



**LAND USE HEARING OFFICER VARIANCE REPORT**

<b>APPLICATION NUMBER:</b> VAR 21-0573	
<b>LUHO HEARING DATE:</b> July 26, 2021	<b>CASE REVIEWER:</b> Kevie DeFranc

**REQUEST:** The applicant is requesting setback and landscape buffer and screening variances for existing commercial structures on property zoned CG.

**VARIANCE(S):**

Per LDC Section 6.01.01, Schedule of Area, Height, Bulk and Placement Regulations, the minimum required rear yard setback in the CG district is determined by Sections 6.01.03, 6.06.06 and 6.11.00 by use, with additional setback required for buildings that are more than 100 feet in length. In the subject case, the rear yard setback is determined by the buffering and screening requirements found in LDC Section 6.06.06. The north side of the subject parcel abuts property that is zoned RSC-6 and developed with a single-family home. Therefore, a 20-foot-wide buffer area with Type B screening comprised a six-foot-high fence, wall or hedge and a row of evergreen trees is required along the north property line. The applicant requests the following variances:

- 1) A 17.5-foot reduction to the required buffer width to allow a 2.5-foot-wide buffer area along the north property line.
- 2) A 100-percent reduction in screening requirements to require no screening within the buffer area.
- 3) A 17.5-foot reduction to the required rear yard setback to allow a setback of 2.5 feet from the north property line.

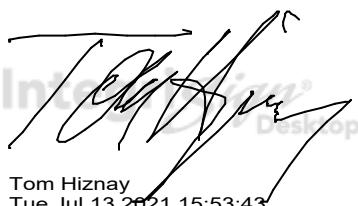
**FINDINGS:**

- The subject property has been cited by Hillsborough County Code Enforcement per CE20014993, which has been placed in the case record for the subject variance.
- The 15-foot wide platted alley way abutting the north side of the property is not a street as defined by the LDC. Therefore, the north side of the subject property is not a required front yard.
- No variances have been requested by the applicant to other development requirements, including but not limited to maximum building coverage and maximum impervious area.
- The applicant has proposed the following conditions of approval for the requested variance:
  - Any building or structure will be closed to the rear (or north side) of the property.
  - RV's will be parked on the North West side of the property to provide additional buffer to the rear. RV's parked in this manner will not be worked on.
  - The installed halogen lighting along SR 60 will be focused and directed downward.
  - Sound blankets are installed in various locations on the North as needed due to louder activity and/or to increase sound barrier buffer.

**DISCLAIMER:**

The variance 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.

**ADMINISTRATOR'S SIGN-OFF**



Tom Hiznay  
Tue Jul 13 2021 15:53:43

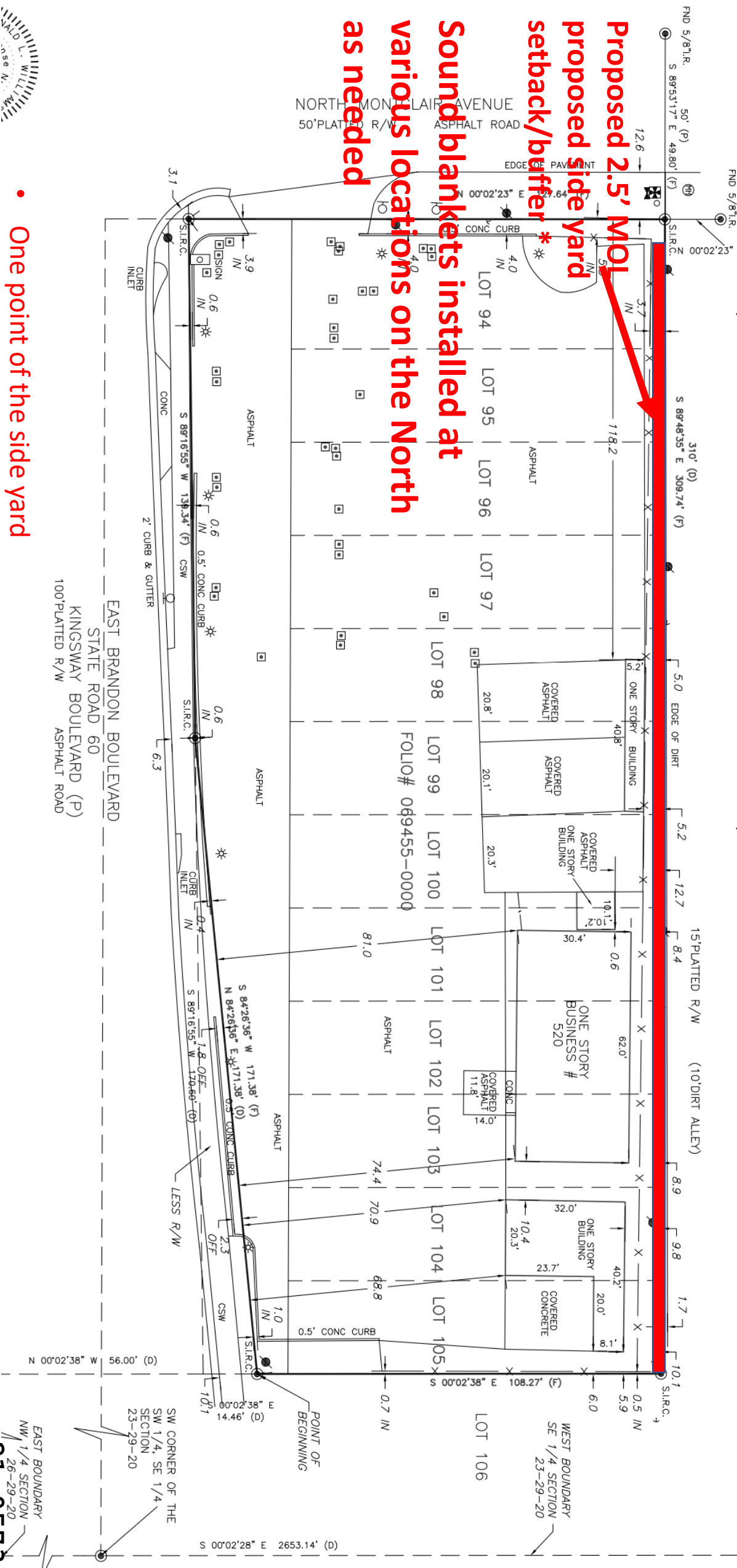
**Attachments:** Application  
Site Plan  
Petitioner's Written Statement  
Current Deed

of Hillsborough County, Florida; thence South 00°02'38" East along said East boundary of Lot 105 and its southerly projection a distance of 14.44 feet to the POINT OF BEGINNING; AND LESS MD EXCEPT existing rights-of-way.  
 CONTAINING 0.86 ACRES MORE OR LESS.

Received June 21, 2021  
 Development Services  
**VAR 21-0573**

**Alley and natural forestation/buffer** FOLIO# 069429-0000 LOT 54

**Proposed 2.5' MOI**  
**proposed side yard setback/buffer \***  
**Sound blankets installed at various locations on the North as needed**

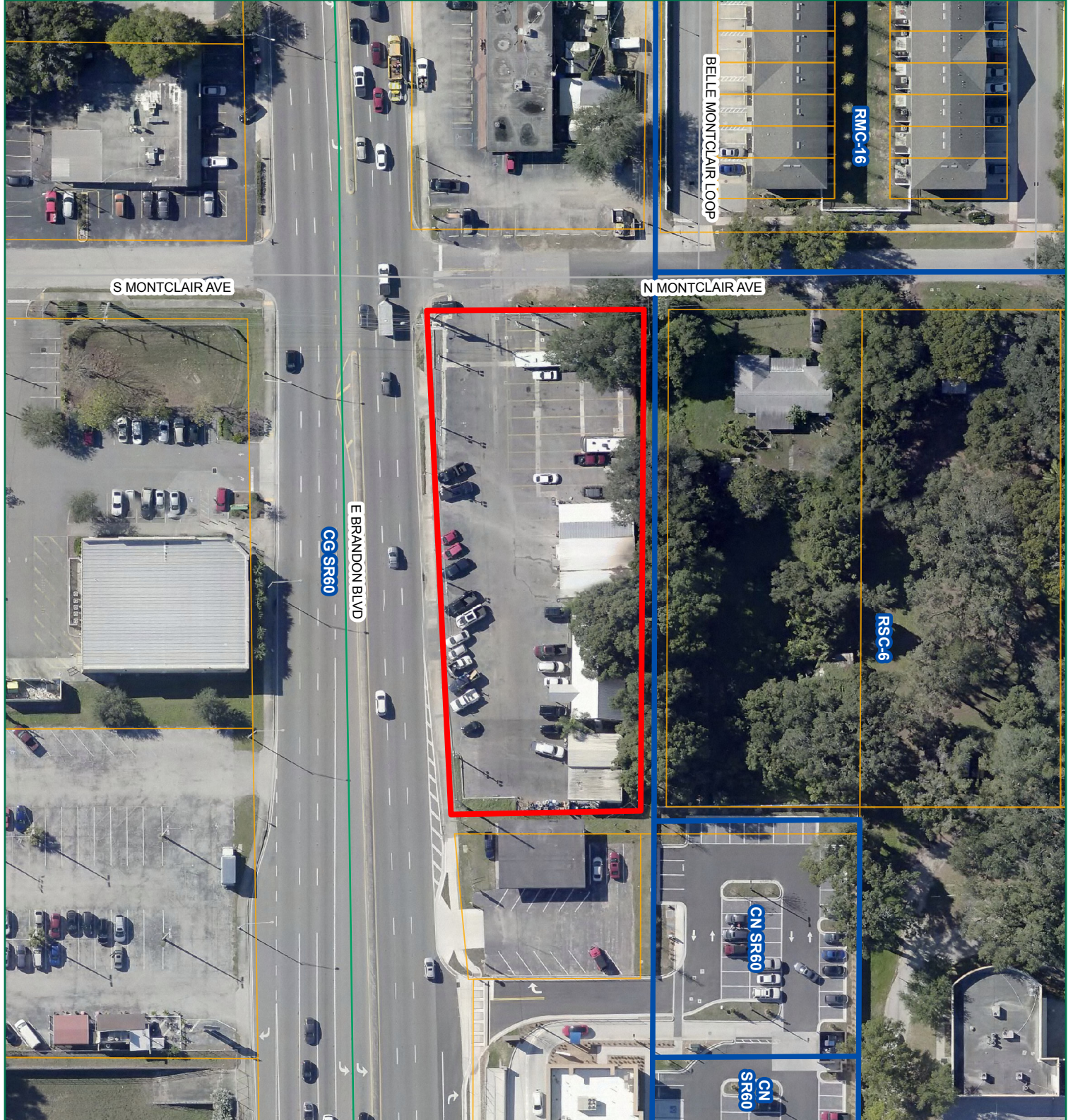


- One point of the side yard setback/buffer is closer than 2.5'

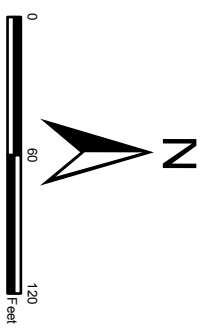
# Immediate Aerial Zoning Map

## VAR 21-0573

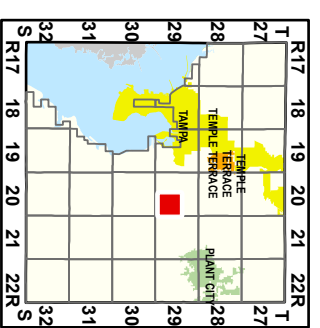
Folio: 69455.0000



- Application Site
- Zoning Boundary
- Parcels



STR: 23-29-20



NOTE: Every reasonable effort has been made to ensure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

SOURCE: This map has been prepared for the inventory of real property found within Hillsborough County and is compiled from recorded deeds, plats, and other AVALARLDC data.

Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.

Date: 04/06/2021    Path: G:\ZONING\GIS\Data\Zoning\_Site.aprx



**Hillsborough  
County Florida**  
Development Services

601 E. Kennedy Blvd., 19th Floor | (813) 272 5600

# Additional / Revised Information Sheet

Received June 7, 2021  
Development Services

Date Stamp Here

Application Number: 21-0573 Applicant's Name: Matthews/CURS/Pressman, agent

Reviewing Planner's Name: Defranc Date: 6.7.21

Application Type:

- Planned Development (PD)     Minor Modification/Personal Appearance (PRS)     Standard Rezoning (RZ)  
 Variance (VAR)     Development of Regional Impact (DRI)     Major Modification (MM)  
 Special Use (SU)     Conditional Use (CU)     Other \_\_\_\_\_

Current Hearing Date (if applicable): june 21st, 2021

### The following must be attached to this Sheet.

Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.

**Attached : correction of variance requested**

An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Submittal Via:

Email (Preferred). Note that no follow up paper file is necessary. Pdf format only. Maximum attachment(s) size is 15 MB.

**Email this sheet along all the additional/revised submittal items in pdf to: [ZoningIntake-DSD@hcflgov.net](mailto:ZoningIntake-DSD@hcflgov.net)**

Mail or delivery. Number of Plans Submitted: Large \_\_\_\_\_ Small \_\_\_\_\_

For PD, MM, PRS and SU: 7 large copies 24"X36", one small 8.5X11".  
 For RZ-Standard: if plot plan is larger than 8.5"X11", 7 large copies should be submitted.  
 For Minor Change: 6 large copies.  
 For Variances or Conditional Use permits: one 8.5"X11" or larger)

**Mail to:**  
 Development Services Department  
 Community Development Division  
 P.O. Box 1110  
 Tampa, FL 33601-1110

**Hand Deliver to:**  
 County Center  
 Development Services Department  
 19th Floor  
 601 E. Kennedy Blvd., Tampa

***I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.***



Signature

6.7.21

Date

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- Notification E-Mail Sent     Scanned into OPTIX  
 Transmittal Completed

In-Take Completed by: \_\_\_\_\_

Application Number: \_\_\_\_\_

## VARIANCE REQUEST

1. Project Narrative: 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.

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A 2.5 MOL side yard setback and landscape buffer is to exist where a 20' side yard setback and landscape buffer is required.

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2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:  
6.01.01. and 6.06.06

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## ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No \_\_\_\_\_ Yes XX  
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): \_\_\_\_\_ site plans for a new property for the business re-location
3. Is this a request for a wetland setback variance? No XX Yes \_\_\_\_\_  
If yes, you must complete the *Wetland Setback Memorandum* and all required information must be included with this Application Packet (Attachment A).
4. Please indicate the existing or proposed utilities for the subject property:  
Public Water XX Public Wastewater \_\_\_\_\_ Private Well \_\_\_\_\_ Septic Tank XX
5. Is the variance to allow a third lot on well and/or septic or non-residential development with an intensity of three ERC's? No XX 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 (form may be obtained from **19<sup>th</sup> floor County Center**).



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# Additional / Revised Information Sheet

Received Apr 19, 2021  
Development Services

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Application Number: 21-0573 Applicant's Name: Matthews/Pressman: Agent

Reviewing Planner's Name: Kevin DeFranc Date: 4/19/21

Application Type:

- Planned Development (PD)     Minor Modification/Personal Appearance (PRS)     Standard Rezoning (RZ)  
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Signature

4/19/21

Date

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In-Take Completed by: \_\_\_\_\_

Application Number: \_\_\_\_\_

## VARIANCE CRITERIA RESPONSE

*You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.*

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?

First, this is a business that is working toward a new location and has active site plans into the County. Second, this is a condition that has been in existence for many decades. The critical factor supporting the variance is the obvious very minimal lot width. If the required setbacks and Buffer are in place approximately 50% of the lot would be encumbered. This is drastically different than what you would find along State Road 60. The County Project ID # is 5272 for the site plans.  
The owner has installed sound reduction blankets along the rear of the site.

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.

All property's along SR 60, with wider lots, are more than able to accommodate the wide buffer required between commercial uses and residential uses. The long time existence of this condition restricts this property from the same rights as others.

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 long time existence of this site in this topographical condition serves as it's long time awareness to abutting owners of the status of the buffering. It is not new. It is a condition that residents living close to SR 60 must be aware of the impacts of a business along SR 60, a very intensive and active major arterial roadway.

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 variance would recognize the long time situational aspects of the very thin commercial property and allow its continued use as others enjoy. The business owner has installed sound blankets along the rear of the site.

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 resulting lot configuration and abutting residential zoning is not the result of the applicant's activity.

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.

The variance will allow the applicant use at par with others along SR 60, recognize it's long time situational aspects



# Corporate Warranty Deed

This Indenture, made , November 9, 2012 A.D.

**Between**

**E Z Car Sales, Inc.** whose post office address is: P.O. Box 82869, Tampa, Fl 33612 a corporation existing under the laws of the State of Florida, Grantor and **Brandon R/E Holdings, LLC**, a Florida limited liability company, whose post office address is: 520 East Brandon Boulevard  
Brandon Fl 33511 , Grantee,

**Witnesseth**, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00 ), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Hillsborough, State of Florida, to wit:

Lots 94 through 105, both inclusive, of KINGSWAY POULTRY COLONY UNIT NO. 1, according to map or plat thereof as the same is recorded in Plat Book 20, page 11, of the Public Records of Hillsborough County, Florida, AND ALSO that part of the Southeast ¼ of the Southwest ¼ of Section 23, Township 29 South, Range 20 East, lying between said Lots 94 through 105, both inclusive, and the North right-of-way limits of State Road #60 and between the extension of the West boundary line of said Lot 94 to the North right-of-way limits of State Road #60 and the extension of the East boundary line of said Lot 105 to the North right-of-way limits of State Road #60; LESS AND EXCEPT THE FOLLOWING: Commence at the Northwest corner of the Southeast ¼ of Section 23, Township 29 South, Range 20 East, Hillsborough County, Florida, at a PK Nail; thence South 00°02'28" East along the West boundary of the Southeast ¼ of Section 23, a distance of 2653.14 feet to a railroad spike, being the Southwest corner of the Southwest ¼ of the Southeast ¼ of Section 23; thence South 00°07'10" East along the East boundary of the Northwest ¼ of Section 26, Township 29 South, Range 20 East a distance of 23.58 feet to a point on a centerline survey, State Road #60; thence departing said East boundary South 89°16'55" West along the centerline of survey a distance of 324.53 feet; thence North 00°02'38" West a distance of 56.00 feet to a point on the North right-of-way line of State Road #60, being the POINT OF BEGINNING; thence South 89°16'55" West along said North right-of-way line a distance of 170.60 feet; thence departing said North right-of-way line North 84°26'36" East a distance of 171.38 feet to a point on the East boundary of Lot 105, KINGSWAY POULTRY COLONY UNIT NO. 1, according to map or plat thereof as the same is recorded in Plat Book 20, Page 11 of the Public Records of Hillsborough County, Florida; thence South 00°02'38" East along said East boundary of Lot 105 and its Southerly projection a distance of 14.44 feet to the POINT OF BEGINNING; AND LESS AND EXCEPT existing rights-of-way.

Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

Parcel Identification Number: 069455.0000

**And** the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

**In Witness Whereof**, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

E Z Car Sales, Inc.

By: [Signature]  
Geoffrey T. Hodges  
Its: President

**Signed and Sealed in Our Presence:**

[Signature]  
1st witness sign re Sparks

1st-witness print name

[Signature]  
2nd witness sign

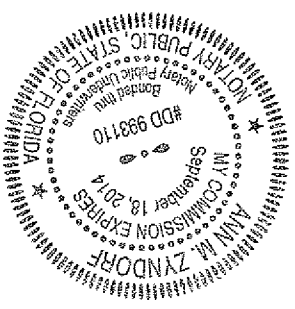
[Signature]  
2nd witness print name

State of Florida  
County of Hillsborough

The foregoing instrument was acknowledged before me this 9th day of November, 2012, by Geoffrey T. Hodges, the President of E Z Car Sales, Inc. A corporation existing under the laws of the State of Florida, on behalf of the corporation. He/She is personally known to me or has produced FDL as identification.

(Corporate Seal)

[Signature] (Seal)  
Notary Public  
Notary Printed Name: \_\_\_\_\_  
My Commission Expires \_\_\_\_\_





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Development Services

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Signature

4/19/21

Date

FOR OFFICE USE ONLY

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 Transmittal Completed

In-Take Completed by: \_\_\_\_\_



# VARIANCE APPLICATION

**IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:**  
*You must schedule an appointment to submit this application by calling 813-272-5600.*  
*All requirements listed on the submittal checklist must be met. Incomplete applications will not be accepted.*

### Property Information

Address: 520 E. Brandon Blvd. City/State/Zip: Brandon, F: TWN-RN-SEC: 23/29/20  
Folio(s): 69455.0000 Zoning: CG Future Land Use: OC-20 Property Size: .89 acres

### Property Owner Information

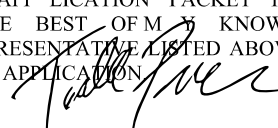
Name: Brandon RE Holdings, LLC Daytime Phone: \_\_\_\_\_  
Address: PLEASE USE AGENT City/State/Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ FAX Number: \_\_\_\_\_

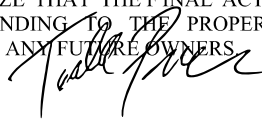
### Applicant Information

Name: Same Daytime Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ FAX Number: \_\_\_\_\_

### Applicant's Representative (if different than above)

Name: Todd Pressman Daytime Phone: 727-804-1760  
Address: 200 2nd Ave., South #451, St. Petersburg, FL 33701 City / State/Zip: \_\_\_\_\_  
Email: Todd@Pressmaninc.com FAX Number: \_\_\_\_\_

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.  
  
\_\_\_\_\_  
Signature of Applicant  
Todd Pressman, Pres., Pressman & Assoc., Inc., AGENT  
\_\_\_\_\_  
Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.  
  
\_\_\_\_\_  
Signature of Property Owner  
Todd Pressman, Pres., Pressman & Assoc., Inc., Agent  
\_\_\_\_\_  
Type or Print Name

### Office Use Only

Intake Staff Signature: \_\_\_\_\_ Intake Date: \_\_\_\_\_  
Case Number: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_  
Receipt Number: \_\_\_\_\_

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