LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-1054	
LUHO HEARING DATE: November 15, 2021	**CASE REVIEWER:** Carla Shelton Knight

REQUEST: **The applicant is requesting a variance from the 30-foot Wetland Conservation Area setback requirement, Section 4.01.07B of the Land Development Code (LDC). The applicant's specific request, as shown on the site plan submitted on July 8, 2021, is to allow for construction of a retaining wall within the 30-foot Wetland Conservation Area setback.**

SUMMARY OF VARIANCE(S):

Wetland Setback

1) Per LDC Sec. 4.01.07.B.4, no filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required 30-foot wetland conservation area setback. The applicant requests construction of a retaining wall across the width of the lot within the 30-foot wetland conservation area setback. The applicant requests a 25-foot reduction of the setback to allow for a setback of 5 feet.

Findings:

1) Per the comment sheet from the Environmental Protection Commission (EPC), the wetland line depicted on Sheet 1 of the site plan appears slightly different than the wetland line approved by EPC on February 15, 2021. The proposed retaining wall must be located landward of the EPC approved wetland line per the wall detail cross section on Sheet 2 of the site plan.

2) A wetland setback compensation planting plan has been provided on the plan dated August 9, 2021, that provides a compensation planting area equivalent to the amount of encroachment.

DISCLAIMER:

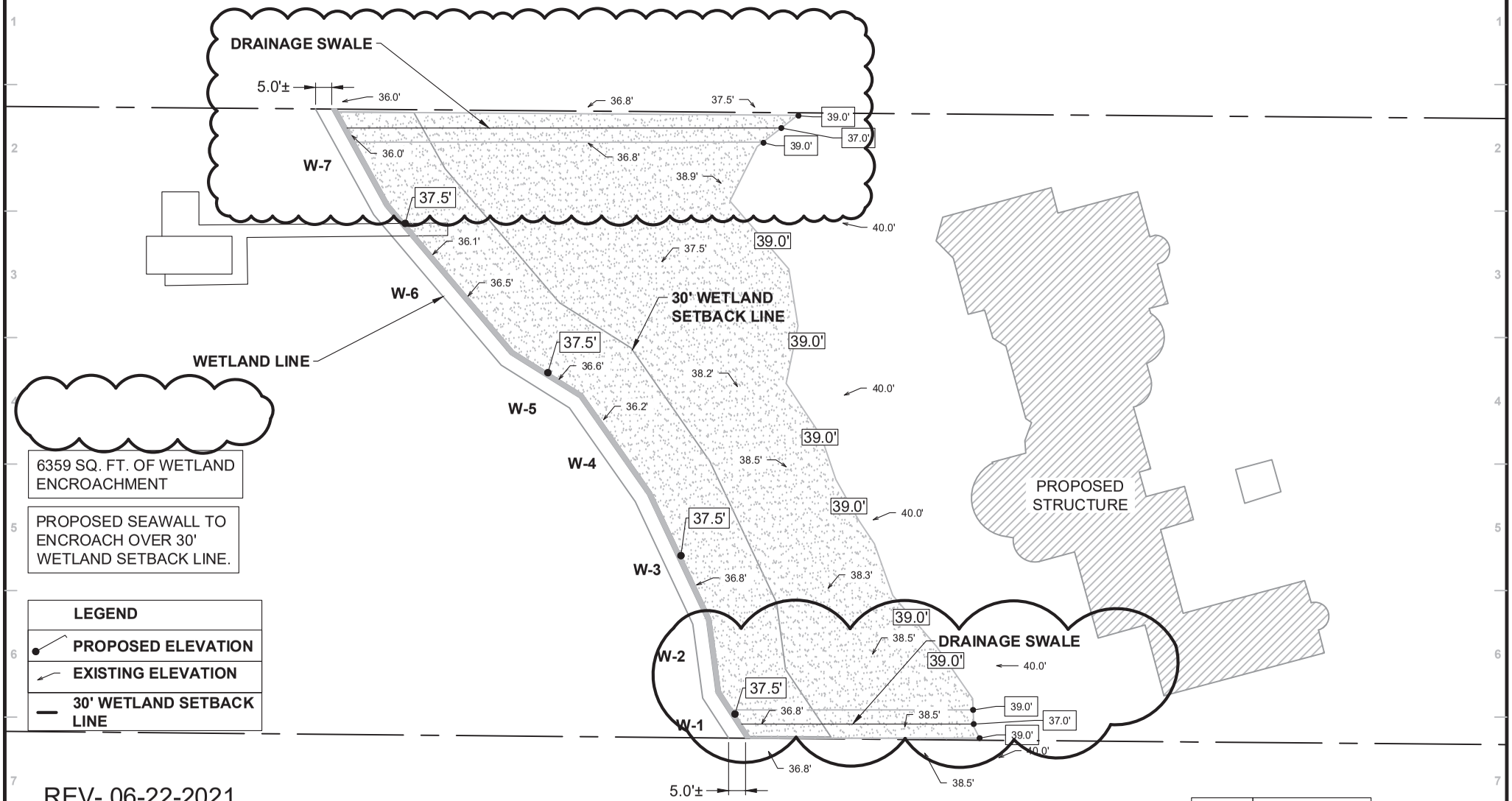
The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required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

Approval of this variance petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested environmental approvals.

The Development Services Natural Resources Section has no objections with the result contingent upon the Land Use Hearing Officer's acceptance and referral to the submitted site plan.

Attachments: Site Plan
Planting Plan

ADMINISTRATOR'S SIGN-OFF



REV- 06-22-2021

NOT VALID UNLESS SIGNED & SEALED

JOSEPH THOMAS FOSTER
LICENSE
No 79708
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

N

SEAWALL PLAN

SCALE: 1" = 50'-0"

WALL #	WALL LENGTH
WALL-1	29.8' LONG
WALL-2	23.8' LONG
WALL-3	55.3' LONG
WALL-4	48.8' LONG
WALL-5	30.0' LONG
WALL-6	62.3' LONG
WALL-7	23.8' LONG

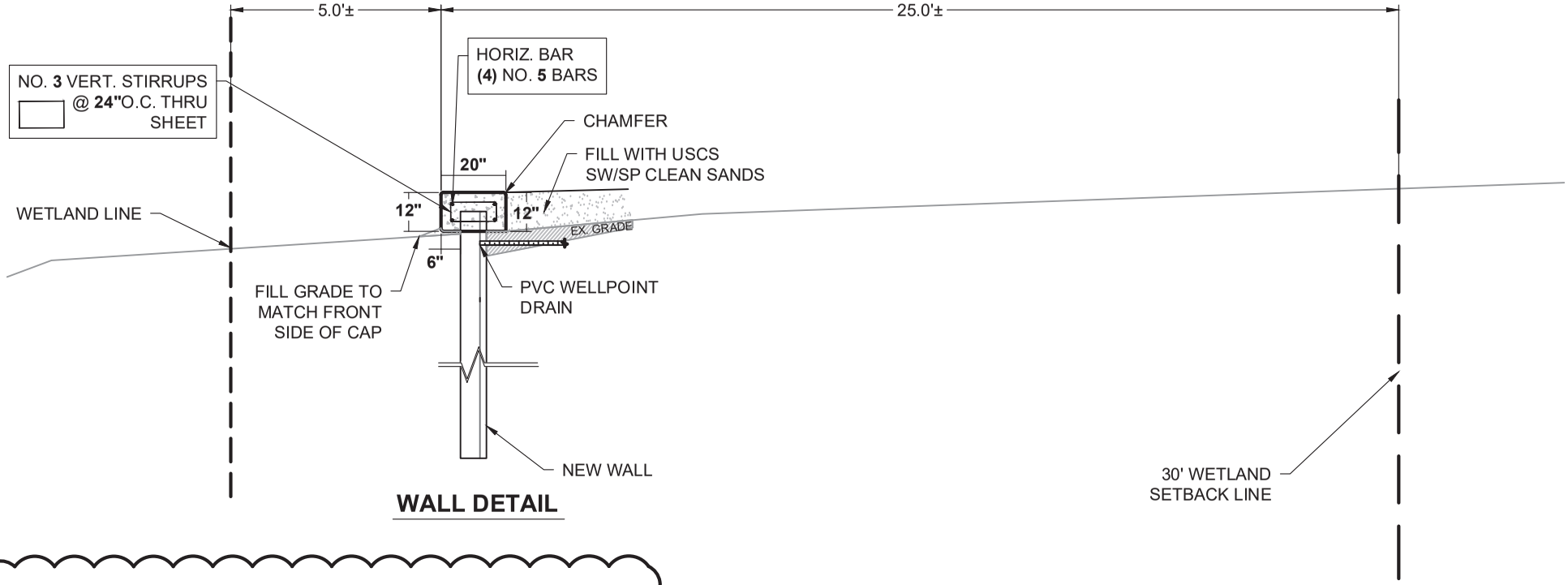
FOSTER CONSULTING

FOSTER CONSULTING
FL PROFESSIONAL ENGINEER NO. 79708
DE LIC. # 18618 · NJ LIC. # 24GE05181200 · TX LIC. # 133648
FL CERTIFICATE OF AUTHORIZATION NO. 32050
WWW.JFOSTERCONSULTING.COM
P: (727) 821-1949
P.O. BOX 7370, ST. PETERSBURG, FL 33734

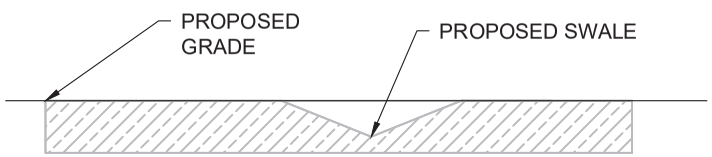
11512 N ARMENIA AVE
TAMPA, FLORIDA

SITE PLAN

DATE:	FILE:	REV:
04/19/2021	20584	2
DRAWN BY: SWO	SHEET: 01 OF 03	
CHECKED BY: JTF	01	
SCALE: AS NOTED		



WALL DETAIL



SWALE SECTION

6359 SQ. FT. OF WETLAND ENCROACHMENT

PROPOSED SEAWALL TO ENCROACH OVER 30' WETLAND SETBACK LINE.

REV- 06-22-2021

NOT VALID UNLESS SIGNED & SEALED

JOSEPH THOMAS FOSTER ★ LICENSE No 79708 ★ STATE OF FLORIDA ★ PROFESSIONAL ENGINEER

CONSTRUCTION NOTES:

1. CONCRETE - **5000** PSI (CAP) AT 28 DAYS
2. SHEETS - **6** FT LONG VINYL SHEET PILE (**ESP 4.1, SG - 425,TW-50, TRULINE*, OR VANGUARD STD**). *TRULINE CONTACT E.O.R FOR ADDITIONAL SPECS.
3. REBAR - GRADE 60, PLAIN.
4. DRAINS - 1.25" DIA. X 4FT LONG SLIT TYPE PVC WELL POINT DRAINS THROUGH THE WALLS AT 6' CENTERS 6" BELOW THE CAP.
5. MEETS FBC 2020 - 7TH EDITION

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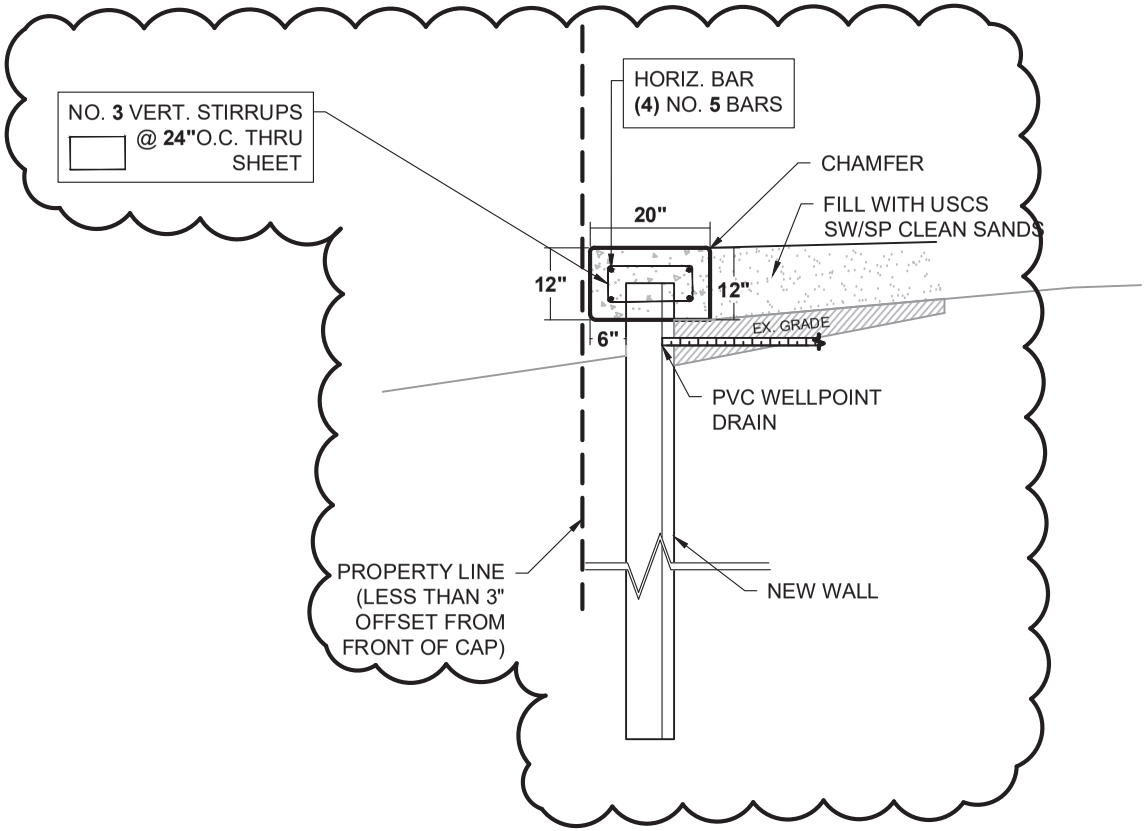
P.O. BOX 7370, ST. PETERSBURG, FL 33734

11512 N ARMENIA AVE
TAMPA, FLORIDA

SECTIONS

DATE:	FILE:	REV:
04/19/2021	20584	2
DRAWN BY: SWO	SHEET: 02 OF 03	
CHECKED BY: JTF	02	
SCALE: AS NOTED		



RETURN WALL SECTION

REV- 06-08-2021

NOT VALID UNLESS SIGNED & SEALED

JOSEPH THOMAS FOSTER
LICENSE
No 79708
STATE OF
FLORIDA
PROFESSIONAL ENGINEER

FOSTER CONSULTING

FOSTER CONSULTING
FL PROFESSIONAL ENGINEER NO. 79708
DE LIC. # 18618 · NJ LIC. # 24GE05181200 · TX LIC. # 133648
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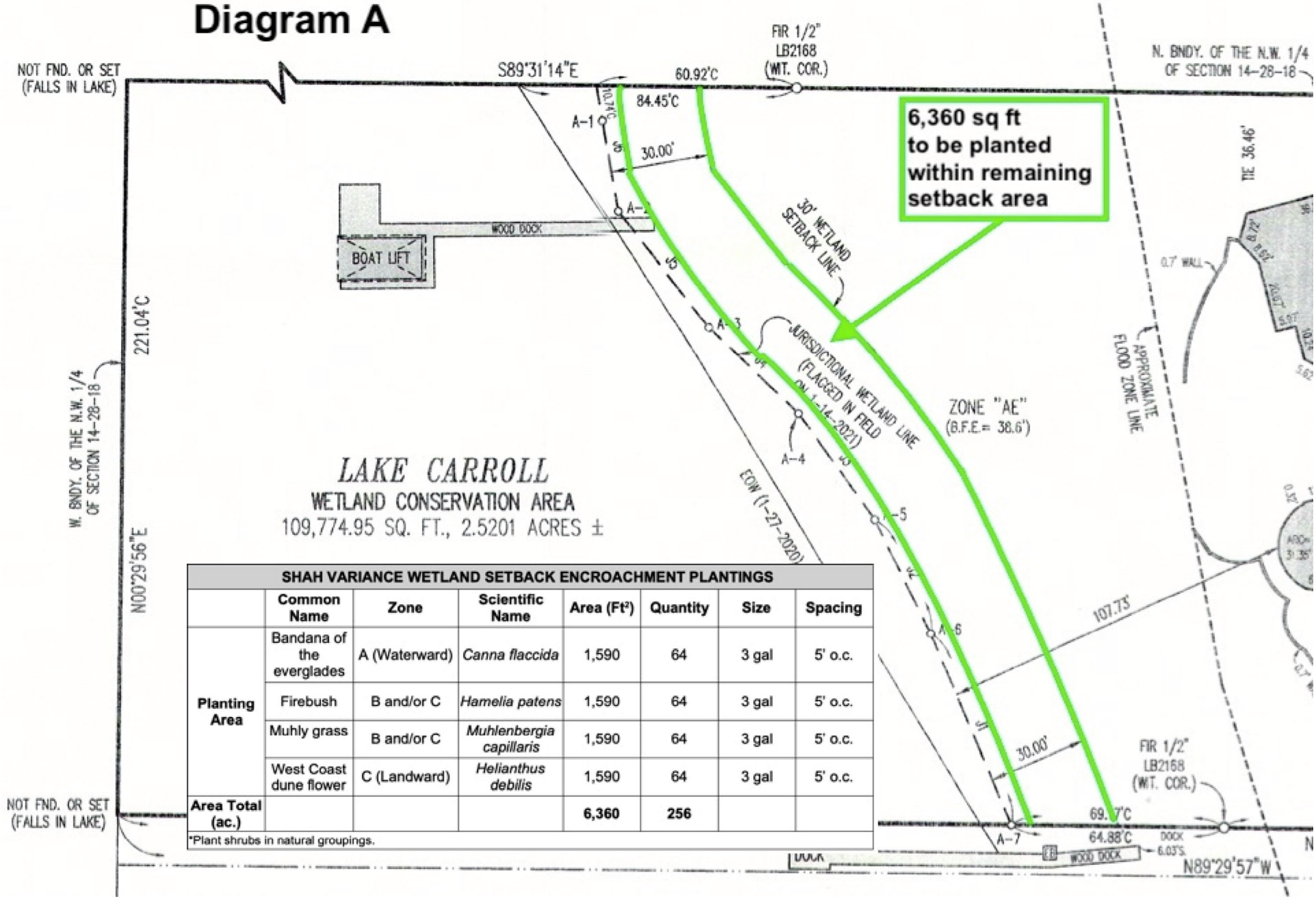
WWW.JFOSTERCONSULTING.COM
P: (727) 821-1949
P.O. BOX 7370, ST. PETERSBURG, FL 33734

11512 N ARMENIA AVE
TAMPA, FLORIDA

DETAILS

DATE: 04/19/2021	FILE: 20584	REV: ----
DRAWN BY: SWO	SHEET: 03 OF 03	
CHECKED BY: JTF	03	
SCALE: AS NOTED		

Diagram A



SHAH VARIANCE WETLAND SETBACK ENCROACHMENT PLANTINGS							
	Common Name	Zone	Scientific Name	Area (Ft²)	Quantity	Size	Spacing
Planting Area	Bandana of the everglades	A (Waterward)	*Canna flaccida*	1,590	64	3 gal	5' o.c.
	Firebush	B and/or C	*Hamelia patens*	1,590	64	3 gal	5' o.c.
	Muhly grass	B and/or C	*Muhlenbergia capillaris*	1,590	64	3 gal	5' o.c.
	West Coast dune flower	C (Landward)	*Helianthus debilis*	1,590	64	3 gal	5' o.c.
Area Total (ac.)				**6,360**	**256**		

*Plant shrubs in natural groupings.

Application Number: _____

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 client is proposing to encroach 6359 square feet of the 30-foot wetland setback line as a result of a seawall along the lake edge. The retaining wall will be 5-feet landward of the approved wetland boundary. In its existing condition, no retaining wall is present. Following construction of the seawall, the area between the wetland boundary and seawall will be planted with native wetland vegetation approved by EPC.

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

4.01.07

ADDITIONAL INFORMATION

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 _____ Yes X
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 IRR Septic Tank N/A

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**).

Application Number: _____

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 project includes a seawall that will protect the existing property from flooding, and prevent encroachment of wetland woody shrubs and/or trees. In addition, the proposed seawall will not impede on adjacent owners.

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.

   LDC has allowed other lake owners a seawall for protection; however, no adjacent property owners will be affected by this variance. The seawall will provide a buffer and reduce any potential secondary impacts.

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.

   Various residents along the lakeshore have received the same variance and setback. The proposed seawall will prevent nutrient runoff and erosion to existing shoreline.

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).*

   Following construction of the seawall, the remaining wetland encroachment area will be planted with freshwater aquatic native vegetation. The native vegetation will provide habitat for wading birds and amphibians.

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.

   All necessary state and local zoning and building permits have been approved for the parcel.

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 residences of the private lake will benefit from reduced nutrient loading, protection of the existing lakeshore, and the aesthetics of native aquatic vegetation and what it provides to wading birds and other wetland dependent wildlife.

April 30, 2021

Adam Gormly
Hillsborough County
Development Services Department
601 E. Kennedy Blvd. 20th Floor
Tampa, Florida 33602

RE: Request for Variance
Shah Parcel – Lake Carroll
11152 N. Armenia, Tampa

Mr. Gormly,

Please allow the information below and the Attachments provided to serve as our responses to the Variance Request for the above-referenced project.

The Application Fee ($2,245.82) will be paid by check made payable to HC-BOCC. Regarding the 'Wetland Setback Variance Memorandum' the items are listed below:

1) *Any correspondence from other jurisdictional agencies pertinent to the request.*
Response: The EPC Formal Wetland Determination (EPC #47099) is attached.

2) *Scaled tree survey identifying trees 5 inches DBH (trunk diameter at 4 1⁄2 feet above grade) located within that portion of the setback from proposed encroachment and within 30 feet from the boundaries of the proposed encroachment.*
Response*:* There are no trees located within or adjacent to the setback.

3) *Site Plan Requirements: Wetland setback line clearly identified.*
Response*: Refer to 'Engineering' drawings provided.*

4) A *cross-section of the Wetland Conservation/Preservation Area setback identifying proposed impervious improvements, existing grade elevations, proposed finished grade elevations & any special design to minimize encroachments into the setback.*
Response: Refer to 'Engineering' drawings provided.

5) *Label each area of wetland setback encroachment, providing the maximum/minimum depth and width of impervious surface encroachment.*
Response: Refer to 'Engineering' drawings provided.

6) *Identify vegetative cover type within setback*.
Response: The vegetation within the setback includes torpedograss (*Panicum repens*) with scattered pennywort (*Hydrocotyle umbellata*) and coinwort (*Centella asiatica*).

The following attachments have been provided for addressing the 'Checklist' requested information:

1315 West Cass Street, Tampa, FL 33606 – Telephone 813.727.4088
jessie@adminterra.com
www.AdminTerra.com

Attachments

- Variance Application Submittal Checklist
- Variance Application with Affidavit to Authorize Agent
- Variance Request and Information Sheet
- Variance Criteria Response
- Adjacent Property Owners List
- Recorded Deed
- EPC Formal Wetland Determination
- Legal Description – Refer to the Boundary Survey
- Property and Wetland Boundary Survey
- Engineering Plan Set

We trust that the above information will assist you with conducting your variance checklist and approval for the requested permit. If additional information is required, please contact Chuck Juneau at Tampa Dock & Seawall – avery@tampadock.com or Jessie Griffith at jessie@adminterra.com.

Best regards,

Jessie Lyn Griffith
Principal

Prepared by:
RHIA WINANT
Paramount Title Corporation
1502 West Fletcher Avenue, Suite 101
Tampa, Florida 33612

File Number: 05F1828

INSTR # 2006093526
O BK 16150 PG 1151
Pgs 1151 - 1152; (2pgs)
RECORDED 02/23/2006 12:50:25 PM
PAT FRANK CLERK OF COURT
HILLSBOROUGH COUNTY
DOC TAX PD(F.S.201.02) 18,900.00
DEPUTY CLERK P Beckham

General Warranty Deed

Made this February 22, 2006 A.D. By **EDITH P. FRISCO, INDIVIDUALLY AND AS LIFE TENANT AND AS TRUSTEE UNDER EDITH P. FRISCO REVOCABLE LIVING TRUST DATED 24TH DAY OF MAY 1995**, whose post office address is: 11512 North Armenia Avenue,Tampa, Florida 33612, hereinafter called the grantor, to **NRS LLC, A Florida limited libility company**, whose post office address is: 1506 Lake Ellen Drive, Tampa, Florida 33618 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 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:

See Attached Schedule A

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: **22328.0000 & 96004.0000**

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, 2005.

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:

Jack Bentley
Witness Printed Name JACK BENTLEY

Rhia Winant
Witness Printed Name Rhia Winant

Edith P. Frisco (Seal)
EDITH P. FRISCO, INDIVIDUALLY AND AS TRUSTEE,
as stated above

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this February 22, 2006, by EDITH P. FRISCO, INDIVIDUALLY, AS A LIFE TENANT, and AS TRUSTEE, who is/are personally known to me or who has produced DRIVER'S LICENSE as identification.

RHIA WINANT
MY COMMISSION EXPIRES June 21, 2008
#DD 331018
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

Rhia Winant
Notary Public
Print Name:

My Commission Expires:

DEED Individual Warranty Deed with Non-Homestead Legal on Schedule A
Closers' Choice

EXHIBIT A

The North one-third of the North one-fourth of the Northwest quarter of Section 14, Township 28 South, Range 18 East, which lies West of Armenia Avenue in the County of Hillsborough , State of Florida.

LESS

The South 90.0 feet of the East 130.0 feet of that part of the North 1/3 of the North 1/4 of the Northwest 1/4 of Section 14, Township 28 South, Range 18 East, of the Public Records of Hillsborough County, Florida, lying West of Armenia Avenue.

LESS

The East 115 feet of that part of the North one-third of the North quarter of the Northwest quarter of Section 14, Township 28 South, Range 18 East, lying West of Armenia Ave., less the South 140 feet thereof, all lying and being in Hillsborough County, Florida.

Received
07/08/2021
Development Services

Hillsborough County
Florida

VARIANCE APPLICATION

IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:
You must schedule an appointment to submit this application by calling 813-277-1630.
*All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.***

Property Information

Address: 11512 N. Armenia Ave City/State/Zip: Tampa, FL 33612 TWN-RN-SEC: 14-28-18

Folio(s): 022328-0000 Zoning: RSC-4 Future Land Use: _____ Property Size: 219.6

Property Owner Information

Name: NRS LLC Daytime Phone: (813) 765-0066

Address: 2506 Lake Ellen Dr. City/State/Zip: Tampa, FL 33618

Email: rupeshshah3@gmail.com FAX Number: _____

Applicant Information

Name: Same as above Daytime Phone: _____

Address: _____ City/State/Zip: _____

Email: _____ FAX Number: _____

Applicant's Representative (if different than above)

Name: Tampa Dock & Seawall Daytime Phone: 813-495-7727

Address: 12401 N. 49th St. City / State/Zip: Clearwater, FL 33762

Email: chuck@tampadock.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.

Signature of Applicant

Rupesh Shah
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

Rupesh Shah
Type or Print Name

Office Use Only

Intake Staff Signature: Ana Lizardo Intake Date: 07/08/21

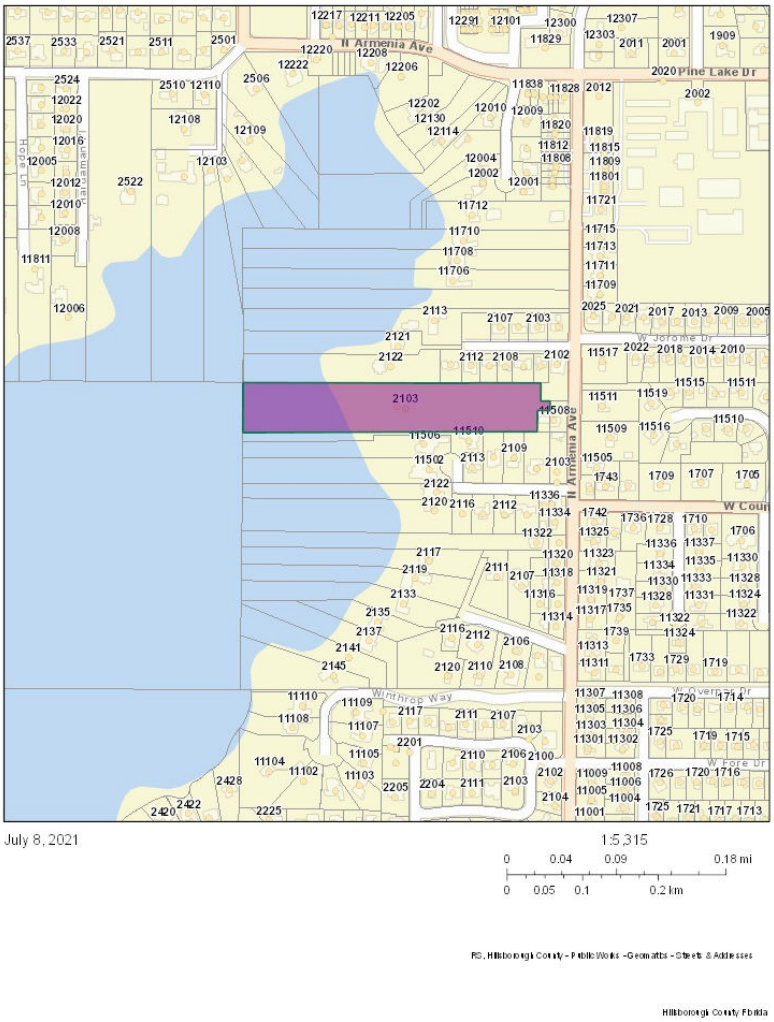
Case Number: 21-1054 Public Hearing Date: 09/20/21

Receipt Number: HC-ADM-21-0002100

PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-4
Description	Residential - Single-Family Conventional
Flood Zone:AE	**BFE =** 38.6 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0211H
FIRM Panel	12057C0211H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120211D
County Wide Planning Area	Greater Carrollwood Northdale
Community Base Planning Area	Greater Carrollwood Northdale
Census Data	Tract: 011304 Block: 1000
Census Data	Tract: 011304 Block: 1005
Census Data	Tract: 011304 Block: 1002
Future Landuse	R-4
Urban Service Area	TSA
Waste Water Interlocal	City of Tampa Waste Water
Water Interlocal	City of Tampa Water
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

Folio: 22328.0000



Folio: 22328.0000
PIN: U-14-28-18-ZZZ-000000-86400.0
NRS LLC
Mailing Address:
2506 LAKE ELLEN DR
TAMPA, FL 33618-3204
Site Address:
11512 N ARMENIA AVE
TAMPA, Fl 33612
SEC-TWN-RNG: 14-28-18
Acreage: 6.29870987
Market Value: $767,659.00
Landuse Code: 0000 VACANT RESIDENT

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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.

21-1054