



**Hillsborough
County Florida**

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-0672

LUHO HEARING DATE: May 23, 2022

CASE REVIEWER: Chris Grandlienard

REQUEST: The applicant is requesting variances to accommodate a proposed single-family home on a legal nonconforming lot zoned AR that is subject to building coverage and setback requirements of the RSC-3 district.

VARIANCES:

- 1) Per LDC Section 6.01.01, a minimum front yard setback of 25 feet is required in the RSC-3 district. The applicant requests a 5-foot reduction to the required front yard setback to allow a setback of 20 feet from the west property line along Valley Tree Drive.
- 2) Per LDC Section 6.01.01, a minimum rear yard setback of 25 feet is required in the RSC-3 district. The applicant requests an 18-foot reduction to the required rear yard setback to allow a setback of 7 feet from the east property line.

FINDINGS:

- Per LDC Section 6.01.01, a minimum lot size of 5 acres (217,800 square feet) is required in the AR district. The subject parcel is 0.26-acres (11,325 square feet) in size and therefore nonconforming. However, it has been certified as a legal nonconforming lot that is subject to the building coverage and setback requirements of the RSC-3 district per NCL 22-0563, which has been placed in the case record for this variance.
- A six-foot-high chain link fence on the south lot line encroaches into the required front yard. The applicant has advised staff that the fence will be removed. Therefore, no variance is requested for the fence.

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.

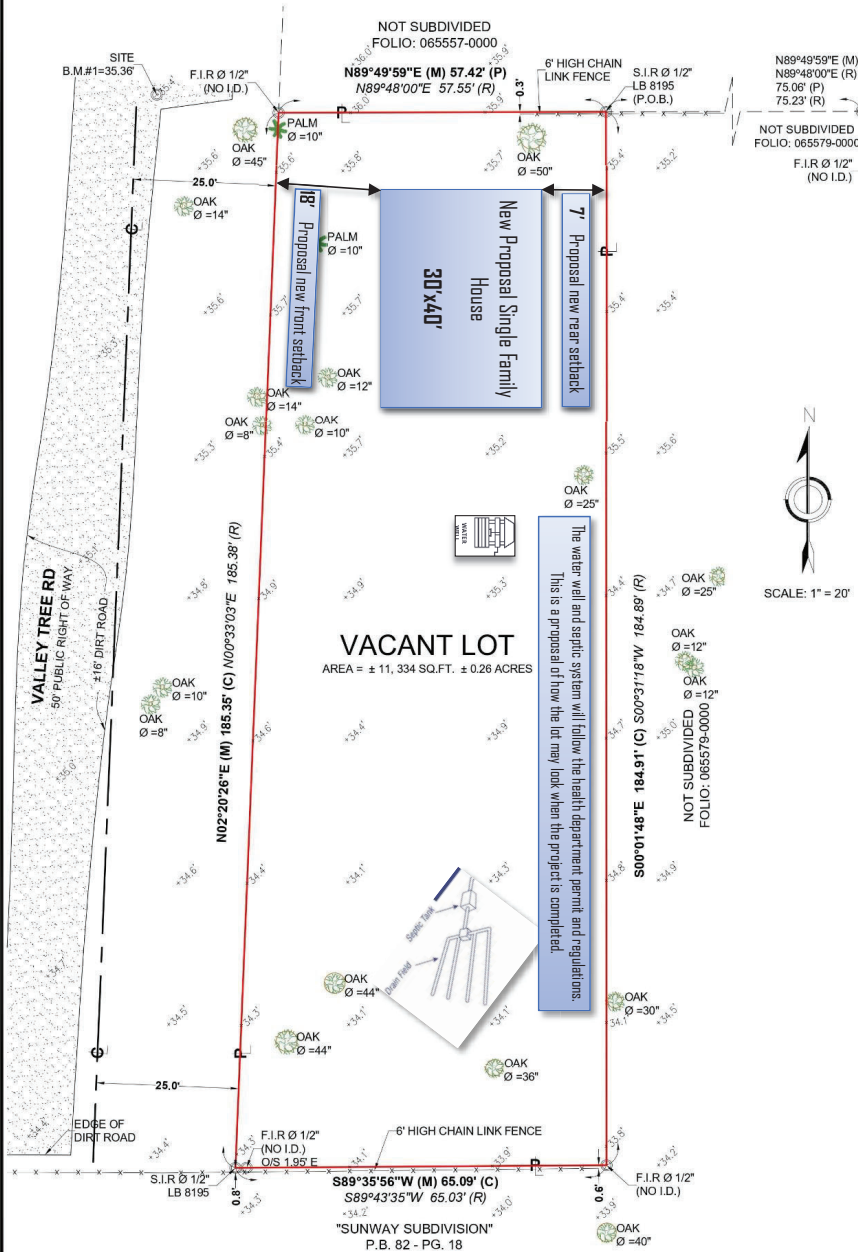
ADMINISTRATOR'S SIGN-OFF


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Wed May 11 2022 17:44:16

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

BOUNDARY AND TOPOGRAPHIC SURVEY

SECTION 08, TOWNSHIP 29S, RANGE 20E. HILLSBOROUGH COUNTY



PROPERTY ADDRESS:
XXXX VALLEY TREE DR,
TAMPA, FL 33610
(FOLIO No. 065563-0000)

DESCRIPTION:
FROM SE CORNER OF W 1/2 OF NE 1/4 OF NE 1/4, RUN S89°48'00\"/>

FLOOD ZONE INFORMATION:
COMMUNITY: HILLSBOROUGH COUNTY-120112
MAP/PANEL NO. 12057C0380K
SUFFIX: K
FIRM DATE: 10/07/2021
FLOOD ZONE: X

THERE MAY BE LEGAL RESTRICTIONS ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN ON THE MAP OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, OR THE RECORDS OF ANY OTHER PUBLIC AND PRIVATE ENTITIES AS THEIR JURISDICTIONS MAY APPEAR.

THE MAP OF SURVEY IS INTENDED TO BE DISPLAYED AT THE STATED GRAPHIC SCALE IN ENGLISH UNITS OF MEASUREMENT. ATTENTION IS BROUGHT TO THE FACT THAT SAID DRAWING MAY BE ALTERED IN SCALE BY THE REPRODUCTION PROCESS.

THIS SURVEY WAS CONDUCTED FOR THE PURPOSE OF A TOPOGRAPHIC SURVEY ONLY AND IS NOT INTENDED TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY BOARD, COMMISSION OR OTHER ENTITY.

THE ELEVATIONS OF WELL-IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAP WERE MEASURED TO AN ESTIMATED VERTICAL POSITIONAL ACCURACY OF 1/10 FOOT FOR NATURAL GROUND SURFACES AND 1/100 FOOT FOR HARDCAPE SURFACES, INCLUDING PAVEMENTS, CURBS AND OTHER MAN-MADE FEATURES AS MAY EXIST.

BENCH MARK: GPS-NAIL ELEVATION: 35.36 FEET (NAVD88)

LEGAL DESCRIPTION WAS FURNISHED BY THE CLIENT.

WELL-IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAP WERE MEASURED TO AN ESTIMATED HORIZONTAL POSITIONAL ACCURACY OF 1/10 FOOT UNLESS OTHERWISE SHOWN.

BEARINGS AS SHOWN HEREON ARE BASED UPON AN ASSUMED VALUE OF N02°20'26\"/>

LEGAL DESCRIPTION SUBJECT TO ANY DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR RECORDED EASEMENTS.

THE SURVEYOR MAKES NO REPRESENTATION AS TO OWNERSHIP, POSSESSION OR OCCUPATION OF THE SUBJECT PROPERTY BY ANY ENTITY OR INDIVIDUAL.

SUBSURFACE IMPROVEMENTS AND/OR ENCROACHMENTS WITHIN, UPON, ACROSS, ABUTTING OR ADJACENT TO THE SUBJECT PROPERTY WERE NOT LOCATED AND ARE NOT SHOWN.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS AND DELETIONS TO THIS MAP OF SURVEY BY OTHER THAN THE SIGNING PARTY ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.

THIS MAP OF SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREIN AND THE CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTY.

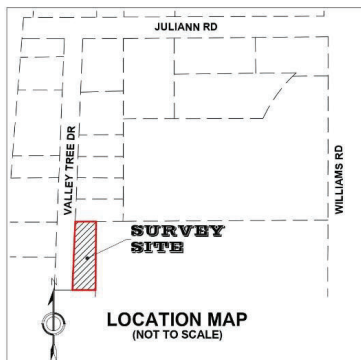
NO TREES FOUND 20' AWAY FROM PROPERTY UNLESS DEPICTED ON THIS MAP.

CERTIFY TO:

EDUNYS PEREZ

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: THAT THIS "TOPOGRAPHIC SURVEY" AND THE MAP OF SURVEY RESULTING THERE FROM WAS PERFORMED UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND FURTHER, THAT SAID "TOPOGRAPHIC SURVEY" MEETS THE INTENT OF THE "MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA", PURSUANT TO RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE AND ITS IMPLEMENTING RULE, CHAPTER 472.027 OF THE FLORIDA STATUTES.



LEGEND

- CENTER LINE
- PROPERTY CORNER
- PROPERTY LINE
- PALM & TRUNK TREE
- CANOPY & TRUNK TREE
- PINE & TRUNK TREE
- UTILITY POLE
- GROUND ELEVATION
- PAVEMENT ELEVATION

ABBREVIATIONS

- BC=BLOCK CORNER
- (C)=CALCULATED
- (M)=MEASURED
- (R)=RECORD
- (P)=PRORATED
- TYP.=TYPICAL
- P.B.=PLAT BOOK
- P.G.=PAGE
- F.I.R.=FOUND IRON ROD
- F.I.P.=FOUND IRON PIPE
- S.I.R.=SET IRON ROD
- I.D.=IDENTIFICATION
- F/C=FENCE CORNER
- B.M.=BENCHMARK



PROFESSIONAL
SURVEYOR AND MAPPER
PHONE: (813) 423-3483
FAX: (813) 398-0111
www.gpsflorida.net

ORIGINAL
FIELD DATE

10/27/2022

JOB NO. 22-4358

DRAWN CAM

SHEET

1/1

Digitally signed by Julio C Rodriguez
DN: c=US, o=Unaffiliated,
ou=A01410C00000175DDC09CC300003D8
B, cn=Julio C Rodriguez
'Date: 2022.03.03 08:02:04 -0500



22-0672

SECTION 08, TOWNSHIP 29S, RANGE 20E, HILLSBOROUGH COUNTY



DESCRIPTION:
FROM SE CORNER OF W 1/2 OF NE 1/4 OF NE 1/4, RUN S89°48'00"W, 57.55 FEET; THENCE S02°33'03"W, 184.38 FEET; THENCE N89°43'35"E, 65.03 FEET; THENCE N00°31'18"E, 184.89 FEET TO THE POINT OF BEGINNING.

FLOOD ZONE INFORMATION:
COMMUNITY: HILLSBOROUGH COUNTY-120112
MAP/PANEL NO. 12057C0380K
SUFFIX: K
FIRM DATE: 10/07/2021
FLOOD ZONE: X

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FEET (NAVD88)

LEGAL DESCRIPTION WAS FURNISHED BY THE
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BEARINGS AS SHOWN HEREON ARE BASED
UPON AN ASSUMED VALUE OF N02°20'26"E
FOR THE EAST RIGHT OF WAY LINE OF VALLEY
TREE RD AS DEPICTED ON THE MAP OF
SURVEY.

LEGAL DESCRIPTION SUBJECT TO ANY
DEDICATIONS, LIMITATIONS, RESTRICTIONS,
RESERVATIONS OR RECORDED EASEMENTS.

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AS TO OWNERSHIP, POSSESSION OR
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UNLESS DEPICTED ON THIS MAP.

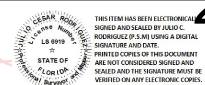
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22-0672



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.

Having in consideration that the lot size is approximate 57 feet deep by 185 feet wide.

I am requesting a variance of 18 feet from the required rear yard setback of 25 resulting in a rear yard of 7 feet.

I am requesting a variance of 5 feet from the required front yard setback of 25 resulting in a front yard of 20 feet

If approved, this variance will allow me to build a 30x40 feet new single family house on the property.

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

Section 11.04.02.B

ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No **X** 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): _____
3. Is this a request for a wetland setback variance? No **X** 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 **X** Septic Tank **X**
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 **X** 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 **19th 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 alleged hardship that is unique to this property is the pre-existing condition of the lot size of approximately 57' by 185'. The 57' depth creates a practical difficulty for meeting setbacks in the case of a new home construction.

This is a residential street, this lot being the last lot on the left hand side. There is a wooded area behind the property, separating it from the parking lot of an apartment complex. This proposed variance would be of no impact on the neighboring properties and would not encroach on the structures of any residents.

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.

As a residential street, the other lots have homes on them. The construction of a new home on this lot would not only fit in with the current use of the street, but would also beautify the unkempt area that has been that lot for some period of time. The unused land surrounding my property and separating it from the adjacent properties would make it appear as if the lot were in compliance.

The setback requirements for property zoned as RSC-3 are 25 feet from the front and rear of the property. Being only 57 feet deep, this would not allow for the building of a home.

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.

As previously noted, due to the position of the property on the end of the street, and in relation to the use of the rear property, where there exists a parking lot beyond a wooded area, there would be no impact on any other properties or their use. It would appear to onlookers, that the home structure meets setback requirements, given the current non-usable area in front of and behind my parcel.

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).

Yes, the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive plan in that it will allow residential use to be maintained in an agricultural/residential zoning district.

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 construction of a residential home on this parcel creates no hardship for any surrounding properties and represents no illegal acts.

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 issuance of this variance would result in only a positive impact on the area of this parcel's location. It will beautify the area which is currently unpleasant to look at. Additionally, it will allow me to build a home, which in turn creates an income for the community in the form of taxes.

Prepared by and return to:
Elizabeth A. Currie-Fuller
Americas Title Corporation
14001 North Dale Mabry Highway
Tampa, FL 33618
(813) 225-1231
File No 89-221007

Parcel Identification No A0655630000

[Space Above This Line For Recording Data]

WARRANTY DEED

(STATUTORY FORM – SECTION 689.02, F.S.)

This indenture made the **15th day of February, 2022** between of **JERRY T. HUJAR, INDIVIDUALLY AND AS TRUSTEE OF THE JERRY T. HUJAR TRUST DATED AUGUST 19, 2017** and **ROXANNE T. HUJAR, INDIVIDUALLY AND AS TRUSTEE OF THE ROXANNE T. HUJAR TRUST DATED AUGUST 19, 2017 AND AS HUSBAND AND WIFE**, whose post office address is **6035 Pine Street, Seffner, FL 33584**, of the County of Hillsborough, State of Florida, Grantors, to **Edunys Pérez Sarmiento**, whose post office address is **4016 McLane Drive, Tampa, FL 33610**, of the County of Hillsborough, State of Florida, Grantee:

Witnesseth, that said Grantors, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantors 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, Florida, to-wit:

A tract of land in the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 8, Township 29 South, Range 20 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southeast corner of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 8, run S.89°48'86"W., along the South boundary of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 8, a distance of 57.55 feet; thence S.02°33'03"W., a distance of 185.38 feet; thence run N.89°43.35'E., a distance of 65.03 feet; thence N.00°31'18"E., a distance of 184.89 feet to the POINT OF BEGINNING.

GRANTOR(S) HEREBY COVENANT(S) THAT SAID TRUST IS STILL IN FULL FORCE AND EFFECT AND HAS NOT BEEN AMENDED OR REVOKED. FULL POWER AND AUTHORITY IS GRANTED BY THIS DEED TO THE TRUSTEE OR SUCCESSOR TRUSTEES TO PROTECT, CONSERVE, SELL, LEASE, ENCUMBER OR OTHERWISE TO MANAGE AND DISPOSE OF THE REAL ESTATE OR ANY PART OF IT.

THE LAND DESCRIBED HEREIN IS NOT THE HOMESTEAD OF THE GRANTOR(S), AND NEITHER THE GRANTOR(S) NOR THE GRANTOR(S) SPOUSE, NOR ANYONE FOR WHOSE SUPPORT THE GRANTOR(S) IS RESPONSIBLE, RESIDES ON OR ADJACENT TO SAID LAND.

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

Subject to taxes for 2021 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in fee simple forever.

And Grantors hereby covenant with the Grantee that the Grantors are lawfully seized of said land in fee simple, that Grantors have good right and lawful authority to sell and convey said land and that the Grantors hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, Grantors have hereunto set Grantors' hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Lauren Hunt
WITNESS
PRINT NAME: Lauren Hunt

Shamuria Walton
WITNESS
PRINT NAME: Shamuria Walton

Jerry T. Hujar Trustee
JERRY T. HUJAR, INDIVIDUALLY AND AS TRUSTEE
OF THE JERRY T. HUJAR TRUST DATED AUGUST 19,
2017

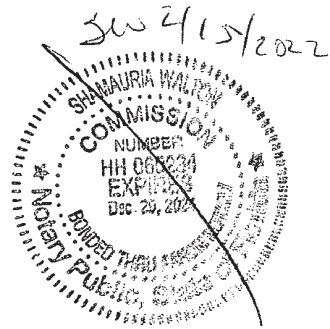
Roxanne T. Hujar Trustee
ROXANNE T. HUJAR, INDIVIDUALLY AND AS TRUSTEE
OF THE ROXANNE T. HUJAR TRUST DATED AUGUST 19,
2017

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of (X) physical presence or () online notarization this 15th day of February, 2022, by JERRY T. HUJAR, TRUSTEE OF THE JERRY T. HUJAR TRUST DATED AUGUST 19, 2017 and ROXANNE T. HUJAR, TRUSTEE OF THE ROXANNE T. HUJAR TRUST DATED AUGUST 19, 2017.

Shamuria Walton
Signature of Notary Public
Print, Type/Stamp Name of Notary

Shamuria Walton
Personally Known: _____ OR Produced Identification: FL DL
Type of Identification
Produced: FL DL



22-0672



Received
03/15/2022
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: 3700 Valley Tree Dr City/State/Zip: Tampa/FL/33619 TWN-RN-SEC: _____
Folio(s): 065563-0000 Zoning: AR/RSC-3 Future Land Use: Residential Property Size: 11,431 SQ/FT

Property Owner Information

Name: Edunys Perez Sarmiento Daytime Phone: 813-580-9067
Address: 6512 E 23rd Ave City/State/Zip: Tampa/ FL/ 33619
Email: edunys@hotmail.com FAX Number: _____

Applicant Information

Name: Edunys Perez Sarmiento Daytime Phone: 813-580-9067
Address: 6512 E 23rd Ave City/State/Zip: Tampa / FL / 33619
Email: edunys@hotmail.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 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.

Digitally signed by PEREZ SARMIENTO.EDUNYS.1548279204
DN: C=US, O=U.S. Government, OU=DoD, OU=PKI, OU=USAF, CN=PEREZ SARMIENTO.EDUNYS.1548279204
Reason: I agree of this information.
Location: Tampa, FL
Date: 2022.03.11 08:45:07-05'00'

Signature of Applicant

Edunys Perez Sarmiento

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.

Digitally signed by PEREZ SARMIENTO.EDUNYS.1548279204
DN: C=US, O=U.S. Government, OU=DoD, OU=PKI, OU=USAF, CN=PEREZ SARMIENTO.EDUNYS.1548279204
Reason: I agree of this information.
Location: Tampa, FL
Date: 2022.03.11 08:48:15-05'00'

Signature of Property Owner

Edunys Perez Sarmiento

Type or Print Name

Office Use Only

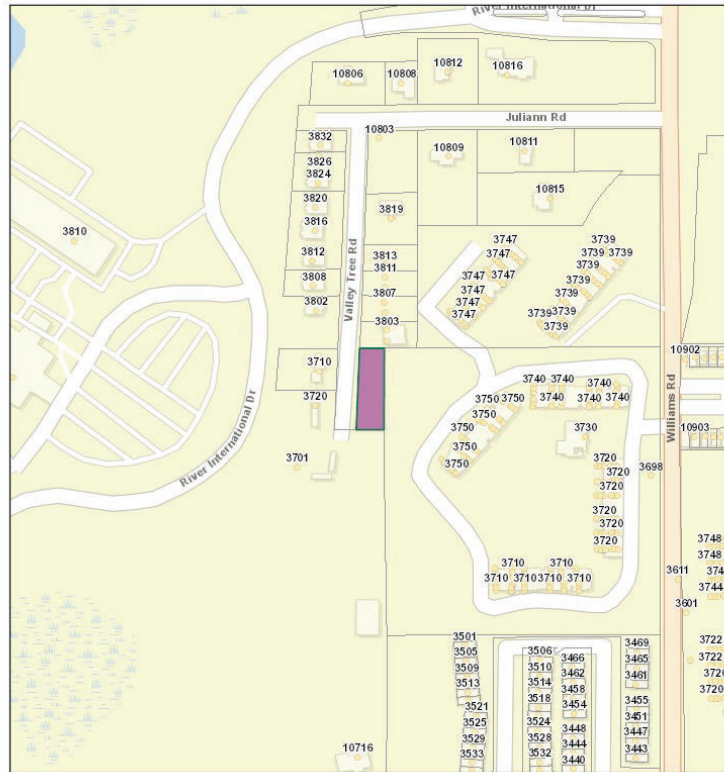
Intake Staff Signature: Ana Lizardo Intake Date: 03/15/22
Case Number: 22-0672 Public Hearing Date: 05/23/2022
Receipt Number: _____



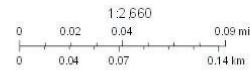
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AR
Description	Agricultural - Rural
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0380J
FIRM Panel	12057C0380J
Suffix	J
Effective Date	Fri Sep 27 2013
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120380E
County Wide Planning Area	Seffner Mango
Community Base Planning Area	Seffner Mango
Census Data	Tract: 012104 Block: 3022
Future Landuse	UMU-20
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	2
Fire Impact Fee	Northeast
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 4
Wind Borne Debris Area	Outside 140 MPH Area
Aviation Authority Height Restrictions	150' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 65563.0000



March 16, 2022



© Hillsborough County - Public Works - Geomatics - Streets & Addresses

Hillsborough County Florida

Folio: 65563.0000
PIN: U-08-29-20-ZZZ-000002-40450.0
EDUNYS SARMIENTO PEREZ

Mailing Address:

4016 MCLANE DR
TAMPA, FL 33610

Site Address:

0 VALLEY TREE DR
TAMPA, FL 33610

SEC-TWN-RNG: 08-29-20

Acreage: 0.25996599

Market Value: \$45,267.00

Landuse Code: 0000 VACANT RESIDENT

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.

22-0672