

Date: August 21st, 2024

To: Board of Adjustment, Temple Terrace, Florida

RE: Justification for Setback Variance

1119 West River Drive, Tampa, FL 33617 Lot # 21, Parcel ID T-26-28-19-56B-000012-00021.0
(Attachment 3 and 12)

1117 West River Drive, Tampa, FL 33617 Lot # 20, Parcel ID T-26-28-19-56B-000012-00020.0
(Attachment 3 and 13)

From: Tatiana H. Toumbeva, Owner

Michael Henry, Michael Henry Design LLC, Architect
Andrew Schmidt, Schmidt Luxury Homes, Builder

Dear Board Members:

Thank you kindly for taking the time to review this variance application for 1117 and 1119 West Drive, Temple Terrace, FL 33617, Lot 20 and Lot 21. Both lots are zoned R10.

This application is being submitted to respectfully request that the current Setbacks may be reconsidered in light of the extreme limitations and hardships they pose upon the construction of my personal home.

A. There are extraordinary or exceptional conditions pertaining to the particular shape, size or topography of the property.

Lot 21 at 1119 West River Drive has an irregular shape that is wide in the north side and narrows going south. On the east, there are the conservation easement and the wetland.

Lot 20 at 1117 West River Drive, because of the even more narrow space between the street and the wetland, and conservation easement lines, we have no plans to build there.

The Conservation and the Wetland Lines are rectified as per review # 35707/November 30, 2022 and valid until November 30, 2027. (Attachment 14)

This leaves me with the only opportunity to build only on the 1119 West River Drive lot, for which we are requesting permission for a variance for the setbacks. We are requesting variance for the lot 20, so if the regulations are changed prior to the review, to be able to put a fence leveled with the front of the house as required by City of Temple Terrace regulation if variance for lot 21 is permitted. This will allow us to use that space of lot 20 as a private side yard.

The survey (Attachments 5, 6 and 7) shows that Lot 21 is an irregular shape with inconsistent and pinching property depth:

- The south side measures 60.30 feet to the Wetland Line
- The north side measures 100.00 feet to the Conservation Easement (114.00 to Wetland Line)
- The middle of the lot measures 91.20 feet to the Wetland Line and Easement Line
- The width of the property measures 114.68 feet along the street Right-Of-Way
- The width of the property measures 115.66 feet along the Wetland Line

According to the Temple Terrace Zoning for lots plotted prior to 1987 which is valid for both lots (Attachment 19) :

- The Front Setback is 35 feet from the Property Line
- The Rear Setback is 20 feet from the Wetland Line or Easement line (whichever is closer) and if the provision of the Code of Ordinances for the City of Temple Terrace Division V, Section 12-665.e.2a (2002) is applied – 50 feet from the Wetland line.

*Practical Hardship of Lot 21 **WITHOUT** a Variance:*

- After applying the most restrictive setbacks of the City of Temple Terrace, this leaves **south side negative 24.70 feet** (because the setbacks are overlapping), **north side 15.00 feet, middle 6.20 feet**, width 91.74 feet. The width from the north side will be additionally restricted with approximately 8.00 feet because there is a fire hydrant on the property that will be obstructing the access to the garage. South side will be reduced by additional 15 feet where the depth of the lot is less than 15 feet which will make the available **width 68.74 feet** (Attachment 11.1, 15.1 and 15.2).
- As you can see, this puts an extreme hardship on the practical usability and buildability of this lot.
- In the Code of Ordinances for the City of Temple Terrace, Section 12-666, “where this (setback) restriction results in a practical hardship, depriving the property owner of the reasonable use of the land, a variance may be obtained from the Board of Adjustment pursuant to section 12-72 and provided that any variation of the standards herein constitutes the minimum variation necessary.”

*Practical Hardship of Lot 20 **WITHOUT** a Variance:*

- After applying the Temple Terrace most restrictive setbacks, this leaves **south side negative 30.5 feet, north side negative 31.0 feet, middle negative 31.0 feet**, (because the setbacks are overlapping) width 84.14 feet. (*Attachments 11.1 and 15.1*).
- As you can see, this puts an extreme hardship on the practical usability and buildability of this lot which is zoned R10.
- In the Code of Ordinances for the City of Temple Terrace, Section 12-666, “where this (setback) restriction results in a practical hardship, depriving the property owner of the reasonable use of the land, a variance may be obtained from the board of adjustment pursuant to section 12-72 and provided that any variation of the standards herein constitutes the minimum variation necessary.”

B. The application of the provisions of this LDC to the properties creates an unnecessary hardship

With a Front Setback of 35 feet and Rear Setback of 50 feet, there would not be space to build a house with a reasonable space and shape, which creates an unnecessary hardship. (*Attachment 15.2*).

*Practical Use of lot 21 **WITH** a Variance*

We propose to reduce the Front Setback to 15 feet (33 feet from the curb including the 18ft right of way) and the Rear Setback with 12ft 4inches (37 ft and 9 inches from the wetland line) (*Attachment 11.1, 11.2, 11.3 and 15.3*).

How we determine the requested variance:

At the meeting with the Development Review Committee, we were instructed

1. To determine the minimum variance based on the minimum required foundation area for a two-story house – 1200 sq.ft. (Sec. 12-506) (*Attachment 11.1*)
2. Based on that variance lines to propose an architectural plans that will fit in the newly formed building envelop. (*Attachment 11.2 and 11.3*)

Section 12-72(c)(3)(f) states that “Any variance granted shall be the minimum variance which makes possible the reasonable use of the land, building(s), or property;”

The fact that the definition “reasonable use of the land, building(s), or property” is used shows that the law has no intent to limit the variance to the minimum required foundation covered area – 1200 sq.ft. for two-story and 1500 sq.ft. for a single-story home.

Following the instructions, we used the 1200 footprint that will allow reasonably located home with living space, garage. We also considered the property shape, the locations of the fire hydrant, wetland, conservation area and the need for access to the side yard. The building envelop formed if the variances are granted will allowed us to build a home with a foot print of 1368 sq.ft. living area, 560 sq.ft. garage, 630 sq.ft. drive way, 474 sq.ft sidewalks, porch area and AC units foundation slab. Total area, including the living space, garage, driveway, sidewalks and covered porches, is approximately 3032 sq.ft. (*Attachments 11.2 and 11.3*)

- **Rear Setback: It is important to note:** In actuality, due to the irregular shape of this particular lot combined with the strategic placement of the proposed home, there would be no Primary nor Secondary impact to the 20-ft rear set back regardless if it is measured to the conservation easement or the wet land line whichever is closer. The impact will be only to additional 50ft restriction based on the Code of Ordinances for the City of Temple Terrace Division V, Section 12-665.e.2a .

- This allows for the maximum buildable depth of 38' on the north side and 28.5' on the south side of the lot.

- The foundation foot print is 1368 sq.ft. living area, 560 sq.ft. garage totaling to 1928 sq.ft.

- As you can see in *Attachment 11.2, 11.3 and 15.3*, this would allow my builder to construct a 2-story single family residence. This will have **minimal to no impact on the wooded area** in the back of the house, and **reduce the need of filling in the low elevation area** in order to build the house

- In light of the home’s location on the river and mindful of FEMA Flood Zone AE, the proposal is to build a stilt-style home, with the lower level for a garage (not considered living space). The home is consistent with the LDC lot and building coverage policies, complies with FEMA Flood Zone AE building elevation, complies with Hillsborough County and EPC regulations, and my single family residence would be consistent with the rest of the neighborhood.

Sources for Justification:

- According to Sec. 12-507, Part A, Temple Terrace’s Rear Residential Setback on lots platted before 1987 **only 20 feet are required** to any environmental jurisdictional (DEP/EPC) line.

- According to the Hillsborough County Property Appraiser, the first official public record of sale for Lot 20 and 21 was in 1977 (Book 3259 Page 0184) and approved by the City of Temple Terrace on October 9th, 1980 (*Attachment 19*). **Thus, Lots 20 and 21 were platted prior to 1987 and sanctioned R-10 buildable.** Documentation provided. (*Attachment 12 and 13*)

Reducing the Rear Setback from 50 to 38 feet would still follow Temple Terrace Code of Ordinances.

With a Rear Setback reduction alone, there would still not be sufficient space to build an average-sized home, thus reducing the Front Setback from 35 feet to 15 feet is necessary and respectfully requested.

Description of Living Area & Covered Porch:

The home that I plan to build is a, 2-story home with a garage on the first floor and living area on the second floor. This type of floor plan is mindful of the Flood Zone AE and the size/shape of the lot.

- ***The living area*** (including the garage) is average 30.5 feet deep by 46.5 feet wide and approximately 1928 sq.ft. foundation coverage. It is a modest 2 story, 4 bedroom, 3 bathroom home with a galley kitchen. This is not a palace but a home to allow our family of 4 now to have a place to leave and grow.
- A 23 square-foot ***covered porch*** is on the front of the house and protects the entry to the house.
- Combined, the living area and covered porch area will fit in the area within the 34 (North), 27 (South) by 40 (East) and 53 (West) foot area that includes the requested variance of the front and rear setbacks.

*Practical Use of lot 20 **WITH** a Variance*

If by the time of our request the regulations are changed and we are allowed to install a fence on a vacant lot, we propose to reduce the Front Setback to 15 feet and the Rear Setback reduced to 36 ft and will not have primary or secondary impact on the 20 feet setback from the Conservation Easement and or Wetland line. (*Attachment 11.1 and 15.1*).

- ***It is important to note:*** If a Variance is granted, the “buildable” area of lot 20 will be **deep 3.00 feet on the North side and about 4.50 feet on the South side** over the full length of the lot 105.64 ft.
- This will allow us to build a decorative fence wall of bricks/blocks and section of decorative wrought iron or similar that is leveled with the front of the house as regulated by the City of Temple Terrace Section 25.750.5
- There will be no Primary nor Secondary impact to the 20 ft. rear set back.

C. There are peculiar conditions that apply to these particular pieces of property.

The average lot in the Temple Terrace neighborhood is approximately 120 feet deep. Lot 21 at 1119 West River Drive is an unusual shape and irregular size, measuring the depth to the

Wetland Line or the Conservation Easement in the range of 60.3 feet in depth on the south side and 100.0 feet to the Easement (114 feet to the Wetland line) on the North side that is significantly narrower and unique than a typical lot. *I believe Temple Terrace's current R-10 Front and Rear Setbacks were not written nor intended with these constrained dimensions in mind.*

D. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this LDC.

If granted, we would be able to build a home that with living space, covered porches will have a maximum of 1928 sq.ft. foundation coverage within the total of 14,071 sq. ft. property area. Including the driveway, sidewalks and porches the *lot coverage* will be 3854 sq.ft. (including living space, garage, cantilever, overhang, porches, sidewalks, door slabs) or at 25.47%, which is significantly below the 47.5% maximum allowable criteria.

The proposed *building coverage* would be 2367 sq.ft. (including foundation, cantilever and overhang) or 16.82%, which is less than 50% of the allowed maximum of 35%.

The slab also exceeds the minimum *foundation coverage* for a two-story house (minimum is 1,200 sq. ft).

The *side yards* on the north and south side of the lot would remain open (ranging from 11.5' North side to 48.5 feet on the South side due to the irregular shape of the buildable area), which is substantially more than the minimum 11.4 feet Side Setback.

There is also *18 feet right of way* frontage, in addition to the proposed 15 feet Front Setback from the property line, *leaving a total of 33 feet from curb to front of the house which will match or exceed the total front setback for the majority of the houses in the subdivision.*

In addition we also own the adjacent lot 20 which is approximately another 14,000.00 sq.ft that will be used only as a side yard. The lot 20 is also zoned R10, but we only want to be able to build, as permitted by the Ord. No 1065.3-5-02, a decorative fence wall of low bricks and section of decorative wrought iron or similar that is leveled with the front of the house.

We followed the Board of Adjustments hearings, reviewed and recommendations regarding to the application for variance for the neighboring lot 19 - 1115 West River Drive and addressed all of the Board of Adjustments and the neighbors concerns and recommendations.

The two existing neighboring houses one to the south side (1111 W River Dr) and one to the North side (1127 W River Dr) that are setback approximately the same 32-38 feet from the street. The houses on the other side of the street are at the same or smaller distance from the curb side.

If our request is granted, this will aesthetically benefit having all neighboring houses in the section 1111 to 1127 West River Drive aligned and similarly located at about 35 ft from the street.

There are no rear structures or neighbors. The proposed reductions in Front Setbacks do not affect any neighbors or Temple Terrace's urban plan. This section of West River Drive is a relatively quiet and infrequently traveled road "tucked deep" within the neighborhood, and typically accessed by only local residents.

This proposal for alleviating the Front Setback:

- 1) Would *not* affect any neighbors.
- 2) Is consistent with the neighborhood in terms of size, style, coverage, value, and amenities.
- 3) Would *not* cause a detriment to the public good or impair the intent of the LDC.
- 4) Would *increase the assessed value of this property* with the permitted construction of a residence.
- 5) Will allow as to efficiently use solar panels without the need to reduce tree canopy.

The area in review does not affect any wetland area trees. In fact, the wetland area and the area 20 feet past the EPC Wetland Line are not being affected. Furthermore, I will have a *very minimal effect* on protected vegetation within the upland property area.

In reviewing Lot 21 with Temple Terrace Arborist Joe Ferris, only three oak trees would need removal due to their proximity/encroachment, and only two of them are with diameter over 24 inches and one of the two is unhealthy. These three trees are less than 25 feet from construction activity and pose a liability to the proposed footprint of the house and construction activity.

As space is limited on this property, I intend to pay into the tree fund for the three trees greater than 12".

As you can see from Site Plan (Attachment 11.3 and 15.3), only three protected trees are in question. My proposed residence is designed and constructed to work around the environmentally sensitive area as much as possible, so that it will remain in an undisturbed natural, and "scenic" condition.

The proposed front setback variance will allow us to preserve more of the majority of the trees and their canopies and in the same time will allowed the roof to have direct expositor to the sun that will allow us to consider the use solar panels.

Furthermore, there would not be any significant reduction in the quality of surface water reaching environmentally sensitive land (Sec. 12-659). My selected licensed builder is required to be in compliance to design and construct an elevated structure with an **engineered storm water drainage plan**. Paved areas, including drives and parking areas, will be designed and constructed in order to minimize water quality deterioration (Sec. 12-665). Erosion and sedimentation control will be provided, established, and maintained during construction to protect environmentally sensitive areas from the effects of construction or land disturbance activity.

E. No variance shall be granted for a use of land or building or structure which is not otherwise permitted by this LDC.

In review, the house is consistent with the LDC Code of Ordinances:

- The *living space* and *covered porch space* totaling a 1928 -max sq. ft. footprint within the total 14,071 sq. ft. *parcel area*.
- The *lot coverage* (including the driveway) will be at 25.47%, which is 22.03% below the maximum. (LDC sets 47.5% max.)
- The *building coverage* will be at 16.82 %, which is 18.18% below the maximum. (LDC sets 35% max.)
- The *foundation coverage* for the 2-story home will be approximately 1928 sq. ft. (13.7% of the lot) which is more than the 1,200 sq. ft. minimum.
- The *garage slab elevation* will be at 25 ft. NAVD 1988 and *living area elevation* will be more than 35 ft. NAVD 1988, which exceeds FEMA's Flood Zone AE 23 ft. minimum base flood elevation.
- The *house height* will be at 26.5 ft. which is less than the maximum height of 35 feet permitted by the Section 12-505 for R10 residential properties.
- The *driveway* is 18 ft. in width, which exceeds the 10 ft. minimum requirement, and also meets the criteria for the maximum combined width of driveways in the right of way frontage (between the front property line and the street curb) at 15.8% of the lot width (25% is maximum).

F. Any variance granted shall be the minimum variance which makes possible the reasonable use of the land, building(s), or property.

The variance requested is the minimum variance necessary to make possible a reasonable use of the land for a modest-sized home on at least one of my lots. After the current R-10 and EPC Front/Rear Setbacks are applied, I currently cannot build anything on lot 20 and 21. In fact, I have negative available space to build on lot 20. You can see this on Attachment 11.1, 15.1, where the Front and Rear Setback lines overlap one another. This is a clear hardship depriving the property owner of reasonable use of the land.

In Attachment 11.3 and 15.3, the home is situated in the most efficient way possible to maximize the space in between the Front Setback and irregular line of the Rear Setback. The unshaded area shows the usable area with the Front Setback NOT adjusted to 15 feet and Rear Setback at 50 and 20 feet (Attachment 11.1 and 15.1). By way of comparison, Attachment 11.1, 11.3 and 15.3 shows the usable area with the Front Setback adjusted to 15 feet and the rear with the 37.9 ft from the wetland line which will allow us to build a typical size home with a reasonable floor plan.

The design challenge starts with the initial goals to building a modest home and protects the natural beauty of this particular lot:

- 1) whereby my family and I can live comfortably, and
- 2) that increases the value of the property, while
- 3) also remaining a relevant and practical/useful space for decades.

The hardship stems from the shape and size of this lot:

- 1) The non-parallel wetland and conservation easement lines pinch the property depth.
- 2) The lot is 60 feet to the South, 100 feet to the North - narrower in depth than most R-10 zoned lots in Temple Terrace.

This request to amend the setbacks accommodates a footprint that is only 38 feet in depth.

Furthermore, the request is to alleviate the Front Setback to 15, but combined with the 18 feet right of way frontage, that still leaves 33 feet from the curb to the residence. *The Rear Setback is mindful of the code set by Sec. 12-507 for lots platted prior to 1987 (such is Lot 20 and 21), whereby R-10 lots were designed to accommodate a 20 ft. setback to the EPC Wetland or Conservation Easement lines.*

The most efficient average 4-person single-family residence ranges from 2,400–3,000 sq. ft. with a single-story square-proportioned footprint. However, due to the aforementioned setback restrictions, we determine that this type of structure will not fit. Thus, it is important to note that *I am designing a highly custom home to solve for these considerations set forth by the LDC*, as well as the inherent aspects of the land:

A Front or Rear Setback that is greater than proposed would result in an extremely narrow and cramped home with an inefficient floor plan. My proposal requests very reasonable accommodations for a modest size 2-story home and especially considering properties on the river are typically much larger, more expensive, and are consistent with those around them.

We will build a custom design home for the limitations posed by this property without going overboard. I believe it is not the intent of the LDC to encourage a shack on the river. On the other hand, river-front property is not exclusive to mansions. Being mindful of the limitations posed by the setbacks and wetland preservation, **I believe it is in the best interest of the city to maximize the property's value with a residence that makes sense for a practical use of the space by an average-sized family with a modest budget and expectation for a practical-sized and proportioned home.** I think it would be against the urban vision of the LDC to have an oddly small or narrower home that stands out. The value of this house is affected by its surroundings and we will designed a home that requests the minimum setback for an average single family residence that reasonably works with the considerations and vision set forth by the LDC. We certainly did not maximize it to fit.

In consideration of meeting all building-code criteria, addressing all zoning requirements with reasonable care and due diligence, along with faithfully satisfying of all of the other anticipated potential challenges faced with potentially building a home on this particular atypical lot, this variance request is thoughtfully and reasonably requesting to allow for a modest-sized house to be successfully constructed. If approved, proposed construction would be respectful and be in harmony with the environmentally sensitive areas and trees, and it would be consistent with

this scenic and beautiful Temple Terrace neighborhood, while still leaving adequate front, rear, and side yards.

Attachments:

1. Variance Application
2. Application Filing Fee – Check #1071 - \$500.00
3. Copy of the Deed showing current owner
4. Legal Description of the lots – Microsoft Word format
5. Surveys for Lot 20 and 21 Wetland delineation
6. Surveys for Lot 20 and 21 Elevation and tree locations
7. Surveys for Lot 19, 20, 21 and 22 - with Conservation Easement and Wetland line recertified by EPC valid until November 30, 2027
8. Justification Letter
9. Authorized Agent Affidavit – Vladimir Chichkov
10. Authorized Agent Affidavit – Rossitza Chichkova
11. Architectural plans 1-6
12. Tax Record 1119 W River Drive
13. Tax Record 1117 W River Drive
14. EPC Rectification letter
15. Illustrating diagrams 1-3
16. FEMA map 1
17. FEMA map detail
18. Letters of support 1-9
19. Copy of the records in Plat Book 52, page 9
20. USB drives with digital copy of all files – 3 copies
21. Redacted versions of the documents are available at www.1119WestRiverDrive.com