

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-1428

REQUEST: The applicant is requesting variances to accommodate a proposed accessory dwelling on property zoned RSC-6.

VARIANCE(S):

- 1) Per LDC Section 6.11.02.E, accessory dwellings shall meet principal building setbacks. Per LDC Section 6.01.01, a minimum rear yard setback of 25 feet is required in the RSC-6 district. The applicant requests a 10-foot reduction to the required rear yard setback to allow a 15-foot setback from the west property line.
- 2) Per LDC Section 6.11.02.C, living space in the accessory dwelling shall be limited to a maximum of 900 square feet, except that a variance to increase this amount may be requested provided the residential lot is at least 14,520 square feet in size and the living space proposed for the accessory dwelling does not exceed 1,200 square feet or 25 percent of the living space in the principal dwelling on the lot, whichever is less. The applicant requests a 225-square-foot increase to the maximum amount of living space allowed in an accessory dwelling to allow 1,125 square feet of living space for the proposed accessory dwelling.

FINDINGS:

- Per the Appraisal Report submitted by the applicant, the subject property is approximately 21,991 square feet in size excluding submerged land and the principal dwelling on the lot contains 4,502 square feet of living space. Twenty-five percent of the living space in the principal dwelling is 1,125.5 square feet. Therefore, the applicant's request to increase the amount of living space allowed in the proposed accessory dwelling may be considered.
- Per LDC Sec. 4.01.07.B.2, no conservation/preservation area setback shall be required landward of a seawall which is constructed pursuant to the approval of appropriate regulatory agencies. Permit number 58426 was approved by the Environmental Protection Commission on December 15, 2014 for the seawall on the west side of the subject property. Therefore, no conservation/preservation area setback is required.

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

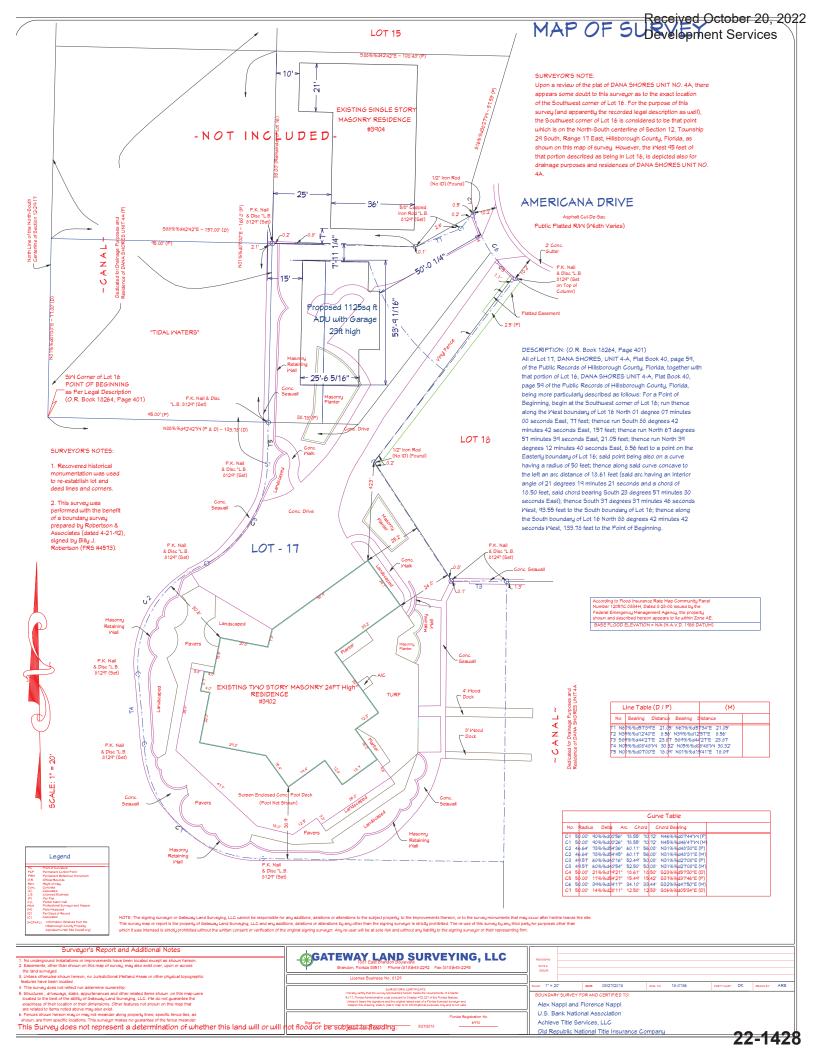
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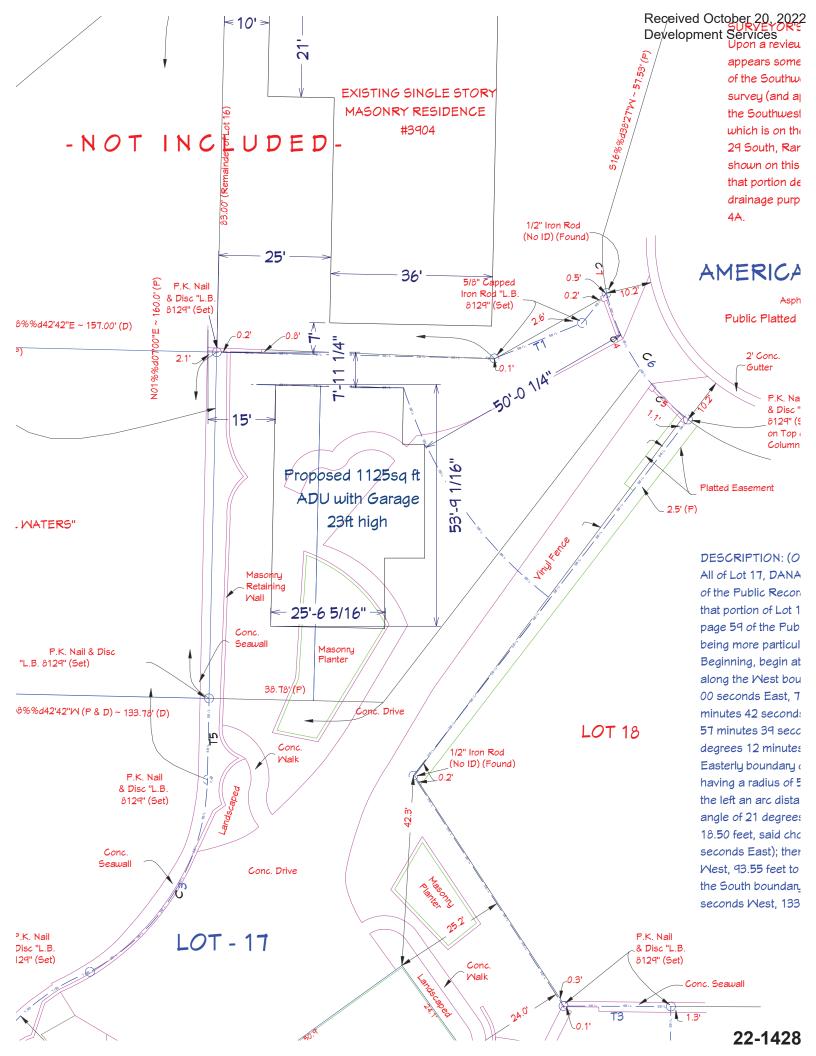
Attachments: Application

Site Plan

Petitioner's Written Statement

Current Deed







Additional / Revised Information Sheet

Off	iice	Use	On	lv
				. ,

Application Number: VAR 22-1428	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	eletter must list any new folio number(s) added. Additioned he additional/revised documents being submitted with	nally, the second page of this form must be
Application Number:	VAR 22-1428 Applicant's Name: A	ex Nappi
		Date: 10/11/2022
Application Type:	ment (PD)	(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): 11/21/2022	
•	: Size Change Information e may result in a new hearing date as all reviews will be so	ubject to the established cut-off dates.
Will this revision add If "Yes" is checked on t	land to the project?	n * on the last page.
	ove land from the project?	n†on the last page.
Email this	form along with all submittal items indicated on t ZoningIntake-DSD@hcflgov.net	
titled according to it	format and minimum resolution of 300 dpi. Each iter s contents. All items should be submitted in one email vect line. Maximum attachment(s) size is 15 MB.	·
For additional hel	p and submittal questions, please call (813) 277-1633 or	email ZoningIntake-DSD@hcflgov.ne <u>t</u> .
	described above are the only changes that have been no onal submission and certification.	nade to the submission. Any further changes
	Signature	 Date



Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to <u>Chapter 119 Florida Statutes</u>, 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. If your application requires a public hearing and contains sensitive/protected information, please contact <u>Hillsborough County Development Services</u> to determine what information will need to be disclosed as part of the public hearing process.

Additionally, parcels exempt under <u>Florida Statutes §119.071(4)</u> will need to contact <u>Hillsborough County Development</u> Services to obtain a release of exempt parcel information.

Are you seek to Chapter 11	ing an exemption from public disclosure of selected information 19 FS? Yes No	submitted with your application pursuant
	irm that the material submitted with applicationVAR Includes sensitive and/or protected information.	22-1428
	Type of information included and location	
×	Does not include sensitive and/or protected information.	
Please note: Ser	nsitive/protected information will not be accepted/requested unless it is require	d for the processing of the application.
•	on is being sought, the request will be reviewed to determine if th om public view. Also, by signing this form I acknowledge that ar	• •
become publ	ic information if not required by law to be protected.	
Signature:		
	(Must be signed by applicant or authorized repre	sentative)
Intake Staff Si	ignature:	Date:



Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Incl	uded	Submittal Item
1	\boxtimes	Cover Letter*+ If adding or removing land from the project site, the final list of folios must be included
2	\boxtimes	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	\boxtimes	Site Plan*+ All changes on the site plan must be listed in detail in the Cover Letter.
10	\boxtimes	Survey
11		Wet Zone Survey
12		General Development Plan
13	\boxtimes	Project Description/Written Statement
14		Design Exception and Administrative Variance requests/approvals
15	\boxtimes	Variance Criteria Response
16		Copy of Code Enforcement or Building Violation
17		Transportation Analysis
18		Sign-off form
19		Other Documents (please describe): Apprasial showing sq footage of main house at 4502sq ft

^{*}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.

Cover letter for explanation of revision of variance request VAR 22-1428

After discussion with Colleen Marshall, the planner assigned to my variance request, I am requesting the following revisions to VAR 22-1428

- 1. I am adding an appraisal of the primary house showing the square footage of 4502sq ft.
- 2. I am adding a variance request to the required rear yard for the proposed ADU.

I had requested and administrative waiver (AW 22-1415) for irregular lot shape to allow a small corner of the ADU to extend into the required front yard. This request was denied because it was thought that there were alternative placement possibilities on the lot that would not require this intrusion into the required front yard. Shifting the proposed ADU to the south is not possible because it will block the driveway used to access the primary house. Shifting the proposed ADU to the west, into the required rear yard, would allow the ADU to fit on the lot and not extend into the required front yard.

Please see the new attached drawings of the proposed lot layout. This ADU is going to be occupied by my aging parents. My goal has been to have a single story ADU to allow them to move about more easily. I initially thought I could not request variances to any ADU setbacks, so I modified my initial plan to a 2 story ADU to fit existing setbacks. However now that I have learned a variance to the required rear yard is possible, I would like to request a variance to decrease the required rear yard so that the ADU can be built as a single story.

I have attached satellite images showing just a small sample of the houses in Dana Shores built closer than 25ft to the sea wall, including the hose on 3904 Americana which is directly adjacent to the proposed ADU. I have also included updated Project Description(Variance request) and Variance Criteria Response forms. Updated site plans are also included.

2.

1.

2.

3.

4.

5.

		Application No: _	
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.
Plan is for construction of an accessory dwelling unit. Variance is requested for increase in size of allowed ADU to 1125sq ft. The primary structure on the lot is 4502 sq ft (see attached appraisal). Per LDC Sec 6.11.02.C allowed size of ADU can be varied up to 25% of the size of the primary structure. The lot size is greater than 14,520 sq ft, as required by the LDC for this variance.
Additional request is made to allow a 10 ft intrusion into the required 25 ft rear yard. Multiple houses in Dana Shores are built within required rear yards, including the house on at 3904 Americana Dr (directly adjacent to the proposed ADU). The house on 3902 Americana is built with a 15 ft intrsion into the required rear yard (leaving only 10ft to the water), which does unfairly affect the view looking down the canal from my lot.
A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code: Section 6.11.02.C Sec 6.11.02.F
Additional Information
Have you been cited by Hillsborough County Code Enforcement? No 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
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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•	on is being sought, the request will be reviewed to determine if th om public view. Also, by signing this form I acknowledge that ar	• •
become publ	ic information if not required by law to be protected.	
Signature:		
	(Must be signed by applicant or authorized repre	sentative)
Intake Staff Si	ignature:	Date:



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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 living area increase variance is specifically allowed by the LDC based on the size of the lot and the size of the primary structure

The requested intrusion into the required rear yard is already enjoyed by multiple house in Dana Shores, including 3904 Americana Dr, the property adjacent to the proposed ADU. The house on 3904 Americana is built 15 ft into the required rear yard.

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.

LDC specifically allows for variance of ADU size. If this variance were denied I would be deprived of rights granted to other RSC-6 lots with primary residences of over 3600sq ft.

The LDC requires me to have a setback more restrictive than the adjacent lot, which deprives my lot from an equal view down the canal and deprives me of the ability to use areas near the water for structures that have been granted to other lots in the neighborhood

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 buildable footprint based on required front, rear and side yard set backs only allows for a depth of 24ft for the ADU. This 24ft depth of the ADU along the property line of 3904 Americana will be unchanged by this variance, the additional sq footage will be located on the southern end of the ADU, which is not adjacent to another lot.

The requested intrusion into the rear yard is still further from the canal than the adjacent property is built

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).

According to the Florida ADU Guidebook, ADUs help to mitigate the shortage of affordable house in our county. Florida Statute 163.31771 promotes the use of ADUs "to address deficits in affordable house to … moderate income residents". The proposed ADU is for my aging and increasingly frail parents to assist them to "age in place" as per the Florida ADU Guidebook.

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.

Th	nere	was	no	illegal	act	or	actions	from	the	applicant	to	cause	this	hardship.
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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 give 3902 Americana the same rights enjoyed by all properties in RSC-6 with primary residences of 3600 sq ft or greater. If this setback variance request is not granted this will create hardship to my aging parents who are currently residents of Hillsborough County. Allowing this variance, will allow my parents to live more safely without having to navigate stairs in a single story ADU, as opposed to having to re-design the ADU to be 2 stories in order to fit on the lot.







12:11:38 PM, DOC TAX PD(F.S.201.02) \$9975.00 DEPUTY CLERK:MTERRELL Pat Frank, Clerk of the Circuit Court Hillsborough County

Prepared by and return to:
Kristie Jordan
Achieve Title Services, LLC
1406 N. Dale Mabry Hwy, Suite 100
Tampa, FL 33607

File Number: 6342017

In Consideration \$1,425,000.00

(Space Above This Line For Recording Data)

Warranty Deed

This Warranty Deed made this 3rd day of April, 2018, between Susan R. Bayer and Lloyd W. Bayer, husband and wife, Susan R. Bayer, as trustee under the Susan R. Bayer Trust Agreement dated October 6, 2006, as to an undivided one-half (1/2) interest, and Lloyd W. Bayer, as trustee under the Lloyd W. Bayer Trust Agreement dated October 6, 2006, as to an undivided one-half (1/2) interest, whose post office address is 825 Harbor Drive S. Venice, FL 34285, grantor, and Alex Nappi and Florence Nappi, husband and wife whose post office address is 3902 Americana Dr, Tampa, FL 33634, grantee:

(Whenever 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, trusts and trustees)

Witnesseth, that said granter, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said granter in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in the Hillsborough County, Florida, to-wit:

All of Lot 17, DANA SHORES, UNIT 4-A, Plat Book 40, Page 59, of the Public Records of Hillsborough County, Florida, together with that portion of Lot 16, DANA SHORES UNIT 4-A, Plat Book 40, Page 59 of the Public Records of Hillsborough County, Florida, being more particularly described as follows: For a point of beginning, begin at the Southwest corner of Lot 16; run thence slong the West boundary of Lot 16, North 01°07'00" East, 77 feet; thence run South 88°42'42" East, 157 feet; thence run North 67°57'39" East, 21.05 feet; thence run North 39°12'40" East, 8.56 feet to a point on the Easterly boundary of Lot 16; said point being also on a curve having a radius of 50 feet; thence along said curve concave to the left an arc distance of 18.61 feet (said arc having an interior angle of 21°19' 21" and a chord of 18.50 feet, said chord bearing South 23°57'30" East); thence South 37°37'46" West, 93.55 feet to the South boundary of Lot 16; thence along the South boundary of Lot 16 North 88°42'42" West, 133.78 feet to the Point of Beginning.

Parcel Identification Number: 012161-0020

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 granter hereby covenants with said grantee that the granter is lawfully seized of said land in fee simple; that the granter has good right and lawful authority to sell and convey said land; that the granter hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2017.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:	
Witness Name: Kristie Jordan Witness Name: Stephanie Hall	Susan R. Bayer Trust Agreement, dated October 6, 2006 and Lloyd W. Bayer Trust Agreement, dated October 6, 2006 By: Susan R. Bayer, as Trustee By: Lloyd W. Bayer, individually By: Lloyd W. Bayer, individually
State of County of State of County of State of County of State of	LLOYD W. BAYER TRUST AGREEMENT DATED ally known to me or () have produced



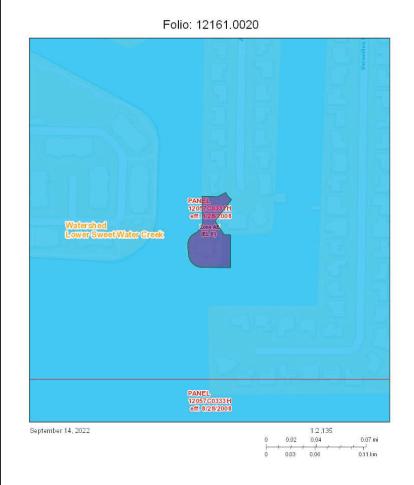
Property/Applicant/Owner of Information Form

Application No: VAR 22-1428	Official Use Only	Intake Date: 09/12/22
Application No: VAR 22-1428 Hearing(s) and type: Date:	Type: LUHO	Passint Number
Date:		1
	Property Information	
Address: 3902 Americana Dr	City/State/Zi	p. Tampa, FC 33638
TWN-RN-SEC: 29-17-12Folio(s): 012/61	-0020zoning: <u>DSC-6</u> Futur	re Land Use: Reporty Size: 0.67 acres
1	Property Owner Informati	
Name: Mex Nuppi and Pla	wence Nuppi	Daytime Phone 8/3 842 9/36
Address: 3902 Americana D.	City/State/Zip:	Tappa, FC 33634
		Fax Number
	Applicant Information	
Name: Alex Nappi		
Address: 3902 Americana Dr		
Email: ahap 90 @gwail.com		Fax Number
Applicant	's Representative (if differen	nt than above)
Name:		Daytime Phone
Address:	City/State/Zip:	
Email:		Fax Number
I hereby swear or affirm that all the infor	motion thereby	authoriza the processing of this auglication
provided in the submitted application pa and accurate, to the best of my knowledge authorize the representative listed above to act on my behalf on this application.	cket is true and reco	ognize that the final action taken on this a shall be binding to the property as well as to rent and any future owners. Of the Owner(s) Apparties on the deed must sign)
Alex Nagai / Florence Type or print name	Napp' Alex Type or pri	Nappi flovence 195-1



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County		
Zoning Category	Residential		
Zoning	RSC-6		
Description	Residential - Single-Family Conventional		
Flood Zone:AE	BFE = 9.0 ft		
FIRM Panel	0331H		
FIRM Panel	12057C0331H		
Suffix	Н		
Effective Date	Thu Aug 28 2008		
Pre 2008 Flood Zone	AE		
Pre 2008 Firm Panel	1201140012C		
County Wide Planning Area	Town and Country		
Community Base Planning Area	Town and Country		
Census Data	Tract: 011708 Block: 2030		
Census Data	Tract: 011708 Block: 2019		
Census Data	Tract: 011708 Block: 2011		
Census Data	Tract: 011708 Block: 2035		
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	NORTHWEST		
ROW/Transportation Impact Fee	ZONE 10		
Wind Borne Debris Area	140 MPH Area		
Aviation Authority Height Restrictions	50' AMSL		
Aviation Authority	Landfill Notification Area		
Aviation Authority	Non-Compatible Use (Schools)		
Competitive Sites	NO		
Redevelopment Area	NO		



Hillsborough County Fibrida

Folio: 12161.0020 PIN: U-12-29-17-0GC-000000-00016.0 ALEX AND FLORENCE NAPPI Mailing Address: 3902 AMERICANA DR TAMPA, FL 33634-7405 Site Address: 3902 AMERICANA DR TAMPA, Fl 33634 SEC-TWN-RNG: 12-29-17

Acreage: 0.674124 Market Value: \$1,795,241.00 Landuse Code: 0100 SINGLE FAMILY

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.