



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-1422	
LUHO HEARING DATE: April 24, 2023	CASE REVIEWER: Chris Grandlienard, AICP

REQUEST: The applicant is requesting a variance for an existing fence and gate on three commonly owned parcels zoned RDC-12.

VARIANCE(S):

Per LDC Section 6.07.02.C.1.a., fences over four feet in height shall not be allowed within required front yards in residential districts, except under certain circumstances that do not apply to this case. The applicant requests a 2-foot increase to the maximum permitted height to allow a 6-foot-high fence and gate within the required front yards on the south side of the subject parcels along Palm River Road.

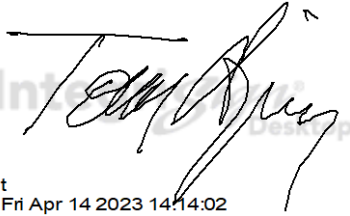
FINDINGS:

- The subject fence is the subject of a Code Enforcement Case # CE21016372 which has been placed in the case file for this this application.
- Per LDC Sections 6.07.02.A.2 and 6.04.03.F, a maximum height of 2.5 feet is permitted for fences within motorist visibility triangles at the intersection of roadways and driveways. Approval of this variance, if granted, does not obviate the need to comply with this requirement and may necessitate the redesign or relocation of the subject fence.

DISCLAIMER:

The variance 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.

ADMINISTRATOR'S SIGN-OFF



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Fri Apr 14 2023 14:14:02

Attachments: Application
Site Plan
Petitioner's Written Statement
Current Deed

TOPOGRAPHIC FEATURES



NOTE: UNLESS STATED OTHERWISE, NO TITLE SEARCH HAS BEEN FURNISHED NOR PERFORMED BY THE UNDERSIGNED TO DETERMINE ANY DEFECTS AND/OR AMBIGUITIES IN TITLE. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP. UNDERGROUND FOOTINGS OF BUILDINGS AND THE EAVE OVERHANGS THEREOF WERE NOT LOCATED. UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAN OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

Scale:	1" = 20'
FIELD DATE:	
CREW:	
FB:	
PC:	
Job No.:	JUB
Checked By:	CJB
Drawn By:	CJB
Designed By:	
Date:	
Revisions:	
Date	Description

SURVEYORS CERTIFICATE:
 THE SURVEY SHOWN HEREON TO BE CORRECT AND COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING PER CHAPTER 5J-17.050, 5J-17.051 AND 5J-17.052, FLORIDA ADMINISTRATIVE CODE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

SEE SHEET 1 OF 3 FOR SIGNATURE

TOPOGRAPHIC AND BOUNDARY SURVEY
 5210 & 5216 PALM RIVER ROAD
 MICHAEL & NICOLE MEZRAH
 5216 PALM RIVER ROAD
 TAMPA, FLORIDA 33619

SECTION: 22 TOWNSHIP: 29 SOUTH RANGE: 19 EAST
 HILLSBOROUGH COUNTY, FLORIDA

3903 Northdale Blvd., Suite 115E
 Tampa, Florida 33624
 Phone: (813) 549-3740
 FL Certificate of Authorization #29588
 www.mckimcreed.com

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Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR 22-1422 Applicant's Name: Michael & Nicole Mezrah

Reviewing Planner's Name: Christopher Grandlienard Date: 04/04/2023

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): 04/24/2023

Will this revision add land to the project? Yes No

IMPORTANT: If "Yes" is checked on the above, a Revised Application Sheet, Property Information Sheet, Affidavit to Authorize Agent, and additional Deeds must be filed immediately to ensure proper noticing and sign posting requirements are met.

Will this revision remove land from the project? Yes No

The following must be attached to this Sheet.

- Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter. An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Submittal Via:

Email - Note that no follow up paper file is necessary. Files must be in pdf format and minimum resolution of 300 dpi. Maximum attachment(s) size is 15 MB.

Email this sheet along with all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcflgov.net

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.

Stephen Michelini

Digitally signed by Stephen Michelini Date: 2023.04.07 08:37:21 -04'00'

Signature

04/07/2023

Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent, Scanned into OPTIX, Transmittal Completed

In-Take Completed by:

Please see attached information:

1. Revised variance application to include confirmation of dwellings on parcels and correct section number.
2. Updated survey to include both parcels.
3. Three images of the fence
4. Deed for parcels 5214 & 5216 Palm River Road
5. Revised Information sheet signed.



**Hillsborough
County Florida**
Development Services

Application No: _____

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.

Our property has been designated as an agricultural use. We have several animals on the property that need to be secured. We previously had a 6 foot fence that was damaged in a storm. We have replaced that fence which is now a violation according to the code enforcement notice that we received.

Both parcels have one single family dwelling, there are several barns and equipment storage facilities on the property.

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

3.10.07 (b) Sec. 6.07.02.C.1.a Fences over four feet high shall not be allowed within the required front yards. B. Wood fences shall be picket or rail style with a maximum height of four feet and maximum opacity of 50 percent. Said fences shall be constructed of pressurized wood and shall be painted. Wood fences that do not conform with these requirements shall not be permitted in any yard.

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): _____
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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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 have an agricultural exemption and several animals on the property that could cause harm to adjacent properties if they got out. We have goats and emus which could escape with a 4 foot fence.

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.

As a property deemed for agricultural use we are simply seeking to protect and secure the animals on our property. The six foot fence allows us to keep the animals contained to our property and prevent them from wandering into adjacent properties or roadways.

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 fence was a six foot fence before and did not cause any issues to the surrounding properties or area.

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 simple request to allow for something that the property previously had. Our fence was simply replaced due to damage. The agricultural exemption provides that we are allowed animals on our property. The animals that we have may face vulnerabilities with a four foot fence.

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 are a legal agricultural property with a green belt exemption. We are simply seeking to have a proper fence to protect and secure the animals.

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 would appreciate the opportunity to secure and protect the animals, it would be a hardship if the animals got put. Goats have a tendency to climb and we have the 6 foot fence to keep the animals secure. We had a six foot fence since the purchase in 2007. We recently had to replace the fence due to damage from a storm and that is when we were cited.

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Application Number: VAR 22-1422 Applicant's Name: Stephen Michelini

Reviewing Planner's Name: Christopher Grandlienard Date: 04/14/2023

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Stephen Michelini

Signature

04/14/2023

Date

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In-Take Completed by: _____

VAR 22-1422

The following information is attached in this email:

1. Deed for 5210 Palm River Rd
2. Additional Information Sheet from Hillsborough County Development Services

Prepared by and return to:
JTillis, an employee of
Bayshore Title Insurance Agency,
3431 Henderson Boulevard, Tampa, Florida 33609,
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

File Number: 1209048

Parcel ID Number: 043508.0000

Consideration: \$72,500.00

Doc Stamps: 507.50

General Warranty Deed

Made this 28th day of September, 2012 A.D., by Christopher D. Newton, a single person, whose post office address is 112 Woodfield Drive, Marshfield, MO 65706, hereinafter referred to as "Grantor", to Nicole Mezraah, whose post office address is 3502 W. Empedrado Street Apt B, Tampa, Florida 33629, hereinafter referred to as "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 and 00/100 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:

Tract Beginning 440.60 feet South of the Northwest corner of the East 1/2 of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 and run thence South 165.0 feet; thence East 107.0 feet; thence North 165.0 feet; thence West 107.0 feet; to the POINT OF BEGINNING; all lying and being in Section 22, Township 29 South, Range 19 East, Hillsborough County, Florida.

Subject to covenants, restrictions, easements and reservations of record, if any, and taxes for the current year.

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.

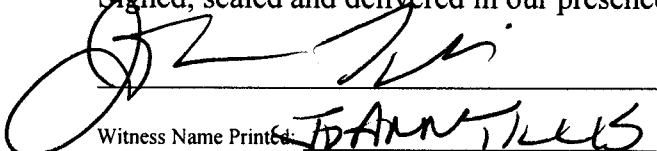
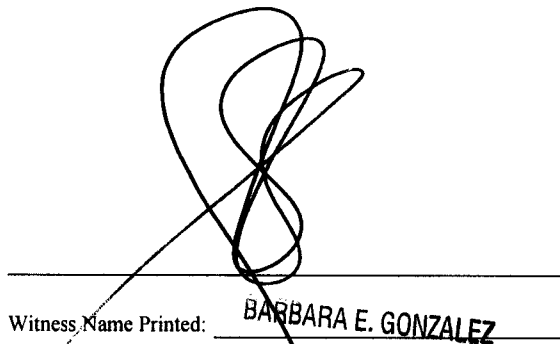
And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful 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.



Christopher D. Newton

Signed, sealed and delivered in our presence:


Witness Name Printed: JO ANN ELLIS
Witness Name Printed: BARBARA E. GONZALEZ

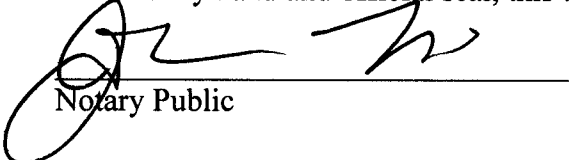
STATE OF Florida

COUNTY OF Hillsborough

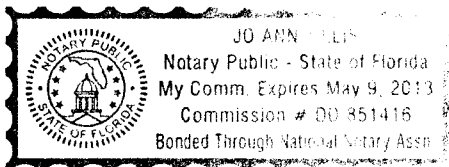
I, the undersigned authority, a Notary Public of the County and State first above written, do hereby certify that Christopher D. Newton personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

 Personally known to me
 Produced Driver's License as identification.

Witness my hand and official seal, this the 28th day of September, 2012.


Notary Public

My Commission Expires: (SEAL)





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**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: _____ Intake Date: _____
 Hearing(s) and type: Date: _____ Type: _____ Receipt Number: _____
 Date: _____ Type: _____ Intake Staff Signature: _____

Property Information

Address: 5210,5214,5216PalmRiverRd City/State/Zip: Tampa Fl
 TWN-RN-SEC: _____ Folio(s): 043505/043508 Zoning: RDC12 Future Land Use: R9 Property Size: 2.5 acres

Property Owner Information

Name: Mike and Nicole Mezrah Daytime Phone 813-927-1691
 Address: 5216 Palm River Rd City/State/Zip: Tampa Fl 33619
 Email: mike@mezrah.com Fax Number _____

Applicant Information

Name: Mike and Nicole Mezrah Daytime Phone 813-927-1691
 Address: 5216 Palm River Rd City/State/Zip: Tampa Fl 33619
 Email: mike@mezrah.com Fax Number _____

Applicant's Representative (if different than above)

Name: Francesca & Stephen Michelini Daytime Phone 813-468-6219
 Address: 10925 Tailfeather ct City/State/Zip: Tampa Fl 33625
 Email: fmichelini10@gmail.com 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 of the Applicant

Mike Mezrah

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

Mike and Nicole Mezrah

Type or print name

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