



Hillsborough County Florida

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-1211	
LUHO HEARING DATE: October 25, 2021	CASE REVIEWER: Kevie Defranc

REQUEST: The applicant is requesting a setback variance for a proposed accessory structure on a single-family lot zoned AS-1.

VARIANCE(S):

Per LDC Sec. 6.11.04.C.1, accessory structures that are 15 feet or less in height shall not be erected in any required front yard except under certain circumstances which do not apply to this case. Accessory structures shall be permitted in front yards at twice the depth of the required front yard, or 50 feet, whichever is less. Additionally, such structures shall not occupy required side yards. Per LDC Section 6.01.01, the required front yard setback in the AS-1 district is 50 feet. The applicant requests a 45-foot reduction to the required front yard setback to allow a setback of 5 feet from the northwesterly lot line.

FINDINGS:

- The AS-1 district requires a minimum lot size of one acre and minimum lot width of 150 feet. The subject parcel is 0.94 acres in size and 125 feet in width. However, it has been certified as a legal nonconforming lot per NCL 21-1346 in the case record.
- Access to the subject property is provided via an easement, Collins Springs Cove, which connects to a public street, Watson Road, to the north of the property. Per LDC Section 6.01.03.F.9, required yards on lots accessed by easements shall be oriented with respect to the roadway to which the easement connects, as if the lot abutted the roadway. Therefore, the required front yard on the subject property is along the northwesterly lot line.
- According to the applicant, the proposed accessory structure will have a maximum height of 15 feet.
- According to the applicant, there are plans to replace the existing house on the property with the “new house” shown on the survey submitted with the subject variance. However, the applicant has advised staff that the “new house” is not part of the subject variance request. Therefore, staff has advised the applicant that any variances which may be identified and requested in the future for the “new house” will require submittal of a separate variance application at that time.

DISCLAIMER:

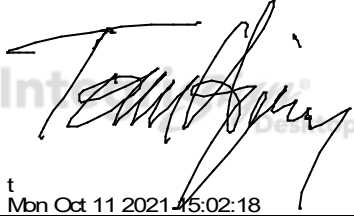
The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required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

APPLICATION: VAR 21-1211

LUHO HEARING DATE: October 25, 2021

CASE REVIEWER: Kevie Defranc

ADMINISTRATOR'S SIGN-OFF



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Mon Oct 11 2021 15:02:18

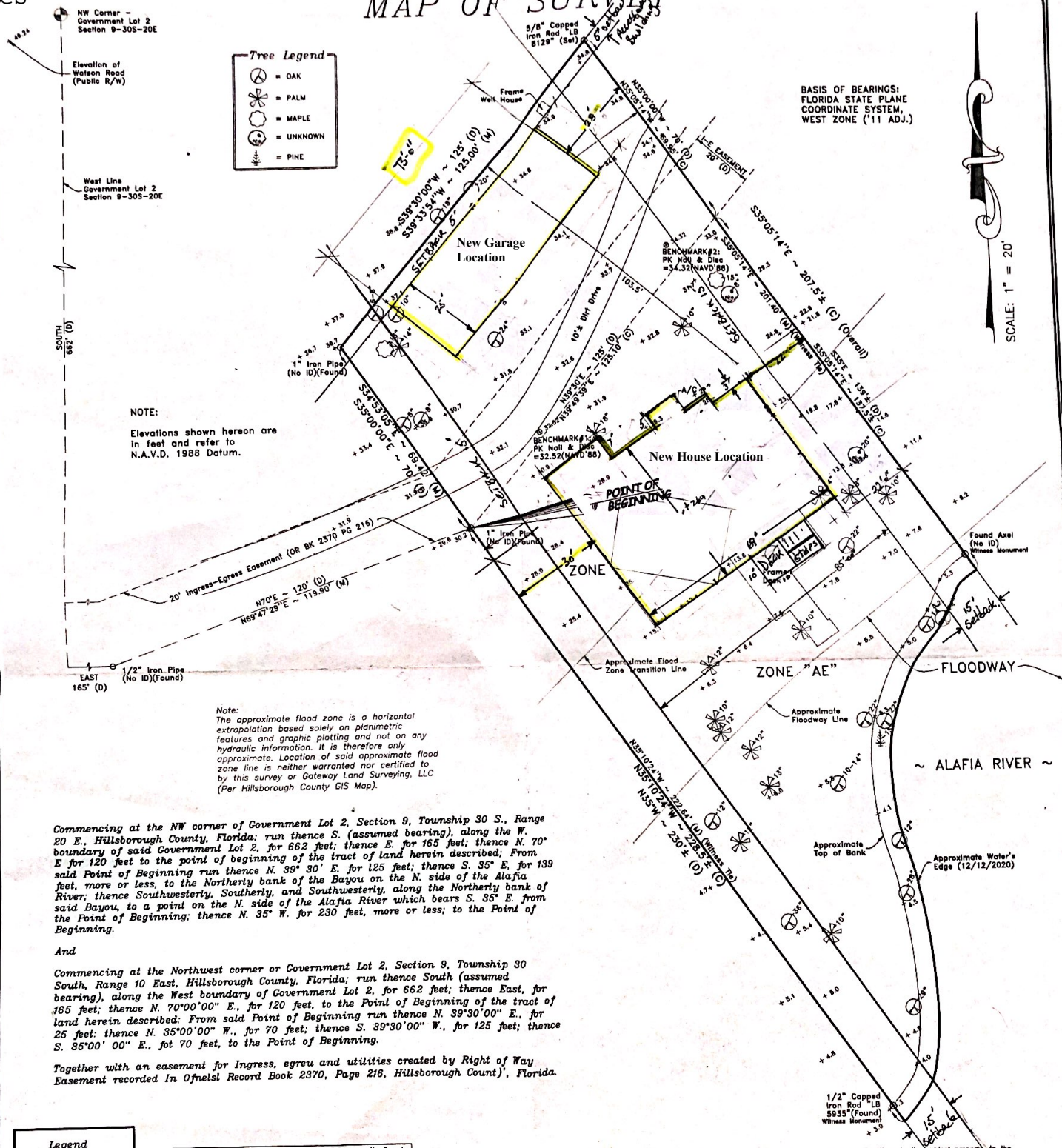
Attachments: Application

Site Plan

Petitioner's Written Statement

Current Deed

MAP OF SURVEY



Commencing at the NW corner of Government Lot 2, Section 9, Township 30 S., Range 20 E., Hillsborough County, Florida; run thence S. (assumed bearing), along the W. boundary of said Government Lot 2, for 662 feet; thence E. for 165 feet; thence N. 70° E. for 120 feet to the point of beginning of the tract of land herein described; From said Point of Beginning, run thence N. 99° 30' E. for 125 feet; thence S. 35° E. for 139 feet, more or less, to the Northerly bank of the Bayou on the N. side of the Alafia River, more or less; thence Southwesterly, Southerly, and Southwesterly, along the Northerly bank of said Bayou, to a point on the N. side of the Alafia River which bears S. 35° E. from the Point of Beginning; thence N. 35° W. for 230 feet, more or less; to the Point of Beginning.

And

Commencing at the Northwest corner of Government Lot 2, Section 9, Township 30 South, Range 10 East, Hillsborough County, Florida; run thence South (assumed bearing), along the West boundary of Government Lot 2, for 662 feet; thence East, for 165 feet; thence N. 70°00'00" E., for 120 feet, to the Point of Beginning of the tract of land herein described: From said Point of Beginning run thence N. 39°30'00" E., for 25 feet; thence N. 35°00'00" W., for 70 feet; thence S. 39°30'00" W., for 125 feet; thence S. 35°00' 00" E., for 70 feet, to the Point of Beginning.

Together with an easement for ingress, egress and utilities created by Right of Way Easement recorded in Official Record Book 2370, Page 216, Hillsborough County', Florida.

Legend	
PC	Point of Curvature
PCP	Permanent Control Point
PM	Permanent Reference Measurement
PMI	Official Records
R/W	Right of Way
Conc.	Concrete
(C)	Calculated
L.B.	Licensed Business
(P)	Post
(R)	Rail Road
PMI	Professional Surveyor and Mapper
(M)	Field Measured
(D)	Dead End of Record
(C)	Calculated

(NCPNL) information obtained from the Hillsborough County Property Appraiser's Web Site (<http://ncpn.org>)

According to Flood Insurance Rate Map Community Panel Number 12057C 0393H, Dated 8-28-08 issued by the Federal Emergency Management Agency, the property shown and described herein appears to lie within Zone X & AE.

BASE FLOOD ELEVATION = 14.8' (N.A.V.D. 1988 DATUM)

NOTES: Unless noted, this survey has been prepared without the benefit of a title search or title commitment, and therefore is subject to any dedications, restrictions, easements and/or other such items of record that a certified holder(s) may reveal. Building setback lines have not been shown on this map of survey, unless otherwise noted. To determine setback requirements, inquiries need to be made by the certified holder(s) to the appropriate zoning department. All distances shown, other than lot or boundary distances, are approximate only and should be assumed as such by the certificate holder(s). Structure, topography items and appurtenances shown are in approximate locations; their configurations are also approximated and could vary. Other utilities/items may be prevalent on this parcel, but might not be shown on this map.

NOTE: The signing surveyor or Gateway Land Surveying, LLC cannot be responsible for any additions, deletions or alterations to this survey that occur after the date of completion of this survey. Any use of this survey for purposes other than that for which it was intended is strictly prohibited without the written consent or verification of the original signing surveyor. Any re-user of this survey, in whole or in part, without any liability to the signing surveyor or their representing firm.

Surveyor's Report and Additional Notes

- Surveyor's report was
1. No underground installations or improvements have been located except as shown herein.
2. Recessed electrical conduits have been located by this surveyor to establish dead end or pivot lines and corners.
3. Utilities shown shown herein, no Jurisdictional Wetland Areas or other physical topographic features have been located.
4. Features have been located.
5. This survey does not bear, nor determine ownership.
6. This survey does not show, nor determine, easements, appurtenances and other related items shown on the map were located to the best of the ability of the surveyor.
7. This survey does not show, nor determine, other features not shown on this map that are related to items noted above may also exist.
8. Features shown on this map are not shown on the map for the following reasons: specific fence ties, as shown on this map, are from specific locations. This survey makes no guarantee of the accuracy of the fence ties shown on this map.
9. This survey is not to be used for any purpose other than that for which it was prepared by the Surveyor.

[illegible]

RECEIVED
DATE & HOUR

BUILD # 20' FIELD NO. 01/08/2021 DATE REC'D 20-0868 PARTY CHIEF BK SURVEYOR A.R.B.

BOUNDARY SURVEY FOR AND CERTIFIED TO:
PRIVEDERE BUILDERS



**Hillsborough
County Florida**
Development Services

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

Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR-21-1211 Applicant's Name: Belvedere Builders/ Michael Kildow

Reviewing Planner's Name: Keve Defranc Date: 10/06/2021

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): 10/25/2021

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

10/6/2021

Date

FOR OFFICE USE ONLY

- ☐ Notification E-Mail Sent
☐ Transmittal Completed

☐ Scanned into OPTIX

In-Take Completed by: _____



Certificate # CGC1523262

10/6/2021

Hillsborough County Development Services
Attn: Kevie Defranc, Senior Planner
601 E Kennedy Blvd.
Tampa, FL 33602

RE: Var-21-1211

Dear Mr. Defranc,

Please see our attached revision to our variance application for 6713 Collins Spring Cove., Riverview, FL

The revision specifically corrects item #2 on the variance request so that the proper land development code is reflected. The documents attached include;

- 1) This cover letter
- 2) Completed Additional/Revised Information Sheet
- 3) Variance Application pages 1 - 3

Regards,

Michael Kildow
Belvedere Builders LLC.

Application Number: VAR 21-1211

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.

We would like to Remove the existing 24x24x15 masonry garage
and construct a new 73x25x15 masonry garage

The current LDC AS-1 does not allow a detached
structure located in the front yard

Due to the extreme existing lot grades, we need to
utilize this location for the new garage as it's
the only level area on the lot that automobiles
can be safely parked.

New House on survey NOT included in variance request.

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

LDC - SECTION 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: N/A
Public Water _____ Public Wastewater _____ Private Well existing Septic Tank existing
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 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?

WE WOULD LIKE TO REMOVE THE EXISTING 24' x 24' MASONRY GARAGE AND CONSTRUCT A NEW 73' x 25' MASONRY GARAGE. DUE TO THE HARDSHIP OF THE EXTREME EXISTING LOT GRADES, THIS LOCATION FOR THE NEW GARAGE IS THE ONLY LEVEL AREA ON THIS LOT WHERE AN AUTOMOBILE CAN BE SAFELY PARKED.

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 CURRENT LDC-AS1 DOES NOT ALLOW A DETACHED STRUCTURE LOCATED IN THE FRONT YARD TO CROSS THE 50' FRONT SETBACK. DUE TO THE EXTREME EXISTING LOT GRADES, THIS LOCATION FOR THE NEW GARAGE IS THE ONLY LEVEL AREA ON THIS LOT THAT CAN A

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 IS AN EXISTING 24' x 24' MASONRY GARAGE IN BAD SHAPE THAT WE WOULD LIKE TO REMOVE. WE WOULD LIKE TO CONSTRUCT A NEW 73' x 25' MASONRY GARAGE IN THAT SAME GENERAL AREA AS THE EXISTING STRUCTURE. NO OTHER HOMES WILL BE ADVERSELY AFFECTED.

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 ALLOWS THE HOMEOWNER TO CONSTRUCT A NEW 73' x 25' MASONRY GARAGE IN PLACE OF AN EXISTING 24' x 24' GARAGE THAT IS IN BAD SHAPE. THERE IS NOT ANOTHER LOCATION ON THIS LOT THAT ALLOWS FOR A DETACHED GARAGE DUE TO EXISTING LOT GRADES

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.

DUE TO THE EXTREME EXISTING LOT GRADES, THIS LOCATION FOR THE NEW GARAGE IS THE ONLY LEVEL AREA ON THIS LOT THAT AUTOMOBILES CAN BE SAFELY PARKED.

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.

THE EXISTING 24' x 24' MASONRY PARKING GARAGE IS IN BAD SHAPE AND WE WANT TO REMOVE IT AND CONSTRUCT A NEW 73' x 25' MASONRY PARKING GARAGE FOR THE HOMEOWNER TO PARK HIS AUTOMOBILES. FAILURE TO GRANT THE VARIANCE WOULD MEAN THE HOMEOWNERS COULD NOT PARK THEIR AUTOMOBILES IN THE PARKING GARAGE.



Prepared by: Mindi Mims
Sunbelt Title Agency
Return to: 1715 N. Westshore Blvd., Suite 190
Tampa, FL 33607
File Number: 797615000113

[Space Above This Line For Recording Data]

Corrective Warranty Deed

Made this 30th day of January 2015 by Richard C. McConnell and Darlene K. McConnell, Husband And Wife, hereinafter called the Grantor, to Simon N. Spiers and Carolyn J. Spiers, Husband And Wife, whose post office address is: 612 Bennington Place, Charlotte, NC 28211, hereinafter called the 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 Ten Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situated in Hillsborough County, Florida, viz:

Commencing at the NW corner of Government Lot 2, Section 9, Township 30 S., Range 20 E., Hillsborough County, Florida; run thence S. (assumed bearing), along the W. boundary of said Government Lot 2, for 662 feet; thence E. for 165 feet; thence N. 70° E for 120 feet to the point of beginning of the tract of land herein described; From said Point of Beginning run thence N. 39° 30' E. for 125 feet; thence S. 35° E. for 139 feet, more or less, to the Northerly bank of the Bayou on the N. side of the Alafia River; thence Southwesterly, Southerly, and Southwesterly, along the Northerly bank of said Bayou, to a point on the N. side of the Alafia River which bears S. 35° E. from the Point of Beginning; thence N. 35° W. for 230 feet, more or less; to the Point of Beginning.

And

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Together with an easement for Ingress, egress and utilities created by Right of Way Easement recorded in Official Record Book 2370, Page 216, Hillsborough County, Florida.

Parcel Identification Number: U-09-30-20-ZZZ-000002-84130.0

This deed is being given to correct the year of the date of the transfer contained in Warranty Deed filed in O.R. Book 23084, Page 1756, 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 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. Subject to covenants, restrictions, easements of record and taxes for the current year and subsequent years.

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:

Witness to Richard C. McConnell: (Signature)

Print Name

Witness to Richard C. McConnell: (Signature)

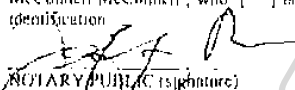
Print Name:

Incident to the Issuance of title insurance.
WARRANTYDEED
REV 4-14-15
fp

Richard C. McConnell
11214 Desoto Road
Riverview, FL 33578

State of Florida
County of Hillsborough

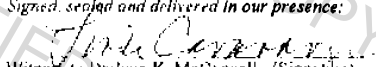
The foregoing instrument was acknowledged before me this 28 day of Aug, 2015, by Richard C. McConnell McConnell, who: [] is personally known to me or [] produced _____ as identification


NOTARY PUBLIC (signature)
Print Name: _____
My Commission Expires: _____
Stamp/Seal: _____




JEFFREY S. ROCK
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF077618
Expires 12/18/2017


Signed, sealed and delivered in our presence:


Witness to Darlene K. McConnell (Signature)

Print Name: Darlene K. McConnell

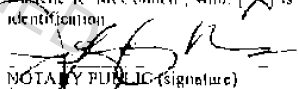

Witness to Darlene K. McConnell (Signature)

Print Name: James M. McConnell


Darlene K. McConnell
11214 Desoto Road
Riverview, FL 33578

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this 28 day of Aug, 2015, by Darlene K. McConnell, who: [X] is personally known to me or [] produced _____ as identification


NOTARY PUBLIC (signature)
Print Name: _____
My Commission Expires: _____
Stamp/Seal: _____



JEFFREY S. ROCK
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF077618
Expires 12/18/2017



**Hillsborough
County Florida**
Development Services

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

Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR-21-1211 Applicant's Name: Belvedere Builders/ Michael Kildow

Reviewing Planner's Name: Keve Defranc Date: 10/06/2021

Application Type:

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☒ Email (Preferred). Note that no follow up paper file is necessary. Pdf format only. Maximum attachment(s) size is 15 MB.

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☐ Mail or delivery. Number of Plans Submitted: Large _____ Small _____

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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

10/6/2021

Date

FOR OFFICE USE ONLY

- ☐ Notification E-Mail Sent
☐ Transmittal Completed

☐ Scanned into OPTIX

In-Take Completed by: _____



10/6/2021

Hillsborough County Development Services
Attn: Kevie Defranc, Senior Planner
601 E Kennedy Blvd.
Tampa, FL 33602

RE: Var-21-1211

Dear Mr. Defranc,

Please see our attached revision to our variance application for 6713 Collins Spring Cove., Riverview, FL

The revision specifically corrects item #2 on the variance request so that the proper land development code is reflected. The documents attached include;

- 1) This cover letter
- 2) Completed Additional/Revised Information Sheet
- 3) Variance Application pages 1 - 3

Regards,

Michael Kildow
Belvedere Builders LLC.



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: 6713 Collins Spring Cv City/State/Zip: Riverview FL 33578 TWN-RN-SEC: 30/20/09
Folio(s): 074148-0050 Zoning: AS-1 Future Land Use: R-2 Property Size: .94 acres

Property Owner Information

Name: SIMON & Carolyn SPIERS Daytime Phone: _____
Address: 6713 Collins Spring Cove City/State/Zip: Riverview FL 33578
Email: Spiers SN@gmail.com FAX Number: N/A

Applicant Information

Name: Belvedere Builders / Michael D. KILDOW Daytime Phone: 813-323-6489
Address: 1385 Oakfield Dr City/State/Zip: Brandon, FL 33511
Email: MKILDOW@BelvedereBuildersFL.com FAX Number: N/A

Applicant's Representative (if different than above)

Name: Belvedere Builders / Nancy Seymour Daytime Phone: 813-760-7455
Address: 1385 Oakfield Dr City / State/Zip: Brandon, FL 33511
Email: Nancy@BelvedereBuildersFL.com FAX Number: N/A

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

MICHAEL KILDOW

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

Carolyn K. Spiers

Type or Print Name

Intake Staff Signature: _____

Office Use Only

Case Number: _____

Intake Date: _____

Receipt Number: _____

Public Hearing Date: _____

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

07/02/2014

21-1211