

Variance Application: VAR 26-0110
LUHO Hearing Date: December 15, 2025
Case Reviewer: Jared Follin



**Hillsborough
County Florida**

Development Services Department

Applicant: Awaken Assisted Living, LLC **Zoning:** PD
Address/Location: 12335 Yellow Rose Cir., Riverview, FL; Folio: 76738.8022

Request Summary:

The applicant is requesting a variance to the distance separation requirement for a Type A Community Residential Home to allow a Type A Community Residential Home within 1,000 feet of an existing facility located on Netherfield Court.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.11.28.A	Community Residential Homes housing 6 or fewer residences shall not be located within a radius of 1,000 feet of another such existing home with 6 or fewer residents.	350 feet	650-foot distance separation to existing Community Residential Home

Findings:

Trinity Fields Group Home, a Community Residential Home for up to 6 residents, is located at 12210 Netherfield Court, approximately 650 feet from the proposed Community Residential Home.

Zoning Administrator Sign Off:

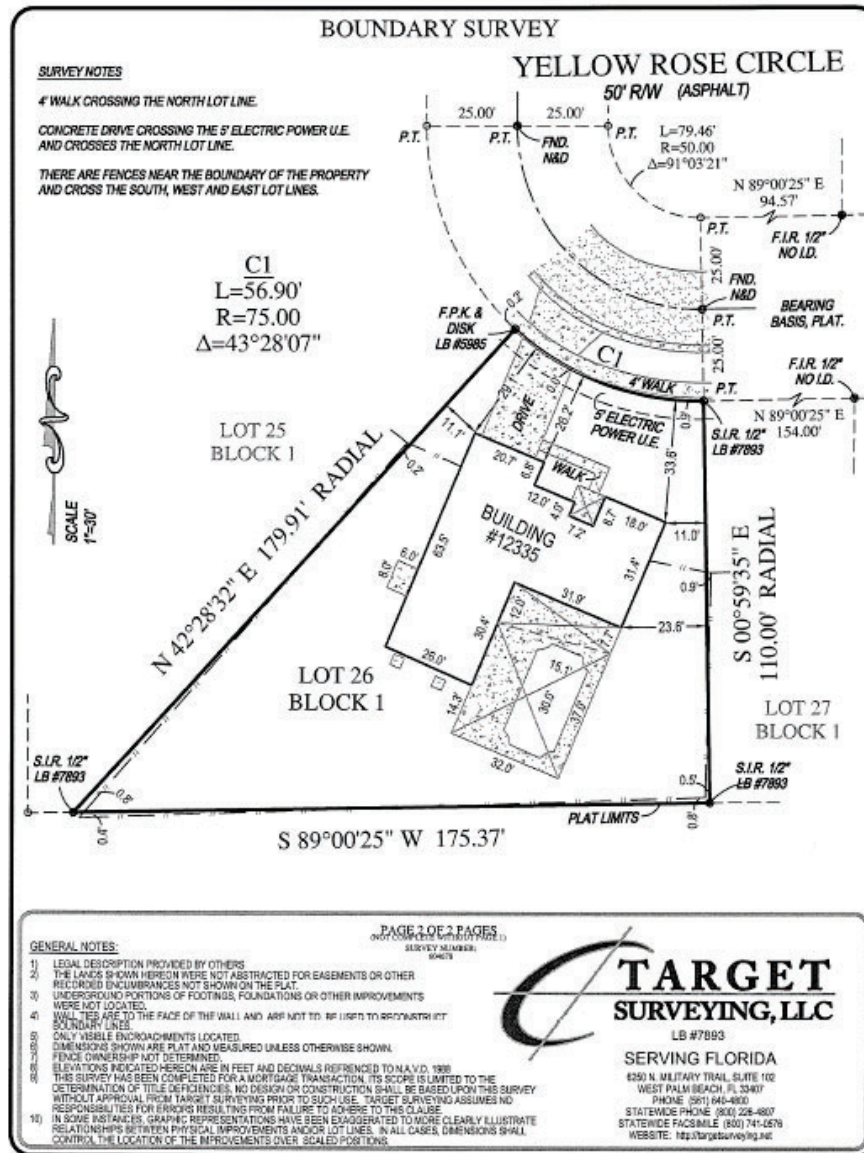
Colleen Marshall
Mon Dec 1 2025 14:02:24

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
10-22-2025
Development Services



26-0110



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 applicant, Awaken Assisted Living, LLC, requests this variance in order to operate an assisted living facility at 12335 Yellow Rose Cir., Riverview, FL 33569, owned by Blackwatch Capital, LLC. Because there is an existing assisted living facility is operating at 12210 Netherfield Court, Riverview, FL 33569. Because the Netherfield ALF is located approximately 650 feet from the Yellow Rose property, as the crow flies, Awaken is required to request this variance in order to operate an ALF at the Yellow Rose property. Although the properties are separated by 650 feet as the crow flies, they are effectively separated by more than 3,000 feet when traveling between the two (2) properties by foot or car. In addition, the two (2) properties are accessed by two (2) separate and distinct entrances off Boyette Road. In order to operate an assisted living facility at 12335 Yellow Rose Circle, Awaken ALF is requesting a variance to the requirement that assisted living facilities be separated by a minimum of 1,000 feet.

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

The applicant is seeking a variance to operate an assisted living facility at 12335 Yellow Rose Cir., Riverview, FL 33569, within 1,000 feet of the ALF currently operating at 12210 Netherfield Court, Riverview, FL 33569, as required by Land Development Code Section 6.11.28 – Community Residential Homes.

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

PROJECT DESCRIPTION/WRITTEN STATEMENT OF THE VARIANCE REQUEST

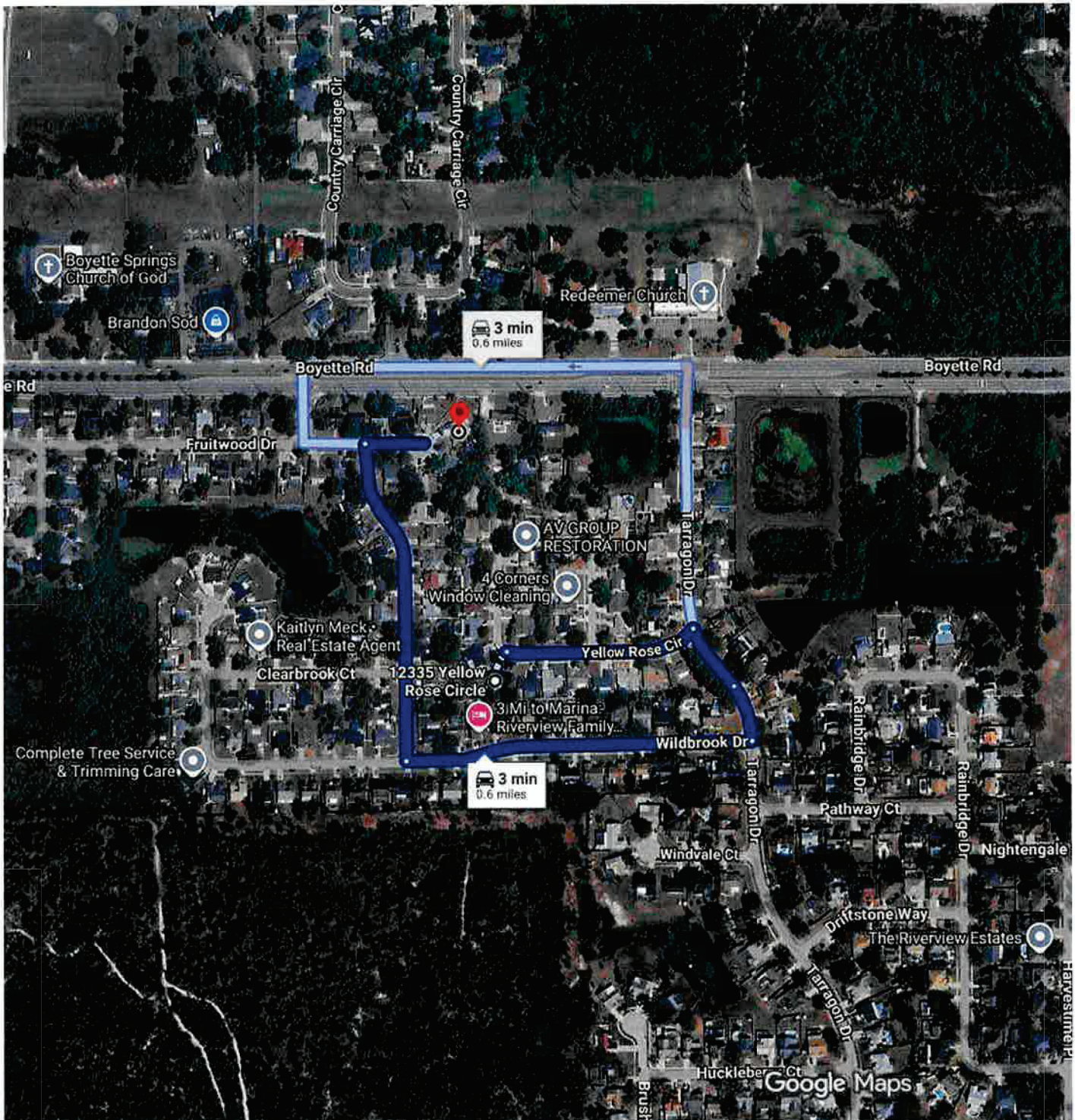
The property located at 12335 Yellow Rose Circle, Riverview, FL 33569, is a 4-bedroom, single family residence. Awaken Assisted Living, LLC, desires to use this single family residence as an assisted living facility. However, another assisted living facility is currently operating at 12210 Netherfield Court, Riverview, FL 33569, which is approximately 650 feet from 12335 Yellow Rose Cir. Because the Netherfield ALF is located within 1,000 feet of 12335 Yellow Rose Circle, Awaken Assisted Living, LLC, is requesting a variance from the criteria set forth in LDC §6.11.28, Community Residential Homes.

The applicant recognizes that the distance requirement set forth in LDC §6.11.28, Community Residential Homes is designed to prevent the “concentration of such community residential homes in an area.” In the current situation, however, the concerns that LDC §6.11.28 addresses by the distance separation requirement, are not present in this instance. Specifically, the two (2) properties are located in distinct and separate sections of the Boyette Springs subdivision, utilize different entrances off Boyette Road to access the two (2) properties, and, most importantly, although they are located approximately 650 feet apart as the crow flies, there is no direct route between the two (2) properties so that the distance to walk or drive from one property to the other is in excess of 3,000 feet. See attached Google Maps printout. Accordingly, the traffic accessing the one facility will not affect the other.

Accordingly, the applicant is requesting a variance to permit the operation of an assisted living facility at 12335 Yellow Rose Cir., Riverview, FL 33569.

12335 Yellow Rose Cir, Riverview, FL 33569 to
12210 Netherfield Ct, Riverview, FL 33569

Drive 0.6 mile, 3 min



Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 Google 200 ft



via Wildbrook Dr and Fruitwood
Dr

3 min
0.6 mile

Fastest route

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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?

The alleged hardships/practical difficulties are unique and singular to the subject property because, although located within 1,000 feet of an existing ALF, the distance between the two (2) ALFs is more than 3,000 feet when traveling between the two properties by foot or car and the properties are accessed from distinct entrances off Boyette Road. Accordingly, the hardship is not suffered in common with the properties immediately adjacent to 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 literal requirements of the LDC would prevent the operation of an assisted living facility because of the operation of the facility at 12210 Netherfield Court, Riverview, FL 33569.

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, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance because the existing ALF is more than 3,000 feet when traveling between the two properties by foot or car and the properties are accessed from distinct entrances off Boyette Road.

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*).

The application fosters and preserves public health, safety, comfort and welfare, and aids in the harmonious, orderly, and progressive development of the general area of the subject property by permitting development that is consistent with and in keeping with current, long-term development in the area. The proposal does not negatively affect natural resources or public facilities and equitably permits development of the property.

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 operation of an ALF at 12335 Yellow Rose Cir., is in keeping with the nature of the surrounding properties because it does not result in a concentration of such community residential homes in an area because the properties are in separate areas of the neighborhood, utilize separate entrances to access the properties and are more than 3,000 feet apart when traveling by foot or by car.

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.

Substantial justice will be done in granting this variance by permitting an ALF at the subject property because it will not result in a concentration of community residential homes in the area due to the properties' location, the distinct access to and the distance between them when traveling by foot or car. The public benefits because additional ALF's will be available. Substantial justice will be served by permitting the operation of the subject property as an ALF.


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Prepared by:
Michelle Anthony
South Bay Title Insurance Agency, Inc.
936 Cypress Village Blvd. - Suite A
Ruskin, Florida 33573

File Number: 23093382

General Warranty Deed

Made this October 6, 2023 A.D. By **DONNA J. SCIOSCIA, a single woman**, whose address is: 12335 Yellow Rose Circle, Riverview, Florida 33569, hereinafter called the grantor, to **BLACKWATCH CAPITAL, LLC, a Florida Limited Liability Company**, whose post office address is: 1032 East Brandon Blvd. #8338, Brandon, Florida 33511, 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:

Lot 26, Block 1, BOYETTE SPRINGS SECTION "B", UNIT 17, according to the plat thereof recorded in Plat Book 61, Page 29, of the Public Records of HILLSBOROUGH County, Florida.

Parcel ID Number: 076738.8022

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, 2022.

Prepared by:
Michelle Anthony
South Bay Title Insurance Agency, Inc.
936 Cypress Village Blvd. - Suite A
Ruskin, Florida 33573

File Number: 23093382

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 Signature [Signature]
Witness Printed Name Michelle Anthony

[Signature]
DONNA J. SCIOSCIA
Address: 12335 Yellow Rose Circle, Riverview, Florida 33569

Witness Signature [Signature]
Witness Printed Name Ann Marie Vaughan

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 6th day of October, 2023, by **DONNA J. SCIOSCIA**, who is/are personally known to me or who has produced Drivers License as identification.



[Signature]
Notary Public
Stamp/Seal



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 26-0110

Intake Date: 10/11/2025

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

Type: LUHO

Receipt Number: 528982

Date: _____

Type: _____

Intake Staff Signature: Julie Boatright

Property Information

Address: 12335 Yellow Rose Cir. City/State/Zip: Riverview, FL 33569

TWN-RN-SEC: XXXXXXXXXX Folio(s): 76738.8022 Zoning: PD Future Land Use: R-4 Property Size: .38 acres
22-30-20
30-20-22

Property Owner Information

Name: Blackwatch Capital, LLC Daytime Phone: 813-653-3800

Address: 1032 E Brandon Blvd., Ste. 8338 City/State/Zip: Brandon, FL 33511

Email: kosanlaw@gmail.com Fax Number: none

Applicant Information

Name: Awaken Assisted Living, LLC Daytime Phone: 813-998-7136

Address: 11102 Purple Martin Blvd. City/State/Zip: Riverview, FL 33579

Email: awakenassistedliving@gmail.com Fax Number: none

Applicant's Representative (if different than above)

Name: Richard R. Kosan, Esq. Daytime Phone: 813-653-3800

Address: 330 Pauls Dr., Ste. 100 City/State/Zip: Brandon, FL 33511

Email: rkosan@pilka.com Fax Number: 813-651-0710

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

Richard R. Kosan

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: 26-0110

Intake Date: 10/22/2025

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

Type: LUHO

Receipt Number: 528982

Date: _____

Type: _____

Intake Staff Signature: Julie Boatright

Applicant/Representative: Richard R. Kosan, Esq. Phone: 813-653-3800

Representative's Email: rkosan@pilka.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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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

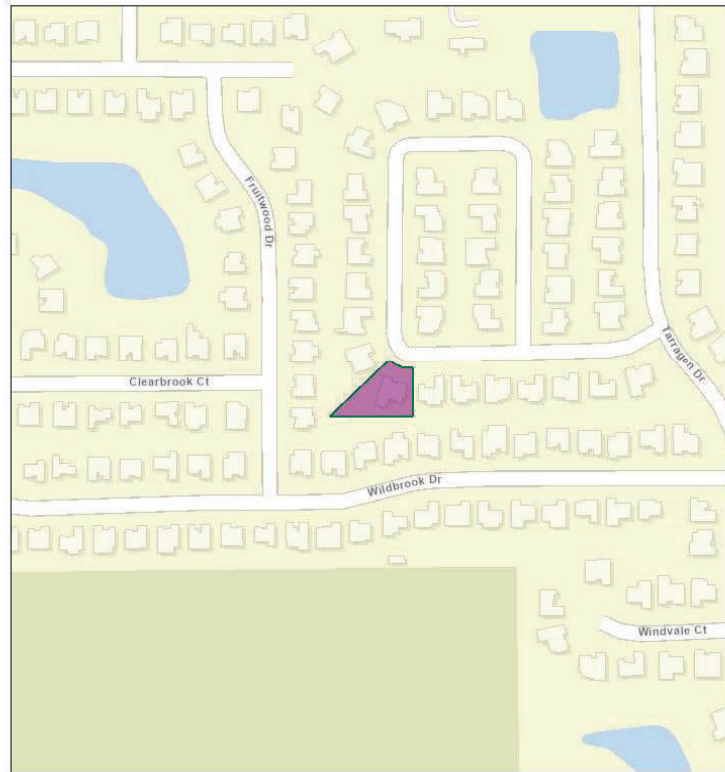
Additional Submittal Requirements for a Variance

- 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

Folio: 76738.8022



October 17, 2025

1:2,934
0 0.02 0.04 0.08 mi
0 0.04 0.07 0.14 km

ESRI (community) Maps (contours), University of South Florida, City of Tampa, FDOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SatNav, GeoTechnologies, Inc, METI/NAIP, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, EGIS

Hillsborough County Florida

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	86-0081
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0506H
FIRM Panel	12057C0506H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120506C
County Wide Planning Area	Riverview
Community Base Planning Area	SouthShore
Community Base Planning Area	Riverview
Planned Development	PD
Re-zoning	null
Minor Changes	null
Major Modifications	null
Personal Appearances	null
Census Data	Tract: 013919 Block: 2009
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 7
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 76738.8022
PIN: U-22-30-20-2SS-000001-00026.0
Blackwatch Capital Llc
Mailing Address:
 1032 E Brandon Blvd
 null
 Brandon, FL 33511-5509
Site Address:
 12335 Yellow Rose Cir
 Riverview, FL 33569
SEC-TWN-RNG: 22-30-20
Acreage: 0.33
Market Value: \$432,308.00
Landuse Code: 0100 SINGLE FAMILY

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