

### LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-1256	
LUHO HEARING DATE: December 13, 2021	CASE REVIEWER: Isis Brown

**REQUEST:** The applicant is requesting multiple variances to accommodate an existing single-family dwelling, a proposed attached garage and an existing detached shed on a legally nonconforming lot that is zoned ASC-1 (Agricultural, Single-Family Conventional) and subject to the required building setbacks of the RSC-2 (Residential, Single-Family Conventional) district.

The subject property is a corner lot and therefore has required front yard setbacks along the two road frontages and required side yard setbacks along the two interior lot lines.

### VARIANCE(S):

### **Existing Single-Family Dwelling**

Per LDC Section 6.01.01, a minimum front yard setback of 25 feet is required in the RSC-2 District. The applicant requests a 16.1-foot reduction to the required front yard to allow an 8.9-foot front setback from the northerly lot line along Floresta View Drive.

### Proposed Attached Garage

Per LDC Section 6.01.01, a minimum side yard setback of 10 feet is required in the RSC-2 District. The applicant requests a 5-foot reduction to the required side yard to allow a 5-foot side setback from the southerly lot line.

### Existing Detached Shed (Northwesterly Corner of Parcel)

- Per LDC Section 6.11.04.C.4, accessory structures that are 15 feet or less in height shall be permitted to intrude up to 10 feet into a required front yard functioning as a side yard. In the subject case, the northerly side of the lot along Floresta View Drive functions as a side yard. Per LDC Section 6.01.01, a minimum front yard setback of 25 feet is required in the RSC-2 district. Therefore, a minimum setback of 15 feet is required for the existing shed at the northwesterly corner of the subject property. The applicant requests a 9.5-foot reduction to the required front setback to allow a 5.5-foot setback from the northerly lot line.
- 2) Per LDC Section 6.11.04.C.5, on corner lots that do not have a required rear yard, accessory structures may be located in the functional rear yard provided the accessory structure meets all other requirements. Per LDC Section 6.11.04.C.2, accessory structures that are 15 feet or less in height may occupy required side yards provided they are more distant from the street than any part of the principal building on the lot and no closer than 3 feet to the side lot line, inclusive of architectural features such as cornices, eaves and gutters. In the subject case the shed is closer to Floresta View Drive than part of the single-family home on the lot. Therefore, a 10-foot side setback is required. The applicant requests an 8.9-foot reduction to the required setback to allow a 1.1-foot setback from the westerly lot line.

### FINDINGS:

- A minimum lot size of one acre and minimum lot width of 150 feet is required in the ASC-1 district. The subject parcel is approximately 0.41 acre in size and 119.36 feet in width and therefore nonconforming. However, it has been certified as a legal nonconforming lot, per NCL 22-0118 in the case record. Additionally, it has been determined that, pursuant to LDC Section 11.03.03.D, required building setbacks for the subject parcel are those of the RSC-2 district.
- According to the applicant, the existing shed for which the setback variance is requested is less than 15 feet in height. Additionally, the shed shown on the survey at the southwesterly corner of the subject property is being removed and therefore setback variances are not requested for that structure.

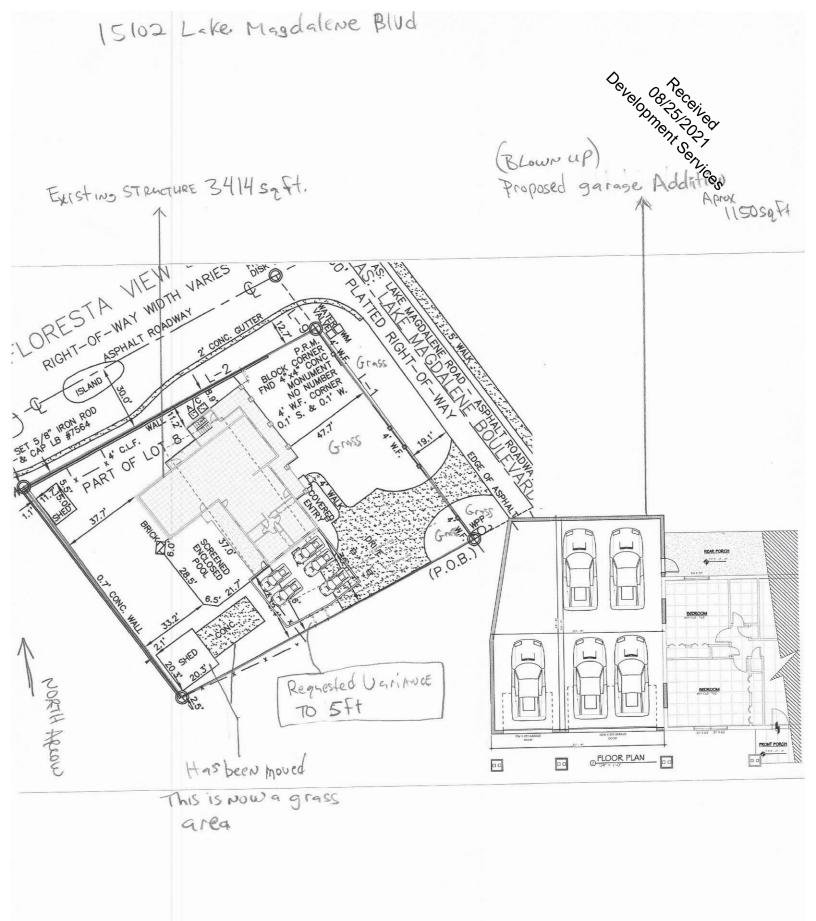
### **DISCLAIMER:**

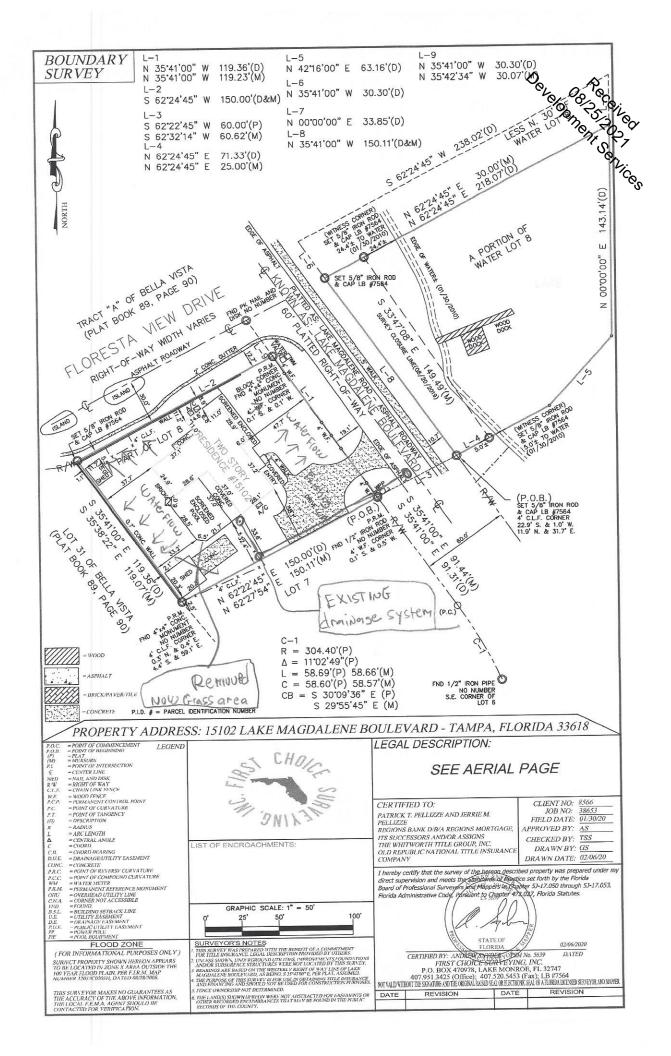
The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required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

### ADMINISTRATOR'S SIGN-OFF

13:14:16 Dec 1 2021

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





EST. 1834	Hillsborough County Florida Development Services
601 E. Kennedy	Blvd., 19th Floor   (813) 272 5600

# Additional / Revised Information Sheet

Date Stamp Here

Application Number:	21-1256	Applicant's Name:	Pelliezze, Pres	ssman is agent
Reviewing Planner's Name:				11.10.21
Application Type: Lanned Development (PE Variance (VAR) Special Use (SU) Current Hearing Date (if appl	<ul><li>Development o</li><li>Conditional Use</li></ul>	f Regional Impact (DR	) 🖾 Majo	lard Rezoning (RZ) r Modification (MM) r
	The following n	nust be attached	to this Sheet.	
<b>E</b> tCover Letter with summa submitted, all changes on the			·	revised Site Plan is being sed Narrative
An updated Project Narra	ative consistent with t	he changes or additio	nal information pro	vided, if applicable.
Submittal Via:				
Email (Preferred). Note that	at no follow up paper file is	necessary. Pdf format onl	y. Maximum attachmen	t(s) size is 15 MB.
Email this sheet along all the				
Aail or delivery. Number	of Plans Submitted:	Large Small		
For PD, MM, PRS and SU: 7 lar For RZ-Standard: if plot plan is For Minor Change: 6 large cop For Variances or Conditional U	larger than 8.5"X11", 7 larg ies.	ge copies should be subm	itted.	
Mail to:		н	and Deliver to:	
	ent Services Department		ounty Center	Deverture and
P.O. Box 11	y Development Division 10		evelopment Services 9th Floor	Department
Tampa, FL S	33601-1110	e	01 E. Kennedy Blvd.,	Татра
certify that changes describ changes will require an addi			peen made to the su	ıbmission. Any further
			11.	10.21
	Signature			Date
	F	OR OFFICE USE ONLY		

	FOR OFFICE USE ONLY
Notification E-Mail Sent	Scanned into OPTIX
Transmittal Completed	In-Take Completed by:

Application Number:

### 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.

Requesting a 5' side setback to exist where a 10' side setback is required

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

6.01.00

## **ADDITIONAL INFORMATION**

- 1. Have you been cited by Hillsborough County Code Enforcement? No <u>NO</u> Yes <u>If yes, you must submit a copy of the Citation with this Application.</u>
- 2. Do you have any other applications filed with Hillsborough County that are related to the subject property? No <u>NO</u> 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 <u>NO</u> Yes <u>If yes, you must complete the *Wetland Setback Memorandum* and all required information must be included with this Application Packet (Attachment A).</u>
- Please indicate the existing or proposed utilities for the subject property: Public Water XX Public Wastewater XX Private Well Septic Tank
- 5. Is the variance to allow a t hird lot on well and/or septic or non-residential development with an intensity of three ERC's? No <u>XX</u> Yes <u>If yes</u>, you must submit a final determ ination 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).

07/02/2014

## 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 sing ular to the subject property and are not those suffered in common with other property similarly located?

The property drains to the rear, where currently there is a slope/depression which directs surface water for proper movement.

Placing the proposed garage anywhere else on the site would disturb and negatively affect this property and neighboring

properties. Great care and communication has been made to the abutting owner to gain their support or no opposition to this application. The locational aspects also include the access point, the required movement of vehicles on the parcel and ISR and required setbacks.

2. Describe how the literal requirem ents 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 ability to accommodate an expansion of a home is certainly a permissible and typical desire and effort. In this case, the location of a garage use is determined by access points, imperious surface issues and water flow issues, of which forces the proposed use into the side yard area.

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose propert y would be affected by allowance of the variance.

In this case the impact as proposed, if any, would only be found on the abutting neighbor, and that neighbor has been contacted and has not objected and is in support.

4. Explain how the variance is in harmon y 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*).

As stated, expansions or enlargements of homes is a typical desire. This is a desire to expend a home in the most logical and reasonable manner, considering the many factor stated above and the existing allowable placement of the home

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 expansion is not existing - there has been no action on the issue

6. Explain how allowing the variance will result in substantia l justice being done, consider ing both the public benefit s intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

# There are no negative impacts onto neighbors that are objectionable. This will allow an addition onto the home in it's allowable current configuration in th best manner possible.

Instrument #: 2020091454, Pg 1 of 2, 3/9/2020 4:03:42 PM DOC TAX PD(F.S. 201.02) \$2850.40, INT. TAX PD (F.S. 199) \$0.00, DOC TAX PD (F.S. 201.08) \$0.00, Deputy Clerk: TJORDAN Pat Frank, Clerk of the Circuit Court Hillsborough County

Prepared by: Margaret Ohnmacht The Whitworth Title Group, Inc. 14502 N. Dale Mabry Highway, Suite 200 Tampa, Florida 33618 File Number: 8566

#### **General Warranty Deed**

Made this February 21st, 2020 A.D. By Alexander V. Grantham and Candy Horsley-Grantham, husband and wife, 3123 Anglers Lane, Lutz, Florida 33548, hereinafter called the grantor, to Patrick T. Pellizze and Jerrie M. Pellizze, husband and wife, whose post office address is: 15102 Lake Magdalene Boulevard, Tampa, Florida 33618, 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:

See Attached Schedule "A"

Parcel ID Number: 016640.0000 Property Address: 15102 Lake Magdalene Boulevard, Tampa, Florida 33618

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, 2019.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in bur presence: (Seal) Alexander V. Grantham Address: 3123 Anglers Lane, Lutz, Florida 33548 Witness work 117 Candy Horsley-Grantham Address: 3123 Anglers Lane, Lutz, Fl 33548 Witness Printed I State of Florida County of Hillsborough The foregoing instrument was acknowledged before me by means of x physical presence or [] online notarization this 21st day of February, 2020, by Alexander V. Grantham and Candy Horsley-Grantham, who has produced drivers license as identification.

mach MARGARETA, OHNMACHT MY COMMISSION # GG 193775 EXPIRES: July 8, 2022 Mv Co Expires: ded Thru Notary Public Underwriters



Prepared by: Margaret Ohnmacht The Whitworth Title Group, Inc. 14502 N. Dale Mabry Highway, Suite 200 Tampa, Florida 33618 File Number: 8566

#### "Schedule A"

That part of Lot 8, GRIFFIN SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 31, Page 32, of the Public Records of Hillsborough County, Florida, more particularly described as follows: Beginning at the Northernmost Corner of Lot 7 of Said GRIFFIN SUBDIVISION run North 35 degrees 41 minutes 00 seconds West along the Westerly right of way line of Lake Magdalene Road a distance of 119.36 feet; run thence South 62 degrees 24 minutes 45 seconds West parallel to the Northwesterly boundary of Said Lot 7 a distance of 150.00 feet; run thence South 35 degrees 41 minutes 00 seconds East a distance of 119.36 feet to the Westernmost Corner of Said Lot 7; and run thence North 62 degrees 22 minutes 45 seconds East along the Northwesterly boundary of Said Lot 7 a distance of 150.00 feet to the Point of Beginning, AND

That part of Water Lot 8, GRIFFIN SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 31, Page 32, of the Public Records of Hillsborough County, Florida, more particularly described as follows: Beginning at the Intersection of the Northeasterly Extension of the Northwesterly Boundary of Lot 7 of Said GRIFFIN SUBDIVISION and the Easterly right of way line of Lake Magdalene Road and run thence North 62 degrees 24 minutes 45 seconds East along Said Northeasterly Extension of the Northwesterly boundary of Said Lot 7 a distance of 71.33 feet to the Southeasterly Boundary of Said Water Lot 8; run thence North 42 degrees 16 minutes 00 seconds East along Said Southeasterly Boundary a distance of 63.16 feet to the East Boundary of Said Water Lot 8; and run thence North along Said East boundary of Said Water Lot 8 a distance of 176.99 feet; run thence South 62 degrees 24 minutes 45 seconds West a distance of 238.02 feet to the East right of way line of Lake Magdalene Road; and run thence South 35 degrees 41 minutes 00 seconds East along Said right of way line a distance of 180.41 feet to the Point of Beginning, Less the North 30 feet thereof.





**VARIANCE APPLICATION** 

**IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:** 

Develophesis solution 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.

		Pro	operty Inf	ormation			
Address:	15102 Lake Magdalene Blvd.	_City/State/	Zip:	Tampa, FL 33618	TWN-R	N-SEC:	35-27-28
Folio(s):_	16640.0000 & 16651.0100 Z	oning: A	SC-1	Future Land Use:	R-4	Property	y Size: <u>.54 acres</u>
		Proper	rty Owner	Information			
Name:	Jerrie & Patrick Pe	llizze		Daytir	ne Phone:	Please use	e agent
Address:	Please use age	ent		City/State/Zip:			
Email:	Please suse ag	ent		FAX	Number: _		
Name:	Same as owned		-	formation Daytir	ne Phone:		
	App	icant's Rep	oresentativ	ve (if different than abo	ove)		
Name:	Todd Pressman			Daytir	ne Phone:	727-804-	-1760
Address <sup>20</sup>	00 2nd Ave., South, #451, St. Pe		22701	City / State/Zip:			
Email:	Todd@Pressmaning	c.com		FAX			
PROVIDE ACCURAT AUTHORI MY BEHA	A SWEAR OR AFFIRM THAT ALL T D IN THIS APP LICATION PACKE FE, TO THE BEST OF M Y K ZE THE REPRESENTATIVE LISTED LIFFOR THIS APPLICATION	T IS TRU E NOWLEDGE,	AND AND	I HEREBY AUTHORIZ AND RECOGNIZE TH SHALL BE BI NDING CURRENT AND ANY F	AT THE FINA TO THE F FUTURE OWN	AL ACTION O PROPERTY A	ON THIS PETITION
c	Pressman, Pressman, Pres., Pressman &	Assoc., Inc.		0 1 5		Pres,., Pressn	nan & assoc., Inc,
Type or P	rint Name			Type or Print Name			
	ff Signature: Ana Lizardo		Office Use	<i>Only</i> Intake Date:	08/25/21		
Case Num	nber:21-1256			Public Hearin	g Date:	10/25/21	
Receipt N							

Development Services Department, 601 E Kennedy Blvd. 20<sup>th</sup> Floor



### PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Zoning Category	Iningernerated County
	Unincorporated County
Zoning A	Agricultural
	ASC-1
	Agricultural - Single-Family Conventional
Flood Zone:AE E	BFE = 51.1 ft
	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel (	0205H
FIRM Panel	12057C0205H
Suffix	4
Effective Date	Гhu Aug 28 2008
Pre 2008 Flood Zone	K
Pre 2008 Flood Zone	ΑE
Pre 2008 Firm Panel	1201120205D
	Greater Carrollwood Northdale
	Greater Carrollwood Northdale
	Fract: 011107 Block: 3009
	Fract: 011108 Block: 2000
Future Landuse F	7-4
Urban Service Area	JSA
Mobility Assessment U District	Jrban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation 2 Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO





### PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Zoning Category Zoning	Unincorporated County
Zoning	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:AE	BFE = 51.1 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0205H
FIRM Panel	12057C0205H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120205D
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Census Data	Tract: 011107 Block: 3009
Census Data	Tract: 011108 Block: 2000
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

