



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0200	
LUHO HEARING DATE: April 24, 2023	CASE REVIEWER: Chris Grandlienard, AICP

REQUEST: The applicant is requesting a height variance for a portion of an existing wall on property zoned ASC-1.

VARIANCE(S):


Per LDC Section 6.07.02.C.1.f., the maximum average height of any fence or wall shall be six feet, except under certain circumstances that do not apply to this case. The applicant requests a 1-foot 4-inch increase to the maximum permitted height to allow a 7-foot-4-inch-high wall within a portion of the required side yard on the west side of the property as shown on the site plan submitted by the applicant.

FINDINGS:

- During staff review, it was discovered that existing walls on both sides of the entrance way and the gate across the driveway appear to be more than 6 feet in height. The applicant advised staff they did not want to add these additional portions of the fence to this variance application.

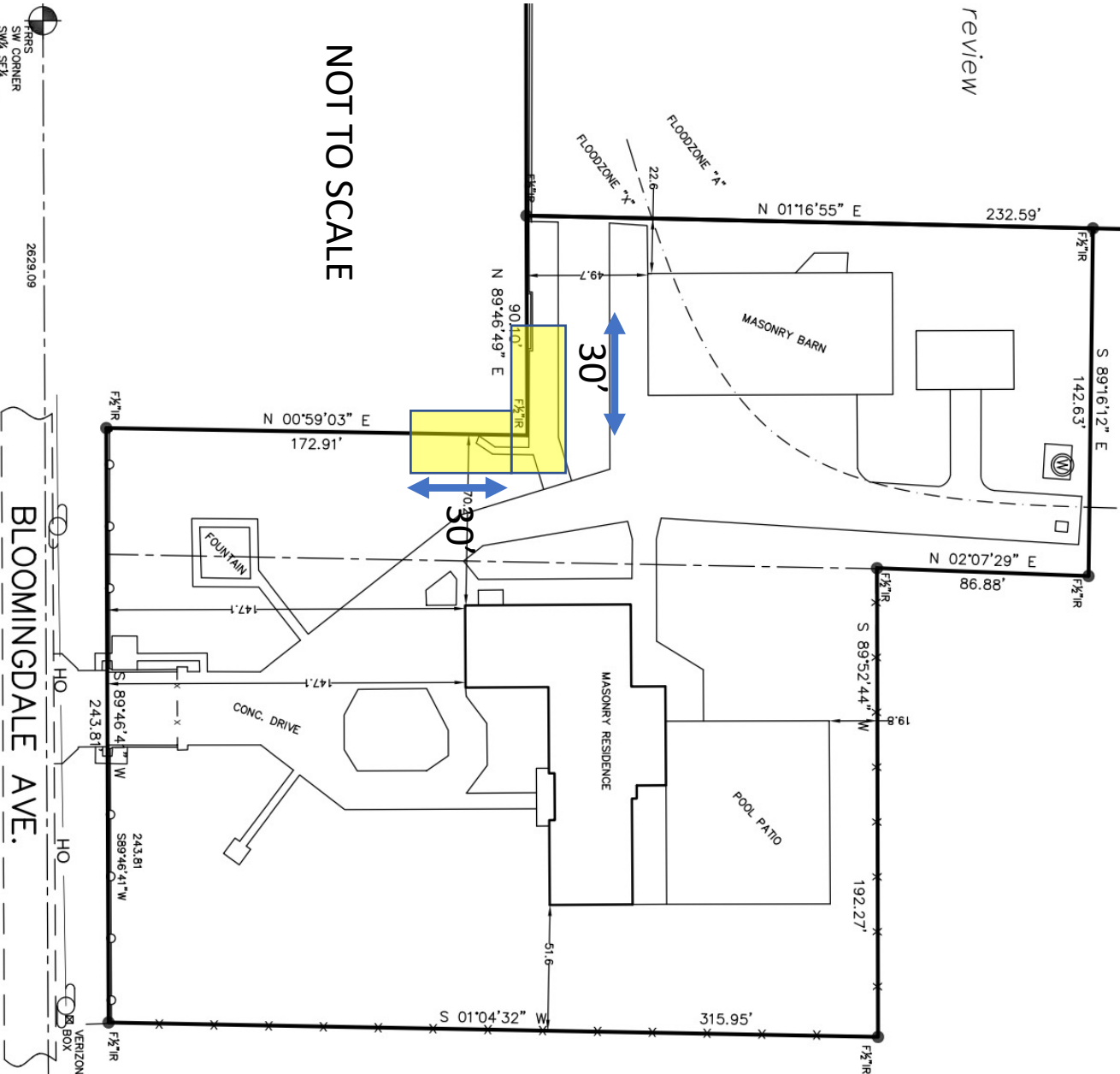
DISCLAIMER:

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
 t Thu Apr 13 2023 16:50:33
Attachments: Application Site Plan Petitioner's Written Statement Current Deed

review

NOT TO SCALE



Area in Yellow is
proposed wall
height of 7'4"

FLOOD ZONE INFO:
According to current
Emergency Management
within zone "A & B"
zone transition, if
large scale maps c
survey by no mean
properties will or w
survey may or may
Department or oth
determination withi
information regardi

FRRS
SW CORNER
SMA, SEA
SEC. 5-30-21

2629.09

BLOOMINGDALE AVE.

N89°41'58"E



Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR 23-0200 Applicant's Name: ned marvin/Pressman, agent

Reviewing Planner's Name: chris grandlienard Date: 4.6.23

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): 4/24/23

Will this revision add land to the project? Yes No

IMPORTANT: If "Yes" is checked on the above, a Revised Application Sheet, Property Information Sheet, Affidavit to Authorize Agent, and additional Deeds must be filed immediately to ensure proper noticing and sign posting requirements are met.

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- Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.
- An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Correction of property owner name

Submittal Via:

Email - Note that no follow up paper file is necessary. Files must be in pdf format and minimum resolution of 300 dpi. Maximum attachment(s) size is 15 MB.

Email this sheet along with all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcflgov.net

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

4.6.23

Date

FOR OFFICE USE ONLY

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In-Take Completed by: _____



**Hillsborough
County Florida**
Development Services

Application No: _____

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.

This variance request seeks an increase in a small portion of the wall located on the property line from the permissible 6' to 7'4", please see the attached for the exact area of the increased wall, of which is existing. The height of the wall is not under code citation. The great and tremendously derimental impact has been the installation and very active batting cage of the abutting property. The higher portion of the wall has been partially effective in diminishing the overwhleming loss of quiet and peace for this family.

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

6.07.02

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 Re-claimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing



Attachment A – To Be Completed For All Wetland Setback Variance Requests

Application No: _____

Variance requests that include a variance to encroach into the Wetland Setback require additional information to be submitted and reviewed by the Natural Resources staff prior to processing the application. A review fee of \$260.00 is also required in addition to the Variance application fee.

Email this completed form and all documents to be submitted to NaturalResources@HCFLGov.net for a sufficiency check. Natural Resources staff will sign the form and return it within 3 business days. This signed form must be included in the submittal made to zoningintake-dsd@hcflgov.net.

Additional Submittal Requirements

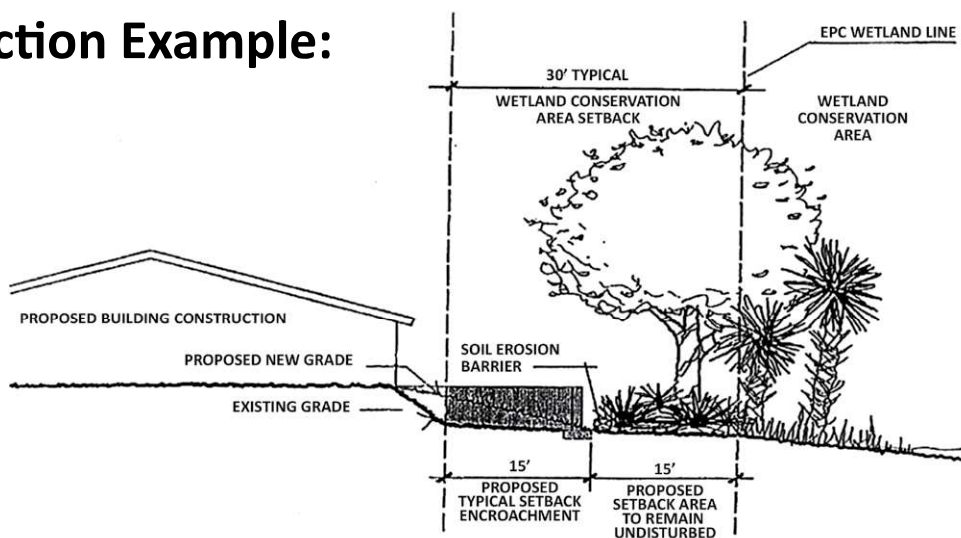
- Any correspondence from other jurisdictional agencies pertinent to the request.
- Scaled tree survey showing trees 5 inches DBH (trunk diameter at 4 ½ feet above grade) located within 30 feet of the proposed encroachment. Any trees proposed for removal must be marked with an "X"
- Site Plan Requirements (must be to scale):
 - o Official approval by the Environmental Protection Commission (EPC) of the wetland line. A survey of the wetland line signed by EPC and dated no less than 5 years ago must be provided unless the property is in a platted subdivision and the plat shows an approved wetland setback line that is not deemed expired. The administrator may require a new approved EPC wetland delineation even if the existing delineation has not expired if the site conditions appear to have changed and the wetland line location appears to have shifted.
 - o Wetland setback line clearly identified.
 - o A cross-section of the Wetland Conservation/Preservation Area setback identifying proposed improvements, existing grade elevations, proposed finished grade elevations & any special design (i.e., retaining walls) to minimize encroachments into the setback (see example below).
 - Label each area of the encroachment into the wetland setback, providing the maximum depth and width of encroachment and the total square footage of encroachment.
 - Identify the type of vegetation within the setback.

Specific Variance Requested:

increase a wall from the allowable 6' to 7'4" for a small portion of the wall.

Preliminary Review and Site Plan Sufficiency Check Conducted By: _____
(Signature of Natural Resources Staff Member)

Cross Section Example:



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Reviewing Planner's Name: chris grandlienard Date: 4.6.23

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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?

Outside forces, the abutting neighbor, with his location abutting to this property, has installed a very active & frequently used batting cage that has caused a tremendous impact on this property in regard to noise. Many efforts have been made with the neighbor to alleviate this impact to no avail. However, the increased height of the wall at this particular point has proven to be effective in diminishing the sound impact.

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.

The 6' maximum height allowed by code is not effective enough to dampen or reduce the very active batting cage use. The increased height does allow a reduction of the impact from the abutting neighbor's activity.

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 change of height of the wall exists only between these 2 properties. The wall has been beautifully completed with stucco and lighting. Citations for possible drainage issues have been addressed and completed. The increase of the 1'4" is difficult or impossible to see or detect by anyone passing by.

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).

Walls or fences are allowable structures throughout the county and provide privacy and reduction of noise or visible impacts. This wall serves that same purpose.

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 wall is existing. We are seeking to allow the additional height with this application. The property owners went thru an "exercise" with "testing" varying heights or configurations to see what improvement would work best and determined this increase does help.

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.

Forces from outside the property have detrimentally impacted this property. By allowing the minimal increase in height the wall the property owner can achieve some of the peace and quiet all property owners hope for their property.

THIS INSTRUMENT PREPARED BY AND RETURN TO:

MissyWaller
Enterprise Title Partners of New Tampa, LTD.
5303 Technology Drive
Tampa, FL 33647
File No.: 22531

Property Appraisers Parcel Identification (Folio) Nos.:
872512000

Space Above This Line For Recording Data

THIS WARRANTY DEED, made the 20th day of **August, 2015** by **Charles Murrell, an unmarried widower and surviving spouse of Doreen Murrell, deceased**, hereinafter called the Grantor, to **Thomas E. Marvin, III and Casey Marvin, husband and wife**, whose post office address is **3710 Bloomingdale Ave, Valrico, FL 33596**, hereinafter called the Grantees.

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

WITNESSETH: That the Grantor for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantees all that certain land situate in Hillsborough County, State of Florida, viz:

Parcel I: The West 192.00 feet of the East 605.04 feet of the South 330.00 feet of the Southwest 1/4 of the Southeast 1/4 of Section 5, Township 30 South, Range 21 East, lying and being in Hillsborough County, Florida, less the South 25.00 feet for Road right of way. Parcel II: Commence at the Southwest corner of the Southwest 1/4 of the Southeast 1/4 of Section 5, Township 30 South, Range 21 East, lying and being in Hillsborough County, Florida; thence proceed South 89 degrees, 51 minutes, 46 seconds East, along the South line of said Southwest 1/4 of the Southeast 1/4 of Section 5, a distance of 657.05 feet; thence North 01 degrees, 29 minutes, 48 seconds East, along a line 656.86 feet East of and parallel to the West line of said Southwest 1/4 of the Southeast 1/4, a distance of 198.05 feet; thence North 89 degrees, 51 minutes, 46 seconds West, along a line 198.00 feet North of and parallel to the South line of said Southwest 1/4 of the Southeast 1/4, a distance of 89.98 feet; thence North 01 degrees, 29 minutes, 48 seconds East along a line 567.91 feet East of and parallel to the West line of said Southwest 1/4 of the Southeast 1/4, a distance of 232.80 feet to a found iron rod; thence South 88 degrees, 37 minutes, 33 seconds East, a distance of 142.45 feet to a found iron rod; thence South 02 degrees, 16 minutes, 25 seconds West, a distance of 86.25 feet to a found iron rod; thence South 89 degrees, 44 minutes, 09 seconds East, a distance of 192.00 feet; thence South 01 degrees, 30 minutes, 01 seconds West, along line of 413.04 feet West and Parallel to the East line of said Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 a distance of 11.44 feet; thence North 89 degrees, 51 minutes, 46 seconds West, a distance of 192.00 feet; thence South 01 degrees, 30 minutes, 01 seconds North 89 degrees, 51 minutes, 46 seconds West, a distance of 330.00 feet to the South line of the Southwest 1/4 of the Southeast 1/4 of said Section 5, thence North 89 degrees, 51 minutes, 46 seconds West, along said South line, a distance of 52.32 feet to the POINT OF BEGINNING, less the South 25 feet for Road right of way.

Subject to easements, restrictions and reservations of record and to taxes for the year 2015 and thereafter.

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 Grantees 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, and hereby 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, 2014.

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

Signed, sealed and delivered in the presence of:

[Signature]

Witness No. 1 Signature

Armando Rueda

Witness No. 1 Printed Name

[Signature]

Witness No. 2 Signature

Ayesha Moe

Witness No. 2 Printed Name

[Signature]

Charles Murrell
190 Hancock Street
Brooklyn, NY 11216

STATE OF NEW YORK

COUNTY OF KINGS

The foregoing instrument was acknowledged before me this 20th day of August, 2015 by Charles Murrell who is personally known to me or has produced DRIVERS LICENSE (NY) as identification.

NOTARY SEAL

MY COMMISSION EXPIRES: Feb 24, 2018

[Signature]

Notary Public

MAY C DAVY

Printed Notary Name

MAY C. DAVY
Notary Public, State of New York
No. 24-4796418
Qualified in Kings County
Commission Expires Dec. 31, 2018

Feb 24, 2018

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In-Take Completed by: _____



**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: 3710 Bloomingdale Ave. City/State/Zip: valrico, fl
 TWN-RN-SEC: 05/30/21 Folio(s): 87251.2000 Zoning: asc-1 Future Land Use: R-4 Property Size: 2.14 a

Property Owner Information

Name: Thomas and Casey Marvin Daytime Phone Please use agent
 Address: same as above City/State/Zip: _____
 Email: please use agent Fax Number _____

Applicant Information

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

Applicant's Representative (if different than above)

Name: todd pressman Daytime Phone 727-804-1760
 Address: 200 2nd Ave., South, #451 City/State/Zip: st. petersburg, FL 33701
 Email: todd@presamaninc.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

todd pressman, pres., pressman & assoc.,ln
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