

Variance Application: VAR 25-0800

LUHO Hearing Date: July 28, 2025

Case Reviewer: Tania C. Chapela



**Hillsborough
County Florida**

Development Services Department

Applicant: Mohammed Abukhdeir **Zoning:** PD

Location: 10711 Cape Hatteras Dr., Folio 5755.6048

Request Summary:

The applicant is requesting a rear yard setback variance to accommodate an enclosed porch on the subject property.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
PD 73-0078 LDC Sec. 5.03.07.B.2.i	A 20-foot rear yard setback is required in the PD district.	15 feet	5-foot rear yard setback

Findings:

None.

Zoning Administrator Sign Off:

Colleen Marshall
Tue Jul 15 2025 13:50:33

DISCLAIMER:

The variance(s) listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.



Project Description (Variance Request)

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.

I replaced my screened in Lani with a enclosed pergola. I am requesting a variance of 15 feet from the required rear yard setback of 20 feet resulting in a rear yard of 5 feet. My home is on a pond in which is used as a freshwater Marina. I replaced it to give my kids more security in the back yard area.

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

Sec 27-80

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?

There used to be a patio structure here that was used by others, with the same limits, the object of the project is to replace the patio with an enclosed pergola. Without the variance, the patio area wouldn't allow the pool and other features on the lot, similar to neighboring properties. The structure helps with protection for the kids with the pond being so close. It helps prevent accidents and from tripping or falling into the pond

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.

Without the variance, the patio area would not allow for a pool placement, similar to neighboring properties.

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 variance will not interfere with any other property. My backyard area is private property. This variance is subject to my property only.

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*).

The sunroom/enclosed pergola, is aesthetically compatible with nearby homes and enhances the use of the patio.

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.

There used to be an existing patio structure previously, with the same limits. My intent and the objective are to replace the patio with an enclosed pergola/sunroom and no adverse effect is expected by this.

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.

With out the variance, the patio area would not allow a pool and other features similar to neighboring properties. My property is directly on the pond. With the variance, I am able to provide my children with a security barrier from accidently tripping into the pond.

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Prepared by and return to:

Omar A. Erchid, Esq.
Erchid Law, PLLC
203 N Armenia Ave #101
Tampa, Florida 33609
(813) 631-7226

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Quitclaim Deed

THIS QUITCLAIM DEED is made as of October 19, 2023, by **Mohammed Faisal Abukhdeir**, a single man, whose post office address is 10711 Cape Hatteras Dr, Tampa, FL 33615 (“Grantor”), and **Mohammed Faisal Abukhdeir, Trustee or his successor(s) in interest, of the MFA FAMILY TRUST dated October 19, 2023, and any amendments thereto**, whose post office address is 10711 Cape Hatteras Dr, Tampa, FL 33615, (“Grantee”).

WITNESSETH: The Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby remise, release, convey and quitclaim unto the Grantee all the right, title, interest, claim, and demand which the Grantor has in and to that certain land situated in Hillsborough County, Florida, described as follows:

**Lot 51, PALM BAY PHASE II, According To The Map Or Plat Thereof As Recorded
In Plat Book 74, Page 8, Public Records Of Hillsborough County, Florida.
Parcel ID: U-33-28-17-0BM-000000-00051.0**

TOGETHER WITH all of the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS CONVEYANCE is subject to taxes and assessments for the year 2023 and subsequent years, zoning and other governmental regulations.

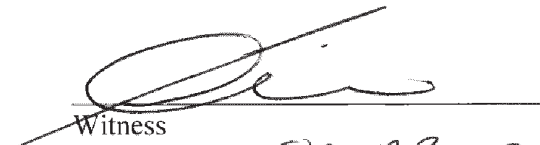
TO HAVE AND HOLD the above described real estate in fee simple with the appurtenances upon the trust and for the purposes set forth in this deed and in the MFA Family Trust dated October 19, 2023, and any amendments thereto (the “Trust Agreement”).

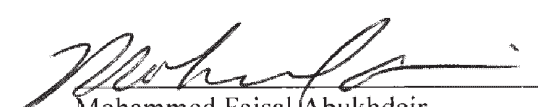
Full power and authority are conferred upon Grantee, as trustees, to protect, conserve, sell, convey, lease, grant and encumber all interests conveyed by this instrument, and otherwise to manage and dispose of those interests, it being the intent of Grantor to vest in the trustee of the trust full rights of ownership as authorized by Section 689.073 of the Florida Statutes.

This deed was prepared without the benefit of title insurance.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents, to be executed and delivered the day and year first above written.

Signed, sealed and delivered in our presence:


Witness
Printed Name: OMAR ELCHADI


Mohammed Faisal Abukhdeir


Witness
Printed Name: Claudia Palacios

**STATE OF FLORIDA
COUNTY OF HILLSBOROUGH**

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this October 19, 2023 by Mohammed Faisal Abukhdeir who ☐ is personally known or ☒ has produced a driver license as identification.



Roza M. Tawil
Comm #HH053351
Expires Oct. 14, 2024
Bonded thru Aaron Notary


Notary Public
Print Name: Roza Tawil
My Commission Expires: 10/14/24



Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR 25-0800

Intake Date: 05/07/2025

Hearing(s) and type: Date: 07/28/2025

Type: LUHO

Receipt Number: 477739

Date: _____

Type: _____

Intake Staff Signature: Keshia Rivas

Property Information

Address: 10711 cape hatteras dr City/State/Zip: Tampa, FL 33615

TWN-RN-SEC: 33-28-17 Folio(s): 5755.6048 Zoning: pd 73-0078 Future Land Use: R-4 Property Size: .11

Property Owner Information

Name: Mohammed Abukhdeir Daytime Phone: 813-895-6361

Address: 10711 cape hatteras dr City/State/Zip: Tampa, FL 33615

Email: mohammedabukhdeir1@gmail.com Fax Number: _____

Applicant Information

Name: Mohammed Abukhdeir Daytime Phone: 813-895-6361

Address: 10711 cape hatteras dr City/State/Zip: Tampa, FL 33615

Email: mohammedabukhdeir1@gmail.com Fax Number: _____

Applicant's Representative (if different than above)

Name: n/a 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.

Signature of the Applicant

Mohammed Abukhdeir

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)

Type or print name



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	73-0078
Flood Zone:AE	BFE = 9.0 ft
FIRM Panel	0188H
FIRM Panel	12057C0188H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120190D
County Wide Planning Area	Northwest Hillsborough
Community Base Planning Area	Town and Country
Community Base Planning Area	Northwest Hillsborough
Planned Development	PD
Re-zoning	null
Minor Changes	null
Major Modifications	90-0008
Personal Appearances	86-0031,88-0021,88-0093,89-0025,90-0090,90-0120,90-0147,91-0007 WD,91-0070,91-0089 DENIED,92-0027,92-0340,93-0239,94-0188,97-0227,05-0359
Census Data	Tract: 011710 Block: 3013
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 10
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 5755.6048

