



**Hillsborough  
County Florida**

**LAND USE HEARING OFFICER VARIANCE REPORT**

**APPLICATION NUMBER:** VAR 21-0471

**LUHO HEARING DATE:** April 26, 2021

**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 4, 2021, is to allow for an overall reduction of the 30-foot Wetland Conservation Area setback to 10 feet.

**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 an overall reduction of the 30-foot wetland conservation area setback for new subdivision lot development. The applicant requests a 20-foot reduction of the setback to allow for a setback of 10 feet.

**DISCLAIMER:**

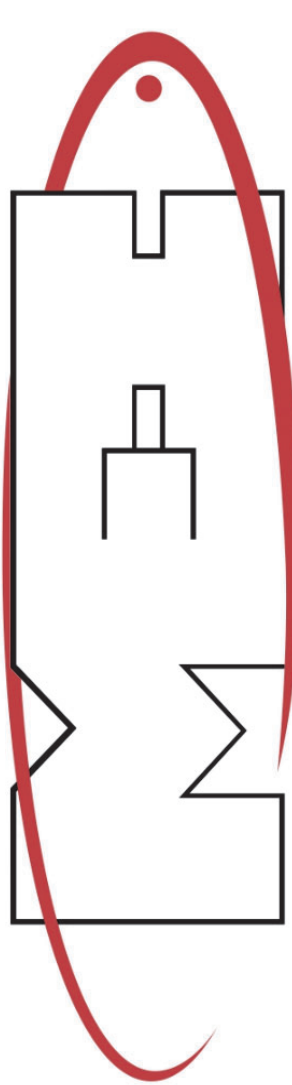
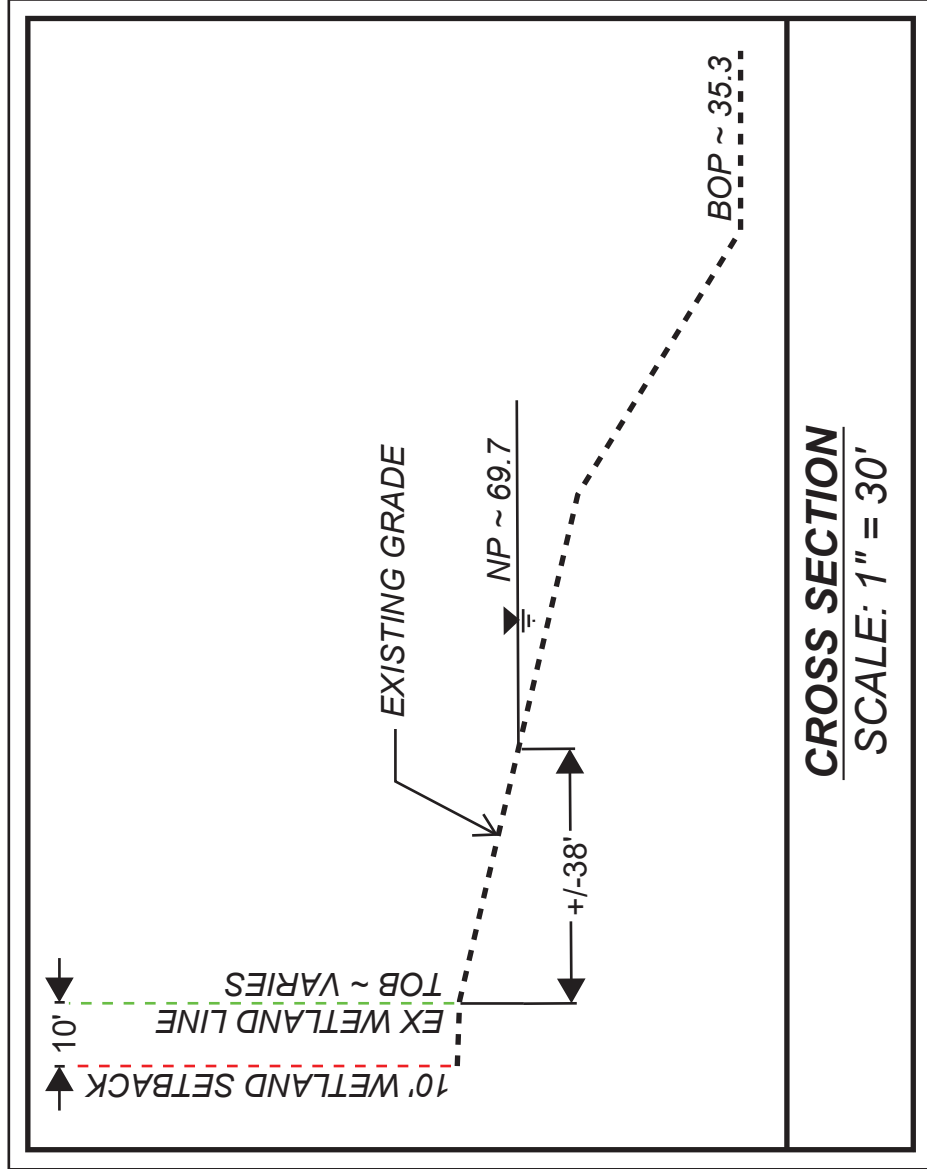
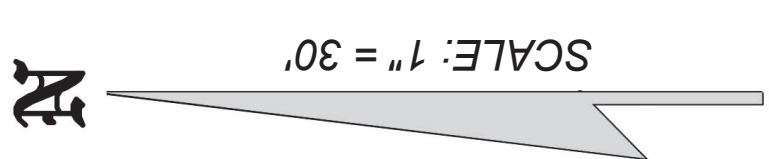
The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required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

The Development Services Natural Resources Section has no objections with the result contingent upon the Land Use Hearing Officer's acceptance and referral to the submitted site plan.

**Attachments: Site Plan**

**ADMINISTRATOR'S SIGN-OFF**



**MCNEAL ENGINEERING, INC.**  
MEI #21-005  
March 2, 2021

**VARIANCE EXHIBIT**  
PRELIMINARY PLAT OVERLAY WITH EXISTING TREES

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CT "P-2"

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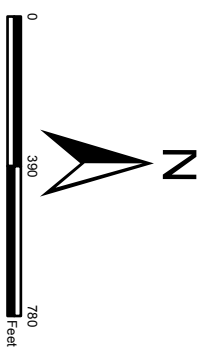


Immediate Aerial  
Zoning Map

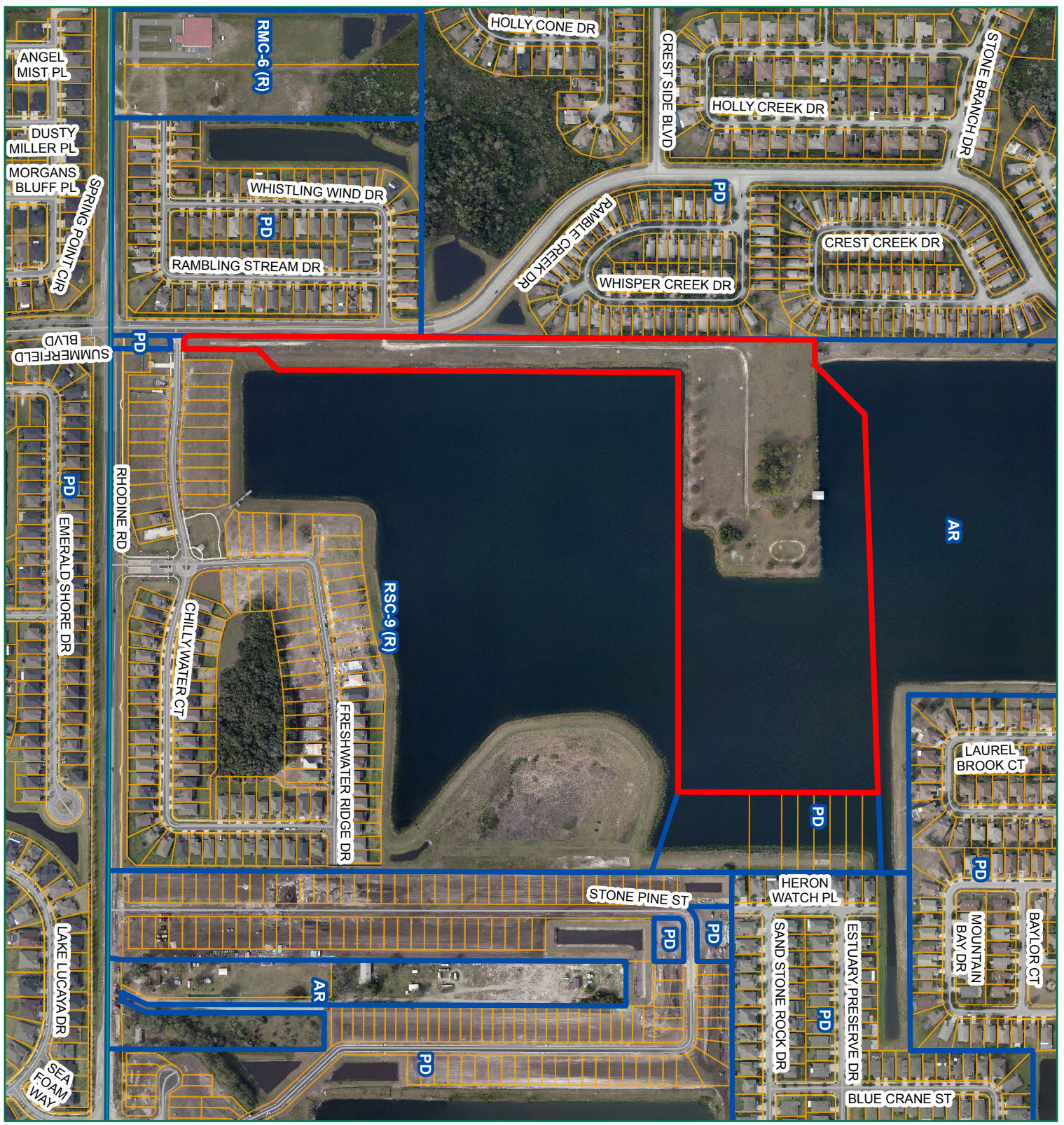
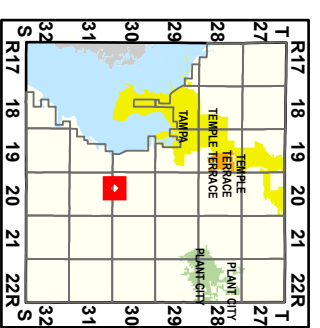
VAR 21-0471

Folio: 77345.9382

- Application Site
- Zoning Boundary
- Parcels



STR: 33-30-20



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 is not intended to be used for any purpose other than for informational purposes only.

SOURCE: This map has been prepared for the inventory of real property, found within Hillsborough County and is compiled from recorded deeds, plats, and other public records. It has been based on BEST AVAILABLE data.

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

Date: 03/09/2021    Path: G:\ZONING\GIS\DrawZoning\_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.

**Variance of 20 feet from the required wetland setback of 30 feet resulting in a wetland setback of 10 feet (from a borrow pit).**

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

**Article 4.0**

## **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 \_\_\_\_\_ Yes   X   If yes, please indicate the nature of the application and the case numbers assigned to the application(s): **Preliminary Plat - PI #5178, Previously Recorded & Associated Final Plat - PI #5531**
3. Is this a request for a wetland setback variance? No \_\_\_\_\_ Yes   X    
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   X   Public Wastewater   X   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   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 **19<sup>th</sup> 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 subject property is on a peninsula with limited resources (land) available.

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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.

Without the reduced wetland setback, the number of buildable lots would be significantly reduced, making the property uneconomical. Surrounding subdivisions and plats (e.g. Ridgewood, Lucaya) provide a 10-foot wetland setback to borrow pit(s).

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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.

There are no other properties that the approval of this variance would impact as it is a peninsula, and no other land parcels about the affected land. Several neighboring subdivisions and plats, e.g. Ridgewood & Lucaya provide a 10-foot wetland setback from a similar borrow pit.

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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).

This variance request will allow for reasonable use of the land and will not impose nor interfere with others. The request is similar to recent identical requests for neighboring subdivisions and plats, e.g. Ridgewood & Lucaya.

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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 peninsula was created as part of a permitted land excavation/borrow pit permitted in 1999. The current property owner and applicant were not the property owner, applicant or benefactor of the permitted borrow pit.

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6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefit intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

Granting of the variance will allow the developer to proceed with the number of lots needed to make this development economically feasible and will be consistent with recent, neighboring subdivisions and plats (e.g. Ridgewood & Lucaya).

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**This instrument prepared by and  
should be returned to:**

Charles J. Abrams, Esquire  
GREENBERG TRAURIG, P.A.  
777 S. Flagler Dr., Suite 300E  
West Palm Beach, Florida 33401

Folio Nos.:

**SPECIAL WARRANTY DEED**

This **SPECIAL WARRANTY DEED** is made on November 6, 2018  
between **LENNAR HOMES, LLC**, a Florida limited liability company ("**Grantor**"), whose  
address is 600 West Cypress Street, Suite 200, Tampa, Florida 33607, in favor of **RHODINE  
LAKE LLC**, a Florida limited liability company ("**Grantee**"), whose address is 4143 Moores  
Lake Road, Dove, Florida 33527.

**WITNESSETH THAT:**

Grantor, for and in consideration of the sum of Ten U.S. Dollars (\$10.00), and other good  
and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, does  
hereby grant, bargain and sell to Grantee and its successors and assigns forever, the parcels of  
land in Hillsborough County, Florida described on **Exhibit "A"** attached (the "**Property**").

TOGETHER with (i) all and singular, the benefits, rights, privileges, easements,  
tenements, hereditaments, and other appurtenances pertaining to the Property, if any, and (ii) all  
improvements of whatever kind, character, or description to or on the Property, if any.

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

AND, Grantor hereby specially covenants with the Grantee that the Grantor is lawfully  
seized of the Property in fee simple and hereby specially warrants the title to the Property and  
will defend the same against the lawful claims of all persons claiming by, through or under  
Grantor, but against none other; and the Property is free and clear of all encumbrances, except  
the Property is being conveyed to Grantee subject to all zoning and governmental regulations, all  
matters which a physical inspection of the Property would disclose and all restrictions,  
reservations and easements of record, provided that this reference shall not serve to reimpose  
same, and taxes and assessments for 2018 and subsequent years, which are not yet due and  
payable.

This Special Warranty Deed is made in accordance with the Certified Parcel Approval  
letter for Folio #7729.0000, Project ID# 4429, a copy of which is attached as **Exhibit "B"**.


[Signature page follows]


IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed on the date above.

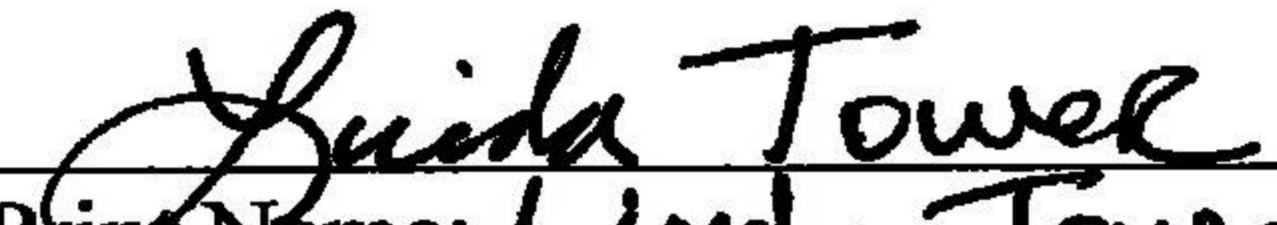
Signed, sealed and delivered in the presence of:

**GRANTOR:**

**LENNAR HOMES, LLC**, a Florida limited liability company

  
Print Name: Kristine Canario


By:   
Print Name: Marvin L. Metheny Jr.  
Title: Vice President

  
Print Name: Linda Tower

STATE OF Florida )  
COUNTY OF Hillsborough ) ss:

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of October, 2018, by Marvin L. Metheny Jr. as Vice President of **LENNAR HOMES, LLC**, a Florida limited liability company, on behalf of the company, who ☒ is personally known to me or ☐ produced \_\_\_\_\_ for identification.

[NOTARIAL SEAL]

Notary:   
Print Name: Kristine Canario  
Notary Public, State of Florida  
My commission expires: 03-25-22



**EXHIBIT "A"****Legal Description of the Property****PARCEL 1:**

That part of Government Lots 3 and 4, lying in Section 33, Township 30 South, Range 20 East, Hillsborough County, Florida, being more particularly described as follows:

**BEGIN** at the Northwest corner of the Southwest 1/4 of said Section 33, also being the Northwest corner of said Government Lot 4, run thence, N.89°58'35"E., along the North boundary of said Southwest 1/4 of Section 33, also being the North boundary of Government Lots 3 and 4, a distance of 1983.43 feet to the Northeast corner of the West 1/2 of Government Lot 3, also being the Southwest corner of ESTUARY – PHASE 3, according to the plat thereof as recorded in Plat Book 121, Pages 85 through 88, inclusive, of the public records of Hillsborough County, Florida; thence S.00°12'12"W., along the East boundary of said West 1/2 of Government Lot 3, a distance of 300.00 feet; thence leaving said East boundary, N.71°31'15"W., a distance of 315.10 feet; thence S.89°58'35"W., a distance of 1684.88 feet to the West boundary of said Southwest 1/4 of Section 33; thence along said West boundary, N.00°23'24"E., a distance of 200.01 feet to the **POINT OF BEGINNING**.

**PARCEL 2:**

That part of Government Lot 4, lying in Section 33, Township 30 South, Range 20 East, Hillsborough County, Florida, being more particularly described as follows:

**COMMENCE** at the Southwest corner of said Section 33, also being the Southwest corner of Government Lot 4, run thence along the West boundary of the Southwest 1/4 of said Section 33, also being the West boundary of said Government Lot 4, N.00°23'24"E., a distance of 300.09 feet to the **POINT OF BEGINNING**; thence continue along said West boundary, N.00°23'24"E., a distance of 1811.91 feet; thence leaving said West boundary, N.89°58'35"E., a distance of 125.00 feet; thence S.00°23'24"W., a distance of 1487.72 feet; thence S.45°23'24"W., a distance of 106.07 feet; thence S.00°23'24"W., a distance of 275.00 feet; thence N.89°48'58"W., a distance of 24.91 feet; thence Northwesterly, 39.36 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°12'22" (chord bearing N.44°42'47"W., 35.42 feet) to the **POINT OF BEGINNING**.

**PARCEL 3:**

That part of Government Lot 4, lying in Section 33, Township 30 South, Range 20 East, Hillsborough County, Florida, being more particularly described as follows:

**COMMENCE** at the Southwest corner of said Section 33, also being the Southwest corner of Government Lot 4, run thence along the West boundary of the Southwest 1/4 of said Section 33, also being the West boundary of said Government Lot 4, N.00°23'24"E., a distance of 50.00 feet

to a point of intersection with the North right-of-way line of Rhodine Road and the **POINT OF BEGINNING**; thence continue along said West boundary, N.00°23'24"E., a distance of 150.09 feet; thence leaving said West boundary Northeasterly, 39.18 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°47'38" (chord bearing N.45°17'13"E., 35.29 feet); thence S.89°48'58"E., a distance of 25.09 feet; thence S.00°23'24"W., a distance of 175.00 feet to aforesaid North right-of-way line of Rhodine Road; thence along said North right-of-way line, N.89°48'58"W., a distance of 50.00 feet to the **POINT OF BEGINNING**.

**EXHIBIT “B”**

**Copy of Certified Parcel Approval Letter**

[See attached]



# Hillsborough County Florida

## DEVELOPMENT SERVICES

PO Box 1110 Tampa, FL 33601-1110

October 8, 2018

**SUBJECT: CERTIFIED PARCEL SUBDIVISION  
RHODINE LAKE PARCEL SPLIT  
FOLIO # 7729.0000 Project ID# 4429**

## BOARD OF COUNTY COMMISSIONERS

Victor D. Crist

Ken Hagan

Al Higginbotham

Pat Kemp

Lesley "Les" Miller, Jr.

Sandra L. Murman

Stacy R. White

## COUNTY ADMINISTRATOR

Michael S. Merrill

## COUNTY ATTORNEY

Christine M. Beck

## INTERNAL AUDITOR

Peggy Caskey

## CHIEF DEVELOPMENT & INFRASTRUCTURE SERVICES ADMINISTRATOR

Lucia E. Garsys

Dear Rhodine Lake,

The staff of the Development Services Department has completed its review of your request and it has been determined that the requirements have been met. The Certified Parcel Subdivision request complies with the Land Development Code as adopted by the Board of County Commissioners on April 1, 1997.

The approved two (2) lots indicated in Exhibit "A" and on the Certified Parcel Subdivision Survey submitted to the Development Services Department on August 08, 2018 have appropriate access. The property is located in Section 33, Township 30, Range 20.

The lots hereby described are part of a subdivision of a certified parcel as certified by the Administrator and may not be further subdivided under the provisions for subdividing a Certified Parcel.

Any further subdivision activity and/or creation of more than the lots described above shall require compliance with Section 10.01.05 and other applicable provisions of the Land Development Code.

Approval is granted with the following conditions:

1. Prior to the issuance of building permits, deeds shall be recorded for the new lots. (It is recommended that deeds be recorded within 30 days of this approval.)
2. Please be advised that this approval applies only to the development proposal as submitted, and in no way does it provide EPC approval to any other aspect of the EPC process. By this approval, EPC grants no reliance that wetlands may be developed within these parcels.
3. Where public water and/or wastewater service is supplied by Hillsborough County Water Resource Services, an application for service for each individual lot must be made to the Water Resources Department prior to the issuance of a building permit for construction. If served by private well and septic tank, each shall be located on the same parcel as the principal use per Section 2.02.04 (Accessory Uses) of the LDC.

4. Prior to construction of a driveway connection to a County roadway, a right-of-way use permit must be obtained from the Public Works Right-of Way Management Office.

When applying for permits for the approved lots, please submit a copy of this letter along with the application for a permit. Failure to do so may cause unnecessary delays in the permit review process.

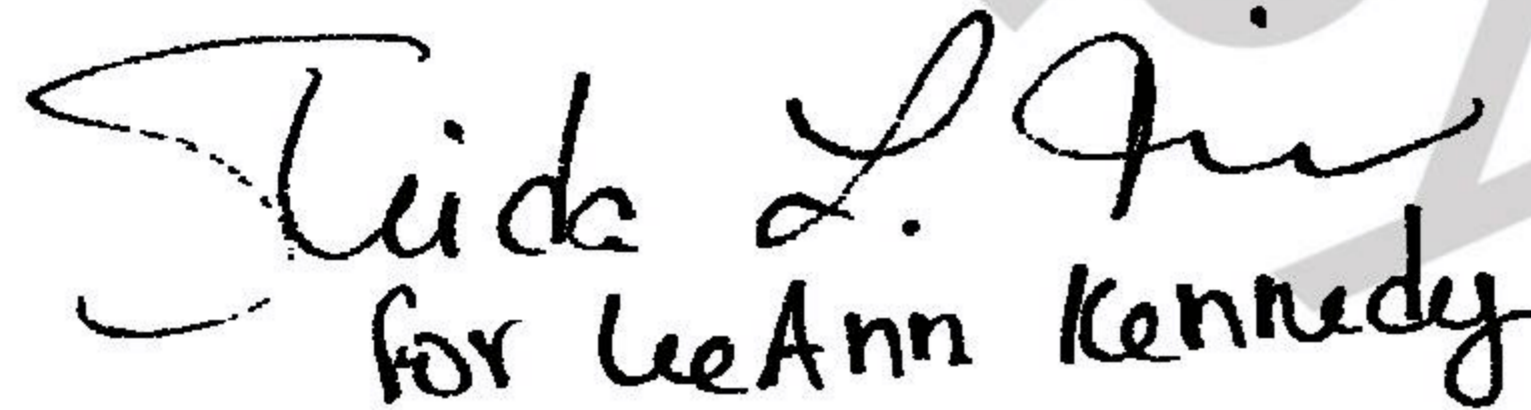
**In addition, a copy of this Certified Parcel Approval letter is required to be attached as an exhibit to your deed when recorded.**

You may be required to apply for a permit from the Southwest Florida Water Management District (SWFWMD) prior to initiating any activity on site.

Please note that this approval does not release the developer from any requirements established by other ordinances nor does it imply exemption from obtaining all proper permits from other governmental agencies. It is the applicant's responsibility to comply with all applicable rules and regulations of Hillsborough County.

If you have any questions concerning this matter please e-mail Yarlene Valle at [valley@hillsboroughcounty.org](mailto:valley@hillsboroughcounty.org) or call at (813) 276-8340.

Sincerely,

A handwritten signature in black ink that reads "Linda L. Fin" followed by "for Lee Ann Kennedy" on the next line.

Lee Ann Kennedy

General Manager I

Site and Subdivision Intake

The Center for Development Services



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: 11306 Rhodine Road City/State/Zip: Riverview, FL 33579 TWN-RN-SEC: 33/30/20

Folio(s): 077345.9382 Zoning: PD Future Land Use: R-4/R-6 Property Size: 31.56+/-

### Property Owner Information

Name: Rhodine Lake, LLC Daytime Phone: 813-355-7204

Address: 4143 Moores Lake Road City/State/Zip: Dover, FL 33527

Email: jtalley@leepallardyinc.com FAX Number: N/A

### Applicant Information

Name: Same as above Daytime Phone:

Address: City/State/Zip:

Email: FAX Number:

### Applicant's Representative (if different than above)

Name: Christopher S. McNeal, PE Daytime Phone: 813-968-1081

Address: 15957 N Florida Ave City / State/Zip: Lutz, FL 33549

Email: permitting@mcnealengineering.com FAX Number: 813-961-5839

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

Christopher S. McNeal, PE, as Agent

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.

Signature of Property Owner

Christopher S. McNeal, PE, as Agent

Type or Print Name

### Office Use Only

Intake Staff Signature: Ana Lizardo Intake Date: 03/02/2021

Case Number: 21-0471 Public Hearing Date: 04/26/2021

Receipt Number: 21-0471

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