



**Hillsborough
County Florida**

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0403

LUHO HEARING DATE: June 21, 2021

CASE REVIEWER: Chris Grandlienard

REQUEST: The applicant is requesting a setback variance to accommodate a proposed rear addition to an existing single-family dwelling on property zoned PD 75-0310A.

VARIANCE(S):

The conditions of approval and general site plan for PD 75-0310A do not identify the required minimum building setbacks for the subject lot. However, staff has determined the required setbacks are as follows: front, 20 feet; side, 7.5 feet; and rear, 23 feet. The applicant requests a 14.5-foot reduction to the required rear setback to allow an 8.5-foot setback for a proposed addition to an existing single-family dwelling.

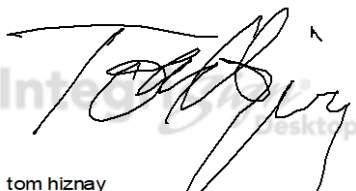
FINDINGS:

- The existing single-family dwelling is utilized for a Community Residential Home, Type A, with six or fewer placed residents. The home was the subject of VAR 20-0766 in 2020 which sought to reduce the required 1,000-foot separation from two existing Type A Community Residential Homes located at 2203 Shermont Place and 704 Overhill Drive. Additionally, VAR 20-0766 sought setback variances for an existing accessory structure in the rear yard of the subject property. The variances were approved.
- VAR 20-0766 also requested a variance to allow a 24.6-foot front yard setback for the existing dwelling on the basis that a 25-foot setback was required pursuant to RSC-6 standards. The setback variance was approved. However, staff has determined in its review of the present application that a 25-foot setback is not required on the subject property. Rather, the required front yard setback is 20 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.

ADMINISTRATOR'S SIGN-OFF



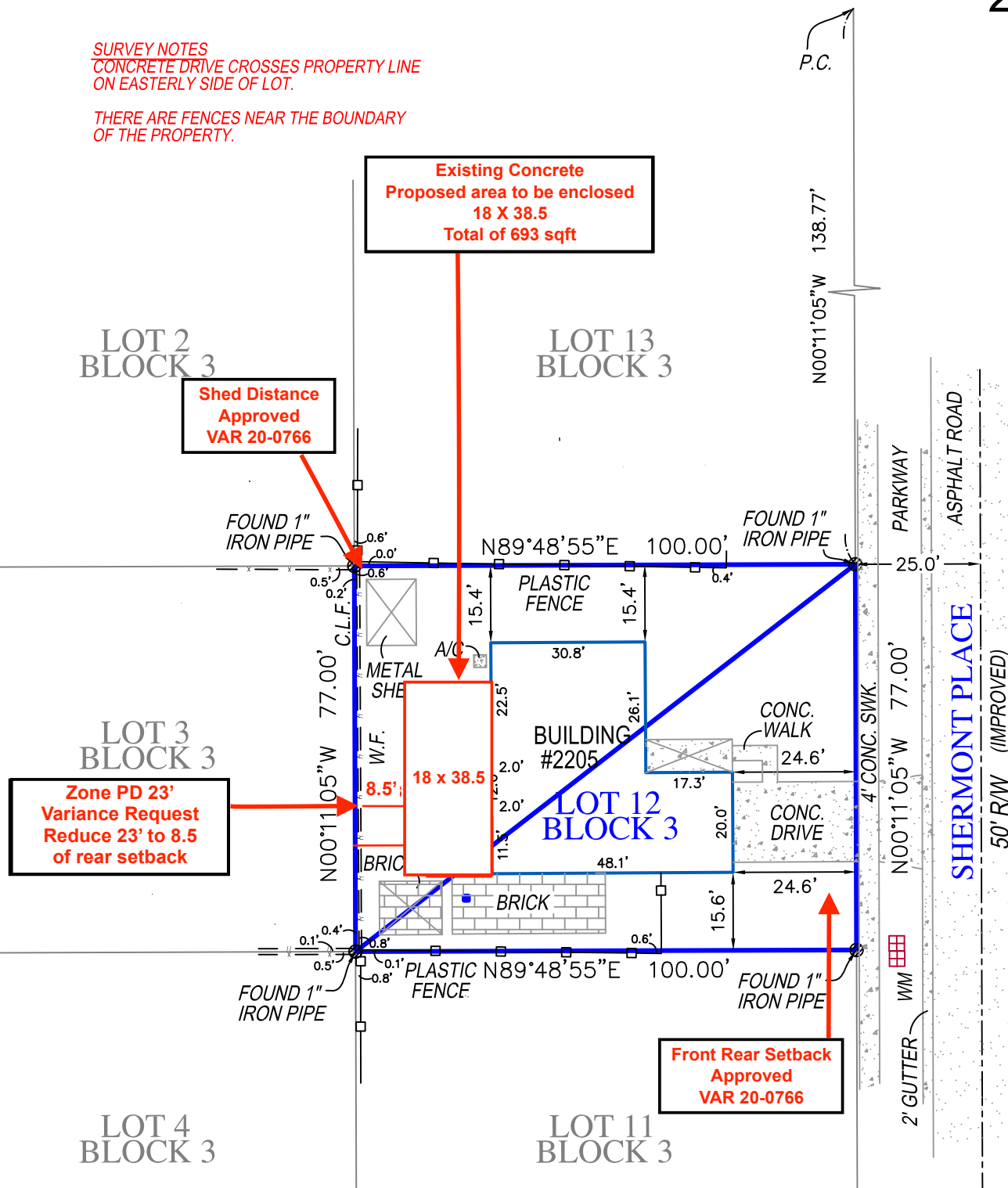
tom hiznay
Thu Jun 3 2021 16:40:16

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

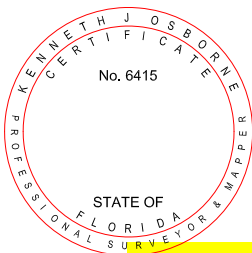
BOUNDARY SURVEY

SURVEY NOTES
CONCRETE DRIVE CROSSES PROPERTY LINE
ON EASTERLY SIDE OF LOT.

THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY.



SCALE
1"=30'



(SIGNED)

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY
IS A TRUE AND CORRECT REPRESENTATION OF A
SURVEY PREPARED UNDER MY DIRECTION.
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC
SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL,
OR A RAISED EMBOSSED SEAL AND SIGNATURE.

Kenneth
Osborne

Digitally signed
by Kenneth
Osborne

Date: 2020.02.17
PAGES: 02 - 05'00'



TARGET SURVEYING, LLC

LB #7893

SERVING FLORIDA

6250 N. MILITARY TRAIL, SUITE 102

WEST PALM BEACH, FL 33407

PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807

STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576




WEBSITE: <http://targetsurveying.net>

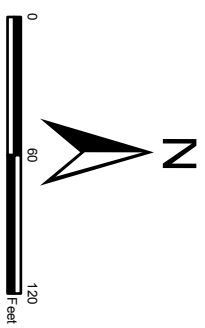


Immediate Aerial
Zoning Map

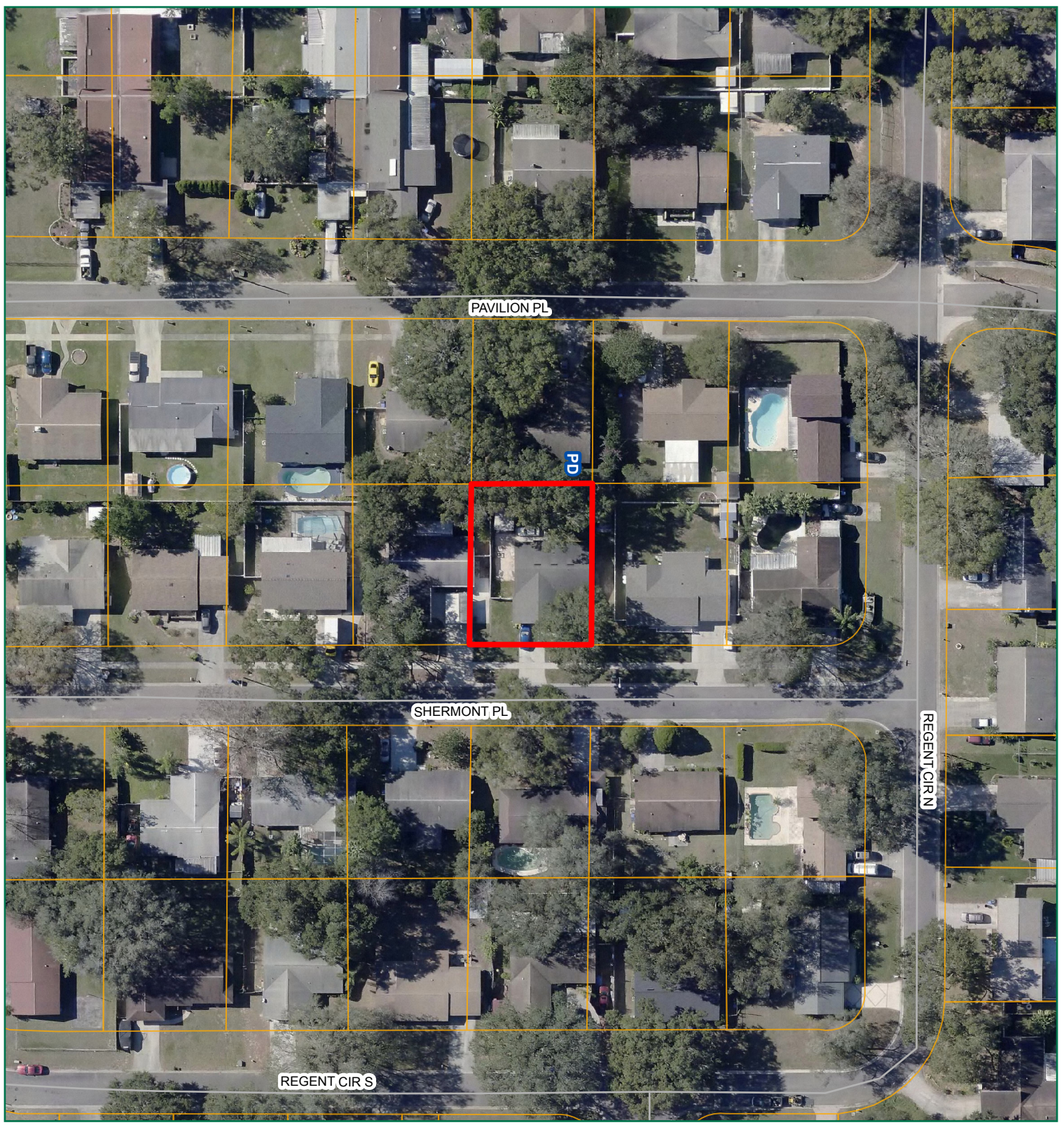
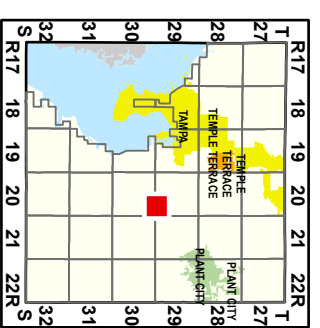
VAR 21-0403

Folio: 72925.1080

-  Application Site
-  Zoning Boundary
-  Parcels



STR: 35-29-20



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 to be used for any purpose other than for informational purposes only. The map is being 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.

SOURCE: The 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\MapZoning_Site.aprx



**Hillsborough
County Florida**
Development Services

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

Additional / Revised Information Sheet

Rcvd 5-3-21
21-0403

Date Stamp Here

Application Number: VAR 21-0403 Applicant's Name: Milagros Carreno

Reviewing Planner's Name: Chris Grandlienard, AICP Date: 05/01/2021

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 Site Plan

Current Hearing Date (if applicable): 06/21/2021

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 an additional submission and certification.

Signature

05/01/2021

Date

FOR OFFICE USE ONLY

☒ Notification E-Mail Sent
☒ Transmittal Completed

☒ Scanned into OPTIX

In-Take Completed by: CM

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 14.5 feet from the required setback of 23 feet resulting in a rear setback of 8.5 feet. The purpose is to expand community residential home in order to have more space for a common area, dinning room area and physical therapy area.

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

Per the conditions of approval for PD 75-0310A the required minimum rear yard setback on the subject lot is 23 feet

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): VAR 20-0766 for Distance Requirement, Shed and Front setbacks
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 X Public Wastewater _____ Private Well _____ Septic Tank _____
5. Is the variance to allow a t hird 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 determ ination 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 Request
Written Statement**

May 1, 2021

RE: Rear Setbacks

**Owners/Applicants: Jose & Milagros Carreno
Address: 2205 Shermon Place, Brandon FL 33511
Folio No: 72925.1080**

We are proposing request of approval for variance application to be able to expand/ build a larger dining and a rehabilitation area for our residents.

We are Type A Community Residential Home requesting to lower the distance of our rear setback from 23' to 8.5'

Reasons that support our proposal:

- The proposed variance request will allow the residents to have more room for family visitation in a more private setting.
- It will also give them an opportunity to have more space for physical and occupational therapy.
- This expansion will not cause any harm to the neighbors.
- It will look like an addition to the house and will not change the structure look of the home.

Lastly, the proposed request **does not** encroach or infringe on any neighboring residential property, nor would it impose any hardship on any neighbor, nor would it serve to create a situations where any neighbor's quality of life, property of value, or peaceful co-existence would be negatively affected. Quite the contrary, the proposed request would allow us to offer better quality services to the community we serve.

Respectfully,



Jose & Milagros Carreno
2205 Shermon Place
Brandon FL 33511
(813) 454-5891
mil.carreno@gmail.com



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05/01/2021

Date

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In-Take Completed by: CM

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?

See Attachment

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.

See Attachment

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.

See Attachment

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*).

See Attachment

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.

See Attachment

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.

See Attachment

Variance Criteria Response

2205 Shermont Place, Brandon FL 33511

Applicants: Jose & Milagros Carreno

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?

We are requesting variance for the purpose of reducing the required rear setbacks lot development standards in order to be in compliance with LCD.

This is a Community Residential home with a rear setback of 23 feet and we would like to request to reduce rear backyard setback from 23 feet to 8.5 feet.

This new expansion will allow us to provide a larger dinning area with more space for home health agencies to provide physical and occupational therapy. Also, more room for visiting families to spend time with their loved ones.

In the back, there is a white six feet fence making it not visible to the backyard neighbors. We also have support letters of nearby neighbors indicating approval.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by others in the same district and area under the terms of the LDC.

The literal interpretation of the LDC would deprive us from having larger dinning room and space for physical and occupational therapy.

We found there are other houses in the area that have larger rear setbacks. Not approving these will deprive us from the rights commonly enjoyed by others in our community.

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.

By allowing this variance, it would not interfere with the right of others in the neighborhood.

4. Explain how the variance is in harmony with and serves the general intend and purpose of the LDC and the Comprehensive Plan.

The LDC and the Comprehensive Plan allows the approval of variances on a case by case basis and in this case providing a method or a way to reduce rear yard setbacks. This expansion will not cause any harm to the neighbors and It will look like an addition to the house and will not change the structure look of the home.

As set forth above, given the special circumstances, distance and standard of the subject property, we believe requested variance is doable.

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 (you) the applicant, resulting in a self imposed hardship.

Currently there is no illegal act or action on part of the applicants. We understand, we have to obtain the approval of this variance in order to be compliant with the LCD and start construction.

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 hardship that will be suffered by a failure to grant a variance.

Granting this variance will not have a negative effect on the value of other properties in the area. Reducing the rear setback from 23' to 8.5' will not create an impact to others in the area.

Failure to grant this variance, would create a huge financial hardship to our small business. Our intent is to provide our elder residents an opportunity to enjoy a larger dinning area, space for quality family time along with comfort and convenience for physical and occupational therapy. Otherwise, they will have to transport and have services conducted outside our facility exposing them to COVID.

Prepared by and Return to:
Brandy Markley
Bay National Title Company
13577 Feather Sound Drive, Suite 250
Clearwater, FL 33762
File Number: TE-67040

General Warranty Deed

MADE THIS 28th DAY OF February, 2020, By Manuel Morales-Mendez and Gisela P. Morales-Ayala, husband and wife, whose address is 2205 Shermont Pl, Brandon, FL 33511, hereinafter referred to as Grantor, hereby conveys and warrants to Jose Manuel Carreno and Milagros Carreno, husband and wife as tenants in common, whose address is 2205 Shermont Pl, Brandon, FL 33511, hereinafter referred to as Grantee,

(Whenever used herein the term "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 of **One Hundred Eighty Two Thousand Dollars and No Cents (\$182,000.00)** 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, and State of Florida, viz:

Lot 12, Block 3, OAKMONT PARK, according to the map or plat thereof, as recorded in Plat Book 46, Page 63, of the Public Records of Hillsborough County, Florida.

PARCEL ID NUMBER: U-35-29-20-2KP-000003-00012.0

MORE COMMONLY KNOWN AS: 2205 Shermont Pl, Brandon, FL 33511

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; that the grantor hereby fully 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 31, 2019.



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: 2205 Shermont Place City/State/Zip: Brandon FL 33511 TWN-RN-SEC: 35-29-20

Folio(s): 72925.1080 Zoning: PD Future Land Use: R-4 Property Size: 0.17

Property Owner Information

Name: Jose & Milagros Carreno Daytime Phone: 813-454-5891

Address: 2205 Shermont Place City/State/Zip: Brandon FL 33511

Email: mil.carreno@gmail.com FAX Number: 727-489-6901

Applicant Information

Name: Jose & Milagros Carreno Daytime Phone: 813-454-5891

Address: 2205 Shermont Place City/State/Zip: Brandon FL 33511

Email: mil.carreno@gmail.com FAX Number: 727-489-6901

Applicant's Representative (if different than above)

Name: _____ Daytime Phone: _____

Address: _____ City / State/Zip: _____

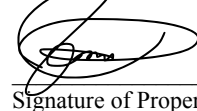
Email: _____ FAX Number: _____

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

Jose M. Carreno
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

Milagros Carreno
Type or Print Name

Office Use Only

Intake Staff Signature: _____ Intake Date: _____

Case Number: _____ Public Hearing Date: _____

Receipt Number: _____