

**Variance Application:** VAR 23-0950  
**LUHO Hearing Date:** October 23, 2023  
**Case Reviewer:** Michelle Montalbano



**Applicant:** Madelyn Davidson **Zoning:** ASC-1  
**Location:** 17900 Geraci Road, Lutz; Folio: 14240.0100


**Request Summary:**

The applicant is requesting a variance to the lot size requirements for use of a septic system in a Water Resource Protection Area.

**Requested Variances:**

LDC Section:	LDC Requirement:	Variance:	Result:
6.01.06.4	A minimum lot size of 1 acre of upland is required for the use of a septic system within a Water Resource Protection Area.	0.22 acres	0.78 acres of upland area (proposed lot 2)

**Findings:** Per LDC Section 6.01.01, Endnote #2, up to one-fifth of the required lot area may consist of conservation or preservation areas or other wet areas which require density credits under the Comprehensive Plan. Including the easement area, the subject lot meets this requirement for the ASC-1 zoning district, with a total of 0.86 acre of upland, and overall lot size of 1.19 acres.

**Zoning Administrator Sign Off:**   
 Colleen Marshall  
 Mon Oct 2 2023 10:52:40

**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.

SURVEY/SITE PLAN

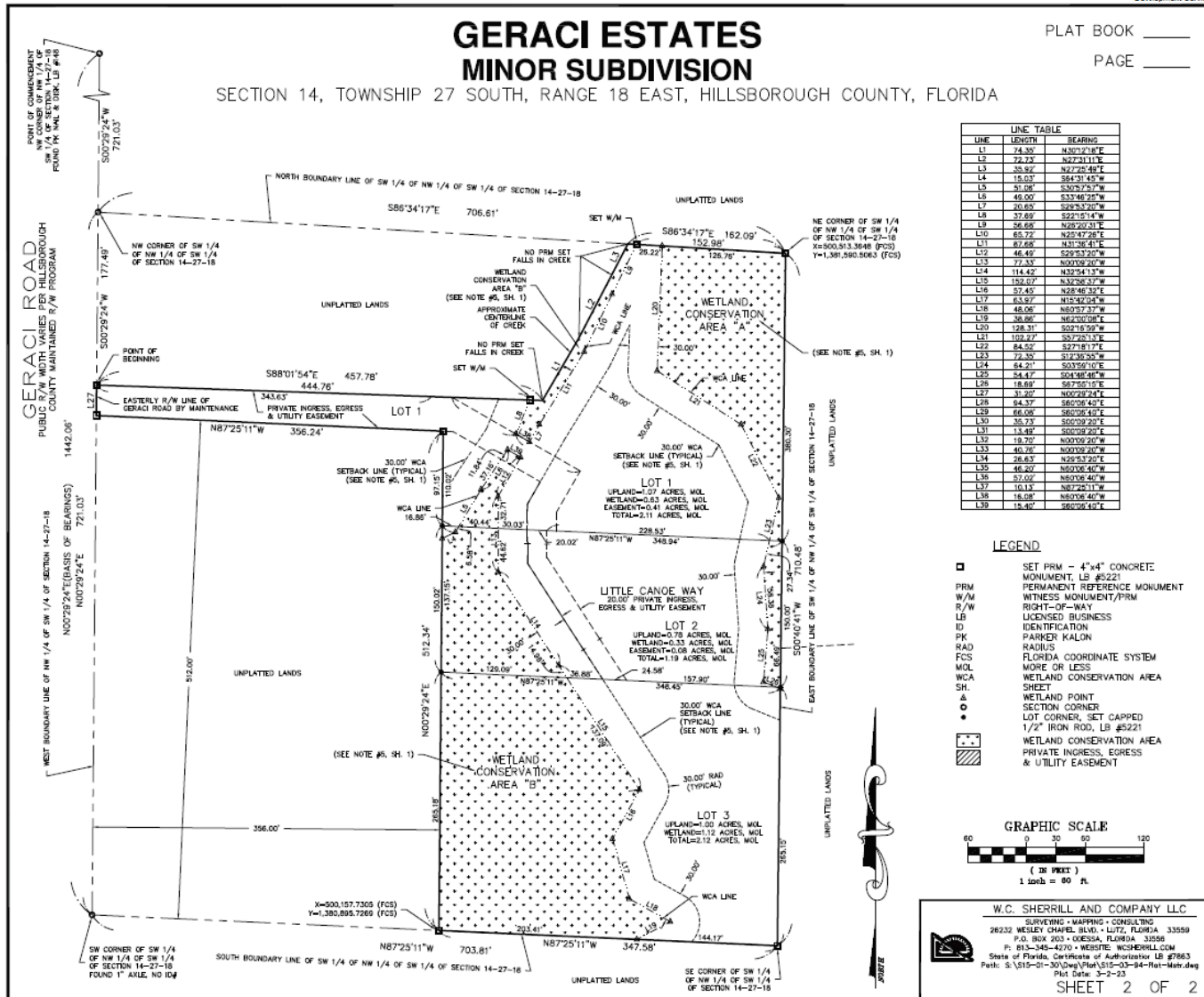
GERACI ESTATES MINOR SUBDIVISION

SECTION 14, TOWNSHIP 27 SOUTH, RANGE 18 EAST, HILLSBOROUGH COUNTY, FLORIDA

PLAT BOOK

PAGE

Development Services





# 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.

Geraci Estates is a proposed minor subdivision currently in review with Development Services. Upon Zoning review it was determined that the property is located within a Wellhead Resources Protection area Zone 1. This requires one acre of upland per lot for use of a septic system. Lot 2 (see attached exhibit) of Geraci Estates has 0.78 acres of upland, 0.33 acres of wetland and the easement accounts for the remaining 0.08 acres for a total of 1.19 acres. We are seeking a variance to the land development code Section 6.01.06.4 which states, "A minimum lot size of one acre of upland is required for the use of a septic system within Water Resource Protection Areas as shown on the Hillsborough County Resource Protection Map."

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

Section 6.01.06.4

## 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): Site Intake PID 6660 Geraci Estates
- 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?

Other lot size deficiencies may exist with other surrounding properties but none were noticed on any of the immediate abutting properties.

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 land development code Section 6.01.06.4 states, "A minimum lot size of one acre of upland is required for the use of a septic system within Water Resource Protection Areas as shown on the Hillsborough County Resource Protection Map." This requirement from the Land Development Code will not allow the property owner to utilize the maximum density of their acreage and zoning allowance.

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.

If this variance is approved, no adjoining property owners will be affected whatsoever.

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 variance is in harmony and serves the general intent and purpose of the LDC and the comprehensive plan because this request does not hinder public interest.

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.

To our knowledge this variance does not result from an illegal act. The hardship was created when the property owner submitted for a minor subdivision and the lot size (acreage) deficiency was then noted.

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.

We feel an injustice would be done if the variance is not approved and the property owner would be unable to utilize the density allowed for this parcel.

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Prepared by:  
Melisa C. Schmidt  
Wollinka-Wikle Title Insurance Agency, Inc.  
10015 Trinity Blvd., Suite 101  
Trinity, Florida 34655

File Number: TR21711M

RETURN TO GRANTEE

### General Warranty Deed

Made this February 18, 2022 A.D. By **Lee Hurst and Randi Hurst, husband and wife**, whose post office address is: 1538 Haverhill Dr., New Port Richey, Florida 34655, hereinafter called the grantor, to **Madelyn A. Davidson, Trustee of the Madelyn A. Davidson Trust dated 3/18/14**, whose post office address is: 13528 Avista Dr., Tampa, Florida 33624, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth**, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Hillsborough County, Florida, viz:

See Attached Schedule "A"

Parcel ID Number: A014240-0100

Full power and authority are conferred upon Grantee, as trustee, to protect, conserve, sell, convey, lease, grant and encumber all interests conveyed by this instrument, and otherwise to manage and dispose of those interests, it being the intent of Grantor to vest in the trustee of the trust full rights of ownership as authorized by Section 689.071 of the Florida Statutes.

Further, the terms of the trust provide for the present possessory right of possession of any homestead property in accordance with the Department of Revenue Rule 12D-7.011 and this deed will be recorded in compliance with Section 196.031(1) of the Florida Statutes, thereby entitling any real property transferred to the trust to homestead exemption status if all of the requirements are met.

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


**To Have and to Hold**, the same in fee simple forever.

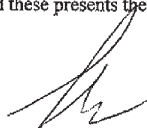
**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2021.

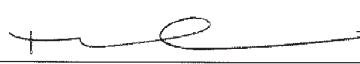
**In Witness Whereof**, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

  
Witness Printed Name Melisa C. Schmidt

  
Witness Printed Name RYAN SINNOTT

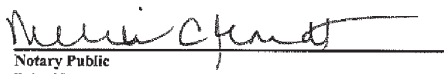
  
\_\_\_\_\_  
**Lee Hurst**  
Address: 1538 Haverhill Dr., New Port Richey, Florida 34655

  
\_\_\_\_\_  
**Randi Hurst**  
Address: 1538 Haverhill Dr., New Port Richey, Florida 34655

State of Florida  
County of Pasco

The foregoing instrument was acknowledged before me by means of X physical presence or `online notarization, this 18th day of February, 2022, by Lee Hurst and Randi Hurst, husband and wife, who is/are personally known to me or who has produced driver's license as identification.



  
\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Prepared by:  
Melisa C. Schmidt  
Wollinka-Wikle Title Insurance Agency, Inc.  
10015 Trinity Blvd., Suite 101  
Trinity, Florida 34655

File Number: TR21711M

RETURN TO GRANTEE

### "Schedule A"

The Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 14, Township 27 South, Range 18 East, HILLSBOROUGH County, Florida, LESS the West 356.00 feet of the South 512 feet and LESS the following described parcel: Commence at the Northwest corner of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 14; run thence S. 00°01'29" W., 719.97 feet along the West boundary of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 to the Point of Beginning; thence S. 86°28'45" E., 356.68 feet; thence parallel to said West boundary S. 00°01'30" E., 165.38 feet; thence N. 88°31'18" W., 356.12 feet to said West boundary; thence N. 00°01'30" W., 178.55 feet to the Point of Beginning. And also LESS the following described parcel: Commence at the Northwest corner of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 14; run thence S. 00°01'29" W., 719.97 feet along the West boundary of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4; thence S. 86°28'45" E., 356.68 feet to the Point of Beginning; thence continue S. 86°28'45" E., a distance of 185.94 feet, more or less, to the centerline of a creek; thence the following three courses along said centerline of creek: S. 26°56'25" W., a distance of 31.04 feet; thence S. 27°01'47" W., a distance of 72.73 feet; thence N. 88°29'52" W., a distance of 101.7 feet; thence N. 00°01'30" E., parallel to the aforementioned West boundary, a distance of 165.83 feet to the Point of Beginning.





# Property/Applicant/Owner Information Form

**Official Use Only**

Application No: VAR 23-0950 Intake Date: 08/23/2023  
 Hearing(s) and type: Date: 10/23/2023 Type: LUHO Receipt Number: 298201  
 Date: \_\_\_\_\_ Type: \_\_\_\_\_ Intake Staff Signature: Keshia Rivas

**Property Information**

Address: 17900 Geraci Rd City/State/Zip: Lutz, Florida 33548  
 TWN-RN-SEC: 14/27/18 Folio(s): 014240-0100 Zoning: ASC-1 Future Land Use: R-1 Property Size: 5.67

**Property Owner Information**

Name: Madelyn Davidson Daytime Phone 727-836-0304  
 Address: 13528 Avista Dr City/State/Zip: Tampa, Florida 33624  
 Email: tduggan@rotundahomes.com Fax Number N/A

**Applicant Information**

Name: Madelyn Davidson Daytime Phone 727-836-0304  
 Address: 13528 Avista Dr City/State/Zip: Tampa, Florida 33624  
 Email: tduggan@rtundahomes.com Fax Number N/A

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

Name: Amber Tew Daytime Phone 813-967-2015  
 Address: 2002 Holloway Rd City/State/Zip: Plant City, Florida 33567  
 Email: APTewServices@gmail.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.

Madelyn A Davidson  
Signature of the Applicant

Madelyn Davidson  
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.

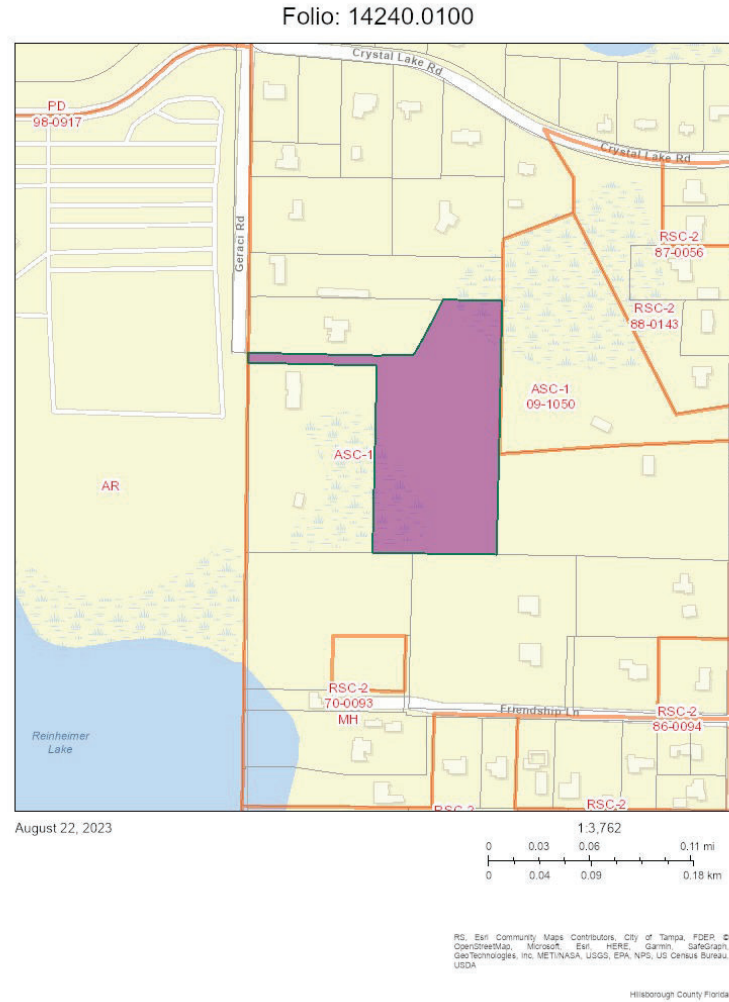
Madelyn A Davidson  
Signature of the Owner(s) - (All parties on the deed must sign)

Madelyn Davidson  
Type or print name



# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:AE	BFE = 60.2 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0063H
FIRM Panel	12057C0063H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	A
Pre 2008 Firm Panel	1201120065D
County Wide Planning Area	Lutz
Community Base Planning Area	Lutz
Census Data	Tract: 011109 Block: 1001
Future Landuse	R-1
Future Landuse	R-1
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



**Folio: 14240.0100**  
**PIN: U-14-27-18-ZZZ-000000-56710.0**  
**Madelyn A Davidson Trustee**  
**Mailing Address:**  
 13528 Avista Dr  
 null  
 Tampa, FL 33624  
**Site Address:**  
 17900 Geraci Rd  
 Lutz, FL 33548  
**SEC-TWN-RNG: 14-27-18**  
**Acreage: 5.67371988**  
**Market Value: \$332,716.00**  
**Landuse Code: 0000 Vacant Resident**

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 Or  
 2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.