



Hillsborough County Florida

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-0900	
LUHO HEARING DATE: July 26, 2021	CASE REVIEWER: Kevie Defranc

REQUEST: The applicant is requesting setback variances to accommodate existing additions to a single-family home on property zoned PD 83-0200.

VARIANCE(S):

Per the approved site plan for PD 83-0200, the minimum required setbacks for the subject lot are as follows: front yard, 10 feet; side yard, 5 feet; and rear yard, 10 feet. Per LDC Section 6.01.03.I.4, covered patios may intrude no more than 13 feet into the required rear yard and shall not intrude into required side or front yards, except under certain circumstances that do not apply to this case. Additionally, in no case shall the permitted intrusion reduce the provided setback to less than 10 feet. The applicant requests:

- 1) A 4.2-foot reduction to the required side yard to allow a setback of 0.8 feet from the north property line;
- 2) A 4.6-foot reduction to the required side yard to allow a setback of 0.4 feet from the south property line; and,
- 3) A 7-foot reduction to the required rear yard to allow a setback of 3 feet from the west property line.

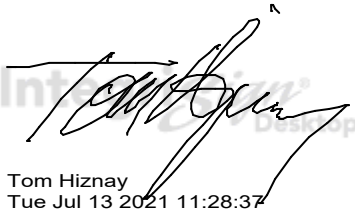
FINDINGS:

- A notice of violation by the Hillsborough County Building Services Division associated with the subject property has been placed in the case record for the subject variance.

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.

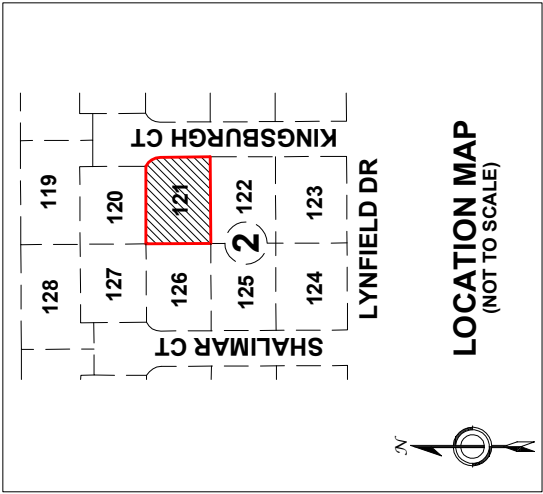
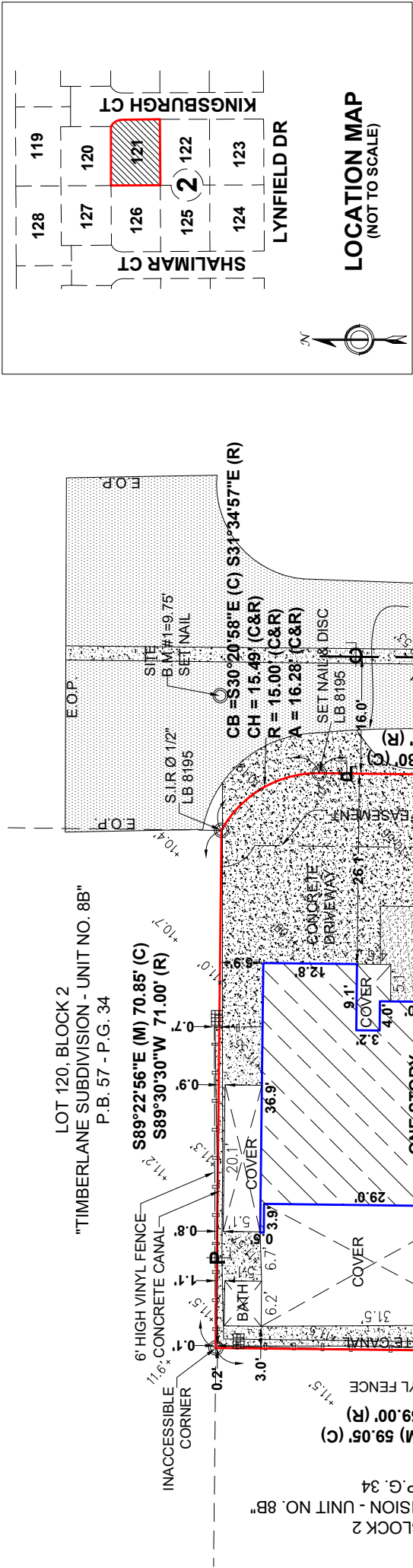
ADMINISTRATOR'S SIGN-OFF


Tom Hiznay
Tue Jul 13 2021 11:28:37

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

BOUNDARY AND TOPOGRAPHIC SURVEY

SECTION 27, TOWNSHIP 28S, RANGE 17E. HILLSBOROUGH COUNTY



PROPERTY ADDRESS:
9605 KINGSBURGH CT,
TAMPA, FL 33615
(FOLIO No. 005231-7280)

SCALE: 1" = 20'

DESCRIPTION:
LOT 121 OF BLOCK 2 OF "TIMBERLANE SUBDIVISION - UNIT NO. 8B", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 57 AT PAGE 34 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

FLOOD ZONE INFORMATION:
COMMUNITY: HILLSBOROUGH COUNTY-120112
MAP/PANEL NO. 12057C0189H
SUFFIX: H
FIRM DATE: 08/28/2008
FLOOD ZONE: X

THERE MAY BE LEGAL RESTRICTIONS ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN ON THE MAP OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, OR THE RECORDS OF ANY OTHER PUBLIC AND PRIVATE ENTITIES AS THEIR JURISDICTIONS MAY APPEAR.

THE MAP OF SURVEY IS INTENDED TO BE DISPLAYED AT THE STATED GRAPHIC SCALE IN ENGLISH UNITS OF MEASUREMENT. ATTENTION IS BROUGHT TO THE FACT THAT SAID DRAWING MAY BE ALTERED IN SCALE BY THE REPRODUCTION PROCESS

THIS SURVEY WAS CONDUCTED FOR THE PURPOSE OF A TOPOGRAPHIC SURVEY ONLY AND IS NOT INTENDED TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY BOARD, COMMISSION OR OTHER ENTITY.

THE ELEVATIONS OF WELL-IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAP WERE MEASURED TO AN ESTIMATED VERTICAL POSITIONAL ACCURACY OF 1/10 FOOT FOR NATURAL GROUND SURFACES AND 1/100 FOOT FOR HARDSCAPE SURFACES, INCLUDING PAVEMENTS, CURBS AND OTHER MAN-MADE FEATURES AS MAY EXIST.

LEGEND

- C CENTER LINE
- PROPERTY CORNER
- P PROPERTY LINE
- 17.6' GROUND ELEVATION
- 16.2' PAVEMENT ELEVATION
- Catch Basin
- A/C UNIT

ABBREVIATIONS

- (C)=CALCULATED
- (M)=MEASURED
- (R)=RECORD
- (P)=PRORATED
- B.M. = BENCHMARK
- P.B. = PLAT BOOK
- P.G. = PAGE
- F.I.R. = FOUND IRON ROD
- F.I.P. = FOUND IRON PIPE
- S.I.R. = SET IRON ROD
- I.D. = IDENTIFICATION
- E.O.P. = EDGE OF PAVEMENT

BENCH MARK: GPS-NAIL ELEVATION: 9.75 FEET (NAVD88)

LEGAL DESCRIPTION WAS FURNISHED BY THE CLIENT.

WELL-IDENTIFIED FEATURES AS DEPICTED ON THIS SURVEY AND MAP WERE MEASURED TO AN ESTIMATED HORIZONTAL POSITIONAL ACCURACY OF 1/10 FOOT UNLESS OTHERWISE SHOWN.

BEARINGS AS SHOWN HEREON ARE BASED UPON AN ASSUMED VALUE OF S00°40'33"W FOR THE WEST RIGHT OF WAY LINE OF KINGSBURGH CT AS DEPICTED ON THE MAP OF SURVEY.

LEGAL DESCRIPTION SUBJECT TO ANY DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR RECORDED EASEMENTS.

THE SURVEYOR MAKES NO REPRESENTATION AS TO OWNERSHIP, POSSESSION OR OCCUPATION OF THE SUBJECT PROPERTY BY ANY ENTITY OR INDIVIDUAL.

SUBSURFACE IMPROVEMENTS AND/OR ENCROACHMENTS WITHIN, UPON, ACROSS, ABUTTING OR ADJACENT TO THE SUBJECT PROPERTY WERE NOT LOCATED AND ARE NOT SHOWN.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS AND DELETIONS TO THIS MAP OF SURVEY BY OTHER THAN THE SIGNING PARTY ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.

THIS MAP OF SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREIN AND THE CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTY.

NO TREES FOUND 20' AWAY FROM PROPERTY UNLESS DEPICTED ON THIS MAP.

CERTIFY TO:

ANAY CARBONELL

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: THAT THIS "TOPOGRAPHIC SURVEY" AND THE MAP OF SURVEY RESULTING THEREFROM WAS PERFORMED UNDER MY DIRECTION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND FURTHER, THAT SAID "TOPOGRAPHIC SURVEY" MEETS THE INTENT OF THE "MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA", PURSUANT TO RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE AND ITS IMPLEMENTING RULE, CHAPTER 472.027 OF THE FLORIDA STATUTES.



GPS
GLOBAL PROJECTS SURVEYING

PROFESSIONAL
SURVEYOR AND MAPPER
PHONE: (813) 423-3483
FAX: (813) 386-0111
www.gpsflorida.net

ORIGINAL
FIELD DATE
REVISIONS:

JOB NO. 21-2829

DRAWN CAM
SHEET 1/1

21-0900

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.

See Attached

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

ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No _____ Yes X
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 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**).

Written Statement

The subject property, with Folio No. 5231.7280, is located at 9605 Kingsburgh Ct., Tampa, FL 33615. This property is **only 0.11 acres** with a required 10' front and rear setback and 5' side setbacks. Mrs. Carbonell wishes to bring her property into compliance with the LDC and Building Code. Approval of this variance is required to obtain the building permits for some additions that were built without permit.

Variances Requested:

1. **Side setback (North) - Variance of 4.2' from the required side yard setback of 5' resulting in a side yard of 0.8'.** This is to bring into compliance a small bathroom and a small carport to protect a jet ski from the weather conditions.
2. **Rear setback – Variance of 7' from the required rear yard setback of 10' resulting in a rear yard of 3'.** This is to bring into compliance a small porch, an addition to the house, a covered patio that contains an outdoor kitchen and an outdoor kitchen/relax area, and the small bathroom mentioned on the previous variance which also encroaches into the rear setback.
3. **Side setback (South) – Variance of 4.6' from the required side yard setback of 5' resulting in a side yard of 0.4'.** This is to bring into compliance a small porch located in the southeast corner of the house and a small roof along this side. The small porch is to protect the family bicycles since the house does not have a garage or a shed. The small roof is to protect a door, on that side of the house, from the weather conditions.

Mrs. Carbonell's property is very small and the house's living space is only 1,836 S.F. The addition built in the back of the house includes a closet and a storage area. The house does not have any garage or shed so having a storage area was important for the family. The covered patio with the kitchen/seating area built in the back, is the only outdoor area where the family can gather outdoors to enjoy the nice weather. Several pictures of this area were included as part of the application. Culturally, the family is used to cook, eat, and spend time outdoors. This is the area they designed and built for this purpose and to gather there with friends. A small bathroom was also included adjacent to this covered patio for the convenience of the family members and friends.

There have been multiple setback variances approved in the neighborhood; see attached picture showing the location of some of them. The lots are so reduced that almost any addition to a house would require of a variance approval. Mrs. Carbonell's adjacent property owners support her variance request.

Mrs. Carbonell and her family would appreciate the approval to this application so they can keep the structures they need and that improve their quality of life.

Thank you,

Luisa Alonso

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 Attached

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 Attached

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 Attached

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 Attached

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 Attached

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 Attached

Variance Criteria Response

- 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 size of the lot is a limitation to any addition to the house without the approval of a variance. There are 5 adults living in the property and the originally space in the house was not large enough for the family needs. The family does not have enough resources to purchase a larger property and they tried to adjust the one they could afford to their needs. There multiple properties in the area that have been granted a setback variance due to the same reasons.

- 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.**

The LDC, and particularly the approved setbacks of the PD where this property is located, requires a front/rear setback of 10' and side setbacks of 5'. Since the property is only 0.11 acres in size, there is practically no area to expand the house or build any cover patio. Multiple properties in the areas have been granted approval of a variance to reduce the setbacks. Mrs. Carbonell would appreciate she is also granted a similar request to bring into compliance the structures encroaching into her required setbacks.

- 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.**

Approval of this variance will not interfere with or injure the rights of others in the area. The additions are screened by a 6' privacy fence from the neighbors view. Adjacent property owners do not oppose to Mrs. Carbonell's request.

- 4. Explain how the variance is in harmony with and serves the general intend 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 the intent/purpose).**

Approval of this variance is required to bring into compliance some structures that foster and preserve the health, safety, comfort and welfare of Mrs. Carbonell's family. This approval would allow this family to keep the structures built and that most families in Hillsborough County have without the need of a variance. These structures have increased the quality of life of Ms. Carbonell's family without representing a problem for the neighbors. These were property designed and located mostly on the back of the house and screened from the neighbors by a 6' privacy fence.

- 5. Explain how the situation sought to be relieved by the variance does not result from a n illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.**

Ms. Carbonell was not aware that a building permit and a variance was required to build the additions/structures. As soon as she was notified of this, she started the process to rectify this violation.

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.

Approval of this variance would result in substantial justice being done, since it would allow to bring into compliance some existing additions Mrs. Carbonell's family needs, while causing no harm to the surrounding property owners or other County residents. Since the rights and/or privacy of the surrounding neighbors are not be negatively affected by the existing additions, and since the public welfare will not be threatened in any way, approval of this variance will result in substantial justice being done.

Denial of this application would represent a significant financial problem for the family since good amount of their savings was invested on these additions. It would also impact the welfare and quality of life of the family by the elimination of the subject additions. It would totally affect the enjoyment of their property. Mrs. Carbonell's family would appreciate your consideration to their request. Thank you.

Return Original Document to:
FIRST AMERICAN TITLE
WARRENVILLE POST CLOSING
27775 Diehl Rd.
Warrenville, IL 60555

Prepared by
Lucretia Junge, an employee of
First American Title Insurance Company
13903 Carrollwood Village Run
Tampa, Florida 33618
(813)963-6424

Return to: Grantee

File No.: 1042-2307453

CORPORATE WARRANTY DEED

This indenture made on **May 07, 2010** A.D., by

Fast House Assistance, Inc., a Florida corporation

whose address is: **12808 Normandie Road, Tampa, FL 33625**
hereinafter called the "grantor", to

Anay Carbonell

whose address is: **9605 Kingsburgh Court, Tampa, FL 33615**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten 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**, to-wit:

Lot 121, Block 2, TIMBERLANE SUBDIVISION - UNIT NO. 8B, according to that certain Plat as recorded in Plat Book 57 Page 34, Public Records of Hillsborough County, Florida.

Parcel Identification Number: **5231-7280**

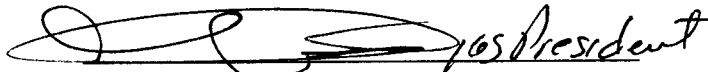
Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

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 31st of 2009.

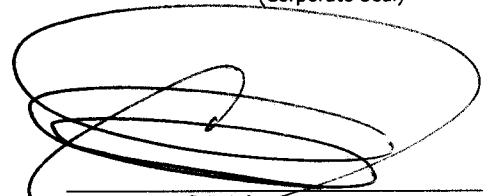
In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Fast House Assistance, Inc., a Florida corporation


By: Yovani Alvarez, President

Signed, sealed and delivered in our presence:


Witness Signature
Print Name: J Pena

(Corporate Seal)

Witness Signature **LUCRETIA JUNCIE**
Print Name: _____

State of **Florida**

County of **Hillsborough**

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me on **May 07, 2010**, by **Yovani Alvarez, as President , and , as on behalf of Fast House Assistance, Inc., a Florida corporation**, existing under the laws of the State of , who is/are personally known to me or who has/have produced a valid driver's license as identification.

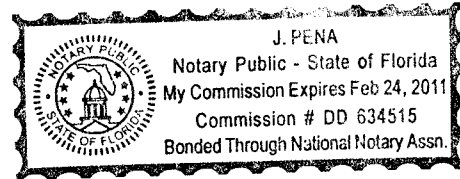
J. Pena

Notary Public

J. Pena

(Printed Name)

My Commission expires: 2-24-2011



{Notarial Seal}



Received
05/27/2021
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: 9605 Kingsburgh Ct. City/State/Zip: Tampa, FL TWN-RN-SEC: 27-28-17
Folio(s): 5231.7280 Zoning: PD Future Land Use: R-6 Property Size: 0.11

Property Owner Information

Name: Anay Carbonell Daytime Phone: 813-484-2649
Address: 9605 Kinsgburgh Ct. City/State/Zip: Tampa, FL 33615
Email: _____ FAX Number: NA

Applicant Information

Name: Luisa Alonso Daytime Phone: 813-394-4125
Address: 1024 W. Hillsborough Ave. City/State/Zip: Tampa, FL 33603
Email: laalassociates@yahoo.com FAX Number: NA

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

Luisa Alonso
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

Anay Carbonell
Type or Print Name

Ana Lizardo

Office Use Only

Intake Staff Signature: _____

Intake Date: 05/27/21

Case Number: 21-0900

Public Hearing Date: 07/26/2021

Receipt Number: 21-0900

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

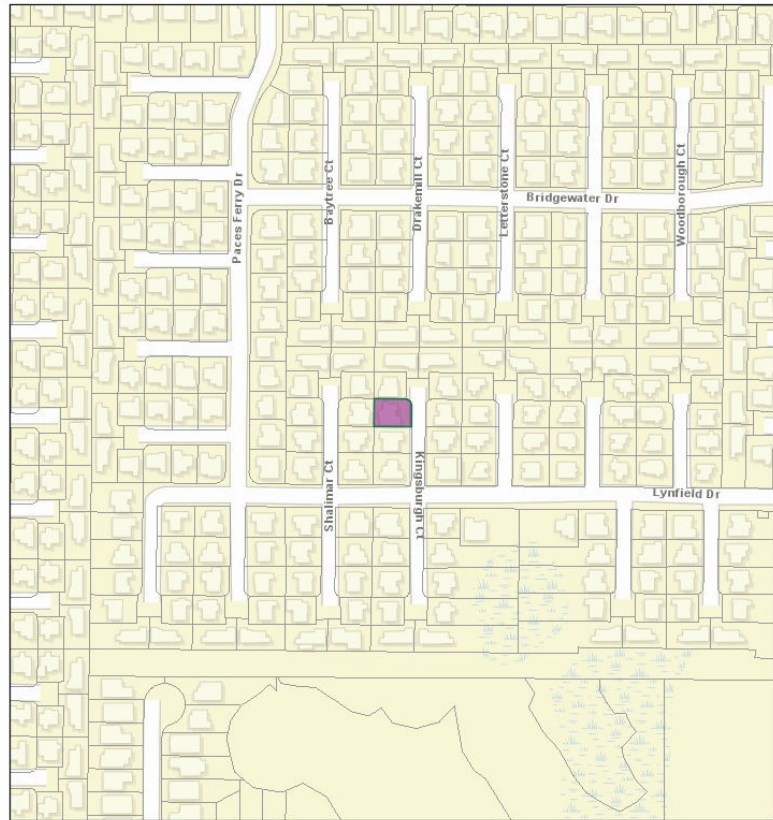
07/02/2021 21-0900



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	83-0200
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0189H
FIRM Panel	12057C0189H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X500
Pre 2008 Firm Panel	1201120190D
County Wide Planning Area	Northwest Hillsborough
Community Base Planning Area	Town and Country
Community Base Planning Area	Northwest Hillsborough
Planned Development	PD
Re-zoning	null
Census Data	Tract: 011614 Block: 3000
Future Landuse	R-6
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 10
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	190' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 5231.7280



May 28, 2021

1:2659
0 0.02 0.04 0.09 mi
0 0.04 0.07 0.14 km

PG

Hillsborough County Florida

Folio: 5231.7280
PIN: U-27-28-17-0AT-000002-00121.0
ANAY CARBONELL
Mailing Address:
 9605 KINGSBURGH CT
 TAMPA, FL 33615-1938
Site Address:
 9605 KINGSBURGH CT
 TAMPA, FL 33615
SEC-TWN-RNG: 27-28-17
Acreage: 0.111198
Market Value: \$181,910.00
Landuse Code: 0100 SINGLE FAMILY

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- Or
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

21-0900