

Variance Application: VAR 24-1190
LUHO Hearing Date: October 21, 2024
Case Reviewer: Isis Brown



**Hillsborough
 County Florida**

Development Services Department

Applicant: Giselle Borrego & Erick Lopez **Zoning:** RSC-4
Address/Location: 2123 Kennen Drive, Valrico; Folio: 86715.0266


Request Summary:

The applicant is requesting variances to accommodate a proposed accessory dwelling and an existing 6-foot-high fence on a corner lot zoned RSC-4.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.07.02.C.1.a	Fences over 4 feet in height shall not be located within the required front yards, except under certain circumstances which do not apply to this case.	2 Feet	6-foot-high fence in front yard <i>(along north-eastern portion of property line - a front yard functioning as a side yard)</i>
6.11.02.E 6.01.01	An accessory dwelling shall meet principal building setbacks, except under certain circumstances which do not apply in this case. A 25-foot front yard setback is required in the RSC-4 zoning district.	17.5 feet	7.5-foot front yard on front yard functioning as a side yard <i>(along north-eastern portion of property line - a front yard functioning as a side yard)</i>

Findings:	None.
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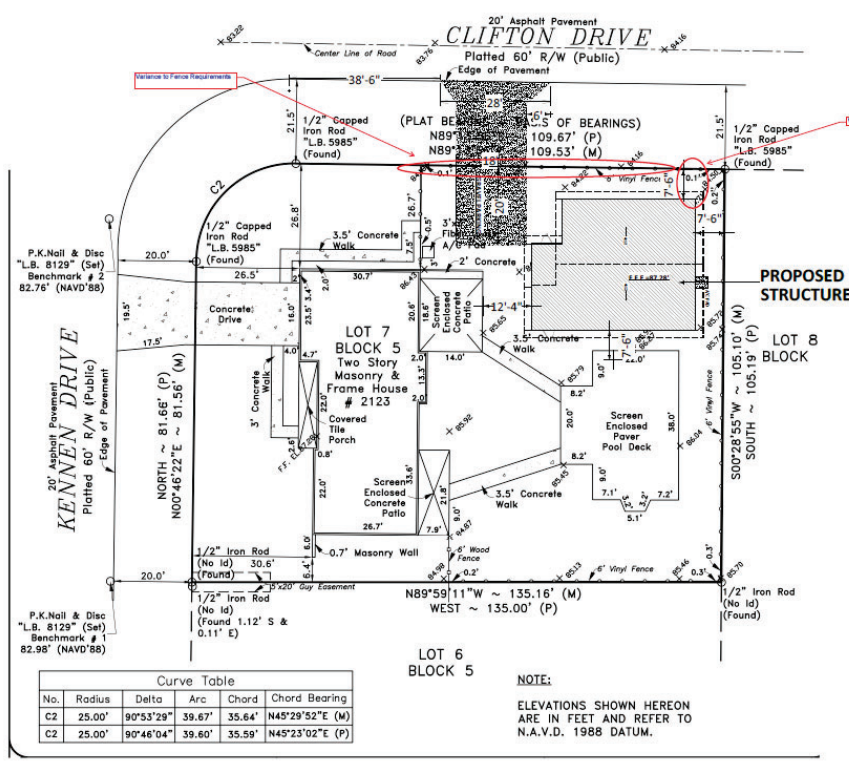
Zoning Administrator Sign Off:	 Colleen Marshall Mon Oct 14 2024 10:20:54
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DISCLAIMER:

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

- SITE PLAN NOTES:**
1. DRIVEWAY SHALL BE CONSTRUCTED PER DEPARTMENT OF TRANSPORTATION TECHNICAL MANUAL SECTION 70
 2. CONCRETE PAVES TO BE PLACED ON EXISTING GRADE
 3. NO OPEN TRENCHES FOR UTILITIES
 4. ROOT PRIME ALLOWING FOUNDATION AS NEEDED AS REQUIRED
 5. ALL DRAINAGE RUN OFF TO BE DIRECTED AWAY FROM HOME & ADJACENT PROPERTY
 6. ALL DRAINAGE RUN OFF TO BE DIRECTED TOWARDS COUNCIL DRAINAGE DRAINAGE



Curve Table

No.	Radius	Delta	Arc	Chord	Chord Bearing
C2	25.00'	90°53'29"	39.67'	35.64'	N45°29'52"E (M)
C2	25.00'	90°46'04"	39.60'	35.59'	N45°23'02"E (P)

NOTE:
ELEVATIONS SHOWN HEREON ARE IN FEET AND REFER TO N.A.V.D. 1988 DATUM.

ACCESSORY DWELLING UNIT
2123 KENNAN DR
VALRICO FL

PLOT PLAN

Prepared by
bellavida
S.L.C.C.N.

DATE:
7/10/2024

SCALE:

SHEET:
SP.1



Additional / Revised Information Sheet

Office Use Only		
Application Number: VAR 24-1190	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 24-1190 Applicant's Name: Giselle Borrego

Reviewing Planner's Name: Ms. Isis Brown Date: 09/13/2024

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): 10/21/2024

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

09/13/2024

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

VAR 24-1190

I hereby confirm that the material submitted with application _____

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: _____



Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Included	Submittal Item
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1 **Cover Letter****+ If adding or removing land from the project site, the final list of folios must be included

2 **Revised Application Form****+

3 **Copy of Current Deed*** Must be provided for any new folio(s) being added

4 **Affidavit to Authorize Agent*** (If Applicable) Must be provided for any new folio(s) being added

5 **Sunbiz Form*** (If Applicable) Must be provided for any new folio(s) being added

6 **Property Information Sheet****+

7 **Legal Description of the Subject Site****+

8 **Close Proximity Property Owners List****+

9 **Site Plan**** All changes on the site plan must be listed in detail in the Cover Letter.

10 **Survey**

11 **Wet Zone Survey**

12 **General Development Plan**

13 **Project Description/Written Statement**

14 **Design Exception and Administrative Variance requests/approvals**

15 **Variance Criteria Response**

16 **Copy of Code Enforcement or Building Violation**

17 **Transportation Analysis**

18 **Sign-off form**

19 **Other Documents** (please describe):

*Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

+Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.



Hillsborough County Florida Development Services

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.

Requesting two variances:
1) Left side setback: Variance of 17'6" from 25' Left-Side Setback requirement resulting in a left side setback of 7'6" for a new mother in law unit.
Our property is a corner lot and for Zoning purposes it is considered to have two front yards. The variance request is for the left side front yard where the new structure would be built. The setback would be 7'6" from the property line instead of the 25' requirement.
2) Fence: Variance of 2' from 4' Side-Front Yard requirement resulting in keeping the existing 6' fence around the property.
The original wood fence was put up when the house was originally built, circa 1973 with 6' height. We replaced it a new PVC fence a few years after purchasing the property in 2015, with existing specs. The fence is on a corner lot however; it does not obstruct corner view as it is set 21'5" from the road on the left side and 57'3" from front yard side. The left side of the property serves as a side yard not a front yard.

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

RSC-4 zoning district per Table 6.01.01.F3 of Hillsborough Land Development Code (HC-LDC).

Additional Information

- 1. Have you been cited by Hillsborough County Code Enforcement? [X] 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 [X] Yes If yes, please indicate the nature of the application and the case numbers assigned to the application (s): HC-BLD-24-0062030 & AP2070391
3. Is this a request for a wetland setback variance? [X] 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 [X] Private Well [X] Septic Tank
5. Is the variance to allow a third lot on well or non-residential development with an intensity of three ERC's?
[X] 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?

Our property is a corner lot and for Zoning purposes it is considered to have two front yards. The exception request is for the left side front yard where the new structure would be built. Zoning requires 25' setback; however, our property has a pool detached from the main house that sits in the middle of the back yard rendering compliance impossible. Removing the pool would be impractical and result in serious financial hardship. Pool was built in 1977.

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 requirement would deprive me of building a mother-in-law unit for my parents. My mother is disabled, and my father is retired and a cancer survivor, this unit would provide a safe dwelling where we can monitor their conditions.

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 addition would be built behind our fence and within our enclosed property. It will not obstruct any neighboring properties. Some properties around us are duplexes (1303/1325 & 1302/1324 Kay Jean Dr) or multi-unit dwellings (2117 Kennen Dr.) where multi-generational families reside. Our request is in line with the rights enjoyed by other property owners within our neighborhood.

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 new construction proposed follows the standard permitting process (permit #HC-BLD-24-0062030), the construction and site plans were created by a certified architect and engineer. Utilities used will be a septic system and private well. It does not interfere in any way with public health, safety, comfort and welfare as stated in the Intent and Purpose of the LDC.

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 existing property does not have enough available space in the back yard to comply with the 25' setback requirement for corner lots. The property has a pool which was built in 1977. Removing the pool would pose undue hardship and would nullify our financial ability to build the mother-in-law unit.

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 would not pose any harm to public benefits as intended to be secured by LDC because the unit would be built behind our fence and within our property lines, it would not interfere with public utilities as it will use a septic system and a private well. Allowing this exception would provide housing for my aging parents that are disabled (mother) and retired (father) and not able to afford independent living.

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INSTRUMENT#: 2015100447, BK: 23148 PG: 1757 PGS: 1757 - 1759 03/17/2015 at
12:53:39 PM, DOC TAX PD (F.S.201.02) \$758.10 DEPUTY CLERK:SMEANY Pat
Frank, Clerk of the Circuit Court Hillsborough County

PREPARED BY:

STEVEN A. WILLIAMS, ESQ.
213 BRENTSHIRE DRIVE
BRANDON, FL 33511

WHEN RECORDED MAIL TO:

ERICK LOPEZ
GISELLE BORREGO
2123 KENNEN DRIVE
VALRICO, FL 33594

PARCEL ID NO.: U-31-29-21-33Q-000005-00007.0

PURCHASE PRICE PAID: \$108,300.00

OTHER CONSIDERATION: \$0.00

DOCUMENTARY STAMP TAX: \$ 758.10

RMSC FL 76730A

Special Warranty Deed

THIS SPECIAL WARRANTY DEED is made on February 19, 2015, by U.S. BANK TRUST NATIONAL ASSOCIATION NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR QUEEN'S PARK OVAL ASSET HOLDING TRUST, a Delaware Statutory Trust, whose address is 5016 Parkway Plaza Blvd., Ste. 200, Charlotte, NC 28217 (herein, "Grantor"), to ERICK LOPEZ and GISELLE BORREGO, husband and wife, as joint tenants with right of survivorship, whose address is 2123 Kennen Drive, Valrico, FL 33594 (herein, "Grantee").

GRANTOR, in consideration of One Hundred Eight Thousand Three Hundred and no/100 (\$108,300.00) Dollars and other valuable consideration, receipt of which is hereby acknowledged, hereby conveys to Grantee, all of Grantor's interest in and to the following described real property located in the County of Hillsborough, State of Florida:

SEE EXHIBIT A ATTACHED HERETO.

Property street address: 2123 Kennen Drive, Valrico, FL 33594

TOGETHER WITH all of the easements, rights, privileges and appurtenances thereto belonging and all of the estate, right, title, interest and claim, either at law or in equity, of Grantor of, in, to or out of such real property.

TO HAVE AND TO HOLD the above-described real property in fee simple with all appurtenances and for the purposes set forth herein, subject to all matters of record, if any. Grantor hereby covenants with Grantee that Grantor is lawfully seized of said property in fee simple; that Grantor has good right and lawful authority to sell and convey the property; that Grantor hereby specially warrants that title to the property is free from all encumbrances made by Grantor, and Grantor will defend the same against the lawful claims of all persons claiming by, through, or under Grantor, but against none other.

IN WITNESS WHEREOF, Grantor signed and sealed this Special Warranty Deed on the date first above written.

UNCERTIFIED COPY (repeated watermark)

Witnesses:

Grantor:

U.S. BANK TRUST NATIONAL ASSOCIATION NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR QUEEN'S PARK OVAL ASSET HOLDING TRUST, a Delaware Statutory Trust

By: Roundpoint Mortgage Servicing Corporation as Attorney-in-Fact

By: [Signature]
Printed Name: Jason Houle
Title: Assistant Vice President Real Estate Operations

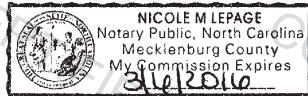
[Signature]
Witness #1 signature
Printed name of witness #1

[Signature]
Witness #2 signature
Printed name of witness #2

STATE OF North Carolina
COUNTY OF Mecklenburg

This instrument was acknowledged before me on February 19, 2015, by Jason Houle, as AUP of REO of Roundpoint Mortgage Servicing Corporation as Attorney-in-Fact for U.S. BANK TRUST NATIONAL ASSOCIATION NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR QUEEN'S PARK OVAL ASSET HOLDING TRUST, a Delaware Statutory Trust [] who is personally known to me or [] who has produced as identification.

[Affix Notary Seal]



[Signature]
SIGNATURE OF NOTARY PUBLIC
My commission expires: 3/16/2016

EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Hillsborough, STATE OF Florida, AND IS DESCRIBED AS FOLLOWS:

Situate in Hillsborough County, Florida, viz:

Lot 7, Block 5, KENWOOD ACRES UNIT No. 2, according to map or plat thereof as recorded in Plat Book 44, page 1 of the Public Records of Hillsborough County, Florida.

Parcel ID# U-31-29-21-33Q-000005-00007.0

Commonly known as 2123 Kennen Drive, Valrico, FL 33594

This property is not the homestead real property of Grantor.

MAIL FUTURE TAX STATEMENT TO:

ERICK LOPEZ
GISELLE BORREGO
2123 Kennen Drive
Valrico, FL 33594

The preparer of this document has been engaged solely for the purpose of preparing this instrument, has prepared the instrument only from the information given and has not been requested to provide, nor has the preparer provided, a title search, an examination of the legal description, an opinion on title or advice on the tax, legal or non-legal consequences that may arise as a result of the conveyance. Further such preparer has not verified the accuracy of the amount of consideration stated to have been paid or upon which any tax may have been calculated nor has the preparer verified the legal existence or authority of any person who may have executed the document. Preparer shall not be liable for any consequences arising from modifications to this document not made or approved by preparer.

15-63825 (jml)

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Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR 24-1190 Intake Date: 08/19/2024
Hearing(s) and type: Date: 10/21/2024 Type: LUHO Receipt Number: 398851
Date: _____ Type: _____ Intake Staff Signature: Koshia Rivas

Property Information

Address: 2123 Kennen Drive City/State/Zip: Valrico, FL 33594
TWN-RN-SEC: 31-29-21 Folio(s): 867150266 Zoning: RSC-4 Future Land Use: R-4 Property Size: 0.32 acres

Property Owner Information

Name: Giselle Borrego & Erick Lopez Daytime Phone 813-613-3828
Address: 2123 Kennen Drive City/State/Zip: Valrico, FL 33594
Email: giborrego@gmail.com Fax Number _____

Applicant Information

Name: Giselle Borrego & Erick Lopez Daytime Phone 813-613-3828
Address: 2123 Kennen Drive City/State/Zip: Valrico, FL 33594
Email: giborrego@gmail.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.

Erick Lopez
Signature of the Applicant

Giselle Borrego & Erick Lopez
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.

Erick Lopez
Signature of the Owner(s) - (All parties on the deed must sign)

Giselle Borrego & Erick Lopez
Type or print name



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
INFL	i
Zoning	RSC-4
Description	Residential - Single-Family Conventional
RZ	83-0154
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0392H
FIRM Panel	12057C0392H
Suffix	H
Effective Date	Thu Aug 28 2008
FIRM Panel	0415H
FIRM Panel	12057C0415H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120395E
County Wide Planning Area	Valrico
Census Data	Tract: 013205 Block: 1004
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 7
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

