

LAND USE HEARING OFFICER VARIANCE REPORT (REVISED)

APPLICATION NUMBER: VAR 22-1140	
LUHO HEARING DATE: August 22, 2022	CASE REVIEWERS: Ryan L. Joyce Chris Grandlienard

REQUEST: The applicant is requesting setback variances to accommodate a proposed detached two-story garage on property zoned RSC-2.

VARIANCES:

Wetland Setback

Per LDC Section 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 two-story garage within the 30-foot wetland conservation area setback. The applicant requests a 10-foot reduction of the setback to allow for a setback of 20 feet.

There is an existing encroachment of 2,061 square feet into the wetland conservation area setback. This existing encroachment includes the home and other structures. This home was built prior to the inception of the Land Development Code. The proposed new encroachment will be 239 square feet.

Accessory Structure Setback

Per LDC Section 6.11.04.C.1, accessory structures shall be permitted in front yards at twice the depth of the required front yard, or 50 feet, whichever is less, and such structures shall not occupy required side yards. Per LDC Section 6.01.01, a minimum front yard setback of 25 feet is required in the RSC-2 district. Therefore, the required front setback for the subject garage is 50 feet. The applicant requests a 9-foot reduction to the required front setback to allow a setback of 41 feet from the easternly property line along Holly Lane.

The required side yard setback in the RSC-2 district is 10 feet. Per the site plan submitted by the applicant, the garage will be set back 11.3 feet from the northernly side property line.

FINDINGS:

• Per LDC Section 6.11.04, accessory structures which meet the primary building setbacks of the property's zoning are permitted the maximum height allowed in the district. Per LDC Section 6.01.01, the maximum building height allowed in the RSC-2 district is 35 feet. According to the applicant, the proposed garage will be 31 feet, 1.25 inches in height.

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

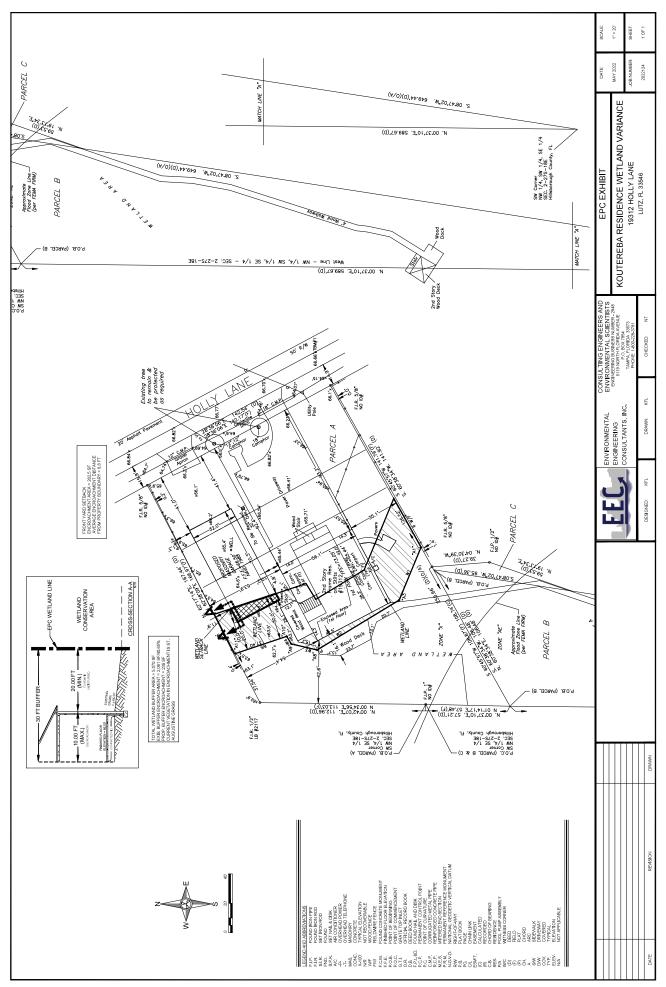
t Tue Aug 92022 14:50:52

Attachments: Application

Site Plan

Petitioner's Written Statement

Current Deed





Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR-WS-22-1140 Applicant's Nam	e:Michael Nolan
Reviewing Planner's Name:Christopher Grandlienard	Date: 07/19/22
Application Type:	
Planned Development (PD) Minor Modification/Personal Apper Variance (VAR) Development of Regional Impact (Special Use (SU) Conditional Use (CU) Current Hearing Date (if applicable):	
The following must be attached	ed to this Sheet.
Cover Letter with summary of the changes and/or additional infor submitted, all changes on the site plan must be listed in detail in the C	Cover Letter.
An updated Project Narrative consistent with the changes or addi	tional information provided, if applicable.
Submittal Via:	
Email (Preferred). Note that no follow up paper file is necessary. Pdf format	Only Maximum attachment(a) size is 15 AAD
Email this sheet along all the additional/revised submittal items in pdf	to: ZoningIntake-DSD@hcflgov.ngt
Mail or delivery. Number of Plans Submitted: Large Sm	
For PD, MM, PRS and SU: 7 large copies 24"X36", one small 8.5X11". For RZ-Standard: if plot plan is larger than 8.5"X11", 7 large copies should be subfor Minor Change: 6 large copies. For Variances or Conditional Use permits: one 8.5"X11" or larger)	
Mail to:	Hand Deliver to:
Development Services Department Community Development Division	County Center
P.O. Box 1110 Tampa, FL 33601-1110	Development Services Department 19th Floor 601 E. Kennedy Blvd., Tampa
certify that changes described above are the only changes that have changes will require an additional submission and certification. Signature	been made to the submission. Any further 7/19/22 Date
FOR OFFICE USE ONLY	
Notification E-Mail Sent Scanned into OPTIX	
Transmittal Completed	In-Take Completed by:



Mr. Christopher Grandlienard Hillsborough County Development Services Department P.O. Box 1110 Tampa, FL 33601

Re: Variance Application Revision Request - 19312 Holly Lane in Lutz, FL 33548

VAR-WS-22-1140

To Whom It May Concern:

On behalf of the Lelainya Koutereba, Environmental Engineering Consultants, Inc. (EEC) is submitting a request to revise the Variance Application for 19312 Holly Lane in Lutz, FL 33548.

The following items are contained in this request package:

- 1. Cover Sheet (this letter)
- 2. Signed Additional/Revised Information Sheet
- 3. Updated Narrative (this letter)

This revision request is to update the "Nature of Request" to Variance to Encroach into the Wetland Setback, Variance to Accessory Structure Requirements

Updated Narrative (changes in **bold**):

Owners of the Property want to construct a 2,250-sf two-story masonry garage on the north side of the existing single-family residence. A building permit was submitted and upon review, it was determined a jurisdictional wetland line was needed. The wetland line was determined via EPC and found that current building and structures have encroached 2,061-sf or 40.65% of the wetland setback. The proposed masonry garage would encroach an additional 660.6-sf into the wetland setback. In order to limit the amount of wetland setback encroachment, the owners decided to move the masonry garage closer to Holly Lane.

This variance request is both a front-yard setback for the accessory **structure** and for the wetland setback encroachment. The request is for 239-sf of wetland buffer setback encroachment with a maximum distance of 10-ft and for a front yard accessory **structure** setback encroachment of 282.5-sf with an average distance of 8.8-ft. The proposed garage is designed to accommodate a garage, workshop, office and gym for the owners. The two-story design would have the office and gym on the second floor and the garage and workshop on the first floor.

If you have any questions, please contact us at 813-237-3781.

Sincerely,

Environmental Engineering Consultants, Inc.

Michael Nolan, Professional Engineer

Αţ	plication	Number:	
----	-----------	---------	--

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.

Please see attached document for 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?
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.
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.
1.	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).
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.
б.	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.

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 owners of the property at 19312 Holly Lane are proposing a 2,250-sf two-story masonry garage with an office, workshop and gym to be located on the north side of the existing single-family residence. The property is currently zoned RSC-2 and per Hillsborough County LDC Section 6.11.04, accessory structures are to be constructed at twice the front yard depth (25-ft). A building permit was applied for in April 2021. After review, Natural Resources required that a formal wetland delineation take place to determine the required setback. EPC placed six (6) flags running northwest to southeast to the rear of the current structure. The wetland has a 30-ft upland buffer which cover an area of 5,070-sf. The current footprint of the residence encroaches approximately 2,721.6-sf and the proposed new addition would encroach approximately 660.6-sf. After review of the plans, the owners decided to lessen the impact of the wetland buffer by shifting the building towards the Holly Lane. The updated proposed addition would now encroach 239-sf into the wetland buffer area. This new layout would now encroach approximately 282.5-sf into the front yard setback.

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 front-yard setback for accessory structures inhibits the owners from constructing the proposed garage without encroaching on the wetland buffer setback. Because of the stilted house, there is no enclosed area for vehicle storage, which is a concern for the owners. Because of the irregular lot shape, there are no other viable locations for the proposed garage.

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.

We do not foresee any interference or injury of rights to adjacent properties nor other neighborhood owners. The owners have re-configured the proposed garage to limit the total square footage of setback for both the wetland and front-yard accessory unit.

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).

We believe that the variance aligns with Section 1.02.02 as the request process and submittal is comprehensive and does not interfere with the goals and objectives of the Future of Hillsborough Comprehensive Plan. The variance is in harmony with Section 1.02.03 "in order to foster comfort and welfare, and to aid in the...orderly and progressive development of the unincorporated areas..." This variance would not conflict cause detrimental effects to the overall purpose and intent of the LDC.

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.

There have been no documented illegal acts nor self-imposed hardships in regards to this variance request. The owners are acting in good faith with direction from Hillsborough County Development Services and Natural Resources.

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.

This variance will not inhibit the purpose or intent of the LDC. The Property currently features a single-family residence with limited function for the owners. The variance will provide the current owners with multiple benefits including protection of vehicle assets, gymnasium, workshop and office space.

If the variance is not granted, the owners will suffer the costs and expense necessary to reach this point in the building process. The owners were not aware that a wetland delineation was required until after a building permit had been applied for and since that time, the project has been put on hold.

INSTRUMENT#: 2012278632, BK: 21292 PG: 1931 PGS: 1931 - 1933 08/07/2012 at 02:52:30 PM, DOC TAX PD(F.S.201.02) \$1470.00 DEPUTY CLERK:SSPENCER Pat

Frank, Clerk of the Circuit Court Hillsborough County

This document prepared by and return to:

Thomas Boyle ServiceLink 400 Corporation Drive Aliquippa, PA 15001

Parcel ID #: 12564-0000

SL # 2971382

Loan #: 11-0120353

SPECIAL WARRANTY DEED

This SPECIAL WARRANTY DEED, dated 3/21/12 by The Bank of New York Mellon F/K/A The Bank of New York as Trustee for the Benefit of Alternative Loan Trust 2007-4CB Mortgage Pass-Through Certificates, Series 2007-4CB, whose post-office address is **2375 N**. **Glenville, Dr, Mail Code TX 29830101, Richardson, TX 75082,** hereinafter called the GRANTOR, to Lelainya Koutereba whose post-office address is 19312 Holly Lane, Lutz, FL. 33548 hereinafter called the GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all 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 **Two Hundred Ten Thousand and 00/100 Dollars (\$210,00.00)**, 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, to wit:

The land referred to herein below is situated in the County of Hillsborough, State of Florida, and is described as follows:

PARCEL A

BEGIN AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 SECTION 2.

TOWNSHIP 27 SOUTH, RANGE 18 EAST, HILLSBOROUGH COUNTY, FLORIDA, AND RUN NORTH 00

DEG. 42'07" EAST 112.96 FEET; THENCE NORTH 62 DEG. 17'14" EAST, 167.44 FEET TO A POINT ON THE

WEST RIGHT-OF-WAY LINE OF HOLLY LANE (A 50.00 FOOT RIGHT-OF-WAY BY OCCUPATION); THENCE SOUTH 28 DEG. 36'06" EAST, 142.54 FEET; THENCE SOUTH 60 DEG. 38'34" WEST, 250.66 FEET;

THENCE NORTH 00 DEG. 37'10"EAST, 57.21 FEET TO THE POINT OF BEGINNING.

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF

SAID SECTION 2, THENCE SOUTH 00 DEG. 37'10" WEST, ALONG THE WEST BOUNDARY OF THE

NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 2, A DISTANCE OF 57.21 FEET TO THE

POINT OF BEGINNING; THENCE NORTH 60 DEG. 38'34" EAST, A DISTANCE OF 106.48 FEET; THENCE

SOUTH 8 DEG. 47'02" WEST, A DISTANCE OF 649.44 FEET TO THE SOUTHWEST CORNER OF THE

NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 2; THENCE

NORTH 00 DEG. 37'10" EAST ALONG THE WEST BOUNDARY OF THE NORTHWEST 1/4 OF THE

SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 2, A DISTANCE OF 589.67 FEET TO THE

POINT OF BEGINNING.

PARCEL C

A PARCEL OF LAND IN THE NORTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 2, TOWNSHIP 27 SOUTH, RANGE 18 EAST, HILLSBOROUGH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼, THENCE RUN SOUTH 00 DEG. 37'10" WEST, 57.21 FEET; THENCE RUN NORTH 60 DEG. 38'34" EAST, 106.48 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 8 DEG. 47'02" WEST 95.36 FEET; THENCE RUN NORTH 19 DEG. 13"34" EAST 59.53 FEET; THENCE RUN NORTH 4 DEG. 30"39" WEST, 39.27 FEET; THENCE RUN SOUTH 60 DEG. 38'34" WEST, 2.26 FEET TO THE POINT OF BEGINNING.

Tax ID: 12564-0000

Commonly known as: 19312 Holly LN Lutz FL 33548-5053

Being the same property conveyed to The Bank of New York Mellon F/K/A The Bank of New York as Trustee for the Benefit of Alternative Loan Trust 2007-4CB Mortgage Pass-Through Certificates, Series 2007-4CB, by Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, FKA Countrywide Home Loans Servicing, LP, as attorney in fact.

GRANTOR HEREBY AFFIRMS THE PROPERTY DESCRIBED HEREIN IS NON-HOMESTEAD.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2012 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature:

Print Name:

Signature:

Print Name: Cathy Davidson

The Bank of New York Mellon F/K/A The Bank of New York as Trustee for the Benefit of Alternative Loan Trust 2007-4CB Mortgage Pass-Through Certificates, Series 2007-4CB, by Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, FKA

Countrywide Hothe Loans Servicing, LP, as attorney in fact. By:

Its: Assistant Vice President

STATE OF

Arizona

COUNTY OF

Maricopa

THE FOREGOING INSTRUMENT was acknowledged before me this 22 day of March 2012 by Kerri Ryan AVP of The Bank of New York Mellon F/K/A The Bank of New

York as Trustee for the Benefit of Alternative Loan Trust 2007-4CB Mortgage Pass-Through Certificates, Series 2007-4CB, by Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, FKA Countrywide Home Loans Servicing, LP, as attorney in fact appearing on behalf of the corporation with full authority to act for said corporation. He/She is personally known to me or has produced

as identification.

(SEAL)

BOBBY MCCARTHER Notary Public - Arizona Maricopa County Commission Expires July 6, 2012

Notary Public

Print Name:

Bobby McCarther

My Commission Expires:

July 6, 2012



VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-277-1630.

All requirements listed on the submittal checklist must be met. Incomplete applications will not be accepted.

Property Information

Troporty.	
Address: 19312 Holly Lane City/State/Zip: L	utz, FL 33548 TWN-RN-SEC: 02-27-18
Folio(s): 12564-0000 Zoning: RSC-2	Future Land Use: No Change Property Size: 1.3 acres
Property Own	ner Information
Name: Lelainya Koutereba	Daytime Phone: 813-482-3741
Address: 19312 Holly Lane	City/State/Zip: _Lutz, FL 33548
Email: <u>lelainya@gmail.com</u>	FAX Number: N/A
Name: Same as Property Owner Applicant	InformationDaytime Phone:
Address:	City/State/Zip:
Email:	FAX Number:
Michael Nolan of Environmental Engineering Address: 5119 N Florida Ave Email: mnolan@eec-tampabay.com 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	City / State/Zip: Tampa, FL 33603 FAX Number: N/A 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
AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION. LELA IN YA KOUTERESA Type or Print Name	CURRENT AND ANY FUTURE OWNERS. LELA IN YA KOUTEREVSA Type or Print Name
Intake Staff Signature: Clare Odell Office Case Number: 22-1140 Receipt Number: 175052	Use Only Intake Date: 6/28/2022 Public Hearing Date: 8/22/2022

Planning and Growth Management Department, 601 E Kennedy Blvd. 20th Floor



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-2
Description	Residential - Single-Family Conventional
RZ	84-0380
Flood Zone:AE	BFE = 65.5 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0061H
FIRM Panel	12057C0061H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	Α
Pre 2008 Firm Panel	1201120065D
County Wide Planning Area	Lutz
Community Base Planning Area	Lutz
Census Data	Tract: 011103 Block: 2001
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO



Hillsborough County Forkla

Folio: 12564.0000
PIN: U-02-27-18-ZZZ-000000-47450.0
LELAINYA KOUTEREBA TRUSTEE
Mailing Address:
19312 HOLLY LN
LUTZ, FL 33548
Site Address:
19312 HOLLY LN
LUTZ, FI 33548

SEC-TWN-RNG: 02-27-18 Acreage: 1.30189002 Market Value: \$490,533.00 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.

2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >	
< THIS PAGE WAS INTENTIONALLY LEFT BLANK >	