

Variance Application: 24-0318
LUHO Hearing Date: March 25, 2024
Case Reviewer: Wayne Doyon



**Hillsborough
 County Florida**

Development Services Department

Applicant: Cristina Lyn & Allen Wayne Dethloff **Zoning:** AS-1
Location: 4007 McGee Rd, Plant City, FL 33565

Request Summary:

The applicant is requesting a variance from the 30-foot Wetland Conservation Area setback requirement, Section 4.01.07.B.4 of the Land Development Code (LDC). The applicant’s specific request, as shown on the site plan submitted on 01/12/2024, is to allow for the construction of a barn and an after-the-fact permit for a 4-foot-tall chain-link fence within the 30-foot Wetland Conservation Area Setback.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
Section 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.	20-foot, .5-inch encroachment for the construction of a barn and an after-the-fact permit for a 4-foot-tall chain-link fence.	9-foot, .5-inch remaining setback

Findings:	1. A wetland setback compensation planting plan has been provided on the site plan dated 01/12/2024, that provides equivalent square footage of compensation planting to the amount of encroachment.

Zoning Administrator Sign Off:	
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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.

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.

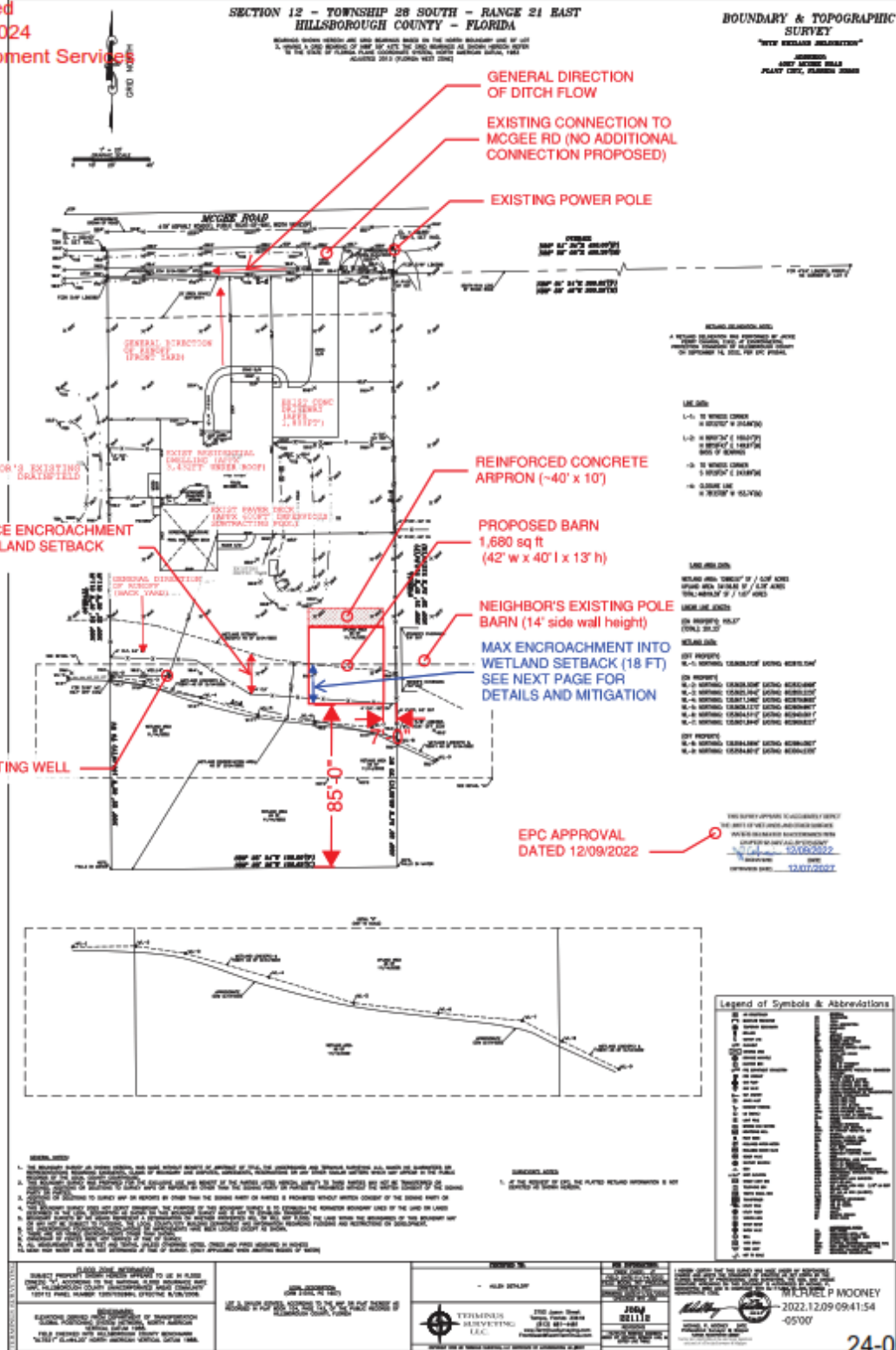
SURVEY/SITE PLAN

Received
 01/12/2024
 Development Services

SECTION 12 - TOWNSHIP 28 SOUTH - RANGE 21 EAST
 HILLSBOROUGH COUNTY - FLORIDA

BOUNDARY & TOPOGRAPHIC SURVEY

"SITE BOUNDARY INDICATION"
 BOUNDARY AND TOPOGRAPHIC SURVEY
 PLANT CITY, FLORIDA 33601



- GENERAL NOTES:**
1. ALL DIMENSIONS ARE GIVEN IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.
 2. ALL DIMENSIONS ARE TO CENTER OF LINE UNLESS OTHERWISE SPECIFIED.
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 4. ALL DIMENSIONS ARE TO CENTER OF ROAD UNLESS OTHERWISE SPECIFIED.
 5. ALL DIMENSIONS ARE TO CENTER OF DITCH UNLESS OTHERWISE SPECIFIED.
 6. ALL DIMENSIONS ARE TO CENTER OF FENCE UNLESS OTHERWISE SPECIFIED.
 7. ALL DIMENSIONS ARE TO CENTER OF POLE UNLESS OTHERWISE SPECIFIED.
 8. ALL DIMENSIONS ARE TO CENTER OF WELL UNLESS OTHERWISE SPECIFIED.
 9. ALL DIMENSIONS ARE TO CENTER OF BARN UNLESS OTHERWISE SPECIFIED.
 10. ALL DIMENSIONS ARE TO CENTER OF APRRON UNLESS OTHERWISE SPECIFIED.
 11. ALL DIMENSIONS ARE TO CENTER OF ENCROACHMENT UNLESS OTHERWISE SPECIFIED.
 12. ALL DIMENSIONS ARE TO CENTER OF SETBACK UNLESS OTHERWISE SPECIFIED.
 13. ALL DIMENSIONS ARE TO CENTER OF EASEMENT UNLESS OTHERWISE SPECIFIED.
 14. ALL DIMENSIONS ARE TO CENTER OF RIGHT-OF-WAY UNLESS OTHERWISE SPECIFIED.
 15. ALL DIMENSIONS ARE TO CENTER OF ADJACENT PROPERTY UNLESS OTHERWISE SPECIFIED.
 16. ALL DIMENSIONS ARE TO CENTER OF ADJACENT WETLAND UNLESS OTHERWISE SPECIFIED.
 17. ALL DIMENSIONS ARE TO CENTER OF ADJACENT ROAD UNLESS OTHERWISE SPECIFIED.
 18. ALL DIMENSIONS ARE TO CENTER OF ADJACENT DITCH UNLESS OTHERWISE SPECIFIED.
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 38. ALL DIMENSIONS ARE TO CENTER OF ADJACENT SETBACK UNLESS OTHERWISE SPECIFIED.
 39. ALL DIMENSIONS ARE TO CENTER OF ADJACENT EASEMENT UNLESS OTHERWISE SPECIFIED.
 40. ALL DIMENSIONS ARE TO CENTER OF ADJACENT RIGHT-OF-WAY UNLESS OTHERWISE SPECIFIED.

EPC APPROVAL DATED 12/09/2022

Legend of Symbols & Abbreviations

Symbol / Abbreviation	Description
(Symbol)	Adjacent Property
(Symbol)	Adjacent Wetland
(Symbol)	Adjacent Road
(Symbol)	Adjacent Ditch
(Symbol)	Adjacent Fence
(Symbol)	Adjacent Pole
(Symbol)	Adjacent Well
(Symbol)	Adjacent Barn
(Symbol)	Adjacent Aprron
(Symbol)	Adjacent Encroachment
(Symbol)	Adjacent Setback
(Symbol)	Adjacent Easement
(Symbol)	Adjacent Right-of-Way
(Symbol)	Adjacent Property
(Symbol)	Adjacent Wetland
(Symbol)	Adjacent Road
(Symbol)	Adjacent Ditch
(Symbol)	Adjacent Fence
(Symbol)	Adjacent Pole
(Symbol)	Adjacent Well
(Symbol)	Adjacent Barn
(Symbol)	Adjacent Aprron
(Symbol)	Adjacent Encroachment
(Symbol)	Adjacent Setback
(Symbol)	Adjacent Easement
(Symbol)	Adjacent Right-of-Way

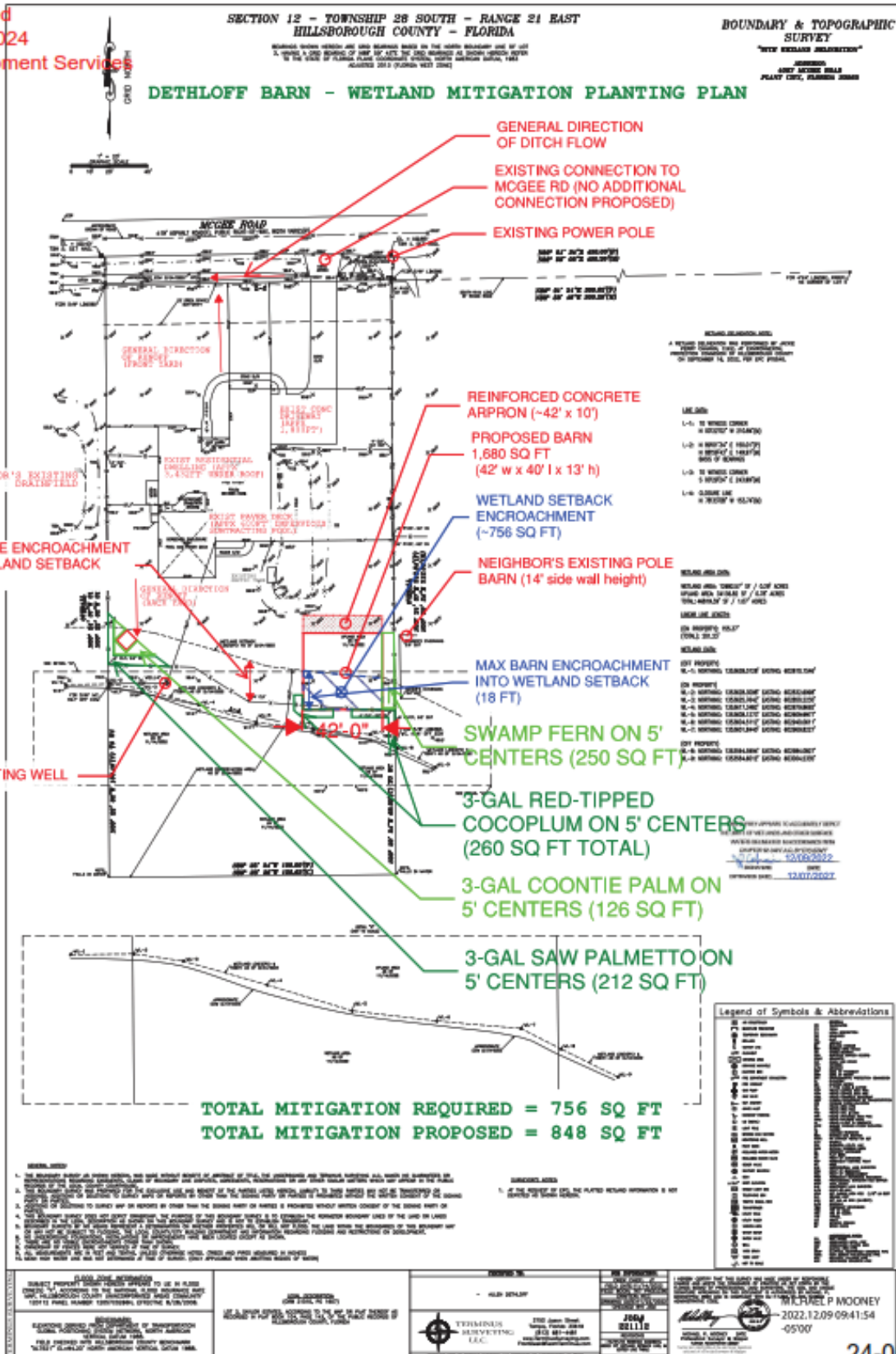
DISCLAIMER:

1. THE SURVEYOR HAS CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS FOR LAND SURVEYING IN FLORIDA. THE SURVEYOR HAS NOT CONDUCTED ANY INVESTIGATION OR RESEARCH INTO THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT. THE SURVEYOR HAS NOT CONDUCTED ANY INVESTIGATION OR RESEARCH INTO THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT.

24-0318

Received

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01/12/2024
Development Services



24-0318

Cross Section

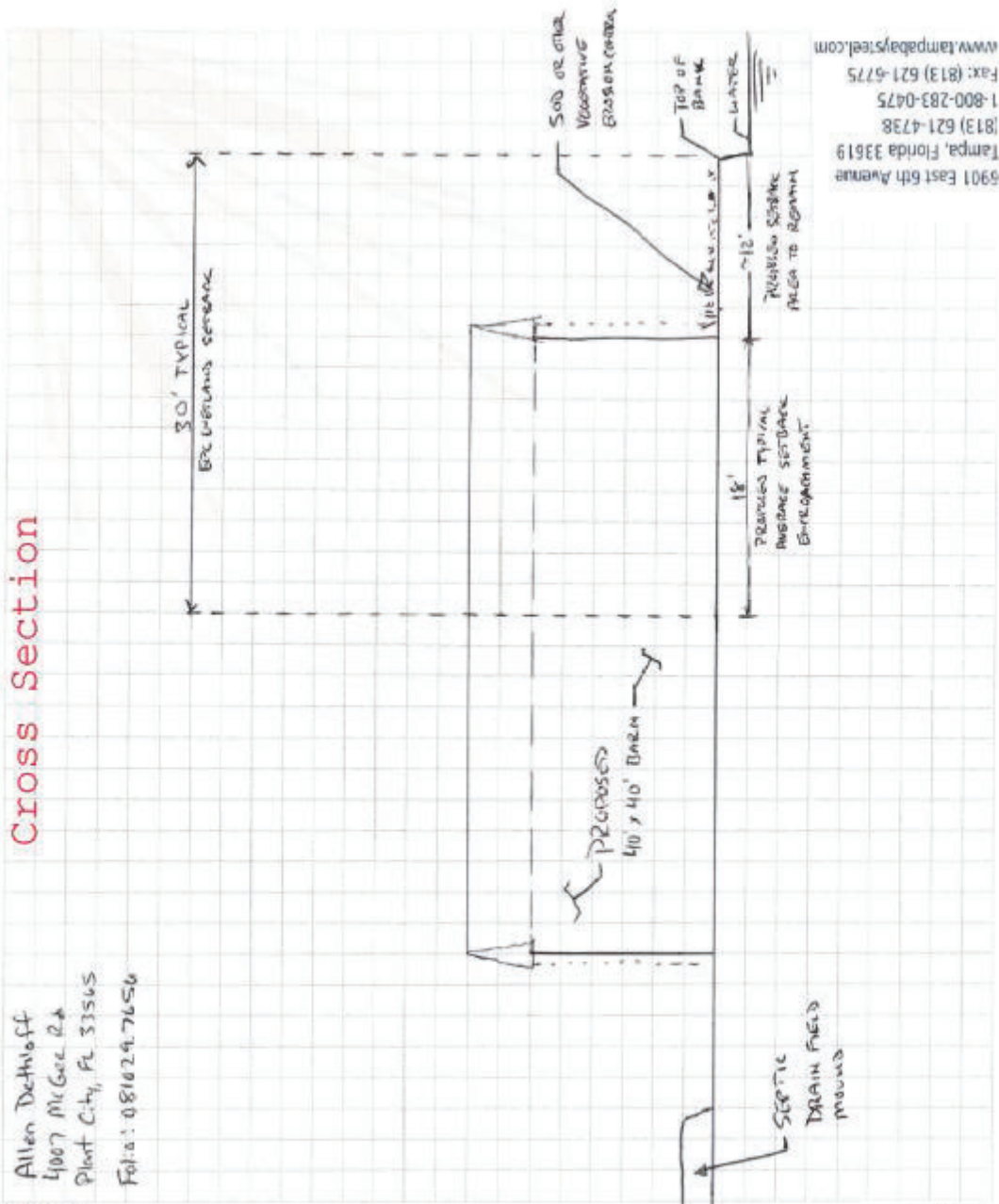
Allen Dethloff
 4007 McGehee Rd
 Plant City, FL 33565
 Fax: 0810247656



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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 are seeking a variance to the 30-ft wetland setback requirement to construct a new barn in our back yard. We are also seeking an after-the-fact variance for installation of a 4' tall chainlink fence within the 30-ft wetland setback area.

There is a pond in the backyard that we understand was dug years ago to provide fill to elevate the property for a poultry farm. Due to other constraints, including side yard setbacks and the configuration of our septic drain field, our barn must encroach an average of approximately 18' into the wetland setback area.

We investigated having our drain field reconfigured to allow for a reduction of the encroachment into the setback area, but the cost and disruption associated with reconfiguration of the drain field are prohibitive.

Lastly, we are seeking an "after the fact" variance to install a 4' tall chainlink fence within the wetland setback area to keep our children and pets safely away from the pond. The encroachment distance of the fence will vary from ~15' to ~21'.

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

Article IV., Part 4.01.07, B.4.

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



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?

We wish to construct a barn on our property for storage of equipment. Due to side yard setback requirements and the configuration of our septic drain field, the proposed barn must encroach on the 30' setback area. We have explored reconfiguring the drain field to avoid wetland setback impacts, but it is cost prohibitive and would be very disruptive. Installing the fence outside of the wetland setback area would significantly diminish the portion of the yard available to the kids +

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.

When we purchased the property with this goal, and didn't realize the extent of the constraints that we would encounter for this project. A literal application of the LDC would result in our having to reduce the size of the barn such that it would no longer serve our needs. Alternatively, we would have to find another nearby parcel that could be used for this purpose, which is also cost-prohibitive and impractical +

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.

Our property is situated such that this variance will not impact anyone else. The neighbor that is closest to the proposed location of the barn has a pole barn that is very near the same property line along which we'll be constructing our barn. (Our barn will actually be immediately adjacent to his.) As such, his view of our barn will be obscured by his barn, and vice versa. The fence will blend with the agricultural surroundings and will be more benign than a privacy fence +

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).

We understand that purpose of the Land Development Code is to set standards for development of property such that individuals do not implement improvements that will affect the ability of others (e.g. neighbors) to enjoy the same rights on their own property. We feel strongly that the improvements we're proposing will have no negative impact on any of our neighbors and, in fact, we have already discussed our plans with (and received support from) many of them +

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 have not constructed any structures on our property that are non-compliant with the Hillsborough County LDC. Our home was already constructed on the property when we purchased it, and we were not aware of the wetland setback criteria at that time. As such, we assumed we had adequate space to construct our barn.

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.

We purchased our property specifically with this purpose in mind, and simply did not understand that there was a wetland setback requirement. If the variance is not granted, we'll have to consider purchasing another property on which to construct our barn, as we will not be able to construct a significantly large structure without this variance. Our barn will allow us to further enjoy our property and home in which we plan to reside for decades to come +

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Deed

INSTRUMENT#: 2012095156, BK: 21015 PG: 1657 PGS: 1657 - 1657 03/19/2012 at 01:56:35 PM, DOC TAX PD (F.S.201.02) \$1505.00 DEPUTY CLERK:SEDSO Pat Frank, Clerk of the Circuit Court Hillsborough County

Prepared by: Chrissy Boatwright Hillsborough Title, Inc. 1605 S. Alexander Street, Suite #102 Plant City, Florida 33563 incidental to the issuance of a title insurance policy. File Number: HT-12-286

General Warranty Deed

Made this March 14, 2012 A.D. By Beverly H. Callahan and Talmadge H. Callahan, husband and wife, whose address is: 16760 N. River Shores Road Northport, AL. 35475 hereinafter called the grantor, to Allen Wayne Dethloff and Cristina Lyn Dethloff, husband and wife, whose post office address is: 4007 McGee Road Plant City, FL 33565 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 3, SAYLOR ESTATES, according to the Map or Plat thereof as recorded in Plat Book 104, Page 143, of the Public Records of Hillsborough County, Florida.

Parcel ID Number: 81029-7656

GRANTORS HEREIN do hereby covenant and agree that they have been continuously married to each other without interruption from the date they first acquired title up to and including the date of this conveyance.

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 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, 2011.

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:

Natalie Sweet (Signature) Witness Printed Name Natalie Sweet

Beverly H. Callahan (Signature) (Seal) Beverly H. Callahan by Tiffany Callahan Address: Lindsey, POA

Dave (Signature) Witness Printed Name Gail Calhoun State of Florida County of Hillsborough

Talmadge H. Callahan (Signature) (Seal) Address: by Tiffany Callahan Lindsey, her POA

The foregoing instrument was acknowledged before me this 14th day of March, 2012, by Beverly H. Callahan and Talmadge H. Callahan, husband and wife, who is/are personally known to me or who has produced driver's license as identification. My Tiffany Callahan Lindsey their attorney in fact



Dave (Signature) Notary Public Print Name: My Commission Expires:

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**Hillsborough
County Florida**
Development Services

Submittal Requirements for Applications Requiring Public Hearings

Official Use Only

Application No: 24-0318 Intake Date: 01/16/2024
 Hearing(s) and type: Date: 03/25/2024 Type: LUHO Receipt Number: 334723
 Date: _____ Type: _____ Intake Staff Signature: Alejandra Prado

Applicant/Representative: Allen Dethloff Phone: 8134941184

Representative's Email: allen.dethloff@gmail.com

The following information is used by reviewing agencies for their comments and should remain constant, with very few exceptions, throughout the review process. Additional reviews, such as legal description accuracy, compatibility of uses, agency reviews, etc., will still be conducted separately and may require additional revisions.

The following ownership information must be provided and will be verified upon submission initial submittal. If you are viewing this form electronically, you may click on each underlined item for additional information.

Part A: Property Information & Owner Authorization Requirements

Included	N/A	Requirements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Applicant/Owner Information Form</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Affidavit(s) to Authorize Agent</u> (if applicable) NOTE: All property owners must sign either the Application form or the Affidavit to Authorize Agent. If property is owned by a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Copy of Current Recorded Deed(s)</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Close Proximity Property Owners List</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Legal Description</u> for the subject site
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Fastrack Approval</u> (if applicable)

Additional application-specific requirements are listed in Part B.



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Application No: <u>24-0318</u>	Official Use Only	Intake Date: <u>01/16/2024</u>
Hearing(s) and type: Date: <u>03/25/2024</u>	Type: <u>LUHO</u>	Receipt Number: <u>334723</u>
Date: _____	Type: _____	Intake Staff Signature: <u>Alejandra Prado</u>

Property Information

Address: 4007 McGee Rd City/State/Zip: Plant City, FL 33565

TWN-RN-SEC: 12-28-21 Folio(s): 81029.7656 Zoning: AS-1 Future Land Use: R-1 Property Size: 1.07 ac

Property Owner Information

Name: Cristina Lyn and Allen Wayne Dethloff Daytime Phone: 813-494-1184

Address: 4007 McGee Rd City/State/Zip: Plant City, FL, 33565

Email: allen.dethloff@gmail.com Fax Number: _____

Applicant Information

Name: Allen Dethloff Daytime Phone: 813-494-1184

Address: 4007 McGee Rd City/State/Zip: Plant City, FL, 33565

Email: allen.dethloff@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.

Allen W. Dethloff
Signature of the Applicant

Allen W. Dethloff
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.

Cristina Dethloff Allen W. Dethloff
Signature of the Owner(s) – (All parties on the deed must sign)

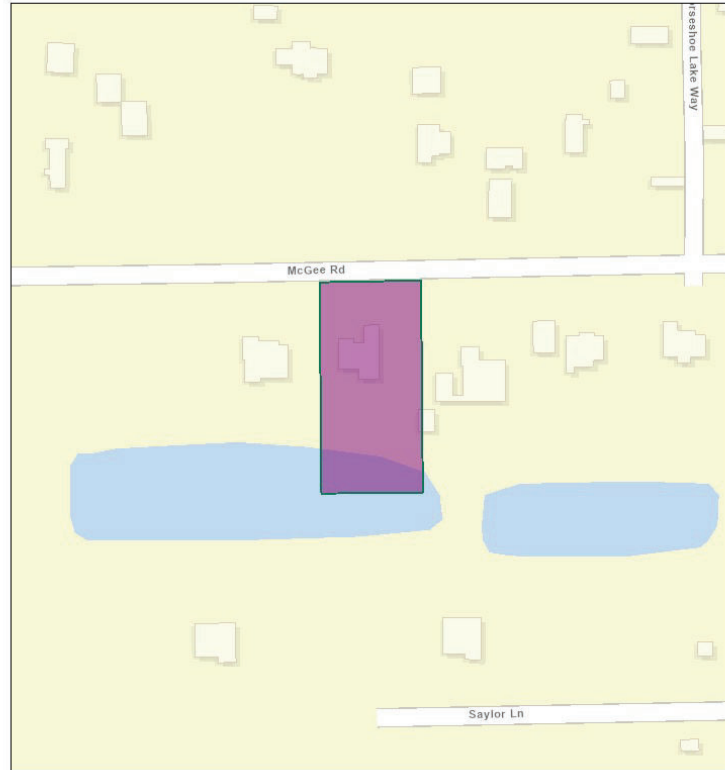
Cristina L. and Allen W. Dethloff
Type or print name



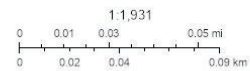
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
INFL	f
Zoning	AS-1
Description	Agricultural - Single-Family
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0266H
FIRM Panel	12057C0266H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120270D
County Wide Planning Area	East Rural
Census Data	Tract: 010106 Block: 2008
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	3
Fire Impact Fee	Northeast
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 3
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 81029.7656



January 18, 2024



RS: Esri Community Maps Contributors, University of South Florida, City of Plant City GIS, City of Tampa, FDEP, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SatNav, GeoTechnologies, Inc, METI/NAUA, USDA, EPA, NPS, US Census Bureau, USDA, USFWS

Hillsborough County Florida

Folio: 81029.7656
PIN: U-12-28-21-830-000000-00003.0
 Allen Wayne And Cristina Lyn Dethloff

Mailing Address:

4007 Mcgee Rd
 null

Plant City, FL 33565-5311

Site Address:

4007 Mcgee Rd
 Plant City, FL 33565

SEC-TWN-RNG: 12-28-21

Acreage: 1.07272005

Market Value: \$508,545.00

Landuse Code: 0100 Single Family

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2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

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