



**LAND USE HEARING OFFICER VARIANCE REPORT**

**APPLICATION NUMBER:** VAR 21-0713

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

**CASE REVIEWER:** Steve Beachy, AICP

**REQUEST:** The applicant is requesting multiple variances to accommodate two existing accessory structures on property zoned RSC-6.

**VARIANCE(S):**

Two-story metal building

Per LDC Section 6.11.04.B, accessory structures more than 15 feet in height shall meet principal building setbacks. According to the applicant, the two-story metal building shown on the submitted survey at the northwest corner of the property is 20 feet in height. Per LDC Section 6.01.01, the minimum required rear yard setback in the RSC-6 district is 25 feet, and the minimum required side yard setback is 15 feet. The applicant requests:

- A 20.1-foot reduction of the required rear yard setback to allow a setback of 4.9 feet as measured to the roof overhang from the west property line; and,
- A 3.9-foot reduction of the required side yard setback to allow a setback of 3.6 feet as measured to the roof overhang from the north property line.

Metal shed

Per LDC Sec. 6.11.04.C.2, accessory structures 15 feet or less in height may occupy required rear yards provided they are no closer than 3 feet to the side and rear lot lines, including eaves and gutters. The applicant requests the following for the metal shed shown on the submitted survey at the southwest corner of the property:

- A 1.8-foot reduction to the required setback to allow a setback of 1.2 feet from the south side lot line; and,
- A 1.6-foot reduction to the required setback to allow a setback of 1.4 feet from the west lot line.

Required rear yard coverage

Per LDC Section 6.11.04.C.3, accessory structures may occupy required rear yards provided that such structures do not occupy more than 20 percent of the required rear yard. The applicant requests a 12.5 percent increase to the maximum coverage to allow 32.5 percent coverage of the required rear yard.

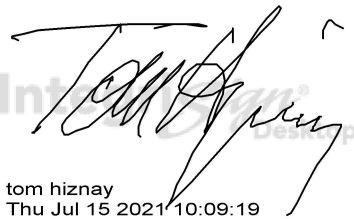
**FINDINGS:**

- The applicant is subject to a code compliance violation for construction of an accessory structure without permits. If the variance is approved, the applicant is aware they will be required to obtain after-the-fact permit building permits.

- The carport attached to the two-story metal building is included in the calculations for the required rear yard coverage.

**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 Jul 15 2021 10:09:19

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

**Hillsborough  
County Florida**  
Development Services

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

# Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR 21-0713 Applicant's Name: William & Paula HernandezReviewing Planner's Name: Stephen Beachy Date: 06/08/2021

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): 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](mailto: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.***

DocuSigned by:

6DAE7423B7164FE...

Signature

6/8/2021 | 1:19:07 PM EDT

Date

**FOR OFFICE USE ONLY**

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

In-Take Completed by: \_\_\_\_\_







**Hillsborough  
County Florida**  
Development Services

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# Additional / Revised Information Sheet

Received 07/15/21  
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Reviewing Planner's Name: Stephen Beachy Date: 6/14/2021

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- ☐ 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): 7/26/2021

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updated Variance Application

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Signature

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## 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.

Replacement Structure is over 4 feet from our property line. I have no neighbors behind me and to my left is a gas station. We had a structure there when I purchased the home and just wanted to replace it to house a RV and look beautiful. We live in Pot Acres, which is a now deed restricted community, and have no HOA dues.

See 2nd page . . . .

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

6.11.04

## 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 19<sup>th</sup> floor County Center).



- ① Structure on NW corner, asking for reduced Set Back. from 7.55 feet to 3.6 feet on side yard.
- ② Asking for reduction of 25 feet of rear yard Set back to 4.9 FT from the rear of the yard.
- ③ Small Shed on SW corner, to reduce rear yard Set back of 3 feet to 1.4 feet
- ④ Small Shed on SW corner, to reduce the 3 feet require Set Back to 1.2 feet on the side yard
- ⑤ Increase of the 20% to 32% of the rear yard lot coverage.

I understand if the variance is approved, I have to return to the County office for the "After the Fact" permit.



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Signature

6/14/2021

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## **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 location of the accessory structure exceeding 15 Ft is adjacent to commercially zoned properties.

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.

My accessory exceeding 15 Ft is not impacting any adjacent homes. The accessory on the S.W. corner of my property was existing when we purchased the home.

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 accessory structure that is taller than 15 Ft does not impact adjacent residential homes. The small structure on the S.W. corner is barely visible from the adjacent residential home. We have an 8 Ft wall around the whole property.

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).

We believe investing in a safer, new, progressive structure aids in preserving the harmony of Hillsborough County. It's much safer, especially under extreme weather conditions, adds value to the neighborhood, and does not interfere with anyone around us at all.

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 smaller structure existed prior to purchasing the property. We replaced the larger structure to make it safer to store our vehicles and improve the aesthetics of our home and community. We did not know we needed a permit, since we had an existing structure there.

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.

There are other homes in our community that have similar non-conforming structures and it would be an injustice if we had to destroy ours, as well as a major financial loss.

THIS INSTRUMENT PREPARED BY AND RETURN TO:  
EVA D. WEATHERS  
SOUTHLAND TITLE COMPANY  
1000 W. KENNEDY BLVD,  
TAMPA, FLORIDA 33606  
Property Appraisers Parcel Identification Number(s):  
U-26-28-17-09Q-000014-00002.0

OFFICIAL RECORD 36604  
ON PAGE 1874  
E-FILE DATE 5/7/19

FILE # 17112  
Consideration: \$340,000.00

SPACE ABOVE THIS LINE FOR RECORDING

**THIS WARRANTY DEED**, made the 3rd day of May, 2019 by **MARLENE RENEE SANCHEZ**, single, herein called the Grantor, to **WILLIAM HERNANDEZ** and **PAULA HERNANDEZ**, Husband and Wife, whose post office address is **8314 FLOWERFIELD, TAMPA, FL 33615**, hereinafter called the Grantees:

*(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 of TEN AND 00/100'S (\$10.00) Dollars 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.:

**Lot 2 in Block 14 of Pat Acres, 5th Addition, according to the plat thereof as recorded in Plat Book 42, page 54, of the Public Records of Hillsborough County, Florida.**

**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 grantees 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.

PAGE 2  
WARRANTY DEED

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:

Eva D. Weathers  
Witness #1 Signature

**EVA D. WEATHERS**

Witness #1 Printed Name

Robin S. Walker  
Witness #2 Signature

**ROBIN S. WALKER**

Witness #2 Printed Name

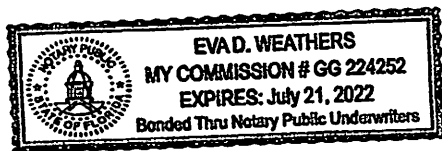
Marlene Renee Sanchez  
**MARLENE RENEE SANCHEZ**

16077 237TH DRIVE LIVE OAK, FL 32060

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 3rd day of May, 2019 by MARLENE RENEE SANCHEZ, single who is personally known to me or has produced \_\_\_\_\_ as identification.

DRIVER'S LICENSE  
SEAL



Eva D. Weathers  
Notary Signature  
**EVA D. WEATHERS**  
Printed Notary Signature  
My Commission Expires:

21-0713





**Hillsborough  
County Florida**  
Development Services

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Reviewing Planner's Name: Stephen Beachy Date: 6/14/2021

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## 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: 8314 Flowerfield Dr City/State/Zip: Tampa FL 33615 TWN-RN-SEC: \_\_\_\_\_  
Folio(s): 4843-0066 Zoning: \_\_\_\_\_ Future Land Use: \_\_\_\_\_ Property Size: \_\_\_\_\_

### Property Owner Information

Name: William & Paula Hernandez Daytime Phone: 813 748 8871  
Address: 8314 Flowerfield Dr City/State/Zip: Tampa FL 33615  
Email: PAPCortez@gmail.com FAX Number: \_\_\_\_\_

### Applicant Information

Name: \_\_\_\_\_ 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.

Paula A Hernandez

Signature of Applicant

Paula A Hernandez  
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

William Hernandez

Signature of Property Owner

WILLIAM HERNANDEZ  
Type or Print Name

### Office Use Only

Intake Staff Signature: \_\_\_\_\_ Intake Date: \_\_\_\_\_  
Case Number: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_  
Receipt Number: \_\_\_\_\_

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