



LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0648	
LUHO HEARING DATE: August 28, 2023	CASE REVIEWER: Jared Follin

REQUEST: The applicant is requesting a variance to allow for an alternative yard orientation for a proposed home to orient the required front yard along the western property boundary on property zoned ASC-1.

VARIANCE(S):


Per LDC Section 6.01.03.F.9, the yard orientation of lots accessed by easements is determined with respect to the roadway to which the private driveway or easement connects. The portion of the lot parallel to and nearest the roadway shall constitute the required front yard and the remaining yards shall be oriented accordingly. The subject property is accessed by a private easement which connects to Cloud Avenue to the east. The eastern property boundary is parallel and nearest to Cloud Avenue. Therefore, the required front yard is along the eastern property boundary and the remaining yards are oriented accordingly. The applicant requests a variance to the yard orientation to allow for the required front yard along the western property boundary with the remaining yards oriented accordingly.

FINDINGS:

- Project ID 5027 was approved to subdivide the parent parcel into two lots, which certified the subject property as a separate lot.

DISCLAIMER:

The variances listed above are 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
 Colleen Marshall Thu Aug 10 2023 16:39:27
Attachments: Application Site Plan Petitioner's Written Statement Current Deed



Additional / Revised Information Sheet

Office Use Only		
Application Number: 23-0648	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: 23-0648 Applicant's Name: DAVID WRIGHT

Reviewing Planner's Name: JARED FOLLIN Date: 07/24/2023

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): 08/28/2023

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.

David Wright

Digitally signed by David Wright
Date: 2023.07.24 13:31:15 -04'00'

Signature

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

I hereby confirm that the material submitted with application 23-0648

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: David Wright

Digitally signed by David Wright
Date: 2023.07.24 13:31:26 -04'00'

(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

Application No: _____

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.

PLEASE REFER TO THE ATTACHED WRITTEN STATEMENT

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

Section 6.01.03.F.9 - Yard Orientation for Flag Lots and Lots Accessed by Easements - Required yards on flag lots and lots accessed by easements shall be orientated with respect to the roadway to which the private driveway extension or easement connects, as if the lot abutted the roadway. The portion of the lot parallel to and nearest the roadway shall constitute the required front yard and the remaining yards shall be oriented accordingly. Notwithstanding, on lots where the required yard orientation described above does not reflect the existing development pattern on neighboring lots, the County Administrator may approve alternative yard orientations to conform with the established pattern.

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

WRITTEN STATEMENT

The request is to waive the requirement of LDC Sec 6.01.03.F.9 requiring the front of a lot to be construed as the portion nearest the street.

The subject property with folio number 86467.0030 is a flag lot located in Valrico that is part of a rural enclave of ASC-1 zoned lots that are surrounded by developments of higher density residentially zoned properties. The subject property is accessed by a 30-foot wide access easement located north and adjacent to the subject property. The easement connects the subject property to S St Cloud Avenue located 680+/- feet to the east, and the property with folio 86467.0400 is situated between the subject property and S St Cloud Avenue.

A flag lot that is accessed by an easement and located 680+/- feet from the public roadway and accessed utilizing an easement is a singular and unique characteristic that qualifies the subject property for a variance to LDC Sec 6.01.03.F.9. The subject property cannot be seen from the S St Cloud Ave public right of way due to the buildings and trees located on the property with folio 86467.0400. Additionally, the buildings on the property with folio 86467.0400 are situated such that the primary residential structure is located on the east side of that property with open space, accessory structures and trees between the primary residence and the subject property. Whereas the requirement of LDC Sec 6.01.03.F.9 is a reasonable and necessary requirement for lots located within a subdivision that all have frontage on a public street, the requirement is unreasonable and serves no purpose for rural zoned flag lots that are not adjacent to and do not have direct access to a public street and utilize an easement for access.

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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 alleged hardship or practical difficulty is the location of the rural zoned flag lot utilizing an access easement 680+/- feet from the public right-of-way of S St Cloud Avenue. There is no benefit to requiring the front of the lot to be construed as the portion nearest the street as the property is not visible from S St Cloud Avenue. Furthermore, the orientation of the adjacent property to the east between the subject property and S St Cloud Avenue is places the rear of that lot facing the subject property. The property owner of the lot to the west of the subject property is the brother-in-law of the owner of the subject property and supports having the subject property front face the front of his property.

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 unique circumstance is the rural zoned flag lot that does not have frontage on a public right-of-way where it would be beneficial for the orientation of the front of the lot to be the portion of the lot nearest the street. The requirement of the LDC serves no purpose as the subject property is located 680+/- feet from S St Cloud Avenue and is not visible from S St Cloud Avenue. Additionally, the typical orientation of adjacent lots throughout the Hillsborough County is front to front, rear to rear and side to side, and the requirements of LDC Sec 6.01.03.C would result in the subject property and the adjacent property to the west having a front to rear orientation.

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.

If allowed, the variance will not substantially interfere with or injure the rights of others whose property would be affected by the allowance of the variance as 1) the side yard orientation of the properties to the north and south of the subject property will not change, 2) the rear lot of the adjacent property to the east faces the subject property, so the allowance of the variance will create the identical situation for both properties, and 3) the owner of the adjacent property to the east (folio 86467.0025) supports the variance request and will submit a letter in support of the variance.

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).

One purpose of the LDC and the Comprehensive Plan is to create harmonious, orderly, progressive, and compatible development within Hillsborough County. The requirement of LDC Sec 6.01.03.C is reasonable and beneficial in a subdivision where all the lots have frontage on a

public right-of-way; however, the requirement serves no purpose for a rural flag lot that is accessed by an easement and located 680+/- feet from the public right-of-way. Additionally, the allowance of this variance will result in front to front and rear to rear lot orientation of folios 86467.0025, 86467.0030 and 86467.0400 which is typical throughout the Hillsborough County. The result of the variance if allowed is equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of Hillsborough County.

The subject property and adjacent properties to the east and west are a rural enclave that is surrounded by higher density suburban development. This request is consistent with Object 13.1 and Policy 13-1.2 by encouraging flexible urban design standards should be considered to guide new development and redevelopment in urban/suburban areas and refining subdivision regulations to allow for alternative design within the existing suburban development pattern.

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 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 as the property is undeveloped, and the property owner is seeking this variance prior to preparing building plans and a building permit.

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.

The allowance of this variance will result in substantial justice being done because it will allow harmonious and compatible development of the property with the surrounding properties as the orientations of the property will be rear to rear with the adjacent property to the east and front to front with the adjacent property to the west which is typical of subdivisions throughout the Hillsborough County. Harmonious and compatible development is a goal of both the LDC and the Comprehensive Plan; therefore, the allowance of this variance provides a public benefit without harming or injuring the rights of other nearby property owners.

Return to:

Prepared by:
Judith A. Savacool
Dolphin Title of Brandon, Inc.
1520 Bloomingdale Avenue
Valrico, Florida 33596

File Number: 21-4760

SP# 138,250

General Warranty Deed

Made this December 20, 2021 A.D. By **Cyril J Mannoparambil and Jaya P Thomas, husband and wife**, whose address is: 98 Lahey St., New Hyde Park, New York 11040-1717, hereinafter called the grantor, to **Tomy Abraham and Lena T Abraham, husband and wife**, whose post office address is: 1414 Fox Hollow Rd, Niskayuna, New York 12309-2510, hereinafter called the grantee:

(Whenever used herein the term "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 Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Hillsborough County, Florida, viz:

The East 1/2 of the East 313.72 feet of the West 640 feet of the South 1/4 of the SE 1/4 of the NE 1/4, LESS the North 30 feet thereof, Section 31, Township 29 South, Range 21 East, hillsborough County, Florida; TOGETHER WITH an easement, recorded in Official Records Book 26590, Page 1937, for ingress and egress over, upon and across the North 30 feet of the South 1/4 of the Southeast 1/4 of the Northeast 1/4, LESS the West 326.28 feet thereof, all lying and being in Section 31, Township 29 South, Range 21 East, Hillsborough County, Florida.

Parcel ID Number: 086467-0030

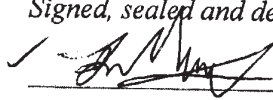
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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 encumbrances except taxes accruing subsequent to December 31, 2022.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:



Witness Printed Name: John Mannoparambil

 (Seal)

Cyril J Mannoparambil
Address: 98 Lahey St., New Hyde Park, New York 11040-1717



Witness Printed Name: JASPREET KAUR

 (Seal)

Jaya P Thomas
Address:

State of NEW YORK
County of QUEENS

The foregoing instrument was acknowledged before me this 20 day of December, 2021, by Cyril J Mannoparambil and Jaya P Thomas, husband and wife, who is/are personally known to me or who has produced Valid Drivers License as identification.



Notary Public
Print Name: Rohit Sharma

My Commission Expires: MAY 23, 2024


ROHIT SHARMA
Notary Public, State of New York
NO. 01SH6342708
Qualified in Suffolk County
Commission Expires May 23, 2024

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Received

06-20-23

Development
Services



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: VAR 23-0648

Intake Date: 06/20/2023

Hearing(s) and type: Date: 08/28/2023

Type: LUHO

Receipt Number: 279308

Date: _____

Type: _____

Intake Staff Signature: Keshia Rivas

Property Information

Address: N/A

City/State/Zip: VALRICO, FL 33594

TWN-RN-SEC: 31-29-21

Folio(s): 86467-0030

Zoning: ASC-1

Future Land Use: R-4

Property Size: 1.09 AC

Property Owner Information

Name: TOMY & LENA ABRAHAM

Daytime Phone _____

Address: 1414 FOX HOLLOW RD

City/State/Zip: NISKAYUNA, NY 12309-2510

Email: abraham1414@gmail.com

Fax Number _____

Applicant Information

Name: DAVID WRIGHT

Daytime Phone 813-230-7473

Address: PO BOX 473217

City/State/Zip: TAMPA, FL 33688

Email: david@tspco.net

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.

David Wright

Digitally signed by David Wright
Date: 2023.06.14 16:52:06 -04'00'

Signature of the Applicant

DAVID WRIGHT

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.

Tomy Abraham

Lena Abraham

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

TOMY ABRAHAM

LENA ABRAHAM

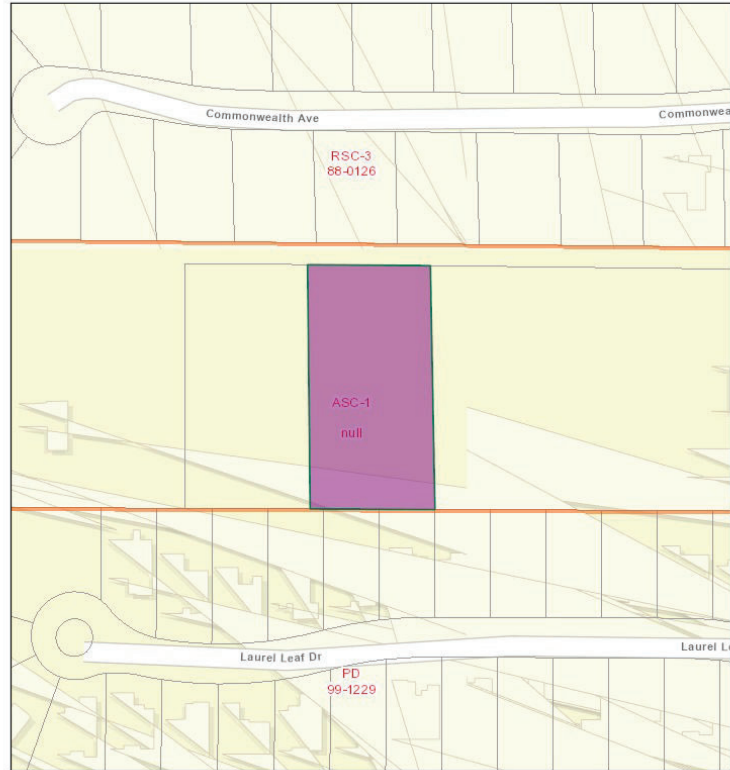
Type or print name



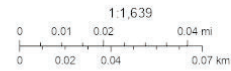
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Overlay	null
Restr	null
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0415H
FIRM Panel	12057C0415H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120415C
County Wide Planning Area	Valrico
Census Data	Tract: 013205 Block: 1008
Future Landuse	R-4
Future Landuse	R-4
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

Folio: 86467.0030



June 20, 2023



RS: Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Hillsborough County Florida

Folio: 86467.0030
PIN: U-31-29-21-ZZZ-000004-16860.1
Tomy And Lena T Abraham
Mailing Address:
 1414 Fox Hollow Rd
 null
 Niskayuna, FI 12309-2510
Site Address:
 0
 Valrico, FI 33594
SEC-TWN-RNG: 31-29-21
Acreage: 1.09138
Market Value: \$98,100.00
Landuse Code: 0000 Vacant Resident

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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.