



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0493

LUHO HEARING DATE: April 25, 2022

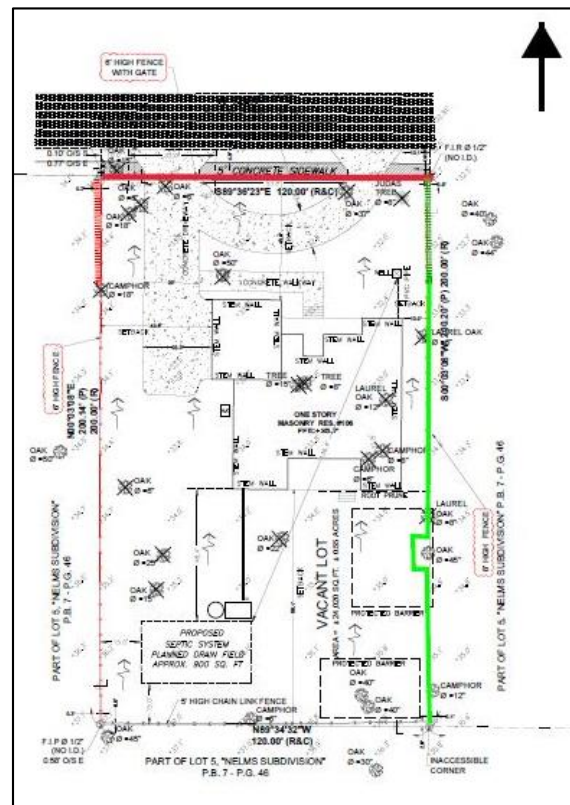
CASE REVIEWER: Isis Brown

REQUEST: The applicant requests a variance to fence height requirements to accommodate a proposed fence on vacant property zoned RSC-6.

VARIANCE(S):

1) Per LDC Section 6.07.02.C.1, a maximum fence height of 4 feet is allowed in required front yards, except under certain circumstances that do not apply to this case, and a maximum fence height of 6 feet is allowed on the remainder of a parcel. Per LDC Section 6.01.01, a 25-foot front yard is required in the RSC-6 district. The applicant requests:

- A 2-foot increase in the maximum fence height permitted in the required front yard along West 122nd Avenue to allow a height of 6 feet for a proposed fence on the north property line and the northernmost 25 feet of the west property line (red line on graphic).
- A 4-foot increase in the maximum fence height permitted in the required front yard from West 122nd Avenue to allow a height of 8 feet for a proposed fence on the northernmost 25 feet of the east property line, and a 2-foot increase in the maximum fence height permitted on the remainder of that property line to allow a height of 8 feet for the fence (green line on graphic).



FINDINGS:

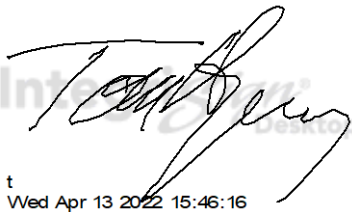
- The adjacent property to the east is zoned CN and developed with a shopping center.
- The applicant plans to build a single-family home on the property, per building permit HC-BLD-21-0024670. The approved site plan shows the removal of a number of trees on the property; however, a 45-inch grand oak on the east property line must be protected. As shown on the site plan received March 18, 2022, the fence on the east property line will be installed around that tree.

DISCLAIMER:

The variance(s) listed above are 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.

ADMINISTRATOR'S SIGN-OFF



Handwritten signature of Isis Brown, the case reviewer, in black ink. The signature is cursive and appears to read 'Isis Brown'. A faint watermark 'Integrity' is visible behind the signature.

t
Wed Apr 13 2022 15:46:16

Attachments: Application
Site Plan
Petitioner's Written Statement
Current Deed



Additional / Revised Information Sheet

| Office Use Only | | |
|---------------------|----------------|--------------|
| Application Number: | 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: 22-0493 Applicant's Name: Duc Phan

Isis Brown 3/28/22
 Reviewing Planner's Name: _____ Date: _____

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): _____

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@hcfgov.net

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@hcfgov.net.

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.

3/28/22

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 _____

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: _____

(Must be signed by applicant or authorized representative)

Intake Staff Signature: _____ Date: _____



Additional / Revised Information Sheet

22-0493
RCVD
03-28-22

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.

HILLSBOROUGH COUNTY
PLANS REVIEWED FOR CODE COMPLIANCE

APPROVED

HC-BLD-21-0024670 2/24/2022

THIS SET OF PLANS MUST BE KEPT ON THE
JOB SITE AT ALL TIMES

IT IS UNLAWFUL TO MAKE CHANGES OR
ALTERATIONS WITHOUT APPROVAL.

THE ISSUANCE OF THIS PERMIT SHALL NOT BE HELD
TO PERMIT OR APPROVE THE VIOLATION OF ANY
LOCAL, STATE, FEDERAL, OR FEDERAL
COUNTY, STATE REGULATION

**PROTECTIVE BARRIER REQUIREMENTS
AND**

SPECIFICATIONS FOR EXISTING TREES TO REMAIN

PROTECTIVE BARRIERS are used during land alteration and construction activities to protect trees and natural areas to be retained on a site.

PROTECTIVE BARRIERS must be erected around TREES to be retained within an area where land alteration and construction activities will occur as well as along NATURAL AREAS where such areas are adjacent to permitted land alteration or construction activities. A PROTECTIVE BARRIER must remain in place until the land alteration and construction activities are completed or until commencement of grade finishing and sodding. No ground disturbance must occur within the barricaded area. The following represents the County's minimum protective barrier specifications:

1. TREES – To restrict access into the area within the CANOPY DRIPLINE of a tree, a physical structure not less than 3 feet in height, comprised of wood or other suitable material, is placed around the tree at the CANOPY DRIPLINE, except where land alteration or construction activities are approved within the CANOPY DRIPLINE.

The CANOPY DRIPLINE of a tree is the imaginary, vertical line that extends downward from the outermost tips of the tree's branches to the ground. Fig. A

BARRIER SPECIFICATIONS FOR TREES:

Four corner upright stakes of no less than 2"x 2" lumber connected by horizontal members of no less than 1"x 4" lumber; or upright stakes spaced at 5' intervals of no less than 2"x 2" lumber connected by silt screen fabric or material of comparable durability. Fig. B

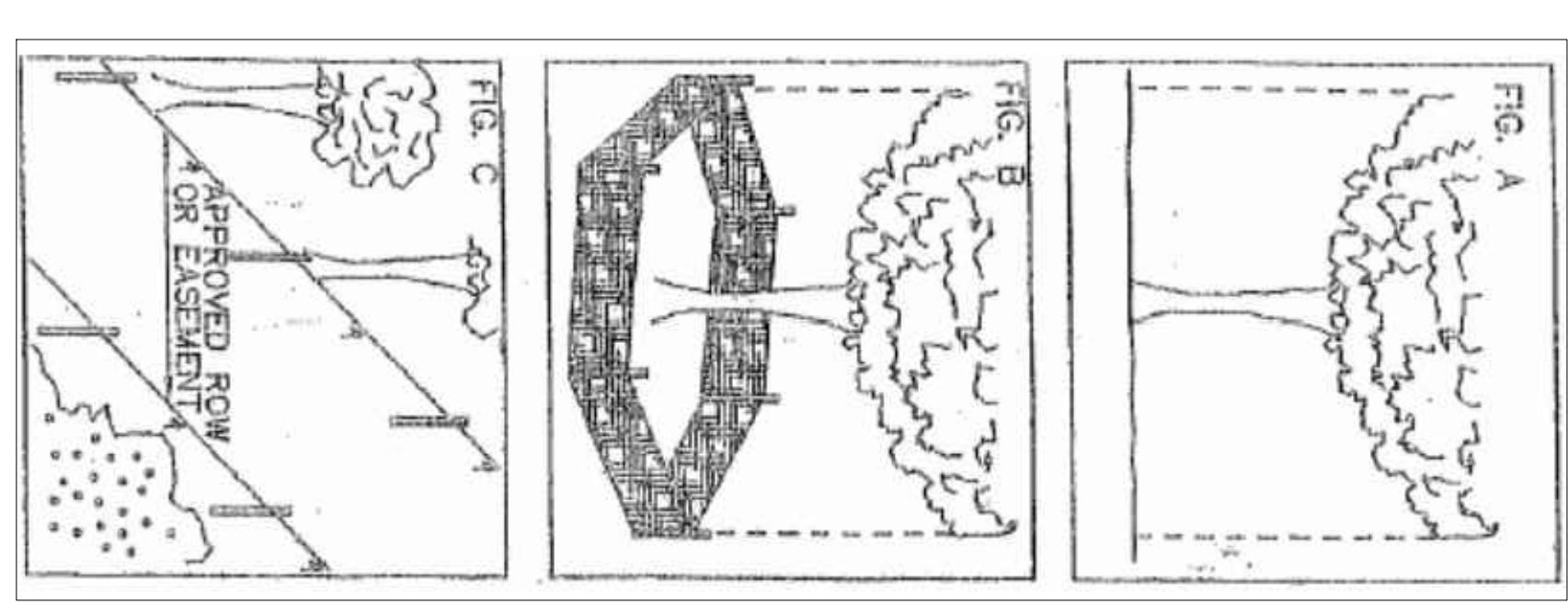
2. NATURAL AREAS – To restrict access into areas where land alteration and construction activities are not authorized a physical structure not less than 3 feet in height is placed along the perimeter of such areas.

BARRIER SPECIFICATIONS FOR NATURAL AREAS:

Upright stakes of no less than 2"x 2" lumber spaced no more than 25' apart and connected by twine flagged with plastic surveying tape at regular intervals of 5-10'. Fig. C. Other methods of demarcation will be considered depending upon the characteristics of the site.

WHY A BARRIER

1. To protect all above ground portions of trees and other significant vegetation from mechanical damage.
2. To protect root systems from compaction.
3. To provide awareness of protected areas to equipment operators.



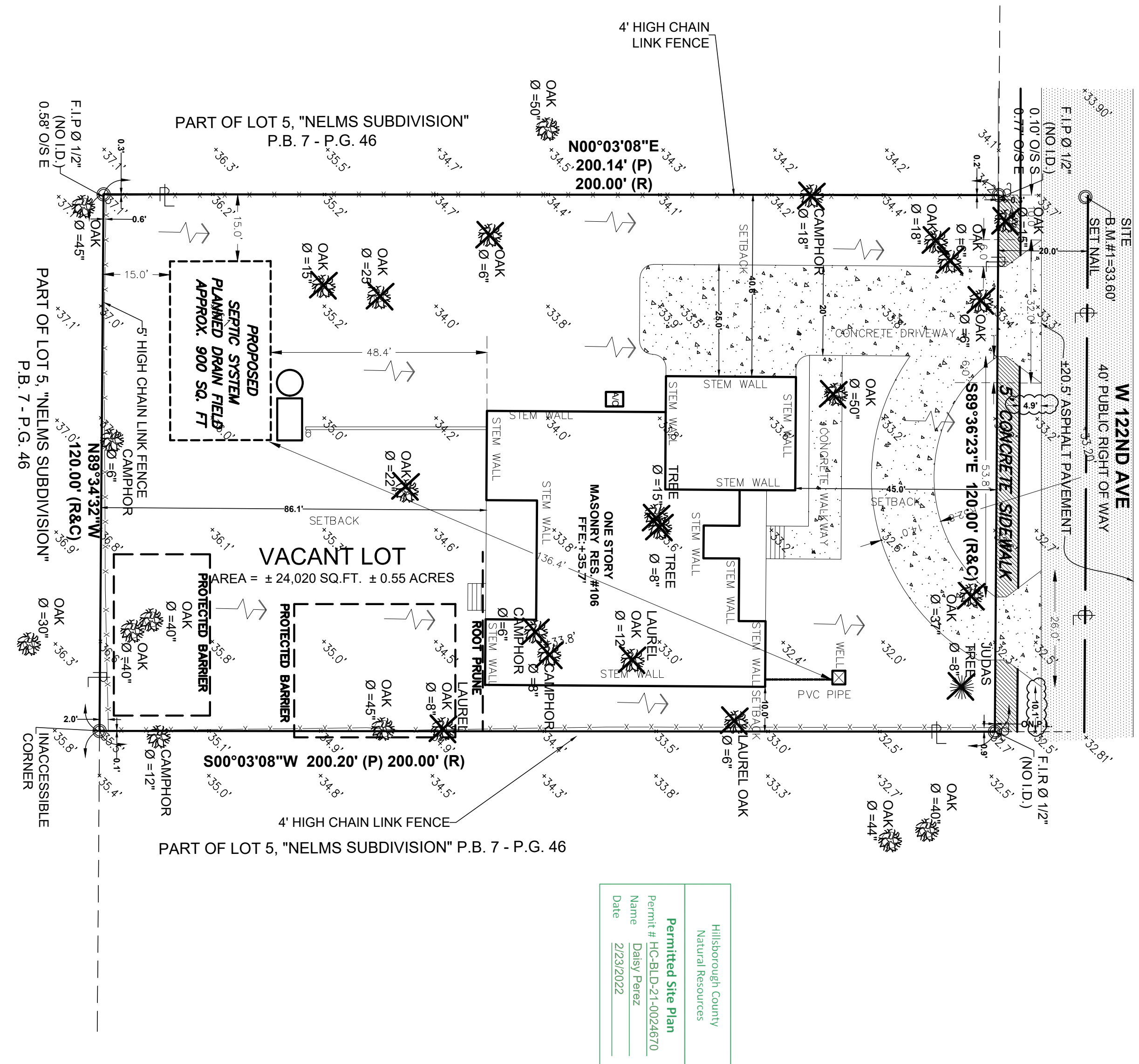
NOTE:
Root pruning inspection will be done prior to backfilling the affected roots.

PLANS RELEASED FOR CONSTRUCTION

HC-BLD-21-0024670
2/24/2022

Hillsborough County
Development Services

Project reviewed for general compliance with standards applicable to this project. Design has not necessarily been reviewed or checked regarding specific design elements or calculations. The engineer of record is fully responsible for the final decision, signed and sealed plans and documents.



TO BE REMOVED

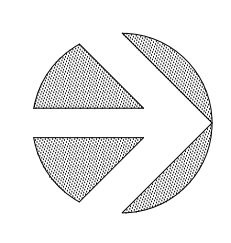
Hillsborough County
Natural Resources

APPROVED SITE PLAN

Natural Resources Single Family/Duplex

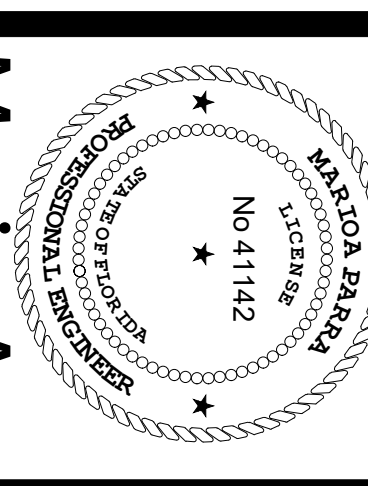
Expires: 1/21/2025

Any deviations from the approved plans will require a revision to this permit.



SITE PLAN
SCALE 1" = 20'

Mario A. Parra, P.E.
FL P.E. Lic. No. 41142
3019 Banyan Hill Lane,
Land O' Lakes, FL 34639
Phone 813-927-8558
email pkparra@gmail.com



Mario A Parra

Digitally signed by Mario A Parra
DN: c=US, o=Unaffiliated,
ou=401427E00001693180508
100006786, cn=Mario A Parra
Date: 2022.02.09 18:24:11 -0500

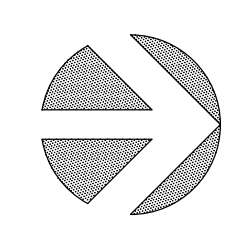
DOUGH PHAN
106 W 122 ND AVE TAMPA FLORIDA 33612

813.400.9998

SOHO BUILDERS

DESCRIPTION:
SITE PLAN

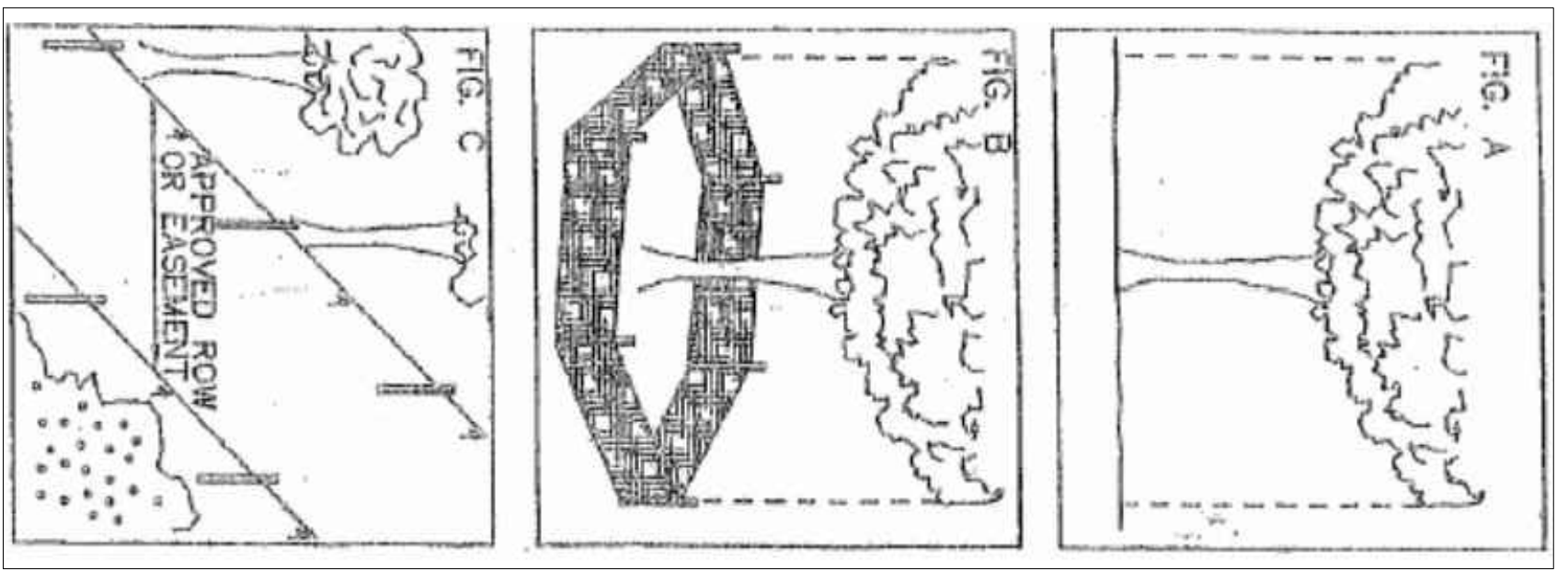
SHEET NO:
A



**PROTECTIVE BARRIER REQUIREMENTS
AND
SPECIFICATIONS FOR EXISTING TREES TO REMAIN**

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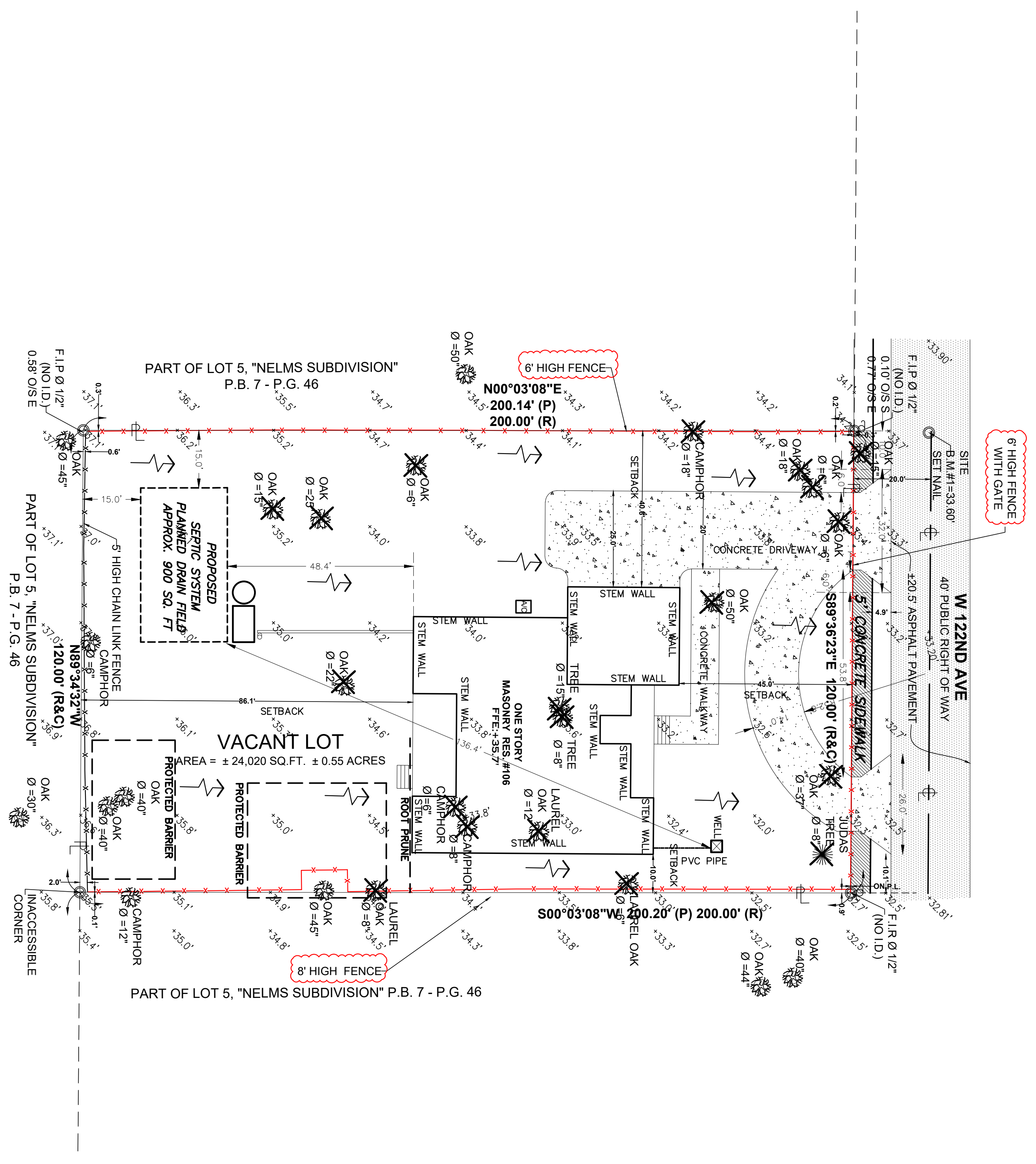
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NOTE:
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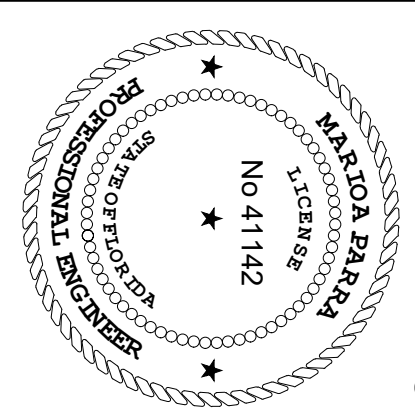


TO BE REMOVED

Tree removal and Site approved under HC-BLD-21-0024670
Fence height is subjected for approval by Variance.

SITE PLAN
SCALE 1" = 20'

Mario A. Parra, P.E.
FL P.E. Lic. No. 41142
3019 Banyan Hill Lane,
Land O' Lakes, FL 34639
Phone 813-927-8558
email pkparra@gmail.com



DOUGH PHAN
106 W 122 ND AVE TAMPA FLORIDA 33612

813.400.9998
SOHO BUILDERS

DESCRIPTION:
SITE PLAN

SHEET NO:

A

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.

On the east side of my lot that is abutting the commercial strip center. There are some unwanted characters and homeless people staying around the area. They have been throwing trash over and I believe some were sleeping at my lot as we found blankets and etc.

Recently, a few have been coming over while we are cleaning the area, asking us questions and keep on bothering us. I even spoke to a few neighbors around the area. They mentioned it is one of the reasons they have a fence all the way to the front.

I will be next to the issue much more than my neighbors. This has start to worry my family.

I have a 70 year old mother and female cousin going that will be staying there. It's important that I can give them privacy and for them to feel safe.

I am asking for being able to put an 8ft fence on the East side of my lot that is abutting the strip center, that entire east side is 200ft?

If possible, I would like to have a 6ft fence in the front yard also? If this is not possible, please allow me to have a 8ft fence for that East side.

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

PART 6.07.00 - FENCES AND WALLS

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): _____ Building a new Single Family home for my family - HC-BLD-21-0024670
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 t hird 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 determ ination 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**).

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 corner lot facing the street is a Commercial Strip Center. Its not well maintain and have gathering behind the strip center which is adjacent to my my property. There were a few individuals that have came on to my lot while my mother was with me bothering us. We have noticed more people staying there. They are even dumping items onto my lot and we noticed blankets and items that we can assume that some people have slept at my lot before. I believe with a 8ft fence on that east side will prevent or reduce this from happening. My main concern is the safety of my family.

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.

I don't want my mother and my female cousin to have to worry about privacy and security concerns. I can place cameras but there just not much that can be done.

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 fence is for safety and privacy of my property Only. It will not affect drainage. This will not cause any additional visibility issues as this is in the rear of the strip center. The other side abutting my residential neighbor and rear will be according to the municipal code.

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 request to have a 8ft fence on the East side of the lot abutting the Existing Commercial Property. Secondary request is for a 6ft fence in the Front yard. It will serve the general intent and purpose of the comprehensive plan

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.

The lot purchased was already abutting the Existing commercial property with only an Existing Chain link fence.

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.

Being able to put a high fence dividing the commercial property can benefit the entire neighborhood. The lot has overgrowth, dead tree branches, falling limbs, and etc. if you look at google images, visibility is an issue. With this new construction and even with an 8ft fence, we believe that that it will make it safer for not just my property but for neighborhood. We believe that this will also add values to the houses in the area.

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Prepared by:
Evelynna E. Fernandez
Westchase Title, LLC
12029 Whitmarsh Lane
Tampa, Florida 33626

File Number: 2021234

Warranty Deed

Made this May 14, 2021 A.D. By **Nadira Sultana, a married woman**, whose post office address is: 4131 Sterling Road Apt 206, Dania, Florida 33314, hereinafter called the grantor, to **Duc Tien Phan, a single man**, whose post office address is: 1919 W. Mohawk Avenue, Tampa, Florida 33603, hereinafter called the grantee:

EW
3
(Whenever used herein the term "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 \$95,000.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Hillsborough County, Florida, viz:

The West 120 feet of the East 290 feet of the North 200 feet of Lot 5, NELMS SUBDIVISION, Section 12, a subdivision according to the map or plat thereof, as recorded in Plat Book 7, Page 46, of the Public Records of Hillsborough County, Florida.

THIS IS VACANT LAND

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: **A0220010000**

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise 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

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

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

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

Prepared by:
Evelynna E. Fernandez
Westchase Title, LLC
12029 Whitmarsh Lane
Tampa, Florida 33626

File Number: 2021234

Signed, sealed and delivered in our presence:

Ameeer Lakhani
Witness Signature
Witness Printed Name AMEER LAKHANI

N. Sultana (Seal)
Nadira Sultana
Address: 4131 Sterling Road Apt 206, Dania, Florida 33314

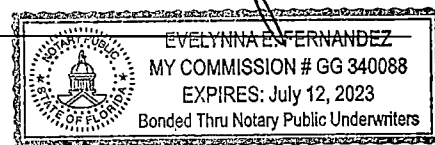
Evelynna Fernandez
Witness Signature
Witness Printed Name Evelynna Fernandez

State of Florida County of Hillsborough

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 14th day of May, 2021, by Nadira Sultana, a married woman, who is/are personally known to me or who has produced D.L. as identification.

Evelynna Fernandez
Notary Public
Print Name:

My Commission Expires:





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: 106 w 122nd Ave City/State/Zip: Tampa FL 33612 TWN-RN-SEC: _____
Folio(s): 022001-0000 Zoning: RSC-6 Future Land Use: Residential Property Size: .5 acre

Property Owner Information

Name: Duc Phan Daytime Phone: 813-417-9241
Address: 1919 W Mohawk Ave City/State/Zip: Tampa, FL 33603
Email: dtphan50@gmail.com FAX Number: _____


Applicant Information

Name: Duc Phan Daytime Phone: 813-417-9241
Address: 1919 W Mohawk Ave City/State/Zip: Tampa, FL 33603
Email: dtphan50@gmail.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 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
Duc Phan

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
Duc Phan

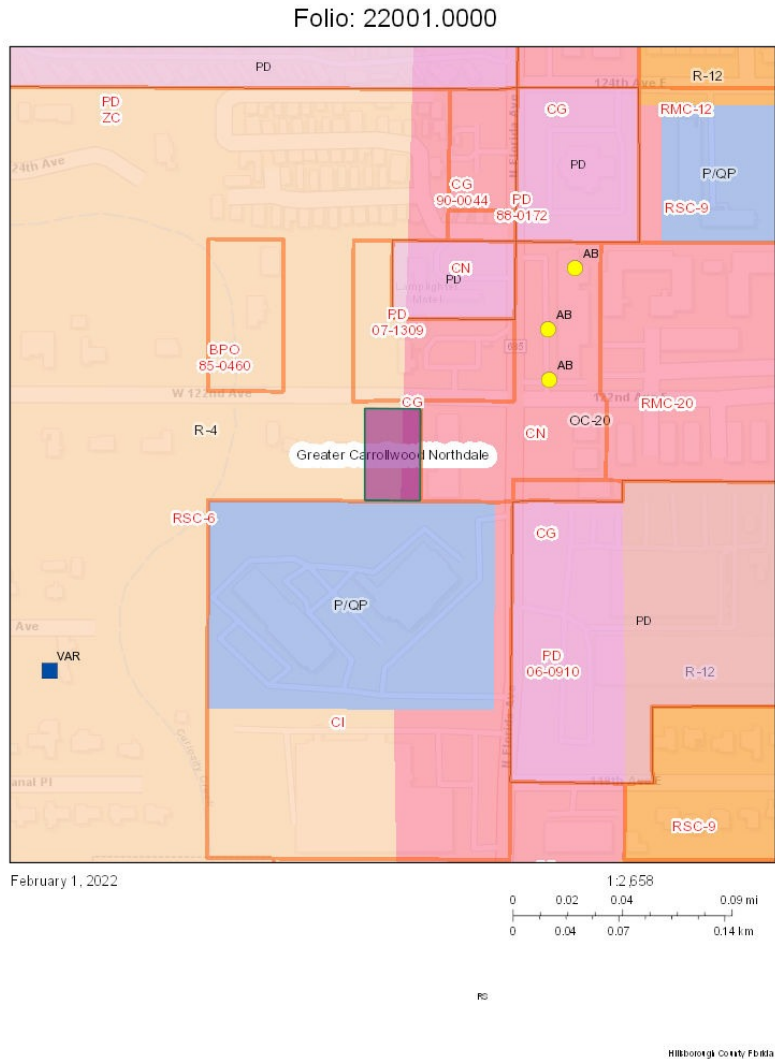
Type or Print Name

Intake Staff Signature: Clare Odell Office Use Only Intake Date: 201222
Case Number: 22000000 Public Hearing Date: 2522
Receipt Number: 125521



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

| | |
|-------------------------------|--|
| Jurisdiction | Unincorporated County |
| Zoning Category | Residential |
| INFL | i |
| Zoning | RSC-6 |
| Description | Residential - Single-Family Conventional |
| Flood Zone:X | AREA OF MINIMAL FLOOD HAZARD |
| FIRM Panel | 0212H |
| FIRM Panel | 12057C0212H |
| Suffix | H |
| Effective Date | Thu Aug 28 2008 |
| Pre 2008 Flood Zone | X |
| Pre 2008 Flood Zone | X500 |
| Pre 2008 Firm Panel | 1201120212D |
| County Wide Planning Area | Greater Carrollwood Northdale |
| Community Base Planning Area | Greater Carrollwood Northdale |
| Census Data | Tract: 011206 Block: 3015 |
| Future Landuse | OC-20 |
| Future Landuse | R-4 |
| Urban Service Area | TSA |
| Waste Water Interlocal | City of Tampa Waste Water |
| Water Interlocal | City of Tampa Water |
| Mobility Assessment District | Urban |
| 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: 22001.0000
PIN: U-12-28-18-10N-000000-00005.2
DUC TIEN PHAN
Mailing Address:
 1919 W MOHAWK AVE
 TAMPA, FL 33603-1055
Site Address:
 106 W 122ND AVE
 TAMPA, FL 33612
SEC-TWN-RNG: 12-28-18
Acreage: 0.54930401
Market Value: \$128,520.00
Landuse Code: 0000 VACANT RESIDENT

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.