LAND USE HEARING OFFICER VARIANCE REPORT (REVISED)

APPLICATION NUMBER: VAR 21-1278	
LUHO HEARING DATE: October 25, 2021	**CASE REVIEWER:** Chris Grandlienard

REQUEST: The applicant is requesting multiple variances to accommodate an existing single-family home, accessory dwelling and pole barn on property zoned AS-1.

VARIANCES:

Primary Dwelling
Per LDC Section 6.01.01, a minimum rear yard setback of 50 feet is required in the AS-1 district. The applicant requests a 20.1-foot reduction to the required rear yard setback to allow a setback of 29.9 feet from the south property line.

Accessory Dwelling
Per LDC Section 6.11.02, an accessory dwelling shall meet principal building setbacks. Per LDC Section 6.01.01, the required minimum rear yard setback in the AS-1 district is 50 feet. The applicant requests a 45.6-foot reduction to the required rear yard setback to allow a setback of 4.4 feet from the south property line.

Pole Barn
Per LDC Sec. 6.11.04.C.2, accessory structures that are 15 feet or less in height may occupy required side yards provided they are no closer to the street than any part of the principal building on the same lot and any lot abutting said required side yard, and the structure is set back a minimum of 3 feet from the side lot line, including architectural features such as eaves and gutters. In the subject case, the pole barn, which the applicant states is 15 feet in height, is closer to the street, Swilley Road, than a portion of the single-family home on the lot and therefore must meet the required side yard setback. Per LDC Section 6.01.01, a minimum side yard setback of 15 feet is required in the AS-1 district. The applicant requests a 15-foot reduction to the accessory structure required side yard setback to allow a zero setback from the east property line.

FINDINGS:

- An existing garage on the property was converted into the accessory dwelling. According to the survey submitted by the applicant, the structure has 896.13 square feet of floor area. Pursuant to LDC Section 6.11.02.C, an accessory dwelling is limited to a maximum of 900 square feet of living space. The applicant has advised staff the accessory dwelling includes a kitchen and bathroom as defined and required by the LDC.

- The applicant has been cited by Building Services for failure to obtain building permits for the accessory dwelling and the pole barn. The applicant has been advised that if the subject variances are approved, after-the-fact building permits for those structures must be obtained.

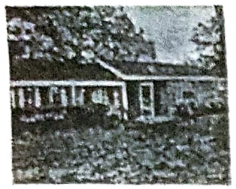
- According to the submitted survey, the pole barn encroaches onto the adjacent parcel approximately 1 foot. Staff has advised the applicant the subject variance, if granted, will not constitute approval for the encroachment. According to the applicant, they are currently negotiating the sale of a portion of the neighbor's parcel to rectify the violation.

- Per LDC Section 6.01.01, a minimum lot size of 1 acre (43,560 square feet) is required in the AS-1 district. The subject parcel is 0.83-acre (36,155 square feet) in size and therefore is nonconforming. However, it has been certified as a legal nonconforming lot per NCL 21-1310 in the case record.

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
T Wed Oct 13 2021 11:00:03
Attachments: **Application** **Site Plan** **Petitioner's Written Statement** **Current Deed**

SCALE 1"=30'



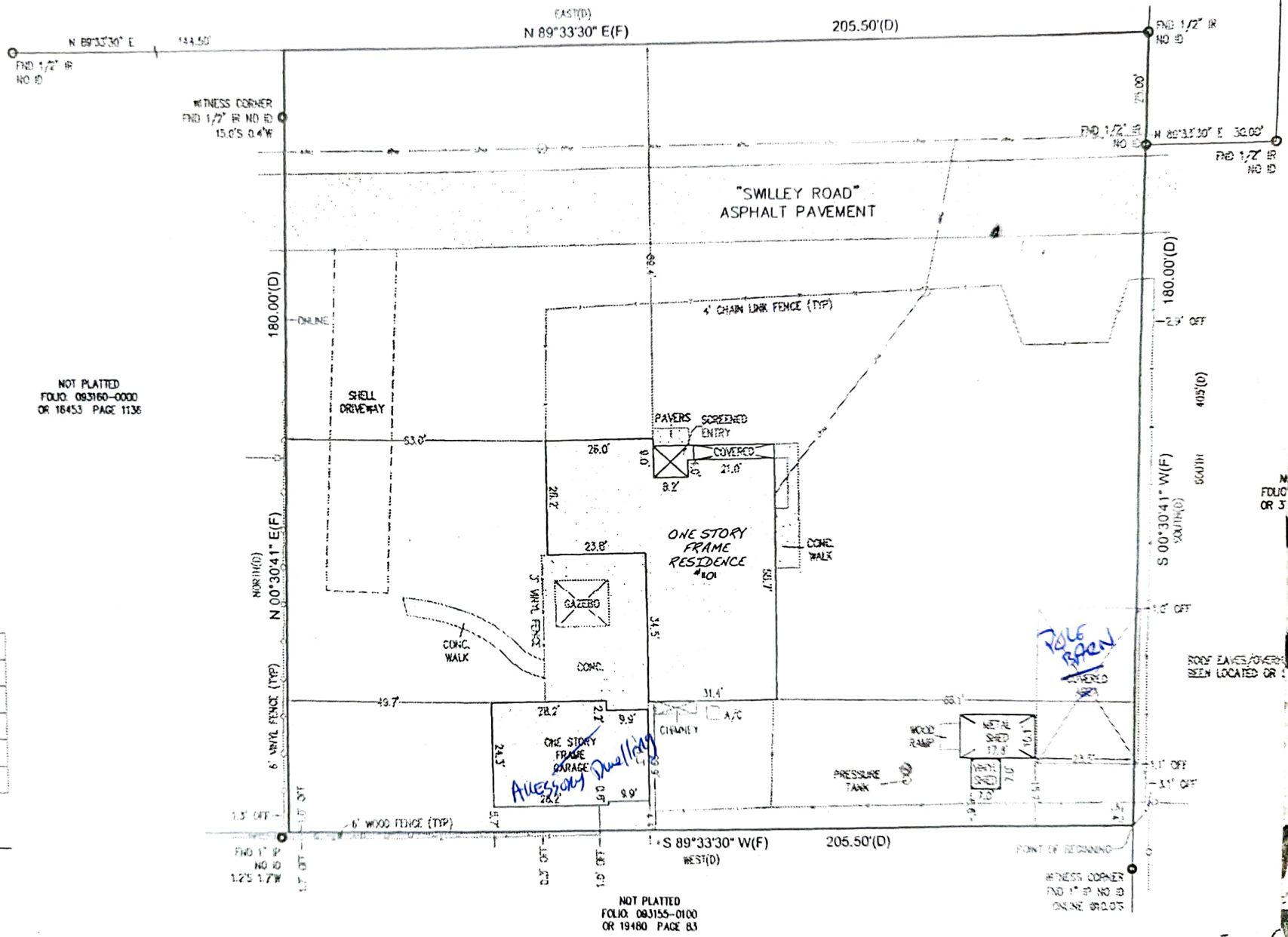
ADDRESS
1101 SWILLEY ROAD
PLANT CITY, FL 33567

SURVEYOR IS NEITHER AWARE OF, NOR HAS BEEN FURNISHED WITH, ANY INFORMATION SHOWING LEGAL ACCESS TO A PUBLICLY DEDICATED ROADWAY.

NOT PLATTED
FOLIO: 093152-0000
OR 24413 PAGE 459

LEGEND

- O = Iron Pipe & Cap (IP)
- O = Iron Rod & Cap (IR)
- ⊙ = Nail & Disk (N&D)
- □ = Concrete Monument (CM)
- OR = Official Record
- PB = Plat Book
- Pg = Page
- CONC. = Concrete
- LB = Licensed Business
- LS = Licensed Surveyor
- FND = Found
- ID = Identification
- (c) = Calculated Distance
- (F) = Field Measurement
- (D) = Deed Dimension
- (P) = Plat Measurement
- TYP = Typical
- ON/OFF = Onsite/Offsite
- = Sanitary Manhole
- = Drainage Manhole
- = Catch Basin/Inlet
- = Transformer
- = Cable TV Riser
- = Power Pole
- = Overhead Utilities
- = Water Meter
- = Telephone Riser
- = Electric Box
- = Light Pole



JOB #: VLSR20-48081	
CLIENT #: 1781220-13959	
FIELD DATE: 1/6/21	CREW: 3650
DRAFTER: AWM/BM	
APPROVED: JEW	
SCALE: 1" = 30'	

COPYRIGHT 2011

X
Borrower's Acknowledgment and Acceptance

X
Borrower's Acknowledgment and Acceptance

SUNBELT TITLE AGENCY

Received October 15, 2021
Development Services

Date Stamp Here

Hillsborough County Florida
Development Services
601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

Additional / Revised Information Sheet

Application Number: VAR 21-1278 Applicant's Name: Christopher Perez

Reviewing Planner's Name: _____ Date: 09/27/2021

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@hcflgov.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

09/27/2021 Date

FOR OFFICE USE ONLY

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

In-Take Completed by: _____

04/2020

21-1278

Received October 15, 2021
Development Services

Application Number: VAR 21-1278

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 applicant requests a 15 foot Reduction to the Accessory Structure required Side Yard Setback to allow a zero Setback from the east property line.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:
The applicant Requests a 15 foot Reduction to the accessory Structure required Side Yard Setback to allow a zero Setback from the east property Line. LDC Section 6.11.04 Variance to Accessory Structure Requirements

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 **19th floor County Center**).

21-1278

Received October 15, 2021
Development Services

Date Stamp Here

Hillsborough County Florida
Development Services
601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

Additional / Revised Information Sheet

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Reviewing Planner's Name: _____ Date: 09/27/2021

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- ☐ Major Modification (MM)
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- ☐ Other _____

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- ☐ Transmittal Completed

In-Take Completed by: _____

04/2020

21-1278

Received October 15, 2021
Development Services

Application Number: VAR 21-1278

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. "Primary Dwelling/House"

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 purchased our home in January of 2021. At the time of the purchase we had no idea a home could be sold not within legal standing.

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.

Our home was built in 1965 before the road even existed. The road actually goes through our property. Land development codes shouldn't be applied to structures that existed prior to their creation.

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 home was built in 1965 and it hasn't grown legs to move since then.

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've visited nearby property owners and no one objects to our property being allowed to remain as-is.

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.

As previously stated, we purchased our home in its current state.

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.

I'm not sure what will happen to our home without this variance but I do know my family cannot be left homeless.

10/14/2021
Received October 15, 2021
Development Services

Application Number: VAR 21-1278

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. "Accessory Dwelling | Converted Garage"

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 purchased our home in January of 2021 as a home with a fully converted garage to in-law suite. At the time of purchase we had no idea a home could be sold not within legal standing let-alone that our home was violating any rules. The existing garage was placed on the property in 1987 and I'm sure the previous owner didn't mean harm when he converted it.

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 other families in the area that are multigenerational, this is not unique to my family. On the street we live on most lots are a minimum of one acre with ours being one of the smallest giving us less opportunity to develop land space.

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.

As the garage was built in 1987 I'm not sure how it could cause a new negative impact all these years later. We have been told the previous owner had a family member living there for over a year prior to his divorce and it had so little impact the south neighbor was unaware of this occupancy.

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've visited nearby property owners and recieved signatures stating they have no objections to the garage remaining an accessory dwelling.

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.

As previously stated, we purchased our home with the garage already converted and were under the unfortunate misunderstanding based on how we understood the purchase contract, that any permits needing to be obtained would be obtained prior to closing on the home. That was not the case.

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.

when we purchased our home we were intentional about purchasing a home with an in-law suite, as my father had lost his job and been put in a situation where he felt forced to sell his home, and we knew having a multigenerational home could help ease financial burdens for us all. The financial burden of not granting the variance will be detrimental to the welfare of our family. Additionally, removal of the structure will result in a loss of a taxable structure for the community

10/14/2021
Received October 15, 2021
Development Services

Application Number: VAR 21-1278

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. "Accessory Structure / Pole barn"

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 purchased our home in January of 2021 with the pole barn in place. At the time of the purchase we had no idea a home could be sold not within legal standing.

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.
This structure is on agricultural land and we have one of the smallest lots in the area resulting in less opportunity to develop land space.

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 pole-barn was placed on the property prior to us purchasing. Many of the properties in the area have livestock and poultry and barns or sheds so this is not unique to us. The neighbor to the ~~east~~ right of us has no objection to the structure as evidenced by the letter he has submitted.

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've visited nearby property owners and recieved signatures stating they have no objections to the pole-barn remaining where it is and variances being granted.

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.
As previously stated, we purchased our home with the pole-barn already in place. It seems property survey's have no been inconsistent in previous years but according to the ~~most~~ neighbors most recent survey the barn does not encroach on his property.

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.
When we purchased our home we were intentional about purchasing a home on agricultural land so that our children might have the opportunity to raise livestock & poultry. While we have not yet made moves towards livestock we have added a chicken coop and plan to add livestock in a few years after my son is finished with the extensive surgeries he is scheduled to recieve. The financial burden of removing the pole-barn would be detremental to our family and the lost space to house future livestock would be devastating. Additionally, removal of the structure will result in a $30k taxable loss to the community.

SUNBELT
TITLE AGENCY

E-RECORDED

ID: _____

County: _____

Date: _____ Time: _____

Prepared by: Paula Insua
Sunbelt Title Agency
Return to: 1715 N. Westshore Blvd., Suite 190
Tampa, FL 33607
File Number: 1781220-13959

[Space Above This Line For Recording Data]

This Warranty Deed

Made this **13th day of January, 2021** by **Jeffrey M. Peterson, A Single Man a/k/a Jeff Peterson**, hereinafter called the Grantor, to **Christopher Perez and Candice Perez, Husband And Wife,** whose post office address is: 1101 Swilley Road, Plant City, FL 33567, 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:

Beginning 660 feet West and 405 feet South of the Northeast corner of the Southwest 1/4 of the Southwest 1/4 of Section 5, Township 30 South, Range 22 East, for a Point of Beginning; thence run 205.5 feet West; thence 180 feet North; thence 205.5 East; and thence 180 feet South to the Point of Beginning, all lying and being in Hillsborough County, Florida and less road right of way of Swilley Road.

Parcel Identification Number: U-05-30-22-ZZZ-000005-12040.0

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:

Madeline F. Alford
Witness: (Signature)

Print Name: MADELINE F. ALFORD

Paula Insua
Witness: (Signature)

Print Name: **Paula Insua**

Jeffrey M. Peterson a/k/a Jeff Peterson
6801 Stafford Road
Plant City, FL 33565

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 13th day of January, 2021, by Jeffrey M. Peterson a/k/a Jeff Peterson, who [ ] is personally known to me or [X] produced Valid id as identification.

Paula Kay Insua
NOTARY PUBLIC (signature)
Print Name: Paula Insua
My Commission Expires:
Stamp/Seal:

PAULA KAY INSUA
Notary Public, State of Florida
My comm. expires Feb. 5, 2021
Commission Number GG69449

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

Received
08/31/2021
Development Services

Hillsborough County
Florida

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: 1101 Swilley R City/State/Zip: Plant City, FL, 33567 TWN-RN-SEC: 30-22-05

Folio(s): 093154-0000 Zoning: AS-1 Future Land Use: ~~99AF~~ R-1 Property Size: .83

Property Owner Information

Name: Candice & Christopher Perez Daytime Phone: 863-258-0236

Address: 1101 Swilley Rc City/State/Zip: Plant City, FL, 33567

Email: casperpz@yahoo.com FAX Number:

Applicant Information

Name: Candice & Christopher Perez Daytime Phone: 863-258-0236

Address: 1101 Swilley Rc City/State/Zip: Plant City, FL, 33567

Email: casperpz@yahoo.com FAX Number:

Applicant's Representative (if different than above)

Name: Daytime Phone:

Address: City / State/Zip:

Email: FAX Number:

I HEREBY S WEAR OR AFFIRM THAT AL L THE INFORMATION PROVIDED IN THIS APP LICATION PACKET IS TRU E AND ACCURATE, TO THE BEST OF M Y KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

Signature of Applicant

Christopher Perez & Candice Perez

Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE F INAL ACTION ON THIS P ETITION SHALL BE BI NDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

Signature of Property Owner

Christopher Perez & Candice Perez

Type or Print Name

Office Use Only

Intake Staff Signature: Ana Lizardo Intake Date: 08/31/21

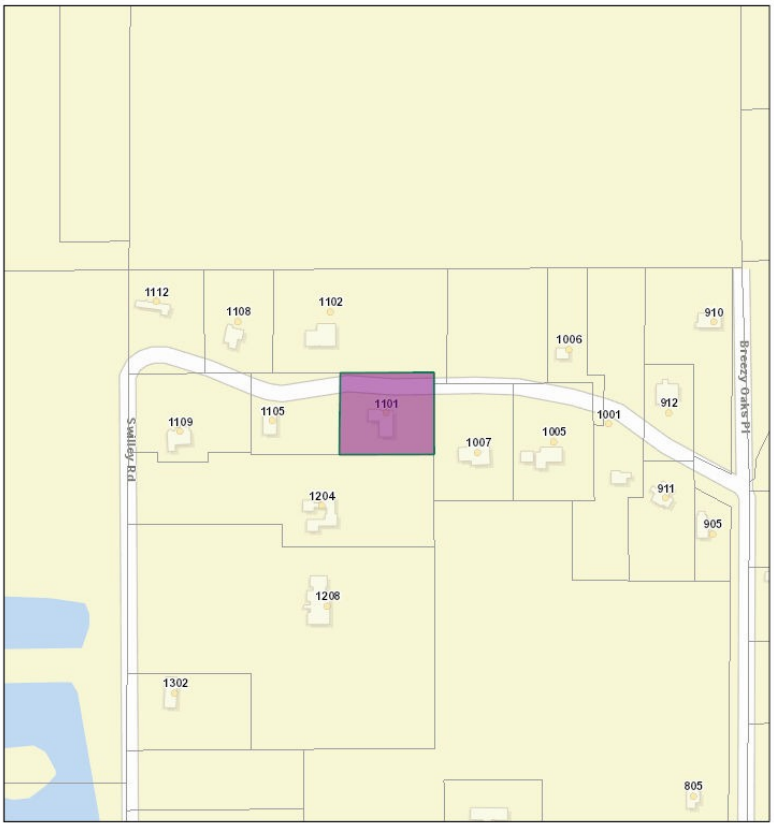
Case Number: 21-1278 Public Hearing Date: 10/25/21

Receipt Number: HC-ADM-21-0002889

PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	AS-1
Description	Agricultural - Single-Family
Flood Zone:A	
FIRM Panel	0420H
FIRM Panel	12057C0420H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120420C
County Wide Planning Area	East Rural
Census Data	Tract: 013100 Block: 1001
Census Data	Tract: 013100 Block: 1012
Future Landuse	R-1
Mobility Assessment District	Rural
Mobility Benefit District	3
Fire Impact Fee	Central
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 5
Wind Borne Debris Area	Outside 140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 93154.0000



September 1, 2021

1:2,662

0 0.02 0.04 0.09 mi

0 0.04 0.07 0.14 km

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

Hillsborough County Florida

Folio: 93154.0000
PIN: U-05-30-22-ZZZ-000005-12040.0
CHRISTOPHER AND CANDICE PEREZ
Mailing Address:
1101 SWILLEY RD
PLANT CITY, FL 33567-3252
Site Address:
1101 SWILLEY RD
PLANT CITY, Fl 33567
SEC-TWN-RNG: 05-30-22
Acreage: 0.83499599
Market Value: $279,574.00
Landuse Code: 0100 SINGLE FAMILY

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for:
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.

21-1278