



**LAND USE HEARING OFFICER VARIANCE REPORT**

<b>APPLICATION NUMBER:</b> VAR 21-1223	
<b>LUHO HEARING DATE:</b> November 15, 2021	<b>CASE REVIEWER:</b> 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 August 18, 2021, is to allow for construction of a portion of a swimming pool and deck 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 portion of a swimming pool and deck within the 30-foot wetland conservation area setback. The applicant requests a 13.75-foot reduction of the setback to allow for a setback of 16.25 feet.

**Findings:**

- 1) Variance Request 21-0201 for this property heard at the February 22, 2021, LUHO Hearing was denied. That request was for a 17.17-foot reduction of the setback. This request has reduced the distance of encroachment by 3.42 feet. The previous variance request was for 1398 square feet of encroachment into the 30' wetland setback area. This request reduced the amount of encroachment by 794 square feet to a total of 604 square feet.
- 2) A wetland setback compensation planting plan has been provided on the supplemental information plan dated August 18, 2021, that provides an equivalent square footage of compensation planting 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.



VAR 21-1223  
November 15, 2021  
Page Two:

**Attachments: Site Plan**  
**Supplemental Information/Planting Plan**

**ADMINISTRATOR'S SIGN-OFF**

A handwritten signature in black ink, appearing to read "Chris Slater", is written within the sign-off box.



COMPENSING 1/4 OF THE NORTHWEST CORNER OF THE 1/4 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 11 EAST, HILLBOROUGH COUNTY, FLORIDA, AND SECTION SOUTH 1955.36 FEET ALONG THE WEST BOUNDARY OF SAID SECTION 6, THENCE S61°02'00"E, 114 FEET, A THENCE S60°30'00"E, 34.85 FEET, THENCE EAST 78.17 FEET, A THENCE SOUTH 10.63 FEET, THENCE N61°35'00"E, 49.43 FEET, THENCE N17°48'00"E, 66.60 FEET TO THE CORNER OF THE SAID SECTION 6, THENCE S60°30'00"E, 34.85 FEET, A THENCE SOUTH 10.63 FEET, THENCE N61°35'00"E, 49.43 FEET TO THE POINT WHERE THE EAST BOUNDARY OF THE EAST BOUNDARY OF JOHNSON FEEDS MORE ON L666 ALONG THE EAST BOUNDARY OF JOHNSON FEED TO THE POINT OF BEGINNING.

NOTE: SURVEY DATA AND TOPOGRAPHIC INFORMATION SHOWN HEREIN WAS TAKEN FROM THE SURVEY BY WILLIAMSON & ASSOCIATES, INC. DATED 01-14-14, JOB NO. 14-6-8

FROM THE SAME SURVEY - PROPERTY APPEARS TO BE IN FLOOD ZONE "X" AND "E" ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP. PANEL NO. 10515-C-00338, DATUM: "NAD 83" 09-17-1983.

ADDITIONAL SURVEY DATA IN THE PORT OF NEW UELAND DELINEATION LINES WAS TAKEN FROM BY EDDIE P. JENKINS (DRAWING AND TRAPPING JOB NO. 1505-21)

BUILDING ELEVATION DATA (N.A.V.D.)	
LIVING FIRST FLOOR ELEVATION	41.75'
GARAGE FLOOR ELEV. (HIGH PT.)	40.67'
GARAGE FLOOR ELEV. (LOW PT.)	40.50'
PORCHES SLAB ELEV. (HIGH PT.)	41.25'

HIGH POINT OF STRUCTURE ABOVE AVERAGE FIN GRADE = 33'-9"

EPC WETLAND LINE		
COURSE	BEARING	DISTANCE
W1	S 40° 53' 26" W	50.85'
W2	S 37° 59' 06" W	44.18'
W3	S 24° 26' 58" W	12.77'
W4	S 21° 34' 03" W	33.59'

Upland: 0.63 Acres +/-  
Wetland: 1.11 Acres +/-

<b><u>SETBACKS</u></b>	
<b>FRONT</b>	<b>50'</b>
<b>REAR</b>	<b>30'</b>
<b>LEFT SIDE</b>	<b>15'</b>
<b>RIGHT SIDE</b>	<b>15'</b>



7700 One Design, Inc.  
 1700 Industrial Road  
 Orem, Utah 84058

Ph: 801.226.0555  
 Fax: 801.226.0555  
[www.7700-one.com](http://www.7700-one.com)

Customer: WILLIAM ALVARADOZ

Like Tracer

1610 S. Canyon Road  
 Orem, Utah 84058

PROJECT NO. 2003-04

FILE NO. 614-2145000

DATE: 04-01-03

DESIGNED BY: H. BARNER

REVISIONS: 1 04-01-03  
2 04-01-03  
3 04-01-03  
4 04-01-03

SHEET NUMBER: A-11a

SHEET TITLE: 614 PLAN

SCALE: 1"=1'-0"



## Wetland Setback Planting Plan

By: Amanda Rotella  
407-252-7922 \* [amandarotella@gmail.com](mailto:amandarotella@gmail.com)

### LOCATION:

The property is located on Lake Taylor at 18107 Jorene Rd., Odessa, FL 33556. The Folio number is 001342-0300.

The total encroachment area is 604 square feet. There is a Hillsborough County easement located on the southern end of the property. As a result of the easement there is a limited suitable planting space within the setback. Therefore, Mr. Alvarodiaz will plant within the available setback space and within the wetland littoral fringe of his property.

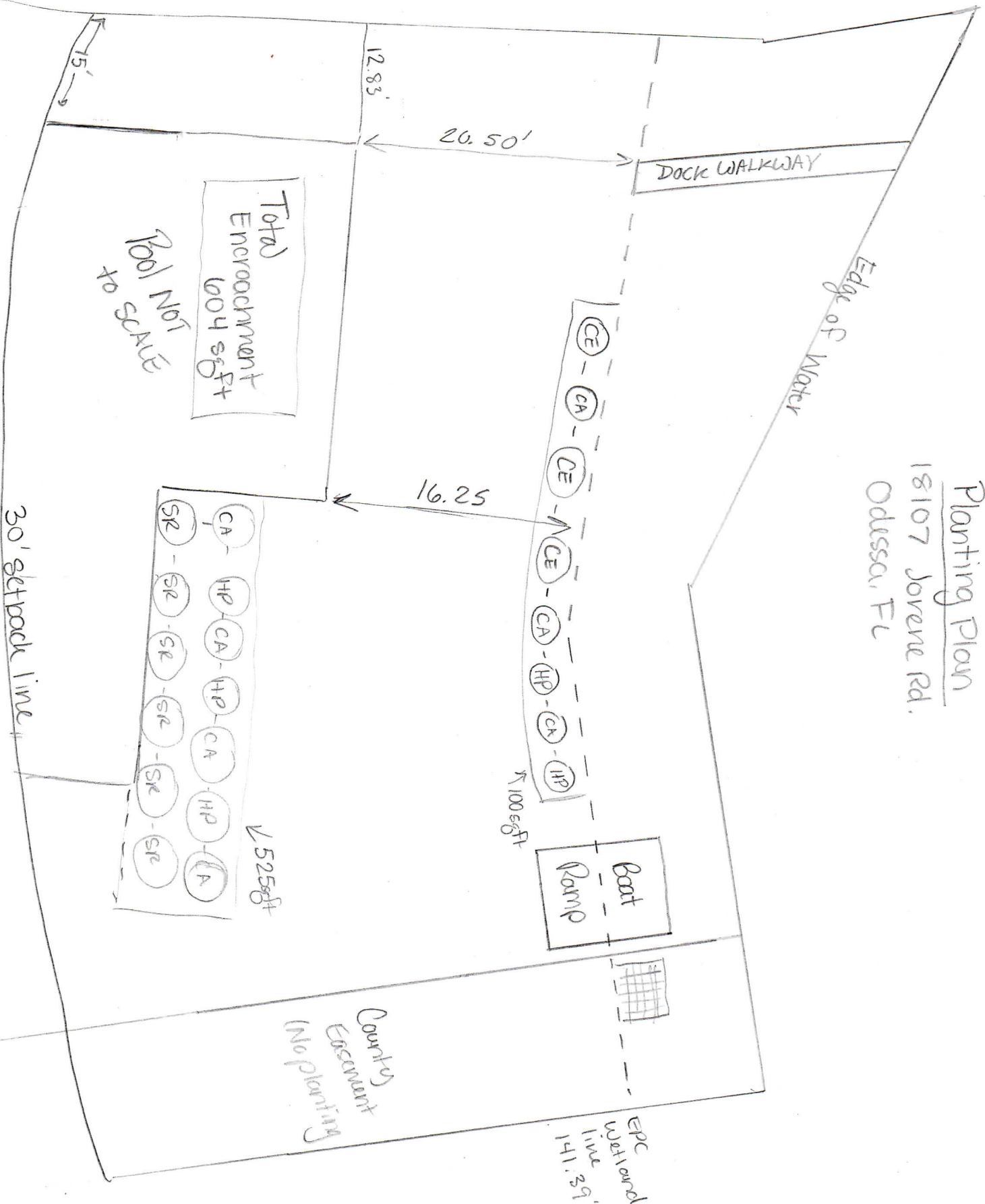
The planting will meet the 1:1 ratio totaling ~625 square feet. All shrub plantings will be evenly spaced on 5 foot centers with a minimum size of 3 gallons. The area will be irrigated and nuisance species that encroach in the area will be removed.

The encroachment area has recently been cleared for the construction of the home. The canopy consists of Red maple (*Acer rubrum*), a camphor tree, Laurel oaks, and a Grand oak. The groundcover consists of Laurel cherry, shield fern, and wax myrtle popping up throughout the area. The setback planting will consist of (5) firebush (*Hamelia patens*), (6) saw palmetto (*Serenoa repens*), (3) buttonwood (*Conocarpus erectus*), and (7) American beauty berry (*Callicarpa Americana*).

\* Plants are subject to change based on availability at nearby native plant nurseries. Substitutions will be made from Table 1 in the "Wetland Setback Encroachment Compensation Guidelines."



Planting Plan  
 18107 Jovene Rd.  
 Odessa, FL



\* Not to scale

1:1 ratio - planting = 625 sqft



Key

SR = *Serena repens*

HP = *Hamelia patens*

CE = *Conocarpus erectus*

CA = *Calliandra americana*



[illegible]

NOTE: DATA AND TOPOGRAPHIC INFORMATION SHOWN HEREIN WAS TAKEN FROM THE SURVEY BY ILLINOIS STATE ASSOCIATION, INC. DATED 01/14/14, JOB NO. 14-039.  
THE SURVEY WAS CONDUCTED TO BE IN FLOOD PLAIN AND THE RATE OF ELEVATION TO THE NATIONAL HORIZONTAL DATUM WAS DETERMINED TO BE 1.0000.  
NAD83 STATE PLANE, NAD 83, ZONE 18N, SUFFIX "N", REVERSE.  
ADDITIONAL SURVEY DATA IN THE FORM OF NEW LEFT AND RIGHT ELEVATION LINES WAS TAKEN FROM BY EDDIE P. JENKINS  
ELEVATION AND CHIPPING JOB NO. 1205-131.

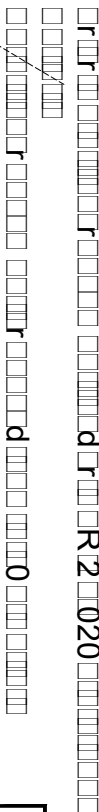
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HEAD POINT OF STRUCTURE  
 ABOVE GRADE IN GRADE = 33.9'

EPC WETLAND LINE		
COURSE	BEARING	DISTANCE
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Upland: 0.63 Acres +/-  
Wetland: 1.11 Acres +/-

<b>SETBACKS</b>	
FRONT	50'
REAR	30'
LEFT SIDE	15'
RIGHT SIDE	15'



ph. 813.926.9256  
mibugdesigngroup-one-design.com  
www.group-one-design.com

CUSTOM  
RESIDENCE  
for  
WILLIAM ALVARODIAZ

Lake Taylor  
18100 Jorene Road  
Odessa, Florida 33556

PROJECT NO: 208-04  
FILE NO: 816 variances  
DESIGNED BY: M. BURGE  
DATE: 04-12-19

1	10-05-20
3	04-19-21
4	

SITE PLAN  
SCALE: 1"=10'

**SHEET NUMBER:**  
**A-1a**



## 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.

0 d r r d 25 d r d  
r  
5 r d  
r r r r r r r r d r R2 020  
r r r r r r r d 0

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

[illegible]

## ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No ☐ Yes \_\_\_\_\_  
If yes, you must submit a copy of the Citation with this Application.
2. Do you have any other applications filed with Hillsborough County that are related to the subject property?  
No ☐ Yes \_\_\_\_\_ If yes, please indicate the nature of the application and the case numbers assigned to the application(s): \_\_\_\_\_
3. Is this a request for a wetland setback variance? No \_\_\_\_\_ Yes ☐  
If yes, you must complete the *Wetland Setback Memorandum* and all required information must be included with this Application Packet (Attachment A).
4. Please indicate the existing or proposed utilities for the subject property:  
Public Water ☐ Public Wastewater ☐ Private Well \_\_\_\_\_ Septic Tank \_\_\_\_\_
5. Is the variance to allow a third lot on well and/or septic or non-residential development with an intensity of three ERC's? No ☐ Yes \_\_\_\_\_ If yes, you must submit a final determination of the "*Water, Wastewater, and/or Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity*" prior to your public hearing (form may be obtained from **19<sup>th</sup> floor County Center**).



## **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?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**Prepared by and Return To:**

Bayshore Title, a division of LandCastle Title Group, LLC  
3431 Henderson Blvd.  
Tampa, FL 33609

**Order No.:** BY811907011

APN/Parcel ID(s): 001342-0300

**QUIT CLAIM DEED**

THIS QUIT-CLAIM DEED executed May 5, 2017, by NOVOPHARM OF TAMPA, LLC, a Florida limited liability company, first party, to William Alvarodiaz whose post office address is 14018 Ellesmere Dr, Tampa, FL 33624, second party:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the said first party, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) in hand by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land situate, lying and being in the County of Hillsborough, State of Florida, to-wit:

Commencing at the Northwest corner of the West 1/2 of the Northwest 1/4 of Section 16, Township 27 South, Range 17 East, Hillsborough County, Florida; run thence South 1,855.96 feet along the West boundary of said Section 16; thence East 329.03 feet for Point of Beginning; run thence South 47°02' East, 171.4 feet; thence South 80°30' East, 345.95 feet; thence East 25.0 feet; thence South 110.51 feet; thence North 82°33' West, 454.95 feet; thence North 75°45' West, 166.60 feet more or less to the East boundary of the 60.0 foot right of way for Jorene Road, thence North 33°15' East, 220.52 feet more or less along the East boundary of Jorene Road to the Point-of-Beginning.

**THIS IS A CORRECTIVE INSTRUMENT and is necessary to correct that certain Quit Claim Deed, which was recorded June 18, 2019 in Official Record Book 26715, Page 1763, of the Public Records of Hillsborough County, Florida, wherein to correct the legal description to include a missing call.**

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.



# **QUIT CLAIM DEED** (continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Taffy Valdez  
Witness Signature

Taffy Valdez  
Print Name

Callie Cross  
Witness Signature

Callie Cross  
Print Name

NOVOPHARM OF TAMPA, LLC, a Florida limited liability company

Simul K Patel  
Simul K Patel  
Address: 5404 Hoover Blvd, Suite 22  
Tampa, FL 33634

STATE OF FLORIDA  
COUNTY OF Hillsborough

I, the undersigned authority, a Notary Public of the County and State first above written, do hereby certify that Simul K Patel of NOVOPHARM OF TAMPA, LLC, a Florida limited liability company, on behalf of the limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

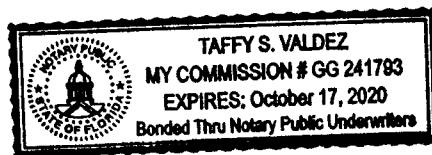
✓ Personally known to me  
✓ Produced FL/ID as identification.

Witness my hand and official seal, this the 16th day of July, 2019.

Taffy Valdez  
Notary Public

My Commission Expires:

(SEAL)





# Resolution of the Members of an LLC to Transfer

## Rent Real Estate Through Unanimous Consent

Pursuant to the operating agreement of **NOVOPHARM OF TAMPA, LLC**, an LLC organized under the laws of the State of **FLORIDA**, the undersigned, constituting all the members of this LLC, do hereby unanimously resolve and consent in lieu of formal meeting to the following actions:

1. The LLC is hereby authorized to transfer to WILLIAM ALVARODIAZ its real estate know or described as:

Commencing at the Northwest corner of the West 1/2 of the Northwest 1/4 of Section 16, Township 27 South, Range 17 East, Hillsborough County, Florida; run thence South 1,855.96 feet along the West boundary of said Section 16; thence East 329.03 feet for Point of Beginning; run thence South 47°02' East, 171.4 feet; thence South 80°30' East, 345.95 feet; thence East 25.0 feet; thence South 110.51 feet; thence North 82°33' West, 454.95 feet; thence North 75°45' West, 166.60 feet more or less to the East boundary of the 60.0 foot right of way for Jorene Road, thence North 33°15' East, 220.52 feet more or less along the East boundary of Jorene Road to the Point-of-Beginning.

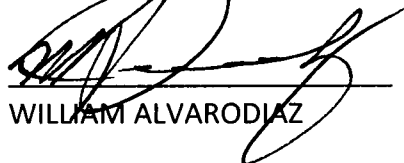
This transfer shall be by Quit Claim Deed signed by Simul K. Patel, as a member of the LLC.

2. Given the contribution of William Alvarodiaz toward the purchase of the above described property, and all other factors, the undersigned consider this transfer to be in the best interest of **NOVOPHARM OF TAMPA, LLC**.

All members hereby waive notice and meeting with regard to the above actions. This resolution shall have the same force and effect as a vote of the LLC members.



SIMUL K. PATEL



WILLIAM ALVARODIAZ

07-16-19

Date

8-21-2019

Date





# 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: 02r  
City/State/Zip: d  
TWN-RN-SEC: 2  
Folio(s): 200  
Zoning:  R  
Future Land Use:  R  
Property Size:

### Property Owner Information

Name: rd  
Daytime Phone:   
Address:   
City/State/Zip:   
Email:    
FAX Number:

### Applicant Information

Name:   
Daytime Phone:   
Address:   
City/State/Zip:   
Email:    
FAX Number:

### Applicant's Representative (if different than above)

Name: dd  
Daytime Phone: 200  
Address: 2002d  
City / State/Zip:   
Email: dd r  
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

ddr  
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

ddr  
Type or Print Name

Intake Staff Signature: Clare Odell Office Use Only Intake Date: 08/20/2021  
Case Number: 20022 Public Hearing Date: 08/25/2021  
Receipt Number: 0002

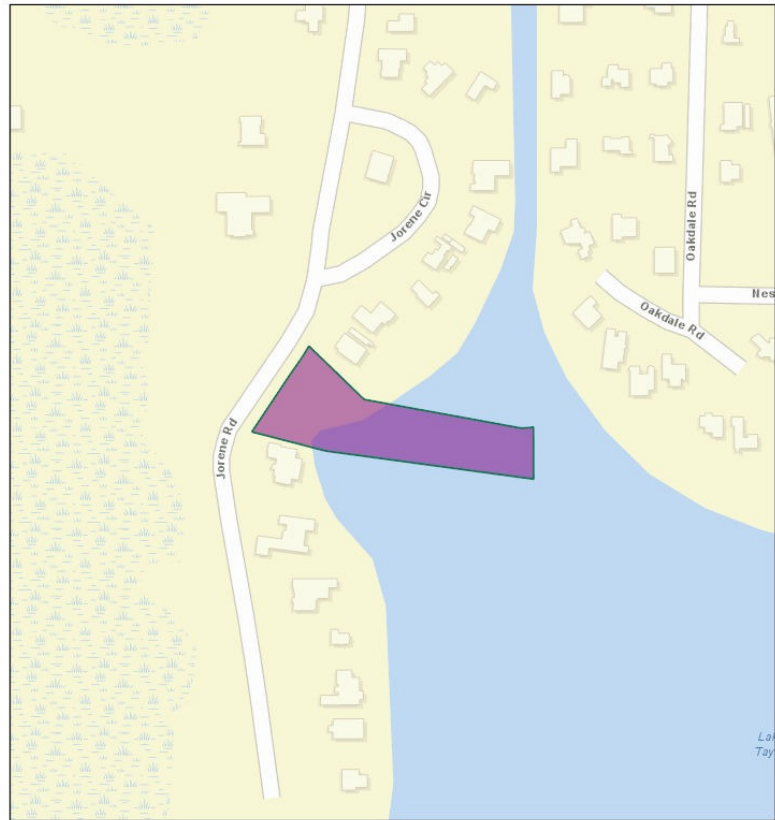




# PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Agricultural
Zoning	ASC-1
Description	Agricultural - Single-Family Conventional
Flood Zone:AE	BFE = 39.3 ft
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0038H
FIRM Panel	12057C0038H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	A
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201120040D
County Wide Planning Area	Keystone Odessa
Community Base Planning Area	Keystone Odessa
Census Data	Tract: 011518 Block: 2004
Future Landuse	R-1
Mobility Assessment District	Rural
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: 1342.0300



August 18, 2021

1:2656  
0 0.02 0.04 0.09 mi  
0 0.04 0.07 0.14 km

Hillsborough County Florida

**Folio:** 1342.0300  
**PIN:** U-16-27-17-ZZZ-000000-10570.0  
**WILLIAM ALVARODIAZ**  
**Mailing Address:**  
 14018 ELLESMERE DR  
 TAMPA, FL 33624-6938  
**Site Address:**  
 18107 JORENE RD  
 ODESSA, FL 33556  
**SEC-TWN-RNG:** 16-27-17  
**Acreage:** 1.73648  
**Market Value:** \$193,794.00  
**Landuse Code:** 0000 VACANT RESIDENT

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