



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0164	
LUHO HEARING DATE: May 22, 2023	CASE REVIEWER: Carla Shelton Knight

REQUEST: The applicant is requesting a variance from the 30-foot Wetland Conservation Area setback requirement, Section 4.01.07B of the Land Development Code (LDC). The applicant’s specific request, as shown on the site plan submitted on April 25, 2023, is to allow for the placement of a fence within the 30-foot Wetland Conservation Area setback.

SUMMARY OF VARIANCE(S):

Wetland Setback

- 1) 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 the placement of a 4-foot tall aluminum fence within the 30-foot wetland conservation area setback. The applicant requests a 25-foot encroachment into the setback to allow for a remaining setback of 5 feet.

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.

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.

Attachments: Site Plan

ADMINISTRATOR’S SIGN-OFF



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.

The property cited in this application has a side and rear yard wetlands setback of 30 feet. This application is to request a variance of up to 25 feet from the required rear and side yard setback of 30 feet resulting in a rear yard of up to 25 feet. Feral hogs have been a problem in our community and in particular this property. Last January, they destroyed almost the entire wetland setback area on this property. We have since resodded the area and returned it to its original state. This month, they have returned and have dug up a portion of the wetland setback. In an effort to control the problem and protect the wetland setback, we are requesting a variance to construct a fence in and across the setback. Currently, there is only 0-12 feet available before the wetland setback and constructing a fence in this area will not control the problem. We are requesting a variance so that a 4 foot black aluminum fence may be installed within and across the setback to eliminate further destruction and financial loss.

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

Article IV - Natural Resources and Adequate Public Facilities
Section 4.01.07.B4

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



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?

At present, we are the only residents in Triple Creek that are experiencing this type of damage. This may be due to the proximity to the preserve and a larger wetland setback area within the property line, where constructing a fence on the setback line would not prevent the problem.

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.

Most properties around the preserve/wetlands do not have a large setback within their property boundaries allowing them to construct adequate fencing to mitigate the issue with feral hogs destroying their property.

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 request is to add fencing within and across the wetland setback within our property boundaries and will not encroach on the property of others.

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 request is in harmony with the LDC as it seeks to restore an aesthetically pleasing, functional living environment and maintain property value. It will restore the wetland setback to its original state and add protection to eliminate further destruction. It is our belief that a fence will provide the protection while maintaining the integrity of the wetland setback area.

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.

As stated earlier in this application, this request is based solely on damage sustained as a result of feral hog damage being experienced at this property/address.

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.

This is the second year where we have experienced damage to this property due to feral hog damage and is our belief that it will probably happen in the future. Allowing the variance will prevent the ability of feral hogs to enter the wetland setback on this property and therefore eliminate the physical damage to the setback/property and the financial burden of continually resodding the area to return the setback to its original state.



Prepared by and Return to:
Lisa Schembri, an employee of
First American Title Insurance Company
10210 Highland Manor Drive, Ste 120
Tampa, Florida 33610
(813)261-3450

File No.: 2240-2506413
Consideration: \$330,000.00

Tax Parcel Identification Number: **776905800**

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this February 16, 2018, by **Mattamy Tampa/Sarasota LLC, a Delaware limited liability company, successor by merger to Mattamy Tampa LLC, a Delaware limited liability company** (the "Grantor") with a mailing address of 4107 Crescent Park Drive, Riverview, FL 33578, to **Gary Law and Lee Ann Law, husband and wife as joint tenants with right of survivorship** (collectively the "Grantee") with a mailing address of: 12427 Prairie Valley Lane, Riverview, FL 33579.

WITNESSETH: That the Grantor for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain property situated **Hillsborough County, Florida**, viz:

Lot 30 of TRIPLE CREEK PHASE 1 VILLAGE B, according to the Plat thereof as recorded in Plat Book 114, Page(s) 143 through 156, of the Public Records of Hillsborough County, Florida.

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.

FURTHER, the Grantor hereby covenants with said Grantee that Grantor is lawfully seized of real property in fee simple; that the Grantor has good right and lawful authority to sell and convey said real property; that the Grantor hereby warrants the title to said real property for any acts of Grantor and will defend the same against the lawful claims of all persons claiming by, through or under Grantor and that said real property is free from all encumbrances; except taxes and assessments accruing subsequent to **December 31, 2017**, and all subsequent years, and all conditions, restrictions, reservations, limitations, easements of record; if any, zoning and other governmental regulations and other matters of record provided, however, this reference shall not serve to impose same.

IN WITNESS WHEREOF, the said Grantor has executed this Special Warranty Deed on the day and year first written above.

Mattamy Tampa/Sarasota LLC, a Delaware limited liability company, successor by merger to Mattamy Tampa LLC, a Delaware limited liability company

By: [Signature]
Name: Timothy Murray
Title: Assistant Vice President

Signed, sealed and delivered in the presence of these witnesses:

[Signature]
Witness Signature
Print Name: Lisa Schembri

[Signature]
Witness Signature
Print Name: Tanya Limas

State of Florida

County of Hillsborough

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me on 2/16/18, by Timothy Murray, as Assistant Vice President on behalf of Mattamy Tampa/Sarasota LLC, a Delaware limited liability company, successor by merger to Mattamy Tampa LLC, a Delaware limited liability company, existing under the laws of the State of Delaware, who is/are personally known to me or who has/have produced a valid driver's license as identification.

[Signature]
Notary Public
Lisa Schembri
(Printed Name)



{Notarial Seal}

My Commission expires: _____



**Hillsborough
County Florida**
Development Services

Additional / Revised Information Sheet

Office Use Only		
Application Number: VAR-WS 23-0164	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-WS 23-0164 Applicant's Name: Gary and Lee Ann Law

Reviewing Planner's Name: _____ Date: _____

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

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

3/10/2023
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

I hereby confirm that the material submitted with application VAR-WS 23-0164

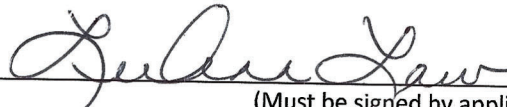
Includes sensitive and/or protected information.

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: _____



**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: 12427 Prairie Valley Lane City/State/Zip: Riverview, FL 33579
 TWN-RN-SEC: 31S-20E-11 Folio(s): 077690-5800 Zoning: PD Future Land Use: RP-2 Property Size: 17,143 sq feet

Property Owner Information

Name: Gary and Lee Ann Law Daytime Phone 978-808-9259
 Address: 12427 Prairie Valley Lane City/State/Zip: Riverview, FL 33579
 Email: la_law@live.com Fax Number _____

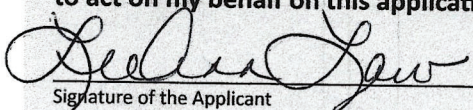
Applicant Information

Name: Lee Ann Law Daytime Phone 978-808-9259
 Address: 12427 Prairie Valley Lane City/State/Zip: Riverview, FL 33579
 Email: la_law@live.com Fax Number _____

Applicant's Representative (if different than above)

Name: _____ Daytime Phone _____
 Address: _____ City/State/Zip: _____
 Email: _____ Fax Number _____

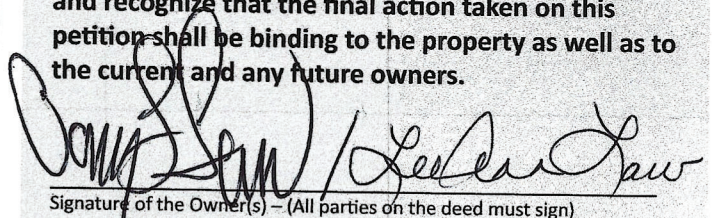
I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.


 Signature of the Applicant

Lee Ann Law

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)

Gary Law / Lee Ann Law

Type or print name

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