



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0352	
LUHO HEARING DATE: June 26, 2023	CASE REVIEWER: Isis Brown

REQUEST The applicant is requesting setback variances to accommodate multiple existing accessory structures and a proposed addition to a single-family home on property zoned AS-0.4.

VARIANCE(S):

Home Addition:

The subject property is accessed by an easement that connects with U.S. Highway 301 to the west. Per LDC Section 6.01.03.F.9, required yards on lots accessed by easements shall be oriented with respect to the roadway to which the easement connects, as if the lot abutted the roadway. Consequently, the required yard orientation on the subject parcel is as follows: front, west side; rear, east side; sides, north and south sides. Per LDC Section 6.01.01, a minimum rear yard setback of 50 feet, a minimum side yard setback of 15 feet, and minimum rear yard setback of 50 feet are required in the AS-0.4 district. The applicant requests a 11.5 - foot reduction to the required rear yard setback to allow a rear setback of 38.5 feet from the east property line.

Accessory Structures

Per LDC Sections 6.11.04.B and 6.11.04.C, accessory structures that are 15 feet or less in height are permitted in front yards at twice the depth of the required front yard or 50 feet, whichever is less. Additionally, such structures may occupy required side yards provided that such structures are more distant from the street than any part of the principal building on the same lot and any lot abutting said required side yard, provided the accessory structure is not closer than 3 feet from any side lot line, including architectural features such as cornices, eaves and gutters. Such structures may also occupy required rear yards provided that such structures do not occupy more than 20 percent of the required rear yard and not closer than 3 feet to the rear lot line. According to the applicant, all of the accessory structures are less than 15 feet in height.

All of the accessory structures, labelled AS-1, AS-2, AS-3 and AS-4 on the graphic in this report, are closer to Highway 301 to the west than part of the house on the parcel and therefore are subject to the required 15-foot side yard setback of the property's zoning. The applicant requests the following variances:

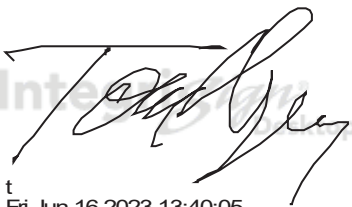
- 1) Structure AS-1: An 11.99-foot reduction to the required side yard setback to allow a side setback of 3.01 feet from the south property line.
- 2) Structure AS-2: A 12.37-foot reduction to the required side yard setback to allow a setback of 2.63 feet from the south property line.
- 3) Structure AS-3: A 13.73-foot reduction to the required side yard setback to allow a setback of 1.27 feet from the south property line.
- 4) Structure AS-4: A 4.92-foot reduction to the required side yard setback to allow a setback of 10.08 feet from the south property line. Additionally, a 1.96-foot reduction to the required rear setback to allow a setback of 1.04 feet.

FINDINGS:

- A minimum lot size of 2.5 acres is required in the AS-0.4 district. The subject lot is approximately 1.99-acre in size and therefore is nonconforming. However, it has been certified as a legal nonconforming lot, per NCL 23-0345 in the case record.

- **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 need for the applicant or property owner to obtain all additional required approvals including, but not limited to, subdivision or site development approvals and building permit approvals.

ADMINISTRATOR'S SIGN-OFF
 t Fri Jun 16 2023 13:40:05
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.

The required yard setback is 50 feet. As the house sits right now, prior to any renovations, it is not in compliance. The current S.E. corner setback is 47'-8". We are requesting a 42'-8" N.E. corner setback with a difference of 7'-4" and a 38'-6" S.E. corner setback with a difference of 11'-6" in order to accommodate our new addition.

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

Sec. 5.2.2

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): Building Permit HC-BLD-23-0043898, concurrent submittal of nonconforming lot review
- 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 home already sits out of compliance, a detail we were not privy to upon our purchase of the property. We purchased the property with the intent to build an addition. Due to the large size of our family, the current square footage and layout of the home is unsuitable.

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.

In order for the home to meet the practical requirement for a multigenerational family of our size we will need to add on additional square footage. The literal requirements of the LDC would prevent us from doing so and not being able to add on to the home would significantly impede our ability to use the space appropriately.

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.

We only have one neighbor and, due to the size of each of our lots, our homes are so far apart that it would not interfere with them at all.

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).

If the variance is allowed, it would not impede or interfere with anyone else's property, our home would still sit well within our own property lines. The situation sought to be relieved by the variance will leave us well within the parameters of our property without affecting our neighbors and will allow us to add on to our home to accommodate our family.

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.

There are no illegal acts or actions on our part that would result in a self-imposed hardship. When we purchased the property it was already out of compliance, something we were not aware of.

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.

Allowing the variance would not interfere with or injure the rights of our neighbors due to the distance between our homes. The home already sits out of compliance and granting us the variance will allow us to add on to the home in order to more appropriately accommodate our large multigenerational family. Without the variance, it will be difficult to accommodate our family within the existing square footage.

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Prepared by and return to:

Claudia Sanchez
Milestone Title Services, LLC
14310 North Dale Mabry Highway
200
Tampa, FL 33618
(813) 513-9848
File No 217523

Parcel Identification No 080359-0300

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WARRANTY DEED

(STATUTORY FORM – SECTION 689.02, F.S.)

This indenture made the 20th day of September, 2021 between Joseph W. White and Tammy White, a married couple, whose post office address is **5913 Providence Road, Riverview, FL 33578**, of the County of Hillsborough, State of Florida, Grantors , to **David J. Drigo and Natasha N. Drigo, husband and wife**, whose post office address is **14010 W P Lane, Thonotosassa, FL 33592**, of the County of Hillsborough, State of Florida, Grantees:

Witnesseth, that said Grantors, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantors in hand paid by said Grantees, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantees, and Grantees' heirs and assigns forever, the following described land, situate, lying and being in Hillsborough, Florida, to-wit:

A tract of land located in the SW 1/4 of the NE 1/4 of Section 30, Township 27 South, Range 21 East, HILLSBOROUGH County, Florida, and being more particularly described as follows:

For a point of reference, Commence at the SW corner of the NE 1/4 of said Section 30; thence run N 00°00'13" W, along the North-South center of Section line, a distance of 50.0 feet to the Point of Beginning; thence continue N 00°00'13" W, along said North-South center of Section line, a distance of 414.90 feet; thence run N 89°11'10" E, a distance of 210.0 feet; thence run S 00°00'13" E, a distance of 414.90 feet; thence run S 89°11'10" W, a distance of 210.0 feet to the Point of Beginning.

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

Subject to taxes for 2021 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in fee simple forever.

And Grantors hereby covenant with the Grantees that the Grantors are lawfully seized of said land in fee simple, that Grantors have good right and lawful authority to sell and convey said land and that the Grantors hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, Grantors have hereunto set Grantors' hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]

WITNESS
PRINT NAME: Claudia Sanchez

[Signature]

WITNESS
PRINT NAME: Dylan Constant

[Signature]

Joseph W. White

[Signature]

Tammy White

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of () physical presence or () online notarization this 20th day of September, 2021, by Joseph W White and Tammy White.

[Signature]

Signature of Notary Public
Print, Type/Stamp Name of Notary **Dylan Constant**



Personally Known: _____ OR Produced Identification:

Type of Identification

Produced: FLDL

Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR 23-0352 Intake Date: 03/31/2023
Hearing(s) and type: Date: 06/26/2023 Type: LUHO Receipt Number: 255458
Date: _____ Type: _____ Intake Staff Signature: Keshia Rivas

Property Information

Address: 14010 WP Lane City/State/Zip: Thonotosassa/FL/33592
TWN-RN-SEC: 27-21-30 Folio(s): 80359.0300 Zoning: AS-0.4 Future Land Use: AE Property Size: 1.995

Property Owner Information

Name: David and Natasha Drigo Daytime Phone: 8137489157
Address: 14010 WP Lane City/State/Zip: Thonotosassa/FL/33592
Email: drigo803@yahoo.com Fax Number: _____

Applicant Information

Name: David and Natasha Drigo Daytime Phone: 8137489157
Address: 14010 WP Lane City/State/Zip: Thonotosassa/FL/33592
Email: drigo803@yahoo.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.

Signature of the Applicant

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.

David and Natasha Drigo
Signature of the Owner(s) - All parties on the deed must sign

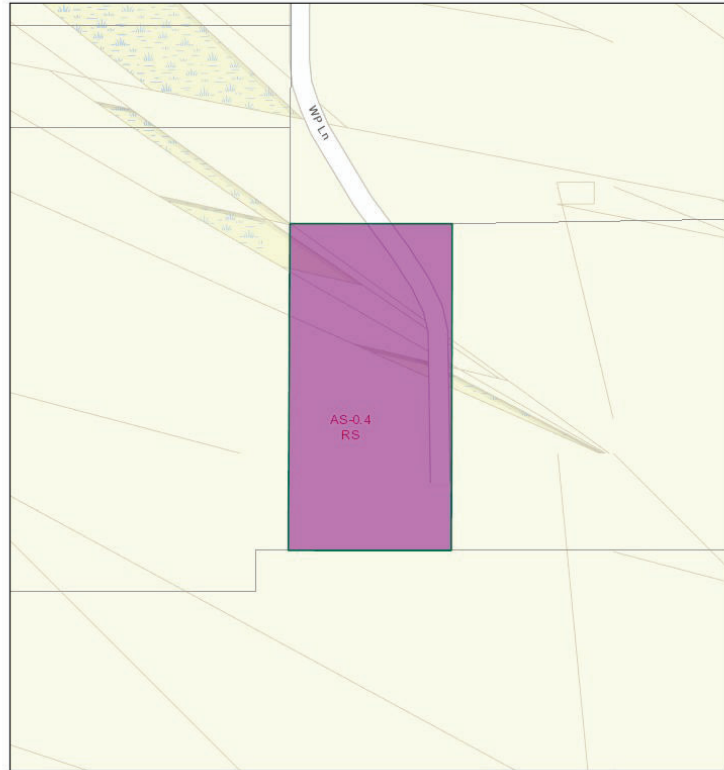
David and Natasha Drigo
Type or print name



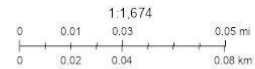
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
FLX	f
Zoning	AS-0.4
Description	Agricultural - Single-Family Estate
RS	95-0092
RZ	RS
Flood Zone:AE	
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0251H
FIRM Panel	12057C0251H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120255C
County Wide Planning Area	East Rural
County Wide Planning Area	Thonotosassa
Community Base Planning Area	Thonotosassa
Census Data	Tract: 010103 Block: 1030
Future Landuse	AE
Future Landuse	AE
Future Landuse	AE
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
Competitive Sites	NO
Redevelopment Area	NO

Folio: 80359.0300



March 31, 2023



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

Hillsborough County Florida

Folio: 80359.0300
PIN: U-30-27-21-ZZZ-000003-35170.0
David J And Natasha N Drigo
Mailing Address:
 14010 Wp Ln
 null
 Thonotosassa, Fl 33592-4204
Site Address:
 14010 Wp Ln
 Thonotosassa, Fl 33592
SEC-TWN-RNG: 30-27-21
Acreage: 1.99514997
Market Value: \$240,477.00
Landuse Code: 0100 Single Family

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