LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0710	
LUHO HEARING DATE: May 23, 2022	**CASE REVIEWER:** Carla Shelton Knight

REQUEST: **The applicant is requesting a variance from the 30-foot Wetland Conservation Area setback requirement, Section 4.01.07B of the Land Development Code (LDC). The applicant's specific request, as shown on the site plan submitted on March 24, 2022, is to allow for approval of the existing pool, deck and screen enclosure located within the 30-foot Wetland Conservation Area setback as well as the addition of a proposed concrete patio addition within the 30-foot Wetland Conservation Area setback.**

SUMMARY OF VARIANCE(S):

Wetland Setback

1) Per LDC Sec. 4.01.07.B.4, no filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required 30-foot wetland conservation area setback. The applicant requests construction of a patio addition within the 30-foot wetland conservation area setback. The applicant also requests approval for an existing screen enclosure, pool and brick paver area within the 30-foot wetland conservation area setback. The applicant requests a 17-foot encroachment into the setback for the proposed concrete patio addition to allow for a remaining setback of 13 feet.

Findings

1) A wetland setback compensation planting plan has been provided on the site plan dated March 24, 2022, that provides equivalent square footage of compensation planting to the amount of encroachment.

2) According to the Property Appraiser website, the home was constructed in 2010 and the pool is listed on the record beginning in 2011.

3) There is an existing fence along the rear of the yard which is located within the 30-foot wetland setback area and which also requires a variance for placement in the wetland setback. The fence encroachment was not requested by the applicant but was noticed by the reviewer during the preparation of the staff report. The fence is therefore included in the request.

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.

Approval of this variance petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested environmental approvals.

Attachments: Site Plan

ADMINISTRATOR'S SIGN-OFF

Received
03-24-2022
Development
Services

DR NO.	REV.
1 OF 1	0

WETLAND SETBACK ENCROACHMENT PLANTING LEGEND

- ENCROACHMENT AREA
- COMPENSATION AREA
- 13 PROPOSED 3 GAL. WAX CORAL BEAN (ERYTHRINA HERBACEA)
- 13 PROPOSED 3 GAL. GALLBERRY (ILEX GLABRA)
- 13 PROPOSED 3 GAL. GALLBERRY (ILEX GLABRA)

NOTE: ALL SHRUB PLANTINGS WILL BE EVENLY SPACED ON A MAXIMUM OF 5 FOOT CENTERS

(794 SF TOTAL COMPENSATION)

SITE DATA

FOLIO #': 04530.0042
SEC/TWP/RGE: 24/28/17
TOTAL LAND AREA: 0.382 ACRES
EXISTING ZONING: PD (14-0378)
EXISTING USE: SINGLE-FAMILY RESIDENTIAL

DESCRIPTION:* *(AS FURNISHED)

LOT 16 OF WATERS EDGE, AS RECORDED IN PLAT BOOK 109, PAGE 259 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

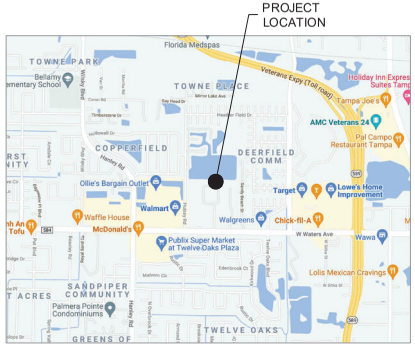
VARIANCE REQUEST:
VARIANCE TO LDC SECTION LDC SECTION 4.01.07.B TO REDUCE THE REQUIRED CONSERVATION AREA SETBACK FROM 30' TO 13.0' (MIN.).

WETLAND SETBACK ENCROACHMENT COMPENSATION PLANTING REQUIREMENTS:

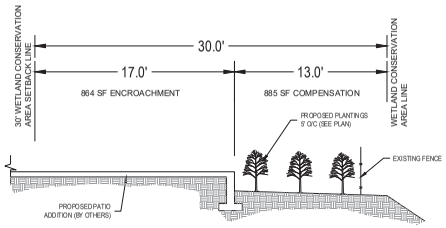
- THE AREA OF REQUIRED PLANTING WILL BE A MINIMUM 1:1 RATION FOR THE AREA OF ENCROACHMENT WHICH IS NOT EXEMPT. NO MORE THAN A 1:1 RATIO SHALL BE REQUIRED. ADDITIONAL COMPENSATION MAY BE PROPOSED.
- COMPENSATION PLANTINGS WILL CONSIST OF NATIVE SHRUBS WITH NO LESS THAN TWO SPECIES AND EACH SPECIES WILL COMPRISE NO LESS THAN 30% OF THE TOTAL NUMBER OF REQUIRED SHRUB PLANTINGS. SEE TABLE 1 FOR SUGGESTED SPECIES.
- ALL SHRUB PLANTINGS WILL BE EVENLY SPACED ON 5 FOOT CENTERS WITH A MINIMUM SIZE OF 3 GALLON OR #3 SIZE MATERIALS.
- PLANTINGS WILL BE LOCATED WITHIN ANY SUITABLE, OPEN AREAS OF THE REMAINING SETBACK ABUTTING THE AREA OF ENCROACHMENT OR IF THESE AREAS DO NOT EXIST, THE PLANTINGS MAY BE LOCATED WITHIN OR ADJACENT TO ANOTHER PORTION OF THE SITE'S WETLAND SETBACK. IF NO SUITABLE PLANTING AREAS EXIST ON SITE, A WETLAND AND /OR WETLAND SETBACK ENHANCEMENT PLAN, NUISANCE SPECIES CONTROL PROGRAM OR OTHER SUITABLE COMPENSATION ALTERNATIVE MAY BE PROPOSED.
- THE INSTALLATION OF A SUITABLE IRRIGATION SYSTEM IS RECOMMENDED TO ENSURE PLANT ESTABLISHMENT AND FULFILLMENT OF THE REQUIRED SURVIVAL CRITERIA.
- NATIVE TREE AND HERBACEOUS SPECIES MAY BE UTILIZED IN ADDITION TO THE REQUIRED SHRUB PLANTINGS TO ESTABLISH CANOPY OR GROUNDCOVER COMPONENTS IF DESIRED BY THE APPLICANT.

MONITORING REQUIREMENTS:
MONITORING OF PLANTED AREAS SHALL CONSIST OF THE FOLLOWING:

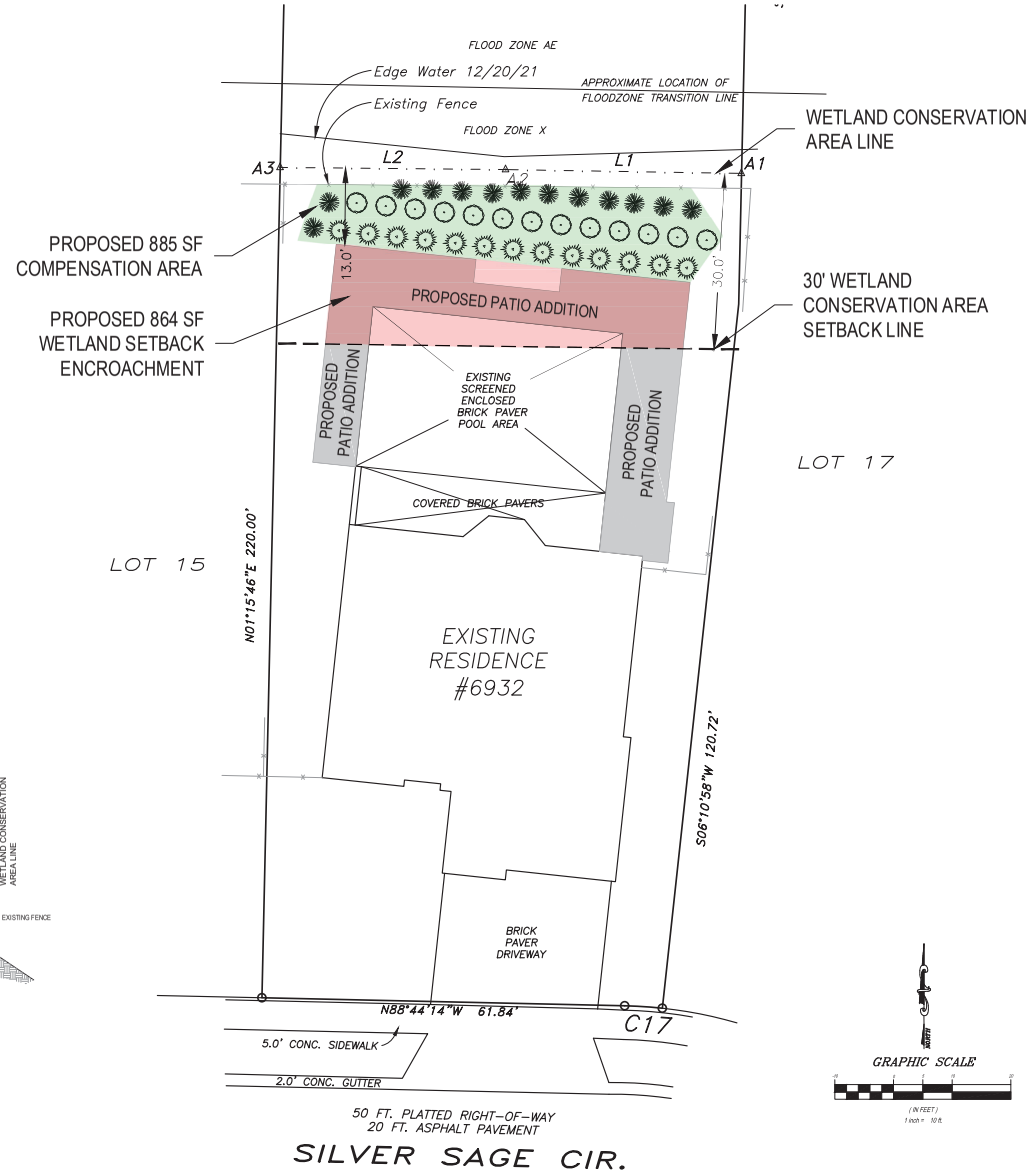
- A TIME-ZERO REPORT, LISTING SPECIES AND #S PLANTED, UPON COMPLETION OF THE PLANTINGS SHALL BE PROVIDED TO THE NATURAL RESOURCES SECTION OF PGMD NO LATER THAN 30 DAYS FOLLOWING PLANTING COMPLETION.
- TWO ANNUAL REPORTS THAT LIST SURVIVAL % PER SPECIES AND ANY REQUIRED REPLANTS SHALL BE PROVIDED TO THE NATURAL RESOURCES SECTION OF PGMD NO LATER THAN 30 DAYS FOLLOWING DATA COLLECTION.
- PLANTED SHRUB SPECIES MUST MAINTAIN A MINIMUM 85% SURVIVAL RATE WITH ANNUAL REPLANTING IF NEEDED. EXOTIC AND NUISANCE SPECIES (REFERENCE MOST CURRENT FLORIDA EXOTIC PEST PLAN COUNCIL LIST) COVER WITHIN THE PLANTING ZONES MUST BE MAINTAINED BELOW 10%.
- FOR NUISANCE SPECIES CONTROL PROGRAM AREAS, ALL EXOTIC AND NUISANCE SPECIES MUST BE REMOVED DURING THE INITIAL CONTROL EVENT(S) AND TOTAL NUISANCE SPECIES COVERAGE MUST BE MAINTAINED BELOW 10% FOR 2 YEARS THEREAFTER.



VICINITY MAP
N.T.S.



WETLAND SETBACK ENCROACHMENT SECTION
N.T.S.



NO.	DATE	REVISION
0	01/22/22	ISSUED FOR REVIEW

OWNER:	LANDSCAPE DESIGNER:	PLANNER:	PROJECT:	DRAWING TITLE:	DRAWING NO.:
RAJ MATHUR & MONAL PATEL 6932 SILVER SAGE CIRCLE TAMPA, FL 33634	**KENDALL ENV. SOLUTIONS, INC.** JASON KENDALL 1316 CORNER OAKS DRIVE BRANDON, FL 33510 813-361-7378	**TSP COMPANIES, INC.** DAVID WRIGHT PO BOX 1016 TAMPA, FL 33601 813-230-7473	**MATHUR - WETLAND SETBACK VARIANCE** 6932 SILVER SAGE CIRCLE TAMPA, FL 33634	SITE PLAN	1 OF 1

22-0710

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

Application Number:_____

VARIANCE REQUEST

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.

The applicant is requesting a variance to LDC Section 4.01.07.B to allow an 864 sq ft encroachment into the 30-foot wetland conservation area setback to address an existing encroachment of a residential structure and additional encroachment for a concrete patio area as depicted on the variance site plan included with this application.

The 0.38-acre subject property (Lot 16, WATERS EDGE, according to the map or plat thereof recorded in plat book 109, pages 259 through 263 of the official public records of Hillsborough County, FL) includes 0.24-acres of uplands and 0.14-acres of wetlands; therefore, the wetland area of the subject property is 37% of the total area. Conservation area setback encroachments are commonly granted in the same district and general area upon the providing of acceptable compensating mitigation areas and the granting of a variance.

The applicant is proposing the mitigate the existing and proposed encroachment totaling 864 sq ft by providing 885 sq ft of wetland plantings within the remaining wetland conservation area setback immediately adjacent to the proposed encroachment.

Application Number: _____

VARIANCE CRITERIA RESPONSES

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?

RESPONSE
The variance request is to LDC Sec. 4.01.07.B to allow an 864 sq ft encroachment into the wetland setback area which is being mitigated by a 885 sq ft compensation (wetland plantings). The alleged hardships or practical difficulties are unique and singular to the subject property in that the geographic, topographic, characteristics and physical features of the subject property are such that 37% of the area of the subject property are wetlands. The significant amount of wetlands covering the subject property combined with the LDC's required building setbacks within the AR zoning district are a unique and singular hardship to the subject 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.

RESPONSE
The literal requirements of the Land Development Code (LDC) would deprive the owners of their rights by not allowing the property owners reasonable and full use of the subject property. Conservation area setback encroachments are commonly granted in the same district and general area upon the providing of acceptable compensating mitigation areas and the granting of a variance.

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.

RESPONSE
The proposed 864 sq ft encroachment into the wetland conservation setback area is located at the rear of the property; therefore, 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 as there is no impact on adjacent properties.

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).

RESPONSE
The proposed variance to allow an 864 sq ft encroachment into the wetland conservation area setback will be in harmony with and serve the general intent and purpose of the LDC and the

Comprehensive Plan as the LDC's stated intent sets forth requirements to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Hillsborough County, which the resulting site's development with the requested variance and required compensating mitigation area will achieve.

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.

RESPONSE
The geographic, topographic, characteristics and physical features of the subject property are such that 37% of the area of the subject property are wetlands that were not created by the property owner.

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.

RESPONSE
Granting the variance is in accordance with the character and existing land uses in the neighborhood.

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

INSTRUMENT#: 2009156481, BK: 19252 PG: 1619 PGS: 1619 - 1620 05/13/2009 at 04:14:05 PM, DOC TAX PD(F.S.201.02) $839.30 DEPUTY CLERK:SLEWIS Pat Frank,Clerk of the Circuit Court Hillsborough County

Doc Stamps: $839.30
Consideration: $119,900.00

Prepared by and when recorded mail to:

Donna J. Feldman, Esquire
DONNA J. FELDMAN, P.A.
19321-C U.S. Highway 19 North
Suite 103
Clearwater, FL 33764

Parcel Tax ID No.: 004530-0042

WARRANTY DEED

THIS WARRANTY DEED ("**Deed**") is made this 6th day of May, 2009, by **LUXURY PORTFOLIO ACQUISITION, LLC,** a Florida limited liability company ("**Grantor**"), whose address is 2764 Sunset Point Road, Suite 200, Clearwater, Florida 33759, and **RAJNEESH MATHUR** and **MONAL PATEL**, husband and wife (collectively, the "**Grantee**"), whose address is 7152 Trysail Circle, Tampa, Florida 33607.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and no/100 Dollars, and other valuable consideration, lawful money of the United States of America, to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed to Grantee, its successors and assigns forever, all of the following described land in Hillsborough County, Florida ("**Property**"):

> Lot 16, WATERS EDGE, according to the map or plat thereof recorded in Plat Book 109, Pages 259 through 263, of the Public Records of Hillsborough County, Florida.

TO HAVE AND TO HOLD the Property, with the appurtenances, unto the said Grantee, its successors and assigns, in fee simple forever;

And the Grantor does hereby covenant with the Grantee that the Property is free from all liens and encumbrances except taxes for the year 2009 and subsequent years, and easements, covenants, conditions, restrictions, reservations and other matters of record;

And the Grantor does hereby fully warrant title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has executed this Deed under seal on the date aforesaid.

GRANTOR:

WITNESSES:

Signature of Witness #1

CHASE BABCOCK

Typed/Printed Name of Witness #1

LUXURY PORTFOLIO ACQUISITION, LLC,
a Florida limited liability company

By: J. Kasper, AS MANAGER
James H. Kasper, Manager

Signature of Witness #2

ROBIN A. IZZO

Typed/Printed Name of Witness #2

STATE OF FLORIDA

COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 6th day of May, 2009, by James H. Kasper, a Manager of LUXURY PORTFOLIO ACQUISITION, LLC, a Florida limited liability company, on behalf of the company, who is personally known to me.

Notary Public, State of Florida
Printed name:
My Commission Expires:

Affix Notary Seal:

ROBIN A. IZZO
MY COMMISSION # DD 773331
EXPIRES: May 18, 2012
Bonded Thru Notary Public Underwriters

Received
03-24-2022
Development
Services

Hillsborough County
Florida

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: 6932 SILVER SAGE CIR City/State/Zip: TAMPA, FL 33634 TWN-RN-SEC: 24-28-17

Folio(s): 4530.0042 Zoning: AR Future Land Use: R-6 Property Size: 0.38 AC

Property Owner Information

Name: RAJNEESH MATHUR & MONAL PATEL Daytime Phone:

Address: 6932 SILVER SAGE CIRCLE City/State/Zip: TAMPA, FL 33634

Email: FAX Number:

Applicant Information

Name: DAVID WRIGHT / TSP COMPANIES, INC. Daytime Phone: 813-230-7473

Address: PO BOX 273417 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 S WEAR OR AFFIRM THAT AL L THE INFORMATION PROVIDED IN THIS APP LICATION PACKET IS TRU E AND ACCURATE, TO THE BEST OF M Y KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

Signature of Applicant

DAVID WRIGHT
Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE F INAL ACTION ON THIS P ETITION SHALL BE BI NDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

Signature of Property Owner

RAJNEESH MATHUR MONAL PATEL
Type or Print Name

Office Use Only

Intake Staff Signature: Ceare Odell Intake Date: 03/24/2022

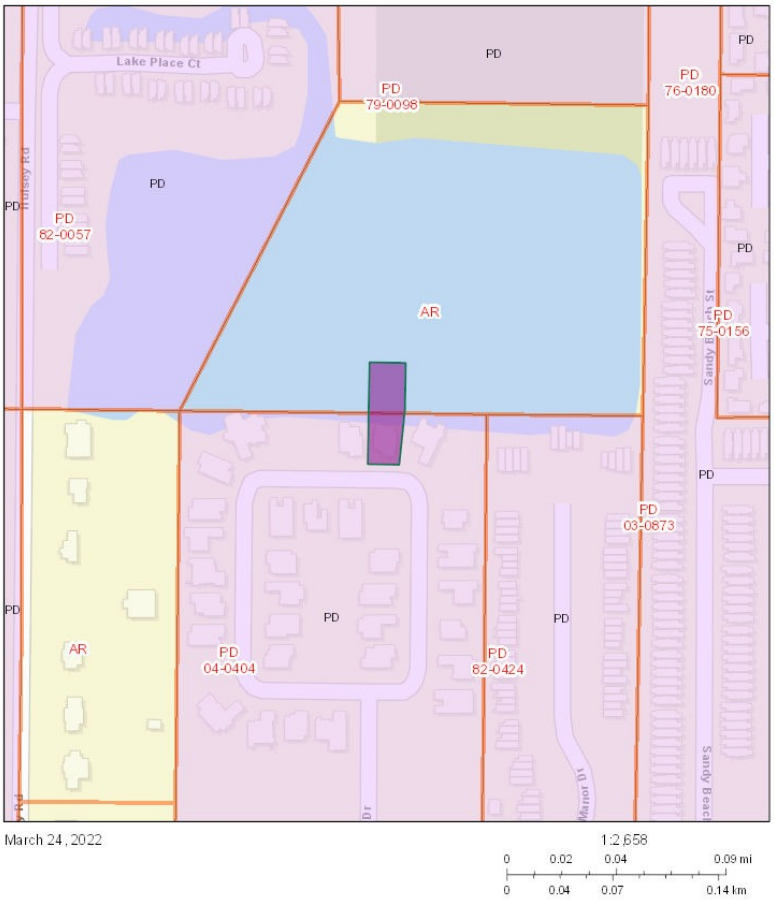
Case Number: 22-0710 Public Hearing Date: 05/23/2022

Receipt Number: 142985

PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AR
Description	Agricultural - Rural
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	04-0404
Flood Zone:AE	BFE = 25.7 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0193H
FIRM Panel	12057C0193H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120195D
County Wide Planning Area	Town and Country
Community Base Planning Area	Town and Country
Community Base Planning Area	Town and Country Focus
Planned Development	PD
Re-zoning	null
Major Modifications	13-0840, 21-0884
Personal Appearances	14-0378
Census Data	Tract: 011611 Block: 2001
Future Landuse	R-6
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 10
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	150' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 4530.0042



Folio: 4530.0042
PIN: U-24-28-17-951-000000-00016.0
RAJNEESH MATHUR AND MONAL PATEL
Mailing Address:
6932 SILVER SAGE CIR
TAMPA, FL 33634-1151
Site Address:
6932 SILVER SAGE CIR
TAMPA, Fl 33634
SEC-TWN-RNG: 24-28-17
Acreage: 0.38290799
Market Value: $763,699.00
Landuse Code: 0100 SINGLE FAMILY

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for:
1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.
Or
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.