



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0126	
LUHO HEARING DATE: April 24, 2023	CASE REVIEWER: Chris Grandlienard, AICP

REQUEST: The applicant is requesting a variance to accommodate a proposed accessory dwelling on property zoned AR.

VARIANCE(S):

Per LDC Section 6.11.02.C, a maximum of 900 square feet of living space is permitted in an accessory dwelling, except that a variance to increase this amount may be requested provided the residential lot is at least 14,520 square feet in size and the living space proposed for the accessory dwelling does not exceed 1,200 square feet or 25 percent of the living space in the principal dwelling on the lot, whichever is less. The applicant requests a 300-square-foot increase to the maximum amount of living space allowed in an accessory dwelling to allow 1,200 square feet of living space.

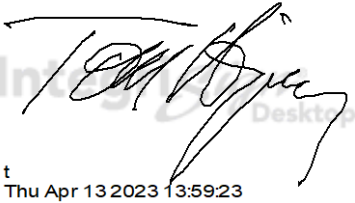
FINDINGS:

- The proposed accessory dwelling will be located on an 11.5-acre parcel zoned AR. The property is presently pastureland and does not contain a dwelling unit. As proposed by the applicant, the accessory dwelling will be located above horse stables in a detached two-story structure. The applicant intends to construct a primary single-family dwelling on the property concurrent with, or shortly after, construction of the subject accessory dwelling. The applicant has been advised the primary dwelling must have at least 4,800 square feet of living space, pursuant to LDC Section 6.11.02.C, when constructed in order for the requested variance, if approved, to be effective. The applicant has advised staff the primary dwelling will meet this requirement.
- Conceptual floor plans submitted by the applicant show the proposed accessory dwelling will be centrally located on the second floor of the detached structure with adjacent trussed attic spaces above the stable area. Staff has advised the applicant the attic spaces cannot have flooring and must be accessed solely through the stable area. Otherwise, those spaces will constitute storage area which, per LDC Section 6.11.02.C, contribute to living space calculations for the accessory dwelling that, consequently, will exceed the 1,200-square-foot maximum which may be considered. Final determination on the amount of living space in the accessory dwelling will be made at building permit review.

DISCLAIMER:

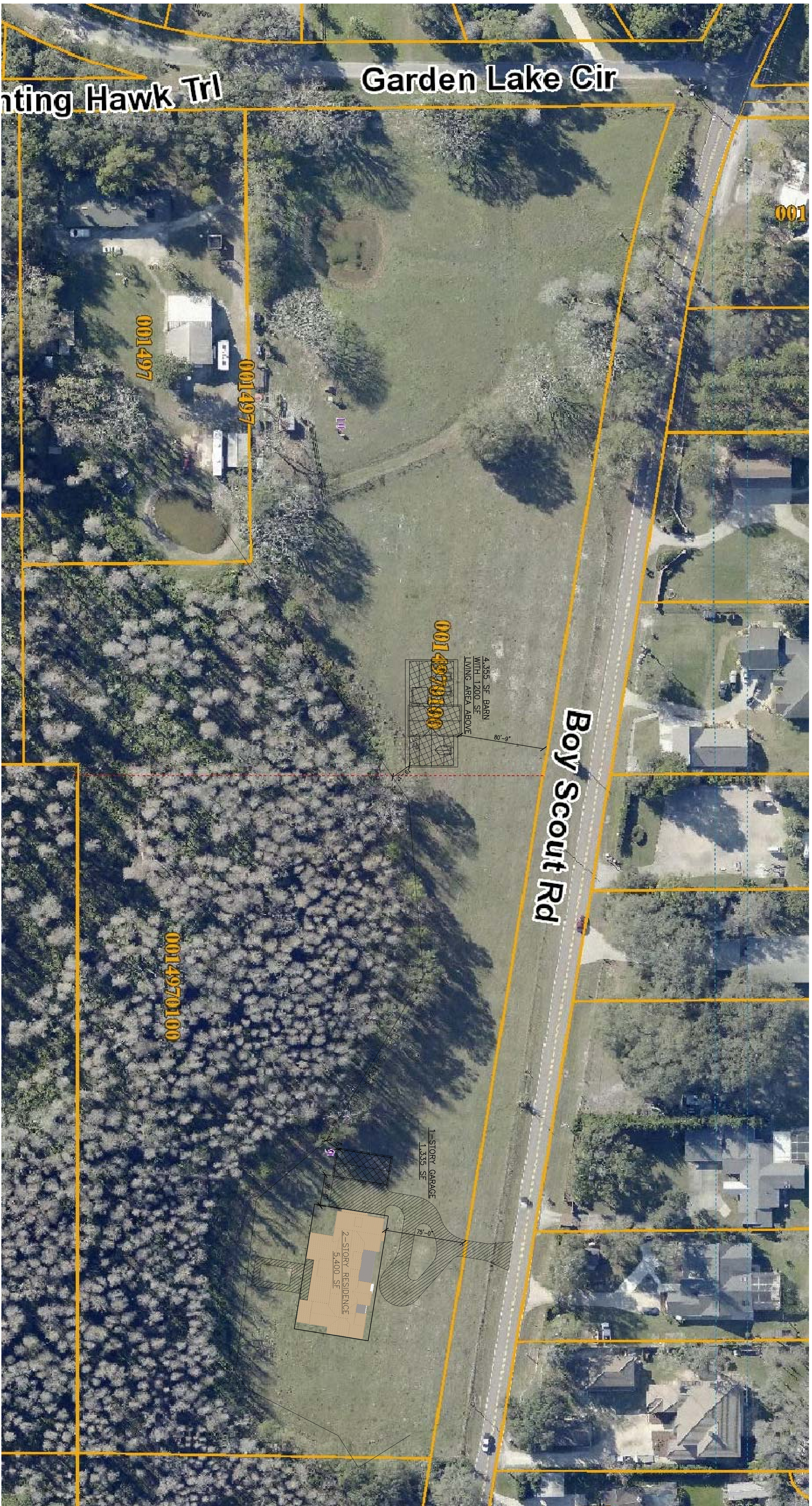
The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required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

ADMINISTRATOR'S SIGN-OFF

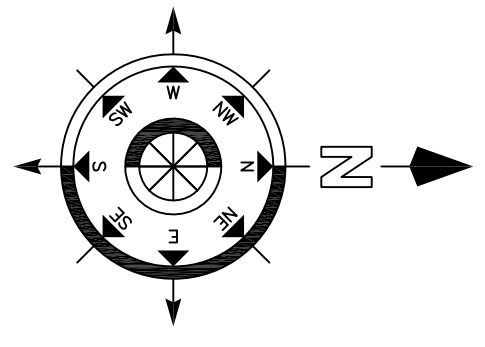


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Thu Apr 13 2023 13:59:23

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



1 Proposed Site Plan
 Scale: 1" = 600'-0"



Accessory Structure - Barn
 17896 Boy Scout Road
 Odessa, Florida 33556

CHARLES T. KITZMILLER, ARCHITECT AR0011780
 14216 Banbury Way
 TAMPA, FLORIDA 33624 813-417-8730
 Seal Charles T. Kitzmiller

TO THE BEST OF MY KNOWLEDGE, THESE PLANS COMPLY WITH FLORIDA BUILDING CODE, 7th EDITION (2020) SECTION 1609 FOR 145 MPH WIND ZONE
 TO THE BEST OF MY KNOWLEDGE, THESE PLANS COMPLY WITH THE MINIMUM REQUIREMENTS OF THE FLORIDA BUILDING CODE 7th EDITION (2020) RESIDENTIAL SECTION R301

Site Plan Scale: As Noted	
Revisions:	
Date: 2-8-23	Drawn by: CTIK
Checked by: CTIK	Permit Set
Sheet No. A-1 of ____	



Project Description (Variance Request)

- 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 am requesting a variance for an accessory structure (barn) to have the living space be increased from 900 square feet to the maximum of 1200 square feet. All appropriate building setback will be met.

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

section 6.11.02 Accessory Dwelling Standards

Additional Information

- Have you been cited by Hillsborough County Code Enforcement? No Yes
If yes, you must submit a copy of the Citation with this Application.
- 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): _____
- 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.
- Please indicate the existing or proposed utilities for the subject property:
 Public Water Public Wastewater Private Well Septic Tank
- 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



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 accessory dwelling will be an active barn. The living space above the barn is to house an individual to help maintain and take care of the horses.

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.

It is common to have living quarters above working barns. Without the proper living space it will be hard to attract individuals with proper credentials to maintain the barn and work the horses.

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 accessory building will be located away from neighboring houses keeping all privacy intact for neighbors

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 accessory structure will be a barn for horses on the property. The variance will allow the living space in the barn to increase to the maximum 1200 square feet

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.

The variance is only to grant the living space to increase from the 900 square feet to 1200 maximum. No illegal actions will result from the variance.

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.

Allowing the variance will help in maintaining the proper support to manage the property. These living quarters will be utilized by the manager of the barn.

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Prepared by and Return To:
Elizabeth Fierro
Fidelity National Title of Florida, Inc.
5670 W. Cypress Street, Suite A
Tampa, FL 33607

Order No.: FTPA22-124186

APN/Parcel ID(s): U-17-27-17-ZZZ-000000-12200.0

PERSONAL REPRESENTATIVE'S DEED

THIS PERSONAL REPRESENTATIVE'S DEED made and executed October 31, 2022, by Bonnie K. Garcia, as Personal Representative of the Estate of Barry A. Bustillo, deceased hereinafter called the grantor, to James G. Hatton whose post office address is 17896 Boy Scout Road, Odessa, FL 33556, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assign of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situated in County of Hillsborough, State of Florida, viz:

That part of Tracts 9 and 10 in the SW 1/4 of Section 17, Township 27 South, Range 17 East, KEYSTONE PARK COLONY, according to map or plat thereof recorded in Plat Book 5, Page 55, of the Public Records of Hillsborough County, Florida, lying South of the South right-of-way line of Boy Scout Road, Less the South 214.10 feet of the West 431.64 feet of said Tract 10.

subject to easements, restrictions, reservations, and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining. TO HAVE AND TO HOLD the same in Fee Simple forever.

AND 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; that all court orders and laws of Florida have been followed and complied with in all respects; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2021.

PERSONAL REPRESENTATIVE'S DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

① Josephine G. Nabti
Witness Signature
JOSEPHINE G. NABTI
Print Name

Estate of Barry A. Bustillo

BY: Bonnie Garcia Personal Representative
Bonnie Garcia
Personal Representative

② Rebecca Marrero
Witness Signature
Rebecca Marrero
Print Name

Address: 1017 E 17th Ave
Tampa, FL 33605

State of Florida

County of Hillsborough

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 20th day of October, 2022, by Bonnie Garcia, as Personal Representative of the Estate of Barry. A. Bustillo, to me known to be the person(s) described in or who has/have produced ^{US passport} drivers license as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

Rebecca Marrero
Name: Rebecca Marrero
Notary Public in and for the State of Florida
My Commission Expires: 9-21-2024





Property/Applicant/Owner Information Form

Received 01/31/2023 Development Services

Official Use Only
Application No: VAR 23-0126
Hearing(s) and type: Date: 03/27/2023
Type: LUHO
Intake Date: 01/31/2023
Receipt Number:
Intake Staff Signature: Ana Lizardo

Property Information

Address: 17896 Boy Scout Road
City/State/Zip: Odessa FL 33556
TWN-RN-SEC: Folio(s): 001497-0100
Zoning: AR
Future Land Use: pasture
Property Size: 12.71

Property Owner Information

Name: James Hatton
Daytime Phone: 8137897514
Address: 4210 W. Beachway Drive
City/State/Zip: Tampa FL 33609
Email: jay@bcindustries.com
Fax Number: N/A

Applicant Information

Name: James Hatton
Daytime Phone: 8137897514
Address: 4210 W. Beachway Drive
City/State/Zip: Tampa FL 33609
Email: jay@bcindustries.com
Fax Number: N/A

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
James Hatton
Type or print name

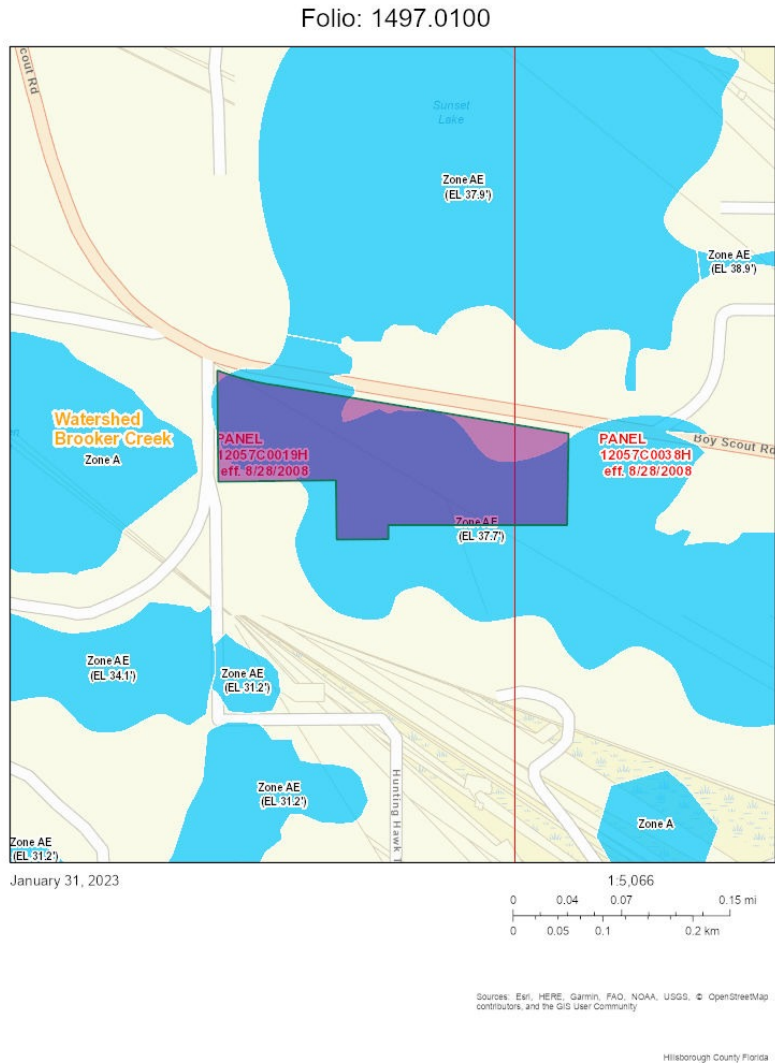
I hereby authorize the processing of this application and recognize that the final action taken on this petition shall be binding to the property as well as to the current and any future owners.

Signature of the Owner(s) - (All parties on the deed must sign)
James Hatton
Type or print name



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AR
Description	Agricultural - Rural
Flood Zone:AE	BFE = 37.7 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0019H
FIRM Panel	12057C0019H
Suffix	H
Effective Date	Thu Aug 28 2008
FIRM Panel	0038H
FIRM Panel	12057C0038H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120040D
County Wide Planning Area	Keystone Odessa
Community Base Planning Area	Keystone Odessa Area
Census Data	Tract: 011518 Block: 1000
Future Landuse	A/R
Mobility Assessment District	Rural
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



Folio: 1497.0100
PIN: U-17-27-17-ZZZ-000000-12200.0
JAMES G HATTON
Mailing Address:
 7896 BOY SCOUT RD
 ODESSA, FL 33556
Site Address:
 17896 BOY SCOUT RD
 ODESSA, FL 33556
SEC-TWN-RNG: 17-27-17
Acreeage: 11.50979996
Market Value: \$616,898.00
Landuse Code: 6000 AGRICULTURAL

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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.

23-0126