



## LAND USE HEARING OFFICER VARIANCE REPORT

<b>APPLICATION NUMBER:</b> VAR 22-0899	
<b>LUHO HEARING DATE:</b> June 21, 2022	<b>CASE REVIEWER:</b> Israel Monsanto

**REQUEST:** The applicant is requesting zoning setback variances to accommodate a proposed single-family home and existing accessory structure on a legal nonconforming lot zoned ASC-1. Additionally, the applicant is requesting a variance to the required wetland setback for the accessory structure.

**VARIANCE(S):**

**Single-Family Home**

Per LDC Section 6.01.01, the minimum required front yard setback in the ASC-1 zoning district is 50 feet. The applicant requests a 43.8-foot reduction to the required front yard setback to allow a front setback of 6.2 feet from the north property line.

**Accessory Structure**

Per LDC Section 6.11.04, accessory structures may occupy required side yards provided that such structures are more distant from the street than any part of the principal building on the same lot and any lot abutting said required side yard; provided, however, that such accessory structures are not closer than three feet from any side lot line, including architectural features such as cornices, eaves and gutters. The applicant requests a 1.5-foot reduction to the required side setback to allow a setback of 1.5 feet from the east property line.

**Wetland Setback**

Per LDC Sec. 4.01.07.B.4, no filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required 30-foot wetland conservation area setback. The applicant requests approval for an existing accessory structure within the 30-foot wetland conservation area setback. The applicant requests a 12.8-foot encroachment into the setback to allow for a remaining setback of 17.2 feet.

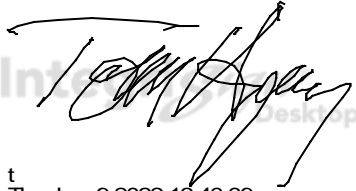
**FINDINGS:**

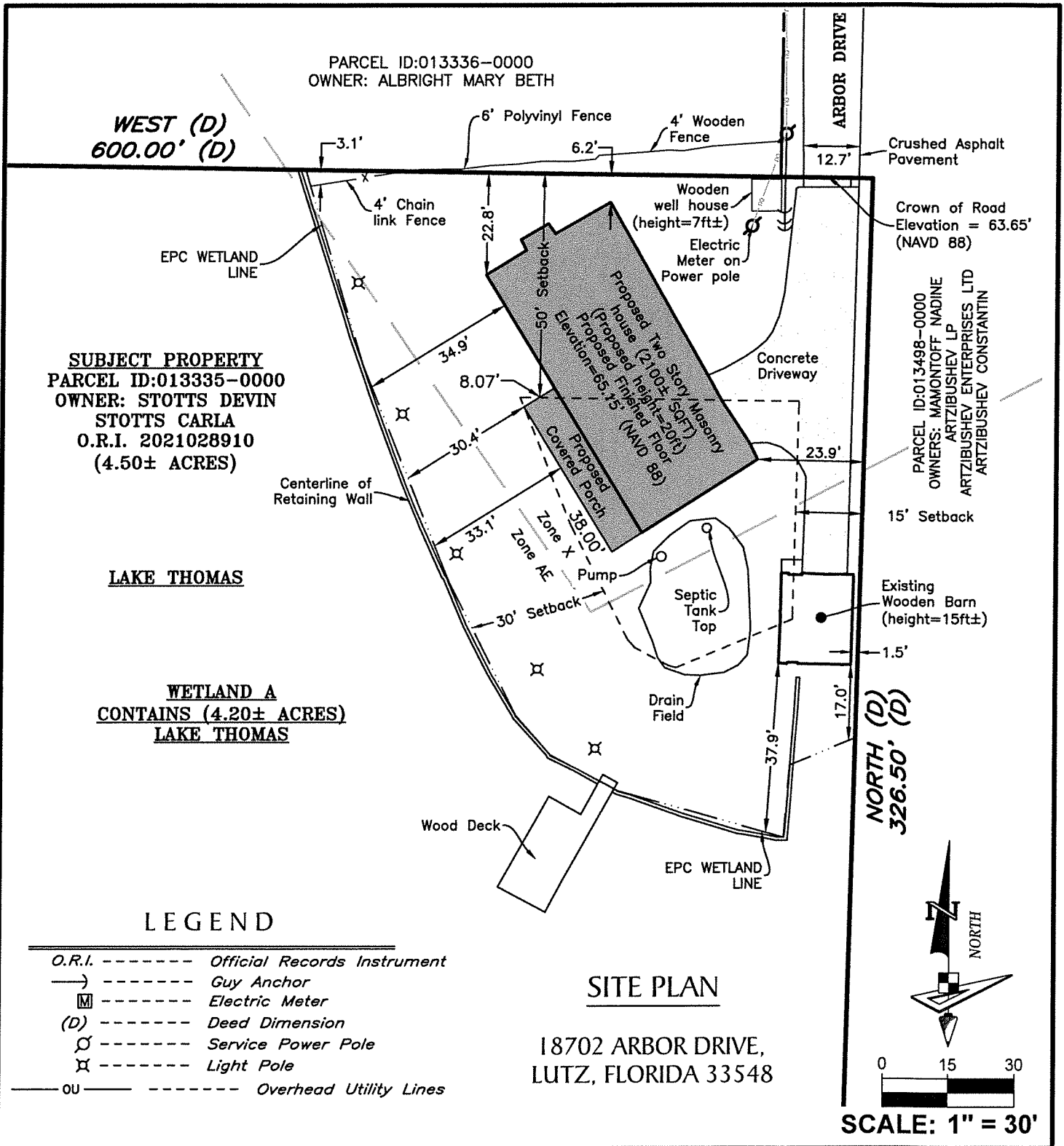
- Per LDC Section 6.01.01, the minimum required lot size in the ASC-1 district is one acre of total area with at least .80 acre of uplands. The subject property is 4.50 acres in size, however, only .21 acre is uplands. Additionally, the lot is served by septic system and located in a Water Resource Protection Area. Per LDC Section 6.01.06, a minimum lot size of one acre of upland area is required for use of a septic system within a WRPA. Consequently, the lot is nonconforming. However, the parcel has been certified as a legal non-conforming lot per NCL 22-0837 which has been placed in the case record for this variance.
- There is an existing fence along the North side of the yard which is located within the 30-foot wetland setback area and which also requires a variance for placement in the wetland setback. The fence encroachment was not requested by the applicant but was noticed by the reviewer during the preparation of the staff report. The reviewer contacted the applicant and was advised the fence will be removed entirely and hedges planted in its place.

**DISCLAIMER:**

The variances listed above are 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.

Approval of this variance petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested environmental approvals.

<b>ADMINISTRATOR'S SIGN-OFF</b>
 <p data-bbox="142 751 397 793">t Thu Jun 9 2022 12:43:39</p>
<b>Attachments: Application</b> <b>Site Plan</b> <b>Petitioner's Written Statement</b> <b>Current Deed</b>



**SUBJECT PROPERTY**  
**PARCEL ID:013335-0000**  
**OWNER: STOTTS DEVIN**  
**STOTTS CARLA**  
**O.R.I. 2021028910**  
**(4.50± ACRES)**

**LAKE THOMAS**

**WETLAND A**  
**CONTAINS (4.20± ACRES)**  
**LAKE THOMAS**

**LEGEND**

- O.R.I. ----- Official Records Instrument
- ----- Guy Anchor
- ⊠ ----- Electric Meter
- (D) ----- Deed Dimension
- ⊙ ----- Service Power Pole
- ⊗ ----- Light Pole
- OU ----- Overhead Utility Lines

**SITE PLAN**

18702 ARBOR DRIVE,  
LUTZ, FLORIDA 33548

SCALE: 1" = 30'

PROJECT: LAKE THOMAS			Prepared For: Devin Stotts					
PHASE: PARCEL ID:013335-0000								
DRAWN: JRG	DATE: 6/5/22	CHECKED BY: JRG						
REVISIONS								
DATE	DESCRIPTION	DRAWN BY				213 Hobbs Street Tampa, Florida 33619 Phone: (813) 248-8888 Licensed Business No.: LB 7768 		
FILE PATH: L:\LAKETHOMAS\CAD\LAKETHOMAS-SITE PLAN.DWG			LAST SAVED BY: JRG					



**Hillsborough  
County Florida**  
Development Services

# Additional / Revised Information Sheet

<b>Office Use Only</b>		
<b>Application Number:</b> VAR 22-0899	<b>Received Date:</b>	<b>Received By:</b>

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 22-0899 Applicant's Name: Devin & Carla Stotts  
 Reviewing Planner's Name: Isreal Monsanto Date: 06/05/2022

Application Type:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Planned Development (PD)  | <input type="checkbox"/> Minor Modification/Personal Appearance (PRS) | <input type="checkbox"/> Standard Rezoning (RZ)  |
| <input checked="" type="checkbox"/> Variance (VAR) | <input type="checkbox"/> Development of Regional Impact (DRI)         | <input type="checkbox"/> Major Modification (MM) |
| <input type="checkbox"/> Special Use (SU)          | <input type="checkbox"/> Conditional Use (CU)                         | <input type="checkbox"/> Other _____             |

Current Hearing Date (if applicable): 06/21/2022

### 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.***

  
 \_\_\_\_\_  
 Signature

06/05/2022  
 \_\_\_\_\_  
 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 22-0899**

I hereby confirm that the material submitted with application \_\_\_\_\_

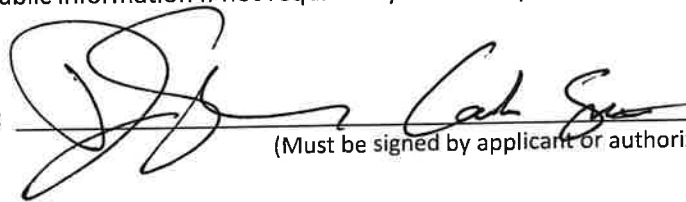
Includes sensitive and/or protected information.

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:   
(Must be signed by applicant or authorized representative)

Intake Staff Signature: \_\_\_\_\_ Date: 06/05/2022



# Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Included	Submittal Item
1	<input type="checkbox"/> <b>Cover Letter**</b> If adding or removing land from the project site, the final list of folios must be included
2	<input checked="" type="checkbox"/> <b>Revised Application Form**</b>
3	<input type="checkbox"/> <b>Copy of Current Deed*</b> Must be provided for any new folio(s) being added
4	<input type="checkbox"/> <b>Affidavit to Authorize Agent*</b> (If Applicable) Must be provided for any new folio(s) being added
5	<input type="checkbox"/> <b>Sunbiz Form*</b> (If Applicable) Must be provided for any new folio(s) being added
6	<input type="checkbox"/> <b>Property Information Sheet**</b>
7	<input type="checkbox"/> <b>Legal Description of the Subject Site**</b>
8	<input type="checkbox"/> <b>Close Proximity Property Owners List**</b>
9	<input checked="" type="checkbox"/> <b>Site Plan**</b> All changes on the site plan must be listed in detail in the Cover Letter.
10	<input type="checkbox"/> <b>Survey</b>
11	<input type="checkbox"/> <b>Wet Zone Survey</b>
12	<input type="checkbox"/> <b>General Development Plan</b>
13	<input type="checkbox"/> <b>Project Description/Written Statement</b>
14	<input type="checkbox"/> <b>Design Exception and Administrative Variance requests/approvals</b>
15	<input checked="" type="checkbox"/> <b>Variance Criteria Response</b>
16	<input type="checkbox"/> <b>Copy of Code Enforcement or Building Violation</b>
17	<input type="checkbox"/> <b>Transportation Analysis</b>
18	<input type="checkbox"/> <b>Sign-off form</b>
19	<input type="checkbox"/> <b>Other Documents</b> (please describe): <div style="border: 1px solid black; height: 60px; width: 100%; margin-top: 5px;"></div>

\*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.

## VARIANCE REQUEST

1. Project Narrative: 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 seeking a variance because the existing home we purchased had settling issues. We sought to have the house underpinned and lifted for \$30,000. This stabilized the foundation but the floors were not level. We decided it would be best demoed and rebuilt. After having surveyed & reviewing the wetland setback the existing foundation & slab is the only location on the lot. Taking into consideration the septic tank, drain field, well and house there is no other location for the house. We need the Northeast corner of the house to remain in the same location at 6' from our property line. I was able to make the back porch fall outside of the wetland setback. The Accessory building setback on the east property line (1.5) was an existing structure & wetlands setback of same structure as shown on survey (17 feet)

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

Section 6.01.01

Section 6.11.04

Section 4.01.07

## 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): Demolition Permit / Building Permit / NON Conforming LOT
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 (Attachment A).
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 and/or septic 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 (form may be obtained from 19<sup>th</sup> floor County Center).



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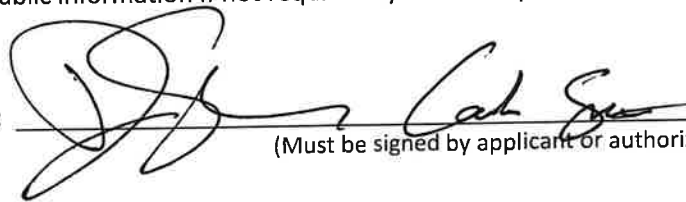
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(Must be signed by applicant or authorized representative)

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# VARIANCE CRITERIA RESPONSE

You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.

## Setback

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 existing house placement is ideal. I reached out to zoning in August 2021 and asked if I tear down the house can I use the existing foundation can I use the same foundation & slab. I would have to move the septic and drain field next to the well which would be a health hazard and against code.

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.

We could not build a house based the LDC on the property that would have to reconfigure everything House, septic, well, drain field.

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 house has been in place since 1972 and no neighbor has been affected. I have talked to all my neighbors and they are happy with the locations of the 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).

I am not sure. Our intent is to build the house back on the original spot where it had been since 1972.

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 result of this variance will not result in any illegal act but will result in a hardship if not granted. We do not have the money to reconfigure and make everything.

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 allowing of the variance will not result in injustice but will allow us to build our dream home. if we are not granted the variance we will not be able to build on the property

# VARIANCE CRITERIA RESPONSE

You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.

## Eastern Property line

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 accessory structure is one foot off the eastern property line. This structure was existing when we bought it and was unaware it was within 1 foot of the property line and not conforming.

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.

We applied for a nonconforming lot. This would deprive us of our storage.

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.

This structure will not interfere with anyone's rights.

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).

N/A

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 barn is NOT illegal and does NOT interfere with adjacent neighbors & if required to remove I would lose my laundry facility & personal storage.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefit intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

I would have to remove the accessory structure if not granted & I would not be able to build my house & tear down accessory structure.

# VARIANCE CRITERIA RESPONSE

You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.

## Wetland setback

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 wetland setback for the accessory structure that is existing is storing our possession ~~is~~ ~~I was aware~~ this structure is existing when I bought the property and was unaware it was within the wetland setback

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 several others in the area that have accessory structures near or on the wetland 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.

This structure will not interfere with anyone's rights

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).

N/A

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 barn is not illegal and does not interfere with adjacent neighbors & if required to remove I would lose my laundry facilities & possession storage

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefit intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

I would have to remove the accessory structure if not granted & I wouldn't be able to build my house & tear down accessory structure

Prepared by and return to:

Tania Rodriguez  
Milestone Title Services, LLC  
14310 North Dale Mabry Highway  
200  
Tampa, FL 33618  
(813) 513-9848  
File No 204584

Parcel Identification No 013335-0000

[Space Above This Line For Recording Data]

## WARRANTY DEED

(STATUTORY FORM – SECTION 689.02, F.S.)

This indenture made the 15th day of January, 2021 between **Mark E. Long and Lisa Long, Husband and Wife**, whose post office address is **17450 2nd Street East, Redington Shores, FL 33708**, of the County of Pinellas, State of Florida, Grantor, to **Devin Stotts and Carla Stotts**, whose post office address is **18702 Arbor Drive, Lutz, FL 33548**, of the County of Hillsborough, State of Florida, Grantees:

**Witnesseth**, that said Grantor, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantees, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantees, and Grantees' heirs and assigns forever, the following described land, situate, lying and being in Hillsborough, Florida, to-wit:

From the Southeast corner of Section 10, Township 27 South, Range 18 East, run North 1315 feet along the East boundary of said Section 10 for a Point of Beginning; Thence continue North 326.5 feet, thence West 600 feet, thence South 326.5 feet, thence East 600 feet to the Point of Beginning, lying and being in Hillsborough County, Florida.

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

**Subject to** taxes for 2020 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

**TO HAVE AND TO HOLD** the same in fee simple forever.

**And** Grantor hereby covenants with the Grantees that the Grantor is lawfully seized of said land in fee simple, that Grantor has good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

WITNESS

PRINT NAME: Adette Rosa

WITNESS

PRINT NAME: Tania Rodriguez

Mark E. Long  
Mark E. Long

Lisa Long  
Lisa Long

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of ( ) physical presence or ( ) online notarization this 13th day of January, 2021, by Mark E Long and Lisa Long.

Tania Rodriguez  
Signature of Notary Public

Print, Type/Stamp Name of Notary

Personally Known: \_\_\_\_\_ OR Produced Identification: ✓

Type of Identification

Produced: FL DC









# VARIANCE APPLICATION

### IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-272-5600.  
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

### Property Information

Address: 18702 ARBOR DR. City/State/Zip: LOTZ FL 33548 TWN-RN-SEC: 27-18-10  
Folio(s): 013335-0000 Zoning: ASC-1 Future Land Use: ASC-1/R-1 Property Size: 4.506

### Property Owner Information

Name: DEVIN STOTTS Daytime Phone: 417 849 9000  
Address: 18702 ARBOR DR City/State/Zip: LOTZ FL 33548  
Email: devin.stotts@gmail.com FAX Number: N/A


### Applicant Information

Name: DEVIN STOTTS Daytime Phone: 417.849 9000  
Address: 18702 ARBOR DR City/State/Zip: LOTZ FL 33548  
Email: DEVIN STOTTS @GMAIL.COM FAX Number: NA


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

Name: SAME AS ABOVE Daytime Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City / State/Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ FAX Number: \_\_\_\_\_

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

  
Signature of Applicant  
DEVIN STOTTS Carla Stotts  
Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

  
Signature of Property Owner  
DEVIN STOTTS Carla Stotts  
Type or Print Name

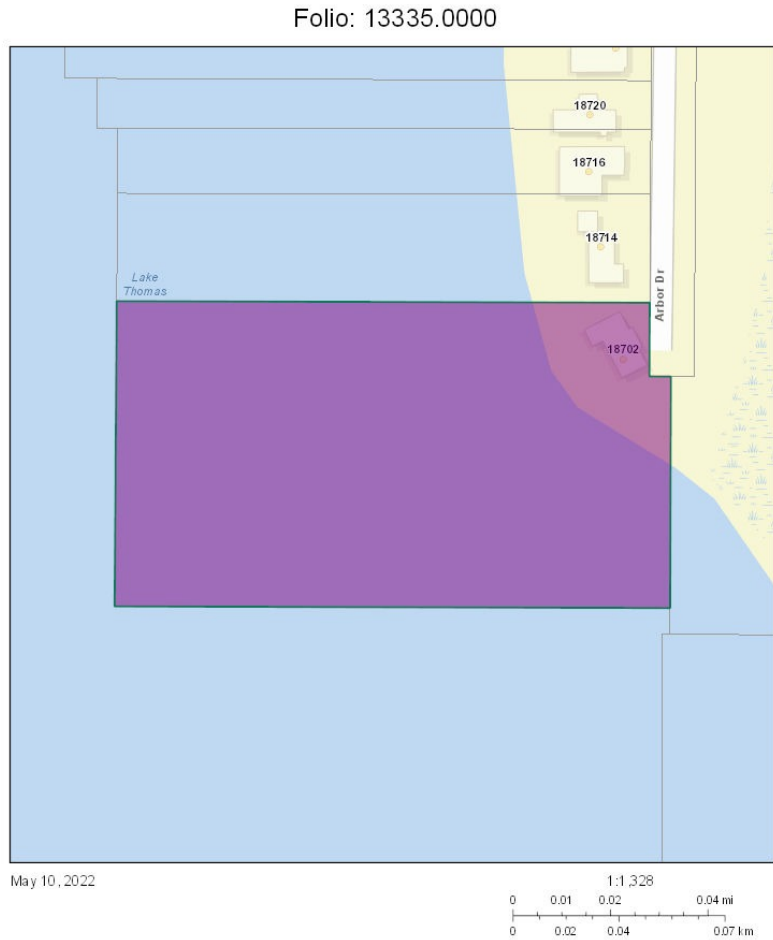
### Office Use Only

Intake Staff Signature: Ana Lizardo Intake Date: 05/10/22  
Case Number: 22-0899 RELATED APP NCL 22-0837 Public Hearing Date: 06/21/22  
Receipt Number: \_\_\_\_\_



# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:AE	BFE = 63.9 ft
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	AE
Pre 2008 Firm Panel	1201120065D
County Wide Planning Area	Lutz
Community Base Planning Area	Lutz
Census Data	Tract: 011103 Block: 2003
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:** 13335.0000  
**PIN:** U-10-27-18-ZZZ-000000-51450.0  
**DEVIN STOTTS AND CARLA STOTTS**  
**Mailing Address:**  
 18702 ARBOR DR  
 LUTZ, FL 33548-5007  
**Site Address:**  
 18702 ARBOR DR  
 LUTZ, FL 33548  
**SEC-TWN-RNG:** 10-27-18  
**Acreage:** 4.50643015  
**Market Value:** \$426,813.00  
**Landuse Code:** 0100 SINGLE FAMILY

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22-0899