



Hillsborough County Florida

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0652	
LUHO HEARING DATE: July 26, 2021	CASE REVIEWER: Kevie Defranc

REQUEST: The applicant is requesting setback variances for a proposed covered patio on property zoned PD 98-1539.

VARIANCE(S):

Per Condition 3.2 of PD 98-1539, as most recently modified by PRS 19-0646, the required rear yard setback for villas (duplexes) and townhomes shall be 10 feet. Per LDC Section 6.01.03.I.4., covered patios may intrude no more than 13 feet into the required rear yard, except that in no case shall the provided setback be less than 10 feet. The applicant requests a 7.08-foot reduction to the required rear yard setback to allow a setback of 2.92 feet from the east property line for the covered patio.

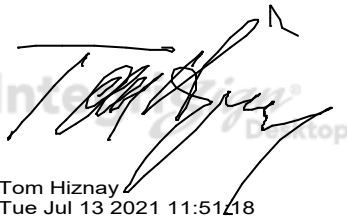
FINDINGS:

- The subject property is developed with an attached single-family villa (duplex).

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
Tue Jul 13 2021 11:51Z18

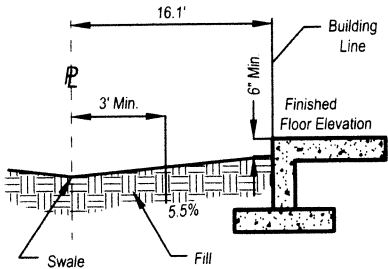
Attachments: Application
Site Plan
Petitioner's Written Statement
Current Deed

DESCRIPTION: LOT 61, WESTMONT OAKS AS
RECORDED IN PLAT BOOK 90, PAGE 82 OF
THE PUBLIC RECORDS OF HILLSBOROUGH
COUNTY, FLORIDA.

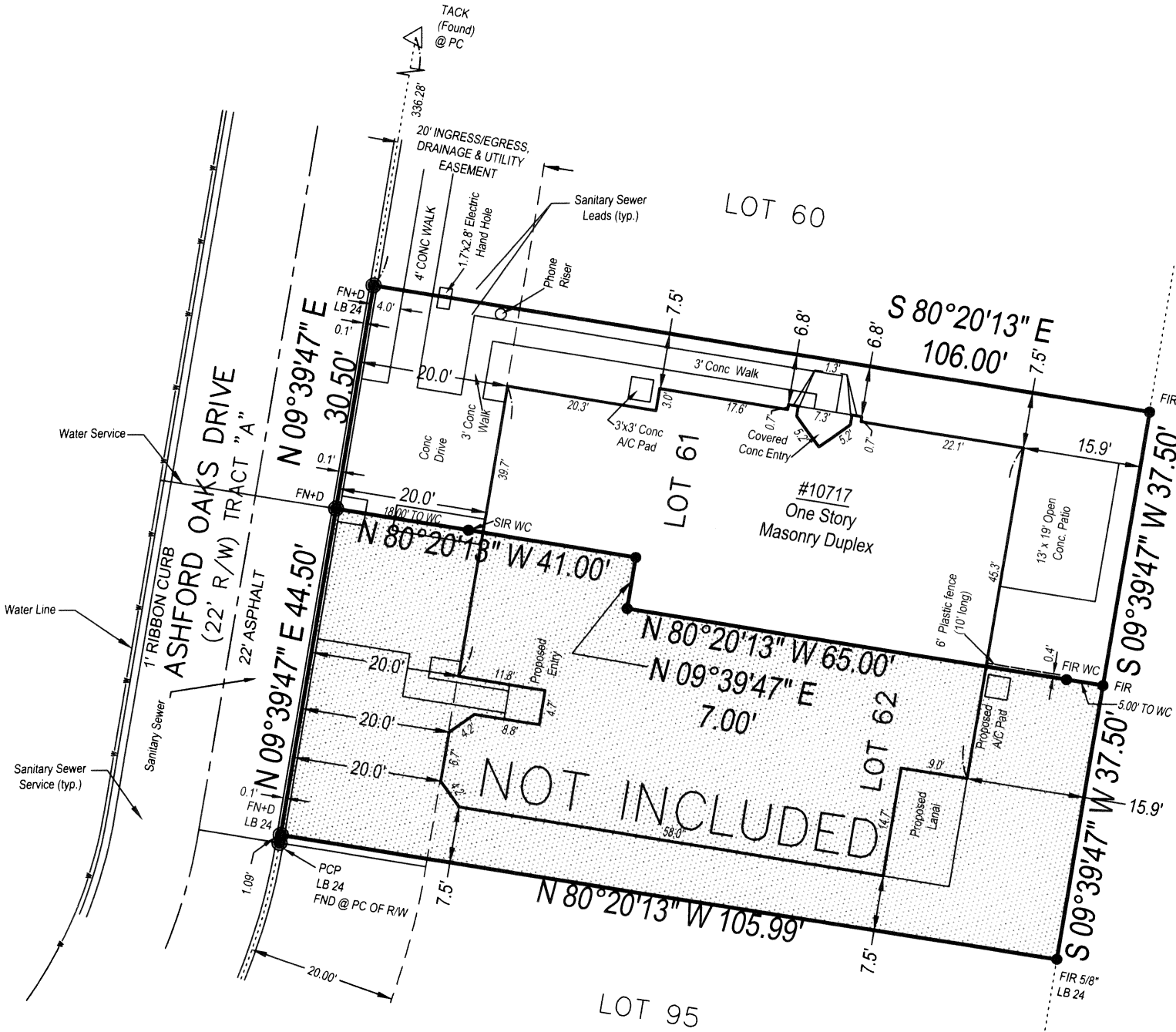
THE PROPERTY DESCRIBED HEREON
IS LOCATED IN FLOOD ZONE "X"
PER FLOOD INSURANCE RATE MAP
NUMBER 12057C0187H, EFFECTIVE
DATE AUGUST 28, 2008. COMMUNITY
No. 120112 PANEL 0187 H.

BASIS OF BEARINGS:
C/L OF ASHFORD OAKS DRIVE
BEARS N 09°39'47" E PER PLAT.

BOUNDARY SURVEY



CROSS SECTION
Not to Scale



LEGEND:

- A = ARC
ACOE = ARMY CORPS OF ENGINEERS
BWF = BARBED WIRE FENCE
C = CURVE
(C) = CALCULATED
CATV = CABLE TELEVISION RISER
CB = CHORD BEARING
CCR = CERTIFIED CORNER RECORDS
CDD = COMMUNITY DEVELOPMENT DISTRICT
CH = CHORD
CI = CURB INLET
CLP = CHAIN LINK FENCE
CLP = CONC. LIGHT POLE
CMP = CORRUGATED METAL PIPE
CONC. = CONCRETE
COT = CITY OF TAMPA
C/L = CENTERLINE
D.E. = DRAINAGE EASEMENT
DBAE = DRAINAGE AND ACCESS EASEMENT
D&IE = DRAINAGE AND INGRESS/EGRESS EASEMENT
D&U = DRAINAGE AND UTILITY ELEV. = ELEVATION
EPCB = ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY
ESMT = EASEMENT
FCM = FOUND CONCRETE MONUMENT
FIP = FOUND IRON PIPE
FIR = 5/8" FOUND IRON ROD, LB 3913 (UNLESS OTHERWISE NOTED)
FND = FOUND
FPK = FOUND PARKER-KALON NAIL
F.G.F.W.F.C.C.E. = FLORIDA GAME AND FRESH WATER FISH COMMISSION CONSERVATION EASEMENT
FN+D = FOUND NAIL & DISK, LB 3913 (UNLESS OTHERWISE NOTED)
FRRS = FOUND RAILROAD SPIKE
GA = GUY ANCHOR
HOA = HOMEOWNERS ASSOCIATION
HDPE = HIGH DENSITY POLYETHYLENE PIPE
ID = IDENTIFICATION
LB = LICENSED BUSINESS
L/S = LANDSCAPE
LS = LICENSED SURVEYOR
MEG = MATCH EXISTING GRADE
MH = MANHOLE
(NR) = NON-RADIAL
NAVD = NORTH AMERICAN VERTICAL DATUM 1988
NGVD = NATIONAL GEODETIC VERTICAL DATUM 1929
NTS = NOT TO SCALE
O.R. = OFFICIAL RECORDS
OUL = OVERHEAD UTILITY LINES
(P) = PLAT
PAGP = PER APPROVED GRADING PLAN
PAG&DP = PER APPROVED GRADING AND DRAINAGE PLAN
PB = PLAT BOOK
PI = POINT OF INTERSECTION
PC = POINT OF CURVATURE
PCC = POINT OF COMPOUND CURVE
PCP = PERMANENT CONTROL POINT
PRC = POINT OF REVERSE CURVE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PRM = PERMANENT REFERENCE MONUMENT
PLS = PROFESSIONAL LAND SURVEYOR
PSM = PROFESSIONAL SURVEYOR & MAPPER
PASP = PER APPROVED SIDEWALK PLAN
P/L = PROPERTY LINE
PVC = POLYVINYL CHLORIDE
(R) = RADIAL
RAD = RADIUS
RCP = REINFORCED CONCRETE PIPE
REG = REGISTERED
R/W = RIGHT-OF-WAY
(S) = SECTION
SEC = SECTION
TWP = TOWNSHIP
RGE = RANGE
SIR = 5/8" SET IRON ROD
LB 3913
SN+D = SET NAIL & DISK LB 3913
SPK = SET PARKER-KALON NAIL
SWFWMD = SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TBM = TEMPORARY BENCHMARK
TYP. = TYPICAL
UD&IE = UTILITY AND DRAINAGE INGRESS/EGRESS EASEMENT
U.E. = UTILITY EASEMENT
WC = WITNESS CORNER
WCEL = WETLAND CONSERVATION EASEMENT LINE
WCASL = WETLAND CONSERVATION AREA SETBACK LINE
WF = WOOD FENCE
WLBE = WALL LANDSCAPE AND BUFFER EASEMENT

- ☒ = RECYCLED WATER METER
☒ = WATER METER
☒ = WATER VALVE
☒ = FIRE HYDRANT
☒ = HUB & TACK SET
☒ = LATH SET
☒ = UTILITY POLE
☒ = CTV RISER

- NOTES:
1. NO UNDERGROUND INSTALLATION OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT THOSE SHOWN HEREON.
2. LANDMARK ENGINEERING & SURVEYING CORPORATION'S CERTIFICATE OF AUTHORIZATION NUMBER TO PROVIDE SURVEYING SERVICES IS LB3913.
3. THIS DRAWING NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA REGISTERED SURVEYOR & MAPPER.
4. AS USED ON THIS DRAWING, CERTIFY MEANS TO STATE OR DECLARE A PROFESSIONAL OPINION OF CONDITIONS REGARDING THOSE FACTS OR FINDINGS WHICH ARE THE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE EITHER EXPRESSED OR IMPLIED. THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED. IT IS NOT A CERTIFICATE OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.
5. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN HEREON.

Total Lot Area in
Square Feet ±

3688



22050294

This Survey Certified To : Ruth Patch

REVISIONS				
Description	Date	Dwn.	Ck'd	Order No.
Lot & Building Stake-Out	01/10/03	KMH	DJR	20310215
Formboard Tie-In	01/22/03	GLG	DJR	20310487
Final Survey	05/02/03	JP		20315216
Boundary Survey	1/05/21	CAS	BDD	22050294
Drawn: C. Zang	Checked: CJA			
Date: 09-23-02	Order No.: 22050294			

SURVEYOR'S CERTIFICATE

The survey represented herein conforms to the requirements of Chapter 5J-17, Florida Administrative Code in effect on the Survey Date shown.

NO. 5185

DATE OF SIGNATURE 12/31/2020

FLORIDA REGISTERED LAND SURVEYOR NO. 5185

Survey Date: 12/31/2020

LANDMARK
Engineering & Surveying Corporation

8515 Palm River Road | Tampa, Florida 33619
(813) 621-7841 | (813) 664-1832 (fax)
www.lesc.com | L.B. # 3913

Sec.: . Twp.: . Rge.: .

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 subject property is a 0.08-acre (±) residential lot owned by Ruth R. Patch at 10717 Ashford Oaks Dr, Tampa, FL 33625 (LOT 61 Westmont OAKS Subdivision) Folio No: 0040160272.

The current homeowner would like a variance of the rear yard setback to add a covered, screen enclosure to an existing patio that was added to the property in 2004. The patio is 2.92 feet from the ^{REAR} property line. The applicant REQUESTS A VARIANCE to reduce the 10' rear setback to 2.92 feet (A variance of 7.08').

There are several neighbors in her community that have already received variances for the same purpose. Addresses include 10713, 10716, & 10718

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code: Provisions of LDC, Part 11.04.02 (VARIANCES), PD (#98-1539) modified by PRS #00-1045 and from LDC, section 6.01.03.I.4 (Lots, Dimensional, Access Related- Permitted projection into yards), regarding the rear yard

ADDITIONAL INFORMATION

Setback Requirements

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 X 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 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 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 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?
 The hardship is only related to the property in question as the existing patio is ~~is only~~ and REQUESTED VARIANCE for covered patio would only affect this property. The two properties immediately to the right and left already have covered patios and are fine with the addition of this one.
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.
 There are many properties within this subdivision that have already RECEIVED VARIANCES to add screened/covered patios. A few addresses that have screened/covered enclosures include 10713, 10716, 10718.
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.
 The property already has a 13' x 19' concrete patio. Adding a screened/covered patio will not impact any neighbors to her immediate left or right. Both neighbors already have their own covered porches. In addition, her property backs up to a forest so no impact to other neighbors.
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).
 The variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan. The Variance Requested is common place in this subdivision.
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.
 Nothing illegal about requesting a covered/screened patio on an existing slab.
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.
~~Approving the variance~~ Current provisions of the LDC deprive the applicant of rights commonly enjoyed by other properties in this PD zoning district. Approving the variance will grant equal rights of enjoyment.

Prepared by:
Fuentes and Kreischer, P.A.
1407 West Busch Boulevard
Tampa, Florida 33612

File Number: 2020889TT

SP = 272,000

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE
AND CORRECT COPY OF THE DOCUMENT ON FILE IN
MY OFFICE, WITNESS MY HAND AND OFFICIAL SEAL
THIS 31st DAY OF March, 20 21



Cindy Stuart, Clerk of the Circuit Court
Hillsborough County, Florida

BY [Signature]
Deputy Clerk

General Warranty Deed

Made this November 16, 2020 A.D. By Theodore William Elliott, Jr. and Deborah J. Elliott f/k/a Deborah J. Severson, husband and wife, hereinafter called the grantor, to Ruth R. Patch, whose post office address is: *, hereinafter called the grantee: *10717 Ashford Oaks Dr., Tampa, FL 33625

(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 TEN AND NO/100 DOLLARS (\$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, Florida, viz:

Lot 61, Westmont Oaks, as per plat thereof, recorded in Plat Book 90, Page 82, of the Public Records of Hillsborough County, Florida.

Parcel ID Number: 004016-0272

The grantors hereby warrant that they were married at the time they acquired the real property described herein and were continuously married through the date of this conveyance.

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, 2020.

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

Signed, sealed and delivered in our presence:

[Signature]
Therese M. Tearney
1st witness signature

1st witness printed name

[Signature]
2nd witness signature

2nd witness printed name

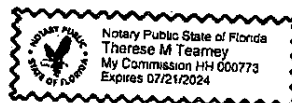
State of Florida
County of Hillsborough

[Signature] (Seal)
Theodore William Elliott, Jr.
Address: 608 Margaret St.

[Signature] (Seal)
Deborah J. Elliott f/k/a Deborah J. Severson
Address: Chatfield, mn 55923

The foregoing instrument was acknowledged before me by means of XX physical presence or online notarization, this 11th day of November, 2020, by Theodore William Elliott, Jr. and Deborah J. Elliott f/k/a Deborah J. Severson, husband and wife, who is/are personally known to me or who has produced drivers license as identification.

[Signature]
Notary Public
Print Name: Therese M. Tearney
My Commission Expires: 07/21/2024





VARIANCE APPLICATION

Joseph

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-272-5600. ZONING
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

OAKS Dr. Property Information

Address: 10717 Ashford City/State/Zip: TAMPA, FL 33625 TWN-RN-SEC: 28S-17-14
Folio(s): 004016-0272 Zoning: PD#98-1539 Future Land Use: RES-4 Property Size: .03 Acre

Property Owner Information

Name: Ruth R Patch Daytime Phone: 224-358-6075
Address: 10717 Ashford OAKS Dr City/State/Zip: TAMPA, FL 33625
Email: tampabaylaura@gmail.com FAX Number: N/A

Applicant Information

Name: LAURA BURDA Daytime Phone: 708-710-9303
Address: 9978 Stockbridge Dr City/State/Zip: TAMPA, FL 33626
Email: tampabaylaura@gmail.com FAX Number: N/A

Applicant's Representative (if different than above)

Name: LAURA BURDA Daytime Phone: 708-710-9303
Address: 9978 Stockbridge Dr City / State/Zip: TAMPA, FL 33626
Email: tampabaylaura@gmail.com 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.

Laura M. Burda
Signature of Applicant

LAURA BURDA
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.

Ruth R. Patch
Signature of Property Owner

Ruth R. Patch
Type or Print Name

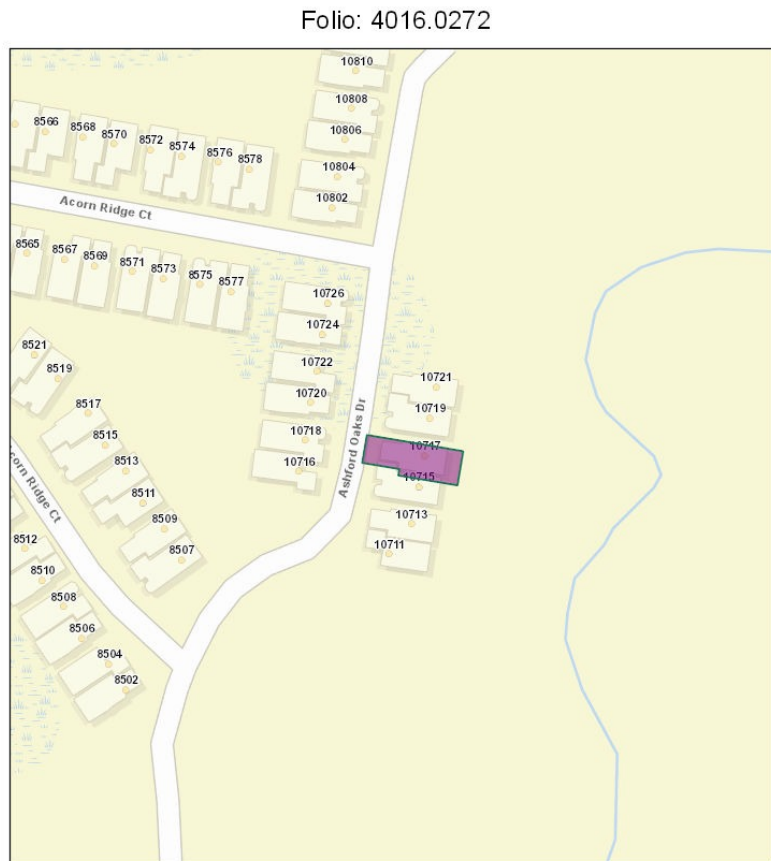
Office Use Only

Intake Staff Signature: _____ Intake Date: _____
Case Number: _____ Public Hearing Date: _____
Receipt Number: _____



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	98-1539
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0187H
FIRM Panel	12057C0187H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X500
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120190D
County Wide Planning Area	Northwest Hillsborough
Community Base Planning Area	Northwest Hillsborough
Planned Development	PD
Re-zoning	null
Note	
Personal Appearances	07-1994,03-0929,00-1045, 99-1288, 16-1271, 19-0646
Census Data	Tract: 011412 Block: 2011
Census Data	Tract: 011412 Block: 2010
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
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



April 8, 2021

1:1,329
0 0.01 0.02 0.04 mi
0 0.02 0.04 0.07 km

PG, Hillsborough County - Public Works - Geomatics - Streets & Addresses

Hillsborough County, Florida

Folio: 4016.0272
PIN: U-14-28-17-5TZ-000000-00061.0
RUTH R PATCH
Mailing Address:
 10717 ASHFORD OAKS DR
 TAMPA, FL 33625-3760
Site Address:
 10717 ASHFORD OAKS DR
 TAMPA, FL 33625
SEC-TWN-RNG: 14-28-17
Acreage: 0.0845245
Market Value: \$210,916.00
Landuse Code: 0106 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.

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