



**LAND USE HEARING OFFICER VARIANCE REPORT**

<b>APPLICATION NUMBER:</b> VAR 21-0549	
<b>LUHO HEARING DATE:</b> June 21, 2021	<b>CASE REVIEWER:</b> Isis Brown

**REQUEST:** The applicant is requesting a variance to the required front yard setback to accommodate a proposed single-family dwelling on a lot zoned ASC-1 (Agricultural, Single-Family Conventional)

**VARIANCE(S):**

Per LDC Section 6.01.01, a minimum front yard setback of 50 feet is required in the ASC-1 District. The applicant requests a 20-foot reduction to the required front yard to allow a front setback of 30 feet from the south property line.

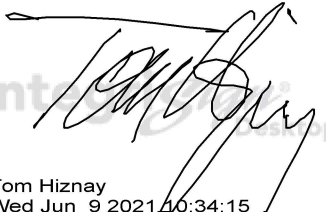
**FINDINGS:**

A minimum lot size of one acre is required in the ASC-1 district, of which at least 0.70-acres must be uplands. The subject lot is approximately 0.73-acres in size, of which 0.58-acres is uplands, and therefore is nonconforming. However, it has been certified as a legal nonconforming lot, per NCL 21-0689 in the case record.

**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**

  
Tom Hiznay  
Wed Jun 9 2021 10:34:15

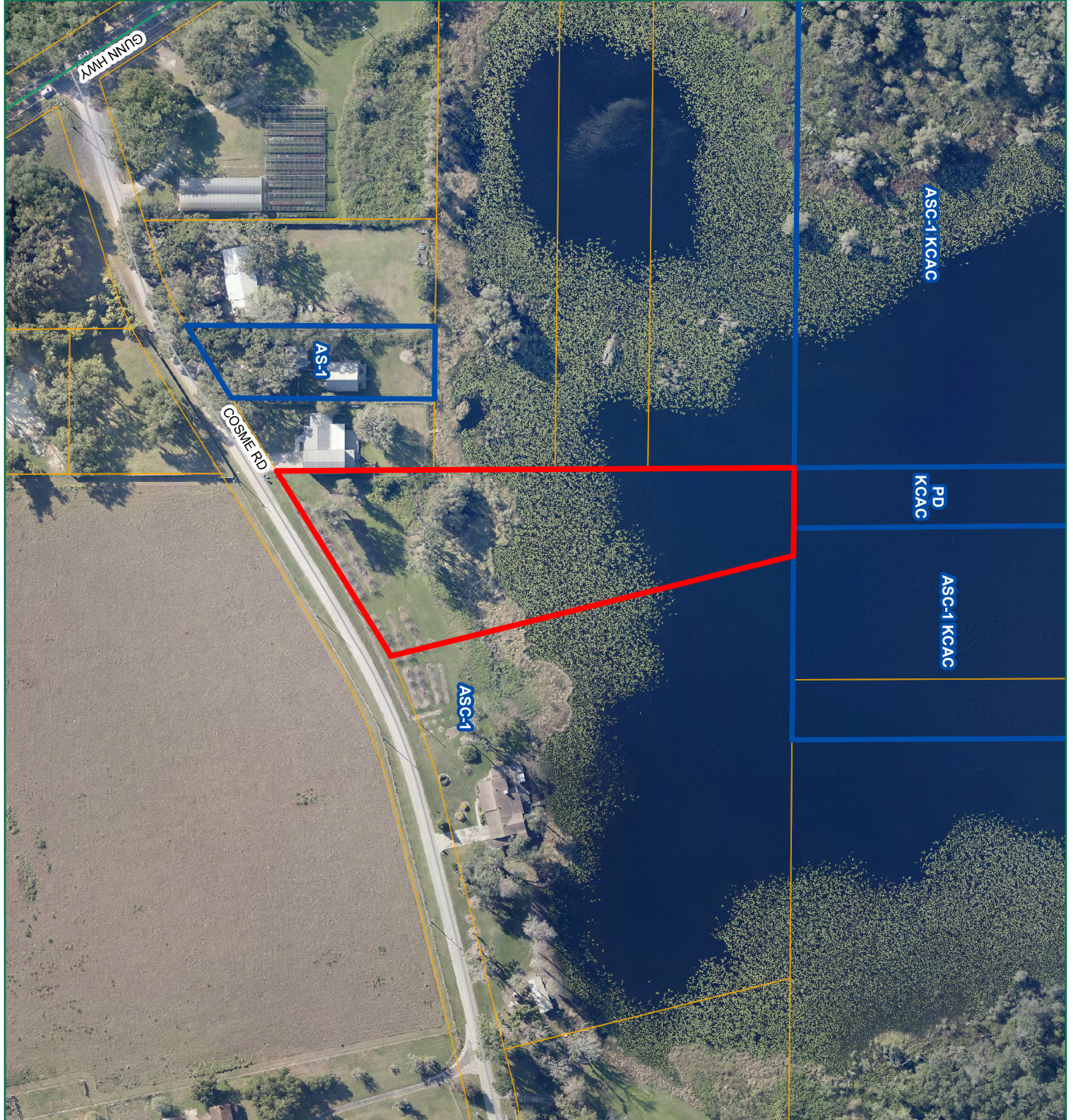
**Attachments:** Application  
Site Plan  
Petitioner's Written Statement  
Current Deed






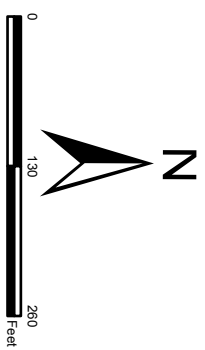
# Immediate Aerial Zoning Map

**VAR 21-0549**

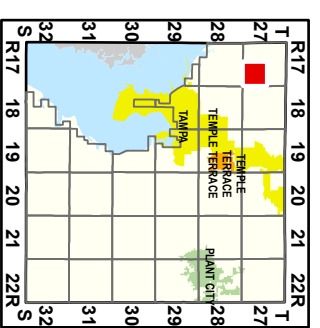
Folio: 2489.0150



-  Application Site
-  Zoning Boundary
-  Parcels



STR: 26-27-17



NOTE: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

SOURCE: This map has been prepared for the property of real property found within Hillsborough County and is compiled from recorded deeds, plats, and other AVALAR/LDLE data.

Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.

Date: 04/06/2021    Path: G:\ZONING\GIS\Data\Zoning\_Site.aprx

## VARIANCE REQUEST

1. Project Narrative: 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 purchased a lot zoned AGR1 but the area is now mostly residential. The road setback is currently 50' and I am requesting to change the road setback to 30'. The current 50' setback makes it difficult to design a home because the buildable depth is 25' (Right side of lot is 106' to wetland and staying 30' from wetland and 50' from road greatly reduces buildable area). My neighbor at 8301 Cosme Rd was approved for a 30' setback in 2006 for construction of a garage.

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

27

## 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 (Attachment A).
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 and/or septic 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 (form may be obtained from 19<sup>th</sup> floor County Center).

## VARIANCE CRITERIA RESPONSE

You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.

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 property has a wetland area that comes further into the lot, causing a reduction in buildable space. However, my neighbor at 8301 had to also file for a front setback variance which was approved.

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 area is zoned for agriculture but the area has since transitioned to residential. Increasing buildable depth makes it much easier to design a home for the lot. Going from 50' front setback to 30' setback is common for residential zone.

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.

Homes in the area are mostly far apart or divided by heavy shrubs, therefore allowing this variance will not affect neighbors. The neighbor at 8301 had to also apply for a reduced front setback to construct a garage.

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 setbacks were established when the area was for agricultural use — it is now residential use, so the setbacks need to represent residential setback of 30' on front.

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.

This is not a self-imposed hardship, setbacks are for agricultural use but the area is now residential.

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.

Variance approval would allow me to build a home that's deeper than the depth of an average garage bay. Building a normal-looking home should improve property and community value.

Prepared by and return to:

Flagship Title  
17221 Camelot Court  
Suite 102  
Land O Lakes, FL 34638

File Number: Cosme-020521-S

Consideration: 160,000.00

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 12th day of February, 2021 between Carleen Riek Burnett, a married woman whose post office address is 17305 Preakness Place, Odessa, FL 33556, grantor, and **Evan G. Childs**, a single woman whose post office address is 1704 Split Fork Drive, Oldsmar, FL 34677, grantee:

(Whenever 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, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Hillsborough, FL to-wit:

For a Point of Reference Commence at a point marking the intersection of the centerline of Cosme Road with the East boundary of the aforesaid Southeast 1/4 of the Northwest 1/4 of Section 26 and run thence along the said centerline of Cosme Road the 3 following courses: (1) North 83 degrees 39 minutes 45 seconds West a distance of 283.35 feet; (2) thence South 80 degrees 16 minutes 50 seconds West a distance of 316.17 feet; (3) thence South 76 degrees 00 minutes 00 seconds West a distance of 152.35 feet; thence North 14 degrees 00 minutes 00 seconds West a distance of 25.00 feet; thence along a line 25.00 feet North of and parallel with the aforementioned centerline of Cosme Road (as now laid out and existing) the Two following courses: (1) South 76 degrees 00 minutes 00 seconds West, a distance of 190.00 feet; thence (2) 223.07 feet along the arc of a curve to the left having a radius of 775.00 feet and a chord bearing and distance of South 67 degrees 45 minutes 16 seconds West, 222.30 feet to the Point of Beginning of the line herein described: thence North 14 degrees 00 minutes 00 seconds West a distance of 529.32 feet to a point on the North boundary of the aforementioned Southeast 1/4 of the Northwest 1/4 of Section 26.

Said line being the West boundary of the land conveyed to Carleen Riek Burnett by Deed recorded in Official Records Book 3946, at Page 1365, of the Public Records of Hillsborough County, Florida.

Parcel Identification Number : U-26-27-17-ZZZ-000000-19720.2

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of the Grantor(s) reside thereon.

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

21-0549

encumbrances, except taxes accruing subsequent to December 31<sup>st</sup>, 2020 , and covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

**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:

Juan Medina  
WITNESS  
Print name: Juan Medina

[Signature]  
Carleen Riek Burnett

[Signature]  
WITNESS  
Print name: Amy V. Miranda

STATE OF FLORIDA  
COUNTY OF PASCO

The foregoing instrument was acknowledged before me by means of  physical presence or ( ) online notarization this 12th day of February, 2021, by Carleen Riek Burnett.

[Signature]  
Signature of Notary Public  
Print, Type Stamp Name of Notary



AMY V. MIRANDA  
Commission # HH 046247  
Expires October 18, 2024  
Bonded Thru Budget Notary Services

Personally Known: \_\_\_\_\_ OR Produced Identification:  \_\_\_\_\_  
Type of Identification  
Produced: Driver's License(s)



Received  
03/18/2021  
Development Services

# VARIANCE APPLICATION

## IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-272-5600.  
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

### Property Information

Address: Unplatted (Cosme Rd) City/State/Zip: Odessa, FL 33556 TWN-RN-SEC: 27  
Folio(s): 002489-0150 Zoning: ASC-1 Future Land Use: Res -1 Property Size: 0.73 acre  
U-26-27-17-222-000000-19720.2

### Property Owner Information

Name: Evan G Childs Daytime Phone: 843-333-2551  
Address: 1704 Split Fork Drive City/State/Zip: Oldsmar, FL 34677  
Email: evanchilds11@gmail.com FAX Number: —

### Applicant Information

Name: SAME AS ABOVE Daytime Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ 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 THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

Signature of Applicant

Evan G. Childs  
Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

Signature of Property Owner

Evan G. Childs  
Type or Print Name

Intake Staff Signature: Joseph Reinbold Office Use Only Intake Date: 03/18/2021  
Case Number: 21-0549 Public Hearing Date: 05/24/2021  
Receipt Number: 292451205



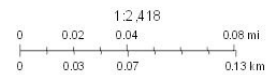


# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:A	
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0180H
FIRM Panel	12057C0180H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120180F
County Wide Planning Area	Keystone Odessa
Community Base Planning Area	Keystone Odessa Area
Census Data	Tract: 011410 Block: 1002
Future Landuse	R-1
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



March 18, 2021



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Hillsborough County Florida

**Folio: 2489.0150**  
**PIN: U-26-27-17-ZZZ-000000-19720.2**  
**EVAN G CHILDS**  
**Mailing Address:**  
 1704 SPLIT FORK DR  
 OLDSMAR, FL 34677-2767  
**Site Address:**  
 0 COSME RD  
 ODESSA, FL 33556  
**SEC-TWN-RNG: 26-27-17**  
**Acreage: 2.27938008**  
**Market Value: \$78,691.00**  
**Landuse Code: 6600 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.

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