

Variance Application:**VAR 26-0083****LUHO Hearing Date:****January 12, 2026****Case Reviewer:****Carolanne Peddle****Hillsborough
County Florida****Development Services Department**

Applicant: Kelly Gutierrez

Zoning: RSC-9

Location: 6819 Robinswood Ln Tampa, FL 33634; Folio: 9063.0000

Request Summary:

The applicant requests a variance to swimming pool requirements and to lot development standards.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
Sec. 6.11.94 B. 1	Swimming pools enclosed by a screen-meshed structure without a solid roof that is attached to the primary building may intrude into required rear and side yards provided a minimum setback of three feet is provided.	3 feet	Side yard (south) setback of 0 feet for the screen enclosure.
		2.2 feet	Rear yard (east) setback of 0.8 feet for the screen enclosure.
Sec. 6.01.01	A minimum 5-foot side yard setback is required in the RSC-9 zoning district.	4.9 feet	Side yard setback (north) of 0.1 feet for the covered patio.
Sec. 6.01.03 I. 4 Sec. 6.01.01	Covered patios may intrude no more than 13 feet into the required rear yard. In no case shall the permitted intrusion of the covered patio reduce the yard provided to less than 10 feet. A minimum 20-foot rear yard setback is required in the RSC-9 zoning district. Therefore, a 10-foot rear yard setback is required for the covered patio.	9.1 feet	Rear yard setback (south) of 0.9 feet for the covered patio.

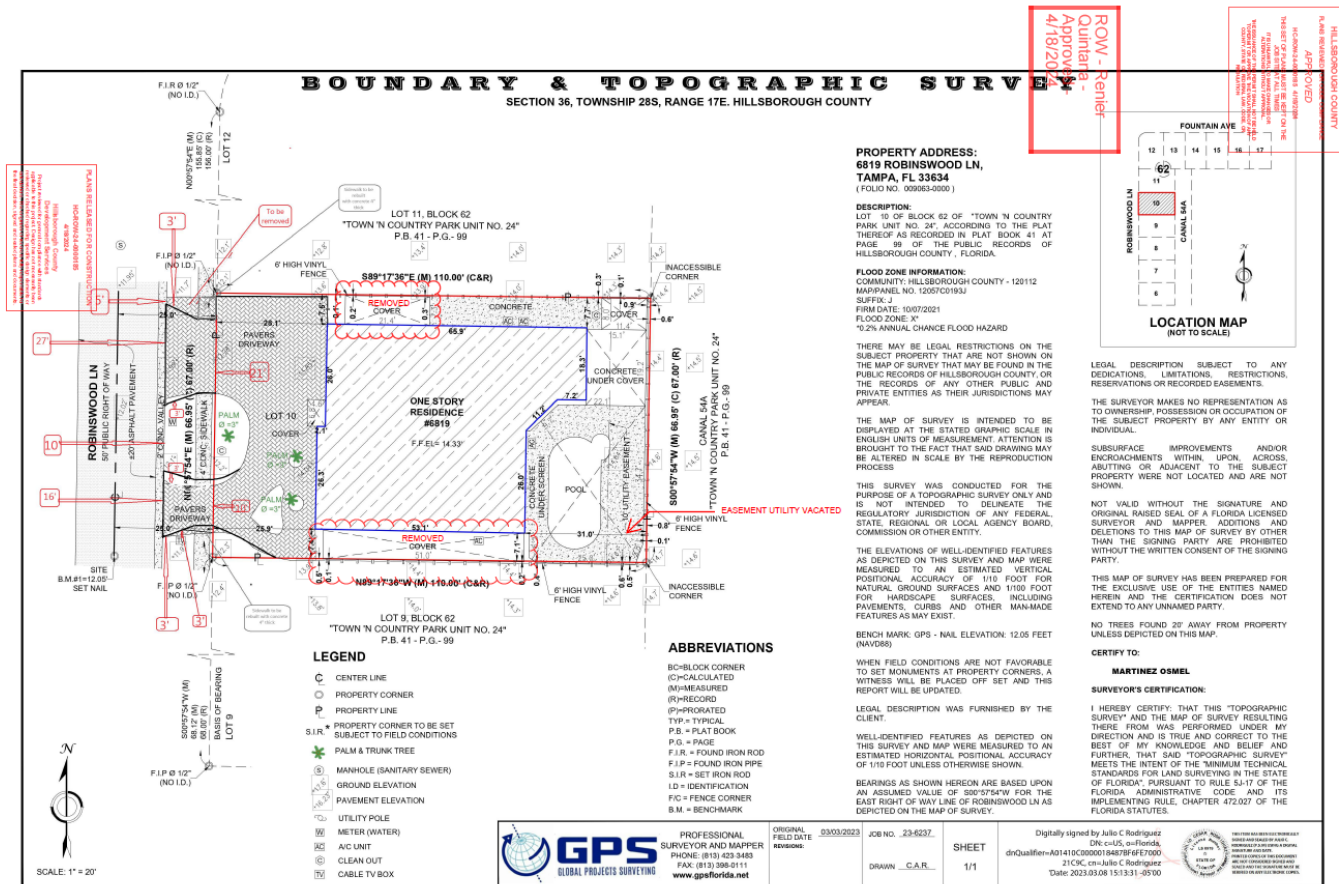
Findings:

The applicant has confirmed that the two covered areas towards the front of the home on the north and south have been removed.

Zoning Administrator Sign Off:Colleen Marshall
Mon Dec 22 2025 17:41:28**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





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.

Variance of 2ft from the required rear yard setback of 3ft for pool cage ,resulting in rear yard of 1ft and Variance of 9ft from required rear setback of 10ft for covered patio ,resulting in rear yard of 1ft .

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:
Sec 6.01.01 - Setbacks

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.
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 Re-claimed 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?

Attached

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.

Attached

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.

Attached

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*).

Attached

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.

Attached

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.

Attached

1. Unique Hardship

The hardship faced by this property is unique due to a combination of historical approvals and the needs of its current residents. The pool was legally constructed in 1984 and now complies after the County vacated a 10-foot easement. However, the associated decking and subsequent outdoor improvements (screen enclosure, outdoor kitchen, and bathroom) extend into the setback area. These additions were made in good faith as practical extensions of the approved pool area to accommodate a multigenerational household that includes four children and elderly family members. This family composition required unique adaptations for safety, protection, and functionality, especially in an area with elevated outside risks. Neighboring properties, which were not affected by the same historic approvals or household circumstances, do not share these combined hardships, making the situation singular to this property.

2. Literal LDC Requirements

Strict application of the Land Development Code would require removal or significant modification of the decking and related improvements, even though the pool itself is compliant. This would deprive the homeowner of reasonable outdoor living features—such as a screened enclosure, protective lanai, and functional outdoor space—that are commonly enjoyed by other properties in the district. The loss would stem not from a deliberate violation but from reliance on historic approvals and a lack of familiarity with the complex permitting process. Denial of the variance would strip the property owner of rights enjoyed by neighbors while penalizing improvements made solely to improve family safety and livability.

3. No Interference with Rights of Others

The variance will not interfere with or injure the rights of surrounding property owners. The pool, decking, and related improvements have been in place without objection or adverse impact. There are no directly adjacent rear neighbors, and the improvements do not encroach upon another parcel, nor do they block access, light, or air circulation. In fact, the updated roof extensions, façade improvements, and enclosures have enhanced the property's appearance, which contributes positively to neighborhood value and character. Granting the variance will only formalize existing conditions that have proven compatible with the surrounding community.

4. Harmony With Intent of LDC & Comprehensive Plan

The purpose of the LDC and Comprehensive Plan is to promote safe, orderly, and equitable development while protecting community character. Granting this variance fulfills that intent: the improvements enhance safety and functionality for a multigenerational household, comply in spirit with the residential character of the area, and do not alter density, traffic, or neighborhood aesthetics. By approving this variance and legalizing the after-the-fact permits, the County ensures that these structures are properly documented and inspected, harmonizing the regulatory framework with practical family needs and prior County approvals.

5. Not a Self-Imposed Hardship

The hardship is not self-imposed. The pool and decking were established in 1984 under County approvals, decades before current ownership. The subsequent improvements were constructed by the homeowner in reliance on those approvals, not with intent to circumvent regulations. The owner, an immigrant and first-time homeowner, acted with the honest goal of improving safety and quality of life for his family, but was unfamiliar with the permitting process. The current request for variance is part of a proactive effort to bring the property into compliance through after-the-fact permitting. The hardship therefore arises from historical and procedural circumstances, not from deliberate or illegal acts of the applicant.

6. Substantial Justice

Granting this variance will ensure substantial justice by balancing the public's interest in orderly code enforcement with the homeowner's need for stability, safety, and fairness. The community benefits from improved aesthetics, reduced risk of unpermitted blight, and proper oversight of the structures. Denying the variance would impose severe financial and emotional hardship on a family that relied on past approvals and simply sought to make their home safer and more livable. Approval allows the County to recognize long-standing lawful improvements, correct technical inconsistencies, and preserve the rights and well-being of the applicant's family, achieving both fairness and compliance.

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Prepared by and Return To:

Corinne Janis
Fidelity National Title of Florida, Inc.
2814 W. Bay Drive
Belleair Bluffs, FL 33770

Order No.: FTPA15-10727

For Documentary Stamp Tax purposes the
consideration is \$185,000.00

APN/Parcel ID(s): 90630000

WARRANTY DEED

THIS WARRANTY DEED dated June 8, 2015, by Alcus W. Chesser and Frances Chesser a/k/a Sarah Frances Chesser, husband and wife, hereinafter called the grantor, to Osmel Martinez, whose post office address is 6819 Robinwood Lane, Tampa, FL 33634, hereinafter called the grantee:

(Wherever used herein the terms "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 And No/100 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 the certain land situated in City of Tampa, County of Hillsborough, State of Florida, to wit:

Lot 10, Block 62, Town 'N Country Park Unit No. 24, according to the map or plat thereof, as recorded in Plat Book 41, Page(s) 99, of the Public Records of Hillsborough County, Florida.

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise 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, 2014.

WARRANTY 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:

Witness Signature

[Signature]
Print Name

Witness Signature
MARYANNE P. MCCARN

Print Name

[Signature]
Alcus W. Chesser

Alcus W. Chesser
Frances Chesser A/K/A Sarah Frances Chesser by Alcus W. Chesser as her attorney in fact.
Frances Chesser a/k/a Sarah Frances Chesser
by Alcus W. Chesser as her attorney in fact

Address: 1029 N. Chanceway
Inverness, FL 33634

State of Florida

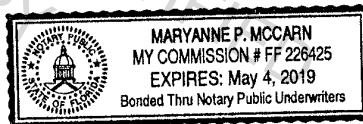
County of Hillsborough

The foregoing instrument was acknowledged before me this 5 day of June, 2015 by Alcus W. Chesser, individually and as attorney in fact for Frances Chesser a/k/a Sarah Frances Chesser, to me known to be the person(s) described in or who has/have produced Driver License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

Witness my hand and official seal in the County and State last aforesaid this 5 day of June, 2015.

NOTARY PUBLIC

My Commission Expires:





**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 26-0083

Intake Date: 10/14/2025

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

Type: LUHO

Receipt Number: 526990

Date: _____

Type: _____

Intake Staff Signature: Julie Boatright

Property Information

Address: 6819 Robinswood Ln City/State/Zip: Tampa, Florida, 33634

TWN-RN-SEC: 28-17-36 Folio(s): 009063-0000 Zoning: RSC-9 Future Land Use: R-6 Property Size: 0.1692 acres

Property Owner Information

Name: Osmel Martinez Daytime Phone 8135980399

Address: 6819 Robinswood Ln City/State/Zip: Tampa , FL 33634

Email: Osmarsuli@yahoo.com Fax Number _____

Applicant Information

Name: Kelly Gutierrez Daytime Phone 813-900-9772

Address: _____ City/State/Zip: _____

Email: krpermitting@gmail.com 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.

Signature of the Applicant

Osmel Martinez

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.

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

Type or print name



Submittal Requirements for Applications Requiring Public Hearings

Official Use Only

Application No: 26-0083

Intake Date: 10/14/2025

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

Type: LUHO

Receipt Number: 526990

Date: _____

Type: _____

Intake Staff Signature: _____

Applicant/Representative: Kelly Gutierrez Phone: 813-900-9772

Representative's Email: krpermitting@gmail.com

The following information is used by reviewing agencies for their comments and should remain constant, with very few exceptions, throughout the review process. Additional reviews, such as legal description accuracy, compatibility of uses, agency reviews, etc., will still be conducted separately and may require additional revisions.

The following ownership information must be provided and will be verified upon submission initial submittal. If you are viewing this form electronically, you may click on each underlined item for additional information.

Part A: Property Information & Owner Authorization Requirements

Included	N/A	Requirements
1	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Property/Applicant/Owner Information Form</u>
2	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Affidavit(s) to Authorize Agent</u> (if applicable) NOTE: All property owners must sign either the Application form or the Affidavit to Authorize Agent. If property is owned by a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit.
3	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Sunbiz Form</u> (if applicable). This can be obtained at Sunbiz.org .
4	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
5	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Identification of Sensitive/Protected Information and Acknowledgement of Public Records</u>
6	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Copy of Current Recorded Deed(s)</u>
7	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Close Proximity Property Owners List</u>
8	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Legal Description</u> for the subject site
9	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>Copy of Code Enforcement/Building Code Violation(s)</u> (if applicable)
10	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>Fastrack Approval</u> (if applicable)

Additional application-specific requirements are listed in Part B.



Specific Submittal Requirements for Variances

This section provides information on items that must be addressed/submitted for a Special use - Land Excavation permit and will be subsequently reviewed when the application is assigned to a planner. Where certain information does not apply to a project, a notation shall appear on the plan stating the reason, for example, "No existing water bodies within project." Additionally, the explanations and justifications for when certain information does not apply to the project shall be included in the Narrative. If Hillsborough County determines the submitted plan lacks required information, the application shall not proceed to hearing as provided for in Section 6.2.1.1.A. Additionally, the required information is only the minimum necessary to schedule an application for hearing and Hillsborough County reserves the right to request additional information during review of the application.

If you are viewing this form electronically, you may click on each underlined item for additional information.

For any items marked N/A, justification must be provided as to why the item is not included.

Part B: Project Information

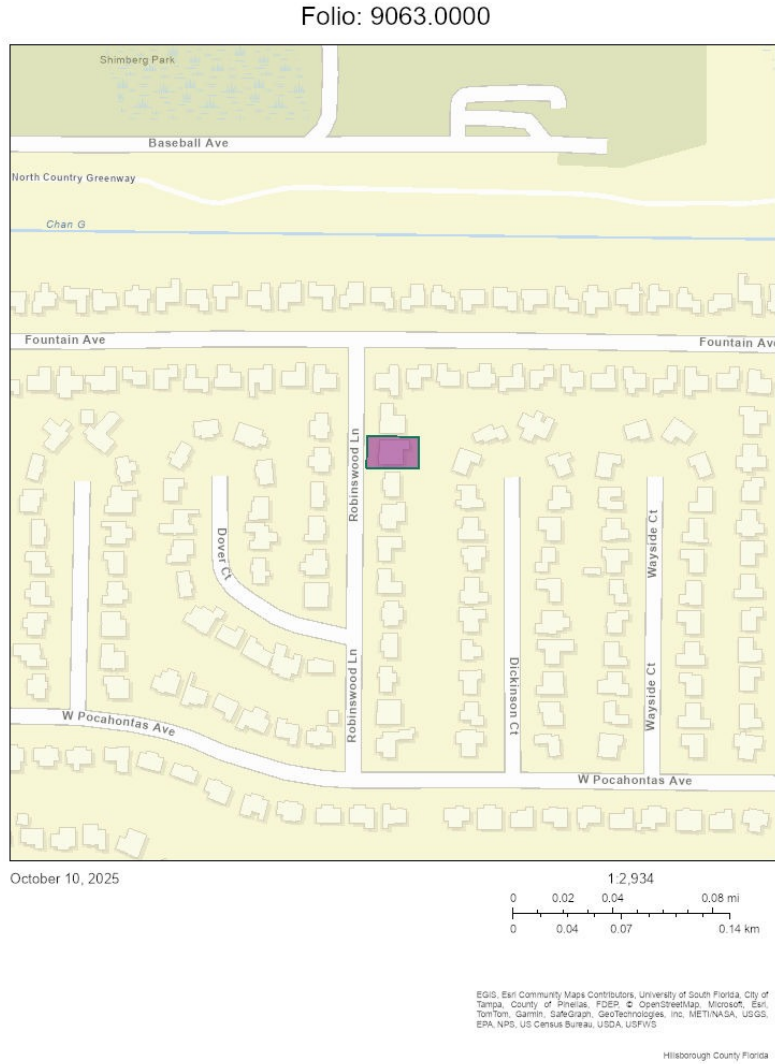
Additional Submittal Requirements for a Variance

- 1 ☒ Project Description/Written Statement of the Variance Request
- 2 ☐ Variance Criteria Response
- 3 ☐ Attachment A (if applicable)
- 4 ☒ Survey/Site Plan
- 5 ☒ Supplemental Information (optional/if applicable)



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Residential
Zoning	RSC-9
Description	Residential - Single-Family Conventional
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0193H
FIRM Panel	12057C0193H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120195D
County Wide Planning Area	Town and Country
Community Base Planning Area	Town and Country
Community Base Planning Area	Town and Country Focus
Census Data	Tract: 011605 Block: 1001
Future Landuse	R-6
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	90' AMSL
Aviation Authority	Landfill Notification Area
Competitive Sites	NO
Redevelopment Area	NO



Folio: 9063.0000
PIN: U-36-28-17-ODL-000062-00010.0
Osmel Martinez
Mailing Address:
 6819 Robinswood Ln
 null
 Tampa, FL 33634-4719
Site Address:
 6819 Robinswood Ln
 Tampa, FL 33634
SEC-TWN-RNG: 36-28-17
Acreage: 0.17
Market Value: \$394,878.00
Landuse Code: 0100 SINGLE FAMILY

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