

Variance Application: VAR 24-1232

LUHO Hearing Date: October 21, 2024

Case Reviewer: Logan McKaig



**Hillsborough
County Florida**

Development Services Department

Applicant: Jason Kendall

Zoning: ASC-1

Address/Location: Located on an easement off Little Rd., east of 3306 Little Rd. in Valrico; Folio: 87148.0000

Request Summary:

The applicant is requesting a variance to the front and rear yard setbacks for the purpose of building a single-family residence on the lot.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.01.01	A minimum 50-foot front yard setback is required in the ASC-1 zoning district.	16 feet	34-foot front yard setback
6.01.01	A minimum 50-foot rear yard setback is required in the ASC-1 zoning district.	20 feet	30-foot rear yard setback

Findings:

None.

Zoning Administrator Sign Off:

Colleen Marshall
Fri Oct 4 2024 16:36:21

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.



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 of 16-feet to the front yard setback and of 20-feet to the rear yard setback. The property will be accessed from a private drive to the north but the setbacks are based off the public right of way to the west. The owner of the property would like the house to face the private drive thus the sides of the house will be in the front and rear yards. The lot width is 150-feet so the 50-feet front and rear setbacks would limit the house to being 50-feet wide on a 1.17 acre lot. There are two other properties located off of the private drive. One of those houses also faces the private drive but is on a lot greater than twice as wide.

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

Sec. 6.01.01 - Schedule of District Area, Height, Bulk and Placement Regulations

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): _____
- 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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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 subject property will be accessed from a private drive but the setbacks are oriented to the public right of way. The 50-foot front and rear setbacks would limit the width of the house to 50-feet or would prevent the house from facing the drive from which it is accessed from.

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.

There are two other properties accessed from the same private drive. One of those properties faces the private easement that it is accessed from. The second has a mobile home that faces the public right of way but encroaches in the front yard setback.

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 sides of the house would be located within the front and rear yards. If the setbacks were allowed to follow the house orientation a variance would not be required. There is a 34-foot setback provided on the west side of the house and a 30-foot setback provided on the east side of the house. These are substantial setbacks to the side of a house.

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*).

All permanent structures within the area are oriented towards the road/driveway from which they are accessed. The provided setback to the sides of the proposed house are greater than side setback requirements.

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 recently purchased by the applicant.

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 applicant is proposing to construct a reasonable sized house facing the private access drive. The setbacks provided to the side of the house are greater than typical side setbacks in this zoning district.

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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:

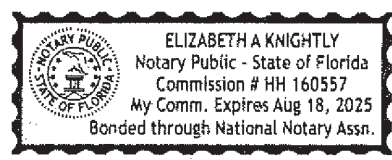
Elizabeth Knightly
Witness Signature
Elizabeth Knightly
Print Name

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: _____

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

{Notarial Seal}



Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR 24-1232

Intake Date: 08/27/2024

Hearing(s) and type: Date: 10/21/2024

Type: LUHO

Receipt Number: 401332

Date: _____

Type: _____

Intake Staff Signature: Koshia Rivas

Property Information

Address: East side of 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.

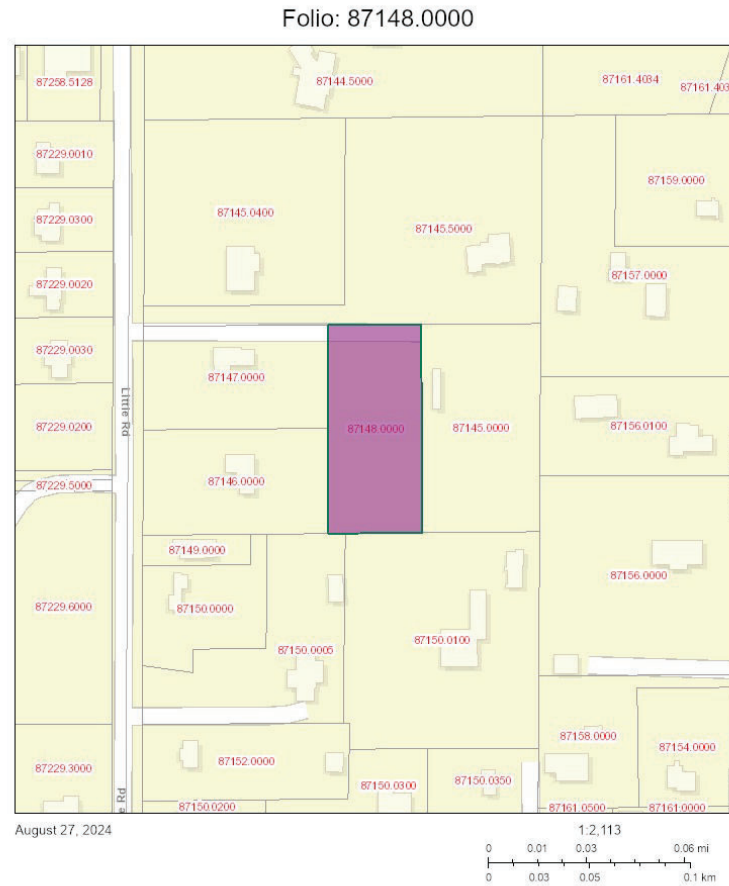
Phuong Nsheiwat Saleem Nsheiwat
Signature of the Owner(s) - (All parties on the deed must sign)

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
PIN: U-04-30-21-ZZZ-000004-25910.0
Saleem Y And Phuong Thuy Nshewat
Mailing Address:
 6711 Durant Rd
 null
 Plant City, FL 33567-3001
Site Address:
 0
 Valrico, FL 33596
SEC-TWN-RNG: 04-30-21
Acreage: 1.17063999
Market Value: \$111,161.00
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.