

**Variance Application:** 24-0427  
**LUHO Hearing Date:** May 20, 2024  
**Case Reviewer:** Wayne Doyon



**Hillsborough  
 County Florida**

Development Services Department

**Applicant:** Jeff Larson/ Larson Communities No 3 LLC      **Zoning:** PD  
**Location:** Folios: 002680-1002, Odessa, FL 33556

**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 05-01-2024, is for the construction of a house, pool, and patio 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.	Encroachment into the 30-foot wetland setback for construction of a house, pool, and patio.  Lot 37, Block A = 12.5’	Lot 37, Block A = 17.5’ setback

<b>Findings:</b>	<ol style="list-style-type: none"> <li>The wetland setback compensation planting area will be reviewed and approved with the subdivision construction plans.</li> <li>The physical barrier required by EPC per the plans dated 05/01/2024 to protect against encroachment into the wetlands by planting shrubbery, must be shown on the wetland setback compensation planting plan to be reviewed with the subdivision construction plans. The barrier must be installed before the CO for each home is issued.</li> </ol>

<b>Zoning Administrator Sign Off:</b>	
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**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**







# Additional / Revised Information Sheet

Office Use Only		
Application Number: 24-0427	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: 24-0427 Applicant's Name: Tuyen L. Tran, P.E.

Reviewing Planner's Name: Wayne Doyon Date: 04/23/2024

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): 05/20/2024

### 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 last 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 last page.

**Email this form along with all submittal items indicated on the next page in pdf form to:**  
[ZoningIntake-DSD@hcflgov.net](mailto:ZoningIntake-DSD@hcflgov.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@hcflgov.net](mailto:ZoningIntake-DSD@hcflgov.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.**

  
\_\_\_\_\_  
Signature

4/25/2024  
\_\_\_\_\_  
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. If your application requires a public hearing and contains sensitive/protected information, please contact [Hillsborough County Development Services](#) to determine what information will need to be disclosed as part of the public hearing process.

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 disclosure of selected information submitted with your application pursuant to Chapter 119 FS?**     Yes     No

I hereby confirm that the material submitted with application 24-0427

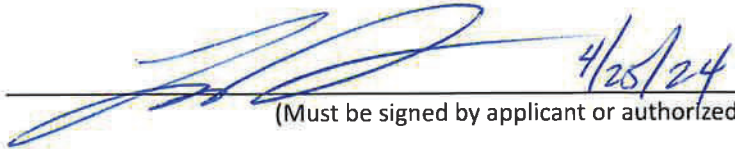
Includes sensitive and/or protected information.

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:  4/25/24  
(Must be signed by applicant or authorized representative)

Intake Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# Additional / Revised Information Sheet

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

Included	Submittal Item
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- 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):

Re-Noticing Package

\*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 Florida**  
Development Services

Application No: \_\_\_\_\_

# 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 are requesting a Variance to LDC 4.01.07.B.4 to encroach on the 30 ft wetland setback for construction of a house, pool, and patio with maximum encroachment of 12.5 ft. Lot 37, Block A, was previously platted May 6, 1976, Nine Eagles Unit 1, Section I with construction of the existing infrastructure to serve these lots in 1980's. The existing platted lot was able to fit the house pad with required building setbacks, but the 30 ft wetland setback area defined at the new wetland impact limits that were approved under the EPC authorization to impact wetland area with mitigation, will be encroached by 1.7 ft along the west side of house, 7 ft encroachment to setback along the rear of house and 12.5 ft of encroachment along the rear of pool and patio. The remaining wetland setback area is 28.3 along west of house, 23.0 ft along rear of house and 17.5 along the rear of pool/patio area. As requested by EPC, a row of wax myrtles are provided along the new wetland limits to demarcate the limits of the wetland to protect against secondary impacts. As mitigation for the wetland setback encroachment of total of 299 sf (.007 acres) a wetland buffer replacement area of .66 acres is provided. The wetland impacts on the lot 37, Block A area has been approved by EPC and SWFWMD, the 30 ft wetland setback is defined from the wetland impact limits.

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

The Section of the Land Development Code regarding what is allowed within wetland setbacks is 4.01.07.B.4: No filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required setback except for the installation of a sprinkler system, utility line, or landscaping; or except as specifically approved for the construction of a

## 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): Straight to Construction Permit Application / PI#6803
- 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 Re-claimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing





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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 last page.

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Signature

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\_\_\_\_\_  
Date



**Hillsborough  
County Florida**  
Development Services

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24-0427

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.

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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: \_\_\_\_\_ *[Handwritten Signature]* 4/25/24  
(Must be signed by applicant or authorized representative)

Intake Staff Signature: \_\_\_\_\_ 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 lots that are part of this request are existing platted lots that are not deep enough to fit the typical house product for this existing subdivision with the required building setbacks. A minimum 110 ft depth is required. Over the years, the conditions of the vacant lot has created wetland areas on and adjacent to the lots. The EPC and SWFWMD has approved the proposed wetland impact areas and the new 30 ft wetland setback area is defined from the new wetland impact

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.

The LDC 4.01.07.B.4 does not have wording that specifies that there is no setback required from a new wetland limit following approved wetland impacts. The EPC will not support additional wetland impacts to provide a 30 ft wetland setback. EPC will accept as reasonable justification the required building setbacks; 25 ft front and 7.5 ft side setbacks. The 30 ft wetland setback identified from the new wetland impact limits will not allow us to construct the typical home

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 lots that are part of this variance are existing platted lots in an existing subdivision with existing infrastructure. The homes in this development will be in line with the existing homes. The encroachment of a maximum of 12.5 ft in the 30 ft wetland setback (299 sf) will allow for construction of the house, pool and patio that are typical in this development.

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 encroach a maximum of 12.5 ft into the 30 ft wetland setback (299 sf) that will allow construction of the home product that is typical of this residential development. All building setbacks are being met and wetland impact justification is provided through coordination with the EPC and SWFWMD. The development is in harmony with the LDC and 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 request for a maximum of 12.5 ft encroachment into the 30 ft wetland setback (299 sf) is not a result of an illegal act or result from actions of the application, resulting in a self-imposed hardship. The existing platted lots that have existing infrastructure was planned for this development. To abide by the LDC for building setback requirements, an encroachment into the 30 ft setback is required since it conflicts with the EPC wetland impact justification

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 variance will allow the property owner to reasonably develop his property for single family residential use as platted with the existing infrastructure. The vacant lots can be completed to close out this development. The finished home construction would provide home ownership to maintain the lots and dedication of the remaining wetland conservation and drainage areas to be owned and maintained by the HOA

**Prepared By and Return To:**  
**Kenneth G. Arsenault, Jr., Esquire**  
**ARSENAULT LAW OFFICES, P.A.**  
**19535 Gulf Blvd., Suite E**  
**Indian Shores, FL 33785**

**This is a conveyance of environmentally protected wetlands for nominal consideration among related parties.**

**Folio: 002680-1002, Folio: 002680-1126,**  
**Folio: 002680-1128, Folio: 002680-1158,**  
**Folio: 002680-1160, Folio: 002680-1162,**  
**Folio: 002680-1164, Folio: 002680-1166,**  
**Folio: 002680-1138, Folio: 002680-1140,**  
**Folio: 002680-1142, Folio: 002680-1144,**  
**Folio: 002680-1176, Folio: 002680-1174,**  
**Folio: 002677-0020**

### QUIT CLAIM DEED

THIS QUIT CLAIM DEED, executed this 28<sup>th</sup> day of November, 2022, by CWD Incorporated, a Florida corporation as Grantor, party of the first part to Larson Communities No. 3, LLC., a Florida limited liability company, as Grantee, party of the second part, whose address is 4691 Laurel Oak Lane NE., St. Petersburg, FL 33703.

WITNESSETH, that the said first party, for and in consideration of TEN DOLLARS and 00/100 (\$10.00), in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Hillsborough, State of Florida, to-wit:

See Exhibit "A"

SUBJECT TO TAXES FOR THE YEAR 2021 AND SUBSEQUENT YEARS.  
SUBJECT TO RESTRICTIONS AND EASEMENTS OF RECORD.

TO HAVE AND TO HOLD, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

**THIS DEED WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH OR EXAMINATION.**

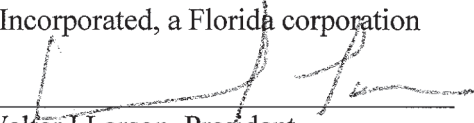
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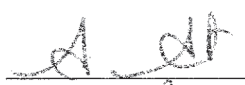


IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written.

SIGNED SEALED AND DELIVERED  
IN OUR PRESENCE

  
Print Name: KENNETH G. ARSENAULT, JR.

CWD Incorporated, a Florida corporation  
By:   
Walter I Larson, President

  
Print Name: Francis Arsenault

Address: 4691 Laurel Oak Lane NE.  
St. Petersburg, FL 33703

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization on this 28<sup>th</sup> day of November, 2022 by Walter I. Larson as President of CWD Incorporated, a Florida corporation, who is personally known to me or who has produced his Driver's License as identification.

  
NOTARY PUBLIC  
My Commission Expires:

[SEAL]

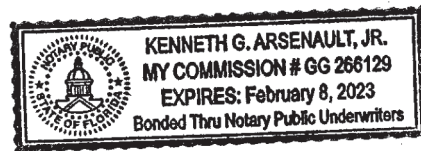


EXHIBIT "A"

Lot 37, Block "A", Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida. Folio: 002680-1002

Lot 1, Block G, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto and together with the South ½ of Redbird Drive West abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page0020 of the Public Records of Hillsborough County, Florida. Folio: 002680-1126

Lot 3, Block H, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto and together with the North ½ of Redbird Drive West abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page0020 of the Public Records of Hillsborough County, Florida. Folio: 002680-1128

Lot 1, Block N, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto and together with the East ½ of Grouse Circle abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0020 of the Public Records of Hillsborough County, Florida. Folio: 002680-1158

Lot 2, Block N, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0020 of the Public Records of Hillsborough County, Florida. Folio: 002680-1160

Lot 3, Block N, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0020 of the Public Records of Hillsborough County, Florida. Folio: 002680-1162

Lot 4, Block N, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0020 of the Public Records of Hillsborough County, Florida. Folio: 002680-1164

Lot 5, Block N, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0020 of the Public Records of Hillsborough County, Florida. Folio: 002680-1166

Lot 5, Block J, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0014 of the Public Records of Hillsborough County, Florida. Folio: 002680-1138

Lot 6, Block J, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0014 of the Public Records of Hillsborough County, Florida. Folio: 002680-1140

Lot 7, Block J, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0014 of the Public Records of Hillsborough County, Florida. Folio: 002680-1142

Lot 8, Block J, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page(s) 13, of the Public Records of Hillsborough County, Florida. Folio: 002680-1144

Lot 1, Block P, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto and together with the South  $\frac{1}{2}$  of Green Heron Way abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0006 of the Public Records of Hillsborough County, Florida. Folio: 002680-1176

Lot 17, Block O, Nine Eagles Unit One-Section I, according to the map or plat thereof, as recorded in Plat Book 47, Page 13, of the Public Records of Hillsborough County, Florida; together with that portion of Kiwi Drive a/k/a Eagles Entry Drive abutting thereto and together with the North  $\frac{1}{2}$  of Kingfisher Way abutting thereto as described and depicted in that deed recorded in O. R. Book 11993, Page 0006 of the Public Records of Hillsborough County, Florida. Folio: 002680-1174

A tract of land situated in and being a part of Section 30, Township 27 South, Range 17 East, Tallahassee Meridian and located in Hillsborough County, Florida; more particularly described as follows:

Commencing at the Southwest corner of the said Section 30; thence along the Westerly line of the said Section 30 North 01°46'06" West, 1047.41 feet to a point; thence perpendicular to the preceding course North 88°13'54" East, 763.11 feet to the point of beginning; thence North 88°16'43" East, 86.61 feet to a point; thence parallel with the said Westerly line of Section 30 South 01°46'06" East, 150.00 feet to a point; thence along the Northerly line of that parcel described in Official Records Book 4096, Page 293 of the Hillsborough County, Florida Public Records, South 88°16'43" West (South 87°56'52" West by Deed), 86.61 feet to a point; thence parallel with the said Westerly line of Section 30, North 01°46'06" West, 150.00 feet to the POINT OF BEGINNING, containing 0.298 acres more or less.

Subject to easements or rights of way of record or otherwise previously established.

BASIS OF BEARINGS: Bearings shown hereon, other than record bearings, were derived from actual field ties to the Florida State Plane Coordinate Systems. Folio: 002677-0020

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# Variance Application Package



**Hillsborough  
County Florida**  
Development Services

## Instructions to Applicants for Requests Requiring Public Hearing:

### I. Prior to completing this application:

If you have any questions regarding your proposed project prior to submittal of this application, please email [ZoningIntake-DSD@HCFLGov.net](mailto:ZoningIntake-DSD@HCFLGov.net).

Please ensure you gather items that will need to be submitted prior to submitting your application as incomplete applications will not be accepted. Some of the items necessary may be obtained as follows:

- **Property information** such as folio numbers, future land use, current zoning, section/township/range and other information may be obtained by using the [Hillsborough County Map Viewer](#) and searching for the necessary address in the search bar at the top.
- **Sunbiz Forms** may be obtained by visiting [Sunbiz.org](http://Sunbiz.org).
- **A Copy of the Current Recorded Deed(s)** may be obtained by visiting the Hillsborough County Property Appraiser's website at [HCPAFL.org](http://HCPAFL.org) and conducting a Property Search. Search by folio number or property address and select the correct result. Scroll down to 'Sales History' and select the most recent 'Instrument Number'. Select one of the results to view and save the current recorded deed.
- **Close Proximity Property Owners List** may be requested by emailing [gisdept@hcpafl.org](mailto:gisdept@hcpafl.org). Include all folio numbers and the notice buffer distance area in the request. *Please Note:* If your property has an Agricultural Future Land Use Designation (A, AR, AM, AE) or a Future Land Use Designation of RES-1 you must obtain a list of all property owners within 500 feet of the subject property. For all other Future Land Use Categories you must obtain a list of all property owners within 300 feet of the subject property. If the property contains more than one future land use category, the greatest applicable notice distance shall apply per [LDC Section 10.03.02.E.1](#). If the notice distance extends to include parcels in an adjacent county jurisdiction, those property owners will need to be included in the list. Contact the property appraiser's office for the applicable county jurisdiction to obtain that list.

### II. Application submittal:

Part A and Part B of the submittal requirements include specific requirements and their requisite forms necessary for a complete and sufficient application submission.

- **Part A** will verify the property owner has authorized the application and includes forms and documents needed to verify the area for the proposed change.
- **Part B** includes the specific additional submittal requirements for the type of application being submitted.

Documents must be submitted as separate PDF documents with a minimum image resolution of 300 dpi labeled according to their contents and submitted in a single email to [ZoningIntake-DSD@HCFLGov.net](mailto:ZoningIntake-DSD@HCFLGov.net). Incomplete submittals will receive an email indicating the documents that are missing and will require a full resubmittal.

**IMPORTANT:** Review the entire application (both Parts A and B) for completeness prior to submission. Ensure you have your complete application submitted by 3:00 PM on the [cut-off day for your desired hearing](#) or your application will miss the cut-off and be continued to the next hearing date. Incomplete applications will not be accepted.

### III. Post-application submittal:

Complete submittals will receive a payment request email. The deadline to make the payment is **one business day** after you receive this request. Failure to complete the payment by the deadline will result in application delays and/or additional Fastrack fees. Please view our [current fee schedule](#) for a list of zoning fees. Payments must be made through the [HillsGovHub portal](#). Instructions on how to [create an account](#) and [how to make a payment](#) are also available.

Remember, the Hillsborough County Land Development Code requires public notice for this category of application. After payment is received, you will receive a Letter of Notice that must be sent to all addresses on the Adjacent Property Owners List and/or HOA list. A Certificate of Mailing must also be provided. Instructions on completing your Letter of Notice and obtaining a Certificate of Mailing, will be sent with the Letter of Notice via email. Mailing deadlines and the deadline to submit the certificate of mailing will also be included on this email.



# Submittal Requirements for Applications Requiring Public Hearings

**Official Use Only**

Application No: \_\_\_\_\_ Intake Date: \_\_\_\_\_  
 Hearing(s) and type: Date: \_\_\_\_\_ Type: \_\_\_\_\_ Receipt Number: \_\_\_\_\_  
 Date: \_\_\_\_\_ Type: \_\_\_\_\_ Intake Staff Signature: \_\_\_\_\_

Applicant/Representative: Tuyen L. Tran, P.E. Phone: 813-629-1141

Representative's Email: ttran@ardurra.com

The following information is used by reviewing agencies for their comments and should remain constant, with very few exceptions, throughout the review process. Additional reviews, such as legal description accuracy, compatibility of uses, agency reviews, etc., will still be conducted separately and may require additional revisions.

The following ownership information must be provided and will be verified upon submission initial submittal. If you are viewing this form electronically, you may click on each underlined item for additional information.

## Part A: Property Information & Owner Authorization Requirements

	Included	N/A	Requirements
1	<input type="checkbox"/>	<input type="checkbox"/>	<u>Property/Applicant/Owner Information Form</u>
2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Affidavit(s) to Authorize Agent</u> (if applicable) NOTE: All property owners must sign either the Application form or the Affidavit to Authorize Agent. If property is owned by a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit.
3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Sunbiz Form</u> (if applicable). This can be obtained at <a href="http://Sunbiz.org">Sunbiz.org</a> .
4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
5	<input type="checkbox"/>	<input type="checkbox"/>	<u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Copy of Current Recorded Deed(s)</u>
7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Close Proximity Property Owners List</u>
8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Legal Description</u> for the subject site
9	<input type="checkbox"/>	<input type="checkbox"/>	<u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Fastrack Approval</u> (if applicable)

**Additional application-specific requirements are listed in Part B.**



# Property/Applicant/Owner Information Form

**Official Use Only**

Application No: \_\_\_\_\_ Intake Date: \_\_\_\_\_  
 Hearing(s) and type: Date: \_\_\_\_\_ Type: \_\_\_\_\_ Receipt Number: \_\_\_\_\_  
 Date: \_\_\_\_\_ Type: \_\_\_\_\_ Intake Staff Signature: \_\_\_\_\_

**Property Information**

Address: Eagles Entry Drive, Red Cardinal Dr. & Starling Dr. City/State/Zip: Odessa, FL 33556  
 TWN-RN-SEC: 27 S - 17 E - SEC 30 Folio(s): 002680-1002 Zoning: PD 08-1329 Future Land Use: ACS-1 Property Size: 0.36 AC

**Property Owner Information**

Name: Jeff Larson / Larson Communities No 3 LLC Daytime Phone (727)-526-5155  
 Address: 4961NE Laurel Oak Lane City/State/Zip: St. Petersburg, FL 33703  
 Email: larsoncommunities@gmail.com Fax Number N/A

**Applicant Information**

Name: Jeff Larson / Larson Communities No 3 LLC Daytime Phone (727)-526-5155  
 Address: 4961 NE Laurel Oak Lane City/State/Zip: St. Petersburg, FL 33703  
 Email: larsoncommunities@gmail.com Fax Number N/A

**Applicant's Representative (if different than above)**

Name: Tuyen L. Tran, P.E. / Ardurra Group, Inc. Daytime Phone (813)-629-1141  
 Address: 4921 Memorial Highway, Suite 300 City/State/Zip: Tampa, FL 33634  
 Email: ttran@ardurra.com Fax Number N/A

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 Tuyen Tran

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.

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



# Affidavit to Authorize Agent

(If applicant is other than owner)

State of Florida  
County of Hillsborough

Jeff Larson

(Name of all property owners), being first duly sworn, depose(s) and say(s):

1. That (I am/we are) the owner(s) and record title holder(s) of the following described property, to wit:

Address or general location: Eagles Entry Drive, Red Cardinal Dr. & Starling Dr., Odessa, FL 33556 Folio No(s) 002680-1002

2. That this property constitutes the property for which a request for a: Variance Application

(Nature of request)  
is being applied to the Board of County Commissioners, Hillsborough County.

3. That the undersigned (has/have) appointed Tuyen L. Tran, P.E. / Ardurra Group, Inc.

as (his/their) agent(s) to execute any permits or other documents necessary to affect such permit.

4. That this affidavit has been executed to induce Hillsborough County, Florida, to consider and act on the above-described property;

5. That (I/we), the undersigned authority, hereby certify that the foregoing is true and correct.

*[Handwritten Signature]*  
Signed (Property Owner)

Signed (Property Owner)

Jeff Larson

Type or Print Name

Type or Print Name

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 25 day of January, 2025, by

(name of person acknowledging)

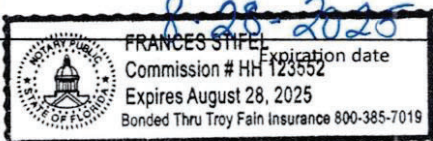
Personally Known OR  Produced Identification

Type of Identification Produced \_\_\_\_\_

*[Handwritten Signature]*  
(Signature of Notary taking acknowledgment)

Frances Stifel  
Type or Print Name of Notary Public

HH 123552  
Commission number



STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by

(name of person acknowledging)

Personally Known OR  Produced Identification

Type of Identification Produced \_\_\_\_\_

(Signature of Notary taking acknowledgment)

Type or Print Name of Notary Public

Commission number

Expiration date







# 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. If your application requires a public hearing and contains sensitive/protected information, please contact Hillsborough County Development Services to determine what information will need to be disclosed as part of the public hearing process.

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 disclosure 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: \_\_\_\_\_ *Tuyen Tran* *4/26/2024*  
(Must be signed by applicant or authorized representative)

Intake Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# Specific Submittal Requirements for Variances

This section provides information on items that must be addressed/submitted for a Special use - Land Excavation permit and will be subsequently reviewed when the application is assigned to a planner. Where certain information does not apply to a project, a notation shall appear on the plan stating the reason, for example, "No existing water bodies within project." Additionally, the explanations and justifications for when certain information does not apply to the project shall be included in the Narrative. If Hillsborough County determines the submitted plan lacks required information, the application shall not proceed to hearing as provided for in Section 6.2.1.1.A. Additionally, the required information is only the minimum necessary to schedule an application for hearing and Hillsborough County reserves the right to request additional information during review of the application.

If you are viewing this form electronically, you may click on each underlined item for additional information.

For any items marked N/A, justification must be provided as to why the item is not included.

## Part B: Project Information

### Additional Submittal Requirements for a Variance

- 1  [Project Description/Written Statement of the Variance Request](#)
- 2  [Variance Criteria Response](#)
- 3  [Attachment A](#) (if applicable)
- 4  [Survey/Site Plan](#)
- 5  [Supplemental Information](#) (optional/if applicable)



# 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 are requesting a Variance to LDC 4.01.07.B.4 to encroach on the 30 ft wetland setback for construction of a house, pool, and patio with maximum encroachment of 12.5 ft. Lot 37, Block A, was previously platted May 6, 1976, Nine Eagles Unit 1, Section I with construction of the existing infrastructure to serve these lots in 1980's. The existing platted lot was able to fit the house pad with required building setbacks, but the 30 ft wetland setback area defined at the new wetland impact limits that were approved under the EPC authorization to impact wetland area with mitigation, will be encroached by 1.7 ft along the west side of house, 7 ft encroachment to setback along the rear of house and 12.5 ft of encroachment along the rear of pool and patio. The remaining wetland setback area is 28.3 along west of house, 23.0 ft along rear of house and 17.5 along the rear of pool/patio area. As requested by EPC, a row of wax myrtles are provided along the new wetland limits to demarcate the limits of the wetland to protect against secondary impacts. As mitigation for the wetland setback encroachment of total of 299 sf (.007 acres) a wetland buffer replacement area of .66 acres is provided. The wetland impacts on the lot 37, Block A area has been approved by EPC and SWFWMD, the 30 ft wetland setback is defined from the wetland impact limits.

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

The Section of the Land Development Code regarding what is allowed within wetland setbacks is 4.01.07.B.4: No filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required setback except for the installation of a sprinkler system, utility line, or landscaping; or except as specifically approved for the construction of a residential fence within the setback.

## 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): Straight to Construction Permit Application / PI#6803
- 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 Re-claimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing



## 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 lots that are part of this request are existing platted lots that are not deep enough to fit the typical house product for this existing subdivision with the required building setbacks. A minimum 110 ft depth is required. Over the years, the conditions of the vacant lot has created wetland areas on and adjacent to the lots. The EPC and SWFWMD has approved the proposed wetland impact areas and the new 30 ft wetland setback area is defined from the new wetland impact

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.

The LDC 4.01.07.B.4 does not have wording that specifies that there is no setback required from a new wetland limit following approved wetland impacts. The EPC will not support additional wetland impacts to provide a 30 ft wetland setback. EPC will accept as reasonable justification the required building setbacks; 25 ft front and 7.5 ft side setbacks. The 30 ft wetland setback identified from the new wetland impact limits will not allow us to construct the typical home

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 lots that are part of this variance are existing platted lots in an existing subdivision with existing infrastructure. The homes in this development will be in line with the existing homes. The encroachment of a maximum of 12.5 ft in the 30 ft wetland setback (299 sf) will allow for construction of the house, pool and patio that are typical in this development.

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 encroach a maximum of 12.5 ft into the 30 ft wetland setback (299 sf) that will allow construction of the home product that is typical of this residential development. All building setbacks are being met and wetland impact justification is provided through coordination with the EPC and SWFWMD. The development is in harmony with the LDC and 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 request for a maximum of 12.5 ft encroachment into the 30 ft wetland setback (299 sf) is not a result of an illegal act or result from actions of the application, resulting in a self-imposed hardship. The existing platted lots that have existing infrastructure was planned for this development. To abide by the LDC for building setback requirements, an encroachment into the 30 ft setback is required since it conflicts with the EPC wetland impact justification

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 variance will allow the property owner to reasonably develop his property for single family residential use as platted with the existing infrastructure. The vacant lots can be completed to close out this development. The finished home construction would provide home ownership to maintain the lots and dedication of the remaining wetland conservation and drainage areas to be owned and maintained by the HOA



# Attachment A – To Be Completed For All Wetland Setback Variance Requests

Application No: \_\_\_\_\_

Variance requests that include a variance to encroach into the Wetland Setback require additional information to be submitted and reviewed by the Natural Resources staff prior to processing the application. A review fee of \$260.00 is also required in addition to the Variance application fee.

Email this completed form and all documents to be submitted to [NaturalResources@HCFLGov.net](mailto:NaturalResources@HCFLGov.net) for a sufficiency check. Natural Resources staff will sign the form and return it within 3 business days. **PLEASE NOTE:** This signed form must be included in the submittal made to [zoningintake-dsd@hcflgov.net](mailto:zoningintake-dsd@hcflgov.net). Submittal to Natural Resources and subsequent processing time must be taken into account when considering cut-off dates. Only final, complete submissions to [zoningintake-dsd@hcflgov.net](mailto:zoningintake-dsd@hcflgov.net) by the necessary cut-off date will secure a hearing date.

### Additional Submittal Requirements

- Any correspondence from other jurisdictional agencies pertinent to the request.
- Scaled tree survey showing trees 5 inches DBH (trunk diameter at 4 ½ feet above grade) located within 30 feet of the proposed encroachment. Any trees proposed for removal must be marked with an "X"
- Site Plan Requirements (must be to scale):
  - o Official approval by the Environmental Protection Commission (EPC) of the wetland line. A survey of the wetland line signed by EPC and dated no less than 5 years ago must be provided unless the property is in a platted subdivision and the plat shows an approved wetland setback line that is not deemed expired. The administrator may require a new approved EPC wetland delineation even if the existing delineation has not expired if the site conditions appear to have changed and the wetland line location appears to have shifted.
  - o Wetland setback line clearly identified.
  - o A cross-section of the Wetland Conservation/Preservation Area setback identifying proposed improvements, existing grade elevations, proposed finished grade elevations & any special design (i.e., retaining walls) to minimize encroachments into the setback (see example below).
    - Label each area of the encroachment into the wetland setback, providing the maximum depth and width of encroachment and the total square footage of encroachment.
    - Identify the type of vegetation within the setback.

Specific Variance Requested:

We are requesting a Variance to LDC 4.01.07.B.4 to encroach on the wetland setback for construction of a house, pool, and patio with maximum encroachment of 12.5 ft.

Preliminary Review and Site Plan Sufficiency Check Conducted By: \_\_\_\_\_

(Signature of Natural Resources Staff Member)

## Cross Section Example:

