

Variance Application: 24-0115
LUHO Hearing Date: January 22, 2024
Case Reviewer: Wayne Doyon



**Hillsborough
 County Florida**

Development Services Department

Applicant: Karen & Tracy Wade **Zoning:** PD
Location: 12709 Hammock Park Dr., Riverview, FL 33579

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 11/02/2023, is to allow for the construction of a pool and paver decking 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.	16-foot, 11 ½ inches encroachment for the construction of a pool and paver decking within the wetland setback.	13-foot, .5-inch setback

Findings: A wetland setback compensation planting plan has been provided on the site plan dated, 10/26/2023, that provides equivalent square footage of compensation planting to the amount of encroachment.

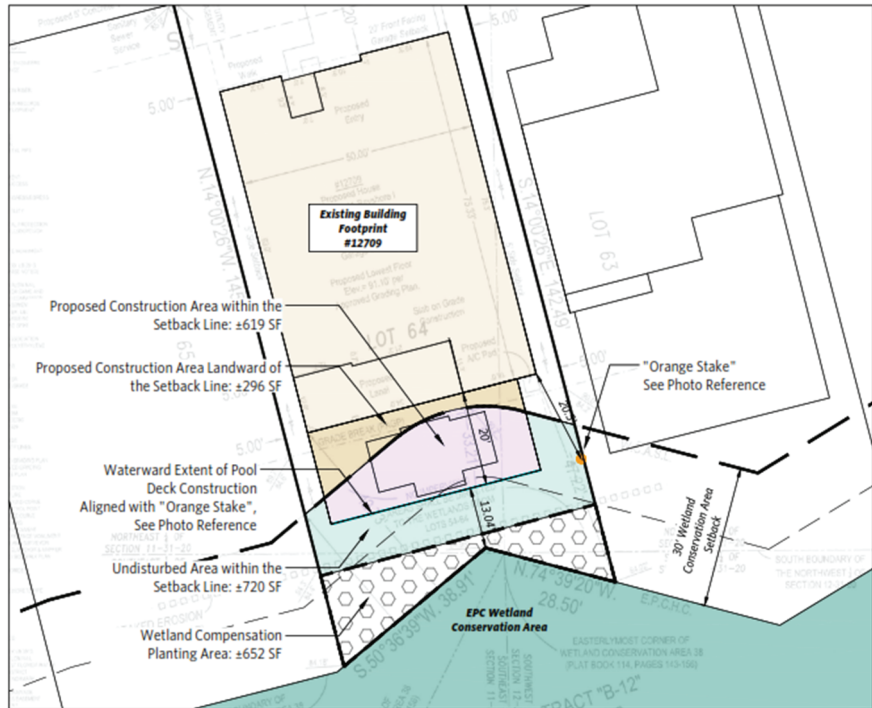
Zoning Administrator Sign Off: Carla Shelton Knight
 Digitally signed by Carla Shelton Knight
 Date: 2024.01.04 14:04:23 -05'00'

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.

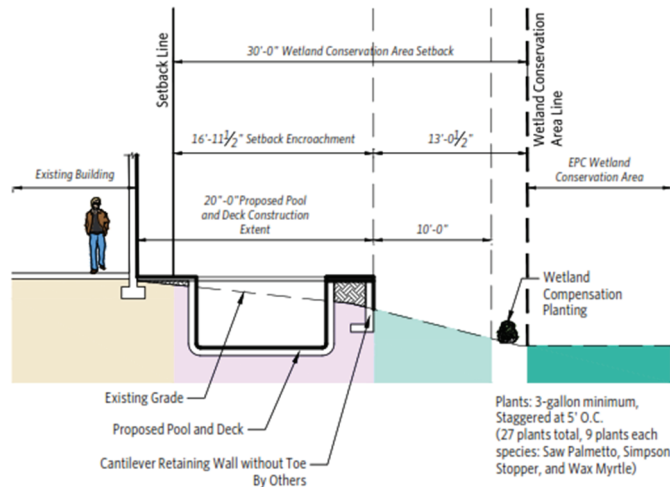
Approval of this variance petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested environmental approvals.

SURVEY/SITE PLAN



Total Wetland Setback
Encroachment = ±619 SF

Total Wetland Setback
Planting Area = ±652 SF



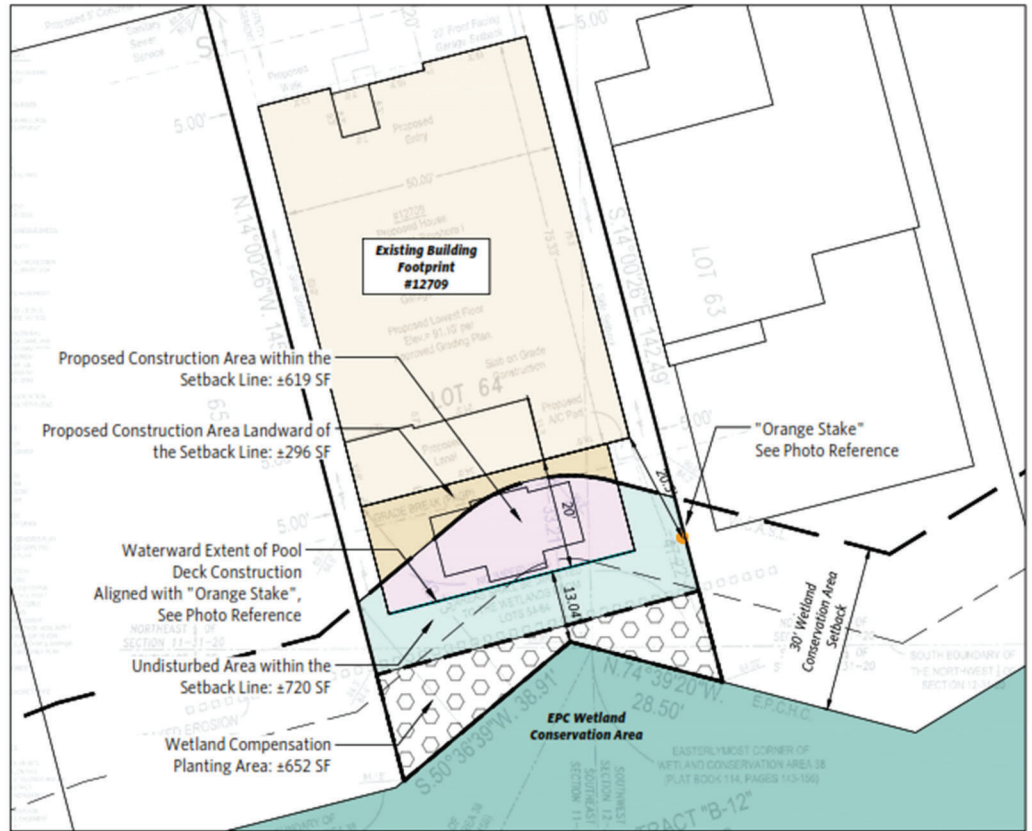
Plants: 3-gallon minimum,
Staggered at 5' O.C.
(27 plants total, 9 plants each
species: Saw Palmetto, Simpson
Stopper, and Wax Myrtle)

1 12709 HAMMOCK PARK WETLAND SETBACK
1/8" = 1'-0"

P-MI-03

Prepared by
Dark Moss
Richard Peterika
PLA LA6667088
2023-10-26

24-0115



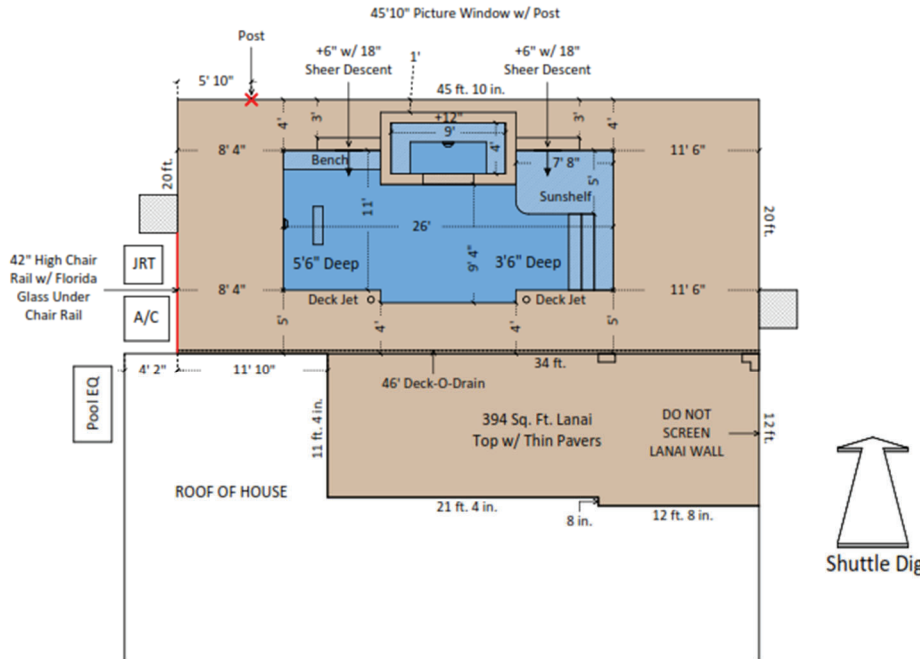
Bird's Eye View

Prepared by
 Dark Moss
 Richard Peterika
 PLA LA6667088
 2023-10-26



Scale 1/8" = 1'
All Measurements are from waters edge

* Homeowner to Remove Landscaping for Access & Landscaping in Back Yard *



POOL SPECS

SIZE: 11' x 26'	SQ. FT: 269
DEPTH: 3'6" - 5'6"	PERIMETER: 82 LF
EST GALLONS: 6,750	COPING: BNB
SWIM OUT: N/A	SKIMMER: 1
BENCH: 7'8" x 1'6"	RETURNS: 3
INTERIOR: Pebblesheen	RBB: 10' @ 6"
CLEANER: Stub Out	RBB: 16' @ 12"
LIGHTS: LED Color	RBB: N/A
DRAINS: Channel	AUTO OFV: Yes
FILTER: Jandy	CHILD SAFETY: Alarms by Owner
PUMP: Variable	SANITIZER: Salt Generator

SPA SPECS

SIZE: 4' x 9'	SQ FT: 36
RAISED: 12"	PERIMETER: 26 LF
SPILLWAY: 48"	JETS: 4
BEAM: 10"	SPA REAR LNFT: 17 LF
LIGHT: LED Color	HEATER: JRT2000

DECK SPECS

TYPE: Pavers	SQ FT: 588
FOOTERS: 86 LF	DECK-O-DRAIN: 46 LF
MONO WALL: 24" - 30"	LANAI SQ FT: 394
RISERS: 12 LF	OTHER: N/A

SCREEN SPECS

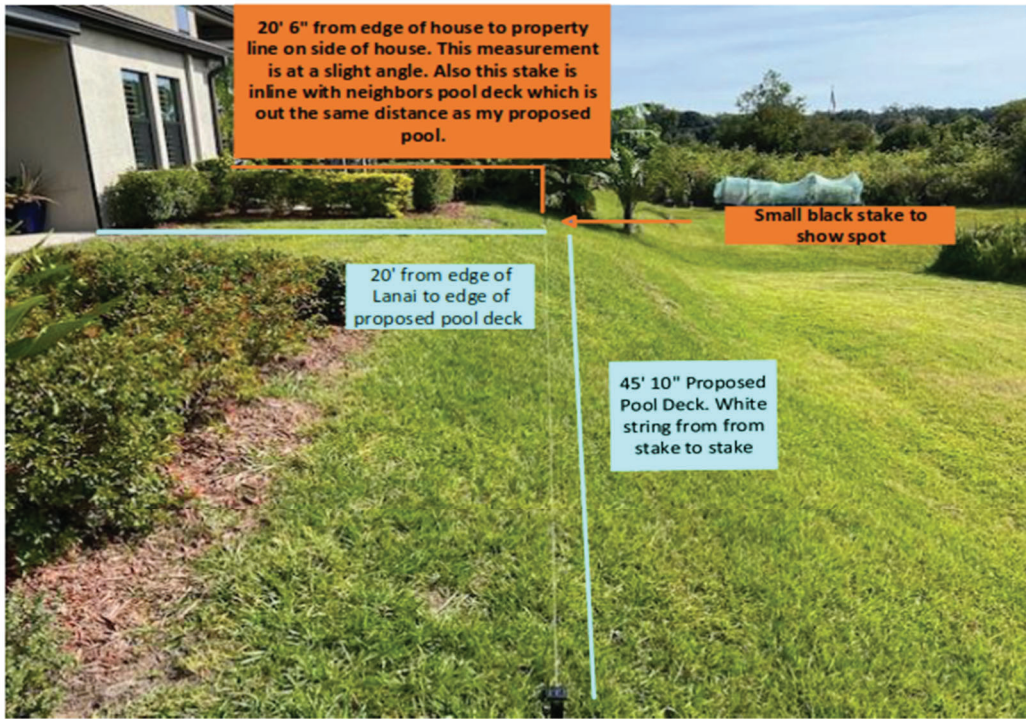
TYPE: Mansard	SIZE: 20' x 45'10" x 20'
HEIGHT: 1-Story	GUTTER: Yes
DOORS: 2	OTHER: Picture Window w/Post

- NOTES**
- 5' x 7'8" Sunshelf / Do Not Screen Lanai Wall
 - Alarms & Perimeter Yard Fence by Homeowner
 - (2) 18" Sheer Descents w/ Actuator / OPTION: Q360
 - (2) Deck Jets w/ Actuator / 42" High Chair Rail w/ Florida Glass Under Chair Rail between house & Door Pad

CUSTOMER INFO

NAME: Tracy Wade
ADDRESS: 12709 Hammock Park Dr, Riverview, FL 33579
SUBDIVISION: Triple Creek
PHONE #: (619) 947-1390
EMAIL: tkmwade@hotmail.com
PRINT DATE: 10/17/2023

24-0115



24-0115



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.

Variance to build a pool beyond the W.C.A.S.L line that runs through my backyard. Currently my yard is graded beyond that line when built by WestBay. The proposed build by Tampa Bay Pools would extend 20' from the edge of my lanai. Per the Plot Plan, my property line, at its closest point to my lanai, is 33.21'.

Request a variance of 16 feet 11 1/2" from the required 30' wetland setback resulting in a setback of 13 feet 1/2"

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

Sec. 4.01.07.B.4

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?

The W.C.A.S.L only runs through my yard. My neighbor on lot 63 has a pool built out to the same distance I am trying to build my pool. As seen in the Ariel view of my property, we are no closer to the lake than my neighbor which has a pool already. I was not made aware that this lot would require a variance when I bought it during new construction, and we were clear to WestBay that our intent was to build a pool on our lot

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.

Currently I can not build anything in my backyard due to the current W.C.A.S.L line running through my yard. Our intent was to build a pool with a screened enclosure when we bought this home new construction. This was bought with the intent of being our forever home after retiring from the military after 29 years.

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 is only in my back yard and does not interfere with anyone and it does not affect the wetlands area since my current grass/back yard is already built up well beyond the wetlands area below.

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 Variance intent keeps us, the property owners, equitable in terms of property useage as those in the community. There are pools on several lots that back up to this wetlands conservation area. I believe by allowing this application, it keeps my property use equal to that of my neighbors.

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.

No action has been taken to build. We are seeking this variance to proceed with the proposal from Tampa Bay Pools.

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.

Approving this variance, Hillsborough County will allow us the opportunity to use our yard the same way others on our street are using theirs. This will create hardship in that this is our forever home and the intended to use this property to build a pool for our family's enjoyment for years to come.

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Prepared by and Return to:
Hillsborough Title, LLC
Carla Avila
350 E. Bloomingdale Ave.
Brandon, FL 33511
Our File No.: BRL20-74165
This Deed is prepared pursuant to the issuance of Title Insurance

For official use by Clerk's office only

STATE OF FLORIDA
COUNTY OF Hillsborough

SPECIAL WARRANTY DEED
(Corporate Seller)

THIS INDENTURE, made this 19th day of January, 2021, between **Homes By West Bay, LLC, a Florida limited liability company**, whose mailing address is: 4065 Crescent Park Drive, Riverview, FL 33578 party of the first part,

and

Tracy M. Wade and Karen Wade, a married couple, whose mailing address is: 12709 Hammock Park Drive, Riverview, FL 33579, party/parties of the second part,

WITNESSETH:

First party, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, aliens, remises, releases, conveys and confirms unto second party/parties, his/her/their heirs and assigns, the following described property, to wit:

Lot 64, Triple Creek Phase 4 Village J, according to the map or plat thereof, as recorded in Plat Book 135, Pages 169 through 182, inclusive, of the Public Records of Hillsborough County, Florida.

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, easements and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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 party of the first part hereby covenants with said party of the second part, that it is lawfully seized of said land in fee simple: that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the party of the first part.

IN WITNESS WHEREOF, first party has signed and sealed on January 19, 2021.

Signed, sealed and delivered
in the presence of:

Homes By West Bay, LLC, a Florida limited liability
company

Ann Holloway
Witness signature
Ann Holloway
Print witness name
Christie J. Breda
Witness signature
Christie J. Breda
Print witness name

By: *Marlena Nitschke*
Print Name: Marlena Nitschke
Title: Controller

(Corporate Seal)

State of Florida
County of Hillsborough

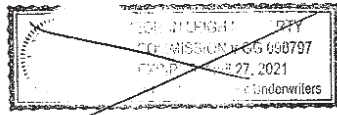
THE FOREGOING INSTRUMENT was acknowledged before me this 19th day of January, 2021, by
means of Physical Presence or Online Notarization, by Marlena Nitschke, its Controller on
behalf of Homes By West Bay, LLC, a Florida limited liability company who is personally know to me.

Meghan Moriarty
Notary Public
Meghan Moriarty

Print Notary Name

My Commission Expires: _____

Notary Seal



Received

11-02-23

Development
Services



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR-WS 24-0115

Intake Date: 11/02/2023

Hearing(s) and type: Date: 01/22/2024

Type: LUHO

Receipt Number: 317451

Date: _____

Type: _____

Intake Staff Signature: Keshia Rivas

Property Information

Address: 12709 Hammock Park Dr City/State/Zip: Riverview, FL 33579

TWN-RN-SEC: 11-31-20 Folio(s): 77690.6828 Zoning: PD Future Land Use: RP-2 Property Size: .18776099

Property Owner Information

Name: Karen and Tracy Wade Daytime Phone 619-947-1390

Address: 12709 Hammock Park Dr City/State/Zip: Riverview, FL 33579

Email: tkkmwade@hotmail.com Fax Number _____

Applicant Information

Name: Karen and Tracy Wade Daytime Phone 619-947-1390

Address: 12709 Hammock Park Dr City/State/Zip: Riverview, FL 33579

Email: tkkmwade@hotmail.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.

Tracy Wade

Digitally signed by Tracy Wade
Date: 2023.10.17 13:43:57 -04'00'

Signature of the Applicant

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.

Karen Wade

Digitally signed by Karen Wade
Date: 2023.11.01 15:33:50 -04'00'

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

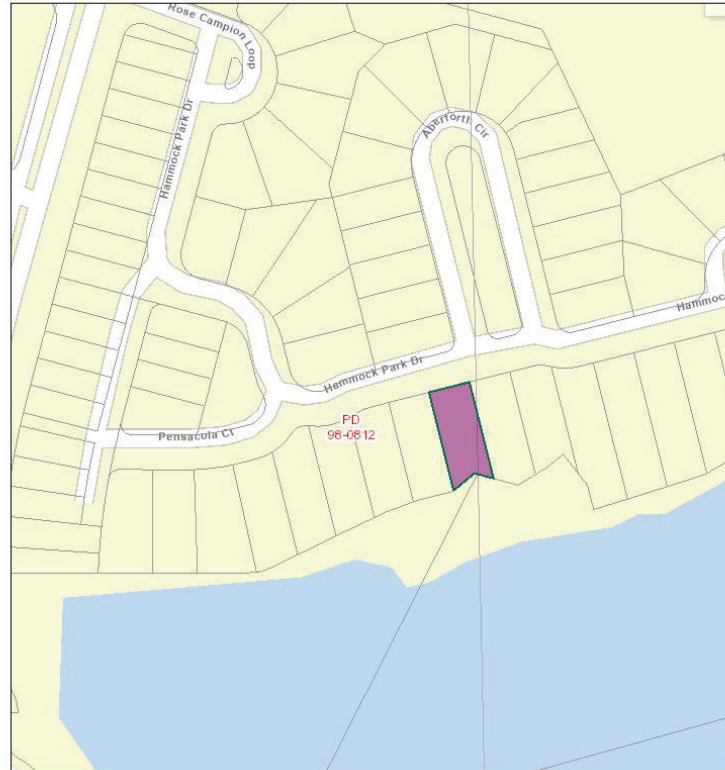
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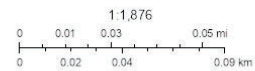
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	98-0812
Flood Zone:A	
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0520H
FIRM Panel	12057C0520H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120520C
County Wide Planning Area	Riverview
Community Base Planning Area	SouthShore
Community Base Planning Area	Riverview
Planned Development	PD
Re-zoning	null
Minor Changes	null
Major Modifications	05-1627
Personal Appearances	11-0037,06-1381,05-0415, 16-1223, 20-0002
Census Data	Tract: 013912 Block: 2008
Future Landuse	RP-2
Future Landuse	RP-2
Future Landuse	RP-2
Mobility Assessment District	Residential Planned 2
Mobility Benefit District	5
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 7
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 77690.6828



November 1, 2023



RS: Esri Community Maps Contributors, University of South Florida, City of Tampa, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, Swiremap, GeoTechnologies, Inc, MET/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Hillsborough County Florida

Folio: 77690.6828

PIN: U-11-31-20-B7N-000000-00064.0

Karen And Tracy M Wade

Mailing Address:

12709 Hammock Park Dr

null

Riverview, FL 33579-9388

Site Address:

12709 Hammock Park Dr

Riverview, FL 33579

SEC-TWN-RNG: 11-31-20**Acreage: 0.18776099****Market Value: \$423,642.00****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.