LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 21-1230	
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 November 3, 2021, is to allow for placement of a retaining wall and a portion of a residential structure 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 residential structure and a retaining wall with fill material within the 30-foot wetland conservation area setback. The applicant requests a 30-foot reduction of the setback to allow for a setback of 0 feet.

Findings:

1) Per the comment sheet from the Environmental Protection Commission (EPC), the retaining wall installation is not authorized to be placed in the wetland.

2) A wetland setback compensation planting plan has been provided on the site plan dated November 3, 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.

Attachments: Site Plan

ADMINISTRATOR'S SIGN-OFF

SECTION 28, TOWNSHIP 28 SOUTH, RANGE 18 EAST, HILLSBOROUGH COUNTY, FLORIDA.

TOPOGRAPHIC SURVEY WITH TREE LOCATION

LEGAL DESCRIPTION:
THE SOUTH 1/2 OF LOT 29 AND ALL OF LOTS 30 THROUGH 38, INCLUSIVE, BLOCK 39, RIO VISTA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 27, PAGES 9, 10 AND 11 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

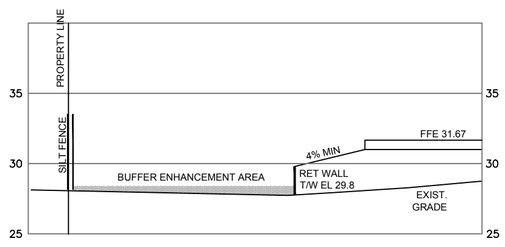
UPLAND ACREAGE = 0.16 ACRES (7,159 SQUARE FEET) MORE OR LESS

WETLAND ACREAGE = 0.30 ACRES (12,980 SQUARE FEET) MORE OR LESS

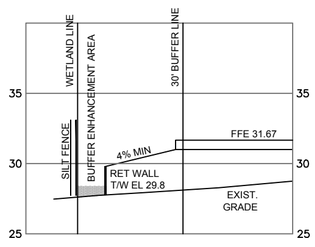
WETLAND LINEAR FOOTAGE ON SITE = 212 LINEAR FEET MORE OR LESS

WETLAND FLAGS A-1, A-2 AND A-10 FALL OFF SITE.

LINE	BEARING	DISTANCE
L1	S 70°24'32" E	30.10'
L2	N 78°12'48" E	26.44'
L3	N 78°12'48" E	11.00'
L4	N 03°10'43" E	21.48'
L5	N 02°18'27" E	34.32'
L6	N 57°17'52" E	12.82'
L7	N 31°58'25" E	34.49'
L8	N 20°42'44" E	28.26'
L9	N 08°02'27" E	37.16'
L10	N 10°38'13" E	32.27'
L11	N 10°38'13" E	3.34'
L12	S 89°11'43" E	32.22'
L13	S 89°11'43" E	94.10'

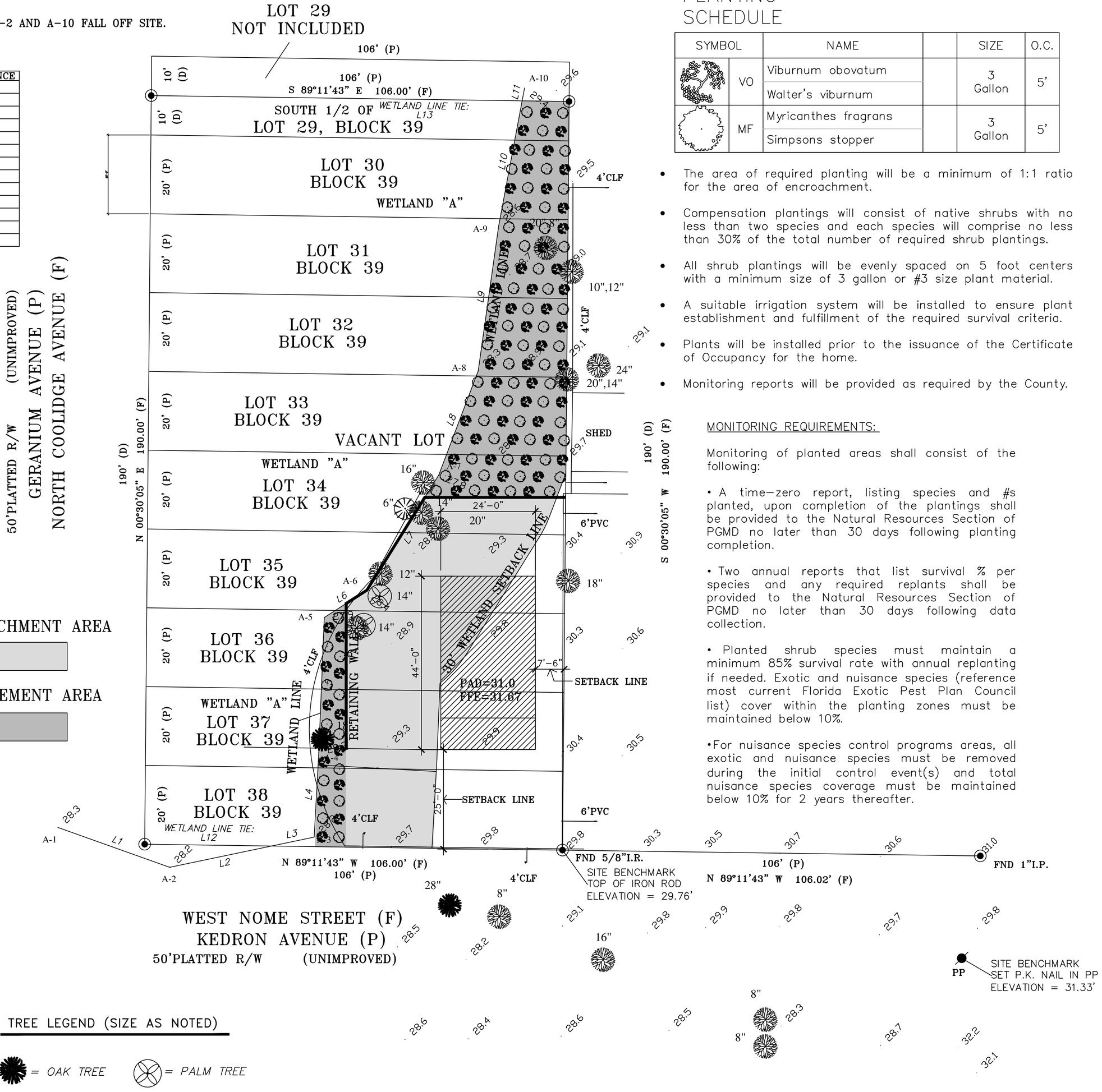


REAR YARD TYPICAL SECTION
SCALE: 1" = 40'H, 10'V



SIDE YARD TYPICAL SECTION
SCALE: 1" = 40'H, 10'V

SCALE 1"=20'



BUFFER ENCROACHMENT AREA (2,230 SF)

BUFFER ENHANCEMENT AREA (2,517 SF)

PLANTING SCHEDULE

SYMBOL		NAME		SIZE	O.C.
	VO	Viburnum obovatum		3 Gallon	5'
		Walter's viburnum			
	MF	Myricanthes fragrans		3 Gallon	5'
		Simpsons stopper			

- The area of required planting will be a minimum of 1:1 ratio for the area of encroachment.
- Compensation plantings will consist of native shrubs with no less than two species and each species will comprise no less than 30% of the total number of required shrub plantings.
- All shrub plantings will be evenly spaced on 5 foot centers with a minimum size of 3 gallon or #3 size plant material.
- A suitable irrigation system will be installed to ensure plant establishment and fulfillment of the required survival criteria.
- Plants will be installed prior to the issuance of the Certificate of Occupancy for the home.
- Monitoring reports will be provided as required by the County.

MONITORING REQUIREMENTS:

Monitoring of planted areas shall consist of the following:

• A time-zero report, listing species and #s planted, upon completion of the plantings shall be provided to the Natural Resources Section of PGMD no later than 30 days following planting completion.

• Two annual reports that list survival % per species and any required replants shall be provided to the Natural Resources Section of PGMD no later than 30 days following data collection.

• Planted shrub species must maintain a minimum 85% survival rate with annual replanting if needed. Exotic and nuisance species (reference most current Florida Exotic Pest Plan Council list) cover within the planting zones must be maintained below 10%.

•For nuisance species control programs areas, all exotic and nuisance species must be removed during the initial control event(s) and total nuisance species coverage must be maintained below 10% for 2 years thereafter.

TREE LEGEND (SIZE AS NOTED)

= OAK TREE
= PALM TREE
= CYPRESS TREE
= JACARANDA TREE

ELEVATIONS DERIVED FROM DEPT. OF TRANSPORTATION G.P.S. NETWORK SYSTEM FTP SITE. N.A.V.D. DATUM.

SYMBOL LEGEND:

CABLE, GTE
FIBEROPTIC MARKER
CORNER
VERIZON, TECO BOX
WATER METER
WATER VALVE
LP
PP
MANHOLE
WELL
METER POLE
FIRE HYDRANT

LEGEND:

ASPH = ASPHALT
A/C = AIR CONDITIONER
(C)=CALCULATED
CLF=CHAIN LINK FENCE
C.M. = CONCRETE MONUMENT
CONC = CONCRETE
CSW = CONCRETE SIDEWALK
(D) = DEED MEASUREMENT
(F) = FIELD MEASURED
NO. I.D.= NO IDENTIFICATION
PRM = PERMANENT REFERENCE MONUMENT
PSM = PROFESSIONAL SURVEYOR AND MAPPER
RLS/PLS = REGISTERED/PROFESSIONAL LAND SURVEYOR
PVC= PLASTIC VINYL FENCE
PCP = PERMANENT CONTROL POINT
I.P. = IRON PIPE
I.R. = IRON ROD
LB = LICENSED BUSINESS
O.U. = OVER HEAD UTILITY
P.K. = PARKER KRYLON
(P) = PLAT
PP = POWER POLE
R/W = RIGHT-OF-WAY
(R)= RADIAL
FHD = FIRE HYDRANT
FND = FOUND
(N/R) = NON-RADIAL
(TYP)= TYPICAL
W/F =WOOD FENCE
S.P.K.D. = SET P.K. NAIL & DISK LB#6945
S.I.R.C. = SET 5/8" I.R. & CAP LB#6945

NOTES:
1) BEARINGS ARE BASED UPON THE SOUTH LINE LOT 1, N 89°11'43" W, ASSUMED BEARING
2) PROPERTY APPEARS TO BE IN FLOOD ZONE "X" PANEL #12057C-0194 SUFFIX "H" ACCORDING TO NATIONAL FLOOD INSURANCE RATE MAP. REVISED 8-28-2008
3) ELEVATIONS ARE BASED ON NAVD '88 DATUM
4) LEGAL DESCRIPTION FURNISHED BY TITLE COMPANY
5) ALL MEASUREMENTS ARE IN U.S. FEET
6) THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, THEREFORE, THERE MAY BE OTHER EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, OR OTHER SIMILAR MATTERS OF PUBLIC RECORD, NOT DEPICTED ON THIS SURVEY
7) FENCE LOCATION DOES NOT DETERMINE OWNERSHIP, OFF MEANS THE FENCE IS OFF OF THE PROPERTY, IN MEANS FENCE IS INSIDE THE PROPERTY.

MARK A. JOHNSON License Number 6572 STATE OF FLORIDA Professional Surveyor and Mapper

NOT VALID WITHOUT SIGNATURE WITH SURVEYOR SEAL

CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE FLORIDA STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS. THE SEAL AND UNIQUE SIGNATURE APPEARING ON THIS DOCUMENT IS AUTHORIZED BY MARK A. JOHNSON PSM 6572 AND IS COMPLIANT WITH F.S.61G17-7.0025(3) (a) (b) (c) (d)

MARK A. JOHNSON
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NUMBER 6572
NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FIELD WORK BY:	S.G.	DATE: 6-3-2021	F.B. # 11	PAGE # 27
DRAWN BY:	B.P.	DATE: 6-6-2021	JOB # 21-807	

Certificate of Authorization "LB #6945"

CERTIFIED TO:
BARRY LEE ALSPACH

DON WILLIAMSON & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS & MAPPERS LB # 6945
5020 GUNN HIGHWAY SUITE 220 A
TAMPA, FL 33624
(813) 265-4795
FAX (813) 264-6062

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.

We need to use the part of the property that is not wetland to build our primary residence. The placement of the home is within RSC-6 setback. The encroachment is on the 30ft wetland setback. The land where the home sits is upperland and is clear of any plants and is a field with only grass.

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

4.01.07B

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**).

21-1230

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?

This property is primarily wetland and the portion that is not wetland is to small to fit within the wetland setback of 30 ft. The neighboring properties are not on wetland for the most part and are not effected by this wetland area unlike the subject property.

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 30 ft wetland setback from the wetland area would impose on the ability to build our primary residence.

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 variance will not interfere with the rights of any of the neighboring properties because we are still within the setback for RSC-6 zoning. → front 25 ft, side 25 ft, rear 25 ft

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).*

Since the subject property is in a residential neighborhood with other homes we blieve that we would be in line with the LDC and Comprehensive Plan.

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.

The property was purchased with the proceeds from the sale of our previous home and everything was handled by a reputable title company.

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.

Our family will be able to have a home and the general public will benifit from the tax dollars paid yearly by the home owner and will help to increase property values in the area.

Prepared by:
Danielle Walter
Compass Land & Title, LLC
1609 W. De Leon St, 2nd Floor
Tampa, Florida 33606

File Number: 21-511

Consideration: $10,000.00

General Warranty Deed

Made this May 24, 2021 A.D. By **Barry Lee Alspach,** whose address is: 7853 2nd Ave South, Saint Petersburg, Florida 33707, hereinafter called the grantor, to **Vivian Suarez and Eddie Suarez, wife and husband,** whose post office address is: 6821 N. Manhattan Ave Apt A4, Tampa, Florida 33614, 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:

The South 1/2 of Lot 29 and all of Lots 30 through 38 inclusive, Block 39, RIO VISTA, according to the map or plat thereof, as recorded in Plat Book 27, Page(s) 9 through 11, of the Public Records of Hillsborough County, Florida.

Said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

Parcel ID Number: **027281-0200**

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, 2020.

Prepared by:
Danielle Walter
Compass Land & Title, LLC
1609 W. De Leon St, 2nd Floor
Tampa, Florida 33606

File Number: 21-511

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 Printed Name BENNY GOMEZ

Witness Printed Name Daniel Gomez

(Seal)
Barry Lee Alspach
Address: 7853 2nd Ave South, Saint Petersburg, Florida 33707

State of FL
County of Hillsborough

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization, this 24th day of May, 2021, by Barry Lee Alspach, who is/are personally known to me or who has produced _____ as identification.

Notary Public
Print Name: Nancy M Gomez
My Commission Expires: 04/22/22

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE IN MY OFFICE. WITNESS MY HAND AND OFFICIAL SEAL THIS 19 DAY OF July, 20 21

Cindy Stuart, Clerk of the Circuit Court
Hillsborough County, Florida
BY _____
Deputy Clerk

Nancy M. Gomez
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG197866
Expires 4/22/2022

Received
08-19-2021
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: N. Coolidge and W. Nora City/State/Zip: Tampa, Fl 33614 TWN-RN-SEC: 28-18-28

Folio(s): 027281-0200 Zoning: RSC-6 Future Land Use: Residential Property Size: 0.46 acre

Property Owner Information

Name: Vivian Suarez, Eddie Suarez Daytime Phone: 813-682-9073

Address: 6821 N Manhattan Ave #A4 City/State/Zip: Tampa, Fl 33614

Email: AtLEddies@Gmail.Com FAX Number:

Applicant Information

Name: Eddie Suarez Daytime Phone: 470-378-9911

Address: 6821 N manhattan Ave #A4 City/State/Zip: Tampa, Fl 33614

Email: AtlEddies@gmail.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.

Vivian M. Suarez
Signature of Applicant

Vivian M. Suarez
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.

Eddie Suarez
Signature of Property Owner

Eddie Suarez
Type or Print Name

Office Use Only

Intake Staff Signature: Clare Odell Intake Date:

Case Number: 08/19/2021 Public Hearing Date: 10/25/2021

Receipt Number: 76704

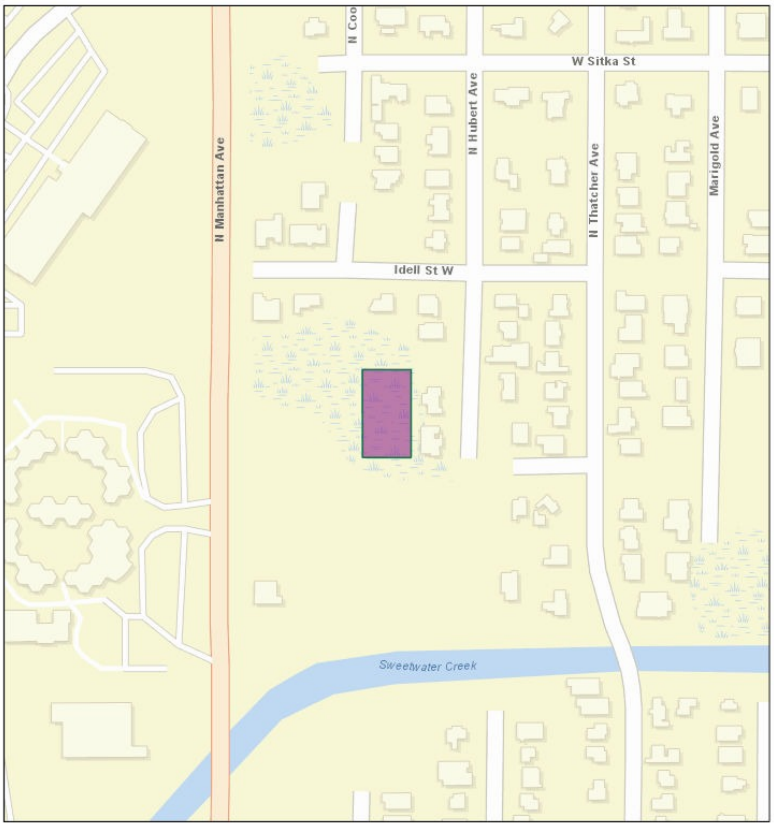
Development Services Department, 601 E Kennedy Blvd. 20th Floor

07/02/2014

PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0194H
FIRM Panel	12057C0194H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	A
Pre 2008 Firm Panel	1201120195D
County Wide Planning Area	Egypt Lake
Census Data	Tract: 011804 Block: 1018
Future Landuse	R-9
Urban Service Area	USA
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 10
Wind Borne Debris Area	140 MPH Area
Aviation Authority Height Restrictions	110' AMSL
Aviation Authority Height Restrictions	130' AMSL
Competitive Sites	NO
Redevelopment Area	NO

Folio: 27281.0200



August 19, 2021

1:2,659

0 0.02 0.04 0.09 mi

0 0.04 0.07 0.14 km

Hillsborough County Florida

Folio: 27281.0200
PIN: U-28-28-18-16R-000039-00029.0
VIVIAN AND EDDIE SUAREZ
Mailing Address:
6821 N MANHATTAN AVE APT A4
TAMPA, FL 33614-3838
Site Address:
0
TAMPA, Fl 33614
SEC-TWN-RNG: 28-28-18
Acreage: 0.45975101
Market Value: $32,765.00
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.
Or
2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder.

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >

< THIS PAGE WAS INTENTIONALLY LEFT BLANK >