

Variance Application: VAR 24-0650
LUHO Hearing Date: June 24, 2024
Case Reviewer: Michelle Montalbano



Applicant: Neighborhood Pest Control Lawn and Shrub Care, Inc. **Zoning:** CG
Address/Location: 16210 N Florida Avenue, Lutz, FL 33549; Parcel Folio #: 15670.0000

Request Summary:


The applicant is requesting a variance to the height limit for freestanding flagpoles to accommodate an existing flagpole in a non-residential zoning district.

Requested Variances:

LDC Section:	LDC Requirement:	Variance:	Result:
6.08.05	Freestanding flagpoles may exceed the maximum structure height permitted by this Code provided the pole is not located in a single-family or two-family residential district or on property zoned SPI-AP, poses no restriction or interference with air traffic associated with any existing or proposed airport, and does not exceed 50 feet in height in multi-family residential districts and <u>150 feet</u> in other districts.	75 Feet	225-foot-tall freestanding flagpole

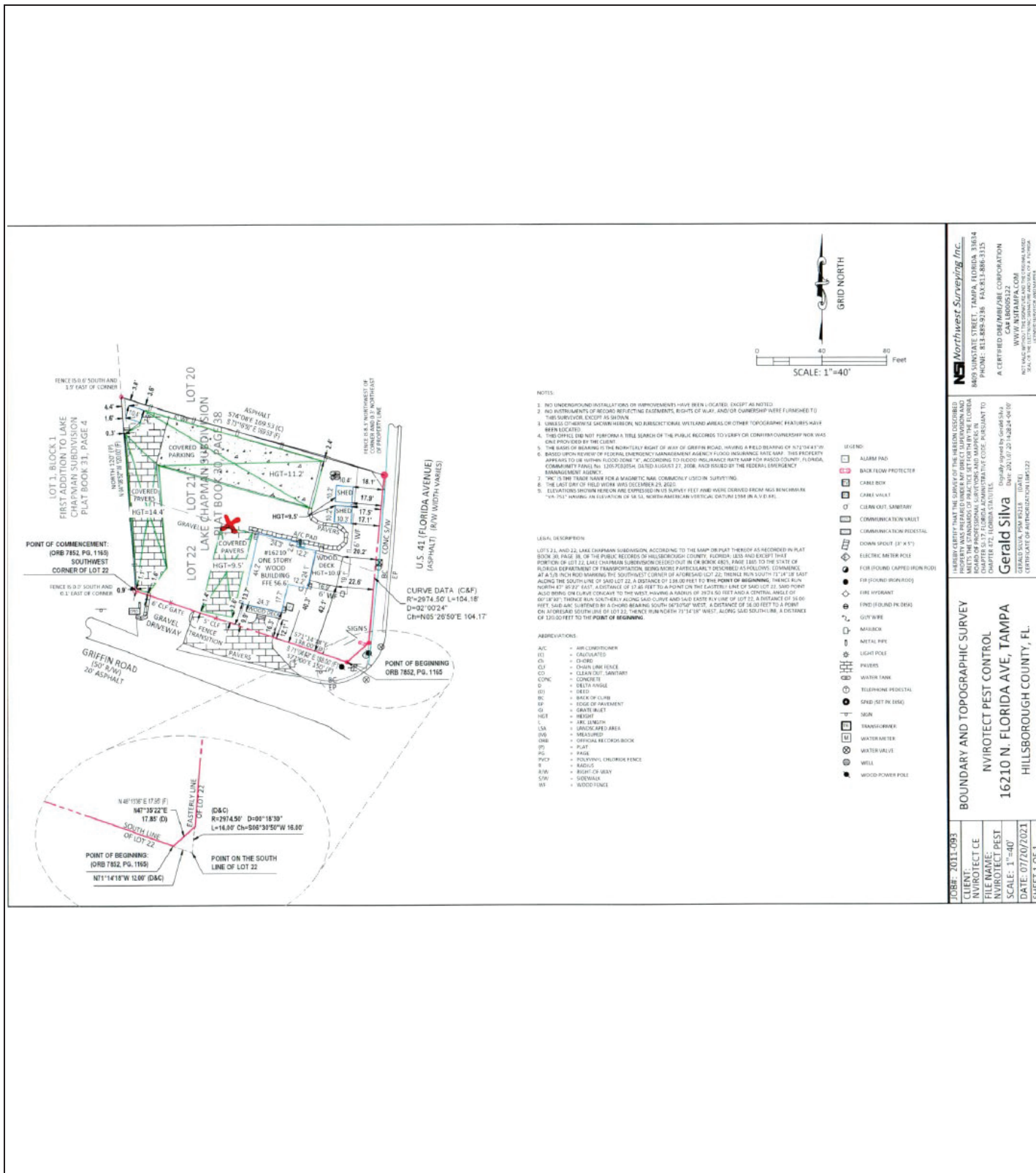
Findings: The variance application is associated with Fee Waiver application 24-0451, which was approved on the basis of staff error in connection with issuance of building permit HC-BLD-21-0016353. A Notice of Violation, HC-CMP-23-000520, was issued by Code Enforcement for the flagpole height violation.

Zoning Administrator Sign Off:


Colleen Marshall
Fri May 31 2024 11:26:56

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



- NOTES:**
1. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS NOTED.
 2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY, AND/OR EASEMENTS WERE FURNISHED TO THIS SURVEYOR, EXCEPT AS SHOWN.
 3. UNLESS OTHERWISE SHOWN, THERE ARE NO ADJACENT ORAL UTILITY LINES OR OTHER TOPOGRAPHIC FEATURES THAT HAVE BEEN LOCATED.
 4. THIS OFFICE HAS NOT CONDUCTED A TITLE SEARCH OF THE PUBLIC RECORDS TO VERIFY IF COORDINATING SURVEY WORK HAS BEEN PROVIDED BY THE CLIENT.
 5. THE BASIS OF BEARING IS THE NORTHWEST CORNER OF GRIFIN ROAD, BEARING A FIELD BEARING OF 01°15'45" W.
 6. BASED UPON REVIEW OF REGIONAL ENERGY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, THIS PROPERTY APPEARS TO BE WITHIN FLOOD ZONE "X", ACCORDING TO FLOOD INSURANCE RATE MAP FOR HILLSBOROUGH COUNTY, FLORIDA, COMMUNITY PANEL No. 1305-P0303A, DATED AUGUST 21, 2008, AND ISSUED BY THE REGIONAL ENERGY MANAGEMENT AGENCY.
 7. "M" IS THE TRADE MARK FOR A MAGNETIC NAIL COMMONLY USED IN SURVEYING.
 8. THE LAST DAY OF FIELD WORK WAS DECEMBER 21, 2023.
 9. ELEVATIONS SHOWN HEREON ARE EXPRESSED IN US SURVEY FEET AND WERE OBTAINED FROM ANS BENCHMARK "TA 191" HAVING AN ELEVATION OF 56.54, NORTH AMERICAN VERTICAL DATUM 1988 (N.A.V.D.).

LEGAL DESCRIPTION:

LOTS 21, AND 22, LAKE CHAPMAN SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 28, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION OF LOT 22, LAKE CHAPMAN SUBDIVISION, DESCRIBED IN PLAT BOOK 20, PAGE 186, TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTHWEST CORNER OF ASHBOURNE LOT 20; THENCE RUN SOUTH 17°14'18" EAST ALONG THE SOUTH LINE OF SAID LOT 20, A DISTANCE OF 138.00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 87°30'27" EAST, A DISTANCE OF 31.46 FEET TO A POINT ON THE EASTERN LINE OF SAID LOT 22; SAID POINT ALSO BEING ON CURVE CONTOUR TO THE WEST HAVING A RADIUS OF 3974.50 FEET AND A CENTRAL ANGLE OF 60°14'48"; THENCE RUN SOUTHWEST ALONG SAID CURVE AND THE WEST BOUNDARY OF LOT 22, A DISTANCE OF 36.00 FEET; SAID A.C. SURFERED BY A CHORD BEARING SOUTH 46°10'40" WEST, A DISTANCE OF 38.00 FEET TO A POINT ON A VERTICAL CURVE; THENCE RUN NORTH 77°14'18" WEST, ALONG SAID SOUTHWEST LINE, A DISTANCE OF 325.00 FEET TO THE POINT OF BEGINNING.

- ABBREVIATIONS:**
- A/C = AIR CONDITIONER
 - CL = CALCULATED
 - CLD = CHAIN LINK FENCE
 - CLD = CLEAN DIRT, SANITARY
 - CONC = CONCRETE
 - CONC = CONCRETE
 - D = DIAPHRAGM
 - DI = DIAPHRAGM
 - BR = BRICK OF CLUMBER
 - BR = BRICK OF CLUMBER
 - GR = GRAVEL INLET
 - HEG = HEIGHT
 - LEN = LENGTH
 - LVA = LANDSCAPED AREA
 - M = MEASURED
 - OMB = OFFICIAL RECORD BOOK
 - PL = PLANT
 - PG = PAGE
 - PLCY = POLYETHYLENE CHLORIDE FENCE
 - R = RADIALS
 - R/W = RIGHT OF WAY
 - S/W = SIDEWALK
 - WB = WOOD FENCE



- LEGEND:**
- ALARM PAD
 - BACKFLOW PROTECTOR
 - CABLE BOX
 - CABLE INLET
 - CLEAN DIRT, SANITARY
 - COMMUNICATION PEDestal
 - DOWN SPOUT (1" X 1/2")
 - ELECTRIC METER POLE
 - FIRE (FOUND) LAPPED IRON ROD
 - FIRE (FOUND) IRON ROD
 - FIRE HYDRANT
 - FIND (FOUND) PE BRG
 - GUTTER
 - MATERIAL
 - METAL PIPE
 - LIGHT POLE
 - PAVERS
 - WATER TANK
 - TELEPHONE PEDestal
 - SPED (SET IN EXIST)
 - SEW
 - TRANSFORMER
 - WATER METER
 - WATER VALVE
 - WELL
 - WOOD POWER POLE

Northwest Surveying, Inc.
 8805 SHERIDAN STREET, TAMPA, FLORIDA 33634
 PHONE: 813-889-9138 FAX: 813-886-3115

A CERTIFIED PROFESSIONAL CORPORATION
 CMA 8000522
 WWW.NSITAMPAL.COM
 NSITAMPAL.COM
 15100 N. W. 11TH STREET, SUITE 100, TAMPA, FLORIDA 33613
 LICENSED PROFESSIONAL SURVEYOR

Gerald Silva
 Digitally signed by Gerald Silva
 DN: cn=Gerald Silva, o=Northwest Surveying, Inc., ou=NSI, email=gsilva@northwestsurveying.com, c=US
 CERTIFICATE OF AUTHORIZATION 18M222

BOUNDARY AND TOPOGRAPHIC SURVEY
NV/PROTECT PEST CONTROL
16210 N. FLORIDA AVE, TAMPA
HILLSBOROUGH COUNTY, FL.

JOB#: 2011-093
 CLIENT: NV/PROTECT CE
 FILE NAME: NV/PROTECT PEST
 SCALE: 1"=40'
 DATE: 07/20/2021
 SHEET 1 OF 1



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.

This variance is to request a maximum allowable height of 225' for free standing flag pole.

The codified maximum height in the CN district for a flag pole is 150', so the variance would be for +/- 75'.

A building permit was issued in error for a 225' pole, which was subsequently constructed. Upon discovery of the error, the permit was revoked; however, the structure had been lawfully completed by that time.

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

LDC Section 6.08.05

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): fee waiver
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?

This is a very particular situation, where reliance on a lawfully issued building permit led to the construction of a structure in tension with parameters of the LDC.

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.

At this point, literal interpretation of the LDC would create a due process issue in any district would deprive the applicant of their right to utilize and enjoy a structure which was legally permitted at the time of construction commencement.

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.

Despite the significant height involved with the flag pole, the structure itself is only just that: a flagpole. It is not occupied, causes no traffic impacts, no visual blight, no shadows or interference with light and air, and produces no noise, odors, or other tangible impacts

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 LDC and Comp Plan are both fundamentally based on a trust between a citizen and "downtown." A permit was applied for in error, and granted in error..as described above, with no tangible adverse impacts, reliance on a building permit should fall under this trust, and the variance be granted as a matter of equity.

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.

Again, a permit was applied for and granted. Both actions proved to be in error, were unintentional, and the financial repercussions are significant.

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.

Again, reliance on a building permit should be taken almost for granted by a civilian; a permit issued in error, leading to the construction of a substantial edifice, should be honored as a matter of substantial justice.

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Return to:

Name: STEWART TITLE OF TAMPA

Address: 3401 West Cypress Street
Tampa, FL 33607

This Instrument Prepared by: Barbara Mendoza
STEWART TITLE OF TAMPA
3401 West Cypress Street
Tampa, FL 33607

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel Identification (Folio) Number(s):
015670-0000

Grantee(s) I.D.#

FILE NO: 04090025

WARRANTY DEED

This Warranty Deed Made this 2nd day of November, 2004,
by Barbara Hurst, Inc. a Florida Corporation

INSTR # 2004453599

O BK 14425 PG 1949

Pgs 1949 - 1950; (2pgs)

RECORDED 11/22/2004 09:56:37 AM

RICHARD AKE CLERK OF COURT

HILLSBOROUGH COUNTY

DOC TAX PD(F. S. 201.02) 2,065.00

DEPUTY CLERK S Edson

a corporation existing under the laws of Florida, and having its place of business at

19001 Deer Point Place Odessa, Fl. 33556

hereinafter called the grantor, to Neighborhood Pest Control, Lawn and Shrub Care
Inc., a Florida Corporation

whose post office address is:

17604 US HWY 41 N #18 Lutz, Fl. 33549

hereinafter called the grantee,

WITNESSETH: That grantor, for and in consideration of the sum of \$10.00 Dollars, and other valuable considerations, receipt
whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto grantee,
all that certain land situate in Hillsborough County, Florida, viz:

Lots 21, and 22, LAKE CHAPMAN SUBDIVISION, according to the
map or plat thereof as recorded in Plat Book 30, Page 38, of
the Public Records of Hillsborough County, Florida; LESS and
except that portion of Lot 22, LAKE CHAPMAN SUBDIVISION deeded
out in OR Book 7825, Page 1165 to the State of Florida
Department of Transportation, being more particularly described
as follows: Commence at a 5/8 inch rod marking the Southwest
corner of aforesaid Lot 22; thence run South 71 deg. 14 min. 18
sec. East along the South line of said Lot 22, a distance of
138.00 feet to the POINT OF BEGINNING; thence run North 47 deg.

Continued on next page

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, 2004, reservations, restrictions and easements of record, if any.

(Wherever used herein the terms "grantor" and "grantee" included all the parties to this instrument, and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation.)

IN WITNESS WHEREOF, the grantor has caused these presents to be executed
in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto
duly authorized, the day and year first above written.

ATTEST:

Secretary

Signed, sealed and delivered in the presence of:

Barbara Mendoza

Witness Signature

Witness Printed Name

Frank C. Grimaldi

Witness Signature

Barbara Hurst, Inc. a Florida
Corporation

BY

Barbara E. Hurst

Barbara E. Hurst, President

CONTINUATION OF DEED:

35 min. 22 sec. East, a distance of 17.85 feet to a point on the Easterly line of said lot 22, said point also being on a curve concave to the West, having a radius of 2974.50 feet and a central angle of 00 deg. 18 min. 30 sec.; thence run Southerly along said curve and said Easterly line of Lot 22, a distance of 16.00 feet, said arc subtended by a chord bearing South 06 deg. 30 min. 50 sec. West, a distance of 16.00 feet to a point on aforesaid South line of Lot 22; thence run North 71 deg. 14 min. 18 sec. West, along said South line, a distance of 12.00 feet to the POINT OF BEGINNING.



**Hillsborough
County Florida**
Development Services

Property/Applicant/Owner Information Form

Official Use Only

Application No: 24-0650 Intake Date: 4/05/2024
Hearing(s) and type: Date: 06/24/2024 Type: LUHO Receipt Number: FW 24-0451
Date: _____ Type: _____ Intake Staff Signature: Clare Odell

Property Information

Address: 16210 N. Florida Avenue City/State/Zip: Lutz, FI 33549
TWN-RN-SEC: 25-27-18 Folio(s): 1560.0000 Zoning: CG Future Land Use: R-4 Property Size: 0.43639201
15670.0000

Property Owner Information

Name: Neighborhood Pest Control Lawn and Shrub Care, Inc. Daytime Phone _____
Address: 16210 N. Florida Avenue City/State/Zip: Lutz, FI 33549
Email: _____ Fax Number _____

Applicant Information

Name: Same as owner Daytime Phone _____
Address: _____ City/State/Zip: _____
Email: _____ Fax Number _____

Applicant's Representative (if different than above)

Name: William J. Molloy, Molloy & James, PA Daytime Phone 813.629.8752
Address: 325 South Blvd. City/State/Zip: Tampa, Florida 33606
Email: wmolloy@mjlaw.us 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]
Signature of the Applicant
William J. Molloy
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]
Signature of the Owner(s) - (All parties on the deed must sign)
William J. Molloy
Type or print name



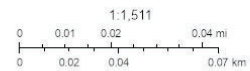
PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Commercial/Office/Industr
Zoning	CG
Description	Commercial - General
RZ	94-0241
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0205H
FIRM Panel	12057C0205H
Suffix	H
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	X
Pre 2008 Firm Panel	1201120205D
County Wide Planning Area	Greater Carrollwood Northdale
County Wide Planning Area	Lutz
Community Base Planning Area	Lutz
Community Base Planning Area	Greater Carrollwood Northdale
Census Data	Tract: 011107 Block: 2017
Future Landuse	R-4
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	1
Fire Impact Fee	Northwest
Parks/Schools Impact Fee	NORTHEAST
ROW/Transportation Impact Fee	ZONE 1
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO

Folio: 15670.0000



April 5, 2024



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Hillsborough County Florida

Folio: 15670.0000
PIN: U-25-27-18-0LW-000000-00021.0
 Neighborhood Pest Control Lawn And Shrub Care Inc
Mailing Address:
 16210 N Florida Ave
 null
 Lutz, FL 33549-8119
Site Address:
 16210 N Florida Ave
 Lutz, FL 33548
SEC-TWN-RNG: 25-27-18
Acreage: 0.43639201
Market Value: \$405,000.00
Landuse Code: 1730 Comm./office

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