

Variance Application: VAR 24-1160

LUHO Hearing Date: October 21, 2024

Case Reviewer: Carolanne Peddle



**Hillsborough
County Florida**

Development Services Department

Applicant: Victor Fernandez

Zoning:

CPV I-1

Location: 7761 Amherst St., Tampa; Folio: 3255.0125

Request Summary:


The applicant requests multiple variances to the Citrus Park Village Overlay District Standards for a single-family home.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
3.10.12.F	Façades: All structures on a lot shall be architecturally uniform. Façades shall be scaled proportionately on all sides of each structure. Architectural elements shall be applied in a universal and consistent manner on all sides. At least 60 percent of the area of the front façade shall be comprised of windows, window treatments, shutters, transoms, awnings, porches, doors, doorway treatments, recessed entryways, porticos, pilasters or other similar architectural enhancements. This minimum percentage shall not apply to one-story, non-residential accessory structures located behind the principal dwelling.	17%	Allow 43% percent of the area of the front façade to be comprised of windows, window treatments, shutters, transoms, awnings, porches, doors, doorway treatments, recessed entryways, porticos, pilasters or other similar architectural enhancements.
3.10.12.G	Garages: A garage is required for each dwelling unit. Garages designed to hold three or more cars shall have at least two separate doors. The entry face of a garage accessed through a front yard, including a front yard functioning as a side yard, shall be set back a minimum of 20 feet from the property line from which it is accessed. Additionally, garages shall be placed at least five feet further from the street than the front plane of the principal building, excluding covered porch if present.	11 feet	Allow the garage to be flush with the front porch. (Garage located 6 feet in front of the front plane of the house)

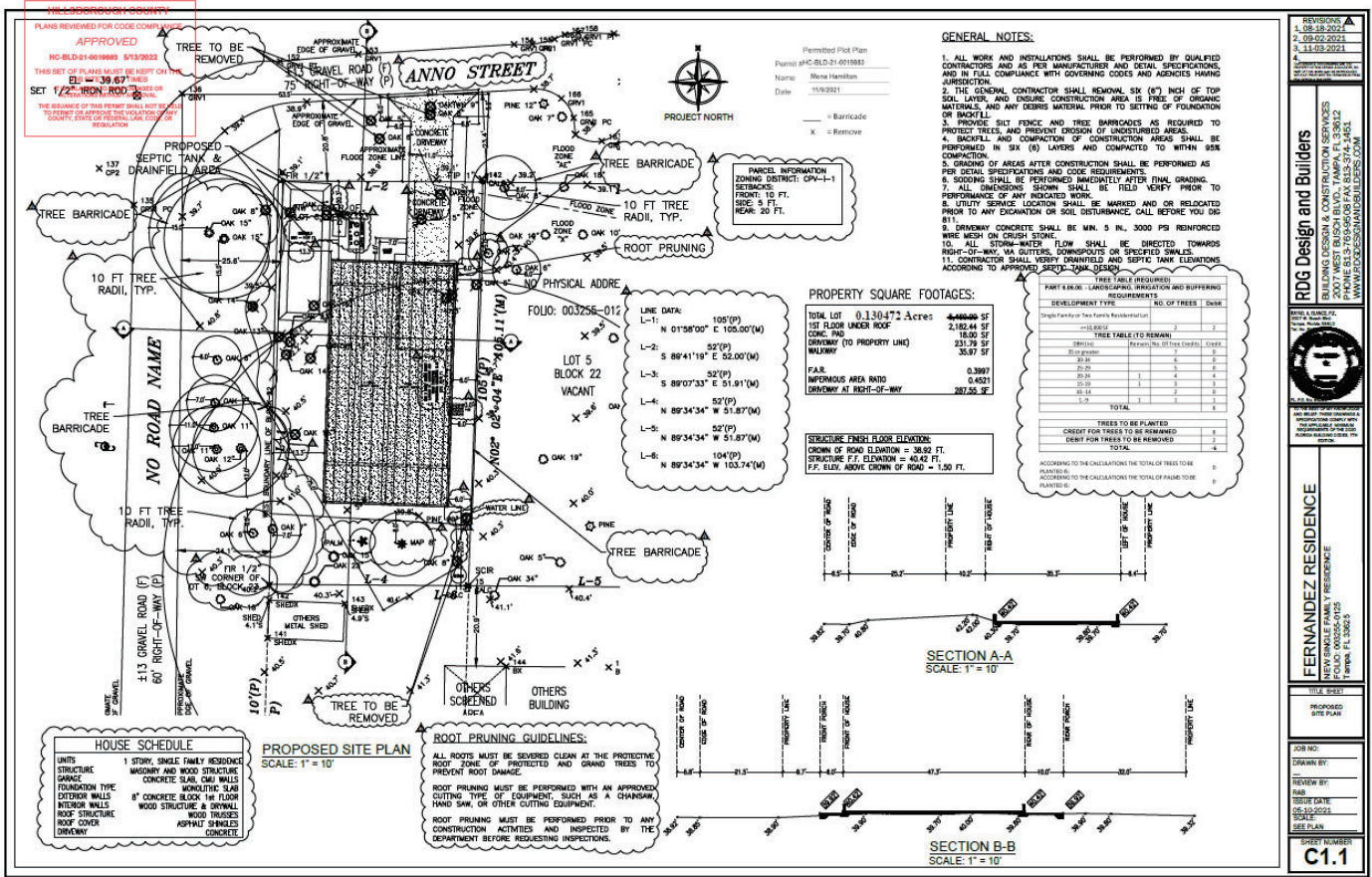
3.10.12.J	Windows: Windows shall be provided on all sides of each structure at a minimum rate of one window per 20 feet of exterior wall length or fraction thereof. This requirement shall be met per individual story on each wall.	13 feet	Allow for a rate of one window per 33 feet of exterior wall length on the front, rear, and eastern walls of the structure.
	Windows: The bottom edge of window headers shall be at least eight feet above the finished floor.	2 inches	Allow for the bottom edge of all window headers to be 7 feet 10 inches above the finished floor.

Findings:	Building permit HC-BLD-21-0019883 was issued for construction of a single-family home on the subject property. During inspections, it was discovered that the proposed home was in violation of LDC Sec. 3.10.12.F, G and J and a notice of violation was issued, HC-CMP-24-0000255.
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Zoning Administrator Sign Off:	 <p>Colleen Marshall Mon Oct 14 2024 11:40:44</p>
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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



RDG Design and Builders
 BUILDING DESIGN & CONSTRUCTION SERVICES
 2007 WEST BUSH BLVD., TAMPA, FL 33612
 (813) 833-8888
 WWW.RDGDDESIGNANDBUILDERS.COM

FERNANDEZ RESIDENCE
 NEW SINGLE FAMILY RESIDENCE
 FOLIO: 003225-0125
 IMPRINT: PL 130823

TITLE SHEET
 PROPOSED
 SITE PLAN

JOB NO:
 DRAWN BY:
 REVIEW BY:
 RAB
 THESE DATE:
 05-10-2023
 SCALE:
 SEE PLAN

SHEET NUMBER
C1.1

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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.

We applied to build a new single family home on 7/28/2021. It went through the permitting reviewing process and we got our permit approved on 1/11/2022. We have been working on this home since then.

We received a notice of violation (HC-CMP-24-0000255) on 6/21/2024 (After the house is 95% complete) Saying that we are in violation of LDC Sec.3.10.12 A, F, G, I, J and L.

We called the County Building Department and conducted a meeting with Carolanne Peddle and Israel Monsanto of the zoning department. They said the county approved our plans without going through zoning review. We built this home according the approved set of plans and have passed all the inspections so far. The house is 95% complete.

After carefully reviewing the LDC Sec.3.10.12, we realized we are in violation of the following Land Development Codes: LDC Sec.3.10.12. F, LDC Sec.3.10.12. G and LDC Sec.3.10.12. J.

Attached is a letter explaining the variations being requested. This letter refers to the section codes and below each section, it explains the variation we are requesting from that section.

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

LDC Sec. 3.10.12. F
 LDC Sec.3.10.12. G
 LCD Sec.3.10.12. J

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): Residential New Construction HC-BLD-21-0019883
- 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

Project Description (Variation Request)

Continuation to question 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.

LDC Sec.3.10.12. F.

Façades: All structures on a lot shall be architecturally uniform. Façades shall be scaled proportionately on all sides of each structure. Architectural elements shall be applied in a universal and consistent manner on all sides. At least 60 percent of the area of the front façade shall be comprised of windows, window treatments, shutters, transoms, awnings, porches, doors, doorway treatments, recessed entryways, porticos, pilasters or other similar architectural enhancements. This minimum percentage shall not apply to one-story, non-residential accessory structures located behind the principal dwelling.

Variance from LDC Sec.3.10.12. F - Variance to allow 43% instead of 60% percent required of the area of the front façade of the building to be comprised of windows, window treatments, shutters, transoms, awnings, porches, doors, doorway treatments, recessed entryways, porticos, pilasters or other similar architectural enhancements. Variance to allow architectural elements to vary between front facade and rear facade of house. Rear porch was built with round arcs; the front porch was built with straight beams.

LDC Sec.3.10.12. G.

Garages: A garage is required for each dwelling unit. Garages designed to hold three or more cars shall have at least two separate doors. The entry face of a garage accessed through a front yard, including a front yard functioning as a side yard, shall be set back a minimum of 20 feet from the property line from which it is accessed. Additionally, garages shall be placed at least five feet further from the street than the front plane of the principal building, excluding covered porch if present. Except as otherwise regulated by this Part, setbacks for detached garages shall comply with the accessory structure requirements of this Code. Carports, other than drive-through porte cocheres, shall be prohibited.

Variance from LDC Sec.3.10.12. G - Variance to allow the garage to remain as built. The garage was built 6' in front of the front plane of the house. Garage is flush with the front plane of the front porch.

LDC Sec.3.10.12. J.

Windows: Windows shall be provided on all sides of each structure at a minimum rate of one window per 20 feet of exterior wall length or fraction thereof. This requirement shall be met per individual story on each wall. The bottom edge of window headers shall be at least eight feet above the finished floor. Windows larger than four square feet in size shall have muntins consistent with the architectural style of the structure. All windows shall have casings or trim consistent with the architectural style of the structure. Glass blocks shall not contribute to the minimum window requirement. This requirement shall not apply to one-story, non-residential accessory structures located behind the principal dwelling.

Variance from LDC Sec.3.10.12. J. - Variance to allow front, rear and east sides of the structure to have a minimum rate of one window per 33 feet of exterior wall length or fraction thereof. Variance to allow bottom edge of window headers to be 7 feet and 10 inches above finished floor. Variance to allow trimless windows.

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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 county had approved the building plans and we built the house following the county approved building plans. We were not aware that the zoning department did not review the plans for compliance with local zoning regulations.

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.

This house uses private well water and a private septic tank. Due to the size of the lot and the area, the health department does not allow to have a house with more than 1,200 conditioned S.F. If we had to move the garage back as required, we would have to re-design and rebuilt this house. This would cause a financial hardship for something we did not do wrong.

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 variances we are requesting are within the parameters of our property lines and we are not even encroaching into the setbacks. We dont see how some small visual changes from the LDC would negatively affect or put in danger others in our community.

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).

This is a single family home with variations that will be hard for other community members to distinguish any difference from LDC.

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.

We applied for a permit to build this house and the county building department approved them. We almost completed the house when the county building department notified us of the LDC violations. They admitted it was their fault as the plans did not go through zoning review. This situation is not the result from iligal acts or actions on our part that result in self-imposed hardship.

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.

Failure to grant a variance will result in us having to demolish this house and re-design/re-built this house after we have spent our savings and hardwork building this house. We must ask for a variation because the county failed to have the zonning department review the plans. It would be unfair to us to have this variation negated. The variations we are requesting do not affect members of our community.

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Prepared by:

Compass Land & Title, LLC
1609 W. De Leon St, 2nd Floor
Tampa, Florida 33606

File Number: 21-351

Consideration: \$70,000.00

General Warranty Deed

Made this February 26, 2021 A.D. By **Kevin Shelton, a single man, Individually and as Trustee of the Hillsborough Holdings 999 Irrevocable Trust UTD June 2, 2017**, whose address is: P.O. Box 203, Polo, Missouri 64671, hereinafter called the grantor, to **Victor Fernandez and Leidys Fernandez, husband and wife**, whose post office address is: 2127 W Hiawatha Street, Tampa, Florida 33604, 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:

Lot 6, Block 22, MAP OF THE TOWN OF CITRUS PARK, according to the map or plat thereof, as recorded in Plat Book 1, Page(s) 130, of the Public Records of Hillsborough County, Florida.

****Said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.****

Parcel ID Number: **U-02-28-17-03V-000022-0006.0**

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 -3the 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, 2020.

Prepared by:

Compass Land & Title, LLC
1609 W. De Leon St, 2nd Floor
Tampa, Florida 33606

File Number: 21-351

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:

Kevin Shelton (Seal)

Kevin Shelton, as Trustee of the Hillsborough Holdings 999 Irrevocable Trust UTD June 2, 2017
Address: P.O. Box 203, Polo, Missouri 64671

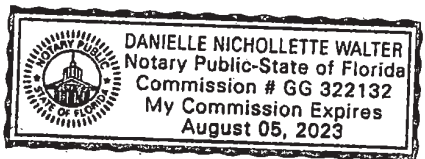
Stephanie Mason
Witness Printed Name

Danielle Walter
Witness Printed Name

State of FL
County of Hillsborough

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 26th day of February, 2021, by Kevin Shelton, as Trustee of the Hillsborough Holdings 999 Irrevocable Trust UTD June 2, 2017, who is/are personally known to me or who has produced 110005 as identification.

Danielle Walter
Notary Public
Print Name:
My Commission Expires: 8/5/23





**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 24-1160 Intake Date: 08/07/2024
 Hearing(s) and type: Date: 10/21/2024 Type: LUHO Receipt Number: 395999
 Date: _____ Type: _____ Intake Staff Signature: Alexandra Prado

Property Information

Address: 7761 Amherst St City/State/Zip: Tampa, FL 33625
28-17-02 003255-0125 CPV-I-1 CPV 0.130472 Acres
 TWN-RN-SEC: _____ Folio(s): _____ Zoning: _____ Future Land Use: _____ Property Size: _____

Property Owner Information

Name: Victor Fernandez and Leidys Fernandez Daytime Phone: 813-764-3486
 Address: 2127 W Hiawatha St City/State/Zip: Tampa, FL 33604
victor.fernandez009@gmail.com
 Email: _____ Fax Number: _____

Applicant Information

Name: Victor Fernandez Daytime Phone: 813-764-3486
 Address: 2127 W Hiawatha St City/State/Zip: Tampa, FL 33604
victor.fernandez009@gmail.com
 Email: _____ 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]
 Signature of the Applicant
Victor Fernandez
 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.

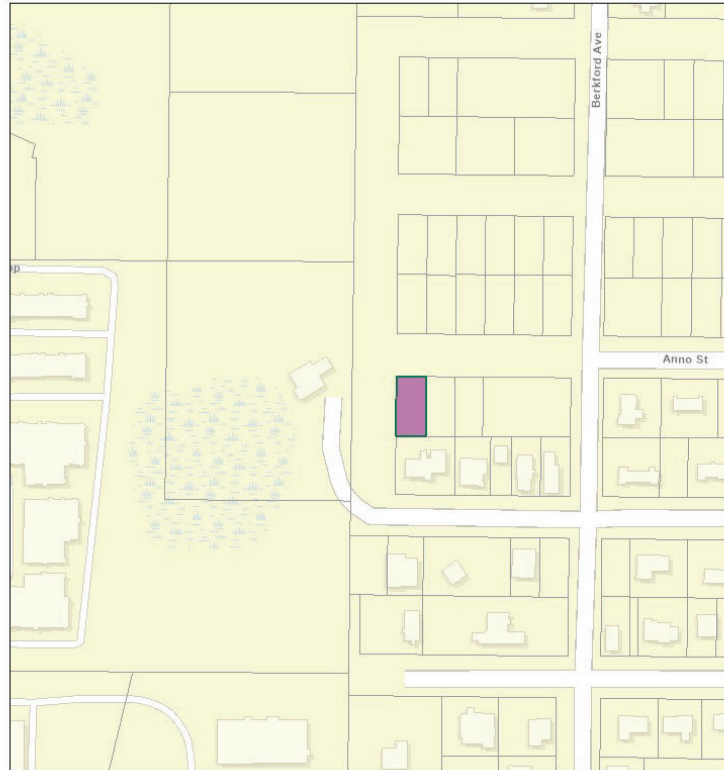
[Signature] [Signature]
 Signature of the Owner(s) - (All parties on the deed must sign)
Victor Fernandez Leidys Fernandez
 Type or print name



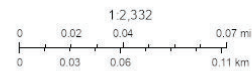
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Community Based
Zoning	CPV-I-1
Description	Citrus Park Village
RZ	04-0315
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0179H
FIRM Panel	12057C0179H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120180F
County Wide Planning Area	Citrus Park Village
Community Base Planning Area	Citrus Park Village
Census Data	Tract: 011410 Block: 3023
Future Landuse	CPV
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Overlay District	Citrus Park Village
Competitive Sites	NO
Redevelopment Area	NO

Folio: 3255.0125



August 7, 2024



ESRI, Esri Community Maps Contributors, City of Tampa, County of Pinellas, FDEP, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USDA, EPA, NPS, US Census Bureau, USDA, USFWS

Hillsborough County Florida

Folio: 3255.0125
PIN: U-02-28-17-03V-000022-00006.0
Victor And Leidys Fernandez
Mailing Address:
 2127 W Hiawatha St
 null
 Tampa, Fl 33604-5763
Site Address:
 0
 Tampa, Fl 33625
SEC-TWN-RNG: 02-28-17
Acreage: 0.130472
Market Value: \$59,514.00
Landuse Code: 0000 Vacant Resident

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1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

From: [Victor Fernandez](#)
To: [Mason, Carmen](#)
Subject: Fwd: HC-BLD-21-0019883
Date: Tuesday, September 17, 2024 10:25:23 AM
Attachments: [image004.png](#)
[image002.png](#)
[image006.png](#)
[image003.png](#)

External email: Use caution when clicking on links, opening attachments or replying to this email.

Kind Regards,
Victor Fernandez
Residential Contractor FL
Fernandez Homes Contractor Inc
(813) 764-3486

----- Forwarded message -----

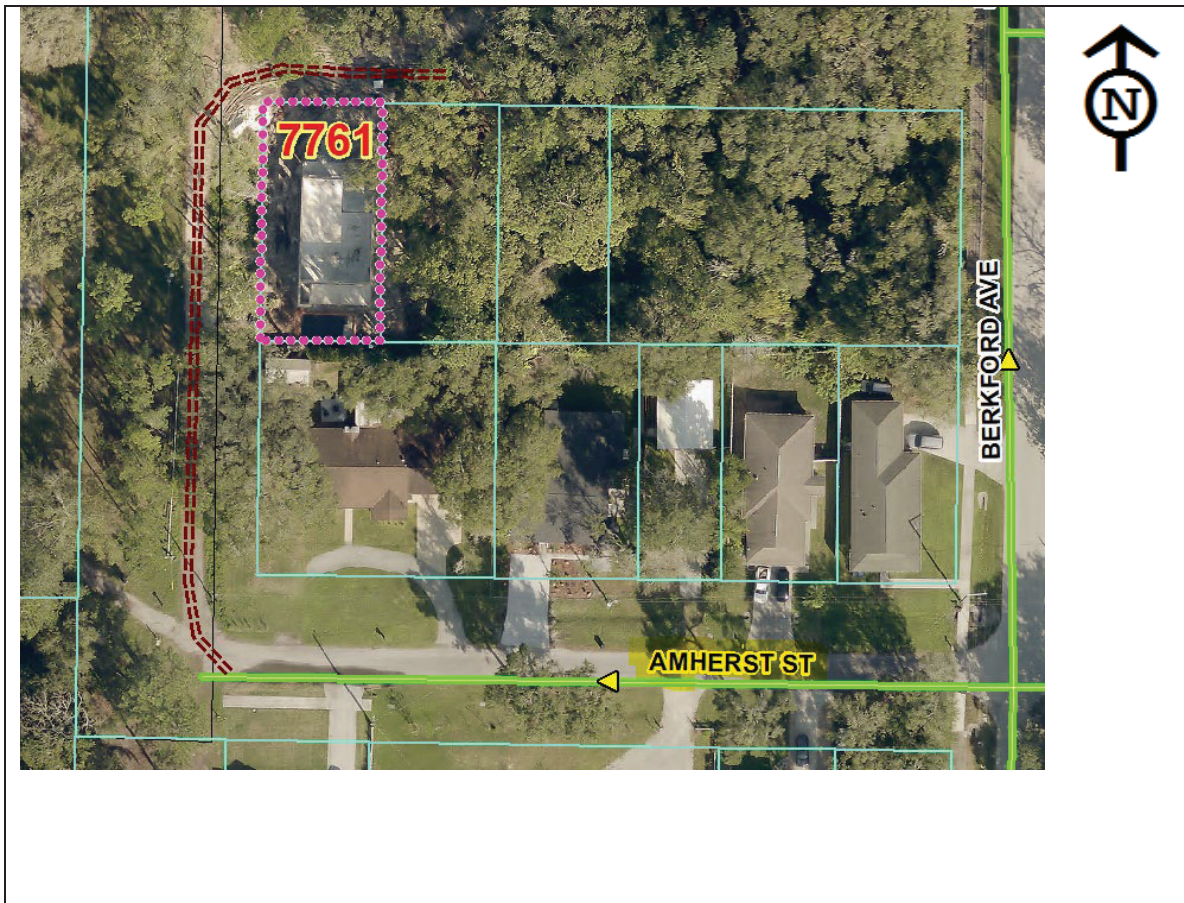
From: **Ortiz, Ines** <OrtizI@hcfl.gov>
Date: Fri, Aug 11, 2023 at 2:58 PM
Subject: HC-BLD-21-0019883
To: victor.fernandez009@gmail.com <victor.fernandez009@gmail.com>
CC: GIS Addressing <Addressing@hcfl.gov>



Good afternoon

This is to let you know that I have issued the following address:

<u>New Permanent Address</u>	<u>7761 Amherst St.</u> <u>Tampa, FL 33625</u>
Old temporary address	<u>7730 Anno St.</u> <u>Tampa, FL 33625</u>
folio #	003255.0125
In SEC / TWP / RNG	02 / 28 / 17
Additional comments	For new Single Family Residence under construction, permit # HC-BLD-21-0019883.



If there is anything else that I can help you with, just give me a call.

Inés S. Ortiz

Senior GIS Addressing Specialist

GIS Core Data Services (9-1-1 Agency)

Geospatial Services Division

Performance, Data, & Analytics Department

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Direct Phone: (813) 264-3054

VOIP: 32014

Fax: (813) 307-1943

Email: ortizi@hcfi.gov

Website: HillsboroughCounty.org

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