

Variance Application: VAR 23-1039
LUHO Hearing Date: December 19, 2023
Case Reviewer: Michelle Montalbano



**Hillsborough
 County Florida**

Development Services Department

Applicant: Francisco J. Otero-Cossio **Zoning:** PD 79-0098
Location: 8910 Plum Grove Court, Tampa; Folio: 4529.8150


Request Summary:

The applicant is requesting a variance to the required front yard setback to accommodate an existing swimming pool with no enclosure.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.11.94.C.2.	For corner lots, pools, surrounding decking and below-ground mechanical equipment shall be permitted within one front yard, which functions as a side yard, provided they are located no more than ten feet into the required front yard, as measured from the rear line of the front yard.	4-feet	6-foot front yard swimming pool setback

Findings:	Per PD 79-0098, the required front yard setback is 20 feet. Building Permit HC-BLD-21-0013722 is in review for the inground swimming pool.
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Zoning Administrator Sign Off:	 Colleen Marshall Fri Dec 1 2023 13:25:43
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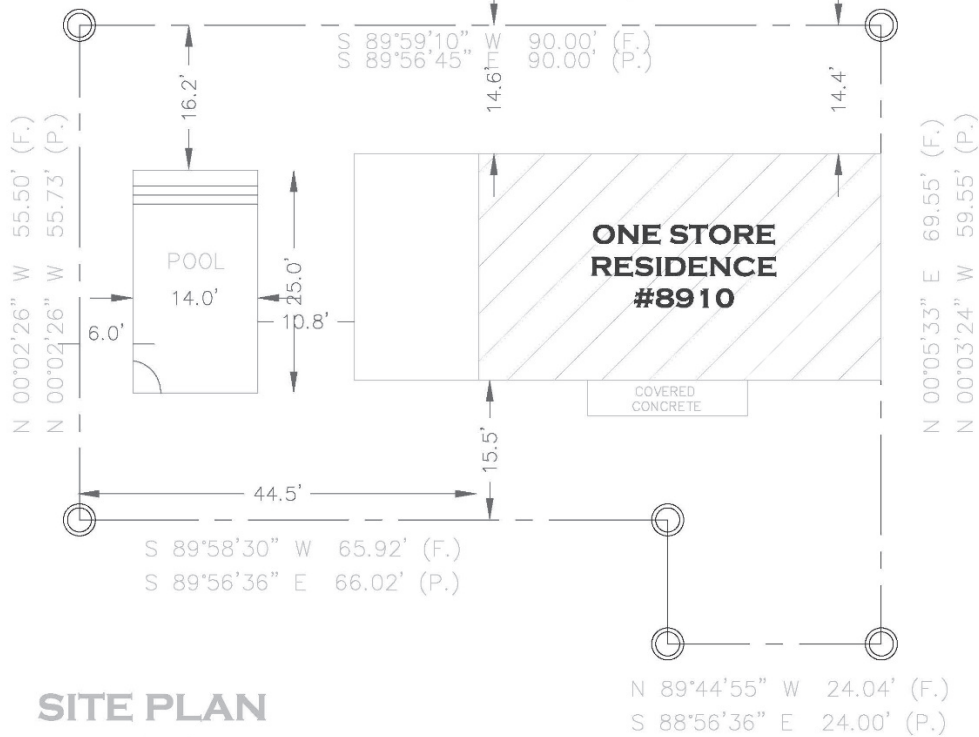
DISCLAIMER:
 The variance(s) listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

SURVEY/SITE PLAN

LEGAL DESCRIPTION:

LOT 5, BLOCK 1, KENNY K. SUBDIVISION UNIT #2, A5 AS RECORDED IN PLAT PLAN BOOK 50 PAGE 71, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

HULSEY ROAD



SITE PLAN

SCALE: 1":10"

PLUM GROVE COURT





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.

① See attached sheet

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

Section: 6.11.94.C.2.

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): HC-BLD-21-0013722 Pool Permit
- 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 Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

Project Description (Variance request)

1. We are requesting a Variance to the required Front Yard Setback of 10 ft. The pool that was constructed is encroaching into the minimum 10 ft left-side yard setback, which fronts Hulsey Road. For Zoning purposes, the Left-side yard is considered a front yard because it fronts a street or a road, therefore, pools are only permitted to encroach 10 feet into the required 20-foot front setback. The Pool is currently 6-ft into the required 10-ft setback, so we are requesting a 4-ft variance.
2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:

Section 6.11.94.C.2.

Variance Criteria Response

1. 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 in that the Subject property has no true -back yard. The way the legal lot is orientated, and the literal interpretation of the code makes this situation unique and singular to others.
2. The literal requirements of the Land Development Code (LDC) would deprive the homeowner of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC in that the orientation of the lot, again, restricts the homeowner in using the property to its fullest. Losing the 10 ft hampers the placement of the pool in a desired location in relation to other properties in the district.
3. The Variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by the allowance of the variance. The current location and orientation of the pool is still substantially a good distance away from any neighbors and has a good separation with landscape buffering and fencing.
4. We feel the Variance is in Harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan. The Code is written, and Variance Processes are available for these types of situations.
5. The situation sought to be relieved by the variance did not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.
6. We strongly feel 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 failure to grant a variance. Our request will not hurt any other property and granting this variance will alleviate a great hardship in the current situation of the subject property's owners.

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Property Appraisers Parcel Identification (Folio) Number(s):
4529-8150

Grantee(s) S.S.#(s):
FILE NO: 04060320

WARRANTY DEED

RICHARD AKE CLERK OF COURT
HILLSBOROUGH COUNTY
DOC TAX PD (F.S. 201.02) 812.00
DEPUTY CLERK S Sanders

W/CV

This Warranty Deed Made this *30* day of *AUGUST, 2004*
by Diana J. Molina

whose marital status is:
hereinafter called the grantor, whose post office address is:

to Otto Fernandez and Beatriz Rodriguez *MAN & WIFE*

whose post office address is: 8910 Plum Grove Court Tampa, FL

hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars, 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 5, Block 1, KENNY K. SUBDIVISION UNIT NO. 2, according to map or plat thereof as recorded in Plat Book 50, Page 71 of the Public Records of Hillsborough County, Florida.

This property [is] [is not] the homestead of the Grantor(s).

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, , reservations, restrictions and easements of record, if any.
(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

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 Signature: *Jeanine Larrow*
Witness Printed Name: *JEANNINE LARROW*

Diana J. Molina
Diana J. Molina (Seal)

Witness Signature: *Donna Gill*
Witness Printed Name: *DONNA GILL*

(Seal)

Witness Signature: _____
Witness Printed Name: _____

(Seal)

Witness Signature: _____
Witness Printed Name: _____

(Seal)

STATE OF FLORIDA
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this *30* day of *AUGUST 2004*
by Diana J. Molina

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Property/Applicant/Owner Information Form

Official Use Only
Application No: VAR 23-1039
Hearing(s) and type: Date: 11/20/2023
Intake Date: 09/25/2023
Type: LUHO
Receipt Number: 306917
Intake Staff Signature: Keshia Rivas

Property Information
Address: 8910 Plum Grove Ct Tampa, FL 33634
City/State/Zip:
24-28-17 004529-8150 PD .11 acres
TWN-RN-SEC: Folio(s): Zoning: Future Land Use: R-6 Property Size:

Property Owner Information
Name: Otto Fernandez
Address: 8910 Plum Grove Ct Tampa, FL 33634
City/State/Zip:
Daytime Phone
Fax Number

Applicant Information
Name: Francisco J. Otero-Cossio
Address: 13014 N. Dale Mabry Hwy #628 Tampa, FL 33618
City/State/Zip:
Daytime Phone: 813-517-6828
Email: fotero.oc@gmail.com
Fax Number

Applicant's Representative (if different than above)
Name: Francisco J. Otero-Cossio
Address: 13014 N. Dale Mabry Hwy #628 Tampa, FL 33618
City/State/Zip:
Daytime Phone: 813-517-6828
Email: fotero.oc@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
Francisco J. Otero-Cossio
Type or print name

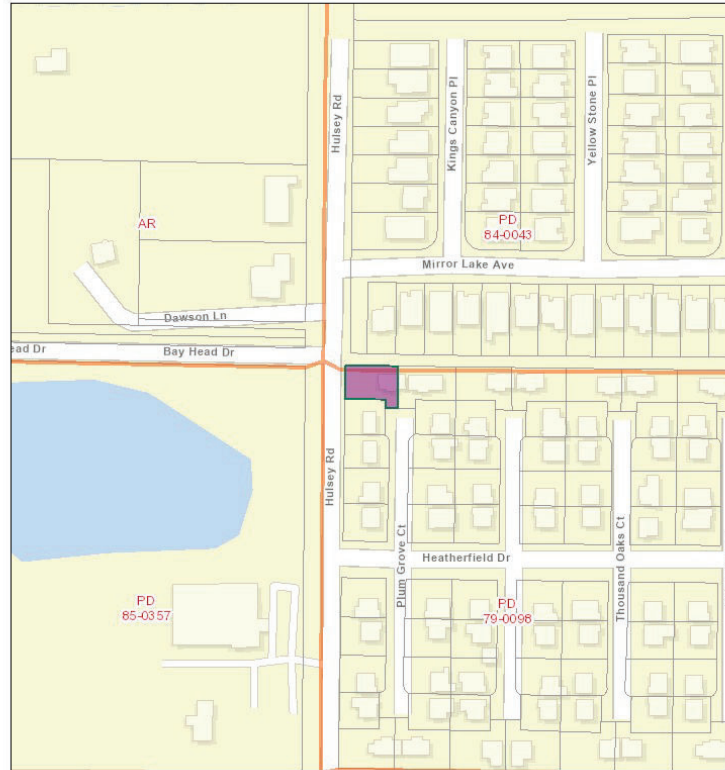
I hereby authorize the processing of this application and recognize that the final action taken on this petition shall be binding to the property as well as to the current and any future owners.
Signature of the Owner(s) - (All parties on the deed must sign)
Otto Fernandez / Beatriz Rodriguez
Type or print name



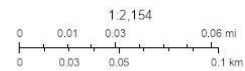
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	84-0043
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	79-0098
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0191H
FIRM Panel	12057C0191H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120195D
County Wide Planning Area	Town and Country
Community Base Planning Area	Town and Country
Community Base Planning Area	Town and Country Focus
Planned Development	PD
Re-zoning	null
Minor Changes	null
Major Modifications	null
Personal Appearances	null
Planned Development	PD
Re-zoning	null
Minor Changes	null
Major Modifications	null
Personal Appearances	91-0049,89-0014 WD
Census Data	Tract: 011611 Block: 1006
Future Landuse	R-6
Future Landuse	R-6
Future Landuse	R-6
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
Aviation Authority Height Restrictions	170' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 4529.8150



September 25, 2023



RD: Esri Community Maps Contributors, University of South Florida, City of Tampa, County of Pinellas, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, Swireidragon, GeoTechnology, Inc, NETHYS/A, UCCO, EPA, NPS, US Census Bureau, USDA

Hillsborough County Florida

Folio: 4529.8150
PIN: U-24-28-17-08T-000001-00005.0
Otto Fernandez And Beatriz Rodriguez
Mailing Address:
 8910 Plum Grove Ct
 null
 Tampa, Fl 33634-1010
Site Address:
 8910 Plum Grove Ct
 Tampa, Fl 33634
SEC-TWN-RNG: 24-28-17
Acreage: 0.115723
Market Value: \$255,369.00
Landuse Code: 0100 Single Family

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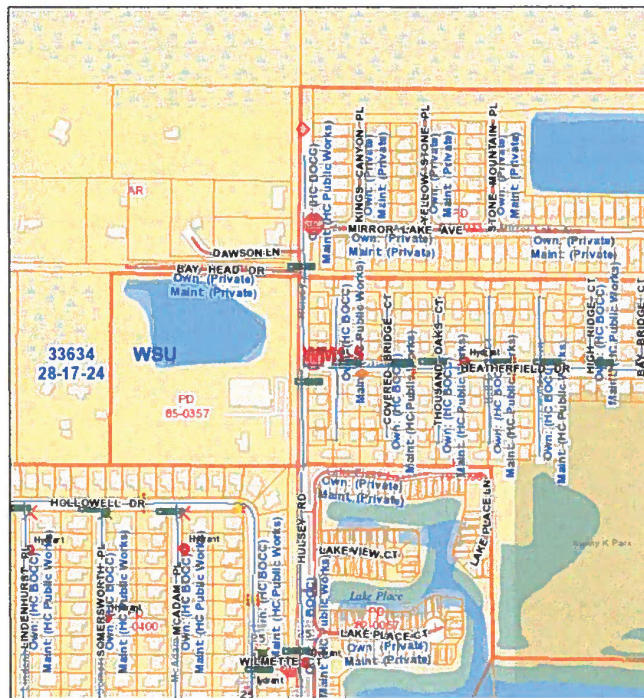
1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.



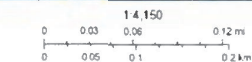
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

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Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	79-0098
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0191H
FIRM Panel	12057C0191H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120195D
County Wide Planning Area	Town and Country
Community Base Planning Area	Town and Country
Community Base Planning Area	Town and Country Focus
Planned Development	PD
Re-zoning	null
Census Data	Tract: 011611 Block: 2001
Future Landuse	R-6
Future Landuse	R-6
Future Landuse	R-6
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
Aviation Authority Height Restrictions	170' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 4529.8150



March 27, 2023



Hillsborough County - Public Works - Geomatics - Streets & Address Information
Hillsborough County, FL. Source: Esri, HERE, DeLorme, FRC, NOAA, USGS, & OpenStreetMap contributors, and the GIS User Community.

Hillsborough County Florida

Folio: 4529.8202
PIN: U-24-28-17-08T-000002-00001.0
Danilu M Rodriguez
Mailing Address:
 2114 W Forest Home Ave
 null
 Milwaukee, WI 53215-2565
Site Address:
 8810 Plum Grove Ct
 Tampa, FL 33634
SEC-TWN-RNG: 24-28-17
Acreage: 0.110166
Market Value: \$185,362.00
Landuse Code: 0100 Single Family

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 Or
 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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