



**Hillsborough
County Florida**

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0460

LUHO HEARING DATE: April 26, 2021

CASE REVIEWER: Laura Marley

REQUEST: The applicant is requesting a variance to the required side yard setback for a proposed accessory dwelling unit on a lot zoned ASC-1 (Agricultural, Single-Family Conventional) District.

VARIANCE(S):

Per LDC Section 6.11.02.E, an accessory dwelling shall meet principal building setbacks. Per LDC Section 6.01.01, a minimum side yard setback of 15 feet is required in the ASC-1 District. The applicant requests a 10-foot reduction to the required east side yard to allow a five-foot setback.

FINDINGS:

- The subject property does not meet the minimum lot size of the ASC-1 District. However, it has been certified as a legal nonconforming lot, per NCL 21-0579 in the case record.
- Per LDC Section 6.11.02.C, a maximum of 900 square feet of living space is permitted in an accessory dwelling. The floor plan submitted by the applicant shows the proposed accessory dwelling structure will be 2,400 square feet in size, with 1,600 square feet of garage space and 800 square feet of living space. Per LDC Section 6.11.02.C, living space calculations for an accessory dwelling do not include garage space provided that area is not conditioned and is utilized solely for vehicle parking and storage.

DISCLAIMER:

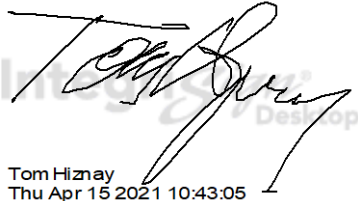
The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required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

APPLICATION: VAR 21-0460

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CASE REVIEWER: Laura A. Marley

ADMINISTRATOR'S SIGN-OFF



Tom Hiznay
Thu Apr 15 2021 10:43:05

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

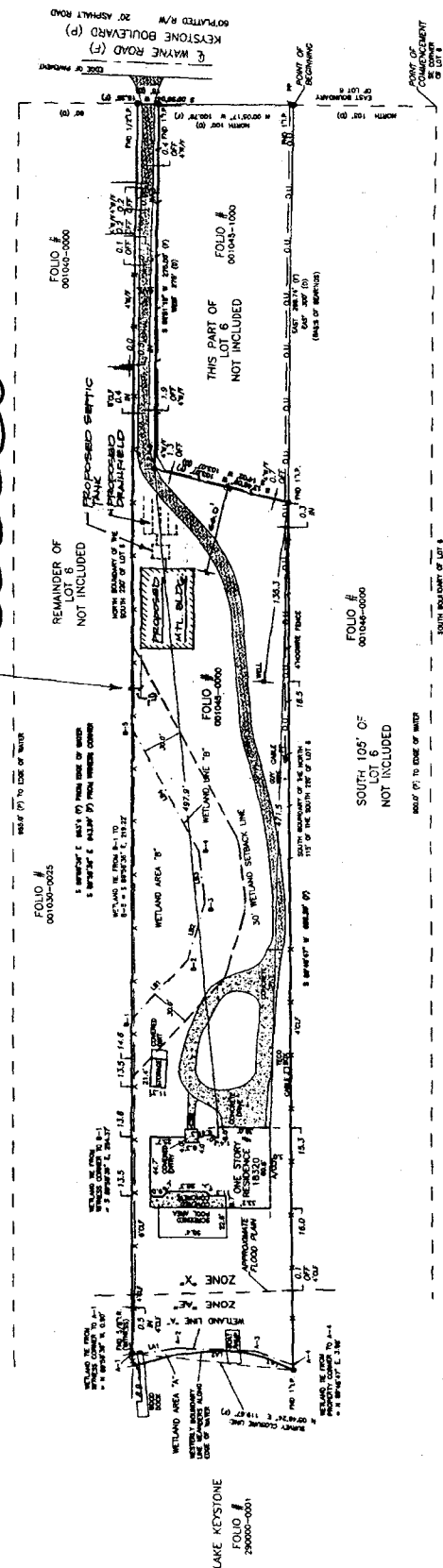
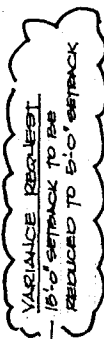
BOUNDARY SURVEY

SECTION 15, TOWNSHIP 27 SOUTH, RANGE 17 EAST
HILLSBOROUGH COUNTY, FLORIDA.

LEGAL DESCRIPTION:
THE NORTH 115.00 FEET OF THE SOUTH
220.00 FEET OF LOT 6, OF KEYSTONE LAKE
VIEW PARK, ACCORDING TO THE MAP OR PLAT
HEREIN AS RECORDED IN PLAT BOOK 26,
PAGE 38, OF THE PUBLIC RECORDS OF
AND THEREAFTER, BEGINNING AT THE POINT OF
COMMENCEMENT AT THE SOUTHEAST CORNER OF
SAYD LOT 6 AND RUN THENCE NORTH ALONG
THE EAST BOUNDARY OF SAID LOT 6 A
DISTANCE OF 105 FEET; RUN THENCE
NORTH 105 FEET; RUN THENCE WEST 151.9200 W.
A DISTANCE OF 103.07 FEET; RUN THENCE
EAST 300 FEET TO THE POINT OF BEGINNING.



OVERALL ACREAGE = 1.88 ACRES MORE OR LESS
UPLAND ACREAGE = 1.71 ACRES MORE OR LESS
WETLAND ACREAGE = 0.17 ACRES MORE OR LESS
WETLAND LINE LINEAR FOOTAGE = 371 MORE OR LESS



- 1) BEARINGS ARE BASED UPON (SEE DRAWING)
- 2) CORRECTION TO BE MADE TO FLOOD ZONE "X" & "A2"
- 3) DEED REFERENCE TO BE MADE TO "H" PANEL, P12037-0039 SURVEY 10"
- 4) INSURANCE RATE MAY REVISED 8-28-2008
- 5) ELEVATIONS ARE BASED ON NAVD 83 DATUM
- 6) LEGAL DESCRIPTIONS FURNISHED BY TITLE COMPANY
- 7) ALL SURVEYS CONDUCTED IN ACCORDANCE WITH U.S. F.S. 100.01
- 8) ALL SURVEYS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.
- 9) WHEREFORE, THERE MAY BE OTHER UNRECORDED ENCUMBRANCES, RIGHT-OF-WAY, SETBACK LINES, EASEMENTS, OR OTHER INTERESTS IN THE SUBJACENT LANDS, PARTICULAR WATERS OF PUBLIC RECORD, NOT SHOWN OR REFLECTED ON THIS SURVEY.
- 10) FENCE LOCATION DOES NOT DETERMINE OWNERSHIP OF LANDS. THE FENCE IS OFF COURSE, AND DOES NOT ALWAYS FENCE IS CONSIDERED THE PROPERTY.

Certificate of Authorization "LB 46945"

**DON WILLIAMSON
&
ASSOCIATES, INC.
PROFESSIONAL SURVEYORS**

020 GUNN MONTHLY SUMMARY 020 A
TAMPA FL 33624
(813) 265-4263
FAX (813) 264-5062

MARK A. JOHNSON

DANIEL S. HAYMAN AND
MARY ALLA FUENTES,
CO-TRUSTEES OF THE
HAYMAN FAMILY RESIDENTIAL

TRUST

LEGEND:

19) PLAT	20) TEST MEASUREMENT
21) PLYWOOD	22) SET CONCRETE SHOULDER
23) PLYWOOD	24) SET CONCRETE MONUMENT
25) FOUND	26) SET P.A. MAIL
27) CONCRETE	28) LICENSED BUSINESS
29) CONCRETE	29) CLIP-CHAIN LINK FENCE
30) FUEL HYDRANT	30) 100% RACIAL
31) BUREAU	31) PERMITS CONTROL
32) BUREAU	32) PERMANENT MONUMENT
33) CALCULATED	33) SET 5/8" LUG
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☐ CHILL GRI
☐ CORNER
☒ WATER
☒ METHOD
☐ 100%

15'-0" SETBACK TO BE
REDUCED TO 5'-0" SETBACK

REMAINDER OF
LOT 6
NOT INCLUDED

PROPOSED SEPTIC TANK

PROPOSED DRAINFIELD

**NORTH BOUNDARY OF THE
SOUTH 220' OF LOT 6 /**

PROPOSED
MTL BLDG

FOLIO #
001045-0000

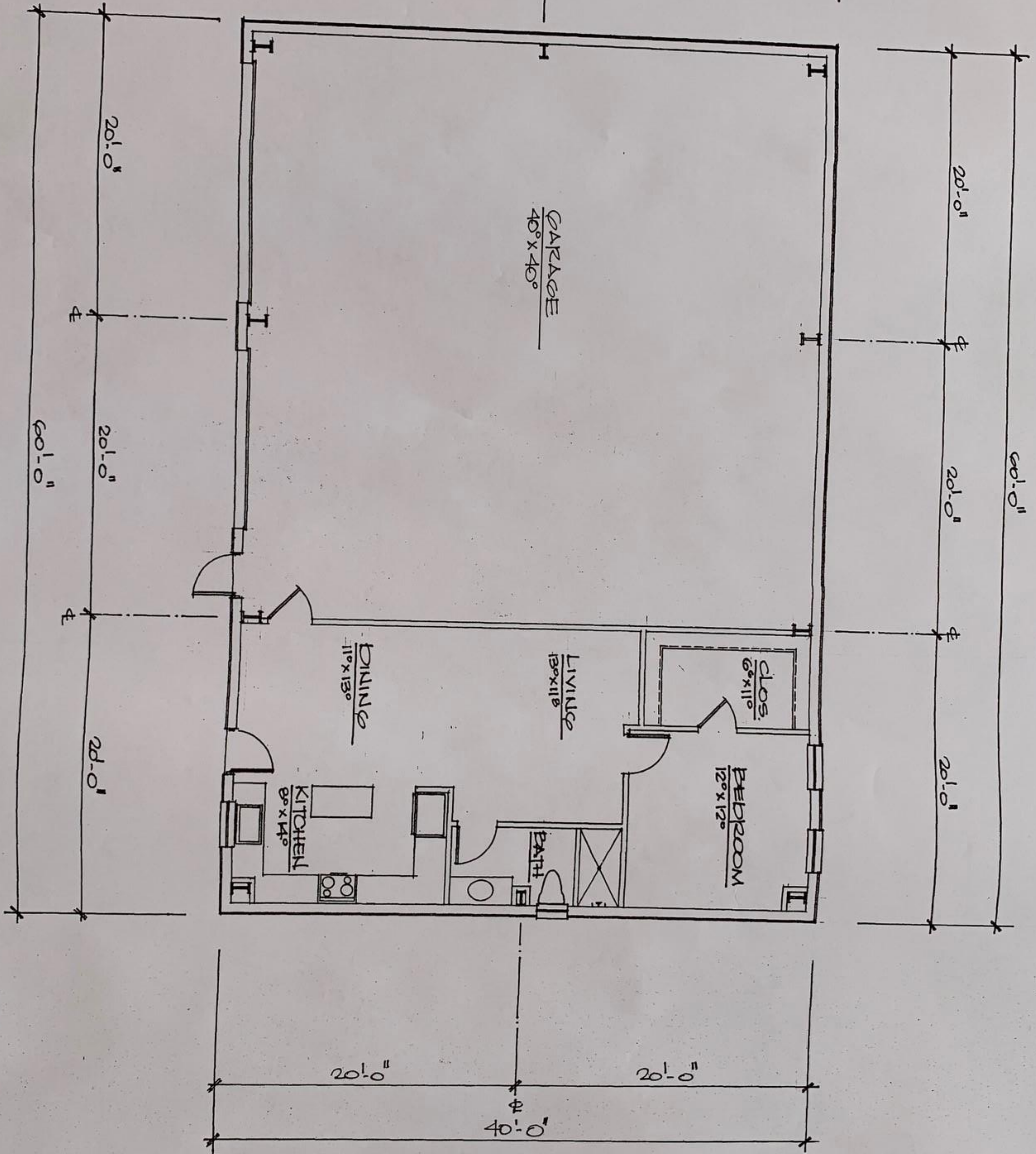
THIS PART OF
LOT 6
NOT INCLUDED

FOLIO #
001046-0000

OF

ED

100 S.F.
200 S.F.
300 S.F.



PRELIMINARY FLOOR PLAN
SCALE: 1/4" = 1'-0"

I HEREBY CERTIFY THAT I HAVE REVIEWED THE ATTACHED DESIGN AND FIND IT TO BE IN COMPLIANCE WITH THE 2020 CODE 11TH EDITION OF THE FLORIDA BUILDING CODE

SHEET	STORAGE / IN. LAW SUITE 18320 WAYNE ROAD HILLSBOROUGH CO., FLORIDA	STEVE HENRY DESIGN INC. 1315 W. BUSCH BLVD. TAMPA, FLORIDA 33612 (813) 933-8000 (813) 933-7789 FAX STEVEHENRYDESIGN@GMAIL.COM	PETE ALFONSO JR. ARCHITECT LIC. 8735 1315 W. BUSCH BLVD. TAMPA, FLORIDA 813-231-5800
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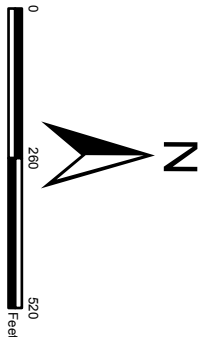


Immediate Aerial
Zoning Map

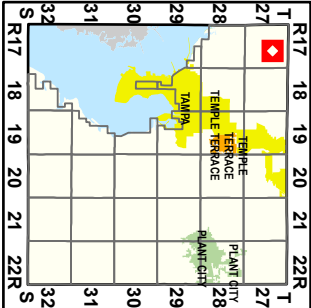
VAR 21-0460

Folio: 1045.0000

- Application Site
- Zoning Boundary
- Parcels



STR: 15-27-17



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, and shall not be used to, in any way, create a legal right or interest in any land or other real property, or to, in any way, create a legal obligation or liability of any kind.

SOURCE: This map has been prepared for the purpose of providing a visual representation of the zoning map. The map is based on the zoning map, and the zoning map is based on the zoning map.

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\MapZoning_Site.aprx

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.

The current LDC Allows And/or Requires a side set back of fifteen (15) feet. The Applicant seeks a variance of TEN (10) feet from said side yard setback of fifteen (15) feet resulting in a side yard of five (5) feet. The Applicant seeks to construct a detached Garage/Utility Building with allowed Mother-in-Law Residential Portion. It is the Applicant's understanding that the lot is a legal non-conforming parcel as the width is 115 feet and there have been no lot splits since or subsequent to July 26, 1989.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code: Section 6.01.00 of the Hills City Land Development Code, specifically the side set back requirement of fifteen (15) feet.

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).

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?

MANY OF THE ADJACENT LOTS OR LOTS IN CLOSE PROXIMITY HAVE VERY SIMILAR UTILITY BUILDINGS THAT ENCRoACH UPON THE CURRENT SIDE SET BACK LIMIT OF (15) FIFTEEN FEET. WITHOUT THE REQUESTED VARIANCE, IT WOULD BE DIFFICULT TO MANEUVER A TRAILER INTO A SOUTH-FACING ENTRANCE.

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.

DUE TO THE LOT DIMENSION (ie width of 115 Ft), A BUILDING OF 40' X 60' FEET (PROPOSED) WILL BE DIFFICULT TO ACCESS WHEN STORING A BOAT AND TRAILER AND/OR A UTILITY TRAILER (NON-COMMERCIAL).

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.

IN ORDER TO SUBSTANTIALLY REDUCE AND/OR ELIMINATE INTERFERENCE OR INJURY TO AN ADJACENT PARCEL OWNER, APPLICANT PROPOSES THAT THE SUBJECT UTILITY BUILDING BE CONSTRUCTED ON THE NORTHERN LINE (SIDE) IN AN AREA THAT ONLY ABUTS WOODS AND PRESERVE; NOT VISIBLE BY ADJACENT OWNER TO THE NORTH.

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).

APPLICANT'S UNDERSTANDING IS THE PLAN AND LDC IS-IN PART-DESIGNED TO PROTECT ADJACENT AND NEARBY PROPERTY OWNERS FROM OVER-REACHING USES. THE ADJACENT LOT TO THE NORTH WILL NOT BE IMPACTED DUE TO THE NATURAL BUFFER, ABOVE-REFERENCED.

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.

APPLICANT HAS NOT SOUGHT TO NOR EVER HAS TAKEN ACTION TO REDUCE THE WIDTH OF THE SUBJECT LOT. THE CURRENT LOCATION OF THE DRIVE-WAY IS ALONG THE SOUTHERN 25% OF THE PROPERTY WHICH SERVES TO MAXIMIZE THE PROPOSED USAGE.

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 ALLOWING THE PROPOSED VARIANCE OF TEN (10) FEET ALONG THE NORTHERN SIDE LOT-LINE, THE BUILDING WILL ABUT ONLY WOODS AND PRESERVE, THERE WILL BE NO AESTHETIC OR NOISANCES CREATED BY WATER RUN-OFF OR DRAINAGE OR BLOCKAGE OF SIGHT, ETC. TO THE CONTRARY, APPLICANT WILL BE ALLOWED TO MAXIMIZE ENJOYMENT AND USE OF THE PROPERTY.

2Bx

WARRANTY DEED

This indenture made the 21st day of June, 1993, by STANLEY A. TARKOW and MIRIAM R. TARKOW, husband and wife, whose post office address is 4011 Priory Circle, Tampa, Florida 33624, hereinafter called the Grantor, to DANIEL S. HAYMAN and MARY ALLA FUENTES, Co-Trustees of the Hayman Family Residual Trust, whose post office address is 305 East Madison Street, Tampa, Florida 33602 hereinafter called the Grantee:

1993 JUN 21 PM 3:54

9314248

Witnesseth: That the Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, conveys, remises, releases, and transfers unto the grantee, that certain land situate in Hillsborough County, Florida, to-wit:

The North 115.00 feet of the South 220.00 feet of Lot 6 of KEYSTONE LAKE VIEW PARK, according to the map or plat thereof as recorded in Plat Book 26, Page 36, of the Public Records of Hillsborough County, Florida; LESS and except the following described tract: Commence at the Southeast corner of said Lot 6 and run thence North along the East boundary of said Lot 6 a distance of 105 feet for point of beginning; run thence North 100 feet; thence West 275 feet; thence South 14° 02' West a distance of 103.07 feet; run thence East 300 feet to the point of beginning.

Parcel Identification No. 1045.0000

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

To Have and to Hold, the same in fee simple forever.

The Grantors hereby warrant that the property described herein was acquired by them during their marriage and that they have remained married without interruption through the date of this conveyance.

And the Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, except: taxes and solid waste charges accruing subsequent to December 31, 1992, Easement recorded in O.R. Book 3552, Page 1934, public records of Hillsborough County, Florida, matters shown on the Plat of Keystone Lake View Park,

RICHARD AKE
CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY

Prepared by *W/C* return to
FUENTES AND KREISCHER
1407 WEST BUSCH BOULEVARD
TAMPA, FLORIDA 33612
(813) 933-6647

to *1747.90*
F.S. 201.02 \$
F.S. 201.08 \$
F.S. 199 \$
Hillsborough County
Deputy Clerk

survey matters and encroachments, and covenants and restrictions of record.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

Wanda Glover Sandberg
(Witness signature)
Wanda Glover Sandberg
(Print witness name)

Jan N. Dormany
(Witness signature)
Jan N. Dormany
(Print witness name)

Stanley A. Tarkow (SEAL)
STANLEY A. TARKOW

Miriam R. Tarkow (SEAL)
MIRIAM R. TARKOW

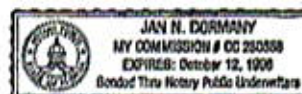
STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 21st day of June, 1993, by STANLEY A. TARKOW and MIRIAM R. TARKOW, who is/are personally known to me or who has/have produced Florida driver's licenses as identification and who did not take an oath.

Jan N. Dormany
NOTARY PUBLIC
Jan N. Dormany
(Print notary's name)

My Commission Expires:





Received
03/02/2021
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: 18320 WAYNE RD City/State/Zip: ODESSA FL 33556 TWN-RN-SEC: _____
Folio(s): A 0010450000 Zoning: ASL-1 Future Land Use: _____ Property Size: _____

Property Owner Information

Name: DANIEL HAYMAN Daytime Phone: 813-393-7049
Address: 18320 WAYNE RD City/State/Zip: ODESSA FL 33556
Email: DHAYMAN17@GMAIL.COM FAX Number: _____

Applicant Information

Name: SAME Daytime Phone: _____
Address: _____ City/State/Zip: _____
Email: _____ 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.

Daniel Hayman
Signature of Applicant

DANIEL HAYMAN
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.

Daniel Hayman
Signature of Property Owner

DANIEL HAYMAN
Type or Print Name

Office Use Only

Intake Staff Signature: Ana Lizardo Intake Date: 03/02/2021
Case Number: 21-0460 Public Hearing Date: 04/26/2011
Receipt Number: 21-0460

Development Services Department, 601 E Kennedy Blvd. 20th Floor

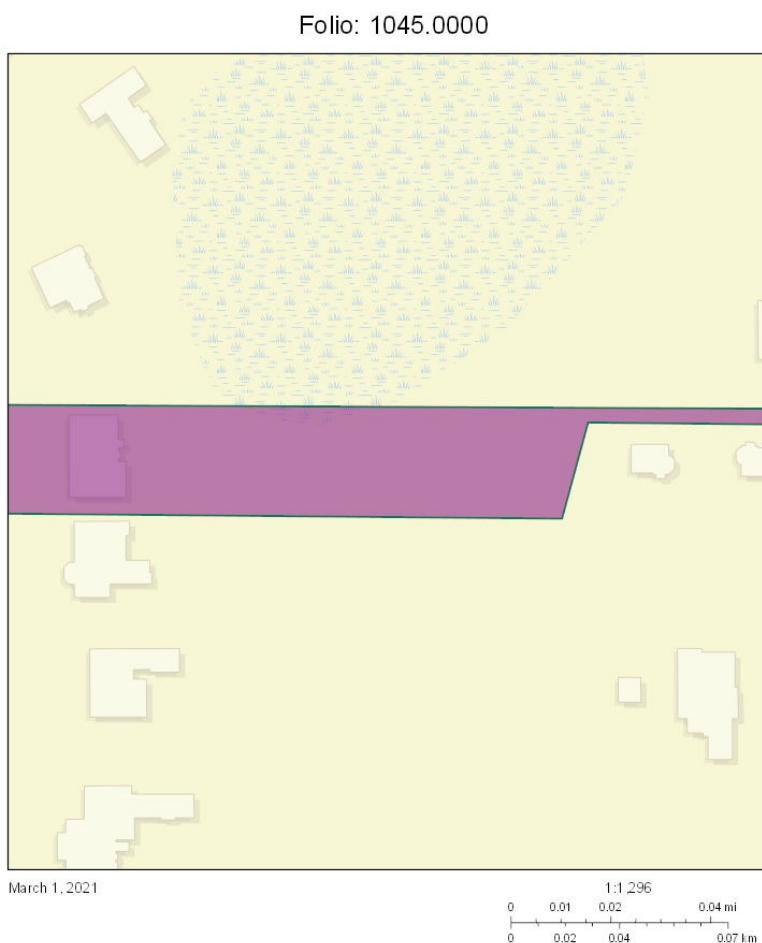
07/02/2014

21-0460



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:AE	BFE = 43.1 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0039H
FIRM Panel	12057C0039H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	X500
Pre 2008 Firm Panel	1201120040D
County Wide Planning Area	Keystone Odessa
Community Base Planning Area	Keystone Odessa
Census Data	Tract: 011504 Block: 2005
Census Data	Tract: 011504 Block: 2001
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHWEST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



Hillsborough County Florida

Folio: 1045.0000
PIN: U-15-27-17-00R-000000-00006.0
DANIEL HAYMAN/ LIFE ESTATE
Mailing Address:
 18320 WAYNE RD
 ODESSA, FL 33556-4735
Site Address:
 18320 WAYNE RD
 ODESSA, FL 33556
SEC-TWN-RNG: 15-27-17
Acreage: 1.90643001
Market Value: \$886,982.00
Landuse Code: 0100 SINGLE FAMILY

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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.

21-0460