



**Hillsborough
County Florida**

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0456

LUHO HEARING DATE: April 26, 2021

CASE REVIEWER: Tim Lampkin, AICP

REQUEST: The applicant is requesting a variance to access requirements for a proposed two lot subdivision of an existing flag lot zoned AS-1.

VARIANCE(S):

Flag Lot

Per LDC Section 6.02.01.B.4.a.(2), the private drive serving a flag lot shall be a minimum of 20 feet in width and shall provide access only to that lot. The applicant requests a variance to allow the 20-foot-wide driveway extension serving the existing flag lot to provide access to two parcels.

Access Easement Width

Per LDC Section 6.02.01.5.c, easements serving two dwelling units must be a minimum width of 30 feet. The applicant requests a 10-foot reduction to the required access easement width to allow an easement width of 20 feet to serve two lots.

FINDINGS:

- Per LDC Section 6.01.01, a minimum lot area of 43,560 square feet (one acre) is required in the AS-1 district. The subject site is over 4 acres. Per the applicant's proposed site plan submitted on April 7, the new lots will be approximately 71,700 square feet, and 114,400 square feet in area. The subject parcels are approximately 340 feet wide, which exceeds the 150-foot minimum lot width requirement.
- The property is located in the Rural Area.
- If the variance is approved, the applicant will be required to secure subdivision approval from Hillsborough County for the proposed parcel split. The applicant will be required to depict, among other things, the proposed access easement on the subdivision plan.
- No variances other than those stated in this report have been requested by the applicant. Staff has advised the applicant that the new east-to-west lot line splitting the parcel, as shown on the submitted site plan, must be at least 50 feet from the existing dwelling on the parcel.

DISCLAIMER:

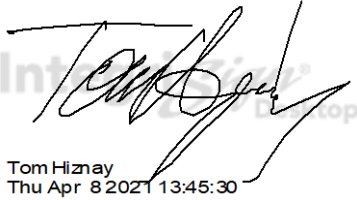
The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required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

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ADMINISTRATOR'S SIGN-OFF



Tom Hiznay
Thu Apr 8 2021 13:45:30

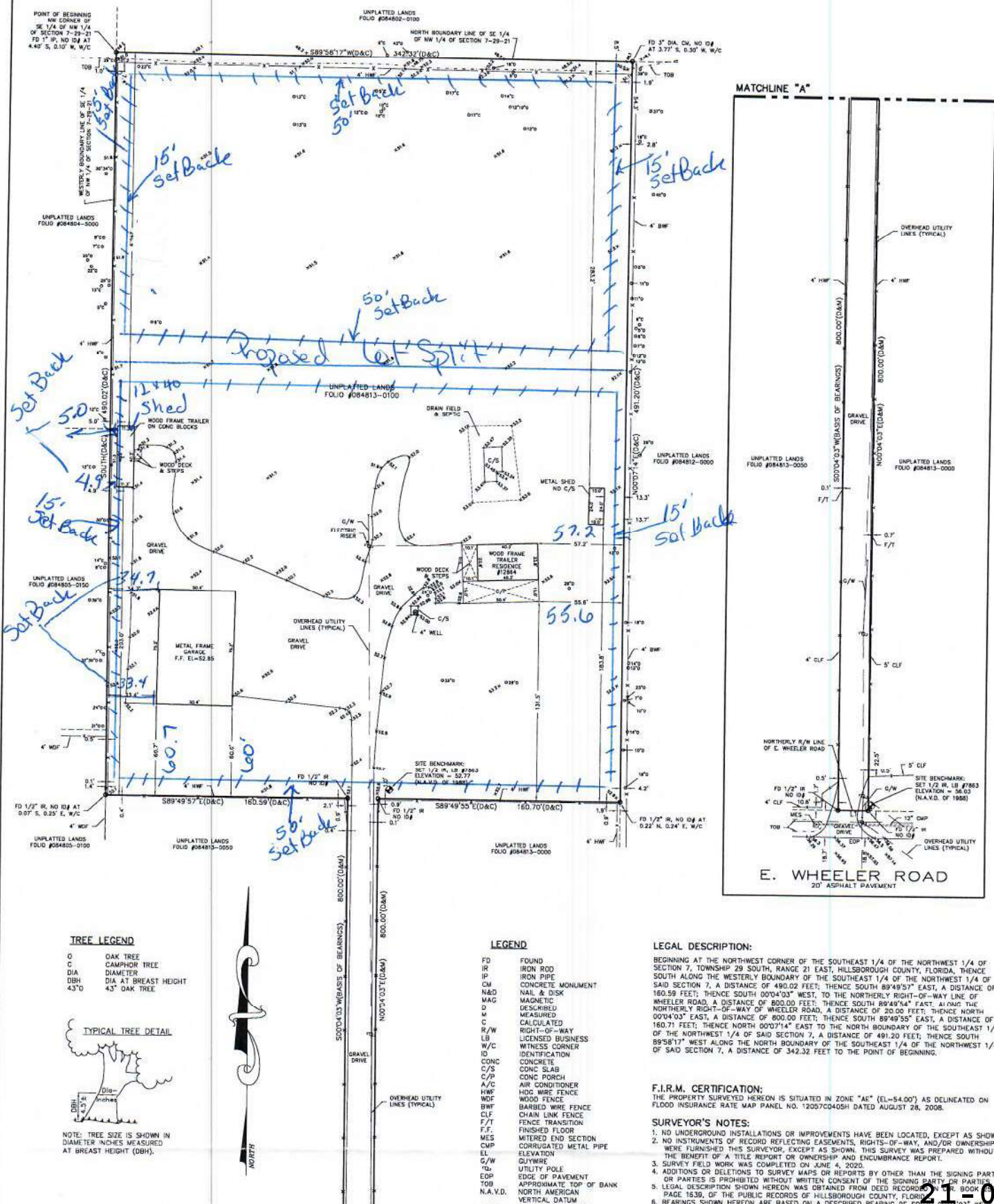
Attachments: Application
Site Plan
Petitioner's Written Statement
Current Deed

Not to Scale

Zoning AS-1

MAP OF SURVEY
SECTION 7, TOWNSHIP 29 SOUTH, RANGE 21 EAST
HILLSBOROUGH COUNTY, FLORIDA

SITE ADDRESS:
12864 E. WHEELER ROAD



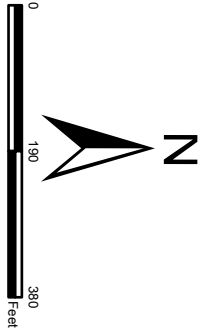


Immediate Aerial
Zoning Map

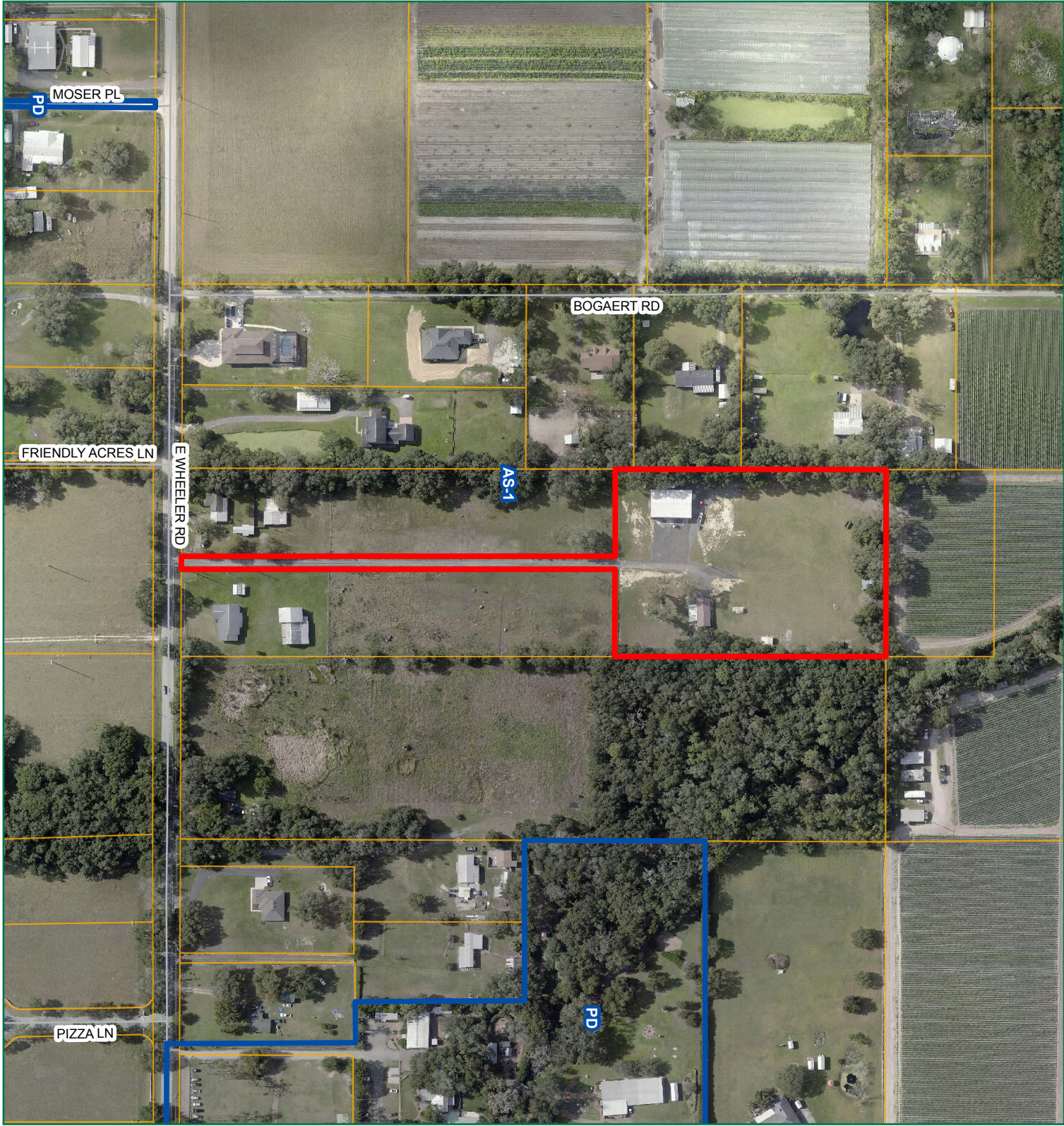
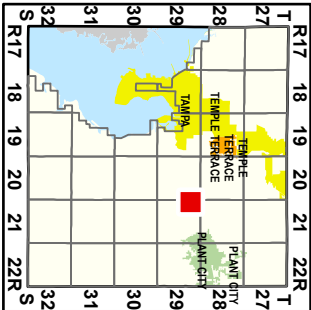
VAR 21-0456

Folio: 84813.0100

- Application Site
- Zoning Boundary
- Parcels



STR: 7-29-21



NOTE: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied. It is not to be used for legal purposes, and it is not to be relied upon for any purpose.

SOURCE: This map has been prepared for the purpose of providing a visual representation of the information contained in the public records of Hillsborough County and is compiled from recorded deeds, plats, and other AVAILABLE data.

Users of this map are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this map.

Date: 03/09/2021 Path: G:\ZONING\GIS\Data\Zoning- Site.aprx


**Hillsborough
County Florida**

Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

Additional / Revised Information Sheet

Date Stamp Here

Application Number: 21-0456 Applicant's Name: David & Cynthia HowardReviewing Planner's Name: Timothy Lampkin Date: 05/06/2021

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): _____

The following must be attached to this Sheet.

- ☒ Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.
- ☒ An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Submittal Via:

- ☐ Email (Preferred). Note that no follow up paper file is necessary. Pdf format only. Maximum attachment(s) size is 15 MB.

Email this sheet along all the additional/revised submittal items in pdf to: ZoningIntake-DSD@hcfllgov.net

- ☐ Mail or delivery. Number of Plans Submitted: Large _____ Small _____

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 submitted.

For Minor Change: 6 large copies.

For Variances or Conditional Use permits: one 8.5"X11" or larger)

Mail to:
 Development Services Department
 Community Development Division
 P.O. Box 1110
 Tampa, FL 33601-1110
Hand Deliver to:
 County Center
 Development Services Department
 19th Floor
 601 E. Kennedy Blvd., Tampa

I certify that changes described above are the only changes that have been made to the submission. Any further changes will require any additional submission and certification.

David Howard Cynthia Howard
Signature

04/07/2021

Date

FOR OFFICE USE ONLY

- ☐ Notification E-Mail Sent
 ☐ Scanned into OPTIX
- ☐ Transmittal Completed

In-Take Completed by: _____

Application Number: 21-0456

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.

To allow access to two parcels with a mn. width of 20 feet.

a Variance to the flag driveway to allow access to 2 lots

With this Variance we can keep the 960 sq ft Manufactured Home, which just 60 sq ft over the allowed accessory structures. Being we over 4 acres this Variance will allow us to build a new home

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

6.02.01.B5.C.2

6.02.01.B.4.a.2

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 (Attachment A).
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 and/or septic 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 Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing (form may be obtained from 19th floor County Center).



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Development Services

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Reviewing Planner's Name: Timothy Lampkin Date: 05/06/2021

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FOR OFFICE USE ONLY

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In-Take Completed by: _____

Application Number: 21-0456

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?

With over 4 acres, one unit per acre, The Variance will allow us to keep the Manufactured Home instead of destroying it in case of a hardship with family.

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.

If denied we would need to destroy the manufactured home in order to build and improve our property value.

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.

I have submitted approval letters from neighbors stating approval. The two neighbors on the left and right side of the Private Drive (Easement) included their letters of support of this 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).

With approval of the Variance we will be able to build a new home without having to destroy the Manufactured Home that could be used in the future for Family in case of hardship.

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 Variance doesn't create any problems, as we have over 4 acres and no opposing neighbors.

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.

By not allowing the Variance we can not move forward with improvements that increase property value.

This instrument prepared by:

Name: C. Leiman an employee of
Executive Title of Florida, Inc.
Address: 170 E. Bloomingdale Ave.
Brandon, FL 33511

Return to: Executive Title of Florida, Inc.
FILE NO. 170783
Address: 170 E. Bloomingdale Ave.
Brandon, FL 33511

Property Appraisers Parcel Identification Number(s): 084813-0100
Grantee(s) S.S #'s:

INSTRUMENT#: 2017347365, O BK 25205
PG 1639-1639 08/31/2017 at 10:57:45 AM,
DOC TAX PD(F.S.201.02) \$1050.00 DEPUTY
CLERK: BLOGGANS Pat Frank, Clerk of the
Circuit Court Hillsborough County

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED Made the 24th day of August, 2017 by JAMES O. DUVALL whose post office address is 7716 FRANKLIN ROAD, PLANT CITY, FL 33565-3134, hereinafter called the grantor, to DAVID N. HOWARD and CYNTHIA L. HOWARD, HUSBAND & WIFE whose post office address is 12864 E. WHEELER ROAD, DOVER, FL 33527-5948, hereinafter called the grantee:

(Wherever used herein the terms "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 \$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, State of **FLORIDA** viz:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 29 SOUTH, RANGE 21 EAST, HILLSBOROUGH COUNTY, FLORIDA, THENCE SOUTH ALONG THE WESTERLY BOUNDARY OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 7, A DISTANCE OF 490.02 FEET, THENCE SOUTH 89 DEGREES 49' 57" EAST, A DISTANCE OF 160.59 FEET, THENCE SOUTH 00 DEGREES 04' 03" WEST, TO THE NORTHERLY RIGHT-OF-WAY LINE OF WHEELER ROAD, A DISTANCE OF 800.00 FEET, THENCE SOUTH 89 DEGREES 49' 54" EAST, ALONG THE NORTHERLY RIGHT-OF-WAY OF WHEELER ROAD, A DISTANCE OF 20.00 FEET, THENCE NORTH 00 DEGREES 04' 03" EAST, A DISTANCE OF 800.00 FEET, THENCE SOUTH 89 DEGREES 49' 55" EAST, A DISTANCE OF 160.71 FEET, THENCE NORTH 00 DEGREES 07' 14" EAST TO THE NORTH BOUNDARY OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 7, A DISTANCE OF 491.20 FEET, THENCE SOUTH 89 DEGREES 58' 17" WEST ALONG THE NORTH BOUNDARY OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 7, A DISTANCE OF 342.32 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A 1985 SUNC MOBILE HOME ID# D221148A AND D221148B.

GRANTOR WARRANTS THIS IS NON HOMESTEAD PROPERTY.

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining. **To Have and to Hold**, the same in fee simple forever.

And the grantor hereby covenants with the 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 whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31ST, 2016. FURTHER SUBJECT TO restrictions, reservations, covenants and easements of record, if any, however this reference shall not operate to reimpose same.

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

Signed, sealed and delivered in the presence of:

Signature

Printed Signature

JAMES O. DUVALL

21-0456



Received
03/01/2021
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: 12864 E. Wheeler Rd City/State/Zip: Dover, FL 33527 TWN-RN-SEC: 7/29/21
Folio(s): 084813-0100 Zoning: AS-1 Future Land Use: R-1 Property Size: 4.39

Property Owner Information

Name: David N. & Cynthia L. Howard Daytime Phone: 813-477-0735
Address: 12864 E. Wheeler Rd City/State/Zip: Dover, FL 33527
Email: cindy davidhoward@gmail.com FAX Number: 813-685-4721

Applicant Information

Name: David N. & Cynthia L. Howard Daytime Phone: 813-477-0735
Address: 12864 E. Wheeler Rd City/State/Zip: Dover, FL 33527
Email: cindy davidhoward@gmail.com FAX Number: 813-477-0735

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.

Signature of Applicant

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.

David Howard Cynthia Howard
Signature of Property Owner

David Howard Cynthia Howard
Type or Print Name

Office Use Only

Intake Staff Signature: Ana Lizardo Intake Date: 03/01/2021
Case Number: 21-0456 Public Hearing Date: 04/26/2021
Receipt Number: 21-0456



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AS-1
Description	Agricultural - Single-Family
Overlay	null
Restr	null
Flood Zone:AE	
Flood Zone:AE	FLOODWAY
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0405H
FIRM Panel	12057C0405H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120425C
County Wide Planning Area	East Rural
Census Data	Tract: 012209 Block: 1001
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	3
Fire Impact Fee	Central
Parks/Schools Impact Fee	CENTRAL
ROW/Transportation Impact Fee	ZONE 4
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



Folio: 84813.0100
PIN: U-07-29-21-ZZZ-000003-94710.0
DAVID N AND CYNTHIA L HOWARD
Mailing Address:
 12864 E WHEELER RD
 DOVER, FL 33527-5948
Site Address:
 12864 E WHEELER RD
 DOVER, FL 33527
SEC-TWN-RNG: 07-29-21
Acreage: 4.39755011
Market Value: \$282,042.00
Landuse Code: 0200 MOBILE HOMES

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.

21-0456

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