



**LAND USE HEARING OFFICER VARIANCE REPORT**

**APPLICATION NUMBER:** VAR 23-0121

**LUHO HEARING DATE:** March 27, 2023

**CASE REVIEWER:** Colleen Marshall, AICP, CFM

**REQUEST:** The applicant is requesting variances to accommodate a proposed two-lot subdivision of property zoned ASC-1.

**VARIANCE(S):**

**Primary Building Setback**

Per LDC Section 6.01.03.F.9, required yards on flag lots and lots accessed by easements are oriented with respect to the roadway from which they are accessed, as if the lots abutted the roadway. In the subject case, the property is accessed from Sam Allen Road to the north. Therefore, the required front yard is located along the north lot line and the required rear yard setback is located along the south lot line. Per LDC Section 6.01.01, a minimum front yard setback of 50 feet and minimum rear yard setback of 50 feet is required in the ASC-1 district. The applicant requests an 11.4-foot reduction to the required rear yard setback of proposed Parcel A to allow a 48.6-foot rear setback from the south property line for the primary home.

**Accessory Structure Setback**

Per LDC Section 6.11.04.C.1, accessory structures shall not be erected in any required front yard. Accessory structures shall be permitted in front yards at twice the depth of the required yard, or 50 feet, whichever is less. Per LDC Section 6.01.01, a minimum setback of 50 feet is required in the ASC-1 district. The applicant requests a 30.1-foot reduction to the required front yard setback of proposed Parcel B to allow for a 19.9-foot front yard setback from the north property line for the accessory structure.

**Access Easement Width**

Per LDC Section 6.02.01.B.5.c.2, a minimum easement width of 30 feet is required to serve two or three dwelling units. The applicant requests a 0.74-foot variance to the required easement width to allow for an easement width of 29.26 feet to serve two or three dwelling units.

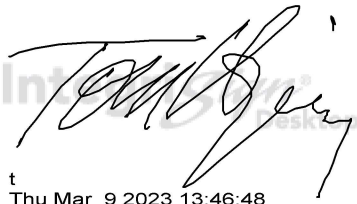
**FINDINGS:**

- None.

**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.

**ADMINISTRATOR'S SIGN-OFF**



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Thu Mar 9 2023 13:46:48

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



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# Project Description (Variance Request)

- 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.

We recently bought this property with the intention of creating a family homestead. We needed to divide the property though in order to build a house for ourselves while leaving the existing home for our daughter and her family. After applying for a parcel split it was discovered that we had to go through the minor subdivision process instead and a couple things needed to be resolved as this property had not changed ownership since 1959.

Below is a list of requested variances:

- 1) a variance to reduce the width of the easement from 30 ft to 29.8 ft.
- 2) a variance to reduce the rear set back of Parcel A from 50 ft to 48.6 ft to 48.9 ft respectively from front to back of existing home
- 3) a variance to reduce the front set back of Parcel B from 50 ft to 21 ft to 19.9 ft respectively from front to back of the existing garage

This is a flag lot and what is technically a front yard for lots directly on a county road is a side yard on our lot and the house faces the easement instead of the county road. Also, we were given a survey from 1965 and the width of the easement is clearly 30ft, so we were surprised with the current survey.

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

- 1) width of easement - section 6.02.01 B5
- 2) rear setback - section 6.01.01
- 3) front setback - section 6.01.01

## Additional Information

- Have you been cited by Hillsborough County Code Enforcement?  No  Yes  
If yes, you must submit a copy of the Citation with this Application.
- 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): Certified Parcel Split case # 6529
- 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.
- Please indicate the existing or proposed utilities for the subject property:  
 Public Water  Public Wastewater  Private Well  Septic Tank
- 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 Reclaimed 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?

The property is a flag lot which makes set back requirements unique. We were aware of zoning set backs but we didn't know that the yard orientation would be the county road. Others who own property around us have actual road frontage so it's clear which is the front yard and which is the back. This brings a unique challenge when dealing with a flag lot. Our house faces the easement not the county road. So the placement of buildings on the property are well positioned. +

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.

If we had purchased newly developed or completely vacant land in the area we would have been dealing with current zoning, new surveys, etc. When purchasing land with existing structures on it there is the added difficulty of working around these buildings. 50 ft set backs are common for homes with road frontage but the literal requirement for our situation would require tearing down buildings. What the county is using as our literal front yard is literally our side yard. +

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 3 variances we're requesting wouldn't affect our neighbors. In fact the only thing on our property that would change is that a house would be built in place of an old trailer that has been on the property since 1971. This would improve the aesthetics and the value of the neighboring lots. The existing structures on our property were here long before others purchased adjacent lots and they still chose to buy. +

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).

I agree with good planning and design practices as well as being respectful and considerate of my neighbors. By improving a property that has sat virtually untouched for decades we would be adding value to the neighborhood and not detracting.

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.

We have owned this property for less than 3 months. During that time we haven't moved, built or added any structures. All structures that are causing zoning concerns were existing from the purchase date of this property.

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

The physical and financial hardship for us is extreme. It would be a huge hardship to tear down the existing garage and rebuild it in another location. We need two homes in order to stay on this property, if we can't subdivide and build we would be forced to sell immediately. Justice would be to allow the variances since doing so wouldn't affect any neighbors and would favor families, people and community rather than rules. +

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Prepared by:  
Hillsborough Title, Inc.  
Katelyn Lewis  
1605 S. Alexander St. , #102  
Plant City, FL 33563  
File No.: PC22-113629  
This Deed is prepared pursuant to the issuance of Title Insurance

### GENERAL WARRANTY DEED

Made this October 20, 2022. A.D. by Estelle C. Daniels an unremarried widow, Individually and as Trustee of the Estelle C. Daniels Revocable Trust Agreement dated August 8, 2003, whose address is: 579 Grasslands Village Circle, Lakeland, FL 33803 hereinafter called the grantor, to Richard A. Yamnitz and Mary Beth Yamnitz, husband and wife, whose post office address is: 3601 W Sam Allen Rd, Plant City, FL 33565, hereinafter called the grantee:

(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 Ten Dollars (\$10.00) 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:

Parcel 1: The East 1/2 of the NW 1/4 of the NW 1/4 of the Se 1/4 of Section 13, Township 28 South, Range 21 East, Less the East 33 feet and the North 258 feet thereof, Public Records of Hillsborough County, Florida.

and

Parcel 2: The South 69 feet of the North 258 feet of the East 1/2 of the NW 1/4 of the NW 1/4 of the Se 1/4 of Section 13, Township 28 South, Range 21 East, Less the East 133 feet thereof, Public Records of Hillsborough County, Florida.

and

Parcel 3: The West 1/2 of the NW 1/4 of the NW 1/4 of the SE 1/4 of Section 13, Township 28 South, Range 21 East, Less and except the following: From the Northwest corner of the Southeast 1/4 of Section 13, Township 28 South, Range 21 East, run thence N 89 degrees 48' East 301.45 feet, thence South 0 degrees 11' East 670.01 feet, thence South 89 degrees 42' West 303.65 feet, thence North 670.6 feet to the Point of Beginning, less road right of way on North and South Side as described in Deed recorded in Official Records Book 1430, page 359 of said Public Records.

Parcel ID No.: 081173-0000

Parcel ID No.: 081174-0000

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

**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 except taxes accruing subsequent to the current year.


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

Prepared by:  
Hillsborough Title, Inc.  
Katelyn Lewis  
1605 S. Alexander St. , #102  
Plant City, FL 33563  
incidental to the issuance of a title insurance policy  
File No.: PC22-113629

Signed and Sealed in Our Presence:

  
\_\_\_\_\_

Witness Printed Name: Sharon Ours

  
\_\_\_\_\_ **Katelyn Lewis**

Witness Printed Name: \_\_\_\_\_

Estelle C. Daniels Revocable Trust Agreement dated August 8, 2003

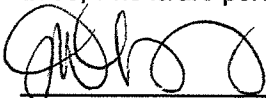
BY: Estelle C. Daniels  
Estelle C. Daniels  
Trustee

Estelle C. Daniels  
Estelle C. Daniels  
Address:

579 Grasslands Village Circle  
Lakeland, FL 33803

State of Florida  
County of Hillsborough

The foregoing instrument was executed and acknowledged before me this 20th of October, 2022, by means of  Physical Presence or  Online Notarization, by Estelle C. Daniels an unmarried widow, individually and as Trustee of the Estelle C. Daniels Revocable Trust Agreement dated August 8, 2003, who is/are personally known to me or who has produced a valid driver's license as identification.

  
\_\_\_\_\_

Notary Public

My Commission Expires: 2/22/2024

(SEAL)





**Hillsborough  
County Florida**  
Development Services

# Property/Applicant/Owner Information Form

### Official Use Only

Application No: 23-0121 Intake Date: 1/30/2023  
Hearing(s) and type: Date: 03/27/2023 Type: LUHO Receipt Number: 236971  
Date: \_\_\_\_\_ Type: \_\_\_\_\_ Intake Staff Signature: Clare Odell

### Property Information

Address: 3601 W Sam Allen Rd City/State/Zip: Plant City/FL/33565  
TWN-RN-SEC: 28/21/13 Folio(s): 81173 & 811 Zoning: ASC-1 & Future Land Use: single fa Property Size: 3.55 acres

### Property Owner Information

Name: Richard & Mary Beth Yamnitz Daytime Phone: 813-468-1950  
Address: 3601 W Sam Allen Rd City/State/Zip: Plant City/FL/33565  
Email: MBYamnitz@gmail.com Fax Number: \_\_\_\_\_

### Applicant Information

Name: Richard & Mary Beth Yamnitz Daytime Phone: 813-468-1950  
Address: 3601 W Sam Allen Rd City/State/Zip: Plant City/FL/33565  
Email: MBYamnitz@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 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.**

*Richard A Yamnitz*

Signature of the Applicant

Richard A Yamnitz

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.**

*Mary Beth Yamnitz*

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

Mary Beth Yamnitz

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:AE	
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0266H
FIRM Panel	12057C0266H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120270D
County Wide Planning Area	East Rural
Census Data	Tract: 010106 Block: 4016
Future Landuse	R-2
Mobility Assessment District	Rural
Mobility Benefit District	3
Fire Impact Fee	Northeast
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 3
Wind Borne Debris Area	Outside 140 MPH Area
Aviation Authority Height Restrictions	310' AMSL
Competitive Sites	NO
Redevelopment Area	NO



**Folio: 81173.0000**  
**PIN: U-13-28-21-ZZZ-000003-55940.0**  
**RICHARD A AND MARY BETH YAMNITZ**  
**Mailing Address:**  
 3601 W SAM ALLEN RD  
 PLANT CITY, FL 33565-5535  
**Site Address:**  
 3601 W SAM ALLEN RD  
 PLANT CITY, FL 33565  
**SEC-TWN-RNG: 13-28-21**  
**Acreage: 2.7876699**  
**Market Value: \$383,354.00**  
**Landuse Code: 0100 SINGLE FAMILY**

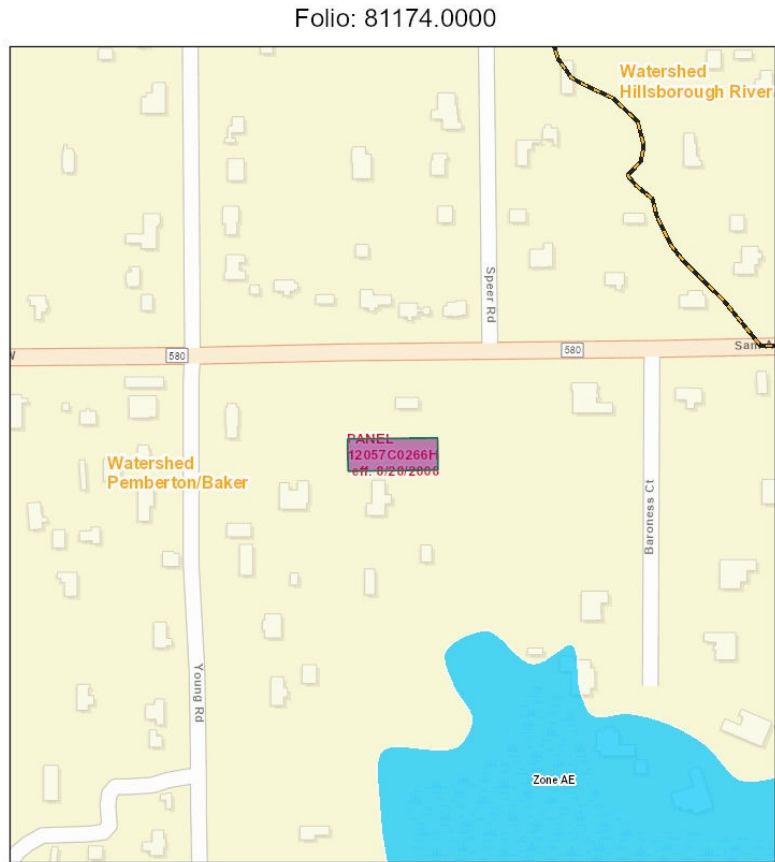
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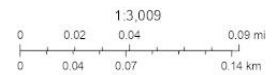


# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
FLX	f
Zoning	RSC-4
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0266H
FIRM Panel	12057C0266H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120270D
County Wide Planning Area	East Rural
Census Data	Tract: 010106 Block: 4016
Future Landuse	R-2
Mobility Assessment District	Rural
Mobility Benefit District	3
Fire Impact Fee	Northeast
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 3
Wind Borne Debris Area	Outside 140 MPH Area
Aviation Authority Height Restrictions	310' AMSL
Competitive Sites	NO
Redevelopment Area	NO



January 30, 2023



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Hillsborough County Florida

**Folio: 81174.0000**  
**PIN: U-13-28-21-ZZZ-000003-55950.0**  
**RICHARD A AND MARY BETH YAMNITZ**  
**Mailing Address:**  
 3601 W SAM ALLEN RD  
 PLANT CITY, FL 33565-5535  
**Site Address:**  
 0  
 PLANT CITY, FL 33565  
**SEC-TWN-RNG: 13-28-21**  
**Acreage: 0.31171799**  
**Market Value: \$29,674.00**  
**Landuse Code: 0000 VACANT RESIDENT**

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