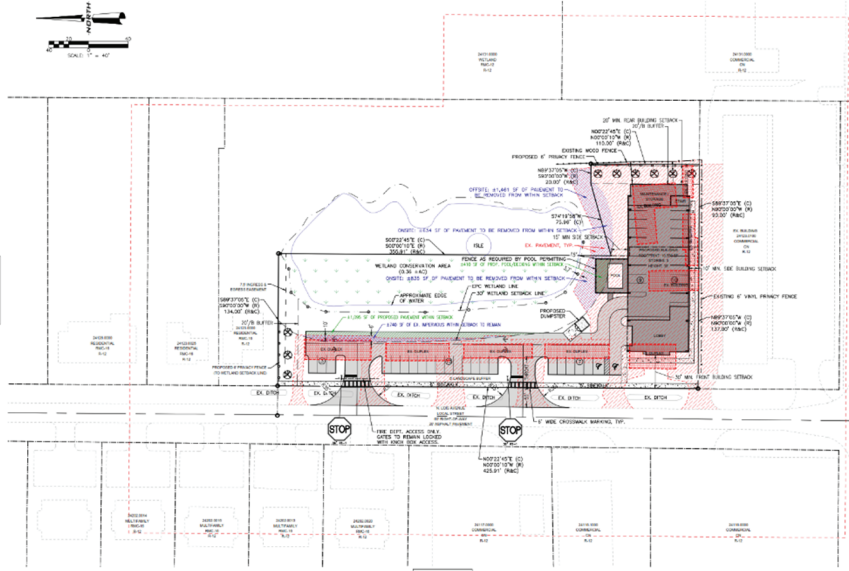

LEGEND

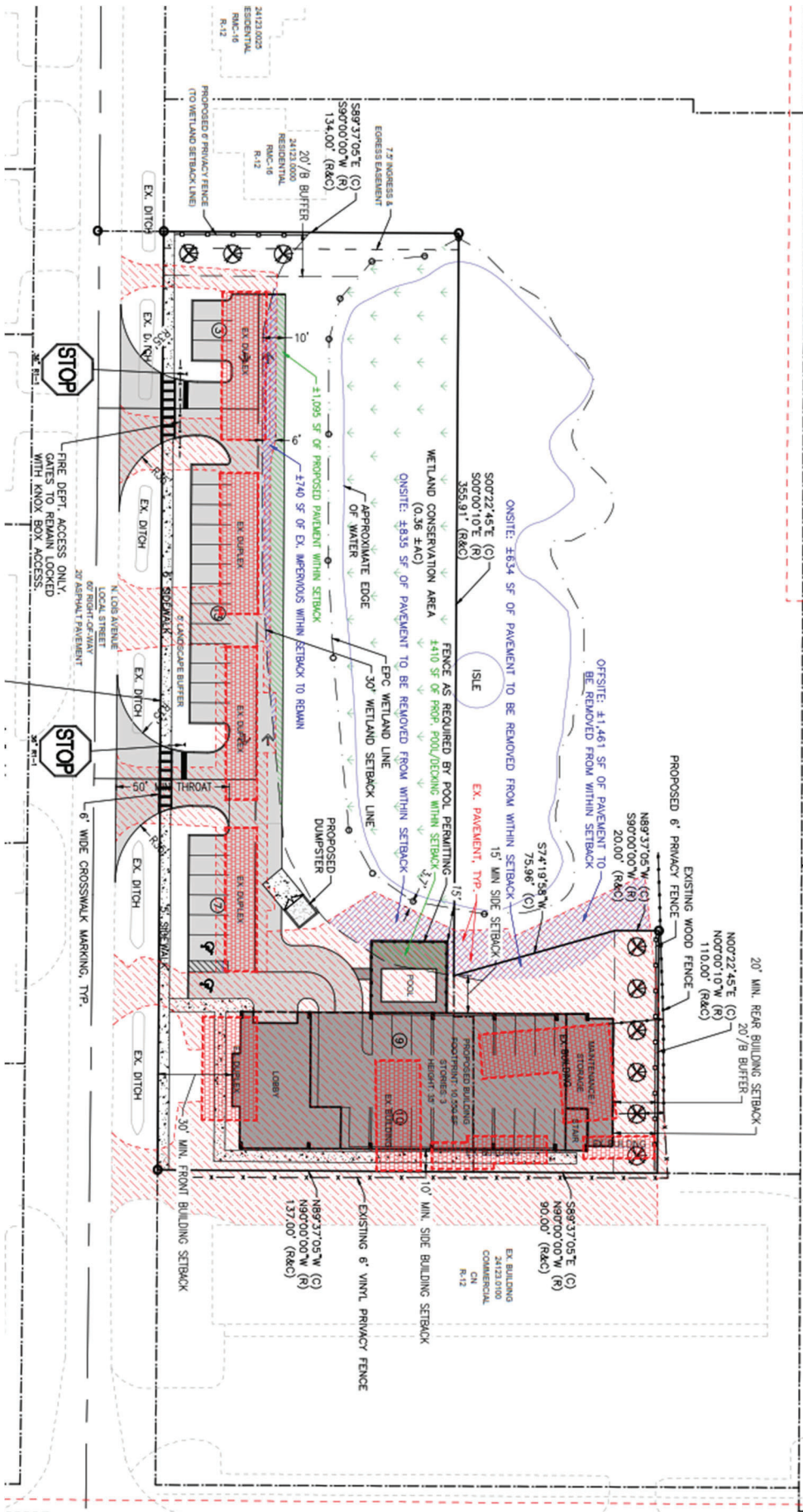
EXISTING BOUNDARY	EXISTING BOUNDARY TO BE MAINTAINED	EXISTING BOUNDARY TO BE REMOVED	EXISTING BOUNDARY TO BE MAINTAINED	PROPOSED BOUNDARY TO BE MAINTAINED	PROPOSED BOUNDARY TO BE MAINTAINED	PROPOSED BOUNDARY TO BE MAINTAINED	PROPOSED BOUNDARY TO BE MAINTAINED
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NOTES

- TYPE A ONLY ALONG NORTHERN PROPERTY LINE, NINE (9) FEET WIDE @ MINIMUM WIDTH
- PROPOSED BUILDING AREA (A-STORY) TOTAL BUILDING AREA: 13,116 SQ. FT. (30.53 ACRES) 30.53 AC
- PARKING REQUIREMENTS: 42 SPACES (INCLUDES 2 ACCESSIBLE) 13 SPACES PER ROOM (HOTEL-38 ROOMS)
- PARKING PROVIDED BY DEVELOPER IS ACCESSIBLE
- ADJACENT SPACES: 9'x11'
- ADJACENT WALKWAY: 5'x8'
- TOTAL BLDG FLOORAREA: 3.24 AC (14.85)
- TOTAL LOT AREA: 3.24 AC (14.18)
- TOTAL IMPROVEMENTS: 3.24 AC (14.18)
- TOTAL OPEN SPACE: 1.27 AC (56.1%)

SCALE: 1" = 40'







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.

See attached

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

LDC Sec. 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): PD 24-0132
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

Written Statement

This Variance request is for the property located at 8403 N. Lois Ave., Tampa, FL 33614, Folios 24123.0050 and 24123.0075. This property is located only 140 feet North of Waters Ave., is zoned RMC-16, and includes 7 small duplex and triplex residential buildings built mostly in the 1950s. The property owner is seeking to demolish the existing units and redevelop the site. The proposed development includes one three-story hotel building (two levels over parking except the lobby). The existing development does not meet current site development requirements, such as connection to the public sewer line, parking, setbacks, minimum access points, buffers, and screening. A significant effort has been made to provide a development option that meets as many of the current requirements as possible, such as the required number of parking spaces, setbacks, connection to public water and sewer lines, screening, and minimal access points. This plan is accomplished without adversely impacting adjacent property owners and by being compatible with surrounding development.

Current development requirements make the redevelopment of this site virtually impossible. The shape of the subject site and the presence of a lake, and wetland conservation area setback represent significant obstacles to redevelopment. Approval of this variance will allow the replacement of an undesirable, aging residential development.

The variance request consists of the reduction of the 30' wetland conservation setback to 15' to accommodate part of the pool/deck/security fence and part of the driveway as shown on the submitted site plan. Several variances, including a wetland conservation setback variance, were approved for another proposed development on the subject site. This was VAR 22-0079 which proposed two apartment buildings that required a larger number of variances.

Approval of this variance is required to be able to obtain a PD rezoning approval, site development and building permits for a project that represents a significant improvement over the current conditions.

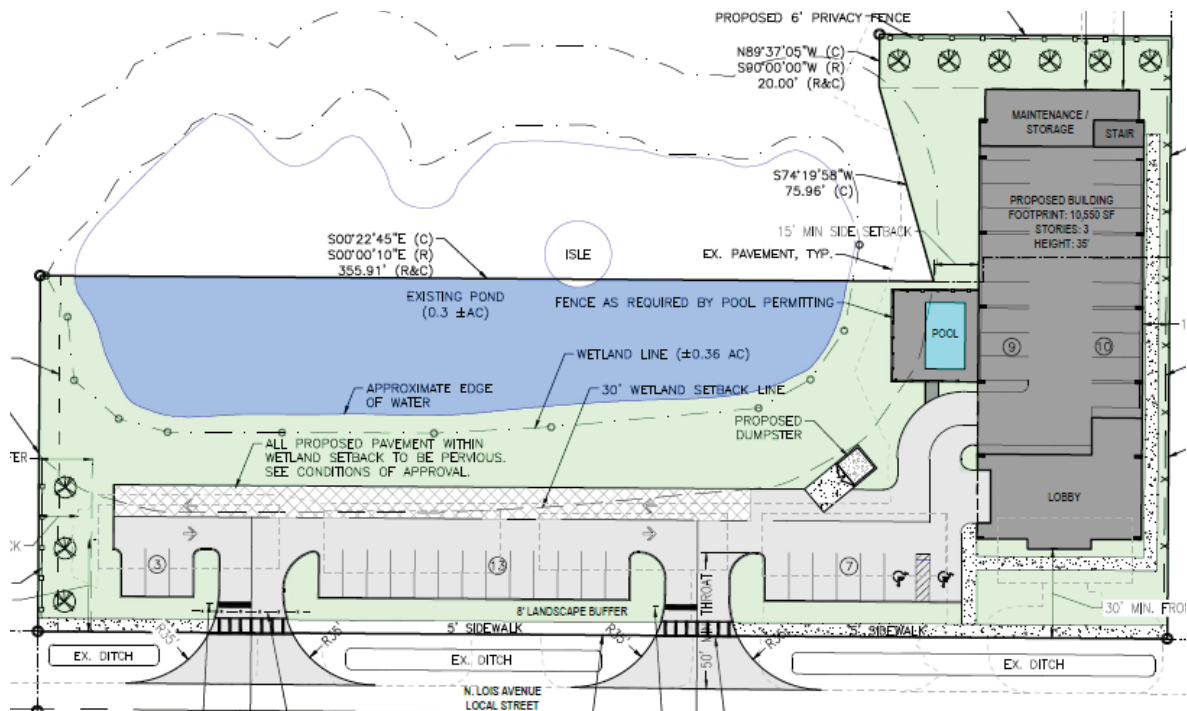
VARIANCE CRITERIA RESPONSE

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

The subject property has unique characteristics that make it very difficult to be redeveloped without the approval of the proposed variance. The site configuration and the presence of wetlands significantly limit the developable area. Approval of this variance is required in order to be able to redevelop the property with the proposed hotel project.

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.

Sec. 4.01.07 B.1 of the LDC, requires a 30' wetland setback for natural water bodies. Reduction of this setback to 15' is required to accommodate a small portion of the pool, part of the pool deck, the pool security fence, and a portion of the driveway.



As you can see in the following pictures, there is no sensitive vegetation within this setback. And the existing trees there won't be affected.



The LDC allows for the variance requested on a case-by-case basis. Approval of this variance will not impact the rights of adjacent property owners and it will provide the means to redevelop a 70-year-old non-conforming apartment complex. Without the approval of this variance, the owner will be deprived of rights commonly enjoyed by other property owners.

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

Reducing the wetland conservation setback will not substantially interfere with or injure the rights of the adjacent property owners. As you can see in the previous pictures, there is no vegetation typical of wetlands around this lake which was a man-made pond. A see-through 4-foot fence is proposed around the pool deck for safety purposes and for building code compliance which will allow the free flow of water.

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 the description of intent/purpose).

Approval of the requested variance would allow for the replacement of a more efficient, safer, and attractive project. Approval of the variances will result in a project that is far more compliant with the LDC. The subject property is located within a wellhead protection area. The existing project is a grandfathered development with a septic tank system. The proposed development will connect to the public sewer line offering protection to the potable water wellfields.

Approval of this variance will allow the construction of harmonious and orderly development and respects the rights of the property owner considering the interest of the citizens of Hillsborough County. This development will be built in accordance with good planning and design practices and will reduce impacts to the area. The LDC allows for variations of these requirements on a case-by-case basis.

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 request is not a result of an illegal act or actions from the property owner. The substandard existing development was built in accordance with the then-applicable standards. Proper steps have been followed for the redevelopment of this site to be in accordance with the LDC to the extent possible.

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.

This variance will protect the property owner's right to redevelop her property. The current apartment complex is about 70 years old and the intent is to replace this with a new project. The public benefit will be ensured by the construction of a conforming development, compatible with the surroundings, that will improve the urban image of the area, that meets minimum LDC standards, that will be connected to the sewer public line protecting the potable water wellfields, and that does not negatively affect adjacent property owners.

Moreover, property taxes will significantly increase with the new development, and with this, the public benefit. Denial of this variance will preclude a more efficient, safe, compliant, and attractive project for the community.

Denial of this variance will represent the denial of the property owner to replace the current 70-year-old non-conforming apartment complex with a much better project that will meet most of the LDC and Building codes.

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Sales Price \$620,000.00
Corporate Warranty Deed

This Indenture, made, March 30, 2015 A.D.
Between

Royal Palms Management Group LLC, a Florida Limited Liability Company whose post office address is: 7610 Rustic Drive, Tampa, Florida 33634 a corporation existing under the laws of the State of Florida, Grantor and Yesica Apartments LLC, a Florida Limited Liability Company whose post office address is: 8403 North Lois Avenue, Tampa, Florida 33614, Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Hillsborough, State of Florida, to wit:

EXHIBIT "A" ATTACHED

Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

Parcel Identification Number: A0241230050 & A0241230075

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

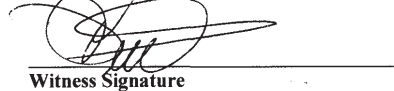
Royal Palms Management Group LLC, a Florida Limited Liability Company

By: 
Miguel E. Pena
Its Managing Member

Signed and Sealed in Our Presence:


Witness Signature


Witness Print Name: Melinda E. Lane


Witness Signature

Witness Print Name: Jose Vivero

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this March 30, 2015, by Miguel E. Pena, the Managing Member of **Royal Palms Management Group LLC, a Florida Limited Liability Company** A corporation existing under the laws of the State of Florida, on behalf of the corporation. He has produced a driver's license as identification.


Notary Public
Notar Printed Name: IDA WILLIAMS-CAMPBELL
My Commission Expires: 7/29/2017

Ida Campbell, an employee of
Priority Title of Florida,
10006 Park Place Avenue
Riverview, Florida 33578

File Number: 1502-22



EXHIBIT A

Parcel No. 1:

A parcel of land situated in the West 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 21, Township 28 South, Range 18 East, Hillsborough County, Florida, being more particularly described as follows: commence at the Northwest corner of the Southeast 1/4 of the Southwest 1/4 of Section 21, Township 28 South, Range 18 East, and run South 00°00'10" East, a distance of 709.69 feet, thence North 90°00'00" East, a distance of 30.00 feet to the POINT OF BEGINNING (said POINT OF BEGINNING being a point lying on the Easterly right-of-way line of North Lois Avenue); thence North 90°00'00" East, a distance of 134.00 feet to an iron pipe; thence South 00°00'10" East, a distance of 355.91 feet to an iron pipe; thence North 90°00'00" East, a distance of 3.0 feet to an iron pipe; thence South 00°00'10" East, a distance of 70.00 feet to a point on the North line of the South 152 feet of the North 1287.6 feet of the West 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 21, Township 28 South, Range 18 East; thence North 90°00'00" West, along the aforementioned North line of the South 152 feet of the North 1287.6 feet of the West 1/4 of the Southeast 1/4 of the Southwest 1/4, a distance of 137.00 feet to a point on the Easterly right-of-way line of North Lois Avenue; thence North 00°00'10" West, along the aforementioned Easterly right-of-way line, a distance of 425.91 feet to the POINT OF BEGINNING, subject to a 7.5 foot easement for ingress and egress over the Northerly 7.5 feet thereof.

Parcel No. 2:

A parcel of land situated in the West 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 21, Township 28 South, Range 18 East, Hillsborough County, Florida, being more particularly described as follows: commence at the Northwest corner of the Southeast 1/4 of the Southwest 1/4 of Section 21, Township 28 South, Range 18 East, and run South 00°00'10" East, a distance of 1135.60 feet; thence North 90°00'00" East, a distance of 167.00 feet to the POINT OF BEGINNING; thence North 90°00'00" East, along the North line of the South 152 feet, of the North 1287.6 feet of the Southeast 1/4 of the Southwest 1/4 of Section 21, Township 28 South, Range 18 East, a distance of 90.00 feet; thence North 00°00'10" West a distance of 110.00 feet; thence North 90°00'00" West, a distance of 20.00 feet; thence Southwesterly along the shoreline of an existing pond 112 feet, more or less; thence South 00°00'10" East, a distance of 19 feet, more or less; thence North 90°00'00" East, a distance of 3.00 feet, thence South 00°00'10" East, a distance of 70.00 feet to the POINT OF BEGINNING.

Together with the following ingress/egress easement:

A parcel of land situated in the West 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 21, Township 28 South, Range 18 East, Hillsborough County, Florida, being more particularly described as follows: commence at the Northwest corner of the Southeast 1/4 of the Southwest 1/4 of Section 21, Township 28 South, Range 18 East, and run South 00°00'10" East, a distance of 717.19 feet; thence North 90°00'00" East, a distance of 30.00 feet to the POINT OF BEGINNING; thence North 90°00'00" East, a distance of 207.00 feet; thence South 00°00'10" East, a distance of 308.41 feet; thence North 00°00'00" East, a distance of 15.00 feet; thence North 00°00'10" West, a distance of 323.41 feet; thence South 90°00'10" West, a distance of 15.00 feet; thence North 00°00'10" West, a distance of 323.41 feet; thence South 90°00'10" West, a distance of 222.00 feet, thence South 00°00'10" East, a distance of 15.00 feet to the POINT OF BEGINNING.



Hillsborough
County Florida
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR-WS 24-0277 Intake Date: 01/02/2024
Hearing(s) and type: Date: 02/26/2024 Type: LUHO Receipt Number: 330922
Date: _____ Type: _____ Intake Staff Signature: Keshia Rivas

Property Information

Address: 8403 & 8405 N. Lois Ave. City/State/Zip: Tampa, FL 33614
TWN-RN-SEC: 28-18-21 Folio(s): 24123.0050 & 24123.0075 Zoning: RMC-16 Future Land Use: R-12 Property Size: 1.53 acreage

Property Owner Information

Name: Yesica Apartments LLC Daytime Phone: 813-593-2810
Address: 8403 N. Lois Ave. City/State/Zip: Tampa, FL 33614
Email: lasmercedes41@yahoo.com Fax Number: _____

Applicant Information

Name: David Mechanik Daytime Phone: 813-276-1920
Address: 305 South Boulevard City/State/Zip: Tampa, FL 33606
Email: dmm@floridalandlaw.com Fax Number: _____

Applicant's Representative (if different than above)

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

I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.

David Mechanik
Signature of the Applicant
David Mechanik
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.

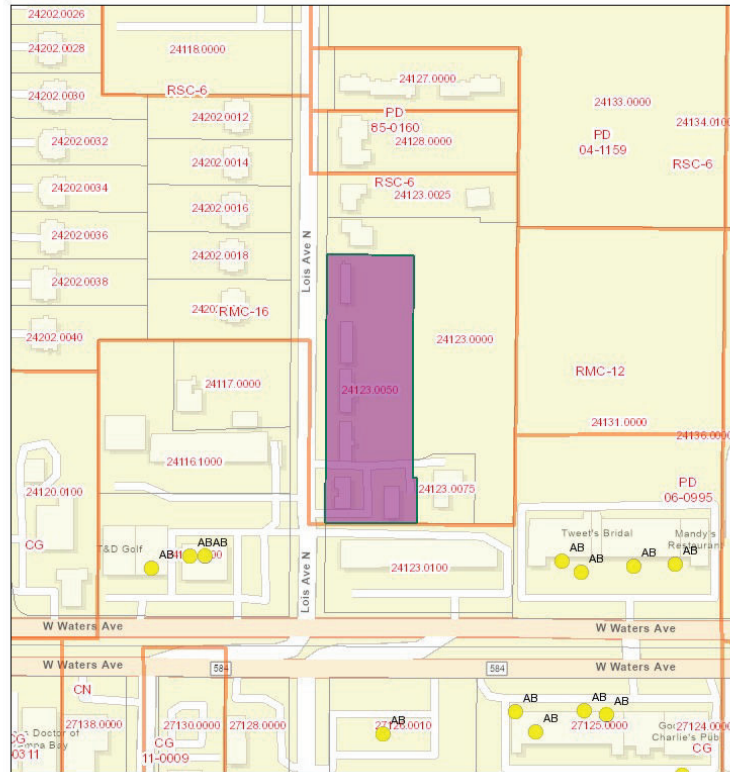
Mercedes Corrales
Signature of the Owner(s) - (All parties on the deed must sign)
Mercedes Corrales
Type or print name



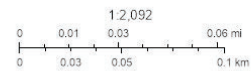
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RMC-16
Description	Residential - Multi-Family Conventional
Flood Zone:A	
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0194H
FIRM Panel	12057C0194H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120195D
County Wide Planning Area	Egypt Lake
Census Data	Tract: 011803 Block: 5001
Future Landuse	R-12
Future Landuse	R-12
Future Landuse	R-12
Urban Service Area	USA
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 10
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	150' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 24123.0050



December 29, 2023



RS: Esri Community Maps Contributors, University of South Florida, City of Tampa, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, Swire, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Hillsborough County Florida

Folio: 24123.0050
 PIN: U-21-28-18-ZZZ-000000-94560.0
 Yesica Apartments Llc
Mailing Address:
 8403 N Lois Ave
 null
 Tampa, Fl 33614-1982
Site Address:
 8403 N Lois Ave
 Tampa, Fl 33614
SEC-TWN-RNG: 21-28-18
Acreage: 1.38426995
Market Value: \$517,300.00
Landuse Code: 0350 Multi-Family

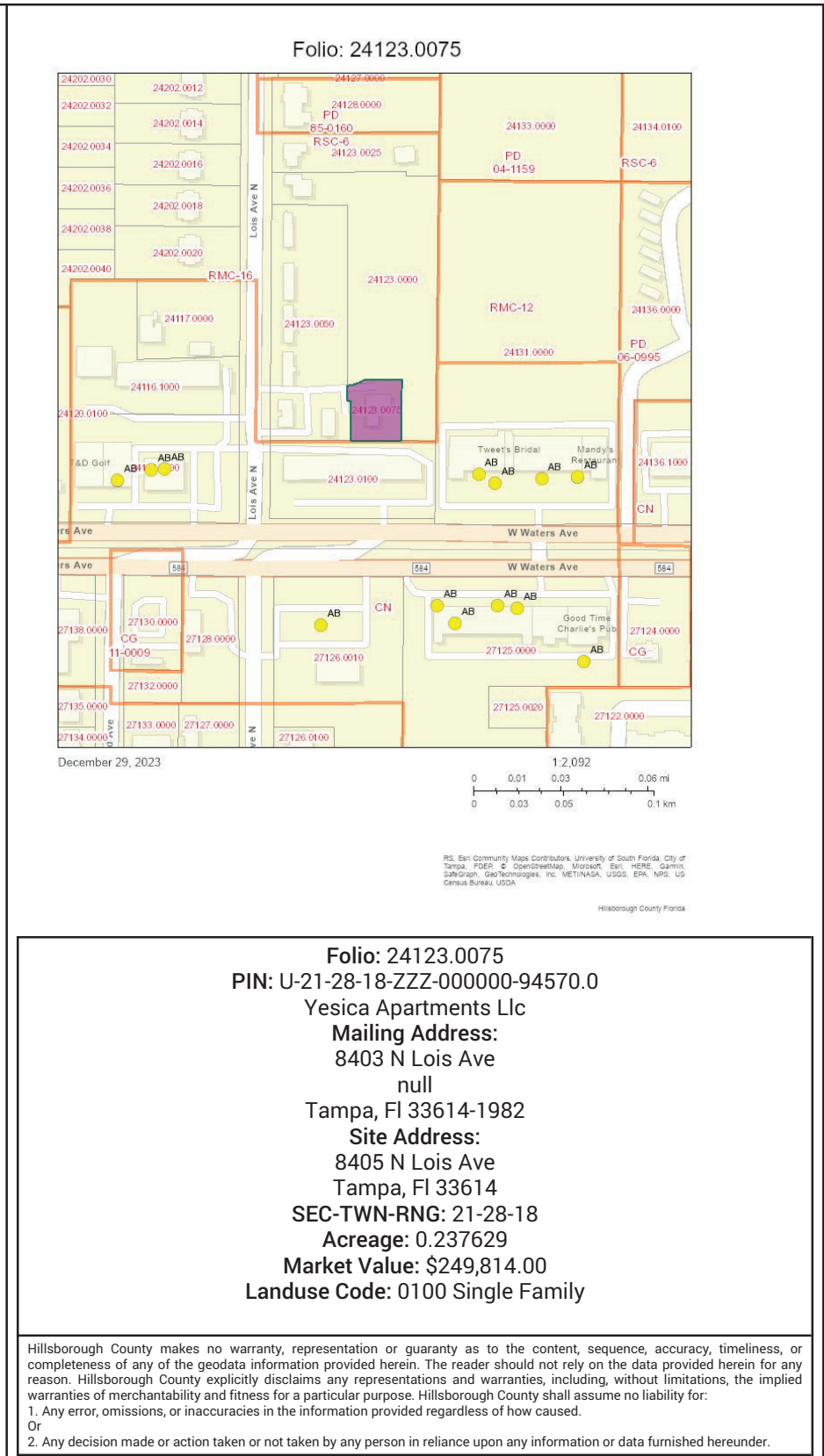
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2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RMC-16
Description	Residential - Multi-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0194H
FIRM Panel	12057C0194H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120195D
County Wide Planning Area	Egypt Lake
Census Data	Tract: 011803 Block: 5001
Future Landuse	R-12
Future Landuse	R-12
Future Landuse	R-12
Urban Service Area	USA
Water Interlocal	City of Tampa Water
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 10
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	150' AMSL
Competitive Sites	NO
Redevelopment Area	NO



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