

Variance Application: VAR 26-0176
LUHO Hearing Date: January 12, 2026
Case Reviewer: Colleen Marshall, AICP, CFM



**Hillsborough
County Florida**
Development Services Department

Applicant: Kevin McNamara **Zoning:** RSC-6
Address/Location: 3905 Americana Drive, Tampa, FL; Folio: 12161.0035

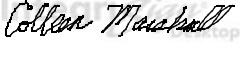
Request Summary:

The applicant is requesting setback variances to allow for a home to be rebuilt on the property.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.01.01	A minimum 25-foot front yard setback is required in the RSC-6 zoning district.	1-foot, 2 ¼-inches	23-foot, 7 ¾ inch front yard setback
6.01.01	A minimum 25-foot rear yard setback is required in the RSC-6 zoning district.	11 feet	14-foot rear yard setback

Findings:	Building permit application HC-BLD-25-0076919 is in review for the construction of a new home on the subject property. Per LDC Sec. 6.01.03.I.12, existing structures located in the Special Flood Hazard Area that are elevated or reconstructed up to 110% of the existing building footprint, may have stairways necessary to provide access to the elevated structure in the required front yard.
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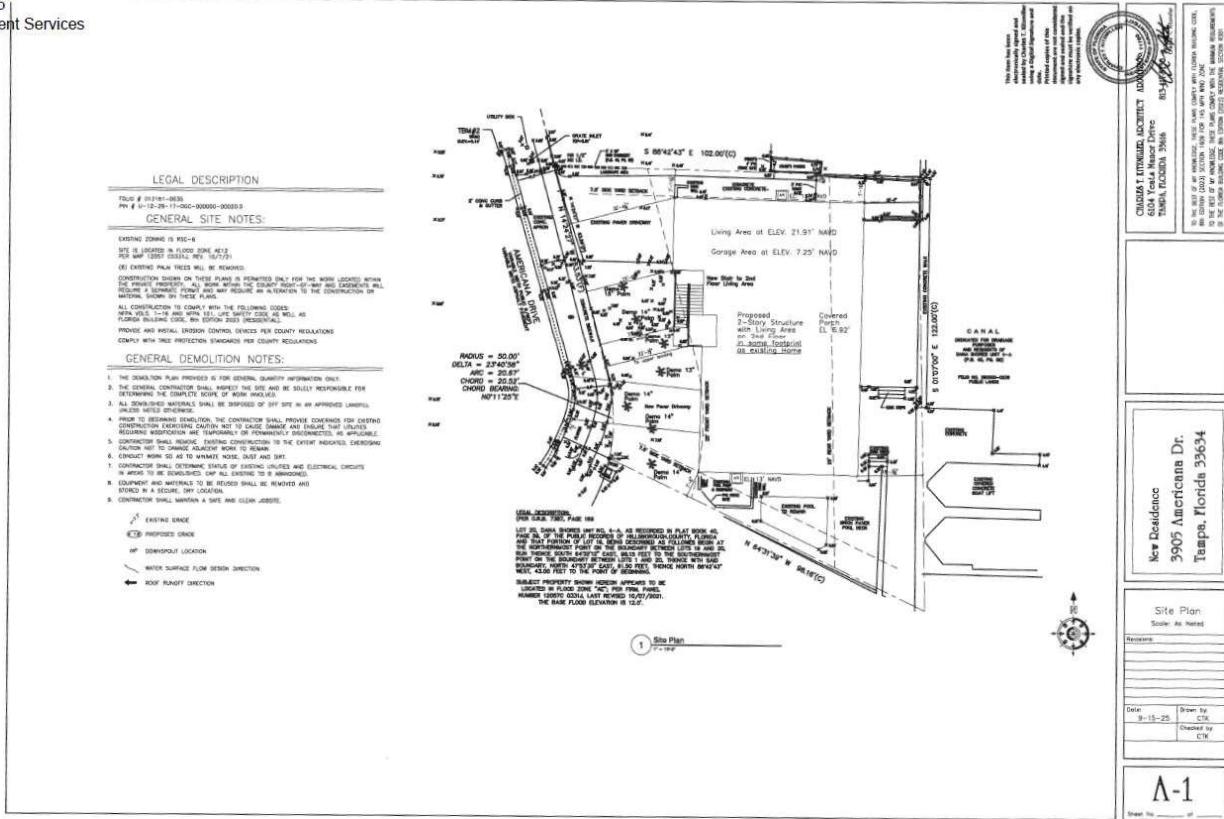
Zoning Administrator Sign Off:	 Colleen Marshall Mon Dec 22 2025 14:13:24
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DISCLAIMER:

The variance(s) 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.

SURVEY/SITE PLAN

Received
11/04/2025
Development Services



26-0176



Project Description (Variance Request)

1. 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 residence was originally constructed in 1967 and expanded in 1995 with a fully enclosed addition that extended into the rear yard setback. The 1994 addition was approved and built after the adoption of current setback requirements, it cannot be certified as legally nonconforming under LDC Section 11.03.04. In September 2024 the home sustained severe flooding during Hurricane Helene. The proposed redevelopment will reconstruct the residence in substantially the same footprint, elevated to meet FEMA and Florida Building Code flood protection requirements. This elevation is essential to safeguard the property and its occupants from future flood events. Approval of these variances will allow the home to be rebuilt in a manner consistent with the long-standing configuration of the property and compatible with surrounding development. Notably, properties directly across the canal do not observe rear yard setbacks, further demonstrating that the requested variances will not alter the character of the neighborhood or injure the rights of adjacent property owners. Variance of 1'-2 1/4" feet from the required 25-foot front yard setback, resulting in a 23'-7 3/4" front yard setback. A rear yard setback reduction of 11 feet from the required 25 feet, aligning with the previously approved and permitted rear addition.

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

LDC Section 11.03.04

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): HC-BLD-25-0076919 - Building Permit Application
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.
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 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

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Variance Criteria Response

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?

A fully enclosed addition to the residence was approved in 1995 and constructed within the existing footprint, resulting in portions of the building being located closer to lot lines than typical RSC-6 parcels. The property is located in FEMA Flood Zone AE requiring elevation of any rebuilt structures. Due to the Hurricane damages I'm forced to rebuild my home.

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.

Other similar single-family lots in the neighborhood for example across the canal are able to maintain habitable residences without these requirements; strict application here would uniquely prevent me from using the property as intended and would therefore deprive the owner of rights commonly enjoyed by comparable properties.

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 requested relief is minimal and tailored to the historic footprint. The proposed building will match the prior footprint and will be elevated to modern flood standards, improving safety without increasing density or massing. Properties directly across the canal have improvements that do not meet a strict 25-foot rear setback, and similar encroachments exist.

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).

Reasonable use of land, neighborhood compatibility, and resiliency in hazard-prone areas. Granting the minimal variances permits reconstruction to meet FEMA and Florida Building Code elevation standards, reducing future emergency risk and promoting public safety. The rebuilt residence will remain consistent in scale and placement with surrounding homes.

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.

Original dwelling dates to 1967 and the addition was approved in 1995. The applicant did not create the lot geometry, historic footprint, or the canal location. The immediate hardship results from severe flood damage sustained during Hurricane Helene, a natural disaster outside my control. I'm seeking to restore the historic footprint and to elevate the structure for safety.

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.

Granting the variance achieves justice by balancing public safety and neighborhood integrity with individual hardship of a displaced homeowner who is also a senior citizen. Denial would prevent the owner from returning to a safe, elevated home and would impose disproportionate and financial hardship given the historic footprint and the minimal nature of the requested relief.

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RICHARD AKE
CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY

WARRANTY DEED

THIS INDENTURE, made this 5th of May, 1994, between Sam Maggiore and Audrey J. Maggiore, his wife, of the County of HILLSBOROUGH State of FLORIDA, whose mailing address is:

5944 MOHR LOOP, TAMPA, FL 33615
parties of the first part, and Kevin J. McNamara, a married person, parties of the second part, of the County of Hillsborough, State of Florida, whose mailing address is 10708 Dowry Ave, Tampa, FL 33615 and whose social security/ tax identification number is

WITNESSETH

REC-73876 168

That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION (\$10.00) to them in hand paid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and transferred, and by these presents do grant, bargain, sell and transfer unto the said parties of the second part, their heirs and assigns forever, all that certain parcel of land lying and being in the County of HILLSBOROUGH and State of Florida, more particularly described as follows:

SEE ATTACHED EXHIBIT "A" Documentary Tax Pd - F.S. 201.024, 10850

Intangible Tax Pd - F.S. 199.8

Richard Ake, Clerk Hillsborough County

TOGETHER with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining: TO HAVE AND TO HOLD the same in fee simple forever.

And the said parties of the first part covenant with the said parties of the second part that they are lawfully seized of the said premises and that they are free from all encumbrances except taxes for the current year, and easements and restrictions of record and that they have good right and lawful authority to sell the same; and that the said parties of the first part do fully warrant the title to the said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year above written.

WITNESS:

Carol A Cahill

Carol A Cahill witness

B. CAROLYN MCNAMARA

B. CAROLYN MCNAMARA WITNESS

Sam Maggiore

Sam Maggiore

Audrey J. Maggiore

RICHARD AKE
CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 5TH of May, 1994 by Sam Maggiore and Audrey J. Maggiore, who is personally known to me or who has produced drivers licenses as identification and who did take an oath.

WITNESS my signature and official seal at Tampa in the County of Hillsborough and State of Florida the day and year last aforesaid.

My Commission Expires:

Carol A Cahill
NOTARY PUBLIC-State of Florida
Carol A. Cahill type name

PREPARED BY AND RETURN TO:
CAROL CAHILL

FILE # 4/7917

AMERICAN HOME TITLE
6703 N. HIMES AVENUE
TAMPA, FL 33614
813-879-0333



"OFFICIAL SEAL"
Carol A. Cahill
My Commission Expires 4/29/87
Commission #CC 281639

"EXHIBIT A" LEGAL DESCRIPTION

Lot 20, DANA SHORES UNIT No. 4-A, as recorded in Plat Book 40, Page 59, of the public records of Hillsborough County, Florida; and that portion of Lot 19, being described as follows: Begin at the northernmost point on the boundary between Lots 19 and 20; run thence South $64^{\circ}32'12''$ East, 98.15 feet to the Southernmost point on the boundary between Lots 19 and 20; thence with said boundary, North $47^{\circ}53'35''$ East, 61.50 feet; thence North $88^{\circ}42'43''$ West, 43.00 feet to the point of beginning.



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 26-0176

Intake Date: 11/05/2025

Hearing(s) and type: Date: 12/15/2025 Type: LUHO

Receipt Number: _____

Date: _____ Type: _____

Intake Staff Signature: Charles Phillips

Property Information

Address: 3905 Americana Drive City/State/Zip: Tampa, FL 33634

TWN-RN-SEC: 12-29-17 Folio(s): 012161-0035 Zoning: RSC-6 Future Land Use: R-4 Property Size: 9,303 sq ft +/-

Property Owner Information

Name: Kevin McNamara Daytime Phone 813-855-1672 or 813-690-8600

Address: 9002 West Hillsborough Ave. City/State/Zip: Tampa, FL 33615

Email: kevinm@baydock.com & chantel@baydock.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: _____ Daytime Phone _____

Address: _____ City/State/Zip: _____

Email: _____ Fax Number _____

I hereby swear or affirm that all the information provided in the submitted application packet is true and accurate, to the best of my knowledge, and authorize the representative listed above to act on my behalf on this application.

Kevin McNamara

Signature of the Applicant

KEVIN McNamara

Type or print name

I hereby authorize the processing of this application and recognize that the final action taken on this petition shall be binding to the property as well as to the current and any future owners.

Kevin McNamara

Signature of the Owner(s) – (All parties on the deed must sign)

KEVIN McNamara

Type or print name



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-6
Description	Residential - Single-Family Conventional
Flood Zone:AE	BFE = 9.0 ft
FIRM Panel	0331H
FIRM Panel	12057C0331H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	AE
Pre 2008 Firm Panel	1201140012C
County Wide Planning Area	Town and Country
Community Base Planning Area	Town and Country
Census Data	Tract: 011708 Block: 2011
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 Assessment District	Rural
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	50' AMSL
Aviation Authority	Landfill Notification Area
Aviation Authority	Non-Compatible Use (Schools)
Competitive Sites	NO
Redevelopment Area	NO

