

Variance Application: VAR 25-0176

LUHO Hearing Date: January 21, 2025

Case Reviewer: Logan McKaig



**Hillsborough
County Florida**

Development Services Department

Applicant: Phuong and Saleem Nsheiwat

Zoning: ASC-1

Location: 6711 Durant Rd

Folio: 87148.0000


Request Summary:

The applicant is requesting a variance to the maximum accessory dwelling living space for the purpose of constructing an accessory dwelling unit on the property in addition to a proposed primary dwelling.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.11.02.C	Living space in the accessory dwelling shall be limited to a maximum of 900 square feet.	51 square feet	951 square feet

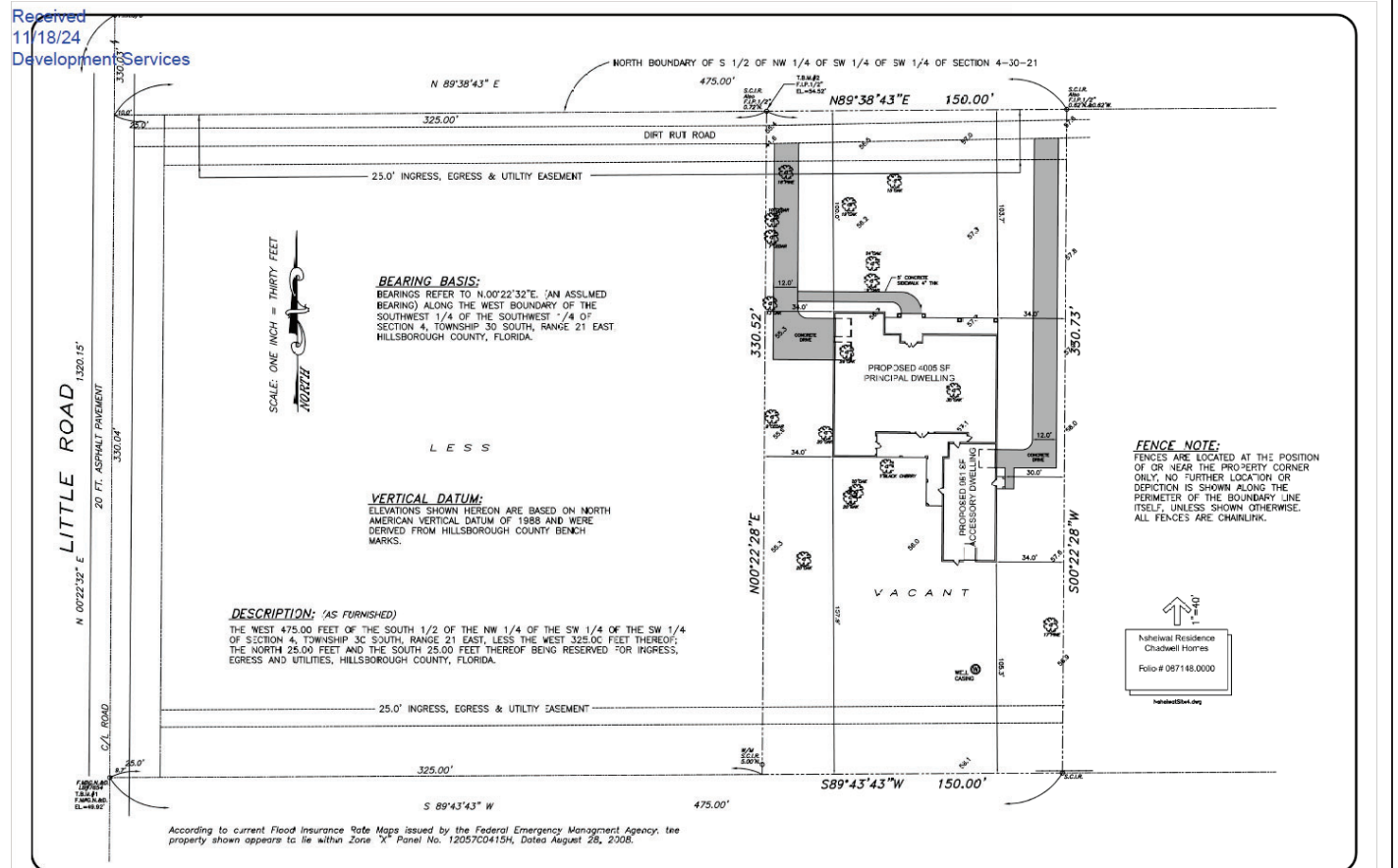
Findings:	<p>Per section 6.11.02.C a variance to the 900 square feet maximum living space within an accessory dwelling may be requested provided the residential lot is at least 14,520 square feet in size and the living space proposed for the accessory dwelling does not exceed 1,200 square feet or 25 percent of the living space in the principal dwelling on the lot, whichever is less.</p> <p>The site plan submitted on November 18, 2024, details a proposed home containing 4,005 square feet of living space area. The proposed 951 square foot accessory dwelling living space is approximately 24 percent of the proposed primary dwelling living space, and therefore a variance to increase the accessory dwelling space beyond 900 square feet may be requested.</p>
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Zoning Administrator Sign Off:	 <small>Colleen Marshall Wed Dec 18 2024 12:54:17</small>
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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.

SURVEY/SITE PLAN

Received
11/18/24
Development Services



25-0176



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.

We are requesting a variance of the accessory dwelling standard that limits the living space to 900 sf. The proposed variance is for an additional 51 square feet for a total of 951 sf living space within the accessory dwelling.

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

Sec. 6.11.02.C - Accessory Dwelling Standards

Additional Information

1. Have you been cited by Hillsborough County Code Enforcement? No Yes
If yes, you must submit a copy of the Citation with this Application.
2. 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): _____
3. 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.
4. Please indicate the existing or proposed utilities for the subject property:
 Public Water Public Wastewater Private Well Septic Tank
5. 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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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 request of an additional 51 sf accessory dwelling living space is minimal but needed by the owner for the perfect layout of his mother in law suite.

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.

Section 6.11.02.C states that a variance to increase this amount may be requested provided if the proposed for the accessory dwelling does not exceed 1,200 sf or 25 percent of the living space in the principal dwelling. It appears this is a common request for lots greater than 14,250 sf. The proposed accessory dwelling is on a lot greater than 14,250 sf is less than the 1,200sf maximum and is 24% of the living space of the principal dwelling

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 accessory dwelling will be connected to the principal dwelling by enclosed walkway and it will appear as part of the principal dwelling.

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 house has been designed to add the accessory dwelling directly connected to the principal dwelling. The 951 sf accessory dwelling attached to principal structure will appear as a normal sized house on a 1.17-acre property.

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 property is a legal conforming lot. The request for 51 sf of additional accessory dwelling living space is not a result of illegal act or result of actions of the applicant. It is requested for the perfect layout of the in law suite.

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 Land Development Code states that variances may be requested for up to 1200 sf of accessory dwelling living space. We feel the request for 51 sf over the 900 sf allowable is a reasonable request and will not impact the surrounding properties.

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Prepared by
Kristen Stewart, an employee of
First American Title Insurance Company
13901 Carrollwood Village Run
Tampa, Florida 33618
(813)440-5770

Return to: Grantee

File No.: 12656-2787249

WARRANTY DEED

THIS INDENTURE, executed on **October 06, 2023**, between

Hoai Tam Nguyen and Britany Chau Nguyen, husband and wife

whose mailing address is: 4205 Trumpworth Ct, Valrico, FL 33596-8494,
hereinafter called the "grantor", and

Saleem Y. Nsheiwat and Phuong Thuy Nsheiwat, husband and wife

whose mailing address is: 6711 Durant Road, Plant City, FL 33567,
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

WITNESSETH: The grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration, receipt whereof is hereby acknowledged, by these presents does grant, bargain, release, convey and confirms unto the grantee, their heirs and assigns, all that certain land situate in **Hillsborough County, FL**, to-wit:

The West 475 feet of the South 1/2 of the NW 1/4 of the SW 1/4 of the SW 1/4 of Section 4, Township 30 South, Range 21 East, LESS the West 325 feet thereof; the North 25 feet and the South 25 feet thereof being reserved for ingress, egress and utilities, Hillsborough County, Florida.

Parcel Identification Number: **087148-0000**

The land is not the homestead of the Grantor under the laws and constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

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

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way 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 31st of 2022.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the-day and year first above written.

Hoai Tam Nguyen
Hoai Tam Nguyen

Britany Chau Nguyen
Britany Chau Nguyen

Signed, sealed and delivered in our presence:

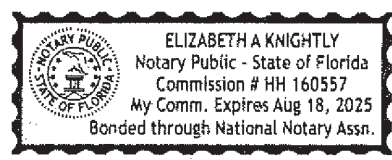
Elizabeth Knightly
Witness Signature
Elizabeth Knightly
Print Name

Leilani Hunt
Witness Signature
Leilani Hunt
Print Name

State of Florida
County of Hillsborough

The Foregoing Instrument Was Acknowledged before me by means of physical presence or online notarization, on 10-6-2023, by **Hoai Tam Nguyen and Britany Chau Nguyen, husband and wife.**

Elizabeth Knightly
Notary Public
Elizabeth Knightly
(Printed Name)



My Commission expires: _____

{Notarial Seal}

Personally Known OR Produced Identification
Type of Identification Produced a valid driver's license



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 25-0176 Intake Date: 11/18/24
Hearing(s) and type: Date: 01/21/2025 Type: LUHO Receipt Number: 422771
Date: _____ Type: _____ Intake Staff Signature: Cerra James

Property Information

Address: 3232 Little Road City/State/Zip: Valrico, FL 33596
TWN-RN-SEC: 30-21-04 Folio(s): 087148.0000 Zoning: ASC-1 Future Land Use: R-4 Property Size: 1.17

Property Owner Information

Name: Phuong Nsheiwat and Saleem Nsheiwat Daytime Phone: 813-781-0499
Address: 6711 Durant Road City/State/Zip: Plant City, FL 33567
Email: kendall34@gmail.com Fax Number: _____

Applicant Information

Name: Jason Kendall Daytime Phone: 813-361-7378
Address: PO Box 1424 City/State/Zip: Valrico, FL 33595
Email: kendall34@gmail.com Fax Number: _____

Applicant's Representative (if different than above)

Name: _____ Daytime Phone: _____
Address: _____ City/State/Zip: _____
Email: _____ Fax Number: _____

I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.

Jason Kendall
Signature of the Applicant
Jason Kendall
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.

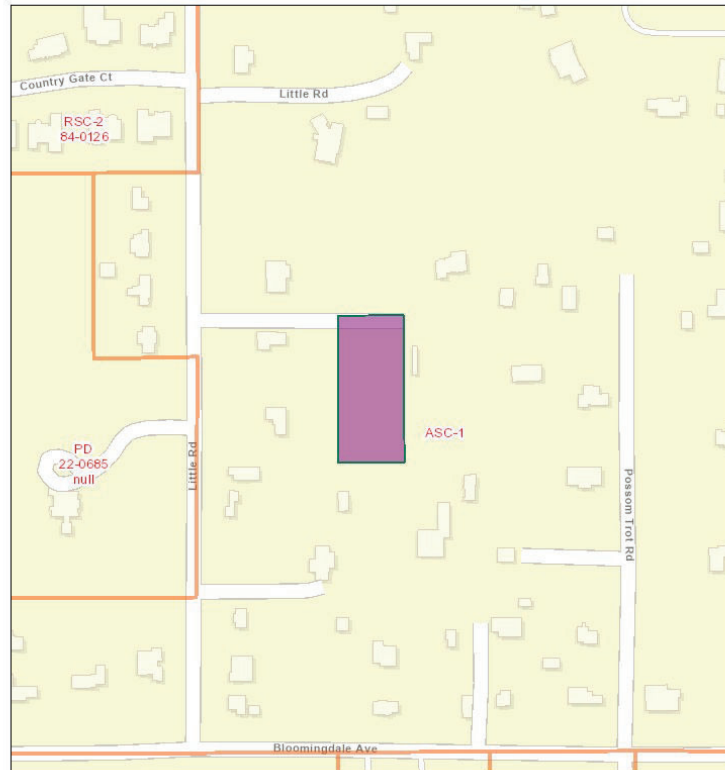
Phuong & Saleem Nsheiwat
Signature of the Owner(s) - (All parties on the deed must sign)
Phuong & Saleem Nsheiwat
Type or print name



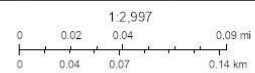
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0415H
FIRM Panel	12057C0415H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120415C
County Wide Planning Area	Valrico
Census Data	Tract: 013207 Block: 2029
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 7
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 87148.0000



November 18, 2024



Sources: Esri, TomTom, Garmin, FAD, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, EGIS

Hillsborough County Florida

Folio: 87148.0000
PIN: U-04-30-21-ZZZ-000004-25910.0
Saleem Y And Phuong Thuy Nsheiwat
Mailing Address:
 6711 Durant Rd
 null
 Plant City, FL 33567-3001
Site Address:
 0
 Valrico, FL 33596
SEC-TWN-RNG: 04-30-21
Acreage: 1.17064
Market Value: \$111,161.00
Landuse Code: 0000 VACANT RESIDENT

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