

Variance Application: VAR 24-0703
LUHO Hearing Date: July 29, 2024
Case Reviewer: Tim Lampkin, AICP



**Hillsborough
 County Florida**

Development Services Department

Applicant: Thaddeus P. Bowen Zoning: AR
 Address/Location: Folio No.: 076734.0000

Request Summary:

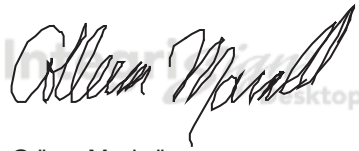
The applicant requests a variance to the LDC Section 6.01.01, Endnote 2 requirement that up to one-fifth of the required lot area may consist of conservation or preservation areas or other wet areas which receive density credits under the Comprehensive Plan. Conversely, a minimum amount of four-fifths (80%) of the required lot area shall be upland area. The applicant requests a variance to allow the buildable area to be +/-2.26 acres of upland (according to the submitted survey) rather than the required 4 acres of upland to construct one single-family home.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.01.01, Endnote 2	Up to one-fifth (20%) of the required lot area (one-acre in AR district) may consist of conservation or preservation areas or other wet areas which receive density credits under the Comprehensive Plan.	35% increase in the conservation/preservation area of the required lot area.	55% of the required lot area consisting of conservation or preservation or other wet areas which receive density credits under the Comprehensive Plan.

Findings:	<ul style="list-style-type: none"> • The min. lot size for AR zoned property is 5 acres and the subject property is +/-6 acres. • The subject property consists of +/- 2.26 acres of upland area and +/- 3.75 acres of wetland area. • The upland area is +/-45 percent of the required lot area, which equates to 35 percent of the entire property. Therefore, the wetland area is +/-55% of the required 5-acre lot area. • Prior to 2016, folio #76734.0000 was a +/- 10-acre parcel. • On October 19, 2016, approximately 4 acres was taken by the County as a land acquisition per Action Item No. A-5, which created folio #76734.0100 to the immediate south of the subject site to allow for improvements of Boyette Road from McMullen Loop Rd. to Bell Shoals Rd. This reduced the subject folio #076734.0000 from 10 acres to +/-6 acres. • Applicant submitted a Wetland Delineation to EPC staff. EPC completed the preliminary wetland delineation based on the information provided that the property shall not be split, and the home will be built entirely in the upland area. • The upland area is at the northern end of the subject property adjacent to Carr Road right-of-way.
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Zoning Administrator Sign Off:

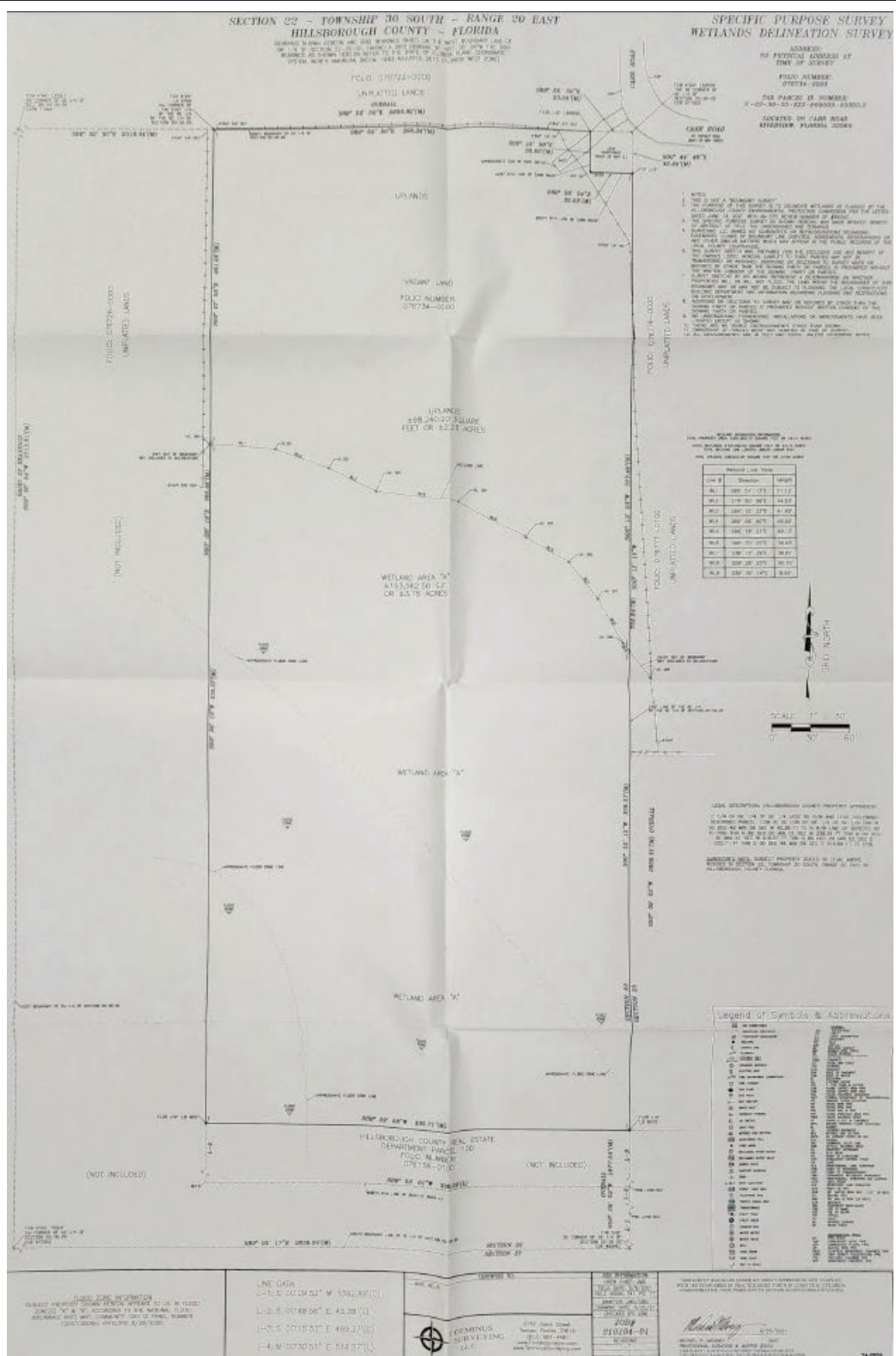


Colleen Marshall
Mon Jul 8 2024 16:55:43

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



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Additional / Revised Information Sheet

Office Use Only		
Application Number: <u>VAR 24-0703</u>	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: VAR 24-0703 Applicant's Name: Thaddeus P. Bowen
 Reviewing Planner's Name: Tim Lampkin Date: 05/14/2024

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): 06/24/2024

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

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.

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.

Joseph Kerkes
Digitally signed by Joseph Kerkes
 DN: C=US, CN=Joseph Kerkes, E=joey.kerkes@edisonandedison.com
 Reason: I am the author of this document
 Location:
 Date: 2024-05-14 09:59:52
 Foxit Reader Version: 9.1.0

Signature

05/14/24

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

VAR 24-0703

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: Joseph Kerkes

(Must be signed by applicant or authorized representative)

Digitally signed by Joseph Kerkes
DN: C=US, CN=Joseph Kerkes, E=joey.kerkes@edisonandedison.com
Reason: I am the author of this document
Location:
Date: 2024-05-14 10:00:23
Font Reader Version: 9.1.0

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):

*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.



Edison & Edison

Attorneys at Law

P: 813.501.1577 | F: 813.397.8618
710 Oakfield Drive Suite 158 Brandon, FL 33511

MICHAEL G. EDISON, ESQ.
Michael.Edison@EdisonandEdison.com

GEORGE S. EDISON, ESQ.
George.Edison@EdisonandEdison.com

May 14, 2024

To: Hillsborough County
Development Services
Via email to: zoningintake-dsd@hcfl.gov

Re: VAR 24-0703 - Additional/Revised Application Documents

To whom it may concern,

Our law firm represents Thaddeus Bowen with respect to the above-referenced variance application. Accompanying this letter is the Additional/Revised Information Sheet, along with the following additional/revised documents to the variance application packet:

- 1) **Revised Project Description** - The original Project Description previously submitted sought a variance of the minimum lot area requirement for lots zoned as AR, per LDC Sec. 6.01.01. This document has been revised to request a variance of Sec. 6.01.01, Endnote 2 requirement that no more than 1/5 of the required minimum lot size shall be wetlands.
- 2) **Variance Criteria Response** - This document was incorporated into the variance application initially submitted. However, for reasons unclear, this page was missing from the application packet upon review by the reviewing planner.

Thank you,
Joseph Kerkes, Esq.



**Hillsborough
County Florida**
Development Services

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.

Applicant seeks to construct a single-family home on the subject property. The subject property is currently zoned as Agricultural Rural (AR). Per Sec. 6.01.01 of the Hillsborough County Land Development Code, the minimum lot area for lots zoned as AR is 5 acres. The total area of the subject property is approximately 6 acres, thereby exceeding the minimum lot size. However, 3.75 acres of the subject property is comprised of wetlands and protected from land development activities. See attached wetlands delineation survey.

Sec. 6.01.01, Endnote 2 provides that up to one-fifth of the required lot area may consist of conservation or preservation areas or other wet areas which receive density credits under the Comprehensive Plan. Thus, the permissible ratio of uplands to wetlands for a 5-acre lot zoned as AR is 4 acres to 1 acre, respectively.

Applicant is requesting a variance of 1.75 acres from the minimum upland requirement of 4 acres and/or the maximum wetland requirement of 1 acre, to allow for development on 2.25 acres of upland.

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

Sec. 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 receive density credits under the Comprehensive Plan.

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): NCL 24-0325 Application for non-conforming lot. Application will be withdrawn.
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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Edison & Edison

Attorneys at Law

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MICHAEL G. EDISON, ESQ.
Michael.Edison@EdisonandEdison.com

GEORGE S. EDISON, ESQ.
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May 14, 2024

To: Hillsborough County
Development Services
Via email to: zoningintake-dsd@hcfl.gov

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Thank you,
Joseph Kerkes, Esq.



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?

Wetlands impact 75% (3.75 acres) of the subject property which is peculiar to this lot and not applicable to other lots in the surrounding area. Other properties in the area are zoned as districts with smaller minimum lot sizes to avoid the surrounding wetlands. The few properties zoned as AR are not encumbered by wetlands.

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.

Applicant purchased the subject property with the intent of building a single family residence. The 2.25 acres of uplands cannot be developed if the 80% uplands to 20% wetlands ratio requirement for AR zoned land is strictly enforced.

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 requested variance only affects the subject property and would have no impact on any of the adjacent lots.

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).

Per Sec. 1.02.03, the intent of the LDC is "to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Hillsborough County." The purpose of the requested variance is to build a single family residence on the subject property leading to the further development of Hillsborough County. This goal also aligns with the Comprehensive Plan as the subject property has been designated Residential-4 for future land use

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 hardship described herein arose through no fault of the applicant. In 2016, the southern 4 acres of the 10 acre parent tract was parceled off and acquired by Hillsborough County through eminent domain (Folio No.: 076734.0100). This land was comprised of mostly upland. If not for the County's taking of this land, the subject property would have had enough upland to meet the required 4 acres of upland

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.

Allowing the requested variance will enable the subject property to be developed for residential use further promoting the the development and growth of Hillsborough County. If the variance is denied, the subject property will remain vacant and undeveloped.

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Prepared by and Return To:
Kivi Mangan
Fidelity National Title of Florida, Inc.
2222 Lithia Center Lane
Valrico, FL 33596

Order No.: FTPA21-114534

APN/Parcel ID(s): 076734-0000

WARRANTY DEED

THIS WARRANTY DEED dated 11-24-21, by L. Michael Nelis and Dena L. Nelis, husband and wife and Freeda Mae Nelis LP, hereinafter called the grantor, to Thaddeus P. Bowen, an unmarried man, whose post office address is 9021 Egret Cove Circle, Riverview, FL 33578, hereinafter called the grantee:

(Wherever used herein the terms "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 And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Hillsborough, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Subject to easements, restrictions, reservations and limitations of record, if any.

The property being hereby conveyed, is not now, nor has it ever been, nor was it ever intended to be the homestead of the grantor, the grantor's spouse, and/or minor children, if any. Nor is it contiguous with or adjacent to such homestead. The grantor's residence is at the street or post office address designated below.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise 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, 2020.

WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

K. Mangan
Witness Signature

Kivi Mangan
Print Name

[Signature]
Witness Signature

Michelle DeBor
Print Name

[Signature]
L. Michael Nelis

[Signature]
Dena L. Nelis

Freeda Mae Nelis LP

BY: [Signature]
Freeda Mae Nelis
General Partner

Address: PO Box 555
Riverview, FL 33568

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 24 day of Nov, 2021 by L. Michael Nelis, Dena L. Nelis + Freeda Mae Nelis, to me known to be the person(s) described in or who has/have produced DL as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

K. Mangan
Name: _____
Notary Public in and for the State of _____
My Commission Expires: _____



EXHIBIT "A"
Legal Description

The East 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 22, Township 30 South, Range 20 East, Hillsborough County, Florida, LESS and EXCEPT the following 2 descriptions:

For a Point of Beginning commence at the Southeast corner of the Northeast 1/4 of the Southeast 1/4 of said Section 22; thence along the South line of the Northeast 1/4 of the Southeast 1/4 of said Section 22, North 89°50'41" West, a distance of 338.63 feet to the West line of the East 1/4 of the Northeast 1/4 of the Southeast 1/4 of said Section 22; thence along said West line North 00°30'51" West, a distance of 21.30 feet to the existing North maintained right of way line of Boyette Road, per Maintenance Book 2, Page 69, of the Public Records of Hillsborough County, Florida; thence continue North 00°30'51" West along said West line 24.15 feet; thence departing said West line South 89°50'01" East, a distance of 338.39 feet to the East line of the Northeast 1/4 of the Southeast 1/4 of said Section 22; thence along said East line South 00°48'56" East, a distance of 23.95 feet to said existing North maintained right of way line of said Boyette Road; thence continue along said East line South 00°48'56" East a distance of 21.43 feet to the Point of Beginning.

and

Commence at the Southeast corner of the Northeast 1/4 of the Southeast 1/4 of Section 22, Township 30 South, Range 20 East, Hillsborough County, Florida; thence along the East line of the Northeast 1/4 of the Southeast 1/4 of said Section 22, North 00°48'56" West, a distance of 45.38 feet to a point on the North right of way line of Boyette Road as described in Official Record Book 18330, page 209 of the Public Records of Hillsborough County, Florida and the Point of Beginning; thence departing said East line of the Northeast 1/4 of the Southeast 1/4 of said Section 22, and along said North right of way line of Boyette Road, North 89°50'01" West, a distance of 338.39 feet to a point on the West line of the East 1/4 of the Northeast 1/4 of the Southeast 1/4 of said Section 22; thence departing said North right of way line of Boyette Road and along the West line of the East 1/4 of the Northeast 1/4 of the Southeast 1/4 of said Section 22, North 00°30' 51" West, a distance of 516.57 feet to a point on the Northerly line of a Tampa Electric Company easement as recorded in Deed Book 116, page 76 of the Public Records of Hillsborough County, Florida; thence departing said West line of the East 1/4 of the Northeast 1/4 of the Southeast 1/4 of said Section 22, and along the Northerly line of said Tampa Electric Company easement, South 89°29' 52" East, a distance of 335.71 feet to a point on the East line of the Northeast 1/4 of the Southeast 1/4 of said Section 22; thence departing said Northerly line of a Tampa Electric Company easement, and along said East line of the Northeast 1/4 of the Southeast 1/4 of said Section 22, South 00°48'56" East, a distance of 514.64 feet to the Point of Beginning.

LESS maintained road right of way(s)

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Property/Applicant/Owner Information Form

24-0703 RCVD 6-14-24

Official Use Only
Application No: VAR 24-0703
Intake Date:
Hearing(s) and type: Date: Type: Receipt Number:
Date: Type: Intake Staff Signature:

Property Information

Address: No address assigned City/State/Zip: Riverview/FL/33569
TWN-RN-SEC: 30-20-22 Folio(s): 076734.000 Zoning: AR Future Land Use: R-4 Property Size: 5.897 Acre:

Property Owner Information

Name: Thaddeus P. Bowen Daytime Phone (813) 789-8765
Address: 9021 Egret Cove Circle City/State/Zip: Riverview/FL/33578
Email: tbtampa@hotmail.com Fax Number N/A

Applicant Information

Name: Thaddeus P. Bowen Daytime Phone (813) 789-8765
Address: 9021 Egret Cove Circle City/State/Zip: Riverview/FL/33578
Email: tbtampa@hotmail.com Fax Number N/A

Applicant's Representative (if different than above)

Name: Joseph Kerkes, Esq. Daytime Phone (813) 501-1577
Address: 710 Oakfield Dr., Suite 158 City/State/Zip: Brandon/FL/33511
Email: joey.kerkes@edisonandedison.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.

Handwritten signature of Thaddeus P. Bowen

Signature of the Applicant

Thaddeus P. Bowen

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.

Handwritten signature of Thaddeus P. Bowen

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

Thaddeus P. Bowen

Type or print name

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